

[REDACTED]
Belrose, 2085
2 September 2022

The Chairperson,
Northern Beaches Local Planning Panel,
Northern Beaches Council,
PO Box 1336,
Dee Why, 2099

Dear sir/madam,

Re: Northern Beaches Local Planning Panel (NBLPP) Meeting 7 September 2022

ITEM 4.1 DA2021/1039 - 16 WYATT AVENUE, BELROSE - DEMOLITION WORKS AND THE
CONSTRUCTION OF A BOARDING HOUSE DEVELOPMENT

and

ITEM 4.2 MOD2021/0996 - 14 WYATT AVENUE, BELROSE - MODIFICATION OF DEVELOPMENT
CONSENT DA2018/0401 GRANTED FOR THE ERECTION OF A PART TWO AND PART
THREE STOREY BOARDING HOUSE.

I am writing to you [REDACTED] as the Managing Director of the
applicant, Northern Beaches Essential Services Accommodation Pty Ltd. The above DA and Mod are
currently before the Land and Environment Court [REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

This communication is in response to the letter that I received from Northern Beaches Council about
the Local Planning Panel Meeting to be held on 7 September 2022, and the agenda that has been
published for the meeting. This letter provides essential information that has not been provided to
the Local Planning Panel, and addresses issues of inaccurate or misleading information in the
documents you have been provided.

The DA for the Boarding House at 14 Wyatt Ave Belrose was approved by the Land and Environment
Court on 20 January 2021. Common ground was established through that DA process. The team who
has been involved with the preparation of documents for the DA's has utilised the lessons learned
from the DA at 14 Wyatt Ave Belrose to fine tune the DA for 16 Wyatt Ave Belrose. We have
amended plans several times and provided further information based on comments by Council staff,
the Design & Sustainability Panel, Council's Contentions and comments made at the section 34
conference.

We worked with Council's Assessing Officer (Adam Mitchell/Adam Susko), from the pre DA meeting
for 14 Wyatt Ave Belrose though to the current DA for 16 Wyatt Ave. We have always sought for our
DA submission to take into consideration the suggestions of Council staff and consultants. The DA

for 16 Wyatt Ave has been assessed by Council using two different consultant Planners, with the first (Deborah Laidlaw) acting for Council up to and including the section 34 conference and the second (Steven Layman) acting for Council since then.

For clarity the issues I raise below show quotes from Council documents in italic.

Below addresses issues from the letter I received from Council dated 31 August 2022.

Site Inspections

The Panel members will undertake a site inspection prior to the meeting in their own time and will view the site from the public domain only.

The DA for the Boarding house at 16 Wyatt Ave proposes both an upper and lower building. The lower building location cannot be seen from the public domain. I invite members of the NBLPP to carry out a site inspection which involves walking onto the sites at 14 and 16 Wyatt Ave to properly assess the suitability of the site. This site inspection can be arranged by ringing me on [REDACTED]

Submissions to the Panel

Please note the panel members have been provided with your written submissions and all documentation lodged in relation to this application.

The above statement appears incorrect as the agenda does not contain all documentation lodged in relation to this application. There are many additional reports and documents that have been provided and most are accessible on Council's website, but there are also documents that have not been provided and are not on Council's website. I have provided the following extra information which is not in the agenda and is not on Council's website:

Appendix A: Letter which I sent to Council in response to the Design & Sustainability Panel comments for 16 Wyatt Ave Belrose.

Below addresses issues in the NBLPP Agenda for 16 Wyatt Ave:

Page 7 – Bullet 1: *The lower building's exceedance of the maximum 8.5 metre building height development standard of the C8 Belrose North Locality of the Warringah Local Environmental Plan 2000.*

The lower building does not exceed the maximum 8.5 metre building height. Appendix B contains a letter and drawing from Platform Architects attesting to this fact.

Page 7 – Bullet 3: *Non-compliance with the front setback control of the C8 Belrose North Locality of the Warringah Local Environmental Plan 2000, with the encroachment of the bin storage room.*

The original DA plans for the Boarding House for 14 Wyatt Ave Belrose had the waste management area located under the building. Council's Waste referral response requested the waste management area be moved to the area in the front setback. The DA for the boarding house was subsequently approved on this basis. We have followed exactly the same design concept for the boarding house at 16 Wyatt Ave.

Page 7 – Bullet 5: *The proximity of the lower building and the bin storage room within the rear portion of the site not providing an adequate landscape transition to the bushland.*

The original DA plans for the Boarding House for 16 Wyatt Ave Belrose had the waste management area for the lower building located under the lower building. Council's Waste Referral response dated 04/03/2022 states:

Access for Councils' waste collection vehicles could be provided within the property with bins being serviced from an agreed location in the vicinity of the "fire truck turning bay". Garbage, recycling and vegetation would be collected from the agreed location.

The plans were subsequently amended in response to the above request and liaison with Council's waste engineer to be in the current location.

Page 7 – Bullet 7: *Non-compliance with the rear setback at Clause 63A (Rear building setback) of the Warringah Local Environmental Plan 2000. The bin storage room for the lower building encroaches into the required 10 metre rear building setback.*

I repeat the information provided above at Page 7 – Bullet 5.

Page 8 - ASSESSMENT INTRODUCTION – Bullet 2: *A site inspection was conducted and consideration has been given to the impacts of the development upon the subject site and adjoining, surrounding and nearby properties;*

The Development Assessment author (Steven Layman) has not to my knowledge carried out a site inspection. This observation is based on the fact that we as the owners and residents of the property have not ever been asked for permission to access the property by Steven Layman.

Page 10: *Upper boarding house building: A new crossing and driveway run down the eastern edge of the site.*

It is not a new crossing and driveway, it is an existing driveway and crossing, which is being widened.

Page 14: *The fact that the northward slope of the site necessitates a particularly intrusive and inefficient driveway arrangement wherein the driveway runs the full length of the southern building, occupying space that could otherwise be used for landscaping.*

The proposed driveway is located where the current driveway is plus extending further to the North, largely where the house currently sits which will be next to the proposed southern building.

Page 15: *The lower building includes an exceedance of the maximum 8.5 metre building height, which is not supported. No justification for this variation has been provided.*

I repeat the information provided above at Page 7 – Bullet 1.

Page 17 Internal Referrals: Design and Sustainability Advisory Panel

These comments are based on the initial design not the design being assessed by the NBLPP. As such, these comments are not in the relevant section of the Development Assessment report that references original plans, an error that risks misleading the NBLPP in the assessment of the correct plans.

The driveway that is referred to in the comments has now been removed, and access is now provided through 14 Wyatt Ave. Other issues raised by the panel have been addressed in the current design. Please refer to Appendix A for the letter which addresses these issues.

Page 19: Roads and Assets – Not Supported.

This is an assessment of original plans undertaken on 03/08/2021. A response to the updated plans has not been provided. Again, this prior assessment is in the wrong section of the report.

Page 21: This was based on a detailed translation methodology that was applied to all land within the former Warringah LGA.

Other relevant information is:

- Warringah Council's Non-Urban Land Study recommended 16 Wyatt Ave be released as residential land the same as the southern side of Wyatt Ave.
- Subsequent to the Minister deferring than land from LEP 2011, Council lodged a Planning Proposal through the Gateway process which proposed zoning the subject land as R5 – Large Lot Residential. This Planning Proposal was later withdrawn by Council.

Page 23: The waste management system relies on the inclusion of a building for holding purposes within the front setback, contrary to the front setback standards under the C8 Belrose North Locality statement. Combined with the hardscape proposed, the built form presents as monolithic and relentless incorporating two buildings of 50 metre to 60 metre length with repetitive fenestration and façade treatment and a dominant driveway hard-scape.

I repeat the information provided above at Page 7 – Bullet 3.

Page 24: With 53 rooms all able to accommodate two boarders and two (2) single rooms, a total of 108 boarders, the proposal is over four times the intensity of use of the maximum scale of boarding house development permitted on the R2 zoned land opposite and over double the intensity of use of the approved boarding house on 14 Wyatt Avenue.

This statement is misleading. The following facts are relevant to the proposed intensity of use:

- This DA originally proposed 62 boarding rooms (inclusive of a manager's room) on 9,345m² of land. This equates to 151 m² per room. We have now reduced the number of rooms to 55. This equates to 170 m² of land per room.
- 14 Wyatt Ave Belrose, next to the site of this DA, and with the same zoning of land, had a Boarding house approved with 25 rooms (including a manager's room) on 2,298 m² of land

(DA2018/0401). This equates to 91.92 m² of land per room. This DA enjoyed the recommendation from Northern Beaches Council's assessing officer for approval and was approved by the Land and Environment Court.

- The R2 land opposite would limit any boarding house to 12 rooms on 600m². This equates to 50m² per room.

In summary the proposed Boarding house at 16 Wyatt Ave proposes an intensity of use that is less than one third the intensity of use of the maximum scale of boarding house development permitted on the R2 zoned land opposite.

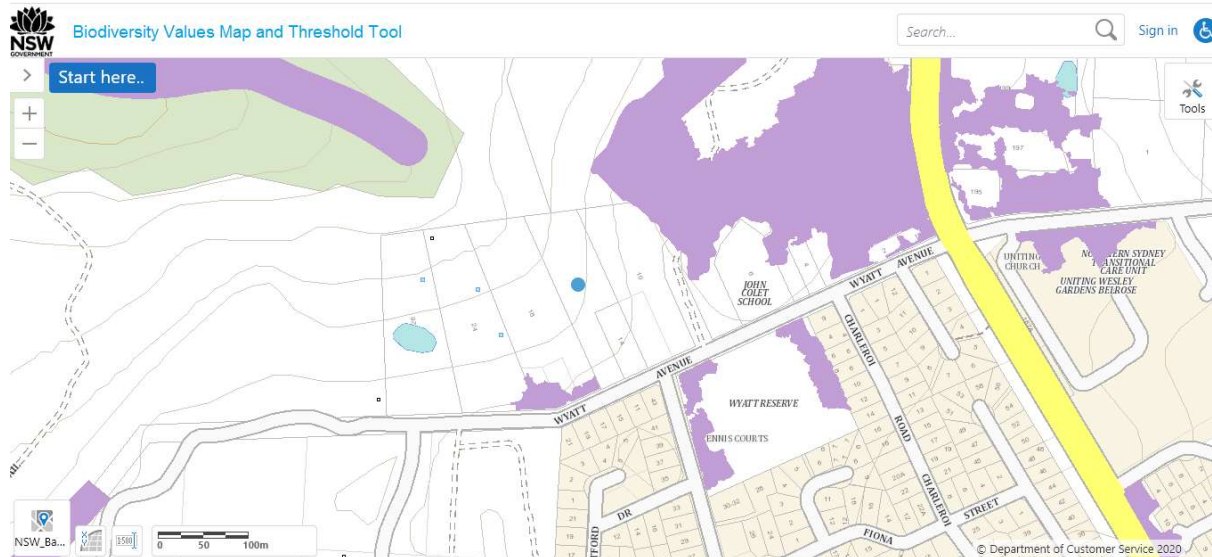
Page 24: *Council has identified this land area as 'Future MRA investigation area', and will work with the Greater Sydney Commission to assess its suitability for inclusion in the MRA when the Greater Sydney Region Plan is reviewed.*

Using the precautionary principle, Council will apply the principles and actions in this priority to these lands until that review is complete.

In *Telstra Corporation Limited v Hornsby Shire Council* [2006] NSWLEC 133, the Chief Judge of the NSW Land and Environment Court, Justice Preston, has given a detailed consideration of the principles of ecologically sustainable development ("ESD") and, in particular, the precautionary principle. It can be summarised as not to be used to inappropriately stop development.

The recently released Northern Beaches Environment/Conservation Zones Review does not show the subject land to have high ecological value.

The Department of Planning and Environment Biodiversity values map shows the subject land contains no high biodiversity areas (See below map).



The land at 16 Wyatt Ave meets the definition of an “accessible area” under the Housing SEPP implying it is a suitable location for a Boarding house in the Greater Sydney Region (Refer to Clause 23(2)(a) of the Housing SEPP).

Page 25: *Rear Setback Area, Free except fence and driveway. The bin storage room encroaches on the rear setback area.*

I repeat the information provided above at Page 7 – Bullet 7.

Page 31 and Page 32: *Whilst the proposed lower building maintains compliance with the minimum 10 metre numerical requirement (43 metre setback provided), the location of the bin storage room within this setback and the fact that it is located less than 10 metres from the rear property boundary, results in a non-compliance with this requirement.*

I repeat the information provided above at Page 7 – Bullet 7.

Page 35: *Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposed development is non-compliant with the 50% bushland setting control of the C8 Belrose North Locality of the Warringah Local Environmental Plan 2000.*

This is incorrect. The bushland setting is 64% as shown on the plans, which is compliant and exceeds a 50% bushland setting control. The table on page 26 of the agenda shows the correct information:

Built Form Compliance Table C8 Belrose North Locality Statement			
Bushland setting	50% (4,671m ²)	64% (5,980m ²)	Yes

Page 35: *7. Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposed development is inconsistent with Clause 56 (Retaining distinctive environmental features on the site) of the Warringah Local Environmental Plan 2000. The extent of earthworks required across the site, particularly to facilitate the proposed aboveground on-site detention basin significantly alters the existing landform of the site. There is an existing rock outcrop in proximity to the proposed basin and insufficient information has been provided to determine the likely impacts of the construction and use of the on-site detention basin on this feature. The location of the basin and proposed bin storage room within the rear portion of the site also limits the ability to plant vegetation in these areas, which diminishes the transition of the built form with the adjoining bushland to the north.*

As can be seen on drawing A0.01 of the master plans, the OSD basin does not interfere with the rock outcrop.

Page 44 to 48: *Design + Sustainability Advisory Panel Meeting Report – Date 07 October 2021*

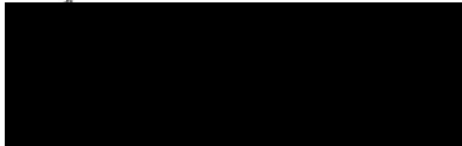
Again, it is important to point out that this report was based on the initial plans, not the plans currently before the Local Planning Panel. The offending part of the driveway referred to in this report has been removed and many of the issues raised in this report have been addressed by the amended plans. Appendix A contains a letter that addresses the issues raised by the Design & Sustainability Advisory Panel.


I repeat the information provided above at Page 7 – Bullet 7.

I trust this information will assist you in your decision making process.

I propose to speak to the Panel on the Mod for 14 Wyatt Ave and the DA for 16 Wyatt Ave. I am happy to take questions from panel members, but would prefer advanced notice of any questions that may require preparation for me to answer.

Yours sincerely,

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 Cert. Environmental Planning

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Northern Beaches Essential Services Accommodation Pty Ltd

20 December 2021
Northern Beaches Essential Services Accommodation Pty Ltd
PO Box 125,
Belrose, 2085

Tony Collier,
Acting Manager Development Assessment,
725 Pittwater Rd,
Dee Why, 2099

Dear Mr Collier,

Re: Your letter dated 15 November 2021 DA2021/1039

In the response to the abovementioned letter, please find attached the following documentation:

Filename	Description	Revision Date
Plans - Master (11 December 2021).pdf	Revised Architectural Plans	8/12/2021
Report – BCA and Access (29 November 2021).pdf	Revised BCA and Access report	29 November 2021
Plans – Landscaping (7 December 2021).pdf	Revised Landscape Plan	7 December 2021
Plans – Civil (3 December 2021).pdf	Revised Stormwater and Civil Plans	3 December 2021
Report – Flood (3 December 2021).pdf	Revised flood report	3 December 2021
Report – Plan of Management (8 December 2021).pdf	Revised Plan of Management	8 December 2021
Report – Waste Management (December 2021).pdf	Revised Waste Management Plan	December 2021
Report – Traffic Management.pdf	Traffic Management System report	
Report – Carpark and driveway certification.pdf	Revised Carpark and driveway certification	December 2021
Report – Traffic and Parking.pdf	Revised traffic and parking impact assessment	December 2021
Report – Bushfire (13 December 2021).pdf	Letter from the bushfire consultant	13 December 2021
Report – SOEE (19 December 2021).pdf	Revised Statement of Environmental Effects	19 December 2021

This documentation reflects the following changes:

- 1) Change the entrance driveway to the Lower (Northern) building so vehicular access is provided through the driveway at 14 Wyatt Ave. This will delete the vehicular access ramp to the lower portion of the site and achieve the following:
 - a) maximise landscape opportunities
 - b) protect natural vegetation and landform
 - c) reduce the amount of driveway in close proximity to accommodation rooms

- 2) Decrease the number of rooms from 62 (including managers room) to 55 (including managers room)
- 3) Increase the space available for common cooking facilities
- 4) Amend the Waste Management Plan to state that all operational waste will be removed by a private contractor.
- 5) Show outside clothes lines for both boarding houses
- 6) Provide some extra parking (on grade) for the Lower (Northern) Boarding house
- 7) We have sought advice regarding the practicality of the fire engineering solution. The updated BCA report addresses this issue.
- 8) Amend the Landscape plan to:
 - a) Landscape at least 50% of site with local species - noting the requirement for an APZ, select species with manageable fuel load.
 - b) Utilise more of the site for higher amenity, functional landscape spaces and connections which relate to bushland setting
 - c) Provide design with coordinated, functional OSD solution
- 9) Maintain access to daylight and natural ventilation to common corridors and stairs wherever possible
- 10) Added more communal rooms and a communal terrace in locations where sun and views may be accessed at different times of the day.
- 11) Reconfigure design to eliminate any situations where privacy and amenity of rooms is compromised by driveway (ref recommendations 1, 4, 7)
- 12) Reconfigure design to provide number and size of communal kitchens adequate to provision for rooms without internal kitchens.
- 13) Clarify matter of requirement of BASIX certificate for Class 3 buildings
- 14) The bin rooms for both upper and lower buildings now include bulky good storage as required and the amount of bins based on the referral response.
- 15) Extra motorcycle spots have been added

In response to specific issues we provide the following information:

Environmental Health (unsewered lands):

The relevant comment was:

“the applicant is requested to submit a copy of an 'approval in principal' from Sydney Water identifying the boarding house is suitable for connection to Sydney Waters sewer line.”

We point out that the Sydney Water response to Council dated 24/8/2021 states “As per the advice of the feasibility case lodged with Sydney Water (CN 190686), a normal gravity sewer connection will not be possible and the development will need to pump to sewer”. This confirms that a feasibility case was undertaken and that a pump to sewer service is required.

Please find attached a copy of the Sydney Water Feasibility. This is being provided in confidence and is not to be put on Council’s website or provided to any third party without our written permission.

Landscape:

The relevant comments on the Landscape referral response have been addressed in the revised Landscape plan.

Development Engineering:

The relevant comments on the Development Engineering response have been addressed in the revised Flood Report and Stormwater and Civil plans. Comments are provided below on specific issues:

Council referral comment	Our comment
<p>All post development maps provided in the flood report show flows along the rear of proposed building 2 which is inconsistent with the stormwater plans which include a flood wall along this portion of the proposed driveway. The flood maps are to be amended to suit the driveway design to ensure no flows cross the driveway with potential to enter the proposed basement of building 2.</p>	<p>The flood model has been reconstructed with the flood report amended to suit. The floodwall has been extended on the stormwater plans (C3.01 [C] and C3.02 [B]) and appropriately modelled in the revised flood study.</p>
<p>The proposed driveway includes two sections where the driveway is at 0% grade, between chainages 118 to 126.97 and 172 to 188. It is considered that a minimum grade of 1% be provided to ensure any surface or floodwater is directed down the driveway. The cross fall of the driveway is to ensure flows are directed away from the proposed buildings. All cross sections are to be amended to suit.</p>	<p>All driveway long sections have been redesigned with a minimum of 1% grade as shown on drawing C4.01 [B]. Driveway cross sections have been amended to direct flows away from proposed buildings as shown in drawings C4.10 [B] and C4.11 [B] and the flood maps.</p>
<p>The submitted cross section through the OSD basin is inconsistent with the existing ground levels. Existing and proposed levels are to be provided on the section and an additional cross section is to be provided due to the significant change of levels in the proposed location of the basin.</p>	<p>The OSD basin has been redesigned, longitudinal sections of the OSD basin are provided in drawing C1.07 [C] which also specify existing and proposed levels.</p>
<p>Details of the level spreader are to be provided.</p>	<p>The level spreader has been redesigned as shown in drawing C3.01 [C]. Level spreader details are shown on drawing C1.06 [C].</p>
<p>Details of the flood dispersion area.</p>	<p>The flood dispersion area has been removed from the stormwater plans due to the revised flood model regime dramatically reducing flows in this area of the property.</p>
<p>Sections through the proposed flood storage area.</p>	<p>Details of the flood storage area are provided on drawing C3.02 [B], with a typical section through the flood storage area provided in drawing C1.05 [C].</p>
<p>A typical section through the proposed grass swale.</p>	<p>Details of the grassed swale are provided on drawing C3.02 [B], with a typical section through the swale provided in drawing C1.06 [C].</p>
<p>In terms of the proposed culvert under the access road, it is considered that the report includes two scenarios for 50% blockage of the culvert and 100% blockage to demonstrate the impact on the flood regime. Additional post development flood maps are to be provided for</p>	<p>The flood model had been amended with flood maps and results extracted for the two scenarios of 50% culvert blockage and 100% culvert blockage, all of which are discussed in the revised flood study. The revised stormwater layouts have removed the need for the junction</p>

each scenario. A section through the culvert is to be provided detailing the inlet, junction pit and outlet including rip rap.	pit. A typical headwall detail is provided in drawing C1.05 [C] with information regarding the location and sizing of the culvert on drawing C3.02 [B].
With regard to the proposed driveway crossing design, the proposed levels are to be amended to suit Council's standard drawing A4/3330/3 NL which is available on Council's website.	The proposed driveway crossing has been redesigned to conform with Council's standard drawings A4/2276/B and A4/3330/3 NL. Details are provided on drawing C7.01 [B].
As portions of the access driveway are elevated, a vehicle barrier design is to be provided in accordance with AS/NZS 2890.1:2004. The plans and cross sections are to be amended to suit.	The elevated portion of driveway has been removed from the proposed works, nullifying the requirements for vehicle barriers.

Traffic Engineering:

The relevant comments on the Traffic Engineering response have been addressed in the attached "Traffic Management Priority system".

Waste Officer:

The waste referral response has incorrectly referenced information out of WLEP2011 whereas the site is subject to WLEP2000.

The bin rooms for both upper and lower building have been modified to include bulky good storage as required and the quantity of bins based on the referral.

The Waste management plan has been modified to outline that all waste will be picked up by a private contractor with a vehicle that can fit inside the basement carpark, hence bin emptying will not require presentation of the bins to the street.

Design and Sustainability Advisory Panel:

The State Environmental Planning Policy (Housing) 2021 was made on 26 November 2021. Whilst this DA is lodged based on compliance with the Warringah LEP 2000, therefore the Housing SEPP doesn't apply, the Housing SEPP provides some guidance on Parking, communal open space and communal living area.

Below provides some references to the Housing SEPP and comments as to our compliance (Numbers are clause numbers from the Housing SEPP):

1) Parking:

24 Non-discretionary development standards—the Act, s 4.15

(2)

(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—

(i) for development on land within an accessible area—0.2 parking spaces for each boarding room,

(ii) otherwise—0.5 parking spaces for each boarding room

25 Standards for boarding houses

(2)

(d) at least 1 motorcycle parking space will be provided for every 5 boarding rooms, and

(e) at least 1 bicycle parking space will be provided for each boarding room.

The property at 16 Wyatt Ave Belrose meets the definition of “an accessible area” in the Housing SEPP. Our DA meets all of the above requirements.

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2) Communal living area:

24 Non-discretionary development standards—the Act, s 4.15

(2)

(g) for a boarding house containing more than 6 boarding rooms—

(i) a total of at least 30m² of communal living area plus at least a further 2m² for each boarding room in excess of 6 boarding rooms, and

(ii) minimum dimensions of 3m for each communal living area,

This clause would require our boarding house to have 128m² (ie 30+(55-6)*2) of communal living area. Our proposed boarding house has 343m² (ie 216.2+126.9) of communal living area.

Our DA meets all of the above requirements.

3) Communal Open Space:

24 Non-discretionary development standards—the Act, s 4.15

(2)

(h) communal open spaces—

(i) with a total area of at least 20% of the site area, and

(ii) each with minimum dimensions of 3m,

Our DA meets all of the above requirements, having over 50% of the site as landscaped area available as communal open space.

Other issues raised by the Design and Sustainability Advisory Panel:

Waste presentation:

Waste presentation is addressed by using a private contractor to remove waste from the waste storage locations inside the premises. This removes the need for waste presentation on the street.

Increase PV provision:

The PV requirement is determined by the need to meet the NCC. We will be providing the required amount of PV to meet the NCC requirements.

Basix:

A Basix is not required as the boarding house is deemed to have zero dwellings due to the fact there are no cooking facilities in the rooms. This is a well-established fact that was reiterated in the Land and Environment Court case for the boarding house at 14 Wyatt Ave Belrose (DA2018/0401). If clarification is required, I suggest you contact Stephen Patterson from Wilshire Webb Solicitors, as he represented Northern Beaches Council in that case.

This can also be verified by the fact that the Determination of Development Application for DA2018/0401 does not reference any BASIX.

Comments on your letter:

Your letter states:

Council is not satisfied that the proposed development can be described as a low intensity, low impact use. The use of the land for a boarding house development is not objected to, however the number of boarding rooms proposed raises significant concern.

The intensity of the development in providing 62 boarding rooms (inclusive of a Manager's Room) is significantly greater than that envisioned by the WLEP 2000 with regards to other Category 2 Land Uses.

Furthermore, the development has an unacceptable impact on the environment by way of modifying the natural topography of the land inclusive of removing large rock outcrops. The full impact to the environment cannot be realised without a long section of the proposal showing the location and heights of the proposed elevated driveway structure.

Finally, it is considered that the proposal provides an unacceptable quality of accommodation for future residents, mainly by virtue of access and communal facilities. These matters are elaborated upon in detail within the attached Design and Sustainability Advisory Panel report.

We would like to make the following comments on the above statements:

- a) This DA proposed 62 boarding rooms (inclusive of a manager's room) on 9,345m² of land. This equates to 151 m² per room. We have now reduced the number of rooms to 55. This equates to 170 m² per room.
- b) 14 Wyatt Ave Belrose, next to the site of this DA, and with the same zoning of land, had a boarding house approved for 25 rooms (including a manager's room) on 2,298 m² of land (DA2018/0401). This equates to 91.92 m² per room. This DA enjoyed the recommendation from Northern Beaches Council's assessing officer for approval and was approved by the Land and Environment Court.
- c) The land across the road from this DA is zoned R2. Should a boarding house be built on any of these parcels of land, they would be limited in size to 12 rooms on 600m². This equates to 50m² per room.
- d) We note S Dixon's (Senior Commissioner of the Land and Environment Court) statement in the case of *Japara Healthcare Limited v Northern Beaches Council [2018] NSWLEC 1670*, in her honour's judgement:
"Ultimately, as the experts state in order to be consistent with the Desired Future Character of the relevant locality statement "the consent authority only need be satisfied that the use is low impact and low intensity and the permissible development and controls that apply must be used as a significant measure of what intensity and impact of the use is "low." The proposal is expressly permitted in the zone and complies with the FSR and landscape area requirements"

The boarding house proposed in this DA is permitted in the zone and it complies with the 50% landscaped area requirement of WLEP2000.
- e) We have increased the size and quantity of communal facilities beyond what is required by the Housing SEPP.

We trust this extra and revised information has adequately addressed all concerns raised by Council.

Yours sincerely,

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16 Wyatt Avenue, Belrose.
DA2021/1039



01.09.2022

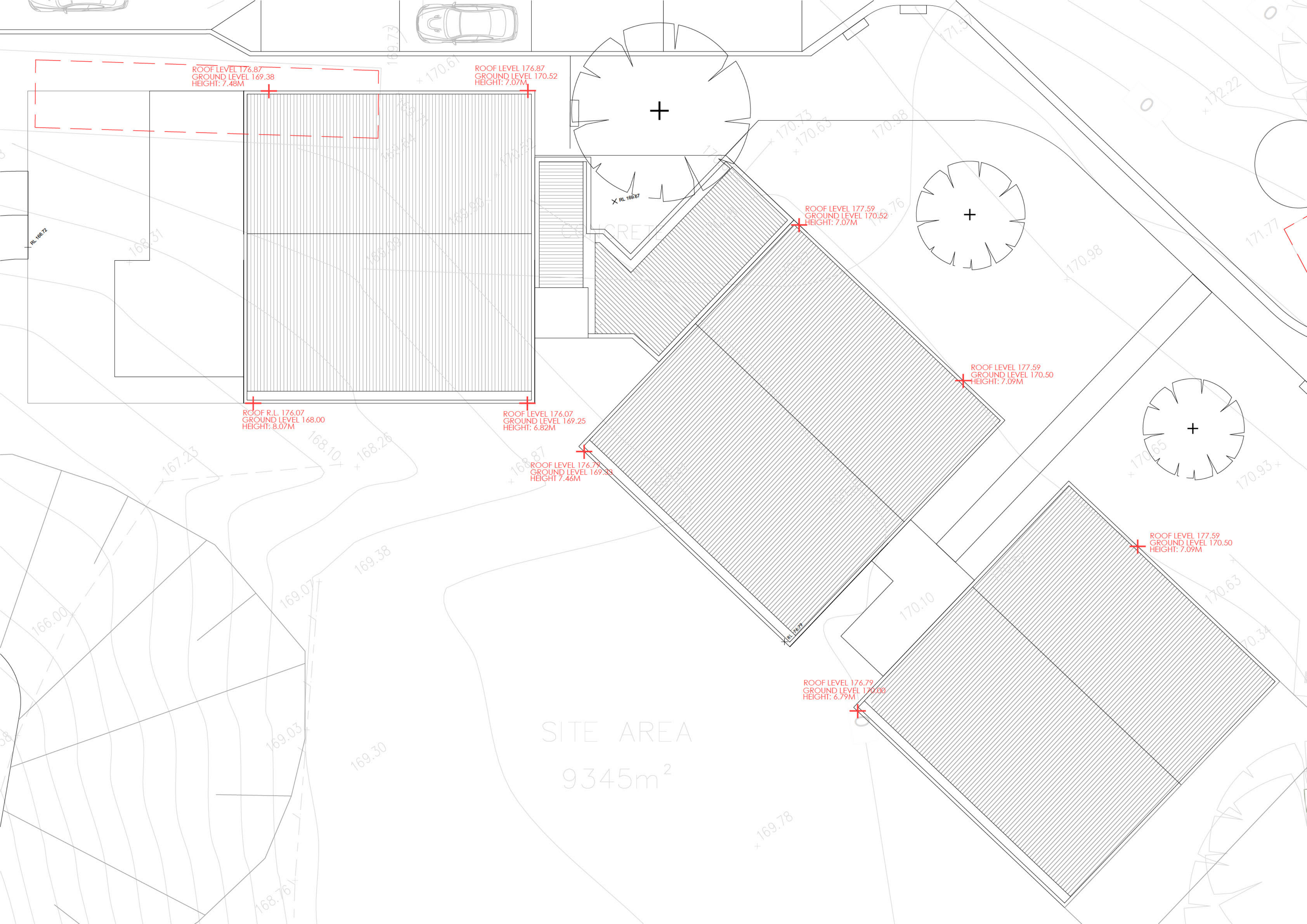
Attn: Steven Layman

This letter is to clarify Councils commentary in their recommendation to the Northern Beaches Planning Panel around the overall height of the lower building of the subject Development Application. We attached to this letter, a mark up of the lower building roof plan, overlaid onto the site survey which clearly demonstrates the maximum ridge R.L. in comparison to the existing contour levels.

This confirms the building sits below the 8.5m Height Control.

Yours sincerely,

Bridie Gough
Director. Nominated Architect 8280.



ROOF LEVEL 176.87
GROUND LEVEL 169.38
HEIGHT: 7.48M

ROOF LEVEL 176.87
GROUND LEVEL 170.52
HEIGHT: 7.07M

ROOF R.L. 176.07
GROUND LEVEL 168.00
HEIGHT: 8.07M

ROOF LEVEL 176.07
GROUND LEVEL 169.25
HEIGHT: 6.82M

ROOF LEVEL 176.79
GROUND LEVEL 169.33
HEIGHT: 7.46M

ROOF LEVEL 177.59
GROUND LEVEL 170.52
HEIGHT: 7.07M

ROOF LEVEL 177.59
GROUND LEVEL 170.50
HEIGHT: 7.09M

ROOF LEVEL 177.59
GROUND LEVEL 170.50
HEIGHT: 7.09M

ROOF LEVEL 176.79
GROUND LEVEL 170.00
HEIGHT: 6.79M

SITE AREA
9345m²