
Planning Matters - 27 November 2018

ITEM 5.3 Update on Proposed Changes to Planning Controls for Boarding Houses

AUTHOR Planning

PURPOSE AND BACKGROUND

The purpose of this report is to outline and seek Council endorsement of draft development controls for boarding houses in the Canterbury Development Control Plan 2012. This report also seeks Council's approval to place the draft amendments to Canterbury DCP 2012 on public exhibition together.

ISSUE

There is a need to align planning and development controls for boarding houses currently applying to the former Canterbury and Bankstown Councils to create consistency for this form of development.

There has been a significant growth in the number of boarding house approvals since 2009 when the *Affordable Rental Housing SEPP* (the SEPP) was introduced by the NSW Government. In particular in the former Canterbury Council, which relies upon the controls in the State Policy without any additional development controls resulting in poor development outcomes with this form of housing.

The proposed changes outlined in this report are aimed at improving design and amenity for boarding house developments across the former Canterbury Local Government Area.

RECOMMENDATION That -

1. Council exhibit the draft Canterbury DCP 2012 (Amendment 5) at Attachment A.
2. Council note that a Gateway Certificate has been issued to amend Canterbury LEP to strengthen planning controls for boarding houses and the draft LEP amendments will be exhibited together with the DCP amendments as outlined in this report.
3. A further report be submitted to Council at the conclusion of the exhibition period outlining submissions received and way forward.
4. Council write to applicants of current development applications advising of proposed changes to the DCP and LEP.

ATTACHMENTS

[Click here for attachment \(s\)](#)

- A. Proposed amendments to CDCP 2012 Part C
- B. Gateway Determination
- C. Planning Proposal

POLICY IMPACT

The proposed changes would result in improved development outcomes for boarding houses in the former Canterbury LGA and will align planning and development controls for boarding houses across the Canterbury Bankstown LGA.

FINANCIAL IMPACT

The proposed changes to Canterbury DCP will not result in any financial impact.

COMMUNITY IMPACT

The boarding house controls proposed will result in a positive community impact through improved amenity outcomes for future residents of boarding houses and for existing development within close proximity to future boarding house proposals.

DETAILED INFORMATION

Council review of boarding houses

In December 2017 council considered a report on a review of boarding house developments across the Canterbury Bankstown area. The review:

- Identified inconsistency of controls for boarding housing development between the former Canterbury and Bankstown councils and the impact the controls have on boarding housing development in the respective areas.
- Recognised a need to develop a set of aligned and consistent controls for boarding houses for the Canterbury Bankstown LGA to create consistency for this form of development.
- The review also identified applications for boarding houses have increased significantly since the introduction of the SEPP. In nine years before the introduction of the SEPP, there were 12 boarding houses approved in our LGA with a total of 58 rooms. In the nine years after the SEPP, 35 applications have been approved (from 74 Applications) with a total of 883 boarding rooms. On average, that equates to triple the amount of applications and fifteen times the number of boarding rooms.

The former Canterbury Council has no specific controls for boarding house development, and relies on the boarding house provisions of the SEPP. The former Bankstown Council has more specific controls for this form of development in both the Bankstown Local Environmental Plan (LEP) 2015 and Bankstown Development Control Plan (DCP) 2015.

In light of this, Council at the Ordinary Meeting of 12 December 2017 resolved:

1. To prepare a planning proposal to align the planning controls of the former Canterbury Council with those of the former Bankstown Council in relation to boarding houses.
2. Controls be introduced into the Canterbury Development Control Plan 2012 for boarding houses that generally accord with those in the Bankstown Development Control Plan 2015.
3. The planning proposal be submitted to the Greater Sydney Commission for a Gateway Determination once prepared.
4. That a further report be prepared to Council after the response from the Greater Sydney Commission is received.

Update on Planning Proposal

In accordance with Council's resolution, a planning proposal was prepared and submitted to the Department of Planning and Environment for a Gateway Determination. The planning proposal seeks to align the planning controls from the former Canterbury Council with those of the former Bankstown Council in relation to boarding houses.

The planning proposal will introduce provisions requiring a minimum frontage and site area for boarding houses into Canterbury LEP 2012.

The table below shows the existing provisions in the Bankstown LEP 2015. The proposed provisions will be included in the Canterbury LEP 2012.

Bankstown LEP 2015		
Existing Provision		
Zone	Lot size	Frontage
R2 Low Density Residential	1,200m ²	20m
R3 Medium Density Residential	1,000m ²	20m
R4 High Density Residential	1,000m ²	20m
B6 Enterprise Corridor	5,000m ²	N/A

A conditional Gateway Determination was issued by the Department on 5 May 2018 which required further analysis to justify the planning proposal. This information was provided and formal approval to exhibit the planning proposal was issued by the Department in September 2018. A copy of the Gateway Determination is shown as Attachment B.

The next step for the planning proposal is to seek community feedback on the proposal by placing it on public exhibition in accordance with the Gateway Determination. For consistency purposes it is proposed to concurrently exhibit the draft DCP controls for boarding houses and planning proposal at the same time. A copy of the planning proposal is provided for information as Attachment C.

Existing Planning framework for boarding houses

The draft controls for boarding houses have been prepared in the context of relevant environmental planning instruments and development control plans. The key planning policies are:

- State Environmental Planning Policy (Affordable Rental Housing) 2009
- Canterbury Local Environmental Plan 2012
- Bankstown Local Environmental Plan 2015
- Canterbury Development Control Plan 2012
- Bankstown Development Control Plan 2015

Canterbury DCP 2012

The Bankstown DCP contains specific controls for boarding houses relating to built form and amenity impacts associated with boarding houses, internal amenity for occupants, open space and sunlight access.

In accordance with Council's resolution of 12 December 2017, draft controls for boarding houses have been prepared for inclusion in Canterbury Development Control Plan 2012. These controls accord with those in Bankstown Development Control Plan 2015.

Controls for boarding houses are proposed to be included in the residential chapter of CDCP 2012. The new part is called *C7 Boarding houses*. The draft controls have been prepared to provide additional detailed controls to supplement the provisions under the SEPP and to guide boarding house development within the former Canterbury LGA.

The draft controls have been prepared to ensure planning and design of boarding house developments complements Council's general planning objectives relating to built form, amenity impacts and to provide clear guidelines to allow Council to carry out a proper assessment of boarding house applications.

Draft Part C7 is provided at Attachment A.

The intention and key features of the draft controls are explained below:

C7.1 General Objectives

This section provides general objectives for boarding house developments in the Canterbury LGA.

C7.2 Site Planning

Provides for development controls in relation to isolated sites and building layout and orientation which are consistent with other sections in the residential chapter.

C7.3 Building Envelope

This section provides envelope controls for boarding house development. It is proposed to apply the 'envelope controls' specified in the other chapters of the DCP and it will be based on the predominant building type and zone in which the boarding house is located. This principle has been adopted to ensure the scale of development for boarding housing is commensurate with the scale of other permissible development in the zone, for example town house development in the R3 Medium Density zone.

As a guide the following scenarios are used:

Zone in which boarding house is proposed	Relevant chapter DCP
R2 Low Density Residential	C1 – Dwelling Houses and Outbuildings
R3 Medium Density Residential	C3 – Multi dwelling houses and attached dwellings
R4 High Density Residential	C4 – Residential Flat Buildings
B1, B2 and B5 Business Zones	Part D – Business Centres

A table in the DCP has been included for ease of reference to other chapters in the DCP.

Setback controls for boarding houses have also been included in this chapter. The setbacks are derived from the predominant building type permitted in the zone in which the boarding house is situated.

C7.4 Building Design – external

Provides for development controls in relation to external design of boarding houses with the objective of ensuring they complement the local character and streetscape. These controls are consistent with other building design sections in the residential chapter.

C7.5 Car Parking

The car parking requirements contained in chapter B1 will apply to boarding houses. An additional control has been included in this chapter to clarify the employee parking requirement. A minimum of one space per employee will be required.

7.6 Amenity

This section provides for requirements in relation to solar access, overshadowing, visual and acoustic privacy impacts for boarding house developments. These controls are consistent with the amenity sections in the other chapters of the DCP.

7.7 Fences and Ancillary Development

This section provides for requirements in relation to fences and building services for boarding house developments. These controls are consistent with the Fences and Ancillary section in the other chapter of the DCP.

Public exhibition of draft boarding house controls

In accordance with the requirements set out in the Environmental Planning and Assessment Regulation 2000, the draft CDCP 2012 must be placed on public exhibition for a period of at least 28 days.

It is proposed to exhibit the planning proposal concurrently with the draft amendments to DCP 2012. The Gateway Determination issued by the DPE outlines the consultation requirement for the planning proposal.

The following documents will be included as part of the exhibition:

- Planning proposal and associated documents
- Gateway Determination
- Draft CDCP 2012 – C7 Boarding Houses

Following public exhibition, a report to Council addressing any issues raised in submissions will be prepared. Applicants with pending boarding house development applications will be separately consulted via letter.

Current boarding house applications

Council currently has 23 boarding house development applications within the former Canterbury local government area which are under assessment and yet to be determined. Seven of these applications are under appeal in the Land and Environment Court.

The implication of the draft controls being exhibited is that pursuant to section 4.15 of the *Environmental Planning and Assessment Act 1979* the draft LEP controls will need to be considered by Council officers and the Court when making their determination on each matter. Each application will be required to respond to the proposed controls.

To ensure transparency, Council will individually write to each applicant advising of the changes and opportunity to submit their comments during the exhibition period.

Conclusion and next steps

Draft controls for boarding houses have been prepared for the former Canterbury Council, aimed to manage the potential impacts of boarding houses and to better align the planning controls from the former Canterbury Council with those of the former Bankstown Council in relation to boarding houses.

It is recommended that the draft DCP provisions for boarding houses (for inclusion in the Canterbury DCP 2012) be adopted for the purposes of public exhibition and that it be exhibited concurrently with the planning proposal to include site area controls for boarding houses in the CDCP 2012. Following public exhibition, a further report will be submitted to Council outlining the outcomes of the exhibition process.

CANTERBURY BANKSTOWN
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN COUNCIL CHAMBERS
ON 27 NOVEMBER 2018

3. When the proposal is further considered the applicant should clearly indicate how Site C (56-57 Railway Parade, Lakemba) could be dedicated to the Council as part of the reserve within the planning proposal.

- CARRIED

For:- Clrs Asfour, Downey, Eisler, El-Hayek, Harika, Huda, Ishac, Kuskoff, Madirazza, Raffan, Saleh, Tuntevski, Waud, Zakhia and Zaman

Against:- Nil

ITEM 5.2 BANKSTOWN COLLABORATION AREA

(430) CLR. ISHAC:/CLR. ZAKHIA

RESOLVED that

1. Council endorse the priorities for the Greater Bankstown Collaboration Area as outlined in the report.
2. Council be updated on the progress of the Collaboration Area process as required.

- CARRIED

ITEM 5.3 UPDATE ON PROPOSED CHANGES TO PLANNING CONTROLS FOR BOARDING HOUSES

(431) CLR. TUNTEVSKI:/CLR. EL-HAYEK

RESOLVED that

1. Council exhibit the draft Canterbury DCP 2012 (Amendment 5) at Attachment A.
2. Council note that a Gateway Certificate has been issued to amend Canterbury LEP to strengthen planning controls for boarding houses and the draft LEP amendments will be exhibited together with the DCP amendments as outlined in this report.
3. A further report be submitted to Council at the conclusion of the exhibition period outlining submissions received and way forward.

CANTERBURY BANKSTOWN
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN COUNCIL CHAMBERS
ON 27 NOVEMBER 2018

4. Council write to applicants of current development applications advising of proposed changes to the DCP and LEP.

- CARRIED

For:- Clrs Asfour, Downey, Eisler, El-Hayek, Harika, Huda, Ishac, Kuskoff, Madirazza, Raffan, Saleh, Tuntevski, Waud, Zakhia and Zaman

Against:- Nil

SECTION 6: POLICY MATTERS

Nil

SECTION 7: GOVERNANCE AND ADMINISTRATION MATTERS

ITEM 7.1 2017/18 ANNUAL FINANCIAL REPORTS

THIS MATTER WAS DISCUSSED PREVIOUSLY. SEE RESOLUTION NO. 428 ON PAGE FOUR OF THESE MINUTES.

ITEM 7.2 QUARTERLY PERFORMANCE REPORT - JULY TO SEPTEMBER 2018

(432) CLR. KUSKOFF:/CLR. ZAKHIA

RESOLVED that

1. Council notes the quarterly performance report ending 30 September 2018.
2. Council adopt the September 2018 Quarterly Budget Review as outlined in this report.

- CARRIED

ITEM 7.3 CODE OF CONDUCT COMPLAINTS REPORT

(433) CLR. WAUD:/CLR. MADIRAZZA

RESOLVED that the information be noted.

- CARRIED