STATEMENT OF ENVIRONMENTAL EFFECTS

195-197 SYDNEY ROAD, FAIRLIGHT

16 OCTOBER 2018
SA7467
FINAL
PREPARED FOR MICRONEST PTY LTD

URBIS

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1. INTRODUCTION

1.1. OVERVIEW

This Statement of Environmental Effects (SEE) has been prepared by Urbis Pty Ltd on behalf of Micronest Pty Ltd (the applicant) and accompanies the Development Application submitted to Northern Beaches Council (Council) for a new age boarding house development located at 195-197 Sydney Road, Fairlight (the site).

1.2. REPORT STRUCTURE

This Statement of Environmental Effect identifies the subject site and surrounding locality, describes the proposed development and provides an assessment it against the relevant matters for consideration, pursuant to Section 4.15 of the *Environmental Planning and Assessment Act 1979* (the EP&A Act).

This report is structured, as outlined below:

- **Section 1:** Introduction
- **Section 2:** Site and surrounding context
- **Section 3:** Background
- **Section 4:** Proposed Development
- **Section 5:** Section 4.15 Assessment
- **Section 6:** Conclusion

1.3. PROJECT TEAM

This Statement of Environmental Effects should be read in conjunction with the following architectural plans and specialist reports:

Table 1 – Supporting Documentation

Document title	Consultant	Appendix
Architectural Plans	Modularium Pty Ltd	**Appendix A**
Architectural Design Statement	Modularium Pty Ltd	**Appendix B**
Survey Plan	Bee and Lethbridge	**Appendix C**
Landscape Plan and Design Statement	Sydney Design Collective	**Appendix D**
BASIX Certificate	Efficient Living	**Appendix E**
ESD Report	Efficient Living	**Appendix E**
Stormwater Management Certification Statement	Integrated Group Services	**Appendix F**
Stormwater Concept Plans	Integrated Group Services	**Appendix G**
Traffic Impact Assessment (incorporating Construction Traffic Management Plan)	PDC Consultants	**Appendix H**
Acoustic Report	Wood and Grieve Engineers	**Appendix I**

Document title	Consultant	Appendix
BCA Compliance Report (incorporating access and fire safety assessment)	Matt Shuter and Associates	**Appendix J**
Geotechnical Assessment	STS GeoEnvironmental	**Appendix K**
Preliminary Site Investigation	STS GeoEnvironmental	**Appendix L**
Waste Management Plan (Operational)	Waste Audit and Consultancy Services	**Appendix M**
Waste Management Plan (Demolition and Construction)	Waste Audit and Consultancy Services	**Appendix N**
Construction Management Plan	ABC Consultants	**Appendix O**
Operational Plan of Management	Micronest Pty Ltd	**Appendix P**
Cost Summary Report	Altus Group	**Appendix Q**

2. SITE AND SURROUNDING LOCALITY

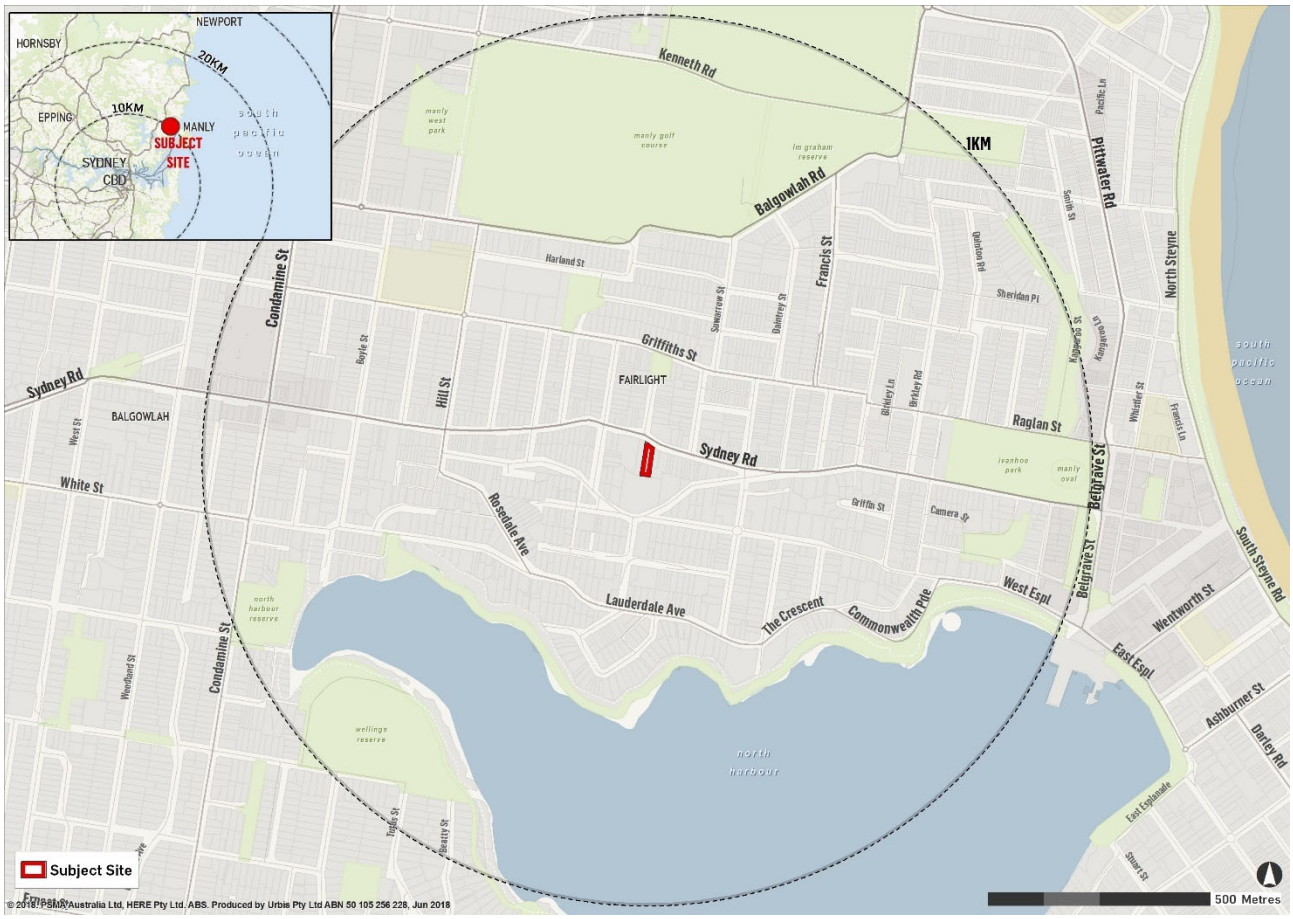
2.1. LOCALITY

The site is situated in the suburb of Fairlight within the Northern Beaches Local Government Area (LGA) and is approximately 10km from the Sydney CBD. The site is approximately 1.2kms from Manly village centre and a similar distance to notable areas of public open space, including Manly Beach and Manly Golf Course.

Fairlight has a mixed residential character comprising several residential land use typologies including residential flat buildings, multi-dwelling housing and detached dwelling houses. The Fairlight neighbourhood centre is situated on Sydney Road and is characterised by one to two storey scale commercial strip development

A diagram indicating the general locality is provided at **Figure 1**.

Figure 1 – Locality diagram



2.2. SUBJECT SITE

2.2.1. Site Description

The site is comprised of two rectangular shaped lots known as 195 and 197 Sydney Road, Fairlight. These lots have corresponding legal descriptions of Lot 87 in DP 1729 and Lot 2 in DP 589654. The site has a 27.16m frontage to Sydney Road, a depth ranging between 66.83m and 78.945m and a total site area of 1,789sq.m. The site falls approximately 12m from the rear to the street.

An aerial image of the site is provided at **Figure 2**.

Figure 2 – Aerial image of subject site

2.2.2. Existing Development

The site presently contains two single dwelling houses that sit proud on the slope above the street. These dwelling houses are single storey however each has a significant understorey due to the slope of the land. Each dwelling has an associated detached brick garage situated at the street frontage providing off street parking. Vehicular cross overs on Sydney Road provides vehicular access to the garages. Ancillary development such as footpath paving, garden sheds and a covered patio area also exist at the site.

Shrubbery and small trees are located in the front yards with more substantial trees located in the rear yards.

A photograph of the site from Sydney Road is provided at **Figure 3**.

Figure 3 – Photograph of subject site

Picture 1 – Subject site from Sydney Road

Source: Urbis

2.3. SURROUNDING CONTEXT

2.3.1. North

Development to the north sits on the low side of Sydney Road, downhill of the subject site. The land uses immediately to the north are residential and include multi dwelling housing at 190 Sydney Road and single dwelling houses. These structures generally have a two to three storey scale.

To the northeast is a small neighbourhood centre and development is a similarly two to three storey scale.

Development to the north is indicated in **Figure 4**.

2.3.2. East

Development on land to the east of the site is contained within an area of substantial cut and is therefore significantly below natural ground level and below the level of the subject site.

The site at 201-207 Sydney Road contains a multi dwelling housing development arranged in a several detached building forms. The building presenting to the street has a two to three storey scale over basement parking. Landscaping is limited to palms and small hedge shrubs planted in raised planter beds.

The site at 199 Sydney Road also contains a multi dwelling housing development and is constructed to the street and side property boundaries. This structure has a two storey scale with high parapet wall and is visually prominent in the streetscape.

Development to the east is indicated in **Figure 4**.

2.3.3. South

Land to the south of the site at 10 Hilltop Crescent sits at the crest of a hill and is elevated substantially above the subject site. This site contains a residential flat building development comprising three towers. The larger central tower has twelve storeys over a podium level. The podium level contains parking and services areas and extends to the southern property boundary of the subject site. The resultant interface with the subject site is a large block wall.

An equally large residential flat building is located to the southeast at 4 Hilltop Crescent.

Development to the south is indicated in **Figure 4**.

2.3.4. West

Land immediately adjacent and to the west at 193 Sydney Road contains a single dwelling house of a similar scale and arrangement to the two dwelling houses that exist on the subject site. This dwelling has a converted roof space with west facing windows indicated on the survey. The principle area of private open space is in the rear yard.

Also to the east of the subject site at 189 Sydney Road is a four storey residential flat building development which presents to Sydney Road and is configured in an L shaped arrangement, sharing a common boundary with the subject site.

Development to the west is indicated in **Figure 4**.

Figure 4 – Surrounding development

Picture 2 – 199 Sydney Rd (west)

Source: Urbis

Picture 3 – 201-207 Sydney Rd (west)

Source: Urbis

Picture 4 – 10 Hilltop Cr (south)

Source: Urbis

Picture 5 – 189 Sydney Rd (east)

Source: Urbis

Picture 6 – 189 Sydney Rd (east)

Source: Urbis

Picture 7 – 193 Sydney Rd (east)

Source: Urbis

2.4. TRANSPORT NETWORK

The subject site has vehicular access from a State road being Sydney Road. This road is managed and controlled by the RMS and therefore it is anticipated the application will be referred to the RMS for consideration and comment. Sydney Road provides access to Military Road and subsequent connections to the M1 motorway for routes to the CBD and to the north.

The locality is well serviced by public transport including the Manly Ferry Terminal which is located approximately 1.2kms to the east and provides services to Circular Quay. North Sydney and Barangaroo. Nearby bus stop on Sydney Road is services by a bus route which operate to and from Chatswood and Wynyard.

A Traffic Impact Assessment Report is provided at **Appendix H** and provides further detail around the local transport network.

3. BACKGROUND

3.1. PREVIOUS APPROVALS

On 6 July 2017, development consent was granted to the demolition of existing structures and construction of a multi-dwelling housing development comprising three x two storey dwellings over basement car parking for seven cars [DA20/2017]. This approval related specifically to land at 195 Sydney Road, Fairlight.

The assessment report associated with this approval identified and supported non-compliances in relation to front, rear and side building setbacks and landscaped area.

3.2. PRELODGEMENT DISCUSSIONS

On 10 July 2018, a concept proposal was presented to council at a pre-lodgement meeting [PLM2018/0148]. The concept proposal presented to council involved the demolition of existing dwelling houses and the construction of a boarding house with 78 boarding rooms over basement parking for 40 vehicles.

The pre-lodgement notes, received 22 August 2018, raised several matters for consideration including:

- **Landscaping**: Provide adequate 2m buffer along the side property boundaries and embellish landscaping in front setback area.
- **Building setback**: Generally supportive of the 'gateway' building however suggested increased setback to side property boundary for this element.
- **Parking and 2m buffer requirement**: Provide 2m deep soil buffer along the side property boundaries i.e. reconfigure basement.
- **Loading and waste**: Greater head height for truck access required and provision of waste room within 6.5m of front property boundary.
- **Massing and modulation**: Generally supportive of massing concept and staggered forms however preference for middle modules to be eliminated to separate mass into two forms presenting to the street.

Following receipt of council feedback, the proposal has been refined in line with the comments provided. Refinements are detailed throughout this Report and include the following fundament design adjustments:

- **Building setbacks**: The 'gateway' building has been setback from the street edge and from the western property boundary such that these areas can be embellished with vegetation and paving. The setback proposed is positive in the sense that it creates a visual transition of street-edge building mass from the multi dwelling housing to the west to the single dwelling to the east.
- **Basement reconfiguration**: The basement has been reconfigured such that the basement footprint achieves a 2m setback from all side property boundaries. The council had requested that this reconfiguration occur in order to ensure satisfactory deep soil in the site setback areas, however it is noted that bedrock exists just below of the surface and therefore opportunity to plant substantial trees in these locations is limited by virtue of site characteristics. In addition, waste storage area has been positioned closer to the street for more efficient waste collection should council have to service the development.
- **Massing and modulation:** A 'slot' has been cut through the front building element to break-down the visual mass of the building and create the appearance of two distinct building elements above the parking podium when viewed from the street. This fundamental design adjustment creates a finer grained building form. As a result of this adjustment, the number of boarding rooms has been reduced to 75 boarding rooms (inclusive of 1 managers residence).
- **Central courtyard:** The central courtyard space has been expanded to improve the amenity and functionality of this communal space. This has been achieved by shifting the rear module southward toward the rear property boundary. A reduced rear setback is considered appropriate in the circumstances given the low sensitivity of this interface i.e. southern property boundary presents to a large block wall structure. Further discussion is provided at Section 5.4.2 of this Report.

4. PROPOSED DEVELOPMENT

4.1. DEVELOPMENT SUMMARY

The proposed development comprises:

- Demolition of existing structures being two dwelling houses, detached garages and associated ancillary development.
- Erection of a part three part four storey boarding house*,* comprising 75 (inclusive of 1 managers' residence) boarding rooms above basement parking for 38 cars.
- Landscaping works including substantial perimeter planting, embellishment of central courtyard spaces, pavement and integrated furniture*.*
- Associated infrastructure works, including drainage.

Architectural Plans prepared by Modularium are included at **Appendix A**. Key numeric aspects of the proposal are provided at **Table 1** and the various components of the proposed development are described in the following sections.

Table 2 – Development overview

Parameter	**Proposed**
Land Use	Boarding house
Height	Variable, though less than 8.5m
Floor Space Ratio	1.06:1
Number of boarding rooms	75 (inclusive of 1 boarding manager residence)
Landscape area	1,791sq.m (based on Total Open Space definition)
Communal living space	135 sq.m
Car Parking	38 space including three accessible

4.2. DEMOLITION

The site comprises two lots upon which two existing single dwelling houses are erected along with associated detached garages at the front of each block and associated ancillary development such as footpaths, paved areas, pergolas and the like.

All existing structures will be demolished as part of the redevelopment of the site. The demolition works are illustrated on demolition plans contained within the Architectural Plan set at **Appendix A**.

4.3. EXCAVATION

The proposed development includes multiple basement levels which will necessitate excavation. Excavation will generally be limited to within the building footprint and will not be readily apparent from adjoining properties as a result. The maximum extent of excavation is towards the rear of the site and is illustrated on the long section contained in the Architectural Plan set at **Appendix A**.

A geotechnical assessment has been undertaken and subsequent Geotechnical Investigation Report prepared which considers geotechnical characteristics of the site and makes recommendations as to excavation and shoring methods. The Report is provided at **Appendix K**.

4.4. CIVIL WORKS

Stormwater management works incorporating on site detention are proposed. Surface and roof water will be collected via network of pits and pipes and will be directed to an on-site detention tank situated at the northwest corner of the site. Water will be retained in this tank before being discharged to an existing kerb inlet pit on Sydney Road.

Civil works are detailed in the Stormwater Concept Plans provided at **Appendix G**.

4.5. BUILDING DESIGN

The massing arrangement has been carefully considered and is detailed graphically in the Architectural Design Statement provided at **Appendix B**.

In brief, the building is divided into two primary 'blocks' separated by a central communal open space. Each block is further separated into a number of smaller modules. The street-facing block has a vertical separation to achieve a fine grain building form when viewed from the street.

One of the benefits of the proposed massing arrangement is that all boarding rooms are inward facing and do not present to side property boundaries. This improves surveillance of communal spaces and corridors, outlook and amenity of boarding room occupants, and eliminates overlooking of adjoining properties.

The building is designed to respond to the topographical characteristics of the site which is steeply sloping. The modules forming the building mass are terraced down the slope and in doing so the building height bears a relationship to the topography.

Façade treatments include sandstone quarried from the site at base level and throughout communal areas, light-coloured profiled metal framed by bronze metal horizontal spandrels for side elevations, perforated concrete screens bookending 'gangway-style' circulation areas, and timber cladding and privacy screening for north and south-facing elevations. These materials and finishes are complemented by integrated landscaping, including green roof treatments.

A perspective is provided at **Figure 5** to illustrate the anticipated streetscape appearance of the building.

Figure 5 – Anticipated streetscape presentation

4.6. TREES AND LANDSCAPING

The proposal will necessitate removal of some trees and shrubs which have been identified on the demolition plan included with the architectural plan set provided at **Appendix A**. Removal of trees is necessary to accommodate the proposed building form. It is noted that council granted development consent for construction of a multi-dwelling housing development including tree removal [DA20/2017] on 6 July 2017. This consent has yet to lapse and tree removal can be carried out under this approval.

Extensive landscaping is proposed throughout the site, including perimeter planting in side, rear and front setbacks and substantial planting in central courtyard areas. The viability of planting is enhanced as a result of the proposal which involves the excavation of shallow bedrock and backfilling with soil. Pavement for access and passive recreation is also incorporated into the landscape design as well as integrated outdoor furniture for occupant enjoyment.

An important aspect of the proposed landscape design is the treatment of the front setback area which incorporates a high proportion of permeable area for plant growth and planters over the garage entry to ameliorate the visual bulk of the development and supplement landscaping at grade. The landscape treatment of the front setback area is considered to be compatible with that of adjoining properties.

Landscaping is detailed in the Landscape Plans provided at **Appendix D**.

4.7. PARKING AND ACCESS

A combined vehicular ingress and egress is proposed from Sydney Road therefore reducing the number of existing driveways providing vehicular access to the site. Pedestrian access is provided alongside the driveway and will provide access to the proposed entry office.

Basement parking is proposed and contains 38 car parking spaces including three accessible parking spaces. The basement also contains parking for motorcycles and bicycles in accordance with the development standards contained in the ARH SEPP. A loading space for the purposes of garbage collection and deliveries is also catered for within the basement and is provided toward the northern end of the basement as requested by council.

A Traffic Impact Assessment Report is provided at **Appendix H** and explains that the development is designed to comply with relevant Australian Standards with respect to access and off street parking and will have no adverse impact on the efficiency or function of the local traffic network.

4.8. WASTE MANAGEMENT

Waste management will be undertaken by a private contractor on site from within the basement. A waste holding area and loading space has been identified on the plans. Waste collection will occur two times a week. In the event that the private waste collection arrangement fails and waste is required to be collected by a council service, the bin storage room is located in close proximity to the street to enable convenient movement of bins to the kerb.

A Waste Management Plan has been prepared and is provided at **Appendix O**.

5. SECTION 4.15 ASSESSMENT

5.1. STATUTORY POLICY AND COMPLIANCE

The following assessment has been structured in accordance with Section 4.15(1)(a) of the *Environmental Planning & Assessment Act 1979* (**EP&A Act**).

The proposed development has been assessed in accordance with the relevant state, regional and local planning policies, as follows:

- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy 55 – Remediation of Land
- State Environmental Planning Policy (Building Sustainability Index BASIX) 2004
- SREP (Sydney Harbour Catchment) 2005
- State Environmental Planning Policy (Affordable Rental Housing) 2009
- Manly Local Environmental Plan 2013
- Manly Development Control Plan 2013

The following sections of this Report explains that the proposed development is generally consistent with the objectives and controls of the relevant statutory planning documents. Where variations to controls are proposed, these have been justified accordingly.

5.2. STATE ENVIRONMENTAL PLANNING POLICY

5.2.1. State Environmental Planning Policy (Infrastructure) 2007

State Environmental Planning Policy (Infrastructure) 2007 (ISEPP) aims to facilitate the delivery of infrastructure across the State identifying matters to be considered in the assessment of development applications adjacent to particular types of infrastructure development and providing for consultation with relevant public authorities about certain development during the assessment process.

Clause 101 states that the consent authority must not grant consent to development on land with a frontage to a classified road unless it is satisfied that the safety, efficiency and ongoing operation of the classified road will not be adversely affected as a result of the development, and the development is of a type that is not sensitive to traffic noise or emissions or has been designed to ameliorate those impacts.

Accordingly, we anticipate that the application will be referred to RMS for consideration and comment.

A Traffic Impact Assessment Report has been prepared and is provided at **Appendix H**. The Report describes the proposed vehicular ingress and egress arrangements and concludes that the development will have no adverse impact on the safety, efficiency or ongoing operation of Sydney Road.

5.2.2. State Environmental Planning Policy 55 – Remediation of Land

State Environmental Planning Policy 55 – Remediation of Land (SEPP 55) applies to the State and aims to promote the remediation of contaminated land to reducing risk of harm to human health or any other aspect of the environment by specifying certain considerations that are relevant in determining development applications.

A preliminary site investigation undertaken in accordance with the contaminated land planning guidelines has been undertaken and is provided at **Appendix L**.

The preliminary site investigation report explains that key potential contaminant sources include the possible presence of asbestos containing materials and lead based pain with in the fabric of existing structures and the potential presence of imported granular fill materials beneath the existing cottages and hardstand surfaces.

The investigation report indicates that there is generally low risk for the soils on the site to be impacted with chemical contaminants at levels that would be significant for a high-density residential land us. The investigation report notes that the bulk excavation works are proposed and therefore any chemically impacted soil would be removed from the site during redevelopment.

The investigation report recommends soil sampling outside the footprint of the bulk excavation works to confirm any chemically impacted soils are at levels that would not present a risk to human health or the environment. It is also recommended that demolition works be undertaken by an appropriately qualified contractor following a hazardous material building survey.

It is anticipated that the recommendations of this preliminary site investigation report will be embodied within the conditions of any development consent.

5.2.3. State Environmental Planning Policy (Building Sustainability Index Basix) 2004

State Environmental Planning Policy (Building Sustainability Index Basix) 2004 (SEPP BASIX) aims to encourage sustainable residential development and applies to 'BASIX affected development' as defined in the EP&A Regulation.

The proposed development has been designed with energy efficiency as a focal point with a high portion of boarding rooms enjoying northerly aspect and cross ventilation. A BASIX certificate has been submitted with the development application which details energy conservation commitments. The certificate is contained at **Appendix E**.

The development is designed to achieve a 6 star NatHERS Rating as described in the ESD report provided at **Appendix E**.

5.2.4. SREP (Sydney Harbour Catchment) 2005 (SREP SHC)

State Regional Environmental Plan (Sydney Harbour Catchment) 2005 (SREP SHC) aims to ensure that the Sydney Harbour Catchment, foreshores, waterways are recognised, protected, enhanced and maintained for existing and future generations. SREP SHC applies to land within the Sydney Harbour Catchment as identified on the Sydney Harbour Catchment Map.

The site is identified on the Syndey Harbour Catchment Map however is not within land designated as a foreshore and waterways area, a heritage area or a strategic foreshore site. For the purposes of this assessment, the planning principles for land within the Sydney Harbour Catchment provided at clause 13 of SREP SHC have been considered.

The proposal is considered to align with relevant planning principles pf SREP SHC in that works are not likely to adversely impact the health or scenic or cultural values of the catchment either directly or indirectly. Importantly, surface and roof water will be captured, treated and retained such that the quantity and quality of stormwater leaving the site post-development will be comparable to the pre-development scenario.

5.2.5. State Environmental Planning Policy (Affordable Rental Housing) 2009

State Environmental Planning Policy (Affordable Rental Housing) 2009 (ARH SEPP) aims to provide a consistent planning regime for the provision of affordable rental housing and to facilitate the effective delivery of new affordable rental housing by providing incentives by way of expanded zoning permissibility, floor space ratio bonuses and non-discretionary development standards. The ARH SEPP applies to the State.

Part 2 Division 3 *Boarding houses* sets out provisions for boarding house development.

Clause 26 *Land to which Division applies* indicates that the Division applies to a series of land use zones including Zone R1 General Residential. Clause 27 *Development to which Division applies* confirms that the Division applies to development for the purposes of boarding houses.

Clause 29 *Standards that cannot be used to refuse consent* stipulates various grounds upon which the consent authority must not refuse consent for boarding house development, provided the development satisfies corresponding development standards. These standards, where relevant to the site, are listed in **Table 3**.

Table 3 – Clause 29 Standards that cannot be used to refuse consent

Grounds	Requirement	Comment	Compliance
Density and scale	(1)(c)(i) if density when expressed as an FSR is not more than the maximum FSR for any form of	The maximum FSR permitted on the site is 0.6:1. With the 'bonus' FSR the maximum potential FSR is 1.1:1.	Yes

Grounds	Requirement	Comment	Compliance
	residential accommodation permitted on the land, plus 0.5:1.	We note proposed FSR is 1.06:1 and therefore does not seek to utilise the total floor space bonus available to the development.	
Building height	(2)(a) building height not more than max building height permitted under any other EPI.	The maximum building height permitted on the site is 8.5m. Sections provided with Architectural Plans indicate the building complies with the 8.5m.	Yes
Landscaped area	(2)(b) landscape treatment of front setback compatible with streetscape.	Front setback treatments vary on the southern side of the street however generally some landscaping is provided. Landscaping in the front setback will comprise planted area on both sides of a central driveway as well as raised planters at the edge of the ground level over the basement entry. Landscape Plans are provided at **Appendix D**.	Yes
Solar access	(2)(c) where communal living room proposed, 3 hours of direct sunlight is achieved.	The proposal incorporates several communal living rooms and each will achieve the required 3 hours of direct solar access. The primary communal living room will receive the required 3 hours between midday and 3pm. Refer to the 'view from the sun' diagrams contained within the Architectural Plans at **Appendix A**.	Yes
Private open space	(2)(d) following private open spaces are to be provided (other than front setback area): • One area of 20sq.m with min dimension of 3m for lodgers, • If accommodation is provided for manager, one area of 8sq.m with min dimension of 2.5m adjacent to accommodation	Several areas of private open space will be provided including centrally located sun lawn which complies with numeric area and dimension requirements. The nominated boarding room manager's residence has an area of private open space which complies with the numeric area and dimension requirements.	Yes

Grounds	Requirement	Comment	Compliance
Parking	(2)(e)(iia) for development not carried out by a social housing provider, at least 0.5 parking spaces for each boarding room.	The numeric parking requirement contained the ARH SEPP has recently been amended. Based on the number of boarding rooms proposed (75), 37.5 spaces are required. The basement accommodates a compliant number of car parking spaces (38).	Yes
Accommodation size	(2)(f) GFA of boarding room (excluding area for kitchen and bathroom) to be at least: • 12sq.m for single lodger • 16sq.m for other	Apartment summary schedule provided with the Architectural Plans demonstrates compliance with numeric requirements. The summary schedule indicates area attributable to wet areas which are required to be excluded from the area calculation.	Yes

Clause 30 *Standards for boarding houses* indicates that the consent authority must not consent to development to which this Division applies unless it is satisfied that the development accords with a series of development standards. These standards, where relevant to the site, are listed in **Table 4**.

Table 4 – Clause 30 Standards for boarding houses

Element	Requirement	Comment	Compliance
Communal living room	(a) if five or more rooms proposed, a communal living room is to be provided.	The proposal contains more than five boarding rooms therefore a communal living room is required. The plans demonstrate the location of communal living rooms including at the ground level of rear building and the first level of the front building.	Yes
Boarding room size	(b) no boarding room to have a GFA of more than 25sq.m (excluding area for kitchen and bathroom)	Apartment summary schedule provided with the Architectural Plans demonstrates compliance with numeric requirements. The proposal has five boarding room typologies, the largest of which has a total area of 25sq.m, being the accessible rooms. The summary schedule indicates area attributable to wet areas which	Yes

Element	Requirement	Comment	Compliance
		are required to be excluded from the area calculation.	
Number of lodgers	(c) no boarding room will be occupied by more than two lodgers	No boarding room will be occupied by more than two lodgers.	Yes
Bathroom and kitchen facilities	(d) adequate bathroom and kitchen facilities available for use by each lodger	All boarding rooms will have bathroom and kitchen facilities.	Yes
Boarding room manager	(e) if capacity to accommodate more than 20 lodgers, boarding room to be provided for boarding house manager.	The proposal will accommodate more than 20 lodgers therefore a room for a boarding house manager has been provided for.	Yes
Bicycle and motorcycle spaces	(h) at least one parking space provided for a bicycle and one for a motorcycle for every five boarding rooms.	Based on the number of boarding rooms proposed (75), 15 motorcycle and bicycle spaces will be required. These spaces are provided in the basement levels of the development and are situated in close proximity to the lift cores for convenience and to encourage use of more sustainable transport options.	Yes

Clause 30A *Character of local area* states that the consent authority must not consent to development to which this Division applies unless it has taken into consideration whether the design of the development is compatible with the character of the local area.

Land use composition in the immediate locality is characterised by residential development which exists as several building typologies varying dramatically in scale and form. A description of the built form context and accompanying photographs is provided at **Section 2.3** of this Report.

The most dominant building form in the locality, by virtue of size and scale, are the tower-form residential flat buildings situated immediately south of the subject site, to the southeast fronting Hilltop Crescent and the 'walk-up' located to the east of the site fronting Sydney Road. There are also several examples of multi-dwelling housing development interspersed with lower density typologies including single detached dwellings.

Setbacks, massing arrangement, roof forms and materiality also differ markedly and contribute to the diverse built form character of the locality. The balance of pervious to impervious area is also a marker of character and in this context the streetscape displays varying degrees of landscaping from property to property.

The development is considered to be compatible with the character of the locality as follows:

- The development has been designed to respond to the topographical characteristics of the locality in that it is arranged in a 'terraced' form which reflects the slope of the site.
- The scale of development is consistent with that envisaged by the planning instruments in terms of building height (<8.5m) and also setback from front and side property boundaries.
- The proposal incorporates a 'slot' in the street facing module which provides for a fine grained building form akin to the existing dwellings.
- The front landscape treatments, and indeed the landscaping throughout the development, achieves an appropriate balance between building form and vegetation.

An Architectural Design Report is provided at **Appendix B** which details the philosophy that has informed the design development of the proposal. This Report considers context and site characteristics and demonstrates that the development is compatible with the character of local area. It is submitted that the proposal aligns with the requirements of clause 30A.

5.3. MANLY LOCAL ENVIRONMENTAL PLAN 2013

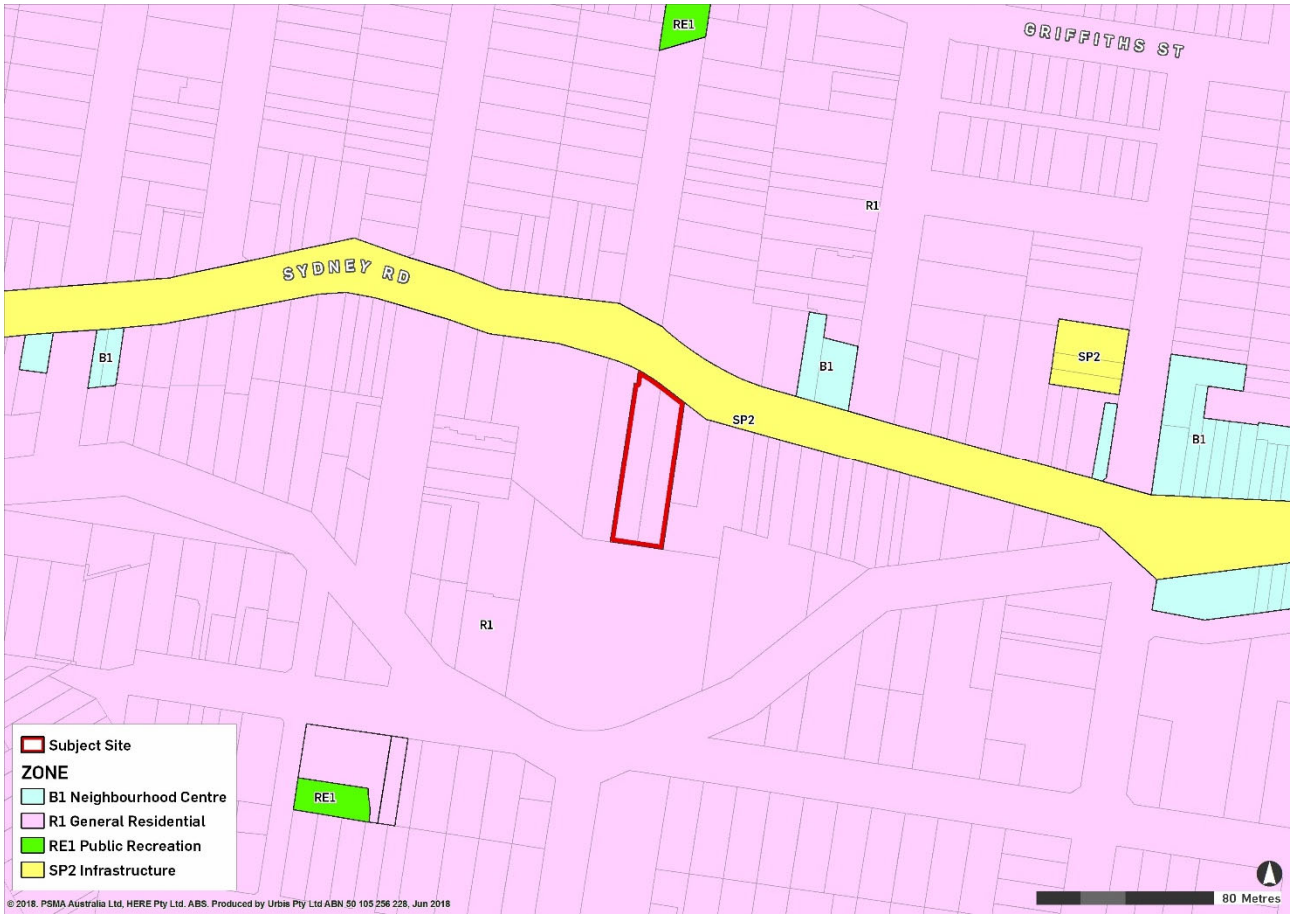
5.3.1. Zoning, Permissibility and Objectives

The site is within the R1 General Residential zone under the provisions of Manly Local Environmental Plan 2013 (MLEP 2013). A zoning map extract is provided at **Figure 5**. Boarding houses are permitted with consent. The relevant objectives of the zone are:

- To provide for the housing needs of the community
- To provide for a variety of land uses
- To enable other land uses that provide facilities or services to meet the day to day needs of residents

The boarding house development is consistent with the relevant zone objectives in that the development will provide for the housing needs of the community through the provision of several furnished boarding rooms. The housing product will cater for a variety of socio-economic cohorts.

Figure 6 – Zoning map extract



5.3.2. LEP Provisions

The following table provides an assessment of the proposed development against the relevant clauses contained within the MLEP 2013.

It is noted that the proposal relies on the 'bonus' floor space provisions contained within the ARH SEPP and therefore the floor space ratio development standard in MLEP is relevant only to the extent that it stipulates the baseline FSR upon which the bonus additional floor space is applied.

The proposal is otherwise entirely compliant with the provisions of MLEP.

Table 5: MLEP 2013 Compliance Table

Clause	Provision	Proposal	Complies
4.3 Height of buildings	8.5m	<8.5m	Yes
4.4 Floor Space Ratio (FSR)	0.6:1	The proposal relies on the bonus floor space permitted under ARH SEPP and therefore the FSR standard is not applicable.	n/a
6.1 Acid suflate soils	(2) consent required for carrying out works on class 5 land where works are within 500m of adjacent class 1, 2, 3, 4, land below 5m AHD and water table is likely to be lowered below 1m AHD on adjacent class 1, 2, 3, 4 land. (3) consent must not be granted for carrying out of works on above land unless an acid sulfate soils management plan has been prepared.	The site is mapped at class 5 ASS however is not within 500m of adjacent class 1, 2, 3 of 4 ASS land below 5m AHD. An acid suflate soils management plan is not required in this instance by virtue of the distance of the site from adjacent class 1, 2, 3 and 4 acid sulfate soil.	n/a
6.2 Earthworks	(3) consideration given to range of matters including disruption to drainage patterns and soil stability, effect of development on likely future use or redevelopment of land, quality of fill or soil to be excavated, destination of any excavated material, likelihood of disturbing relics, impact on waterway, drinking water catchment, measures to mitigate impacts	Excavation is proposed to facilitate construction of the basement parking levels. A Geotechnical Investigation Report is provided at **Appendix K** and details the geotechnical characteristics of the site and methods of excavation along with groundwater conditions.	Yes
6.3 Flood planning	(2) Applies to land at or below the flood planning level.	The land is not at or below the flood planning level therefore this provision is not applicable to the proposal.	n/a
6.4 Stormwater Management	(3) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development: (a) is designed to maximise the use of water permeable surfaces on the land having regard to the soil characteristics affecting on-site infiltration of water, and (b) includes, if practicable, on-site stormwater retention for use as an	Surface and roof water is proposed to be captured and directed to on-site detention before being discharged to an existing kerb inlet pit on Sydney Road. Stormwater concept plans are provided at **Appendix G**.	Yes

Clause	Provision	Proposal	Complies
	alternative supply to mains water, groundwater or river water, and (c) avoids any significant adverse impacts of stormwater runoff on adjoining properties, native bushland and receiving waters, or if that impact cannot be reasonably avoided, minimises and mitigates the impact.		
6.12 Essential services	(1) Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required: (a) the supply of water, (b) the supply of electricity, (c) the disposal and management of sewage, (d) stormwater drainage or on-site conservation, (e) suitable vehicular access.	The subject site has ready access to water and electricity supply and is connected to reticulated sewer. Stormwater management including drainage and conservation is detailed in the Concept Plan provided at **Appendix G**. Vehicular access is available from Sydney Road and will continue to be utilised albeit in an alternative arrangement. Details are described in the Traffic and Parking Assessment Report at **Appendix H**.	Yes

5.4. MANLY DEVELOPMENT CONTROL PLAN 2013

MDCP applies to land where MLEP applies.

The following parts of the DCP apply to the proposal:

- Part 3 – General principles of development
- Part 4 – Development controls and development types
- Schedules

Table 7 provides a summary of key controls such as envelope controls. We note that MDCP contains details controls concerning stormwater management, vehicular access, landscape design and the like and these controls will need to be considered and assessed by the appropriate consultant.

The proposal is generally compliant with the numeric controls contained within the MDCP. Where departures from the numeric controls are proposed it is submitted that the development achieves the intent of the corresponding objectives and is supportable on this basis.

Departures to the front and rear setback controls, as well as controls seeking to regulate excavation and the size of communal living rooms are proposed and a detailed justification has been prepared in relation to each following the compliance summary at **Table 7**.

Table 6 – Manly DCP compliance table

Control	Requirement	Comment	Compliance
Part 3 – General principles of development			
3.4.1.1 Overshadowing Adjoining Open Space	In relation to sunlight to private open space of adjacent properties: (a) New development must not eliminate more than one third of the existing sunlight accessing the private open space of adjacent properties from 9am to 3pm at the winter solstice; or (b) Where there is no winter sunlight available to open space of adjacent properties from 9am to 3pm, the calculations for the purposes of sunlight will relate to the equinox in March and September from 9am to 3pm.	Shadow diagrams have been prepared and demonstrate compliance. Refer to **Section 5.6.2** of this Report for detailed discussion.	Yes
3.4.1.2 Maintaining Solar Access into Living Rooms of Adjacent Properties	In relation to sunlight to the windows or glazed doors to living rooms of adjacent properties: (b) for adjacent buildings with a north-south orientation, the level of solar access presently enjoyed must be maintained to windows or glazed doors of living rooms for a period of at least 4 hours from 9am to 3pm on the winter solstice (21 June)	Shadow diagrams have been prepared and demonstrate compliance. Refer to **Section 5.6.2** of this Report for detailed discussion.	Yes
Part 4 – Development controls and Development Types			
4.1.1.1 Residential density and dwelling size	This section determines the maximum number of dwellings that may be achieved on any one parcel of land. (a) Figure 24 - Minimum Residential Density determines the maximum number of dwellings that may be achieved on any one development site. This figure indicates the minimum site area required for every dwelling contained on a site.	The site is in area D3 meaning the minimum area required per dwelling is 250sq.m. **We submit that this control does not apply to boarding house development as boarding rooms are not 'dwellings' in the traditional sense.** Investigation of the boarding house approval at 112 Sydney Road, Fairlight reveals the	n/a

Control	Requirement	Comment	Compliance
		dwelling density control was deemed not to be applicable in relation to that development. We anticipate the consent authority will adopt the same approach for this application.	
4.1.2.1 Wall height	(a) the maximum external wall height is calculated based on the slope of the land under the proposed wall, as described at Figure 28.	The maximum external wall height is based on slope along the respective elevation so will vary from elevation to elevation. **We note that under the ARH SEPP the proposal cannot be refused on grounds of height if it complies with the maximum height applying to the land. On this basis, we submit that the wall height control is not applicable to this proposal.** Investigation of the boarding house approval at 112 Sydney Road, Fairlight reveals the wall height control was deemed not to be applicable in relation to that development. We anticipate the consent authority will adopt the same approach for this application.	n/a
4.1.2.2 Number of storeys	(a) Buildings must not exceed 2 storeys, except on land in areas 'L' and 'N1' on the LEP Height of Building Map and notwithstanding the wall and roof height controls in this plan	The boarding house comprises more than 2 storeys and in fact is 3 to 4 storeys plus basement level. The MDCP defers to the MLEP objectives for the Height of Buildings clause	n/a

Control	Requirement	Comment	Compliance
		(cl.4.3). These objectives go to managing bulk and scale, minimising disruption to views, and provision and protection of solar access. A detailed analysis demonstrates no adverse view impacts (refer to **Section 5.6.4**) and acceptable solar access outcomes (refer to **Section 5.6.2**), and therefore it is submitted that the development meets the objectives despite numeric non-compliance with the control. **Nonetheless, we submit that the number of storeys control is not applicable to this proposal on the basis that an application under the ARH SEPP cannot be refused on grounds of height if the proposal complies with the maximum building height standard.**	
	(c) Variation to the maximum number of storeys may be considered: where specific physical site constraints warrant an exception to this requirement; and to allow an additional understorey where that storey satisfies the meaning of basements in the LEP.	This control provides a framework for considering variations to the number of storeys control. The site has a significant slope (being equivalent to four storeys) and a variation to the number of storeys control is warranted on this basis, in our opinion.	-

Control	Requirement	Comment	Compliance
4.1.2.3 Roof height	(a) Pitched roof structures must be no higher than 2.5m above the actual wall height, calculated in accordance with Figure 29.	Flat roof proposed.	Yes
	(b) Roof parapets may extend up to 0.6m above the actual wall height.	Sections demonstrate the concept complies with this control.	Yes
4.1.4.1 Street front setbacks	(a) Street Front setbacks must relate to the front building line of neighbouring properties and the prevailing building lines in the vicinity.	Setbacks vary significantly along the Sydney Road frontage i.e. there is no prevailing setback pattern.	Yes
	(b) Where the street front building lines of neighbouring properties are variable and there is no prevailing building line, a minimum 6m front setback applies.	The garage façade is setback a distance of 5.2 to 5.4m and correlates with the alignment of the sandstone wall adjacent at 199 Sydney Road. Levels above are setback in excess of 6m. The entry office is in a similar position as the existing detached garage and relates to the structure adjacent at 199 Sydney Road which is constructed to the front and eastern side boundary. Based on compatibility with existing built environment, we submit that a variation to the front setback control is contextually appropriate. Refer to detailed discussion at **Section 5.4.1** of this Report.	No (acceptable on merit)
	(d) Projections into the front setback may be accepted for unenclosed balconies, roof eaves, sun-hoods, chimneys, meter boxes and the like, where no adverse impact on the streetscape or adjoining properties.	As discussed, the proposal does not comply with the numeric front setback requirements however we submit that variation is appropriate in	No (acceptable on merit)

Control	Requirement	Comment	Compliance
		this scenario. Refer to detailed discussion at **Section 5.4.1** of this Report.	
4.1.4.2 Side setbacks and secondary street frontages	(a) Setbacks between any part of a building and the side boundary must not be less than one third of the height of the adjacent external wall of the proposed building.	The setback requirement is based on the corresponding external wall height. A 3m side setback to building face is proposed which equates to more than one third of the maximum building height (8.5m). Window boxes and circulation cores project beyond the building face however are the necessary distance from side property boundaries (2.85m). The side setback line based on the 'worst case' scenario i.e. maximum building height of 8.5m is provided to clearly distinguish that the proposal complies with this requirement. It is noted that the multi dwelling housing development approved under consent DA20/2017 included non-compliant side setbacks.	Yes
	(b) Projections into the side setback may be accepted for unenclosed balconies, roof eaves, sun-hoods, and the like.	Projections into side setback are identified on plans. It is noted that oblique box windows are proposed however are positioned such that they do not encroach the side setback area.	Yes

Control	Requirement	Comment	Compliance
	(c) All new windows of dwellings that face the side boundary are to be setback at least 3m.	Windows will be situated within 3m of the side boundaries, however oblique positioning directs views away from the side boundary, thus ensuring compliance with this control.	Yes
	(e) Side setbacks must provide access to the side of properties to allow for property maintenance, planting of vegetation and sufficient separation from neighbouring properties.	Side setbacks allow for side passage access and planting opportunities. These areas are proposed to be embellished with landscape elements such as outdoor furniture and this will enhance the functionality and amenity of the development. Refer to Landscape Plans at **Appendix D** for further information.	Yes
4.1.4.4 Rear Setbacks	(a) The distance between any part of a building and the rear boundary must not be less than 8m.	The rear setback is proposed at 6m and therefore numerically non-compliant. We submit that the variation is acceptable given the unique interface between the rear of the subject site and the property at 10 Hilltop, being a large retaining wall structure. Detailed discussion is provided at **Section 5.4.2** of this Report.	No (acceptable on merit)
	(b) Rear setbacks must allow space for planting of vegetation, including trees, other landscape works and private and/or common open space.	There is ample space for planting and landscape works in the rear setback despite numeric non-compliance.	Yes

Control	Requirement	Comment	Compliance
		Refer to Landscape Plans at **Appendix D** for further information.	
	(d) Rear setbacks must relate to the prevailing pattern of setbacks in the immediate vicinity to minimise overshadowing, visual privacy and view loss.	No prevailing rear setback pattern exists and we submit that the proposed rear setback is acceptable based on our assessment which demonstrates that there will be no significant adverse impact in terms of overshadowing (refer to **Section 5.4.2**), visual privacy (refer to **Section 5.6.3**) and view loss (refer to **Section 5.6.4**).	Yes
4.1.5.1 Minimum Residential Total Open Space Requirements	(a) Open Space must be provided on site in accordance with Figure 34 - Numeric Requirements for Total Open Space, Landscaped Area and Open Space Above Ground.	The site is identified as being within open space area OS3. Figure 34 indicates that 55% of the site area is to be 'total open space', 35% of the total open space is to be landscaped area and no more than 40% of the total open space is to be open space above ground. The proposal provides the requisite open space as follows: • 1,791sq.m (or 100.1% of site area) constitutes 'total open space'; • 86% of the total open space is landscape area (accounting for common garden area and landscaped roofs); and • 13% of the total open space constitutes open space above ground	Yes

Control	Requirement	Comment	Compliance
		i.e. private balconies at upper levels. A breakdown and calculation sheet is provided in the Architectural Design Report at **Appendix B.** This demonstrates the calculation methodology.	
4.1.5.2 Landscaped Area	(a) Landscaped Area must be provided on site in accordance with Figure 34 - Numeric Requirements for Total Open Space, Landscaped Area and Open Space above Ground Level.	As above.	Yes
	(b) Minimum dimensions and areas must provide for the following: • soil depth of at least 1m for all landscaped areas either in ground or above ground in raised planter beds; and • a minimum horizontal dimension of 0.5m measured from the inner side of the planter bed/ box, wall or any other structure which defines the landscaped area and incorporating an appropriate drainage and irrigation regime.	A key environmental characteristic of the site is the shallow bedrock and the consequent lack of soil profile. The development actually improves opportunities for planting as a result of backfilling areas of excavation. This is particularly evident in central courtyard areas where soil depth will comply with the numeric requirement. Refer to sections and Landscape Plans at **Appendix D** for details concerning planter widths and soil depths.	Yes
	(c) The minimum tree numbers must be in accordance with Figure 37 - *Minimum Number of Native Trees Required*.	Three trees are required according to Figure 37. Ample tree species are proposed. Refer to Landscape Plans at **Appendix D** for details concerning tree selection and arrangement.	Yes

Control	Requirement	Comment	Compliance
4.1.8 Development on sloping sites	(a) The design of development must respond to the slope of the site, to minimise loss of views and amenity from public and private spaces.	Stepped arrangement is site responsive in that it correlates with the topographical characteristics of the site.	Yes
	(b) Developments on sloping sites must be designed to: (i) generally step with the topography of the site; and (ii) avoid large undercroft spaces and minimise supporting undercroft structures by integrating the building into the slope whether to the foreshore or a street.	The proposal steps with topography and is integrated into the slope. We note that excavation is proposed to accommodate lower ground levels and to allow for wheelchair access throughout the site.	Yes
	A Site Stability Report is required with a DA when the proposed development involves: (a) any excavation greater than 1m below natural ground level for a basement or basement car parking area	A Geotechnical Investigation Report is provided at **Appendix K** and considers geotechnical conditions of the site.	Yes
4.4.5.2 Excavation	(a) Excavation is generally limited to 1m below natural ground level except for basement parking areas (which will be contained within the footprint of the building) and swimming pools;	It is acknowledged that excavation is more than 1m as illustrated in sections provided. The excavation is generally contained within the building footprint and is required to facilitate basement construction and to facilitate DDA compliance. It is submitted that the basement excavation is acceptable in this instance and we have detailed our justification at **Section 5.4.3** of this Report.	No (acceptable on merit)
4.4.9 Boarding houses			
4.4.9.1. Communal Rooms and Areas	(a) Communal Living areas are for dining and recreational purposes and are not to include other uses referred	Several multi-purpose spaces are provided including the large	Yes

Control	Requirement	Comment	Compliance
	to in this paragraph and must comprise at least an area in accordance with the design standards at Schedule 7 of this plan.	communal room at ground level of the rear building.	
	(b) Adequate kitchen facilities will be available within the boarding house for the use of each lodger	Contained within each boarding room rather than in a communal space for improved amenity and functionality.	Yes
4.4.9.2 Bedrooms	Adequate boarding rooms are required within the boarding house for the use of each lodger in accordance with the design standards at Schedule 7 of this plan.	See Schedule 7 requirements below.	Yes
4.4.9.3 Open space	(a) In relation to boarding houses in LEP Zones R1, R2 and R3, the minimum residential total open space and landscaped area requirements of this plan apply (see paragraph 4.1.5).	The site is identified as being within open space area OS3. Figure 34 indicates that 55% of the site area is to be 'total open space', 35% of the total open space is to be landscaped area and no more than 40% of the total open space is to be open space above ground. The proposal provides the requisite open space as follows: • 1,791sq.m (or 100.1% of site area) constitutes 'total open space'; • 86% of the total open space is landscape area (accounting for common garden area and landscaped roofs); and • 13% of the total open space constitutes open space above ground i.e. private balconies at upper levels.	Yes

Control	Requirement	Comment	Compliance
		A breakdown and calculation sheet is provided in the Architectural Design Report at **Appendix B.** This demonstrates the calculation methodology.	
Schedule 7 – Part A – Boarding houses			
A1 Boarding rooms	(i) In addition to the basic room requirements above, the minimum gross floor area requirements for the additional purposes of private kitchen or bathroom facilities are as follows: • ensuite (hand basin and toilet) - 2.1 sqm; • shower in the ensuite - 0.8sqm • laundry - 1.1sqm • kitchenette - 2sqm (small fridge, cupboards, shelf and microwave)	The boarding rooms satisfy the numeric area requirement stipulated by this control. Room layout diagrams are provided in the architectural plan set.	Yes
	(ii) Each bedroom must have access to natural light, from a window and/or a door with a minimum aggregate area that is equivalent to 10 percent of the floor area of the room. Skylights are not to be used as the sole source of light.	Each boarding room will have access to natural light by way of a window with aggregate area greater than 10% of floor area of the corresponding room.	Yes
A1 Communal living areas	Communal living areas are to provide: (i) a minimum area of 12.5sq or 1.25sqm for each resident, whichever is the greater	Based on 50 double lodger rooms and 24 single lodger rooms the communal living room would require an area of 155sq.m to comply with the numeric requirement. The communal living spaces have an aggregate area of 135sq.m and does not comply with the numeric requirement. The communal living areas are considered sufficient to support the	No (acceptable on merit)

Control	Requirement	Comment	Compliance
		passive recreational activities of residents at the boarding house. Detailed discussion to support this position is provided at **Section 5.3.3** of this Report.	
	(ii) The use of communal living areas is to be for dining and recreational purposes only and not to include bedrooms, bathrooms, laundries, reception areas, storage areas, storage, kitchens, car parks, loading docks driveways, clothes drying areas, corridors and the like.	Several multi-purpose spaces are provided including the large communal room at ground level of the rear building.	Yes
	(iii) The location of communal living areas to be on each level of a multi-storey boarding house.	Several communal indoor spaces are proposed included a large living space at ground level of the rear building and a secondary space at Level 1 of the front building. It is considered unnecessary to provide a communal space at every level of this relatively modest development. It is a far superior outcome to provide a small number of larger living spaces with high amenity and functionality. The living rooms provided are highly accessible from all levels of the development.	No (acceptable on merit)
	(iv) The location and design of communal areas are to minimise impact on the visual and acoustic privacy of neighbouring properties and being located away from side boundaries.	Centrally positioned and away from side boundaries. The design of the living rooms in combination with appropriate management practices will ensure acoustic and visual impacts are mitigated.	Yes

Control	Requirement	Comment	Compliance
A3 Communal kitchen areas	Communal kitchen facilities are to provide: (i) a minimum area of 6.5sq or 1.2sqm for each resident, whichever is the greater	No communal kitchen proposed. It is submitted that a communal kitchen is unnecessary given each boarding room contains a private kitchen.	No
	(ii) a double sink for each 12 residents and a stove top cooker for each 6 persons including adequate exhaust ventilation	As above.	As above
	(iii) adequate refrigerator and freezer storage space and storage space in lockable drawers or cupboards.	As above.	As above
A4 Communal bathroom and laundry areas	Communal bathroom and laundry facilities are: (i) be accessible at all times;	Boarding rooms contain private bathroom facilities. Laundry facility proposed at lower ground floor of rear building and access to the facility can be made available at all times to residents in accordance with boarding house rules outlined in Plan of Management provided at **Appendix P**.	Yes
	(iii) to include a washing machine and large laundry tub with hot and cold running water for each 12 residents	The laundry is appropriately sized to cater for a sufficient number of washing machines and laundry tubs.	Yes

5.4.1. Front Setback

Section 4.1.4 of MDCP contains controls regulating setbacks and building separation, including front setbacks. The objectives of the setback controls are:

- To maintain and enhance the streetscape including desired spatial proportions of the street, the street edge and landscape character of the street;
- To ensure and enhance local amenity by providing privacy, equitable access to light, sunshine and air movement, facilitating view sharing and maintaining adequate space between buildings to limit impacts on view and vistas from private and public spaces, defining and adding character to the streetscape including space between buildings to create a rhythm;
- To promote flexibility in the siting of buildings;
- To enhance and maintain natural features by accommodating planting deep soil zones and native vegetation, ensuring the nature of development does not unduly detract for the context of the site in relation to adjoining open space lands and national parks;

- To assist in appropriate bush fire asset protection zones.

The controls as they relate to front setbacks require that front setback relate to the front building line of neighbouring properties and prevailing buildings lines in the immediate vicinity and where the street front building line is variable, a minimum 6m front setback is generally applied.

The front setback of buildings on the southern side of Sydney Road varies markedly and therefore no predominant front building line exists. The front setback pattern of development on the southern side of Sydney Road is illustrated in **Figure 7**.

Figure 7 – Yellow markers indicate front setback

The front setback of the proposed development ranges from 4.2 to 5.5m when measured to the street-facing wall of the basement level and 2m when measured to the proposed entry office at the northwest corner of the site. The development has been sited to respond to the characteristics of the site and the locality and to relate to that pattern of development on neighbouring properties.

The proposal achieves the objectives of the controls despite numeric non-compliance as described below:

- The building at 199 Sydney Road (west of the site) is built to the front and side property boundaries. There is an existing detached single storey garage at the northwest corner of the subject site which is proposed to be demolished. The proposed entry office sits in approximately the same location as the existing detached garage and will have a similar mass and scale. The location of the entry office relates to the siting of the building at 199 Sydney Road. This element of the proposal responds appropriately to existing building elements in the streetscape and maintains established ‘street edge’.

- Similarly, the proposed garage wall relates to the alignment of the sandstone cutting in the front setback of 193 Sydney Road (east of the site). This cutting is a visually prominent streetscape element and effectively conceals the dwelling which sits beyond and above the cutting when viewed from street level. The basement wall alignment will tie in to the alignment of the cutting and will create a visual relationship with this feature. The façade treatment of the street-facing basement wall will incorporate sandstone cladding and will reinforce this relationship. The proposed basement wall setback is to be an appropriate design response to immediate context.

- The proposed front setback provides for a suitable degree of pervious area which will allow for landscaping in this location as described in the Landscape Plans provided at **Appendix D**. Landscaping in the front setback will marry up with landscaping in the side setback areas for contiguous areas of planting to ameliorate the apparent visual bulk of the development. Landscaping at ground level will be supplemented by integrated landscaping over the garage level. The proposed will allow for appropriate landscaping opportunities despite reduced front setback.

In summary, the front setback of the proposed development relates to existing urban form and streetscape features and reinforces street edge in this area of Sydney Road. The setbacks allow for an appropriate degree of pervious area for landscaping and a robust and attractive streetscape interface. Setbacks allow for necessary sight lines for vehicles entering and leaving the site and therefore pedestrian and vehicular safety will not be compromised. Despite numeric non-compliance, the proposed front setback satisfies the objectives of the controls and is appropriate on this basis.

5.4.2. Rear Setback

Section 4.1.4 of MDCP contains controls regulating setbacks and building separation, including rear setbacks. The objectives of the setback controls are as described in Section 5.4.1 of this Report. The controls as they relate to rear setbacks require an 8m setback between any part of a building and the rear property boundary.

The proposed rear setback is an average of 6m and therefore numerically non-compliant. A reduced setback is proposed to allow for an increased central communal open space area between the front and rear components of the development. Earlier iterations of the proposal adopted a compliant rear setback of 8m however it was considered that a superior design solution was to reduce the rear setback and enhance the central courtyard space.

The proposal achieves the objectives of the controls despite numeric non-compliance as described below:

- There is no prevailing rear setback pattern in the locality which is characterised by irregular subdivision pattern and several forms of residential development. In this sense, the reduced rear setback proposed will no undermine or compromise an established pattern of rear setbacks. In fact, the proposed rear setback is more closely aligned with existing development on land at 199 Sydney Road (multi dwelling housing development) and land at 189 Sydney Road (residential flat building).

- The interface at the rear property boundary is such that the proposed reduced rear setback will not result in any adverse privacy, overshadowing or visual amenity impacts on land to the south at 10 Hilltop Crescent. The level change between the subject site and 10 Hilltop Crescent is substantial and a large block wall enclosing a semi-basement parking area is situated on the property boundary as depicted in **Figure 8**.

- The rear setback area allows for adequate areas of landscaping including planting and embellishments such as paving and integrated furniture despite numeric non-compliance with the rear setback control. As noted, earlier iterations of the proposal adopted a compliant rear setback however given the existing interface at the rear property boundary and the absence of any adverse amenity impacts, the decision was made to reduce the setback and increase the central open space area. The reduced setback has resulted in improved landscaping opportunities and a more functional communal open space.

- Our assessment demonstrates that there will be no significant adverse amenity impacts on neighbouring properties in terms of overshadowing, overlooking or visual bulk as a result of the proposed reduced rear setback. Rather, the reduced rear setback opens up the corridor through the middle of the site and in doing so enhanced outlook and reduced shadow impacts when compared to an otherwise compliant development. A detailed assessment of environmental impacts is contained at **Section 5.5** of this Report.

In summary, the proposed reduced rear setback is appropriate in that the proposed massing arrangement with increased break between buildings improves amenity impacts in terms of overshadowing and perceived visual bulk when compared to a compliant scheme. Further, the existing interface with the property to the south (i.e. the large block walls enclosing basement parking) is such there is no benefit to either the subject development or residential flat building at 10 Hilltop in providing a numerically compliant rear setback. Despite numeric non-compliance, the proposed rear setback satisfies the objectives of the controls and should be supported on this basis.

Figure 8 – Interface at rear property boundary

5.4.3. Excavation

Section 4.4.5 of MDCP contains controls regulating excavation and filling. The objectives of the excavation controls are to retain the existing landscape character and limit change to the topography and vegetation of the locality by limiting cut and fill, discouraging alteration of natural flow of surface and ground water, ensuring that development does not cause sediment to enter drainage infrastructure and limiting the height of retaining walls.

The controls stipulate that excavation is generally limited to 1m below natural ground level with the exception of basement parking areas. The proposed development includes excavation to facilitate construction of basement parking and by virtue of sloping site will also result in some areas of habitable floor space being partially below natural ground level. The extent of excavation is illustrated clearly on the longitudinal section contained within the Architectural Plans at **Appendix A**.

The proposal achieves the objectives of the controls despite numeric non-compliance as described below:

- Basement parking is the most practical means of achieving sufficient on-site parking and can be delivered without the need for ramping by virtue of site topography. Vehicles will enter the basement at grade with the basement structure itself concealed within the slope and not evident when viewed from the street or neighbouring properties. Although substantial, the extent of excavation will not lead to any adverse visual impacts.

- The extent of excavation is dictated by the number of parking spaces that are required to be provided in the basement along with ancillary storage, service and circulation space, as well as the requirement to provide equitable access throughout common areas. In this sense, the excavation proposed has been limited as far as is possible. To limit excavation further would require a substantial reduction of basement parking and would not enable disabled access to both lift cores. The area in cut will generally be limited to below the floor plate of the building and some areas beyond the building footprint such as the rear

setback area and side passageways. Therefore, areas in cut will generally not be evident from the street or neighbouring properties.

- A geotechnical assessment has been undertaken to consider the subsurface conditions of the site and the findings are detailed in the Geotechnical Investigation Report provided at **Appendix K**. The Report explains that groundwater seepage was not observed during drilling of boreholes and no seepage was observed in the adjacent cliff face. Due to the shallow nature of the sandstone bedrock, and the absence of evidence of ground water, it is submitted that the extent of excavation will have no unreasonable impacts on groundwater regimes and therefore the proposals aligns with this objective.

- A Stormwater Drainage Concept has been prepared and is provided at **Appendix F**. The Concept indicates that roof water and surface runoff will be captured and directed to an on-site detention system (where not absorbed by vegetation at rooftop) at the northwest corner of the property before being discharged to the street. This arrangement will ensure the quantity and velocity of stormwater leaving the site post-development will be comparable to the pre-development scenario. The drainage plans also include sediment and erosion control diagrams which explain measures proposed to avoid migration of sediment from the site. The extent of excavation proposed will have no unreasonable impacts on the movement or management of surface water, nor will it result in migration of sediment from the site.

In summary, the excavation proposed generally relates to basement structures and is an appropriate design response given the topographical characteristics of the site. Excavation is generally contained within below the floorplate of the proposed building and therefore natural ground level at property boundaries is preserved for the most part and no adverse visual impacts in terms of retaining structures will eventuate. Stormwater and groundwater regimes will not be adversely affected. The proposal is consistent with the objectives of the control despite numeric non-compliance.

5.4.4. Communal Room Area

Schedule 7 Part A of MDCP contains design standards for boarding house development, including requirements relating to communal living areas. It is noted that these standards supplement those contained in the ARH SEPP which require at least one communal living room where more than five boarding rooms are proposed.

The relevant performance criteria states that adequate communal living areas will be available within the boarding house for the use of each lodger. The design guidelines state that communal living areas are to provide a minimum area of 12.5sq.m or 1.25sq.m for each resident, whichever is greater.

Based on 50 double lodger rooms and 24 single lodger rooms the communal living room would require an area of 155sq.m to comply with the numeric requirement. The proposal provides four communal rooms being the living room at ground level of the rear building, the gateway building at the front of the site and the living rooms at Level 1 and 2 of the front building. The aggregate area of these rooms is 135sq.m and therefore numerically non-compliant.

The proposal achieves the performance criteria of the design standard despite numeric non-compliance as described below:

- The communal living rooms proposed are more than adequate in terms of location, size and configuration. The ground floor communal living area in particular is generously sized and appropriately proportioned and has capacity to cater for a relatively large group of lodgers. The living area at ground level is immediately adjacent to the central courtyard space which functions as an extension to the living space and enhances the functionality of this space.

- The requirement for a communal living room is less critical given the quality and internal amenity of the boarding rooms themselves. Each boarding room is generously sized in that they are larger than required by the numeric area requirements contained in the ARH SEPP, and each room has private bathroom and kitchen facilities along with private, internal and external living space. The functionality of boarding rooms offsets the technical non-compliance of the communal living rooms.

- Communal open space areas are larger than required and provide genuine and high-amenity outdoor living spaces to supplement the proposed indoor communal living areas. Outdoor spaces include the primary central courtyard as well as smaller pockets of functional open space that can be utilised by individuals or smaller groups. These areas are contained in the spaces between the building and side property boundaries.

In summary, the communal living areas provided have superior amenity and functionality in that they are well positioned and appropriately configured. These spaces will foster opportunities for social interaction and will cater to a relatively large group of people at any given time. Complementary communal open spaces are proposed and function as an extension to the indoor living areas. Despite numeric non-compliance, the communal living spaces provided satisfies the performance criteria for communal rooms.

5.5. NATURAL ENVIRONMENT IMPACTS

5.5.1. Stormwater management

Stormwater management works incorporating on site detention are proposed. Surface and roof water will be collected via network of pits and pipes and will be directed to an on-site detention tank situated at the northwest corner of the site. Water will be retained in this tank before being discharged to an existing kerb inlet pit on Sydney Road. The stormwater management system has been designed such that the quality and volume of water leaving the site post-development is comparable to the pre-development scenario.

Civil works are detailed in the Stormwater Concept Plans provided at **Appendix F**.

5.5.2. Tree removal and landscaping

The proposal will necessitate removal of some trees and shrubs which have been identified on the demolition plan included with the architectural plan set provided at **Appendix A**. Removal of trees is necessary to accommodate the proposed building form. It is noted that council granted development consent for construction of a multi-dwelling housing development including tree removal [DA20/2017] on 6 July 2017. This consent has yet to lapse and tree removal can be carried out under this approval.

Extensive landscaping is proposed throughout the site, including perimeter planting in side, rear and front setbacks and substantial planting in central courtyard areas. The viability of planting is enhanced as a result of the proposal which involves the excavation of shallow bedrock and backfilling with soil. Pavement for access and passive recreation is also incorporated into the landscape design as well as integrated outdoor furniture for occupant enjoyment.

An important aspect of the proposed landscape design is the treatment of the front setback area which incorporates a high proportion of permeable area for plant growth and planters over the garage entry to ameliorate the visual bulk of the development and supplement landscaping at grade. The landscape treatment of the front setback area is considered to be compatible with that of adjoining properties.

Landscaping is detailed in the Landscape Plans provided at **Appendix D**.

5.5.3. Groundwater and excavation

The proposed development includes multiple basement levels which will necessitate excavation. Excavation will generally be limited to within the building footprint and will not be readily apparent from adjoining properties as a result. The maximum extent of excavation is towards the rear of the site and is illustrated on the long section contained in the Architectural Plan set at **Appendix A**.

A geotechnical assessment has been undertaken and subsequent Geotechnical Investigation Report prepared which considers geotechnical characteristics of the site and makes recommendations as to excavation and shoring methods. The Report explains that groundwater seepage was not observed during drilling of boreholes and no seepage was observed in the adjacent cliff face. Due to the shallow nature of the sandstone bedrock, and the absence of evidence of ground water, it is submitted that the extent of excavation will have no unreasonable impacts on groundwater regimes. The Report is provided at **Appendix K**.

Excavation is discussed in detail at **Section 5.4.3** of this Report and it is considered that the proposal will have no significant impact on the natural environment with regard to the proposed extent of excavation.

5.6. BUILT ENVIRONMENTAL IMPACTS

5.6.1. Building design

The massing arrangement has been carefully considered and is detailed graphically in the Architectural Design Statement provided at **Appendix B**.

The building is divided into two primary ‘blocks’ separated by a central communal open space. Each block is further separated into a number of smaller modules. The street-facing block has a vertical separation to achieve a fine grain building form when viewed from the street.

One of the benefits of the proposed massing arrangement is that all boarding rooms are inward facing and do not present to side property boundaries. This improves surveillance of communal spaces and corridors, outlook and amenity of boarding room occupants, and eliminates overlooking of adjoining properties.

The building is designed to respond to the topographical characteristics of the site which is steeply sloping. The modules forming the building mass are terraced down the slope and in doing so the building height bears a relationship to the topography.

Façade treatments include sandstone quarried from the site at base level and throughout communal areas, light-coloured profiled metal framed by bronze metal horizontal spandrels for side elevations, perforated concrete screens bookending ‘gangway-style’ circulation areas, and timber cladding and privacy screening for north and south-facing elevations. These materials and finishes are complemented by integrated landscaping, including green roof treatments.

A perspective is provided at **Figure 9** to illustrate the anticipated streetscape appearance of the building.

Figure 9 – Anticipated streetscape presentation

5.6.2. Overshadowing

Part 3.4.1 of MDCP contains controls regulating overshadowing of private open space and living rooms of adjoining properties.

- In relation to adjoining open space the controls require that new development must not eliminate more than one third of existing sunlight access private open space between 9am and 3pm on the winter solstice.
- In relation to living rooms of adjoining properties the controls require that the level of solar access presently enjoyed must be maintained to windows or glazed doors of living rooms for a period of at least 4 hours from 9am to 3pm on the winter solstice.

Shadow diagrams have been prepared do illustrate the overshadowing impact of the proposed development on adjoining properties. The shadow diagrams demonstrate the extent of shadow cast at hourly intervals

between 9am and 3pm on the winter solstice (21 June) and, for reference, on the summer solstice and spring equinox.

The diagrams indicate that:

- The **private open spaces** of adjoining development (i.e. at No. 199 and No. 193 Sydney Road) will be largely unaffected by the development between 10am and 2pm.

  The communal open space area of the multi dwelling housing development at No. 199 Sydney Road will experience some additional overshadowing between 9am and 10am while the private open space of the single dwelling at No. 193 Sydney Road will experience some additional overshadowing between 2pm and 3pm. In both cases, the overshadowing impacts only part of the open space area and the numeric requirements of the DCP are satisfied.

- The **living room windows** of adjoining development (i.e. at No. 199 and No. 193 Sydney Road) will be unaffected by the proposal between 9am and 3pm and this is best illustrated by the sun-eye diagrams included with the architectural plans.

  The property at No. 193 contains two living rooms, both on ground floor. One window presents to the south and will not be impacted by shadow cast by the proposal. One window presents north and will enjoy unobstructed direct sunlight until 3pm. Shadow impact is avoided as the upper levels of the proposal are terraced back from the street.

  The property at No. 199 contains several dwellings however, as demonstrated by the sun-eye diagrams, these dwelling will not be cast in shadow by the proposal. This is due to a combination of the design of the proposed development and the positioning of dwelling at No. 199 (which are generally setback from the eastern property boundary.

In summary, the development accords with the numeric solar access requirements.

5.6.3. Privacy and overlooking

The proposal has been designed to reduce the potential for overlooking from the development over side and rear property boundaries. This is achieved through the massing arrangement which is split into two primary modules with a central communal open space. Boarding rooms are either oriented to the rear open space area, to the street or to the central open space. Windows on side elevations are projecting oblique window boxes and prevent direct views toward side property boundaries and neighbouring dwellings.

It is noted that development to the west is located in an area of substantial cut and is at a level significantly below that of the development. Similarly, the development to the south sits much higher than the subject site due to local topography.

There is limited potential for overlooking given local site characteristics in combination with the orientation and design of the proposed development. The design rationale (which was driven in part by a desire to 'internalise' sight lines) and thorough analysis of overlooking potential is contained in the Architectural Design Report provided at **Annexure B**.

5.6.4. Views

It is submitted that the development, which aligns with the building height development standard and includes side setbacks in excess of the numerical requirement, will have no significant impact on views or outlook from neighbouring properties. In addition to appropriate building design and massing arrangement, the topographical characteristics of the site are such that surrounding development (in particular development to the south) which enjoy a northerly aspect/outlook will not be impacted as they look over the subject development. This judgement is based on detailed survey levels which confirms considerable discrepancy in site levels which is illustrated in sections supplied with the architectural pans.

In the event that submissions are received with concerns regarding view loss impact, this can be addressed by way of a detailed view loss assessment.

5.6.5. Traffic and parking

The proposal involves an intensification of use and therefore an increase in anticipated vehicle movements to and from the site. An assessment of traffic and parking implications has been undertaken and findings documented in a Traffic Impact Assessment Report provided at **Appendix H**.

The Report confirms that the development provides a compliant number of car parking, motorcycle parking and bicycle parking spaces and that the internal design of basement parking, including head heights, driveways and ramp and parking bays, accords with the requirements of relevant Australian Standards. The Report also confirms that the basement is configured to permit the forward entry and egress of a waste collection vehicle (being a 6.4m small rigid vehicle).

The Report indicates that the net increase in traffic generation for peak periods is anticipated to be 13 vehicle trips per hour and these trips will have a negligible impact on the performance of Sydney Road and Hill Street intersection based on SIDRA modelling. No external improvements are required to facilitate the development.

The development provides a compliant number of off street parking spaces and anticipated traffic generation will have no adverse impact on the safety or efficiency of the local road network.

5.7. SOCIAL AND ECONOMIC IMPACTS

The proposed development provides for enhanced social and economic outcomes as described below.

Social impact

The proposed development will result in the delivery of 75 (inclusive of a boarding house managers room) high-quality boarding rooms, replacing two aging single dwelling houses. This injection of affordable housing in an area that is well-located in terms of its accessibility to public transport and community facilities and one of the least affordable suburbs in NSW (SGS Economic and Planning data) represents a positive social outcome for the Northern Beaches region. The boarding house development is particularly well suited to single person households and couples by virtue of room size and configuration and thus caters for a growing segment of the Sydney population.

The development will have a positive social impact in this regard.

Economic impact

The proposed redevelopment will have some short term economic benefit by way of creating employment opportunities for construction workers and other associated professions through the demolition and construction phases of the project. The proposal will also have longer term economic benefit for the region in that it will increase housing supply (and in doing so influence market prices, in theory) and is a more affordable housing product targeted several income bands including middle to low income earners. Other direct long term economic benefits include employment of a permanent boarding house manager and jobs associated with maintenance of the development.

The development will have a positive economic impact in this regard.

5.8. SITE SUITABILITY

The subject site is suitable for the proposed development because it is on land zoned for residential purposes and is located adjacent to compatible land uses. The site contains existing residential accommodation and is therefore demonstrably suitable for this purpose. The proposal satisfies the building density and height parameters and has a bulk and scale aligning with that contemplated in the applicable planning instruments.

5.9. THE PUBLIC INTEREST

The proposed development is in the public interest because it will result in the delivery of 75 high quality boarding rooms within a well-considered and site-responsive boarding house development. There are tangible social and economic benefits associated with the delivery of affordable housing in the Northern Beaches region, as has been described throughout this SEE.

6. CONCLUSION

This SEE has been prepared by Urbis Pty Ltd on behalf of Micronest Pty Ltd and accompanies the Development Application submitted to Northern Beaches Council for a boarding house development located at 195-197 Sydney Road, Fairlight.

The proposal is appropriate for the site and the locality because:

- **The proposal satisfies the applicable local and state planning policies.** The proposal is consistent with the principal planning instruments applying to the site, being ARH SEPP and MLEP and aligns with the objectives of Zone R1. The proposal is generally compliant with the relevant provisions of MDCP. Where variations to guideline controls are proposed, justification is provided that demonstrates the proposal satisfies the intent of those controls.
- **The design responds positively to the site conditions and the surrounding environment.** The proposal is designed to relate to the topographical characteristics of the site and adopts a fine grained building form, reminiscent of the two free standing dwellings it is replacing. The extensive landscaping proposed, including green roofs, integrates this building within its setting and enhances the Sydney Road streetscape.
- **The proposal is suitable for the site.** The subject site is suitable for the proposed development because it is on land zoned for residential purposes and is located adjacent to compatible land uses. The site contains existing residential accommodation and is therefore demonstrably suitable for this purpose. The proposal satisfies the building density and height parameters and has a bulk and scale aligning with that contemplated in the applicable planning instruments.

For the reasons outlined within this SEE, the proposal is in the public interest and should be approved.

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This report has been prepared with due care and diligence by Urbis and the statements and opinions given by Urbis in this report are given in good faith and in the reasonable belief that they are correct and not misleading, subject to the limitations above.

Appendix A ARCHITECTURAL PLANS

Appendix B ARCHITECTURAL DESIGN STATEMENT

Appendix C SURVEY PLAN

Appendix D LANDSCAPE PLAN AND DESIGN STATEMENT

Appendix E BASIX CERTIFICATE AND ESD REPORT

Appendix F STORMWATER MANAGEMENT CERTIFICATION STATEMENT

Appendix G STORMWATER CONCEPT PLANS

Appendix H TRAFFIC IMPACT ASSESSMENT (INCORPORATING CONSTRUCTION TRAFFIC MANAGEMENT PLAN)

Appendix I ACOUSTIC REPORT

Appendix J BCA COMPLIANCE REPORT (INCORPORATING ACCESS AND FIRE SAFETY ASSESSMENT)

Appendix K GEOTECHNICAL ASSESSMENT

Appendix L PRELIMINARY SITE INVESTIGATION

Appendix M WASTE MANAGEMENT PLAN (OPERATIONAL)

Appendix N WASTE MANAGEMENT PLAN (DEMOLITION AND CONSTRUCTION)

Appendix O CONSTRUCTION MANAGEMENT PLAN

Appendix P OPERATIONAL PLAN OF MANAGEMENT

Appendix Q COST SUMMARY REPORT

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