

STATEMENT OF ENVIRONMENTAL EFFECTS

**Development of Affordable
Rental Housing**

**Lot 8, 18 Alexander Street,
Collaroy**

RESPONSIBLE FOR THIS REPORT:

Michael Haynes

Director - BBF Town Planners

Master Urban and Regional Planning Sydney University

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Executive Summary

The proposed development at Lot 8, 18 Alexander Street, Collaroy is for Affordable Rental Housing as a 'new generation' boarding house for 12 boarding rooms and 1 Manager's Room. The site is an appropriate size, in a highly accessible location, and presents an opportunity to improve housing choice and affordability within the area, responsive to identified community housing needs.

What is a boarding house?

Boarding houses are, by their definition, a form of affordable rental accommodation as advocated by the provisions of State Environmental Planning Policy (Affordable Rental Housing) 2009. In their publication 'Supporting New Generation Boarding Houses', dated August 2014, the Department of Planning states that 'a boarding house provides a form of low-cost rental accommodation for a wide range of tenants including singles, retirees, students and young couples'. The State policy encourages both the traditional form of boarding houses, being those with shared facilities as well as 'new generation' boarding houses, being those that are buildings with self-contained rooms (as is proposed in this instance).

Need for this form of accommodation

The Northern Beaches is one of the least affordable local government areas in NSW both for rental and purchase. The Northern Beaches Council has sought to address this challenge, as documented in the Northern Beaches Affordable Housing Needs Analysis (December 2016), and as adopted in its Affordable Housing Policy (5 June 2017) and Affordable Housing Action Plan (30 May 2017).

In summary, there is an insufficient supply of dwellings to meet current and projected community demand. The current shortfall in housing supply compromises the ability of the Northern Beaches region to attract key and essential workers and meet community need. The current lack of affordable housing creates affordability issues that need to be addressed. In this respect the proposal responds to both Council and State policy and will contribute to increasing housing supply and choice and provide a more affordable rental housing solution. The proposed development therefore responds positively to the housing needs of the community and is in the broader community interest.

Appropriate site, location, and high quality design

The site is an appropriate size, in a highly accessible and location which has excellent pedestrian, bicycle, and public transport access to a range of local shops, services, employment, community and outdoor recreational areas.

Walsh² Architects have responded to the client brief to provide an affordable housing development of design quality. The proposed development has been designed through detailed site analysis which ensures that the built form outcome appropriately responds to the established local character; landscape and streetscape context. Furthermore, it will be compatible with the adjoining development context and maintain appropriate residential amenity.

The 3-dimensional form and massing of the proposed development reflects that of the 2 storey residential flat building development and mix of other land uses within proximity to

the site. This proposed form of development is anticipated within the zoning and streetscape context.

The proposal's appearance is in harmony with the buildings around it and the character of the local area. The proposal's physical impacts on the surrounding development are assessed as compatible. The proposed building is capable of existing in harmony with the land use and built form character of the local area. The operation of the development will be facilitated by a onsite operational manager, further ensuring that the local amenity will be maintained.

The proposed Affordable Rental Housing is compliant with the relevant strategic and statutory planning policy considerations and is worthy of the Council's and the community's support.

1 Introduction

1.1 Overview

This report accompanies and supports a Development Application (DA) for demolition of existing structures and development of Affordable Rental Housing for a 'new generation' boarding house, at 18 Alexander Street, Collaroy.

Walsh² Architects have responded to the client brief to provide an affordable housing development of excellent design quality which affords high levels of amenity to future occupants and compatibility with the neighbourhood and built form character.

Development of the site in the manner proposed is appropriate on a range of environmental planning grounds:

- It is appropriate in terms of the site's location, topography, orientation, land area, separation from neighbouring dwellings and built form context.
- It will offer a high-quality, purpose designed and built, modern, affordable rental housing facility.
- It will respond to the need for affordable housing and a wider range of housing forms in support of the community's housing need and for which a detailed needs analysis has been undertaken by the Northern Beaches Council (December 2016).

1.2 Statement of Environmental Effects

This report is a Statement of Environmental Effects, pursuant to Section 4.15 of the Environmental Planning and Assessment Act 1979.

In preparation of this document, consideration has been given to the following:

- Environmental Planning and Assessment Act, 1979
- Relevant State Environmental Planning Policies including State Environmental Planning Policy Affordable Rental Housing 2009
- Local Environmental Plan
- Development Control Plan

The proposal is permissible and generally in conformity with the relevant provisions of the above planning considerations.

The proposal has been considered under the relevant provisions of Section 79C of the Environmental Planning and Assessment Act 1979.

Overall, it is assessed that the proposed development is satisfactory and the development application may be approved by Council.

This report clearly and comprehensively addresses the statutory regime applicable to the application and demonstrates that the proposed Affordable Rental Housing is:

- permissible with consent,

- represents a complimentary and compatible building form located in an accessible area and
- is compliant with the relevant provisions of the Affordable Rental Housing SEPP, LEP 2011 and the relevant provisions of the DCP.

Further, the proposal satisfies the Clause 5(a)(viii) objective of the Act through the provisions of affordable housing in a location identified as being suitable for this form of housing.

The proposal succeeds when assessed against the Heads of Consideration pursuant to section 4.15 of the Environmental Planning and Assessment Act, 1979 as amended, and is appropriate for the granting of consent.

1.3 Supporting documents

The proposal is accompanied and supported by the following expert inputs:

- Architectural Plans by Walsh² Architects
- Shadow plans by Walsh² Architects
- Statement of Environmental Effects – BBF Town Planners
- Artist perspectives of the proposal by Walsh² Architects
- Landscape concept plans by Fluid Landscape Design
- Site survey prepared by C & A Surveyors
- Arboricultural assessment report by ‘Hugh the Arborist’
- Traffic and parking assessment prepared by Transport & Traffic Planning Associates
- BCA & access assessment report by BCA Logic Pty Ltd
- Stormwater management - Michal Korecky Consulting Engineers
- Preliminary Geotechnical Investigation by White Geotechnical
- BASIX report by Sustainability Solutions
- Operational Plan of Management

2 Site Analysis

2.1 Site Description

The site is located 18 Alexander Street, Collaroy. The site is legally described as, Lot 8 in Deposited Plan 6984. The site has an area of 581.3 square metres (as per survey)

The site is almost rectangular in shape with the following dimensions: Lot 8

- Northern, front to Alexander St boundary 12.20m
- Southern, rear boundary 12.20m
- Western, side boundary 47.42m
- Eastern, side boundary 47.955m

2.2 Features of the site and its development

The key features of the site and its development include:

- The land is developed with a 2 to 3 storey, brick residence with tile roof within a landscaped setting. The existing dwelling is positioned within the southern, rear section of the site and straddles two lots being Lot 8 and Lot 9.
- An in-ground swimming pool is located at the rear south of the site. There is a concrete driveway centrally located within the property frontage.
- A detached, clad, single storey building with metal roof is located at the front of the site.
- The site and the adjoining properties have a north / south orientation to Alexander Street.
- The property (Lot 8) is moderately sloping from the rear to the front, displaying a level difference of approximately 4 to 4.7m (approximately RL14.67 to RL 9.0 at the front boundary).
- There are a number of trees and dense vegetation located within the site. An arborists report accompanies the application and assesses the status of these.

Figures below depict the character of the property and its existing development.

2.3 Features of the location

The property is set within an established suburban location within convenient proximity to a range of employment, services, transport and recreation opportunities notably:

- The Collaroy Local Centre (Zone B2) is a shopping and services centre that starts less than 50m to the north east of the site. Various services, businesses, recreation and employment opportunities are available within the Local Centre.
- The site is 280m from north and south bound bus stops on Pittwater Road that is serviced by several bus routes (as documented within Section 5.1.3 of this report) including the high frequency B-Line services.

- A pedestrian footpath is located on the southern side of Alexander Street facilitating pedestrian access to nearby bus stops and local facilities.
- The area is characterised by a mix of building forms, with 1-3 storey residential dwellings intermixed with other commercial land uses and larger building forms mainly to the east of the site.
- The eastern section of the street (approx. 100m from Pittwater Road), comprises movie cinema, shops, businesses, residential flat building, duplexes, short term rental accommodation (Sydney Beach House YHA backpackers).
- Front setbacks vary but the predominant character is for development to be positioned close to the street. Front setbacks of nearby properties are characterised by a mix of established hardstand car parking areas, front fences, garden areas, and established trees.
- The rear of the site (to the south) adjoins a large retirement village of 10.3 ha in land area, known as Elizabeth Jenkins Place Aged Care Centre, owned by the Salvation Army, with its built form setback significantly from the common boundary between the properties.

Figures below depict the character of the location.

2.4 Zoning and key environmental considerations

The property is zoned R2 Low Density Residential under the Warringah Local Environmental Plan 2011 (LEP) as is most of the surrounding land.

The site is not affected by key environmental considerations like, for example heritage, biodiversity, bushfire, flooding and waterways. The property is affected by acid sulfate soils (class 5), geotechnical risk (Landslip Area D). These issues are addressed within Section 5 of this report.

There are no zoning or environmental characteristics that present impediments to the improvements proposed to the land.

2.5 Recent DA History

Recent DA History is noted as follows from councils' publicly available records:

Reviews REV2020/0001

Boundary adjustment part demolition for alterations and additions to a dwelling house construction of a detached dwelling house and a Secondary dwelling. (Submitted: 20/01/2020)

Development Application DA2019/0306

Boundary adjustment, part demolition for alterations and additions to a dwelling house, construction of a detached dwelling house and a Secondary dwelling. (Submitted: 29/03/2019)

Principal Certifying Authority FOC2018/0177

Construction of an in ground swimming pool (Submitted: 14/02/2018)

Construction Certificate CC2015/0697

Alterations and additions to a dwelling house and construction of front and side fencing

(Submitted: 30/12/2015)

Complying Development Certificate CDC2015/0548

Construction of an in ground swimming pool (Submitted: 09/10/2015)

Development Application DA2015/0816

Alterations and additions to a dwelling house and construction of front and side fencing
(Submitted: 28/08/2015)

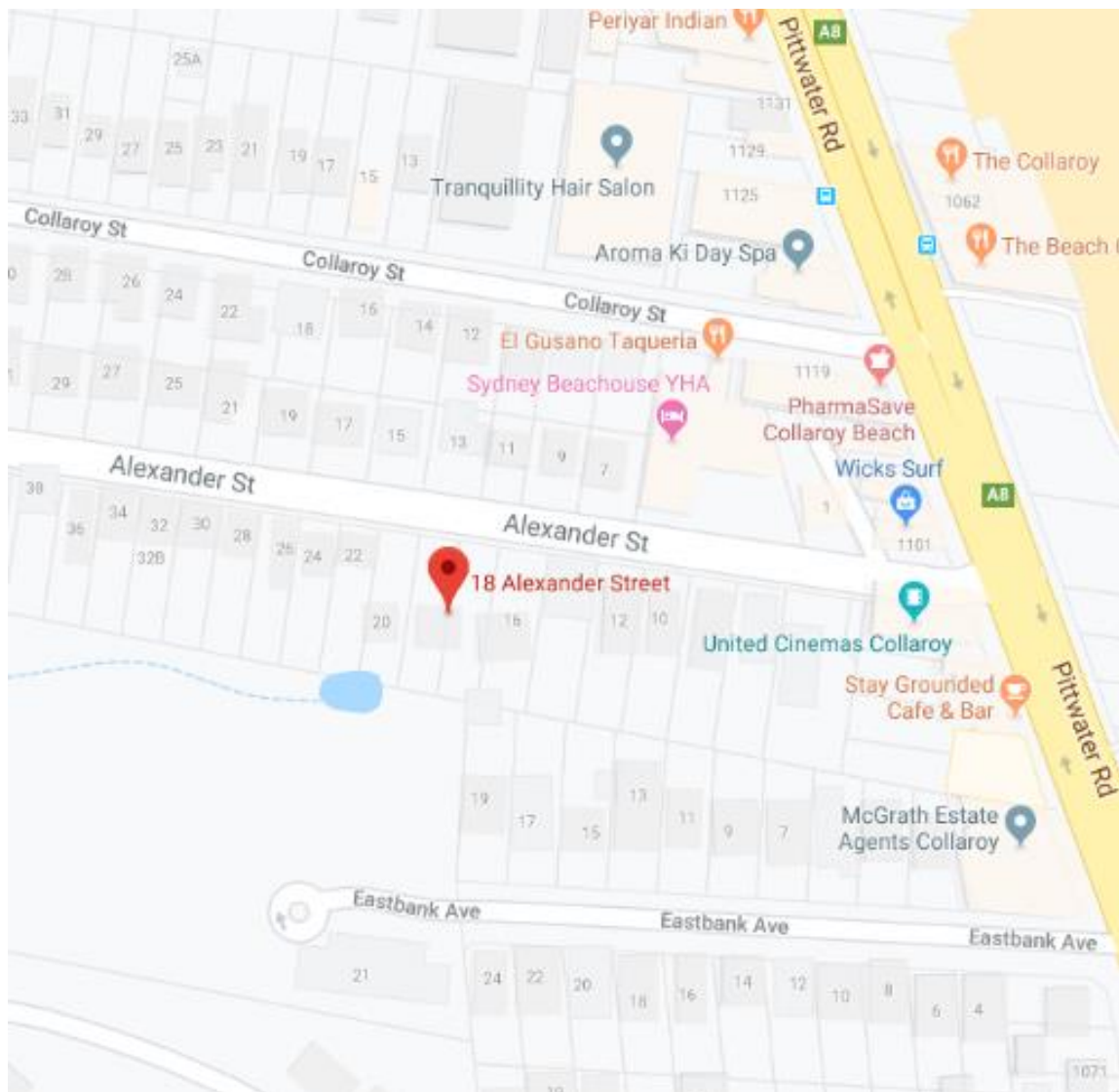


Figure 1 – Location of the site within its wider context (courtesy Google Maps)

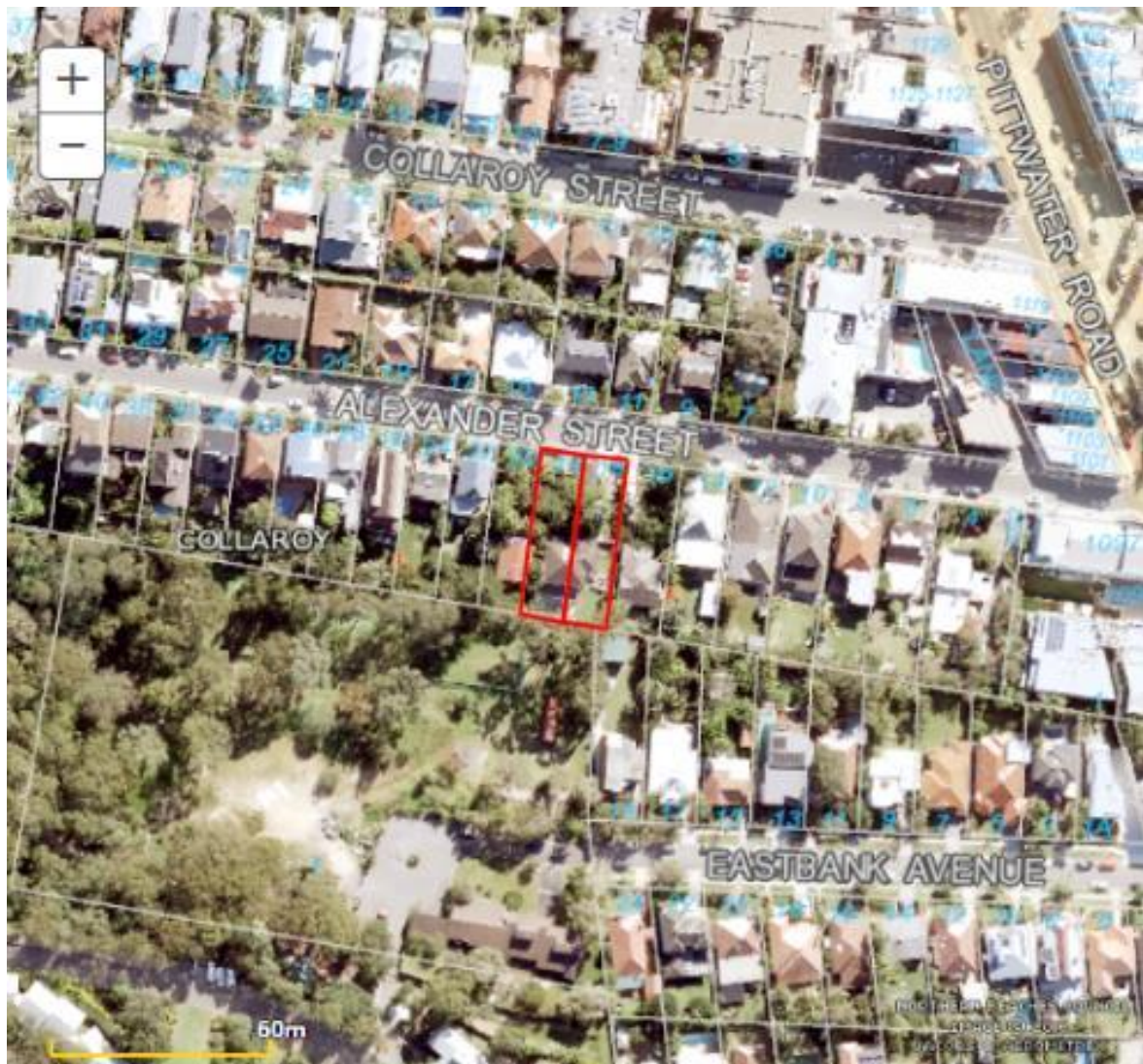


Figure 2 – The site and surrounding properties (courtesy Northern Beaches Council)



Figure 3 – The subject site, Lot 8, and adjoining development

The Site



Figure 4– the subject site at 18 Alexander Street (courtesy Google Streetview)



Figure 5 – detached building at the front of the subject site at 18 Alexander Street



Figure 6 – the western boundary interface with 20 Alexander Street



Figure 7 - the eastern boundary interface with 16 Alexander Street



Figure 8 - the existing development character at the rear of the subject site



Figure 9 - the existing development character at the rear of the subject site



Figure 10 - the existing property's eastern boundary interface with 16 Alexander Street



Figure 11 - the existing property's eastern boundary interface with 16 Alexander Street



Figure 12 - the existing property's eastern boundary interface with 16 Alexander Street



Figure 13 - eastern section of the existing dwelling



Figure 14 - the western boundary interface with 20 Alexander Street



Figure 15 – detached building at the front of the existing property (Lot 8) at 18 Alexander Street

The Local Area



Figure 16 - the development character at the street frontage



Figure 17 - the development character opposite the site at 15 Alexander Street



Figure 18 - the development character at 22 Alexander Street



Figure 19 - the development character at 17 Alexander Street



Figure 20 - the development character at 15 Alexander Street



Figure 21 - the development character at 16 Alexander Street



Figure 22 - detached building at the front of the existing property (Lot 8) at 18 Alexander Street

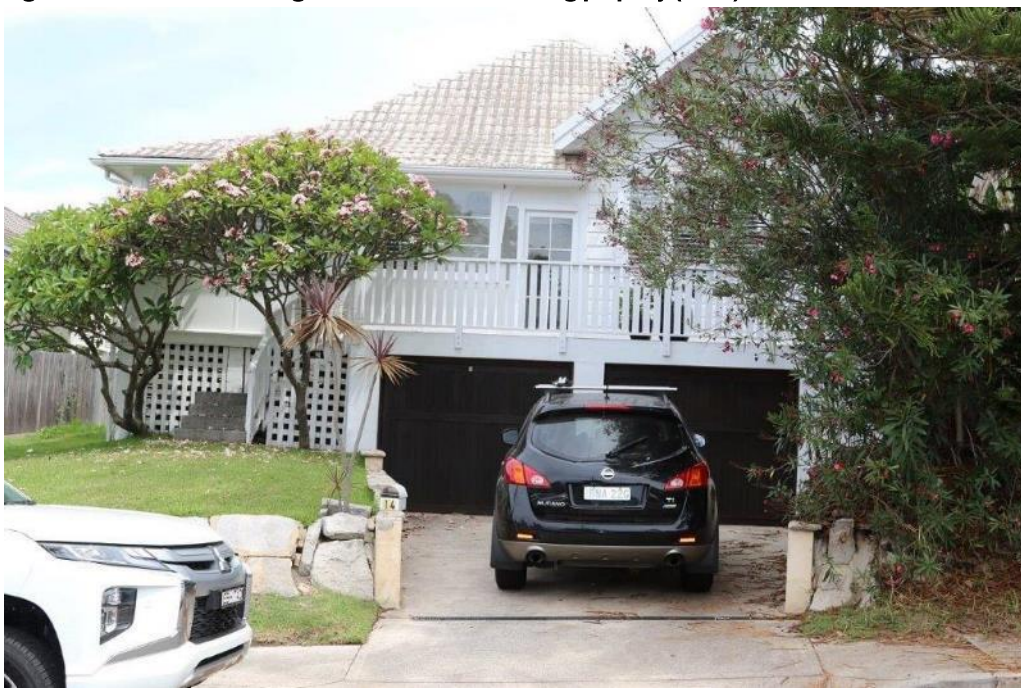


Figure 23 - the development character at 14 Alexander Street



Figure 24 - the development character at 12 Alexander Street



Figure 25 - the development character at 10 Alexander Street



Figure 26 - the development character at 8 Alexander Street



Figure 27 - the rear of 4 Collaroy Street (Sydney Beach House YHA) which is located close to Alexander Street and frontage



3 Description of Proposed Development

The application seeks development consent for partial demolition of existing structures and development of a 'new generation' boarding house comprising 12 rooms for lodgers, one managers room at Lot 8, 18 Alexander Street, Collaroy.

The application is made under State Environmental Planning Policy (Affordable Rental Housing) 2009. The proposal is depicted in the accompanying architectural plans by Walsh² Architects. In summary, a breakdown of the key aspects of the proposal are noted as follows:

- Partial demolition of the existing structures and alterations to the dwelling.
- The construction of a part 2, part 3-storey development, within 2 buildings, comprising 12 rooms for lodgers, one managers room and one communal room (over 2 floor levels) with associated terraces, within a garden setting.
- The construction of a new driveway and part basement undercroft level containing 7 car parking spaces, (including 1 managers space and accessible space), 3 motorbike spaces, 3 bicycle parking spaces, storage spaces and garbage area.
- Each room will be fully furnished with and include private kitchen, bathroom and laundry facilities. Rooms have been designed with a small balcony.



Figure 29 – artist perspective Image from Alexander Street

- Disabled access to two accessible rooms is provided within floor level one with mechanical stair lift to facilitate access to the rooms.

DESCRIPTION OF PROPOSED DEVELOPMENT

- Proposed landscaping works are depicted in the accompanying landscape plans by Fluid Landscape Design. Landscaping works include (but not limited to) tree removal, excavation, retaining walls various plantings and turfed areas.
- The application proposes the removal of a number of trees as identified in the accompanying Arborist Report, prepared by 'Hugh the Arborist' with the removal of species appropriately compensated for through the implementation of an integrated site landscape regime as depicted on the landscape plan.



Figure 30 – Lot 8 and the proposed development footprint

4 Environmental Assessment

The following section of the report assesses the proposed development having regard to the statutory planning framework and matters for consideration pursuant to Section 4.15 of the Environmental Planning & Assessment Act, 1979 as amended.

Under the provisions of the Environmental Planning and Assessment Act 1979 (the Act), the key applicable planning considerations, relevant to the assessment of the application are:

- State Environmental Planning Policies – as relevant
- Warringah Local Environmental Plan 2011
- Warringah Development Control Plan

The application of the above plans and policies is discussed in the following section of this report.

The application has been assessed against the relevant heads of consideration under Section 4.15 of the Act; a summary of these matters are addressed within Section 7 of this report, and the town planning justifications are discussed below.

5 Section 4.15 (1)(i) the provisions of any environmental planning instrument

5.1 State Environmental Planning Policy (Affordable Rental Housing) 2009

State Environmental Planning Policy (Affordable Rental Housing) 2009 (the SEPP) is applicable to the site and is the principal planning instrument for consideration in the assessment of the proposal. The proposed boarding house development is made under the provisions of the SEPP.

This section of the Statement provides an assessment of the development against the applicable provisions within Division 3 of the SEPP.

5.1.1 SEPP Clause 3 - Aims of Policy

The aims of this SEPP are as follows:

- (a) to provide a consistent planning regime for the provision of affordable rental housing,*
- (b) to facilitate the effective delivery of new affordable rental housing by providing incentives by way of expanded zoning permissibility, floor space ratio bonuses and non-discretionary development standards,*
- (c) to facilitate the retention and mitigate the loss of existing affordable rental housing,*
- (d) to employ a balanced approach between obligations for retaining and mitigating the loss of existing affordable rental housing, and incentives for the development of new affordable rental housing,*
- (e) to facilitate an expanded role for not-for-profit-providers of affordable rental housing,*
- (f) to support local business centres by providing affordable rental housing for workers close to places of work,*
- (g) to facilitate the development of housing for the homeless and other disadvantaged people who may require support services, including group homes and supportive accommodation.*

In response:

The Northern Beaches is one of the least affordable local government areas in NSW both for rental and purchase. The proposal responds to the identified housing affordability challenges as recognised by the Council in the Northern Beaches Affordable Housing Needs Analysis December 2016 and adopted Affordable Housing Policy. In its findings, in relation to the demand for affordable housing, the Northern Beaches Affordable Housing Needs Analysis states:

Projections for 20,300 additional households between 2011 and 2036 within the Northern Beaches will require different housing forms and price brackets.

*Expansion of the leisure and hospitality and the health and education industries, including the opening of the Northern Beaches Hospital, will fuel demand for affordable housing to **attract/retain 'key workers' occupations.***

*Provision of affordable housing for key workers is a specific challenge for local businesses due to **the poor public transport connections into the northern beaches**, for those workers who can't afford to live locally. This was highlighted in the recent Council Business Survey.*

*Households tend to move within the Northern Beaches, however there is a recent trend for households, especially 24-34 and 35-44 year olds, to **relocate out of the region** to the Central Coast, north to Hornsby or Ku-ring-gai or further afield to Gold Coast or Sunshine Coast, due possibly to rising housing costs.*

The proposed development will increase the supply of affordable rental housing within the Northern Beaches LGA responsive to the identified housing need.

The proposed development will increase the available accommodation mix by providing an alternative to detached, multi dwelling and apartment style housing in a location near the Dee Why town centre which has excellent pedestrian, bicycle, and public transport access to a range of local shops, services, employment opportunities, community and outdoor recreational areas.

Based on 2016 Census data for the Northern Beaches LGA it is noted that there is a social need for this form of housing consistent with the aims of the policy, noting that:

- 25.9% of occupied private dwellings are rented
- 0.6% of occupied private dwellings by number of bedrooms are studios and bedsitter style accommodation, meaning there is currently low supply of this type of accommodation within the housing market
- 34% of dwellings are 4 bedrooms or more
- The median rent for the Northern Beaches LGA is \$565 per week. The proposed development will offer 12 rooms and 1 managers residence at competitive rates commensurate with the compact nature of these rooms and the accessible location of the site.

The proposed development will improve housing choice and affordability in a highly accessible location. It therefore responds positively to the housing needs of the community. Based on the above, the proposal is entirely consistent with the aims of the SEPP.

5.1.2 SEPP Clause 26 - Land to which Division applies

This Division applies to (inter-alia), land within the R2 Low Density Residential zone. The subject site is zoned R2 Low Density Residential under the LEP. Therefore, the provisions of the SEPP apply to the proposed development. A **boarding house** means a building that:

(a) is wholly or partly let in lodgings, and

(b) provides lodgers with a principal place of residence for 3 months or more, and

(c) may have shared facilities, such as a communal living room, bathroom, kitchen or laundry, and

(d) has rooms, some or all of which may have private kitchen and bathroom facilities, that accommodate one or more lodgers, but does not include backpackers' accommodation, a group home, hotel or motel accommodation, seniors housing or a serviced apartment.

The development provides 12 individual boarding rooms (plus a manager's residence) with private kitchens and bathrooms providing lodgers with a principal place of residence for 3 months or more pursuant to the provisions of State Environmental Planning Policy (Affordable Rental Housing) 2009.

The proposed development is appropriately defined as a boarding house as it:

- will be wholly let in lodgings,
- will provide lodgers with a principle place of residence for 3 months or more, and
- has shared communal open space and common living area, and
- has rooms that accommodate 1 or more lodgers.

The SEPP applies to the subject development.

5.1.3 Clause 27 - Development to which Division applies - Accessible Area

This Division applies to the development of land for a *boarding house* within the R2 Low Density Residential zone.

As development within the R2 zone, the SEPP requires development to be within an *accessible area* as defined within the policy. An *accessible area* is defined by the SEPP as:

'land that is within—

(a) 800 metres walking distance of a public entrance to a railway station or a wharf from which a Sydney Ferries ferry service operates, or

(b) 400 metres walking distance of a public entrance to a light rail station or, in the case of a light rail station with no entrance, 400 metres walking distance of a platform of the light rail station, or

(c) 400 metres walking distance of a bus stop used by a regular bus service (within the meaning of the Passenger Transport Act 1990) that has at least one bus per hour servicing the bus stop between 06.00 and 21.00 each day from Monday to Friday (both days inclusive) and between 08.00 and 18.00 on each Saturday and Sunday.

Section (C) of the definition is applicable to the subject application. The proposed development is located within an *accessible area* for the reasons outlined below:

The subject site is located within 280 metres to 2 regularly serviced bus stops on Pittwater Road (on the west and east sides of the road). These bus stops are serviced by regular bus services including:

There is a total of 9 bus routes servicing the location as follows:

Service	Destinations	Frequency
Route B1	Mona Vale to City	Turn-up and go, every 8-12 minutes, 5.30am to 1.21am, Mon to Fri; Weekends (5.40am to 1.31am).
Route 199	Palm Beach to Manly	Every 15 minutes, 5.00am to 1.55am, Mon to Fri; (5.40am to 1.55am); Weekends 5.00am to 1.55am

The above services satisfy the SEPP's definition of an accessible area. Notwithstanding, the following bus services are also available to the site:

Route 151

Route 185

Route E54

Route E60

Route E83

Route E85

Route L90

Based on the above, the proposed development is located within an *accessible area* as defined by the SEPP and therefore the SEPP is applicable to the land.

5.1.4 Grounds upon which the proposed development application cannot be refused

Pursuant to Clause 29 the consent authority cannot refuse the development application on the following grounds if the proposal satisfies these provisions as detailed below.

5.1.5 Clause 29(1) - Density and Scale expressed as a floor space ratio

No FSR standard applies to the subject site and accordingly these provisions are not relevant to the proposal. Notwithstanding, consideration has been given to the other local planning controls that seek to limit the density and scale of development on the site. The proposal satisfies these key built form planning controls which are addressed within Section 7 of this report.

5.1.6 Clause 29(2)(a) – Building Height

In relation to building height, the SEPP states:

(2) A consent authority must not refuse consent to development to which this Division applies on any of the following grounds:

(a) if the building height of all proposed buildings is not more than the maximum building height permitted under another environmental planning instrument for any building on the land,

In response:

The proposal is under the 8.5m Height of Buildings development standard applicable under LEP Clause 4.3 as shown on the accompanying architectural plans and therefore complies with Clause 29(2)(a) – building height.

Based on the above, there are no grounds to refuse the proposed development based on its provision of building height and its streetscape presentation.

5.1.7 Clause 29(2)(b) – Landscaped Area

In relation to landscape area, the SEPP states:

(2) A consent authority must not refuse consent to development to which this Division applies on any of the following grounds:

(b) landscaped area

if the landscape treatment of the front setback area is compatible with the streetscape in which the building is located,

In response:

The proposal is accompanied and supported by a landscape plan prepared by Fluid Landscape Design. The following landscape characteristics of the proposal are noted:

- The proposed building will be positioned within a landscaped garden setting, with vegetated areas proposed to the front, rear, and sides of the proposed building.
- The total area of the front building setback is 79.3m², within which 45.2m² comprises landscaped area.
- The proposal provides a compatible front building setback of 6.5m, 57% of which comprises landscaped area including turf and gardens. This area is available to be landscaped in accordance with the landscape plan that accompanies and supports the application. The remaining area relates to the driveway, and pedestrian path.

For these reasons it is assessed that *the landscape treatment of the front setback area is compatible with the streetscape in which the building is located*

Other aspects of the proposal which assist in achieving a compatible landscape and streetscape outcome include:

- The design provides a vehicle manoeuvring area within the middle of the site which will be visually screened from the streetscape by the northern section of the proposed building. This aspect of the design facilitates achievement of the front setback area being compatible with the streetscape in which the building is located.
- The setback and landscape outcome will be complimentary and compatible with the adjacent developments and the broader streetscape in which the building is located, the character of which is detailed within section 2 of this report.

The proposal is assessed as providing a compatible landscaped frontage and there are no grounds to refuse the proposed development based on its provision of landscape area and its streetscape presentation.

5.1.8 Clause 29(2)(c) – Solar Access

In relation to solar access, the SEPP states:

(2) A consent authority must not refuse consent to development to which this Division applies on any of the following grounds:

(c) solar access

where the development provides for one or more communal living rooms, if at least one of those rooms receives a minimum of 3 hours direct sunlight between 9am and 3pm in mid-winter,

In response:

The proposal incorporates a communal living space within level 1 at the front of the site. The location of the communal room at the front, northern section of the site means it will receive excellent levels of direct sunlight between approx. 9am and 3pm on 21st June. It is assessed that the design of the communal living space provides excellent levels of solar access to meet the needs of occupants and satisfies the provisions of the SEPP. Accordingly, there are no grounds to refuse the proposed development based on its provision of solar access.

5.1.9 Clause 29(2)(d) – Private Open Space

In relation to the provisions of private open space, the SEPP states:

(2) A consent authority must not refuse consent to development to which this Division applies on any of the following grounds:

(d) private open space

if at least the following private open space areas are provided (other than the front setback area):

(i) one area of at least 20 square metres with a minimum dimension of 3 metres is provided for the use of the lodgers,

(ii) if accommodation is provided on site for a boarding house manager—one area of at least 8 square metres with a minimum dimension of 2.5 metres is provided adjacent to that accommodation,

In response:

The proposed development makes provision for private open spaces in the following ways:

The proposal incorporates a communal open space / terrace of 20.2 m² within level 1 of the building at the front of the site. The terrace is accompanied by a communal living space which comprises an area of 17.9m². These dimensions exceed the minimum requirements of 2.5m and 20m² in the SEPP.

The room at the south western corner, within level 1 of the development, at the rear, is nominated for use by the on-site manager. It has an adjoining private outdoor space of approximately 37.m² (the majority of which is deep soil) with a minimum dimension of approximately 5m. This significantly exceeds the minimum requirements of the standard.

Accordingly, there are no grounds to refuse the proposed development based on its provision of private open space.

5.1.10 Clause 29(2)(e) – Parking

The proposed vehicle access and parking arrangement is supported by an assessment prepared by Traffic & Urban Planning Pty Ltd.

The development proposes 12 boarding rooms and 1 manager's residence generating a parking requirement of 6 spaces (at 0.5 car spaces per room), 6 spaces for lodgers and 1 space for the operational manager. The proposal provides for 7 off-street car parking spaces (including 1 accessible space), satisfying the standard. Accordingly, there are no grounds to refuse the proposed development based on its provision of car parking.

5.1.11 Clause 29(2)(f) – Accommodation Size

In relation to accommodation size the SEPP states:

(2) A consent authority must not refuse consent to development to which this Division applies on any of the following grounds:

(f) accommodation size

if each boarding room has a gross floor area (excluding any area used for the purposes of private kitchen or bathroom facilities) of at least:

(i) 12 square metres in the case of a boarding room intended to be used by a single lodger, or

(ii) 16 square metres in any other case.

In response:

The area of each proposed room is noted on the architectural plans. All rooms comply with the minimum square metre requirement enabling 1 or more lodgers. Accordingly, there are no grounds to refuse the proposed development based on its proposed accommodation sizes.

5.1.12 SEPP Clause 30 – Development Standards

Clause 30(1) of the SEPP contains a number of development standards that the consent authority is required to take into consideration when assessing boarding house applications. Departures from development standards are required to be justified by way of a SEPP 1 objection. The development standards are as follows:

(1) A consent authority must not consent to development to which this Division applies unless it is satisfied of each of the following:

(a) if a boarding house has 5 or more boarding rooms, at least one communal living room will be provided,

(b) no boarding room will have a gross floor area (excluding any area used for the purposes of private kitchen or bathroom facilities) of more than 25 square metres,

(c) no boarding room will be occupied by more than 2 adult lodgers,

(d) adequate bathroom and kitchen facilities will be available within the boarding house for the use of each lodger,

- (e) if the boarding house has capacity to accommodate 20 or more lodgers, a boarding room or on site dwelling will be provided for a boarding house manager,*
- (f) (Repealed)*
- (g) if the boarding house is on land zoned primarily for commercial purposes, no part of the ground floor of the boarding house that fronts a street will be used for residential purposes unless another environmental planning instrument permits such a use,*
- (h) at least one parking space will be provided for a bicycle, and one will be provided for a motorcycle, for every 5 boarding rooms.*

In response to these standards:

- The proposal includes a communal room, with associated terrace located within the northern section of the site within a separate detached building shared by boarding room 1.

The SEPP states that a *communal living room* means a room within a boarding house (or on-site) that is available to all lodgers for recreational purposes, such as a lounge room, dining room, recreation room or games room.

The design of the communal room, along with its associated terrace offer valued spaces with high amenity for use by future occupants. The spaces are of a sufficient size to cater for the lodgers of the 12 boarding rooms. It is assessed that this aspect of the proposal entirely satisfies (clause 30(1)(a) of the SEPP.

- No boarding rooms within the development have a gross floor area exceeding 25m² (excluding any area used for the purposes of private kitchen or bathroom facilities), in strict accordance with this development standard satisfying clause 30(1)(b).
- Each boarding room has the capacity to accommodate 2 lodgers. The boarding rooms will not be occupied by more than 2 lodgers satisfying clause 30(1)(c).
- All boarding rooms contain kitchenette and bathroom facilities in accordance with the development standard clause 30(1)(d).
- The proposed development will have the capacity to accommodate 20 or more lodgers, and as such an operational manager's residence is provided within level 1 of the development at the rear as marked on the architectural plans. These provisions satisfy clause 30(1)(e).
- The proposed development has 12 rooms for lodgers, one manager's residence, generating a requirement for 3 bicycle and 3 motorcycle spaces (at a rate of 0.5 spaces per boarding room). The development incorporates and accommodation for 3 bicycles and 3 motorcycles within the parking area in accordance with the standard satisfying (clause 30(1)(h)).

Based on the above, all the development standards under clause 30(1) of the SEPP are satisfied by the proposal.

5.1.13 SEPP Clause 30A – Character of the Local Area

Pursuant to clause 30A of the SEPP, a consent authority must not consent to development to which this Division applies unless it has taken into consideration whether the design of the development is compatible with the character of the local area.

It is noted that a range of dwelling forms, other land uses and boarding houses are permissible with consent within the R2 zone. Boarding houses and residential flat buildings are anticipated and applicable planning controls are established through a combination of local and NSW State statutory planning policy. Further, the proposal satisfies the objectives of the zone as stated within section 5.2 of this report.

In terms of the specific characteristics of the proposed design, and its compatibility with the character of the Local Area, the planning principle established by the Land and Environment Court in the matter of *Project Venture Developments v Pittwater Council* (2005) NSW LEC 191 provides assistance in making this consideration. The provisions of this principle are used in assessing the merits of the proposal below.

The planning principle states:

22. There are many dictionary definitions of compatible. The most apposite meaning in an urban design context is capable of existing together in harmony. Compatibility is thus different from sameness. It is generally accepted that buildings can exist together in harmony without having the same density, scale or appearance, though the difference in these attributes increases, harmony is harder to achieve.

23. It should be noted that compatibility between proposed and existing is not always desirable. There are situations where extreme differences in scale and appearance produce great urban design involving landmark buildings. There are situations where the planning controls envisage a change of character, in which case compatibility with the future character is more appropriate than with the existing. Finally, there are urban environments that are so unattractive that it is best not to reproduce them.

24. Where compatibility between a building and its surroundings is desirable, its 2 major aspects are physical impact and visual impact. In order to test whether a proposal is compatible with its context, two questions should be asked.

Are the proposal's physical impacts on surrounding development acceptable? The physical impacts include constraints on the development potential of surrounding sites.

The proposal's appearance in harmony with the buildings around it and the character of the street?

25. The physical impacts, such as noise, overlooking, overshadowing and the constraining development potential, can be assessed with relative objectivity. In contrast, to decide whether or not a new building appears to be in harmony with its surroundings is a more subjective task. Analysing the existing context and then testing the proposal against it, however, reduced the degree of subjectivity.

26. For a new development to be visually compatible with its context, it should contain, or at least respond to, the (essential elements of character – local) that make up the character of the surrounding urban environment. In some areas, planning instruments or urban design studies have already described the urban character. In others (the majority of cases), the character needs to be defined as part of a proposal's assessment. The most important contributor to urban character is the relationship of built form to surrounding space, a relationship that is created by building height, setbacks and landscaping. In special areas, such as conservation areas, architectural style materials are also contributors to character.

27. Buildings do not have to be the same height to be compatible. Where there are significant differences in height it is easier to achieve compatibility when the change is gradual rather than abrupt. The extent to which height differences are acceptable depends also on the consistency of height in the existing streetscape.

28. Front setbacks and the way they are treated are an important element of urban character. Where there is a uniform building line, even small differences can destroy the unity. Setbacks from the side boundaries determine the rhythm of building and void. While it may not be possible to reproduce the rhythm exactly, new development should strive to reflect it in some way.

29. Landscaping is also an important contributor to urban character. In some areas landscape dominates building, in others building dominate the landscape. Where canopy trees define the character, new developments must provide opportunity for planting of canopy trees.

30. Conservation areas are usually selected because they exhibit consistency of scale, style or material. In conservation areas, a high level of similarity between the proposed and the existing is expected than elsewhere. The similarity may extend to architectural style expressed roof form, fenestration of materials.

31. It should be remembered that most people are not trained planners or urban designers and experience the urban environment without applying the kind of analysis described above. As people move through the city, they respond intuitively to what they see around them. A photo montage of the proposed development in its context provides the opportunity to test the above analysis by viewing the proposal in the same way that a member of the public would.

In response:

The character of the local area, being the visual catchment of the site, comprises a mix of land uses and building forms ranging from single storey dwelling houses to 3 storey residential flat buildings, backpackers accommodation and commercial uses like the Collaroy Cinema (110m to the east).

The wider precinct (170m radius) is intermixed with a range of other land uses and building forms as noted within Section 2 of this report. The Collaroy Local Centre (Zone B2) is a shopping and services centre that starts less than 50m to the north east of the site. Various services, businesses, recreation and employment opportunities are available within the Local Centre.

The immediate visual setting of the site is predominantly characterised by a mix of 1 to 3 storey buildings. The development character is a mix of old and new dwelling houses in brick with tile roofs but intermixed with some more recent examples that have modern architectural styles and treatments like skillion metal roofs and rendered masonry finishes.

The adjoining properties are developed for residential purposes. The eastern adjoining property is developed with a dwelling house with large front garden, which orientates to the north of the property. The western adjoining property is developed with a 3 storey (approx.) dwelling house with large front garden, which orientates to the north of the property.

The rear of the site (south) adjoins a retirement village of 10.3 ha in land area with its built-form is setback significantly from the common boundary between the properties.

In response to the local area's character the proposal achieves a form, scale, and density on the site that is harmonious with the character of the local area, for the following reasons:

- The bulk and scale of the proposed building is commensurate with the established mix of development within the site's visual setting.
- The building design 'steps-up' the site, responsive to the topography.
- The rear building has a 2-3 storey scale and detached residential building style in terms of its height, setbacks, and landscaped setting. The rear building form comprises retention of the existing dwelling's car parking level in a partly excavated, undercroft style parking area for cars, motorbikes, bicycles and storage, with 2 habitable levels above. This 2-3 storey building form is similar in scale to the existing dwelling upon the site and the western neighbouring property at 20 Alexander Street. It is also similar in bulk and scale to the building envelope proposed in DA2019/0306 (see architectural streetscape image of this below).
- The proposed detached building at the front of the site (comprising 1 boarding room and a communal room/ terrace) is two storeys in height and provides an appropriate streetscape presentation. It will visually screen the 2-3 storey 'main' building which is positioned behind it. In this way the proposal maintains a domestic scale, commensurate with the front setback and landscaped setting of development within the local area.
- The proposed buildings on the site follows the established residential patterning of the surrounding residential lots and the general siting of development on the existing and adjacent properties (20 and 16 Alexander Street).
- The proposed building has a footprint on the site that reflects the DCP controls for setbacks.
- There is no FSR development standard applicable to the land.

- With regards to density, the proposal comprises 12 boarding rooms and 1 managers room, in compliance with the maximum of 12 rooms established by 30AA of the SEPP in the R2 zone.
- The proposed development of Lot 8 provides a single vehicle entry to a concealed, partly excavated, basement car parking level with a landscaped frontage that will be compatible with the streetscape.
- The maximum height of the proposal complies with the height of buildings development standard for the site of 8.5m (Height of Buildings Map).
- The proposal provides appropriate building articulation and modulation along each of its elevations.
- The proposed building is commensurate with the mix of other development within the site's visual setting.



Figure 31 - Streetscape character of building envelope proposed in DA2019/0306

Conclusion – compatibility with the local character

The site-specific design response relates appropriately to other residential development within proximity of the site and represents the form of development anticipated by the zoning of the land and height standard applicable to the site.

The bulk and scale of the proposed building is acceptable because it complies with the height of buildings development standard for the site (cl 29(2)(a) of SEPP ARH) and presents a form that is commensurate with the building envelope proposed and generally assessed as acceptable in DA2019/0306.

The proposal includes appropriate building articulation and modulation to its elevations. The integrated site landscape regime will ensure that the building sits within a landscape setting and that its 3-dimensional form and massing will not be perceived as inappropriate or jarring in an urban design and streetscape context. The proposal does not result in unacceptable amenity impacts on adjoining development.

The proposed development has appropriately responded to the established local character and is capable of existing in harmony with the land use and built form character of the local area. The design of the development will be compatible with the character of the local area because the proposal is similar to the predominant residential character within the site's immediate context, as well as the mix of development forms and land uses located within the visual catchment of the site noting the B2 zone commences 50m to the east of the site on the northern side of the Street.

It is assessed that the proposal satisfies the principles of compatibility and clause 30A of the SEPP.

5.1.14 SEPP Clause 30AA – Boarding houses in Zone R2 Low Density Residential

Pursuant to clause 30AA of the SEPP, a consent authority must not grant development consent to a boarding house on land within Zone R2 Low Density Residential or within a land use zone that is equivalent to that zone unless it is satisfied that the boarding house has no more than 12 boarding rooms.

The proposed boarding house has 12 boarding rooms and 1 managers residence in accordance with this requirement.

5.2 Warringah Local Environmental Plan 2011

As previously noted, the site is zoned R2 Low Density Residential pursuant to the provisions of the Warringah Local Environmental Plan 2011 (LEP).

Boarding Houses are permitted in the zone with development consent. A **boarding house** means a building that:

- (a) is wholly or partly let in lodgings, and*
- (b) provides lodgers with a principal place of residence for 3 months or more, and*
- (c) may have shared facilities, such as a communal living room, bathroom, kitchen or laundry, and*
- (d) has rooms, some or all of which may have private kitchen and bathroom facilities, that accommodate one or more lodgers, but does not include backpackers' accommodation, a group home, hotel or motel accommodation, seniors housing or a serviced apartment.*

The development provides 12 individual boarding rooms (plus one managers room) with private kitchens and bathrooms providing lodgers with a principal place of residence for 3 months or more pursuant to the provisions of State Environmental Planning Policy (Affordable Rental Housing) 2009. Accordingly, the development is appropriately defined as a boarding house and permissible with consent in the zone.

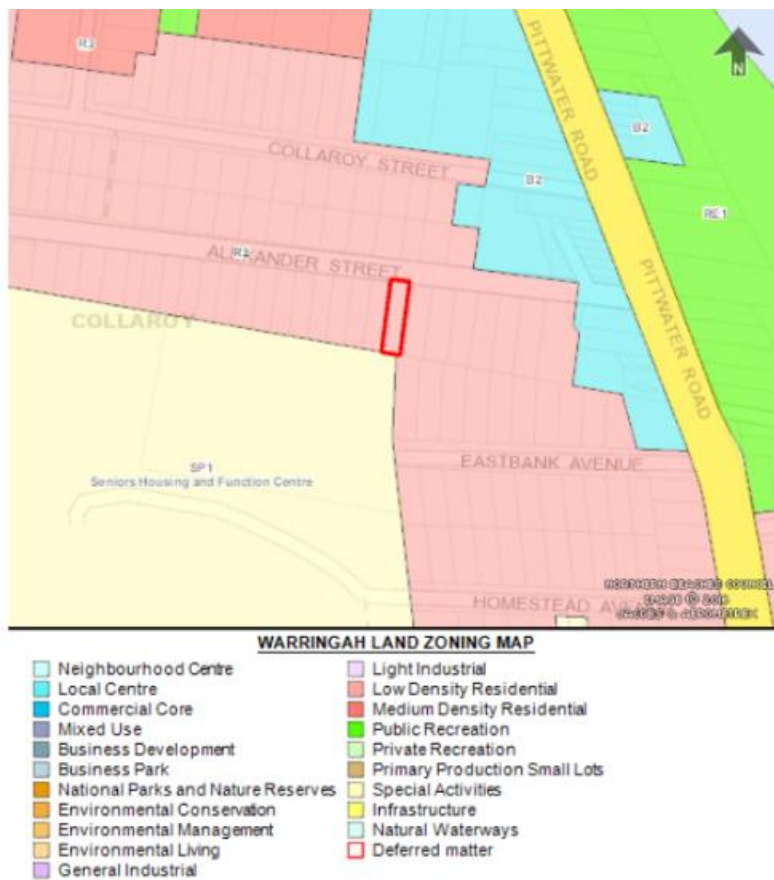


Figure 32 – zone excerpt (Northern Beaches Council Website)

Clause 2.3 of the LEP requires the consent authority to have regard to the objectives of the zone in the assessment and determination of the development application. The objectives of the zone are as follows:

- To provide for the housing needs of the community within a low density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To ensure that low density residential environments are characterised by landscaped settings that are in harmony with the natural environment of Warringah

The proposed development meets the relevant zone objectives by providing affordable accommodation that meets the needs of the community within a low-density residential setting. Its intent is to provide housing choice especially for more affordable rental accommodation.

The development has been designed through detailed site and streetscape analysis to ensure that it is of a low intensity and scale and compatible with surrounding building form and development character.

In relation to compatibility of uses, the accompanying Operational Management Plan contains operational management procedures and complaints reporting and resolution mechanisms to assist in the maintenance of appropriate residential amenity.

Accordingly, Council can be satisfied that the proposed development is permissible with consent and consistent with the zone objectives. There is no statutory impediment to the granting of consent.

5.2.1 Other relevant provisions of the LEP

Other provisions of the LEP that are relevant to the assessment of the proposal are noted and responded to as follows:

LEP Provision	Response	Complies
Part 4 of LEP – Principal Development Standards		
LEP Clause 4.1 Minimum subdivision lot size		NA
LEP Clause 4.3 – Height of Buildings	Complies as shown on the architectural plans.	Yes
LEP Clause 4.4 – Floor space ratio	NA	NA
LEP Clause 4.6 – Exceptions to development standards	NA	NA
Part 5 of LEP – Miscellaneous Provisions		
LEP Clause 5.4 Controls relating to miscellaneous permissible uses	NA	NA
LEP Clause 5.10 Heritage Conservation	NA	NA
Part 6 of LEP – Additional Local Provisions		
LEP Clause 6.1 Acid sulfate soils	The site is classified as Area 5 on Council's maps. Excavation is proposed below the existing site levels (being at approx. AHD RL 10) which is above AHD RL 5.00. Therefore, the proposal is assessed as satisfactory in satisfying acid sulfate soils.	Yes
LEP Clause 6.2 Earthworks	Excavation is proposed below the existing site levels. The siting and design of the proposed development has considered the matters within clause 6.2(3) of the LEP and results in appropriate outcomes against these criteria. Furthermore, the proposal is accompanied by a geotechnical assessment that concludes the proposal is appropriate for the site. Based on the above the proposed development satisfies the considerations within clause 6.2 and the site is suitable for	Yes

LEP Provision	Response	Complies
	the development proposed.	
LEP Clause 6.3 Flood planning	NA	NA
LEP Clause 6.4 Development on sloping land	<p>The siting and design of the proposed development has considered the matters within clause 6.4(3) of the LEP and results in appropriate outcomes against these criteria.</p> <p>Furthermore, the proposal is accompanied by a geotechnical assessment that concludes that the proposal is appropriate for the site.</p> <p>Based on the above the proposed development satisfies the considerations within clause 6.4 and the site is suitable for the development proposed.</p>	Yes

5.3 Other State Environmental Planning Policies

5.3.1 State Environmental Planning Policy - BASIX

Based on recent court judgements, the proposal is BASIX affected development. A BASIX assessment report accompanies the application and satisfies the SEPP in terms of the DA assessment.

5.3.2 State Environmental Planning Policy No 55 – Remediation of Land

State Environmental Planning Policy No. 55 - Remediation of Land applies to all land and aims to provide for a State-wide planning approach to the remediation of contaminated land.

Clause 7 of SEPP 55 requires Council to consider whether land is contaminated prior to granting consent to carrying out of any development on that land. In this regard, the likelihood of encountering contaminated soils on the subject site is extremely low given the following:

- Council's records indicate that site has only been used for residential uses.
- The subject site and surrounding land are not currently zoned to allow for any uses or activities listed in Table 1 of the contaminated land planning guidelines of SEPP 55.
- The subject site does not constitute land declared to be an investigation area by a declaration of force under Division 2 of Part 3 of the Contaminated Land Management Act 1997.

Given the above factors no further investigation of land contamination is warranted. The site is suitable in its present state for the proposed residential development. Therefore, pursuant to the provisions of SEPP 55, Council can consent to the carrying out of development on the land.

5.3.3 State Environmental Planning Policy (Coastal Management) 2018

The Coastal Management Act 2016 establishes a strategic planning framework and objectives for land use planning in relation to designated coastal areas within NSW. The Act is supported by the State Environmental Planning Policy (Coastal Management) 2018 which came into effect on 3 April 2018. It is applicable because the site is within the designated:

- Clause 13 coastal environment area
- Clause 14 coastal use area

As relevant to these affectations, the aims of the SEPP within clauses 13 and 14 addressed below. In summary, the proposal is assessed as being consistent with the aims and objectives of the SEPP.

Clause 13 - Development on land within the coastal environment area

The provisions of clause 13 *Development on land within the coastal environment area* are addressed as follows:

13 Development on land within the coastal environment area	Response
(1) Development consent must not be granted to development on land that is within the coastal environment area unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following:	
<i>(a) the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,</i>	<ul style="list-style-type: none"> ▪ The land and its development for residential purposes is established on the site. The extent of proposed excavation and works is supported by a geotechnical engineering and stormwater assessment. ▪ The proposal is assessed as satisfactory in relation to this consideration.
<i>(b) coastal environmental values and natural coastal processes,</i>	<ul style="list-style-type: none"> ▪ The land and its development for residential purposes is established on the site. ▪ The proposal is assessed as satisfactory in relation to this consideration.
<i>(c) the water quality of the marine estate (within the meaning of the Marine Estate Management Act 2014), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1,</i>	<ul style="list-style-type: none"> ▪ The subject site is established for residential purposes. ▪ The proposal does not relate to <i>sensitive coastal lakes identified in Schedule 1</i> ▪ The proposal is assessed as satisfactory in relation to this consideration.
<i>(d) marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,</i>	<ul style="list-style-type: none"> ▪ The subject site is established for residential purposes. ▪ The proposal is assessed as satisfactory in relation to this consideration.
<i>(e) existing public open space and safe access to and along the foreshore, beach, headland or</i>	<ul style="list-style-type: none"> ▪ The proposal will not adversely impact upon existing access provisions.

13 Development on land within the coastal environment area	Response
rock platform for members of the public, including persons with a disability,	<ul style="list-style-type: none"> The proposal is assessed as satisfactory in relation to this consideration.
(f) <i>Aboriginal cultural heritage, practices and places,</i>	<ul style="list-style-type: none"> The proposal is not known to be located in a place of Aboriginal cultural heritage significance. The proposal is assessed as satisfactory in relation to this consideration.
(g) <i>the use of the surf zone</i>	<ul style="list-style-type: none"> Not relevant to the assessment of the proposal. The proposal is assessed as satisfactory in relation to this consideration.
(2) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:	
(a) <i>to the development is designed, sited and will be managed to avoid an adverse impact referred to in subclause (1), or</i>	<ul style="list-style-type: none"> Responses have been made above in relation to the considerations within subclause (1). The proposal is assessed as satisfactory in relation to these considerations.
(b) <i>if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or</i>	<ul style="list-style-type: none"> The proposal is assessed as satisfactory in relation to this consideration.
(c) <i>if that impact cannot be minimised—the development will be managed to mitigate that impact.</i>	<ul style="list-style-type: none"> Aside from compliance with relevant codes, standard conditions of consent, and Australian Standards there are no other mitigation measures foreseen to be needed to address coastal impacts. The proposal is assessed as satisfactory in relation to this consideration.
(3) This clause does not apply to land within the Foreshores and Waterways Area within the meaning of Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005.	<ul style="list-style-type: none"> Noted; not applicable.

Clause 14 Development on land within the coastal use area

The provisions of clause 14 *Development on land within the coastal environment area* are addressed as follows:

14 Development on land within the coastal use area	Response
(1) <i>Development consent must not be granted to development on land that is within the coastal use area unless the consent authority:</i>	
(a) <i>has considered whether the proposed development is likely to cause an adverse impact on the following:</i>	

14 Development on land within the coastal use area	Response
<i>(i) existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,</i>	<ul style="list-style-type: none"> ▪ The proposal will not adversely impact upon existing access provisions. ▪ The proposal is assessed as satisfactory in relation to this consideration.
<i>(ii) overshadowing, wind funnelling and the loss of views from public places to foreshores,</i>	<ul style="list-style-type: none"> ▪ The proposal will not result in any significant or excessive overshadowing of the coastal foreshore. Nor will result in significant loss of views from a public place to the coastal foreshore.
<i>(iii) the visual amenity and scenic qualities of the coast, including coastal headlands,</i>	<ul style="list-style-type: none"> ▪ The proposal will not result in any significant additional visual impact on the coastal foreshore. Nor will result in significant loss of views from a public place to the coastal foreshore. ▪ The proposal is assessed as satisfactory in relation to this consideration.
<i>(iv) Aboriginal cultural heritage, practices and places, cultural and built environment heritage, and is satisfied that:</i>	<ul style="list-style-type: none"> ▪ The proposal will not impact this matter for consideration. The proposal is assessed as satisfactory in relation to this consideration.
<i>(i) the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or</i>	<ul style="list-style-type: none"> ▪ The proposal is not known to be located in a place of Aboriginal cultural heritage significance ▪ The proposal is assessed as satisfactory in relation to this consideration.
<i>(ii) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or</i>	<ul style="list-style-type: none"> ▪ See above response.
<i>(iii) if that impact cannot be minimised—the development will be managed to mitigate that impact, and</i>	<ul style="list-style-type: none"> ▪ See above response.
<i>(c) has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.</i>	<ul style="list-style-type: none"> ▪ The subject site is established for residential purposes. The proposed redevelopment of the site responds appropriately to the built form context. This is further detailed within section 5.1.12 of this report. ▪ The proposal will not result in any significant additional visual impact on the coastal foreshore. Nor will result in significant loss of views from a public place to the coastal foreshore. ▪ The proposal is assessed as satisfactory in relation to this consideration.
<i>(2) This clause does not apply to land within the Foreshores and Waterways Area within the meaning of Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005.</i>	<ul style="list-style-type: none"> ▪ Noted; not applicable.

6 Other key assessment considerations

6.1 Privacy

Privacy has been considered in the proposed design and satisfies the relevant objectives of cl D8 of the DCP.

It is our assessment that the proposal is satisfactory and appropriately designed to reasonably address privacy considerations. The following features of the design and its relationship with adjoining land are noted:

- Window openings within the side elevations have been minimised to maintain appropriate levels of privacy.
- Angled windows are proposed to mitigate direct overlooking) along the front section of the eastern side of the building, including the communal room. These are an effective design treatment that will reduce the potential for direct visual privacy impacts onto the adjoining property but maximise solar access to the rooms.
- The design provides appropriate setbacks to the side boundaries.
- Noting the site topography and proposed floor levels, the rear garden will be 'set down' below the level of the rear neighbouring property and not result in privacy impacts. Also, development to the south is well setback from the boundary and will not be adversely impacted by the proposal.
- The size of the balconies has been minimised to provide a small outdoor space for occupants but limit the intensity of their use and privacy impact.
- The communal room is located at the street frontage, maximising its separation to neighbouring properties.
- The proposed communal space, and associated balcony is appropriately separated from adjoining developments. The communal room is appropriately separated from the front boundary and nearby dwellings, being approx. 28m from the front façade of the dwelling opposite at 11 Alexander Street. The accompanying Operational Management Plan will regulate the use of this space. It is therefore concluded that these spaces will not significantly or unreasonably affect the privacy of the neighbouring properties.

Noting these characteristics, it is concluded that the proposal will not significantly or unreasonably affect the visual privacy of the neighbouring properties and will achieve an appropriate privacy outcome.

6.2 Solar access and shadowing of adjoining land

Solar access and shadowing has been considered in the proposed design and satisfies the relevant objectives of D6 of the DCP.

The design comprises a 2-3 storey building form, that is excavated into the north facing (and sloping) topography and appropriately setback from adjoining residential properties to the south, east and west.

The proposal is accompanied by shadow diagrams demonstrating the extent of proposed shading.

Shade will be cast over the side / rear yard of Lot 9, 18 Alexander St during the morning period, then over the side / rear yard of 16 Alexander St during the afternoon period during the requisite times. This provides a relatively even distribution of shade, consistent with the development pattern along the street.

Given the slope of the site along with the location, configuration / orientation of the proposed building, the proposal will achieve a satisfactory shading outcome. It is concluded that the proposal will not significantly or unreasonably reduce the available sunlight to the adjoining properties and the provisions of the control have been satisfied.

6.3 Views

New development is to be designed to achieve a reasonable sharing of views available from surrounding and nearby properties. Views from neighbouring land has been considered in the proposed design and satisfies the relevant objectives of cl D7 of the DCP.

Given the topography, height and density of existing vegetation on the site, and the compliance of the proposal with the key built form controls, the proposal is not anticipated to significantly or unreasonably impede any established views from surrounding residential properties or public vantage points.

There are no non-compliances proposed that are anticipated to give rise to unreasonable view impacts noting the proposal's compliance with the development standards under State Environmental Planning Policy (Affordable Rental Housing) 2009.

There is potential for some coastal views to the east from the location. These views are likely to be obtained across side boundary's which are identified as more difficult to maintain. Access has not been gained to nearby properties in assessing this aspect; this may be undertaken when the DA is publicly exhibited to neighbouring properties. At this stage, it is our opinion that the proposal will not significantly or unreasonably impede on established views from surrounding residential properties or public vantage points.

6.4 Vehicle access and car parking

Vehicle access to the site is established and proposed to be maintained from the existing north western corner of the site and vehicle parking is proposed within a single basement level.

The proposed vehicle access and parking arrangement is supported by an assessment prepared by Transport & Traffic Planning Associates. Key conclusions from this assessment are noted as follows:

the traffic generation of the proposed development will not present any adverse traffic implications and traffic-related environmental impacts

the proposed parking provision will be adequate and will accord with the SEPP criteria

the proposed access and internal circulation will be appropriate to current AS2890.1 and 6 design standards

the proposed servicing arrangement is appropriate and adequate'

It is noted that the development has been designed so that cars can enter and exit the site in a forward direction due to the provision of a turning area on site. This provides a safe egress onto Alexander Street.

Based on the above the proposal is assessed as satisfactory in addressing vehicle access and car parking considerations.

6.5 Trees and vegetation

Pursuant to Clause E1 of the DCP 'Private Property Tree Management', the application proposes building within proximity to established trees located on of the property.

The application is accompanied and supported by an arboricultural assessment report by 'Hugh the Arborist' consulting arborist. The assessment report makes recommendations for the trees and appropriate site management arrangements. The provisions of this clause are assessed as being satisfied by the proposal.

6.6 Stormwater drainage

The proposal is accompanying and supported by an engineering assessment and design by Michal Korecky Consulting Engineer that addresses stormwater disposal from the property. Based on the above the proposal is assessed as satisfactory in addressing stormwater drainage considerations.

6.7 Waste

Waste management is provided for by the proposed development as shown on the architectural plans and operations documented within the accompanying Operational Management Plan.

A garbage bin storage area is proposed within the basement level. The garbage bin area is accessible from the front of the property. The garbage bin storage has been designed to meet the DCP requirements in terms of bin sizes and the waste storage volumes respond to the provisions of NSW EPA Better Practice Guidelines for waste management and recycling in commercial and industrial facilities in terms of waste generation.

The accompanying Operational Management Plan makes provisions for the transfer bins to the holding area in time for the nominated collection day and the return of the bins to the basement soon after collection occurs. The Onsite Manager will be responsible for undertaking (or overseeing these operations by the commissioned caretaker), as documented in the accompanying Operational Management Plan.

Based on the above, waste management provisions are satisfied by the proposal.

6.8 BCA and access considerations

The application is accompanied and is supported by an assessment of the design against the key provisions of the Building Code by BCA Logic Pty Ltd. The report finds that the proposal is capable of satisfying building safety and access requirements subject to further detailed design and documentation at the Construction Certificate stage. In conclusion, the relevant safety and accessibility considerations are appropriately addressed and satisfied by the proposal.

6.9 Acoustic considerations

Potential for acoustic impacts have been considered in the design and the following aspects are noted:

- An operational management plan accompanies and supports the proposal. Amongst various considerations, the plan addresses the communal living space and communal landscape area in terms of the times that it may / may not be used and how any noise complaints will be managed.
- Internal vehicle noise from the basement/driveway is not anticipated to be significant, noting that:
 - the basement /undercroft level has been designed for a maximum capacity of 7 cars and 3 motorbikes;
 - the majority of the basement /undercroft level is enclosed.
- Given the modest size of the proposed basement level, a relatively small mechanical ventilation system will be provided to the carpark. Compliance with AS1668 (for ventilation) and relevant acoustic standards can reasonably form conditions of consent to the development.
- Once completed the development will be registered with Council. This can reasonably form a condition of consent to the development

Based on the above, the proposal is assessed as satisfactory in addressing potential acoustic impact considerations.

6.10 Development Control Plan

In response to Section 4.15 (1)(iii) of the Act, the Warringah Development Control Plan (DCP) is applicable to the property.

6.10.1 Applicability of the DCP

In this instance, most provisions of the DCP that relate to the building form are not directly relevant to the proposal are appropriately considered within the context of the SEPP's Aims.

The first two aims of State Environmental Planning Policy (Affordable Rental Housing) 2009 relate to the Policy achieving a consistent set of planning controls across the State of NSW and that those controls 'expand' local planning controls to incentivise and deliver affordable housing, that is, boarding houses (being one of the forms designated affordable rental housing within the Policy). The first two aims state:

(a) to provide a consistent planning regime for the provision of affordable rental housing,

(b) to facilitate the effective delivery of new affordable rental housing by providing incentives by way of expanded zoning permissibility, floor space ratio bonuses and non-discretionary development standards,

Given these considerations, State Environmental Planning Policy (Affordable Rental Housing) 2009 is the principal consideration in assessing the suitability of the proposed built form.

Notwithstanding relevant provisions of the Warringah DCP have been considered below to assist in the assessment of the proposal and its compatibility with the local development character.

The proposal achieves a high level of compliance with the DCP's key numerical built form controls and entirely satisfies the objectives of these controls, further demonstrating that the proposed built form outcome is suitable for the site.

6.10.2 Overview

The proposal:

- is compatible with the architectural form and style of the established and likely future development character and will complement the site's appearance when viewed from the street and public spaces;
- will be located within a landscaped setting and will be appropriately treated in terms of its materials and finishes to harmonise with the character of surrounding properties and the locality.

6.10.3 Principal Built Form Controls

Clause	Requirement	Proposed	Complies?
Maximum wall height	7.2m	Exceedance in relation to sections of the proposed rear building	Numerical variation * addressed with section below table. Objectives of the control are satisfied.
B3 Side Boundary Envelope	4m at 45 degrees	Exceedance in relation to sections of the proposed rear building	Numerical variation * addressed with section below table. Objectives of the control are satisfied.
B5 Side Setback	900mm	East- 0.9m West 1.2mm	Yes Yes

Clause	Requirement	Proposed	Complies?
B7 Front Setback	6.5m (or average of neighbouring properties)	6.5m	Yes
B9 Rear Setback	6m	6m	Yes
D1 Landscaped Open Space	40% Min. dimension 2m	122.2m ² (21%) Numerical variation proposed of 110.3 m ² or 47% of the control.	Numerical variation * addressed with section below table. Objectives of the control are satisfied.

6.10.4 DCP numerical variations

B2 Maximum wall height

Building Height, being Clause 29(2)(a) of State Environmental Planning Policy (Affordable Rental Housing) 2009, is an assessment ground that the consent authority cannot use to refuse the development application on if it complies with that standard. As previously addressed within Section 5.1.6 of this report, the proposal complies with that standard by providing a Building Height that does not exceed 8.5m as shown on the architectural plans. In this instance the assessment of the site Building Height is satisfied under the SEPP and no further assessment under the DCP is warranted.

B3 Side boundary envelope

Exceedances to the DCP's Side boundary envelope control relating to sections of the eastern and western façades (are proposed) are proposed as detailed on the elevation plans. In our assessment of the design, the proposal satisfies the objectives of the control, which are:

- *'To ensure that development does not become visually dominant by virtue of its height and bulk.*
- *To ensure adequate light, solar access and privacy by providing spatial separation between buildings.*
- *To ensure that development responds to the topography of the site'.*
- *To provide opportunities for deep soil landscape areas.*
- *To ensure that development does not become visually dominant.*
- *To ensure that the scale and bulk of buildings is minimised.*
- *To provide adequate separation between buildings to ensure a reasonable level of privacy, amenity and solar access is maintained.*

- *To provide reasonable sharing of views to and from public and private properties.*

It is assessed that the side boundary setbacks and wall heights proposed are reasonable and appropriate noting the following characteristics of the proposal:

- The variation, by virtue of its location adjacent to established building forms will not result in the building becoming visually dominant by virtue of its height and bulk. The building design will not be visually dominant from the streetscape by virtue of its side boundary envelope exceedances, given their location on the site, behind the 2 storey detached building at the street frontage.
- The building design modulates its building form and responds to the topography by 'stepping' responsive to the slope of the land.
- The proposal provides appropriate site deep soil landscaped areas and is accompanied by a detailed landscape plan that will enhance the property.
- The shadow diagrams demonstrate that the development will not unreasonably overshadow the eastern, western and southern adjoining properties.
- Given the relatively low-lying topography, built-up character of the area and orientation of the site, the proposal is not anticipated to significantly or unreasonably impede any significant established views from surrounding residential properties or public vantage points. Given these characteristics the proposed side boundary envelope exceedance is not anticipated to give rise to unreasonable view impacts.
- The proposed setbacks and building envelope maintain an appropriate spatial relationship with the patterning of adjoining development to the east and west. The development potential of adjoining properties is not compromised with appropriate levels of deep soil landscape opportunity provided.

The non-compliance is assessed as reasonable and without significant or unreasonable physical impacts on the neighbouring properties. Furthermore, this DCP control is not a development standard under the SEPP Affordable Rental Housing. The first two aims of the policy state:

(a) to provide a consistent planning regime for the provision of affordable rental housing,

(b) to facilitate the effective delivery of new affordable rental housing by providing incentives by way of expanded zoning permissibility, floor space ratio bonuses and non-discretionary development standards,

The proposal complies with the building height development standard under clause 29X of the SEPP and the side setback control. Furthermore, based on the above, the modest exceedances of the control are not matters to be given determining weight in the assessment of the application. Accordingly, strict compliance has been found to be both unreasonable and unnecessary under the circumstances. The variation succeeds pursuant to section 4.15 of the Act which requires Council to be flexible in applying such provisions and allow reasonable alternative solutions that achieve the objects of a DCP control for dealing with that aspect of the development.

B5 Side boundary setbacks

The basement level and some modest landscape elements (e.g. access pathways, front entry stair and the basement level, encroach within the 900mm setback area. Despite

these encroachments, it is assessed that the proposed side boundary setbacks are reasonable and appropriate noting the following characteristics:

- The area of the basement has been reduced in geometry as much as possible to achieve a functional and compliant parking area.
- The proposed variations to the setback controls do not pose any adverse impacts to privacy, overshadowing or amenity to surrounding properties and the proposed setbacks demonstrate compliance with the objectives of the control.
- The deep soil landscaped areas to the south and north will afford appropriate landscape opportunity to provide a landscaped setting, appropriate amenity, and meet the objectives of the controls.
- The orientation of living areas and private open space areas on the adjoining properties to the north and south ensure that appropriate visual privacy is maintained between properties.
- The development potential of adjoining properties is not compromised by the proposed side setbacks.

Furthermore, this DCP control is not a development standard under the SEPP Affordable Rental Housing. The first two aims of the policy state:

(a) to provide a consistent planning regime for the provision of affordable rental housing,

(b) to facilitate the effective delivery of new affordable rental housing by providing incentives by way of expanded zoning permissibility, floor space ratio bonuses and non-discretionary development standards,

Based on the above, the exceedances of the control are not matters to be given determining weight in the assessment of the application. Accordingly, strict compliance has been found to be both unreasonable and unnecessary under the circumstances. Such variation succeeds pursuant to section 4.15 of the Act which requires Council to be flexible in applying such provisions and allow reasonable alternative solutions that achieve the objects of DCP standard for dealing with that aspect of the development.

Front setback – access stair

Under Clause 29(2)(b) – Landscaped Area, of State Environmental Planning Policy (Affordable Rental Housing) 2009, a consent authority must not refuse consent *‘if the landscape treatment of the front setback area is compatible with the streetscape in which the building is located’*.

As previously addressed within Section 5.1.7 of this report, the total area of the front building setback is 79.3m², within which 45.2m² comprises landscaped area. The proposal provides a compatible front building setback of 6.5m, 57% of which comprises landscaped area including turf and gardens. This area is available to be landscaped in accordance with the landscape plan that accompanies and supports the application. The remaining area relates to the driveway, and pedestrian path.

The proposed stair is a relatively modest building element, proposed to be constructed of appropriate materials (stone facing) that will facilitate it having the appearance of a landscaped element and visually blending with the street and landscaped character at the

site frontage. For these reasons it is assessed that the landscape treatment of the front setback area is compatible with the streetscape in which the building is located

In summary, the proposal complies with standard 29(2)(b) of the SEPP by providing a compatible front Landscaped Area. In this instance the assessment of the site's front Landscaped Area is satisfied under the SEPP and no further assessment under the DCP is warranted.

D1 Landscaped area variation

Landscaped Area, being Clause 29(2)(b) of State Environmental Planning Policy (Affordable Rental Housing) 2009, is an assessment ground that the consent authority cannot use to refuse the development application on if it complies with that standard. As previously addressed within Section 5.1.7 of this report, the proposal complies with that standard by providing a landscape treatment of the front setback area that is compatible with the streetscape in which the building is located. In this instance the assessment of the site landscaped area is satisfied under the SEPP and no further assessment under the DCP is warranted.

6.11 Broader DCP Compliance Assessment

Clause	Compliance with Requirement	Consistent with aims and objectives
Part B - Built Form Controls – addressed above		
Part C - Siting Factors		
C2 Traffic, Access and Safety	Yes	Yes
C3 Parking Facilities	Yes	Yes
C4 Stormwater	Yes	Yes
C5 Erosion and Sedimentation	Yes	Yes
C8 Demolition and Construction	Yes	Yes
C9 Waste Management	Yes	Yes
Part D - Design		
D1 Landscaped Open Space and Bushland Setting- previously addressed	Yes	Yes
D6 Access to Sunlight - previously addressed	Yes	Yes
D7 Views - previously addressed	Yes	Yes
D8 Privacy - previously addressed	Yes	Yes
D9 Building Bulk - previously addressed	Yes	Yes
D10 Building Colours and Materials	Yes	Yes

OTHER KEY ASSESSMENT CONSIDERATIONS

Clause	Compliance with Requirement	Consistent with aims and objectives
D11 Roofs	Yes	Yes
D12 Glare and Reflection	Yes	Yes
D16 Swimming Pools and Spa Pools	Yes	Yes
D22 Conservation of Energy and Water	Yes	Yes
Part E - The Natural Environment		
E1 Private Property Tree Management -	Yes	Yes
E4 Wildlife Corridors - NA	Yes	Yes
E5 Native Vegetation - NA	Yes	Yes
E8 Waterways and Riparian Lands - NA	Yes	Yes
E10 Landslip Risk – report accompanying	Yes	Yes
E11 Flood Prone Land – previously addressed	Yes	Yes

7 Section 4.15 the Environmental Planning and Assessment Act 1979 - Summary

The proposal has been assessed having regard to the matters for consideration pursuant to S.4.15 of the Act. In summary Council can be satisfied of the following:

- There will be no significant or unreasonable adverse built environment impacts arising from the proposed physical works on the site.
- The site is appropriate for accommodating the proposed development. The proposal has sufficiently addressed environmental considerations. There will be no significant or unreasonable adverse environmental impacts arising from the proposal.
- The proposal will result in positive social and economic impacts, noting:
 - Employment during the construction phase of the works;
 - Economic benefits, arising from the investment in improvements to the land;
 - Social (and environmental) benefits arising from the addition of affordable rental housing stock ideally located to house key workers close to their place of employment.
 - Social benefits arising from the addition of 1 accessible accommodation room.
- The proposal is permissible and consistent with the objectives of the zone, pursuant to the LEP and the State Environmental Planning Policy (Affordable Rental Housing) 2009. The proposal also satisfies the relevant provisions of the council's DCP.
- It is compatible with the current and evolving character of development within the local context.
- It will not result in any significant unacceptable offsite impacts that limit the use or enjoyment of nearby or adjoining land.
- The proposal will have an acceptable impact when considering key amenity issues such as visual impact, views, overshadowing, noise and privacy.
- Given the site's location and established function, the site is assessed as being entirely suitable for the proposed development.

- The public interest is best served through the approval of the application. In support of this view we make the following submission:

The Northern Beaches is one of the least affordable local government areas in NSW both for rental and purchase. The proposed development will increase the stock of affordable housing within the Northern Beaches LGA and thereby provide an important social benefit. The development will also provide an alternative to detached, multi dwelling and residential apartment style housing in a location which has good access to public transport and access to a range of shops, services and outdoor recreational areas. The development improves housing choice and therefore responds positively to the housing needs of the local community.

8 Conclusion

The application seeks development consent for partial demolition of existing structures and development of Affordable Rental Housing for a 'new generation' boarding house for 12 rooms and 1 managers residence, at Lot 8, 18 Alexander Street, Collaroy.

The proposed development has been assessed with consideration to the relevant statutory policies. In summary:

- The proposal is consistent with the aims, objectives and development standards under the Affordable Rental Housing SEPP and the principal built-form controls under the Warringah LEP.
- The proposed affordable housing is a permissible land use and is consistent with the zoning objectives for the subject land.
- The proposed buildings on the site follows the established residential patterning of the surrounding development. The proposal will not result in any unacceptable amenity impacts.
- The proposal design is responsive to its context and is compatible with the local character.
- The proposal has minor environmental impacts, which can be mitigated in accordance with recommendations from the supporting reports.
- The Northern Beaches is one of the least affordable local government areas in NSW both for rental and purchase. The proposal provides a renewal of the site and increased function. The proposed development will increase the stock of affordable housing within the Northern Beaches and thereby provide an important social benefit that is consistent with both State and Local planning policy.
- The development is in the public interest.

In view of the above, we conclude that the proposed development will provide a significantly positive impact and should be approved.

BBF Town Planners



Michael Haynes
Director