

Statement of Environmental Effects: Boarding House



**Subject Site: 37 Claremont Street,
Campsie, 2194.**

PREPARED ON BEHALF OF:

Unify Construction

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Prepared by:



Brosnan & Moore
Town Planning Services
E: info@brosnanmoore.com
W: www.brosnanmoore.com
IG: @brosnan.moore
M: 0477 215 007

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Background

Development Consent DA515/2018 was granted on 30 September 2021. The approved development is for the “*demolition of all existing structures and construction of a three-storey boarding house development accommodating a total of 22 boarding rooms (including 1 Manager’s room), a communal room and basement car parking*”. The above development application has been determined by the granting of consent subject to the conditions via Land and Environment Court Danawe v Canterbury-Bankstown Council LEC No. 2020/70316.

Proposed Development

The proposal before Council seeks a “proposed modification for minor internal alterations and additions to the previously approved boarding house development”, at 37 Claremont Street, Campsie, 2194. A detailed summary of the proposal is provided below.

Proposal

The proposed works are specifically outlined below:

Alterations and Additions to the Approved Boarding House

Basement (Lower ground):

Removal of lift, minor reconfiguration within basement including the relocation of rear boundary wall and side (northern) wall to include motor bike parking and the inclusion of a cold water pump room.

Ground Floor Level:

Removal of a lift and a new proposed one (1) bedroom adaptable unit is proposed, fire stairs and access within ground floor added.

Roof:

Redesign of metal roof to a flat roof.

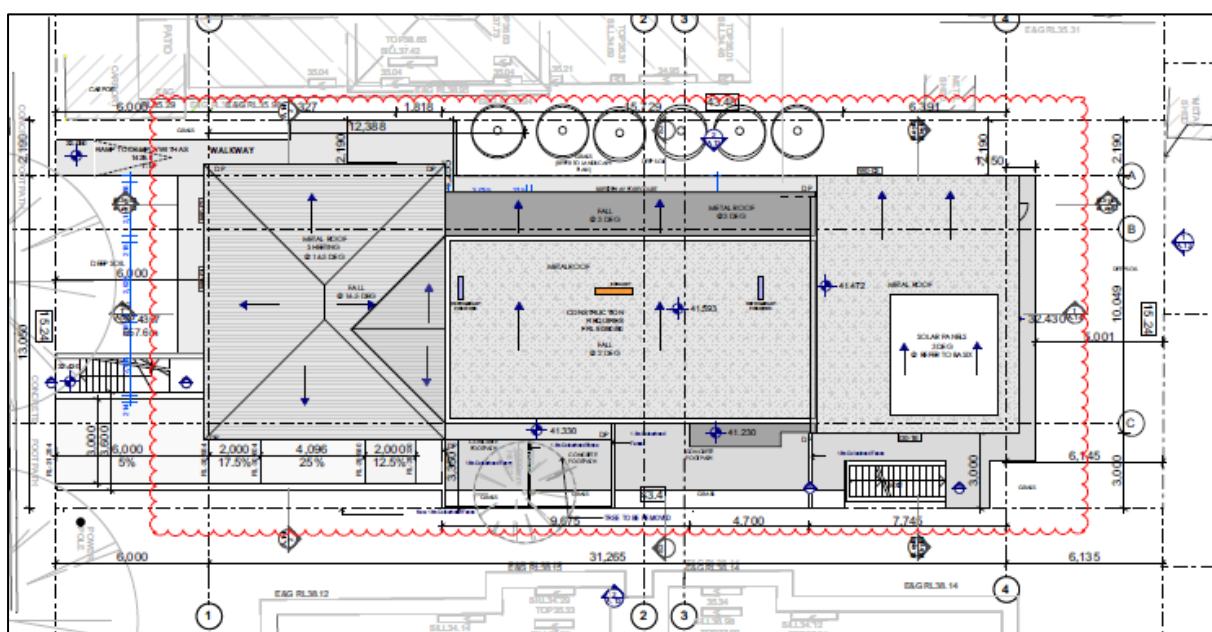


Figure 1: Proposed site plan – 37 Claremont Street Campsie 2194

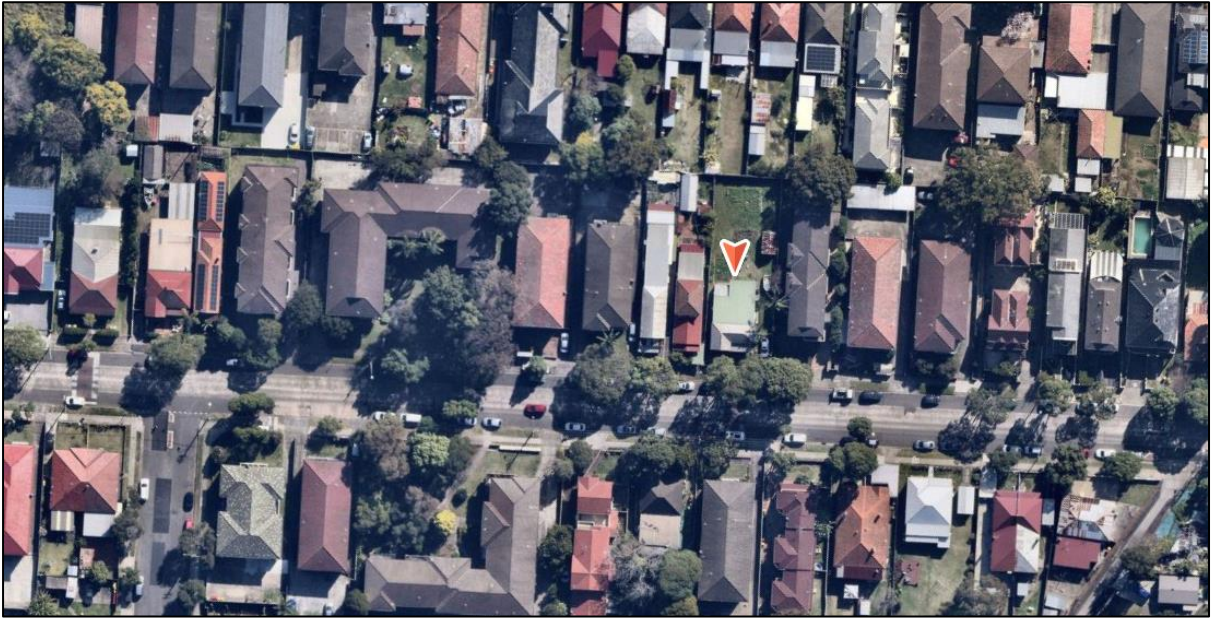


Figure 2: Subject site – 37 Claremont Street Campsie 2194 (Source Mecone Mosaic)

The Site and Locality

The subject site is identified as Lot 16/-/DP4357, 37 Claremont Street Campsie 2194. The immediate locality is predominantly surrounded by residential development with two storey developments being located adjacent to the site.

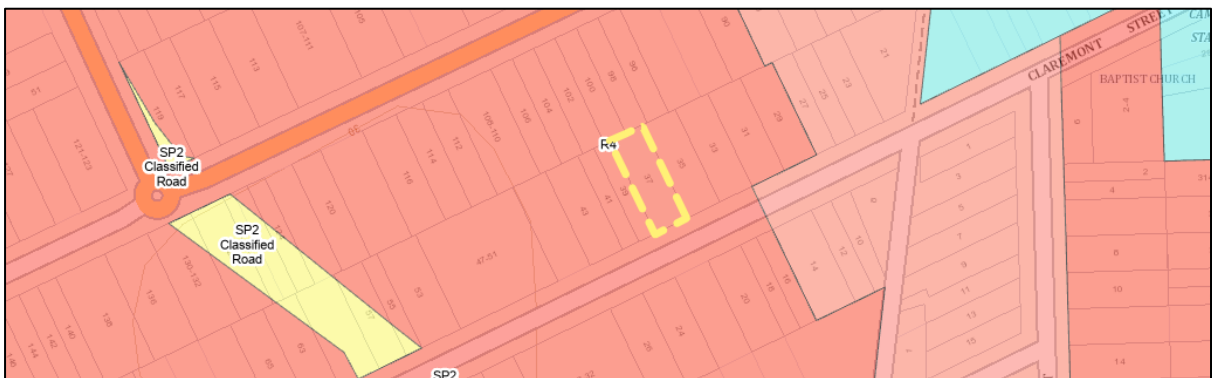


Figure 4: Zoning map - 37 Claremont Street Campsie 2194 (Source Mecone Mosaic)

Environmental Planning and Assessment Act 1979 (EP&A Act)

Part 1 Preliminary

Section 1.7 - Application of other Acts & Clause 5.5 - Duty to consider environmental impact

Act	Part	Application
<u>Biodiversity Conservation Act 2016</u>	Part 7	Not applicable. The proposal does not impact on any critical habitat, species, flora or fauna with biodiversity significance.
<u>Fisheries Management Act 1994</u>	Part 7A	Not applicable. The proposal does not impact on any critical habitat, species, flora or fauna with aquatic biological significance.
<u>Wilderness Act 1987</u>	Whole Act	Not applicable. The proposed does not involve any activity within a Wilderness Area as defined under the Act.

Part 4 Development assessment and consent

Division 4.3 Development that needs consent (except complying development)

Section 4.15 - Evaluation

The following is an assessment of the application with regard to Section 4.15 (1) of the Environmental Planning and Assessment Act 1979.

(1) *Matters for consideration – general*

In determining an application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

- (a) the provision of:***
- (i) any environmental planning instrument,***

Section 4.15 Matters for Consideration	Comments
Section 4.15(1)(a)(i) – Provisions of any environmental planning instrument	Satisfactory. See discussion on “Environmental Planning Instruments” in this report.
Section 4.15(1)(a)(ii) – Provisions of any proposed planning instrument	Not applicable.
Section 4.15(1)(a)(iii) – Provisions of any development control plan	Satisfactory. See discussion on “Development Control Plans” in this report.
Section 4.15(1)(a)(iiia) – Provisions of any planning agreement	Not applicable.
Section 4.15(1)(a)(iv) – Provisions of the <i>Environmental Planning and Assessment Regulation 2021</i> (EP&A Reg)	The Application will be made in accordance with the relevant matters prescribed by the Regulations.
Section 4.15(1)(b) – the likely impacts of the development, including environmental impacts on the natural and built environments and social and economic impacts in the locality	(i) The environmental impacts of the proposed development on the natural and built environments are addressed under the <i>Development Control Plan</i> section in this report and are satisfactory. (ii) The proposed development will not have a detrimental social impact in the locality considering the nature of the proposal. (iii) The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.
Section 4.15(1)(c) – the suitability of the site for the development	The site is considered suitable for the proposed development.
Section 4.15(1)(d) – any submissions made in accordance with the EP&A Act 1979 or EP&A Reg 2021	See discussion on “Public Notification” in this report.
Section 4.15(1)(e) – the public interest	No matters have arisen in this assessment that would justify the refusal of the application in the public interest.

Section 4.56 Modification under Environmental Planning and Assessment Act, 1979

The proposal has been considered against relevant statutory provisions of Section 4.56 as follows;

- (1) *A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the Court and subject to and in accordance with the regulations, modify the development consent if—*
 - (a) *it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and*

Comment: Applications under section 4.56 of the Act cannot be granted if the modified development is not substantially the same as that which the consent was originally granted. In this regard, the modification should not be so substantial as to cause the application to lose its original identity.

The application seeks variation to the internal and external features of the boarding house only. The building form remains consistent with that approved and thus in essence the proposal is considered to remain 'substantially the same' with modifications not resulting in it losing its original boarding house identity.

- (b) *it has notified the application in accordance with:*
 - (i) *the regulations, if the regulations so require, or*
 - (ii) *a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and*
- (c) *it has notified, or made reasonable attempts to notify, each person who made a submission in respect of the relevant development application of the proposed modification by sending written notice to the last address known to the consent authority of the objector or other person, and*

Comment: In accordance with the provisions of Council's Public Notification process.

- (d) *it has considered any submissions made concerning the proposed modification within the period prescribed by the regulations or provided by the development control plan, as the case may be.*

Comment: In accordance with the provisions of Council's Public Notification process

- (1A) *In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in section 4.15(1) as are of relevance to the development the subject of the application. The consent authority must also take into consideration the reasons given by the consent authority for the grant of the consent that is sought to be modified.*

Comment: In summary of the above, the modification is not considered to constitute a radical transformation of the approved development. The building will remain as initially approved with the same positioning of the original building. The proposed modification does not result in an alteration of the approved FSR, height or setbacks. Therefore, the modification does not result in radical changes to the buildings footprint or envelope as the existing height bulk and scale of the building are maintained and will not change.

The building will remain essentially the same in terms of textures, aesthetics and form. The development is in essence the same development as approved and maintains use as a boarding house. The modification does not result in any additional quantifiable or material impact. The principal and essential features of the original approved development are maintained.

The proposed modification is required to facilitate the development as initially intended by the development consent constituted by the Court without resulting in changes to the built form or an increased material impact. The modification is not considered to constitute a radical transformation of the approved development nor alter the reasons why consent was originally granted and will remain substantially the same development as approved. For these reasons the proposal is considered to be qualitative and quantitatively the same development as approved.

Therefore, it is considered that the proposal will remain substantially the same development.

Environmental Planning and Assessment Regulation 2021

The proposal is considered to have met the statutory requirements under Schedule 1 of the Regulation. This Statement has been prepared in accordance with Section 4.12 of the Environmental Planning and Assessment Act, 1979 and Clause 24 of the Environmental Planning and Assessment Regulation, 2021.

State Environmental Planning Policy

Compliance with the relevant State Environmental Planning Policies (SEPP) is detailed below.

The provisions of any Environmental Planning Instruments (EP&A Act s4.15 (1)(a)(i))

State Environmental Planning Policy (Resilience and Hazards)

Chapter 4 – Remediation of Land

Chapter 4 aims to promote the remediation of contaminated land in order to reduce the risk of harm to human health or any other aspect of the environment.

Clause 4.6 requires contamination and remediation to be considered in determining a DA. The consent authority must not consent to the carrying out of development on land unless it has considered whether or not the land is contaminated.

A review of historic aerial photography indicates that the site has historically been used for residential purposes. Residential usage is not typically associated with activities that would result in the contamination of land. On this basis, the site is likely to be suitable for residential development in its current state.

State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 2 –Vegetation in non-rural Areas

The proposed trees to be removed do not hold any biodiversity values.

Chapter 6 – Bushland in Urban Areas

The proposal does not propose to disturb bushland zoned or reserved for public open space.

Chapter 10 – Sydney Harbour Catchment

The subject site is identified as being located within the area affected by the Sydney Harbour Catchment provision. The proposed development raises no issues as no impact on the catchment is envisaged.

Local Environmental Plan

The site is subject to the Canterbury-Bankstown Local Environmental Plan (CBLEP 2023).

Part 2 – Permitted or Prohibited Development

Clause 2.1 – Land Use Zones

The subject site is zoned R4 - High density Residential and the proposal, seeking consent for “*minor alterations and additions to the previously approved boarding house*”, at 37 Claremont Street, Campsie, 2194.

The proposed development is best described within the CBLEP 2023 as a “boarding house”. A “boarding house” is identified as a permitted land use with consent within the R4 - High Density Residential zone under Canterbury-Bankstown Local Environment Plan 2023. A boarding house is defined below.

boarding house means a building or place—

- (a) that provides residents with a principal place of residence for at least 3 months, and*
- (b) that contains shared facilities, such as a communal living room, bathroom, kitchen or laundry, and*
- (c) that contains rooms, some or all of which may have private kitchen and bathroom facilities, and*
- (d) used to provide affordable housing, and*
- (e) if not carried out by or on behalf of the Land and Housing Corporation—managed by a registered community housing provider,*
but does not include backpackers’ accommodation, co-living housing, a group home, hotel or motel accommodation, seniors housing or a serviced apartment.

Objectives of the zone

The objectives of the R4 - High Density Residential zone are:

- *To provide for the housing needs of the community within a high density residential environment.*
- *To provide a variety of housing types within a high density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*
- *To allow for increased residential density in accessible locations to maximise public transport patronage and encourage walking and cycling.*
- *To promote a high standard of urban design and local amenity.*

It is considered that the proposal is consistent with these zone objectives as it seeks to meet the housing needs of the community within a high-density residential environment and promote a high standard of urban design and local amenity.

Part 4 – Principal Development Standards

Applicable LEP Clause	Development Standards	Development Proposal	Comment
4.3 Height of Buildings	11.5	As per approved. No changes. 11.5m	Compliant
4.4 Floor Space Ratio	0.9:1	As per approved. No changes.	Compliant

Part 5 – Miscellaneous Provisions

Applicable LEP Clause	LEP Provisions	Development Provisions	Comment
5.4 Controls relating to miscellaneous permissible uses	Not applicable to subject site.		
5.6 Architectural roof features	Development that includes an architectural roof feature that exceeds, or causes a building to exceed, the height limits set by clause 4.3 may be carried out, but only with development consent.	The development does not exceed the maximum allowable height limit	Compliant
5.7 Development below mean high water mark	Not applicable to subject site.		
5.10 Heritage Conservation	Heritage management document required to assesses the extent to which the carrying out of the proposed development would affect the heritage significance of any heritage item or heritage conservation area concerned.	Not applicable to subject site.	Compliant

Part 6 – Additional Local Provisions

Applicable CBLEP 2023 Clause	CBLEP 2023 Provisions	Development Provisions	Comment
6.1 Acid Sulfate Soils	Acid sulfate soils management plan for works within 500m of adjacent Class 1, 2, 3 or 4 land that is below 5m Australian Height Datum and by which the watertable is likely to be lowered below 1m Australian Height Datum on	Site is affected by Class 5 Acid Sulfate soils. No works to occur within 500m of class 1,2,3 or 4 land.	Compliant

	adjacent Class 1, 2, 3 or 4 land.		
6.2 Earthworks	Development consent is required for earthworks unless— (a) the earthworks are exempt development under this plan or another applicable environmental planning instrument, or (b) the earthworks are ancillary to— (i) development that is permitted without development consent under this plan, or (ii) development for which development consent has been granted.	Proposed earthworks are required to accommodate the proposed boarding house.	Compliant
6.3 Stormwater management and water sensitive urban design	Minimise and mitigate the impact of stormwater runoff and incorporate water sensitive urban design principles	Proposed stormwater plan incorporates elements of water sensitive urban design.	Compliant

Section 4.15(1)(a)(iii) – Any Development Control Plan

The proposed development is subject to the provisions of the Canterbury - Bankstown Development Control Plan (DCP). The following comments are made with respect to the proposal satisfying the objectives and controls contained within the DCP.

The proposed development does not trigger the requirements for amendments of the DCP under the previously approved DA. The proposed amendments are related to a *“basement, parking and an additional unit”*. In which there are no controls identified in the DCP.

(iiia) Any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under Section 7.4.

There is no planning agreement being entered into as part of this application.

(iv) The regulations (to the extent that they prescribe matters for the purposes of this paragraph)

Environmental Planning and Assessment Regulation 2021

The Regulation provides standard Conditions which the Consent Authority must impose when issuing Development Consent. These Conditions will be implemented upon the issue of Development Consent. There are no other additional matters contained within the Regulations which are applicable to the subject development.

(a) The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality

Natural Environment	The proposed development is located in a well-established residential environment on an allotment with appropriate zoning for the proposed use. The proposed development is designed to operate at a domestic scale which does not result in unreasonable acoustic or air pollution. The design, location and siting of the building is orientated to maximise solar access and includes sustainable measures for water and energy consumption. Overall, the proposal is designed to mitigate any potential impacts on the natural environment.
Built Environment	The proposed development is predominantly designed and sited in accordance with the relevant built form controls, compatible with the existing streetscape patterns and achieves the desired future character of the area. Where the development has not demonstrated compliance with those controls, the relevant objectives are achieved, and impact is mitigated and minimised where practical. Overall, as demonstrated in this statement, it is unlikely that the development will consist of an adverse impact on the built environment.
Social Impacts	There are no adverse social impacts identified with the provision of a housing within a R4 - High Density Residential zone. The development provides for housing needs of the community within a low-density residential environment.
Economic Impacts	No adverse negative economic impacts are likely to result from any residential development. However, the proposed development is likely to contribute to a range of economic benefits such as generation of local jobs, utilise existing infrastructure and services and encourage the use of local business and local economy.

(b) The suitability of the site for the development

The subject site is appropriately zoned for the proposed use, and the development is not considered to result in adverse material, environmental, social or economic impacts. Therefore, it is considered that the development is suitable for the site.

(c) Any submissions made in accordance with this Act or the regulations

Any submissions received as a result on notification of the Development Application will be considered.

(d) The public interest

This statement demonstrates that, the proposal is not considered to raise any issues that would be contrary to the public interest.

CONCLUSION AND RECOMMENDATION

After consideration of the development against Section 4.15 of the *Environmental Planning and Assessment Act 1979* and the relevant statutory and policy provisions, the proposal is suitable for the site and is in the public interest. It is recommended that pursuant to Section 4.16 of the *Environmental Planning and Assessment Act 1979*, Council as the consent authority grant consent for the *alterations and additions to the previously approved boarding house at 37 Claremont Street Campsie 2194*.

Statement prepared by B&M Town Planning Services.