



# **Statement of Environmental Effects**

## **Section 4.55(8)**

**613-615 Pittwater Road, Dee Why**

**Modifications to the court-approved boarding house development (DA2018/1166)**

Submitted to Northern Beaches Council  
on behalf of Marcellino Sain Architects

January 2024

## 1. EXECUTIVE SUMMARY

ABC Planning P/L has been engaged to prepare this Statement of Environmental Effects to accompany the Section 4.55(8) modification to DA2018/1166, which approved *demolition of all existing structures on the site and the construction of five 2-storey buildings over a split level basement carpark, containing 80 boarding rooms including 5 managers' rooms, with associated access, communal areas and landscaping works*, at 613-615 Pittwater Road, Dee Why, approved by the NSW LEC on 22 January 2020.

A modification application was also approved by the Court-Supertramp Pty Limited v Northern Beaches Council [2021] NSWLEC 1575. The court approved the modification of the application to allow for the reconfiguration of the basement car park to accommodate 38 car spaces, including one car share car parking space.

The above consent has been activated with the existing condition of the site being cleared (all former buildings demolished), with partial excavation having been commenced.

The following site plan identifies the five building elements which are referred to as Buildings A through to E.

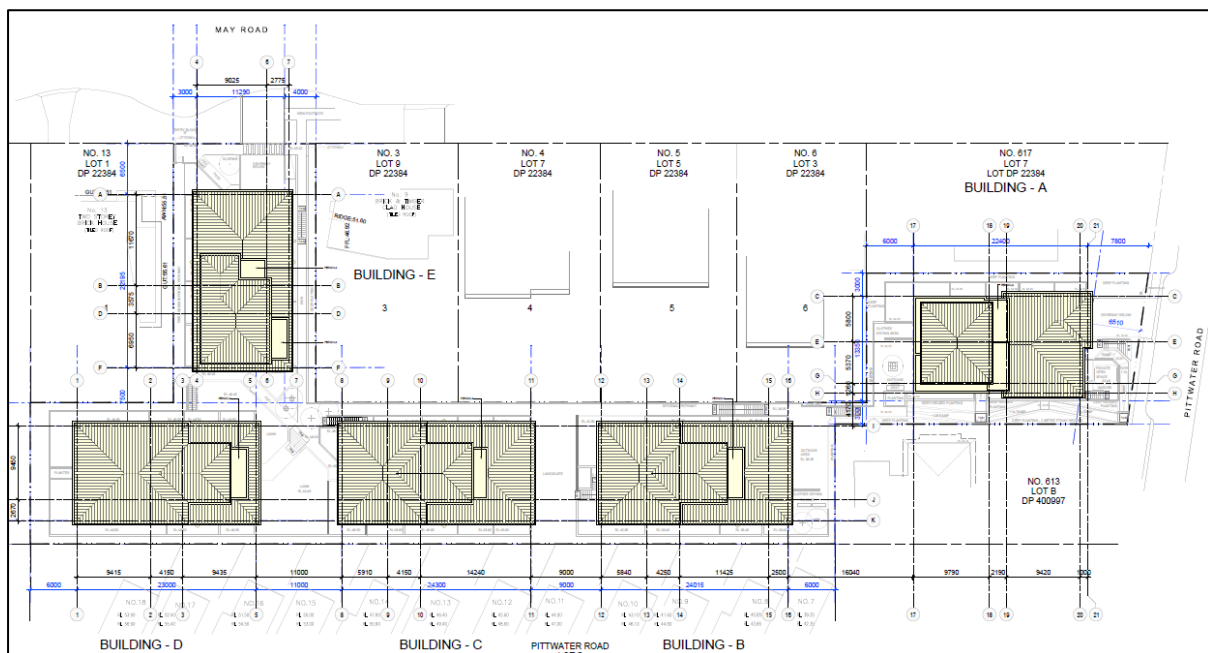


Figure 1: Site plan extract which identifies Buildings A, B, C, D and E

Such site plan assists in allowing for an understanding of the location and nature of modifications to the respective buildings as outlined below:

Details of the proposed modifications include:

- Building A
  - Extension of stairs on all levels in order to comply with the relevant standards.
  - Reduce the inset of the Northern wall on all levels.
  - Realignment of all the internal layout
  - Additional level with two units
- Building B
  - Extension of the eastern side wall on the lower ground level to align with the Upper Level
  - Reduce the inset of the Western wall next to the stairs on all levels.
  - Extension of the Western wall on Levels 1 and 2
  - Realignment of all the internal layout
  - 1 additional unit on Level 2
- Building C
  - Extension of the Western wall next to the stairs on all levels
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  - Extension of the Western wall on Upper Ground and Level 1
  - Realignment of all the internal layout
  - 1 additional unit on Level 1
- Building D
  - Extension of Eastern wall on Lower Ground and Upper Ground
  - Reduce the inset of the Western wall next to the stairs on all levels.
  - Realignment of all the internal layout
  - 1 additional unit on Level 1
- Building E
  - Extension of Southern wall on Ground Level and Level 1
  - Extension of the Eastern wall to align with the basement
  - Reduce the inset of the Eastern wall next to the stairs
  - Reconfiguration of all the internal layout
  - Additional level with 2 units

The following table includes a comparison of the approved versus the proposed rooms and car spaces:

### **Schedule of Changes**

#### **Room Count**

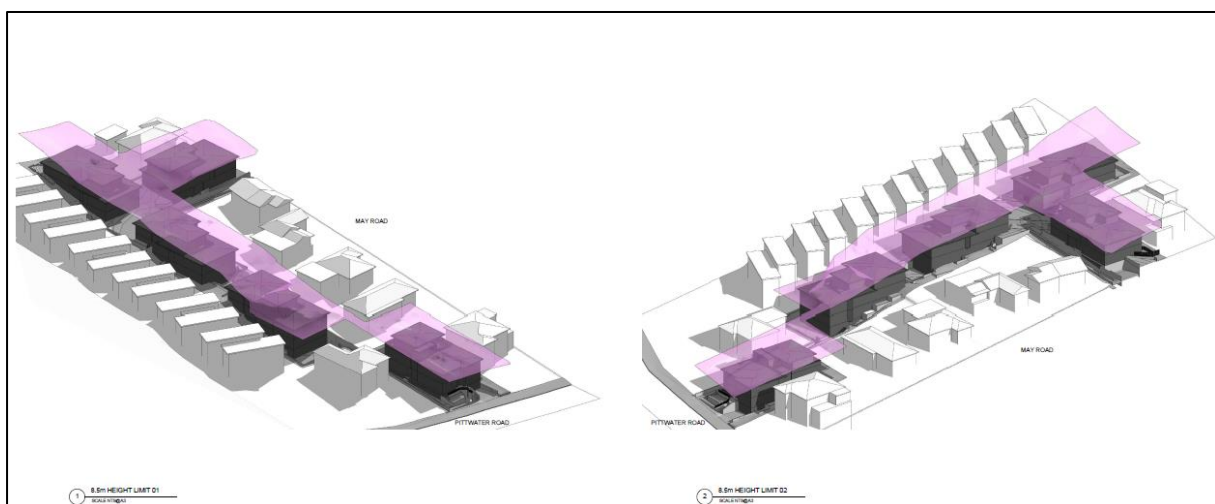
	Proposal	Approved
Standard Boarding room	81	67
Accessible Boarding room	6	8
Manager Room (<25m <sup>2</sup> )		5
<b>Total</b>	<b>87</b>	<b>80</b>
Manager Room (>25m <sup>2</sup> )	5	
Common Room	7	3

#### **Parking Spaces**

	Proposal	Approved
Standard	18	26
Accessible	3	8
Manager	3	3
Carshare	5	1
<b>Total</b>	<b>29</b>	<b>38</b>
Motorbike	1	17
Bicycle	19	21

Given that manager's rooms are not boarding rooms (being on-site dwellings greater than 25sqm excluding kitchen and bathroom), it is considered that the number of approved versus proposed boarding rooms is 75 to 87. This represents a minor increase of 16% or 12 rooms over the 5 separate buildings. Each of the rooms continue to be double rooms. On this basis, the occupancy of the boarding rooms will increase from 150 to 174. The Plan of Management has been updated to reflect such increase.

The 3D height planes confirm that the increased height associated with the additional rooms are within the 8.5m height limit.



**Figure 2: Height plane excerpt, which confirms that the additions to the five buildings remain compliant with the 8.5m height limit**

The proposal also maintains the five separate buildings and the approved boarding house use. The proposal maintains 1 manager for each of the 5 buildings.

Minor changes are proposed to the approved building footprint and ground-level landscaped areas. The series of floor plans show that the majority of floor plans are unchanged by the proposed modifications.

Furthermore, the proposed increases in height and built forms are not responsible for any significant or unreasonable amenity impacts, noting that any additional shadowing is generated by buildings within a compliant height. It is confirmed that no FSR applies to the subject proposal.

The proposal is also accompanied by an updated traffic and parking report, which demonstrates that the increase in the number of rooms will not generate any adverse traffic or parking impacts. In this regard, it is noted that the car parking rate for developments of this type (approved as boarding houses now categorised as co-living) has reduced from the rate at the time of approval under SEPP (Affordable Rental Housing) 2009 (1 car space per 2 rooms) to 1 car space per 5 rooms under SEPP (Housing) 2021. Furthermore, the modified proposal seeks to increase the number of car share spaces from 1 to 5, reasonably meeting any perceived demand from the increase in boarding rooms. It is also noted that the modification deletes a part basement level below Buildings A and B. In lieu of this, it is sought to provide the 5 car share spaces. Such modification significantly reduces excavation whilst providing for a flexible and more efficient parking arrangement.

It is acknowledged that the shadow diagrams indicate an increase of shadowing to the townhouses to the south of the site addressed to Pittwater Rd. However, the additional shadowing is not considered unreasonable, given that built forms with compliant heights generate the shadowing.

The built form does not protrude closer to any adjoining properties surrounding the subject site, ensuring that the modified proposal generates no unreasonable privacy impacts.

The additional height and bulk to the upper levels of each building are reasonable because the additional floor space is recessed from the perimeter of the approved built form below. This assists in ameliorating the bulk and scale of the additional built form, confirming that the recessed elements are within the LEP height limit.

The above quantitative and qualitative assessment confirms that the modified proposal remains substantially the same development as that originally approved.

The proposed additional boarding rooms comply with the relevant provisions concerning room sizes, etc.

Based on the above considerations, it is considered that the proposed modifications are minor in nature and worthy of approval.

## 2. SITE LOCATION AND CONTEXT

The subject site is located on the western side of Pittwater Road with another frontage along the southern side of May Road. It comprises three separate lots with a combined area of 3,169 sqm. The site is irregular, with a frontage to Pittwater Road of 19.35m and May Road of 18.29m.

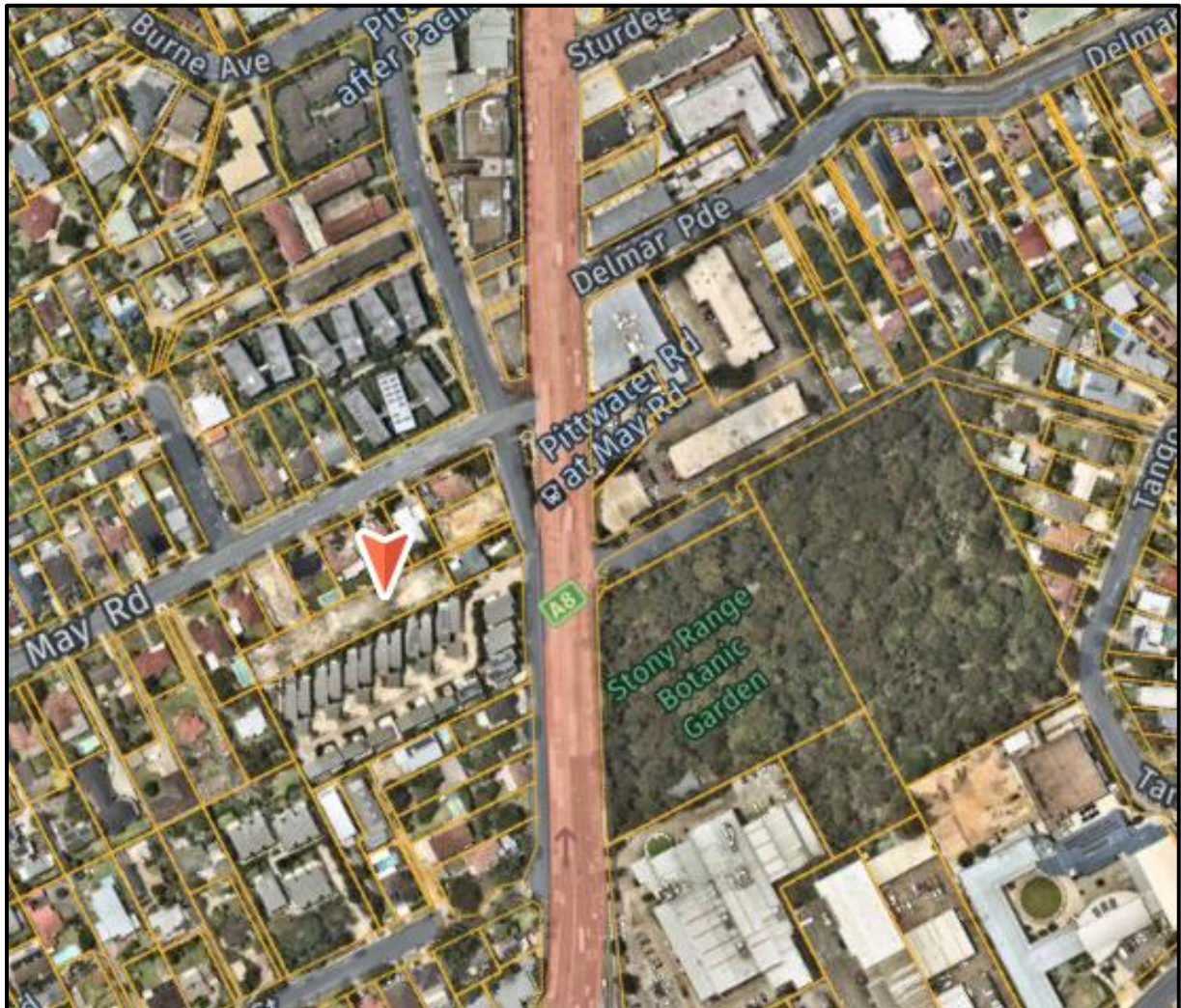


Figure 3: Site context noting the close proximity to Dee Why Town Centre to the north with a bus stop immediately outside the Pittwater Rd frontage.





Figure 4: Aerial image of subject site

## **2.1. Existing development**

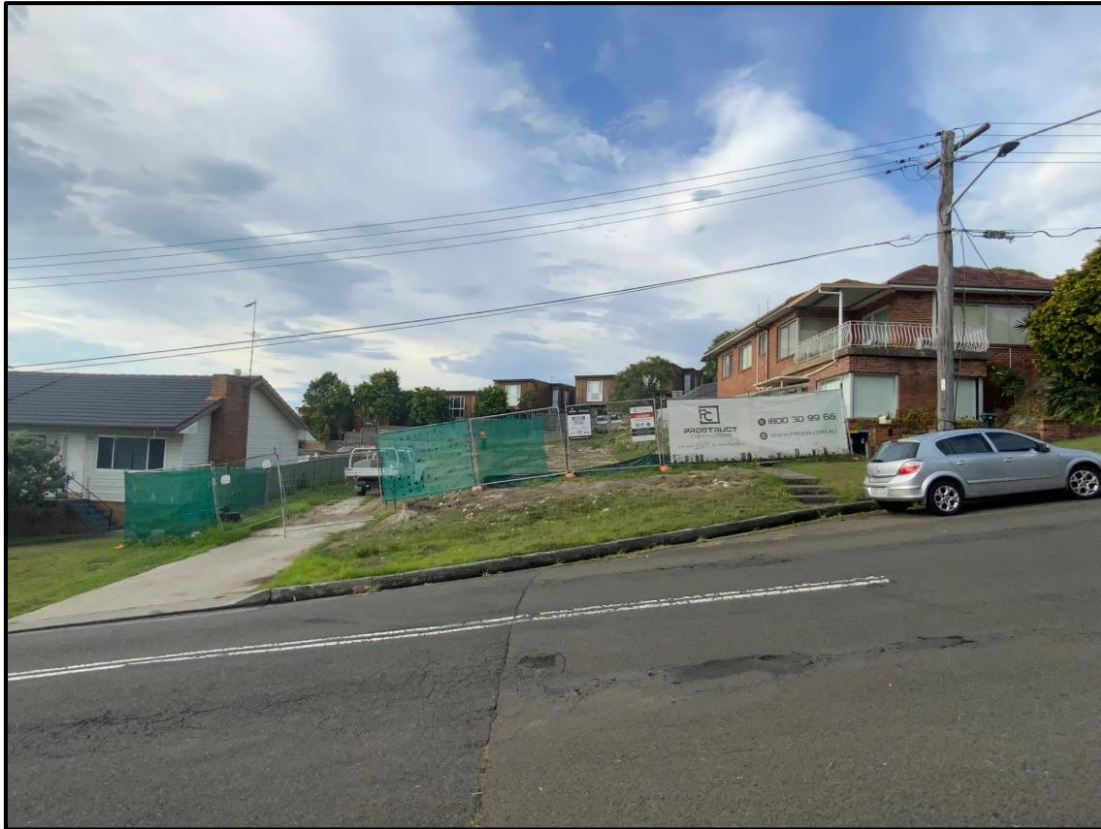
### **2.1.1. Subject site**

The site has been cleared, with all former buildings being demolished due to construction and demolition works now underway. The image below shows the current condition of the site.



**Figure 5: As viewed from Pittwater Road, the subject site shows demolition and excavation work approved via DA2018/1166 underway.**





**Figure 6: Subject site as viewed from May Road frontage, showing demolition and excavation works approved via DA2018/1166 underway**

### **2.1.2. North**

To the north of the May Road section of the site are dwelling houses, a residential flat building and a top housing development.



**Figure 7: Dwelling houses to the north of May Road frontage**



**Figure 8: Residential flat building to the north of May Road frontage**



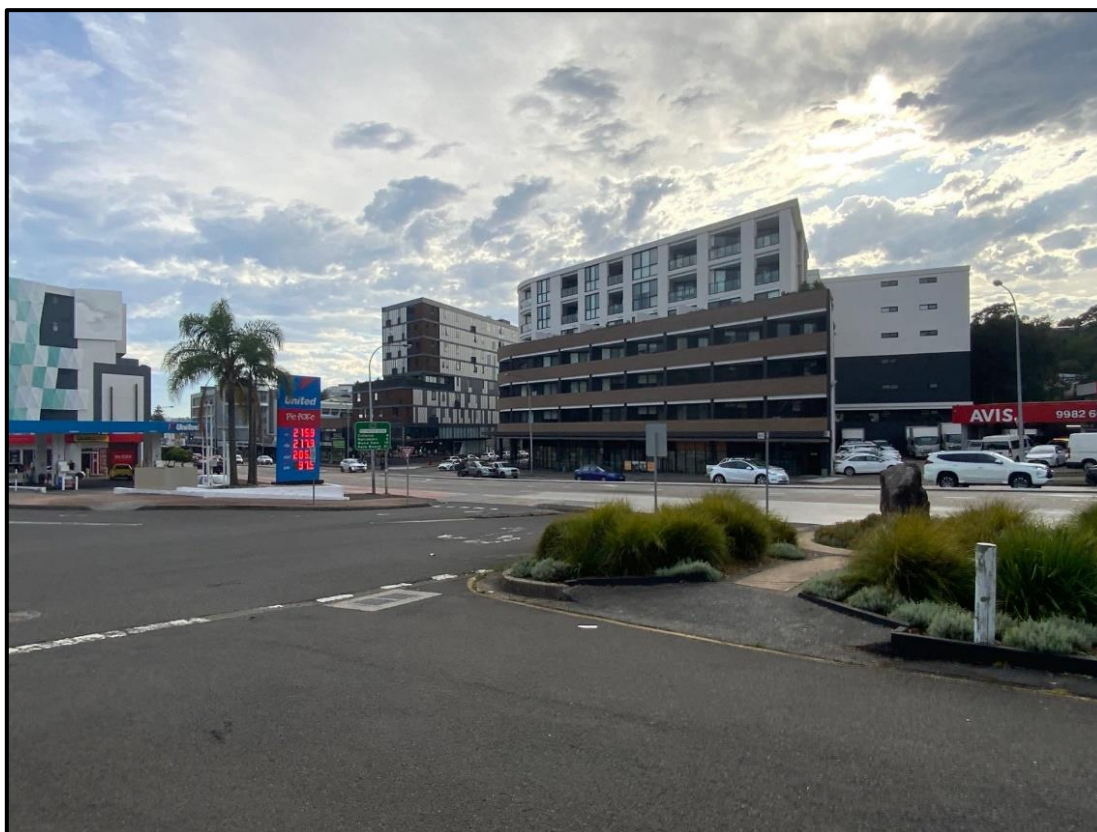


Figure 9: Dee Why Town Centre and shop top housing development north-east of the site



Figure 10: Looking north along Pittwater Road with subject site and slip lane on the left with bus stop along main section of Pittwater Road 25-metres from the site entry with Dee Why town centre beyond



**Figure 11: Interface of denture clinic and residence above and the subject site**

### **2.1.3. East**

To the east of the subject site is residential development along May Rd and commercial development across Pittwater Rd.





**Figure 12: View looking east from the subject site down to the east with rear of May Rd properties (5a to 9) on the left**



**Figure 13: Interface of subject site with 9 May Rd to the east downhill of the subject site**



**Figure 14: Subject site as viewed from the southern-western corner/highest point of the site looking east with Dee Why Town Centre along Pittwater Rd with distant ocean views beyond**

#### **2.1.4. South**

A 3-storey dwelling exists to the south along the Pittwater Rd frontage, whilst a large townhouse complex exists to the south of the majority of the site, addressed to 605-611 Pittwater Rd. The townhouses are elevated above the subject site.





**Figure 15: Interface to the built form of 613a Pittwater Road to the south of the Pittwater Rd component of the site**



**Figure 16: Looking south along the Pittwater Road slip lane with 6-lane arterial road on the left of the vegetation**





**Figure 17: 3-storey building to the south of the site at 613a Pittwater Road**



**Figure 18: Townhouses south of the subject site have established trees in their rear yards and comprise ground-floor living and private open-space areas with bedrooms above.**



### 2.1.5. West

To the west of the subject site is residential development higher upslope of the subject site along



Figure 19: Subject site looking west, highlighting the sloping nature of the site from east up to west.



**Figure 20: Looking west along May Road with the subject site being located to the rear of the dwellings on the left**

### 3. BACKGROUND

Recent recorded planning history relevant to the approved development includes the following:

#### **DA2018/1166**

On 22 January 2020 the NSW LEC granted development approval for *Demolition of all existing structures on the site and the construction of five 2-storey buildings over a split level basement carpark, containing 80 boarding rooms including 5 managers' rooms, with associated access, communal areas and landscaping works* at 613-615 Pittwater Road, Dee Why.

#### **Mod2020/0366**

On 25 November 2020 the Sydney North Planning Panel granted Section 4.56 Court Consent for *Modification of Development Consent DA2018/1166 granted for demolition works and construction of a Boarding House development* at 613-615 Pittwater Road, Dee Why.

#### **Mod2021/0226**

On 13 July 2021 the NSW LEC granted Section 4.56 Court Consent for modifications to the approved *Demolition Works and Construction of a Boarding House development* at 613-615 Pittwater Road, Dee Why.

### 3. PROPOSED AMENDMENTS:

The proposed modifications subject to the current modification application are shown in the accompanying plans prepared by the project architect, Marcellino Sain Architects, dated 19 December 2023.

The following site plan identifies the five building elements, which are referred to as Buildings A through E.

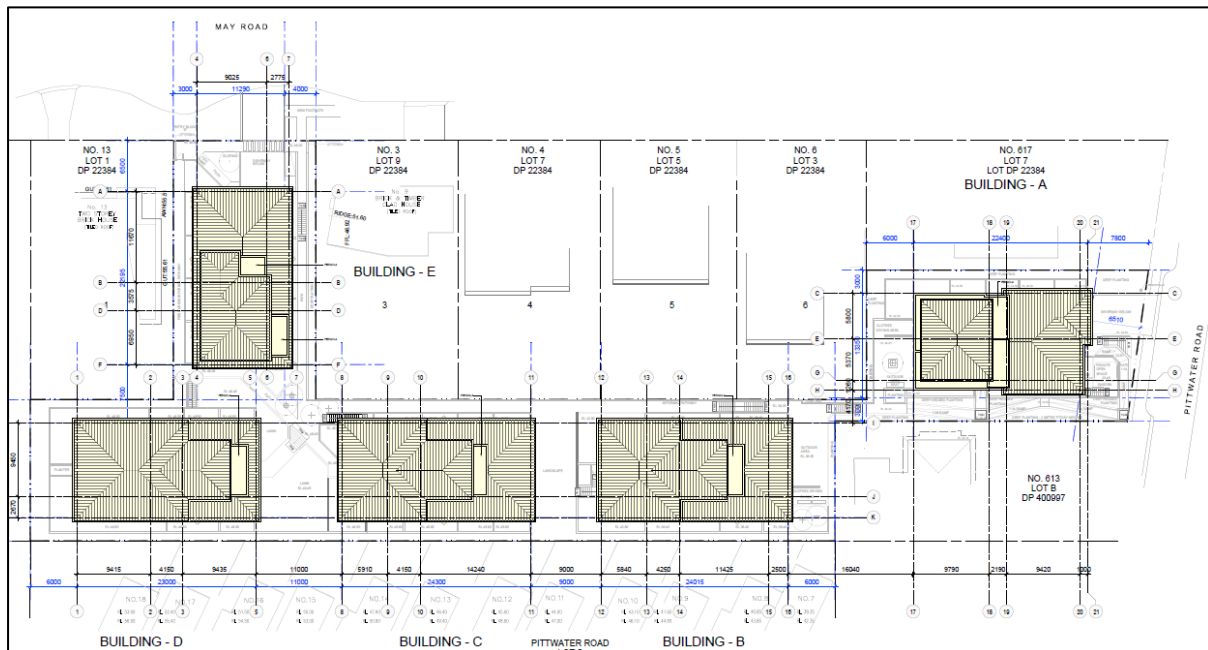


Figure 21: Site plan extract which identifies Buildings A, B, C, D and E

Such site plan assists in allowing for an understanding of the location and nature of modifications to the respective buildings as outlined below:



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<b>Total</b>	<b>29</b>	<b>38</b>
Motorbike	1	17
Bicycle	19	21

The following amendments are shown with the comparison between the approved versus proposed modified development with the additional FSR/bulk and height shaded in yellow:

### OVERALL SITE - A BASEMENT

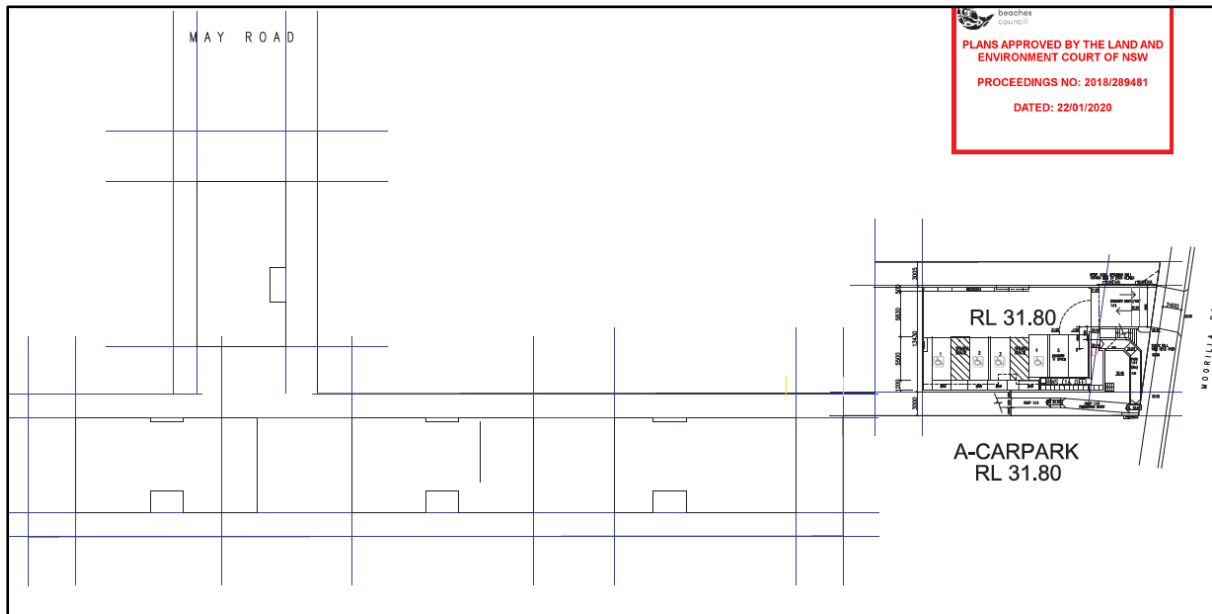


Figure 22: Approved overall site - A basement plan

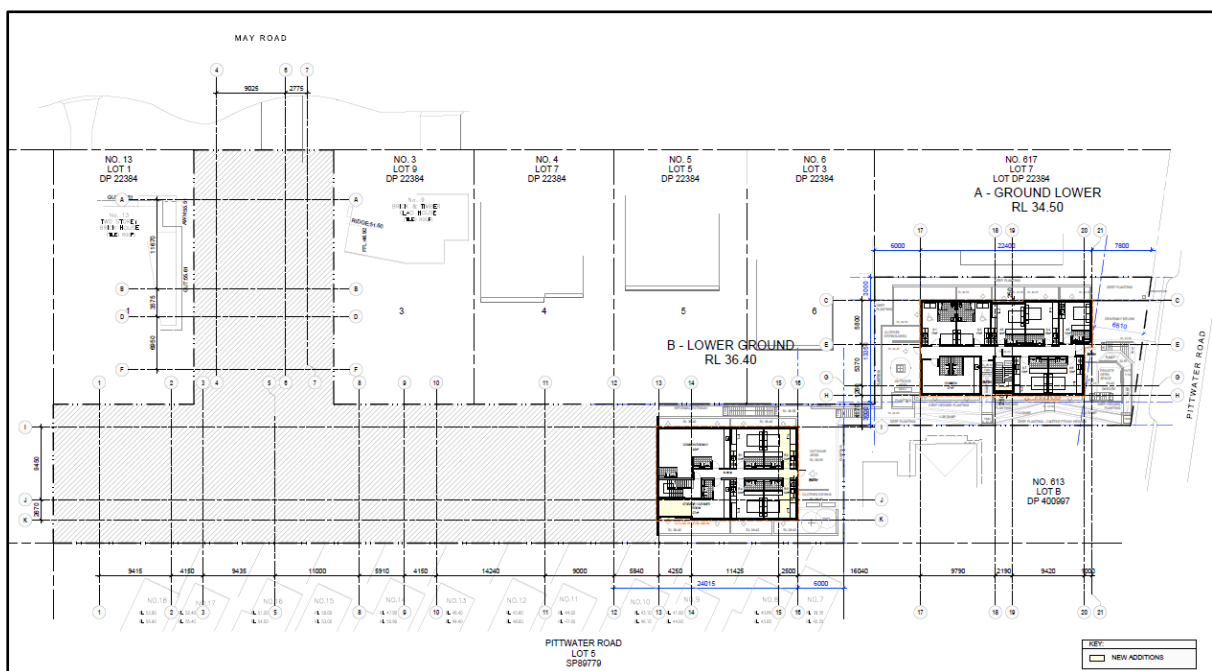


Figure 23: Proposed overall site - A basement plan

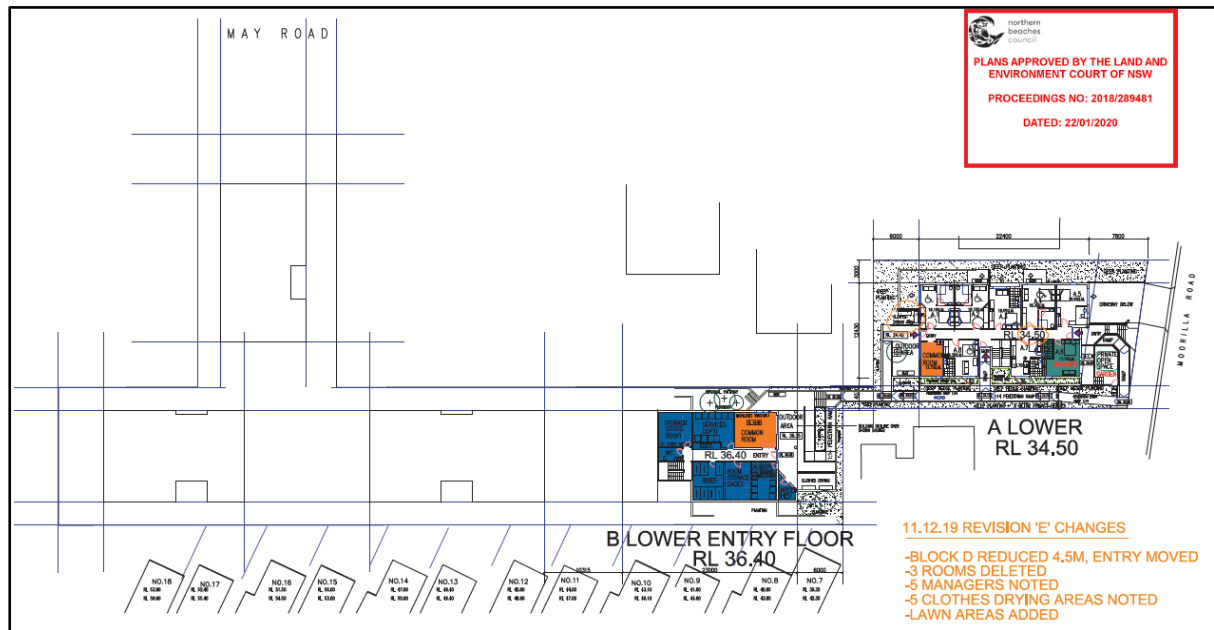
**OVERALL SITE - A GROUND, B LOWER GROUND**

Figure 24: Approved overall site - A ground, B lower ground plan

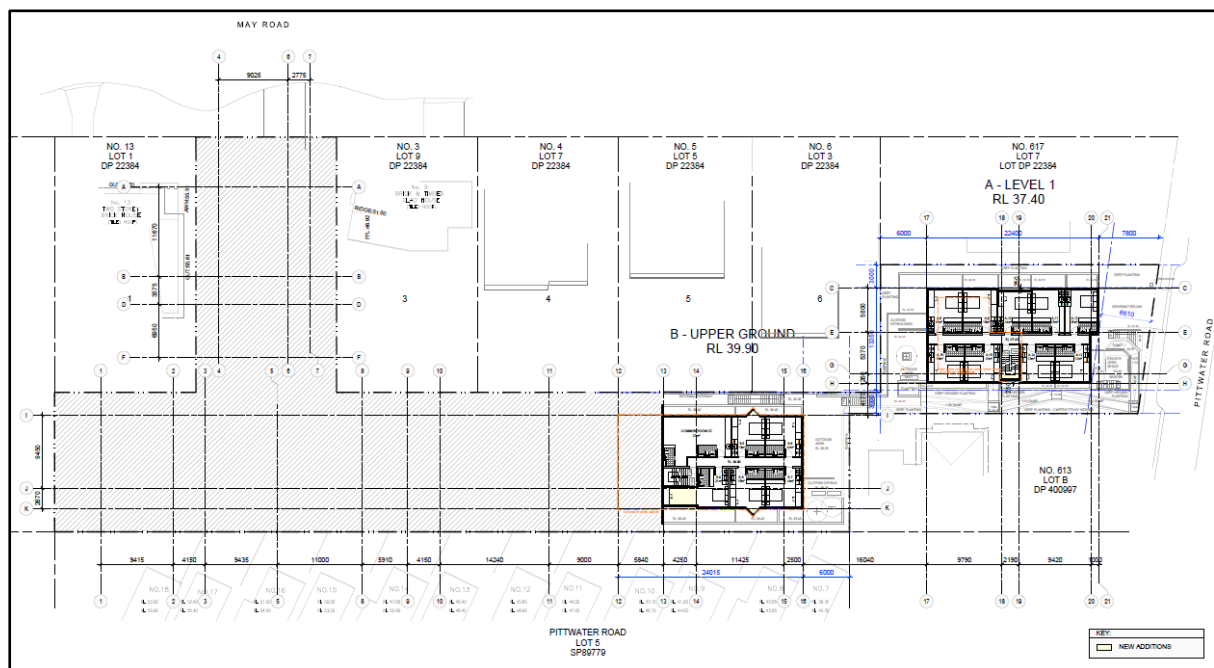
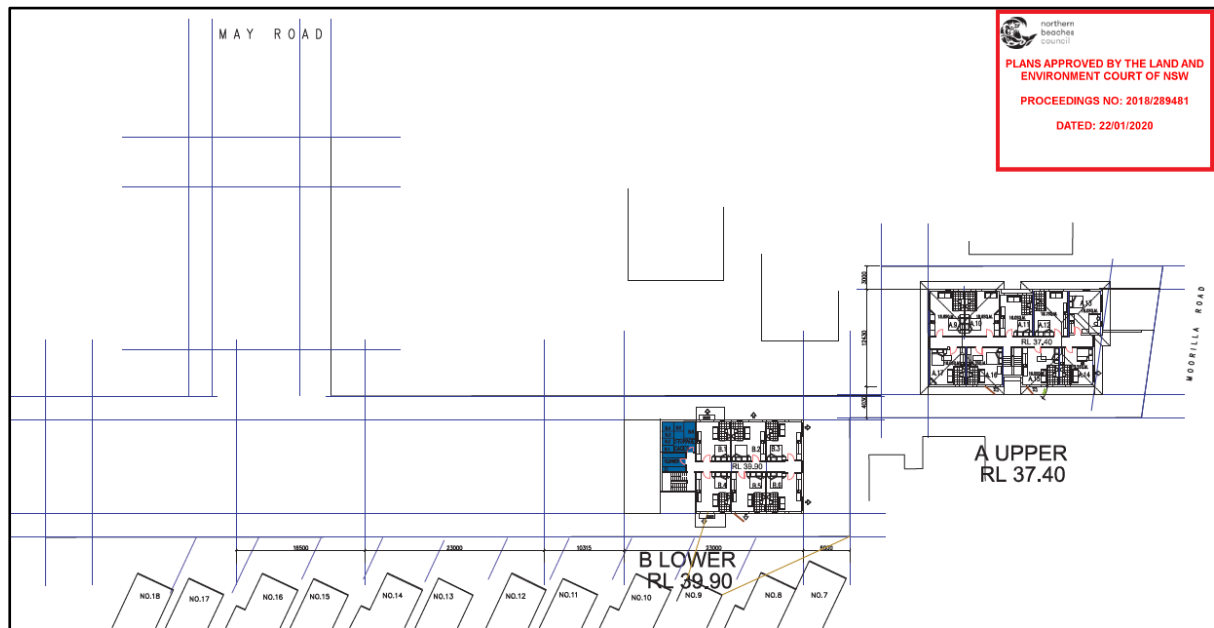
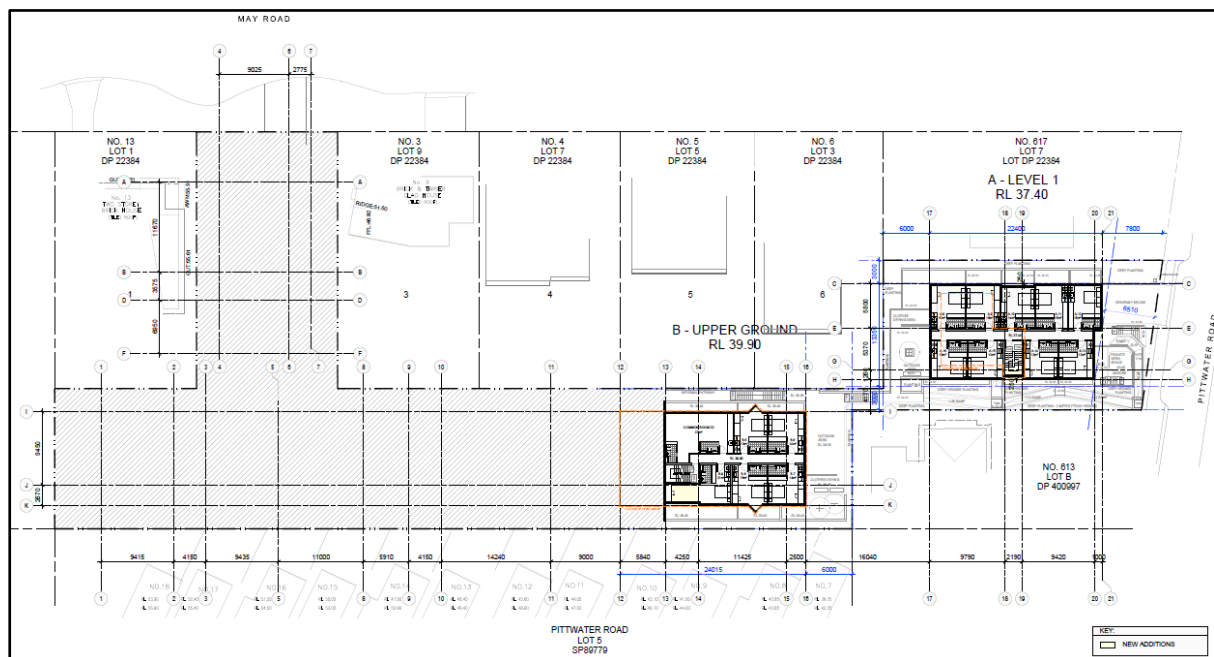
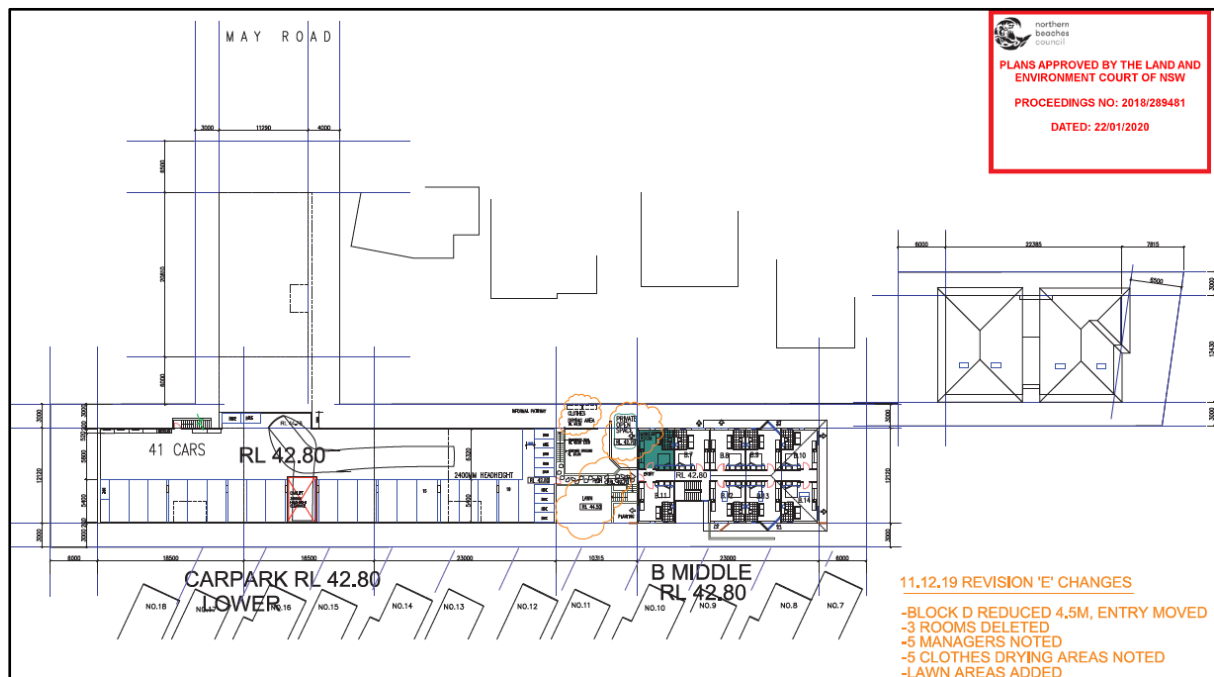
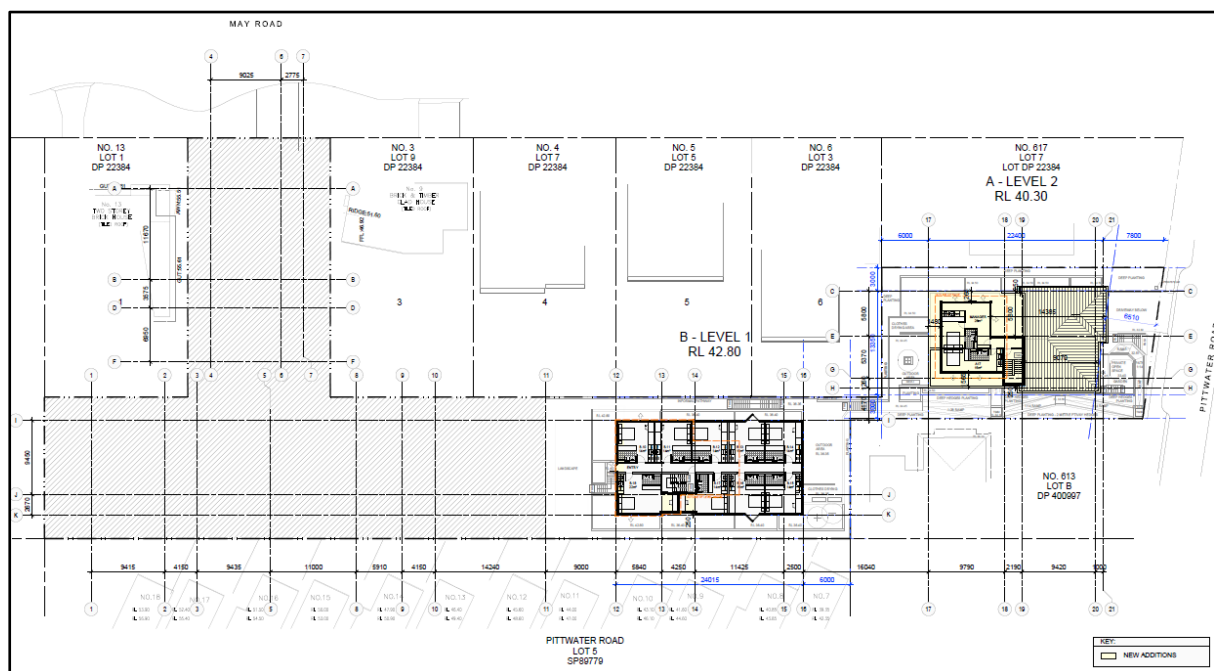
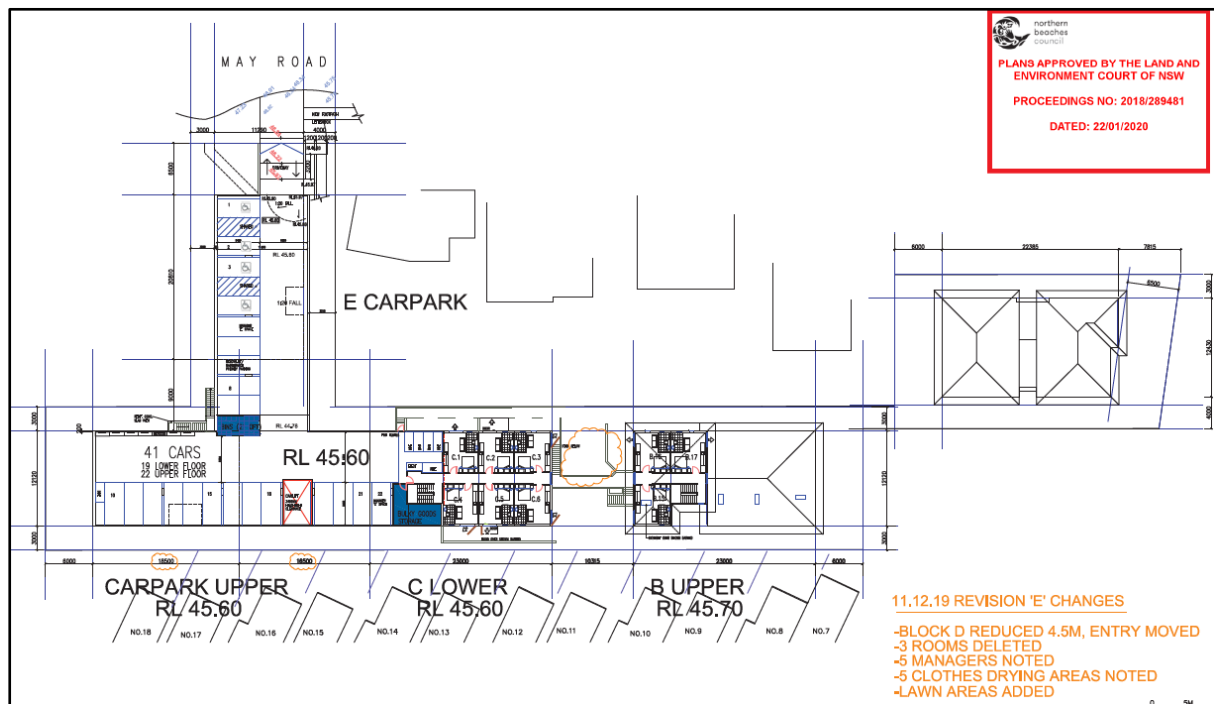
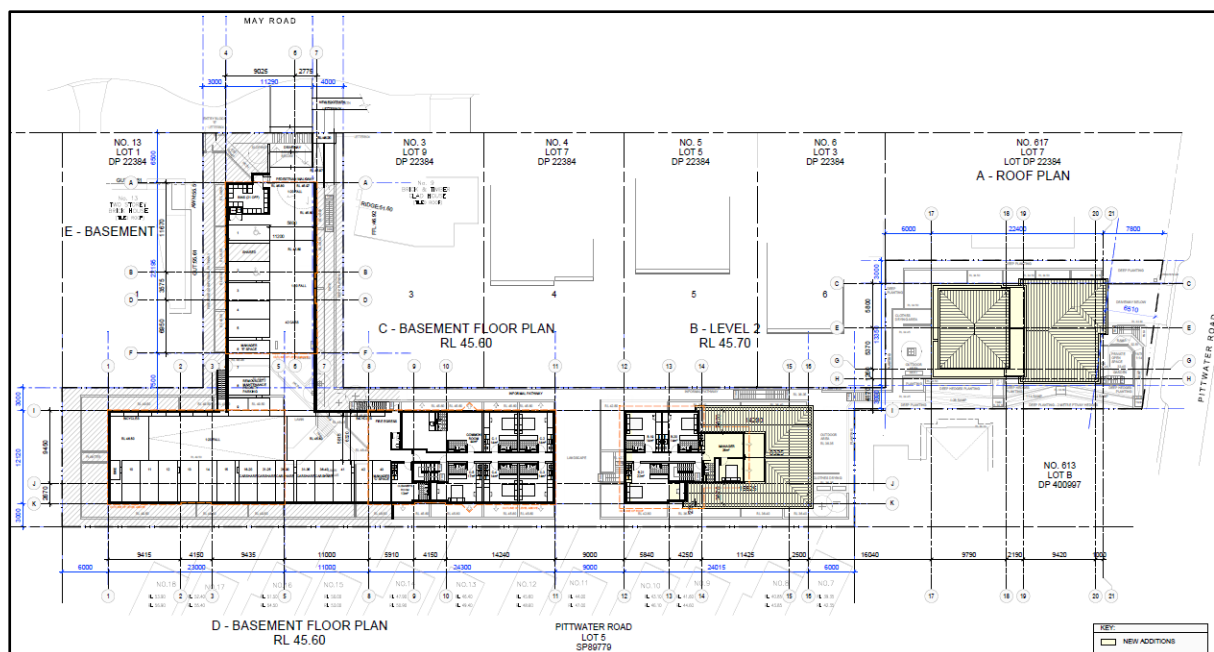


Figure 25: Proposed overall site - A ground, B lower ground plan



**OVERALL SITE - A LEVEL 1, B UPPER GROUND****Figure 26: Approved overall site - A level 1, B upper ground plan****Figure 27: Proposed overall site - A level 1, B upper ground plan**

**OVERALL PLAN - A LEVEL 2, B LEVEL 1****Figure 28: Approved overall site - A level 2, B level 1plan****Figure 29: Proposed overall site - A level 2, B level 1plan**

**OVERALL PLAN - B LEVEL 2, C E BASEMENT****Figure 30: Approved overall plan - B level 2, C e basement plan****Figure 31: Proposed overall site - B level 2, C E basement plan**



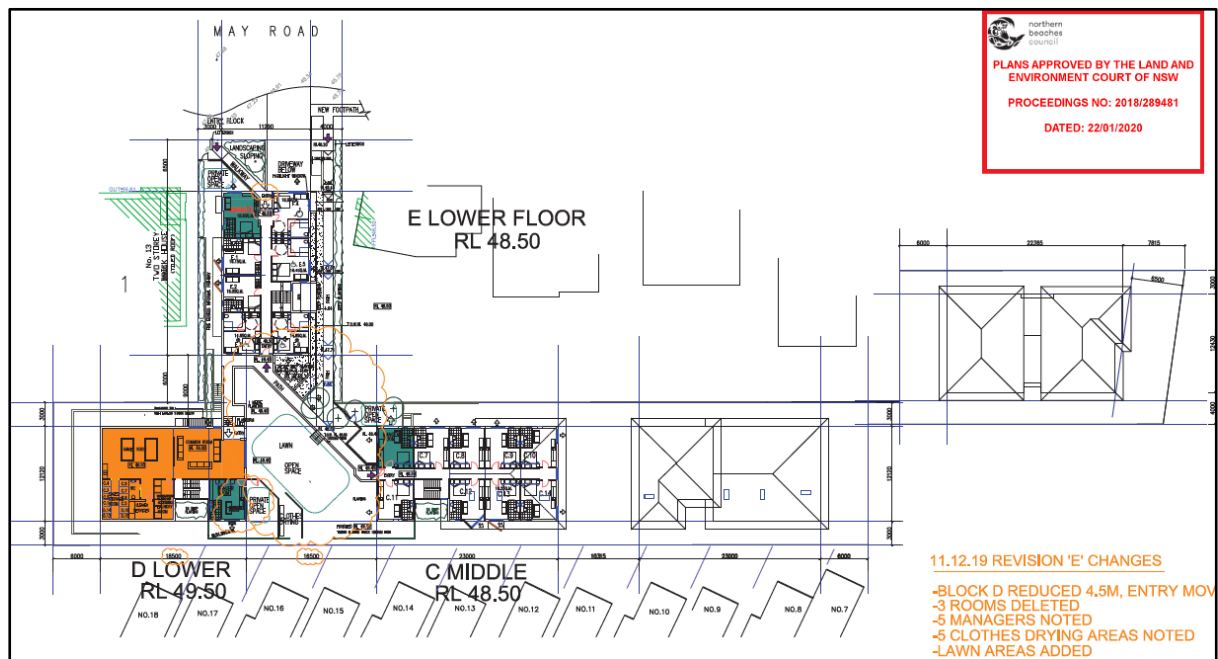
**OVERALL PLAN - C UPPER, D LOWER, E GROUND**

Figure 32: Approved overall site - C upper, D lower, E ground plan

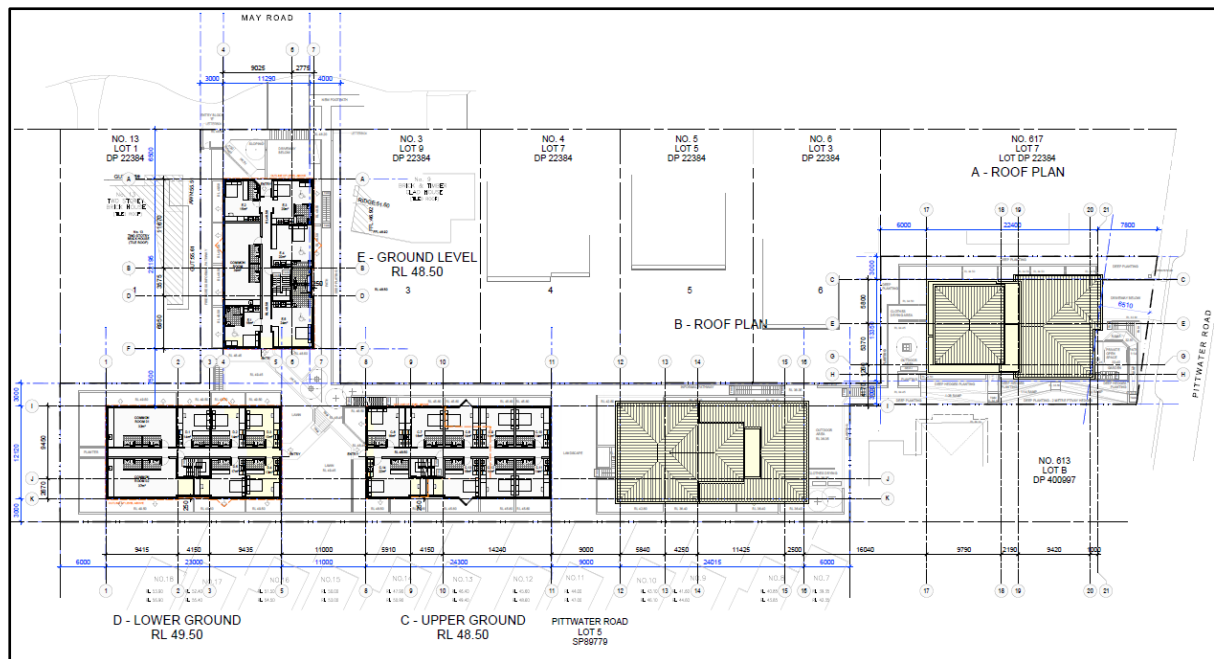
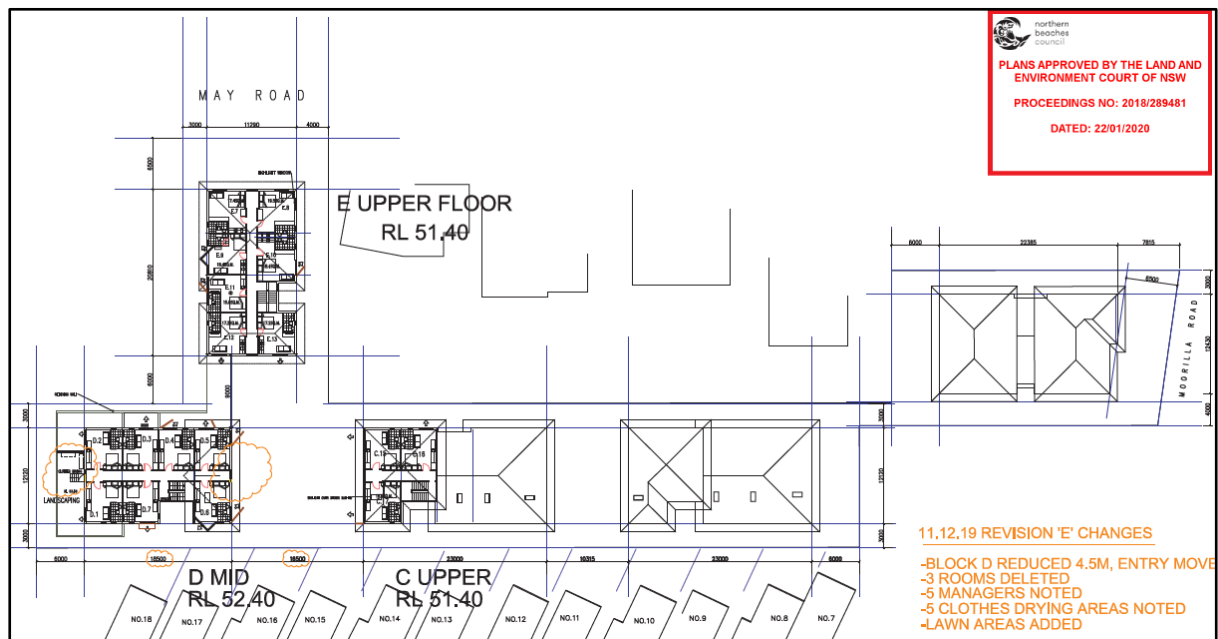
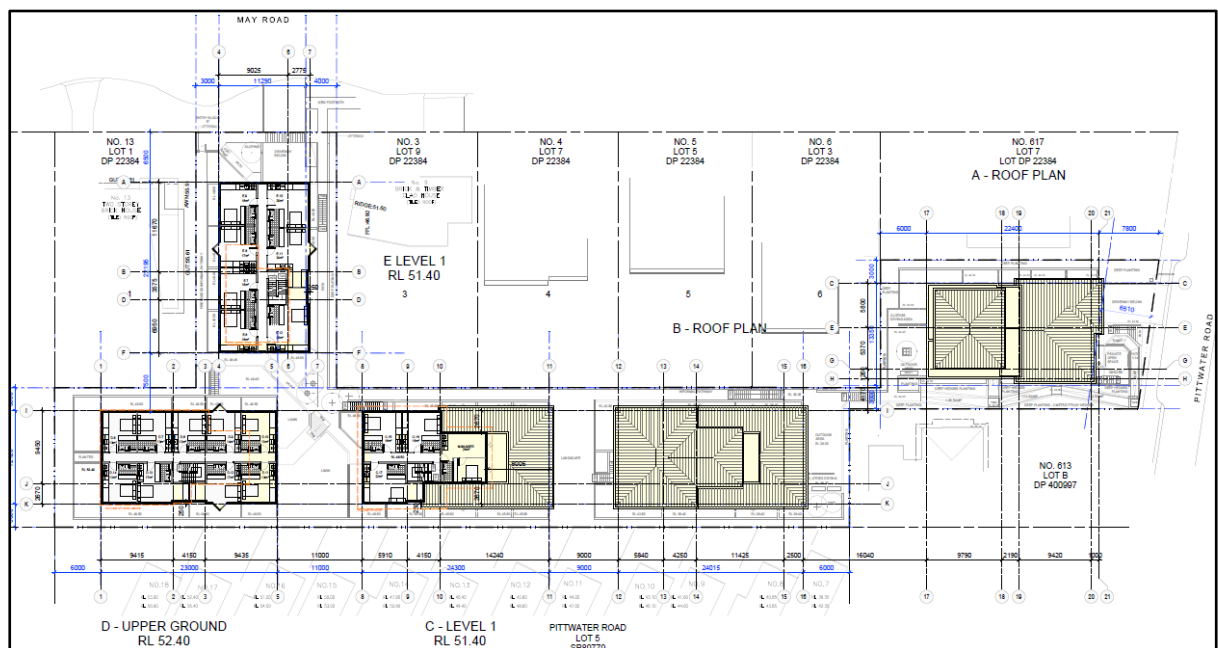


Figure 33: Proposed overall site - C upper, D lower, E ground plan

**OVERALL PLAN - C LEVEL 1, D UPPER, E LEVEL 1****Figure 34: Approved overall site - C level 1, D upper, E level 1 plan****Figure 35: Proposed overall site - C level 1, D upper, E level 1 plan plan**

## OVERALL PLAN - D LEVEL 1, E LEVEL 2

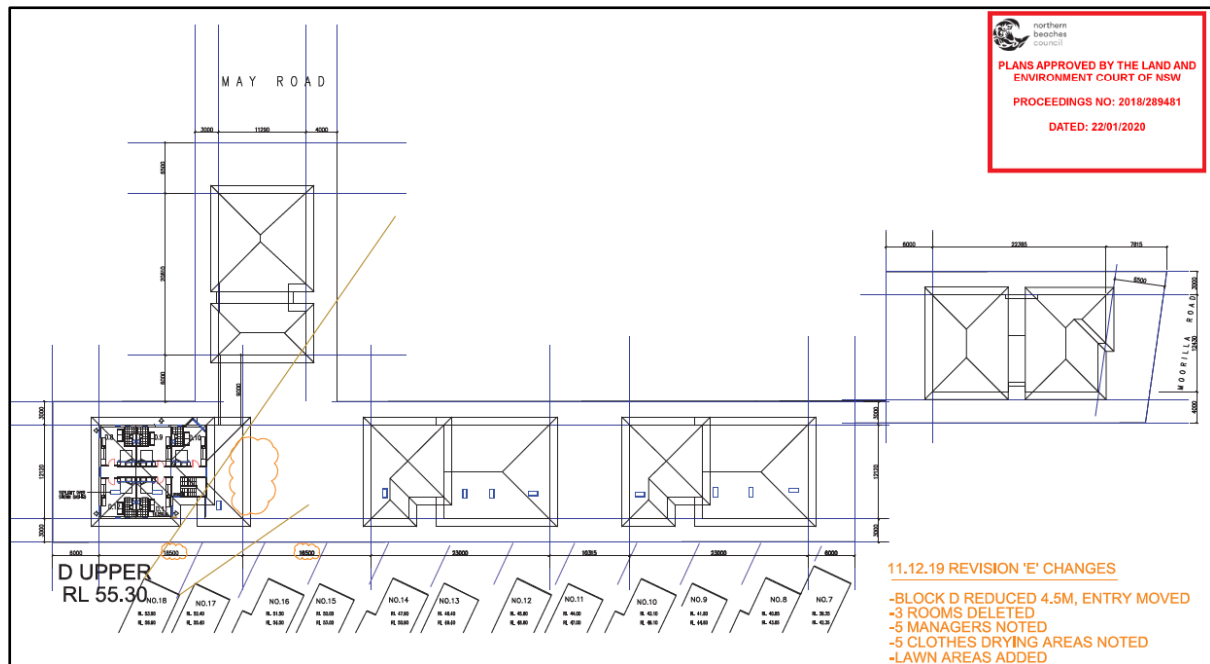


Figure 36: Approved overall site - A level 1, B upper ground plan

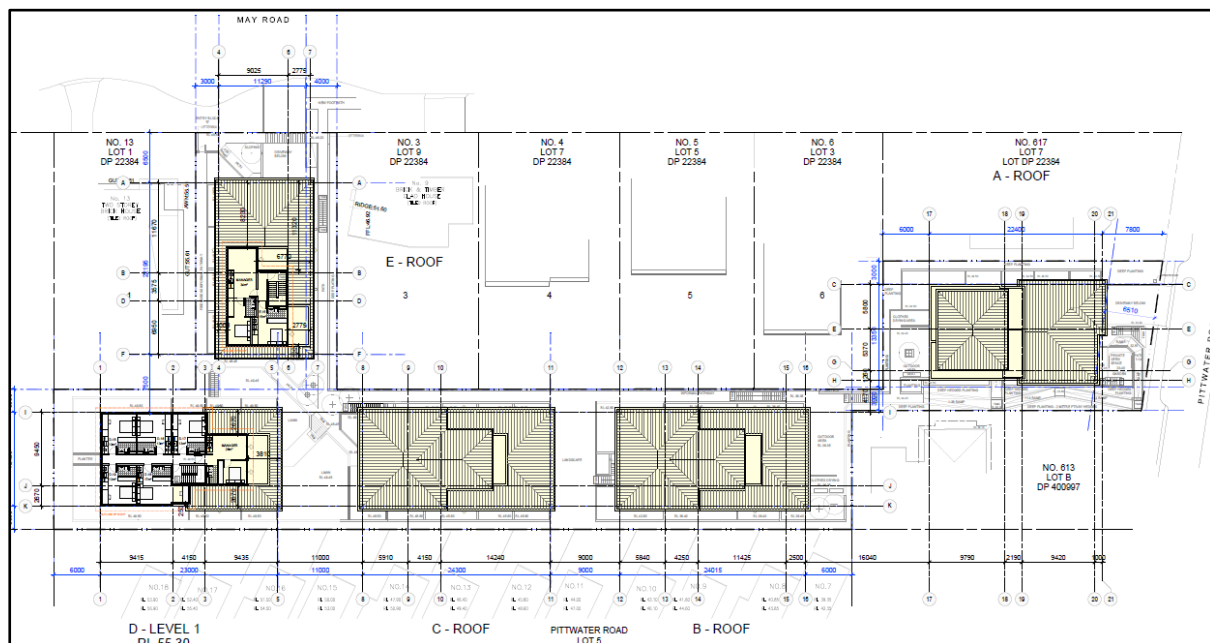


Figure 37: Proposed overall site - A level 1, B upper ground plan



## OVERALL ELEVATIONS - SOUTH &amp; NORTH

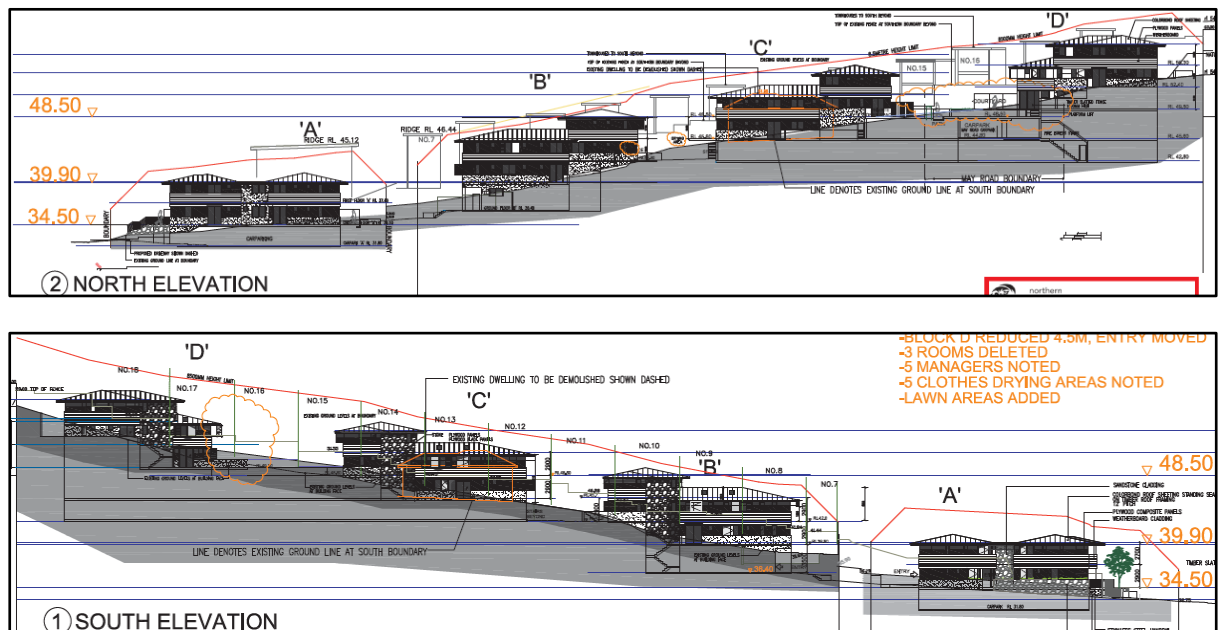


Figure 38: Approved overall site - A level 1, B upper ground plan

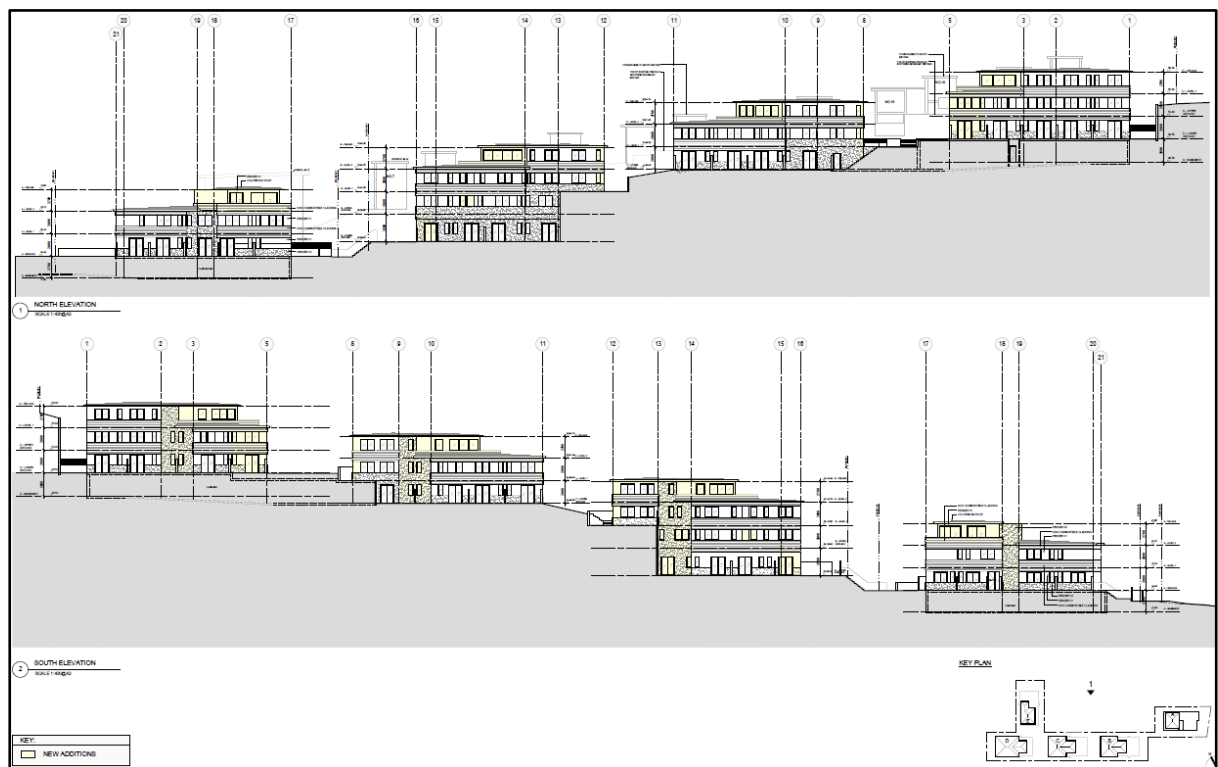


Figure 39: Proposed overall site - A level 1, B upper ground plan

#### 4. ASSESSMENT AGAINST THE PROVISIONS OF SECTION 4.55 (8) OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:

*(8) Modifications by the Court The provisions of this section extend, subject to the regulations, to enable the Court to modify a consent granted by it, but in the extension of those provisions, the functions imposed on a consent authority under subsection (1A) (c) or subsection (2)(b) and (c) are to be exercised by the relevant consent authority and not the Court.*

**Assessment:** The proposed modifications are considered to be substantially the same development as that approved for the following reasons:

- The approved use of the site would remain unchanged, being for a boarding house development;
- There is no substantial increase in the intensity of the approved land use (16% increase in the number of rooms);
- The development remains as five separate buildings (Buildings A to E);
- There is no significant change to the approved building footprint or landscaped areas
- The approved height, bulk and scale of the development remain appropriate for the site and surrounding context;
- There will be no unreasonable adverse external amenity impacts associated with the modification, including no overshadowing, visual or acoustic privacy, visual bulk or view loss, above and beyond that already approved;
- There will be no significantly different traffic impacts generated by the proposed modification, and
- The approved high-quality landscaped setting will remain substantially the same as approved.
- The modifications proposed also remain consistent with the originally approved materials and finishes for the development.

It is apparent that the modified proposal does not radically transform the development from that approved and that its nature and essence remain substantially the same as approved.

Therefore, it has been demonstrated that the proposed modifications result in a development that is substantially the same as what was originally approved. It has also been demonstrated that the proposed modifications are of minimal impact.

It is therefore considered that the subject application can be assessed under the provisions of Section 4.55(8) of the Act.

## **5. CONCLUSION: -**

This Statement of Environmental Effects to accompany the Section 4.55(8) modification has demonstrated that the proposed modifications to DA2018/1166 are reasonable and appropriate in the circumstances.

The proposed modifications are permissible in the zone and do not generate any unreasonable visual bulk or amenity impacts.

It is considered that the proposed modifications will not create any additional or unreasonable amenity impacts to the surrounding development, particularly in regard to privacy and overshadowing the neighbouring dwellings to the southwest.

Overall, it is considered that the proposed modifications result in a development that is substantially the same as that approved and will have minimal environmental impacts.

On this basis, the proposed Section 4.55 modification application is considered worthy of approval.