

STATEMENT OF ENVIRONMENTAL EFFECTS REPORT

Section 4.56 Modification

5 Fitzell Place, Brookvale, NSW 2100

**Minor modifications to the approved
tow-storey boarding house
development (LEC no. 2018/263029)**

Submitted to Northern Beaches
Council on behalf of Palladio Holding
Pty Ltd

9th January 2020
Revision B

Introduction

This Statement of Environmental Effects is prepared to accompany the Section 4.56 modification to the consent approved by the Land and Environment Court of NSW. Section 4.56(1)(a) of the Environmental Planning and Assessment Act 1979 allows the Consent Authority (Northern Beaches Council):

“to modify a development consent where it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all)”,

This development as approved is for the demolition of existing dwelling and erection of a 2-storey boarding house containing 13 boarding rooms, 1 communal room and 1 manager's room with basement parking at 5 Fitzell Place, Brookvale approved by the Land & Environment Court (LEC, case no. 2018/263029).

This statement is prepared pursuant to the *Environmental Planning and Assessment Act 1979 (The Act)*, the *Environmental Planning and Assessment Regulation 2000 (The Regulations)*, the *State Environmental Planning Policy (Affordable Rental Housing) 2009*, *Warringah Local Environmental Plan 2011 (WLEP 2011)* and *Warringah Development Control Plan 2011 (WDCP 2011)*.

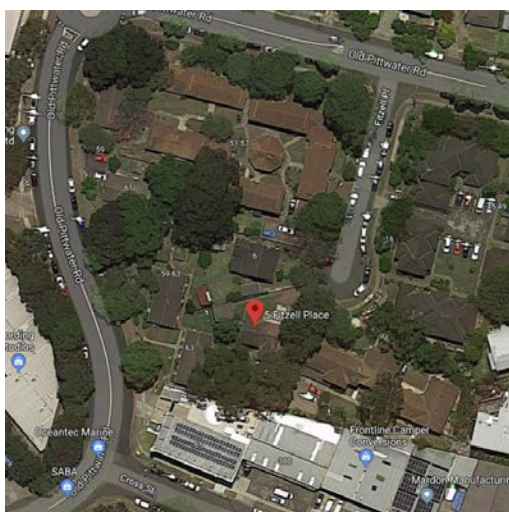
The proposed modifications are minor in nature and involving minimal environmental impact on the adjoining neighbors and local environment. The extent of the proposed modifications and the reasons why they are proposed are scheduled further along in this statement.

The Statement of Environmental Effect Report should be read in conjunction with architectural drawing set prepared by Enhance Group Project, landscape drawing set prepared by Groundink, civil & flood assessment prepared by Kozarovski and Partners, BASIX assessment prepared by Gradwell Consulting and the Notice of Determination of Permit for tree removal (Application No.: TA2019/0640).

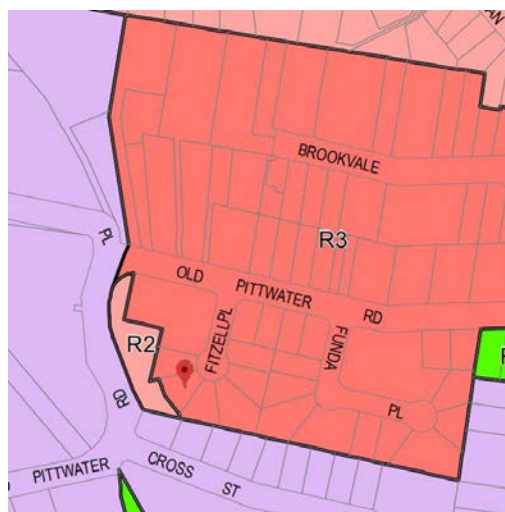
Site Description

This site is located at 5 Fitzell Place, Brookvale, NSW 2100. The Fitzell Place is a non-thorough road. Subject site is located at the cul de sac, between 3-4 and 6 Fitzell Place. According to WLEP 2011, the subject site is in the R3 Medium Density Residential zone.

The LEC approved development application on subject site is to demolish existing buildings and construct a two (2) storey boarding house containing 13 boarding rooms, 1 communal room and 1 manager room with basement parking.



Aerial Plan
Source: Google Map



Land Zoning Map
Source: WLEP 2011

Assessment Under Relevant Controls

Design Amendments	Controls	Amendment Assessment Response	Complies
Regarding boarding room 2 located on the ground floor, the high window is replaced by a glass sliding door.	In <i>Warringah Development Control Plan 2011</i> , 4.5m side setback is required for the subject site.	Replacing the high window with a glass sliding door on the ground floor remains the proposed side setback, which also complies with the relevant requirements of WDCP 2011.	Yes
Minor amendment has been carried out for the internal layout of manager room	In the <i>SEPP – Affordable Rental Housing 2009</i> , the maximum floor space ratio for the development to which this clause applies is the existing maximum floor space ratio for any form of residential accommodation permitted on the land on which the development is to occur, plus: (a) if the existing maximum floor space ratio is 2.5:1 or less: (i) 0.5:1—if the percentage of the gross floor area of the development that is used	In the <i>Warringah Local Environmental Plan 2011</i> , there is no control regarding maximum floor space ratio. Compared with the drawing approved by LEC, the building footprint, height, bulk & scale and the number of storey remain no change. Amendments are made due to updated civil design according to the design outcome of LEC approval	Yes

Design Amendments	Controls	Amendment Assessment Response	Complies
	for affordable housing is 50 per cent or higher		
Minor amendment has been carried out for the layout of laundry area	In the <i>Warringah Development Control Plan 2011</i> and <i>SEPP – Affordable Rental Housing 2009</i> , there is no specific requirement regarding laundry area for boarding house development.	The layout of public laundry area has been updated and complies with <i>AS1428.1 Design for Access and Mobility</i> . Sufficient wash machines, dryers and service cabinet are provided.	Yes
The stair between communal room and communal open space is replaced by a threshold ramp to be accordance with the <i>Australian Standard 1428.1 Design for Access and Mobility</i> , as required by DA Condition 14 & 15.	In the <i>Australian Standard 1428.1 Design for Access and Mobility</i> , threshold ramps at doorways on a continuous path of travel shall have— (a) a maximum rise of 35 mm; (b) a maximum length of 280 mm; (c) a maximum gradient of 1:8; and (d) be located within 20 mm of the door leaf which it serves, The edges of the threshold ramp shall be tapered or splayed at a minimum of 45° where the ramp does not abut a wall.	Access assessment to the LEC approved drawings indicates a threshold ramp is required between communal open space and communal room. The threshold ramp between communal room and communal open space complies with the relevant requirements in the <i>Australian Standard 1428.1 Design for Access and Mobility</i> . Details will be provided in CC stage.	Yes
Landscape design amendments to satisfy DA Condition 7 Root Mapping of neighbouring trees, 8 Soil Depth, 9 Bin holding area and path, 10 Additional Planting & 19	In the DA Condition 8 of the consent approved by LEC (2018/263029), soil depth: a minimum of 1.0m of soil depth must be provided over any portions of the basement that extend beyond the footprint of the ground floor.	To satisfy DA Condition 19 waterproofing/ tanking of Basement Level and meet structure requirements, the 1m setdown of ground floor slab is not structurally pragmatic in the approved design. To satisfy DA Condition 8, landscape plan has been revised to provide sufficient landscape area on	Yes

Design Amendments	Controls	Amendment Assessment Response	Complies
Waterproofing /Tanking of Basement Level.	<p>In the DA Condition 10 of the consent, Additional Planting: suitable landscape planting is to be provided between the manager room and the easement along the south eastern boundary. The planting must be adequate to screen at least the lower half of that section of the south east elevation.</p> <p>In the Notice of Determination of Permit (TA2019/0640), 2 existing trees are approved for removal, and 2 replacement trees with suitable native species to be selected from Council's plants and trees list must be planted onsite.</p>	<p>the required portions of the ground floor slab.</p> <p>To satisfy DA Condition 10, additional planting is provided between the manager room and the easement along the south eastern boundary. And adequate planting screening is proposed for the lower half of that section of the south east elevation.</p> <p>To satisfy the requirement of Notice of Determination of Permit (TA2019/0640), DA Condition 7&9, 2 existing trees are removed. 2 replacement trees with suitable native species to be selected from Council's plants and trees list have been proposed onsite.</p>	
Pavement for bin holding area and path has been updated	In the DA Condition 9 of the consent approved by LEC (2018/263029), the temporary bin holding area is to be located 6.5m from the boundary. The bin holding area and the path that will be used by Council's contractors to collect the bins, must be a smooth, non-slip concrete path (i.e. not stepping stones) suitable for purpose and a minimum of 900 wide.	To satisfy the requirement of DA Condition 9, the bin holding area is located approx. 7.8 m away from the boundary. Smooth and non-slip concrete path is proposed for bin holding area and the path. Detail to CC stage.	Yes
The civil, OSD and flood assessment have been updated to reflect the latest architecture design	According to Pittwater Flood Risk Planning Map, the subject site is located within medium risk precinct.	Refer to updated erosion & sediment control plan/ soil & water management plan, stormwater management plan/ stormwater plans and on-site stormwater detention checklist, flood risk assessment report and overland flows study prepared by Kozarovski and Partners, the subject matters have been addressed to satisfy Council's	Yes

Design Amendments	Controls	Amendment Assessment Response	Complies
		requirements and the Australian Standard. OSD, rain water tank and flood storage are relocated to reflect proposed architecture design.	

Conclusion

The relevant matters for consideration under section 4.15 of the *Environmental Planning and Assessment Act 1979* have been addressed in this report and the proposed modifications are found to be consistent with the objectives of all relevant planning provisions.

The proposed modifications are minor, and meet the relevant requirements of the *State Environmental Planning Policy (Affordable Rental Housing) 2009*, the *Warringah Local Environmental Plan 2011* and *Warringah Development Control Plan 2011*.

The changes sought as part of this application and described in this report are in response to satisfying development consent conditions and meeting the mandatory requirements for accessibility. Overall, it is considered that the proposed modifications result in a development that is substantially the same as that approved (LEC, case no. 2018/263029) and will have minimal environmental impacts. The building footprint, building height, bulk & scale and solar impact on neighboring properties remain the same as the approved scheme. The siting, design and external appearance of the current proposal is considered to be contextually appropriate and compatible with the existing and emerging character of development in the locality.

On this basis, it is recommended the Council grant consent to the proposed S4.55 modification application, subject to necessary, with relevant conditions.

Should you have further enquiries, please feel free to contact us.

Yours Truly,



Leo WANG
Enhance Group Project Pty. Ltd