

## **DA 1034/2013 - Proposed 4 Storey Boarding House at 2-4 Glen Road, Ourimbah**

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TRIM REFERENCE:

Director: Scott Cox,

AUTHOR: Julie Garratley; Development Planner

### **SUMMARY**

A development application has been received for the demolition of two existing dwellings and the erection of a four storey boarding house containing 94 boarding rooms, one manager's residence and associated carparking and open space at 2-4 Glen Road, Ourimbah. The application has been examined having regard to the matters for consideration detailed in section 79C of the Environmental Planning and Assessment Act (EP&A Act) and other statutory requirements with the issues requiring attention and consideration being addressed in the report.

<b>Applicant</b>	K & P Gregory
<b>Owner</b>	K & P Gregory
<b>Application No</b>	DA/1034/2013
<b>Description of Land</b>	Lot 18, 19 & 20 DP 20732, No. 2-4 Glen Road, Ourimbah
<b>Proposed Development</b>	Boarding House
<b>Site Area</b>	2966m <sup>2</sup>
<b>Zoning</b>	R1 General Residential WLEP 2013 2(b) Multiple Dwelling Residential WLEP 1991
<b>Existing Use</b>	Dwellings
<b>Estimated Value</b>	\$5,067,000

### **RECOMMENDATION**

***That the Joint Regional Planning Panel approve DA/1034/2013 for a boarding house as a deferred commencement consent subject to the following matters:***

**A)**

- ***The submission of a Plan of Management (POM) detailing the business operation of the development including emergency procedures. The POM is to include but not limited to:***
  - (a) Management arrangements and Manager's contact details***
  - (b) Council consent compliance details***
  - (c) Inspection and records***
  - (d) Maintenance of Incidents Register***
  - (e) Requirements for keeping Council informed of any change in management***
- ***The submission of a Community Engagement Plan & Community Safety Plan detailing the involvement of the community in the preparation of operational policy and decision making for the development.***

- *The submission of a Category 3 Landscape Plan detailing the provision of retaining walls and mature native species tree plantings along the western boundary.*
- *The submission of amended plans demonstrating a minimum rear building setback of 5.00 metres from the building to the northern boundary.*
- *The submission of amended plans demonstrating the relocation of the garbage bins to car spaces 2 and 3 and the provision of a hardstand turning area adjacent to the building. Car spaces 2 and 3 are to be located where the bins were proposed.*
- *The submission of amended plans demonstrating the inclusion of privacy measures for units on the western façade of the building in order to minimize the impact to the amenity of the neighbouring property.*
- *The submission of details demonstrating the extent of cut and fill and retaining walls adjacent to the northern and rear section of western boundary.*
- *The submission of amended plans detailing the inclusion of natural light and cross ventilation measures.*

**B)**

- *Residents that made written submissions be advised of the Joint Regional Planning Panel's decision.*

***Upon Council being satisfied that the conditions of the Deferred Commencement consent has been complied with, an operational development consent with conditions detailed in schedule B attached to the report will be notified to the applicant.***

**PRECIS**

<b>Proposed Development</b>	The development application seeks consent for the demolition of two dwellings with associated structures and the erection of a four storey boarding house containing 94 rooms, manager's residence, carparking, associated open space and landscaping.
<b>Permissibility and Zoning</b>	The proposal is permissible as a 'boarding house' under Wyong Local Environmental Plan (WLEP) 1991 and WLEP 2013.
<b>Relevant Legislation</b>	State Environmental Planning Policy (Affordable Rental Housing) 2009 (ARHSEPP). State Environmental Planning Policy 65 – Design Quality of Residential Flat Development (SEPP 65) Boarding House Act 2012

<b>Current Use</b>	The site currently contains two dwellings.
<b>Integrated Development</b>	NSW Rural Fire Service (RFS) NSW Department of Primary Industries - Office of Water
<b>Submissions</b>	Original notification period – 167 submissions.  Second notification period – 131 submissions.
<b>Determining Authority</b>	Joint Regional Planning Panel

### **The Locality**

The site is located at 2-4 Glen Road, Ourimbah and is approximately 8.5 kms south of Wyong and 12kms north of Gosford.

Ourimbah's residential population in the ABS 2011 Census data was 4,162 representing approximately 2.8% of the total shire population.

### **Surrounding Development**

The Ourimbah area is split by the Pacific Highway and the main Northern Railway line. The site is approximately 40 metres west of the Pacific Highway and adjoins the Ourimbah shopping village that fronts Pacific Highway.

The site is immediately surrounded by the following development:

- Commercial to the east and north of the site which consists of shops to the east and professional rooms adjacent to the site to the north and a service station on the opposite corner.
- Low density residential (single dwellings) to the west.
- Ourimbah hall (a "Nissan Hut") opposite the site.
- A three storey medical centre to the north-west.

Development along the Pacific Highway comprises a mix of commercial offices and residential developments; notably a shopping centre, RSL club, railway station, hotel, professional rooms, service station and medium density occupancies.

An over-bridge at the train station provides a pedestrian link from the University precinct and sporting parks and recreational facilities to the Ourimbah district commercial and residential areas.



**Figure 1:** Shops adjacent to site on Pacific Hwy.



**Figure 2:** Real Estate on opposite corner Glen Road & Pacific Hwy.



**Figure 3:** Glen Road showing Ourimbah Hall to the south of the site and the existing streetscape to the west.



**Figure 4:** *Pacific Highway looking north.*



**Figure 5:** *King Street medical centre looking south.*



**Figure 6:** *Looking south west from the railway footbridge to shops.*



## The Site

The site comprises Lots 18, 19 & 20 DP 20723 with an area of approximately 2966m<sup>2</sup>. The southern boundary has approximately 47 metres frontage to Glen Road. The site narrows as it extends to a northern boundary of approximately 28 metres with the eastern boundary being 79.5 metres and the west approximately 80 metres. The site has a slope of approximately 3.5 metres from the northwest corner to the southeast corner and a drainage line on the western side of the property.

The site currently contains an existing dwelling and various outbuildings on lot 18 and an existing dwelling and outbuildings on lots 19 & 20. There are 21 trees which include a combination of native and exotic species. To the west of the site the topography sharply increases approximately 94 metres to the ridgeline at the top of the hill approximately 600 metres away.

A narrow water course (with easement) extends along the western boundary to a 600mm pipe under Glen Road.



**Figure 7:** Aerial photo showing the subject site and surrounding areas.



Source: Google 2014.

**Figure 8:** Photo showing No.2-6 Glen Road and shop corner.

### **The Proposed Development**

The development application originally sought approval for a four storey development comprising 101 rooms.

The original proposal was lodged 20 December 2013 for a 101 room boarding house with manager's residence, an additional unit and associated carparking, open space and landscaping. The original proposal was considered to be inconsistent with SEPP 65 in terms of bulk and scale, design, local character and external finishes. Other issues identified included:

- excessive floor space ratio,
- building height,
- no laundry facilities,
- solar access to communal recreation rooms,
- location of the driveway in relation to roundabout ,
- flooding impacts from the overland flow path and watercourse.

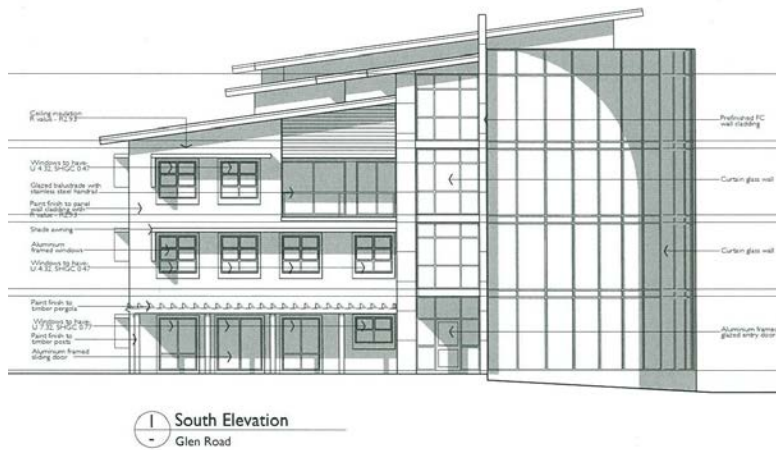
The original concept was considered to be an overdevelopment of the site in terms of bulk, scale, design and inconsistent with the objectives of SEPP 65. The applicant was requested to modify the design based on community feedback and assessment from relevant Council staff.

A modified proposal was submitted in March 2014 with the number of rooms reduced to 94 rooms, one manager's residence, associated carparking and open space areas. The height of the development was also reduced to incorporate a two storey façade that presented to the Glen Road frontage. The development then stepped up to 3 and 4 storeys to the rear of the site. The modified development includes the following:

- 85 single units;
- 5 double units;
- 4 accessible units;
- One managers unit;
- Office;



- Recreation room;
- Communal Lounge Area;
- Communal Laundry;
- 20 car parking spaces;
- 20 bicycle parking spaces;
- 20 motor cycle parking spaces;
- Bin enclosure area;
- Communal open space; and
- Landscaping.



**Figure 9:** The original south elevation to Glen Road is shown on the left, with the modified south elevation to Glen Road on the right. (Diagrams are not to scale)



**Figure 10:** Photomontage of the original Glen Road elevation.



**Figure 11:** Photomontage of the revised Glen Road elevation.





**Figure 12:** The original west elevation is shown on the top, with the revised west elevation below. (Diagrams are not to scale)



**Figure 13:** Photomontage of the original building showing front & western elevation.



**Figure 14:** Photomontage of the revised building showing front & western elevation.



**Figure 15:** Streetscape elevation Glen Road.

### Built Form

Each unit contains an en-suite, kitchenette, robe and desk and is air conditioned. The recreation room provides a kitchenette and an accessible toilet and is located at the front of the building on ground level. The manager's residence is located at the front of the building adjacent to the entry and has two levels with entry from ground level. The office is adjacent to the entry and accessible from the managers unit. The boarding house is serviced by an accessible lift centrally located at the carpark entry. There are three sets of stairs located evenly throughout the building. The building is to be constructed of a mix of masonry and cladded walls with a Colorbond roof.

The manager's residence consists of three bedrooms, bathroom, kitchen, living, dining and store room and has private open space and an allocated parking space.

The proposed boarding house has been lodged under the State Environmental Planning Policy Affordable Rental Housing (ARHSEPP). The ARHSEPP therefore takes precedent over Council's legislation and controls. The development is aimed at student accommodation in support of the University with the expected occupancy of the units being the academic year.

### Operational Function

The boarding house will be required to formulate a Plan of Management. The Plan of Management will provide the various requirements and responsibilities of management and lodgers. The directions and controls are to be strictly adhered to in the operation of the Boarding House, to ensure compliance with the conditions of Development Consent and health and amenity requirements for both the occupants and the surrounding residents.

While a formal Plan of Management has not been submitted with the development application, documentation submitted with the application refers to procedures and management responsibilities associated with the boarding house. Reference is made to the maintenance of the building, induction of tenants to the building, incidents and complaints reporting, emergency procedures and rubbish disposal all of which would be included in a Plan of Management. The applicant will be required to complete a Plan of Management to be submitted Council as a conditions of consent prior to the commencement of works.

In addition to the Plan of Management, the boarding house will be required to be registered under the Boarding House Act 2102. Council's Environmental Protection and Compliance staff will also conduct bi-annual inspections of the premises to ensure that conditions of consent are being met.

## VARIATIONS TO POLICIES

The proposed development has been submitted under the ARHSEPP and is considered to be consistent with the SEPP requirements. Where the SEPP is silent in development requirements, the Council Local Environmental Plan and Development Control Plan is to be considered.

**Table 1: Variations to Policies**

Clause	3.1.2
Standard	Maximum height of 7m from ground level to ceiling of the upper floor.
LEP/DCP	DCP 2.4 – Multiple Dwelling Residential Development.
Departure basis	Proposal is for 4 storeys at a height of 11.4m to ceiling of the fourth level - a 4.40m departure on the height control only for the 3 <sup>rd</sup> and 4 <sup>th</sup> levels of the building. Variation supported.
Clause	4.3.3 Table 2
Standard	Front setback to be 7.5m
LEP/DCP	DCP 2.4 – Multiple Dwelling Residential Development.
Departure basis	Setback 6.0m. 20% departure. Variation supported.
Clause	4.3.3 Table 2
Standard	Side & Rear setbacks: 6.0m
LEP/DCP	DCP 2.4 – Multiple Dwelling Residential Development.
Departure basis	Side has a minimum of 3.0m from recreation room wall to adjoining boundary (shops). The side setback: 50% departure is supported. Rear has minimum of 1.25m proposed from the stair wall to adjoining boundary (commercial zone). The rear setback is not supported and the design is recommended to be amended to establish a minimum 5m rear setback.
Clause	10.1.2.a
Standard	Garbage chute system required.
LEP/DCP	DCP 2.4 – Multiple Dwelling Residential Development.
Departure basis	No garbage chute provided, garbage area outside

The departures identified above are discussed later in this report.

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## SUBMISSIONS

### Any submission from the public.

The application was notified in accordance with DCP 2005 Chapter 70-Notification of Development Proposals. The original notification period was for a period of seven weeks from 20 December 2013 to 11 February 2014 to allow for Christmas and holiday period. In that time 168 submissions were received.

As a result of further information being lodged by the applicant and the submission of a modified design, the application required a re-notification. The second notification period was for a period of three weeks with Council accepting submissions until 22 April 2014. The second notification period received 131 submissions. The issues raised in relation to the proposal are discussed below.

- **The building is an overdevelopment of the site with an increased height, FSR and reduced setbacks.**

#### Comment

The building height and mass is greater than that generally found on the surrounding properties.

The building was re-designed to reduce its bulk and scale and improve its presentation to both Glen Road and the Pacific Highway. The building presents as a two storey development at the Glen Road frontage with the third and fourth level setback from the previous edge in a stepped manner as shown in figures 10 to 16. External finishes and colours were also modified to reduce the visual mass of the building.

- **Height**

#### Comment

WLEP 1991 and WLEP 2013 do not contain any height limitations for the site. Guidelines for building height controls are included in Development Control Plan No 64 – Residential Development.

The maximum height for residential development of the site is 7.00 metres to the ceiling of the upper level. The front two storey section of the building complies with the height limit. The middle three storey section extends 1.5 metres above the limit while the rear four storey part of the building extends over the limit by 4.4 metres. Given the context of the site in close proximity to major road and rail infrastructure, the large site area, the increased separation distance to the adjoining residential property, the height variation is considered reasonable. In addition, the application has been submitted under the ARHSEPP which relates the height of the building back to any Environmental Planning Instrument which applies to the area. Both WLEP 1991 and WLEP 2013 do not have height development standards for the site. The DCP refers to a building height; however a DCP is not a planning instrument and is used as a guide only. The property to the north in King Street contains a building consisting of three storeys at a height of 10.5 metres to the peak of the roof.



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The proposed boarding house has been reduced in height from the original submission as previously mentioned.

- **Floor Space Ratio (FSR)**

Comment

The modified design proposed an FSR reduced from 1.37:1 to 1.03:1. The FSR is now consistent with the requirements of the ARHSEPP which provides the development controls for this development. The ARHSEPP provides an additional 0.5:1 to the local development control for FSR. The maximum Council FSR requirement for a residential flat building is 0.6:1 plus an additional 0.5:1. The proposed FSR is now 1.03:1 and complies. The FSR has now been reduced and is under the allowable 1.11:1.

- **Setbacks**

Comment

The proposed setbacks to the adjoining residential property to the west is greater than the required 6.0 metres with a distance of between approximately 9.5 metres to 20 metres from the building to the common boundary to the west. The proposed eastern side setback varies from a minimum distance of 3.0 metres to a maximum distance of 5.7 metres. Although less than the required setback distance to a side boundary, the reduced distance will provide minimal impact to the adjoining properties which are commercial in use with the shops to the east built to the boundary and the commercial uses to the north and northwest in King Street being the rear of the properties.

The rear setback proposed varies from 1.25 metres to 5.0 metres. The reduced rear setback is not supported in order to establish appropriate amenity to the neighbouring property, provide protection to the existing trees at the rear of the site, facilitate construction of rear retaining walls and landscaping, and enable improved accessibility around the building to open space and parking areas.

The front setback is also less than the required 7.5 metres under Council's DCP at 6.0 metres. The distance is considered reasonable and provides a transition to the residential properties to the west. The adjoining shops are built to the boundary in Glen Road. The proposed 6.0 metres for the boarding house would provide a gradual step from the shops to the residential dwellings to the west.

The total site coverage of the building is 35% and although the setbacks have been reduced, the site coverage is only slightly more than one third of the subject site and considered reasonable. The proposed setbacks are therefore considered to be reasonable due to the minimal impact on adjoining properties.

Other than the rear setback, the built form of the proposed boarding house is considered to be acceptable in this location and does not appear to create an adverse impact to the surrounding properties.

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- **The architectural design is poor and not compatible with the streetscape.**

Comment

The original submission was considered to be inconsistent with the local character and streetscape as it had a commercial appearance and a four storey front facade. The applicant was requested to modify the design with particular attention given to the requirements of SEPP 65. The development was redesigned so the building presents as two storey to the Glen Road frontage and so that materials and external finishes were compatible with the local character. The elevation as seen from the Pacific Highway is also improved with the modifications to materials and finishes to reduce the visual bulk and massing of the building.

The proposal was reviewed by the Central Coast Design Review Panel who were supportive of the design subject to some minor amendments such as:

- The removal of the red fibre cement blade wall adjacent to the entry foyer as it is commercial in character and not in keeping with the character of the overall design.
- Small balconies, material modulation and alternate sun shades were also recommended for the east and west elevations.

- **The fence is out of character of the area and reflects a compound.**

Comment

The proposed fence is to be constructed from brick piers with slatted timber infill to a height of approximately 1.8 metres and offset 2.50 metres from the front boundary. The style of fence is common in residential areas and is considered to integrate with the building design. Landscaping will be planted to compliment the design of the fence. Details of landscaping will be requested as a deferred commencement condition.

- **Proposal out of character with the local area.**

Comment

The proposed development would be higher than existing development that surrounds the subject site. The proposed residential use as a boarding house is permissible within the 2(b) and R1 zones.

The character of the surrounding area is a mix of commercial, industrial and low to medium density residential. For a development to be compatible, "the proposal does not have to be the same as the predominant form which creates the character of the local area, but should respond to the desirable elements" (*Project Venture Developments v Pittwater Council* [2005][67]). An important contributor to the character of a local area is the relationship of built form on the surrounding space. This relationship is created by building height, setbacks and landscaping. It was stated in *Project Venture v Pittwater Council* that "buildings do not have to be the same height to be compatible" (*Project Venture Developments v Pittwater Council* [2005][27]). The existing height in the streetscape should also be taken into account when there is a height difference. The proposed development has attempted to fit with both the residential and commercial character of adjoining and surrounding sites.

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The building has included design features such as small balconies, façade articulation, louvered sun shades and material changes in the elevations to reduce bulk and create visual interest.

Front setbacks and landscaping are also an important element of the urban character. The proposed building has been designed to provide a setback distance of six metres which will enable retention of a significant tree within the front setback and is considered reasonable given the transitional nature of the existing area.

The character of the local area is not just the residential area, but also includes the commercial backdrop from the Pacific Highway, Glen Road and neighbouring King Street. The visual landscape from the Pacific Highway toward the site is dominated by a major road and a commercial ribbon of shops and offices. The boarding house will in part extend two and three levels above the adjacent shops. King Street also comprises commercial and professional premises including a three store medical centre in close proximity to the proposed boarding house. The proposed development is compatible with the mixed character of the immediate surroundings.

- **Not enough parking on site.**

Comment

The application was lodged under the State Environmental Planning Policy Affordable Housing (ARHSEPP). The ARHSEPP requires 19 car spaces for a boarding house with 94 rooms. The proposal provides 20 car spaces which includes the required 19 plus one for the manager's residence. The proposal also includes parking for 20 motorcycles and 20 bicycles as required by the ARHSEPP.

The site is also within an accessible area to public transport and walking distance to the University and TAFE and recreational facilities. Car parking is a non-discretionary development standard under the ARHSEPP which means the application cannot be refused on grounds of car parking if the minimum numbers required are provided.

- **The driveway access to the development is too close to the roundabout causing a traffic hazard and potentially accidents.**

Comment

The original location for the driveway was assessed by Council's Development Engineer and considered to be too close to the roundabout at the Glen Road / Jaques Street intersection. The driveway was relocated approximately 9.0 metres to the east and further from the roundabout. Council's Development Engineer now considers the location of the driveway to be satisfactory.

- **Excess traffic generated by development will cause traffic congestion in Glen Road and Jaques Street when vehicles are departing the site for the Pacific Highway. Glen Road is too narrow for extra traffic.**

Comment

The traffic movements of the proposed development were assessed by Council's Development Engineer. Boarding house developments generally do not generate a large amount of vehicular traffic from the site. The site will accommodate 20 car spaces which

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would depart and return at intermittent times throughout the day. Traffic movement from the site is expected to flow towards Pacific Highway which is capable of the extra vehicle numbers. Both Council's Development Engineer and the Roads and Maritime Services raise no concerns in terms of traffic impacts subject conditions of consent being imposed.

- **The development will impact on the drainage and cause localised flooding impacts.**

Comment

The proposal is to modify the existing natural watercourse and provide an elevated car parking platform on the top. The applicant submitted a flood study in support of the proposed works. An on-site stormwater detention and drainage system has been designed to control the rate of runoff leaving the site. Works include a widening of the drain on the subject site and relining the base of the watercourse. Council's Development Engineer is satisfied with the proposed stormwater management subject to suitable conditions of consent. The Office of Water have no objections to the works proposed on the water course.

- **The local infrastructure cannot accommodate the extra people and building structure.**

Comment

The site is located in close proximity to major transport infrastructure such as the Pacific Highway and Ourimbah Railway Station. The proposal is also within the Ourimbah Town Centre. The site has access to water, sewer and electricity. Affordable housing development is not considered to have an adverse impact on public services and infrastructure as perceived. Higher density and compact development offers greater efficiency in the use of public services and infrastructure.

Council's Engineer raises no objection to the serviceability of the development.

- **Noise pollution from the large number of residents potentially living in the boarding house.**

Comment

A condition of consent will be imposed to ensure that a Plan of Management be drafted and approved by Council to manage the operation of the boarding house and the standards of behaviour of the occupants. The complex also includes a live-in manager to manage the boarding house and ensure the conditions in the Plan of Management are met. Noise pollution is regulated through Protection of the Environment Operations Act 1997 (POEO Act). The proposal is for a residential development which will generate noise consistent with other residential uses.

- **Adverse impacts to privacy.**

Comment

The Land and Environment planning principles relating to visual impact suggest that distance is a major factor in reducing the impact of overlooking. If suitable building separation distance can be achieved the impact of overlooking is reduced. The only property potentially affected by visual impacts is at No 8 Glen Road. At 25 metres from the proposed development, the



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separation distance of the existing dwelling is considered reasonable to maintain acceptable levels of privacy. The addition of a 2.40 metre high lapped and capped treated timber fence level with the car park along the common boundary of No 8 Glen Road will assist in reducing noise and head light glare. The primary private open space area at No.8 Glen Road is located to the rear of the dwelling some 28 metres from the proposed boarding house therefore limiting the impact due to reasonable separation. The rear yard of No.8 will also be further protected by existing vegetation, additional landscaping and privacy screens to the western façade of the building.

The eastern elevation overlooks the commercial areas directly adjacent to the site and to the north and south on the Pacific Highway. The separation of 5.00 metres with private open space provides an acceptable buffer to the shops. The overlooking of these areas provides passive surveillance and potentially contributes towards greater security and crime prevention.

The northern elevation does not contain any elements which directly overlook to the northern properties. Some rooms in the rear section of the building may have partial views to the northwest and northeast however they are some distance away. The views to the northwest include the three storey building located at 5 King Street, single level townhouses at 7 King Street and broken views of residential dwellings as the topography increases west. Overlooking to the northeast is of the service station located on the corner of King Street and Pacific Highway and to the railway station. The report notes that the reduced rear setback as proposed by the applicant is not supported and will be increased to 5.00 metres to improve amenity and enhance landscaping as well as improving accessibility to open space areas.

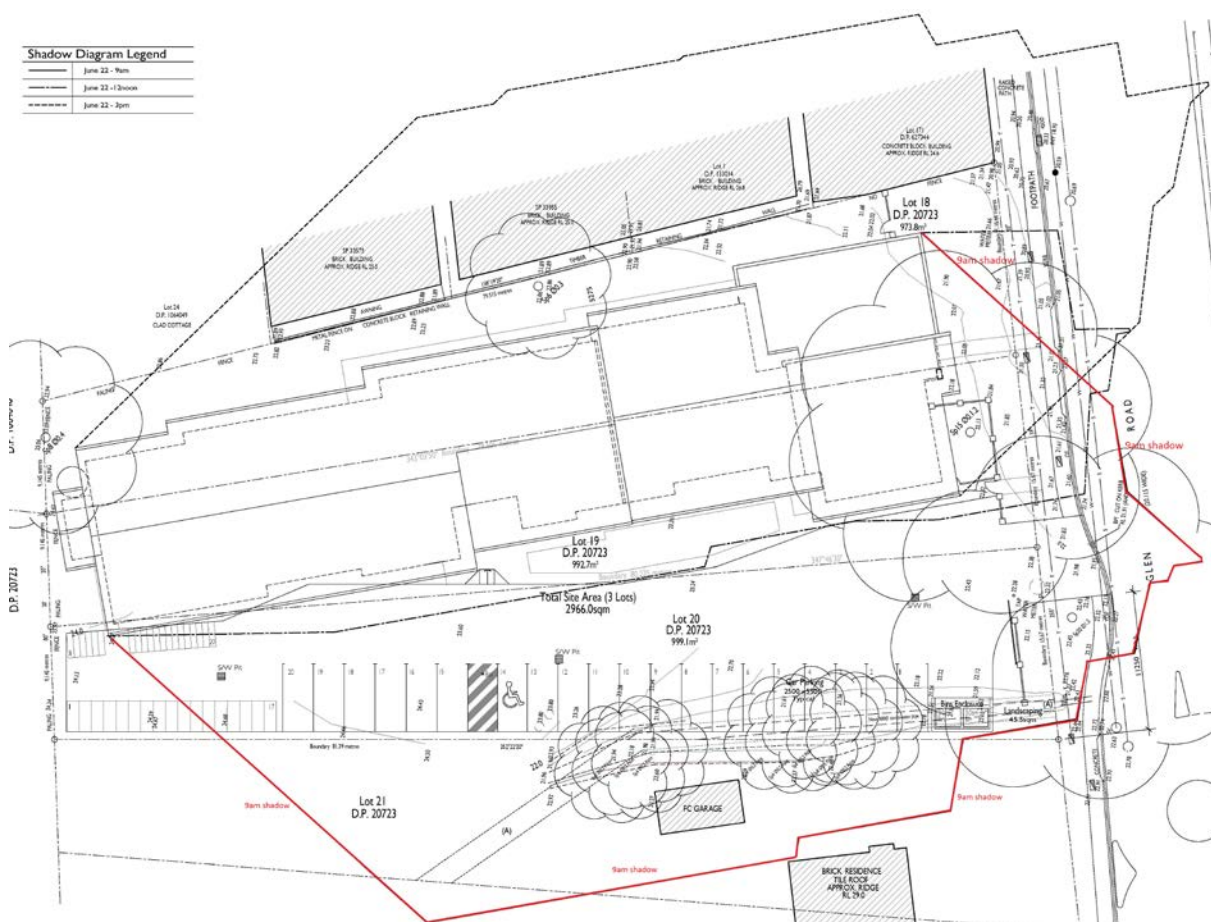
Additionally, screening devices on the 3<sup>rd</sup> and 4<sup>th</sup> levels may assist with reducing the impact. As mentioned the area to the west is highly vegetated with mature trees which provide reasonable screening. The overlooking of the building to the south and east is not considered to be as critical as far as adverse impacts to residential properties, but rather contribute towards security through passive surveillance.

- **Overshadowing to the adjoining properties.**

Comment

The development application included shadow diagrams which show the shadow impacts of at 21<sup>st</sup> June the winter solstice. The proposed development will project a morning shadow into the neighbouring property at No 8 Glen Road which will cover the existing garage but fall just short of the existing dwelling. The dwelling at No. 8 will therefore not be overshadowed at any part of the day by the proposed development between the hours of 9am and 3pm. The midday shadow will project to the kerb line of the road while the 3pm shadow will project to the shops adjacent to the east. The private open space of No 8 Glen Road will not be affected from 12 noon and through the remainder of the day (see shadow diagram below).

Therefore, the proposed building is not going to cause any unreasonable overshadowing on adjoining properties.



**Figure 16:** Shadow diagram showing projected shadows on 21 June. The 9am shadow is identified by the solid red line.

- The private open space areas on the site are not conducive to the needs of the tenants as it will be in shade and cold.

#### Comment

The open space area is located on the eastern side of the building. Shadow diagrams submitted with the application show the open space area receiving sunlight from 9am through to 1.30pm. This amount of sunlight to the open space area is consistent with Council's requirements for solar access which is a minimum of three hours sunlight to a minimum of 75 percent of the open space area between the hours of 9am to 3pm on the 21 June.

- Adverse impact due to the potentially low socio-economic tenants. E.g. increased crime occurs when a high density of low-socio economic tenancies occur. Problems with social cohesion.

#### Comment

There is a perception that people in affordable housing are more likely to bring social problems. An increased concentration of people in close proximity to each other and other

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local residents has the potential to impact on the social cohesion of the area and cause conflict in the community. A sense of belonging can be created with an attachment to a place of residence. When rents are stable tenants move less often. The proposed development will provide a community for students living away from home as well as local key workers. The proposed boarding house will be restricted from providing accommodation for persons with additional needs as consent was only sought for a “general” boarding house and support services required for housing persons with additional needs is not proposed. The term “persons with additional needs” as defined in the Boarding Houses Act 2012 includes:

*“ (a) the person has any one or more of the following conditions:*

- (i) an age related frailty,*
- (ii) a mental illness within the meaning of the [Mental Health Act 2007](#),*
- (iii) a disability (however arising and whether or not of a chronic episodic nature) that is attributable to an intellectual, psychiatric, sensory, physical or like impairment or to a combination of such impairments, and*

*a) the condition is permanent or likely to be permanent, and*

*b) the condition results in the need for care or support services (whether or not of an ongoing nature) involving assistance with, or supervision of, daily tasks and personal care such as (but not limited to) showering or bathing, the preparation of meals and the management of medication.”*

Where people take pride in their surroundings, a sense of ownership and inclusion can be the result contributing to a harmonious community. The proposed boarding house will include a manager which will oversee the operation of and maintain the site minimising the adverse impacts which could potentially occur. The boarding house will be required to have a Plan of Management which will provide the rules and policies of the tenancy and identify the type of people able to apply for tenancy. The management of the boarding house should also aim to establish a good relationship with neighbours. Community consultation would be seen as an essential part of this document to work in harmony with the local community. Outcomes from community consultation should be included when formulating the Plan of Management for the boarding house. A Community Consultation Plan will be required as a condition of consent.

The consent will be for a boarding house for student and key worker accommodation both of which contribute to the local community. The boarding house is to operate in compliance with state legislation which includes registration under the Boarding Houses Act 2012.

Council staff will also conduct bi-annual inspections of the boarding house, to ensure that conditions of consent and the Plan of Management are being applied.

- **The local shops, services and public transport are not sufficient to accommodate the development.**

#### Comment

The local shops, services and public transport appear to be capable of accommodating the proposed increase of people. As the demand for these uses increase, services will be provided and improved. Public transport is easily accessible with trains and buses located in close proximity. Local services such as doctors and post office are found in the Ourimbah

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town, others are located nearby at the regional centre of Westfield Tuggerah or south to Lisarow and further to Gosford.

The occupants of the boarding house would have a positive impact on the local economy by utilising the local businesses.

- **A lack of laundry facilities.**

Comment

The original proposal did not include any laundry facilities. A communal laundry was included in the revised design and is also located on level three. A commercial laundry is located in the adjacent neighbourhood shops.

- **The applicant has not demonstrated a need for student housing.**

Comment

The applicant has stated in the Statement of Environmental Effects that consultation with the University of Newcastle and TAFE has occurred. They have also submitted letters of support from the University of Newcastle and TAFE stating that there is a strong demand for affordable accommodation for student use. Council staff consulted with the Off Campus Accommodation Officer for Newcastle University who advised a shortage of quality student accommodation in the vicinity of the Ourimbah Campus.

- **The Social Impact Statement has not been authored by someone qualified to make such an assessment.**

Comment

It is agreed that the Social Impact Statement was not written by a Social Planner. Council's Social Planner provided comment based on the submitted Social Impact Statement, developments of a similar nature and knowledge of the local area. Council's Social Planner's comments will be discussed further in the report

- **Residents do not want Ourimbah known as a "University Town".**

Comment

The application is for a boarding house development. The term has not been formally adopted by Council and may be colloquially used in the community. A Memorandum of Understanding was entered into by Council, the University of Newcastle and TAFE NSW in 2011 for the purpose of developing the Ourimbah area to support the growing needs of education and research development.

The construction of a boarding house that caters for student accommodation supports the needs of the University and the intent of the Memorandum of Understanding. The Wyong Shire Settlement Strategy also commits to the expansion of the educational facilities found within the Shire. A key consideration of the settlement strategy is to improve education and



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establish Wyong Shire as a centre of education excellence. Suitable student accommodation is required to support education expansion in Wyong Shire.

- **The garbage truck turning circles appear to be incorrect.**

Comment

The garbage truck turning circles have been assessed by Council's Development Engineer and comply to enable trucks to leave the site in a forward direction.

- **Clarity of which zone the site falls under 2b or R1.**

Comment

The application was submitted under Wyong LEP 1991 prior to the coming into force of the Wyong LEP 2013. The zoning of the site is 2(b) Multiple Dwelling Residential zone under Wyong LEP 1991 and R1 General Residential under Wyong LEP 2013. The proposed boarding house is permissible under both LEPs.

Section 79C of the EP&A Act requires assessment of a development application to consider planning instruments in force such as WLEP 1991 and draft planning instruments that are certain and imminent such as WLEP 2013. Staff have considered both WLEP 1991 AND WLEP 2013 with significant weight given to the WLEP 2013, particularly in terms of desired future character.

- **Rooms lack amenity e.g. nowhere to store, prepare and cook food; ventilation.**

Comment

The room sizes and design are consistent with the ARHSEPP which is the applicable development standard for boarding houses and other affordable housing. Each unit contains an en-suite, kitchenette, robe and desk and is air conditioned. The units are adequately serviced for the intended use. The units are larger than the recommended minimum size of 12m<sup>2</sup> for a single room and 16m<sup>2</sup> for a double room.

- **Concerns over the air quality internal to the building. Is there suitable cross flow ventilation?**

Comment

The issue of cross flow ventilation was raised by the SEPP65 panel when reviewing the proposal. It was recommended that natural light and cross flow ventilation be increased to the central corridors.

A redesign by the applicant included some additional windows for natural lighting where practicable; however additional design is required as recommended by the deferred commencement conditions.

- 
- **Proposal does not appear to have suitable fire egress.**

#### Comment

Fire safety is not a consideration in the assessment of a development application for new development, however the plans accompanying the development application indicate that the proposed building is capable of complying with the requirements of the Building Code of Australia in regard to fire egress as advised by Council's Building Surveyor. It is at the Construction Certificate assessment stage that the fire safety and other Building Code of Australia matters are assessed. A Construction certificate could not be issued if the building did not comply with the BCA.

#### ***Any submission from public authorities.***

The proposal is identified as integrated development requiring concurrence from the Rural Fire Services and the Office of Water. The application was also referred to the Roads and Maritime Services (RMS) for consideration.

#### Rural Fire Service

The Rural Fire Service issued concurrence with no specific conditions applicable on 26 February 2014.

#### Office of Water

The Office of Water issued their General Terms of Approval (GTA) for works requiring a controlled activity approval under the Water Management Act 2000 25 March 2014. A subsequent referral was required by the Office of Water due to the change of carpark design in the vicinity of the water course which is located on the western boundary of the property. The Office of Water had no further comments to add to the previous approval.

#### Roads and Maritime Services

The RMS raised no objections to the proposal subject to the imposition of conditions of consent. These relate to the discharge of water from the development not to exceed the capacity of the Pacific Highway storm and drainage system.

#### NSW Police Force

The Tuggerah Lakes Local Area Command has conducted a *Safer by Design Crime Risk Evaluation* in line with the Crime Prevention Guidelines of 79C of the New South Wales Environmental Planning and Assessment Act 1979. The result of the review identified an overall crime risk rating as moderate, on a sliding scale of low, moderate, high crime risk. The evaluation was conducted on the original proposal consisting of 101 units, however it considered that the reduction in units would not make a significant difference to the evaluation. The Police recommended the following conditions of consent:

- *All entry points should be designed to maximize surveillance opportunities to and from these areas from both inside, as well as outside. All entries should display a height marker in order to identify the height of an apparent offender.*
- *Ensure that CCTV is correctly installed.*

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- *Where ram raid break and enters or access by vehicles into the area, anti-raid bollards can be installed in front of any glass area of entry points, such that a car would be prevented from breaching the glass walls.*
  - *Adequate and uniform lighting be ensured for the full car park area at the side. This will enhance surveillance opportunities of the CCTV system during hours of darkness and the safety of staff and customer/s.*
  - *A lighting maintenance policy to be established for the development ensuring that broken lights are repaired within 24hrs.*
  - *Luminaries (light covers) should be vandal resistant.*
  - *A graffiti management plan needs to be incorporated into the maintenance plan for the development. Research has shown that the most effective strategy for reducing graffiti attacks is the quick removal of such material generally with a forty-eight hour period.*
  - *To minimise the opportunity for offenders to travel at unacceptable speeds within the car park, the installation of speed calming devices on the exit and entry points within the car park is recommended.*

## **Internal Consultation**

### *Council's Arborist and Landscape Design Assessment Officer*

The applicant submitted a Landscape Plan by Conus Landscape Architects dated September 2013. Following a review of the plan and the Statement of Environmental Effects, no objection was raised with regard to the proposed tree removal subject to appropriate conditions being imposed to the consent. The applicant is to provide details of protection measures so that the mature trees to be retained will not be adversely affected by the impacts of construction activity. The landscape plan is to be amended to reflect the changes to the length of the building and additional planting along the western boundary.

### *Council's Development Engineer*

The site is located within the Ourimbah Creek Catchment and Council's records indicate that the site is affected by flooding. The applicant submitted a Flooding and Drainage Study by RGH Consulting Group (dated 24/3/2014). Following a review of the latest documents, Council's Development Engineer raised no objections to the proposed development subject to appropriate conditions of consent. The applicant submitted Stormwater Management Plans to address the stormwater management requirements for the site.

On advice from Council's Engineer, the driveway access was relocated from the original position further from the roundabout.

Traffic generated by the proposal was also considered by Council's Development Engineer in consultation with Council's Transport Engineer, who considered the local road network capable of the additional vehicular traffic.

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### Council's Building Surveyor

Council's Building Surveyor raised no objections to the proposed development. The building could comply with the Building Code of Australia with appropriate conditions of consent.

### Council's Urban Designer

Council's Urban Designer reviewed the original design concept with several issues identified. The applicant was advised of these issues which were considered in the re-design of the boarding house. Following a review of the latest documents, Council's Urban Designer considered that the proposal was an improvement on the previous design showing better consideration of the principles of SEPP65. Additional comments were provided which included suggestion that the large expanse of rendered wall on the east and west elevations could be further broken up by a change of material. This would also contribute towards improving the view from the east and western elevations. Further modification has since been provided to the elevations with architectural elements included to reduce the impact of bulk and scale.

### Council's Social Planner

The applicant submitted a Social Impact Statement (SIS) which was reviewed by Council Social Planner. Following a review of this document, the applicant was advised that the submitted document did not address the requirements of a SIS. Staff requested that a SIS be prepared by a suitably qualified consultant as the SIS submitted was not prepared by a qualified Social Planner. The applicant did not address all relevant issues and will be required to provide a further SIS.

The difficulty in assessing the social impact of the development on the locality was the lack of information provided. However, Council's Social Planner did provide some comment based on the information available. The general impacts, both positive and negative, are identified below and based on development applications of similar nature, a summary of the objections raised by the local community and knowledge of the local area.

### Potential Social Impacts

#### *Positive*

- Provision of affordable student accommodation
- Development located within the suburb of the University of Newcastle Ourimbah Campus
- Development closely located to shops, services and facilities.
- Economic benefits to the local area through increased patronage e.g. shop restaurants etc.
- Brings a mix/diversity of population into the area.
- Enrichment of the local community by a mix/ diversity of population.

#### *Negative*

- Increased concentration of people in close proximity to each other and other local residents.
- Potential anti-social behavior.
- Potential noise pollution from the development.
- Risk perception in the community.



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- Increased traffic and impact on parking and road safety in the local area.
  - Increased demand on services and facilities.
  - Location of development in relation to the University campus in regard to students walking, accessibility / safety issues due to approximately 1 kilometre walk.
  - Impacts on existing social cohesion of the existing community.
  - Impact of the development on the character of the existing area.
  - Impact of the development on the local housing market and property values.
  - Compatibility of the development with the surrounding area.
  - Increased traffic conflict in the community / impact on community identity.
  - Perception that ‘affordable housing’ is social housing.
  - Assumption that people in low-cost housing are more likely to bring social problems.

A social impact assessment not only forecasts impacts, but also identifies means to mitigate adverse impacts. Mitigation includes:

- Avoiding the impact by not taking or modifying an action;
- Minimizing, rectifying, or reducing the impacts through the design or operation of the project or policy; or
- Compensating for the impact by providing substitute facilities, resources or opportunities.

No mitigation measures were provided by the applicant. In the absence of mitigation measures provided by the applicant, Council’s Social Planner has recommended the following:

- The applicant should develop and implement a community engagement plan to inform and communicate with residents about the proposed development. This may go some way to addressing community concerns and provide a communication pathway that includes the local residents rather than excluding them.
- Development of a community safety plan. This would address the real and perceived issues from a local community perspective as well as look at measures to address the safety of residents e.g. Women walking back from the University Campus at night.
- Address any potential negative impacts that may arise such as noise, parking, and other amenity impacts and ensure the safety and security of the proposed development during operation.
- Implementation of proposed management practices such as the establishment of a Plan of Management and use of tenancy agreements, screening of all proposed residents.
- Consultation with owners of adjoining properties on a regular basis to ensure any negative impact is temporary and regularly review complaints register
- Implement a condition of consent that the boarding house remains as student accommodation.
- Monitor ownership and usage of private vehicles of residents every 3 months to determine whether there has been any change in the level of car ownership and whether this may lead to adverse traffic or parking impacts within the immediate area.

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A number of these mitigation measures will be addressed as deferred commencement conditions, conditions of consent, in the Plan of Management and through the registration of the boarding house. Negative impacts identified in the Community Engagement Plan can be addressed by mitigation measures incorporated into the Plan of Management.

## **External Consultation**

### Central Coast Design Review Panel

The Central Coast Design Review Panel reviewed the revised concept design. The Panel supported the proposal with some modifications suggested in relation to the principles of SEPP 65. The Panel's comments are discussed later in the report.

## **ECOLOGICALLY SUSTAINABLE PRINCIPLES**

The proposal has been assessed having regard to ecologically sustainable development principles and is considered to be consistent with the principles.

The proposed development is considered to incorporate satisfactory stormwater, drainage and erosion control and the retention of vegetation where possible and is unlikely to have any significant adverse impacts on the environment and will not decrease environmental quality for future generations. The proposal does not result in the disturbance of any endangered flora or fauna habitats and is unlikely to significantly affect fluvial environments.

## **Climate Change**

The potential impacts of climate change on the proposed development have been considered by Council as part of its assessment of the application. This assessment has included consideration of such matters as potential rise in sea level; potential for more intense and/or frequent extreme weather conditions including storm events, bushfires, drought, flood and coastal erosion; as well as how the proposed development may cope / combat / withstand these potential impacts. In this particular case, the following matter is considered to warrant further discussion, as provided below:

**Sustainable building design:** The applicant has provided a BCA Section J Compliance Assessment and BASIX certificate which indicates the building is capable of compliance with the required energy and water efficiency targets.

**Bushfire Protection:** A portion of the site on the western side is identified as bushfire prone land and was referred to the NSW RFS as integrated development. The RFS granted concurrence with no conditions.

**Reduced Car Dependence:** The subject site is located approximately 300 metres to the Ourimbah Railway Station which provides train and bus services. There is also a bus stop located on the Pacific Highway in front of the shops for north bound travel which is approximately 50 metres from the site and a bus stop for south bound travelling located approximately 110 metres on the opposite side of the Pacific Highway. The public transport provides services to Gosford, Wyong and beyond to Sydney and Newcastle and to the regional shopping centre of Westfield Tuggerah. The site is considered to be aptly located to promote reduced car dependency. Given the carparking space numbers available (as required by ARHSEPP); the close proximity of the public transport is beneficial and should promote reduced car dependency.

## ASSESSMENT

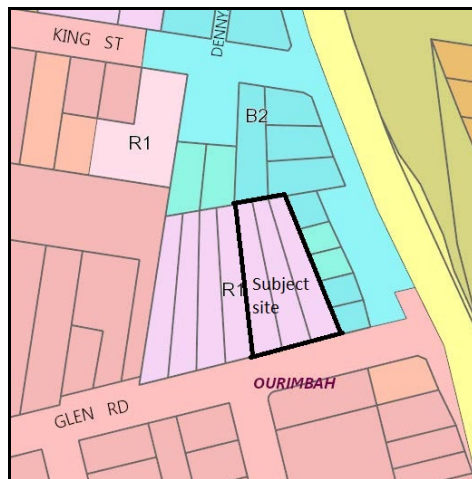
Having regard for the matters for consideration detailed in Section 79C of the EP&A Act 1979 and other statutory requirements, Council's policies and Section 149 Certificate details, the assessment has identified the following key issues, which are discussed for Council's information.

## THE PROVISIONS OF RELEVANT INSTRUMENTS/PLANS/ POLICIES

### a) Wyong Local Environmental Plan (WLEP) 2013

#### *Zoning & Permissibility*

The subject site is zoned R1 General Residential under the Wyong Local Environmental Plan 2013.



**Figure 17:** WLEP 2013 Zone boundaries.

The current proposal is permissible under the WLEP 2013 and consistent with the objectives of the zone which are:

- *To provide for the housing needs of the community.*
- *To provide for a variety of housing types and densities.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of the resident.*
- *To promote "walkable" neighbourhoods*
- *To ensure that development is compatible with the scale and character of the local area and complements the existing streetscape.*

The proposed boarding house is considered to be consistent with the objectives of the zone as follows:

- The boarding house is responding to the accommodation needs of the community by providing affordable housing primarily for student accommodation in support of the University and TAFE.
- The proposed boarding house is providing a variety of housing type and density.
- The proposed boarding house is within an accessible area and promotes the “walkable neighbourhood”. The primary occupant for the boarding house is students who are in walking distance to the Ourimbah Campus.
- The proposed development is considered compatible with the local area and complements the existing streetscape through the use of a variety of materials and architectural treatments to reduce the scale of the building. The topography of the area assists with reducing the impact of the height to the surrounding area as discussed previously.

### *Services*

Clause 7.9 states that the consent authority must not grant consent to the carrying out of any development on any land unless adequate electricity supply, water supply and facilities for the disposal and management of sewage and drainage, and suitable vehicular access are available to that land.

The site has the ability to connect to Council’s reticulated water and sewer supply and suitably drain stormwater drainage from the site. The driveway access was relocated during the assessment process to be suitably located in accordance with Australian standards.

### **Wyong Local Environmental Plan 1991**

The development application was submitted prior to the coming into force on 23 December 2013 of Wyong LEP 2013. Therefore, consideration of Wyong LEP 1991 was given during the assessment of the application.

### *Zoning & Permissibility*

The subject site is zoned 2(b) Multiple Dwelling Residential under the Wyong Local Environmental Plan 1991.



**Figure 18:** Zone boundaries.

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The proposed development is defined as a “boarding house” which is permissible within a 2(b) zone. The objectives of the zone state:

- (a) to cater for a wide range of housing types essentially domestic in scale and character and generally not exceeding a height of two storeys, and*
- (b) to provide for other uses which:*
  - (i) are compatible with the residential environment and afford services to residents at a local level, and*
  - (ii) are unlikely to adversely affect residential amenity or place demands on services beyond the level reasonably required for residential uses.*

The use is permissible with consent and complies with the objectives of the zone as follows:

- The boarding house provides a residential use which contributes towards a variety of residential housing found in the area.
- Although the building exceeds two storeys in height at the rear, it presents as a lower scale at the front of the property commensurate to that of a two storey residential unit development.
- The height of the building provides a transition from the adjacent 3(a) Business Centre zone to the east and the north. The proposed boarding house is considered to fit with the residential amenity and unlikely to place demands on those services required for a residential use.
- The proposed boarding house is located on the edge of the residential zone and is considered to provide a reasonable transition from the commercial to residential zone.
- Movement from the boarding house is likely to extend to the east to the Pacific Highway towards the shops, public transport and the university limiting the impact on the adjoining residential areas to the west and south.
- The boarding house and associated landscape is designed to fit with the surrounding area with retention of vegetation where possible, a variety of material choice and the use of heritage type colours.
- The topography of the area assists with reducing the impact of the height. The topography gradually increases to an approximate height of 12 metres above the subject site (160 metres to the west) then sharply inclines to the ridge which is approximately 78 metres above the subject site (600 metres to the west). The incline to the west contains a significant amount of existing mature trees which provides a rural backdrop to the west of the site and a vertical envelope in which the boarding house sits within.



## Services

Clause 29 states that Council shall not grant its consent to the carrying out of any development on any land unless adequate water supply and facilities for the removal or disposal of sewage and drainage are available to that land.

The site has the ability to connect to Council's reticulated water and sewer supply and suitably drain stormwater from the site.

### **b) State Environmental Planning Policy (Affordable Rental Housing) 2009 (ARHSEPP)**

The development is required to be assessed against the relevant provisions of the ARHSEPP. The following compares the details of the proposal against specific requirements of the ARHSEPP. A summary table of how the development complies with the various requirements of the SEPP is provided below.

**Table 2: ARHSEPP - Compliance Table**

<b>Clause</b>	<b>Comment</b>	<b>Compliance</b>
<b>Division 3 Boarding houses</b>		
<b>26 Land to which Division applies.</b>	The site is zoned 2(b) under the WLEP 1991 & R1 General Residential under WLEP 2013.	<b>Yes</b>
<b>27 Development to which this division applies.</b>	Development not within R2 or equivalent zone (2(a) under WLEP 1991)	<b>Yes</b>
<b>28 Development to which this Division applies may be carried out with consent.</b>	Division applies to proposed development.	<b>Yes</b>
<b>29 Standards that cannot be used to refuse consent.</b>  <b>1.</b> <b>a)</b> the existing maximum floor space ratio for any form of residential accommodation permitted on the land, or  if the development is on land within a zone in which no residential accommodation is permitted—the existing maximum floor space ratio for any form of development permitted on the land, or <b>c)</b> if the development is on land within a zone in which residential flat buildings are permitted and the land does not contain a heritage item that is identified in an environmental planning instrument or an interim heritage order or on the State Heritage Register—the existing maximum floor space ratio for any form of residential accommodation permitted on the land, plus:  (i) 0.5:1, if the existing maximum floor	  The existing maximum FSR for RFB's in a 2(b) zone is 0.6:1; Plus 0.5:1 if existing FSR is 2.5:1 or less;  The maximum allowable FSR is 1.11:1. The proposed FSR is 1.03:1.	  <b>Yes</b>

<p>space ratio is 2.5:1 or less, or (ii) 20% of the existing maximum floor space ratio, if the existing maximum floor space ratio is greater than 2.5:1</p> <p><b>2.</b> <b>a) building height</b> 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,</p> <p><b>b) landscaped area</b> if the landscape treatment of the front setback area is compatible with the streetscape in which the building is located,</p> <p><b>c) solar access</b> 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,</p> <p><b>d) private open space</b> if at least the following private open space areas are provided (other than the front setback area):</p> <ul style="list-style-type: none"> <li>• one area of at least 20 square metres with a minimum dimension of 3 metres is provided for the use of the lodgers,</li> <li>• 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,</li> </ul> <p><b>e) parking if:</b> (i) in the case of development in an accessible area—at least 0.2 parking</p>	<p>The proposal has a maximum height of 11.4m to ceiling of level four and 13.3m to peak of the roof. WLEP 1991 &amp; WLEP 2013 do not include development standards for a building height. Although one of the zone objectives for the 2(b) zone is for development to generally not exceed 2 storeys in height, this is not a development standard but a desired objective. In addition, the objectives of the R1 zone are considered more relevant.</p> <p>Therefore the proposed building height is assessed under merit and considered reasonable.</p> <p>The landscape treatment for the front setback is suitable for the streetscape.</p> <p>The application includes a solar access study which shows the communal recreation room receiving direct sunlight between 9am and 12noon.</p> <p>The proposal includes POS for the lodgers of a minimum of 3m wide and maximum 5.7m wide, and length of 70m.</p> <p>Site manager included with POS of 30.5m<sup>2</sup> and a minimum dimension of 4.5m. Although area &amp; dimension consistent with requirement, the POS for manager is located within the front setback.</p> <p>The development is in an accessible area being approx. 300m to Ourimbah Railway Station. The proposal requires</p>	<p><b>Yes</b></p> <p><b>Yes</b></p> <p><b>Yes</b></p> <p><b>Yes</b></p> <p><b>Yes</b></p> <p><b>Yes</b></p>
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<p>spaces are provided for each boarding room, and in the case of development not in an accessible area—at least 0.4 parking spaces are provided for each boarding room, and (ii) 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,</p> <p><b>f) accommodation size</b> 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: 12 square metres in the case of a boarding room intended to be used by a single lodger, or 16 square metres in any other case.</p> <p>A boarding house may have private kitchen or bathroom facilities in each boarding room but is not required to have those facilities in any boarding room.</p> <p>A consent authority may consent to development to which this Division applies whether or not the development complies with the standards set out in subclause (1) or (2).</p>	<p>19 car spaces plus 1 manager car space. 20 car spaces are provided.</p> <p>The boarding room sizes are as follows: Single unit = 17.7m<sup>2</sup> Double unit = 20.1m<sup>2</sup> Accessible unit = 24.4m<sup>2</sup></p> <p>The units contain private kitchenettes and en-suites in each room.</p> <p>A variation is required in regard to the POS in the front setback for the site manager.</p>	<p><b>Yes</b></p>
<p><b>30 Standards for boarding houses</b> <b>a)</b> if a boarding house has 5 or more boarding rooms, at least one communal living room will be provided, <b>b)</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, <b>c)</b> no boarding room will be occupied by more than 2 adult lodgers, <b>d)</b> adequate bathroom and kitchen facilities will be available within the boarding house for the use of each lodger, <b>e)</b> if the boarding house has capacity to accommodate 20 or more lodgers, a boarding room or on site dwelling will</p>	<p>The boarding house is for 94 rooms and provides one communal living area.</p> <p>The maximum area of the boarding rooms is 24.4m<sup>2</sup> which is for the accessible units.</p> <p>The boarding rooms are for maximum of two people (double units).</p> <p>Adequate bathroom and kitchen facilities are provided in each unit as well as a kitchen in the communal living area.</p> <p>A boarding house manager is provided on site.</p>	<p><b>Yes</b></p> <p><b>Yes</b></p> <p><b>Yes</b></p> <p><b>Yes</b></p> <p><b>Yes</b></p>

<p>be provided for a boarding house manager,</p> <p><b>f)</b> (Repealed)</p> <p><b>g)</b> 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,</p> <p><b>h)</b> at least one parking space will be provided for a bicycle, and one will be provided for a motorcycle, for every 5 boarding rooms.</p>	<p>NA</p>	
<p><b>30A Character of local area.</b></p> <p>A consent authority must not consent to development unless it has taken into consideration whether the design of the development is compatible with the character of the local area.</p>	<p>19 parking spaces required for bicycles, and 19 for motor cycles. The proposal includes 20 spaces for bicycles and 20 for motor cycles.</p>	<b>Yes</b>
<p><b>30A Character of local area.</b></p> <p>A consent authority must not consent to development unless it has taken into consideration whether the design of the development is compatible with the character of the local area.</p>	<p>The character of the local area has been analysed. The proposed boarding house has been found to be compatible with the character of the local area.</p>	<b>Yes</b>

### 30A Character of the local area.

The aim of the ARHSEPP is to increase the supply and diversity of rental and social housing in New South Wales. Amendments introduced in 2011 included changes in relation to boarding houses which included that the consent authority must consider whether the proposal is compatible with the local character of the area.

The Ourimbah area contains a mix of residential, commercial, industrial, educational, recreation and environmental areas. Although located in the former 2(b) Multiple Dwelling Residential zone and the current R1 General Residential zone, the immediate area would not be considered strictly residential due to the adjacent commercial area and close proximity to the Pacific Highway and Main Northern Railway line. The visual catchment is made up of a steep topography with an abundance of mature trees. The proposal has been revised to respond more effectively to the character of the local area and the context of the wider locality.

The issue of compatibility was reviewed under the relevant planning principles set down in *Project Venture Developments v Pittwater Council* [2005] NSWLEC 191. These planning principles evolved through establishing the compatibility of a proposal in the urban environment and can be applied in this instance. The most suitable meaning of compatibility in an urban design context is “*capable of existing together in harmony*”. It is generally accepted that buildings can exist together in harmony without having the same density, scale or appearance, though as the difference in these attributes increases, harmony is harder to achieve.

Where compatibility between a building and its surroundings is desirable, two major aspects are physical impact and visual impact. In order to test whether a proposal is compatible with its context, two questions require consideration.

- 
- *Are the proposal's physical impacts on surrounding development acceptable? The physical impacts include constraints on the development potential of surrounding sites.*
  - *Is the proposal's appearance in harmony with the buildings around it and the character of the street?*

#### Physical impacts.

Physical impacts such as noise, overshadowing and overlooking are considered when determining the building's physical impacts on the local area.

The proposed building is a mix of two to four storeys with a maximum height of 13.3 metres. The third and fourth levels are stepped and present to the street as a two storey building. The building is visible from the west, north, south and east with broken views through trees, shops to the east, signage, power lines and street lights. The topography gradually increases to an approximate height of 12 metres above the subject site at a distance of approximately 120 metres to the west (Albert Street). The topography then sharply inclines to the ridge which is approximately 78 metres above the subject site. The incline to the west contains a significant amount of existing mature trees which provides a rural backdrop to the west of the site.

The proposed boarding house is expected to generate some noise given the increased density of the development. However the building is for a residential use and the noise associated with the built form would be residential in nature such as vehicles and motor cycles entering and leaving the site. The site is located approximately 50 metres to the Pacific Highway and Ourimbah Shopping Village, 80 metres to the Main Northern Railway line. Mechanical noise generated from air conditioning and the elevator should be minimal. The elevator is located centrally within the floor layout. The lift well and building would be expected to absorb majority of the noise. The air conditioning and ventilation system is central to the building. The boarding house includes a live-in manager who will monitor and manage the building operations including any excessive noise from tenants.

Due to the orientation of the building being southeast / northwest the building will not have a detrimental impact on the adjoining properties in terms of overshadowing. The property adjoining to the west is mostly affected with a portion of the yard and the garage being impacted by morning shadow, however does not receive any overshadowing. The noon shadow falls onto the footpaving and pavement of Glen Road and the afternoon shadow falls across the shops. The shops would cast an afternoon shadow to the Pacific Highway frontage regardless.

The building is considerably higher than the buildings typically found in the Ourimbah area. The site is surrounded by single level dwellings to the west and southwest, a single level hall to the south, three storey commercial premises and single level villas to the north, and single level shops to the east.

The western side of the building has the most potential to overlook adjoining properties. When considering the potential impacts of overlooking, the general planning principles found in *Meriton v Sydney Council* [2004] NSWLEC 313 for "Protection of Visual Privacy" can be utilised as follows:

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- *In areas undergoing change, the impact on what is likely to be built on adjoining sites, as well as the existing development, should be considered.*

#### Comment

The adjoining properties to the west are zoned R1 General Residential with R2 Low Density Residential found as Glen Road rises to the ridge. The objectives of the R1 and R2 zones are as follows:

- *To provide for the housing needs of the community.*
- *To provide for a variety of housing types and densities.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To promote “walkable” neighbourhoods.*
- *To ensure that development is compatible with the scale and character of the local area and complements the existing streetscape.*

The adjoining properties have the potential to develop consistently with the objectives of the zone which may include higher density residential living. Development proposals are assessed on an individual basis under merit.

#### Harmony

The relationship of the built form to the surrounding space created by building height, setbacks and landscaping is significant to the creation of urban character. The proposed building is higher than buildings found within the Ourimbah area which are generally a maximum of two storeys. The building attempts to integrate with the streetscape through architectural design which includes staggered floor levels to levels three and four. The building presents as a two storey development to Glen Road.

The streetscape contains a mix of commercial and low density residential. Many of the single level dwellings are those originally built in the 1950s. The local area is undergoing transition in relation to the development of higher density living. Recent years have seen developments such as dual occupancies and townhouses integrate successfully with the local area. The following are found within a 0.5 km radius of the subject site:

- Medium sized retirement village located in Albert Street.
- 8 townhouse units in Walmsley Road
- 11 townhouse units Walmsley Road
- 7 townhouse units in King Street
- 2x dual occupancy on Pacific Highway

For a new development to be visually compatible with its context it should attempt to respond to the elements that make up the character of the surrounding area. As mentioned above, the surrounding area is a mix of commercial and residential uses. It is considered that buildings do not have to be the same height to be compatible and where there are significant differences in height it is easier to achieve compatibility when the change is gradual. The most important contributors to urban character are the relationship of built form to the surrounding space. The setbacks proposed for the development are considered reasonable and would be consistent with any future development in Glen Road. The proposal is suitably landscaped with the retention of as many trees as possible which assist with the integration of the development with the streetscape and visual catchment.



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The proposed boarding house has been designed to be sympathetic to the local area and the existing vegetation of the land. While the proposal has elements that are four storeys, it has been located and designed in such a manner as to maintain privacy for adjoining landowners and alleviate visual impact with the use of architectural features. The local area also has many mature trees which assist with privacy and limiting the visual impact. A suitable landscape design has been proposed retaining trees where possible to complement the proposal and remain within the character of the area.

Although large in floor area with the building having a floor space ratio of 1.03:1 the site modestly encompasses the development to promote a property which is residential in nature and in harmony with the locality. The physical aspects of the development can be considered acceptable in this instance given the staggered floor level design, material choice to alleviate bulk and massing and landscaping which assists with design integration. The building is considered to be of acceptable bulk and scale as it does not overshadow adjoining properties, retains sufficient area in the curtilage of the site to cater for landscaping, open space, carparking and access, reasonable setbacks and includes architectural treatment of the façade to diminish the apparent height and length of walls.

### **State Environmental Planning Policy No.65 Design Quality of Residential Flat Development (SEPP65)**

The SEPP 65 policy applies to development of three or more storeys and four or more units and is aimed at improving the design quality of residential flat development in New South Wales. SEPP 65 requires an assessment of the application under the provisions of the policy. In accordance with SEPP 65, a Design Verification Statement was prepared by ADG Architects. This statement accompanied an assessment against the ten (10) design principles of the SEPP.

The application was presented to the Central Coast Design Review Panel (DRP) ON 14 May 2014 for comment. The DRP generally found the proposal satisfactory and received the grade of (B) for architectural merit from the panel. The proposal required some minor modifications to the design.

### **Panel's Comments**

*The Panel supports in principle the provision of affordable and/or student housing in this locality. The site is close to an existing commercial/restaurant strip, a railway station, Ourimbah RSL club and Newcastle University's Ourimbah Campus amongst other facilities and is therefore considered well situated for a development of this type.*

*With some modifications the Panel supports the approval of the proposed affordable housing project.*

*The following is a summary of the Panel's comments in regard to the 10 design principles and the applicant's response:*

### **Context**

*The proposal is considered appropriate for the location due to its use regardless of the building footprint, height and bulk. When viewed from the highway the existing retail strip provides a partial screen which reduces the potential impact of height and bulk of the proposed building. The proposal building also benefits from a backdrop of foliage of existing*

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mature trees. The Panel considered it important that this screening is retained and supplemented.

### **Scale**

The height and bulk are acceptable subject to incorporation of suggested amendments under Built Form.

### **Built Form**

The sun control attachments as façade elements were required to be redesigned to ensure effectiveness and to be less visually dominant. It was suggested that this may be achieved by a reconfiguration of the screens and the use of lightweight aluminium or stainless framing with mesh infill. The inclusion of small Juliet balconies to serve individual rooms should also be included, at least to the top two storeys. Ensure that all blank masonry wall areas are adequately modulated.

The red fibre cement wall adjacent to the entry foyer has a very commercial character which is not in keeping with the character of the rest of the design. It was suggested that this element be removed or reduced in scale and possibly replaced with an extension of the upper roof overhang. A separate canopy could also be included to project from the southern façade to further define the main entry.

### **Density**

Appropriate.

### **Resource, Energy and Water Efficiency**

The site development should consider the following:

- passive and active solar design (including solar hot water and PV)
- efficient energy and water systems
- non-toxic materials and finishes with low embodied energy / water content
- generous deep soil zones for gardens on natural ground
- capture and re-use of grey water and rainwater
- biologically active forms of stormwater management.

The applicant is also to comply with the State legislated environmental sustainability framework BASIX, and adopt and apply other rating and performance tools as useful to the needs of the proposal.

### **Landscape**

The site has a number of major existing trees. The retention of as many of these trees as possible should be a priority. Construction techniques that can reduce the impact on existing trees should be employed, such as minimizing excavation for the driveway and the use of permeable paving should be investigated.

The submitted landscape plan requires revision to update it in terms of the most recent architectural plans. Based on the current landscape plan, and the architectural plan it is unclear which trees are proposed to be retained or removed, and many trees are not

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*indicated accurately. The revised plan should clearly define tree removal/retention. Overall, any trees to be removed should be replaced with appropriate species to maintain a similar canopy.*

*The treatment of the landscaped area along the eastern boundary, where it adjoins the retail strip, should provide adequate privacy and amenity for the residents. As such, treatment such as an increased fence height, a trellis above the fence and/or a structure such as a pergola should be considered.*

### **Amenity**

*It is recommended that natural light and ventilation is increased to the central corridors. There are various options to achieve this including slots in the façade, openings at the ends of each long corridor, skylights and clerestory glazing to the upper level.*

*Provide a letterbox installation adjacent to the main entry point.*

*It is noted that 2 bulk bins are provided for garbage storage pick-up. Recycling of waste materials should also be accommodated for in the development.*

*In the lift lobby/store area on each level replace the domestic aluminum framed window to the exterior with floor to ceiling glass louvres or equivalent*

### **Social Dimensions**

*The developments social aspirations are supported.*

### **Safety and Security**

*Fencing of the entire property is important to ensure a good presentation and allow a balance between security and transparency to allow passive surveillance. For example, a palisade fence across the front boundary, including gated entries should be provided.*

### **Aesthetics**

*All external attachments, including services are to be fully integrated with the overall design of the facades.*

*Changes of external materials and colours between the various stepped elements as delineated in the long facades could be considered to further break up the massing of the building envelope.*

### **Comment**

The design was modified to include the suggestions made by the DRP as follows:

- Shading devices redesigned to be louvers.
- The “red gridded” cement wall was removed from the front façade.
- Small balconies have been included to some of the units.
- The long elevations are modulated with the inclusion of the balconies.
- Permeable paving will be used around trees in the carpark.
- A 2.1 metre high fence is proposed along the eastern boundary to screen the rear of the shops.

- Skylights to the top floor and louver windows have been provided where possible.
- A letterbox will be provided at the main entry.
- One bulk bin will be available for recycling, and the other for general waste.
- The proposed colours will have shades varied to provide further modulation of the facades.

The proposed boarding house is required to comply with the requirements of BASIX in regard to the managers residence only. The remainder of the building is Class 3 therefore does not trigger BASIX with Section J of the NCC applying to the building. The items identified under Resource, Energy and Water Efficiency are to be considered at the Construction Certificate stage.

### **Residential Flat Design Code**

The Residential Flat Design Code is a resource used to improve the design of residential flat development. The Design Code provides additional detail and guidance for applying the design quality principles outlined in SEPP 65 to a specific locality. It deals with the location, size and scale, appearance and amenity of the buildings. The design of new residential flat buildings is important to provide good quality buildings and amenity to growing populations with changing needs. The Design Code provides guidelines for better design of residential flat buildings. These guidelines have been incorporated into the design of the proposed boarding house and are evident through the successful SEPP65 Panel awarding grade of a 'B' for design and architectural merit.

### **c) Relevant Development Control Plans**

#### **Wyong Development Control Plan 2013**

A complete assessment of the proposal was undertaken having regard to the relevant Chapters of WDCP 2013. This assessment is provided in the table below.

- Development Control Plans No.2.4 Multiple Dwelling Residential

**Table 3:** Wyong DCP 2013 – Compliance Table

	<b>Proposed</b>	<b>Required</b>	<b>Compliance</b>
Chapter 2.4 Multiple Dwelling Residential			
Residential Flat Building (Boarding House)	94 room boarding house plus manager's residence.	Proposal under ARHSEPP, DCP considered where SEPP and WLEP silent.	<b>No – setbacks and building height noncompliant with DCP.</b>

#### **Development Control Plan Chapter 2.4 – Multiple Dwelling Residential**

The application has been submitted under the provisions of the ARHSEPP which prevails over Council's DCP. The proposal is consistent with the aims and objectives of the DCP by providing variation in dwelling type that is functional and of high architectural quality. The

application was reviewed against DCP Chapter 64 with those controls adopted where the ARHSEPP is silent. The proposal was not consistent with DCP64 in the following areas:

**Table 4:** DCP Chapter 2.4 – Non-Compliance Table

Requirement	Proposed	Complies?
Buildings in R1 zone generally only two storeys and a maximum height of 7m from ground level to the upper floor ceiling.	Proposal is four storeys with a height of 11.4m to section of building designed as the fourth level.	No. Variation sought.
Front setback to be 7.5m.	Proposal is 6.0m.	No. Variation sought.
Side & Rear setbacks: 6.0m	Proposal has a minimum 3.0m side setback; and 1.25m rear setback.	No. Variation sought to side setback. Variation not supported for rear setback – to be amended by deferred commencement conditions.
Garbage chute system required.	No garbage chute provided, garbage area outside	No. Variation sought.

In regard to the building height, the DCP refers to buildings generally not being greater than two storeys. The proposed boarding house is a four storey development with the third and fourth storeys being staggered to alleviate bulk and scale. The number of storeys is considered to be reasonable at this location due to the topography of the area and the adjoining land uses to the east and north being commercial. While the shops adjacent to the east are single level, the increased height behind the shops does not create an adverse impact. The sites to the north contain a two storey development and a single dwelling used for commercial purposes. The adjoining commercial zone has the potential to be redeveloped with multistorey commercial buildings.

The reduced setbacks are considered reasonable in this instance due to their location and adjoining land uses. The reduced side setback is adjoining the former 3(a) Business Centre zone and the current B2 Local Centre zone of the Ourimbah village shops and the professional premises located at the rear in King Street. The reduced setbacks are unlikely to have an adverse impact on these adjoining properties however the rear setback reduction is not supported and will be increased as a condition of the deferred commencement approval.

The front setback is at 6.0m which is within the required 7.5m. The reduced setback is considered reasonable given that the building presents two storeys to the Glen Road frontage. The reduced front setback does not create an adverse impact to the surrounding streetscape or the amenity of adjoining properties.

No garbage chute has been identified within the proposed building. The building does not incorporate a basement; the inclusion of a garbage chute to a garbage collection area would use a considerable amount of floor area within the building. The garbage collection area located in the carpark is considered reasonable and not an onerous impost on occupants to utilise. Waste bins for re-cycling are capable of being placed on each level of the building and will be required to do so as a condition of consent.

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The variations identified do not adversely impact on the functionality of the building or the adjoining properties. It is therefore considered reasonable to allow the variations given the negligible impacts.

### **Wyong Development Control Plan 2005**

The application has also been assessed against the provisions of Wyong DCP 2005. The application is considered to be consistent with the objectives DCP Chapter 64 with similarities exhibited between the 2005 and 2013 versions.

### **Wyong Shire Settlement Strategy**

The Wyong Shire Settlement Strategy lays out the strategic direction and framework for land use and development activities in the Wyong LGA, taking into account State, regional and local planning objectives. It is important that the future urban growth be managed sustainably so as to preserve the natural environment while providing for the housing and facilities needs of the future population.

A balance must be provided between the new urban release areas, local heritage, coastal and rural areas and the natural environment. The Strategy takes into account how the area is today and the perceived character of the future. It considers existing land uses, infrastructure, environmental values and social and economic needs. The proposed boarding house is consistent with the objectives of the Settlement Strategy by providing for the housing needs of the future population consistent with the existing and desired future needs of the Ourimbah area to provide affordable student housing.

A key consideration of the settlement strategy is to improve education and establish Wyong Shire as a centre of education excellence. Council, the University of Newcastle and TAFE NSW entered into a memorandum of understanding in 2011 in regard to the importance of the university and TAFE's contribution to the social fabric, education and research development and skill's base of the future population of the area. Council recognises the potential of the Ourimbah Town centre as an education and training precinct that supports the future expansion of the university including student accommodation. The Ourimbah Masterplan is currently being developed by Council which incorporates planning for the future growth of the Ourimbah Campus. The proposed boarding house is for student accommodation which will support the future growth of the university.

### **Other Legislation**

#### **Boarding Houses Act 2012**

The Boarding Houses Act 2012 provides a legislative framework for the regulation of boarding houses in NSW. The Act aims to improve the standards of registered boarding houses by establishing a publicly available register of registrable boarding houses in NSW; increasing inspection powers for local councils; introducing Occupancy rights for people living in boarding houses and; modernising the laws that apply to boarding houses accommodating people with 'additional needs'. The operation of the proposal would need to comply with the provisions of the Act.



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## THE LIKELY IMPACTS OF THE DEVELOPMENT

### a) Built Environment

#### *Heritage*

Opposite the site is Ourimbah Hall, a “Nissen” style hut listed in Council’s Heritage Inventory. Historically this building is significant regionally as evidence of the spread of war-time lack of building materials and the availability of “production-time” industrial buildings. It is regionally significant for being able to provide an insight into the development of secondary and service industry in the region and state. Approval was granted for demolition (DA 889/2010) of the hut in 2010.



**Figure 19:** Nissen Hut on the corner of Glen Road and Jacques Street opposite the proposed development.

Clause 35 of WLEP 1991 requires development nearby a heritage listed item to give due regard to the likely impacts to that item. Notwithstanding that the Nissen hut is due for demolition, even in the present state with historic regard given the hut does not project any architectural values commensurate with modern residential development. In terms of space, Glen Road separates the boarding house development from the hut. In this regard the proposed development does not impose any adverse impact to the heritage building nor can there be an expectation to transfer aesthetic values from the historical building onto the design of the boarding house.

#### **Cut & Fill**

The proposal will require some earthworks to level the site for development. The site will require approximately 1.0 metre of cut towards the rear of the site and 1.0 metre of fill towards the front. Retaining walls will be included where required along adjoining boundaries with details sought as a deferred commencement condition.

A thorough assessment of the aspects of the proposed development on the built environment has been undertaken in terms of statutory and DCP compliance and in terms of the submissions received and other relevant impacts.

As a result, the proposed development is considered to be satisfactory in terms of impacts on the built environment subject to a number of deferred commencement conditions in respect to the rear setback retaining walls and operation of the boarding house.

### b) Natural Environment

All relevant issues regarding the likely impacts on the natural environment have been considered and determined to be reasonable for the proposed development.

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## **THE SUITABILITY OF THE SITE FOR THE DEVELOPMENT**

A review of Council's Land Information mapping identifies the following constraints:

### **Bush fire**

A portion of the site is identified as being within the bushfire bushfire buffer zone and the development proposed is integrated development requiring approval under Section 100B of the Rural Fire Act 1997. A Bush Fire Safety Authority has been issued for the development by the NSW Rural Fire Service with no specific requirements.

### **Flooding and drainage**

The site is subject to local flooding with floor levels proposed higher than the estimated 1 in 100 year flood level.

A watercourse along the western boundary partially traverses the property extending to Glen Road.

The watercourse is formed with 'bed and bank' within both the subject site and adjoining property No 8 Glen Road. Parts of the bank have been formed out of timber sleepers, masonry and metal waste materials. This existing drainage channel conveys overland flows from an upstream catchment of approximately 12.2ha, which contains a large proportion of heavily vegetated area.

The watercourse generally follows the depression through the catchment, with a significant right hand bend towards Glen Road. The watercourse enters Council's trunk drainage system via a concrete culvert located in the Glen Road verge. Due to the elevated level of the constructed road and kerb levels in the frontage Glen Road, any major blockage of this concrete headwall would surcharge into the front setbacks of No 6 and No 8 Glen Road.

The applicant submitted a Flooding and Drainage Study revised on several occasions to reflect issues raised in the assessment of the application. The report proposes to modify the existing natural watercourse and provide an elevated car parking platform on-top. The report details that with the proposed channel widening works an increase of the capacity of the flood conveyance will be provided. The watercourse will be rock lined to prevent scour, erosion and meandering. Piers have been shown inside the property boundary and within the watercourse to support the elevated parking structure.

Stormwater from the development will be directed to the street drainage system. An on-site stormwater detention and drainage system has been designed to control the rate of runoff leaving the site. The detention system must be designed to attenuate post developed flow rates to predevelopment flow rates for a full range of storm durations for the 5, 20 and 100 year average reoccurrence interval (ARI) design storms.

The site is considered suitable for the development for the following reasons:

- The site allows for generous separation distances to the adjoining residential property.
- The accessible location of the site to public transport and the Ourimbah Campus. shops, recreational facilities and services.
- The compatibility of the proposal within the locality.

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- Utilities and services are adequate for the site.
  - Close proximity to major transport infrastructure.
  - Close proximity to education facilities.
  - More efficient use of existing infrastructure.
  - The site is reasonably level without the need for major cut and fill.

## **ANY SUBMISSION MADE IN ACCORDANCE WITH THIS ACT OR REGULATIONS**

The submissions have been addressed previously in the report.

## **THE PUBLIC INTEREST**

The public interest is best served by the orderly and economic use of land for which it is zoned. The proposed development is permissible with consent and the development proposed in this application complies with the provisions of the ARHSEPP which override the relevant Wyong policies and controls. The proposed boarding house is consistent with the requirements of the Wyong Shire Settlement Strategy and the Memorandum of Understanding between the University, TAFE and Wyong Shire Council by providing housing for future students with the intended growth of the educational services in the area. The proposal is considered to be in the public interest by providing housing to assist with the current student accommodation shortage and the intended increase of education facilities.

The intent of the ARHSEPP is to provide housing options to address the significant shortage that currently exists in NSW. Council has also identified a need for affordable housing in the Wyong Shire. The wider interests of the public to have access to affordable housing is served through the approval of boardinghouse developments.

## **OTHER MATTERS FOR CONSIDERATION**

### ***Contributions***

The proposed boarding house attracts a contribution payment under Section 94 of the Environmental Planning and Assessment Act 1979.

Contributions are also applicable under the Water Management Act 2000 for the water and sewer connections.

## **CONCLUSION**

The proposal has been assessed using the heads of consideration in S79C of the Environmental Planning and Assessment Act 1979. It is generally considered the proposed development is suitable for approval subject to conditions (deferred commencement).

There were numerous issues of concern with regard to the original proposal. Access and parking arrangements were changed to improve traffic safety and reduce impact to the existing watercourse. Improvements were also made to the design of the building to reflect comments from the SEPP 65 panel.

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There remain some issues with the proposal that have not been completely addressed and further information is requested as deferred commencement conditions. These issues alone do not warrant refusal of the development application.

The proposal is therefore recommended for approval via a Deferred Commencement consent subject to conditions in Attachment 1 to this report.

## **ATTACHMENTS**

- 1 Deferred Commencement Draft Conditions**
- 2 DCP Chapter 2.4 Compliance Table**
- 3 Site plan**
- 4 Elevations**
- 5 Montages**

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**ATTACHMENT 1: Draft Conditions of Consent**

## ATTACHMENT 2: DCP Chapter 2.4 Compliance Table

Requirement	Proposal	Complies?
<b>2.0 Context</b>		
Submission of a suitable site analysis to be provided with the development application (s2.1.1)		Yes
Contextual analysis submitted addressing economic, social, environmental and urban design context (s2.1.2)		Yes
<b>3.0 Scale</b>		
Building height is defined as the vertical distance between natural ground level and the highest point of the building. Compliance with building height map. (s3.1.1)	No height map.	
Ceiling height vertical distance from natural ground level at any point within a building to the top-most ceiling of the building. R1 zone shall not exceed two-storeys and 7m in height. (s3.1.2)	Building has a maximum height of 11.4m to the section of building designed as four storeys.	No
Minimum of 25% of site area to be soft landscaping. (s3.2)	25% provided	Yes
<b>4.0 Built Form</b>		
<b>4.1 Construction and Appearance of Development</b>		
Scale, function and visual appearance to be compatible with objectives of the zone and be of high architectural quality. (s4.1.1)	The proposal is of high architectural quality and complies with the objectives of the zone.	Yes
Buildings facades to be articulated in length and height, monotonous and unbroken lengths of wall >10m in length and >3m in height not permitted. Visual interest to be provided for two storey designs. (s4.1.1)	Building facades are articulated and provide visual interest with a combination of materials and design.	Yes
Garages shall not dominate the street elevation(s) or presentation of the development. (s4.1.1)	No garages associated with proposal.	N/A
Roof design to be related to the built form and size and scale of the building. (s4.1.2)	Roof design is appropriate to the built form and size and scale of buildings.	Yes
<b>4.2 Cut and Fill</b>		
Cut and fill considerations (s4.2)	Minimal earthworks are required.	Yes
<b>4.3 Building Lines</b>		
<b>Residential Flat Buildings 3 or more storeys in height (s4.3.3)</b>		
Front setbacks for development 7.5m with some exceptions.	Setback 6.0m.	No Variation sought
Side & rear setbacks for development First Storey: 6.0 metres Second Storey: 6.0 metres Third Storey: 6.0 metres Fourth Storey: 6.0 metres Fifth Storey: 9.0 metres Sixth storey: 9.0 metres Seventh storey: 9.0 metres Eighth storey: 9.0 metres Ninth storey & above: 12.0 metres No more than 4 floors at the same setback.	Side has a minimum of 3.0m from recreation room wall to adjoining boundary (shops). Rear has minimum of 1.25m from the stair & 3m from wall to adjoining boundary (commercial zone).	No. Variation sought. Rear variation of 1.25m not supported. A condition of deferred commencement is to increase setback to 5m.
Garages: 6.0m when direct access from road	No garages associated with building	N/A



OR 7.5m for Category A roads.		
<b>4.4 Transport Needs</b>		
<b>4.4.1 General Requirements</b>		
Vehicles to enter and leave in a forward direction.	Vehicles can enter & leave in a forward direction.	Yes
<b>4.4.2 Resident Parking</b>		
One bedroom unit: 1 car space Two bedroom unit: 1.2 car spaces Three or more bedrooms unit: 1.5 car spaces (s4.4.2)	Under provisions of ARHSEPP	
Visitor parking: 1 space / 5 units or part thereof (s4.4.3)	Under provisions of ARHSEPP	
Bicycle facilities to be provided for RFBs rate of 1 / 3 units. (s4.4.4)	Under provisions of ARHSEPP	
<b>4.5 Vehicular Access Design</b>		
Driveways not to be continuous straight lines and be offset by landscaping. (s4.5.2)	Driveway is offset by landscaping and suitably aligned to provide safe access	Yes
Driveways offset from any side boundary by 2m at front of boundary and may taper back to 0.5m at the from building line.	Driveway is offset and landscaped	Yes
Impact of ground level parking to be minimised.	Parking is screened from Glen Road. Western boundary to be fenced.	Yes
Pedestrian access design see section 4.6 for requirements.	Pedestrian access suitable for proposal.	Yes
<b>5.0 Density</b>		
R1 not mapped 0.6:1. R3 as specified under WLEP 2013 maps	Zoned R1 therefore 0.6:1 ARHSEPP provides additional 0.5:1	Yes
<b>6.0 Amenity</b>		
<b>6.1 Private Open Space</b>		
<b>6.1.1 General requirements</b>		
Courtyards shall not exceed a maximum grade of 1:14.	Courtyard does not exceed 1:14	Yes
Wherever a dimension is less than the required minimum (ie 2m for balconies or 4.5m for courtyards) it shall not be counted.	Under provisions of ARHSEPP	
Ground level private open space may be provided in up to two locations for each dwelling if comply with minimum dimensions.	Under provisions of ARHSEPP	
<b>6.1.4 RFBs</b>		
Each dwelling to have min 10m <sup>2</sup> with min dimension of 2m.	Under provisions of ARHSEPP	
Communal open space shall be provided in accordance with 6.2.3 below.	Under provisions of ARHSEPP	
<b>6.2 Communal Open Space</b>		
<b>6.2.1 General Requirements</b>		
Spaces to be landscaped and include facilities	Proposed spaces to be landscaped. Revised landscape plan to be submitted as deferred commencement condition.	Yes
Communal areas not to be provided in front setback without demonstrated need	Not in front setback.	Yes
Roof top open space for RFBs only where in addition to ground level requirements.	N/A	
A building for communal use should be provided.	Under provisions of ARHSEPP	
Open space shall be located to increase the potential for residential amenity.	The open space has been located to ensure the residential amenity of the	Yes

	neighbouring property is not impacted.	
<b>6.2.3 RFB</b>		
Incorporate communal open space in up to 2 locations at a minimum rate of 10m <sup>2</sup> per dwelling and a minimum width of 5m.	Under provisions of ARHSEPP	
<b>6.3 Solar Access</b>		
<b>6.3.1 General Requirements</b>		
At least 75% of each required open space area shall receive at least 3 hours unobstructed sunlight between the hours of 9am and 3pm on June 21.	Under provisions of ARHSEPP Required solar access achievable.	Yes
Dwellings should be orientated to allow optimum solar access for internal living areas.	Dwellings will receive either morning or afternoon solar access.	Yes
Buildings shall be designed to minimise adverse impact by wind velocities, intensities and directions on the amenity of the development and surrounding areas.	Building has been designed with wind velocities considered.	Yes
A weather protected entrance shall be provided to each dwelling.	Weather protected areas available	Yes
Consideration should be given to the provision of natural light and ventilation for excavated car parking areas.	N/A	
<b>6.3.3 RFB</b>		
RFBs that utilise the provisions of SEPP Affordable Rental Housing and Housing for Seniors or People with a Disability shall provide living rooms and private open spaces where a minimum of 70% of dwellings shall receive a minimum of 3 hrs unobstructed sunlight between 9am-3pm on June 21.	Application is under the provisions of ARHSEPP and is consistent with the solar access requirements.	Yes
The number of units within the development with a southerly aspect (SW-SE) is to be a maximum of 10% of the dwellings proposed.	All units have either east or west aspect.	Yes
Developments proposed on lots with an E-W aspect shall have a minimum width of 24m at the building line and a minimum site area of 1500m <sup>2</sup> , in order to minimise shadow impacts on adjacent lands.	The site has a minimum width of 27.435m and an area of 2966m <sup>2</sup>	Yes
<b>6.3.4 Shadow Diagrams</b>		
Developments that are 2 storeys in height or greater shall provide shadow diagrams based on a survey of the site and adjoining development, showing shadow casting at 9 am, 12 noon and 3 pm on June 21 (winter solstice). The shadow diagrams must show the impact of shadowing from the proposed development, fencing, cut and fill as well as existing development, on the proposed development and adjoining properties.	Shadow diagrams provided.	Yes
In assessing the impact of shadow on an adjoining property, Council shall have regard for the standards stated above in Section 6.3.1.	Minimal overshadowing on adjoining properties	Yes
<b>6.4 Privacy</b>		
<b>6.4.1 Visual Privacy</b>		
Direct overlooking of internal living areas and private open space to surrounding dwellings shall be minimised.	Upper levels have potential to overlook adjoining properties. However, given the separation distance between the proposed building and those properties affected, any	

	views would diminish and be visual clarity reduced.	
Refer to table 5 of s6.4.1 for recommended building separation distances.	The building is greater than the minimum distances recommended for adequate separation.	Yes
<b>6.4.2 Acoustic Privacy</b>		
Site layout should separate active recreational areas, parking areas, vehicle access ways and service equipment areas from bedroom areas of dwellings.	No view loss	
Development adjacent to high levels of uncontrollable external noise shall minimise the entry of that noise through building design and external wall treatment.		
<b>6.5 Views</b>		
Developments should be designed to minimise view loss from adjoining and adjacent properties.	No view loss	Yes
<b>8.0 Stormwater Management</b>		
Concept stormwater management plan to be submitted with application.		Yes
<b>9.0 Landscape</b>		
<b>9.1 General requirements</b>		
A Landscape plan prepared by an approved consultant to be submitted with the development application. (s8.1.1)	A revised landscape plan is required to be submitted as a condition of deferred commencement.	No
<b>9.1.2 Deep Soil Zones</b>		
A minimum 121/2% of required soft landscape area at ground level shall be a deep soil zone	Capable of achieving	Yes
<b>9.1.4 Street Trees</b>		
Two semi-advanced trees per 15 metre frontage to be provided, details to be provided as part of landscape plan.	Additional street trees deemed not necessary due to proposed on-site landscaping and existing trees.	
<b>10.1 Waste Management</b>		
<b>10.1.1 General Requirements</b>		
Developments to include suitably screened bin storage area.	Bin enclosure to be suitably screened.	Yes
Where waste bins collected from a point within the site, adequate space shall be provided to accommodate a rear-loading collection vehicle.	Space is available	Yes
<b>10.1.2 RFB 3 or more storeys in height</b>		
Garbage chute systems required if exceeding 3 storeys or a lift.	No garbage chute.	No Variation sought
<b>10.1.3 Ongoing Management</b>		
Ongoing management must be addressed in waste management plan.		
<b>11.0 Safety and Security</b>		
Pedestrian access shall be clearly defined.	Pedestrian access defined.	Yes
CPTED principles should be taken into account (s10.1)	CPTED principles have been considered	Yes
> 20 dwellings a formal Crime Risk Assessment may be required (s10.1)	The application was referred to the NSW Police Local Command who provided a crime risk assessment.	
<b>13.0 Fencing</b>		
Details of material, height, type and extent of all proposed fencing shall be shown on development application plans.	Details have been provided during the assessment process	Yes

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Fences contribute to the amenity, beauty and useability of private open spaces through incorporating design features.	Front fence is decorative and will contribute to the streetscape in a positive manner.	Yes
Courtyard fencing is to be of a decorative nature and 1.8m in height.	Courtyard fence is decorative	Yes
<p>Courtyard fencing in front setbacks may only be provided:</p> <ul style="list-style-type: none"> <li>• On category A roads for noise attenuation.</li> <li>• On category B roads for solar access.</li> <li>• No closer than 1.5m from front boundary alignment, and setback to be suitably landscaped.</li> </ul>	Proposed front courtyard fence is to be setback 2.5m from front boundary.	Yes
Decorative fencing may be provided along the front boundary with a maximum height of 1.2m.	Proposed fencing is at 2.0m and 2.5 m from front boundary, therefore acceptable.	Yes