

Supplementary Report

Development Assessment, Place and Planning

To: Local Planning Panel

Cc: Steven Findlay, Peter Robinson, Heidi Young

From: Adam Susko, Principal Planner

Date: 6 September 2022

Subject: DA2021/1039 – 16 Wyatt Avenue, Belrose; and
MOD2021/0996 – 14 Wyatt Avenue, Belrose

Record Number: 2022/555763

This Supplementary Report serves to inform the Local Planning Panel ('LPP') of any updates or new information that has come to light since the publication of the Assessment Reports for MOD2021/0996 and DA2021/1039 ('the Applications').

As the Applications are next door to each other, and a portion of the content relevant to this Supplementary Report applies to both Applications, a singular report has been prepared for the LPP for brevity.

DA2021/1039

At the time of writing, two additional submissions have been received to this DA which is recommended for refusal – with both additional submissions being received from previous submitters.

One submission ('Brown') simply states that they do not support the application. The second ('Patton') raises several concerns with the Assessment Report, including:

Applications being referred to the LPP when the Applications are before the Court.

The objector has been advised that it is standard practice for applications to be referred to the LPP (where relevant) notwithstanding the fact that there is any appeal before the Court.

Request that a new Assessment Report be provided to the LPP that is consistent with the Statement of Facts and Contentions.

The Assessment Reports have been produced by an independent expert planning consultant. It is not appropriate for Council to interfere with the reporting of an independent consultant at the request of an objector – similarly Council would not request an independent consultant to revise an assessment at the request of an applicant.

Proposal does not provide 50% bushland area.

Appendix C – C8 of the Warringah Local Environmental Plan 2000 requires:

Bushland setting

A minimum of 50 per cent of the site area is to be kept as natural bushland or landscaped with local species.

The building footprint is lesser than 50% of the site area. The objector states that the control requires that 50% of the site area be kept as natural bushland – not just grass.

At present the site has little in the way of ‘natural bushland’ and is generally cleared.

The independent planning consultant has determined that the development complies with the requirement to have *50% of the site area is to be kept as natural bushland or landscaped with local species.*

The Assessment Report does not include any reference to the Low Impact, Low Intensity test.

Please refer to Pages 23-24 of the Agenda (or 18-19 of the Assessment Report).

MOD2021/0996

In regard to No 14 Wyatt Ave, although the Assessment report is based on the premise that the kitchen/ cook tops have been removed in the Modification, we cannot see any statement in the Applicant’s Statement of Environmental Effects to confirm that the Modification does not include kitchens/cook tops in each boarding room.

We consider that it is essential that the report contains a quote from the Land and Environment Court’s decision and ensure that there is a consent condition with these details together with an appropriate clause in the Plan of Management. The Panel members need to be advised on these issues by yourself or the Consultant engaged for the assessment report.

Condition 2 (b) of the parent development consent requires that:

In order that each of the boarding rooms and the manager’s residence are not capable of being used as separate self-contained dwellings, each of the boarding rooms and the manager’s residence must not contain, or at any time have installed, any cooking or meal preparation facilities. This includes plugin electrical appliances. All meals must be prepared in the communal kitchens provided separately within the premises.

This condition is not changed by the recommendations for the Assessment Report for MOD2021/0996. Even if any plan or Plan of Management did include reference to a cooking facility, such would be overridden by a requirement in Condition 1 which states that: *In the event of any inconsistency between conditions of this consent and the drawings/documents referred to above, the conditions of this consent will prevail.*

Conclusion

On the basis of the above, it is considered that no amendments to the Assessment Reports are necessitated.