

# HUNTER AND CENTRAL COAST REGIONAL PLANNING PANEL

## Council Assessment Report

<b>Panel Reference</b>	<b>2017HCC051</b>
<b>DA Number</b>	DA/1440/2017
<b>LGA</b>	Central Coast Council
<b>Proposed Development</b>	Erection of a new generation boarding house comprising 29 boarding rooms and a manager's residence, three into two lot subdivision and demolition of existing structures.
<b>Street Address</b>	1A Wallis Avenue, CANTON BEACH NSW 2263
<b>Applicant/Owner</b>	Coastplan Consulting
<b>Date of DA lodgement</b>	13 November 2018
<b>Number of Submissions</b>	Total 11 submissions (2 received during the original notification period and 9 received during notification of amended plans)
<b>Recommendation</b>	Approval subject to conditions
<b>Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011</b>	Under clause 5 of the SEPP, the erection of affordable housing that has a capital investment value at lodgement greater than \$5M is identified as regionally significant development.
<b>List of all relevant s4.15(1)(a) matters</b>	<ul style="list-style-type: none"> <li>• <i>State Environmental Planning Policy (Affordable Rental Housing) 2009</i></li> <li>• <i>State Environmental Planning Policy No. 71 – Coastal Protection</i></li> <li>• <i>State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</i></li> <li>• <i>State Environmental Planning Policy 55 – Remediation of Land</i></li> <li>• <i>State Environmental Planning Policy (State and Regional Development) 2011</i></li> <li>• <i>Draft State Environmental Planning Policy (Coastal Management) 2016</i></li> <li>• <i>Wyong Local Environmental Plan 2013</i></li> <li>• <i>Wyong Development Control Plan 2013</i> <ul style="list-style-type: none"> <li>- <i>Chapter 2.1 - Notification of Development Proposals</i></li> <li>- <i>Chapter 2.11 - Parking and Access</i></li> <li>- <i>Chapter 2.4 - Multiple Dwelling Residential Development</i></li> <li>- <i>Chapter 3.1 Site Waste Management</i></li> <li>- <i>Chapter 3.6 - Tree &amp; Vegetation Management</i></li> <li>- <i>Part 4 - Subdivision</i></li> </ul> </li> </ul>
<b>List all documents submitted with this report for the Panel's consideration</b>	<p><b>Attachments</b></p> <ul style="list-style-type: none"> <li>• Architectural Plans, Landscape Plans and Subdivision Plan</li> <li>• Recommended Conditions of Consent</li> </ul> <p><b>Supporting Documents</b></p> <ul style="list-style-type: none"> <li>• Statement of Environmental Effects</li> </ul>

	<ul style="list-style-type: none"> <li>• Traffic and Parking Assessment</li> <li>• Social Impact Assessment</li> <li>• Flood study</li> <li>• Accessibility Report</li> <li>• Supplementary Planning Report</li> <li>• Preliminary Arboriculture Assessment</li> <li>• Boarding House Management Plan</li> </ul>
<b>Report prepared by</b>	Nathan Burr
<b>Report date</b>	25 September 2018

# CENTRAL COAST COUNCIL

Development Assessment  
North

DA No: DA/1440/2017

Author: Nathan Burr

<b>Applicant Owner</b>	Coastplan Consulting Pacific Link Housing Ltd and Affordable Community Housing Ltd
<b>Application No</b>	DA/1440/2017
<b>Description of Land</b>	Lot 123 DP 778077 1A Wallis Avenue, CANTON BEACH NSW 2263
<b>Proposed Development</b>	Erection of a new generation boarding house comprising 29 boarding rooms and a manager's residence, two lot into two lot subdivision and demolition of existing structures.
<b>Site Area</b>	2053.00 m <sup>2</sup>
<b>Zoning</b>	R3 Medium Density Residential
<b>Existing Use</b>	Hostel
<b>Employment Generating</b>	No
<b>Estimated Value</b>	\$5,876,381

## RECOMMENDATION

- 1 That the Hunter and Central Coast Regional Planning Panel grant consent to DA/1440/2017 at Lot 123 DP 778077, 1A Wallis Avenue, CANTON BEACH NSW 2263 for a 30 Room Boarding House including one manager's residence, Subdivision and Demolition subject to the conditions provided in Attachment 1.***
- 2. That Council advise those who made written submissions of the determination.***

## PRECIS

- A development application has been received by Central Coast Council for the demolition of existing buildings, a two lot into two lot subdivision and the erection of a 30 room boarding house comprising 29 boarding rooms and one manager's residence.
- The proposal as lodged comprised a three storey boarding house which was reduced on amendment to two storeys in a wider footprint.
- The development application has been submitted pursuant to the provisions of *State Environmental Planning Policy (Affordable Rental Housing) 2009*. The proposal includes a shortfall in parking required under this instrument of five spaces.
- A total of 11 unique submissions have been received from ten individuals. Two submissions were received in response to the initial notification of the development

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following lodgement raising concerns with both the level of amenity to be afforded occupants and the physical impacts of the building. Following notification of the amended proposal a further nine unique submissions were received from eight individuals, six of which raised concerns with the proposal, one supporting the development and one raising administrative matters.

- The application has been assessed having regard to the matters for consideration detailed in Section 4.15 of the *Environmental Planning and Assessment Act 1979* and other statutory requirements and approval subject to conditions is recommended.

## **INTRODUCTION**

### **The Site**

The subject site is comprised of Lot 123 DP778077 and Lot 330 DP755266 and is known as 1A Wallis Avenue and 8 Kantara Road Canton Beach. 8 Kantara Road contains a dwelling house that was occupied on a residential basis until the site was acquired by the current owner. 1A Wallis Avenue contains a relatively large two storey brick building and associated detached cottage style building which collectively formed a hostel development known as Sandalwood Lodge. Sandalwood Lodge existed from the mid 1980's and provided accommodation for disabled persons and more recently was operated by the Australian Council on Alcoholism and Drug Dependence.

The site is generally flat and while street drainage exists there is no kerb and gutter on the frontage of the site and the street edge is informal with no constructed footpaths.

The surrounding neighbourhood is generally comprised of detached dwelling houses that have landscaped front setbacks of between 5m to 10m which often includes a front fence. Front fences within the nearby streets are varied in design and material however tend to be in the order of a maximum height of 1200mm. The notable exceptions to fence height are found on corner lots and higher density developments such as the subject site and the adjacent multi-dwelling housing development where fence height is in the order of 1800mm.

There are a number of public recreation spaces located nearby at Hibbard Street and Canton Beach and private recreation in the form of a registered club is also located on Hibbard Street.



Photo 1 - Aerial view of subject site and surrounds including key site

The existing mature trees within the neighbourhood are a defining characteristic of the street and surrounding neighbourhood forming the dominant element within the skyline and streetscape. This is particularly true of the subject site where the informal grassed frontage contains a number of significant trees as depicted in the photograph below.



Photo 2 - Photograph of the Wallis Ave frontage of the site

The subject site is not identified as being bushfire prone land or located within a mine subsidence district however, is partly class 4 and partly class 3 potential or actual acid sulphate soils and affected by flooding.

Council's records indicate that during a 1% Annual Exceedance Probability (AEP) flood event, flood levels of 4.0m AHD are expected to result in a maximum flood depth of 300mm on the site. The flooding experienced on the subject site is related to overland flow and is not a result of lake flooding. The diagram below depicts the extent 1% AEP event.



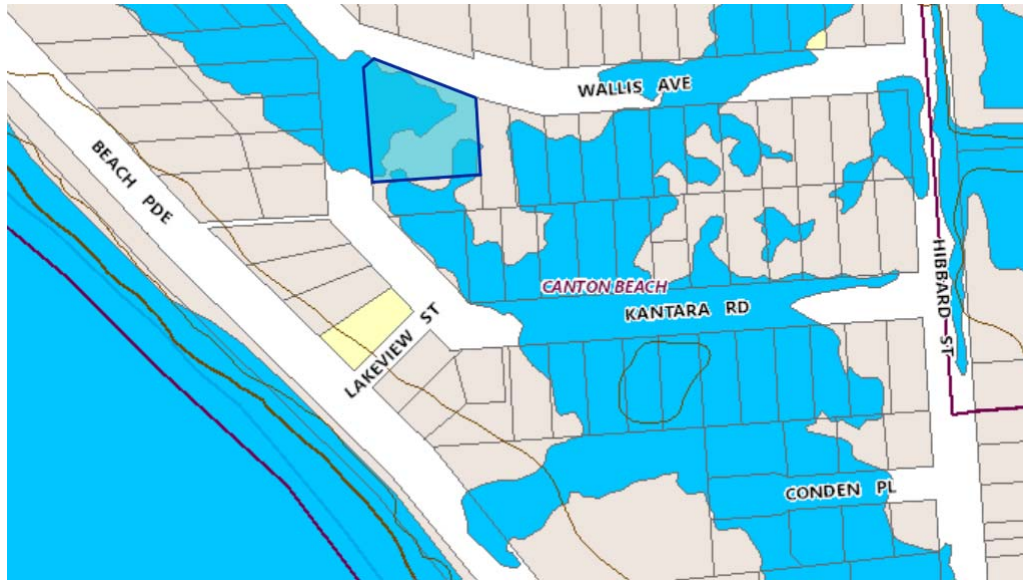


Figure 1 - 1% AEP extent Flood map extract

The subject site is zoned R3 – Medium Density Residential under *Wyong Local Environmental Plan 2013* (WLEP 2013) and the adjoining land is zoned SP3 Tourist while the foreshore area is zoned RE1 Public Recreation. Boarding houses and residential flat buildings are permissible development with consent within the R3 zone. The SP3 zone permits a range of uses including tourist and visitor accommodation, shop top housing and food and drink premises.

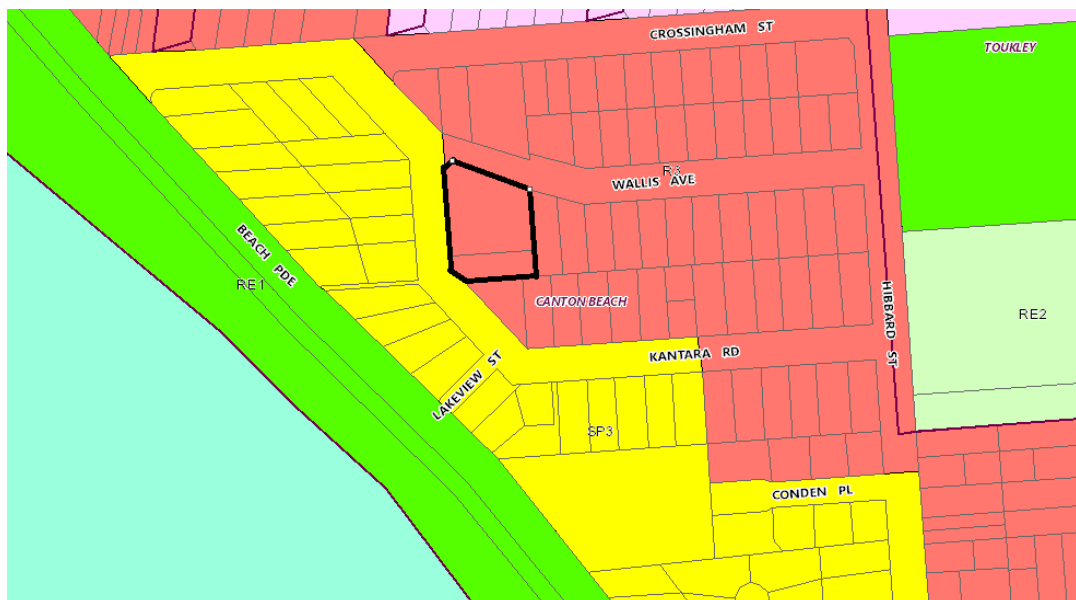


Figure 2 - WLEP 2013 Zone map extract

The WLEP 2013 establishes a maximum height of building of 12m and a maximum floor space ratio for development of 0.9:1 however, there are no provisions relating to a minimum lot size in the R3 zone. The subject site is not identified as being a key site or a local heritage item and the site does not benefit from any height or floor space bonus provisions under the WLEP 2013.

Figure 3 - Site plan as lodged



Figure 4 - 3D rendition of the proposal as lodged.

### Amended Proposal

The proposal was amended to include a two into two lot subdivision, demolition of existing structures and construction of a new generation boarding house described in the development application as comprising the following;

- 29 Tenant rooms (including 5 adaptable / accessible rooms), plus
- One (1) Caretaker / Managers room (which has the same facilities as the other rooms)
- Seven (7) Car parking spaces (including 1 accessible space & minivan space)
- Six (6) Motorcycle parking spaces
- Bicycle parking
- Mobile Scooter charging facilities.

Each self-contained room within the New Generation Boarding House will include:

- Kitchenette and cooking facilities
- Provision for laundry facilities
- Bathroom facilities
- Sleeping and storage areas.

The New Generation Boarding House will also include the following facilities:

- Communal living area at ground level
- Communal open space areas around the building
- Manager's private open space area
- Accessible paths of travel.



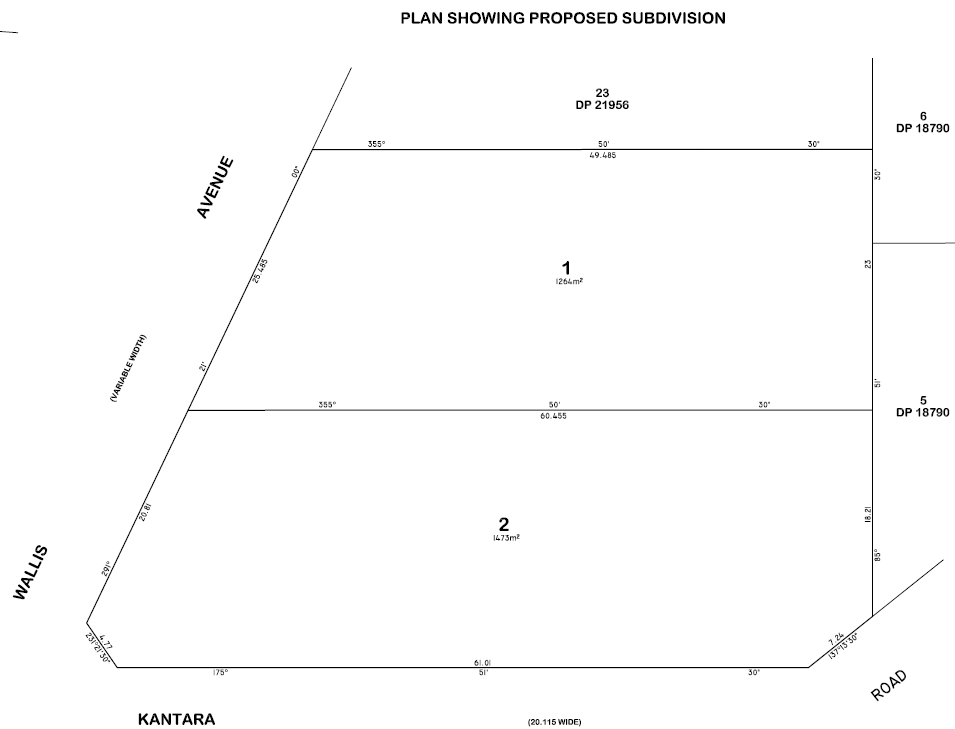


Figure 5 - Plan of Proposed subdivision – Lot 1 1264m<sup>2</sup> - Lot 2 1473m<sup>2</sup>

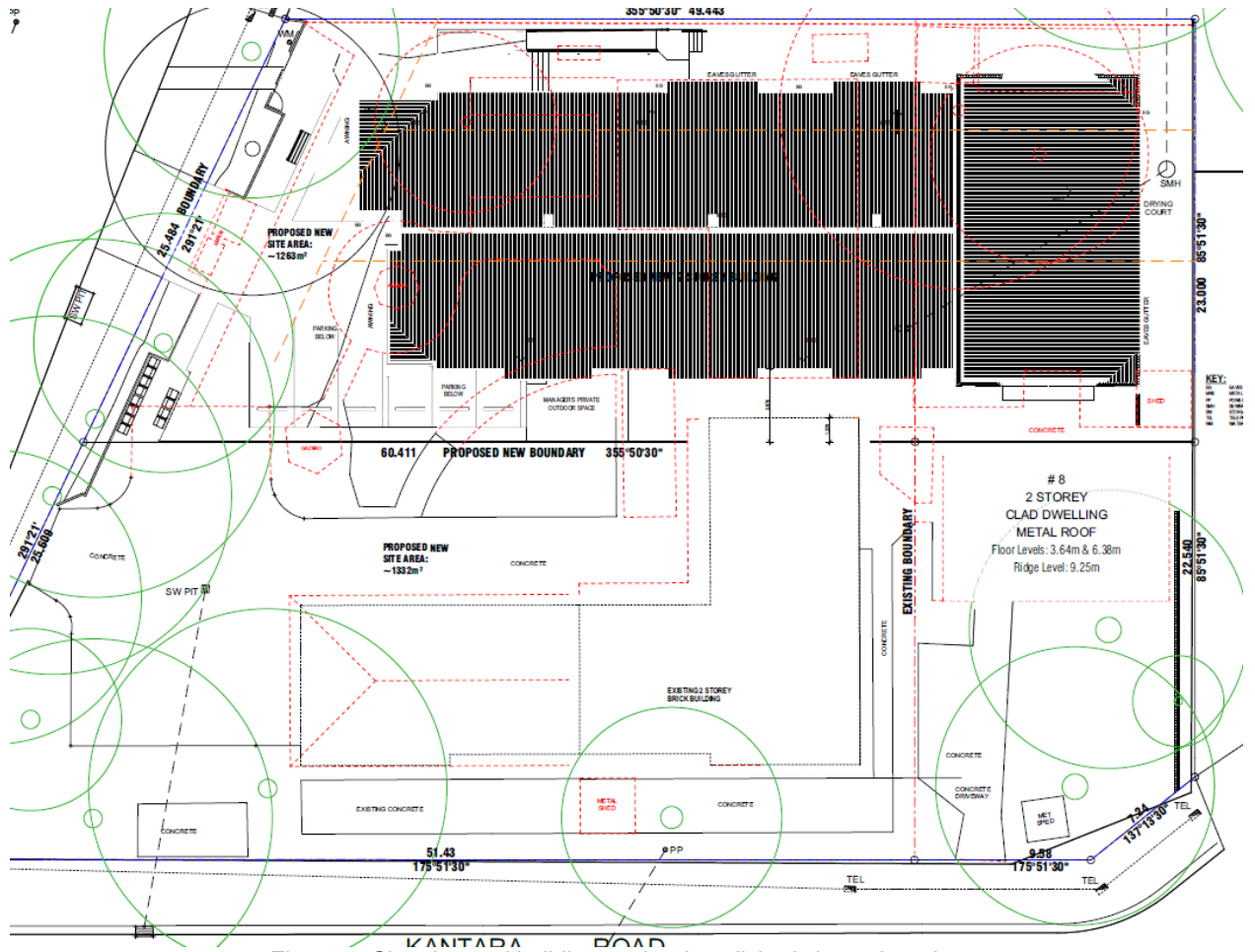


Figure 6- Site plan and buildings to be demolished shown in red.



Figure 7 - 3D rendition of the street elevation of the proposed boarding house.



Figure 8 - 3D rendition viewed from a south east perspective



Figure 9 - 3D rendition viewed from a North West perspective

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## VARIATIONS TO POLICIES

<b>Instrument</b>	<b>SEPP – Affordable Rental Housing</b>
<b>Clause</b>	29 (2) (e) Parking
<b>Standard</b>	0.4 parking spaces provided for each boarding room in an accessible area plus one space for the manager
<b>Departure basis</b>	29 rooms and one manager's residence generates a requirement for the provision of 12.6 (13) car spaces The proposed car park provides 7 boarding house car spaces which is a shortfall of 5 car spaces or 46%.

## PUBLIC CONSULTATION

The application has been the subject of notification on two separate occasions in accordance with Chapter 1.2 of the WDCP 2013, initially from 30 November 2017 to 21 December 2017 and subsequently following amendment from 2 August 2018 to 23 August 2018. In this regard it was considered that the amendments made to the proposal represented material change to the development and further notification of the proposal following acceptance of the amendments was warranted.

The initial notification resulted in two submissions being received. The initial submissions raised a number of concerns including the amenity afforded to residents by the design of the proposal and the physical impacts of the proposal.

In response to the notification of the amended proposal, submissions were received from eight separate parties including a number of submissions sent directly to the Regional Planning Panel via the Planning Alerts website. It is noted that submissions received directly to the Panel have been considered for the purposes of s.4.15 (1)(d) in the assessment of the application.

One submission was received which may be regarded as being in support of the proposal and evidence of demand for the housing proposed.

The remaining submissions raised concern with the proposal which have been summarised below.

- *The site is not suitable as it is not located near services required to support the residents such as employment and transport. The proposal would be better in Wyong or Warnervale.*

### Comment

The development application including the social impact assessment contains details of the services including access to transport within the locality. In this regard the site is in close proximity to the Toukley town centre which offers a range of shops and services considered sufficient to support the development.

- *The bus services in the area are limited and are not sufficient to support commuting for work purposes.*



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### Comment

A review of the available transport including use of the Transport for NSW Trip planner indicates that there are services at half hour intervals during peak commute times which connect to Lake Haven and Wyong interchanges. Bus services continue to run throughout the day which would provide services to commuters who work shifts.

- *The footpaths in the area are not extensive and there is limited connection to services via the footpaths.*

### Comment

Wallis Avenue does not have constructed footpaths and the provision of footpaths is intermittent in the road network within the locality however, there is a footpath connection to the Toukley town centre located nearby via Crossingham Street and Holmes Avenue. The lack of an extensive footpath network within the locality does not of itself render the site as unsuitable or inaccessible.

- *The proposal will house people with drug, alcohol and/or mental health issues which are not appropriate in an area popular with families and tourists. In addition the site is located close to licensed premises and children's sporting activities.*

### Comment

The proposed development is not a group home or hostel and it is not intended to provide accommodation for people who require higher levels of support services. The proximity of the recreation areas to the site are considered to make the location more desirable as the future occupants of the development are less mobile than the broader population and otherwise may not be able to take advantage of the natural areas of Canton Beach.

- *The people using this facility will be located away from their support networks. The transient nature of the residents means they are not likely to form connections with or be part of the community.*

### Comment

The details submitted as part of the social impact assessment and the anticipated demand commentary provided by the housing provider indicate that a significant portion of demand for the housing will be derived from the local community. In this regard the proposal will provide opportunity for people to remain in their local community within an affordable housing option. The housing provider anticipates that most tenants of the boarding house will become long term tenants.

- *The previous use generated negative social outcomes through antisocial behaviour. The former caravan park which also provided affordable accommodation resulted in antisocial behaviour and negative social outcomes.*

### Comment:

The proposal does not comprise a hostel and in comparison to ordinary forms of private housing such as a caravan park or rental housing, incorporates a higher level of supervision through the on-site manager, management plan and tenancy agreements. In this regard it is

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considered that the proposed development has a capacity to manage instances of antisocial behaviour than is the case with other forms of housing.

- *The scale of the development is not compatible with the area which is predominantly single dwellings.*

Comment:

The proposed building is significantly larger than the existing detached dwellings located within the neighbourhood however, this of itself does not render the development incompatible with the character of the area. The scale of the building was significantly reduced via the amended proposal which reduced the number of stories from three to two and in this regard the height and scale is not so much of an increase as to be overtly conspicuous. The development will retain the existing mature trees and fence within the frontage which are dominant features within the existing street and in this regard the vegetation will remain the highest and most dominant feature of the streetscape. The proposal is consistent with the height and density controls applicable in the area and is consistent with the objectives of the R3 Medium Density Residential Zone. So while the development is a more intensive form of development, it is compatible with the existing neighbourhood and the future character envisaged by the development controls.

- *The development will reduce privacy in the area and the will result in feelings of insecurity.*

Comment:

The development was reduced in height by one storey to limit the physical impacts associated with scale, overshadowing and overlooking. The development does occupy a large portion of the site and results in dwellings being located deeper into the allotment in comparison to the existing detached dwellings in the street, which have large landscaped expanses between the building and rear boundary. The proposal is introducing a new element into the site albeit to the eastern and part of the southern boundary only as the existing hostel is similar in nature to that of the proposal. The upper level windows have fixed louvers which significantly reduce the potential for overlooking of adjoining land and the impacts on privacy are considered to be commensurate with the R3 Medium Density Residential Zone.

- *The proposal will reduce amenity in the neighbourhood through the emission of noise and lighting of the external areas.*

Comment:

The boarding house includes an on-site manager and a plan of management including rules to address noise. In this regard, the proposal is expected to have a lesser impact than what might be expected from conventional dwellings because of the added regulation associated with the operation of the boarding house. In particular the management plan includes the following restrictions to preserve the amenity of the site and surrounds.

- *Not generating significant noise affecting surrounding neighbours.*
- *Reduced noise levels after 10am.*
- *No use of the communal area between the hours of 10pm and 7am.*
- *All guests are to vacate the premises by 10pm.*

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- *There will also be an onsite caretaker that will be able to monitor and manage these requirements.*

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The applicant has provided the following description of the proposed lighting.

*The building will not have external lights that will be on all night, and all of the windows will have block-out blinds / curtains to minimise light transmission from the rooms. The car parking and path of travel from the front gate to the entry will have some form of lighting to assist the safe travel of residents to the front door.*

The proposed lighting is not anticipated to generate undue impacts within the neighbourhood however, should impacts arise, the consultation required to be incorporated into the management plan by the recommended conditions provides a means by which the impacts may be communicated to the housing provider and addressed.

- *Traffic impacts including use of nearby driveways for manoeuvring.*

Comment:

The entry to the site is readily identifiable through the building name and access to the site however, should impacts arise, the consultation required to be incorporated into the management plan by the recommended conditions provides a means by which the impacts may be communicated to the housing provider and addressed.

- *The development will lower property values.*

Comment:

The potential impact on real estate value is not a matter for consideration under the *Environmental Planning and Assessment Act 1979* and the consent authority does not have standing to consider whether the proposal will have a positive or negative impact on real estate value.

- *There is little social or economic benefit to community by adding low and very low income residents to the area. There is already a large incidence of unemployment and antisocial behaviour in the area and this development will contribute to the extent negative social situations.*

Comment:

The future residents of the boarding house are likely to be already living within the local community and the proposal is not likely to alter the demographic composition of the local community. Notwithstanding there is no evidence to suggest that the future residents of the boarding house will not patronise local businesses. In this regard, the intent of the boarding house is to allow the residents to reduce the percentage of their available income that is utilised on housing which is likely to increase the amount available for discretionary spending.

- *What is proposed for the remainder of the site?*

Comment:

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The current application does not propose a use for the proposed lot 2. The development application was amended to create developable allotments which comply with the requirements of Part 4 of the *Wyang Development Control Plan 2013*. Any future development of the vacant parcel will generally require development consent.

- *Concern that the submissions made to planning alerts are not being considered.*

Comment:

All submission received by the Hunter and Central Coast Regional Planning Panel were forwarded to the Council for consideration in the assessment of the application.

## INTERNAL CONSULTATION

Section	Comments
Engineering	The development is satisfactory subject to the recommended conditions of consent.
Contributions	Contributions are payable under the Toukley and Shire Wide contributions plans.
Traffic	The subject site is not an accessible location for the purposes of the SEPP ARH due to the distance to the nearest bus stop and the nature of pedestrian environment within the surrounding roads. The proposed parking complies with the requirements of the Wyong DCP.
Social Planner	Concerns raised in relation to the lack of community consultation carried out in the preparation of the Social Impact Assessment. Conditions of consent recommended requiring ongoing community engagement as part of the management of the boarding house.



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## **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 matters are considered to warrant further discussion, as provided below:

**Sustainable building design:** The proposal is supported by a BASIX certificate which details measures for energy and water efficiency.

**Bushfire Protection:** The site is not identified as bushfire prone land.

**Reduced Car Dependence:** The site is located within walking distance to a number of bus stops, recreation opportunities and the Toukley Central Business District which facilitates lower usage of private transport.

**Rising Sea Level:** The site is located within a flood area and further comment has been made regarding this aspect of the proposal as a site constraint.

## **ASSESSMENT**

### ***Section 4.15(1) Matters for consideration***

Having regard for the matters for consideration detailed in Section 4.15 of the *Environmental Planning and Assessment Act 1979* and other statutory requirements, Council's policies and Section 10.7 Certificate details, the assessment has identified the following key issues, which are discussed for Council's information.

## THE PROVISIONS OF RELEVANT INSTRUMENTS/PLANS/ POLICIES

### Relevant State Environmental Planning Policies

The following State Environmental Planning Policies are relevant considerations in the assessment of the current proposal.

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

The relevant provisions of the *State Environmental Planning Policy (Affordable Rental Housing) 2009* (SEPP ARH) as they apply to the proposal are included in the table below.

Clause	Comment	Compliance
<b>Division 3 Boarding houses – Clauses 26 – 29</b>		
<b>Application of this division and Standards that cannot be used to refuse the development</b>		
<b>26 Land to which Division applies.</b>	The site is zoned R3 Mixed Use under the WLEP 2013.	<b>Yes</b>
<b>27 Development to which this division applies.</b>	Development not within R2 or equivalent zone.	<b>N/A</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>29(1)</b> <b>a)</b> the existing maximum floor space ratio for any form of residential accommodation permitted on the land, or <b>b)</b> 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 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>The existing maximum FSR as per the WLEP 2013 FSR map is 0.9:1. The SEPP provides for an additional 0.5:1 as the FSR is less than 2.5:1.</p> <p>The proposed FSR is 0.86:1 which complies with the WLEP 2013 standard and the SEPP bonus is not relied upon.</p> <p>It is noted that the FSR calculations are based upon the future lot and there will not be a double dip as a result of the subdivision.</p>	<b>Yes</b>

<p><b>29(2)</b></p> <p><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 (POS)</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>The maximum building height under the WLEP 2013 is 12m. The height of the proposed development is at its maximum 8.2m.</p> <p>The front setback is a minimum of 4.9m which is consistent with front setback controls for higher order development such as multi-dwelling housing contained within the relevant development control plan. The retention of the existing fence and mature trees within the site and particularly within the road reserve adjacent to the site preserve and contribute to the compatibility of the development with the streetscape.</p> <p>The communal living room is slightly undercroft which restricts the amount of direct sunlight received. Refer to more detailed comment below.</p> <p>There is an area of approximately 25m<sup>2</sup> of open space adjacent to the internal communal living area and this area is behind the building line. The proposal seeks to maintain the existing front courtyard fence which will create additional area of private open space for residents.</p> <p>The site manager area of POS is located adjacent to the residence and comprises an area of approximately 16m<sup>2</sup>.</p>	<p><b>Yes</b></p> <p><b>Yes</b></p> <p><b>No</b></p> <p><b>Yes</b></p> <p><b>Yes</b></p>
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<p><b>e) parking if:</b>          (i) in the case of development in an accessible area—at least 0.2 parking 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>The proposal does not meet the criteria for being considered as an accessible area and therefore parking should be provided at the rate of 0.4 spaces per bedroom.</p> <p>29 rooms generates the need for 12.6 (13) car spaces The car park provides 7 boarding house car spaces which is a shortfall of 6 car spaces or 46%.</p> <p>The live-in manager has a designated car space.</p> <p>The boarding room sizes are as follows are approximately 20m<sup>2</sup></p> <p>The units contain private kitchenettes and en-suites in each room.</p>	<p><b>No</b></p> <p><b>Yes</b></p> <p><b>Yes</b></p>
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The proposal does not comply with the provisions of clause 29(2) with respect to solar access and car parking. Clause 29(4) provides that a consent authority may consent to development despite non-compliance with the standards specified in Clause 29(2). In this regard it is open to the consent authority to determine the merits of the proposal and an objection to the standard pursuant to clause 4.6 of the relevant local environmental plan is not necessary. The merits of the proposed solar access and car parking area considered below.

#### Solar Access

Clause 29(2)(c) requires the common room to receive 3 hours of direct sunlight between 9am-3pm in mid-winter. The proposal includes a communal area that is oriented east and will have an amenable level of natural light however the windows and entry to the common room are under croft and will not receive three hours of direct sunlight. A plan extract depicting the common room arrangement is included below for reference.



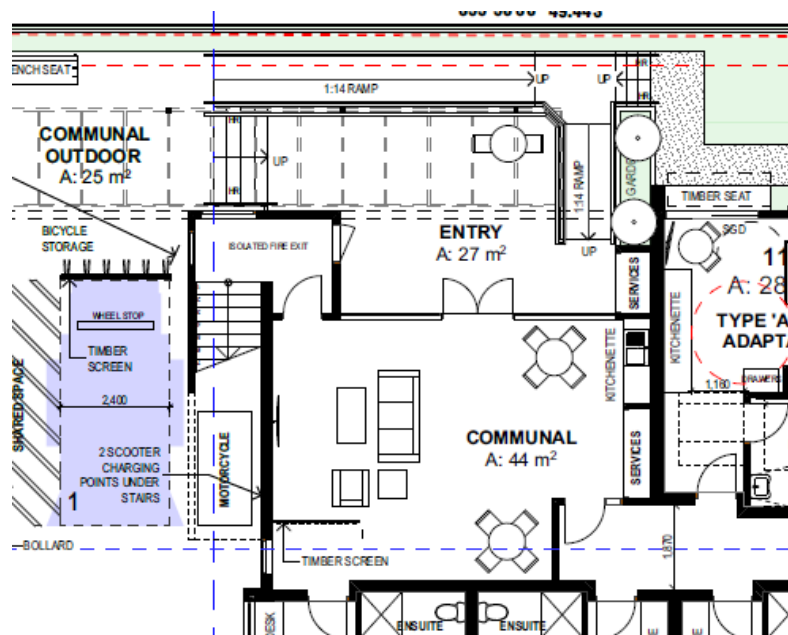


Figure 10 - Extract from the ground floor plan

The communal living room could be extended beyond the undercroft and this would likely result in sunlight directly to the windows however, this would be at the expense of weather protection of the entry. The external communal areas will enjoy reasonable solar access and there is good connection between the external and indoor areas such that solar access is considered reasonable. The sustainability of the development or desirability of the common room is not diminished by the proposed configuration, and amendment of the proposal to improve the solar access to the common room is not warranted.

### Car Parking

The development is being carried out by a social housing provider and subclause 29(e) provides that parking should be provided in accordance with the following:

- (i) *in the case of development carried out by or on behalf of a social housing provider in an accessible area—at least 0.2 parking spaces are provided for each boarding room, and*
- (ii) *in the case of development carried out by or on behalf of a social housing provider not in an accessible area—at least 0.4 parking spaces are provided for each boarding room, and*
- (iii) *in the case of any development—not more than 1 parking space is provided for each person employed in connection with the development and who is resident on site...*

An accessible area is defined by clause 4 of the SEPP to mean the following:

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

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The subject site, while in proximity of a number of bus stops, is not within 400m of a bus stop and the nearest bus service does not provide the relevant frequency of weekend services for the site to be considered within an accessible area.

The standard of 0.4 parking spaces per boarding room is the applicable rate which equates to a requirement of 11.6 spaces plus one space for the manager with a total of 13 spaces being required. The development includes provision of seven spaces which represents a shortfall of 6 spaces or 46%.

The Statement of Environmental Effects submitted with the application sought to justify the parking provided in terms of the site comprising minor deficiencies with regard to being within an accessible area. However, it is considered that an accessible area is a matter of fact and there is no scope to vary the criteria. The applicant, through further submission, articulated the justification for the proposed quantum of parking as follows:

Applicant's submission

*Wyong Council's DCP requirements for parking spaces for boarding houses are as follows:*

- The greater of 1 space per 5 beds or 1 space per 8.5 beds plus staff parking (Staff requirements are 1 space for manager plus 1 space per 2 employees).*
- 1 space for a mini bus and service vehicles.*

*The proposal incorporates 29 boarding rooms and one (1) manager's room, therefore carparking calculations are:*

*Scenario 1*

- 1 space per 5 beds = 6 carparking spaces + 1 mini bus space. Totalling 7 spaces.*

*OR*

*Scenario 2*

- 1 space per 8.5 beds + 1 Manager parking space = 4 carparking spaces + 1 mini bus space. Totalling 5 spaces.*

*Therefore, as it is the greater, Scenario 1 would apply. The proposal does incorporate seven (7) parking spaces of which one (1) space can be used for a mini bus/service vehicle, which meets the requirements of Council's DCP.*

*Pacific Link Housing's experience in managing its boarding houses indicates that the existing parking ratios are sufficient. Its existing 31 room boarding house in Woy Woy NSW was required to have 6 car parks for residents. There has not been any additional requirement for tenant car parking at any time. Its current Boarding Houses do not present parking problems to the community.*

*In addition to this, research commissioned by the former Wyong Shire Council (now Central Coast Council) indicates that 74% of Public Housing (Social Housing) Tenants living in studio or 1 bed room apartments do not own a car.*

*The subject site is also in close proximity to local services, community facilities and public bus transport. Toukley town centre is located within 800m of the subject site*

and bus stops are located within 400m of the subject site. Refer to Figure 8 Contextual Analysis and the following, which provides an overview of the services and transport facilities that are available to the future New Generation Boarding House.



Figure 8 - Contextual analysis

## Public Transport

The nearest public transportation access point is a west bound bus stop located along Crossingham Street adjacent to Harry Moore Oval. Busways Central Coast Region operates a clockwise loop (route 91) between the Lake Haven Shops and Noraville. The Crossingham Street stop has a daily service and generally complies with access requirements under the Affordable Housing SEPP apart from evenings and Sundays when the service is less frequent.

The distance to/from bus stops will depend on the route taken. Access to the bus stop through the Harry Morgan Oval is within 400 metres to the route 91 bus stop on the northern edge or to bus stops along the eastern edge with more route options (as discussed below) at a distance of approximately 545 metres...

...The verge area along the southern edge of Crossingham Street does not include a paved footpath so crossing of the Harry Morgan sporting grounds would likely be seen as a viable alternative to the road verge.

Bus routes 90, 92 provide additional and more frequent weekday, weekend and public holiday services for the local area. These services are accessed from either Main or Evans Roads operating on a loop from the Lake Haven Interchange where additional connections can be made for Wyong and Tuggerah.

These additional bus stops are located approximately 700 to 800 metres to the north and east depending on the route.

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*Bus route 93 operates on a Monday to Friday timetable with bus stops along Evans Road east of the Harry Morgan Oval or at stops along Main Road. This service connects Budgewoi with Westfield Tuggerah via Noraville, Tuggerah and Wyong Train Stations.*

*The site is largely compliant with deemed to comply criteria for accessible area under the Affordable Housing SEPP. Relocation of the bus stop has been discussed with the bus company and would be subject to Local Traffic Committee agreement. Applicant is agreeable to providing seating at bus stop in Crossingham Street.*

*Notwithstanding the requirements for accessibility under the Affordable Housing SEPP, the number of parking spaces complies with Council's DCP requirements for a boarding house.*

### **Shops and Services**

*The subject site is within a relatively short distance of shops and services located at both Toukley Town Centre and East Toukley / Noraville.*

*Toukley Town Centre is within approximately 560 metres walking distance to the northwest of the subject site. Toukley is defined under the Wyong Retail Hierarchy as a Town Centre. It contains a wide range of shops and services for the surrounding local communities including medical centres, supermarkets, pharmacy, newsagent, post office, restaurants, cafes, bakery and many other shops and services.*

*Noraville/East Toukley Village also contains a range of local shops and services and is located approximately 600-700 metres northeast of the subject site. Shops and services include; an Aldi supermarket, cafes, pharmacy, newsagent, Services NSW, bakery as well as other local businesses. The southern extent of the Village can be accessed by walking east along Crossingham Street and north along either Rays Street or Evans Road. The Village can be also accessed by bus from Crossingham although it is only one stop to Main Road. Refer Figure 7.*

### **Community and Recreation Facilities**

*The subject site is located within close proximity to a number of community, recreation and sporting facilities. Facilities include:*

- *Toukley Neighbourhood Centre*
- *Toukley Aquatic Centre and Tennis Academy*
- *Toukley RSL*
- *Canton Beach Sports Club*
- *Harry Moore Oval*
- *Toukley Library and Community Hall.*

*The subject site is also within close proximity to the Canton Beach Foreshore. Recreation opportunities along the Foreshore include walking, and swimming, cafe dining, playground as well as informal recreation, picnic and bar-b-queing facilities along the continuous, open foreshore lawn areas.*

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### ***Future character - Key Sites***

*Two sites have been identified as Key Sites by Central Coast Council to stimulate development of the Canton Beach foreshore. Both sites are within close proximity to the subject site. Refer Figure 8. Development for these sites has been intensified and with one of the key objectives to provide a tourist related activities such as cafes, restaurants, and shops along the Beach Parade street frontage to activate the streetscape and improve amenity of the area. This activation may extend around the corner of No.*

*1 Beach Parade onto the Crossingham Street frontage. This will provide further facilities in close proximity for the residents in the future.*

### **Comment**

Ordinarily the provisions of s.4.15(3A) of the Act prevents a consent authority from imposing a more onerous standard on a development where the development meets the requirements for a particular matter set by a relevant development control plan. In this instance however, the SEPP prevails over any inconsistency with any other planning instrument and the consent authority is open to consider the merits of the parking in the context of the shortfall.

The genesis of the applicant's submission is based on the social housing provider's past experience indicating the quantum of parking proposed is sufficient to meet the anticipated parking demand. The applicant's contention is that the proposal complies with Council's requirements established via the development control plan and furthermore the site enjoys good levels of access to transport, recreation and other services.

The subject housing provider is considered to be experienced in the field and the development application contains analysis of the anticipated number of occupants including details of the likely age and gender of the residents. In this regard it is reasonable to consider that the operator has a means by which to accurately determine the average demand for car parking.

The availability of public transport, services and recreation is an important element in establishing the credibility of the applicant's submission in relation to parking demand. In this regard a site that is not accessible to transport and other amenities might be likely to generate a relatively high demand for parking as it would be more likely to attract residents with access to private transport in spite of the intended target residency.

In relation to the availability of public transport, it is considered that although the requirements of an accessible area have not been met, the development is relatively well serviced by public buses which in turn provide access to bus interchanges at Wyong and Lake Haven and train stations for inter-city travel. A review of the Transport for NSW Trip planner indicates that there are frequent services for commuters from Main Road, Toukley with an estimated walk time from the site to the bus stop in the order of 10 minutes (approximately 650m). In addition to access to bus services, the site is well located in terms of opportunities to access passive and/or active recreation on foot or via alternate means such as a mobility scooter.

The parking is considered to be acceptable in the context of the site and the proposed development in spite of the provisions of SEPP ARH and consent may be granted to the proposal pursuant to clause 29(2) of the SEPP ARH.

Clause	Comment	Compliance
<b>Division 3 Boarding houses – Clause 30 Standards for boarding houses Standards that must be met</b>		
<b>a)</b> if a boarding house has 5 or more boarding rooms, at least one communal living room will be provided,	The proposal contains more than 5 boarding rooms and a communal living area has been provided.	<b>Yes</b>
<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,	The area of the boarding rooms excluding the relevant areas is approximately 20m <sup>2</sup> and no rooms are greater than 25 m <sup>2</sup> .	<b>Yes</b>
<b>c)</b> no boarding room will be occupied by more than 2 adult lodgers,	The boarding rooms are for maximum of two people (double units).	<b>Yes</b>
<b>d)</b> adequate bathroom and kitchen facilities will be available within the boarding house for the use of each lodger,	Adequate bathroom and kitchen facilities are provided in each unit.	<b>Yes</b>
<b>e)</b> if the boarding house has capacity to accommodate 20 or more lodgers, a boarding room or on site dwelling will be provided for a boarding house manager,	The proposal includes more than 20 boarding rooms and accordingly provision has been made for a house manager.	<b>Yes</b>
<b>f)</b> (Repealed)	N/A	<b>N/A</b>
<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,	N/A.	<b>N/A</b>
<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.	The proposal requires 6 spaces for bicycles and 6 for motorcycles. The proposal includes 6 spaces for bicycles and 6 for motorcycles. The proposal also includes provision for mobility scooter charging.	<b>Yes</b>

#### **Clause 30A Character of the local area.**

The aim of SEPP ARH is to increase the supply and diversity of rental and social housing in New South Wales. Amendments introduced in 2011 introduced changes in relation to



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boarding houses which obliges a consent authority to consider whether the design of the development is compatible with the character of the local area

Determining compatibility is not a measure of sameness and in this instance even less so because the planning controls envisage a more intensive form of development than what currently typifies the streetscape. In this regard consideration of character must include the existing but also the future character of the area.

As previously mentioned the existing character is typified by detached dwelling houses that have landscaped front setbacks of between 5m to 10m which often includes a front fence. Front fences within the nearby streets are eclectic in design and material however tend to be in the order of a maximum height of 1200mm. The notable exceptions to fence height are found on corner lots and higher density developments such as the subject site and the adjacent multi-dwelling housing development where fence height is in the order of 1800mm.

The planning controls for the site allows for a variety of residential accommodation including residential flat buildings, multi-dwelling housing, dual occupancies, attached dwellings, group homes and boarding houses. A number of non-residential uses are also permissible with consent including caravan parks, take away food and drink premises and emergency services facilities. The maximum height of building is 12m and the maximum FSR is 0.9:1 allowed under the WLEP 2013. The residential neighbourhood adjoins an area zoned SP3 Tourist where building heights of 16m and FSR's of 1.25:1 are permissible under WLEP 2013.

While development consent has been issued for a number of shop top housing developments on site fronting Beach Parade Canton Beach, work in association with these approvals has yet to commence. Redevelopment in the local area has tended to comprise more intensive forms of residential development typically single and two storey multi-dwelling housing and villa type arrangements or dual occupancy developments.

Multi-dwelling housing would be guided by the provisions of Chapter 2.4 - Multiple Dwelling Residential Development of the *Wyong Development Control Plan 2013* (WDCP 2013). A review of the proposal in terms of compliance with the required setbacks, height and density reveals that the proposal complies with the requirements for development under chapter 2.4 of WDCP 2013 with the exception of the rear setback. In this regard, the monolithic form is considered to be balanced by stepping in the elevation and changes in materials and colour and a relatively generous side setback of between 3m and 4.2m as opposed to the WDCP 2013 minimum requirement of 900mm. In relation to the rear setback, the WDCP 2013 would require a minimum distance to the rear boundary of 4.5m whereas the proposal includes a setback of 3m to the rear boundary.

The rear setback control contained within the WDCP 2013 is intended to preserve the amenity of the subject site and those adjoining by providing physical separation between developments such that visual and acoustic privacy and solar access is preserved between the sites. In this instance the proposal does not include any windows to habitable rooms in the rear elevation. While this does reduce the amount of visual interest on the rear elevation any impacts on privacy are all but eliminated.

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The height of the building at the rear is approximately 7.1m (the ridge height beyond the rear portion being 7.5m) which is approximately 4.9m below the allowable height limit under the WLEP 2013 which limits both the visual impact and overshadowing resulting from the proposal. While not as visually engaged as might otherwise be the case if the rear elevation contained habitable areas such as decks and balconies and windows to habitable rooms, the elevation nevertheless contains a variety of materials and colours to disrupt the mass into a series of columns which is considered to be compatible with the character of the area and not likely to unduly impose on adjoining sites should they be redeveloped in the future for medium density residential development.

The frontage of the site and streetscape will continue to be dominated by the mature vegetation and high fence with the building apparent behind. The proposed setback is a minimum of approximately 4.9m ranging to approximately 11.8m due to the angle of the road alignment. Building setbacks along the southern side of Wallis Ave tend to be in the order of 7m-7.5m and while the development is forward of the established line it is in accordance with the minimum setback envisaged by the development controls of 4.5m.

The alignment of the street has the effect of making the development more prominent when viewed from the east of the site along Wallis Avenue and the building will have an appearance of protruding forward in the streetscape however, this more prominent portion of the building contains the entry and outdoor common space and windows to address the street.

In terms of what might be reasonable under the development controls it is considered that a similar impact could be expected from any redevelopment of the site comprising medium density housing.

### **Clause 52 No subdivision of boarding houses**

Consent must not be granted to the strata or community title subdivision of a boarding house. The proposal does not include subdivision of the boarding house and this clause does not affect the proposed subdivision which seeks to create the development site.

### **State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004**

A BASIX certificate for the development has been submitted. The proposal complies with the requirement for the proposed dwelling to meet the NSW Government's requirements for sustainability in residential buildings in terms of meeting water and energy efficiency targets.

### **State Environmental Planning Policy (State and Regional Development) 2011**

The proposal constitutes regional development under Part 4 of *State Environmental Planning Policy (State and Regional Development) 2011* and as identified under Schedule 7 the proposed development is for affordable housing with a capital investment value at lodgement of more than \$5M. As such, the determining authority for the development application is the Hunter and Central Coast Regional Planning Panel.

### **State Environmental Planning Policy No 55—Remediation of Land**

Clause 7(1) of State Environmental Planning Policy No. 55 – Remediation of Land is relevant to the assessment of this Development Application.

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Clause 7(1) requires that consent not be granted until Council has considered whether the land is contaminated. If the land is contaminated, the Council needs to be satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purposes for which the development is proposed to be carried out. Previous land uses on the site, being for residential, indicates the land is not likely to be contaminated and is therefore fit to continue its use for residential purposes.

Conditions relating to the management of the demolition process are recommended.

#### State Environmental Planning Policy 71 – Coastal Protection

*State Environmental Planning Policy No.71 – Coastal Protection* (SEPP 71) applies to the development. SEPP 71 was repealed by *State Environmental Planning Policy (Coastal Management) 2018* (SEPP (Coastal Management)) on 3 April 2018. The savings and transitional provisions under Clause 21 of SEPP (Coastal Management) apply to this application. In this regard, Clause 21 reads:

*The former planning provisions continue to apply (and this Policy does not apply) to a development application lodged, but not finally determined, immediately before the commencement of this Policy in relation to land to which this Policy applies.*

The DA was lodged prior to 3 April 2018, therefore in accordance with Clause 7 of SEPP 71, the proposal has been assessed within the context of the matters for consideration outlined under Clause 8 and found to be satisfactory. The proposal has also been considered under Part 4 of the SEPP and is considered consistent with the aspects identified under this part. A summary of the clause 8 considerations is included below.

Cl.8	Matters for Consideration	Proposed
a	The aims of the Policy	The proposal is compliant with the objectives of the Policy in terms of protection of the coastal zone and environment; and the maintenance of pedestrian access to foreshore areas.
b	Existing public access to and along the coastal foreshore for pedestrians or persons with a disability should be retained and, where possible, public access to and along the coastal foreshore for pedestrians or persons with a disability should be improved.	The proposal does not affect public access to foreshore areas.
c	Opportunities to provide new public access to and along the coastal foreshore for pedestrians or persons with a disability.	Not applicable.
d	The suitability of development given its type, location and design and its relationship with the surrounding area.	The site is suitable for the proposed boarding house and is likely to have a harmonious relationship with the surrounding area.
e	Any detrimental impact that development may have on the amenity of the coastal foreshore, including any significant overshadowing of the coastal foreshore and any significant	The proposal has no adverse impact on the foreshore in terms of view loss or overshadowing.

	loss of views from a public place to the coastal foreshore.	
f	The scenic qualities of the New South Wales coast, and means to protect and improve these qualities.	The proposal will have no adverse impact on the scenic qualities of the coastline.
g	Measures to conserve animals (within the meaning of the Threatened Species Conservation Act 1995) and plants (within the meaning of that Act), and their habitats.	The subject site does not contain any known occurrences of threatened species or habitat.
h	Measures to conserve fish (within the meaning of Part 7A of the Fisheries Management Act 1994) and marine vegetation (within the meaning of that Part), and their habitats.	The proposal is not likely to have a significant impact on the conservation of fish and marine vegetation.
i	Existing wildlife corridors and the impact of development on these corridors.	The site is not within a wildlife corridor.
j	The likely impact of coastal processes and coastal hazards on development and any likely impacts of development on coastal processes and coastal hazards.	The proposal is not vulnerable to coastal hazards or impacts associated with coastal hazards. .
k	Measures to reduce the potential for conflict between land-based and water-based coastal activities.	The proposal does not warrant particular measures The proposal has no impact on water-based coastal activities.
l	Measures to protect the cultural places, values, customs, beliefs and traditional knowledge of Aboriginals.	The subject site does not contain any aboriginal sites or relics, and there are no known sites within the immediate locality.
m	Likely impacts of development on the water quality of coastal water bodies.	The proposal will not have a significant adverse impact on the water quality of the nearby coastal water body.
n	The conservation and preservation of items of heritage, archaeological or historic significance.	The proposal has no impact on items of heritage, archaeological or historic value.
o	Only in cases in which a council prepares a draft local environmental plan that applies to land to which this Policy applies, the means to encourage compact towns and cities.	Not applicable.
p(i)	The cumulative impacts of the proposed development on the environment.	The proposal is not considered to have any adverse cumulative impacts on the environment.
p(ii)	Measures to ensure that water and energy usage by the proposed development is efficient.	A BASIX certificate has been submitted demonstrating the adequate provision of water and energy saving measures.

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**a) Wyong Local Environmental Plan 2013**

<b>Relevant Clause(s)</b>	<b>Complies</b>
Clause 2.3, Clause 4.1, Clause 4.3, Clause 4.4, Clause 7.1, Clause 7.2 and Clause 7.9	Yes

Permissibility

The application has been lodged pursuant to the SEPP ARH, however, boarding houses are a development permissible with consent in the R3 Medium Density Residential Zone.

Clause 2.3(2) - Zone objectives and Land Use Table

The consent authority must have regard to the objectives of the relevant zone when determining a development application. The objectives of the zone are included below for reference.

- *To provide for the housing needs of the community within a medium density residential environment.*
- *To provide a variety of housing types within a medium density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To maintain and enhance the residential amenity of the surrounding area.*
- *To encourage amalgamation of existing lots to facilitate well designed medium density development and to avoid unnecessary isolation of lots*
- *To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.*

Having appropriate regard to the objectives of the zone it is concluded that the proposal meets the tests of being compatible and consistent with the objectives of the zone.

While multi dwelling housing is permissible within the subject zone there are not numerous examples within the surrounding neighbourhood of this type of development. Notwithstanding, in the context of the existing development on the site and the existing multi-dwelling housing developments, the proposal will not be introducing a new or undesirable housing type into the neighbourhood. In this regard the proposal provides housing needs for the community by providing a variety of housing at a density and character compatible with maintaining the character and amenity of the existing low density residential environment.

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#### Clause 4.1 - Minimum subdivision lot size

Clause 4.1 of the WLEP 2013 requires any lot resulting from a subdivision granted consent under this clause to comply with the minimum lot size shown on the Lot Size Map. In this instance the Lot Size Map does not specify a minimum area for the site.

#### Clause 4.3 - Height of Buildings

The height of a building on any land is not to exceed the maximum height for the land shown on the Height of Buildings Map. The site is within area 'M' on the Height of Buildings Map which allows for a height of 12m. The proposed building has maximum overall building height of approximately 8.2m which complies with the WLEP 2013 standard.

#### Clause 4.4 - Floor Space Ratio

The maximum floor space ratio (FSR) for a building on any land is not to exceed the maximum shown on the Floor Space Ratio Map. The subject site is within area 'L' on the Floor Space Ratio Map which permits a maximum FSR of 0.90:1. The proposal comprises an FSR of approximately 0.86:1 based on the area of proposed Lot 1. In this regard the proposal is considered to comply with the provisions of clause 4.4 of the WLEP 2013 and does not represent a double dip with regard to FSR therefore a covenant is not warranted pursuant to clause 4.5(9).

#### Clause 7.1 Acid sulfate soils

The site is identified as being class 5 acid sulfate soils. The proposed development does not involve any works likely to reduce the water table on any nearby class 1, 2,3 or 4 land and the preparation of an acid sulfate soils management plan is not warranted.

#### Clause 7.2 Flood Planning

The site is located within the Northern Lakes Catchment and Council's records indicate that the site is affected by flooding therefore the provisions of clause 7.2 of the WLEP 2013 apply.

Under clause 7.2 of the WLEP 2013 development consent must not be granted to unless the consent authority is satisfied that the development:

- (a) is compatible with the flood hazard of the land, and*
- (b) is not likely to significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and*
- (c) incorporates appropriate measures to manage risk to life from flood, and*
- (d) is not likely to significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and*
- (e) is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.*

The extent of the flood is detailed in Figure 1 below and is due to a localised depression running parallel to, and to the east of, Beach Parade.

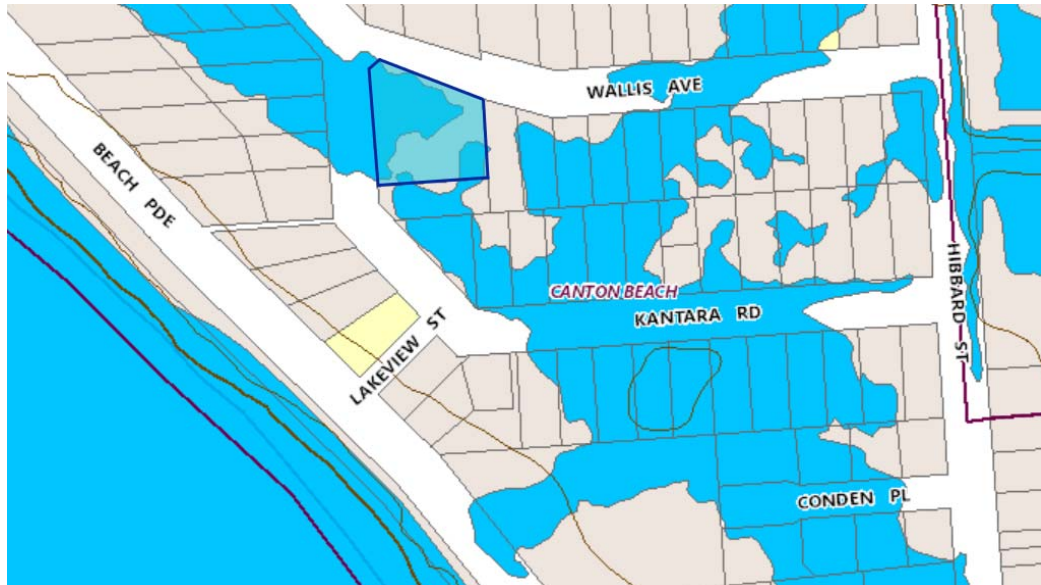


Figure 11 - 1% Flood extent plan from

A flood report, including flood modelling and a performance based assessment prepared by consulting engineers Northrop, has been submitted in support of the development application. The submitted report contains the following commentary on the flood hazard and proposed mitigation measures.

*'...In the existing scenario, flows cross the subject site from two directions...These two flow paths meet at the intersection of Wallis Avenue and Kantara Road in the north-western corner of the subject site and then continue to flow across the site in a south easterly direction...*

*To counter the increased flow capacity through the site (due to the removal of existing buildings) the proposal seeks the following flow barriers:*

- *A fill pad located on Proposed Lot 2.*
- *A flood wall located along the southern boundary of Proposed Lot 2 with a maximum top of wall RL of 4.05m AHD, and*
- *An additional flood wall located adjacent to the south-western corner of the proposed boarding house facility...*

The submitted flood report has considered potential impacts upon the 20% AEP (0.2EY), 1% AEP and Probable Maximum Flood (PMF) events. The existing structures proposed to be demolished create a significant obstruction to the flows through the catchment. Removal of these structures results in an increased overland flow through the site. To mitigate this, the proposal includes works to create a floodwall / diversion structure to prevent increases within the downstream property (10 Kantara Road) and reduce the conveyance capacity across the



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subject site in order to maintain the pre to post development flows.

Consequently, in the 1% AEP event, an increase in flood depths circa 30mm in Wallis Ave, 22mm in Kantara Road as well as internal increases in the carpark and south-western corner of the property is anticipated to occur as a result of the proposal. These increases are considered to be acceptable and will not result in an adverse impact to the safety of people and vehicles.

Although designed to improve flooding upon downstream properties, the flood modelling has identified a minor increase in the 1% AEP of 10mm in the north-western corner of the existing dwelling on 10 Kantara Road. At this location, the H2 hazard category in accordance with Australian Rainfall and Runoff will be maintained and recognised as safe for people based on the above guidelines. Improved cumulative flood outcomes for the rest of 10 Kantara Road as well as adjoining properties at 12 & 14 Kantara Road are envisaged to result from the proposal.

Subject to conditions of consent the proposal is considered to be acceptable in terms of the flooding considerations contained within clause 7.2 of WLEP 2013.

#### Clause 7.9 – Essential Services

Clause 7.9 of WLEP 2013 requires the consent authority to ensure that services such as water, sewer, electricity, and stormwater drainage and road access have been provided or adequate arrangements existing for the provision of those services can be adequately provided.

- Vehicular Access

The proposed vehicular access is considered to be adequate subject to approval of the detailed design. The submitted arborist's report indicates that the trees within the road reserve may be retained with the proposed access arrangements.

- Stormwater Drainage

The site falls to the rear to a low point which is identified via survey on the southern boundary as being 8 Kantara Road. The proposal seeks to direct stormwater to the underground trunk drainage system in Wallis Ave via a 12500L rainwater re-use tank system. An on-site stormwater detention and drainage system will not be required due to the close proximity of the downstream receiving system however, a condition of consent is recommended to alter the pipe location and inspection hatch of the rainwater tank for safety purposes.

- Water and Sewer

As part of the subdivision works the existing sewer for 8 Kantara Road will need to be adjusted in order to adequately service each new allotment. A new water service will need to be established for the boarding house site in accordance with the requirements of the water authority. The proposed boarding house is located within the zone of influence of the sewer however; no objections have been raised by the sewer authority in this regard subject to compliance with Council's "Policy for Building Over or Adjacent to Sewer Mains".

- Electricity and Telecommunications

The development will take advantage of the existing reticulated services available to the site.

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

#### **Wyong Shire Development Control Plan**

<b>Relevant Chapter(s)</b>	<b>Complies</b>
<ul style="list-style-type: none"> <li>- Chapter 1.2 - Notification of Development Proposals</li> <li>- Chapter 2.11 - Parking and Access</li> <li>- Chapter 2.4 - Multiple Dwelling Residential Development</li> <li>- Chapter 3.1 - Site Waste Management</li> <li>- Chapter 3.6 - Tree &amp; Vegetation Management</li> <li>- Part 4 - Subdivision</li> </ul>	Yes

The following is an assessment of the proposal against the relevant Chapters of the Wyong Development Control Plan 2013 (WDCP 2013).

#### Chapter 1.2 Notification of Development Proposals

The proposal was notified in accordance with the provisions of chapter 1.2 of WDCP 2013 which is elaborated upon in the relevant section of this report below.

#### Chapter 2.4 – Multiple Dwelling Residential Development

Chapter 2.4 contains controls for multi-dwelling housing and residential flat buildings and although does not apply to boarding house development, the controls within chapter 2.4 are a useful guide in terms of assessing the impacts of the proposal.

The SEPP ARH contains appropriate merit considerations and the character of the surrounding development is likely to be in line with the relevant Chapters of the WDCP 2013. In this regard consideration of the character, amenity and physical impacts of the proposal reveals that the development is likely to afford future occupants a reasonable level of amenity while fitting into the existing and emerging character of the neighbourhood.

#### WDCP Chapter 2.11 – Parking and Access

The provisions of this chapter have been discussed previously in relation to the parking requirements of SEPP ARH and the development was found to be complying with the parking requirements contained within WDCP 2013.

#### Chapter 3.1 – Site Waste Management

A site waste management plan has been submitted as part of the development application which details the use of kerb side collection to service the development. Chapter 3.1 does not contain a waste generation rate for boarding houses however, utilising other sole occupancy type developments as a guide the waste generation is estimated to be the equivalent of 11-13 dwellings which in the context of the site kerb side collection is considered adequate. In this regard, the frontage of the site does not pose any undue work health and safety risks and the manager of the site will organise the bins for collection and their return to the storage area.

### Chapter 3.6 - Tree & Vegetation Management

The proposed application includes the removal of trees from within the footprint and curtilage of the proposed building that are identified in the arboriculture assessment as trees 2, 3, 4, 5 and 6 as depicted and identified in the extracts from the arboriculture assessment below.



Figure 12 - Extract from figure 2 – Preliminary Arboricultural Assessment

2	Cocos Palm	<i>Syagrus sp.</i>	300ea	3.6 ea	10	10	Good	M	1B	Group of seven trees in good health and vigour, undesirable species, Exempt A
3	Oleander	<i>Nerium oleander</i>	450ea	5.4 ea	4	8	Fair	M	1B	Group of 3 small trees in fair health and vigour.
4	Port Jackson Fig	<i>Ficus rubiginosa</i>	320	2.0	6	6	Good	SM	1A	Young tree in good health and vigour, TPO applies.
5	Liquidamber	<i>Liquidambar styraciflua</i>	500	3.84	15	9	Good	M	2A	Mature tree in good health and vigour, TPO applies
6	Liquidamber	<i>Liquidambar styraciflua</i>	480	5.76	13	9	Good	M	2A	Mature tree in good health and vigour, TPO applies.

Figure 13 - Extract from figure 2 – Preliminary Arboricultural Assessment

Trees 10 and 17 are considered to be dead and their removal is supported. The removal of trees from within the site will have an impact on the amenity of the area however; there are a number of mature trees to be retained which are significant contributors to the streetscape and local character in that the trees are dominating within the skyline and streetscape. The proposed tree removal is considered commensurate with the planning controls applicable to the site. The tree protection measures recommended in the preliminary arboricultural assessment are included as recommended conditions of consent in order to preserve the health of the retained trees.

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#### Part 4 – Subdivision

It is noted that the WLEP 2013 does not specify a minimum lot size for the subject site however; concern was raised with the development application as lodged with regard to the proposed allotments complying with the requirements of Part 4 of the WDCP 2013. Specifically the lot configuration did not make lots that could readily accommodate future development. The proposal lots comply with the lot depth, dimension and size requirements of the WDCP 2013 and proposed lot 2 is configured to facilitate a range of development options compatible with the R3 Medium Density Residential Zone.

#### ***Section 4.15(1)(a)(iv) any matters prescribed by the regulations***

There are no relevant regulations that warrant further discussion.

#### ***Section 4.15(1)(b) the likely impacts of the development***

##### *a) Built Environment*

A thorough assessment of the proposed development's impact on the built environment has been undertaken in terms of WLEP 2013 and WDCP 2013 compliance and in terms of the submissions received. It is considered on balance that the potential impacts are considered reasonable.

##### *b) Natural Environment*

The proposal is considered satisfactory in relation to impacts on the natural environment as identified throughout this report.

##### *c) Economic Impacts*

The proposed development will contribute to the supply of housing needs in the locality and is considered to be satisfactory from an economic perspective.

##### *d) Social Impacts*

A social impact assessment (SIA) prepared by a suitably qualified consultant has been submitted with the application which considers the social impacts associated with the proposal. The SIA was not revised in response to the amended proposal however, the nature of the use has not ostensibly altered and the SIA may be regarded as relevant to the assessment of the current proposal. Council's Social Planner has reviewed the SIA and raised concern with the lack of consultation being carried out in the preparation of the SIA and has recommended conditions of consent that introduce community consultation and engagement into the management of the boarding house. The applicant has reviewed the draft recommended conditions of consent and has indicated that the matters are either addressed in the standard operating procedures of the development or could be incorporated into the plan of management.

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**Section 4.15(1)(c)    *the suitability of the site for the development***

The site is considered to be in a suitable context for the nature, scale and type of development proposed. The site is well serviced and accessible to public transport and facilities and the proposed development provides a number of social benefits including additional housing in the area which broadens the housing choice available. There are no significant site constraints or hazards that would render the location of the development as unsuitable. The design of the proposed development is an appropriate form, layout and scale that suitably balance the opportunities and constraints of the site.

**Section 4.15(1)(d)    *any submissions***

The matters raised in public submissions have been addressed previously.

**THE PUBLIC INTEREST Section 4.15(1)(e):**

The application provides for the development of affordable housing in the form of a boarding house within an existing residential area. The proposed development will provide a housing option for lower income community members which the development application has demonstrated a demand for and therefore serves the interests of the public. The proposal is consistent with the established surrounding residential area and promotes housing variety and choice within the area.

**OTHER MATTERS FOR CONSIDERATION**

*Contributions*

The application falls under the Toukley District s94 Contributions Plan (& Shire Wide s94 Plan). The following contributions are applicable:

- Shire wide contributions
- Open Space Works
- Community Facilities Land & Works

**Conclusion**

The Development Application has been assessed in accordance with Section 4.15(1) of the *Environmental Planning and Assessment Act 1979* and all relevant instruments and policies. The site is considered to be suitable for the proposal and the impacts of the development acceptable in the context of the site and accordingly consent is recommended subject to conditions of consent.

The proposal is recommended for approval.

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## **ATTACHMENTS**

***Attachment 1 – Draft Conditions of Consent***

***Attachment 2 -- Architectural Plans, Landscaping Plans and Subdivision Plan***

***Attachment 3 - Arboricultural Assessment***

***Attachment 4 - Plan of Management***