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**Sent:** 31/08/2021 12:00:51 PM  
**Subject:** submission to DA 2021-1039 - 16 Wyatt Ave, Belrose  
**Attachments:** DA2021-1039 - 16 Wyatt Ave, Belrose - submission - B Rourke.pdf;

Attention: Adam Mitchell

Dear Sir,

Please find attached my submission to DA 2021-1039 as discussed with you today.

Should you have any queries please contact me on mob. 0487-502-338.

Kind regards,  
Ben Rourke  
49 Willowtree Cr Belrose

The General Manager  
Northern Beaches Council  
Attn: Adam Mitchell

Dear Adam,

**RE - DA2021/1039 - Proposed Boarding House - 16 Wyatt Avenue, Belrose**

I am writing on behalf of local residents in North Belrose living near this site who have asked me to review this DA. As a local resident and as a consultant town planner, I wish to make this submission of objection.

Key issues raised in this submission include:

- permissibility under SEPP (Affordable Rental Housing) which strictly applied limit the development to 12 boarding rooms; and
- whether the proposal satisfies the Objects of the EP&A Act, and S.4.15 – Matters for consideration (impacts, site suitability, public interest).
- Occupant Density / overdevelopment of the site
- Parking and traffic generation
- Bushfire safety egress for occupants

**1. PERMISSIBILITY UNDER SEPP (AFFORDABLE RENTAL HOUSING) 2009**

Clause 26 of the SEPP identifies land zones that permit Boarding Houses. These include R1 General Residential and R2 Low Density Residential, or land in an ‘equivalent zone’.

Council must consider whether the land within the ‘Deferred Matter’ areas is equivalent to the R2 Low Density Residential zone, or is distinctly different (ie not equivalent) given that residential housing to the south of the site in Belrose is zoned R2. In this case, the Deferred Matter status of this land under the LEP suggests it is not the equivalent of land within the R2 or R1 zones.

If Council is satisfied that ‘Deferred Matter’ land is equivalent to the R2 zone, then Clause 30AA and 30A of the SEPP require consideration:

**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 no more than 12 boarding rooms.

Based upon this, a maximum of 12 boarding rooms is permitted. The proposal at 62 rooms exceeds this 12 room limit by 500%, reflecting the concern that the proposal is a substantial overdevelopment of the site.

**30A Character of local area**

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.

The character of the area is defined by low density residential housing on the southern side of Wyatt Ave, and rural-residential large lot subdivision on the northern side (including the site) which backs onto local bushland. Parking generation on street is limited with most residents parking on site. Based on this interpretation of local character, the proposed boarding house is considered incompatible with regards to its size at 62 rooms, and likely need for on-street parking.

## 2. INCONSISTENCY WITH EP&A ACT – Section E 1.3 Objects of Act

**Comment** – The proposal does not satisfy the definition of *ecologically sustainable development* as referred to in the Objects of the Act:

- (b) *to facilitate **ecologically sustainable development** by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,*
- (c) *to promote the orderly and economic use and development of land,*
  - (2) *For the purposes of subsection (1) (a), **ecologically sustainable** development requires the effective integration of social, economic and environmental considerations in decision-making processes. **Ecologically sustainable** development can be achieved through the implementation of the following principles and programs—*
    - (a) *the precautionary principle—namely, that if there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation.*

*In the application of the precautionary principle, public and private decisions should be guided by—*

      - (i) *careful evaluation to avoid, wherever practicable, serious or irreversible damage to the environment, and*
      - (ii) *an assessment of the risk-weighted consequences of various options,*

**Comment** - Adhering to the *precautionary principle* in the circumstances of the proposal would require the consent authority to have confidence that the proposal will not give rise to adverse impacts with regards to:

- **density** – namely a high density development fitting with its established low density residential surrounds;
- **parking and traffic generation** – the site is more than 500m to the closest main bus route on Forest Way, and has limited direct bus services to employment areas outside of Sydney CBD and Chatswood. As a result a higher proportion of the 62 occupants would likely require driving their own car as their primary means of transport than compared with a boarding house on a main road and close to a main transport node (e.g existing boarding house at 130 Frenchs Forest Road, Frenchs Forest). This will result in greater parking generation and traffic generation than advised in the traffic study.
- **safety** – bushfire risk and egress for its occupants is available only via Wyatt Ave to the east;
- **land zoning** – the location of the site within the ‘Deferred Matter’ lands reflects the need to carry out further investigations to determine its suitability for development, including environmental constraints and infrastructure servicing constraints

The proposed boarding house is an excessive development of the site with regards to its density / high occupancy at @ 50 persons, and its low density residential surrounds. Therefore it does not *promote the orderly development of the land* as per the Objects of the Act.

## 3. INCONSISTENCY WITH EP&A ACT – Section 4.15(1) Matters for consideration

**Comment** – Reference is made to S.4.15(1) matters listed below

- (b) *the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*
- (c) *the suitability of the site for the development,*
- (d) *any submissions made in accordance with this Act or the regulations,*
- (e) *the public interest.*

**Comment** - The proposal is considered to cause adverse impacts to the character of the locality with regards to excess density / occupancy, parking demand and traffic generation. A development of such high density is unsuitable for a site located on the outer periphery of a low density residential area. Given the issues raised in this submission and based on the volume of submissions received to date the proposal is not considered within the public interest.

I trust this submission assists Council with its assessment of the proposal, and urge that it be rejected in its current form.

Yours faithfully,

Ben Rourke (BTP, MEnvLaw, CPP)

***PLANNING PARTNERSHIPS Pty Ltd***

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