

# Statement of Environmental Effects



Applicant: Band Pty Ltd

Property: 428 Pittwater Rd, North Manly

Section 96(2) Modification to DA:2013/0391 – Construction of a Boarding House

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## **1. Introduction:**

This Statement of Environmental Effects has been prepared by Scale Project Management on behalf of Band Pty Ltd (the owner) and is submitted to Warringah Council seeking section 96 (2) consent to amend planning approval DA: 2013/0391, to include a sixth lodger room on the upper floor and in fill the balcony (to create a enclosed sunroom) to lodger rooms 1-5 .

This s96(2) application is submitted under the provisions of Division 3 of State Environmental Planning Policy (Affordable Rental Housing) 2009 for a boarding house development.

**The proposed modification satisfies all components of SEPP ARH 2009 Division 3 Clause 30 1-2 - development standards for boarding houses.**

**The proposed modification satisfies all components of SEPP ARH 2009 Division 3 Clause 29 1-4 - standards that cannot be used to refuse consent for boarding houses.**

The site is legally described Lot 1, DP 1041534

This SEE has been prepared in association with the architectural plans attached to this report. All proposed s96 amendments to the approved DA 2013/0391 plans are indicated with blue clouding.

## **2. Pre -lodgement Meeting**

A pre-lodgement meeting was held on 10<sup>th</sup> of September 2013. The planning staff, Rodney Piggott – Development Assessment Manager and Lashta Haidari – Senior Development Assessment Officer confirmed that the proposed amendments to the plans could be assessed as a s96(2) application.

Subsequent email correspondence with Lashta Hardari followed the Pre-lodgement meeting to confirm which DCP and SEPP ARH controls Council will apply to the proposed s96 submission.

The s96(2) submission takes into account the feedback made by Council at the pre-lodgement meeting.

## **3. Proposed Changes:**

The proposed changes are highlighted on the attached plans – see blue clouding.

1. Additional lodger room six on the upper floor.
2. Addition of three bike and two motorbike parking spaces
3. Infill the balconies to Lodger 1-5 (on the ground floor)
4. Minor window positioning changes to the South-Eastern Elevation

#### 4. Assessment of the proposed changes.

##### 4.1 Amendment One - Additional lodger room six on the upper floor.

The inclusion of lodger Room 6 on the upper floor will have no adverse effects on the surrounding properties. The inclusion of lodger room 6 will require the minor changes to the rear elevation – see north east elevation plan attached.

The inclusion of Lodger Room 6 is contained within the approved building envelope of the upper floor and consequently no privacy or additional overshadowing issues are created.

Lodger room six will include a private kitchen and bathroom, plus a private balcony. Lodger room six has a private entrance at the rear of the property.

The occupant of lodger room 6 has access to all common facilities provided as part of the approved boarding house (e.g. common room, open space laundry, vehicle/bike parking, bin area)

The inclusion of lodger room 6 will require internal modification to the manager's unit. It should be noted that the manager's residence will still maintain 8sqm of open space, as per the requirement of the SEPP. An acoustic and fire rated wall will separate lodger six from the manager's residence.

The inclusion of lodger room six does not create any non-compliance with the SEPP ARH 2009 or the Warringah DCP.

Principle WDCP controls:

Front, side and rear setbacks and remain as approved (DA 2013\_0391).

The building height remains as approved (DA 2013\_0391).

The building height envelope remains as approved (DA 2013\_0391)..

SEPP Affordable Rental Housing 2009:

The proposal remains 100% compliant with SEPP ARH 2009 clause 29 and Clause 30.

The applicant would like to highlight that the proposal remains compliant with Clause 29 e, (i) & (iii). See Extract below:

*(e) if:*

***(i) in the case of development in an accessible area-at least 0.2 parking spaces are provided for each boarding room, and***

***(ii) in the case of development not in an accessible area-at least 0.4 parking spaces are provided for each boarding room, and***

***(iii) in the case of any development-not more than 1 parking space is provided for each person employed in connection with the development and who is resident on site,***

Two cars spaces are provided for six lodgers rooms + managers dwelling, on the based that the boarding house is located within an accessible area and therefore 0.2 spaces being required per room (7 x 0.2 car spaces EQUALS 1.4 CAR SPACES)

**No more than one parking space, AS PER CLAISE 29 (E), part iii, has been provided to the manager.**

#### 4.2 Amendment Two - Addition of three bike and two motorbike parking spaces

The proposed s92(2) amendment increases the provision of motorbike parking from one to three (see site plan attached). The additional motorbike spaces are sensibly located next to the driveway and bin area.

The proposed s92(2) amendment increases the provision of bicycle parking from three (3) to five (5) (see site plan attached). Lodger rooms 1-5 will have designated secure bicycle parking space as shown on the amended plans.

The provision of the extra scooter and bicycle parking space ensures the boarding house development provides more than sufficient amounts of on site transport parking for the lodgers.

The provision of the extra scooter and bicycle parking spaces ensures the boarding house development remains compliant with the SEPP ARH 2009 – clause 30 1 (h).

#### 4.3 Amendment Three - Infill the balconies to Lodger 1-5 (on the ground floor)

The proposed s96(2) amendment includes enclosing the balcony to lodger rooms 1-5. See plans attached. A small increase in floor space is proposed.

By enclosing the balcony to lodger rooms 1-5 a small sun room will be created. This will sufficiently increase the internal room amenity of lodger rooms 1-5. The sunroom will allow a small table and chairs for a couple or single person to eat meals or be a study desk.

By enclosing the balcony the potential noise impact to the northern neighbour is removed and any privacy issues are eliminated with the inclusion of 2.5meter boundary (as per the DA 2013/0391 consent conditions). See Elevation Plan 2.

By enclosing the balcony, Council should note:

The side setback remains WDCP compliant

The WDCP height plane remains compliant.

There is no reduction of flood flow or storage because the sunroom will be constructed above ground (at AHD) and built on posts– See Section Plan and Elevation 2 attached.

There are no changes to the open space calculations or landscape plan

#### 4.4 Amendment Four - Minor window positioning changes to the South-Eastern Elevation

To accommodate Lodger 6, the s96(2) amendment includes minor changes to positioning of the windows along the side South Easter Elevation. See Elevation Plan attached.

#### 4.5 Overall

The s96(2) modification will result in no changes to the following DA approved plans:

No changes to the approved landscape plan  
No change to the approved streetscape elevation  
No changes to the approved open space plan  
No changes to the approved accessibility plan  
No changes to the approved demolition plan  
No changes to the approved shadow plans

The 92(2) modification will result in no changes to the approved:

Flood flow or retention of the development  
Flood Congregation Area  
Plan of Management or House Rules  
Common area, Laundry or Common Outdoor Space

#### **5. Conclusion**

The s96 proposal will deliver a suitable and appropriate development to the Warringah local government area and is worthy of approval. In determining the application please consider:

- The proposals in accordance with the aims, objectives and provisions of the relevant statutory and non-statutory planning instruments;
- The addition of lodger room 6 will increase the availability of affordable long-term rental accommodation in the Warringah Shire area. Which is in the public's benefit.
- The addition of the sunroom to lodger rooms 1-5 will provide additional amenity to the lodgers and will have no adverse effects on the surrounding properties.
- The addition of three bike spaces and two motorbike spaces will provide each lodger room with a wider variety of transport options.
- The boarding house will still be operated by permanent on site manager, who is responsible for enforcing the Plan of Management (as approved as part of DA013/0391) and House Rules.
- The s96 application will have no adverse environmental effect and no adverse impact by way of tree removal, traffic and parking, heritage significance, stormwater management, overshadowing or privacy.