

## **Section 4.55(1A) Modification Report**

minor adjustments to  
approved boarding house  
development

**195-197 Sydney Road, Fairlight**

**Client** Arch Manly Management (Australia) Pty  
Ltd ATF Arch Manly Trust  
**Project No.** 2023-0101  
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## EXECUTIVE SUMMARY

This Statement of Environmental Effects has been prepared to support minor adjustments to the approved boarding house development at 195-197 Sydney Road, Fairlight.

On 27 June 2019, the Sydney North Planning Panel approved a development application to demolish the existing dwellings and construct a 75-room boarding house with basement parking.

The objective of this modification application is to make minor adjustments to the boarding house to improve constructability, resident amenity, and building functionality, and to regularise additional rock removal that has occurred along the western boundary per instructions of the project geotechnical / structural engineers.

From a qualitative and quantitative perspective, the development as modified will be substantially the same as the development for which consent was granted. It is open to the consent authority to modify the development consent under section 4.55 of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

Our assessment finds that the development as modified is consistent with relevant environmental planning instruments and closely aligns with the objectives and controls contained within relevant planning guidelines.

Based on our evaluation of the proposal against relevant planning instruments and our detailed consideration of the environmental impacts associated with the development as modified, we conclude that the proposal is worthy of approval.

# 1. INTRODUCTION

This Statement of Environmental Effects has been prepared to support minor adjustments to the approved boarding house development at 195-197 Sydney Road, Fairlight.

On 27 June 2019, the Sydney North Planning Panel approved a development application to demolish the existing dwellings and construct a 75-room boarding house with basement parking.

The objective of this modification application is to make minor adjustments to the boarding house to improve constructability, resident amenity, and building functionality, and to regularise additional rock removal that has occurred along the western boundary per instructions of the project geotechnical / structural engineers.

The purpose of this document is to establish that the development as modified is substantially the same as that for which consent has been granted, to evaluate the proposal against relevant planning instruments and to provide a planning assessment of its environmental impacts, as required by section 4.55 of the EP&A Act.

## 2. SITE AND CONTEXT

This section describes the characteristics of the site which have been considered in developing the modified proposal.

### 2.1. SITE DESCRIPTION

The site consists of two lots and is located at 195-197 Sydney Road, Fairlight. The land is legally described as Lot 87 in DP 1729 and Lot 2 in DP 589654. An aerial photograph with the site shaded yellow is provided at Figure 1.



Figure 1 | Aerial photograph  
(Source: Six Maps)

#### 2.1.1. Site Characteristics

The site consists of two irregularly shaped lots with a combined frontage to Sydney Road of ~27m and a total site area of 1,789sqm.

On 27 June 2019, the Sydney North Planning Panel approved the demolition of the existing dwellings and construction of a 75-room boarding house with basement parking. Construction Certificate/s have been issued and construction of the boarding house is underway.

## 3. BACKGROUND

This section describes any background information we consider to be relevant to the proposal.

### 3.1. APPROVAL HISTORY

#### 3.1.1. DA2018/1708

On 27 June 2019, the Sydney North Planning Panel approved a development application to demolish the existing dwellings and construct a 75-room boarding house with basement parking.

The application was assessed against the provisions of *State Environmental Planning Policy (Affordable Rental Housing) 2009* (ARH SEPP).

Construction Certificate/s have been issued and construction of the boarding house is underway.

#### 3.1.2. MOD2020/0655

On 14 April 2021, the Development Determination Panel approved an application to modify consent D2018/1708.

The modifications largely involved plan amendments to respond to conditions of consent and included altering the bin and reception area, introducing a switch room, toilet facilities, and parcel locker at Level 0, increasing the Level 1 communal area, reconfiguration of car parking area to introduce an accessible space, reorganising the plant room at Level 2 to provide for additional communal facilities and a laundry room, various internal room layouts, reconfiguration of fire stair, and installation of solar panels.

The modification application was deemed to be a s.4.55(1A).



## **4. PROPOSED DEVELOPMENT**

This section provides a description of the proposal and should be read in conjunction with supporting documentation. Here we endeavour to explain how the proposal has been designed to work with site constraints and optimise site opportunities.

### **4.1. BUILDING WORKS**

Proposed plan amendments are outlined below.

#### **4.1.1. Services cupboard – L0**

Reconfigure services cupboard to satisfy council's landscaping requirements, specifically condition 17(d) which requires four small trees installed at 100 litre container size.

The reconfiguration of the services cupboard/s will allow for planting in the front setback in line with condition 17(d).

#### **4.1.2. Laundry / kitchen – L1**

The accessible toilet and communal kitchen have been replanned to accommodate the introduction of the communal laundry at L1 which has been relocated from L2. This arrangement co-locates communal facilities and is preferred from a resident convenience perspective.

#### **4.1.3. Western retaining wall – L1**

An extended stone-clad retaining wall is proposed to the western boundary.

A stone clad-retaining wall is already approved on this boundary, however, has been extended in lieu of maintaining the corridor of sandstone which was required to be removed under the instruction of the project geotechnical engineer owing to structural / wall failure concerns.

The height of the modified wall is ostensibly identical to the approved wall, however, is designed to taper upward from RL51.86 to RL54.75 rather than step. This adjustment mitigates potential for incidental overlooking and has been implemented following consultation with the body corporate managing the building at 199 Sydney Road, Fairlight.

#### **4.1.4. Plant room – L2**

The space previously occupied by the communal laundry will revert to space for plant and equipment.

#### **4.1.5. Rear window treatment – L3/L4/L5**

The glazed louvre windows on the rear (southern) elevation of L3/L4/L5 are to be replaced with a combination of fixed and sliding windows. The glazed louvres, which

are floor to ceiling, are thermally inferior and difficult to operate when furniture inside boarding rooms is placed against it. Fixed panels to the lower portion of glazing is preferred from a practical perspective.

#### **4.1.6. Void adjusted – L4**

The extent of the void at L4 is increased removing an unnecessary section of corridor space.

#### **4.1.7. Southern planters – L5**

The small planters at the southern edge of L5 balconies are to be removed. Planters on the southern elevation of the building, which are below balustrade level and difficult to access, are not preferred from a maintenance and viability perspective.

#### **4.1.8. Lightweight roof**

A lightweight metal roof is proposed over the corridor spaces of the front and rear boarding room blocks. The roof over the corridor is to provide weather protection for residents at upper levels moving between the lift / stair and their respective rooms, and to protect openings of the lift / stair and boarding rooms from water ingress.

The roof will be at or below the approved ridge / parapet RL of boarding rooms blocks and will not be readily discernible from the street.

Roof voids are incorporated to allow for approved integrated planting. The corridors will remain open-sided and therefore roofing the corridors will not create calculable floor space.

## **4.2. AMENDED CONDITIONS**

The conditions of consent to be modified are detailed in Table 1.

Table 1 | Proposed amendments to conditions

<b>Condition</b>	<b>Existing condition</b>	<b>Proposed modification</b>
1. Approved Plans and Supporting Documentation	Sets out approved plan references.	Amend condition to update drawing reference and revision date.

## 5. COMPLIANCE SUMMARY

This section provides an evaluation of the proposed modification against relevant legislation and planning instruments in accordance with section 4.55 of the EP&A Act.

### 5.1. SECTION 4.55(1A)

The modification application seeks council consent to amend DA2018/1708 (as modified) to make minor and benign design adjustments to the boarding house development.

The development as modified will be substantially the same as the development for which approval was originally granted and it is open to the consent authority to assess the application pursuant to 4.55(1A).

Our assessment of the proposal against the provisions of 4.55(1A) is summarised in Table 2.

Table 2 | Section 4.55(1A) summary

Clause	Control	Comment	Compliance
(1A)	<p><b>Modifications involving minimal environmental impact</b></p> <p>A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if—</p>	-	-
(1A)(a)	it is satisfied that the proposed modification is of minimal environmental impact, and	<p>The modification application seeks to make minor adjustments to the boarding house to improve constructability, resident amenity, and building functionality, and to regularise additional rock removal that has occurred along the western boundary during bulk earthworks in line with the instructions of the project geotechnical / structural engineers.</p> <p>The streetscape appearance of the building will differ slightly owing to reconfiguration of the services cupboard at street level, the introduction of a</p>	Yes

Clause	Control	Comment	Compliance
		<p>lightweight roof over internal corridors which may be visible through the “slot” between the two street-fronting buildings, and the extension of the stone clad retaining wall on the western boundary.</p> <p>The development as modified will have an identical building footprint and envelope, will have no additional adverse shadow impact, and will continue to contribute positively to streetscape despite adjustments to services cupboard and stone clad retaining wall.</p> <p>The number of boarding rooms and parking spaces are unchanged. It follows that the intensity of the development as modified is equivalent to that of the development for which consent was originally granted.</p> <p>The development as modified is of minimal environmental impact.</p>	
(1A)(b)	<p>it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and</p>	<p>The number of boarding rooms and parking spaces is unchanged. The modification application does not seek to increase the absolute height of the building, introduce additional gross floor area, or alter building setbacks / volume.</p> <p>The intensity of the development as modified will be substantially the same as that of the approved development in the sense that the volume of vehicular and pedestrian movements will be equivalent, and the scale of the building and associated impacts (i.e. overshadowing, apparent visual bulk) are comparable.</p> <p>Quantitatively and qualitatively, the development as modified is</p>	<p>Yes</p>

Clause	Control	Comment	Compliance
		substantially the same as the development for which consent was granted and it is therefore open to the consent authority to amend the consent under s.4.55(1A) of the EP&A Act.	
(1A)(c)	it has notified the application in accordance with— (i) the regulations, if the regulations so require, or (ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and	Notification requirements to be determined by the consent authority post-lodgement.	-
(1A)(d)	it has considered any submissions made concerning the proposed modification within the period prescribed by the regulations or provided by the development control plan, as the case may be.	Review of submissions to be carried out by the consent authority, as necessary.	-

## 5.2. SECTION 4.15(1)

Relevant aspects of section 4.15(1) of the EP&A Act are addressed below.

### 5.2.1. State Environmental Planning Policy (Housing) 2021

The original application was assessed against the provisions of State Environmental Planning Policy (Affordable Rental Housing) 2009 (ARH SEPP) which has since been superseded by State Environmental Planning Policy (Housing) 2021 (Housing SEPP).

An assessment against the provision of the Housing SEPP, to the extent that they are relevant to the development as modified, is set out at Table 3.

Table 3 | MLEP compliance summary

Clause	Standard	Comment	Compliance
24 Non-discretionary development standards—the Act, s 4.15	(2) The following are non-discretionary development standards in relation to the carrying out of development to which this Division applies—	The approved development was assessed against the provisions of former ARH SEPP and leveraged the “bonus” FSR available under that instrument.	-
	(a) for development in a zone in which residential flat buildings are permitted—a floor space ratio that is not more than—	The approved gross floor area is 1,945sqm which equates to an FSR of 1.093:1.	
	(i) the maximum permissible floor space ratio for residential accommodation on the land, and	The development as modified will <i>not</i> increase gross floor area.	
	(ii) an additional 25% of the maximum permissible floor space ratio if the additional floor space is used only for the purposes of the boarding house,	We recognise that the bonus available under the Housing SEPP (based FSR + 25%) is not as generous as the bonus that had been available under the ARH SEPP.	
	(e) at least 3 hours of direct solar access provided between 9am and 3pm at mid-winter in at least 1 communal living area,	The development as modified will have no impact on solar entry to communal living rooms spaces.	Yes
	(g) for a boarding house containing more than 6 boarding rooms—	The approved boarding house contains 75 boarding rooms which would necessitate 168sqm to satisfy this standard.	-
	(i) a total of at least 30m <sup>2</sup> of communal living area plus at least a further 2m <sup>2</sup> for each boarding room in	The ARH SEPP did not specify an area	

Clause	Standard	Comment	Compliance
	<p>excess of 6 boarding rooms, and</p> <p>(ii) minimum dimensions of 3m for each communal living area,</p>	<p>requirement in the same manner, just that a communal living room must be provided.</p> <p>The development as modified does not <i>reduce</i> the area of the communal living rooms.</p> <p>Four communal living spaces are maintained and have a cumulative area of ~150sqm.</p>	
	<p>(h) communal open spaces—</p> <p>(i) with a total area of at least 20% of the site area, and</p> <p>(ii) each with minimum dimensions of 3m,</p>	<p>The ARH SEPP required an area of 20sqm of open space, far less onerous relative to the Housing SEPP requirement which calls for ~360sqm of communal space.</p> <p>No change to the communal open space areas proposed by this modification application.</p> <p>The development as modified continues to provide 200sqm + of communal open space for resident enjoyment.</p>	-
	<p>(i) if a relevant planning instrument does not specify a requirement for a lower number of parking spaces—at least the following number of parking spaces—</p> <p>(i) for development on land within an accessible area—0.2 parking spaces for each boarding room,</p>	<p>The number of boarding rooms and car parking spaces will not be altered by this modification application.</p> <p>The parking requirement under the ARH SEPP was identical and was satisfied by the original proposal.</p>	-
25 Standards for boarding houses	<p>1) Development consent must not be granted under this Division unless the consent authority is satisfied that—</p> <p>(a) no boarding room will have a gross floor area, excluding an area, if any, used for the purposes of private kitchen or</p>	<p>No adjustment to configuration or internal area of boarding rooms proposed by this modification.</p> <p>No room is &gt;25sqm.</p>	-

Clause	Standard	Comment	Compliance
	bathroom facilities, of more than 25m <sup>2</sup> , and		
	(b) no boarding room will be occupied by more than 2 adult residents, and	No change to lodger occupancy.	-
	(c) adequate bathroom, kitchen and laundry facilities will be available within the boarding house for the use of each resident, and	Approved boarding rooms are self-contained and communal laundry is provided.	-
	(f) for a boarding house containing at least 6 boarding rooms—the boarding house will have at least 1 communal living area, and	Four communal living rooms are retained.	-
	(g) the minimum lot size for the boarding house is not less than— (i) for development on land in Zone R2 Low Density Residential—600m <sup>2</sup> , or (ii) for development on other land—800m <sup>2</sup> .	Lot size > 800sqm.	-
	(h) each boarding room has a floor area, excluding an area, if any, used for the purposes of private kitchen or bathroom facilities, of at least the following— (i) for a boarding room intended to be used by a single resident—12m <sup>2</sup> , (ii) otherwise—16m <sup>2</sup> , and	Boarding room areas are unchanged by this modification application and have previously been found to satisfy these standards.	Yes
	(i) the boarding house will include adequate bicycle and motorcycle parking spaces.	Approved bicycle storage and motorcycle spaces are maintained.	Yes
	(2) Development consent must not be granted under this Division unless the consent authority considers whether— (a) the design of the boarding house will be compatible with—	The determining authority has previously found that the boarding house development is compatible with local character.  The streetscape appearance of the building will differ very slightly owing to reconfiguration of	Yes



Clause	Standard	Comment	Compliance
	(i) the desirable elements of the character of the local area, or (ii) for precincts undergoing transition—the desired future character of the precinct, and	<p>the services cupboard at street level which will optimise front setback landscaping, the introduction of a lightweight roof over internal corridors which may be visible through the “slot” between the two street-fronting buildings if one stands on the street directly in line with that “slot”, and the extension of the stone clad retaining wall on the western boundary.</p> <p>These modifications do not substantially alter the appearance of the approved development or its compatibility with local character. The modifications will, if anything, improve streetscape appearance by introducing more front setback landscaping.</p> <p>We anticipate that the consent authority will again find that the development as modified is compatible with local character.</p>	
	(c) if the boarding house has at least 3 storeys—the building will comply with the minimum building separation distances specified in the Apartment Design Guide.	The setbacks of the approved boarding house are unchanged by this modification application.	-
	(3) This section does not apply to development for the purposes of minor alterations or additions to an existing boarding house.	Noted.	-

## 5.2.2. Manly Local Environmental Plan 2013

Manly Local Environmental Plan 2013 (MLEP) applies to the site. The site is within Zone R1 General Residential and boarding houses are permitted with consent.

An extract of the Zoning Map is provided at Figure 2.

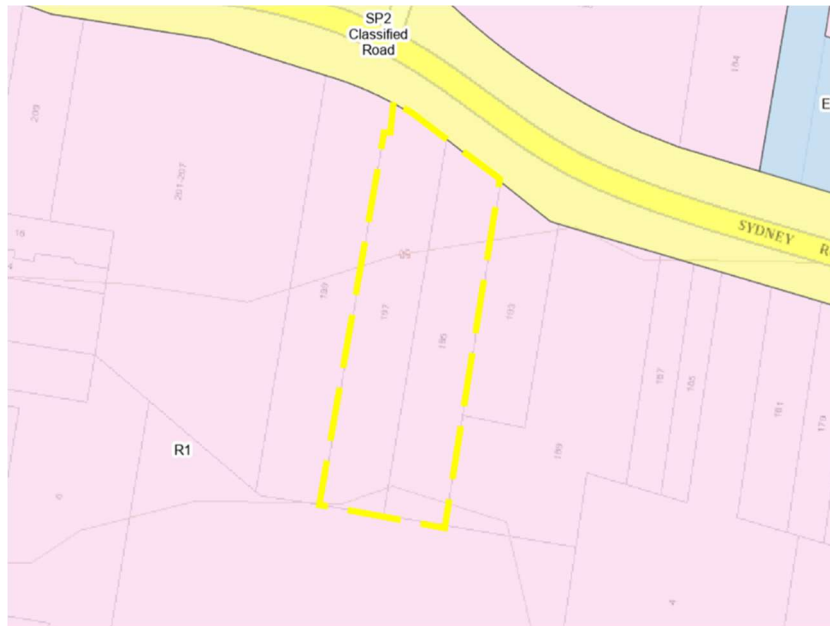


Figure 2 | Zoning Map extract (Source: NSW Govt.)

The objectives for development in Zone R1 are:

- To provide for the housing needs of the community.
- To provide for a variety of housing types and densities.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.

The development as modified aligns with the objectives for development in Zone R1 in that the boarding house development will contribute to the housing needs of the community.

The development as modified is entirely consistent with relevant development standards and provisions contained within MLEP, including those for height and floor space.

A compliance summary is provided at Table 4.

Table 4 | MLEP compliance summary

Clause	Standard	Comment	Compliance
4.3 Height of buildings	(2) The height of a building on any land is not to exceed the maximum height shown for the land on the <i>Height of Buildings Map</i> .	The absolute height of the building will not increase. The building as modified will continue to comply with the height of building standard. The 8.5m height plane is denoted on sections	Yes

Clause	Standard	Comment	Compliance
		included with the architectural set.	
4.4 Floor space ratio	(2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the <i>Floor Space Ratio Map</i> .	The approved development was assessed against the provisions of former ARH SEPP and leveraged the “bonus” FSR available under that instrument.  The development as modified will <i>not</i> increase gross floor area.	-
6.2 Earthworks	(3) Before granting development consent for earthworks (or for development involving ancillary earthworks), the consent authority must consider the following matters— (a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development, (b) the effect of the development on the likely future use or redevelopment of the land, (c) the quality of the fill or the soil to be excavated, or both, (d) the effect of the development on the existing and likely amenity of adjoining properties, (e) the source of any fill material and the destination of any excavated material, (f) the likelihood of disturbing relics, (g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area, (h) any appropriate measures proposed to avoid, minimise or mitigate	The extent of excavation within the building / basement footprint is unchanged by this modification application.  The modification application seeks to “regularise” additional rock removal that has occurred along the western boundary during bulk earthworks per the instruction of the project geotechnical / structural engineer.  A narrow corridor of sandstone between the basement / OSD tanks and the western property boundary had been nominated on approved drawings as retained, however, having carried out approved earthworks, it was determined that the corridor of rock was not structurally sound and liable to fail. Removal was recommended.  The development as modified aligns with the earthworks provisions as the excavation that has occurred was required to allow for the development of the site thereby satisfying consideration (b).	Yes

Clause	Standard	Comment	Compliance
	the impacts of the development.		
6.4 Stormwater management	<p>(3) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development—</p> <p>(a) is designed to maximise the use of water permeable surfaces on the land having regard to the soil characteristics affecting on-site infiltration of water, and</p> <p>(b) includes, if practicable, on-site stormwater retention for use as an alternative supply to mains water, groundwater or river water, and</p> <p>(c) avoids any significant adverse impacts of stormwater runoff on adjoining properties, native bushland and receiving waters, or if that impact cannot be reasonably avoided, minimises and mitigates the impact.</p>	<p>No change to approved method of stormwater management.</p> <p>The development as modified will marginally <i>increase</i> pervious area in the front setback owing to reconfiguration of the services cupboard and satisfies consideration (a).</p>	Yes
6.12 Essential services	<p>(1) Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required—</p> <p>(a) the supply of water,</p> <p>(b) the supply of electricity,</p> <p>(c) the disposal and management of sewage,</p> <p>(d) stormwater drainage or on-site conservation,</p>	It has previously been demonstrated that the site has access / connections to all necessary essential services.	Yes

Clause	Standard	Comment	Compliance
	(e) suitable vehicular access.		

### 5.2.3. Manly Development Control Plan 2013

Manly Development Control Plan 2013 (MDCP) applies to the site.

An assessment against the controls of MDP, to the extent that they are relevant to the development as modified, is set out at Table 5.

Table 5 | MDCP compliance summary

Clause	Control	Comment	Compliance
Part 3 General principles of development			
3.1.1.1 Complementary Design and Visual Improvement	<u>Setback Principles in Higher Density Areas</u> C) In higher density areas (including LEP Zones R1 & R3), careful consideration should be given to minimising any loss of sunlight, privacy and views of neighbours. This is especially relevant in the design of new residential flat buildings adjacent to smaller developments. See also paragraph 3.4 Amenity.	The development as modified will maintain established setbacks and will have no additional adverse impact on neighbour amenity.	Yes
3.1.1.3 Roofs and Dormer Windows	a) Roof forms should complement, but not necessarily replicate the predominant form in the locality and in particular those of adjacent buildings.	The proposed corridor roofs have a low pitch and occur below the RL of the approved parapet / roof level. The proposed roof form complements that of the approved development.	Yes
	b) Roofs should be designed to avoid or minimise view loss and reflectivity.	The proposed corridor roofs sit below the level of the approved roof and will have no impact on views. A shale grey colour is proposed to limit reflectivity.	Yes
3.4.1.1 Overshadowing Adjoining Open Space	In relation to sunlight to private open space of adjacent properties: a) New development (including alterations and additions) must not	The proposed corridor roofs will cast negligible additional shadow and will not adversely affect neighbour POS.	Yes

Clause	Control	Comment	Compliance
	eliminate more than one third of the existing sunlight accessing the private open space of adjacent properties from 9am to 3pm at the winter solstice (21 June) ; or		
3.4.1.2 Maintaining Solar Access into Living Rooms of Adjacent Properties	In relation to sunlight to the windows or glazed doors to living rooms of adjacent properties: b) for adjacent buildings with a north-south orientation, the level of solar access presently enjoyed must be maintained to windows or glazed doors of living rooms for a period of at least 4 hours from 9am to 3pm on the winter solstice (21 June);	The proposed corridor roofs will cast negligible additional shadow and will not adversely affect neighbour living room windows.	Yes
3.4.2.1 Window Design and Orientation	a) Use narrow, translucent or obscured glass windows to maximise privacy where necessary.	Approved window size and orientation is unchanged therefore no additional privacy impacts.	n/a
3.4.2.2 Balconies and Terraces	a) Architectural or landscape screens must be provided to balconies and terraces to limit overlooking nearby properties. Architectural screens must be fixed in position and suitably angled to protect visual privacy.	No new balconies are to be introduced therefore no additional privacy impacts. A segment of L4 corridor is to be removed and will therefore limit potential for overlooking from this corridor.	Yes
Part 4 Development Controls and Development Types			
4.1.2.1 Wall Height	a) Figures 26, 27 and 28 provide guidelines for determining the maximum height of external walls based on the particular slope of the land along the length of these proposed walls.  [West: 7.6m (based on gradient 1:5.5) East: 7.5m (based on gradient 1:6)]	No adjustment to external walls proposed by this modification application.	n/a

Clause	Control	Comment	Compliance
4.1.2.2 Number of Storeys	a) Buildings must not exceed 2 storeys, except on land in areas 'L' and 'N1' on the LEP Height of Building Map and notwithstanding the wall and roof height controls in this plan.	No increase to height in storeys.	n/a
4.1.2.3 Roof Height	a) Pitched roof structures must be no higher than 2.5m above the actual wall height *, calculated in accordance with Figure 29.	The proposed corridor roofs are flat.	Yes
4.1.4.1 Street Front setbacks	a) Street Front setbacks must relate to the front building line of neighbouring properties and the prevailing building lines in the immediate vicinity.	The street front setback is unchanged. The services cupboards are situated on the front boundary and will remain in this location.	Yes
4.1.4.2 Side setbacks and secondary street frontages	a) Setbacks between any part of a building and the side boundary must not be less than one third of the height of the adjacent external wall of the proposed building.	Approved setbacks are ~3.3m from side boundaries and are unchanged.	n/a
4.1.4.4 Rear Setbacks	a) The distance between any part of a building and the rear boundary must not be less than 8m.	The approved rear setback is ~5.7m and is unchanged by this modification application.	n/a
4.1.5.1 Minimum Residential Total Open Space Requirements	a) Open Space must be provided on site in accordance with Figure 34 - Numeric Requirements for Total Open Space, Landscaped Area and Open Space Above Ground. [Total open space: Min. 55% of site area (983.95sqm)]	Approved is 63.73% (1,140.3sqm) and is not reduced or diminished by this modification application.	n/a
4.1.5.2 Landscaped Area	a) Landscaped Area must be provided on site in accordance with above Figure 34 - Numeric Requirements for Total Open Space, Landscaped Area and Open Space above Ground Level. The minimum landscaped area requirement is a	Approved landscaped area is 43.9% (500.3sqm). The proposed modifications will increase landscaped area in the front setback, albeit marginally.	No (though improved)

Clause	Control	Comment	Compliance
	percentage of the actual* total open space onsite. [Landscaped Area: Min. 35% of total open space (568.15sqm)]		
4.4.9.1 Communal Rooms and Areas	a) Communal Living areas are for dining and recreational purposes and are not to include other uses referred to in this paragraph and must comprise at least an area in accordance with the design standards at Schedule 7 of this plan.	Approved communal living areas are maintained.	Yes
	b) Adequate kitchen facilities will be available within the boarding house for the use of each lodger.	Kitchen facilities are provided in boarding rooms and in the communal room.	Yes
4.4.9.2 Bedrooms	Adequate boarding rooms are required within the boarding house for the use of each lodger in accordance with the design standards at Schedule 7 of this plan.	Housing SEPP specifies boarding room requirements which are satisfied. The modification application does not alter boarding rooms.	n/a

#### 5.2.4. Impacts on the natural and built environment

This modification application is to make minor adjustments to the boarding house to improve constructability, resident amenity, and building functionality, and to regularise additional rock removal that has occurred along the western boundary per instructions of the project geotechnical / structural engineers.

The development as modified will have no significant adverse impact on the natural or built environments.

#### 5.2.5. Social impacts

The development as modified will have a positive social outcome as the residents of the upper-level boarding rooms will have weather protection and the utility and amenity of the development will generally be improved.

#### 5.2.6. Economic impacts

The development as modified represents an enhanced housing products with fewer constructability and longer-term maintenance liabilities and will have a positive economic impact from the perspective of the asset owner and residents.



Economic impacts associated with the proposal are positive.

#### **5.2.7. Public interest**

The development as modified aligns with the objectives for development in Zone R1 which encourage housing provisions and a diversity of housing typologies. The development as modified will not diminish building / streetscape appearance of the approved development and will have no adverse impact on the amenity of neighbours.

The modified proposal aligns with the public interest.

## 6. CONCLUSION

This Statement of Environmental Effects has been prepared to support minor adjustments to the approved boarding house development at 195-197 Sydney Road, Fairlight.

On 27 June 2019, the Sydney North Planning Panel approved a development application to demolish the existing dwellings and construct a 75-room boarding house with basement parking.

The objective of this modification application is to make minor adjustments to the boarding house to improve constructability, resident amenity, and building functionality, and to regularise additional rock removal that has occurred along the western boundary per instructions of the project geotechnical / structural engineers.

Our evaluation of the proposal finds that the development as modified will be substantially the same as the development for which consent was granted. It is open to the consent authority to modify the development consent under section 4.55 of the EP&A Act.

Our assessment confirms that the development as modified is entirely consistent (or remains justifiably inconsistent) with relevant environmental planning instruments and closely aligns with the objectives and controls contained within relevant planning guidelines.

Our report explains that the development as modified will have positive social and economic outcomes and establishes that the development is in the public interest given the absence of adverse impact and consequent improvement to the amenity and utility of the approved boarding house.

We conclude that the modified proposal is worthy of approval.



## **APPENDIX A | SURVEY**



## **APPENDIX B | ARCHITECTURAL PLANS**



## **APPENDIX C | GEOTECHNICAL STATEMENT**



## **APPENDIX D | STORMWATER STATEMENT**



## **APPENDIX E | ESD STATEMENT**



## **APPENDIX F | BASIX CERT STATEMENT**





## **APPENDIX G | PLAN OF MANAGEMENT**