

199 William Street, Earlwood

Proposed boarding house and associated works

Statement of environmental effects

to accompany a development application to Canterbury Bankstown Council

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1. Introduction

This is a statement of environmental effects in relation to the proposed boarding house development at 199 William Street, Earlwood. It is to accompany a development application to Canterbury Bankstown Council for that proposed development.

This statement has been prepared based upon the following information provided to the author of this statement:

- Detail survey by C&A Surveyors, dated 5 May 2023
- Architectural details by M Groupe, issue B dated August 2024, including -
 - A1 Site plan
 - A2 Ground floor plan
 - A3 First floor plan
 - A4 Roof plan
 - A5 Elevation
 - A6 Section
 - A7 Concept of landscape plan
 - A8 Sedimentation-erosion controls
- Traffic engineering report by ML Traffic Engineers, A24066A (Version 1a) dated September 2024
- Traffic and Parking Impact Assessment by ML Traffic Engineers, A244066N (Version 1a) dated September 2024
- Stormwater engineering details by DZ Building Design Service, numbered S2434, dated August 2024, including C-100, C-2.00 and C-2.01.

An operational plan of management by the author of this statement forms Annexure A.

Part 2 of this statement describes the site and its locality. Part 3 describes the proposed development. Part 4 reviews the proposed development under the relevant town planning controls. Part 5 provides an assessment of the proposed development. Part 6 provides concluding comments and a recommendation.

2. Site and locality

The site is 199 William Street, Earlwood (Figure 1) and has the real property description of Lot 72, DP9186. The property is on the northern side of William Street and has no other boundary to a road. William Street is an RMS-classified secondary road.

The property is of irregular configuration. Its boundaries are:

Main front boundary, south boundary, to William Street:	19.76 metres
Splay to southeast corner:	2.00 metres
Eastern boundary to Council owned property:	42.505 metres

Rear northern boundary:	18.4 metres
Western boundary to 201 William Street:	43.65 metres

The property has an area by surveyor calculation of 863.5 square metres. The property falls 2.0 metres from the front southern boundary to the rear northern boundary, with minimal change of level in an east-west direction.

There are no matters on title of particular town planning relevance. There is a sewer main running east-west across the rear area of the site.

Existing on the site is a single storey dwelling house (Figure 2). There is a driveway alongside the western side boundary (see Figure 1) leading to a garage adjacent to the rear boundary in the northwest area of the site. There is a substantial landscaped area to the eastern side of the dwelling house (Figure 3), with the setback between the dwelling house and the eastern boundary being between 7.8 and 10.3 metres. There is a substantial tree near the front boundary in the southeast area of the site. Other vegetation within the site is of a more minor nature but includes some trees.



Figure 1: Aerial photo of the subject site, highlighted in yellow. Source: Six Maps, 2024



Figure 2: Dwelling house on the subject site, as viewed from the front boundary adjacent to the southwest area of the site



Figure 3: Landscaped area adjacent to the eastern side of the dwelling house, as seen from the southern end of that landscaped area

The site is within a locality characterised by a mix of low density residential development and commercial developments. Developments in the immediate vicinity of the site include:

- 201 William Street. Adjoining to the west. Detached dwelling house (Figure 4).
- Adjoining to east. Footway reserve. (Figure 5). There are stormwater pipes below the footpath within that area, becoming an open channel further to the north. There is an electricity substation within that area.
- 189-195 William Street east of the footway. Drive-in liquor shop. (Figure 6).
- 6 Baringa Road. Adjoining to the rear of the subject site. Detached dwelling house with a pool in its rear yard, adjoining the subject site. (Figure 7).
- 8 Baringa Road. Indirectly to the rear. Warburton Lane is terminated to the rear of that property by the drainage channel within the footpath reserve. (Figure 8).
- 158-164 William Street. Group of commercial properties indirectly opposite William Street to the southeast of the subject site. (Figure 9).
- 166 William Street. Single storey dwelling converted to use as an office for a construction company, on the opposite side of William Street to the subject site.
- 168 William Street. Two storey dwelling house.



Figure 4: Dwelling house at 201 William Street, viewed from the William Street roadway



Figure 5: Footway reserve adjoining to the east of the subject site



Figure 6: Drive-in liquor shop at 189-195 William Street, viewed from William Street



Figure 7: Dwelling house and swimming pool at 6 Baringa Road, seen from the pathway reserve near to the rear boundary of the subject site



Figure 8: 8 Baringa Road (to the left of the image), seen from footpath reserve, with terminating part of Warburton Lane also visible



Figure 9: Commercial properties with addresses ranging between 158 and 166 William Street, opposite the subject site



Figure 10: 166 and 168 William Street, opposite the subject site

There is a bus stop on the same side of William Street as the subject site, around 50 metres to the east. There is a bus stop on the opposite side of William Street to the subject site, also around 50 metres to the east. Those bus stops are part of bus routes providing frequently operating services to and from the Sydney CBD via the Marrickville area, as well as to other places.

The site is around 1km to the west of the Earlwood shops, where there are substantial supermarkets and other shops and services. The site is around 200 metres to the south of Hughes Park, a substantial area of recreational open space.

3. Proposal

The proposed development involves:

- Demolition of the existing structures on the subject site and the carrying out of requisite site preparation works, including removal of six trees adjacent to the eastern property boundary,
- Construction of a two storey boarding house containing:
 - 15 boarding rooms, each with a bathroom and kitchenette, with 8 rooms at ground level and 7 rooms at first floor level,
 - Associated access hallways, stairs and a lift,

- A principal communal living room at the ground floor level and a lesser one at the upper level.
- Modification to the existing driveway crossing to be suitable for the proposed new car park and construction of an open hardstand car parking and manoeuvring area for 4 cars, two motorbikes and for bicycles.
- Carrying out of associated stormwater management works.
- Carrying out of landscaping works as described in the submitted conceptual landscape plan.
- Use of the completed development as a boarding house managed by a registered community housing provider to provide affordable housing in perpetuity, in accordance with the submitted operational plan of management.

The sizes of the proposed rooms, exclusive of private kitchens and bathrooms, are -

Room 1 (double)	16.7 sq m
Room 2 (double)	16.7 sq m
Room 3 (double)	16.4 sq m
Room 4 (double)	16.4 sq m
Room 5 (single)	12.9 sq m
Room 6 (single)	12.9 sq m
Room 7 (single)	12.9 sq m
Room 8 (single)	12.9 sq m
Room 9 (single)	12.9 sq m
Room 10 (double)	16.6 sq m
Room 11 (double)	16.7 sq m
Room 12 (single)	12.9 sq m
Room 13 (single)	12.9 sq m
Room 14 (single)	12.9 sq m
Room 15 (double - accessible)	24.2 sq m
Communal room (ground floor)	42.4 sq m
Communal room (first floor)	10.0 sq m

The gross floor area of the proposed development is proposed to be 433.4 square metres, resulting in a floor space ratio of 0.5:1.

The proposed boarding house will have the following minimum boundary setbacks -

Front	6.5m
East	2.5m
West	3.0m
Rear	6.8m

The proposed development includes a minor stepping down to follow the site levels. The maximum height of the proposed development is 8.5 metres.

The upper level of the proposed building is stepped back from the rear and generally from the sides. The proposal adopts a parapet edge architectural form.

4. Town planning controls

Canterbury-Bankstown Local Environmental Plan 2023

The principal environmental planning instrument relating to the subject site is *Canterbury-Bankstown Local Environmental Plan 2023* (CBLEP2023), under which the site is zoned R3 Medium Density Residential (Figure 11).



Figure 11: Extract from CBLEP2023 Land Zoning Map, marked up to indicate the subject site (Source: NSW Planning Portal, 2023)

The table to the R3 zone is:

1 Objectives of zone

- To provide for the housing needs of the community within a medium density residential environment.
- To provide a variety of housing types within a medium density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To allow for certain non-residential uses that are compatible with residential uses and do not adversely affect the living environment or amenity of the area.
- To allow for development that provides a suitable visual transition between high density residential areas and low density residential areas.
- To ensure suitable landscaping in the medium density residential environment.
- 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.*

2 Permitted without consent

Home occupations

3 Permitted with consent

Attached dwellings; Bed and breakfast accommodation; Boarding houses; Building identification signs; Business identification signs; Car parks; Centre-based child care facilities; Community facilities; Dwelling houses; Early education and care facilities; Environmental facilities; Environmental protection works; Exhibition homes; Flood mitigation works; Group homes; Home businesses; Multi dwelling housing; Neighbourhood shops; Oyster aquaculture; Places of public worship; Recreation areas; Respite day care centres; Roads; Secondary dwellings; Seniors housing; Tank-based aquaculture

4 Prohibited

Any development not specified in item 2 or 3

Boarding houses are permitted with consent within the R3 zone within which the subject site is located. The definition of “boarding house” within CBLEP2023 is:

...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 or 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 backpacker’s accommodation, co-living housing, a group home, hotel or motel accommodation, seniors housing or a serviced apartment.

The definition of “affordable housing” is defined in the Act as housing for very low income households, low income households or moderate income households, being such households as are prescribed by the regulations or are provided for in an environmental planning instrument.

The accompanying operational plan of management, amongst other things, demonstrates the following:

- There will be no commencement of works until an agreement has been reached with a registered community housing provider for the management of the boarding house when it is complete and operational,
- The housing will be managed so that rent levels are in accordance with those prescribed by Section 13 of *State Environmental Planning Policy (Housing) 2021*,

- Upon making of an occupancy agreement, tenants will be required to be intending to reside in their boarding room for at least 3 months from the date of the commencement of their occupancy, and
- All residents will have access to a communal area that is proposed to be provided at the ground floor level and residents will also be able to access the first floor level communal area.

The proposal is therefore for a boarding house as defined. The proposed development is permissible within the R3 zone within which the subject site is located.

Clause 2.3(2) provides that the consent authority must have regard to the zone objectives in determining a development application. Such consideration is as follows:

- The proposal will contribute to the diversity of accommodation types in the locality and will assist in providing accommodation for very low, low, and moderate income households. The proposal is consistent with a medium density environment given the proposal's compliance with applicable density standards as demonstrated further below. The proposal therefore contributes to the attainment of the first zone objective.
- The proposal introduces boarding house accommodation within a locality that is predominantly characterised by less affordable housing types and therefore contributes to the attainment of the second zone objective.
- The third and fourth objectives are not relevant to the present proposal.
- The fifth zone objective is not of particular relevance to the proposal because the site is not near a high density residential zone.
- The proposal will comply with applicable landscaping standards and will therefore contribute to the attainment of the sixth zone objective.
- The proposed boarding house use will not be incompatible with the site's location in the vicinity of business zoned lands because the housing will include a suitable level of acoustic attenuation. The proposal is therefore consistent with the seventh zone objective.
- The site is located a short distance from bus stops that service frequently operating bus routes and is therefore consistent with the eighth zone objective.
- The proposal is acceptable when assessed in relation to relevant urban design and amenity criteria within the applicable development control plan and is therefore consistent with the ninth and final zone objective.

The proposal is therefore acceptable having regard to the zone objectives.

Clause 4.3 of CBLEP2023 establishes a maximum permissible building height for the site of 8.5 metres. The proposed development has a maximum height of 8.5 metres and complies.

Clause 4.4 of CBLEP2023 establishes a maximum permissible floor space ratio for the site of 0.5:1. The gross floor area of the proposed development is 433.4 square metres, resulting in a floor space ratio of 0.5:1, which complies with the clause 4.4 development standard.

Clause 5.10 relates to heritage conservation. It is recognised that the subject site is not a heritage item and is not within a heritage conservation area. It is also recognised that

the site is not in the vicinity of a heritage item or a heritage conservation area. The provisions of clause 5.10 therefore do not affect the proposal.

Clause 5.21 relates to flood planning. The proponent has obtained a flood certificate in relation to the subject site and had advised that they have prepared the design having regard to the information contained in that flood certificate.

Clause 6.9 relates to essential services and provides that the consent authority must be satisfied that the required essential services will be available. As the site already contains a dwelling house, and as the proposed development does not involve a major increase in intensity of use, the consent authority may be satisfied that the required essential services will be available subject to normal arrangements being made during the course of construction. It is recognised that there is an existing vehicular crossing, which will be reconstructed to required specifications and will continue to provide suitable vehicular access to the site. The development application is to be accompanied by a traffic and parking report addressing that matter.

Having regard to, and subject to, the foregoing, the proposal is acceptable in relation to CBLEP2023.

State Environmental Planning Policy (Housing) 2021

State Environmental Planning Policy (Housing) 2021, (SEPP (Housing) 2021) includes provisions that are applicable to boarding houses.

Chapter 2 of the Policy relates to affordable housing and Division 2 of that Chapter relates to boarding houses.

Clause 23(1) provides that development for the purposes of boarding houses may be carried out with consent on land upon which such development is permissible under another environmental planning instrument. Boarding houses are permitted on the subject site under CBLEP2023 and the proposed development is therefore permissible pursuant to SEPP (Housing) 2021. Clause 23(2) provides that development for the purposes of a boarding house must not be carried out on land zoned R2 Low Density Residential unless certain criteria are satisfied. The site is not zoned R2 and that control is therefore non-applicable.

Clause 24(2) sets out non-discretionary development standards that are applicable to the proposed development. Consideration of those is:

- (a) *for development in a zone in which residential flat buildings or shop top housing are permitted - a floor space ratio that is not more than -*
 - (i) *the maximum permissible floor space ratio for residential accommodation on the land, and*
 - (ii) *an additional 30% of the maximum permissible floor space ratio if the additional floor space is used only for the purposes of the boarding house,*

Comment: Not applicable because residential flat buildings and shop top housing are prohibited within the R3 zone within which the subject site is located.

- (b) *if paragraph (a) does not apply - a floor space ratio that is not more than the maximum permissible floor space ratio for residential accommodation on the land,*

Comment: Complies - the maximum permissible floor space ratio is 0.5:1. As set out elsewhere in this statement, the proposed development has a floor space ratio of 0.5:1 and complies.

- (c) *for development on land in zone R2 Low Density Residential or Zone R3 Medium Density Residential - the minimum landscaping requirements for multi dwelling residential development under a relevant environmental planning instrument,*

Comment: There are no such relevant landscape area requirements applicable to multi dwelling housing under CBL2023.

- (d) *for development on land in zone R4 High Density Residential - the minimum landscaping requirements for residential flat buildings under a relevant environmental planning instrument,*

Comment: Not applicable.

- (e) *at least 3 hours of direct solar access provided between 9am and 3pm at mid-winter in at least 1 communal living area,*

Comment: Given that the proposed communal living room window faces north, it is evident that the proposal complies.

- (f) *for a boarding house containing 6 boarding rooms -
(i) a total area of at least 30 square metres of communal living area, and
(ii) minimum dimensions of 3m for each communal living area,*

Comment: Not applicable.

- (g) *for a boarding house containing more than 6 boarding rooms -
(i) a total area of at least 30 square metres of communal living area plus a further 2 square metres for each boarding room in excess of 6 boarding rooms, and
(ii) minimum dimensions of 3m for each communal living area,*

Comment: The total area of the proposed communal boarding rooms is 52.4 square metres. The proposed boarding house has 15 rooms and therefore requires a communal living area of 30 square metres plus 9 x 2 square metres, therefore 48 square metres. The proposal therefore complies.

- (h) *communal open spaces -
(i) with a total area of at least 20% of the site area, and
(ii) each with a minimum dimension of 3m,*

Comment: The site area is 863.5 square metres, and the required communal open space is therefore 172.7 square metres. The proposal includes 305.5 square metres of landscaped open space, with the majority of that space being within the areas adjacent to the sides and rear of the building. The proposal therefore readily complies.

- (i) *if a relevant environmental planning instrument does not specify a requirement for a lower number of parking spaces - at least the following number of parking spaces -*

(i) for development on land within an accessible area - 0.2 parking spaces per boarding room ,

(ii) otherwise - 0.5 parking spaces for each boarding room,

Comment: The definition of “accessible area” within the Policy is:

...land within -

(a) 800m walking distance of -

(i) a public entrance to a railway, metro or light rail station, or

(ii) for a light rail station with no entrance - a platform of the light rail station, or

(iii) a public entrance to a wharf from which a Sydney Ferries ferry service operates, or

(b) -

(c) 400m 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 1 bus per hour servicing the bus stop between -

(i) 6am and 9pm each day from Monday to Friday, both days inclusive, and

(ii) 8am and 6pm on each Saturday and Sunday.

The site is within around a 50 metres walking distance of bus-stops for each direction of travel to and from the Sydney CBD amongst other places. The stop on the same side of William Street as the subject site is ID220697. That stop services the 423 route, amongst others, and an examination of the timetable for that service demonstrates that there is at least 1 bus per hour between the specified times. The subject site is therefore within an “accessible area” as defined.

There are proposed to be 15 boarding rooms. The required amount of parking spaces is therefore 3. The proposal includes 4 parking spaces and therefore complies.

(j) if an environmental planning instrument specifies a lower number of parking spaces - the lower number specified in the relevant planning instrument.

Comment: Not applicable.

Clause 25 sets out standards applicable to boarding house developments. Subclause 1 provides:

Development consent must not be granted under this Division unless the consent authority is satisfied that -

(a) no boarding room will have a gross floor area, excluding an area, if any, used for the purposes of private kitchen or bathroom facilities, of more than 25 sq m, and

Comment: Proposal complies.

(b) no boarding room will be occupied by more than 2 adult lodgers, and

Comment: Complies - as described in the accompanying plan of management.

(c) adequate bathroom, kitchen and laundry facilities will be available within the boarding house for the use of each resident, and

Comment: Each room will have its own bathroom, kitchen, and laundry facilities. The facilities are evidently adequate and the proposal complies.

(d) for a boarding house on land in Zone R2 Low Density Residential or an equivalent land use zone - the boarding house will have no more than 12 boarding rooms, and

Comment: Not applicable - the subject site is within the R3 Medium Density Residential Zone.

(e) for a boarding house on land in a business zone - 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 the use, and

Comment: Not applicable - the site is not in a business zone.

(f) for a boarding house containing at least 6 boarding rooms - the boarding house will have at least 1 communal living area, and

Comment: Proposal complies.

(g) the minimum lot size for the boarding house is not less than -

(i) for development in Zone R2 Low Density Residential - 600 sq m, or

(ii) for development on other land - 800 sq m, and

Comment: The subject lot has an area of 863.5 square metres and complies with the minimum required area of 800 square metres.

(h) each boarding room has a floor area, excluding an area, if any, used for private kitchen or bathroom facilities, of at least the following -

(i) for a boarding room intended to be used by a single resident - 12 sq m,

(ii) otherwise - 16 sq m, and

Comment: Proposal complies.

(i) the boarding house will include adequate bicycle and motorcycle parking spaces.

Comment: The proposal includes areas for the parking of motorcycles and bicycles and those facilities are adequate.

Clause 25(2) provides the following standards:

Development consent must not be granted under this Division unless the consent authority considers whether -

(a) the design of the boarding house will be compatible with -

(i) the desirable elements of the character of the local area, or

(ii) for precincts undergoing transition - the desired future character of the precinct, and

(b) the front, side and rear setbacks for the boarding house are not less than -

(i) for development on land in zone R2 Low Density Residential or R3 Medium Density Residential - the minimum setback requirements for multi dwelling housing under a relevant planning instrument,

(ii) for development in Zone R4 High Density Residential - the minimum setback requirements for residential flat buildings under a relevant planning instrument.

(c) if the boarding house has at least 3 storeys - the building will comply with the minimum building separation distances specified in the Apartment Design Guide.

Comment: In relation to (a), the local area is, for present assessment purposes, taken to be the group of residential properties between the footway reserve to the east of the subject site and Marana Road, which includes six dwellings. The desirable elements of the character of that group of dwellings are:

- they comply with the applicable 8.5 metre height standard under CBLEP2023,
- they have 6-9 metre front setbacks,
- they have generally 900mm side setbacks,
- they have landscaping within their front setback areas,
- they have landscaping to their rear areas to allow trees visible from the street to be planted,
- they have entry doors and windows addressing the street.

The proposed development has the following features that respond to those desirable elements:

- 8.0 metre height,
- 6.6 metre front setback,
- side setbacks well in excess of 900mm,
- landscaped front setback for front most 5.0 metres excluding proposed driveway,
- landscaped rear area,
- entry doors and windows facing the street.

The consent authority may therefore be satisfied that the proposed development is compatible with the desirable elements of the local area.

In relation to (b), *Canterbury-Bankstown Development Control Plan 2023*, Part 5.2, 4.6 C3 requires the following setbacks:

- Front - 6 metres (5 metres deep soil)
- Rear - 3 metres (3 metres deep soil)
- Side - 1.5 metres for part addressing the street, 2.5 metres for part to the rear

The proposed front setback is a minimum of 6.6 metres deep soil.

The proposed rear setback is 6 metres and is deep soil.

The proposed side setbacks are a minimum of 2.5 metres.

The proposed setbacks are therefore in accordance with relevant CBDP2023 provisions and therefore satisfy (b).

Clause 26(1) provides -

Development consent must not be granted under this Division unless the consent authority is satisfied that from the date of issue of the occupation certificate and continuing in perpetuity -

(a) the boarding house will be used for affordable housing, and

(b) the boarding house will be managed by a registered community housing provider.

The submitted Operational Plan of Management demonstrates that construction of the proposed development will not commence until an agreement has been reached with a registered community housing provider to manage the boarding house after an occupation certificate has been issued and that the premises will not operate as a boarding house at any time that there is no such agreement in place. Furthermore, the agreement will require that rent levels do not exceed the amount specified for the development to be “affordable housing.” The proposal therefore complies with the requirements of clause 26(1).

Clause 27 prohibits subdivision of the completed boarding house development. The proposal does not include any such subdivision.

Having regard to the foregoing, the proposal satisfies the applicable requirements of SEPP (Housing) 2021.

State Environmental Planning Policy (Transport and Infrastructure) 2021

The proposal is subject to requirements of *State Environmental Planning Policy (Transport and Infrastructure) 2021* (SEPP T&I 2021) that apply to developments with frontage to a classified road. In that regard, it is recognised that William Street in front of the site is a classified road.

Section 2.119 of SEPP T&I 2021 provides that the consent authority must not grant consent to development on land that has frontage to a classified road unless the consent authority is satisfied that -

- (a) where practicable and safe, vehicular access to the land is provided by a road other than the classified road, and*
- (b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of -*
 - (i) the design of the vehicular access to the land, or*
 - (ii) the emission of smoke or dust from the development, or*
 - (iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and*
- (c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located or designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.*

In relation to (a), there is no alternative road access to the classified road.

In relation to (b), a traffic and parking engineering assessment accompanies the development application and demonstrates that the turning circles are appropriate and that forward egress is achieved. It is recognised that the existing development has no forward egress. A vehicle using the existing driveway on the subject site has to reverse into oncoming traffic. The proposal replaces that arrangement with an arrangement that has forward egress. Even though there will be a greater number of parking spaces (being four spaces), that greater number of spaces does not pose any particular additional safety risk. In that regard, if vehicular ingress or egress into the site would

result in unacceptable safety or operational impacts on the roadway, that would be unacceptable regardless of whether there is one vehicle or four vehicles accessing and egressing the site. The classified road is not observed to be of such a level of use as for there to be a particular issue with congestion. The driveway is on the straight section of road with good visibility. Therefore, the impact of the proposed development, by removing a reverse-out driveway and replacing it with forward-in, reverse-egress driveways, is certainly beneficial and the development will have a positive, not adverse, impact on the safety, efficiency, and ongoing operation of the classified road. It is also recognised that there are no particular issues with the proposal regarding smoke or dust. The number of vehicles that would access the site is not excessive.

In relation to (c), the proposed development includes robust masonry construction and will include an appropriate standard of glazing to the windows to ensure that the boarding rooms will not be unacceptably impacted by traffic on the adjacent road.

Section 2.120 of SEPP T&I 2021 imposes additional requirements for developments where the adjacent road has an AADT count in excess of 20,000 vehicles. In that regard, the site is not indicated on the relevant RMS map as being affected by that requirement (Figure 12).

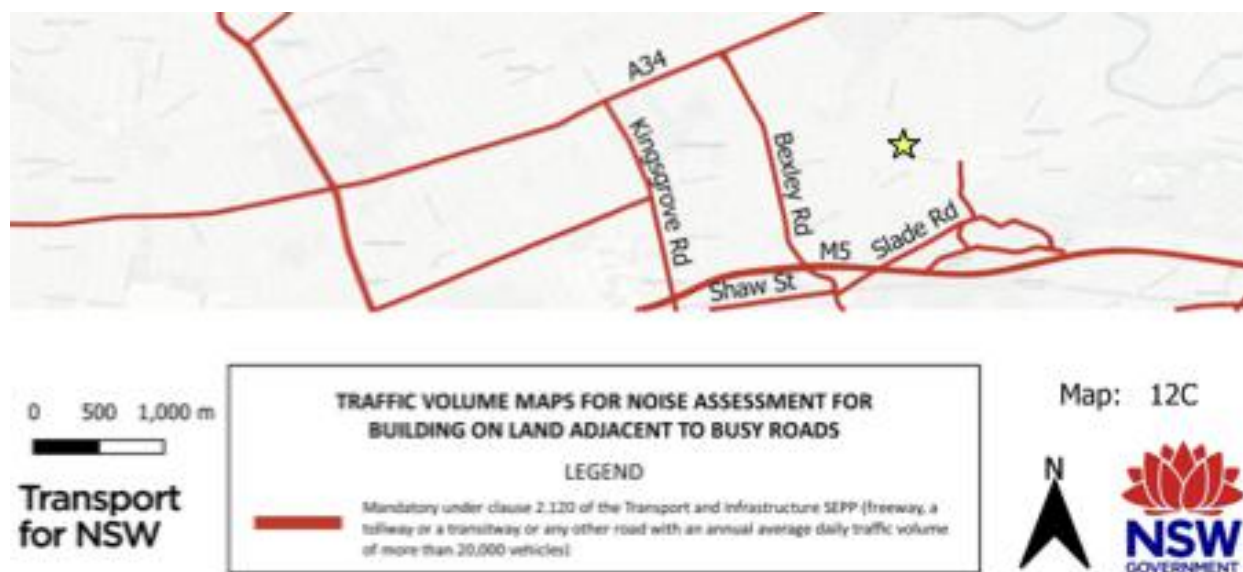


Figure 12: Extract from RMS mapping, with subject site indicated by a star

Having regard to the foregoing, the proposed development is acceptable in relation to relevant SEPP T&I 2021 provisions.

State Environmental Planning Policy (Resilience and Hazards) 2021

State Environmental Planning Policy (Resilience and Hazards) 2021 (SEPP R&I 2021) includes provisions relating to the contamination of land that require the consent authority to consider whether land is contaminated, in the course of assessing a development application.

The subject site is presently used for residential purposes and on that basis it is considered that the consent authority may be satisfied that the site has not been used for specified contaminating activities.

The consent authority may reasonably impose conditions of consent to require the engagement of an occupational hygienist to evaluate the existing development during the demolition phase to ensure that the demolition of the existing development is carried out safely.

Canterbury - Bankstown Development Control Plan 2023

Canterbury-Bankstown Development Control Plan 2023 (CBDPC2023) is applicable to the proposed development. Consideration of the proposed development in relation to its relevant provisions is as follows -

Clause	Summary of provision	Compliance comment
Chapter 2.1	A site analysis plan is to be provided. The site analysis plan is to demonstrate principles of context, scale, built form, density, resource, energy and water efficiency, landscape, amenity, safety and security, social dimensions, and aesthetics.	<p>There is no CBDPC definition of “site analysis plan” and it is considered that the submitted “site plan” constitutes an analysis of the site, when read in conjunction with this present statement. Comments on each of the matters are -</p> <p>Context: The acceptability of the proposal in its context is demonstrated elsewhere in this statement wherein the compatibility of the site in its local area is described.</p> <p>Scale: The proposal complies with the CBLEP height control, and the proposal only attains that height at one point. The scale is therefore acceptable.</p> <p>Built form: The proposed upper level is stepped in from the lower level, with a significant step at the rear. The proposed parapet edge form is a typical dwelling house form and the proposal is consistent with the appearance of a dwelling house. The setbacks are substantial and consistent with, or greater than, those elsewhere along the street. The built form is therefore acceptable.</p> <p>Density: The density complies with CBLEP.</p> <p>Resource, energy and water</p>

		<p>efficiency: A BASIX certificate will accompany the application.</p> <p>Landscape: The proposal complies with applicable landscape standards in the DCP, as set out elsewhere in this table.</p> <p>Amenity: The proposed upper level rooms are oriented across substantial side setbacks and there is a substantial separation distance from the adjoining dwelling to the west. Suitable high sills area used to all habitable rooms facing the sides. The windows are nonetheless large enough to afford good amenity to the rooms. There is no significant overshadowing impact given that shadows will be principally to the front setback area of the subject site and neighbouring properties. The use will be in accordance with the submitted operational plan of management, so that acoustic impacts will be well-managed. In relation to security, the following assessment is made based on standard Crime Prevention Through Environmental Design considerations -</p> <p><u>Access control</u> - The front and rear doors will involve operation of a key and swipecard or similar and will provide securely controlled access.</p> <p><u>Natural surveillance</u> - The proposal has windows that provide normal natural surveillance and it does not create areas that lack such surveillance, such as adjoining blank walls.</p> <p><u>Territoriality</u> - The proposal establishes a conventional territorial relationship similar to that of a conventional dwelling house, which is acceptable. There will be</p>
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		<p>no lack of clarity regarding what is private space.</p> <p><u>Activity support</u> - The use will operate in accordance with the submitted operational plan of management which will ensure that the use is properly managed.</p> <p><u>Maintenance</u> - The submitted operational plan of management details how areas will be well-maintained and how the premises will be suitably cleaned.</p> <p>Social dimensions: The proposed boarding house will operate in accordance with the submitted operational plan of management and will be managed by a registered community housing provider, which will assist in providing a good affordable rental housing outcome.</p> <p>Aesthetics: The proposal has the appearance similar to a conventional dwelling house, using a parapet edge form which is common for dwelling houses, and with the upper level set in from the ground level setbacks. The aesthetic outcome is acceptable.</p>
Chapter 2.2	Flood risk management	<p>The designer of the proposed development has obtained a flood certificate from Council and has stated that they have designed the proposed development in accordance with applicable requirements relating to flood risk management.</p>
Chapter 2.3	Tree management	<p>The proposal includes the removal of specified trees alongside the eastern boundary. The trees are considered to be relatively minor and it is recognised that there will continue to be trees within the footway reserve and that the</p>

		significant tree in the southeast corner of the site will be retained.
Chapter 3.1	Development engineering standards	Those standards have been taken into consideration by the designer of the parking area, driveway, and stormwater systems.
Chapter 3.2	Parking	The proposal complies with the requirements of the State policy. The submitted traffic engineering demonstrates that the turning circles and geometry of the parking area are acceptable. On that basis, relevant parking requirements are addressed.
Chapter 3.3	Waste management	The development application will be accompanied by a waste management plan. A bin storage facility is provided.
Chapter 3.4	Sustainable development	The development application will be accompanied by a Section J BCA report which addresses relevant sustainable development considerations.
Chapter 3.7	Landscape One canopy tree to be provided for every 12 metres of road frontage.	The proposal retains the existing canopy tree to comply with that provision.
Chapter 5.2 Clause 4.5 Control 1	A maximum height of one storey applies to an area 20 metres back from the required front setback, or 6.5 percent of the site depth whichever is the greater.	The greater figure is 20 metres rearwards of the front setback. The proposed two storey component does not extend any further than 20 metres from the line of the required front setback and the proposal therefore complies. Additionally, it is recognised that the two storey component does not extend beyond the rear building line of the adjoining property to the west of the subject site.
Chapter 5.2	A subfloor area greater than	Although the submitted

Clause 4.5 Control 3	1.0 metre in height is treated as a storey for the purposes of Control 1 above.	north-elevation indicates a maximum 1.1 metre subfloor, it is recognised that the survey levels at the rear are around RL26.3 and that the proposed rear floor level is RL26.9, and therefore compliance is achieved.
Chapter 5.2 Clause 4.5 Control 13	Maximum cut and fill 1m	Complies
Chapter 5.8 8.2	Site isolation	The site adjoins a drainage and footpath reserve to the east which avoids site isolation on that side. To the west are older developments of sufficient contiguous extent to be separately developable. The proposal therefore does not cause site isolation.
Chapter 5.8 8.3	Site layout and orientation	The site is well-oriented and the development responds well. The building will not cause significant overshadowing because most shadowing will be to the front setback. The building will be well ventilated, with generous side setbacks.
Chapter 5.8 8.4 C2	Comply with building envelope controls for multi dwelling development	Complies as set out above
Chapter 5.8 8.5 C1	Minimum setback 6 metres. Major road, 9 metres. Side - 2.5m Rear 6m Minimum 5m and 6m deep soil along the front and rear	William Street is not a major road (which is an undefined term). The 6.5 metre setback provided is acceptable as it is in general alignment with adjoining properties. Side and rear setbacks comply. Deep soil complies.
Chapter 5.8 8.6	Comply with building envelope controls for multi dwelling housing	Complies

Chapter 5.8 8.8	<p>Solar access to be at least to 50 percent of communal open space and to 50 percent of communal windows for 3 hours midwinter</p> <p>Boarding rooms to receive 3 hours solar access midwinter where orientation permits.</p> <p>Not to cause non-compliant overshadowing to neighbours.</p> <p>Clothes drying area to receive 3 hours solar access.</p>	<p>Compliance readily achieved, given northern orientation and lack of adjoining overshadowing buildings. Boarding rooms include those facing east and west where full compliance may not be achieved. However, 3 hours is substantially achieved and the outcome is acceptable.</p> <p>The proposal maintains compliant solar access to neighbours given orientation.</p> <p>The clothes drying area receives compliant solar access, principally in the morning but also for around an extra hour in the afternoon.</p>
Chapter 5.8 8.9	<p>Visual privacy</p> <p>Use measures to mitigate direct overlooking</p>	<p>The proposed upper level boarding rooms are generously set back and have high sill heights so that direct overlooking is avoided. The design of the proposed development avoids direct, intrusive visual privacy impacts.</p>
Chapter 5.8 8.10	<p>Acoustic privacy</p> <p>Protect sensitive noise receivers from significant noise sources.</p> <p>Screen noise from shared pedestrian pathways.</p> <p>Consider <i>Interim Guideline</i> for development near busy roads.</p>	<p>William Street does not carry sufficient traffic volumes to warrant assessment under the <i>Interim Guideline</i> for development near busy roads. The proposal does not locate boarding rooms adjacent to busy shared pathways or driveways. The proposed boarding rooms are therefore unlikely to receive significant noise.</p>
Chapter 5.8 8.11	<p>Fences and ancillary development</p>	<p>Conventional fencing approaches are adopted and are acceptable.</p>

Having regard to the foregoing, it is considered that the proposed development is acceptable when assessed against the relevant provisions of *Canterbury Bankstown Development Control Plan 2023*.

5. Assessment

The proposed development has been reviewed in Part 4 of this statement in relation to the applicable town planning controls. Consideration of the proposed development in relation to the matters for evaluation within Section 4.15(1) of the *Environmental Planning and Assessment Act, 1979* is as follows.

4.15(1)(a)(i) the provisions of any environmental planning instrument

The proposal is assessed in relation to the provisions of relevant environmental planning instruments in Part 4 of this statement. The proposed development complies with relevant provisions and is acceptable when assessed under applicable merit assessment criteria.

4.15(1)(a)(ii) any proposed instrument...

There are no provisions within any proposed instrument that have a bearing on the assessment of the proposed development.

4.15(1)(a)(iii) any development control plan

The proposal is assessed in relation to *Canterbury Bankstown Development Control Plan 2023* in Part 4 of this statement. The proposal is acceptable when assessed in relation to the relevant provisions of that development control plan.

4.15(1)(a)(iiia) any planning agreement...

There are no relevant planning agreements.

4.15(1)(a)(iv) the regulations (to the extent that they provide matters for the purposes of this paragraph)

The matters within the regulations that are relevant to an evaluation of the proposed development are in relation to the *Building Code of Australia*. The development has been designed to be compliant with the relevant provisions of the *Building Code of Australia*. A complete assessment of compliance with the *Building Code of Australia* will be carried out prior to the issue of a construction certificate for the proposed development.

It is recognised that the development is not BASIX development. The energy efficiency of the proposed development is considered under Part J of the *Building Code of Australia*. That assessment is addressed by the designer of the proposed development and will be addressed in documentation to accompany the development application.

4.15(1)(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality

The town planning controls under which the proposed development has been assessed in Part 4 of this statement are designed to identify and regulate relevant aspects of the proposed development through which an impact could be caused.

On the whole, the relevant areas to be considered are visual, ecological, external amenity, internal amenity, social impact, and consistency with planning strategies. Comments on the proposal regarding each of those are -

- visual: The proposed boarding house is set back consistently with the street setbacks of other dwellings in the street. Its side and rear setbacks are also consistent with the pattern of development in the locality. The two storey scale is an expected scale for the R3 zone. The building uses a parapet edge form, which is consistent with conventional residential typologies. The proposal retains a significant tree in the corner of the property and otherwise includes appropriate new landscaping and compliant deep soil. In those circumstances, the proposal is visually acceptable and appropriate for the locality.
- ecological: The type of development proposed involves providing housing close to a major bus route, which is consistent with environmental sustainability. The proposal also involves a supply of housing for small households, which makes efficient use of resources in comparison to larger buildings being provided for smaller households who don't need such larger buildings. That also constitutes a good ecological approach. The proposed development retains the existing large tree in the southeast corner of the site. The proposal will be consistent with the requirements of Part J of the *Building Code of Australia* and will therefore achieve relevant energy efficiency outcomes. The proposal includes a stormwater management system that has been designed in accordance with Council specifications, ensuring suitable management of stormwater.
- external amenity: The proposal provides upper level windows with high sill heights where they are facing across side boundaries. Those windows are generously set back from the side boundaries. As such, the proposal is not likely to generate significant visual privacy intrusion. The proposed use will be managed in accordance with the Operational Plan of Management set out in Annexure A of this statement and noise levels will therefore not be significant or unacceptable. The proposed development will cast shadows principally towards the street and will not cause significant overshadowing impacts to neighbouring properties. The external amenity impacts of the proposal are therefore likely to be acceptable.
- internal amenity: The proposal includes self-contained boarding rooms complying with the minimum room sizes set out in the State policy and the rooms are conventionally proportioned so that they will be comfortable and appropriate. The rooms all have good solar and daylight access. The residents will have access to communal living rooms of compliant sizes and that will be well proportioned. The residents will have

access to well proportioned landscaped areas around the building. The boarding rooms will each have a suitable outlook without causing direct overlooking impacts to surrounding properties.

social impact: The proposed boarding house will contribute to the supply of affordable housing for small households, which is in scarce supply. That will provide a significant social benefit to the community. The housing will be managed by a registered community housing provider. The registered community housing provider will manage the housing in such a way as to minimise the potential for negative impacts being caused by one resident to another. The registered community housing provider, managing the housing in accordance with the proposed operational plan of management, will acceptably limit the potential for residents of the proposed boarding house to cause unacceptable behavioural impacts to residents within the locality.

planning strategies: The proposal is consistent with the aims of *State Environmental Planning Policy (Housing) 2021* relating to the supply of affordable housing suitable for small households. The proposal is consistent with objectives for the R3 zone within which the site is located of providing a diversity of types of housing. The proposed development is well located, being on a significant bus route, and is consistent with strategies that involve reducing car dependency and making good use of infrastructure. The proposed development is therefore strategically appropriate.

The likely impacts of the proposed development are therefore considered to be acceptable.

4.15(1)(c) the suitability of the site for the development

The site is of sufficient area and width to be able to acceptably accommodate the proposed development.

The width of the site is sufficient to allow the provision of the required amount of off-street car parking whilst complying with the geometric requirements of vehicular parking and manoeuvring, and whilst also allowing sufficient landscaping between the street and the parking areas to soften the visual appearance of the parking area. The proposed parking and manoeuvring areas do not impinge on the significant tree that is to be retained in the southeast area of the site.

The site is wide enough to be able to accommodate the proposed development whilst maintaining generous side setbacks so that the impacts of the development to neighbouring properties, particularly the neighbouring dwelling to the west and to the rear, will be acceptable.

The designer of the proposed development advises that the development has been designed having regard to the information in Council's flood certificate.

4.15(1)(d) any submissions...

Submissions will be considered during the course of the assessment.

4.15(1)(e) the public interest

The proposed development contributes to the supply of affordable rental housing in the locality, which is scarce. It is therefore in the public interest that the proposed development is granted consent. The proposed development does not impinge upon the public interest. In relation to the classified roadway in front of the subject site, the proposed development replaces a reverse egress arrangement with a forwards in-forwards egress arrangement which is in the public interest, and the proposed development does not contribute a significant amount of traffic onto the roadway.

6. Conclusion

The proposed development has been assessed in relation to the applicable town planning controls and has been evaluated in relation to the matters for consideration within Section 4.15(1) of the *Environmental Planning and Assessment Act, 1979*. It is found that the proposed development is acceptable and is in the public interest. The proposed development warrants the granting of consent subject to suitable conditions.

Matthew Benson
Bach. Urb. & Reg. Plan. (Hons), UNE

Annexure A - Operational Plan of Management

199 William Street, Earlwood - Operational plan of management for boarding house

Prepared on 11 September 2024 - BH199WILL001

1. Introduction

This is the operational plan of management (OPM) for the boarding house at 199 William Street, Earlwood to take effect upon the issue of an occupation certificate for that boarding house. This operational plan of management must be complied with at all times that the boarding house is in existence.

Part 2 of this OPM describes the facilities within the boarding house. Part 3 of this OPM sets out the operational requirements of the *NSW Environmental Planning and Assessment Regulation 2021* and affirms that the boarding house will operate in accordance with those requirements. Part 4 of this OPM sets out the day to day management practices that will ensure that the boarding house will operate having regard to the welfare and amenity of occupants and of the surrounding residents.

This OPM may be modified by a registered community housing provider that is responsible for the management of the boarding house. Canterbury Bankstown Council is to be notified of any such changes. All such changes must be consistent with the requirements applicable to the proposed development of *State Environmental Planning Policy (Housing) 2021* or equivalent laws applicable to the town planning requirements for boarding houses, the *NSW Environmental Planning and Assessment Regulation 2021*, and the *NSW Boarding Houses Act 2012*.

2. Description of facilities

The boarding house contains the following facilities -

- 8 x boarding rooms suitable for singles or couples, including bathroom and kitchenette, not designed for disabled people

- 1 x boarding room suitable for single person or couple, including bathroom and kitchenette, designed to be suitable for disabled people

- 6 x boarding room suitable for singles, including bathroom and kitchenette, not designed for disabled people

(Note: Accessible room, plus 4 x couples rooms, plus 3 x singles rooms, are at ground level. 4 x couples rooms plus 3 x singles rooms are to first floor level).

Stairs and lift internally connecting ground and first floor level

Ground level communal living area of 42.4 square metres and first floor level communal level of 10 square metres. The communal living areas shall be furnished.

Laundry facility within each room

All rooms are to be fully furnished

4 x off-street car parking spaces, including a car space suitable for disabled people. One of the car spaces will be allocated for managers visiting the site for management activities. That space will be vacated when required by service people. The remaining car spaces will be allocated to some residents by a separate agreement to the boarding house agreement. Only three spaces will be available.

2 x motorcycle parking spaces. Those spaces will be allocated by agreement with the boarding house operator.

Clothes lines in the eastern setback area of the site.

Waste storage facility.

Landscaped areas.

3. Requirements of Regulations

The boarding house will at all time be used for “affordable housing”.

The definition of “affordable housing” is -

...housing for very low income households, low income households or moderate income households, being such households as are prescribed by the regulations or as are provided for in an environmental planning instrument.

The definition of “very low income households, low income households or moderate income households” is -

a household is taken to be a very low income household, low income household or moderate income household if—

(a) the household—

(i) has a gross income within the following ranges of percentages of the median household income for Greater Sydney or the Rest of NSW—

(A) very low income household—less than 50%,

(B) low income household—50–less than 80%,

(C) moderate income household—80–120%, and

(ii) pays no more than 30% of the gross income in rent, or

(b) the household—

(i) is eligible to occupy rental accommodation under the National Rental Affordability Scheme, and

(ii) pays no more rent than the rent that would be charged if the household were to occupy rental accommodation under the Scheme.

The boarding house is not to operate unless there is an agreement between the owner of the property and a “registered community housing provider”. “Registered community housing provider” has the same meaning as in the *Community Housing Providers (Adoption of National Law) Act 2012*, Section 13.

If there is any change in the identity of the registered community housing provider, notice of such change is to be given to the Registrar of Community Housing and to Canterbury Bankstown Council within three months of such change.

The registered community housing provider is to operate the boarding house in accordance with the NSW Affordable Housing Ministerial Guidelines.

4. Day to day management

The boarding house will be managed by a registered community housing provider, who will provide housing to their clients in accordance with their occupancy agreements.

The boarding house operator is to provide their contact details to all residential properties within 50 metres of the property boundaries of the subject site and is to advise that they may be contacted in the event of a reasonable complaint concerning the boarding house. Contact details of the operator are also to be provided to Canterbury Bankstown Council.

The boarding house operator will provide accommodation in accordance with the occupancy principles in Schedule 1 of the *NSW Boarding Houses Act, 2012*.

The following additional management measures will be adopted in addition to the other requirements of the operator -

- Car parking will be allocated by separate agreement at the discretion of the operator,
- Residents will be required to avoid engaging in noise generating activities, such as playing music or otherwise making noises that are audible from other rooms within the premises, between 10am and 7am daily. At other times, residents are to respect the rights of other residents in relation to their noise generating activities. Disputes over noise will be managed by the community housing provider.
- The boarding house operator shall inform each resident about the types of wastes that may be placed into the different bins within the waste bin storage area. The residents are to be required to place all waste securely within the bins and to avoid placing wastes in the waste storage area outside of the bins.
- The boarding house operator shall enter into an agreement with a waste services provider for the collection of wastes at least two days per week. The boarding house operator is to take the bins to the street for street collection on the collection day no earlier than within 12 hours of the collection time and is to return the bins to the waste storage area on the same morning that the wastes have been collected from the street.
- The boarding house operator will ensure that the waste bin storage area is kept in a clean condition at all times.
- The boarding house operator will keep the common areas clean at all times, including a twice weekly clean of those common areas.
- The boarding house operator will ensure that the furniture within the common room is in a sound condition at all times.
- The boarding house operator will ensure the maintenance of furnishings and appliances within the common room at all times.

- The boarding house operator will ensure that the occupancy principles are complied with at all times and will be contactable to handle any reasonable complaints from residents.
 - The boarding house operator will ensure that the car parking and landscaped areas are maintained in a clean and unobstructed state at all times. The landscaped areas shall be regularly maintained, including the maintenance of grassed areas in a mown state and with plants to be watered and cared for at all times so that they are kept healthy and in an attractive state.
 - Boarding house residents will be required to keep their rooms in a clean and hygienic state at all times.
-