

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2018/0149
----------------------------	-------------

Responsible Officer:	Daniel Milliken
Land to be developed (Address):	Lot 2211 DP 752038, 60 Binalong Avenue ALLAMBIE HEIGHTS NSW 2100 Lot 2223 DP 752038, 60 Binalong Avenue ALLAMBIE HEIGHTS NSW 2100
Proposed Development:	Demolition of existing structures and construction of a two storey boarding house containing 36 beds and associated basement parking
Zoning:	Warringah LEP2011 - Land zoned R2 Low Density Residential Warringah LEP2011 - Land zoned R2 Low Density Residential
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Local Planning Panel
Land and Environment Court Action:	Yes
Owner:	ACN 603347824 Pty Ltd
Applicant:	ACN 603347824 Pty Ltd

Application lodged:	05/02/2018
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Residential - Other
Notified:	16/02/2018 to 21/03/2018
Advertised:	17/02/2018
Submissions Received:	102
Recommendation:	Refusal

Estimated Cost of Works:	\$ 4,467,031.00
---------------------------------	-----------------

ASSESSMENT INTRODUCTION

The application has been assessed in accordance with the requirements of the Environmental Planning and Assessment Act 1979 and the associated Regulations. In this regard:

- An assessment report and recommendation has been prepared (the subject of this report) taking into account all relevant provisions of the Environmental Planning and Assessment Act 1979, and the associated regulations;
- A site inspection was conducted and consideration has been given to the impacts of the

- development upon the subject site and adjoining, surrounding and nearby properties;
- Notification to adjoining and surrounding properties, advertisement (where required) and referral to relevant internal and external bodies in accordance with the Act, Regulations and relevant Development Control Plan;
- A review and consideration of all submissions made by the public and community interest groups in relation to the application;
- A review and consideration of all documentation provided with the application (up to the time of determination);
- A review and consideration of all referral comments provided by the relevant Council Officers, State Government Authorities/Agencies and Federal Government Authorities/Agencies on the proposal.

SUMMARY OF ASSESSMENT ISSUES

Warringah Local Environmental Plan 2011 - Zone R2 Low Density Residential

Warringah Local Environmental Plan 2011 - 6.3 Flood planning

Warringah Development Control Plan - B1 Wall Heights

Warringah Development Control Plan - B7 Front Boundary Setbacks

Warringah Development Control Plan - C3 Parking Facilities

Warringah Development Control Plan - C9 Waste Management

Warringah Development Control Plan - D8 Privacy

Warringah Development Control Plan - D9 Building Bulk

SITE DESCRIPTION

Property Description:	<p>Lot 2211 DP 752038 , 60 Binalong Avenue ALLAMBIE HEIGHTS NSW 2100</p> <p>Lot 2223 DP 752038 , 60 Binalong Avenue ALLAMBIE HEIGHTS NSW 2100</p>
Detailed Site Description:	<p>The subject site consists of two adjacent lots, both known as No. 60 Binalong Avenue. The site is a corner lot with three street frontages located on the eastern side of Binalong Avenue, the south eastern side of Jennifer Avenue and the southern side of Nargong Road.</p> <p>The site has an area of 1708sqm and slopes down towards the south east with elevation differences of more than 6.0m across the property.</p> <p>The site is bushfire prone, is located within a wildlife corridor and is partly within a riparian corridor.</p> <p>Existing on the site is a part single/part two storey dwelling and a two storey outbuilding. A large number of established trees are located across the site.</p> <p>The nearby development consists of detached single and two storey residential dwellings. A public reserve adjoins the eastern boundary of the site and a single dwelling adjoins the southern boundary. There is a vacant area of road reserve to the north of the site.</p>

Map:



SITE HISTORY

A search of Council's records has revealed that there are no recent or relevant applications for this site.

The land has been used for residential purposes for an extended period of time.

Land and Environment Court Appeal

On 16 April 2018, the applicant lodged a deemed refusal appeal with the Land and Environment Court. This appeal is on-going.

PROPOSED DEVELOPMENT IN DETAIL

The applicant seeks consent for demolition works and the construction of a boarding house with basement car parking.

The development is commonly referred to as a 'new generation boarding house' which essentially means that each room is self contained.

The application is lodged under the zoning provisions of the Warringah Local Environmental Plan 2011 (under which Boarding Houses are permitted with consent in the R2 Low Density Residential zone) and the applicable development standards and requirements of the State Environmental Planning Policy (Affordable Rental Housing) 2009 (SEPP ARH).

The development includes the following works:

- Demolition of all existing structures on site,
- Site preparation works, including excavation for the basement carpark,
- The construction of a two storey, 36 room boarding house (rooms of between 17.31sqm and 22.87sqm in area) with a basement car park,
- The construction of a new driveway, pathways, paving and stairs,
- Associated landscaping works.

In detail, the boarding house contains:

Basement level - RL 76.93

- Nine car parking spaces including the managers space and a disabled car parking space,
- Seven bicycle spaces,
- Seven motorcycle spaces,
- A waste room,
- A bulky goods store,
- A laundry,
- A WC,
- A lift.

Ground floor level - RL 78.73, RL 79.73 and RL 81.23

- 17 boarding rooms,
- One manager's room,
- One indoor common area (without any kitchen facilities),
- One common outdoor area,
- Common circulation areas,
- A lift

First floor level - RL 81.73, RL 82.73 and RL 84.23

- 18 boarding rooms,
- Common circulation areas,
- A lift.

The boarding house is classified as a Registrable (General) Boarding House under the Boarding Houses Act 2012 and is managed in accordance with the relevant provisions of that Act.

Operational Plan of Management

The application includes an Operational Plan of Management which provides for the following:

- Section 1.1 - Objectives,
- Section 2 - Rooms and Occupation,
- Section 3 - Management on-site,
- Section 4 - Resident Information Brochure,
- Section 5 - Common Area,
- Section 6 - Noise Minimisation,
- Section 7 - Waste Management and Cleaning,
- Section 8 - Allocation of Car Parking,
- Section 9 - Complaints Register, and
- Section 10 - Security and Safety.

In consideration of the application a review of (but not limited) documents as provided by the applicant

in support of the application was taken into account detail provided within Attachment C.

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

The relevant matters for consideration under the Environmental Planning and Assessment Act, 1979, are:

Section 4.15 Matters for Consideration'	Comments
Section 4.15 (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on “Environmental Planning Instruments” in this report.
Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument	None applicable.
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Warringah Development Control Plan applies to this proposal.
Section 4.15 (1) (a)(iia) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)	<p><u>Division 8A</u> of the EP&A Regulation 2000 requires the consent authority to consider "Prescribed conditions" of development consent. These matters would be addressed via a condition of consent should the application be approved.</p> <p><u>Clauses 54 and 109</u> of the EP&A Regulation 2000, Council requested additional information and has therefore considered the number of days taken in this assessment in light of this clause within the Regulations. No additional information was requested.</p> <p><u>Clause 92</u> of the EP&A Regulation 2000 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This matter would be addressed via a condition of consent should the application be approved.</p> <p><u>Clauses 93 and/or 94</u> of the EP&A Regulation 2000 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This matter would be addressed via a condition of consent should the application be approved.</p> <p><u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This matter would be addressed via a condition of consent should the application be approved.</p> <p><u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter would be addressed via a condition of consent should the application be approved.</p>

Section 4.15 Matters for Consideration'	Comments
Section 4.15 (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	<p>(i) Environmental Impact The environmental impacts of the proposed development on the natural and built environment are addressed under the Warringah Development Control Plan section in this report.</p> <p>(ii) Social Impact The use of the development as a boarding house will not in itself result in a detrimental social impact given boarding houses are permissible in the zone and any residents of the boarding house would reside there in accordance with a Plan of Management and their lease agreements. Overall, the proposal will not have a detrimental social impact.</p> <p>(iii) Economic Impact The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.</p>
Section 4.15 (1) (c) – the suitability of the site for the development	<p>A number of objections raised concerns around the bushfire prone nature of the site and whether the NSW Rural Fire Service (RFS) have conducted their assessment correctly. The implication is that the site may not be suitable for the proposed development from a bushfire perspective.</p> <p>This matter has been raised multiple times with the RFS who have stated that their assessment has been correctly completed and that, from a bushfire perspective, the site is considered suitable for the proposed development.</p> <p>The RFS are the experts in bushfire matters, hence why Council refers these types of developments on bushfire prone land to the RFS.</p> <p>In the absence of evidence from another bushfire expert demonstrating that the RFS is incorrect in this case, or additional comments from the RFS indicating that they have changed their assessment, Council accepts the RFS referral response and considers that the site is therefore suitable for a boarding house.</p> <p>There are no other matters that would otherwise render the site unsuitable for use as a boarding house.</p>
Section 4.15 (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	<p>The notification resulted in 102 submissions being received, all objecting to the proposal.</p> <p>See discussion on “Notification & Submissions Received” in this report.</p>
Section 4.15 (1) (e) – the public interest	<p>The assessment undertaken and outlined in this report has found the proposal to be contrary to the relevant requirements of the State Environmental Planning Policy (Affordable Rental Housing) 2009, the Aims of the Plan and Clause 6.3 Flood Planning of the Warringah Local Environmental Plan 2011, and Clauses B1 Wall Heights, B7</p>

Section 4.15 Matters for Consideration'	Comments
	<p>Front Boundary Setbacks, C3 Parking Facilities, C9 Waste Management, D8 Privacy and D9 Building Bulk of the Warringah Development Control Plan.</p> <p>The notification of the application resulted in 102 submissions being received from members of the public, including surrounding and nearby residents, all objecting to the proposal.</p> <p>It is considered that the proposal will result in a development that will create an undesirable precedent such that it would undermine the desired future character of the area and be contrary to the expectations of the community. In this regard, the development, as proposed, is not considered to be in the public interest.</p>

EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

BUSHFIRE PRONE LAND

The site is classified as bush fire prone land. Section 4.14 of the Environmental Planning and Assessment Act 1979 requires Council to be satisfied that the development conforms to the specifications and requirements of the version (as prescribed by the regulations) of the document entitled 'Planning for Bush Fire Protection'.

A Bush Fire Report was submitted with the application (prepared by Bush Fire Consultancy Australia, dated 7 January 2018). The report stated that the bushfire attack level of the site is BAL-19 and BAL 29.

The application is not integrated development and was referred to the NSW Rural Fire Service (RFS) for assessment.

The RFS commented:

"Based on the advice that the boarding house is for long term residents, the proposal has been assessed against the NSW RFS Policy, Increased Density on a Single Parcel of Land, Community Resilience Fast Fact 4/12, and section 79BA of the Environmental Planning and Assessment Act 1979."

Section 79BA referred to above is now known as Section 4.14. The application does not need a bush fire safety authority under Section 100B of the *Rural Fires Act 1997*.

It is noted that many residents made submissions that:

- a) the applicant's bush fire consultant and the RFS have made errors in their assessments,
- b) the development and potential boarding house residents are at risk in the event of a bush fire, and
- c) the development should be refused due to bush fire risk.

It is acknowledged that the applicant's bush fire consultant did not identify the building classification in their report. However, the RFS are the statutory authority and the experts that Council relies upon in relation to bush fire matters and have an approval role in this application. The RFS have stated that they conducted a full assessment of the development from a bush fire perspective, including site visits.

The RFS raised no objections to approval, subject to a number of conditions.

Council is therefore satisfied that the development conforms to the specifications and requirements of 'Planning for Bush Fire Protection'.

The recommendations of the Bush Fire Report and the conditions from the RFS (the conditions add to and strengthen the recommendations) would be included as part of any conditions of consent, should the application be approved.

NOTIFICATION & SUBMISSIONS RECEIVED

The subject development application has been publicly exhibited in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000 and the relevant Development Control Plan.

As a result of the public exhibition process council is in receipt of 102 submission/s from:

Name:	Address:
Ms Kirsten Elizabeth Metzke	66 Churchill Crescent ALLAMBIE HEIGHTS NSW 2100
Mr Peter Wheen	6 Sunlea Place ALLAMBIE HEIGHTS NSW 2100
Ms Samantha Jane Robinson	29 Canea Crescent ALLAMBIE HEIGHTS NSW 2100
Mrs Rebecca Jane Schopen	71 Binalong Avenue ALLAMBIE HEIGHTS NSW 2100
Mrs Louise Jane Levy	17 Canea Crescent ALLAMBIE HEIGHTS NSW 2100
Mrs Charlotte Erin Nichols	50 Inglebar Avenue ALLAMBIE HEIGHTS NSW 2100
Mr David John Cochrane	44 Inglebar Avenue ALLAMBIE HEIGHTS NSW 2100
Sandra Ann Stocken Anthony Christopher Stocken	10 Southern Cross Way ALLAMBIE HEIGHTS NSW 2100
Ben Harrington	
Justin McGarr	12 Binalong Avenue ALLAMBIE HEIGHTS NSW 2100
Mr John Malcolm Slater	16 Jennifer Avenue ALLAMBIE HEIGHTS NSW 2100
Mrs Giovanna Carol Grayson-March	15 Churchill Crescent ALLAMBIE HEIGHTS NSW 2100
Miss Claire Diane Baker	19 Roosevelt Avenue ALLAMBIE HEIGHTS NSW 2100
Karen Lockhart	
Mrs Emma Vozzo	5 Maneroo Road ALLAMBIE HEIGHTS NSW 2100
Peta Miller	
Mr Luke Thomas Chalmers	54 Binalong Avenue ALLAMBIE HEIGHTS NSW 2100
Mr Philip Ian McPhee	14 Churchill Crescent ALLAMBIE HEIGHTS NSW 2100
Ms Gopala Maurer	18 Gladys Avenue FRENCHS FOREST NSW 2086
Mrs Vicki Ann Jonsson	35 Goondari Road ALLAMBIE HEIGHTS NSW 2100
Rebecca Anne Tissington	16 A Gladys Avenue FRENCHS FOREST NSW 2086
Dawn Heather Dawson	156 Allambie Road ALLAMBIE HEIGHTS NSW 2100
Mrs Carole Ann Brown	56 Arnhem Road ALLAMBIE HEIGHTS NSW 2100
Mr Edward Malcolm Brown	56 Arnhem Road ALLAMBIE HEIGHTS NSW 2100
Mr Andrew Kerry Zouroudis	4 Jennifer Avenue ALLAMBIE HEIGHTS NSW 2100

Name:	Address:
Mr Hans Goran Jonsson	35 Goondari Road ALLAMBIE HEIGHTS NSW 2100
Ms Nicole Hayes	17 Binalong Avenue ALLAMBIE HEIGHTS NSW 2100
Mrs Elizabeth Jackson	37 Goondari Road ALLAMBIE HEIGHTS NSW 2100
Mr Raymond Gerard O'Grady Mrs Christine Mary O'Grady	5 Nargong Road ALLAMBIE HEIGHTS NSW 2100
Mr Robin William Cant	5 Jennifer Avenue ALLAMBIE HEIGHTS NSW 2100
Rebecca Curry	45 Binalong Avenue ALLAMBIE HEIGHTS NSW 2100
Mr Paul Stephen Hyles	10 Jennifer Ave ALLAMBIE HEIGHTS NSW 2100
Mrs Rebecca Joyce New	10 Wyarama Street ALLAMBIE HEIGHTS NSW 2100
Mr Christopher John Tobin	43 Binalong Avenue ALLAMBIE HEIGHTS NSW 2100
Tim Baker	7 Jennifer Avenue ALLAMBIE HEIGHTS NSW 2100
Mr Paul Stacey Burn	44 Goondari Road ALLAMBIE HEIGHTS NSW 2100
Mr Heath Thorpe	77 Roosevelt Avenue ALLAMBIE HEIGHTS NSW 2100
Mr Chi-Wei Yang	5 Flers Street ALLAMBIE HEIGHTS NSW 2100
Mrs Catherine Gai Vlotman	75 Binalong Avenue ALLAMBIE HEIGHTS NSW 2100
India Vlotman	
Mr Jarrod Hyles	
Mr John Webster	38 Binalong Avenue ALLAMBIE HEIGHTS NSW 2100
Mr James Stephen Fairclough	10 Anzio Avenue ALLAMBIE HEIGHTS NSW 2100
Mr Ian George Milne	8 Jennifer Avenue ALLAMBIE HEIGHTS NSW 2100
Jason William Stevens	20 Southern Cross Way ALLAMBIE HEIGHTS NSW 2100
Laurence Sydney Wilson	11 Monserra Road ALLAMBIE HEIGHTS NSW 2100
Mr Stephen John William Reading Veronica Marie Reading	58 Binalong Avenue ALLAMBIE HEIGHTS NSW 2100
Mrs Kay Edison	1 Southern Cross Way ALLAMBIE HEIGHTS NSW 2100
Mr Tom Hyles	10 Jennifer Avenue ALLAMBIE HEIGHTS NSW 2100
Mr Mitch Hyles	10 Jennifer Avenue ALLAMBIE HEIGHTS NSW 2100
Mr Scott McGale	40 Southern Cross Way ALLAMBIE HEIGHTS NSW 2100
Mrs Frances Hailu Jessie Atkins	32 Binalong Avenue ALLAMBIE HEIGHTS NSW 2100
Mr Adrian Halford Stones	56 Binalong Avenue ALLAMBIE HEIGHTS NSW 2100
Mrs Pamela Dale Rice	11 Maneroo Road ALLAMBIE HEIGHTS NSW 2100
Mr Richard Charles Thomas	49 Mary Street BEACON HILL NSW 2100
Ms Suzanne Rogerson	31 Goondari Road ALLAMBIE HEIGHTS NSW 2100
Mrs Alice Scott	2 Southern Cross Way ALLAMBIE HEIGHTS NSW 2100
Ms Sarah Louise Vale	56 Binalong Avenue ALLAMBIE HEIGHTS NSW 2100
John Anthony Ryan	3 Maneroo Road ALLAMBIE HEIGHTS NSW 2100
Mr Michael John Cockburn	3 Southern Cross Way ALLAMBIE HEIGHTS NSW 2100
Mrs Louiselle Moloney	18 Jennifer Avenue ALLAMBIE HEIGHTS NSW 2100

Name:	Address:
Mr Daniel James Butler	21 Kirra Road ALLAMBIE HEIGHTS NSW 2100
Mrs Kim Therese Blake	48 Churchill Crescent ALLAMBIE HEIGHTS NSW 2100
Ms Regine Taiana Cope	77 Binalong Avenue ALLAMBIE HEIGHTS NSW 2100
Mr Phillip John Lawson	15 A Nargong Road ALLAMBIE HEIGHTS NSW 2100
Mr Pablo Andres Figueroa	48 Goondari Road ALLAMBIE HEIGHTS NSW 2100
Mrs Gina Gatford	C/- Tectonic Pools 84 Keda Circuit NORTH RICHMOND NSW 2754
Mr Robert Nievergelt	30 Allenby Park Parade ALLAMBIE HEIGHTS NSW 2100
Mr Glenn Donald Ross	24 Jennifer Avenue ALLAMBIE HEIGHTS NSW 2100
Mrs Jodie Blake	10 Lae Place ALLAMBIE HEIGHTS NSW 2100
Mr James Patrick Kelly	18 Arnhem Rd ALLAMBIE HEIGHTS NSW 2100
Margot Elaine Paull	69 Goondari Road ALLAMBIE HEIGHTS NSW 2100
Lynda Bonney	46 Owen Stanley Avenue BEACON HILL NSW 2100
Rachel Clark	80 Elanora Road ELANORA HEIGHTS NSW 2101
Ms Alissia Maree Denly	8 Southern Cross Way ALLAMBIE HEIGHTS NSW 2100
Neville Raymond Marks Margaret Kathleen Marks	10 Arnhem Road ALLAMBIE HEIGHTS NSW 2100
Mr Howard Richard Giles	35 Binalong Avenue ALLAMBIE HEIGHTS NSW 2100
Mrs Evonne Annette Miles	74 Kentwell Road ALLAMBIE HEIGHTS NSW 2100
Mrs Karen Louise Brocklebank	15 Toronto Avenue CROMER NSW 2099
Mr Geoffrey Robert Clark	21 Toronto Avenue CROMER NSW 2099
Janine Maree McIntosh	15 A Toronto Avenue CROMER NSW 2099
Ms Kim Elizabeth Hurley	C/- Barrington Homes 2/124-130 Auburn Street WOLLONGONG NSW 2500
Steven Mark Gillespie McClean Ms Lucy Helen Gillespie McClean	39 Binalong Avenue ALLAMBIE HEIGHTS NSW 2100
Anthony Paul Barnwell	7 Nargong Road ALLAMBIE HEIGHTS NSW 2100
Jessica Turi	
Michael Paul Fuller	14 Jennifer Avenue ALLAMBIE HEIGHTS NSW 2100
Mrs Michelle Kim Birnie	10 Nargong Road ALLAMBIE HEIGHTS NSW 2100
Ms Angelika Waltraud Goehring	12 Southern Cross Way ALLAMBIE HEIGHTS NSW 2100
Mrs Christine Campbell	21 Dixon Avenue FRENCHS FOREST NSW 2086
Karen Forbes Evans	14 Southern Cross Way ALLAMBIE HEIGHTS NSW 2100
Ms Deana Louise Burn	44 Goondari Road ALLAMBIE HEIGHTS NSW 2100
Mr Justin John Wylie	48 Roosevelt Avenue ALLAMBIE HEIGHTS NSW 2100
Pauline Williamson	4 Nargong Road ALLAMBIE HEIGHTS NSW 2100
Isabelle Mayne Classnitz	60 Allambie Road ALLAMBIE HEIGHTS NSW 2100
Mr Evan Matthews	6 Tanderra Place CURL CURL NSW 2096
Michael Kennett Beecham	13 Nargong Road ALLAMBIE HEIGHTS NSW 2100

Name:	Address:
Mrs Jane Natalie Trollor	8 Libya Crescent ALLAMBIE HEIGHTS NSW 2100
Hayley Anne Fitzgerald	49 Roosevelt Avenue ALLAMBIE HEIGHTS NSW 2100
Mr Oliver John Roborogh Mrs Emma Elisabeth Roborogh	Chrystal Pools C/- 58 Binalong Ave ALLAMBIE HEIGHTS NSW 2100
Allan James Turton Mrs Evelyn Jean Turton	7 Southern Cross Way ALLAMBIE HEIGHTS NSW 2100
Jill Rowing	2 Jennifer Avenue ALLAMBIE HEIGHTS NSW 2100
Mr Andrew Keith McIntosh	42 Goondari Road ALLAMBIE HEIGHTS NSW 2100

The submissions raised a large number of specific issues relating to this development in particular and boarding houses in general. These issues are summarised in the list below:

- **Zoning**
- **Character**
- **Boarding house residents**
- **Traffic and parking**
- **Accessible area, pedestrian safety and bus services**
- **Privacy**
- **Building bulk**
- **Front setbacks**
- **Height**
- **Landscaped open space**
- **Bushfire**
- **Impact on natural environment**
- **Stormwater**
- **Infrastructure**
- **Driveway visibility**
- **Waste management**
- **Property values**

The matters raised within the submissions are addressed as follows:

- **Zoning**

The submissions raised concerns that the development is not suitable for the low density residential zoning of the site or this area of Allambie Heights. A number of submissions stated that boarding houses should not be permitted within the R2 Low Density Residential zone and that the State Environmental Planning Policy (Affordable Rental Housing) 2009 overrides Council's controls.

Comment:

The subject site for the proposed boarding house development is within the R2 Low Density Residential zone (R2 zone). Boarding houses are "Permitted with Consent" in the R2 zone under the WLEP 2011. Boarding houses are also permissible in certain "accessible" areas of the R2 zone under Clause 26 of the SEPP ARH. The subject site is within the area that permits boarding houses. There is no inconsistency between the SEPP ARH and the WLEP 2011 in

relation to permissibility.

In relation to the objectives of the zone, being:

- *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, and*
- *To ensure that low density residential environments are characterised by landscaped settings that are in harmony with the natural environment of Warringah.*

The proposal will assist in providing for the housing needs of the community and will not unreasonably impact on the ability of surrounding sites to provide facilities or services to meet the day to day needs of residents.

The development does provide greater than the minimum 40% landscaped open space, however, the landscaping within the front setback areas is not sufficient. This has been incorporated into a reason for refusal under SEPP ARH.

Since a boarding house in this area is permissible with consent under the WLEP 2011 and SEPP ARH, this issue alone does not warrant refusal of the application.

- **Character**

The submissions raised concerns that the proposal is not compatible with the character of the local area.

Comment:

This matter has been discussed in detail under the SEPP ARH section, below in this report.

In summary, the size of the proposed boarding house is much greater than the surrounding and nearby detached residential dwellings. The development presents a lengthy unbroken built form to three street frontages. The design does have some articulation, however there are no large visual breaks to reduce the impression that the development is one single building. Overall, the size and scale of the development, combined with the minimal front setbacks and other related issues, results in a building that, in the context of the Land and Environment Court Planning Principles, is incompatible with the character of the local area and surrounding wider locality.

This issue has been included as a reason for refusal of the application.

- **Boarding house residents**

The submissions raised concerns that the boarding house will be occupied by residents who are transient, involved in crime or anti social activities or by people dependent on social services. Concerns are also raised that this is a family orientated area and that a boarding house does not fit with this social character, particularly in relation to the relatively short term stays and the potential activities of the residents (eg: smoking).

Comment:

A variety of persons are likely to reside in the boarding house and will most likely represent a

cross section of the community.

This is a common concern raised by the community whenever a boarding house is proposed. However, no evidence has been supplied to indicate that boarding house residents will give rise to any unacceptable social impacts in the area. In addition, the boarding house, if approved, would be run in accordance with a Plan of Management. This would ensure resident's conduct (such as smoking, noise, visitors, etc) is appropriate for maintaining the amenity and safety of the local area.

In the event residents behaviour disturbs the local amenity or raises any safety concerns, the Boarding House Manager will be responsible for policing the occupants in line with the Plan of Management and their lease agreements. Should this not happen, it would then be appropriate for the Police to be notified, the same as with any similar problems for any other type of development (eg: units, single dwellings, etc).

Boarding houses are designed for minimum three months stays and are not used as backpacker or bed and breakfast accommodation. Minimum three month stays would be enforced as a condition of consent should this application be approved and is not considered to be short term occupancy.

As these issues are manageable by conditions, it does not warrant refusal of the application.

- **Traffic and parking**

The submissions raised concerns that the development does not provide sufficient on-site car parking and that the increased occupancy of the site will result in traffic congestion and a loss of on-street parking.

Comment:

The car parking requirement for the development is regulated by Clause 29(e)(iia) of the SEPP which requires the provision of 0.5 parking spaces per boarding room. This parking rate was increased from 0.2 spaces per on 1 June 2018, after the lodgement of the DA. No savings provisions apply and therefore, the development must comply with the new rate.

As the proposal includes 36 boarding rooms, the development is required to provide 18.5 (i.e. 19) on-site parking spaces.

The development includes the provision of nine on-site parking spaces and therefore does not comply with the SEPP (however, it did comply with the former 0.2 spaces per room parking rate).

This level of non-compliance is not supported and will result in an unreasonable impact on the on-street parking availability of surrounding local roads.

This issue has been included as a reason for refusal of the application.

- **Accessible area, pedestrian safety and bus services**

The submissions raised concerns that the proposal is not in an 'Accessible Area', the pedestrian pathways are either non-existent or inadequate, and that the bus services it relies upon to service the residents are infrequent.

Comment:

The applicant submitted details of the location of bus stops and the frequency of services as part of their application. A review of the bus timetables for nearby bus stops on Allambie Road (currently serviced by routes 142, 280 and E66) have been conducted. In summary, the schedule of timed stops complies with the requirements of Clause 27 and the definition of Accessible Area in the SEPP which means:

"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".

It is important to note that the criteria prescribes 'between' the nominated times and not 'at' or 'on' the prescribed times.

While these bus stops are within 'walking distance' of the subject site, there are no current footpaths along Binalong Avenue, Jennifer Avenue or Nargong Road. There are footpaths on both sides of Allambie Road.

Council's Development Engineers have recommended that a concrete footpath from the pedestrian access point of the development to the existing footpath at the intersection of Maneroo Road and Allambie Road, be provided. Should this application be approved, this would form part of the conditions of consent.

Should this footpath be constructed, this issue would not warrant refusal of the application.

- **Privacy**

The submissions raised concerns that the proposal would result in unreasonable privacy impacts.

Comment:

This issue has been discussed in detail under section D8 Privacy, below in this report.

In summary, the positioning of windows, balconies and common outdoor areas has appropriately considered the neighbouring properties (particularly No. 58 Binalong Avenue, to the south), and the proposal will not result in any unreasonable privacy impacts.

This issue does not warrant refusal of the application.

- **Building bulk**

The submissions raised concerns that the proposal has excessive building bulk.

Comment:

This matter has been discussed in detail under Clause D9 Building Bulk, below in this report.

In summary, while the architectural style of the building is a positive element, its size and scale is not consistent or compatible with surrounding development. Minimal attempts have been

made to provide visual breaks in the built form to minimise its impact on the established streetscapes and the character of the surrounding urban environment.

A development separated into multiple modules or pavilions with an integrated landscape treatment between each module would give the impression of three or more separate buildings on the site and not one row of townhouses or a large residential flat building looking built form.

This issue has been included as a reason for refusal of the application.

- **Front setbacks**

The submissions raised concerns around the limited front setbacks of the development.

Comment:

This matter has been discussed in detail under Clause B7 Front Boundary Setbacks, below in this report.

In summary, the front setbacks of the proposed boarding house development are inadequate to provide a reasonable sense of openness, minimise the visual impact of the development or provide sufficient space for planting that can assist in establishing a sympathetic and compatible landscaped setting.

This issue has been included as a reason for refusal of the application.

- **Height**

The submissions raised concerns that the proposal does not comply with the height of buildings development standard.

Comment:

The development reaches a maximum height of 8.37m above existing ground level. This is under the 8.5m maximum limit.

This issue does not warrant refusal of the application.

- **Landscaped open space**

The submissions raised concerns that the proposal does not sit within a suitable landscaped setting and does not comply with Council's landscaped open space control.

Comment:

The development complies with the minimum requirement for landscaped open space, providing 44.8% (765sqm) of the site as deep soil planting.

The landscaped area concerns raised do not warrant refusal of the application.

The proposal does include the removal of a substantial number of established trees on the site due to both the design and the need for an asset protection zone (APZ). This matter contributes to the incompatibility of the development with the character of the local area and has been included as a reason for refusal as part of the character test under SEPP ARH.

- **Bushfire**

The submissions raised concerns that:

- a) The bushfire report submitted with the application contained errors, including incorrect classification of the building and site vegetation, and
- b) The NSW Rural Fire Service has made errors in their assessment of the application and incorrectly issued approval conditions.

Comment:

The residents concerns have been raised with the RFS, including the concerns around their assessment, on multiple occasions.

The RFS have stated that their assessment has been correctly completed and that, from a bushfire perspective, the site is considered suitable for the proposed development.

The RFS are the experts in bushfire matters, hence why Council refers these types of developments on bushfire prone land to the RFS.

In the absence of evidence from another bushfire expert demonstrating that the RFS is incorrect in this case, or additional comments from the RFS indicating that they have changed their assessment, Council accepts the RFS referral and the site is therefore suitable, from a bushfire perspective, for a boarding house.

This issue does not warrant refusal of the application, however, it is acknowledged that many residents are of the opinion that the RFS has made an error in their assessment, that the development and future residents will be at risk in the event of a bushfire, and that the development should be refused on grounds of unacceptable bushfire risk.

- **Impact on natural environment**

The submissions raised concerns that the proposal will have unacceptable impacts on the natural environment.

Comment:

Council's Biodiversity Officers in the Natural Environment Unit, raised no objections to the proposal subject to conditions as applied in Council's riparian/creekline referral response. It is noted that the subject lots are largely represented by disturbed land with exotic weeds and limited native trees/vegetation.

The proposal would not have any unreasonable impacts on the bushland on surrounding properties or the public reserve adjoining to the east.

This issue does not warrant refusal of the application.

The proposal does include the removal of a substantial number of established trees on the site. This matter contributes to the incompatibility of the development with the character of the local area and has been included as a reason for refusal as part of the character test under SEPP ARH.

- **Stormwater**

The submissions raised concerns that the stormwater disposal system is not adequate.

Comment:

Council's Development Engineers reviewed the proposal and raised no objections to the proposed stormwater system. However, the Development Engineers did recommend refusal due to overland flow concerns and the lack of information provided by the applicant to demonstrate that the proposal would not unreasonably impact on these flows.

This has been included as a reason for refusal of the application.

- **Infrastructure**

The submissions raised concerns that the addition of up to 72 new residents to this one site would result in a negative impact on existing infrastructure, such as the provision of power, water and sewage services.

Comment:

The use is permissible in the zone and is a use that can be expected by infrastructure providers. Subject to conditions from service providers such as Ausgrid and Sydney Water, the existing infrastructure would be able to cope with the development.

This issue does not warrant refusal of the application.

- **Driveway visibility**

The submissions raised concerns that the additional cars parked on the street would reduce the visibility for surrounding residents leaving their driveways.

Comment:

The proposal does not provide sufficient car parking and will result in unacceptable impacts on the on-street car parking availability of surrounding streets. However, driveway visibility does not warrant the refusal of the application as legally parked cars can already park adjacent to residents driveways, affecting their visibility. The proposed development would not change this fact, although it would result in additional cars needing to find on-street parking spaces.

- **Waste management**

The submissions raised concerns that the waste management plan submitted with the application is inadequate and that the number of new residents would generate a large amount of rubbish.

Comment:

Council's Waste Officers reviewed the proposal in relation to demolition/construction and on-going waste management. The Waste Officers recommended refusal and commented that:

The application is not acceptable as the bin room and bulk waste room is not at street level and

located greater than 6.5m from the property boundary. The access to the bin room from kerbside is also not acceptable as a separate pedestrian access is required.

This issue has been included as a reason for refusal of the application.

- **Property values**

The submissions raised concerns that the proposal would impact on property values in the area.

Comment:

Property value is not a relevant consideration under the provisions of Section 4.15 of the EP&A Act 1979.

This issue does not warrant refusal of the application.

MEDIATION

No requests for mediation have been made in relation to this application.

REFERRALS

Internal Referral Body	Comments
Building Assessment - Fire and Disability upgrades	<p>The application seeks development consent for demolition of existing structures, excavation works and development of a 35 room Boarding house with additional managers room, communal spaces, and a basement level containing 9 car parking spaces, motorbike and bicycle spaces, storage room, laundry, garbage room, bulky waste store, and service room.</p> <p>The application has been reviewed in regard to aspects relevant to the Building Control (Approvals and Certification) Team. Accordingly, these matters are limited to Building Code of Australia (BCA) compliance, Access issues and associated matters for new construction work only, and therefore not the suitability or otherwise of the proposal and its intended use, for this particular site.</p> <p>Whilst the proposed development does not indicate full compliance with all requirements of the BCA, these matters may be appropriately determined at Construction Certificate stage. Accordingly no objections are raised, subject to inclusion of the attached conditions to any Consent issued, to ensure compliance with the National Construction Code (NCC / BCA).</p>
Environmental Health (Industrial)	<p>The development proposes 35 boarding rooms generating a parking requirement of 7 spaces (at 0.2 car spaces per room) and 1 space for the operational manager. I could not see the proposed number of residents documented nor the measurements of the rooms so an assessment of 70 plus a manager has been made. A condition will be added requiring 5.5 square metres per person for each bedroom. Like wise no comment has been made if accommodation for "additional</p>

Internal Referral Body	Comments
	<p>needs' residents is proposed so it is assumed to be a "general" boarding house.</p> <p>The proposal provides for 9 off-street car parking spaces, 1 space in excess on the minimum standard and also 7 motorbike spaces 7 bicycle parking.</p> <p>Unfortunately, based on some other developments which have become effectively one bed room home units, rented by external agents and at market rates, the car parking required by the Government standard may be inadequate meaning that residents will park on surrounding streets. There does not appear to be parking on the corner immediately outside the development, but the 2 side streets .While it is not the role or ability of Environmental Health to comment or place conditions on this issue of parking in the public street , it is relevant to comment on the associated noise of closing doors and starting cars potentially 24/7 the impact of the potential intensity of use, of what existing residents would have reasonably expected in a quiet residential area.</p> <p>Head light glare to dwellings opposite from vehicles leaving the basement car parking has not been assessed or detail provided and not commented on here.</p> <p>No air-conditioning is proposed so noise from mechanical plant is not an issue.</p> <p>A plan of management has been prepared to assist with potential noise issues..</p> <p>On this basis no objections as the application is compliant.</p> <p>Conditions will be added in regard to other matters that can be managed.</p> <p>Planners comment:</p> <p>The above referral was completed prior to the change in the SEPP ARH that increased the parking rate to 0.5 spaces per room.</p> <p>The lack of parking has been included as a reason for refusal.</p>
Landscape Officer	<p>The site presents some constraints to development in terms of proximity to the watercourse and asset protection zone in the east of the site.</p> <p>The design presented addresses those constraints, however this in turn seems to present some difficulty in the integration of the proposal to the streetscape, particularly along Nargong Road and Jennifer Avenue.</p> <p>Binalong Avenue setbacks at 6.5 metres provide good space for soft</p>

Internal Referral Body	Comments
	<p>landscape treatments forward of that frontage of the building.</p> <p>The Jennifer Avenue frontage reduces the setback to 3.5 metres as a secondary frontage setback. However, the plans indicate that within this setback is located the 'Primary Outdoor Area' and an entry footpath. The plans are unclear on the treatment of this area, though graphically indicate table and seating arrangements which suggest open, possibly paved area for use as the stated 'primary outdoor area'.</p> <p>The location of this component is not supported as it is arguably the most prominent part of the site being on the corner and being at the highest part of the site. Clearly this reduces the opportunity for soft landscape to provide for softening of bulk and scale and integration of the building into the streetscape.</p> <p>Similarly, the Nargong Road frontage setback is seemingly not comprised solely of soft landscaping with plans indicating a bin holding area, outdoor seating areas off Beds 12 & 13 and openings out onto the area from Beds 10, 11 and the Common Area. (Refer to Ground Plan Dwg No. DA102).</p> <p>In order for the proposal to integrate into the streetscape, the 3.5 metre setbacks should be heavily landscaped and other uses required by the development setback beyond these areas.</p> <p>The Binalong Ave road verge in particular is currently heavily vegetated and steeply sloped. The plans do not address how these areas are to be treated. Removal of the existing vegetation would considerably open up the views into the site. Consideration should be given to landscape treatments of the steep embankments around the site to assist with integration and maintenance of the streetscape character currently provided. Ongoing maintenance responsibilities would be required to be carried out by the operators of the site if this was pursued.</p> <p>As a minimum, street trees around the site in the road reserves should be provided and indicated on the landscape plans.</p> <p>The retention of the <i>Glochidion ferdinandi</i> (Cheese Tree) in the rear yard and additional planting indicated is supported at the rear of the site, though it is noted that due to bush-fire management requirements the rear landscaping comprises trees and ground-cover only.</p> <p>The Flora and Fauna and Arboricultural assessments indicates that several trees to be removed are not prescribed trees under Council's Planning controls. Clause E1 of WDCP indicates that all trees are prescribed trees for the purposes of the control. Whilst there are some trees that are exempt from requiring Council consent to remove, this certainly doesn't apply to <i>Ficus rubiginosa</i> identified for removal and identified as not being a prescribed tree. Notwithstanding the above,</p>

Internal Referral Body	Comments
	<p>the tree removals indicated are not considered to be of such significance that retention is required subject to replanting of trees as indicated on the Landscape Plan, with the exception of the <i>Eucalyptus</i> (sic) <i>citriodora</i> indicated on the plans, which should be replaced with <i>Angophora costata</i>, a local native tree species.</p> <p>Planners comment:</p> <p>The removal of trees has been included as part of the landscape setting, front setback and character assessments. This issue forms part of those reasons for refusal.</p>
NECC (Bushland and Biodiversity)	<p>Council's natural environment, biodiversity section raise no objections to the proposal subject to conditions as applied in Council's riparian/creekline referral response. It is noted that the subject lots are largely represented by disturbed land with exotic weeds and limited native trees/vegetation.</p>
NECC (Development Engineering)	<p>The subject site is adjacent to a sag pit that carries a substantial amount of upstream stormwater. An overland flow study is required to determine the 1 in 100 year ARI water level in the open channel adjacent to the development site. Furthermore, the study is to consider the potential flooding of the site from the floodwaters on Nargong Road. Cross sections detailing the 1 in 100 year ARI water surface level are to be provided at appropriate intervals.</p> <p>The flood levels of the receiving water must be indicated on the drainage layout plan (if applicable). Water surface profiles are to be detailed for the existing and proposed conditions for the development site as well as both upstream and downstream of the development site. The Hec-Ras computer program is preferred for this application.</p> <p>The proposed development must comply with all requirements of Council's Section 9.3, Overland Flow of Council's PL 850 Water : Water Management Policy. Runoff from the developed site must not cause a detrimental effect on any property. This may require the retention (and possible expansion) of existing surface flow paths within the development site.</p> <p>The 100 year ARI flood flow level must be established in AHD for the proposed future floor levels and basement entry levels which shall be a minimum of 500 mm above the 100 year flood level. This is to ensure that the proposed future dwelling and basement car parking areas are protected in major storm events. This requirement may alter the design of the proposed driveway crossing and level of the basement.</p> <p>In accordance with the requirements of the SEPP, pedestrian access to the nearest bus stop must be provided for the development. In accordance with this requirement, the applicant must provide a concept design for a concrete footpath from the pedestrian access point of the development to the existing footpath at the intersection of</p>

Internal Referral Body	Comments
	<p>Maneroo Road and Allambie Road. The design must cater for the existing street trees, is to be 1.5 metres wide and be positioned at the edge of the existing kerb where practicable.</p> <p>The proposed development cannot be supported due to insufficient information to address:</p> <ul style="list-style-type: none"> • Pedestrian access in accordance with clause C2 of Council's DCP and clause 4 (1) (c) of SEPP (Affordable Rental Housing) 2009. • Overland flow requirements in accordance with clause C6 of Council's DCP.
NECC (Riparian Lands and Creeks)	No objection to the proposed development subject to conditions.
Parks, reserves, beaches, foreshore	No objection raised.
Strategic and Place Planning (Urban Design)	<p>The proposal in its current form cannot be supported for the following reasons:</p> <p><u>SEPP (Affordable Rental Housing) 2009, Clause 30 A - Character of local area</u></p> <p>The proposal is not compatible with the character of development within the current local context. The proposal needs to be compatible with the architectural form and style of the established development character. It should complement the site's appearance when viewed from the street and public spaces and incorporate a highly articulated façade treatment and roof form. The proposal will have an unacceptable impact to neighbouring houses when considering key amenity issues such as visual impact, noise and privacy. The visual impact of the proposal can be minimised with a better modulated and articulated building form in a well-considered landscaped setting. A street elevation to demonstrate how the proposal will fit in contextually to the next door houses will be required.</p> <p><u>Built form controls</u></p> <p>WLEP 2011 Aims of the LEP in relation to residential development, are to:</p> <ol style="list-style-type: none"> protect and enhance the residential use and amenity of existing residential environments, and promote development that is compatible with neighbouring development in terms of bulk, scale and appearance, and increase the availability and variety of dwellings to enable population growth without having adverse effects on the character and amenity of Warringah <p>Aims of the zone to ensure low density residential environments in</p>

Internal Referral Body	Comments
	<p>harmony with the surrounding single and double storey neighbourhood houses have not been achieved. The proposed continuous linear form needs to be broken up into similar bulk to the neighbouring houses with a bigger vertical indentation to allow soft landscaping to be inserted. There should be adequate facade articulation and greater 'gaps' should be imposed within parts of the building to improve built form to be sympathetic to detached style housing. To reduce the monolithic bulk of the Binalong Avenue elevation, the addition of breezeways by deleting units 6, 9, 15, 23, 26 and 33 will allow greater solar gain and cross-ventilation.</p> <p>They should be further articulated with single and double storey elements to improve the stepping-down effect of the proposed built form to the surrounding houses. The reduction in scale from two storeys to one storey on the Jeniffer Avenue elevation by removing unit 9 would also help the stepping down of building mass similar to the southern boundary.</p> <p><u>WDCP 2011 B1 – Wall Heights</u></p> <p>Walls are not to exceed 7.2 metres from ground level (existing) to the underside of the ceiling on the uppermost floor of the building</p> <p><u>WDCP 2011 B7 – Front Boundary Setbacks</u></p> <p>Development is to maintain a minimum setback to road frontages.</p> <p>The front boundary setback should be 6.5m and the area is to be landscaped and generally free of any structures, basements, carparking or site facilities other than driveways, letter boxes, garbage storage areas and fences.</p> <p>The communal area nominated as fronting the Jennifer Avenue elevation has a secondary frontage setback of 3.5m with access to this common outdoor area directly from the units on this frontage. A 6.5m setback should be provided.</p> <p><u>Privacy</u></p> <p>Fixed privacy screenings of windows to upper units will be required to minimise privacy issues to immediate neighbours.</p>
Traffic Engineer	<p>The proposed development is for 36 room boarding house including one to be occupied by a site manager, with vehicular access to a basement car park from Nargong Road.</p> <p>The proposal includes the provision of parking for 9 cars including one space for the disabled, 7 motorbike spaces and 7 bicycle spaces. The parking provision complies with the SEPP requirements and is acceptable. The location of access driveway is acceptable.</p> <p>The car park and driveway design complies with Australian Standards</p>

Internal Referral Body	Comments
	<p>with the exception of the driveway grade at the first 6.0m from the property boundary. This is not in accordance with Section 3.3 (a) requiring the grade to be up to 5%. This grade is required to provide adequate visibility of pedestrians walking on verge at the site frontage for vehicles exiting the driveway. The design proposes a 2.5 metre long section that is compliant at 5%, then a 2 metre long transition at 12.5% to the main ramp grade of 25%.</p> <p>The traffic report justifies that the verge is 5.8 metres wide and street trees immediately east of the driveway force any pedestrians to use the roadside edge of the verge. This would place the point of conflict between pedestrians and exiting vehicles at least 4 metres from the property boundary. This compares to typical urban footpaths, where verges of 3.6m width or similar typically have paved footpaths within 300mm to 600mm of a property boundary. it in concluded in the report that at this site the length from the start of the 5% grade inside the property to the point of conflict is at least 6.5 metres (2.5m inside the property, 4 metres outside) which is effectively the same as what the Standard seeks to achieve.</p> <p>The justification above could be acceptable subject to provision of footpath at the site frontage commencing from the driveway of No.15A Nargong Road. The footpath is to connect the site to the bus stop at Allambie Road through Maneroo Road. The footpath is to comply with development engineering requirements.</p> <p>Traffic generating from the proposal will not have significant adverse impacts on the road network and is acceptable.</p> <p>In view of the above, no objection is raised on the proposal on traffic grounds subject to the conditions.</p> <p>Planners comment:</p> <p>The above referral was completed prior to the change in the SEPP ARH that increased the parking rate to 0.5 spaces per room.</p> <p>In this regard, the second paragraph should be changed to:</p> <p><i>The proposal includes the provision of parking for 9 cars including one space for the disabled, 7 motorbike spaces and 7 bicycle spaces. The parking provision does not comply with the SEPP ARH requirements and is not acceptable. The location of access driveway is acceptable.</i></p>
Waste Officer	<p>Waste Services referral</p> <p>The application is not acceptable as the bin room and bulk waste room is not at street level and is located greater than 6.5m from the property boundary. The access to the bin room from kerbside is also not acceptable as a separate pedestrian access is required.</p> <p>The non compliance with the Waste Management guidelines requires</p>

Internal Referral Body	Comments
	a redesign of the proposal to be suitable.
External Referral Body	Comments
Ausgrid: (SEPP Infra.)	<p>The proposal was referred to Ausgrid who recommended a number of conditions and commented:</p> <p><i>"Ausgrid requires that due consideration be given to the compatibility of proposed development with existing Ausgrid infrastructure, particularly in relation to risks of electrocution, fire risks, Electric & Magnetic Fields (EMFs), noise, visual amenity and other matters that may impact on Ausgrid or the development."</i></p> <p>These conditions would be incorporated into any consent should this development be approved.</p>
NSW Rural Fire Service – local branch (s79BA EPAA)	<p>The RFS raised no objections, despite concerns raised in the submissions around the class of the building and the required Asset Protection Zone. The RFS recommended several conditions and commented, in part:</p> <p><i>"Based on the advice that the boarding house is for long term residents, the proposal has been assessed against the NSW RFS Policy, 'Increased Density on a Single Parcel of Land' Community Resilience Fast Fact 4/12, and section 4.14 of the Environmental Planning and Assessment Act 1979."</i></p>
Aboriginal Heritage Office	<p>No sites are recorded in the current development area and the area has been subject to previous disturbance reducing the likelihood of surviving unrecorded Aboriginal sites.</p> <p>Given the above, the Aboriginal Heritage Office considers that there are no Aboriginal heritage issues for the proposed development.</p> <p>Should any Aboriginal sites be uncovered during earthworks, works should cease and Council, the NSW Office of Environment and Heritage (OEH) and the Metropolitan Local Aboriginal Land Council should be contacted.</p>
Aboriginal Land Council	Two referrals were sent to the Aboriginal Land Council. No responses were received and therefore it is assumed that no objections are raised.

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)*

All, Environmental Planning Instruments (SEPPs, REPs and LEPs), Development Controls Plans and Council Policies have been considered in the merit assessment of this application.

In this regard, whilst all provisions of each Environmental Planning Instruments (SEPPs, REPs and LEPs), Development Controls Plans and Council Policies have been considered in the assessment, many provisions contained within the document are not relevant or are enacting, definitions and operational provisions which the proposal is considered to be acceptable against.

As such, an assessment is provided against the controls relevant to the merit consideration of the

application hereunder.

State Environmental Planning Policies (SEPPs) and State Regional Environmental Plans (SREPs)

SEPP 55 - Remediation of Land

Clause 7 (1) (a) of SEPP 55 requires the Consent Authority to consider whether land is contaminated. Council records indicate that the subject site has been used for residential purposes for a significant period of time with no prior land uses. In this regard it is considered that the site poses no risk of contamination and therefore, no further consideration is required under Clause 7 (1) (b) and (c) of SEPP 55 and the land is considered to be suitable for the residential land use.

SEPP (Affordable Rental Housing) 2009

State Environmental Planning Policy (Affordable Rental Housing) 2009 (SEPP ARH) aims to provide new affordable rental housing and retain and mitigate any loss of existing affordable rental housing by providing a consistent planning regime. Specifically, SEPP ARH provides for new affordable rental housing by offering incentives such as expanded zoning permissibility, floor space ratio bonuses and non-discretionary development standards.

Division 3: Boarding houses

Clause 25: Definition

For the purposes of this Division, the Standard Instrument defines a 'boarding house' as 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".

In this Division '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".*

Clause 26: Land to which this Division applies

Requirement	Comment
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:	
(a) Zone R1 General Residential, or (b) Zone R2 Low Density Residential, or (c) Zone R3 Medium Density Residential, or (d) Zone R4 High Density Residential, or (e) Zone B1 Neighbourhood Centre, or (f) Zone B2 Local Centre, or	Consistent The site is located within an R2 Low Density Residential zone and, as such, the proposed use is permissible with consent under WLEP 2011.

(g) Zone B4 Mixed Use.

Clause 27: Development to which this Division applies

(1) This Division applies to development, on land to which this Division applies, for the purposes of boarding houses.

Requirement	Comment
<p>(2) Despite subclause (1), this Division does not apply to development on land within Zone R2 Low Density 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.</p> <p>Note: Accessible area means land that is within:</p> <p>(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.</p>	<p>Consistent</p> <p>The site is located within an R2 Low Density Residential zone and is situated not more than 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.</p>
<p>(3) Despite subclause (1), this Division does not apply to development on land within Zone R2 Low Density 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.</p>	<p>Not applicable.</p> <p>The site is located within the Sydney region.</p>

Clause 28: Development may be carried out with consent

Requirement	Comment
Development to which this Division applies may be carried out with consent.	The development constitutes the construction of a boarding house, as defined by the Standard Instrument. Therefore, the development may be considered under this Division of the SEPP as development which may be carried out with consent.

Clause 29: Standards that cannot be used to refuse consent

Standard	Requirement	Proposed	Compliant/Comment
<p>(1) Density and scale</p> <p>A consent authority must not refuse consent to development to which</p>	<p>(a) the existing maximum floor space ratio for any form of residential accommodation</p>	<p>Floor space ratios are not applied in WLEP 2011 or WDCP</p>	<p>Not applicable</p>

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:	permitted on the land, or		
	(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	Floor space ratios are not applied in WLEP 2011 or WDCP	Not applicable
	(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) 0.5:1, if the existing maximum floor space ratio is 2.5:1 or less, or (ii) 20% of the existing maximum floor space ratio, if the existing maximum floor space ratio is greater than 2.5:1.	Residential flat buildings are not permitted with the R2 Low Density Residential zone. 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.	Consistent
(2) A consent authority must not refuse consent to development to which this Division applies on any of the following grounds:			
(a) building height	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	The development does not exceed the 8.5m height limit under WLEP 2011.	Compliant

	land,		
(b) landscaped area	if the landscape treatment of the front setback area is compatible with the streetscape in which the building is located,	<p>The proposal includes front setbacks (to all three street frontages) that are less than the minimum required by the Warringah DCP and less than those of surrounding and nearby properties.</p> <p>As a result, the landscaped treatment of these front setback areas is not adequate to create a reasonable sense of openness and will not sufficiently screen and/or break up the visual impact of the built form.</p> <p>In this regard, the landscaped treatment of the front setback area is not compatible with the streetscape.</p>	Not compliant
(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,	The proposed communal room is located on the northern side of the building and will receive a minimum of 3 hours direct sunlight between 9am and 3pm in mid-winter.	Consistent
(d) private open space	<p>if at least the following private open space areas are provided (other than the front setback area):</p> <p>(i) one area of at least 20m² with a minimum dimension of 3.0m is provided for the use of the lodgers,</p> <p>(ii) if accommodation is provided on site for a boarding house manager—one area of at least 8.0m² with a minimum dimension of 2.5m is provided</p>	<p>The development contains the following private open space areas:</p> <p>(a) Communal:</p> <p>Internal area: 46m² (minimum dimensions greater than 3.0m);</p> <p>External area: 73.9m² (minimum dimensions greater than 3.0m).</p> <p>(b) Manager's space: 39m² (minimum dimensions greater than 2.5m);</p>	Compliant

	adjacent to that accommodation,		
(e) parking	<p>if:</p> <p>(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</p> <p>(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</p> <p>(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</p> <p>(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,</p>	<p><u>Required:</u> This is development not carried out by or on behalf of a social housing provider and therefore requires 0.5 spaces per room, plus one space for the manager.</p> <p>35 boarding rooms = 17.5 spaces One managers room = 1 space</p> <p>Total required = 18.5 (rounded up to 19) spaces.</p> <p><u>Provided:</u> 8 spaces provided for lodgers. 1 space provided for the manager.</p> <p>Total provided = 9 spaces</p>	<p>Not compliant</p> <p>Deficiency of 10 spaces.</p> <p>This is discussed in further detail under Clause C3 Parking Facilities, below in this report, and has been included as a reason for refusal.</p>
(f) accommodation size	<p>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:</p> <p>(i) 12 square metres in the case of a boarding</p>	<p>All rooms are between 17.31sqm and 22.87sqm in area (excluding any area used for the purposes of private kitchen or bathroom facilities).</p>	<p>Compliant</p>

	room intended to be used by a single lodger, or		
	(ii) 16 square metres in any other case.		
	(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.	Each room contains a bathroom and kitchen facilities.	Consistent

Clause 30: Standards for boarding houses

Standard requirement	Proposed	Compliant/Comment
(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 internal communal room and one external communal area is provided.	Compliant
(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 25m ² ,	No rooms are greater than 25sqm (excluding any area used for the purposes of private kitchen or bathroom facilities).	Compliant
(c) no boarding room will be occupied by more than 2 adult lodgers,	The plans show single and dual occupancy rooms.	Compliant
(d) adequate bathroom and kitchen facilities will be available within the boarding house for the use of each lodger,	Each room includes bathroom and kitchen facilities that are considered adequate for the use of each lodger.	Consistent
(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,	A manager's room is provided.	Consistent
(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	The boarding house is not on land zoned primarily for commercial purposes.	Consistent

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.	Seven bicycle and seven motorcycle spaces provided.	Compliant
(2) Subclause (1) does not apply to development for the purposes of minor alterations or additions to an existing boarding house.	This development is for a new boarding house.	N/A

Clause 30: Character of the local area

The matter of assessing the character compatibility of development has been examined by the Land and Environment Court in *GPC No 5 (Wombarra) Pty Ltd v Wollongong City Council (2003)* NSWLEC 268 and *Project Venture Developments v Pittwater Council (2005)* NSWLEC 191 where Senior Commissioner Roseth set out Planning Principles to better evaluate how a development should respond to the character of its environment. The following provides an assessment against the Planning Principles established in those two cases.

Description of the existing local character

The local area is dominated by single and two storey detached dwellings with generous front setbacks, all within reasonable landscaped settings. This setting gives a positive sense of openness within the streetscape.

There are some examples of large dwellings in the area, however, no developments of the size or scale of the proposal can be found closer than the Allambie Heights shops, approximately 700m away.

Character assessment of the proposed development

In the case of *GPC No 5 (Wombarra) Pty Ltd v Wollongong City Council (2003)* NSWLEC 268 Senior Commissioner Roseth developed the following Planning Principles:

- *The first principle is that buildings in a development do not have to be single-storey to be compatible with the streetscape even where most existing buildings are single storey. The principle does not apply to conservation areas where single storey dwellings are likely to be the major reason for conservation.*

Comment:

The proposal is two storey as it appears from the adjacent streets and the adjoining and nearby properties. The local area is characterised by two storey detached dwellings, with a number of single storey dwellings in the vicinity. The proposed boarding house being two storey does not, in itself, make the development incompatible with the character of the local area.

The development meets the two storey nature of this principle.

- *The second principle is that where the size of a development is much greater than the other buildings in the street, it should be visually broken up so that it does not appear as one building. Sections of a building, or separate buildings should be separated by generous breaks and*

landscaping.

Comment:

The size of the proposed boarding house is much greater than the surrounding and nearby detached residential dwellings. The development presents a lengthy unbroken built form to its three street frontages. The design does have some articulation, however there are no large visual breaks to reduce the impression that the development is one single building.

This is one of the critical issues with this proposal and largely contributes to its incompatibility with the character of the local area.

A development separated into multiple modules or pavilions, which can be interconnected, with an integrated landscape treatment within generous breaks between each module would give the impression of three or more separate buildings on the site and not a long row of townhouses or residential flat building looking built form.

The development does not meet this principle.

- *The third principle is that where a site has existing characteristics that assist in reducing the visual dominance of development, these characteristics should be preserved. Topography that makes development appear smaller should not be modified. It is preferable to preserve existing vegetation around a site's edges to destroying it and planting new vegetation.*

Comment:

The existing characteristics of the site that would assist in reducing the visual dominance of the development include the large number of established trees and the fall of the land, down away from the street frontages.

The vast majority of the trees on the site are proposed to be removed and the development has been sited reasonably close to the front boundaries. These factors result in the existing vegetation being unable to provide any screening and the proposed landscaping being located in such a narrow setback (particularly along the Jennifer Avenue and Nargong Road frontages) that it will be unable to effectively screen the building while still allowing a reasonable sense of openness.

The fall of the land is generally being preserved by the development. Despite the significant excavation for the basement, the development does manage to step down with the slope of the site. This results in a ground floor level that is generally lower than the streets. This is a positive element, however, it does not compensate for the other impacts of the proposal.

The development does not meet this principle due to the removal of the vast majority of established trees on the site, particularly around the site edges, along with the minimal front landscaping areas.

- *The fourth principle is that a development should aim to reflect the materials and building forms of other buildings in the street. This is not to say that new materials and forms can never be introduced only that their introduction should be done with care and sensitivity.*

Comment:

The architectural style of the development is a positive element of the design and is considered to be suitable for the area. The proposed colours and materials fit with and reflect the materials and building forms of the dwellings in the street. Should the design be amended to resolve the built form issues outlined above, maintaining the current architectural style would be acceptable.

In this regard, the development is considered to be consistent with the fourth principle.

Further character assessment on the physical impacts of the development

The above Principals were further developed in *Project Venture Developments v Pittwater Council* (2005) NSWLEC 191 to include the following:

Are the proposal's physical impacts on surrounding development acceptable? The physical impacts include constraints on the development potential of surrounding sites, along with privacy, overshadowing and noise impacts.

Constraints on the development potential of surrounding sites

The proposal is not expected to impact on the development potential of surrounding sites.

Privacy

The development benefits from being relatively isolated, with only one residential lot adjoining the site (No. 58 Binalong Avenue, to the south). The elevation of the building that faces No. 58 Binalong Avenue, contains only hallway windows on the ground and first floors. There are no boarding room windows on this southern elevation.

The elevated outdoor area, while resulting in unreasonable internal privacy impacts (discussed in detail under Clause D8 Privacy, below in this report), has a significant setback to the southern boundary and will not result in unreasonable direct overlooking.

In this regard, the development will not result in any unreasonable privacy impacts.

Overshadowing

The development will result in an increase in overshadowing onto No. 58 Binalong Avenue, particularly their private open space.

This is a result of there currently being no structure close to the shared boundary.

The proposal has a minimum setback to the shared boundary of 2.18m for the ground floor and 5.42m for the first floor. The height of the proposal is also under the 8.5m limit, particularly at this southern elevation. This means that more than 50% of the private open space at No. 58 Binalong Avenue will retain more than three hours of sunlight between 9am and 3pm on June 21.

In this regard, the development will not result in any unreasonable overshadowing impacts.

Noise

The use is permissible and envisaged in the zone. The setbacks of the development to the only adjoining dwelling to the south, are 2.18m for the ground floor and 5.42m for the first floor and this

southern elevation contains no boarding room windows (as above, there are only two hallway windows). The private balconies all have side screening devices and are all of a size that makes it impossible to fit a large number of people on them, thereby preventing unreasonable noise.

The communal outdoor area is sited well away from the adjoining property but has been raised as an internal amenity concern. This is discussed in detail under Clause D8 Privacy, below in this report.

In this regard, the development is not expected to generate unreasonable levels of noise to surrounding properties.

Conclusion

While the architectural style of the design is acceptable, the size, bulk, scale and massing of the proposal, in relation to the existing development in the vicinity, is excessive. The boarding house does not provide sufficient front setbacks or landscaped settings to minimise impacts to the streetscape. A better design, separated into multiple modules with integrated landscape solutions within generous breaks between each module, would give the impression of three or more separate buildings on the site that would be compatible with the character of the local area.

The above character assessment has found that, in the context of the Land and Environment Court Planning Principles, the proposal is incompatible with the character of the local area and surrounding wider locality.

This matter warrants the refusal of the Development Application.

SEPP (Building Sustainability Index: BASIX) 2004

No BASIX certificate was submitted with the application.

In *SHMH Properties Australia Pty Ltd v City of Sydney Council [2018] NSWLEC 66*, the Court found that where a room in a boarding house contains facilities that would allow it to be used as a self-contained domicile (as is the case for most / all new generation boarding rooms), then the “boarding room” would be classified as a “dwelling” and the building is a “BASIX affected development”.

In this regard, a BASIX certificate is required and it is recommended that this be included as a reason for refusal.

SEPP (Infrastructure) 2007

Ausgrid

Clause 45 of the SEPP requires the Consent Authority to consider any development application (or an application for modification of consent) for any development carried out:

- within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists).
- immediately adjacent to an electricity substation.
- within 5.0m of an overhead power line.
- includes installation of a swimming pool any part of which is: within 30m of a structure supporting an overhead electricity transmission line and/or within 5.0m of an overhead electricity power line.

Comment:

The proposal was referred to Ausgrid who recommended a number of conditions and commented:

"The assessment and evaluation of environmental impacts for a new development consent (or where a development consent is modified) is undertaken in accordance with requirements of Section 79C of the Environmental Planning and Assessment Act 1979. One of the obligations upon consent authorities, such as local councils, is to consider the suitability of the site for the development which can include a consideration of whether the proposal is compatible with the surrounding land uses and the existing environment.

In this regard, Ausgrid requires that due consideration be given to the compatibility of proposed development with existing Ausgrid infrastructure, particularly in relation to risks of electrocution, fire risks, Electric & Magnetic Fields (EMFs), noise, visual amenity and other matters that may impact on Ausgrid or the development."

Warringah Local Environmental Plan 2011

Is the development permissible?	Yes
After consideration of the merits of the proposal, is the development consistent with:	
aims of the LEP?	No
zone objectives of the LEP?	No

Principal Development Standards

Standard	Requirement	Proposed	Complies
Height of Buildings:	8.5m	8.37m	Yes

Compliance Assessment

Clause	Compliance with Requirements
2.7 Demolition requires consent	Yes
4.3 Height of buildings	Yes
6.2 Earthworks	Yes
6.3 Flood planning	No
6.4 Development on sloping land	Yes

Detailed Assessment

Zone R2 Low Density Residential

The underlying objectives of the R2 Low Density Residential zone:

- To provide for the housing needs of the community within a low density residential environment.

Comment:

It is considered that the development satisfies this objective.

- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

Comment:

It is considered that the development satisfies this objective.

- *To ensure that low density residential environments are characterised by landscaped settings that are in harmony with the natural environment of Warringah.*

Comment:

The proposed front setbacks of the development do not allow for the structure to sit within a sufficient landscaped setting. The vast majority of the trees on the site are proposed to be removed and the development has been sited close to the front boundaries. These factors result in the existing vegetation being unable to provide a reasonable landscape setting and the proposed landscaping (in the front setbacks) being located in such a narrow area (particularly along the Jennifer Avenue and Nargong Road frontages) that it will be unable to effectively screen the building while still allowing a reasonable sense of openness.

In this regard, the development does not satisfy this objective and it is recommended that the application be refused on these grounds.

6.3 Flood planning

The objectives of Clause 6.3 - 'Flood Planning' require development to:

- (a) minimise the flood risk to life and property associated with the use of land, and
- (b) allow development on land that is compatible with the land's flood hazard, taking into account projected changes as a result of climate change, and
- (c) avoid significant adverse impacts on flood behaviour and the environment.

Comment:

Council's Development Engineers provided the following comments:

"The subject site is adjacent to a sag pit that carries a substantial amount of upstream stormwater. An overland flow study is required to determine the 1 in 100 year ARI water level in the open channel adjacent to the development site. Furthermore, the study is to consider the potential flooding of the site from the floodwaters on Nargong Road. Cross sections detailing the 1 in 100 year ARI water surface level are to be provided at appropriate intervals.

The flood levels of the receiving water must be indicated on the drainage layout plan (if applicable). Water surface profiles are to be detailed for the existing and proposed conditions for the development site as well as both upstream and downstream of the development site. The Hec-Ras computer program is preferred for this application.

The proposed development must comply with all requirements of Council's Section 9.3, Overland Flow of Council's PL 850 Water : Water Management Policy. Runoff from the developed site must not cause

a detrimental effect on any property. This may require the retention (and possible expansion) of existing surface flow paths within the development site.

The 100 year ARI flood flow level must be established in AHD for the proposed future floor levels and basement entry levels which shall be a minimum of 500 mm above the 100 year flood level. This is to ensure that the proposed future dwelling and basement car parking areas are protected in major storm events. This requirement may alter the design of the proposed driveway crossing and level of the basement."

Given the above comments, it is recommended that this be included as a reason for refusal of the application.

Warringah Development Control Plan

Built Form Controls

Built Form Control	Requirement	Proposed	% Variation*	Complies
B1 Wall height	7.2m	Maximum of 8.1m	12.5%	No
B3 Side Boundary Envelope	South - 4m	No encroachments	N/A	Yes
	East - 4m	No encroachments	N/A	Yes
B5 Side Boundary Setbacks	South - 0.9m	Ground floor - 2.18m First floor - 5.42m	N/A N/A	Yes Yes
	East - 0.9m	Basement - 1.11m Ground floor - Minimum of 4.79m	N/A N/A	Yes Yes
B7 Front Boundary Setbacks	West - 6.5m	Minimum of 5.63m	13.4%	No
B7 Secondary Front Boundary Setbacks	North - 3.5m	Minimum of 2.69m	23.1%	No
D1 Landscaped Open Space (LOS) and Bushland Setting	40%	44.8% (765sqm)	N/A	Yes

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A.5 Objectives	No	No
B1 Wall Heights	No	No
B3 Side Boundary Envelope	Yes	Yes
B5 Side Boundary Setbacks	Yes	Yes
B7 Front Boundary Setbacks	No	No
C2 Traffic, Access and Safety	Yes	Yes
C3 Parking Facilities	No	No
C4 Stormwater	Yes	Yes
C5 Erosion and Sedimentation	Yes	Yes
C7 Excavation and Landfill	Yes	Yes
C8 Demolition and Construction	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
C9 Waste Management	No	No
D1 Landscaped Open Space and Bushland Setting	Yes	Yes
D2 Private Open Space	Yes	Yes
D3 Noise	Yes	Yes
D6 Access to Sunlight	Yes	Yes
D7 Views	Yes	Yes
D8 Privacy	No	No
D9 Building Bulk	No	No
D10 Building Colours and Materials	Yes	Yes
D11 Roofs	Yes	Yes
D12 Glare and Reflection	Yes	Yes
D14 Site Facilities	Yes	Yes
D20 Safety and Security	Yes	Yes
D21 Provision and Location of Utility Services	Yes	Yes
E1 Preservation of Trees or Bushland Vegetation	Yes	Yes
E2 Prescribed Vegetation	Yes	Yes
E4 Wildlife Corridors	Yes	Yes
E6 Retaining unique environmental features	Yes	Yes
E7 Development on land adjoining public open space	Yes	Yes
E8 Waterways and Riparian Lands	Yes	Yes
E10 Landslip Risk	Yes	Yes

Detailed Assessment

B1 Wall Heights

Description of non-compliance

The plans indicate that the development has a maximum wall height of 8.1m.

The control requires a maximum of 7.2m.

Merit consideration:

With regard to the consideration for a variation, the development is considered against the underlying Objectives of the Control as follows:

- *To minimise the visual impact of development when viewed from adjoining properties, streets, waterways and land zoned for public recreation purposes.*

Comment:

While the wall height breach is confined to a relatively small portion of the development, it is an indication of an overdevelopment of the site and of a building that has an unreasonable visual

impact.

Providing actual breaks in the built form (for example: a gap of a minimum of 2.0m that is suitable for landscaping) would help to reduce the non-compliance, reduce the visual impact of the development and assist in achieving a proposal that is compatible with the local area.

It is recommended that this be included as a reason for refusal.

- *To ensure development is generally beneath the existing tree canopy level*

Comment:

Numerous established trees are proposed to be removed as part of this development, however, the building does remain beneath the height limit and therefore will generally remain below the overall tree canopy.

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

Comment:

The proposal is not expected to result in the unreasonable loss of any views.

- *To minimise the impact of development on adjoining or nearby properties.*

Comment:

The wall height breach won't itself result in any unreasonable overshadowing, privacy or other amenity impacts on adjoining properties. However, the breach contributes to the overall size and scale of the development.

- *To ensure that development responds to site topography and to discourage excavation of the natural landform.*

Comment:

The development steps down with the slope of the land and remains under the 8.5m height limit. In this regard, the proposal responds appropriately to the site topography.

- *To provide sufficient scope for innovative roof pitch and variation in roof design.*

Comment:

The proposed roof is not incompatible with the local area and provides some visual interest for the development.

B7 Front Boundary Setbacks

Description of non-compliance

The site has three street frontages. The proposal is set back a minimum of 5.63m from the primary street frontage (Binalong Avenue) and, 3.34m and 2.69m from the secondary street frontages (Jennifer Avenue and Nargong Road respectively). The statement of environmental effects states that the setbacks are 6.55m and 3.5m. This is not confirmed by the drawings and is therefore not an accurate statement.

The control requires a minimum of 6.5m for the primary frontage and 3.5m for the secondary frontage. The secondary street variation (to 3.5m) must consider the character of the secondary street and the predominant setbacks existing to that street.

Merit consideration:

With regard to the consideration for a variation, the development is considered against the underlying Objectives of the Control as follows:

- *To create a sense of openness.*

Comment:

The size and scale of the development is much greater than that of a single detached dwelling and therefore requires a sensitive treatment of the front setback areas in order to achieve a reasonable sense of openness within the established street.

The character of the secondary streets (in this case, Jennifer Avenue and Nargong Road), which must be taken into account when considering a setback of less than 6.5m for lots with multiple street frontages, is that of detached dwellings with generous front setbacks. In this regard, a secondary street setback of 3.5m is not considered appropriate, especially for a development of this size and scale.

The proposal does not provide the same treatment for the Jennifer Avenue and Nargong Road frontages as has been established by the majority of other development in these streets. Instead, the development is setback a minimum of 2.69m to these secondary frontages and a minimum of 5.63m to the primary frontage, being Binalong Avenue.

These relatively minimal setbacks, in particular the secondary street setbacks for a substantial portion of the development, does not create a sufficient sense of openness to minimise the visual impact from this proposal.

- *To maintain the visual continuity and pattern of buildings and landscape elements.*

Comment:

As discussed above, the front setbacks of the proposed development are not consistent or compatible with surrounding and nearby development.

In this context, the proposed boarding house development results in a significant departure from the established pattern of buildings and landscape elements in the vicinity and therefore, does not meet this objective.

- *To protect and enhance the visual quality of streetscapes and public spaces.*

Comment:

As discussed above, the front setbacks of the proposed development are not consistent or compatible with surrounding and nearby development, and do not comply with the minimum requirements of this control.

The size and scale of the development necessitates compliant, or greater than compliant, front setbacks in order to simply protect the visual quality of the streetscape. These front setbacks are critical spaces to provide high quality landscaping that will help enhance the streetscape.

The proposed front setbacks are not considered sufficient to protect or enhance the visual quality of the streetscape.

- *To achieve reasonable view sharing.*

Comment:

The development will not result in any unreasonable view loss.

C3 Parking Facilities

Merit consideration

The development is considered against the underlying Objectives of the Control as follows:

- *To provide adequate off street carparking.*

Comment:

The development provides the following on-site car parking:

Use	SEPP ARH Calculation	Required	Provided	Difference (+/-)
Boarding house	0.5 spaces per boarding room 1 space for the manager	35 boarding rooms = 17.5 spaces 1 manager's room = 1 space Total = 18.5 (i.e. 19) spaces	8 spaces for the boarders 1 space for the manager Total = 9 spaces	-10 spaces

The proposal was lodged prior to a change to the SEPP ARH that increased the parking rate from 0.2 spaces per room to 0.5. Under the former control, the development complied with the minimum parking rate, however, no savings provisions were included when the change to the SEPP ARH was made and therefore the development must comply with the 0.5 rate.

The non-compliance with the minimum parking rate will result in unacceptable impacts to the on-street parking availability in surrounding streets.

The proposal does not provide adequate off-street parking and should be refused for this reason.

- *To site and design parking facilities (including garages) to have minimal visual impact on the street frontage or other public place.*

Comment:

The basement parking spaces are below ground and will have a minimal visual impact on the street frontage.

- *To ensure that parking facilities (including garages) are designed so as not to dominate the street frontage or other public spaces.*

Comment:

The basement parking spaces are below ground and will have a minimal visual impact on the street frontage.

C9 Waste Management

Council's Waste Officers reviewed the proposal in relation to demolition/construction and on-going waste management. The Waste Officers recommended refusal and commented that:

"The application is not acceptable as the bin room and bulk waste room is not at street level and located greater than 6.5m from the property boundary. The access to the bin room from kerbside is also not acceptable as a separate pedestrian access is required."

This matter has been included as a reason for refusal in the recommendation of this report.

D8 Privacy

Merit consideration

With regard to the consideration for a variation, the development is considered against the underlying Objectives of the Control as follows:

- *To ensure the siting and design of buildings provides a high level of visual and acoustic privacy for occupants and neighbours.*

Comment:

The secondary courtyard, proposed on the eastern side of the development directly adjoins rooms 14, 15 and 16 (i.e. their doors open out onto the courtyard) with rooms 32, 33 and 34 directly above. This courtyard is accessible by all residents of the development and will therefore result in a poor level of visual and acoustic privacy for rooms 14, 15, 16, 32, 33 and 34.

Requiring the occupants of the affected rooms to have their doors closed and curtains drawn to protect themselves from privacy and noise impacts is not a reasonable outcome and will not result in good internal amenity. In this regard, internal visual and acoustic privacy impact is recommended as a reason for refusal.

The only neighbouring residential lot is No. 58 Binalong Avenue, to the south. The elevation of the building that faces No. 58 Binalong Avenue, contains only hallway windows on the ground and first floors. There are no boarding room windows on this southern elevation and the private balconies all have side screening devices.

The design of the development is such that there will be no unreasonable privacy impacts on any surrounding residential lot.

- *To encourage innovative design solutions to improve the urban environment.*

Comment:

The privacy impacts resulting from the development are internal only and will result in poor amenity for a number of rooms. In this regard, the design is not considered to be an innovative solution.

- *To provide personal and property security for occupants and visitors.*

Comment:

The personal and property security for the occupants and any visitors will be adequate.

D9 Building Bulk

Merit consideration

The development is considered against the underlying Objectives of the Control as follows:

- *To encourage good design and innovative architecture to improve the urban environment.*

Comment:

The development is sited in a well established low density residential area, the character of which consists of detached dwellings with generous front landscaped setbacks creating a positive sense of openness. There are no developments of a similar scale in the vicinity nor is there any great variety of buildings other than single detached dwellings for a reasonably wide radius.

While the architectural style of the building is a positive element, its size and scale is not consistent or compatible with surrounding development. Minimal attempts have been made to provide visual breaks in the built form to minimise its impact on the established streetscape and the character of the surrounding urban environment.

In this regard, the proposal is not considered to be as innovative as it needs to be and it will not improve the urban environment.

- *To minimise the visual impact of development when viewed from adjoining properties, streets, waterways and land zoned for public recreation purposes.*

Comment:

The size of the proposed boarding house is much greater than the surrounding and nearby detached residential dwellings. The development presents as a lengthy unbroken built form to three street frontages and therefore has a significant visual impact when viewed from adjoining properties and the street.

As a comparison, an average size dwelling on a relatively standard 15.0m wide lot, would expected to be no more than 13.0m wide (with the upper levels stepped in from that). The proposal presents a total of 63.4m of unbroken building to the three street frontages, 32.19m of that total is to Binalong Avenue alone.

The design does have some articulation, however there are no large visual breaks to reduce the impression that the development is one single building.

This is one of the critical issues with this development and largely contributes to its incompatibility with the character of the local area and its inability to minimise the associated visual impacts from adjoining properties and the surrounding streets.

A development separated into multiple modules or pavilions, which can be interconnected, with integrated landscape solutions between each module would give the impression of three or more separate buildings on the site rather than one row of townhouses or a single residential flat building.

Building bulk is recommended to be included as a reason for refusal.

THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES

The proposal will not significantly effect threatened species, populations or ecological communities, or their habitats.

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

The proposal is consistent with the principles of Crime Prevention Through Environmental Design.

CONCLUSION

The site has been inspected and the application assessed having regard to all documentation submitted by the applicant and the provisions of:

- Environmental Planning and Assessment Act 1979;
- Environmental Planning and Assessment Regulation 2000;
- All relevant and draft Environmental Planning Instruments;
- Warringah Local Environment Plan;
- Warringah Development Control Plan; and
- Codes and Policies of Council.

This assessment has taken into consideration the submitted plans, Statement of Environmental Effects, all other documentation supporting the application and public submissions, in this regard the application is not considered to be acceptable and is recommended for refusal.

In consideration of the proposal and the merit consideration of the development, the proposal is considered to be:

- Inconsistent with the objectives of the DCP
- Inconsistent with the zone objectives of the LEP
- Inconsistent with the aims of the LEP
- Inconsistent with the objectives of the relevant EPIs
- Inconsistent with the objects of the Environmental Planning and Assessment Act 1979

This proposal is for a 36 room boarding house with basement car parking, located on a corner lot, with three street frontages, in a well established low density residential area. The site is relatively isolated with only one directly adjoining neighbouring dwelling.

The notification of the application resulted in 102 submissions being received, all of which objected to the proposal based on a large number of specific issues. Many of the concerns raised within the submissions are agreed with and have been incorporated into the reasons for refusal. One issue raised by a large number of submissions was bush fire risk. The NSW RFS has been informed of the residents concerns and multiple follow ups were made with the RFS to confirm their assessment. It is noted that the residents believe that the applicant and the RFS are in error, however, based on the RFS approval, Council is satisfied that the development is acceptable from a bushfire perspective.

The development does not meet the requirements and/or objectives of a number of clauses within the SEPP ARH, the WLEP 2011 and the WDCP. These include, character, flood planning, wall heights, front boundary setbacks, parking, waste management, privacy and building bulk.

The proposal was lodged prior to a change in the parking rate from 0.2 spaces per room to 0.5. Under the former control, the development complied with the minimum parking rate, however, no savings provisions were included when the change to the SEPP ARH was made and therefore the development must comply with the 0.5 rate. The parking provided in the basement is now non-compliant by 10 spaces (19 spaces are now required). The parking related impacts on the surrounding streets will be unacceptable.

The size and scale of the proposed boarding house is much greater than the surrounding and nearby detached residential dwellings. There are no large visual breaks in the facade to reduce the impression that the development is one single building and an insufficient landscaped setting within the front setbacks. In this regard, the development is incompatible with the character of the local area.

For the reasons outlined above, and in the rest of this report, the development cannot be supported and it is recommended that the panel refuse the application.

It is considered that the proposed development does not satisfy the appropriate controls and that all processes and assessments have been satisfactorily addressed.

RECOMMENDATION

THAT Council, as the consent authority REFUSE Development Consent to Development Application No DA2018/0149 for the Demolition of existing structures and construction of a two storey boarding house containing 36 beds and associated basement parking on land at Lot 2211 DP 752038,60

Binalong Avenue, ALLAMBIE HEIGHTS, Lot 2223 DP 752038, 60 Binalong Avenue, ALLAMBIE HEIGHTS, for the reasons outlined as follows:

1. Pursuant to Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979, the proposed development is not in the public interest.
2. Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the provisions of State Environmental Planning Policy (Affordable Rental Housing) 2009.
3. Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the provisions of State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004.
4. Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the Clause 1.2 Aims of The Plan of the Warringah Local Environmental Plan 2011.
5. Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the provisions of Clause Zone R2 Low Density Residential of the Warringah Local Environmental Plan 2011.
6. Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the provisions of Clause 6.3 Flood Planning of the Warringah Local Environmental Plan 2011.
7. Pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the following clauses of the Warringah Development Control Plan:
 1. B1 Wall Heights,
 2. B7 Front Boundary Setbacks,
 3. C3 Parking Facilities,
 4. C9 Waste Management,
 5. D8 Privacy, and
 6. D9 Building Bulk.

In signing this report, I declare that I do not have a Conflict of Interest.

Signed

The application is determined on //, under the delegated authority of:

Steven Findlay, Manager Development Assessments

Peter Robinson, Executive Manager Development Assessment






























ATTACHMENT A

Notification Plan	Title	Date
 2018/100395	Plans - Notification	29/01/2018



























ATTACHMENT B































Notification Document	Title	Date
 2018/116533	Notification Map	15/02/2018































ATTACHMENT C





















Reference Number	Document	Date
 2018/100206	Report - Traffic	20/01/2018
 2018/100231	Report - Section J	20/01/2018
 2018/100258	Report - Access	22/01/2018
 2018/100387	Plans - Survey	24/01/2018
 2018/100434	Plans - Landscape	24/01/2018
 2018/100313	Report - Arborist	28/01/2018
 2018/100209	Report - Bushfire Risk Assessment	28/01/2018
 2018/100249	Report - BCA - Building Code of Australia	29/01/2018
 2018/100252	To delete	29/01/2018
 2018/100508	Plans - Master Set	29/01/2018
 2018/100395	Plans - Notification	29/01/2018
 2018/100203	Report - Waste Management Plan	30/01/2018
 2018/100415	Plans - Certification of Shadow Diagrams with Plans	30/01/2018
 2018/100218	Report - Flora and Fauna	30/01/2018
 2018/100205	Report - Waterway Impact Statement	31/01/2018
 2018/100408	Report - Biodiversity Management Plan	31/01/2018
 2018/100154	Report - Statement of Environmental Effects	01/02/2018
 2018/100416	ilsax 60 binalong ave 2 Feb 2018	02/02/2018
 2018/100413	Plans & Report - Stormwater Management & ESCP for DA 2 Feb 2018	02/02/2018
 DA2018/0149	60 Binalong Avenue ALLAMBIE HEIGHTS NSW 2100 - Development Application - New	05/02/2018
 2018/095353	DA Acknowledgement Letter - Acn603347824 Pty Ltd	05/02/2018
 2018/100134	Applicant Details & Cost Summary	07/02/2018
 2018/100144	RFS cheque - \$320	07/02/2018
 2018/100196	Recommended Rejection Form	07/02/2018
 2018/100346	Report - Geotechnical Investigation	07/02/2018
 2018/100348	Operational Plan of Management	07/02/2018
 2018/104223	Submission - Schopen	08/02/2018
 2018/105569	Submission - Levy	09/02/2018
 2018/105918	Submission - Nichols	09/02/2018
 2018/109525	Submission - Cochrane	09/02/2018

	2018/110989	Submission - Stocken	10/02/2018
	2018/110997	Submission - Slater	10/02/2018
	2018/111073	Submission - Harrington	11/02/2018
	2018/111196	Request for response - Notification for DA - 60 Binalong Avenue Allambie Heights	12/02/2018
	2018/117673	Environmental Health (Industrial) - Assessment Referral - DA2018/0149 - 60 Binalong Avenue ALLAMBIE HEIGHTS NSW 2100	12/02/2018
	2018/110538	Building Assessment - Fire and Disability upgrades - Assessment Referral - DA2018/0149 - 60 Binalong Avenue ALLAMBIE HEIGHTS NSW 2100 - PH	12/02/2018
	2018/108327	Waste Referral Response	12/02/2018
	2018/111238	Submission - McGarr	12/02/2018
	2018/111247	Submission - Slater	12/02/2018
	2018/109402	Submission - Wheen	12/02/2018
	2018/109048	Development Application Advertising Document - ACN 603347824 Pty Ltd	12/02/2018
	2018/111342	Submission - Slater	12/02/2018
	2018/111356	Submission - Grayson-March	12/02/2018
	2018/109993	Submission Acknowledgement Letter - Charlotte Erin Nichols - SA2018/105918	13/02/2018
	2018/109999	Submission Acknowledgement Letter - David John Cochrane - SA2018/109525	13/02/2018
	2018/110002	Submission Acknowledgement Letter - Louise Jane Levy - SA2018/105569	13/02/2018
	2018/111636	Submission - Wheen	13/02/2018
	2018/111681	Submission - Baker	13/02/2018
	2018/111420	Referral - Integrated Cheque Letter - NSW Rural Fire Service (Subdivisions and Special Fire Protection Purposes under Section 100B of Rural Fires Act)	13/02/2018
	2018/113422	Submission - Wheen	13/02/2018
	2018/113611	Submission - Lockhart	14/02/2018
	2018/113690	Submission - Vozzo	14/02/2018
	2018/115323	Submission - Miller	14/02/2018
	2018/115539	Submission Acknowledgement Letter - Sandra Ann Stocken & Anthony Christopher Stocken - SA2018/110989	15/02/2018
	2018/115541	Submission Acknowledgement Letter - Ben Harrington - SA2018/111073	15/02/2018
	2018/115549	Submission Acknowledgement Letter - Emma Vozzo - SA2018/113690	15/02/2018







	2018/115552	Submission Acknowledgement Letter - John Malcolm Slater - SA2018/110997	15/02/2018
	2018/115564	Submission Acknowledgement Letter - Giovanna Carol Grayson-March - SA2018/111356	15/02/2018
	2018/115567	Submission Acknowledgement Letter - Karen Lockhart - SA2018/113611	15/02/2018
	2018/115569	Submission Acknowledgement Letter - Peta Miller - SA2018/115323	15/02/2018
	2018/115582	Submission Acknowledgement Letter - Justin Mcgarr - SA2018/111238	15/02/2018
	2018/118073	Submission Acknowledgement Letter - John Malcolm Slater - SA2018/111247	15/02/2018
	2018/118074	Submission Acknowledgement Letter - Claire Diane Baker - SA2018/111681	15/02/2018
	2018/118107	Submission Acknowledgement Letter - John Malcolm Slater - SA2018/111342	15/02/2018
	2018/116456	DA Acknowledgement Letter (integrated) - ACN 603347824 Pty Ltd	15/02/2018
	2018/116533	Notification Map	15/02/2018
	2018/116635	Notification Letter Integrated Dev RFS - 45	15/02/2018
	2018/120999	Referral - RFS - 60 Binalong Avenue Allambie Heights	16/02/2018
	2018/120648	Online Submission - Chalmers	16/02/2018
	2018/120863	Online Submission - McPhee	17/02/2018
	2018/119701	Building Assessment Referral Response	17/02/2018
	2018/120866	Online Submission - Maurer	17/02/2018
	2018/120869	Online Submission - Jonsson	18/02/2018
	2018/120879	Online Submission - Tissington	18/02/2018
	2018/120882	Online Submission - Dawson	18/02/2018
	2018/122556	Online Submission - Jonsson	19/02/2018
	2018/122483	Submission - Brown	19/02/2018
	2018/122496	Submission - Brown	19/02/2018
	2018/122550	Online Submission - Zouroudis	19/02/2018
	2018/122881	Online Submission - Hayes	20/02/2018
	2018/122911	Submission Acknowledgement Letter - Edward Malcolm Brown - SA2018/122496	20/02/2018
	2018/122915	Submission Acknowledgement Letter - Carole Ann Brown - SA2018/122483	20/02/2018
	2018/123174	Submission - Jackson	20/02/2018
	2018/125055	Submission - O'Grady	20/02/2018

	2018/125662	Online Submission - Cant	20/02/2018
	2018/125035	Submission Acknowledgement Letter - Elizabeth Jackson - SA2018/123174	20/02/2018
	2018/125663	Online Submission - Curry	20/02/2018
	2018/125868	Submission Acknowledgement Letter - Raymond Gerard O'Grady & Christine Mary O'Grady - SA2018/125055	21/02/2018
	2018/126441	Online Submission - Hyles	21/02/2018
	2018/127498	Online Submission - New	21/02/2018
	2018/128795	Online Submission - Tobin	21/02/2018
	2018/134028	Referral - Ausgrid - 60 Binalong Avenue Allambie Heights	22/02/2018
	2018/130136	Environmental Health Referral Response - industrial use	22/02/2018
	2018/131552	Online Submission - Burn	22/02/2018
	2018/131551	Online Submission - Baker	22/02/2018
	2018/133764	Online Submission - Thorpe	23/02/2018
	2018/133766	Online Submission - Yang	23/02/2018
	2018/147458	Submission - Edison	24/02/2018
	2018/133779	Online Submission - Vlotman	25/02/2018
	2018/133780	Online Submission - Vlotman	25/02/2018
	2018/135437	NSW Rural Fire Service - Receipt	26/02/2018
	2018/135522	Natural Environment Referral Response - Riparian	26/02/2018
	2018/135722	Online Submission - Hyles	26/02/2018
	2018/160709	Submission - Gopala and Jacob Maurer to Mayor Regan - Gladys Ave DA and AHSEPP Update	27/02/2018
	2018/138894	Development Engineering Referral Response	27/02/2018
	2018/139652	Online Submission - Webster	27/02/2018
	2018/140491	Online Submission - Milne	28/02/2018
	2018/147310	Submission - Reading	28/02/2018
	2018/143499	Online Submission - Stevens	01/03/2018
	2018/146199	Online Submission - Wilson	01/03/2018
	2018/147169	Submission Acknowledgement Letter - James Stephen Fairclough - SA2018/139747	02/03/2018
	2018/156850	Online Submission - Hyles	02/03/2018
	2018/156871	Online Submission - Hyles	04/03/2018
	2018/156875	Online Submission - McGale	05/03/2018

	2018/157048	Submission - Rice	05/03/2018
	2018/156876	Online Submission - Atkins	05/03/2018
	2018/157816	Submission - Atkins	05/03/2018
	2018/156880	Online Submission - Stones	05/03/2018
	2018/158490	Submission - New	06/03/2018
	2018/157378	Submission Acknowledgement Letter - Pamela Dale Rice - SA2018/157048	06/03/2018
	2018/157385	Submission Acknowledgement Letter - Stephen John William Reading & Veronica Marie Reading - SA2018/147310	06/03/2018
	2018/157386	Submission Acknowledgement Letter - Kay Edison - SA2018/147458	06/03/2018
	2018/159533	Online Submission - Thomas	06/03/2018
	2018/164702	Submission Acknowledgement Letter - Frances Hailu Jessie Atkins - SA2018/157816	09/03/2018
	2018/165780	Online Submission - Rogerson	09/03/2018
	2018/166016	Online Submission - Scott	09/03/2018
	2018/168074	Online Submission - Vale	10/03/2018
	2018/170265	Submission - Blake	10/03/2018
	2018/168090	Online Submission - Ryan	11/03/2018
	2018/168105	Online Submission - Cockburn	11/03/2018
	2018/168112	Online Submission - Moloney	11/03/2018
	2018/168805	Parks and Recreation Referral Response	12/03/2018
	2018/169930	Online Submission - Butler	13/03/2018
	2018/173336	Submission Acknowledgement Letter - Kim Therese Blake - SA2018/170265	14/03/2018
	2018/175103	Online Submission - Cope	14/03/2018
	2018/175105	Online Submission - Lawson	14/03/2018
	2018/175822	Online Submission - Figueroa	15/03/2018
	2018/175915	Online Submission - Gatford	15/03/2018
	2018/177982	Online Submission - Nievergelt	15/03/2018
	2018/180033	Working plans	16/03/2018
	2018/180802	Online Submission - Ross	18/03/2018
	2018/180804	Online Submission - Blake	18/03/2018
	2018/180812	Online Submission - Kelly	18/03/2018
	2018/180827	Online Submission - Paull	18/03/2018
	2018/180829	Online Submission - Bonney	18/03/2018

			
	2018/180834	Online Submission - Denly	18/03/2018
	2018/180831	Online Submission - Clark	18/03/2018
	2018/180835	Online Submission - Marks	19/03/2018
	2018/181622	Online Submission - Chalmers	19/03/2018
	2018/181912	Online Submission - Giles	19/03/2018
	2018/182570	submission miles	19/03/2018
	2018/183681	Online Submission - Brocklebank	19/03/2018
	2018/183684	Online Submission - Clark	19/03/2018
	2018/183685	Online Submission - McIntosh	19/03/2018
	2018/184029	Submission Acknowledgement Letter - Evonne Annette Miles - SA2018/182570	20/03/2018
	2018/185190	Online Submission - Hurley	20/03/2018
	2018/186083	submission mclean	20/03/2018
	2018/186460	Online Submission - Barnwell	20/03/2018
	2018/186639	Online Submission - Turi	20/03/2018
	2018/186691	Online Submission - Fuller	20/03/2018
	2018/186735	Online Submission - Birnie	20/03/2018
	2018/186967	Online Submission - Goehring	20/03/2018
	2018/187380	Online Submission - Campbell	20/03/2018
	2018/187383	Online Submission - Tissington	20/03/2018
	2018/187419	Online Submission - Evans	21/03/2018
	2018/187731	Online Submission - Burn	21/03/2018
	2018/189297	Online Submission - Wylie	21/03/2018
	2018/191448	Online Submission - Metzke	21/03/2018
	2018/194533	Submission - Williamson	21/03/2018
	2018/191464	Online Submission - Williamson	21/03/2018
	2018/191520	Online Submission - Classnitz	21/03/2018
	2018/191526	Online Submission - Matthews	21/03/2018
	2018/191531	Online Submission - Beecham	21/03/2018
	2018/194985	Submission - Fitzgerald	21/03/2018
	2018/191537	Online Submission - Trollor	21/03/2018
	2018/190281	Submission Acknowledgement Letter - Lucy Helen Gillespie McClean & Steven Mark Gillespie McClean - SA2018/186083	22/03/2018

	2018/195315	Submission Acknowledgement Letter - Pauline Williamson - SA2018/194533	23/03/2018
	2018/197358	Submission - Roborgh	25/03/2018
	2018/197372	Submission - Turton	26/03/2018
	2018/203325	Submission - Maurer	26/03/2018
	2018/204462	Submission Acknowledgement Letter - Gopala Maurer - SA2018/203325	27/03/2018
	2018/207139	Submission - Rowing	28/03/2018
	2018/207471	Request for Withdrawal of Development Application - ACN 603347824 Pty Ltd	28/03/2018
	2018/208088	Submission Acknowledgement Letter - Jill Rowing - SA2018/207139	29/03/2018
	2018/209463	Landscape Referral Response	29/03/2018
	2018/215635	Submission - McIntosh	04/04/2018
	2018/216293	Submission Acknowledgement Letter - Andrew Keith McIntosh - SA2018/215635	04/04/2018
	2018/222281	Follow Up - Request for Comments - Aboriginal Land Council	09/04/2018
	2018/232631	Urban Design Referral Response	12/04/2018
	2018/238628	L8128 Class 1 Application LEC 109854 of 2018 - ACN 603 347 824 60 Binalong Avenue Allambie Heights	16/04/2018
	2018/276810	NSW Rural Fire Service - Additional Info - Land Use Boarding House -DA2018/0149	18/04/2018
	2018/244420	Natural Environment Referral Response - Biodiversity	18/04/2018
	2018/260084	Referral response - DA2018/0149 60 Binalong Avenue Allambie Heights - NSW Rural Fire Service	26/04/2018
	2018/280148	Traffic Engineer Referral Response	07/05/2018
	2018/308894	Response required - Boarding House at 60 Binalong Ave, Allambie	22/05/2018
	2018/309065	Response required - Boarding House - 60 Binalong Avenue Allambie - RFS Referral - Peter Polgar	22/05/2018
	2018/328297	RFS response to resident concerns	24/05/2018
	2018/382532	RFS response to objector's questions	14/06/2018
	2018/382527	Objector's questions for RFS	21/06/2018
	2018/382529	Response to objector's questions for RFS	21/06/2018
	2018/446377	Question for RFS from objector	06/07/2018
	2018/473012	L8128 - WWSB - copy of Applicant's Statement - ACN 603 347 824 Pty Ltd v Northern Beaches Council- Applicant's reply [ADDISONS-iManage.FID148884]	12/07/2018
	2018/484461	NBLPP Letter - Objector	02/08/2018

	2018/484584	NBLPP - Applicant Owner Letter	02/08/2018
	2018/484991	NBLPP Emails - Objector	02/08/2018
	2018/495431	Request to change meeting time - 60 Binalong Avenue Allambie Heights	03/08/2018
	2018/496436	NBLPP Plans	06/08/2018
	2018/497532	NBLPP Assessment Report	07/08/2018
	2018/497534	Assessment Report	07/08/2018