

STATEMENT OF ENVIRONMENTAL EFFECTS PROPOSED MODIFICATION APPLICATION

FOR BOARDING HOUSE AT 2506 BUNDALEER ST BELROSE

MAY 2019

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1.0 INTRODUCTION

Vigor Master Pty Ltd has been engaged by the owner of the property to prepare a Statement of Environmental Effects in relation to a proposed modification to approved boarding house (DA2013/0587) at lot 2506 Bundaleer Street, Belrose.

The proposed modification seeks consent to modify rooms 32 to 35 by adding a kitchenette and a private yard to each room.

This report addresses the natural of the proposed development and the characteristics of the site and surrounding area. It also provides an assessment of the proposed development under the provisions of Section 79C of the Environmental Planning and Assessment Act 1979.

This report should be read in conjunction with the other reports and plans prepare to support the DA.

1.1 Background

The site is classified as being with the C8 Belrose North locality under Warringah Local Environmental Plan 2000 with the proposal being permissible with consent.

The proposal is defined as “development” in Clause 4 of the Environmental and Planning Assessment Act. Clause 76A of the EPA Act stipulates that the development must not be carried out on the subject site until consent has been obtained. Whilst the site is located within bushfire prone area, boarding house is not a land use nominated as a special bushfire protection purpose under section 100B of the Rural Fires Act. Consequently, the matter is not considered to be integrated development.

The statement details the proposed development’s compliance against applicable environmental planning instruments and development control plans including:

- The Environmental Planning and Assessment Act 1979
- State Environmental Planning Policy 55 (Remediation of Land)
- State Environmental Planning Policy (Affordable Rental Housing) 2009
- Warringah Local Environmental Plan 2000
- Warringah Development Control Plan 2000

1.2 Planning History

The proposed development site has been the subject of a number of development proposals, including:

DA2013/0587 – Deferred Commencement Consent granted for the construction of a 32 room (31 lodger rooms and 1 manager room) boarding house, with associated landscaping and at grade car parking. Four deferred commencement conditions were imposed on the consent. On 28th August 2014, Council advised the applicant by letter that the four deferred commencement conditions has been satisfied and that the consent issued is operational.

4 modification application were subsequently approved by Council, including Mod2016/0302 (adding additional basement parking), Mod2017/0028 (changing to sewerage design), Mod2017/0100 (changing balcony design) and Mod2017/0162 (changing 4 storage rooms to boarding rooms).

2.0 THE SITE AND SURROUNDS

2.1 The Subject Site

The subject allotment comprises lot 2506, DP 752038, Bundaleer Street, Belrose. The site is an irregular shaped corner allotment with a dual frontage of 84.088 metres to Bundaleer Street and 85.697 metres to Linden Avenue, comprising a total site area of 1.64 Ha.

The construction of the boarding house has been completed. The vegetation within the portion of the site which is proposed to be developed has been cleared prior to the construction. The site falls from the south-western side towards the northeast with a fall of approximately 10 metres.

Water and electrical services are provided to the site, and sewage has been connected to Sydney Water sewerage system via a pumping out system. The subject site has been identified as being located within bushfire prone area, however is not affected by any other known hazards.



Figure 1: Subject Site



Figure 2: Local Context

Surrounding development comprises a mix of residential dwellings, educational facilities and industrial land uses. Residential development are located to the northwest, east and south of the site. With three educational institutions (Covenant Christian School, Yanginanook School, Kamaroi Rudolf Steiner School) all located to the north east and east of the site. The Belrose Waste Management and Recycling Centre (future mountain bike park) adjoins the site to the west. Native vegetation surrounds the site to the north and north east.

The site is convenient to shopping facilities at Warringah Mall and Forest Way Shopping Centre and to educational facilities at Brookvale TAFE. There are recreational facilities and bus services along Forest Way and employment opportunities at Dee Why and Brookvale.

2.3 Site Constraints

The following site constraints have been identified:

ADVISORY	YES/NO	COMMENT
Is the land identified as being possible contaminated?	No	No issue – a preliminary investigation is carried out on site and make sure there is no visible contamination problems.
Is the land identified as being Flood Prone?	No	No issue
Is the land identified as being Bush Fire Prone?	Yes	No issue – the proposed modification will not affect the approved Bushfire Report.
Is a Traffic Impact Assessment required?	Yes	No issue – the proposed modification will not affect the approved Traffic and Parking Report.
Are there Flora and Fauna, Threatened Species or Native Vegetation Issues?	No	No issue – the proposed modification will not affect the approved ecological assessment.
Are there Aboriginal Significance Issues?	No	No issue – the proposed modification will not affect the approved Aboriginal Heritage Report.
Are there Heritage Issues?	No	No issue
Is the land identified as being potentially affected by Salinity?	No	No issue
Is the land identifies as being potentially affected by Acid Sulphate Soils?	No	No issue
Is the land identified as being potentially affected by Mine Subsidence?	No	No issue

Where relevant, these issues have been addressed throughout the report.

3.0 PROPOSED MODIFICATIONS

This application seeks consent to modify the approved boarding rooms 32 to 35 by adding a kitchenette and a private yard to each room.

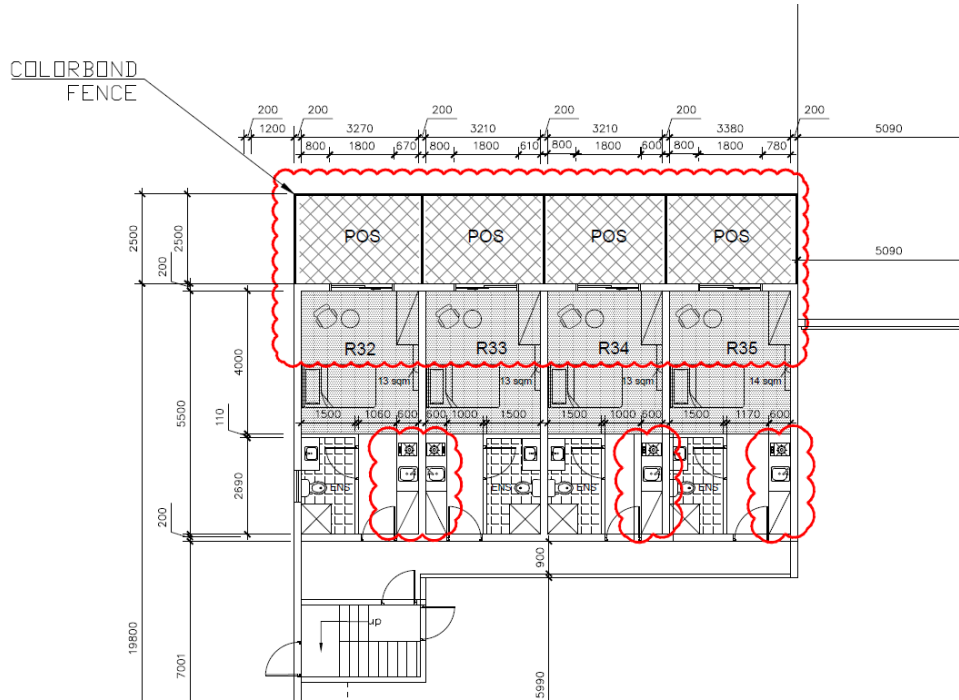


Figure 3: Plan showing all changes

The proposed modifications include the following:

- Adding a kitchenette to each room;
- Adding a private yard to each room and change the windows on the north elevation to sliding doors;
- Removal of one window on the west elevation of room 32;
- Installation of 1.8m height colorbond fencing to all the yards.

3.1 Details of the Modifications

3.2.1 Internal Amenity

The internal design of rooms 32 to 35 have been revised to provide better amenities by adding the kitchenette and the north facing yard. Each room also contains two wardrobes, an ensuite and necessary furniture. It provides tenant

the chance of preparing simple meals in the rooms or using the common kitchen on the ground floor.

3.2.2 Building Appearance



Figure 4: Aerial photo showing the vegetated dirt mount close to the building

It could be seen from the aerial photo that the new yards will be behind the vegetated dirt mount. The two storey appearance of the building will be maintained. 1.8 metres height colorbond fencing is proposed around the yard to protect the privacy of the tenants and reduce any impact on the surrounding areas.

4.0 PLANNING CONTROLS

The proposed development has evolved from the requirements and guidelines of the current planning controls. The instruments that have guided the proposal include:

- State Environmental Planning Policy – BASIX
- State Environmental Planning Policy 55 – Remediation of Land
- State Environmental Planning Policy (Affordable Rental Housing) 2009
- Warringah Local Environmental Plan 2000

4.1 State Environmental Planning Policy – BASIX

The proposed modifications will not affected the approved Section J Report.

4.2 State Environmental Planning Policy 55 – Remediation of Land

A preliminary investigation is carried out on site and it is not expected that there is any risk of contamination. The proposed modifications will not affected the approved Contamination Report.

4.3 State Environmental Planning Policy (Affordable Rental Housing) 2009

State and Environmental Planning Policy (Affordable Rental Housing) 2009 came into effect on 30 July 2009. However pursuant to clause 26 of the SEPP its operation is confined to the following land use zones or within a land use zone that is equivalent to any of those zones:

- (a) Zone R1 General Residential,
- (b) Zone R2 Low Density Residential,
- (c) Zone R3 Medium Density Residential,
- (d) Zone R4 High Density Residential,
- (e) Zone B1 Neighbourhood Centre,
- (f) Zone B2 Local Centre,
- (g) Zone B4 Mixed Use.

The subject site is identified as being ‘deferred’ land and has not been included in the current Warringah LEP 2011. The applicable LEP is Warringah LEP 2000, which includes character statements rather than land use zones. Accordingly the land is not within the operational ambit of the SEPP.

However as there are no standards provided for Boarding House under the applicable WLEP 2000 an assessment has been provided against the provisions of the ARH SEPP to demonstrate compliance with these current standards.

SEPP (Affordable Rental Housing) 2009 - Division 3 In-fill affordable housing	
3. Aims of the Policy	The proposal achieves the Aims set out under this clause.
26. Land to which Division applies	The land is not within the operational ambit of the SEPP.
27. Development to which Division applies	The proposed development is for the purposes of boarding house.
29. Standards that cannot be used to refuse consent	
(1) Floor space ratio	Warringah LEP 2000 has no maximum FSR control and accordingly this provision is not applicable to the subject application.
(2) Other standards	(a) building height – no change (b) landscape area – no change (c) solar access – the proposed yards are north facing and enable sufficient sunlight to be received. (d) private open space – no change. Additional private open space is proposed to rooms 32 to 35. (e) parking – no change (f) accommodation size – no change to the room sizes. 13m² to 14m², exclude ensuite, kitchenette and doorway.
(3)	Each room contains an ensuite.
30. Standards for boarding houses	
(1)	No change. (a) two communal living rooms are provided. (b) no boarding room have a gross floor area of more than 25 m². (c) no boarding room will be occupied by more than 2 lodgers. (d) each room contains an ensuite and a kitchenette. Kitchen, shared toilet and laundry are provided. (e) manager room is provided.

	(h) 7 bicycle parking spaces and 7 motorcycle parking spaces are provided.
30A. Character of the local area	The proposed development is consistent with the local character. Detailed analysis contains in the assessment against Warringah LEP 2000.

4.4 Warringah Local Environmental Plan 2000

The following relevant clauses have been identified and have therefore been considered.

Built Form Controls			
Standard	Permitted	Proposed	Compliance
Housing Density	The maximum housing density if 1 dwelling per 20 hectares of site area.	N/A	N/A There is only one residential development proposed that will house a number of lodgers.
Building Height	8.5m as measured from the nature ground level.	No change	Complies.
Building Height – Natural ground to upper ceiling	7.2m as measured from the natural ground level to the underside of the ceiling on the uppermost floor of the building.	No change	Complies.
Front Setback	20m	No change	Complies.
Extractive Industry	N/A	N/A	N/A
Bushland Setting	A minimum of 50% of the site area is to be kept as natural bushland or landscaped with local species.	The additional 4 private yards do not affect the calculation.	Complies.
National Park Setback	Development is to maintain a minimum setback from National Park boundaries of 20m.	change	Complies.
Rear Setback	6m	Rear setback in excess of 6m.	Complies.
Side Setbacks	10m	No change	Complies.
General Principles of Development Control			

Clause	Intent of Requirement	Compliance
C38 Glare and Reflection	Development is not to result in overspill or glare from artificial illumination, or sun reflection, which would unreasonably diminish the amenity of the locality.	Complies. No change
C42 Construction Site	Construction sites are not to unreasonably impact on the surrounding amenity, pedestrian or road safety, or the natural environment.	Complies. No change
C43 Noise	Development is not to result in noise emission which would unreasonably diminish the amenity if the area and is not to result in noise intrusion which would be unreasonable to the occupants.	Complies. No change
C48 Potentially Contaminated Land	Development is not to be carried out unless consideration is given to the potential contamination of the land.	Complies. No change
C50 Safety and Security	Development is to maintain and where possible enhance the safety and security of the locality.	Complies. No change
C53 Signs	Signs in developments must be limited in size and comply with requirements.	N/A
C54 Provision and Location of Utility Services	Capacity and location of utility services must be considered in the design of developments.	Complies. No change
C56 Retaining Distinctive Environmental Features on Sites	Any distinctive environmental features on site must be maintained.	Complies. No change
C61 Views	Development is to allow for the reasonable sharing of views.	Complies. No change
C62 Access to Sunlight	Development is not to unreasonably reduce to surrounding properties.	Complies. No change
C63 Landscaped Open Space	The design for the landscaping provides the effective retention of the remnant bushland on the land.	Complies. No change
C64 Private Open Space	Outdoor recreation are to be provided to the lodgers.	Complies.

		Additional private open space is proposed for rooms 32 to 35.
C65 Privacy	Development is not to cause unreasonable direct overlooking of habitable rooms and principal private open spaces of other dwellings.	Complies. No change
C66 Building Bulk	Buildings are 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.	Complies. No change
C67 Roofs	Roofs are to complement the local skyline. Lift overruns and other mechanical equipment is not to detract from the appearance of roofs.	Complies. No change
C69 Accessibility – premises available to the public	Premises available to the public are to be designed to the DDA compliant.	Complies. No change
C70 Site Facilities	Site facilities including garbage and recycling bin enclosures, mailboxes and clothes drying facilities are to be adequate and convenient for the needs of users and are to have minimal visual impact from public places.	Complies. No change
C71-75 Traffic, Access and Car Parking	A Traffic Report is to be prepared which addresses the various requirements of: Design of car parking areas; Provision of car parking; On-site loading and unloading; Traffic access and safety; Parking facilities (visual).	Complies. No change
C76-78 Management of Stormwater, Erosion and Sediment Control	A Stormwater Management Plan is required to be submitted which provides details of the required on-site stormwater detention system (OSD) along with an erosion and sediment control plan.	Complies. No change

C79-83 Heritage	Consideration should be given to the potential for impacts on items of European and/or Aboriginal heritage.	Complies. No change
Schedule 8 Site Analysis	A site analysis is to be provided. It must identify and explain graphically: The key influences on the design; and The site planning for the proposal and how the development will relate to the immediate locality.	Complies. No change

There are no other provisions relevant to the proposal.

5.0 ENVIROMENTAL PLANNING ASSESSMENT

An assessment of the proposal has been undertaken in accordance with the statutory requirements of the EPA Act. The following assessment against Section 79C of the EPA Act has been undertaken.

5.1 Section 79C(1)(a)(i) - Environmental Planning Instruments

The relevant environmental planning instruments have been considered earlier in this report.

The proposal is permissible with consent and is considered satisfactory when assessed against the relevant requirements.

5.2 Section 79C(1)(a)(ii) - Draft Environmental Planning Instruments

There are no known drafts Environment Planning Instruments applicable to the subject site.

5.3 Section 79C(1)(a)(iii) - Development Control Plan

Compliance against the relevant DCP's has been considered earlier in this report.

5.4 Section 79C(1)(a)(iiia) - Planning Agreement or Draft Planning Agreement Entered Into Under Section 93F

There are no known planning agreements that apply to the site or development.

5.5 Section 79C(1)(a)(iv) - Regulations

There are no sections of the regulations that are relevant to the proposed development at this stage.

5.6 Section 79C(1)(b) - Impacts of The Development

The aim of this modification application is to provide better internal amenity to the residents. The internal kitchenette won't have any environmental impact. The yards to the north of the building enable better usage of the areas behind the vegetated dirt mound. Colorbond fencing is proposed to be installed around the yards to reduce any possible impact.

5.7 Section 79C(1)(c) - Site Suitability

The proposal is consistent with the planning intent that applies in the C8 – Belrose North zone.

For the reasons outlined in this report the site is considered suitable for this modification proposal.

5.8 Section 79C(1)(d) – Submissions

Council will undertake a notification process in accordance with its controls and policies. We welcome the opportunity to provide additional information in response to those.

5.9 Section 79C(1)(e) - The Public Interest

Given the type of development, its compliance with the planning controls, how the objectives are satisfied and the suitability of the site it is considered that the public interest would not be jeopardised as a result of this modification.

5.10 Section 79C(3A) - Development Control Plans

There is no DCP applying to the site.

6.0 CONCLUTION AND RECOMMENDATION

The proposed modification application has been assessed against the requirements of relevant State Planning Policies and the Warringah LEP and is considered to represent a form of development that is acceptable.

The proposal development would not result in any unacceptable impact on the site and surrounding area. An assessment against section 79C of the EPA Act has not resulted in any significant issues arising.

Accordingly it is recommended that the proposed modifications to the boarding house on the site be approved.