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# **STATEMENT OF ENVIRONMENTAL EFFECTS**

To accompany a Section 4.55 Application to alter the  
Development Consent in DA-373/2020

For alterations and additions to an approved mixed use  
development

**at No. 310-312 King Georges Road, Beverly Hills**

Issue A – July 2022

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## **1.0 INTRODUCTION**

This statement has been prepared to accompany a Section 4.55 Application for alterations and additions to an approved mixed use development at No. 310-312 King Georges Road, Beverly Hills.

The purpose of this report is to describe the proposed modifications and review the relevant planning controls relating to the proposal. It provides an assessment of the proposed modifications in light of the provisions of Section 4.55 of the Environmental Planning and Assessment Act, 1979.

This report aims to demonstrate that the proposed modifications are appropriate within their context and within the framework of the relevant planning policies.

This statement addresses issues arising from the proposed works in light of the following planning controls:

- State Environmental Planning Policy (Affordable Rental Housing) 2009
- Canterbury Local Environmental Plan 2012
- Canterbury Development Control Plan 2012
- Provisions of Section 4.55 of the Environmental Planning and Assessment Act 1979

The assessment relies upon the following information:

- The subject land is zoned B1 Neighbourhood Centre under the Canterbury Local Environmental Plan 2012
- The immediate context of the site and surrounding character

## **2.0 SITE & CONTEXT ANALYSIS**

### **2.1 SUBJECT SITE DESCRIPTION**

The subject site is located at No. 310-312 King Georges Road, Beverly Hills and is legally identified as Lot 1414 within DP 650986 and Lot 11 within DP 746196. The area of the subject site is approximately 338m<sup>2</sup>.

The subject site is located on the eastern side of King Georges Road, with Canterbury Road further north and the M5 Tunnel further south. Figure 01 illustrates the context of the site within the locality.

The site is a rectangular shaped allotment, with frontages of 12.19 metres to King Georges Road and Moondani Lane respectively. The site is orientated approximately east to west and slopes to the east.

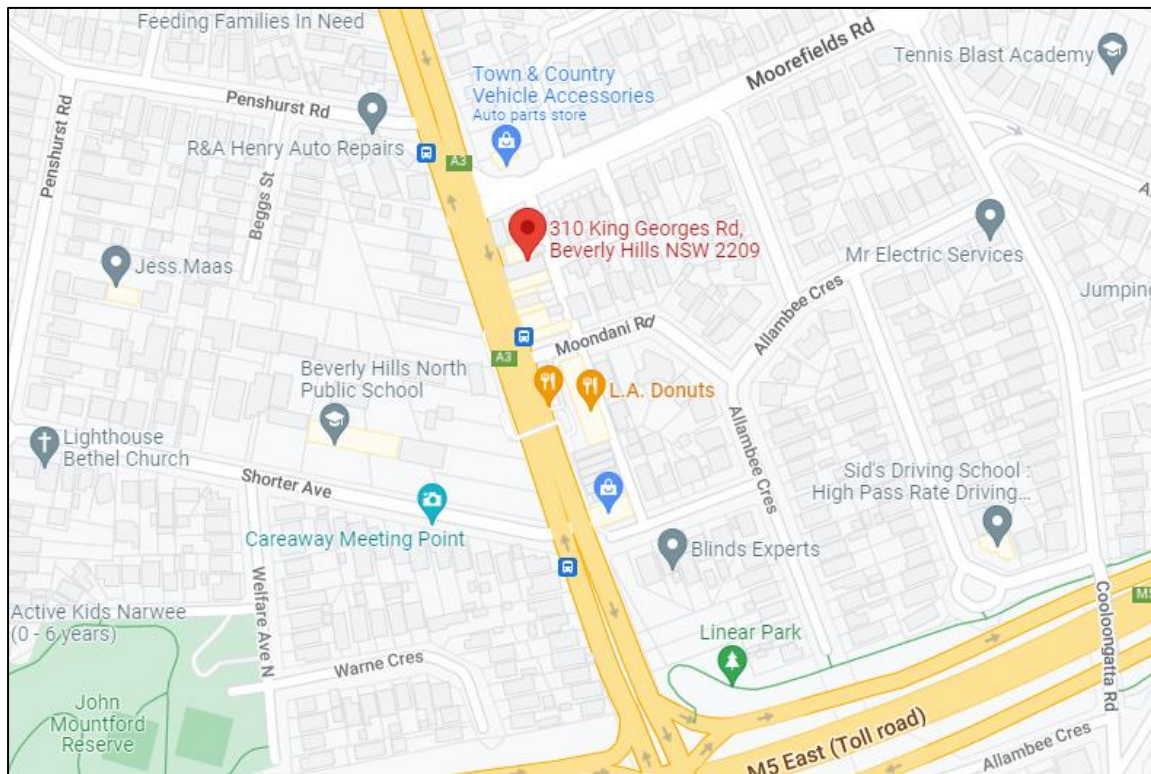


Figure 01: Map of site location (Google Maps, accessed 2022)

## 2.2 EXISTING BUILDING AND ASSOCIATED STRUCTURES

On 6 November 2020, consent was granted for the construction of a three storey mixed development comprising of one office premises and a 12 room boarding house over one storey of parking under DA-373/2020.



Figure 02: Approved development at No. 310-312 King Georges Road, Beverly Hills

## 2.3 DEVELOPMENT HISTORY

**DA Number: 373/2020**

Description: Construction of a three storey mixed development comprising of one office premises and a 12 room boarding house over one storey of parking

Determination: Approved 06/11/2020

DA Number: 7704/1995

Description: Tile showroom & w attached 1<sup>st</sup> floor residences

Determination: Approved 09/03/1995

## 2.4 SURROUNDING AREA

### Locality

The subject site is located within a B1 Neighbourhood Centre zone under the Canterbury Local Environmental Plan 2012. The site is located in Beverly Hills, a southern suburb of Sydney located 15km south-west of the Sydney central business district. The site is located at the northern periphery of Beverly Hills within a predominantly residential area.

The locality of Beverly Hills is characterised by a diversity of land uses. The locality is bounded by Roselands, Kingsgrove, Hurstville, Penshurst, Peakhurst, and Narwee.

### Street Pattern

The streets form an inconsistent pattern, with a variety of lot sizes and shapes which have no predominant orientation. There is a network of footpaths which are accompanied by a pattern of vegetated road reserves.

## 3.0 THE DEVELOPMENT PROPOSAL

### 3.1 OVERVIEW

The proposed Section 4.55 Application will result in internal reconfigurations and alterations including a larger boarding house occupancy. There are no external alterations proposed. As modified, the development will remain substantially the same as the works approved under DA-373/2020.

### 3.2 DESCRIPTION OF WORKS

This Application proposes work as depicted on the architectural drawings prepared by Archispectrum:

#### Lower Ground Floor:

- 1 x car parking space reassigned to boarding house
- Addition of 1 x general waste bin
- Addition of 1 x green waste bin

#### Ground Floor:

- Commercial floor area reduced to 40m<sup>2</sup>
- Addition of 2 x storage rooms
- Addition of 1 x accessible bathroom
- Conversion of communal living room to boarding house manager's room with bathroom, kitchen, balcony
- Conversion of Rooms 03 and 04 to double occupancy
- Reconfiguration of bathroom in Rooms 02 and 04

#### First Floor:

- Conversion of communal living room to double boarding room with bathroom and kitchen
- Conversion of Room 09 to double occupancy
- Reconfiguration of bathroom in Rooms 05, 07, 10

#### Second Floor:

- Conversion of Rooms 12 and 13 to double occupancy
- Reconfiguration of bathroom in Rooms 12 and 14

### 4.0 EVALUATION PURSUANT TO PLANNING INSTRUMENTS

The application has taken into consideration relevant provisions of the State Environmental Planning Policy (Affordable Rental Housing) 2009, the Canterbury Local Environmental Plan 2012, and the Canterbury Development Control Plan 2012.

#### 4.1 STATE ENVIRONMENTAL PLANNING POLICY (AFFORDABLE RENTAL HOUSING) 2009

##### **Part 2 New affordable rental housing**

##### **Division 3 Boarding houses**

##### **Clause 29 Standards that cannot be used to refuse consent**

(1) A consent authority must not refuse consent to development to which this Division applies on the grounds of density or scale if the density and scale of the buildings when expressed as a floor space ratio are not more than—

(a) the existing maximum floor space ratio for any form of residential accommodation permitted on the land, or

(b) if the development is on land within a zone in which no residential accommodation is permitted—the existing maximum floor space ratio for any form of development permitted on the land, or

(c) if the development is on land within a zone in which residential flat buildings are permitted and the land does not contain a heritage item that is identified in an environmental planning instrument or an interim heritage order or on the State Heritage Register—the existing maximum floor space ratio for any form of residential accommodation permitted on the land, plus—

(i) 0.5:1, if the existing maximum floor space ratio is 2.5:1 or less, or

(ii) 20% of the existing maximum floor space ratio, if the existing maximum floor space ratio is greater than 2.5:1.

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

(a) **building height**

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

(b) **landscaped area**

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

(c) **solar access**

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

(d) **private open space**

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

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

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

(e) **parking**

if—

(i) in the case of development carried out by or on behalf of a social housing provider in an accessible area—at least 0.2 parking spaces are provided for each boarding room, and

(ii) in the case of development carried out by or on behalf of a social housing provider not in an accessible area—at least 0.4 parking spaces are provided for each boarding room, and

(iia) in the case of development not carried out by or on behalf of a social housing provider—at least 0.5 parking spaces are provided for each boarding room, and

(iii) in the case of any development—not more than 1 parking space is provided for each person employed in connection with the development and who is resident on site,

(f) **accommodation size**

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

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

(ii) 16 square metres in any other case.

(3) A boarding house may have private kitchen or bathroom facilities in each boarding room but is not required to have those facilities in any boarding room.

(4) A consent authority may consent to development to which this Division applies whether or not the development complies with the standards set out in subclause (1) or (2).

### Comment

This application does not propose any changes to the approved floor space ratio of 1.99:1. Additionally, there are no proposed changes to the approved building height, landscaping, solar access, or private open space.

Since this application proposes 14 boarding rooms, 7 car parking spaces are required. The boarding house has been assigned 7 car parking spaces within the lower ground level.

This application proposes 1 single boarding room which measures 20.5m<sup>2</sup> and 13 double boarding rooms which are no smaller than 18.4m<sup>2</sup>. Each boarding room will contain private kitchen and bathroom facilities.

### **Clause 30 Standards for boarding houses**

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

- (a) if a boarding house has 5 or more boarding rooms, at least one communal living room will be provided,
  - (b) no boarding room will have a gross floor area (excluding any area used for the purposes of private kitchen or bathroom facilities) of more than 25 square metres,
  - (c) no boarding room will be occupied by more than 2 adult lodgers,
  - (d) adequate bathroom and kitchen facilities will be available within the boarding house for the use of each lodger,
  - (e) if the boarding house has capacity to accommodate 20 or more lodgers, a boarding room or on site dwelling will be provided for a boarding house manager,
  - (f) (Repealed)
  - (g) if the boarding house is on land zoned primarily for commercial purposes, no part of the ground floor of the boarding house that fronts a street will be used for residential purposes unless another environmental planning instrument permits such a use,
  - (h) at least one parking space will be provided for a bicycle, and one will be provided for a motorcycle, for every 5 boarding rooms.
- (2) Subclause (1) does not apply to development for the purposes of minor alterations or additions to an existing boarding house.

### **Comment**

As this application proposes 14 boarding rooms, the communal living room on the second floor will remain. No boarding room will be larger than 24.9m<sup>2</sup>, inclusive of private kitchen and bathroom facilities, and will not accommodate more than 2 adult lodgers.

Since the boarding house will have the capacity to accommodate 26 lodgers, a boarding house manager's room has been proposed on the ground floor.

As the site is zoned B1 Neighbourhood Centre, there are no boarding rooms proposed on the ground floor which front King Georges Road. There are no changes proposed to the 5 approved bicycle and motorcycle parking spaces on ground floor level.

## **4.2 CANTERBURY LOCAL ENVIRONMENTAL PLAN 2012**

### **Part 2 Permitted or prohibited development**

#### **Clause 2.1 Land use zones**

#### **Zone B1 Neighbourhood centre**

##### **1 Objectives of zone**

- To provide a range of small-scale retail, business and community uses that serve the needs of people who live or work in the surrounding neighbourhood.

##### **2 Permitted without consent**

Home occupations

##### **3 Permitted with consent**

Boarding houses; Business premises; Centre-based child care facilities; Community facilities; Markets; Medical centres; Neighbourhood shops; Neighbourhood supermarkets; Oyster aquaculture; Respite day care centres; Restaurants or cafes; Roads; Shop top housing; Shops; Take away food and drink premises; Tank-based aquaculture; Any other development not specified in item 2 or 4

##### **4 Prohibited**

Agriculture; Air transport facilities; Airstrips; Amusement centres; Animal boarding or training establishments; Biosolids treatment facilities; Boat building and repair facilities; Boat launching

ramps; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Electricity generating works; Entertainment facilities; Environmental facilities; Exhibition homes; Exhibition villages; Extractive industries; Forestry; Freight transport facilities; Function centres; Heavy industrial storage establishments; Helipads; Highway service centres; Home occupations (sex services); Hospitals; Industrial retail outlets; Industrial training facilities; Industries; Jetties; Marinas; Mooring pens; Moorings; Mortuaries; Open cut mining; Passenger transport facilities; Places of public worship; Pond-based aquaculture; Public administration buildings; Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Research stations; Residential accommodation; Resource recovery facilities; Restricted premises; Retail premises; Rural industries; Sewage treatment plants; Sex services premises; Storage premises; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Warehouse or distribution centres; Waste disposal facilities; Water recreation structures; Water recycling facilities; Water supply systems; Wharf or boating facilities; Wholesale supplies

#### Comment

The proposed alterations and additions to the approved mixed use development comprising of a commercial premises and a boarding house meet the objectives of the zone and are permitted with consent.

### **4.3 CANTERBURY DEVELOPMENT CONTROL PLAN 2012**

#### **Part B General controls**

#### **Chapter B1 Transport and parking**

#### **Clause B1.3 Parking provision rates**

#### **Sub-clause B1.3.1 General parking rates**

##### **Controls**

C1 Parking and other vehicle facilities required for each type of development are detailed in the table below.

<b>Land use</b>	<b>Car spaces</b>
Boarding house	0.5 spaces per boarding room

#### Comment

As this application proposes 14 boarding rooms, 7 car parking spaces are required. The boarding house has been assigned 7 car parking spaces within the lower ground level.

#### **Chapter B9 Waste management**

#### **Clause B9.4 Waste storage and requirements for residential accommodation**

##### **Controls**

C1 Facilities for the handling, storage, collection and disposal of waste are to form an integral part of the design process for every development. A waste bin storage area is to be provided for each dwelling. The waste bin storage area is to be of adequate size to accommodate all allocated bins.

C2 Council's contractor services all residential premises. There are no exceptions to this arrangement. Waste bin storage areas and bin presentation areas are to be designed in accordance to the services provided by Council and bin allocations (Refer to control C5 below).

C3 Dwelling houses, dual occupancy and semi-detached dwellings are required to provide a waste bin storage area behind the building line and out of sight from the street. This area should be also located away from windows to reduce noise and odour nuisances.

C4 An on-site bin presentation area is to be provided (excluding dwelling houses, dual occupancy and semi-detached dwellings). The bin presentation area must be located within 15m of the street kerb. If the bin storage area is within 15m of the street kerb, it can be



considered to be the presentation area and a separate presentation area is not required. Refer to section B9.6 for detailed design for the waste bin storage area and bin presentation areas. C5 All waste bin storage areas and bin presentation areas are to be designed in accordance to the following bin service allocations:






(c) Boarding Houses:

- i. Rubbish allocation is one x 240 litre bin per 4 rooms;
- ii. Recycling allocation is one x 240 litre bin per 8 rooms; and
- iii. Garden vegetation allocation is one 240 litre bin per property.

#### Comment

As this application proposes 14 boarding rooms, 4 x 240L general waste bins, 2 x 240L recycling bins, and 1 x 240L green waste bin are required. These bins have been provided within the bin room on the lower ground floor accordingly.

## 5.0 COMPLIANCE TABLE

Planning Instrument	Clause	Complies
SEPP (Affordable Rental Housing) 2009	Clause 29 Standards that cannot be used to refuse consent	
SEPP (Affordable Rental Housing) 2009	Clause 30 Standards for boarding houses	
Canterbury Local Environmental Plan 2012	Clause 2.1 Land use zones	
Canterbury Development Control Plan 2012	Sub-clause B1.3.1 General parking rates	
Canterbury Development Control Plan 2012	Clause B9.4 Waste storage and requirements for residential accommodation	

## 6.0 CONCLUSION

The proposed alterations and additions to the approved mixed use development at No. 310-312 King Georges Road, Beverly Hills are consistent with the objectives and relevant provisions of the SEPP (Affordable Rental Housing) 2009 and City of Canterbury Bankstown Council's planning instruments.

From this statement it is concluded that the proposed alterations provide a higher standard of residential accommodation which is compatible with the existing and desired future character of the area surrounding the subject site. There are no additional impacts that can be attributed to the alterations that will adversely affect the amenity of neighbouring properties.

In this regard the Council is requested to review the application favourably and grant the modifications consent.