



Modification B
Boarding House
65-71 Kerrs Road, Lidcombe
Supplementary Statement

Prepared on behalf of Fuse Management
March 2020

dowling urban



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Table Of Contents

1	INTRODUCTION	1
2	PURPOSE OF THE MODIFICATION	1
3	DESCRIPTION OF MODIFICATION	2
4	EVALUATION AGAINST PLANNING CONTROLS	5
4.1	SEPP (Affordable Rental Housing) 2009	5
4.1.1	Clause 29 Standards that cannot be used to refuse consent	5
4.1.2	Clause 30 Standards for boarding houses	7
4.1.3	Clause 30AA Boarding houses in Zone R2 Low Density Residential	8
4.1.4	Clause 30A Character of local area	9
5	SECTION 4.55 EVALUATION	11
5.1	Environmental effects	11
5.2	Substantially the Same Development	12
5.3	Conclusion	12
	APPENDIX: RFI AND PRE-DA COMMENTS	14

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1 Introduction

This Statement has been prepared on behalf of the applicant, Fuse Management, and is supplementary to the Statement of Environmental Effects (SEE) lodged with the proposed modification M2018/210/B to Cumberland Council under section 4.55 of the *Environmental Planning and Assessment Act, 1979* (EPA Act).

The Statement should be read in conjunction with the submitted SEE which provides background to the site and locality, status of development consent and modification A (now approved), and the planning controls applying to the site.

However, the SEE's description of the proposal and consideration of the planning controls are superseded by this Statement except where noted.

The Statement addresses matter raised in a Request for Further Information (RFI) issued 28 February 2020 by Council seeking:

- greater detail in the submitted SEE;
- address matters raised in Council's Pre-DA advice;
- submit additional documentation; and
- other matters.

As a consequence of consideration of the RFI, a number of plan amendments have been made to address the issues raised which are addressed within this supplementary Statement.

A summary response to the RFI and formal Pre-DA Advice is provided in the Appendix.

2 Purpose of the Modification

The purpose of the modification is to make improvements to the development to which consent was granted and subsequently modified, in order to:

- Improve the building façade and presentation in general to achieve a more harmonious relationship with the immediate context and general neighborhood;
- Re-plan the internal layout to rationalize excessive fire stairs; provide more legible and safe circulation; and consolidate fragmented communal open space for improved useability;
- Re-plan rooms for better amenity and to introduce a mix of rooms to accommodate one or two lodger rooms; provide for roomier bathroom/kitchen areas and replace windowless Room 127;
- Improve the quality and facility to the communal open spaces;

- Redesign landscape to improve relationship with the street and simplified common areas for more functional use while maintaining approved screening.

The proposed modified design substantially accords with the approved building envelope and provides the same range of facilities.

While the redesign result in the addition of 3 rooms, the theoretical maximum occupancy by lodgers is reduced from 72 to 63 persons (excluding manager) from the introduction of a mix of single and couple lodger rooms in accordance with the Affordable Rental Housing SEPP development standards.

3 Description of Modification

On 13 June 2019, the subject development was approved by Sydney Central City Planning Panel for the *“demolition of existing structures and construction of a two-storey boarding house containing 37 boarding rooms over basement parking”*.

A subsequent Section 4.55 was approved to undertake changes to the basement and fire egress associated with the development.

This modification seeks to make overall improvements substantially within the approved building envelope as shown on the submitted substitute plans and described as follows.

Basement Plan A.102

- Rearrangement of fire stairs to accord with overall modifications;
- Consolidation of plant storage area, allocation of comm/switch room;
- Rearrangement motorbike and bike planning.

(Note: pump out tank has been relocated – refer to revised stormwater plan)

Ground Level Plan A.103

- Rationalisation of excessive six fire stairs to two to enable more efficient use of approved building while satisfying with fire safety requirements;
- Replanning of internal layout for improved legibility, removal of places of potential concealment and entrapment around central stairwells and lift stairs, and increased central courtyard size;
- Replanning of rooms replacing approved 18 two-lodger rooms (including 1 disabled and 1 manager’s room) with 7 single-lodger and 12 two-lodger rooms (total of 19 including 2 disabled and 1 enlarged manager’s room);
- Changed entrance treatment with covered lobby with letter box and improved safety with improved passive surveillance including from enlarged void above;
- Changed garbage room and additional of two small storage rooms.

Level 1 Plan A.104:

- Changes to fire stairs and internal layout planning to match modified ground floor;
- Revised common room with increase size and better functionality with improved amenity and outlook;
- Extending void above entrance to create a double height entry foyer connecting through to the central courtyard to better signify the entry and provide a suitable scale entry as well as light and views into and from the courtyard;
- Replanning of rooms replacing approved 19 two-lodger rooms (including 3 disabled with 8 single-lodger and 13 two-lodger rooms (total of 21 including 2 disabled).

Roof Plan A.101

- Rationalized roof to match replanning and utilising a single slope direction without increasing overall height or visual effect.

Elevations A2.01 and A2.02, Materials A4.00

- Improved streetscape presentation with replacement of overly stylistic façade lacking harmony with the neighbouring context with revised colour palette to provide a better fit with the character of the locality.
- Cladding changed to CFC with façade panels introduced to accentuate the terrace form and also screen A/C units;
- Change to the balustrade to aluminium palisade form Palisade balustrade from glass for privacy and to screen the balcony clutter when viewed from the street.

Section A3.00 and Ramp Section A3.01

- Revised to suit revised basement and building layout.

Landscape Plan DA01A, DA01B

- The landscape plan has been replaced and aim to create improved Individual entries to ground floor rooms from the street;
- Respond to consolidated internal courtyard with simplified common areas;
- more functional space provided for external communal open space use while maintaining screening to neighbours.

Stormwater Plan Set

- Plans revised to adapt approved concept to modified floor plans and basement.

Reissued BASIX Certificates for revised plans.

Accordingly, the requested modification to development consent conditions is recommended as follows

1. Approved Plans - Deferred Commencement

The development is to be carried out generally in accordance with the following plans as numbered below, except as modified by the deferred commencement condition of approval:

Architectural Plans:

Plan Number	Prepared By	Revision No.	Dated
Demolition A0.03	Moma Architecture	A14	20.05.19
Roof A1.01	Fuse Architecture	02	20.03.20
Basement A1.02		02	25.03.20
Ground Level A1.03		02	25.03.20
Level 1 A1.04		02	25.03.20
Elevation 1 A2.01		02	25.03.20
Elevation 2 A2.02		02	25.03.20
Sections A3.00		02	25.03.20
Ramp Section A3.01		02	20.03.20
Schedule of finishes A4.00		01	26.11.19
Landscape DA 01 A	Sprout Landscape Architecture	A	15.11.19
Landscape DA 01 B			

Stormwater Plans:

Plan Number	Prepared By	Revision No.	Dated
A8047 - SW01	Alpha Engineering and development	J	27.03.20
A8047 - SW02			
A8047 - SW03			
A8047 - SW04			
A8047 - SW05			

Reports:

Plan Number	Prepared By	Revision No.	Dated
BASIX 918957M_06	Outsource Ideas P/I	-	30.30.20
Plan of Management	Think Planners	-	12.04.19
Acoustic Assessment	Acoustic Logic	2	03.10.18
Additional Acoustic Requirements	Sebastian Giglio	-	14.11.19
Preliminary Site Investigation E23794.E01	Eiaustralia	Rev 1	26.06.18

61. Car parking to comply with approved details

The area set aside for the parking of vehicles, and so delineated on the plan prepared by Fuse and endorsed plan Drawing No A1.02, Rev 2 dated 25.03.20, shall not be used for any other purpose. A minimum of 21 parking spaces (4 of which are accessible) shall be maintained for parking purposes at all times.

It is considered that all other conditions remain relevant to the development as proposed to be modified. It is accepted that Council may wish to modify other, or introduce new, conditions to ensure the intended outcome of the modified development is implemented.

4 Evaluation Against Planning controls

The submitted SEE provided assessments demonstrating suitable compliance with *State Environmental Planning Policy No. 55 – Remediation of Land*; *Sydney Regional Environmental Policy (Sydney Harbour Catchment) 2005*; *Auburn Local Environmental Plan 2011 (PLEP 2010)*; and *Auburn Development Control Plan 2011 (PDCP 2010)*.

The requirements of *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004* are satisfied with the resubmitted BASIX certificate while the provisions of *State Environmental Planning Policy (Affordable Rental Housing) 2009* are addressed below.

4.1 SEPP (AFFORDABLE RENTAL HOUSING) 2009

State Environmental Planning Policy (Affordable Rental Housing) 2009 (ARH SEPP) facilitates the development of affordable rental housing.

Part 2 Division 3 ‘Boarding Houses’ of ARH SEPP applies to the proposal in that it is on land zoned R2 (clause 26), defined as a “*boarding house*” and within an “*accessible area*” (clause 27).

The SEPP provides development standards that cannot be used to refuse consent (clause 29) and those that are required to be met (clause 30).

In addition, the consent authority must not consent to the development unless it has taken into consideration whether the design of the development is compatible with the character of the local area (clause 30A).

4.1.1 Clause 29 Standards that cannot be used to refuse consent

A consent authority may consent to development whether or not the development complies with the standards set out in subclause (1) or (2) but may not refuse consent on these grounds.

Assessment of grounds a consent authority must not refuse consent to development

Provision	Compliance
<i>(1) (c) if the development is on land within a zone in which residential flat buildings are permitted and the land does not contain a</i>	Y No FSR applies to the site.

Provision	Compliance	
<i>heritage item that is identified in an environmental planning instrument or an interim heritage order or on the State Heritage Register—the existing maximum floor space ratio for any form of residential accommodation permitted on the land, plus</i> <i>(ii) 20% of the existing maximum floor space ratio, if the existing maximum floor space ratio is greater than 2.5:1.</i>		
(2) (a) building height <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>	Y	The proposed HOB complies with the RLEP 2014 standard of 40m.
(b) landscaped area <i>if the landscape treatment of the front setback area is compatible with the streetscape in which the building is located,</i>	Y	Building setback and its landscape treatment is generally compatible with the streetscape.
(c) solar access <i>where the development provides for one or more communal living rooms, if at least one of those rooms receives a minimum of 3 hours direct sunlight between 9am and 3pm in mid-winter,</i>	Y	Common areas on each of the floors will receive mid-winter direct sunlight of 3 hours in the morning and afternoon. (refer Solar Penetration Study A5.03)
(d) private open space <i>if at least the following private open space areas are provided (other than the front setback area)—</i> <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> <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>	Y	(i) two areas of internal and external private (communal) open space are provided which are significantly in excess of the standard. (ii) accommodation for a boarding house manager is provided (Room G08) which has 20m ² of private open space exceeding minimum dimensions adjacent.
(e) parking if— <i>(iia) in the case of development not carried out by or on behalf of a social housing provider—at least 0.5 parking spaces are provided for each boarding room, and</i> <i>(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,</i>	Y	Parking provision satisfies standard - refer to Traffic Report.

Provision		Compliance
(f) accommodation size <i>if each boarding room has a gross floor area (excluding any area used for the purposes of private kitchen or bathroom facilities) of at least—</i> <i>(i) 12 square metres in the case of a boarding room intended to be used by a single lodger, or</i> <i>(ii) 16 square metres in any other case.</i>	Y	Single and dual accommodation rooms meet respective standards as noted on substitute architectural plans.
(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.	Y	All accommodation rooms have kitchen and bathroom facilities.

4.1.2 Clause 30 Standards for boarding houses

A consent authority must not consent to development unless it is satisfied of each of the following.

Assessment of standards for boarding houses

Provision		Compliance
(a) if a boarding house has 5 or more boarding rooms, at least one communal living room will be provided,	Y	An enlarged communal living room is provided near approved location on the first floor.
(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,	Y	No boarding room has an area greater than 25 m2 excluding kitchen and bathroom areas.
(c) no boarding room will be occupied by more than 2 adult lodgers,	Y	The maximum number of lodgers to a suitable room is 2.
(d) adequate bathroom and kitchen facilities will be available within the boarding house for the use of each lodger,	Y	Each room is provided with private bathroom and kitchen facilities..
(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,	Y	Accommodation for a boarding house manager is provided at boarding room G08.
(f) (Repealed)	-	-
(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,	-	The respective R2 zone is not primarily for commercial purposes.

Provision	Compliance
(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.	Y Complies – refer to Traffic Report.

4.1.3 Clause 30AA Boarding houses in Zone R2 Low Density Residential

Clause 30AA does not apply to the development consent as a result of savings provisions. This clause requires a consent authority to now refuse development consent for boarding house on land within a R2 Zone unless it is satisfied that the boarding house has no more than 12 boarding rooms.

No objectives for the development standard are provided in the SEPP but the *Explanation of Intended Effect* for the amendment issued by the then Department of Planning and Environment in November 2018 stated that the key issues being addressed were:

“.. built form outcomes of boarding houses in R2 zoned areas, particularly if they have a large number of rooms, can be incompatible with the low-density nature of surrounding development.

.. large scale boarding house developments do not comply with the R2 zone objective of the Standard Instrument (Local Environmental Plans) Order 2006, which is to provide for the housing needs of the community within a low density residential environment .”

Further it stated that :

“The intention of the proposed amendment is to ensure that the built form of boarding house development in the R2 zone is compatible with the built form of other development in the local area.

The proposed introduction of a maximum room number for boarding houses is considered to assist in ensuring that amenity impacts of boarding house development on adjoining and nearby properties, such as overlooking, overshadowing and car parking impacts, are able to be better managed.”

While this clause does not apply to the development consent proposed to be modified, it is noted that Council’s assessment of the original proposal concluded that its impacts to nearby properties was acceptable and that the development was compatible with the built form in the surrounding neighborhood particularly given the surrounding non-confirming built forms in its immediate context as well as the nature of the existing and future detached dwellings.

An assessment of the compatibility with the proposed modification below concludes that the modification improves this compatibility while reducing its overall intensity with a reduced lodger accommodation limit.

4.1.4 Clause 30A Character of local area

Clause 30A requires that a consent authority must not consent to development unless it has taken into consideration whether the design of the development is compatible with the character of the local area.

Council in its report to the Sydney Central City Planning panel appropriately assessed this character test referencing recent case law to judge whether the proposal was 'capable of existing together in harmony'. It considered two questions for which the proposed modification is measured against in the following tables.

Are the proposal's physical impacts on surrounding development acceptable? The physical impacts include constraints on the development potential of surrounding sites.

DA Assessment	Modification Effect
<i>The design of the proposal and orientation of the lot means that there minimal overshadowing of adjoining sites.</i>	The modification maintains the shadow impact with a modest increase in the afternoon falling mainly on the roof of the adjoining dwelling (refer drawing A5.00)
<i>Privacy impacts are mitigated through the use of large setback to the rear, privacy screens and planting.</i>	These treatments have been maintained in the modified development.
<i>Noise impacts from the common room are reduced through highlight windows facing the neighbouring property.</i>	Highlight windows to the common room have been retained and the potential for noise impacts has been assessed as remaining able to be managed under the existing the condition of consent which should be modified to include the updated recommendations. Refer to updated Acoustic Advice.
<i>The development proposal does not result in the constrained development potential of the adjoining properties to other uses permissible in R2 zones.</i>	Given the proposed massing, facilities and servicing remain substantially the same, no constraint to adjoining development potentials is present.
<i>To reduce impact and protect privacy the trees at the rear of the site shall be planted before construction begins.</i>	This treatment is retained as shown in the revised landscape plans for screen planting.
<i>The car parking is located in the basement so that it does not add to the physical aspect of the building.</i>	Car parking remains in the basement and does not add to the physical aspect of the building.
<i>The street facing elevation allows for passive surveillance of Kerrs Road.</i>	The revised street façade maintains and improves passive surveillance to and from the public domain.

The proposal is a purpose built boarding house development which has utilised architectural and design treatments to ameliorate amenity impacts on neighbouring properties.

The revised architectural and design treatments maintain potential impact amelioration while improving its functioning, internal amenity and appearance from the street.

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

DA Assessment	Modification Effect
<i>The predominant building types within the local area are one and two storey residential dwelling houses other than immediately adjoining the site is a two storey walk up residential flat building and opposite the site a three storey residential flat building.</i>	<p>The massing of the building is maintained and is in harmony with adjoining non-conforming building types.</p> <p>The revised colour palette, overall façade treatment and relationship to the street is considered to be a significant improvement to the approved overly stylistic façade to achieve better harmony with the locality and street.</p> <p>Refer in particular to plans A0.02 and A.0.03.</p>
<p><i>Given that predominant future character of the area is to maintain the low density residential use in terms of usage and building type, it is expected there will be upgrades to the residential housing stock via alterations and additions and knock down rebuilds.</i></p> <p><i>As such the proposed two storey building form and materials and finishes are considered to be in harmony with the emerging development in the area.</i></p>	<p>The approved two storey building form remains unchanged while the revised colour palette ensures better harmony with the existing and emerging development in the area.</p>
<i>The building has also been divided into two parts with a glass element in the middle to give it appearance of two separate buildings to match the existing bulk and scale of buildings in the area.</i>	<p>The building division is maintained and given greater definition in the form with complete transparency into the central area while improving internal and external passive surveillance.</p>
<i>In this context, it is considered that the proposal is considered to be compatible with the existing and future desired character of the locality.</i>	<p>The proposed development as modified is considered to maintain compatibility with the existing and future desired character of the locality and achieves improved harmony with its context.</p>

In Pre-DA consultation, Council raised the effect of the additional boarding rooms in intensifying the use of the site and therefore, whether it remained compatible with the character of the local area.

The approved development comprised of 37 rooms, all of which were above the minimum 16m² gross floor area (*excluding any area used for the purposes of private kitchen or bathroom facilities*) required for two lodgers.

Therefore, the theoretical maximum occupancy of the approved boarding house by lodgers is 72 persons excluding the occupant of the Manager's Room.

The proposed re-planned layout results in an increase to 40 rooms (inclusive of manager's room) but with a greater variety in sizes comprising a mix of 14 boarding rooms less than 16m² in size and therefore suitable only for single lodgers, and 24 larger boarding rooms suitable for two lodgers.

The theoretical maximum occupancy of the approved boarding house by lodgers is thereby reduced to 63 persons excluding the occupant of the Manager's Room.

In addition, the amount of parking for cars, motor bikes and bicycles is unchanged and given that the overall occupancy of the boarding house is likely to be less, the impact of movements to and from the facility development is also likely to be less.

Accordingly, given that the proposed modification will reduce the maximum potential accommodation by 8 persons, the effect of the internal re-planning of the approved building, including the addition of two rooms, will likely result in less intensity and therefore, maintain its compatibility with the character of the local area.

5 Section 4.55 Evaluation

5.1 ENVIRONMENTAL EFFECTS

Section 4.55 of the Act, permits the consent authority to modify a development consent if applied for, using powers under subclause (1A) or (2) in this instance depending on whether "*it is satisfied that the proposed modification is of minimal environmental impact*" (Section 4.55(1A)(a)).

As demonstrated in the substitute plans and the discussion in this Statement, the modified development:

- Maintains the overall height and bulk of the approved development, with a minimal change to mid-winter shadowing;
- Incorporates treatments adopted to mitigate environmental impacts on adjoining land including acoustic management as well as screen tree and shrub planting on its boundaries where required.
- Improves the aesthetics and relationship to the street of the building façade to achieve greater harmony with its context;

- Reduces the maximum potential occupation by lodges from 72 to 63 persons as discussed in Section 4.1.4.
- Maintains all approved facilities with improved functionality and useability; and
- Does not alter the compatibility of the boarding house with the character of the local area.

Accordingly, it is considered that Council could be satisfied that the proposed modification is of minimal environmental impact and determine the application under Section 4.55 (1A) *'Modifications involving minimal environmental impact'*.

5.2 SUBSTANTIALLY THE SAME DEVELOPMENT

The requested modification is considered to be substantially the same development as the development for which consent was originally granted for prior to modification.

The power to modify a consent under case law is "a power to alter without radical transformation" (*North Sydney Council v Michael Standley & Associates Pty Ltd (1998) 43 NSWLR 468 at 474*). In determining whether a consent authority is able to exercise the powers under 4.55, it must undertake a qualitative and quantitative comparison of the original application and the modified application, noting that 'the result of that comparison must be a finding that the modified development is "essentially" or "materially" the same' (*Bignold J in Moto Projects (No 2) Pty*).

The modified development remains for the purpose of a boarding house, and will be essentially and materially the same development in comparison qualitatively and quantitatively notwithstanding the proposed changes that are well within what could be considered a radical transformation.

5.3 CONCLUSION

The development as modified is considered to represent an improvement to the approved development through:

- Improved building façade and presentation in general to achieve a more harmonious relationship with the immediate context and general neighborhood;
- Re-planned internal layout to rationalise excessive fire stairs; provide more legible and safe circulation; and consolidate fragmented communal open space for improved useability;
- Re-planned rooms for better amenity and to introduce a mix of rooms to accommodate one or two lodger rooms; provide for roomier bathroom/kitchen areas and replace windowless Room 127;
- Improved quality and facility to the communal open spaces;

- Redesigned landscape to improve relationship with the street and simplified common areas for more functional use while maintaining approved screening.

The proposed modified development will maintain the height, bulk and massing articulation of the approved development and despite including two additional rooms, has a decreased capacity to accommodate lodgers that will moderate its intensity.

The modification will maintain compliance with all relevant environmental planning instruments and associated development guidance, especially the development standards under AHR SEPP as demonstrated in this statement, to achieve two of its relevant objectives:

(b) to 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,

(f) to support local business centres by providing affordable rental housing for workers close to places of work,

No additions or significant changes are proposed to the extent or functioning of the development as a whole, including waste and stormwater management.

Therefore, Council may be satisfied that:

- the proposed modification is of minimal environmental impact for the purposes of section 4.55(1A)(a) of the Act notwithstanding that section 4.55(2) is also available to Council;
- the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted; and
- the modification has no adverse influence on, and adequately satisfies such of the matters referred to in section 4.15 (1) of the Act as are of relevance to the development and the reasons for the grant of the consent that is sought to be modified.

Accordingly, Council may be certain that the requirements of Section 4.55 of the Act will be met in permitting the proposed modifications as requested.

Appendix: RFI and Pre-DA comments

Request for Further Information - Development Application

Application No: M2018/210/B Dated 28 February 2020

KEY ISSUES	RESPONSE
<p>1. Statement of Environmental Effects (SEE)</p> <p>The submitted SEE does not provide sufficient detail with regard to the proposed modifications. Specifically, the SEE should be amended to include the following information:</p> <ul style="list-style-type: none"> • A complete and thorough description of the proposed modifications There appears to be many changes to the proposal which have not been acknowledged (including but not limited to building height and estimated cost of works). • Conditions of consent to be modified and/or deleted - A breakdown of conditions which require amendment or deletion to account for the proposed modifications should be identified. 	<p>Refer to more complete description within the supplemental Statement at section 3.</p> <p>Details of modified conditions provide at section 3 acknowledging that Council may wish to impose additional conditions if required.</p>
<p>2. Consideration of pre-lodgement advice</p> <p>On 16 September 2019, pre-lodgement advice (PL-47/2019) was provided by Council for changes to the approved development including an increase in boarding rooms and various design modifications. The matters of concern identified in the pre-lodgement advice are valid to the modification proposal and are listed below:</p>	<p>Refer to Pre DA Response Table below which references this Supplemental Statement</p>
<ul style="list-style-type: none"> • Increase in boarding room numbers Increase in boarding room numbers Please be advised that the increase in the number of boarding rooms from 37 to 40 is not supported. While it is acknowledged that the original development was approved under saving provisions, it is acknowledged that the approved number of boarding rooms is already above and beyond what the current provisions permit in the prescribed land use zone and therefore any further increase is considered to be unreasonable. 	<p>Refer to discussion at Sections 4.1.3 and 4 of this Statement.</p> <p>It is considered that the modification results in less intensity and is not incompatible with the aim of the SEPP amendments as discussed, notwithstanding that it does not apply.</p>
<ul style="list-style-type: none"> • Compatibility with the local area Design changes are proposed with regard to the scale and visual appearance of the development. Clause 30A of State Environmental Planning Policy (Affordable Rental Housing) 2009 shall be addressed in 	<p>Refer to Section 4.1.4 of this Statement.</p>

<p>detail to demonstrate that the modified development maintains compatibility with the local area. The Land and Environment Court's Planning Principle 'Surrounding Development - Compatibility of proposal with surrounding development' provides guidance on how to undertake a 'character test' of a development.</p>	
<p>• Common room</p> <p>The common room on Level 1 is not supported as it is unenclosed and is unlikely to receive sufficient solar access as required by the SEPP (given the extent of the roof and position of void areas).</p>	<p>Common rooms rationalised and retuned to an enlarged room near the original location achieving 3 hours mid-winter sun. Refer to amended plan A1.04 and solar penetration study A5.03.</p>
<p>3. Submission of relevant documentation</p> <p>The following documentation requires amendment to ensure consistency with modifications proposed by this application:</p> <ul style="list-style-type: none"> • Stormwater/engineering plans • BASIX documentation 	<p>Revised stormwater / engineering plans and BASIX submitted.</p>
<p>4. Other matters</p> <p>A window shown in plan form on the western wall of the unit G09 does not appear to be shown on the west elevation. Any openings to rooms facing the driveway will likely pose acoustic amenity issues as noted in Council's pre-lodgement advice.</p>	<p>Plan amended by removing unit G09 and replacing with private open space to relocated Manager's room.</p>

MINUTES OF PRE-LODGEEMENT MEETING

Ref PL-47/2019 - Meeting Date: 11 September 2019

KEY ISSUES	RESPONSE
<p>Number of rooms and character of local area</p> <p>Clause 30AA of State Environmental Planning Policy (Affordable Rental Housing) 2009 provides a maximum number of room sin R2 zone. The original application was assessed with savings provisions. The further increase and departure from the maximum number of rooms is not supported.</p> <p>As per Clause 30A of State Environmental Planning Policy (Affordable Rental Housing) 2009 the proposal must adequately demonstrate that the design of the development is compatible with the character</p>	<p>Refer to discussion at Sections 4.1.3 and 4 of this Statement.</p> <p>An assessment of the character test applied in the determination of the development consent has been reviewed in light of the proposed modification and includes an assessment if the its resultant intensity given the increase in rooms from 37 to 40.</p>

of the local area including its visual appearance and scale. This must be taken into consideration and a new character test performed as the changes are substantial. The additional number of room is intensifying the use of the site and is therefore questionable whether it is compatible with the character of the local area.	It is considered that the modification results in less intensity and is not incompatible with the aim of the SEPP amendments (cl30AA) as discussed, notwithstanding that it does not apply.
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Social impact

The social impact of the additional rooms to the community must be investigated.	<p>It is considered that social impacts from development will most likely be less given the reduction in lodgers capable of occupying the boarding house (reduced from 72 to 63) despite the addition to two boarding rooms.</p> <p>The internal safety of the facility is also considered to have been improved through the consolidation of fragmented internal common areas that would be prone to concealment and entrapment risk.</p>
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Common room

The common room proposed cannot be supported as it is not enclosed and does not comply with solar access requirements. As discussed at the meeting, consideration should be given to increasing the amount of common spaces + facilities to improve amenity for residents.	Accepted. Enlarged common room proposed on level 1 near original location and achieve minimum mid-winter solar access. Useability of common areas and facilities has been improved while the maximum potential number of lodgers has been reduced.
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Room sizes

Correct calculations of room sizes is not possible due to only sketches being provided. Rough calculations suggest that some rooms are too large and some undersized.	Plans contain room size specifications and comply with ARH SEPP.
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OTHER ISSUES

Motorbike/Bicycle

The additional rooms generate the need to provide a total of 9 motorbike spaces and 9 bicycle spaces. The proposed plans demonstrate that insufficient spaces for both have been provided. Associate bicycle store/lockers must be provided in the basement.	The proposed modification results in the requirement of 8 each of motorbike and bicycle spaces which are provided for in the revised basement.
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Manager's room

Adequate manager's POS has not been demonstrated on the plans. The managers'
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room is required to provide 8m2 private open space which must have minimum dimensions of 2.5m.	Manager's Room G08 provided with 20m2 private open space above minimum dimensions.
Adaptable room Sufficient adaptable rooms must be provided for the development. The plans demonstrate that most of the adaptable rooms would be deleted which is not supported.	Four adaptable rooms have been retained in the revised layout.
Solar access The sky lights must remain to all those south facing units which have poor amenity in regards to solar access.	Skylights have been maintained. Refer Plan A1.01
Safety The staircase entry leading directly onto the driveway cannot be supported due to safety concerns and the lack of visibility to and from the driveway.	Staircase orientation revised to be clear of driveway.
Waste room Ensure the size of the waste room is maintained.	Waste room size on ground level maintained.
Acoustic An additional room has been provided (room 21) that is close to the driveway. It is not clear if this room has any openings to the driveway and where the services are. There should be no windows close to the driveway for acoustic reasons.	Layout revised to remove room from immediately above driveway entrance.
Access and Mobility The relevant provisions of the ADCP 2010 are to be addressed and details demonstrating compliance with the relevant Australian Standards and Building Code of Australia are to be shown on plans in relation to access, internal building facilities and car parking.	Australian Standards and BCA compliance will be maintained.
Overshadowing Minor amendments to the building form will require new shadow diagrams to be submitted and assessed.	New shadow diagrams provided showing minimal change and environmental effect.
Inconsistency The floor plans suggest that the front building has been broken up into two and that there is a void between the two. The elevations suggest that the buildings are still connected. This must be clarified in any formal application.	The buildings are still proposed to be connected but a full internal double storey void introduced to emphasis effect on massing as well as improve internal and external passive surveillance.

ENGINEERING

Stormwater

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| a) Width of the easement shall be minimum 1.2m. Variation to easement width can be considered if there is any physical restriction within downstream easement area. In this regard, a detail survey shall be submitted. Cumberland Council shall be nominated as an authority to vary or modify the easement in the transfer granting easement document. | 1.2m width proposed to be retained and be subject to deferred commencement condition for which arrangements are currently being made with adjoining landowners. |
| b) Amended drainage plan shall be submitted with any formal application. Stormwater shall be discharged by gravity system. The details shall be prepared by qualified practising Civil/Hydraulic Engineer in accordance with Council's Stormwater DCP and Australian Rainfall & Runoff 1987. | Amended stormwater plans submitted. |
| c) Overland flow from adjacent properties shall be maintained. Allowances shall be made for surface runoff from adjacent properties, and to retain existing surface flow path systems through the site. | Refer to amended stormwater plans. |

Traffic / Parking

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| a) Amended Traffic impact report shall be submitted with any formal application to ensure that the proposed development will not have any adverse impact on the surrounding road networks and the intersections in the vicinity of the development. The traffic impact assessment report shall also address queuing, parking, traffic generation, entry and exit. | Traffic Impact Report submitted noting that no additional parking is required on site. |
| b) Turning area shall be provided in the blind aisle. | Treatment of aisle end consistent with approved modified basement. |
| c) Detailed swept path analysis shall be submitted to ensure cars can pass each other along the circulation aisle within basement. | Refer to Traffic Report. |
| d) Parking space layout, ramp gradients and headroom shall comply with Australian standard AS2890.1 and AS2890.6. | Refer to relevant material and may be made a condition of consent if required. |
| e) Cars should be able enter and leave the site in a forward direction. | Complies. |

OTHER MATTERS OF CONSIDERATION

Delegation

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| The proposed changes would be assessed against Section 4.55(2) and will therefore have to be determined by the Sydney Central City Planning Panel. In this instance Council will only make a recommendation. Alternatively, | Refer to Section 4.1.4 and 5.1 of this Statement which provides reasoning and justification to enable a conclusion that the proposed |
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should the changes be limited to minimal environmental impact (no additional rooms) a strong justification must be submitted for Council to consider the application under s4.55(1a).	modification will result in a “minimal environmental impact” for the purpose of S4.55(1a) for Council’s consideration.
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Conclusion

Given the large number of issues discussed above and the intensification of the site it is unlikely Council would give a favourable recommendation.

It is considered that the proposed modification has suitably addressed Councils concerns such that it warrants Council’s support on its merits.

ADVISORY NOTES

Amended reports

Should a formal application be lodged, all plans and associated documentations are to be updated to be consistent with proposed changes.

All relevant documentation has been updated to be consistent with the proposed modification.

Details of Proposal

Detailed development statistics and breakdown of calculations demonstrating compliance with the SEPP (Affordable Rental Housing) 2009 and ADCP 2010 shall be provided.

Refer to compliance assessment in supplemental Statement