

PENRITH CITY COUNCIL

MAJOR ASSESSMENT REPORT

Application number:	DA20/0483
Proposed development:	Construction of Two (2) Storey Boarding House Containing 14 Boarding Rooms & At-Grade Car Parking
Property address:	3 Edward Street, KINGSWOOD NSW 2747
Property description:	Lot 36 DP 237831
Date received:	7 August 2020
Assessing officer	Mahbub Alam
Zoning:	Zone R3 Medium Density Residential - LEP 2010
Class of building:	Class 3
Recommendations:	Refuse

Executive Summary

Council is in receipt of a development application for the construction of a two storey 14 rooms boarding house for a maximum 17 lodgers, at 3 Edward Street, Kingswood.

The use is defined as *boarding house* and is a permissible form of development in the R3 Medium Density Residential zone under Penrith Local Environmental Plan 2010. The development proposal is also permissible within the R3 Medium Density Residential zone under State Environmental Planning Policy (Affordable Rental Housing) 2009.

Key issues identified for the proposed development and site include:

- Incompatibility of the development with the provisions of State Environmental Planning Policy (Affordable Rental Housing) 2009;
- Incompatibility of the development with the provisions of PLEP including the R3 Medium Density Residential zone objectives,
- Non compliance with the relevant DCP controls, in particular, setbacks, landscaping, amenity (relating to the layout of the proposed boarding house);
- Incompatibility of the design with local character and future desired character;
- Bulk, scale and overbearing impacts;
- Incompatibility of the design of the landscaped area with the streetscape;
- Negative Privacy and residential amenity impacts;
- Incorrect BASIX Certificate lodged for the type of development proposed;
- Site coverage and site suitability; and
- Proportion of structures are to be located within the easement for drainage;

The application has been notified to adjoining properties and land owners and exhibited and advertised between 31 August and 14 September 2020, in accordance with relevant legislation. A total of 33 individual submissions (noting 2 were received from 1 person) were received in response. It is also noted that some submitters have used a partial version of a proforma, although all have altered the document to suit their individual concerns and the submission in objection, are unique in this regard.

The submissions received in objection raised various matters including negative impacts on amenity, local character, privacy and overlooking, traffic and parking and negative impacts on property values, and the cumulative impacts of boarding house developments in the vicinity of the site. A response to the matters raised in the submissions is provided within this report.

In accordance with the Local Planning Panels (LPP) Direction - Development Applications and Applications to Modify Development Consents direction by the Minister for Planning and Public Spaces, dated 30 June 2020, this application is to be determined by Penrith Local Planning Panel as the development application has received 10 or more unique submissions by way of objection.

It is noted that the applicant has lodged a Class 1 Appeal with the NSW Land and Environment Court of NSW against Council's Deemed Refusal of the application. The matter is now subject to an appeal in the Land and Environment Court of NSW. Council proposes on running the matter with its in-house legal team and engaging Kerry Gordon Planning Services to act as an expert witness. There are two other appeals from the same applicant regarding the same land use in the Kingswood area. The same solicitors and town planner have carriage of those matters.

An assessment under Section 4.15 of the Environmental Planning and Assessment Act 1979 has been undertaken, and the application is recommended for Refusal for the reasons stated at the end of this report.

Background

The applicant attended a pre-lodgement assessment was undertaken 24 June 2020 (PL20/0043) for a 14 rooms, two storey boarding house for a maximum of 21 lodgers. In Council's written advice dated 13 July 2020, the applicant was advised the following key issues:

- It was raised that Council was to be provided with adequate information which would demonstrate that the development was being undertaken by or on behalf of a social housing provider (as defined by the SEPP ARH) as a discount to the parking rate was sought, and which would apply to a social housing provider.
- Non compliance with controls under Penrith Development Control Plan 2014, in particular setbacks, landscaping, amenity (relating to the layout of the proposed boarding house).
- The applicant was also advised that the development would need to comply with the provisions of 5.11 and Part D2 of the DCP.
- The extent of hard stand area in the rear setback was raised, as was the limited landscaping provision.
- The applicant was advised that the first floor footprint to be smaller than the ground floor footprint as this is a way to ensure the building mass at the upper level is appropriate.
- The applicant was advised that the 4 metre rear setback at ground floor is acceptable numerically but the setback area contains hardstand and parking, which is not acceptable.
- The applicant was advised that the location of the communal room and the private open space is awkward because both these spaces face into the car parking area, with the open space wedged between car parking and the waste room.
- Applicant was advised that 40% landscaped area is required for development in the R3 zone.
- Applicant was advised that no structure/s (including waste room/area) shall be erected within the existing Easement to Drain Water

The application has not had sufficient regard to the matters raised in the pre-lodgement advice. The application was also found to be unsuitable for the site and not in the public interest.

Site & Surrounds

The site is located on the northern side of Edward Street and has a frontage of 23.47m and a total site area of 632m². It is currently occupied by a single storey brick and tile residential dwelling resides on the subject site. The site falls from the front to rear.

The subject site is located at the edge of an established residential area with the site adjoins low-density residential dwelling to the north, east and west. Several public reserves are located within close proximity, including Chapman Park.

The site is located only 80m west of the Kingswood Public School and 200m west of the Kingswood Western Sydney University campus. The site is also located approximately 1.1km south-east of Nepean Hospital and the surrounding commercial centre on Somerset Street and Derby Street, and 330m south of the neighbourhood shopping centre located on Edna Street and Manning Street.

Kingswood Station is located approximately 1km north-west of the site, while Bus Stop 274745 is located 180m north east of the site, with Route 770, connecting the site to Penrith. The route running to Penrith meets the definition of a 'regular bus service' under the ARH SEPP providing services at least once an hour across the following hours:

- Mon-Fri: 6:00am – 21:00pm; and
- Sat-Sun: 8:00am – 18:00pm.

Proposal

The development application seeks approval for the construction of a two storey boarding house comprising the following:

- Construction of a two-storey boarding house, comprising 14 boarding rooms (11 x Single & 3 x Double) for a maximum 17 lodgers;
- Construction of an at grade carpark containing three (3) spaces;
- Tree removal; and
- Associated civil works and landscaping.

The submitted Statement of Environmental Effects notes that the demolition of the existing dwelling and any ancillary structures is not sought as part of this application and therefore does not form part of this assessment.

Plans that apply

- Local Environmental Plan 2010 (Amendment 4)
- Development Control Plan 2014
- State Environmental Planning Policy (Affordable Rental Housing) 2009
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- State Environmental Planning Policy (Vegetation in non-rural areas) 2017
- State Environmental Planning Policy No 55—Remediation of Land
- Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River

Planning Assessment

• Section 4.15 - Evaluation

The proposal has been assessed in accordance with the matters for consideration under Section 4.15 of the *Environmental Planning and Assessment Act 1979*, and having regard to those matters, the following issues have been identified for further consideration:

Section 4.15(1)(a)(i) The provisions of any environmental planning instrument

State Environmental Planning Policy (Affordable Rental Housing) 2009

Division 3 Boarding houses, applies to the development proposal as it includes construction of a two storey, 14 room boarding house for a maximum of 17 lodgers.

(a) Clause 29 of the Policy states that 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,

(c) 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,...

...(e) Parking, if -

(i) in the case of development carried out by or on behalf of a social housing provider in an accessible area - at least 0.2 parking spaces are provided for each boarding room,...

...(f) Accommodation size, if each boarding room has a gross floor area (excluding any area used for the purposes of a 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.

With regard to above the following is noted:

- The proposal provides a 5.5m front setback which is numerically consistent with the average front setback of the adjoining property. However, the proposed 5.5m front setback is not sufficient as major portion of the area is taken up with infrastructure and hard stand area which is not compatible or complementary to the streetscape. The proposed design (driveway, pathway, bike parking area and stormwater pipe location) limits the opportunity for adequate landscaping within front setback area and is considered to be contrary to the streetscape, which is characterised by large landscaped treatments to the front and rear yard areas of surrounding properties, also noting that majority of properties contain mature trees.
- The shadow diagrams provided do not confirm that sun light is provided to the communal living room for a minimum of 3 hours between 9am and 3pm in mid winter. The plans do not include an assessment of existing structures and fencing which will impact available access to sunlight. A solar access diagram is also not provided.
- Plans indicate that a private open space area being at least 20sqm with a minimum dimension of 3 meters is provided for the use of all lodgers on the north western boundary. However, the location of the private open space provides poor amenity for future lodgers as the location of the communal room and the private open space is awkward as both these spaces face into the car parking area, with the open space wedged between car parking and the waste room.
- The submitted Statement of Environmental Effects (SEE) states that the proposed boarding house is "*intended*" to be operated by Christ Mission Possible (CMP) with discussions underway between parties "*...with a view to enter into a head lease arrangement*". Section 5.1, Social Impact, of the SEE does not confirm that the development will be carried out by or on behalf of a social housing provider. No further detail is provided to satisfy Council that the development will be carried out by or on behalf of a social housing provider, as defined by the Policy, and as previously raised in the pre-lodgement advice issued by Council. The applicable parking rate for the development is 0.5 spaces for each boarding room. A total of 7 car parking spaces are required and the proposal for 3 is not supported.
- The Policy states 12sqm or 16sqm are to be provided for single and double rooms respectively. The area of the room is to exclude "any area used for the purposes of a private kitchen or bathroom facilities". Having regard to this, rooms are measured to be undersized in that the area used for private kitchens within each room is included in the calculation of the floor area for each room. A minimum 1m area in front of the kitchen cabinetry is to be excluded from the calculable gross floor area of each room. The same philosophy applies to excluding the area used for bathroom facilities, in that the 'area' is excluded and not just fixed cabinetry.

(b) Clause 29(5) of the Policy clarifies that **social housing provider** does not include a registered community housing provider unless the registered community housing provider is a registered entity within

the meaning of the Australian Charities and Not-for-Profits Commission Act 2012 of the Commonwealth. Clause 4 also provides that **social housing provider** means any of the following: ...*(c) a registered community housing provider.. or ... (g) a not-for-profit organisation that is a direct provider of rental housing to tenants.* As detailed above insufficient detail is provided to satisfy Council that the development will be carried out by or on behalf of a *social housing provider*, as defined by the Policy.

(c) Clause 30A of the Policy states that a consent authority must not consent to a 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.

The design of the development is not assessed to be compatible with the character of the local area as it does not achieve a satisfactory level of compliance with the applicable controls and their objectives, and inadequate justification is provided for departures. With regard to future character, the design of the development does not satisfactorily align itself with the desired future character of the area which is anticipated by the applicable controls, noting in particular that the development does not comply with key built form controls contained within Council's DCP, including side setback and articulation of upper level. Inadequate landscaping is provided for in the front, side and rear setback.

It is for the above reasoning that the development application cannot be supported having regard to the applicable provisions of State Environmental Planning Policy (Affordable Rental Housing) 2009.

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

The applicant has submitted a BASIX for a single dwelling which is not consistent with the requirements for achieving sustainability measures as outlined by BASIX and therefor the application is not supportable.

The NSW Government has developed an Alternative Assessment process to be used for large boarding houses (i.e. those designed to accommodate more than 12 people or with a gross floor area of more than 300sqm). Thermal comfort is to be addressed at the construction certificate stage against the Section J requirements of the BCA.

The application is unsupportable under the Policy, noting the BASIX Certificate lodged is for the incorrect housing type - and is BASIX effected development. The required BASIX Certificate is a Multi Dwelling Housing type and must indicate that it is the subject of the Alternative Assessment as a large boarding house.

State Environmental Planning Policy (Vegetation in non-rural areas) 2017

The proposal has been considered having regard to the Policy and is acceptable, noting that the recommendation is for Refusal based on other matters.

State Environmental Planning Policy No 55—Remediation of Land

As assessment has been undertaken of the application against relevant criteria with State Environmental Planning Policy No. 55—Remediation of Land and the application is considered to be unsatisfactory.

When determining a development application for any development of land, Clause 7 of SEPP 55 requires that Council consider '*whether the land is contaminated*' and '*if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out*'.

The Statement of Environmental Effects states that '*the site appears to have been historically used for residential purposes*' however no detailed site history was provided to support this statement.

Accordingly, Council cannot be satisfied that the land is suitable for its proposed use.

Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River

An assessment has been undertaken of the proposed development against the relevant criteria within Sydney Regional Environmental Plan No. 20—Hawkesbury-Nepean River (No. 2—1997) and although the development proposal is not in conflict with the Policy, the development application is recommended for refusal based on other matters.

Local Environmental Plan 2010 (Amendment 4)

Provision	Compliance
Clause 1.2 Aims of the plan	Does not comply - See discussion
Clause 2.3 Permissibility	Complies - See discussion
Clause 2.3 Zone objectives	Does not comply - See discussion
Clause 2.7 Demolition requires development consent	N/A
Clause 4.3 Height of buildings	Complies - See discussion
Clause 4.4 Floor Space Ratio	N/A
Clause 4.6 Exceptions to development standards	N/A
Clause 7.1 Earthworks	Complies
Clause 7.4 Sustainable development	Does not comply - See discussion
Clause 7.6 Salinity	Complies
Clause 7.7 Servicing	Complies

Clause 1.2 Aims of the plan

The development has been assessed as being contrary to specific aims of the Plan including 1.2(2)(b), (c) and (h) as the development is not assessed to be consistent with Council's vision for Penrith, namely one of a sustainable and prosperous region with harmony of urban and rural qualities and with a strong commitment to healthy and safe communities and environmental protection and enhancement.

The design of the development does not provide a housing type which would meet the emerging needs of Penrith's community and which safeguards residential amenity, and the design of the development does not demonstrate that it incorporates the principles of sustainable development through the delivery of balanced social, economic and environmental outcomes.

Clause 2.3 Permissibility

The use is defined as *boarding house* and is a permissible form of development in the R3 Medium Density Residential zone under Penrith Local Environmental Plan 2010. The development proposal is also permissible within the R3 Medium Density Residential zone under State Environmental Planning Policy (Affordable Rental Housing) 2009.

Clause 2.3 Zone objectives

The subject site is located within the R3 Medium Density Residential zone under Penrith Local Environmental Plan 2010. Objectives of the zone include:

- *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 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.*

Although the development would add to the variety of dwelling types and numbers within the zone, the development proposal is in conflict with core objectives of the zone related to enhancing essential character, compatibility with desired future character and ensuring that a high level of residential amenity is achieved and maintained.

The design of the boarding house does not enhance the essential character and identity of the established residential area, in that the built form does not complement qualities of existing residential development that define the character of the area.

The density of rooms proposed and the requirement under the SEPP ARH to provide a minimum of 0.5 car spaces per room is resulting in an over development of the site with unacceptable levels of site coverage, limited opportunity for meaningful landscaping and it is not demonstrated that sun light provision to the communal room at ground floor can be achieved.

The development does not reflect the desired future character and dwelling densities of the area, in that the proposal is in conflict with key built form and boarding house controls of the Penrith Development Control Plan 2014.

Clause 4.3 Height of buildings

The proposed boarding house is below the maximum height limit of 8.5m, being approximately 8.4m at the highest point.

Clause 7.4 Sustainable development

Clause 7.4 of PLEP requires the consent authority to have regard to the principles of sustainable development as they relate to the development based on a whole of building approach by considering a number of matters as listed under clause 7.4 (a) through to (j).

It is not considered that the design of the development adequately considers embodied energy in materials, building design and orientation, natural ventilation, or energy efficiency and conservation. Limited shading is proposed to the west facing facade, extensive areas of hardstand are proposed, limited opportunity for meaningful landscaping is incorporated in the design, site coverage is excessive and limited natural light or natural cross flow ventilation is provided to the upper level hallway.

It is also noted that the incorrect BASIX Certificate has been lodged for the development type. Refer also to discussion under SEPP BASIX.

Section 4.15(1)(a)(ii) The provisions of any draft environmental planning instrument

The draft Environmental SEPP and Draft Remediation of Land SEPP were considered and no issues are raised.

Section 4.15(1)(a)(iii) The provisions of any development control plan

Development Control Plan 2014

Provision	Compliance
DCP Principles	Does not comply - see Appendix - Development Control Plan Compliance
C1 Site Planning and Design Principles	Does not comply - see Appendix - Development Control Plan Compliance
C2 Vegetation Management	Complies - see Appendix - Development Control Plan Compliance
C3 Water Management	Does not comply - see Appendix - Development Control Plan Compliance
C4 Land Management	Does not comply - see Appendix - Development Control Plan Compliance
C5 Waste Management	Does not comply - see Appendix - Development Control Plan Compliance
C6 Landscape Design	Does not comply - see Appendix - Development Control Plan Compliance
C7 Culture and Heritage	N/A
C8 Public Domain	N/A
C9 Advertising and Signage	N/A
C10 Transport, Access and Parking	Does not comply - see Appendix - Development Control Plan Compliance
C11 Subdivision	N/A
C12 Noise and Vibration	N/A
C13 Infrastructure and Services	Complies
D2.1 Single Dwellings	N/A
D2.2. Dual Occupancies	N/A
D2.3 Secondary Dwellings	N/A
D2.4 Multi Dwelling Housing	Does not comply - see Appendix - Development Control Plan Compliance
D2.5 Residential Flat Buildings	N/A
D2.6 Non Residential Developments	N/A
D5.1. Application of Certification System	N/A
D5.2. Child Care Centres	N/A
D5.3. Health Consulting Rooms	N/A
D5.4. Educational Establishments	N/A
D5.5 Parent Friendly Amenities	N/A
D5.6. Places of Public Worship	N/A
D5.7. Vehicle Repair Stations	N/A
D5.8. Cemeteries, Crematoria and Funeral Homes	N/A
D5.9. Extractive Industries	N/A
D5.10 Telecommunication Facilities	N/A
D5.11 Boarding Houses	Does not comply - see Appendix - Development Control Plan Compliance

Section 4.15(1)(a)(iiia) The provisions of any planning agreement

There are no planning agreements in place applying to this development proposal.

Section 4.15(1)(a)(iv) The provisions of the regulations

The application was referred to Council's Building Surveyor for assessment. No objections were raised. Further, the development application has been notified, exhibited and advertised in accordance with the requirements of the Regulations. Notwithstanding, the proposal is recommended for refusal related to other matters.

Section 4.15(1)(b) The likely impacts of the development

Likely impacts of the proposed development are discussed below:

Streetscape and Local Character

The proposal will have a negative impact on the existing streetscape and character of the local area. The development proposal is inconsistent with controls of Penrith Development Control Plan 2014 (PDCP) which are related to local character, landscaping and urban built form and setbacks. The design is also in contrast to the key built form controls of the PDCP, in that the bulk and scale of the development is not adequately mitigated by landscaping or articulating design elements along its elevations. The design of the boarding house does not enhance the essential character and identity of established residential areas.

Noise and Privacy Impacts

The development proposal does not adequately demonstrate a package of measures to mitigate against negative privacy and amenity impacts. Side setbacks are minimal and inadequate area is provided for landscape screening. The length of the building and the extent of the upper level will result in negative overbearing and overlooking impacts on neighbouring sites.

Council's Environmental Health officer has raised that the submitted Acoustic Report did not assess the impact of social noise and provided recommendations to manage social noise that cannot be enforced. The proposal is thus unsupportable having regard to noise and privacy impacts.

Traffic, Access and Manoeuvring

The development does not comply with the minimum number of spaces required by the State Environmental Planning Policy (Affordable Rental Housing) 2009 [SEPP ARH]. The design of the car park and driveway do not allow for forward in, forward out, traffic manoeuvres which presents an unsupportable and non-compliant roadway and pedestrian safety issue. The application was referred to Council's Development and Traffic Engineer for review and comment. Council's Engineer raised the following issues:

- *All parking spaces shall have a minimum width of 2.5m to allow for full opening of all doors in accordance with AS2890 and Penrith City Council's DCP.*
- *A swept path shall be provided demonstrating that all vehicles can enter and exit in a forward direction when all vehicle parking spaces are occupied.*
- *No passing area is provided at any point on the driveway, the driveway should be at least 5.5m wide for the first 6m within the property boundary to allow for passing opportunities in accordance with AS 2890.1.*
- *There shall be provision for all vehicles to be able to enter and exit the site in a forward direction including when all parking spaces are occupied.*
- *The provided swept paths appear to encroach the motorcycle parking space next to the bulky waste room which is not acceptable.*
- *The bicycle parking shall be protected from weather and comply with Penrith DCP 2014 C10.7 and AS2890.3*

Solar Access Impacts

The development proposal does not achieve compliance with the SEPP ARH, in that it is not demonstrated that the communal living room will receive a minimum of 3 hours direct solar access between 9.00am and 3.00pm at the winter solstice.

Social and Economic Impacts

The proposal was referred to Council's Social Planner who has not raised any significant objections to the boarding house development. However, it has been identified that there are significant non-compliances with the non-refusable standards under the SEPP ARH and the development proposal is inconsistent with the objectives of the zone and applicable controls of PDCP, as such the development application is recommended for Refusal.

Section 4.15(1)(c) The suitability of the site for the development

The site is considered to be unsuitable for the following reasons:

- The density of the proposal is resulting in excessive building bulk and site coverage and limited opportunity for landscaping.
- The design of the building is not compatible with, or complementary to the existing or future desired character of the local area, and
- The development proposal does not adequately demonstrate that impacts related to bulk, scale, privacy, noise and amenity are adequately mitigated against or addressed in the design of the building.

Section 4.15(1)(d) Any Submissions

Community Consultation

In accordance with the Council's notification plan, the proposed development was notified to nearby and adjoining residents and was exhibited advertised between 31 August and 14 September 2020. A total of 33 individual submissions (noting 2 were received from 1 person) were received in response. It is also noted that some submitters have used a partial version of a proforma, although all have altered to suit their individual concerns and are unique in this sense.

Matters raised in the submissions have formed part of this assessment. A response to the summarised matters raised is provided in the table below.

<i>Matter Raised</i>	<i>Officer Comments</i>
<i>Traffic and Parking Impact</i>	• It is agreed that there is a high demand for parking in Edward Street as the site is close by Kingswood Public School and Western Sydney University. • SEPP ARH allows for a 0.2 car space per boarding room rate to be applied to developments which are undertaken by or on behalf of a social housing provider (as defined by the Policy). Notwithstanding, insufficient information has been provided to Council which indicates that the development will be undertaken by or on behalf of a social housing provider and as such, it is calculated that the development should provide 7 car parking spaces. • It is noted that Edward Street is narrow (9m width) and does not permit two way passing, this is an unrelated existing situation. • Other concerns have been raised by Council's development and Traffic Engineer regarding the ability to enter and exit in a forward direction and associated impacts.
<i>Safety and Social Impacts</i>	• The development proposal was referred to Council's Social Planner who has identified a need for diverse forms of affordable rental housing, notwithstanding the application is recommended for Refusal.
<i>Number of boarding houses in the area</i>	• The current legislation permits boarding house development within the zone. Each application is assessed on its individual merits. • Consideration of vacancy rates is not a requirement under the legislation.

Noise Impact	It is agreed that noise levels may have an impact on existing levels of amenity. Council's Environmental Health officers have raised matters with the applicant's Acoustic assessment report for consideration, noting that the application is recommended for Refusal on a range of matters.
Privacy / Amenity Impact	The impacts of the development on privacy and the design of the development including the proposed setbacks and lack of landscaping have been considered and the application is being recommended for Refusal based on these reasons and others.
Property value impacts	This is not a matter for consideration in the assessment of the development application as boarding house development is a permissible use in the zone. The application is however unsatisfactory on other matters and is recommended for Refusal.
Character, Bulk & Scale	The assessment by Council Officers agrees that the proposed boarding house is not compatible with the desired character of the area and inadequate landscaping and setbacks are proposed.

Referrals

The application was referred to the following stakeholders and their comments have formed part of the assessment:

Referral Body	Comments Received
Building Surveyor	No objections - subject to conditions
Development Engineer	Not supported
Environmental - Environmental management	No objections - subject to conditions
Environmental - Waterways	No objections - subject to conditions
Environmental - Public Health	Not supported, however conditions provided
Waste Services	Not supported
Traffic Engineer	Not supported
Community Safety Officer	No objections - subject to conditions
Tree Management Officer	No objections
Social Planning	No objections

Section 4.15(1)(e)The public interest

The proposed development is assessed to be contrary to the aims and zone objectives of Penrith Local Environmental Plan 2010 and is non-compliant with key clauses of State Environmental Planning Policy (Affordable Rental Housing) 2009, including those related to compatibility with local character and development standards related to car parking, landscaping, private open space, solar access and accommodation size.

It is for the above reasoning that approval of the development application would not be in the public interest.

Section 94 - Developer Contributions Plans

Council's Section 7.11 Contributions plans apply to the subject development although as the development application is recommended for Refusal, a condition related to their payment is not recommended to be included.

Conclusion

The development application has been assessed against the applicable environmental planning instruments, including State Environmental Planning Policy (Affordable Rental Housing) 2009 and Penrith Local Environmental Plan 2010 and the proposal does not satisfy the aims, objectives and specific provisions of these policies.

In its current form, the proposal will have a negative impact on the surrounding character of the area, specifically the setbacks and general design of the development is not compatible with local character and is not representative of the future desired character of the area, as defined by Penrith Local Environmental Plan 2010 and the Penrith Development Control Plan 2014.

The development application was submitted with insufficient information in particular related to BASIX, design detail, solar access, acoustic impacts and site context.

Support for this application would set an undesirable precedent in the locality, particularly given the incompatibility of the design with the applicable controls of the Penrith Development Control Plan 2014. The building design is not site responsive and does not comply with key development standards which are directly resulting in unacceptable negative impacts in the locality, and is not in the public interest.

It is for the above reasoning that the development application is not worthy of support. Reasons for refusal are detailed below.

Recommendation

1. That DA20/0483 for a two storey, 14 room boarding house for a maximum of 17 lodgers at 3 Edward Street, Kingswood, be Refused for the attached reasons;
2. That those making submissions are notified of the determination; and
3. Council's in-house legal team have carriage of the appeal and engage Kerry Gordon Planning Services to act as an expert witness in the proceedings.

Refusal

1 [X Special 01 \(Refusal under Section 78A\(9\) of EPA Act 1979\)](#)

The application is not satisfactory for the purpose of Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979* as the proposal is inconsistent with the provisions of State Environmental Planning Policy (Affordable Rental Housing) 2009, as follows:

- The development application does not comply with Part 2, Division 3, Clause 29 Standards that cannot be used to refuse consent (2)(b) Landscaped area, (c) Solar Access, (d) Private open space, (e) Parking and (f) Accommodation size and Clause 30A Character of local area.

2 [X Special 02 \(Refusal under Section 4.15\(1\)\(a\)\(i\) of EPA Act 1979\)](#)

The application is not satisfactory for the purpose of Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979* as the proposal is inconsistent with the provisions of Penrith Local Environmental Plan 2010 as follows:

The proposal is inconsistent with Clause 1.2, Aims of Plan, and the objectives of the R3 Medium Density Residential zone, particularly those related to enhancement of the local character and identity of established residential areas, provision of development that reflects the desired future character of the area and achieves and maintains a high level of residential amenity. The proposal is also unsatisfactory having regard to the principles of sustainable development under Clause 7.4 Sustainable development.

3 [X Special 03 \(Refusal under Section 4.15\(1\)\(a\)\(i\) of EPA Act 1979\)](#)

The application is not satisfactory for the purpose of Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979* as the proposal is inconsistent with the provisions of State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004, as follows:

- The application was not accompanied by a BASIX Certificate applicable to the type of development proposed, is BASIX affected development, and therefore does not comply with the requirement under clause 3 *Aims of Policy*, and clause 6 *Buildings to which Policy applies*.

4 [X Special 04 \(Refusal under Section 4.15\(1\)\(a\)\(iii\) of EPA Act 1979\)](#)

The development application is not satisfactory for the purpose of Section 4.15(1)(a)(iii) of the *Environmental Planning and Assessment Act 1979*, as the proposal is inconsistent with the following provisions of Penrith Development Control Plan 2014:

- C1 Site Planning and Design Principles;
- C3 Water Management;
- C4 Land Management;
- C5 Waste Management;
- C6 Landscape Design;
- C10 Transport, Access and Parking;
- Part D2 Residential Development; and
- Part D5, Section 5.11 Boarding houses.

5 [X Special 05 \(Refusal under Section 79C\(1\)\(a\)\(iii\) of EPA Act 1979\)](#)

The application is not satisfactory for the purpose of Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979* as the proposal has not satisfied the provisions of Clause 7 of the provisions of *State Environmental Planning Policy No. 55 - Remediation of Land*.

6 [X Special 06 \(Refusal under Section 4.15\(1\)\(a\)\(iv\) of EPA Act 1979\)](#)

The development application is not satisfactory for the purpose of Section 4.15(1)(a)(iv) of the *Environmental Planning and Assessment Act 1979* and Clause 50 of the *Environmental Planning and Assessment Regulation 2000* in that the application was not accompanied by a BASIX Certificate relevant to the type of development proposed, as is required by Part 1 of Schedule 1 of the Regulations.

7 [X Special 07 \(Refusal under Section 4.15\(1\)\(b\) of EPA Act 1979\)](#)

The development application is not satisfactory for the purpose of Section 4.15(1)(b) of the *Environmental Planning and Assessment Act 1979* in terms of the likely impacts of that development including those related to:

- (i) negative streetscape and local character impacts;
- (ii) negative noise and privacy impacts;
- (iii) unsatisfactory traffic, parking, access and manoeuvring provision;
- (iv) unsatisfactory solar access and internal amenity;
- (v) unsatisfactory sustainability considerations; and
- (vi) inadequate landscaping provision and setbacks; and
- (vii) unsatisfactory drainage considerations in the design;

8 [X Special 08 \(Refusal under Section 4.15\(1\)\(c\) of EPA Act 1979\)](#)

The application is not satisfactory for the purpose of Section 4.15(1)(c) of the *Environmental Planning and Assessment Act 1979* as the site is not suitable for the proposed development.

9 [X Special 10 \(Refusal under Section 4.15\(1\)\(e\) of EPA Act 1979\)](#)

The application is not satisfactory for the purpose of Section 4.15(1)(e) of the *Environmental Planning and Assessment Act 1979*, as the proposal is not in the public interest.

10 [X Special 9 \(Refusal under Section 4.15\(1\)\(d\) of EPA Act 1979\)](#)

The application is not satisfactory for the purpose of Section 4.15(1)(d) of the *Environmental Planning and Assessment Act 1979* due to matters raised in submissions which include:

- Impacts of the development on the availability of car parking; and
- Impacts of the development on residential amenity, local character and privacy.

Appendix - Development Control Plan Compliance

Development Control Plan 2014

Part B - DCP Principles

The development proposal is considered to be contrary to the principles, commitments and objectives of the Penrith Development Control Plan 2014 (DCP) in particular, the proposal does not enable communities to minimise their ecological footprint or promote sustainable production and consumption through appropriate use of environmentally sound technologies and effective demand management.

The development does not adequately protect the occupants from the western heat. No window shading is provided to the west, east and north facing openings and little opportunity is provided for natural cross flow ventilation or canopy trees for shading. Due to the location and orientation of the building and elevated nature of the upper level, the building will be exposed to high levels of direct solar access and inadequate shade is provided to reduce the thermal loading, which will be retained in the summer months.

The submitted BASIX Certificate is identified as being for a single dwelling and is not the required alternative assessment for large boarding Houses certificate and Section J compliance report.

Part C - City-wide Controls

Section C1 Site Planning and Design Principles

Clause 1.2.2 Built form - Energy Efficiency and Conservation

This section of the DCP states that "*buildings should be designed on passive solar design principals which respond to orientation to maximise the northern aspect and solar access in the cooler periods; reduce overheating in summer and promote solar gain in winter; and ensure there is adequate cross flow of air by utilising natural ventilation, resulting in a reduction in the use of mechanical ventilation and/or air-conditioning systems*".

The design of the building does not facilitate sufficient opportunity for natural cross flow ventilation, particularly at the upper level, and is positioned and orientated such that the thermal load in summer will result in overheating and poor internal amenity and thermal comfort for lodgers.

The incorrect BASIX Certificate was lodged for the development type, refer to discussions under SEPP BASIX.

Clause 1.2.3 Building Form - Height, Bulk and Scale

The proposal fails to demonstrate how the development is comparable or complementary with the height, bulk and scale of adjacent development. It is acknowledged that the area is zoned R3 Medium Density Residential under PLEP and some transition in the density of the area is expected. However, the development proposal does not demonstrate an acceptable level of compliance with the applicable key built form controls under the DCP, their objectives or with the objectives of the R3 zone.

Proposed setbacks, separation distances and landscaped elements do not adequately mitigate against negative and unacceptable amenity impacts such as privacy (visual and acoustic), overbearing and impacts on local streetscape and landscape character.

Section C2 Vegetation Management

An Arboricultural Impact Assessment has been provided with this application. Two trees are recommended for removal and two other trees have been identified to be isolated from construction activity with tree protection fencing. Additional trees will be planted as part of the application. The application was also referred to Council's Tree Management Officer for review and comment. Council's Tree Management Officer raised no objection to two remove two trees and supported the recommendation of the Arboricultural Impact Assessment

Section C3 Water Management

The application was referred to Council's Development Engineer for review and comment. The

application was not supported by Development Engineer for the following reason:

- Confirmation was not been provided by applicant to confirm the property has a legal right to drain to the existing easement for drainage traversing the site.
- The slope junction connection to the Council drainage line is not supported. The connection shall be via a new junction pit in accordance with Penrith City Council's Stormwater Drainage Specification for Building Developments.
- No structures are to be located within the easement for drainage. The 150mm pipe crossing through the easement for drainage and the access ramp within the easement is not supported and shall be removed. It is noted that colorbond fencing is proposed to be located within the easement adjacent to the waste collection bay. The posts for the proposed fencing shall be located clear of the zone of influence of the pipeline.
- The property is in the vicinity of the 1% AEP overland flow flood event based on Council's College, Orth and Werrington Creeks Catchment Overland Flow Flood Study. The stormwater concept plans propose a reduction in size of the required OSD system in accordance with section 4.2.1 of Council's Stormwater Drainage Specification for Building Developments however the site is not within a major overland flow path and as such the reduction in OSD is not applicable. The stormwater concept plans and OSD shall be updated in accordance with Council's Stormwater Drainage Specification for Building Developments.
- The sediment sump and relief drain is not supported and shall be removed from the discharge control pit due to the Western Sydney clayey soils within the Penrith LGA.

Section C4 Land Management

No contamination assessment has been carried out for the development. See comments under SEPP 55 section of the report. The Erosion and Sediment Control Plan submitted with the application indicates that sediment and erosion control measures will be installed on the boundary.

Section C5 Waste Management

The application was referred to Council's Waste Management Officer for review and comment. The application was not supported by Waste Management Officer as the design of the waste area is not compliant with Council's DCP. Council's waste Management Officer also raised the following issues:

Boarding House Integrated Infrastructure

For boarding house developments, a bin allocation will be applied in accordance with section 2.3.1.1 of the '*Multi-unit dwelling waste management guideline*' document. All on-site waste collection infrastructure outlined within sections 2.4.1 (communal waste collection area) and 2.4.2 (bulky goods collection area) is required to be integrated wholly within the development's built form.

Communal Waste Collection Area

The communal waste collection area to incorporate the following provisions in accordance with section 2.4.1 of the '*Multi-unit dwelling waste management guideline*' document including but not limited to:

- Communal Waste Storage area large enough to accommodate 12x240L bins.
 - Internal dimensions: 3.6m long by 3.2m wide (exact dimensions required).
 - Current plans provide a width of only 2.7m.
- The structure is to be effectively integrated within the developments built form and landscape design to enhance street presentation and resident amenity.
 - The structure to be enclose and roofed within the development overall built form.
- Floor is to be graded to a central drainage point connected to the sewer.
- The structure is to be provided with an adequate supply of water through a centralized mixing valve with hose cock.
- The doors to be 180 degree, outwards opening, sealed and self-closing dual doors.
- The structure is to be waterproofed to permit the use of wash facilities.
- The service path leading to the structure and kerb is to be 1.2m wide, concrete and remain parallel to the contours at all points with a maximum gradient of 1:24.
- The structure is to be located within 10m of the kerb.

- The structure to provide a minimum 2.7m unobstructed internal room height is required in accordance with the Building Code of Australia.
- The structure to provide adequate lighting and natural/mechanical ventilation is required in accordance with the Building Code of Australia.

Note: Model waste bay configurations are located in sections 2.4.1.1 of the 'Multi-unit Dwelling Waste Management Guidelines' document

Bulky Goods Collection Area

The bulky goods collection area to incorporate the following provisions in accordance with section 2.4.2 of the 'Multi-unit dwelling waste management guideline' document including but not limited to:

- Minimum 4.0m² of bulky goods storage area to be provided.
- The structure is to be effectively integrated within the developments-built form and landscape design to enhance street presentation and resident amenity.
 - The structure to be enclosed and roofed within the development overall built form.
- Separate unobstructed access is required to the bulky goods collection area.
- Floor is to be graded to a central drainage point connected to the sewer.
- The structure is to be provided with an adequate supply of water through a centralized mixing valve with hose cock.
- The structure is to be waterproofed to permit the use of wash facilities.
- The structure is to provide a minimum outwards opening doorway width of 1.8m.
 - Room to have minimum internal width of 1.8m.
 - Current width provided is 1.0m inhibiting the provisions of a safe and efficient waste collection service.
- The service path leading to the structure and kerb is to be 1.2m wide, concrete and remain parallel to the contours at all points with a maximum gradient of 1:24.
- The structure is to be located within 10m of the kerb.
- The structure to provide a minimum 2.7m unobstructed internal room height is required in accordance with the Building Code of Australia.
- The structure to provide adequate lighting and natural/mechanical ventilation is required in accordance with the Building Code of Australia.

Section C6 Landscape Design

Clause 6.1.3 Neighbourhood Amenity and Character

The submitted design does not comply with the requirements of the DCP as follows:

- The landscape proposal does not enhance the amenity and visual quality of the site.
- The bulk and scale of the building is not moderated by the use of landscaped elements such as for screening or shade provision.
- The development does not make any contribution to the streetscape by way of the design of structures or landscaping.
- The design of landscaping works do not ensure that the development integrates into and enhances the existing landscape character through either setbacks, materials selection, architectural character or vegetation selection/placement.
- The proposed driveway and car parking area provides hard stand up to the boundary, with no provision of a strip of landscaping suitable to provide landscaping to screen the car parking and building from the adjoining neighbours. The absence of any landscaping along this boundary results in a large mass of hard stand when viewed from the street, with no landscape relief.

Clause 6.1.4 Site Amenity

The DCP states that landscape design should seek to screen development, particularly from the sides and rear of an allotment and shrubs and small trees should be used to screen service areas and block unwanted views that reduce privacy. The proposal does not adequately demonstrate that an acceptable level of compliance is achievable. The proposed level of site coverage is excessive and areas of landscaping are minimal in width, area or poorly located such that planting in these locations would not be either sustainable or substantial enough to result in any meaningful contribution to amenity, local character or streetscape presence.

Section C10 Transport, Access and Parking

Car parking requirements are set by State Environmental Planning Policy (Affordable rental Housing) 2009 [SEPP ARH] and are not found to be compliant. The applicant has not demonstrated that the development will be undertaken by or behalf of a social housing provider (as is defined by the Policy) and as such a 0.5 space per room car parking rate applies (rather than the 0.2 car space per lodger rate provided by the applicant).

Notwithstanding the compliance with the number of car parking spaces required by the SEPP ARH, the development is recommended for refusal. It is also noted that Council's development engineers have raised objection to the proposal as vehicles cannot enter and leave the site in a forwards direction. It is also noted that insufficient passing bay width and length is provided within the front setback.

The proposal does not comply with the general objectives of Section C10(A)(b) and (c) in that traffic safety impacts of the proposal are not minimised as residents will be forced to reverse out of the rear parking onto the street if there are not spaces available, and owing to the implications of the design of the driveway and car parking hard stand, the development will negatively impact roadway safety, including pedestrian safety.

For the above reasoning the proposal is found to be contrary to the road safety controls at C10(B)(2)(a),(d) and (e) and the Parking objectives and controls at 10.5.1(B)(a),(b),(e),(f) and (C)(5)(i) and (k).

D2 Residential Development

Section 5.11 of the Penrith DCP states at Clause C. Controls, (2)(h) that a boarding house proposal of a scale similar to a multi dwelling housing development should comply with the controls and objectives for Multi Dwelling Housing within this DCP. It is assessed that the proposed development is of a scale similar to multi dwelling housing owing to the number of domiciles proposed, the nature and density of activities related to the proposed use and the bulk and site coverage of the design which contribute to overall scale. Noting also that the NSW Government does not accept Single Dwelling BASIX Certificates for 'Large Boarding Houses', which it defines as those being capable of accommodating more than 12 boarders or is greater than 300sqm in floor area. The proposal is defined as a 'Large boarding house'.

As is required by the DCP and assessment has been made of the proposal having regard to the controls and objectives for multi dwelling housing.

Clause 2.4.2 Preferred Configuration for New Dwellings

Objectives for the clause include that new multi dwelling housing should adopt key features of established suburban design, and that dwellings and their entrances and private courtyards look towards the street, or the rear boundary.

The design of the proposed does not adopt key features of established suburban design such as articulated and stepped floor plates both in plan and in elevation, an upper level floor plate which is notably smaller than the ground floor plate, and a building which is in a garden setting surrounded by generous landscaping, with deep set landscaped front set backs. There is a significant amount of hard stand on the site, which is still visible from the street and does not assist with integrating the large size of the building onto the surrounding area.

Clause 2.4.3 Development Site

Objectives of the clause include to identify planning and design options that are appropriate to the shape and size of each development lot, and to the location of neighbouring buildings, and to identify planning and design responses that address impacts on surrounding streetscapes.

The design of the development is not site responsive. The scale of the development does not sit comfortably within the constrained lot (stormwater easement run through middle of the property). The proposed minimal front setback area will not allow for a front garden that will contribute to an attractive streetscape and detract from the streetscape character of the local area.

Clause 2.4.4 Urban Form

The development proposal is in opposition to the control at 2.4.4(3) which states that applicant's are to avoid "gun-barrel" style development with long rows of attached dwellings, long straight driveways and rows of uniform width garden courtyards by (a) breaking buildings into separate blocks no longer than 20m; (b) provide "open space corridors" between buildings at least 4m wide across each site; (c) a combination of garden areas and parking courtyards; or (d) open parking spaces that are lined by an avenue of shady, overhanging trees; (e) along common driveways, step the alignment of buildings, and / or their external walls plus eaves;; and (f) at the head of common driveways, a distinctive building or landscaped feature should terminate the vista from the street.

The design of the development does not comply with (3) or (3)(a), (b), (c), (d), (e) or (f) above. No landscape buffer is provided between the driveway and the boundary of the site, or between the driveway and the boarding house.

The design of the development is in conflict with controls requiring external walls to be a maximum of 5m in length between distinct corners ((4)(b) and the upper floor is not steeped back from the ground floor contrary to the control at (4)(c) which requires that the upper storey be surrounded by a larger ground floor plan that incorporates projecting rooms, shady verandahs and carports.

Clause 2.4.5 Front and Rear Setbacks

- The proposal provides a 5.5m front setback which is numerically consistent with the average front setback of the adjoining property. However, the proposed 5.5m front setback is not sufficient as major portion of the area is taken up with infrastructure and hard stand area which is not compatible or complementary to the streetscape. The proposed design (driveway, pathway, bike parking area and stormwater pipe location) limits the opportunity for adequate landscaping within front setback area and is considered to be contrary to the streetscape, which is characterised by large landscaped treatments to the front and rear yard areas of surrounding properties, also noting that majority of properties contain mature trees.
- The proposed 4 metre rear setback at ground floor is acceptable numerically but the setback area contains hardstand and parking, which is not acceptable. The objective of providing the setback is to allow deep soil landscaping to soften the appearance of structures and provide a visual buffer between neighbouring buildings. The proposal does not comply with this objectives.

The proposal does not comply. Refer also to discussion under Section 5.11 of the DCP for applicable side setback controls.

Clause 2.4.6 Building Envelope and Side Setbacks

The proposal does not comply with the objectives and controls of the clause in that inadequate landscaped separation is provided between neighbouring dwellings. The design of the development does not comply with control at (B)(6) which requires reasonable separation and landscaping between neighbouring buildings, consistent with the other sections of the DCP. Refer to discussion under Section 5.11 of the DCP for applicable side setback controls.

Clause 2.4.7 Driveways and Parking Areas

The design does not comply with the DCP in that:

- The driveway is not separated from dwellings by a landscaped verge of at least 1m wide.
- The proposed development does not demonstrate that effective and healthy landscaping can be provided along all site boundaries.
- The design does not provide for landscaping as continuous verges along both sides, or as a verge beside dwellings with plantings in pavement cut-outs along a boundary fence.

Clause 2.4.8 Landscaped Area

The proposal does not comply with the objectives and controls of this clause. No effective separation is provided between neighbouring development which may provide for healthy growth

of new trees and shrubs, that may provide a green outlook for residents, and the minimal front setback area will not allow for a front garden that will contribute to an attractive streetscape.

Clause 2.4.12 Building Design

The development proposal is contrary to the controls of the clause, in that the design does not effectively mitigate against bulk through the use of a variety of materials, articulating elements such as stepped walls, projections in the ground floor plan, rooms that extend beyond the upper storey, attached verandahs and pergolas.

Clause 2.4.13 Energy Efficiency

The development proposal does not adequately employ design techniques to reduce thermal loads and allow for effective solar shading.

Clause 2.4.16 Garden Design

(B) Controls (1)(a) through (e) requires that the rear boundary setback should provide private garden courtyards, a corridor of habitat, a green backdrop that is visible from the street, an interlocking canopy of low to medium-height trees and shrubs. The rear setback is dominated by hardstand and parking areas and has no areas being of a scale sufficient in area to accommodate medium trees or shrub planting, or that would contribute to a corridor of canopy trees or that would provide for a green outlook.

The control at (B)(2) and (3) require that the development provide for small to medium height canopy trees for sun-shading and privacy separation between dwellings and within the verges to any common driveway and hedges fronting windows to any dwellings. The design of the development provides no landscape buffer along the western side elevation against the building or adjacent to the driveway and provides very limited buffer planting along the eastern side boundary.

Clause 2.4.17 Paving Design

This clause requires that driveways are to provide an attractive "address" for any dwellings without a direct frontage to the street, be divided into panels by bands of contrasting materials or pavers, provide for landscaping as continuous verges along both sides, or as a verge beside dwellings with plantings in pavement cutouts along a boundary fence. The design of the development does not provide any of the above.

Clause 2.4.19 Visual and Acoustic Privacy and Outlook

The development proposal has not adequately demonstrated that the package of measures proposed to prevent privacy (visual and acoustic) impacts is acceptable. The location of the communal room and the private open space is awkward because both these spaces face into the car parking area, with the open space wedged between car parking and the waste room with no ability for landscaping to provide a buffer. The acoustic report does not address the location of the communal open space. Inadequate landscape buffer planting is provided for.

D5 Other Land Uses

The proposal is not considered to be acceptable having regard to the objectives and controls of the DCP including those of Chapter 5.11 Boarding houses.

In relation to Chapter 5.11 the following is noted:

- The proposal is not supportable as the design is not considered to be compatible with the local character, the future desired character of the area, and does not provide suitable amenity for tenants as is required by section 5.11(B) objectives.
- The proposal does not comply with section 5.11(2)(c) as the design does not have a sympathetic relationship with adjoining development. The upper floor plate is not stepped back from the ground floor plate, insufficient side boundary planting is provided as a buffer to the neighbouring developments;
- The proposal provides a 5.5m front setback which is numerically consistent with the average front setback of the adjoining property. However, the proposed 5.5m front setback is not sufficient as major portion of the area is taken up with infrastructure and hard stand area which is not compatible or complementary to the streetscape. The proposed design (driveway, pathway, bike parking area and stormwater pipe location) limits the opportunity for adequate landscaping within front setback area and is considered to be contrary to the streetscape, which is characterised by large landscaped treatments to the front and rear yard areas of surrounding properties, also noting that majority of properties contain mature trees.
- The 4 metre rear setback at ground floor is acceptable numerically but the setback area contains hardstand and parking, which is not acceptable. The objective of providing the setback is to allow deep soil landscaping to soften the appearance of structures and provide a visual buffer between neighbouring buildings. The proposal does not comply with this objectives.
- The proposal is not compliant with the required side setbacks provided in table D5.3 of the Chapter which requires a side setbacks to be a minimum of 2m along not more than 50% of the building length, and 3m minimum for the remaining distance.
- It is unclear if communal facilities are provided in accordance with the requirements of 5.11(C)(4)(f).
- The common room does not comply with the area requirements of the DCP for a minimum of 2sqm's per lodger.

Clause C(2)(h) requires that a boarding house proposal of a scale similar to a multi dwelling housing development should comply with the controls and objectives for Multi Dwelling Housing within the DCP. An assessment of the proposal has been undertaken against the applicable section of the DCP. Refer to Section D2 of the DCP section of this assessment report.

DATA SCHEDULE:

SITE AREA: 634.9m2

TOTAL NUMBER OF ROOMS: 14
(11 SINGLE + 3 DOUBLE ROOMS)
TOTAL NUMBER OF LODGERS: 17

GROUND FLOOR AREA: 212.17m2
FIRST FLOOR AREA: 203.13m2

TOTAL BUILT-UP AREA: 415.30m2

OVERALL LANDSCAPE AREA: 186.76m2 (29.41%)

LANDSCAPE AREA (MIN. 2m WIDE): 148.81m2 (23.43%)

CAR PARKING CALCULATIONS:
0.2 SPACES/ ROOM IN ACCESSIBLE AREA AND
DEVELOPMENT BY OR ON BEHALF OF SOCIAL
HOUSING PROVIDER (AS PER SEPP AFFORDABLE
RENTAL HOUSING) 2009)

PARKING REQUIRED: 2.8 SPACES
PARKING PROVIDED: 3 SPACES

BICYCLE & MOTORCYCLE PARKING CALCULATIONS:
1 SPACE (FOR EACH) / 5 ROOMS (AS PER SEPP
AFFORDABLE RENTAL HOUSING) 2009)

PARKING REQUIRED: 2.8 SPACES (FOR EACH)
PARKING PROVIDED: 3 SPACES (FOR EACH)



PROPOSED BOARDING HOUSE AT 3 EDWARD STREET, KINGSWOOD NSW 2747

AMENDMENTS

Issue	Date	Description	Author
K	05/08/20	SKETCH ISSUE	AD

GENERAL NOTES:

1. FIGURED DIMENSIONS SHALL BE TAKEN IN PREFERENCE TO SCALING.
2. CHECK ALL DIMENSIONS AND LEVEL'S ON SITE BEFORE COMMENCING WORK OR ORDERING MATERIALS.
3. ALL EXISTING GROUND LINES AND TREE LOCATIONS ARE APPROXIMATE, THEREFORE TO BE VERIFIED ON SITE BY BUILDER.
4. ANY DISCREPANCIES TO BE REPORTED TO SIGNATURE PROJECTS BEFORE PROCEEDING.
5. ALL WORKMANSHIP AND MATERIALS SHALL COMPLY WITH ALL THE RELEVANT CODES AND AUSTRALIA STANDARDS
6. THESE DESIGNS, PLANS, SPECIFICATIONS AND COPYRIGHT THERE IN ARE THE COPYRIGHT OF SIGNATURE PROJECTS AUSTRALIA PTY. LTD. AND MUST NOT BE USED, REPRODUCED OR COPIED WHOLLY OR IN PART WITHOUT THE WRITTEN PERMISSION OF THIS OFFICE.

ACCESSIBILITY NOTES

1. AN ACCESSIBLE PATH OF TRAVEL COMPLYING WITH AS1428.1 IS TO BE PROVIDED FROM THE BOUNDARY TO THE FRONT ENTRANCE, WITHIN GROUND FLOOR AND TO ALL COMMON FACILITIES.
2. ACCESSIBLE PATH TO HAVE 1000MM CLEAR WIDTH.
3. THRESHOLDS TO HAVE 5MM MAX VERTICAL STEP OR HAVE THRESHOLD RAMP UP TO 56MM MAX.
4. ACCESSIBLE ENSUITES AND POWDER ROOM TO HAVE CIRCULATIONS COMPLYING WITH AS1428.1 TO ALL FITTINGS AND DOORS
5. ALL DOOR OPENINGS ON GROUND FLOOR AND CIRCULATION TO COMPLY WITH AS1428.1.
6. AT LEAST ONE SOU TO BE FULLY ACCESSIBLE

DA ISSUE
NOT FOR CONSTRUCTION

PROJECT TITLE:
PROPOSED BOARDING HOUSE
AT 3 EDWARD STREET,
KINGSWOOD, NSW 2747

DRAWING TITLE
GROUND FLOOR PLAN

drawn	check	date	scale
RK/AD	AtK	05/08/20	1:100 @ A3
job no.	dwg no.	issue	
2020-09	SK-02	K	



AMENDMENTS

Issue	Date	Description	Author
B	19/06/2020	SKETCH ISSUE	AD

GENERAL NOTES:

1. FIGURED DIMENSIONS SHALL BE TAKEN IN PREFERENCE TO SCALING.
2. CHECK ALL DIMENSIONS AND LEVEL'S ON SITE BEFORE COMMENCING WORK OR ORDERING MATERIALS.
3. ALL EXISTING GROUND LINES AND TREE LOCATIONS ARE APPROXIMATE, THEREFORE TO BE VERIFIED ON SITE BY BUILDER.
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DA ISSUE

NOT FOR CONSTRUCTION

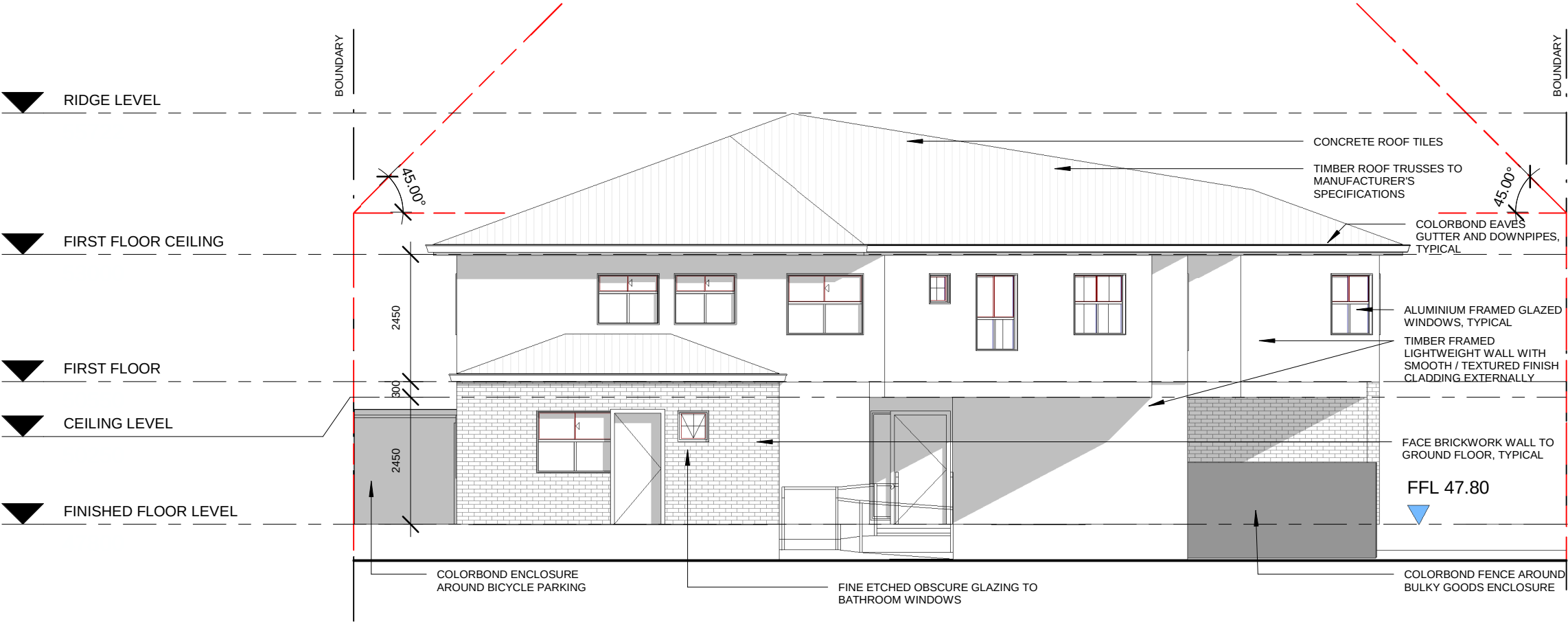
PROJECT TITLE:

PROPOSED BOARDING HOUSE
AT 3 EDWARD STREET,
KINGSWOOD, NSW 2747

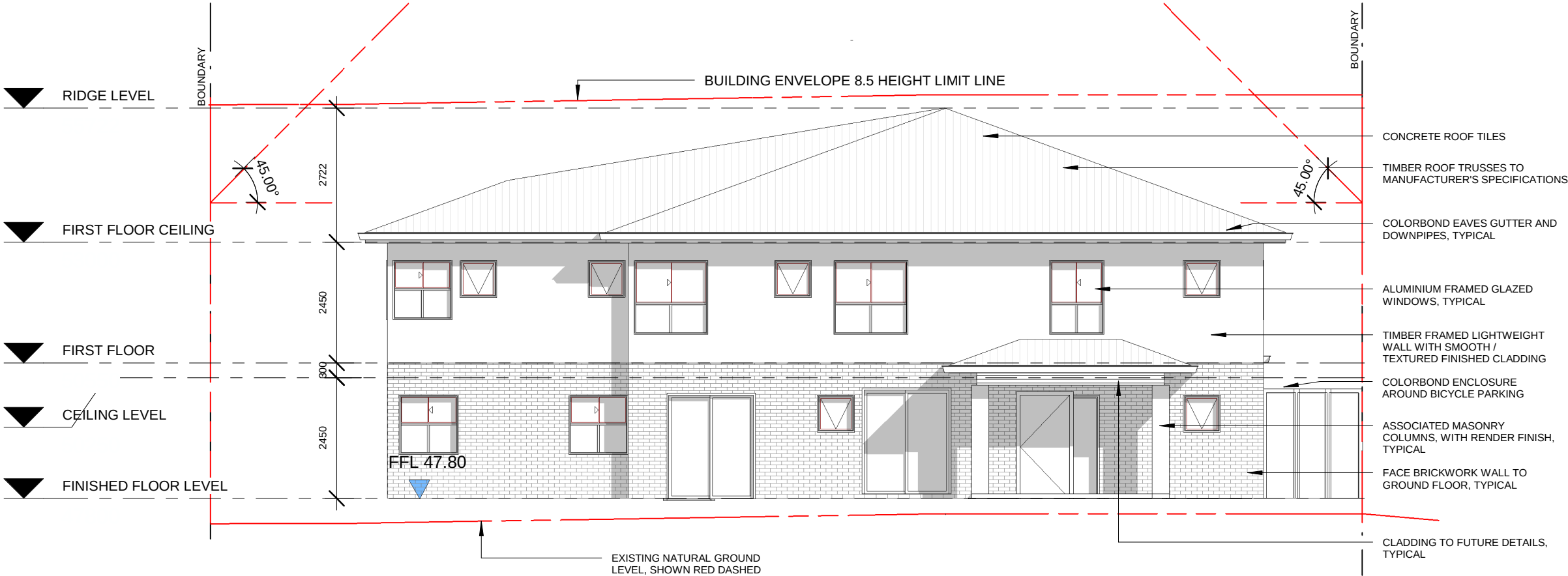
DRAWING TITLE

BUILDING ELEVATION

drawn	check	date	scale
AD	AtK	19/06/20	1:100 @ A3
job no.	drwg no.	issue	
2020-09	SK-04	B	



NORTH ELEVATION



SOUTH ELEVATION



Issue	Date	Description	Author
B	19/06/2020	SKETCH ISSUE	AD

GENERAL NOTES:

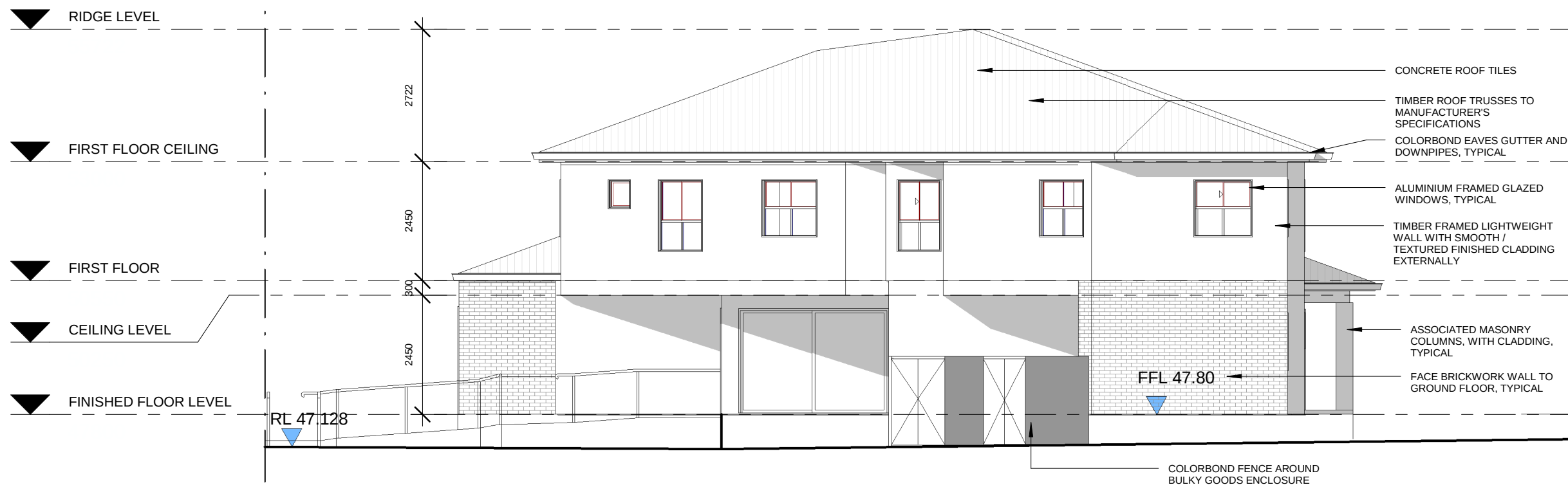
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2. CHECK ALL DIMENSIONS AND LEVEL'S ON SITE BEFORE COMMENCING WORK OR ORDERING MATERIALS.
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DA ISSUE
NOT FOR CONSTRUCTION

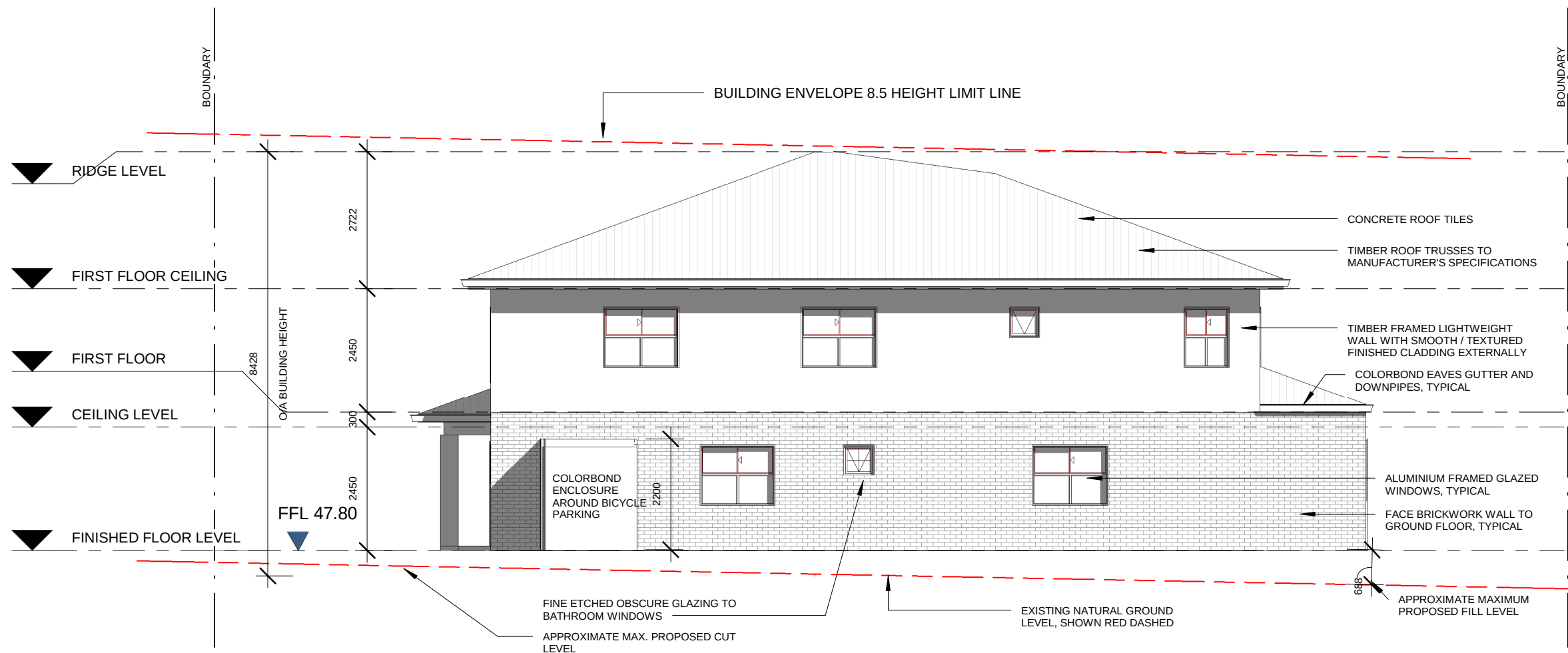
PROJECT TITLE:
PROPOSED BOARDING HOUSE
AT 3 EDWARD STREET,
KINGSWOOD, NSW 2747

DRAWING TITLE
BUILDING ELEVATION 2

drawn	check	date	scale
AD	AtK	19/06/20	1:100 @ A
job no. 2020-09	drwg no. SK-04B	issue B	



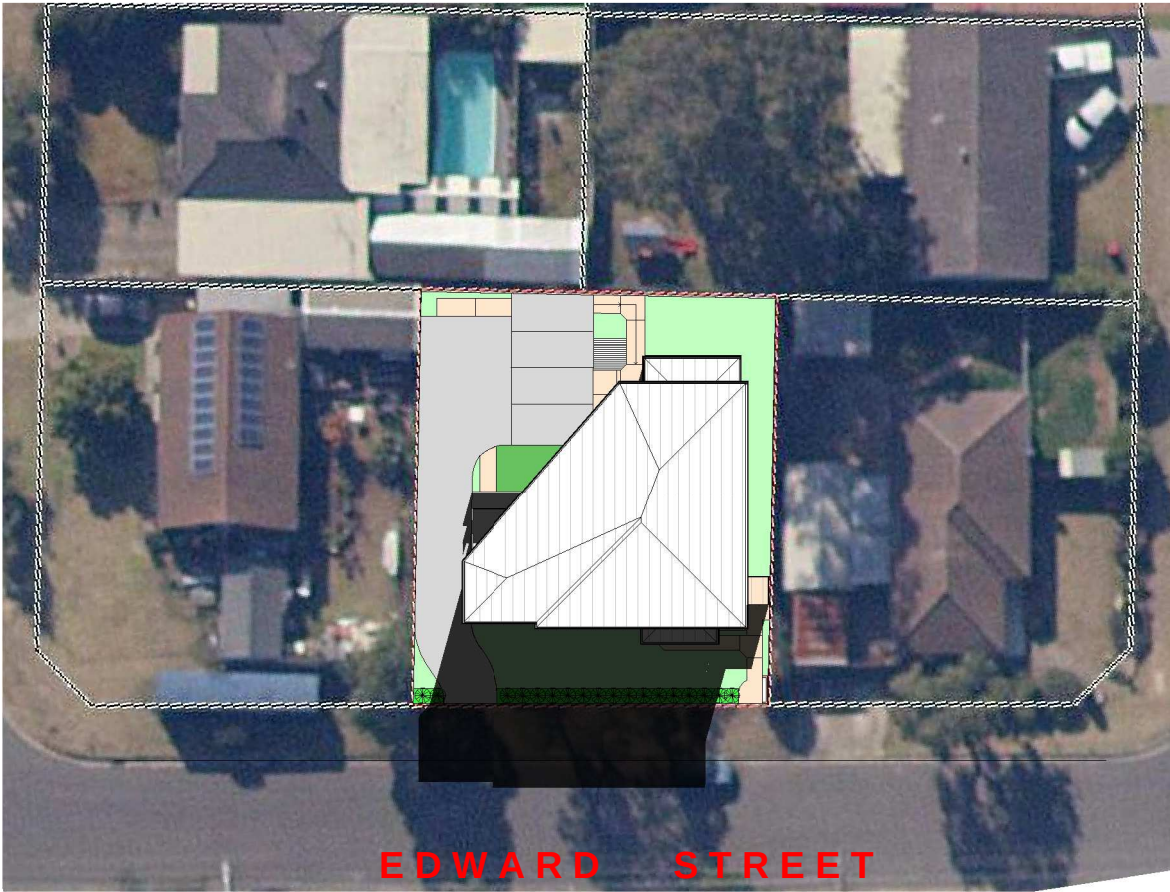
WEST ELEVATION



EAST ELEVATION



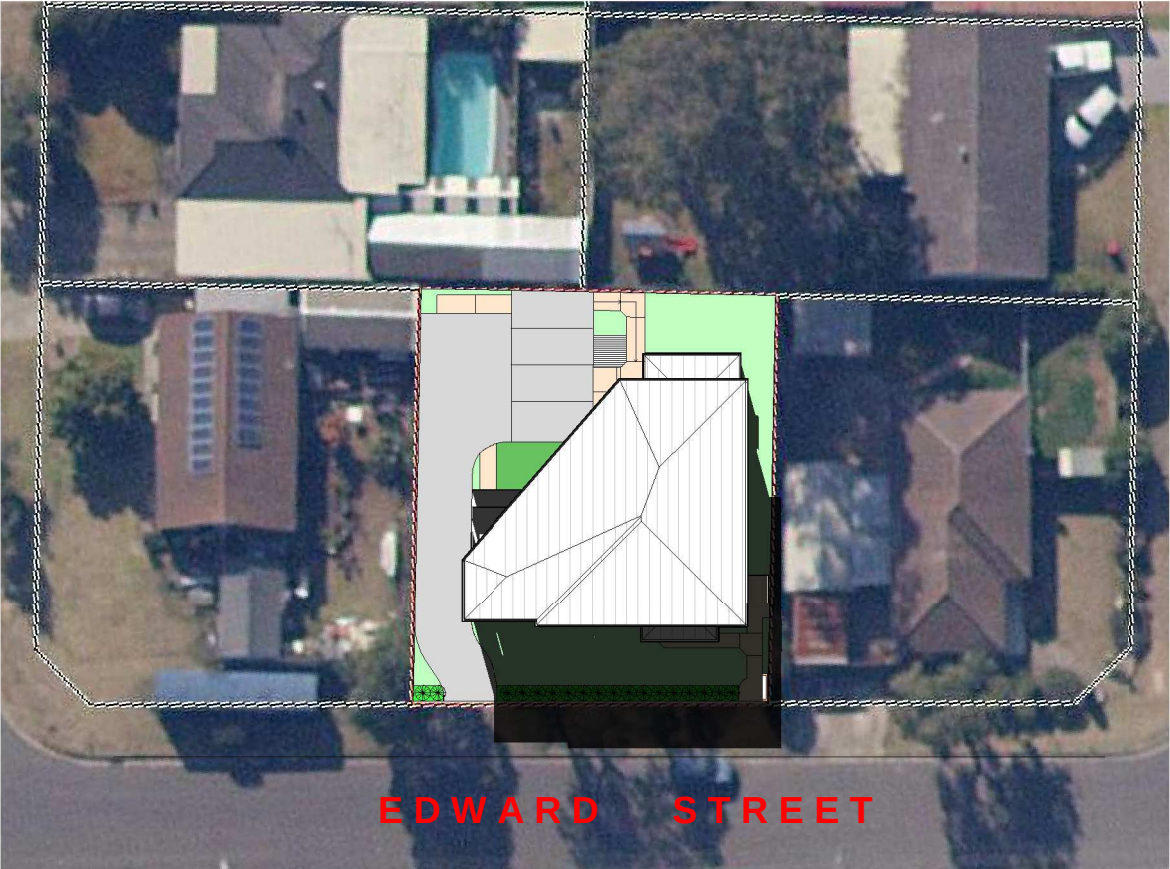
9 A.M. ON 21 JUNE



10 A.M. ON 21 JUNE



11 A.M. ON 21 JUNE



12 P.M. ON 21 JUNE

AMENDMENTS

Issue	Date	Description	Author
C	05/08/2020	SKETCH ISSUE	AD

GENERAL NOTES:

1. FIGURED DIMENSIONS SHALL BE TAKEN IN PREFERENCE TO SCALING.
2. CHECK ALL DIMENSIONS AND LEVEL'S ON SITE BEFORE COMMENCING WORK OR ORDERING MATERIALS.
3. ALL EXISTING GROUND LINES AND TREE LOCATIONS ARE APPROXIMATE, THEREFORE TO BE VERIFIED ON SITE BY BUILDER.
4. ANY DISCREPANCIES TO BE REPORTED TO SIGNATURE PROJECTS BEFORE PROCEEDING.
5. ALL WORKMANSHIP AND MATERIALS SHALL COMPLY WITH ALL THE RELEVANT CODES AND AUSTRALIA STANDARDS
6. THESE DESIGNS,PLANS, SPECIFICATIONS AND COPYRIGHT THERE IN ARE THE COPYRIGHT OF SIGNATURE PROJECTS AUSTRALIA PTY. LTD. AND MUST NOT BE USED, REPRODUCED OR COPIED WHOLLY OR IN PART WITHOUT THE WRITTEN PERMISSION OF THIS OFFICE.

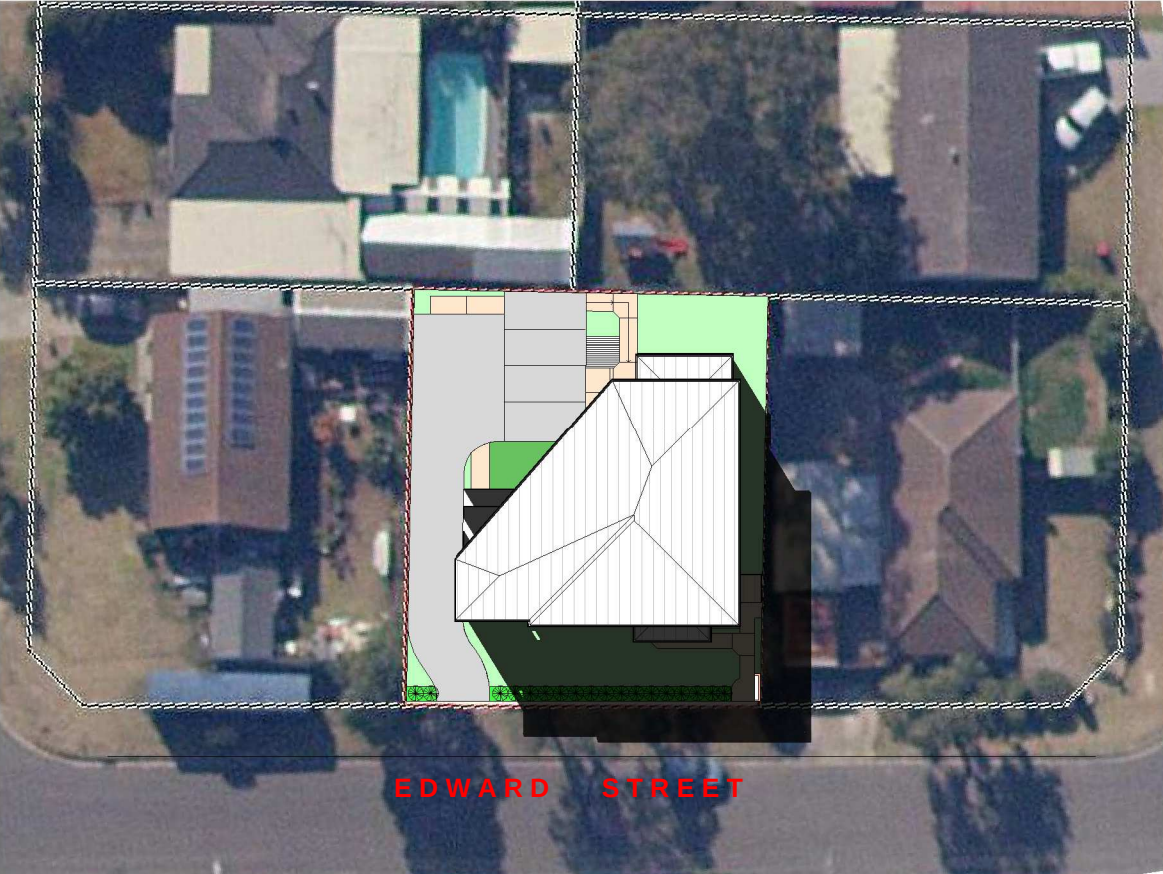
DA ISSUE
NOT FOR CONSTRUCTION

PROJECT TITLE:
PROPOSED BOARDING HOUSE
AT 3 EDWARD STREET,
KINGSWOOD, NSW 2747

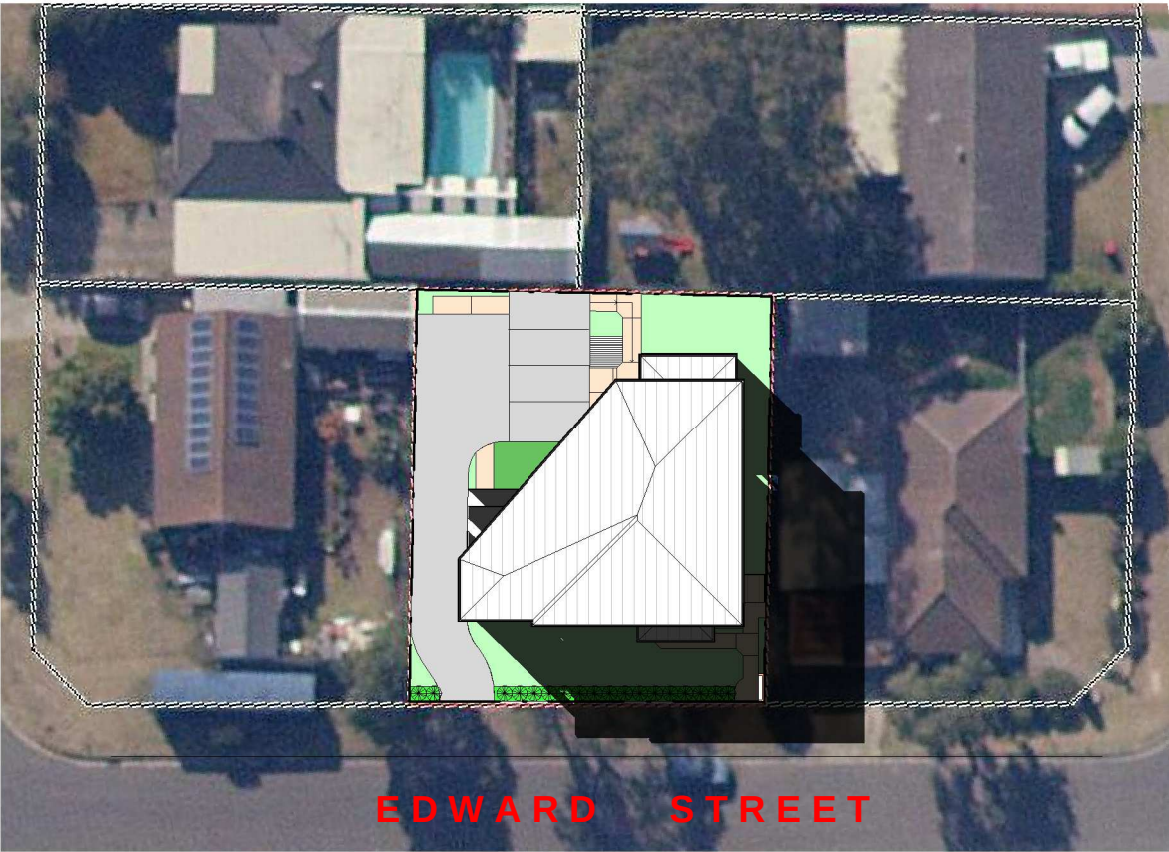
DRAWING TITLE
SHADOW DIAGRAMS 1 PLAN

drawn	check	date	scale
AD	AtK	05/08/20	N.T.S.
job no.	drwg no.	issue	
2020-09	SK-05	C	





1 P.M. ON 21 JUNE



2 P.M. ON 21 JUNE



3 P.M. ON 21 JUNE

AMENDMENTS

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C	05/08/2020	SKETCH ISSUE	AD

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DA ISSUE
NOT FOR CONSTRUCTION

PROJECT TITLE:
PROPOSED BOARDING HOUSE
AT 3 EDWARD STREET,
KINGSWOOD, NSW 2747

DRAWING TITLE
SHADOW DIAGRAMS 2 PLAN

drawn	check	date	scale
AD	AtK	05/08/20	N.T.S.
job no.	drwg no.	issue	
2020-09	SK-06	C	



AMENDMENTS

Issue	Date	Description	Author
B	05/08/2020	SKETCH ISSUE	AD

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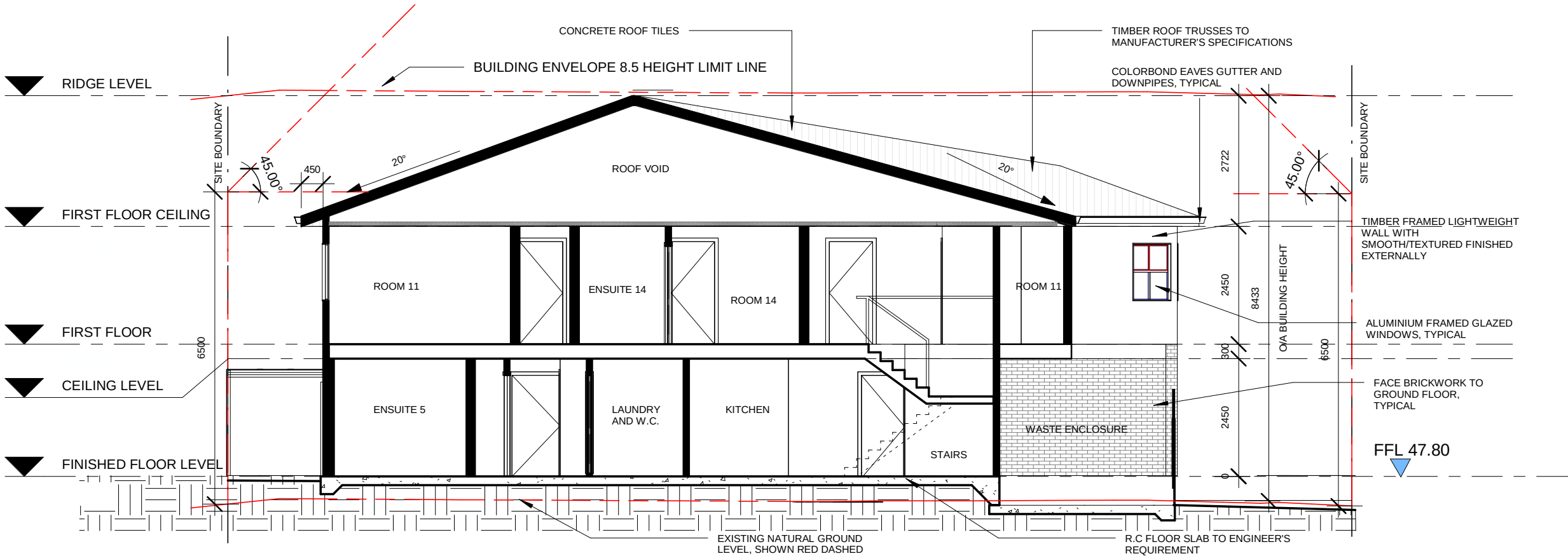
DA ISSUE

NOT FOR CONSTRUCTION

PROJECT TITLE:
PROPOSED BOARDING HOUSE
AT 3 EDWARD STREET,
KINGSWOOD, NSW 2747

DRAWING TITLE
BUILDING SECTION

drawn	check	date	scale
AD	AtK	05/08/20	1:100 @ A3
job no. 2020-09	drwg no. SK-07	issue B	



SECTION 1

AMENDMENTS

Issue	Date	Description	Author
C	05/08/2020	SKETCH ISSUE	AD

GENERAL NOTES:

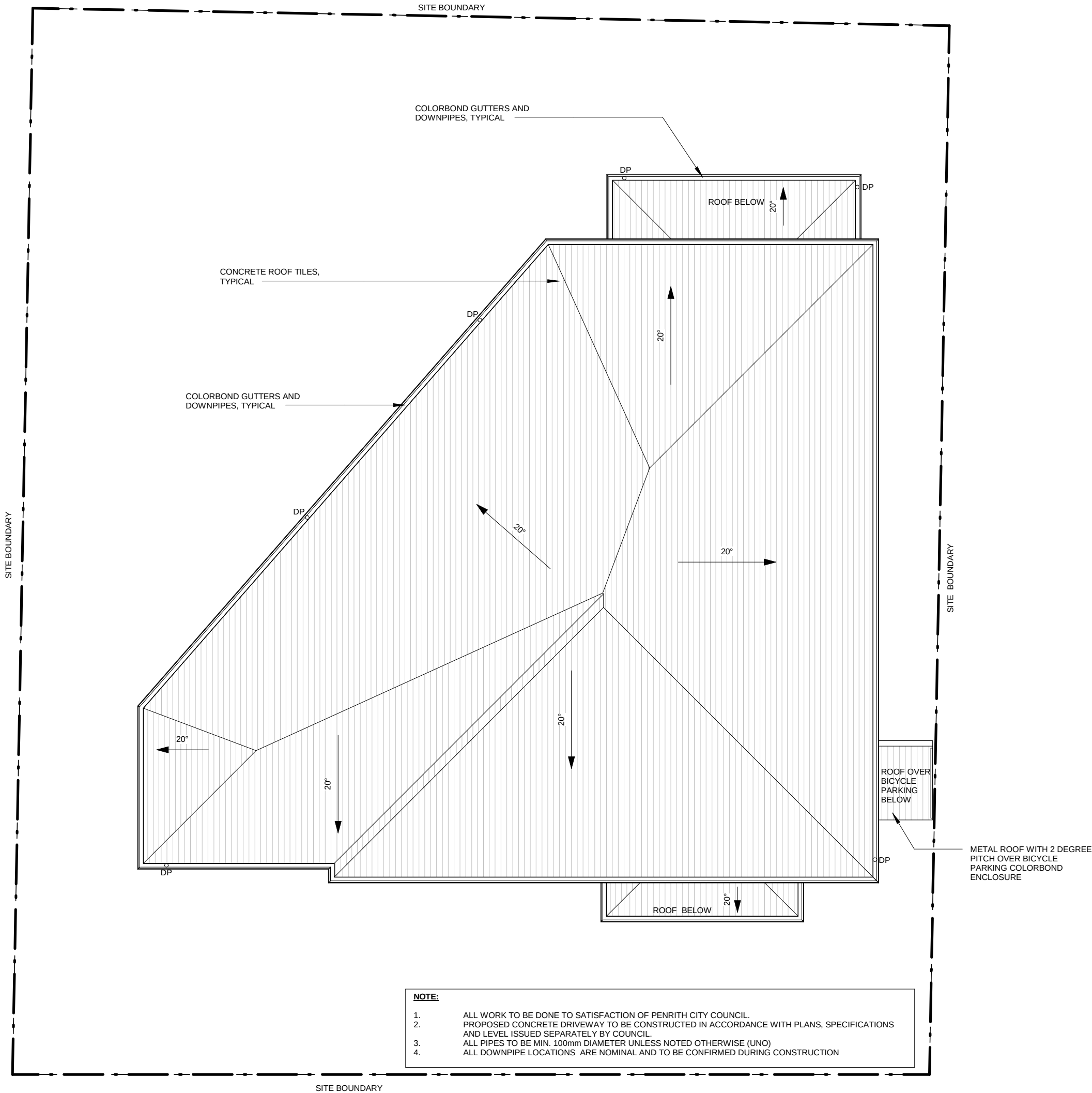
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DA ISSUE
NOT FOR CONSTRUCTION

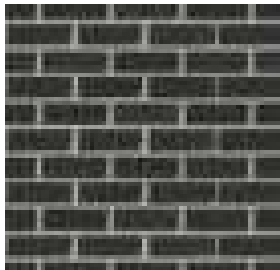
PROJECT TITLE:
PROPOSED BOARDING HOUSE
AT 3 EDWARD STREET,
KINGSWOOD, NSW 2747

DRAWING TITLE
PROPOSED ROOF PLAN

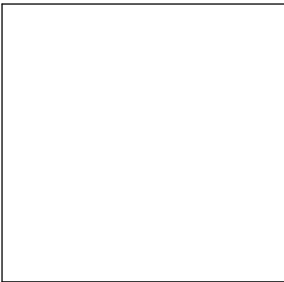
drawn	check	date	scale
AD	AtK	05/08/20	1:100 @ A3
job no. 2020-09	drwg no. SK-08	issue C	



LEGEND:



BRICK VENEER WALLS



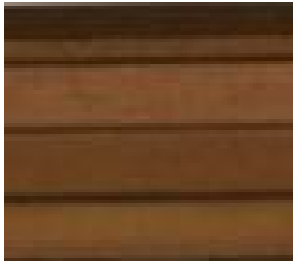
SMOOTH / TEXTURED
FINISH TO COLUMN &
SLAB



SMOOTH / TEXTURED
FINISH TO CLADDING
TO FIRST FLOOR
WALLS



WINDOW FRAMES AND
CLEAR GLASS



TIMBER FEATURE CLADDING



FROSTED GLASS TO
ALL ENSUITE WINDOWS



CONCRETE ROOF TILES



ALL EXTERNAL DOORS
WITH HORIZONTAL
CLEAR GLASS PANES

THESE COLOURS AND FINISHES ARE NOMINAL ONLY,
DEPENDING ON AVAILABILITY CAN BE REPLACED WITH
SIMILAR PRODUCTS

AMENDMENTS

Issue	Date	Description	Author
G	19/06/2020	SKETCH ISSUE	AD

- GENERAL NOTES:**
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DA ISSUE
NOT FOR CONSTRUCTION

PROJECT TITLE:
PROPOSED BOARDING HOUSE
AT 3 EDWARD STREET,
KINGSWOOD, NSW 2747

DRAWING TITLE
MATERIALS AND FINISHES
SCHEDULE

drawn	check	date	scale
AD	AtK	19/06/20	-
job no. 2020-09	drwg no. SK-09	issue A	



NOTES:
1. SITE PREPARATION
Any existing trees and vegetation to be retained shall be preserved and protected from damage of any sort during the excavation of landscape work. In particular root systems of existing plants must not be disturbed.
Any nearby site works should be carried out carefully using hand tools.
2. GENERAL NOTES
Drawings to be read and not scaled.
Discrepancy if any to be brought to the designer's attention.
All levels as per survey drawing.
These designs, drawings, documents and details are copyright of Earth Matters Consulting and must not be used, reproduced or copied wholly or in part without the consent of this consultancy.

Revision	Date	Amendment
R1	25.6.20	Plan amended as per architectural drawings, plant schedule, plan coloured
R2	7.7.20	Planting schedule amended, fence added
R3	5.8.20	Layout changed per arch. Drg plant schedule changed

PROPOSED BOARDING HOUSE AT
3 EDWARD STREET KINGSWOOD NSW

ADDRESS:
3 EDWARD STREET KINGSWOOD
NSW

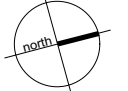
CLIENT:
SIGNATURE PROPERTIES NO 5 PTY LTD

DRAWING
LANDSCAPE PLAN

PROJECT	DATE
EDW 20	JUNE 2020

SCALE	STATUS
1:100@A3	DA

DRAWING NO.	DRAWN	CHECKED
LD01	SAA	SVS



PLACE MAKERS AND LANDSCAPE CONSULTANTS

SANDHYA SUNIL
M: 0439332998E:
info@earthmattersconsulting.com.au
www.earthmattersconsulting.com.au

LEGEND

-  Proposed trees/shrubs (ref. to plant schedule)
-  Trees removed (ref. arborist report)
-  Turf
-  Mulch to all garden beds
-  Garden edging (ref. detail)
-  Boundary of property (ref. arch.drgs.)
-  Paving to client selection

Document Set ID: 9248005
Version: 1, Version Date: 21/06/2020

PLANT SCHEDULE:

CODE	BOTANICAL NAME	COMMON NAME	QTY	POT SIZE	MATURE HT	STAKE
TREES						
Lag	Lagerstroemia indica 'Natchez'	Crepe Myrtle	1	75Lit	4-6M	Y
Mag	Magnolia 'Teddy Bear'	Magnolia	1	45Lit	5-6M	Y
Mel	Melaleuca decora	Honey Myrtle	2	45Lit	10M	Y
Pru	Prunus x blireana	Purple Leaved Plum	2	75Lit	4M	Y
Tri	Tristaniopsis laurina	Water Gum	1	75Lit	10-12M	Y

SHRUBS						
Aga	Agapanthus Black Magic	African Lily	9	140mm	500mm	
Cal	Callistemon viminalis 'Slim'	Bottlebrush	12	35Lit	3M	
CaJ	Callistemon viminalis 'Little John'	Bottlebrush	11	200mm	750mm	
CoA	Correa alba	Native Fuschia	7	200mm	1.5M	
Gr	Grevillea juniperina	Spder Flower	7	200mm	400-800mm	
Mur	Murraya paniculata	Orange Jessamine	1	200mm	2.5M	
Pel	Pelargonium 'Big Red'	Geranium	3	140mm	500mm	
Pho	Phormium tenax ' flamin	New Zealand Flax	6	200mm	900mm	
WeG	Westringia 'Grey Box'	Coastal Rosemary	15	200mm	450mm	
Wes	Westringia fruticosa 'Blue Gem'	Coastal Rosemary	7	200mm	1-1.5M	

GROUND COVER						
Dia	Dianella caerulea 'Breeze'	Flax Lily	10	200mm	700mm	
Lir	Liriope muscari 'Isabella'	Turf Lily	10	140mm	450mm	

CLIMBER						
Tra	Trachelospermum jasminoides	Star Jasmine	4	140mm		

TURF Zoysia macarantha Nara

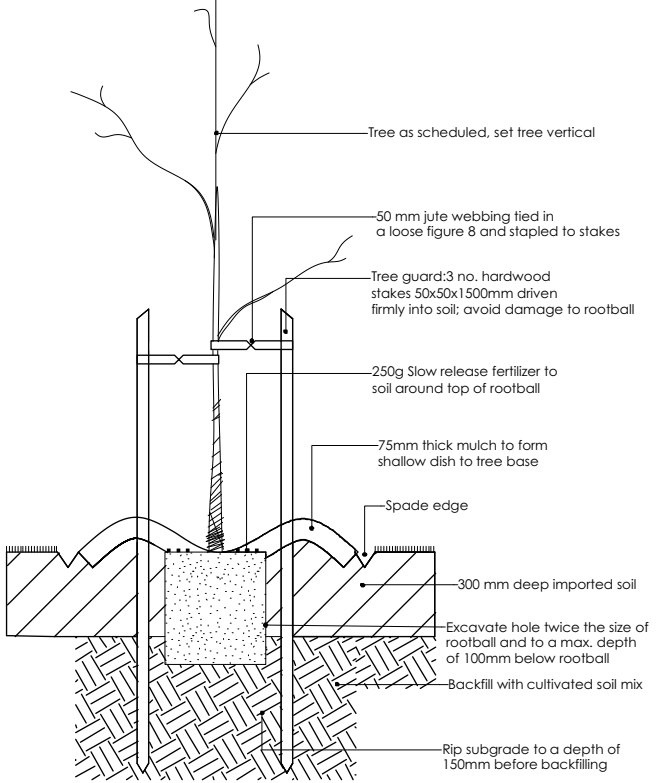
NOTES:

1. The landscape drawing is to be read in conjunction with the architectural/,hydraulic/ service plans and survey prepared for the proposed development.
2. Do not scale off drawings. Refer to dimensions on plan.
3. All services to be checked and verified on site.
4. All existing trees to be retained and protected as specified unless shown otherwise.
5. Topsoil mixture, to Australian Standards AS4419, to be thoroughly mixed prior to placement. Imported top soil (to AS4419) to be compatible with existing top soil and in accordance with specification.
6. Prior to landscape works, remove all builders' debris, cultivate garden bed and turf areas to required levels and incorporate compost as specified.
The area within drip zone of existing trees to be retained are to be hand dug.
7. Ensure all garden beds and tree planting have adequate drainage to prevent water logging during periods of high rainfall.
8. Rain water to be used on site.
9. All plants chosen are low water use in keeping with WSUD principles.
10. Council's recommended plant list has been used as a resource for plant selection.
11. Council crossover and layback to meet council specification.
12. Turf on council verge to be made good after construction.
13. All street trees on council verge to be retained and protected during construction.
14. Where retaining walls align with boundary fence, the total height shall not exceed 1.8M above ground level.
15. Check boundaries, levels, dimensions and locate services on site prior to starting work
16. Retaining walls and concrete driveways to engineer's details.
17. Refer to arborist report for trees to be retained and protected

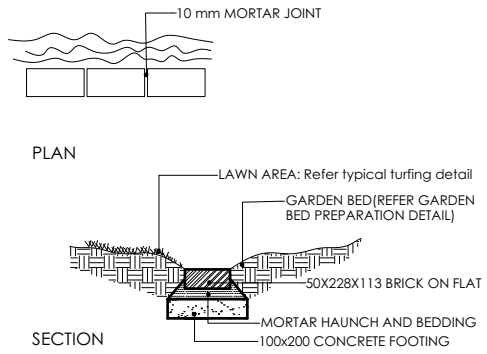
PLANTING INSTRUCTIONS

Remove all building rubble and weeds from garden beds.
Fill garden beds with 300mm organic garden mix.
Stand plant the pots in their position according to the planting plan.
Dig hole same size as the pot.
Remove the plant from the pot.
Plant so that the top of the root ball is level with the soil.
Sprinkle granular wetting agent and fertilizer according to directions on the pack.
Water in well.
Run irrigation tubing over the soil.
Cover the entire soil surface with 75mm mulch.

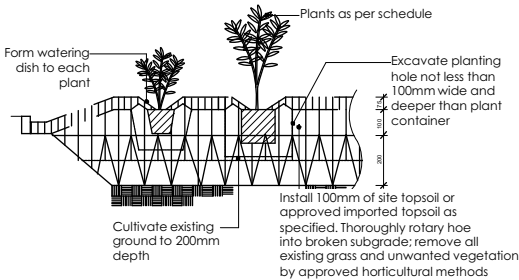
New Turf:
Excavate/grade areas to be turfed to 120mm below required finished level.
Ensure all surface water run-off is directed towards inlet pit, kerbs etc and away from building.
Further rip the subgrade to 150mm.
Install 100mm depth of turf underlay, lay turf rolls closely butted.
Fill any small gaps with topsoil.



TREE PLANTING DETAIL



BRICK GARDEN EDGE DETAIL



MASS PLANTING- NATURAL GROUND

AREA CALCULATIONS:	
Total site area	= 632.00m²
Built-up area	= 411.3 m²
Patio	= 4.00m²
Driveway +parking	= 170.65 m²
Paved area	= 50.98 m²
Landscaped area:	
(a) Total landscape area (incl. areas < 2m wide)=	186.76 m² (29.41%)
(b) 2m wide and over=	148.81 m² (23.43%)



Lagerstroemia indica 'Natchez'



Magnolia 'Teddy Bear'



Melaleuca decora



Prunus x blireana



Tristaniopsis laurina



Agapanthus Black Magic



Callistemon 'Slim'



Callistemon 'Little John'



Correa alba



Grevillea juniperina



Murraya paniculata



Pelargonium 'Big Red'



Phormium tenax ' flamin



Westringia 'Grey Box'



Westringia fruticosa 'Blue Gem'



Dianella caerulea 'Breeze'



Trachelospermum jasminoides

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ADDRESS:
3 EDWARD STREET KINGSWOOD
NSW

CLIENT:
SIGNATURE PROPERTIES NO 5 PTY LTD

DRAWING
LANDSCAPE DETAILS

PROJECT EDW 20	DATE JUNE 2020	
SCALE 1:100@A3	STATUS DA	
DRAWING NO. LD02	DRAWN SAA	CHECKED SVS

EarthMatters
CONSULTING

PLACE MAKERS AND LANDSCAPE
CONSULTANTS

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info@earthmattersconsulting.com.au
www.earthmattersconsulting.com.au

PROPOSED DEVELOPMENT

3 EDWARD STREET, KINGSWOOD

STORMWATER PLANS

GENERAL NOTES

- G1. THE DRAWINGS SHALL BE READ IN CONJUNCTION WITH ALL ARCHITECTURAL DRAWINGS AND SPECIFICATIONS AND OTHER WRITTEN INSTRUCTIONS THAT MAY BE ISSUED.
- G2. DIMENSIONS SHALL NOT BE OBTAINED BY SCALING FROM THE DRAWINGS. REFER ARCHITECT'S DRAWINGS FOR ALL DIMENSIONS.
- G3. REFER ANY DISCREPANCY TO THE SIGNING ARCHITECT.
- G4. MATERIALS AND WORKMANSHIP SHALL COMPLY WITH THE APPROPRIATE SAA SPECIFICATIONS OR CODE AND WITH THE REQUIREMENTS OF THE RELEVANT LOCAL AUTHORITY.
- G5. THE ALIGNMENT AND LEVEL OF ALL SERVICES SHOWN ARE APPROXIMATE ONLY. THE CONTRACTOR SHALL CONFIRM THE POSITION AND LEVEL OF ALL SERVICES PRIOR TO COMMENCEMENT OF CONSTRUCTION. ANY DAMAGE TO SERVICES SHALL BE RECTIFIED AT THE CONTRACTORS EXPENSE.
- G6. NO WORK SHALL BE UNDERTAKEN UNTIL THE REQUIRED TREE REMOVAL PERMITS HAVE BEEN GRANTED BY RELEVANT LOCAL AUTHORITY, AND THE APPROPRIATE NOTICE OF INTENTION TO COMMENCE GIVEN.
- G7. ALL SERVICES, OR CONDUITS FOR SERVING SHALL BE INSTALLED PRIOR TO COMMENCEMENT OF PAVEMENT CONSTRUCTION.
- G8. SUBSOIL DRAINAGE, COMPRISING 100 AGRICULTURE PIPE IN GEO-STOCKING TO BE PLACED AS SHOWN AND AS MAY BE DIRECTED BY THE SUPERINTENDENT. SUBSOIL DRAINAGE SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE RELEVANT LOCAL AUTHORITY CONSTRUCTION SPECIFICATION.
- G9. NO WORK IS PERMITTED WITHIN ADJOINING PROPERTIES WITHOUT WRITTEN PERMISSION FROM THE OWNERS OR RESPONSIBLE AUTHORITY.

DRAINAGE NOTES

- D1. ALL DRAINAGE OUTLET LEVELS SHALL BE CONFIRMED ON SITE, PRIOR TO CONSTRUCTION COMMENCING.
- D2. ALL PIPES WITHIN THE PROPERTY TO BE MIN. 100 DIA UPVC @ 1% MIN. GRADE, UNO.
- D3. ALL PITS WITHIN THE PROPERTY ARE TO BE FITTED WITH "WELDLOK" OR APPROVED EQUIVALENT GRATES:
- LIGHT DUTY FOR LANDSCAPED AREAS
- HEAVY DUTY WHERE SUBJECT TO VEHICULAR TRAFFIC
- D4. PITS WITHIN THE PROPERTY MAY BE CONSTRUCTED AS:
1) PRECAST STORMWATER PITS
2) CAST INSITU MASS CONCRETE
3) CEMENT RENDERED 230mm BRICKWORK
SUBJECT TO THE RELEVANT LOCAL AUTHORITY CONSTRUCTION SPECIFICATION.
- D5. ENSURE ALL GRATES TO PITS ARE SET BELOW FINISHED SURFACE LEVEL WITHIN THE PROPERTY. TOP OF PIT R/L ARE APPROXIMATE ONLY AND MAY BE VARIED SUBJECT TO APPROVAL OF THE ENGINEER. ALL INVERT LEVELS ARE TO BE ACHIEVED.
- D6. ANY PIPES BENEATH RELEVANT LOCAL AUTHORITY ROAD TO BE RUBBER RING JOINTED RCP, UNO.
- D7. ALL PITS IN ROADWAYS ARE TO BE FITTED WITH HEAVY DUTY GRATES WITH LOCKING BOLTS AND CONTINUOUS HINGE.
- D8. PROVIDE STEP IRONS TO STORMWATER PITS GREATER THAN 1200 IN DEPTH.
- D9. TRENCH BACK FILL IN ROADWAYS SHALL COMPRISE SHARP, CLEAN GRANULAR BACK FILL IN ACCORDANCE WITH THE RELEVANT LOCAL AUTHORITY SPECIFICATION TO NON-TRAFFICABLE AREAS TO BE COMPACTED BY RODDING AND TAMPING USING A FLAT PLATE VIBRATOR.
- D10. WHERE A HIGH EARLY DISCHARGE (HED) PIT IS PROVIDED ALL PIPES ARE TO BE CONNECTED TO THE HED PIT, UNO.
- D11. DOWN PIPES SHALL BE A MINIMUM OF DN100 SW GRADE UPVC OR 100X100 COLORBOND/ZINCALUME STEEL, UNO.
- D12. COLORBOND OR ZINCALUME STEEL BOX GUTTERS SHALL BE A MINIMUM OF 450 WIDE X 150 DEEP.
- D13. EAVES GUTTERS SHALL BE A MINIMUM OF 125 WIDE X 100 DEEP (OR OF EQUIVALENT AREA) COLORBOND OR ZINCALUME STEEL, UNO.
- D14. SUBSOIL DRAINAGE SHALL BE PROVIDED TO ALL RETAINING WALLS & EMBANKMENTS, WITH THE LINES FEEDING INTO THE STORMWATER DRAINAGE SYSTEM, UNO.

EARTHWORKS NOTES

- THE EARTHWORKS SHALL BE CARRIED OUT IN ACCORDANCE WITH THE PROJECT GEOTECHNICAL REPORT.
- E2. THE SITE OF THE WORKS SHALL BE PREPARED BY STRIPPING ALL EXISTING TOPSOIL, FILL AND VEGETATION.
- E3. SUBGRADE SHALL BE COMPACTED UNTIL A DRY DENSITY HAS BEEN ACHIEVED OF NOT LESS THAN 100% OF THE STANDARD MAXIMUM DRY DENSITY WHEN TESTED IN ACCORDANCE WITH AS 1289 TESTS E.1.1. OR E.1.2.
- E4. THE EXPOSED SUBGRADE SHOULD BE PROOF ROLLED TO DETECT ANY SOFT OR WET AREAS WHICH SHOULD BE LOCALLY EXCAVATED AND BACK FILLED WITH SELECTED MATERIAL.
- E5. THE FILLING MATERIAL SHALL BE IMPORTED GRANULAR FILL OF LOW PLASTICITY, PREFERABLY CRUSHED SANDSTONE, AND TO BE PLACED IN LAYERS NOT EXCEEDING 150 LOOSE THICKNESS AND COMPACTED TO 98% OF STANDARD DRY DENSITY AT A MOISTURE CONTENT WITHIN 2% OF OPTIMUM.
- E6. SITE WORKS ARE TO BE BATTERED TO ADJACENT PROPERTY LEVELS.
- E7. STORMWATER MUST NOT BE CONCENTRATED ON TO AN ADJACENT PROPERTY.
- E8. AT NO TIME DURING OR AFTER CONSTRUCTION IS STORMWATER TO BE PONDED ON ADJOINING PROPERTIES.
- E9. THE SITE SHALL BE GRADED AND DRAINED SO THAT STORMWATER WILL BE DIRECTED AWAY FROM THE BUILDING PLATFORM.
- E10. STORMWATER DRAINAGE SHALL BE PROVIDED AND MAINTAINED THROUGHOUT THE COURSE OF CONSTRUCTION. ALL STORMWATER RUNOFF SHALL BE GRADED AWAY FROM THE SITE WORKS AND DISPOSED OF VIA SURFACE CATCHDRAINS AND STORMWATER COLLECTION PITS.
- E11. ALL SURFACE CATCH DRAINS SHALL BE GRADED AT 1% (1 IN 100) MINIMUM. THE GROUND SHALL GRADE AWAY FROM ANY DWELLING AT 5% (1 IN 20) FOR THE FIRST METRE THEN AT 2.5% (1 IN 40).
- E12. WHERE A CUT/FILL PLATFORM IS USED THERE SHALL BE A MINIMUM BERM 1000 WIDE TO THE PERIMETER OF THE SITE WORKS WHICH SHALL BE SUPPORTED BY BATTERS OF 3:1 IN FILL.
- E13. ANY VERTICAL OR NEAR VERTICAL PERMANENT EXCAVATION (CUT) DEEPER THAN 600 IN MATERIAL OTHER THAN ROCK SHALL BE ADEQUATELY RETAINED OR BATTERED AT A MINIMUM OF 3:1.
- E14. WHERE BATTERS CANNOT BE PROVIDED TO SUPPORT THE CUT OR FILL, THEY SHALL BE ADEQUATELY RETAINED.
- E15. RETAINING WALLS ARE TO BE CONSTRUCTED WITH ADEQUATE SUBSOIL DRAINAGE.

CONCRETE PAVEMENT

- C1. SUBGRADE SHALL BE PREPARED AS OUTLINED IN EARTHWORKS.
- C2. PROVIDE JOINTING AT MINIMUM 6000 MAX. INTERVALS OR AS OTHERWISE SPECIFIED IN THE DRAWINGS.
- C3. CONCRETE SHALL COMPRISE A MIN. COMPRESSIVE STRENGTH OF 32MPa AT 28 DAYS IN ACCORDANCE WITH THE RELEVANT LOCAL AUTHORITY SPECIFICATION, UNO.
- C4. ANY SUB-BASE MATERIAL SHALL BE COMPACTED AS OUTLINED IN EARTHWORKS.
- C5. CONCRETE KERB AND GUTTER SHALL COMPRISE A MINIMUM COMPRESSIVE STRENGTH OF 25MPa, UNO.
- C6. CONCRETE WORKS ARE TO BE CURED BY ONE OF THE FOLLOWING MEANS:
a) WETTING TWICE DAILY FOR THE FIRST THREE DAYS;
b) USING AN APPROVED CURING COMPOUND FOR A MINIMUM OF 7 DAYS COMMENCING IMMEDIATELY AFTER POURING.

FLEXIBLE PAVEMENT NOTES

- F1. SUBGRADE SHALL BE PREPARED AS OUTLINED IN EARTHWORKS.
- F2. PAVEMENT MATERIAL SHALL CONSIST OF APPROVED OR RIPPED SANDSTONE, NATURAL GRAVEL OR FINE CRUSH ROCK AS PER THE RELEVANT COUNCIL AUTHORITY SPECIFICATION.
- F3. PAVEMENT MATERIALS SHALL BE SPREAD IN LAYERS NOT EXCEEDING 150 AND NOT LESS THAN 75 COMPACTED THICKNESS.
- F4. PAVEMENT MATERIALS SHALL BE SIZED AND OF A STANDARD OUTLINED IN AS1141. CRUSHED OR RIPPED SANDSTONE SHALL BE MINUS 75 NOMINAL SIZE DERIVED FROM SOUND, CLEAN SANDSTONE FREE FROM OVERBURDEN, CLAY SEAMS, SHALE AND OTHER DEBRIS MATERIALS.
- F6. PAVEMENT MATERIALS SHALL BE COMPACTED BY SUITABLE MEANS TO SATISFY THE FOLLOWING MINIMUM SPECIFICATIONS (AS PER AS1289.2)

DESCRIPTION	MEDIUM DENSITY RATIO
SUB-BASE	98% MOD
BASE COURSE	98% MOD
ASPHALTIC CONCRETE	97% MOD

AND SUBJECT TO THE RELEVANT LOCAL AUTHORITY CONSTRUCTION SPECIFICATION.

AND SUBJECT TO THE RELEVANT LOCAL AUTHORITY CONSTRUCTION SPECIFICATION.

- F7. TESTING FOR EACH LAYER SHALL BE UNDERTAKEN BY A N.A.T.A. REGISTERED LABORATORY IN ACCORDANCE WITH AS1289, AT NOT MORE THAN 50m INTERVALS AND A MINIMUM OF TWO PER LAYER. FURTHER FREQUENCY OF TESTING SHALL BE NO LESS THAN THAT REQUIRED BY AS3978.

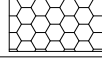
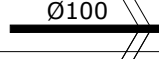
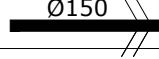
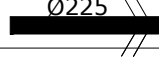
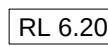
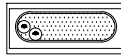
PAVED AREAS NOTES

- A1. SUBGRADE SHALL BE PREPARED AS OUTLINED IN EARTHWORKS.
- A2. ALL PAVERS ARE TO BE PLACED IN ACCORDANCE WITH THE MANUFACTURER'S SPECIFICATION.
- A3. TRAFFICABLE AREAS:
SUB-BASE TO BE 150 COMPACTED THICKNESS DGS75.
SUB-BASE TO BE SUITABLY COMPACTED TO MEDIUM DENSITY 98% MOD.
SUB-BASE TO END AT LEAST 200 BEYOND PAVED SURFACE.
PAVERS TO BE 80 THICK INTERLOCKING PAVERS ON 50 SAND BEDDING.
- A4. NON TRAFFICABLE AREAS:
SUB BASE AS PER TRAFFICABLE AREAS
PAVERS TO BE 60 INTERLOCKING PAVERS ON 50 SAND BEDDING (UNO).

EROSION AND SEDIMENT NOTES

- B2. THIS PLAN TO BE READ IN CONJUNCTION WITH EROSION AND SEDIMENT CONTROL DETAILS AS ATTACHED.
- B2. THE CONTRACTOR SHALL IMPLEMENT ALL SOIL EROSION AND SEDIMENT CONTROL MEASURES AS NECESSARY AND TO THE SATISFACTION OF THE RELEVANT LOCAL AUTHORITY PRIOR TO THE COMMENCEMENT OF AND DURING CONSTRUCTION. NO DISTURBANCE TO THE SITE SHALL BE PERMITTED OTHER THAN IN THE IMMEDIATE AREA OF THE WORKS AND NO MATERIAL SHALL BE REMOVED FROM THE SITE WITHOUT THE RELEVANT LOCAL AUTHORITY APPROVAL. ALL EROSION AND SEDIMENT CONTROL DEVICES TO BE INSTALLED AND MAINTAINED IN ACCORDANCE WITH STANDARDS OUTLINED IN NSW DEPARTMENT OF HOUSING'S "MANAGING URBAN STORMWATER - SOILS AND CONSTRUCTIONS".
- B3. TOPSOIL SHALL BE STRIPPED AND STOCKPILED OUTSIDE HAZARD AREAS SUCH AS DRAINAGE LINES. THIS TOPSOIL SHALL BE RESPIREAD LATER ON AREAS TO BE REVEGETATED AND STABILISED ONLY. (I.E. ALL FOOTPATHS, BATTERS, SITE REGARDING AREAS BASINS AND CATCHDRAINS). TOPSOIL SHALL NOT BE RESPIREAD ON ANY OTHER AREAS UNLESS SPECIFICALLY INSTRUCTED BY THE SUPERINTENDENT. IF THEY ARE TO REMAIN FOR LONGER THAN ONE MONTH STOCKPILES SHALL BE PROTECTED FROM EROSION BY COVERING THEM WITH A MULCH AND HYDROSEEDING AND, IF NECESSARY, BY LOCATING BANKS OR DRAINS DOWNSTREAM OF A STOCKPILE TO RETARD SILT LADEEN RUNOFF.
- B4. THE CONTRACTOR SHALL REGULARLY MAINTAIN ALL EROSION AND SEDIMENT CONTROL DEVICES AND REMOVE ACCUMULATED SILT FROM SUCH DEVICES SUCH THAT MORE THAN 600MM OF THEIR CAPACITY IS LOST. ALL SILT MUST TO BE PLACED OUTSIDE THE LIMIT OF WORKS. THE PERIOD FOR MAINTAINING THESE DEVICES SHALL BE AT LEAST UNTIL ALL DISTURBED AREAS ARE REVEGETATED AND FURTHER AS MAY BE DIRECTED BY THE SUPERINTENDENT OR COUNCIL.
- B5. LAY TURF STRIP (MIN 300 WIDE) ON 100 TOPSOIL BEHIND ALL KERB WITH 1000 LONG RETURNS EVERY 6000 AND AROUND STRUCTURES IMMEDIATELY AFTER BACKFILLING AS PER THE RELEVANT LOCAL AUTHORITY SPECIFICATION.
- B6. THE CONTRACTOR SHALL GRASS SEED ALL DISTURBED AREAS WITH AN APPROVED MIX AS SPECIFIED BY THE RELEVANT LOCAL AUTHORITY. THE SEEDING OF AREAS AND REGARDING VEHICULAR TRAFFIC SHALL BE CONTROLLED DURING CONSTRUCTION CONFINING ACCESS WHERE POSSIBLE TO NOMINATED STABILISED ACCESS POINTS.
- B8. WHEN ANY DEVICES ARE TO BE HANDED OVER TO COUNCIL THEY SHALL BE IN CLEAN AND STABLE CONDITION.
- B9. THE CONTRACTOR SHALL IMPLEMENT DUST CONTROL BY REGULAR WETTING DOWN (BUT NOT SATURATING) DISTURBED AREA.
- B10. PROVIDE AND MAINTAIN SILT TRAPS AROUND ALL SURFACE INLET PITS UNTIL CATCHMENT IS REVEGETATED AND STABILISED.
- B11. REVEGETATE ALL TREE AREAS IMMEDIATELY UPON COMPLETION OF BACKFILLING.
- B12. ALL DRAINAGE PIPE INLETS TO BE CAPPED UNTIL:
- DOWNPIPES CONNECTED
 - PITS CONSTRUCTED AND PROTECTED WITH SILT BARRIER

SYMBOLS

DESCRIPTION	
	DENOTE ON-SITE DETENTION TANK OR PUMP OUT TANK
	DENOTE ON-SITE DETENTION BASIN
	DENOTE ABSORPTION TRENCH
	DENOTES DOWNPIPE
	DENOTES 100mm DIA STORMWATER SYSTEM PIPE AT 1% MIN. GRADE U.N.O
	DENOTES 150mm DIA STORMWATER SYSTEM PIPE AT 1% MIN. GRADE U.N.O
	DENOTES 225mm DIA STORMWATER SYSTEM PIPE AT 0.5% MIN. GRADE U.N.O
	DENOTES AGG LINE
	DENOTES SEDIMENT FENCE
	DENOTES INSPECTION OPENING WITH SCREW DOWN LID AT FINISH SURFACE LEVEL
	DENOTES CLEANING EYE
	STORMWATER PIT - GRATED INLET
	STORMWATER PIT - SOLID COVER
	NON RETURN VALVE
	DENOTE ROUND FLOOR DRAINS
	DENOTE SQUARE FLOOR DRAINS
	DENOTE PLANTER BOX DRAINS
	DENOTE GRATED DRAIN
	PROPOSED FINISH FLOOR LEVEL
	DENOTE EXISTING OVERLAND FLOW PATH
	DENOTE RAINWATER TANK
	DENOTE WATER OUTLET
	REDUCED LEVEL/SURFACE LEVELL
	INVERT LEVEL
	TOP OF KERB



DIAL BEFORE YOU DIG

CLIENT



PROJECT

PROPOSED DEVELOPMENT
3 EDWARD STREET
KINGSWOOD

SCHEDULE OF DRAWINGS

SHEET No	DESCRIPTION
COVER	GENERAL NOTES
SW01	GROUND FLOOR STORMWATER MANAGEMENT PLAN
SW02	ROOF PLAN & SECTIONS AND DETAILS
SW03	SEDIMENT & EROSION CONTROL PLAN

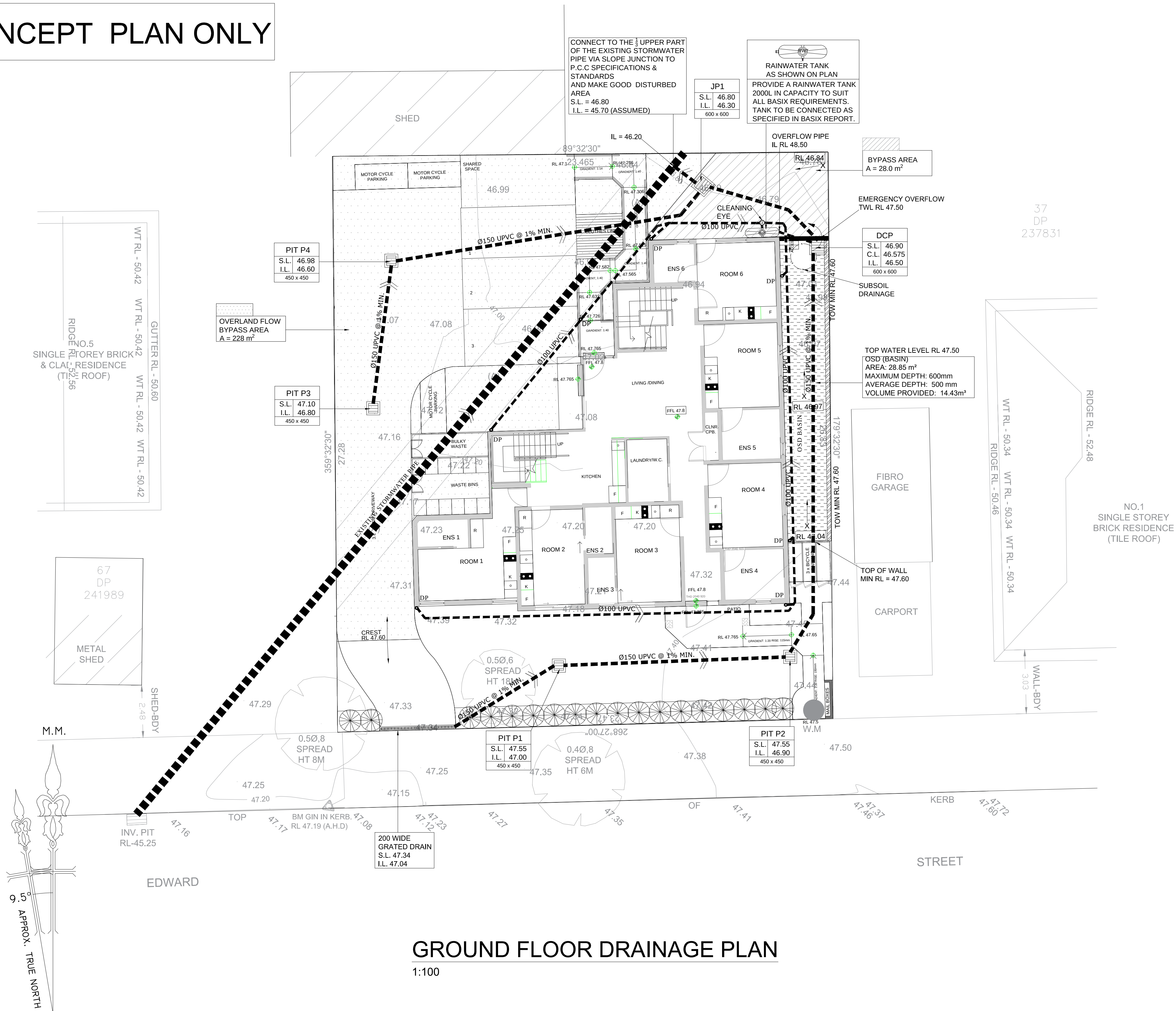


LOCALITY MAP

CONCEPT PLAN ONLY

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CONCEPT PLAN ONLY



DESIGN SUMMARY

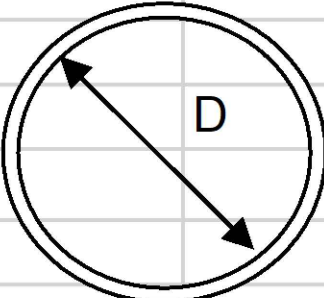
BELOW DESIGN IS BASED ON PENRITH COUNCIL STORMWATER
DESIGN GUIDELINE SECTION "4.3.5- SIZING OSD SYSTEM."

TOTAL SITE AREA = 632.2 m²
OVERLAND FLOW BYPASS AREA = 228 m²
AREA CONSIDERED FOR OSD AS PER SECTION 4.2.1
A = 632.2 - 228 = 404.2 m²
SSR = 240 m³/ha
PSD = 120 L/s/ha

VOLUME REQUIRED = $240 \times 0.0404 = 9.7 \text{ m}^3$
 PERMISSIBLE SITE DISCHARGE = $120 \times 0.0404 = 4.85 \text{ L/s}$
 BYPASS AREA = 28 m^2 (7.0%)
 AS PER TABLE 8
 SSR = $313 \text{ m}^3/\text{ha}$
 PSD = 77.3 L/s/ha
 VOLUME REQUIRED = $313 \times 0.0404 = 12.65 \text{ m}^3$
 25% ADDITIONAL VOLUME = $25\% + 12.65 = 15.81 \text{ m}^3$
 PERMISSIBLE SITE DISCHARGE = $77.3 \times 0.0404 = 3.12 \text{ L/s}$

VOLUME PROVIDED = $14.43 \text{ m}^3 + (1 \text{ m}^3 \text{ IN PITS AND PIPES}) = 15.43 \text{ m}^3$

ORIFICE DIAMETER = 39 mm

Orifice Diameter			
	$C =$	0.620	
	$Q =$	3.12	l/s
	$h =$	0.925	m
	Orifice diameter $d =$	0.039	m
This equation relies on:		Free discharge Sharp edged orifice	

ALL WALLS FORMING THE DETENTION BASIN SHALL BE CONSTRUCTED WHOLLY WITHIN THE PROPERTY BOUNDARIES OF THE SITE BEING DEVELOPED.

ANY LANDSCAPED AREAS WITHIN THE OSD BASIN
ARE MULCHED WITH DECORATIVE ROCK MULCH
(IE NON FLOATABLE)

PROVIDE SUITABLE BARRIER OR
RAILING WERE DROP TO OSD BASIN
EXCEEDS 600 mm

[illegible]

DCP SECTION A-A AT OUTLET
NTS

1:100

RAINWATER SUPPLY SIGN
N.T.S.



MAX. OVERFLOW

TANK DETAIL
NYS

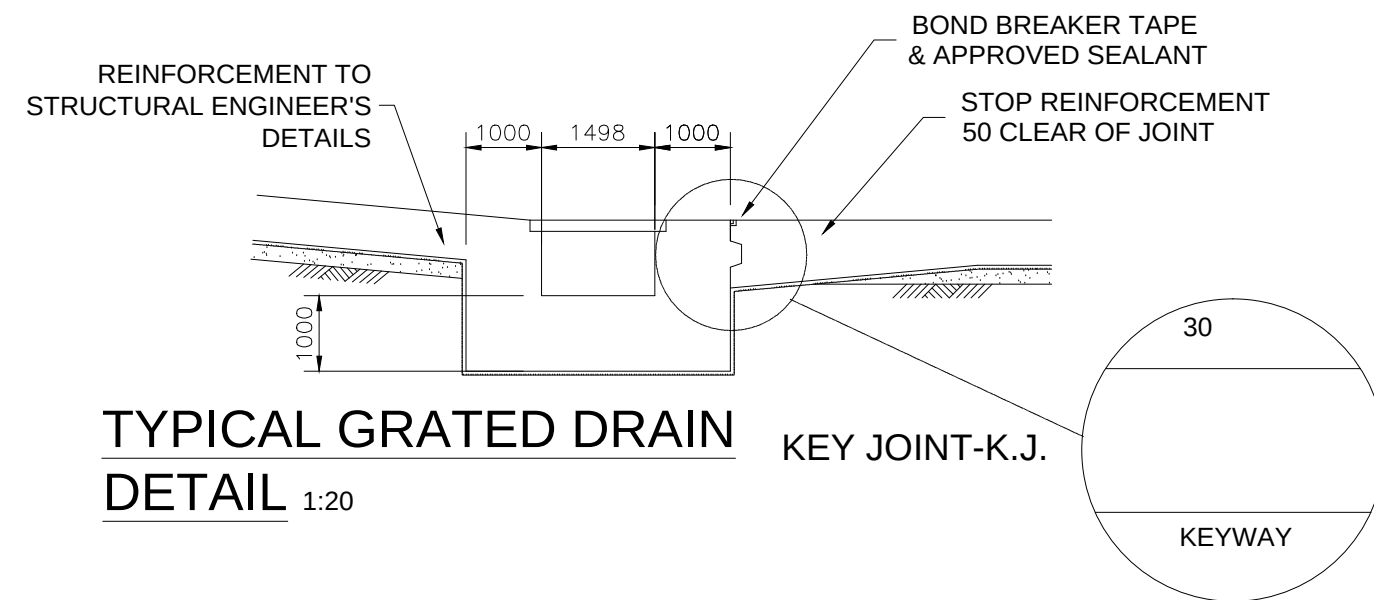
RAINMASTER WATER TANK
TO MANUFACTURING
SPECIFICATIONS



TYPICAL FOR ALL PITS IN DRIVEWAY/CARPARK AREAS.



TYPICAL FOR ALL PITS IN NON TRAFFIC AREAS



Document Set ID: 9348003
Version: 1, Version Date: 21/08/2020

WASTE MANAGEMENT PLAN

DEMOLITION, CONSTRUCTION AND USE OF PREMISES

.....
If you need more space to give details, you are welcome to attach extra pages to this form.

PLEASE COMPLETE ALL PARTS OF THIS FORM THAT ARE RELEVANT TO YOUR DEVELOPMENT APPLICATION (DA).

IF YOU NEED MORE SPACE TO GIVE DETAILS, YOU ARE WELCOME TO ATTACH EXTRA PAGES TO THIS FORM.

Council will assess the information you provide on this form along with your attached plans. We will take into account the types and volumes of waste that could be produced as a result of your proposed development, and how you are planning to:

- minimise the amount of waste produced
- maximise re-use and recycling
- store, transport and dispose of waste safely and thoughtfully.

APPLICANT DETAILS

First name

Surname

Signature /- Mecone

Postal Address

Street No.

Street name

Level 2/3

Horwood Place

Suburb

Post code

Parramatta

2150

Contact phone number

Email address

8667 8668

gsedgmen@mecone.com.au

DETAILS OF YOUR PROPOSED DEVELOPMENT

Street No.

Street name

3

Edward Stret

Suburb

Post code

Kingswood

2747

What buildings and other structures are currently on the site?

Site is occupied by a single storey dwelling.

Briefly describe your proposed development

Two-storey boarding house development.

Applicant Signature

Date

15 June 2020

SECTION 1: DEMOLITION

*Please include details on the plans you submit with this form, for example location of on-site storage areas/containers, vehicle access point/s.

Materials		Destination		
		Re-use and recycling		Disposal
Material	Estimated volume (m ² or m ³)	ON-SITE* Specify proposed re-use or on-site recycling	OFF-SITE Specify contractor and recycling facility	Specify contractor and landfill site
Excavation (eg soil, rock)	0.5m ³	Re-use as fill where possible	Nil	Nil
Green waste	12m ³	Chipped and stored on site for re-use on	Bingo Auburn Waste Managment	Bingo Auburn Waste Managment
Bricks	10m ³	Nil	Concrete Recyclers Camellia	
Concrete	15m ³	Nil	Concrete Recyclers Camellia	
Timber (Please specify type/s)	22m ³ Oregon & Pine	Chip for use in landscaping	Suez Waste Mangement Eastern Creek	
Plasterboard	16m ³	Nil	Bingo Auburn Waste Managment	
Metals (Please specify type/s)	1m ³	Nil	Sims Metal --- 43 Ashford Ave	
Other	30m ³ Cladding/ Fibro / Roof tiles	Nil	Enviroguard, Cnr Mamre & Erskine	

SECTION 2: CONSTRUCTION

*Please include details on the plans you submit with this form, for example location of on-site storage areas/containers, vehicle access point/s.

Materials		Destination		
		Re-use and recycling		Disposal
Material	Estimated volume (m ² or m ³)	ON-SITE* Specify proposed re-use or on-site recycling	OFF-SITE Specify contractor and recycling facility	Specify contractor and landfill site
Excavation (eg soil, rock)	2m ³	Keep and reuse topsoil for grading of	Nil	Nil
Green waste	0.2m ³	Nil	Bingo Auburn Waste Managment	Nil
Bricks	2m ³	Nil	Concrete Recyclers Camellia	Nil
Concrete	1m ³	Nil	Concrete Recyclers Camellia	Nil
Timber (Please specify type/s)	10m ³	Chip for landscaping	Suez Waste Mangement Eastern Creek	
Plasterboard	2m ³	Nil	Nil	Suez Waste Mangement Eastern Creek
Metals (Please specify type/s)	1m ³	Nil	Parramatta Scrap Metal, 12 North Rock	NA
Other	1m ³ Tiles, paints, cardboards	Nil	Nil	Bingo Auburn Waste Managment

SECTION 3: WASTE FROM ON-GOING USE OF PREMISES

If relevant, please list the type/s of waste that may be generated by on-going use of the premises after the development is finished.	Expected volume (average per week)
Residual	80L/boarding room
Recycling	80L/boarding room

SECTION 4: ON-GOING MANAGEMENT OF PREMISES

If relevant, please give details of how you intend to manage waste on-site after the development is finished, for example through lease conditions for tenants or an on-site caretaker/manager. Describe any proposed on-site storage and treatment facilities. Please attach plans showing the location of waste storage and collection areas, and access routes for tenants and collection vehicles.

See SEE for further discussion.

3 Edward Street, Kingswood

Statement of Environmental Effects for a proposed boarding house development

On behalf of
Signature Projects Australia Pty Ltd



Project Director

Georgia Sedgmen



07 August 2020

Project Planners

Addison Boykin

Hugh Halliwell

* This document is for discussion purposes only unless signed and dated by the persons identified. This document has been reviewed by the Project Director.

Contact

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Parramatta, New South Wales 2150

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Appendices

Appendix 1 - SEPP (Affordable Rental Housing) 2009 Compliance Table

Appendix 2 – Penrith Development Control Plan 2014 Compliance Table

1 Introduction

This Statement of Environmental Effects (SEE) report has been prepared on behalf of Signature Projects Pty Ltd (the client) to support a Development Application (DA) to Penrith City Council (Council) for a proposed boarding house development at 3 Edward Street, Kingswood (the site).

The proposed boarding house is intended to be operated by Christ Mission Possible (CMP) with discussions underway between Signature Projects and CMP with a view to enter into a head lease arrangement. CMP are familiar with the needs of the region, managing social housing across the Blacktown and Penrith LGA's, with their head office located in Kingswood.

The application has been made in accordance with the provisions of State Environmental Planning Policy (Affordable Rental Housing) 2009 (ARH SEPP) for a boarding house.

The proposed development includes construction of a two-storey boarding house with 14 rooms and 3 at-grade parking spaces. Consent for the demolition of the existing structure is not sought under this application.

The SEE includes an assessment of the proposed works in terms of the matters for consideration as listed under Section 4.15 of the Environmental Planning and Assessment Act 1979.

The SEE should be read in conjunction with the specialist reports submitted under separate cover.

The planning and environmental assessments within this SEE have found that the proposal will deliver a high-quality boarding house development that complies with key planning standards within the ARH SEPP, Penrith Local Environmental Plan 2010 (PLEP) and Penrith Development Control Plan 2014 (PDCP) and is consistent with the surrounding local character.

1.1 Pre-DA Advice

On 13 July 2020, Pre-DA advice was provided to the proponent discussing the proposal relating to a 14 room two-storey boarding house located on site.

The following table provides a response to each of the issues raised by Council in its advice.

Table 1 – Pre-DA Meeting	
Item	Response
Planning	
The 5.5 metre front setback to Edward Street appears to be appropriate in context. However, a greater setback may be necessary if the design requires structures to be located within the front setback. This may include any below ground	Noted. The 5.5m front setback is considered appropriate for the site. Structures including OSD and waste rooms are provided elsewhere on site, and as such, do not adversely impact the setback. Sufficient landscaping is provided in the setback area that responds to the character of the street.

Table 1 – Pre-DA Meeting

structures such as On-Site Detention and above ground structures, such as any changes to the waste rooms.	As such, the proposal is considered compatible with the streetscape character.
The 6-metre rear setback at first floor level is appropriate and acceptable.	Noted.
The 4-metre rear setback at ground floor is acceptable numerically but the setback area contains hardstand and parking, which is not acceptable. The objective of providing the setback is to allow deep soil landscaping to soften the appearance of structures and provide a visual buffer between neighbouring buildings. The proposal is unlikely to comply with the current and draft controls which require the setback areas to be void of any structures and thereby allowing good landscaping.	Noted. Parking has been provided to the rear in order to minimise potential visual and amenity impacts upon the streetscape. As discussed in the DCP and ARH SEPP compliance table, under cl 29(2)(b) of the ARH SEPP, the development cannot be refused on the grounds of landscaped area if the landscape treatment of the front setback area is compatible with the streetscape in which the building is located. Part D2, Clause 2.4 provides controls relevant to multi-dwelling housing where there are different landscaping controls than provided by the ARH SEPP. The provisions of the DCP relating to landscape area and deep soil are not relevant to an application under cl29(2)(b) of the ARH SEPP as there is no requirement for 40% of the site to be provided as landscape area.
The 2-metre eastern side setback is only appropriate for 50% of the building's length (facing the side boundary). The draft amendments to the DCP state that the minimum side setback can be 2m for not more than 50% of the building's length, with the remaining length to be set back 3m. You should therefore consider further setbacks to comply with this draft control. You should also show the location and outline of the adjoining building to the east so that any further setbacks can respond to the neighbouring building in terms of least impact.	Noted. Section 4.15(1)(a) of the EP&A Act stipulates that in determining a development application, a consent authority is to take into consideration the provision of 'any proposed instrument that is or has been the subject of public consultation under this Act'. As PDCP 2014 is not an 'instrument' as defined by the Act, any draft amendment to the PDCP 2014 relating to boarding houses is not a matter for consideration pursuant to Section 4.15(1) of the Act, whilst in draft. It is noted that in instances where there is an inconsistency with the DCP and an EPI, the provisions of the relevant EPI (in this case ARH SEPP) will prevail. The proposal complies with standards pursuant to Clause 29 of ARH SEPP, and therefore the proposal cannot be refused on the grounds of the standards referenced in clause 29. However, if we considered the draft control with regard to the side setback, it is found to represent a minor non-compliance. While compliance with this control is not required, we note that the ground floor is measured to be 17m in length along the eastern boundary, while the first floor is measured to be 15m in length. Notwithstanding, the minor non-compliance that would result, the 2m setback to the eastern boundary is considered sufficient, in so far as adjacent areas of primary living areas and private open space are located far away enough ensuring impact is

Table 1 – Pre-DA Meeting

	minimal. The location of an existing garage structure adjacent to the eastern boundary on the adjoining site provides further physical separation between the proposed building and the dwelling on the eastern adjoining lot.												
The non-complying eastern side setback is likely to be more apparent when you superimpose the draft Building Envelope Control to the eastern side of the proposed development. The Draft DCP controls refer to a permitted building envelope being formed by a 45 degree angle above a height of 1.8m from the side property boundary. It is unclear if your proposal would comply with this control along the eastern side boundary, but I expect that the first floor would breach this envelope. This is likely to be another reason to require the eastern side at first floor level to be further set back.	Noted. As detailed above, Section 4.15(1)(a) of the EP&A Act stipulates that in determining a development application, a consent authority is to take into consideration the provision of 'any proposed instrument that is or has been the subject of public consultation under this Act'. As PDCP 2014 is not an 'instrument' as defined by the Act, any draft amendment to the PDCP 2014 relating to boarding houses is not a matter for consideration pursuant to Section 4.15(1) of the Act, whilst in draft. In addition, we refer to the Business Paper of the Policy Review Committee Meeting of 10 August 2020, which provides on page 12 that the existing building envelope control for multi dwelling housing will continue to apply to boarding houses in the R3 zone, as extracted following: <table><tr><th colspan="3">Boarding Houses</th></tr><tr><td>The publicly exhibited building envelope controls for boarding houses in the R3 zones impact the delivery of a 2nd storey</td><td>Apply the existing building envelope control for multi dwelling housing to boarding houses in the R3 zone.</td><td>The draft amendments proposed a building envelope from Multi Dwelling Housing apply to boarding houses in R3 zones. Taking into consideration</td></tr></table> _____ _____ Policy Review Committee Meeting 10 August 20 <table><tr><th>Matters Raised</th><th>DCP Change Proposed</th><th>Reason for Change</th></tr><tr><td></td><td></td><td>the amended side setback controls, it is proposed to continue to implement the existing building envelope controls until further review will be undertaken in stage 2 of DCP 2014 Review.</td></tr></table>	Boarding Houses			The publicly exhibited building envelope controls for boarding houses in the R3 zones impact the delivery of a 2nd storey	Apply the existing building envelope control for multi dwelling housing to boarding houses in the R3 zone.	The draft amendments proposed a building envelope from Multi Dwelling Housing apply to boarding houses in R3 zones. Taking into consideration	Matters Raised	DCP Change Proposed	Reason for Change			the amended side setback controls, it is proposed to continue to implement the existing building envelope controls until further review will be undertaken in stage 2 of DCP 2014 Review.
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Matters Raised	DCP Change Proposed	Reason for Change											
		the amended side setback controls, it is proposed to continue to implement the existing building envelope controls until further review will be undertaken in stage 2 of DCP 2014 Review.											
The western side setback, adjacent to the driveway, should include a landscaped edge between the driveway and the side property boundary. This should be at least 1m to 2m wide and be able to include planting to provide a softer, green edge to the development.	Noted. The driveway has been designed to comply with the relevant AS and is not considered to result in adverse environmental impacts upon future residents. Clause D2.4.7 in not relevant in this instance as it supports a 40% landscape requirement which is not relevant to this application made in accordance with the provisions of ARH SEPP that provides under cl 29(2)(b) the development cannot be refused on the grounds of landscaped area if the landscape treatment of the front												

Table 1 – Pre-DA Meeting

	setback area is compatible with the streetscape in which the building is located. As a 40% landscaping requirement is not relevant to a boarding house application made pursuant to the provisions of the ARH SEPP it is not relevant to accord with the controls which support the 40% landscape area for a multi-dwelling development. The proposed driveway, although not providing a landscaped edge along the full length of the western side, is nonetheless appropriate. The lack of landscaping across the full length will not adversely affect the amenity of the adjoining property to the west, with the built form remaining a minimum 3.6m from the western boundary. Further, the infrequency in the movement of vehicles will mean any acoustic impact from vehicles will be negligible. Any landscaping along this boundary, in addition to that provided in the front setback would not provide for any benefit to amenity.
Council's DCP controls generally require the first floor footprint to be smaller than the ground floor footprint as this is a way to ensure the building mass at the upper level is appropriate. Your proposal appears to follow the same outline (footprint) at both ground and first floors. This potentially results in a bulky building that lacks articulation, particularly at the front and eastern side elevation where the two-storey form is a sheer and uniform wall.	Noted. The proposal, including the first floor provides for high-quality materiality and articulation across all four elevations that result in a building that responds appropriately to the site and within the context of the wider area, including the streetscape along Edward Street. Notwithstanding the footprint of the first floor, the overall scale of the building is not unreasonable and considered consistent with other similar approved developments, including boarding houses in the area
The onus is on the applicant and landowner to ascertain whether the easement running through the site can be built upon. You should check the terms of the easement in this regard and clarify this with your own consultants and Council (if the easement benefits Council). You would need to consider the terms of the easement regarding access for maintenance, particularly given that you propose hardstand over parts of the easement, as well as active uses such as the clothesline, parking and parts of the waste room.	Noted. The proposed boarding house does not propose construction of structures on the existing stormwater easement, which is clearly indicated on the submitted drawings.
The overall architectural language, materials and detailing of the proposal is generally acceptable. The building has the appearance of a residential dwelling which is good, and the use of hipped roofs fits in	Noted. The proposed materials and finishes provide for an appearance compatible with the existing and desired built form along Edward Street.

Table 1 – Pre-DA Meeting

with the appearance of the area. You should consider lightweight cladding for the first floor and a light colour for the roof.	As depicted in the architectural drawings, the first floor is proposed to be constructed of 'timber framed lightweight wall with smooth textures finished cladding'.
The location of the communal room and the private open space is awkward because both these spaces face into the car parking area, with the open space wedged between car parking, bicycle parking and the waste room. It would spatially make more sense to have the common room and common open space towards the rear (northern) and side (eastern) edges of the building so that the common room could open directly into the rear setback area which is north facing and could be better utilised as part of the common open space. You could also consider whether the second stair can be internalised so that it does not occupy a northern edge of the building, as the northern edges would be better utilised to get access to light and air. In the same manner the bathroom to Room 6 could be moved from the northern edge and that space better utilised with habitable uses that would benefit from northern sun access. Where the common room and common private open space are currently located, they appear to be wedged in between service and parking areas and therefore their amenity is compromised.	Noted. The layout of the ground floor has been amended since the pre-DA comments were received and while Council's comments are acknowledged with regard to the location of the communal area and POS, the location of these areas are not unreasonable and will continue to provide adequate amenity for occupants including acceptable solar access. As such, it is not considered that the amenity of these areas will be compromised. The POS is located so as to act as an extension of the internal living area thereby providing suitable amenity for occupants.
You will need to confirm if 40% of the site remains as landscaped area as this is the requirement for development in the R3 zone.	Noted. The proposal provides for 186.76m² (29.41%) of landscaped area. Legal advice prepared by Addisons Lawyers accompanies this application. The advice states the following with regard to landscaped area: <i>Under clause 29(2)(b) of the ARH SEPP, Council must not refuse consent to the Proposed Developments on the basis of landscaped area "if the landscape treatment of the front setback area is compatible with the streetscape in which the building is located".</i> Refer to legal advice under separate cover.
Room 14 on the first floor is designed with a 'snorkel' window which is not ideal and compromises the amenity	Noted.

Table 1 – Pre-DA Meeting

of that room. You could consider shifting the bathroom of Room 13 further to the north so that even a highlight window can be added to the northern side of Room 14, and perhaps the northern facing window to Room 13 can be increased in size.	The design of the room and window to Room 14 has been amended to provide adequate solar access for the occupant of the room.
Your documentation states that the proposal will be for a social housing provider and 3 on-site car parking spaces are shown. While the 3 parking spaces complies with the SEPP requirement of 0.2 spaces per boarding room, you will need to provide documentary evidence with your application that a social housing provider is indeed on board with your development. This information must be provided with your DA and should be more than prospective.	Noted. As discussed above, the proposed boarding house is intended to be operated by Chris Mission Possible (CMP). CMP are familiar with the needs of the region, managing housing across the Blacktown and Penrith LGA's, with their head office located in Kingswood. The provision of such information is not considered reasonable for the purposes of assessing a development application but can be provided prior to the issuing of a CC. Alternatively, Council may choose to impose a deferred commencement condition in any development consent.
The drawings indicate that you are proposing 7 single rooms and 7 double rooms, giving a capacity of 21 lodgers. In this case, an on-site managers room with accompanying private open space would be required.	Noted. The breakdown of single and double rooms has been amended as follows: - 11 x single rooms - 3 x double rooms Accordingly, pursuant to <i>clause 30(1)(e) of the ARH SEPP an on-site managers room is not required.</i>
Environmental Management	
Section D5.11 of the Penrith DCP requires an operational 'Plan of Management' to ensure that the proposed boarding house operates with minimal impact on adjoining owners and maintains a high level of amenity for residents.	Noted. A POM has been prepared (Judith Stubbs & Associates, 6 August 2020) in accordance with Section 5.11 of the PDCP and is provided under separate cover.
Shared facilities are required unless separate laundry facilities are provided within rooms for all residents. As a guide: • One 8.5kg capacity automatic washing machine and one domestic dryer for every 12 residents • At least one large laundry tub and one cleaner's sink with running hot and cold water; and	Noted. These requirements will be addressed during the detailed design phase prior to the issue of a CC.

Table 1 – Pre-DA Meeting

30 metres of clothesline for every 12 residents in an outdoor area (can be retractable).	
An acoustic assessment is required to be submitted as a part of the development application to demonstrate that the proposed boarding house will not have any impact on nearby sensitive receivers.	Noted. An acoustic report (PKA, August 2020) has been provided with the application.
The application is to address all relevant requirements under State Environmental Planning Policy 55 Remediation of Land (SEPP 55).	Noted. As discussed within Section 4 of this SEE, the proposal addresses the requirements of SEPP 55.
A Waste Management Plan is to be provided addressing waste produced during the demolition, construction and operational phases of the development.	Noted. A Waste Management Plan has been prepared to support the application.
Trees greater than 3m in height are protected under Part C2 Vegetation Management of the Penrith Development Control Plan 2014.	Noted. An Arborist Report (Newleaf Arboriculture, July 2020) has been provided with the application.
The environmental impacts associated with the construction phase of the development must be addressed, such as water quality, noise, dust, air quality and sediment and erosion control.	Noted. The application is supported by a sediment and erosion control plan. The mitigation of impact on noise, dust and air quality may be addressed via condition of consent.
Engineering	
All engineering works must be designed and constructed in accordance with Council's Design Guidelines for Engineering Works for Subdivisions and Developments and Council's Engineering Construction Specification for Civil Works.	Noted. All proposed works are capable of being designed and constructed in accordance with Council's Design Guidelines for Engineering Works for Subdivisions and Developments and Council's Engineering Construction Specification for Civil Works. Council may wish to apply appropriate conditions for works to be suitably designed prior to the issuing of a CC.
Stormwater	
Stormwater drainage for the site must be in accordance with the following: Council's Development Control Plan,	Noted. The application is supported by a stormwater drainage plan prepared by Uber Engineering. The stormwater management on site is prepared in accordance with Council's DCP, drainage specification for building developments policy, water sensitive urban design policy and technical guidelines.

Table 1 – Pre-DA Meeting

• Stormwater Drainage Specification for Building Developments policy, • Water Sensitive Urban Design Policy and Technical Guidelines. A stormwater concept plan, accompanied by a supporting report and calculations, shall be submitted with any future development application. It is acknowledged that there is an existing 2.44m wide Council drainage easement located within the development site. A cross section of this drainage pipeline is to be provided through the drainage easement showing pipe cover, depth and size and demonstrating that the pipe is clear from the zone of influence of any adjoining structure. No structure/s shall be erected within the existing Easement to Drain Water. You will need to look more closely at whether any structures relating to the waste room/area will encroach into the easement. The application shall demonstrate that downstream stormwater systems have adequate capacity to accommodate stormwater flows generated from the development. This may require the provision of on-site detention to reduce stormwater flows or upgrade of stormwater infrastructure to increase capacity. On-site Stormwater Detention (OSD) is required to be provided for the site. The Site Storage Rate (SSR) is 240cbm/Ha with a Permissible Site Discharge (PSD) of 120L/s/Ha. The on-site detention system must be within common property and accessible from the street without going through dwellings or private courtyards. The OSD system shall provide an emergency overland flow path – full details are to be provided. A water sensitive urban design strategy prepared by a suitably qualified person is to be provided for the site. The strategy shall address water conservation, water quality,	Based on discussion with Tim Gower at Penrith City Council, MUSIC modelling is not required to be prepared and submitted for this development.
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Table 1 – Pre-DA Meeting

water quantity, and operation and maintenance.	
The site is affected by local overland flow flooding based on Council's adopted 'College, Orth and Werrington Creeks Catchment Overland Flow Flood Study'. Information currently held by Council indicates that the 1% AEP flood level affecting the site is estimated to be RL 44.6m AHD towards the rear of the lot and RL 44.3m AHD at the front of the lot.	Noted. The application is supported by Overland Flow Study, prepared by Uber Engineering, dated 5 August 2020. The ground floor level of the boarding house achieves the required 0.5m freeboard above the 1% AEP flood level.
All plans for the site shall have levels and details to AHD. The application must demonstrate that the proposal is compatible with the State Government Floodplain Development Manual and Council's Local Environmental Plan and Development Control Plan for Flood Liable Lands. All habitable floor levels shall be a minimum of RL 45.1m AHD (1% AEP flood level + 0.5m freeboard).	Noted. As above. The supporting Overland Flow Study demonstrates that the proposal is compatible with the State Government Floodplain Development Manual and Council's Local Environmental Plan and Development Control Plan for Flood Liable Lands. The ground floor level of the boarding house achieves the required 0.5m freeboard above the 1% AEP flood level as noted in the Overland Flow Study.
No retaining walls or filling is permitted for this development which will impede, divert or concentrate stormwater runoff passing through the site. Earthworks and retaining walls must comply with Council's Development Control Plan. Proposed fill material must comply with Council's Development Control Plan.	Noted. Minimal fill is proposed to be provided for a level building platform. Due to the minimal extent of fill, and as noted in the Overland Flood Study, it is not anticipated that stormwater management will be adversely affected by the proposal. Stormwater runoff will not be impeded and ensure suitable flow of water.
Traffic	
A Traffic and Parking Assessment of the carpark design, access driveway design shall be reviewed and endorsed by a suitably qualified traffic practitioner.	Noted. A Traffic and Parking Assessment (Varga, August 2020) has been provided to support the proposal.
Building	
Access to and within the building will need to comply with Part D3 of the BCA and AS1428.1-2009.	Noted. A BCA Assessment has been provided (Checkpoint Building Surveyors, 6 August 2020) demonstrating that the proposed development is able to comply with applicable BCA standards.

Table 1 – Pre-DA Meeting

Ensure construction and essential services provided comply with the provisions of Volume 1 of the Building Code of Australia.	Noted. A BCA Assessment has been provided (Checkpoint Building Surveyors, June 2020) demonstrating that the proposed development is able to comply with applicable BCA standards.
Waste	
A bin generation rate of 75% will be applied to the waste generation calculation outlined within table 2 of the 'Multi-unit dwelling waste management guideline' document for boarding house developments.	Noted. A WMP has been incorporated into this SEE and has adopted the rates provided under Table 2.
Communal Waste Collection Area A communal waste collection area must be provided for the development and incorporate the following provisions: • A communal Waste Storage area large enough to accommodate 12 x 240L bins and a bulky goods storage area 4sqm.	Noted. The proposal has been designed to accommodate a communal waste collection area on the western side of the site. The area is large enough to accommodate 12x240L bins. A 4m ² bulky goods storage area is also provided.

2 The Site

The site is a regular-shaped allotment located at 3 Edward Street, Kingswood (Lot 36 DP 237831), with total site area of 635m² and a frontage to Edward Street 23.74m, as shown in the figures below:

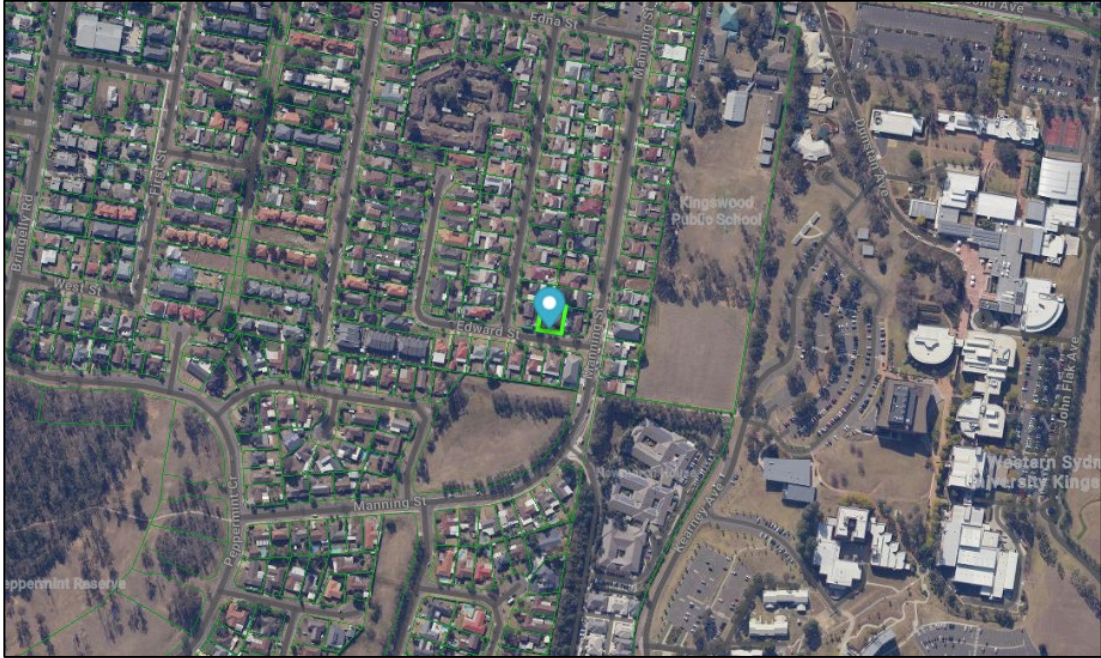


Figure 1: Site context

Source: Mecone Mosaic

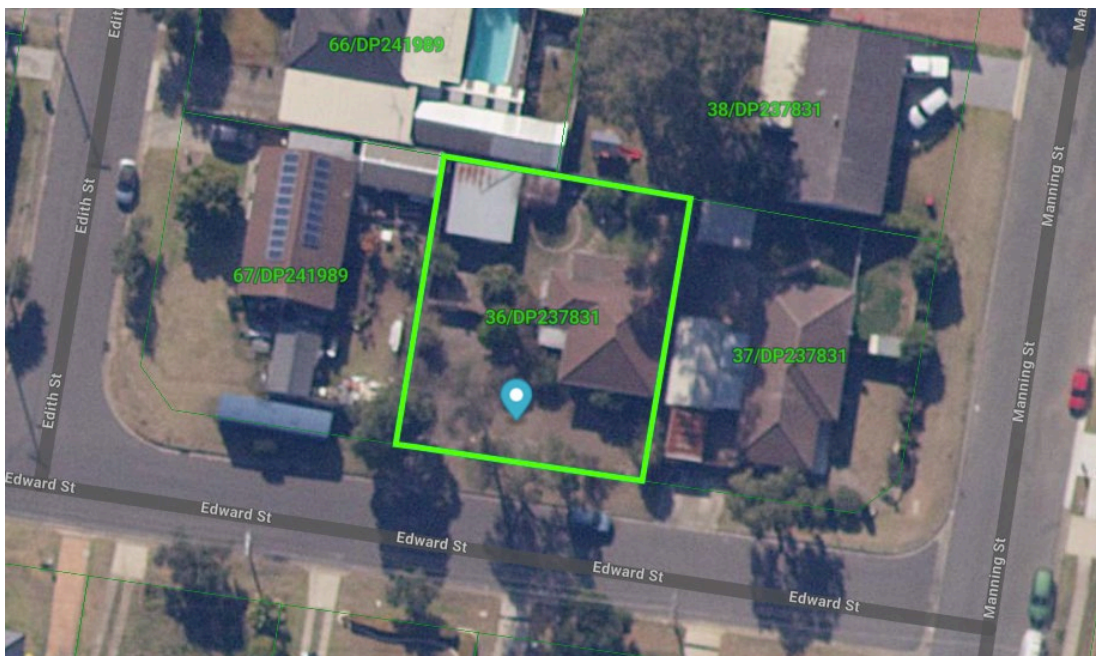


Figure 2: Site aerial

Source: Mecone Mosaic



Figure 3: Site viewed from Edward Street

Source: Signature



Figure 4: Development opposite Edward Street to the south

Source: Signature



Figure 5: Adjoining development to the east

Source: Signature

The site is well located only 80m west of the Kingswood Public School and 200m west of the Kingswood Western Sydney University campus. The site is also located approximately 1.1km south-east of Nepean Hospital and the surrounding commercial centre on Somerset Street and Derby Street, and 330m south of the neighbourhood shopping centre located on Edna Street and Manning Street.

Kingswood Station is located approximately 1km north-west of the site, while Bus Stop 274745 is located only 180m north east of the site, with Route 770, connecting the site to Penrith. The route running to Penrith meets the definition of a 'regular bus service' under the ARH SEPP providing services at least once an hour across the following hours:

- Mon-Fri: 6:00am – 21:00pm; and
- Sat-Sun: 8:00am – 18:00pm.

A summary description of the site and surrounds is provided in the table below.

Table 2 – Site Description	
Item	Description
Legal Description	Lot 36 DP 237831
Total Area	Approx. 635sqm
Street Frontage	Approx. 23.74m to Edward Street
Existing Use	The site contains a single storey dwelling house and detached garage. An easement to drain water cuts diagonally across the site.

Table 2 – Site Description

Item	Description
Zoning	R3 Medium Density Residential
Surrounding Context	The surrounding context is dominated by single and double storey residential dwellings.
Existing Access	The site is currently accessed via a driveway to Edward Street.
Public Transport	The site is located within 180m of the nearest bus stop located along Manning Street. As such, the subject site is located within an “accessible area”, being within 400m walking distance of a bus stop used by a regular bus service that has at least one bus per hour servicing the bus stop between 06:00 and 21:00 each day from Monday to Friday and between 08:00 and 18:00 on each Saturday and Sunday, as defined by ARH SEPP
Topography	The site is relatively flat, providing for a slight fall towards the northeast.

3 The Proposal

3.1 Overview

The DA proposes the following works:

- Construction of a boarding house development comprising:
 - Tree removal;
 - Construction of a two-storey boarding house, comprising 14 boarding rooms;
 - Construction of an at grade carpark containing three (3) spaces; and
 - Associated civil works and landscaping.

No demolition is proposed as part of this application. Demolition will be carried out separately via a complying development certificate.

Further detail is provided in the table below.

Table 3 – Key Elements of Proposed Development		
Item	Details	
Land Use	Boarding house	
Height	8.43m 2 storeys	
Room size (area excludes bathroom and kitchen as per ARH SEPP requirements)	Room 1 (single)	14.57m ²
	Room 2 (single)	12.05m ²
	Room 3 (single)	12.48m ²
	Room 4 (single accessible)	12.34m ²
	Room 5 (single accessible)	12.14m ²
	Room 6 (single)	12.00m ²
	Room 7 (single)	13.91m ²
	Room 8 (double)	16.00m ²
	Room 9 (double)	16.1m ²
	Room 10 (double)	17.84m ²
	Room 11 (single)	13.74m ²
	Room 12 (single)	13.73m ²
	Room 13 (single)	14.23m ²
	Room 14 (single)	14.23m ²

Table 3 – Key Elements of Proposed Development

Item	Details	
Room design	Each room features a private en-suite and kitchenette.	
Lodgers	17 total lodgers (1 per single room and 2 per double room)	
Communal Areas	At ground level the development contains a communal living/dining/kitchen area and laundry facilities for use by all residents.	
Private Open Space	The development features a private open space area providing 20.1sqm private open space area at the north-west corner of the building for use by all residents, in addition to a grassed area to the north; and This provision meets the non-discretionary minimum standard in the ARH SEPP, which requires a private open space of 20sqm with minimum dimension of 3m.	
Parking	3 at-grade spaces located to the rear of the site, which meets the non-discretionary minimum standard in the ARH SEPP for development carried out on behalf of a social housing provider 3 motorcycle spaces 3 bicycle spaces.	
Access	Pedestrian and vehicle access are via Edward Street with vehicular access located to the southwestern side of the lot and pedestrian access via a pathway located to the southeastern side of the lot. Note: Additional discussion provided below, following this table.	
Setbacks	Front (Edward Street):	5.5m
	Side (to the west):	3.6m
	Side (to the east):	2m
	Rear (to the south):	Ground: 4m First floor: 6.096m
Landscaping	The proposed landscaping includes turfed areas within the front setbacks, with hedging shrubs and multiple small, medium and large trees along the front and rear boundaries. This design is consistent with other development in the street. Note: Additional discussion provided below, following this table.	
Tree Removal	The development requires removal of two trees located to the Edward Street frontage.	
Waste Management	The development contains a bin storage room and bulky goods storage room integrated into the western side of the building. This area is discreetly located but easily accessible from Edward Street via the driveway. Note: Additional discussion provided below, following this table.	

Table 3 – Key Elements of Proposed Development

Item	Details
Plan of Management	A draft Plan of Management (PoM) has been prepared to support the application. The aim of the PoM is to ensure the proposed boarding house maintains a high level of amenity for neighbouring properties and for all residents living in the premises. It is anticipated that the draft PoM will be refined post-determination, and the implementation of the plan will form a condition of any future consent.

Extracts of the architectural drawings are provided below.

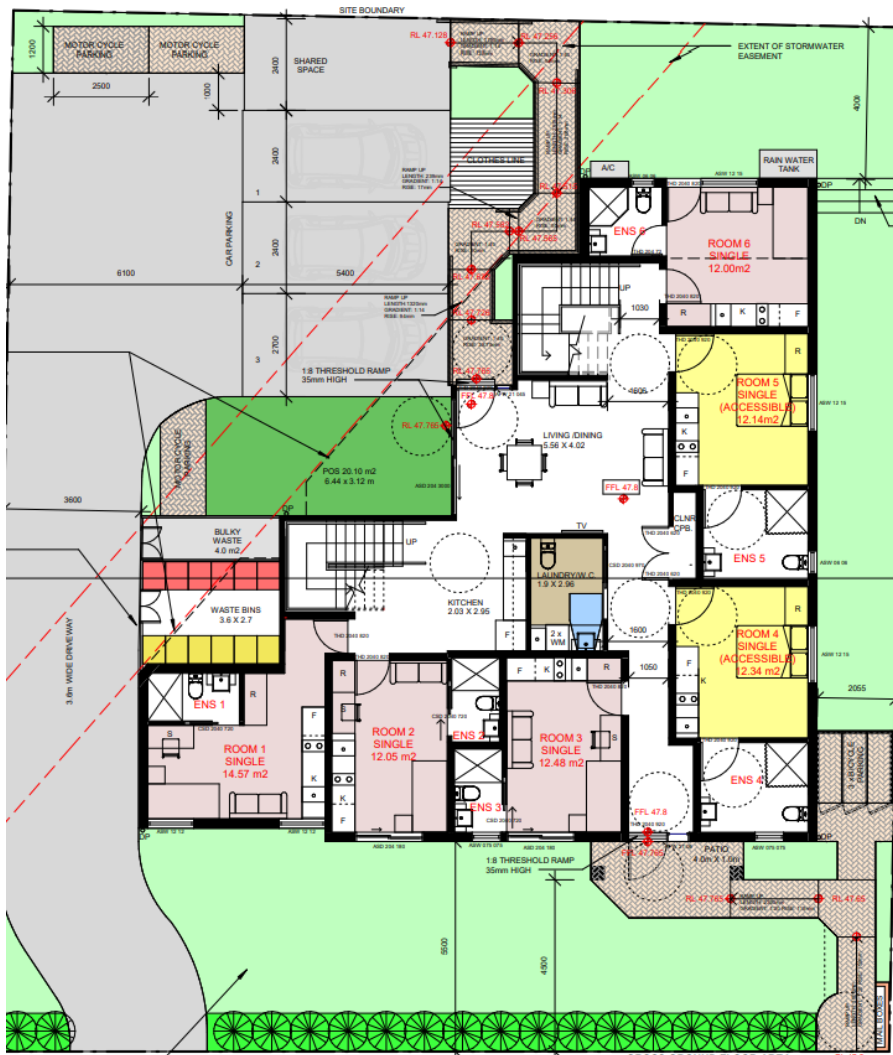


Figure 6: Ground floor plan

Source: Signature Projects Pty Ltd

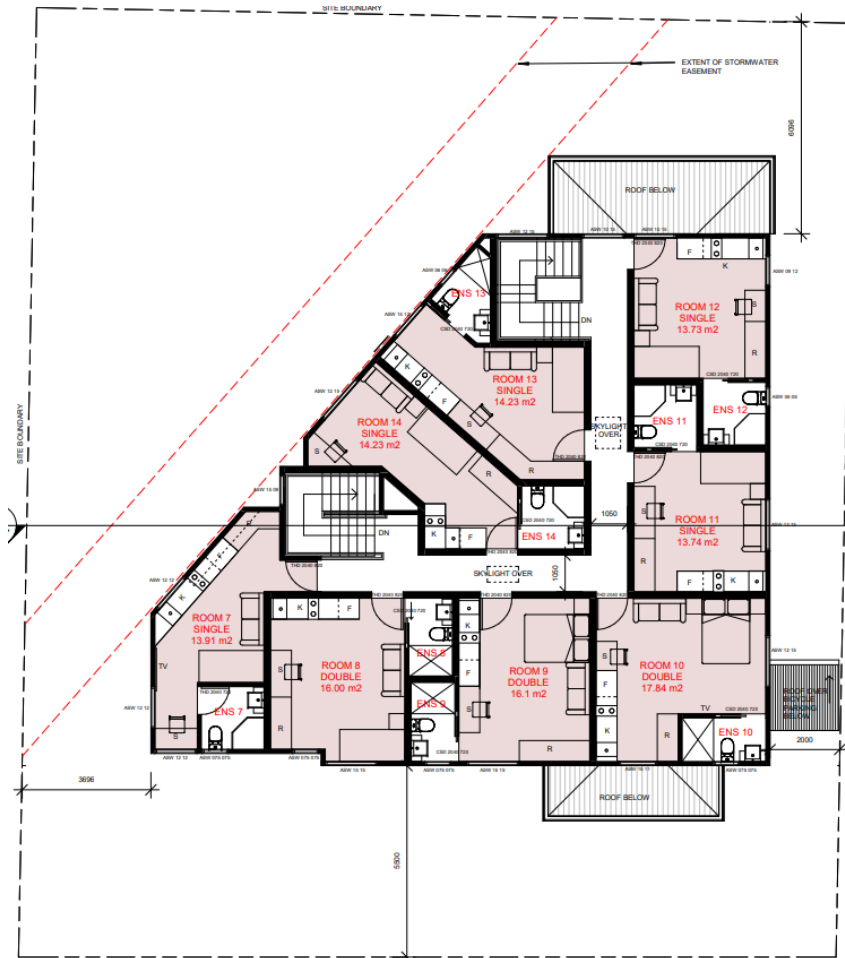


Figure 7: First floor plan

Source: Signature Projects Pty Ltd



Figure 8: Artistic impression of proposed boarding house

Source: Signature Projects Pty Ltd

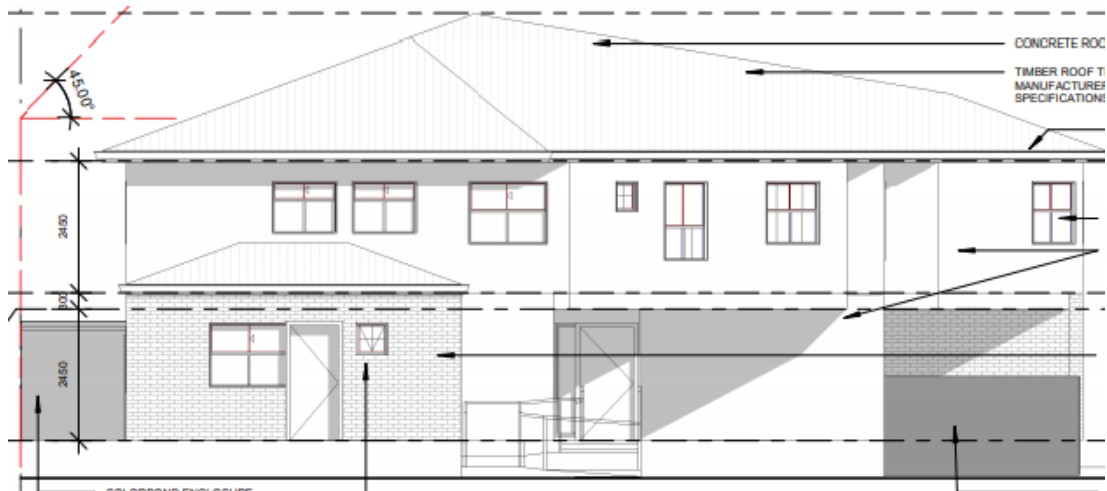


Figure 9: North Elevation

Source: Signature Projects Pty Ltd



Figure 10: South Elevation

Source: Signature Projects Pty Ltd



Figure 11: West Elevation

Source: Signature Projects Pty Ltd

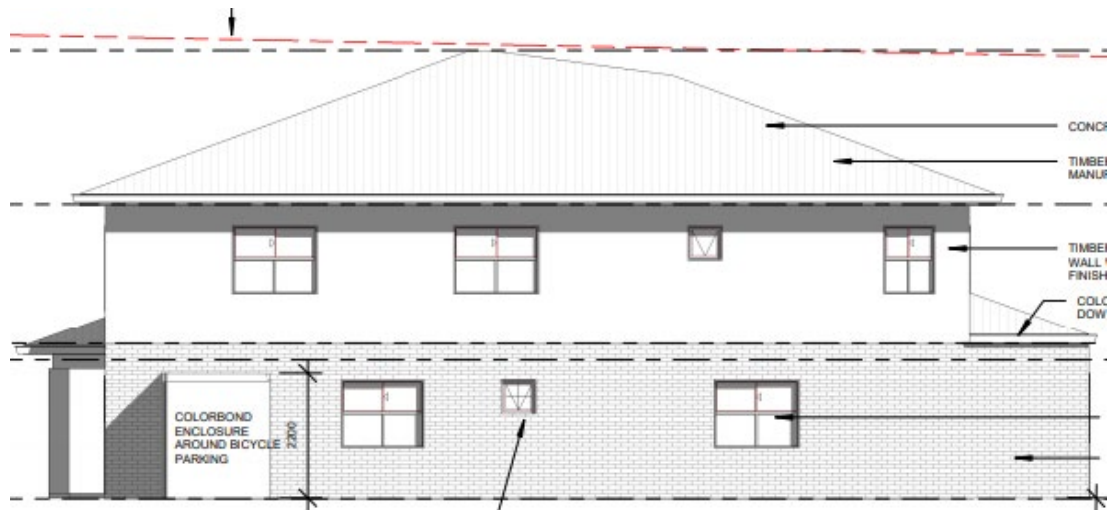


Figure 12: East Elevation

Source: Signature Projects Pty Ltd

3.2 Access and Parking

The development proposes vehicular access via an access driveway off Edward Street to the south.

Pursuant to Clause 29 of ARH SEPP, in the case of development carried out by or on behalf of a social housing provider in an accessible area, at least 0.2 parking spaces are provided for each boarding room.

Under Clause 4(1) of ARH SEPP, an “accessible area” is defined as land that is within:

- a) 800 metres walking distance of a public entrance to a railway station or a wharf from which a Sydney Ferries ferry service operates, or
- b) 400 metres walking distance of a public entrance to a light rail station or, in the case of a light rail station with no entrance, 400 metres walking distance of a platform of the light rail station, or
- c) 400 metres walking distance of a bus stop used by a regular bus service (within the meaning of the [Passenger Transport Act 1990](#)) that has at least one bus per hour servicing the bus stop between 06.00 and 21.00 each day from Monday to Friday (both days inclusive) and between 08.00 and 18.00 on each Saturday and Sunday.

In the case of this development, the site is located 180m walking distance from the nearest bus stop along Manning Street to the north east, identified as Bus Stop 274745 as shown in the map below.

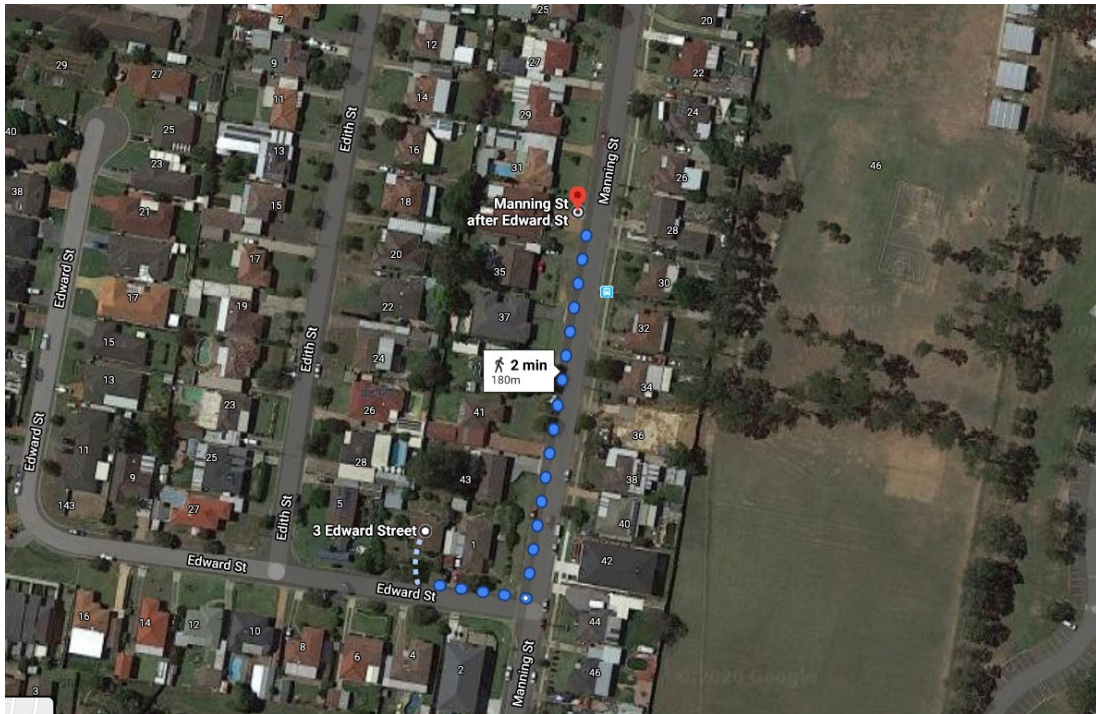


Figure 13: Walking distance to bus stop

Source: Google

Bus stop 274745 is serviced by Route 770, connecting the site to Mount Druitt. The route running to Mount Druitt meets the definition of a 'regular bus service' providing services at least once an hour across the following hours:

- Mon-Fri: 6:00am – 21:00pm; and
- Sat-Sun: 8:00am – 18:00pm.

The driveway provides access to three parking spaces and three motorcycle spaces. The proposal also provides a pedestrian pathway to the main entry to the building and the three bicycle spaces located on the eastern side of the building. Access to the waste bin area and bulk goods store along the western side of the building is provided via the driveway. As demonstrated by the vehicle swept path analysis provided under separate cover, vehicles will be able to enter and leave the site in a forward direction.

3.3 Landscaping and Private Open Space

Clause 29(2)(b) of ARH SEPP stipulates that a consent authority must not refuse consent to development to which this Division applies on the following grounds:

- If the landscape treatment of the front setback area is compatible with the streetscape in which the building is located

The development proposes landscaping and deep soil zones across the front setback area. A landscape plan prepared by Earth Matters Consulting, dated 6 August 2020 depicts a mix of deep soil gardens, and turf areas designed to integrate the development with the existing context as well as the emerging medium-density context. Further, the proposed landscaping provides for a development that integrates with the existing landscaped residential character of the street and

surrounding area. It is argued that the proposal provides for a development with landscape treatment that is compatible with the established streetscape character, while complementing the desired future character of Edward Street. In addition, the landscaping will ensure privacy and amenity is maximised to the site and development.

The landscape and building designs are considered to enhance the amenity and visual quality of the site and wider area. The proposed landscaping and plant species will screen and soften the built form as viewed from the public domain and enhance the building elements within their setting, providing for a suitable residential landscape character and setting.

The landscape and building design are complementary while achieving similar design objectives. In light of the existing streetscape character, the proposal is considered to contribute positively to a desirable streetscape and improve the existing character of the area. The landscape design aims to soften the impact of the proposed building, while providing an enhanced visual setting when viewed from the public domain.

Proposed landscaping has considered the built form, scale, and appearance of the building, ensuring a sympathetic relationship with adjoining development and within the context of a medium density zoning. The front setback has been provided with extensive landscaping, including deep soil zones that result in a setback area that is compatible with the streetscape in which the building is located. Refer to the landscape concept plan under separate cover.

Clause 29(2)(d) of ARH SEPP stipulates that a consent authority must not refuse consent to development on the following grounds:

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,*

The area of private open space satisfies the above numerical requirement and is integrated with the landscape design, while providing a suitable area of open space behind the front building line for the occupants of the development. The development proposes 201.48m² (31.87%) of landscaped area and >20m² of private open space to the rear.

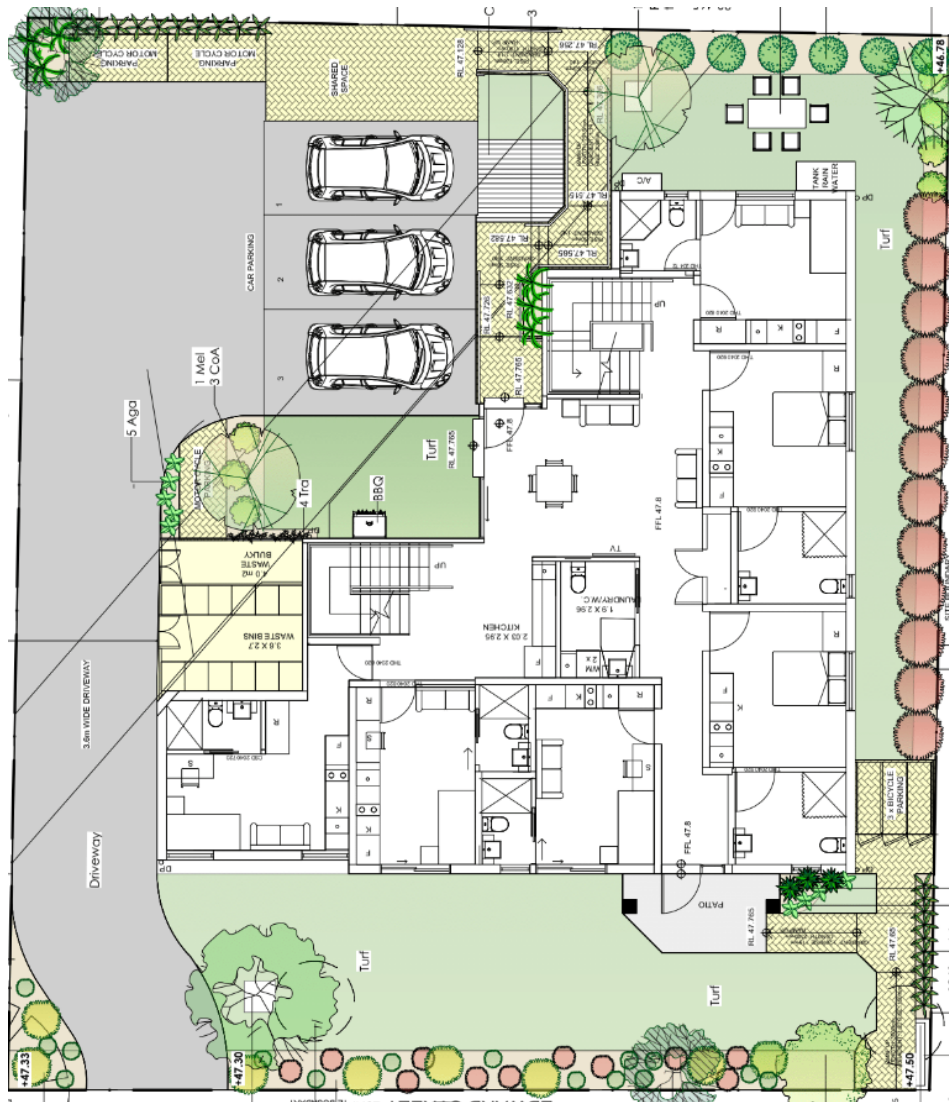


Figure 14: Landscape plan
Source: Earth Matters Consulting

3.4 Waste Collection

All waste will be in a dedicated waste collection area, located behind the front setback and on the western side of the proposed development. Garbage bins would be transferred from the waste storage area to the Edward Street kerbside for collection.

It is proposed that all garbage collection will be undertaken kerbside on Edward St by Council's 'Collect and Return Service'. Garbage bins would be transferred from the waste storage area to the Edward Street kerbside for collection by Council's collection vehicle driver.

In accordance with the requirements in Council's guideline regarding the collect and return service, the bin storage area can accommodate all bins assigned to the development, is integrated with the building design, is physically separated from the bulky goods storage room, allows for separate unobstructed access to the street, features a doorway width of no less than 1.2m, features a service pathway 1.2m in width and is located within 14m of the kerb. Detailed specifications for the room

identified in Council's DCP, such as waterproofing and taps, can be implemented via condition of consent.

Note: Further detail is provided at Section 5.8 of this SEE.

4 Planning Assessment

This section contains an assessment against key relevant environmental planning instruments and development control plans including:

- State Environmental Planning Policy (Affordable Rental Housing) 2009 (ARH SEPP);
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 (BASIX SEPP);
- State Environmental Planning Policy. No 55 – Remediation of Land (SEPP 55);
- Sydney Regional Environmental Plan No 20 – Hawkesbury-Nepean River (no 2 – 1997) (SREP No 20);
- Penrith Local Environmental Plan 2010(PLEP);
- Penrith Development Control Plan 2014 (PDCP); and
- Penrith DCP Housekeeping Amendment.

4.1 Penrith Local Environmental Plan 2010

The table below provides a summary of the key development standards under the Penrith LEP 2010 that apply to the site.

Table 4 – Penrith LEP 2010 Compliance Table

Provisions	Compliance
Land Use R3 Medium Density Residential	Complies Under the R3 Medium Density Residential zone, boarding houses are a type of development that is permissible with consent. The application is being made pursuant to the ARH SEPP 2009, which permits boarding houses in the R3 zone.
Cl. 4.3 Height of buildings 8.5m	Complies 8.43m
Cl. 4.4 Floor space ratio There is no FSR control applicable to the site.	N/A
Cl. 5.10 Heritage conservation There are no heritage items or heritage conservation areas within proximity of the site.	N/A
Cl. 7.4 Sustainable Development	Complies

Table 4 – Penrith LEP 2010 Compliance Table

Provisions	Compliance
In deciding whether to grant development consent for development, the consent authority must have regard to the principles of sustainable development as they relate to the development based on a “whole of building” approach by considering each of the following— (a) conserving energy and reducing carbon dioxide emissions, (b) embodied energy in materials and building processes, (c) building design and orientation, (d) passive solar design and day lighting, (e) natural ventilation, (f) energy efficiency and conservation, (g) water conservation and water reuse, (h) waste minimisation and recycling, (i) reduction of vehicle dependence, (j) potential for adaptive reuse.	The proposed development has been designed and oriented to achieve a sustainable development. Windows to the north are maximised; all rooms are naturally ventilated; and 6 out of the 14 rooms and the first-floor corridors are naturally cross ventilated. These measures combine to achieve passive thermal design for ventilation, heating and cooling, reducing reliance on technology and operation costs. The development also includes soft landscaped areas, equating to 186.76m² or 29.41% of the total site area, for groundwater recharge and vegetation. The development will provide for a building that is designed to ensure energy efficiency and conservation, water reuse and conservation. The application is supported by a BASIX Certificate which demonstrates this. Furthermore, waste minimisation and recycling has been addressed and demonstrated through the supporting WMP. In all, the development has considered the principles of sustainable development, as required by CI 7.4 of PLEP.
7.6 Salinity (2) Development consent must not be granted to any development unless the consent authority has considered—(a) whether or not the proposed development is likely to have an impact on salinity processes, and (b) whether or not salinity is likely to have an impact on the proposed development, and (c) appropriate measures that can be taken to avoid or reduce any undesirable effects that may result	Complies The site is shown on the Salinity Potential in Western Sydney 2002 Map as having moderate potential for salinity. Notwithstanding, due to the minimal extent of excavation, it is unlikely that salinity will have an impact on the proposed development.

Table 4 – Penrith LEP 2010 Compliance Table

Provisions	Compliance
from the impacts referred to in paragraphs (a) and (b).	

4.2 SEPP (Affordable Rental Housing) 2009

Under the SEPP, the proposal is classified as a 'boarding house'. Boarding Houses are not defined in the ARH SEPP 2009, but rather the Penrith Local Environmental Plan 2010 (PLEP), the applicable LEP for the site, as follows:

boarding house means a building that—

- (a) is wholly or partly let in lodgings, and
- (b) provides lodgers with a principal place of residence for 3 months or more, and
- (c) may have shared facilities, such as a communal living room, bathroom, kitchen or laundry, and
- (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 proposal for a boarding house within the R3 Medium Density Residential zone is permissible under the ARH SEPP, as discussed below. It should also be noted that Boarding Houses are permitted with consent in the R3 zone under PLEP.

Division 3 'Boarding Houses'

Division 3 'Boarding Houses' of the ARH SEPP therefore applies to the site, providing certain requirements and standards that cannot be used to refuse consent. A detailed assessment against these standards is provided in **Appendix 1**.

In summary, we have found that the proposal:

- Complies with the non-discretionary standards under cl. 29, including:
 - The building height complies with the relevant LEP requirement (8.5m);
 - The landscaped area is compatible with the streetscape;
 - The communal living room achieves 6 hours of direct sunlight between 9am and 3pm at mid-winter;
 - The building features a private open space area of 20.1sqm with a minimum dimension of 3m;
 - 3 parking spaces are provided in accordance with the minimum of 0.2 spaces per room required if the development is carried out by or on behalf of a social housing provider in an accessible area;
 - The site has been demonstrated to be in an accessible area;

- Each single room is at least 12sqm and each double room is at least 16sqm;
- Complies with the standards for boarding houses under cl. 30, including:
 - The proposal features a communal living room given it has more than 5 boarding rooms;
 - No boarding room has a GFA greater than 25sqm;
 - No boarding room will be occupied by more than 2 adult lodgers;
 - Adequate bathroom and kitchen facilities are available for lodgers, with each room having its own private ensuite and kitchenette;
 - 3 bicycle parking spaces and 3 motorcycle parking spaces are provided, meeting the minimum requirement of 1 per 5 rooms;
- Is compatible with the character of the area (refer to analysis following).

4.2.1 Clause 30A Character of local area

Clause 30A of SEPP ARH 2009 states the following with regard to 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.

Existing character

The following response is offered to the above:

Edward Street is comprised with a range of dwelling types and built form styles. While the predominate built form is single storey dwellings there are examples of two storey development along the street and opposite the site including 2 Edward Street which is a two storey, 16 room boarding house. There are examples of two storey detached and multi dwelling developments at 68 Jones Street (which connects to Edward Street), 76-78 Jones Street (which is visible from Edward Street), 42 Manning Street as well as 28 and 32 Edward Street.

The following set of photos provide an outline of the more recent developments on Edward Street and the surrounding area with several boarding houses within the area.



Figure 15: Approved 16 room boarding house at 2 Edward Street, opposite the subject site (DA16/0562)

Source: Signature



Figure 16: Approved 8 room boarding house located at 10 Manning Street

Source: Signature



Figure 17: Approved boarding house located at 36 Manning Street currently under construction

Source: Signature



Figure 18: Approved 16 room boarding house located at 42 Manning Street

Source: Signature



Figure 19: Townhouse development at 28 Edward Street

Source: Signature

Dwellings along the south of the street are generally comprised of side driveways to recessed garages. Brick appears to be the predominate material for dwellings with red, blonde and brown tones employed, with newer dwellings providing a combination of brick and clad or rendered walls.

Single storey brick housing is the predominate dwelling character. However as evidenced by the approved examples at 2, 26 and 32 Edward as well 68 and 76-78 Jones Street and 42 Manning Street, two storey and multi dwelling housing is compatible with the local character and indicative of the changing densities occurring as a result of the R3 Medium Density Residential zone applying to the land.

Setbacks and landscape treatments

There is some consistency in setbacks along the southern side of Edward Street, with the north side less consistent. Houses along Edward Street with frontages along two roads (Edith, Manning and Edward as it turns north), are generally set back against one of the two roads. This includes 1, 2 and 5 Edward Street.

Mature trees are present along the street, mainly between Edith and Manning. For the most part vegetation at the front of most properties along the street tends to be limited to small trees, shrubs and grass lawns.

As such the defining characteristic of Edward Street front setbacks is soft landscaping, with a few examples of mature trees on site.

The Proposal

The proposal incorporates features present along the street and creates an outcome that is compatible with its context. The proposed character of the development is considered consistent with the established character, as demonstrated by the supporting photos above.

- The proposed building material choices are present in dwellings along the street; with the use of softer materials on the first floor to reduce the bulk and visual prominence of the development.
- The bulk, height and scale of the proposed development is in keeping with the two storey development surrounding the site, including the existing approved boarding house opposite the site at 2 Edward Street. As such, it is considered that the proposal aligns with the acceptable and established built form;
- Material and colour choice are sympathetic to the complementary elements of the street and enable the site to better integrate with its context;
- Proposed articulation elements create visual interest in the building when viewed from Edward Street and from the side. This reflects the articulation demonstrated by the two storey buildings nearby; and
- The site's entrance will address the street providing a sense of arrival and enable passive surveillance to and from the street.

The landscape treatment within the front setback is consistent with the soft landscaping and hard surfaces used for driveways that are present along the street. While it is proposed that two trees with low to medium retention value are to be removed, several trees are to be planted in replacement. The front setback landscaping treatment includes:

- Lagerstroemia indica 'Natchez' Crepe Myrtle with a mature height of 4-6 metres
- Prunus x blireana Purple Leaved Plum with a mature height of 4 metres
- Tristaniopsis laurina Water Gum with a mature height of 10-12 metres
- Zoysia Macarantha Nara Turf

The rear landscaping includes a rear setback that will be used for parking of cars, with vegetation along the rear boundary to consist of:

- Magnolia 'Teddy Bear' 'Magnolia' with a mature height of 5-6 metres
- Melaleuca decora 'Honey Myrtle' with a mature height of 10 metres
- Prunus x blireana 'Purple Leaved Plum' with a mature height of 4 metres
- New Zealand Flax
- Coastal Rosemary shrubs

The above responses will provide a landscape environment that will blend in with the landscape treatments along the street. Regular maintenance of front landscaping will contribute positively to the street amenity, appearance and character. Further increased canopy cover will be a benefit for pedestrians and native wildlife.

The proposed landscaping is compatible with the established landscaping of the street and desired outcomes for the following reasons:

- The provision and configuration of landscaping is consistent with established landscaping along Edward Street and will contribute toward an attractive streetscape;
- The trees located in the front setback, once mature, will soften the appearance first floor from the street;
- With the exception of the driveway and pathway, the private garden fills the front setback;

- Garages, or in this instance onsite parking, is concealed behind the building, thereby avoiding the negative visual impacts associated with parking in front of houses, which has been exhibited along the street;
- Additional tree canopy will contribute positively to the streetscape.

In conclusion, the proposal is found to be consistent with Clause 30A of ARH SEPP with respect to achieving a suitable character outcome for Edward Street and the wider locality. The surrounding area, being located within medium density zoning is undergoing constant change. The proximity to nearby infrastructure, including Kingswood Western Sydney University campus, Kingswood Station and Nepean Hospital will result in further development over the long-term, resulting in a character that will be unidentifiable to the existing setting. The proposal is considered to align with the desirable future character that is consistent with a medium density setting as well as offering consistency with the existing streetscape character.

4.3 SEPP (Building Sustainability Index: BASIX) 2004

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 (SEPP BASIX) provides objectives to encourage sustainable residential development.

The application is accompanied by a BASIX Certificate, which confirm the development is able to meet the NSW Government's requirements for sustainability if built in accordance with the commitments set out in the certificate.

4.4 SEPP 55 – Remediation of Land

Clause 7 of SEPP 55 states that a consent authority, in determining a DA, must not consent to the carrying out of any development on land unless:

- it has considered whether the land is contaminated, and*
- if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
- if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*

The historical use of the subject site appears to have been limited to residential development and there would appear to be no indication of commercial or industrial activities on the site or neighbouring land that would render the site unsuitable for the proposed development. As such, the site is considered suitable for the proposed residential use and for the proposed development.

It should also be noted that no significant earthworks, such as basement carparking, are proposed as part of the development.

An unexpected finds protocol can be implemented during the construction phase via condition of consent.

4.5 SREP 20 – Hawkesbury-Nepean River (No 2-1997)

Clause 4 of SREP 20 states that a consent authority must take into consideration the general planning considerations set out in Clause 5 of SREP 20 and the specific planning policies and recommended strategies in Clause 6. The planning policies and recommended strategies under SREP 20 are considered to be met through the development controls under PDCP.

As demonstrated in Section 4.6 below, the development generally complies with the relevant development controls established within the PDCP. Therefore, the proposal is considered to satisfy Clause 4 of SREP 20.

4.6 Penrith Development Control Plan 2014

Penrith Development Control Plan 2014 (PDCP) applies to all land in the Penrith LGA and contains more detailed development provisions that are considered by Council when making decisions about individual development applications.

The compliance table provided at **Appendix 2** provides a comprehensive assessment of the proposal against all relevant sections of the PDCP. Several key issues are discussed below.

4.6.1 Relevant Section of PDCP

Part D5 of PDCP provides supplementary directions for Boarding Houses at Section 5.11, with (2)(e) and (f) providing:

e) In a Low-Density zone, boarding houses should comply with controls for Single Dwellings where these controls do not conflict with the requirements of the SEPP.

f) A boarding house proposal of a scale similar to a multi dwelling housing development should comply with the controls and objectives for multi dwelling housing within this DCP, where they are not in conflict with the requirements of the SEPP and the objectives of the zone.

The subject site is located within the R3 Medium Density zone but does not provide a development which is of a similar scale to a multi dwelling housing development.

If we review the scale of the proposed boarding house, it is evident that it has been designed to be of a similar scale to a large dwelling house.



Figure 20: Artistic impression of proposed boarding house at 3 Edward Street, Kingswood

Source: Signature

If we refer to the wording in the DCP with regard to boarding houses proposed in the R3 zone, it provides: “A boarding house proposal of a scale similar to a multi dwelling housing development should comply with the controls and objectives for multi dwelling housing within this DCP”.

Multi dwelling housing is defined by Penrith LEP as:

multi dwelling housing means 3 or more dwellings (whether attached or detached) on one lot of land, each with access at ground level, but does not include a residential flat building.

Based on the definition of multi dwelling housing in the LEP we would anticipate any multi dwelling housing development to present as at least 3 dwellings, each with a front door at the ground level.

The proposed boarding house presents as a single dwelling and is located on a single lot of land.

We further note that the LEP at clause 4.1A requires a minimum lot size of 800sqm for the development of multi dwelling housing, while the subject R3 lot is 635sqm.

Accordingly, the scale of the proposed boarding housing is not comparable to multi dwelling housing permitted under the provisions of Penrith LEP as it presents as a single dwelling and the site area does not meet the minimum lot size required for multi dwelling houses. The proposed development falls under the provisions of the ARH SEPP, which does not require a minimum lot size.

If we compare the proposed boarding house to surrounding multi dwelling developments, the proposed boarding house offers a far less intense form of development than a multi-dwelling housing development.



Figure 21: Townhouse development at 28 Edward Street, Kingswood

Source: Signature





Figure 22: Existing multi dwelling development at 76-78 Jones Street, Kingswood – Site area 3,083sqm

Source: Mecone Mosaic



Figure 23: Existing multi dwelling development at 5A Edith Street, Kingswood – Site area 8,565sqm

Source: realestate.com.au



Figure 24: Existing multi dwelling development at 18 Second Avenue, Kingswood – Site area 4,452sqm

Source: realestate.com.au



Figure 25: Existing multi dwelling development at 67 Jones Street, Kingswood – Site area 1,363sqm

Source: realestate.com.au



Figure 26: Existing multi dwelling development at 63 Jones Street, Kingswood – Site area 1,369sqm

Source: realestate.com.au

As depicted in the surrounding examples of multi dwelling housing, the developments generally present as a series or row of dwellings, either attached or detached on one lot of land that present as individual dwellings with matching architectural form to the other dwellings within the development.

This is quite different to the proposed boarding house which presents as a single building, similar in scale to a large dwelling house.

The scale of the proposed boarding house cannot be reasonably compared to multi dwelling development under PLEP, as multi dwelling development could not occur on a single lot of less than 800m² and would therefore require the consolidation of multiple lots, which results in multi dwelling housing providing a larger scale and far more intense built form than the proposed boarding house.

As the site is not located in a low-density zone, 2(e) does not apply. However, as the development is not of a similar scale to a multi dwelling housing development, 2(f) is also not applicable to the proposed boarding house.

Accordingly, the multi dwelling controls contained at 2.4 of Part D2 of PDCP are not relevant to the proposed boarding house development.

This position is supported by Sharnie Belle, Special Counsel for Addisons Lawyers, who has prepared a legal opinion, which is attached to this SEE.

The compliance table provided as **Appendix 2** provides an assessment of the proposal against PDCP and has addressed the multi dwelling housing controls because they have been raised within Council's pre-DA comments. We maintain the position that the controls contained within Section 2.4 of Part D2 are not a relevant

consideration in relation to the proposed development as per the requirements of Part D5 Section 5.11 (2)(e) and (f).

4.6.2 Landscaped Area

Part C, Section 2.1.7 (3) of the DCP requires that the rear setback area should provide a corridor of habitat and a green background that is visible from the street. The majority of the proposal's rear setback area consists of a driveway and parking area, which has been proposed to ensure parking areas do not dominate the streetscape.

This is considered acceptable under the provisions of the ARH SEPP.

Specifically, Cl. 29(2)(b) of the ARH SEPP provides that development cannot be refused on the grounds of "landscaped area" if the landscape treatment of the "front setback area and is compatible with the streetscape in which the building is located". This non-discretionary landscape standard contains no requirement for rear landscaped areas. The proposed front landscaping is compatible with the streetscape, and therefore the overall landscape solution is considered acceptable.

Legal advice prepared and provided by Addisons Lawyers, dated 7 July 2020, accompanies this submission. The advice states the following with respect to landscaping on site:

Clause 2.1.2(B)(1)(e)(iv) in Chapter D2 of the DCP requires that rear setback areas "be used predominantly for the provision of a landscaped area". In addition, clauses 2.1.4 and 2.4.8 of the DCP require boarding house developments on R2 and R3 zoned land to provide a minimum landscaped area of 50% and 40%, respectively.

However, as set out above, under clause 29(2)(b) of the ARH SEPP, Council must not refuse consent to the Proposed Developments on the basis of landscaped area "if the landscape treatment of the front setback area is compatible with the streetscape in which the building is located".

Clauses 2.1.2(B)(1)(e)(iv), 2.1.4 and 2.4.8 in Chapter D2 of the DCP and clause 29(2)(b) of the ARH SEPP clearly all deal with the same subject matter, namely landscaped area. It follows, that to the extent the "compatibility" test in clause 29(2)(b) of the ARH SEPP is satisfied by the Proposed Developments, consent to the Proposed Developments cannot be refused on the ground of landscaped area under clause 2.1.2(B)(1)(e)(iv), clause 2.1.4 and/or clause 2.4.8 in Chapter D2 of the DCP.

On the issue of "compatibility", the following comments of Morris C in Moscaritolo and Anor v The Hills Shire Council [2013] NSWLEC 1014 quoting Roseth SC in Project Venture Developments v Pittwater Council [2005] NSWLEC 191 are of relevance:

27 No merit matters are raised by the council, the only matter that requires my determination is the compatibility provision of clause 16A of SEPPARH and the issues raised by objectors. Such determination does not require a finding of sameness and this could not be expected from a state-wide policy that allows for a form of development that is not exactly the same as that anticipated by local planning controls. Consideration of the word "compatible" was assessed

by Roseth SC in *Project Venture Developments v Pittwater Council* [2005] NSWLEC 191, where he states:

22 There are many dictionary definitions of compatible. The most apposite meaning in an urban design context is capable of existing together in harmony. Compatibility is thus 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.

23 It should be noted that compatibility between proposed and existing is not always desirable. There are situations where extreme differences in scale and appearance produce great urban design involving landmark buildings. There are situations where the planning controls envisage a change of character, in which case compatibility with the future character is more appropriate than with the existing. Finally, there are urban environments that are so unattractive that it is best not to reproduce them.

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

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

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

25 The physical impacts, such as noise, overlooking, overshadowing and constraining development potential, can be assessed with relative objectivity. In contrast, to decide whether or not a new building appears to be in harmony with its surroundings is a more subjective task. Analysing the existing context and then testing the proposal against it can, however, reduce the degree of subjectivity.

26 For a new development to be visually compatible with its context, it should contain, or at least respond to, the essential elements that make up the character of the surrounding urban environment. In some areas, planning instruments or urban design studies have already described the urban character. In others (the majority of cases), the character needs to be defined as part of a proposal's assessment. The most important contributor to urban character is the relationship of built form to surrounding space, a relationship that is created by building height, setbacks and landscaping. In special areas, such as conservation areas, architectural style and materials are also contributors to character.

To the extent that landscaped treatment of the front setback area of each of the Proposed Developments is compatible with the streetscape in which it is located, it will have satisfied the test in clause 29(2)(b) of the ARH SEPP and consent to the development cannot be refused on the ground of landscaped

area, notwithstanding any noncompliance with clauses 2.1.2(B)(1)(e)(iv), 2.1.4 and 2.4.8 of Chapter D2 of the DCP.

4.6.3 Building Envelope

Part D, Section 2.1.2(2) sets out the relevant building envelope controls for multi dwelling housing, which consists of a 45-degree angle extending from a point 6.5m

We note that Section 2.4 of Part D2 of PDCP does not apply to the proposed boarding house as the proposed boarding house does not present a similar scale to multi dwelling houses, as per Part D5 5.11(2)(e) and (f). Notwithstanding the forgiving, the proposed development has been designed to fit within the building envelope in Section 2.1.2(2), thereby achieving an outcome which is sympathetic to adjoining properties.

4.6.4 Local Character

Part D, Section 5.11(1) requires that boarding houses be accompanied by detailed site and neighbourhood analysis to assist with the determination of neighbourhood character. A site analysis plan has been submitted as part of the architectural package, and the key elements identified in the DCP are discussed below.

Surrounding land uses: Development to all sides is zoned medium density residential and currently consists of dwelling houses, multi-dwelling and boarding house developments.

Social and historic context: The area is historically residential in nature with a regular, well-defined lot pattern.

Scale: Surrounding development ranges in scale from smaller one-storey dwelling houses to larger two-storey dwellings and boarding houses. There are also several two-storey multi dwelling housing developments in the locality.

Built form: Surrounding built form is low to medium density residential in nature. The existing built form, consisting of single dwellings, multi-dwelling and boarding house developments (refer to figures 21-26) is generally traditional in form with rectangular or L-shaped layouts and pitched roofs. It should be noted that it is not uncommon for rear yards to be largely taken up by outbuildings or hardstand area.

Natural environment: The locality is an established suburb with landscaped allotments. Front setbacks generally consist of lawn and low shrubs. Some lots contain 1-2 canopy trees in the front, but there is no consistent canopy tree cover. There are no significant areas of vegetation in the area. There is a park to the south along Manning Street which consists largely of cleared open space.

Density: Densities in the area are typical of medium density areas. There is no FSR control, but it is estimated that the dwelling house lots would have an FSR in the range of 0.5:1, while the boarding house and multi dwelling housing lots would be in the range of 0.7:1.

Amenity: Residential amenity in the area is typical of medium density residential areas. Dwellings generally have small to moderate front and rear yards, and minimal side setbacks.

Safety and security: Refer to the submitted CPTED for a review of crime in the locality.

Social dimensions and housing affordability: According to ABS data, the Kingswood area, compared to the Greater Sydney region, has a higher unemployment rate, lower education attainment, lower incomes and more “lone person” households. These factors point to the need for affordable rental accommodation in the area.

Aesthetics: The surrounding area is an established residential suburb with older housing stock from 70s and newer stock from the 90s onwards. Common materials in the area include brick veneer, clad or rendered walls and tiled or metal roofing.

Overall, based on the analysis of the site and area, it is considered that the proposal is compatible with the surrounding area, providing a traditional two-storey form similar to a large dwelling house with a pitched roof. The proposal's materiality, consisting of partial brick veneer, first floor cladding and metal roof is consistent with other development in the area.

4.7 Penrith Development Control Plan Housekeeping Amendment 2014

Council is proposing changes to the DCP under a draft Housekeeping Amendment. The amendment seeks to, inter-alia, updated controls to boarding house development in the R3 zone.

Section 4.15(1)(a) of the EP&A Act stipulates that in determining a development application, a consent authority is to take into consideration the provision of 'any proposed instrument that is or has been the subject of public consultation under this Act'. As PDCP 2014 is not an 'instrument' as defined by the Act, any draft amendment to the PDCP 2014 relating to boarding houses is not a matter for consideration pursuant to Section 4.15(1) of the Act, whilst in draft.

It is noted that in instances where there is an inconsistency with the DCP and an EPI, the provisions of the relevant EPI (in this case ARH SEPP) will prevail. The proposal complies with standards pursuant to Clause 29 of ARH SEPP, and therefore the proposal cannot be refused on the grounds of the standards referenced in clause 29.

5 Environmental Assessment

This section provides an assessment of the potential environmental impacts resulting from the proposal. It is based on, and should be read in conjunction with, the various specialist reports submitted with the application.

5.1 Social Impact

A Social Impact Assessment (SIA), prepared by Judith Stubbs & Associates, dated 6 August 2020, accompanies this submission.

The SIA assess the proposal in terms of:

- Its accessibility, facilities and design, internal and external amenity and social planning aspects of local character as per best-practice and with regard to compliance with relevant provisions of ARH SEPP;
- Relevant provisions of the *Boarding House Act 2012*;
- The demographic, housing and service context of the locality relevant to the need and demand for Boarding House accommodation; and
- Consultation with nearby residents via door knock survey to understand the locality, identify concerns and to inform mitigations if required.

The SIA concludes the following with respect to the likely social impacts:

Local demography and predicated demography of boarding house

The SIA finds that the demography of the local area is characterised as a highly disadvantaged population compared to Penrith LGA and Greater Sydney benchmarks. There is little socially rented housing in the immediate locality (1.7%), which is notably lower than the Greater Sydney average (5%).

The SIA finds that should the proposed boarding house be owned and/or managed by a social housing provider, eligibility requirements are likely to mean that a relatively high proportion of occupants will be very low income households, including pensioners and individuals on various benefits, as well low income 'key' workers needing affordable (discount market rent) housing. The proposed rents would also make rooms attractive and affordable to very low-income singles and couple.

Affordability

It is advised that the average rental cost will be \$240 per week, with the smallest single occupancy room renting for approximately \$200 per week.

Based on a June 2020 snapshot of the local housing market, the proposal is likely to contribute to alleviating housing stress for very low income and low-income private renting households. Based on 2016 census data, 85% of very low income privately renting small households (in the Penrith LGA) were in housing stress compared to 79% Greater Sydney average, with these households comprising 33% of all small privately renting households in the LGA.

The predicted demography of residents and affordability of indicative rents suggest that the proposed boarding house will include very low-income households. If the property is operated by a social housing provider, it is likely that some future residents may also have complex needs. As such, whilst the proposal does not include provision

of an on-site manager it is recommended that the Plan of Management include strategies to ensure amenity for resident and neighbours is maintained.

Character and Amenity

The SIA concludes that there may be acoustic impacts associated with residents using areas of private open space, although this area is well set back from adjacent properties. This potential impact could be managed by time restrictions on use of the area, as set out in the POM.

Potential overlooking from second floor windows to adjacent properties, including Rooms 10, 11 and 12 may be mitigated by appropriate screening of the windows Rooms 10, 11 and 12. Further privacy impacts could be mitigated by providing a 1.8 metre fence between the development site and adjacent lots.

Regarding amenity provided for within the boarding house, the internal and external amenity of the proposal Boarding House is high. All rooms are fully self-contained with kitchen and bathroom facilities, furniture, and furnishings. There are indoor and outdoor common areas, including ground level kitchen/dining/living area with television, kitchen facilities and lounge furniture. There are common laundry facilities located at ground level including clothes drying lines outside. Outdoor enhancements, such as landscaping and seating, are not shown on the drawings provided. The common outdoor open space area has a northerly aspect and would be expected to be sunny for part of the day

Management Issues

The predicted demography of residents and affordability of indicative rents suggest that the proposed Boarding House will include very low-income households. If the property is operated by a social housing provider, it is likely that some future residents may also have complex needs. As such, whilst the proposal does not include provision from an on-site manager, it is recommended that the Plan of Management include strategies to ensure amenity for resident and neighbours is maintained, including excellent management processes by the SHP. It is also recommended that the presence of a voluntary onsite caretaker be adopted by the SHP Tenancy Manager.

Issues raised in Resident Survey

The resident survey conducted in the preparation of this SIA identified issues associated with the increased concentration of Boarding Houses in the locality, as the other major concern about the proposal. This included reported social problems with existing Boarding Houses; concerns about the 'type of people' living in the Boarding Houses; the lack of effective and/or onsite management; and possible drug dealing near the facilities; the potential for social problems due to the nature of accommodation and 'type of people' likely to live there.

No respondents to the survey cited direct experiences of any problems with the existing facilities. However, they expressed concerns that would be broadly related to amenity from the existing facilities. The main mitigations suggested by residents are reasonable, and include the following:

- Care in the selection of tenants for the proposed Boarding House, providing for a mix of tenants, reducing concentration of high needs people, and reducing turnover;

- Strict House Rules and Plan of Management that are enforced; and
- Presence of an onsite caretaker and appropriate complaints procedure that is implemented.

Conclusion and Recommendations

Provided the draft Plan of Management and other recommendations are adopted and implemented, it is likely that the benefits of the proposed boarding House would outweigh the potential adverse impacts of the development.

The SIA recommends the adoption of the draft Plan of Management and House Rule for the purpose of the DA, which will be further refined by the social housing provider and include the following:

- Presence of a voluntary onsite caretaker, excellent oversight from the SHP Tenancy Manager, and appropriate and transparent complaints and response procedures;
- Care in the selection of tenants, including awareness of the need to accommodate diversity of tenures with regard to income, employment or student status; and other provisions related to accommodation of children should this occur;
- Hours of operation of relevant spaces to ensure noise and privacy impacts are avoided;
- Provisions for both short-term (3 month) or longer-term (6-12 months) Occupancy Agreements to increase stability and reduce turnover; and
- Strict House Rules, with appropriate penalties for non-compliance.

5.2 Traffic and Transport

A traffic impact assessment, prepared by Varga Traffic Planning Pty Ltd, dated 6 August 2020, accompanies this submission. The report assesses the traffic and parking implications of the development. Refer to report under separate cover.

5.2.1 Parking

Clause 29 of ARH SEPP stipulates a consent authority must not refused consent to development on the grounds of car parking, if:

- In the case of development carried out by or on behalf of a social housing provider in an accessible area – at least 0.2 parking spaces are provided for each boarding room

As detailed previously, Bus Stop 274745 is located only 180m north east of the site, with Route 770, connecting the site to Mount Druitt. The route running from Mount Druitt to Penrith meets the definition of a 'regular bus service' providing services at least once an hour across the following hours:

- Mon-Fri: 6:00am – 21:00pm; and
- Sat-Sun: 8:00am – 18:00pm.

Accordingly, the site is identified to be located within an accessible area.

Clause 30(1) of ARH SEPP outlines a list of standards which a consent authority must not consent to development to which this Division applies unless it is satisfied of the following:

- at least one parking space will be provided for a bicycle, and one will be provided for a motorcycle, for every 5 boarding rooms.

Therefore, the minimum parking rates for the development under the SEPP have been applied in the table below:

Table 5 – Parking Rates (ARH SEPP)		
Minimum Parking Rate	Minimum Required	Spaces Provided
0.2 parking spaces provided for each boarding room	2.8 parking spaces	3 spaces (including an accessible space)
At least one parking space to be provided for a bicycle, and one for a motorcycle, for every 5 boarding rooms	Motorbike: 2.8 spaces Bicycle: 2.8 spaces	3 spaces 3 spaces
Total	Car parking: 2.8 (3) Motorbike: 2.8 (3) Bicycle: 2.8 (3)	3 3 3

Overall, the proposed development requires a minimum of nine (9) spaces to accommodate vehicles, including cars, motorbikes and bicycles, under the ARH SEPP. The proposed development provides a total of nine (9) parking spaces. The proposal is therefore compliant with the minimum requirements of the ARH SEPP.

5.2.2 Traffic Generation and Impacts

Existing Trip Generation

The site is occupied by a single dwelling house, which based on traffic generation rates for “low density residential dwellings” nominated in the RMS *Technical Direction* to the existing residential dwelling house on the site yields a traffic generation of approximately 1 vph during both AM and PM peak hour. The traffic generation is considered to be:

- 1 vehicle trips per hour in the AM peak; and
- 1 vehicle trips per hour in the PM peak.

Proposed Trip Generation

An indication of the traffic generation potential of development proposal is usually provided by reference to the Roads and Maritime Services', 'Guide to Traffic

Generating Developments, Section 3 – Landuse Traffic Generation (October 2002)' and the updated traffic generation rates in the RMS 'Technical Direction (TDT 2013/04a) document.

However, in this instance, neither the RMS Guidelines nor the Technical Direction nominate a traffic generation rate for boarding house developments.

An empirical traffic assessment has been undertaken by conservatively assuming each of the parking spaces associated with the proposed boarding house is accessed once during a two-hour period in both the morning and afternoon peak periods. This corresponds to a traffic generation rate of:

- 0.5 peak hour vehicle trips per car space.

Accordingly, the proposed 3 car space may potentially generate up to 1.5 vehicle trips per hour (vph) during both the AM and PM peak periods.

Nett Increase

However, the projected future level of traffic generation potential should be offset or discounted by the volume of traffic which could reasonably be expected to be generated by the existing uses of the site, in order to determine the nett increase in traffic generation potential of the site.

It is likely that the proposed development would result in a nett increase in the traffic generation potential of the site of approximately 0.5 vph during both the AM and PM peak hour, as set out below:

- Projected Future Traffic Generation Potential: 1.5 vph
- Less Existing Traffic Generation Potential: -1.0 vph

Nett Increase in Traffic Generation Potential: 0.5 vph

The proposed nett increase in traffic generation of 0.5 vph is statistically insignificant and considered consistent with the zone objectives of the site, while the increase is unlikely to result in unacceptable traffic implications in terms of the road network capacity.

5.3 Acoustic

The application is supported by an Acoustic Assessment, prepared by PKA Acoustic Consulting, dated 5 August 2020.

An acoustic assessment was conducted in accordance with the acoustic requirements of Penrith City Council and the NSW EPA Noise Policy for Industry. Unattended noise measurements were conducted on site to obtain the existing background noise levels. Furthermore, noise goals were established for noise breakout from the use of the boarding house to other surrounding sensitive receivers.

Communal Areas

Where outdoor areas are proposed to communal areas, to mitigate noise impact from the outdoor private areas and common living rooms to adjacent residential receivers, acoustic fences are required to be installed at the boundary. The fences must have a minimum acoustic performance of R_w of 30 and the barriers must be a minimum height of 1.8 m. The acoustic barrier must be of solid construction (with no air gaps) with materials such as:

- Timber fence with double lapped boards of standard 15 mm thickness, allowing a continuous thickness of 30 mm;
- Autoclaved Aerated Concrete (AAC) panels such as Hebel;
- Masonry of Precast concrete panels; and
- Any combination of the above.

Façade Treatment

The glazing in the indoor communal areas (Living/Dining/Kitchen) must have a minimum sound insulation rating of Rw32.

Outdoor Plant and Equipment

At the time of preparation of this report, a detailed mechanical schedule was unavailable. The selection of any future outdoor mechanical and plant equipment must be checked so that the rated sound power/pressure levels will comply at the boundary of the sensitive residences with the NSW EPA Noise Policy for Industry 2017

Subject to the recommendations in the acoustic report, it is anticipated that the proposal will not adversely affect the acoustic privacy of residents within the boarding house, as well as any adjoining and nearby properties.

5.4 Access

The application is supported by an Access Design Report, prepared by Aibee Architects, dated 5 August 2020.

The report provides an assessment of the proposal against the applicable sections of the BCA and relevant Australian Standards. The following summary is provided:

- The proposal is to be assessed as New Parts under the Premises Standards.
- An accessible path of travel is to be provided from the front boundary through the principal entrance and to the two accessible sole occupancy units. The accessible path must also extend to the entry door to each sole occupancy unit on the ground floor and to all common facilities.
- The upper floor is not required to have a lift or ramp for wheelchair access, but even so the stairs are to fully comply with AS1428.1 to allow for people with disabilities other than wheel chair users to access the upper floor.
- The proposal provides two accessible sole occupancy units based on the BCA requirements. These two units have accessible en-suites to AS1428.1 and compliant door circulations. Other units are not required to be accessible internally of the units.
- The appointed certifier is required to ensure BCA accessibility compliance for all New Parts at construction certification.

The proposal is found to comply with the Premises Standards, BCA and Penrith City DCP accessibility requirements, as required for a planning level of assessment and is capable of full compliance at Construction Certification stage of documentation.

5.5 Stormwater

The proposed stormwater management has been designed to comply with Council's Stormwater Drainage guidelines for Building Developments Policy 2016. The site is located within the Kingswood and Orchard Hills OSD catchment area, therefore

requiring OSD to be provided in accordance with Council's Stormwater Drainage policy.

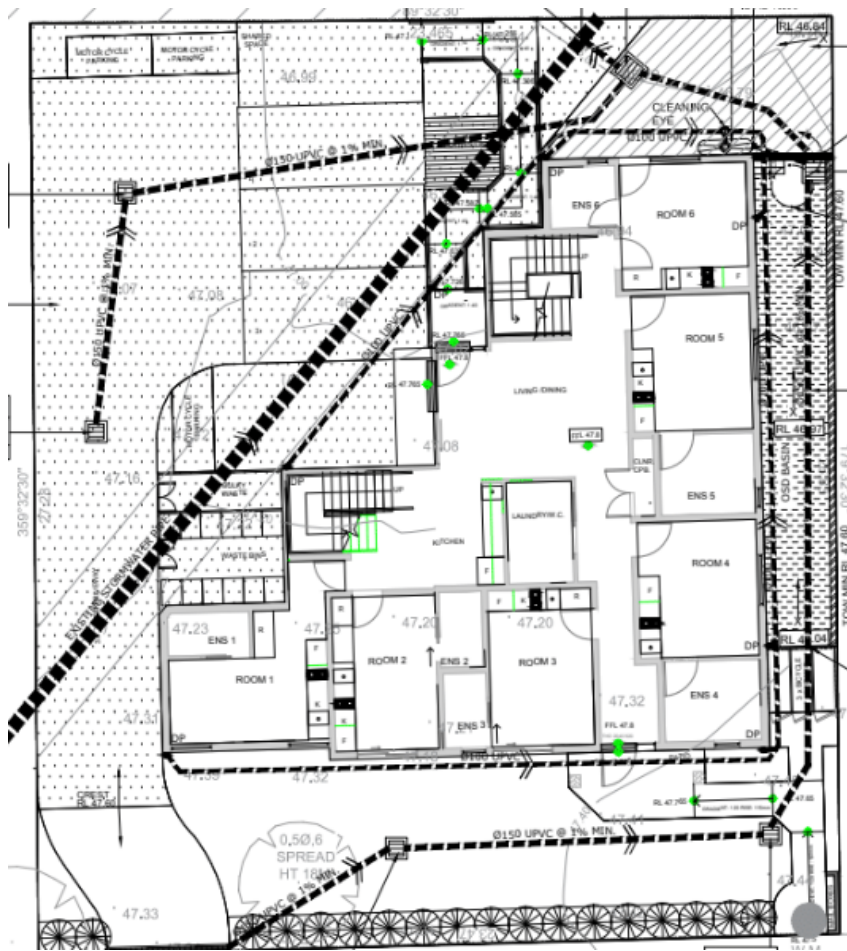


Figure 27: Stormwater Management Plan. Source: GEBA Consulting

The management of stormwater is to be facilitated via two (2) above ground on-site detention systems, located in the north-west and north-east corners. Stormwater is to be dispersed through an existing stormwater pipe located within an inter-allotment drainage easement servicing the subject site and adjoining lots.

For further detail, refer to accompanying stormwater details, prepared by Uber Engineering.

5.6 BCA

A Building Code of Australia 2019 Capability Statement, prepared Checkpoint Building Surveyors, supports this application.

The Capability Statement considers the proposal against fire safety and access requirements pursuant to the relevant sections of the BCA. The assessment of the proposed design has been undertaken against the Deemed-To-Satisfy provisions of the relevant sections of the BCA. The assessment has revealed that the design can achieve compliance subject to detailing and design development.

The preliminary assessment finds that compliance with the technical provisions of the BCA is readily achievable without significant modifications of the plans. Compliance

with the Performance Requirements of the BCA will be achieved via mixture of Deemed-to-Satisfy compliance and formulating Alternative Solutions.

5.7 Arborist

The proposal includes removal of two trees (Trees 2 and 4 in the image below), which are in advanced decline with significant structural defects and are recommended for removal regardless of the proposed development.

The two Council street trees along the frontage (a Brush Box and a Weeping Bottle Brush—Trees 1 and 3 in the image below) are proposed for retention.



Figure 28: Tree diagram

Source: *Truth About Trees*, modified by Mecone

The submitted Arboricultural Impact Assessment (Truth About Trees, 6 July 2020) provides further details on these trees, including recommended protection measures for the trees to be retained.

The proposed landscaping includes replacement planting, consisting of three (3) NSW Christmas Bush trees with a maturity height of 6 metres. These are to be planted within the front setback allowing for

Overall, it is considered that the proposal will result in an improve landscape outcome for the site.

5.8 Waste

A waste management plan (WMP) prepared using Council's template has been submitted with the application, covering the construction and operational phases of the development. Key aspects of the management of operational waste are discussed below.

Waste Generation

Council's Multi-Unit Dwelling Waste Management Guideline has been referenced to calculate the total number of bins required for the boarding house. The following table shows the required number of 240L bins to service the development.

Table 6 – Waste Generation Rates					
Rooms	Type of Waste	Base Requirement	Boarding house rate	Total Required	Proposed
14	Residual	2 rooms per 240L bin = 7 bins required	75% bin generation rate applied	6 (rounded up)	6
	Recycling	2 rooms per 240L bin = 7 bins required	75% bin generation rate plate	6 (rounded up)	6

The above rates assume twice weekly collection for residual waste and once weekly collection for recycling in accordance with Council's guideline.

Waste Storage Room

The communal areas of the proposed boarding house (communal kitchen and living rooms) will contain adequate space for the interim storage of organic waste, other recyclable waste and non-recyclable waste, which will then be transferred to the communal waste collection area.

As shown in the image below, a dedicated waste storage room is provided on the western side of the building, capable of accommodating the required 12 bins. The room is suitably integrated into the building form and screened by the building when viewed from the street frontage. In addition, a bulky goods storage area of 4.13sqm is provided adjacent to the bin storage room.

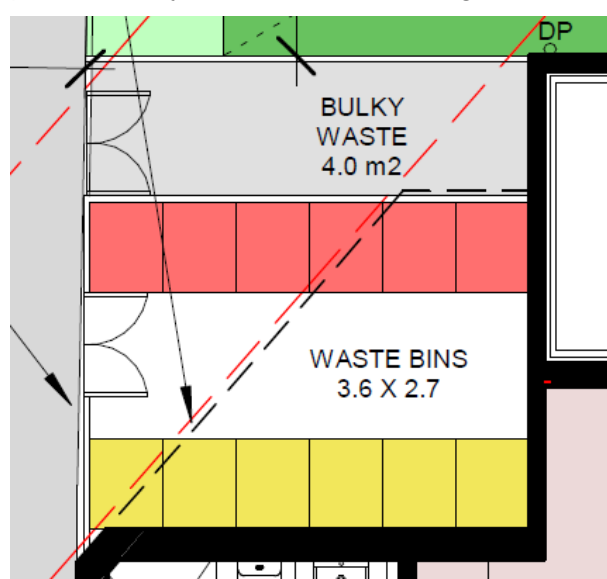


Figure 29: Waste storage area

Source: Signature Projects Pty Ltd

In accordance with the requirements in Council's guideline regarding the collect and return service, the bin storage area can accommodate all bins assigned to the development, is integrated with the building design, is physically separated from the bulky goods storage room, allows for separate unobstructed access to the street, features a doorway width of no less than 1.2m, features a service pathway 1.2m in width and is located within 14m of the kerb, exceeding the minimum 10m requirement. Importantly the waste storage area is located behind the front building line, unlike other existing boarding houses, including 2 Edward Street and 42 Manning Street. All other detailed specifications for the room identified in the DCP can be implemented via condition of consent.

Movement and Collection of Waste

It is proposed that all garbage collection will be undertaken kerbside on Edward Street by Council's 'Collect and Return Service'. Garbage bins would be transferred from the waste storage area to the Edward Street kerbside for collection by Council's collection vehicle driver.

5.9 Crime Prevention Through Environmental Design

A Crime Prevention Through Environmental Design (CPTED) report has been prepared under separate cover that addresses the principles of CPTED and how the DA minimises opportunity for crime.

These principles aim to reduce crime by using design and place management concepts to decrease the likelihood that the constituents of crime events (victim, offender, opportunity) come together in space and time. More specifically, CPTED aims to:

- Increase the perception of risk to criminals by increasing the possibility of detection, challenge and capture;
- Increase the effort required to commit crime by increasing the time, energy or resources that need to be expended;
- Reduce the potential rewards of crime by minimising, removing or concealing "crime benefits"; and
- Remove the conditions that create confusion about required norms of behaviour.

Principles

The key CPTED principles have been assessed as follows:

Surveillance

The proposal presents ample opportunities for improving surveillance on the street by having the buildings oriented towards the street. Windows that face the street will have views to Edward Street and from ground level to the upper levels. This establishes a form of 'natural surveillance' on the street and local area. A proportion of rooms will also face along the side boundaries, providing 'natural surveillance' on the inner pathways, private open space and landscaped areas.

Access Control

The proposal will have secure entrances to prevent strangers from entering. Access control will be arranged through a combination of natural, technical and organised measures. This will include private landscape treatments to distinguish from the public realm and secure entry access and lock systems.

Territorial enforcement

The proposal encourages a close relationship between future residents and the public domain through multiple entries and balconies that overlook the street and private open space. These features promote activity along the street, the landscaped areas and compel residents to share responsibility for the condition of these areas and streetscape.

Space management

The proposal has no features that would hinder the application of appropriate space management measures, such as site cleanliness, rapid repair of vandalism and graffiti.

Territorial enforcement

- The building should incorporate appropriate way-finding signage internally from well areas of the building such as the communal area; and
- The facility should incorporate distinctive paving and landscaping to serve as transition cues to alert people they are moving between the street and building. It is considered the driveway be given appropriate attention in aiding with this transition.

Space management

- Graffiti management measures should be incorporated into the maintenance plan/strategy for the building;
- A building maintenance plan/strategy should include landscaping to ensure the site displays strong ownership; and
- The building should incorporate a robust material palette, particularly for outdoor spaces in order to reduce susceptibility to vandalism and wear and tear.

5.10 S4.15 EP&A Act

This SEE has provided an assessment of proposed boarding house development in terms of the matters for consideration under Section 4.15 of the EP&A Act. A summary assessment against Section 4.15 is provided in the table below.

Table 7 – Section 4.15 summary assessment		
Clause No.	Clause	Assessment
(1)	Matters for consideration—general In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:	
(a)(i)	The provision of: Any environmental planning instrument, and	This SEE has considered and provided an assessment against the relevant environmental planning instruments, including SEPP 55, ARH SEPP and Penrith LEP 2014. It has been shown that the proposed development is generally compliant with the provisions of these instruments.
(ii)	Any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Director-General has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and	No draft instrument applies to the development. We note that the Proposed Housing Diversity SEPP – Explanation of Intended Effect is on exhibition until 9 September 2020 however, there is no draft EPI exhibited at this point in time.
(iii)	Any development control plan, and	This SEE has considered the controls of Penrith DCP 2014, and it has been shown that the application generally complies with the key relevant controls, with sufficient justification provided for any variation.
(iiia)	Any planning agreement that has been entered into under Section 7.4, or any draft planning agreement that a developer has offered to enter into under Section 7.4, and	Not applicable.
(iv)	The regulations (to the extent that they prescribe matters for the purposes of this paragraph), and	The proposal is consistent with the regulations applying to development applications.
(v)	Any coastal zone management plan (within the meaning of the Coastal Protection Act 1979), that apply to the land to which the development application relates,	Not applicable.

Table 7 – Section 4.15 summary assessment

(b)	The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,	The likely impacts of the development on the built and natural environments, and social and economic impacts in the locality have been considered within this SEE. The proposed development has been shown to result in minor and acceptable impacts and will provide social benefits through the provisions of affordable housing in an accessible area.
(c)	The suitability of the site for the development,	The development is generally consistent with the relevant SEPP, LEP and DCP provisions and has no unacceptable adverse environmental impacts. The site is therefore considered suitable for the development.
(d)	Any submissions made in accordance with this Act or the regulations,	This is a matter for to be addressed following the notification of the application.
(e)	The public interest.	The proposal is in the public interest as: • Provides for essential affordable housing in an accessible area; • The environmental impacts have been considered and have been shown to minor and acceptable subject to mitigation; and • The proposal generally complies with applicable EPIs.

6 Conclusion

This SEE has been prepared on behalf of Signature Projects Australia Pty Ltd to support a development application for a boarding housing development to Penrith City Council.

This statement describes the proposed works in the context of relevant planning controls and policies applicable to the form of the development proposed. In addition, the statement provides an assessment of those relevant heads of consideration pursuant to Section 4.15 of the Environmental Planning and Assessment Act 1979 (EPAA).

An environmental assessment has been undertaken in Section 5 of this report, supported by additional consultant studies as per the requirements of Council. The environmental assessment found the associated impacts of the proposal are considered to be minimal and manageable.

The development:

- Presents a sensible and suitable outcome for the site;
- Is consistent with the objectives of the Affordable Rental Housing SEPP and Penrith LEP;
- Provides for a traditional building design that is compatible with the character of the local area;
- Provides sufficient visual and acoustic privacy;
- Generates no adverse overshadowing to adjoining properties;
- Ensures traffic impacts in the area are within acceptable levels;
- Provides landscaping to enhance the character and amenity of the site and landscape treatment of the front setback area that is compatible with the streetscape; and
- Provides for critical affordable housing in close proximity to Kingswood Town Centre, as well as Nepean Hospital and Western Sydney University.

Therefore, we request that Council recommend that the proposed development be granted approval.

APPENDIX 1:

ARH SEPP COMPLIANCE TABLE

Table 1. SEPP (Affordable Rental Housing) 2009

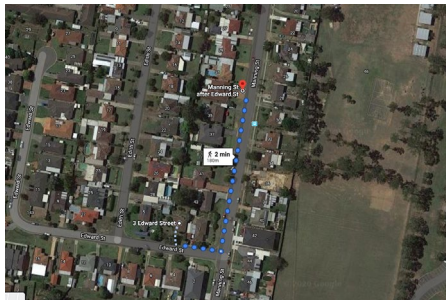
Clause	Provision	Compliance
Division 3 Boarding Houses		
26 Land to which this Division applies	This Division applies to land within any of the following land use zones or within a land use zone that is equivalent to any of those zones— (c) Zone R3 Medium Density Residential,	Complies The site is zoned R3 Medium Density Residential.
27 Development to which Division applies	(1) This Division applies to development, on land to which this Division applies, for the purposes of boarding houses. (2) Despite subclause (1), clauses 29, 30 and 30A do not apply to development on land within Zone R2 Low Density Residential or within a land use zone that is equivalent to that zone in the Sydney region unless the land is within an accessible area. accessible area means land that is within— (a) 800 metres walking distance of a public entrance to a railway station or a wharf from which a Sydney Ferries ferry service operates, or (b) 400 metres walking distance of a public entrance to a light rail station or, in the case of a light rail station with no entrance, 400 metres walking distance of a platform of the light rail station, or (c) 400 metres walking distance of a bus stop used by a regular bus service (within the meaning of the Passenger Transport Act 1990) that has at least one bus per hour servicing the bus stop between 06.00 and 21.00 each day from Monday to Friday (both days inclusive) and between 08.00 and 18.00 on each Saturday and Sunday.	Complies The proposal is for the purposes of a 'boarding house'. As the site is not located within an R2 zone or equivalent zone the application of subclause 2 does not apply, however, we note that the site is located in an accessible area. In the case of this development, the site is located 180m walking distance from the nearest bus stop along Manning Street to the south-east, identified as Bus Stop 274745 as shown in the map below.  Bus stop 274745 is serviced by Route 770, connecting the site to Mount Druitt. The route running to Mount Druitt meets the definition of a 'regular bus service' providing services at least once an hour across the following hours: • Mon-Fri: 6:00am – 21:00pm; and • Sat-Sun: 8:00am – 18:00pm.

Table 1. SEPP (Affordable Rental Housing) 2009

Clause	Provision	Compliance
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: (a) the existing maximum floor space ratio for any form of residential accommodation permitted on the land, or	Complies The site is not subject to an FSR control.
	(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,	Complies The proposal provides for a maximum height of 8.482m, which is below the height control of 8.5m stipulated by PLEP.
	(b) landscaped area if the landscape treatment of the front setback area is compatible with the streetscape in which the building is located,	Complies The front setback area provides a 5.5m setback and will be turfed and planted in a similar fashion to surrounding development. The SEE contains an assessment of local character which details the streetscape and the compatibility of the proposed front landscape treatment as detailed in Section 4.2.1. The supporting landscape plan provides extensive landscaping that will complement the existing streetscape, while also softening the built form as viewed from Edward Street.
	(c) solar access where the development provides for one or more communal living rooms, if at least one of those rooms receives a	Complies Based on the submitted shadow diagrams, it is evident that the communal living room will receive

Table 1. SEPP (Affordable Rental Housing) 2009		
Clause	Provision	Compliance
	minimum of 3 hours direct sunlight between 9am and 3pm in mid-winter,	direct sunlight for 6 hours between 9am -3pm 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,	Complies A private open space area is provided to northwest of the dwelling providing a total area of 20.1sqm, with a minimum dimension of 3m. No boarding house manager is required in this instance.
	(e) parking if: (i) in the case of development carried out by or on behalf of a social housing provider in an accessible area—at least 0.2 parking spaces are provided for each boarding room, and	Complies The development is being undertaken on behalf of a social housing provider and is located in an accessible area, being located within 400m walking distance of a bus stop for the 770 service, which provides a “regular bus service” in accordance with the definition in the SEPP. The development features 14 rooms, resulting in a requirement of 3 car parking spaces. A total of 3 spaces are provided.
	(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.	Complies A range of room sizes are provided as follows (areas exclude private kitchens and bathrooms): Double rooms – Room 8-10 – all above 16sqm Single rooms – Room 1-7, 11-14 – all above 12sqm

Table 1. SEPP (Affordable Rental Housing) 2009		
Clause	Provision	Compliance
	(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.	Noted A communal kitchen, dining room and living room are provided. Private ensuites and kitchenettes are provided in each 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,	Complies A communal kitchen, dining room and living room are provided.
	(b) no boarding room will have a gross floor area (excluding any area used for the purposes of private kitchen or bathroom facilities) of more than 25 square metres,	Complies The largest room proposed (Room 10), will provide a total area of 17.84sqm.
	(c) no boarding room will be occupied by more than 2 adult lodgers,	Able to comply Single rooms are intended to be occupied by 1 person, and double rooms are intended to be occupied by 2 persons. This is expected to form a condition of consent.
	(d) adequate bathroom and kitchen facilities will be available within the boarding house for the use of each lodger,	Complies Private ensuites have been provided for every room in the boarding house. In addition, a communal kitchen, dining room and living room are provided.
	(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,	N/A The proposal is only able to accommodate 17 lodgers (1 per single room and 2 per double room). Accordingly, an on-site boarding house manager is not required.
	(h) at least one parking space will be provided for a bicycle, and one	Complies

Table 1. SEPP (Affordable Rental Housing) 2009		
Clause	Provision	Compliance
	will be provided for a motorcycle, for every 5 boarding rooms.	Three motorbike spaces and three bicycle space are provided.
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.	Complies The development will present as a two-storey dwelling from the street, consistent with the surrounding lower density character. The proposed landscaping will reduce the perceived bulk of the development and will contribute to the landscape character and amenity of the locality. As demonstrated, the design of the development is compatible with the immediate locality. A full character assessment in accordance with Clause 30A is contained within the SEE at Section 4.2.1.

APPENDIX 2:
PENRITH DCP 2014 COMPLIANCE TABLE

Section	Control	Compliance
Part C – City-Wide Controls		

C2 Vegetation Management

6. Site Planning and Design	a) The siting and layout of a development should consider, at the initial concept stage, the location of trees and other vegetation and favour their retention.	Noted An Arboricultural Impact Assessment has been provided under separate cover and provides that two trees are recommended for removal regardless of the development requirements. Two other trees have been identified to be isolated from construction activity with tree protection fencing.
	f) An application is required to address the effect of the proposed development on existing vegetation, the landscape character and the scenic quality of the locality.	Noted As discussed within the Arboricultural Impact Assessment provided under separate cover the removal of two trees of this nature with low retention value are not expected to adversely affect the landscape character and scenic quality of the locality. Furthermore, additional trees will be planted as part of the application. In conjunction with associated landscaping (turf and shrubs), the development will contribute to the landscape character of the locality in the longer term.
	l) Wherever trees or vegetation are removed (with consent) as a consequence of the development, an equal or greater number of replacement trees that grow to a similar or greater height or canopy should, where practical, be incorporated into the landscaping design of the new development.	Complies Additional medium sized trees are to be planted as part of the development.

C3 Water Management

3.2 Catchment Management and Water Quality	Table C3:1 requires a BASIX certificate and stormwater quality and flow documentation for development involving 5 or more dwellings.	Complies A BASIX report and stormwater quality and flow documentation have been prepared in accordance with this section. Refer to documentation submitted under separate cover.
3.6 Stormwater Management and Drainage	1) Natural Environment 2) Drainage	Complies Refer to stormwater concept plan submitted under separate cover.

C4 Land Management

4.3 Erosion and Sedimentation	1) Erosion and Sediment Controls Plans (ESCP) a) All applications for subdivision and development which involve site disturbance must be accompanied by an Erosion and Sediment Control Plan (ESCP).	Complies An erosion and sedimentation control plan demonstrating compliance with the requirements of this section has been submitted under separate cover.
4.4 Contaminated Lands	-	Complies Refer to SEPP 55 discussion in SEE.
4.5 Salinity	a) A detailed salinity analysis will be necessary if: i) The site of the proposed development has been identified as being subject to a potential risk of salinity (refer to the map Salinity Potential in Western Sydney 2002), 	Noted The site is shown on the Salinity Potential in Western Sydney 2002 Map as having moderate potential for salinity. Given there is minimal excavation involved with the project, the risk of salinity impacts are minimal.

C5 Waste Management

5.1 Waste Management Plan	1) Applicants are to submit a Waste Management Plan when lodging a development application for: a) Demolition or construction of buildings;	Complies A waste management plan (WMP) for the construction and operation phases, prepared in accordance with the requirements of this section, has been submitted under separate cover.
5.2 Development Specific Controls	-	Complies The submitted WMP has been prepared in accordance with the controls for multi-unit development.
5.3 General Controls	-	Complies The submitted WMP has been prepared with regards to the requirements of this section.

C6 Landscape Design

1) Development Categories	Given the proposals nature as a boarding house, the development is considered to fall under category 2: - Any development in category 1 which in the opinion of Council would have a significant impact on the amenity of the locality. This requires the submission of: - Site analysis Plan; and - Landscape Concept Plan.	A site analysis plan has been prepared as part of the Architectural Package whilst a concept landscape plan (Earth Matters, June 2020) has been provided under separate cover.
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C10 Transport, Access and Parking

10.5.1 Parking	a) Parking provided on site is to meet AS 2890 and where appropriate, AS 1428. b) For any proposed development, Council will require the provision of on-site car parking to a standard appropriate to the intensity of the proposed development as set out in Table C10.2 below. k) Car parking and associated internal manoeuvring areas provided over and beyond the requirements of this DCP shall be calculated as part of the development's gross floor area.	Complies A Traffic Impact Assessment (Varga, 8 August 2020) has been provided under separate cover. The Assessment confirms compliance with the relevant AS and PDCP requirements. Carparking has been provided in accordance with the minimum parking requirements provided in the ARH SEPP 2009.
	5. Design of Parking Areas a) Car space dimensions must comply with the relevant Australian Standards. b) The movement of pedestrians throughout the car park should be clearly delineated and be visible for all users of the car park to minimise conflict with vehicles. c) Provision of parking spaces for disabled persons should be in accordance with the Access to Premises Standards, the Building Code of Australia and AS2890. d) Council will require all car parking areas to be constructed of hard standing, all weather material, with parking bays and circulation aisles clearly delineated.	Complies As confirmed in the Traffic Report, the carparking areas have been designed in accordance with the applicable standards as well as requirements for vehicles to enter and leave the site in a forward direction. A separate pedestrian access path has been provided to the development. Furthermore, given the small size of the car park (3 spaces), no adverse impacts or potential conflict between pedestrians and vehicles are expected. The proposed parking will be located behind the rear building line, minimising visual impacts on the streetscape. Parking area is hard stand with parking bays clearly delineated. Refer to Stormwater Management Plan (Uber Engineering).

	e) Vehicle access is to be integrated into the building design as to be visually recessive. f) It will be necessary for the method of treating and minimising runoff from parking and access areas to be addressed as part of any development application (See the section entitled 'Stormwater and Drainage' in the Water Management Section). h) Large car parking areas (more than 5 vehicles) should be visually separated from access roads and from the buildings they serve by planting and other landscaping and should not be visually prominent from public roads, either through separation or screening. i) All vehicles must be able to enter and leave the site in a forward direction without the need to make more than a three-point turn	All vehicles enter and leave the site in a forward direction.
10.5.2 Access and Driveways	1. General Requirements b) The entry and exit from the site should provide for appropriate traffic sight distance in both directions, in accordance with the provisions of AS2890.1 and 2 - 2004 for car parking and commercial vehicles respectively. c) The design of the development driveway should take into consideration the traffic volumes of the surrounding road network.	Complies As confirmed in the Traffic Report (Varga), the driveway has been designed in accordance with relevant standards. The traffic generation resulting from the development is not expected to result in adverse impacts upon the surrounding road network.
C12 Noise and Vibration		
12.1 Road Traffic Noise	-	Complies The submitted traffic report considers road traffic noise. The report confirms the development is capable of complying with relevant noise criteria, subject to the implement of the recommendations contained in the report.

Part D – Land Use Controls

D2 Residential Development – 2.4 Multi-dwelling housing

As detailed within the SEE at Section 4.6.1 we do not find Section 2.4 of Chapter D2 of PDCP to be applicable to the proposed development, in accordance with the provisions of Section 5.11 of PDCP.

This position is supported by the legal opinion provided by Addisons Lawyers, dated 7 July 2020 and attached to this application.

As described at Section 4.6.1 of the SEE, PDCP Chapter D5 is clear at Section 5.11 that a boarding house proposal of a scale similar to a multi dwelling housing development should comply with the controls and objectives for multi dwelling housing, where they are not in conflict with the requirements of the SEPP and objectives of the zone.

A review of the applicable PLEP and PDCP controls as well as surrounding development of multi dwelling housing, confirms that the proposed boarding house is not of a scale similar to a multi dwelling housing development.

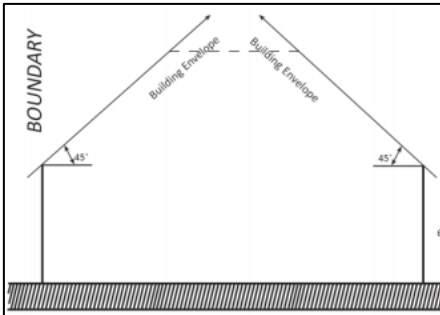
Accordingly, **Section 2.4 of Chapter D2 of PDCP does not apply to the proposed development.**

However, we have addressed Section 2.4 of PDCP following as Council have based pre-DA comments on the application of multi dwelling housing controls contained within PDCP.

D2 Residential Development – 2.4 Multi-dwelling housing

2.4.3 Development Site	1) A minimum lot frontage and lot width of 22m is required for multi dwelling housing development within the following zones: a) the R3 Medium Density Residential Zone b) the R4 High Density Residential Zone	Complies While compliance with this control is not required, the lot provides a frontage of 23.47m as shown on the submitted site survey.
	2) Where an adjoining property with a frontage of under 22m is likely to be isolated by a proposed development, applicants should provide documentation which demonstrates that a reasonable attempt has been made to purchase and incorporate the isolated site.	Complies While compliance with this control is not required, the adjoining properties have frontages greater than 22m.
2.4.4 Urban Design	1) For dwellings fronting the street, adopt a traditional orientation.	Complies While compliance with this control is not required, the building provides a front door and windows to the street frontage, presenting as a typical two storey dwelling. The majority of the front landscaped area is landscaped, with the driveway limited to 3.6m wide. The proposal will provide for adequate landscaping to the front setback, matching the existing landscaped character of Edward Street.
	4) "Articulate" building forms by design measures that cast deep shadows	Complies While compliance with this control is not required, sufficient articulation has been provided including the stepping back of the western building form and articulation

		elements including a pitched roof patio. This building presents to the street as a classic two-storey dwelling form.
2.4.5 Front and Rear Setbacks	1. Key setbacks:	
	Front:	Average of adjoining developments or 5.5m minimum, whichever is greater Complies We note this setback relates to multi dwelling housing development and not boarding houses unless they provide a scale similar to multi dwelling housing, which the proposed boarding house does not, as detailed within the SEE. Notwithstanding, the following is provided in respect of the front setback. While compliance with this control is not required, a 5.5m front setback is proposed to Edward Street. It is noted that the front setback to Edward Street of existing buildings on adjoining properties are as follows: No 1 Edward Street – 3.03m No 5 Edward Street – 2.48m The average front setback of the adjoining developments is therefore 2.76m. The proposed 5.5m is further considered appropriate as a result of the landscaped front setback proposed and provision of an articulated facade that will not undermine the developments ability to align with the desired future landscape character of Kingswood.
	Rear (ground level):	4m Complies While compliance with this control is not required, a 4m rear setback is provided.
	Rear (first floor):	6m Complies While compliance with this control is not required, a 6m setback is provided.
	Within the rear boundary setback: a) there shall be no building encroachments either above or below ground (eaves excepted); b) maximise the amount of undisturbed soil, encouraging rapid growth of healthy trees and shrubs;	N/A Carparking and other services have been located to the rear of the boarding house in order to minimise potential amenity impacts upon the streetscape, as required by the PDGP. Notwithstanding, under cl 29(2)(b) of the ARH SEPP, the development cannot be refused on the grounds of landscaped area

	c) where there are physical encumbrances such as open drains, increase the setback accordingly.	if the landscape treatment of the front setback area is compatible with the streetscape in which the building is located. This non-discretionary landscape standard contains no requirement for minimum landscaped areas. The proposed front landscaping is consistent with other development in the street, and therefore the overall landscape solution is considered acceptable. As detailed within the legal opinion provided by Additions Lawyers: <i>To the extent that landscaped treatment of the front setback area of each of the Proposed Developments is compatible with the streetscape in which it is located, it will have satisfied the test in clause 29(2)(b) of the ARH SEPP and consent to the development cannot be refused on the ground of landscaped area, notwithstanding any noncompliance with clauses 2.1.2(B)(1)(e)(iv), 2.1.4 and 2.4.8 in Chapter D2 of the DCP.</i>
2.4.6 Building Envelope and Side Setback	1. Building Envelope Multi-dwelling housing 	Complies While compliance with this control is not required, the submitted plans indicate the 45 degree building envelope control and confirm the proposed boarding house is located within the DCP envelope.
	4) Cut and fill and maximum ground floor heights: a) on sloping sites provide stepping building platforms in line with existing topography with floors no higher than 1m above natural ground level; b) restrict cut-and-fill to a maximum of 500mm; and c) provide effective sub-soil drainage.	Complies While compliance with this control is not required, the proposal restricts cut and fill to a maximum of 0.5m.

	5) Pitches for main roofs are not to be in excess of 25 degrees in order to reduce the visual bulk of the building.	Complies While compliance with this control is not required, the main roof proposes a pitch of 20 degrees.
	6) Provide reasonable separation and landscaping between neighbouring buildings, consistent with the following parts of this section: a) Driveways and parking b) Landscaped area c) Solar planning; and d) Privacy and outlook.	N/A The development only proposes a single building and as such, these requirements do not apply.
	7) Setbacks from side boundaries should be varied to articulate walls to side boundaries: a) a minimum setback of 2m, but only b) along not more than 50% of any boundary.	N/A While compliance with this control is not required, the ground floor is measured to be 17m in length along the eastern boundary, while the first floor is measured to be 15m in length. Each exceed 50% of the eastern boundary (26.83m/13.415m). Notwithstanding, the 2m setback to the eastern boundary is sufficient, in so far as adjacent areas of primary living areas and private open space are located far away enough ensuring impact is minimal. The location of an existing garage structure adjacent to the eastern boundary on the adjoining site provides further physical separation between the proposed building and the dwelling on the eastern adjoining lot.
2.4.7 Driveways and Parking Areas	1) Provide on-site parking in accordance with the parking section of this DCP.	ARH SEPP parking rates prevail The development provides for 3 car parking spaces within the rear setback in accordance with the parking standards of the ARH SEPP 2009 (Appendix 1), meaning that the development consent cannot be refused based on the number of parking spaces provided.
	2) Driveways should: a) have a minimum paved width of 3m providing one-way movement;	N/A While compliance with this control is not required, a 3.6m wide driveway is provided along the western boundary of the site.

	b) incorporate passing-bays and queue space at the street frontage where more than 5 dwellings are served, and driveways are longer than 30m; c) minimise the paved area within the front setback; d) be separated from dwellings by a landscaped verge at least 1m wide; e) where possible, also separated from boundary fences by a landscaped verge; g) provide for effective and healthy landscaping along all site boundaries; h) provide for landscaping as continuous verges along both sides, or as a verge beside dwellings with plantings in pavement cut-outs along a boundary fence;.	The driveway has been designed to comply with AS2890.1:2004 and is not considered to result in adverse environmental impacts upon future residents. The boundary length is measured to be 27.28m long, less than the 30m length threshold requiring passing bays. Notwithstanding, recommended that suitable signage is installed to the outside face of the waste area advising drivers to "Give Way to Entering Vehicles"
	3) Garages and parking spaces should: a) not be located in the front setback; b) should not directly face the street; c) be setback at least 6.5m from the outside driveway kerb.	Complies While compliance with this control is not required, the proposed parking spaces will be located in the rear setback and are provided in accordance with AS2890.1:2004.
2.4.8 Landscaped Area	2) Landscaped areas must: a) Minimum landscaped area percentage of site: 40% b) have a minimum width of 2m – with no basement encroachment; and containing unexcavated soil to promote landscaping that is effective and healthy; c) may include terraces and patios located not higher than 0.5m above ground and pedestrian pathways to building and dwelling entrances; d) do not include substantially-paved areas such as buildings, driveways and covered garages;	ARH SEPP landscaped area prevails The proposal provides for a landscape area of 186.76sqm, or 29.41% of the site area. Notwithstanding, under cl 29(2)(b) of the ARH SEPP, the development cannot be refused on the grounds of landscaped area if the landscape treatment of the front setback area is compatible with the streetscape in which the building is located. This non-discretionary landscape standard contains no requirement for minimum landscaped areas. The proposed front yard landscaping is compatible with the streetscape, and therefore the overall landscape solution is considered acceptable. We further note that the provision of a 40% landscape control relates to multi dwelling

		housing development and not boarding houses. The application of such a control would undermine the provisions of ARH SEPP.
2.4.9 Solar Planning	1) The applicant must demonstrate that dwellings meet acceptable solar standards and that existing neighbouring and proposed private open spaces receive adequate solar access by: a) Providing shadow diagrams prepared by a qualified technician for all two-storey buildings and additions; e) Ensuring that the proposed development provides a minimum of 4 hours sunlight between 9am and 3pm on 21 June, to living zones (ie areas other than bedrooms, bathrooms, kitchen and laundry) of each dwelling, and the living zones of any adjoining dwellings; f) Ensuring that the proposed development provides a minimum of 3 hours sunlight between 9am and 3pm on 21 June, to 40% of the main private open spaces of the dwelling and main private open spaces of any adjoining dwellings;	Complies. Shadow diagrams have been submitted with the architectural package. <u>Communal Living Room:</u> Complies As demonstrated by the shadow diagrams, the communal living room will receive six hours of sunlight between 9am and 3pm in accordance with the non-discretionary solar access standard in the ARH SEPP. <u>Neighbouring Living Zones:</u> Complies Adjoining development to the west will not be overshadowed by the development between 9am and 3pm at mid-winter. The adjoining development to the east will receive full sunlight between 9am and 2pm. <u>Proposed principle private open space:</u> Complies Located on the northwest side of the development, the private open space will receive ample sunlight between 9am and 3pm midwinter. <u>Neighbouring principal private open space:</u> Complies As noted above, the lot to the west will not be overshadowed at mid-winter, and the lot to the east will receive five hours of sunlight (from 9am to 2pm).
2.4.12 Building Design	1) Development should incorporate a variety of architectural features to minimise the apparent scale and bulk of two storey buildings	Complies While compliance with this control is not required, the proposal has been designed with a variety of architectural features including patio entrance that serves to break up the façade, articulated western elevation and material differentiation between the ground and first floor, which

		work to minimise the bulk and scale of the development.
2.4.16 Garden Design	1) The rear boundary setback should provide: b) a corridor of habitat, and a green backdrop that is visible from the street; c) conservation for any existing corridor of mature trees; or d) an interlocking canopy of low to medium-height trees and shrubs; e) predominantly species indigenous to the soils of Penrith City.	N/A A corridor of landscaped area will be provided between the building and the rear and eastern boundaries, together with a small landscaped area between the motorcycle parking area and the rear boundary. This is considered acceptable given the parking requirements for boarding houses. It is further noted that, under cl 29(2)(b) of the ARH SEPP, the development cannot be refused on the grounds of landscaped area if the landscape treatment of the front setback area is compatible with the streetscape in which the building is located. This non-discretionary landscape standard contains no requirement for rear landscaped areas. The proposed front landscaping is compatible with the streetscape, and therefore the overall landscape solution is considered acceptable. As detailed within the legal opinion provided by Addisons Lawyers: <i>To the extent that landscaped treatment of the front setback area of each of the Proposed Developments is compatible with the streetscape in which it is located, it will have satisfied the test in clause 29(2)(b) of the ARH SEPP and consent to the development cannot be refused on the ground of landscaped area, notwithstanding any noncompliance with clauses 2.1.2(B)(1)(e)(iv), 2.1.4 and 2.4.8 in Chapter D2 of the DCP.</i>
	2) Alongside boundaries, provide: a) small-to medium height canopy trees for sun-shading and privacy separation between dwellings; b) within the verges to any common driveway: hedges fronting windows to any dwelling;	N/A Refer to discussion above and note that under cl 29(2)(b) of the ARH SEPP, the development cannot be refused on the grounds of landscaped area if the landscape treatment of the front setback area is compatible with the streetscape in which the building is located. We further note that the control relates to multi dwelling housing and not boarding

		houses unless they are of a scale similar to multi dwelling housing which we are not.
2.4.17 Paving Design	1) Hard paved surfaces should: a) maximise the area available for landscaping and gardens;	Refer discussion above
	2) Driveways and associated parking courts should: f) provide for landscaping as continuous verges along both sides, or as a verge beside dwellings with plantings in pavement cut-outs along a boundary fence;	Refer discussion above
2.4.18 Fences and retaining walls	1) Fences should be no taller than: a) 1.8m generally	Complies Fencing is to not proposed to exceed 1.8m.
	2) Fences along boundaries forward of the front building alignment: a) should not be taller than 1.2m, or if taller, of see-through construction; b) should not be constructed of metal panels;	Complies The proposal includes 0.9m palisade fencing along the side boundaries forward of the front building alignment.
2.4.19 Visual and Acoustic Privacy and Outlook	1) Demonstrate a package of measures that achieves reasonable privacy: a) for adjacent dwellings: at least 3m between any facing windows, screened by landscaping or other means including courtyard walls, or pergolas to prevent cross viewing from first storey windows; d) for windows of habitable rooms with a direct outlook onto windows of habitable rooms of adjacent dwellings: i. are offset by a distance sufficient to limit views between windows; or ii. have sill heights of 1.7 m above floor level; or iii. have fixed obscure glazing in any part of the window below 1.7 m.	Complies The proposal has been designed to ensure adequate visual and acoustic privacy is provided to adjoining properties. Existing separation between the development and existing dwellings is provided to minimise any overlooking of principal living areas. A garage structure at 1 Edward Street is located immediately adjacent to the subject site providing a further buffer and separation, while in excess of 8m of separation is provided to the dwelling to the west at 5 Edward Street.

2.4.21 Accessibility and Adaptability	1) Demonstrate that planning and design measures do not prevent access by people with disabilities	Complies Refer to submitted access report.
D5 Other Land Uses		
5.11 Boarding Houses	Objectives a) To ensure that boarding houses fit the local character or desired future local character of the area. b) To minimise negative impacts on neighbourhood amenity. c) To ensure boarding house premises are designed to be safe and accessible. d) To respond to increasing neighbourhood densities resulting from boarding house development. e) To ensure that boarding houses operate in a manner which maintains a high level of amenity, health and safety for residents.	Complies In summary, the proposal is considered to align with the objectives of this DCP section, providing for a high-quality boarding house development that compliments the existing character of the locality and minimises potential adverse environmental impacts. This is discussed in further detail in Section 4 of the SEE.
	1) Local Character a) Boarding house development applications shall be accompanied by detailed site analyses to assist with the determination of local character. b) A neighbourhood analysis should be completed to identify the desired future character of the neighbourhood. It is recommended that community consultation be undertaken as part of the analysis to determine aspirations for the future character. c) Key elements that contribute to consideration of local and neighbourhood character include: - Surrounding land uses - Social and Historic Context - Scale - Built Form - Natural Environment	Complies A detailed site analysis plan has been submitted with the architectural package provided under separate cover. As discussed throughout the SEE, the proposal is considered to align with the existing medium-density neighbourhood character and will align with the desired future character. The SEE contains a detailed assessment of the local character in accordance with the ARH SEPP and PDCC at Section 4.2.1 and 4.6.4.

- Density - Amenity - Safety and Security - Social dimensions and housing affordability - Aesthetics	
2) Built Form, Scale and Appearance a) The entrance to the boarding house must be in a prominent position addressing the street. b) New boarding houses shall not adversely impact upon solar access of adjoining properties. c) Boarding houses shall be designed to have a sympathetic relationship with adjoining development. d) Proposals must demonstrate that neighbourhood amenity will not be adversely impacted by factors such as noise and privacy. e) In a Low Density zone, boarding houses should comply with controls for Single Dwellings where these controls do not conflict with the requirements of the SEPP. f) A boarding house proposal of a scale similar to a multi dwelling housing development should comply with the controls and objectives for <i>multi dwelling housing</i> within this DCP, where these controls do not conflict with the requirements of the SEPP.	Complies The boarding house will present as a two-storey dwelling house that addresses the street frontage. The street frontage will be landscaped to mitigate potential visual impacts and integrate the development into its surrounds. As demonstrated further above in this table, no unacceptable overshadowing of the adjoining sites is expected. Furthermore, the proposal has been shown to generally comply with the key standards within the ARH SEPP, and, whilst not applicable to boarding houses, the key envelope controls in PDCP. The proposal's built form, scale and appearance are therefore considered appropriate for the site. Noise and privacy matters have been addressed in the Acoustic and Social Impact Assessment reports forming part of the application. As discussed in the SEE, the subject site is located within the R3 Medium Density zone but does not provide a development which is of a similar scale to a multi dwelling housing development. The scale of the proposed boarding house is of a similar scale to a large dwelling house. Accordingly, e) and f) do not apply to the development.
3) Tenant Amenity, Safety and Privacy Boarding houses are to maintain a high level of resident amenity, safety and privacy by ensuring: a) communal spaces including laundry, bathroom, waste	Complies The proposal will exhibit a high level of amenity, safety and privacy by adopting the measures recommended in this SEE including supplemental reports. Communal laundry, living, dining and kitchen facilities will be provided on the

	facilities, private open space, kitchen and living areas are accessible to all lodgers; b) if over 10 boarding rooms are supplied, 10% of the total number of dwellings (rounded up) must be accessible; c) cross ventilation is achievable such that reliance on air-conditioning is minimised; d) all opening windows are to be provided with fly screens; and e) secure mailboxes should be incorporated within the foyer window of the property allowing resident only access from inside the foyer.	ground floor and will be accessible to all lodgers. As confirmed by the Access Report, two rooms will be accessible. Whilst the majority of boarding rooms won't be naturally cross ventilated, the common areas will be. Mailboxes have been located at the front boundary in accordance with Council's pre-DA comments for other boarding house developments.
4) Visual and Acoustic Amenity Impacts Boarding houses are to provide: a) bedrooms separate from significant noise sources; b) sound insulation between bedrooms to provide reasonable amenity; c) communal areas and bedroom windows away from the main living area or bedroom windows of any adjacent buildings; and d) screen fencing, plantings, and acoustic barriers in appropriate locations	Complies As detailed within the site analysis, there are no major sources of noise affecting the subject site, with Edward Street considered a local street. Recommended construction measures to ensure adequate insulation between bedrooms are outlined in the acoustic report submitted under separate cover. The communal area windows are within the central portion of the site, away from the adjacent buildings. Select first floor bedroom windows face the adjoining property to the east; however, this is considered acceptable as the windows comply with the minimum side setback and the adjoining dwelling has a garage structure along its western side, meaning that the proposal's upper level windows will not overlook a sensitive area.	
5) Location Boarding Houses shall not be located in cul-de-sacs.	Complies The site is not located in a cul-de-sac.	

	6) Plan of Management An operating 'Plan of Management' is to be submitted with each development application for a boarding house (including new and existing boarding houses). The Plan of Management is to include, but is not limited to the items required within the DCP.	Complies A Plan of Management (POM) has been provided under separate cover (Judith Stubbs & Associates, 6 August 2020) and addresses the relevant items outlined within the DCP.
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Social Impact Assessment:

Proposed Boarding House
3 Edward Street, Kingswood



6 August 2020

This report has been prepared for

Signature Projects Australia Pty Ltd

by

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Executive Summary

Overview of proposal

The proposal is for a 14 room Boarding House located at 3 Edward Street, Kingswood under the *State Environmental Planning Policy (Affordable Rental Housing) 2009* (the ARHSEPP). The proposal site is located in an R3 Medium Density Residential Zone on a residential street in close proximity to the west of the Western Sydney University (Kingswood Campus).

The immediate locality includes mainly single storey separate houses and some recently developed multi-dwelling housing including three new generation Boarding Houses, one of which is currently under construction at the time of writing. A total of six Boarding Houses that are constructed, approved or yet to be constructed have been identified within 350 metres of the proposal site, including five within 110 metres.

The proposed site is well-located with regard to public transport, and 70 metres and 130 metres walking distance from two bus stops in Manning Street, which provides access to larger shopping and service centres of Penrith and Mount Druitt. The proposal site is approximately a 400 metre walk on Manning Street to neighbourhood shops that include a small grocery store, takeaway food outlet and restaurant.

The 14 Boarding House rooms will include 3 double rooms and 11 single rooms, including two accessible single rooms at ground level. At capacity, the Boarding House would potentially provide accommodation for seventeen residents. All rooms will be fully self-contained with kitchen and bathroom facilities and furnished with single or double beds, bedside tables, desk and chair, wardrobe, as well as cutlery and possibly linen and towels.

It is understood that the applicant is currently in negotiation with a social housing provider (SHP), which has expressed an interest in either purchasing the facility at 'turn-key' stage, or head-leasing the proposed Boarding House on a long-term lease, to then sub-lease to eligible social housing tenants. We have been advised by the applicant that they will be undertaking the development of behalf of a SHP.

The development includes a ground floor indoor communal area with lounge seating, table and chairs, television, kitchenette facilities and sliding doors that provide access to the private open space area to the west. There are also ground level common laundry facilities.

The development will include outdoor facilities and landscaping including grassed areas, paved hard surface paths and areas including front patio, enclosed waste bin area, clothes drying lines, and plantings at front boundary. The carpark at the rear of the site is accessed via Edwards Street and will provide parking for 3 cars, 3 motorbikes and 3 bicycles, with dedicated spaces detailed in the latest version of plans reviewed.¹

The proposed Boarding House will be managed by an off-site manager from the SHP, who will be responsible for ensuring that the Occupancy Agreement and House Rules are complied with by

¹ Plans dated 5 August 2020, Drawing no SK-02 Issue K.

lodgers in accordance with the *Boarding House Act 2012 (NSW)* as set out in the Plan of Management (POM) (**Appendix C**).

Overview of the Social Impact Assessment

This Social Impact Assessment (SIA) has been prepared by JSA to accompany the Applicant's development application to the Penrith City Council. This SIA has assessed the proposal in terms of:

- its accessibility, facilities and design, internal and external amenity and social planning aspects of local character as per best-practice and with regard to compliance with relevant provisions of SEPPARH;
- relevant provisions of the *Boarding House Act 2012*;
- the demographic, housing and service context of the locality relevant to the need and demand for Boarding House accommodation; and
- consultation with nearby residents via door knock survey to understand the locality, identify concerns and to inform mitigations if required.

This assessment process identifies potential benefits/positive impacts and adverse/negative impacts of the proposed development, and provides recommendations to mitigate any identified adverse impacts to the greatest extent possible.

Overview of likely social impacts

Local demography & predicted demography of Boarding House

Overall, the demography of the immediate area (SA1) is characterised by a population that is similar to the Penrith LGA average across many indicators and generally has a less disadvantaged profile than Kingswood suburb. The dwelling structure in the SA1 and Kingswood suburb is quite different to Penrith LGA, with a much higher proportion of dwellings that are semi-detached and smaller proportion of flats and units. There is very little socially rented housing in the immediate locality (1.7%), which is much lower than the Greater Sydney average (5%).

The proposal site is located in an R3 Medium Density Residential zoned area and appears to be undergoing transition, including the redevelopment of single storey dwellings to new generation Boarding Houses. The changing nature of the local area through the introduction of multiple Boarding Houses, this SIA also considers the cumulative impact on the local area from the proposed Boarding House.

The Kingswood suburb has high crime rates across all property and personal offence types reviewed. The proposed site is not as affected by crime, although it is located on the edge of major hotspots for Theft – Break and Enter Dwelling, Theft – Steal from Motor Vehicle and Theft – Motor Vehicle based on the most recent NSW BoCSAR hotspot maps. This crime context has

implications for safety and security of the Boarding House facility, and any resident vehicles that are parked on or off site.

Compared to the Kingswood suburb residential population, if the proposed Boarding House were to reflect the demography and occupancy of 'average' Boarding Houses in Greater Sydney, Boarding House residents are likely to be more disadvantaged, with a higher proportion of males and young adults, a lower proportion of older people and levels of need for assistance, lower levels of labour force participation, higher unemployment and higher attendance at educational institutions.

If the proposed Boarding House is owned or leased by a SHP, eligibility requirements are likely to mean that a relatively high proportion will be very low income households, including people on pensions and benefits, as well low income 'key' workers needing affordable (discount market rent) housing. The proposed rents would also make rooms attractive and affordable to very low income singles and couples, and would also be attractive to students given its proximity to University of Western Sydney.

Affordability

We have been advised by the Applicant that the average rental cost will be \$240 per week, with the smallest single occupancy room renting for approximately \$200 per week.

Based on a June 2020 snap shot of the local housing market, there were four small studios/granny flats advertised for rent in the Kingswood suburb ranging from cost from \$208 to \$260 per week. These four properties made up 6% of all rental stock advertised in Kingswood. Within an approximately five kilometre radius of the proposal site there were an additional 19 studio and one-bedroom properties for rent with, five would be affordable for very low, low and moderate income renters and 14 would be affordable to low and moderate income households.

The most recent DCJ Rent and Sales Report for the March Quarter 2020, reports a median one-bedroom dwelling in the Penrith LGA as \$317; which is affordable to the upper 78% of households in the low income band and no very low income households. Given a double Boarding House room would normally rent for around 80% of a median one-bedroom unit (\$255), the applicant's rent estimates seem reasonable.

As such, the proposal would make a contribution to alleviating housing stress for very low income and low income private renting households. At the time of the 2016 Census, 85% of very low income privately renting small households (in the Penrith LGA) were in housing stress compared to 79% Greater Sydney average, with these households comprising 33% of all small privately renting households in the LGA.

The relatively small numbers of studio and one bedroom apartments advertised for rent in June 2020 in Kingswood is also noted. Increased housing diversity and the **provision of affordable rental housing for very low and low income renting households in a well-located area is a significant benefit of the proposal**. It is noted that there are a range of other Boarding Houses in the immediate locality; however, JSA has been unable to find any published information on rent levels and availability of rooms.

Character and Amenity

Amenity of the Immediate Locality

The amenity of the surrounding locality for Boarding House residents is good. It is located in close proximity to bus stops that provide regular access to large service and shopping centres. Local shops are within walking distance, but are limited in terms of the products available. There are open space areas with opportunities for passive and active recreation within walking distance to the site. The proposal site is also located within walking distance to the University of Western Sydney, Kingswood campus.

Character of the Immediate Locality

Housing in the immediate locality includes predominately separate housing and some multi-dwelling housing including new generation Boarding Houses all of which are no more than two-storeys as per the height restrictions in the area. Plans provided show that the proposed Boarding House will be two-storey.

We defer to other relevant experts with regard to the assessment of compatibility with local character.

Potential Amenity Impacts in the Immediate Locality

There may be noise impacts from residents using the private open space area, although this area is well set back from adjacent properties. Potential impacts could be managed by time restrictions on use of the area, as set out in the draft Plan of Management. A number of second floor windows overlook adjacent properties, including Rooms 10, 11 and 12, with the remaining rooms overlooking the street. Potential privacy impacts could be mitigated by appropriate screening of the windows to Rooms 10, 11 and 12. Privacy impacts could be further mitigated by the provision of 1.8 metre fencing between the development and adjacent lots.

It is noted that in the most recent version of plans reviewed, the potential for noise and privacy impacts have been reduced by removal of direct outdoor access from ground floor rooms 4, 5 and 6.²

JSA has not sighted an Acoustic Report for this proposal and would defer to an expert's view with regard to these issues.

Parking and traffic impacts in the Immediate Locality

The development provides parking spaces, in accordance with standards for development carried out by or on behalf of a social housing provider in an accessible area as per the SEPPARH. As noted, negotiations are currently being conducted between the applicant and a SHP with regard to future ownership/management arrangements. At the time of the site visit, there was adequate on street parking available.

² Plans dated 5 August 2020, Drawing no SK-02 Issue K.

It is noted, however, that parking lines are on Manning Street and residents surveyed reported that the area is utilised for on-street parking by those attending the University of Western Sydney, Kingwood Campus which is accessible via a walking path adjacent to the south of 48 Manning Street. As the site visit was undertaken on a weekend, and when the University is closed during the coronavirus pandemic, this parking situation was not observed by JSA.

JSA has not sighted a Traffic and Parking Report for this proposal and would defer to an expert's view with regard to these issues.

Within the Boarding House

The internal and external amenity of the proposal Boarding House is high. All rooms are fully self-contained with kitchen and bathroom facilities, furniture and furnishings. There are indoor and outdoor common areas, including ground level kitchen/dining/living area with television, kitchen facilities and lounge furniture. There are common laundry facilities located at ground level including clothes drying lines outside. Outdoor enhancements, such as landscaping and seating, are not shown on the drawings provided. The common outdoor open space area has a northerly aspect and would be expected to be sunny for part of the day.

Management Issues

The predicted demography of residents and affordability of indicative rents suggest that the proposed Boarding House will include very low income households, including those on pensions and benefits. If the property is operated by a social housing provider, it is likely that some future residents may also have complex needs. As such, whilst the proposal does not include provision of an on-site manager, and is not required to do so under the SEPP, it is recommended that the Plan of Management include strategies to ensure amenity for resident and neighbours is maintained, including excellent management processes by the SHP.

It is also recommended that a suitable tenant be selected to fulfil the role of voluntary onsite caretaker, to act as an onsite contact in the case of issues, including after hours, and to provide a regular liaison point with the SHP Tenancy Manager. This is common practice in smaller boarding houses, and may be rotated between suitable tenants. Provision of training can also support the tenant/s to transition to paid employment elsewhere.

Cumulative impacts

There are also potential issues related to cumulative social impacts due to the addition of another Boarding House within a locality with six Boarding Houses that are constructed, or approved and yet to be constructed within 350 metres of the proposal site, including five within 110 metres.

As well as problems with parking, the resident survey conducted in the preparation of this SIA identified issues associated with the increased concentration of Boarding Houses in the locality, as the other major concern about the proposal. This included reported social problems with existing Boarding Houses; concerns about the 'type of people' living in the Boarding Houses; the lack of effective and/or onsite management; and possible drug dealing near the facilities.

No respondents to the survey cited direct experiences of any problems with the existing facilities. However, they expressed concerns that would be broadly related to amenity from the existing facilities. The main mitigations suggested by residents are reasonable, and include the following:

- Care in the selection of tenants for the proposed Boarding House, providing for a mix of tenants, reducing concentration of high needs people, and reducing turnover;
- Strict House Rules and Plan of Management that are enforced;
- Presence of an onsite caretaker and appropriate complaints procedure that is implemented.

These are reflected in the draft Plan of Management, and will be actively managed by the SHP.

Conclusions and Recommendation

Conclusions

The proposed Boarding House in well-located area, near the University, with rents that will be affordable to very low and low income lone persons and couples which provides a significant positive benefit in the locality. The proposed Boarding House is of high amenity, with well-appointed self-contained rooms, and common indoor and outdoor space that is physically connected. It is also likely to fit well in terms of its external appearance within a changing neighbourhood.

JSA's research³ with regard to successful new generation Boarding Houses indicates that the most important aspects of Boarding Houses that are well accepted within the surrounding community are related to good design and amenity; appropriate location and physical integration with the surrounding community; and excellence in management, including a detailed Plan of Management, House Rules, transparent complaints procedures, proactive communication with neighbours, and onsite management, either paid or voluntary by an appropriate tenant acting as a caretaker, with tenancy management support from a SHP where the facility is owned or leased by a SHP. This becomes more important where there is the risk of cumulative impacts from the concentration of a number of similar uses.

Provided the draft plan of Management and other recommendations are adopted and implemented, it is likely that the benefits of the proposed boarding House would outweigh the potential adverse impacts of the development.

Recommendations

As noted, the physical design, integration and locational aspects of the proposed Boarding House would satisfy these aspects of success. However, the outdoor space is likely to be valued by residents of the Boarding House, and should be attractively landscaped and well equipped.

With regard to management issues, these are embedded in the draft Plan of Management and House Rule at **Appendix C**. It is **recommended** that this draft be adopted for the purpose of

³ Judith Stubbs and Associates (2017) Building Community Support for Community Housing, Toolkit for Providers and Research Reports, Prepared for the Community Housing Industry Association of NSW, Accessible online at <https://communityhousing.org.au/information/resources/>.

submission of this DA, and further refined by the SHP owner/manager. This includes the following:

- Presence of a voluntary onsite caretaker, excellent oversight from the SHP Tenancy Manager, and appropriate and transparent complaints and response procedures;
- Care in the selection of tenants, including awareness of the need to accommodate a diversity of tenures with regard to income, employment or student status; and other provisions related to accommodation of children should this occur;
- Hours of operation of relevant spaces to ensure noise and privacy impacts are avoided;
- Provision for both short-term (3 month) or longer-term (6-12 months) Occupancy Agreements to increase stability and reduce turnover;
- Strict House Rules, with appropriate penalties for non-compliance.

It is also **recommended** that:

- More detailed plans of the outdoor open space area are prepared that provide for all weather seating, tables and BBQ area, attractive landscaping and other amenities;
- Mitigation of potential privacy impacts through provision of appropriate screening of the windows to Rooms 10, 11 and 12; and the provision of a 1.8 metre fence of appropriate materials between the development and adjacent lots.

It is also recommended that any **recommendations related to parking and acoustics** be adopted.

1 The Proposal

1.1 Description of proposal

The proposed development is a two storey 14 room Boarding House with a capacity of 17 boarders located at 3 Edward Street, Kingswood. The development includes:

- Three double rooms and 11 single rooms, each with ensuite and kitchenette, including 2 accessible single rooms;
- At grade parking for 3 cars, 3 motor cycles and 3 bicycles;
- Ground floor common area including lounge, dining and kitchen;
- Ground floor laundry; and
- Rear open space of 21.10 m², accessible from the indoor common area.

1.2 Demographic context of the locality

The Statistical Area 1 (smallest geographic area for analysis provided by the ABS) where the proposed Boarding House is located is similar to the Penrith LGA average across many indicators and generally has a less disadvantaged profile than the Kingswood suburb.

The area ranks among the bottom 40% of SA1s in Australia and NSW across the four Socio-Economic Index for Areas (SEIFA) indices, and it is much less disadvantaged than the Kingswood suburb. Kingswood ranks among the most disadvantaged 20% of suburbs in Australia for three of the indices and among the lowest 10% of suburbs for Australia and NSW for the socio-economic index of economic resources.

The area has a larger proportion of Indigenous residents than Greater Sydney, similar to the suburb and LGA. It has a slightly higher proportion of those in need of assistance with a core daily activity compared to Penrith LGA and Greater Sydney, but lower than the suburb. Levels of post-schooling qualifications and Year 12 completion rates in the local area are similar to Kingswood suburb and Penrith LGA, which are all below Greater Sydney.

The rate of those not in the labour force is similar in the SA1 to the benchmark areas. As at the 2016 Census, the unemployment rate in the SA1 was similar to the LGA and Greater Sydney, and below the Kingswood suburb. Personal and household income levels in the SA1 are higher than the Kingswood suburb, and below the Penrith LGA and Greater Sydney.

The dwelling structure in the SA1 and Kingswood suburb is quite different to Penrith LGA, with a much greater proportion of dwellings that are semi-detached, compared with the LGA and Greater Sydney. The SA1 has a much larger proportion of dwellings that are separate houses compared to Kingswood suburb (66% compared to 47%), which is well below the Penrith LGA at 80% but above the Greater Sydney average of 55%. The SA1 has a similar proportion of dwellings

that are flats and units compared to Penrith LGA, which are at much lower levels than the Kingswood suburb or Greater Sydney.

The SA1 has a similar proportion of dwellings that are in ownership (outright or being paid with a mortgage) compared to Greater Sydney. The SA1 has very low levels of dwellings rented socially (public or community housing provider) at 1.7% compared to 12.2% in Kingswood suburb, and 5% in Penrith LGA and Greater Sydney.

The SA1 has the same rate of car ownership to the Penrith LGA, which is higher than the Kingswood suburb where 14% of households report no motor vehicles at the dwelling.

1.3 Description of site and immediate surrounds

A visit to the proposed site and its immediate surrounds was undertaken by John Storer and Colleen Lux of Judith Stubbs and Associates on 13 June 2020 as part of the field work conducted for this Social Impact Assessment.

The site currently contains a separate house.

Surrounding uses consist of:

- Residential housing, typically single storey dwellings on separate lots;
- Two recently constructed Boarding Houses and another under construction;
- A multi dwelling housing development in Jones Street but visible from Edward Street;
- Residential Aged Care facility, Newmarch House, located at 50 Manning Street; and
- University of Western Sydney, Kingswood campus to the west of Manning Street.

Uses are shown in the figures below.



Figure 1.1: The site (3 Edward Street)

Source: JSA, 2020



Figure 1.2: Typical Housing in the locality

Source: JSA, 2020



Figure 1.3: New Generation Boarding House opposite the site, Corner Edward and Manning Street

Source: JSA, 2020



Figure 1.4: Multi Dwelling Housing development viewed from Edward Street

Source: JSA, 2020



Figure 1.5: Entrance to Newmarch House from Manning Street

Source: JSA, 2020

1.3.1 Boarding Houses in the locality

During the site visit, survey of neighbours and subsequent search of Penrith City Council development application register, a number of Boarding Houses in the locality of the proposed Boarding House site at 3 Edward Street have been identified. The table below shows the number rooms and proximity to the proposal site of the **seven Boarding Houses** in the locality (within 350 metres) that are either constructed and operational, approved and yet to be constructed or decision pending. Five of these Boarding Houses are within 110 metres of the proposal site.

Table 1.1: Boarding Houses in the Locality of 3 Edward Street, Kingswood

Address	Penrith City Council DA Ref#	# BH Rooms	Status	Approximate distance from proposal site
3 Edward Street	-	14 rooms	(proposal site)	-
2 Edward Street	DA16/0562	15 rooms and manager's room	Constructed & operational	< 50 metres
42 Manning Street	DA17/0173	15 rooms	Constructed & operational	65 metres
36 Manning Street	DA16/0781	14 rooms	Under construction	110 metres
10 Manning Street	DA13/0056	8 rooms	Constructed & operational	350 metres
4 Edward street	DA17/0297	17 rooms	Approved, yet to be constructed	< 50 metres
38 & 40 Manning Street	DA17/1354	37 rooms and manager's room	Approved, yet to be constructed	90 metres
6 Edith Street	DA19/0705	12 rooms, and manager's room	Decision pending	290 metres

Source: JSA, 2020; Penrith City Council DA Register, Google Maps.

The map below shows the location of **four** constructed or under construction (**blue** in map below), **two** approved but not yet constructed (**green** in map below) and **one** decision pending Boarding House (**red** in map below) in the locality.

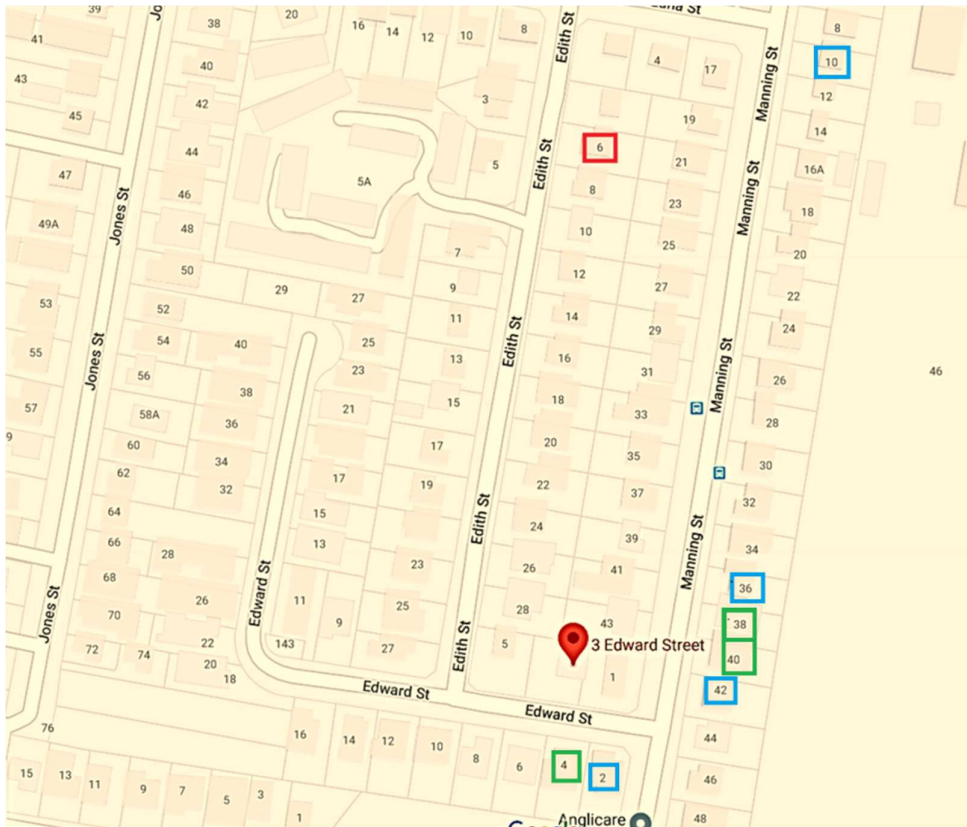


Figure 1.6: Constructed, Approved and Pending Boarding Houses in the Locality of Proposal Site

Source: JSA 2020, utilising information from Penrith City Council DA Register, 17/06/2020



Figure 1.7: Sold sign at 38-40 Manning Street for DA Approved 37 Room BH & adjacent BH at 42 Manning Street

Source: JSA, 2020

1.4 Businesses and services in the locality

Limited services are available from a neighbourhood shopping centre at the corner of Manning Street and Second Avenue, including a takeaway store selling some groceries (360 metres), Restaurant (390 metres), grocery store (400 metres) and restaurant (400 metres). A wider range of services are available in Penrith, accessed using bus route 770, with a trip time of 22 minutes.

Green open space is available at an unnamed reserve, about 60 metres from the site.



Figure 1.8: Neighbourhood shops, corner Manning Street and Second Avenue.

Source: JSA, 2020



Figure 1.9: Unnamed Reserve, Manning Street opposite Bargo Boulevard

Source: JSA, 2020

1.5 Public transport accessibility

Buses are available from bus stops in Manning Street accessing service 770 operating between Penrith and Mount Druitt. The Penrith service operates from bus stop ID 2747127, 130 metres walk from the site with the return service from bus stop ID 274744, 70 metres from the site.

The Penrith service typically operates half hourly, Monday to Friday, between 6 am and 11 pm; and with a reduced service on weekends.

1.6 Locality Map

Table 1.2: Walking Distances from 3 Edward Street to Key Points of Interest in the Locality

Locality Map Id	Place of Interest	Walking Distance from proposal site
A	Bus stop ID2747127 Manning Street before Bargo Bvd	130m
B	Bus stop ID 274744	70m
C	Neighbourhood shops, Corner Manning St and Second Avenue	360m
D	Unnamed Reserve, Manning Street opposite Bargo Boulevarde	60m

Source: JSA, 2020

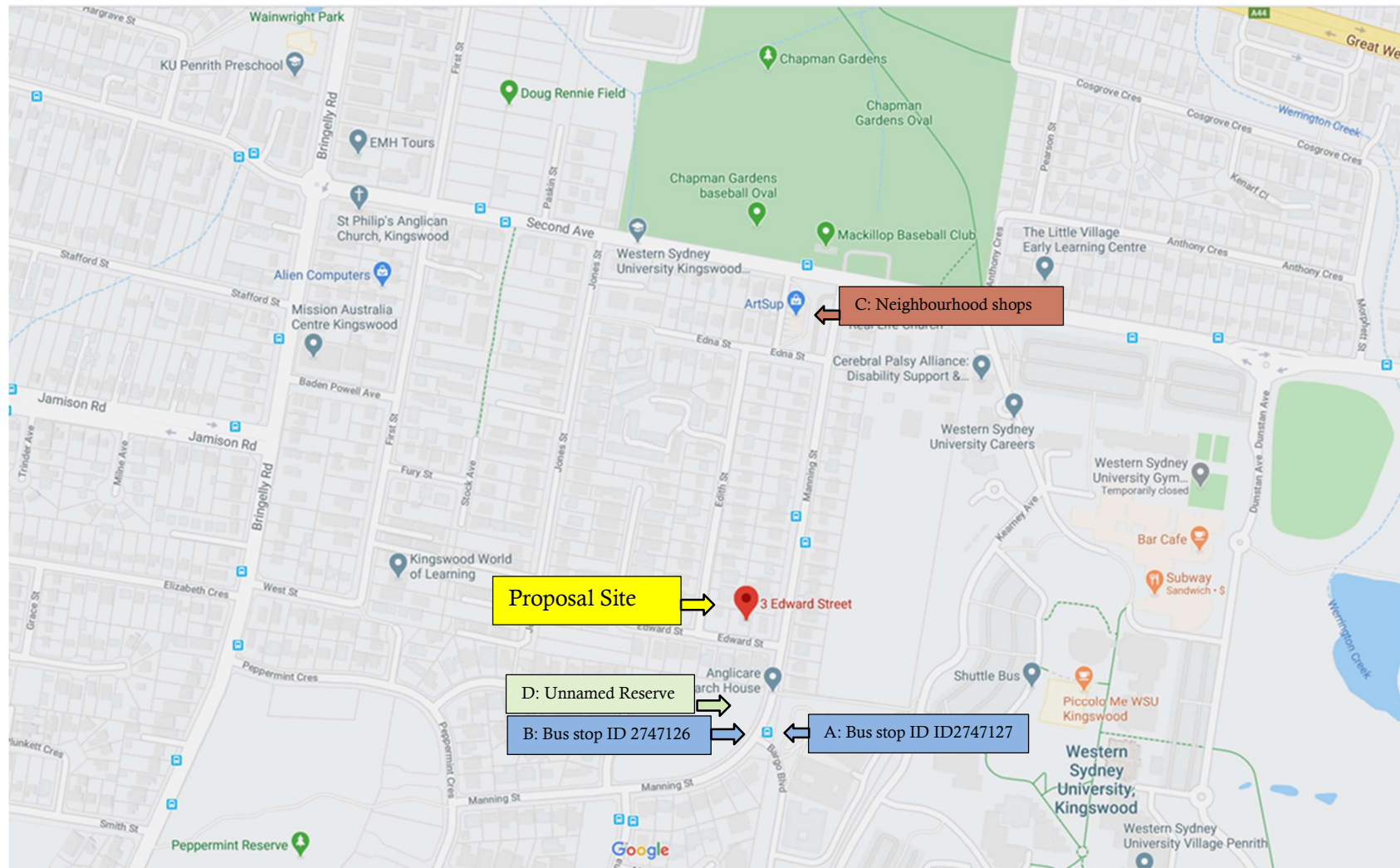


Figure 1.10: Immediate Locality Map surrounding Proposal Site at 3 Edward Street, Kingswood

Source: JSA, 2020 using Google Maps

1.7 Pedestrian and car movements

At the time of the site visit, Edward Street was lightly trafficked and on street parking was available, noting that residents raised concerns regarding traffic congestion and parking.

1.8 Character of the area

Clause 30A of *SEPP (Affordable Rental Housing) 2009* requires Council to consider whether the design of the development is compatible with the character of the local area. Character is understood to primarily consist of the relationship to other buildings with respect to building height, setbacks and landscaping and other physical aspects, although there are often quite subjective elements related to this test.

The predominant character of the local area is of single storey brick and tile housing with hip and valley roofs on separate lots with front gardens and driveways providing access to parking at the front, side or rear, however the character is changing. Redevelopment of existing lots is typically for two storey development and includes Boarding Houses at 2 Edward Street and 42 Manning Street, a Boarding House under construction at 36 Manning Street and a multi unit housing development at 76 Jones Street, but visible from Edward Street. The multi unit housing development has skillion roofs.

Components of the proposed development consistent with the character and the emerging character of the local area include:

- Landscaping to the front setback area;
- A driveway providing access to rear parking;
- Two storey development;
- Traditional building design.

We defer to other relevant experts with regard to the assessment of consistency with physical character.

2 Relevant Legislation

2.1 Compliance with State Environmental Planning Policy (Affordable Rental Housing) 2009

2.1.1 General

As Boarding Houses are permitted with consent in R3 zones under Penrith Local Environmental Plan 2013, the relevant application of *State Environmental Planning Policy (Affordable Rental Housing) 2009 (SEPPARH)* is in relation to design standards specific to Boarding Houses and to good practice as per Division 3. The proposal is not required to comply with other Divisions of the SEPPARH, however some aspects (such as the accessibility of the area) are included here for completeness of the Social Impact Assessment.

2.1.2 Accessibility of the area

Under Clause 27(2) of the *SEPPARH* clauses 29, 30 and 30A of Division 3 do not apply to development on land within Zone R2 Low Density Residential or within a land use zone that is equivalent to that zone in the Sydney region unless the land is within an accessible area.

The Penrith LGA is within the **Greater Sydney Region**.

A development is in an accessible area if it is within:

- (a) 800 metres walking distance of a public entrance to a railway station or a wharf from which a Sydney Ferries ferry service operates, or*
- (b) 400 metres walking distance of a public entrance to a light rail station or, in the case of a light rail station with no entrance, 400 metres walking distance of a platform of the light rail station, or*
- (c) 400 metres walking distance of a bus stop used by a regular bus service (within the meaning of the Passenger Transport Act 1990) that has at least one bus per hour servicing the bus stop between 06.00 and 21.00 each day from Monday to Friday (both days inclusive) and between 08.00 and 18.00 on each Saturday and Sunday.*

Bus Services

The nearest bus service to the proposal site is service 770 operating between Penrith and Mount Druitt. The Penrith service operates from bus stop ID 2747127, 130 metres walk from the site with the return service from bus stop ID 274744, 70 metres from the site.

The Penrith service typically operates half hourly, Monday to Friday, between 6 am and 11 pm; and with a reduced service on weekends and meets the requirements of Clause 4(1)(c) of the SEPP as set out above.⁴ Consequently the development is in an accessible area.

2.1.3 Private Open Space Requirements

Clause 29(2)(d) of *SEPPARH* gives the following standards regarding the provision of private open space areas.

- (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.

Plans reviewed include the appropriate amount of open space, 20 m², at the rear of the property accessed via the ground floor indoor communal room.

The proposed Boarding House, with a maximum capacity of 17 residents, does not require the provision of on-site accommodation for a manager.

2.1.4 Onsite Parking Requirements

Clause 29(2)(e) of *SEPPARH* sets out the following standards regarding provision of onsite car parking spaces:

- (i) in the case of development carried out by or on behalf of a social housing provider in an accessible area – at least 0.2 parking spaces are provided for each boarding room, and
- (ii) in the case of development carried out by or on behalf of a social housing provider not in an accessible area – at least 0.4 parking spaces are provided for each boarding room, and
- (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
- (iii) in the case of any development – not more than 1 parking space is provided for each person employed in connection with the development and who is resident on site,

As noted, it is intended that the proposed Boarding House be owned or leased by a SHP, although this is still to be negotiated. If the development is deemed to be carried out by or on behalf of a social housing provider, the number of car parking spaces required onsite to comply with Clause 29(e)(iia) of the *SEPPARH* is 0.2 per boarding room (i.e. 0.2 x 14 lodger rooms = **2.8 lodger spaces**). The plans comply with the provisions of *SEPPARH* with 3 car parking spaces.

SEPPARH 2009 also requires the following:

⁴ Transport NSW, 770 bus timetable, Mount Druitt to Penrith via St Marys, accessed 17/06/2020, <https://transportnsw.info/>.

Clause 30(1)(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 plans for the proposed Boarding House provide for **3 motor bike spaces** and **3 bicycle spaces**, which is also compliant with the SEPPARH requirements for 3 motorbike and 3 bicycle spaces (i.e. $14/5 = 2.8$ spaces). These spaces are shown on the most recent plans reviewed.⁵

2.1.5 Accommodation Size

Clause 29(2)(f) of SEPPARH requires that boarding rooms be a minimum of 12m² for single rooms and 16m² for double rooms, excluding kitchen or bathroom facilities.

All room exceed compliance with the SEPP regarding minimum size.

2.1.6 Other Requirements for Boarding Houses

SEPPARH 2009 sets out several other requirements for Boarding Houses in Clause 30(1).

Communal living area

The proposed Boarding House plans meet the requirements in subclause (a) that a Boarding House with five or more boarding rooms must have at least one communal living area.

Plans show a large indoor communal area at ground level, in total approximately 36.92 m² in size, including a living/dining area 28.22 m² that will accommodate soft furniture (two small lounges), coffee tables, dining table and six chairs and television; and a kitchen area 8.7 m² in size that includes double sink, refrigerator, bench space and cupboard storage. There is a rear access door from living/dining part of the common area to the carpark and clothes drying lines at the rear of the property, as well as sliding door connectivity to the outdoor private open space which contributes to enhanced amenity and safety via casual surveillance of the site by residents.⁶

Maximum floor area, number of lodgers per room,

The proposed Boarding House plans show that the gross floor area of any boarding room (excluding bathroom and kitchen facilities) does not exceed 25 m². The largest room in the building is Room 10 which is 17.84 m² excluding kitchen and bathroom facilities.

Subclause (c) states that boarding rooms are to be occupied by no more than two lodgers. The rooms proposed are configured to suit singles and couples. Ensuring that rooms are occupied by no more than two lodgers will be undertaken by the Boarding House manager as set out in the Plan of Management (**Appendix C**).

The proposal complies with provisions of the SEPPARH regarding maximum floor area and number of lodgers per room.

⁵ Plans dated 5 August 2020, Drawing no SK-02 Issue K.

⁶ Signature Projects Australia Pty Ltd, Drawing No. SK-02, Proposed site plan & Ground floor plan, 19/06/20; and Plans dated 5 August 2020, Drawing no SK-02 Issue K.

Adequate kitchen & bathroom facilities

Subclause (d) states that adequate bathroom and kitchen facilities will be available within the Boarding House for use of each lodger.

All 14 Boarding House rooms will be fully self-contained with kitchen and bathroom facilities.

- In-room bathroom facilities will include toilet, basin and shower;
- In-room kitchen facilities will include sink, two-burner cooktop, refrigerator, kettle, bench space, microwave and storage cupboards;
- Other basic provisions, including cutlery, crockery and possibly linen and towels.

In addition, there are additional common facilities located at ground level including kitchen facilities (double sink, bench space, refrigerator, storage cupboards, cutlery and crockery) in the common room, combined laundry facilities (one washing machine) and a powder room (toilet and basin), adjacent to the common room, plus outdoor clothes drying lines adjacent to the common outdoor area.

2.2 Penrith Local Environmental Plan 2010

Under the Penrith Local Environmental Plan 2013 (PLEP 2010), the land at 3 Edward Street, Kingswood is zoned as R3 Medium Density Residential. Under this zoning, Boarding Houses are permitted with consent.

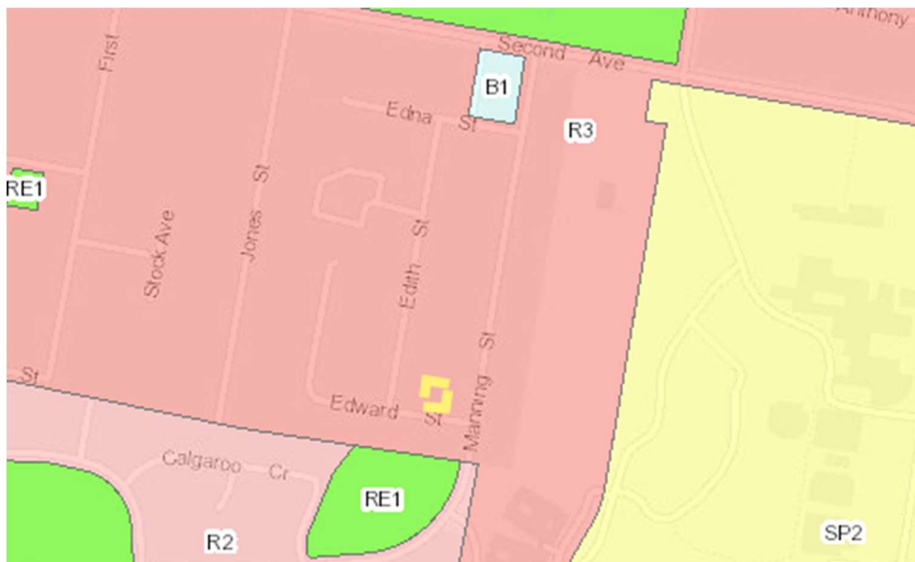


Figure 2.1: Zoning Map, Penrith LEP 2010, 3 Edward Street, Kingswood identified

Source: NSW Planning Portal, 2020

Height limit for the proposal site is 8.5 metres as per the Height of Buildings Map in the Penrith LEP 2010.

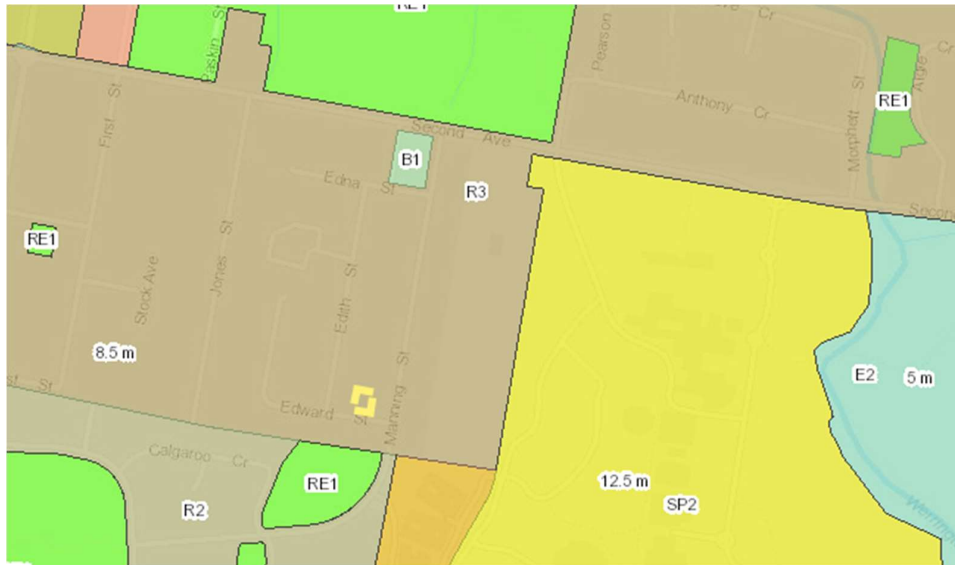


Figure 2.2: Height of Buildings Map, Penrith LEP 2010, 3 Edward Street, Kingswood identified
Source: NSW Planning Portal, 2020

2.3 Penrith Development Control Plan 2014

The Penrith Development Control Plan 2014, Chapter D5 Other Land Uses, Section 5.11 Boarding Houses provides supplementary directions for Boarding Houses to the SEPPARH and general controls elsewhere in the DCP.⁷

This section of the DCP includes controls related to local character, built form, scale and appearance, tenant amenity, safety and privacy, visual and acoustic amenity impacts, location and a proposal's plan of management.

This Assessment has reviewed the proposed Boarding House plans and Plan of Management against the relevant considerations contained in this Section of the DCP that relate to social planning.

2.4 Boarding Houses Act 2012

The proposed Boarding House is a registrable Boarding House within the meaning of part 1, section 5 of the Boarding Houses Act 2012. Consequently, a range of provisions of the Boarding Houses Act 2012 are applicable to the development, including inspections by council and the requirement to enter into Occupancy Agreements.

⁷ Penrith City Council (2014) Penrith Development Control Plan, D5 Other Land Uses, 5.11 Boarding Houses, Pg 25.

We understand that the proposed Boarding House will be a general Boarding House under the Boarding House Act, and consequently will not house more than one person with additional needs.⁸

*1) For the purposes of this Act, a person is a **person with additional needs** if:*

(a) the person has any one or more of the following conditions:

(i) an age related frailty,

(ii) a mental illness within the meaning of the Mental Health Act 2007,

(iii) a disability (however arising and whether or not of a chronic episodic nature) that is attributable to an intellectual, psychiatric, sensory, physical or like impairment or to a combination of such impairments, and

(b) the condition is permanent or likely to be permanent, and

(c) the condition results in the need for care or support services (whether or not of an ongoing nature) involving assistance with, or supervision of, daily tasks and personal care such as (but not limited to) showering or bathing, the preparation of meals and the management of medication.⁹

Under the Act, the proprietor is required to notify the Commissioner of a range of particulars with respect to the development.

Under Clause 17 of the Act, Council has the power to carry out inspections of the premises.

Under Clause 28 of the Act, the Proprietor is required to enter into a written occupancy agreement with each lodger.

⁸ Boarding House Act, clause 37(1).

⁹ Boarding House Act, clause 36.

3 Demographic and Housing Context

3.1 Comparative Demography of the Boarding House

The proposed Boarding House will have 14 rooms, three double rooms and eleven single rooms. At capacity the Boarding House will have a maximum of 17 residents.

We have used data from the Australian Bureau of Statistics' Census of Population and Housing 2016 for Boarding House residents (i.e. those enumerated in 'Boarding House, private hotel') in Greater Sydney as this provides more reliable data due to the number of such residents compared with the locality. Assuming that the population of this Boarding House will be similar to the population of Boarding House residents for the Greater Sydney Capital City Statistical Area, the following profile is likely compared to the surrounding area of the Kingswood Suburb:

- Larger proportion of males
- Larger proportion of young adults
- Smaller proportion of older people aged 70+
- Higher proportion of those never married
- Lower weekly individual income levels
- Lower levels of labour force participation and employed population, and higher unemployment rate
- Slightly higher levels of occupation in trades/technical roles among those employed
- Slightly lower levels of occupation in manager/professional roles among those employed
- Higher levels of attendance of an educational institution
- Lower levels of need for assistance
- Higher levels of transience

Details are shown in the table below.

Table 3.1: Predicted demography of residents of proposed Boarding House using Boarding House residents in Greater Sydney as a proxy compared to Kingswood suburb

	Kingswood Suburb	Proposed Boarding House	Boarding House Residents in Greater Sydney
	Proportion	Likely # BH residents when at capacity	Proportion
Males	49.2%	12	67.2%
Age 18-24 years	9.9%	4	21.9%
Age 25-39 years	24.3%	5	27.0%
Age 40-54 years	18.2%	4	21.9%
Age 55-69 years	15.2%	4	21.1%
Aged 70+ years	8.5%	1	6.2%
Aged 20-69 years	65.5%	16	86.8%
Never married (aged 15+ years)	39.7%	13	70.3%
Separated or divorced (aged 15+ years)	16.6%	3	16.6%
Median gross weekly individual income	\$640	-	\$505
Unemployment rate	8.5%	3	19.0%
Not in labour force	36.3%	8	42.5%
Employed	58.3%	8	46.7%
Work as trades or technical, machinery operator, labourer (% of workers 2016)	37.5%	8	42.4%
Work as manager or professional (% of workers 2016)	26.1%	4	24.9%
Attending educational institution (aged 20+) (2016)	9.8%	5	26.7%
Attending technical or further educational institution, university or other tertiary institution (all ages) (2016)	7.2%	3	16.9%
Needs assistance with core daily activities (disabled) (2016)	7.2%	1	4.5%
Will change address in less than one year (2016)	17.7%	7	37.8%
Will change address in less than five years (2016)	45.8%	12	65.8%

Source: JSA, calculations 2020, based on data from ABS (2016) Census of Population and Housing, Table Builder.

If the proposed Boarding House were to reflect the demography and occupancy of ‘average’ Boarding Houses in Greater Sydney, it is also likely that it would provide flexible and more long-term accommodation for very low and low income workers, casual or contract workers, and people on aged pensions. If owned or leased by a SHP, eligibility requirements is likely to mean that a relatively high proportion will be very low income households, including people on pensions and benefits, as well low income ‘key’ workers needing affordable (discount market rent) housing. The proposed rents would also make rooms attractive and affordable to very low income singles and couples.

3.2 Rental Affordability

3.2.1 Overview

Given the application for the proposed Boarding House is being made with regard to the provisions of *SEPP Affordable Rental Housing 2009* (SEPPARH) it is relevant to consider the housing affordability context of the locality, and the extent to which the proposed Boarding House in this locality is likely to contribute to the stock of affordable rental dwellings.

Although there is no requirement for Boarding House rooms to be affordable (unlike definitions for ‘affordable rental housing’ elsewhere in SEPPARH), there is a presumption that Boarding Houses will in fact be affordable by virtue of the reduced size and standards such as car parking that apply to such accommodation under the SEPP. The extent to which the proposed Boarding House will contribute to the stock of affordable rental stock in the locality also goes to the question of the likely benefit of the proposed development.

This section therefore sets out relevant affordability benchmarks in accordance with relevant legislation, provides an overview of the affordability context of the locality, and predicts the likely affordability of the proposed Boarding House rooms in this context.

3.2.2 Affordable Rental Housing Definition and Benchmarks

Housing is generally considered to be ‘affordable’ when households that are renting or purchasing are able to meet their housing costs and still have sufficient income to pay for other basic needs such as food, clothing, transport, medical care and education.

‘Affordable housing’ has a statutory definition under the NSW Environmental Planning and Assessment Act 1979 (NSW), being housing for very low, low or moderate income households, where ‘very low-income’ households as those on less than 50% of median household income; ‘low-income’ households as those on 50-80% of median household income, and ‘moderate-income’ households as those on 80-120% of median household income for Greater Sydney (referred to as ‘Greater Sydney Statistical Area’ in 2016 ABS Census of Population and Housing).

As a commonly used rule of thumb, housing is considered to be affordable where households pay no more than 30% of their gross household income on their rent or mortgage payments. This is often regarded as the point at which such households are at risk of having insufficient income to meet other living costs, and deemed to be in ‘housing stress’. Those paying more than 50% of gross income are regarded as being in ‘severe housing stress’.

The following table provides benchmarks that are used in this policy when referring to ‘affordable housing’, in March Quarter 2020 dollars, and are consistent with relevant NSW legislation.

Table 3-2: Affordable Housing Income and Rental Benchmarks - Greater Sydney

	Very Low Income Household	Low Income Household	Moderate Income Household
Income Benchmark	<50% of Gross Median Household Income for Greater Sydney	50%-80% of Gross Median Household Income for Greater Sydney	80%-120% of Gross Median Household Income for Greater Sydney
Income Range (2)	<\$932 per week	\$933-\$1,492 per week	\$1,493-\$2,238 per week
Affordable Rental Benchmarks (3)	<\$280 per week	\$281-\$448 per week	\$449-\$671 per week

Source: JSA 2020, based on data from ABS (2016) Census of Population and Housing, ABS (2020) Consumer Price Index, indexed to March Quarter 2020 dollars

- (1) All values reported are in March Quarter 2020 dollars
- (2) Total weekly household income
- (3) Calculated as 30% of total household income

It can be seen from the above that for rental to be ‘affordable’ under statutory definitions, rental would need to be **less than \$280 per week** for a very low income household, between **\$281 and \$448 per week** for a low income household, and between **\$449 and \$671 per week** for a moderate income household as per the **Greater Sydney benchmarks**.

3.2.3 The Local Affordability Context

For the March Quarter 2020, there were no new bonds registered for bedsitters in the Penrith LGA. The median rental for a bedsitter in Greater Sydney is \$430, more expensive than a third quartile two-bedroom property in the Penrith LGA at \$400.

The median rental price for new bonds for single bedroom flats and units in the Penrith LGA was well below the median for Greater Sydney at \$317 compared with \$490. The median rental price for two bedroom flats and units in Penrith LGA was also below Greater Sydney at \$350 compared to \$540, with similar trends at the lower and upper ends of the market.

Penrith LGA is a much ‘more affordable’ area than the Greater Sydney average, however it remains out of reach or ‘unaffordable’ by definition for most households on very low incomes. This group would find it very difficult to find affordable rental accommodation in Penrith LGA, even for bedsits and single bedroom apartments at the lower end of the market. Very low income households requiring affordable rents less than \$280 per week are largely excluded from the local market, apart from the most basic first quartile one bedroom dwelling.

The affordability situation for different income groups, using the above benchmarks, for various smaller housing products Penrith LGA and Greater Sydney are shown in the table below.

Table 3-3: Weekly rents for new bonds for bedsitters (total), one and two bedroom flats and units in Penrith LGA and Greater Sydney

		Bedsitter (Total)			One Bedroom Flats & Units			Two Bedroom Flats & Units		
		First Quartile	Median	Third Quartile	First Quartile	Median	Third Quartile	First Quartile	Median	Third Quartile
Penrith LGA	Weekly rent	\$-	\$-	\$-	\$250	\$317	\$350	\$290	\$350	\$400
	Affordability				Affordable to upper 11% of very low income band	Affordable to upper 78% of low income band	Affordable to upper 59% of low income band	Affordable to upper 95% of low income band	Affordable to upper 59% of low income band	Affordable to upper 29% of low income band
Greater Sydney	Weekly rent	\$350	\$430	\$517	\$410	\$490	\$570	\$430	\$540	\$670
	Affordability	Affordable to upper 59% of low income band	Affordable to upper 11% of low income band	Affordable to upper 69% of moderate income band	Affordable to upper 23% of low income band	Affordable to upper 82% of moderate income band	Affordable to upper 45% of moderate income band	Affordable to upper 11% of low income band	Affordable to upper 59% of moderate income band	Affordable to upper 0.5% of moderate income band

Source: Department of Communities & Justice, Rent & Sales Report No 131, Rent Tables March Quarter 2020, JSA calculations

3.2.4 Rental Stress – Lone Person & Couple Only Households Renting Privately

As at the time of the 2016 ABS Census, the rate of rental stress for lone person and couple only households (small households) renting privately in the Penrith LGA is lower than the rate for Greater Sydney (58% compared with 67%).

Levels of rental stress for very low income privately renting small households are higher in Penrith LGA than for Greater Sydney (85% compared to 79%), with such households making up a greater proportion of all small private renting households (33% in Penrith LGA compared to 25% in Greater Sydney).

Levels of rental stress for low income privately renting small households are lower in Penrith LGA than for Greater Sydney (59% compared to 75%), and levels of rental stress for moderate income privately renting small households are much lower in Penrith compared to Greater Sydney (14% compared to 42%).

This analysis suggests that whilst private rental housing in the Penrith LGA is likely to be affordable for a large proportion of lone person and couple only households renting privately earning moderate or higher incomes, there is a shortage of affordable private rental housing for low and very low income singles and couples – particularly very low income earners where 53% of these households were in severe stress at the time of the Census.

Table 3-4: Rental Stress, Lone Person & Couple Only Households Renting Privately, Penrith LGA compared with Greater Sydney, 2016

Lone Person & Couple Only Households Renting Privately	No.	Penrith LGA 5,940 households	Greater Sydney 203,958 households
Very low, low and moderate income	4,650	78% of all privately renting lone person & couple only households	61% of all privately renting lone person & couple only households
Not in Stress	1,929	41%	33%
Moderate Stress	1,647	35%	37%
Severe Stress	1,074	23%	29%
Total Stress	2,721	58%	67%
Very Low Income	1,934	33% of all privately renting lone person & couple only households	25% of all privately renting lone person & couple only households
Not in Stress	295	15%	21%
Moderate Stress	614	32%	20%
Severe Stress	1,026	53%	59%

Lone Person & Couple Only Households Renting Privately	No.	Penrith LGA 5,940 households	Greater Sydney 203,958 households
Total Stress	1,639	85%	79%
Low Income	1,564	26% of all privately renting lone person & couple only households	19% of all privately renting lone person & couple only households
Not in Stress	641	41%	25%
Moderate Stress	876	56%	58%
Severe Stress	47	3%	17%
Total Stress	923	59%	75%
Moderate Income	1,152	19% of all privately renting lone person & couple only households	18% of all privately renting lone person & couple only households
Not in Stress	994	86%	58%
Moderate Stress	157	14%	39%
Severe Stress	1	0%	3%
Total Stress	158	14%	42%
Very Low and Low Income	3,498	59% of all privately renting lone person & couple only households	43% of all privately renting lone person & couple only households
Not in Stress	936	27%	23%
Moderate Stress	1,490	43%	36%
Severe Stress	1,073	31%	41%
Total Stress	2,562	73%	77%
Higher Income Households	1,290	22% of all privately renting lone person & couple only households	39% of all privately renting lone person & couple only households

Source: JSA, calculations 2020, based on data from ABS Census of Population and Housing 2016

3.2.5 Groups that would benefit from the proposal

The proposed Boarding House has the potential to be a significant benefit to very low and low income lone person and couple only private renters that are currently experiencing moderate and severe housing stress, including very low and low income workers and students, and people on

pensions and benefits, particularly if rental costs for the proposed development are set at prices that are genuinely affordable for these key groups in locality.

3.3 Existing Boarding House Accommodation

Across the Penrith LGA on Census night 2016, there were a total of 24 persons enumerated in a 'Boarding House, private hotel', representing 0.01% of the resident population of the area. In 2016, the ABS data indicated that there were 3 'Boarding House, private hotels' in the Penrith LGA and 0 Boarding Houses/private hotels were enumerated in Kingswood Suburb.

By comparison, 0.15% of the population of Greater Sydney was counted in Boarding Houses or private hotels, suggesting that Penrith LGA is under supplied with this form of accommodation.

The NSW Department of Fair Trading Boarding House Register shows four (General Registerable) Boarding Houses registered in the Penrith LGA including three registered Boarding Houses in the Kingswood suburb and one in the North St Marys suburb.¹⁰

A Google Maps search of the four registered Boarding Houses in the Penrith LGA¹¹ show that three of the four are newly constructed 'New Generation Boarding Houses'. The figure below shows the two adjacent Boarding Houses at Second Avenue, Kingswood.

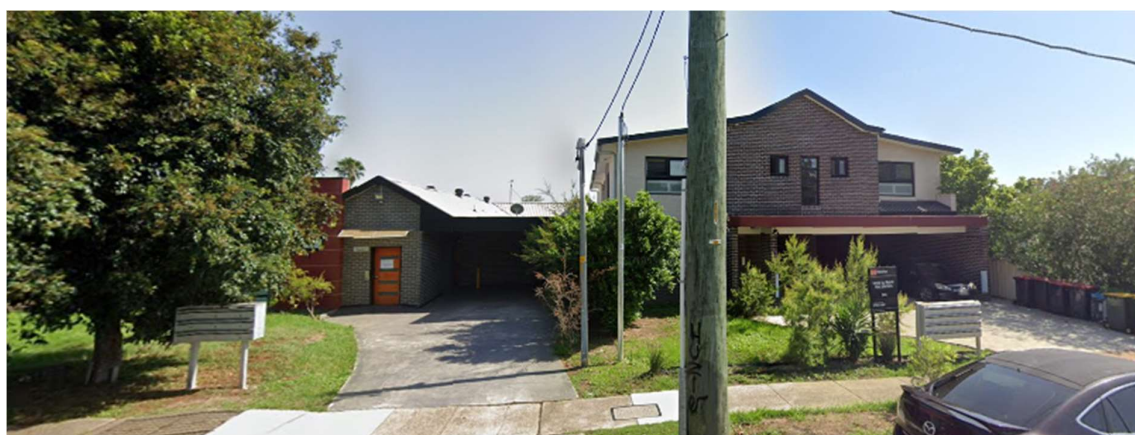


Figure 3.1: Registered 'New Generation Boarding Houses' at 51 & 53 Second Avenue, Kingswood

Source: Google Maps, Image Capture January 2019

It is noted that during the site visit and survey of neighbours a number of additional Boarding Houses in the locality were identified, which were not developed at the time of the 2016 Census and are currently not listed in the Department of Fair Trading's Boarding House Register.

¹⁰ NSW Fair Trading, Boarding House Register, <http://parkspr.fairtrading.nsw.gov.au/BoardingHouse.aspx>, accessed 11/06/2020.

¹¹ 42 Manning Street, Kingswood; 51 Second Avenue, Kingswood; 53 Second Avenue, Kingswood; 197 Maple Road, North St Marys.

3.4 Social Housing

At the time of the 2016 Census, the supply of social housing in the Penrith LGA at 4.8% of occupied private dwellings is equivalent to the Greater Sydney average of 4.6%.

In 2016, there were around 2,969 social housing dwellings in the Penrith LGA, including 2,609 (88%) rented through the Department of Communities and Justice and 360 (12%) rented through a housing co-operative, community or church group.

Of these social housing dwellings, 18% were one bedrooms or bedsits. Around 91% percent of these one bedroom and bedsit dwellings were occupied by single persons, 3% were occupied by single parent families and 4% by couples without children.¹²

The Kingswood suburb has a much higher rate of social housing dwellings compared to Greater Sydney, with 408 social housing dwellings or 12.2% of all dwellings in the suburb.

The SA1 in which the proposed Boarding House is located had 12 social housing dwellings enumerated at the 2016 Census, 5.1% of occupied private dwellings.

3.5 Snapshot of rental opportunities in Kingswood and surrounding suburbs

A search of www.Domain.com.au was conducted on 10 June, 2020 for studio and one bedroom accommodation (including granny flats) in Kingswood and suburbs within approximately five kilometres of the proposed site. These suburbs included Cambridge Park, Emu Plains, Jordan Springs, Penrith, South Penrith and Werrington County.

In the suburb of **Kingswood** there were three **studio** apartments available with rentals between \$208 and \$240 and a **one bedroom** granny flat with a rental of \$260.00 per week. These four properties made up 6% of all rental stock in Kingswood.

Within an approximately **five kilometre radius** there were an additional 19 properties for rent with one **studio** apartment available for \$260 per week and 18 **one bedroom** properties available with a median rent of \$347.00. These 19 properties comprised 7% of all the surrounding rental stock. Of these 19 properties, five would be affordable for **very low, low and moderate** income renters and 14 properties would be available to **low and moderate** income households¹³.

In the Penrith LGA the Rent and Sales Report for March 2020¹⁴ did not report a median rental for studio accommodation flats/units. The **median rental** for a one bedroom unit was \$317.00.

¹² ABS (2016) Census of Population and Housing, Place of Enumeration, accessed via Table Builder.

¹³ JSA 2020 based on data from ABS (2016) Census of Population and Housing, ABS (2020) Consumer Price Index, indexed to March Quarter 2020 dollars

¹⁴ Department of Communities & Justice, Rent and Sales Report – Interactive Dashboard, www.facs.nsw.gov.au/resources/statistics/rent-and-sales/dashboard

3.6 Affordability of Proposed Boarding House

We have been advised by the Applicant that the average rental cost will be \$240 per week, with the smallest single occupancy room renting for approximately \$200 per week. This appears reasonable, given double rooms in a new generation Boarding House generally rent for around 80% of the local median for a one-bedroom unit.

As such, rents would be affordable to many very low income households. Given the affordability context of the Penrith LGA, which includes high levels of housing stress among very low income private renting single and couple only households, this would be a significant benefit of the project.

As noted, it is intended that the proposed Boarding House will be owned or leased by a social housing provider, which would be a further benefit of the proposal in the context of serious affordable housing need.

4 Crime context

NSW Bureau of Crime Statistics and Research (BoCSAR) reports that,

“Hotspot maps illustrate areas of high crime density relative to crime concentrations in NSW. The hotspots indicate areas with a high level of clustering of recorded criminal incidents for the selected offence...LGAs with crime hotspots do not necessarily have high count of incidents relative to other LGAs. This is because hotspots reflect the density of incidents in specific areas and not the number of incidents in the entire LGA. Hotspots are not adjusted for the number of people residing in or visiting the LGA and so do not necessarily reflect areas where people have a higher than average risk of victimisation.”¹⁵

Appendix B provides a review of NSW BOCSAR crime statistics (two year trend and rate per 100,000 population) and hotspot maps for the Kingswood suburb, with the proposal site identified.

The State Suburb of Kingswood has a much higher rate of crime across all major crime types, including:

- Around 4 times NSW rate of Robbery;
- Around 3 times the NSW rate of Theft – Steal from Person, Steal from Dwelling, Theft – Steal from Motor Vehicle, Theft – Break and Enter Dwelling, and Assault (Domestic),
- Around 2 times the NSW rate of Assault (Non-Domestic), Malicious Damage, and Theft – Motor Vehicle.

The proposed Boarding House is on the edge of major hotspots for Theft – Break and Enter Dwelling, Theft – Steal from Motor Vehicle and Theft –Motor Vehicle, as shown in **Appendix B**.

This has implications for safety and security of the Boarding House facility, and any resident vehicles that are parked on or off site.

¹⁵ Burgess, M (2011) Understanding crime hotspot maps, NSW Bureau of Crime Statistics and Research, Crime and Justice Statistics, Bureau Brief, Issue paper no 60, April, Pg 3.

5 Amenity

5.1 Boarding House Residents

5.1.1 Internal Amenity

All room sizes shown on the drawings exceed the minimum allowable size under clause 29 of the SEPP. All rooms contain private bathrooms and kitchen facilities. We have been advised by the Applicant that kitchens will include two-burner cooktop, microwave, kettle, refrigerator and all cutlery, crockery, pots and pans. Details of kitchens storage are not shown on the drawings provided. Common laundry facilities are located at ground level and containing one washing machine. A clothesline is shown at the rear of the site, accessible from the common living/dining area, however the dimensions are not shown.

5.1.2 External Amenity

An outdoor space of 21.02 m² is shown. Enhancement, such as landscaping and seating, is not shown on the drawings. The open space has a northerly aspect and so would be expected to be sunny for part of the day.

5.2 Residents living in the locality

5.2.1 Parking

The development provides three parking spaces, in accordance with standards for development carried out by or on behalf of a social housing provider in an accessible area. At the time of the site visit, there was adequate on street parking available.

It is noted that parking lines are on Manning Street and residents surveyed reported that the area is utilised for on-street parking by those attending the University of Western Sydney, Kingwood Campus which is accessible via a walking path adjacent to the south of 48 Manning Street. As the site visit was undertaken on a weekend, and when the University is closed during the coronavirus pandemic, this parking situation was not observed by JSA.

5.2.2 Noise and privacy

There may be noise impacts from residents using the private open space area, although this area is well set back from adjacent properties. Potential impacts could be managed by time restrictions on use of the area. A number of second floor windows overlook adjacent properties, including Rooms 10, 11 and 12, with the remaining rooms overlooking the street. Potential privacy impacts could be mitigated by appropriate screening of the windows to Rooms 10, 11 and 12. Privacy impacts could be further mitigated by the provision of 1.8 metre fencing between the development and adjacent lots.

5.3 Survey of neighbours & local residents

JSA carried out a doorknock survey of residents living in close proximity to the proposed Boarding House at **3 Edward St, Kingswood** between 2.30 pm and 4.30 pm on Saturday 13 June 2020. These households would be most likely to experience any adverse amenity impacts from the proposed Boarding House.

Thirteen households on Edward St, Edith St and Manning St, within approximately 100 metres, were door knocked. Of these, six surveys were completed, two were refused and six were not at home. Letters were left at houses where no one was home, providing for an opportunity to complete the survey by telephone, with two completed by telephone interview.

Of the seven surveyed, five were owner occupiers and two were private renters. Respondents reported that positive aspects of the locality were mainly that it is a 'quiet', 'peaceful', 'family' area; its proximity to shops and public transport; and that rent is relatively affordable. More negative aspects of the locality were reported to be the increased presence of Boarding Houses in the locality; problems with parking and traffic; while one reported that 'safety' can be an issue in the locality in more recent years with changes to the tenure profile of the area. Five respondents felt 'quite' or 'very positive' about the locality overall, while one felt 'neutral' and one 'quite negative about living in the area.

None of the respondents were aware of the proposal to develop a Boarding House prior to participating in the survey. Only one respondent cited potential positive impacts, with this being that it would be more affordable accommodation for students from nearby tertiary institutions.

In terms of concerns about the potential for negative impacts from the proposed Boarding House, one stated that they did not anticipate any negative impacts, and six stated that they had concerns. These related to:

- The increased concentration of Boarding Houses in the locality, including social problems with existing Boarding Houses, concerns about the type of people who would live in the proposed Boarding House; possible drug dealing near the facilities; and a reported lack of effective management of existing facilities;
- Increased problems with on street parking and traffic congestion in the locality, which was already reported to be problematic in a 'small street';
- Noise and privacy impacts;
- Increased litter in the environment.

In relation to the potential for increased social problems, mitigations proposed were:

- Care in the selection of tenants for the proposed Boarding House;
- Strict House Rules and Plan of Management that are enforced;
- Presence of an onsite manager and appropriate complaints procedure that is implemented.

There were no other proposed mitigations, and concerns that once approved, it would be difficult for surrounding residents' views and concerns to be heard. It is noted that this needs to be clearly addressed in the Plan of Management.

5.4 The potential for community opposition to the proposed development

Some 'new generation' Boarding House developments have been portrayed in the media, particularly in Sydney, as highly controversial and a lightning rod for community opposition regarding the 'type' of people who they fear will be future tenants (e.g. 'transients', 'paedophiles', 'deviants' and 'drug addicts').¹⁶ However, recent JSA research on community resistance to affordable housing developments¹⁷ shows how these types of development will have varying levels of opposition due to a variety of factors including the location of the development, the size, scale and design of the development, the way in which the development is marketed by private proponents, and the quality and responsiveness of management once operational.

This JSA research profiled a number of case study developments with varying levels of community opposition at DA stage. Post occupancy surveys in all cases indicated that there were no problems experienced in relation to these developments once occupied. It also indicates that there is no evidence that community fears about deviants and problem tenants have been realised in such developments. Of relevance, four of the case studies were for Boarding House developments in the Greater Sydney area. Only one of these developments was controversial to neighbours during the planning process. Neighbours who responded to a post-occupancy survey by JSA indicated that no adverse impacts have been experienced in the locality since development and occupancy.

As detailed above, the doorknock survey of neighbours and local residents revealed that most have concerns about the proposal. Overall, the level of concern about the proposal was relatively high with six out of seven respondents indicating that they had concerns about the proposal, which suggests that there is likely to be some community opposition to the proposal.

Resident concerns related to social issues are generally able to be addressed through the Plan of Management and other recommended mitigations.

JSA has not sighted a Traffic and Parking Report for this proposal. We defer to the expertise of relevant parking and traffic experts with regard to the need for mitigations with regard to any impacts on on-street parking.

¹⁶ For an example, 'You wouldn't like a Boarding House next to your home': Cromer residents speak out against development, Sydney Morning Herald, 14 October 2015, accessed online at <http://www.smh.com.au/nsw/you-wouldnt-like-a-boarding-house-next-to-your-home-cromer-residents-speak-out-against-development-20151014-gk9byh.html#ixzz48sCVLBpz>

¹⁷ Judith Stubbs and Associates (2016) *Responding to Community Resistance to Affordable Housing Developments*, Reports prepared for the NSW Federation of Housing Associations.

Appendix A: Demographic Profile of Locality

To gain an understanding of the context of the proposed Boarding House site, a demographic profile have been provided for SA1 1146239 (the smallest Census area containing the proposal site with a population of 664 people in 2016) in comparison with demographics for Kingswood State Suburb, Penrith City LGA and Greater Sydney. This information has been separated into selected person characteristics, education, employment and income and dwelling characteristics using data for place of usual residence.

Statistical Area Level 1, 1146239

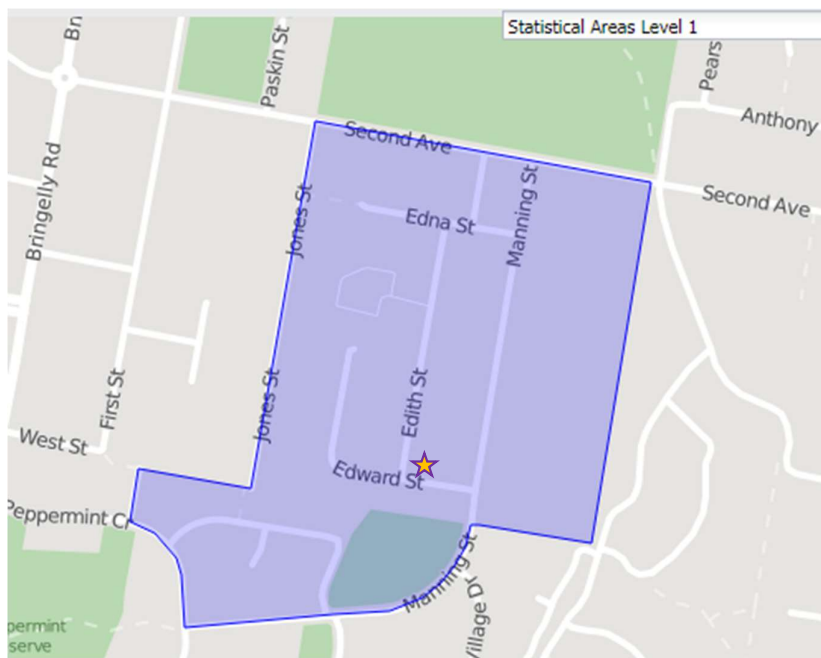


Figure A-1: Statistical Area Level 1, 1146239 with 3 Edward Street, Kingswood indicated with star

Source: www.abs.gov.au

Kingswood State Suburb

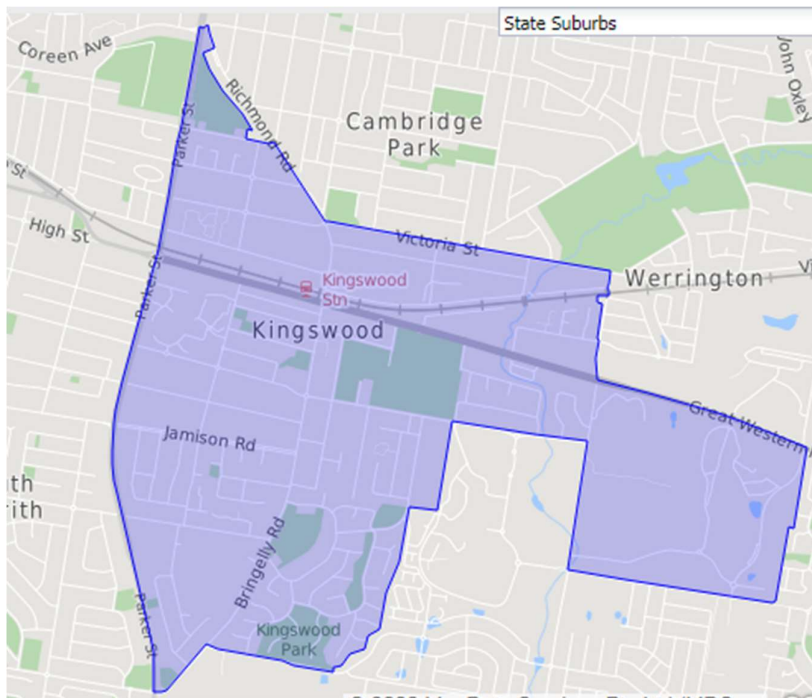


Figure A-2: Kingswood State Suburb

Source: www.abs.gov.au

Penrith LGA

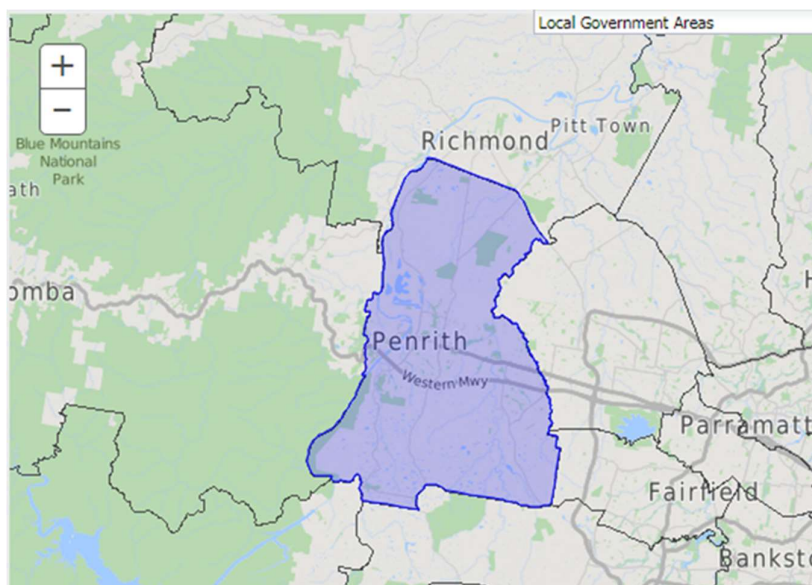


Figure A-3: Penrith Local Government Area

Source: www.abs.gov.au

Greater Sydney

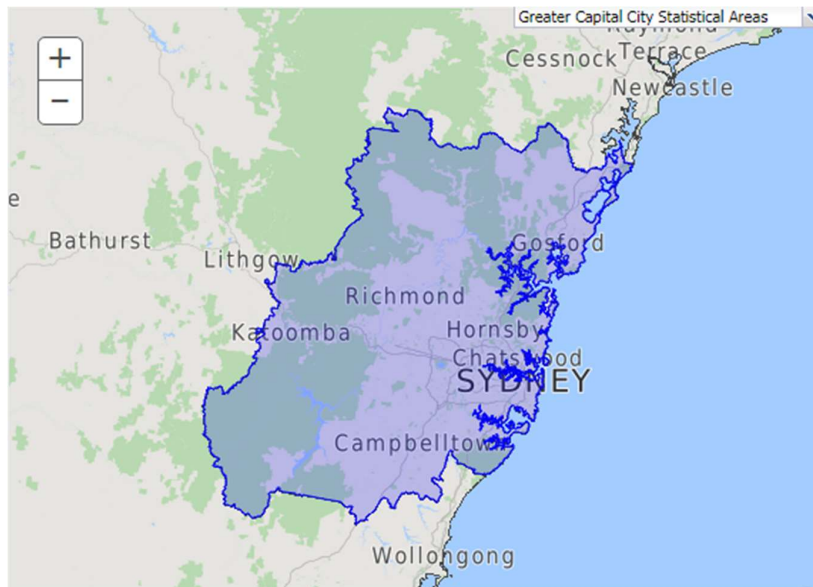


Figure A-4: Greater Sydney – Greater Capital City Statistical Area

Source: www.abs.gov.au

Overview

The SA1 where the proposed Boarding House is located is characterised as an area similar to the Penrith LGA average. While it ranks among the bottom 40% of SA1s in Australia and NSW across the four Socio-Economic Index for Areas (SEIFA) indices, it is much less disadvantaged than the Kingswood suburb. Kingswood ranks among the most disadvantaged 20% of suburbs in Australia for three of the indices and among the lowest 10% of suburbs for Australia and NSW for the socio-economic index of economic resources.

The area has a larger proportion of Indigenous residents than Greater Sydney, similar to the suburb and LGA. It has a slightly higher proportion of those in need of assistance with a core daily activity compared to Penrith LGA and Greater Sydney, but lower than the suburb. Levels of post-schooling qualifications and Year 12 completion rates in the local area are similar to Kingswood suburb and Penrith LGA, which are all below Greater Sydney.

Rate of those not in the labour force is similar in the SA1 to the benchmark areas. As at the 2016 Census, the unemployment rate in the SA1 was similar to the LGA and Greater Sydney, and below the Kingswood suburb.

Personal income levels are higher in the SA1 than the Kingswood suburb, and just below the Penrith LGA and Greater Sydney. Household income levels in the SA1 are above the Kingswood suburb, but below the Penrith LGA and Greater Sydney averages.

The dwelling structure in the SA1 and Kingswood suburb is quite different to Penrith LGA, with a much greater proportion of dwellings that are semi-detached, compared with 12% for the LGA

and 14% for Greater Sydney. The SA1 has a greater proportion of dwellings that are separate houses compared to Kingswood suburb (66% compared to 47%), which is well below the Penrith LGA at 80% but above the Greater Sydney average of 55%. The SA1 has a similar proportion of dwellings that are flats and units compared to Penrith LGA (6% and 7%), which are at much lower levels than the Kingswood suburb or Greater Sydney (18% and 30% respectively).

The SA1 has a similar proportion of dwellings that are in ownership (outright or being paid with a mortgage) at 62% compared to Greater Sydney (64%). The SA1 has very low levels of dwellings rented socially (public or community housing provider) at 1.7% compared to 12.2% in Kingswood suburb, and 5% in Penrith LGA and Greater Sydney.

The SA1 has the same rate of car ownership to the Penrith LGA, with 6% of households owning no motor vehicle; which is much lower than the Kingswood suburb where 14% of households report no motor vehicles at the dwelling.

Socio-Economic Indexes for Australia (SEIFA)

The table below shows the scores and decile rankings for areas in NSW and Australia for the SA1 and Kingswood suburb for the four SEIFA indexes.

The table below shows the scores and decile rankings for areas in NSW and Australia for the SA1 and Kingswood suburb for the four SEIFA indexes.

The SA1 area around the proposal site ranks among the bottom 40% of SA1's in Australia and NSW across each of the four SEIFA indices (lowest 50% of SA1's in NSW for the Index of Relative Socio Economic Disadvantage). However, the SA1 has lower levels of disadvantage than the Kingswood suburb across the four indices. The Kingswood suburb is among the most disadvantaged 20% of suburbs in Australia and NSW for index of relative socio-economic disadvantage, advantage and disadvantage and education and occupation (lowest 30% of suburbs in NSW for education and occupation), and among the lowest 10% of suburbs for Australia and NSW for the index of economic resources. The ABS advises that, *"A low score indicates a relative lack of access to economic resources in general. For example, an area may have a low score if there are many households with low income, or many households paying low rent, AND few households with high income, or few owned homes."*¹⁸

Table A.1: SEIFA Scores and Decile Rankings for SA1 1146239 and Kingswood Suburb

	SA1 1146239	Kingswood Suburb
Index of Relative Socio Economic Disadvantage		
Score	992	919
Decile ranking within NSW	5	2
Decile ranking within Australia	4	2

¹⁸ ABS (2016) Census of Population and Housing: Socio-Economic Indexes for Areas (SEIFA), Australia.

SA1 1146239 Kingswood Suburb		
Index of Relative Socio Economic Advantage and Disadvantage		
Score	971	916
Decile ranking within NSW	4	2
Decile ranking within Australia	4	2
Index of Economic Resources		
Score	971	899
Decile ranking within NSW	4	1
Decile ranking within Australia	4	1
Index of Education and Occupation		
Score	954	932
Decile ranking within NSW	4	3
Decile ranking within Australia	4	2

Source: ABS (2016) SEIFA

Person Characteristics

The SA1 of the proposal site, 1146239 has a greater proportion of males compared to Kingswood suburb, Penrith LGA and Greater Sydney; and an age profile that is similar to the benchmark areas. The SA1, Kingswood suburb and Penrith LGA have higher proportions of residents from an Indigenous background compared to Greater Sydney, between 4-5% of these populations compared to 1.5%. The SA1 has a slightly higher proportion of those in need of assistance with a core daily activity at 6.5% of residents compared to Penrith LGA (5.5%) and Greater Sydney (5.2%), but lower than the Kingswood suburb at 7.2%.

Table A-2: Selected person characteristics of residents of SA1 1146239, Kingswood Suburb and Penrith LGA compared with Greater Sydney

	SA1 1146239	Kingswood State Suburb	Penrith LGA	Greater Sydney
Sex				
Male	52.7%	49.2%	49.4%	49.3%
Female	47.6%	50.8%	50.6%	50.7%
Age				
0-9	12.7%	15.0%	14.6%	12.8%

	SA1 1146239	Kingswood State Suburb	Penrith LGA	Greater Sydney
10-19	16.3%	11.1%	13.1%	11.8%
20-29	14.3%	16.2%	14.9%	15.0%
30-39	12.2%	15.6%	14.9%	15.5%
40-49	13.4%	13.0%	13.3%	13.7%
50-59	11.0%	10.9%	12.3%	12.2%
60-69	10.7%	9.7%	9.7%	9.5%
70-79	6.8%	5.5%	4.8%	5.7%
80-89	1.5%	2.4%	2.0%	3.0%
90+	1.7%	0.6%	0.4%	0.7%
Indigenous Profile (INGP)	4.4%	4.6%	4.2%	1.5%
Needs Assistance with Core Daily Activities	6.5%	7.2%	5.5%	5.2%

Source: JSA, calculations 2020, based on data from ABS Census of Population and Housing 2016, Place of Usual Residence for SA1 1146239, Kingswood Suburb, Penrith LGA and Greater Sydney.

Country of birth

The SA1, Kingswood Suburb and Penrith LGA are characterised by high proportions of those born in Australia (68%, 64% and 72% respectively) compared with Greater Sydney (57%). Predominate countries of birth amongst SA1 resident population include England, India, New Zealand and Philippines which is a similar profile to the suburb and LGA.

Table A-3: Top 5 country of birth responses for residents of SA1 1146239, Kingswood State Suburb and Penrith LGA compared with Greater Sydney

	SA1 1146239	Kingswood State Suburb	Penrith LGA	Greater Sydney
1	Australia (68%)	Australia (64%)	Australia (72%)	Australia (57%)
2	England (4%)	India (5%)	England (3%)	China (excludes SARs and Taiwan) (5%)
3	India (3%)	England (3%)	New Zealand (2%)	England (3%)
4	New Zealand (3%)	New Zealand (2%)	Philippines (2%)	India (3%)
5	Philippines (2%)	Philippines (2%)	India (2%)	New Zealand (2%)

Source: JSA, calculations 2020, based on data from ABS Census of Population and Housing 2016, Place of Usual Residence for SA1 1146239, Kingswood Suburb, Penrith LGA and Greater Sydney.

Education

The SA1 has similar levels of post-schooling qualifications to Kingswood suburb and Penrith LGA, which are below Greater Sydney. Between 11-13% of residents hold a Bachelor's Degree in the SA1, suburb or LGA compared to 22% for the Greater Sydney average; correspondingly larger proportions of residents in these areas hold Certificate Level qualifications than average.

Table A-4: Secondary and Tertiary education completed by residents of SA1 1146239, Kingswood State Suburb and Penrith LGA compared with Greater Sydney

Indicator	SA1 1146239	Kingswood State Suburb	Penrith LGA	Greater Sydney
Post-Schooling Qualification (All people)				
Post-Graduate	5%	5%	3%	8%
Grad. Dip/Grad Cert.	2%	1%	1%	2%
Bachelor Degree	13%	12%	11%	22%
Adv. Dip/Dip Level	8%	9%	10%	11%
Cert. Level (I, II, III & IV)	23%	20%	23%	14%

Source: JSA, calculations 2020, based on data from ABS Census of Population and Housing 2016, Place of Usual Residence for SA1 1146239, Kingswood Suburb, Penrith LGA and Greater Sydney. Pro rata not stated responses.

School completion rates are lower in the SA1, suburb and LGA compared to Greater Sydney, with 49% of residents completing Year 12 in the SA1 compared with 65% for Greater Sydney.

Table A-5: Highest year of secondary education (people aged 15+) for SA1 1146239, Kingswood State Suburb and Penrith LGA compared with Greater Sydney

Indicator	SA1 1146239	Kingswood State Suburb	Penrith LGA	Greater Sydney
Highest Year of Secondary Education (people aged 15+)				
Year 12	49%	48%	47%	65%
Year 11	8%	7%	8%	5%
Year 10	29%	29%	32%	18%
Year 9	10%	9%	8%	5%
Year 8 or below	4%	6%	5%	4%
Did not go to school	1%	1%	1%	1%

Source: JSA, calculations 2020, based on data from ABS Census of Population and Housing 2016, Place of Usual Residence for SA1 1146239, Kingswood Suburb, Penrith LGA and Greater Sydney.

Employment & Income

The SA1 has the same proportion of those not in the labour force at 34% compared to the Kingswood suburb (36%), Penrith LGA (31%) and Greater Sydney (34%). As at the 2016 Census, the unemployment rate in the SA1 at 5.5%, similar to the LGA at 5.7% and Greater Sydney at 6%, and below the Kingswood suburb at 8.5%.

The main industries of employment in the SA1 and Kingswood suburb are health care and social assistance, retail trade, education and training and construction.

Personal income levels are higher in the SA1 than the Kingswood suburb, and just below the Penrith LGA and Greater Sydney. Household income levels in the SA1 are above the Kingswood suburb, but below the Penrith LGA and Greater Sydney averages.

Table A-6: Employment and Income demographics of SA1 1146239, Kingswood State Suburb and Penrith LGA compared with Greater Sydney

Indicator	SA1 1146239	Kingswood State Suburb	Penrith LGA	Greater Sydney
Labour Force Status				
Employed	62.2%	58.3%	65.0%	61.7%
Not in the Labour Force	33.9%	36.3%	31.1%	34.4%
Unemployment rate	5.5%	8.5%	5.7%	6.0%
Top Industries of Employment				
-	Health Care & Social Assistance (14%)	Health Care & Social Assistance (16%)	Construction (12%)	Health Care & Social Assistance (12%)
-	Retail Trade (13%)	Retail Trade (11%)	Health Care & Social Assistance (12%)	Professional, Scientific & Technical Services (10%)
-	Education and Training (10%)	Construction (9%)	Retail Trade (11%)	Retail Trade (10%)
-	Construction (10%)	Manufacturing (8%)	Manufacturing (8%)	Construction (10%)
Median Weekly Income (2016 \$)				
Personal	\$705	\$640	\$728	\$719
Household	\$1,542	\$1,224	\$1,656	\$1,747

Source: JSA, calculations 2020, based on data from ABS Census of Population and Housing 2016, Place of Usual Residence for SA1 1146239, Kingswood Suburb, Penrith LGA and Greater Sydney.

Dwelling Characteristics

Based on the Census reporting, the dwelling structure in the SA1 and Kingswood suburb is quite different to Penrith LGA, with a much greater proportion of dwellings that are semi-detached at 27% for the SA1 and 34% for the suburb, compared with 12% for the LGA and 14% for Greater Sydney. The SA1 has a greater proportion of dwellings that are separate houses compared to Kingswood suburb (66% compared to 47%), which is well below the Penrith LGA at 80% but above the Greater Sydney average of 55%. The SA1 has a similar proportion of dwellings that are flats and units compared to Penrith LGA (6% and 7%), which are at much lower levels than the Kingswood suburb or Greater Sydney (18% and 30% respectively).

The SA1 has a similar proportion of dwellings that are in ownership (outright or being paid with a mortgage) at 62% compared to Greater Sydney (64%). The SA1 has very low levels of dwellings rented socially (public or community housing provider) at 1.7% compared to 12.2% in Kingswood suburb, and 5% in Penrith LGA and Greater Sydney.

The SA1 has the same rate of car ownership to the Penrith LGA, with 6% of households owning no motor vehicle; which is much lower than the Kingswood suburb where 14% of households report no motor vehicles at the dwelling.

Table A-7: Dwelling characteristics in SA1 1146239, Kingswood State Suburb and Penrith LGA compared with Greater Sydney

Indicator	SA1 1146239	Kingswood suburb	Penrith City LGA	Greater Sydney
Dwelling Structure				
Separate House	65.9%	47.4%	80.3%	55.3%
Semi-detached, row or terrace house, town house etc	26.7%	34.2%	12.3%	14.0%
Flat, unit or apartment	5.9%	18.0%	6.9%	30.0%
Other dwelling type (caravan, cabin, houseboat, improvised, house or flat attached to shop, office, etc)	1.6%	0.4%	0.5%	0.7%
Tenure & Landlord Type				
Owned outright/with mortgage	61.7%	46.1%	68.4%	63.9%
Rented (private)	33.9%	40.5%	25.9%	29.8%
Rented (public)	1.7%	10.2%	4.2%	4.3%
Rented (community)	0.0%	2.0%	0.6%	0.7%
Number of motor vehicles per dwelling				
None	6.2%	14.2%	6.3%	11.6%
One	43.4%	46.5%	32.1%	38.5%

Indicator	SA1 1146239	Kingswood suburb	Penrith City LGA	Greater Sydney
Two	33.2%	27.8%	38.4%	33.8%
Three	8.8%	7.8%	14.1%	10.5%
Four or more	5.3%	3.6%	9.1%	5.7%

Source: JSA, calculations 2020, based on data from ABS Census of Population and Housing 2016, Place of Usual Residence for SA1 1146239, Kingswood Suburb, Penrith LGA and Greater Sydney. Pro rata not stated responses.

Appendix B: NSW BoCSAR Crime Data & Maps

The table below shows the two year trend and the incident rate (per 100,000 population) for Kingswood **suburb** compared to NSW for a range of offence types. Crime hotspot maps for a range of offences for Kingswood suburb for the period April 2019 to March 2020 (the most recent period available at the time of writing) follow.

Table B-1: NSW BoCSAR Incident Rates Kingswood State Suburb – 2 Year Trend to Mar 2020

Offence Type	Area	2 Yr Trend to September 2019	Rate (per 100,000 population)
Assault – Non Domestic	Kingswood Suburb	Stable	945.0
	NSW	Up 0.7% per year	398.7
Assault - Domestic	Kingswood Suburb	Stable	1178.8
	NSW	Up 4.1% per year	393.8
Malicious Damage	Kingswood Suburb	Stable	1558.7
	NSW	Stable	701.8
Robbery	Kingswood Suburb	n.c.	126.6
	NSW	Stable	31.0
Steal from Dwelling	Kingswood Suburb	Stable	428.6
	NSW	Stable	235.9
Theft – Break and Enter	Kingswood Suburb	Stable	974.2
	NSW	Stable	316.2
Theft - motor vehicle theft	Kingswood Suburb	Stable	399.4
	NSW	Stable	167.4
Theft – steal from motor vehicle	Kingswood Suburb	Stable	1217.7
	NSW	Stable	471.4
Theft - break & enter dwelling	Kingswood Suburb	Stable	974.2
	NSW	Stable	316.2
Theft - steal from person	Kingswood Suburb	n.c.	126.6
	NSW	Down 10.4% per year	44.7

Source: NSW BoCSAR, NSW Crime Tool, <http://crimetool.bocsar.nsw.gov.au/bocsar/>, accessed on 10/06/2020.

NSW BoCSAR Crime Hotspot Maps

Assault Domestic

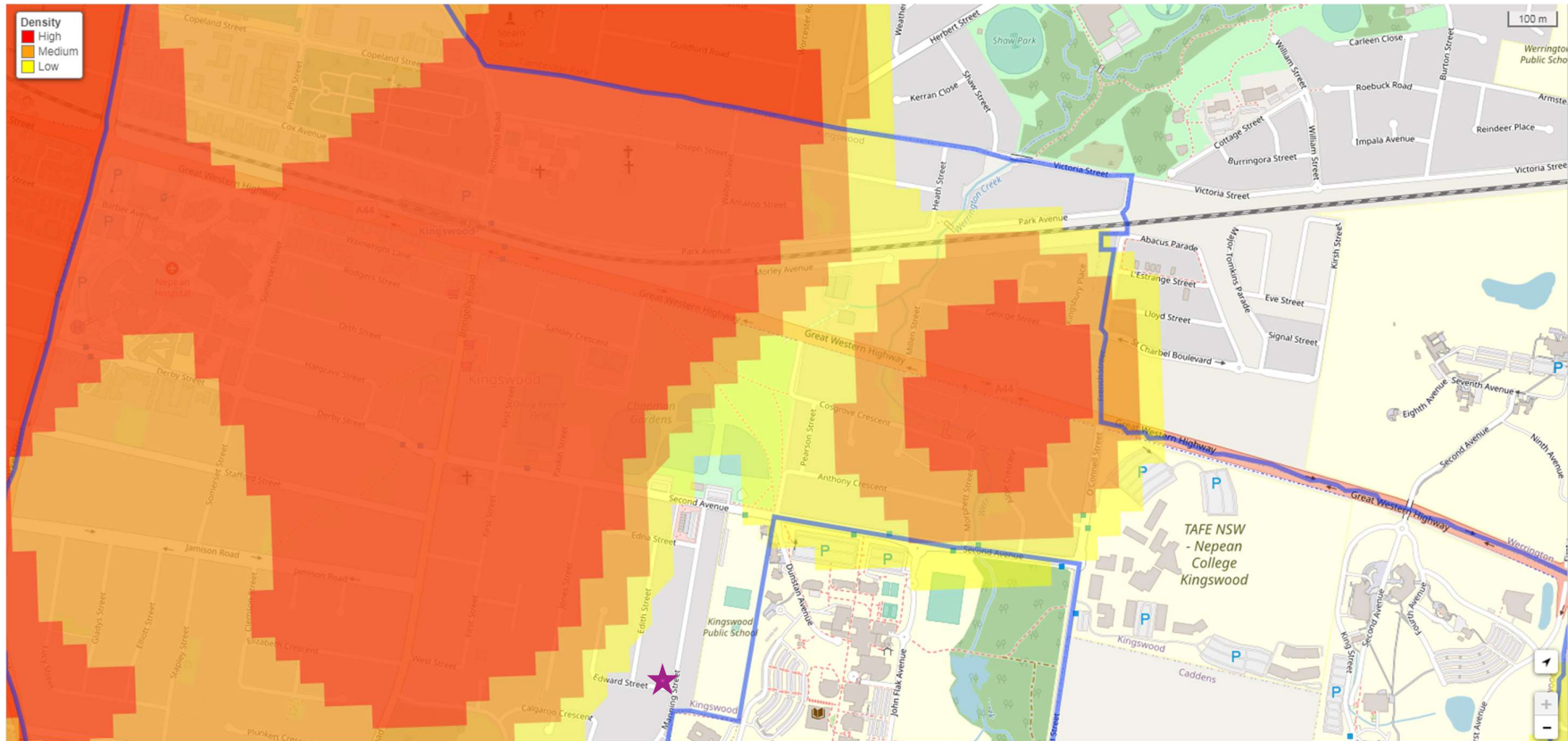


Figure B-1: Incidents of Assault (Domestic assault) from April 2019 to March 2020, Kingswood suburb boundary identified

Source: NSW BoCSAR, NSW Crime Tool, <http://crimetool.bocsar.nsw.gov.au/bocsar/>, accessed on 10/06/2020.

Assault Non-Domestic

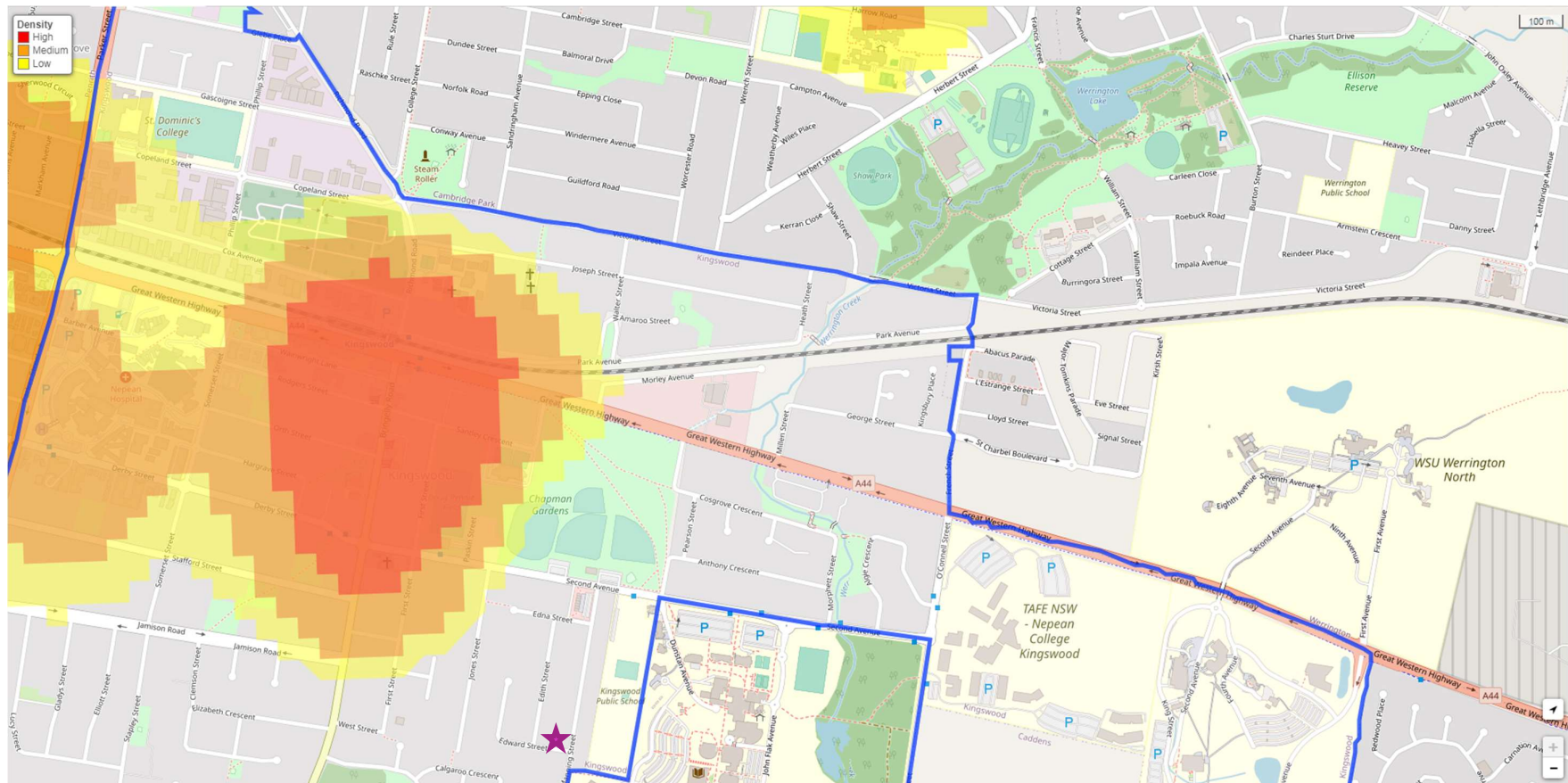


Figure B-2: Incidents of Assault (Non-domestic assault) from April 2019 to March 2020, Kingswood suburb boundary identified

Source: NSW BoCSAR, NSW Crime Tool, <http://crimetool.bocsar.nsw.gov.au/bocsar/>, accessed on 10/06/2020.

Robbery

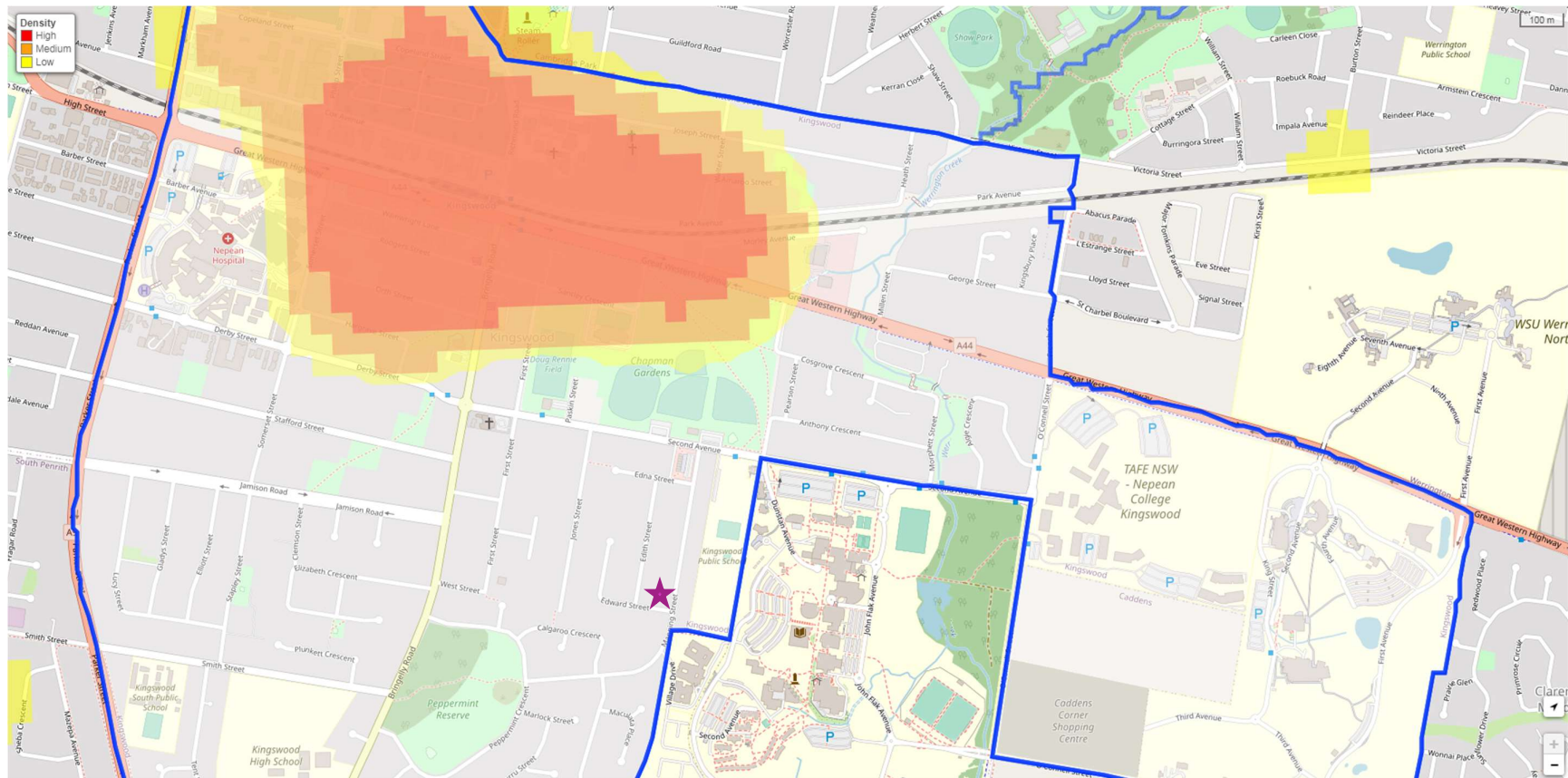


Figure B-3: Incidents of Robbery from April 2019 to March 2020, Kingswood suburb boundary identified

Source: NSW BoCSAR, NSW Crime Tool, <http://crimetool.bocsar.nsw.gov.au/bocsar/>, accessed on 10/06/2020.

Theft - Break and Enter Dwelling

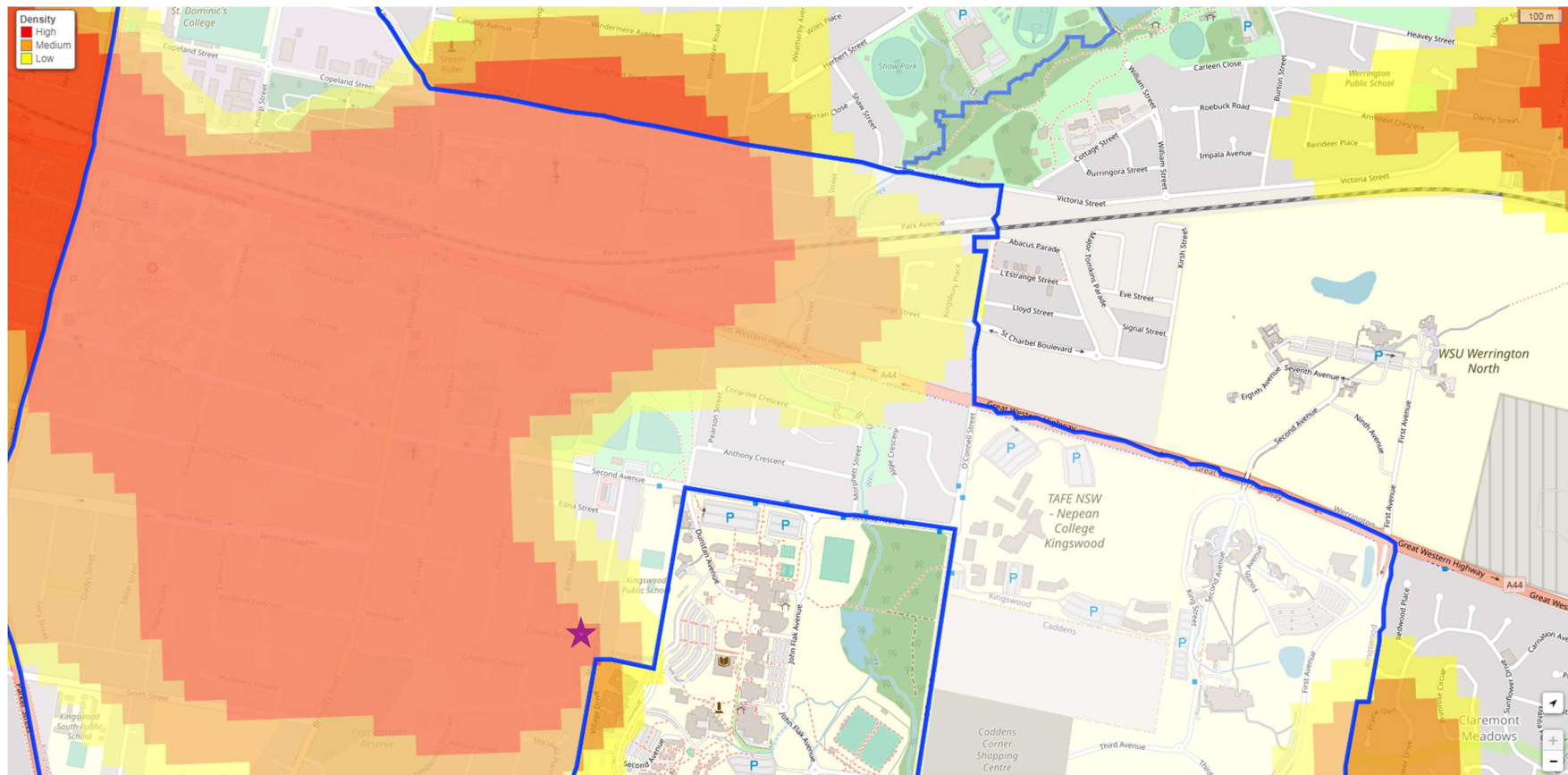


Figure B-4: Incidents of Theft (Break & enter dwelling) from April 2019 to March 2020, Kingswood suburb boundary identified

Source: NSW BoCSAR, NSW Crime Tool, <http://crimetool.bocsar.nsw.gov.au/bocsar/>, accessed on 10/06/2020.

Theft – Motor Vehicle theft

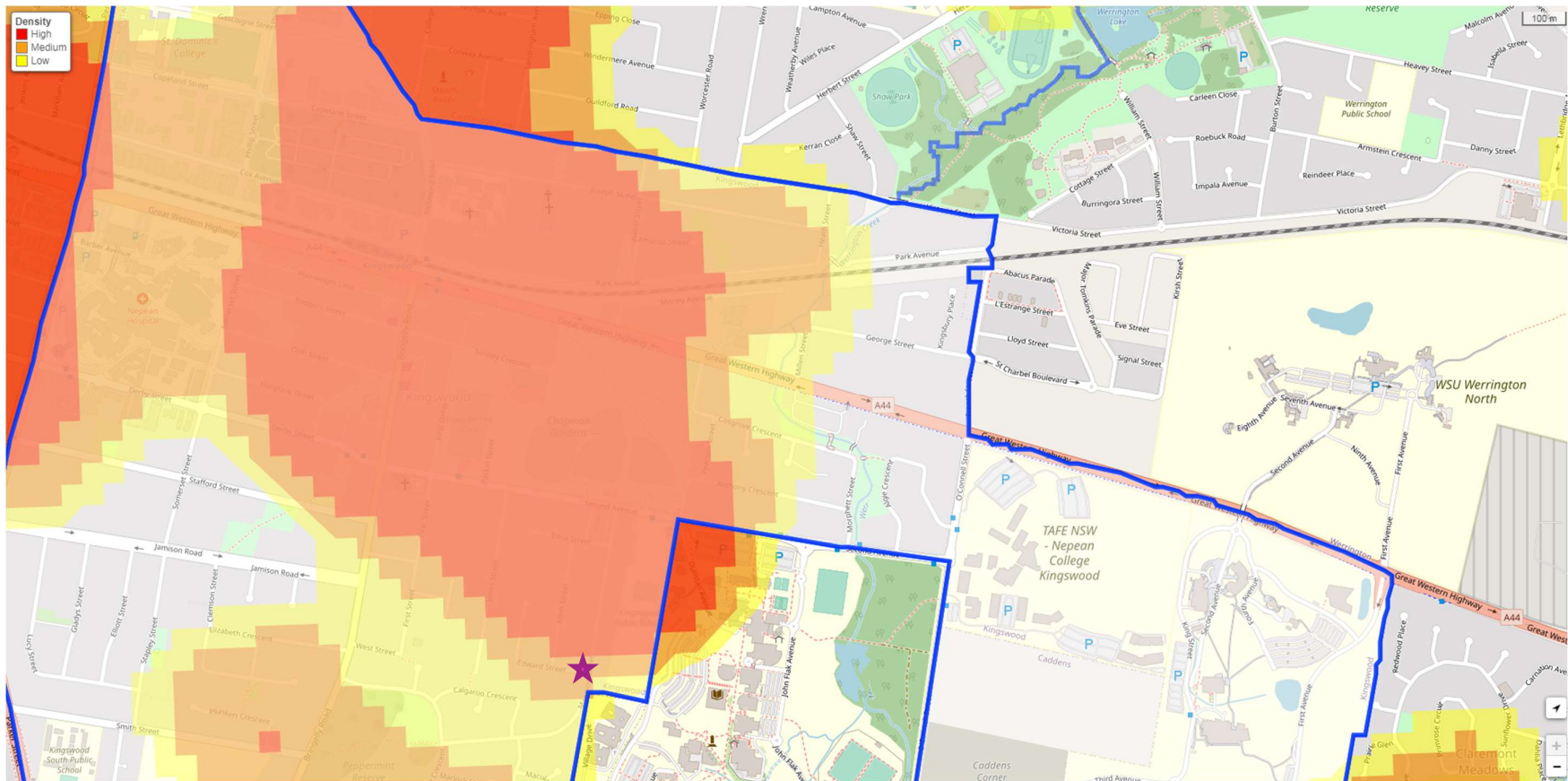


Figure B-5: Incidents of Theft (Motor vehicle theft) from April 2019 to March 2020, Kingswood suburb boundary identified

Source: NSW BoCSAR, NSW Crime Tool, <http://crimetool.bocsar.nsw.gov.au/bocsar/>, accessed on 10/06/2020.

Theft – Steal from Motor Vehicle

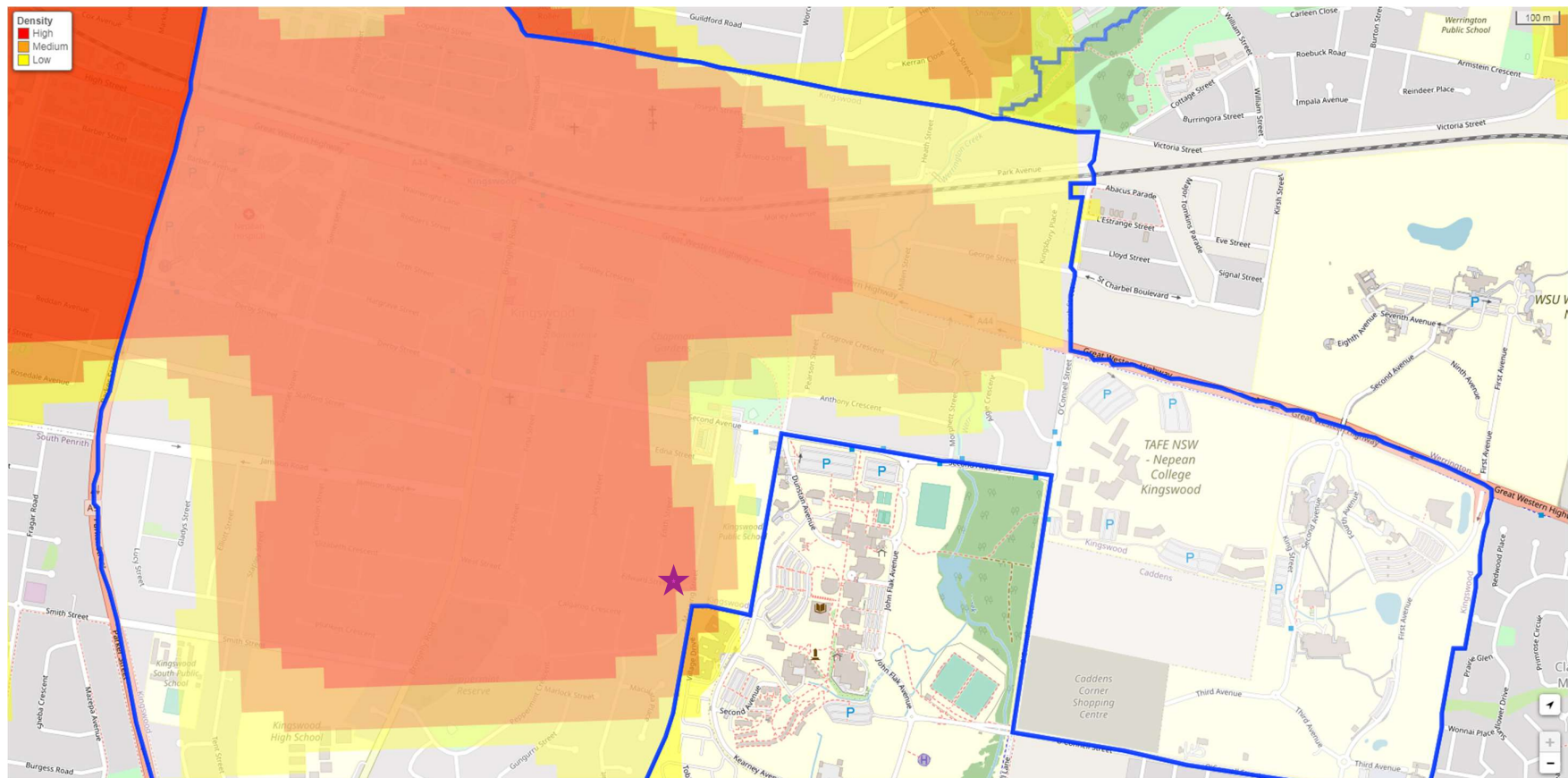


Figure B-6: Incidents of Theft (Steal from motor vehicle) from April 2019 to March 2020, Kingswood suburb boundary identified

Source: NSW BoCSAR, NSW Crime Tool, <http://crimetool.bocsar.nsw.gov.au/bocsar/>, accessed on 10/06/2020.

Theft – Steal from Dwelling

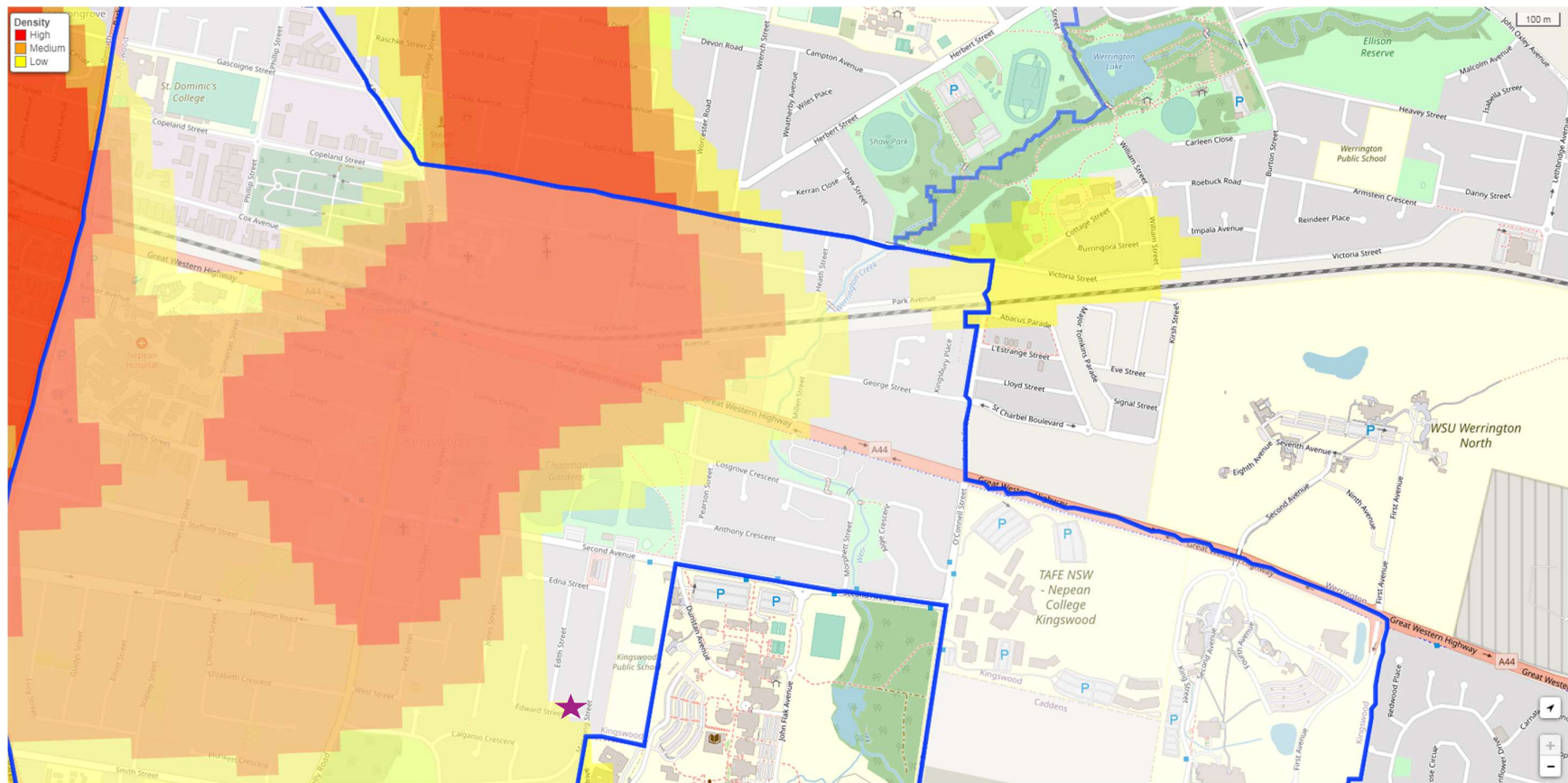


Figure B-7: Incidents of Theft (Steal from dwelling) from April 2019 to March 2020, Kingswood suburb boundary identified

Source: NSW BoCSAR, NSW Crime Tool, <http://crimetool.bocsar.nsw.gov.au/bocsar/>, accessed on 10/06/2020.

Theft – Steal from Person

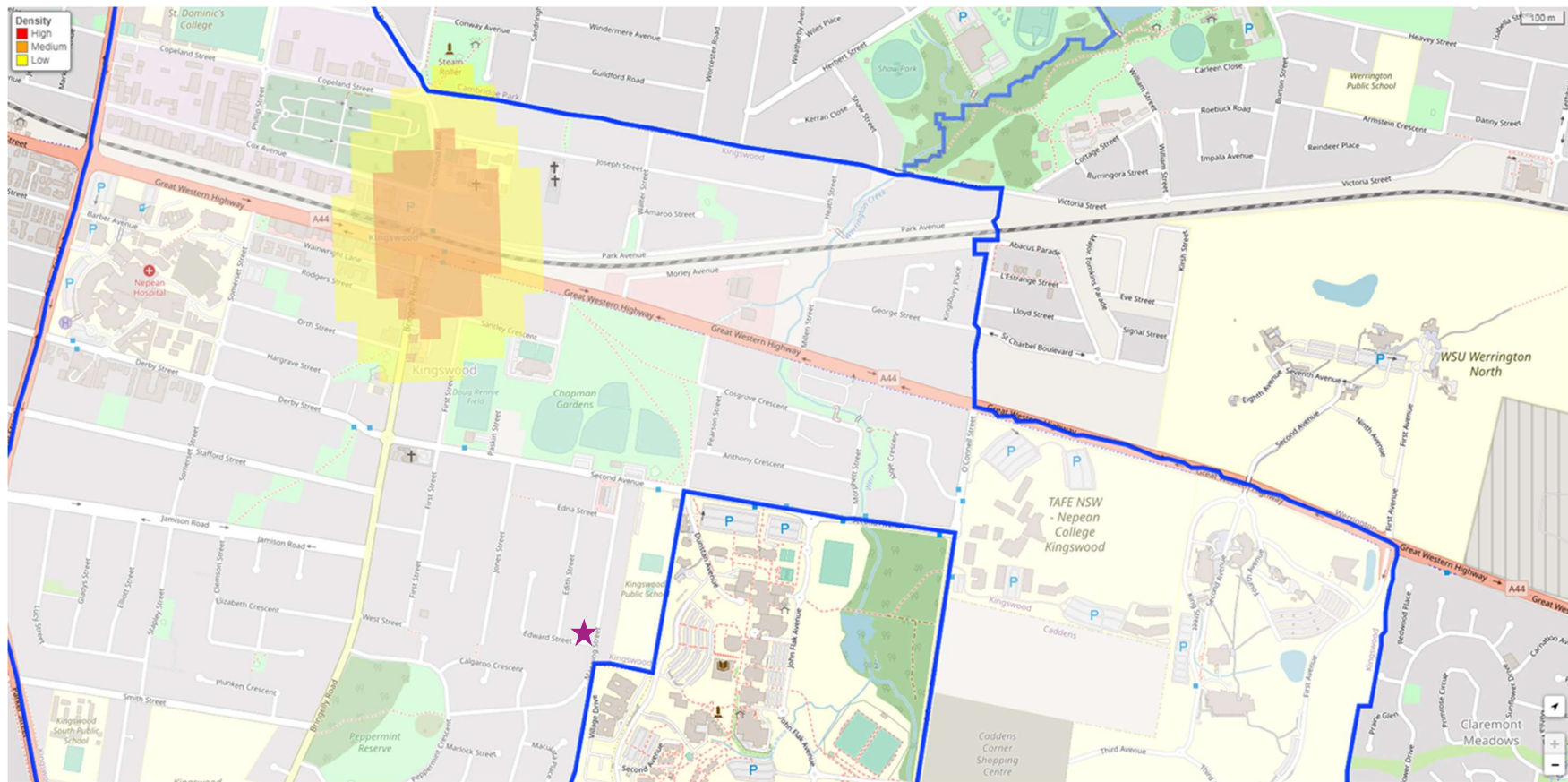


Figure B-8: Incidents of Theft (Steal from person) from April 2019 to March 2020, Kingswood suburb boundary identified

Source: NSW BoCSAR, NSW Crime Tool, <http://crimetool.bocsar.nsw.gov.au/bocsar/>, accessed on 10/06/2020.

Malicious Damage to Property

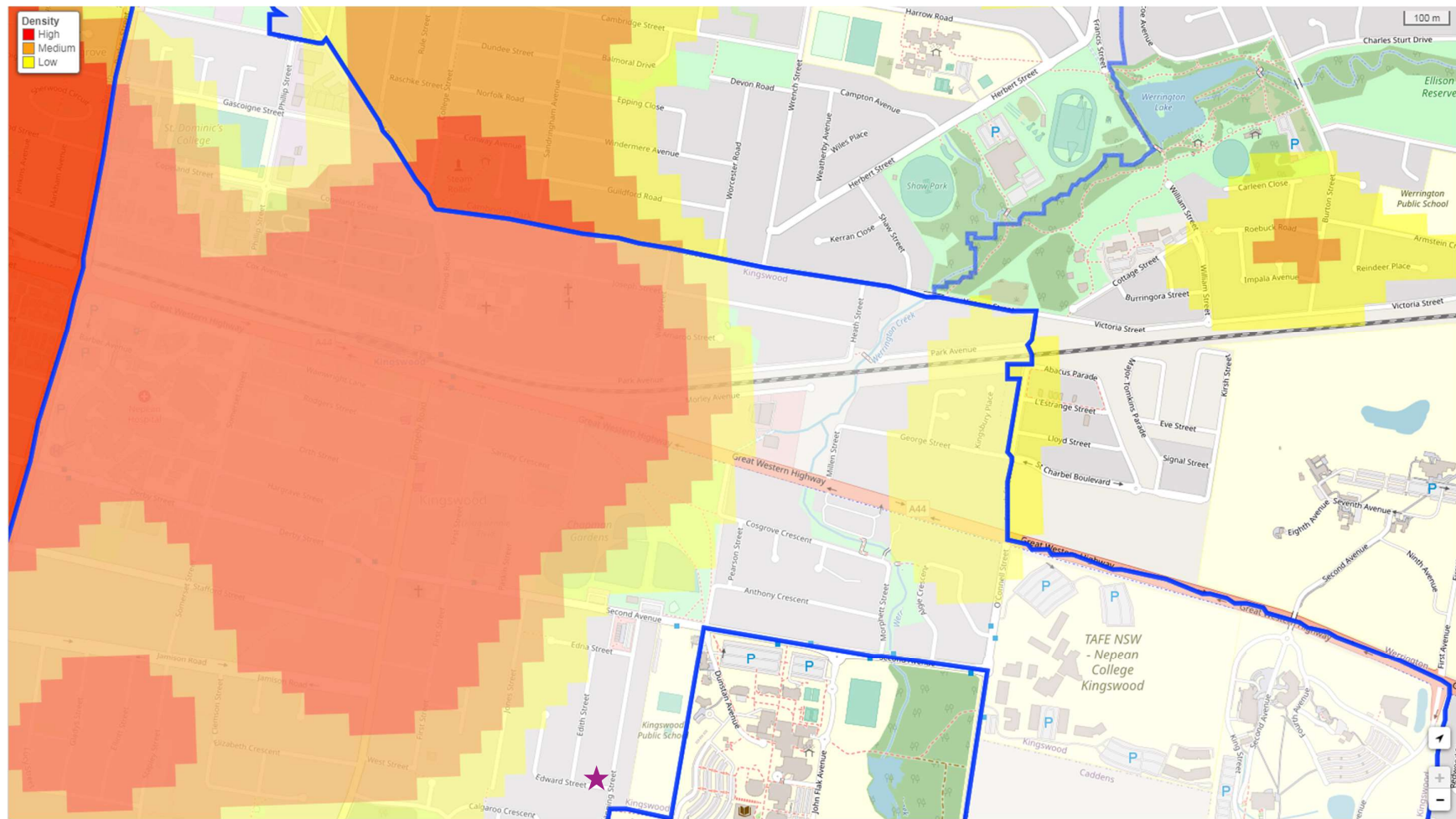


Figure B-9: Incidents of Malicious Damage to Property from April 2019 to March 2020, Kingswood suburb boundary identified

Source: NSW BoCSAR, NSW Crime Tool, <http://crimetool.bocsar.nsw.gov.au/bocsar/>, accessed on 10/06/2020.

Appendix C: Plan of Management and Attachments

3 EDWARD STREET, KINGSWOOD: BOARDING HOUSE

18th June 2020

1. PURPOSE

1.1 The primary purpose of this Plan of Management (PoM) is to ensure the proposed boarding house maintains a high level of amenity for neighbouring properties and for all residents living in the premises. Its objectives are:

- a.* to minimise disturbance to residents and neighbours.
- b.* to provide a procedure to receive and resolve complaints.
- c.* to maintain the internal and external appearance and cleanliness of the premises.
- d.* to ensure a person is readily contactable to assist in the ongoing implementation of this Plan of Management.
- e.* to ensure the use of the premises will be controlled by the PoM, and that the PoM is enforceable.
- f.* to ensure that the premises will be operated in strict accordance with the conditions of development consent.
- g.* to give effect to the occupancy principles under the Boarding House Act 2012.
- h.* to make provision for this plan to be amended from time to time with the approval of **Penrith City Council** in order to facilitate timely and responsive operational changes that will improve residential amenity within and external to the site.

2. SITE MANAGEMENT

2.1 It is the responsibility of the owner to ensure that the boarding house operates in accordance with the terms of this Plan of Management as well as all conditions of development consent granted by **Penrith City Council** and the *Boarding House Act 2012*.

2.2 A copy of this Plan of Management is to be retained on Council's Development Application, Construction Certificate and Property File.

2.3 The boarding house shall be restricted to **3 Edward Street, Kingswood** and will consist of 14 rooms including 2 accessible rooms on ground floor, indoor and outdoor common areas, and ground level parking area.

2.4 The boarding house will be a **Registerable, General boarding house** as defined by the *Boarding House Act 2012*.

2.5 The maximum occupancy of the boarding house is **17**, with the maximum number of persons per bedroom as follows:

- a) **Room 1:** 2 residents
- b) **Room 2:** 1 resident
- c) **Room 3:** 1 resident
- d) **Room 4:** 1 resident (Accessible room)
- e) **Room 5:** 1 resident (Accessible room)
- f) **Room 6:** 1 resident
- g) **Room 7:** 1 resident
- h) **Room 8:** 2 residents
- i) **Room 9:** 2 residents
- j) **Room 10:** 2 residents
- k) **Room 11:** 1 resident
- l) **Room 12:** 1 resident
- m) **Room 13:** 1 resident
- n) **Room 14:** 1 resident

2.6 At no time is any room to be advertised or made available for short stay accommodation such as that associated with backpacker hostels, motels, hotels or the like.

2.7 Registered boarding house residents will be provided with a key which will provide access to the Boarding House facilities and their individual room 24 hours per day, 7 days per week.

2.8 The property owner will engage a Boarding House Manager. The Boarding House Manager will be familiar with the content of the Plan of Management and can be contacted at any time using the contact details provided at **Attachment 1**.

2.9 The duties of the Boarding House Manager are to:

- a) Be contactable by phone between the hours of **9am to 5pm Monday to Friday**, with **after-hours contact number** for urgent enquiries provided at **Attachment 1**. The boarding house will also have a website where information will be available. The Boarding House Manager will also be contactable via email.
- b) Oversee all concerns related to boarders/residents of the premises.
- c) Oversee the tenant selection process to ensure that care is taken in the mix of boarding house residents, including awareness of the need to accommodate a diversity of tenants with regard to income, employment or student status; and obtaining any relevant documentation as required.

- d) Nominate and regularly liaise with a voluntary on-site caretaker/s for the boarding house, which can be a suitable tenant/s who provides a point of liaison between the day to day operations of the boarding house and the Boarding House Manager.
- e) Enforce the minimum occupancy period (see clause 2.6).
- f) Enforce maximum occupancy levels (see clause 2.5).
- g) Provide lodgers with appropriate information before they move in.
- h) Organise the cleaning and maintenance of common internal and external areas.
- i) Organise waste collection and facility needs for the site.
- j) Carry out regular inspections of rooms as per the terms of the Occupancy Agreement (every three months), and other areas, to ensure that the building is maintained in a clean and tidy condition and that all facilities and fittings are appropriately maintained.
- k) Record all inspections in an Inspection Register which will be made available to Council upon request.
- l) Maintain all electrical circuits to a safe standard.
- m) Maintain a complaints and incident register.
- n) Notify **Penrith City Council** in writing within 1 month of any change in the management of the boarding house and provide contact details for the new management processes and personnel.

The activities and procedures required by the Boarding House Manager to carry out these duties are detailed throughout this Plan of Management.

2.10 The Boarding House Manager shall have the appropriate qualifications and experience required to carry out these duties including First Aid Training, NSW National Police Check and introductory conflict management training.

3. ACCOMMODATION REGISTRATION

3.1 The Boarding House Manager will maintain an accommodation register providing the names of all occupants, their full contact details, and their agreed length of stay and payment details.

3.2 Each resident is to sign an Occupancy Agreement (**Attachment 2**), House Rules Agreement (**Attachment 3**), and the Plan of Management.

3.3 The minimum term for occupancy can be 3 months, 6 months or 12 months, with the option to roll over the agreement at the end of this fixed term for a further agreed period [noting that an amendment may need to be made to the Standard Occupancy Agreement to provide for this].

3.4 The Boarding House Manager will provide a copy of the signed Occupancy Agreement, House Rules, the Plan of Management, and a printed copy of the current version of the Fair Trading publication 'Living in a Boarding House' (**Attachment 4**) to each new resident.

3.5 Failure by residents to adhere to Occupancy Agreement, the House Rules and the Plan of Management may result in the termination of the Occupancy Agreement, subject to provisions set out in the Occupancy Agreement.

3.6 It is the policy of the boarding house to not let rooms to occupants that are unaccompanied children aged under 16 years, or to someone who could be a child aged under 16 years living away from home without parental permission.

3.7 If someone who could be a child aged under 16 years that could be living away from home without parental permission approaches the boarding house for accommodation, the Boarding House Manager will immediately inform Community Services via a call to the Child Protection Helpline on 132 111, as per instructions provided by NSW Fair Trading and the requirements of the *Children and Young Persons (Care and Protection) Act 1998*.

3.8 A child aged under 16 years who is accompanying a parent or carer may be permitted in certain circumstances. Such households would be accommodated in double rooms with all self-contained facilities, including a washing machine and drier, and direct access from the building to the street.

3.9 If the boarding house is to accommodate a child under 16 years living with a parent or carer, other residents of the boarding house will be required to provide a current Working With Children Check and National Police Check to ensure the safety of any children on the premises.

4. RESIDENT IDENTIFICATION

4.1 The Boarding House Manager requires photo ID (eg: typically either passport or driver's licence) of each resident at the time of signing the Occupancy Agreement. Where the person is an Australian citizen and does not hold a driver's licence or a passport, then alternative ID which may not hold a photo can be accepted.

5. BOARDING HOUSE MANAGER RESPONSIBILITIES

5.1 The Boarding House Manager shall be familiar with and aware of his or her responsibilities under such legislation as the *Occupational Health and Safety Act 2000*, *Occupational Health and Safety Regulation 2001* and the *Boarding House Act 2012*.

5.2 The Boarding House Manager shall be responsible for the implementation of management responsibilities as set out in the Plan of Management, Occupancy Agreement or RTA, and House Rules, including:

- a. Registration of all residents;
- b. Maintenance of all records in relation to resident registration, resident meetings and inspections;
- c. Keeping all common areas in an excellent state of cleanliness;
- d. Undertake regular inspections of residents' rooms to check cleanliness, condition of furniture and maintenance of services, as per the terms of the Occupancy Agreement (every

- three months). The Boarding House Manager will maintain a record of inspections in an Inspections Register that will be available to Council upon request.
- e. Supervising all maintenance operations including landscaping, cleaning, waste management, fire safety, repair or replacement of damaged or broken furniture and repair of any faulty services; and
 - f. The management and documentation of any disputes and/or complaints from boarding house residents and/or neighbours (see clauses 10 and 11 in this plan).

6. RESIDENT RIGHTS AND RESPONSIBILITIES

6.1 All residents will be informed of the occupancy principles of the *Boarding Houses Act 2012*, which set out their basic rights and responsibilities before, during and when they move out of the boarding house.

6.2 Resident **rights** are as follows (a – n).

Before residents move in, they have a right to:

- a. have a written occupancy agreement with the boarding house proprietor.
- b. be informed of how much the occupancy fee will be.
- c. know whether they will be charged for utilities such as gas, electricity or water. The amount charged for these utilities must be based on the cost of providing the utility and a reasonable measure or estimate of how much the resident has used.
- d. be informed of the house rules.
- e. be advised if they have to pay a security deposit and how much it will be. A security deposit cannot be more than the equivalent of 2 weeks occupancy fee.
- f. know how and why the occupancy agreement can be terminated, including how much notice will be given.

While a resident is living in the boarding house, they have:

- g. a right to live in a house that is reasonably clean and secure, and in a reasonable state of repair.
- h. a right to have quiet enjoyment of the place in which they live.
- i. a right to be given receipts for any money they pay the proprietor or boarding house manager.
- j. a right to be given 4 weeks written notice of any increase in the occupancy fee.
- k. a right to have any charges for utilities limited to the cost of providing the utility plus a reasonable estimate or measure of their usage.
- l. a right to not to be 'fined' for a breach of the occupancy agreement and house rules. If a resident breaches the agreement or the house rules they can be asked to leave, consistent with notice periods contained in the occupancy agreement.

When a resident moves out they have a right to:

- m. have their security deposit refunded within 14 days of moving out minus any deductions allowed under the Boarding Houses Act. Allowable deductions include unpaid rent, the reasonable cost of repairs for damage caused by the resident or their guests, the reasonable cost of cleaning areas they occupied and didn't leave reasonably clean, and the cost of replacing locks they removed or added without permission.
- n. be given reasonable written notice of eviction. In deciding how much notice to give a resident, the boarding house proprietor or manager can take into account the safety of other people living or working in the boarding house.

6.3 Resident **responsibilities** are as follows (a-d):

- a. A responsibility to comply with the Occupancy Agreement or RTA, the Plan of Management and the House Rules for the Boarding House.
- b. A responsibility to keep their room and bathroom clean at all times, and to give reasonable access to their room for inspection by the Boarding House Manager every three months as per the Occupancy Agreement. A resident must be given written notice that access is required, except in an emergency.
- c. A responsibility to advise the Boarding House Manager of any broken furniture or faulty services within the Boarding House.
- d. A responsibility to try to resolve any disputes they have with the Boarding House proprietor or manager. Either party can apply to the NCAT for help if a dispute cannot be resolved.

7. VISITORS

7.1 No more than 2 adults shall be permitted in any private room. Greater occupancy than that registered may result in termination of the occupancy agreement.

7.2 Residents inviting visitors to the premises must accept full responsibility for their guests' behaviour.

7.3 Visitors to the premises are only permitted to use common areas between **7.00am and 10.00pm**; and then only in the company of a resident.

8. FACILITIES FOR RESIDENTS

8.1 Residents will be provided with a self-contained room fitted with a security lock on the entry door.

8.2 Rooms will be furnished with a bed, wardrobe, mirror, desk/table and chair, desk lamp, night light, waste container and curtains or blinds. In-room kitchens will contain a two burner stove, bar fridge, microwave, kettle, sink, cutlery and crockery. Each room will also contain an ironing board, broom, mop and bucket.

8.3 Residents are not permitted to bring their own furniture to the premises, other than with consent of the Boarding House Manager.

8.4 A Notice Board will be provided in a convenient location, and other signage will be installed in rooms and appropriate locations, to provide information for residents including:

- a. Their rights and responsibilities
- b. Boarding house rules
- c. The right to privacy and complaints process
- d. Name and contact number of the boarding house manager or care taker
- e. Emergency and other essential telephone numbers
- f. Health and safety procedures, maintenance and fire safety in the building including a copy of the annual fire safety statement and current fire safety schedule
- g. Floor plans that will be permanently fixed to the inside of the door of each sleeping room which indicate the available emergency egress routes from the respective sleeping room
- h. Information on local social services

8.5 Communal living room and outdoor communal open space are provided for use by residents and their guests. The indoor communal living area will be provided with table and chair seating for 6 people and lounge seating for 4 people. The kitchen will include a sink, dishwasher, refrigerator, microwave, waste bins and storage cupboards including cutlery. The outdoor communal space opens up to a lawn area for use by residents and their guests.

8.6 An on-site shared laundry cum accessible toilet facility with a washing machine, laundry tub and outdoor clothes drying lines, are provided.

9. CAR, MOTOR BIKE AND BICYCLE PARKING

9.1 Ground level parking for 3 cars, 3 motor cycles and 3 bicycles are available on-site.

9.2 Vehicles will access the site via the driveway from **Edward Street**. There are 3 car parking spaces for residents, including shared space.

9.3 Car parking spaces for residents will be allocated upon negotiation as part of occupancy agreements, with additional letting fees charged to residents with parking spaces.

9.4 The motorcycle and bicycle parking spaces will be available for use by any residents that require them and will be negotiated as part of letting agreements but no additional rent will be charged for their use.

10. COMPLAINTS

10.1 The boarding house encourages active participation from the community in the ongoing operation of the business. A Complaint Management System will be developed to support a positive relationship between the Boarding House and its surrounding community.

10.2 The Boarding House Manager will be available, either in person or by phone, to deal with any complaints as to the operation and management of the premises. Phone contact details for the Boarding House Manager are to be displayed at the entrance to the boarding house, on a sign that can be clearly read from the adjacent footpath.

10.3 The details of the contact person in respect of all inquiries or complaints in relation to the premises are shown in **Attachment 1**.

10.4 The Boarding House Manager is responsible for recording all complaints, including complaints from residents, in a Complaints Register.

10.5 When receiving any complaints from community members the Boarding House Manager will provide advice that the complaint may also be reported to **Penrith City Council** and the NSW Police as required.

10.6 Complaints about noise will be attended to immediately. The Boarding House Manager will rectify the situation immediately and take all reasonable steps to prevent future occurrences. The Boarding House Manager will follow up by contacting the individual who made the complaint about noise to verify that the problem has been resolved.

10.7 The Complaints Register will contain:

- a.* Complaint date and time
- b.* Name of person/police/council officer making the complaint
- c.* Contact details of person making complaint
- d.* Nature of the complaint
- e.* Action taken (by whom and when)
- f.* Outcome and/or further action required

10.8 The Complaint Register must be updated within 24 hours of a complaint being made.

10.9 All complaints will be addressed by management within 24 hours of notification.

10.10 The Complaints Register will be made available for inspection to the Police and/or to **Penrith City Council** upon request.

10.11 Management of the Boarding House will regularly review the Complaints Register and where appropriate amend the operating procedures to minimise any negative impacts of the boarding house on residents in the boarding house and members of the surrounding community.

11. DISPUTES

11.1 The Boarding House Manager will convene at least quarterly meetings with residents to discuss any issues or problems that may need to be resolved. These meetings will be recorded in a Residents' Meeting Minutes Register and all issues raised by these meetings will be recorded in the Minutes.

11.2 In the event of a dispute between residents, the Boarding House Manager will attempt to negotiate a resolution between the involved residents. If the dispute cannot be resolved, then the Boarding House Manager will make an interim determination regarding the dispute, and this resolution will be binding on the residents.

11.3 If one or both of the residents are not satisfied with the Boarding House Manager's interim determination, the matter will be referred to a Community Justice Centre for mediation or arbitration. The Boarding House Manager will amend the interim determination in line with the recommendations of the Community Justice Centre.

11.4 Disputes in relation to the Occupancy Agreement will be resolved in accordance with Clause 9 of the Standard Occupancy Agreement which states that either party may apply to the NSW Civil and Administrative Tribunal (NCAT) to resolve a dispute about the Occupancy Agreement.

11.5 In the event of a dispute with an external party, the Boarding House Manager will initially attempt to resolve the dispute. If the dispute cannot be resolved, then the matter will be referred to the owner. If the dispute still cannot be resolved, the owner will refer the matter to the Community Justice Centre for mediation or arbitration.

12. CLEANING AND ONGOING MAINTENANCE

12.1 The common areas and communal open spaces are to be professionally cleaned at least once per week.

12.2 Common areas and circulation spaces will be kept clean and free from obstruction.

12.3 Cleaning of individual resident rooms is the responsibility of the respective resident. A mop, bucket and broom will be provided in each room. A vacuum cleaner is available from the manager on request.

12.4 A contracted gardener shall be engaged at least once every month to maintain the health and appearance of all managed landscape areas.

12.5 Pest control by a professional contractor shall be carried out at least once a year.

12.6 The external presentation of the premises will be maintained to a high standard. An external clean and graffiti removal of the property will be undertaken quarterly.

13. SAFETY AND SECURITY

13.1 A security card / key will be issued to all registered residents. No additional cards or keys will be issued to visitors.

13.2 Any resident failing to observe the House Rules and any cases of serious misconduct will be dealt with by the Boarding House Manager. In the event of serious misconduct the Boarding House Manager may require a resident, or a visitor, to leave the premises.

13.3 If the resident, or visitor, does not comply with a request to leave the premises the Boarding House Manager will call the Police.

13.4 Examples of serious misconduct include, but are not limited to, drug or alcohol abuse, sexual, racial or religious harassment, theft, or violence.

13.5 Residents are to advise the Boarding House Manager if they become aware that another resident or visitor is performing illegal acts such as drug abuse on the property. The Resident Manager shall call the Police in such instances.

13.6 The Boarding House Manager will maintain an Incident Register to record the details of incidents of serious misconduct and actions taken. The Incident Register will contain:

- a. Incident date and time
- b. Name(s) of person(s) involved in the incident
- c. Contact details of person(s) involved in the incident
- d. Nature of the incident
- e. Action(s) taken (by whom and when)
- f. Outcome and/or further action required

13.7 The Incident Register must be updated within 24 hours of an incident occurring.

13.8 The Incident Register will be made available for inspection by the Police and/or **Penrith City Council** upon request.

14. PUBLIC LIABILITY INSURANCE

14.1 The owners will maintain a public liability cover of \$10 million.

15. WASTE MANAGEMENT

15.1 All residents shall be responsible for disposing of their waste to the garbage and recycling bins at ground level.

15.2 The Boarding House Manager shall be responsible for taking the bins to and from the street on collection day.

15.3 Should they be required, the Boarding House Manager shall be responsible for the regular cleaning and servicing of any special waste collection receptacles, such as for 'sharps' and/or sanitary napkins.

15.4 A floor waste and hose cock is to be provided near the external bin storage area to ensure that the area retains a high state of cleanliness. The Boarding House Manager will wash down the bin storage area once every week to maintain cleanliness.

15.5 The Boarding House Manager shall ensure that household clean-up collections are managed in accordance with Penrith City Council's collection requirements.

16. FIRE SAFETY

16.1 The owner is responsible to ensure that certification of Fire Safety Equipment and preparation of the Form 15a is carried out each year by a qualified fire safety consultant.

16.2 A copy of the annual fire safety compliance statement and current fire safety schedule for the premises shall be displayed on the Notice Board in a prominent location.

16.3 Essential fire safety measures to comply with the *Environmental Planning and Assessment Regulation 2000* shall be provided.

16.4 Each boarding house room and each communal room will be fitted with hard wired smoke detectors.

16.5 An approved fire blanket will be located within 2 metres of every kitchen cooking area.

16.6 All mattresses, curtains and furniture provided by the Boarding House owner will be of materials that resist the spread of fire, and limit the generation of smoke and heat.

16.7 An evacuation plan must be clearly displayed in each boarding room and each common room. A floor plan must be permanently fixed to the inside of the door of every room to indicate the available emergency egress routes from the respective room.

16.8 The Boarding House Manager's contact phone number must be clearly displayed at the entrance of the premises and also be shown on signs available in each room. Other emergency contact details (police, fire, ambulance) as well as utility information (gas, electricity and plumbing) are to also be clearly visible in every room.

16.9 The Boarding House Manager shall conduct one emergency evacuation drill every three months.

17. ENERGY EFFICIENCY

17.1 Any replacement of fixtures or appliances is to be in accordance with the energy ratings required by the approved BASIX certificate.

18. AMENDMENT OF THE PLAN OF MANAGEMENT

18.1 This plan of management, including the House Rules and Occupancy Agreement, can be amended from time to time, subject to the approval of **Penrith City Council**.

ATTACHMENTS:

ATTACHMENT 1: CONTACT DETAILS FOR BOARDING HOUSE MANAGER

ATTACHMENT 2: OCCUPANCY AGREEMENT

ATTACHMENT 3: HOUSE RULES

ATTACHMENT 4: BROCHURE: 'Living in a Boarding House'

ATTACHMENT 5: CHECK SHEET FOR NEW BOARDING HOUSE RESIDENTS

ATTACHMENT 1: CONTACT DETAILS FOR RESIDENT MANAGER

NAME OF BOARDING HOUSE: To be advised

ADDRESS OF BOARDING HOUSE: 3 Edward Street, Kingswood

CONTACT DETAILS FOR BOARDING HOUSE MANAGER: To be advised

This information will be displayed in a sign at the entrance of the premises and also on signs available in each boarding house room.

The contact person in respect of all enquiries in relation to the operation of these premises is:

Name: To be advised

Position: Boarding House Manger

Phone Number: To be advised

After Hours Contact Number: To be advised

Email: To be advised

ATTACHMENT 2

STANDARD OCCUPANCY AGREEMENT

For general boarding houses under the *Boarding Houses Act 2012*

Between	
Proprietor	
Resident	

For	
Room	Address

The resident's room is: unfurnished ☐ furnished ☐ (if furnished, an inventory can be attached)

Other areas of the premises which are available for use by the resident

Kitchen/s ☐ Bathroom/s ☐ Common room ☐ Laundry ☐

Other _____

Term of Contract			
Commencement Date	Term of agreement (if any)	Occupancy Fee	To be paid
		\$ _____ per week/month/year	

Proprietor's Contact Details	
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AGREEMENT TERMS

1. Condition of the Premises (refer to occupancy principle 1 – see Annexure 1)

The proprietor agrees to provide and maintain the premises so that they are in a reasonable state of repair, are reasonably clean and reasonably secure.

2. House Rules (refer to occupancy principle 2)

The resident agrees to comply with the House Rules of the boarding house, which are listed on the attached "Statement of House Rules." House rules may not be inconsistent with the Occupancy Principles stated in Annexure 1, and are not enforceable if they are inconsistent.

3. No Penalties (refer to occupancy principle 3)

The resident is not required to pay a penalty for a breach of this Occupancy Agreement or the House Rules.

4. Quiet Enjoyment (refer to occupancy principle 4)

The proprietor agrees to take all reasonable steps to enable the resident's quiet enjoyment of the premises.

5. Inspections and Access (refer to occupancy principle 5)

The proprietor may inspect boarding house common areas at any reasonable time. Repairs, cleaning and maintenance of common areas can be carried out at reasonable times.

The proprietor may only enter the resident's room, at a reasonable time, with reasonable notice and on reasonable grounds. Agreed access and notice periods are set out below. If the third column is left blank, the suggested notice periods set out in the second column will apply.

Reason For Access	Suggested Notice Period <i>examples of reasonable notice periods - this notice period applies if the next column is left blank</i>	Notice to be given under this occupancy agreement <i>(if different)</i>
In an emergency, or to carry out emergency repairs or inspections	Immediate access	Immediate access*
To clean the premises	24 hours	
To carry out repairs	24 hours	
To show the room to a prospective resident	24 hours	
To carry out inspections	48 hours	

* Immediate access is likely to be necessary in this situation for safety reasons.

6. Notice of Fee Increase (refer to occupancy principle 6)

The resident is entitled to 4 weeks written notice of any increase in the occupancy fee.

7. Utility Charges (refer to occupancy principle 7)

The proprietor may charge an additional amount for utilities if the resident is made aware of this on signing this agreement. Details of the charge, including how the charge will be calculated, are included in Annexure 2, and Annexure 2 must signed and dated by the resident and the proprietor.

Charges for utilities must be based on the cost to the proprietor of providing the utility and a reasonable measure or estimate of the resident's use of that utility.

8. Security Deposit (refer to occupancy principle 8)

A security deposit of \$_____ is payable to the proprietor, this amount being no more than the sum of two (2) weeks occupancy fee. The security deposit is payable on the day the agreement is signed or on the following day. The security deposit will be repaid to the resident within 14 after the end of this agreement, less any amount necessary to cover:

- the reasonable cost of repairs to the boarding house or goods that come with it, as a result of damage (other than fair wear or tear) caused by the resident and their guest;
- any occupancy fee or other charges owing and payable under this Agreement or the Boarding Houses Act 2012;
- the reasonable cost of cleaning any part of the premises occupied by the resident and not left reasonably clean by the resident, having regard to the condition of the premises at the commencement of the occupancy; and
- the reasonable cost of replacing locks or other security devices altered, removed or added by the resident without the consent of the proprietor.

9. Dispute Resolution (refer to occupancy principle 11)

The proprietor and the resident agree to use their best endeavours to informally resolve any disputes between them that arise from this agreement. Either party may apply to the Consumer Trader and Tenancy Tribunal to resolve a dispute about the Occupancy Principles (see Annexure 1).

10. Written Receipts (refer to occupancy principle 12)

The proprietor agrees to provide the resident with a written receipt for all money paid to the proprietor, including money paid for occupancy fees, a security deposit and for any utility charges. The receipt should be provided within a reasonable time period after the payment is received.

11. Termination (refer to occupancy principles 9 and 10)

The resident is entitled to know why and how this Occupancy Agreement may be terminated, and how much notice will be given before termination. The resident may not be evicted without reasonable written notice from the proprietor.

This Agreement can also be terminated by the resident by written notice given to the proprietor. Agreed reasons for termination and notice periods are set out below. If the third column is left blank, the suggested notice periods set out in the second column will apply.

Reason for Termination by Proprietor	Suggested Notice Period <i>examples of reasonable notice periods - this notice period applies if the next column is left blank</i>	Notice to be given under this occupancy agreement <i>(if different)</i>
Violence or threats of violence towards anyone living, working or visiting the premises	Immediate	Immediate*
Wilfully causing damage to the premises, or using the premises for an illegal purpose	1 day	
Continued and serious breach of this Agreement or the house rules, following a written warning	3 days	
Continued minor breach of this Agreement or the house rules, following a written warning	1 week	
Non-payment of the occupation fee	2 weeks	
Any other reason, including vacant possession required and "no grounds" termination	4 weeks	

*Immediate termination is likely to be necessary in this situation in order to protect other residents and employees.

Reason for Termination by Resident	Suggested Notice Period <i>examples of reasonable notice periods - this notice period applies if the next column is left blank</i>	Notice to be given under this occupancy agreement <i>(if different)</i>
Serious breach of Agreement by proprietor	1 day	
Minor breach of agreement by proprietor	1 week	
No grounds/Any other reason	1 week	

12. Use of the Premises

The resident agrees not to wilfully or negligently cause damage to the premises or to use the premises for an illegal purpose and to respect other residents' rights to quiet enjoyment of the premises.

NOTE: Any term of this Agreement is not enforceable if it is inconsistent with the Occupancy Principles set out in Schedule 1 of the *Boarding Houses Act 2012*. The Occupancy Principles are attached at Annexure 1.

Signed: _____

(Proprietor)

Signed: _____

(Resident)

Date: _____

Date: _____

OPTIONAL INFORMATION

The resident may provide contact details to be used in an emergency

PERSONAL PHONE No/s: _____

EMERGENCY CONTACT PERSON

NAME: _____ RELATIONSHIP: _____

PHONE and/or ADDRESS: _____

Annexure 1

Occupancy principles

NB: These principles are contained in Schedule 1 of the *Boarding Houses Act 2012* and apply to residents of NSW boarding houses which are covered by this Act.

1. State of premises

A resident is entitled to live in premises that are:

- (a) reasonably clean, and
- (b) in a reasonable state of repair, and
- (c) reasonably secure.

2. Rules of registrable boarding house

A resident is entitled to know the rules of the registrable boarding house before moving into the boarding house.

3. Penalties for breaches of agreement or house rules prohibited

A resident may not be required to pay a penalty for a breach of the occupancy agreement or the rules of the registrable boarding house.

4. Quiet enjoyment of premises

A resident is entitled to quiet enjoyment of the premises.

5. Inspections and repairs

A proprietor is entitled to enter the premises at a reasonable time on reasonable grounds to carry out inspections or repairs and for other reasonable purposes.

6. Notice of increase of occupancy fee

A resident is entitled to 4 weeks written notice before the proprietor increases the occupancy fee.

7. Utility charges

(1) The proprietor is entitled to charge a resident an additional amount for the use of a utility if:

- (a) the resident has been notified before or at the time of entering the occupancy agreement of the use of utilities in respect of which the resident will be charged, and
- (b) the amount charged is based on the cost to the proprietor of providing the utility and a reasonable measure or estimate of the resident's use of that utility.

(2) A utility for the purposes of this clause is each of the following:

- (a) the supply of electricity,
- (b) the supply of gas,
- (c) the supply of oil,
- (d) the supply of water,
- (e) the supply of any other service prescribed by the regulations.

8. Payment of security deposits

(1) The proprietor may require and receive a security deposit from the resident or the resident's authorised representative only if:

- (a) the amount of the deposit does not exceed 2 weeks of occupancy fee under the occupancy agreement, and
- (b) the amount is payable on or after the day on which the resident (or the resident's authorised representative) enters the agreement.

(2) Within 14 days after the end of the occupancy agreement, the proprietor must repay to the resident (or the resident's authorised representative) the amount of the security deposit less the amount necessary to cover

the following:

- (a) the reasonable cost of repairs to, or the restoration of, the registrable boarding house or goods within the premises of the boarding house, as a result of damage (other than fair wear and tear) caused by the resident or an invitee of the resident,
- (b) any occupation fees or other charges owing and payable under the occupancy agreement or this Act,
- (c) the reasonable cost of cleaning any part of the premises occupied by the resident not left reasonably clean by the resident, having regard to the condition of that part of the premises at the commencement of the occupancy,
- (d) the reasonable cost of replacing locks or other security devices altered, removed or added by the resident without the consent of the proprietor,
- (e) any other amounts prescribed by the regulations.

(3) The proprietor may retain the whole of the security deposit after the end of the occupancy agreement if the costs, fees or charges referred to in subclause (2) (a)–(e) are equal to, or exceed, the amount of the security deposit.

(4) In this clause:

security deposit means an amount of money (however described) paid or payable by the resident of a registrable boarding house or another person as security against:

- (a) any failure by the resident to comply with the terms of an occupancy agreement, or
- (b) any damage to the boarding house caused by the resident or an invitee of the resident, or
- (c) any other matter or thing prescribed by the regulations.

9. Information about occupancy termination

A resident is entitled to know why and how the occupancy may be terminated, including how much notice will be given before eviction.

10. Notice of eviction

(1) A resident must not be evicted without reasonable written notice.

(2) In determining what is reasonable notice, the proprietor may take into account the safety of other residents, the proprietor and the manager of the registrable boarding house.

(3) Subclause (2) does not limit the circumstances that are relevant to the determination of what is reasonable notice.

11. Use of alternative dispute resolution

A proprietor and resident should try to resolve disputes using reasonable dispute resolution processes.

12. Provision of written receipts

A resident must be given a written receipt for any money paid to the proprietor or a person on behalf of the proprietor.

Annexure 2

SCHEDULE OF ADDITIONAL CHARGES

ITEM	AMOUNT	WHEN DUE TO BE PAID	HOW CALCULATED

NOTE:

- This schedule is only for use if there are fees or charges in addition to the occupancy fee.
- This schedule forms part of the Occupancy Agreement when signed and dated by both parties.
- A receipt is to be provided to the resident for all payments of additional fees or charges made by the resident, within a reasonable time after the payment is received.
- Charges for utilities must comply with Occupancy Principle 7.

Signed: _____
(Proprietor)

Signed: _____
(Resident)

Date: _____

Date: _____

ATTACHMENT 3: HOUSE RULES

The House Rules are a supplement to the Occupancy Agreement and the Plan of Management for the boarding house.

The House Rules provide information about the standards and procedures that all residents are required to meet. They are designed to achieve a safe and comfortable living environment in the boarding house.

Residents must read and sign the House Rules at the time of registering their occupancy.

The Boarding House Manager or Management Agency must provide every incoming resident with a copy of these House Rules, and the House Rules must also be prominently displayed on the Notice Board.

1. Privacy and quiet enjoyment

1.1 Residents must respect the peace and privacy of other residents at all times.

1.2 Residents will ensure that noise levels are kept at an acceptable level and that noise does not adversely impact on neighbouring residents. Particular care is to be taken past 10pm and before 7am and, if another resident or a neighbouring property owner complains about the noise after that time, then it may be necessary to use headphones or the like.

1.3 No live or amplified music is permitted in the common outdoor areas, nor is music to be audible beyond individual rooms or common indoor areas.

1.4 No alcohol is permitted to be consumed in common open space areas.

1.5 The indoor and outdoor common areas are not to be used between 10pm and 7am the following day, unless authorised by the Boarding House Manager.

1.6 No parties are permitted, either in the common areas or in private rooms.

2. Health, Safety and Security

2.1 The premises are non-smoking. This includes within each private room and all common indoor and outdoor areas.

2.2 No unauthorised drugs are permitted on the premises.

2.3 Residents shall not engage in drug or alcohol abuse; sexual, racial or religious harassment; theft or violence.

2.4 Residents must speak and behave respectfully towards one another. Residents are not to discriminate against other residents on the basis of gender, ethnicity, race, sexuality or religious beliefs. Residents are to avoid speaking or behaving in a way that engenders ill-feeling.

2.4 No prohibited weapons are permitted on the premises. Prohibited weapons are as defined in Schedule 1 of the *Weapons Prohibition Act 1998*.

- 2.5 No glassware is permitted in the outdoor common open space area.
- 2.6 No visitors are permitted on the premises unless attended by a resident.
- 2.7 Residents are responsible for the behaviour of their visitors. Visitors are required to comply with the House Rules.
- 2.8 The Boarding House Manager has the discretion to be able to ask any person to vacate the common areas, should they breach the House Rules.
- 2.9 No visitors are permitted to remain on the premises between the hours of 9 pm and 9 am.
- 2.10 Residents must keep the front door locked at all times.
- 2.11 If a resident loses their security card/key it will be necessary to pay for the replacement card/key.
- 2.12 Residents are not to use the premises for any illegal purpose. Residents are not to use the premises other than as a boarding room. For example, residents are not to use the premises as office premises or business premises or retail premises. (That does not preclude a boarding house resident using, for example, a laptop computer or phone for work-related purposes).

3. Cleanliness and good order

- 3.1 Rubbish is to be placed in the bins provided. Residents must remove waste from their rooms and place it in the communal bins on the ground floor. Residents shall separate recyclable material from non-recyclable material. No recyclable material shall be kept in bags (e.g. plastic bags). General waste is to be stored in plastic bags and shall be tied prior to storage. Residents are to wash recyclable containers so that gross organic matter is removed. The green bins are for Boarding House Manager use only for landscaping matter.
- 3.2 There shall be no littering.
- 3.3 Occupants are to keep their room and bathroom clean at all times, and make their room available for inspection by the Boarding House Manager every three months as per the Occupancy Agreement.
- 3.4 Residents are to keep the common areas clean and tidy. Residents who make a mess in common areas are to be responsible for cleaning up that mess. Residents are to clean common room kitchen surfaces and to sweep up food waste. Residents are to wash their own dishes, cooking utensils, pots and pans immediately after use in common areas. Residents are to wipe down their table surface after they have finished eating in common areas.
- 3.5 Residents are to share the use of common cooking facilities if necessary. For example, if another resident wishes to use the cooker, a resident is not to use all of the available hot plates.
- 3.6 Residents are to store food within in-room cupboards and fridges, not in common areas.
- 3.7 No clothes, washing, towels or other items are to be placed on any window or balcony.
- 3.8 Residents must remove their washing and belongings from the common laundry area immediately after their washing cycle has been completed.

3.9 Residents using the clothes drying lines are to remove the clothes when they are dry and are not to leave clothes hanging out for longer than necessary – within reasonable parameters acknowledging that residents might go out for the day and return to bring in their dry clothes.

3.10 The Boarding House Manager will have the authority to implement a roster for the use of the clothes drying area and washing machines if necessary. Residents shall adhere to that roster unless another rostered resident gives a resident permission to use their space in that roster.

3.11 Only small pets (small mammals such as mice or guinea pigs in appropriate cages, fish or birds) are permitted to be kept on the premises and with the Boarding House Manager's permission. No cats, dogs or large animals are permitted. The Boarding House Manager has the authority to restrict the number and/or type of pet, particularly where the keeping of the pet impacts upon the amenity and quiet enjoyment of other residents.

3.12 Residents must report any damage or maintenance requirements to the Boarding House Manager.

3.13 Residents must not remove or alter any furniture or fittings in the premises.

4. Fire safety

4.1 Residents must keep common areas and corridors free of personal belongings, to ensure there are no obstructions to the safe evacuation of the building.

4.2 Residents must not interfere with fire safety measure or equipment.

4.3 Candles and other naked flames are not to be used in the premises.

5. Parking spaces

5.1 Limited parking is available on-site for cars, motorcycles and bicycles.

5.2 3 car parking spaces are available for residents and will be allocated upon negotiation of the occupancy agreement for an additional fee.

5.3 Motorcycle and bicycle parking spaces will be allocated at no charge.

6. Mail boxes

6.1 Residents are asked to clear their mail boxes at least once per week.

The Boarding House Manager reserves the right to regulate additional matters within reason for the purposes of protecting the boarding house property or for the purposes of protecting the reasonable amenity of residents of the boarding house and of neighbouring properties.

I hereby acknowledge that I have read and understood the House Rules:

Name: _____

Signature: _____

Boarding House Room Number: _____

Date: _____

ATTACHMENT 4: Living in a Boarding House

Non-registrable boarding houses

Do you live in a boarding house that isn't 'registrable'? You and the boarding house operator can choose to enter into an agreement which includes the occupancy principles. You have rights as a consumer under the Australian Consumer Law.

To find out more, visit www.fairtrading.nsw.gov.au or call **13 32 20**.

Boarding house register

Did you know there is a public register that allows you to search for all 'registrable' boarding houses in NSW? Visit www.fairtrading.nsw.gov.au or call **13 32 20**.

Need help?

If you have any questions about your rights as a boarding house resident, call us on **13 32 20** or visit our website.

If you have a dispute with another resident or with the operator, the NSW Civil and Administrative Tribunal (NCAT) can help. The dispute can be about any of the occupancy principles including the state of the boarding house, fees and charges, inspections, repairs, notices of eviction and more.

Call the Tribunal on **1300 006 288** or visit www.ncat.nsw.gov.au



Useful contacts

Tenants Advice and Advocacy Services (TAAS)

TAAS provides boarders and lodgers, social housing tenants and other NSW tenants with free assistance and information. Find your nearest TAAS at www.tenants.org.au

Housing NSW

Provides people with emergency and temporary accommodation. Call 1300 468 746 or visit www.housing.nsw.gov.au

Mental Health Line

Call 1800 011 511 anytime to speak with a mental health professional.



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- Co-operatives, associations and charitable fundraising
- Home building and renovating
- Product safety
- Strata and community living
- Resolving disputes
- Loose-fill asbestos implementation taskforce

www.fairtrading.nsw.gov.au Enquiries **13 32 20**
Language assistance 13 14 50 (ask for an interpreter in your language)
TTY 1300 723 404 for hearing impaired

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January 2016

Living in a boarding house?



 **Fair Trading**
www.fairtrading.nsw.gov.au

Boarding houses

Boarding houses provide accommodation for a fee and are sometimes called lodging houses. Often, residents only have the right to occupy a room and share other facilities such as kitchens and bathrooms.

If you live in a 'registrable' boarding house, you have a basic set of rights called occupancy principles. This brochure outlines these rights and where to get more information.

What is a 'registrable' boarding house?

There are two types of 'registrable' boarding houses:

- **General boarding houses**

These accommodate five or more paying residents excluding the owner's family and manager. This does not include hotels, backpackers and aged care homes. To find out more, visit our website or call **13 32 20**.

- **Assisted boarding houses**

These accommodate two or more persons with additional needs. These are licensed by Ageing Disability & Home Care (ADHC). For more details visit www.adhc.nsw.gov.au or call **02 937 000**.

What is an occupancy agreement?

An occupancy agreement is a written contract between you and the boarding house operator. It details your basic rights and responsibilities. Legally, the operator must have an occupancy agreement with you. Even if they don't, your rights are still protected by law and you can enforce them. Always ask for a written agreement so you know your rights and responsibilities.

Your rights when living in a boarding house

Before you move in

You have a right to:

- have a written occupancy agreement
- be told how much the occupancy fee (ie. rent) will be
- know whether you will be charged for utilities such as gas, electricity or water
- be told the house rules
- be told if you have to pay a security deposit and how much it will be
- know how and why the occupancy agreement can be terminated, including how much notice you will get.

While you live there

You have a right to:

- live in a house that is reasonably clean and secure, and in a reasonable state of repair
- have quiet enjoyment of the place you live in
- be given receipts for any money you pay
- be given 4 weeks written notice of any increase in the occupancy fee
- have utility charges limited to the cost of providing the utility plus an estimate of your usage
- not be 'fined' for a breach of the occupancy agreement and house rules. If you breach the agreement or the house rules you can be asked to leave
- apply to the Tribunal for help if you cannot resolve a dispute with a boarding house operator
- be given written notice, except in emergencies, for room inspections or repairs.

When you move out

You have a right to:

- have your deposit refunded within 14 days of moving out minus any allowable deductions such as unpaid rent, the cost to repair any damage you caused or to clean areas you left unclean, or to replace locks you removed or added without permission
- be given reasonable written notice of eviction. The boarding house proprietor can consider the safety of others in deciding how much notice to give.



ATTACHMENT 5: CHECK SHEET FOR NEW BOARDING HOUSE RESIDENTS

Please return this check sheet to the Boarding House Manager after you have received all the documents listed below.

I CERTIFY THAT I HAVE BEEN PROVIDED WITH PRINTED COPIES OF MY SIGNED:

- BOARDING HOUSE PLAN OF MANAGEMENT
- CONTACT DETAILS FOR BOARDING HOUSE MANAGER
- OCCUPANCY AGREEMENT
- HOUSE RULES
- BROCHURE: 'Living in a Boarding House'

Resident's Name: _____

Resident's Signature: _____

Boarding House Room Number: _____

Date: _____

ACCESS DESIGN REPORT

TO / ATTN: **Santhosh Rajendran**

PROPRIETOR: **Signature Group of Companies**
6D / 7 Meridian Place
Bella Vista

PROJECT: **Proposed Boarding House**
3 Edward Street
Kingswood



5 August 2020
ABN: 50 964 651 584

REFERENCE NO: 2020010_9_ISSUE C

PURPOSE OF REPORT

This report is to assess the compliance potential with the Disability (Access to Premises - Buildings) Standards 2010, the Building Code of Australia 2019 and Australian Standard Design for Access and Mobility AS1428.1 2009 for Development Approval for the project.

PROJECT OUTLINE

The project consists of a new boarding house residential building. It is Class 3 under the BCA and has a rise of 2 stories with 14 sole occupancy rooms. It has 2 accessible sole occupancy rooms on the ground floor which are rooms 1 and 4.

REFERENCED DOCUMENTS

Ref.	Name	Revision
2020-09 SK-02	Proposed Site and Ground Floor Plan	K
2020-09 SK-03	First Floor Plan	G

COMPLIANCE STATEMENT

The project is required to comply with the access requirements identified as applicable in the *Referenced Access Requirements* (listed below) and in the attached detailed tables as required for a new Class 3 building.

Principal: Andrew D. Blamey - Nominated Architect NSW 4504

Accredited Access Consultant ACAA 148

2B AZALEA GROVE, PENNANT HILLS 2120

WEBSITE: www.aibee.com.au EMAIL: info@aibee.com.au PHONE: 02 9484 0393

REFERENCED ACCESS REQUIREMENTS

Disability (Access to premises – Buildings) Standards 2010 (PS)	Applicable
Building Code of Australia 2019 (BCA) Part D3	Applicable
Building Code of Australia 2019 (BCA) Part E3.6	Applicable
Building Code of Australia 2019 (BCA) Part F2.4	Applicable
AS1428.1 – 2009 Design for Access and Mobility (where referenced by BCA)	Applicable
AS1428.4.1 – 2009 Tactile Ground Surface Indicators (where referenced by BCA)	Applicable
AS2890.6 – Parking for people with disabilities	Applicable

COMPLIANCE WITH PREMISES STANDARD

Since 1st May 2011 all buildings, both new and existing, are required to comply with the provisions of the Premises Standards (PS) before construction certification can be provided subject to conditions.

This application is for a new building. The proposal is New Parts as defined under clause 2.1 (4). The New Parts are required to comply with the accessibility provisions of the Premises Standards.

COMPLIANCE WITH BUILDING CODE OF AUSTRALIA

All new building work is required to comply with the Building Code of Australia (BCA) construction certification and in order to obtain an occupation certificate.

The deemed to satisfy accessibility requirements of the BCA mostly match those of Access Code for Buildings of the Premises Standards.

PENRITH CITY DCP 2014

Compliance with the accessibility provisions of Penrith City DCP 2014 is expected to be required as a condition of Development Approval. Part C1.2.6 requires new developments to provide for equitable and flexible use. The DCP does not specifically address requirements for Boarding Houses but access to the ground floor and the provision of accessible sole occupancy units as required by the BCA are considered to exceed the DCP 7 Principles listed for Universal Design.

ASSESSMENT SUMMARY

- The proposal is to be assessed as New Parts under the Premises Standards.
- An accessible path of travel is to be provided from the front boundary through the principal entrance and to the two accessible sole occupancy units. The accessible path must also extend to the entry door to each sole occupancy unit on the ground floor and to all common facilities.
- The upper floor is not required to have a lift or ramp for wheelchair access but even so the stairs are to fully comply with AS1428.1 to allow for people with disabilities other than wheel chair users to access the upper floor.
- The proposal provides two accessible sole occupancy units based on the BCA requirements. These two units have accessible ensuites to AS1428.1 and compliant door circulations. Other units are not required to be accessible internally of the units.
- The appointed certifier is required to ensure BCA accessibility compliance for all New Parts at construction certification.

CONCLUSIONS

In my opinion the proposal complies with the Premises Standards, BCA and Penrith City DCP accessibility requirements as required for a planning level of assessment and is capable of full compliance at Construction Certification stage of documentation.

Regards,



Andrew Blamey

Registered Architect – NSWARB 4504
Accredited Access Consultant – ACAA 148
Liveable Housing Assessor



aibee ARCHITECTS

COMPLIANCE TABLE - DISABILITY (ACCESS TO PREMISES - BUILDINGS) STANDARDS 2011

Clause	Clause	Compliance status
Part 2		
Scope of Standards		
2.1 (1)	Subject to subsection (2), these standards apply to the following:	
2.1 (1)(a) New building	(a) a new building, to the extent that the building is (i) a specified Class 1b building; or (ii) a Class 2 building that has accommodation available for short-term rent; or (iii) a Class 3, 5, 6, 7, 8, 9 or 10 building;	Applicable as Class 3
2.1 (1) (b) New and affected parts of building	(b) a new part, and any affected part, of a building, to the extent that the part of the building is (i) a specified Class 1b building; or (ii) a Class 2 building that: (A) has been approved on or after 1 May 2011 for construction; and (B) has accommodation available for short-term rent; or (iii) a Class 3, 5, 6, 7, 8, 9 or 10 building;	Applicable as Class 3
2.1 (2) Do not apply	These Standards do not apply to the following: (a) the internal parts of a sole-occupancy unit (within the meaning of the Access Code) in a Class 2 building; (b) Class 10 buildings associated with a Class 1a or a Class 4 part of a building	N/A

Clause	Clause	Compliance status
2.1 (4) New Part	A part of a building is a new part of the building if it is an extension to the building or a modified part of the building about which: (a) an application for approval for the building work is submitted, on or after 1 May 2011, to the competent authority in the State or Territory where the building is located: or	Applicable
2.1 (5) Affected part	(5) An affected part is: (a) the principal pedestrian entrance of an existing building that contains a new part; and (b) any part of an existing building, that contains a new part, that is necessary to provide a continuous accessible path of travel from the entrance to the new part.	Not applicable as all New Part
Part 3		
Requirements of Standards		
3.1 (1) Compliance	(1) A building certifier, building developer or building manager of a relevant building (other than an existing public transport building) must ensure that the building complies with the Access Code.	Applicable
3.2 (1) Compliance with Access Code	(1) For section 3.1, a building certifier or building developer of a relevant building is taken to have ensured that the building complies with the Access Code if the building complies with: (a) the following clauses of the Access Code: (i) clauses D3.1 to D3.12; (ii) clause E3.6; (iii) clauses F2.2 and F2.4;	Applicable

Clause	Clause	Compliance status
Part 4		
Exceptions and concessions		
4.1 (1) Unjustifiable Hardship	(1) It is not unlawful for a person to fail to comply with a requirement of these Standards if, and to the extent that, compliance would impose unjustifiable hardship on the person.	Noted
4.1 (2) Unjustifiable Hardship	(2) However, compliance is required to the maximum extent not involving unjustifiable hardship.	Noted
4.1 (3) Unjustifiable Hardship	(3) In determining whether compliance with a requirement of these Standards would involve unjustifiable hardship, all relevant circumstances of the particular case are to be taken into account, including the following: (a) any additional capital, operating or other costs, or loss of revenue, that would be directly incurred by, or reasonably likely to result from, compliance with the requirement; (b) any reductions in capital, operating or other costs, or increases in revenue, that would be directly achieved by, or reasonably likely to result from, compliance with the requirement; (c) the extent to which the construction of the building has or will be financed by government funding; (d) the extent to which the building: (i) is used for public purposes; and (ii) has a community function; (e) the financial position of a person required to comply with these Standards; (f) any effect that compliance with the requirement is reasonably likely to have on the financial viability of a person required to comply; (g) any exceptional technical factors (such as the effect of load bearing elements on the structural (h) financial, staffing, technical, information and other resources reasonably available to a person required to comply with these Standards, including any grants, tax concessions, subsidies or other external assistance provided or available;	

Clause	Clause	Compliance status
	(i) whether the cost of alterations to make a premises accessible is disproportionate to the value of the building, taking into consideration the improved value that would result from the alterations; (ii) benefits reasonably likely to accrue from compliance with these Standards, including benefits to people with disability, to building users or to other affected persons, or detriment likely to result from non-compliance; (k) detriment reasonably likely to be suffered by the building developer, building certifier or building manager, or people with a disability or other building users, including in relation to means of access, comfort and convenience, if compliance with these Standards is required; (l) if detriment under paragraph (k) involves loss of heritage significance — the extent to which the heritage features of the building are essential, or merely incidental, to the heritage significance of the building; (m) any evidence regarding efforts made in good faith by a person to comply with these Standards, including consulting access consultants or building certifiers; (n) if a person has given an action plan to the Commission under section 64 of the Act — the terms of the action plan and any evidence about its implementation; (o) the nature and results of any processes of consultation, including at local, regional, State, national, international, industry or other level, involving, or on behalf of, a building developer, building manager or building certifier and people with a disability, about means of achieving compliance with the requirement, including in relation to the factors listed in this subsection; (p) any decisions of a State or Territory body established to make recommendations to building authorities about building access matters.	

Clause	Clause	Compliance status
4.3 Lessees	(1) If the lessee of a new part of a building submits an application for approval for the building work, the following people do not have to ensure that the affected part of the building complies with these Standards: (a) the building certifier (b) the building developer (c) The building manager (2) Subsection (1) does not apply if a building with a new part is leased only to 1 person	N/A
4.4 Lift concession	The requirement in Table E3.6 (b) of the Access Code that a lift is to have a floor dimension of not less than 1 400 mm x 1 600 mm does not apply to an existing passenger lift that is in a new part, or an affected part, of a building, if the lift: (a) travels more than 12 m; and (b) has a lift floor that is not less than 1 100 mm by 1 400 mm.	N/A
4.5 Toilet concession	(1) Paragraphs F2.4 (c) and (e) of the Access Code, to the extent that they require compliance with AS 1428.1—2009, <i>Design for access and mobility, Part 1: General requirements for access—New building work</i>, do not apply to the following: (a) existing accessible sanitary compartments; (b) existing sanitary compartments suitable for use by people with a disability. (2) For subsection (1) to apply, a sanitary compartment mentioned in paragraph (a) or (b) must: (a) comply with AS 1428.1—2001, <i>Design for access and mobility, Part 1: General requirements for access—New building work</i>; and (b) be located in either a new part, or an affected part, of a building.	N/A

COMPLIANCE TABLE - BCA - PEOPLE WITH A DISABILITY SECTIONS

BCA Clause	Assessment comments	Compliance status
BCA Section D ACCESS AND EGRESS Part D3 Access for people with a disability		
D3.1 General building access requirements	Applies as per Table D3.1	To comply
Table D3.1 Requirements for access	Class 3 - Common areas - From a pedestrian entrance required to be accessible to at least 1 floor containing sole-occupancy units and to the entrance doorway of each sole-occupancy unit located on that level. - To and within not less than one of each type of room or space for use in common by the residents, including a cooking facility, sauna, gymnasium, swimming pool, common laundry, games room, individual shop, eating area, or the like. - Where a ramp complying with AS 1428.1 or a passenger lift is installed— (a) to the entrance doorway of each sole-occupancy unit; and (b) to and within rooms or spaces for use in common by the residents, located on the levels served by the lift or ramp. Class 3 - Sole-occupancy units Not more than 2 <i>required accessible sole-occupancy units</i> may be located adjacent to each other where more than 2 <i>accessible sole-occupancy units</i> are required, they must be representative of the range of rooms available	Applicable Applicable N/A Applicable
If the building or group of buildings contain: 1 to 10 sole occ. units	To and within: 1 accessible sole-occupancy unit	

BCA Clause	Assessment comments	Compliance status
11 to 40 sole occ. units	2 accessible sole-occupancy unit	2 SOU required for 14 SOU.
41 to 60 sole occ. units	3 accessible sole-occupancy unit	
81 to 100 sole occ. units	5 accessible sole-occupancy unit	
D3.2 Access to buildings	(a) An accessway must be provided to a building <i>required to be accessible</i> - (i) from the main points of a pedestrian entry at the allotment boundary; and (ii) from another <i>accessible</i> building connected by a pedestrian link; and (iii) from any <i>required accessible</i> carparking space on the allotment. (b) In a building <i>required to be accessible</i>, an accessway must be provided through the principal pedestrian entrance, and - (i) through not less than 50% of all pedestrian entrances including the principal pedestrian entrance; and (ii) in a building with a total floor area more than 500 m², a pedestrian entrance which is not <i>accessible</i> must not be located more than 50 m from an <i>accessible</i> pedestrian entrance, except for pedestrian entrances serving only areas exempted by D3.4. (c)/(d) Refer BCA for detailed design requirements (e) Where a doorway on an accessway has multiple leaves, (except an automatic opening door) one of those leaves must have a clear opening width of not less than 850 mm in accordance with AS 1428.1.	Applicable N/A Applicable N/A N/A Architect to detail in CC stage Architect to detail in CC stage

BCA Clause	Assessment comments	Compliance status
D3.3 Parts of buildings to be accessible	In a building required to be accessible—	
	(a) every ramp and stairway, except for ramps and stairways in areas exempted by D3.4, must comply with—	
	(i) for a ramp, except a fire-isolated ramp, clause 10 of AS 1428.1; and	N/A
	(ii) for a stairway, except a fire-isolated stairway, clause 11 of AS 1428.1; and	Applicable
	(iii) for a fire-isolated stairway, clause 11.1(f) and (g) of AS 1428.1; and	N/A
	(b) every passenger lift must comply with E3.6; and	N/A
	(c) accessways must have—	
	(i) passing spaces complying with AS 1428.1 at maximum 20 m intervals on those parts of an accessway where a direct line of sight is not available; and	Applicable
	(ii) turning spaces complying with AS 1428.1—	
	(A) within 2 m of the end of accessways where it is not possible to continue travelling along the accessway; and	Applicable
	(B) at maximum 20 m intervals along the accessway; and	N/A
	(d) an intersection of accessways satisfies the spatial requirements for a passing and turning space; and	Applicable
	(e) a passing space may serve as a turning space; and	Noted
	(f) a ramp complying with AS 1428.1 or a passenger lift need not be provided to serve a storey or level other than the entrance storey in a Class 5, 6, 7b or 8 building—	N/A
	(i) containing not more than 3 storeys; and	
	(ii) with a floor area for each storey, excluding the entrance storey, of not more than 200 m ² ; and	
	(g) clause 7.4.1(a) of AS 1428.1 does not apply and is replaced with 'the pile height or pile thickness shall not exceed 11 mm and the carpet backing thickness shall not exceed 4 mm'; and	Architect to detail in CC stage

BCA Clause	Assessment comments	Compliance status
	(h) the carpet pile height or pile thickness dimension, carpet backing thickness dimension and their combined dimension shown in figure 8 of AS 1428.1 do not apply and are replaced with 11 mm, 4 mm and 15 mm respectively.	Architect to detail in CC stage
D3.4 Exemptions	The following areas are not <i>required</i> to be <i>accessible</i> :	
	(a) An area where access would be inappropriate because of the particular purpose for which the area is used.	N/A
	(b) An area that would pose a health or safety risk for people with a disability.	N/A
	(c) Any path of travel providing access only to an area exempted by (a) or (b).	N/A

BCA Clause	Assessment comments	Compliance status
D3.5 Accessible carparking	Accessible carparking spaces— (a) subject to (b) must be provided in accordance with Table D3.5 in— (i) a Class 7a building <i>required to be accessible</i> ; and (ii) a carparking area on the same allotment as a building <i>required to be accessible</i> ; and (b) need not be provided in a Class 7a building or a carparking area where a parking service is provided and direct access to any of the carparking spaces is not available to the public; and (c) subject to (d), must comply with AS 2890.6; and (d) need not be designated where there is a total of not more than 5 carparking spaces, so as to restrict the use of the carparking space only for people with a disability.	N/A Applicable N/A Applicable Applicable
Table D3.5 Carparking spaces for people with a disability	Class 1b and 3 Boarding House To be calculated by multiplying the total number of carparking spaces by the percentage of: (a) accessible sole-occupancy units to the total number of sole-occupancy units; or (b) accessible bedrooms to the total number of bedrooms; and the calculated number is to be taken to the next whole figure.	2/14 of 3 car parking spaces rounded up requires 1 accessible car parking space. (but need not be designated due to D3.5 (d) as under 5 car spaces in total

BCA Clause	Assessment comments	Compliance status
	(f) where a bank of sanitary facilities is not provided with an accessible unisex sanitary facility, directional signage incorporating the international symbol of access in accordance with AS 1428.1 must be placed at the location of the sanitary facilities that are not accessible, to direct a person to the location of the nearest accessible unisex sanitary facility.	N/A
D3.7 Hearing augmentation	(a) A hearing augmentation system must be provided where an inbuilt amplification system, other than one used only for emergency warning, is installed— (i) in a room in a Class 9b building; or (ii) in an auditorium, conference room, meeting room or room for judicatory purposes; or (iii) at any ticket office, teller's booth, reception area or the like, where the public is screened from the service provider. - All in accordance with clause D3.7 (d) and (c) (d) Any screen or scoreboard associated with a Class 9b building and capable of displaying public announcements must be capable of supplementing any public address system, other than a public address system used for emergency warning purposes only.	N/A
D3.8 Tactile indicators	(a) For a building <i>required to be accessible</i>, tactile ground surface indicators must be provided to warn people with a vision impairment that they are approaching— (i-iv) <i>a stairway, an escalator, a passenger conveyor or moving walk, and</i> <i>a ramp other than a fire-isolated ramp, step ramp and kerb ramp; and</i> (v) in the absence of a suitable barrier— <i>an overhead obstruction; and</i> <i>an accessway meeting a vehicular way adjacent to any pedestrian entrance to a building if there is no kerb or kerb ramp at that point.</i> (b) Tactile ground surface indicators required by (a) must comply with sections 1 and 2 of AS 1428.4.1	Architect to detail in CC stage Architect to detail in CC stage Architect to detail in CC stage

BCA Clause	Assessment comments	Compliance status
	(c) Refer BCA for exemptions for some buildings (Classes 3, 9a, 9c) if handrails incorporate a raised dome button	Note
D3.9 Wheelchair seating spaces in Class 9b assembly buildings	Where fixed seating is provided in a Class 9b assembly building, wheelchair seating spaces complying with AS 1428.1 must be provided in accordance with the following: (a) The number and grouping of wheelchair seating spaces must be in accordance with Table D3.9. (b) In a cinema ... (Refer BCA)	N/A
Table D3.9 Wheelchair seating spaces in Class 9b assembly buildings	(Refer BCA)	
D3.10 Swimming pools	Not less than 1 means of accessible water entry/exit in accordance with Specification D3.10 must be provided for each swimming pool required by Table D3.1 to be accessible. An accessible entry/exit must be by certain means (refer BCA) Where a swimming pool has a perimeter of more than 70 m in length, at least one accessible water entry/exit must be provided by a means specified in (b)(i), (ii) or (iii).	N/A N/A N/A
D3.11 Ramps	On an accessway— (a) a series of connected ramps must not have a combined vertical rise of more than 3.6 m; and (b) a landing for a step ramp must not overlap a landing for another step ramp or ramp.	N/A N/A
D3.12 Glazing on an accessway	On an accessway, where there is no chair rail, handrail or transom, all frameless or fully glazed doors, sidelights and any glazing capable of being mistaken for a doorway or opening, must be clearly marked in accordance with AS 1428.1.	Architect to detail in CC stage

BCA Clause	Assessment comments	Compliance status
BCA Section E SERVICES AND EQUIPMENT Part E3 Lift installations		
E3.6 Passenger lifts	<i>In an accessible building, every passenger lift must—</i> <i>(a) be one of the types identified in Table E3.6a, subject to the limitations on use specified in the Table; and</i> <i>(b) have accessible features in accordance with Table E3.6b; and</i> <i>(c) not rely on a constant pressure device for its operation if the lift car is fully enclosed.</i>	N/A
BCA Section F HEALTH AND AMENITY Part F2 Sanitary and other facilities		
F2.2 Calculation of number of occupants and facilities	<i>Note that:</i> (c) In calculating the number of sanitary facilities to be provided under F2.1 and F2.3, a unisex facility required for people with a disability may be counted once for each sex.	Note
F2.4 Accessible sanitary facilities	(a) accessible unisex sanitary compartments must be provided in accessible parts of the building in accordance with Table F2.4(a); and (b) accessible unisex showers must be provided in accordance with Table F2.4(b); and (c) at each bank of toilets where there is one or more toilets in addition to an accessible unisex sanitary compartment at that bank of toilets, a sanitary compartment suitable for a person with an ambulant disability in accordance with AS 1428.1 must be provided for use by males and females; and (d) an accessible unisex sanitary compartment must contain a closet pan, washbasin, shelf or bench top and adequate means of disposal of sanitary towels; and	Applicable N/A N/A Applicable

BCA Clause	Assessment comments	Compliance status
	(e) the circulation spaces, fixtures and fittings of all <i>accessible</i> sanitary facilities provided in accordance with Table F2.4(a) and Table F2.4(b) must comply with the requirements of AS 1428.1; and (f) an <i>accessible</i> unisex sanitary facility must be located so that it can be entered without crossing an area reserved for one sex only; and (g) where two or more of each type of <i>accessible</i> unisex sanitary facility are provided, the number of left and right handed mirror image facilities must be provided as evenly as possible; and (h) where male sanitary facilities are provided at a separate location to female sanitary facilities, <i>accessible</i> unisex sanitary facilities are only <i>required</i> at one of those locations; and (i) an <i>accessible</i> unisex <i>sanitary compartment</i> or an <i>accessible</i> unisex shower need not be provided on a storey or level that is not <i>required</i> by D3.3(f) to be provided with a passenger lift or ramp complying with AS 1428.1.	Applicable Applicable N/A N/A Applicable
F2.5 Construction of sanitary compartments	(b) The door to a fully enclosed <i>sanitary compartment</i> must— (i) open outwards; or (ii) slide; or (iii) be readily removable from the outside of the <i>sanitary compartment</i>, unless there is a clear space of at least 1.2 m, measured in accordance with Figure F2.5, between the closet pan within the <i>sanitary compartment</i> and the doorway.	Architect to detail in CC stage

BASIX[®]Certificate

Building Sustainability Index www.basix.nsw.gov.au

Single Dwelling

Certificate number: 1112049S_04

This certificate confirms that the proposed development will meet the NSW government's requirements for sustainability, if it is built in accordance with the commitments set out below. Terms used in this certificate, or in the commitments, have the meaning given by the document entitled "BASIX Definitions" dated 06/10/2017 published by the Department. This document is available at www.basix.nsw.gov.au

Secretary

Date of issue: Wednesday, 05 August 2020

To be valid, this certificate must be lodged within 3 months of the date of issue.



Planning,
Industry &
Environment

Project summary

Project name	3 Edward Street Kingswood_04
Street address	3 Edward Street Kingswood 2747
Local Government Area	Penrith City Council
Plan type and plan number	deposited 237831
Lot no.	36
Section no.	-
Project type	separate dwelling house
No. of bedrooms	14

Project score

Water	✓ 41	Target 40
Thermal Comfort	✓ Pass	Target Pass
Energy	✓ 55	Target 50

Certificate Prepared by

Name / Company Name: Frys Energywise

ABN (if applicable): 631418543

Description of project

Project address

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Plan type and plan number	Deposited Plan 237831
Lot no.	36
Section no.	-

Project type

Project type	separate dwelling house
No. of bedrooms	14

Site details

Site area (m²)	632
Roof area (m²)	290
Conditioned floor area (m2)	372.0
Unconditioned floor area (m2)	0.0
Total area of garden and lawn (m2)	203

Assessor details and thermal loads

Assessor number	DMN/12/1441
Certificate number	0004939740-03
Climate zone	28
Area adjusted cooling load (MJ/m².year)	44
Area adjusted heating load (MJ/m².year)	38

Project score

Water	✓ 41	Target 40
Thermal Comfort	✓ Pass	Target Pass
Energy	✓ 55	Target 50

Schedule of BASIX commitments

The commitments set out below regulate how the proposed development is to be carried out. It is a condition of any development consent granted, or complying development certificate issued, for the proposed development, that BASIX commitments be complied with.

Water Commitments	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
Fixtures			
The applicant must install showerheads with a minimum rating of 3 star (> 4.5 but <= 6 L/min) in all showers in the development.		✓	✓
The applicant must install a toilet flushing system with a minimum rating of 3 star in each toilet in the development.		✓	✓
The applicant must install taps with a minimum rating of 4 star in the kitchen in the development.		✓	
The applicant must install basin taps with a minimum rating of 4 star in each bathroom in the development.		✓	
Alternative water			
Rainwater tank			
The applicant must install a rainwater tank of at least 1500 litres on the site. This rainwater tank must meet, and be installed in accordance with, the requirements of all applicable regulatory authorities.	✓	✓	✓
The applicant must configure the rainwater tank to collect rain runoff from at least 289.66 square metres of the roof area of the development (excluding the area of the roof which drains to any stormwater tank or private dam).		✓	✓
The applicant must connect the rainwater tank to: - all toilets in the development - the cold water tap that supplies each clothes washer in the development - at least one outdoor tap in the development (Note: NSW Health does not recommend that rainwater be used for human consumption in areas with potable water supply.)		✓ ✓ ✓	✓ ✓ ✓

Thermal Comfort Commitments	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
Simulation Method			
The applicant must attach the certificate referred to under "Assessor Details" on the front page of this BASIX certificate (the "Assessor Certificate") to the development application and construction certificate application for the proposed development (or, if the applicant is applying for a complying development certificate for the proposed development, to that application). The applicant must also attach the Assessor Certificate to the application for an occupation certificate for the proposed development.			
The Assessor Certificate must have been issued by an Accredited Assessor in accordance with the Thermal Comfort Protocol.			
The details of the proposed development on the Assessor Certificate must be consistent with the details shown in this BASIX certificate, including the Cooling and Heating loads shown on the front page of this certificate.			
The applicant must show on the plans accompanying the development application for the proposed development, all matters which the Assessor Certificate requires to be shown on those plans. Those plans must bear a stamp of endorsement from the Accredited Assessor to certify that this is the case. The applicant must show on the plans accompanying the application for a construction certificate (or complying development certificate, if applicable), all thermal performance specifications set out in the Assessor Certificate, and all aspects of the proposed development which were used to calculate those specifications.	✓	✓	✓
The applicant must construct the development in accordance with all thermal performance specifications set out in the Assessor Certificate, and in accordance with those aspects of the development application or application for a complying development certificate which were used to calculate those specifications.		✓	✓
The applicant must construct the floors and walls of the dwelling in accordance with the specifications listed in the table below.	✓	✓	✓

Floor and wall construction	Area
floor - concrete slab on ground	194.0 square metres
floor - suspended floor/open subfloor	15.0 square metres

Energy Commitments	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
Hot water			
The applicant must install the following hot water system in the development, or a system with a higher energy rating: gas instantaneous with a performance of 6 stars.	✓	✓	✓
Cooling system			
The applicant must install the following cooling system, or a system with a higher energy rating, in at least 1 living area: 3-phase airconditioning; Energy rating: EER 3.0 - 3.5		✓	✓
The applicant must install the following cooling system, or a system with a higher energy rating, in at least 1 bedroom: 3-phase airconditioning; Energy rating: EER 3.0 - 3.5		✓	✓
The cooling system must provide for day/night zoning between living areas and bedrooms.		✓	✓
Heating system			
The applicant must install the following heating system, or a system with a higher energy rating, in at least 1 living area: 3-phase airconditioning; Energy rating: EER 3.5 - 4.0		✓	✓
The applicant must install the following heating system, or a system with a higher energy rating, in at least 1 bedroom: 3-phase airconditioning; Energy rating: EER 3.5 - 4.0		✓	✓
The heating system must provide for day/night zoning between living areas and bedrooms.		✓	✓
Ventilation			
The applicant must install the following exhaust systems in the development:			
At least 1 Bathroom: individual fan, not ducted; Operation control: manual on / timer off		✓	✓
Kitchen: individual fan, not ducted; Operation control: manual on / timer off		✓	✓
Laundry: individual fan, ducted to façade or roof; Operation control: manual switch on/off		✓	✓
Artificial lighting			
The applicant must ensure that the "primary type of artificial lighting" is fluorescent or light emitting diode (LED) lighting in each of the following rooms, and where the word "dedicated" appears, the fittings for those lights must only be capable of accepting fluorescent or light emitting diode (LED) lamps:			
• at least 14 of the bedrooms / study;		✓	✓

Energy Commitments	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
• at least 1 of the living / dining rooms; • the kitchen; • all bathrooms/toilets; • the laundry; • all hallways;		    	    
Natural lighting			
The applicant must install a window and/or skylight in 9 bathroom(s)/toilet(s) in the development for natural lighting.			
Alternative energy			
The applicant must install a photovoltaic system with the capacity to generate at least 1 peak kilowatts of electricity as part of the development. The applicant must connect this system to the development's electrical system.			
Other			
The applicant must install a gas cooktop & electric oven in the kitchen of the dwelling.			
The applicant must install a fixed outdoor clothes drying line as part of the development.			

Legend

In these commitments, "applicant" means the person carrying out the development.

Commitments identified with a  in the "Show on DA plans" column must be shown on the plans accompanying the development application for the proposed development (if a development application is to be lodged for the proposed development).

Commitments identified with a  in the "Show on CC/CDC plans and specs" column must be shown in the plans and specifications accompanying the application for a construction certificate / complying development certificate for the proposed development.

Commitments identified with a  in the "Certifier check" column must be certified by a certifying authority as having been fulfilled, before a final occupation certificate (either interim or final) for the development may be issued.

BUILDING CODE OF AUSTRALIA 2019 CAPABILITY STATEMENT

3 EDWARD STREET
KINGSWOOD

CLIENT: SIGNATURE PROPERTY
GROUP

PREPARED BY: CHECKPOINT
BUILDING SURVEYORS

REFERENCE NUMBER:
CBS204159

8 / 6 / 2020

1.0 INTRODUCTION

1.1 Background

Checkpoint Building Surveyors were requested by Signature Property Group to prepare a Building Code of Australia 2019 (BCA) Capability Statement for the proposed construction of a two storey boarding home at 26 Hargrave Street Kingswood. This BCA Capability Statement included a preliminary review of the designs to ensure that BCA compliance is readily achievable, and that the plans for submission to council would not require significant modification that would require a Section 4.55 Modification Approval.

1.2 Referenced Documents

Information was obtained from the following architectural drawings, SK-02 (Ground Floor Plan), SK-03 (Ground Floor Plan) prepared by Signature Property Group, dated 5 August 2020.

1.3 Limitations and Exclusions

The preliminary *Building Code of Australia 2019* (BCA) review did not take into account any local council policies which may conflict with the *Deemed to Satisfy* (DTS) requirements of BCA. If this situation arises, the more stringent requirements prevail.

The scope of Checkpoint Building Surveyors services do not extend to:

- A detailed Building Code of Australia Assessment. A detailed assessment of the construction issue drawings shall be undertaken by the Certifying Authority issuing the Part 6 Construction Certificate.
- Issue of compliance certificate.
- Detailed accessibility assessment against Part D3 of the BCA as this has been carried out separately by an Access Consultant. **Where significant design elements will affect whether a Section 4.55 will be required, comments will be made in addition to the access consultant;*
- NatHERS, BASIX and energy assessments under Section J of the BCA as this has been carried out separately by appropriately qualified energy efficiency consultants.
- Town planning, heritage advice and utilities consents.
- Work Cover and occupational health and safety advice.
- Assessment of detailed building design in specialised building services/engineering disciplines including, but not limited to structural engineering, mechanical services, building services, fire services, hydraulic services, acoustics and the like.

1.4 Legislative requirements

Clause 145 of Environmental Planning and Assessment Regulation 2000 (EP&A Reg. 2000) requires that all new work comply with the current requirements of the BCA (as is in force at the time the application for construction certificate was made), namely BCA 2019.

2.0 BUILDING CHARACTERISTICS

Description of building

The development proposal comprises the construction of a two storey building used for the purpose of a boarding home.

Classification

The use of the building attracts the following BCA classifications:

Part of building	Use	Classification
Ground Level	Boarding House	Class 3
Level 1	Boarding House	Class 3

Rise in Storeys

The rise in storeys calculated in accordance with C1.2 of Building Code of Australia is RIS 2.

Effective Height

BCA Definition:

“Effective height means the vertical distance between the floor of the lowest storey included in the calculation of rise in storeys and the floor of the topmost storey (excluding the topmost storey if it contains only heating, ventilating, lift or other equipment, water tanks or similar service units)

The effective height assessment has determined that the lowest storey providing direct egress to a road or open space would be ground level.

For the purposes of determining the required services and equipment and type of construction, the effective height calculated in accordance with clause A1.1 of the BCA is <12m.

Type of Construction

In accordance with the provisions of C1.1 the building is required to be of Type B Construction however, this will be downgraded to Type C in accordance with Clause C1.5 as the building has been provided with two exits.

Exits

The exits from the building are set out below:

Exit Ref.	Type	No of storeys connected	Comments
Ground floor doorway leading directly to open space from the front patio and the external doorway in the living room.	Final exit doorway leading directly to open space	1	The doorways from the building leading to open space to be upgraded to swing in the direction of egress and ensure complying clear opening width. The measurement of exit travel must continue past the eave overhang and the storey above so as to ensure that the discharge leads direct to open space.
First floor exits	Top riser of the internal non-fire-isolated stairways	2	Level 1 relies upon travel to the top riser of the existing internal stairways.

3.0 ESSENTIAL FIRE SAFETY MEASURES

The proposed building will be provided with a full range of essential fire safety measures.

Should the CC application for the building be lodged under the BCA presently in force, the following essential fire safety measures would be anticipated. Attention is drawn to the expectation that any Alternate Solutions proposed in respect of a non-compliance with the DTS may result in the introduction of further fire safety measures.

The remaining fire safety measures will be required to be installed throughout the building to meet the 'Deemed to Satisfy' provisions:

Design/Installation Standard			
Item	Measure	BCA Clause	Relevant Australian Standard or Other Standard
1.	Artificial lighting required to assist occupant movement and egress	BCA Clause F4.4	AS/NZS 1680.0-2009
2.	Automatic Smoke Detection and Alarm System	BCA Clause E2.2 and Specification E2.2a	AS1670.1 - 2018
3.	Building elements required to satisfy prescribed fire-resistance levels for Type C Construction	Part C & Spec C1.1	
4.	Emergency lighting	BCA Clause E4.2, E4.4	AS/NZS 2293.1-2005 (Amdt 1)
5.	Exits (<i>including non-fire-isolated stairways, stair treads, balustrades and handrails associated with exits</i>)	BCA Clause D2.3, D2.13, D2.14, D2.16 & D2.17	
6.	Exit signs	BCA Clauses E4.5, NSW E4.6 & E4.8	AS/NZS 2293.1-2005 (Amdt 1)
7.	Solid Core Doors with a thickness of not less than 35mm (Internal SOU Doors)	BCA Clause C3.11	
8.	Fire seals protecting openings in fire-resisting components of the building (Service penetrations in external walls)	BCA Clauses C3.15, Spec A2.4 & Spec C3.15	AS 1530.4-2005 & AS 4072.1-2005 (Amdt 1)
9.	Materials and assemblies required to have fire hazard properties	BCA Clause C1.10, Spec C1.10	AS/NZS 1530.3-1999, AS 4254.1-2012, AS 4254.2-2012, AS/NZS 3837-1998, AS ISO 9705-2003
10.	Path of travel	BCA Part D, NSW Part D	
11.	Portable fire extinguishers	BCA Clause E1.6	AS 2444-2001

4.0 ITEMS TO BE ADDRESSED AT DETAILED DESIGN STAGE

An assessment of the proposed design has been undertaken against the Deemed-To-Satisfy provisions of the relevant sections of the BCA. The assessment has revealed that the design is capable of achieving compliance subject to detailing and design development.

The main items to be addressed at the detailed design stage include:

1. Minor amendments, confirmation and further detailing for the construction documentation.
2. Assessment of disabled access, and energy efficiency requirements by the Accessibility and Energy Efficiency Consultants. These reports may also include the preparation of Alternative Solutions;
3. Assessment of fire resisting construction of internal walls, in accordance with the requirements for Type C Construction.
4. The internal walls bounding the sole occupancy units must be extended so they terminate to the underside of the floor above which is required to have an FRL of 30/30/30 or the underside of the non-combustible roof covering.
5. Main entrance doorway and external doorway from the living room are to be altered so that the doorways swings in the direction of egress.
6. All doorways to have a clear door opening width of at least 750mm, and where required 850mm to accommodate wheelchair access, in accordance with AS1428.1-2009;
7. Test reports to be obtained for the internal floor linings to determine compliance with the slip resistance and fire hazard properties.
8. Fire separation between common areas and public corridors has not been proposed in accordance with Clause C3.11 and Specification C1.1, which is to be addressed through a fire engineered performance solution.
9. Doorways are to be provided with complying door hardware in accordance with Clause D2.21.
10. Provision of portable fire extinguishers.
11. Provision of an automatic smoke detection and alarm system complying with Specification E2.2a.



BUILDING CODE OF AUSTRALIA CAPABILITY STATEMENT 3 EDWARD STREET KINGSWOOD

Demonstrating compliance with the Building Code of Australia 2019 (BCA) is not a prescribed Matters of Consideration pursuant to Section 4.15 of the Environmental Planning & Assessment Act 1979. It is noted however that Council has an obligation to consider whether the DA proposal as lodged, is indicatively capable of complying with the BCA – without significant modification to those plans for which approval is sought.

A preliminary review of the proposed plans by our office against the technical provisions of the BCA has revealed that compliance is readily achievable without significant modification of the plans. This confirmation is on the basis that items in Section 4 are addressed in the detailed documentation for construction certificate.

Compliance with the Performance Requirements of the BCA will be achieved via a mixture of Deemed-to-Satisfy compliance and formulating Alternative Solutions.

Regards,
Checkpoint Building Surveyors

A handwritten signature in black ink, appearing to read "Dejan Milovanoski".

Dejan Milovanoski
Team Leader – Domestic



DA ACOUSTIC REPORT – BOARDING HOUSE

Edward Street (3), Kingswood

ID: 11853-3 R01v2

5 August 2020

Prepared For:

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This firm is a member of the Association of Australian Acoustical Consultants.

The work reported herein has been carried out in accordance with the terms of membership. We stress that the advice given herein is for acoustic purposes only, and that the relevant authorities should be consulted with regard to compliance with regulations governing areas other than acoustics.

1.0 INTRODUCTION

PKA Acoustic Consulting has been commissioned to provide an acoustic report to assess the potential noise impact into and from the proposed residential boarding house development at 3 Edward Street, Kingswood.

As part of the DA approval process, the Penrith City Council requires an acoustic report to assess the noise impact and to provide recommendations where exceedances occur.

2.0 SUMMARY

An acoustic assessment has been conducted in accordance with the acoustic requirements of Penrith City Council and the NSW EPA Noise Policy for Industry (NPfI).

Unattended noise measurements were conducted on site to obtain the existing background noise levels. Noise goals were established for noise breakout from the use of the boarding house to other surrounding sensitive receivers.

Providing our recommendations are implemented as detailed in Section 6.0, the proposed development will comply with the acoustic requirements of the Penrith City Council.

3.0 SITE DESCRIPTION

The proposed development is located at 3 Edward Street, Kingswood. The site is bound by Edward Street to the south and other residential premises on the remaining sides. The site location is shown in Figure 3-1.

Figure 3-1 Site Location



4.0 NOISE CRITERIA

4.1 NSW EPA Noise Policy for Industry (NPfI)

Noise generated from a premises is generally assessed against the requirements of the *NSW EPA Noise Policy for Industry 2017 (NPfI)*. The policy sets out two separate criteria to ensure environmental noise objectives are met. The first criterion considers intrusive noise to residential properties and the second is set to ensure the amenity of the land use is protected. The lower value of both criteria is considered to be the Project noise trigger level, which is the limit of the $L_{Aeq, 15min}$ noise level that must not be exceeded for the corresponding period of the day.

Amenity Criterion

To limit continuing increases in noise levels, the maximum ambient noise level within an area from commercial noise sources should not normally exceed the levels as specified in Table 2.2 of the policy for the specified time of the day. The NPfI recommends the following Amenity Noise Levels for various receiver premises.

Table 4-1 Noise Criteria - Amenity for Receiver Buildings

Type of receiver	Time of day	Recommended Amenity Noise Level $L_{Aeq, (period)}$
Residential (Suburban)	Day	55 dB(A)
	Evening	45 dB(A)
	Night	40 dB(A)

To ensure that industrial noise levels (existing plus new) remain within the recommended amenity noise levels for an area, a project amenity noise level applies for each new source of industrial noise as follows:

Project amenity noise level for development = recommended amenity noise level minus 5 dB(A) .
--

To standardise the time periods for the intrusiveness and amenity noise levels, this policy assumes that the Amenity $L_{Aeq, 15min}$ will be taken to be equal to the $L_{Aeq, period} + 3 \text{ decibels (dB)}$.

Intrusiveness Criterion

The intrusiveness of a stationary noise source may be considered acceptable if the average of the maximum A-weighted levels of noise, $L_{Aeq, 15 \text{ minute}}$ from the source do not exceed by more than 5dB the Rating Background Level (RBL) measured in the absence of the source. This applies during all times of the day and night. There also exists an adjustment factor to be applied as per the character of the noise source. This includes factors such as tonal, fluctuating, low frequency, impulsive, intermittent etc. qualities of noise. The RBL is determined in accordance with Section 2.3 of the NSW EPA NPfI. The intrusiveness criterion is $L_{Aeq, 15 \text{ minute}} < RBL + 5$.

4.2 EPA NSW Interim Construction Noise Guidelines (ICNG)

Based on the above council conditions, the NSW EPA *Interim Construction Noise Guideline* (ICNG) is being used in performing this assessment.

The document aims at managing noise from construction works regulated by the EPA. Details of noise limits are presented in the following Table 4-2.

Table 4-2 Noise Levels Residential Receivers (Extract from EPA ICNG)

Time of day	Management level L_{Aeq} (15 min)	Application
Recommended standard hours: Monday to Friday 7 am to 6 pm	Noise affected RBL + 10 dB	The noise affected level represents the point above which there may be some community reaction to noise. Where the predicted or measured L_{Aeq} (15 min) is greater than the noise affected level, the proponent should apply all feasible and reasonable work practices to meet the noise affected level. The proponent should also inform all potentially impacted residents of the nature of works to be carried out, the expected noise levels and duration, as well as contact details.
Saturday 8 am to 1 pm No work on Sundays or public holidays	Highly noise affected 75 dB	The highly noise affected level represents the point above which there may be strong community reaction to noise. Where noise is above this level, the relevant authority (consent, determining or regulatory) may require respite periods by restricting the hours that the very noisy activities can occur, taking into account times identified by the community when they are less sensitive to noise (such as before and after school for works near schools, or mid-morning or mid-afternoon for works near residences if the community is prepared to accept a longer period of construction in exchange for restrictions on construction times.
Outside recommended standard hours	Noise affected RBL + 5 dB	A strong justification would typically be required for works outside the recommended standard hours. The proponent should apply all feasible and reasonable work practices to meet the noise affected level. Where all feasible and reasonable practices have been applied and noise is more than 5 dB above the noise affected level, the proponent should negotiate with the community.

4.3 General Construction Vibration Criteria

During demolition and excavation there is the potential for vibration impact on the neighbouring buildings' amenity and on structures. The EPA ICNG states that human comfort (amenity) vibration is to be measured and assessed in accordance with *Assessing Vibration – a technical guideline* (DECC 2006).

In general, structural damage due to vibration can be of concern when hammering, blasting, vibration rolling, crushing, piling and other vibration inducing construction works are carried out.

The EPA ICNG does not have specific structural vibration damage criteria however the RTA *Environmental Noise Management Manual* (2001) recommends the use of the following Standards:

- British Standard BS 7385: Part 2: *Evaluation and Measurement for Vibrations in Buildings – Part 2 Guide to Damage Levels from Ground-Borne Vibration*
- AS 2187.2 *Explosives-Storage, transport and use, Part 2: Use of Explosives*
- German Standard DIN 4150, Part 3: *Structural Vibration in Buildings: Effects on Structures*

4.4 BCA Sound Insulation Requirements – Class 3 Buildings

The BCA, in Volume 1 Section F5 “Sound Transmission and Insulation” states that walls and floors separating places of occupancy “*must provide insulation against the transmission of airborne and impact generated sound sufficient to prevent illness or loss of amenity to the occupants*”.

The following summarises the BCA sound insulation requirements, brevity necessitates detail in the BCA taking precedence over the tables below.

Table 4-3 Walls – Deemed-to-Satisfy Provisions

Wall Description	BCA Reference	Airborne	Impact
Separating sole-occupancy units (SOUs) habitable areas	F5.5(a)(i)	$R_w + C_{tr} \geq 50$	
Separating SOUs wet to habitable areas	F5.5(a)(i) F5.5(a)(iii)	$R_w + C_{tr} \geq 50$	Discontinuous Construction
Separating SOUs with corridor, stairway, lobby or different classification	F5.5(a)(ii)	$R_w \geq 50$	
Separating SOUs with plantroom or lift shaft	F5.5(a)(ii) F5.5(a)(iii)	$R_w \geq 50$	Discontinuous Construction
Separating SOU habitable area with services from another SOU	F5.6(a)(i)	$R_w + C_{tr} \geq 40$	
Separating SOU wet area with services from another SOU	F5.6(a)(ii)	$R_w + C_{tr} \geq 25$	
Doors separating SOU with corridor, stairway, lobby	F5.5(b)	$R_w \geq 30$	

Wall Type	Reference	Discontinuous Construction Requirement
Masonry	F5.3(c)(i)	Wall having a minimum 20mm cavity between the 2 separate leaves, with resilient wall ties if necessary
Other than masonry	F5.3(c)(ii)	Wall having a minimum 20mm cavity with no mechanical linkage except at the periphery

Table 4-4 Floors – Deemed-to-Satisfy Provisions

Floor Description	BCA Reference	Airborne	Impact
Separating sole-occupancy units (SOUs)	F5.4(a)(i)	$R_w + C_{tr} \geq 50$	$L_{n,w} \leq 62$
Separating SOUs with plantroom, lift shaft, corridor, stairway, lobby or different classification	F5.4(a)(ii)	$R_w + C_{tr} \geq 50$	$L_{n,w} \leq 62$
Separating SOU habitable area with services from another SOU	F5.6(a)(i)	$R_w + C_{tr} \geq 40$	
Separating SOU wet area with services from another SOU	F5.6(a)(ii)	$R_w + C_{tr} \geq 25$	

Table 4-5 Walls – Verification Methods

Wall Description	BCA Reference	Airborne
Separating sole-occupancy units (SOUs)	FV5.2(a)	$D_{nT,w} + C_{tr} \geq 45$
Separating SOUs with plantroom, lift shaft, corridor, stairway, lobby or different classification	FV5.2(b)	$D_{nT,w} \geq 45$
Doors separating SOUs with corridor, stairway, lobby	FV5.2(c)	$D_{nT,w} \geq 25$

Table 4-6 Floors – Verification Methods

Floor Description	BCA Reference	Airborne	Impact
Separating sole-occupancy units (SOUs)	FV5.1(a) FV5.1(b)	$D_{nT,w} + C_{tr} \geq 45$	$L_{nT,w} \leq 62$

Other BCA Acoustic Issues

The builder must also ensure that the project complies with following BCA acoustic requirements:

Chasing of Masonry Elements

The BCA specifically precludes chasing of services into concrete or masonry elements. (Clause 2. (e)(i)).

Fixing of Water Supply Pipework

Note Clause 2. (iii) (A) and (B).

A water supply pipe must:

- (A) Only be installed in the cavity of discontinuous construction; and
- (B) In the case of a pipe that serves only one sole occupancy unit, not be fixed to the wall leaf on the side adjoining any other sole-occupancy unit and have a clearance not less than 10mm to the other wall leaf.
(i.e. the cavity must not be bridged by any pipework)

Electrical Outlets

The BCA requires that any electrical outlets must be offset from each other:

- (A) in masonry walling, not less than 100 mm; and
- (B) in timber or steel framed walling, not less than 300 mm

Ducts

Ducts serving or passing through more than one SOU per F5.6(a) must be separated from another SOU by masonry or plasterboard construction having a minimum $R_w + C_{tr}$ of 40 for habitable rooms and $R_w + C_{tr}$ of 25 for non-habitable rooms.

5.0 NOISE SURVEY AND PROJECT NOISE GOALS

Unattended noise monitoring was conducted on site between 11th and 18th June to measure the existing ambient noise levels. The noise monitor was programmed to store the L_n percentile noise levels for each 15-minute sampling period. Measurements were made of L_{min} , L_{max} , L_{90} , and L_{eq} and were later retrieved for analysis. The position of the noise monitor is shown in Figure 3-1. The results and summary of the noise monitoring are listed in graphical form in Appendix B of this report.

5.1 Instrumentation

Noise measurements were conducted using the following equipment:

- Sound analyser Svantek 877 Serial No. 69594.
- Sound calibrator B&K 4230, Serial number 830447.

The instruments were calibrated before and after the noise measurements and there were no adverse deviations between the two. The analysers are type 1 and comply with AS IEC 61672.2-2004. The instruments carry traceable calibration certificates.

5.2 Project Noise Criteria

The tables below present the results of the ambient noise monitor measurements and noise goals for the proposed boarding house.

The assessment periods are defined by the NSW NPfI are as follows:

- Daytime: 7 am to 6 pm.
- Evening: 6 pm to 10 pm.
- Night: 10 pm to 7 am.

Table 5-1 Project Noise Trigger Levels at Residential Boundaries

All values in dB(A)

Receiver Type	Period	Measured RBL (L_{A90})	Acceptable Noise Levels $L_{Aeq(Period)}$	NSW Noise Policy for Industry Criteria		Project Noise Trigger Levels $L_{Aeq15min}$
				Amenity $L_{Aeq15min}$	Intrusiveness $L_{Aeq15min}$	
Residential (Suburban)	Day	33*	55	53	40	40
	Evening	33*	45	43	40	40
	Night	30	40	38	35	35

*The RBL has been considered to be 30dB(A) based on the “A1.2 Definitions to support mythologies” section of the *Noise Policy for Industry 2017*, which states that “where this level (measured background noise) is found to be less than 30dB(A) for the evening and night periods, the rating background noise level is set to 30dB(A); and where it is found to be less than 35dB(A) for daytime period, it is set to 35dB(A).”

5.2.1 EPA NSW Interim Construction Noise Guidelines – Noise Goals

Based on the construction happening during normal daytime working hours 7am to 6 pm, the noise criteria are presented in the following Table 5-2.

Table 5-2 EPA NSW Interim Construction Noise Guidelines Criteria for Site

Receivers	Daytime Background, dB(A)	Noise affected level (Criterion), dB(A)
Residential	35	45

The “Highly Noise Affected” criterion has a set level of 75 dB(A).

6.0 ASSESMENT AND RECOMMENDATIONS

Communal Areas

Penrith City council provided the following general guidelines in the acoustic assessment modelling of the proposed boarding house.

- 30% - 50% of the residents using the outdoor spaces.
- 50% of the residents speaking at the same time.
- Raised voice levels of at least 72-78dB(A)* for a single person being used.

(*PKA assuming these to be Power Levels as no distance has been specified).

Based on the above conditions and considering that the proposed boarding house has a total of 18 residents, that would result in 9 residents using the space with approximately 5 people speaking at one time. Considering an average Sound Power Level of 74dB(A), this results in a total spatial Sound Power Level of 81dB(A).

No internal outdoor communal areas were explicitly identified in the provided architectural plans. If any of the outdoor areas were to be used as communal areas, the management will have to restrict the use of the common spaces outside these specified hours (7:30 am and 8:30 pm) to prevent noise disturbance to the adjacent residential premises.

Furthermore, where outdoor areas are proposed to communal areas, to mitigate noise impact from the outdoor private areas and common living rooms to adjacent residential receivers, acoustic fences are required to be installed at the boundary. The fences must have a minimum acoustic performance of R_w of 25 and the barriers must be a minimum height of 1.8 m. The acoustic barrier must be of solid construction (with no air gaps) with materials such as:

- Timber fence with double lapped boards of standard 15 mm thickness, allowing a continuous thickness of 30 mm
- Autoclaved Aerated Concrete (AAC) panels such as Hebel
- Masonry or Precast concrete panels
- Any combination of the above

The extent of this barrier and location must be checked and approved by an acoustic consultant following the decision to use any outdoor area as a communal space.

Façade Treatment

The glazing in the indoor communal areas (Living/Dining/Kitchen) must have a minimum sound insulation rating of R_w 32 to mitigate the noise breakout from the indoor common area.

Bin collection

In general, as bin collections typically occur in the early hours to avoid traffic delays, the noise generated from any bin collection can be intrusive. However, waste removal is a necessary Council service that applies to all dwellings, mid-rise residential, and commercial premises.

We understand that bin collection for this site will be following the typical weekly schedule therefore no additional frequency in bin collections will occur. It is PKA's understanding that the collection of the above bins will not generate more noise than a typical dwelling due to the

proposed number of occupants in the boarding house. We also note that there are no industrial or commercial bins on site.

There are no practical or feasible acoustic treatments that can be applied to curb-side bin collection, and additionally there is no specific noise criteria for boarding house or residential developments. Therefore, we do not consider that any acoustic treatment can or should be applied for this project.

Outdoor Plant and equipment

At the time of preparation of this report, a detailed mechanical schedule was unavailable. The selection of any future outdoor mechanical and plant equipment must be checked so that the rated sound power/pressure levels will comply at the boundary of the sensitive residences with the NSW EPA *Noise Policy for Industry 2017* criteria listed in Table 5-1.

APPENDIX A DRAWINGS USED TO PREPARE REPORT

This report was prepared using drawings provided by Signature Projects Australia Pty Ltd, Job No. 2020-09.

No.	Rev.	Title	Date
SK-02	K	Ground Floor Plan	05/08/2020
SK-03	H	First Floor Plan	05/08/2020
SK-08	C	Proposed Roof Plan	05/08/2020

APPENDIX B NOISE MEASUREMENTS (GRAPHICAL)

11853-3 Edward Street(3), Kingswood

Project Address: 3 Edward Street, Kingswood

Logger Location: At sensitive residential boundary measuring ambient noise

PKA Acoustic Consulting

		Background Noise Levels L_{A90} dB						Existing Noise Levels L_{Aeq} dB						Update Public Holidays		
		Daytime 07:00 - 18:00		Evening 18:00 - 22:00		Nighttime 22:00 - 07:00		Daytime 07:00 - 18:00		Evening 18:00 - 22:00		Nighttime 22:00 - 07:00				
		Measured	Corrected	Measured	Corrected	Measured	Corrected	Measured	Corrected	Measured	Corrected	Measured	Corrected			
Thursday	11/06/2020			33.1	33.1	30.1	30.1	Thursday	11/06/2020			42.6	42.6	40.3	40.3	Y
Friday	12/06/2020	33.2	33.2	31.9	31.9	27.0	27.0	Friday	12/06/2020	48.6	48.6	39.9	39.9	39.2	39.2	
Saturday	13/06/2020	34.0	34.0	32.2	32.2	27.9	27.9	Saturday	13/06/2020	47.0	47.0	42.6	42.6	46.5	46.5	
Sunday	14/06/2020	35.5	35.5	34.1	34.1	30.0	30.0	Sunday	14/06/2020	45.5	45.5	39.7	39.7	46.3	46.3	
Monday	15/06/2020	29.6	29.6	35.2	35.2	31.3	31.3	Monday	15/06/2020	48.5	48.5	40.1	40.1	44.5	44.5	
Tuesday	16/06/2020	28.7	28.7	37.3	37.3	31.7	31.7	Tuesday	16/06/2020	46.7	46.7	43.0	43.0	44.4	44.4	
Wednesday	17/06/2020	36.9	36.9	32.8	32.8	30.3	30.3	Wednesday	17/06/2020	48.8	48.8	39.9	39.9	43.9	43.9	
Thursday	18/06/2020	33.3	33.3					Thursday	18/06/2020	46.3	46.3					
						</										

11853-3 Edward Street(3), Kingswood

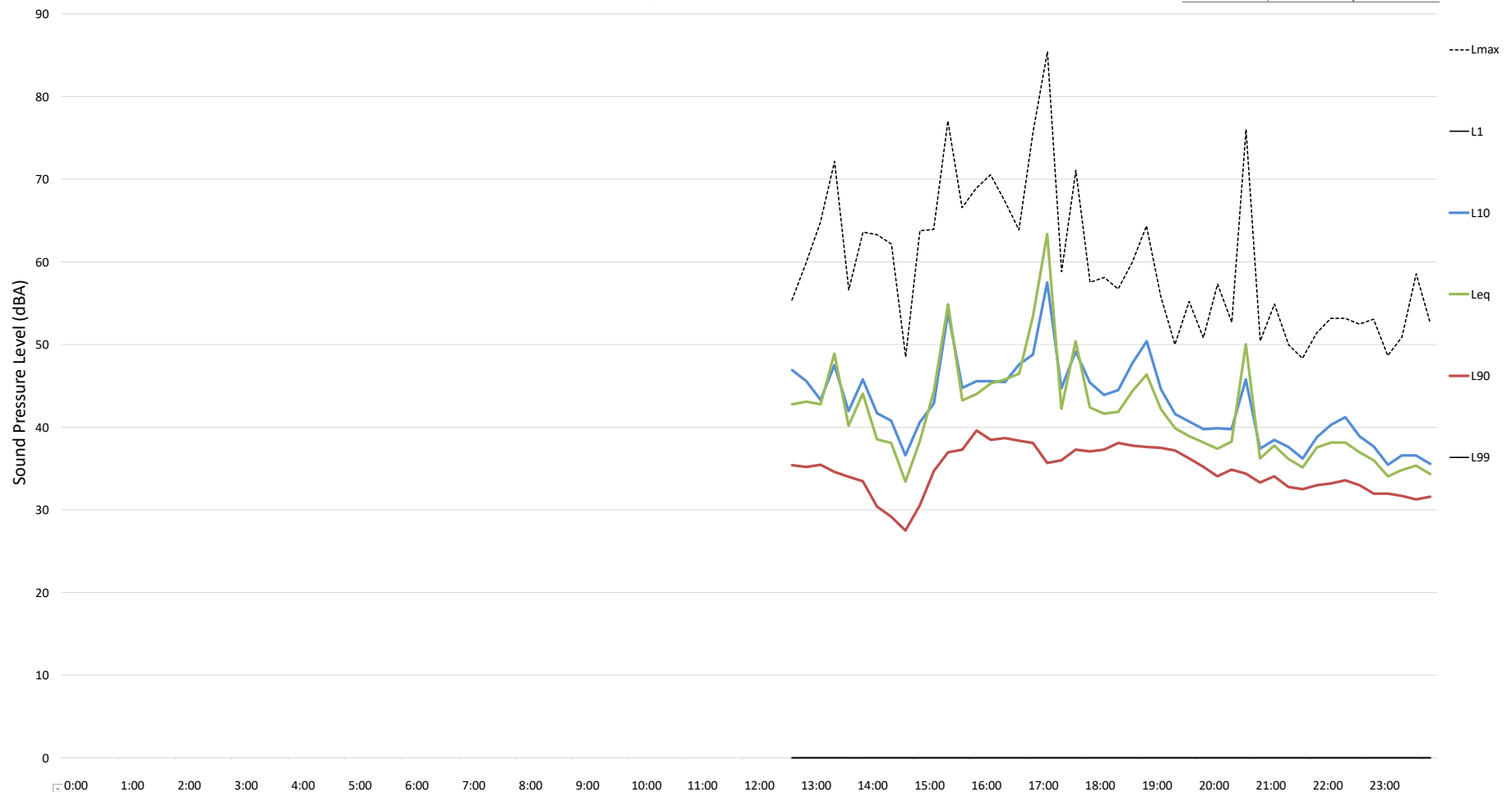
Project Address: 3 Edward Street, Kingswood

Logger Location: At sensitive residential boundary measuring ambient noise

PKA Acoustic Consulting

11/06/2020 Thursday
Existing Ambient Noise Levels (dBA)

Daytime 07:00 - 18:00 Measured	Evening 18:00 - 22:00 Measured	Nighttime 22:00 - 07:00 Measured
L _{Aeq} dB	42.6	40.3
L _{A90} dB	33.1	30.1



11853-3 Edward Street(3), Kingswood

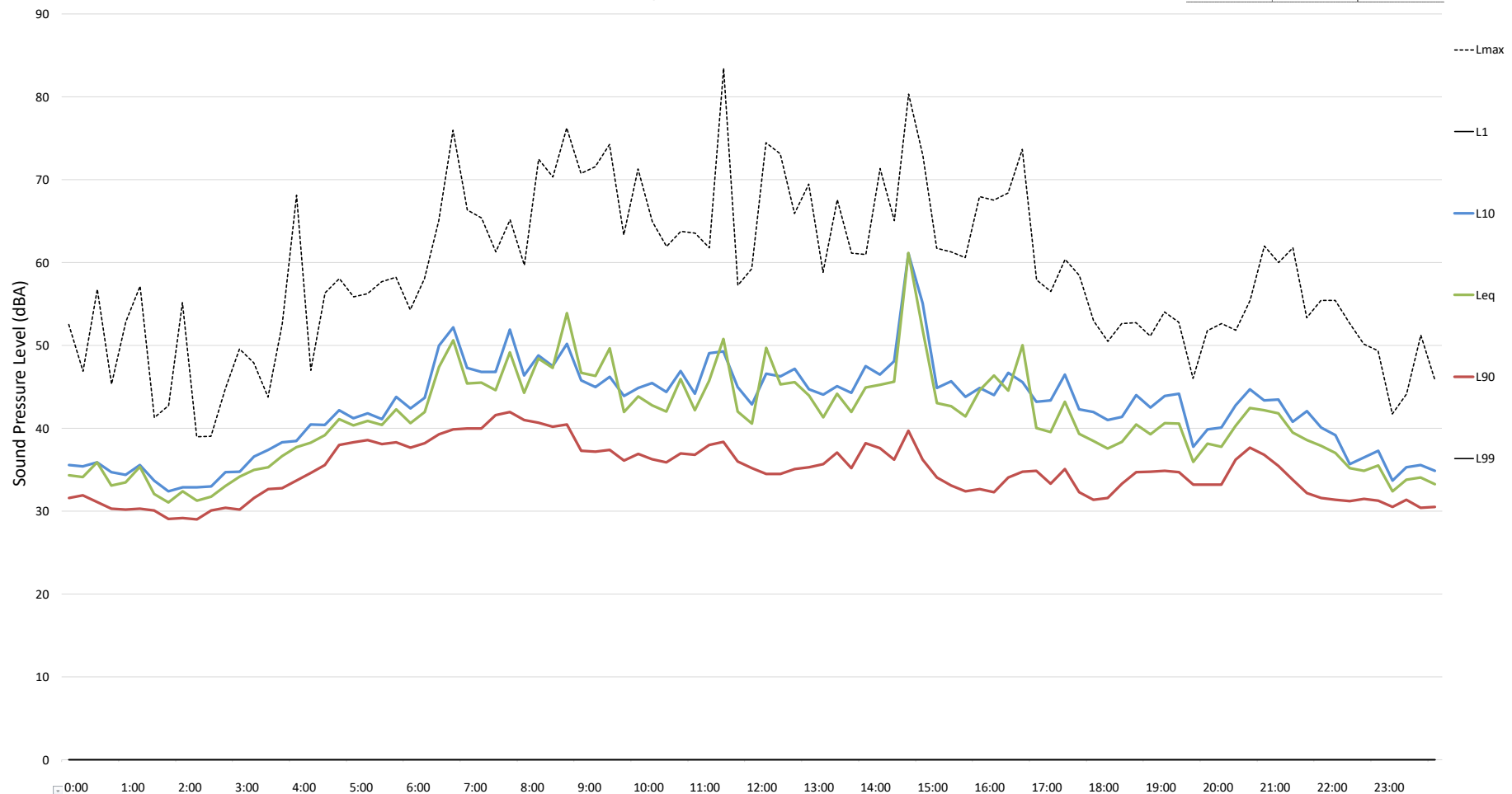
Project Address: 3 Edward Street, Kingswood

Logger Location: At sensitive residential boundary measuring ambient noise

PKA Acoustic Consulting

12/06/2020 Friday
Existing Ambient Noise Levels (dBA)

Daytime 07:00 - 18:00 Measured	Evening 18:00 - 22:00 Measured	Nighttime 22:00 - 07:00 Measured
L _{Aeq} dB	42.6	40.3
L _{A90} dB	33.1	30.1



11853-3 Edward Street(3), Kingswood

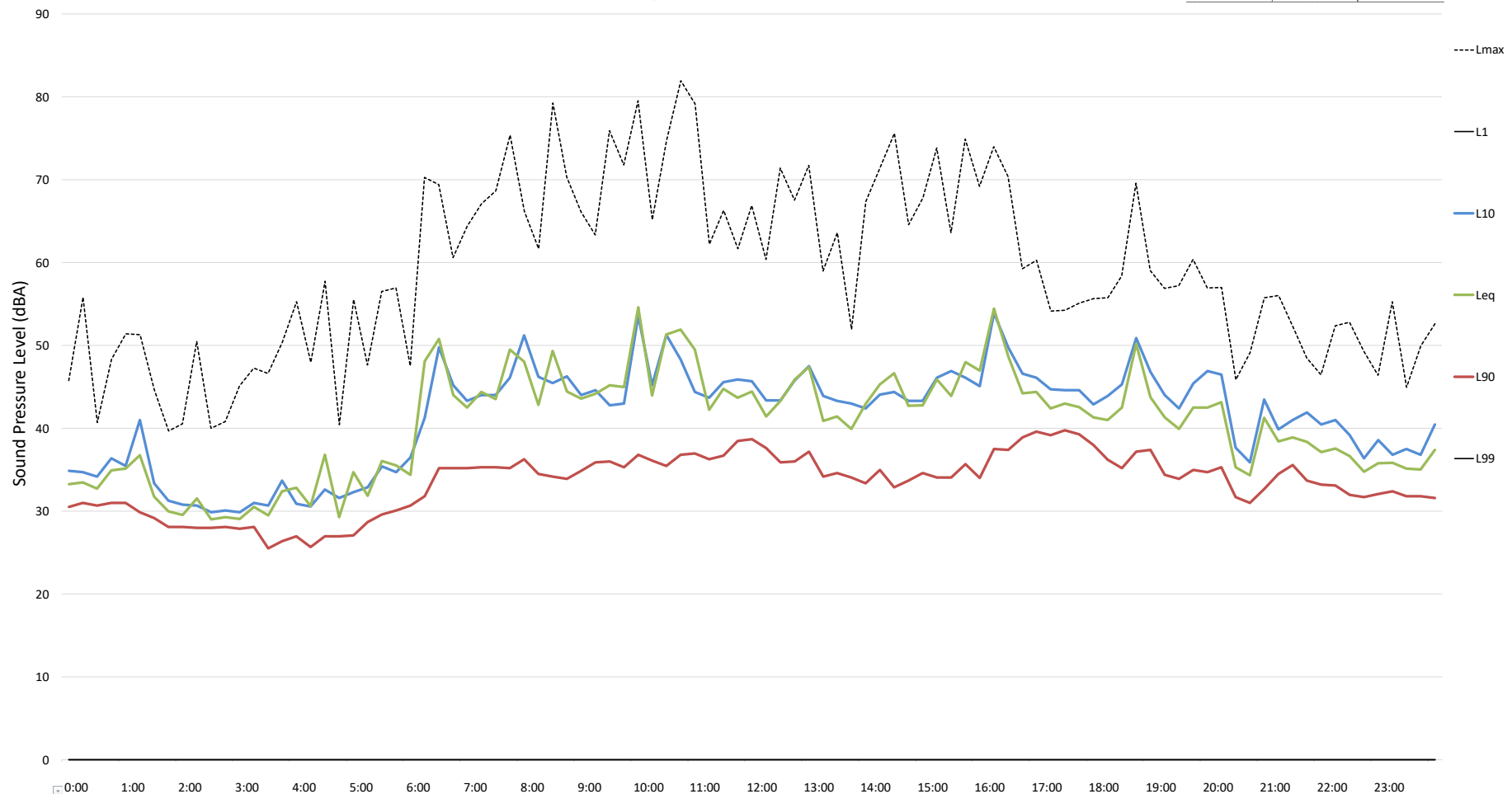
Project Address: 3 Edward Street, Kingswood

Logger Location: At sensitive residential boundary measuring ambient noise

PKA Acoustic Consulting

13/06/2020 Saturday
Existing Ambient Noise Levels (dBA)

Daytime 07:00 - 18:00 Measured	Evening 18:00 - 22:00 Measured	Nighttime 22:00 - 07:00 Measured
L _{Aeq} dB	42.6	40.3
L _{A90} dB	33.1	30.1



11853-3 Edward Street(3), Kingswood

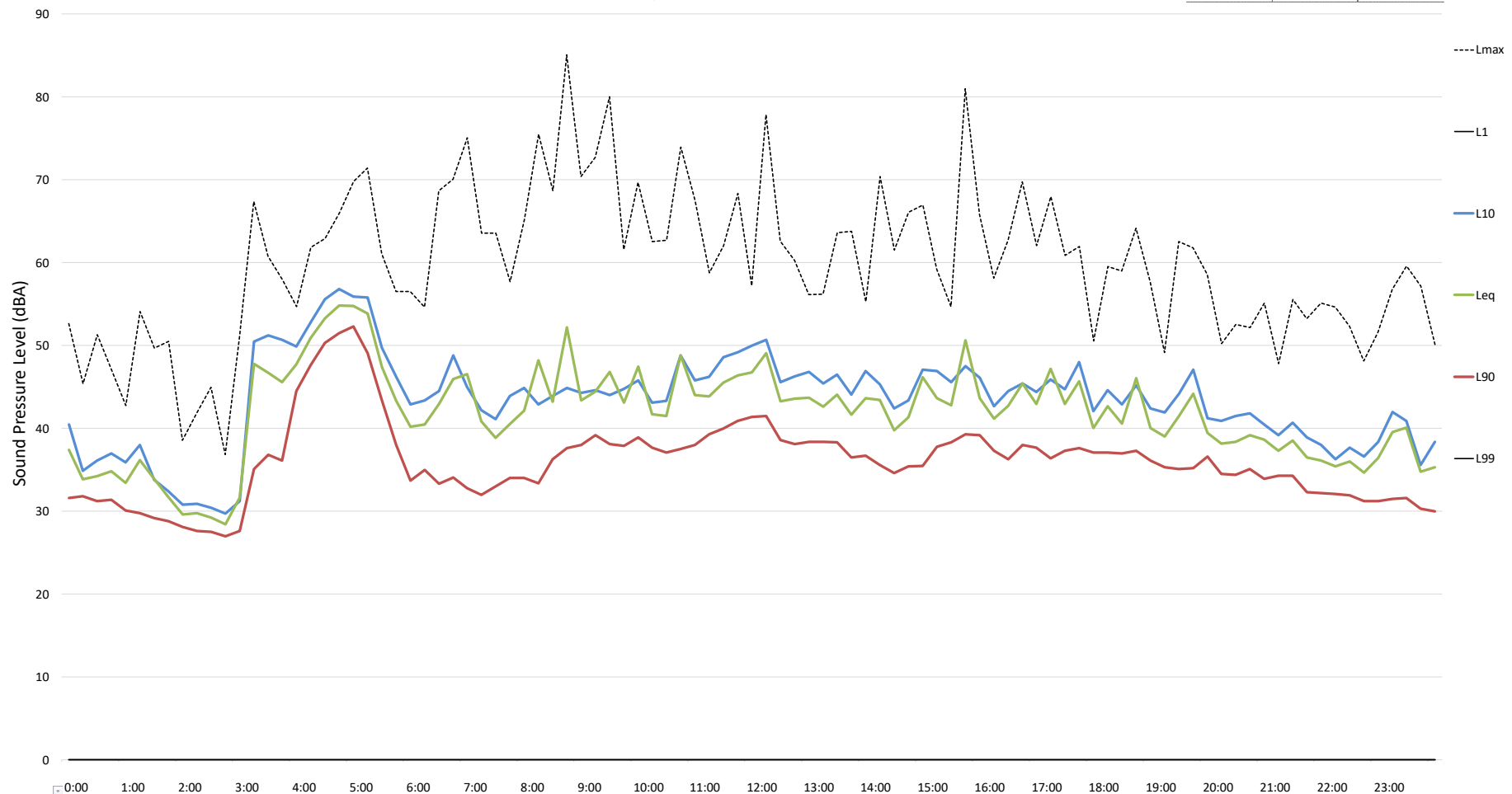
Project Address: 3 Edward Street, Kingswood

Logger Location: At sensitive residential boundary measuring ambient noise

PKA Acoustic Consulting

14/06/2020 Sunday
Existing Ambient Noise Levels (dBA)

Daytime 07:00 - 18:00 Measured	Evening 18:00 - 22:00 Measured	Nighttime 22:00 - 07:00 Measured
L _{Aeq} dB	42.6	40.3
L _{A90} dB	33.1	30.1



11853-3 Edward Street(3), Kingswood

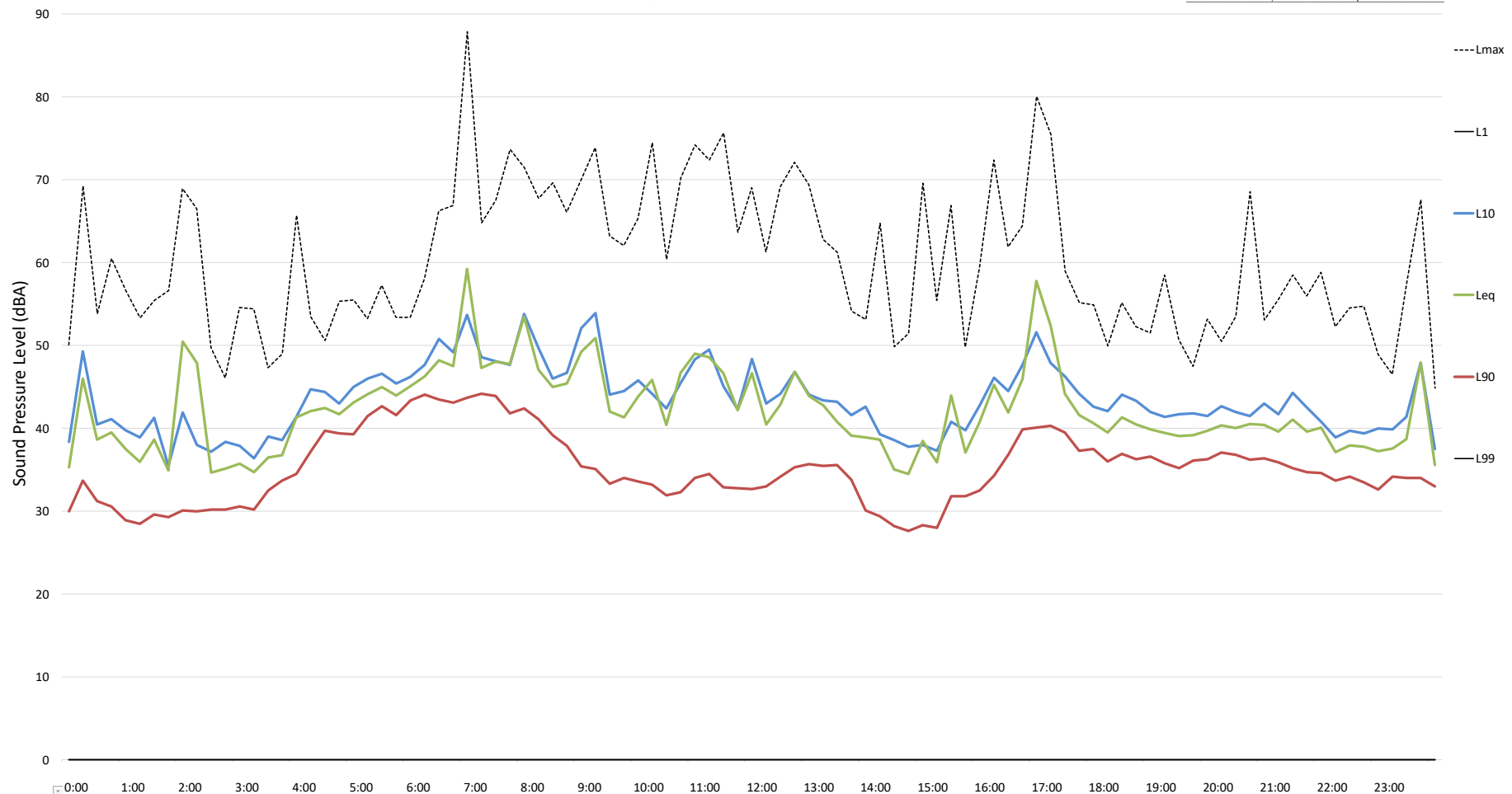
Project Address: 3 Edward Street, Kingswood

Logger Location: At sensitive residential boundary measuring ambient noise

PKA Acoustic Consulting

15/06/2020  Monday
Existing Ambient Noise Levels (dBA)

Daytime 07:00 - 18:00 Measured	Evening 18:00 - 22:00 Measured	Nighttime 22:00 - 07:00 Measured
L _{Aeq} dB	42.6	40.3
L _{A90} dB	33.1	30.1



11853-3 Edward Street(3), Kingswood

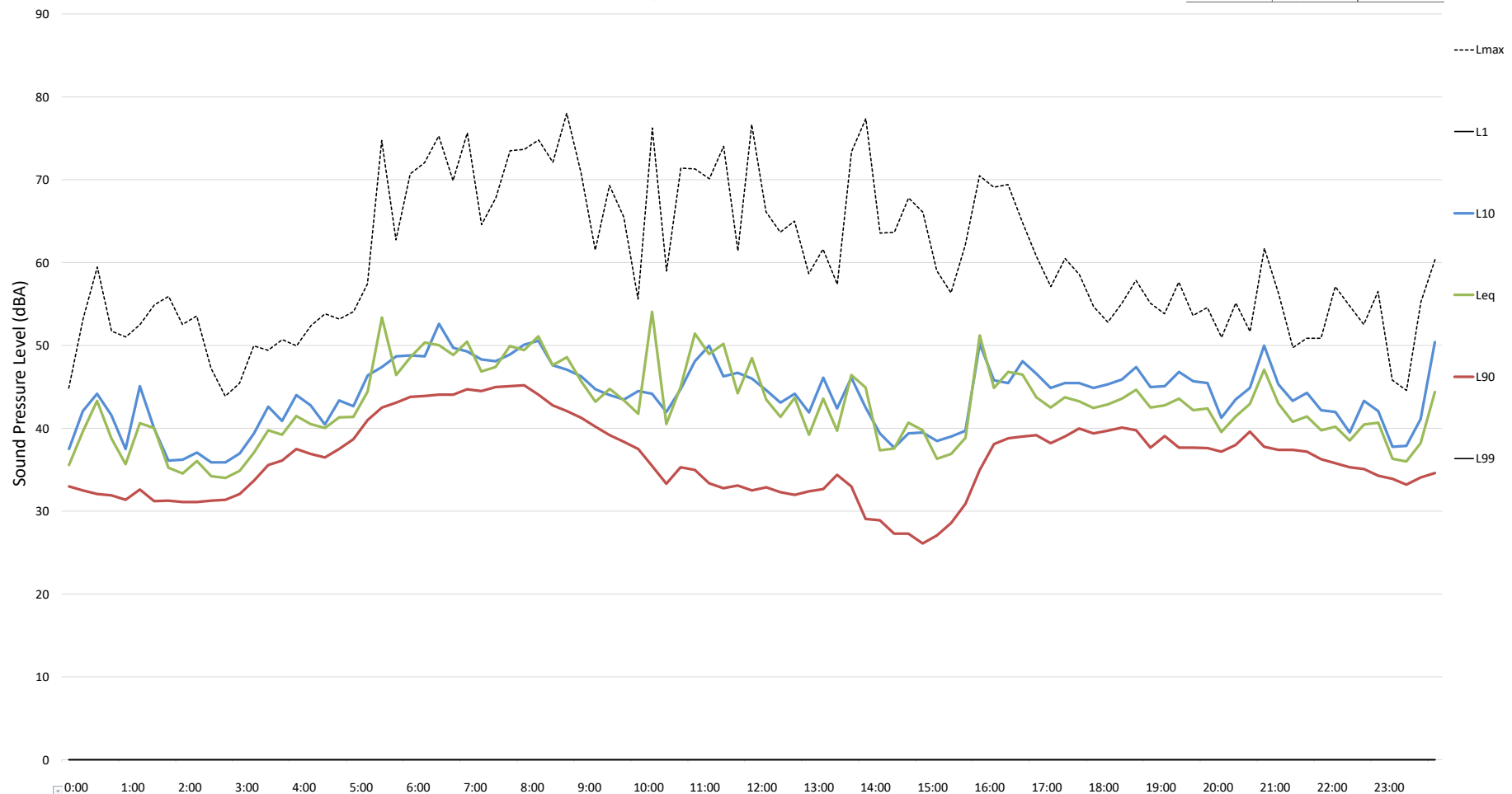
Project Address: 3 Edward Street, Kingswood

Logger Location: At sensitive residential boundary measuring ambient noise

PKA Acoustic Consulting

16/06/2020 Tuesday
Existing Ambient Noise Levels (dBA)

Daytime 07:00 - 18:00 Measured	Evening 18:00 - 22:00 Measured	Nighttime 22:00 - 07:00 Measured
L _{Aeq} dB	42.6	40.3
L _{A90} dB	33.1	30.1



11853-3 Edward Street(3), Kingswood

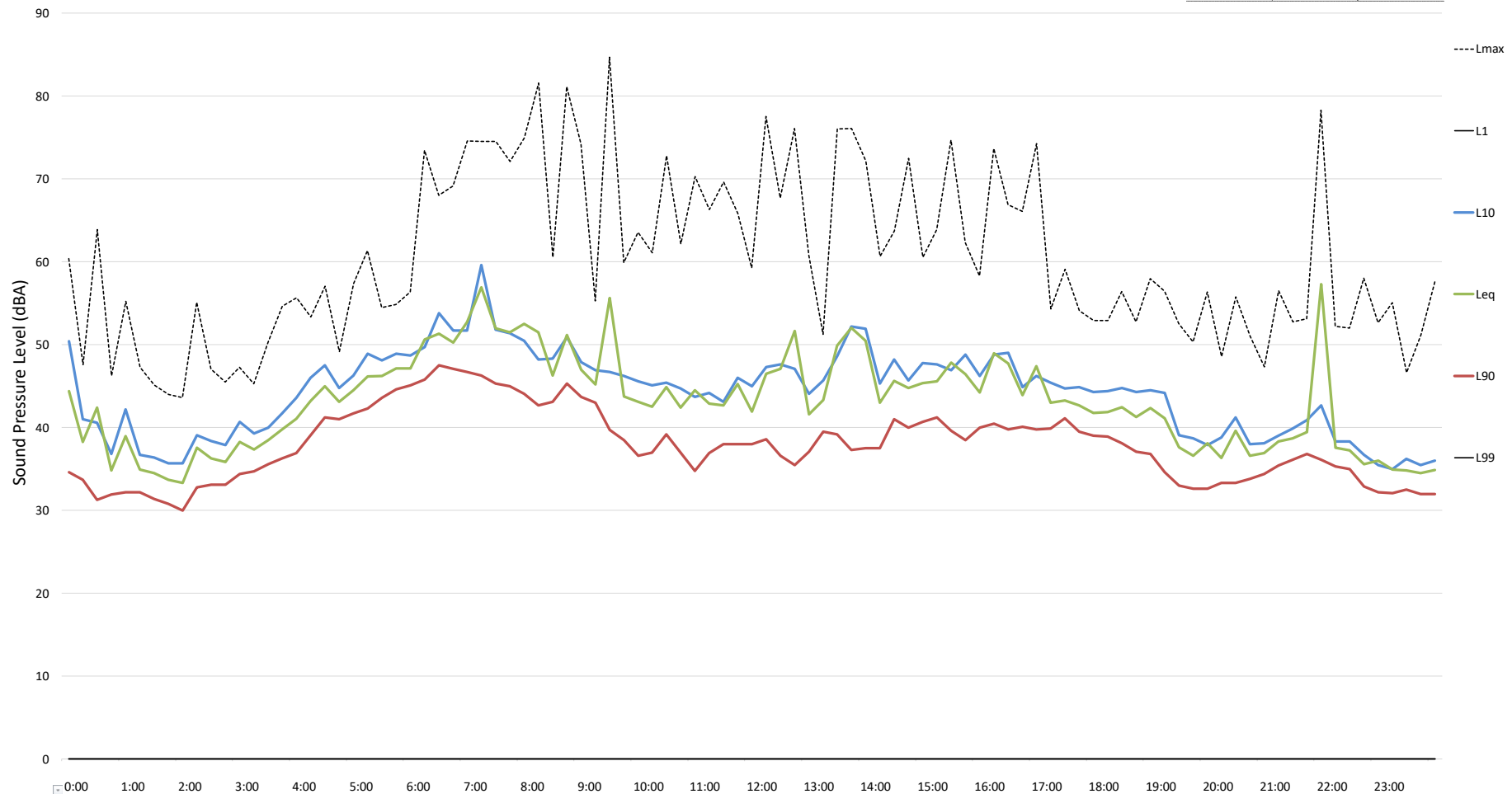
Project Address: 3 Edward Street, Kingswood

Logger Location: At sensitive residential boundary measuring ambient noise

PKA Acoustic Consulting

17/06/2020 Wednesday
Existing Ambient Noise Levels (dBA)

Daytime 07:00 - 18:00 Measured	Evening 18:00 - 22:00 Measured	Nighttime 22:00 - 07:00 Measured
L _{Aeq} dB	42.6	40.3
L _{A90} dB	33.1	30.1



11853-3 Edward Street(3), Kingswood

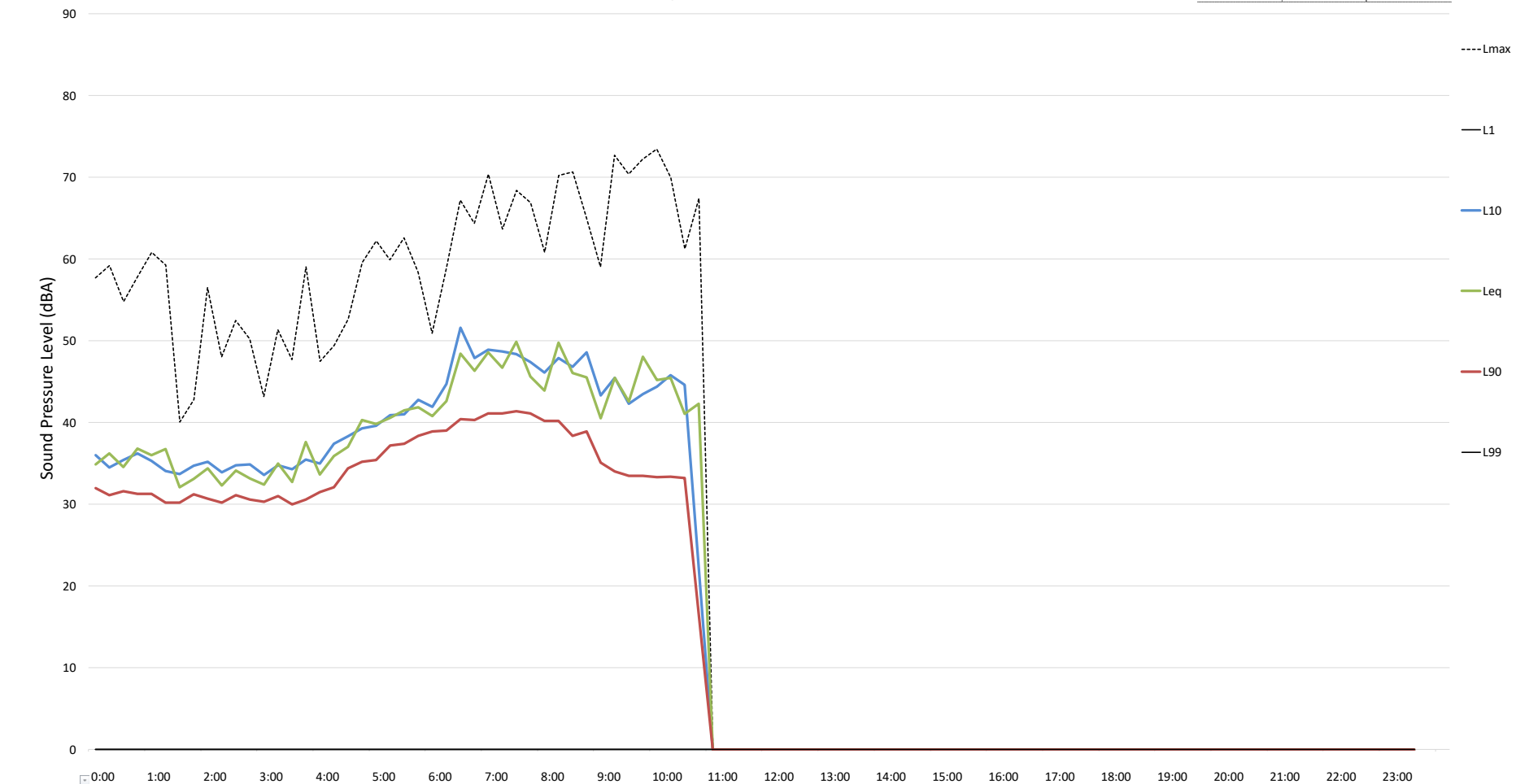
Project Address: 3 Edward Street, Kingswood

Logger Location: At sensitive residential boundary measuring ambient noise

PKA Acoustic Consulting

18/06/2020 Thursday
Existing Ambient Noise Levels (dBA)

	Daytime 07:00 - 18:00 Measured	Evening 18:00 - 22:00 Measured	Nighttime 22:00 - 07:00 Measured
L _{Aeq} dB		42.6	40.3
L _{A90} dB		33.1	30.1





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ARBORICULTURAL IMPACT ASSESSMENT

3 Edward Street, Kingswood.

Prepared for: Signature Projects Australia Pty Ltd

Prepared by: Tom Hare
AQF Level 5 Consulting Arborist
Truth About Trees
tom@truthabouttrees.com.au

Date: July 6th 2020.

Version 3

Executive Summary

Truth about trees have been engaged by Signature Projects Australia Pty. Ltd. to provide an Arboricultural Impact Assessment (AIA) in relation to a proposed development at 3 Edward Street, Kingswood.

The existing property holds a single storey brick & fibro dwelling with a driveway along the western boundary leading to a brick garage.

Tree one (1) is a mature specimen of *Lophostemon confertus* located within the neighbours property. The tree is displaying good health and vigour and has been allocated a medium retention value. The tree will be encroached upon by the proposed driveway; however, the proposed driveway is to replace the existing driveway so the negative impacts are likely to be reduced. The existing driveway would need to be removed by hand and following this, if significant roots greater than 40mm in diameter are discovered within the footprint of the new driveway, the driveway must be constructed above grade with suspended slab located on individual piers. The tree is encroached upon by around 16%, however, as mentioned previously, much of this encroachment replaces existing structures. This species of tree is known to be very tolerant of root disturbance and no significant impacts are anticipated.

Tree two (2) is a *Eucalyptus scoparia* which is in advanced decline, the tree is encroached upon by the driveway and the proposed building footprint. This species is known to be relatively short-lived in the Sydney region and this tree has significant structural defects. This tree should be removed regardless of development.

Tree three (3) is a council street tree. The tree has been identified as a *Callistemon viminalis*-Bottle brush. The tree is displaying fair health and poor structure with co-dominant stems at 0.5m above grade. The tree suffers no encroachment of the TPZ and no significant impacts are anticipated.

Tree four (4) is an old Bottle brush stump that has been repeatedly lopped and managed to form a shrub. The tree has a calculated TPZ of 6 metres and is within the footprint of a proposed footpath/entranceway. The previous management of this tree raises long-term concerns over its structural condition and it should be considered for removal regardless of the development requirements.

There are no other trees in adjacent properties which stand to be affected by the proposed development.

Two trees (2 & 4) are recommended for removal regardless of the development requirements.

Trees one and three (1 & 3) must be isolated from construction activity with tree protection fencing in accordance with AS4970-2009 The Protection of Trees on Development Sites.

The existing driveway is to be used for site access/egress, with the section of driveway adjacent to tree one (1) to remain in situ to protect the tree roots beneath until such time as the site access for machinery is no longer required. Alternatively, the driveway removal and replacement may be carried out first and then used as the site access/egress. If neither of these options are feasible, the driveway may be removed by hand under supervision of the project Arborist who will then oversee the installation of ground protection measures. Ground protection measures will consist of geotextile fabric topped with 150mm depth of mulch or aggregate with hardwood rumble boards or steel road plates on top. Further detail may be found in the generic tree protection measures in appendix 2 of this report.

Tree protection fencing is to be installed and certified as per appendix 3 of this report.

Any other works within the TPZ of any prescribed tree to be retained must be supervised by the AQF level 5 Project Arborist.

The removal of trees two (2) and four (4) will result in the need for at least two replacement plantings. The replacement plantings should preferably be a tree species which is locally occurring within the Penrith Council LGA.

3 Edward Street, Kingswood.

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Introduction

Truth about trees have been engaged by Signature Projects Australia Pty. Ltd. to provide an Arboricultural Impact Assessment (AIA) in relation to a proposed development at 3 Edward Street, Kingswood.

The existing property holds a single storey brick & fibro dwelling with a driveway along the western boundary leading to a brick garage.

The existing dwelling and ancillary structures are proposed for demolition to enable the construction of a new two storey multi-room boarding house. The proposed development will also incorporate off-street parking as shown in figure 1 below.



Methodology

A site visit was conducted on Friday 12th June 2020.

Assessment was undertaken of all trees within the subject property and properties directly adjacent, which had the potential to be impacted upon by the proposed development.

The site is located within the municipality of Penrith City Council and as such, the trees were assessed in accordance with the Penrith council DCP and the tree and vegetation fact sheet, an excerpt of which is shown below.

TREE & VEGETATION REMOVAL – PROTECTED & EXEMPT VEGETATION

FACT SHEET

Under the State Environmental Planning Policy (SEPP (Vegetation in Urban Areas)) and the Penrith Development Control Plan (DCP), it is illegal to cut down, fell, uproot, kill, poison, ringbark, burn or otherwise destroy vegetation, or lop or otherwise remove a substantial part of the vegetation as prescribed in Council's DCP without Council permission. Where the vegetation is native, clearing includes shrubs, ground covers or wetland plants.

PRESCRIBED VEGETATION Prescribed (protected) vegetation is outlined in the Penrith DCP as:

- 1) Any indigenous tree (both living and dead) or other vegetation that is on land zoned E2 Environmental Conservation in the Penrith LEP 2010 Land Zoning Map or natural resources sensitive land identified in the Penrith LEP 2010 Natural Resources Sensitivity Land Map.
- 2) In residential areas, any tree or other vegetation having a height of 3m or more or a trunk exceeding 100mm Diameter at Breast Height (DBH, measured at approx. 1400mm above ground level).
- 3) In business and industrial areas: a) Any tree or other vegetation having a height of 3m or more or a trunk diameter exceeding 100mm DBH.
- 4) In rural areas: a) Any tree or other vegetation, within 20m of a dwelling house, having a height of 3m or more or a trunk exceeding 100mm DBH. b) Any indigenous tree or vegetation, not within 20m of a dwelling house. Note: clearing of vegetation will only be considered where it is proposed in conjunction with a use permissible on that land. c) Any introduction vegetation, not within 20m of a dwelling house, having a height of 3m or more or a trunk exceeding 100mm DBH.
- 5) Any tree or other vegetation that is, or forms part of, a heritage item or is within a heritage conservation area.

EXEMPT VEGETATION You do not need approval for the following:

- 1) a tree or other vegetation that the Council is satisfied is dying or dead and is not required as the habitat for native fauna.
- 2) a tree or other vegetation that the Council is satisfied is a risk or imminent threat to human life or property.
- 3) a tree or other vegetation where the trunk is located within 2m of an existing dwelling, as measured from the main trunk of the tree or other vegetation to an external enclosing wall of the existing dwelling.
- 4) controlled weeds under the NSW Biosecurity Act 2015 and identified in the Greater Sydney Regional Strategic Weed Management Plan 2017 – 2022.
- 5) the removal of trees and other vegetation to maintain approved dams or bushfire asset protection zones.

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You can also carry out the following works without permission:

1. Remove or prune edible fruit trees (excluding Australian natives), eg. Citrus, apple, mulberry, etc. Note: Ornamental fruit trees are not exempt.
2. Remove fruit and dead leaves (fronds) from palm trees.
3. Prune branches up to 50mm diameter, prune to remove deadwood and mistletoe, remove or prune any exempt species (see below)

Exempt Species

African Olive (*Olea europaea* subsp. *africana*), Cassia (*Senna pendula*), Cocos palm (*Syagrus romanzoffianum*), Cotoneaster, Hackberry (*Celtis sinensis*), Norfolk Island Hibiscus (*Lagunaria patersonia*), Oleander (*Nerium oleander*), Privet (*Ligustrum* spp.), Rubber Tree (*Ficus elastica*), Tree of Heaven (*Ailanthus altissima*), Umbrella Tree (*Schefflera actinophylla*).¹

Work must be undertaken in accordance with the WorkCover NSW Code of Practice for the Amenity Tree Industry and the guidelines in Australian Standard AS 4373 Pruning of Amenity Trees.

Assessment of the trees was undertaken using the framework of the visual tree assessment procedure (VTA) as prescribed by Mattheck & Broeler 1994.²

Tree Protection Zones and Structural Root Zones were calculated in accordance with AS4970-2009- The Protection of Trees on Development Sites³(see Section 1.2). Tree Retention Values were determined using the IACA 'Significance of a Tree, Assessment Rating System'⁴(STARS – see Section 1.3). This report will discuss the current structural condition and health of the trees and will provide recommendations regarding their viability relative to proposed works.

- No internal diagnostic testing has been completed.
- No sub surface root testing or soil testing has been completed.
- All observations were made from the ground only.
- Tree heights have been estimated and diameters have been measured with a diameter tape where access allowed.

The following drawings and resources were considered when completing the assessment:

Document name	Provided by	Document name	Provided by
SK-02-Ground level plan-Issue K	Signature Projects	AS4970-2009- The Protection of Trees on Development Sites	Standards Australia
SK-03- First Floor plan- Issue H	Signature Projects		
20075-DET- Site Survey (Revision 1)	Geo Point Surveyors		

Table 1- Resources considered during assessment.

¹ Penrith City Council Vegetation Fact Sheet-Accessed 14-6-20- Penrith City Council Website.

² Mattheck & Broeler 1994- The Body Language of Trees.

³ Standards Australia- AS4970-2009- The Protection of Trees on Development Sites

⁴ IACA- Significance of a Tree Assessment Rating System- STARS

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Site Details

The site is at 3 Edward Street, Kingswood.



Figure 2- The subject site. Image taken from Near Maps⁵

⁵ Near Maps 2020, *The location of 3 Edward Street, Kingswood*. Near Maps 2020.

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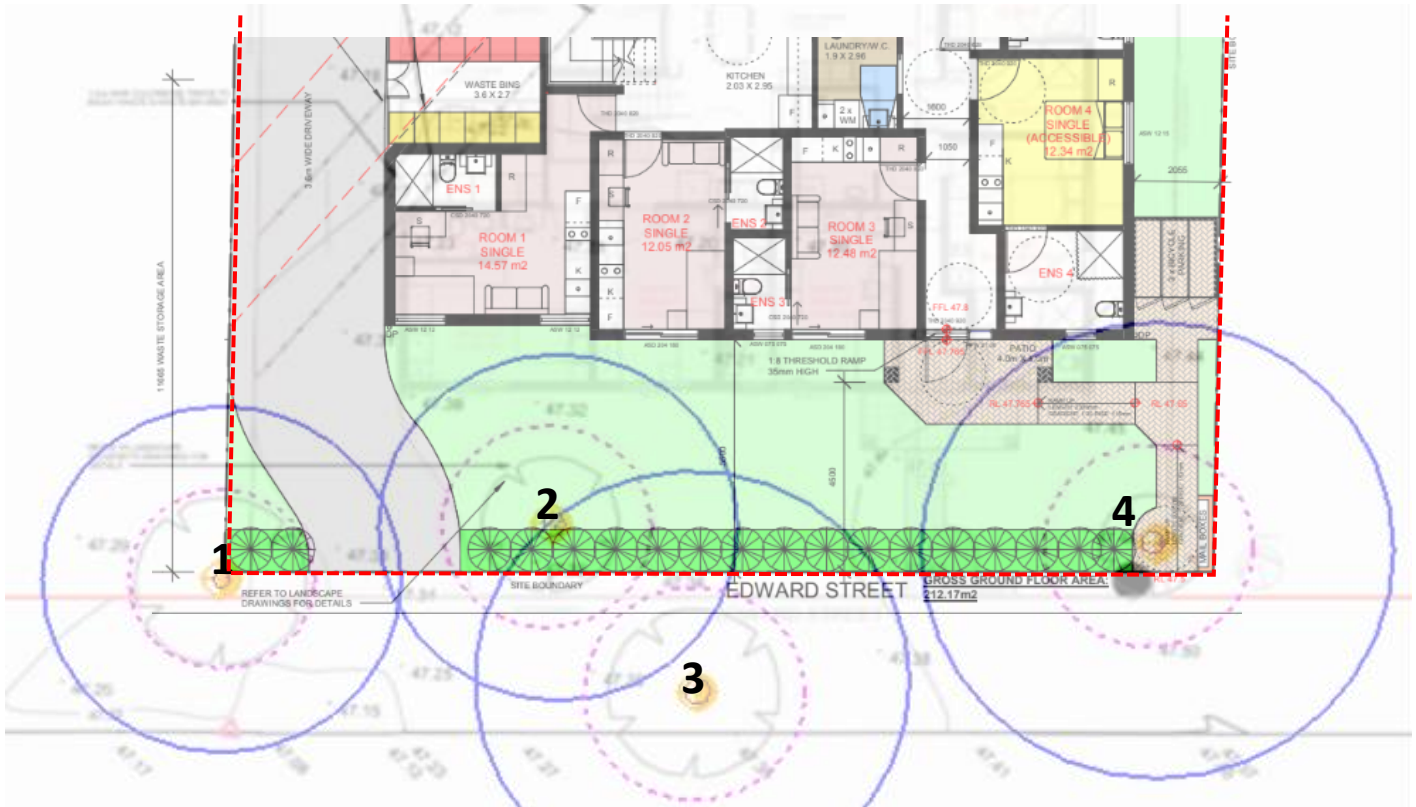


Figure 3- The locations of the trees with TPZs and SRZs overlaid in ArborCad.

Tree schedule

Tree #	Species	Height	spread	TPZ/ SRZ	Health & vigour	Structure	Sig.	E.L. E	Retention value	Comments
1	<i>Lophostemon confertus</i> - Brush Box	9m	8m	4.6m 2.4m	Good	Fair	Medium	Medium	Medium	Neighbours tree
2	<i>Eucalyptus scoparia</i> - Wallangarra white gum	14m	8m	4.6m 2.7m	Poor	Poor	Low	Short	Low	Advanced decline and structural defects.
3	<i>Callistemon viminalis</i> - Weeping Bottle Brush	6m	9m	5.5m 2.8m	Fair	Poor	Low	Medium	Low	Council Street tree
4	<i>Callistemon viminalis</i> - Weeping Bottle Brush	3m	3m	6.0m 2.7m	Good	Poor	Low	Medium	Low	Poorly formed lopped specimen

Table 2-Tree schedule

There are a number of other trees and shrubs throughout the property which are exempt due to size and/or species, with a number of them being commercially grown fruit tree species.

Retention values

Retention value	
High	N/A
Medium	1
Low	2-3-4
Very low	N/A

Table 3- Retention values calculated using the STARS system.

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Discussion

Tree one (1) is a mature specimen of *Lophostemon confertus* located within the neighbours property. The tree is displaying good health and vigour and has been allocated a medium retention value. The tree will be encroached upon by the proposed driveway; however, the proposed driveway is to replace the existing driveway so the negative impacts are likely to be reduced. The existing driveway would need to be removed by hand and following this, if significant roots greater than 40mm in diameter are discovered within the footprint of the new driveway, the driveway must be constructed above grade with suspended slab located on individual piers. The tree is encroached upon by around 16%, however, as mentioned previously, much of this encroachment replaces existing structures. This species of tree is known to be very tolerant of root disturbance and no significant impacts are anticipated.

Tree two (2) is a *Eucalyptus scoparia* which is in advanced decline, the tree is encroached upon by the driveway and the proposed building footprint. This species is known to be relatively short-lived in the Sydney region and this tree has significant structural defects. This tree should be removed regardless of development.

Tree three (3) is a council street tree. The tree has been identified as a *Callistemon viminalis*-Bottle brush. The tree is displaying fair health and poor structure with co-dominant stems at 0.5m above grade. The tree suffers no encroachment of the TPZ and no significant impacts are anticipated.

Tree four (4) is an old Bottle brush stump that has been repeatedly lopped and managed to form a shrub. The tree has a calculated TPZ of 6 metres and is within the footprint of a proposed footpath/entranceway. The previous management of this tree raises long-term concerns over its structural condition and it should be considered for removal regardless of the development requirements.

There are no other trees in adjacent properties which stand to be affected by the proposed development.

Trees recommended for removal/retention

Proposed for	Tree number
Trees proposed for removal	2-4
Trees proposed for retention	1-3

Table 4- Trees proposed for removal/retention

Conclusions

Two trees (2 & 4) are recommended for removal regardless of the development requirements. Tree two (2) is in advanced decline and has significant structural defects. Tree four (4) is an old stump that has been repeatedly lopped to form a shrub. Unless this management is continued, the tree is likely to become hazardous and its removal is recommended.

The only other tree which stands to be affected is tree one (1). Tree one (1) is impacted upon by the removal of the existing driveway and construction of a new driveway.

Recommendations

1. Trees 2, 4 should be removed regardless of the development requirements.
2. Tree 3 is a council street tree and is to be retained and protected throughout development
3. Tree one (1) is impacted upon by removal of the existing driveway and construction of a new driveway. The existing driveway is to be carefully removed by hand. Once the driveway is removed, if tree roots greater than 40mm in diameter are discovered within the footprint of the new driveway, the new driveway must be installed as a suspended slab on individual pier footings.
4. Trees one and three (1 & 3) must be isolated from construction activity with tree protection fencing in accordance with AS4970-2009 The Protection of Trees on Development Sites.
5. The existing driveway is to be used for site access/egress, with the section of driveway adjacent to tree one (1) to remain in situ to protect the tree roots beneath until such time as the site access for machinery is no longer required. Alternatively, the driveway removal and replacement may be carried out first and then used as the site access/egress. If neither of these options are feasible, the driveway may be removed by hand under supervision of the project Arborist who will then oversee the installation of ground protection measures. Ground protection measures will consist of geotextile fabric topped with 150mm depth of mulch or aggregate with hardwood rumble boards or steel road plates on top. Further detail may be found in the generic tree protection measures in appendix 2 of this report.
6. Any other works within the TPZ of any prescribed tree to be retained must be supervised by the AQF level 5 Project Arborist.
7. The removal of trees two (2) and four (4) will result in the need for at least two replacement plantings. The replacement plantings should preferably be a tree species which is locally occurring within the Penrith Council LGA.

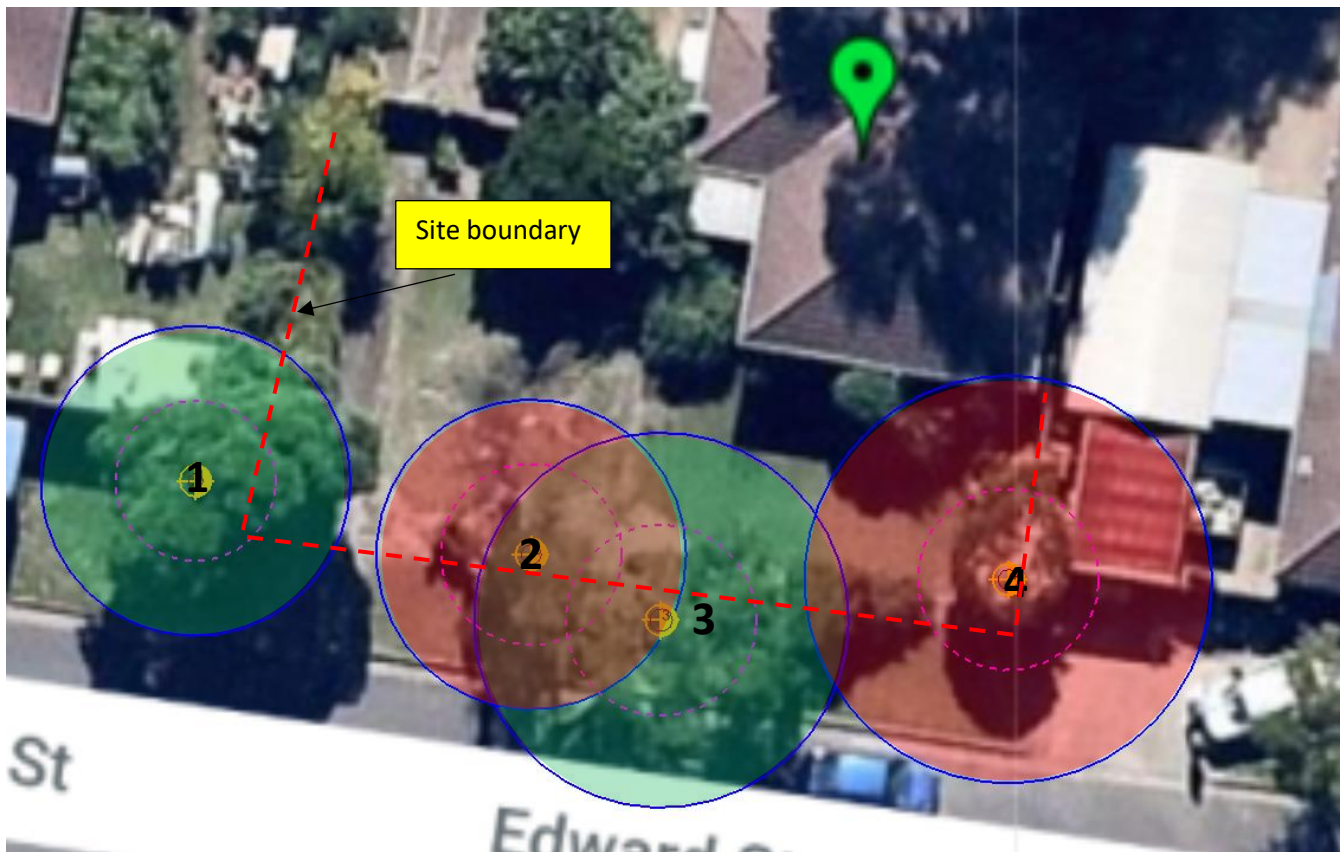


Figure 4- Proposed removal and retention plan.

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- Near Maps. 2020. *The location of 3 Edward Street, Kingswood*
Accessed 14-6-20.

Disclaimer:

The information contained within this report is to be used solely for the purposes that were specified at the time of engagement.

All attempts have been made to ensure the legitimacy of any information which has been gathered in the process of compiling this report, however Truth About Trees cannot be held liable for inaccurate or misleading information which has been provided by others.

Any tree inspections or assessments which have been carried out for the purposes of this report are valid only at the time of inspection and are based on what could reasonably be seen or diagnosed from a visual inspection carried out from ground level.

All inspections, unless otherwise stated, are based upon Visual Tree Assessment (VTA) techniques, industry best practice and applied knowledge. No internal diagnostic testing or below ground investigation has been carried out, unless otherwise stated.

Trees are a dynamic living organism and as such they have a finite lifespan the end of which cannot always be predicted or understood, even apparently healthy trees can die suddenly or fall without warning. As such there is no warranty or guarantee provided, or implied, regarding the future risks associated with any tree.

Please feel free to contact me either via telephone or email if you have any questions regarding this report.

Kind regards

Tom Hare- AQF level 5 Consulting Arborist

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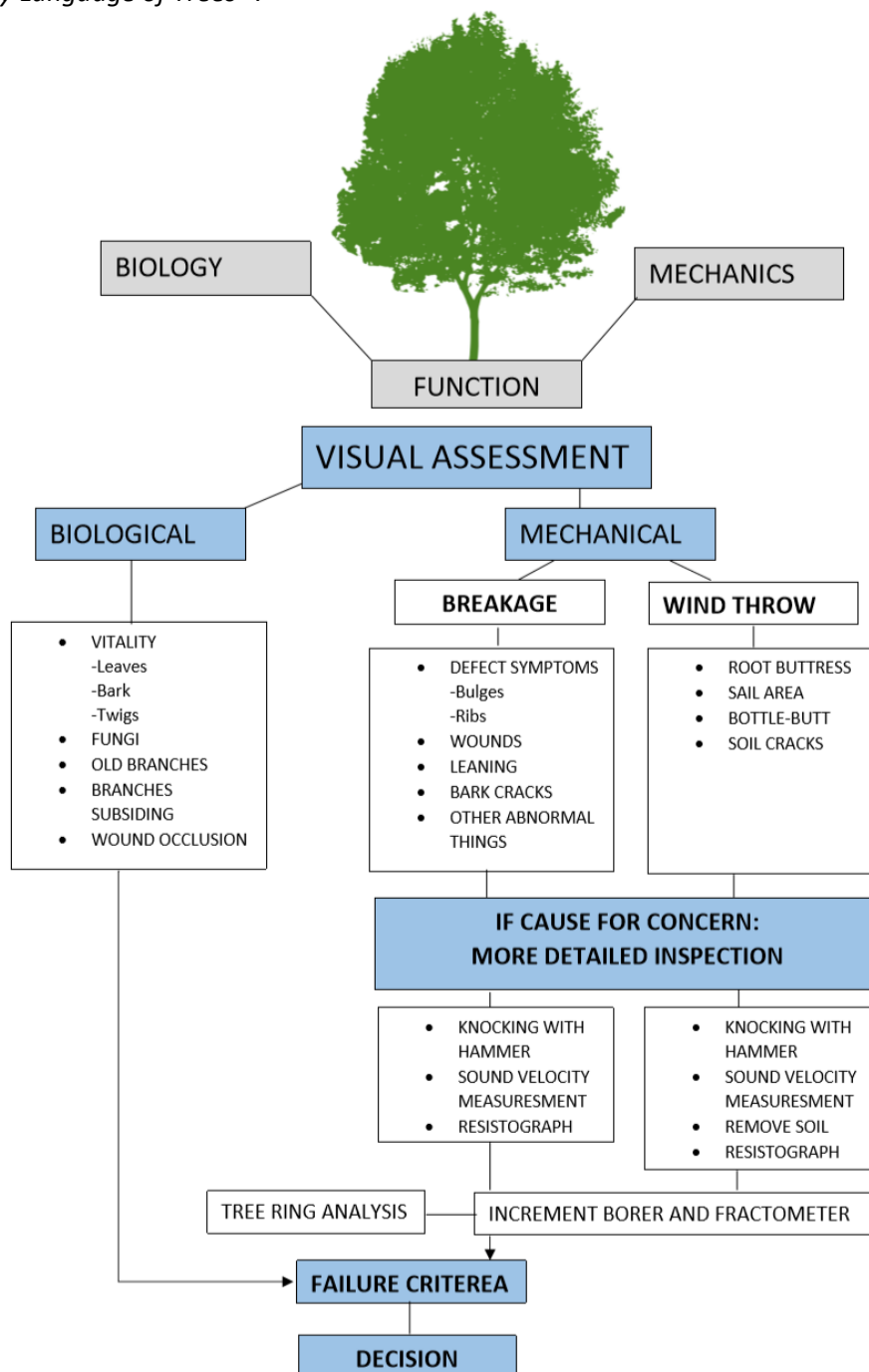
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Appendix 1: Tree assessment methodology

1.1 Visual Tree Assessment (VTA)

The VTA system is based on the theory of tree biology and physiology, as well as tree architecture and structure. This method is used by arborists to identify visible signs on trees that indicate good health, or potential problems. Symptoms of decay, growth patterns and defects are identified and assessed as to their potential to cause whole-tree, part-tree and/or branch failure. This system (represented by the image below) is based around methods discussed in *'The Body Language of Trees'*⁶.



For the purpose of this report, elements of the VTA system will be used, along with industry standard literature, and other relevant studies that provide an insight into potential hazards in trees. This assessment is a snapshot of what could be reasonably seen or determined from a basic visual inspection. The VTA system is generally used as a means to identify hazardous trees; however it is important to realize that for a tree to be hazardous there must be a target; a hazard poses no risk if there is no exposure to the hazard.

⁶ Mattheck, C. & Broeler, H. 1994. *The Body Language of Trees*.

1.1.1 Health and Vigour Assessment

The health and vigour of a tree are assessed by looking at the tree canopy and how it is performing. Certain indicators provide information on which to base the assessment. Abnormally small leaves, chlorosis (yellowing), sparse crown, wilting, and die-back can be signs of ill-health or decline but may also be related to a temporary imbalance due to drought or pest infestations. Epicormic growth can be a sign of stress and low energy reserves but can also be related to increased light levels through the removal or pruning of adjacent trees. Extension growth can be a good indicator of vigour, but this can vary greatly between species and under differing climatic conditions. For these reasons, each individual symptom or observation needs to be assessed with objectivity and consideration of all available information.

1.1.2 Structural Assessment

The structural assessment of trees is carried out using the basic framework of Visual Tree Assessment. Signs and symptoms of defects are assessed to gauge the likelihood of failure, because not every defect constitutes a hazard e.g. *“...co-dominant stems are a structural defect. The severity of the defect is increased by included bark, large crowns and strong wind.”*⁷ If trees were removed purely on the basis that there were defects present without assessing the likelihood of failure or whether practical mitigation measures are available, the urban forest would cease to exist. A basic visual tree assessment is undertaken from ground level, if defects are suspected further investigation may be required and recommended. *“[When using] the Visual Tree Assessment (VTA) procedure for assessing trees, as the suspicion increases that defects are present, the examination becomes more thorough and searching.”*¹

*“Some defects, especially some forms of decay, do not give rise to external signs and therefore tend to escape detection in a purely visual survey. If there is no reason for suspecting a hidden defect to occur within a particular part of the tree, there is no reasonable basis for carrying out a detailed internal assessment. Although in theory an unsuspected defect might be detectable by the use of specialized diagnostic devices, this would be impracticable in the absence of some external sign to indicate the place which should be probed. Also, internal examination without good reason is undesirable, as it usually causes injury to the tree and is unreasonably time consuming and costly.”*⁸

⁷ Matheny, N. & Clark, J. 1994. *A Photographic Guide to the Evaluation of Hazard Trees in Urban Areas*.

⁸ Lonsdale. 1999. *Principles of Tree Hazard Assessment and Management*.

1.2 Tree Protection Zone (TPZ) & Structural Root Zone (SRZ) Calculations

In accordance with Australian Standard AS4970-2009 *Protection of trees on development sites*⁹, Tree Protection Zone (TPZ) radius is calculated using the following procedure. Diameter of the trunk is measured at approximately 1.4m above ground level; this measurement is referred to as DBH (Diameter at Breast Height). $R_{TPZ} = DBH \times 12$. For multi-stemmed trees the formula used is $R_{TPZ} = \sqrt{[(DBH1)^2 + (DBH2)^2 + (DBH3)^2]}$. The TPZ is measured radially from the centre of the stem and must be protected on all sides.

The Structural Root Zone (SRZ) radius is calculated by measuring the diameter of the stem close to ground level, just above the basal flare. This measurement is taken as D and then used in the following formula: $R_{SRZ} = (D \times 50)^{0.42} \times 0.64$ and becomes the Structural Root Zone, measured radially from the centre of the stem.

It is important to realize that these calculations provide a notional figure only and tree dynamics, form and site conditions will greatly affect these zones, and it is the job of the arborist to interpret the information correctly.

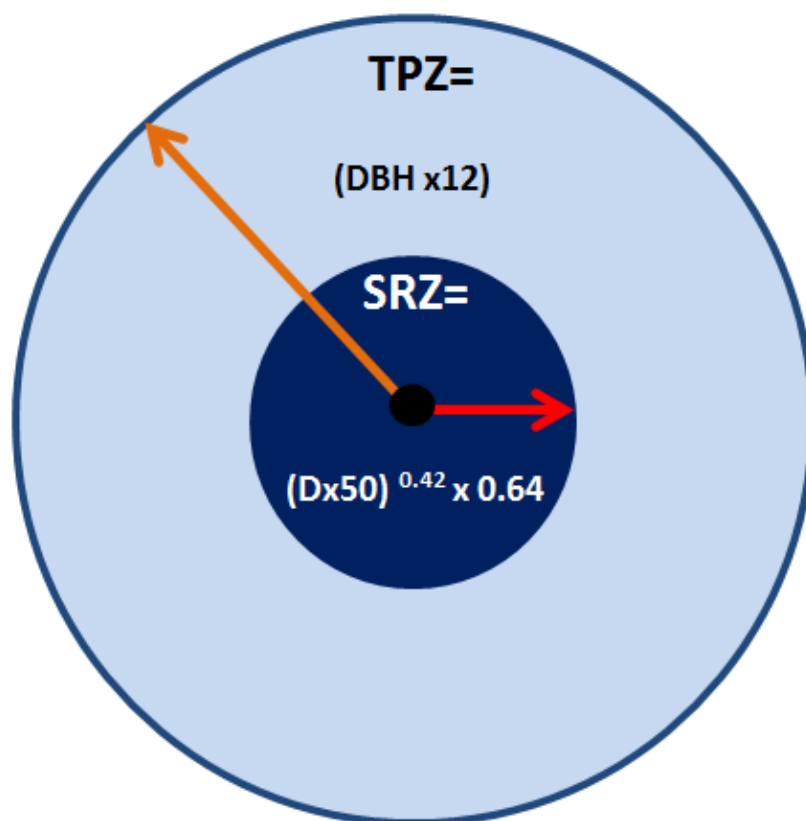


Figure 2 – A representation of TPZ & SRZ calculations.

For palms, cycads, tree ferns, and similar monocots, the TPZ is positioned at least 1m outside the crown projection. SRZs are not applicable to these plant types.

AS4970-2009³ states “a TPZ should not be less than 2m nor greater than 15m (except where crown protection is required)” and the minimum radius for an SRZ is 1.5m.

⁹ Standards Australia. 2009. AS4970-2009 *Protection of trees on development sites*.

1.3 Significance of a Tree, Assessment Rating System (STARS)

IACA Significance of a Tree, Assessment Rating System (STARS)© (IACA 2010)©

In the development of this document IACA acknowledges the contribution and original concept of the Footprint Green Tree Significance & Retention Value Matrix, developed by Footprint Green Pty Ltd in June 2001.

The landscape significance of a tree is an essential criterion to establish the importance that a particular tree may have on a site. However, rating the significance of a tree becomes subjective and difficult to ascertain in a consistent and repetitive fashion due to assessor bias. It is therefore necessary to have a rating system utilising structured qualitative criteria to assist in determining the retention value for a tree. To assist this process all definitions for terms used in the *Tree Significance - Assessment Criteria and Tree Retention Value - Priority Matrix*, are taken from the IACA Dictionary for Managing Trees in Urban Environments 2009.

This rating system will assist in the planning processes for proposed works, above and below ground where trees are to be retained on or adjacent a development site. The system uses a scale of *High*, *Medium* and *Low* significance in the landscape. Once the landscape significance of an individual tree has been defined, the retention value can be determined. An example of its use in an Arboricultural report is shown as Appendix A.

Tree Significance - Assessment Criteria



1. High Significance in landscape

- The tree is in good condition and good vigour;
- The tree has a form typical for the species;
- The tree is a remnant or is a planted locally indigenous specimen and/or is rare or uncommon in the local area or of botanical interest or of substantial age;
- The tree is listed as a Heritage Item, Threatened Species or part of an Endangered ecological community or listed on Councils significant Tree Register;
- The tree is visually prominent and visible from a considerable distance when viewed from most directions within the landscape due to its size and scale and makes a positive contribution to the local amenity;
- The tree supports social and cultural sentiments or spiritual associations, reflected by the broader population or community group or has commemorative values;
- The tree's growth is unrestricted by above and below ground influences, supporting its ability to reach dimensions typical for the taxa *in situ* - tree is appropriate to the site conditions.

2. Medium Significance in landscape

- The tree is in fair-good condition and good or low vigour;
- The tree has form typical or atypical of the species;
- The tree is a planted locally indigenous or a common species with its taxa commonly planted in the local area
- The tree is visible from surrounding properties, although not visually prominent as partially obstructed by other vegetation or buildings when viewed from the street,
- The tree provides a fair contribution to the visual character and amenity of the local area,
- The tree's growth is moderately restricted by above or below ground influences, reducing its ability to reach dimensions typical for the taxa *in situ*.

3. Low Significance in landscape

- The tree is in fair-poor condition and good or low vigour;
- The tree has form atypical of the species;
- The tree is not visible or is partly visible from surrounding properties as obstructed by other vegetation or buildings,
- The tree provides a minor contribution or has a negative impact on the visual character and amenity of the local area,
- The tree is a young specimen which may or may not have reached dimension to be protected by local Tree Preservation orders or similar protection mechanisms and can easily be replaced with a suitable specimen,
- The tree's growth is severely restricted by above or below ground influences, unlikely to reach dimensions typical for the taxa *in situ* - tree is inappropriate to the site conditions,
- The tree is listed as exempt under the provisions of the local Council Tree Preservation Order or similar protection mechanisms,
- The tree has a wound or defect that has potential to become structurally unsound.

Environmental Pest / Noxious Weed Species

- The tree is an Environmental Pest Species due to its invasiveness or poisonous/ allergenic properties,
- The tree is a declared noxious weed by legislation.

Hazardous/Irreversible Decline

- The tree is structurally unsound and/or unstable and is considered potentially dangerous,
- The tree is dead, or is in irreversible decline, or has the potential to fail or collapse in full or part in the immediate to short term.

The tree is to have a minimum of three (3) criteria in a category to be classified in that group.

Note: The assessment criteria are for individual trees only, however, can be applied to a monocultural stand in its entirety e.g. hedge.

IACA 2010, *IACA Significance of a Tree, Assessment Rating System (STARS)*, Institute of Australian Consulting Arboriculturists, www.iaca.org.au

Table 1.0 Tree Retention Value - Priority Matrix.

		Significance				
		1. High	2. Medium	3. Low		
		Significance in Landscape	Significance in Landscape	Significance in Landscape	Environmental Pest / Noxious Weed Species	Hazardous / Irreversible Decline
Estimated Life Expectancy	1. Long >40 years					
	2. Medium 15-40 Years					
	3. Short <1-15 Years					
	Dead					
Legend for Matrix Assessment						
		Priority for Retention (High) - These trees are considered important for retention and should be retained and protected. Design modification or re-location of building/s should be considered to accommodate the setbacks as prescribed by the Australian Standard AS4970 <i>Protection of trees on development sites</i> . Tree sensitive construction measures must be implemented e.g. pier and beam etc if works are to proceed within the Tree Protection Zone.				
		Consider for Retention (Medium) - These trees may be retained and protected. These are considered less critical; however their retention should remain priority with removal considered only if adversely affecting the proposed building/works and all other alternatives have been considered and exhausted.				
		Consider for Removal (Low) - These trees are not considered important for retention, nor require special works or design modification to be implemented for their retention.				
		Priority for Removal - These trees are considered hazardous, or in irreversible decline, or weeds and should be removed irrespective of development.				

USE OF THIS DOCUMENT AND REFERENCING

The IACA Significance of a Tree, Assessment Rating System (STARS) is free to use, but only in its entirety and must be cited as follows:

IACA, 2010, *IACA Significance of a Tree, Assessment Rating System (STARS)*, Institute of Australian Consulting Arboriculturists, Australia, www.iaca.org.au

REFERENCES

Australia ICOMOS Inc. 1999, *The Burra Charter – The Australian ICOMOS Charter for Places of Cultural Significance*, International Council of Monuments and Sites, www.icomos.org/australia

Draper BD and Richards PA 2009, *Dictionary for Managing Trees in Urban Environments*, Institute of Australian Consulting Arboriculturists (IACA), CSIRO Publishing, Collingwood, Victoria, Australia.

Footprint Green Pty Ltd 2001, *Footprint Green Tree Significance & Retention Value Matrix*, Avalon, NSW Australia, www.footprintgreen.com.au

IACA 2010, *IACA Significance of a Tree, Assessment Rating System (STARS)*, Institute of Australian Consulting Arboriculturists, www.iaca.org.au

Appendix 2- Generic Tree Protection Measures.

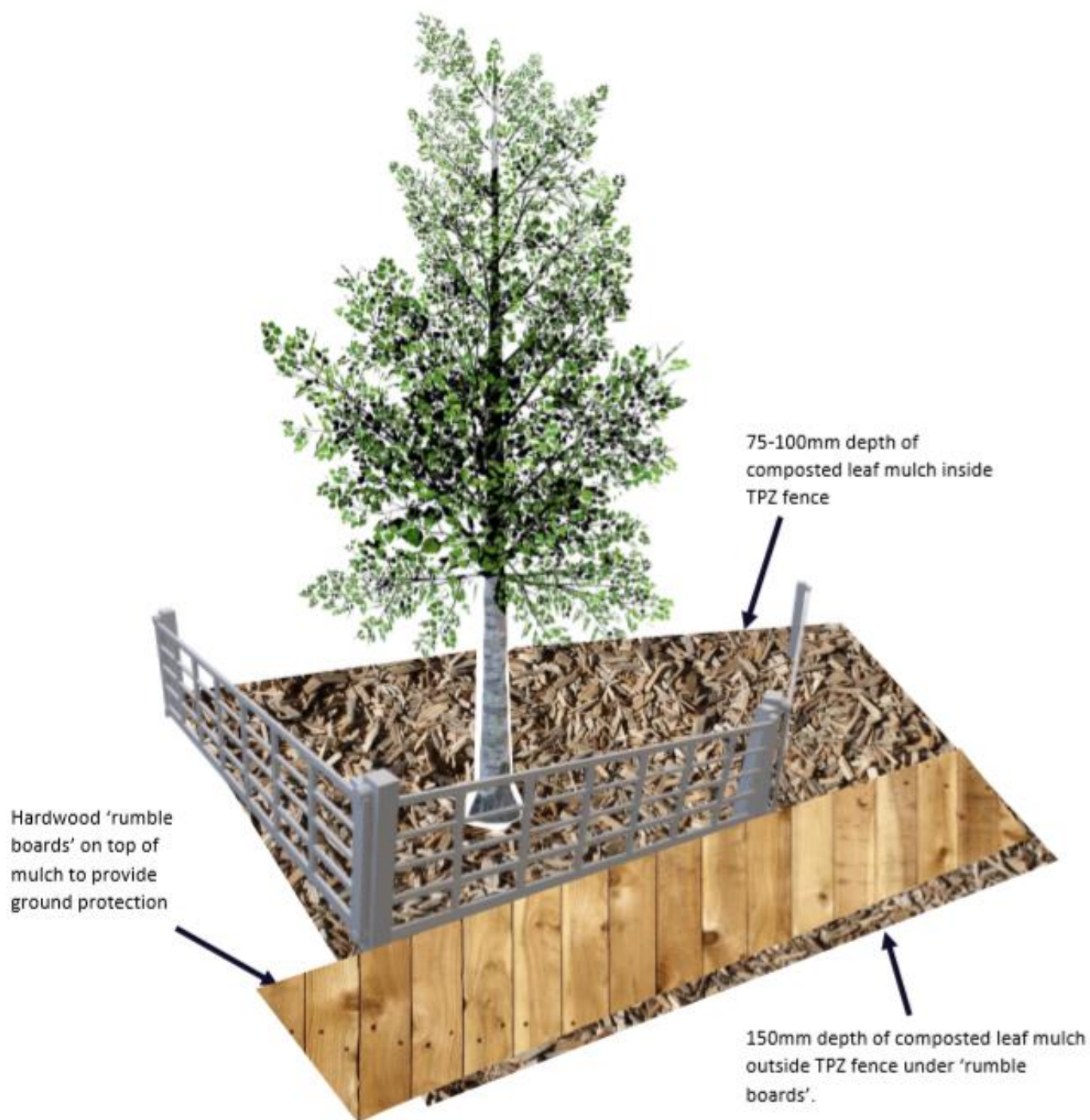
Tree protection measures are used to isolate the calculated tree protection zone from the impacts of construction activities. Tree protection measures come in many different forms and types depending on the type of protection required for the situation. The protection measures can be broadly considered as tree root protection, canopy protection or trunk and branch protection.

Tree root protection: TPZ Fencing- Figure 1

Tree root protection is generally achieved with the allocation and delineation of a tree protection zone (TPZ) in accordance with AS4970-2009- The Protection of Trees on Development Sites. Temporary fencing is used to isolate the area from construction activity and restrict unauthorized access. Where access into the TPZ is required and unavoidable, ground protection measures may be recommended to ensure that the tree roots which are to be protected remain undamaged during works within the TPZ. Any works within the allocated tree protection zones must be directly supervised by a project Arborist with a minimum AQF level 5 qualification. In situations where there are low lying tree branches to be protected, the TPZ may be extended beyond the calculated TPZ in order to incorporate canopy protection as shown below.



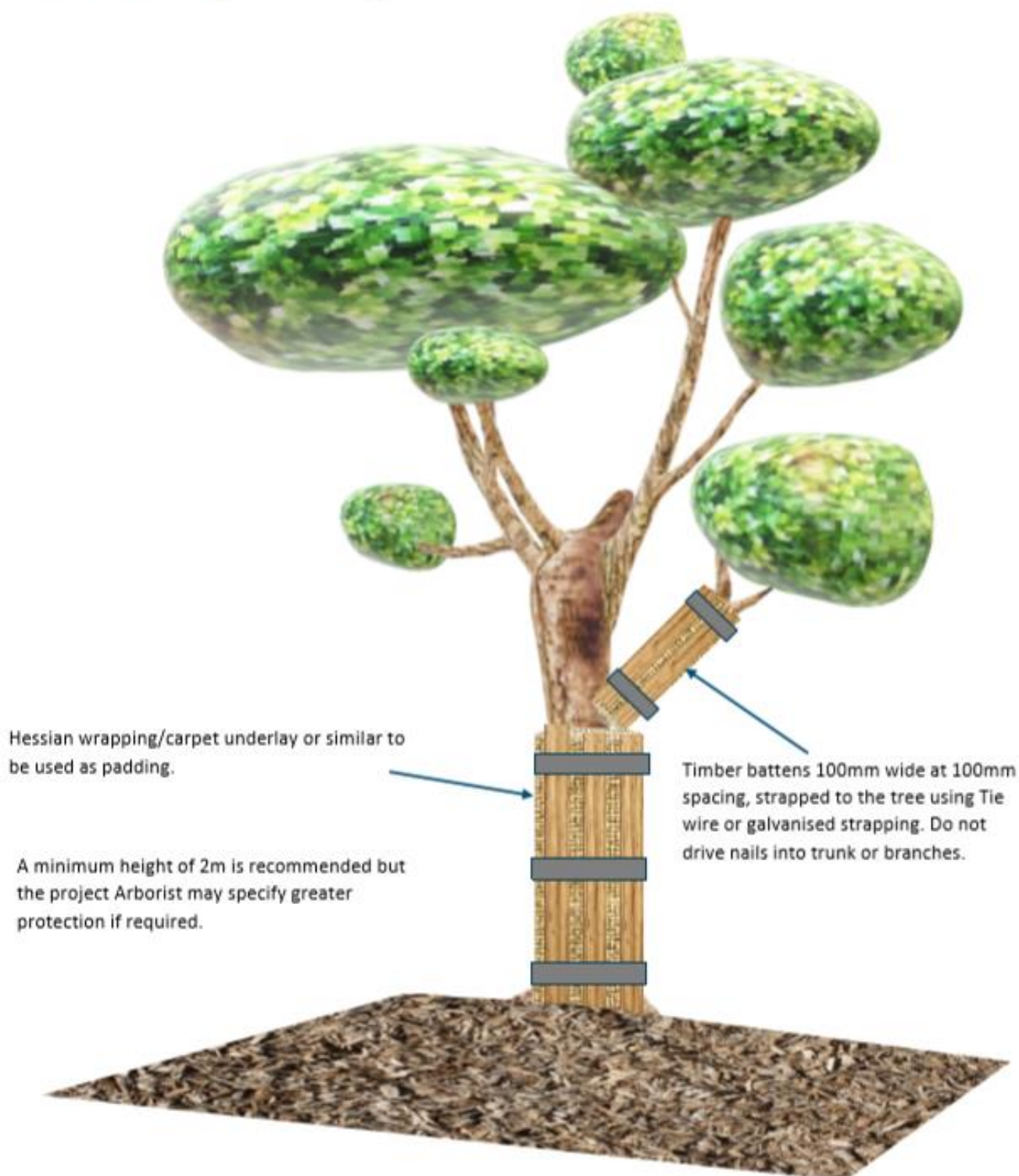
Ground protection: Access road within TPZ- Figure 2.



3 Edward Street, Kingswood.

Truth About Trees
 3/265 Gympie Bay Rd, Gympie Bay.
tom@truthabouttrees.com.au
 0414 369 660

Trunk and branch protection- Figure 3.



Tree protection specifications:

In accordance with AS4970-2009- The Protection of Trees on Development Sites, activities restricted within the TPZ include but are not limited to:

- a) Machine excavation including trenching.
- b) Excavation for silt fencing.
- c) Cultivation.
- d) Storage of materials or machinery.
- e) Preparation of chemicals, including cement products.
- f) Parking of vehicles and plant.
- g) Refueling of machinery.
- h) Dumping of waste.
- i) Wash down and cleaning of equipment.
- j) Placement of fill.
- k) Lighting fires.
- l) Soil level changes.
- m) Temporary or permanent installation of utilities and signs.
- n) Physical damage to the tree.

Tree protection fencing:

Tree protection fencing is to be installed prior to site establishment, demolition or commencement of any works on site.

All fencing must be chainmesh fencing 1.8m in height, secured with concrete 'feet' and in accordance with AS4678-Temporary Fencing and Hoardings. Depending on the type of development, shade cloth or similar may be recommended to reduce the spread of dust, particulate matter and liquids into the protected area. Silt fencing may also be required and may be incorporated into the TPZ fencing if required. Once the TPZ fencing has been installed the site Arborist must provide a letter of certification of tree protection measures to the client which may be forwarded on to the private certifier or council. Tree protection fencing is not to be moved, realigned, dismantled or tampered with in any way and shall only be relocated under instruction of the project Arborist. (See Figure 1) If the protective fencing requires temporary removal, trunk, branch and ground protection must be installed and must comply with AS 4970-2009 - Protection of trees on development sites. Existing fencing and site hoarding may be used as tree protection fencing, providing the TPZ remains isolated from construction activities. The purpose of ground protection is to prevent root damage and soil compaction within the TPZ. Ground protection may include a permeable membrane such as geotextile fabric beneath a layer of mulch, crushed rock or rumble boards.

Any additional construction activities within the TPZ of the subject trees must be assessed and approved by the project arborist, and must comply with AS 4970- 2009 - Protection of trees on development sites.

Tree protection signage:

Tree protection zone signage must be installed and clearly visible from all angles within the site stating "NO ENTRY TREE PROTECTION ZONE" and phone numbers for the site Arborist and site supervisor/foreman must be provided. TPZ signage must be laminated or otherwise protected to ensure that it remains legible for the duration of the project. (See Figure 1)

Ground protection:

Where access into the TPZ of a tree is necessary and unavoidable, the project Arborist must specify the methods of additional protection required. This may be ground protection in the form of 150mm depth of composted mulch beneath hardwood 'rumble boards' alternatively track mats or road plates may be used (See figure 2). Tree roots are essential for the uptake/absorption of water, oxygen and mineral ions (solutes). It is essential to prevent the disturbance of the soil beneath the dripline and within the TPZ of trees that are to be retained. Soil compaction within the TPZ will adversely affect the ability of roots to function correctly.

Generally, soil level changes within the TPZ of a tree is not recommended and is contrary to AS4970-2009 The Protection of Trees on Development Sites. Certain circumstances can arise where this may be necessary and the requirements must be carefully considered by the project Arborist. If the grade is to be raised within the TPZ, the material should be coarser or more porous than the underlying material and the suitability of this action must be assessed by the project Arborist.

Trunk and branch protection:

Where there is the risk of accidental mechanical damage due to narrow access paths or large machinery movements, trunk and branch protection may also be recommended (see figure 3). The removal of bark or branches allows the potential ingress of micro-organisms which may cause decay. Furthermore, the removal of bark restricts the trees' ability to distribute water, mineral ions (solutes), and glucose.

Trunk protection shall consist of a layer of either Hessian wrapping, carpet underlay, geotextile fabric or similar wrapped around the trunk, followed by softwood timbers approximately 100mm wide, aligned vertically and spaced evenly around the trunk (with an approx. 100 mm gap between the timbers).

The timbers must be secured using galvanized hoop strapping or tie wire. The timbers shall be wrapped around the trunk but not fixed to the tree with nails, screws or other means, as this will cause injury/damage to the tree.

Crown protection:

Tree crowns/canopy may be injured or damaged by machinery such as; excavators, drilling rigs, trucks, cranes, plant and vehicles. Where crown protection is required, it will usually be located at least one meter outside the perimeter of the crown.

Crown protection may include the installation of a physical barrier, pruning selected branches to establish clearance, or the tying/bracing of branches.

Supervision of works within the TPZ:

If incursion/excavation amounting to greater than 10% of the TPZ is unavoidable, exploratory excavation (under the supervision of the Project Arborist) using non-destructive methods may be considered to evaluate the extent of the root system affected, and determine if the tree can remain viable.

If the project arborist identifies conflicting roots that require pruning, they must be pruned with a sharp implement such as; secateurs, pruners, handsaws or a chainsaw back to undamaged tissue. All works within the TPZ of any tree to be retained must be completed under the direct supervision of the project Arborist. This may include non-destructive excavation or hand digging to locate individual piers or fence posts.

The project Arborist is to recommend measures to protect and preserve any roots uncovered during these activities, this may include wrapping the tree roots in hessian or similar and keeping them moist to prevent desiccation.

Any tree roots which are damaged are to be assessed by the supervising Arborist who is to determine the best course of action. If root pruning is recommended, the project Arborist should sever the damaged roots cleanly back to undamaged tissue and cover the exposed portion of root to prevent desiccation.

Where significant roots have been pruned, the project Arborist should complete a letter of certification including a root mapping report explaining the number and diameter of roots which were severed, what impacts are likely and provide recommendations for mitigation of such impacts if required.

All supervision works must be completed by an Arborist with a minimum AQF level 5 in Arboriculture.

Hold points/ certification:

Arborist involvement will be required throughout the development process at key milestones, at a minimum these are:

1. Certification of tree protection installation prior to site establishment
2. Monthly inspection of trees to ensure tree protection measures are effective.
3. Supervision and certification of any works within tree protection zones.
4. Removal of tree protection measures and final certification.

The approved tree protection plan must be available onsite prior to the commencement of works, and throughout the entirety of the project. To ensure the tree protection plan is implemented, hold points have been specified in the schedule of works for Arborist involvement. It is the responsibility of the principal contractor to complete each of the tasks. Once each stage is reached, the work will be inspected and certified by the project arborist and the next stage may commence. Alterations to this schedule may be required due to necessity. However, this shall be through consultation with the project arborist only.

A recommended schedule of works for Arborist involvement is as follows:

- | | |
|----------------------|--|
| Pre-construction: | <p>Prior to demolition and site establishment indicate clearly (with spray paint on trunks) trees marked for removal only.</p> <p>Tree protection (for trees that will be retained) shall be installed prior to demolition and site establishment, this will include mulching of areas within the TPZ.</p> <p>Scheduled inspection of trees by the project arborist should be undertaken monthly during the construction period.</p> |
| During Construction: | <p>Inspection of trees by project arborist after all major construction has ceased, following the removal of tree protection measures.</p> |
| Post Construction: | <p>Final inspection of trees by project arborist to confirm tree condition and provide final letter of certification.</p> |

Appendix 3- Tree protection plan





HUGH B. GAGE PTY LTD

ABN: 75 000 827 010

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370-376 Church Street,
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PO Box 2735, North Parramatta NSW 1750
Tel: (02) 9890 1090 Fax: (02) 9890 1092
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■ QUANTITY SURVEYING ■ PROJECT MANAGEMENT ■ CONSTRUCTION FINANCE MANAGEMENT

**PRELIMINARY D.A. CONSTRUCTION
COST ESTIMATE
(For D.A. Lodgement Purposes Only)**

**PROPOSED CONSTRUCTION OF A
TWO STOREY BOARDING HOUSE**

AT

**3 EDWARD STREET
KINGSWOOD NSW 2747**

Job No. 5812

18 June 2020

CLIENT

Mr Santhosh Rajendran
Development & Contracts Administrator
Signature Projects Australia Pty Ltd
Unit 6D / 7 Meridian Place
BELLA VISTA NSW 2153

QUANTITY SURVEYOR

Peggy Mak
Associate
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ANNEXURE

1. Full Cost Estimate Break-up

1. INTRODUCTION

Hugh B. Gage Pty Ltd has been instructed by Mr Santhosh Rajendran of Signature Projects Australia Pty Ltd to undertake a Preliminary D.A. Cost Estimate to accompany the development application for the construction of a two storey boarding house comprising fourteen (14) rooms at 3 Edward Street, Kingswood NSW 2747.

To this end, Hugh B. Gage has carried out the following:-

1. Review of available relevant documents
2. Independent assessment of construction cost by adopting detailed measurement and pricing based on available documents, market price and/or relevant cost data from our Cost Data Bank of projects of similar nature and magnitude.

2. DISCLAIMER

This Preliminary D.A. Construction Cost Estimate has been prepared for the exclusive use by Signature Projects Australia Pty Ltd for an indicative market construction cost of the development (not for tender or finance purposes). Hugh B. Gage Pty Ltd accepts no responsibility to third parties nor does it contemplate that this report can be relied upon by third parties. We invite other parties who may come into possession of this report to seek our written consent to them relying upon this report, and we reserve our rights to review the contents in the event that our consent is sought.

3. PRELIMINARY D.A. CONSTRUCTION COST ESTIMATE SUMMARY

**PROJECT: PROPOSED CONSTRUCTION OF A TWO STOREY BOARDING
HOUSE COMPRISING FOURTEEN (14) ROOMS**

ADDRESS: 3 EDWARD STREET, KINGSWOOD NSW 2747

TRADE DESCRIPTION	TRADE TOTAL
Demolition & Site Clearance	\$27,385.00
Substructure	\$40,980.00
Superstructure	\$280,415.00
Finishes	\$103,865.00
Fittings	\$119,500.00
Services	\$255,900.00
External Works	\$38,300.00
Preliminaries	\$103,962.00
Builder's Profit	\$48,516.00
NETT CONSTRUCTION COST (excluding GST & Professional Fees)	\$1,018,823.00
GST - 10%	\$101,883.00
TOTAL CONSTRUCTION COST (including GST but excluding Professional Fees)	\$1,120,706.00
Professional Fees (including GST)	\$33,615.00
TOTAL DEVELOPMENT COST (including GST & Professional Fees)	\$1,154,321.00

NAME: Peggy Mak - AAIQS 5829

POSITION: Associate

* Refer to Notes and Exclusions attached

4. BASIS OF D.A. COST ESTIMATE

4.10 General

For the completion of our Preliminary D.A. Construction Cost Estimate, we have made certain reasonable assumptions, as stated in our detailed estimate, as the detailed scope of works and standard of finishes/P.C. items are not well defined in the available documents. There is no specification, no building services drawings, no structural drawings and no geotechnical report. It is strongly suggested that our cost estimate be reviewed when the full set of design documents are made available.

4.20 Documents

Our Preliminary D.A. Construction Cost Estimate is based on the following documentation:-

- Architectural Drawings No. 2020-09-SK02, SK02 and SK04 dated 17 June 2020 prepared by Signature Projects Australia Pty Ltd
- Schedule of Finishes Rev. B dated 2 June 2020

4.30 Exclusions

The following items are **excluded** from our estimate:-

- Cost escalation beyond June 2020
- Design Contingency
- Construction Contingency
- Council & Authorities Fees, Contributions and Bonds
- Marketing costs and legal fees
- Delay costs/staging costs
- Upgrading, diversion, relocation or encasing of existing services
- Any road works outside the boundary
- Rock excavation and / or any substantial soil stabilization works
- Soil remediation works
- Removal of contaminated materials
- Loose furniture, fittings and equipment

5. SUMMARY OF FLOOR AREAS

	<u>FECA</u>	<u>UCA</u>	<u>TOTAL</u>
Ground Level	204m ²	5m ²	209m ²
First Level	212m ²	0m ²	212m ²
TOTAL GFA	416m²	5m²	421m²

Notes:

- These areas are approximate only and have been measured in accordance with Hugh B Gage's Standard Method of Measurement.

Yours faithfully
HUGH B GAGE PTY LIMITED



PEGGY MAK (AAIQS 5829)
ASSOCIATE

Encl: 1. Full Cost Estimate Break-up

ANNEXURE 1

FULL COST ESTIMATE BREAK-UP

Trade Summary

18/06/2020

DA 5812 Kingswood

for Signature Projects Australia Pty Ltd

PROPOSED CONSTRUCTION OF A TWO (2) STOREY BOARDING HOUSE COMPRISING FOURTEEN (14) UNITS ASSOCIATED CAR PARKING & EXTERNAL WORKS AT 3 EDWARD STREET, KINGSWOOD NSW 2747

Description	Total
DEMOLITION	\$20,000.00
SITE PREPARATION & EXCAVATION	\$7,385.00
SUBSTRUCTURE	\$40,980.00
SUPERSTRUCTURE	\$280,415.00
FINISHES	\$103,865.00
FITTINGS	\$119,500.00
SERVICES	\$255,900.00
EXTERNAL WORKS	\$38,300.00
PRELIMINARIES [12%]	\$103,962.00
BUILDER'S PROFIT [5%]	\$48,516.00
TOTAL CONSTRUCTION COST (EXCLUDING GST)	\$1,018,823.00
ADD: GST	\$101,883.00
TOTAL CONSTRUCTION COST (INCLUDING GST BUT EXCLUDING PROFESSIONAL FEES)	\$1,120,706.00
ADD: PROFESSIONAL FEES	\$33,615.00
TOTAL CONSTRUCTION COST (INCLUDING GST & PROFESSIONAL FEES)	\$1,154,321.00
SITE AREA [635m2]	
GFA [421m2]	

Trade Breakup

18/06/2020

DA 5812 Kingswood

for Signature Projects Australia Pty Ltd

PROPOSED CONSTRUCTION OF A TWO (2) STOREY BOARDING HOUSE COMPRISING FOURTEEN (14) UNITS ASSOCIATED CAR PARKING & EXTERNAL WORKS AT 3 EDWARD STREET, KINGSWOOD NSW 2747

Description	Quantity	Unit	Rate	Total
DEMOLITION				\$20,000.00
Allowance for demolition of existing single storey dwelling including associated structures	1	Item	\$20,000.00	\$20,000.00
SITE PREPARATION & EXCAVATION				\$7,385.00
SITE CLEARANCE				\$3,175.00
Allow for site clearance including tree removal	635	m2	\$5.00	\$3,175.00
EXCAVATION				\$4,210.00
Allow for levelling to required level	391	m2	\$10.00	\$3,910.00
Allow for detail excavation to pad footings in materials other than rock	2	m3	\$150.00	\$300.00
SUBSTRUCTURE				\$40,980.00
CONCRETE FOOTINGS				\$1,400.00
Allow for reinforced concrete pad footings	2	m3	\$700.00	\$1,400.00
WAFFLE POD SLAB				\$35,100.00
Waffle pod slab to ground floor including thickenings	219	m2	\$150.00	\$32,850.00
Ditto, to patio slab	5	m2	\$150.00	\$750.00
Allow for reinforced concrete slab on ground to waste bin storage	15	m2	\$100.00	\$1,500.00
MISCELLANEOUS				\$4,480.00
Allow for termite protection	224	m2	\$20.00	\$4,480.00
Allow for miscellaneous items eg. joints, saw cuts		Item		INCL
SUPERSTRUCTURE				\$280,415.00
FIRST FLOOR				\$30,900.00

Description	Quantity	Unit	Rate	Total
Structural timber floor framing to first floor	206	m2	\$150.00	\$30,900.00
MISCELLANEOUS				\$3,580.00
Allow for structural steel beams	1	Item	\$2,500.00	\$2,500.00
Allow for timber post to front porch	6	m	\$180.00	\$1,080.00
STAIRCASE				\$5,100.00
1195mm wide timber staircase from ground to first floor	6	mrise	\$850.00	\$5,100.00
WALLS				\$143,225.00
GROUND FLOOR				\$68,920.00
External Wall				\$41,340.00
Brick veneer perimeter wall comprising face brick to the outside face, internally stud framing, insulation and FR plasterboard wall lining	156	m2	\$265.00	\$41,340.00
Internal Walls				\$27,580.00
Party wall comprising 2 x stud framing including FR plasterboard wall lining both sides	78	m2	\$190.00	\$14,820.00
Party wall comprising 2 x stud framing including FR plasterboard wall lining both sides	34	m2	\$190.00	\$6,460.00
Internal stud wall including plasterboard wall lining to internal walls	60	m2	\$105.00	\$6,300.00
FIRST FLOOR				\$74,305.00
External Wall				\$31,980.00
Brick veneer perimeter wall comprising common brick to the outside face with render finish, internally stud framing, insulation and FR plasterboard wall lining	123	m2	\$260.00	\$31,980.00
Internal Walls				\$42,325.00
Party wall comprising 2 x stud framing including FR plasterboard wall lining both sides	83	m2	\$190.00	\$15,770.00
Corridor wall comprising 2 x stud framing including FR plasterboard wall lining both sides	116	m2	\$190.00	\$22,040.00
Internal stud wall including plasterboard wall lining to internal walls	43	m2	\$105.00	\$4,515.00
ROOFING & ROOF PLUMBING				\$56,785.00
Concrete roof tiles fixed to and including timber framed roof and sarking to lower roof	23	m2	\$180.00	\$4,140.00
Concrete roof tiles fixed to and including timber framed roof and sarking to upper roof	254	m2	\$180.00	\$45,720.00
Allow for roof plumbing	277	m2	\$25.00	\$6,925.00
ALUMINIUM WINDOWS & DOORS				\$16,025.00
GROUND FLOOR				\$7,175.00

Description	Quantity	Unit	Rate	Total
Powdercoated aluminium framed window with clear glazing including flyscreens	13	m2	\$275.00	\$3,575.00
Powdercoated aluminium framed sliding doors with clear glazing including security screen	12	m2	\$300.00	\$3,600.00
FIRST FLOOR				\$7,150.00
Powdercoated aluminium framed window with clear glazing including flyscreens	26	m2	\$275.00	\$7,150.00
ROOF				\$1,700.00
Allow for fixed glazed skylight	2	No	\$850.00	\$1,700.00
BLINDS - (EXCLUDED)				
Allow for roller blinds to units				EXCL
TIMBER DOORS & HARDWARE				\$24,800.00
Ground Level				\$14,050.00
2040 x 920mm solid core single leaf entry door including frame and hardware	2	No	\$1,000.00	\$2,000.00
2040 x 920mm solid core single leaf external door including frame and hardware	3	No	\$1,000.00	\$3,000.00
2040 x 920mm solid core single leaf unit entry door including frame and hardware	2	No	\$900.00	\$1,800.00
2040 x 820mm solid core single leaf unit entry door including frame and hardware	4	No	\$900.00	\$3,600.00
2040 x 920mm hollow core single leaf internal door including frame and hardware	2	No	\$400.00	\$800.00
2040 x 720mm hollow core single leaf internal door including frame and hardware	2	No	\$400.00	\$800.00
2040 x 1240mm hollow core double leaf internal door including frame and hardware to cleaners cupboard	1	No	\$700.00	\$700.00
2040 x 970mm Cavity sliding door including frame and hardware to laundry	1	No	\$450.00	\$450.00
2040 x 720mm Cavity sliding door including frame and hardware to laundry	2	No	\$450.00	\$900.00
Level 1				\$10,750.00
2040 x 820mm solid core single leaf unit entry door including frame and hardware	8	No	\$900.00	\$7,200.00
2040 x 720mm hollow core single leaf internal door including frame and hardware	1	No	\$400.00	\$400.00
2040 x 720mm Cavity sliding door including frame and hardware	7	No	\$450.00	\$3,150.00
FINISHES				\$103,865.00
WALL FINISHES				\$10,425.00
Ground Floor (PC Supply \$15/m2)				\$4,910.00
1800mm high wall tiles to shower enclosure	28	m2	\$65.00	\$1,820.00
Skirting tiles to bathrooms	29	m	\$25.00	\$725.00

Description	Quantity	Unit	Rate	Total
Skirting tiles to common laundry	9	m	\$25.00	\$225.00
Tile splashback to vanity	6	No	\$100.00	\$600.00
Tile splashback to laundry basin	1	Item	\$100.00	\$100.00
Tile splashback to kitchenettes to unit	12	m	\$80.00	\$960.00
Tile splashback to kitchenette to common area	6	m	\$80.00	\$480.00
First Floor (PC Supply \$15/m2)				\$5,515.00
1800mm high wall tiles to shower enclosure	34	m2	\$65.00	\$2,210.00
Skirting tiles to bathrooms	33	m	\$25.00	\$825.00
Tile splashback to vanity	8	No	\$100.00	\$800.00
Tile splashback to kitchenettes to unit	21	m	\$80.00	\$1,680.00
FLOOR FINISHES				\$37,015.00
Ground Floor				\$18,880.00
Internal				\$18,505.00
Ceramic Floor tiles to ensuite incl. waterproofing (PC Supply \$20/m2)	25	m2	\$115.00	\$2,875.00
Ditto, to laundry	6	m2	\$115.00	\$690.00
Selected laminate floor to common area (living area, living/dining/kitchen)	86	m2	\$80.00	\$6,880.00
Ditto, to bedrooms	87	m2	\$80.00	\$6,960.00
EO to staircase	11	m2	\$100.00	\$1,100.00
External				\$375.00
Ceramic Floor tiles to patio	5	m2	\$75.00	\$375.00
First Floor				\$18,135.00
Internal				\$18,135.00
Ceramic Floor tiles to ensuite incl. waterproofing (PC Supply \$20/m2)	25	m2	\$115.00	\$2,875.00
Selected laminate floor to corridor	35	m2	\$80.00	\$2,800.00
Ditto, to bedrooms	152	m2	\$80.00	\$12,160.00
EO to staircase	3	m2	\$100.00	\$300.00
CEILING FINISHES				\$28,825.00
Ground Floor				\$11,750.00
Internal				\$10,325.00
WR plasterboard ceiling fixed to the underside of upper floor to wet areas	25	m2	\$55.00	\$1,375.00
FR plasterboard ceiling including insulation fixed to the underside of upper floor to bedrooms & common areas	179	m2	\$50.00	\$8,950.00
External				\$1,425.00

Description	Quantity	Unit	Rate	Total
FC ceiling lining fixed to underside of roof framing	5	m2	\$75.00	\$375.00
Ditto, to underside of exposed upper floor	14	m2	\$75.00	\$1,050.00
First Floor				\$13,575.00
Internal				\$10,725.00
Flush WR plasterboard ceiling including insulation and hangers fixed to roof framing to wet areas	25	m2	\$55.00	\$1,375.00
Flush FR plasterboard ceiling including insulation fixed to the roof framing to bedrooms & common areas	187	m2	\$50.00	\$9,350.00
External				\$2,850.00
FC lining to roof eaves	38	m2	\$75.00	\$2,850.00
Cornices & Bulkheads				\$3,500.00
Allow for cornice and/or bulkheads/ access panels etc to units	12	Unit	\$250.00	\$3,000.00
Ditto, to common areas	1	Item	\$500.00	\$500.00
PAINTING				\$27,600.00
INTERNAL PAINTING				\$21,600.00
Internal painting to units	14	No	\$900.00	\$12,600.00
Internal painting to common areas	1	Item	\$5,500.00	\$5,500.00
Painting to timber door	35	No	\$100.00	\$3,500.00
EXTERNAL PAINTING				\$4,500.00
Painting to external rendered walls	123	m2	\$25.00	\$3,075.00
Painting to ceilings including soffit to underside of upper floor and roof eaves	57	m2	\$25.00	\$1,425.00
SUNDRY PAINTING				\$1,500.00
Allowance for sundry painting including line marking	1	Item	\$1,500.00	\$1,500.00
FITTINGS				\$119,500.00
JOINERY				\$65,600.00
BEDROOM & COMMON AREA JOINERY				\$56,800.00
Kitchen underbench cupboards including laminated bench top and wall cabinet - room	14	No	\$2,500.00	\$35,000.00
Kitchen underbench cupboards including laminated bench top and wall cabinet - communal	1	Item	\$5,000.00	\$5,000.00
Built in robe including doors & hanging rails to all units	14	each	\$850.00	\$11,900.00
Vanity unit	14	No	\$350.00	\$4,900.00
Study desk				EXCL

Description	Quantity	Unit	Rate	Total
SKIRTING AND ARCHITRAVES				\$8,800.00
Allowance for timber skirting and architraves	14	unit	\$500.00	\$7,000.00
Allowance for timber skirting and architraves to common area	1	Item	\$1,800.00	\$1,800.00
METALWORK				\$12,030.00
Timber balustrade and handrail to staircase	6	mrise	\$280.00	\$1,680.00
Letter boxes	15	No	\$80.00	\$1,200.00
Building and room signages	1	Item	\$2,200.00	\$2,200.00
PC Allowance for bicycle racks	1	Item	\$5,000.00	\$5,000.00
Allow for wheel stop	3	each	\$150.00	\$450.00
Allow for tactile indicators to floor	1	Item	\$1,000.00	\$1,000.00
Bollard	1	No	\$500.00	\$500.00
SANITARY FIXTURES				\$21,400.00
WC	13	No	\$450.00	\$5,850.00
Accessible WC complete to room 4 & room 5	2	No	\$1,200.00	\$2,400.00
Basin & tapware	14	No	\$350.00	\$4,900.00
Single bowl kitchen sink and tap mixer to bedrooms	14	No	\$350.00	\$4,900.00
1.5 bowl kitchen sink and tap mixer to common area	1	No	\$500.00	\$500.00
Shower rose and mixer	14	No	\$180.00	\$2,520.00
Basin & tapware to laundry/powder room	1	No	\$250.00	\$250.00
Washing machine connector	1	No	\$80.00	\$80.00
BATHROOM ACCESSORIES				\$12,170.00
Towel rails	14	No	\$80.00	\$1,120.00
Toilet roll holder and robe hook	15	No	\$50.00	\$750.00
Soap holder	15	No	\$30.00	\$450.00
Grab rails to accessible bathroom	2	No	\$300.00	\$600.00
Foldable seat to accessible shower	2	No	\$400.00	\$800.00
Shaving cabinet with mirror above basin	15	No	\$250.00	\$3,750.00
Framed shower screen	12	No	\$350.00	\$4,200.00
Shower curtain and rail	2	No	\$250.00	\$500.00
APPLIANCES				\$7,800.00
Allow for 2 burner electric cooktop and slideout rangehood to units	14	No	\$500.00	\$7,000.00
4 burner electric Cooktop and slideout rangehood to communal kitchen	1	No	\$800.00	\$800.00
Refrigerator to units				EXCL
Washing machine / Dryer				EXCL
Microwaves to units				EXCL
Dishwasher to units				EXCL

Description	Quantity	Unit	Rate	Total
MISCELLANEOUS				\$500.00
Clothes Line	1	Item	\$500.00	\$500.00
SERVICES				\$255,900.00
HYDRAULIC SERVICES				\$147,200.00
HYDRAULIC SERVICES				\$120,200.00
Plumbing and drainage to rooms	14	unit	\$7,500.00	\$105,000.00
Plumbing and drainage to laundry & common kitchenette	1	Item	\$6,000.00	\$6,000.00
New hose tap and floor waste to waste / bin area	1	Item	\$2,200.00	\$2,200.00
PC allowance for central hot water system and tank	1	Item	\$7,000.00	\$7,000.00
STORMWATER DRAINAGE, RAINWATER STORAGE				\$27,000.00
Allowance for external stormwater pits and drains	1	Item	\$15,000.00	\$15,000.00
PC Allowance for detention tank	1	Item	\$10,000.00	\$10,000.00
PC Allowance for retention tank	1	Item	\$2,000.00	\$2,000.00
ELECTRICAL SERVICES				\$78,200.00
POWER & LIGHTING				\$66,900.00
Allow for electrical services including lighting to parking area	40	m2	\$35.00	\$1,400.00
Allow for electrical service to units	14	Unit	\$3,000.00	\$42,000.00
Electrical wiring and lights to corridor / common areas	1	Item	\$5,000.00	\$5,000.00
Allowance for light fittings to units	14	Unit	\$450.00	\$6,300.00
Allowance for common and external lighting	1	Item	\$1,000.00	\$1,000.00
Allowance for NBN to units	14	unit	\$800.00	\$11,200.00
INTERCOM & ACCESS SYSTEM				\$11,300.00
Allowance for audio intercom	14	Unit	\$450.00	\$6,300.00
Security camera to ground floor	1	Item	\$5,000.00	\$5,000.00
MECHANICAL SERVICES				\$30,500.00
Mechanical ventilation to bathroom and rangehood	14	unit	\$500.00	\$7,000.00
Mechanical ventilation to common laundry	1	Item	\$500.00	\$500.00
Split air conditioning unit to rooms	14	each	\$1,500.00	\$21,000.00
Ditto, to common living room	1	each	\$2,000.00	\$2,000.00
EXTERNAL WORKS				\$38,300.00
PAVING				\$17,230.00
Selected paving to pathways	6	m2	\$80.00	\$480.00

Description	Quantity	Unit	Rate	Total
Selected paving to shared space & motor cycle parking	34	m2	\$85.00	\$2,890.00
Concrete paving to driveway & car park	154	m2	\$90.00	\$13,860.00
FENCING & WALLS				\$9,070.00
Selected colorbond fence to bulky waste & waste bin area	10	m	\$80.00	\$800.00
Selected fence to side and rear boundaries	78	m	\$80.00	\$6,240.00
Ditto, to private open space	16	m	\$80.00	\$1,280.00
E/O for single entry gate	1	No	\$250.00	\$250.00
Allowance for mailbox structure	1	Item	\$500.00	\$500.00
LANDSCAPING				\$8,000.00
Allowance for landscaping and irrigation	1	Item	\$8,000.00	\$8,000.00
OUTSIDE BOUNDARY WORKS				\$4,000.00
Retain and make good existing concrete foot path, kerb and gutter	1	Item	\$2,000.00	\$2,000.00
Make good existing vehicle crossover	1	Item	\$2,000.00	\$2,000.00
PRELIMINARIES [12%]				\$103,962.00
Total Preliminaries	1	Item	\$103,962.00	\$103,962.00
BUILDER'S PROFIT [5%]				\$48,516.00
Allowance for Builder's Margin	1	Item	\$48,516.00	\$48,516.00
TOTAL CONSTRUCTION COST (EXCLUDING GST)				\$1,018,823.00
Total Construction Cost (Excl GST)	1	Total	\$1,018,823.00	\$1,018,823.00
ADD: GST				\$101,883.00
Add: GST	1	Item	\$101,883.00	\$101,883.00
TOTAL CONSTRUCTION COST (INCLUDING GST BUT EXCLUDING PROFESSIONAL FEES)				\$1,120,706.00
Total Construction Cost (Incl GST but excl. Professional Fees)	1	Item	\$1,120,706.00	\$1,120,706.00
ADD: PROFESSIONAL FEES				\$33,615.00
Add: Professional Fees	1	Item	\$33,615.00	\$33,615.00
TOTAL CONSTRUCTION COST (INCLUDING GST & PROFESSIONAL FEES)				\$1,154,321.00
Total Construction Cost (Incl GST & Professional Fees)	1	Total	\$1,154,321.00	\$1,154,321.00
SITE AREA [635m2]				
Site Area	635	m2		
GFA [421m2]				
FECA [416m2]				
Ground Floor	204	m2		

Description	Quantity	Unit	Rate	Total
First Floor	212	m2		
UCA [5m2]				
Ground Floor	5	m2		

3 Edward Street, Kingswood

Crime Prevention Through Environmental Design Report

On behalf of
Signature Projects Australia Pty Ltd



Project Director

Georgia Sedgmen



6 August 2020

Project Planner

Jordan Faeghi

* This document is for discussion purposes only unless signed and dated by the persons identified. This document has been reviewed by the Project Director.

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1 Introduction

1.1 Overview

This Crime Prevention Through Environmental Design (CPTED) report has been prepared on behalf Signature Projects Australia (Signature) in support of a Development Application (DA) to Penrith City Council (Council) for a boarding house development at 3 Edward Street, Kingswood.

Signature are seeking development consent for the construction of a two-storey boarding house. Specifically, the proposal seeks consent for:

- Construction of a boarding house development comprising:
 - Tree removal;
 - A two-storey boarding house, comprising 14 boarding rooms;
 - At grade carpark containing three (3) spaces; and
 - Associated civil works and landscaping.

It is understood demolition of existing structures will be undertaken under a separate approval.

1.2 Purpose of Report

The purpose of this report is to assess the proposal in terms of the key principles of CPTED and to provide recommendations that can be considered as part of detailed design for the site. It has been prepared with regard to the following documents:

- Crime prevention and the assessment of development applications – Guidelines under section 79C [now 4.15] of the Environmental Planning and Assessment Act 1979 (Department of Urban Affairs and Planning, 2001);
- "Safer by design – Crime Risk Assessment" (NSW Police Force, 2016); and
- Companion to Safer by Design Crime Risk Assessment (NSW Police Force).

The assessment undertaken in this report is based on the following drawings:

- Architectural drawings prepared Signature Projects dated 5 August 2020; and

1.3 About the Author

The author has completed the Safer by Design Course (Attendee ID: 51255068) by the NSW Police Force, which provides CPTED approved courses and qualifies the author to prepare this report.

1.4 Report Structure

The structure of this report is as follows:

- Chapter 1 introduces the report;
- Chapter 2 provides a brief overview of crime in the surrounding area;
- Chapter 3 provides a brief assessment of how the proposal promotes the development of a safe urban environment; and
- Chapter 4 concludes the report and provides CPTED recommendations.

A detailed assessment of the proposed development is attached and marked **Appendix A**, which aligns NSW Police requirements for assessing CPTED principles.

2 The Site

2.1 Site Location

The site is located at 3 Edward Street, Kingswood in the local government area of Penrith City Council. It is legally defined as Lot 36 in DP 137831 and provides a site area of approximately 635m².

The site is a regular shaped lot with a 24m wide south facing frontage to Edward Street. The site is located approximately 1.05km to the south-west of Kingswood Station. The site adjoins low and medium residential density development on all sides.

The site is occupied by a single storey dwelling with a detached structure to the north-west rear corner of the site. The site is predominately grassed with vegetation, including low lying shrubs dispersed across the site. A street tree is located along the Edward Street frontage. The site features a driveway off Edward Street.

A site is provided in **Figure 1**.



Figure 1: Site aerial

Source: Nearmap modified by Mecone

The surrounding context features a mix of low and medium density residential buildings.

A series of photographs, depicting the site and its immediate context are provided in **Figures 2 – 5**.



Figure 2: View of site looking north from Edward Street
 Source: Signature



Figure 3: View of surrounding development looking south from Edward Street
 Source: Signature



Figure 4: View of surrounding development west along Edward Street
Source: Google Maps



Figure 5: View of public open space to the south of the site
Source: Google Maps

2.2 Site Description

A summary of the site, its interface and surrounding development context is provided in **Table 1**.

Table 1 – Site Description		
Item		Details
Address		3 Edward Street, Kingswood
Legal description		Lot 36 DP 237831
Local area	government	Penrith City Council
Owner		Signature Projects Australia Pty Ltd.
Site area		Approximately 635m ² .
Shape		Regular
Boundary dimensions		• Approximately 24m along Edward Street frontage to the south; and • Approximately 28m along the east and west side boundaries.
Existing development		The site is currently occupied by a single storey dwelling to the eastern portion of the site with vegetation dispersed across the site. An outbuilding structure is located to the north-west rear corner of the site. Vehicular access is gained via a driveway to the west off Edward Street.
Vehicular access		Vehicular access into the site is via an existing vehicular driveway from Edward Street.
Topography		The site is generally level with a slight fall (<1m) from the south-west corner to the north-east corner.
Vegetation		The site is predominately grassed with low lying shrubs dispersed across the site.
Surrounding development		The surrounding area is characterised by a mix of low-medium density detached dwellings. The density increases to the north and north-west towards Kingswood Station and Nepean Hospital. A mixed used zone is located to the north-west close to Nepean Hospital and Kingswood Station, while areas of public open space are scattered across the surrounding area.
Public transport		Kingswood Station is located approximately 1.05km north-west of the site.

3 Proposal

3.1 Proposed Development

Signature are seeking development consent for the construction of a two-storey boarding house development. Specifically, the proposal seeks consent for:

- Construction of a boarding house development comprising:
 - Tree removal;
 - A two-storey boarding house, comprising 14 boarding rooms;
 - At grade carpark containing three (3) spaces; and
 - Associated civil works and landscaping.

It is understood demolition of existing structures will be undertaken under a separate approval.

A series of architectural extracts are provided in **Figures 6 – 9**.



Figure 6: Artistic impression of proposed boarding house

Source: Signature Projects Australia



Figure 7: Ground Floor Plan
Source: Signature Projects Australia

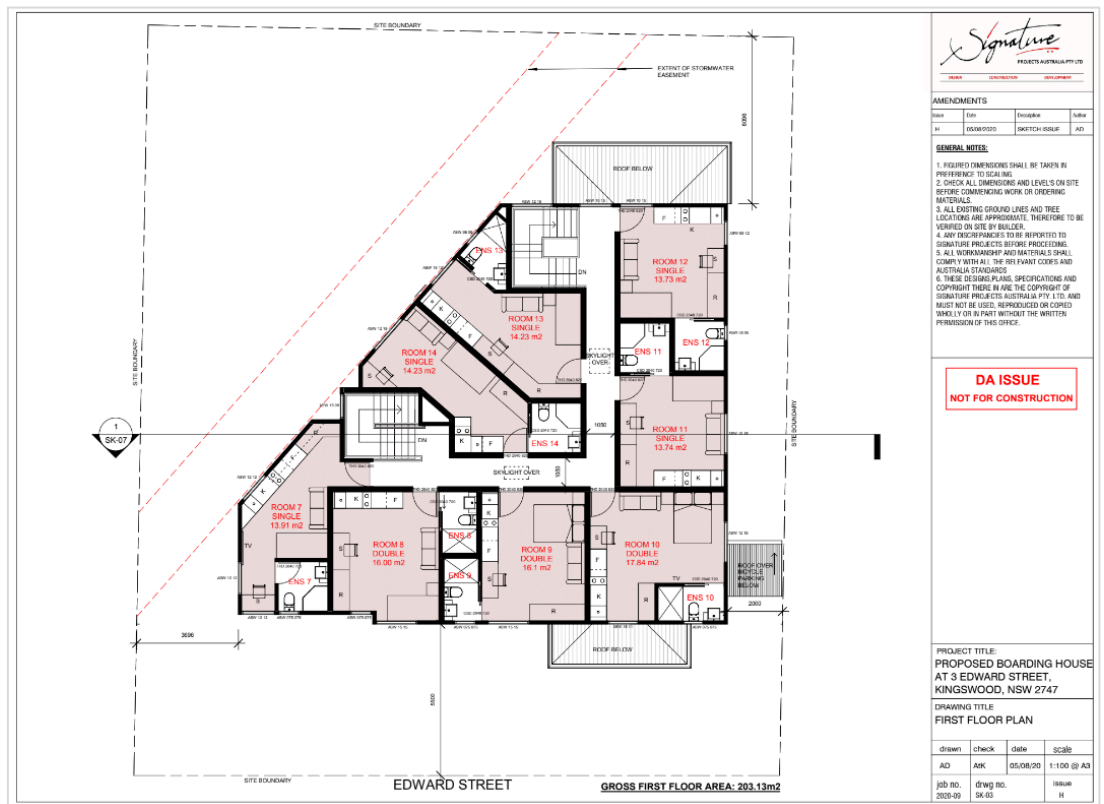
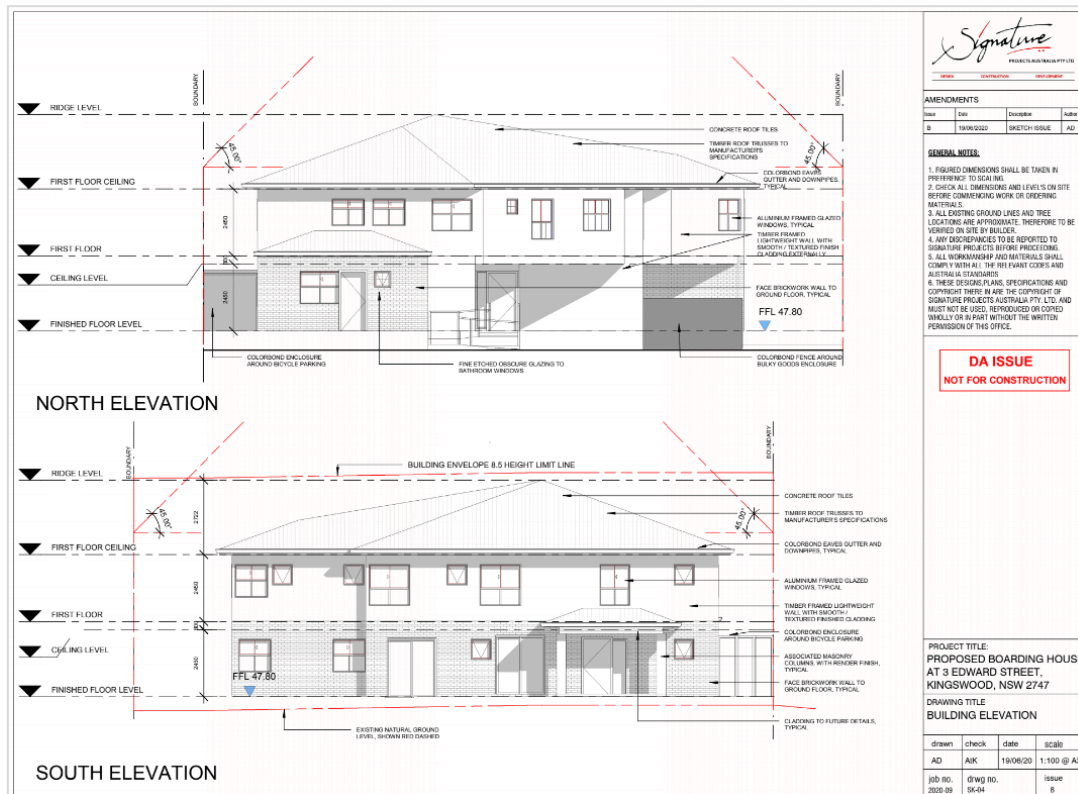


Figure 8: First Floor Plan
Source: Signature Projects Australia



4 Crime Profile

The proposed development is located in the suburb of Kingswood, which is in the City of Penrith LGA.

The crime figures discussed in this section of the report are those crimes that have been recorded by NSW Police, and as such cannot be seen to necessarily be all crimes committed in City of Penrith LGA.

Levels of reported crime are sensitive to a range of factors, including but not limited to the willingness or ability of people to report a criminal activity, the levels and nature of police activity, and actual levels of criminal activity in the area.

Measures recommended as a response to crime in the public domain would generally include:

- Secure car parking facilities;
- Passive surveillance; and
- Active surveillance.

The consideration of recommendations included in this report are intended so that the proposed development does not become attractive to perpetrators of these types of crime.

4.1 Crime Trends

Table 2 provides a breakdown of major crime rates in the City of Penrith LGA, based on data from the NSW Bureau of Crime Statistics and Research (BOSCAR).

The table the incident ratio of City of Penrith to NSW crime rates (with the NSW rate equivalent to 1).

Table 2 – Penrith Crime Overview – March 2019 – 2020

Offence Type	Penrith to NSW incident rate ratio
Murder	0.5
Assault – domestic violence related	1.7
Assault – non-domestic violence related	1.3
Sexual assault	1.4
Indecent assault, act of indecency and other sexual offences	1.1
Robbery without a weapon	1.7
Robbery with a firearm	1.1
Robbery with a weapon not a firearm	1.8
Break and enter dwelling	1.2
Break and enter non-dwelling	0.9
Motor vehicle theft	1.3
Steal from motor vehicle	1.4
Steal from retail store	1.4
Steal from dwelling	1.1
Steal from person	1.9
Fraud	1.3
Malicious damage to property	1.3

Note: NSW = Ratio of 1

The ratio to NSW rate statistics are a comparison of a NSW regional rate per 100,000 population to the NSW rate per 100,000 population. A ratio of one indicates parity with the NSW rate.

Compared to the rest of NSW, the LGA of Penrith generally has a higher rate of crime in most offences, whilst a lower rate in others.

If we consider crime trends over a 24 month period (April 2018 to March 2020), most offences remained stable with the exception of the following that increased:

- Assault – domestic violence related – up 12%

- Assault – non-domestic violence related – up 14.3%
- Robbery with a weapon not a firearm – up 46.7%
- Steal from retail store – up 24.1%

The following offences decreased:

- Steal from dwelling – down 12.9%; and
- Fraud – down – 5.6%.

It should be noted that the data relates to the entire City of Penrith LGA and is not specific to the suburb of Kingswood, which on a suburb level, may have a different crime profile.

4.2 Crime Hotspots

Hotspots indicate areas of high crime density (number of incidents per 50m x 50m) relative to crime concentrations across NSW.

It should be noted that hotspots are common to medium and high density urban areas and areas located around train stations and transport interchanges. It does not necessarily indicate a need for extraordinary design responses.

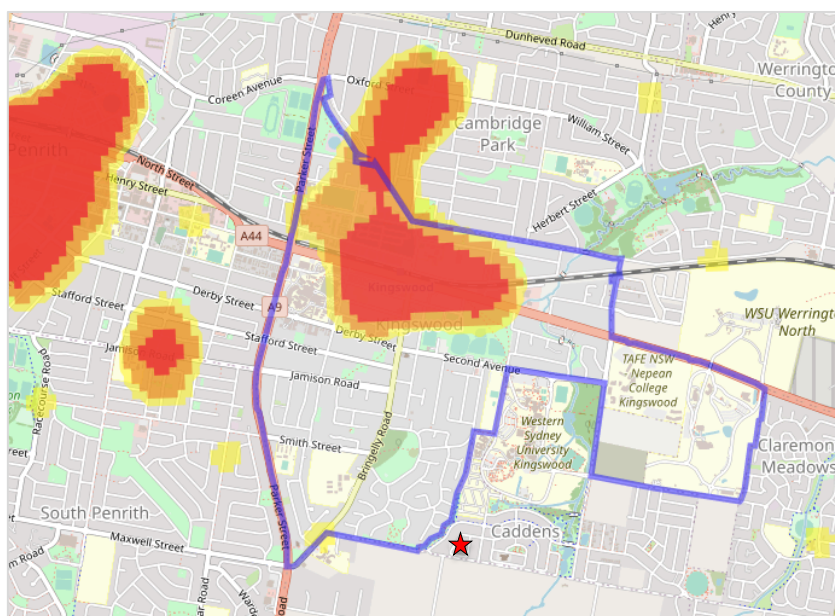


Figure 10: Hotspot Map – Robbery (all types)

Source: BOSCAR

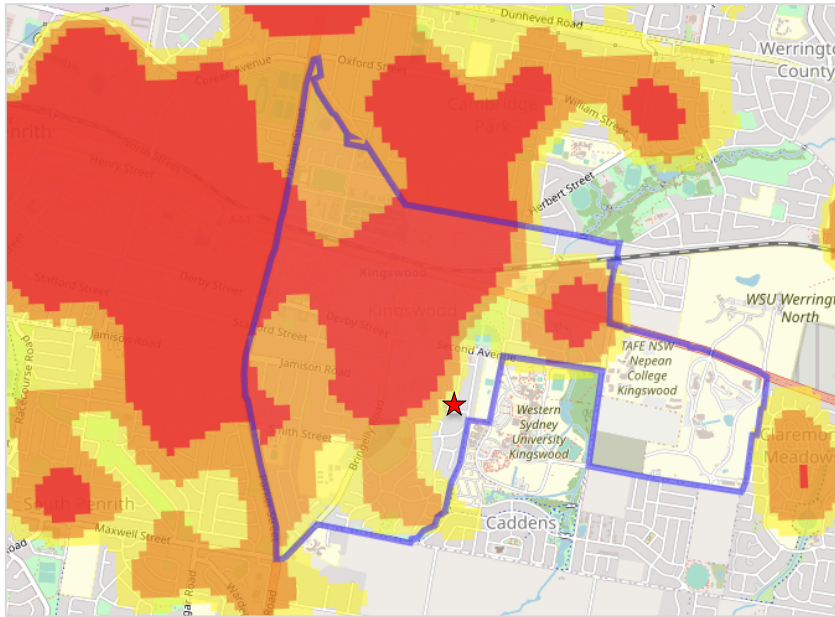


Figure 11: Hotspot Map – Domestic Assault

Source: BOSCAR

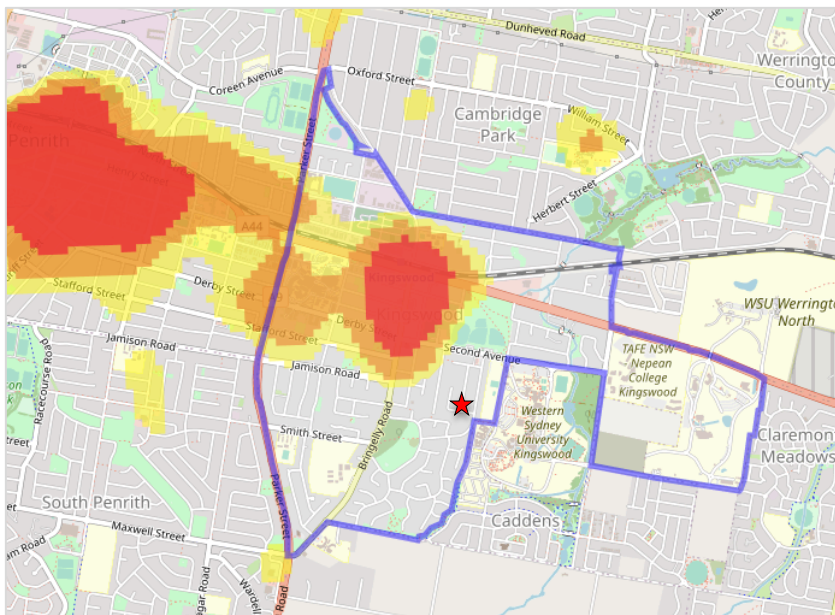


Figure 12: Hotspot Map – Non-Domestic Assault

Source: BOSCAR

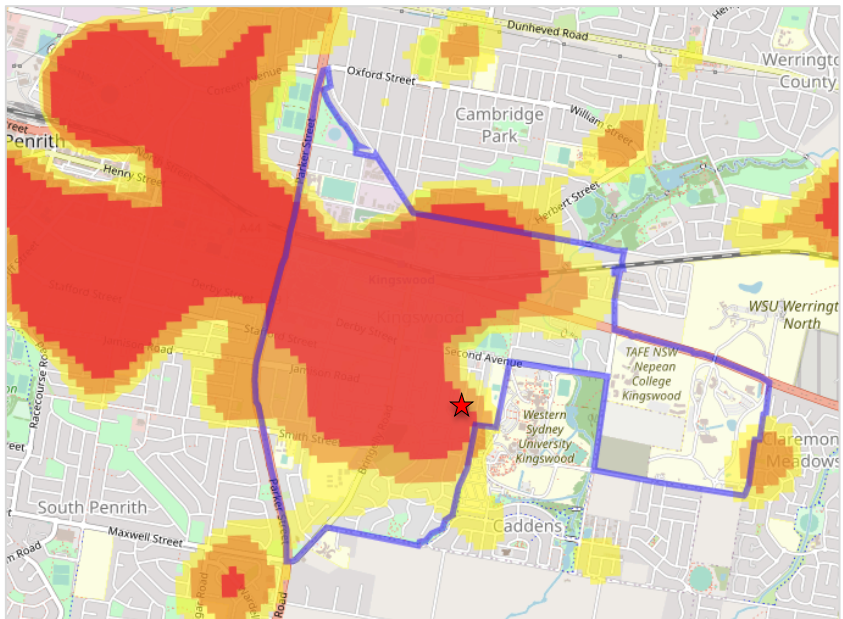


Figure 13: Hotspot Map – Break and Enter Dwelling
Source: BOSCAR

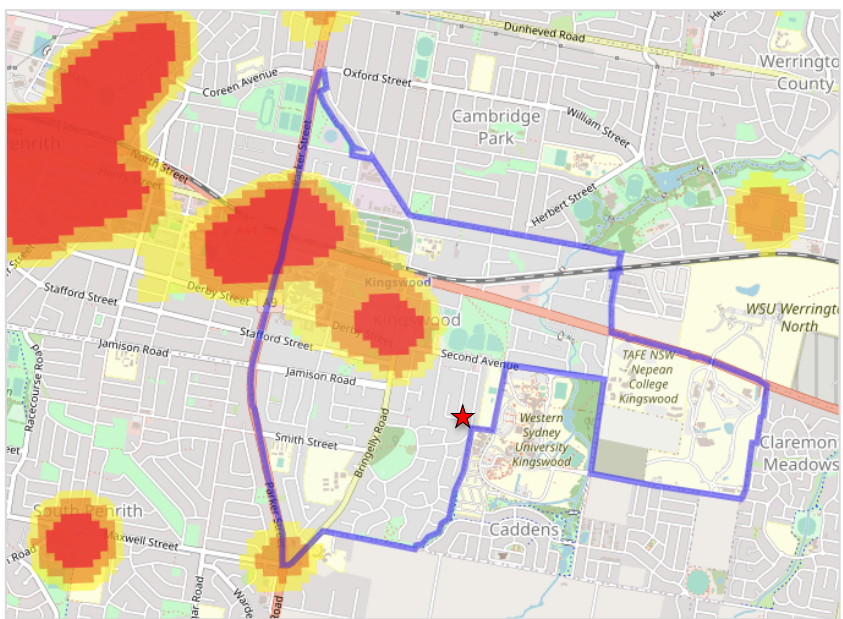


Figure 14: Hotspot Map – Break and Enter Non-Dwelling
Source: BOSCAR

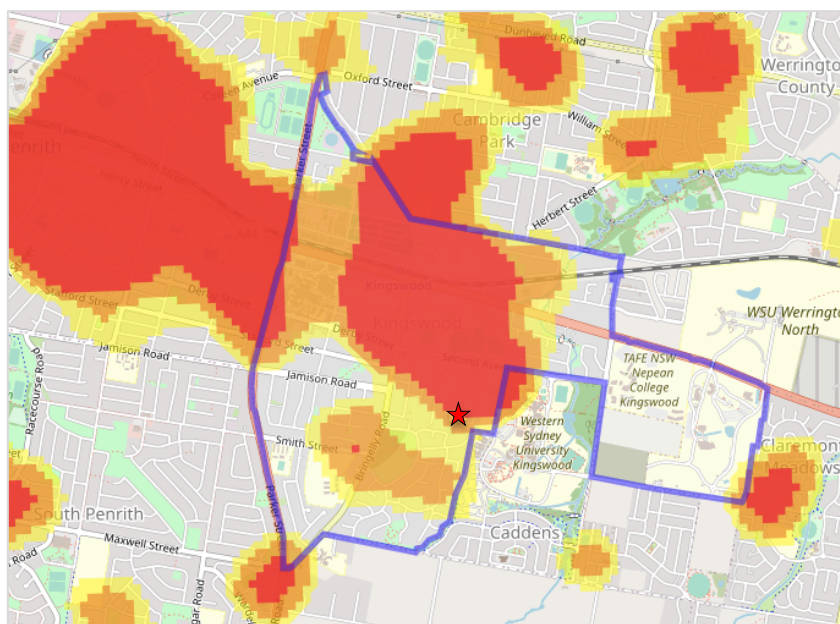


Figure 15: Hotspot Map – Motor Vehicle Theft

Source: BOSCAR

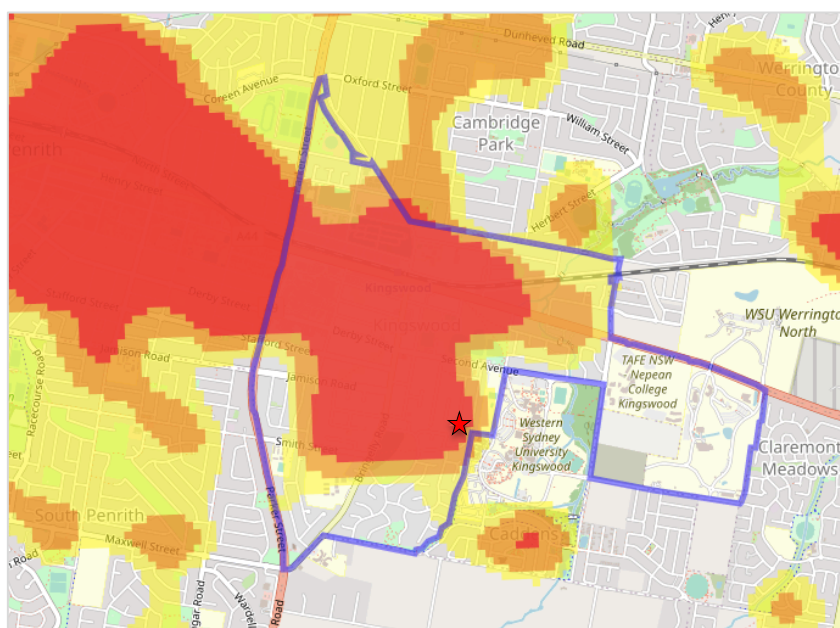


Figure 16: Hotspot Map – Steal from Motor Vehicle

Source: BOSCAR

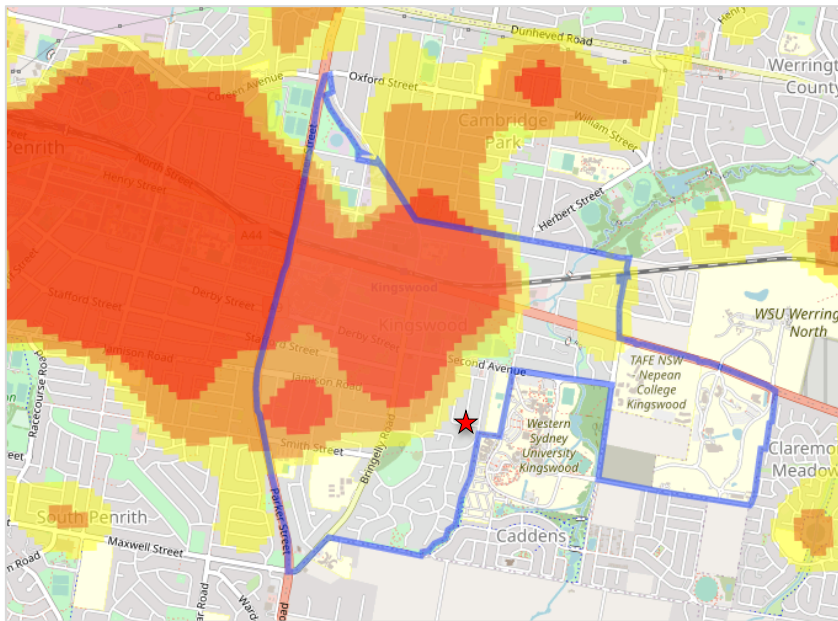


Figure 17: Hotspot Map – Malicious Damage to Property

Source: BOSCAR

Overall, the crime data for City of Penrith LGA point to a stable however, relatively moderate-incidence crime environment.

5 CPTED Assessment

The focus of the assessment was to identify the broader urban design factors that drive the creation of safe and secure public spaces, through the principles of territorial reinforcement, natural surveillance, access control and activity and space management.

As such, maintenance was given less attention as it requires a greater level of design in order to undertake a complete assessment. It also requires the development to be physically built in order to evaluate how well the building is maintained.

The SEE includes an assessment of the proposed works in terms of the matters for consideration as listed under Section 4.15 of the *Environmental Planning and Assessment Act 1979* (EPAA), and this CPTED report should be read in conjunction with the SEE.

5.1 CPTED Principles

This report utilises the principles of CPTED, which are based on a situational approach to crime prevention, which seek to minimise the risks for possible crime offences to occur. This is achieved by:

- Increasing the possibility of detection, challenge and capture;
- Increasing the effort required to commit crime;
- Reducing the potential rewards of crime by minimising, removing or concealing 'crime benefits'; and
- Removing conditions that create confusion about required norms of behaviour.

Notwithstanding this, the report and approach acknowledges that any design strategy proposed cannot operate effectively in isolation and is one element of a broader approach to a crime prevention strategy that includes social and community inputs and complementary strategies.

There are four key CPTED principles laid out in the CPTED guidelines:

- Surveillance;
- Access Control;
- Territorial Reinforcement; and
- Space and Activity Management.

A design evaluation of how the proposal responds to each CPTED principle is provided below.

Surveillance

NSW police defines natural surveillance as:

Natural surveillance is achieved when normal space users can see and be seen by others. This highlights the importance of building layout, orientation and location; the strategic use of design; landscaping and lighting – it is a by-product of well-planned, well-designed and well-used space.

It relates to keeping intruders under observation. Natural surveillance allows people to engage in their normal behaviour while providing maximum opportunities for observing the space around them.

This is achieved by:

- Orienting buildings, windows, entrances and exits, car parks, rubbish bins, walkways, landscape trees and shrubs, in a manner that will not obstruct opportunities for surveillance of public spaces;
- The placement of persons or activities to maximise surveillance possibilities; and
- Provide lighting for night-time illumination of car parks, walkways, entrances, exits and related areas to promote a safe environment.

Design Evaluation

Our review of the plans indicates the following in relation to natural surveillance:

- Passive surveillance is achieved on all side boundaries. Uses within the boarding house including the location of bedrooms, communal areas and other habitable spaces are positioned to provide ongoing monitoring of the public and private domains;
- The building provides glazed windows along the Edward Street frontage, which allows for good levels of natural surveillance of the driveway, pedestrian entry and streetscape;
- Communal areas and private open space are oriented to the west, which is expected to be frequently utilised and provide natural surveillance of the car park and driveway; and
- Windows are provided along the eastern elevation, which reinforces observation of the side boundary

Recommendations

- The car park should be illuminated at night, however, must be consider the impacts of light spill onto the adjoining properties. Low level bollard light may provide a suitable solution, particularly around the shared space at the rear; and
- Landscaping should utilise low level shrubs interspersed to allow for sightlines at eye-level and to minimise opportunities for concealment.

Access Control

NSW Police defines access control as:

Access control treatments restrict, channel and encourage people and vehicles into, out of and around the development. Way-finding, desire-lines and formal/informal routes are important crime prevention considerations. Effective access control can be achieved by using physical and symbolic barriers that channel and group pedestrians into areas, therefore increasing the time and effort required for criminals to commit crime.

It relates to decreasing criminal accessibility. This is achieved by:

- Using footpaths, pavement, gates, lighting and landscaping to clearly guide the public to and from entrances and exits; and
- Using of gates, fences, walls, landscaping and lighting to prevent or discourage public access to or from dark or unmonitored areas.

Design Evaluation

Our review of the plans indicates the following in relation to access control:

- Two access routes are proposed, being the driveway along the western boundary and the primary residential access off Edward Street. These are legible and not obstructed when viewed from the street;

- There may be some pedestrian vehicular conflict with location of the waste bin area and the driveway; and
- Garbage and waste are securely stored in a dedicated garbage store behind the primary building line.

Recommendations

- The waste bin and bulky goods area should be securely locked at relevant times;
- Access along the sites eastern boundary should be fenced with a lockable gate to avoid unwanted access to the rear of the site;
- Landscaping should be incorporated along the Edward Street frontage to provide a transition cue between the public and private domain;
- Fencing should be proposed around the private open space area to avoid conflict with vehicles entering from Edward Street;
- Low-level bollard lighting should be considered around the driveway and the sites rear boundary to deter access to dark/unmonitored areas; and
- All areas should be fitted with doors that comply with the relevant Australian Standards.

Territorial Reinforcement

NSW Police defines territorial re-enforcement as:

Territorial Re-enforcement uses actual and symbolic boundary markers, spatial legibility and environmental cues to 'connect' people with space, to encourage communal responsibility for public areas and facilities, and to communicate to people where they should/not be and what activities are appropriate.

It relates to clearly defining private space from semi-public and public spaces that creates a sense of ownership.

This is achieved by:

- Enhancing the feeling of legitimate ownership by reinforcing existing natural surveillance and natural access control strategies with additional symbolic or social ones;
- Design of space to allow for its continued use and intended purpose; and
- Use of landscaping and pavement finishes, art, screening and fences to define and outline ownership of space.

Design Evaluation

Our review of the plans indicates the following in relation to territorial reinforcement:

- The boarding house has been designed for a specific purpose with associated amenities to support that use;
- The design reinforces an inclusive and social outdoor environment, establishing a sense of ownership and connection between residents via the multiple gathering spaces. This is enhanced by the connection of the living area to the private open space;
- The private open space area is capable of featuring seating and BBQ areas that will encourage ownership of this space; and
- The buildings materials and finishes will be compatible with the surrounding streetscape and adjoining properties.

Design Evaluation

- The building should incorporate appropriate way-finding signage internally from areas of the building such as the communal area; and
- The facility should incorporate distinctive paving and landscaping to serve as transition cues to alert people they are moving between the street and building. It is considered the driveway be given appropriate attention in aiding with this transition.

Space and Activity Management

NSW Police defines space/activity management as:

Space/Activity Management strategies are an important way to develop and maintain natural community control. Space management involves the formal supervision, control and care of the development. All space, even well planned and well-designed areas need to be effectively used and maintained to maximise community safety. Places that are infrequently used are commonly abused. There is a high correlation between urban decay, fear of crime and avoidance behaviour.

The placing activity where the individuals can engage in an activity becomes part of the natural surveillance is known as activity support. This is achieved by:

- Locating safe activities in areas that will discourage would be offenders;
- Locating activities that increase natural surveillance; and
- Locating activities that give the perception of safety for normal users, and the perception of risk for offenders.

Design Evaluation

Activity support in the proposed development is achieved by:

- The proposal is supported by a Plan of Management, that outlines the formal operations and procedures for the day-to-day management of the development;
- The Plan of Management should consider the ongoing maintenance and upkeep of the landscape screening along the Edward Street frontage; and
- Areas that are considered to be opportunities for concealment adjoin areas that are expected to be utilised frequently. The private open space provides passive surveillance of the parking area.

Recommendations

- Graffiti management measures should be incorporated into the maintenance plan/strategy for the building;
- A building maintenance plan/strategy should include landscaping to ensure the site displays strong ownership; and
- The building should incorporate a robust material palette, particularly for outdoor spaces in order to reduce susceptibility to vandalism and wear and tear.

Given the above, this report is consistent in principle within the guidelines identified in the NSW Department of Urban Affairs and Planning, Crime prevention and the assessment of development applications: Guidelines under section 4.15 of the Environmental Planning and Assessment Act 1979 (EP&A Act).

6 Conclusion

This CPTED report supports a DA for a proposed boarding house at 3 Edward Street, Kingswood.

The proposed development has been evaluated in the context of the four key principles of CPTED and relevant data from BOSCAR.

Section 5 of this report outlines measures that will enable the design and ongoing use of the facility to align with those CPTED principles to reduce opportunities for crime. The work/measures identified are minor in scope and can be achieved by means of condition of consent or otherwise detailed in Construction Certificate documentation.

This CPTED report demonstrates that the proposed development will promote passive and natural surveillance of the public domain, further activate the area and provide appropriate security measures to ensure the safety of residents and the broader public. The construction of the building and the materials proposed along the frontage will establish additional passive surveillance and monitoring of the public domain.

Given the above, we conclude the development is acceptable from a crime risk perspective.

Annexure A – NSW CPTED Guideline Assessment

Table 3 – NSW Police CPTED Guideline Assessment

Standard	Provisions	Compliance
Natural Surveillance	Openings in buildings are located and designed to overlook public places to maximize casual surveillance.	Entry points are capable of being visible and clearly distinguishable.
	The main entry to a building should face the street.	The main entry for the building is provided on Edward Street.
	An external entry path and the foyer to a building must be direct to avoid potential hiding places.	Paths provide minimal opportunity for potential hiding places and its integrated into the development.
	Entry lobby areas to and from car parking areas should be transparent allowing viewing into and from these areas.	Entrances to lobby areas are clearly defined and generally transparent.
	Landscaping must not conceal the front door to a building when viewed from the street	Able to be implemented.
	Pedestrian access should be well lit and maximize sight lines.	Pedestrian access paths are direct and provide sight lines into the development.
	Landscaping should not inhibit sight lines.	Able to be implemented.
	ATM design and location is within direct view of pedestrian paths so that they can be overlooked from vantage points.	N/A.
	The street number of a building must be visible from the street and made of a reflective material to allow visitors and emergency vehicles to easily identify the location of the building.	Able to be implemented.

Table 3 – NSW Police CPTED Guideline Assessment

Standard	Provisions	Compliance
	Landscaping should be designed to maximize sight lines.	Able to be implemented.
Measures /security devices	All windows and doors on the ground floor must be made of toughened glass to reduce the opportunities for 'smash and grab' and 'break and enter' offences.	Able to be implemented.
	A security alarm system must be installed in a building.	Able to be implemented.
	Unless impracticable, access to an outdoor car park must be closed to the public outside of business hours via a lockable gate.	Due to the nature of the proposal it is considered monitored access and closure of this space is not required.
	CCTV system must cover all high risk areas and including all entry areas.	Not required.
Access control	Loading docks in the vicinity of main entry areas are secured outside of business hours.	Not required.
	Access to a loading dock, or other restricted area in a building must only be accessible to tenants via a security door, intercom, code or other mechanism.	Able to be implemented.
	Clear signage should be erected indicating loading docks and other areas which cannot be accessed by the general public.	Not required.
Territoriality/ownership	Site planning provides a clear definition of territory and ownership of all private, semi-public and public places.	The site and design make a clear distinction between private and public.

Table 3 – NSW Police CPTED Guideline Assessment

Standard	Provisions	Compliance
Lighting	Both natural and artificial lighting is used to reduce poorly lit or dark areas and therefore deterring crime and vandalism.	Natural and artificial light will improve visibility of the development and semi-public spaces.
	Lighting must be provided to the following areas of a building to promote safety and security and night; A – an external entry path, foyer, driveway and car park to a building b- shopfront. This may be in the form of motion sensitive lighting or timer lighting c – the underside of an awning.	Able to be implemented. Recommended low level bollard lighting is provided in the car park.
	Lift access to a car park that are intended for night use must be well lit using a vandal resistant, high mounted light fixture.	Not required.
	The lighting in a car park must confirm to Australian Standards 1158.1, 2890.1.	Able to be implemented.
	The use of lighting fixtures, and vandal resistant, high mounted light fixtures, which are less susceptible to damage in the car park and laneway areas.	Able to be implemented.
	Car parking areas should be painted in light colours which will increase levels of illumination.	Able to be implemented.
Vandalism and graffiti	Development minimizes blank walls along all street frontages.	The design avoids long expanses of blank walls and includes articulation and modulation in the façade and transparent materials, to both express the building, but also avoid graffiti opportunities.



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7 July 2020

Our Ref: SKB:SIG004/4002

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PRIVATE AND CONFIDENTIAL

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Dear Atul

**Signature Projects Australia Pty Ltd - Proposed Boarding House Developments
26 Hargrave Street, Kingswood NSW - 36 Jamison Road, Kingswood - 3 Edward Street,
Kingswood**

Introduction

1. You have requested our advice in relation to the application of State Environmental Planning Policy (Affordable Rental Housing) 2009 (**ARH SEPP**) and the Penrith Development Control Plan 2014 (**DCP**) to your proposed boarding house developments (**Proposed Developments**) at:
 - (a) 26 Hargrave Street, Kingswood;
 - (b) 36 Jamison Road, Kingswood; and
 - (c) 3 Edward Street, Kingswood,(collectively, the **DA Sites**).
2. In particular, you have sought our advice in relation to the following:
 - (a) the application of clauses 2.1.2(B)(1)(e)(iv), 2.1.4 and 2.4.8 in Chapter D2 of the DCP, which all relate to landscaped area, and clause 29(2)(b) of the ARH SEPP (which also relates to landscaped area);
 - (b) the application of clause 2.4.3(B)(1) in Chapter D2 of the DCP (which relates to minimum lot frontage and lot width);
 - (c) the application of clause 29(2)(f) of the ARH SEPP (which relates to the size of the boarding rooms); and
 - (d) clause 29(2)(e)(i) of the ARH SEPP which relates to car parking requirements for boarding house developments carried out by social housing providers.

Applicable Planning Controls

3. I am instructed that the DA Sites are zoned R2 and/or R3 under the Penrith Local Environmental Plan 2010 (**LEP**).
4. Development for the purpose of a "boarding house" is permissible with development consent in both zones.
5. Under section 4.15(1) of the *Environmental Planning and Assessment Act 1979 (Act)*, the relevant provisions of the LEP, the DCP and the ARH SEPP are mandatory considerations for any development application/s for the Proposed Developments.
6. Section 4.15(3A) of the Act provides the following further requirements in relation to the application of the DCP when assessing a development application:

If a development control plan contains provisions that relate to the development that is the subject of a development application, the consent authority—

(a) if those provisions set standards with respect to an aspect of the development and the development application complies with those standards—is not to require more onerous standards with respect to that aspect of the development, and

(b) if those provisions set standards with respect to an aspect of the development and the development application does not comply with those standards—is to be flexible in applying those provisions and allow reasonable alternative solutions that achieve the objects of those standards for dealing with that aspect of the development, and

(c) may consider those provisions only in connection with the assessment of that development application.

In this subsection, standards include performance criteria.

7. Section 3.42 of the Act outlines the purpose and status of DCPs as follows:

(1) The principal purpose of a development control plan is to provide guidance on the following matters to the persons proposing to carry out development to which this Part applies and to the consent authority for any such development—

(a) giving effect to the aims of any environmental planning instrument that applies to the development,

(b) facilitating development that is permissible under any such instrument,

(c) achieving the objectives of land zones under any such instrument.

The provisions of a development control plan made for that purpose are not statutory requirements.

(2) The other purpose of a development control plan is to make provisions of the kind referred to in section 3.43(1)(b)–(e).

8. Section 5.11 in Chapter D5 of the DCP contains controls specific to boarding houses. The Objectives of section 5.11 are:
 - (a) *To ensure that boarding houses fit the local character or desired future character of the area.*
 - (b) *To minimise negative impacts on neighbourhood amenity.*
 - (c) *To ensure boarding house premises are designed to be safe and accessible.*

- (d) *To respond to increasing neighbourhood densities resulting from boarding house development.*
 - (e) *To ensure that boarding houses operate in a manner which maintains a high level of amenity, health and safety for residents.*
- 9. Section 5.11(C)(2)(e) in Chapter D5 of the DCP provides that “In a Low Density zone, boarding houses should comply with controls for *Single Dwellings* where these controls do not conflict with the requirements of the SEPP” (emphasis added). The R2 zone is a Low Density zone.
- 10. Section 5.11(C)(2)(f) in Chapter D5 of the DCP provides that “A boarding house proposal of a scale similar to a multi dwelling housing development should comply with the controls and objectives for *multi dwelling housing* within this DCP, where they are not in conflict with the requirements of the SEPP and the objectives of the zone” (emphasis added).
- 11. The ARH SEPP applies to the DA Sites. The aims of the ARH SEPP include:
 - (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,*
- 12. Part 2 Division 3 of the ARH SEPP applies to boarding houses.
- 13. I understand that for the purposes of clause 27(2) of the ARH SEPP, those parts of the DA Sites that are zoned R2 are within an “accessible area” as defined in clause 4 of the ARH SEPP, being located within:
 - (c) *400 metres walking distance of a bus stop used by a regular bus service (within the meaning of the Passenger Transport Act 1990) that has at least one bus per hour servicing the bus stop between 06.00 and 21.00 each day from Monday to Friday (both days inclusive) and between 08.00 and 18.00 on each Saturday and Sunday.*
- 14. Accordingly, Part 2, Div 3 of the ARH SEPP applies to the Proposed Developments.
- 15. Relevantly, Clause 29(2) of the ARH SEPP provides the following standards that cannot be used to refuse development consent:
 - (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,
 - (b) *landscaped area*

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

(i) in the case of development in an accessible area-at least 0.2 parking spaces are provided for each boarding room, and

(ii) in the case of development not in an accessible area-at least 0.4 parking spaces are provided for each boarding room, and

(iii) in the case of any development-not more than 1 parking space is provided for each person employed in connection with the development and who is resident on site,

(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.

16. Clause 30AA of the ARH SEPP applies to boarding houses in R2 zones. It states:

A consent authority must not grant development consent to a boarding house on land within Zone R2 Low Density Residential or within a land use zone that is equivalent to that zone unless it is satisfied that the boarding house has no more than 12 boarding rooms.

17. Clause 30A of the ARH SEPP requires consideration of the character of the 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.

Inconsistency between planning instruments

18. Clause 8 of the ARH SEPP relates to its relationship with environmental planning policies. It states:

If there is an inconsistency between this Policy and any other environmental planning instrument, whether made before or after the commencement of this Policy, this Policy prevails to the extent of the inconsistency.

19. The term “environmental planning instrument” is defined in the Act as:
- an environmental planning instrument (including a SEPP or LEP but not including a DCP) made, or taken to have been made, under Part 3 and in force.*
20. Accordingly, clause 8 of the ARH SEPP has no *direct* application to the DCP, only the LEP.
21. However, section 3.28(1)(a) of the Act states that:
- (1) In the event of an inconsistency between environmental planning instruments and unless otherwise provided—*
- (a) there is a general presumption that a State environmental planning policy prevails over a local environmental plan or other instrument made before or after that State environmental planning policy, and*
22. Accordingly, under the Act there is general presumption that a SEPP prevails over a DCP in the event of any inconsistency. This general presumption arises from the fact that the DCP, being a non-statutory instrument, is a lower order instrument compared to the ARH SEPP and one of the main purposes of the DCP is to give effect to the aims of the LEP (the provisions of which can be overridden by the ARH SEPP).
23. On the question of “inconsistency” for the purposes of clause 8 of the ARH SEPP, in *Coffs Harbour Environment Centre Inc v Minister for Planning* (1994) 84 LGERA 324, Kirby J discussed the meaning of the word “inconsistency”. At 331, he stated, in relation to section 36 (now section 3.28) of the Act:
- The resolution of this dispute requires only that the word “inconsistency” be given its ordinary and natural meaning without the gloss which has necessarily developed around the meaning of the word in a constitutional setting. Upon that basis, there will be an inconsistency if, in the provisions of one environmental planning instrument, there is “want of consistency or congruity”; “lack of accordance or harmony” or “incompatibility, contrariety, or opposition” with another environmental planning instrument.*
- This approach was endorsed by McColl JA in *Hastings Point Progress Association Inc v Tweed Shire Council & Anor* [2009] NSWCA 285; (2009) 168 LGERA 99 at [5]. It was also recently followed by Sheahan J in *Bella Ikea Ryde Pty Ltd v City of Ryde Council* (No 2) [2018] NSWLEC 204 where His Honour held that there was an inconsistency between clause 4.5A(a) of the Ryde Local Environmental Plan 2014 and clause 14(1)(b) of the ARH SEPP (with both relating to site area), such that the ARH SEPP must prevail.
24. In *Succar v Bankstown City Council* [2012] NSWLEC 1255, Dixon SC stated at [16] - [18]:
- 16. The AH SEPP is not a code. It is a Policy which aims to provide a consistent planning regime for the provision of affordable housing: cl 3(a); and, to facilitate the effective delivery of new affordable housing by providing incentives by way of expanded zoning permissibility, floor space ratio bonuses and non discretionary development standards: cl 3(b). It sets out non-discretionary development standards in cl 14 and design considerations in cll 15(1) and 16 and 16 A.*
- 17. The fact that the AH SEPP enlivens the power of a consent authority to determine a development application for affordable housing on land to which the AH SEPP applies does not mean that the power is to be exercised in only one way; the grant of a consent. The consent authority has a discretion, which must be exercised in accordance with the law and having regard to the merits of the application. In exercising the discretionary power in s 80(1) of the Act, the consent authority must consider the relevant matters in s 79C(1) and ss 79C(b) to (e) of the Act: Australian Lifestyles Corporation Pty Ltd v Wingecarribee Shire Council [2008] NSWLEC 284 per CJ Preston at paras [34] - [41]. Therefore, in my opinion all*

relevant planning instruments must be considered and in the event of an inconsistency cl 8 prescribes that the Policy is to prevail.

18. *This approach is consistent with the general principle discussed by the Court in GW Rothwell & Associates v North Sydney Council [2000] NSWLWC 116 at [28] of trying to give effect to both provisions if possible: "There is a general reluctance by the courts to find that there is an inconsistency between two statutory provisions if both provisions can be given effect."*

(emphasis added)

25. In our view, the above underlined comments made by Dixon SC in *Succar* lend support for the general presumption that where there is an inconsistency between the ARH SEPP and the DCP, the ARH SEPP is to prevail.

Landscaped area controls - clauses 2.1.2(B)(1)(e)(iv), 2.1.4 and 2.4.8 in Chapter D2 of the DCP and clause 29(2)(b) of the ARH SEPP

26. Clause 2.1.2(B)(1)(e)(iv) in Chapter D2 of the DCP requires that rear setback areas "be used predominantly for the provision of a landscaped area". In addition, clauses 2.1.4 and 2.4.8 of the DCP require boarding house developments on R2 and R3 zoned land to provide a minimum landscaped area of 50% and 40%, respectively.
27. However, as set out above, under clause 29(2)(b) of the ARH SEPP, Council must not refuse consent to the Proposed Developments on the basis of landscaped area "if the landscape treatment of the front setback area is compatible with the streetscape in which the building is located".
28. Clauses 2.1.2(B)(1)(e)(iv), 2.1.4 and 2.4.8 in Chapter D2 of the DCP and clause 29(2)(b) of the ARH SEPP clearly all deal with the same subject matter, namely landscaped area. It follows, that to the extent the "compatibility" test in clause 29(2)(b) of the ARH SEPP is satisfied by the Proposed Developments, consent to the Proposed Developments cannot be refused on the ground of landscaped area under clause 2.1.2(B)(1)(e)(iv), clause 2.1.4 and/or clause 2.4.8 in Chapter D2 of the DCP.
29. On the issue of "compatibility", the following comments of Morris C in *Moscaritolo and Anor v The Hills Shire Council* [2013] NSWLEC 1014 quoting Roseth SC in *Project Venture Developments v Pittwater Council* [2005] NSWLEC 191 are of relevance:

27 No merit matters are raised by the council, the only matter that requires my determination is the compatibility provision of clause 16A of SEPPARH and the issues raised by objectors. Such determination does not require a finding of sameness and this could not be expected from a state-wide policy that allows for a form of development that is not exactly the same as that anticipated by local planning controls. Consideration of the word "compatible" was assessed by Roseth SC in Project Venture Developments v Pittwater Council [2005] NSWLEC 191, where he states:

22 There are many dictionary definitions of compatible. The most apposite meaning in an urban design context is capable of existing together in harmony. Compatibility is thus 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.

23 It should be noted that compatibility between proposed and existing is not always desirable. There are situations where extreme differences in scale and appearance produce great urban design involving landmark buildings. There are situations where the planning controls envisage a change of character, in which case compatibility with the future character is more appropriate than with the existing. Finally, there are urban environments that are so unattractive that it is best not to reproduce them.

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

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

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

25 The physical impacts, such as noise, overlooking, overshadowing and constraining development potential, can be assessed with relative objectivity. In contrast, to decide whether or not a new building appears to be in harmony with its surroundings is a more subjective task. Analysing the existing context and then testing the proposal against it can, however, reduce the degree of subjectivity.

26 For a new development to be visually compatible with its context, it should contain, or at least respond to, the essential elements that make up the character of the surrounding urban environment. In some areas, planning instruments or urban design studies have already described the urban character. In others (the majority of cases), the character needs to be defined as part of a proposal's assessment. The most important contributor to urban character is the relationship of built form to surrounding space, a relationship that is created by building height, setbacks and landscaping. In special areas, such as conservation areas, architectural style and materials are also contributors to character.

30. To the extent that landscaped treatment of the front setback area of each of the Proposed Developments is compatible with the streetscape in which it is located, it will have satisfied the test in clause 29(2)(b) of the ARH SEPP and consent to the development cannot be refused on the ground of landscaped area, notwithstanding any noncompliance with clauses 2.1.2(B)(1)(e)(iv), 2.1.4 and 2.4.8 in Chapter D2 of the DCP.

Minimum lot frontage and lot width - clause 2.4.3(B)(1) in Chapter D2 of the DCP

31. Clause 2.4.3(B)(1) in Chapter D2 of the DCP requires multi dwelling housing development within the R3 zone to have a minimum lot frontage and lot width of 22m.
32. To the extent that any of the Proposed Developments are "of a similar scale to a multi dwelling housing development", the DCP provisions relating to multi-dwelling housing development will be applicable (see clause 5.11(C)(2)(e) in Chapter D2 of the DCP). However, in the case of boarding house developments located within the R3 zone that are not "similar in scale to a multi dwelling housing development", the only applicable controls in the DCP are those contained in clause 5.11 of the DCP which specifically relate to boarding house developments.
33. In regards to the "scale" of the Proposed Developments, and in particular, whether any are of a "scale similar to a multi dwelling housing development", Mecone have advised that:
 - (a) Multi dwelling housing is defined by Penrith LEP as:

multi dwelling housing means 3 or more dwellings (whether attached or detached) on one lot of land, each with access at ground level, but does not include a residential flat building.

- (b) Based on above definition, it is reasonable to anticipate any multi dwelling housing development to present as at least 3 dwellings, each with a front door at the ground level.

- (c) Each of the proposed boarding houses presents as a single dwelling and is located on a single lot of land.
- (d) The LEP, at clause 4.1A, requires a minimum lot size of 800sqm for the development of multi dwelling housing, while the two R3 lots being considered are significantly smaller than this at 635sqm and 599sqm. Accordingly, the scale of the proposed boarding housing is not and cannot be similar to multi dwelling housing permitted under the LEP as the scale of development envisaged for multi dwelling housing under the LEP cannot be accommodated on the subject R3 zoned sites.
- (e) If the proposed boarding houses are compared to surrounding multi dwelling houses, it is clear that the proposed boarding houses offer a far less intense form of development than a multi dwelling house development.
- (f) The surrounding examples of multi dwelling houses generally present as a series or row of dwellings, either attached or detached on one lot of land that present as individual dwellings with matching architectural form to the other dwellings within the development.
- (g) This is quite different to the proposed boarding houses which present as only a single building, similar in scale to a large dwelling house.

A copy of the Mecone advice is **attached**.

- 34. Based on the above advice, it appears that the multi dwelling housing controls in the DCP do not apply to any of the Proposed Developments. However, for completeness, I address the application of clause 2.4.3(B)(1) in Chapter D2 of the DCP below.
- 35. The ARH SEPP does not contain a minimum lot frontage and lot width control for boarding house developments. Accordingly, to the extent (if any) that clause 2.4.3(B)(1) in Chapter D2 of the DCP applies to any of the Proposed Developments, the question of “consistency” with the ARH SEPP does not arise. However, the DCP must be applied in accordance with section 4.15(3A) of the Act, including by allowing “reasonable alternative solutions that achieve the objects of those standards for dealing with that aspect of the development”.
- 36. In this regard, I note that the objectives of clause 2.4.3 are to:
 - (a) Identify planning and design options that are appropriate to the shape and size of each development lot, and to the location of neighbouring buildings.
 - (b) Identify planning and design responses that address impacts on surrounding streetscapes.
- 37. Accordingly, a proposed boarding house development of a similar scale to multi dwelling housing that proposes a reasonable alternative solution to the numerical requirement of clause 2.4.3 that achieves the above objectives of the clause, is capable of approval by Council.

Boarding room size - clause 29(2)(f) of the ARH SEPP

- 38. Clause 29(2)(f) of the ARH SEPP provides that where a boarding house development complies with the minimum boarding room gross floor area (**GFA**) requirements specified in the clause, it cannot be refused on the ground of boarding room size. The GFA of each boarding room is to exclude any area used for the purposes of private kitchen or bathroom facilities.
- 39. I understand that Council contends that an area in front of the fixed kitchen cabinetry is to be excluded from the room area calculations, with Council’s requirement being a 1m area for the development at 26 Hargrave Street, Kingswood and an 800mm area for the development at

36 Jamison Road, Kingswood. The reason for the different area requirements is not clear. In addition, this is not a requirement of the ARH SEPP.

40. This issue arose in the case of *Makki Holdings Pty Limited v Hurstville City Council* [2015] NSWLEC 1153 where the Council's town planning expert contended that "when calculating the gross floor area of a boarding room, the area should exclude a distance 500mm from the kitchen bench as this area forms part of the kitchen facilities". In contrast, Counsel for the applicant in that matter argued, and the Court accepted, that:
- (a) in interpreting the meaning of clause 29(2)(f) of ARH SEPP it is appropriate to consider the language used in the text of the provision and then look at the context and purpose of the provision, and not to displace the clear meaning of the text with historical or extrinsic material, consistent with the relevant caselaw on statutory interpretation;
 - (b) the text of clause 29(2)(f) does not require the exclusion of some ad-hoc dimension and that the Council's expert, in doing just that, has brought some preconceived ideas to interpreting the provision; and
 - (c) the purpose of the provision is to create a volume of living space of 12 square metres in plan and the area to be excluded from the GFA calculation is only that devoted to the kitchen facilities, being the benchtop area in plan.
41. In our view, the same reasoning ought to apply to the Proposed Developments such that only the private kitchen and bathroom facilities are to be excluded from the GFA calculation for the boarding rooms.

Car parking requirements - 29(2)(e)(i) of the ARH SEPP

42. Clause 29(2)(e)(i) of the ARH SEPP provides that where a proposed boarding house development that is to be carried out by or on behalf of a social housing provider in an accessible area provides at least 0.2 parking spaces for each boarding room, it cannot be refused on the ground of car parking.
43. The term "social housing provider" is defined in clause 4 of the ARH SEPP to include any of the following:
- (a) the Department of Human Services,
 - (b) the Land and Housing Corporation,
 - (c) a registered community housing provider,
 - (d) the Aboriginal Housing Office,
 - (e) a registered Aboriginal housing organisation within the meaning of the Aboriginal Housing Act 1998,
 - (f) a local government authority that provides affordable housing,
 - (g) a not-for-profit organisation that is a direct provider of rental housing to tenants.
44. In addition, for the purposes of clause 29 of the ARH SEPP "social housing provider does not include a registered community housing provider unless the registered community housing provider is a registered entity within the meaning of the *Australian Charities and Not-for-profits Commission Act 2012* of the Commonwealth".
45. In my view, the information required to satisfy Council that one or more of the Proposed Developments is to be carried out by or on behalf of a social housing provider would comprise:

- (a) Evidence of any relevant contractual arrangements that have been entered into with the social housing provider under which the social housing provider is to carry out one or more of the Proposed Developments;
 - (b) Evidence that the social housing provider meets the definition of “social housing provider” in clause 4 of the ARH SEPP and is not a registered community housing provider unless it is a registered entity within the meaning of the *Australian Charities and Not-for-profits Commission Act 2012* of the Commonwealth.
46. If the above information were not made available prior to determination of a development application, a condition of consent could be imposed requiring its provision prior to the issue of a construction certificate or by way of a deferred commencement condition.

Please contact us if you have any questions in relation to the above matters.

Yours sincerely



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OVERLAND FLOW STUDY

Proposed Residential Development

At

3 Edward Street,
Kingswood

For



Ref.: U20122- REV A
Issue Date: 05 August 2020

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APPENDICES

Appendix A: Survey Drawing
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1 INTRODUCTION

1.1 Background

Uber Engineering were commissioned by Signature group of companies to complete an overland flow study for the proposed two storey Boarding house with full length driveway along eastern boundary and rear car parking at 3 Edward Street, Kingswood

The objective of this report is to determine the overland flow characteristics and to review the impact that the proposed development will have on the existing drainage system and surrounding properties.

HEC-RAS Modeling was completed by Uber engineering based on the infrastructure and Flood information received from Penrith City Council as well as survey plan and site inspection.

This report quantifies the overland flood water levels and identifies the flood impact on the surrounding properties due to the proposed development.

The proposed development is located on the north of Edward and west of Edith street and east of Manning street, as shown in Figure 1, below.



Figure 1: Site Location (from Six maps)

1.2 Site Description

The site falls within the boundaries of Penrith City Council and is therefore subject to Council's Development Application approvals processes, DCP's and LEP's. The subject site is on the north of Edward and east of Edith street and west of Manning street. Series of council's stormwater pits and pipes are located upstream of the site including a kerb inlet pit and pipe within Edward street frontage that runs diagonally within an existing easement 2.44m wide from south to north of the subject site.

The existing site consist of a single fibro residential building, brick garage, metal roof shed and concrete driveway and pathway. The proposed development comprises of two storey Boarding house with full length driveway along western boundary and car parking area at the rear of the subject site.

The layout of the existing site is shown in Figure 2, below. The existing kerb inlet pit and pipe is located in front of the site. A copy of the survey plan may be found in Appendix A.

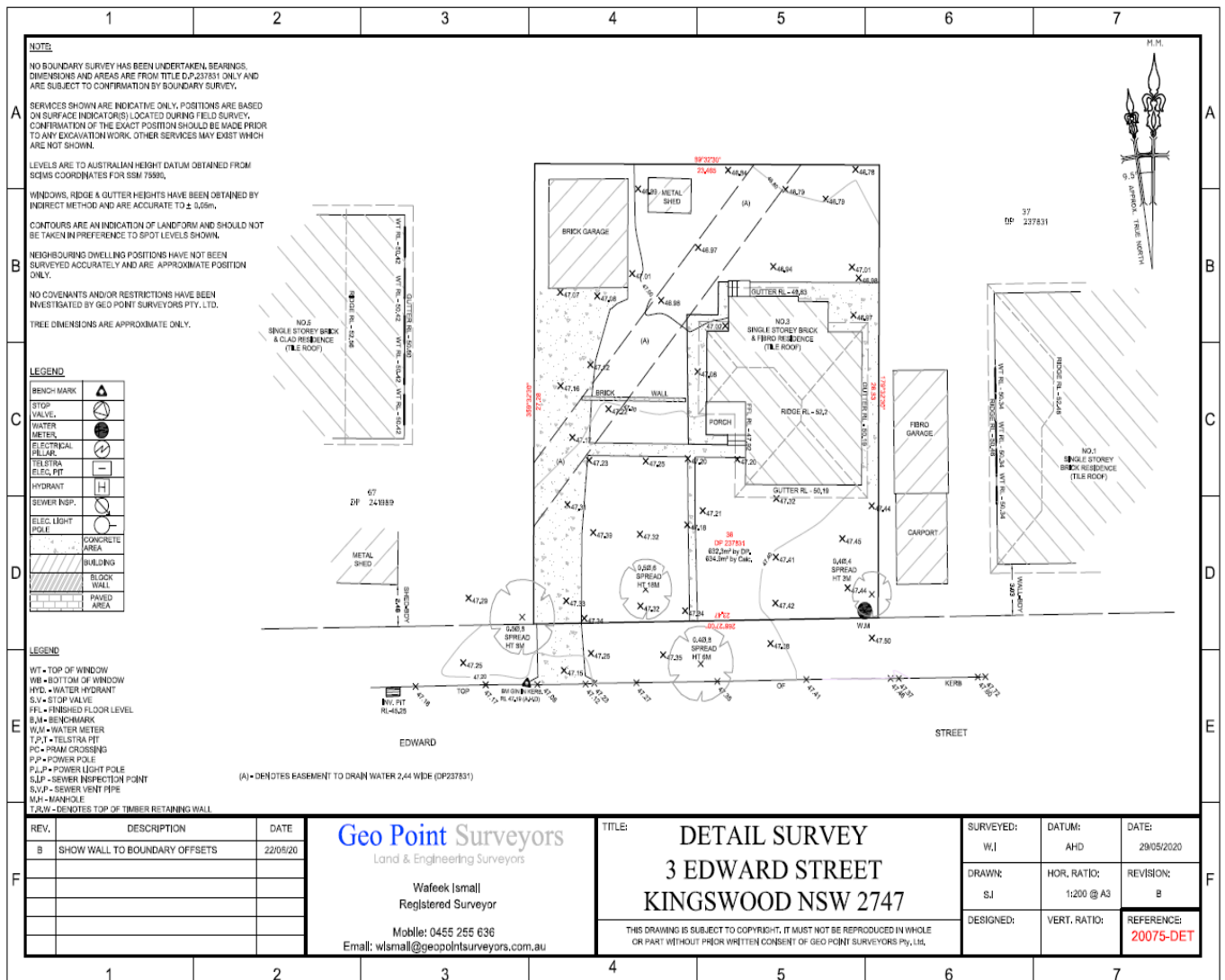
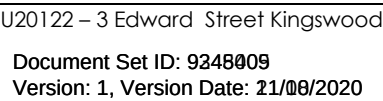


Figure 2: Existing Site Survey Plan

The proposed development comprises of two storey Boarding house with full length driveway along the western boundary and car parking area at the rear of the subject site. The extent of the proposed development is shown in Figure 3, below. A copy of the Development Application architectural drawings may be found submitted with this report.



AMENDMENTS

Issue	Date	Description	Author
B	19/06/2020	SKETCH ISSUE	AD

GENERAL NOTES:

1. FIGURED DIMENSIONS SHALL BE TAKEN IN PREFERENCE TO SCALING.
2. CHECK ALL DIMENSIONS AND LEVELS ON SITE BEFORE COMMENCING WORK OR ORDERING MATERIALS.
3. ALL EXISTING GROUND LINES AND TREE LOCATIONS ARE APPROXIMATE, THEREFORE TO BE VERIFIED ON SITE BY BUILDER.
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DA ISSUE
NOT FOR CONSTRUCTION

PROJECT TITLE:
**PROPOSED BOARDING HOUSE
AT 3 EDWARD STREET,
KINGSWOOD, NSW 2747**

DRAWING TITLE
BUILDING ELEVATION

drawn	check	date	scale
AD	AK	18/06/20	1:100 @ A3
job no.	dwg no.	issue	
2020-09	SK-04	B	

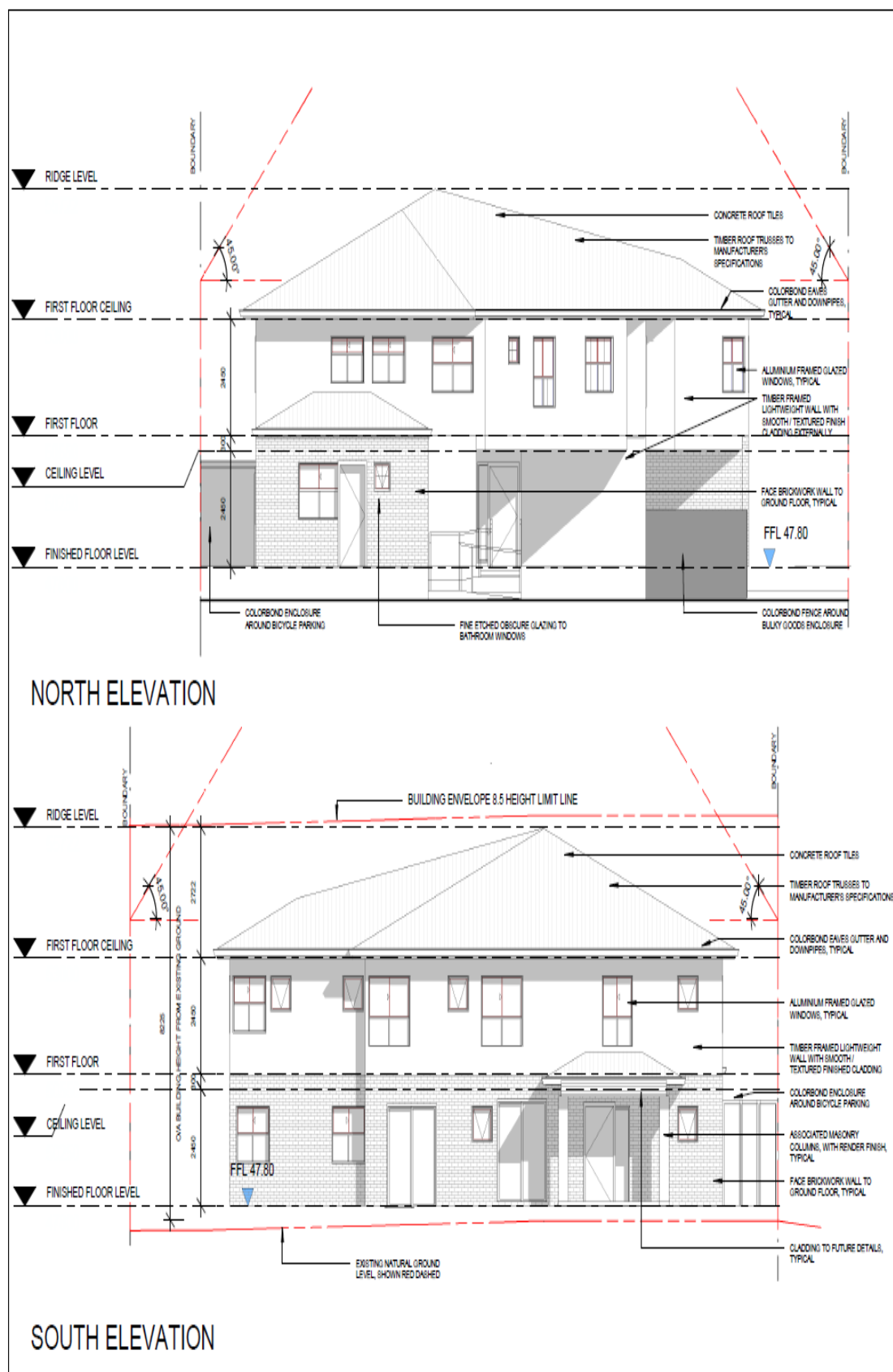


Figure 3: Proposed Ground Floor Plan and Elevations

1.4 Flood Risk Assessment

This report quantifies the flood water levels and identifies the flood risks and management procedures necessary for the proposed new development. This report provides:

- A review of the impact of flooding on the proposed development and the surrounding properties and any modifications to the design that might be required to minimise any adverse impacts.

The objective of the hydraulic review was to ensure that the development does not adversely affect neighbouring properties and to provide adequate free board against the peak storm event. In order to achieve this, the following scope of works was carried out:

- Review of existing documentation and existing drainage infrastructure provided by Penrith City Council for the subject site and available survey information.
- Liaison with Local Council officers regarding the proposed development and implementation of suitable development controls to ensure adequate performance of the proposed development during flood events.
- A review of College, Orth and Werrington Creeks Overland flow catchment Study by Catchment Simulation Solutions June 2017, existing topography maps, flood inundation maps, flood hazard maps, etc.
- Engineering assessment and reporting of the proposed development and its impact on the existing developments.

2 CATCHMENT MODELLING

2.1 Background

Based on information from Penrith City Council, the subject site is within the College, Orth and Werrington Creeks Catchment overland flow flooding zone. The contributing catchment study area is from west of M4 Western Motorway on the upstream side to Werrington street on the downstream. There are series of pits, pipes, culverts and open drains within the study area that conveys flows to downstream receiving waters. The excess flow of the pits, pipes culverts and open drains capacity will run as an overland flow.

2.2 Catchment Details & Modeling Approach

The review of the flood impact for this site and the assessment of flows have been based on the relevant national design guidelines, Australian Standard Codes of Practice, the standards of Penrith City Council Development Control Plan 2014 C3 Water Management section 3.5 Flood planning and accepted engineering practice. Overall site runoff and stormwater management will be designed in accordance with the Institution of Engineers, Australia publication "Australian Rainfall and Runoff" (1987 Edition), Volumes 1 and 2 (AR&R).

The relevant stormwater infrastructure adjacent to the sites was established by survey information.

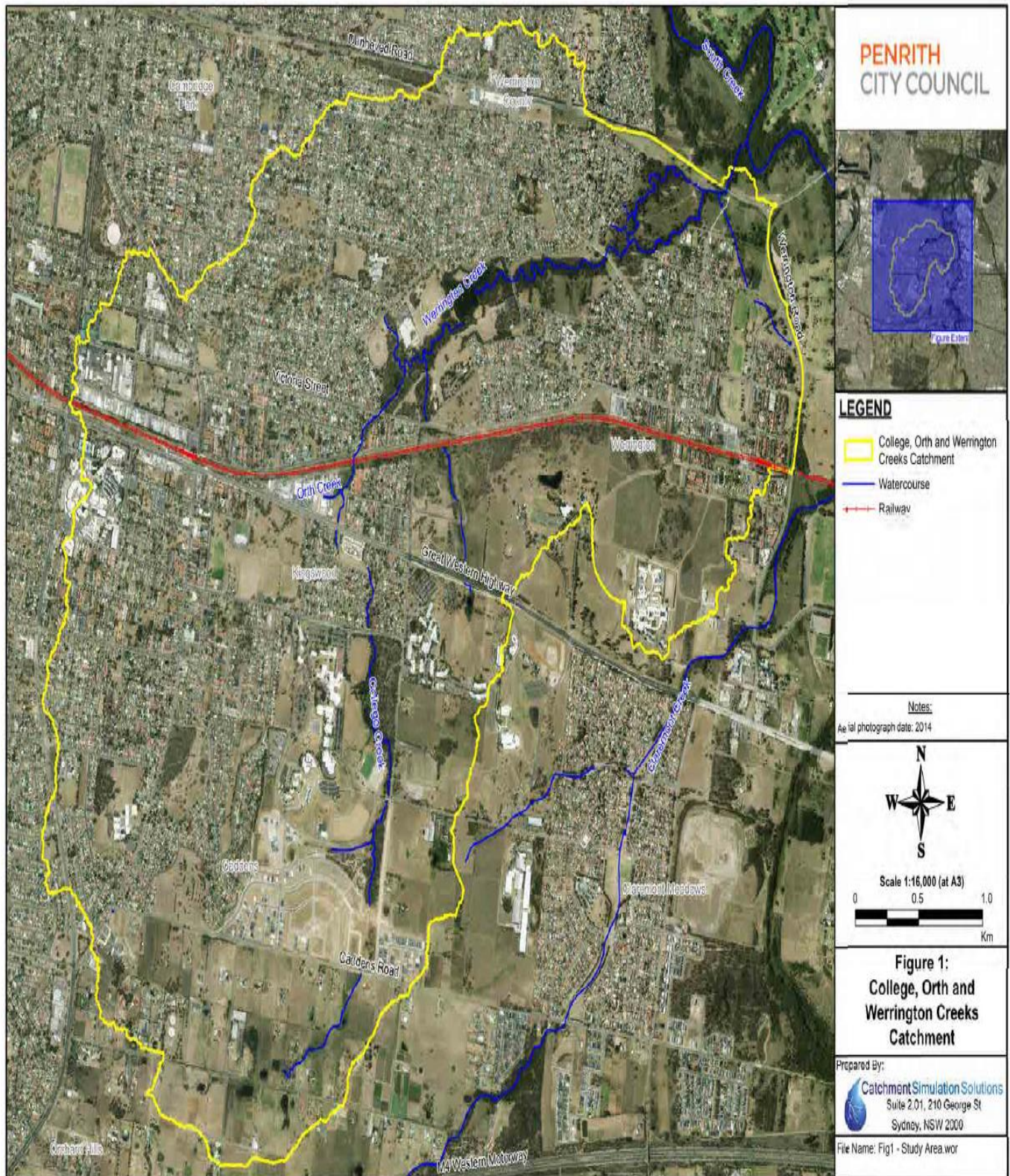
The discharge rate for the overland flow is extracted from College, Orth and Werrington Creeks Flood study page 239 flow rate reference 156. This flow rate is 0.54 cumec.(i.e. $Q_{o/f} = 0.54 \text{ m}^3/\text{s}$)

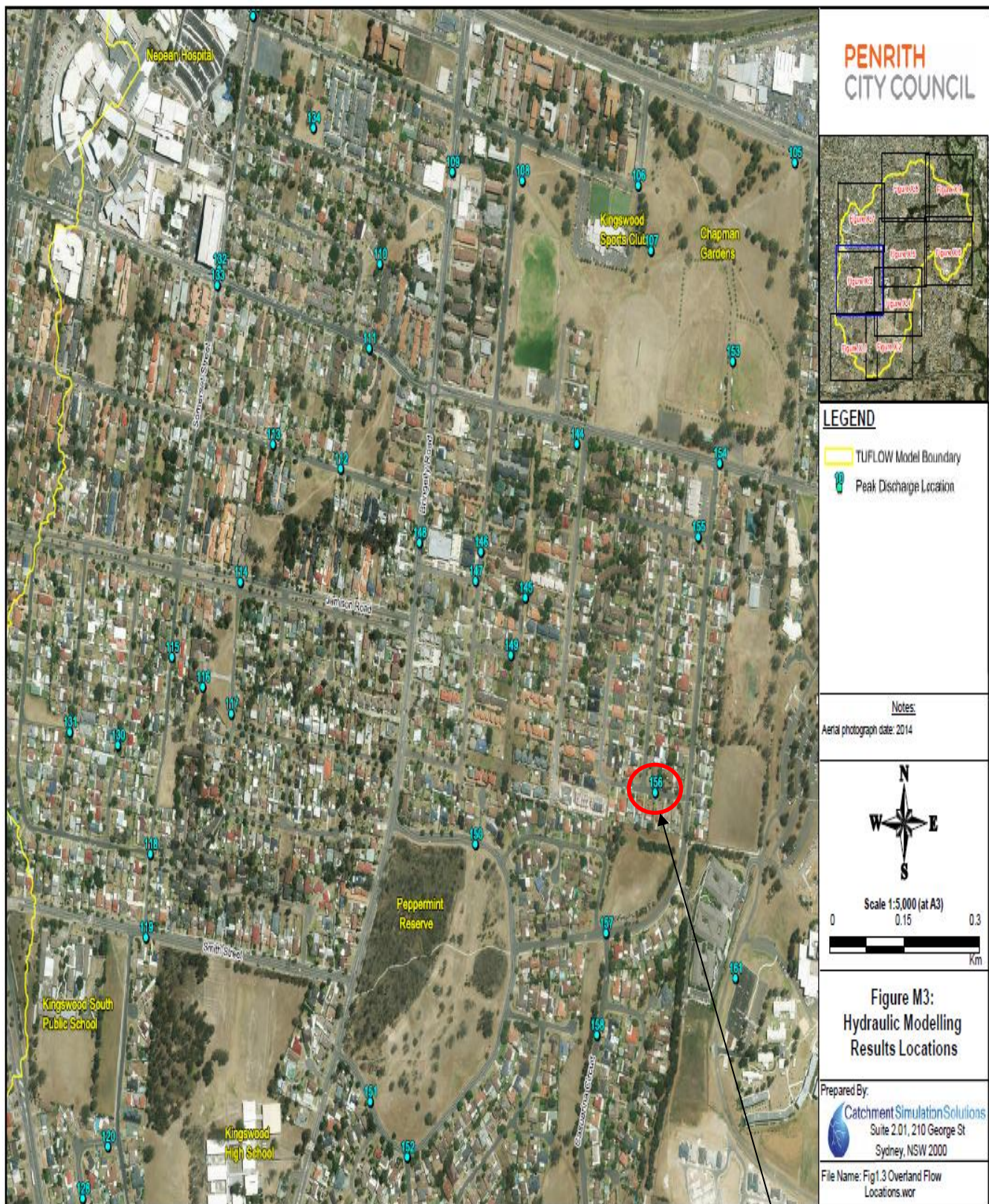
The following assumptions were used:

- The entire above flow ($Q_{100} = 0.54 \text{ m}^3/\text{s}$) will enter the overland flow path from Edward street via western boundary of the site.
- The overland flow is assumed to enter from upstream catchment through Edward street,
- The cross sectional areas are assumed to be right angle to the flow path,
- The gradient of the flow path is constant
- The flow path roughness (Manning's n value) was assumed to be 0.035 for the banks and 0.05 for main channel areas and 0.015 for concrete and hard surfaces.
- A "Mixed" flow regime is adopted for steady state analysis in the hec-ras model,

- The boundary condition is set as Normal depth with slope equals to the slope of the land.
- Due to extend of limited survey information, levels along the banks of the stations were interpolated and extrapolated from surrounding survey spot levels.

A HEC-RAS computer model was then devised to analyse the flow path for the site condition and to establish the flow depth.





FLOW NODE

Location	Description	Peak Discharge (m ³ /s)			Critical Duration (minutes)	Time of Peak Discharge (hours)
		Overland	Structure	Total		
106	SantleyCres	5.24	0.08	5.32	120mins	1.27
107	DougRennieField	21.33	8.12	29.45	120mins	1.13
108	FirstStN	20.12	8.39	28.51	120mins	1.23
109	BringellyRdNearFirst	18.43	9.52	27.95	120mins	1.20
110	HargraveSt	11.76	1.86	13.63	120mins	1.17
111	DerbySy	12.56	7.30	19.86	120mins	1.10
112	StaffordSyNearBringellyRd	5.38	5.67	11.06	120mins	1.00
113	StaffordSt	8.00	0.00	8.00	120mins	1.00
114	JamisonRd	15.21	2.93	18.14	120mins	0.90
115	StapleySt	3.59	3.55	7.13	120mins	0.87
116	StapleyStandClemsonSt	6.39	3.75	10.14	120mins	0.87
117	ClemsonSt	0.73	0.36	1.09	30mins	0.33
118	LucySt	7.14	6.47	13.61	120mins	0.87
119	SmithSt	7.22	5.31	12.53	120mins	0.83
120	OagCresandTentSt	4.59	4.23	8.81	120mins	0.83
121	TentSt	2.51	3.12	5.63	120mins	0.80
122	TentStandPiperCl	3.00	2.13	5.12	120mins	0.97
123	PiperCl	0.18	0.41	0.59	120mins	0.80
124	BringellyRd	0.80	0.30	1.11	120mins	0.73
125	BringellyRdandCaddensSt	3.57	1.43	5.01	120mins	0.93
126	AngophoraAve	0.55	0.13	0.68	120mins	0.70
127	CaddensRd	1.50	0.63	2.14	120mins	0.73
128	OagCres	1.39	0.61	2.00	120mins	0.77
129	TheNorthernRd	0.87	0.24	1.12	120mins	0.73
130	ElliottSt	0.74	0.71	1.45	30mins	0.37
131	GladysSt	1.16	0.55	1.71	30mins	0.33
132	SomersetNearHargraveSt	1.58	0.22	1.80	120mins	0.73
133	SomersetStandDerbySt	0.45	0.10	0.55	120mins	0.73
134	OrthSt	6.56	2.30	8.86	120mins	0.83
135	SomersetSt	5.43	2.18	7.61	120mins	0.77
136	GreatWesternHwySomersetSt	2.62	0.00	2.62	120mins	0.77
137	GreatWesternHwyHospital	0.00	2.30	2.31	120mins	0.97
138	RailwaynearHospital	0.00	4.65	4.66	120mins	0.97
139	CoxAve	7.99	1.10	9.09	120mins	0.73
140	CopelandSt	3.77	0.67	4.44	120mins	0.73
141	PhillipSt	1.26	0.56	1.82	30mins	0.37
142	GascoigneSt	0.42	0.31	0.72	30mins	0.33
143	RichmondRd	0.22	0.03	0.25	30mins	0.33
144	SecondAveandJonesSt	3.95	4.47	8.42	120mins	0.80
145	BadenPowellAve	1.27	3.25	4.53	120mins	0.77
146	FirstSt	0.85	0.83	1.68	120mins	0.73
147	BadenPowellAveandFirstSt	1.10	0.54	1.64	120mins	0.77
148	BringellyRdNearJamisonRd	0.08	0.24	0.31	30mins	0.33
149	FuryStandStockAve	1.25	2.56	3.81	120mins	0.83
150	PeppermintCres	0.56	1.14	1.70	120mins	0.73
151	PeppermintCresandYeelannaPl	1.92	0.46	2.38	120mins	0.73
152	AngophoraAveandPeppermintCres	0.26	0.53	0.79	30mins	0.33
153	ChapmanGardens	3.75	4.67	8.42	120mins	0.83
154	SecondAveandManningSt	3.97	4.27	8.24	120mins	0.77
155	EdnaSt	4.29	3.48	7.78	120mins	0.77
156	EdwardSt	0.54	1.90	2.44	120mins	0.73
157	ManningSt	1.05	1.55	2.59	120mins	0.70
158	CasuarinaCircuitandMaculataPl	0.25	0.20	0.45	120mins	0.70

FLOW RATE
Q= 0.54 m3

23

Figure 4: Contributing Catchment Map and Flow Rate Nodes

3 FLOOD MODELLING & HYDRAULIC REVIEW

3.1 Background

A HEC-RAS model has been prepared to suit the detailed survey information available along the overland flow path being through the site labelled Overland flow.

HEC-RAS Pre and Post-Development modelling of the overland flow will determine the impact the development may have on the water flow rate, depth and velocity. Generally, the minimum floor level for the proposed residence will be derived from this process.

HEC-RAS computer modelling has been used for this report to determine the water surface profile at each cross-section covering the site during 1 in 100 year ARI storm event. The model calculates water surface profiles based on a one dimensional, steady state water surface profiles iteration developed by U.S. Army Corp of Engineers. Referring to NSW catchment plan (Figure 4) and the pre-development flood map (Figure 7), flood water would pass through eastern boundary of No 5 Edward street and enters the subject site from western boundary and follow within the existing easement/proposed driveway through the downstream rear property of the site.

3.2 Flood Modeling for the Site

Figure 7; below illustrates a layout plan for each HEC-RAS station along the overland flow for Pre- and post-development conditions. It should be noted that the survey information was only extended within site boundaries hence levels along the banks of the stations were interpolated and extrapolated from surrounding survey spot levels.

Three Flood Classifications have been defined as follow:

- **High Flood Risk:** is where the land below the 100 Year flood that is either subject to a high hydraulic hazard or where there are significant evacuation difficulties.
- **Medium Flood Risk:** is where the land below the 100 Year flood that is not subject to a high hydraulic hazard and there are no significant evacuation difficulties.
- **Low Flood Risk:** is where the land is not identified within either the High Flood Risk or the Medium Flood Risk.

Therefore, the site is classified as being within the **Medium to Low Flood Risk** Precinct. Below are listed the council design criteria for the proposed site as per the flood advise letter:

Floor Level:

- Habitable floor levels to be equal to or greater than the 100 year ARI flood level plus freeboard (500mm).
- Non-habitable floor levels (garages, laundry, sheds, etc) shall be 100mm above the flood level at the upstream side of the structure.
- Crest in driveway to car parking area shall be 300mm above the top water level of the 1% AEP flood.

Building Components & Methods:

- All structures to have flood compatible building components below or at the 1% AEP plus 500mm freeboard.
- The impact of the development on flooding elsewhere shall be considered.

Evacuation:

- The proposed ground floor level shall be above the flood level (plus freeboard) for 1 in 100 year ARI flood. However, if the flood level is raised above 1 in 100 year ARI, the residents in the building shall move to the upper levels. Residents shall not leave the site during 1 in 100 year ARI and shall stay in their property until be advised by police or SES.

Flood Emergency Response

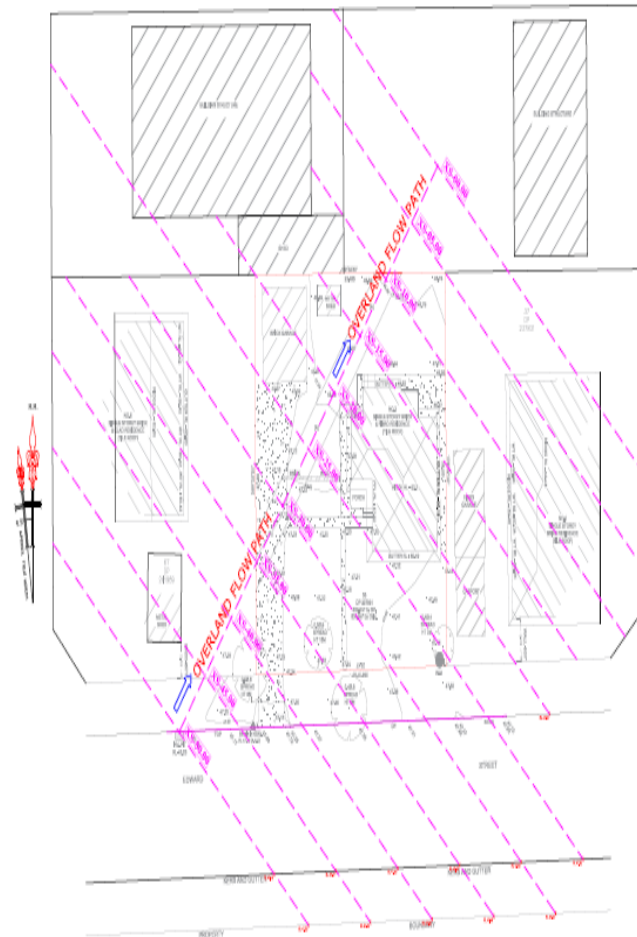
Floods can occur any time without warning, the residents in the development should prepare, maintain and replace if necessary the following item for any expected emergency that may happen.

- Wet weather clothing
- Torch, Radio with Battery and Spare Batteries
- Local map, a prepared home emergency plan
- A First aid Kit and prescription medicines
- Important papers including emergency contact numbers and any personal documentations
- Mobile Phone
- Store basic food items and bottled water

Residents shall develop their own family flood emergency plan following the instructions provided on <http://www.ses.nsw.gov.au/community-safety/>. Talk to the council to confirm safe travel route that are less likely to be cut by flood waters. In addition, in case of heavy rainfall listen to your local radio station, check weather condition by BOM and flood information on the flood safe webpage and follow the instruction by SES.

During the heavy rainfall event, raise any electrical items and high value items within garage area as high level as possible to avoid any damage during the flood impact. If possible, turn off and disconnect any large electrical item that cannot be raised. Moreover, residents shall take the actions below,

- Do not try to evacuate and travel through floodwater on foot;
- Do not stay inside any vehicles on the street and in garage;
- Residents and their pets should move and stay in the higher levels of building such as move to First Floor if possible.
- Residents want to leave the site must check and follow the instructions from SES.



HEC-RAS PRE-DEVELOPMENT CONDITION PLAN

1:200

			consent THIS DRAWING REMAINS THE PROPERTY OF <u>uber engineering</u> AND MAY NOT BE ALTERED IN ANY WAY WITHOUT <u>uber engineering</u>'S WRITTEN CONSENT		ÜBER ENGINEERING ADDRESS: GROUND FLOOR, NO. 4 TALAUARA ROAD NORTH RYDE NSW 2112 (P) 1300 780 082 (M) 0463 333 873 (E) info@uberengineering.com.au		CLIENT Signature GROUP OF COMPANIES DESIGN CONSTRUCTION DEVELOPMENT		PROJECT PROPOSED DEVELOPMENT 3 EDWARD STREET, KINGSWOOD, NSW		DRAWING TITLE HEC-RAS PRE-DEVELOPMENT CONDITION		
A			ISSUED FOR DA APPROVAL		SCALE		1:100 @A1, 1:200 @A3		DESIGNED ZK		DRAFTED MK		
REVISION			AMENDMENT		ISSUE DATE		SCALE		APPROVED ZK		REVISION A		
									DRAWING NO.		U20122 - FL01		

Figure 5: Pre-Development HEC-RAS Stations



HEC-RAS POST-DEVELOPMENT CONDITION PLAN

1:200

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ISSUED FOR DA APPROVAL				2020/08/08		DESIGNED		DRAWING NO.		REVISION		
AMENDMENT				ISSUE DATE		APPROVED		U20122 - FL02		REVISION		
				ISSUE		DEVELOPMENT						

A summary of the pre and post development flood levels for the critical storm events as calculated from the HEC-RAS model is provided in Table 2 and 3, below. The depth of flow within the flow path ranges from 90mm – 300mm for both existing and post development conditions. The depth and velocity shown in table below are within the main flow path of the channel areas.

River Station Reach 1	Water Surface Level (AHD)	Velocity, V (m/s)	Depth, D (m)	V x D (m ² /s)
50	47.31	0.09	0.30	0.03
45	47.31	0.12	0.27	0.03
40	47.30	0.19	0.18	0.03
35	47.30	0.14	0.20	0.03
30	47.29	0.36	0.09	0.03
25	47.25	0.7	0.10	0.07
20	47.12	0.58	0.14	0.08
15	47.04	0.86	0.09	0.08
10	46.85	0.89	0.10	0.09
5	46.81	0.27	0.11	0.03
0	46.79	0.28	0.09	0.03

Table 2: Overland flow - Pre-Development HEC-RAS results

River Station Reach 1	Water Surface Level (AHD)	Velocity, V (m/s)	Depth, D (m)	V x D (m ² /s)
50	47.31	0.09	0.30	0.03
45	47.31	0.12	0.27	0.03
40	47.31	0.17	0.19	0.03
35	47.30	0.21	0.20	0.04
30	47.28	0.56	0.08	0.04
25	47.24	0.74	0.09	0.07
20	47.02	1.79	0.04	0.07
15	47.03	0.94	0.08	0.08
10	46.81	1.81	0.06	0.11
5	46.81	0.27	0.11	0.03
0	46.79	0.28	0.09	0.03

Table 3: Overland flow - Post-Development HEC-RAS results

The habitable areas are subjected to 500 mm of freeboard while the non-habitable areas require 100 mm of free board. In addition, the driveway crest requires a minimum of 300 mm freeboard.

A detailed summary of the HEC-RAS output from the site specific modelling for the pre and post development configuration and elevations can be found in Appendix D & E.

4 RECOMMENDATIONS & CONCLUSIONS

Uber Engineering were commissioned by Signature group of companies to complete an overland flow study for the proposed development at 3 Edward street Kingswood.

The current site consists of a single fibro residential building, brick garage, metal roof shed and concrete driveway and pathway. The proposed development comprises of two storey residential boarding units with 3.6 m wide driveway along the western boundary and car parking at the rear of the site.

The objective of this report is to determine the overland flow characteristics and to review the impact that the proposed development will have on the existing drainage infrastructure and surrounding properties.

The contributing catchment area and flow rates for 1% AEP critical storm event for the overland flow is extracted from College, Orth and Werrington Creeks flood study (refer to figure 4). All flows generated from this catchment is captured through a network of pits and pipes as well as culverts and open drains, the excess flows to the capacity of the existing stormwater system will run as an overland flow from top of the catchment being Derby street to the lower ground along Bringelly road and Orth street.

Based on investigations, design review and calculations undertaken as part of this Flood Impact Report overland flow marginally enters the site from the western boundary of the site and flows through the site and No 5 Edward street and through downstream property to Manning street. The impact of the overland flow on the adjoining properties is perceived to be nil as result of the proposal.

The proposed flow path within the site closely follows the existing, this is achieved by setting back the building structure from western boundary. The proposed building and permanent structures are modelled in Hec-Ras as obstruction to assess its impact on the flow characteristics such as depth, velocity and flow distribution. It is found that the net impact is an increase and decrease of 10mm and 40mm respectively through the flow path area. The driveway is ramped up to crest of RL 47.60 for a distance of 4.3 m from the subject site front boundary, this is 300mm above the nominated 1%AEP flood level (i.e. Flood level RL 47.30). Approximate extent of overland flow path is shown hatched in Figure 6.-(Proposed development HEC RAS stations).

The proposed overland flow management meets Penrith City Council's Development Control Plan 2014 C3 Water Management section 3.5 Flood Planning criteria.

Generally The adopted overland flow levels are taken from the HEC-RAS output results in absent of more comprehensive flood information such 2D flood model. However, flood level adopted for this development is derived from council flood information. The hec ras model is calibrated to match the flood level provided by council, the critical river stations considered are XS-40 for the front of the site and XS-10 for the rear of the site. The respective water surface levels are RL 47.30 and RL 46.81 and hence the Finished Floor level and driveway crest is recommended above the RL 47.30 plus 500mm and 300mm respectively. These levels are summarised in the table below and the flood information is shown in Figure 7. – Flood information.

Flood Information Lot 36 DP 237831 - No. 3 Edward Street Kingswood

Date of issue: 23 July 2020

The 1%AEP local overland flow flood levels in the vicinity of the above properties are estimated to be RL47.3m AHD at the southern boundary and RL46.8m AHD at the northern boundary.

Property less than 0.5m above the 1% AEP flood level is subject to Penrith Development Control Plan 2014 Section C3.5 Flood Planning. The Penrith Development Control Plan 2014 is available from Council's website www.penrithcity.nsw.gov.au.



Definitions

AEP – Annual Exceedance Probability – the chance of a flood of this size occurring in any one year.

AHD – Australian Height Datum – A standard level datum used throughout Australia, approximately equivalent to mean sea level.

Legend

	Extent of 1% AEP local catchment overland flow path. Generally depths less than 150mm is not shown.
--	---

Notes:

1. The contours shown above in yellow numbering are at 0.5m intervals and are based on Aerial Laser Scanning (ALS) Survey undertaken in 2002. The contour levels are approximate and for general information only. Accurate ground levels should be obtained by a Registered Surveyor.
2. The flood level is based on current information available to Council at the date of issue. The flood level may change in the future if new information becomes available. The 1% AEP flood is the flood adopted by Council for planning controls. Rarer and more extreme flood events will have a greater effect on the property.
3. Council's studies are reflected in flood mapping for the City which show properties potentially affected by overland flows in excess of 150mm.
4. This property is shown on Council's flood mapping as potentially so affected.
5. Council imposes flood related development controls where, in its opinion, such controls are justified. Such controls may or may not be imposed with respect to this property in the event of an application for development consent.
6. If a development proposal is submitted with respect to this property, Council will consider the possibility of flood or overland flow in the context of the application. Council may impose a requirement that the applicant for development consent carry out a detailed assessment of the possible overland water flows affecting the property (a flood study) and/or may impose other controls on any development designed to ameliorate flood risk.
7. You are strongly advised if you propose to carry out development upon the property, that you retain the assistance of an experienced flooding engineer and have carried out a detailed investigation.
8. Council accepts no liability for the accuracy of the flood levels (or any other data) contained in this certificate, having regard to the information disclosed in Notes "1" to "4". As such you should carry out and rely upon your own investigations.

Dr Elias Ishak
Senior Engineer – Floodplain Management

Figure 7: Flood Information

The proposed levels are summarised in Table 4, below.

	Water Surface Level (m)	Min. Finished Floor Level (AHD)	Proposed Finished Floor Level (AHD)
Proposed development			
Ground Level	47.30	47.80	47.80
Driveway Crest	47.30	47.60	47.60

Table 4: Proposed FFL for the proposed development

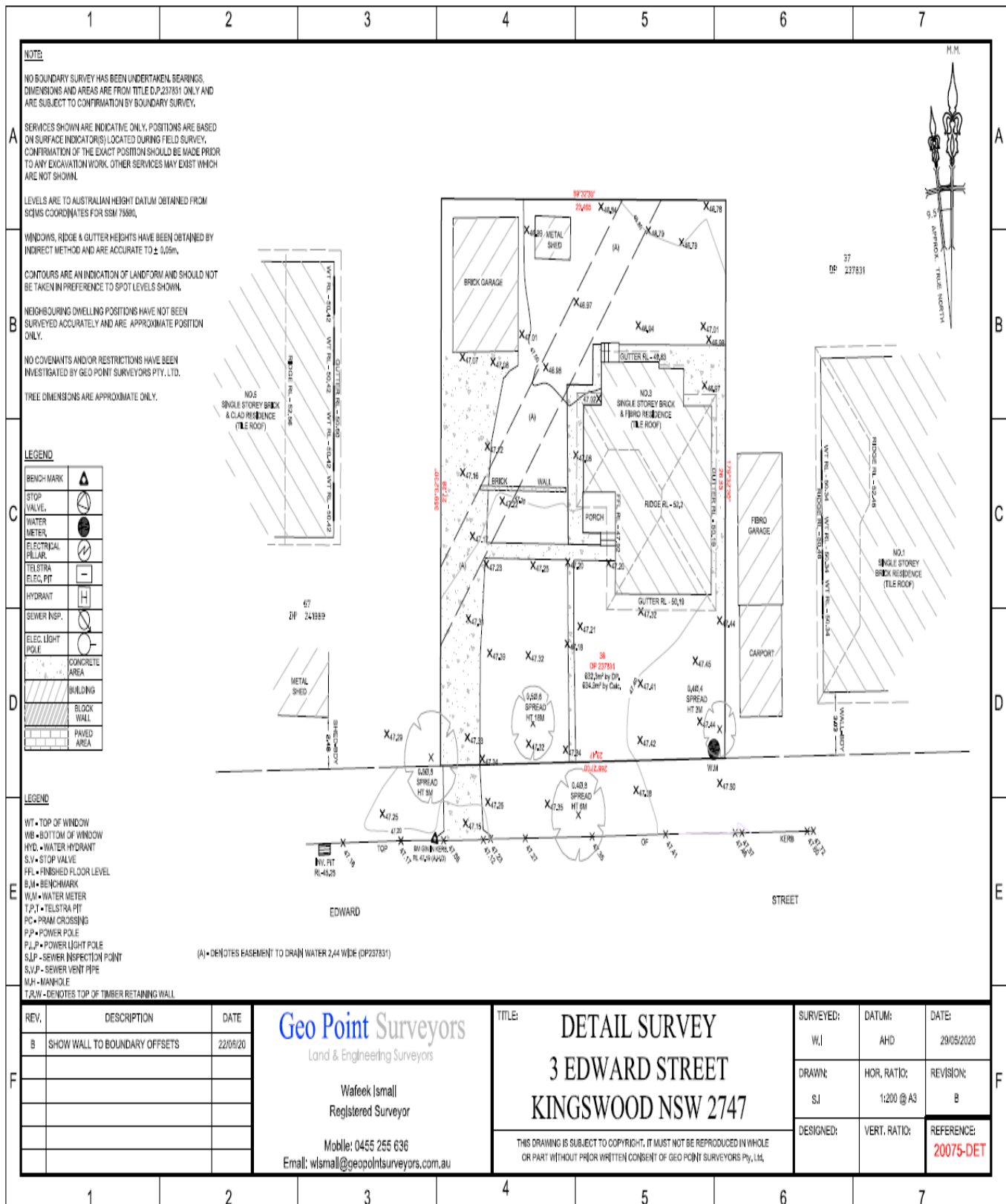
It is recommended that the finished floor level of the ground level to be adopted as minimum as per table above. In addition, the northern, western and internal boundary fences including waste bin area to be flow through type fence, this is to be approximately 300 mm high clearance from ground or louvers, to allow for overland flow water to flow freely within overland flow path. The Driveway ramp is proposed with crest RL 47.60 at a distance of 4.3m from front boundary, this will prevent any flood waters entering the driveway and car parking area from Edward Street.

Based on the Hec-Ras overland flow analysis, the flow regime of the overland flow is maintained almost as to the existing conditions. The proposed development is designed to facilitate this and minimise the impact on the adjoining properties.

This report is a brief and basic overland flow investigation and analysis. The input data in the computer models is based on numerous assumptions, therefore this will reflect on the output results.

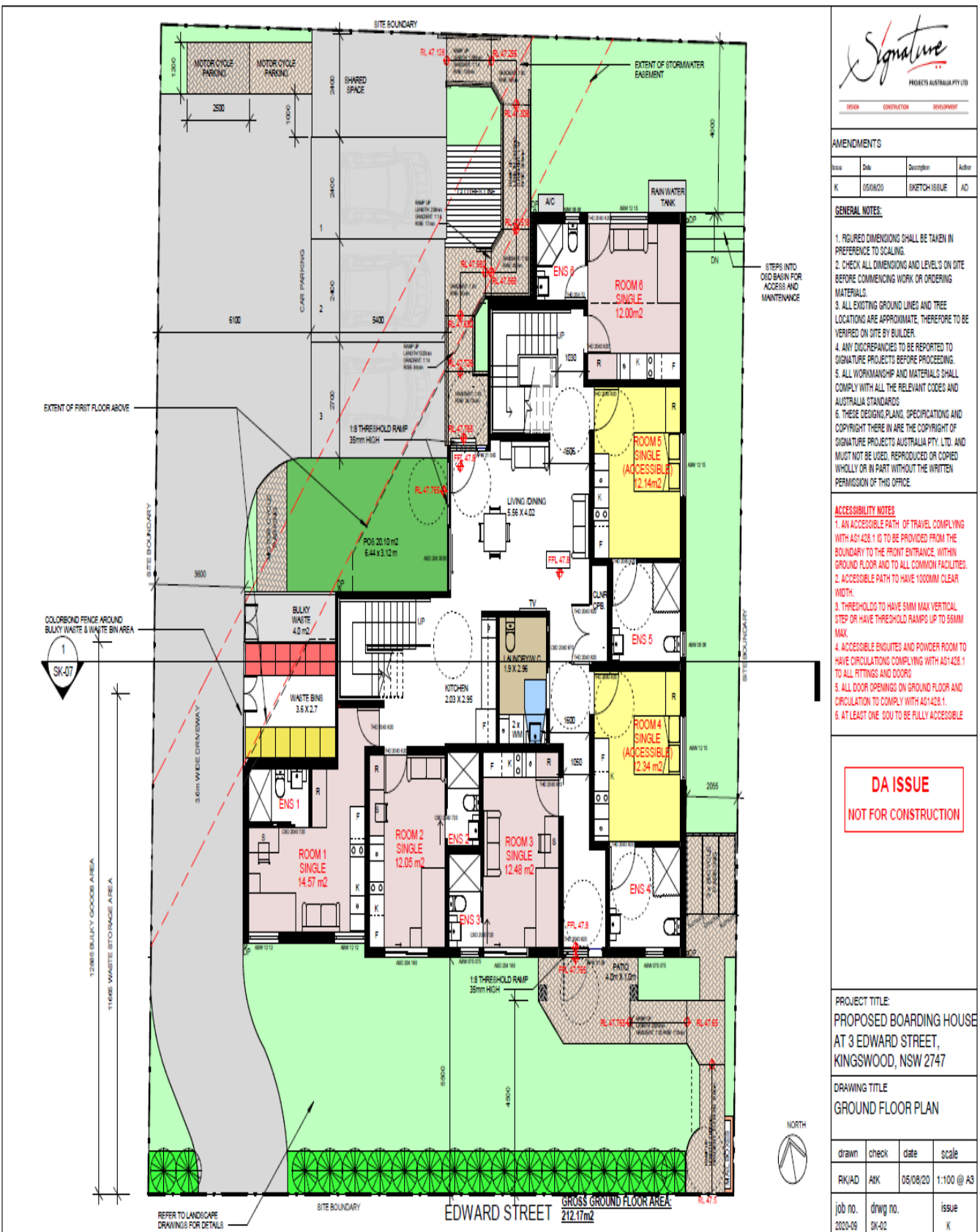
Appendix A

Survey plan prepared by GEOPoint Surveyors dated 29 May 2020



Appendix B

Architectural plans prepared by Signature Projects Australia P/L dated 05 AUGUST 2020



AMENDMENTS

Issue	Date	Description	Author
C	05/08/2020	SKETCH ISSUE	AD

GENERAL NOTES:

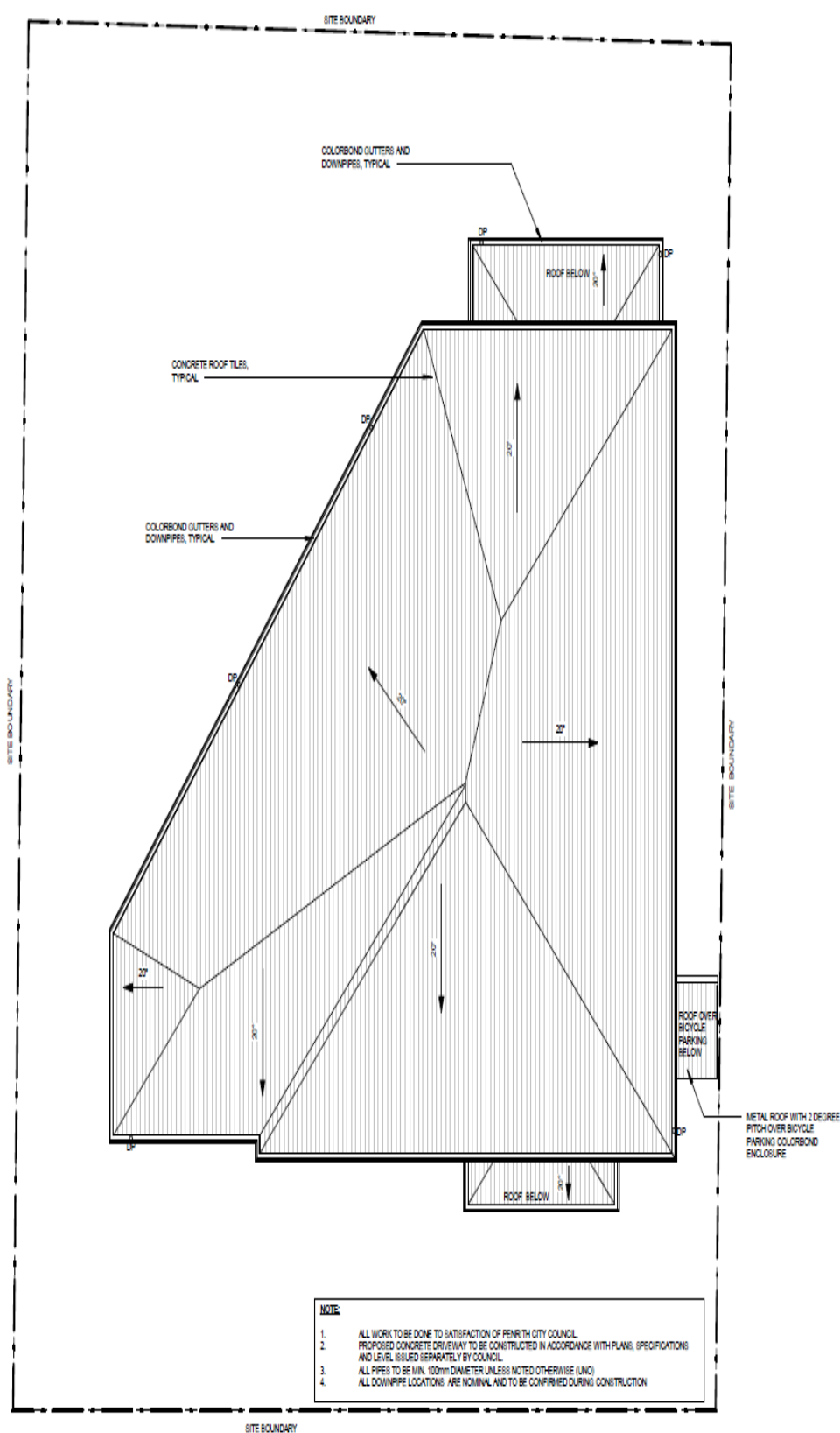
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DA ISSUE
NOT FOR CONSTRUCTION

PROJECT TITLE:
PROPOSED BOARDING HOUSE
AT 3 EDWARD STREET,
KINGSWOOD, NSW 2747

DRAWING TITLE
PROPOSED ROOF PLAN

drawn	check	date	scale
AD	AKK	05/08/20	1:100 @ A3
job no.	dwg no.	issue	
2020-09	SK-08	C	



AMENDMENTS

Issue	Date	Description	Author
8	19/08/2020	SKETCH ISSUE	AD

GENERAL NOTES:

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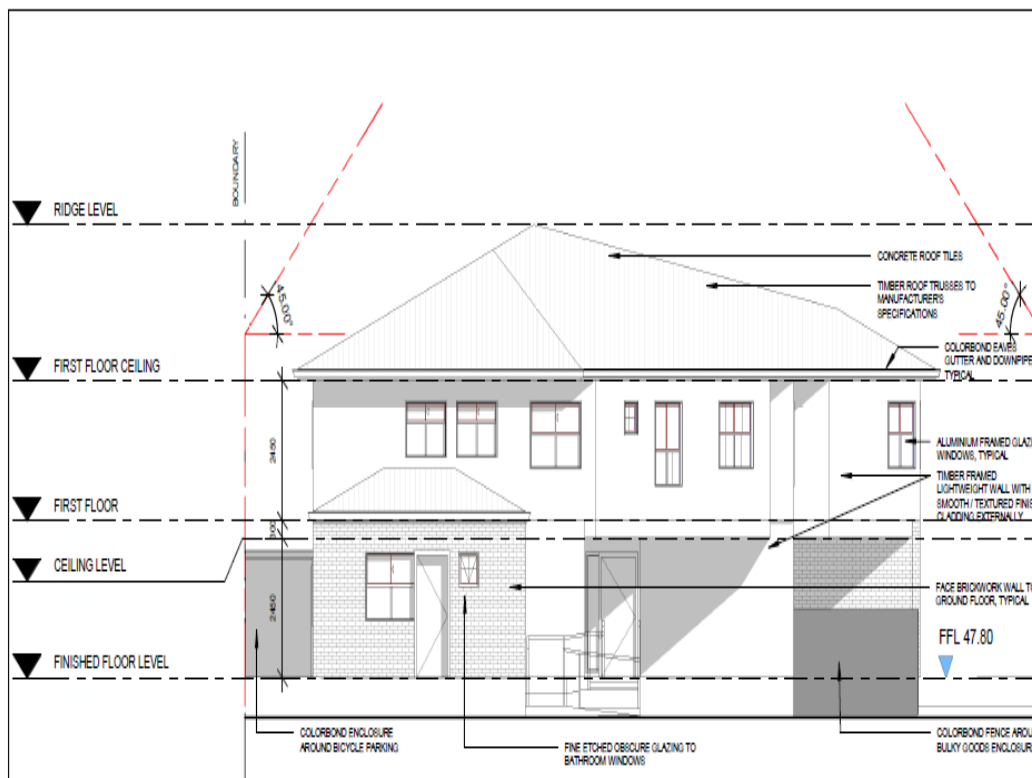
DA ISSUE

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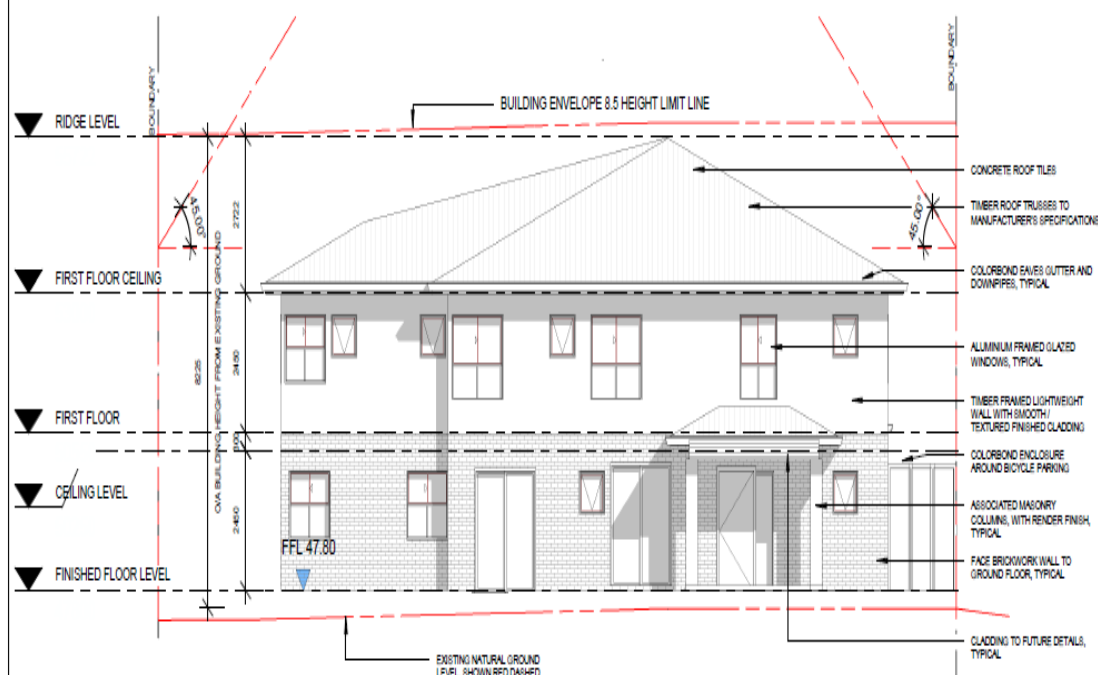
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PROPOSED BOARDING HOUSE
AT 3 EDWARD STREET,
KINGSWOOD, NSW 2747

DRAWING TITLE
BUILDING ELEVATION

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job no.	dwg no.	issue	
2020-09	91-04	8	



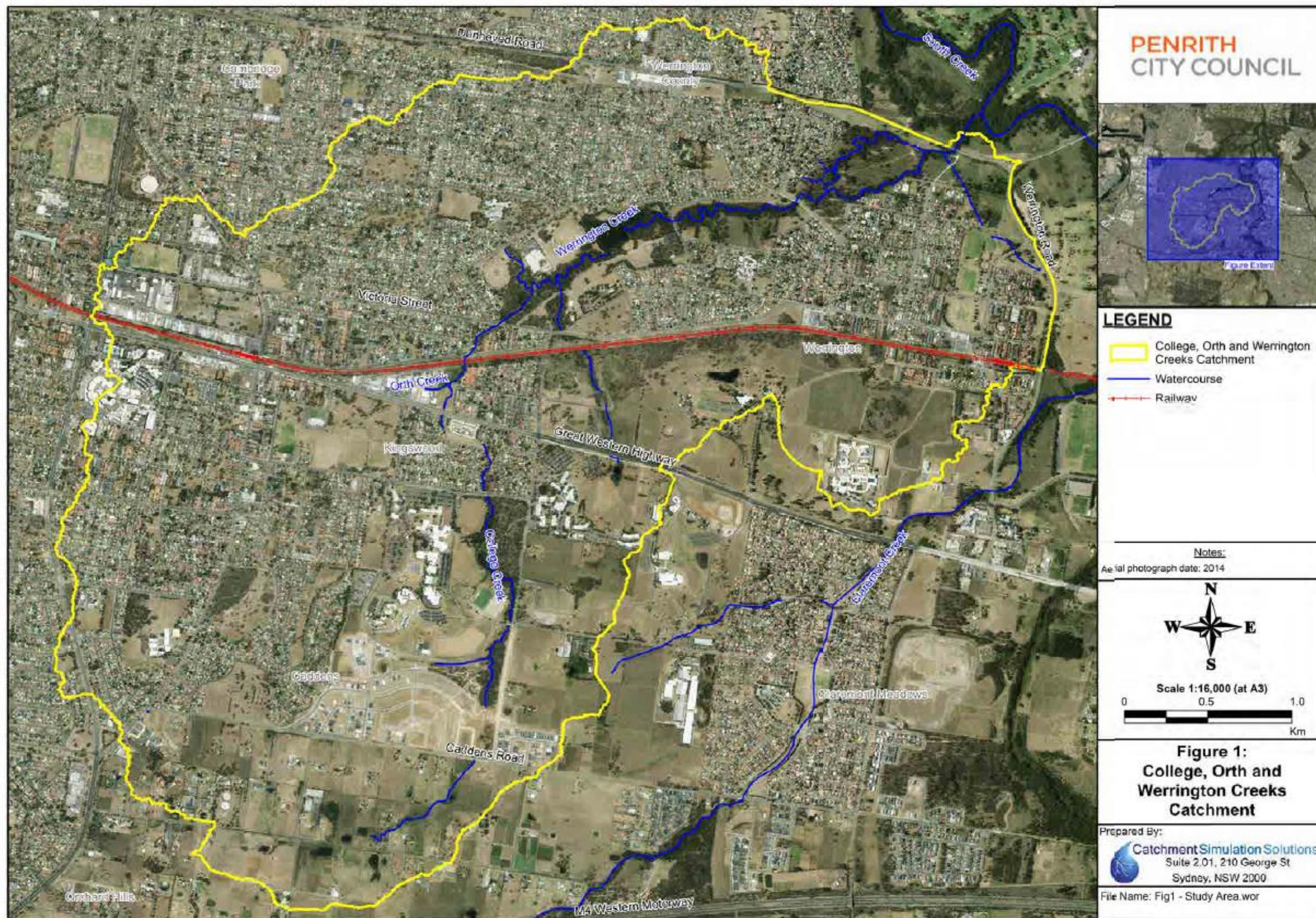
NORTH ELEVATION



SOUTH ELEVATION

Appendix C

**Contributing Catchment Map provided by Penrith City Council
(From College, Orth and Werrington Creeks catchment study)**

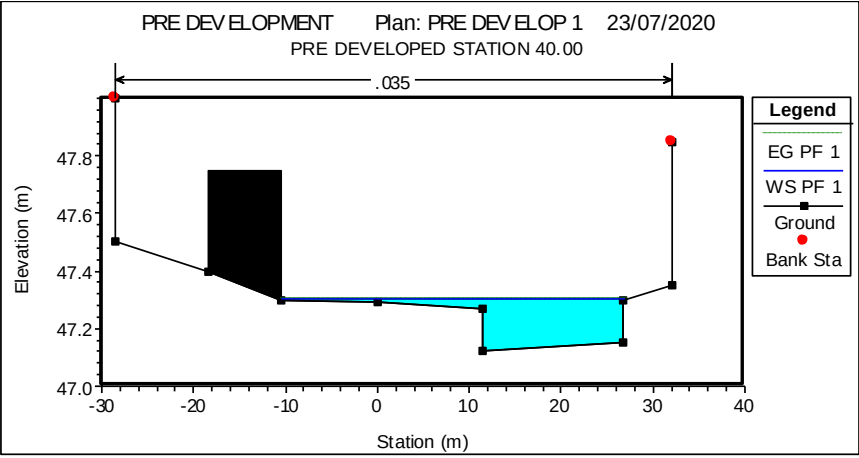
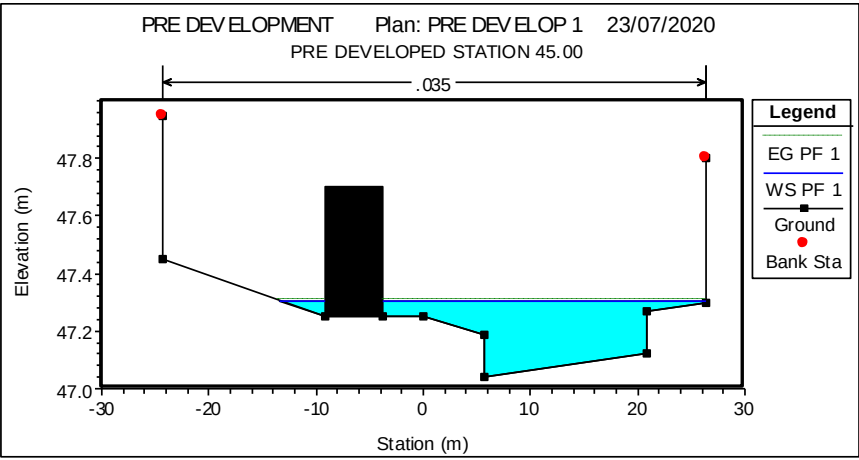
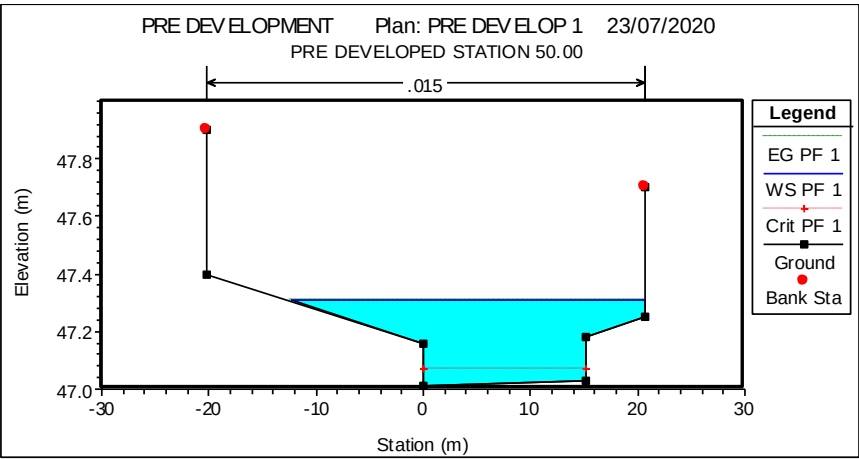


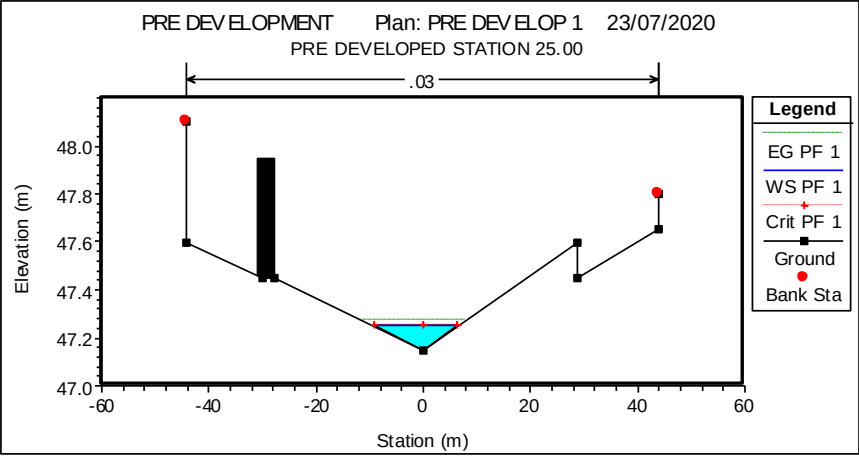
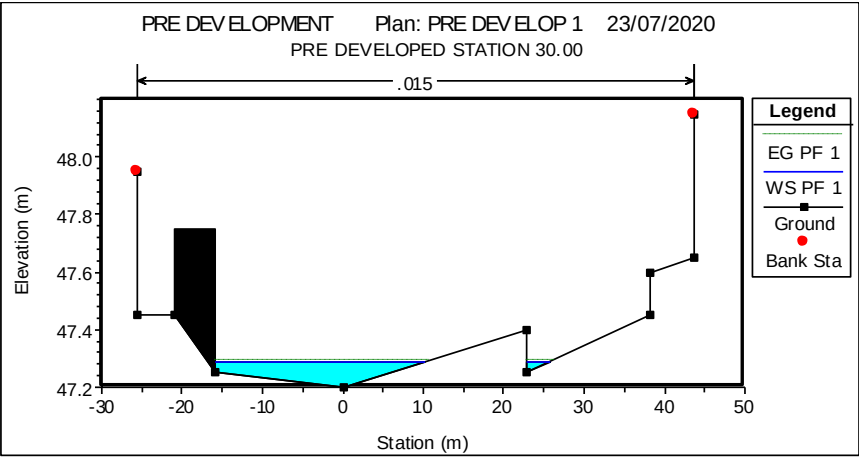
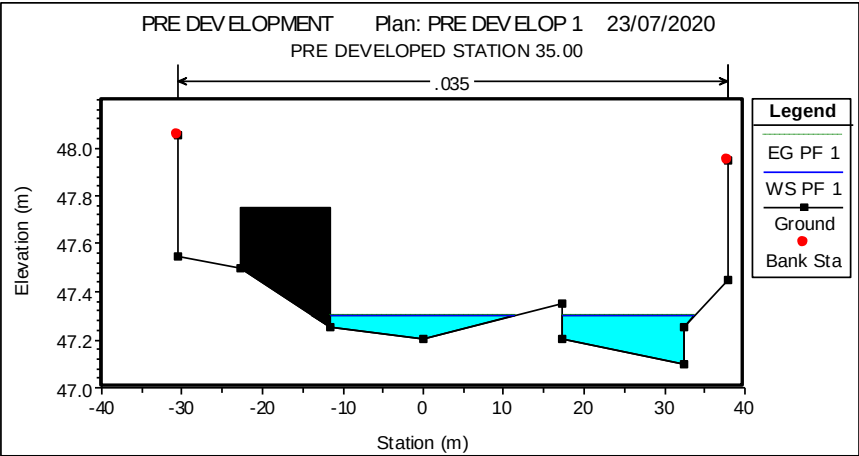
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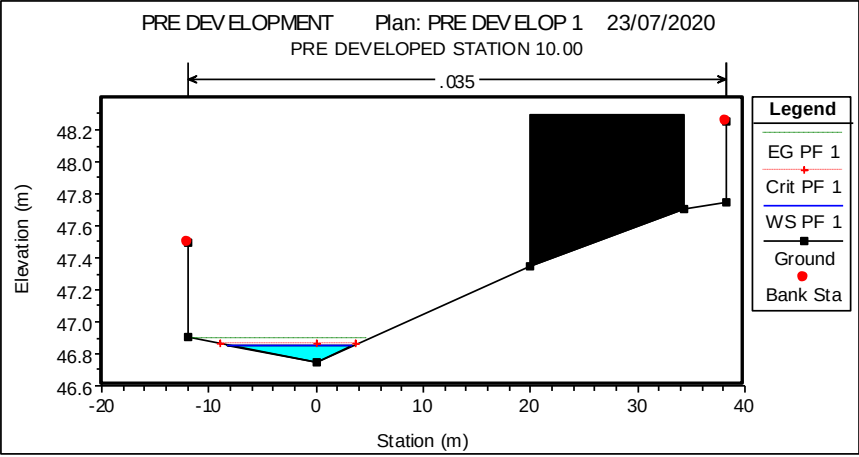
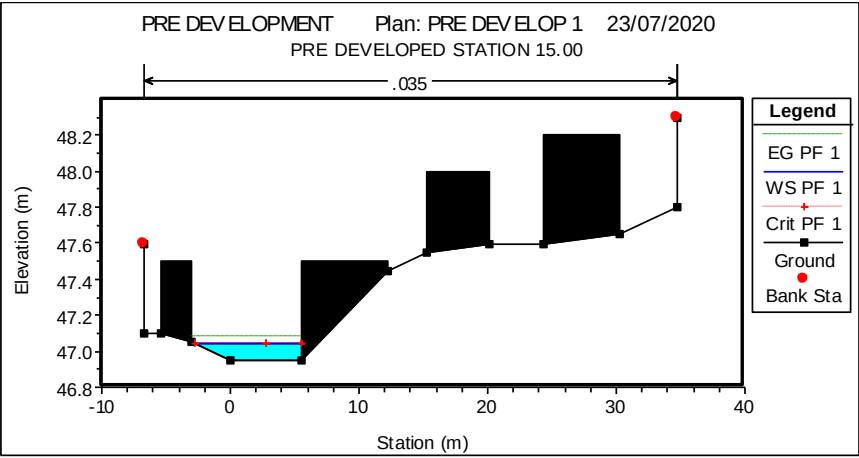
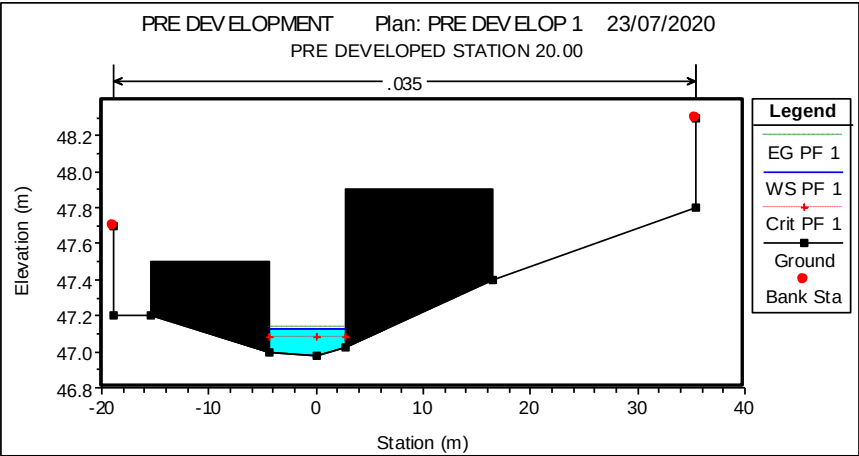
Pre-Development HEC-RAS model

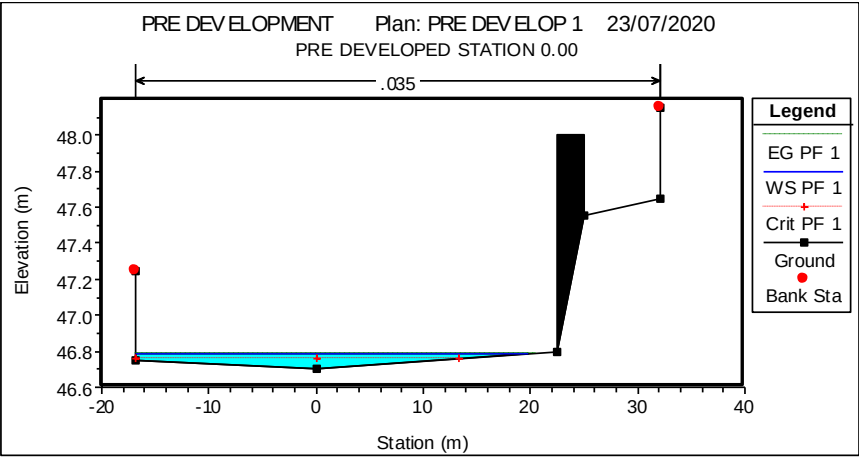
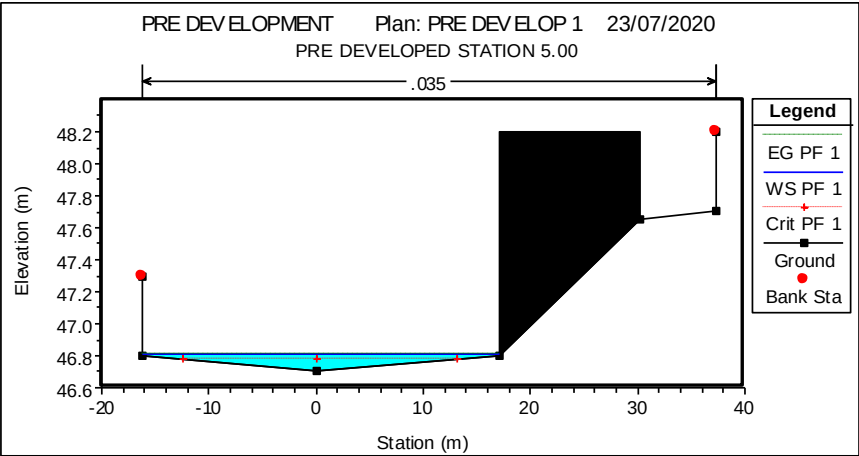
PRE DEVELOPMENT

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OVERLAND FLOW	50	PF 1	0.54	47.01	47.31	47.07	47.31	0.00002	0.09	5.78	33.05	0.07
OVERLAND FLOW	45	PF 1	0.54	47.04	47.31		47.31	0.000292	0.12	4.4	34.52	0.11
OVERLAND FLOW	40	PF 1	0.54	47.12	47.3		47.3	0.001294	0.19	2.91	37.48	0.21
OVERLAND FLOW	35	PF 1	0.54	47.1	47.3		47.3	0.000607	0.14	3.73	39.57	0.15
OVERLAND FLOW	30	PF 1	0.54	47.2	47.29		47.3	0.001453	0.36	1.52	28.98	0.5
OVERLAND FLOW	25	PF 1	0.54	47.15	47.25	47.25	47.27	0.023796	0.7	0.78	15.58	1
OVERLAND FLOW	20	PF 1	0.54	46.98	47.12	47.08	47.14	0.006523	0.58	0.93	7.18	0.51
OVERLAND FLOW	15	PF 1	0.54	46.95	47.04	47.04	47.08	0.028653	0.86	0.63	8.23	1
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OVERLAND FLOW	5	PF 1	0.54	46.7	46.81	46.78	46.81	0.003918	0.27	1.98	33.18	0.36
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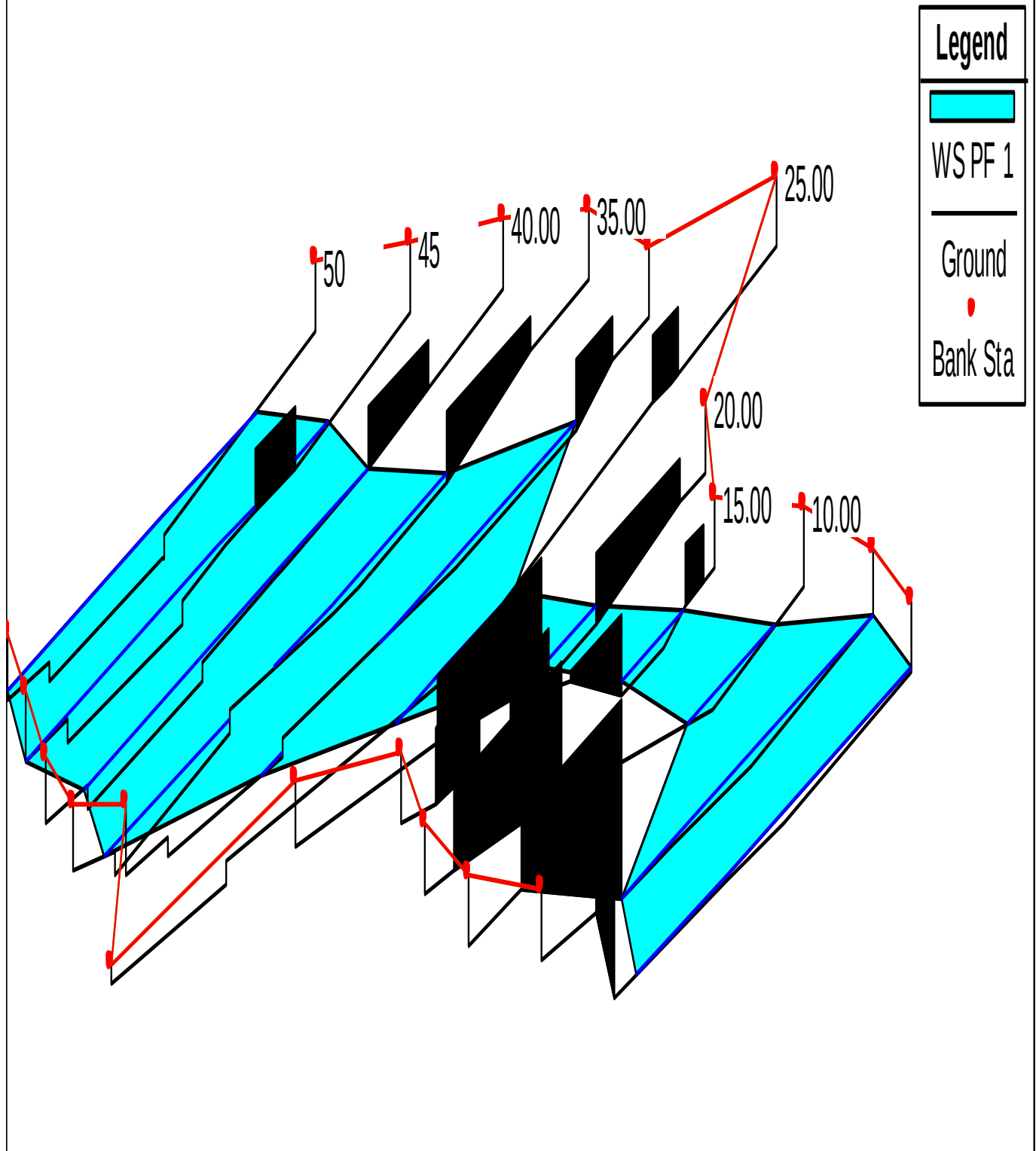






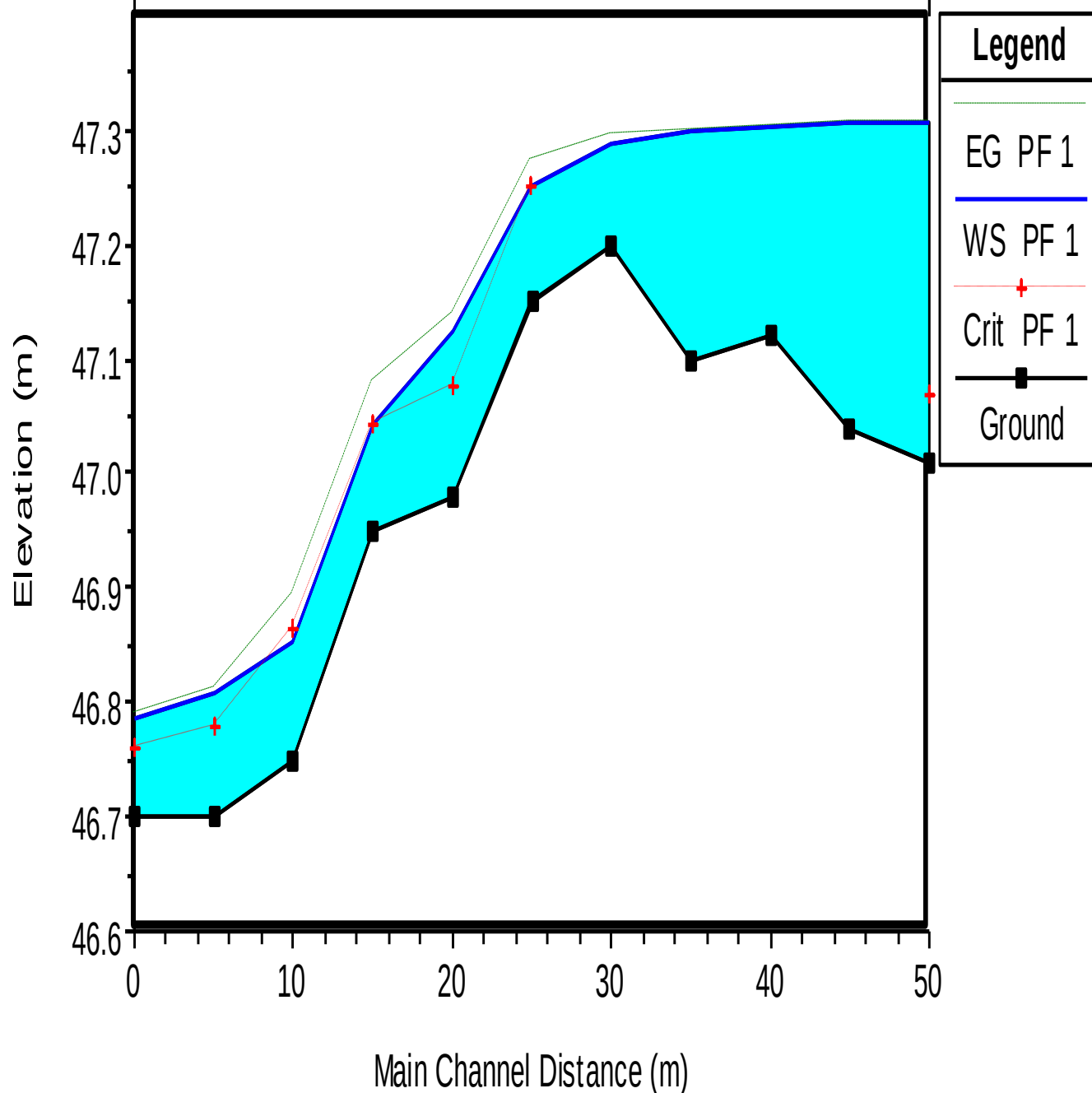


PRE DEVELOPMENT Plan: PRE DEVELOP 1 23/07/2020



PRE DEVELOPMENT Plan: PRE DEVELOP1 23/07/2020

EDWARD OVERLAND FLOW

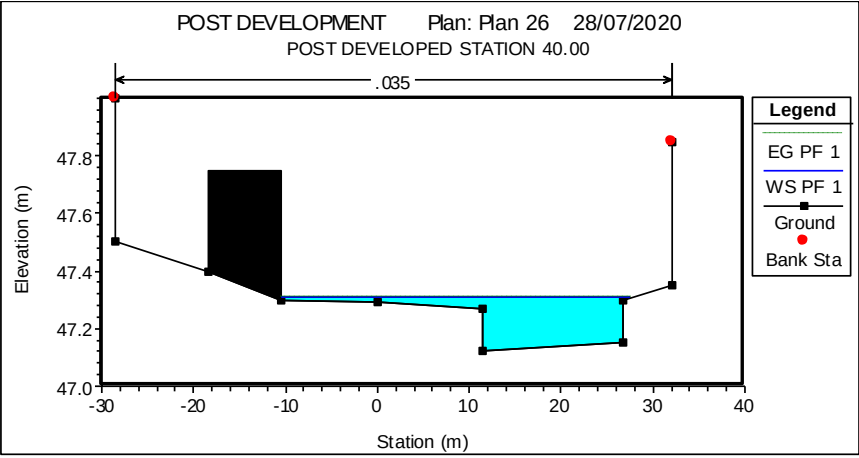
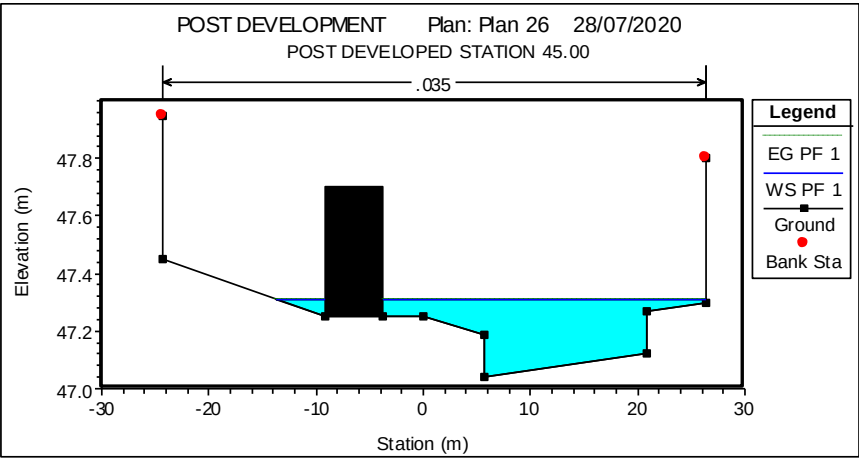
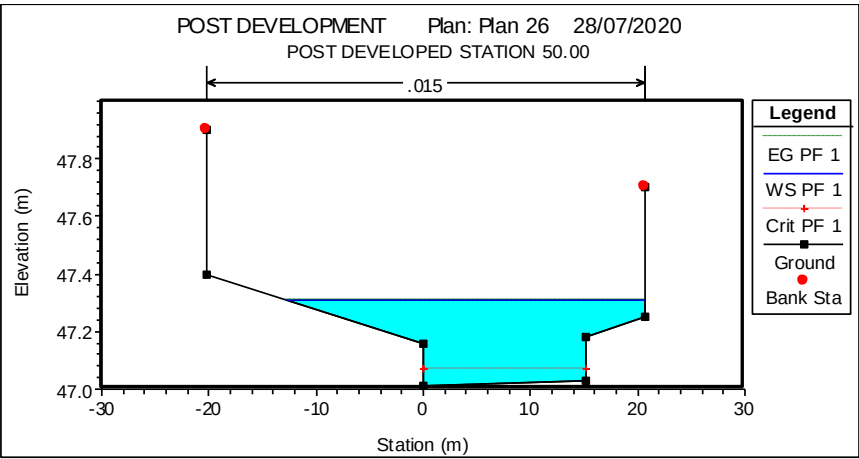


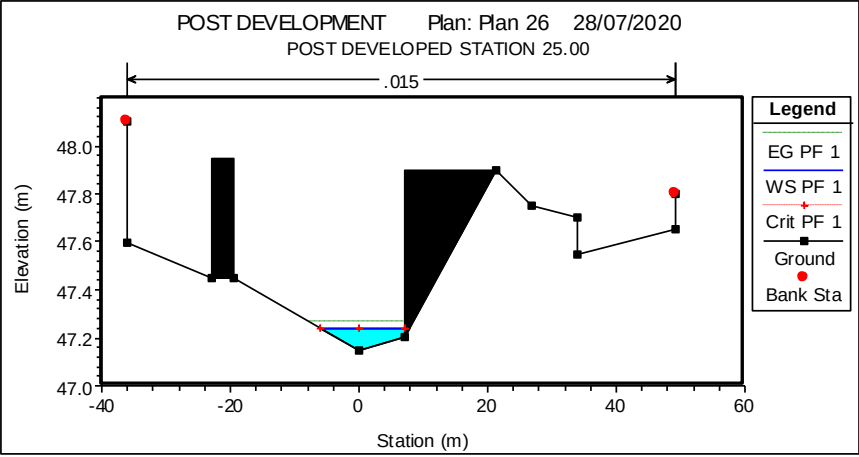
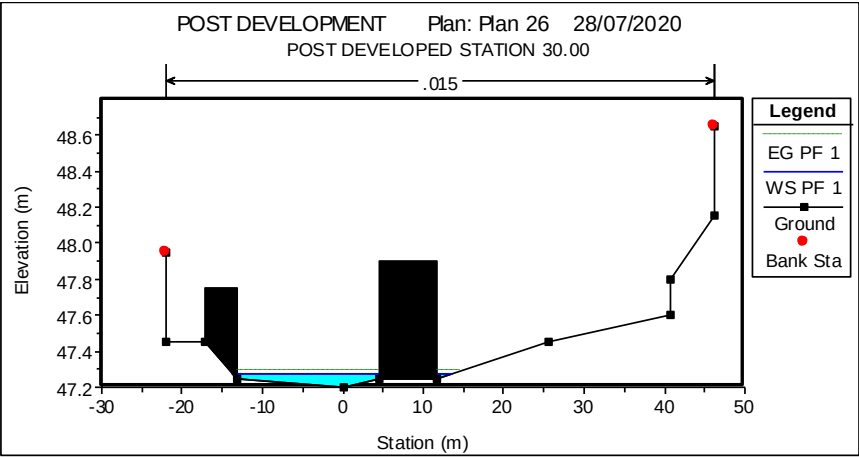
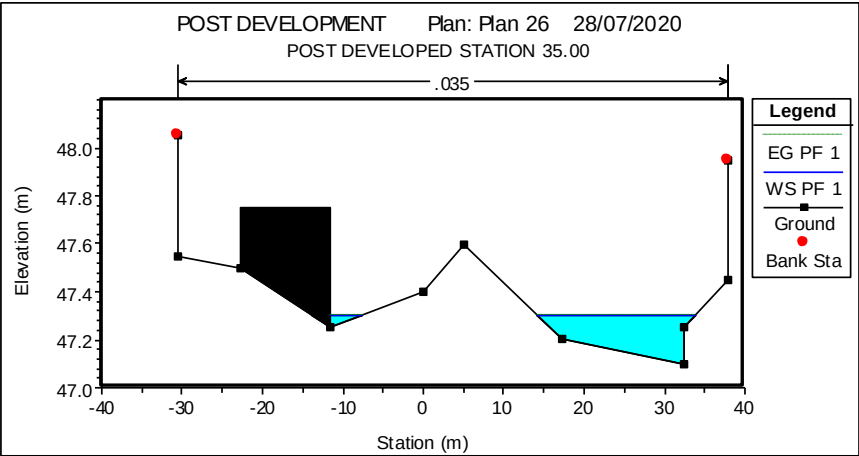
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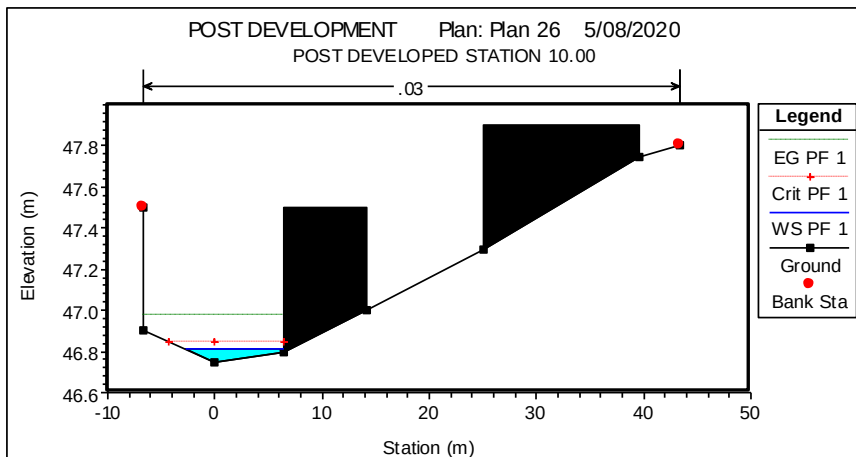
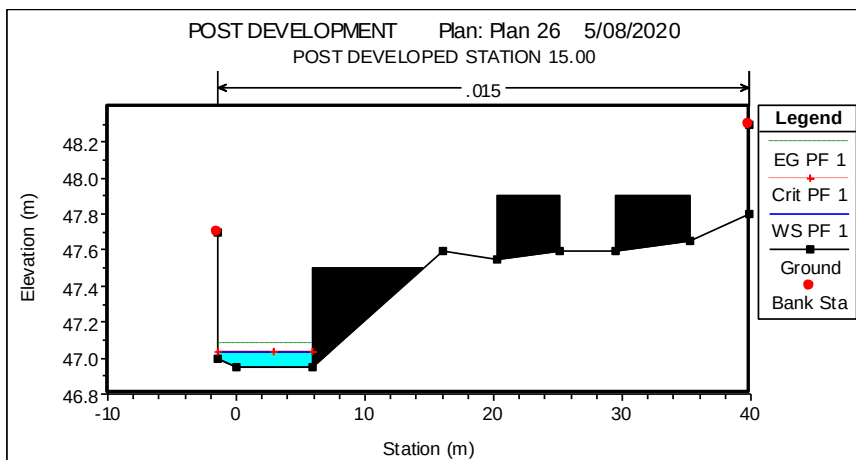
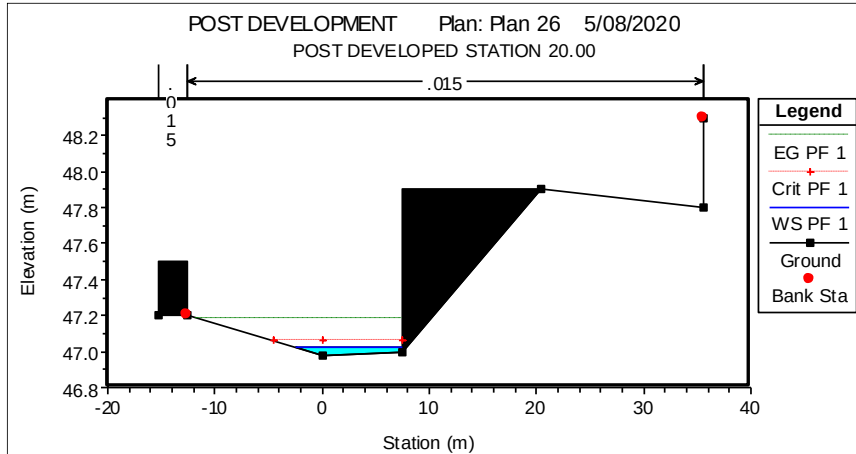
Post-Development HEC-RAS model

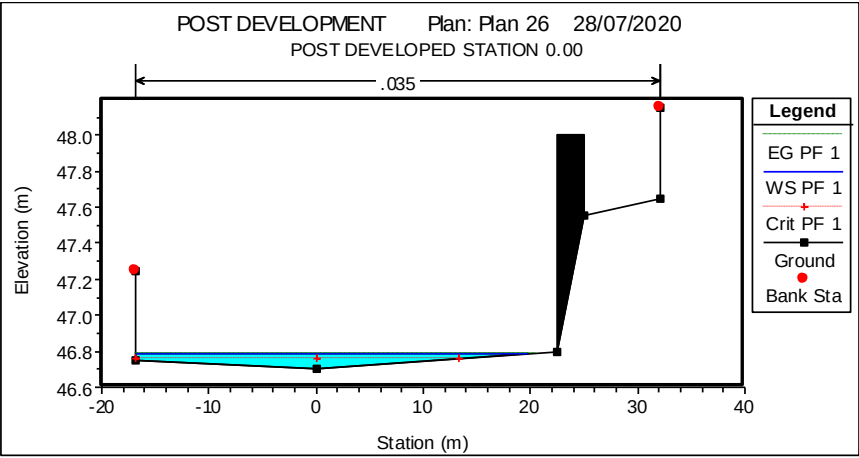
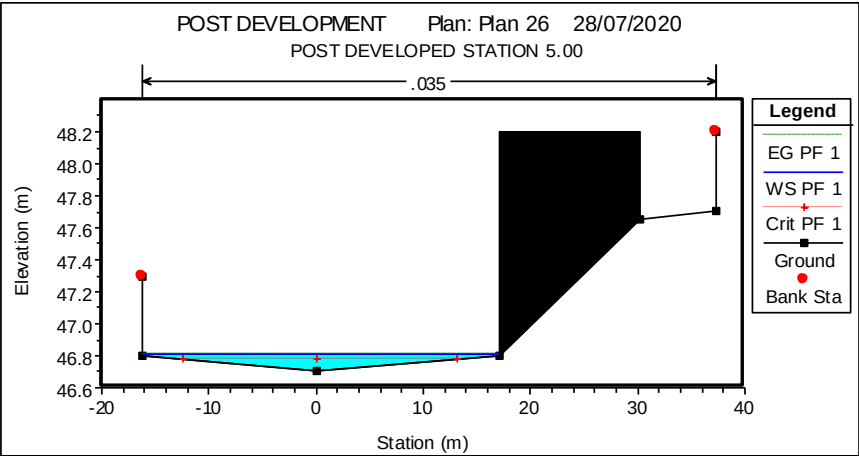
POST DEVELOPMENT

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OVERLAND FLOW	40	PF 1	0.54	47.12	47.31		47.31	0.001168	0.18	3.01	37.77	0.2
OVERLAND FLOW	35	PF 1	0.54	47.1	47.3		47.3	0.000771	0.21	2.57	23.54	0.2
OVERLAND FLOW	30	PF 1	0.54	47.2	47.28		47.29	0.003965	0.56	0.96	19.73	0.81
OVERLAND FLOW	25	PF 1	0.54	47.15	47.24	47.24	47.27	0.005738	0.74	0.73	12.91	1
OVERLAND FLOW	20	PF 1	0.54	46.98	47.02	47.06	47.19	0.076134	1.79	0.3	9.96	3.27
OVERLAND FLOW	15	PF 1	0.54	46.95	47.03	47.04	47.08	0.005987	0.94	0.58	7.33	1.07
OVERLAND FLOW	10	PF 1	0.54	46.75	46.81	46.85	46.98	0.280327	1.81	0.3	9.08	3.19
OVERLAND FLOW	5	PF 1	0.54	46.7	46.81	46.78	46.81	0.003918	0.27	1.98	33.18	0.36
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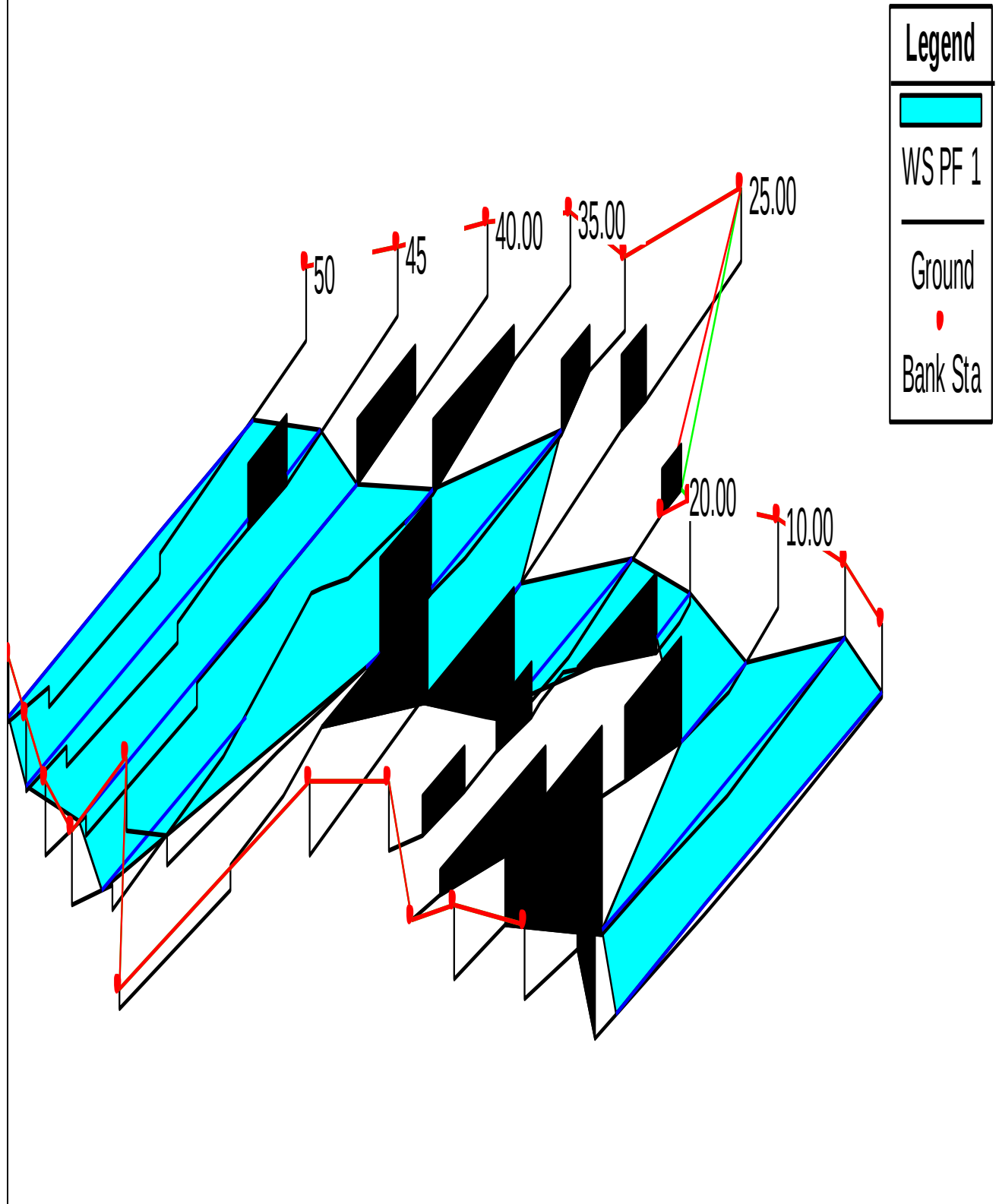






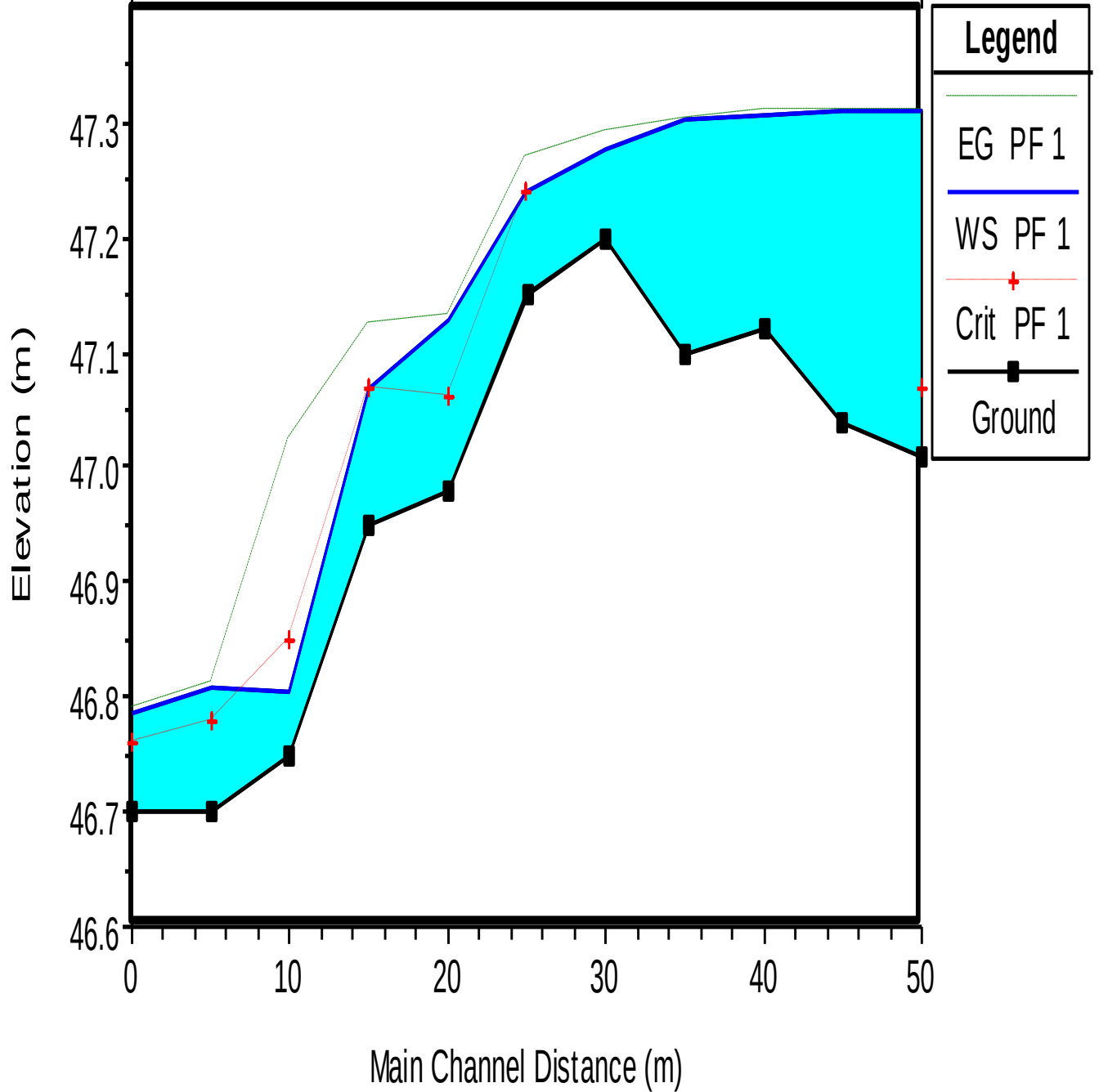


POST DEVELOPMENT Plan: Plan 26 28/07/2020



POST DEVELOPMENT Plan: Plan 26 28/07/2020

EDWARD OVERLAND FLOW



Proposed Boarding House Development

**3 Edward Street,
Kingswood**

TRAFFIC AND PARKING ASSESSMENT REPORT

6 August 2020

Ref 20302



Suite 6, 20 Young Street, Neutral Bay NSW 2089 - PO Box 1868, Neutral Bay NSW 2089 Ph: 9904 3224

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Figure 2	Site
Figure 3	Road Hierarchy
Figure 4	Existing Traffic Controls
Figure 5	Existing Public Transport

1. INTRODUCTION

This report has been prepared to accompany a development application to Penrith City Council for a boarding house development proposal to be located at 3 Edward Street, Kingswood (Figures 1 and 2), which upon approval, will be developed on behalf of a social housing provider.

The proposed development involves the demolition of the existing dwelling house on the site to facilitate the construction of a new boarding house development, comprising 14 rooms plus communal facilities.

Off-street parking is to be provided for 3 cars, 3 motorcycles and 3 bicycles in a new open, at-grade car parking area at the rear of the site in accordance with *State Environmental Planning Policy (Affordable Rental Housing) 2009* requirements.

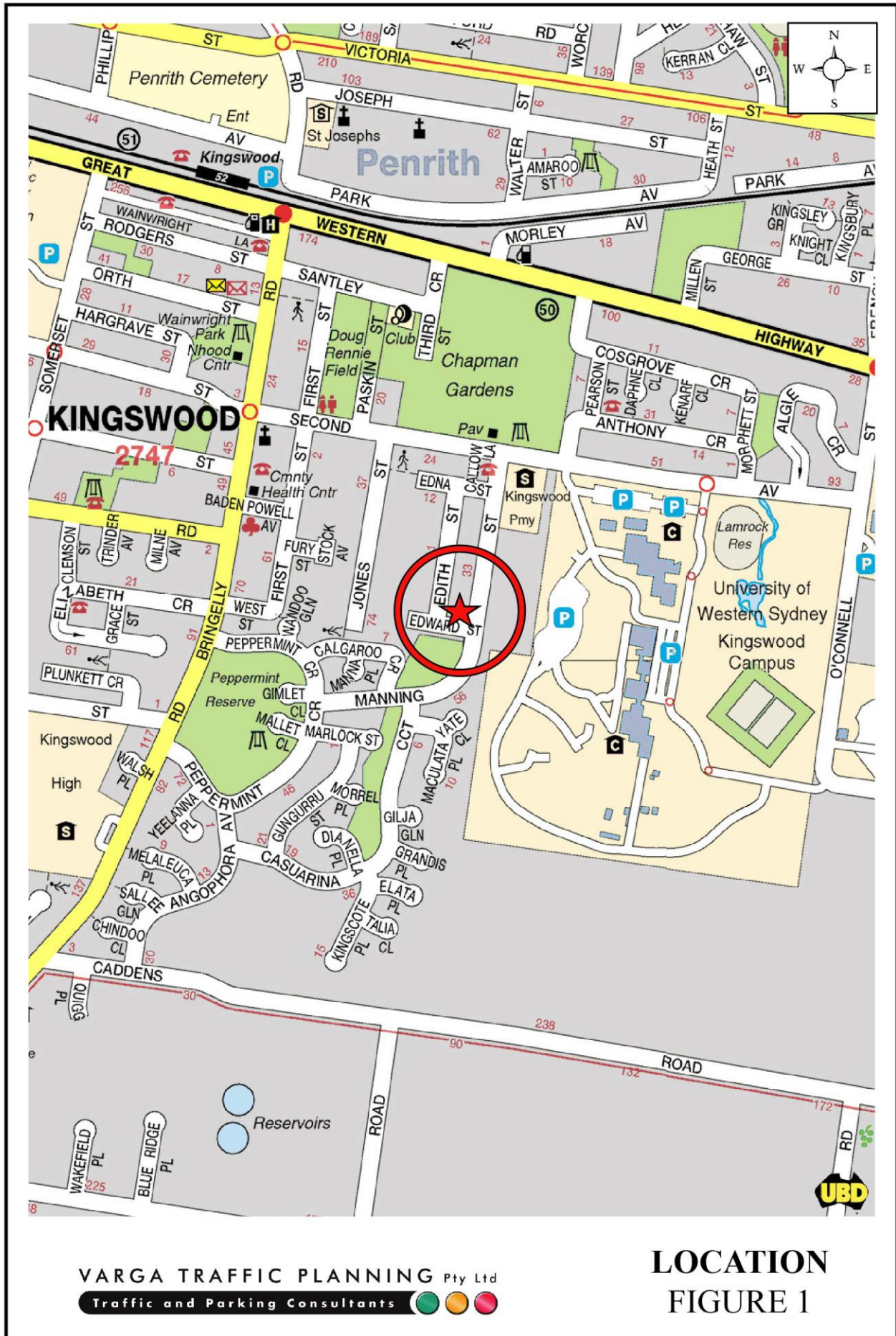
The site is located in close proximity to a range of alternative transport options as well as Nepean Hospital, Western Sydney University's Kingswood Campus and TAFE NSW's Nepean/Kingswood Campus.

In essence, the site is ideally located to discourage private car ownership and usage and to encourage greater use of alternate forms of transport such as walking, cycling or public transport. Given the site's proximity to the hospital and tertiary establishments, the site is considered to be located in a prime location for an affordable housing development, given many key workers and students typically have a very low car ownership rate.

The purpose of this report is to assess the traffic and parking implications of the development proposal and to that end this report:

- describes the site and provides details of the development proposal
- reviews the road network in the vicinity of the site
- reviews the public transport services in the vicinity of the site

- estimates the traffic generation potential of the development proposal
- assesses the traffic implications of the development proposal in terms of road network capacity
- reviews the geometric design features of the proposed parking facilities for compliance with the relevant codes and standards
- assesses the adequacy and suitability of the quantum of off-street parking provided on the site.





2. PROPOSED DEVELOPMENT

Site

The subject site is located on the northern side of Edward Street, midway between Manning Street and Edith Street. The site has a street frontage of approximately 23 metres in length to Edward Street and occupies an area of approximately 632m².

It is noted that much of the surrounding area is zoned *R3 Medium Density Residential* where multi-dwelling housing is appropriate and encouraged.

The subject site is currently occupied by a single-storey residential dwelling house with an associated hardstand parking area accessed directly off Edward Street.

A recent aerial image of the site and its surroundings is reproduced below.



Courtesy of Nearmap Imagery 2020

Proposed Development

The proposed development involves the demolition of existing structures on the site to facilitate the construction of a new boarding house development.

A total of 14 boarding rooms plus communal facilities are proposed in the new building.

Off-street parking is proposed for a total of 3 cars (including 1 accessible space), 3 motorcycles, and 3 bicycles in an open, at-grade car parking area at the rear of the site.

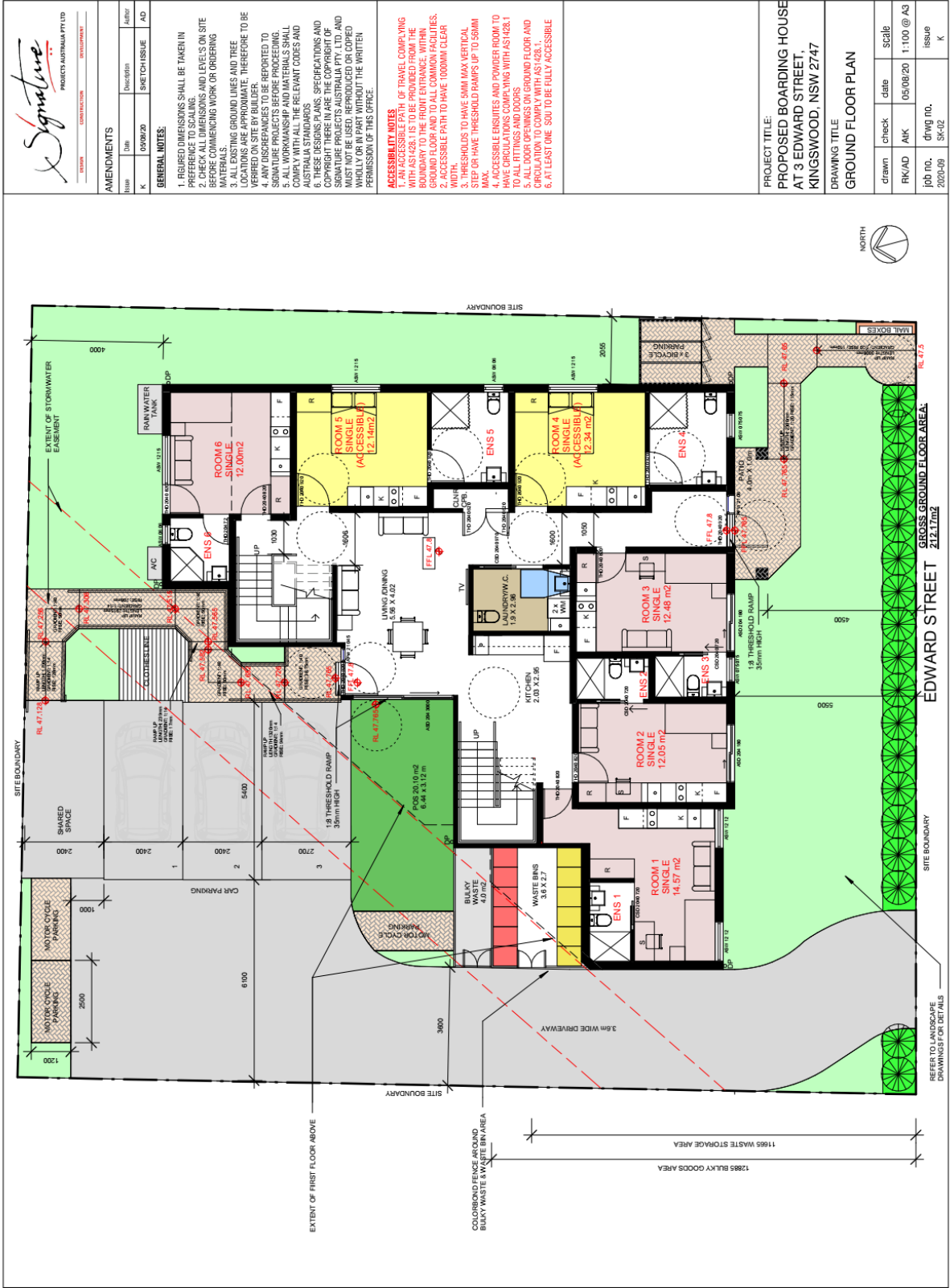
Vehicular access to the parking facilities is to be provided via a new entry / exit driveway located at the western end of the Edward Street site frontage.

Garbage collection is expected to be undertaken by Council's waste contractor, with bins to be lined up along the kerbside area directly outside the site on "bin night" for collection the following day.

Other than waste collection, the servicing needs of the proposed boarding house is expected to be minimal and likely to comprise fast food deliveries by scooter or bicycle and the occasional visit by a maintenance contractor in a utility.

It is pertinent to note that the proposed boarding house will be fully furnished such that other than the initial fitout of the premises, there will not be removalist trucks or vans.

Plans of the proposed development have been prepared by *Signature Projects Australia Pty Ltd* and are reproduced in the following pages.





3. TRAFFIC ASSESSMENT

Road Hierarchy

The road hierarchy allocated to the road network in the vicinity of the site by the Roads and Maritime Services is illustrated on Figure 3.

The Great Western Highway is classified by the RMS as a *State Road* and provides the key east-west road link in the area, linking Sydney with Bathurst. It typically carries three traffic lanes in each direction in the vicinity of the site, with opposing traffic flows separated by a central median island.

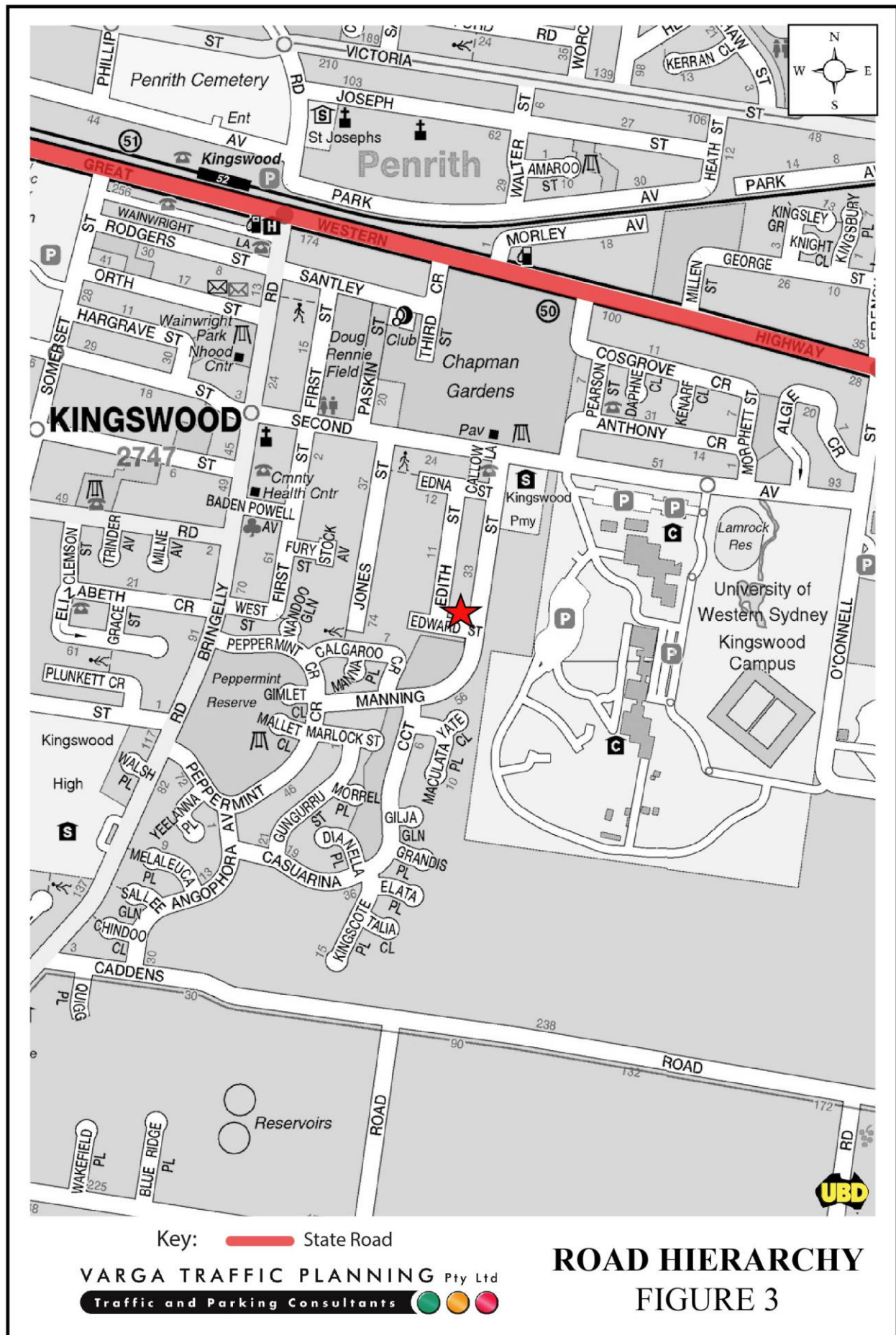
Bringelly Road is a local, unclassified road that performs the function of a north-south *collector route* through the local area, linking the Great Western Highway and Parker Street. It typically carries one traffic lane in each direction, with kerbside parking generally permitted.

Edward Street is a local, unclassified road that is primarily used to provide vehicular and pedestrian access to frontage properties. Kerbside parking is generally permitted on both sides of the road.

Existing Traffic Controls

The existing traffic controls which apply to the road network in the vicinity of the site are illustrated on Figure 4. Key features of those traffic controls are:

- a 50 km/h SPEED LIMIT which applies to Second Avenue, Manning Avenue, Edward Street and all other local roads in the area
- GIVE WAY restrictions in Edward Street where it intersects with Manning Street
- GIVE WAY restrictions in Manning Street where it intersects with Second Avenue

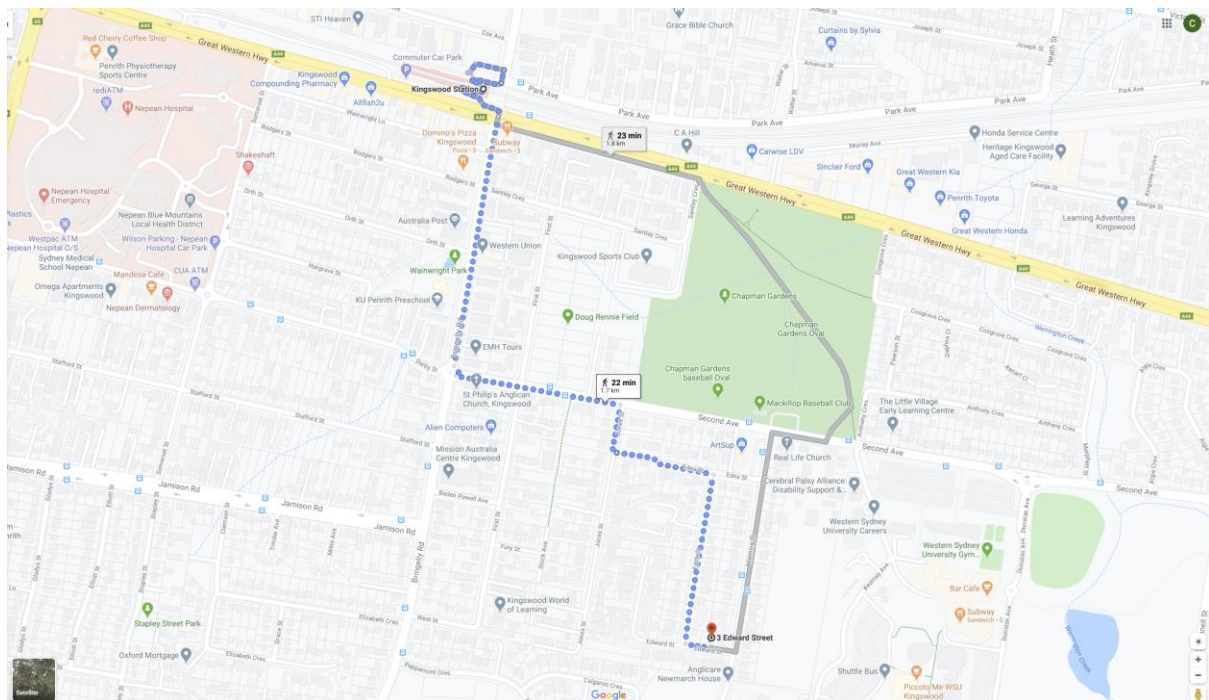




Existing Public Transport Services

The existing public transport services available in the vicinity of the site are illustrated on Figure 5.

The site is located approximately 1.5km walking distance to the Kingswood Station entrance. The walking route to/from the site to the station is depicted below.

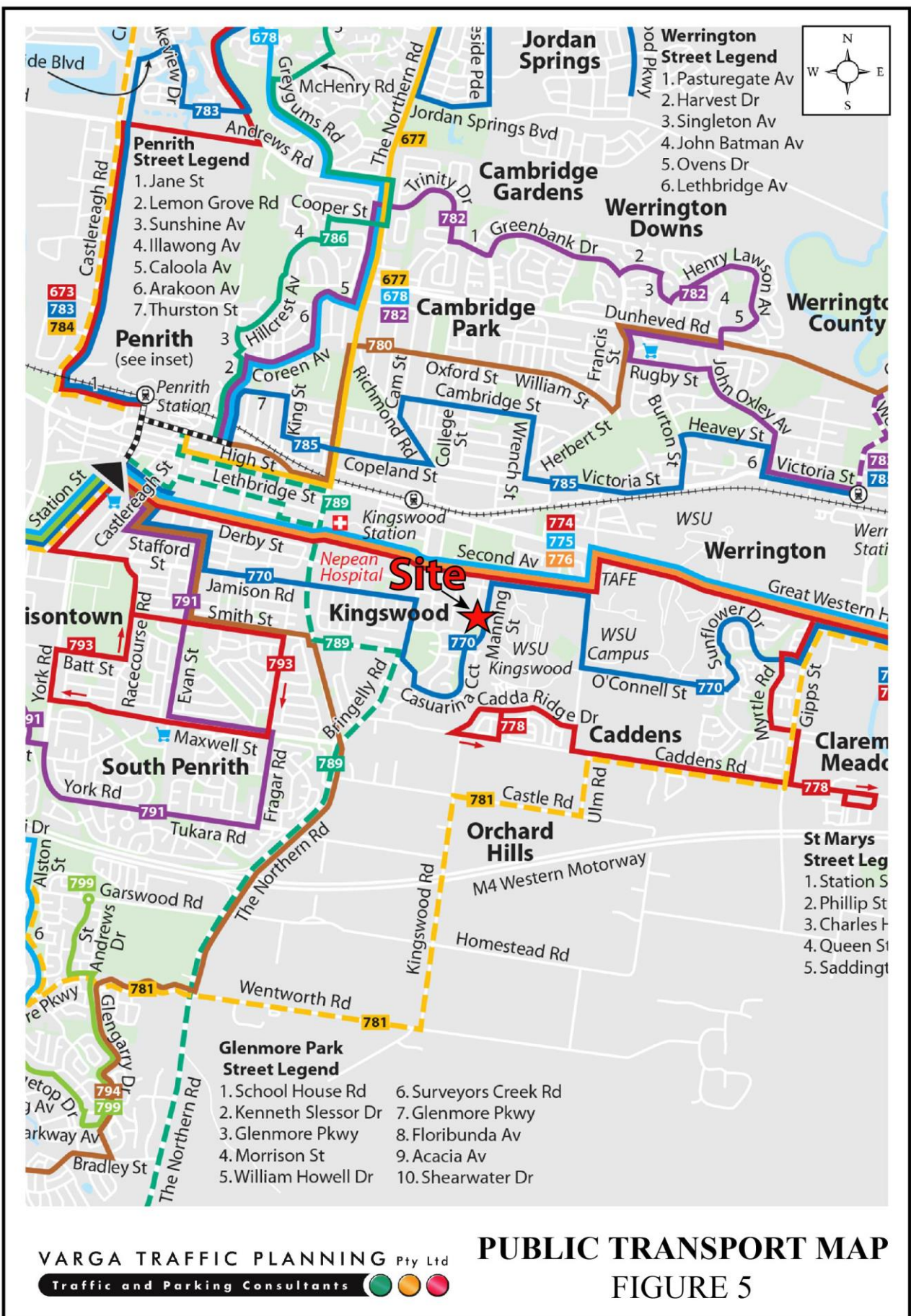


Source: Google Maps Australia

Kingswood Station lies on the T1 Western Line operating between Emu Plains to City. Train services typically arrive / depart the station at 5-minute intervals during commuter peak periods and 15-minute intervals throughout the day.

The site is also located within a short 160m walking distance to bi-directional bus stops on Manning Street, providing access to bus route 770. Two additional bus services operate along Second Avenue, the 775 & 776 services, with bi-directional bus stops located approximately 500m walking distance from the site.

The abovementioned bus services also provide access with connecting train services at Penrith, St Marys and Mt Druitt railway stations.



In particular, the nearby 770 bus stop located on Manning Street, operating between Penrith and Mt Druitt via St Marys, provides at least one bus per hour between 6:00am and 9:00pm Monday to Friday and between 8:00am and 6:00pm Saturday and Sunday.

On the above basis, the site satisfies the *accessible area* criteria specified in *State Environmental Planning Policy (Affordable Rental Housing) 2009* document and is subject to a reduced on-site car parking provision given that the property will be developed on behalf of a *social housing provider*.

Projected Traffic Generation

The traffic implications of development proposals primarily concern the effects of the *additional* traffic flows generated as a result of a development and its impact on the operational performance of the adjacent road network during the morning and afternoon commuter peak periods.

An indication of the traffic generation potential of development proposals is usually provided by reference to the Roads and Maritime Services' publication *Guide to Traffic Generating Developments, Section 3 - Landuse Traffic Generation (October 2002)* and the updated traffic generation rates in the RMS *Technical Direction (TDT 2013/04a)* document.

However, neither the RMS *Guidelines* nor the *Technical Direction* nominate a traffic generation rate for boarding house developments.

An empirical traffic assessment has therefore been undertaken by conservatively assuming each of the parking spaces associated with the proposed boarding house development is accessed once during a two-hour period in both the morning and afternoon peak periods, corresponding to a traffic generation rate of:

Empirical Boarding House Traffic Generation Rate

0.5 peak hour vehicle trips *per car space*

Accordingly, the proposed provision of 3 car spaces could potentially generate up to 1.5 vehicle trips per hour (vph) during both the AM and PM peak hour.

That projected future level of traffic generation potential should however, be offset or *discounted* by the volume of traffic which could reasonably be expected to be generated by the existing uses of the site, in order to determine the *nett increase* in traffic generation potential of the site.

Application of the traffic generation rates for “low density residential dwellings” nominated in the RMS *Technical Direction* to the existing residential dwelling house on the site yields a traffic generation potential of approximately 1 vph during both the AM and PM peak hour.

Accordingly, it is likely that the proposed development will result in a *nett increase* in the traffic generation potential of the site of approximately 0.5 vph during both the AM and PM peak hour, as set out below:

**Projected Nett Increase in Peak Hour Traffic Generation Potential
of the Site as a Consequence of the Development Proposal**

Projected Future Traffic Generation Potential:	1.5 vph
Less Existing Traffic Generation Potential:	-1.0 vph
NETT INCREASE IN TRAFFIC GENERATION POTENTIAL:	0.5 vph

That projected increase in traffic activity as a consequence of the development proposal is *statistically insignificant*, is consistent with the land zoning objectives of the site and will clearly not have any unacceptable traffic implications in terms of road network capacity.

4. PARKING IMPLICATIONS

Existing Kerbside Parking Restrictions

At present, there are generally no kerbside parking restrictions that apply in the immediate vicinity of the site, including both sides of Edward Street and along the site frontage.

Off-Street Parking Provisions

The off-street parking requirements applicable to the development proposal are specified in the *State Environmental Planning Policy (Affordable Rental Housing) 2009* document in the following terms:

Division 3 Boarding Houses

29 Standards that cannot be used to refuse development consent for boarding houses

- (2) A consent authority must not refuse consent to development to which this Division applies on any of the following grounds:
 - (e) **Parking:** if at least the following is provided:
 - (i) in the case of development carried out by or on behalf of a social housing provider in an accessible area – at least 0.2 parking spaces are provided for each boarding room, and
 - (ii) in the case of development carried out by or on behalf of a social housing provider not in an accessible area – at least 0.4 parking spaces are provided for each boarding room, and
 - (iia) in the case of development not carried out or on behalf of a social housing provider – at least 0.5 parking spaces are provided for each boarding room, and
 - (iii) in the case of any development – not more than 1 parking space is provided for each person employed in connection with the development and who is resident on site
- (4) A consent authority may consent to development to which this Division applies whether or not the development complies with the standards set out in subclause (1) or (2).

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:
- (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.

This development will be carried out on behalf of a *social housing provider* and therefore application of the parking rate specified in Clause 29(e)(i) and Clause 30(1)(h) to the proposed 14 boarding rooms outlined in the development proposal yields an off-street parking requirement of 2.8 car spaces, 2.8 motorcycle spaces, and 2.8 bicycle spaces.

The proposed development makes provision for a total of 3 car spaces (including 1 accessible spaces), 3 motorcycle spaces and 3 bicycle spaces, thereby satisfying *SEPP (Affordable Rental Housing) 2009* parking requirements.

The geometric design layout of the proposed parking facilities has been designed to generally comply with the relevant requirements specified in the Standards Australia publication *Parking Facilities Part 1 - Off-Street Car Parking AS2890.1 - 2004* and *Parking Facilities Part 6 - Off-Street Parking for People with Disabilities AS2890.6 – 2009* in respect of parking bay dimensions, aisle / driveway widths, overhead clearances and pedestrian sight triangles.

Despite the proposed 2.4m wide car parking spaces complying with *AS2890.1:2004* requirements for a Class 1A development, Council's *DCP* requires the car parking spaces to be 2.6m wide. This requirement is considered onerous, particularly for such a small development, and therefore the 2.4m wide parking spaces are considered acceptable and *compliant* with the overriding document, *AS2890.1:2004*.

With respect to the proposed driveway design, specific reference is made to *AS2890.1:2004 Clause 3.2.2*, which states that as a guide, *30 or more movements in a peak hour (in and out combined) would usually require the provision for two vehicles to pass on the driveway – i.e. a minimum width of 5.5m. On long driveways, passing opportunities should be provided at least every 30m.*

As mentioned in the foregoing, the proposed amended development scheme is expected to generate just 1.5 peak hour vehicle trips (*less* at other times), which is *significantly less* than the 30 vehicles per hour threshold for two-lane driveways. As such, the likelihood of two cars entering and exiting the site at the same moment in time is *statistically insignificant*.

Reference is also made to *AS2890.1:2004 Table 3.1 & Table 3.2* which requires parking areas with *less than* 25 spaces on a local road to have a driveway width of between 3m-5.5m. Furthermore, the internal driveway is approximately 18m long between the front boundary and the rear car park, which is *less than* the 30m length threshold requiring passing bays.

The proposed driveway at 3.6m wide and approximately 18m long is therefore considered acceptable and *compliant* with *AS2890.1:2004*.

Notwithstanding, it is recommended that suitable signage is installed to the outside face of the bulky waste storage area advising drivers to “Give Way to Entering Vehicles”.

The vehicular access arrangements have been designed to accommodate the swept turning path requirements of the B85 design vehicle as specified in *AS2890.1:2004*, allowing them to access each of the car parking spaces and to enter and exit the site in a forward direction at all times.

It is recommended that signage be installed at the entrance to the site at the front boundary advising that there is “No Visitor Parking” provided on site.

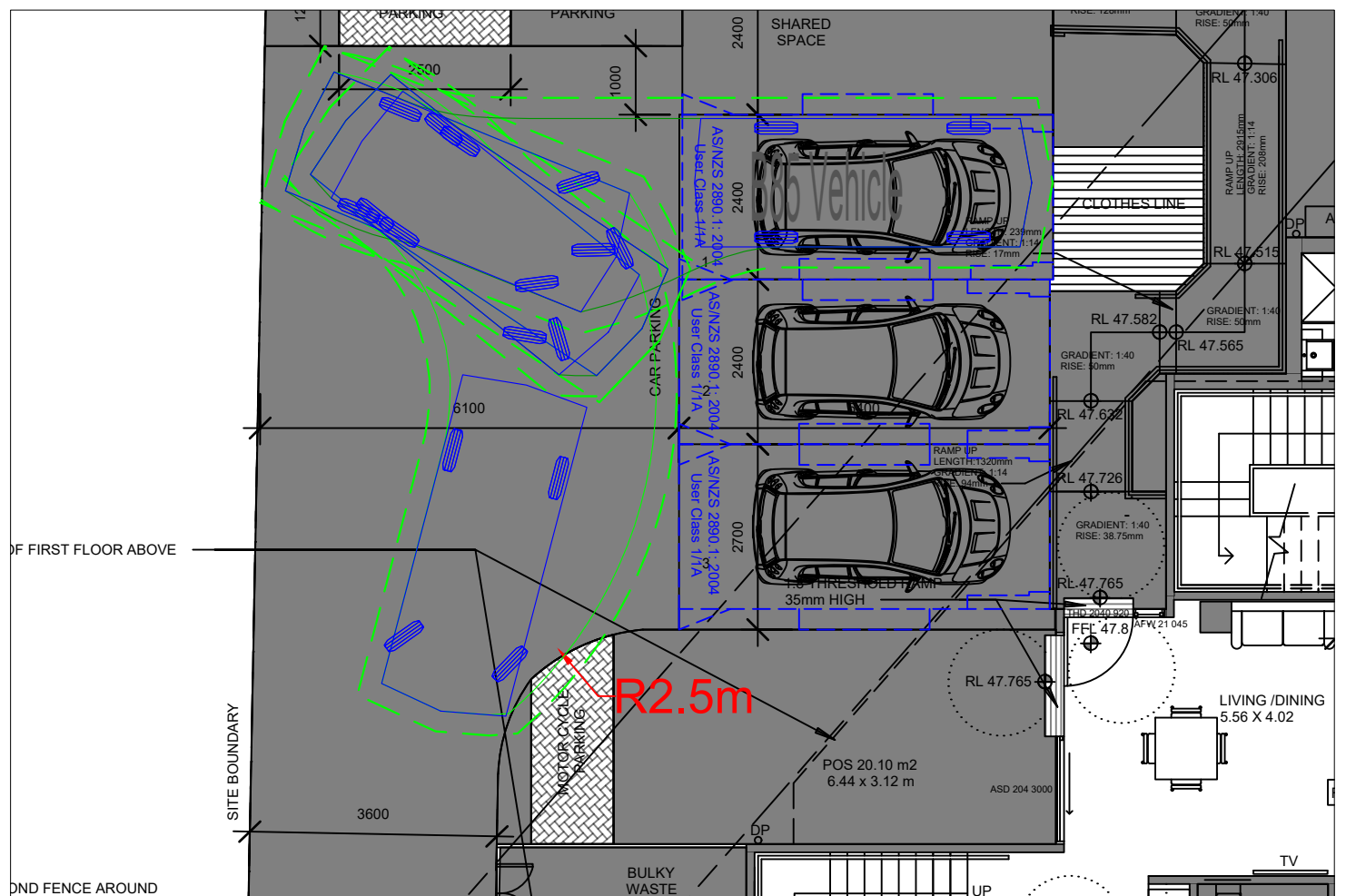
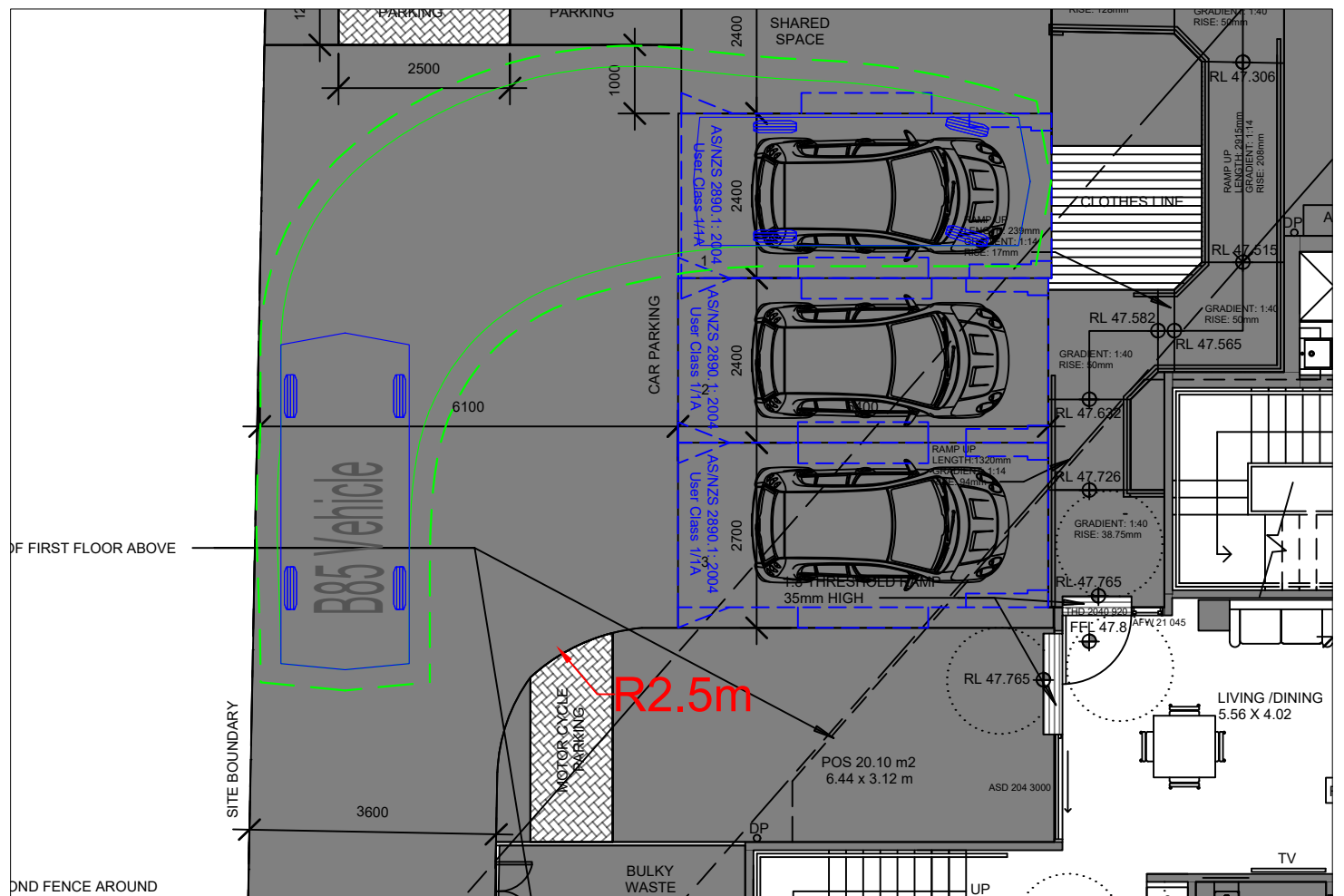
Driver Sight Distance/Visibility

The driver sight distance/visibility requirements applicable to the proposed vehicular access driveway have been designed to comply with *Figure 3.2 – Sight Distance requirements at Access Driveways* and also *Figure 3.3 – Minimum Sight Lines for Pedestrian Safety* in *AS2890.1:2004*.

In this regard, a 2.5m x 2.0m visibility splay is provided on *both* sides of the site access driveway at the front boundary, and the straight/flat alignment of Edward Street provides good visibility for drivers in both directions.

Conclusion

In summary, the proposed parking facilities satisfy the relevant requirements specified in the *SEPP (Affordable Rental Housing) 2009* document as well as the Australian Standards and it is therefore concluded that the proposed development will not have any unacceptable parking or access implications.



VARGA TRAFFIC PLANNING Pty Ltd
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PROJECT
RESIDENTIAL DEVELOPMENT

DRAWING TITLE
Space3_B85_Entry&Exit

ADDRESS
3 Edward Street
Kingswood

PROJECT NO.
20302
REVIEWED
CP

1:200 @ A4
DATE DRAWN
2020-8-6
PREPARED
TY

VARGA TRAFFIC PLANNING Pty Ltd
Transport, Traffic and Parking Consultants



