



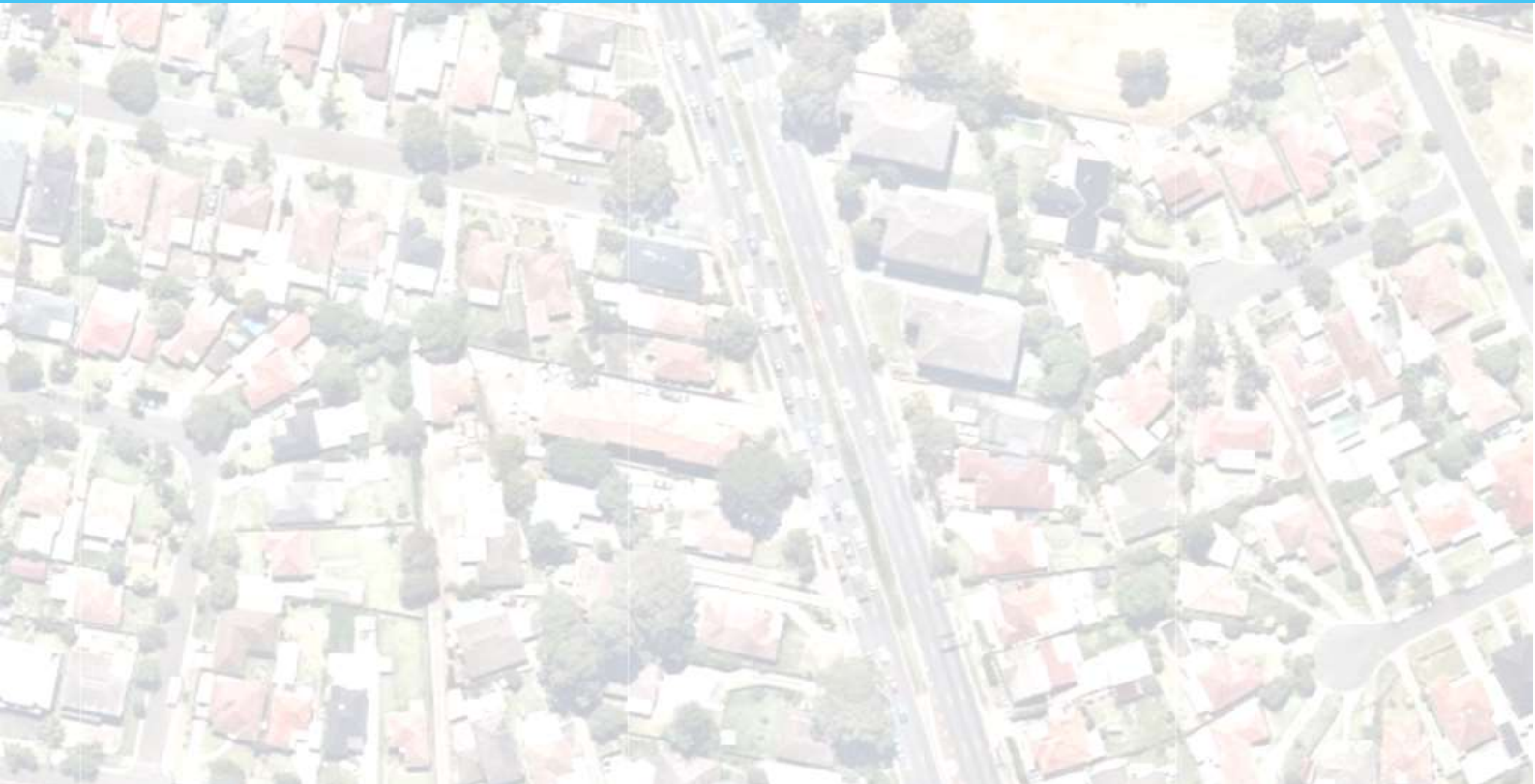
Statement of Environmental Effects

Demolition of all structures and construction of a New Generation Boarding House

265 & 267 King Georges Road, Roselands

May 2016

Evolve Housing



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Author	Version	Date
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1 Introduction

1.1 Overview

Stimson and Baker Planning has been engaged by Evolve Housing to prepare a Statement of Environmental Effects in relation to a proposed demolition of all existing structures and the construction of a new generation Boarding House on the properties known as 265 and 267 King Georges Road, Roselands.

The proposed development includes the demolition of all structures and the construction of a new generation boarding house. Consolidation of the existing lots will also be required.

The site is zoned *R3 Medium Density Residential* under *Canterbury LEP 2012* with the proposal being permissible with consent.

The proposal is defined as *development* in Section 4 of the *Environmental Planning and Assessment Act 1979* (EPA Act). Section 76A of the EPA Act stipulates that the development must not be carried out on the subject site until consent has been obtained. Furthermore, the application does not trigger any of the 'integrated development' provisions of the Act and so no third party approvals are required.

This report describes the proposed development and subject site in detail and undertakes an assessment of the proposal against the relevant aims, objectives and development provisions of Council's LEP and DCP, and Section 79C(1) of the EPA Act.

1.2 Report Structure

This Statement of Environmental Effects is structured as follows:

- Section 1: Introduction – provides an overview of the proposal, planning history for the site and background to the application.
- Section 2: The Site and Surrounds – provides an analysis of the subject site, development within the locality and a consideration of the local and regional context.
- Section 3: Development Proposal – provides a detailed description of the proposed development and its characteristics.
- Section 4: Statutory Context – provides for consideration of the proposal against the specific planning instruments and policies that are applicable.
- Section 5: Section 79C Assessment – provides an assessment against section 79C of the EPA Act.
- Section 6: Conclusion and Recommendation – summarises the report and presents a recommendation.

1.3 Introduction to Client

Evolve Housing from Parramatta and Pacific Link Housing from Gosford, both tier 1 community housing providers have joined to successfully tender for a government grant to develop three sites being in the Canterbury, Gosford and Lake Macquarie LGAs. Under the joint venture, Evolve Housing will be responsible for the tenant and property management of the King Georges Road Roselands property. Pacific Link Housing similarly will be responsible for the Gosford and Lake Macquarie LGAs properties. All properties developed will be retained by the joint venture known as Evolve Pacific Developments.

Evolve Housing's (Evolve) purpose is to build better lives and strengthen communities, by supporting individuals on their "Journey Home". The Journey Home is about;

- Creating an environment and real opportunities that allow individuals to embark on the journey to greater independence and less and less reliant on government funding,
- Breaking intergenerational cycles with early intervention,
- Working in partnership with private and community organisations to provide wrap-around services that assist with education, training, employment, health, well-being and social interaction, and
- Transforming the lives of those residents that embark on The Journey Home.



Further information regarding Evolve Housing is provided at Appendix A.

1.4 History of the Application

1.4.1 Pre-lodgement Meeting

Whilst previous sites had been discussed with senior planning staff at Canterbury Council, formal written pre lodgement advice was provided to the client in respect of the subject site on 16 December 2015. The design of the proposal has been amended considerably in response however that advice has been considered below.

Summary of Issues to Address	Section of SEE /Accompanying information
<p>Canterbury Local Environmental Plan 2012</p> <p><u>Permissibility</u></p> <p>The site is zoned R3 Medium Density Residential in Canterbury Local Environmental Plan (CLEP) 2012. The proposal is permissible with consent subject to compliance with the definition for a "boarding house" within CLEP 2012.</p> <p>Based on the plans provided, the proposed Floor Space Ratio (FSR) and Building Height comply with the development standards specified within CLEP 2012. However, when preparing DA plans, you are required to indicate existing ground level on the proposed elevations and plans as well as ensuring your <i>gross floor area</i> and <i>building height</i> calculations are in accordance with the definitions within CLEP 2012.</p> <p>You are also advised that the corridors and landings within the development will be included in the FSR calculations. <u>Please note:</u> no FSR bonus is applicable to development under the State Environmental Planning Policy (Affordable Rental Housing) 2009 (ARH SEPP). Council has not supported any floor space ratio in excess of the permissible control for boarding houses in the R3 Medium Density Residential zone in the past. Accordingly, any future development application on the site shall be required to demonstrate compliance with this control.</p> <p><u>Preservation of Trees or Vegetation</u></p> <p>Should the proposal require the removal of trees within the site to facilitate the development of the boarding house, you will be required to investigate whether these trees are a prescribed species. The removal of a prescribed tree requires development consent and will therefore need to form part of any future DA.</p> <p>Any future development application on the site shall be required to demonstrate compliance with all the relevant clauses in the Canterbury Local Environmental Plan (CLEP) 2012.</p>	<p>Noted.</p> <p>Gross floor areas and calculations are indicated on the plans.</p> <p>Definitions for <i>gross floor area</i> have been satisfied.</p> <p>The proposed development satisfies the height limit in the LEP.</p> <p>Matters relating to existing trees on and around the subject site have been addressed in the appended arborists report.</p> <p>Compliance with the LEP is achieved.</p>
<p>State Environmental Planning Policy (Infrastructure) 2007 (SEPP 2007)</p> <p>Clause 102 of the SEPP 2007 applies to buildings used for residential purposes <i>"on land or adjacent to the road corridor for a freeway, a tollway or a trans Uway or any other road with an annual average daily traffic volume of more than 40,000 vehicles (based on the traffic volume data published on the website of the RMS) and that the consent authority considers is likely to be adversely affected by road noise or vibration"</i>. In this regard, the provisions of SEPP 2007 will apply to the proposed development given that it relates to a multi dwelling housing development located adjacent to King Georges Road. An acoustic report will need to accompany any future development application and must achieve the acoustic levels outlined in Clause 102 of SEPP 2007. The application will need to be referred to the Roads and Maritime Service (RMS) for its consideration and concurrence.</p>	<p>An acoustic report is appended to this application as per the requirements of the SEPP. Appropriate mitigation measures have been proposed to be incorporated into the design of the development to ensure acoustic impacts do not exceed acceptable standards.</p>
<p>State Environmental Planning Policy (Affordable Rental Housing) 2009</p> <p>Development for the purposes of a boarding house is subject to the provisions of Division 3 within the ARH SEPP. Any future DA will be required to demonstrate compliance with the provision of this</p>	<p>The proposed development has been designed in accordance with the requirements of the ARHSEPP. It is submitted that compliance is achieved with this instrument in relation to:</p> <ul style="list-style-type: none"> • Solar access

part of the ARH SEPP. An outline of any key non-compliances and/or concerns is provided below for your consideration.

1 Solar Access to Communal Living Area

Concern is raised in regard to the amount of solar access provided to the proposed communal living area on the ground level. Details regarding solar access have not been provided and therefore a thorough assessment could not be undertaken. You are required to demonstrate that the proposed communal living room on the ground floor receives at least 3 hours of solar access between 9am and 3pm in accordance with 29(2)(c) of the ARH SEPP. This may require the preparation of hourly site and elevational overshadowing diagrams.

2 Accommodation Size

Clause 29(2)(±) of the ARH SEPP states the following in regards to 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.

The plans provided do not indicate the gross floor area of each unit and therefore it is unknown at this stage how many lodgers can reside in the development. This detail is required to be included on any DA plans. Additional private open space and parking spaces as stipulated within Clauses 29(2)(d) and 30(1)(e) of the ARH SEPP may also be necessary.

3 Area of Boarding Room

In accordance with Clause 30(1) (b) of the ARH SEPP, no boarding room is to have a gross floor area (excluding any area used for the purposes of private kitchen or bathroom facilities) of more than 25sqm. The documentation provided does not show the maximum area for each boarding room. You are required to include the area of each boarding room on the floor plans associated with any future DA to clearly demonstrate compliance.

4 Private Open Space

In accordance with Clause 29(2) (d) (ii) a private open space area of at least 8m² with a minimum dimension of 2.5m is to be provided adjacent to the boarding house manager's accommodation. Such details are to be clearly outlined on any future DA plans.

5 Bicycle and Motorcycle Parking

In accordance with Clause 30(1) (h), at least one parking space for a bicycle and motorcycle is to be provided for every 5 boarding rooms. On this basis, a total of five (5) bicycle spaces and five (5) motorcycle spaces are required. The plans submitted do not identify the proposed location of parking spaces for the above. You are required to include these details on any future DA plans.

6 Character of the Area

Clause 30A of the ARH SEPP stipulates that the design of a boarding house development must be compatible with the character of the local area. The site is situated within the R3 Medium Density Residential Zone and adjoins a residential flat building to the north. The existing development immediately to the south comprises a single dwelling at the front of the site and a battle-axe

- Accommodation size
- Boarding room floor area
- Private open space
- Bicycle and motorcycle parking; and
- Character of the area.

In terms of parking, the requirements of the ARHSEPP have been met, given the proponent is a community housing provider, however the nature of King Georges Road is noted and the resultant lack of on street car parking. Accordingly, a Plan of Management is appended to this report that will require Evolve to actively manage vehicles. All applicants selected to receive an offer of accommodation for this property are not to own a motor vehicle and are to be further advised that no off street parking is available other than disability parking, short term visitor parking and emergency services access.

This condition has been introduced to ensure that the local community are not impacted by new tenants in the area.

Appropriate finishes and materials have been proposed. A monopitch roof structure and masonry chosen as the primary building material in order to maximise the 'link' between the development and the general character of the area.

The scale and structure of the built form is also comparable to that of the surrounding locality. It is submitted that the proposed development would result in a positive contribution on the streetscape.

allotment comprising a dwelling house at the rear. The surrounding area is predominantly characterised by low and medium density development. The boarding house design is not considered to be in keeping with the character of the local area. The siting of the car park within the front setback is a dominant feature that will detract from the streetscape given the number of spaces proposed within this area. The facade design is repetitive and has very little articulation that results in minimal visual interest to the street. The plans provided do not comprise any detail regarding proposed materials and finishes.

Canterbury Development Control Plan 2012

Any future development application on the site shall be required to demonstrate compliance with the relevant provisions of Canterbury Development Control Plan 2012 (CDCP 2012).

Part 2 -Residential

- 1 Part 2 of our DCP does not provide specific criteria for the assessment of Boarding House applications, as the ARH SEPP is the relevant document in this regard. However, the ARH SEPP does not contain controls with regard to building form and the like and therefore, it is considered that the multi-unit development controls contained within Part 2 of our DCP should be used as a guide.
- 2 Part 2.1.2(x) stipulates that the minimum site width for multi dwelling housing is 27m measured across the street boundary on a major road (King Georges Road is a classified as a major road). On this basis, justification is to be provided as part of any future DA outlining why this substantial non-compliance is acceptable. We strongly suggest that any future design is to demonstrate a high level of compliance with the remaining statutory and non-statutory controls to assist with your justification. You are advised that any future DA, if a variation is supported, would be referred to our City Development Committee for determination. This would incur additional time delays to the determination of your application.
- 3 In accordance with Part 2.1.3 of CDCP 2012, a maximum 1m cut below ground level and 600mm fill above ground level is permitted. The plans provided do not indicate any cut and/or fill. You are required to clearly indicate these details on any future DA plans.
- 4 In accordance with Part 2.1.4(vii) of CDCP 2012, a maximum of one storey is permitted where the building is located more than 20m (in addition to the required front setback) or a distance of 65% of the total length of the allotment, as measured from the front boundary (whichever is the greater). Maximum two storey otherwise. The proposed two storey nature of the rear building is a significant departure from this requirement.
- 5 Given the nature of the proposal, the setbacks will be considered in light of the controls found in Part 2.1.7 (vi) and (xxvi-xxxi). The proposal, in its current form, complies with the 9m front setback, however the location of the car parking within the front setback is not supported. It is strongly recommended that you redesign the proposal to comply with these standards to ensure the development is comparable to existing similar developments.

The Canterbury DCP contains no controls specifically related to the built form of a boarding house. Indeed the R3 zone allows for a range of land use types that have no specific DCP controls detailed. That said the DCP and its controls, particularly insofar as they relate to multi dwelling development, can be used as a guide for the built form in the zone.

The Canterbury DCP has been used to inform the design and spatial relationship of the proposed buildings and that of existing built form on adjoining properties. To that end, generous setbacks have been adopted, similar to what would be expected of a multi dwelling development, the height of the proposal is well below the height limit within the LEP, and the front setback is proposed to be heavily landscaped to further break down the development when viewed from the public domain.

To maintain privacy, wide format windows are proposed with the use of opaque glazing, screening and dense planting proposed.

Generally, the potential impacts of the proposed boarding house on adjoining development are minimal. Privacy and overshadowing have been considered and acceptable. Planting opportunities have been maximised in order to provide barriers.

6 The plans provided do not dimension the building separation of the two buildings. In accordance with Part 2.1.9 (vi) a minimum of 5m separation between buildings that re on one site is required. You are required to provide these details on any future DA plans.

7 The plans submitted do not identify the location for services and utility areas on site. You are required to include such details on any future DA plans.

8 The location of the parking spaces must not detract from the appearance of the streetscape. The proposal in its current form will result in a large expanse of area utilised for car parking that is highly visible from the street. The proposal must address the applicable design controls under Part 2.2 Design Controls of CDCP 2012.

9 The proposal must give consideration to level of privacy of future occupants of the site and residents of adjoining properties. In this regard, appropriate screening may be required and windows to principal living areas that are orientated towards adjoining properties are to be less than 600mm wide or have sills that are at least 1.5m above the associated floor level. These details are to be included on any future DA plans.

Part 6.3 -Crime Prevention through Environmental Design

1-Part 6.3.1.1 (ii) and Part 2.2.2(v) of CDCP 2012 stipulate that at least one habitable room shall face the street and communal spaces. Any future development application shall demonstrate the provision of adequate natural surveillance, whilst maintaining regard for the privacy of adjoining properties.

2-Part 6.3.1.1(iii) of CDCP 2012 requires that entries to residential buildings are clearly identifiable. The subject boarding house is accessed via a car parking area, which does not align with this provision. Accordingly, any future development application shall demonstrate a clearly identifiable entry.

Matters relating to CPTED have been addressed throughout this report.

1.5 Supporting Documentation

The proposal is accompanied by the following documentation:

Documentation	Prepared By
Architectural drawings	Sissons Architects
Hydraulic Report/ Stormwater Concept Design	Taylor Thomson Whitting
Erosion and Sediment Control Plan	Taylor Thomson Whitting
Survey Plan	Lawrence Group
Landscape Concept Plan	Black Beetle
Arboriculture Assessment	Landscape Matrix

Documentation	Prepared By
Traffic Impact Assessment	GTA Consultants
Fire Engineering	Affinity Fire Engineering
BASIX/NatHERs Certificate	Certified Energy
BCA Compliance	AED Group
QS Report	MBM

1.6 Legislation, Environmental Planning Instruments and Policies to be considered

- *SEPP No 55 – Remediation of Land*
- *SEPP (Affordable Housing) 2009*
- *SEPP (Infrastructure) 2007*
- *Canterbury LEP 2012*
- *Canterbury DCP 2012*

1.7 Consent Authority

The consent authority for this application is the Sydney East Joint Regional Planning Panel given the project exceeds \$5 million capital investment value. A QS report accompanies the report.

2 The Site and Surrounds

2.1 Regional Context

The Canterbury Local Government Area is located 17 km south-west of the Sydney CBD and comprises sixteen suburbs spread over approximately 34sqm. The Canterbury LGA's economy is primarily industrial in nature and has competitive strengths in the manufacturing, wholesale trade and retail trade sectors.

The Metropolitan Strategy, A Plan for Growing Sydney was released on 14 December 2014. One of the goals of the Plan is that Sydney will be a great place to live with communities that are strong, healthy and well connected. The plan recognises the need to create more vibrant places and revitalised suburbs where people want to live – welcoming places and centres with character and vibrancy that offer a sense of community and belonging.

Strategically, the City of Canterbury is located within the south subregion. One of the priorities identified for the subregion by the Department of Planning and Environment is to '*accelerate housing supply, choice and affordability and build great places to live*'.

The proposal is for a much needed affordable housing product in an area well serviced by public transport, and therefore it would make a significant contribution to the expected development outcomes for this area.



Figure 1 Sydney's South Subregion

2.2 Local Context

The subject site is located in the suburb of Roselands and has frontage to the major vehicular corridor of King Georges Road.

Surrounding land uses are characterised by a range of residential densities.

Given the nature of the King Georges Road, major bus links are provided along that road providing access across the region. A nearby bus stop on King Georges Road sees the site being considered in an 'accessible area' as defined by the Affordable Housing SEPP (See Appendix B).



Figure 2 Surrounding Locality

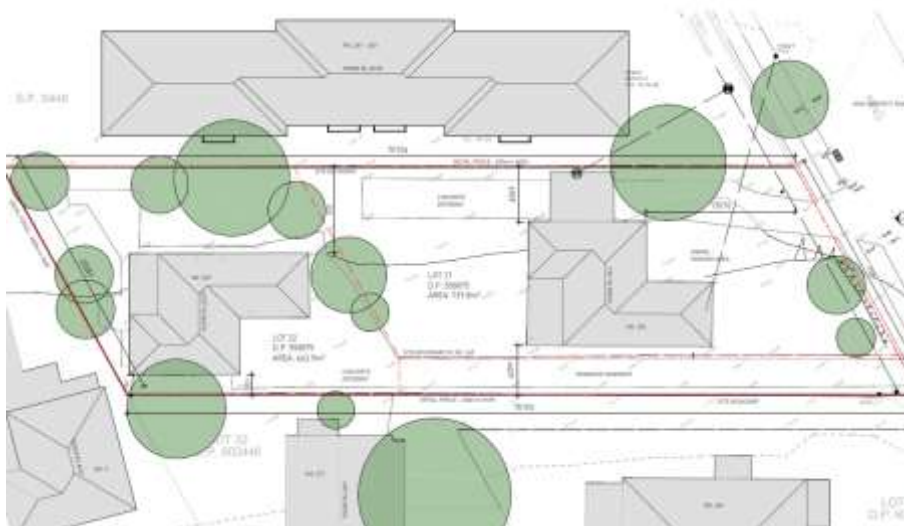


Figure 3 Existing site layout

2.3 The Subject Site and Surrounds

The site is located on the western side of King Georges Road, between its intersections with Hilton Avenue and Penshurst Road. The site is known as 265 & 267 King Georges Road, Roselands and is legally described as Lot 21 DP558875 and Lot 22 DP558875. The properties are orientated generally in an east-west alignment and together are rectangular in shape. The subject site has a frontage of 22.98m and a total area of 1,403.7sqm.



Figure 4 Site and surrounds

Topography

The site is relatively level with a gradual fall from the rear of the property to the street

Vehicular Access

There is direct vehicular access to the site from King Georges Road. Currently two vehicle crossings service the existing lots.

Pedestrian Access and Public Transport

There is a pedestrian pathway across the frontage of the site on King Georges Road.

There are bus stops within 400m from the site on King Georges Road providing services to the wider area.

Roselands Shopping Centre is within walking distance (700m) from the site. Beverly Hills Station is just over a 1.4km from the site to the south.

Utilities and Services

There are existing reticulated sewer, water and electricity services to the site.



Figure 5 Views of subject site and southern boundary

2.4 Existing Development

The property is currently occupied by two dwellings and associated hardstand and landscaped areas. These structures are proposed to be demolished as part of this application.

3 Development Proposal

3.1 Objectives of the Proposal

This application seeks consent for the demolition of all existing structures on the site and the construction of a new generation boarding house within the grounds of 265-267 King Georges Road, Roselands.

3.2 Details of the Proposal

The proposed development is to demolish all existing structures on the site and construct a new generation boarding house comprising the following elements.

- Twelve rooms (including Manager's room) at ground level.
- Communal living area at ground level.
- Office/store at ground level.
- Communal open space, drying area and Manager's open space area within rear setback
- Parking for 6 vehicles, 5 motorbikes and 5 bicycles at ground level. Parking is provided within the front setback.
- Fourteen Boarding rooms on the first level.

Generally each room contains an area for a bed, small kitchenette and ensuite facilities. Space is provided in each room for a washing machine. Rooms on the ground floor are accessible.

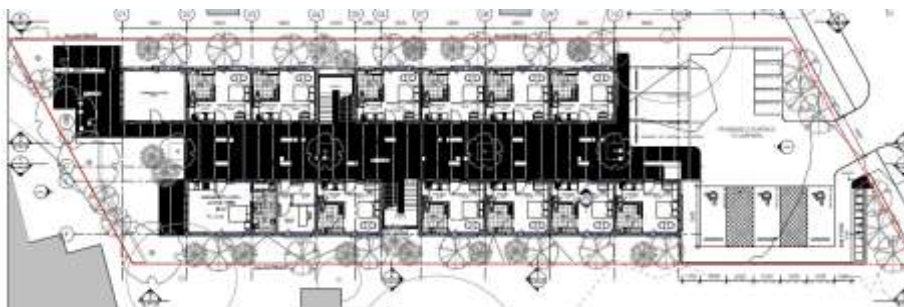


Figure 6 Ground Floor Plan

Design Principles and Built Form

The proposal adopts a traditional form of architecture that respects existing development in the locality. The roof pitch is consistent with a dwelling house design in the locality, and the materials and finishes proposed are contemporary in nature.

The built form is of a scale and bulk that would be expected in a medium density environment. Importantly, whilst at-grade car parking is provided within the front

setback, landscaping in this areas has been maximised to improve the streetscape presentation, consistent with others in the locality.

Land Uses

The proposal being a new generation boarding house is permissible under the LEP and the SEPP.

Access and Internal Circulation

An appropriate level of access is provided to the site, both for vehicular and pedestrian traffic. Paths of travel are generally well laid out and logical.

The development presents with an 'address' and access path on the western side of the building.

Accessible requirements in accordance with the provisions of the Disability (Access to Premises) Standard 2010 have been incorporated into the design of the building.

An access report is appended to this report.

The proposal provides for accessible toilet facilities within the development.

Traffic and Parking Provision

Parking is provided on the ground level within the front setback. A total of 6 car spaces are provided along with motorcycle and bicycle parking.

Landscaping and Open Space

A Landscape Plan accompanies the application and demonstrates high quality landscaping outcomes of those proposed open spaces. Landscaping proposed as part of this development is considered to be of a higher quality than that of surrounding development.

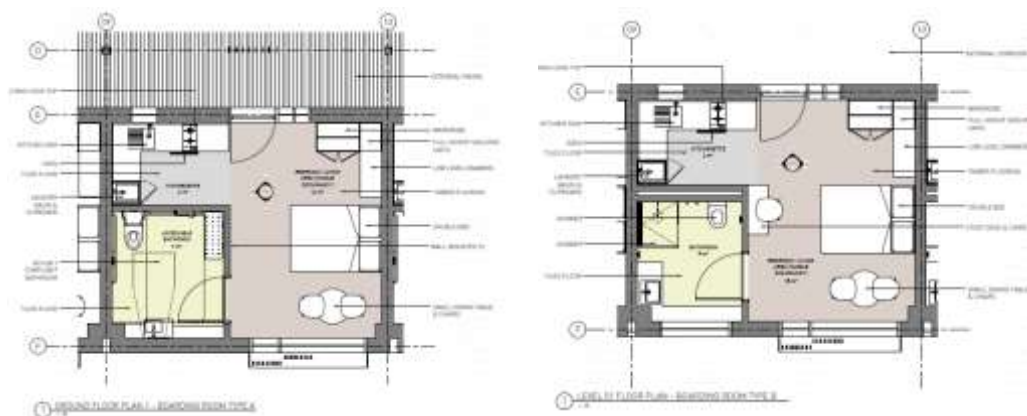


Figure 7 Proposed Room Layouts/Plans

Management

An on-site manager will be present at all times as required by the Affordable Housing SEPP. The manager will be responsible for the general cleanliness and maintenance of the site. Further, a Plan of Management will be adopted for the management of the site.

Stormwater Drainage

A stormwater drainage concept plan accompanies the application and demonstrates compliance with Council's controls.

Utilities

The site is appropriately serviced to accommodate the proposed use. Some utility upgrades are likely to be required and will be confirmed with the relevant service authority.

Civil Works

Some minor civil engineering works may be required and these are detailed in the accompanying plans.

Waste Management Strategy

Waste bins will be provided in a dedicated waste storage area at ground level. Waste will be collected by Council's contractor.

National Construction Code Compliance

All works will be carried and comply with the National Construction Code (now incorporating the BCA). A Construction Certificate will be required in relation to the proposal and it is expected that Council will require matters relating to NCC compliance.

3.3 Numerical Overview

A numerical overview of the proposed development is provided in the following table.

SITE AREA	
1,403.7sqm	
GROSS FLOOR AREA AND FLOOR SPACE RATIO	
GFA = 708sqm, equating to a 0.5:1 FSR	
HEIGHT	
Less than the 8.5m height limit	
ACCOMMODATION SUMMARY	
Ground Level	11 x Accessible Boarding Rooms ((Type A – refer plans) 1 x Communal Room 1 x Managers Unit 1 x Office and Store
Level 1	14 x Boarding Rooms (Type B – refer plans)

TOTAL 25 x Boarding Rooms

PARKING REQUIREMENTS

Under ARHSEPP in an Accessible Area for a Community Housing Provider, 0.2 spaces per room required. $25 \times 0.2 = 5$ spaces + 1 for Manager

TOTAL CAR SPACES 6 (3 of which are accessible)

TOTAL MOTORCYCLE SPACES 5

TOTAL BICYCLE SPACES 5

WASTE MANAGEMENT (as per Canterbury DCP)

Waste Generation 60L/occupant/week

Recycling Generation 20L/occupant/week

Therefore:

7 x 240L bins required for waste

3 x 240L bins required for recycling

Therefore:

7sqm area required for bin store



Figure 8 Perspective – from east

4 Statutory Context

The following section provides an assessment of the proposed development against the relevant planning instruments and policies.

4.1 State Environmental Planning Policy No 55 – Remediation of Land

Under Clause 7(1)(A) the consent authority must not consent to a development application unless consideration has been given to whether the land is contaminated. Although there has not been any site investigations directly testing contamination, the previous and current use of the site and surrounding area for residential development would make it unlikely that the site is contaminated.

4.2 State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

Given the class of building proposed, the SEPP does not apply and therefore a BASIX certificate is not required. Notwithstanding, one has been obtained and the requirements arising are appended to this report. A report addressing Section J of the Building Code of Australia will however be required to be considered prior to the issue of an Occupation Certificate.

4.3 State Environmental Planning Policy No 65 – Design Quality of Residential Flat Buildings

Recent amendments to the SEPP now specifically exclude boarding houses from the application of the SEPP. The SEPP therefore does not apply to the proposed development.

4.4 State Environmental Planning Policy (Affordable Rental Housing) 2009

The SEPP provides planning controls and objectives for the provision of affordable housing. The proposed development has been considered against the provisions of the SEPP.

SEPP (Affordable Rental Housing) 2009 – Division 3 Boarding Houses	
Control	Comment
<p>25. Definition</p> <p>In this Division:</p> <p><i>communal living room</i> 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, recreation room or games room.</p>	Noted.
<p>26. Land to which Division applies</p> <p>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:</p> <ul style="list-style-type: none"> (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 Neighbourhood Centre, (f) Zone B2 Local Centre, (g) Zone B4 Mixed Use. 	The site is located within an R3 Medium Density zone.
<p>27. Development to which Division applies</p> <ul style="list-style-type: none"> (1) This Division applies to development, on land to which this Division applies, for the purposes of boarding houses. (2) Despite subclause (1), this Division does not apply to development on land within Zone R2 Low Density Residential or within a land use zone that is equivalent to that zone in the Sydney region unless the land is within an accessible area. 	The Division applies given the zoning of the subject site.
<p>28. Development may be carried out with consent</p>	
<p>29. Standards that cannot be used to refuse consent</p> <ul style="list-style-type: none"> (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: <ul style="list-style-type: none"> (a) the existing maximum floor space ratio for any form of residential accommodation permitted on the land, or (b) if the development is on land within a zone in which no residential accommodation is permitted—the existing maximum floor space ratio for any form of development permitted on the land, or (c) if the development is on land within a zone in which residential flat buildings are permitted and the land does not contain a heritage item that is identified in an environmental planning instrument or an interim heritage order or on the State Heritage Register—the existing maximum floor space ratio for any form of residential accommodation permitted on the land, plus: <ul style="list-style-type: none"> (i) 0.5:1, if the existing maximum floor space ratio is 2.5:1 or less, or (ii) 20% of the existing maximum floor space ratio, if the existing maximum floor space ratio is greater than 2.5:1. 	The subject site is on land that allows a floor space ratio of 0.5:1. Since residential flat buildings are not permissible in the zone, a floor space ratio bonus is not applicable.

SEPP (Affordable Rental Housing) 2009 – Division 3 Boarding Houses

Control	Comment
<p>(2) A consent authority must not refuse consent to development to which this Division applies on any of the following grounds:</p> <p>(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,</p> <p>(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>(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,</p> <p>(d) private open space if at least the following private open space areas are provided (other than the front setback area):</p> <p>(i) one area of at least 20 square metres with a minimum dimension of 3 metres is provided for the use of the lodgers,</p> <p>(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,</p> <p>(e) parking if:</p> <p>(i) in the case of development in an accessible area—at least 0.2 parking spaces are provided for each boarding room, and</p> <p>(ii) in the case of development not in an accessible area—at least 0.4 parking spaces are provided for each boarding room, and</p> <p>(iii) in the case of any development—not more than 1 parking space is provided for each person employed in connection with the</p>	<p>In relation to the proposed development:</p> <p>a) The proposed development is within the permissible building height.</p> <p>b) The landscaped treatment of the front setback area is not inconsistent with that of the surrounding existing development, noting there is a diverse range of streetscape presentation within the wider locality and landscaping proposed is significant and of high quality. The SEPP requires the landscape treatment to be compatible¹ with that of the streetscape and it is submitted that this is achieved. Whilst parking is proposed within the front setback, there are many examples of surrounding and nearby development where turning areas (some formal, some informal) exist. In the case of the proposed development, it is submitted that the way in which the front setback is designed maximizes the overall EPA Act objective of 'efficient use of the land', while ensuring the landscaping is maximized. The overall result is expected to be a positive contribution to the streetscape.</p> <p>c) Solar access is provided as required.</p> <p>d) Private open space is provided as required, including for the manager's accommodation.</p> <p>e) The site is within an accessible area² and parking is provided at a rate of 0.2 spaces per room. A dedicated manager's position is provided.</p> <p>f) The size of each room exceeds the minimum GFA nominated in the SEPP.</p> <p>It is noted that each room has private kitchen and bathroom facilities.</p> <p>In terms of parking, the requirements of the ARHSEPP have been met, given the proponent is a community housing provider, however the nature of King Georges Road is noted and the resultant lack of on street car parking. Accordingly, a Plan of Management is appended to this report that will require Evolve to actively manage vehicles. All applicants selected to receive an offer of accommodation for this property are not to own a motor vehicle and are to be further advised that no off street parking is available other than disability parking, short term visitor parking and emergency services access.</p> <p>This condition has been introduced to ensure that the local community are not impacted by new tenants in the area.</p>

¹

² Accessible area – **accessible area** means land that is within:

(a) 800 metres walking distance of a public entrance to a railway station or a wharf from which a Sydney Ferries ferry service operates, or

(b) 400 metres walking distance of a public entrance to a light rail station or, in the case of a light rail station with no entrance, 400 metres walking distance of a platform of the light rail station, or

(c) 400 metres walking distance of a bus stop used by a regular bus service (within the meaning of the [Passenger Transport Act 1990](#)) that has at least one bus per hour servicing the bus stop between 06.00 and 21.00 each day from Monday to Friday (both days inclusive) and between 08.00 and 18.00 on each Saturday and Sunday.

The relevant bus timetable demonstrating compliance with the above definition is appended to this report.

SEPP (Affordable Rental Housing) 2009 – Division 3 Boarding Houses

Control	Comment
<p>development and who is resident on site,</p> <p>(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:</p> <p>(i) 12 square metres in the case of a boarding room intended to be used by a single lodger, or</p> <p>(ii) 16 square metres in any other case.</p> <p>(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.</p> <p>(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).</p>	

30. Standards for boarding houses

<p>(1) A consent authority must not consent to development to which this Division applies unless it is satisfied of each of the following:</p> <p>(a) if a boarding house has 5 or more boarding rooms, at least one communal living room will be provided,</p> <p>(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,</p> <p>(c) no boarding room will be occupied by more than 2 adult lodgers,</p> <p>(d) adequate bathroom and kitchen facilities will be available within the boarding house for the use of each lodger,</p> <p>(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,</p> <p>(f) (Repealed)</p> <p>(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,</p> <p>(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.</p> <p>(2) Subclause (1) does not apply to development for the purposes of minor alterations or additions to an existing boarding house.</p>	<p>In relation to the proposed development,</p> <p>a) A communal area is provided.</p> <p>b) The GFA of each room does not exceed 25sqm.</p> <p>c) No room will be occupied by more than 2 lodgers.</p> <p>d) Adequate kitchen and bathroom facilities are provided for each lodger within their rooms.</p> <p>e) A manager's unit and separate office is provided.</p> <p>f) (Repealed)</p> <p>g) Ground floor commercial uses are not required given the existing zoning.</p> <p>h) The required number of bicycle and motorcycle spaces are provided in the current proposal.</p>
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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.

The issue of character has been considered in section 4.4.1 of this report.

4.4.1 The issue of 'character' as it relates to boarding houses

The 'local character' test was introduced to the SEPP in amendments in May 2011. The test applies to development application for boarding houses and requires that a consent authority consider whether such developments are compatible with the character of the local area before granting consent.

Court decisions have upheld appeals in relation to development applications under the Affordable Housing SEPP, after consent was refused by the local council on the basis that the proposed development was not compatible with the character of the local area.

In these decisions, the Court confirmed that its earlier consideration of compatibility with urban character in relation to a development application based on existing use rights (*Project Venture Developments v Pittwater Council*) also applies to the "local character" test in the Affordable Housing SEPP.

According to the Court, there are two questions to be considered in determining whether a proposal is compatible with its context:

- Are the proposal's physical impacts on surrounding developments acceptable?
- Is the proposal's appearance in harmony with the buildings around it and the character of the street?

Are the proposal's physical impacts on surrounding developments acceptable?

Physical impacts, such as noise, overlooking and overshadowing which constrain the development potential of surrounding sites may not be acceptable. Therefore, a development which would cause this kind of impact will clearly not be compatible with the local area.

Is the proposal's appearance in harmony with the buildings around it and the character of the street?

While this question involves some subjective assessment, in past decisions the Court found that:

- the relationship of built form to the surrounding space created by building height, setbacks and landscaping, is significant to the creation of urban character;
- in special areas, such as conservation and heritage areas, architectural style and materials also contribute to character,
- the retention of trees and deep soil landscape will assist in maintaining character and improving the visual impact of buildings; and

- the local area in which character should be assessed is principally the visual catchment in which the development will be viewed. However, the wider context is also relevant.

In respect of the proposed development, the following is submitted for consideration:

- In terms of potential noise impacts on the locality, there are no impacts expected that would be beyond a normal medium density environment. Developments of similar scale and bulk are within close proximity and it is considered this development will not create any unacceptable impacts. The proposal is also accompanied by a Plan of Management that proposes how potential noise generation will be managed by the on site manager. The proximity of King Georges Road is also noted, being one of the major vehicle routes in the Sydney area carrying major volumes of traffic.
- It is considered there will be no unacceptable impacts in terms of overlooking. The submitted privacy plan demonstrates that adjoining properties will not be significantly affected. The potential for overlooking is not considered excessive or unacceptable in a medium density environment such as the subject locality.
- Some overshadowing will occur as a result of the proposed development, however solar access to private open space will be retained on the adjoining properties to the south.
- The built form in respect of height, setbacks and landscaping is generally consistent with those either constructed or anticipated in the zone – noting that the Council DCP does not contain controls specifically relating to boarding houses.
- Whilst landscaping has been proposed in the front setback to be consistent with nearby and adjoining development, it is considered to be quite dense and high in quality, resulting in a positive impact on the streetscape.

In a recent case (April 2016) *Koutsos & Anor v Manly Council*, the use of the above planning principle in considering impacts on character was confirmed. In that case, the proposed development exceeded the FSR and height controls on the site, but was similar to development already approved on the site under a separate consent. The Council argued that for the boarding house approval, these breaches resulted in the development not being compatible with nearby and adjoining development. This despite the adjoining development also exceeding the controls. The relevant paragraph from the judgement follows:

Having regard to the evidence, I am satisfied that the design of the proposed development would be compatible with the character of the local area. The fact that the proposed building exceeds the building height and FSR development standards contained in the LEP is not, in the circumstances of the case, a reason to reach an alternate conclusion. That is because of the location of the site adjacent to other three storey buildings that occupy a large footprint and the general locality that also contains buildings above the height and FSR control. The proposed building will sit in harmony with those buildings and importantly retain the historic terrace house façade

to Darley Road. That visual impact is an important consideration to the compatibility of the development and there is no evidence to suggest that the design of the development is not appropriate in those terms. The setbacks of the building are also consistent with those of adjoining properties and are not uncharacteristic of the streetscape.

The relevance to this proposal is that the building represents a 'mid-point' between existing three storey buildings adjacent to the subject site and also within the locality (across King Georges Road), and the one and two storey developments that also exist in the area. The adjoining building to the south actually sits higher than the subject site and presents as a taller element. The LEP also allows development to an 8.5m height limit and this proposal is well within that.



Figure 9 Adjoining and nearby development - noting the difference in scale

In terms of setbacks the proposed development is set further back from King Georges Road than adjoining development.

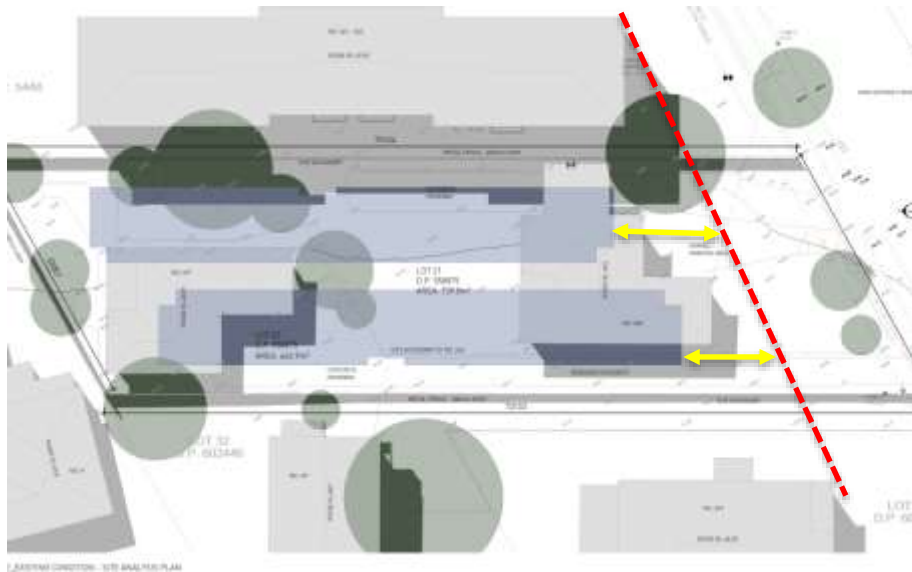


Figure 10 Front building line and proposed setbacks from that point

Figure 10 highlights the setback of the proposed buildings from the established front setback. Accordingly, the proposal could not be criticised for creating a substantial impact on the built form of the streetscape due to the fact it would not present as a dominant form.

In terms of design the proposed building represents a contemporary interpretation of the traditional building elements and form that have evolved in the zone. This includes angled roof elements, heavy use of brickwork in the facades, and generous setbacks for landscaping purposes. Much like the above case, there is nothing to suggest the form proposed, or the resultant outcomes, are inappropriate or unacceptable in those terms. Figures 11 and 12 highlight the discreet nature and scale of the development when considered in the context of the streetscape.

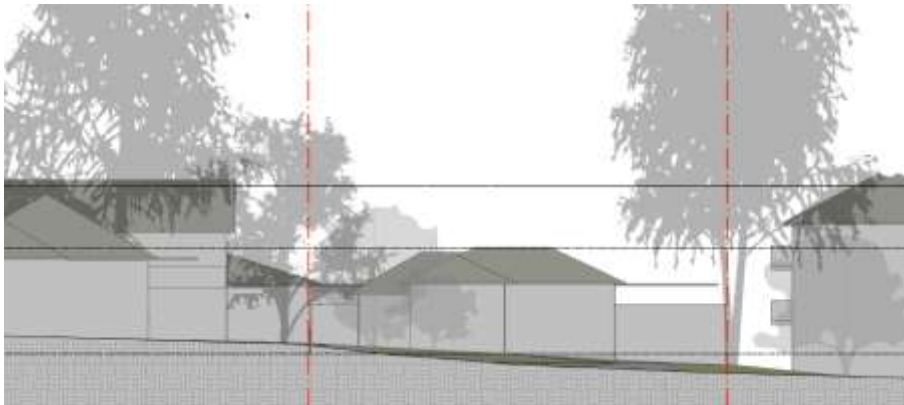


Figure 11 Existing streetscape elevation



Figure 12 Proposed streetscape elevation

In terms of landscaping, the proposed development provides substantial 2.5m side setbacks and 5m rear setback. Additionally, ample space is provided within the front setback for landscaping. All landscaping spaces will allow for dense, high quality landscaping to be provided, importantly including the opportunity for canopy trees to be established. In terms of visual impact, it is expected the proposed development would have a positive impact when viewed from the public domain.



Figure 13 Landscaping plan

In summary, the proposed development demonstrates detailed consideration of the controls that apply to the site for multi dwelling development. In our view the proposal is sympathetic to those controls. However the proposal is for a new generation

boarding house, one of many permissible uses in the R3 zone³ that do not benefit from development type specific controls in the DCP, and in that regard the proposal should be considered on a merits based approach, not numerically against controls that do not apply to this development type.

In conclusion, we submit the proposed development is not offensive or incompatible with the character of the area and can be supported by Council.

4.5 State Environmental Planning Policy (Infrastructure) 2007

The aim of SEPP Infrastructure is to facilitate the effective delivery of infrastructure across the State.

Clause 100 of the SEPP requires development with a capital investment of greater than \$150,000 to be referred to Roads and Maritime Services (RMS) for concurrence prior to determination of the matter.

Clause 101 of the SEPP requires the consent authority to consider the potential impacts of the development given its frontage to King Georges Road (a classified road). The traffic and parking impacts of the proposed development have been considered in the accompanying traffic impact assessment report.

Clause 101 of the SEPP requires King Georges Road to be considered in the context of potential acoustic impacts given the volumes of traffic on that road. An accompanying acoustic impact assessment report accompanies the application.

4.6 Canterbury Local Environmental Plan 2012

The LEP is the primary environmental planning instrument relating to the proposed development. The objectives of the LEP are as follows:

- (a) *to provide for a range of development that promotes housing, employment and recreation opportunities for the existing and future residents of Canterbury,*
- (b) *to promote a variety of housing types to meet population demand,*

³ The following list includes permissible uses in the R3 zone under the LEP – bolded (ours) are those uses that do not have specific DCP(Residential chapter) controls for that zone.

*Attached dwellings; **Bed and breakfast accommodation; Boarding houses; Building identification signs; Business identification signs; Business premises; Car parks; Child care centres; Community facilities; Dual occupancies; Dwelling houses; Environmental protection works; Exhibition homes; Flood mitigation works; Group homes; Home businesses; Home industries; Multi dwelling housing; Neighbourhood shops; Office premises; Places of public worship; Recreation areas; Respite day care centres; Restaurants or cafes; Roads; Semi-detached dwellings; Seniors housing; Shops***

- (c) *to ensure that development is of a design and type that supports the amenity and character of an area and enhances the quality of life of the community,*
- (d) *to create vibrant town centres by focusing employment and residential uses around existing centres and public transport nodes,*
- (e) *to revitalise Canterbury Road by encouraging a mix of land uses that does not detract from the economic viability of existing town centres,*
- (f) *to retain industrial areas and promote a range of employment opportunities and services,*
- (g) *to promote healthy lifestyles by providing open space that supports a variety of leisure and recreational facilities and encouraging an increased use of public transport, walking and cycling,*
- (h) *to protect the natural environment for future generations and implement ecological sustainability in the planning and development process,*
- (i) *to protect and promote the environmental and cultural heritage values of Canterbury.*

The proposed development is consistent with the objectives in that:

- The development contributes to a diverse range and type of housing product in an area of high need.
- The design of the building is intended to result in a positive contribution to the streetscape presentation of King Georges Road, and an improvement on the existing development found in the locality.
- The bulk and scale of the proposed development is consistent with the controls within the LEP and represents the building bulk that could be expected under those controls.
- The natural environment will not be negatively impacted on as a result of this proposed development.
- The environmental and cultural heritage values of Canterbury will not be negatively impacted on as a result of this proposed development.

The development is therefore considered to be consistent with the objectives of the LEP.

The subject site is zoned *R3 Medium Density Residential*. The objectives of the R3 zone listed in the LEP are:

- *To provide for the housing needs of the community within a medium density residential environment.*
- *To provide a variety of housing types within a medium density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

The proposed development is consistent with the objectives in that:

- The proposed development represents a permissible form of development in the zone, and a type of housing product that is not represented to a large extent within the LGA.
- The density of the proposed development is not inconsistent with expected densities within a medium density residential area.
- The proposed development will contribute to the housing needs of the Canterbury LGA.
- The potential impacts of the proposal are low and the development can be regarded as being compatible with the character of the area.

The development is therefore considered to be consistent with the objectives of the zone.

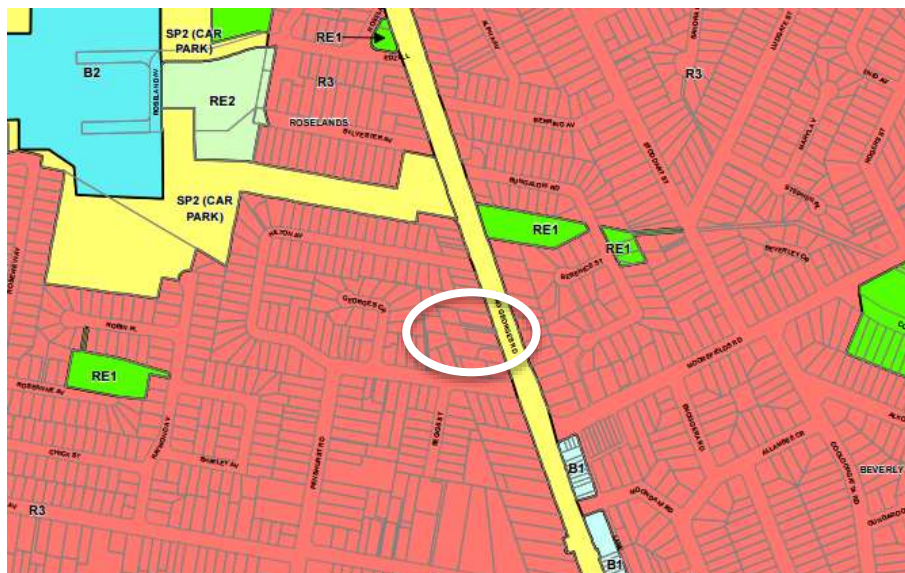


Figure 14 Land zoning – R3 Medium Density Residential



Figure 15 Floor Space Ratio map - 0.5:1

The Land Use Table of the LEP nominates a *Boarding House* as a permissible form of development in the zone, given the notation on the zoning. The LEP Dictionary definition of a *Boarding House* is:

boarding house means a building that:

- (a) is wholly or partly let in lodgings, 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 following relevant clauses have also been considered in respect of this development proposal.

Part 4 Principal Development Standards:				
Standard	Permitted	Proposed	Comment	
4.1 Minimum subdivision lot size:	-	-	Not applicable	
4.2 Rural Subdivision:	-	-	Not applicable	
4.3 Height of Buildings:	8.5m		<8.5m	
4.4 Floor Space Ratio	0.5:1		The proposed FSR has been calculated in accordance with the definition of Gross Floor Area within the Standard Instrument LEP ⁴ .	
4.6 Exceptions to development standards	-	-	None sought.	

⁴ **gross floor area** means the sum of the floor area of each floor of a building measured from the internal face of external walls, or from the internal face of walls separating the building from any other building, measured at a height of 1.4 metres above the floor, and includes:

- (a) the area of a mezzanine, and
 - (b) habitable rooms in a basement or an attic, and
 - (c) any shop, auditorium, cinema, and the like, in a basement or attic,
- but excludes:
- (d) any area for common vertical circulation, such as lifts and stairs, and
 - (e) any basement:
 - (i) storage, and
 - (ii) vehicular access, loading areas, garbage and services, and
 - (f) plant rooms, lift towers and other areas used exclusively for mechanical services or ducting, and
 - (g) car parking to meet any requirements of the consent authority (including access to that car parking), and
 - (h) any space used for the loading or unloading of goods (including access to it), and
 - (i) terraces and balconies with outer walls less than 1.4 metres high, and
 - (j) voids above a floor at the level of a storey or storey above.

Part 5 Miscellaneous Provisions		
Provision		Comment
5.1	Relevant acquisition authority	N/A
5.2	Classification and reclassification of public land	N/A
5.3	Development near zone boundaries	N/A
5.4	Controls relating to miscellaneous permissible uses	N/A
5.5	Development within the coastal zone	N/A
5.6	Architectural roof features	N/A
5.7	Development below mean high water mark	N/A
5.8	Conversion of fire alarms	N/A
5.9	Preservation of trees and vegetation	N/A
5.10	Heritage conservation	N/A
5.11	Bush fire hazard reduction	N/A
5.12	Infrastructure development and use of existing buildings of the Crown	N/A
5.13	Eco-tourist facilities	N/A
Part 6 Additional Local Provisions		
Provision		Comment
6.1	Acid Sulfate Soils	No excavation or major works proposed.
6.2	Earthworks	No excavation or major works proposed.
6.3	Flood planning	N/A
6.4	Stormwater Management	A stormwater concept plans accompanies the application and is consistent with Council's requirements.
6.5	Development for certain commercial premises in residential zones	N/A
6.6	Essential services	The site is serviced to accommodate the proposed development.
6.7	Mixed use development in business zones	N/A
6.8	Land at 134–140 Brighton Avenue, Campsie	N/A

There are no other clauses relevant to the proposal.

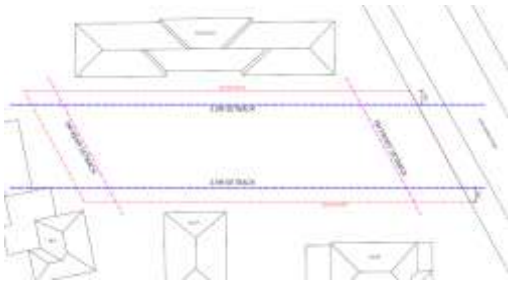
4.7 Canterbury Development Control Plan 2012

Development Control Plans contain finer grain planning controls in respect of specific development types.

The DCP does not contain any section that directly relates to boarding house development and as such a merit based assessment should be undertaken by the Council.

The Council has, however, cited sections of its DCP relating to multi dwelling housing as being applicable, and some commentary in relation to this point is included in Section 4.4.1 of this report. We submit these controls are not applicable to the proposed development, however they have been used as a guide and where possible, have been respected or responded to appropriately.

The following commentary is provided in relation to the most applicable sections of the DCP.

Part 2: Residential	
Control	Comment
2.1 Site & Envelope Controls	<p>The application proposes considerable setbacks for development in this type of zone. The setbacks proposed will ensure that the amenity of adjoining properties will be maintained and that the development objectives are met.</p> <p>The proposal is within the LEP height and FSR controls and represents a permissible use on the site. The proposal will result in a positive contribution to the locality in terms of its visual presentation and built form.</p>  <p>Figure 16 Side setbacks proposed</p>
2.2 Design Controls	<p>The objectives of these controls include:</p> <p><i>Objectives</i></p> <p><i>O1. Development on private land is coordinated with, and complements, the public domain to enhance the character and the image of the neighbourhood.</i></p> <p><i>O2. Good amenity for occupants of new and existing development, including reasonable sunlight, privacy, natural light and natural ventilation.</i></p> <p>The proposed development is considered to be not inconsistent with these objectives in that:</p> <ul style="list-style-type: none"> The image of the locality will be positively impacted on through an innovative architectural response to this type of development type. Exceptional amenity will be provided to residents through the well considered design and development configuration.
2.3 Performance Controls	<p>The development satisfies the criteria within the ARHSEPP in terms of room layout and amenity access. The controls in the DCP relating to other residential development types have been considered and incorporated into the design where possible. It is noted that the amenity of adjoining dwelling is retained.</p>

Part 6.3: Crime Prevention through Environmental Design	
Control	Comment
6.3.1.1 Natural Surveillance - All Development Types	A discussion on the CPTED response to the proposal is provided later in this report.

There are no other aspects of the DCP that are specifically relevant to the proposal or that require detailed consideration.

In summary, the proposed development demonstrates detailed consideration of the controls that apply to the site for multi dwelling development. In our view the proposal is sympathetic to those controls.

However the proposal is for a new generation boarding house, one of many permissible uses in the R3 zone⁵ that do not benefit from development type specific controls in the DCP, and in that regard the proposal should be considered on a merits based approach, not numerically against controls that do not apply to this development type.

In conclusion, we submit the proposed development is not inconsistent with the objectives of the DCP and can be supported by Council.

⁵ The following list includes permissible uses in the R3 zone under the LEP – bolded (ours) are those uses that so not have specific DCP(Residential chapter) controls for that zone.

*Attached dwellings; **Bed and breakfast accommodation; Boarding houses; Building identification signs; Business identification signs; Business premises; Car parks; Child care centres; Community facilities; Dual occupancies; Dwelling houses; Environmental protection works; Exhibition homes; Flood mitigation works; Group homes; Home businesses; Home industries; Multi dwelling housing; Neighbourhood shops; Office premises; Places of public worship; Recreation areas; Respite day care centres; Restaurants or cafes; Roads; Semi-detached dwellings; Seniors housing; Shops***

5 Section 79C Assessment

An assessment of the proposal has been undertaken in accordance with the statutory requirements of the EPA Act. The following assessment against Section 79C of the EPA Act has been undertaken.

5.1 Section 79C(1)(a)(i) – Any Environmental Planning Instruments

The relevant environmental planning instruments have been considered earlier in this report.

The proposal is permissible with consent and is considered satisfactory when assessed against the relevant requirements.

5.2 Section 79C(1)(a)(ii) – Any Draft Environmental Planning Instrument

There are no known draft Environmental Planning Instruments applicable to the subject site.

5.3 Section 79C(1)(a)(iii) – Any Development Control Plan

Compliance against the relevant DCP has been considered earlier in this report.

5.4 Section 79C(1)(a)(iiia) – Any Planning Agreement or Draft Planning Agreement entered into under Section 93f

There are no known planning agreements that apply to the site or development.

5.5 Section 79C(1)(a)(iv) – The Regulations

There are no sections of the regulations that are relevant to the proposal at this stage.

5.6 Section 79C(1)(b) – The Likely Impacts of the Development

The following impacts have been considered in the preparation of this development proposal.

5.6.1 Flora and Fauna

Some domestic scale vegetation is proposed to be removed as a result of this development. A detailed assessment of the existing trees on the site has been undertaken and the Arborists report recommends relevant tree protection measures for those trees proposed to be retained. Some removal is proposed and the significance of those trees is considered in the Arborists report. It is noted that additional landscaping is proposed as part of this application to embellish the overall landscaped presentation of the development in the streetscape.

5.6.2 Stormwater and Flooding

A stormwater concept plan has been submitted with the development application demonstrating compliance with Council's requirements.

5.6.3 Erosion and Sediment Control

It is expected that Council would impose appropriate conditions of consent to ensure that erosion and sediment control measures were installed on the site prior to construction commencing.

5.6.4 Traffic Generation and Parking

The proposed development proposes a reduction in crossovers providing access to King Georges Road. The accompanying traffic impact assessment supports the development, noting the minimal increase in traffic generation and the ability for the site to accommodate it.

In terms of parking, the requirements of the ARHSEPP have been met, given the proponent is a community housing provider, however the nature of King Georges Road is noted and the resultant lack of on street car parking. Accordingly, a Plan of Management is appended to this report that will require Evolve to actively manage vehicles. All applicants selected to receive an offer of accommodation for this property are not to own a motor vehicle and are to be further advised that no off street parking is available other than disability parking, short term visitor parking and emergency services access.

This condition has been introduced to ensure that the local community are not impacted by new tenants in the area.

A construction management plan is recommended and this could be required through conditions of consent within any approval.

5.6.5 Noise Impacts

Whilst there will be some noise associated with the construction of the development, longer term there is not expected to be any noise impacts above and beyond what might normally be associated with a medium density residential environment.

A detailed acoustic assessment has been undertaken and accompanies this application. It concludes by supporting the application proposed as follows.

Noise egress criteria have been developed based on NSW Industrial Noise Policy. Building services and car parking operational noise from within the development will be controlled to comply with the established criteria. No adverse impacts are expected in terms of noise associated with the development, nor are onerous acoustic measures required to protect the amenity of the future spaces.

Internal sound insulation requirements for the units have been established based on the Building Codes of Australia. Constructions proposed by the architect and typical constructions have been assessed to achieve these requirements.

5.6.6 Heritage Issues

There are no heritage issues relevant to the site or the proposed development.

5.6.7 Visual Impact

The proposed development is designed with a high level of architectural merit that exceeds that of nearby and adjoining properties. Its visual impact will be a positive one on the streetscape. Issues relating to the visual presentation of the proposed development in the context of existing adjoining and nearby development has been considered earlier in this report.

5.6.8 Services

The site is appropriately serviced to allow for the proposed development.

5.6.9 Overshadowing

There will be no unacceptable overshadowing impacts as a result of the proposed development. This is largely due to the central location of the building, the fact that the building to the south is elevated through the natural increases in topography and the substantial setbacks that are proposed. Shadow diagrams have been provided as part of the application for Council's consideration.

5.6.10 Social and Economic

The provision of additional affordable housing in this locality of high need is considered to be a positive outcome. There are not negative economic impacts considered relevant to the proposed development at this stage.

5.6.11 Crime Prevention Through Environmental Design (CPTED)

The consideration of CPTED issues has been prepared having regard to various published CPTED literature and academic works, and specifically includes the “*Crime Prevention and Assessment of Development Application Guidelines under Section 79C of the Environmental Planning and Assessment Act 1979*” published by the former Department of Urban Affairs and Planning.

The advice is structured in accordance with Part B of the above guidelines – *Principles for Minimising Crime Risk*. In this regard, the advice considers the responsiveness of the proposed design to each of the adopted four principles for CPTED (surveillance; access control; territorial reinforcement and space management).

CPTED principles have been adopted by the NSW Police Force, based on recognition that the design of spaces plays a pivotal role in facilitating the safety and security of its users. The NSW Police Force has identified key principles of CPTED being:

- Establish opportunities for **good surveillance**, both casually and technically.
- Provide legible barriers for **access control** for spatial definition.
- Create a sense of ownership over spaces that are also clearly demarcated between public and private ownership for **territorial reinforcement**.
- Establish spaces that are utilised appropriately through **proper space management**, relating to litter and graffiti removal, and ensuring lighting fixtures are working.

When implemented, these measures are likely to reduce opportunities for crime by using design and place management principles.

Surveillance

The proposed development will provide numerous opportunities for surveillance. The following casual surveillance opportunities have been provided through the design of the project:

- Opportunities for visual observance through a high percent of transparent glazing along all building elevations allow normal space users to see and be seen by others.
- Entries are located in highly visible locations.
- Active communal areas at the front and rear of the building are well positioned.
- Clear visual pathways within resident areas as well as from public streets to private entrances.

- Areas of entrapment are limited due to multiple exit points from around the development.
- CCTV should be incorporated into the basement level.

Access Control

Access control to public, semi public and private areas of the development is considered to be well managed and effective. Access control to the building can be effectively managed through lockable entry doors. Common areas at all locations and levels should have access control measure in place.

Overall access to the building will be managed by the on-site manager.

Territorial Reinforcement

Clear separation exists between public and private space in terms of the relationship between the proposal and the public domain. Appropriate signage, landscaping, site furnishings and paving will provide good environmental cues about the transition or movement from public to private domain.

Space Management

For most modern residential developments, space management is increasingly carried out in a professional manner, often by third party specialist building management businesses. Therefore, the effectiveness of management systems such as light globe replacement, removing graffiti, and fixing broken site furnishings will influence the perceived level of care of the project. In this case, the on-site manager will ensure that processes are established to respond to and fix services and structures and under whose responsibilities these services are assigned.

Site cleanliness is also a factor that influences the perceived and actual level of care of an area.

Cleanliness of the project is dependent upon the management practices of individual tenants as well as the implementation of waste removal and street cleaning processes. This will be overseen by the on-site manager. The selection of lighting should also be vandal proof, and materials facilitate ease of maintenance in the long-term, to delay the appearance of decay.

5.6.12 Waste Management

Appropriate waste management measures would be put in place on the site that are consistent with Council's requirements and those arrangements in place for the existing medium density development in the locality.

5.7 Section 79C(1)(c) – The Suitability of the Site

The proposal is generally consistent with the planning controls that apply in this zone. Moreover, the objectives of the zone have been satisfied, ensuring that the proposed

development would not result in any unacceptable impact on any adjoining landowners or buildings.

For the reasons outlined in this report the site is considered suitable for this development proposal.

5.8 Section 79C(1)(d) – Any Submission Made

Council will undertake a notification process in accordance with its controls and policies. We welcome the opportunity to provide additional information in response to those.

5.9 Section 79C(1)(e) – The Public Interest

Given the type of development, its general compliance with the planning controls, how the objectives are satisfied and the suitability of the site it is considered that the public interest would not be jeopardised as a result of this development.

5.10 Section 79C(3A) – Development Control Plans

Section 79C(3A) has been considered below in respect of this application.

Clause	Clause Summary	Proposed Development
79C(3A)(a)	<p>If a development control plan contains provisions that relate to the development that is the subject of a development application, the consent authority:</p> <p>(a) if those provisions set standards with respect to an aspect of the development and the development application complies with those standards—is not to require more onerous standards with respect to that aspect of the development, and</p>	The Council DCP does not contain provisions that are specific to boarding houses.
79C(3A)(b)	<p>(b) if those provisions set standards with respect to an aspect of the development and the development application does not comply with those standards—is to be flexible in applying those provisions and allow reasonable alternative solutions that achieve the objects of those standards for dealing with that aspect of the development, and</p>	The DCP does not contain provisions specific to boarding houses, however it is noted that matters relating to setback etc within the residential component of the DCP have been considered in the design of the proposed boarding house.
79C(3A)(b)	<p>(c) may consider those provisions only in connection with the assessment of that development application.</p>	Council will undertake its assessment accordingly.

6 Conclusion and Recommendation

The proposed development has been assessed against the requirements of the Canterbury LEP and DCP and is considered to represent a form of development that is acceptable. The proposal also satisfies the Affordable Housing SEPP as it relates to new generation boarding houses.

The proposed new generation boarding house would not result in any unacceptable impact on the locality.

The site is considered quite suitable for a use of this nature and is consistent with nearby and adjoining development.

An assessment against section 79C of the EPA Act has not resulted in any significant issues arising.

Accordingly it is recommended that the proposal to demolish all existing structures and the construction of a new generation boarding house at 265 - 267 King Georges Road, Roselands be approved.