

Item 7.**Development Application: 58-60 & 62-64 Selwyn Street, Paddington - D/2023/700**

File No.: D/2023/700

Summary**Date of Submission:** 7 August 2023**Applicant:** The Trustee for The LFD Homes Unit Trust**Architect/Designer:** Richards Stanisich**Owner:** LFD Homes Pty Ltd**Planning Consultant:** The Planning Hub**Heritage Consultant:** POC+P Architects**Cost of Works:** \$4,853,026**Zoning:** R1 - General Residential

The proposed development involves the conversion of an existing boarding house to four residential dwellings and is permissible with consent in the zone.

Proposal Summary: The application seeks consent for the conversion of an existing 32-bedroom boarding house to provide four attached dwellings with associated subdivision of the site from two lots into four lots.

The proposed scope of works involve alterations and additions to the existing residential development, including substantial demolition of existing rear structures and construction of new two-storey rear additions behind the principle rear building line of each terrace. Landscaping works proposed within the rear setback of each property and a two-storey garage with car stacker is proposed within the rear setback of No.64 Selwyn Street with new vehicle crossover to Josephson Street.

Proposed works to the principal form of the existing terraces include removal of non-original front enclosures to the Selwyn Street facades, and partial demolition and

reconstruction of rear dormers to Nos. 58, 60 and 62 Selwyn Street.

The application is recommended for refusal as it will result in the loss of 32 boarding house rooms and the application fails to adequately address or satisfy the *Retention of Existing Affordable Rental Housing* provisions prescribed by Chapter 2 Part 3 of the *Housing SEPP 2021*.

Associated alterations and additions to the existing contributory terraces are non-compliant with the design criteria of the Sydney DCP and fail to demonstrate Design Excellence.

Whilst it is considered that the issues identified in the proposed scope of works could be resolved by way of design amendments, the loss of existing affordable housing represents a threshold issue for the City given the significant shortfall and pressures on this type of accommodation.

Accordingly, Council Officers have not sought amendments on the application as any amendments sought would not resolve the principle issue at hand.

The application is referred to the Local Planning Panel for determination as it represents contentious development, with receipt of 25 or more unique submissions by way of objection. Many of the objections received relate to the loss of existing affordable rental housing accommodation.

Summary Recommendation: This proposal is recommended for refusal.

Development Controls:

- (i) Sydney Local Environmental Plan 2012 (Sydney LEP 2012)
- (ii) Sydney Development Control Plan 2012 (Sydney DCP 2012)
- (iii) State Environmental Planning Policy (Housing) 2021 (Housing SEPP)
- (iv) SEPP (Biodiversity and Conservation) 2021

Attachments: A. Selected Drawings

Recommendation

It is resolved that consent be refused for Development Application Number D/2023/700 for the following reasons:

- (A) The proposal is contrary to and fails to adequately satisfy the matters for consideration set out in Section 47(2) of Part 3: *Retention of existing affordable rental housing* of the State Environmental Planning Policy (Housing) 2021 and the *Guidelines for Retention of Existing Affordable Rental Housing*;
- (B) The application is inconsistent with the Clause 1.2(2)(e) aim of the Sydney LEP as it fails to encourage the growth and diversity of the residential population of the City of Sydney by providing for a range of appropriately located housing, including affordable housing;
- (C) The application fails to satisfy the objectives of the R1 General Residential Zone of the Sydney LEP as it does not provide for the housing needs of the community and does not contribute to a variety of housing types and densities;
- (D) The application fails to demonstrate a high standard of architectural design and detailing appropriate to the building type and surrounding heritage character, pursuant to Clause 6.21C(2)(a) of the Sydney LEP;
- (E) The application fails to adequately address environmental impacts of overshadowing, solar access and visual privacy, pursuant to the provisions outlined under Clause 6.21C(2)(d)(vii) of the Sydney LEP;
- (F) The proposed development fails to exhibit Design Excellence pursuant to Clause 6.21C of the Sydney LEP;
- (G) The proposed rear additions are inconsistent with the Sydney DCP design criteria for building setbacks and rear additions, pursuant to Section 4.1.2 and Section 4.1.4 of the Sydney DCP;
- (H) The application fails to provide sufficient information to demonstrate that each of the proposed dwellings will receive the minimum 2 hours' direct sunlight to living room windows and private open space areas between 9am and 3pm on 21 June, pursuant to Section 4.1.3.1 of the Sydney DCP;
- (I) The proposed window arrangement and rear Juliet Balconies fail to safeguard visual privacy across side and rear boundaries, pursuant to Section 4.1.3.6 and Section 4.1.8 of the Sydney DCP; and
- (J) The application fails to demonstrate 15 per cent tree canopy coverage within 10 years of completion, pursuant to Section 3.5.2 of the Sydney DCP.

Background

The Site and Surrounding Development

1. The site has a legal description of Lot 1 DP 136056 and Lot 1 DP 136055, known as 58-60 and 62-64 Selwyn Street, Paddington. It is generally rectangular in shape with a combined site area of approximately 837sqm. It has a primary street frontage of 26.1 metres to Selwyn Street and a secondary street frontage of 32.4 metres to Josephson Street.
2. The site comprises 3 two-storey buildings and 1 three-storey building. The existing buildings are operating as a 32-bedroom boarding house with a shared and connected common open space within their rear setback.
3. The surrounding area is predominantly residential with Selwyn Street characterised by rows of terraces to the north of the site, whilst Josephson Street has a residential laneway character with terraces fronting Moore Park Road backing on to Josephson Street to the south of the site and a number of terraces fronting Josephson Street to the east of the site.
4. A more mixed character is prevalent to the west and south-west of the site towards Flinders Street with small scale retail tenancies, a backpackers and food and drinks premises, including the Captain Cook Hotel.
5. The site is not identified as a heritage item, however the properties are identified as contributory buildings within the Paddington Urban Heritage Conservation Area (CA50).
6. The site is located within the Selwyn Street locality and is not identified as being subject to flooding.
7. A site visit was carried out on 8 September 2023. Photos of the site and surrounds are provided below:

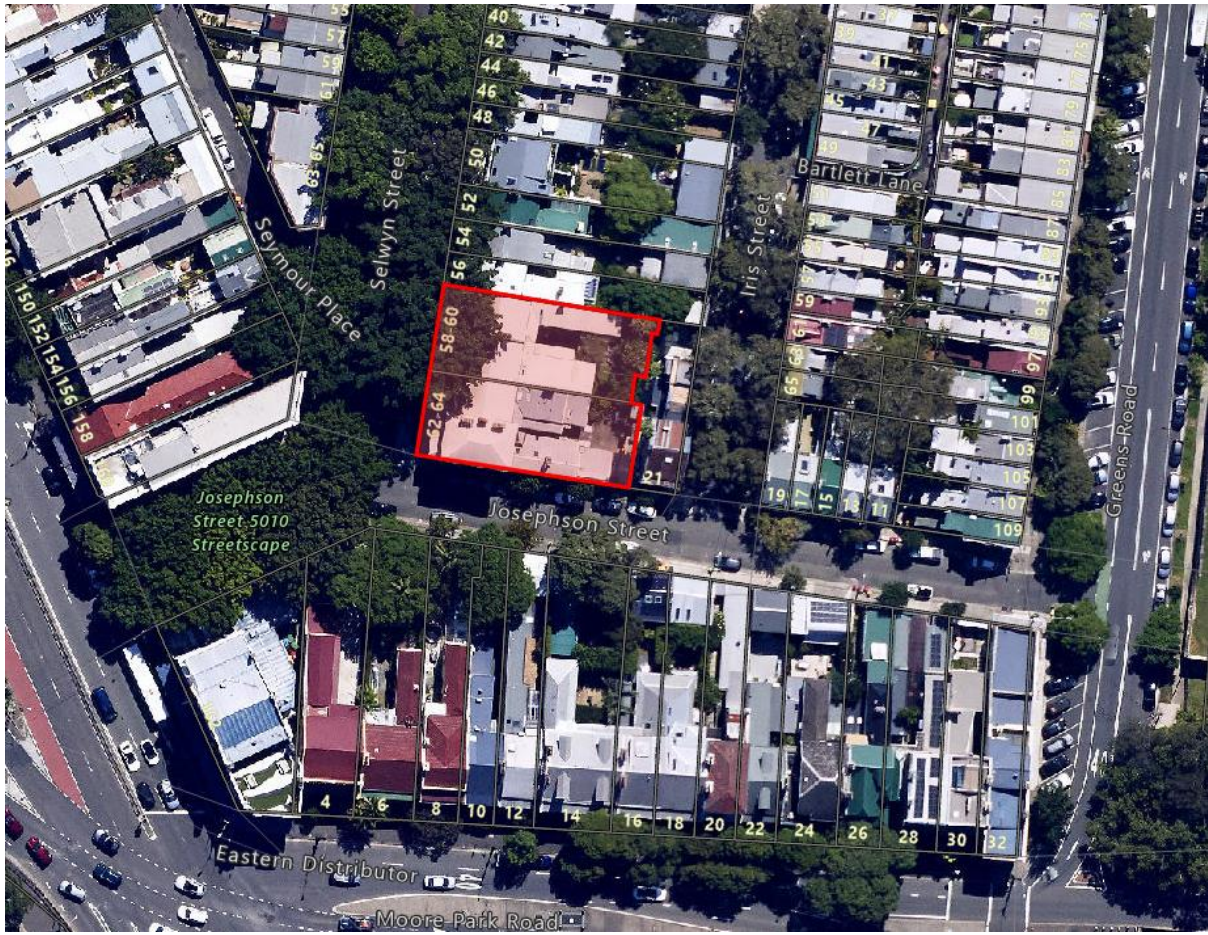


Figure 1: Aerial view of site and surrounds

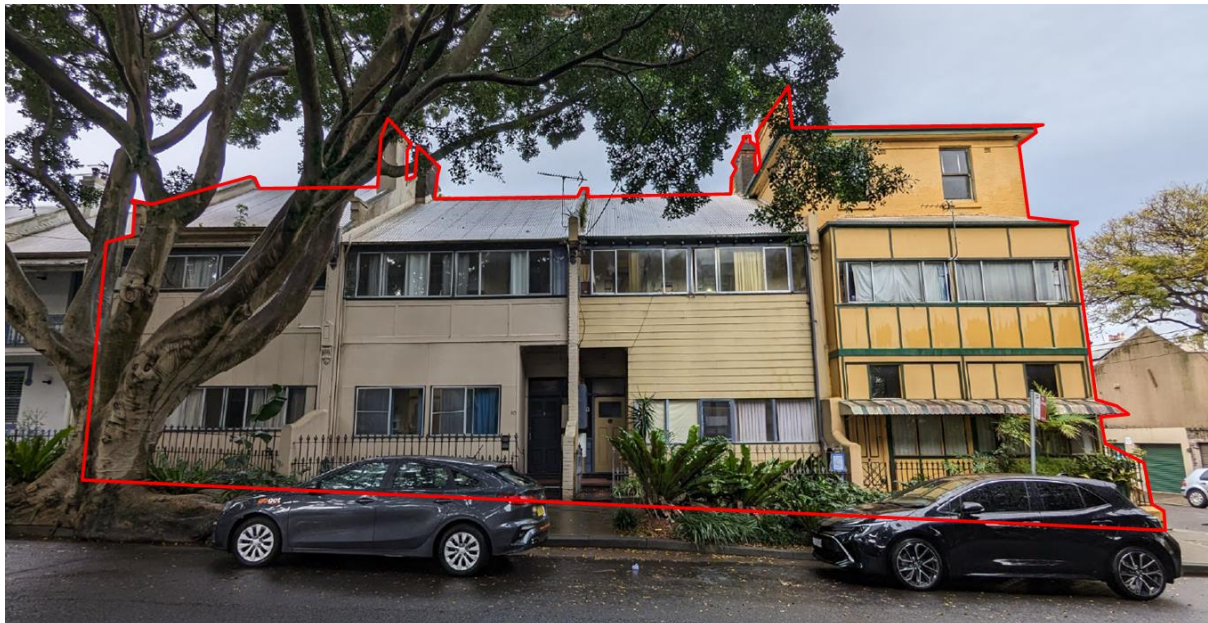


Figure 2: Front of site viewed from Selwyn Street



Figure 3: Front of 58 and 60 Selwyn Street



Figure 4: Front of 62 and 64 Selwyn Street



Figure 5: Rear and side of 64 Selwyn Street viewed from Josephson Street



Figure 6: Common open space within rear setback of 58-60 Selwyn Street



Figure 7: Common open space within rear setback of 58-60 Selwyn Street



Figure 8: West side elevation of 21 Josephson Street viewed from common open space within rear setback of existing boarding house

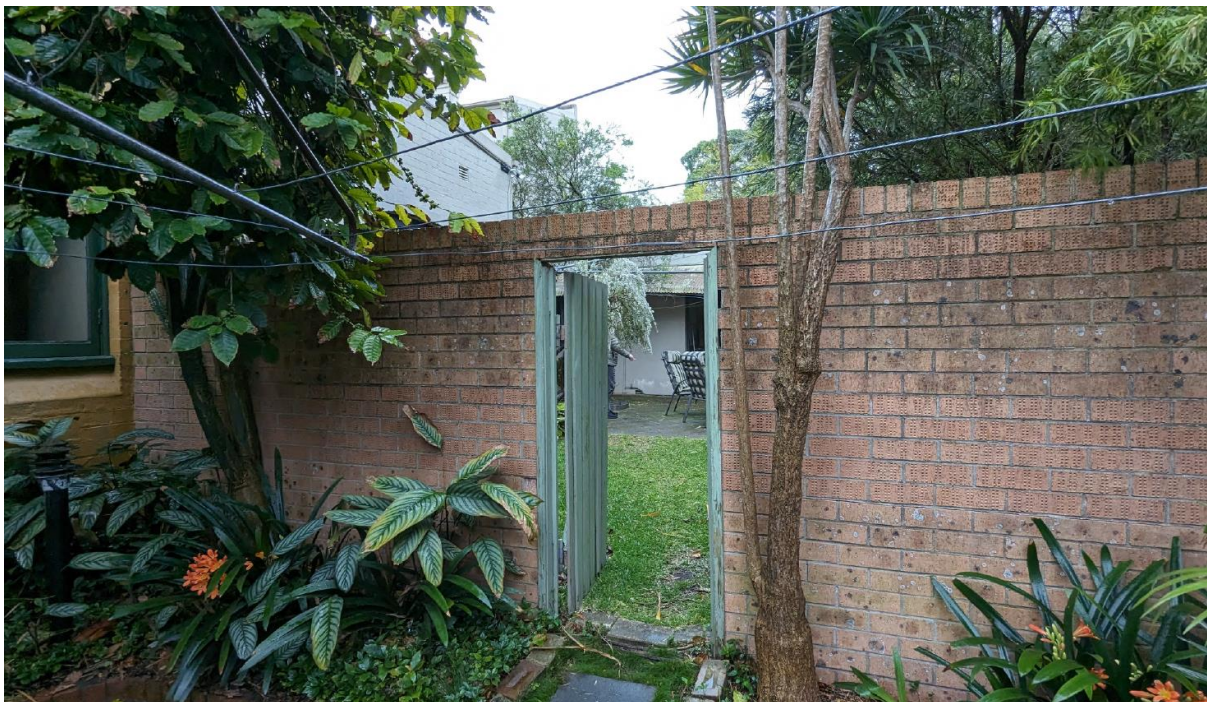


Figure 9: Shared access between common open spaces within rear setback of 58-60 and 62-64 Selwyn Street



Figure 10: Rear elevation of 62-64 Selwyn Street



Figure 11: Shared laundry in outbuilding within rear setback of 62-64 Selwyn Street

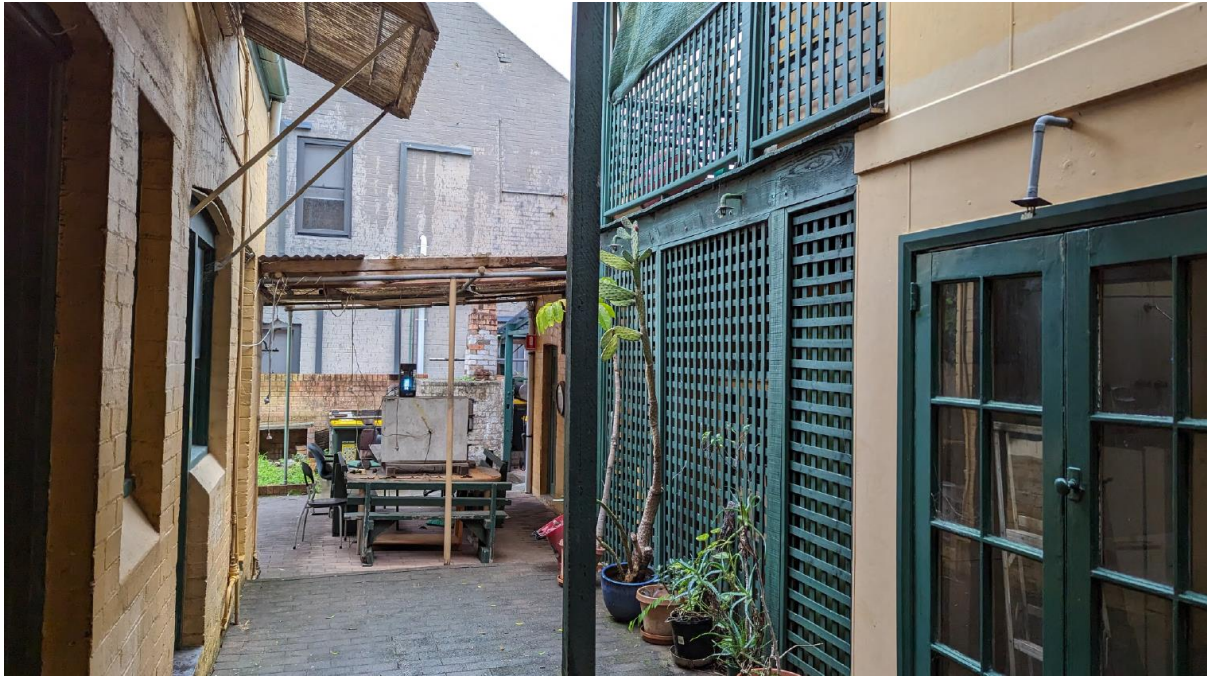


Figure 12: Common open space within rear setback of 62-64 Selwyn Street

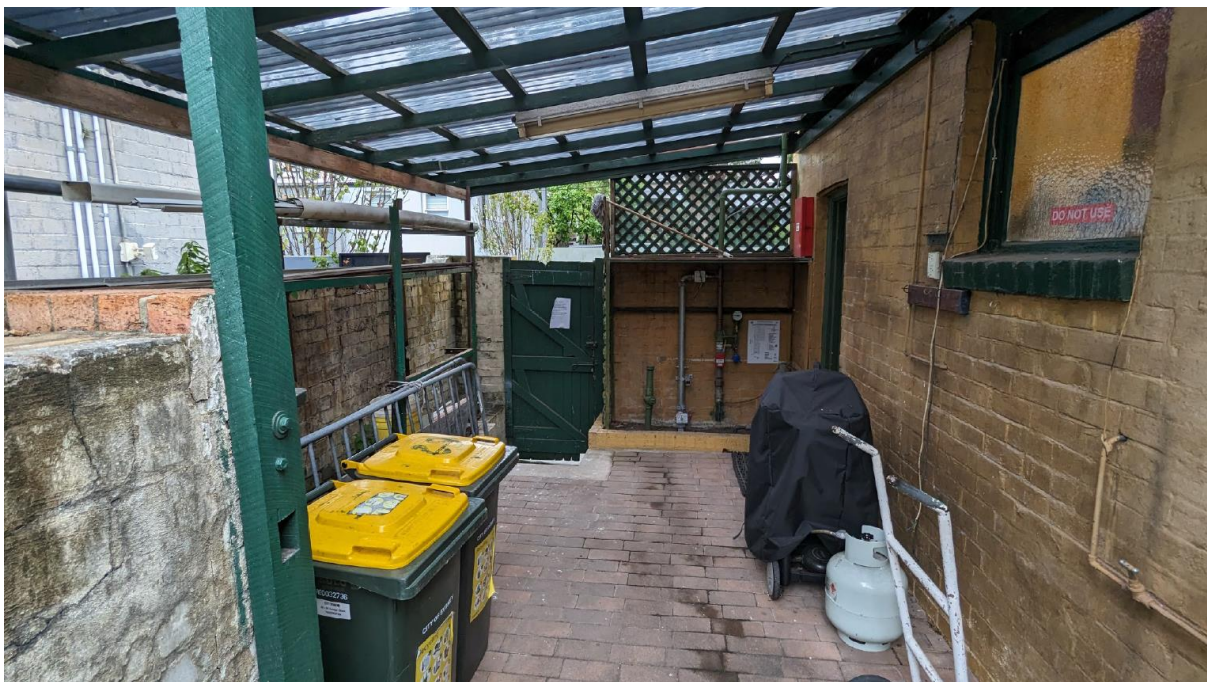


Figure 13: Undercover waste storage area within rear setback of 62-64 Selwyn Street with side access to Josephson Street

Site History and Background

8. The site is currently operating as a 32-bedroom boarding house connected across the four terraces.

9. The submitted Heritage Impact Statement asserts that the group of four terraces has been used as residential chambers or boarding houses since at least 1930 and No. 64 is recorded as having been used as residential chambers since at least 1918. The 2022 listing of the group for sale in 2022 noted that the properties have been under the same ownership for 95 years – since approximate 1927.
10. It has not been possible to locate formal consent or original approval for the boarding house use within Council's database; however Council records, including boarding house license cards for each of the four properties, evidence that the use has been in operation since at least 1982.

Proposed Development

11. The application seeks consent for alterations and additions to the existing residential development and change of use of the existing boarding house to convert to four attached dwellings.
12. The proposal includes associated subdivision from two lots to four lots and landscaping works within the rear setback of each of the terraces.
13. Proposed scope of works comprise the following:

Demolition

- removal of non-original front enclosures to Selwyn Street façade
- substantial demolition of existing rear wings and structures behind principal rear building line of each terrace
- existing chimney on the northern boundary wall of 58 Selwyn Street to be demolished
- existing chimney between 60 and 62 Selwyn Street to be demolished
- removal of existing rear dormers of 58, 60 and 62 Selwyn Street
- partial retention of rear structures include:
 - (i) existing northern boundary wall of 58 Selwyn Street to be retained
 - (ii) existing party wall between 60 and 62 Selwyn Street to be retained
 - (iii) existing southern boundary wall of 64 Selwyn Street to Josephson Street to be retained, including retention of east facing external wall and masonry chimney of rear wing

Alterations and Additions

58 Selwyn Street

- construction of two-storey pavilion rear addition with gable roof complete with rear Juliet Balcony

- new courtyard between pavilion addition and principal dwelling
- re-construction of rear attic dormer
- internal alterations including partial removal of existing partition walls and minor reconfiguration of rooms within principal dwelling

60 Selwyn Street

- construction of two-storey pavilion rear addition with skillion roof, skylight and parapet, complete with rear Juliet Balcony
- new courtyard between pavilion addition and principal dwelling
- re-construction of rear attic dormer
- internal alterations including partial removal of existing partition walls and minor reconfiguration of rooms within principal dwelling

62 Selwyn Street

- construction of two-storey pavilion rear addition with skillion roof, skylight and parapet, complete with rear Juliet Balcony
- new courtyard between pavilion addition and principal dwelling
- re-construction of rear attic dormer
- internal alterations including partial removal of existing partition walls and minor reconfiguration of rooms within principal dwelling

64 Selwyn Street

- construction of attached two-storey rear addition and attic level within gable roof with skylight, complete with rear Juliet Balcony
- construction of a detached two-storey garage with car stacker within rear setback with associated vehicle crossover to Josephson Street
- creation of a new second floor double hung window opening at rear of principal dwelling
- infill of existing third floor window and creation of a new double hung window opening adjacent at rear of principal dwelling
- internal alterations including partial removal of existing partition walls and minor reconfiguration of rooms within principal dwelling

Conservation Works

- Retention and restoration of front balconies following removal of non-original front enclosures
- Restoration of front facades, entry doors, windows and front porch tiles to Selwyn Street

- Existing side entry of 64 Selwyn Street facing Josephson Street to be retained, existing steps to be repaired and front door to be retained and restored
- Existing side windows of 64 Selwyn Street facing Josephson Street to be repaired and restored
- Existing painted brick transverse chimney of 64 Selwyn Street to be retained and restored on new roof

Landscape Works

- Landscaping works within the rear setback of each of the four terraces, including removal of 6 trees - 5 of these trees are exempt species and can be removed without consent.

14. Plans and elevations of the proposed development are provided below.

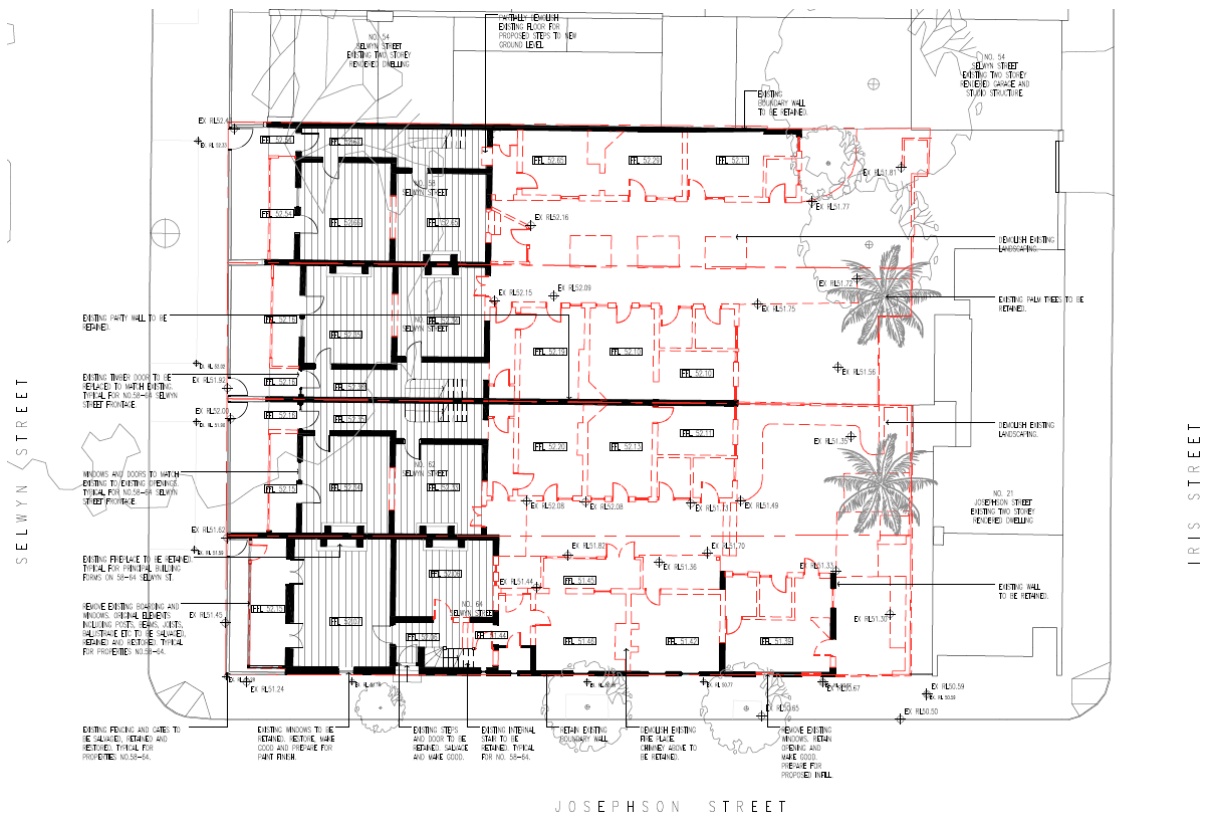


Figure 14: Demolition Plan - Ground Floor

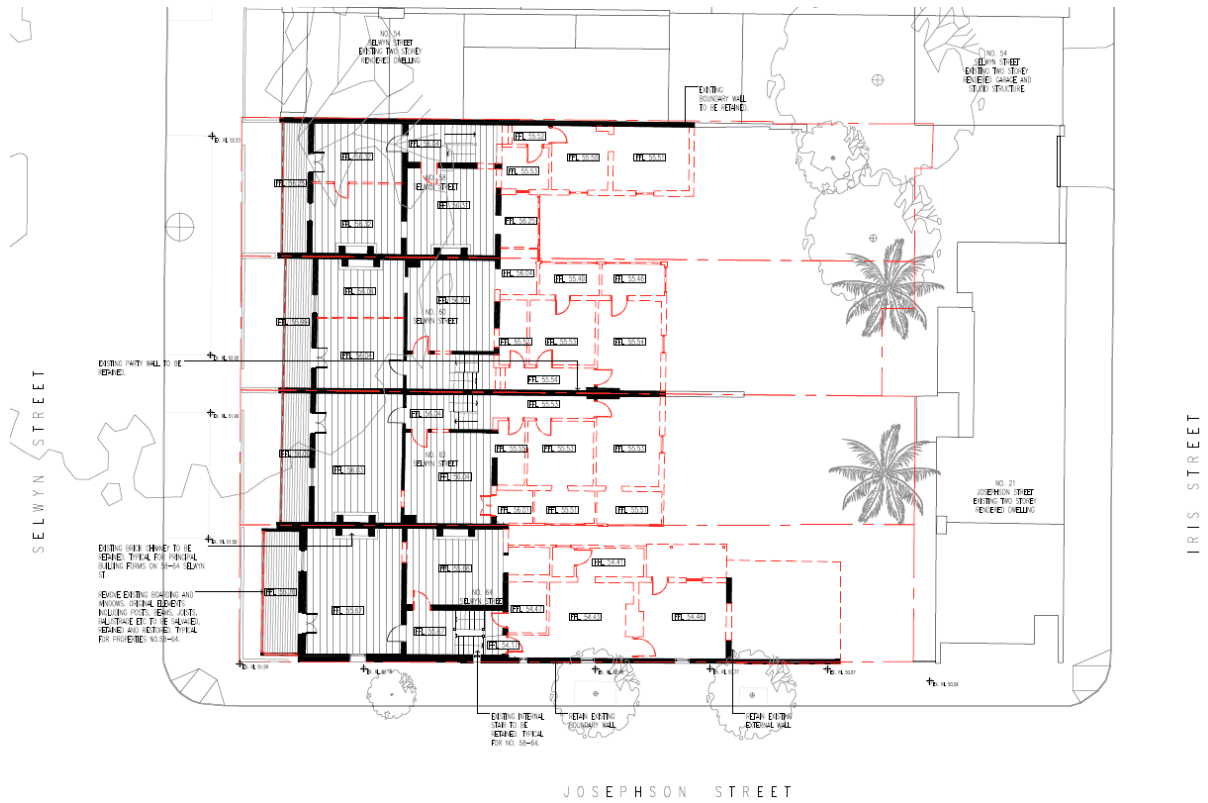


Figure 15: Demolition Plan - First Floor

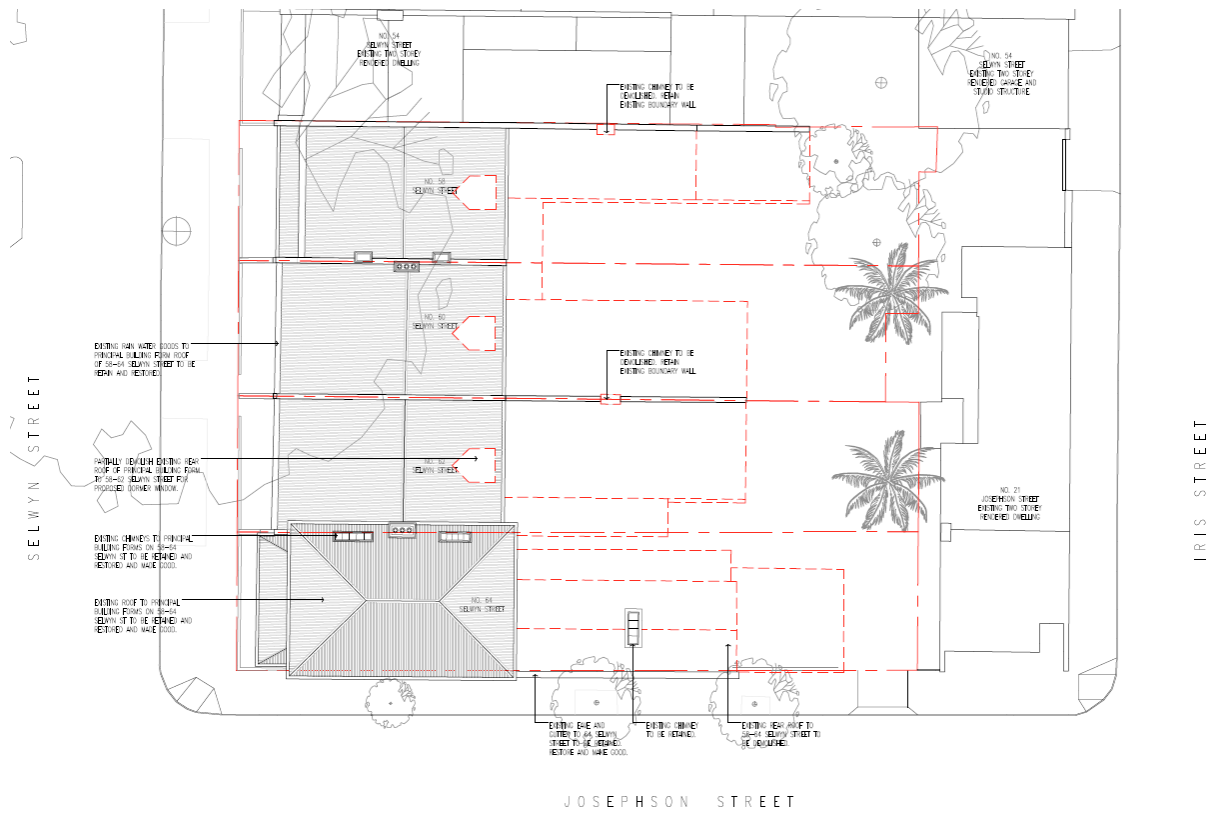


Figure 16: Demolition Roof Plan

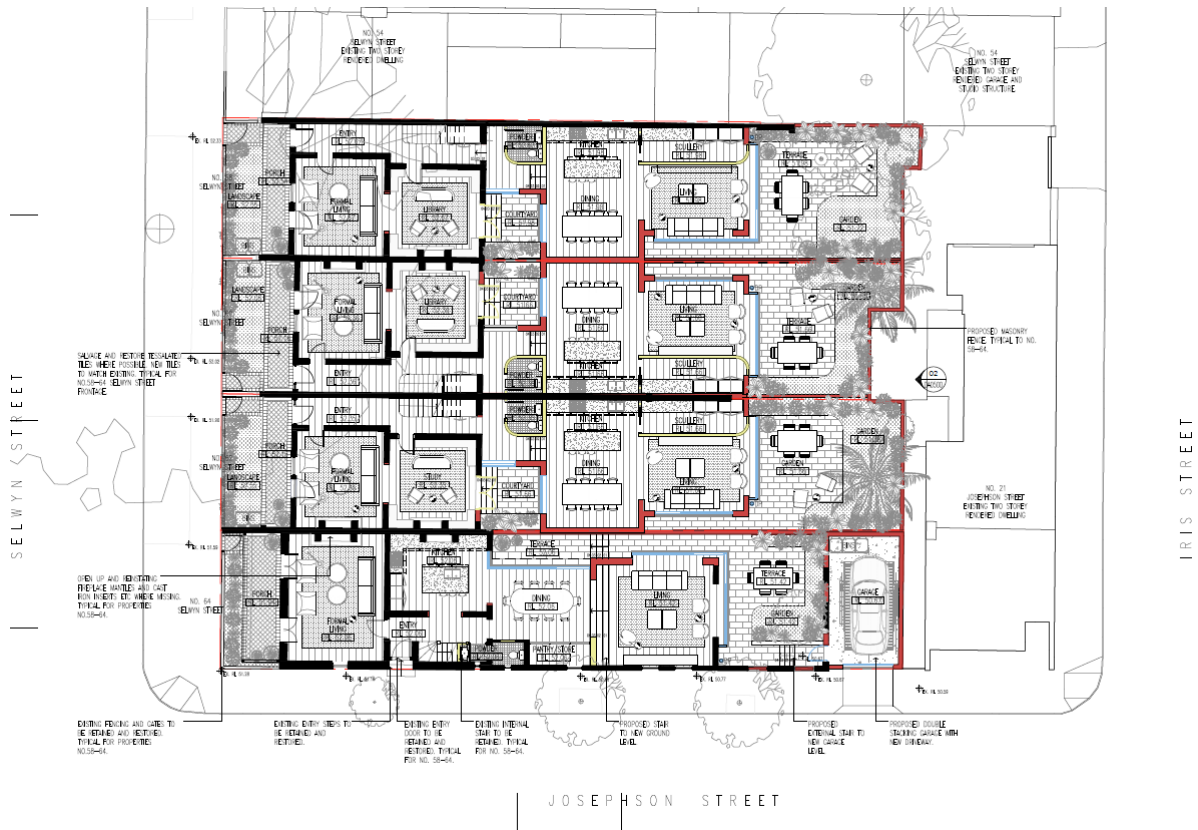


Figure 17: Proposed Ground Floor Plan

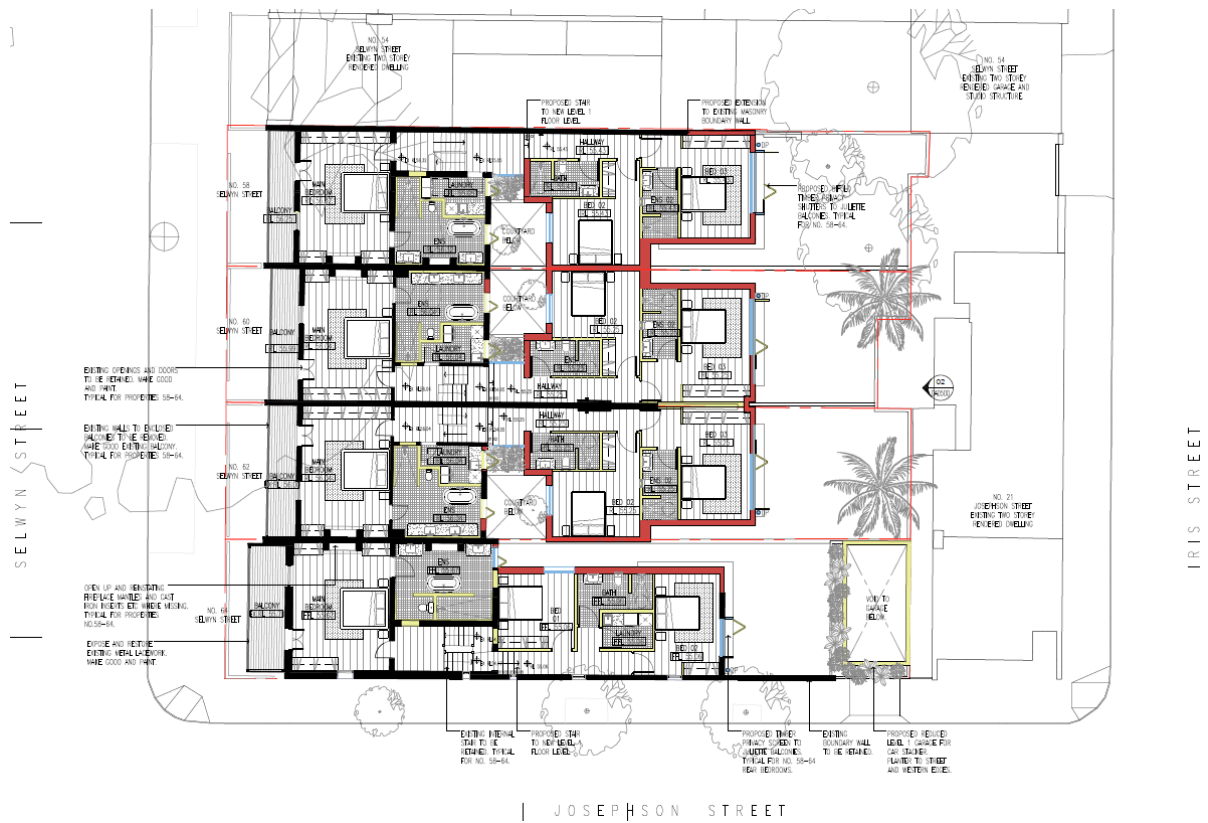


Figure 18: Proposed First Floor Plan

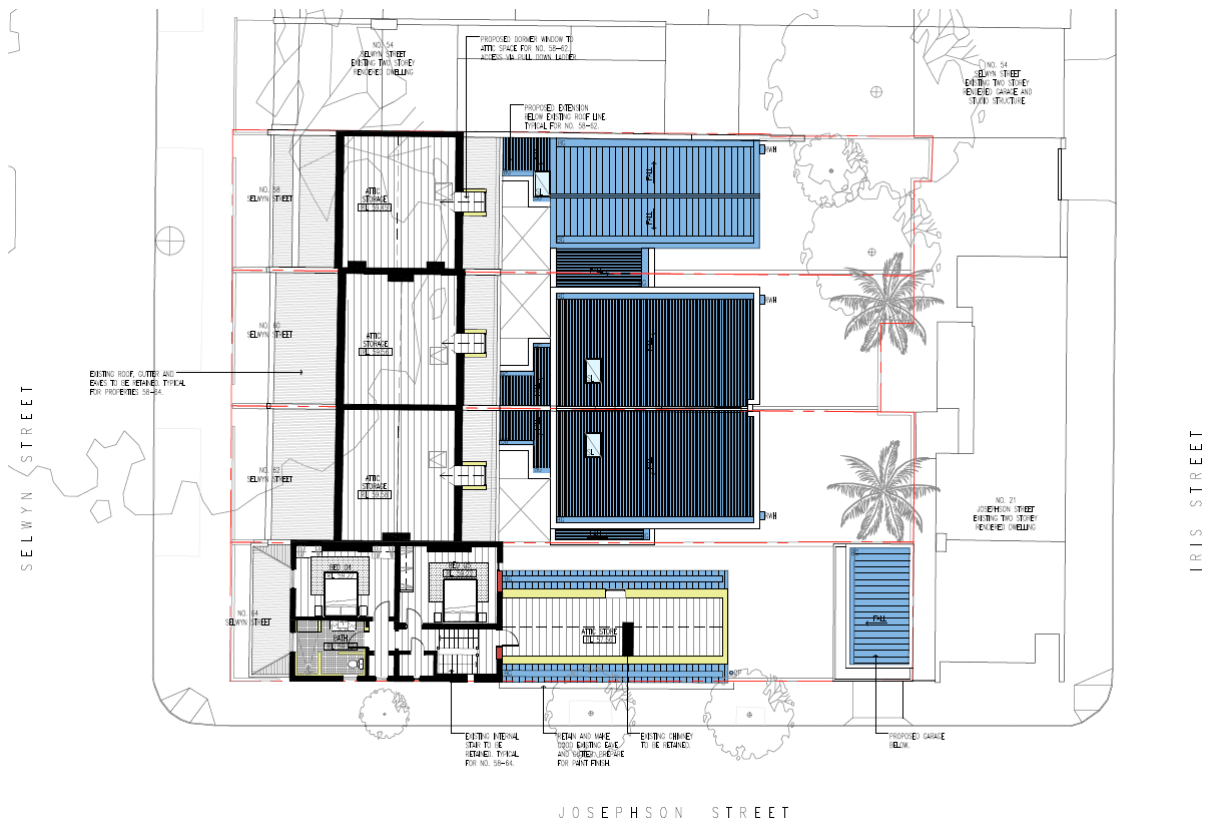


Figure 19: Proposed Second Floor Plan

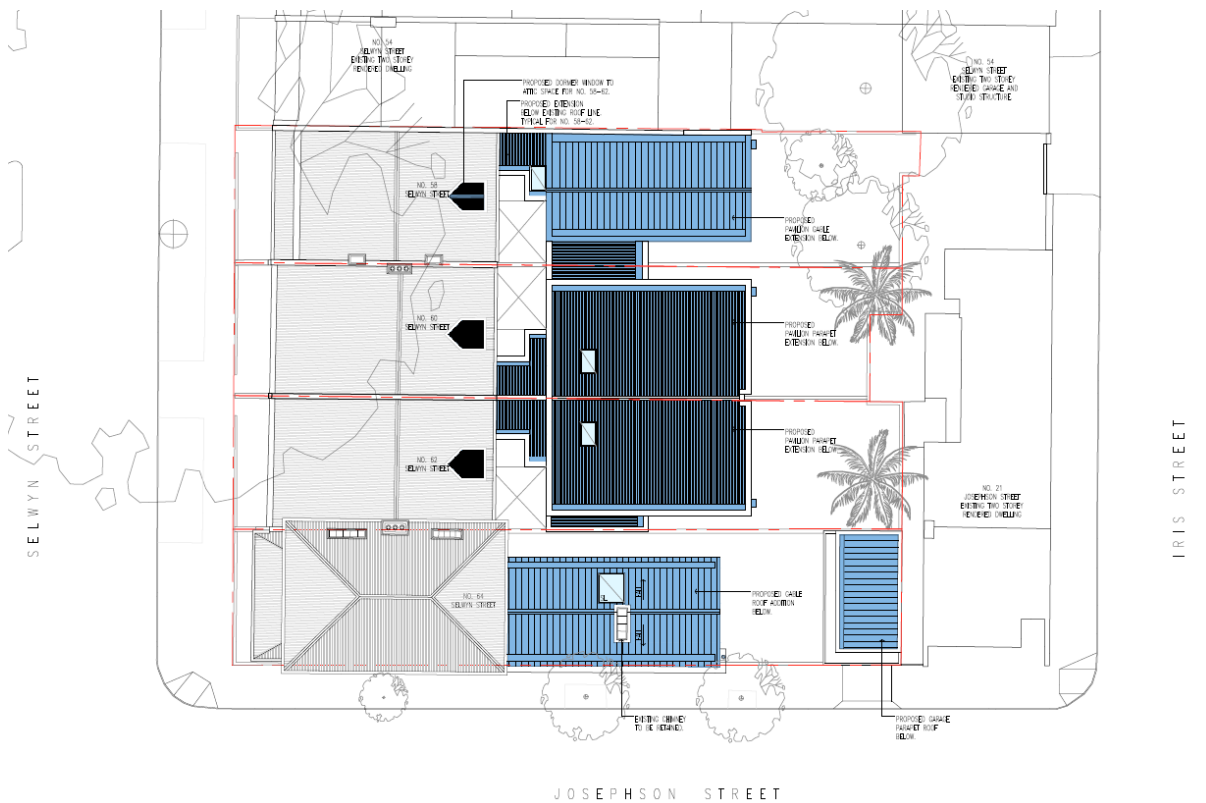


Figure 20: Proposed Roof Plan

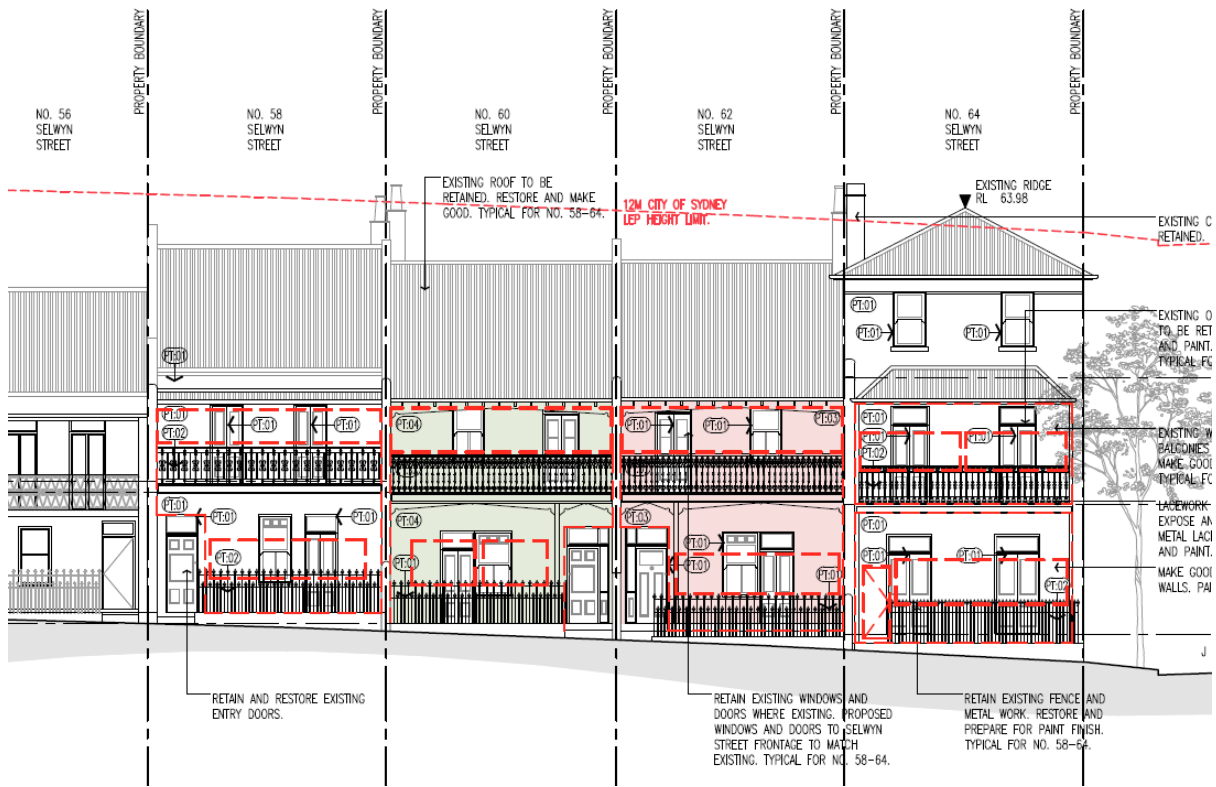


Figure 21: Proposed Front Elevation (Selwyn Street)

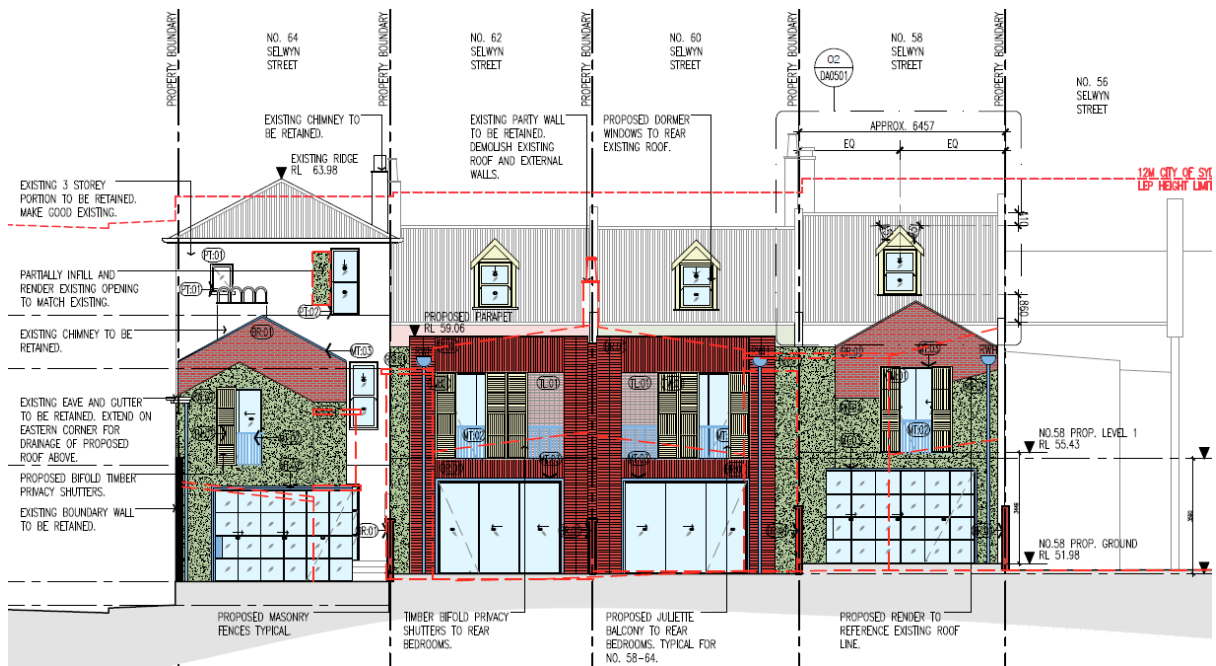


Figure 22: Proposed Rear Elevation

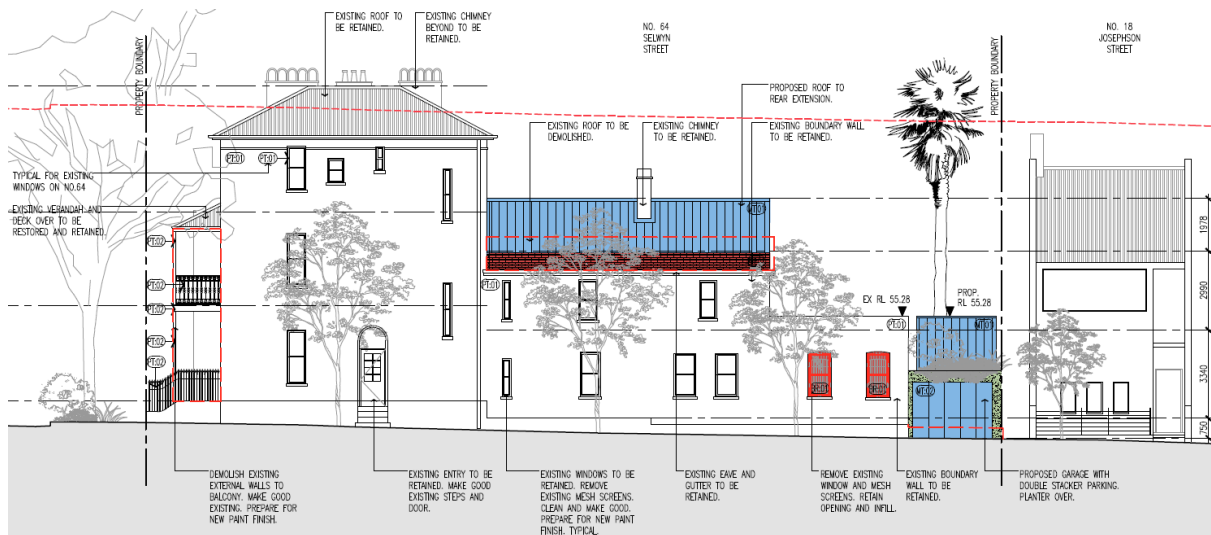


Figure 23: Proposed Side Elevation (Josephson Street)

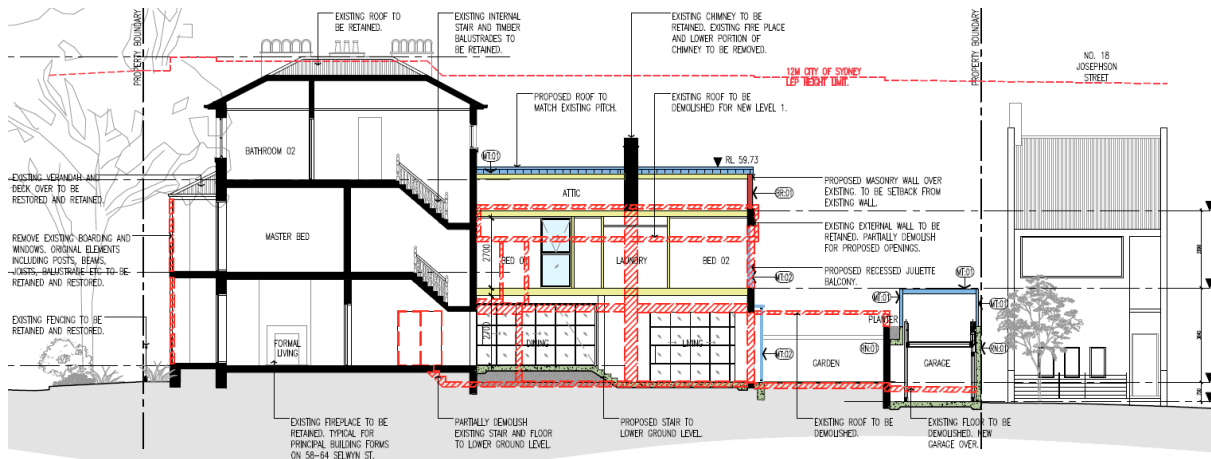


Figure 24: Proposed South Side Section

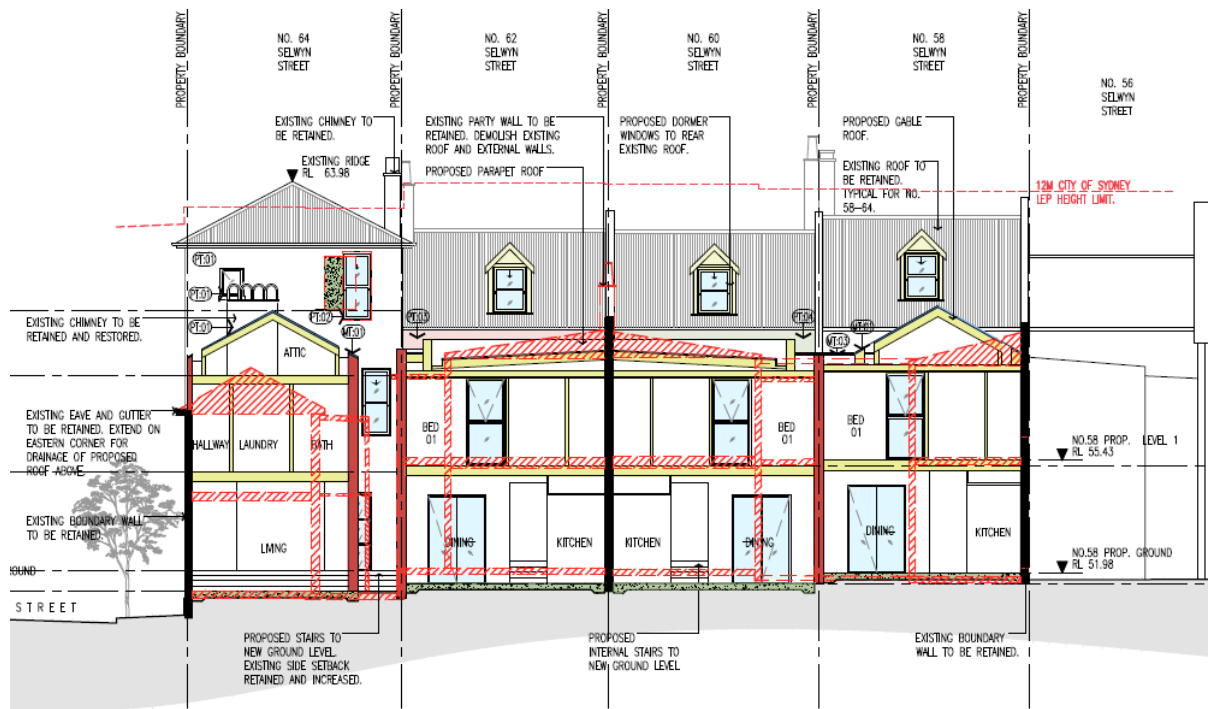


Figure 25: Proposed East Rear Section

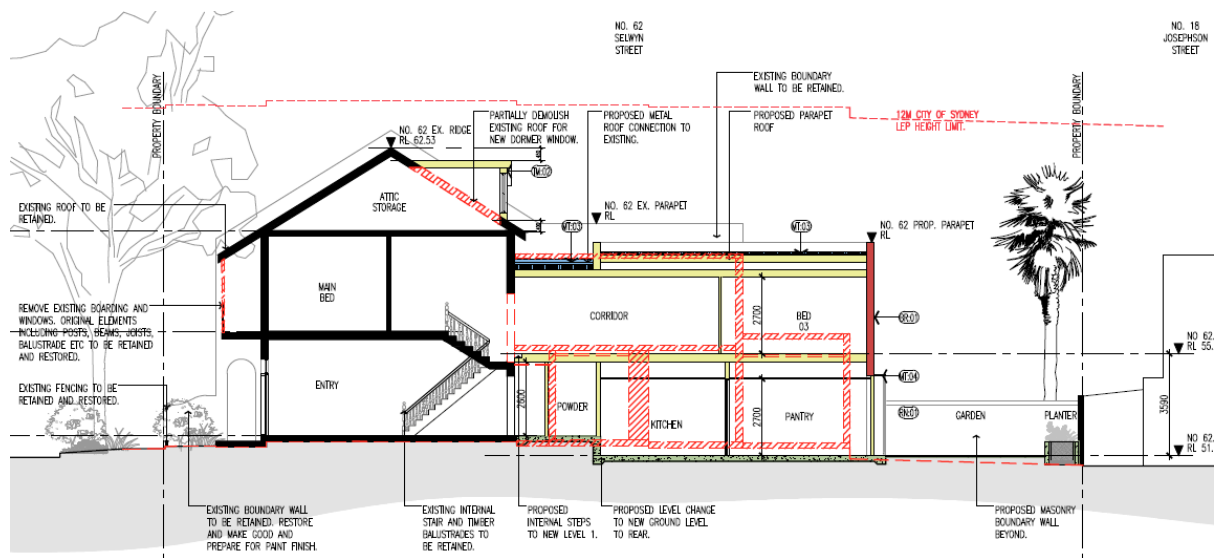


Figure 26: Proposed South Section through 62 Selwyn Street

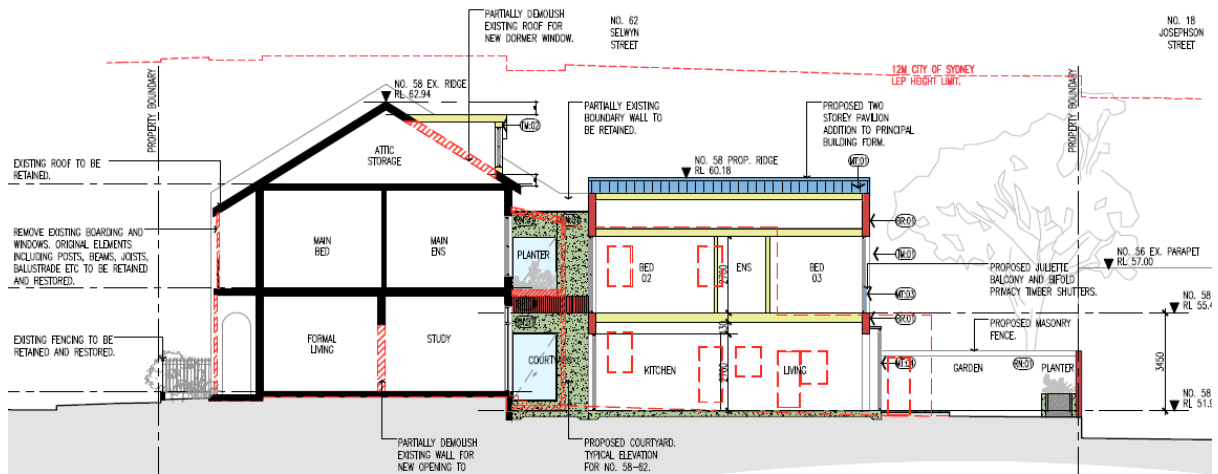


Figure 27: Proposed South Section through 58 Selwyn Street

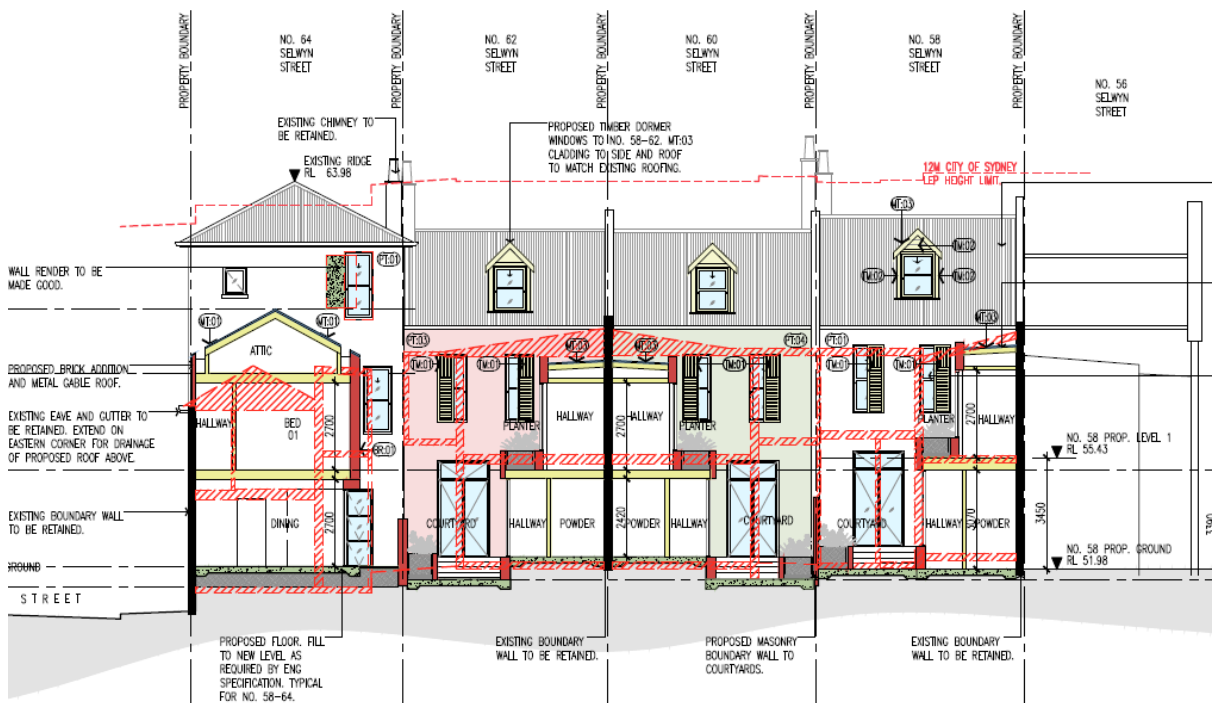


Figure 28: Proposed East Section through courtyards

Assessment

15. The proposed development has been assessed under Section 4.15 of the Environmental Planning and Assessment Act 1979 (EP&A Act).

State Environmental Planning Policies

State Environmental Planning Policy (Resilience and Hazards) 2021 – Chapter 4

Remediation of Land

16. The aim of SEPP (Resilience and Hazards) 2021 – Chapter 4 Remediation of Land 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.
17. In this instance, the site has historically been used for residential purposes and the proposed development will maintain the residential use of the site, albeit a different type of residential accommodation is proposed.
18. Accordingly, there is a low risk of any existing contaminants on site and the proposed change of use will not increase the risk to health or exposure to contaminants.
19. The application has been considered against the relevant provisions of Clause 4.6 of the SEPP and is acceptable.

State Environmental Planning Policy (Housing) 2021

20. The principles of the Housing SEPP 2021 include encouraging the development of housing that will meet the needs of more vulnerable members of the community, including very low to moderate income households, seniors and people with a disability (Clause 3(b)) and mitigating the loss of existing affordable rental housing (Clause 3(h)).
21. Chapter 2 Part 3 of the Housing SEPP also contains matters that must be taken into account in relation to the retention of existing affordable rental housing stock.

Chapter 2 Affordable Housing - Part 3 Retention of existing affordable rental housing

22. Part 3 of the SEPP addresses the reduction in the availability of low rental residential accommodation arising from a development.
23. Clause 46 of the Housing SEPP states that Part 3 applies to low-rental residential buildings on land within the Greater Sydney region.
24. Clause 45 of the Housing SEPP defines a "low-rental residential building" as:

"...a building used, during the relevant period, as a residential flat building containing a low-rental dwelling or as a boarding house, and includes a building that—

- (a) is lawfully used as a residential flat building containing a low-rental dwelling or as a boarding house, irrespective of the purpose for which the building may have been erected, or*
- (b) was used as a residential flat building containing a low-rental dwelling or as a boarding house, but the use has been changed unlawfully to another use, or*

- (c) *is vacant, but the last significant use of which was as a residential flat building containing a low-rental dwelling or as a boarding house."*
25. The Housing SEPP defines the "relevant period" as *"the period commencing 5 years before the day on which the development application involving the building is lodged and ending on that day."*
26. For Part 3 of the Housing SEPP to apply, the building in question must have been used as a boarding house in the 5-year period leading up to the date of lodgement of the subject application (the "relevant period"), being 7 August 2023.
27. This condition is satisfied as Council's boarding house register records, in addition to the rental ledgers supplied by the applicant, clearly demonstrate that the current and historic use of the building during the "relevant period" is as a boarding house.
28. The Housing SEPP identifies a need for the retention and provision of affordable housing within the City of Sydney Local Government Area (LGA). The proposed conversion of the 32-room boarding house to four separate dwellings will reduce the affordable rental housing stock within the City of Sydney LGA and is subject to assessment under the provisions of Clause 47 of the Housing SEPP.
29. Clause 47(2) of the Housing SEPP sets out that development resulting in the reduced availability of existing affordable housing provided by a low-rental residential building (through demolition or conversion of the use) requires consideration of the *Guidelines for Retention of Existing Affordable Rental Housing (Guidelines)* and the following matters assessed in the table sections below.

Provision	Comment
(a) whether the development will reduce the amount of affordable housing in the area	The proposed conversion of a 32-room boarding house to 4 separate dwellings will result in the loss of affordable housing in the area and within the broader City of Sydney LGA.
(b) whether there is available sufficient comparable accommodation to satisfy the demand for the accommodation,	<p>The Guidelines state that a rental vacancy rate of less than 3% in the area indicates insufficient comparable accommodation to mitigate the loss of the affordable housing.</p> <p>The rental vacancy rates for the inner Sydney area for the three-month quarterly period preceding lodgement of the subject application (being May to July 2023) were between 1.9% and 2.1% (Source: Real Estate Institute New South Wales).</p> <p>There is currently not sufficient comparable accommodation available in the locality to satisfy the demand.</p>

Provision	Comment
<p>(c) whether the development is likely to result in adverse social and economic effects on the general community,</p>	<p>The proposal will contribute to the cumulative loss of affordable housing across the City of Sydney LGA.</p> <p>The applicant has not submitted a Social Impact Assessment to facilitate detailed assessment of the social issues and impacts resulting from the development.</p> <p>Notwithstanding the above, given the vacancy rate for Sydney is significantly less than 3%, there is not sufficient comparable accommodation in the locality to satisfy existing demand (as per (b) above).</p> <p>It follows that the removal of the subject boarding house is likely to result in adverse social and economic effects on the general community.</p>
<p>(d) whether adequate arrangements have been made to assist the residents who are likely to be displaced to find comparable accommodation,</p>	<p>The applicant states that the owner of the site will undertake adequate arrangements to assist residents finding future / comparable arrangements without providing any further detail of what these arrangements would entail.</p> <p>The Guidelines provide that this is a particularly important consideration for residents who may be at a competitive disadvantage in the rental market such as people who are elderly, unemployed, living with disability or on welfare benefits.</p> <p>It is noted that many of the residents of the existing boarding house are elderly and the applicant has provided no detail of assistance or support these residents would receive in finding alternative accommodation.</p> <p>The Guidelines go on to suggest a number of options which should be considered when accommodating displaced residents. These include provision of accommodation in other premises, written agreements giving displaced residents first option for comparable accommodation that comes onto the market and payment of</p>

Provision	Comment
	<p>relocation costs or ex-gratia disruption payments.</p> <p>However, the potential feasibility or value of any of these options is undermined by the significant undersupply of alternative comparable accommodation as outlined under point b) and, as such, these options are unlikely to actually assist residents in finding new accommodation.</p>
<p>(e) the extent to which the development will contribute to a cumulative loss of affordable housing in the local government area,</p>	<p>As at 30 June 2022, the City of Sydney currently has a stock of 1,427 affordable rental dwellings with an additional 641 approved or under construction. These figures relate to housing managed by community housing providers and rented to very low to moderate income households.</p> <p>The City of Sydney's Local Housing Strategy Technical Report 2020 indicates that in 2014, there were 744 genuine boarding houses within the LGA. In 2018, this reduced to 623.</p> <p>The City of Sydney's Local Housing Strategy 2020 advises that the total net affordable housing requirement in 2036 will be approximately 11,690 dwellings, or 7.5% of all private housing. This figure is based on the assumption that the current stock of affordable housing is not further diminished from current levels.</p> <p>Despite increases in the number of community housing provider managed affordable rental dwellings, as a proportion of total dwellings, the amount of affordable rental housing in the City remains very low at 0.76% of total housing stock.</p> <p>The loss of 32 boarding house rooms will contribute to the ongoing cumulative loss of affordable housing stock in the City of Sydney Local Government Area.</p>
<p>(f) whether the building is structurally sound, including—</p>	<p>In relation to point (f)(i), the existing boarding house has been declared capable of performing to at least the</p>

Provision	Comment
<p>(i) the extent to which the building complies with relevant fire safety requirements, and</p> <p>(ii) the estimated cost of carrying out work necessary to ensure the building is structurally sound and complies with relevant fire safety requirements,</p>	<p>standard required by the current fire safety schedule for the building as documented in the most recent Annual Fire Safety Statement (AFSS) for the subject site, dated 27 March 2023. As such, no works are required to comply with the current fire safety schedule.</p> <p>The applicant submits that a Cost of Works report has been submitted with the current application and that following these works the building will comply with relevant fire safety requirements and will be structurally sound.</p> <p>The works schedule details cost for the entire proposed development, including all associated alterations and additions.</p> <p>No work schedule has been provided by a suitably accredited building industry professional to detail the cost of undertaking work necessary to achieve acceptable housing, structural and fire safety standards as required by the Guidelines.</p> <p>Accordingly, from the information Council has on file and submissions from the applicant, Council officers are unable to determine whether any upgrade works are required to achieve acceptable housing, structural and fire safety standards as required by the Guidelines.</p>
<p>(g) whether the imposition of an affordable housing condition requiring the payment of a monetary contribution would adequately mitigate the reduction of affordable housing resulting from the development,</p>	<p>The removal of the subject boarding house will exacerbate the area's already extremely low level of comparable housing stock and low vacancy rate.</p> <p>It follows that the proposed removal of the boarding house from current affordable housing stock will result in significantly adverse social and economic impacts for both the current tenants and general community.</p> <p>A monetary contribution will not adequately mitigate the reduction of affordable housing resulting from the development.</p>

Provision	Comment
<p>(h) for a boarding house—the financial viability of the continued use of the boarding house.</p>	<p>The applicant states that the financial viability of the continued use of the boarding house is not guaranteed and it was always likely that a more financially efficient use of the site would be sought.</p> <p>Notwithstanding the above, the applicant has not provided sufficient information or evidence to verify or support the assertion that the existing boarding house use is not financially viable. The information needed to substantiate this claim would include rental ledgers for the past five years, detailed information regarding relevant expenses and associated depreciation and substantiated capital upgrade costs.</p> <p>If the boarding house was deemed to be financially unviable, notwithstanding the insufficient information provided by the applicant, it is important to note that financial viability is only one of eight criteria that has been prescribed by the Housing SEPP that must be considered in order to make a balanced assessment.</p> <p>While it is a 'crucial part of the assessment', as stated in the Guidelines, it is not the fundamental determinative factor in the assessment of the retention or removal of affordable housing.</p> <p>The Guidelines advise that "the continuation of an unviable boarding house may result in inadequate expenditure on maintenance leading to reduced amenity, health and safety for lodgers and neighbours'."</p> <p>As stated above, the building currently has a valid AFSS, and the applicant's claims that it does not meet NCC compliance are unsubstantiated. Aside from the Housing SEPP, relevant controls and standards are in place to protect the residents of the boarding house, the building can comply with the NCC and has a fire safety schedule intended to protect the inhabitants of the</p>

Provision	Comment
	building. As it stands the building appears to be fit for habitation.

30. Overall, the application has failed to adequately address the eight matters for consideration established by Clause 47(2) of the Housing SEPP and therefore is not supported.
31. Further assessment regarding the issue of the loss of existing affordable rental accommodation is provided in the 'Discussion' section below.

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

32. The aim of the SEPP BASIX is to encourage sustainable residential development. A BASIX Certificate has been submitted with the development application for each of the proposed four separate dwellings.
33. The BASIX certificates list measures to satisfy BASIX requirements which have been incorporated in to the proposal. If the application were to be approved a condition of consent would be recommended ensuring the measures detailed in the BASIX certificates are implemented.

Sydney Environmental Planning Policy (Biodiversity and Conservation) 2021 – Chapter 2 (Vegetation in Non Rural Areas) 2017

34. The proposal includes the clearing of vegetation in a non-rural area and as such is subject to this SEPP.
35. The SEPP states that the Council must not grant consent for the removal of vegetation within heritage sites or heritage conservation areas unless Council is satisfied that the activity is minor in nature and would not impact the heritage significance of the site.
36. In this regard, the application proposes the removal of 6 trees within the rear setback of the existing boarding house. Tree removal is supported in this instance due to low retention value of these trees, noting that the majority of the trees are either under 5 metres in height and or are exempt species of low value that provide minimal environmental benefit.
37. The applicant has submitted an Arborist Report which details the retention and protection of existing trees on site of higher landscape significance.
38. On balance, the proposed landscape works are acceptable and will not adversely impact upon the heritage significance of the site in accordance with the provisions of the SEPP.

Local Environmental Plans

Sydney Local Environmental Plan 2012

39. An assessment of the proposed development against the relevant provisions of the Sydney Local Environmental Plan 2012 is provided in the following sections.

Part 2 Permitted or prohibited development

Provision	Compliance	Comment
2.3 Zone objectives and Land Use Table	No	<p>The site is located in the R1 General Residential zone. The proposed development is defined as residential accommodation and is permissible with consent in the zone.</p> <p>Notwithstanding the above, the proposal is inconsistent with the objectives of the zone as it will result in the loss of existing affordable rental accommodation, for which there is a significant undersupply and shortfall across the City of Sydney LGA. There is currently insufficient affordable housing stock to meet existing demand and the proposal will exacerbate these existing pressures.</p> <p>Accordingly, the proposal fails to satisfy the objectives of the zone as it does not provide for the housing needs of the community and does not contribute to a variety of housing types and densities.</p>

Part 4 Principal development standards

Provision	Compliance	Comment
4.3 Height of buildings	Yes	<p>A maximum building height of 12m is permitted.</p> <p>The proposed development will not increase the existing height of the properties on site and complies.</p>
4.4 Floor space ratio	Yes	<p>The site is subject to two different floor space ratio controls.</p> <p>A maximum floor space ratio of 1.25:1 is permitted on 58-60 Selwyn Street and a maximum floor space ratio of 1.75:1 is permitted on 62-64 Selwyn Street.</p> <p>The floor space ratio of each of the proposed four residential dwellings has been calculated as follows:</p> <p>58 Selwyn Street</p> <p>A maximum floor space ratio of 1.25:1 or 271.3sqm is permitted.</p>

Provision	Compliance	Comment
		<p>A floor space ratio of 1.07:1 or 232.8sqm is proposed.</p> <p>60 Selwyn Street</p> <p>A maximum floor space ratio of 1.25:1 or 253.1sqm is permitted.</p> <p>A floor space ratio of 1.14:1 or 232.8sqm is proposed.</p> <p>62 Selwyn Street</p> <p>A maximum floor space ratio of 1.75:1 or 358.8sqm is permitted.</p> <p>A floor space ratio of 1.12:1 or 229.7sqm is proposed.</p> <p>64 Selwyn Street</p> <p>A maximum floor space ratio of 1.75:1 or 373.3sqm is permitted.</p> <p>A floor space ratio of 1.27:1 or 271.8sqm is proposed.</p> <p>The proposed development complies with the maximum floor space ratio development standards applying to the site.</p>

Part 5 Miscellaneous provisions

Provision	Compliance	Comment
5.10 Heritage conservation	Partial compliance	<p>The site is located within the Paddington Urban Heritage Conservation Area (CA50).</p> <p>Whilst the application proposes conservation works which have heritage merit, some aspects of the development are inconsistent with the character of the surrounding area and will have a detrimental impact on the heritage significance of the heritage conservation area.</p> <p>See further details in the 'Discussion' section below.</p>

Part 6 Local provisions – height and floor space

Provision	Compliance	Comment
Division 4 Design excellence		
6.21 Design excellence	No	The proposed development does not demonstrate design excellence. See further details in the 'Discussion' section below.

Part 7 Local provisions – general

Provision	Compliance	Comment
Division 1 Car parking ancillary to other development		
7.4 Dwelling houses, attached dwellings and semi-detached dwellings	Yes	A maximum of 2 car parking spaces are permitted for each residential property. The proposed development includes 2 car parking spaces for 64 Selwyn Street only and complies with the relevant development standards with regard to quantum of permissible parking.
Division 4 Miscellaneous		
7.14 Acid Sulfate Soils	Yes	The site is located on land with class 5 Acid Sulfate Soils. The application does not propose works requiring the preparation of an Acid Sulfate Soils Management Plan.

Development Control Plans**Sydney Development Control Plan 2012**

40. An assessment of the proposed development against the relevant provisions within the Sydney Development Control Plan 2012 is provided in the following sections.

Section 2 – Locality Statements

41. The site is located within the Selwyn Street locality. The proposed development is partially in keeping with the unique character and the design principles of the Selwyn Street locality in that it seeks to respond to the heritage significance of the contributory terraces to which it relates, including conservation works to enhance the properties' contribution to the streetscape and the heritage conservation area.

42. Notwithstanding the above, the design and form of the proposed rear addition elements of the development are incongruous with the character of the existing terraces and are therefore not supported in their current form.
43. See further details under 'Discussion' section below.

Section 3 – General Provisions

Provision	Compliance	Comment
3.5 Urban Ecology	Partial compliance	<p>The proposed development involves the removal of 6 trees within the rear setback of the existing boarding house.</p> <p>The tree removal is supported in this instance due to the low retention value of these trees, noting that the majority are either under 5 metres in height and are exempt species of low value that provide minimal environmental benefit.</p> <p>Notwithstanding the above, the proposed Landscape Plans do not demonstrate that 15% canopy cover will be provided within each site as required by the Section 3.5.2 of the DCP.</p> <p>The application is not recommended for approval, however further information could be sought to demonstrate tree canopy coverage compliance in accordance with DCP requirements were it not for the separate threshold issue regarding the loss of affordable rental accommodation.</p>
3.6 Ecologically Sustainable Development	Yes	The proposal satisfies BASIX and environmental requirements.
3.8 Subdivision, Strata Subdivision and Consolidation	Yes	<p>The proposed development involves subdivision of the site into 4 lots. The new allotments are regular in shape and will not have a detrimental impact on the setting of the heritage conservation area.</p> <p>In isolation the proposed subdivision of the site is acceptable, however this aspect of the proposal is intrinsically linked with the unsupported conversion of the boarding house into private dwellings and therefore is not recommended for approval.</p>

Provision	Compliance	Comment
3.9 Heritage	Partial compliance	<p>The site is identified as contributory buildings located within the Paddington Urban Heritage Conservation Area (CA50).</p> <p>Whilst the application proposes conservation works which have heritage merit, some aspects of the development are inconsistent with the character of the surrounding area and will have a detrimental impact on the original form and character of the contributory terraces.</p> <p>See further details in the 'Discussion' section below.</p>
3.14 Waste	Yes	<p>The application has been referred to Council's Cleansing and Waste Unit who have raised no objection and advised that the proposed waste management arrangements for the development are acceptable.</p>

Section 4 – Development Types

4.1 Single Dwellings, Terraces and Dual Occupancies

Provision	Compliance	Comment
4.1.1 Building height	Yes	<p>The site is subject to two different building height in storeys controls.</p> <p>A maximum of 2 storeys in height control applies to 58-60 Selwyn Street and a maximum of 3 storeys in height control applies to 62-64 Selwyn Street.</p> <p>The proposed development is 2 storeys in height with attic level for each of the terraces at 58, 60 and 62 Selwyn Street and complies with the control.</p> <p>The proposed development is 3 storeys in height at 64 Selwyn Street which relates to the height of the existing property on site and complies with the control.</p>
4.1.2 Building setbacks	No	<p>The proposed rear additions are substantial and extend beyond the existing rear wings of 60 and 62 Selwyn</p>

Provision	Compliance	Comment
		<p>Street, as well as beyond the prevailing rear building line of existing development to the north of the site within the terrace row.</p> <p>The proposed development is not recommended for approval, however design amendments could readily reduce the extent of rear additions to be more in keeping with the predominant rear building line.</p>
<p>4.1.3 Residential amenity</p> <p>As outlined below, the application has failed to demonstrate that the proposed development will have acceptable residential amenity and will not have unreasonable impacts on the residential amenity of neighbouring properties.</p>		
4.1.3.1 Solar access	No	<p>The applicant has not provided shadow diagrams in plan and in elevation at hourly intervals to demonstrate that each of the dwellings will receive the minimum 2 hours' direct sunlight to living room windows and private open space areas between 9am and 3pm on 21 June.</p> <p>Accordingly, compliance with the DCP solar access provisions cannot be confirmed.</p>
4.1.3.4 Deep soil planting	Partial compliance	<p>The submitted plans generally demonstrate that each of the proposed dwellings will achieve 15% deep soil planting areas with the exception of 64 Selwyn Street.</p> <p>The minimum required deep soil area of 64 Selwyn Street equates to 32sqm, as 15% of the site area.</p> <p>The proposal provides 30.5sqm of deep soil planting areas on 64 Selwyn Street, which equates to a non-compliant 14.2% of the site area.</p>
4.1.3.5 Private open space	Yes	<p>All proposed dwellings achieve the minimum quantum of 16sqm private open space in compliance with the DCP requirements.</p>
4.1.3.6 Visual privacy	No	<p>The application proposes rear first floor Juliet balconies to each of the proposed new dwellings which will adversely impact upon the visual privacy across</p>

Provision	Compliance	Comment
		<p>side and rear boundaries in breach of the DCP provisions.</p> <p>There are also unresolved privacy issues between the proposed dwellings from new windows alongside boundaries and interfacing windows to the proposed adjoining courtyards of 58 and 60 Selwyn Street.</p>
4.1.4 Alterations and additions		
4.1.4.1 General	No	<p>The design and form of the proposed rear additions are uncharacteristic of the terrace row and incongruous with the prevailing character of the heritage conservation area.</p> <p>The proposed additions extend beyond the predominant rear building line alignment and will obscure the original form of the contributory terraces in breach of the DCP provisions.</p>
4.1.4.3 Wing additions	No	<p>The application proposes the reconstruction of the rear wing of 64 Selwyn Street, including raising of the existing roof height.</p> <p>Being a corner site, the rear wing to 64 Selwyn Street is highly visible. Whilst the Josephson Street frontage wall of the rear wing is proposed to be retained, the height and overall massing of the roof will be notably increased.</p> <p>The benefit for doing so appears to be providing for a non-habitable storage area within an enlarged roof space but resulting in unacceptable heritage impacts.</p> <p>The proposal will have a major impact on the rear wing chimney as the raising of the height of the roof will diminish its prominence, whilst its increase in massing will result in the chimney no longer being centred on the ridge, but sitting awkwardly to one side of it. It will also result in an uncharacteristically high and overly dominant rear wing roof in relation to the main part of the terrace.</p>

Provision	Compliance	Comment
		The proposal fails to respect the original character, form and detailing of the existing building and does not comply with the DCP provisions.
4.1.4.4 Pavilion additions	Partial compliance	<p>The application proposes rear pavilion additions to 58, 60 and 62 Selwyn Street.</p> <p>The proposed additions to 60 and 62 Selwyn Street have simple skillion roofs sloping sideways to the breezeway and can be read as a pair. The general style and form of the pavilion additions to these properties is acceptable and does not detract from the original built form or character of the terrace.</p> <p>Notwithstanding the above, the proposed pavilion form of 58 Selwyn Street is incongruous with the traditional style of the terrace and is not supported. The uncharacteristic gable roof form extends above the gutter line of the principal rear roof plane and obscures the original building form.</p>
4.1.5 Roof alterations and additions		
4.1.5 Roof alterations and additions - general	No	<p>The DCP objectives for roof alterations and additions seek to minimise the impact of dormers and skylights on the form, appearance and fabric of the principal roof form, as well as to minimise interference to the original form of the building.</p> <p>In this regard, the need for rear dormers to 58, 60 and 62 Selwyn Street is questionable given that they will be for non-habitable attic storage areas which have existing dormer windows and no stair access.</p> <p>It is considered that this intervention is unnecessary and compliance with the objectives of the control would be better served by preserving the rear roof plane and dormers as existing.</p>
4.1.7 Fences	Yes	The application proposes to retain the existing front fence to conserve the setting of the contributory terraces in

Provision	Compliance	Comment
		accordance with the provisions of the DCP.
4.1.8 Balconies, verandahs and decks	No	<p>The application proposes rear first floor Juliet balconies to each of the proposed new dwellings which will adversely impact upon the visual privacy across side and rear boundaries in breach of the DCP provisions.</p> <p>The proposed balconies are not a characteristic feature of the heritage conservation area and are not supported.</p>
4.1.9 Car parking	No	<p>The application proposes a garage with car stacker at the rear of 64 Selwyn Street.</p> <p>The proposed garage is non-compliant with the DCP as it cannot be accessed from a rear lane and will require the removal of existing street parking and new vehicle crossover to Josephson Street.</p> <p>The proposed two storey garage structure creates unnecessary visual bulk due to the proposed car stacker and will detract from the significance of the contributory terrace and prevailing character of the heritage conservation area.</p>

Discussion

Loss of Affordable Rental Housing

44. The principal threshold issue with the proposed development relates to the loss of existing affordable rental housing and the applicant's failure to adequately address the retention of affordable rental housing provisions, pursuant to Chapter 2 Part 3 of the Housing SEPP 2021.
45. As outlined earlier in this report under the section assessing the Housing SEPP provisions, the City of Sydney LGA currently has extremely low vacancy rates for rental accommodation, whilst the amount of affordable rental housing in the City remains very low at 0.76 per cent of total housing stock.
46. Accordingly, there is not sufficient comparable accommodation to satisfy the demand for affordable rental accommodation, which then presents difficulties in assisting residents being displaced to find alternative comparable accommodation, pursuant to Clause 47(2)(b) and 47(2)(d) of the Housing SEPP.

47. Clause 45 of the Housing SEPP provides that comparable accommodation means accommodation comparable with accommodation provided within an existing low-rental residential building the subject of a development application to which Part 3 of the Housing SEPP applies (Part 3 accommodation) because:
 - (a) it is in the same or a neighbouring suburb, and
 - (b) it is let at the same rental level as, or not more than 5 per cent higher than the rental level of, the Part 3 accommodation, and
 - (c) it is available for occupation on the day the development application is lodged, and
 - (d) for residential flat buildings—it comprises dwellings with the same number of bedrooms as the dwellings in the Part 3 accommodation.
48. The Guidelines for Retention of Affordable Rental Housing confirms that a Sydney vacancy rate of less than 3 per cent is deemed to indicate that insufficient comparable accommodation is available to mitigate the impact of the development on demand for such accommodation. When that is the case, no weight can be given in assessment of this criteria to information purporting to show a sufficiency of comparable accommodation and no further analysis is required to conclude that sufficient comparable accommodation is not available.
49. In this regard, the rental vacancy rates for the inner Sydney area for the three-month quarterly period preceding lodgement of the subject application (being May to July 2023) were between 1.9 per cent and 2.1 per cent (Source: Real Estate Institute New South Wales).
50. Accordingly, the applicant's assertion within the submitted Statement of Environmental Effects that there is sufficient comparable accommodation to satisfy demand in the area is rejected.
51. This then places further scrutiny on whether adequate arrangements have been made to assist the residents who are likely to be displaced to find comparable accommodation, pursuant to Clause 47(2)(d) of the Housing SEPP.
52. In this regard, the applicant's Statement of Environmental Effects states that *"the owner of the site will undertake adequate arrangements to assist in the residents finding future / comparable accommodation."*
53. No further detail is provided to specify what these arrangements would entail; however the adequacy and feasibility of any arrangements would be questionable given the significant undersupply of comparable accommodation across the LGA.
54. Further, the applicant's assertion that the proposed development will not result in a significant loss of affordable housing within the LGA is not supported.
55. The loss of 32 boarding house rooms is considered to be significant and will contribute to the cumulative loss of affordable housing.
56. Clause 47(2) of the Housing SEPP provides the consent authority with eight matters for consideration when determining whether to grant consent for development resulting in the loss of existing affordable rental housing.

57. Detailed assessment against each of these considerations - parts (a) to (h) of Clause 47(2) - is provided under the Housing SEPP section earlier in this report.
58. The Guidelines provide that the most fundamental criteria of the assessment is part (a) of Clause 47(2), relating to whether the development will reduce the amount of affordable housing in the area.
59. The seven provisions following this fundamental question provides consideration for whether the loss of affordable housing can be adequately mitigated, or whether the loss of affordable housing is justified in the circumstances of case (Clause 47(2) - parts b to h).
60. In this instance, as evidenced above, the proposed development will have a significant impact as it will reduce the availability of affordable housing within the area and will place additional strain on the already severely limited supply of comparable alternative accommodation.
61. The applicant has not provided a Social Impact Statement to assess whether the development is likely to result in adverse social and economic effects on the community pursuant to Clause 47(2)(c) of the Housing SEPP, however in light of the above considerations it is difficult to see how it will not.
62. Less housing choice for existing and potential residents contributes to a loss of household diversity (socio-economic, structure, age and ethnicity) and gentrification, increasing the social isolation of remaining low-income residents. In turn, increased competition for affordable rental housing can lead to an increase in rents, making housing less affordable for the community generally.
63. As a result, the displacement of existing residents who can no longer afford to live in the area causes break down of established social networks, resulting in social dislocation both for displaced residents and the community they are displaced from.
64. The Guidelines provide that where a development is likely to result in displacement of existing residents, arrangements to assist those residents to find satisfactory alternative accommodation must be identified.
65. The Guidelines emphasise this is a particularly important consideration for residents who may be at a competitive disadvantage in the rental market such as people who are elderly, unemployed, living with disability or on welfare benefits.
66. In this instance, whilst the socio-economic status of all residents within the boarding house is not known, it is noted that many of the residents are elderly and have been living at the premises for a very long time - some for over 20 years.
67. The lack of information provided in confirming how the existing residents would be assisted in finding alternative accommodation should the development progress is concerning and as such fails to satisfy Clause 47(2)(d) of the Housing SEPP.
68. Clause 47(2) parts (f) and (h) of the Housing SEPP requires that consideration be given to the existing building condition and the financial viability of the continued use of the property as a boarding house.
69. In relation to part (f) regarding the existing structural soundness of the building and compliance with relevant fire safety requirements, the applicant submits that the Cost of Works Report submitted with the application details all proposed works and that

- following these works the building will comply with relevant fire safety requirements and be structurally sound.
70. In this regard, it is noted that the Cost of Works Report details all proposed works for the entire development and does not separately delineate any upgrade works required to bring the building up to standard.
 71. Notwithstanding the above, it is noted that the most recent Annual Fire Safety Statement (AFSS) for the subject site was issued on 27 March 2023 which demonstrates no works are required to comply with the current fire safety schedule.
 72. Accordingly, it is therefore unclear from the information provided what upgrade works if any would be required for the building to comply with relevant fire safety requirements and be structurally sound.
 73. In tandem with the above, the applicant has provided insufficient information to demonstrate the viability of the continued use of the boarding house pursuant to Clause 47(2)(h) of the Housing SEPP, aside from stating that *"the financial viability of the continued use of the boarding house is not guaranteed"*.
 74. Clause 47(4) of the Housing SEPP provides that the continued use of a boarding house is financially viable if the rental yield of the boarding house is at least 6 per cent.
 75. The rental yield of a boarding house is determined by applying the formula provided by Clause 48(4) of the Housing SEPP. This formula takes into account the rental income of a property offset against boarding house expenses and capital depreciation. This figure is then divided by the value of the property were it to be purchased for the purposes of continuing its boarding house use in addition to the estimated costs of any upgrade works required to ensure the structural soundness and relevant fire safety compliance of the building.
 76. This formula produces a calculated rental yield for the boarding house, expressed as a percentage.
 77. The applicant has not provided adequate information to allow the verification of its submission that the boarding house is not financially viable or carry out assessment of the formula provided by Clause 48(4) of the Housing SEPP. The information needed to substantiate this claim would include rental ledgers for the past five years, detailed information regarding relevant expenses and associated depreciation and substantiated capital upgrade costs.
 78. If the boarding house was deemed to be financially unviable, notwithstanding the insufficient information provided by the applicant, it is important to note that financial viability is only one of eight criteria that has been prescribed by the Housing SEPP that must be considered in order to make a balanced assessment.
 79. While it is a 'crucial part of the assessment', as stated in the Guidelines, it is not the fundamental determinative factor in the assessment of the retention or removal of affordable housing. As stated, in this instance insufficient information has been provided to determine the financial viability of the boarding house. As such this consideration can be given no weight and precedence should be given to the negative impacts caused by the loss of boarding house accommodation given the circumstances of the current affordable rental housing market conditions across the City of Sydney LGA.

80. The final matter for consideration in assessing the loss of affordable rental accommodation is whether the imposition of an affordable housing condition requiring the payment of a monetary contribution would adequately mitigate the reduction of affordable housing resulting from the development, pursuant to Clause 47(2)(g) of the Housing SEPP.
81. In this regard, given the significant shortfall in available alternative accommodation, pressures on land and limited development capacity of the surrounding area it is unlikely that monetary contribution would adequately mitigate the reduction of affordable housing resulting from the development.
82. This is demonstrated by figures from the City of Sydney's Local Housing Strategy Technical Report 2020 which indicated that in 2014, there were 744 genuine boarding houses within the LGA, however by 2018 this figure had reduced to 623.
83. With increasing rents and continued housing affordability pressures across the LGA, it is imperative that the City's existing affordable rental housing stock is preserved in addition to the delivery of further affordable accommodation to address existing shortfalls.
84. Accordingly due to these existing pressures, it is considered that a monetary contribution would not adequately mitigate the loss of affordable rental housing resulting from the development.
85. In summary, the applicant has failed to adequately address the eight considerations in relation to developments resulting in the loss of existing affordable rental housing pursuant to Clause 47(2) of the Housing SEPP and there are insufficient planning grounds to justify the loss of existing accommodation.

Alterations and Additions

86. The application proposes substantial alterations and additions to each of the existing four contributory terraces on site.
87. It is acknowledged that some of these proposals have significant merit, notably the removal of the detracting front enclosures and reinstatement of front balconies to each of the terraces, greatly improving their streetscape appearance and enhancing their contribution to the heritage conservation area.
88. Notwithstanding the above, the proposed substantial rear additions are more problematic and uncharacteristic of the streetscape and the heritage conservation area.
89. The style and form of the rear additions are inconsistent with the design criteria outlined under Section 4.1.4 of the Sydney DCP and extend beyond the predominant rear building line of the terrace row, in breach of Section 4.1.2 of the DCP.
90. These proposals; in tandem with the proposed rear dormer additions to 58, 60 and 62 Selwyn Street and the proposed two-storey rear garage addition to 64 Selwyn Street; will detract from the original built form and interpretation of the existing terraces and are therefore not supported in their current form.
91. In isolation, the issues identified are not insurmountable and could be resolved by way of design amendments, however the application still faces the threshold issue regarding the loss of affordable rental even if all other design matters were to be resolved to Council's satisfaction.

Design Excellence

92. The proposed bulk, massing and modulation of the rear additions fail to respect the heritage significance of the contributory terraces and do not demonstrate a high standard of architectural design and detailing appropriate to the building, as required by the Design Excellence provisions of the Sydney LEP.
93. The applicant has provided insufficient information to determine solar access compliance, whilst the proposed development inadequately addresses visual privacy impacts across side and rear boundaries as a result of the proposed rear balconies and interfacing windows of the proposed dwellings.
94. The application therefore fails to demonstrate how the environmental impacts of solar access and visual privacy have been addressed, pursuant to Clause 6.21C(2)(d)(vii) of the Sydney LEP.
95. The application therefore fails to satisfy the Design Excellence provisions of the Sydney LEP.

Consultation

Internal Referrals

96. The application was discussed with Council's:
 - (a) Environmental Health Unit;
 - (b) Construction and Building Unit; and
 - (c) Waste Management Unit.
97. The above advised that the proposal would be acceptable subject to conditions.
98. The application was discussed with Council's Heritage and Urban Design Unit who raised concerns with the design and form of the rear additions in their current form, as detailed within the Assessment and Discussion sections of this report.
99. Council's Public Domain and City Access and Transport Unit's each raised concerns with regard to the proposed garage and vehicle crossover to Josephson Street.
100. Insufficient information has been provided by the applicant to demonstrate the feasibility of swept path movements for vehicles entering/exiting the proposed garage space, however approval for the proposed removal of on-street parking for garage access would require approval from the City's Local Pedestrian Cycling and Traffic Calming Committee.
101. It is noted that Section 3.11.11(8) of the Sydney DCP confirms that on-site parking may be refused where the required access arrangements would have an adverse impact on on-street parking.
102. The application was reviewed by the City's Tree Management Unit who were generally supportive of the proposed tree removal, however the applicant has not provided landscape plans to demonstrate that the proposed development will achieve 15 per cent tree canopy coverage within 10 years of completion pursuant to Section 3.5.2 of the Sydney DCP.

Advertising and Notification

103. In accordance with the City of Sydney Community Engagement Strategy and Community Participation Plan 2023, the proposed development was notified for a period of 28 days between 23 August 2023 and 21 September 2023. A total of 197 properties were notified and 27 submissions were received.

104. The submissions raised the following issues:

- (a) **Issue:** Concerns related to the loss of affordable rental housing accommodation.

Response: The application is recommended for refusal as the proposed development will result in the loss of existing affordable rental housing and the applicant has inadequately addressed the provisions of Clause 47 of the Housing SEPP 2021.

See detailed assessment under 'Discussion' section above.

- (b) **Issue:** Concerns that information provided by the applicant is inadequate to and fails to address requirements of Clause 47 of the Housing SEPP 2021.

Response: Council officers agree that the information provided by the applicant is inadequate and forms part of the recommended reasons for refusal of the application.

- (c) **Issue:** Concerns that the extent of demolition is excessive, whilst the form and style of the proposed rear additions are uncharacteristic of the surrounding area.

Response: The application is recommended for refusal, however Council officers acknowledge issues regarding the incongruous nature of the proposed rear additions and their adverse impact upon the existing contributory terraces.

See further details under 'Assessment' and 'Discussion' sections of this report.

- (d) **Issue:** Concerns that the proposed windows and balconies of the rear additions present privacy issues across side and rear boundaries.

Response: The application is recommended for refusal and Council officers are in agreement regarding the adverse visual privacy impacts presented by the proposed rear balconies and the proposed window arrangement.

See further details under 'Assessment' and 'Discussion' sections of this report.

- (e) **Issue:** Concerns that the proposed windows and balconies of the rear additions present privacy issues across side and rear boundaries.

Response: The application is recommended for refusal and Council officers are in agreement regarding the adverse visual privacy impacts presented by the proposed rear balconies and the proposed arrangement of windows within the rear additions.

See further details under 'Assessment' and 'Discussion' sections of this report.

- (f) **Issue:** Objection to proposed car stacker and garage at the rear of 64 Selwyn Street.

Response: The application is recommended for refusal and Council Officers do not support the proposed garage and car stacker at the rear of 64 Selwyn Street.

The proposed two storey garage structure is incompatible with the prevailing character along Josephson Street and would require the removal of existing on-street parking, which requires separate approval from the City's Traffic Committee and is unlikely to be supported.

Relevant Legislation

105. Environmental Planning and Assessment Act 1979.

Conclusion

106. The application proposes to convert an existing boarding house to four residential dwellings and as such will result in a significant loss of existing affordable rental accommodation in the form of 32-boarding house rooms.
107. The property has historically operated as a boarding house for as long as records can determine and has many long term and elderly residents, some of which have lived at the property for over 25 years.
108. There is a significant shortfall in the availability of affordable housing across the City of Sydney LGA as demonstrated by the extremely low vacancy rates and there are already significant pressures on the City's existing affordable housing stock.
109. The *Retention of Existing Affordable Rental Housing* provisions outlined under Chapter 2 Part 3 of the Housing SEPP 2021 provide a framework for assessment for the consent authority when assessing development proposals involving the loss of existing affordable rental housing accommodation.
110. Clause 47(2) of the Housing SEPP provides eight matters for consideration to determine whether the loss is acceptable, or whether adequate measures are in place to mitigate the adverse social and economic impact of the proposed development by assisting residents in finding suitable alternative accommodation.
111. In this instance, the loss of affordable housing is not acceptable due to the significant shortfall and pressures on affordable rental accommodation that exist across the LGA.
112. The application fails to adequately address the matters for consideration under Clause 47(2) of the Housing SEPP and fails to demonstrate how existing residents being displaced can be supported in finding alternative suitable accommodation.
113. Accordingly, the application is recommended for refusal on the grounds that there is insufficient comparable accommodation to satisfy the demand for affordable rental housing and the applicant has failed to adequately address the matters for consideration under Clause 47(2) of the Housing SEPP.

ANDREW THOMAS

Executive Manager Planning and Development

Daniel Stanley