

## Minutes

### Pre-Lodgement Meeting 2017/0139

#### Construction of a Boarding House at 14 Wyatt Avenue, Belrose

This document contains non-verbatim minutes for a pre-lodgement meeting (PLM) held on 30 November 2017 to discuss a proposed Boarding House development at 14 Wyatt Avenue, Belrose.

**Application No:** PLM2017/0139

**Meeting Date:** 30 November 2017

**Property Address:** 14 Wyatt Avenue, Belrose NSW 2085  
Lot 2597 DP 752038

**Proposal:** Construction of a boarding house.

**Attendees for Council:**

- Adam Mitchell – Planner
- Ben Fallowfield – Senior Environment Officer - Creeks
- Dominic Chung – Senior Urban Designer
- Mary Shimon – Environmental Health Officer
- Rod Piggott – Development Assessment Manager
- Sean Khoo – Specialist Development/Drainage Engineer

#### General Comments

All applications are assessed on individual merit, however a failure to comply with Council or a State Planning controls will generally indicate an over development of the site and may result in adverse impacts upon adjoining and nearby land and the streetscape.

You are advised to carefully read these notes. If there is an area of concern or non-compliance, you are strongly advised to review and reconsider the appropriateness of the design of your development for your site and the adverse impacts that may arise as a result of your development prior to the lodgement of any development application.

Council will seek to ensure that the development of land meets all provisions of all legislation and the relevant Environmental Planning Instrument/s, in addition to providing appropriate levels of amenity to surrounding and nearby lands.

Failure to achieve this may ultimately lead to the refusal of any application lodged without notice.

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## INTRODUCTION

This PLM is a preliminary discussion for the construction and use of boarding house development at the presently undeveloped site of 14 Wyatt Avenue, Belrose.

The site is upon land identified as being within the 'deferred lands' as per Part 1.3 (1A) of the Warringah Local Environmental Plan 2011 and accordingly, the Warringah Local Environmental Plan 2000 is the prevailing Environmental Planning Instrument relating to this development.

The site is identified as being within with C8 Belrose North locality.

These PLM notes reference the architectural plans *Plan 01* to *Plan 11 – Revision B* by Platform Architects and dated 3 November 2017.



**Figure 1 – Aerial shot of the site and surrounds- Source Nearmap dated 30 August 2017**

## SITE DESCRIPTION

The site is located on the northern side of Wyatt Avenue, Belrose and is presently vacant of structures. A driveway runs along the north-eastern boundary of the site and leads to the larger allotment of 16 Wyatt Avenue, Belrose to the north (and west). The driveway is in a deteriorated condition.

There are mature trees along the eastern boundary and at the street frontage. Other trees are scattered throughout the site.

The north-eastern edge of the site contains a drainage easement which is semi-formed.

The site is rectangular in shape and has a surveyed area of 2,298m<sup>2</sup> and has a 28.5m street frontage and a depth of 80.4m.

### PROPOSED DEVELOPMENT

The application is for the construction of a part 2 / part 3 storey boarding house accommodating 33 boarding house rooms (including one Manager unit), 9 car parking spaces and 7 motorcycle spaces. The development has one common room and a north facing common terrace.

The existing driveway on site is to be demolished and a new driveway is to be constructed east of the existing which will require the removal of several trees and exposed rocks. The driveway is to provide access to the boarding house car park and to the allotment to the rear of the site (16 Wyatt Avenue, Belrose – Lot 2566 DP 752038).

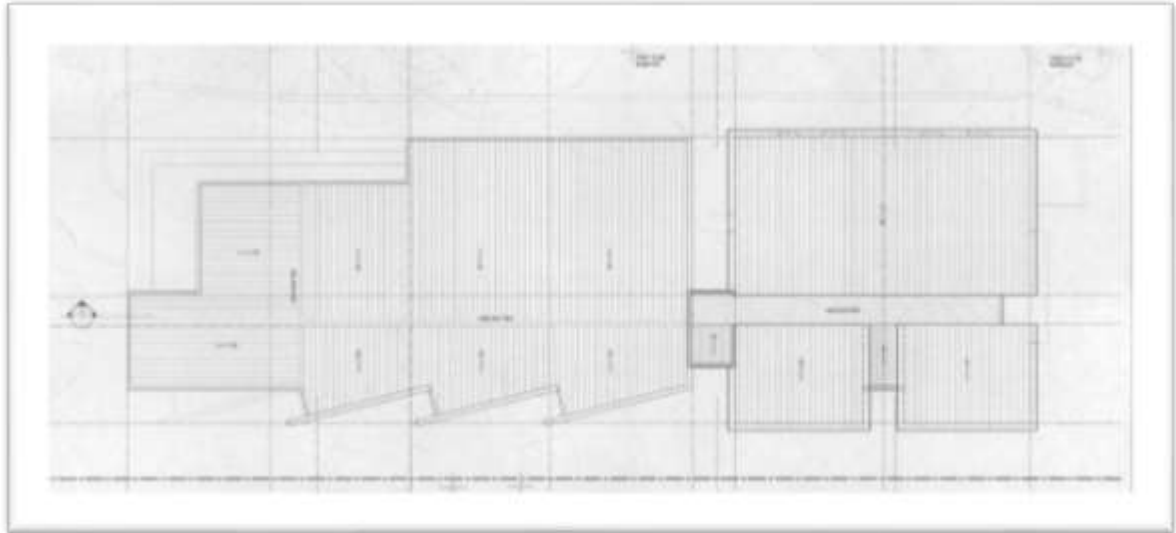


Figure 2 - Roof Plan - *Source Platform Architects* dated 6 November 2017

## PLANNING INSTRUMENTS

### State Environmental Planning Policy (Affordable Rental Housing) 2009 (SEPP ARH)

#### 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 (g) Zone B4 Mixed Use.	<p><b>Inconsistent</b></p> <p>The site is not within a zone identified in cl. 26 of the SEPP ARH and accordingly, cl. 5 (1)(a) requires that equivalent land uses be as per cl. 1.6 of the <i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i>.</p> <p>Cl. 1.6 (1A) requires that <i>land identified as "Deferred matter" on the Land Application Map within the meaning of Warringah Local Environmental Plan 2011 is, for the purposes of this Policy, taken to be in Zone E3 Environmental Management</i>.</p> <p>Accordingly, the site is considered to be in a zone equivalent to Zone E3 and is therefore prohibited under the SEPP ARH.</p>

Notwithstanding the applicability of the SEPP ARH to this particular development, it is considered that the standards contained with Cl.40 of the SEPP ARH should be considered in the design of the development.

It is noted that the development as proposed in the PLM had been designed with regards to the provisions of the SEPP as the WLEP 2000 has no controls specific to boarding house developments.

## **Warringah Local Environmental Plan 2000**

### Definition of Development

The WLEP 2000 defines Boarding House as the following:

- (a) *means any premises that:*
- (i) are wholly or partly let as a lodging for the purposes of providing the occupants with a principal place of residence, and*
  - (ii) are used and occupied by at least 4 long term unrelated residents, and*
  - (iii) include a communal living space used for eating and recreation, and*
  - (iv) are not licensed to sell liquor, and*
- (b) *does not include premises that have been subdivided or in which there is separate ownership of parts of the premises.*

The proposed development is most suitably considered to be classified as a Boarding House.

### Locality

The site is located within the C8 Belrose North Locality.

### Category of Development

Category Two (by virtue of an innominate use)

### Permitted with Consent of Prohibited

Permitted with Consent

### Desired Future Character

The WLEP 2000 contains Desired Future Character Statements (DFCS) which is required to be addressed with any development application as per Clause 12 (3) (a). The DFCS of the C8 Belrose North Locality is as follows:

- (1) The present character of the Belrose North locality will remain unchanged except in circumstances specifically addressed as follows.*
- (2) The natural landscape including landforms and vegetation will be protected and, where possible, enhanced. Buildings will be grouped in areas that will result in the minimum amount of disturbance of vegetation and landforms and buildings which are designed to blend with the colours and textures of the natural landscape will be strongly encouraged.*
- (3) Development will be limited to new detached style housing conforming with the housing density standards set out below and low intensity, low impact uses.*
- (4) A dense bushland buffer will be retained or established along Forest Way. Fencing is not to detract from the landscaped vista of the streetscape.*
- (5) Development in the locality will not create siltation or pollution of Middle Harbour.*

Based on the preliminary information provided at the time of the PLM, the DFCS can best be addressed as follows:

- (1) *The present character of the Belrose North locality will remain unchanged except in circumstances specifically addressed as follows.***
- (2) *The natural landscape including landforms and vegetation will be protected and, where possible, enhanced. Buildings will be grouped in areas that will result in the minimum amount of disturbance of vegetation and landforms and buildings which are designed to blend with the colours and textures of the natural landscape will be strongly encouraged.***

The site is not heavily vegetated and has the majority of trees located along the north-

eastern boundary of the site. The development is sited to reduce the number of trees that are required to be removed and this is considered to be the most suitable position on the site for the proposed development in order to minimise impacts on landform and vegetation.

Notwithstanding this, insufficient information has been provided at this preliminary stage which details the building finishes and proposed landscaping to ensure that the development will be enhancing and complementary to the natural landscape.

Accordingly, additional detail will be required to be submitted with any future development application that demonstrates that the proposed development will be of a design and quality that is well suited to the locality and will be complementary to the landscape by virtue of scale, materiality and plantings.

(3) ***Development will be limited to new detached style housing conforming with the housing density standards set out below and low intensity, low impact uses.***

The concept presented in the PLM does not appear as 'detached style housing.' The building has a 3m side boundary setback and extends for some 50m in length. The sheer scale of the proposed building cannot be reasonably perceived as 'detached style housing.'

As elaborated upon elsewhere in these notes, the built form is required to be significantly amended to reduce the scale of the development and to increase side setbacks to as to have a presentation more reminiscent of detached style housing and to satisfy the DFC.

The development is required to conform as a low intensity, low impact use as described in the Land and Environment Court judgement *Vigor Master Pty Ltd v Warringah Shire Council [2008] NSWLEC 1128* as follows:

***"Intensity*** - is commonly used to identify the nature of the proposal in terms of its size and scale and the extent of the activities associated with the proposal. Therefore "low intensity" would constitute a development which has a low level of activities associated with it".

***"Impact*** - is commonly used in planning assessment to identify the likely future consequences of proposed development in terms of its surroundings and can relate to visual, noise, traffic, vegetation, streetscape privacy, solar access etc. Therefore 'low impact' would constitute a magnitude of impacts such that was minimal, minor or negligible level and unlikely to significantly change the amenity of the locality".

Low Intensity Assessment

The use of the land as a boarding house is not similar to other surrounding land uses which, within the immediate vicinity of the site, generally consist of detached dwelling houses and a school.

The development is for a type residential accommodation in an alternative form to a traditional dwelling house, namely by virtue of the increased density upon the site with the capacity to house up to 66 residents. Therefore, the level of 'activities' associated with the proposal (being general residential activities) do not differ from that of surrounding sites (except for the school).

However, given the number of occupants which can reside in the development (when compared to a standard dwelling house) the amenity impacts that can be generated from the boarding house are likely to be of a greater intensity than what is envisaged by the DFC and are further exacerbated by the built form non-compliances.

Therefore, the scale of this proposal should be reduced to increase setbacks and to reduce the long planar expanses of walls which would contribute to lessening the intensity of the impacts caused by this development. As presently proposed, the development is not considered to be of a *low intensity*.

Additionally, it is noted that a previous development consent has been granted on a similar site at Lot 2506/Bundaleer Street, Belrose for the construction of a boarding house (refer consent DA2013/0587) and this assessment found the 31 room boarding house to be of a low intensity. This site was much larger in size than that of the proposed development site.

The Statement of Environmental Effects (SEE) that will accompany any future development application is required to provide a thorough and robust justification as to how the development satisfies the low intensity assessment.

#### Low Impact Assessment

A future development application will be required to be accompanied by a range of expert reports (listed at the end of this report) which, alongside the SEE, should conclude that the impact of the development will be negligible to low compared to the existing circumstances in the C8 Locality.

**(4) *A dense bushland buffer will be retained or established along Forest Way. Fencing is not to detract from the landscaped vista of the streetscape.***

This provision of the DFCS is not applicable to this development as the site is not located on or near Forest Way.

**(5) *Development in the locality will not create siltation or pollution of Middle Harbour.***

Evidence is to be provided to accompany a development application which demonstrates that the proposed building will not create siltation or pollution of Middle Harbour.

Clause 12 of the WLEP 2000 requires that, for Category Two development, the consent authority must be satisfied that the development is consistent with the desired future character described in the relevant Locality Statement.

In the Statement of Environmental Effects that will accompany any development application, a robust and compelling argument will be required which demonstrates and justifies that the use of the site for the purposes of a boarding house is consistent with the DFC and is of a low-impact and low-intensity.

As proposed at the time of the PLM, the development is considered to be inconsistent with the DFC as the built form non-compliances and the density of the development are cumulatively anticipated to give rise to unreasonable impacts through the intensity of the development.

**Note:** The wording “*the development is consistent with the desired future character described in the relevant Locality Statement*” is all inclusive. Therefore, if any part of the DFC is not satisfied, then it cannot be said that the development satisfies the DFC and Council, as the consent authority, cannot be satisfied that the development is consistent with the desired future character described in the relevant Locality Statement.

## **Built Form Assessment**

### **Housing Density**

The maximum housing density is 1 dwelling per 20 ha of site area except:

- (a) where this standard would prevent the erection of one dwelling on an existing parcel of land, being all adjacent or adjoining land held in the same ownership on 8 March 1974 and having a combined area of not less than 2 ha, and*
- (b) on land that adjoins a locality primarily used for urban purposes and on which a dwelling house is permissible, where there is no maximum housing density if the development is for the purpose of "housing for older people or people with a disability", and the development complies with the minimum standards set out in clause 29.*

A Boarding House is individually defined in the WLEP 2000 Dictionary (as per above Definition).

Additionally, the WLEP 2000 Dictionary has a definition of 'Housing' (below) which may apply to this type of development.

*"Housing means development involving the creation of one or more dwellings whether or not used as a group home."*

Further investigation into the Housing Density standard is required to be done by the applicant prior to the lodgement of a development application with regard to the classification of a boarding house room (i.e. a boarding house, housing or separate domicile).

Investigation into this matter will give weight to the consideration of existing parcels as per part (a) of the Housing Density standard (as above). A review of Council's records indicate that Lot 2597 and Lot 2616 of DP 752038 were in same ownership on 8 March 1974.

There is various Caselaw on this matter and legal advice is recommended.

### **Building Height**

*Buildings are not to exceed 8.5 metres in height, where height is the distance measured vertically between the topmost point of the building (not being a vent or chimney or the like) and the natural ground level below.*

*Buildings are not to exceed 7.2 metres from natural ground level to the underside of the ceiling on the uppermost floor of the building (excluding habitable areas located wholly within a roof space), but this standard may be relaxed on sites with slopes greater than 20 per cent within the building platform (measured at the base of the walls of the building), provided the building does not exceed the 8.5 metre height standard, is designed and located to minimise the bulk of the building and has minimal visual impact when viewed from the downslope sides of the land.*

The proposed development appears to exceed the maximum 8.5m building height at the northernmost portion of the development.

The design is required to be amended to ensure that no part of the building breaches the 8.5m height limit.

### **Front Building Setback**

*The minimum front building setback to all roads is 20 metres. On corner allotments fronting Forest Way the minimum front building setback is to apply to this road and the side setback is to apply to the secondary road.*

*The minimum front building setback area is to be densely landscaped using locally occurring species of canopy trees and shrubs and be free of any structures, carparking or site facilities other than driveways, letterboxes and fences.*

The development provides a 20m setback to the boarding house which is satisfactory; however the proposed bin room is located with a nil setback to the front boundary.

It is understood that the bin room is required to be located in closer proximity to the front boundary for both practical and amenity reasons, however this does not sufficiently warrant the location if the design is not appropriately designed to mitigate any perceived bulk when viewed from Wyatt Avenue.

It is recommended that the bin room have an increased setback and be 'hidden' behind plantings and screening.

Additionally, the front boundary of the site should be appropriately treated to clearly delineate the pedestrian and vehicular entrance points to the site and site identification. It is recommended that a low-lying fence be constructed along the front boundary to increase the aesthetics of the site from the streetscape and to create a more formalised landscape setting.

#### Rear and Side Building Setback

*Development is to maintain minimum rear and side building setbacks.*

*The minimum rear and side building setback is 10 metres.*

*The rear and side setback areas are to be landscaped and free of any structures, carparking or site facilities other than driveways and fences.*

North-east side setback:	10.0m
South-west side setback:	3.0m
North rear setback:	11.2m

The south-western side setback of the proposed development is 3m and thereby represents a 70% departure from the 10m setback control.

The south-western boundary abuts a detached dwelling house that is located approximately 2m from the boundary which results in a 5m spatial separation between buildings and not the required 20m. Notwithstanding this, the existing built form on another allotment is not considered in the numerical assessment of the side setback as each application is considered on merit when non-complying, but amenity impacts will be considered as appropriate.

The setback proposed is a significant departure from the control and should be increased to provide greater spatial separation between buildings and more opportunities for landscaping along the boundary. This will, in turn, provide a greater amenity outcome for the adjoining dwelling.

In the PLM it was recommended that this setback be increased to a minimum of 6m for the majority of the building. Additional conversations have been held which alternative solutions were explored (i.e. shifting the building to the east) however, as no plans were sighted demonstrating these solutions, comments cannot be made as such.

The applicant of this PLM requested that Council review the previous PLM notes for a childcare centre at the adjoining property of 10 Wyatt Avenue, Belrose to the east. This PLM proposed side setbacks of 1.5m and 5m respectively, and the meeting minutes concluded that the 1.5m setback should be increased in order to increase the provision of landscaping and thus reduce any visual impact caused by the development.

The two developments (this subject PLM and the aforementioned neighbouring PLM) are not comparable in terms of land use (child care centre and boarding house) and built form given the length of the buildings (approx. 28m and 50m) and the height (approx. 7m and 8.5m). Additionally, the subject development is in a much closer proximity to adjoining residential properties than the neighbouring property (10 Wyatt Avenue).

The proposed development appears as a two and three storey building from all angles whereas the neighbour proposed development appears as an elevated single storey building or a two storey building.

The development, as proposed, is not supported given the 3m setback and the proximity to the adjoining dwelling. Council's position remains that this setback should be increased for the purpose of protecting the amenity of the adjoining property.

#### Bushland Setting

*A minimum of 50 per cent of the site area is to be kept as natural bushland or landscaped with local species.*

A calculation of the proposed development results in the site providing approximately 1,041m<sup>2</sup> of landscaping, equating to 45% of the total site area. This departure from the control roughly equates to 108m<sup>2</sup> of landscaping.

It is noted that the above calculation may be inaccurate as a proper landscaped plan has not been provided.

Any future development application is to achieve a minimum of 50% landscaping and is to be accompanied by a landscape plan prepared by a suitably qualified person.

#### Summary of Built Form Assessment

The proposed boarding house development breaches four of the five applicable built form principles associated to the site.

Independently these variations are not considered significant (with the exception of the 3m side setback), however the cumulative impact of multiple built form non-compliances (building height, front setback, side setback and landscaping) begin to make the development appear as an overdevelopment of the site.

Accordingly, it is strongly recommended that the built form be modified to achieve compliance with all applicable built form controls. (It is noted that the development will not comply with the 10m side setbacks given the width of the site – but a greater setback to that of the proposed is required).

## **Part 4 General Principles of Development Control**

### **General Principles (as applicable)**

<b>Division 1 General</b>  38 Glare and reflection <del>39 Local retail centres</del> <del>40 Housing for older people or people with disabilities</del> <del>41 Brothels</del> 42 Construction sites	<b>Clause 38 – Glare and reflection</b>  This clause requires that development is not to result in overspill or glare from artificial illumination, or sun reflection, which would unreasonably diminish the amenity of the locality.  Roofing materials are to be finished in a non-reflective, dark colour which sensitively responds to the bushland setting.  A Schedule of Colours and Finishes is to be provided with a Development Application.  <b>Clause 42 – Construction sites</b>  This clause requires that construction sites are not to unreasonably impact on the surrounding amenity, pedestrian or road safety, or the natural environment.  In particular: <ul style="list-style-type: none"><li>• adequate areas are to be allocated for the handling and storage of materials which are safe and do not interfere with pedestrian and traffic movement,</li><li>• the timing, frequency, and routes of construction vehicle movements are to be safe and minimise impact on roads, pedestrian and traffic movement and surrounding residents,</li><li>• construction waste is to be minimised, legally handled, transported and disposed of,</li><li>• dedicated safe pedestrian access is, at all times, to be provided around the site, and</li><li>• construction sites will be managed to ensure air and water borne pollutants such as noise, dust, odour and liquids and the like are minimised.</li></ul> A Construction Management Plan and Waste Management Plan are to be provided with a Development Application.
<b>Division 2 Health and Safety</b>  43 Noise 44 Pollutants 45 Hazardous uses <del>46 Radiation emission levels</del> 47 Flood affected land 48 Potentially contaminated land 49 Remediation of contaminated land 49A Acid sulfate soils	<b>Clause 43 – Noise</b>  This clause requires development to not result in noise emission which would unreasonably diminish the amenity of the area and is not to result in noise intrusion which would be unreasonable to the occupants.  In particular: <ul style="list-style-type: none"><li>• noise from the combined operation of all mechanical plant and equipment must not generate noise levels that exceed the ambient background noise level by more than 5 dB (A) when measured in accordance with the Environment Protection Authority's Industrial Noise Policy at the receiving boundary of residential and other noise-sensitive land uses, and</li><li>• development near existing noise generating activities, such as</li></ul>

	<p>industry and roads, is to be designed to mitigate the effect of that noise, and</p> <ul style="list-style-type: none"> <li>waste collection and delivery vehicles are not to operate in the vicinity of residential uses between 10 pm and 6 am.</li> </ul> <p>An Acoustic Report should accompany the development application and is to provide measures to ensure that the semi-open lower level car park will not create an echo effect that could impact on the amenity of adjoining sites.</p> <p><b>Clause 44 – Pollutants</b></p> <p>This clause requires that no development is to be carried out which, when in operation and when all measures proposed to minimise its impact on the locality have been employed (including measures to isolate the use from existing or likely future development on other land in the locality), would result in the emission of atmospheric (including odours), liquid or other pollutants which would unreasonably diminish the amenity of adjacent properties, the locality or waterways.</p> <p><b>Clause 48 and 49</b></p> <p>The site has been vacant for an extended period of time and, from a preliminary review of the documents provided at the time of this PLM, there is no indication that the land could be potentially contaminated.</p> <p><b>Clause 49A – Acid Sulfate Soils</b></p> <p>Council records indicate that the site is not affected by acid sulfate soils.</p>
<p><b>Division 3 Public Domain</b></p> <p>50 Safety and security 51 Front fences and walls 52 Development near parks, bushland reserves and other public open spaces 53 Signs</p>	<p><b>Clause 50 – Safety and security</b></p> <p>This clause requires that development maintains, and where possible, enhances the safety and security of the locality.</p> <p>In particular:</p> <ul style="list-style-type: none"> <li>buildings are to overlook streets as well as public and communal places to allow casual surveillance,</li> <li>service areas and access ways are to be either secured or allow casual surveillance,</li> <li>there is to be adequate lighting of entrances and pedestrian areas,</li> <li>after hours land use activities are to be located along primary pedestrian routes,</li> <li>public toilets, telephones and other public facilities are to be located so as to have direct access and to be clearly visible from well trafficked public spaces, and</li> <li>entrances to buildings are to be from public streets wherever possible.</li> </ul> <p>The proposed development is considered to have an appropriate relationship to the public domain (being the street frontage). Appropriate lighting should be provided from the street frontage to the entry of the development to provide a safe path of travel for pedestrians entering the building in the evening or at night.</p>

	<p><b>Clause 51 – Front fences and walls</b></p> <p>The development should have a low-level front wall to provide a clear delineation of the site and the entry points. This wall should be of a material appropriate within the streetscape (i.e. sandstone or the like) and should not exceed 1m in height. Landscaping should be behind this fence.</p> <p><b>Clause 52 – Development near parks, bushland reserves and other public open spaces</b></p> <p>The subject site is not adjacent to nor adjoins land used for parks, bushland reserves or other public open spaces. Notwithstanding this, given the proximity to bushland beyond the rear of the site, the development should appear complementary to the landscape and not visually dominant when viewed from any public domain.</p> <p><b>Clause 53 – Signs</b></p> <p>Any signage associated with the boarding house is required to be shown on the architectural plans accompanying a development application.</p>
<p><b>Division 4 Site planning and building design</b></p> <p>54 Provision and location of utility services</p> <p><del>55 Site consolidation in “medium density areas”</del></p> <p>56 Retaining distinctive environmental features on sites</p> <p>57 Development on sloping land</p> <p>58 Protection of existing flora</p> <p>59 Koala habitat protection</p> <p><del>60 Watercourses and aquatic habitat</del></p> <p>61 Views</p> <p>62 Access to sunlight</p> <p>63 Landscaped open space</p> <p>63A Rear building setback</p> <p>64 Private open space</p> <p>65 Privacy</p> <p>66 Building bulk</p> <p>67 Roofs</p> <p>68 Conservation of energy and water</p> <p><del>69 Accessibility – premises available to the public</del></p> <p>70 Site facilities</p>	<p><b>Clause 54 – Provision and location of utility services</b></p> <p>This clause requires that utility services must be provided to the site of the development, including provision for the supply of water, gas, telecommunications and electricity and the satisfactory management of sewage and drainage.</p> <p>Utility services including service structures, plant and equipment are to be located below ground or be designed to be an integral part of the development and suitably screened from public places or streets. Where possible, underground utility services are to be provided in a common trench.</p> <p>Consideration is required for the placement of air conditioning units, and it is recommended that these be located in the basement rather than atop of the roof.</p> <p><b>Clause 56 - Retaining distinctive environmental features on site</b></p> <p>Development is to be designed to retain and complement any distinctive environmental features of its site and on adjoining and nearby land. In particular, development is to be designed to incorporate or be sympathetic to environmental features such as rock outcrops, remnant bushland and watercourses.</p> <p><b>Clause 57 – Development on sloping land</b></p> <p>On sloping land, the height and bulk of development, particularly on the downhill side, is to be minimised and the need for cut and fill reduced by designs which minimise the building footprint and allow the building mass to step down the slope.</p> <p>In particular:</p>

- the amount of fill is not to exceed more than 1 metre in depth, and
- fill is not to spread beyond the footprint of the building, and
- excavation of the landform is to be minimised.

The geotechnical stability of sloping land to support development is to be demonstrated.

The subject site is not identified as being within a potential land slip area as per the WLEP 2000.

The proposed level of excavation proposed for the semi-basement car park is considered to be acceptable in this circumstance. Advice from a geotechnical engineer should be sought to assess the site conditions and the suitability of the excavation proposed.

#### **Clause 58 - Protection of existing flora**

Development is to be sited and designed to minimise the impact on remnant indigenous flora, including canopy trees and understorey vegetation, and on remnant native groundcover species.

#### **Clause 59 – Koala habitat protection**

This clause applies to parcels of land, being all adjacent or adjoining land held in the same ownership, that are:

- greater than 1 hectare in area, and
- potential koala habitat.

Before granting consent to development on land to which this clause applies, the consent authority, on information obtained from a person with appropriate qualifications and experience in biological science and fauna survey and management must be satisfied as to whether or not the land is core koala habitat.

Development within land that is core koala habitat must be consistent with a plan of management for that habitat prepared in accordance with Schedule 11 (Koala feed tree species and plans of management).

For the purposes of this clause:

*Core koala habitat* consists of an area of land with a resident population of koalas, evidence of which includes breeding females (that is, females with young) and recent sightings of and historical records of a population.

*Potential koala habitat* consists of areas of native vegetation where the trees of the types listed in Schedule 11 constitute at least 15% of the total number of trees in the upper or lower strata of the tree component.

Details which specifically address this clause (and the tree species listed under Schedule 11 of the WLEP 2000) are to be provided with a Development Application.

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### **Clause 61 – Views**

This clause requires that development must allow for the reasonable sharing of views.

The site is located within a bushland setting with the predominant views from both the private and public domain being towards the north.

The application should be accompanied by a photo montage including an image of the development

### **Clause 62 – Access to sunlight**

This clause requires that development is not to unreasonably reduce sunlight to surrounding properties.

In the case of housing:

- sunlight, to at least 50% of the principal private open spaces, is not to be reduced to less than 2 hours between 9 am and 3 pm on June 21, and
- where overshadowing by existing structures and fences is greater than this, sunlight is not to be further reduced by development by more than 20%.

Shadow diagrams are to be prepared and provided with a Development Application which clearly shows the extent of shadow cast over adjoining public and private properties between 9.00am and 3.00pm on 21 June.

If the shadows cast occur over an adjoining residential building, an elevation of the affected wall and windows is to be provided.

### **Clause 66 – Building bulk**

This clause requires buildings to have a visual bulk and an architectural scale consistent with structures on adjoining or nearby land and are not to visually dominate the street or surrounding spaces, unless the applicable Locality Statement provides otherwise.

In particular:

- side and rear setbacks are to be progressively increased as wall height increases,
- large areas of continuous wall planes are to be avoided by varying building setbacks and using appropriate techniques to provide visual relief, and
- appropriate landscape plantings are to be provided to reduce the visual bulk of new buildings and works.

The architectural plans provided at the time of the PLM were not complete and did not include a schedule of finishes to enable a proper assessment of the building bulk.

It is important that the design of the building is carefully considered to ensure that the development does not conflict with the semi-rural/bushland setting in the C8 Locality or with the

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adjacent R2 Low Density Residential zone.

A development application is to be accompanied by perspectives or montages of different angles of the development to assist in the assessment of building bulk.

Additionally, once the 3m side setback has been increased, there will be greater opportunities for deep soil plantings to help mitigate the size of the building.

#### **Clause 67 – Roofs**

This clause requires that roofs are to complement the local skyline. Lift overruns and other mechanical equipment is not to detract from the appearance of roofs.

#### **Clause 68 – Conservation of energy and water**

This clause requires that development is to make the most efficient use of energy and water.

In particular:

- the orientation, layout and landscaping of buildings and works and their sites are to make the best use of natural ventilation, daylight and solar energy,
- site layout and structures are to allow reasonable solar access for the purposes of water heating and electricity generation and maintain reasonable solar access to adjoining properties,
- buildings are to minimise winter heat loss and summer heat gain,
- landscape design is to assist in the conservation of energy and water,
- re-use of stormwater for on-site irrigation and domestic use is to be encouraged, subject to consideration of public health risks,

#### **Clause 70 – Site facilities**

This clause requires site facilities including garbage and recycling bin enclosures, mailboxes and clothes drying facilities to be adequate and convenient for the needs of users and are to have minimal visual impact from public places.

In particular:

- waste and recycling bin enclosures are to be adequate in size, durable, integrated with the building design and site landscaping, suitably screened from public places or streets and located for convenient access for collection, and
- housing which is required to have landscaped open space is to be provided with adequate open air clothes drying facilities which are suitably screened from public places or streets, and
- individual dwellings are to be provided with an area for general storage.

The SEPP ARH provides standards for boarding houses which should be considered in the preparation of this application,

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	<p>notwithstanding whether they apply to the assessment or not.</p> <p>In this regard, the provision of communal open space in the development is considered to be severely lacking to serve as an adequate site facility for residents.</p> <p>The development proposes a single communal living room and common terrace which are minimal in size and do not provide appropriate recreational opportunities for residents which are otherwise constrained to their boarding rooms.</p> <p>It is recommended that:</p> <ol style="list-style-type: none"> <li>1. Boarding room U21 be deleted and turned into common living room with openings onto the common terrace (as an expansion to the existing common living room).</li> <li>2. A second communal living room be provided on a different floor.</li> <li>3. A designated area of outdoor recreation be provided to residents to encourage outdoor activities. This area should include clothes lines, a designated smoking area and opportunities for recreational activities (i.e. vegetable garden and socialising).</li> </ol> <p>The provision of communal living spaces both internally and externally is a fundamental element of this proposal.</p>
<p><b>Division 5 Traffic, access and carparking</b></p> <p>71 Parking facilities (visual impact)</p> <p>72 Traffic access and safety</p> <p>73 On-site loading and unloading</p> <p>74 Provision of carparking</p> <p>75 Design of carparking areas</p>	<p><b>Clause 71 – Parking facilities (visual impact)</b></p> <p>This clause requires parking facilities are to be sited and designed so as not to dominate the street frontage or other public spaces.</p> <p>In particular:</p> <ul style="list-style-type: none"> <li>• garage doors and carports are to be integrated into the house design where topography and other constraints of the site allow, and</li> <li>• laneways are to be used to provide rear access to carparking areas where possible, and</li> <li>• car parking is to be provided underground or in semi basements for apartment buildings and other large developments, and</li> <li>• parking is to be located so that views of the street from front windows are not obscured.</li> </ul> <p>The proposed car parking is considered to have an acceptable visual impact, subject to the external walls being of an appropriate materiality.</p> <p><b>Clause 72 – Traffic access and safety</b></p> <p>This clause requires vehicle access points for parking, servicing or deliveries, and pedestrian access, to be located in such a way as to minimise:</p> <ul style="list-style-type: none"> <li>• traffic hazards, and</li> <li>• vehicles queuing on public roads, and</li> <li>• the number of crossing places to a street, and</li> </ul>

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- traffic and pedestrian conflict, and
  - interference with public transport facilities.

#### **Clause 73 – On-site loading and unloading**

This clause requires facilities for the loading and unloading of service, delivery and emergency vehicles to be appropriate to the size and nature of the development.

On-site facilities are to be screened from public view and designed so that vehicles may enter and leave in a forward direction.

#### **Clause 74 – Provision of carparking**

This clause requires the site to have adequate off-street carparking provided within the boundaries of the subject property in conjunction with Schedule 17 (Carparking provision).

Schedule 17 does not provide a parking rate for Boarding Houses and accordingly, the car parking rate in Cl. 29(2)(e) of the SEPP ARH is to be adopted.

It has been verbally indicated upon a site visit that the bus stop adjacent to the site would constitute the site being in an *accessible area* as per part (i) or Cl. 29(2)(e), thereby requiring 0.2 parking spaces per boarding room.

Accordingly, it is calculated that the development should have at least 7 parking spaces and is therefore compliant.

It is recommended that the provision of car parking, motorcycle parking and bicycle parking be maximised to reduce the demand for on-street car parking, subject to this not being visible from any external areas or giving rise to any adverse amenity impacts.

Discussions were held regarding further excavation to facilitate additional car parking, and the applicant is encouraged to explore design options.

#### **Clause 75 – Design of carparking areas**

This clause requires carparking is to:

- avoid the use of mechanical car stacking devices, and
  - not be readily apparent from public spaces, and
  - provide safe and convenient pedestrian and traffic movement, and
  - include adequate provision for manoeuvring and convenient access to individual spaces, and
  - where possible, enable vehicles to enter and leave the site in a forward direction, and
  - incorporate unobstructed access to visitor parking spaces, and
  - be landscaped to shade parked vehicles, screen them from public view, assist in micro-climate management and create
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	<p>attractive and pleasant spaces, and</p> <ul style="list-style-type: none"> <li>• provide on-site detention of stormwater, where appropriate, and</li> <li>• make reasonable provision for the carparking needs of people with physical disabilities.</li> </ul> <p>The design of the car parking area is considered satisfactory and is not readily visible from the streetscape.</p> <p>It is noted that the architectural plans indicate that the car park is to be somewhat 'open' on the sides, and it is recommended that these openings be appropriately screened to reduce the visual impact of a concrete car park.</p> <p>Additionally, the open-style car park shouldn't give rise to any acoustic impacts (i.e. echo) which is to be addressed in the documents package accompanying a development application.</p> <p>Council's Traffic Engineer has provided comments found elsewhere in these minutes with regards to the provision of car parking and the design of car parking areas.</p>
<p><b>Division 6 Soil and water management</b></p> <p>76 Management of stormwater</p> <p><del>77 Landfill</del></p> <p>78 Erosion and sedimentation</p>	<p><b>Clause 76 – Management of stormwater</b></p> <p>Refer to comments made in the 'referral bodies' section of this report.</p> <p><b>Clause 78 – Erosion and sedimentation</b></p> <p>Submission of a Soil and Water Management Plan prepared in accordance with the requirements of Landcom publication Managing Urban Stormwater: Soils and Construction - Volume 1, 4th Edition (2004) in accordance with 78 - Erosion and sedimentation is required.</p>
<p><b>Division 7 Heritage</b></p> <p><del>79 Heritage control</del></p> <p><del>80 Notice to Metropolitan Aboriginal Land Council and Department of Environment and Conservation</del></p> <p><del>81 Notice to Heritage Council</del></p> <p><del>82 Development in the vicinity of heritage items</del></p> <p><del>83 Development of known or potential archaeological sites</del></p>	<p>Not applicable.</p>

## **REFERRAL BODY COMMENTS**

Below are the comments made by various referral bodies within Council relating to the proposed development:

### **Environmental Health**

*Environmental Health requires the follow items to be addressed in the submission of a development application:*

- *Details of maximum number of boarders and lodgers*
- *Details that any room or cubicle in the premises shall not be used for the purposes of sleeping accommodation unless the room or cubicle has a floor area of 5.5 square metres or more for each person sleeping in it (in the case of long-term sleeping accommodation) or 2 square metres or more for each person sleeping in it (in any other case)*
- *A Plan of management to be prepared and must include, but not be limited to:*
  - *Maximum number of boarders and lodgers*
  - *Measures implemented to minimise noise impacts from boarders on surrounding residential premises*
  - *Operational procedures*
  - *Waste management procedures*
  - *Security arrangements*
  - *Method of recording and actioning complaints received from affected residents*
  - *Mitigating measures to minimise amenity impacts neighbouring properties*
  - *Managing noise impacts from the premises*
- *Details of the ongoing operation of the boarding house premises/ shared accommodation compliance with the following:*
  - *Local Government Act 1993*
  - *Local Government (General) Regulation 2005*
  - *Public Health Regulation 2012*
  - *Boarding Houses Act 2012*
- *Details of how offensive noise as defines under the Protection of the Environment Operations Act 1997 is not going to be created (including but not limited to noise generated by boarders/lodgers) – acoustic report recommended*

### **Water Management**

*Section 2.3 of the Stormwater Management Report submitted with the Pre-lodgement information states the development is exempt from having to comply with section 8.1 as the development is less than 2,500m<sup>2</sup>. This is incorrect as Council's Policy requires compliance with Section 8.1 for developments with a site area greater than **1000m<sup>2</sup>** or any increase of impervious area of more than 50m<sup>2</sup>. The proposed development triggers both.*

*I can only assume the consultant was referring to the draft versions of the Policy that was placed on exhibition in 2015, which was originally 2,500m<sup>2</sup> however this was amended in the final Council approved version.*

*I have attached the Policy to avoid confusion.*

*The following information will be required to be submitted with the proposal:*

#### **1. Water Sensitive Urban Design (WSUD) Strategy**

*A WSUD Strategy must be prepared in accordance with Council's WSUD Technical Guidelines (attached) to demonstrate compliance with Council's Water Management Policy.*

*The Strategy shall contain the following information:*

- *Proposed development – Describe the proposed development at the site, including site boundaries, proposed land uses.*
- *Catchment analysis plan – clearly showing the surface type (roof, road, landscape, forest etc) and the total areas. This must be consistent with the land use nodes within the MUSIC Model.*
- *Water conservation – Demonstrate how the potable water conservation targets in section 7.1 of the Water Management Policy. For residential developments this maybe in the form of a BASIX Certificate. Rainwater reuse should be incorporated into the development which will also have a positive impact on water quality and reduce off site discharge.*
- *Stormwater quality – Demonstrate how the General Stormwater Quality Requirements in Table 4, Section 8.1 of the Water Management Policy will be met, including the location, size and configuration of stormwater treatment measures proposed for the development. Council's preference is for the use of natural systems (raingardens, bioretention etc) as they promote infiltration, provide amenity and environmental services rather than proprietary devices.*
- *MUSIC model - prepared in accordance with Council's WSUD Technical Guidelines unless alternative modelling parameters are justified on the basis of local studies. Details of the modelling of those elements, parameters and assumptions used. **All MUSIC data files must be provided to Council.***
- *Integration with the urban design – Identify how the treatment measures will integrate with the development layout and the surrounding area such as the use of bioretention within the carpark areas etc.*

## **2. Erosion and Sediment Control Plan**

An Erosion and Sediment Control Plan (ESCP) for all development which involves the disturbance of up to 2500m<sup>2</sup> of land shall be prepared in Landcom's Managing Urban Stormwater: Soil and Construction Manual (2004).

As discussed at the meeting, any proposal to amend the stormwater/overland flow on 16 & 18 Wyatt Avenue need careful consideration as to the impact on the creek that flows into the National Park from these properties. Council's Catchment team will be required to assess any proposal of this nature.

## **Traffic Engineering**

In principle no concern is raised on the proposal with regards to parking and traffic, so traffic will not attend the meeting. The following comments are to be taken into consideration on traffic grounds:

- *The location of the driveway is to be compliance with Australian Standards AS 28920.1:2004 in respect of the vicinity to the intersection.*
- *The car park and driveway is to be designed in compliance with the relevant Australian Standards.*
- *The access driveway should be 5.5m for the first 6m from the property boundary to provide adequate space for the entering car to wait off the street when another car is exiting at the same time.*  
*Passing opportunities should be provided at least every 30m of driveway.*

A Traffic report is to be provided addressing the traffic generation, parking requirements, accessibility and etc.

## **Development Engineering**

### **Overland flow**

1. *The applicant is to submit a hydraulic report and model like HEC-RAS showing the 100 Year Average Recurrence Interval (ARI) surface stormwater flow emanating from Wyatt Avenue over the subject site, prepared by a Chartered Professional Civil Engineer of Engineers Australia. All calculations are to be carried out in accordance with the*

guidelines provided in "Australian Rainfall and Run Off", a publication of the Institution of Engineers, Australia. All levels are to be shown in Australian Height Datum (AHD). It is to be noted that no development is permitted over Council's drainage system which includes the established 1 in 100 ARI storm water overland flow path for the subject site. The flood study must be taken upstream and downstream beyond the subject site (at least 15-20 metres from the common boundaries affected by the overland flow).

2. The consultant must establish the pre-development and post-development 1 in 100 year ARI stormwater flows to ensure the adjoining properties are not worse off post development.
3. The proposed development is to comply with Section 9.3, Overland Flow of Council's PL 850 Water : Water Management Policy with respect to protection of the building and car parking facility from stormwater inundation.

#### Onsite stormwater detention

4. The proposed development will require on-site stormwater detention (OSD) in accordance with Council's OSD technical specification. The pre-developed site discharge (PSD) is to be calculated using a fraction impervious area of 0% i.e. the state of nature condition for all design storms up to and including the 1 in 100 year storm event. The applicant's consultant is to use the 'Drains' hydraulic model to design the system and provide the calculations with the submission to Council. The OSD tank is to be located in an open area that will permit 24 hour access.
5. To allow the OSD tank to operate properly for all storms up to and including the 1 in 100 year ARI under 'inlet' control, the OSD tank must be positioned outside of the 1 in 100 year ARI surface stormwater flow extent.
6. Stormwater runoff from paved or impervious areas bypassing the OSD system are to be appropriately managed to prevent scouring or erosion to adjoining neighbouring properties.

#### Construction of public infrastructure

7. Council's Stormwater and Floodplain Engineering Team will issue a separate response with respect to the matter raised by the property owner at the pre-lodgement meeting.(refer below)

#### Stormwater Floodplain Engineering

Council's Stormwater Floodplain Engineering department has provided the following comments with regards to the preliminary discussion over the granting of an easement along the eastern boundary of 14 and 16 Wyatt Avenue and along the rear boundary of 16 Wyatt Avenue:

**"Jenny and I would grant a 2m wide easement along the eastern boundary of 14 & 16 Wyatt Ave, and a 2m wide easement along the rear of 16 Wyatt Ave if:**

1. **Council kerb and gutters out the front of 14 & 16 Wyatt Ave (and provides a conforming road reserve crossing for both 14 & 16 Wyatt Ave)**

Response: The applicant would be required to construct kerb and gutter outside the development of 14 Wyatt Ave as part of the DA. Should the applicant wish to request further kerb and gutter in Wyatt Ave not related to the development, they can send a request to Council's Roads Asset team and they will prioritise the request with other similar requests. With regards to the requests for Council to construct driveway crossings for the subject site and the neighbouring property, the applicant has previously been advised that private crossings are the responsibility of the relevant owners.

2. **Council pipes the stormwater down the easement (so there is no overland flow)**

Response: Council does not carry out drainage works for private development. Should the applicant wish to discharge private stormwater through the downstream properties,

*they will need to obtain owners consent and undertake their own works under a development approval.*

**3. Council works to be completed within 6 months”.**

*Response: The drainage works required for the development will be private.*

It is recommended that Mr. Dean McNatty be contacted to further discussions on the above.

**Urban Designer**

*The proposal in its current form cannot be supported for the following reasons:*

- 1. Built form controls – The site is located on land which is not under the control of SEPP (Affordable Rental Housing) but the applicant should use the SEPP as design guidelines to provide a consistent planning approach. The proposal will have an unacceptable impact to the neighbouring house on the western boundary when considering key amenity issues such as visual impact, noise and privacy. The proposed western boundary setback of 3m is inadequate. A setback of 6m from the required 10m was discussed. The applicant will need to demonstrate how issues of visual and acoustic privacy will be addressed. The visual impact of the proposal can be minimised with a better modulated and articulated building form in a well-considered landscaped setting. As discussed, a built form to create the appearance of three modules will be more appropriate.*
- 2. To be compatible with the current and evolving character of development within the local context, the proposal needs to be:*
  - Compatible with the architectural form and style of the established and likely future development character. It should complement the site’s appearance when viewed from the street/public spaces and incorporate a highly articulated façade treatment and roof form.*
  - Provided with complimentary and compatible landscaped front setbacks consistent with that established by the adjoining properties.*
  - Located within a landscaped setting and will be appropriately treated in terms of its materials and finishes to blend with the character of the property and the locality.*

## **DELIVERABLES / REQUIRED DOCUMENTATION**

- All information required to be submitted under Schedule 1 of the Environmental Planning and Assessment Regulation 2000;
- All information as required on the Development Application form checklist;
- Site Analysis (prepared in accordance with Schedule 8 of WLEP 2000);
- Site Survey (prepared by a registered Surveyor);
- Statement of Environmental Effects addressing:
  - Section 79C of EPA Act,
  - All relevant sections of WLEP 2000, including demonstrating consistency with the locality's Desired Future Character, Built Form Controls and General Principles of Development Control; and
  - Other relevant Environmental Planning Instruments.
- Geo-technical report;
- Access Report;
- BCA Report;
- Traffic and Parking Report;
- Shadow diagrams (including elevational shadow diagrams);
- View analysis;
- Photo montages and perspective drawings;
- Landscape Plan showing the layout of the landscaping within the site and the selection of species;
- Waste Management Plan;
- Stormwater Management Plan;
- Erosion and Sedimentation Plan;
- Soil and Water Management Plan;
- Waterway Impact Statement;
- Water Sensitive Urban Design Strategy;
- Hydraulic Report and model (i.e. HEC-RAS);
- Colour and Materials Schedule;
- Signage Plan (if required);
- Boarding House Plan of Management (POM)
- Cost Summary Report, if the cost of works exceeds \$100,000. This report is to be in addition to the Estimated Cost of Work options in Part 2.3 of Council's Development Application Form.

## CONCLUDING COMMENTS

These minutes are in response to a pre-lodgement meeting held on 27 October 2017 to discuss application PLM2017/0139 for the construction of a boarding house at 14 Wyatt Avenue, Belrose.

The use of the land for the purpose of a boarding house is prohibited as per the SEPP ARH and accordingly, any application for a boarding house of this site is to be lodged pursuant to WLEP 2000 of which a boarding house is a Category Two development.

The built form of the boarding house, as proposed, is considered to be of a scale and proportion that is inconsistent with the desired future character of the area and the building should be “broken-up” or modulated to reduce the visual bulk and be consistent with the DFC in regard to “detached style housing”.

It is recommended that the design be altered to provide increased side setbacks to improve the amenity of adjoining properties and that the height be reduced to achieve compliance with the 8.5m building height control. The provision of landscaped space on the site should not be less than 50%.

A significant enhancement of the proposed common room is required as the development, as proposed, can accommodate up to 66 residents. Accordingly, it is recommended that several common spaces be located internally and externally throughout the development and that they be of a scale to act as functional and practical spaces for residents.

Additionally, and given the controversial nature of boarding house developments, it is recommended that neighbours be consulted prior to the lodgement of the application. This could streamline the application process and prevent delays. Note that this is not a requirement on the applicant's behalf.

Resolution of the stormwater matters and easement should also be resolved where possible prior to the lodgement of an application to help streamline the process.

Council is willing to preliminarily review any future amendments to the design proposed under this PLM and can provide preliminary comments, so long as the amendments made are within the scope of what was proposed in this PLM. Any entirely new concepts and/or major fundamental changes would be required to be lodged as a new PLM. Details of such can be sent through to:

[Adam.Mitchell@northernbeaches.nsw.gov.au](mailto:Adam.Mitchell@northernbeaches.nsw.gov.au) or;  
[Council@northernbeaches.nsw.gov.au](mailto:Council@northernbeaches.nsw.gov.au) and attentioned to the officers mentioned on the cover page of this report.

You are encouraged to carefully review these notes and the proposed development. These notes may not be an exhaustive list of all applicable legislation that will be considered in the assessment of a development application.

## **OTHER MATTERS**

- **Requirement to Submit Correct, Clear and Accurate Information at Lodgement**

You are advised, that if an application is unclear, non-conforming or provides insufficient information, or if Council requests additional information in accordance with Clause 54 of the EPA Regulations 2000 and it is not provided within the specified time frame, a development application may be rejected or refused without notice.

The time to discuss and amend your design is prior to lodgement of your Development Application, as there will be no opportunity to do so during the assessment process.

- **Privacy and Personal Information**

You are advised that Council is legally obliged to make Development Applications and supporting documents available for public inspection – see section 12 of the Local Government Act 1993. We do this at the Customer Service Centre and by placing copies of the applications and supporting documents on the Council website.

Should this proposal result in a development application being lodged these notes will form part of the development application documentation that will appear on Council's website – DA's online. [www.northernbeaches.nsw.gov.au](http://www.northernbeaches.nsw.gov.au)

- **Monitoring DA progress after lodgement**

Once lodged you can monitor the progress of your application through Council's website – DA's online. [www.northernbeaches.nsw.gov.au](http://www.northernbeaches.nsw.gov.au)