

# **STATEMENT OF ENVIRONMENTAL EFFECTS**

**Proposed New Generation  
Co-Living Boarding House  
Development**

**67 Pacific Parade, Dee Why**



**RESPONSIBLE FOR THIS REPORT:**

Kate Fleming

Director - BBF Town Planners

BA Macquarie University; Master Urban and  
Regional Planning Sydney University; PG  
CERT MPIA

**December 2020**

NOTE: This document is Copyright. Apart from any fair dealings for the purposes of private study, research, criticism or review, as permitted under the Copyright Act, no part may be reproduced in whole or in part, without the written permission of Boston Blyth Fleming Pty Ltd, 1/9 Narabang Way Belrose, NSW, 2085.

# TABLE OF CONTENTS

<b>TABLE OF CONTENTS.....</b>	<b>3</b>
<b>1 Introduction .....</b>	<b>5</b>
1.1 Overview.....	5
1.2 Statement of Environmental Effects.....	6
<b>2 Site Analysis.....</b>	<b>7</b>
2.1 Site Description.....	7
2.2 Features of the site and its development.....	7
2.3 Features of the location .....	7
2.4 Zoning and key environmental considerations .....	8
<b>3 Description of Proposed Development .....</b>	<b>11</b>
<b>4 Environmental Assessment.....</b>	<b>13</b>
4.1 Section 4.15 of the Environmental Planning & Assessment Act, 1979 .....	13
<b>5 Section 4.15 (1)(i) the provisions of any environmental planning instrument .....</b>	<b>14</b>
5.1 State Environmental Planning Policy (Affordable Rental Housing) 2009...14	
5.1.1 SEPP Clause 3 - Aims of Policy .....	14
5.1.2 SEPP Clause 26 - Land to which Division applies .....	16
5.1.3 Clause 27 - Development to which Division applies - Accessible Area.....17	
5.1.4 Clause 29 - Grounds upon which the proposed development application cannot be refused.....17	
5.1.5 Clause 29(1) - Density and Scale expressed as a floor space ratio.....17	
5.1.6 Clause 29(2)(a) – Building Height .....	18
5.1.7 Clause 29(2)(b) – Landscaped Area .....	18
5.1.8 Clause 29(2)(c) – Solar Access .....	19
5.1.9 Clause 29(2)(d) – Private Open Space.....19	
5.1.10 Clause 29(2)(e) – Parking.....20	
5.1.11 Clause 29(2)(f) – Accommodation Size .....	20
5.1.12 SEPP Clause 30 – Development Standards.....20	
5.1.13 SEPP Clause 30A – Character of the Local Area .....	22
5.2 Warringah Local Environmental Plan 2011 .....	25
5.2.1 Other relevant provisions of the LEP .....	26
5.3 Other State Environmental Planning Policies .....	28
5.3.1 State Environmental Planning Policy - BASIX.....28	
5.3.2 State Environmental Planning Policy No 55 – Remediation of Land.....28	
5.4 Access considerations .....	28
<b>6 Other key assessment considerations.....</b>	<b>29</b>
6.1 Development Control Plan.....	29
6.2 Privacy.....	29

TABLE OF CONTENTS

---

6.3	Solar access and shadowing of adjoining land.....	31
6.4	Views.....	32
6.5	Vehicle access and car parking.....	32
6.6	Trees and vegetation .....	33
6.7	Waste management.....	33
6.8	Stormwater drainage.....	33
6.9	Acoustic considerations .....	34
6.10	Principal Built Form Controls.....	35
6.10.1	Applicability of the DCP's built form controls.....	35
6.11	Broader DCP Compliance Assessment.....	39
<b>7</b>	<b>Summary - Section 4.15 of The Environmental Planning and Assessment Act 1979.....</b>	<b>43</b>
<b>8</b>	<b>Conclusion.....</b>	<b>45</b>

**ANNEXURE A – PRE LODGEMENT MEETING MINUTES NORTHERN BEACHES COUNCIL**

# 1 Introduction

## 1.1 Overview

This report accompanies and supports a Development Application (DA) for demolition of existing structures and development of Affordable Rental Housing for a 'new generation co-living' boarding house development containing 25 rooms, plus 1 managers room and 2 levels of parking at the basement and lower ground level at 67 Pacific Parade, Dee Why.

The Northern Beaches is one of the least affordable local government areas in NSW both for rental and purchase. The proposed development will increase the stock of affordable housing within the Northern Beaches LGA and thereby provide an important social benefit. The development will also provide an alternative to detached, multi dwelling and residential apartment style housing in a location which has good access to public transport on Pittwater Road and has convenient access to a range of shops, services and outdoor recreational areas. The development improves housing choice and therefore responds positively to the housing needs of the local community.

Benson McCormack Architecture have responded to the client brief to provide an affordable housing development of excellent design quality which responds appropriately to the site's location, constraints and opportunities; which have been identified through detailed site and context analysis, whilst maintaining appropriate levels of amenity to the adjoining and nearby residential flat buildings.

The building form responds to the site's context, particularly in relation to the established building heights and scale. The proposal has been designed to reflect the predominant character of the local area, which is predominately residential flat buildings.

This application responds directly to the matters raised in the pre-lodgement meeting (PLM2020/0154) held with Council, specifically with respect to the following:

- Overall reduction in the total number of rooms (pre lodgement meeting proposed 29 rooms plus managers residence, the DA proposes 25 plus managers residence);
- Reduction in the numbers of rooms facing 65 Pacific Parade;
- Increased landscaping and vegetation to the front setback area including retention of the natural rock outcrop to the site frontage;
- Increased side boundary, front and rear boundary setbacks to basement levels and upper floor levels.
- Increased articulation to the building through providing stepped side setbacks and central indentation to the building to assist in breaking down the overall scale of the building.
- The proposal maintains a compliant building height.

Development of the site in the manner proposed is appropriate on a range of environmental planning grounds:

- It is appropriate in terms of the site's location, topography, orientation, land area, separation from neighbouring dwellings and built form context.

- It will offer a high-quality, purpose designed and built, modern, affordable rental housing facility.
- It will respond to the need for affordable housing and a wider range of housing forms in support of the community's housing need and for which a detailed affordable housing needs analysis has been undertaken by the Northern Beaches Council (December 2016). The findings of the Northern Beaches Council need analysis is further supported by the accompanying Co-living Economic Needs Assessment prepared by Think Economics provided with the DA documentation.

## 1.2 Statement of Environmental Effects

This report is a Statement of Environmental Effects, pursuant to Section 4.15 of the Environmental Planning and Assessment Act 1979.

In preparation of this document, consideration has been given to the following:

- Environmental Planning and Assessment Act, 1979
- Relevant State Environmental Planning Policies including State Environmental Planning Policy Affordable Rental Housing 2009
- Warringah Local Environmental Plan 2011
- Warringah Development Control Plan 2011

This report clearly and comprehensively addresses the statutory regime applicable to the application and demonstrates that the proposed Affordable Rental Housing:

- is permissible with consent,
- represents a complimentary and compatible building form located in an accessible area and
- is compliant with the relevant provisions of the Affordable Rental Housing SEPP, LEP 2011 and the relevant provisions of the DCP.
- satisfies the Clause 1.3)(d) of the Act through the provisions of affordable housing in a suitable/accessible location.

The proposal has been considered under the relevant provisions of Section 4.15 of the Environmental Planning and Assessment Act 1979. Overall, it is assessed that the proposed development is satisfactory and the development application may be approved by Council.

## 2 Site Analysis

### 2.1 Site Description

The site is located 67 Pacific Parade, Dee Why. The site is legally described as Lot 25 in Deposited Plan 7002. The site has an area of 695.6 square metres (as per survey). The site is rectangular in shape with the following dimensions:

- Site Width and Frontage to Pacific Parade boundary 15.24m
- Depth of 45.72m

### 2.2 Features of the site and its development

The key features of the site and its development include:

- The land is developed with a single storey, brick and sandstone dwelling with tiled roof within a landscaped setting.
- The existing dwelling is situated towards the rear of the site with the front of the site containing grassed and vegetated areas, a rock outcrop with some trees throughout the site.
- The topography of the site moderately slopes up from the front (Pacific Parade) to the rear of the site. It also has a crossfall across the site in a westerly direction.

Figures 1 and 2 below depict the character of the property and its existing development.

### 2.3 Features of the location

The property is set within an established suburban location within convenient proximity to a range of employment, services, health care, transport, and recreation opportunities, notably:

- The site contains the last remaining dwelling and further to this is effectively the last remaining residential lot to be redeveloped on southern side of Pacific Parade in the block located between The Crescent and Sturdee Parade. The site is currently isolated and directly bound by significantly larger three and four storey residential flat building developments to all of the site boundaries, including to the northern side of Pacific Parade.
- The adjoining site at number 65 Pacific Parade was recently granted DA Approval (DA Ref 2015/1164): and has been redeveloped with a part 3, part 4 storey residential flat building development with basement carpark. This site was of similar dimensions and constraints to number 67 Pacific Parade. We note that this development as approved by Council was non-compliant with a number of Councils built form controls including setbacks, building envelope and landscape open space. Furthermore, given that site amalgamation with number 67 was not achievable at the time, the applicant was required to demonstrate to Council how

the subject site at number 67 could be redeveloped independently of number 65. Council agreed that a redevelopment of this site for a part three/four storey residential flat building of a similar scale to what is proposed was achievable on the subject site.

- The Dee Why Grand Shopping Centre and various commercial premises are located to the west of the site, approximately 400m distance. Dee Why Beach and associated restaurants and cafes are located approximately 800m to the east.
- Pacific Parade is well serviced with public transport with several bus stops and routes along the street. The main Dee Why bus terminal is approximately 500m away along Pittwater Road.
- Pedestrian footpaths are located on both the northern and southern sides of Pacific Parade facilitating pedestrian access to nearby bus stops and local facilities.
- The area is characterised predominately with residential flat buildings generally ranging from 3 to 4 storeys in height.

Figures 1 and 2 below depict the site location.

## **2.4 Zoning and key environmental considerations**

The property is zoned R3 Medium Density Residential under the Warringah Local Environmental Plan 2011 (LEP) as is most of the surrounding land.

The site is not affected by key environmental considerations like, for example acid sulfate soils, heritage, biodiversity, bushfire, flooding and waterways. The property is affected by geotechnical risk (Landslip Area B) and this matter will be addressed within Section 5 of this report.

There are no zoning or environmental characteristics that present impediments to the improvements proposed to the land.



**Figure 1 – Location of the site within its wider context (courtesy Google Maps)**



**Figure 2: View from Pacific Parade**

### 3 Description of Proposed Development

The application seeks development consent for demolition of existing dwelling and development of a 'new generation co-living' boarding house comprising 25 rooms for residents, one managers room and basement and lower ground level parking at 67 Pacific Parade, Dee Why.

The application is made under State Environmental Planning Policy (Affordable Rental Housing) 2009. The proposal is depicted in the accompanying architectural plans by Benson McCormack Architecture. A breakdown of the key aspects of the proposal are noted as follows:

- Demolition of the existing structures.
- The construction of a part 3 and 4 storey development, comprising twenty five (25) rooms for residents, one managers room with associated communal internal and open space areas within a garden setting.
- The basement and lower ground floor level will include car parking for 13 cars including 2 disabled spaces, 5 motorcycles and 5 bicycle racks.
- Each room will be fully furnished with and include private kitchen and bathroom facilities.
- Disabled access to two accessible rooms is provided with a mechanical lift to facilitate access within the development.
- Proposed landscaping works are depicted in the accompanying landscape plans prepared by Landscape Architecture Pty Ltd. Landscaping works include (but not limited to) tree removal, excavation, retaining walls, various plantings, and turfed areas.
- The application proposes both the retention and the removal of a number of trees as identified in the accompanying Arborist Report prepared by Growing My Way, one significant tree species is identified for removal, with the rest of the tree species on the site identified as exempt species. The removal of tree species appropriately compensated for through the implementation of an integrated site landscape regime as depicted on the landscape plans.
- Stormwater management plans have been prepared by ITM Design Pty Ltd and are provided with this application.

The vision for this development is to provide quality bespoke affordable accommodation for young professionals, lone person households and key/essential workers. The development provides for significant communal areas (approximately 3m<sup>2</sup> per person) which provides for opportunities for shared work spaces, laundry facilities, recreational activities, and shared kitchen facilities. It is not assumed, however, that residents would need to be involved in a more communal setting with each apartment being fully self-contained. A plan of management has been prepared Six C (the operators of the proposed development) to ensure the functionality of the development and the role of the onsite manager.



**Figure 3: Streetscape Photomontage of Proposed Co-Living Development**

## 4 Environmental Assessment

### 4.1 Section 4.15 of the Environmental Planning & Assessment Act, 1979

The following section of the report assesses the proposed development having regard to the statutory planning framework and matters for consideration pursuant to Section 4.15 of the Environmental Planning & Assessment Act, 1979 as amended.

Under the provisions of the Environmental Planning and Assessment Act 1979 (the Act), the key applicable planning considerations, relevant to the assessment of the application are:

- State Environmental Planning Policy Affordable Rental Housing 2009
- Other State Environmental Planning Policies – as relevant
- Warringah Local Environmental Plan 2011
- Warringah Development Control Plan 2011

The application of the above plans and policies is discussed in the following section of this report.

The application has been assessed against the relevant heads of consideration under Section 4.15 of the Act; a summary of these matters are addressed within Section 7 of this report, and the town planning justifications are discussed below.

## 5 Section 4.15 (1)(i) the provisions of any environmental planning instrument

### 5.1 State Environmental Planning Policy (Affordable Rental Housing) 2009

State Environmental Planning Policy (Affordable Rental Housing) 2009 (the SEPP) is applicable to the site and is the principal planning instrument for consideration in the assessment of the proposal. The proposed boarding house development is made under to the provisions of the SEPP. This section of the Statement provides an assessment of the development against the applicable provisions within Division 3 of the SEPP.

#### 5.1.1 SEPP Clause 3 - Aims of Policy

The aims of this SEPP are as follows:

- (a) to provide a consistent planning regime for the provision of affordable rental housing,*
- (b) to facilitate the effective delivery of new affordable rental housing by providing incentives by way of expanded zoning permissibility, floor space ratio bonuses and non-discretionary development standards,*
- (c) to facilitate the retention and mitigate the loss of existing affordable rental housing,*
- (d) to employ a balanced approach between obligations for retaining and mitigating the loss of existing affordable rental housing, and incentives for the development of new affordable rental housing,*
- (e) to facilitate an expanded role for not-for-profit-providers of affordable rental housing,*
- (f) to support local business centres by providing affordable rental housing for workers close to places of work,*
- (g) to facilitate the development of housing for the homeless and other disadvantaged people who may require support services, including group homes and supportive accommodation.*

#### **In response:**

The Northern Beaches is one of the least affordable local government areas in NSW both for rental and purchase. The proposal responds to the identified housing affordability challenges as recognised by the Council in the Northern Beaches Affordable Housing Needs Analysis December 2016 and adopted Affordable Housing Policy. In its findings, in relation to the demand for affordable housing, the Northern Beaches Affordable Housing Needs Analysis states (emphasis added):

*Projections for **20,300 additional households** between 2011 and 2036 within the Northern Beaches will require different housing forms and price brackets.*

*Expansion of the leisure and hospitality and the health and education industries, including the opening of the Northern Beaches Hospital, will fuel demand for affordable housing to **attract/retain 'key workers' occupations.***

*Provision of affordable housing for key workers is a specific challenge for local businesses due to **the poor public transport connections into the northern beaches**, for those workers who can't afford to live locally. This was highlighted in the recent Council Business Survey.*

*Households tend to move within the Northern Beaches, however there is a recent trend for households, especially 24-34 and 35-44 year olds, to **relocate out of the region** to the Central Coast, north to Hornsby or Ku-ring-gai or further afield to Gold Coast or Sunshine Coast, due possibly to rising housing costs.*

The proposed development will increase the supply of affordable rental housing within the Northern Beaches LGA responsive to the identified housing need.

The proposed development will increase the mix of available accommodation by providing an alternative to detached, multi dwelling and apartment style housing in this locality. The site's location has excellent pedestrian and public transport access to a range of local shops, services, employment opportunities, community, and outdoor recreational areas.

Based on 2016 Census data for the Northern Beaches LGA it is noted that there is a social need for this form of housing consistent with the aims of the policy, noting that:

- 25.9% of occupied private dwellings are rented;
- 0.6% of occupied private dwellings by number of bedrooms are studios and bedsitter style accommodation, meaning there is currently low supply of this type of accommodation within the housing market;
- 34% of dwellings are 4 bedrooms or more;
- The median rent for the Northern Beaches LGA is \$565 per week. The proposed development will offer 25 rooms and 1 managers residence at competitive rates commensurate with the compact nature of these rooms and the accessible location of the site.

Further to the above Council Affordable Housing Needs Assessment and Census Data findings, a Co-living Economic Needs Assessment in relation to the proposed development has been prepared by Think Economics and is provided with the DA Documentation. The report makes the following findings in relation to local community and economic need for the co-living development:

- *The Northern Beaches region is being impacted by a decreasing level of residential affordability, which is significantly reducing the ability for younger residents, students, key service workers and others to find appropriate accommodation in the area.*
- *The proposed co-living development will establish residential accommodation that offers significant affordability within the local area, while also delivering a modern and architecturally designed building.*
- *The proposal will also increase the choice that residents will have in terms of accommodation style and offer within the area.*

- *Based on forecast growth within the key markets generating demand for co-living dwellings, there is need for an average of 210 additional rooms/apartments per annum from 2020 to 2030.*
- *Based on the supply of boarding houses and co-living apartments throughout the study area, there is less than two years supply.*
- *Additional residential development is required throughout the study area to meet overall population growth needs, while co-living is required to meet the specific affordability, amenity and lifestyle accommodation needs of key socio-demographic groups within the area.*
- *Without additional co-living development in the area, residential affordability is likely to continue to be negatively impacted and there will be a lack of suitable accommodation for specific market groups.*

The proposed development will improve housing choice and affordability in a highly accessible location. It therefore responds positively to the housing needs of the community. Based on the above, the proposal is entirely consistent with the aims of the SEPP.

### **5.1.2 SEPP Clause 26 - Land to which Division applies**

This Division applies to land within the R3 Medium Density Residential zone. The subject site is zoned R3 Medium Density Residential under the LEP. Therefore, the provisions of the SEPP apply to the proposed development. A **boarding house** means a building that:

- (a) is wholly or partly let in lodgings, and*
- (b) provides lodgers with a principal place of residence for 3 months or more, and*
- (c) may have shared facilities, such as a communal living room, bathroom, kitchen or laundry, and*
- (d) has rooms, some or all of which may have private kitchen and bathroom facilities, that accommodate one or more lodgers, but does not include backpackers' accommodation, a group home, hotel or motel accommodation, seniors housing or a serviced apartment.*

The development provides 25 individual boarding rooms (plus a manager's residence) with private kitchens and bathrooms providing lodgers with a principal place of residence for 3 months or more pursuant to the provisions of State Environmental Planning Policy (Affordable Rental Housing) 2009.

The proposed development is appropriately defined as a boarding house as it:

- will be wholly let in lodgings,
- will provide lodgers with a principle place of residence for 3 months or more, and
- has shared communal open space with laundry facilities and common communal living areas, and

- has rooms that accommodate 1 or more lodgers.

The SEPP applies to the subject development.

### **5.1.3 Clause 27 - Development to which Division applies - Accessible Area**

This Division applies to the development of land for a *boarding house* within the R3 Medium Density Residential zone.

As development within the R3 zone, the SEPP requires development to be within an *accessible area* as defined within the policy. An *accessible area* is defined by the SEPP as (emphasis added):

*'land that is within—*

*(a) 800 metres walking distance of a public entrance to a railway station or a wharf from which a Sydney Ferries ferry service operates, or*

*(b) 400 metres walking distance of a public entrance to a light rail station or, in the case of a light rail station with no entrance, 400 metres walking distance of a platform of the light rail station, or*

*(c) 400 metres walking distance of a bus stop used by a regular bus service (within the meaning of the Passenger Transport Act 1990) that has at least one bus per hour servicing the bus stop between 06.00 and 21.00 each day from Monday to Friday (both days inclusive) and between 08.00 and 18.00 on each Saturday and Sunday.*

Section (C) of the definition is applicable to the subject application. The proposed development is located within an *accessible area* for the reasons outlined below:

The subject site is located within 100 metres to 2 regularly serviced bus stops on Pacific Parade. These bus stops are serviced by the 177x route express between Dee Why and Wynyard and the 159 between Dee Why and Manly. Pittwater Road main bus terminals are located approximately 470m from the subject site which can access the B-line services as well as a range of other route services.

Based on the above, the proposed development is located within an *accessible area* as defined by the SEPP and therefore the SEPP is applicable to the land.

### **5.1.4 Clause 29 - Grounds upon which the proposed development application cannot be refused**

Pursuant to Clause 29 the consent authority cannot refuse the development application on the following grounds if the proposal satisfies these provisions as detailed below.

### **5.1.5 Clause 29(1) - Density and Scale expressed as a floor space ratio**

No FSR standard applies to the subject site and accordingly these provisions are not relevant to the proposal. Notwithstanding, consideration has been given to the other local planning controls that seek to limit the density and scale of development on the site. The proposal satisfies these key built form controls which are addressed within Section 6 of this report.

### **5.1.6 Clause 29(2)(a) – Building Height**

In relation to building height, the SEPP states:

*(2) A consent authority must not refuse consent to development to which this Division applies on any of the following grounds:*

*(a) if the building height of all proposed buildings is not more than the maximum building height permitted under another environmental planning instrument for any building on the land*

#### **In response:**

The proposal is under the 11m Height of Buildings development standard applicable under LEP Clause 4.3 as shown on the accompanying architectural plans and therefore complies with Clause 29(2)(a) – building height.

Based on the above, there are no grounds to refuse the proposed development based on its provision of building height and its and streetscape presentation.

### **5.1.7 Clause 29(2)(b) – Landscaped Area**

In relation to landscape area, the SEPP states:

*(2) A consent authority must not refuse consent to development to which this Division applies on any of the following grounds:*

*(b) landscaped area*

*if the landscape treatment of the front setback area is compatible with the streetscape in which the building is located,*

#### **In response:**

The proposal is accompanied and supported by a landscape plan. The following landscape characteristics of the proposal are noted:

- The proposed building will be positioned within a landscaped garden setting, with vegetated areas proposed to the front, rear and sides of the proposed building.
- The landscape plan includes landscaping treatments within the front setback, including retention of the natural rock outcrop and vegetations which is compatible with the character of development in the immediate vicinity.
- The proposal provides a compatible front building setback of 6.5m which provides areas to landscaping to surround the driveway entrance, including the retention of the natural rock outcrop. This area is available to be landscaped in accordance with the landscape plan that accompanies and supports the application. The remaining area relates to the driveway, garbage bin area, and pedestrian path. It should be noted that the garbage bin storage room is to be covered by planting.

For these reasons it is assessed that the landscape treatment of the front setback area is compatible with the streetscape in which the building is located. Other aspects of the proposal which assist in achieving a compatible landscape and streetscape outcome include:

- The design provides a vehicle manoeuvring area concealed within the front building façade, visually screening it from the streetscape. This aspect of the design facilitates achievement of the front setback that is compatible with the streetscape.
- Overall, the setback and landscape outcome will be complimentary and compatible with the adjacent developments and the broader streetscape in which the building is located; the character of which is detailed within Section 2 of this report.

The proposal is assessed as providing a compatible landscaped frontage. As such, there are no grounds to refuse the proposed development based on its provision of landscape area and its streetscape presentation.

### **5.1.8 Clause 29(2)(c) – Solar Access**

In relation to solar access, the SEPP states:

*(2) A consent authority must not refuse consent to development to which this Division applies on any of the following grounds:*

*(c) solar access*

*where the development provides for one or more communal living rooms, if at least one of those rooms receives a minimum of 3 hours direct sunlight between 9am and 3pm in mid-winter,*

#### **In response:**

The proposal incorporates communal living areas within the upper ground floor level, Level 1 and Level 3 of the building. The location of the communal rooms will receive excellent levels of sunlight between approx. 9am and 3pm on 21st June. It is assessed that the design of the communal living space provides appropriate solar access to meet the needs of occupants and satisfies the provisions of the SEPP. Accordingly, there are no grounds to refuse the proposed development based on its provision of solar access.

### **5.1.9 Clause 29(2)(d) – Private Open Space**

In relation to the provisions of private open space, the SEPP states:

*(2) A consent authority must not refuse consent to development to which this Division applies on any of the following grounds:*

*(d) private open space*

*if at least the following private open space areas are provided (other than the front setback area):*

*(i) one area of at least 20 square metres with a minimum dimension of 3 metres is provided for the use of the lodgers,*

*(ii) if accommodation is provided on site for a boarding house manager—one area of at least 8 square metres with a minimum dimension of 2.5 metres is provided adjacent to that accommodation,*

**In response:**

The proposed development makes provision for private open spaces in the following ways:

The proposal incorporates a communal private open space in the form of a terraces on level 1 and 3 garden area of approximately 32.8m<sup>2</sup> and 35.7m<sup>2</sup>, respectively. These dimensions exceed the minimum requirements of 2.5m and 20m<sup>2</sup> in the SEPP.

A room for the on-site manager is nominated on the architectural plans. It has an adjoining private outdoor space of approximately 8.2m<sup>2</sup> with a minimum dimension of approximately 3.5m. This is compliant with the minimum requirements of the standard.

Accordingly, there are no grounds to refuse the proposed development based on its provision of private open space.

**5.1.10 Clause 29(2)(e) – Parking**

The proposed vehicle access and parking arrangement is supported by a traffic and parking assessment report prepared by Stanbury Traffic Planning. The development proposes 25 boarding rooms and 1 manager's residence generating a parking requirement of 12.5 spaces (rounded to 13 at 0.5 car spaces per room). The proposal provides for 13 parking spaces and, as such, a consenting authority cannot refuse consent to the proposal on the ground of car parking for 13 spaces provided. This application does not propose an additional car parking for the onsite manager which is considered appropriate in this instance as detailed in the traffic and parking report provided. Furthermore, the consent authority cannot refuse the proposed development on the ground of 13 car spaces being provided for the development.

**5.1.11 Clause 29(2)(f) – Accommodation Size**

In relation to accommodation size the SEPP states:

*(2) A consent authority must not refuse consent to development to which this Division applies on any of the following grounds:*

*(f) accommodation size*

*if each boarding room has a gross floor area (excluding any area used for the purposes of private kitchen or bathroom facilities) of at least:*

*(i) 12 square metres in the case of a boarding room intended to be used by a single lodger, or*

*(ii) 16 square metres in any other case.*

**In response:**

The area of each proposed room is noted on the architectural plans and ranges between approximately 24.3 square metres. All rooms comply with the minimum square metre requirement enabling 1 or more lodgers. Accordingly, there are no grounds to refuse the proposed development based on its proposed accommodation sizes.

**5.1.12 SEPP Clause 30 – Development Standards**

Clause 30(1) of the SEPP contains a number of development standards that the consent authority is required to take into consideration when assessing boarding house applications. Departures from development standards are required to be justified by way of a SEPP 1 objection. The development standards are as follows:

*(1) A consent authority must not consent to development to which this Division applies unless it is satisfied of each of the following:*

- (a) if a boarding house has 5 or more boarding rooms, at least one communal living room will be provided,*
- (b) no boarding room will have a gross floor area (excluding any area used for the purposes of private kitchen or bathroom facilities) of more than 25 square metres,*
- (c) no boarding room will be occupied by more than 2 adult lodgers,*
- (d) adequate bathroom and kitchen facilities will be available within the boarding house for the use of each lodger,*
- (e) if the boarding house has capacity to accommodate 20 or more lodgers, a boarding room or on site dwelling will be provided for a boarding house manager,*
- (f) (Repealed)*
- (g) if the boarding house is on land zoned primarily for commercial purposes, no part of the ground floor of the boarding house that fronts a street will be used for residential purposes unless another environmental planning instrument permits such a use,*
- (h) at least one parking space will be provided for a bicycle, and one will be provided for a motorcycle, for every 5 boarding rooms.*

**In response to these standards:**

The proposal includes several communal rooms, with associated terrace areas located at the rear of level 1 and the front of level 3. The SEPP states that a *communal living room* means a room within a boarding house (or on-site) that is available to all lodgers for recreational purposes, such as a lounge room, dining room, recreation room or games room. The design of the communal room, along with its associated garden area offer valued spaces with high amenity for use by future occupants. The spaces are of a sufficient size to cater for the lodgers of the 25 boarding rooms. It is assessed that this aspect of the proposal entirely satisfies (clause 30(1)(a) of the SEPP.

- No boarding rooms within the development have a gross floor area exceeding 25m<sup>2</sup> (excluding any area used for the purposes of private kitchen or bathroom facilities), in strict accordance with this development standard satisfying clause 30(1)(b).
- Each boarding room has the capacity to accommodate 2 lodgers. The boarding rooms will not be occupied by more than 2 lodgers satisfying clause 30(1)(c).
- All boarding rooms contain kitchenette and bathroom facilities in accordance with the development standard clause 30(1)(d).

- The proposed development will have the capacity to accommodate 20 or more lodgers, and as such, an operational manager's residence is provided within the lower ground floor level of the development at the rear as marked on the architectural plans. These provisions satisfy clause 30(1)(e).
- The proposed development has 25 rooms for lodgers and one manager's residence, generating a requirement for 5 bicycle and 5 motorcycle spaces (at a rate of 1 space per 5 boarding rooms). The development incorporates accommodation for 5 bicycles and 5 motorcycles within the basement level plan in accordance with the standard satisfying (clause 30(1)(h)).

Based on the above, all the development standards under clause 30(1) of the SEPP are satisfied by the proposal.

### **5.1.13 SEPP Clause 30A – Character of the Local Area**

Pursuant to clause 30A of the SEPP, a consent authority must not consent to development to which this Division applies unless it has taken into consideration whether the design of the development is compatible with the character of the local area.

In terms of the specific characteristics of the proposed design, and its compatibility with the character of the Local Area, the planning principle established by the Land and Environment Court in the matter of Project Venture Developments v Pittwater Council (2005) NSW LEC 191 provides assistance in making this consideration. The provisions of this principle are used in assessing the merits of the proposal below. The planning principle states:

*22. There are many dictionary definitions of compatible. The most apposite meaning in an urban design context is capable of existing together in harmony. Compatibility is thus different from sameness. It is generally accepted that buildings can exist together in harmony without having the same density, scale or appearance, though the difference in these attributes increases, harmony is harder to achieve.*

*23. It should be noted that compatibility between proposed and existing is not always desirable. There are situations where extreme differences in scale and appearance produce great urban design involving landmark buildings. There are situations where the planning controls envisage a change of character, in which case compatibility with the future character is more appropriate than with the existing. Finally, there are urban environments that are so unattractive that it is best not to reproduce them.*

*24. Where compatibility between a building and its surroundings is desirable, its 2 major aspects are physical impact and visual impact. In order to test whether a proposal is compatible with its context, two questions should be asked.*

*Are the proposal's physical impacts on surrounding development acceptable? The physical impacts include constraints on the development potential of surrounding sites.*

*The proposal's appearance in harmony with the buildings around it and the character of the street?*

25. *The physical impacts, such as noise, overlooking, overshadowing and the constraining development potential, can be assessed with relative objectivity. In contrast, to decide whether or not a new building appears to be in harmony with its surroundings is a more subjective task. Analysing the existing context and then testing the proposal against it, however, reduced the degree of subjectivity.*

26. *For a new development to be visually compatible with its context, it should contain, or at least respond to, the (essential elements of character – local) that make up the character of the surrounding urban environment. In some areas, planning instruments or urban design studies have already described the urban character. In others (the majority of cases), the character needs to be defined as part of a proposal's assessment. The most important contributor to urban character is the relationship of built form to surrounding space, a relationship that is created by building height, setbacks and landscaping. In special areas, such as conservation areas, architectural style materials are also contributors to character.*

27. *Buildings do not have to be the same height to be compatible. Where there are significant differences in height it is easier to achieve compatibility when the change is gradual rather than abrupt. The extent to which height differences are acceptable depends also on the consistency of height in the existing streetscape.*

28. *Front setbacks and the way they are treated are an important element of urban character. Where there is a uniform building line, even small differences can destroy the unity. Setbacks from the side boundaries determine the rhythm of building and void. While it may not be possible to reproduce the rhythm exactly, new development should strive to reflect it in some way.*

29. *Landscaping is also an important contributor to urban character. In some areas landscape dominates building, in others building dominate the landscape. Where canopy trees define the character, new developments must provide opportunity for planting of canopy trees.*

30. *Conservation areas are usually selected because they exhibit consistency of scale, style or material. In conservation areas, a high level of similarity between the proposed and the existing is expected than elsewhere. The similarity may extend to architectural style expressed roof form, fenestration of materials.*

31. *It should be remembered that most people are not trained planners or urban designers and experience the urban environment without applying the kind of analysis described above. As people move through the city, they respond intuitively to what they see around them. A photo montage of the proposed development in its context provides the opportunity to test the above analysis by viewing the proposal in the same way that a member of the public would.*

**In response:**

Features of the existing character of the local area are noted as follows:

- The character of the local area, being the visual catchment of the site, comprises a mix of 3 and 4 storey residential flat buildings.
- The development character mainly comprises a mixture of older and newer residential flat buildings. The adjoining properties are developed with contemporary residential flat buildings being part 3 and 4 storey which is reflective of the sloping topography.
- The site contains the last remaining dwelling and further to this is effectively the last remaining residential lot to be redeveloped on southern side of Pacific Parade in the block located between The Crescent and Sturdee Parade. The site is currently isolated and directly bound by significantly larger three and four storey residential flat building developments to all of the site boundaries, including to the northern side of Pacific Parade. The adjoining site at number 65 Pacific Parade was recently granted DA Approval and has been redeveloped with a part 3, part 4 storey residential flat building development with basement carpark. The DA Approval of Number 65 was based on the premises that number 67 could be redeveloped independently of the site, more specifically its design should direct habitable windows to the front and rear of the site, away from number 67.
- Front setbacks vary; some sites have open street frontages and others solid front fences. Front setbacks of adjoining properties are generally consistent with the proposal and with the 6.5m setback control within the DCP. Number 65 is sited closer to the road frontage with balconies sited within the front setback.
- The physical and land use character of the area has been long established with higher density apartment living due to the proximity to Dee Why Local centre, transport hubs and excellent beach side amenities. Several boarding house development applications have been approved and some of these constructed within the local area.

**In response:**

In response to the local area's character, it is assessed that the proposal achieves a form, scale, and density on the site that is harmonious with the character of the local area, for the following reasons:

- The proposed development provides a single vehicle entry to a screened car parking area with a landscaped frontage that will be compatible with the streetscape.
- The maximum height of the proposal complies with the height of buildings development standard for the site of 11m (Height of Buildings Map).
- The proposal provides appropriate building articulation and modulation along each of its elevations and will achieve a building of that is aesthetically appealing, of visual interest, and compatible with its environment.
- The proposed building at the front of the site presents as 3 storeys which is stepped with the sloping topography. It presents a scale of development that is consistent with the part 3 and 4 storey built form in the immediate vicinity. In this way the proposal maintains a domestic scale, commensurate with the front setback and landscaped setting of development within the local area.

- The proposed building on the site follows the established residential patterning of the adjoining residential lots and the general siting of development on the adjacent properties, particularly number 65 Pacific Parade.
- There is no FSR development standard applicable to the land under the current planning controls.
- With regards to density / intensity of development, the proposal is compliant with State Environmental Planning Policy (Affordable Rental Housing) 2009 and comprises 25 boarding rooms and 1 managers' room. The site is located within a R3 Medium Density Zone, not a R2 Low Density Zone which places a restriction on the numbers of rooms.
- A range of dwelling forms, other land uses, and boarding houses are permissible with consent within the R3 zone. Boarding houses and residential flat buildings are anticipated, and applicable planning controls are established through a combination of Local and NSW State statutory planning policy.
- The design of the development will be compatible with the character of the local area because the proposal is compatible to the residential character within the site's immediate context (both existing and anticipated, having regard to building height, boundary setbacks and landscaped area), as well as the mix of development forms and land uses located within the local area.
- The proposal satisfies the objectives of the zone as stated within section 5.3 of this report.
- The proposed building is commensurate with the current and anticipated mix of development within the site's visual setting.

### **Conclusion**

The proposed development has appropriately considered and responded to the local character of surrounding development. It is assessed that the proposal and is capable of existing in harmony with the land use and built form character of the local area. It is assessed that the proposal satisfies the principles of compatibility with surrounding development established in the matter of Project Venture Developments v Pittwater Council (2005) NSW LEC 191 and satisfies clause 30A of the SEPP.

## **5.2 Warringah Local Environmental Plan 2011**

As previously noted, the site is zoned R3 Medium Density Residential pursuant to the provisions of the Warringah Local Environmental Plan 2011 (LEP). Boarding Houses are permitted within the zone with development consent. A **boarding house means a building that:**

- (a) is wholly or partly let in lodgings, and*
- (b) provides lodgers with a principal place of residence for 3 months or more, and*
- (c) may have shared facilities, such as a communal living room, bathroom, kitchen or laundry, and*
- (d) has rooms, some or all of which may have private kitchen and bathroom facilities, that accommodate one or more lodgers, but does not include backpackers'*

*accommodation, a group home, hotel or motel accommodation, seniors housing or a serviced apartment.*

The development provides 25 individual boarding rooms (plus one managers room) with private kitchens and bathrooms providing lodgers with a principal place of residence for 3 months or more pursuant to the provisions of State Environmental Planning Policy (Affordable Rental Housing) 2009. Accordingly, the development is appropriately defined as a boarding house and permissible with consent in the zone.

Clause 2.3 of the LEP requires the consent authority to have regard to the objectives of the zone in the assessment and determination of the development application. The objectives of the zone are as follows:

- *To provide for the housing needs of the community within a medium density residential environment.*
- *To provide a variety of housing types within a medium density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To ensure that medium density residential environments are characterised by landscaped settings that are in harmony with the natural environment of Warringah.*
- *To ensure that medium density residential environments are of a high visual quality in their presentation to public streets and spaces.*

The proposed development meets the relevant zone objectives by providing affordable accommodation that meets the needs of the community within a medium-density residential and landscaped setting. Its intent is to provide housing choice especially for more affordable rental accommodation to accommodate key/essential workers, lone resident households and young professionals.

The development has been designed through detailed site and streetscape analysis to ensure that it is of a low intensity and scale, compatible with surrounding building forms and the local development character.

In relation to compatibility of uses, the accompanying Operational Management Plan prepared by Six C contains management procedures, complaints reporting and resolution mechanisms to assist in the maintenance of appropriate residential amenity.

Accordingly, Council can be satisfied that the proposed development is permissible with consent and consistent with the zone objectives. There is no statutory impediment to the granting of consent.

**5.2.1 Other relevant provisions of the LEP**

Other provisions of the LEP that are relevant to the assessment of the proposal are noted and responded to as follows:

LEP Provision	Response	Complies
Part 4 of LEP – Principal Development Standards		

LEP Provision	Response	Complies
LEP Clause 4.1 Minimum subdivision lot size	NA	NA
LEP Clause 4.3 – Height of Buildings 11m maximum building height	Complies as shown on the architectural plans.	Yes
LEP Clause 4.4 – Floor space ratio	NA	NA
LEP Clause 4.6 – Exceptions to development standards	NA	NA
<b>Part 5 of LEP – Miscellaneous Provisions</b>		
LEP Clause 5.4 Controls relating to miscellaneous permissible uses	NA	NA
LEP Clause 5.10 Heritage Conservation	NA	NA
<b>Part 6 of LEP – Additional Local Provisions</b>		
LEP Clause 6.1 Acid sulfate soils	No mapped within the acid sulfate soils map within the LEP	Yes
LEP Clause 6.2 Earthworks	<p>Excavation is proposed below the existing site levels. The siting and design of the proposed development has considered the matters within clause 6.2(3) of the LEP and results in appropriate outcomes against these criteria.</p> <p>Furthermore, the proposal is accompanied by a geotechnical assessment that concludes the proposal is appropriate for the site.</p> <p>Based on the above the proposed development satisfies the considerations within clause 6.2 and the site is suitable for the development proposed.</p>	Yes
LEP Clause 6.4 Development on sloping land	<p>The siting and design of the proposed development has considered the matters within clause 6.4(3) of the LEP and results in appropriate outcomes against these criteria.</p> <p>Furthermore, the proposal is accompanied by a geotechnical assessment that concludes that the proposal is appropriate for the site.</p> <p>Based on the above the proposed development satisfies the considerations</p>	Yes

LEP Provision	Response	Complies
	within clause 6.4 and the site is suitable for the development proposed.	

## 5.3 Other State Environmental Planning Policies

### 5.3.1 State Environmental Planning Policy - BASIX

Based on recent court judgements, the proposal is BASIX affected development. A BASIX assessment report accompanies the application and satisfies the SEPP in terms of the DA assessment.

### 5.3.2 State Environmental Planning Policy No 55 – Remediation of Land

State Environmental Planning Policy No. 55 - Remediation of Land applies to all land and aims to provide for a State-wide planning approach to the remediation of contaminated land.

Clause 7 of SEPP 55 requires Council to consider whether land is contaminated prior to granting consent to carrying out of any development on that land. In this regard, the likelihood of encountering contaminated soils on the subject site is extremely low given the following:

- Council's records indicate that site has only been used for residential uses.
- The subject site and surrounding land are not currently zoned to allow for any uses or activities listed in Table 1 of the contaminated land planning guidelines of SEPP 55.
- The subject site does not constitute land declared to be an investigation area by a declaration of force under Division 2 of Part 3 of the Contaminated Land Management Act 1997.

Given the above factors no further investigation of land contamination is warranted. The site is suitable in its present state for the proposed residential development. Therefore, pursuant to the provisions of SEPP 55, Council can consent to the carrying out of development on the land.

## 5.4 Access considerations

The application is accompanied and is supported by an assessment of the design against the key access provisions of the Building Code and other relevant legislation prepared by Accessible Building Solutions. The report finds that the proposal is capable of satisfying access requirements subject to further detailed design and documentation at the Construction Certificate stage. In conclusion, the relevant accessibility considerations are appropriately addressed and satisfied by the proposal.

## 6 Other key assessment considerations

### 6.1 Development Control Plan

In response to Section 4.15 (1)(iii) of the Act, the Warringah Development Control Plan 2011 (DCP) is applicable to the property. The following section responds to the relevant provisions of the DCP.

### 6.2 Privacy

Privacy has been considered in the proposed design having regard to the objectives of cl D8 of the DCP. It is our assessment that the proposal is satisfactory and appropriately designed to reasonably address privacy considerations. The following features of the design and its relationship with adjoining land are noted:

- The accommodation rooms are principally orientated to either the north, south or the western side boundary.
- The rooms with a westerly orientation do not give rise to privacy concerns to number 65 Pacific Parade. Number 65 Pacific Parade was purposely designed to effectively anticipate that this site was to be redeveloped and therefore there are only secondary rooms, except for one window to the rear ground floor level that has appropriate screening to provide privacy to this elevation. There are very few windows sited to the western elevation of 65 Pacific (as demonstrated in Figure 3 below).



**Figure 3: Details the eastern elevation of 65 Pacific Parade facing the subject site. The eastern elevation of 65 Pacific contains only secondary windows (with one ground floor level window with fixed louver screening) with a lift core and stairwell.**



**Figure 4: photograph of windows to the common stairwell adjacent to the lift shaft eastern elevation of 65 Pacific Parade facing the subject site.**



**Figure 5: photograph of secondary presumably bedroom/bathroom windows to the rear section, eastern elevation of 65 Pacific Parade facing the subject site, one window to the ground floor level has fixed louvers for privacy.**

- Window openings within the western side elevations have been minimised to maintain appropriate levels of privacy considering the subject site will sit higher than the adjoining development due to the topography.
- The design provides for varying setbacks to the eastern boundary ranging from 2m to 4m. A side setback of 2m is proposed to the western side boundary. This allows for landscaping treatments to provide additional screening.
- The rear communal open space area at level 1 will be appropriately screened with landscaping treatments to ensure privacy is maintained to that space and adjoining properties. The terrace area at the front of level 3 is sited with a setback of 4m to the western boundary and greater than 4m to the eastern boundary. It will also include surrounding landscaping treatments to provide additional privacy measures.
- The proposal provides deep soil landscaped areas at the rear of the property that are proposed to be landscaped. The proposed landscaped treatments are detailed within the landscape plan that accompanies the application.
- The proposal provides a compliant rear building setback under the Warringah DCP and significant deep soil landscape area at the rear of the property that will support vegetation and soft landscaping between the proposed development and rear adjoining properties.
- The communal rooms do not include any windows which overlook neighbouring properties.
- The accompanying Operational Management Plan will regulate the use of the open space and communal areas. It is therefore concluded that these spaces will not significantly or unreasonably affect the privacy of the neighbouring properties.

Based on the above characteristics, it is concluded that the proposal will not significantly or unreasonably affect the visual privacy of the neighbouring properties and will achieve an appropriate privacy outcome.

### **6.3 Solar access and shadowing of adjoining land**

Solar access and shadowing have been considered in the proposed design having regard to the objectives of the relevant provisions of D6 of the DCP.

The design comprises a part 3 and 4 storey stepped building form and appropriately setback from adjoining residential properties to the east and west.

The proposal is accompanied by shadow diagrams demonstrating the extent of proposed shading. In relation to shading the DCP requires under D6 (2):

*'2. At least 50% of the required area of private open space of each dwelling and at least 50% of the required area of private open space of adjoining dwellings are to receive a minimum of 3 hours of sunlight between 9am and 3pm on June 21'.*

In accordance with Clause D6 of the DCP, the sunlight available to the private open space of the adjoining dwellings (number 65 Pacific, number 63 Pacific and number 1-5 The Crescent) will not be impacted by more than 3 hours between 9am and 3pm on 22 June as demonstrated on the accompanying shadow diagrams. There is only

minimal additional shadow cast onto 65 Pacific Parade between the hours of 9am and 10am, the private open spaces of number 63 Pacific Parade to the rear of the site remain unaffected by the proposal and the additional shadow cast onto number 1-5 The Crescent lower level balconies are only affected from 2pm onwards in compliance with the control.

Given the slope of the site along with the location, configuration / orientation of the proposed building, the proposal will achieve a satisfactory shading outcome. It is concluded that the proposal will not significantly or unreasonably reduce the available sunlight to the adjoining properties and the provisions of the control have been satisfied.

## 6.4 Views

New development is to be designed to achieve a reasonable sharing of views available from surrounding and nearby properties. The potential for views from neighbouring land has been considered in the proposed design in accordance with the relevant objectives of cl D7 of the DCP.

Given the topography, height and density of existing vegetation on the site, and the compliance of the proposal with the key built form controls, the proposal is not anticipated to significantly or unreasonably impede any established or significant views from surrounding residential properties or public vantage points.

There are no non-compliances proposed that are anticipated to give rise to unreasonable view impacts noting the proposal's compliance with the development standards under State Environmental Planning Policy (Affordable Rental Housing) 2009.

## 6.5 Vehicle access and car parking

Pursuant to Clause C2 and C3 of the DCP the proposed vehicle access and parking arrangement is supported by a transport traffic and parking assessment prepared by Stanbury Traffic Planning. The assessment concludes that:

- *The posed site access arrangements are projected to result in motorists being capable of entering and existing the subject site in a safe and efficient manner*
- *The proposed off-street vehicular parking provision complies with the minimum requirements specified by the affordable rental housing SEPP*
- *The proposed off-street bicycle and motorcycle parking provision complies with or exceeds the relevant requirements of the affordable housing SEPP*
- *The implementation of the proposed internal traffic signal management system is expected to facilitate safe and efficient site access and internal passenger vehicle circulation arrangements*
- *The surrounding road network operates with a reasonable level of service during peak periods*

- *The subject development has been projected to generate up to 10 peak hours vehicle trips to and from the subject site.*
- *The subject development has been projected to generate up to 10 peak hour vehicle trips to and from the subject site; and*
- *It is considered that the adjoining road network is capable of accommodating the traffic projected to be generated by the subject development.*

Based on the above the proposal is assessed as satisfactory in addressing vehicle access and car parking considerations.

## **6.6 Trees and vegetation**

Pursuant to Clause E1 of the DCP 'Private Property Tree Management', the application proposes building within proximity to established trees located on and near to the proposed development.

The application is accompanied and supported by an arboricultural assessment report prepared by Growing My Way. It is noted that there are several established trees and shrubs on the site which are exempt with regard to Council's tree management provisions. One tree on the site is deemed to be significant and will required to be removed to facilitate the proposed development, compensatory tree planting is proposed, and tree protection measures recommended for trees on adjoining properties.

## **6.7 Waste management**

Pursuant to Clause C9 of the DCP, waste management is provided for by the proposed development as shown on the architectural plans and operations documented within the accompanying Waste Management Rep[ort prepared by Elephants Foot.

A garbage bin storage area is proposed within the 6.5 metres of the site frontage to Pacific Parade adjacent to the pedestrian access pathway to the building entry. The garbage bin area is accessible from the front of the property. A waste management report provided by Elephants Foot is provided with the application.

## **6.8 Stormwater drainage**

Pursuant to Clause C4 of the DCP, the proposal has satisfactorily addressed the provisions relating to stormwater. A stormwater management plan prepared by ITM Design supports the proposal and these details accompany the Development Application. An onsite detention tank and basement pump tank have been proposed consistent with the requirements of the DCP.

Based on the above the proposal is assessed as satisfactory in addressing the stormwater drainage considerations of the DCP.

## 6.9 Acoustic considerations

Pursuant to Clause D3 of the DCP the potential for acoustic impacts have been considered in the design of the development. An Environmental Noise Assessment Report and Road Intrusion Report prepared by Day Design Pty Ltd accompany the DA.

Please note, that the noise level measurements and analysis as undertaken by Day Design and provided within the accompanying acoustic reports were undertaken when COVID home visitation restrictions were in place, as imposed by the NSW State Government. These restrictions will have an impact on the noise level measurements in terms of reading low ambient background noise levels.

The Environmental Noise Assessment Report makes the following recommendations with respect to managing any potential noise and the following aspects are noted:

- *The Communal Open Space (COS) areas and Internal Communal Areas (ICA) should not be used at any time for organised social events where amplified music or people speaking with loud voices may be expected.*
- *Normal conversation within the COSD areas will be acceptable, however shouting would not, and should be subject to management by the co-living development management.*
- *The level 1 COS area should be restricted to a capacity of nine lodgers between 6pm and 10pm.*
- *The level 1 COS area should not be used between 10pm and 7am.*
- *The level 3 COS area should not be used between 10pm and 7am*
- *All external operable doors and windows to the level 1 ICA should be kept closed between 6pm and 7am. The external doors to the level 1 COS may be opened and closed for entry/exit only.*
- *All external operable windows to the upper ground ICA should be closed between 10pm and 7am.*
- *Lodgers should be instructed to keep the noise output from individual amplified sound equipment such as televisions or stereos to a reasonable level.*
- *Signs should be posted around the car park, COS areas and ICAs in clearly visible locations, reminding lodgers to be mindful of the neighbouring residential properties and the importance of respecting their amenity.*
- *A complaint resolution process for lodgers and nearby neighbours should be documented in the Plan of Management to address any issues of unwelcomed loud noise from lodgers.*
- *Then manager shall be available 24 hours a day by phone.*

The above recommendations have been included in the Operational Plan of Management prepared by Six C.

Furthermore, internal vehicle noise from the car parking area/driveway is not anticipated to be significant, noting that the parking level has been designed for a maximum capacity of 13 cars and 5 motorbikes.

Based on the above, the proposal is assessed as satisfactory in addressing potential acoustic impact considerations.

## 6.10 Principal Built Form Controls

### 6.10.1 Applicability of the DCP's built form controls

In this instance, most provisions of the DCP that relate to the building form are not directly relevant to the proposal and are appropriately considered within the context of the SEPP's Aims. The first two aims of State Environmental Planning Policy (Affordable Rental Housing) 2009 relate to the Policy achieving a consistent set of planning controls across the State of NSW and that those controls 'expand' local planning controls to incentivise delivery of affordable housing; boarding houses being one of the forms designated affordable rental housing within the Policy. The first two aims state:

*(a) to provide a consistent planning regime for the provision of affordable rental housing,*

*(b) to facilitate the effective delivery of new affordable rental housing by providing incentives by way of expanded zoning permissibility, floor space ratio bonuses and non-discretionary development standards,*

Given these considerations, State Environmental Planning Policy (Affordable Rental Housing) 2009 is the principal consideration in assessing the suitability of the proposed built form. Notwithstanding relevant provisions of the Warringah DCP have been considered below to assist in the assessment of the proposal and its compatibility with the local development character.

The proposal achieves a high level of compliance with the DCP's key numerical built form controls and satisfies the objectives of these controls, further demonstrating that the proposed built form outcome is suitable for the site.

Clause	Requirement	Proposed	Complies?
B3 Side Boundary Envelope	<p>5m at 45 degrees</p> <p>To ensure that development does not become visually dominant by virtue of its height and bulk.</p> <p>To ensure adequate light, solar access and privacy by providing spatial separation between buildings.</p> <p>To ensure that development</p>	<p>Drawing DA – 1003 of the architectural plans provides 3D representations of the breaches to the building envelope control. The building will breach the building envelope to parts of both the western and eastern elevation. With regard to the objectives of the control:</p> <ul style="list-style-type: none"> <li>The areas of non-compliance relate to the uppermost portions of the buildings which do not significantly contribute to the</li> </ul>	No – variation worthy on merit

OTHER KEY ASSESSMENT CONSIDERATIONS

Clause	Requirement	Proposed	Complies?
	<p>responds to the topography of the site.</p>	<p>overall bulk and scale of the building. The building is highly articulated and modulated in both the vertical and horizontal planes so that the apparent bulk and scale of the development is reduced. The development also complies with the building height control and is predominately 3 storeys in height.</p> <ul style="list-style-type: none"> <li>•The development has been purposely stepped down from the rear to the site frontage to minimise its height and responds to the natural sloped topography of the land. The landscaping treatments detailed on the landscape plan ensure that the development is softened and screened to reduce any perceived visual impacts</li> <li>•The building envelope breach is of a similar extent to the breach which was granted approval at number 65 due to the narrow width of the lot. The proposed development fits within the context of the neighbouring built forms.</li> </ul>	
<p>B5 Side Setback</p>	<p>4.5m</p> <p>To provide opportunities for deep soil landscape areas.</p> <p>To ensure that development does not become visually dominant.</p>	<p>The proposal seeks a variation to the DCP Clause B5 side boundary setback control of 4.5 metres to both the eastern and western side boundaries. The proposed development incorporates varied setbacks at the basement and upper levels to</p>	<p>No – variation worthy on merit (consistent with advice provided at pre-DA meeting)</p>

Clause	Requirement	Proposed	Complies?
	<p>To ensure that the scale and bulk of buildings is minimised.</p> <p>To provide adequate separation between buildings to ensure a reasonable level of privacy, amenity and solar access is maintained</p> <p>To provide reasonable sharing of views to and from public and private properties.</p>	<p>both side boundaries, as detailed on the architectural plans. The basement and lower ground floor parking levels propose a 2m setback with the entry and exit egress section extending further towards the western side boundary, adjacent to the driveway access to 65 Pacific Parade. The upper levels proposed a 2m setback to the eastern boundary and variable setback to the western boundary ranging from 2m – 4m.</p> <p>With regard to the stated objectives of the clause, the variation to the side setback control is considered acceptable for the following reasons:</p> <ul style="list-style-type: none"> <li>•The site is constrained in terms of its width (15.24 metres). To comply with a setback of 4.5 metres to each side boundary would result in a very long, narrow building, with narrow rooms which would be render the development unviable. The proposed building is considered to be appropriately proportioned given the narrow width of the allotment and provides for a variation in terms of the side boundary setbacks, which provides for articulation and visual interest to the side elevations.</li> <li>• The development provides for significant areas of deep soil planting, particularly</li> </ul>	

OTHER KEY ASSESSMENT CONSIDERATIONS

Clause	Requirement	Proposed	Complies?
		<p>within the side boundary setbacks</p> <ul style="list-style-type: none"> <li>•The proposed side boundary setbacks do not significantly contribute to the overall bulk and scale of the building which is considered to be well resolved and articulated in context. In particular, the west elevation articulation is more pronounced considering its elevated position above the adjoining property which can exacerbate its visual bulk.</li> <li>•The proposed setbacks do not translate into unreasonable amenity impacts to neighbouring properties in terms of overshadowing, privacy, visual outlook and view impacts. Balconies and window positions have been appropriately located and screened where necessary.</li> </ul>	
B7 Front Setback	6.5m (or average of neighbouring properties)	6.5m	Yes
B9 Rear Setback	6m	6m – predominately. There are some minor intrusion into the 6m rear setback of the rear facing bay windows at level 2, 3 and 4. This is minor intrusion is considered to be worthy on merit and will not impact on the soft landscaping provided within the rear boundary setback at the lower levels. The bay windows provide further visual	Yes

Clause	Requirement	Proposed	Complies?
		interest and articulation to the rear elevation of the proposed development.	
D1 Landscaped Open Space	50% Min. dimension 2m	<p>The development complies with the SEPP (ARH) provisions for landscaping. The consent authority cannot refuse the application on the basis of landscape area.</p> <p>Notwithstanding the development provides for 236sqm or 34% soft landscaped area across the site as detailed on the proposed landscape plans prepared by Matthew Higginson Landscape Architecture.</p>	Yes – complies with SEPP (ARH)

### 6.11 Broader DCP Compliance Assessment

The following table provides a review of the proposal’s compliance with other aspects of the DCP that have been previously addressed within the previous sections of this report.

Clause	Compliance with Requirement	Consistent with aims and objectives
<b>Part B - Built Form Controls – addressed above</b>		
<b>Part C - Siting Factors</b>		
C1 Subdivision	N/A	N/A
C2 Traffic, Access and Safety	Previously addressed	Previously addressed
C3 Parking Facilities	Previously addressed	Previously addressed

Clause	Compliance with Requirement	Consistent with aims and objectives
C4 Stormwater	Previously addressed	Previously addressed
C5 Erosion and Sedimentation	Yes – erosion and sediment control plan is provided with this application.	Yes refer to erosion and sediment control plan prepared by ITM
C6 Building over or adjacent to Constructed Council Drainage Easements	NA	NA
C7 Excavation and Landfill	Yes – refer to geotechnical report	Yes refer to Geotechnical Report prepared by CMW Geosciences.
C8 Demolition and Construction	Yes	Yes refer to demolition plan prepared by Benson McCormack Architecture
C9 Waste Management	Previously addressed	Previously addressed
<b>Part D - Design</b>		
D1 Landscaped Open Space and Bushland Setting	Previously addressed	Previously addressed
D2 Private Open Space	Previously addressed	Previously addressed
D3 Noise	Previously addressed	Previously addressed
D4 Electromagnetic Radiation	Yes	Not sited near any mobile phone base stations, antennas or transmitters that emit electromagnetic radiation.
D6 Access to Sunlight	Previously addressed	Previously addressed

Clause	Compliance with Requirement	Consistent with aims and objectives
D7 Views	Previously addressed	Previously addressed
D8 Privacy	Previously addressed	Previously addressed
D9 Building Bulk	Previously addressed	Previously addressed
D10 Building Colours and Materials	Yes	See Accompanying Schedule of Materials and Finishes by Benson McKormack Architecture
D11 Roofs	Yes	Yes – the proposed lift overrun does not detract from the appearance of the roof as demonstrated on the accompanying architectural plans.
D12 Glare and Reflection	Yes	Yes – the proposed materials and finishes are low reflectivity.
D16 Swimming Pools and Spa Pools	NA	NA
D22 Conservation of Energy and Water	Yes	Yes – the orientation, layout of the development takes advantage of obtaining solar access and natural ventilation.
<b>Part E - The Natural Environment</b>		
E1 Private Property Tree Management	Yes	Previously addressed.
E4 Wildlife Corridors	N/A	N/A
E5 Native Vegetation	N/A	N/A

OTHER KEY ASSESSMENT CONSIDERATIONS

---

Clause	Compliance with Requirement	Consistent with aims and objectives
E8 Waterways and Riparian Lands	NA	NA
E10 Landslip Risk – report accompanying	Yes	Yes see accompanying Geotechnical Report prepared by CMW Geosciences.
E11 Flood Prone Land – NA	N/A	N/A

## 7 Summary - Section 4.15 of The Environmental Planning and Assessment Act 1979

The proposal has been assessed having regard to the matters for consideration pursuant to S.4.15 of the Act. In summary Council can be satisfied of the following:

- There will be no significant or unreasonable adverse built environment impacts arising from the proposed physical works on the site.
- The site is appropriate for accommodating the proposed development. The proposal has sufficiently addressed environmental considerations. There will be no significant or unreasonable adverse environmental impacts arising from the proposal.
- The proposal will result in positive social and economic impacts, noting:
  - Employment during the construction phase of the works;
  - Economic benefits, arising from the investment in improvements to the land;
  - Social (and environmental) benefits arising from the addition of affordable rental housing stock.
  - Social benefits arising from the addition of 2 accessible accommodation rooms.
- The proposal is permissible and consistent with the objectives of the zone, pursuant to the LEP and the State Environmental Planning Policy (Affordable Rental Housing) 2009. The proposal also satisfies the relevant provisions of the council's DCP.
- It is compatible with the current and evolving character of development within the local context.
- It will not result in any significant unacceptable offsite impacts that limit the use or enjoyment of nearby or adjoining land.
- The proposal will have an acceptable impact when considering key amenity issues such as visual impact, views, overshadowing, noise and privacy.
- Given the site's location and established function, the site is assessed as being entirely suitable for the proposed development.
- The public interest is best served through the approval of the application. In support of this view we make the following submission:

The Northern Beaches is one of the least affordable local government areas in NSW both for rental and purchase. The proposed development will increase the stock of affordable housing within the Northern Beaches LGA and thereby provide an important social benefit. The development will also provide an alternative to detached, multi dwelling and residential apartment style housing in a location which has good access to public transport and access to a range of shops, services and

outdoor recreational areas. The development improves housing choice and therefore responds positively to the housing needs of the local community.

## 8 Conclusion

The application seeks development consent for demolition of the existing structures and development of Affordable Rental Housing for a 'new generation co-living' boarding house for 25 rooms for residents and 1 managers residence, at 67 Pacific Parade, Dee Why.

The architect has responded to the client brief to provide and recommendations provided in the pre-lodgement meeting minutes provided by Northern Beaches Council for a development of design quality which affords high levels of amenity to future occupants whilst maintaining appropriate levels of amenity to adjoining residential flat buildings. The client is particularly motivated by the identified housing affordability crisis on the Northern Beaches as identified in the Northern Beaches Affordable Housing Needs Analysis December 2016.

The proposed development has been assessed with consideration to the relevant statutory policies. In summary:

- The proposal is consistent with the aims, objectives and development standards under the Affordable Rental Housing SEPP and the principal built-form controls under the Warringah LEP.
- The proposed affordable housing is a permissible land use and is consistent with the zoning objectives for the subject land.
- The proposed building on the site follows the established residential patterning of the surrounding development, which is medium density residential flat buildings. The proposal will not result in any unacceptable amenity impacts.
- The proposal design is responsive to its context and is compatible with the local character.
- The Northern Beaches is one of the least affordable local government areas in NSW both for rental and purchase. The proposal provides a renewal of the site and increased function. The proposed development will increase the stock of affordable housing within the Northern Beaches and thereby provide an important social benefit that is consistent with both State and Local planning policy.
- The development is in the public interest.

In view of the above, we conclude that the proposed development will provide a significantly positive impact and should be approved.

CONCLUSION

---

**ANNEXURE A**

**PRE LODGEMENT MEETING MINUTES NORTHERN BEACHES COUNCIL**