



**Planning Proposal to amend the
Canterbury Local Environmental Plan
2012: Site area controls for boarding
houses**

November 2018



Contents

Part 1 – OBJECTIVES OR INTENDED OUTCOMES	3
Part 2 – EXPLANATION OF THE PROVISIONS	4
Part 3 – JUSTIFICATION	8
Section A – The need for the Planning Proposal	8
Section B – Relationship to strategic planning framework	19
Section C – Environmental, Social and Economic Impact	25
Section D – State and Commonwealth Interests	26
Part 4 – MAPS	26
Part 5 – COMMUNITY CONSULTATION	26
Part 6 – PROPOSED TIMELINE	26
Appendix 1 – Information Checklist	27
Appendix 2 – List of State Environmental Planning Policies	28
Appendix 3 – Local Planning Directions	30
Appendix 4 – Council report	35
Appendix 5 – Examples of boarding house DAs under SEPP	36
Appendix 6 – Plans of boarding house applications	37



Part 1 - Intended Outcomes

The planning proposal to introduce a minimum frontage and lot size for the construction of boarding houses across our residential and some business zones of the former Canterbury LGA intends to stop the development of such intense forms of development on small lots which has resulted in poor planning outcomes. This is because larger lot size generally allow for greater flexibility in design options, resulting in less visually intrusive development.

Given the current non-alignment and disparity of controls and the issues with boarding house development in the former Canterbury, it is proposed to now align the current controls to create consistency for this form of development across both LEP's of Canterbury Bankstown Council.

The amendment will bring across a provision relating to minimum frontage and site area controls for boarding houses from the Bankstown LEP 2015 into the Canterbury LEP 2012. This approach is consistent with the Department of Planning and Environment's (DP&E) guidance note for merged council's on planning functions. The guidance note recommends Planning Proposal's be prepared by the merged Council to harmonise LEPs where there is a need to amend LEPs immediately if inconsistencies exists.

The proposed amendments seek to achieve both improved development outcomes for boarding houses in the Canterbury LGA and to align the current controls for boarding houses of the newly formed Canterbury Bankstown LGA.

The intention of this Planning Proposal is to align local environmental plan (LEP) boarding housing controls within the City of Canterbury-Bankstown. This will be achieved through amending Canterbury LEP 2012 to provide specific objectives and minimum frontage and lot size controls for boarding house development as outlined in Part 1 of the planning proposal.

The specific standards proposed for boarding houses within Canterbury LEP are:

- A minimum frontage of 20m and lot size of 1200m² in zone R2 Low Density Residential.
- A minimum frontage of 20m and lot size of 1000m² in zone R3 Medium Density Residential.
- A minimum frontage of 20m and lot size of 1000m² in zone R4 High Density Residential.
- A minimum lot size of 5000m² in zone B5 Business Development.

These controls already exist for the former Bankstown Council area of the LGA. The intended outcome will be consistency in development standards applying to new boarding house development across the City of Canterbury Bankstown, and improved amenity and design of boarding house development in the former Canterbury Council area.

The Greater Sydney Commission (GSC) is the relevant planning authority for this planning proposal.



Part 2 - Explanation of Provisions

A. Amendment to the written instrument

This Planning Proposal seeks to amend the Canterbury LEP 2012 to insert specific objectives and minimum frontage and lot size requirements for boarding houses in the following zones:

- R2 Low Density Residential
- R3 Medium Density Residential
- R4 High Density Residential
- B5 Business Development

A key objective in the Bankstown LEP 2015 is proposed to be included in the amendment. The objective from clause 4.1 B reads as follows:

“Where an existing lot is inadequate in terms of its area or width—to require the consolidation of 2 or more lots”.

The inclusion of this objective will be consistent with the proposed provisions.

The intended effect of this Planning Proposal is to amend the CLEP 2012 as shown in the table below as follows:

Minimum lot and frontage sizes for boarding houses

Zone	Lot size	Frontage
R2 Low Density Residential	1200m ²	20m
R3 Medium Density Residential	1000m ²	20m
R4 High Density Residential	1000m ²	20m
B5 Business Development	5000m ²	N/A



Variation to LEP

While the proposal seeks to amalgamate Council’s LEP, it should be noted that there are a number of variations between the Bankstown LEP 2015 boarding house controls.

The table below provides an explanation as to why not all boarding house provisions in the Bankstown LEP 2015 are proposed to be duplicated in the Canterbury LEP 2012:

Variation	Department Comment	Council Comment
Clause 4.3 of Bankstown LEP 2015 includes height limitations for boarding houses in the R2 zone. These controls are not being sought by the proposal.	The exclusion of additional height limitations from the proposal is considered appropriate; however, Council should clarify why it is not seeking to introduce similar provisions for boarding houses in the Canterbury LEP.	We are not proposing to include this provision in Canterbury LEP as the heights that apply to boarding houses as stipulated in the ARH SEPP are considered to be sufficient. The SEPP applies the maximum height controls in the Canterbury LEP 2012.
Clause 4.1B(4) of Bankstown LEP 2015 states that development consent must not be granted to development for the purpose of multi dwelling housing and boarding houses on land identified as “Area 2” on the Special Provisions Map (Special Provisions Map Sheet SPV_003). This effectively creates a subzone of the R2 zone where boarding houses are not permissible.	The exclusion of this subzone from the proposal is considered appropriate, given “Area 2” is only applicable to a small number of lots along Carinya Road, Picnic Point. Nonetheless, Council should clarify it is not seeking to introduce similar provision or boarding houses in the Canterbury LEP.	This Clause is not sought as this provision (Cl 4.1B(4)) is a local provision specific to Bankstown LGA.
Clause 6.6 of Bankstown LEP 2015 relates to development in areas subject to aircraft noise, and states that consent must not be granted for the purposes of a boarding house on land in the vicinity of the Bankstown Airport where ANEF contours exceeds 25.	Given the location of Bankstown Airport, this control is not applicable in the former Canterbury LGA however Council should clarify why it is not seeking to introduce this control.	This control is not being sought as land in the former Canterbury LGA is not subject to aircraft noise.



Variation	Department Comment	Council Comment
<p>The proposal includes boarding house controls for the B5 Business Development zone that are not contained within Bankstown LEP 2015.</p> <p>While residential accommodation is generally a prohibited use in the standard instrument B5 zone. Schedule 1 of Canterbury LEP 2012 provides additional permitted use for certain land fronting Canterbury Road. The effect of this clause is to enable residential accommodation, including boarding house, where it forms part of a 'mixed use' development.</p>	<p>Comments received from the Department's Urban Renewal team noted that Council should incorporate this component into the preparation of the Canterbury Road Review planning proposal. This will allow further opportunity to explore these provisions in a more strategic and co-ordinated way as the B5 zone is located exclusively along Canterbury Road.</p> <p>Notwithstanding, given the proposal is a result of a review of boarding house developments across the Canterbury-Bankstown LGA, it is considered appropriate to consider boarding house controls in all zones where they are permissible with one proposal. Council should clarify why it is seeking to introduce this control.</p>	<p>The suggestion to include this component as part of the Canterbury Road Review is noted.</p> <p>It is considered the proposal should not be considered as a part of the review as the proposal is a result of a review of boarding houses across the Canterbury Bankstown LGA. The scope of the Canterbury Road review did not include reviewing boarding house controls. This review was recently endorsed by Council.</p> <p>The controls proposed for the B5 zone is intended to replicate the controls contained in an equivalent B4 zone in Bankstown LEP 2015.</p>
<p>Bankstown LEP 2015 has site area controls for boarding houses in the B6 Enterprise zone. The proposal is seeking to include controls in the B6 zone.</p>	<p>While boarding houses are permissible in the B6 Enterprise Corridor zone as part of a mixed use development in the former Bankstown LGA, a recent amendment to Canterbury LEP removed the following objective"</p> <p>"To provide for residential uses, but only as part of a mixed-use development".</p> <p>It is therefore considered appropriate to remove controls relating to boarding houses from the proposal. This will be included as a condition of the Gateway.</p>	<p>The Departments' comments are noted. The planning proposal has been updated to remove controls relating to boarding houses in B6 zones from the proposal.</p>
<p>The Affordable Rental Housing SEPP 2009 (ARHSEPP) permits boarding house development in the following zones:</p> <ul style="list-style-type: none"> a) Zone R1 General Residential, b) Zone R2 Low Density Residential 	<p>While introducing site area controls for boarding houses in the B1 and B2 zones is generally not supported. Council should clarify why the proposed controls for these zones are not being sought.</p>	<p>For consistency purposes Council is not proposing to introduce the controls to apply in the B1 and B2 zones as these controls do not apply to the Bankstown LEP 2015. The stated aims of the planning proposal are to apply boarding house controls from the former Bankstown controls into the former</p>



Variation	Department Comment	Council Comment
c) Zone R3 Medium Density Residential		Canterbury controls.
d) Zone R4 High Density Residential		
e) Zone B1 Neighbourhood Centre		
f) Zone B2 Local Centre		
g) Zone B4 Mixed Use		



Part 3 – Justification

Section A – Need for the Planning Proposal

1. Is the Planning Proposal a result of any strategic study or report?

The Planning Proposal is a result of a review of boarding house developments across the Canterbury Bankstown area that was undertaken for a report to be submitted to the Council meeting of 12 December 2017. The report to Council is attached as Appendix 5.

The review:

- Identified inconsistency of controls for boarding housing development between the former Canterbury and Bankstown Councils and the impact the controls have on boarding housing developments in the respective areas.
- Recognised a need to develop a set of aligned and consistent controls for boarding houses for the Canterbury Bankstown LGA.

Introducing a minimum frontage and lot size is one way to better improve planning outcomes for boarding housing. This is because larger lot size generally allow for greater flexibility in design options, resulting in less visually intrusive development.

The proposal is also part of a broader Council strategy which aims to achieve a consistent set of controls for boarding houses for the Canterbury Bankstown LGA.



Boarding house developments in Canterbury Bankstown

Boarding house approvals

In 2009 the NSW Government introduced a State Policy to make planning controls for boarding houses and other affordable housing types to be more flexible. This is known as the Affordable Rental Housing State Environmental Planning Policy (SEPP).

Following the introduction of this SEPP the number of approvals for boarding house has increased significantly in Canterbury-Bankstown, with nearly 800 rooms approved since 2009 of which half of the boarding rooms are from the former Canterbury LGA.

The table below shows annual figures of boarding house approvals in the Canterbury LGA and Bankstown LGA.

Canterbury LGA – Boarding House Approvals				
Year	No of DAs	No of boarding rooms	Zone	Average single lot size
2010	2	10	R3	810m ²
			R4	530m ²
2011	9	61	R4	790m ²
2012	4	19	R4	700m ²
2013	9	61	B1	140m ²
			B2	710m ²
			R3	600m ²
2014	8	89	R3	1000m ²
			R4	400m ²
2015	9	37	R3	1000m ²
			R4	500m ²
2016	3	66	R3	750m ²
2017	6	142	R3	420m ²
			R4	670m ²
Total	50	485		



Bankstown LGA – Boarding House Approvals				
Year	No of DAs	No of boarding rooms	Zone	Average single lot size
2010	2	56	R2	810m ²
			R4	500m ²
2011	2	56	R4	830m ²
2012	3	56	R4	100m ²
			B2	540m ²
2013	4	30	R4	1000m ²
			B2	500m ²
2014	2	0		
2015	4	57	R3	530m ²
			B4	300m ²
2016	2	83	B2	240m ²
2017	5	60	B2	220m ²
			R4	850m ²
			B4	205m ²
Total	24	398		

A review of development applications from the former Canterbury and Bankstown Council reveal the following key findings:

- Boarding house approvals and number of boarding rooms remain steady for both Council areas since the ARH SEPP came into effect in 2009.
- The introduction of the site area controls for boarding house in the Bankstown LEP 2015 has had minimal impact on the number of boarding house applications received. 200 boarding rooms have been approved since the BLEP 2015 came into effect compared to 198 boarding rooms that were approved before the gazettal of BLEP 2015.
- Typical applications in the LGA are for 2-3 storey boarding houses containing 15-25 boarding rooms in high density R4 zones or in commercial centres (B2 and B4 zones).
- Smaller boarding house applications were found in the R3 Medium Density zones and are typically formalising existing 'share house' living arrangements in existing houses.
- There was no boarding house approvals sought in the lower density R2 zones.



Boarding House outcomes of the former Council areas

A review of boarding house approvals of the newly amalgamated Canterbury-Bankstown Council has revealed a disparity in the controls and development outcomes for boarding houses in the respective Council areas.

The former Canterbury Council has no specific controls for boarding house development, and relies on controls contained within the SEPP. The review has identified that the application of the SEPP on smaller lots are often intensified and have resulted in poor development outcomes for boarding house developments in the LGA.

The former Bankstown Council has more specific controls for this form of development in both the Bankstown Local Environmental Plan (LEP) 2015 and Bankstown Development Control Plan (DCP) 2015 and this has helped to overcome design issues that have resulted from sole reliance on the SEPP.

Boarding house in the former Canterbury LGA

A review of land and environment court cases on boarding house in the former Canterbury LGA is shown in the table below:

Address	Proposal	Property/planning details	Issues
1 Fifth Avenue, Campsie	6 storey boarding house with 15 boarding rooms and 2 levels of basement parking.	<ul style="list-style-type: none"> • Site frontage: 10.06m • Site area: 253m² • Zone: R4 	<ul style="list-style-type: none"> • Overdevelopment on narrow and small site • Streetscape impact • Amenity impact
45 Cornelia St Wiley Park	3 storey boarding house with 24 boarding rooms.	<ul style="list-style-type: none"> • Site frontage: 12.96m • Site area: 670m² • Zone: R4 	<ul style="list-style-type: none"> • Bulk and scale • Isolation of adjoining site • Poor internal amenity • Streetscape impact • Amenity impact
116 Croydon Street Lakemba	4 storey boarding house containing 34 boarding rooms and basement parking.	Site frontage : 12m Site area: 607m ² Zone: R4	<ul style="list-style-type: none"> • Overdevelopment on narrow site. • Poor built form and inconsistent with character of area. • Isolation of adjoining site. • Poor internal amenity
17 Arthur Street, Lakemba	4 storey boarding house comprising 42 boarding rooms over basement parking.	Frontage: 15.24m Site area: 733m ² Zone: R4	<ul style="list-style-type: none"> • Isolation of site • Overdevelopment • Poor streetscape • Amenity impact



75 Ninth Ave, Campsie	3 storey boarding house comprising 19 boarding rooms with basement parking	Frontage: 10.06m Site area: 505m ² Zone: R4	<ul style="list-style-type: none"> • Overdevelopment on small site • Impact on adjoining neighbours • Streetscape impact.
62 Wangee Rd, Lakemba	2 three storey boarding house containing 30 boarding rooms and basement parking.	Frontage: 12.19m Site area: 830m ² Zone: R4	<ul style="list-style-type: none"> • Overdevelopment on narrow site. • Impact on adjoining neighbours • Streetscape impact.
7 Colins St, Lakemba	3 storey boarding house containing 29 boarding rooms with basement parking	Frontage: 15.24m Site area: 740m ² Zone: R4	<ul style="list-style-type: none"> • Overdevelopment of site. • Poor landscaping • Poor internal amenity for lodgers. • Amenity impact on adjoining neighbours.

Copies of Plans and elevations of boarding house applications shown in Appendix 6

An analysis of the land and environment court appeals for boarding houses from the former Canterbury Council was carried out that were SEPP and LEP compliant which typically show the following features:

- Built form
 - Developments on narrow lots (less than 10m)
 - Minimal setbacks adopted (side, front and rear)
 - Scale of boarding house is not commensurate with the scale of other permissible development in the zone. For example 3 storeys in R2 zones where 2 storeys are permitted.
 - Overdevelopment due to FSR bonus on R4 zone.
 - Disparity in occupancy rates which could lead to amenity impacts. For example boarding houses in the R2 Low Density Zone with 20 or more residents next to a dwelling with three or four residents.
- Solar access
 - Poor solar access for boarding rooms
 - Overshadowing of adjoining neighbours
- Open space
 - Minimal private and communal open space
- Boarding room size and layout
 - Poor room size and design
- Visual impact



- Poor landscaping within front setback often dominated by parking and utility structures (waste storage, drainage etc).
- Boarding house not in keeping with character of local area. The ARHSEPP requires the consideration of local character only.
- SEPP 65/ADG does not apply to boarding houses.
- Parking
 - Insufficient parking
 - Parking structures impact on the streetscape.

Examples below show photo montages of court approved boarding houses in the former Canterbury LGA that demonstrate the abovementioned features. Note these approvals have yet to be built.

Further details demonstrating the issues with boarding examples of boarding house development illustrating the issues with reliance on the SEPP is shown in **Appendix 5**.

Boarding house development in the former Canterbury LGA



Photo 1: Four storey boarding house at 17 Arthur Street, Punchbowl

Comment: This four storey boarding house is located amongst single and two storey dwelling houses and located close to neighbouring boundaries. Resultant outcome has been loss of privacy, overshadowing and adverse impact on neighbouring properties.



Photo 2: Three storey boarding house at 75 Ninth Ave, Campsie

Comment: This three storey boarding house is located on a narrow 10m site. The narrow frontage has lead to limited design options to provide adequate landscaping and solar access resulting in poor design and amenity outcomes.



Boarding House outcomes in the former Bankstown LGA

A review of DAs from the former Bankstown LGA is shown in the table below including attachments of plans and photomontages.

Address	Proposal	Site details	Desired design outcomes
35-39 Marion St, Bankstown	3 storey boarding house containing 39 boarding rooms.	Site frontage: 51.05m Site area: 1663m ² Zone: R3	<ul style="list-style-type: none"> • Acceptable bulk and scale. • Adequate landscaping • Acceptable Streetscape impact
107 Chapel St, Bankstown	4 storey boarding house containing 45 boarding rooms and 1 manager rooms with basement parking	Site frontage: 19m Site are: 828m ² Zone: R4	<ul style="list-style-type: none"> • Appropriate built form for the site. • Acceptable Streetscape impact.
76 Marion St Bankstown	3 storey containing 15 boarding rooms.	Site frontage:20m Site area: 750m ² Zone: R4	<ul style="list-style-type: none"> • Appropriate built form for the site. • Development better relates to streetscape.
8-10 Cairds Ave, Bankstown	Construct two boarding houses containing 42 boarding rooms.	Site frontage: 33m Site area:1195m ² Zone: R4	<ul style="list-style-type: none"> • Design of boarding house in keeping with the character of the residential zone and streetscape.

Copies of Plans shown in Appendix 7

The planning proposal to introduce a minimum frontage and lot size for the construction of boarding houses across our residential and some business zones of the former Canterbury LGA intends to stop the development of such intense forms of development on small lots which has resulted in poor planning outcomes. This is because larger lot size generally allow for greater flexibility in design options, resulting in less visually intrusive development.

An analysis of the development applications for boarding house from the former Bankstown Council was carried out which typically shows the following features:

- Scale of boarding houses more in keeping with the character if the residential zone and streetscape.
- Greater setbacks that allows for improved amenity and landscaping.
- Parking structures less intrusive and integrates better with streetscape



Examples below show recently built boarding houses in the former Bankstown LGA that demonstrate the abovementioned features.

Boarding house development in the former Bankstown LGA



Source: Google map

Photo 3: Two storey boarding house at 8-10 Cairds Ave, Bankstown



Source: Google map

Photo 4: Three storey boarding house at 76 Marion Street, Bankstown



Number of lots available for boarding house development under the proposed controls

An evaluation of the number of lots appropriate for boarding house under the proposed controls was undertaken to identify the number of available lots available that could be developed for boarding houses.

Boarding Houses in R2 Low Density Residential		
		Number of Lots
Total number of DP lots in R2 zones with frontage greater than 10m and greater than 600m²		1,510
Lot size and frontage		
Lot size	Frontage	Number of lots
> 1200m ²	>20m	12
> 600m ²	>10m	1,498
Side by side lots*		1120
Amalgamated lots to meet requirements		560
Total number of eligible lots in R2 zone		572

*number of individual lots that are side by side that could be created to meet proposed controls

- In the R2 zone there is a total of 1510 DP lots that have a site area greater than 600m² and site frontage of 10m. Within the 1510 lots there are 12 lots that will meet the site area requirements and a total of 560 lots that can theoretically meet the proposed controls through amalgamation.
- A total of 572 sites in the R2 zone could be constructed for boarding houses under the proposed controls.

Boarding Houses in R3 Low Density Residential		
		Number of Lots
Total number of DP lots in R3 zones with frontage greater than 10m and greater than 500m²		9,432
Lot size and frontage		
Lot size	Frontage	Number of lots
>1000m ²	>20m	227
>500m ²	>10m	9,205
Side by side lots*		7280
Amalgamated lots to meet requirement		3640
Total number of lots in R3 zone		3867

*number of individual lots that are side by side that could be created to meet proposed controls

- In the R3 zone there is a total of 9432 DP lots that have a site area greater than 500m² and site frontage of 10m. Within the 9432 lots there are 227 lots that will meet the site area requirements and a total of 3640 lots that can theoretically meet the proposed controls through amalgamation.



- A total of 3867 sites in the R3 zone could be constructed for boarding houses under the proposed controls.

Boarding Houses in R4 Low Density Residential		
		Number of Lots
Total number of DP lots in R4 zones with frontage greater than 10m and greater than 500m²		3,161
Lot size and frontage		
Lot size	Frontage	Number of lots
1000m ²	20m	111
500m ²	10m	3,050
Side by side lots*		1120
Amalgamated lots to meet requirement		560
Total number of lots in R4 zone		671

*number of individual lots that are side by side that could be created to meet proposed controls

- In the R4 zone there is a total of 3161 DP lots that have a site area greater than 600m² and site frontage of 10m. Within the 3161 lots there are 111 lots that will meet the site area requirements and a total of 560 lots that can theoretically meet the proposed controls through amalgamation.
- A total of 671 sites in the R4 zone could be constructed for boarding houses under the proposed controls.

Boarding Houses in B5 zone	
Number of Lots	
Total number of DP Lots in B5 zone	334
Lot size and frontage	
equal or greater than 5000m² (proposed controls)	5
Less than or equal to 5000m²	229

An analysis of the data reveals:

- A total of 5115 lots will be available in R2, R3, R4 and B5 zones for the construction of boarding houses under the proposed controls.
- The restriction does not apply to B1 and B2 zoned land. A total of 1310 lots zoned B1 and B2 will enable boarding housing development.
- Other types of affordable housing (secondary dwellings, multi-unit housing, residential flat buildings, dual occupancies etc) under the SEPP will be allowed on the available residential and business zones that will not be subject to the lot and frontage controls for boarding houses.
- A review of boarding house proposals shows a trend for developers to amalgamate the site that has resulted in more intense boarding houses (greater than 20 rooms).



Section B – Relationship to strategic planning framework

2. Is the Planning Proposal consistent with the objectives and actions contained within the applicable regional or subregional strategy (including the Sydney Metropolitan Plan and exhibited draft strategies).

2.1 A Metropolis of Three Cities – The Greater Sydney Region Plan

Greater Sydney Region Plan

In March 2018, the Greater Sydney Commission published the Greater Sydney Region Plan - *A Metropolis of Three Cities*. The Plan sets a 40 year vision (to 2056) and establishes a 20 year plan to manage growth and change for Greater Sydney in the context of social, economic and environmental matters, and guides the delivery of infrastructure. The Plan is built on a vision of three cities where most residents live within 30 minutes of their jobs, education and health facilities, services and great places.

The planning proposal is consistent with the objectives and actions of the Greater Sydney Region Plan as indicated in the table below:

Theme	Directions	Objectives	Consistency and response
Liveability	Housing the City	Objective 10: Greater housing supply	Yes. While the Plan emphasises the need to provide ongoing housing supply of affordable housing whilst encouraging development that is sympathetic to local character and amenity, it also recognises that these dwellings need to be in the right location in order to support and create liveable neighbourhoods. The proposal is therefore consistent with the objectives of <i>A Metropolis of Three Cities</i> as it seeks to facilitate the ongoing supply of affordable housing (boarding house) whilst encouraging development that is sympathetic to local character and amenity.
		Objective 11: Housing is more diverse and affordable	
	A city of Great Place	Objective 12: Great places that bring people together is conserved	Yes. The proposal is consistent with the objectives of this Plan as it encourages housing (boarding house) to be in the right location in order to support and create liveable neighbourhoods.



3.2 South District Plan

The South District Plan released by the Greater Sydney Commission on March 2018 contains planning priorities and actions to guide the growth of the South District while improving the Districts social, economic and environmental assets.

The South District Plan notes that residents in the South District particularly enjoy the district’s greenery, bushland and amenity of its neighbourhoods. The Planning Proposal seeks to assist in managed growth in affordable housing in the area.

Planning priority	Details	Objectives	Consistency and response
S5	Provide housing supply, choice and affordability, with access to jobs, services and public transport	Objective 10: Greater housing supply Objective 11: Housing is more diverse and affordable	Yes. The planning proposal is consistent with this priority as it seeks to provide for affordable housing capacity in the right location. It is noted that councils are in the best position to investigate and confirm the locations in their local government area that are suited for additional density opportunities. The proposal is therefore consistent with the South District Plan as it won’t impede Council’s ability to provide an increase in housing supply more broadly, while also recognising the community’s desire for well-designed affordable housing (boarding house).



S6	Creating and renewing great places and local centres, and respecting the District's heritage	Objective 12: Great places that bring people together is conserved	<p>Yes.</p> <p>The proposal is consistent with the Planning Priority 6, as it creates and renews and respects the Districts heritage. This priority states that planning proposal should be integrated with precinct-wide collaborative planning. The planning proposal is consistent with the community's vision of the area, as it integrates the communities shared value (as identified in the draft community strategic plan) to cultivate and enhance the areas of local distinctive character through collaboration.</p>
----	--	--	---

3. Is the Planning Proposal consistent with the local council's community strategic plan or other local strategic plan?

3.1 Canterbury Community Strategic Plan

Council's Community Strategic Plan 2014-2023 (Community Plan), which was adopted in February 2014, sets the vision for the former Canterbury LGA into the next decade and aims to promote sustainable living. The Community Plan sets out long term goals under five key themes being:

- Attractive city
- Stronger community
- Healthy environment
- Strategic leadership
- Improving Council.

Implementing the minimum frontage and lot size controls correlates with Council's vision of 'Attractive City' given one of the primary results of these controls will be facilitating well designed boarding houses that are compatible with the character of suburbs within the Canterbury Bankstown LGA.



3.2 CB City 2028

The recently adopted Community Strategic Plan – CB City 2028 for Canterbury Bankstown identifies the community’s desire for better design and well managed development, including affordable housing. The proposal is consistent with CB City 2028 as it is the mechanism for implementing the communities vision for a well-designed, attractive city, without changing the permissibility of boarding houses.

4. Is the Planning Proposal consistent with applicable state environmental planning policies?

Yes the Planning Proposal is consistent with relevant State Environmental Planning Policies (SEPPs) and deemed SEPPs. The SEPPs that are directly relevant to the Planning Proposal are detailed and reviewed below. For a complete checklist of SEPPs refer to Appendix 2. In summary, it is considered that the Planning Proposal for introducing minimum frontage and lot size is not inconsistent with any of the SEPPs.

- SEPP (Affordable Rental Housing) 2009:

The Planning Proposal is consistent with this SEPP. It seeks to introduce minimum area and frontage controls that will complement the existing controls in this SEPP. The SEPP currently does not provide such controls for boarding house development. They are necessary along with the existing SEPP controls to ensure appropriate design and amenity outcomes occur for boarding houses. They will assist in new development being compatible with local character as outlined in Clause 30A of the SEPP.

5. Is the Planning Proposal consistent with applicable Ministerial (S9.1) Directions?

Yes. The Planning Proposal is generally consistent with the applicable S9.1 Ministerial Directions. See Appendix 3 for a listing of all applicable Directions. The following specific comments are provided:

- Direction 1.1 Business and Industrial zones

This planning Direction seeks to encourage employment growth in suitable locations. It seeks to protect employment land in business and industrial zones and support the viability of identified strategic centres.

Comment: The proposed amendments to the CLEP 2012 are contained within the business zones making this direction applicable. While the proposal seeks to introduce a minimum lot size for the development of boarding houses in the B5, the proposal does not involve a reduction in business zoned land nor does it affect the permissibility of boarding houses in these zones. The proposal does not affect identified strategic centres (Campsie) which are situated on B2 zoned land.

- Direction 3.1 Residential zones

This planning Direction seeks to encourage a variety and choice of housing types to provide for existing and future housing needs. It also seeks to make efficient use of existing infrastructure and services and ensures that new housing has appropriate



access to infrastructure and services. The direction ensures that the impacts of residential development on the environment and resources lands are minimised.

Comment: The Planning Proposal is consistent with this direction. It does not reduce the variety and choice of housing, as the permissibility of boarding house remains unchanged.

The proposed amendments to the CLEP 2012 are contained within the residential zones making this direction applicable. While the proposal seeks to introduce a minimum frontage and lot size for the development of boarding houses in the R2, R3 and R4 zones, the proposal does not affect the permissible uses in the zone. The proposal maintains affordable housing options where lots do not meet the minimum lot and frontage size standard. Other forms of affordable housing permitted under the ARH SEPP such as dual occupancies, multi dwelling housing, residential flat building that are not subject to the lot size provisions in this Planning Proposal can still be developed.

Further analysis of boarding house supply has been provided which shows annual figures regarding boarding house and boarding room approvals under Canterbury and Bankstown LEP prior to amalgamation which demonstrates that site area controls are not duly restrictive on the feasibility of boarding house development.

An analysis of the number of available lots for development under the proposed controls were also carried out which reveal that over 5000 lots will be available in the residential zones for the construction of boarding house (under the proposed controls). In the B1 and B2 zones where the propose controls do not apply, a total of 1310 lots zoned B1 and B2 will enable boarding housing development.

The analysis of development applications for boarding houses in the Canterbury and Bankstown LGA reveals that:

- Boarding house approvals and number of boarding rooms remain steady for both Council areas since the introduction of the ARH SEPP.
- Following the introduction of this SEPP the number of approvals for boarding house has increased significantly in Canterbury-Bankstown, with nearly 800 rooms approved since 2009 of which half of the boarding rooms are from the former Canterbury LGA.
- Since the gazettal of the Bankstown LEP the former Bankstown Council are still receiving applications for boarding houses. This demonstrates that the site area controls that were introduced in BLEP in 2015 are not unduly restrictive on the feasibility of boarding house development.



- Direction 6.3 Site Specific Provisions

The objective of this direction is to discourage unnecessarily restrictive site specific planning controls.

Comment: The proposed frontage and lot size controls for boarding houses are substantially derived from already existing endorsed controls within Bankstown LEP 2015. The controls are to ensure that boarding houses are developed on suitably sized land and for this reason are necessary to achieve appropriate development outcomes.

Recent examples of boarding house developments that were subject to the proposed site area controls in the former Bankstown LGA has been provided. The examples provided show boarding house developments are commensurate with the size and scale of neighbouring development in each zone and results in boarding houses that better relate to the streetscape and its surrounds.

Analysis of boarding house approvals from the former Bankstown LGA show that were subject to the site area control in the BLEP 2012 show the following development outcome for boarding houses:

- Appropriate built form and development relates better to the streetscape and adjoining developments..
- Design of boarding house in keeping with the character of the residential zone and streetscape.
- Adequate landscaping areas – in keeping with the landscaped character of suburban areas.
- Reduced impact on adjoining neighbours from increased setbacks of boarding houses from the boundary.



Section C – Environmental, social and economic impact

6. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

No. The subject Planning Proposal seeks to implement a minimum lot and frontage size for the construction of boarding houses in the residential and some business zones. This amendment will have no impact on any critical habitats or threatened species. It will result in larger lots for the construction of these forms of development allowing more landscaped areas to be maintained across the subject suburbs.

7. Are there any likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?

No. The proposed changes are seeking to align planning controls across the City of Canterbury-Bankstown and unlikely to result in any environmental effects. Should any development application be received based on the proposed changes to the CLEP 2012, it would be subject to detailed assessment of any environmental affects that might arise.

8. How has the Planning Proposal adequately addressed any social and economic effects?

The Planning Proposal is seeking to address amenity issues created by the lack of controls for boarding house development in the former City of Canterbury. As such the intention is to create a positive social impact through improving amenity for boarding house residents.

The proposal is unlikely to create adverse economic impacts. There will be a small proportion of certain parcels of land that will not be able to be redeveloped for boarding housing as a result of the proposal and will generally require amalgamation of two parcels. The benefits of implementing the minimum lot and frontage size are however considered to outweigh the negatives of allowing these forms of developments on small lots across the Canterbury LGA. This is due to the social benefits of maintaining better amenity outcomes for both future residents of boarding houses and for existing development within close proximity to boarding houses.

Section D – State and Commonwealth Interests

9. Is there adequate public infrastructure for the Planning Proposal?

The Planning Proposal will not result in extensive additional development and is therefore unlikely to place further demands on public infrastructure.



10. What are the views of State and Commonwealth public authorities consulted in accordance with this Gateway Determination?

No consultation has been carried out with State and Commonwealth public authorities. Consultation will occur with any relevant public authorities identified as part of the Gateway Determination.

Part 4 – Maps

No changes to the Canterbury LEP 2012 maps are proposed or required.

Part 5 – Community Consultation

Although the Gateway Determination will confirm the public consultation that must be undertaken, the exhibition period for this Planning Proposal is proposed to be 28 days and would comprise:

- A notice in the local newspapers that circulate in the area affected by the Planning Proposal.
- Displays at the Council's Customer Service Centres.
- Providing information about the Planning Proposal on the Have Your Say section of Council's website.

Part 6 – Project Timeline

Council estimates that a timeframe of 12 months, from the issue of a Gateway determination, is required to complete the process.

Dates	Project timeline
May 2018	Issue of conditional Gateway Determination
August 2018	Submission of additional information to DPE
September 2018	DPE issue approval to proceed to public exhibition
November 2018	Report to Council
December 2018	Public Exhibition
March 2019	Report to Council following the exhibition
April 2019	Submission to DPE to finalise the LEP
May 2019	Making of the Plan



Appendix 1: Information Checklist



Appendix 2: List of State Environmental Planning Policies

The following tables list the State Planning Policies (SEPPs) which are applicable to the Canterbury Local Government Area, the applicability to, and compliance of, the Planning Proposal with these policies.

STATE ENVIRONMENTAL PLANNING POLICIES APPLICABLE TO CANTERBURY LOCAL GOVERNMENT AREA

State Environmental Planning Policies (SEPPs) deal with issues significant to the state and people of New South Wales. They are made by the Minister for Planning and may be exhibited in draft form for public comment before being gazetted as a legal document.

STATE ENVIRONMENTAL PLANNING POLICY	RELEVANCE TO PLANNING PROPOSAL	IS THE PLANNING PROPOSAL CONSISTENT
SEPP No.19 – Bushland in Urban Areas	N/A	
SEPP No.21 – Caravan Parks	N/A	
SEPP No.26 – Littoral Rainforests	N/A	
SEPP No.30 – Intensive Agriculture	N/A	
SEPP No.33 – Hazardous and Offensive Development	N/A	
SEPP No.39 – Spit Island Bird Habitat	N/A	
SEPP No.50 – Canal Estates	N/A	
SEPP No.55 – Remediation of Land	N/A	
SEPP No.62 Sustainable Aquaculture	N/A	
SEPP No.64 Advertising and Signage	N/A	
SEPP No.65 Design Quality of Residential Flat Development	N/A	



SEPP (Affordable Rental Housing)	Yes	The Planning Proposal is consistent with this policy.
SEPP (Building Sustainability Index: BASIX 2004)	Yes	The Planning Proposal is consistent with this policy.
SEPP (Exempt and Complying Development Codes) 2008	N/A	
SEPP (Housing for Seniors or People with a Disability) 2004	N/A	
SEPP (Infrastructure) 2007	Yes	The Planning Proposal is consistent with this policy.
SEPP (Major Development) 2005	N/A	
SEPP (Mining, Petroleum Production and Extractive industries) 2007	N/A	
SEPP (Miscellaneous Consent Provisions) 2007	N/A	



Appendix 3 - Local Planning Directions

The following Directions have been issued by the Minister for Planning and Environment to relevant planning authorities under Section 9.1 of the *Environmental Planning and Assessment Act 1979*. These directions apply to Planning Proposals lodged with the Department of Planning and Environment.

PLANNING DIRECTION	RELEVANCE TO PLANNING PROPOSAL	IS THE PLANNING PROPOSAL CONSISTENT
Employment and Resources		
<p>1.1 Business and Industrial Zones The objectives of this direction are to:</p> <ul style="list-style-type: none"> a) Encourage employment growth in suitable locations; b) Protect employment land in business and industrial zones; and c) Support the viability of identified strategic centres. 	Yes	<p>The Planning Proposal is consistent with this direction.</p> <p>See Part 3, Section B of the Planning Proposal.</p>
<p>1.2 Rural Zones The objective of this direction is to protect the agricultural production value of rural land.</p>	N/A	
<p>1.3 Mining, Petroleum Production and Extractive Industries The objective of this direction is to ensure that the future extraction of state or regionally significant reserves of coal, other minerals, petroleum and extractive materials are not compromised by inappropriate development.</p>	N/A	
<p>1.4 Oyster Aquaculture The objective of this direction are:</p> <ul style="list-style-type: none"> a) to ensure that Priority Oyster Aquaculture Areas and oyster aquaculture outside such an area are adequately considered when preparing a Planning Proposal . b) to protect Priority Oyster Aquaculture Areas and oyster aquaculture outside such an area from land uses hat may result in adverse impacts on water quality and consequently, on the health of oysters and oyster consumers. 	N/A	



<p>1.4 Rural Lands</p> <p>The objectives of this direction are to:</p> <ul style="list-style-type: none"> a) Protect the agricultural production value of rural land, b) Facilitate the orderly and economic development of rural and related purposes. 	N/A	
Environment and Heritage		
<p>2.1 Environment Protection Zones</p> <p>The objective of this direction is to protect and conserve environmentally sensitive areas.</p>	N/A	
<p>2.2 Coastal Protection</p> <p>The objective of this direction is to protect sensitive land or land with significant conservation values from adverse impacts from recreation vehicle.</p>	N/A	
<p>2.3 Heritage Conservation</p> <p>The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.</p>	N/A	
<p>2.4 Recreation Vehicle Areas</p> <p>The objective of this direction is to protect sensitive land or land with significant conservation values from adverse impacts from recreation vehicles.</p>	N/A	
Housing, Infrastructure and Urban Development		
<p>3.1 Residential Zones</p> <p>The objectives of this direction are:</p> <ul style="list-style-type: none"> a) to encourage a variety and choice of housing types to provide for existing and future housing needs, b) to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and c) to minimise the impact of residential development on the environment and resource lands. 	Yes	<p>The Planning Proposal is consistent with this direction.</p> <p>See Part 3, Section B of the Planning Proposal.</p>
<p>3.2 Caravan Parks and Manufactured Home Estates</p> <p>The objectives of this direction are:</p> <ul style="list-style-type: none"> a) to provide for a variety of housing types, and b) to provide opportunities for caravan parks and manufactured home estates 	N/A	



<p>3.3 Home Occupations</p> <p>The objective of this direction is to encourage the carrying out of low-impact small businesses in dwelling houses</p>	<p>N/A</p>
<p>3.4 Integrating Land Use and Transport</p> <p>The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:</p> <ul style="list-style-type: none"> a) improving access to housing, jobs and services by walking, cycling and public transport, and b) increasing the choice of available transport and reducing dependence on cars, and c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and d) supporting the efficient and viable operation of public transport services, and e) providing for the efficient movement of freight. 	<p>N/A</p>
<p>3.5 Development Near Licensed Aerodromes</p> <p>The objectives of this direction are:</p> <ul style="list-style-type: none"> a) to ensure the effective and safe operation of aerodromes, and b) to ensure that their operation is not compromised by development that constitutes an obstruction, hazard or potential hazard to aircraft flying in the vicinity, and c) to ensure development for residential purposes or human occupation, if situated on land within the Australian Noise Exposure Forecast (ANEF) contours of between 20 and 25, incorporates appropriate mitigation measures so that the development is not adversely affected by aircraft noise 	<p>N/A</p>
<p>Hazard and Risk</p>	
<p>4.1 Acid Sulfate Soils</p> <p>The objective of this direction is to avoid significant adverse environmental impacts from the use of land that has a probability of</p>	<p>Yes</p> <p>The objective of this direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils. Any application received based on the proposed provisions affected by</p>



containing acid sulfate soils.		acid sulfate soils will be subject to detailed assessment. Nothing in this Planning Proposal would contradict this direction.									
4.2 Mine Subsidence and Unstable Land N/A											
<table border="0" style="width: 100%;"> <tr> <td style="width: 35%;">4.3 Flood Prone Land</td> <td style="width: 15%; text-align: center;">Yes</td> <td style="width: 50%;"></td> </tr> <tr> <td colspan="3"> <p>The objectives of this direction are:</p> <p>a) to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005, and</p> <p>b) to ensure that the provisions of an LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.</p> </td> </tr> <tr> <td colspan="3"> <p>The planning proposal maintains the current provisions with respect to the management of flood prone land. The proposal is consistent with this direction.</p> </td> </tr> </table>			4.3 Flood Prone Land	Yes		<p>The objectives of this direction are:</p> <p>a) to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005, and</p> <p>b) to ensure that the provisions of an LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.</p>			<p>The planning proposal maintains the current provisions with respect to the management of flood prone land. The proposal is consistent with this direction.</p>		
4.3 Flood Prone Land	Yes										
<p>The objectives of this direction are:</p> <p>a) to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005, and</p> <p>b) to ensure that the provisions of an LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.</p>											
<p>The planning proposal maintains the current provisions with respect to the management of flood prone land. The proposal is consistent with this direction.</p>											
<table border="0" style="width: 100%;"> <tr> <td style="width: 35%;">4.4 Planning for Bushfire Protection</td> <td style="width: 15%; text-align: center;">N/A</td> <td style="width: 50%;"></td> </tr> <tr> <td colspan="3"> <p>The objectives of this direction are:</p> <p>a) to protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, and</p> <p>b) to encourage sound management of bush fire prone areas.</p> </td> </tr> </table>			4.4 Planning for Bushfire Protection	N/A		<p>The objectives of this direction are:</p> <p>a) to protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, and</p> <p>b) to encourage sound management of bush fire prone areas.</p>					
4.4 Planning for Bushfire Protection	N/A										
<p>The objectives of this direction are:</p> <p>a) to protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, and</p> <p>b) to encourage sound management of bush fire prone areas.</p>											
Local Plan Making											
<table border="0" style="width: 100%;"> <tr> <td style="width: 35%;">6.1 Approval and Referral Requirements</td> <td style="width: 15%; text-align: center;">N/A</td> <td style="width: 50%;"></td> </tr> <tr> <td colspan="3"> <p>The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.</p> </td> </tr> </table>			6.1 Approval and Referral Requirements	N/A		<p>The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.</p>					
6.1 Approval and Referral Requirements	N/A										
<p>The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.</p>											
<table border="0" style="width: 100%;"> <tr> <td style="width: 35%;">6.2 Reserving Land for Public Purposes</td> <td style="width: 15%; text-align: center;">N/A</td> <td style="width: 50%;"></td> </tr> <tr> <td colspan="3"> <p>The objectives of this direction are:</p> <p>a) to facilitate the provision of public services and facilities by reserving land for public purposes, and</p> <p>b) to facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition.</p> </td> </tr> </table>			6.2 Reserving Land for Public Purposes	N/A		<p>The objectives of this direction are:</p> <p>a) to facilitate the provision of public services and facilities by reserving land for public purposes, and</p> <p>b) to facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition.</p>					
6.2 Reserving Land for Public Purposes	N/A										
<p>The objectives of this direction are:</p> <p>a) to facilitate the provision of public services and facilities by reserving land for public purposes, and</p> <p>b) to facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition.</p>											



<p>6.3 Site Specific Provisions</p> <p>The objective of this direction is to discourage unnecessarily restrictive site specific planning controls.</p>	<p>Yes</p>	<p>The Planning Proposal is consistent with this direction.</p> <p>See Part 3, Section B of the Planning Proposal.</p>
<p>Metropolitan Planning</p>		
<p>7.1 Implementation of A Plan for Growing Sydney</p> <p>The objective of this direction is to give legal effect to the planning principles; directions; and priorities for subregions, strategic centres and transport gateways contained in A Plan for Growing Sydney.</p>	<p>Yes</p>	<p>Consistent, as the Planning Proposal aligns with the vision, land use strategy, goals, directions and actions contained in 'A Plan for Growing Sydney'.</p> <p>See Part 3, Section B of the Planning Proposal.</p>



Appendix 4 – Council report to 12 December 2017 Council meeting and Minutes



Appendix 5 – examples of boarding house development illustrating issues with reliance on ARH SEPP



Appendix 6 - Plans of boarding house applications

Attachment Address

Former Canterbury LGA

A	1 fifth Avenue, Campsie
B	45 Cornelia Street, Wiley Park
C	116 Croydon Street, Lakemba
D	17 Arthur Street, Lakemba
E	75 Ninth Avenue, Campsie
F	62 Wangee Road, Lakemba
G	7 Colins Street, Lakemba

Former Bankstown LGA

H	35-39 Marion Street, Bankstown
I	107 Chapel Street, Bankstown
J	76 Marion Street, Bankstown
K	8-10 Cairds Avenue, Bankstown