

STATEMENT OF ENVIRONMENTAL EFFECTS

13 BUNGENDORE STREET, INGLESIDE

**CHANGE OF USE FROM AN EXISTING FARM BUILDING TO
FARM STAY ACCOMMODATION**

**PREPARED ON BEHALF OF
Mr John Holman**

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1. INTRODUCTION

This application seeks approval for the change of use of an existing farm building to farm stay accommodation upon land at Lot 166 in DP 752046 which is known as **No. 13 Bungendore Street, Ingleside**.

In preparation of this development application consideration has been given to the following:

- Environmental Planning & Assessment Act, 1979.
- Pittwater Local Environmental Plan 2014.
- Pittwater Development Control Plan 2014.

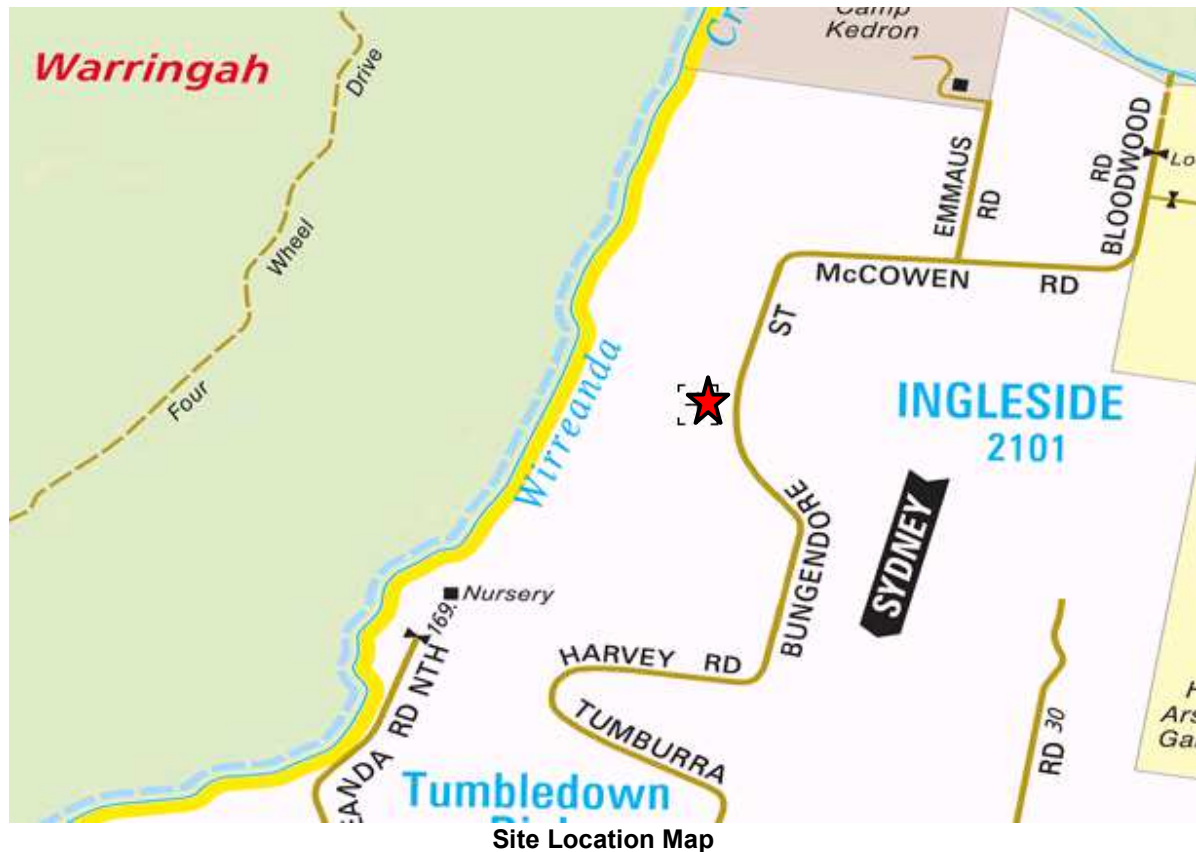
The following details and documents have been relied upon in the preparation of this document:

- Survey Plan, prepared by Bee & Lethbridge Pty Ltd, Ref No. 20656, Revision 00 and dated 11/9/2019.
- Architectural Plans prepared by Anthony Parker, Revision D dated 19/11/19.
- Bushfire Assessment Report prepared by Roger Fenwick Bushfire Consultant.
- Building Code of Australia (BCA) Report including a Fire Safety Measures Schedule by NSW Building Approvals
- Access Report by Morris Goding Access Consulting
- Soil & Site assessment for onsite wastewater disposal report by Harris Environmental Consulting dated 17/9/2019
- Plan of Management for the Farm Stay
- Emergency and Evacuation Plan for the Farm Stay

This Statement describes the subject site and the surrounding area, together with the relevant planning controls and policies relating to the site and the type of development proposed. It provides an assessment of the proposed development against the heads of consideration as set out in Section 4.15 of the Environmental Planning and Assessment Act 1979. As a result of that assessment it is concluded that the development of the site in the manner proposed is considered to be acceptable and is worthy of the support of the Council.

2. SITE DESCRIPTION AND LOCALITY

The site is identified as Lot 166 in DP 752046 which is known as 13 Bungendore Street, Ingleside. The site has an area of 2.588ha and is located on the western side of Bungendore. The site is irregular in shape with a combined street frontage of approximately 126.5m to Bungendore Street. The locality is depicted in the following map:



The site falls from the front southeast corner of the site towards the rear northwest corner of the site. A level area is located at the southeast corner of the site and this is the location of a proposed secondary dwelling (DA2019/0885). A large rock escarpment then dissects this portion of the site from the remainder. A 200m² metal farm building is located adjacent to the rear (western) boundary. A 100m² farm building is located near the Eastern boundary. It is this 100m² farm building that is proposed to be changed from a farm building to farm stay accommodation. The property benefits from three separate driveway access points, one adjacent to the southern portion on the higher level, one in approximately the middle of the front boundary (which provides access to the farm building which is proposed to be changed to farm stay accommodation), and one adjacent to the northern boundary at the lower level. A post and rail fence is erected along the front boundary of the site.

The site is a working farm used for primary production (Beekeeping) and currently has over 1 million bees on site.

A separate Complying Development Application (CDC No 20190848) has been approved for the construction of a new dwelling on the lower level of the site adjacent to the existing farm building.

A Development Application (DA2019/0885) has been lodged for a secondary dwelling.

There are a number of large trees on site as depicted on the survey plan. This application does not require the removal of any existing trees.

The existing Farm Building is depicted in the following photographs:



View of the existing Farm Building from the street



View of the existing Farm Building

The existing surrounding development comprises generally large rural allotments. A number of allotments have been previously historically subdivided to provide for smaller allotments of approximately 800-900m² which contain regular residential dwellings. The sites relationship with the surrounding properties is depicted in the following aerial photograph:



Aerial Photograph of the Subject Site

3. THE DEVELOPMENT PROPOSAL

This proposal seeks approval for the change of use of an existing “Farm Building” to “Farm Stay Accommodation” a type of “tourist and visitor accommodation”.

The existing Farm Building is located on the Eastern side of the property with a setback of 20.7m from the eastern boundary and 21.24m from the common boundary with No. 11 Bungendore Street. The footprint of the existing farm building is 100m² with an additional 24m² patio (i.e. 124m² in total). The Farm Building and Patio were designed and built by John Holman (a professional engineer) as Exempt Development under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 to BAL 40 Standard.

The proposal seeks to change the existing use as a farm building to ‘farm stay accommodation’ comprising two units of accommodation. The ground level unit comprises two bedrooms, kitchen, living room, patio and bathroom/laundry and is designed to be accessible as per AS1428.1 (i.e. disabled access). There is also a disabled parking space proposed with flat access to the ground floor unit, along with an additional two standard parking spaces. The top floor unit comprises one bedroom, media room, kitchen and living/meals room and bathroom/laundry.

All collected stormwater currently discharges to an existing 50,000L water tank which provides water to the farm stay accommodation.

Currently the sewage from the building’s existing bathroom/laundry runs into the existing on-site sewage disposal system. This DA proposes to change this situation so the sewage will run into a new on-site sewage disposal system (see separate wastewater report attached).

The proposal does not require the removal of any vegetation.

The proposal will result in the following numerical indices:

Site Area:	25,880m²
Proposed Landscaped Area:	24,656.7m² or 95.3%
Proposed Footprint area (Farm Stay Accommodation):	124m²

4. ZONING & DEVELOPMENT CONTROLS

The proposed development is identified as development requiring the consent of the Council under the provisions of the Environmental Planning and Assessment Act 1979, as amended. The following is an assessment of the proposal against the relevant provisions of the Act and all of the relevant planning instruments and policies of Pittwater Council.

4.1 Planning for Bushfire Protection



Extract of Bushfire Map

The subject site is identified as bushfire prone land buffer. A Bushfire Assessment Report has been prepared by Roger Fenwick Bushfire Consultant and is included with this Development Application.

4.2 Pittwater Local Environmental Plan 2014

The site is zoned RU2 Rural Landscape under the provisions of the PLEP 2014, Farm Stay Accommodation is permissible with the consent of Council within the RU2 Rural Landscape zone.

Farm stay accommodation is defined as:

farm stay accommodation means a building or place that provides temporary or short-term accommodation to paying guests on a working farm as a secondary business to primary production.

Note.

See clause 5.4 for controls relating to the number of bedrooms.

*Farm stay accommodation is a type of **tourist and visitor accommodation**—see the definition of that term in this Dictionary.*

Tourist and Visitor Accommodation is defined as:

Tourist and visitor accommodation means a building or place that provides temporary or short-term accommodation on a commercial basis, and includes any of the following:

- (a) backpackers' accommodation,
 - (b) bed and breakfast accommodation,
 - (c) farm stay accommodation,
 - (d) hotel or motel accommodation,
 - (e) serviced apartments,
- but does not include:
- (f) camping grounds, or
 - (g) caravan parks, or
 - (h) eco-tourist facilities.

The subject site is currently utilised as a working bee farm. The farm is registered as “Northern Beaches Bee Farm” and the proprietor is registered with the Department of Primary Industries as a commercial beekeeper (Licence number: BK-0035212).

The relevant provisions of the PLEP which relate to the proposed development are detailed in the attached table:

Clause	Development Standard	Proposal	Compliance
Clause 4.3 Height of Buildings	8.5 metres	Approx 7.0m (existing structure)	Yes

The following clauses also apply:

Clause 5.4 Controls Relating to Miscellaneous Permissible Uses

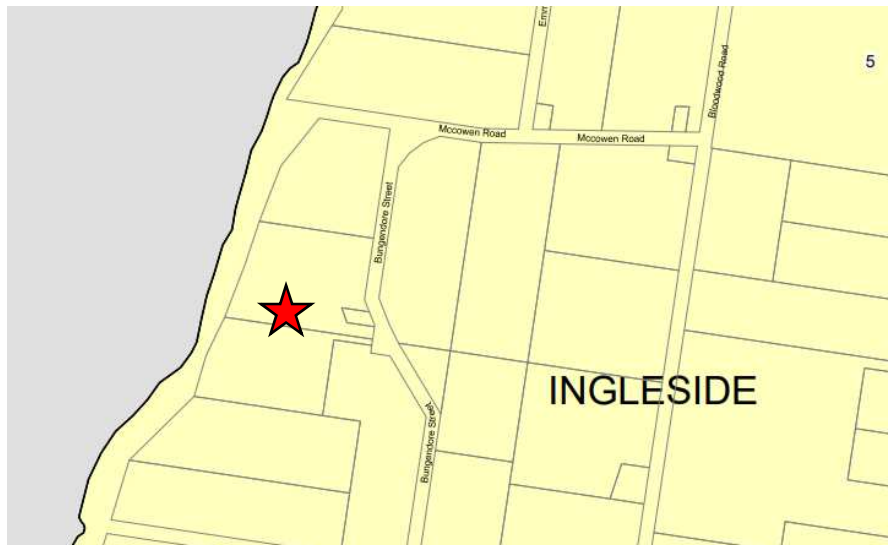
Subclause 5 of this clause provides:

Farm stay accommodation

If development for the purposes of farm stay accommodation is permitted under this Plan, the accommodation that is provided to guests must consist of no more than 3 bedrooms.

It is proposed that the Farm Stay Accommodation has 3 bedrooms. The proposal complies with this clause.

Clause 7.1 Acid Sulfate Soils



Acid Sulfate Soil Map

The subject site is identified as Class 5 on Council's acid sulfate soil map. The proposed farm stay accommodation is located on a level portion of the site and is an existing structure that does not require any. There is no further information required in this regard.

Clause 7.4 Floodplain risk management

The subject building is well above any water levels and is not subject to flooding. There is no further information required in this regard.

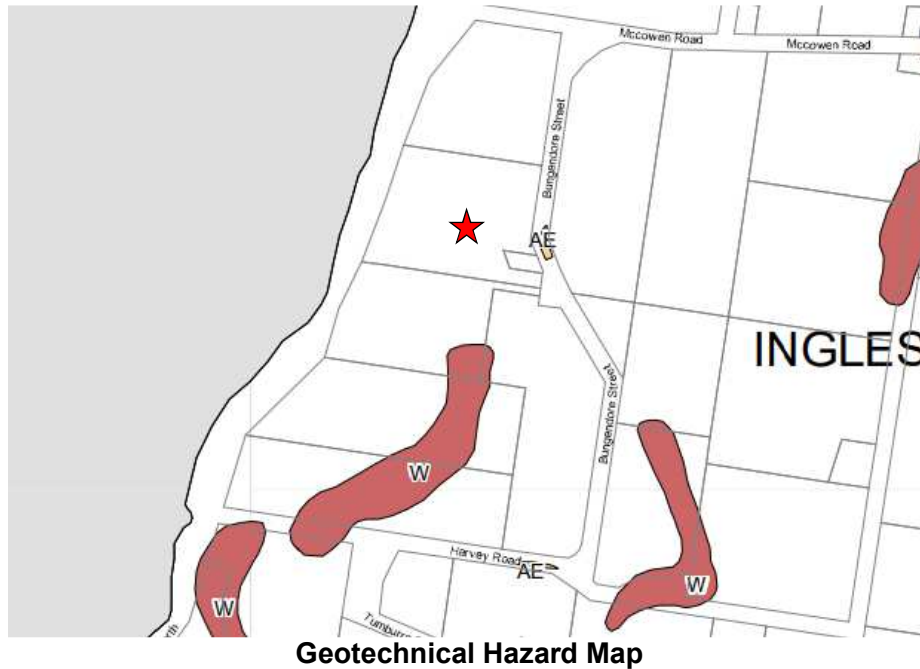
Clause 7.6 Biodiversity



Biodiversity Map

The subject site is identified on Council's Biodiversity Map. However, the proposal does not require the removal of any protected vegetation. The only external physical works relate the construction of a new driveway which does not impact on existing vegetation.

Clause 7.7 Geotechnical Hazards



The site is not identified on Council's Geotechnical Hazard Map. No further information is required in this regard.

There are no other specific provisions of the LEP that apply to the proposed development.

The applicant has provided a Geotechnical report outlining the suitability of the Proposed Development for the site even though it is not required.

4.3 Pittwater Development Control Plan 2014

Council's Pittwater DCP 2014 Part B (General Controls), Part C (Design Criteria) and Part D6 Ingleside Locality Statement provides a range of outcomes and controls which form the primary criteria for the control for development within the subject locality. The following clauses are considered relevant to the works as constructed:

4.3.1 Section A Introduction

A4.6 Ingleside Locality

The Ingleside locality will remain a low-density area consisting of rural residential, agricultural, horticultural and other permissible development on large lots in a natural landscaped setting, integrated with the landform and landscape.

The high visual significance of the escarpment will be maintained, and development limited on this land. Development will also be limited in the "blue-hatched Area" due to a lack of infrastructure and small lot sizes. Community and recreational facilities will serve the community.

Future development is to be located so as to be supported by adequate infrastructure, including roads, water and sewerage facilities, and public transport. Currently, few of these services exist, and development for anything other than a dwelling house will need to ensure that these services can be provided to the site. Care will need to be taken with future developments to ensure that outbuildings and ancillary recreational structures do not dominate the natural landscape and bushland setting.

Future development will maintain a building height limit below the tree canopy and minimise bulk and scale. Single storey buildings will be preferred where the site has little opportunity for canopy trees or is visually prominent. Existing and new native vegetation, including canopy trees, will be integrated with the development. Development shall maintain generous spatial separation of the built form and low site coverage on large lots. Contemporary buildings will utilise facade modulation and/or incorporate shade elements, such as pergolas, verandahs and the like. Building colours and materials will harmonise with the natural environment. Development on slopes will be stepped down or along the slope to integrate with the landform and landscape, and minimise site disturbance. Development will be designed to be safe from hazards.

A balance will be achieved between maintaining the landforms, landscapes and other features of the natural environment, and the development of land. As far as possible, the locally native tree canopy and vegetation will be retained and enhanced to assist development blending into the natural environment, and to enhance wildlife corridors. Fencing where provided, shall enable the native fauna to pass through yet contain livestock animals where needed.

The proposed farm stay accommodation is considered to achieve the *desired character* (stated above) for the following reasons:

- The proposal uses an existing building.
- The only physical works relate to the construction of a driveway. This driveway does not require the removal of any vegetation and will not have any unreasonable impact on the existing streetscape.
- The farm stay accommodation is contained within an existing building on site and the proposal will not alter the existing bulk or scale.
- There is no detrimental impact on the streetscape or the adjoining properties.
- The proposal requires only minimal cut or fill to provide for a driveway.
- This portion of the site has access to all necessary infrastructure such as electricity, on site water and sewer.
- The proposal does not require the removal of any vegetation.

- External finishes harmonise with the natural environment.

4.3.2 Part B General Controls

The General Controls applicable to the proposed dwelling are summarised as:

B3.2 Bushfire Hazard

A Bushfire Hazard Assessment has been prepared to ensure the proposal meets the requirements of *Planning for Bushfire Protection*.

B3.6 Contaminated and Potentially Contaminated Land

The subject site has been previously vacant. There is no evidence of any potential contamination. No further information is required in this regard.

B5 Water Management

The proposal will provide for all collected stormwater to discharge on site via a 50,000L above ground water reuse tank. There is no further information required in this regard.

B6.2 Internal Driveways

This clause requires satisfactory access is provided to the proposed development. The proposal complies with this clause. A new driveway is proposed as detailed on the site plan. A section 139 certificate has been issued for the driveway crossing point for this development and the driveway crossing has been built and approved.

B6.3 Off-street Car Parking Requirements

This clause requires 2 or more off street parking spaces for tourist and visitor accommodation with more than 2 bedrooms. This proposal has one accessible (ie disabled) parking space and 2 standard parking spaces.
The proposal complies with this clause.

4.3.3 Part C Design Criteria

The Design Criteria applicable to the proposed development are summarised as:

C2.1 Landscaping

The proposal does not require the removal of any protected vegetation. Landscaping will be in accordance with the Bushfire Report.

C2.2 Safety and Security

Occupants will have good views of the building approach and driveway. The entry is easily identifiable.

Lighting has been designed and located so that it minimises the possibility of vandalism or damage. All lighting is low power consumption LED lighting.

C2.6 Adaptable Housing and Accessibility

This development application complies with this clause.

C2.8 Energy and Water Conservation

The building has been designed to be energy and water efficient. The hot water system proposed will be a heat pump type with an energy rating of 3.5 stars.

Any new clothes dryer will have a minimum energy rating of 2 stars (equal to 3.5 SEDA Greenhouse score). AAA rated water efficient shower heads, water tap outlets and dual flush toilets will be installed.

No in-sink food waste disposer will be installed.

C2.11 Signage

No signage for the Farm Stay is proposed.

C2.12 Protection of Residential Amenity

This development does not adjoin land zoned for residential purposes, hence this clause does not apply.

C2.13 Tourist and Visitor Accommodation

This clause provides:

Bed and Breakfast Accommodation & Farm Stay Accommodation

- i. *Clause 5.4 of the Pittwater Local Environmental Plan 2014 requires bed and breakfast accommodation to consist of no more than 3 guest bedrooms.*
- ii. *No more than 6 paying guests, boarders or lodgers shall be accommodated at any one time.*
- iii. *No more than 12 persons, including guests, owner/proprietor and family, shall be accommodated in the dwelling house at any one time.*
- iv. *Accommodation shall be provided on a short-term basis only, up to a maximum of one month for each paying guest, boarder or lodger.*

Comment: The proposal provides for a maximum of 3 bedrooms and will not accommodate more than 6 paying guests at any time. The accommodation will only be available for short-term rental.

Health

- i. No animals are permitted in guest rooms, dining rooms or kitchens, other than an assistance animal which may enter all public areas except the kitchen.*
- ii. Toilet and bathroom facilities are required for guests separate from those used by the permanent residents of the dwelling house. Access to these facilities is to be obtained without the need to enter the owner/occupiers dwelling.*
- iii. The establishment must comply with the [Food Act 2003 and Regulations](#) (inclusive of the [NSW Food Authority Notification requirements](#)), the [Food Safety Standards Code](#) (Standard 3.2.3 - Food Premises and Equipment) and Australian Standard 4674-2004 (Construction and fitout of food premises).*
- iv. Adequate provision is to be made to the satisfaction of Council for the supply of water and the disposal of stormwater, sewage and garbage/recycling.*
- v. Bed and breakfast accommodation is not required to incorporate solid walls, false bases to benches and kickplates.*

Comment: The use of the building will comply with the above health requirements.

Fire safety

- i. A fire blanket and fire extinguisher, with appropriate instructions for use, are to be installed in the kitchen area.*
- ii. Deadlocks requiring an internal key release are not to be installed on doors to guest's rooms or external doors.*
- iii. Approved single-station smoke detector alarms (connected to a permanent 240 volt supply with a battery operated back-up device) are to be installed in all habitable rooms (excluding kitchens) and all corridors, passageways or hallways.*

Comment: The proposal will comply with these requirements. A BCA report has been submitted in this regard.

Further the above requirements are met through the appropriate design of the accommodation (floor plan showing the kitchen and sanitary facilities layout has been submitted) and the Plan of Management which has also been submitted with this DA.

4.3.4 Part D Design Criteria

A summary of the DCP controls for the **D6 Ingleside Locality** is provided below:

D6.1 Character as Viewed from a Public Place

The proposal is to change a use of an existing farm building. The existing farm building is well setback from the public road. The proposed change of use does not alter the building as viewed from the public domain. The new driveway will not have a detrimental impact on the character of the locality.

D6.3 Building Colours and Materials

The existing colours are in accordance with the colours and materials specified in this clause. The proposal complies with this clause.

D6.5 Front Building Line

This section requires a front building line of 20m. The existing building is setback 20.7m to the street frontage. The proposal complies with this clause.

D6.6 Side and Rear Building Lines

This clause requires side and rear setbacks of 20m. The proposal provides for a setback of 21.24m to the common boundary of 11 Bungendore St. The proposal complies with this clause.

D6.7 Building Envelope

This clause requires all development to be contained within an envelope measured at 3.5m on the boundary and 45 degrees. This proposal complies with this clause.

D6.8 Landscaped Area - Non-Urban General

This clause specifies a landscaped area for residential development as follows:

96% of the total site area minus 400 square metres

The subject 25,880m² site requires a landscaped area of 24,444.8m² or 94.45%.

Principal dwelling area = 492.8m²

Secondary dwelling area = 246.0m²

Hard surface driveway to rear shed = 150m²

Farm Stay accommodation (Farm Building foot print plus Patio) = 124m²

Farm Stay accommodation parking and concrete driveway = 196m²

Farm Stay Path = 14.5m²

Total hard surface area = 1223.3m²

Landscaped area = 25880-1223.3 = 24,656.7m²

The proposal provides for a landscaped area of 24,656.7m² or 95.3% which complies with this clause.

There are no other provisions of the DCP that apply to the proposed development.

5. EP & A ACT - SECTION 4.15

The Provisions of any Environmental Planning Instruments

The proposal is subject to the provisions of the Pittwater Local Environmental Plan 2014 and the Pittwater Development Control Plan 2014. It is considered that the provisions of these documents have been satisfactorily addressed within this report.

There are no other environmental planning instruments applying to the site.

The Likely Impacts of the Development

It is considered that the development provides for farm stay accommodation without detrimentally impacting on the character of the area. In this respect the development is considered to be compatible with the character of the surrounding locality. The proposal does not require the removal of any vegetation and the design of the development is such that the privacy and solar access of the adjoining properties is maintained.

The Suitability of the Site for the Development

The subject site is zoned RU2 Rural Landscape and farm stay accommodation in this zone is permissible with the consent of Council. The resultant farm stay accommodation is of a bulk and scale that is consistent with the existing surrounding development.

For these reasons it is considered that the site is suitable for the proposed development.

The Public Interest

It is considered that the proposal is in the public interest in that it will provide an alternative form of accommodation that is compatible with other development in this locality without impacting the amenity of the adjoining properties or the public domain.

6. CONCLUSION

This application seeks approval for the change of use of an existing farm building to farm stay accommodation. As demonstrated in this report the proposal is consistent with the aims and provisions of the Pittwater LEP 2014 and the Pittwater DCP 2014. The proposed farm stay accommodation does not have any detrimental impact on the amenity of the adjoining properties or the character of the locality.

It is therefore considered that the proposed farm stay accommodation upon land at **No. 13 Bungendore Street, Ingleside** is worthy of the consent of Council.

Natalie Nolan
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