

# STATEMENT OF ENVIRONMENTAL EFFECTS



## NEW GENERATION BOARDING HOUSE

532 PITTWATER RD, NORTH MANLY

**May 2020**

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## 1. INTRODUCTION

This Statement of Environmental Effects is submitted to Northern Beaches Council in support of a Development Application for a new generation boarding house at 532 Pittwater Rd, North Manly.

The site is legally described as Lot 40, in Deposited Plan 7027.

**This application is submitted under the provisions of Division 3 of State Environmental Planning Policy (Affordable Rental Housing) 2009 for a boarding house development.**

This SEE has been prepared in association with the architectural plans that can be found appended to this report. This report should therefore be read in conjunction with the accompanying appendices.

This SEE has been prepared pursuant to Section 78A of the Environmental Planning and Assessment Act 1979 and Clause 50 of the Environmental Planning and Assessment Regulation, 2000. The purpose of this document is to describe the improvements on the site; detail the proposed development; review the applicable planning regime relating to the proposal; assess the degree of compliance; and examine the environmental effects of the development when measured against the Evaluation Criteria prescribed under Section 79C(1) of the Environmental Planning and Assessment Act, 1979.

### Key aspects of proposal

- The proposal is a new generation boarding house containing 12 Lodger rooms and a common room. The proposal is consistent with the aims of the SEPP ARH, that being, 'to provide low cost, flexible rental accommodation to a wide range of tenants, particularly singles, retirees, working singles, students and young couples'.
- The proposal complies with all of the development standards of the SEPP ARH 2009.
- The development is located in area with high levels of residential amenity, transport and employment.
- The proposed design carefully addresses physical site constraints, including flood.
- The Plan of Management clearly outlines how the boarding house will be operated to ensure minimal impact on the adjoining properties
- Council has previously approved similar planning developments in the adjutant neighbourhood.

## 2. SITE LOCATION AND DESCRIPTION

The subject allotment comprises Lot 40, DP 7027, known as 532 Pittwater Road, North Manly. The site is a regular shaped allotment with a 15.24m frontage and a site area of 789.7m<sup>2</sup>.

The site is currently occupied by a single storey dated weatherboard construction dwelling which is proposed to be demolished as part of the same application. The site has a gentle to moderate fall to the front of the site as illustrated on the survey plan submitted with the application. The site comprises grass coverage with no significant trees located on the property which require removal.

This site is located within a low-density residential area of North Manly comprising a mixture of single and two storey detached dwellings on similar sized lots to the subject site. More recent developments comprise larger two storey dwellings of contemporary appearance. Adjacent to the site immediately to the east is established childcare centre on



a single storey building. The premises are convenient to regional shopping facilities at Warringah Mall (750m distance), employment opportunities at Brookvale and to education facilities at Manly and Brookvale TAFE, recreation facilities and transport services and interchange at Manly Wharf. The site is opposite Warringah Golf Club and is on a main road (Pittwater Rd). Regular bus services are available all week and weekend.

The subject site is not listed as a heritage item, nor is it located within a heritage conservation area.



**Photo of the subject site**

It is noted that there two new generation boarding houses located about 1 km east of the location being:

- 428 Pittwater Road, North Manly (DA2015/0826)
- 434 Pittwater Road, North Manly (DA2015/0091)

We have undertaken a review of these application and have consider the issues raised during the assessment. The boarding house development at 428 Pittwater Road has some similarities in design with our proposal (both are designed by Miles Winter Architects).



**Photo of the site at 428 Pittwater Road, North Manly**

### 3. DEVELOPMENT PROPOSAL

The proposal is to demolish the existing dwelling and construct a “New Generation” boarding house consisting of twelve (12) self-contained boarding rooms and one (1) common room.

All existing trees and hedges are to be retained.

Refer to the architectural plans prepared by Miles Winter Architects contained within the annexures of this report for further information regarding the detailed design of the proposed boarding house.

#### 3.1 TABLE 1 – SUMMARY OF DEVELOPMENT

Lot Size	790 sqm
Total Gross Floor Area	360 sqm
Open Space	315M2 40%
Building Height	8.4m
Total number of Boarding Rooms	12
Common Rooms	1
Car Spaces	8 (6 REQD)
Motorcycle Spaces	3 (3 REQD)
Bicycle spaces	4 (3 REQD)

#### 3.2 DEVELOPMENT – KEY DESIGN ELEMENTS

The overall building design, being a series of elevated semi-detached ‘pods’, extracts maximum solar access and natural ventilation to improve the amenity offered to the lodgers and gain superior energy efficiency.

Overall the proposed building design is sensitive to neighbouring properties:

##### Building Bulk:

The bulk of the building is broken up into series of semi-detached ‘pods’ on the site. The articulation and varied setbacks ensure that the building does not represent a residential flat building. The lightweight building materials and colours scheme selected are akin to residential dwelling rather than residential flat building.

The front façade adopts a layered setback whereby the lower level is consistent with the at DCP and newer developments on the street and the upper, reflecting that of each directly neighbouring structure; a considered streetscape / planning approach.

##### Privacy

Similar to that of 428 Pittwater, significant effort has been made by the applicant/designer to minimise potential privacy issues both between residents as well as between residents and neighbours.

Landscaped area located along the side boundary setback is proposed as a non-trafficable landscape buffer thus reducing potential privacy issues. The 2.0m west and 3.0m east landscape area will allow mature hedges and canopy trees to grow.

All glazed opening face the front and rear boundaries to minimise privacy conflicts with side neighbouring sites.

Private Decks adopt an increased setback and are screened where required to prevent overlooking

Decks and windows are setback to ensure not direct views into neighbouring windows and private outdoor spaces. To minimize overlooking each deck is screened and the living areas of each lodger room is contained on the lower level.

Each boarding room effectively uses the adjoining room to create a Semi-enclosed deck which will provide a high level of privacy to the lodgers.

#### Noise:

Potential noise disturbance from the occupants will be controlled by the plan of management. See annexures. The POM controls late night noise, expected standards of behaviour for occupants and their guests in each lodger room and common room.

THE POM will ensure acoustic impacts are suitably minimised to protect the amenity of the surrounding properties.

The common room has been deliberately orientated towards the front of the site, to minimise noise projecting into neighbouring properties.

### **3.3 STANDARD BOARDING ROOM**

The boarding house contains 10 standard boarding rooms that include private kitchen, bathroom, laundry and outdoor roofed terrace. Each boarding room is approximately 19sqm excluding kitchen and bathroom (9sqm) which is less than the maximum area permitted under the ARH SEPP (25sqm max excluding kitchen and bathroom area).

Each boarding room is 2 storey. The ground floor consists of a kitchen, bathroom, laundry, dinette and lounge. A compact stair provides access to a second level where the sleeping area is located. A wardrobe is provided and a desk area.

Additional amenity is provided to the residents by way of a private external deck (6m<sup>2</sup>) immediately adjoining the lounge area. The decks of 7 of the 10 standard rooms are orientated to received northern sun.

Significant effort has been made to extract maximum function from what is a relatively compact space. As rooms will be rented semi furnished the design also maximizes space through the use of appropriately dimensioned furniture.

Each boarding room has been specifically designed for a maximum of two adult people (in accordance with the SEPP ARH) with particular attention given to kitchen size, wardrobe space, and lounge furnishings.

Refer to annexures for detailed lodger room plan.

### **3.4 ACCESSIBLE BOARDING ROOM**

The boarding house contains two (2) accessible boarding room designed in accordance with AS1428.1.

The accessible boarding room will contain a comparable level of amenity to a standard boarding room with ensuite bathroom, private kitchen, covered terrace and lounge area.

### **3.5 SECURE PEDESTRIAN ENTRANCE AND EXIT INTO THE BOARDING HOUSE**

Lodgers will be required to enter and exit the property via a secure pedestrian entry. Mailboxes will be located at this point.

A centralised access walkway provides the egress to and from the lodger's rooms.

Passive surveillance is enhanced by the common entry gate and central walkway.

The upper level central walkway minimise disturbance to adjoining property owners

### **3.6 4.6 VEHICLE PARKING**

The boarding house has 8 car spaces (including 1 accessible car space) plus 3 motorcycle spaces totalling 11 motorised vehicle spaces.

In addition to vehicle spaces 4 bicycle spaces have been provided.

The Plan of Management will control allocation of the car, motorbike and bike spaces. All car spaces will be designated to a specific lodger.

All vehicles can enter and exit in a forward direction.

### **3.7 COMMON ROOM, INCLUDING OUTDOOR COMMON TERRACE AREA**

A general-purpose common room is proposed at the front. The common room will provide a casual meeting space with seating, wireless internet, community noticeboard, etc.

Although access will be provided to all residents the space is not proposed for noise generating activities such as consumption of alcohol etc.

Overall the common room is 9sqm in size.

The Plan of Management will be used to control the use of the Common Room. See annexures.

The common outdoor space, as required by the SEPP is located outside the common room. The designated open space area is located to minimise any impact on the surrounding properties.

Refer to Site Plan and detailed common room plan in annexures.

### **3.8 DRYING AREA**

All lodger rooms have private drying lines on their decks / terraces. refer to detailed lodger plans.

### 3.9 SECURE BIN STORAGE AREA

A secure bin area has been provided within the enclosed front yard

The proposal has considered DCP C9 Waste Management and provided space for :

3 x 240L General Waste Bins

3 x 240L Recycling Bins

1 x Green Waste

Refer to Site Plan and WMP in annexures for locations of bins.

## 4. STATUTORY FRAMEWORK

The Environmental Planning and Assessment Act 1979 (the Act) sets the legislative framework for planning in NSW. The Act prescribes those requirements to be considered in respect to the development of land, and in particular, Section 79C (1) of the Act sets out those matters to be assessed as follows;

- *any environmental planning instrument; and*
- *any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority; and*
- *any development control plan; and*
- *any matters prescribed by the regulations, that apply to the land to which the development application relates.*

The Statutory and strategic planning instruments, which guide this proposal, are:

- State Environmental Planning Policy (Affordable Rental Housing) 2009;
- SEPP Infrastructure 2007
- SEPP 55 Remediation of Land
- Warringah Local Environment Plan 2011
- Warringah Development Control Plan 2011
- Environmental Planning and Assessment Act 1979
- State Environmental Planning Policy (Vegetation in Non Rural Areas)
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- State Environmental Planning Policy (Coastal Management)

### 4.1 STATE ENVIRONMENTAL PLANNING POLICY (AFFORDABLE RENTAL HOUSING) 2009

State and Environmental Planning Policy (Affordable Rental Housing) 2009 came into effect on 30 July 2009. The Proposed boarding house development is made pursuant to the provisions of the ARH SEPP.

*The aims of this Policy are as follows:*

- *to provide a consistent planning regime for the provision of affordable rental housing,*
- *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,*



- *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,*
- *to facilitate the retention and mitigate the loss of existing affordable rental housing*
- *to facilitate an expanded role for not-for-profit-providers of affordable rental housing*
- *to support local business centres by providing affordable rental housing for workers close to places of work,*
- *to facilitate the development of housing for the homeless and other disadvantaged people who may require support services, including group homes and supportive accommodation.*

The proposed development is submitted under the provisions of Division 3 of the ARH SEPP and is considered to be consistent with the above aims.

The definition of a “boarding house” in the Standard Instrument, consistent with Clause 4(2) of the ARHSEPP, is as follows:

***Boarding House*** means a building

- *that is wholly or partly let in lodgings, and*
- *that provides lodgers with a principal place of residence for 3 months or more, and*
- *that may have shared facilities, such as a communal living room, bathroom, kitchen or laundry, and*
- *that 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, a serviced apartment, seniors housing or hotel or motel accommodation”.*

The proposal is consistent with the above definition.

The table one on the following page demonstrates compliance with the relevant provisions of Division 3 of the ARH SEPP

#### 4.2 TABLE 2 – SEPP- ARH 2009 COMPLIANCE TABLE

ARH SEPP 2009 Clause	Boarding House A	Compliance
<p><i>Clause 26 Land to which Division applies</i></p> <p><i>This Division applies to land within any of the following land use zones or within a land use zone that is equivalent to any of those zones:</i></p> <p><i>(a) Zone R1 General Residential,</i></p> <p><i>(b) Zone R2 Low Density Residential,</i></p> <p><i>(c) Zone R3 Medium Density Residential,</i></p> <p><i>(d) Zone R4 High Density Residential,</i></p> <p><i>(e) Zone B1 Neighbourhood Centre,</i></p> <p><i>(f) Zone B2 Local Centre,</i></p>	R2 – Low Density	Complies

<i>(g) Zone B4 Mixed Use</i>		
<p><i>27 Development to which Division applies</i></p> <p><i>(1) This Division applies to development, on land to which this Division applies, for the purposes of boarding houses.</i></p> <p><i>(2) Despite subclause (1), this Division does not apply to development on land within Zone R2 Low Density</i></p> <p><i>Residential or within a land use zone that is equivalent to that zone in the Sydney region unless the land is within an accessible area.</i></p> <p><b>An accessible area is defined as:</b>  <b>“accessible area means land that is within:</b>          (a) 800m walking distance of a public entrance to a railway station or a wharf from which a Sydney Ferries ferry service operates, or          (b) 400m walking distance of a public entrance to a light rail station or, in the case of a light rail station with no entrance, 400m walking distance of a platform of the light rail station, or  <b>(c) 400m 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.</b></p> <p><i>(3) Despite subclause (1), this Division does not apply to development on land within Zone R2 Low Density</i></p> <p><i>Residential or within a land use zone that is equivalent to that zone that is not in the Sydney region unless all or part of the development is within 400 metres walking distance of land within Zone B2 Local Centre or Zone B4 Mixed Use or within a land use zone that is equivalent to any of those zones</i></p>	<p>R2 Zoned Land and within an accessible area</p> <p>The site is located close to bus stops along Pittwater Road: it is approximately 85m to the nearest bus stop along the northern side of Pittwater Road, to the east. It is approximately 190m to the nearest bus stop along the southern side of Pittwater Road, to the east. Bus routes 146, 158, 159, 169, 169x, 199 and E69 run along this route.. These routes provide access to Dee Why, Warringah Mall, Manly and surrounding areas.</p>	
<p><i>28 Development may be carried out with consent</i></p> <p><i>Development to which this Division applies may be carried out with consent</i></p>	<p>The subject application seeks consent from Council for the proposed development.</p>	<p>Complies</p>
<p><i>29 Standards that cannot be used to refuse consent</i></p> <p><i>(1) A consent authority must not refuse consent to development to which this Division applies on the grounds of density or scale if the density and scale of the buildings when expressed as a floor space ratio are not more than:</i></p> <p><i>(a) the existing maximum floor space ratio for any form of residential accommodation permitted on the land, or</i></p>	<p>Floor Space ratios are not applied in WLEP 2011 or DCP.</p> <p>No floor space bonus is requested.</p>	<p>FSR is not applicable</p>

<p><i>(b) if the development is on land within a zone in which no residential accommodation is permitted-the existing maximum floor space ratio for any form of development permitted on the land, or</i></p> <p><i>(c) if the development is on land within a zone in which residential flat buildings are permitted and the land does not contain a heritage item that is identified in an environmental planning instrument or an interim heritage order or on the State Heritage Register-the existing maximum floor space ratio for any form of residential accommodation permitted on the land, plus:</i></p> <p><i>(i) 0.5:1, if the existing maximum floor space ratio is 2.5:1 or less, or</i></p> <p><i>(ii) 20% of the existing maximum floor space ratio, if the existing maximum floor space ratio is greater than 2.5:1.</i></p>		
<p><i>29 Standards that cannot be used to refuse consent</i></p> <p><i>(2) A consent authority must not refuse consent to development to which this Division applies on any of the following grounds:</i></p> <p><b><i>(a) building height</i></b></p> <p><i>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</i></p>	<p>Max Building Height 8.5m under DCP. Proposed building height is 8.4m</p>	<p>Complies</p>
<p><i>29 Standards that cannot be used to refuse consent</i></p> <p><i>2) A consent authority must not refuse consent to development to which this Division applies on any of the following grounds:</i></p> <p><b><i>(b) landscaped area</i></b></p> <p><i>if the landscape treatment of the front setback area is compatible with the streetscape in which the building is located,</i></p>	<p>6.5m landscaped (as per Council's DCP). Partly fenced and partly open consistent with streetscape</p>	<p>Complies</p>
<p><i>29 Standards that cannot be used to refuse consent</i></p> <p><i>2) A consent authority must not refuse consent to development to which this Division applies on any of the following grounds:</i></p> <p><b><i>(c) solar access</i></b></p> <p><i>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</i></p>	<p>One Common Room Provide - site plan prepared by Miles Winter Architects indicates solar compliance</p>	<p>Complies</p>

<p><i>29 Standards that cannot be used to refuse consent</i></p> <p><i>2) A consent authority must not refuse consent to development to which this Division applies on any of the following grounds:</i></p> <p><b>(d) private open space</b></p> <p><i>if at least the following private open space areas are provided (other than the front setback area):</i></p> <p><i>i) one area of at least 20 square metres with a minimum dimension of 3 metres is provided for the use of the lodgers,</i></p> <p><i>(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</i></p>	<p>A private open space area of 20m<sup>2</sup> (Approx 3.3m x 6.5m) is nominated on the site plan directly north of the common room. It is large enough to accommodate a generous outdoor setting.</p>	<p>Complies</p>
<p><i>29 Standards that cannot be used to refuse consent</i></p> <p><i>2) A consent authority must not refuse consent to development to which this Division applies on any of the following grounds:</i></p> <p><b>e) parking</b></p> <p><i>if:</i></p> <p><i>(i) in the case of development carried out by or on behalf of a social housing provider in an accessible area—at least 0.2 parking spaces are provided for each boarding room, and</i></p> <p><i>(ii) in the case of development carried out by or on behalf of a social housing provider not in an accessible area—at least 0.4 parking spaces are provided for each boarding room, and</i></p> <p><i>(iia) in the case of development not carried out by or on behalf of a social housing provider—at least 0.5 parking spaces are provided for each boarding room, and</i></p> <p><i>(iii) in the case of any development—not more than 1 parking space is provided for each person employed in connection with the development and who is resident on site,</i></p>	<p>Development is not carried out by or on behalf of a social housing provider - at least 0.5 parking spaces are provided for each boarding room.</p> <p>0.5 spaces required per boarding house room. 0.5 x 12 = 6 car spaces Proposed site provides 8 car spaces</p> <p>1 Car Space has been nominated for the onsite manager's use.</p>	<p>Complies</p>
<p><i>29 Standards that cannot be used to refuse consent</i></p> <p><i>2) A consent authority must not refuse consent to development to which this Division applies on any of the following grounds:</i></p> <p><b>(f) accommodation size</b></p> <p><i>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></p> <p><i>(i) 12 square metres in the case of a boarding room intended to be used by a single lodger, or</i></p> <p><i>(ii) 16 square metres in any other case</i></p>	<p>Each lodger room achieves the required minimum floor area.</p> <p>Refer to detailed lodger plans.</p>	<p>Complies</p>
<p><i>29 Standards that cannot be used to refuse consent</i></p> <p><i>(3) A boarding house may have private kitchen or bathroom facilities in each boarding room but is not required to have those facilities in any boarding room</i></p>	<p>Each lodger Room contain a private kitchen and en-suite bathroom</p>	<p>Complies</p>

29 Standards that cannot be used to refuse consent (4) A consent authority may consent to development to which this Division applies whether or not the development complies with the standards set out in subclause (1) or (2).	Total SEPP Compliance is achieved.	Complies
30 Standards for boarding houses (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,	One Common Room Provided	Complies
30 Standards for boarding houses (1) A consent authority must not consent to development to which this Division applies unless it is satisfied of each of the following:  (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,	Lodger rooms have a GFA of less than 25sqm excluding Kitchen and Bathroom.	Complies
30 Standards for boarding houses (1) A consent authority must not consent to development to which this Division applies unless it is satisfied of each of the following: (c) no boarding room will be occupied by more than 2 adult lodgers,	Boarding Rooms will be limited to 2 adult lodgers.	Complies
30 Standards for boarding houses (1) A consent authority must not consent to development to which this Division applies unless it is satisfied of each of the following: (d) adequate bathroom and kitchen facilities will be available within the boarding house for the use of each lodger	Lodger rooms contain a private bathroom and kitchen.	Complies
30 Standards for boarding houses (1) A consent authority must not consent to development to which this Division applies unless it is satisfied of each of the following: (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,	Not Applicable	Complies
30 Standards for boarding houses (1) A consent authority must not consent to development to which this Division applies unless it is satisfied of each of the following: (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	Not Applicable	Complies
30 Standards for boarding houses (1) A consent authority must not consent to development to which this Division applies unless it is satisfied of each of the following: (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.	Off street parking is provided for 3 Motorcycles and 4 Bicycles.	Complies
30AA Boarding houses in Zone R2 Low Density Residential 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	The proposed development is in R2 zone and is for 12 boarding units	Complies



<i>no more than 12 boarding rooms</i>		
<b>30A Character of local area</b> <i>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</i>	The proposed development is considered to be of a scale and built form that is compatible with the character of the surrounding locality.	Complies

#### 4.2.1 SEPP ARH 2009 – CLAUSE 30A: CHARACTER OF LOCAL AREA

Pursuant to clause 30A of the ARH 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.

In this regard it should be noted:

1. That the use is permissible in the zone. The development provides for a building form that is of a height, bulk and scale that is reflective of the outcomes permissible for dwellings in this locality by reference to the applicable DCP and in that respect it is considered the design satisfies the compatibility test of the SEPP.
2. The locality is characterised by an eclectic mix detached dwellings and medium density residential flat buildings. The buildings in the locality are generally 2 storey in height.
3. The development will provide an alternative to detached style housing in a location which has good access to public transport (two bus stops are located within a 200m of the site) and access to a range of shops and services. Pedestrians can easily access shops at Warringah Mall. The development improves housing choice and therefore responds positively to the housing needs of the local community

There is no doubt neighbours will object, as is the case for most affordable housing proposals. There is a general public fear, or an assumption, that undesirable people will occupy such developments and ruin the “character” or “amenity” of the area.

There must be a careful consideration of “character”. “Character” in the context of Clause 30A of State Environmental Planning Policy (Affordable Rental Housing) 2009 deals specifically with built form character.

Unlike Clause 15 of State Environmental Planning Policy (Affordable Rental Housing) 2009 which requires the consideration of the provisions of the Seniors Living Policy: Urban Design Guidelines for Infill Development published by the Department of Infrastructure, Planning and Natural Resources in March 2004, Part 2 Division 3, does not require the boarding house design, to be consistent with this Policy.

Nevertheless, applying the same principles:

The subject site is located within a low-density residential zone in proximity to a B1- Zone located on the street intersection of both Corrie Road and Pittwater Road.

The scale of the proposed boarding house is consistent with the planned character of the area. The proposal complies with the permissible LEP building height and ARHSEPP FSR controls while the resulting scale of the building adopts a built form and siting arrangement that is congruent with that observed within the sites defining context.

The proposal is provided with generous setbacks, allowing for an ample amount of deep soil planting to be provided along the perimeters. This in addition to a combination of appropriate building materials, colours and articulated external walls reduces the perceived bulk and scale of the building where it will appropriately respond to the emerging streetscape character of the locality.

In *Project Venture Developments v Pittwater Council* [2005] NSWLEC 191 the Land and Environment Court specifically set out a relevant planning principle:

“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 as the difference in these attributes increases, harmony is harder to achieve.”

The application of the character consideration in clause 30A of State Environmental Planning Policy (Affordable Rental Housing) 2009 requires the assessing officer to consider, but not give sole determinative weight to, character in proper acknowledgement that affordable housing will not be the same as single dwellings, dual occupancy or even villa town house development.

Consideration has therefore been given to the two key questions identified in the L&E Court Planning Principles:

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

The impacts of the proposed development have been considered later in the report, primarily in the assessment against the Warringah Local Environment Plan 2011, Warringah Development Control Plan 2011 and The Environmental Planning and Assessment Act, 1979. The proposal has been found to result in an acceptable level of amenity impact on surrounding properties and the locality. In addition, the proposal will not constrain the development potential of adjoining sites.

*(b) Is the proposal's appearance in harmony with the buildings around it and the character of the street?*

The proposal adopts a building scale that is in keeping with and characteristic of historical development in the area. Having particular regard to architectural form, pitched roof elements have been introduced to the design which aim to maintain visual consistency with the predominant development typology being low rise residential. The landscape setting to the street frontage again is not dissimilar to what can be found in the surrounding area while generous amounts of deep soil are provided throughout the development. The proposed building is of a scale, height and overall silhouette that will generally maintain consistency with the established pattern of development in the streetscape.

In this instance, while the development is not entirely the same as the neighbouring single and two storey single dwelling houses, seeking to make it identical or close to identical,

would thwart the social planning objectives of the State Environmental Planning Policy (Affordable Rental Housing) 2009 (SEPP ARH) in the provision of affordable housing.

In summary, the site is not located within a heritage conservation area or special development precinct. The proposal will not detract from the existing or desired future character of the locality when viewed in conjunction with the adjoining buildings. In this regard, the development would not be visually jarring or offensive to the established streetscape composition as observed along both the primary and secondary streets. For all of the reasons outlined above, the proposal satisfies the character test pursuant to Clause 30A of the SEPP.

The character assessment planning principles, set out by Land and Environment Court, have been strongly applied to the proposed design.

#### 4.3 STATE ENVIRONMENTAL PLANNING POLICY (INFRASTRUCTURE) 2007

The proposed development does not qualify as a development with relevant size or capacity under Clause 104 of the SEPP (Infrastructure) 2007. Accordingly, formal referral to the Roads and Maritime Services (RMS) is not necessary and Norther Beaches Council officers can determine this proposal accordingly.

#### 4.4 SEPP 55

Clause 7(1)(a) of State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55) states that a consent authority must not consent to the carrying out of any development on land unless it has considered whether the land is contaminated. The Department of Planning publication “Managing Land Contamination – Planning Guidelines SEPP 55 – Remediation of Land” provides advice on the process of determination as to whether a site is contaminated. In this regard, Section 2.2 of the Guidelines states:

*When carrying out planning functions under the EP & A Act, a planning authority must consider the possibility that a previous land use has caused contamination of the site as well as the potential risk to health or the environment from that contamination.*

*When an authority carries out a planning function, the history of the land use needs to be considered as an indicator of potential contamination. Where there is no reason to suspect contamination after acting substantially in accordance with these Guidelines, the proposal may be processed in the usual way.*

The Guidelines continue by stating that:

*The potential for contamination is often linked to past uses of land and a good early indicator of possible uses is land zoning. Contamination is more likely to have occurred if the land is currently, or was previously, zoned for industrial, agricultural or defence purposes.*

The site has been occupied for residential accommodation for many years. Where there is no reason to suspect contamination by past land use practices, no further assessment is required.

#### 4.5 WARRINGA LOCAL AREA PLAN 2011

##### 4.4.1 ZONING:

The subject property is zoned R2 Low Density Residential pursuant to the provisions of Warringah Local Environmental Plan 2011 (WLEP 2011). Boarding houses are permitted with consent in the R2 zone. The site is not an identified heritage item and is not in the vicinity of a heritage item.

The proposal is considered consistent with objectives of the R2 zoning objectives.

#### 4.4.2 PART 6.1 ACID SULFATE

The subject site has been identified as being affected by Class 5 Acid Sulfate Soils on the ASS Map. Notwithstanding, the proposed works are unlikely to result in the lowering of the watertable on adjacent Class 1, 2, 3 or 4 land below 1m AHD.

#### 4.4.3 PART 6.3 FLOOD PLANNING

The subject site has not been identified as being affected by flooding.

### 4.6 WARRINGAH DEVELOPMENT CONTROL PLAN 2011

The WDCP 2011 provides detailed controls that apply to a development on the subject lot

#### 4.6.1 WDCP PART B - BUILT FORM CONTROLS

Control	Requirement	Proposed	Comment
Wall Height	7.2m	6.5m – floor to ridge  GENERALLY 5.5M ON SIDE ELEVATION  APPROX 5.5M FLOOR TO RIDGE	Complies
Side Boundary Envelop	4m and 45 degree	4m and 45 degree	Complies
Side Boundary Setback	900mm	1.5 WEST  2.5 EAST	Complies
Front Boundary Setback	6.5m	6.6 LOWER LEVEL	Complies
Rear Boundary Setback	6m	6.0M  DECKS EXTEND INTO SETBACK AS PER 428 PITTWATER	Complies
Landscape Open Space	40%	40%	Complies

#### 4.6.2 C2. TRAFFIC, ACCESS AND SAFETY

The density proposed is appropriate given the highly accessible location of the site and the close proximity of the site to a range of retail, commercial, educational and recreational facilities. The proposed development is likely to generate very low volumes of traffic. In this regard the limited car parking on the site will ensure that the density proposed will not adversely impact the capacity of the local road network.

#### 4.6.3 C3. PARKING FACILITIES

The parking has been assessed against the provisions of SEPP (Affordable Rental Housing) 2009 and the proposal complies.

#### 4.6.4 C4. STORMWATER

Stormwater will be gravity feed to the kerb and gutter.

Refer to the Roof Plan in the annexures.

#### 4.6.5 C5. EROSION AND SEDIMENTATION

An erosion and sedimentation plan is included with the architectural drawings

#### 4.6.6 C6. BUILDING OVER OR ADJACENT TO CONSTRUCTED COUNCIL DRAINAGE EASEMENTS

The proposed building has been designed as a lightweight structure requiring minimal depth structural footings. The building and associated car parking is 1800mm off centreline of the pipe of the sewer easement.

No building over Council's infrastructure is proposed.

Minimum maintained clearance is achieved.

Structural engineering detail which demonstrate compliance with *Building Over or Adjacent to Constructed Council Drainage Systems and Easements Policy* will be provided to Council's engineering department prior to issuing of the construction certificate.

#### 4.6.7 C7. EXCAVATION AND FILL

Approx. 1.5m of excavation is required to accommodate Lodger 2. Lodger 2 bounding wall will retain the cut such that it is not noticeable from outside the site.

#### 4.6.8 C8. DEMOLITION AND CONSTRUCTION

Refer to the survey for demolition.

#### 4.6.9 C9. WASTE MANAGEMENT

Waste storage area adjacent to the pedestrian entry is proposed as per architectural drawings.

A waste management plan has been prepared. See annexures.



#### 4.6.10 D1. LANDSCAPED OPEN SPACE AND BUSH LAND SETTING

40% Open space achieved, please refer to Open Space Plan attached.

The building is proposed in a landscape setting and the function of the landscape as proposed satisfies the objectives of the standard.

#### 4.6.11 D2. PRIVATE OPEN SPACE

There is no standard for the provision of boarding house rooms other than the communal area standard of the SEPP.

#### 4.6.12 D3. NOISE

The Plan of Management will control the noise associated with tenants.

#### 4.6.13 D5. ORIENTATION AND ENERGY EFFICIENCY

A preliminary BASIX Statement accompanies the application. The alternative assessment has been lodged with BASIX (Planning NSW). The SECTION J will be addressed at certification stage.

7 of 10 typical lodger rooms are orientated north, they receive direct winter sun and indirect sun via fiberglass roofing over the private decks.

The shadowing caused by the proposal is within Council's development parameters.

#### 4.6.15 D8. PRIVACY

The proposal incorporates the following features to ensure privacy is maintained:

1. No side facing windows.
2. A1.5m height privacy screen to the decks, where needed for privacy reasons.
3. Decks are orientated away from the side boundary.

These elements will protect visual and acoustic privacy of the adjoining neighbours and the development and therefore will not result in any unreasonable overlooking into windows or private open spaces.

#### 4.6.16 D9. BUILDING BULK

The building complies with the built form controls applicable to the site. The building is well articulated structure that addresses the street in a functional and appropriate manner.

#### 4.6.17 D10. BUILDING COLOURS AND MATERIALS

Refer to the finishes schedule prepared by Miles Winter Architects.

#### 4.6.18 D11. ROOFS

The dual pitch roof forms are designed to fit the building envelope and minimise overshadowing and building bulk (wall height) to neighbouring properties. the low pitching

height on the 45-degree side successfully conceals the upper loft level of the lodger room within the roof form.

#### 4.6.19 D12. GLARE AND REFLECTION

Building materials and colours have been selected to minimise glare to adjoining properties. Zincalume is classed as a 'm' medium colour for reflectivity due to the face the surface gains a low glare patina with age.

Issues with building glare usually occurs when a roof is overlooked from the south. This situation is not present in this locality / context

#### 4.6.20 D13. FRONT FENCES AND FRONT WALLS

The existing fence to be retained.

#### 4.6.21 D14. SITE FACILITIES

The common room is 9sqm internally plus a TERRACE area adjacent to the entrance.

#### 4.6.22 D18. ACCESSIBILITY

Lodger 1 and Lodger 2 are accessible and have been designed in accordance with AS 1428.1 (not 1428.2 enhanced mobility is not applicable to residential development of this scale)

#### 4.6.23 D20. SAFETY AND SECURITY

By introducing CPTED measures within the design of the development, it is anticipated that this will assist in minimising the incidence of crime and contribute to perceptions of increased public safety.

The safety and security of the boarding house occupants and the local community is of paramount importance to the amenity of the facility. Matters related to safety and security are addressed in the Plan of Management that has been prepared for the boarding house. Refer the proposed Plan of Management contained within the annexures.

In Summary:

- Controlled Access to the building via a secure pedestrian entry point
- Each boarding house has a central walkway to enter an exit the building. This assists with passive surveillance.
- Common Outdoor areas are not enclosed to assist with passive surveillance.
- Each Lodger only has access to their room and private outdoor area. This ensures territorial reinforcement.

#### 4.6.24 D21. PROVISION AND LOCATION OF UTILITY SERVICES

The site is currently connected to power, water, gas and telecommunication services that will continue to provide services to the proposed development.

#### 4.6.25 D22. CONSERVATION OF ENERGY AND WATER

Refer to preliminary BASIX report - the alternative assessment has been lodged with BASIX (Planning NSW)

#### 4.7 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

Section 79C of the Act identifies the matters that a consent authority is to take into consideration when determining a development application. The following section provides an assessment of the proposed development in accordance with the provisions of Section 79C of the Environmental Planning and Assessment Act, 1979.

*a) (a) the provisions of:*

*(i) any environmental planning instrument, and (ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Director-General has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and (iii) any development control plan, and (iiia) any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F, and (iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), and (v) any coastal zone management plan (within the meaning of the Coastal Protection Act 1979), that apply to the land to which the development application relates*

*(i) any environmental planning instruments*

There is no impact on the natural environment. The landscape in this area is that of an urban environment. No trees will be removed, and new landscaping will be provided.

*(ii) any draft environmental planning instrument that is or has been placed on public exhibition*

There are no Draft plans applicable at this time.

*(iii) any development control plan*

The proposal generally accords with the relevant sections of the Warringah Development Control Plan 2011 as detailed within this Statement of Environmental Effects. The proposal is considered to be a reasonable and suitable development for the site, when considering the site location, access to public transport and other services in the local area, and adjoining development.

There are no prescribed matters that prohibit the proposed development.

*b) The likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality;*

*(i) Impact on the natural environment:*

There is no impact on the natural environment. The landscape in this area is that of an urban environment. No trees will be removed, and new landscaping will be provided.

*(ii) Impact on the built environment:*

The new building will be of a form, height and scale that is consistent with other development in the area. The two storey scale is compatible with the R2 Low Density Zone. Overall, there are no unreasonable impacts created by this proposal.

*(iii) Social and Economic impacts in the locality:*

The subject site is well located in terms of being within walking distance of public bus routes along Pittwater Road, which run between McCarrs Creek to the north and Manly to the south. The bus routes access Mona Vale, North Narrabeen, Collaroy, Brookvale and North Manly.

The conveniences of neighbourhood shops and gas station are also available along Pittwater Road.

The proposal provides for long term boarding house accommodation as opposed to short stay accommodation that may be available at a backpacker's hostel. All residents within the boarding house will be long term residents that will be appropriately interviewed and screened by a managing agent.

It is considered that the proposed development will make a positive contribution to the local area by providing a low-cost housing option that is well located to local infrastructure and amenities. This could also encourage spending within the immediate area.

In the proposal every unit comprising a private kitchen and bathroom facilities for the convenience of the resident.

The common areas will be conveniently accessed by all residents and have been orientated within the development to reduce the potential disturbance to surrounding residents. It is also worthy to note that the proposed boarding house is not a particularly large development, comprising of only 12 rooms with accommodation for a maximum of 24 persons. The site is adjoined by childcare facility and close to commercial uses and it is considered unlikely that a significant amenity impacts will result to the adjoining premises.

The proposed development will also contribute to the revitalisation of Pittwater Road and will provide for a modern, well articulated building which is consistent with the character of the area.

Furthermore, reference should be made to the submitted Plan of Management which provides a monitoring system that will be imposed to address any situation which may arise.

It is considered that Council's notification process is sufficient in terms of consultation with local residents, community organisations and businesses.

*c) The suitability of the site for the development;*

The land is appropriately zoned to permit the proposed development and meets the long-term objective of the zone and the objectives of the Warringah Local Environmental Plan 2011.

*d) Any submissions made in accordance with this Act or the regulations; and*

Not relevant

*e) The public interest.*

The public interest would be served by approval of this development, as it will provide for low cost housing in a well-established area.

It is considered that the proposed development is conducive to Council's policies and does not result in any unreasonable impacts to adjoining properties, as detailed within this Statement of Environmental Effects.

Under the circumstances of the case, it is considered that the proposed development is acceptable and should be supported.

It is contended that the development complies with the intent of the planning regime applicable to development on this site. Further, the development responds appropriately to the provisions of State Environmental Planning Policy (Affordable Rental Housing) 2009 pursuant to which the boarding house accommodation component of the development is made.

#### 4.7.1 CONTEXT AND SETTING

The proposed development is considered to be an appropriate development for the site and surrounding area.

#### 4.7.2 SITE DESIGN AND INTERNAL DESIGN

*1) Is the development design sensitive to environmental conditions and site attributes including:*

- *the proportion of site covered by buildings?*
- *the position of buildings?*
- *the size (bulk, height, mass), form, appearance and design of buildings?*
- *the amount, location, design, use and management of private and communal open space?*
- *landscaping?*

**These matters have been addressed in detail in the body of the report.**

*2) How would the development affect the health and safety of the occupants in terms of:*

- *lighting, ventilation and insulation?*
- *building fire risk – prevention and suppression/*
- *building materials and finishes?*
- *a common wall structure and design?*
- *access and facilities for the disabled?*
- *likely compliance with the Building Code of Australia?*

**The proposed development has been designed in accordance with the Building Code of Australia as Class 3 – Type C construction.**

#### 4.7.3 ACCESS, TRANSPORT AND TRAFFIC

Having regard to the traffic and parking aspects of the development it is concluded vehicular access arrangement will be appropriate and suitable.

It is anticipated that the proposed development will not increase traffic generation within this precinct having regard to the availability of a regular bus transport'.



#### 4.7.4 PUBLIC DOMAIN

The proposal will not result in any adverse impact on the public domain, particularly with regards to the visual amenity on Pittwater Rd as outlined in the artists impression.

#### 4.7.5 UTILITIES AND WATER

All works will meet the requirements set out under Australian Standards and the Building Code of Australia. Services are available to the site and are adequate for the proposed works.

#### 4.7.6 FLORA AND FAUNA

The subject site is not listed on any maps of ecological conservation.

It is contended that the proposed landscape plan will add significant ecological diversity to the site.

#### 4.7.7 WASTE MANAGEMENT

Appropriate waste management practices will be undertaken during the construction and operational phases of the proposed development in accordance with Councils Policies. Appropriate waste storage areas are proposed for the boarding house development. See Annexure

#### 4.7.8 NATURAL HAZARDS

All habitable areas of the development are free from natural hazards.

#### 4.7.9 SOCIAL IMPACTS IN THE LOCALITY

Warringah 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 in Warringah and thereby provide an important social benefit.

#### 4.7.10 ECONOMIC IMPACT IN THE LOCALITY

Affordable housing is a critical aspect in attracting and maintaining quality staff there it would be contended that the proposal would have a positive economic impact.

#### 4.7.11 MANAGEMENT OF THE PROPOSED BOARDING HOUSE

Refer to the Plan of Management contained within the annexures.

#### 4.7.12 CONSTRUCTION

Given the size of this project it is appropriate for the works to be controlled by way of a Construction Management Plan (CMP). Such a plan is usually prepared by the appointed contractor to address the above matters as relevant, plus the terms of the development approval. Consequently a CMP does not accompany this application. It is anticipated however that any consent notice granted to this application would include appropriate conditions for the preparation and approval of a CMP prior to any works commencing.

#### 4.7.13 HERITAGE

No heritage buildings or conservation areas are identified within the vicinity of the development.

#### 4.7.14 THE SUITABILITY OF THE SITE FOR THE DEVELOPMENT

The proposed site is considered suitable given the size, location and context.

The site is well located with regards to utility services and public transport. There will be no excessive levels of transport demand created.

The Consent authority will need to consider the submissions received in response to the public exhibition of the proposed development.

#### 4.7.15 THE PUBLIC INTEREST

This Statement, and the accompanying plans, demonstrate the public advantages of providing a new boarding house development which supplies quality well designed affordable accommodation.

On balance, and given the lack of adverse environmental and other impacts, the approval of the proposal will be in the public interest.

### 4.8 State Environmental Planning Policy (Vegetation in Non Rural Areas)

The Vegetation SEPP regulates clearing of native vegetation on urban land and land zoned for environmental conservation/management that does not require development consent.

The Vegetation SEPP applies to clearing of:

1. Native vegetation above the Biodiversity Offset Scheme (BOS) threshold where a proponent will require an approval from the Native Vegetation Panel established under the *Local Land Services Amendment Act 2016*; and
2. Vegetation below the BOS threshold where a proponent will require a permit from Council if that vegetation is identified in the council's development control plan (DCP).

The Vegetation SEPP repeals clause 5.9 and 5.9AA of the *Standard Instrument - Principal Local Environmental Plan* with regulation of the clearing of vegetation (including native vegetation) below the BOS threshold through any applicable DCP.

The proposed development does not seek consent for the removal of any trees on the site.

### 4.9 State Environmental Planning Policy (BASIX) 2004

In accordance with the provisions of the State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004, a BASIX Certificate has been provided. The proposed

development satisfies the requirements of the Certificate in terms of water, thermal comfort and energy efficiency.

#### 4.10 State Environmental Planning Policy (Coastal Management) 2016

The Department of Planning and Environment, together with the Office of Environment and Heritage, developed a new coastal management framework. The framework responds to existing and emerging coastal challenges and opportunities, with the aim of having thriving and resilient communities living and working on a healthy coast now and into the future. The Coastal Management SEPP consolidates and improve coastal-related SEPPs, replacing SEPP 14 (Coastal Wetlands), SEPP 26 (Littoral Rainforests) and SEPP 71 (Coastal Protection) as such ensuring that future coastal development is appropriate and sensitive to our coastal environment, and that we maintain public access to beaches and foreshore areas.

The Coastal Management SEPP also seeks to better equip councils and coastal communities to plan for and effectively respond to coastal challenges such as major storms, coastal erosion and climate change impacts, through more strategic planning around coastal development and emergency management.

The maps relating to the SEPP does not identify the development site with any coastal value.

## 5. CONCLUSION

It is strongly contended that the proposed development;

- Will provide permanent, affordable rental housing for low to moderate income singles and couples living and working in Warringah LGA.
- Is well designed and provides lodgers with good level of amenity.
- Is an appropriate location for a new generation of boarding house.
- Has minimal environmental impacts on the adjoining properties.

Overall the proposal complies with all the relevant controls in the SEPP, LEP and DCP and therefore enables Council to make a favourable determination on this application