

TO: Sydney Central City Planning Panel

SUBJECT: 6 Milner Road Guildford

APPLICATION No: DA2025/0119 / PPSSCC-673

Application lodged	7 March 2025
Applicant	S Allam
Owner	Allam Petroleum Pty Ltd
Application No.	DA2025/0119
Description of Land	6 Milner Road Guildford, Lot 18 Sec 3 in DP 4047
Proposed Development	Demolition of existing structures and construction of a two storey boarding house containing 18 boarding rooms and one level of basement parking
Site Area	982.4m ²
Zoning	R3 Medium Density Residential
Disclosure of political donations and gifts	Nil disclosure
Cost of works	\$5,355,455
Heritage	The site is not Heritage Listed or within a Heritage Conservation Area
Principal Development Standards	<u>FSR</u> Permissible: 0.6:1 Proposed: 0.6:1 <u>Height of Building</u> Permissible: 11 metres Proposed: 7.4 metres
Issues	Submission Vehicle access On-site resident manager

SUMMARY

1. Development Application DA2025/0119 was lodged on 7 March 2025 for the demolition of existing structures and construction of a two storey boarding house containing 18 boarding rooms and one level of basement parking.
2. The application was publicly notified to occupants and owners of the adjoining properties for a period of 14 days between 20 March 2025 and 3 April 2025. In response, one (1) submission was received.
3. On the 16th of May 2025, the applicant submitted amended plans. The amended plans did not require re-notification as the environmental impact is insignificant.

4. The subject site is not listed or identified as a heritage item nor located within a heritage conservation area under the Cumberland Local Environmental Plan 2021.
5. The variations with respect to the Cumberland Development Control Plan 2021 are as follows:

Control	Required	Provided	% variation
Part B4, 2.3, C1 Operational management	A boarding house that accommodates 20 lodgers or more to have an on-site resident manager that is 18 years or older.	Off-site manager that is contactable 24 hours, 7 days a week.	100%
Part G, 4.1, C5 Development in residential areas	New driveways shall be setback 1m from the side boundaries.	Driveway has a nil setback from the southern side boundary.	100%

6. The application is referred to the Panel as the proposal has an estimated development cost of \$5,355,455 which exceeds the \$5 million threshold for the purposes of affordable housing.
7. The application is recommended approval subject to the conditions as recommended in the Council's assessment report.

REPORT

SUBJECT SITE AND SURROUNDING AREA

The subject site comprises Lot 18, Sec 3 in DP 4047 and is known as 6 Milner Road, Guildford. The site is rectangular in shape with a frontage of 16.245m to Milner Road and a site area of 982.4m². The site has a fall of approximately 2.55m from the front of the site to the rear.

The site is situated within the R3 Medium Density Residential zoned land and adjoins E1 Local Centre zoned land to the north, R2 Low Density zoned land to the east and R3 zoned land to the south and to the west.

A Sydney Water sewer pipeline runs parallel to the rear boundary and is situated towards the rear part of the site.

The existing developments surrounding the site include low density development comprising of single and two storey dwelling houses and dual occupancy development to the south, east and west. A service station with a vehicle repair station adjoins the development site to the north.

Guildford train station is located approximately 650m to the west. The site is shown below edged in purple.

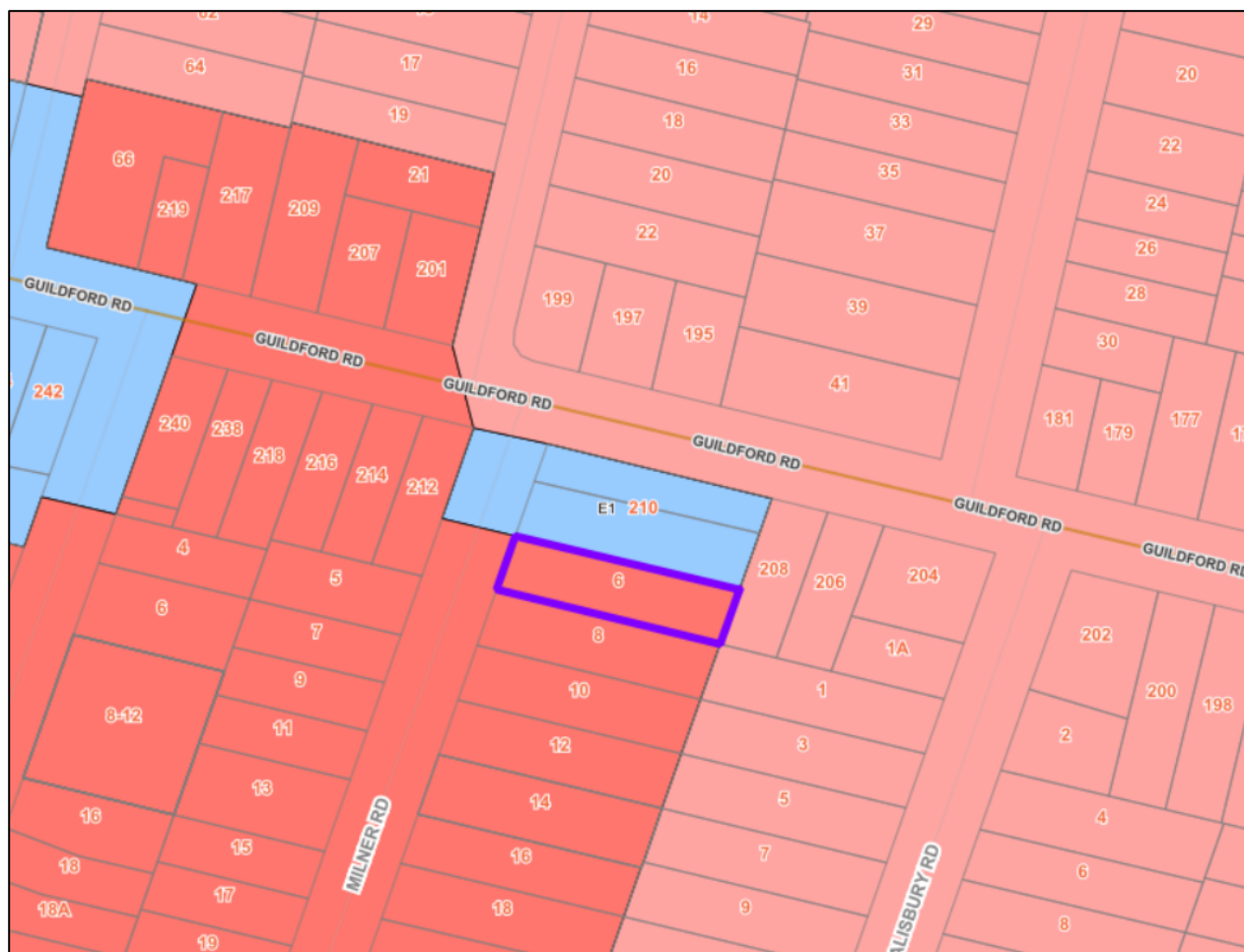


Figure 1 – Locality Plan of subject site

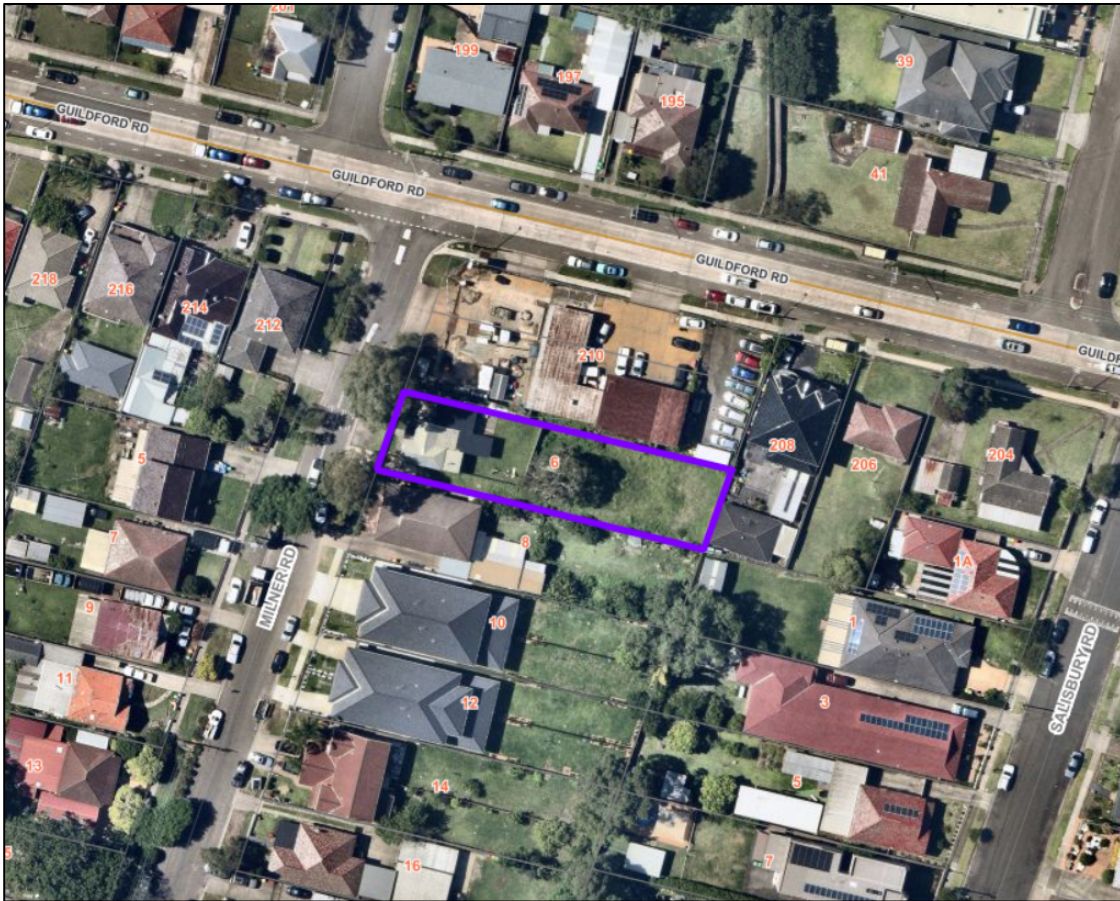


Figure 2 – Aerial view of subject site



Figure 3 – Street view of subject site

DESCRIPTION OF THE DEVELOPMENT

Council has received a development application seeking consent for the demolition of existing structures and the construction of a two-storey boarding house containing eighteen (18) boarding rooms and one level of basement containing nine (9) parking spaces. The detailed breakdown of the proposal is as follows:

Demolition

A single storey weatherboard cottage and various hard stand areas are to be demolished, and a mature onsite tree located centrally within the property is proposed to be removed.

Construction

As noted above, a two storey boarding house with basement level parking is proposed on the site. The boarding house accommodates a total of 18 double rooms inclusive of two (2) accessible units and nine (9) onsite parking spaces inclusive of one (1) accessible space.

The composition of each level of the development is described below.

Basement Level

- A total of nine (9) car spaces, including one (1) accessible car space.
- Eighteen (18) bicycle spaces.
- Four (4) motorbike spaces.
- Eighteen (18) storage units.
- Bulky storage room.
- Lobby.
- Stairs and lift providing access to the ground floor.
- OSD tank storage.
- Switch room.

Ground Floor

- Eight (8) boarding rooms each comprising a bathroom, a kitchenette, laundry facilities and a living room.
- Communal living space comprising a kitchenette/library, a toilet, a balcony and a lift.
- Communal open space measuring 197m².
- Garbage room.
- Lobby.
- Lift and stairs to upper level.
- Partially open hallway along the southern side of the floor plate.

First Floor

- Ten (10) boarding rooms each comprising a bathroom, a kitchenette, laundry facilities and a living room.
- Partially open hallway along the southern side of the floor plate.

Details of use

- Total of eighteen (18) double rooms with a maximum capacity for 36 lodgers.

- The operations of the boarding house will be managed by an off-site building manager.

APPLICANTS SUPPORTING STATEMENT

The applicant has provided a Statement of Environmental Effects prepared by The Planning Hub dated 26 February 2025 which was received by Council on 26 February 2025 in support of the application.

CONTACT WITH RELEVANT PARTIES

The assessing officer has undertaken a site inspection of the subject site and surrounding properties and has been in regular contact with the applicant throughout the assessment process.

INTERNAL REFERRALS

Development Engineering

The development application was referred to Council's Development Engineer for comment who has advised that the development proposal is satisfactory subject to conditions relating to the Onsite Detention System (OSD), basement layout and installation of a vehicle access management system into the basement.

Environmental Health

The development application was referred to Council's Environmental Health Officer for comment who has advised that the proposal is satisfactory and therefore can be supported subject to recommended conditions of consent.

Tree Management

The development application was referred to Council's Tree Management Officer for comment who has advised that the proposal is satisfactory and therefore can be supported subject to recommended conditions of consent.

Waste Management

The development application was referred to Council's Waste Management Officer for comment who has advised that the proposal is satisfactory and therefore can be supported subject to recommended conditions of consent.

EXTERNAL REFERRALS

NSW Police

The development application was referred to NSW Police for comment. No response or objections were provided. On the basis that conditions are recommended to be imposed to require the appointment of an off-site manager (to be contactable 24 hours, 7 days a week) the installation of CCTV at suitable locations throughout the boarding house and the preparation of a Plan of Management that is consistent with the terms of the draft conditions of consent in Attachment 1.

Council considers the issue of safety and security to be adequately addressed by the imposition of the abovementioned conditions of consent.

Sydney Water

The development application was referred to Sydney Water for comment who has advised that there is a vent shaft on the neighbouring site at 210 Guildford Road (Lot 19 Section 3 in DP 4047). That in accordance with Sydney Water's Technical Guidelines – building over and adjacent to pipe assets SW269 it is noted, *“that a 2 metre minimum clearance is required above eaves, windows and air takes for buildings near vent shafts”*.

There is no statutory requirement to obtain approval from Sydney Water prior to determination of the subject application. Pursuant to Section 78(2)(b) of the Sydney Water Act, the consent authority is not required to give notice of the application if it decides to approve the application with a condition that the developer must obtain a compliance certificate from the Corporation.

It is noted that the air vent appears to be in excess of the minimum 2m above any windows of the proposed development and as such, it is determined that compliance with Sydney Water's requirements can be demonstrated. Therefore, a condition has been imposed on the consent requiring that the applicant obtain a Section 73 Compliance Certificate from Sydney Water.

PLANNING COMMENTS

The provisions of any Environmental Planning Instruments (EP&A Act s4.15 (1)(a)(i))

State Environmental Planning Policies

The proposed development is affected by the following State Environmental Planning Policies:

State Environmental Planning Policies (SEPPs)	Relevant Clause(s)	Compliance with Requirements
State Environmental Planning Policy (Biodiversity and Conservation) 2021	Chapter 2 - Vegetation in non Rural Areas	The development application includes the removal of one (1) tree within the rear yard of the site which has been assessed as satisfactory. The proposal does not exceed the biodiversity offsets scheme threshold. Therefore, the proposed vegetation removal is considered acceptable.
	Chapter 6 - Water Catchments Sydney Harbour Catchment	It is determined that given the location of the site, a detailed assessment is not required given that there is no direct impact upon the catchment and no direct impact upon watercourses. As such, the

		development is acceptable under the provisions that came into effect on Monday, 21 November 2022.
State Environmental Planning Policy (Resilience and Hazards) 2021	Chapter 2 - Coastal Management	The subject site is not identified as a coastal wetland or 'land identified as "proximity area for coastal wetlands" or coastal management area.
	Chapter 4 - Remediation of Land Part 4.6	A review of Council's files has revealed no evidence to suggest that the site is contaminated or used for potentially contaminating activities. A Detailed Site Investigation Report was submitted as part of the application and concluded that the risks of soil and groundwater contamination at the site are low and the site is considered suitable for the proposed development, subject to the implementation of remediation and validation works outlined in the submitted Remedial Action Plan dated 14th of January 2025. As such, it is considered that the development remains satisfactory under Part 4.6 of Chapter 4 of the State Policy.
State Environmental Planning Policy (Transport and Infrastructure) 2021	Chapter 2 - Infrastructure	Not applicable– No impact on nearby road or rail infrastructure. Milner Road is not considered a classified Road.
State Environmental Planning Policy (Planning System) 2021	Schedule 6	Development of a type that is listed in Schedule 6 of Planning System SEPP is defined as 'regional significant development'. Such applications require a referral to a Sydney District Panel for determination as constituted by Part 3 of Schedule 2 under the <i>Environmental Planning and Assessment Act 1979</i>. The proposed development constitutes 'Regional Development' as it has an estimated development cost of \$5,355,455 which exceeds the \$5 million threshold for the purposes of affordable housing.

		While Council is responsible for the assessment of the DA, determination of the Application will be made by the Sydney Central City Planning Panel.
State Environmental Planning Policy (Housing) 2021 (Housing SEPP)	Part 2 Division 2	The proposal fully complies with the key planning controls contained within the Housing SEPP. A comprehensive assessment against Housing SEPP is attached in Attachment 5 of this report.

Local Environmental Plans

Cumberland Local Environmental Plan 2021

The provision of the Cumberland Local Environmental Plan 2021 (CLEP) is applicable to the development proposal. It is noted that the development achieves compliance with the key statutory requirements of the Cumberland Local Environmental Plan 2021 and the objectives of the R3 Medium Density Residential zone.

(a) Permissibility:

The proposed development is defined as a 'boarding house' and is permissible in the R3 Medium Density Residential zone with consent.

boarding house means a building or place—

- (a) that provides residents with a principal place of residence for at least 3 months, and*
- (b) that contains shared facilities, such as a communal living room, bathroom, kitchen or laundry, and*
- (c) that contains rooms, some or all of which may have private kitchen and bathroom facilities, and*
- (d) used to provide affordable housing, and*
- (e) if not carried out by or on behalf of the Land and Housing Corporation—managed by a registered community housing provider, but does not include backpackers' accommodation, co-living housing, a group home, hotel or motel accommodation, seniors housing or a serviced apartment.*

The relevant matters to be considered under CLEP and the applicable clauses for the proposed development are summarised below. A comprehensive LEP assessment is contained in Attachment 6.

Figure 4 – CLEP Compliance Table

DEVELOPMENT STANDARD	COMPLIANCE	DISCUSSION
4.3 Height of Buildings Max. 11m	Yes	The maximum building height of the development is 7.4 metres.
4.4 Floor Space Ratio Max. 0.6:1	Yes	The total Gross Floor Area (GFA) of the development is 590.37m ² ,

		which equates to a FSR of 0.6:1 on the 982.4m ² site.
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The provisions of any proposed instrument that is or has been the subject (EP&A Act s4.15 (1)(a)(ii))

Council has received a Gateway Determination (from the Department of Planning, Housing and Infrastructure for the Draft Woodville Road Corridor Planning Proposal. As part of this approval, public exhibition of the Draft Woodville Road Corridor Planning Proposal has commenced. The public exhibition was carried out between the 4 March 2025 to 17 April 2025.

The Draft Planning Proposal seeks to revitalise Woodville Road by amending planning controls in the Cumberland Local Environmental Plan (CLEP) 2021 for 31 sites located around the three (3) precincts of Woodville North, Merrylands East and Woodville South.

The subject application was received on 7 March 2025 and the site does not fall within the Draft Woodville Road Corridor and therefore no further consideration is required.

The provisions of any Development Control Plans (EP&A Act s4.15 (1)(a)(iii))

The Cumberland Development Control Plan 2021 (CDCP) is relevant to the development proposal.

The development has been assessed using the following chapters:

- Part B4 – Boarding Houses;
- Part F2-3 – Guildford Town Centre (East); and
- Part G – Miscellaneous Development Controls.

The development is found to be generally compliant with the relevant provisions of the abovementioned Parts except for the following:

Part B4, 2.3, C1 Operational management

C1 requires a boarding house that accommodates 20 lodgers or more to have an on-site resident manager that is 18 years or older.

Comment: The development proposes that a registered community housing provider will engage the services of an off-site manager that will be contactable 24 hours, 7 days a week to manage the boarding house which does not comply with this control noting the maximum capacity of 38 lodgers. Council considers this non-compliance to be acceptable on merit for the following reasons:

- It is acknowledged that the boarding house provisions in the Housing SEPP do not specifically require a live in manager for boarding houses of any capacity.
- The capacity of the boarding house is not particularly large and as such, the provision of an off-site manager is considered adequate to manage any issues that will arise subject to being contactable 24 hours, 7 days a week. Council recommends a condition of consent be imposed to ensure compliance with this requirement.

Part G, 4.1, C5 Development in residential areas

C5 specifies that new driveways shall be setback 1m from the side boundaries.

Comment: The development proposes a nil setback to the southern side boundary which is acceptable on merit noting the intent of the control is still achieved. That is to say, there will be no compromise to the safe and efficient access of vehicles to and from the property noting Council's Senior Development Engineer has recommended the installation of a traffic light system to coordinate vehicles entering and leaving the basement level.

The provisions of 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 (EP&A Act s4.15(1)(a)(iia))

There is no draft planning agreement associated with the subject Development Application.

The provisions of the Regulations (EP&A Act s4.15 (1)(a)(iv))

The proposed development raises no concerns as to the relevant matters arising from the *Environmental Planning and Assessment Regulation 2021* (EP&A Reg).

The Likely Environmental, Social or Economic Impacts (EP&A Act s4.15 (1)(b))

It is considered that the proposed development will have no significant adverse environmental, social or economic impacts in the locality.

The suitability of the site for the development (EP&A Act s4.15 (1)(c))

The subject site and locality is not known to be affected by any natural hazards or other site constraints likely to have a significant adverse impact on the proposed development. Accordingly, it is considered that the development is suitable in the context of the site and surrounding locality.

Submissions made in accordance with the Act or Regulation (EP&A Act s4.15 (1)(d))

Advertised (Website) ☒ Mail ☒ Sign ☒ Not Required ☐

In accordance with Council's Notification requirements contained within the CDCP, the proposal was publicly notified for a period of 14 days between 20 March 2025 and 3 April 2025. The notification generated one (1) submission in respect of the proposal. The issues raised in the public submissions are summarised and commented on as follows:

Figure 5 – Submissions summary table

Issue	Planner's Comment
Privacy and security	Council acknowledges the potential overlooking impact from the "open hallways" on the ground and first floor of the development that face the adjoining residential property identified as 8 Milner Road. It is considered that the potential for overlooking into windows and private open space of 8 Milner has been adequately addressed by the design of the development through the installation of full height privacy screens which are placed in

	alignment with the front door of each boarding room. Council notes that privacy could be improved by requiring the screens to comprise angled louvres in place of the submitted details which suggest a screen with fairly wide openings. A condition is therefore recommended to ensure the privacy screens are comprised of angled louvres to more effectively redirect view lines away from the neighbouring property. No windows are provided to the boarding rooms along the southern elevation on the ground and first floor levels and on the first floor level along the eastern elevation. With respect to security, a Plan of Management must be prepared as a condition of consent which will contain procedures to manage any security issues that may arise. Furthermore, an off-site manager that who is contactable 24 hours a day, 7 days a week will ensure the operation of the boarding house is undertaken in accordance with the Plan of Management. Council considers that the development has been designed and will be managed appropriately (subject to conditions) to ensure a high level of privacy and security will be maintained with respect to the surrounding properties.
<i>Impact of excavation works</i>	Conditions of consent are recommended to be imposed to ensure appropriate measures are taken during the excavation and construction phases of the development so as not to impact the structural integrity of buildings on surrounding properties. The conditions include the preparation of a specialist engineering report to ensure damage does not occur to adjoining buildings. The conditions will ensure the method of excavation is suitable to prevent damage occurring to adjoining properties.
<i>Blocking of my driveway</i>	Illegal parking is not a matter for consideration under the <i>Environmental planning and Assessment Act, 1979</i> and

	does not warrant refusal of the application. Any illegal parking should be reported to Council or NSW Police for the appropriate action to be taken. Notwithstanding, it is noted that the development provides sufficient onsite parking to accommodate the anticipated demand.
<i>Hygiene issues</i>	The premises will be managed in accordance with a Plan of Management which details will detail the maintenance procedures of the building to ensure a high level of cleanliness is maintained.

The public interest (EP&A Act s4.15(1)(e))

In view of the foregoing analysis, it is considered that the development, if carried out subject to the conditions set out in the recommendation below, will have no significant adverse impacts on the public interest.

CUMBERLAND LOCAL INFRASTRUCTURE CONTRIBUTIONS PLAN 2020

The development would require the payment of contributions in accordance with Cumberland Local Infrastructure Contributions Plan 2020.

In accordance with the Contribution Plan a contribution is payable, pursuant to Section 7.11 of the EP&A Act. A total contribution of \$111,168 would be payable prior to the issue of a Construction Certificate

HOUSING AND PRODUCTIVITY CONTRIBUTION (HPC)

In accordance with Schedule 2 of the HPC Order 2024, the proposed development is exempt from the HPC, as the development is for a boarding house which is considered affordable housing and is listed as an exempt development.

DISCLOSURE OF POLITICAL DONATIONS AND GIFTS

The applicant and notification process did not result in any disclosure of Political Donations and Gifts.

CONCLUSION

The proposed development is appropriately located within the R3 Medium Density Residential zone under the relevant provisions of the *State Environmental Planning Policy (Housing) 2021*, Cumberland Local Environmental Plan 2021 and Cumberland Development Control Plan. The proposal is consistent with all statutory and non-statutory controls applying to the development. Minor non-compliances with Council's controls have been discussed in the body of this report. The development is considered to perform adequately in terms of its relationship to its surrounding built and natural environment, particularly having regard to impacts on adjoining properties.

For these reasons, it is considered that the proposal is satisfactory having regard to the matters of consideration under Section 4.15 of the *Environmental Planning and Assessment Act 1979*, and the development may be approved subject to conditions.

RECOMMENDATION

- 1. That Development Application No. DA2025/0119 for the demolition of existing structures and construction of a two storey boarding house containing 18 boarding rooms and one level of basement parking on land at 6 Milner Road Guildford be Approved subject to conditions listed in the attached schedule.**
- 2. Persons whom have lodged a submission in respect to the application be notified of the determination of the application.**

ATTACHMENTS

1. Draft Notice of Determination
2. Architectural Plans
3. Landscape Plans
4. Stormwater/Engineering Plans
5. Appendix A State Environmental Planning Policies
6. Appendix B Cumberland LEP 2021 Assessment
7. Appendix C Cumberland DCP 2021 Assessment
8. Redacted Public submissions