



Statement of Environmental Effects

Co-Living Housing Development

32-34 Kent Street

Belmore

22 April 2025

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1.0 Introduction

This Statement of Environmental Effects (SEE) forms part of a development application (DA) submitted to Canterbury Bankstown Council (CBC) on behalf of Ross Howieson Architects that seeks to demolish all existing structures on the land at 32 – 34 Kent Street Belmore to facilitate the construction of a four (4) storey Co-Living Housing development, containing 35 double private rooms over basement car parking for 7 cars, 8 bicycle and 3 motorcycle parking.

The proposed works in more detail are set out below:

- Demolish all existing dwellings and other structures on the land;
- Construction of a four (4) storey Co-Living housing development, accommodating 35 double occupancy private rooms, including 3 accessible rooms and an on-site managers room on the ground floor;
- Construction of a single basement level car park containing 7 car spaces including 1 accessible car space, 8 bicycle and 3 motorcycle spaces ;
- Each room is provided with either a ground floor courtyard or a balcony;
- Provision of ground floor garbage holding room and an individual store room;
- 88m2 of communal living room at the rear of the building;
- 193m2 of common open space (COS) at rear of the site;
- Provision of a lift and fire stairs;
- OSD and easement at rear of site;
- Rooms vary between 18m2 to 39m2 (Managers Room);
- Planter boxes and
- Deep soil landscaping throughout the site.

This SEE has been prepared in accordance with Section 4.12 'Application' as set out under the Environmental Planning and Assessment (EP&A) Act, 1979 and Clause 24 of the Environmental Planning and Assessment (EP&A) Regulation (Reg's), 2021.

This report provides a description of the site and surrounds, a comprehensive description of the proposed development, a summary of the relevant planning controls, and an assessment of the environmental effects that the proposed building works may have on the surrounding urban environment.

The report concludes that after examining the environmental effects of the proposed development against the Evaluation Criteria as set out under Section 4.15 (1) of the EP&A Act, 1979, we have formed the opinion that the proposal is an appropriate design response to its context and the proposal will have no adverse environmental impacts upon the surrounding built and natural environments and will assist in contributing towards a variety of housing types to meet the demand for this form of low cost accommodation.

Accordingly, in our view, this application is worthy of approval.

2.0 The Site and Surrounding Environment

The site is located on the eastern side of Kent Street between Chalmers Street and Leylands Parade Belmore and is generally known as 32-34 Kent Street Belmore. See locality map at **Figure 1**, location of Belmore train station and bus stops plan at **Figure 2** and aerial photo of site and surrounds at **Figure 3**.

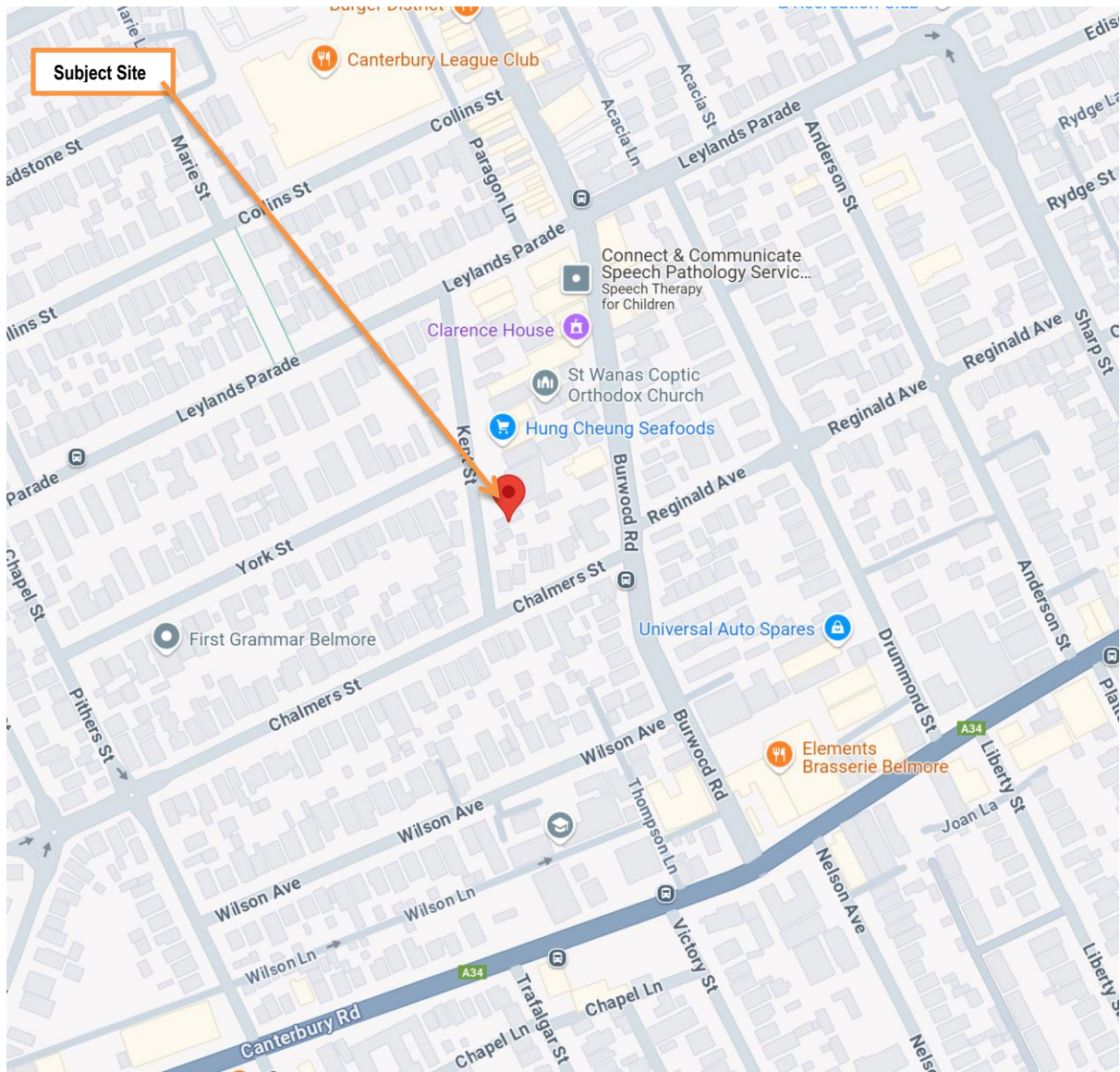


Figure 1
Source: UBD

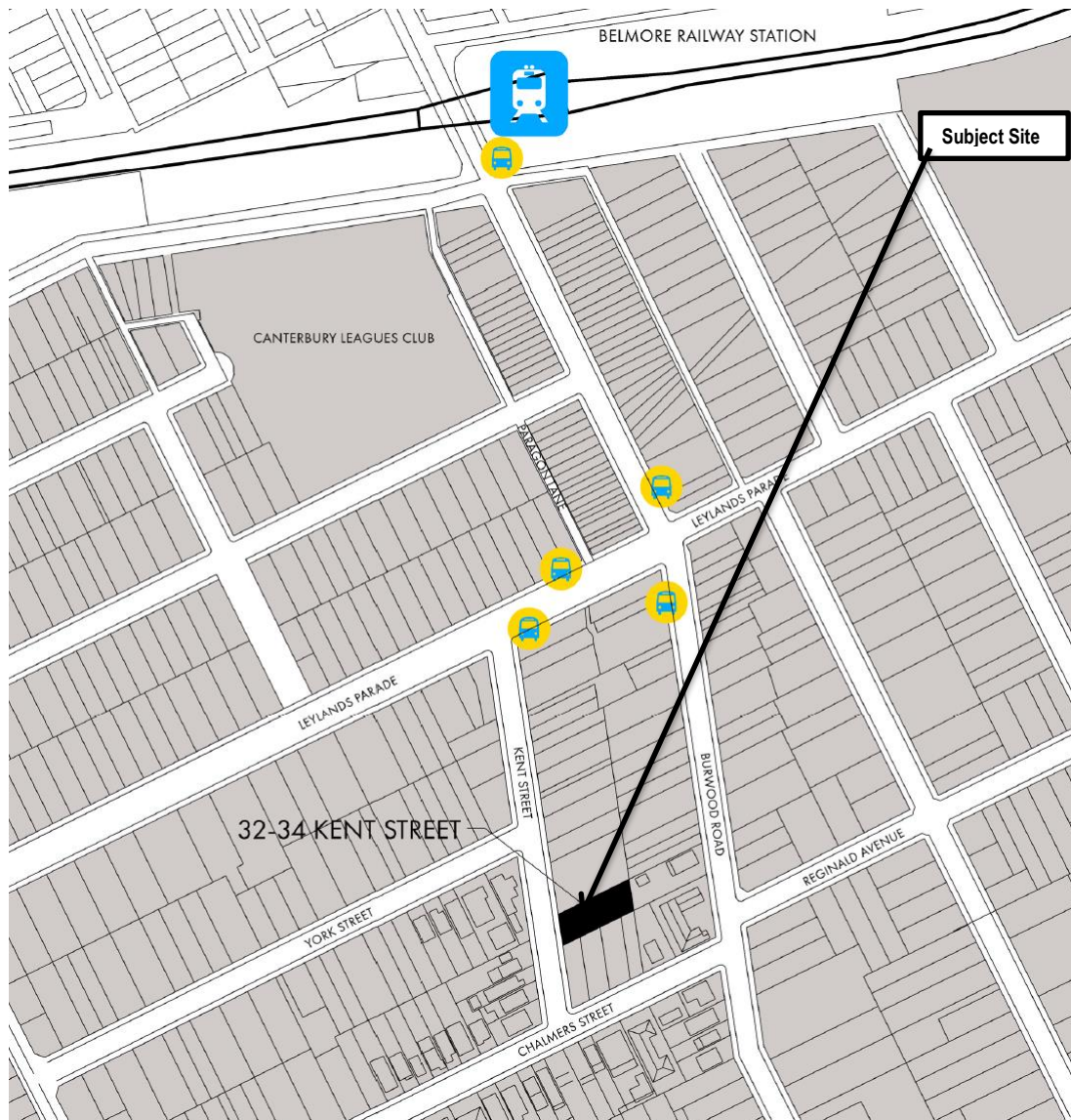


Figure 2
Source: Ross Howieson Architects

The subject site is sited approximately 600m from the Belmore Railway Station, and within 200m to 400m of other public transport options in the form of public bus stops.

Kent Street is predominantly residential in character with new multi-level apartment buildings to the north and east, as well as a number of old style residential flat buildings and low density housing.

The proposed co-living housing development is designed to integrate with the new built form characteristics to the north, through use a mix of painted concrete block work and face brick fabric, which is in-keeping with the changing built form characteristics transitioning into this neighbourhood.



Figure 4
View North Towards Subject Site



Figure 5
View East From Kent Street Towards Subject Site



Figure 6
View North-East From Kent Street Towards Subject Site

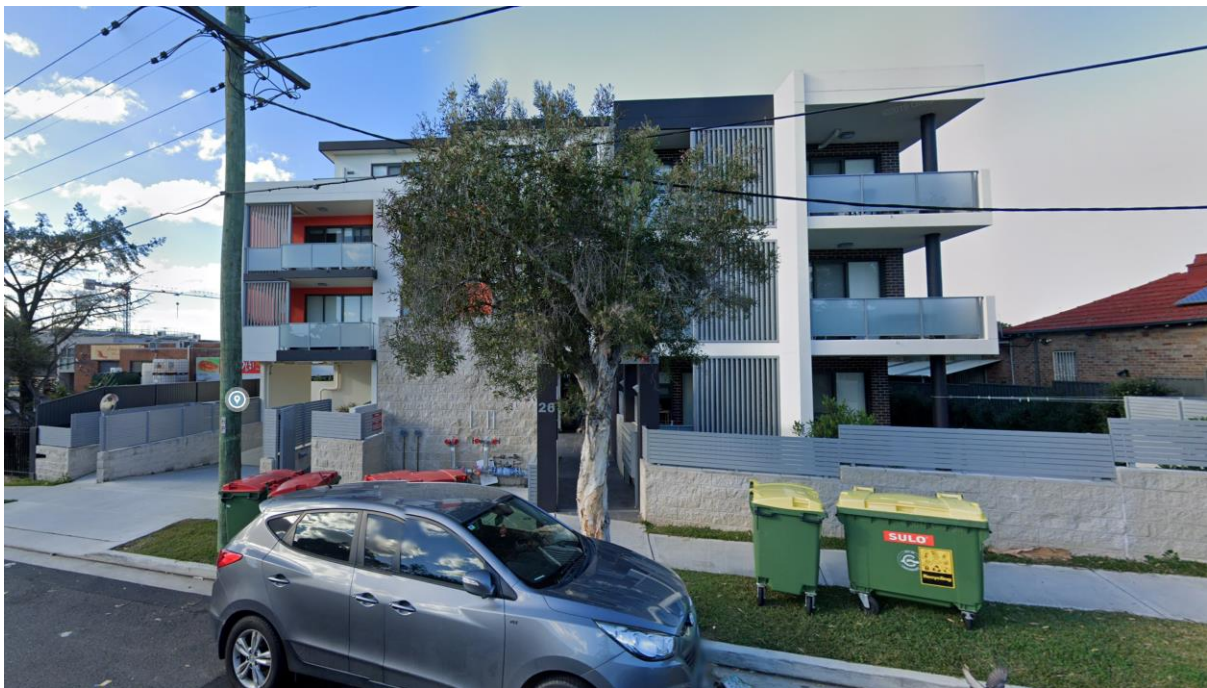


Figure 7
View East Towards Adjoining RFB at 28-30 Kent Street



Figure 8
View West Towards Neighbouring Dwellings Across the Road from the Subject Site



Figure 9
View South Along Kent Street



Figure 10
View North From Along Kent Street

3.0 Site Details

The development site consists of two (2) rectangular shaped lots that are legally described as Lot A and Lot B in DP 945705 having a total site area of 963.2m² and a street frontage of 20.115m, generally known as 32-34 Kent Street Belmore. See **Figure 11**.

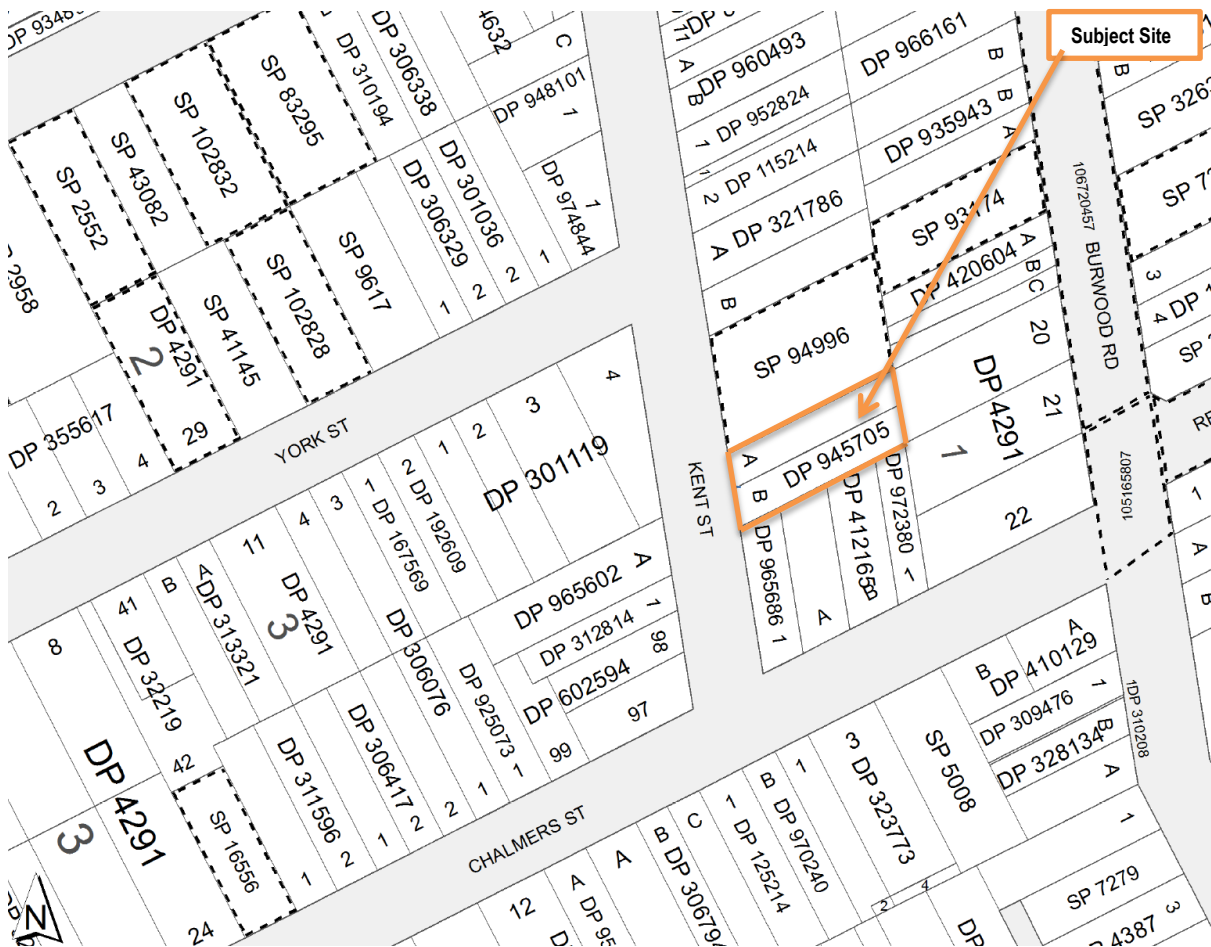


Figure 11
Source: NSW Land and Property Information

3.1 Public Transport

Belmore Train Station is located approximately 600m (walking distance) from the proposed co-living residential development. Belmore Train Station provides T3 trains run between Liverpool and the City via Regents Park and Lidcombe and Metro travel between Sydenham, the City, North Sydney and Chatswood.

A bus stop located approximately 220m (walking distance) from the proposed residential development provides access to bus route 415. An additional bus stop servicing route 942 is situated approximately 260 metres (walking distance) from the development.

Bus route 415 provides service from Campsie to Chiswick. Bus route 942 provides services from Lugarno to Campsie.

Overall, the site has excellent access to public transport because of the proximity to the train station. See **Figure 12**.

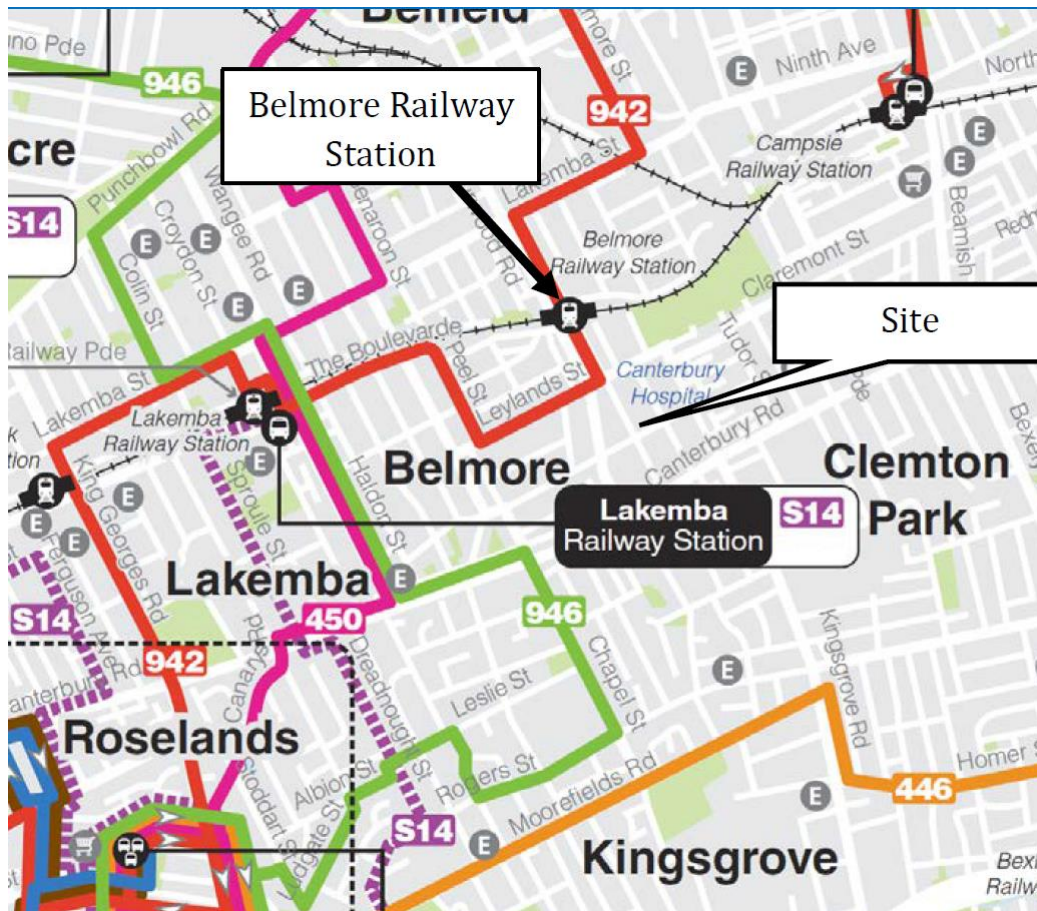


Figure 12
Source: Transport for NSW

4.0 The Proposal

The proposed works that form part of this DA include:

- Demolish all existing dwellings and other structures on the land;
- Construction of a four (4) storey Co-Living housing development, accommodating 35 double private rooms, including 3 accessible rooms and an on-site managers room on the ground floor;
- Construction of a single basement level car park containing 7 car spaces as well as including 1 accessible car space, 8 bicycle and 3 motor bike spaces ;
- Each room is provided with either a ground floor courtyard or balcony;
- Ground floor garbage holding room and an individual store room;
- 88m2 of communal living room at the rear of the building;
- 193m2 of common open space (COS) at rear of the site;
- Provision of a lift and fire stairs;
- OSD and easement at rear of site;
- Rooms vary in size by between 18m2 and 39m2 (Managers Room). Each room is double occupancy;
- Planter boxes and
- Deep soil landscaping is also provided.

The overall building is architecturally sound and readily exhibits design excellence. See **Figure 13 to 30**. The proposed building form can only enhance the streetscape by removing old building stock and associated structures and will introduce a high quality Co-Living housing development that is within walking distance of regular bus and train services and business hubs.

At Table 1 below is a summary table that sets out the living area as defined by SEPP Housing 2021, the internal floor area and the proposed external area. See also photomontage, architectural drawings and solar access drawings.

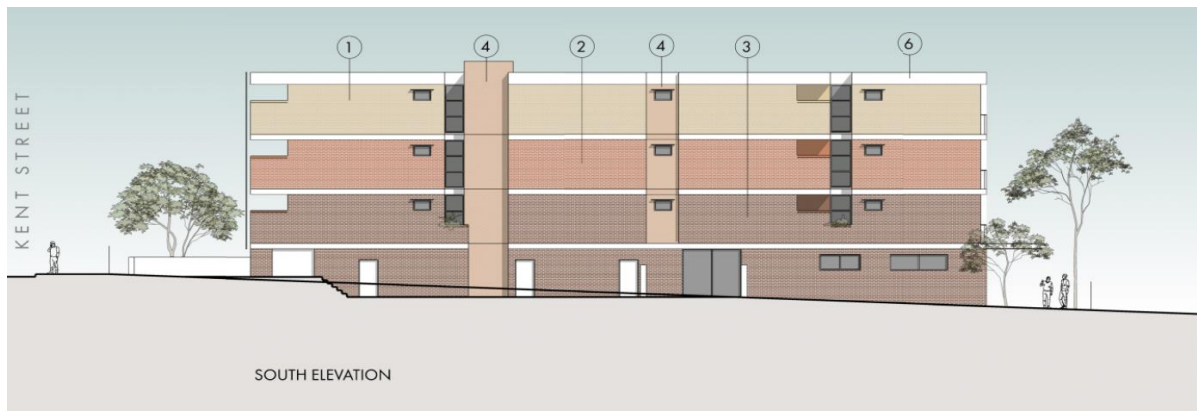
TABLE 1

AREA SCHEDULE

	LIVING AREA BY SEPP DEFINITION (SQ.M.)	TOTAL INTERNAL AREA (SQ.M.)	EXTERNAL AREA (SQ.M.)
ROOM G.01	19	25.2	11.9
ROOM G.02	18	24.3	10.1
ROOM G.03	18	24.3	10.1
ROOM G.04	18	24.3	10.1
MANAGER ROOM G.05	32	39	13.4
ROOM 1.01	18	25.3	4.8
ROOM 1.02	19.3	25.78	10
ROOM 1.03	19.3	25.78	10
ROOM 1.04	19.3	25.78	10
ROOM 1.05	19.3	25.78	10
ROOM 1.06	19.3	25.78	10
ROOM 1.07	25	32.8	5.9
ROOM 1.08	16.4	22.6	4.9
ACCESSIBLE ROOM 1.09	19.5	27.9	10.5
ROOM 1.10	22.75	29.1	5.2
ROOM 2.01	18	25.3	4.8
ROOM 2.02	19.3	25.78	4
ROOM 2.03	19.3	25.78	4
ROOM 2.04	19.3	25.78	4
ROOM 2.05	19.3	25.78	4
ROOM 2.06	19.3	25.78	4
ROOM 2.07	25	32.8	5.9
ROOM 2.08	16.4	22.6	4.9
ACCESSIBLE ROOM 2.09	19.5	27.9	6
ROOM 2.10	22.75	29.1	5.2
ROOM 3.01	18	25.3	4.8
ROOM 3.02	19.3	25.78	4
ROOM 3.03	19.3	25.78	4
ROOM 3.04	19.3	25.78	4
ROOM 3.05	19.3	25.78	4
ROOM 3.06	19.3	25.78	4
ROOM 3.07	25	32.8	5.9
ROOM 3.08	16.4	22.6	4.9
ACCESSIBLE ROOM 3.09	19.5	27.9	6
ROOM 3.10	22.75	29.1	5.2



Figure 13
View East Towards Proposed Multi-Level Housing Development From Kent Street



	① BOWRAL SO CHESHAM WHITE FACE BRICK OR SIMILAR		④ DULUX YOLANDE SORCHA PAINT FINISH
	② BOWRAL SO CAPITOL RED FACE BRICK OR SIMILAR		⑤ DULUX DURALLOY 2753 B04 MATT NATURAL WHITE POWDERCOAT
	③ BOWRAL SO BOWRAL BROWN FACE BRICK OR SIMILAR		⑥ DULUX NATURAL WHITE 15W S.W114 PAINT FINISH

Figure 14
South and West Elevations and Colours and Materials Schedule

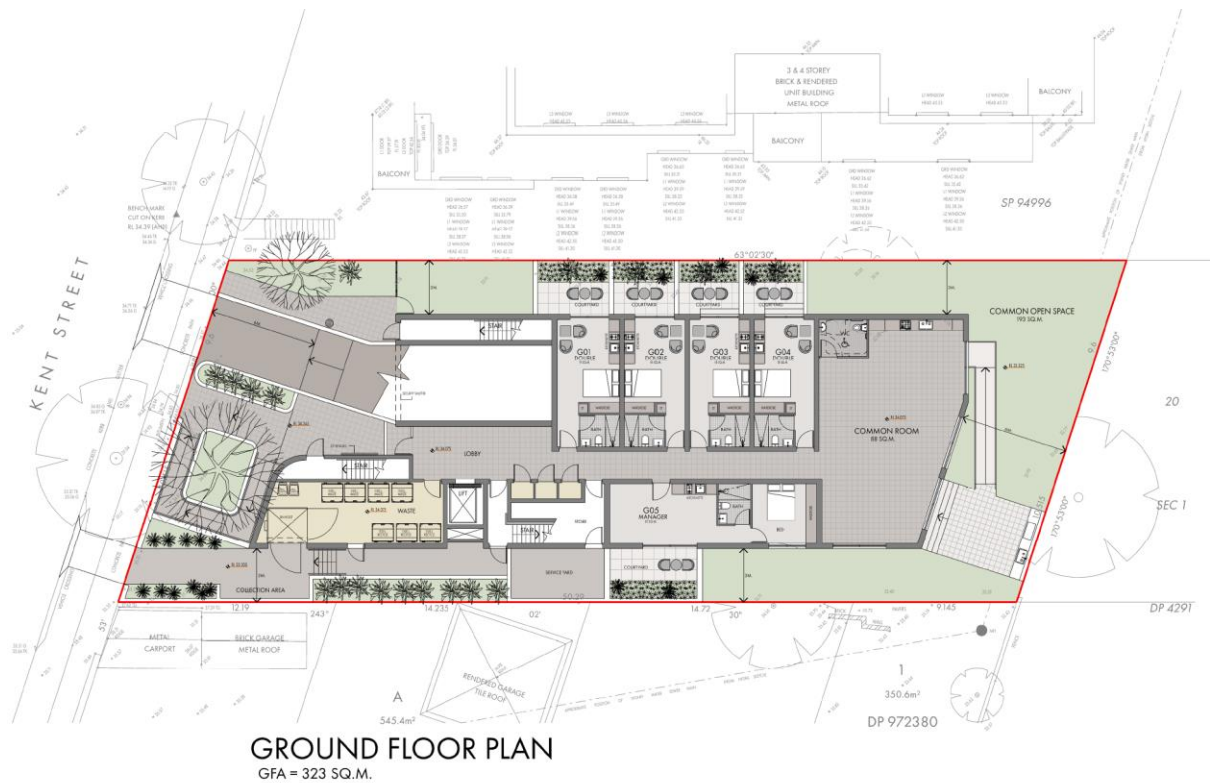


Figure 17
Source: Ross Howieson Architects

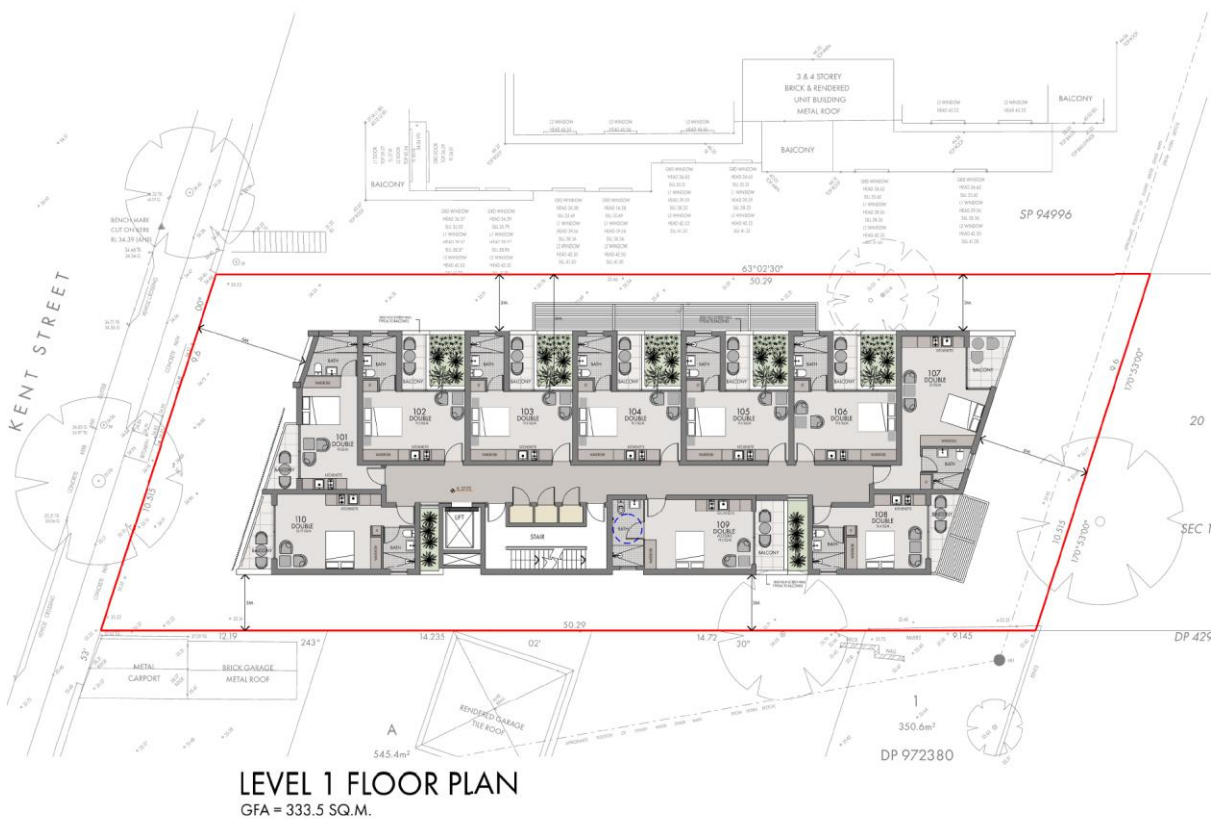


Figure 18
Source: Ross Howieson Architects

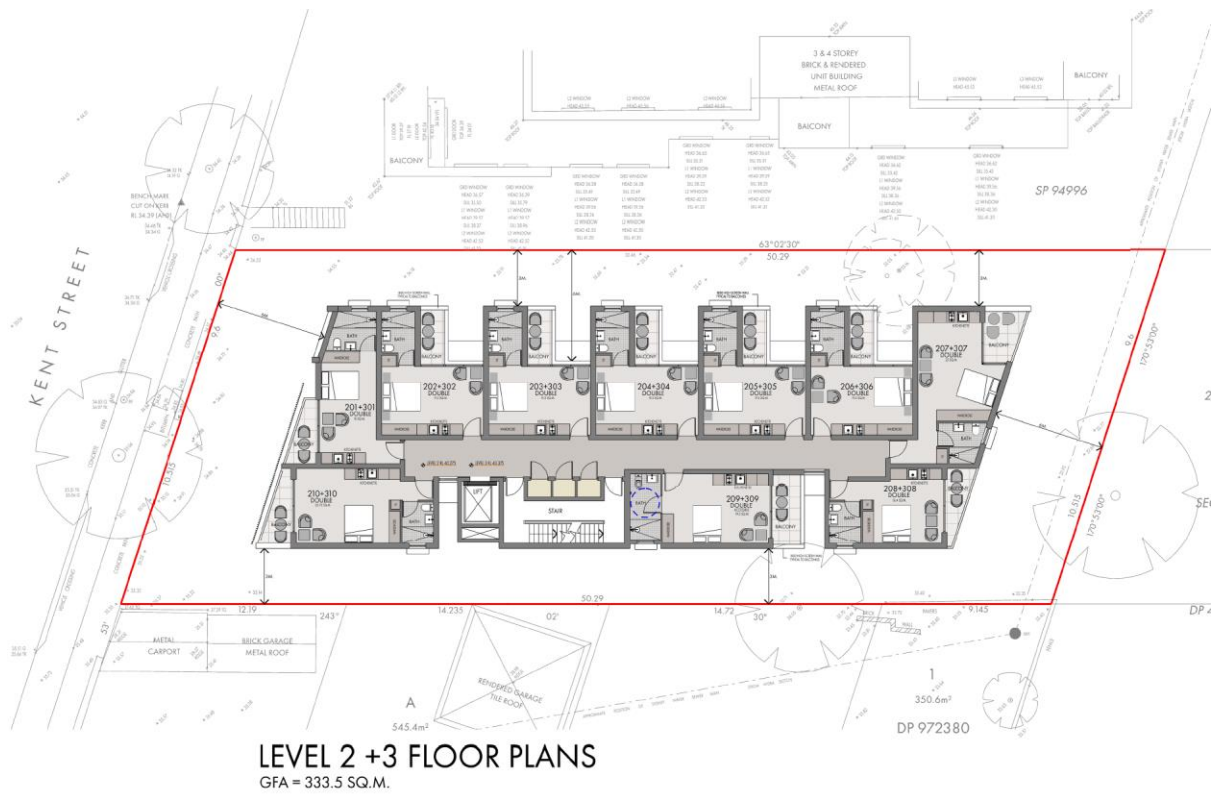


Figure 19
Source: Ross Howieson Architects

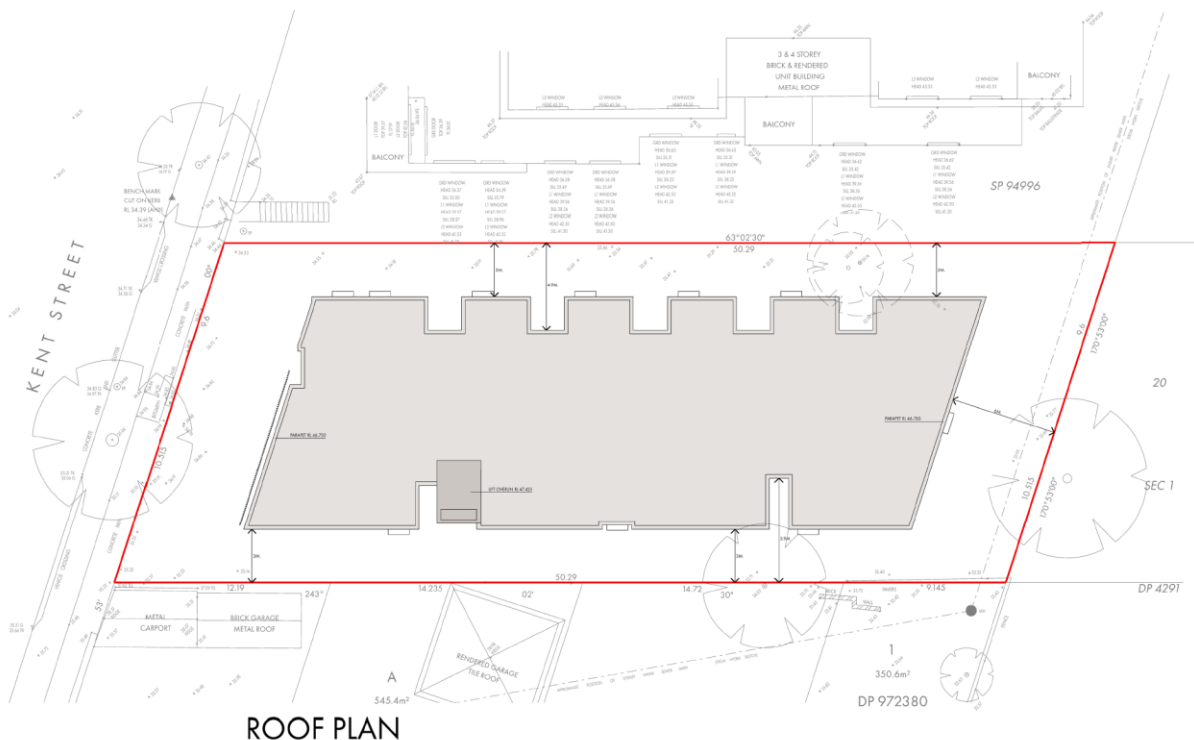


Figure 20
Source: Ross Howieson Architects



NORTH ELEVATION

Figure 21
Source: Ross Howieson Architects



EAST ELEVATION

Figure 22
Source: Ross Howieson Architects



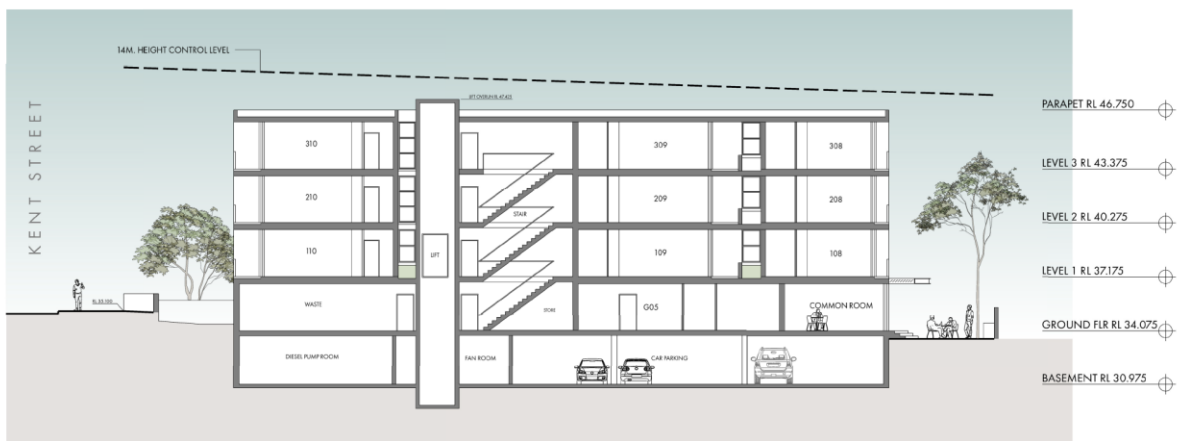
SOUTH ELEVATION

Figure 23
Source: Ross Howieson Architects



KENT STREET ELEVATION

Figure 24
Source: Ross Howieson Architects



SECTION A A

Figure 25
Source: Ross Howieson Architects

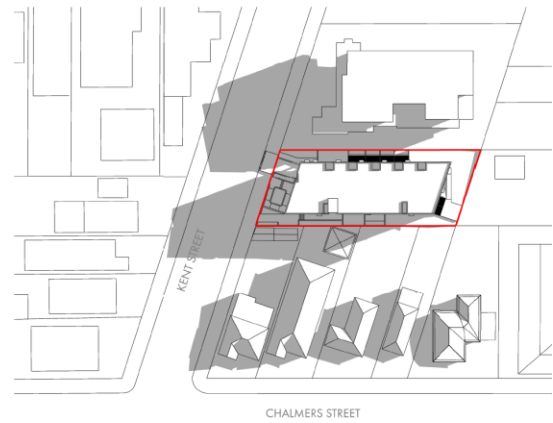


SECTION B B

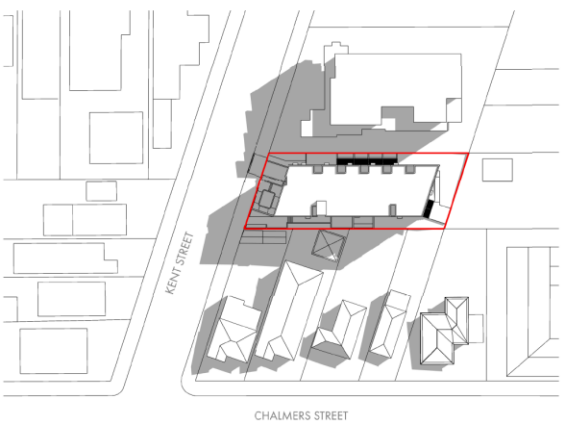
Figure 26
Source: Ross Howieson Architects



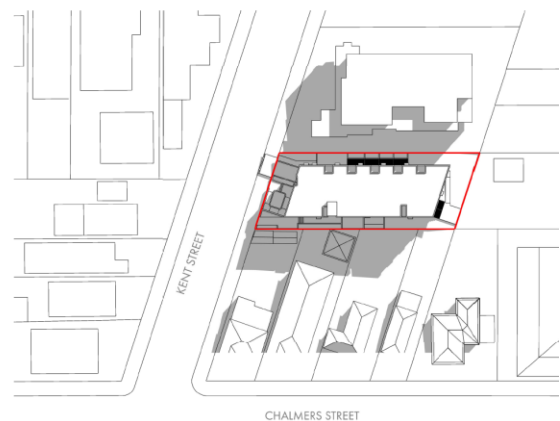
SHADOW CAST AT 8AM 21ST JUNE



SHADOW CAST AT 9AM 21ST JUNE

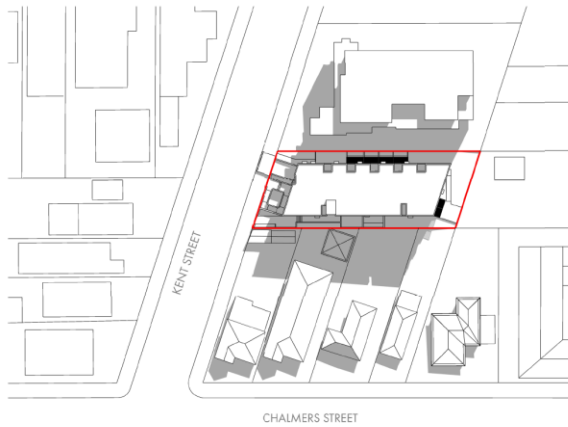


SHADOW CAST AT 10AM 21ST JUNE

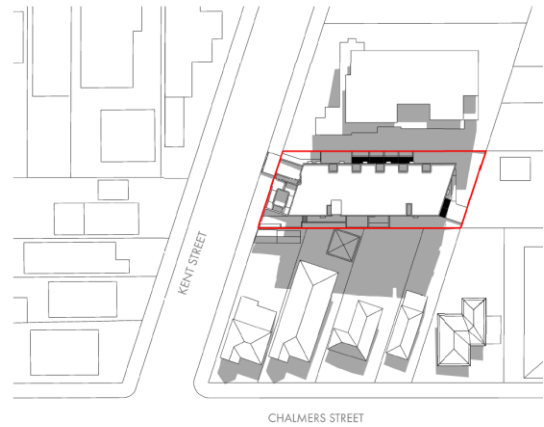


SHADOW CAST AT 11AM 21ST JUNE

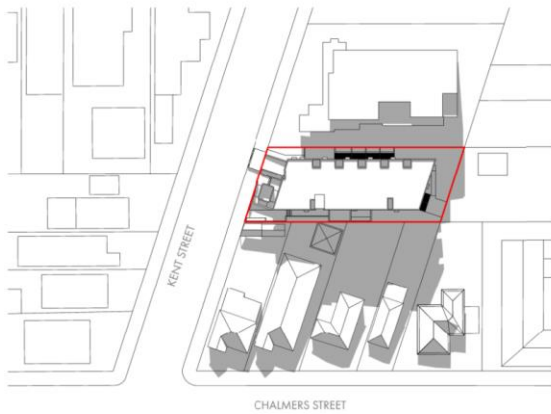
Figure 27
Source: Ross Howieson Architects



SHADOW CAST AT 12PM 21 ST JUNE



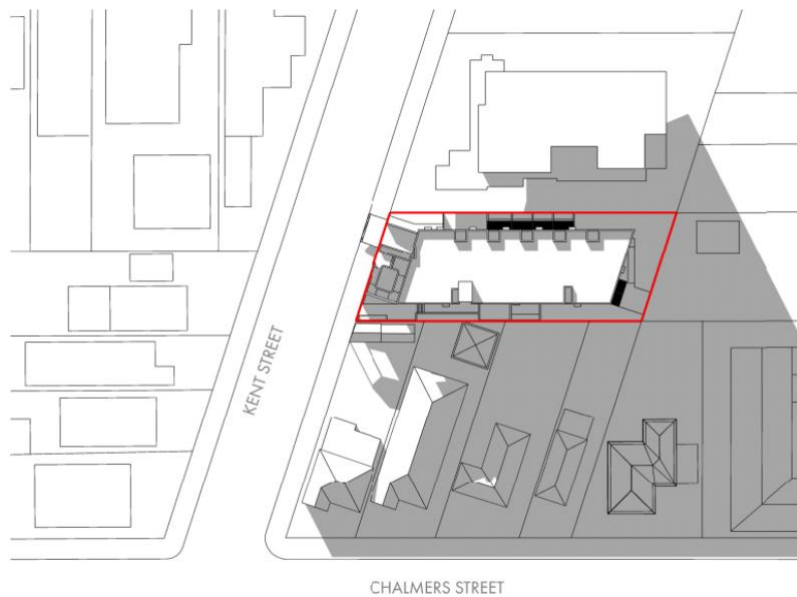
SHADOW CAST AT 1PM 21 ST JUNE



SHADOW CAST AT 2PM 21 ST JUNE



SHADOW CAST AT 3PM 21 ST JUNE



SHADOW CAST AT 4PM 21 ST JUNE

Figure 28
Source: Ross Howieson Architects



VIEW FROM THE SUN 4PM 21ST JUNE

SOLAR ACCESS SCHEDULE

MID-WINTER SOLAR ACCESS	8AM	9AM	10AM	11AM	12PM	1PM	2PM	3PM	4PM	TOTAL HOURS
ROOM G.01										
ROOM G.02	YES									1
ROOM G.03	YES									1
ROOM G.04	YES									1
MANAGER ROOM G.05										
ROOM 1.01							YES	YES	YES	3
ROOM 1.02			YES	YES	YES	YES	YES	YES		5
ROOM 1.03			YES	YES	YES					5
ROOM 1.04			YES	YES	YES					5
ROOM 1.05			YES	YES	YES	YES				4
ROOM 1.06			YES	YES	YES	YES	YES			4
ROOM 1.07	YES	YES	YES	YES						4
ROOM 1.08	YES	YES	YES	YES						4
ACCESSIBLE ROOM 1.09										
ROOM 1.10							YES	YES	YES	3
ROOM 2.01							YES	YES	YES	3
ROOM 2.02			YES	YES	YES	YES	YES	YES		5
ROOM 2.03			YES	YES	YES	YES	YES	YES		5
ROOM 2.04			YES	YES	YES	YES	YES	YES		5
ROOM 2.05			YES	YES	YES	YES	YES	YES		5
ROOM 2.06			YES	YES	YES	YES	YES	YES		5
ROOM 2.07	YES	YES	YES	YES						4
ROOM 2.08	YES	YES	YES	YES						4
ACCESSIBLE ROOM 2.09										
ROOM 2.10							YES	YES	YES	3
ROOM 3.01							YES	YES	YES	3
ROOM 3.02			YES	YES	YES	YES	YES	YES		5
ROOM 3.03			YES	YES	YES	YES	YES	YES		5
ROOM 3.04			YES	YES	YES	YES	YES	YES		5
ROOM 3.05			YES	YES	YES	YES	YES	YES		5
ROOM 3.06			YES	YES	YES	YES	YES	YES		5
ROOM 3.07	YES	YES	YES	YES						4
ROOM 3.08	YES	YES	YES	YES						4
ACCESSIBLE ROOM 3.09										
ROOM 3.10							YES	YES	YES	3

27 ROOMS RECEIVE AT LEAST 3HRS OF SOLAR ACCESS IN MID-WINTER (77% OF TOTAL ROOMS)



VIEW FROM THE SUN 8AM 21ST JUNE



VIEW FROM THE SUN 9AM 21ST JUNE

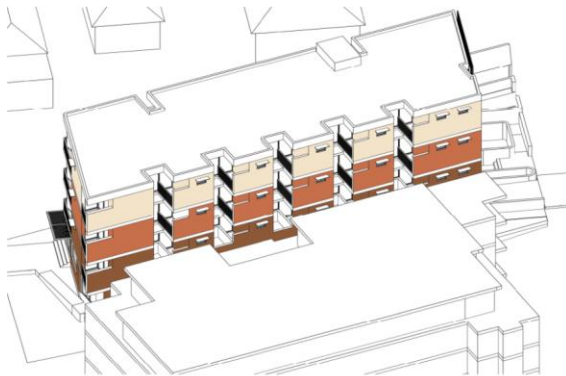
Figure 29
Source: Ross Howieson Architects



VIEW FROM THE SUN 10AM 21ST JUNE



VIEW FROM THE SUN 11AM 21ST JUNE



VIEW FROM THE SUN 12PM 21ST JUNE



VIEW FROM THE SUN 1PM 21ST JUNE



VIEW FROM THE SUN 2PM 21ST JUNE



VIEW FROM THE SUN 3PM 21ST JUNE

Figure 30
Source: Ross Howieson Architects

Environmentally Sustainable Design and Materials

A range of design initiatives and elements have been employed throughout the proposed development to ensure that the proposal optimises its sustainability. Resource, energy and water efficiency have been incorporated into the design and layout to contribute to this high quality residential housing scheme.

Building materials incorporate the properties use of high thermal mass materials, glazing and insulation, thereby reducing the need for artificial heating, cooling and lighting.

The types of materials to be used consist mainly of face brickwork in a banding design with earthy colour tones used. See **Figure 31**.

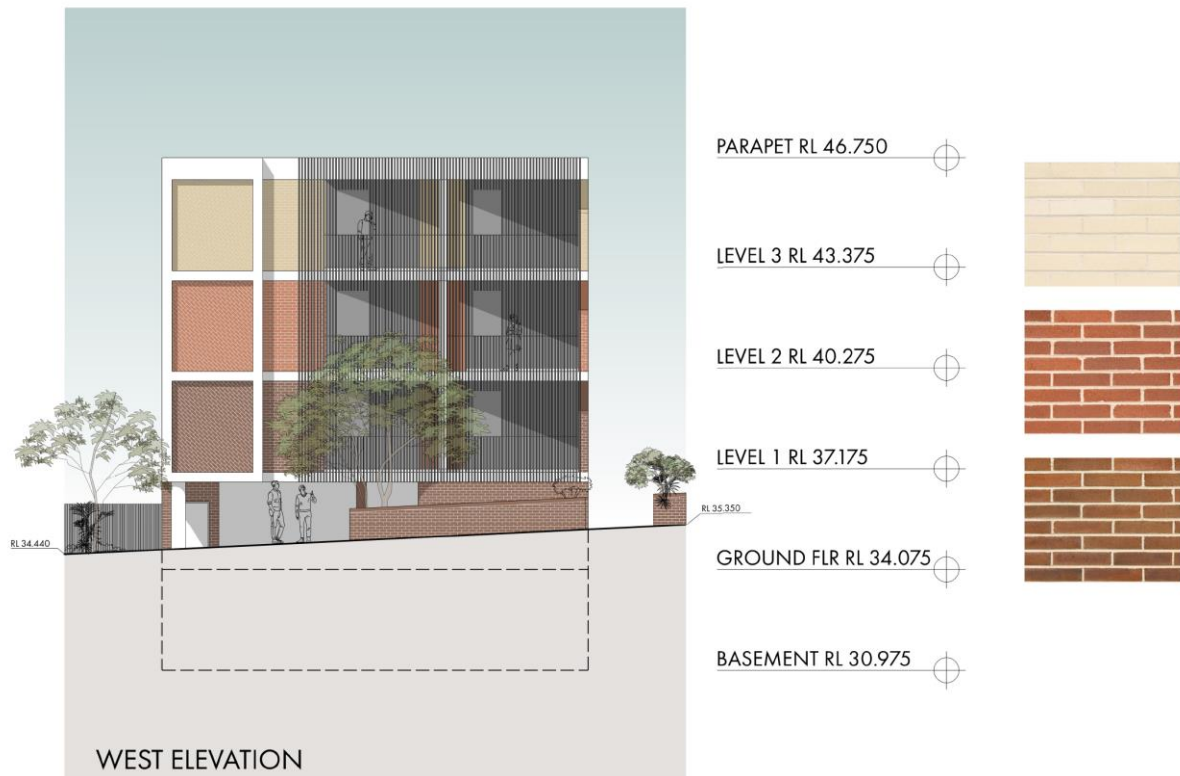


Figure 31
Source: Ross Howieson Architects

The proposal has considered the habitational and social aspects of the typology and integrates a cohesive architectural/urban design solution.

Space has been carefully considered with the proposed building comfortably promoting social interaction and outlook. An enticing balance of compression and expansion of various program components results in a series of environments promising generosity, flexibility and resilience.

Use of high efficiency water fixtures and fittings are proposed throughout the development and will further reduce water consumption.

The approximate quantity and destination of waste generated during the demolition and construction works and recycling are outlined in the waste management plan prepared by the developer.

Natural ventilation of all rooms is achieved due to the design attained by the building form and configuration, thereby reducing the need for continuous use of air conditioning during summer.

Colours and texture have been used with great consideration throughout the facade design to ensure harmonious ties to the site context.

As mentioned previously, earthy colours have been favoured in order to reduce unwanted solar heat gain in summer, and durability has been emphasised in the selection of robust finishes where exposed to the elements.

Lodgers rooms receive excellent levels (at least 3hours) of direct sunlight onto balconies and rooms during mid-winter. The same applies to the internal communal living area.

5.0 Statutory Compliance Assessment

The following is a summary assessment of the proposed development under the heads of consideration as set out under the provisions contained within Section 4.15 (1) of the EP&A Act 1979.

Section 4.15(1) (i)

The provisions of any environmental planning instrument

State Environmental Planning Policy (SEPP) Housing 2021

Co-Living Housing is defined as:

- (a) *has at least 6 private rooms, some or all of which may have private kitchen and bathroom facilities, and*
- (b) *provides occupants with a principal place of residence for at least 3 months, and*
- (c) *has shared facilities, such as a communal living room, bathroom, kitchen or laundry, maintained by a managing agent, who provides management services 24 hours a day, but does not include backpackers' accommodation, a boarding house, a group home, hotel or motel accommodation, seniors housing or a serviced apartment.*

Response

The proposal complies with the definition of Co-Living Housing for the following reasons:

- the proposal provides for 35 rooms, all of which have private kitchen and bathroom facilities;
- each resident will live on site for at least 3months or longer, depending on their circumstances and needs;
- has shared facilities in the form of an internal common room and a generous common open space area at the rear of the site, which receives high levels of solar access and
- an onsite manage/agent provides on going management services 24 hours each day, 365 days a year;

Part 3 Co-Living Housing

67 Co-living housing may be carried out on certain land with consent

Development for the purposes of co-living housing may be carried out with consent on land in a zone in which:

- (a) *development for the purposes of co-living housing is permitted under another environmental planning instrument, or*
- (b) *development for the purposes of **residential flat buildings** or shop top housing is permitted under Chapter 5 or another environmental planning instrument.*

Response

The proposed Co-Living Housing development is only permissible under the sites R4 High Density Residential zone, because residential flat buildings are permissible in that zone.

Because there are no planning controls within the CBLEP 2023 that relate to Co-Living Housing, the provisions within Par 3 – Co-Living Housing of SEPP Housing 2021 are the only controls relevant to that specific land use. Therefore the other controls in CBLEP 2023 and CDCP 2023 do not apply to the proposal as neither have controls relevant to Co-Living Housing.

68 Non-discretionary development standards—the Act, s 4.15

- (1) *The object of this section is to identify development standards for particular matters relating to development for the purposes of co-living housing that, if complied with, prevent the consent authority from requiring more onerous standards for the matters.*

Note—

See the Act, section 4.15(3), which does not prevent development consent being granted if a non-discretionary development standard is not complied with.

- (2) *The following are non-discretionary development standards in relation to development for the purposes of co-living housing—*

Non- Discretionary Development Standards

(a) for development in a zone in which residential flat buildings 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 10% of the maximum permissible floor space ratio if the additional floor space is used only for the purposes of co-living housing,*

(b) for co-living housing containing 6 private rooms:

- (i) *a total of at least 30m² of communal living area, and*
(ii) *minimum dimensions of 3m for each communal living area,*

(c) for co-living housing containing more than 6 private rooms—

- (i) *a total of at least 30m² of communal living area plus at least a further 2m² for each private room in excess of 6 private rooms, and*
(ii) *minimum dimensions of 3m for each communal living area,*

(d) communal open spaces—

- (i) *with a total area of at least 20% of the site area, and*
(ii) *each with minimum dimensions of 3m,*

(e) unless a relevant planning instrument specifies a lower number—

- (i) *for development on land in an accessible area—0.2 parking spaces for each private room, or*
(ii) *otherwise—0.5 parking spaces for each private room,*

(f) for development on land in Zone R2 Low Density Residential or Zone R3 Medium Density Residential—the minimum landscaping requirements for multi dwelling housing under a relevant planning instrument,

(g) for development on land in Zone R4 High Density Residential—the minimum landscaping requirements for residential flat buildings under a relevant planning instrument.

Response

Commentary on the non-discretionary standards is set out below:

In regards to Section 68(2) (g) relating to minimum landscaping requirements, for residential flat buildings under a relevant planning instrument, a relevant planning instrument under SEPP Co-Living Housing means another EPI or a DCP. See definition below:

- *an environmental planning instrument, other than this Policy, or a development control plan, if any, that applies to the land on which the development will be carried out.*

In this particular case for landscaping, it would involve relevant controls within CBLEP 2023 and CBDP 2023. Having reviewed both of these documents, neither has a minimum control for landscaping, therefore the proposed landscaping provided of 447.6m² or 46.4% complies as there is no minimum landscape control in either of these documents.

Please note that non-discretionary development standards are standards that if complied with, prevent A consent authority from:

- taking the non-discretionary development standards into further consideration in determining the DA;
- refusing the DA on the grounds that the development does not comply with those standards and
- imposing a condition of consent that has the same, or substantially the same, effect as the standard but is more onerous than the standard.

Further, Clause 4.15(3) Evaluation as set out under the EP&A Act 1979 does not prevent development consent from being granted if a nondiscretionary development standard is not complied with.

Non-Discretionary Development Standards

Relevant Non-discretionary Development Standards for Co-Living Housing in Housing SEPP

- Maximum permissible Floor Space Ratio plus an additional 10% if used for Co-Living Housing
- For co-living housing with more than 6 private rooms at least 30 sq.m. of communal living area with minimum dimensions of 3m. plus a further 2 sq.m. of communal living area for each room in excess of 6 private rooms
- Communal Open Spaces with a total area of at least 20% of the site area and with a minimum dimension of 3m.
- For Development within an accessible area – 0.2 car spaces for each private room.
- For Development on land in Zone R4 High Density Residential – the minimum landscaping requirements for residential flat buildings under a relevant planning instrument.
- Each private room has a floor area, excluding an area used for the purpose of private kitchen or bathroom facilities of not more than 25 sq.m.
- A minimum internal area of 12 sq.m. for a single occupant and 16 sq.m. for double occupancy
- The minimum lot size to be not less than 800 sq.m. and be within an accessible area.
- An appropriate work space is to be provided for the manager
- Adequate bathroom, laundry and kitchen facilities will be available within the co-living housing for the use of each occupant.
- Each private room will be used by no more than 2 occupants.
- The co-living housing will include adequate bicycle and motorcycle parking spaces.
- Development consent must not be granted for development for the purposes of co-living housing unless the consent authority considers whether the front, side and rear setbacks for the co-living housing on land in Zone R4 High Density Residential are not less than the minimum setback requirements for residential flat buildings under a relevant planning instrument, and if the co-living housing has at least 3 storeys—the building will comply with the minimum building separation distances specified in the Apartment Design Guide.
- At least 3 hours of direct solar access will be provided between 9am and 3pm at mid-winter in at least 1 communal living area.

69 Standards for Co-Living Housing

- (1) *Development consent must not be granted for development for the purposes of co-living housing unless the consent authority is satisfied that—*
- (a) *each private room has a floor area, excluding an area, if any, used for the purposes of private kitchen or bathroom facilities, that is not more than 25m² and not less than:*

Response

The rooms vary in size by between 18m² and 39m² (Managers Room), therefore complying with this control.

- (i) *for a private room intended to be used by a single occupant—12m², or*
(ii) *otherwise—16m², and*

Response

Complies because the smallest room is 18m².

- (b) *the minimum lot size for the co-living housing is not less than—*
(i) *for development on land in Zone R2 Low Density Residential—600m², or*
(ii) *for development on other land—800m², and*
(iii) *(Repealed)*

Response

The subject site has a site area of 963.2m² and exceeds the 800m² control.

- (c) *for development on land in Zone R2 Low Density Residential or an equivalent land use zone, the co-living housing—*
(i) *will not contain more than 12 private rooms, and*
(ii) *will be in an accessible area, and*

Response

The site is zoned R4 High Density Residential. Because this section refers to R2 Low Density Residential this clause is therefore N/A.

- (d) *the co-living housing will contain an appropriate workspace for the manager, either within the communal living area or in a separate space, and*

Response

The proposed communal room is afforded a total floor area of 88m² and therefore can readily accommodate a small work station, such as a table and chairs. This communal room is regular in shape in order to allow the on site manager to work from without impacting upon the amenity of those residents using this room. The on site manager would work from this room during normal business hours when most residents are not on site because of work or social commitments.

- (e) *for co-living housing on land in a business zone—no part of the ground floor of the co-living housing that fronts a street will be used for residential purposes unless another environmental planning instrument permits the use, and*

Response

Not applicable as the proposal is not located in a business zone and is to be used for Co-Living residential accommodation.

- (f) *adequate bathroom, laundry and kitchen facilities will be available within the co-living housing for the use of each occupant, and*

Response

Compliance with best practice standards. The abovementioned amenities are provided in each room.

- (g) *each private room will be used by no more than 2 occupants, and*

Response

Each room is generous in size, having areas of between 18m² and 39m² (Managers Room) and will provide for no more than 2 residents in each room. See Table 1.

- (h) *the co-living housing will include adequate bicycle and motorcycle parking spaces.*

Response

See basement car park. The design provides for 8 bicycle spaces and 3 motor bike spaces, which complies with the respective standards.

- (2) Development consent must not be granted for development for the purposes of co-living housing unless the consent authority considers whether—
- (a) the front, side and rear setbacks for the co-living housing are not less than—
for development on land in Zone R2 Low Density Residential or Zone R3 Medium Density Residential—the minimum setback requirements for multi dwelling housing under a relevant planning instrument, or

Response

Not applicable because the site is zoned R4 High Density Residential.

- (i) for development on land in Zone R4 High Density Residential—the minimum setback requirements for residential flat buildings under a relevant planning instrument, and relevant planning instrument means an environmental planning instrument, other than this Policy, or a development control plan, if any, that applies to the land on which the development will be carried out.

Response

The following comments are made in respect of this control:

- the site is zoned R4 High Density Residential under the provisions of CBLEP 2023. Co-Living Housing is not permissible under the R4 High Density Residential zone however because residential flat buildings are permissible, Co-Living Housing becomes permissible.
- The definition of “relevant planning instrument” is separately defined under SEPP Housing 2021 as meaning:

*“an environmental planning instrument, other than this Policy, **or a development control plan**, if any, that applies to the land on which the development will be carried out.*

It is noted that that definition includes a DCP, which is quite unusual because the definition of an Environmental planning instrument (EPI) is different to the definition of “environmental planning instrument” as set out under the EP&A Act 1979, is defined as:

“environmental planning instrument means an environmental planning instrument (including a SEPP or LEP but not including a DCP) made, or taken to have been made, under Part 3 and in force”.

Because of the definition of relevant planning instrument in SEPP Housing 2021, consideration must be given to Clause 5.2.6 within Section 5 of CBDP 2023 for Residential Flat Buildings. See this control below:

5.2.6 Setbacks Objectives

- 01 To establish the desired spatial proportions of the street and define the street edge.
- 02 To limit the scale and bulk of development by retaining landscaped open space around.
- 03 To contribute to the natural landscape by retaining adequate space for new trees and conserving existing visually prominent trees.
- 04 To provide sufficient separation between buildings and adjacent land to limit the visual, environmental and likely potential amenity impacts of new development.
- 05 To minimise stormwater run-off by retaining deep soil areas that facilitate rainwater infiltration.

Development controls

Front, side and rear

C1 Development, including basement and sub-floor areas, fronting a major road must have a minimum front setback of 9m.

C2 Development must comply with the minimum setbacks as follows:

(a) A minimum setback of 6m from the front and rear boundary.

(b) A minimum setback of 4m from the side boundaries.

(c) All buildings shall provide a building form comprising a podium base element and an upper element which provides an additional setback in accordance with the table below:

Response

Kent Street is not a major road. The proposed front and rear setbacks of 6m (minimum) comply with clause with C2 (a).

The proposed design provides side building setbacks of 3m on both the northern and southern boundaries and as such, the proposal does not comply with the minimum side setback control of 4m set out under Clause C2 (b). Notwithstanding the 1m departure from the standard, the variation of the control is justified for the following reasons:

- The proposal involves the construction of a four (4) storey Co-Living Development. This type of housing functions in a different manner to the way in which residential apartment buildings function. In this respect, most residents/lodgers do not spend the same amount of time in their rooms as those residents living in a residential apartment;
- The proposed building is on the interface with a RFB to the north and single residential dwellings to the south. The proposed building design responds to the sites context by providing screening features that do not allow residents within the Co-Living Housing development to look into neighbouring properties amenity areas. The proposed design does not fully enclose each room's balcony, which allows natural light and air flow. The side brick walls of each balcony extend up to 1.8m in height (blank walls), which is to avoid overlooking into neighbouring properties. Further, each balcony faces the rear wall of the proposed room in front to further avoid overlooking into neighbouring properties. These balconies by definition are not deemed to be habitable rooms. See **Figure 32** that demonstrates how the design does not permit overlooking while still allowing natural light, outlook and airflow to be achieved;
- Those properties to the south that currently have single dwellings sited on them and front Chalmers Street, will if developed for residential apartment buildings, have a minimum rear setback of 6m. Further, this future setback would minimise overshadowing and any impacts upon privacy;
- The windows on each side elevation allow natural light into hallways and bathrooms;
- Pockets of deep soil with landscaping is provided along each side boundary. See detailed landscape plan prepared by ISTHMUS accompanying the DA;
- Because the subject development is to be located on the southern side of the existing RFB at 28-30 Kent Street, the proposed development will not generate any overshadowing onto that existing RFB;
- The building separation distance between the proposed Co-Living Housing Development and the existing RFB to the north will be approximately 9m (habitable balconies of RFB to side non-habitable balcony wall of the proposed Co-Living Housing development) and
- The proposed ground floor setbacks of the rooms within the Co-Living Housing development are screened by 1.8m high lapped and capped timber fencing and landscaped to further avoid overlooking and loss of privacy.

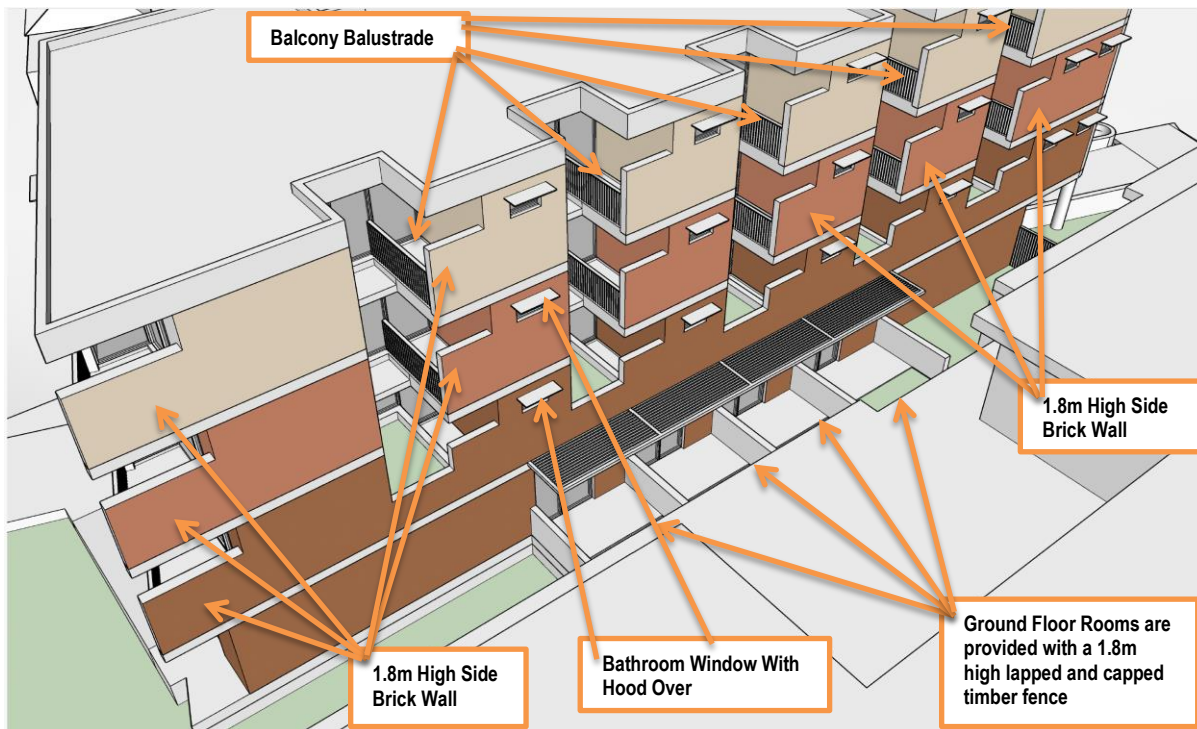


Figure 32
Source: Ross Howieson Architects

C3 A minimum width of deep soil alongside boundaries of 2m and minimum of 5m wide along front/rear boundaries.

Response

Pockets of deep soil up to 6m in width is provided along the front and rear boundaries of the site, which readily complies with this control.

(b) if the co-living housing has at least 3 storeys—the building will comply with the minimum building separation distances specified in the Apartment Design Guide, and

Response

The proposed Co-Living Housing development comprises of four (4) storeys and therefore the Apartment Design Guideline is applicable in terms of this control however in terms of its merits, the relevant control is satisfied for the following reasons:

- The minimum building separation distance set out under the Apartment Design Guide (ADG) for habitable rooms on habitable rooms is 12m and
- On the northern side of the of the proposed Co-Living Housing development, the balconies are screened by face brickwork (blank wall) up to a height of 1.8m along the side of each balcony to avoid overlooking into neighbours properties and loss of amenity. Because of the proposed screening, the balcony is not a habitable room and therefore the 3m separation distance is permissible.

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

Response

Full compliance with this control. See extracts of detailed solar access drawings in this report and drawn to scale drawings accompanying the DA.

(d), (e) (Repealed)

(f) the design of the building 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.

Response

There are a number of examples in case law which demonstrate that the character test found in Clause 30A of that SEPP (and now continued in SEPP Housing 2021 under Clause 69(2)(f)) is “one of compatibility not sameness”, (*Gow v Warringah Council [2013] NSWLEC 1093*) and that compatibility is widely accepted to mean “capable of existing together in harmony” (*Project Venture Developments v Pittwater Council [2005] NSWLEC 1029*).

It had also been found that in measuring the “compatibility” of both the existing and future character of the local area needs to be taken into account (*Sales Search Pty Ltd v The Hills Shire Council [2013] NSWLEC 1052* and *Redevelop Projects Pty Ltd v Parramatta City Council [2013] NSWLEC 1029*).

Further, in *Redevelop Projects Pty Ltd v Parramatta City Council [2013] NSWLEC 1029*, Commissioner Morris concluded that the “local area” includes both sides of the street and the “visual catchment” as the minimum area to be considered in determining compatibility.

With regards to the subject site, the visual catchment would include both sides of Kent Street and to those new apartments buildings to the north and east of the site.

Of key importance to the character test, it is considered that the local area that the site is a part of is undergoing a transition from single and two (2) storey dwellings to more intense developments such as multi-level residential flat buildings up to 4 to 5 storeys in height.

It is also noted that the surrounding area, to the east and south of the site, is zoned for a R4 High-Density Residential.

As a result, the character test carried out below will determine whether the design of the building is compatible with the desired future character of the area/precinct.

Having regards to the above comments, it is considered that the proposed development is in keeping with the desired future character of the area.

The proposal has been well articulated through the proposed materials and finishes, along with recessions and protrusions of built elements, which alleviate any perception of a adverse built form and promote a desirable degree of articulation.

Landscaping, detailed within the proposed landscape plan, also assists in visually softening and providing high biodiversity value of the site to the streetscape and locality.

The proposed development is a positive example of contemporary development that respects the expected emerging character of the area while providing a modern design that will set a positive precedence for future high-density developments along Kent Street.

- (3) Subsection (1) does not apply to development for the purposes of minor alterations or additions to existing co-living housing.

Response

Not applicable as the proposal involves the construction of a new four (4) storey building that is only to be used for Co-Living Housing.

70 No subdivision

Development consent must not be granted for the subdivision of co-living housing into separate lots.

Comment

This clause is a prohibition. The proposal does not seek to subdivide each room and common property.

There are no controls within CBDP 2023 that relate to Co-Living Housing. The submission now before

Council has considered all of the above controls.

State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 4 – Remediation of Land of SEPP (Resilience and Hazards) 2021 aims to provide a State wide planning approach to the remediation of contaminated land, in particular, it promotes the remediation of contaminated land for the purpose of reducing the risk of harm to human health or to the environment in general:

“by specifying when consent is required, and when it is not required, for a remediation work, and by specifying certain considerations that are relevant in rezoning land and in determining development applications in general and development applications for consent to carry out a remediation work, in particular, and by requiring that a remediation work meet certain standards and notification requirements.”

Chapter 4 requires the consent authority when assessing a DA to consider whether the subject land is likely to be contaminated. In this respect, Council must be satisfied that the land is suitable for the purpose for which development consent is sought or whether remediation of the land needs to occur prior to such use occurring.

A desk top search has been carried out to assess whether the site has been used in the past for a non-residential use such as light industrial or any form of commercial purposes. The site appears from archival aerial photos that most existing structures on the land have been there since its original subdivision back in the early 1940's was created. See achieved aerial photo at **Figure 33**.

The land has never been used in the past for non-residential purposes and Council has no records of the site being used for non-residential purposes. Accordingly, having regards to this information, the relevant provisions within Chapter 4 of SEPP (Resilience and Hazards) 2021 are satisfied.



Figure 33
Source: Explorer

State Environmental Planning Policy (SEPP) (Transport and Infrastructure) 2021

SEPP (Transport and Infrastructure) 2021 was gazetted on 1 March 2022 and aims to facilitate the effective delivery of infrastructure across the State by:

- *“improving regulatory certainty through efficiency through a consistent planning regime for infrastructure and the provisions of services;*
- *providing greater flexibility in the location of infrastructure and service facilities, and*
- *allowing for the efficient development, redevelopment or disposal of surplus government owned land, and*
- *identifying the environmental assessment category into which different types of infrastructure and services development fall (including identifying certain development of minimal environmental impact as exempt development, and*
- *identifying matters to be considered in the assessment of development adjacent to particular types of infrastructure development, and*
- *providing for consultation with relevant public authorities about certain development during the assessment process or prior to development commencing.”*

Comment

The proposal provides for the creation of a semi-basement car park that provides for seven (7) car spaces, 8 bicycle and 3 motorcycle spaces, which comply with the minimum prescribed standards for this type of land use.

Because the site is not within 90m of a classified road the proposal is not required to be referred onto Transport for NSW (TfNSW) for consideration.

The proposed development is not a traffic generating development as it is not development specified in Column 1 of the Table to Schedule 3 of SEPP Transport & Infrastructure 2021.

A traffic report prepared by Motion Traffic Engineers accompanies the application under separate cover and confirms the traffic movements generated by the 35 rooms is low and can readily be absorbed into the surrounding road network. See their conclusion below:

This traffic impact assessment reports relates to a proposed co-living residential development at 32-34 Kent Street, Belmore. Based on the analysis and discussions presented in this report, the following conclusions are made:

- *The proposed co-living residential development is in a residential area with excellent access to local public transport service and there are a reasonable number of vacant car spaces on a weekday along on Kent Street*
- *The nearby assessed intersections perform well with spare capacity for the existing traffic conditions*
- *The car parking requirements outlined in the State Environmental Planning Policy (Housing) 2021 has been used for this assessment. The proposed co-living residential development complies with State Environmental Planning Policy (Housing) 2021's car parking requirements*
- *The proposed co-living residential development is expected to generate a low number of additional trips in AM peak hours.*

According to the intersection assessment, the additional trips can be accommodated in the nearby intersections without significantly affecting the performance of any turn movement, approach arm or the overall intersection. The traffic impacts of the proposed development are therefore considered acceptable.

There are no traffic engineering reasons why a development consent for the Co-living residential development in Belmore should be refused.

State Environmental Planning Policy (SEPP) (Biodiversity and Conservation) 2021

SEPP (Biodiversity and Conservation) 2021 applies to land that falls within the catchment of Sydney Harbour, as identified in the SEPP. The land drains into Sydney Harbour Catchment via Parramatta River. The relevant controls contained within SEPP (Biodiversity and Conservation) 2021 are set out as follows:

6.6 Water Quality and Quantity

- (1) *In deciding whether to grant development consent to development on land in a regulated catchment, the consent authority must consider the following—*
 - (a) *whether the development will have a neutral or beneficial effect on the quality of water entering a waterway,*
 - (b) *whether the development will have an adverse impact on water flow in a natural waterbody,*
 - (c) *whether the development will increase the amount of stormwater run-off from a site,*
 - (d) *whether the development will incorporate on-site stormwater retention, infiltration or reuse,*
 - (e) *the impact of the development on the level and quality of the water table,*
 - (f) *the cumulative environmental impact of the development on the regulated catchment,*
 - (g) *whether the development makes adequate provision to protect the quality and quantity of ground water.*
- (2) *Development consent must not be granted to development on land in a regulated catchment unless the consent authority is satisfied the development ensures—*
 - (a) *the effect on the quality of water entering a natural waterbody will be as close as possible to neutral or beneficial, and*
 - (b) *the impact on water flow in a natural waterbody will be minimised.*

Comment

The proposed development satisfies the relevant controls under Clause 6.6 for the following reasons:

- Stormwater is to be managed so that there is no opportunity to create polluted discharge into local stormwater catchment such as Parramatta River.
- The site is not located on the Foreshores and Waterways Area Map of SEPP 2021.
- The proposal will not impact on accessibility to and along the Parramatta River and its Foreshore and accordingly, the proposal is consistent with the aims and objectives of the SEPP Housing 2021.

State Environmental Planning Policy (SEPP) (Building Sustainability Index: BASIX) 2004 NSW Comment

The aim of this policy is to ensure there is consistency in the implementation of the BASIX Scheme throughout the State.

The policy overrides the provisions of other environmental planning instruments and development control plans that would otherwise add to, subtract from or modify any obligation to comply with this policy.

The application is accompanied by a new BASIX Certificate, which has assessed the environmental qualities of the Co-Housing development and therefore complies with best practice standards of the SEPP.

Local Environmental Plan

Canterbury Bankstown LEP 2023

The site is zoned R4 High Density Residential under the provisions of Canterbury Bankstown LEP (CBLEP) 2023. See **Figure 34**.

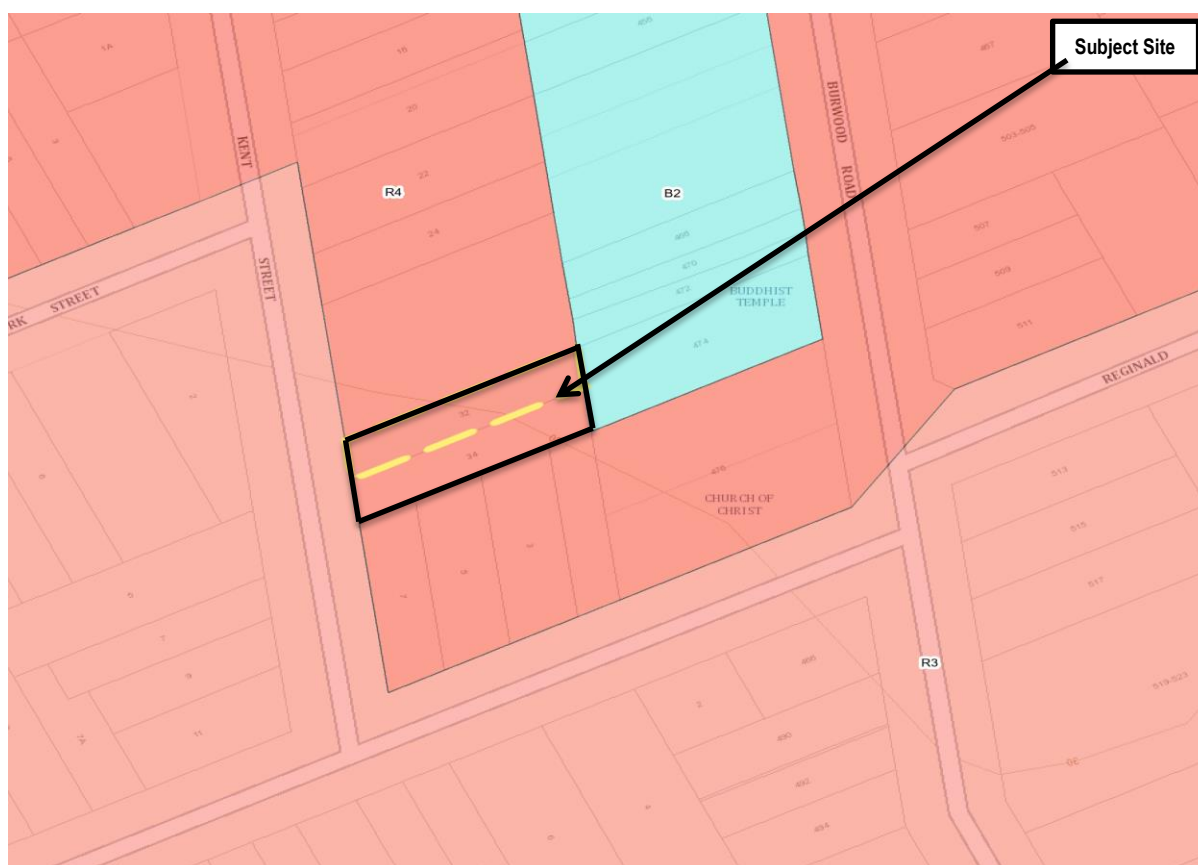


Figure 34

Source: Zone Map – Canterbury Bankstown LEP 2023

The zone objectives and permissible land uses in the zone are set out below:

Zone R4 High Density Residential

1 Objectives of zone

- 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.

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; Home businesses; Multi dwelling housing; Neighbourhood shops; Oyster aquaculture; Places of public worship; Recreation areas; **Residential flat buildings**; Respite day care centres; Roads; Secondary dwellings; Serviced apartments; Shop top housing*

4 Prohibited

Any development not specified in item 2 or 3

Comment

Co-Living Housing" is defined under the dictionary of CBLEP 2023 as meaning:

- (a) *has at least 6 private rooms, some or all of which may have private kitchen and bathroom facilities, and*
- (b) *provides occupants with a principal place of residence for at least 3 months, and*
- (c) *has shared facilities, such as a communal living room, bathroom, kitchen or laundry, maintained by a managing agent, who provides management services 24 hours a day, but does not include backpackers' accommodation, a boarding house, a group home, hotel or motel accommodation, seniors housing or a serviced apartment.*

Comment

Co-Living Housing" is not listed as a permissible land use under the R4 High Density Residential zone. However, while Co-Living Housing is included within the definition of Residential Accommodation under CBLEP 2023, it is also not listed as a permissible use under the R4 High Density Residential zone. Having regards to this, Co-Living Housing is prohibited in the R4 High Density Residential zone however is permissible under SEPP Housing 2021 having regards to Section 67(b) of SEPP Housing 2021, which states:

- 67 (b) *development for the purposes of **residential flat buildings** or shop top housing is permitted under Chapter 5 or another environmental planning instrument.*

Co-Living Housing is therefore permissible because of Section 67 (b) of SEPP Housing 2021 because residential flat buildings are permissible in that R4 High Density Residential zone.

2.4 Unzoned Land

Comment

Not applicable to this application.

2.5 Additional Permitted Uses of Particular Land

Comment

Not applicable to this application.

2.6 Subdivision – Consent Requirements

Comment

Not applicable to this application

2.7 Demolition Requires Consent

Comment

The proposal seeks development consent to demolish all existing structures on the land.

2.8 Temporary Use of Land

Comment

Not applicable to this application.

2.9 Canal Estate Development Prohibited

Comment

Not applicable to this application.

Land Use Table

Part 3 Exempt and Complying Development

Comment

Not applicable to this application.

Part 4 Principal Development Standards

4.1 Minimum Subdivision Lot Size

Comment

Not applicable to this application.

4.1AA Minimum Subdivision Lot Size for Community Title Schemes

Comment

Not applicable to this application.

4.1A Minimum Lot Sizes and Special Provisions for Dual Occupancies

Comment

Not applicable to this application.

4.1B Minimum Lot Sizes and Special Provisions for Certain Dwellings

Comment

Not applicable to this application.

4.1C Minimum lot sizes for dwelling houses on battle-axe lots in certain residential zones

Comment

Not applicable to this application.

4.2 Rural Subdivision

Comment

Not applicable to the subject land.

4.3 Height of Buildings

Comment

The height of buildings map contained within CBLEP 2023 identifies the site as having a maximum height limit of 14m. See Height of Buildings Map a **Figure 35**.

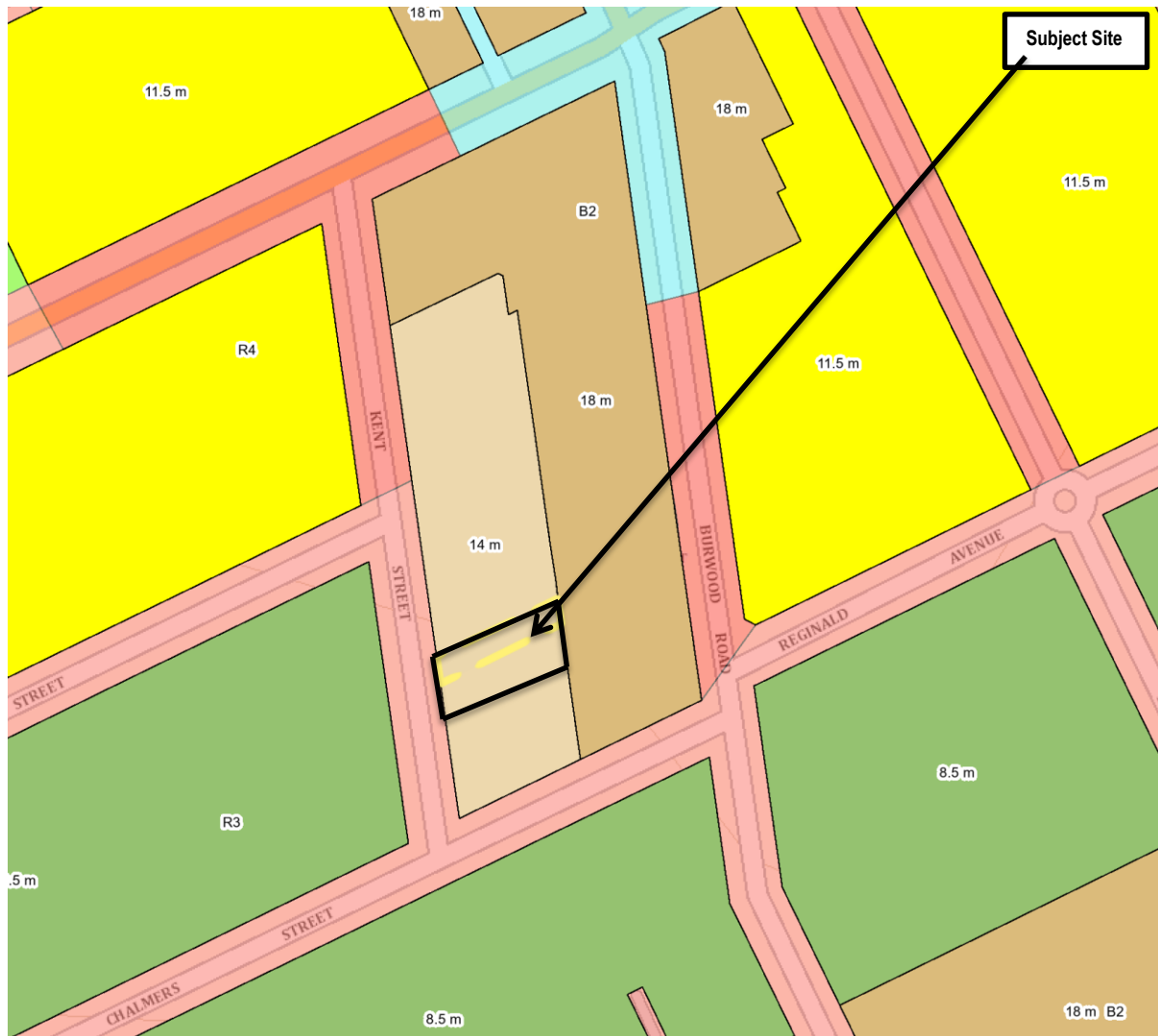


Figure 35
Source: Height of Buildings Map – CBLEP 2023

The accompanying drawings demonstrate that the proposed Co-Living Housing development is below the 14m height control and therefore complies with this control.

4.4 Floor Space Ratio (FSR)

Comment

The subject site is subject to a FSR control of 1.4:1. See extract of FSR map at **Figure 36**.

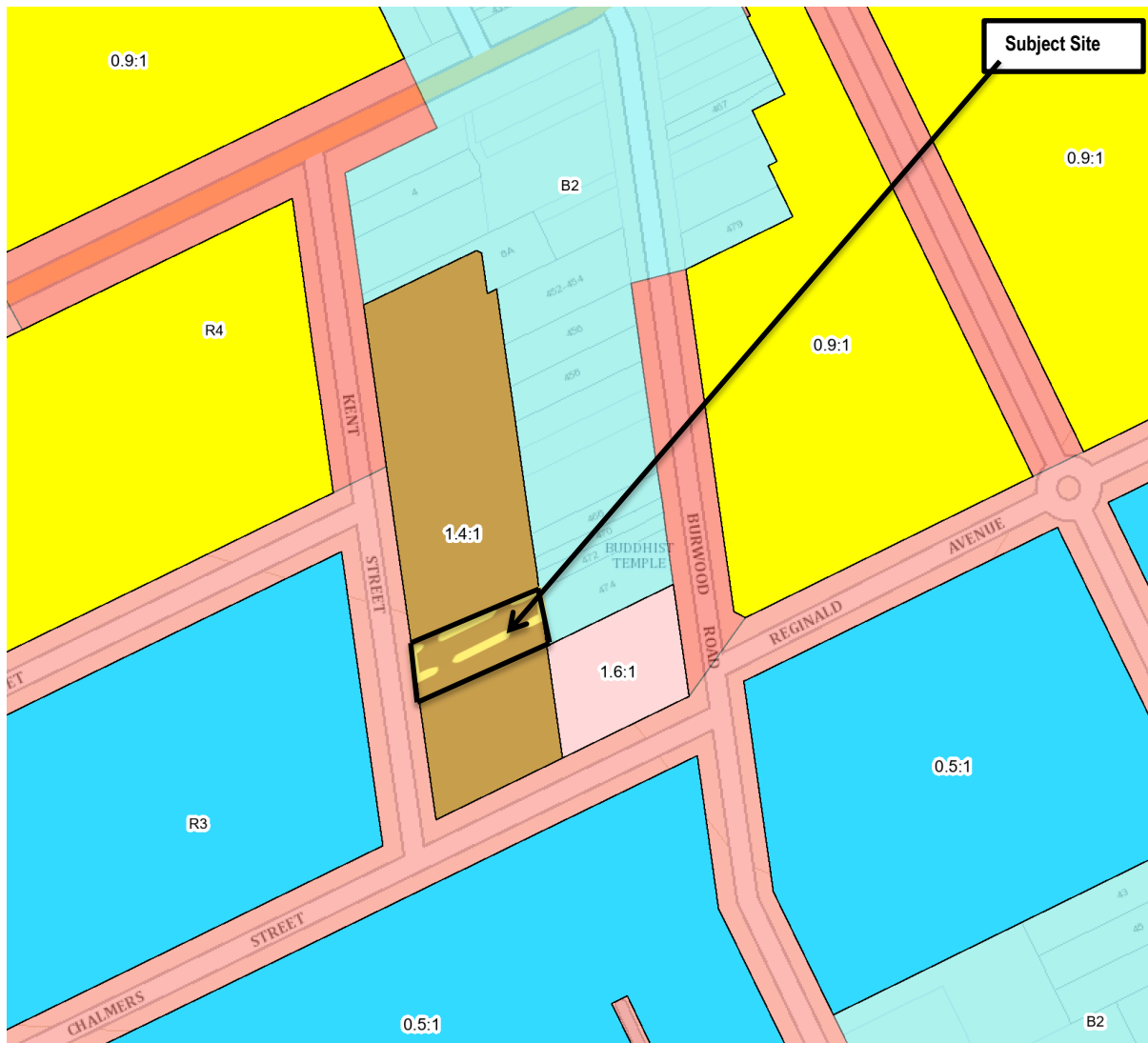


Figure 36
Source: FSR Map – CBLEP 2023

The proposed FSR is 1.37:1 and is therefore slightly below this control and therefore this control is satisfied.

4.5 Calculation of Floor Space Ratio and Site Area

Comment

The proposed GFA is 1323.5m² divided into 963.2m² = 1.37:1, satisfying this FSR control governing this site.

4.6 Exceptions to Development Standards

Comment

This clause is not relevant to the application before Council

Miscellaneous Provisions

5.1 Relevant Acquisition Authority

Comment

This clause is not relevant to the application before Council

5.1A Development on land intended to be acquired for public purposes

Comment

This clause is not relevant to the application before Council

5.2 Classification and Reclassification of Public Land

Comment

This clause is not relevant to the application before Council.

5.3 Development Near Zone Boundaries

Comment

This clause is not relevant to the application before Council.

5.4 Controls Relating to Miscellaneous Permissible Uses

Comment

This clause is not relevant to the application before Council

5.5 Controls Relating to Secondary Dwellings on Land in a Rural Zone

Comment

Not adopted

5.6 Architectural Roof Features

Comment

The proposal does not provide any architectural roof features.

5.7 Development Below Mean High Water Mark

Comment

This clause is not relevant to the application before Council

5.8 Conversion of Fire Alarms

Comment

This clause is not relevant to the application before Council

5.9 Dwelling House or Secondary Dwelling Affected by Natural Disaster

Comment

This clause is not relevant to the application before Council

5.10 Heritage Conservation

Comment

The dwellings and other structures on the site are not listed as heritage items, nor is there any heritage items located in the vicinity of the site. Further, the site is not located within a heritage conservation area and therefore this control is not applicable to this application.

5.11 Bushfire Hazard Reduction

Comment

This clause is not relevant to the application before Council as the site is not located on bushfire prone land.

5.12 Infrastructure Development and Use of Existing Buildings of the Crown

Comment

This clause is not relevant to the application before Council.

5.13 Eco-Tourist Facilities

Comment

This clause is not relevant to the application before Council.

5.14 Sliding Spring Observation – Maintaining Dark Sky

Comment

Not adopted.

5.15 Defence Communication Facilities

Comment

Not adopted.

5.16 Subdivision of Dwellings on, Land in certain Rural, Residential Conservation Zones

Comment

Not adopted.

5.17 Artificial Waterbodies in Environmentally Sensitive Areas in Areas of Operation of Irrigation Corporation

Comment

Not adopted.

5.18 Intensive Livestock Agriculture

Comment

Not adopted.

5.19 Pond- Based, Tank-Base and Oyster Aquaculture

Comment

This clause is not relevant to the application before Council.

5.20 Standards that Cannot Be Used to Refuse Consent to Playing and Performing Music

Comment

This clause is not relevant to the application before Council.

5.21 Flood Planning

Comment

This clause is not relevant to the application before Council.

5.22 Special Flood Considerations

Comment

Not adopted.

5.23 Public Bushland

Comment

This clause is not relevant to the application before Council.

5.24 Farm Stay Accommodation

Comment

Not adopted.

5.25 Farm Gate Premises

Comment

Not adopted.

Part 6 Additional Local Provisions

6.1 Acid Sulfate soils

Comment

Not applicable to this DA submission.

6.2 Earthworks

Comment

This control is satisfied because:

- the proposed development provides for a semi basement car park;
- earthworks proposed do not alter existing drainage patterns;
- Overland flow of stormwater from the subject site will be enhanced by the proposal because it will be captured on-site and re-used to allow for the watering of plants, not dispersed onto adjoining land and
- no natural watercourses or rivers are being adversely impacted upon by the proposed development.

6.3 Stormwater Management and Water Sensitive Urban Design

Comment

The site is not subject to flooding and as such this clause is not relevant to the application before Council

6.4 Biodiversity

Comment

The site is located within a well-established residential neighbourhood where many fundamental services are provided. The biodiversity on the land and the neighbourhood will generally be enhanced by the proposed development with new native landscaping and subsequent fauna habitats being introduced.

6.5 Riparian Land and Watercourses

Comment

This clause is not relevant to the application before Council.

6.6 Limited development on foreshore area

Comment

This clause is not relevant to the application before Council.

6.7 Development in areas subject to aircraft noise

Comment

This clause is not relevant to the application before Council.

6.8 Airspace operations

Comment

This clause is not relevant to the application before Council.

6.9 Essential Services

Comment

This clause is not relevant to the application before Council.

6.10 Active street frontages

Comment

This clause is not relevant to the application before Council.

6.11 Location of sex services premises

Comment

This clause is not relevant to the application before Council.

6.12 Special Provisions for Shop Top Housing

Comment

This clause is not relevant to the application before Council.

6.13 Special provisions for centre-based child care facilities

Comment

This clause is not relevant to the application before Council.

6.14 Restrictions on development in Zone B4

Comment

This clause is not relevant to the application before Council as the subject site is not zoned B4.

6.15 Design Excellence

Comment

This clause is not relevant to the application before Council.

6.16 Design excellence at certain land in Bankstown

Comment

This clause is not relevant to the application before Council.

Section 4.15 (1) (a) (ii)

The provision of any draft environmental planning instrument.

There are no proposed environmental planning instruments that are applicable to this site or the form of development proposed.

Section 4.15 (1) (a) (iii)

Development Control Plan (DCP)

Canterbury Bankstown Development Control Plan (CBDCP) 2023

Because Co-Living Housing (Residential Accommodation) is prohibited under the R4 High Density Residential zone of CBLEP 2023, Co-Living Housing becomes permissible because Residential Flat Buildings are permissible in the R4 High Density Residential zone.

This approach however is to only permit Co-Living Housing, it does not open the gate to introduce and consider all of the controls within CBDCP 2023 to govern the proposal, although I note there are no other controls in the DCP that specifically refer to Co-Living Housing. The only control within CBDCP 2023 that is applicable relates to setbacks.

As mentioned above, Clause 5.2.6 "Setbacks" of CBDCP 2023 is the only policy control applicable to the proposed development.

The proposed development has been designed with particular attention to the amenity of its future occupants, neighbouring properties and the public domain. Other controls within CBDCP 2023 are not

applicable to this proposal because as mentioned above, Low-Income Housing is prohibited under the R4 High Density Residential zone of CBLEP 2023.

Section 69 (2) (ii) Standards for Co-Living Housing within SEPP Housing 2021 states that:

“(2) Development consent must not be granted for development for the purposes of co-living housing unless the consent authority considers whether—

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

It is noted by definition under SEPP Housing 2021 that “relevant planning instrument” means:

“an environmental planning instrument, other than” this Policy, or a development control plan, if any, that applies to the land on which the development will be carried out”.

“environmental planning instrument” means an environmental planning instrument (including a SEPP or LEP but not including a DCP) made, or taken to have been made, under Part 3 and in force”.

Section 4.15 (a) (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

The applicant has at this stage not entered into or has been asked to enter into any agreement under Section 7.4.

Section 4.15 (1) (a) (iv)

Matters Prescribed by the Regulations

There are no matters prescribed by the Regulations applicable to this application.

Section 4.15 (b)

Likely Impacts of That Development

Social and Economic Impacts on the Locality

The proposed development will provide a positive social benefit to the community, providing new low cost residential accommodation in an area well-served by public transport services (rail and bus) and local infrastructure.

The Co-Living Housing development is considered to be of a high architectural quality and fabric, promoting residential amenity for future occupants. The proposal includes adaptable designs to positively address the differing lifestyles of future residents.

Furthermore, the proposal will provide for a positive economic impact as the site is in a location that is close to well-served public transport infrastructure, businesses, shops and services, which benefits the future residents of the building who want to live, work and enjoy the amenities provided for in the broader locality.

Notwithstanding, the proposal will provide opportunities for social interaction of occupants within the development within the communal areas. The proposal will also deliver a more affordable housing typology by virtue of the small size of the rooms. It is anticipated that a large component of the occupants will be key workers offering a diverse social mix.

Accordingly, there are no foreseen negative social or economic impacts associated with the proposed development.

Promote Safety Through Design of Buildings

The proposed development provides significantly increased natural surveillance of the adjacent street both during the day and the night. The entries to the development will be appropriately lit at night to enhance safety, visibility and legibility. Effective access control has been achieved through the provision of physical barriers to attract, channel and/or restrict the movement of residents within the proposed development. The internal areas within the development such as the entrances, basement and lobbies will be well used by residents. The common area will be under the supervision of the residents of the rooms above. The use and supervision of the common areas will reduce any opportunities for crime.

Communal Living Room

The proposal provides for 35 double sized rooms and a common room inside the building, which is afforded an accessible toilet and a kitchen bench. Common tables and chairs will likely be introduced before the premises will be occupied.

The proposal includes an especially generous provision of communal internal space, and on this basis the location of the communal areas is such that they receive at least 3 hours direct solar access to their windows between 9am and 3pm on the winter solstice.

Building Design

The proposal provides a high quality contemporary development that responds to the anticipated built form character of surrounding development.

The proposal is of a compatible scale with the emerging character in the street block and addresses the street frontage, defines and reinforce the street edge and encloses the common open space to create a secure and protected environment.

A large rear common open space courtyard is provided with excellent landscaping to enhance this areas presentation to users.

Public Utilities

The public utility infrastructure required to be augmented to support the proposed development includes:

- water;
- sewerage;
- electricity;
- telecommunications;
- stormwater systems and
- roads.

Crime Prevention and Safety

The proposed Co-Living Housing development has been designed with respect to the principles of Crime Prevention through Environmental Design.

The following comments are made with respect to the principles of surveillance, access control, territorial reinforcement and space management:

Surveillance

The proposed Co-Living Housing development has been designed to minimise blind corners in communal and entry areas.

The proposal provides for casual surveillance over Kent Street in the form of habitable rooms, communal living areas and private open space in the form of ground floor courtyards and balconies on upper levels.

The entry is clearly identifiable through the use of special design techniques, articulation and different colours and materials; and is easily identified from Kent Street, further encouraging visual and casual surveillance.

Internal and external common areas are to be well-lit, to ensure surveillance is possible at all hours and to minimise dark shadows, without causing light disturbance.

Access Control

The Co-Living Housing development will be clearly identified with street numberings designed in accordance with the Council's requirements. As noted above, the pedestrian entries and vehicular entrance to the site will be clearly delineated with visual cues such as footpaths, driveways and fencing.

Access to the development will be controlled via a security system.

Territorial Reinforcement

The development will be constructed of high-quality materials that can be easily cleaned should vandalism occur. External areas will be well-lit and monitored to discourage graffiti and vandalism.

Space Management

Each room is to be locked with separate keys or swipe cards. Appropriate lighting will be provided to external areas to ensure they are well-lit. The proposed materials and finishes are hardwearing to minimise maintenance costs.

Amenity

The proposed development has been designed with particular attention to the amenity of its future occupants, neighbouring properties and the public domain.

The proposed development is responsive to the opportunities and constraints of the site and its surrounds, particularly in regards to topography, vegetation, neighbouring buildings, noise, impact of street traffic, over shadowing, overlooking, solar access into units and common open space and views. This has culminated in generating a unique design which creates a sense of space, connectivity to public and private space, fixed brick walls that do not allow residents to view into neighbouring properties amenity areas.

Landscaping

This application is accompanied by a detailed landscape plan prepared by ISTHMUS Architects Pty Ltd. The species of native landscaping selected is appropriate because they are used to a hot dry climate, such as that found in Belmore.

Parking and Access

A total of 7 car parking spaces are provided in the basement to meet the demand generated by the proposed 35 rooms in the overall development.

Access into and out of the building is over a combined driveway off Kent Street. The car parking provided meets the SEPP's car parking numeric standards of 1 space per 0.2 spaces. See Traffic Report prepared by Motion Traffic Engineers accompanying the DA.

Design Scheme

The proposed development is responsive to the opportunities and constraints of the site and its surrounds with regard to topography, vegetation, neighbouring buildings, internal layout of rooms, crime prevention, noise, impact of street traffic, solar access and views. This has culminated in generating a design which creates a sense of space, connectivity to common open space, solar access and privacy throughout the complex. This is achieved by the following design initiatives:

- providing good sized windows and sliding glass doors to enhance the amenity of future residents through the provision of solar access and ventilation;
- balconies are afforded metal balustrading, allowing natural light onto balconies;
- providing each unit with good solar access and cross ventilation to comply and exceed the standards set out under SEPP Housing 2021 for Low-Cost Housing;
- generous setbacks to the front and rear of the building offer good areas for landscaping;
- room sizes meet or exceed market demand in this region;
- water harvesting infrastructure has been introduced;
- short paths of travel between units to access the stairs and central lift, enable ease of access and minimises the volume of persons travelling past each room;
- CPTED principles have been introduced to enhance the sense of safety and security for residents;
- generous open floor plans to promote a quality living environment for future residents;
- floor plan layout will afford a high level of efficiency and privacy and
- balconies to those rooms on the upper floors and face the street are provided with an attractive outlook to the surrounding neighbourhood over landscaped setback.

The proposed design results in a positive outcome with regard to residential amenity and to mitigate potential adverse impacts on future residents.

Solar Amenity & Natural Ventilation

Climate change is a major environmental challenge facing all forms of development and is widely known to be caused by the combustion of fossil fuels during direct and indirect energy consumption. The proposed rooms are unlikely to generate any greenhouse gases that would deny the proposed development from proceeding, particularly when green star appliances will be introduced into the design and internal appliances will further reduce energy consumption.

The building's upper level design provides for recessed windows that afford natural ventilation and access to natural light.

The proposed rooms meet best practice energy efficient standards to ensure the building promotes its green design by having through ventilation for each room.

The building will be afforded with best practice water conservation and recycling methods to conserve and recycle water used throughout the building.

Recycled, green waste and perishable waste will be placed into wheelie bin containers and will be collected by Canterbury Bankstown Council.

The proposed development has responsibly respected fundamental ESD principles throughout the overall development and clearly meets this control.

Operational Waste Management

The operational waste generated by the proposed Co-Living Housing development will be managed in accordance with the Operational Waste Management Plan developed by Multiform Design and Construction Waste Pty Ltd.

Nuisance During Construction

All building works on site will be carried out in accordance with the State Governments statutory construction hours for building works.

Initial on site excavation work is to be carried out to prepare the proposed single basement car parking level, which will require excavation machinery on site for a short period of time, which will depend on the prevailing weather conditions.

Trucks leaving the site will be checked by a designated worker to ensure soil and other material does not spill onto the public road, however should this occur for some unforeseen circumstance, the matter will be quickly cleaned from the road surface by a designated worker.

While concrete and material trucks will be servicing the site at various times these will be supervised by an on-site foreman to ensure vehicles are able to unload and depart from the site as quickly and safely as is reasonably possible.

Overall, the amount of nuisance caused by the proposed development would not be unreasonable to cause undue loss of amenity to local residents.

Section 4.15 (1) (c)

The suitability of the site for the development

The site does not have any environmental, physical or engineering constraints which would prevent the proposed development from proceeding.

Having regard to the characteristics of the site and its immediate surrounding context, the proposed development is suitable for the site because:

- the proposal will contribute to the urban renewal of an important site nestled within Belmore which provides excellent recreational contributions to the area;
- is capable of being development in a manner that will minimise impacts to the natural, and environmental qualities of the developments setting;
- will not result in any adverse environmental impacts;
- the site is currently an underutilised landholding within a highly accessible and amenity rich location;
- the site is not affected by significant constraints such as bushfire hazards, endangered species and contamination or hazardous material; and
- the site's surrounding context is conducive to supporting built forms of varying heights and contributing to the diversity in housing stock within the local area.

Section 4.15 (1) (d) Submissions Made in Accordance With The Act or The Regulations.

To be determined by Council after public consultation and receipt of referrals from other Council Departments and State Government agencies.

Section 4.15 (1) (e) The Public Interest

The public interest is well served by the proposed Co-Living Housing development as it will assist in providing additional residential apartments within walking distance of excellent public transport, services and amenities.

The overall building design has been well thought through and makes a positive architectural statement that will be to the betterment of the Canterbury Bankstown LGA in terms of design quality and how the building functions.

The proposed development will provide a positive contribution to the streetscape of Kent Street and will facilitate a Co-Living Housing development which will contribute significantly to providing a more affordable housing typology in the area.

The proposed development has been carefully designed to be compatible with the scale and pattern of new development in the area, demonstrating how the proposal responds to the various development possibilities for the site.

Pursuant to case law of *Ex Gratia P/L v Dungog Council (NSWLEC 148)*, the question that needs to be answered is “*Whether the public advantages of the proposed development outweigh the public disadvantages of the proposed development*”.

This Statement, and the accompanying plans and technical reports demonstrate that there will be no unreasonable environmental, social or economic impacts that will arise from the overall development.

In summary, the public advantages of this development are:

- provision is made for 35 Co-Living housing rooms;
- The proposal will provide short term employment for tradesmen;
- Increasing low income housing supply in an area which is free of any adverse natural or built constraints;
- Creating a design outcome that promotes the controls and design outcomes expected by the aims and objectives of all relevant SEPP’s for the future development of this neighbourhood and
- Providing a high quality built form and presentation which will set a standard for future urban renewal in this precinct.

On balance, the proposal is considered to be in the wider public interest as it will provide the local community with a form of high quality, diverse housing stock that takes advantage of its proximity to the full range of urban facilities and services in the locality.

6.0 Conclusion

The site is zoned R4 High Density Residential under the provisions of CBLEP 2023 however because Co-Living Housing is prohibited in that zone, the proposal becomes permissible because Section 67 (b) of SEPP Housing 2021 permits Residential Flat Buildings under the R4 High Density Residential zone of CBLEP 2023.

The design responds well to the surrounding residential context and provides an appropriate form of Low-Cost housing that is in short supply in a well-established medium to high density residential neighbourhood that is well served by excellent public amenities and services.

Landscaping, detailed within the proposed landscape plan, also assists in visually softening and providing high biodiversity values to the streetscape and locality.

The proposed development is a positive example of contemporary Co-Housing Living that respects the expected emerging character of the neighbourhood while providing a modern design that will set a positive precedence for future high-density developments along Kent Street and other surrounding streets that permit high density housing.

This planning report addresses key aspects of the site and implications of the proposed development and collectively, confirm that the proposed development will operate without adverse environmental impact or generate any adverse impacts on the amenity of residents to be housed on site or those within the surrounding area.

The application is subject to a number of statutory planning instruments and policy controls of which the proposal has been assessed against, enabling a conclusion that the proposal meets the objectives behind the controls that are applicable to this form of mixed use development.

Other plans and reports comprising the project application address key aspects of the development and its implications for the existing and desired future character. Collectively, these reports and the assessment of other issues in this report confirm the proposed development will have no unreasonable impacts upon the surrounding environment in which the building is to be sited.

In view of the comments contained within this report, we are satisfied that this proposal has properly responded to all relevant matters for consideration under Section 4.15 (1) of the EP&A Act 1979, and the accompanying EP&A Reg's 2021, and accordingly, the proposed Co-Living Housing development will comfortably fit within its urban context and therefore in our opinion warrants approval.