



# Statement of Environmental Effects Section 8.3 Review

7 ALBION STREET  
HARRIS PARK

OCTOBER 2021



## QUALITY ASSURANCE

Project: Boarding House  
 Address: 7 Albion St Harris Park  
 Council: City of Parramatta  
 Author: Think Planners Pty Ltd

Date	Purpose of Issue	Rev	Reviewed	Authorised
October 21	Draft Issue for Comment	Draft	AB	AB
October 21	Lodgement Issue	Final	AB	AB

# CONTENTS

<b>EXECUTIVE SUMMARY</b>	<b>5</b>
<b>SITE AND CONTEXT</b>	<b>7</b>
LEGAL DESCRIPTION	7
SUBJECT SITE	7
LOCALITY ANALYSIS	9
ZONING	10
HERITAGE	13
<b>BUILT FORM CHARACTER ANALYSIS</b>	<b>15</b>
<b>SECTION 8.2: DISCUSSION OF REFUSAL AND AMENDMENTS</b>	<b>19</b>
<b>CONSIDERATION OF PLANNING CONTROLS</b>	<b>24</b>
SECTION 8.3 OF THE ACT: RELEVANT PROVISIONS	24
STATE ENVIRONMENTAL PLANNING POLICY (BASIX) 2004	25
STATE ENVIRONMENTAL PLANNING POLICY NO. 55 – REMEDICATION OF LAND	25
STATE ENVIRONMENTAL PLANNING POLICY (VEGETATION IN NON-RURAL AREAS) 2017	25
STATE ENVIRONMENTAL PLANNING POLICY (INFRASTRUCTURE) 2007	26
STATE ENVIRONMENTAL PLANNING POLICY (AFFORDABLE RENTAL HOUSING 2009)	26
SYDNEY REGIONAL ENVIRONMENTAL PLAN- SYDNEY HARBOUR CATCHMENT	35
PARRAMATTA LOCAL ENVIRONMENTAL PLAN 2011	35
PARRAMATTA DEVELOPMENT CONTROL PLAN 2011	39
<b>CONCLUSION</b>	<b>53</b>

## TABLE OF FIGURES

Photograph 1: Shows the subject building viewed from Albion St viewing westwards.....	7
Figure 1: Aerial Map Extract of the Subject Site (Source: Six Maps) .....	8
Figure 2: Aerial Map Extract of the Subject Area (Source: Google Maps) .....	9
Figure 3: Zoning Map Extract LZN_010 (Source: Parramatta LEP 2011).....	10
Photograph 2: Shows the existing dwelling in relation to the neighbouring heritage items. ....	11
Photograph 3: Shows the site viewed from Gordon McKinnon Lane. ....	11
Photograph 4: Shows a large residential dwelling located on the eastern side of Albion Street (34 Albion Street, Harris Park). ....	12
Figure 4: Heritage Map Extract HER_010 (Source: Parramatta LEP 2011).....	13
Figure 5: Extract of the eastern building elevation demonstrating consistency with adjoining dwellings (source: Cracknell and Lonergan Architects Oct 21). ....	17
Figure 6: Aerial Photo (source: googiemaps). ....	18
Figure 7: Street Photo (source: google streetview). ....	18
Figure 8: Extract showing accessibility of the site (Source: Google Maps).....	27
Figure 9: Extract of the eastern building elevation demonstrating consistency with adjoining dwellings (source: Cracknell and Lonergan Architects).....	34
Figure 10: Zoning Map Extract LZN_010 (Source: Parramatta LEP 2011).....	35



## EXECUTIVE SUMMARY

This Statement of Environmental Effects has been prepared in support of a Section 8.3 review to seek approval for the demolition of existing structures including the existing 2 storey weatherboard house in order to construct a single storey + attic new generation boarding house.

DA/250 /2021 was refused by the City of Parramatta Council on 30 July 2021.

As a result of this refusal, amendments have been made to the proposal to directly address the reasons and to improve the proposal to be more consistent with Councils preference for the design of the Boarding House. The changes proposed address the reasons for refusal and the proposal adopts a more suitable form of development on the site.

The proposed new age boarding house is to accommodate a total of 6 rooms, with each room to be provided with full bathroom, kitchenette and living area.

The proposal will accommodate a total of 12 lodgers based on the room size and configuration and as nominated on the plans, noting that all 6 rooms are designed as 2 person rooms.

The development also provides a common area and communal open space on the ground floor with no car parking provided on-site.

A key summary of the key elements of the proposal are provided below:

### ***Boarding House Layout***

- A total of 6 x 2 person rooms.

### ***Parking***

No motor vehicle parking is proposed, given the small scale of the boarding house and its proximity to Harris Park train Station and Parramatta CBD/train station.

The development as amended provides 2 motorcycle spaces and 2 bicycle spaces, relocated in response to the refusal.

All structures are removed from the rear 1.3m of the property, which is nominated for acquisition by the Council.

Located just outside the Parramatta City Centre Precinct associated with the Parramatta Development Control Plan 2011, the development site resides on the western side of Albion Street, approximately 75m north from the intersection of Albion Street and Marion Street, Harris Park.

Situated within close proximity to a major regional centre, the development site is within walking distance to essential services and jobs within the town centre, a post office, schools, key government offices including Centrelink, Australian Taxation Office, Parramatta Council, Parramatta Stadium and Parramatta Stadium, schools, child care facilities, places of public worship and recreational opportunities.

The subject site is considered to be within an accessible area under the State Environmental Planning Policy (Affordable Rental Housing) 2009 as it is located within a 400m walking distance from Harris Park Train Station.

The site itself can be described as a regular shaped east-west oriented mid-block land parcel with a frontage of 9.35m to Albion Street, a frontage of 9.3m to Gordon McKinnon Lane, a side depth of approximately 30.5m and a site area of 284.8m<sup>2</sup>. The site is fairly flat, experiencing a gentle fall from Albion Street towards McKinnon Lane, a fall of approximately 1.3m over a site depth of 30.5m, resulting in a gradient of 4.3%, indicating that the site is suitable to accommodate the proposed new age boarding house.

The subject land parcel is zoned R2 Low Density Residential with a permitted maximum building height of 6m with no maximum FSR under the provisions of the Parramatta Local Environmental Plan 2011. "Boarding Houses" are permitted with consent within the R2 zone.

Consideration has been given to the potential environmental and amenity impacts that are relevant to the proposed development and this report addresses these impacts.

Following a review of the relevant planning controls, it is concluded that the proposed development is consistent with the objectives, planning strategies and detailed controls of these planning documents.

Having regard to the benefits of the proposal and considering the absence of adverse environmental, social or economic impacts, the application is submitted to Council for assessment and granting of development consent. Think Planners Pty Ltd recommends the approval of the application, subject to necessary, relevant and appropriate conditions of consent.

## SITE AND CONTEXT

### LEGAL DESCRIPTION

The subject site is legally described as Lot 38 Section 1 in DP415, though is more commonly known as 7 Albion Street, Harris Park.

### SUBJECT SITE

Located within proximity of the Parramatta City Centre Precinct, the development site resides within the western side of Albion Street, approximately 75m north from the intersection of Albion Street and Marion Street, Harris Park.

As demonstrated by Photograph 1 below, the subject site currently contains an older style single storey dwelling constructed from timber weatherboard with terracotta tiled roofing, which contrasts the existing character of the conservation area, which is predominantly made up of Victorian Cottage style dwellings.

**Photograph 1: Shows the subject building viewed from Albion St viewing westwards**



Residing within a heritage conservation area, the development site bounds local heritage items to both its side boundaries. 9 Albion Street to its immediate northern boundary and 5 Albion Street to its immediate southern boundary are both identified as local heritage items (1249 – Group of cottages). Several other heritage dwellings are located within the locality. See the heritage discussion later in the report for further information.

The aerial extract and photographs of the locality below provide context to the development site.



## LOCALITY ANALYSIS

Situated within close proximity to a major regional centre, the subject site is within walking distance to services and jobs within the city centre, government offices and educational establishments, child care facilities, places of public worship and recreational opportunities. The development site is also within close proximity to Harris Park Station.

The immediate locality including the subject site is considered to be within an accessible area under the State Environmental Planning Policy (Affordable Rental Housing) 2009 as it is located within a 400m walking distance from Harris Park Train Station.

An aerial map extract illustrates the site within its local context is provided in the following page.

**Figure 2: Aerial Map Extract of the Subject Area (Source: Google Maps)**



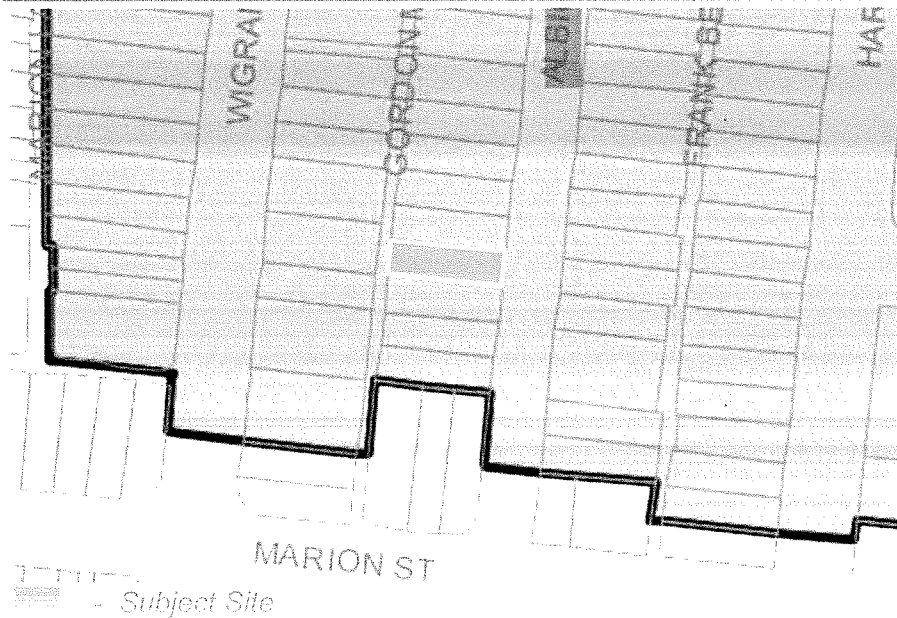
- Subject Site 
 - Train Station 
 - Educational Facilities

## ZONING

As evident in the zoning extract overleaf, the subject site is zoned R2 Low Density Residential under the provision of the Parramatta Local Environmental Plan 2011

'Boarding Houses' are permissible with consent within the R2 zone with the site permitted a maximum building height of 6m.

**Figure 3: Zoning Map Extract LZN\_010 (Source: Parramatta LEP 2011)**



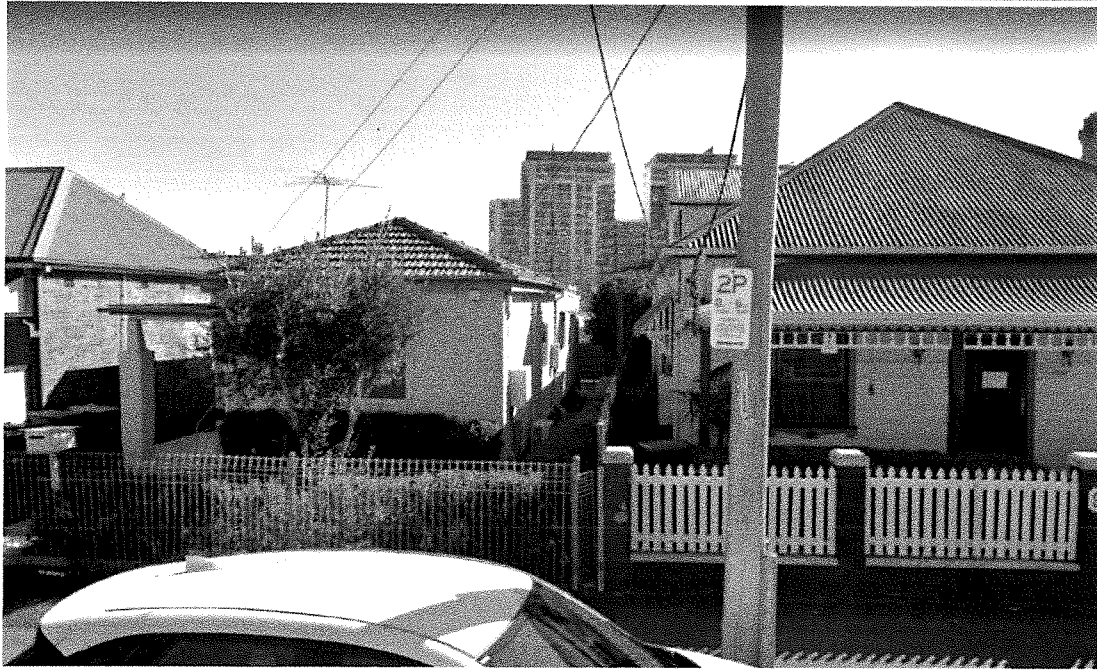
The subject site is ideal to accommodate a new age boarding house as it is located within walking distance to Parramatta City Centre, the key employment hub of Western Sydney and is also within close proximity to schools, child care facilities, places of public worship, public transportation and recreational opportunities.

The current application will contribute towards increasing valuable affordable short-term accommodation within Parramatta.

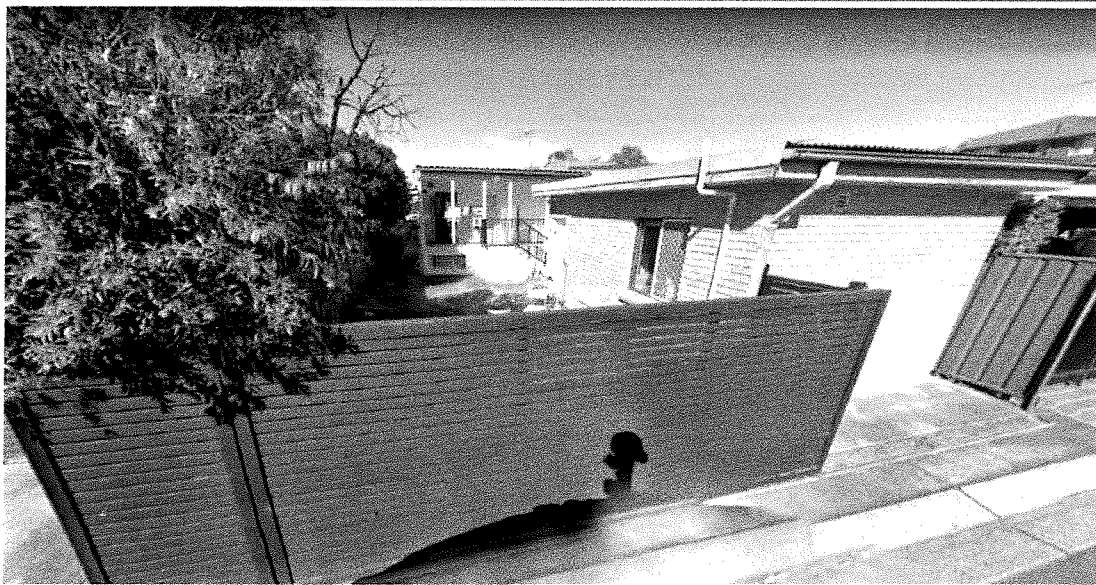
Photographs are provided overleaf that gives context to the locality and also the relationship of the development site with adjoining developments.



**Photograph 2:** Shows the existing dwelling in relation to the neighbouring heritage items.



**Photograph 3:** Shows the site viewed from Gordon McKinnon Lane.





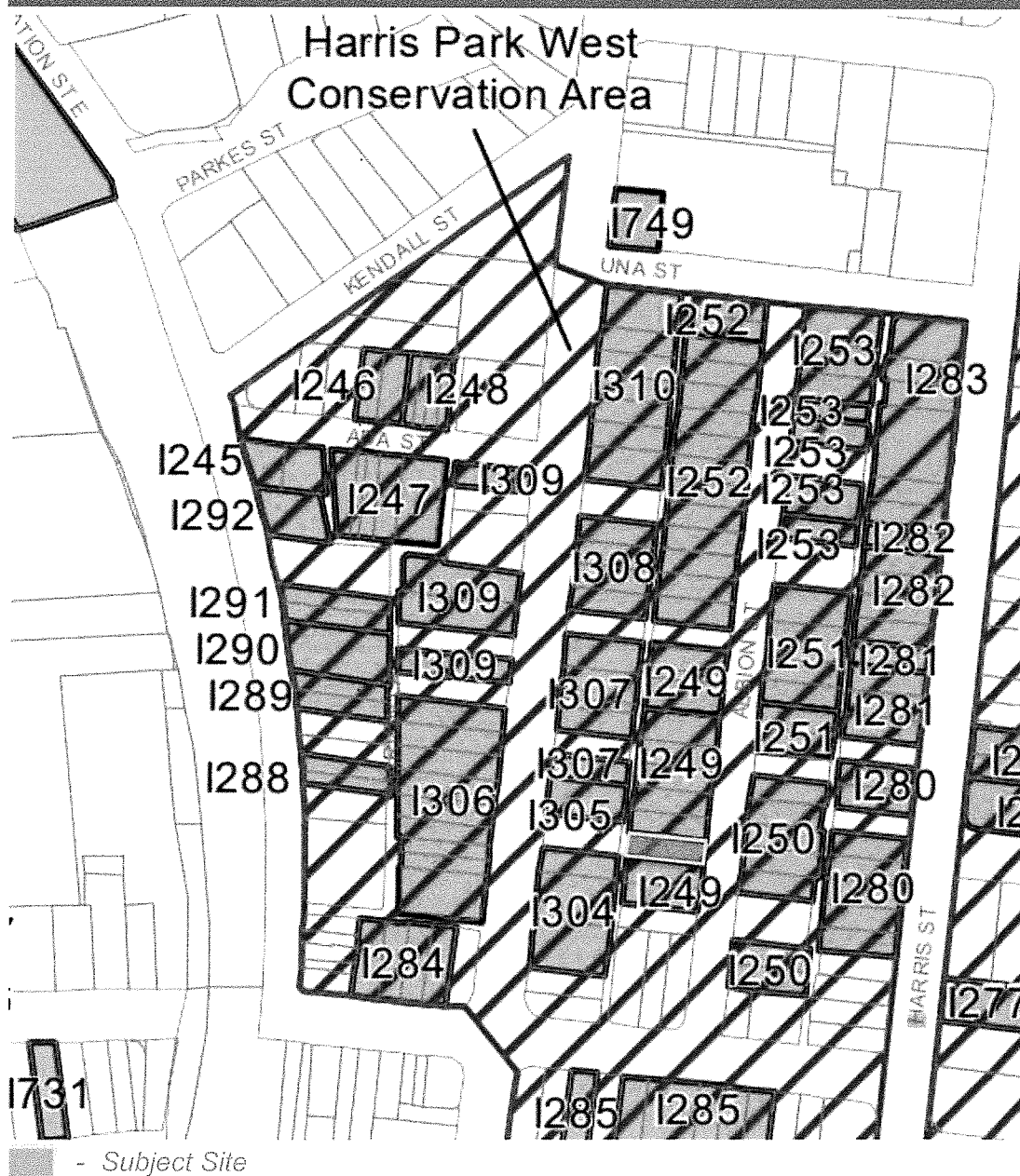
**Photograph 4:** Shows a large residential dwelling located on the eastern side of Albion Street (34 Albion Street, Harris Park).



## HERITAGE

The site is not identified as a local heritage item under the Parramatta Local Environmental Plan 2011. However, the site resides within a heritage conservation area (Harris Park West Conservation Area). The development site also bounds local heritage items to its immediate northern and southern boundaries (heritage items I249 – Group of cottages (Nos. 3-5 & 9-21)). The site is also within close proximity to other local heritage items as evident in Council's heritage map extract below.

Figure 4: Heritage Map Extract HER\_010 (Source: Parramatta LEP 2011)



The subject site currently contains an older style single storey dwelling constructed from timber weatherboard with terracotta tiled roofing. The existing dwelling contrasts the existing character of the conservation area, which is predominantly made up of Victorian Cottage style dwellings.

The proposed boarding house has been designed with a Victorian Cottage aesthetic, consistent with the existing character of Albion Street and the wider locality. It is considered that the proposed boarding house will be more consistent with the existing streetscape of the conservation area.

Additionally, the proposal is predominantly compliant with the building envelope controls for dwelling houses contained within the Parramatta DCP, it is single storey in form with an attic level, it is of a small scale (6 rooms) and it provides visual mitigation features which will retain the amenity currently received by neighbouring dwellings.

Therefore, it is considered that the boarding house will provide a development that is appropriate within the Harris Park West Heritage Conservation Area and that will not impact upon the amenity of neighbouring heritage listed dwellings.

## BUILT FORM CHARACTER ANALYSIS

The SEPP requires consideration as to whether the design of the development is compatible with the character of the local area. The question of compatibility is set out in the planning principle set out in *Project Venture Developments v Pittwater Council (2005) NSW LEC 191*. A recent decision in *Moscaritolo v Ryde City Council [2012] NSWLEC 1024* reinforced that the planning principle is relevant to development to which the Affordable Rental Housing SEPP applies.

A discussion of the character of the locality is provided as well as assessment of the compatibility of the proposal that aligns with the planning principle.

### Existing Character

Residing within an historic street within Harris Park, the area demonstrates an early 1870s-90s subdivision and speculation of modest residential development part of colonial surgeon John Harris' land grant, made in response to the railway. Many of the original houses remain and it retains a consistency of development with narrow lots, back lanes and small scale, simple form timber and brick cottages, built close together. The use of timber was typical in many parts of Sydney but is now rare. This area is important because it provides evidence of mid-19th century subdivisional and surveying practice and with the relative absence of modern development is the most consistent historical urban area in central Parramatta.

The distinctive characteristics of the locality (contained within the Harris Park West Conservation Area DCP) are listed below,

- *intimate scale of the area -allotments are mostly 30ft, compared to the wider allotments east of Harris Street*
- *predominance of small cottages (mostly single storey) with some terrace houses and other dwellings*
- *age of buildings - mostly developed in the late 19th century, with a few early 20th century dwellings and shops, and some flats from the 1960s.*

The objectives of the (4.4.3.3) are listed below,

*O.1 Protect all the attributes which contribute to the heritage value and character of the Harris Park West Conservation Area, and to maintain and improve its residential Amenity.*

### Compatibility of the Proposal with the Character

In accordance with the Planning Principle set out in *Project Venture Developments v Pittwater Council (2005) NSW LEC 191* the following tests apply in determining whether development is compatible with surrounding development:

24 *Where compatibility between a building and its surroundings is desirable, its two major aspects are physical impact and visual impact. In order to test whether a proposal is compatible with its context, two questions should be asked.*

- *Are the proposal's physical impacts on surrounding development acceptable? The physical impacts include constraints on the development potential of surrounding sites.*
- *Is the proposal's appearance in harmony with the buildings around it and the character of the street?*

These questions will be dealt with in turn however it is important to note that as set out in the planning principle 'Compatibility is... different from sameness. It is generally accepted that buildings can exist together in harmony without having the same density, scale or appearance, though as the difference in these attributes increases, harmony is harder to achieve'.

Therefore, it is not necessary that the development adopt the same built form, scale, and appearance as surrounding developments.

In terms of the physical impacts of development the following points are made:

- The development proposes building setbacks and height that are consistent with the adjoining dwellings.
- The proposal has been designed to appear as a Victorian cottage consistent with the adjoining dwellings and the wider locality.
- No change to the solar access currently enjoyed by adjoining properties.
- Privacy impacts are mitigated by providing blank walls combined with high sill windows, landscaping and fencing.
- Noise impacts to neighbouring dwellings are reduced through siting the communal areas internally and communal open space toward the laneway rather than adjoining properties.
- The development proposal does not result in the constrained development potential of the adjoining properties or impact on any existing view corridors.

Therefore, the physical impacts of the proposal are acceptable.

In response to the second question set out in the planning principle, the following comments are made:



Figure 6: Ariel Photo (source: googlemaps).



Figure 7: Street Photo (source: google streetview).





## SECTION 8.2: DISCUSSION OF REFUSAL AND AMENDMENTS

A report recommending refusal of the application was prepared by Mr Najeeb Kobeissi and endorsed by Mr Jonathan Clearly and Ms Claire Stephens in July 2021.

A discussion against the grounds for refusal is provided below, as well as an address of how the amended proposal has responded to these concerns.

### Reason 1

*In accordance with Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposal does not satisfy the requirements of the State Environmental Planning Policy (Affordable Rental Housing) 2009 in the following ways:*

*a. Clause 29 Standards that cannot be used to refuse consent, (2)(d) Private open Space, and (2)(e) Parking. The minimum numerical requirements were not met.*

*b. Clause 30 Standards for boarding houses, (1)(h) parking space requirements*

*c. Clause 30A Character of local area*

### Response to Reason 1

1. The application has been amended to relocate the private open space from the Albion Street frontage to the rear of the site. The private open space provides the minimum 20sqm and minimum 3m dimension. The private open space is located directly adjacent the common room, which is also located at the rear of the site.
2. The proposal continues to not provide any motor vehicle parking. Reference should be made to the attached Traffic and Parking Impact Assessment by McLaren Traffic Engineering. It is noted that the proposal does provide 2 x motorbike and 2 x bicycle parking spaces. The key reasons for the acceptability of no motor vehicle parking is summarised in the traffic report as follows:

*In view of the aforementioned and previous sections, the reduction in parking from the Council requirements and SEPP (ARH) requirements has considerable weight for the subject site. The site is located within a highly accessible location, with access to attractive bus, train, walking, bicycle and car share facilities which promotes alternative modes of transport other than private vehicle trips / ownership. In addition, the site is within walking distance of commercial employment facilities, educational facilities and retail premises for daily errands.*

*There is no denying that parking demand for sites that have access to alternative modes of transport generate less parking demand, only if the alternative transport mode is more attractive than the use of a private vehicle, which is the case for the subjects site.*

*It is reiterated that whilst the development does not comply with the SEPP (ARH) there is no public research to substantiate the requirement for a parking provision of 0.5 per boarding room. Especially when the rate of 0.5 per boarding rooms is to be applied in any location within NSW regardless of access to alternative transport modes. The reliance upon the rate of 0.5 per boarding room in no way provides an estimate of the actual parking demand of the subject site. Rather it is a standard that cannot be used to refuse consent, unless Council consents otherwise as per Clause 29(3) of the SEPP (ARH).*

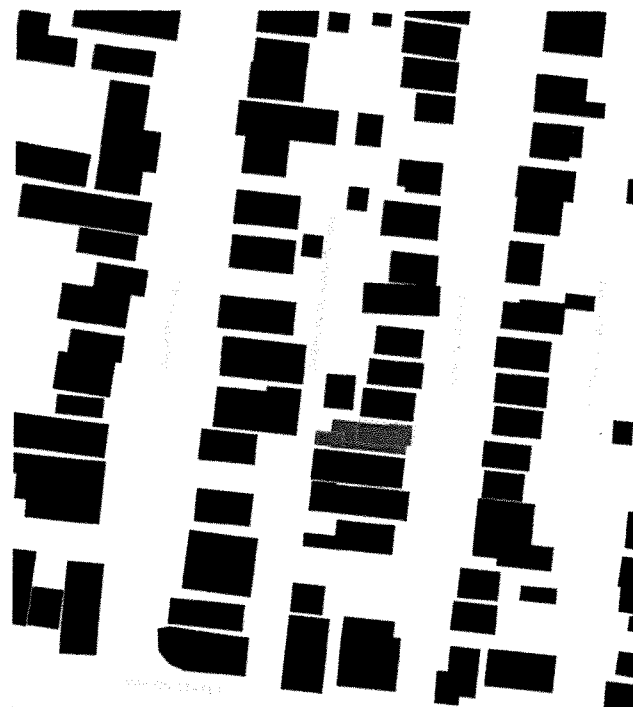
The assessment report of the Council officer does not substantiate that there is a demand of exactly 0.5 parking spaces for each boarding house room. The discussion in the traffic report is detailed and honed to the particular site and circumstances. The assessment confirms that for this site, it is appropriate to accept 0 parking spaces for motor vehicles.

3. The proposal has been amended to located any motorbike or bicycle parking outside of the rear 1.3m of land nominated for land acquisition.
4. The Council officers report in relation to character recommends refusal on the basis of --

*The proposed development resembles a single storey dwelling when viewed from the street, however, is not considered to be in harmony with existing heritage context along Albion Street. The proposed development extends the length of the site towards the rear. The resulting form results in no open space or deep soil landscaping on the subject site as is the dominate character in the neighbourhood.*

As discussed earlier in this report, the character of built form within the streetblock cannot be accurately described as being one that is dominated by, or comprised of, open space and deep soil landscaping.

The streetblock pattern of a higher order street and a rear laneway has led to a dominant character of built form having frontage to both public roads, rare examples of a rear landscaped yard, and a predominance of built form across sites. This is clearly illustrated in the relevant ariel photo, figure ground analysis and site context extracts below. The proposal is within character of the area by providing modest, but aesthetically appropriate deep soil landscaping at the rear, sides and front of the property, and equally frontage to both public roads.



## Reason 2

*In accordance with Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposal does not comply with Clause 5.1A Development on land intended to be acquired for public purposes of the Parramatta Local Environmental Plan 2011:*

## Response 2

The amended proposal has removed all structures and functions from the rear 1.3m of the subject site, to ensure that there is no impediment to the Council at some point in the future undertaking the proposed land acquisition.

## Reason 3

*In accordance with Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposal does not comply with Clause 5.10 Heritage conservation of the Parramatta Local Environmental Plan 2011*

## Response 3

This matter is discussed in the attached heritage commentary prepared by Cracknell Longergan heritage architects.

However, Think Planners also makes the observation that the proposal is of a similar scale to the surrounding heritage dwellings and other dwellings in the area that contribute to the heritage conservation area. It is noted that there is an eclectic array of built form with respect to height, site coverage, architectural features. The proposal represents an appropriate response in terms of its scale and materiality.

As discussed previously in this report, the site cover and location of spaces in the amended plans is fully consistent with the site cover and arrangement of spaces of development in the precinct.

The amended proposal relocates the open space to the rear of the site, which resolves the previous issue expressed by the assessment planner that the open space should be located at the rear of the site.

## Reason 4

*In accordance with Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act, the proposal fails to comply with the Parramatta Development Control Plan 2011 with respect to rear setback, deep soil, landscaping, building form and massing, visual and acoustic privacy, building façade and articulation, heritage, Parking and Vehicular access, Harris Park Strategic Precinct, the Harris Park West heritage conservation area, and Boarding houses:*

#### Response 4

These matters are addressed already in this section of the report, with the exception of “visual and acoustic privacy”. This was specifically raised in relation to the design for Room1.

The amended plans resolve this by relocating the private open space and communal room to the rear of the site and setting the entry from Albion Street away from the doorway to Room 1. The amendments have been informed by this earlier concern, and resolve the concern.

#### Reason 5

*In accordance with Section 4.15(1)(c) of the Environmental Planning and Assessment Act, the site is not considered suitable for the proposed development; and*

#### Response 5

The site is suitable with respect to the legislation (State and Local) that permits boarding houses on the land.

The amendments to the plans ensure that any issues of concern in relation to merit impacts and therefore the suitability of the design to the land are resolved.

#### Reason 6

*In accordance with Section 4.15(1)(e) of the Environmental Planning and Assessment Act, the proposal is not in the public interest.*

#### Response 6

As the amendments to the proposal address and satisfy the reasons for refusal; as the site is zoned to permit boarding houses; and as the supply of this form of housing is recognised as being of critical importance in the market, the amended proposal is in the public interest.

#### **Conclusion**

Given the above discussion, and noting that the proposal has been revised to address Council's primary concerns, it is considered that the new proposal for this site appropriately responds to and addresses the deficiencies identified in the refused development application.

## CONSIDERATION OF PLANNING CONTROLS

The following summarises the relevant planning controls in relation to the proposal and the compliance of each.

### SECTION 8.3 OF THE ACT: RELEVANT PROVISIONS

Section 8.3 of the Act provides a mechanism to enable an application to request that a consent authority review its original decision, which in this case was a decision to refuse to grant consent to the development proposal. The relevant provisions of Section 8.3 provide:

*(1) An applicant for development consent may request a consent authority to review a determination or decision made by the consent authority. The consent authority is to review the determination or decision if duly requested to do so under this Division.*

*(2) A determination or decision cannot be reviewed under this Division:*

*(a) after the period within which any appeal may be made to the Court has expired if no appeal was made, or*

*(b) after the Court has disposed of an appeal against the determination or decision.*

*(3) In requesting a review, the applicant may amend the proposed development the subject of the original application for development consent, or for modification of development consent. The consent authority may review the matter having regard to the amended development, but only if it is satisfied that it is substantially the same development.*

*(4) The review of a determination or decision made by a delegate of a council is to be conducted:*

*(a) by the council (unless the determination or decision may be made only by a local planning panel or delegate of the council), or*

*(b) by another delegate of the council who is not subordinate to the delegate who made the determination or decision.*

In this case the development proposal is not excluded based on the type of development, and the request has been made within six (6) months in accordance with Section 8.10 of the Act. Amendments to the original development proposal have been made to address the grounds for refusal however the proposal is substantially the same development. Based on the amendments it is requested that Council reviews its determination and that the Council grant consent to the development proposal.

## **STATE ENVIRONMENTAL PLANNING POLICY (BASIX) 2004**

The revised application has been assessed and is accompanied by a complying BASIX certificate that demonstrates how the dwellings will utilise 40% less energy and water than a typical dwelling pre BASIX.

## **STATE ENVIRONMENTAL PLANNING POLICY NO. 55 – REMEDIATION OF LAND**

Clause 7 of SEPP 55 provides:

*(1) A consent authority must not consent to the carrying out of any development on land unless:*

*(a) it has considered whether the land is contaminated, and*

*(b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*

*(c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*

A review of aerial photographs indicates that the development site has historically been utilised for residential purposes with no known potentially contaminating activities being conducted on the site. If any contaminated material or suspected contaminated material is unearthed during the construction process, then actions consistent with the legislative requirements and guideline document will be undertaken.

## **STATE ENVIRONMENTAL PLANNING POLICY (VEGETATION IN NON-RURAL AREAS) 2017**

State Environmental Planning Policy (Vegetation in Non-Rural Areas) was introduced in August 2017. This SEPP seeks to protect the biodiversity values of trees and other vegetation in non-rural areas of the state, and to preserve the amenity of non-rural areas of the State through the appropriate preservation of trees and other vegetation.

The subject site is within a well-established residential area, having historically been used for residential purposes. The current application is limited to undertake appropriate and sympathetic internal alteration and addition work to convert an existing two storey building into a small-scale new age boarding house. Given the current residential land use of the site, there is limited vegetation currently present on the site. The application proposes a landscape scheme that will improve upon the existing vegetation on the site.



## **STATE ENVIRONMENTAL PLANNING POLICY (INFRASTRUCTURE) 2007**

The development site is not located within proximity to a classified road and as a result it is not necessary to consider the provision of Clause 102 of the SEPP that requires a consent authority to consider the impact of arterial roads on buildings used for residential purposes.

Clause 104 identifies a number of types of development that require concurrency from Roads and Maritime Services where development is identified as 'traffic generating development'. The current proposal is not identified as traffic generating development by Schedule 3 of the SEPP. Accordingly, the proposal is not required to be referred to the RMS for comment.

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

State Environmental Planning Policy (Affordable Rental Housing) 2009 was introduced in July 2009 as a response to the ongoing issue of housing affordability within NSW.

This section of the Statement addresses the relevant provisions of State Environmental Planning Policy (Affordable Rental Housing) 2009.

The SEPP permits Boarding Houses on land zoned residential, neighbourhood, local centre and mixed use. The effect of the SEPP is to confirm that such uses are consistent with the objectives of the zone.

The site is located within an 'accessible area' being within 400m Harris Park Train Station. This is illustrated by the map extract below.

**Figure 8: Extract showing accessibility of the site (Source: Google Maps)**



The proposal will provide affordable rental housing within a low density residential zoned land to address current shortages in the availability of affordable rental housing. The table below provides discussion against the relevant provisions of the SEPP.

### Part 2 New Affordable Rental Housing: Division 3 Boarding House

The table below provides a detail discussion against the relevant provisions of the SEPP.

### **State Environmental Planning Policy- Affordable Rental Housing (2009)**

#### 3 Aims of Policy

The aims of this Policy are as follows:

- (a) to provide a consistent planning regime for the provision of affordable rental housing,
- (b) to facilitate the effective delivery of new affordable rental housing by providing incentives by way of expanded zoning permissibility, floor space ratio bonuses and non-discretionary development standards,

The proposal is for a form of affordable housing directly sought in the SEPP.

The proposal will result in the addition of short-term rental housing in the area that is close to public transport and as such is consistent with the aims of the policy.

- (c) to facilitate the retention and mitigate the loss of existing affordable rental housing,
- (d) to employ a balanced approach between obligations for retaining and mitigating the loss of existing affordable rental housing, and incentives for the development of new affordable rental housing,
- (e) to facilitate an expanded role for not-for-profit-providers of affordable rental housing,
- (f) to support local business centres by providing affordable rental housing for workers close to places of work,
- (g) to facilitate the development of housing for the homeless and other disadvantaged people who may require support services, including group homes and supportive accommodation

#### 25 Definition

In this Division:

*Communal living room* means a room within a boarding house or on site that is available to all lodgers for recreational purposes, such as a lounge room, dining room, recreational room or games room. The development provides a common living room/area on the ground floor. Complies.

#### 26 Land to which Division applies

This Division applies to land within any of the following land use zones or within a land use zone that is equivalent to any of those zones: The site is zoned R2 Low Density Residential.

- (a) Zone R1 General Residential,
- (b) Zone R2 Low Density Residential,
- (c) Zone R3 Medium Density Residential,
- (d) Zone R4 High Density Residential,
- (e) Zone B1 Neighborhood Centre,
- (f) Zone B2 Local Centre,

#### 27 Development to which Division applies

This Division applies to development, on land to which this Division applies, for the purposes of boarding houses.

28 Development may be carried out with consent  
Development to which this Division applies may be carried out with consent.

Consent is sought in this development application.

29 Standards that cannot be used to refuse consent

- (1) A consent authority must not refuse consent to development to which this Division applies on the grounds of density or scale if the density and scale of the buildings when

expressed as a floor space ratio are not more than:

- (a) the existing maximum floor space ratio for any form of residential accommodation permitted on the land, or  
The development site is not subject to a maximum FSR under the Parramatta Local Environmental Plan 2011. The development proposes an FSR of approx. 0.7:1.
- (2) A consent authority must not refuse consent to development to which this Division applies on any of the following grounds:
  - (a) building height  
if the building height of all proposed buildings is not more than the maximum building height permitted under another environmental planning instrument for any building on the land,  
The development site is subject to a maximum building height of 6m.  
The development proposes a building height of under 6m and therefore complies.
  - (b) landscaped area  
if the landscape treatment of the front setback area is compatible with the streetscape in which the building is located,  
The development proposes a landscaped front setback which is considered consistent with the surrounding streetscape.
  - (c) solar access  
where the development provides for one or more communal living rooms, if at least one of those rooms receives a minimum of 3 hours direct sunlight between 9am and 3pm in mid-winter,  
One communal area is provided to the boarding house, to the rear of the site. The communal living room receives at least 3 hours of direct sunlight between 12 noon and 3pm mid-winter.
  - (d) private open space  
if at least the following private open space areas are provided (other than the front setback area):
    - (i) one area of at least 20 square metres with a minimum dimension of 3 metres is provided for the use of the lodgers,  
Given the width of the site (with no potential for amalgamation) and the dual frontages of the site, the development proposes private open space within the front setback area. The area has an area of greater than 20m<sup>2</sup> with minimum dimensions of greater than 3m.
    - (ii) if accommodation is provided on site for a boarding house manager—one area of at least 8 square metres with a minimum dimension of 2.5 metres is provided adjacent to that accommodation,  
The proposal is for a 6-room boarding house accommodating a total of 12 lodgers and therefore, a boarding house manager is not required.
  - (e) parking  
if not more than:
    - (i) in the case of development in an accessible area made by a social housing provider—at least 0.2 parking spaces are provided for each boarding room  
Given the site's proximity to Harris Park Train Station, Parramatta CBD and major transportation nodes and considering that providing on-site vehicular car parking would result in reducing landscaping, the development does not provide any car parking spaces on-site, rather provide
    - (iia) in the case of any development not carried out by or on behalf of a social housing provider

– at least 0.5 parking space are to be provided for each boarding room

bicycle and motorcycle parking spaces which have less intensive access requirements. Therefore, no on-site parking is considered required and Clause 29(4) confirms a consent authority may grant consent to development whether or not compliance is achieved.

(f) accommodation size

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

- (i) 12 square metres in the case of a boarding room intended to be used by a single lodger, or
- (ii) 16 square metres in any other case.

All rooms are >16m<sup>2</sup> when excluding the kitchen and bathroom areas, noting that the development only provides two person rooms.

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

Each boarding room is provided with a kitchenette and bathroom. Complies.

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

See discussion on parking in this report and its attachments.

30 Standards for boarding houses

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

(a) if a boarding house has 5 or more boarding rooms, at least one communal living room will be provided,

One common room is provided on the ground floor.

(b) no boarding room will have a gross floor area (excluding any area used for the purposes of private kitchen or bathroom facilities) of more than 25 square metres,

The boarding rooms measure no more than 25m<sup>2</sup> in area in total, noting that the largest room is 22.6m<sup>2</sup>, excluding the kitchen and bathroom areas. Complies.

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

No more than 2 adult lodgers per room are intended.

(d) adequate bathroom and kitchen facilities will be available within the boarding house for the use of each lodger,

All boarding rooms are self-contained suites containing a kitchenette and bathroom. Complies.

(e) if the boarding house has capacity to accommodate 20 or more lodgers, a boarding room or on-site dwelling will be provided for a boarding house manager,

The boarding house has a maximum capacity to accommodate 12 lodgers and as such a boarding house manager is not required.

(g) if the boarding house is on land zoned primarily for commercial purposes, no part of the ground floor of the boarding house that fronts a street will be used for residential purposes unless another environmental planning instrument permits such a use,

(h) at least one parking space will be provided for a bicycle, and one will be provided for a motorcycle, for every 5 boarding rooms

The development provides 2 motorcycle and 2 bicycle parking spaces and therefore, complies with this control.

### 30A Character of Local Area

A consent authority must not consent to development to which this Division applies unless it has taken into consideration whether the design of the development is compatible with the character of the local area.

An analysis of the character of the local area and the compatibility of a Boarding House is provided at the end of this table.

30AA Boarding Houses in Zone R2 Low Density Residential

The current application is limited to a maximum of 6 boarding rooms.

A consent authority must not grant consent to a boarding house on land within Zone R2 Low Density Residential or within a land use zone that is equivalent to that zone unless it is satisfied that the boarding house has no more than 12 boarding room.

52 No subdivision of boarding houses

No subdivision is proposed.

A consent authority must not grant consent to the strata subdivision or community title subdivision of a boarding house.

### Character of the Local Area

The SEPP requires consideration as to whether the design of the development is compatible with the character of the local area. The question of compatibility is set out in the planning principle set out in *Project Venture Developments v Pittwater Council (2005) NSW LEC 191*. A recent decision in *Moscaritolo v Ryde City Council [2012] NSWLEC 1024* reinforced that the planning principle is relevant to development to which the Affordable Rental Housing SEPP applies.

A discussion of the character of the locality is provided as well as assessment of the compatibility of the proposal that aligns with the planning principle.

### Existing Character

Residing within an historic street within Harris Park, the area demonstrates an early 1870s-90s subdivision and speculation of modest residential development part of

colonial surgeon John Harris' land grant, made in response to the railway. Many of the original houses remain and it retains a consistency of development with narrow lots, back lanes and small scale, simple form timber and brick cottages, built close together. The use of timber was typical in many parts of Sydney but is now rare. This area is important because it provides evidence of mid-19th century subdivisional and surveying practice and with the relative absence of modern development is the most consistent historical urban area in central Parramatta.

The distinctive characteristics of the locality (contained within the Harris Park West Conservation Area DCP) are listed below.

- *intimate scale of the area -allotments are mostly 30ft, compared to the wider allotments east of Harris Street*
- *predominance of small cottages (mostly single storey) with some terrace houses and other dwellings*
- *age of buildings - mostly developed in the late 19th century, with a few early 20th century dwellings and shops, and some flats from the 1960s.*

The objectives of the (4.4.3.3) are listed below.

*O.1 Protect all the attributes which contribute to the heritage value and character of the Harris Park West Conservation Area, and to maintain and improve its residential Amenity.*

#### Compatibility of the Proposal with the Character

In accordance with the Planning Principle set out in *Project Venture Developments v Pittwater Council* (2005) NSW LEC 191 the following tests apply in determining whether development is compatible with surrounding development:

*24 Where compatibility between a building and its surroundings is desirable, its two major aspects are physical impact and visual impact. In order to test whether a proposal is compatible with its context, two questions should be asked.*

- *Are the proposal's physical impacts on surrounding development acceptable? The physical impacts include constraints on the development potential of surrounding sites.*
- *Is the proposal's appearance in harmony with the buildings around it and the character of the street?*

These questions will be dealt with in turn however it is important to note that as set out in the planning principle 'Compatibility is... different from sameness. It is generally accepted that buildings can exist together in harmony without having the same density, scale or appearance, though as the difference in these attributes increases, harmony is harder to achieve'.



Therefore, it is not necessary that the development adopt the same built form, scale, and appearance as surrounding developments.

In terms of the physical impacts of development the following points are made:

- The development proposes building setbacks and height that are consistent with the adjoining dwellings.
- The proposal has been designed to appear as a Victorian cottage consistent with the adjoining dwellings and the wider locality.
- No change to the solar access currently enjoyed by adjoining properties.
- Privacy impacts are mitigated by providing blank walls combined with high sill windows, landscaping and fencing.
- Noise impacts to neighbouring dwellings are reduced through siting the communal areas internally and communal open space toward the street frontage rather than adjoining properties.
- The development proposal does not result in the constrained development potential of the adjoining properties or impact on any existing view corridors.

Therefore, the physical impacts of the proposal are acceptable.

In response to the second question set out in the planning principle, the following comments are made:

#### Height

- The development proposes a height that is consistent with the 2 adjoining properties and the wider locality, as illustrated by the eastern elevation provided within the architectural plans.



## SYDNEY REGIONAL ENVIRONMENTAL PLAN- SYDNEY HARBOUR CATCHMENT

The Sydney Harbour Catchment Planning Principles must be considered and achieved, where possible, in the carrying out of development within the catchment. The relevant principles include:

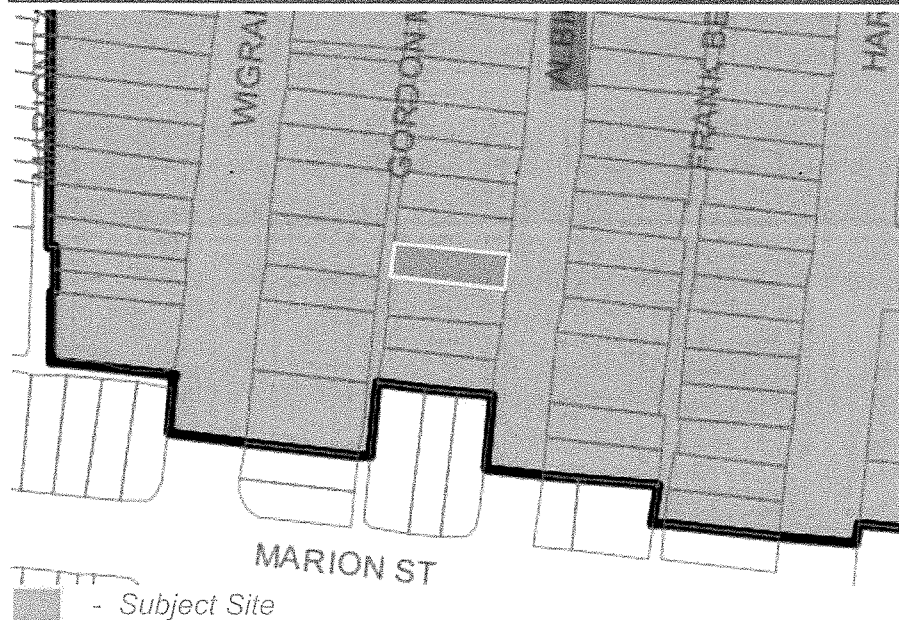
- Protect and improve hydrological, ecological and geomorphologic processes;
- Consider cumulative impacts of development within the catchment;
- Improve water quality of urban runoff and reduce quantity and frequency of urban run-off; and
- Protect and rehabilitate riparian corridors and remnant vegetation.

The proposed development does not detract from the above listed principles given the nature of the development and the existing environmental safeguards currently in place.

## PARRAMATTA LOCAL ENVIRONMENTAL PLAN 2011

As evident via zoning map extract provided below, the development site is zoned R2 Low Density Residential with a maximum height limit of 6m under the provision of the Parramatta Local Environmental Plan 2011.

**Figure 10: Zoning Map Extract LZN\_010 (Source: Parramatta LEP 2011)**



'Boarding Houses' are permissible with consent within the R2 Zone under the Parramatta Local Environmental Plan 2011 and the proposal is consistent with the definition contained within the LEP:

*Boarding House means a building that:*

- (a) is wholly or partly let in lodging, and*
- (b) provides lodgers with a principal place of residence for 3 months or more, and*
- (c) may have shared facilities, such as a communal living room, bathroom, kitchen or laundry, and*
- (d) has rooms, some or all of which may have private kitchen and bathroom facilities, that accommodate one or more lodgers.*

*but does not include backpackers' accommodation, a group home, hotel or motel accommodation, seniors housing or a serviced apartment.*

The development proposal is also consistent with the prescribed zone objectives, which are stipulated as:

- *To provide for the housing needs of the community within a low density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To ensure that non-residential land uses are located in a context and setting that minimises impacts on the amenity of a low density residential environment.*
- *To allow for a range of community facilities to be provided to serve the needs of residents, workers and visitors in residential neighbourhoods.*

The proposal development provides a new generation boarding house that is not only located within a suitable location but will make available a variety of housing types within the local housing market and contribute towards providing low cost flexible rental accommodation for tenants such as retirees, workers and students from outside the Sydney metropolitan area an opportunity to live within Parramatta.

Given the location of the site, the proposed boarding house has been designed with a Victorian Cottage aesthetic, consistent with the existing character of Albion Street and the wider locality.

The subject site currently contains an older style single storey dwelling constructed from timber weatherboard with terracotta tiled roofing. The existing dwelling contrasts the existing character of the conservation area, which is predominantly made up of Victorian Cottage style dwellings. It is considered that the proposed boarding house will be more consistent with the existing streetscape of the conservation area.

The development site is ideal to accommodate a new age boarding house as it is within walking distance to a major regional centre, public school, child care facilities and public transportation.

The table overleaf provides detail on the development standards relevant to the current proposal as well as other relevant LEP provisions.

<b>Parramatta Local Environmental Plan 2011 – Compliance Table</b>			
<b>Clause</b>	<b>Controls</b>	<b>Comment</b>	<b>Complies</b>
<b>Zoning</b>	<b>R2 – Low Density Residential</b>	Boarding houses are permissible with Council consent in the R2 Low Density Residential Zone.	<b>Yes</b>
<b>Part 2 Permitted or Prohibited Development</b>			
<b>2.3</b>	<b>Zone Objectives and Land Use Table</b>	The development will provide additional residential accommodation within proximity to the Central City Business District, whilst providing a building form that is compatible with the existing streetscape.	<b>Yes</b>
<b>2.6</b>	<b>Subdivision</b>	Not applicable.	<b>N/A</b>
<b>2.7</b>	<b>Demolition Requires Consent</b>	Council consent is sought for the demolition of existing structures on site.	<b>Yes</b>
<b>Part 4 Principal Development Standards</b>			
<b>4.3</b>	<b>Height of Buildings: 6m</b>	A maximum building height of 6m is identified for the site under the Parramatta Local Environmental Plan 2011 Height of Building Map Sheet HOB_010.  The proposal complies with the 6m height control.	<b>Yes</b>
<b>4.4</b>	<b>Floor Space Ratio</b>	There is no maximum FSR identified for the site.	<b>N/A</b>
<b>Part 5 Miscellaneous Provisions</b>			
<b>5.10</b>	<b>Heritage Conservation</b>	The site is not identified as a local heritage item under the Parramatta Local Environmental Plan 2011. However, the site resides within a heritage conservation area (Harris Park West Conservation Area). The development site also bounds local heritage items to its immediate northern (heritage item I249) and southern (heritage item I249) boundaries. The site is also within close proximity to other local heritage items.	<b>Yes</b>

The subject site currently contains an older style single storey dwelling constructed from timber weatherboard with terracotta tiled roofing. The existing dwelling contrasts the existing character of the conservation area, which is predominantly made up of Victorian Cottage style dwellings.

The proposed boarding house has been designed with a Victorian Cottage aesthetic, consistent with the existing character of Albion Street and the wider locality. It is considered that the proposed boarding house will be more consistent with the existing streetscape of the conservation area.

Additionally, the proposal is predominantly compliant with the building envelope controls for dwelling houses contained within the Parramatta DCP, it is single storey in form with an attic level, it is of a small scale (6 rooms) and it provides visual mitigation features which will retain the amenity currently received by neighbouring dwellings.

Therefore, it is considered that the boarding house will provide a development that is appropriate within the Harris Park West Heritage Conservation Area and that will not impact upon the amenity of neighbouring heritage listed dwellings.

6.1	Acid Sulfate Soils	The subject site is identified as being affected by Acid Sulfate Soils Class 5. However, considering that only minor excavation is proposed, the development is not likely to lower the watertable.	Yes
6.2	Earthworks	Only minor earthworks are proposed.	N/A
6.3	Essential Services	The development site is well serviced by water, sewer and electricity and the required utility clearances will be obtained prior to the issue of the occupation certificate.	Yes
6.3	Flood Planning	The subject site is not identified as flood prone. Not applicable.	N/A

6.4	Biodiversity Protection	The site is not identified on the Natural Resources Biodiversity Map. Not applicable.	N/A
6.5	Water Protection	The subject site is not identified on the Natural Resources Riparian Land and Waterways Map. Not applicable.	N/A
6.6	Development on Landslide Risk Land	The site is not identified as being subject to landslide risk. Not applicable.	N/A
6.7	Foreshore Building Line	The proposal is not within proximity of the foreshore and is not located within the foreshore building line. Not applicable.	N/A

## PARRAMATTA DEVELOPMENT CONTROL PLAN 2011

The relevant Council controls have been identified and considered in the following compliance table.

Parramatta Development Control Plan 2011 - Compliance Table			
Clause	Controls	Comments	Complies
<b>2. Site Planning</b>			
2.1	Design in Context in the Parramatta City	<p>Boarding houses are permissible with consent within the R2 Low Density Residential Zone under Parramatta Local Environmental Plan 2011 with the proposal compliant with the relevant objectives and controls within the Parramatta Development Control Plan.</p> <p>The development will contribute towards providing short term low rental accommodation in the form of boarding housing rooms within the catchment of public transport and services.</p> <p>The boarding house has been designed to appear as a single storey with attic Victorian cottage. Therefore, the development will be compatible with the existing streetscape.</p>	Yes
2.3	Site Analysis	A site analysis has been provided	Yes
2.4.1	Views and Vistas	The proposal development will have no impact on significant views due to the small scale of the development.	N/A



Clause	Controls	Comments	Complies
		The proposal will not impact on views to and from significant sites or on existing significant view corridors.	
2.4.2.1	Water Management – Flooding	The site is not flood prone.	N/A
2.4.2.2	Protection of Waterways	The subject site is not located within proximity of a waterway.	N/A
4.2.2.3	Protection of Groundwater	The nature of the proposal which is limited to undertaking alteration and addition to convert the subject building into a new age boarding house with no earthworks proposed is unlikely to impact on groundwater quality.	N/A
2.4.3.1	Site Considerations – Soil Management – Sedimentation	The application does not propose a basement level and therefore, only requires minor excavation of the site.	Yes
2.4.3.2	Soil Management – Acid Sulfate Soils	The subject site is identified as being affected by Acid Sulfate Soils Class 5. The application does not propose a basement level and therefore, only requires minor excavation of the site.	Yes
2.4.3.3	Soil Management – Salinity	The nature of the proposal which is limited to undertaking alteration and addition to convert the subject building into a new age boarding house with no earthwork proposed is unlikely to impact on potential salinity.	N/A
2.4.4	Land Contamination	Historically, the site has been used for residential purposes. The land is not known to have been used for any purposes that may give rise to the likelihood of contamination.  Furthermore, considering that the application requires only minor excavation works and is therefore not likely to disturb contaminated land.	Yes
2.4.5	Air Quality	It is considered due to the nature of the current application, the development will not significantly contribute to air pollution, odours or the release of atmospheric pollutants.  Appropriate management of the site during the demolition and construction phase of the proposed alteration and addition works will limit the potential for air pollution.	Yes
2.4.7	Biodiversity	The proposed development will not impact on any significant flora and fauna.	Yes

Clause	Controls	Comments	Complies
2.4.8	Public Domain	<p>Given the location of the site, the proposed boarding house has been designed with a Victorian Cottage aesthetic, consistent with the existing character of Albion Street and the wider locality.</p> <p>The subject site currently contains an older style single storey dwelling constructed from timber weatherboard with terracotta tiled roofing. The existing dwelling contrasts the existing character of the conservation area, which is predominantly made up of Victorian Cottage style dwellings. It is considered that the proposed boarding house will be more consistent with the existing streetscape of the conservation area.</p>	Yes

### 3. Development Principles

It is noted that technically the residential dwelling/ dual occupancy controls do not apply to the current proposal – however given that the building envelope and façade presentation will continue to appear as a dwelling house, discussion against the relevant dwelling house envelope requirements and general provision of the DCP are undertaken to demonstrate the suitability of the current proposal within its current context.

3.1.3	Preliminary Building Envelope – Preliminary Building Envelope Tables – Height	The proposal adopts a single storey with attic form that is compatible with the surrounding streetscape.	Yes
3.1.3	Preliminary Building Envelope – Preliminary Building Envelope Tables – Floor Space	There is no maximum floor space ratio identified for the site under the Parramatta LEP 2011.	N/A
3.1.3	Preliminary Building Envelope – Preliminary Building Envelope Tables – Minimum Site Frontage	<p>There are no frontage controls in the ARH SEPP, and the site is of sufficient size to boarding houses.</p> <p>It is also noted that the site size and width is consistent with typically lots within the Harris Park West Conservation Area.</p>	N/A to Boarding House
3.1.3	Preliminary Building Envelope Tables – Dwelling Houses: Front Setback	The development proposes a front setback of 3.514m, which varies the requirement for dwelling houses. However, the site is located within the Harris Park West Conservation Area and the prevailing street setback is an attribute that contributes to the heritage value and character of the area. Given this, the development proposes a front setback of 3.514m, which is consistent with the neighbouring dwellings adjoining the site to its northern and southern boundaries.	Variation

Clause	Controls	Comments	Complies
		The development provides a 1.3m secondary street setback which is consistent with the adjoining dwellings and the mapped land acquisition.	
3.1.3	Preliminary Building Envelope Tables – Dwelling Houses: Side Setback	The development provides side setbacks of equal to or greater than 900mm to both boundaries.	Yes
3.1.3	Preliminary Building Envelope Table – Deep Soil Zone & Landscape Area	<p>The SEPP (ARH) Standards that cannot be used to refuse consent include 2 (b) landscaped area “if the landscape treatment of the front setback area is compatible with the streetscape in which the building is located.”</p> <p>The development proposes landscaped setbacks that are compatible with the streetscape. Therefore, the landscape provision cannot be used to refuse consent.</p>	SEPP ARH
3.2.1	Building Form and Massing	The proposal results in an appropriate outcome on site that responds to the unique characteristics of the site and addresses the established context of the surrounding area. The proposal does not result in any adverse environmental or amenity impacts on site or on adjoining properties.	Yes
3.2.2	Building Facades and Articulation	<p>The development proposes a façade that replicates a Victorian Cottage.</p> <p>Therefore, the development will be compatible with the heritage conservation area.</p>	Yes
3.2.3	Roof Design	The development proposes a cross hipped roof form that is consistent with the heritage conservation area.	Yes
3.2.4	Energy Efficient Design	The proposal is accompanied by a complying BASIX certificate demonstrating a commitment to energy efficiency and water conservation.	Yes
3.2.4	Streetscape	Given the location of the site, the proposed boarding house has been designed with a Victorian Cottage aesthetic, consistent with the existing character of Albion Street and the wider locality.	N/A

Clause	Controls	Comments	Complies
		<p>The subject site currently contains an older style single storey dwelling constructed from timber weatherboard with terracotta tiled roofing. The existing dwelling contrasts the existing character of the conservation area, which is predominantly made up of Victorian Cottage style dwellings. It is considered that the proposed boarding house will be more consistent with the existing streetscape of the conservation area.</p> <p>The development proposes a building height, setbacks and landscaping that are consistent with the conservation area.</p>	
3.2.6	Fences	The development proposes front fencing that is compatible with neighbouring dwellings.	N/A
3.3.1	Landscaping	The development proposes a landscaped front setback which is compatible with the existing streetscape.	Yes
3.3.2	Private and Communal Open Space	It is noted that the proposal is a boarding house development and as such this control does not apply. However, a common room is provided within the ground floor in accordance with the Affordable Rental Housing SEPP 2009.	Yes – ARH SEPP 2009
3.3.3	Visual and Acoustic Privacy	<p>The development proposes design elements that seek to reduce potential visual and acoustic impacts to neighbouring properties.</p> <p><u>Ground Floor</u></p> <p>The ground is compliant with councils' side setback requirements and the development provides 1.8m side fencing and landscaping which will provide appropriate visual separation from adjoining dwellings.</p> <p><u>First Floor</u></p> <p>The first floor is provided with skylights rather than windows and therefore will not result in visual privacy issues.</p> <p>Noise impacts are reduced through siting the communal space toward the rear street frontage rather than to adjoining dwellings.</p>	Yes

Clause	Controls	Comments	Complies
		It is considered that the proposed development will result in an appropriate outcome on a site that will provide a high level of amenity for future lodgers and will not adversely impact upon residential amenity currently enjoyed by adjoining properties.	
3.3.4	Acoustic Amenity	The proposal will have limited acoustic impacts to adjoining properties given the design and layout of the proposed development as it relates to surrounding properties. See attached acoustic report.	Yes
3.3.5	Solar Access and Cross Ventilation	<p>The development has been designed and sited with a single storey with attic form, that is predominantly compliant with the maximum building height and setback controls. Therefore, it is considered that the development will retain solar access to its adjoining properties.</p> <p>The development proposes north facing windows to all boarding rooms and to the communal area. It is considered that the development will receive adequate solar access.</p>	Yes
3.3.6	Water Sensitive Urban Design	The proposal is provided with a Stormwater Management Plan that confirms that the proposal will result in an appropriate Water Sensitive Urban Design outcome.	Yes
3.3.6.2	Environmental Amenity – Water Sensitive Urban Design – Water Efficiency	The proposal is accompanied by a complying BASIX certificate demonstrating a commitment to energy efficiency and water conservation.	Yes
3.3.7	Waste Management	<p>A Waste Management Plan is attached as part of this application. It is noted that waste is to be appropriately managed during the demolition and construction stages of the development.</p> <p>Furthermore, appropriate waste facilities will be provided for future lodgers of the proposal. Refer to attached Waste Management Plan for detail.</p>	Yes
3.4.2	Access for People with Disabilities	Having regard to the modest nature of the proposal a separate Access Report is not	Yes

Clause	Controls	Comments	Complies
		<p>considered a necessary inclusion in the application package.</p> <p>The design of the boarding house incorporates an accessible room at the front of the building, that displays accessible compliant proportions and movement spaces.</p> <p>Additionally, the arrival to the site is via a pathway that is compliant with accessible grades and widths.</p> <p>The proposal meets access requirements.</p>	
3.4.4	Safety and Security	<p>No change to the existing safety arrangements noting that the development will continue to provide an active façade that will permit casual surveillance of Albion Street, Gordon McKinnon Lane and the common areas of the site.</p> <p>The development will continue to incorporate design elements including clearly defined and controlled access points as well as clearly defined public and private spaces in order to minimise opportunity for criminal activities.</p>	Yes
3.4.5	Housing Diversity and Choice	The development will contribute towards providing appropriate low-cost temporary housing opportunities within the locality.	Yes
3.5	Heritage	<p>The site is not identified as a local heritage item under the Parramatta Local Environmental Plan 2011. However, the site resides within a heritage conservation area (Harris Park West Conservation Area). The development site also bounds local heritage items to its immediate northern (heritage item I249) and southern (heritage item I249) boundaries. The site is also within close proximity to other local heritage items.</p> <p>The subject site currently contains an older style single storey dwelling constructed from timber weatherboard with terracotta tiled roofing. The existing dwelling contrasts the existing character of the conservation area, which is predominantly made up of Victorian Cottage style dwellings.</p>	Yes

Clause	Controls	Comments	Complies
		<p>The proposed boarding house has been designed with a Victorian Cottage aesthetic, consistent with the existing character of Albion Street and the wider locality. It is considered that the proposed boarding house will be more consistent with the existing streetscape of the conservation area.</p> <p>Additionally, the proposal is predominantly compliant with the building envelope controls for dwelling houses contained within the Parramatta DCP, it is single storey in form with an attic level, it is of a small scale (6 rooms) and it provides visual mitigation features which will retain the amenity currently received by neighbouring dwellings.</p> <p>Therefore, it is considered that the boarding house will provide a development that is appropriate within the Harris Park West Heritage Conservation Area and that will not impact upon the amenity of neighbouring heritage listed dwellings.</p>	
3.6.3	Parking and Vehicular Access	<p>Parramatta DCP prescribes the following off-street parking requirements for boarding houses to be provided at a minimum rate of:</p> <ul style="list-style-type: none"> <li>- 1 space per 10 boarding rooms; plus</li> <li>- 1 space per residential manager / caretaker (where applicable); and</li> <li>- 1 space for any vehicle operated by the facility</li> <li>- 1 motorcycle space per 5 boarding rooms</li> <li>- 1 bicycle space per 5 boarding rooms</li> </ul> <p>The development proposes a 6 room boarding house and as such is required to provide 0.6 car parking space onsite, in addition to 1 motorcycle spaces and 1 bicycle storage space.</p> <p>Given the site's proximity to Harris Park Train Station, Parramatta CBD and major transportation nodes and considering that providing on-site vehicular car parking would</p>	Yes

Clause	Controls	Comments	Complies
		result in reducing landscaping, the development does not provide any car parking spaces on-site, rather provide 2 bicycle and 2 motorcycle parking spaces which have less intensive access requirements. Therefore, no motor vehicle on-site parking is considered required, while double the motorbike and bicycle parking is provided. Clause 29(4) confirms a consent authority may grant consent to development whether or not compliance is achieved. Therefore, the merit based variation is considered acceptable.	
3.6.3	Accessibility and Connectivity	The development proposes pedestrian pathways from both Albion Street and Gordon McKinnon Lane. The pedestrian access from Albion Street is direct and unimpeded by stairs/obstacles.	N/A
3.7.2	Site Consolidation and Development on Isolated Sites	The subject site does not result in an isolated allotment.	N/a
<b>4.4.3.3 Harris Park West</b>			
<b>New Development</b>			
	C.2 Wall height for new buildings and extensions to existing buildings should not exceed 3.6 metres or higher than the ridge line of the existing house.	The proposed wall height does not exceed the ridge line of the existing dwelling.	Yes
	C.3 Hipped and / or gabled roofs should have a pitch not greater than 45 degrees.	The roof has a pitch no greater than 45 degrees.	Yes
	C.4 Additional rooms above the main body of the house are not permitted where alteration to the existing roof shape would be needed.	A new building is proposed. N/A	N/A
	C.5 Avoid use of dormer windows and mansard roofs. Rooms in the roof may be considered only where they are ventilated by flat in-plane skylights on the rear face of the roof.	Skylights are provided to the attic levels rather than dormer windows.	Yes
	C.6 For extensions, the same material as the existing house, or	N/A	N/A



Clause	Controls	Comments	Complies
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lighter weight materials, such as painted timber, fibro or corrugated iron should be used.

#### Garages and Fences

C.7 Garages and carports are to be separated and detached from the main house, accessible from the rear lane. No garages are proposed. N/A

C.8 Avoid new crossovers from streets, any garages or carport structures in the front yard and garages integrated with the house. N/A N/A

C.9 New front fences are to be no higher than 1.2m. Timber picket fences will generally be appropriate. Complies. A 1.2m timber picket fence is proposed. Yes

C.10 For side and back boundaries, continue the use of timber paling fences and avoid modern metal clad fencing systems. Provided. Yes

#### Existing Significant Buildings N/A

The following buildings together help to demonstrate the history of the area and contribute to its significance. They should be retained.  
Albion Street: all buildings except nos. 1, 8, 22, 23, 24, 40

5.1.4	Location Criteria Objectives 0.1-0.3 Design Principles P.1	The subject site is within proximity to the Central City business centre, which provides commercial, industrial, educational establishments and public transport services. The site is also within a 400m walking distance of Harris Park train station and commercial area.	Yes
	Site Planning P.3	Site analysis is provided within this report and as part of the architectural plan set. The analysis addresses both the wider and immediate locality.	N/A

Clause	Controls	Comments	Complies
	Building Form and Appearance P.4 – P.8	<p>The existing dwelling on the site is not a heritage listed item, however, the site is located within the Harris Park West Conservation Area. Given the location of the site, the proposed boarding house has been designed with a Victorian Cottage aesthetic, consistent with the existing character of Albion Street and the wider locality.</p> <p>The subject site currently contains an older style single storey dwelling constructed from timber weatherboard with terracotta tiled roofing. The existing dwelling contrasts the existing character of the conservation area, which is predominantly made up of Victorian Cottage style dwellings. It is considered that the proposed boarding house will be more consistent with the existing streetscape of the conservation area.</p> <p>The proposal is compliant with majority of the building envelope requirements and is designed consistent with the surrounding locality.</p>	Yes
	Building Envelope Controls P.9 – P.10	The development has been designed to comply with the building envelope controls for a dwelling house, given they are the predominant building form within the locality. See the earlier discussion for detail.	Yes
	Occupation Requirements P.11-P.13	<p>The development proposes a maximum of 12 residents.</p> <p>Rooms are limited to a maximum of 2 occupants.</p> <p>Leases will be for a minimum of 3 months.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
	Operational Management P.14-P.21	An on-site manager is not required under the ARH SEPP 2009 due to the total number of lodgers is less than 20. However, the current application is accompanied by a Plan of Management which identifies the operation management regime for the site.	N/A- ARH SEPP 2009
	Annual Certification P.22 – P.23	Certification advice and process noted.	Yes
	Design of Boarding Houses P.24-P.34	The New Generation Boarding House has been designed to provide good amenity to	Yes

Clause	Controls	Comments	Complies
		<p>residents more aligned with a studio apartment as opposed to a traditional boarding house. The proposal provides a greater level of inclusions in each suite than would be achieved through an insistence upon a communal laundry or communal kitchen or dining area.</p> <p>The proposal provides a greater level of fit out than the DCP requirements through the provision of individual kitchen, dining and living spaces.</p> <p>Soap dispenser and individual telephone requirements are not appropriate to the proposal, fail to understand the management regime for the proposal and introduce a degree of inflexibility that is not envisaged for New Generation Boarding Houses. Notwithstanding the above comments, if Council does not agree with this position there is scope to provide conditions of consent relating to furnishings, however it is stressed that it is not appropriate to the current proposal.</p>	
	Minimum Size and Design for Bedrooms, Bathrooms, Communal Living Areas and External Recreational Areas P.35-P.46	<p>The proposed rooms do not exceed the maximum floor area of 25m<sup>2</sup> (excluding bathrooms and kitchens). Storage areas are provided within the rooms themselves. Hot and Cold water will be provided to the showers and hand basins.</p> <p>Kitchens are provided within the rooms themselves which negates the need for a communal kitchen and dining area.</p> <p>The bedrooms are designed to comply with the BCA in terms of access to natural light and ventilation, ceiling heights and fire safety. The individual suites will be key lockable.</p> <p>Communal living area is provided within the ground floor comply with the requirement under the SEPP and is also considered appropriate when taking into account the scale of the development and the substantial size of the lodging rooms which negates the need for a substantial communal area given that the needs of lodgers can be satisfied within their own rooms. In addition, the communal open space is also provided.</p>	Yes- SEPP Prevails

Clause	Controls	Comments	Complies
	Private Open Space P.47-P.48	The development proposes private open space for each unit within the northern side setback. The private open space is located on the ground floor and therefore, is not considered to result in visual or acoustic privacy impacts on neighbouring properties.	Yes
	Acoustic Amenity P.49 – P.52	<p>The proposal will have limited acoustic impacts to adjoining properties given the design and layout of the proposed development as it relates to surrounding properties.</p> <p>Noise impacts are reduced through siting the communal areas internally and communal</p> <p>Having regard to the residential nature of the facility in a residential setting, the proposal provides appropriate acoustic treatment and outcomes.</p>	Yes
	Visual Privacy P.53 – P.54	<p>The proposal continues to contain design elements that seek to reduce potential visual, privacy whilst promoting high standards of residential amenity.</p> <p>The proposed works to the subject building has incorporated design measures to achieve a satisfactory level of amenity and privacy noting that the development provides only skylight windows to the attic rooms, provides 1.8m side fencing to both side boundaries and predominantly blank walls and high sill windows to the site's southern side boundary.</p> <p>It is considered that the proposed development produces an appropriate outcome on a site that will provide a high level of amenity for future lodgers and will not adversely impact upon residential amenity currently enjoyed by adjoining properties.</p>	Yes
	Access for People with Disabilities P.55 – P.57	<p>All communal areas are wheelchair accessible.</p> <p>A Wheelchair accessible / adaptable bedroom with an ensuite bathroom is provided in the boarding house developments achieving the minimum requirement of 1 per 10 rooms.</p>	Yes

Clause	Controls	Comments	Complies
		Having regard to the modest nature of the proposal a separate Access Report is not considered a necessary inclusion in the application package.	
		The design of the boarding house incorporates an accessible room at the front of the building, that displays accessible compliant proportions and movement spaces.	
	Sustainability, Energy Efficiency and Solar Access P.58 – P.61	The development is provided with a BASIX certificate.	Yes
	Car and Bicycle Parking P.62 – P.63	Car and Bicycle parking is provided in accordance with the Parramatta DCP.	Yes
	Waste Management P.64 – P.68	Waste management requirements are complied with.  Refer to attached Waste Management Plan for detail.	Yes
	Fire Safety P.69 – P.77	Noted.	
	Signage P.78 – P.80	Noted.	

## CONCLUSION

Following a review of the relevant planning controls, it is concluded that the proposed development is consistent with the objectives, planning strategies and detailed controls of these planning documents.

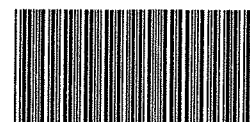
Consideration has been given to the potential environmental and amenity impacts that are relevant to the proposed development and this report addresses these impacts.

Having regard to the benefits of the proposal and considering the absence of adverse environmental, social or economic impacts, the application is submitted to Council for assessment and granting of development consent. Think Planners Pty Ltd recommends the approval of the application, subject to necessary, relevant and appropriate conditions of consent.





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### Plans

#### COURT DETAILS

Court	Land and Environment Court of NSW
Division	Class 1
Registry	Land and Environment Court Sydney
Case number	2022/00025553

#### TITLE OF PROCEEDINGS

First Applicant	Samira Abboud
First Respondent	CITY OF PARRAMATTA COUNCIL ABN 49907174773

#### FILING DETAILS

Filed for	Samira Abboud, Applicant 1
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Legal representative	Pierre Saab
Legal representative reference	
Telephone	02 9891 2552
Your reference	PS:RK:022007

#### ATTACHMENT DETAILS

In accordance with Part 3 of the UCPR, this coversheet confirms that both the Lodge Document, along with any other documents listed below, were filed by the Court.

Plans (Statement of Heritage Impact - REVISED 19-10-2021.pdf)

[attach.]



