



STATEMENT OF ENVIRONMENTAL EFFECTS

**144 -146 Boronia Road,
Greenacre**

***‘New Generation Boarding House, containing 52
boarding rooms and manager’s residence with
26 parking spaces’***

**(AS AMENDED)
AUGUST 2018**

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1.0 **INTRODUCTION**

- 1.1 This Statement of Environmental Effects (SEE) has been amended to reflect changes to the SEPP (ARH) in relation to the parking rate applicable to privately owned boarding houses and based on feedback from Bankstown Council Planning Department in respect of a number of environmental aspects and impacts of the proposal. This SEE has been amended to address the revised proposal. The submission includes revised architectural plans, various reports and Draft POM/House Rules documents.
- 1.2 The SEE (as amended) has been prepared at the request of the applicant, in support of a Development Application to Canterbury-Bankstown Council (the 'Council') for demolition of all existing structures and construction of a boarding house containing 52 boarding rooms, manager's residence and 26 parking spaces, at 144-146 Boronia Road.
- 1.3 The subject site is zoned R2 Low Density Residential under the provisions of the Bankstown Local Environmental Plan 2015 (BLEP 2015). The proposal has been designed to be compatible with the likely future residential character of the locality yet also complementary to the existing built form. The proposed one and two storey built form is compatible with the anticipated future built form envisaged by the planning controls within the SEPP (Affordable Rental Housing), BLEP and BDCP. The height, scale and bulk of the buildings are within the anticipated levels for this area. The built form is overwhelmingly two storeys with single storey at the key interface areas. The area is subject to complying development and two storey dwellings are permitted under CDC applications. Thus, some evolution of the single storey streetscape would naturally occur.
- 1.4 The application is integrated development as the site fronts a classified road (Boronia Road) and is to be considered under Part 4 of the *EP&A Act 1979*. Having considered the site and surrounds, the proposal is deemed to be in the public interest and satisfies the objectives of the *EP&A Act 1979*.
- 1.5 This application is supported by:
 - Architectural plans prepared by CK Design, revised August 2018
 - Shadow Diagrams by CK Design, revised August 2018
 - Basix report, as amended, by Outsource Ideas
 - Stormwater Management Plan, as amended, by United Engineering
 - Landscape Plan by RFA Landscape Architects plan, as amended August 2018
 - Survey Plan, as amended.
 - Schedule of External finishes by CK Design.
 - Traffic and Parking Report by Hemanote dated August 2018
- 1.6 This document has been prepared pursuant to Section 4.12(9) of the *EP&A Act 1979*, and cl.47 and Schedule 1, Part 1, cl.2 (c) of the *EP&A Regulations 2000*, and reviews the applicable environmental planning instruments and development control plans that apply to the subject property as well as the environmental impacts of the proposal with particular reference to the relevant heads of consideration listed under s.4.15 of the Act.
- 1.7 Accordingly, the application, as amended, is considered worthy of Council's support and development approval.

2.0 SITE AND SUROUNDS

- 2.1 The subject site is legally described as Lot 3 & Lot 4 DP 236854, No. 144-146 Boronia Road, Greenacre. It has a site area of 2,525sqm with front and rear boundaries of 40.24m, side boundaries of 50.29m and 75.29m. Pedestrian and vehicular access to the site is available from Boronia Road.
- 2.2 The existing development comprises two non-descript single cottages.
- 2.3 Figure 1 shows the location of the site; Figure 2 is an aerial of the existing development and Figure 3 shows the surrounding development.

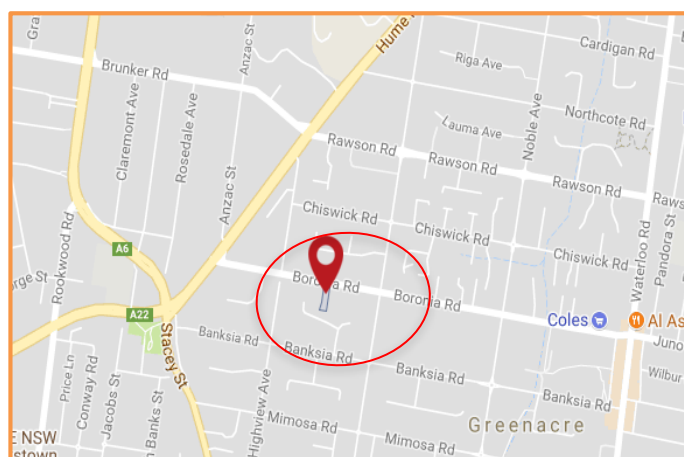


Figure 1: Site Location
(Source: Google Maps)



Figure 2: Aerial view of the site
(Source: Sixmaps)



Figure 3: View of existing development on site from Boronia Road

- 2.4 The site is generally surrounded by a mix of single storey and two storey dwellings. New development is generally larger, two storey residences, additions or dual occupancies. Boronia Road is a two-way road reserve with a parking lane on both sides. Street trees line both sides of the road and power lines run along the road on the opposite side to the subject site.



Figure 4: View along Boronia Road with subject site on left

- 2.5 The area is characterised by low density, single and two storey, detached dwellings on large residential lots.

Boronia Road is a bus route with good access to the Hume Highway and Greenacre local centre. The site is well located to be utilised as a boarding house due to good access to public transport, shops and services.

It is also noted that Boronia Road is a classified Road (Road No. 636) listed by the RMS.

Banksia Road Primary School is one block east of the site off Boronia Rd; Bankstown Aged Care Facility is a large facility within 1km of the site; Bankstown CBD is less than 2km (by road) south of the site; Apex Reserve (large open space area) is located at corner of Hume Highway and Stacey Street.

Greenacre local centre contains local supermarkets, Coles, IGA, Greenacre Library and Knowledge Centre, several restaurants, dentists, banks, hairdressers, butchers, bakeries etc.

3.0 DESCRIPTION OF PROPOSAL

This application seeks approval for the demolition of all existing buildings on the development site and construction of a new 52 room boarding house with ancillary parking, site works, drainage and landscaping. The development is to be constructed in six residential blocks and one block containing the communal room and storage.

Demolition

- Demolish the existing dwelling and structures on both lots

Site Works

- Removal of trees within the building area

Basement

- Parking for 26 vehicles, including 2 accessible spaces
- 11 motorcycle spaces

Block A (2 Storeys)

- 2 x single rooms
- 16 x double rooms
- 1 x accessible room

Block B (2 Storeys)

- 2 x single rooms
- 14 x double rooms
- 2 x accessible room
- Manager's residence

Block C (1 Storey)

- 4 x double rooms

Block D (1 Storey)

- 4 x double rooms

Block E (1 Storey)

- 4 x double rooms

Block F (1 Storey)

- Communal room and outdoor area
- Bin storage room

Ancillary

- New crossover and driveway from Boronia Road
- Drainage works
- Landscaping
- 12 bicycle racks (adjacent Block C)
- Communal clothes drying area



Figure 5: Perspective of proposed development (Source: CK Design, 2018)



Figure 6: Internal perspective of Block A & B from central communal open space area (Source: CK Design, 2018)



Figure 7: Internal perspective of Blocks D & E from central communal open space area (Source: CK Design, 2018)



Figure 8: Block plan of proposal, as amended (Source: CK Design, 2018)

4.0 ASSESSMENT OF ENVIRONMENTAL EFFECTS – S4.15 OF THE EP&A ACT 1979

In accordance with s4.15 of the *EP&A Act 1979* the following matters shall be considered in determination of the development application.

S4.15C Evaluation

(1) *Matters for consideration—general*

In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

(a) *the provisions of:*

- (i) *any environmental planning instrument, and*
- (ii) *any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and*
- (iii) *any development control plan, and*
- (iiia) *any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and*
- (iv) *the regulations (to the extent that they prescribe matters for the purposes of this paragraph),*
- (v) *(Repealed)*

that apply to the land to which the development application relates,

- (b) *the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*
- (c) *the suitability of the site for the development,*
- (d) *any submissions made in accordance with this Act or the regulations,*
- (e) *the public interest.*

4.1 Relevant Environmental Planning Instruments (EPI's)

The following relevant planning instruments are provided for consideration:

4.1.1 SEPP 55 – Remediation of Land

The aim of SEPP 55 is to ensure that a change of land use will not increase the risk to health particularly in circumstances where a more sensitive land use is proposed.

Standard conditions will suffice in this instance given the site has a long and established history of residential use. No further soil assessment is required given that the site has not

been used for any other purpose other than for residential development. No commercial or industrial zones have applied to the site.

4.1.2 SEPP (Infrastructure) 2007

The Infrastructure SEPP aims to facilitate the effective delivery of infrastructure across the State. While the SEPP predominantly applies to infrastructure proposals, such as roads, rail, water and sewer etc, it also applies to specific traffic generating developments which potentially impact on the State's road networks.

Council, by letter dated 22 June 2018, advised the following:

Boronia Road is identified as a 'classified road' (road no. 636) on the 'Schedule of Classified Roads and Unclassified Regional Roads' document prepared by RMS. Section 138 of the Roads Act, 1993 requires the concurrence of RMS for works and structures within a classified road (e.g. works associated with the construction of vehicular footway crossings, drainage connections etc). Section 4.46 of the Environmental Planning and Assessment Act, 1979 identifies development that requires approval under Section 138 of the Roads Act, 1993 as 'Integrated Development'. Accordingly, the subject application requires an Integrated Development referral to RMS, along with a cheque for \$320.00 made out to 'Roads and Maritime Services'.

Further, Council advised:

The information submitted with the application does not satisfactorily address Clause 101 of SEPP (Infrastructure) 2007, which relates to development with frontage to a classified road. Further information shall be submitted to Council to satisfactorily address Clause 101(2)(b) and (c).

Clause 101 of the SEPP states:

101 Development with frontage to classified road

(1) The objectives of this clause are:

- (a) to ensure that new development does not compromise the effective and ongoing operation and function of classified roads, and
- (b) to prevent or reduce the potential impact of traffic noise and vehicle emission on development adjacent to classified roads.

(2) The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that:

- (a) where practicable, vehicular access to the land is provided by a road other than the classified road, and
- (b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of:
 - (i) the design of the vehicular access to the land, or
 - (ii) the emission of smoke or dust from the development, or
 - (iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and
- (c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.

The Traffic and Parking Report, as amended, addresses the proposal in terms of clause 101(2)(b) & (c). It concludes that:

- *The current traffic flows on Boronia Road are considered to be appropriate for a classified state road in a mainly residential area, with free-flowing traffic without any major queuing or delay in peak traffic periods, with spare capacity.*
- *The external impact of the traffic generated by the proposal is considered to be satisfactory and will not result in an unacceptable peak hour traffic generation.*
- *The potential increase in the number of vehicle movements in and about Boronia Road and surrounding road network will remain well within the Environmental capacity of these streets, with no adverse impacts on the amenity of the area.*
- *The proposed development satisfies the objectives of Clause 101 of SEPP (Infrastructure) 2007. The proposed development provides a wide two-way access driveway where vehicles enter and exit the site in a forward direction from Boronia Road (i.e. the only road frontage to the subject site) and the estimated traffic generation will have no major impact on traffic flow efficiency, safety or ongoing operation on Boronia Road.*
- *The level of on-site car, motorbike and bicycle parking provision is considered to*
- *be adequate for the proposed development and in compliance with the ARHSEPP parking requirements, in addition to available public transport services and onstreet car parking opportunities in the vicinity of the subject site.*
- *The on-site car parking layout and circulation is considered to be adequate in accordance with AS2890.1:2004 and AS2890.6:2009, where vehicles enter and exit the site in a forward direction.*
- *The proposed development will have no major impact on parking.*
- *The subject site has great access to existing public transport services in the form of regular train and bus services.*

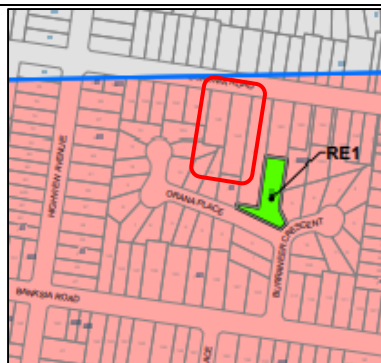

4.1.3 SEPP (Affordable Rental Housing)- Division 3 Boarding Houses


The proposal requires consideration under Part 2, Division 3 of State Environmental Planning Policy (Affordable Rental Housing) 2009 (SEPP ARH), in accordance with Clauses 26 and 27.

The SEPP ARH contains a number of controls for boarding house developments. The relevant Clauses relating to boarding house developments are outlined in Table 1 below.

Table 1: SEPP (Affordable Rental Housing)- Division 3 Boarding Houses

Division 3 – Boarding Houses		
Clause	Proposal	Complies
25 – Definition Communal living room means a room within a boarding house or on site that is available to all lodgers for recreational purposes, such as a lounge room, dining room, recreation room or games room.	Definitions noted	
26 Land to which Division applies <i>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:</i>	The subject site is zoned R2 Low Density	Yes

<ul style="list-style-type: none"> Zone R2 Low Density Residential 		
27 Development to which Division applies <i>This Division applies to development, on land to which this Division applies, for the purposes of boarding houses.</i>	Noted.	
28 Development may be carried out with consent <i>Development to which this Division applies may be carried out with consent.</i>	Noted.	
29 Standards that cannot be used to refuse consent <i>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:</i> <i>(a) the existing maximum floor space ratio for any form of residential accommodation permitted on the land,</i>	FSR for the subject site: 0.5:1.  "D" = 0.5:1 Site Area: 2,525sqm Allowable GFA: 1262.5sqm Proposed GFA: 1233.5sqm Proposed FSR: 0.48:1	Yes
<i>(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</i>	RFB is NOT permissible in the R2 Low Density Residential zone.	N/A
<i>(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</i>	Permissible FSR = 0.5:1 Site area: 2,525sqm	Yes

<p><i>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:</i></p> <p>(i) 0.5:1, if the existing maximum floor space ratio is 2.5:1 or less, or</p> <p>(ii) 20% of the existing maximum floor space ratio, if the existing maximum floor space ratio is greater than 2.5:1.</p>	<p>GFA: 1233.5sqm</p> <p>Proposed: 0.48:1</p>	
<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</p> <p><i>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,</i></p>	<p>LEP height limit is 9m. Proposed: 6.95m maximum</p> <p>Blocks A & B (facing Boronia Rd): 2 storeys Blocks C, D, E & F: 1 storey</p>	Yes
<p>(b) landscaped area</p> <p><i>if the landscape treatment of the front setback area is compatible with the streetscape in which the building is located,</i></p>	<p>Front setback = 6.5m to front wall of Blocks A & B.</p> <p>Figure below shows existing setbacks of adjoining site – No. 142 & 148. Proposed front garden areas similar to adjoining front yard domestic gardens.</p> <p>The proposed landscaping is compatible with similar buildings in the Boronia Road area.</p> 	Yes
<p>(c) solar access</p> <p><i>where the development provides for one or more communal living rooms, if at least one of those rooms receives a</i></p>	<p>Communal room is located in south-western corner of the development site.</p>	Yes

<i>minimum of 3 hours direct sunlight between 9am and 3pm in mid-winter,</i>	Complies with minimum solar access. Drawing No. A1- 24 shows sun penetration of the communal room. The plan states it receives 6hrs of solar access on June 21 st . Complies.	
<p>(d) private open space</p> <p><i>if at least the following private open space areas are provided (other than the front setback area):</i></p> <p><i>(i) one area of at least 20 square metres with a minimum dimension of 3 metres is provided for the use of the lodgers,</i></p> <p><i>(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,</i></p>	<p>Paved area outside of community room = 16.8sqm (secured and fenced area) + lawn area to north.</p> <p>Central communal area is 46sqm. Complies.</p> <p>Manager's room (ground level of Block B) - provided with private open space courtyard (16.3sqm) – direct access to main living area. Complies.</p> <p>POS for residents: Block A - ground floor courtyards, first floor balconies towards street; no balconies for rear rooms. Block B - ground floor courtyards, first floor balconies Block C & D – ground floor courtyards to eastern boundary. Block E – No POS but outdoor area within shared courtyard with Block D.</p> <p>No areas or dimensions provided however there is no minimum dimension for boarding rooms balconies.</p>	Yes
<p>(e) parking</p> <p><i>if:</i></p> <p><i>(i) in the case of development carried out by or on behalf of a social housing provider in an accessible area—at least 0.2 parking spaces are provided for each boarding room, and</i></p> <p><i>(ii) in the case of development carried out by or on behalf of a social housing provider not in an accessible area—at least 0.4 parking spaces are provided for each boarding room, and</i></p> <p>(iia) in the case of development not carried out by or on behalf of a social</p>	<p>Required: 0.5 per room Therefore, $52/2 = 26$ spaces</p> <p>Proposed: 26 spaces at basement level, including 2 accessible spaces</p>	Yes

<p>housing provider—at least 0.5 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 development and who is resident on site.</p>		
<p>(f) accommodation size</p> <p>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>	Each boarding room is between 11-25sqm.	Yes
<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>	Each unit has its own facilities.	Yes
<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>	Noted. The minimum car parking provided is compliant.	Yes
<p>30 Standards for boarding houses</p>		
<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>	One communal room (in Block F) is provided.	Yes
<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>	Each room is less than 25sqm – nett area.	Yes
<p>(c) no boarding room will be occupied by more than 2 adult lodgers,</p>	Single rooms: 7 Double rooms: 45 Accessible: 2 (single) Managers room (double).	Yes


	Proposed maximum of 97 persons + Manager (double) equates to 99 persons on site.	
<i>(d) adequate bathroom and kitchen facilities will be available within the boarding house for the use of each lodger,</i>	Each room has its own bathroom and kitchen facilities. Common room has bathroom shown (accessible).	Yes
<i>(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,</i>	A manager's residence is provided at ground level of Block B.	Yes
<i>(f) (Repealed)</i>	N/A	N/A
<i>(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,</i>	The land is zoned low density residential.	N/A
<i>(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.</i>	Required: $52/5 = 10.4$ Proposed: Motorcycles = 11 spaces. Bicycles = 12 racks.	Yes
<i>(2) Subclause (1) does not apply to development for the purposes of minor alterations or additions to an existing boarding house.</i>	N/A	N/A
30A Character of local area <i>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.</i>	<p>The area is characterised by low density, single storey, detached dwellings on large residential lots. The character of the area is capable of changing as a result of CDC approvals for dwellings under the existing regime of the Codes SEPP 2008. Regardless single and two storey forms are able to co-exist in harmony. Single storey is provided to the rear of the site.</p> <p>The proposal provides a residential like form as well as setbacks from the front boundary. Contemporary forms are able to co-exist with more traditional dated dwelling stock. The L&E Court has held that in order to be compatible the proposed built</p>	

	<p>form does not necessarily need to be the same.</p> <p>Over time this area will transition to more modern, likely larger built forms. Some dwellings will adopt parapet roof forms whilst others will adopt more traditional pitched roofs. Either way the proposal with its single and two storey form will complement the residential character of the area.</p> <p>Boronia Road is a classified road and bus route with good access to the Hume Highway and Greenacre local centre. The site is well located to be utilised as a boarding house due to its access to public transport, shops and services.</p> <p>Banksia Road Primary School is one block east of the site off Boronia Rd; Bankstown Aged Care Facility is a large facility within 1km of the site, Bankstown CBD is less than 2km (by road) south of the site; Apex Reserve (large open space area) is located at corner of Hume Highway and Stacey Street.</p> <p>Greenacre local centre contains local supermarkets, Coles, IGA, Greenacre Library and Knowledge Centre, several restaurants, dentists, banks, hairdressers, butchers, bakeries etc can be readily accessed from the site.</p>	
<p>Part 4 Miscellaneous</p> <p>52 No subdivision of boarding houses</p> <p><i>A consent authority must not grant consent to the strata subdivision or community title subdivision of a boarding house.</i></p>	N/A	N/A

4.1.4 Bankstown Local Environmental Plan 2015 (BLEP 2015)

Table 2 below provides an assessment of the proposal against the relevant aims and objectives of BLEP 2015.

Table 2: BLEP 2015

LEP Provision	Proposal	Complies
<p>Zone and permissibility</p>  <p>Zone R2 Low Density Residential</p> <p>1 Objectives of zone</p> <ul style="list-style-type: none"> To provide for the housing needs of the community within a low density residential environment. To enable other land uses that provide facilities or services to meet the day to day needs of residents. To allow for certain non-residential development that is compatible with residential uses and does not adversely affect the living environment or amenity of the area. To allow for the development of low density housing that has regard to local amenity. To require landscape as a key characteristic in the low density residential environment. <p>2 Permitted without consent</p> <p>Home occupations</p> <p>3 Permitted with consent</p> <p>Bed and breakfast accommodation; Boarding houses; Boat sheds; Building identification signs; Business identification signs; Car parks; Centre-based child care facilities; Community facilities; Dual occupancies; Dwelling houses; Emergency</p>	<p>The site is zoned R2 Low Density Residential.</p> <p>A boarding house is permitted, with consent, in the R2 zone.</p> <p>The proposal is for a boarding house containing 52 boarding rooms and manager's residence and is therefore permissible with Council's consent.</p> <p>The development achieves the objectives of the R2 zone as:</p> <ul style="list-style-type: none"> The boarding house will provide affordable housing for the area, in an accessible area close to public transport and community services. 	<p>Yes</p>

<p><i>services facilities; Environmental facilities; Environmental protection works; Exhibition homes; Flood mitigation works; Group homes; Health consulting rooms; Home-based child care; Hospitals; Information and education facilities; Jetties; Multi dwelling housing; Places of public worship; Public administration buildings; Recreation areas; Respite day care centres; Roads; Secondary dwellings; Semi-detached dwellings; Seniors housing; Water recreation structures; Water supply systems</i></p> <p>4 Prohibited</p> <p><i>Any development not specified in item 2 or 3.</i></p>		
<p>2.7 Demolition</p> <p><i>Demolition of a building or work requires the consent of Council.</i></p>	Demolition of the existing dwellings and structures on the two lots is part of this application.	Yes
<p>4.3 Height of Buildings</p> <p><i>Maximum allowable: 9m</i></p>	<p>Proposal: 6.95m (max) Note: two storeys at front and one storey at rear. Complies.</p>	Yes
<p>4.4 Floor Space Ratio</p> <p><i>Maximum allowable: 0.5:1</i></p>	Proposed: 0.48:1.	Yes
<p>5.10 Heritage Conservation</p> <p><i>Site is 'white'.</i></p>	The lots do not contain any locally listed heritage items. There are no heritage items in the vicinity of the development site and it is not within a HCA.	Yes
<p>6.4 Stormwater management</p>	A stormwater plan is submitted as part of the DA.	Yes
<p>6.10 Essential services</p> <p><i>Supply of water, Supply of electricity, Disposal and management of sewage, Stormwater drainage or on-site conservation. Suitable vehicular access.</i></p>	There is no known issue with the provision of any of these essential services to the site.	Yes

4.2 Non-Statutory Development Control Plans

The following non-statutory policies are relevant to the assessment of the application:

4.2.1 Bankstown Development Control Plan 2015 (BDCP 2015)

BDCP 2015 contains the relevant non-statutory planning provisions relating to the proposal. These are covered in Parts B1, B2 & B3 as they relate to boarding houses. Where the SEPP (ARH) and DCP are inconsistent (eg parking rates and landscaped area), the provisions of the SEPP prevail.


Table 3 below sets out the controls for boarding houses and the preliminary proposals response to those controls.

Table 3: Bankstown DCP 2015

Part B1 – Residential Development		
Section 10 – Boarding Houses		
DCP Provision	Proposal	Complies
B3.1.3 Objectives <i>The objectives are:</i> (a) To ensure the building form, building design and landscaping of boarding houses are compatible with the suburban character of the residential areas. (b) To ensure the building form and building design of boarding houses provide appropriate amenity to residents in terms of access to sunlight and privacy. (c) To ensure the building form and building design of boarding houses do not adversely impact on the amenity of neighbouring properties in terms of visual bulk, access to sunlight and privacy. (d) To provide adaptable boarding rooms to cater for the needs of senior residents and residents with disabilities. (e) To minimise the visual impact of off-street parking on the streetscape. (f) To require landscape as a key characteristic in the development	The proposal is consistent with these objectives.	Yes
Isolation of allotments 10.1 The consent authority must not grant consent to any development on	The development site is zoned R2 Low Density Residential.	N/A

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<p>10.7 The minimum setback for a building wall to the primary road frontage is: (a) 5.5 metres for the first storey (i.e. the ground floor); and (b) 6.5 metres for the second storey.</p> <p>10.8 The minimum setback to the secondary road frontage is: (a) 3 metres for a building wall; and (b) 5.5 metres for a garage or carport that is attached to the building wall.</p> <p>10.9 For the portion of the building wall that has a wall height <u>less than</u> or equal to 7 metres, the minimum setback to the side boundary of the allotment is 0.9 metre.</p> <p>10.10 For the portion of the building wall that has a wall height greater than 7 metres, the minimum setback to the side boundary of the allotment is 1.5 metres.</p> <p>10.11 The basement level must not project beyond the ground floor perimeter of boarding houses.</p>	<p>10.7 Setbacks Front ground floor: 6.5m to front wall; est 1.2m wide balconies with fin wall edges. First floor: 6.5m to front wall; est 1.2m wide balconies with fin wall edges. Complies.</p> <p>10.8 N/A</p> <p>10.9 Wall height: Blocks A & B: wall height less than 7m. Side boundary setbacks: East & West – 2.12m with no window openings at ground or first floor level.</p> <p>Blocks C – E: single storey wall heights with setbacks of 1.5m to boundaries. Complies.</p> <p>10.10 N/A</p> <p>10.11 the proposed basement does not project more than 1m above ground and is siting immediately below Block A & Block B.</p>	<p>Yes</p> <p>Yes</p>
<p>Setbacks in Zones R3 and R4</p> <p>10.12 – 10.17 N/A</p>	<p>Site is located in R2 zone.</p>	<p>N/A</p>
<p>Private open space</p> <p>10.18 Boarding houses must provide: (a) one area of at least 20m² with a minimum dimension of 3 metres for the use of the lodgers; and (b) if accommodation is provided on site for a boarding house manager, one area of at least 8m² with a minimum dimension of 2.5 metres is provided adjacent to that accommodation.</p>	<p>10.18 As per SEPP (ARH).</p>	<p>Yes</p>

<p>10.19 Development must locate the private open space behind the front building line. This clause does not apply to any balconies where it is used to provide articulation to the street facade.</p>	<p>10.19 The ground floor rooms facing Boronia Road are proposed to have front courtyards. This is a variation to the DCP provisions, considered acceptable to provide some POS to rooms, sunlight, amenity and security of the site. See below.</p>	<p>No acceptable alternative solution.</p>
		
<p>Access to sunlight</p> <p>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.</p> <p>10.21 Where the development provides for one or more communal living rooms, at least one of those rooms must receive a minimum of 3 hours direct sunlight between 8.00am and 4.00pm at the mid–winter solstice.</p> <p>10.22 At least one living area of a dwelling on an adjoining allotment must receive a minimum 3 hours of sunlight between 8.00am and 4.00pm at the mid–winter solstice. Where this requirement cannot be met, the development must not result with additional overshadowing on the affected living areas of the dwelling.</p> <p>10.23 A minimum 50% of the private open space required for boarding houses and a minimum 50% of the private open space of a dwelling on an adjoining allotment must receive at least 3 hours of sunlight between</p>	<p>10.20 Drawing Nos A1–22 & 23 show the sun solar access to each of the rooms. There are 52 boarding rooms. 70% = 36.4 rooms. Proposed rooms with 3hrs+ sunlight = 39 rooms. Proposed rooms with 2hrs+ sunlight = 45 rooms. Complies.</p> <p>10.21 Drawing No. A1- 24 shows sunlight to communal room is compliant. In addition, the outdoor area and the large central communal area will receive ample winter sunlight for the amenity of residents.</p> <p>10.22 No. 142 (east) – receives afternoon shadow. No. 146 (west) receives morning shadow. Each adjoining lot receives 3+hrs of sunlight mid-winter. Complies.</p> <p>10.23 Adjoining properties comply.</p>	<p>No however variation justified.</p>

<p>9.00am and 5.00pm at the equinox. Where this requirement cannot be met for a dwelling on an adjoining allotment, the development must not result with additional overshadowing on the affected private open space.</p> <p>10.24 Development should avoid overshadowing any existing solar hot water system, photovoltaic panel or other solar collector on the allotment and neighbouring properties.</p>	<p>10.24 Unknown however unlikely given the two storey and single storey design.</p>	
<p>Visual privacy</p> <p>10.25 Where development proposes a window that directly looks into the living area or bedroom window of an existing dwelling, the development must:</p> <p>(a) offset the windows between dwellings to minimise overlooking; or</p> <p>(b) provide the window with a minimum sill height of 1.5 metres above floor level; or</p> <p>(c) ensure the window cannot open and has obscure glazing to a minimum height of 1.5 metres above floor level; or</p> <p>(d) use another form of screening to the satisfaction of Council.</p> <p>10.26 Where development proposes a window that directly looks into the private open space of an existing dwelling, the window does not require screening where:</p> <p>(a) the window is to a bedroom, bathroom, toilet, laundry, storage room, or other non-habitable room; or</p> <p>(b) the window has a minimum sill height of 1.5 metres above floor level; or</p>	<p>10.25 Rooms No. 38 - 40 (middle rooms facing western boundary and central driveway previously) has been removed and Units 41-44 have been relocated towards the front of the site, with rear balconies removed. This addresses the potential privacy and overlooking of the adjoining property to the west. There are no windows or openings facing the western boundary (towards No. 148 Boronia Road) at ground or first floor levels.</p> <p>Adjoining the site to the east is the scout hall, a non-residential landuse. One boarding room (No. 46) faces the eastern boundary. No other windows or opening face the eastern side boundary.</p> <p>Communal room is single storey, set behind 1.8m side boundary fence. No additional screening is necessary.</p> <p>10.26 N/A</p>	<p>Yes</p>

<p>(c) the window has translucent glazing to a minimum height of 1.5 metres above floor level; or</p> <p>(d) the window is designed to prevent overlooking of more than 50% of the private open space of a lower-level or adjoining dwelling.</p> <p>10.27 Council may allow boarding houses in Zones R2 and R3 to have an upper floor side or rear balcony solely where the balcony is not accessible from a living area or hallway, and the balcony design:</p> <p>(a) does not have an external staircase; and</p> <p>(b) does not exceed a width of 1.5 metres throughout; and</p> <p>(c) incorporates a form of screening to the satisfaction of Council such as partially recessing the balcony into the building.</p> <p>10.28 Council does not allow boarding houses to have roof-top balconies and the like.</p>	<p>10.27 The only room facing a side boundary is No. 46 (facing east). This room is recessed into the eastern façade with narrow balcony facing the side boundary. It has a moveable screened installed along the eastern edge of the balcony. Facing east, this POS area is to provide access to sunlight and some POS amenity for residents of the room.</p> <p>No other rooms or windows or opening facing either side boundary.</p> <p>10.28 None proposed.</p>	
<p>Building design</p> <p>10.29 Council applies the design quality principles of State Environmental Planning Policy No 65–Design Quality of Residential Apartment Development and the Apartment Design Guide to boarding houses. This includes buildings that are two storeys or less or contain less than four dwellings.</p> <p>10.30 Boarding houses must satisfy 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; and</p> <p>(b) 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) 12m² in the case of a boarding room intended to be used by a single lodger, or</p> <p>(ii) 16m² in any other case; and</p>	<p>10.29 The SEPP states that the policy only applies to flat buildings. Overall bulk and scale compatible with the context and character.</p> <p>(a) one communal room and outdoor area proposed</p> <p>(b) complies.</p> <p>(c) complies.</p>	<p>N/A</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

<p>(c) 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 25m² ; and (d) no boarding room will be occupied by more than 2 adult lodgers; and (e) adequate bathroom and kitchen facilities will be available within the boarding house for the use of each lodger; and (f) 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; and (g) 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>10.31 The maximum roof pitch for boarding houses is 35 degrees.</p> <p>10.32 Council does not allow boarding houses to have attics.</p> <p>10.33 The siting of a plant room, lift motor room, mechanical ventilation stack, exhaust stack, and the like must: (a) integrate with the architectural features of the building to which it is attached; or (b) be sufficiently screened when viewed from the street and neighbouring properties.</p> <p>10.34 Development for the purpose of boarding houses must demolish all existing dwellings (not including any heritage items) on the allotment.</p> <p>10.35 Boarding houses with 10 or more boarding rooms must provide at least one adaptable boarding room plus an adaptable boarding room for every 50 boarding rooms in accordance with AS 4299–Adaptable Housing.</p> <p>10.36 Development in the foreshore protection area (refer to map in Appendix 1) must use non–reflective materials that are compatible with the natural characteristics and colours of</p>	<p>(d) 7 single rooms; remainder doubles or accessible, incl managers room (e) private facilities in each room (f) managers room provided.</p> <p>(g) 11 motorcycle spaces and 12 bicycle racks provided.</p> <p>10.31 All 3 degrees</p> <p>10.32 No attics.</p> <p>10.33 N/A</p> <p>10.34 Demolition of existing dwellings and structures is proposed as part of the DA.</p> <p>10.35 Three (3) accessible rooms are proposed (one in Block A; two in Block B), at ground floor level.</p> <p>10.36 N/A</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>N/A</p> <p>N/A</p> <p>N/A</p> <p>Yes</p> <p>N/A</p>
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allotment must be fenced along the boundary using a minimum 2 metre high chain-wire fence; and (e) the fence provides an appropriate access point to maintain the landscaping within the setback area; and (f) where a car park adjoins the boundary, hedging or climbing vines must also be planted along the sides of any building or solid fence on the allotment that face the railway corridor or open stormwater drain. If a setback for landscaping under this clause is not practical, other means to avoid graffiti must be employed that satisfies Council's graffiti minimisation strategy.		
Part B5 Parking		
Schedule: Off-street parking requirements Boarding houses 1 car space per 3 bedrooms.	52 rooms + 1 managers room equates to 26 spaces. SEPP (ARH) prevails for parking rates. At a rate of 0.5/boarding room, the proposal complies with the SEPP (ARH) and Council's DCP. Refer table 2 above.	Yes

4.4 Suitability of the site for the development

Throughout construction, all measures will be taken to ensure that any noise, dust, and vibration will be kept to a minimum. All construction works will comply with the Building Code of Australia and any other relevant legislation for the duration of the works.

Upon completion of the proposal, the day-to-day operation of the development is unlikely to cause undue impact in relation to noise, pollution, drainage and pedestrian or vehicular traffic flows as vehicle and pedestrian movements are internally located within the centre of the development – within the basement.

The proposed boarding house is considered appropriate and will not be responsible for any adverse environmental impacts in relation to loss of privacy, loss of view, noise, or traffic and parking impacts that is not anticipated for this scale and development typology.

The size and shape of the site is suitable for the proposed boarding house and is consistent in terms of bulk and scale. The proposed development will unduly result in any loss of amenity to neighbouring properties.

Amenity impacts have been minimised and the proposal is considered to be a positive contribution to the built and natural environment. The proposed design represents a high degree of compliance against the requirements of the SEPP (ARH) and Council's DCP provisions specifically relevant to boarding houses.

4.5 The public interest

Given that the relevant issues have been addressed with regard to the public interest as reflected in the relevant planning policies and codes, the development is unlikely to result in any adverse impact to the public interest in the circumstance of the case.

5.0 CONCLUSION

The proposal, located within the R2 Low Density Residential Zone, is permissible with Council's consent. It is also permissible under the provisions of the SEPP (Affordable Rental Housing). The residential use is appropriate for the site and has no adverse impacts on the streetscape character or environmental amenity of the locality. In addition, the proposal has been designed responsively and sympathetically in line with the residential character of the locality. The development is considered compatible with likely future development in the immediate area. It is noted that in order for a building to be compatible it does not necessarily need to be the same and on this basis the proposal is deemed to be acceptable. The proposal provides front setbacks that are characteristic of the area. Side setbacks are greater than what would be achieved for a two storey dwelling. To the rear the scale of the built form is limited to single storey.

Any adverse impacts associated with the proposal, having assessed the relevant matters identified under s4.15 of the *EP&A Act 1979*, have been addressed and found to be acceptable in the circumstances. The variations to the BDCP, where identified, are considered to be appropriate and reasonable in the circumstances.

Given the relevant planning policies, codes and requirements of the *EP&A Act 1979* have been duly satisfied the proposed development is, on balance, worthy of approval.



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