



Amended Statement of Environmental Effects

31 SECOND AVENUE

KINGSWOOD

6 SEPTEMBER 2018



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QUALITY ASSURANCE

Project:	Boarding House
Address:	31 Second Avenue, Kingswood
Lot /DP:	Lot 3 DP 39084
Council:	Penrith City
Author:	Think Planners Pty Ltd

Date	Purpose of Issue	Rev	Reviewed	Authorised
September 2018	Draft Issue	Draft	LK	JW
September 2018	DA Lodgement Issue	Final	LK/JW	JW

Integrated Development (under S91 of the EP&A Act). Does the development require approvals under any of the following legislation?

<i>Fisheries Management Act 1994</i>	<i>No</i>
<i>Heritage Act 1977</i>	<i>No</i>
<i>Mine Subsidence Act 1992</i>	<i>No</i>
<i>Mining Act 1992</i>	<i>No</i>
<i>National Parks and Wildlife Act 1974</i>	<i>No</i>
<i>Petroleum (Onshore) Act 1991</i>	<i>No</i>
<i>Protection of the Environment Operations Act 1997</i>	<i>No</i>
<i>Roads Act 1993</i>	<i>No</i>
<i>Rural Fires Act 1997</i>	<i>No</i>
<i>Water Management Act 2000</i>	<i>No</i>

Concurrence

<i>SEPP 1- Development Standards</i>	<i>No</i>
<i>SEPP 64- Advertising and Signage</i>	<i>No</i>
<i>SEPP 71 – Coastal Protection</i>	<i>No</i>
<i>SEPP (Infrastructure) 2007</i>	<i>No</i>
<i>SEPP (Major Development) 2005</i>	<i>No</i>
<i>SREP (Sydney Harbour Catchment) 2005</i>	<i>No</i>

EXECUTIVE SUMMARY

This amended Statement of Environmental Effects has been prepared in support of a Development Application for the demolition of existing structures in order to construct a New Generation 'Boarding House' with basement parking at 31 Second Avenue, Kingswood. It is noted DA17/1222 was not-determined by Penrith City Council with the development proposing: *"Consent for the demolition of existing structures in order to construct a New Generation 'Boarding House' on site."* Subsequent to the lodgement of that DA and the assessment the parking rates associated with SEPP (Affordable Rental Housing) 2009 were changed from 0.2 spaces per room to 0.5 spaces per room and Council is enforcing strict compliance with the new parking provision. On that basis a full redesign with a semi-basement parking area is proposed to comply with the new parking rate.

The proposed boarding house is to accommodate a total of 18 rooms/suites, each with full bathroom, kitchenette and living area. The boarding house will accommodate a total of 19 lodgers based on the room size and configuration and as nominated on the plans, noting that 17 single rooms are proposed and 1 x double room (which is also the accessible room). It is noted the proposal also provides a communal area and an outdoor common area with each lodger having access to this area at the ground floor level. A schedule of room areas (gross and net) is provided to confirm that each room meets the relevant size requirement excluding kitchen and bathroom areas.

Legally known as Lot 3 DP 39084, the site is located on the northern side of Second Avenue, approximately 600m west from the intersection of O'Connell Street and Second Avenue. Situated directly opposite the Western Sydney University – Penrith Campus car park and also within walking distance from TAFE NSW College Kingswood, the development site can be best described as a regular shaped land parcel with a frontage of 15.24m to Second Avenue, a site depth of approximately 46m resulting in a total site area of 705m². It is noted the sites neighbouring property to its east is a childcare centre noting the proposals parking layout will be similar. In addition, Western Sydney University has a large at grade car parking area at the front of the site. This is the design rationale for the at grade parking areas proposed as part of this development.

The site is also within close proximity to Nepean Hospital, Kingswood Commercial Precinct, suburban train station, local primary school (Kingswood Primary School), child care centres, large parks/sportsground with a bus stop with regular services to Penrith situated 50m on the northern side of Second Avenue with services to Mt Druitt.

The site and the broader locality is zoned R3 Medium Density Residential under the Penrith Local Environment Plan 2010. Despite its R3 zoning which permits medium density residential developments including multi-dwelling housing, the built form along the northern side of Second Avenue comprises predominantly of older style single storey dwellings within a garden setting interspersed by larger two storey dwellings and dual occupancies as well as boarding houses and a small number of child care centres.

Renewal of the locality is inevitable and potential residential redevelopment patterns and form is heavily dictated by historical subdivision patterns, which will dictate the shape and form of residential areas.

The immediate locality comprises predominantly of smaller lots which are not inductive to undertaking redevelopment for multi dwelling housing which typically requires cluster of large and deep lots and as such land parcels along the northern side of Second Avenue are more likely to be redeveloped as larger modern two storey forms including dual occupancies and unlikely to be redeveloped for multi dwelling housing in the medium term and as such the proposed new age boarding housing is designed to appear as a large two storey duplex set within a landscape setting to be consistent with the existing and anticipated higher-intensity low density housing character of the immediate locality.

'Boarding Houses' are permissible with consent within the R3 Medium Residential zone with the application made pursuant to State Environmental Planning Policy (Affordable Rental Housing) 2009. The development proposes to provide affordable rental housing, noting that students are to be a key target market for future residents considering the site's proximity to an established university and TAFE.

Consideration has been given to the potential environmental and amenity impacts that are relevant to the proposed development and this report addresses these impacts.

Following a review of the relevant planning controls, it is concluded that the proposed development is consistent with the objectives, planning strategies and detailed controls of these planning documents.

Having regard to the benefits of the proposal and considering the absence of adverse environmental, social or economic impacts, the application is submitted to Council for assessment and granting of development consent. Think Planners Pty Ltd recommends the approval of the application, subject to necessary, relevant and appropriate conditions of consent.

SITE AND LOCALITY DESCRIPTION

LEGAL DESCRIPTION

The site is legally described as Lot 3 in DP 39084, though is more commonly known as 31 Second Avenue, Kingswood.

SUBJECT SITE

The site is located on the northern side of Second Avenue, approximately 600m west from the intersection of O'Connell Street and Second Avenue. Situated directly opposite the University of Western Sydney – Penrith Campus car park and within walking distance from TAFE NSW College Kingswood, the development site can be best described as a regular shaped land parcel with a frontage of 15.24m to Second Avenue, a site depth of approximately 46m resulting in a total site area of 705m².

The subject site currently accommodates an older style residential dwelling, vehicle cross-over, driveway, vegetation and associated structures, as demonstrated by Photograph 1 below.

Photograph 1: Shows the Subject site as viewed via Secondary Avenue



The site is also within proximity to Nepean Hospital, Kingswood Commercial Precinct, suburban train station, local primary school (Kingswood Primary School), child care centres, large parks/sportsground with a bus stop with regular services to Penrith situated 50m on the northern side of Second Avenue with services to Mt Druitt.

The site itself is bounded by single storey residential dwellings to its northern, eastern and western boundaries with Second Avenue separating the site from grounds associated with the Western Sydney University to the south. The development proposes to provide affordable rental housing, noting that students are to be a key target market for future residents considering the site's proximity to an established university and TAFE.

This is illustrated by an aerial map below, noting a more recent aerial photograph is provided over the page showing the child care centre and associated carpark.

Figure 1: Aerial Map Extract of Subject Site (Six Maps)



Figure 2: Aerial Map Extract of Subject Site Showing Child Care Centre adjoining and at grade car parking area.



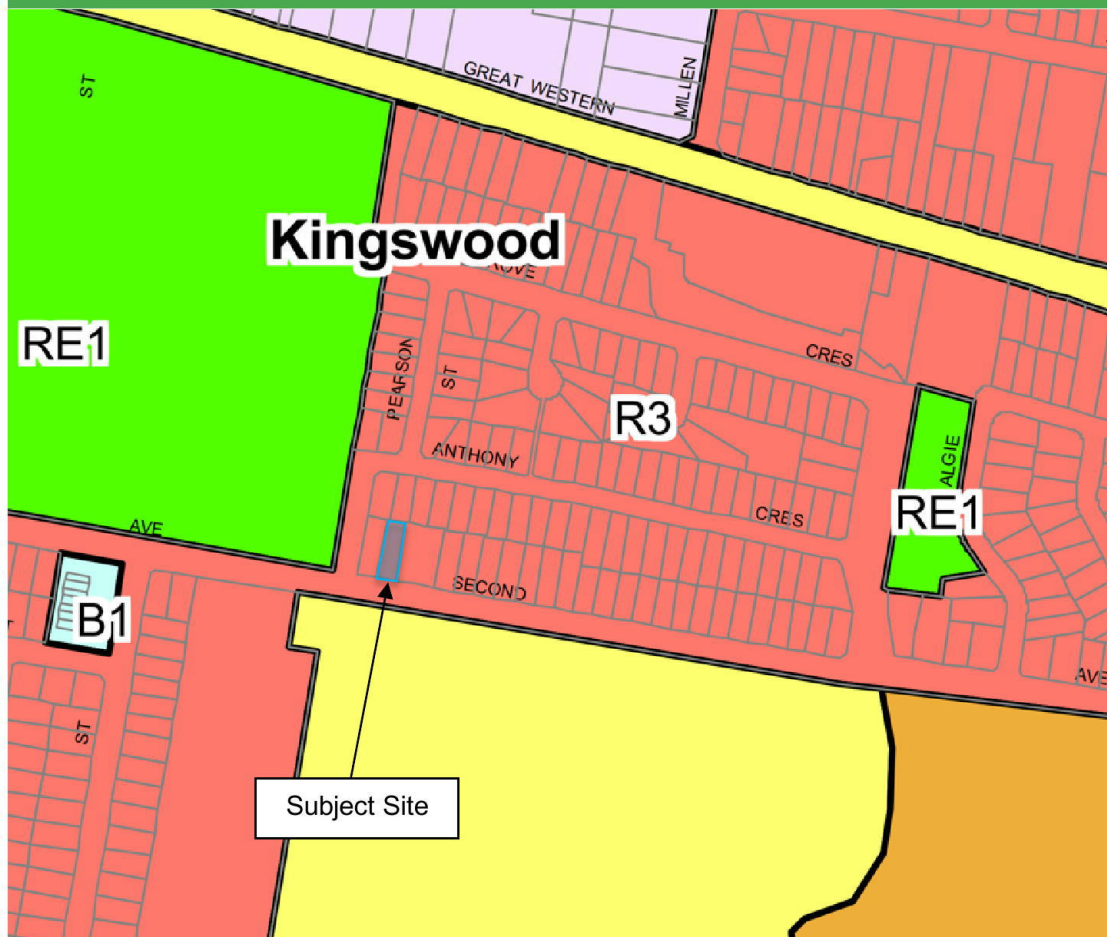
ZONING CONTROLS

The site is zoned R3 Medium Density Residential under the provisions of the Penrith Local Environmental Plan 2010 and is attributed with a maximum permitted building height limit of 8.5m. Council's zoning map extract is provided overleaf.

The site and the broader locality is zoned R3 Medium Density Residential under the Penrith Local Environment Plan 2010. Despite its R3 zoning which permits medium density residential developments including multi-dwelling housing, the built form along the northern side of Second Avenue comprises predominantly of older style single storey dwellings within a garden setting interspersed by larger two storey dwellings and dual occupancies as well as boarding houses and child care centres.

'Boarding Houses' are permissible with consent within the R3 Medium Residential zone with the application made pursuant to State Environmental Planning Policy (Affordable Rental Housing) 2009.

Figure 2: Zoning Map Sheet LZN_013 Extract (Source: Penrith LEP 2010)



LOCALITY ANALYSIS

An analysis of the built form character along Second Avenue indicates that single storey dwellings set within a garden setting is the predominant dwelling form interspersed by larger two-storey dwellings and dual occupancies.

Renewal of the locality is inevitable and potential residential redevelopment patterns and form is heavily dictated by historical subdivision patterns, which will dictate the shape and form of residential areas. The immediate locality comprises predominantly of smaller lots which are not inductive to undertaking redevelopment for multi dwelling housing which typically requires cluster of large and deep lots and as such land parcels along the northern side of Second Avenue are more likely to be redeveloped as larger modern two storey forms including dual occupancies and unlikely to be redeveloped for multi dwelling housing in the medium term and as such the proposed new age boarding housing is designed to appear as a large two storey duplex set within a landscape setting to be consistent with the existing and anticipated higher-intensity low density housing character of the immediate locality.

Figure 3: Locality Aerial Map Extract of Subject Site (GoogleMaps 2017)



BROADER LOCALITY ANALYSIS

The subject area is ideal to accommodate a new age boarding house due to its proximity to Nepean Hospital, Kingswood Commercial Precinct, local primary school (Kingswood Primary School), child care centres, large parks/sportsground and public transportation (suburban train station and local bus stops with services between Penrith and Mt Drutt). The site is also serviced by key road networks including The Great Western Highway, as illustrated by an aerial map of the broader locality below.

The development proposes to provide affordable rental housing, noting that students are to be a key target market for future residents considering the site's proximity to an established university. Photographs are provided overleaf that give context to the locality and the relationship of the development site with adjoining developments.

Figure 3: Broader Aerial Map Extract of Subject Site (GoogleMaps 2017)



Photograph 2: Shows a bus stop via Secondary Avenue within 50m of the site



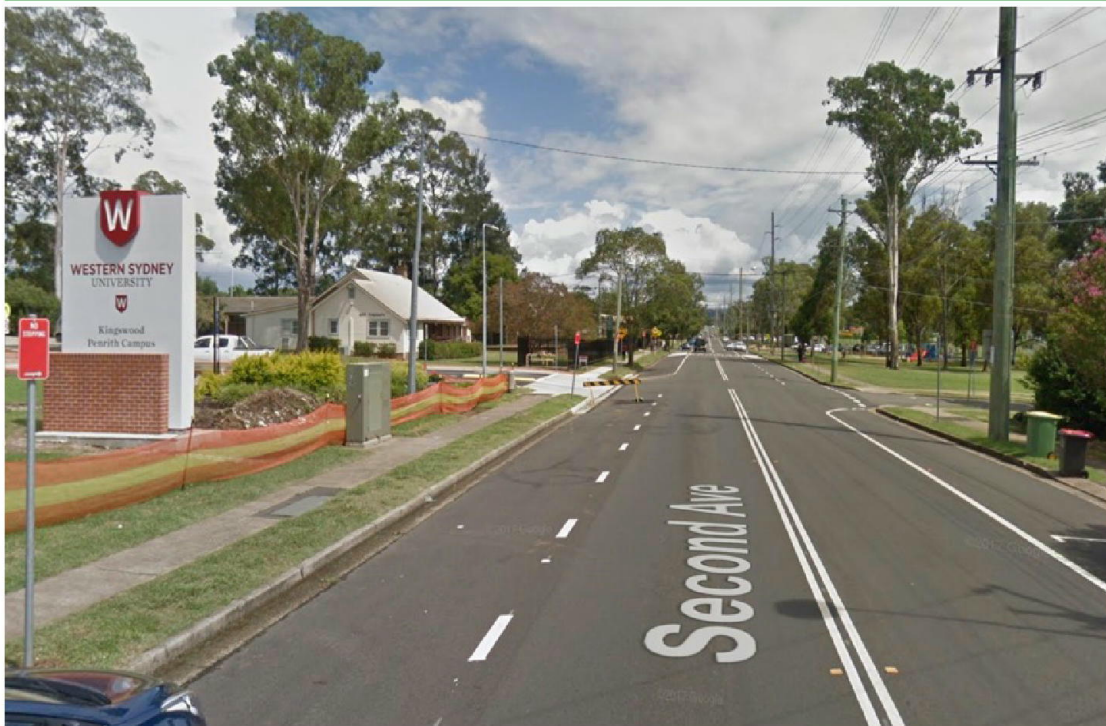
Photograph 3: Shows WSU opposite the site viewing southwards



Photograph 4: Streetscape via Second Avenue as viewing eastwards



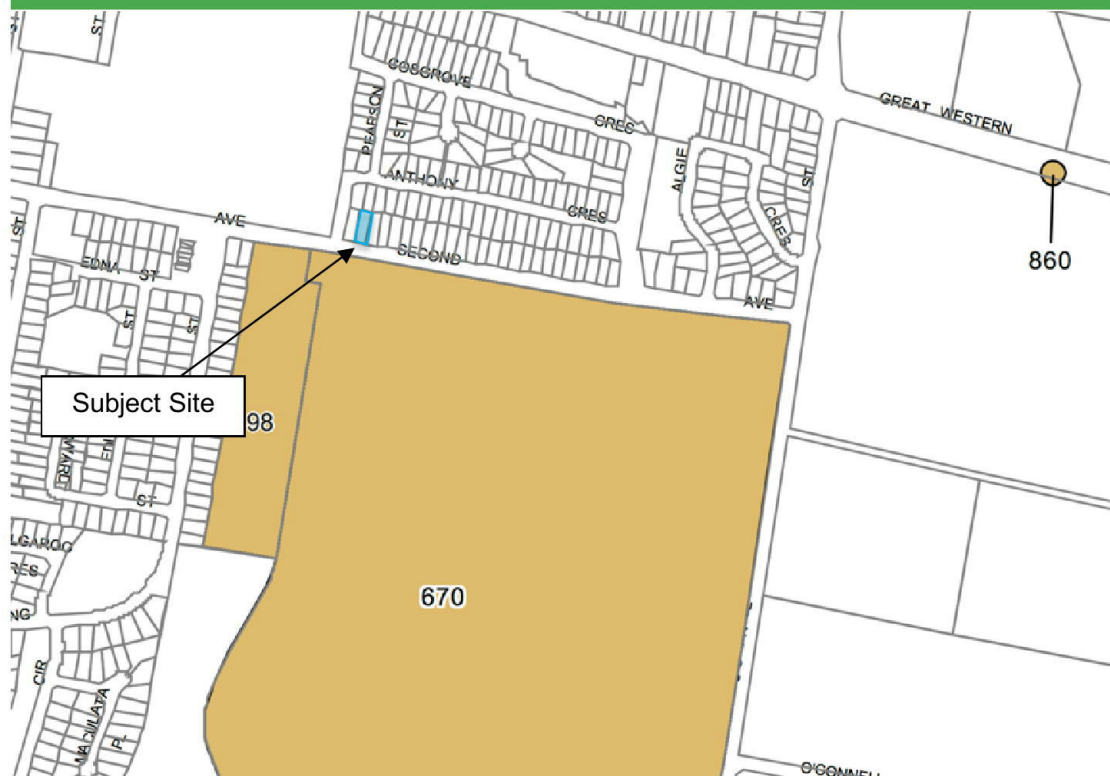
Photograph 5: Streetscape via Secondary Avenue as viewing westwards



HERITAGE

The site is not identified as a heritage item, and it is not located within a heritage conservation area, however there is a heritage item (I670) located near the subject site, as illustrated by Council's Heritage Map Extract below. Item 670 is a former Teacher's Residence and is an item of local significance, noting that Kingswood Public School is also listed.

Figure 4: Heritage Map Sheet HER_013 Extract (Source: Penrith LEP 2010)



Due to the nature of the proposal and physical separation to the item there is no impact on the setting of the nominated heritage item as it is located on the southern side of Second Avenue within the grounds of the University and school.

Given the separation the proposal will have no impact on the curtilage associated with the heritage item and therefore the development will have no impact on the heritage significant of heritage item 670 or 98. As a result, the subject site will not have any associated heritage restrictions.

A heritage impact statement is not deemed to be necessary.

BRIEF HISTORY

DA17/1222 was not-determined by Penrith City Council with the development proposing: *"Consent for the demolition of existing structures in order to construct a New Generation 'Boarding House' at 31 Second Avenue, Kingswood. "*

A summary of the relevant aspects of DA/17/1222 is provided below:

- The boarding house proposed to accommodate a total of 17 rooms/suites, each with full bathroom, kitchenette and living area.
- The boarding house featured a total of 19 lodgers based on the room size and configuration and as nominated on the plans, noting that 15 single rooms are proposed and 2 double rooms.
- The proposal provided 4 parking spaces including 1 accessible parking space, 4 motorcycle parking spaces and 4 bicycle parking spaces all located within the front setback. Two (2) accessible rooms are provided on the ground floor level.
- The rear of the ground floor also comprises of a seating area and communal open space with an internal communal room provided.

The proposal was subjected to the new parking requirements associated with SEPP (Affordable Rental Housing) 2009 which has resulted in a re-design to accommodate a basement parking area and reconfiguration to the building in order to comply with the new parking rates which are being applied retrospectively.

DESCRIPTION OF PROPOSAL

The Amended Development Application seeks consent for the demolition of existing structures in order to construct a New Generation 'Boarding House' with basement parking at 31 Second Avenue, Kingswood.

The proposed boarding house is to accommodate a total of 18 rooms/suites, each with full bathroom, kitchenette and living area. The boarding house will accommodate a total of 19 lodgers based on the room size and configuration and as nominated on the plans, noting that 17 single rooms are proposed and 1 x double room (which is also the accessible room). It is noted the proposal also provides a communal area and an outdoor common area with each lodger having access to this area at the ground floor level. The proposal also provides a total of 10 parking spaces including 1 accessible parking space, 4 motorcycle parking spaces and 4 bicycle parking spaces.

The proposal is purpose built to provide low cost flexible rental accommodation to a wide range of tenants. Most tenants are likely to be students from Western Sydney University, but may also include single retirees, working singles and young couples.

A summary of the relevant aspects of the proposal is provided below:

Level	Inclusion
Semi Basement Level	<u>Vehicular</u> Vehicular Access to the parking area is from a vehicle crossover and driveway via Second Avenue. Internal circulation areas and turning areas are of sufficient size to permit vehicles to enter and exit in a forward direction. <u>Parking</u> A total of 9 parking spaces and 4 motorbikes spaces are provided within the basement level.
Ground Floor	Access <u>Vehicular</u> Vehicular Access to the parking area is from a vehicle crossover and driveway via Second Avenue. Internal circulation areas and turning areas are of sufficient size to permit vehicles to enter and exit in a forward direction. <u>Pedestrian</u> Pedestrian access to the site is via a north-south running walkway from Second Avenue, that runs along the site's western boundary.

	The walkway provides direct access to the boarding house, communal bin holding area and bulky storage room, parking area and the communal open space area towards the rear portion of the site. Parking The development provides a total of an accessible car parking space at grade as well as a Shared zone that doubles as a shared entry area. Parking spaces for 4 bicycles. Boarding House – Rooms/Suites The ground floor contains 6 rooms/suites (including 1 x accessible), each with full bathroom, kitchenette and living area. Common room and common open space including a communal laundry (dryers included) Bin storage room located at the front of the site Storage area. Internal stairwell to upper floor.
First Floor	12 boarding house rooms with each room including bedrooms, kitchenettes, living room space and bathrooms. Internal foyer Stairwell to ground floor.
	The proposal is purpose built to provide low cost flexible rental accommodation to suit a range of potential tenants, with an aim of targeting students that might be attending the local university. The boarding house will accommodate a maximum of 19 lodgers (based on room configuration). The boarding house has been designed to present as a large two storey dual occupancy in order to be consistent with the existing and anticipated 2 storey low density built form character within the immediate locality. The development also incorporates contemporary architectural aesthetics that relate to existing development in proximity to the site and are sympathetic to the nature and character of the area. Design consideration has been given to the scale, size and form of the proposal in relation to the unique characteristics of the site, adjoining residences and existing and anticipated character of the area. Design consideration has also been given to residential amenity including aspects such as privacy and solar access for both future residents of the proposal and those of surrounding properties. The proposal also incorporates several ancillary elements, including detailed landscape embellishment works and relevant drainage elements as shown on the submitted plans.

The relevant architectural plans for the proposal have been prepared by Australian Sustainable Design and Construction Pty Ltd, while supporting reports have been prepared by relevant consultants. The design of the proposal development incorporates contemporary architectural aesthetics that aims to be consistent with the character in the locality.

PLANNING CONTROLS

STATUTORY CONTROLS

The relevant Statutory Planning Controls include:

- State Environmental Planning Policy BASIX
- State Environmental Planning Policy No. 55 – Remediation of Land
- State Environmental Planning Policy- Vegetation in Non-Rural Areas) 2017
- State Environmental Planning Policy (Affordable Rental Housing) 2009
- State Environmental Planning Policy (Infrastructure) 2007
- State Regional Environmental Plan (SREP) NO. 20 – Hawkesbury Nepean River
- Penrith Local Environmental Plan 2010

POLICY CONTROLS

The applicable policy control documents include:

- Penrith Development Control Plan 2014

CONSIDERATION OF PLANNING CONTROLS

The following summarises the relevant planning controls in relation to the proposal and the compliance of each.

STATE ENVIRONMENTAL PLANNING POLICY (BASIX) 2004

The proposal is supported by a BASIX certificate.

STATE ENVIRONMENTAL PLANNING POLICY NO. 55 – REMEDIATION OF LAND

Given the historical use of the locality for residential purposes, land contamination is not likely. A review of aerial photographs and the site itself does not indicate any potentially contaminating activities occurring on the site and therefore Clause 7 is satisfied.

Further investigation and reporting under SEPP 55 is not considered necessary as there is no underlying change of use of the land and as such Clause 7 of the SEPP is satisfied.

If any contaminated material or suspected contaminated material is unearthed during the construction process, then actions consistent with the legislative requirements and guideline document will be undertaken.

STATE ENVIRONMENTAL PLANNING POLICY – (VEGETATION IN NON-RURAL AREAS) 2017

State Environmental Planning Policy (Vegetation in Non-Rural Areas) was introduced in August 2017. This SEPP seeks to protect the biodiversity values of trees and other vegetation in non-rural areas of the state, and to preserve the amenity of non-rural areas of the State through the appropriate preservation of trees and other vegetation.

The subject site is within a well-established residential area, having historically been used for residential purposes.

This application seeks Council consent for the removal of a few small trees/shrubs on site as identified in the attached plans. It is highlighted that no significant vegetation is to be impacted as part of the proposal.

Extensive landscape embellishment works including landscaping along the sites front, side and rear setbacks will be undertaken as part of the proposal in accordance with the attached Landscape Plan. The landscape treatment will soften the built form, assist with maintaining privacy and help to integrate the development with the site's context.

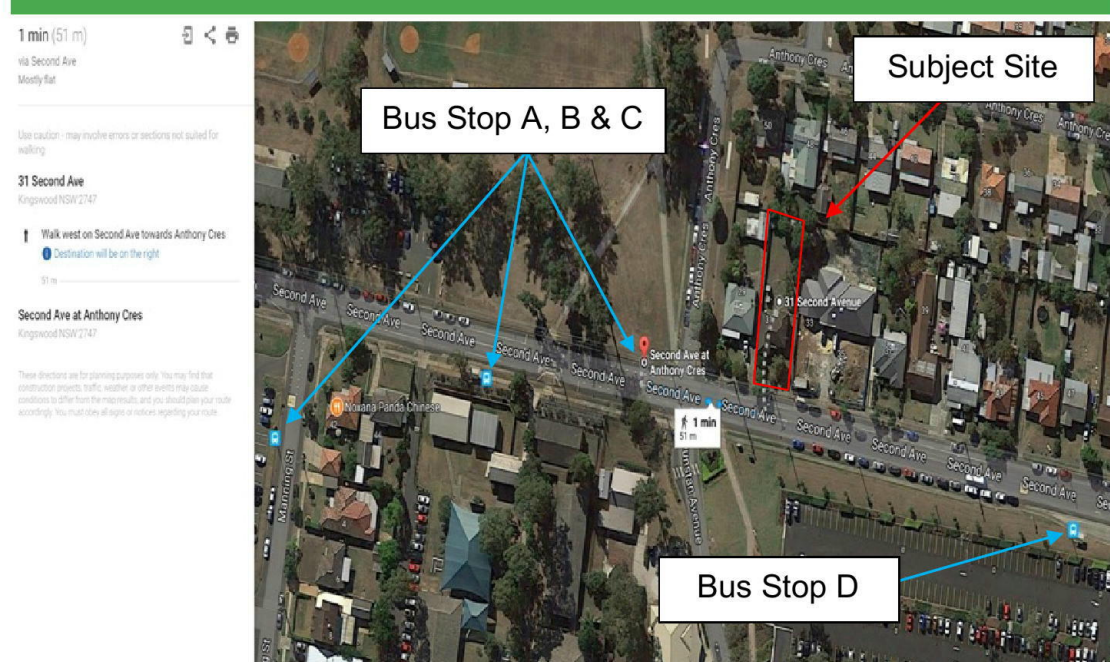
STATE ENVIRONMENTAL PLANNING POLICY (AFFORDABLE RENTAL HOUSING 2009)

The SEPP permits Boarding Houses on land zoned residential, neighbourhood, local centre and mixed use. The effect of the SEPP is to confirm that such uses are consistent with the objectives of the zone.

The site is located within an 'accessible area' being within 400m of a bus stop that provides the required level of service as defined in the SEPP. As shown on the map extract in the following page, a local bus stop that provides an hourly service to Penrith via the 770/774/775/776 bus routes that run between 06.00 and 21.00 from Monday to Friday and between 08.00 and 18.00 on each Saturday and Sunday, is situated opposite the subject site and two bus stops with that provides an hourly service to Mt Druitt via the 770/774/775/776 bus routes that run between 06.00 and 21.00 from Monday to Friday and between 08.00 and 18.00 on each Saturday and Sunday, is situated approximately 240m west from the development site.

The level of service complies with the SEPP requirements to be considered as an 'accessible area'.

Figure 5: Bus stop location (Google Maps 2017)



The proposal will provide affordable rental housing within medium density residential zoned land to address current shortages in the availability of affordable rental housing. The table below provides discussion against the relevant provisions of the SEPP.

SEPP ARH Requirement

3 Aims of Policy

The aims of this Policy are as follows:

- (a) to provide a consistent planning regime for the provision of affordable rental housing,
- (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,
- (c) to facilitate the retention and mitigate the loss of existing affordable rental housing,
- (d) to employ a balanced approach between obligations for retaining and mitigating the loss of existing affordable rental housing, and incentives for the development of new affordable rental housing,
- (e) to facilitate an expanded role for not-for-profit-providers of affordable rental housing,
- (f) to support local business centres by providing affordable rental housing for workers close to places of work,
- (g) to facilitate the development of housing for the homeless and other disadvantaged people who may require support services, including group homes and supportive accommodation.

The proposal is for a form of affordable housing directly sought in the SEPP. The proposal will result in the addition of affordable short-term rental housing in the area that is close to public transport and as such is consistent with the aims of the policy.

25 Definition

In this Division:

Communal living room means a room within a boarding house or on site that is available to all lodgers for recreational purposes, such as a lounge room, dining room, recreation room or games room.

The development provides a common living room and communal open space.

26 Land to which Division applies

This Division applies to land within any of the following land use zones or within a land use zone that is equivalent to any of those zones:

- (a) Zone R1 General Residential,
- (b) Zone R2 Low Density Residential,
- (c) Zone R3 Medium Density Residential,
- (d) Zone R4 High Density Residential,
- (e) Zone B1 Neighbourhood Centre,
- (f) Zone B2 Local Centre,
- (g) Zone B4 Mixed Use.

The site is zoned R3 Medium Density Residential.

27 Development to which Division applies

This Division applies to development, on land to which this Division applies, for the purposes of boarding houses.

28 Development may be carried out with consent
Development to which this Division applies may be
carried out with consent.

Consent is sought in this development application.

29 Standards that cannot be used to refuse
consent

(1) A consent authority must not refuse consent to
development to which this Division applies on the
grounds of density or scale if the density and scale
of the buildings when expressed as a floor space
ratio are not more than:

There is no applicable maximum FSR for land zoned
R3 within Penrith LEP 2010.

(a) the existing maximum floor space ratio for any
form of residential accommodation permitted on the
land, or

(2) A consent authority must not refuse consent to
development to which this Division applies on any
of the following grounds:

(a) building height

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,

Development comply with prescribed height
controls under the Penrith LEP.

(b) landscaped area

if the landscape treatment of the front setback area
is compatible with the streetscape in which the
building is located,

The front setback landscape treatment is
compatible with the existing streetscape, noting a
street tree is to be retained and the proposal has
increased the extent of landscaped area in the front
setback area.

In relation to the front setback treatment the
proposal has incorporated a basement level.
However, the proposed development taken cues
from the adjoining child care centre which features
an at grade parking area, noting an accessible car
parking space is provided at grade with landscaped
areas located on the western side of the shared
zoned as well as the hedge plantings on the eastern
side of the building. This approach is reasonable
having regard to that site as well as the WSU
parking area opposite the site. In addition, the
proposal has adopted screen plantings in front of the
bin storage areas to screen the bin storage areas.
The front setback is considered to be reasonable on
this basis and having regard to the adjoining site
noting Lilly Pilly's are proposed as a hedge along the
front boundary.

See landscaping plans for detail.

solar access

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,

(d) private open space

if at least the following private open space areas are provided (other than the front setback area):

- (i) one area of at least 20 square metres with a minimum dimension of 3 metres is provided for the use of the lodgers,
 - (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,
 - (e) parking
- if not more than:

(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

(f) accommodation size

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) 12 square metres in the case of a boarding room intended to be used by a single lodger, or
- (ii) 16 square metres in any other case.

(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.

30 Standards for boarding houses

(1) A consent authority must not consent to development to which this Division applies unless it is satisfied of each of the following:

- (a) if a boarding house has 5 or more boarding rooms, at least one communal living room will be provided,
- (b) no boarding room will have a gross floor area (excluding any area used for the purposes of

One communal area is provided to the boarding house. The communal living room receives at least 3 hours of direct sunlight from 12 noon to 3pm.

The proposal provides substantial private open space area to the rear of the site with depth greater than 3m and a total area over 20m², and as such is compliant with the SEPP.

The proposal is for an 18-room boarding house accommodating 19 lodgers and therefore a boarding house manager is not required, noting a total of 20 or more lodgers triggers the need to provide an on-site boarding house manager.

$0.5 \times 18 = 9$ (9) car parking spaces.

The application proposes 9 resident car parking spaces within a basement level as well as an accessible parking space at grade, resulting in a total of 10 spaces.

The proposal also provides for 4 motorcycle parking spaces and 4 bicycle parking spaces, which complies with the SEPP.

All single lodger rooms are >12m² when excluding the kitchen and bathroom areas, noting the proposal only provides room/suites intended to be used by a single lodger as all rooms are less than 16m² excluding kitchen and bathroom areas. Each room has a kitchen and bathroom.

A communal living room is provided on the ground floor with generous ancillary outdoor space.

The rooms/suites measure no more than 25m² in area in total, noting the largest room/suite is 24.85m² in size.

private kitchen or bathroom facilities) of more than 25 square metres,	No more than 1-2 adult lodgers are intended, noting 1 single rooms and 2 double rooms. A condition to this effect is anticipated.
(c) no boarding room will be occupied by more than 2 adult lodgers,	
(d) adequate bathroom and kitchen facilities will be available within the boarding house for the use of each lodger,	All boarding rooms are self-contained suites containing a kitchen and bathroom.
(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,	The boarding has the capacity to accommodate up to 19 lodgers and as such a boarding house manager is not needed to be provided on-site.
(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,	Not applicable.
(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.	The proposal makes provision for 4 bicycle parking spaces and 4 motorcycle parking spaces, which complies with the SEPP.
52 No subdivision of boarding houses A consent authority must not grant consent to the strata subdivision or community title subdivision of a boarding house.	No subdivision is proposed.
30A Character of Local Area A consent authority must not consent to development to which this Division applies unless it has taken into consideration whether the design of the development is compatible with the character of the local area.	An analysis of the character of the local area and the compatibility of a boarding house is provided separately below.

Character of the Local Area

The SEPP requires consideration as to whether the design of the development is compatible with the character of the local area. The question of compatibility is set out in the planning principle set out in *Project Venture Developments v Pittwater Council (2005) NSW LEC 191*. A decision in *Moscaritolo v Ryde City Council [2012] NSWLEC 1024* reinforced that the planning principle is relevant to development to which the Affordable Rental Housing SEPP applies. A discussion of the character of the locality is provided as well as assessment of the compatibility of the proposal that aligns with the planning principle.

Existing Character

The existing character of the locality is of 1-2 storey residential dwellings of mixed age and architectural style. Given the age of housing stock in the locality a key consideration in the current circumstance is the form of development anticipated for the area. As addressed, the site is zoned R3 Medium Density Residential under the Penrith LEP 2010 and boarding houses, multi-unit housing, dual occupancies, semi-detached dwellings and dwelling houses are permissible on the site and in the surrounding locality.

Renewal of established residential estate is inevitable and potential residential redevelopment pattern and form is heavily dictated by historical subdivision patterns, which will dictate the shape and form of residential areas. The immediate locality comprises predominantly of smaller lots which are not inductive to undertaking redevelopment for multi dwelling housing which typically requires cluster of large and deep lots and as such land parcels along the northern side of Second Avenue are more likely to be redeveloped as larger modern two storey dwelling and large two storey duplex and unlikely to be redeveloped for multi dwelling housing in the medium term and as such the proposed new age boarding housing is designed to appear as a large two storey duplex set within a low-residential density landscape setting to be consistent with the existing and anticipated higher-intensity low density housing character of the immediate locality- noting adjoining properties are sized for dual occupancy developments rather than multi-unit housing and therefore adopting those controls as a guide for the building footprint are considered most suitable.

In consideration of the likely future character of this local area and anticipated building forms, the current proposal will be entirely consistent with the future character of the locality as envisaged under the controls contained within the Penrith LEP 2010. Further it will not be out of context with the existing established character.

Compatibility of the Proposal with the Character of the Area

In accordance with the Planning Principle set out in *Project Venture Developments v Pittwater Council (2005) NSW LEC 191* the following tests apply in determining whether development is compatible with surrounding development:

24 *Where compatibility between a building and its surroundings is desirable, its two major aspects are physical impact and visual impact. To test whether a proposal is compatible with its context, two questions should be asked.*

1. *Are the proposal's physical impacts on surrounding development acceptable?
The physical impacts include constraints on the development potential of surrounding sites.*
2. *Is the proposal's appearance in harmony with the buildings around it and the character of the street?*

These questions will be dealt with in turn however it is important to note that as set out in the planning principle *'Compatibility is... different from sameness. It is generally accepted that buildings can exist together in harmony without having the same density, scale or appearance, though as the difference in these attributes increases, harmony is harder to achieve'*. Therefore, it is not necessary that the development adopt the same built form as surrounding, and in this case anticipated, development. In terms of the physical impacts of development the following points are made:

- The design of the proposal and the orientation of the lot means that there is minimal overshadowing to adjoining properties, with adjoining properties retaining adequate solar access at mid-winter.
- Privacy impacts are mitigated using building separation, reduced windows to side boundaries and the use of screens.
- Noise impacts are reduced through siting the communal areas internally and communal open space towards the rear of the development site away from adjoining dwellings and road traffic areas.
- The development proposal does not result in the constrained development potential of the adjoining properties.

Therefore, the physical impacts of the proposal are acceptable.

In response to the second question set out in the planning principle, the following comments are made:

- The scale of the proposed building is consistent with the anticipated character of residential buildings in the area, as discussed above. This is particularly the case given that the LEP adopts a building height of 8.5m for the site with development near the site permitted to adopt comparable forms of dual occupancies, and townhouses. The proposal incorporates a maximum height of 8.5m, thus the proposal is consistent with the height required by the LEP and therefore respects the character of the local area.
- The boarding house provides compatible building setbacks allowing for substantial areas of open space and landscape plantings. The height is consistent with the planning controls and is a 2-storey building that appears as a 2-storey dual occupancy development comparable to development along the northern side of Second Avenue. The extent of landscaping is comparable to the adjoining CCC and is reasonable on that basis noting screen plantings are proposed along the front boundary to soften the development.
- The architectural style seeks to downplay overall bulk and scale and the contemporary design is anticipated to be reflective of future developing character in the locality (larger two storey-built form).

Based on the foregoing discussion the development proposal is considered compatible with the character of the local area, with reference to the anticipated future character of the locality that will adopt a comparable form and scale to the current proposal.

STATE ENVIRONMENTAL PLANNING POLICY (INFRASTRUCTURE) 2007

The development site is not located on a classified road and thus it is not necessary to consider the provisions of Clause 102, and 104 of the SEPP. Clause 104 identifies several types of development that require concurrence from Roads and Maritime Services where development is identified as *'traffic generating development'*.

The current proposal is not identified as traffic generating development as the site does not trigger the threshold requirements. Therefore, concurrence from the RMS is not required.

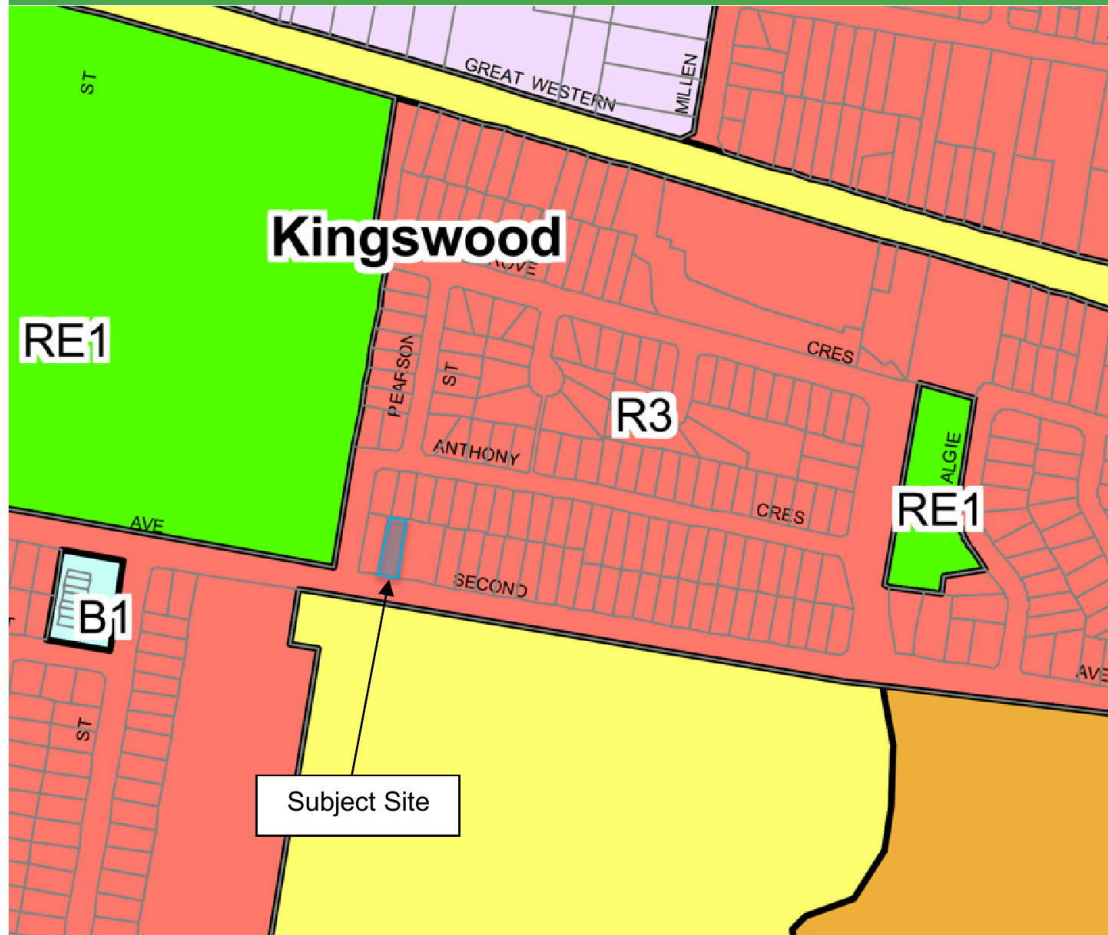
SYDNEY REGIONAL ENVIRONMENTAL PLAN (SREP) NO. 20 – HAWKESBURY NEPEAN RIVER

The development proposal incorporates a drainage concept that demonstrates that stormwater can be adequately conveyed to the existing street network. Appropriate erosion and sediment controls can be implemented through construction and it is anticipated that conditions of consent will reinforce this. It is noted that the proposal meets the recently adopted WSUD measures required to achieve appropriate water quality for stormwater discharge.

PENRITH LOCAL ENVIRONMENTAL PLAN 2010

The development site is zoned R3 Medium Density Residential, as per the zoning map extract below, under the provisions of the Penrith LEP 2010.

Figure 6: Zoning Map Sheet LZN_013 Extract (Source: Penrith LEP 2010)



Boarding Houses are permissible with consent within the subject site and the proposal is consistent with the definition contained within the LEP:

Boarding House means a building that is wholly or partly let in lodging, and

- a. provides lodgers with a principal place of residence for 3 months or more, and
- b. (c) may have shared facilities, such as a communal living room, bathroom, kitchen or laundry, and
- c. (d) has rooms, some or all of which may have private kitchen and bathroom facilities, that accommodate one or more lodgers,

but does not include backpackers' accommodation, a group home, hotel or motel accommodation, seniors housing or a serviced apartment.

The development proposal is also consistent with the prescribed zone objectives that are stipulated as:

- *To provide for the housing needs of the community within a medium density residential environment.*
- *To provide a variety of housing types within a medium density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To provide for a concentration of housing with access to services and facilities.*
- *To enhance the essential character and identity of established residential areas.*
- *To ensure that a high level of residential amenity is achieved and maintained.*
- *To ensure that development reflects the desired future character and dwelling densities of the area.*

The proposal development provides a new generation boarding house that is not only located within a suitable location but will make available a variety of housing types within the and contribute towards providing low cost flexible rental accommodation for tenants such as single retirees, working singles, students from outside the Sydney metropolitan area and young couples an opportunity to live within Kingswood.

The proposed new generation boarding house incorporates the characteristics of a large 2 storey dual occupancy to be compatible with the existing and anticipated large two storey residential dwellings, noting the 2-storey form of the development is appropriate within a medium density residential context subject to a height limit of 8.5m.

The proposal is consistent with other key planning controls contained within the LEP. The table below provides detail on the development standards relevant to the current proposal as well as other relevant LEP provisions.

Penrith Local Environmental Plan 2010 – Compliance Table			
Clause	Controls	Comments	Complies
Zoning	R3 – Medium Density	Boarding houses are permissible with Council consent in the R3 – Medium Density zone	Yes
Part 2 Permitted or Prohibited Development			
2.3	Zone Objectives and Land Use Table	The proposal is consistent with the zone objectives of the R3 – Medium Density and will appropriately fulfil the subject site's zoning potential and will provide low rent short term accommodation in the form of a new age boarding housing within the catchment of public transport and services.	Yes

Clause	Controls	Comments	Complies
2.6	Subdivision – Consent Requirements	No subdivision is proposed.	N/A
2.7	Demolition Requires Consent	Council consent is sought for the demolition of the existing structures on site.	Yes
Part 4 Principal Development Standards			
4.1A	Minimum Subdivision Lot Size: No minimum lot size for boarding houses	Not applicable	N/A
4.3	Height of Building: 8.5m	Penrith Local Environmental Plan 2010 Height of Buildings Map Sheet HOB_013 indicates that the maximum building height within the subject site is 8.5m. No portion of the proposed building encroaches 8.5m in height.	Yes
4.4	Floor Space Ratio	No FSR control applies to the subject site. Not relevant.	N/A
Part 5 Miscellaneous Provision			
5.10	Heritage Conservation	The site is not identified as a heritage item, and it is not located within a heritage conservation area, however there is a heritage item (I670) located near the subject site. Due to the nature of the proposal – A two storey new age boarding house set within a landscape setting and with sufficient separation via Second Avenue, the proposal will have no impact on the curtilage associated with the heritage item and therefore the development will have no impact on the heritage significance of heritage item 670. As a result, the subject site will not have any associated heritage restrictions. A heritage impact statement is not deemed to be necessary.	Yes

Clause	Controls	Comments	Complies
Part 7 Additional Local Provisions			
7.1	Earthworks	This application seeks Council consent for the excavation of the site as per the attached plans. It is considered that the proposed excavation will have minimal adverse environmental or amenity impact. The proposal results in an appropriate outcome when considering the nature of the development, the unique characteristics of the site and compliance with relevant Council controls. The proposal will not adversely affect or disrupt drainage and flood patterns, flood storage or soil stability in the area. The proposed excavation is consistent with the current and future use of the land and will develop the site into context with its surrounds and in accordance with Councils current and proposed planning strategies. It is considered unlikely due to the location of the site as well as previous development that excavation will lead to the disturbance of relics.	Yes
7.2	Flood Planning	The front of the site is not identified as being flood prone.	N/A
7.3	Development on Natural Resources Sensitive Land	The subject site is not identified on the Natural Resource Sensitive Map. Not applicable.	N/A
7.4	Sustainable Development	The proposal satisfies the LEP in that: (a) <i>conserving energy and reducing carbon dioxide emissions,</i> (b) <i>embodied energy in materials and building processes,</i> (c) <i>building design and orientation,</i> (d) <i>passive solar design and day lighting,</i> (e) <i>natural ventilation,</i> All units are to receive good solar access and natural ventilation (including at first floor).	Yes

Clause	Controls	Comments	Complies
		(f) <i>energy efficiency and conservation,</i> (g) <i>water conservation and water reuse,</i> Proposal will comply with Section J of NCC. (h) <i>waste minimisation and recycling,</i> Waste management and recycling can be addressed through waste management plan. (i) <i>reduction of vehicle dependence,</i> Proposal is located directly opposite a bus stops with regular services to Penrith, with a several bus stop with services to Mt Druitt within an 50m walking distance, noting Kingswood Train Station is also within a short walk and as such provides alternative means of transport. (j) <i>potential for adaptive reuse.</i> Given the zoning of the site as R3 there is limited adaptive re-use potential on the site.	
7.5	Protection of Scenic Character and Landscape Values	The site is not identified on the Land with Scenic and Landscape Values Map. Not applicable.	N/A
7.6	Salinity	Due to the nature and location of the site it is not likely to be affected by Saline Soils. Not applicable.	N/A
7.7	Servicing	The development site is well serviced by water and sewer and the required utility clearances will be obtained prior to works commencing on site.	Yes

PENRITH DEVELOPMENT CONTROL PLAN 2014

State Environmental Planning Policy (Affordable Housing) outlines the development standards for boarding houses within NSW.

The Penrith Development Control Plan 2014 does not apply to the development application as section D2 states that the DCP applies to dwelling houses, secondary dwelling, dual occupancy development, multi dwelling housing and residential flat development.

The development application is for a boarding house and does not fall into the development types mentioned and therefore the DCP provisions in section D2 are not strictly relevant to the assessment of the proposal.

However, to demonstrate that the proposal is a compatible form of development a discussion in consideration of the relevant objectives under the Penrith Development Control Plan 2014, noting the dual occupancy provisions are of relevance in the assessment of the application as the site would alternatively be development as a dual occupancy form given the allotment size and frontage- noting the site is not of sufficient size to accommodate a townhouse development proposal.

Finally it is noted that Council cannot refuse to grant consent to the development on the basis of landscaped area so long as they are satisfied that the front setback treatment is compatible with the locality as per the below:

(2) A consent authority must not refuse consent to development to which this Division applies on any of the following grounds:

*(b) **landscaped area** if the landscape treatment of the front setback area is compatible with the streetscape in which the building is located,*

Therefore the 35% control in the DCP does not apply to the development.

The relevant Council controls have been identified and considered in the following compliance table.

Penrith Development Control Plan 2014 Compliance Table			
Clause	Controls	Comments	Complies
C1 Site Planning and Design Principles			
1.1	Site Planning	<u>1.1.1 Site Analysis</u> A Site Analysis has been prepared and is attached as part of this application.	Yes

Clause	Controls	Comments	Complies
		The site analysis identifies the relevant considerations required by Council and acknowledges the unique opportunities and constraints of the site that have informed the design of the development proposal. <u>1.1.2 Key Areas with Scenic and Landscape Values</u> The subject site is not located within the Scenic and Landscape Values Map under the Penrith LEP 2010. Not applicable.	N/A
1.2	Design Principles	<u>1.2.2 Built Form – Energy Efficiency and Conservation</u> The proposed development has orientation that maximise solar access to most units and designed in a manner that achieves natural ventilation to the rooms. <u>1.2.3 Building Form – Height, Bulk and Scale</u> It is considered that the proposal will result in an appropriate outcome on site that responds to the unique characteristics of the site, noting development is compliant with prescribed height control. It is noted that the subject area is currently undergoing a transformation from single storey residential dwelling to larger two storey residential dwelling, dual occupancies and medium density housing, with the proposal designed to be consistent with the evolving medium density built form character along Second Avenue. <u>1.2.4 Responding to the Site's Topography and Landform</u> The subject site is relatively flat and is not required to provide any cut and fill. <u>1.2.5 Safety and Security (Principles of Crime Prevention through Environmental Design)</u> The proposed development incorporates an active façade that will permit casual surveillance of Second Avenue, as well as common areas and landscaped areas of the proposal.	Yes Yes Yes Yes

Clause Controls	Comments	Complies
	The proposal incorporates open space and landscaped areas that will contribute to activity and natural surveillance of the area. The proposed landscaping and fencing is appropriate when considering CPTED principles and will not permit easy concealment of intruders. The proposed development is appropriate and provides measures, built elements, landscaping and design features that are consistent with CPTED principles. <u>1.2.6 Maximising Access and Adaptability</u> The proposed development incorporates a suitable path of travel from the street to the units- noting that 2 room are accessible.	Yes
C2 Vegetation Management		
2.1 Preservation of Trees and Vegetation	The subject site is within a well-established residential area, having historically been used for residential purposes and is predominantly void of vegetation. It is noted a several trees are being removed with two existing trees at the front of the site to be retained with an existing street tree to be unaffected by the proposal. The site is not identified as being located within the Natural Resource Sensitive Map under Penrith LEP 2010. The proposal will incorporate landscape embellishment works in accordance with the landscape plan to help soften the physical bulk and built form of the proposed development. The proposal provides landscaping embellishment work that will improve and enhance the subject site within a medium residential density context. It is highlighted that no significant vegetation is to be impacted as part of the proposal. Landscaping of the site is to be undertaken in accordance with the attached Landscape Plan.	Yes

Clause	Controls	Comments	Complies
2.2	Biodiversity Corridors and Areas of Remnant Indigenous Vegetation in Non-Urban Areas	Subject site is not identified as being within a Natural Resource Sensitive Land under Penrith LEP 2010. Not applicable.	N/A
2.3	Bushfire Management	The subject site is not located in a bushfire prone area.	N/A
C3 Water Management			
3.2	Catchment Management and Water Quality	Appropriate management of the site during the demolition and construction phases will contribute towards protecting the water system. A Stormwater Management Plan has been prepared and is attached as part of this application noting stormwater is conveyed to the easement.	Yes
3.3	Watercourses, Wetlands and Riparian Corridors	Subject site is not located within proximity to a watercourse, wetland or riparian corridor. Not applicable.	N/A
3.4	Groundwater	The proposed development is to be for a boarding house development. It is therefore considered that the risk of site contamination occurring during construction and future use of the site is low. Not applicable.	N/A
3.5	Flood Planning	The site is not identified as being flood prone.	N/A
3.6	Stormwater Management and Drainage	A Stormwater Management Plan has been prepared and is attached as part of this application.	Yes
3.9	Water Sensitive Urban Design	The proposed development incorporates Water Sensitive Urban Design (WSUD) principles that seek to minimise and manage the impact of stormwater on site and within the area. The proposed development appropriately addresses the unique characteristics of the site and will allow for the efficient management of stormwater. See attached Stormwater Management Plan for detail.	Yes

Clause	Controls	Comments	Complies
C4 Land Management			
4.1	Site Stability and Earthworks	This application seeks Council consent for the excavation of the site as per the attached plans. It is considered that the proposed excavation, will have minimal adverse environmental or amenity impact. The proposal results in an appropriate outcome when considering the nature of the development, the unique characteristics of the site and compliance with relevant Council controls. The proposal will not adversely affect or disrupt drainage and flood patterns, flood storage or soil stability in the area. The proposed excavation is consistent with the current and future use of the land and will develop the site into context with its surrounds and in accordance with Councils current and proposed planning strategies. Further the extent of excavation to the ground floor is limited to the footprint of the dwellings to maximize landscaping above. It is considered unlikely due to the location of the site as well as previous development that excavation will lead to the disturbance of relics.	Yes
4.3	Erosion and Sedimentation	This application seeks Council consent for the excavation of the site as per the attached plans. It is considered that the proposed excavation, will have minimal adverse environmental or amenity impact. The proposal results in an appropriate outcome when considering the nature of the development, the unique characteristics of the site and compliance with relevant Council controls. An Erosion and Sediment Control Plan is attached as part of this application.	Yes

Clause	Controls	Comments	Complies
4.4	Contaminated Lands	The site was previously used for urban purposes. The land is not known to have been used for any purposes that may give rise to the likelihood of contamination. Nothing on site indicates a previous contaminating use. If any contaminated material or suspected material is unearthed during the construction process, then actions consistent with the legislative requirements and guideline documents will be undertaken.	Yes
4.5	Salinity	Due to the nature and location of the site it is not likely to be affected by Saline Soils, Not relevant.	N/A
C5 Waste Management			
		A Waste Management Plan is attached as part of this application. Notwithstanding it is noted that waste is to be appropriately managed during the demolition and construction stages of the development. Bin storage area is located within the ground floor and are designed to align with the Council design guidelines for a collect and return service. Areas adjacent are landscaped to minimise impact to the streetscape. Refer to attached Architectural Plans and Waste Management Plans for detail.	Yes
C6 Landscape Design			
		A landscape concept plan accompanies this development application. The concept plan details the landscape embellishment works proposed and these works is consistent with landscape works of other comparable low-density developments along the northern side of Second Avenue and surrounding streets and will also contribute towards softening the proposed built form.	Yes

Clause Controls		Comments	Complies
C7 Cultural and Heritage			
7.1	Heritage	The site is not identified as a heritage item, and it is not located within a heritage conservation area, however there is a heritage item (I670) located near the subject site. Due to the nature of the proposal – A two storey new age boarding house set within a landscape setting and with sufficient separation via Second Avenue, the proposal will have no impact on the curtilage associated with the heritage item and therefore the development will have no impact on the heritage significance of heritage item 670. As a result, the subject site will not have any associated heritage restrictions. A heritage impact statement is not deemed to be necessary.	Yes
7.2	Aboriginal Cultural and Heritage	Not relevant.	N/A
7.3	Significant Trees and Gardens	The subject site does not contain any trees or gardens that is considered to be of cultural, historical, scientific or aesthetic significant.	N/A
C10 Transport, Access and Parking			
10.2	Traffic Management and Safety	It is considered that the vehicular access and exit points are clearly defined and provide for the safe and efficient movement of vehicular traffic on site and entering and exiting the site, noting parking is now located within a basement level. The proposed basement and ancillary driveway will not contribute to the creation of traffic hazards. The proposal provides for the safe and efficient movement of pedestrian and vehicular traffic within the site and both entering and exiting the site. Vehicle and pedestrian routes are clearly indicated and accessible.	Yes
10.3	Key Transport Corridors	The subject site is not located within a key transport corridor. Not relevant.	N/A

Clause	Controls	Comments	Complies
10.5	Parking, Access and Driveways	Proposed dimensions for car parking spaces are consistent with Council controls. See plan for detail. The development proposes parking in accordance with the ARH SEPP as detailed previously.	Yes – ARH SEPP
D2 Residential Development			
2.2	Dual Occupancy Development A discussion against the Dual Occupancy controls is provided below to guide a merit assessment of the proposal when having regard to desired future character.	<u>2.2.2 Preferred Configuration for New Dwellings</u> 1. The proposed development has been designed to be consistent the anticipated large 2-storey attached dual occupancy development along Second Avenue. The building fronts the street and has adopted a traditional orientation with habitable windows, primary entry point and balconies addressing the primary street setback with appropriate landscaping embellishment works that will contribute towards softening the built form. 2. The proposed layout, siting and design of the development incorporates the characteristic of a large 2 story dual occupancy that is compatible with the existing and anticipated large 2 storey residential dwellings, noting subdivision of the locality resulted in modest lots that are not ideal in accommodating multi dwelling housing developments. 3. & 4. An appropriate green corridor is provided along the rear boundary. 5. The proposed development is a boarding house noting some controls cannot be addressed. It is noted no garages are proposed though basement parking is provided, and the proposed accessible space at grade is consistent with the neighboring child care facility. Furthermore, appropriate landscape embellishment works are proposed to soften the impact of hard surfaces when viewed from Second Avenue.	Yes Yes Yes Yes

Clause	Controls	Comments	Complies
		Finally, appropriate landscape is provided along the site's front setbacks. Refer to attached plans for detail.	
2.2.4	Urban Form	1. The proposal adopts a traditional orientation as far as practicable. The front setback is to be appropriately landscaped. Furthermore, the front façade of the boarding house has been designed with articulation features and window placements to present as a large 2 storey attached dual occupancy. It is also noted that appropriate rear and side landscaping is provided. 3. The boarding house proposes 10 car parking with 9 within a basement level and an accessible space at the front of the dwelling and therefore will not have a gun barrel design. 4. The development has been articulated through shadow casting features and stepping external walls. Where appropriate, the proposed building has been designed to incorporate a variety of roof forms and pitches. It is noted that the proposal provides windows in every elevation.	Yes
2.2.5	Front and Rear Setbacks	1 & 2. The development provides an approximate 5m rear setback to its ground floor level from the primary building line and a rear setback of 6m to the two storey component of the building from the primary building line.	Yes
	Rear Setback: 6m		
	Front Setback: Average of neighbouring development or 5.5m minimum.	3 & 4. The front setback is greater than 5.5m and is to be appropriately landscaped. Refer to attached plans for detail.	Yes
2.2.6	Building Envelope and Side Setbacks	1, 2 and 3. The proposal is within the building envelope. Complies.	Yes
		4. Cut and fill is limited to <500mm.	Yes
		5. The roof pitch is <25 degrees.	Yes

Clause	Controls	Comments	Complies
	Side Setbacks: 900mm	6. All setbacks exceed 900mm and increase to 2m at points to reduce the bulk and scale of the building.	Yes
2.2.7	Driveways and Parking Areas	1. The proposal complies with the provisions in accordance with the parking section of the Penrith DCP 2014 and State Environmental Planning Policy (Affordable Rental Housing) 2009. 2. No garages are proposed. Driveways, access ways and car parking spaces are to be appropriately dimensioned in accordance with Council controls. Furthermore, the driveway permits the safe movement and parking of vehicles on site and allow vehicles to enter and leave the site in a forward direction. See attached plans for detail. It is also noted that separate vehicle and pedestrian access is provided to the site.	Yes – ARH SEPP 2009 N/A
2.2.8	Landscaped Area Minimum landscaped area: 40% of the site	SEPP ARH 2009 prevails regarding landscaped area and the 40% control is not relevant to the proposal as the ARH SEPP prevails. It is noted that 30.78% is achieved which is comparable to the control- again reinforcing that the landscaped area provisions are not relevant to the boarding house proposal.	N/A
2.2.9	Solar Planning	1. The proposal incorporates appropriate design features including window size and location that will permit adequate solar penetration. The proposal complies with the ARH SEPP in relation to the required 3 hours of solar access to the common room between 12 noon and 3pm. The proposal does not result in unacceptable overshadowing of adjoining residential properties. Appropriate setbacks are employed to ensure solar access and privacy to adjoining development. See shadow diagram for detail.	Yes

Clause	Controls	Comments	Complies
2.2.10	Significant Townscapes & Landscapes	The site is not within an area of townscape or landscape significance. Not relevant.	N/A
2.2.11	Corner Site and Park Frontages	The development site is not a corner land parcel nor does it front a park or public reserve. Not applicable.	N/A
2.2.12	Building Design	1. No dormer windows proposed. 2. The proposal incorporates physical articulation of the built form and a mixed palette of building materials and finishes that are typical of comparable development within the locality and within the wider Penrith Local Government Area. Furthermore, the development adopts a variety of architectural features designed to minimise the apparent scale and bulk of the proposed two storey boarding house by: • Incorporation of stepped alignment of walls • Articulation of the front façade • Alternate materials • Varied window placements. Materials used are consistent with that existing in the area while being contemporary in character, including wall and awning cladding and a mix of face and painted brickwork. The range of materials significantly contributes to the articulation of the building and reducing the overall bulk and mass of the building. The facade of the proposed 2-storey building includes windows and doors along all visible walls and feature facade to provide an attractive built form.	N/A Yes
2.2.13	Energy Efficiency	The proposal will comply with Section J of the NCC/BCA. Furthermore, the common rooms have been oriented to incorporate appropriate design features including window size and location that will permit adequate solar penetration.	Yes

Clause	Controls	Comments	Complies
		Appropriate shading devices are proposed to provide adequate shading from the summer sun.	
2.2.14	Design of Dwelling and Private Courtyards	1. The proposal incorporates appropriate common open space. Private open space for each dwelling is not required under the ARH SEPP. An area of common open space is required and provided at the rear of the development site.	Yes
2.2.15	Garage Design	1. No garages are proposed, with car parking spaces located within a basement level 2. Development provides 10 car parking spaces as per SEPP (Affordable Rental Housing) 2009.	Yes
2.2.16	Garden Design	Where appropriate, small to medium trees are to be planted along the sites front and side boundaries, noting an existing street tree is to be retained. See landscaping plans for detail.	Yes
2.2.17	Paving Design	Where appropriate, hard paved surfaces are minimised to maximise landscaping and gardens. The proposal provides attractive driveways and provide soft verge planting. Refer to attached landscaped plans for detail.	Yes
2.2.18	Fencing and Retaining Walls	Proposed fencing is to be consistent with that existing within Penrith Local Government Area of similar developments. The proposed fencing is compliant with Council controls.	Yes
2.2.19	Visual and Acoustic Privacy and Outlook	The proposal contains design elements that seek to reduce potential visual, privacy and acoustic impacts and promote a high standard of residential amenity. This includes the siting/layout of dwellings, location/size of windows, as well as the incorporating other elements including using	Yes

Clause	Controls	Comments	Complies
		landscaping, blank walls, and offset windows. It is considered that the proposed development produces an appropriate outcome on site that will provide a high level of residential amenity for future residents and will not adversely impact upon residential amenity currently enjoyed by adjoining properties. See attached acoustic report for detail.	
2.2.20	Safety and Security	The proposed development incorporates an active façade that will permit casual surveillance to Second Avenue as well as driveway and landscaped areas of the proposal. The proposal incorporates open space and landscaped areas that will contribute to activity and natural surveillance of the area. The proposed landscaping and fencing is appropriate when considering CPTED principles and will not permit easy concealment of intruders. The proposed development is appropriate and provides measures, built elements, landscaping and design features that are consistent with CPTED principles.	Yes
2.2.21	Accessibility and Adaptability	Proposal has been designed to provide access to and from the site for people with a disability. Dwellings have been designed to meet the needs of an ageing population, noting 2 room is accessible to meet accessibility standards.	Yes

CONCLUSION

Following a review of the relevant planning controls, it is concluded that the proposed development is consistent with the objectives, planning strategies and detailed controls of these planning documents.

Consideration has been given to the potential environmental and amenity impacts that are relevant to the proposed development and this report addresses these impacts.

Having regard to the benefits of the proposal and considering the absence of adverse environmental, social or economic impacts, the application is submitted to Council for assessment and granting of development consent. Think Planners Pty Ltd recommends the approval of the application, subject to necessary, relevant and appropriate conditions of consent.