

<b>ITEM</b>	<b>73-75 Waldron Road, Chester Hill Demolition of existing site structures and construction of a four (4) storey residential boarding house comprising of 51 rooms, common room, laundry facilities, a caretaker's residence, parking and associated landscaping</b>
<b>JRPP REF.</b>	<b>2018SSH034</b>
<b>FILE</b>	<b>DA-101/2018</b>
<b>ZONING</b>	<b>R4 – High Density Residential</b>
<b>DATE OF LODGEMENT</b>	<b>16 February 2018</b>
<b>APPLICANT</b>	<b>Eminent Constructions Pty Ltd</b>
<b>SITE AREA</b>	<b>1,268.9m<sup>2</sup></b>
<b>OWNERS</b>	<b>Samantha Lorraine Antipas and Waldron Property Investments Pty Ltd</b>
<b>ESTIMATED VALUE</b>	<b>\$6,127,924</b>
<b>AUTHOR</b>	<b>Development</b>

### **SUMMARY REPORT**

This matter is reported to the Sydney South Planning Panel in accordance with the provisions of *State Environmental Planning Policy (State and Regional Development) 2011*. The proposed development has an estimated capital investment value that exceeds the threshold of \$5 million for '*Private infrastructure and community facilities*' (*Schedule 7, Cl 5(b)*). Accordingly, the application has been reported to the Sydney South Planning Panel for determination

Development Application No. DA-101/2018 was lodged under *SEPP (ARH) 2009*, and proposes the demolition of existing site structures and construction of a four (4) storey residential boarding house comprising of 51 rooms, common room, laundry facilities, a caretaker's residence, parking and associated landscaping.

The Development Application has been assessed against the matters for consideration contained within Section 4.15(1) of the *Environmental Planning and Assessment Act, 1979*, requiring an assessment against, amongst other things, *State Environmental Planning Policy (Affordable Rental Housing) 2009*, *State Environmental Planning Policy No 55—Remediation of Land (SEPP 55)*, *State Environmental Planning Policy (Infrastructure) 2007*, *Bankstown Local Environmental Plan 2015 (BLEP 2015)*, as well as *Bankstown Development Control Plan 2015 (BDCP 2015)*.

The application has been assessed as generally compliant with the relevant controls with a variation to Bankstown Development Control Plan 2015 relating to side and rear setbacks which are discussed in more detail in this report. It is noted that the development is compliant with the setback controls contained within the Apartment Design Guide (ADG).

The application was originally advertised and notified for a period of twenty one (21) days and subsequently re-notified on two separate occasions, each for a fourteen (14) day period. Four (4) submissions were received during the advertising/notification period which raised concerns relating to parking, traffic, reduced property prices, increase in insurance premiums, reduced safety, lack of laundry facilities, anti-social behaviour and that the noise of the railway will disturb the new residents.

Relevant planning controls have been appropriately responded to and no significant or unresolved matters have been raised in public submissions. Approval of this application would facilitate the provision of affordable housing on site within an 'accessible area' without having any unacceptable or unreasonable impacts on the locality.

### **POLICY IMPACT**

This matter has no direct policy implications.

### **FINANCIAL IMPACT**

This matter has no direct financial implications.

### **RECOMMENDATION**

It is recommended that the application be approved on a deferred commencement basis subject to the attached conditions of consent.

## **DA-101/2018 ASSESSMENT REPORT**

### **SITE & LOCALITY DESCRIPTION**

The subject site is known as 73 and 75 Waldron Road Chester Hill and consists of two (2) allotments identified as Lot 60 and 61 in DP 23866. The site is zoned R4 – High Density Residential and has an area of 1,284.9m<sup>2</sup> and frontage of 30.48m.

The site falls approximately 1.3m from the front north-western corner to the rear south-eastern corner. The existing development on the site includes two (2) residential cottages and ancillary structures.

The surrounding development is primarily single storey residential cottages, with a two storey dual occupancy development adjoining the site to the east. On the opposite side of Waldron Road is a multi-dwelling housing development and the Southern Sydney Freight railway corridor runs along the rear boundary. The site is located within the 'Residential Transitional Area' of Chester Hill Village Centre. To the west of the site is Chester Hill 'Retail Core' (approximately 120m away) and Chester Hill Train Station (approximately 500m away). Sefton Train Station and Sefton Small Village Centre are located approximately 700m to the east of the site.

The area was up-zoned on 22 January 2016 from R2 – Low Density Residential to R4 – High Density Residential, with a prescribed FSR increasing from 0.5:1 to 1:1 and an increase in permissible building height from 9m to 13m.

The context of the subject site is illustrated in the aerial photo below:



Source: nearmap

## **PROPOSED DEVELOPMENT**

DA-101/2018 proposes the following works:

- Demolition of existing structures;
- Removal of two (2) trees within the front setback and the retention of one (1) tree on the front boundary;
- Construction of a four (4) storey boarding house development comprising of:
  - Fifty-one (51) boarding rooms;
  - One (1) boarding house managers residence;
  - One (1) Communal room;
  - Associated car parking area and landscaping

## **SECTION 4.15 ASSESSMENT**

The proposed development has been assessed pursuant to section 4.15 of the *Environmental Planning and Assessment Act, 1979*. In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the proposed development.

### **Environmental Planning Instruments [section 4.15(1)(a)(i)]**

#### **State Environmental Planning Policy (State and Regional Development) 2011**

According to *SEPP (State and Regional Development) 2011*, a regional panel may exercise the consent authority functions of the Council for the determination of applications for development of a class or description included Schedule 7 of this Policy (as mandated by Cl 4.5(b) of *Environmental Planning and Assessment Act 1979*).

Schedule 7 of *SEPP (State and Regional Development) 2011*, includes 'private infrastructure and community facilities over \$5 million'. The proposed development falls within this category (under Clause 5 (b)) as it is for the purpose of 'affordable housing' with a capital investment value in excess of \$5 million. Accordingly, the application has been reported to the Sydney South Planning Panel for determination.

A Panel briefing was held on 10 July 2018, at which the Panel members requested that certain matters be addressed in Council's assessment of the proposed development. These matters are listed below and further assessment of these matters are addressed in the relevant sections of the assessment that follows.

- Inadequate setbacks from the street and side boundaries.
- Suitability of the site for retail in consideration of the distance from local centres.
- ADG compliance.
- Level of privacy between neighbours.
- Inadequacy of car parking.

### **State Environmental Planning Policy (Infrastructure) 2007**

The aim of this policy is to facilitate the effective delivery of infrastructure. When assessing developments adjacent to the rail corridor, Clause 87 of *State Environmental Planning Policy (Infrastructure) 2007* requires the consent authority to consider the likely impact of rail noise and vibration on sensitive uses such as residential accommodation. Council's assessment notes the acoustic report submitted as part of the application addresses any potential impacts in accordance with the "*Department of Planning Development Near Rail Corridors and Busy Roads – Interim Guideline*".

In accordance with Clause 85 of *SEPP (Infrastructure) 2007*, a referral to the Sydney Trains (on behalf of Rail Corporation New South Wales) is required. Sydney Trains provided recommended conditions of consent to satisfy this provision.

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

Division 3 of SEPP (ARH) 2009 provides controls for boarding house developments. The table below provides a summary of the controls set out in this Policy in regards to this development:

<b>Control</b>	<b>Comment</b>	<b>Compliance</b>
<b>CI 29 – Standards that cannot be used to refuse</b>		
<b>Floor Space Ratio (FSR)</b> Bonus 0.5:1 FSR.	The bonus affords the proposal an additional 0.5:1 FSR, allowing a total of 1.5:1 FSR for the development. The proposed FSR for the development is 1.49:1.	Yes.
<b>Building Height</b> Not more height than that permitted under any other EPI.	The proposed total building height is within the 13m height limit prescribed by BLEP 2015.	Yes.
<b>Landscaped Area</b> Front setback is compatible with the streetscape	The current streetscape is characterised by large setbacks and front fences. The development proposes a compliant front setback of 6m, which is consistent with newer developments within the street.	Yes.
<b>Solar Access</b> A communal living area to receive 3 hours between 9am and 3pm in mid-winter	The north facing communal living room on the ground floor receives the required three (3) hours solar access between mid-day and 3pm.	Yes.
<b>Private Open Space</b> 20m <sup>2</sup> required with a minimum dimension of 3m for lodgers & 8m <sup>2</sup> with a minimum dimension of 2.5m for the boarding house manager.	Both private open space areas are provided within the western setback in accordance with these requirements.	Yes.
<b>Parking</b>		

At least 0.5 spaces / boarding room + not more than 1 space for each employee	The proposal includes 51 boarding rooms or 52 rooms (including a manager's room) 52 x 0.5 = 26 car spaces are required.  26 car parking spaces have been provided including an accessible space.	Yes
<b>Accommodation size</b> Minimum GFA (excluding private kitchen and bathrooms) is 12m <sup>2</sup> metres for single lodging rooms and 16m <sup>2</sup> in any other case.	The proposed rooms comply with this requirement. The smallest room being 16m <sup>2</sup> and the largest being 25m <sup>2</sup> (when excluding the private kitchen and bathroom facilities).	Yes.
<b>CI 30 – Standards for boarding houses</b>		
<b>Communal Living Room</b> ≥ 5 boarding rooms = at least one communal room.	Communal ground floor kitchen/living room provided.	Yes.
<b>Maximum GFA</b> 25m <sup>2</sup> (excluding private kitchen and bathroom) per room.	The largest room is 25m <sup>2</sup> .	Yes.
<b>Maximum occupants</b> 2 adult lodgers per boarding room	The largest rooms are doubles. These are designed to only accommodate two people.	Yes.
<b>Facilities</b> Bathroom and kitchen to be provided within boarding house.	Individual facilities provided in each room.	Yes.
<b>Boarding Room Manager</b> To be provided if 20 + lodgers.	One manager's room is proposed on the ground floor.	Yes.
<b>Motorcycle/Bicycle</b> 1 parking space is required for every 5 boarding rooms.	10 bicycle and 10 motorcycle spaces are provided.	Yes.
<b>CL 30A – Character of the Local Area</b>		
<b>Character</b> Design of the development is compatible with the character of the local area.	In accordance with planning circular PS 18-001 (issued 16 Jan 2018), character is <i>'the way a place looks and feels'</i> . The circular goes on to say <i>"Character can be reflected in a LEP in its aims (Clause 1.2 of the Standard Instrument LEP) where a council can describe the characteristics of the LGA, through zone objectives, in principal development standards (such as height and FSR controls)"</i> .  It is noted that the proposal presented to the Panel is different from the other existing developments in the locality, which largely consists of low density residential development. This is due	Yes.

	<p>to the previous zoning of the site which was R2 – Low Density Residential prior to 2016.</p> <p>The subject proposal is however consistent with the desired future character as set out by Council's controls for higher density residential development in the R4 Zone.</p>	
--	---	--

### **State Environmental Planning Policy No. 55 - Remediation of Land**

The provisions of Clause 7(1) of *State Environmental Planning Policy No. 55 - Remediation of Land* specifies that a consent authority must not consent to the carrying out of any development on land unless:

- a) *it has considered whether the land is contaminated, and*
- b) *if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
- c) *if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*

It is understood the development site has been used for residential uses since subdivided in 1952 and the development application presented to the Panel seeks to retain the use of the site for a residential purpose. Council records and an inspection of the site does not suggest the site has been used for any purpose listed in Table 1 of *'Managing Land Contamination Planning Guidelines SEPP 55 – Remediation of Land'* (1998) and there is no evidence of fill.

### **Bankstown Local Environmental Plan 2015**

The proposed development is satisfactory with regard to the relevant provisions of the *Bankstown Local Environmental Plan 2015*, including the following:

#### **Clause 1.2 Aims of Plan**

The proposed development is consistent with the relevant aims of the BLEP 2015:

##### ***1.2 Aims of Plan***

- (a) *to manage growth in a way that contributes to the sustainability of Bankstown, and recognises the needs and aspirations of the community,*
- (b) *to protect and enhance the landform and vegetation, especially foreshores and bushland, in a way that maintains the biodiversity values and landscape amenity of Bankstown,*
- (c) *to protect the natural, cultural and built heritage of Bankstown,*
- (d) *to provide development opportunities that are compatible with the prevailing suburban character and amenity of residential areas of Bankstown,*
- (e) *to minimise risk to the community in areas subject to environmental hazards by restricting development in sensitive areas,*

- (f) to provide a range of housing opportunities to cater for changing demographics and population needs,
- (g) to provide a range of business and industrial opportunities to encourage local employment and economic growth,
- (h) to provide a range of recreational and community service opportunities to meet the needs of residents of and visitors to Bankstown,
- (i) to achieve good urban design in terms of site layouts, building form, streetscape, architectural roof features and public and private safety,
- (j) to concentrate intensive trip-generating activities in locations most accessible to rail transport to reduce car dependence and to limit the potential for additional traffic on the road network,
- (k) to consider the cumulative impact of development on the natural environment and waterways and on the capacity of infrastructure and the road network,
- (l) to enhance the quality of life and the social well-being and amenity of the community.

Comment: The proposal generally complies with the relevant aims of this Plan.

### Clause 2.3 Zone objectives and Land Use Table

The site is located in Zone R4 – High Density Residential, which permits development for the purposes of a 'boarding house'. Moreover, the proposal is consistent with the objectives of the R4 zone, being:

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

Comment: The proposal remains consistent the aims of the R4 land use zone as the proposal is the provision of housing in a higher density setting.

### Clause 4.1B Minimum lot sizes and special provisions for certain dwellings

Clause 4.1B set lot widths and sizes to 'minimise any likely adverse impact of the development on the amenity of the area' (Cl 4.1B(1)(d)). In the case of residential accommodation, the clause aims to ensure lots 'are of a sufficient size to accommodate proposed dwellings, setbacks to adjoining residential land, private open space and landscaped area, driveways and vehicle manoeuvring areas' (Cl 4.1B(1)(a)). Subclause (2)(a) sets the lot area and width of the lot at the front building line required for boarding development in Zone R4 High Density Residential zone. This is summarised below along with the proposals compliance.

Column 1	Column 2	Column 3	Column 4
<b>Multi dwelling housing and boarding houses</b>	Zone R4 High Density Residential	1,000 square metres	20 metres
<b>Comment:</b>			
The proposal is a boarding house development.	The land use zone is R4 High Density Residential.	The site is 1,284.9m <sup>2</sup> . Complies	The site has a frontage of 30.48 metres in total. Complies.



### Clause 4.3 Height of buildings

The subject site has a prescribed height of 13m in accordance with the LEP Height of Buildings Map. The proposed development does not exceed 13m in height.

### Clause 4.4 Floor space ratio

In accordance with BLEP 2015 Floor Space Ratio Map, the maximum permitted floor space ratio for the subject site is 1:1. However, the proposal is afforded with an additional bonus floor space of 0.5:1 under Clause 29(1)(c)(i) of *SEPP (Affordable Rental Housing) 2009*. The proposed FSR for the development is 1.49:1 and is therefore compliant.

### Clause 6.2 Earthworks

According to clause 6.2, earthworks may be undertaken with consent, however only where certain criteria are met. The proposed development satisfies the relevant criteria, which include:

- (a) *the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,*
- (b) *the effect of the development on the likely future use or redevelopment of the land,*
- (c) *the quality of the fill or the soil to be excavated, or both,*
- (d) *the effect of the development on the existing and likely amenity of adjoining properties,*
- (e) *the source of any fill material and the destination of any excavated material,*
- (f) *the likelihood of disturbing relics,*
- (g) *the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,*
- (h) *any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.*

The proposal does not involve extensive excavation or filling as the proposed parking is at grade and the floor level of the ground level is generally consistent with the topography of the site. It is not considered the minimal earthworks required for site preparation does not achieve the above matters.

### Clause 6.3 Flood Planning

In accordance with Clause 6.3 (3), 'development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development:

- a) *is compatible with the flood hazard of the land, and*
- b) *will not significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and*
- c) *incorporates appropriate measures to manage risk to life from flood, and*
- d) *will not significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and*

- e) *is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding*’.

The proposal has been reviewed by Council’s Development Engineer and is deemed to satisfy the above mentioned provisions.

**Draft environmental planning instruments [section 4.15(1)(a)(ii)]**

There are no draft environmental planning instruments applicable to the proposed development.

**Development control plans [section 4.15(1)(a)(iii)]**

**Part A1 – Centres**

The subject site is identified to be located within the ‘Residential Transitional area’ of the ‘Chester Hill Village Centre’. The proposal generally complies with the objective of this area in regards to the desired future character and built form.

The below table provides a summary of the development controls contained within Section 4, Part A1, BDCP 2015:

<b>CONTROL</b>	<b>BDCP 2015 PART A1 PROPOSED</b>	<b>COMPLIES?</b>
<b>Storey Limit</b> Where the maximum HOB under BLEP 2015 is 13 metres, four (4) storeys (not including basements) is permitted.	4 storeys.	Yes.
<b>Rear Setback</b> The subject site must have a 12m setback from the rear boundary OR incorporate appropriate measures to ensure the following LAeq levels are not exceeded: <ul style="list-style-type: none"> <li>• in any bedroom in the building – 35 dB(A) at any time between 10pm and 7am; and</li> <li>• anywhere else in the building (other than a garage, kitchen, bathroom or hallway) – 40 db(A) at any time.</li> </ul>	An acoustic report has been submitted that demonstrates compliance with the noise criterion.	Yes.
<b>Vehicle footpath crossing</b> The development must optimise the opportunities for active street frontages and street designs by : <ul style="list-style-type: none"> <li>a) <i>making vehicle access points as narrow as possible;</i></li> <li>b) <i>limiting the number of vehicle access ways to a minimum</i>’.</li> </ul>	The current proposal includes one driveway and associated VFC on the eastern side of the site to Waldron Road.	Yes.

## Part B1 – Residential Development

The following table provides a summary of the development application against the key development controls contained in Section 10 of the Bankstown Development Control Plan 2015 – Part B1.

CONTROL	BDCP 2015 - PART B1 RESIDENTIAL	
	COMMENT	COMPLIES
<b>Boarding House</b>		
<b>Isolation of allotments</b> Cannot isolate land with an area of less than 1,200m <sup>2</sup> and a width of less than 20m at the front building line	Adjoining allotments have sufficient width and area to enable a consolidation to achieve a compliant development site.	Yes.
<b>Primary setback</b> Minimum 6m.	6m	Yes.
<b>Side &amp; rear setback</b> Minimum setback is 4.5 metres provided the average setback is 0.6 multiplied by wall height.	<b>Rear/south:</b> <u>Required:</u> <ul style="list-style-type: none"> <li>Wall height 12.17m X 0.6 = 7.302m</li> </ul> <u>Proposed:</u> <ul style="list-style-type: none"> <li>3.44m to balcony on levels 1, 2 and 3.</li> <li>19.6m on the ground floor.</li> </ul> <b>Side/west:</b> <u>Required:</u> <ul style="list-style-type: none"> <li>Wall height 11.7m X 0.6 = 7.02m</li> </ul> <u>Proposed:</u> <ul style="list-style-type: none"> <li>4.5m to blank wall/non-habitable rooms (or glass bricks to living room)</li> <li>6m to a wall containing a living room window.</li> </ul> <b>Side/east:</b> <u>Required:</u> <ul style="list-style-type: none"> <li>Wall height 12.6m X 0.6 = 7.56m</li> </ul> <u>Proposed:</u> <ul style="list-style-type: none"> <li>4.5m to blank wall/non-habitable rooms (or glass bricks to living room).</li> <li>6m to a wall containing a living room window.</li> </ul>	No. However, the proposed non-compliance is consistent with the ADG and considered satisfactory.
<b>Driveway setback</b> Minimum setback of 1 metre to side and rear boundaries.	1.526m to eastern boundary and 2m to rear boundary.	Yes.
<b>Private Open Space</b> Boarding houses must provide:	53m <sup>2</sup> allocated as communal open	Yes.

CONTROL	BDCP 2015 - PART B1 RESIDENTIAL	
	COMMENT	COMPLIES
<p>a) One area of 20m<sup>2</sup> (3mx3m)</p> <p>b) If a boarding house manger is proposed – one area of at least 8m<sup>2</sup> (2.5mx 2.5m).</p> <p>This space must be behind the front building line.</p>	<p>space on western and northern setback adjacent to the communal room.</p> <p>19m<sup>2</sup> private open space allocated to the boarding house manager on western setback adjacent to the managers boarding room.</p>	
<p><b>Solar Access</b></p> <p>Boarding rooms – 70% of rooms achieve 3 hours of solar access between 8am and 4pm at mid-winter solstice.</p> <p>Communal living room – 3 hours of solar access between 8am and 4pm at mid-winter solstice.</p> <p>Adjoining residence - 3 hours of solar between 8am and 4pm at mid-winter solstice.</p> <p>Adjoining POS – 50 % of POS receives 3 hours of solar between 8am and 4pm at mid-winter solstice.</p>	<p>65% of the boarding rooms receive solar access between 8am and 4pm at mid-winter solstice. This figure takes into consideration the overshadowing from the existing dual occupancy at No. 71 Waldron Road on the east.</p> <p>To the west, there is currently a development application with Council proposing a similar development which includes <i>“the demolition of existing site structures, construction of a new four (4) storey boarding house consisting of fifty (50) boarding rooms, one (1) boarding room manager’s residence, one (1) communal room, a neighbourhood shop and associated car parking”</i>. If the overshadowing impact of the proposed development to the west were taken into consideration, the number of boarding rooms to receive 3 hours solar access between 8am and 4pm at mid-winter solstice would be reduced to 54%.</p> <p>The communal living area achieves more than 3 hours solar access between midday to 4pm at mid-winter solstice.</p> <p>The proposal partially overshadows the existing dwelling at No. 71 Waldron Road to the east. However, there is an existing living area at the front/north of the dwelling which will continue to receive at least 3 hours solar access during mid-winter. This property will also continue to receive at least 3 hours of solar access</p>	<p>No. See comment below.</p>

CONTROL	BDCP 2015 - PART B1 RESIDENTIAL	
	COMMENT	COMPLIES
<p>Avoid overshadowing to adjoining solar panels.</p>	<p>between 8am and 4 pm at mid-winter solstice to 50% of it's POS.</p> <p>To the west, the existing dwelling at No. 77 Waldron Road will continue to receive 3 hours solar access to the front/north facing living room window. This property will also continue to receive at least 3 hours of solar access between 8am and 4 pm at mid-winter solstice to 50% of it's POS.</p> <p>No solar panels were noted on the adjoining structures at the time of assessment.</p>	
<p><b>Visual Privacy</b> Screening required to:</p> <ul style="list-style-type: none"> <li>• Windows looking to neighboring living area or bedrooms; and</li> <li>• Windows looking into neighboring POS</li> </ul>	<p>There are two living area windows proposed on each level that have the potential to overlook living rooms and bedroom windows on the eastern and western elevations.</p> <p>In this regard, the proposed windows on both the eastern and western elevations are setback 6m from the boundary in accordance with the Apartment Design Guide (ADG). Further, there is a condition of consent requiring privacy screening on to these windows on the eastern elevation to further ensure a maximum level of privacy is achieved to the existing dual occupancy to the east.</p> <p>To the west, there is currently a development application with Council proposing a similar development which includes <i>"the demolition of existing site structures, construction of a new four (4) storey boarding house consisting of fifty (50) boarding rooms, one (1) boarding room manager's residence, one (1) communal room, a neighbourhood shop and associated car parking"</i>.</p> <p>There are no privacy issues between the subject proposal and the</p>	<p>Yes.</p>

CONTROL	BDCP 2015 - PART B1 RESIDENTIAL	
	COMMENT	COMPLIES
	adjoining proposal as all windows are offset and located 12m apart.	
<b>Building Design</b> Proposal must comply with SEPP 65 and associated guidelines	In accordance with Clause 4(4) of SEPP 65 – the application of this Policy does not apply to boarding houses. The Apartment Design Guide has been used to inform the proposed setback variation.	N/A
<b>Boarding house</b> <ul style="list-style-type: none"> <li>a) 5 or more boarding house room requires a communal living room.</li> <li>b) Boarding rooms must have a minimum GFA of 12m<sup>2</sup> for single lodgings or 16m<sup>2</sup> in any other case.</li> <li>c) Maximum GFA for a boarding room is 25 m<sup>2</sup>;</li> <li>d) No rooms are to accommodate more than 2 persons</li> <li>e) Bathroom and kitchen facilities provided within the development.</li> <li>f) Boarding houses with 20 or more lodges must be provide with a manager;</li> <li>g) One motorbike and one bicycle space per 5 boarding rooms.</li> </ul>	<ul style="list-style-type: none"> <li>a) Kitchen/communal room provided on ground floor</li> <li>b) Smallest boarding rooms are 16m<sup>2</sup> plus the area allocated to kitchen and bathroom facilities.</li> <li>c) The largest rooms proposed are 25m<sup>2</sup> plus the areas allocated for kitchen and bathroom facilities.</li> <li>d) Maximum size is to accommodate 2 people (double rooms).</li> <li>e) Bathroom and kitchen facilities are provided internal to each boarding room.</li> <li>f) The proposal includes the provision of a boarding house manager and the relevant facilities associated (such as accommodation provided on ground floor).</li> <li>g) Provided within carpark and communal area at the rear of the site.</li> </ul>	Yes.
<b>Roof</b> Maximum 35 degrees with lifts etc. to be integrated in roof.	The flat roof design with lift overrun is within the Council's height limit.	Yes.
<b>Demolition</b> All structures to be demolished on the allotment prior to works commencing.	The proposal includes the demolition of two (2) cottages and all ancillary structures.	Yes.
<b>Building Design (Car Parking)</b> The design should ensure forward entry and exit of vehicles and location behind the front building line.	The proposal provides sufficient space to facilitate a forward entry and exit to the at grade park located to the rear of the site.	Yes.
<b>Landscaping</b> 45% of the primary frontage to be landscaped and a provision of a 75 litre tree within this space.	SEPP (ARH) 2009 overrides this the DCP landscape requirement. The SEPP requires the front landscaping	SEPP overrides. Complies

CONTROL	BDCP 2015 - PART B1 RESIDENTIAL	
	COMMENT	COMPLIES
	to be compatible with the streetscape. The current streetscape is characterised by large setbacks and front fences. The proposal is compatible with the existing streetscape and is considered to be consistent with the desired future character of the locality.	with SEPP.
<b>Security</b> Lots that share a boundary to a railway corridor require a minimum 1.5m setback to that boundary. This setback must include landscaping, including a planter bed, chain wire fence and hedging or the like.	The proposal has included a rear landscaped area. Sufficient space to accommodate the required fencing and appropriate landscaping.	Yes.

#### Variation to side and rear setback:

The proposal presented before the Panel fails to comply with Clause 10.15 of Bankstown Development Control Plan 2015 – Part B1 in regards to the minimum setback to the side and rear boundaries. This control allows for setbacks to be a minimum of 4.5m, subject to the average setback being 0.6 multiplied by the wall height.

The rear boundary would require an average setback of 7.302m (12.17m wall height x 0.6), however a setback of 3.44m is proposed to the balconies on levels 1, 2 and 3 and a 19.6m setback is proposed on the ground floor. This is a shortfall of 3.77m on the upper floors and a surplus of 12.29m on the ground floor. The reduced setback on the rear boundary is considered satisfactory in this case as there is a railway corridor that runs along the rear and therefore privacy would not be a concern. The potential impact of the railway noise for the future occupants of the development has been addressed by the submission of an acoustic report which will ensure that the building meets the minimum building standards.

The side boundaries to the east and west would require an average setback of 7.56m and 7.02m respectively (wall height x 0.6). However, the setbacks proposed are 4.5m to a blank wall/non-habitable rooms (or glass bricks to living room) and 6m to a wall containing a living room window.

An assessment of the merits of the non-compliant DCP setbacks has been undertaken and it is considered that there are grounds to support the variation as the proposed setbacks are generally consistent with the Apartment Design Guide. The ADG would guide the future built form in the locality, as such using it to inform a decision relating to the non-compliant DCP setbacks would provide a consistent approach to the future building envelopes on Waldron Road.

In this regard, the Apartment Design Guide requires a 6m setback to the boundary for habitable rooms and balconies and a 3m setback to the boundary to non-habitable rooms for development up to 12m (4 storeys). The ADG defines a habitable room as *'a room used for normal domestic activities, and includes a bedroom, living room, lounge room...'*. The application before the Panel proposes setbacks of 4.5 metres and 6 metres on the eastern and western elevation. The component of the building wall setback 4.5 metres is a blank wall (i.e non-habitable), however there are glass bricks to a living room at each level. The glass bricks allow sunlight to enter into the room without creating any privacy issues for the adjoining properties and therefore have the same impact as a non-habitable room. While a strict application of the ADG in this case would require a 6m setback to the glass bricks, the intent of this objective is to *'increase privacy without compromising access to light..'*, the glass bricks meet the objective of the separation distance as visual and acoustic privacy is achieved. The remaining portion of the side setback is 6m, which complies with the ADG.

#### Variation to solar access:

The proposal presented before the Panel fails to comply with Clause 10.20 of Bankstown Development Control Plan 2015 – Part B1 in regards to solar access, with 65% of rooms being compliant. Clause 10.20 of BDCP 2015 provides as follows:

**10.20** *At least 70% of boarding rooms must receive a minimum 3 hours of sunlight between 8.00am and 4.00pm at the mid-winter solstice. Council may allow light wells and skylights to supplement this access to sunlight provided these building elements are not the primary source of sunlight to the living areas.*

However, the proposed development would be compliant with the Apartment Design Guide, with a total of 75% (rather than the minimum 70%) of boarding rooms receiving 2 hours solar access between 9am and 3pm during mid-winter.

It is noted that there is currently a pending development application on the site to the west (No. 77-79 Waldron Road) proposing a similar development which includes *"the demolition of existing site structures, construction of a new four (4) storey boarding house consisting of fifty (50) boarding rooms, one (1) boarding room manager's residence, one (1) communal room, a neighbourhood shop and associated car parking"*. If the overshadowing impact of the proposed development to the west is taken into consideration, the number of boarding rooms to receive 2 hours solar access between 9am and 3pm at mid-winter solstice (in accordance with the ADG requirements) would be reduced from 75% to 60%.

It is noted that rooms 313 and 314 are provided with a clerestory window, however these rooms have not been included in the calculation as the windows are narrow and the rooms receive limited direct solar access. While the clerestory windows to rooms 313 and 314 are not considered to count as rooms that receive 2 hours solar access in accordance with the ADG, they do improve the amenity of the room by providing light which would otherwise be unavailable. In this regard, there is an opportunity for rooms 311 and 312 to also be provided with a clerestory window via a condition of consent.



Given the type of development (being shorter term transitional accommodation), with a total of 60% of rooms receiving 2 hours solar access between 9am and 3pm at mid-winter solstice (and a further 8% receiving sunlight through a clerestory window) when taking into consideration the existing and potential developments to the east and west, the development is considered to be satisfactory in terms of solar access.

## **Part B11 – Tree Preservation Order**

The site contains two (2) x *Corymbia citriodora* (Lemon scented gum) and a *Corymbia Maculata* (Spotted gum) within the front setback area. The Spotted gum is located on the front boundary of No. 75 Waldron Road and is to be retained. This tree has a Tree Protection Zone of 4.8m and will not be affected by the proposed building. The Lemon scented gum's however, have a poor root structure, are prone to dropping large branches and should not be located within 15m of a building. For these reasons, no objections are raised to the removal of the Lemon scented gums.

### **Planning agreements [section 4.15(1)(a)(iia)]**

There are no planning agreements applicable to the proposed development.

### **The regulations [section 4.15(1)(a)(iv)]**

The proposed development is not inconsistent with the relevant provisions of the *Environmental Planning and Assessment Regulation, 2000*.

### **The likely impacts of the development [section 4.15(1)(b)]**

The proposed development is not considered likely to result in any significant detrimental environmental, social or economic impacts on the locality. As detailed in this report, where non-compliances with the relevant development controls are proposed, they are considered to be reasonable and justified in this case. As such, it is considered that the impact of the proposed development on the locality is acceptable.

### **Suitability of the site [section 4.15(1)(c)]**

The site is considered suitable for the proposed development. The proposed development results in an appropriate built form for the site which is consistent with the longer term desired future character illustrated in Council's Development Control Plan and Local Environmental Plan. The proposal is considered to be compatible with the longer term intended character of the area while being considerate to the existing development during the transition.

### **Submissions [section 4.15(1)(d)]**

The application was originally advertised and notified for a period of twenty one (21) days and subsequently re-notified on two separate occasions, each for a fourteen (14) day period. Four (4) submission were received during the advertising/notification periods which raised concerns with the development relating to parking, traffic, reduced property prices, increase in insurance premiums, safety, lack of laundry facilities, anti-social behaviour and noise of the railway will disturb the new residents.

<b>Objector's Concern</b>	<b>Comment</b>
Parking, traffic	It is considered that Waldron Road and the surrounding street network has sufficient capacity to accommodate any potential additional traffic and car parking that is generated by the proposed development. The development provides an adequate number of carparking spaces to meet the demands of the future occupants which is specified under State Environmental Planning Policy (Affordable Rental Housing) 2009.
Lack of laundry facilities	<p>The plans show a laundry room on the ground floor that is 14m<sup>2</sup> which contains space for 8 washing machines and a clothes drying area is located along the rear boundary.</p> <p>A condition of consent will require the clothes drying area to be relocated to the area adjacent to the caretaker's courtyard and laundry room, which is considered to be a more suitable location. The proposed motorcycle and bicycle parking spaces will then be relocated within the main carpark area.</p>
Noise of railway will disturb the new residents.	The aim of this policy is to facilitate the effective delivery of infrastructure. When assessing developments adjacent to the rail corridor, Clause 87 of <i>State Environmental Planning Policy (Infrastructure) 2007</i> requires the consent authority to consider the likely impact of rail noise and vibration on sensitive uses such as residential accommodation. Council's assessment notes the acoustic report submitted as part of the application addresses any potential impacts in accordance with the " <i>Department of Planning Development Near Rail Corridors and Busy Roads – Interim Guideline</i> ".
Reduced property prices	There is no evidence to suggest that property prices will be affected as a result of the proposed development. It is further noted that property pricing is not a relevant planning consideration under the Environmental Planning and Assessment Act, 1979.
Due to the type of development there will be anti-social behaviour, reduced safety and an increase in insurance premiums	State Environmental Planning Policy (Affordable Rental Housing) 2009 (ARHSEPP) aims to ' <i>facilitate the effective delivery of new affordable rental housing by providing incentives by way of expanded zoning permissibility, floor space ratio bonuses and non-discretionary development standards</i> '.

	<p>The site is considered to be within an ‘accessible area’ and therefore the site qualifies to be considered for an Affordable Rental Housing Development. Accessible area means land that is within:</p> <p>(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</p> <p>(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</p> <p>(c) 400 metres walking distance of a bus stop used by a regular bus service (within the meaning of the <a href="#">Passenger Transport Act 1990</a>) 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.</p> <p>It is noted that ‘residential flat buildings’ are permitted on the site and the site is located within an ‘accessible area’ to be considered as affordable rental housing. The development is therefore a permissible form of development within the zone. There is no evidence to suggest that the proposed development would result in any direct increase in anti-social issues, reduced safety or increase in insurance prices for residents in the vicinity of the development.</p>
--	---

### **The public interest [section 4.15(1)(e)]**

The proposed development would not contravene the public interest. The proposed development responds appropriately to the development controls contained in the *Bankstown Development Control Plan 2015* and the *Bankstown Local Environmental Plan 2015*, and the requirements of the *Affordable Rental Housing SEPP*. Matters raised in public submissions have been satisfactorily addressed, and it is not considered that there would be any unreasonable impacts on the locality.

### **CONCLUSION**

The Development Application has been assessed in accordance with the provisions of Section 4.15 of the *Environmental Planning and Assessment Act, 1979* and the relevant specific environmental planning instruments, *State Environmental Planning Policy (Affordable Rental Housing) 2009*, *State Environmental Planning Policy No 55—Remediation of Land*, *State Environmental Planning Policy (Infrastructure) 2007*, *Bankstown Local Environmental Plan 2015* and *Bankstown Development Control Plan 2015*.

The proposed development results in an appropriate built form for the site which is consistent with the longer term future desired future character illustrated in Council's Development Control Plan and Local Environmental Plan, while being considerate to the existing surrounding development during the transition.

Relevant planning controls have been appropriately responded to and no significant or unresolved matters have been raised in public submissions. Approval of this application would facilitate the provision of affordable housing on a site within an 'accessible area' without having any unacceptable or unreasonable impacts on the surrounding locality.

### **RECOMMENDATION**

It is recommended that the application be approved subject to the attached deferred commencement conditions of consent.