

## **Development Application**

### Statement of Environmental Effects

106 & 108 Chester Hill Road, Bass Hill

Submitted to: Canterbury Bankstown Council

On behalf of: Master Granny Flats

Date: 23 July 2022



**MASTER**<sup>TM</sup>  
**GRANNYFLATS**

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This document has been prepared by: Master Granny Flats

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VERSION NO.	DATE OF ISSUE	REVISION BY	APPROVED BY
1	23.07.2022	Master Granny Flats	MGF

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## 1.0 INTRODUCTION

This Statement of Environmental Effects (SEE) has been prepared for Mr Van Trung Dinh by MGF Team.

This report is to accompany a development application to Canterbury Bankstown Council seeking consent for the demolition of the existing dwellings, change of use for conversion of existing dwellings to boarding homes including consolidation of lots containing fifteen (15) boarding rooms, common room and at parking spaces for seven (7) vehicles, three (3) motorcycles and three (3) bicycles at 106 & 108 Chester Hill Road, Bass Hill.

This SEE has been prepared pursuant to Section 4.12 of the Environmental Planning and Assessment Act, 1979 and Clause 50 of the Environmental Planning and Assessment Regulation, 2000. The purpose of this SEE is to:

- *describe the proposed development and its context;*
- *assess the proposal against the applicable planning controls and guidelines; and*
- *assess the potential environmental impacts and mitigation measures.*

The boarding house will be a registrable general boarding house under the Boarding Houses Act 2012.

The proposal does not include any regulated assisted boarding house component. It will not be seeking licencing to service age related frailty; a mental illness and/or any intellectual, psychiatric, sensory or physical disability, or need to support or supervise daily tasks or provide personal care such as showering, preparing meals or managing medication.

In our opinion, the proposed development satisfies the relevant objectives of the R2 Low Density Zone, complies with the relevant development standards outlined in the AHSEPP and is consistent with the local planning controls. Importantly, the development responds appropriately to both the established and emerging character of the surrounding locality where it aims to address the need for more affordable rental accommodation so as to meet a growing portion of the market that seeks this form of rental accommodation.

As important, the proposal is unlikely to result in adverse impacts on surrounding development.

This document is divided into six sections. Section 2 contains a site analysis, Section 3 provides details of the proposal, Section 4 and 5 contains the detailed assessment of the application in accordance with Section 4.15 (1) of the Environmental Planning and Assessment (EP&A) Act 1979, and Section 6 concludes the report.

This application also includes an Operational Plan of Management (PoM) which aims to ensure that the boarding house will be operated in a manner that ensures the safety of residents, provides a comfortable and harmonious environment for residents, will not result in unacceptable impacts to neighbouring residents, and ensure that the building and site will be properly maintained.

The PoM confirms, amongst other matters, that the use of all outdoor communal areas will be restricted to between 8:00am and 10:00pm daily, that residents must not generate significant noise affecting surrounding residents (with expectations of reduced noise levels after 10:00pm), that the boarding house is properly managed (including enforcing house rules, cleaning common areas, attending to resident complaints, etc.), that all residents will be required to sign an occupancy agreement, and that all residents will be advised that they may be evicted if they breach the resident obligations.

## 1.1 Report Structure

This SEE is structure in the following manner:

- **Section 1** – Introduction;
- **Section 2** - Analysis of site and surrounding context;
- **Section 3** - Background to the project;
- **Section 4** - A description of the proposed development;
- **Section 5** -Assessment of the proposal's compliance with relevant planning instruments and policies;
- **Section 6** - Impact assessment and consideration of key planning issues as required by Section 4.15 of the EP&A Act; and
- **Section 7** – Conclusion.

## 1.2 Supporting Documentation

The technical and design documents that have been prepared to accompany this DA are identified in **Table 1** and are as follows;

Document:	Prepared by:	Dated:
Architectural Plans	Master Granny Flats	25 August, 2022
Survey Plan	JB.Bates & Inwood	29 March 2022
Site Plan	Master Granny Flats	25 August, 2022
Flood Risk Management Plan	D.T CIVIL PTY LTD	26 July, 2021
Hydraulic Plans	D.T CIVIL PTY LTD	28 July, 2021
Basix Certificate	AENEC - T/AS Wide Spectrum Pty Ltd	25 August, 20212

Table 1: Technical and design documentation

## 2.0 SITE ANALYSIS AND CONTEXT

### 2.1 The Subject Site

The subject site is located within the Local Government Area (LGA) of Canterbury Bankstown Council. **Figures 1 and 2** below provide an aerial view identifying the location of the site within both its immediate and broader context.

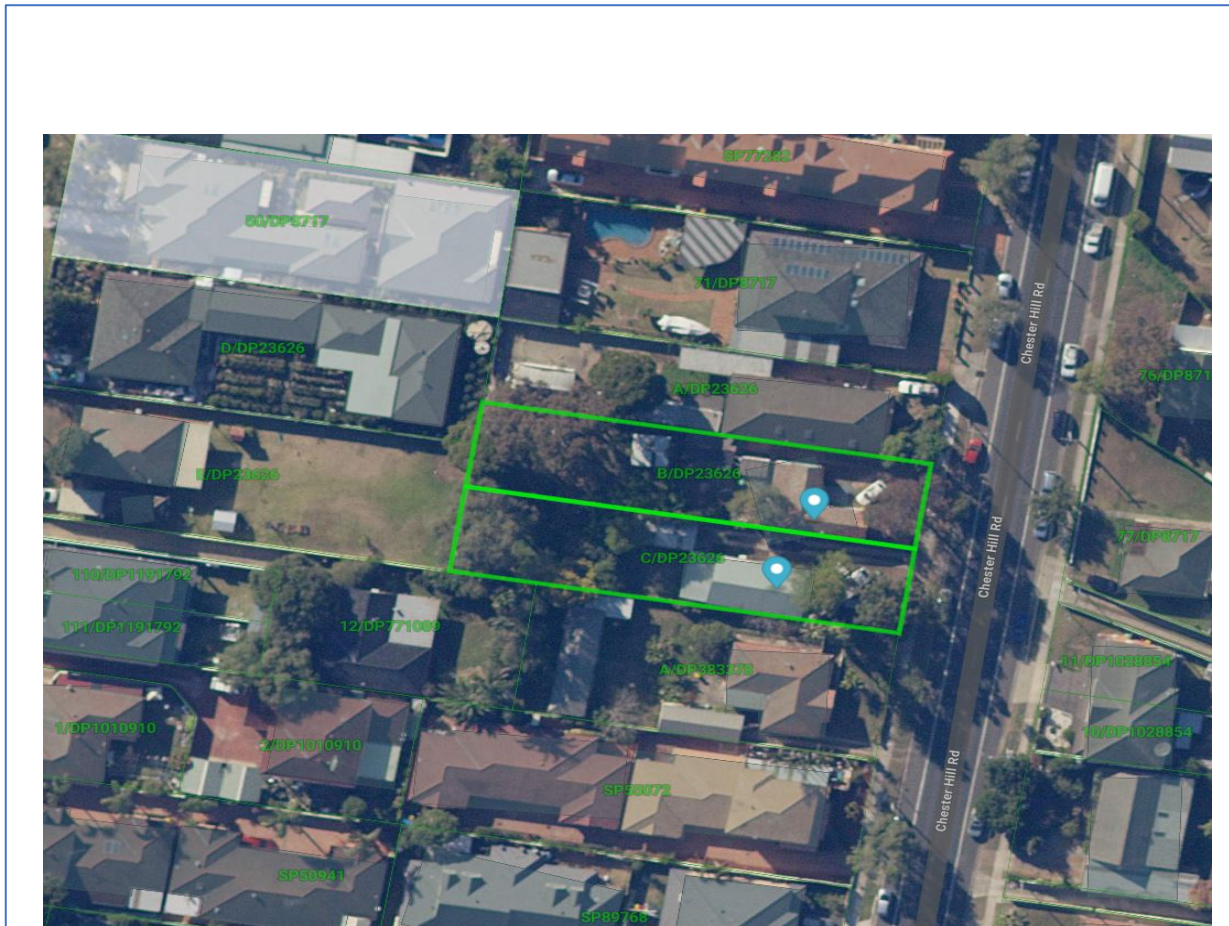


Figure 1: Site Plan (Immediate Context)

Source: Six Maps





Figure 2: Broader context plan  
Source: Six Maps

## 2.2 Site Description

The subject site is identified as Lot B & C in DP 23626, more commonly referred to as 106 & 108 Chester Hill Road, Bass Hill NSW 2197. The site consists of a standard shaped allotment that presents to the street frontages being Chester Hill Road is observed the eastern boundary present lengths of 26.82m. The both sites comprises of a site area of 1618.5m<sup>2</sup>.

A detailed Land Survey prepared by **J.P Bates & Inwood** accompanies this application that most clearly defines the sites boundary lengths, site area and the location of existing structures on the allotment.

## 2.3 Existing Built Form And Landscaping

The site presently accommodates a single story fibro cottage dwelling with tiled roof. **Figures 3 through to 10** below provide a clearer appreciation of the site and its current built form characteristics.



Figure 3: The existing dwelling as it presents to Chester Hill Road



Figure 4: Viewed across the primary frontage of the site in eastern direction



Figure 5: Viewed along the eastern façade of the dwelling along Chester Hill Road



## 2.4 Site Surrounds

The subject site is located within a residential area that is characterised by a number of land uses, including low rise residential as part of the suburb's initial establishment, aged care facilities, residential flat buildings as well as several passive and active areas of open space. Immediately adjoining the site to the east is a two storey brick dwelling with tile roof (**Figure 11**). Adjoining the site to the north, a single storey dwelling with prominent brick garage located in close proximity to the street edge (**Figure 12**). The remainder of the setting is characterised by a mix of single and tow storey dwelling forms and public open space as demonstrated in Figures 12 through to and including 16.



Figure 11: No. 91 Chester Hill Road adjoining the site to the east



Figure 12: No. Streetscape as it presents to the east of the site

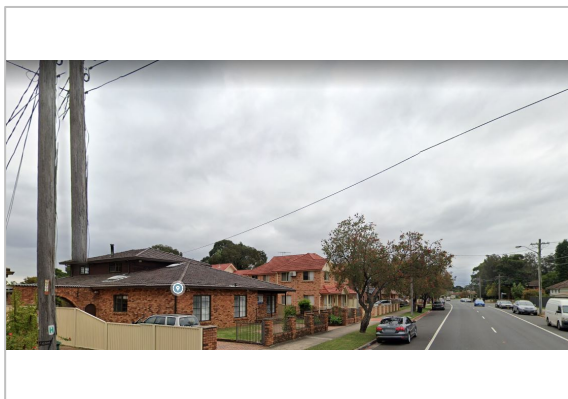


Figure 13: Streetscape as it presents to the north of the site

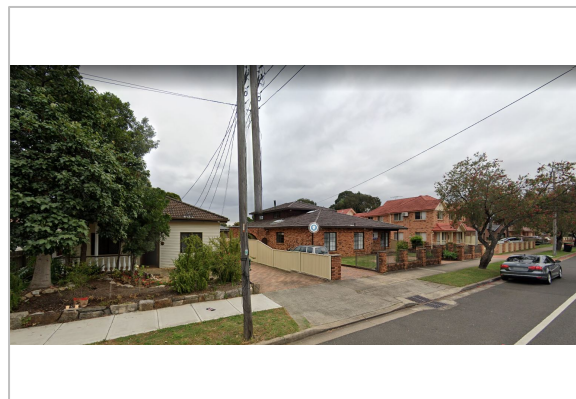


Figure 14: adjoining the site to the north-east



Figure 15: No's 85 & 87 Chester Hill Road, as they present t the street



Figure 16: No's 87 & 89 Chester Hill Road, as they present t the street





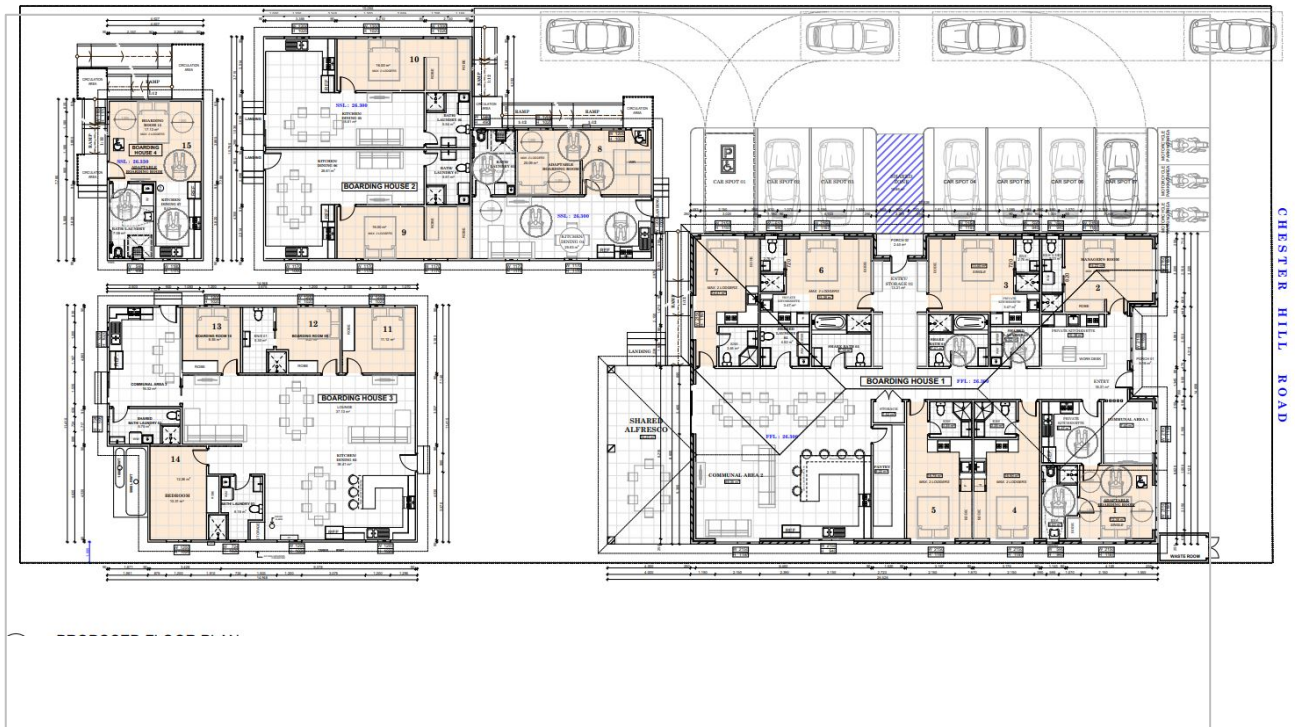


Figure 18: Ground floor plan  
Source: Master Granny Flats

### Floor Plan

- The provision of fourteen (14) boarding rooms, each of which is provided with an area of private open space

An extract of the proposed demolition existing structure shown on floor plan is reproduced below for reference:

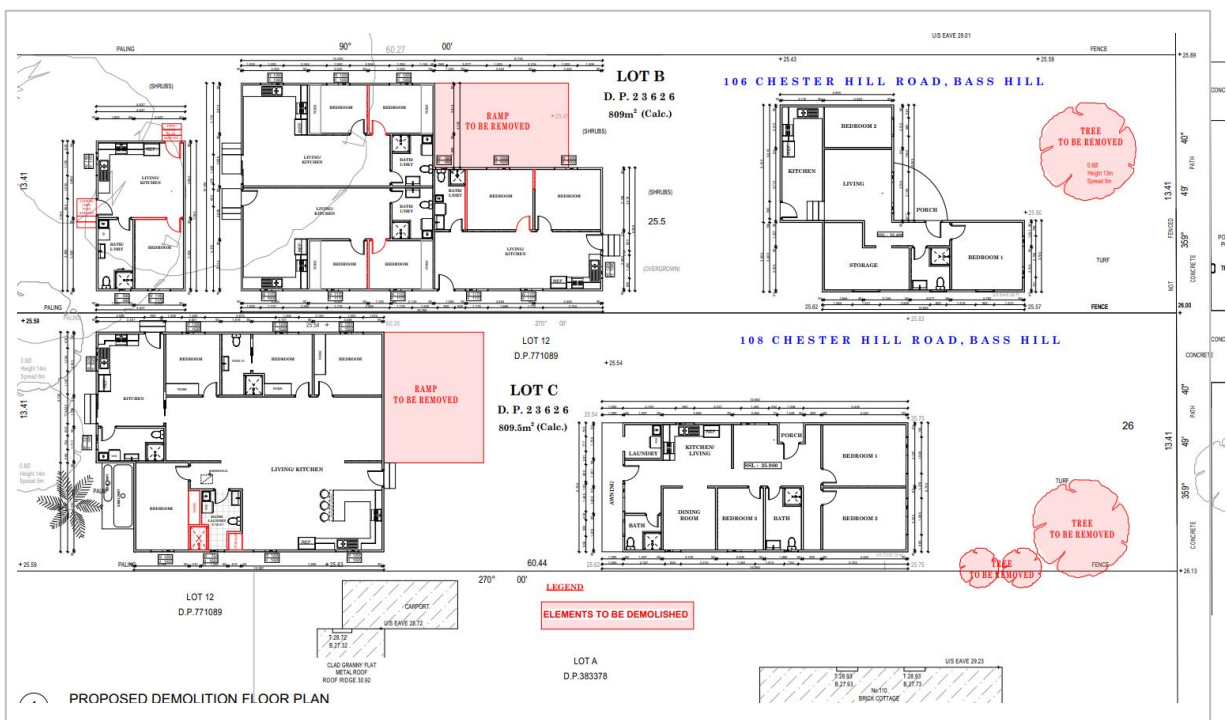


Figure 19: Demolition Floor Plan  
Source: Master Granny Flats

## 4.0. NUMERICAL OVERVIEW

The key numerical aspects of the proposed development are outlined in **Table 2** and described in further detail in the following sections.

**DEVELOPMENT SUMMARY TABLE (Bankstown DCP 2015 - Part B1/ Section 10) & SEPP 2009 With Regards to Parking Requirements for a boarding house**

CLAUSE	REQUIRED	PROPOSED	COMPLIES
<b>1 ZONE REQUIREMENT</b>	- R4 Must Not Grant Consent	- R2	Y
<b>2 STOREY LIMIT (NOT INCLUDING BASEMENTS)</b>	- 2 Storeys in Zone R2 for a dwelling (including boarding rooms) facing a road and single storey for all other dwellings (including boarding rooms) at the rear of the lot	- 1 storey	Y
<b>3 SETBACKS IN ZONE R2</b>	- Min Setback for a building wall to the primary road frontage is 5.5m for the first storey (i.e the ground floor)	- 5.5m	Y
<b>4 PRIVATE OPEN SPACE</b>	- Boarding houses must provide one are of at least 20m <sup>2</sup> with min of 3m for the use of the lodgers - POS behind the front building line	- POS min of 20 sqm	Y
<b>5 BUILDING DESIGN</b>	- If a Boarding House has 5 or more boarding rooms, at least one communal living room will be provided - Each boarding room has a gross floor area of at least 12m <sup>2</sup> to be used by a single lodger or 16m <sup>2</sup> in any other case & no more than 25m <sup>2</sup>	- more than one communal living room - at least 12sqm for each boarding room	Y
<b>PARKING SPACE</b>	- At least 1 parking space will be provided for a bicycle and one will be provided for a motorcycle for every 5 boarding rooms	- 7 Car Spots	Y
<b>ROOF PITCH</b>	- Max roof pitch for boarding house is 35 degrees	- 3 degress & 15 degrees	Y
<b>ADAPTABLE BOARDING ROOM</b>	- Boarding houses with 10 or more rooms must provide at least one adaptable boarding room	- 1 adaptable boarding room provided	Y
<b>5 LAND SCAPING</b>	- 45%	- 741.35 m <sup>2</sup> (45%)	Y

Table 2: Numeric Overview of the proposed development

## 4.1 Design and Materiality

Internally, the proposed boarding house has been designed to provide functional living arrangements. The common spaces, both internally and externally, provide opportunities for social cohesion and will enhance occupant amenity while being adequately separated from neighbouring properties. A perspective and material schedule is provided as **Figure 20** below.

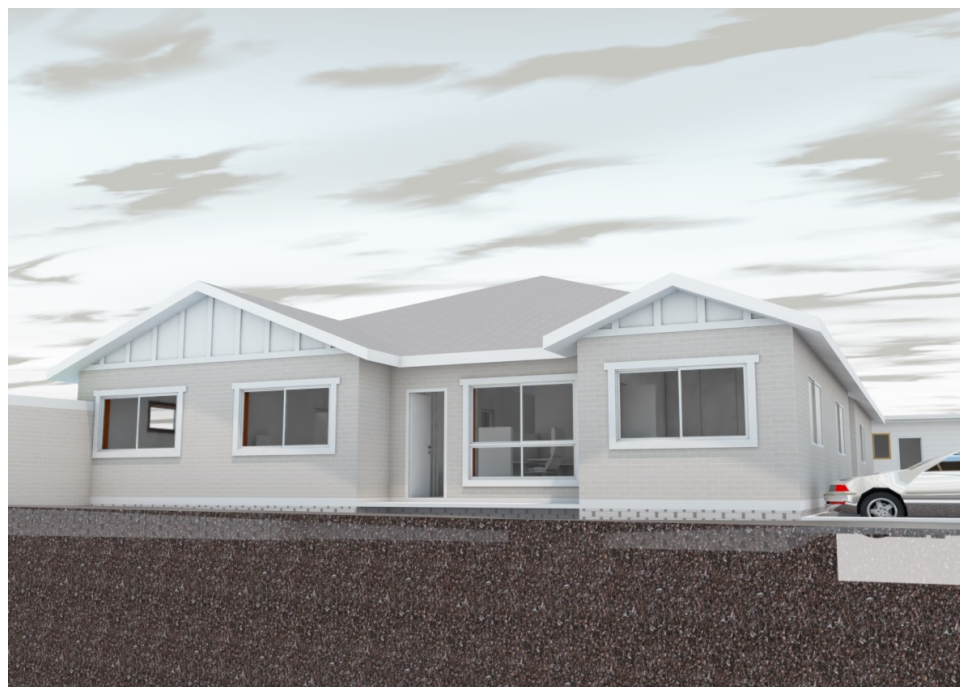


Figure 20: Perspective/Material  
Schedule Source: Master Granny Flats

## **4.2 Vehicular Access and Parking**

### **4.2.1 Vehicular Access**

Both vehicular and motorcycle access is provided from within the north-eastern corner of the site directly off Chester Hill Road.

### **4.2.2 Parking**

The proposal accommodates a total of seven (7) vehicle spaces, three (3) motorcycle and two (2) bicycle spaces.

## **4.3. Dwelling Types**

The proposal contains a total of eight (14) boarding rooms & one room being used for manager, all of which have been nominated as double rooms for max 2 lodgers. Each boarding room is provided with an open plan living, kitchen, bathroom and private open space facilities.

## **4.4. Landscaping and Deep Soil**

The proposed development provides landscaped areas across the site, predominately along the street setbacks. The extent of landscaping proposed across the site is 741.35m<sup>2</sup> or 45% of the site's area.



## 5.0. STATUTORY PLANNING CONSIDERATIONS

### 5.1 Overview

The relevant statutory framework considered in the preparation of this report comprises:

- Environmental Planning and Assessment Act, 1979;
- Environmental Planning and Assessment Regulation 2000;
- State Environmental Planning Policy (Affordable Rental Housing) 2009;
- State Environmental Planning Policy No. 55 - Remediation of Land
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004;
- Bankstown Local Environmental Plan 2015; and
- Bankstown Development Control Plan 2015- Part B1/ Section 10

The relevant provisions and controls of the above Instruments and Plans are summarised in the following sections of this SEE.

### 5.2 Environmental Planning and Assessment Act 1979

#### 5.2.1. Section 1.3 – Objects

The Environmental Planning and Assessment Act, 1979 (the Act) is the principle planning and development legislation in New South Wales. In accordance with Section 1.3, the objectives of the Act are:

- (a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,*
- (b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,*
- (c) to promote the orderly and economic use and development of land,*
- (d) to promote the delivery and maintenance of affordable housing,*
- (e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,*
- (f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),*
- (g) to promote good design and amenity of the built environment*
- (h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,*
- (i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,*
- (j) to provide increased opportunity for community participation in environmental planning and assessment.*

The proposed development is considered to be consistent with the objects of the Act for the following reasons:

- Provides for orderly and economic use of the land;
- Promotes the delivery of affordable housing in an accessible location;
- Enables the provision of an appropriately designed built form that responds to the characteristics of the site whilst ensuring that the amenity of the built environment remains uncompromised.

In light of the above, it is considered that the proposal promotes the relevant objectives of the Act.

## 5.3 Environmental Planning and Assessment Regulations 2000

### 5.3.1 Clause 92 – Demolition

All demolition work will be undertaken in accordance with Clause 92 of the Regulation requiring the consent authority to consider AS 2601 - 1991: The Demolition of Structures.

### 5.3.2 Clause 98 – Compliance with the BCA

Pursuant to the prescribed conditions under Clause 98 of the Regulation, any building work *"must be carried out in accordance with the requirements of the Building Code of Australia"*.

The accessibility related 'Deemed-to-Satisfy' requirements of the BCA have been assessed in the Access Report prepared by Code Performance.

## 5.4 State Environmental Planning Policies

### 5.4.1 State Environmental Planning Policy No 55 – Remediation of Land

The purpose of State Environmental Planning Policy No 55 – Remediation of Land (SEPP 55) is to ensure that land which is contaminated is identified and appropriately remediated so as to be suitable for the proposed development.

Clause 7 of SEPP 55 states:

- (1) *A consent authority must not consent to the carrying out of any development on land unless:*
- (a) *it has considered whether the land is contaminated, and*
  - (b) *if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
  - (c) *if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose."*

As can be evidenced upon review of the Section 59(2) of the Contaminated Land Management Act 1997. The site has had a long standing residential use and there are no known records of contaminating activity being conducted on the site. Furthermore, there are no matter arising under section 26 of the Nation Building and Jobs Plan (State Infrastructure Delivery) Act 2009. The site is considered suitable for the proposed development.

#### 5.4.2 State Environmental Planning Policy (BASIX) 2004

In accordance with the provisions of the State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004, a BASIX Certificate has been provided. The proposed development satisfies the requirements of the Certificate in terms of water, thermal comfort and energy efficiency.

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

The ARHSEPP came into force on 31 July 2009 and, in accordance with Clauses 25-28, the SEPP applies to the proposed development and the subject site. It contains a number of standards that apply to boarding houses, as well as matters that - if complied with - cannot be used as reasons for refusal. It is noted that the ARHSEPP relies on Standard Instrument template zonings and that the R2-Low Density Residential is a general residential zoning where boarding houses are a permissible form of development with consent.

The site is within an “accessible area” as defined by Clause 4 to the Policy which states:

“accessible area” means land that is within;

(a) 800 metres walking distance of a public entrance to a railway station or a wharf from which a Sydney

Ferries ferry service operates, or

(b) 400 metres walking distance of a public entrance to a light rail station or, in the case of a light rail

station with no entrance, 400 metres walking distance of a platform of the light rail station, or

(c) 400 metres walking distance of a bus stop used by a regular bus service (within the meaning of

the Passenger Transport Act 1990) that has at least one bus per hour servicing the bus stop between 06.00 and 21.00 each day from Monday to Friday (both days inclusive) and between 08.00

and 18.00 on each Saturday and Sunday

Division 3 of the SEPP relates to boarding houses and applies to Zone R2 Low Density Residential. The site

fits the requirements of Clause 27 in that it is land that is located within an “accessible area”.

The site is located 78m walking distance to Bus Station as demonstrated in Figure 22 below.

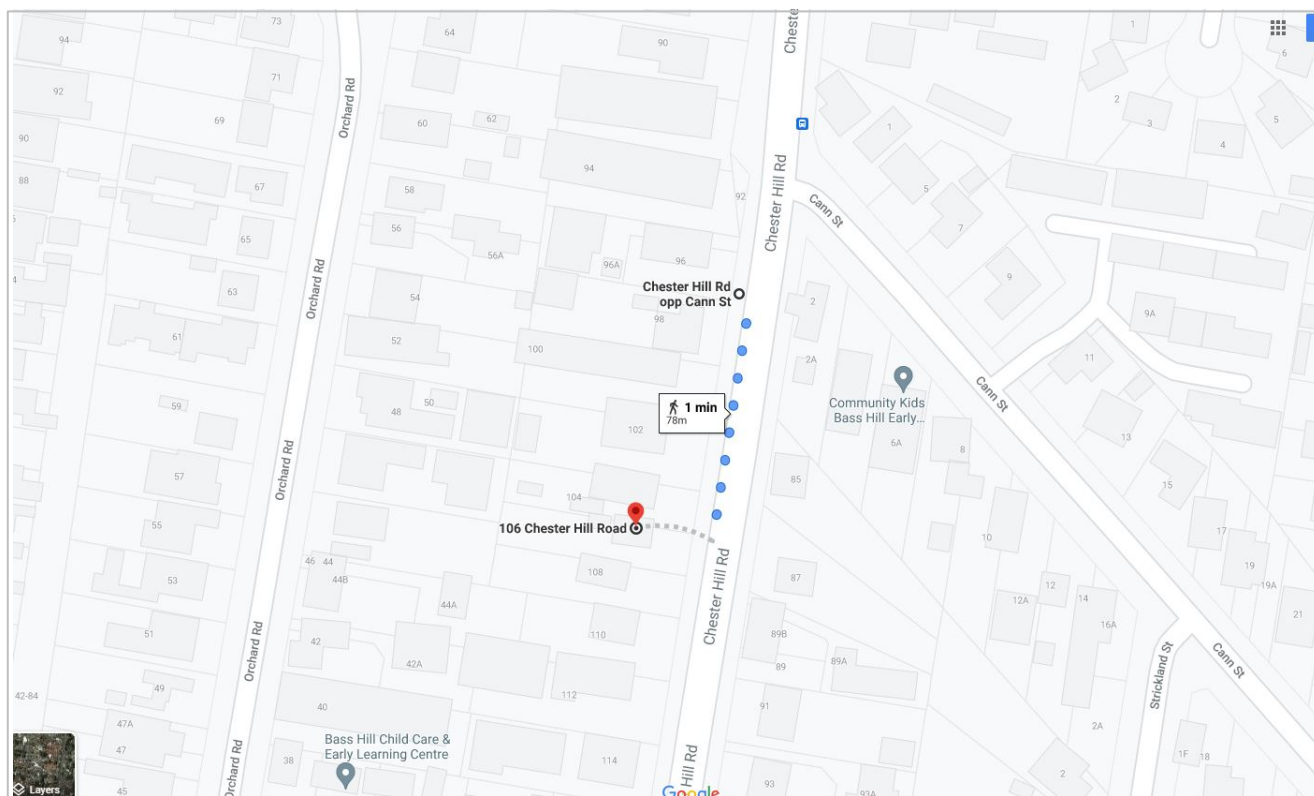


Figure 22: Subject site to Bus Station Distance Map  
Source: Google Maps

Clause 27 of the SEPP confirms that Division 3 of the SEPP relates to boarding houses. Boarding houses are defined within the SEPP by reference to the definition under the Standard Instrument (LEP) Order 2006 which is as follows:

**boarding house** means a building that:

- (a) is wholly or partly let in lodgings, and
- (b) provides lodgers with a principal place of residence for 3 months or more, and
- (c) may have shared facilities, such as a communal living room, bathroom, kitchen or laundry, and
- (d) has rooms, some or all of which may have private kitchen and bathroom facilities, that accommodate one or more lodgers, but does not include backpackers' accommodation, a group home, hotel or motel accommodation, seniors housing or a serviced apartment.

The proposed development falls within this definition, and as such, the SEPP applies to the proposed development. Clause 27(2) further outlines that despite its application, Clauses 29, 30 and 30A do not apply to development on land within Zone R2 Low Density Residential or within a land use zone that is equivalent to that zone in the Sydney region unless the land is within an accessible area. In this regard, the subject site is located within an "accessible area" and therefore the provisions of Clause 29, 30 and 30A continue to apply.



Clause 29 of the SEPP contains standards that cannot be used to refuse consent for 'boarding house' development while Clause 30 provides further detail regarding the need to satisfy a number of specific design controls so as to be to the satisfaction of Council.

The performance of the proposal against these provisions are detailed in the table below

**DEVELOPMENT SUMMARY TABLE (Bankstown DCP 2015 - Part B1/ Section 10) & SEPP**

**2009 With Regards to Parking Requirements for a boarding house**

CLAUSE	REQUIRED	PROPOSED	COMPLIES
<b>1 ZONE REQUIREMENT</b>	- R4 Must Not Grant Consent	- R2	Y
<b>2 STOREY LIMIT (NOT INCLUDING BASEMENTS)</b>	- 2 Storeys In Zone R2 for a dwelling (including boarding rooms) facing a road and single storey for all other dwellings (including boarding rooms) at the rear of the lot	- 1 storey	Y
<b>3 SETBACKS IN ZONE R2</b>	- Min Setback for a building wall to the primary road frontage is 5.5m for the first storey (i.e the ground floor)	- 5.5m	Y
<b>4 PRIVATE OPEN SPACE</b>	- Boarding houses must provide one area of at least 20m <sup>2</sup> with min of 3m for the use of the lodgers - POS behind the front building line	- POS min of 20 sqm	Y
<b>5 BUILDING DESIGN</b>	- If a Boarding House has 5 or more boarding rooms, at least one communal living room will be provided - Each boarding room has a gross floor area of at least 12m <sup>2</sup> to be used by a single lodger or 16m <sup>2</sup> in any other case & no more than 25m <sup>2</sup>	- more than one communal living room - at least 12sqm for each boarding room	Y
<b>PARKING SPACE</b>	- At least 1 parking space will be provided for a bicycle and one will be provided for a motorcycle for every 5 boarding rooms	- 7 Car Spots	Y
<b>ROOF PITCH</b>	- Max roof pitch for boarding house is 35 degrees	- 3 degrees & 15 degrees	Y
<b>ADAPTABLE BOARDING ROOM</b>	- Boarding houses with 10 or more rooms must provide at least one adaptable boarding room	- 1 adaptable boarding room provided	Y
<b>5 LANDSCAPING</b>	- 45%	- 741.35 m <sup>2</sup> (45%)	Y

# The Provisions of any Local Environmental Plan

## 5.5 Bankstown Local Environmental Plan 2015

The Bankstown Local Environmental Plan 2015 (RLEP 2015) applies to the subject site which is identified as being within Zone R2 - Low Density Residential. The proposed development is best characterised as “boarding house” which is permissible with the consent of Council in the R2 Zone.

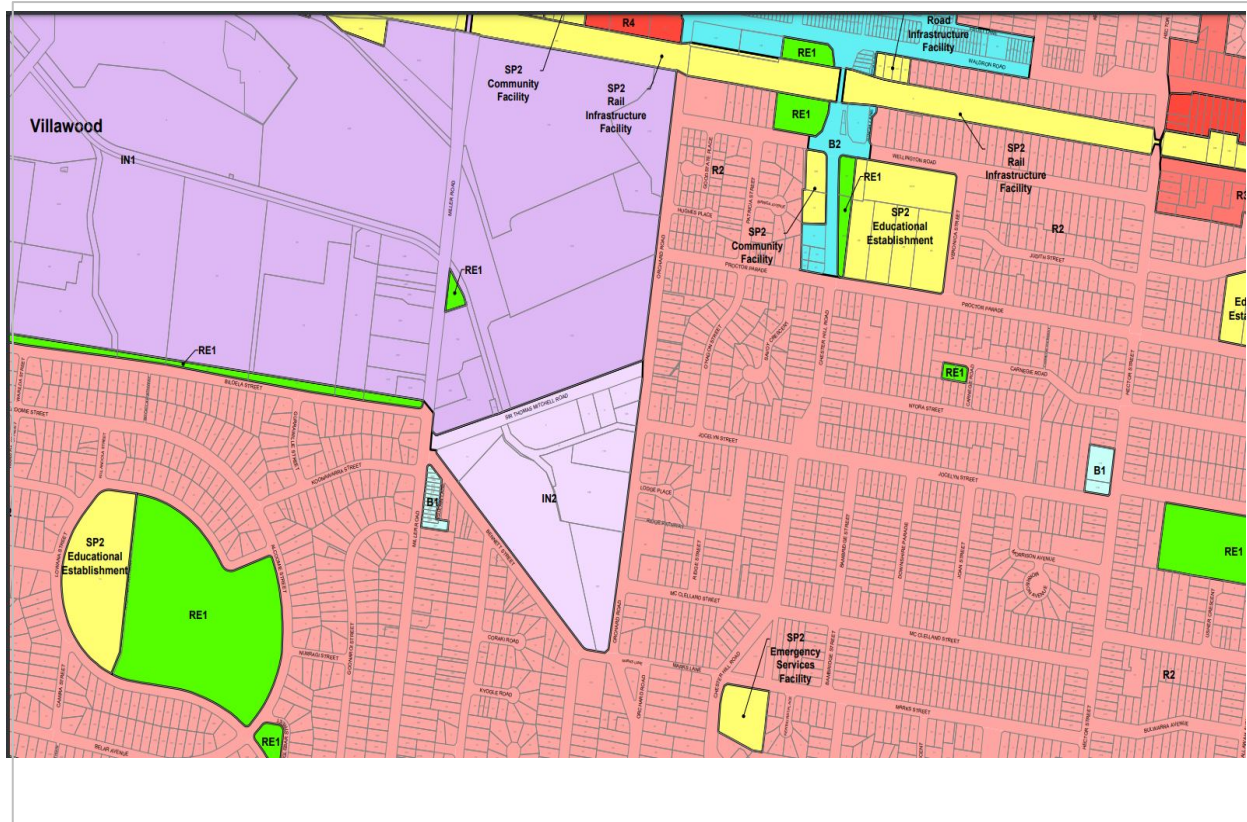


Figure 23: Zoning Map  
Source: RLEP 2011

**R2** Low Density Residential

The objectives of the R2 Zone are as follows:

- To provide for the housing needs of the community within a low density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To ensure that land uses are carried out in a context and setting that minimises any impact on the character and amenity of the area.

The proposed development is consistent with the objectives of the zone in that it will provide for the housing needs of the community through the provision of additional affordable accommodation. The proposal has been designed having regard to the built form, siting and scale of development identified within both the immediate and broader context where it will serve to remain consistent with the character of the area whilst also ensuring that any potential adverse amenity impacts resulting from the development are mitigated.

## 6.0 Conclusion

The proposed development has been assessed in accordance with Council's planning instruments. The proposal is identified as a permissible development pursuant to the zoning of the site as R2-Low Density Residential under the Bankstown LEP 2015. The proposal constitutes a "boarding house" in accordance with the definition under the Bankstown LEP 2015 and is permissible with Council's consent pursuant to the provisions of SEPP (Affordable Rental Housing) 2009.

The proposed development appropriately responds to the criteria under the SEPP and achieves compliance with the various relevant boarding house provisions.

An assessment of the proposal against the objectives of the zone has been undertaken and it is considered that the proposal is consistent with the objectives of the LEP, DCP and ARHSEPP. The completed development is unlikely to have any significant impact on the topography, micro-climate, air or water quality of the locality and is also considered to comply with the objectives and provisions of SEPP (Affordable Rental Housing) 2009 in relation to solar access as well as aural and visual privacy.

As discussed throughout the SEE, the proposal achieves the desired character of the locality by maintaining its relationship with surrounding development through consistency in scale, form, setbacks and materials and is compatible with the emerging character of both the immediate and local context.

Accordingly, in the circumstances of the case, the proposal is considered to be in the public interest and worthy of Council's support.