

Grant Robinson PROPERTY SERVICES

Statement of Environmental Effects

75 Castlereagh Street
Penrith

Demolition of existing residence and the Construction of a 12 Bedroom New Generation Boarding house.

By Grant Robinson
25 March 2019
Consent Authority: Penrith City Council

Quality Assurance

Project: Statement of Environmental Effects - Boarding House

Address: Lot 80 DP 2167: 75 Castlereagh Street, Penrith

Council: Penrith City Council

Author: Grant Robinson

Date	Purpose of Issue	Rev	Reviewed	Authorsied
15/05/2018	Review	Draft	GR	GR

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

Fisheries Management Act 1994	No
Heritage Act 1977	No
Mine Subsidence Act 1992	No
National Parks and Wildlife Act 1974	No
Petroleum (Onshore) Act 1991	No
Protection of the Environment Operation Act 1997	No
Roads Act 1993	No
Rural Fires Act 1997	No
Water Management Act 2000	No
SEPP 1 - Development Standards	No
SEPP 64 - Advertising and Signage	No
SEPP 71 - Coastal Protection	No
SEPP (Infrastructure) 2007	No
SEPP (Major Development) 2005	No
SREP (Sydney Harbour Catchment) 2005	No

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Executive Summary

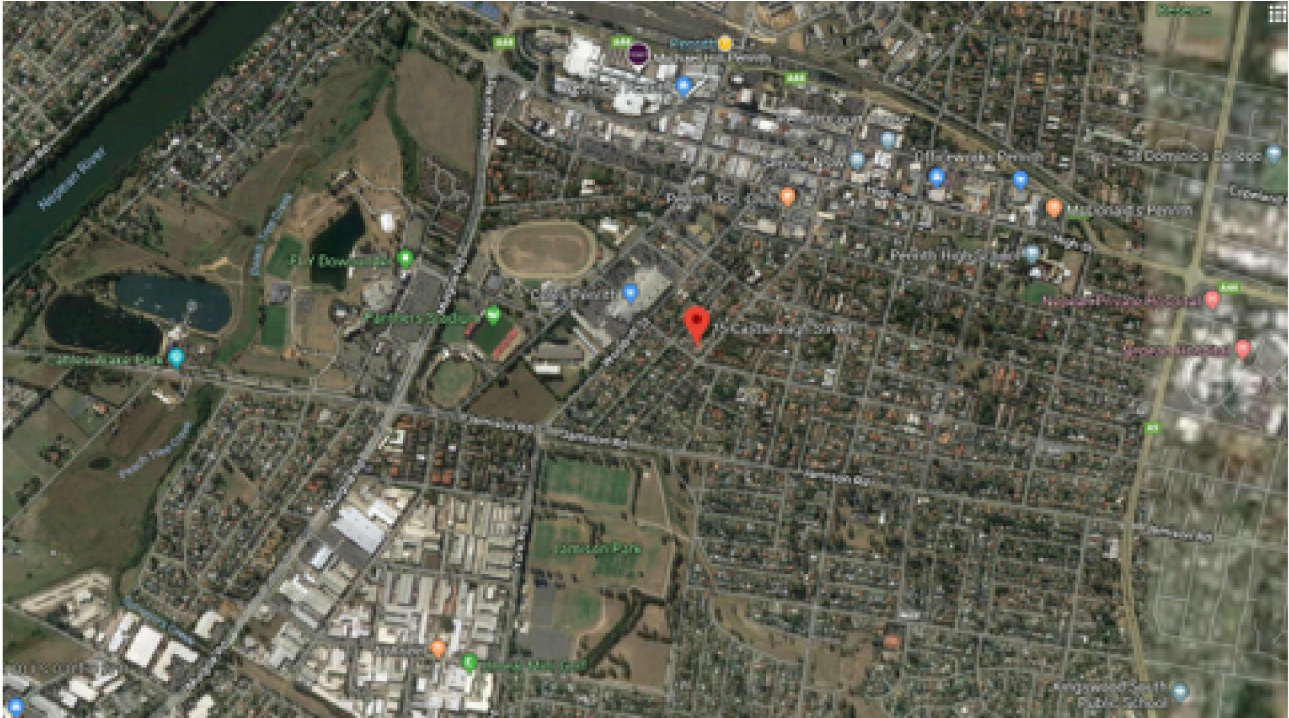
This Statement of Environmental Effects has been prepared in support of a Development Application for the demolition of existing structures and the construction of a boarding house development pursuant to State Environmental Planning Policy (Affordable Rental Housing) 2009. The proposal comprises of a 12 Room boarding house with parking for 6 cars.

The development seeks to utilise the land in accordance with the zoning and take advantage of its proximity to public transport, essential services, schools and recreational opportunities. The development provides a medium density development that is consistent with the evolving medium density built form characteriser around the Penrith area and will also contribute towards increased housing opportunity, including affordable housing stock.

Having regard to the benefits of the proposal and taking into account the absence of adverse environmental, social or economic impacts, and that the proposal represents an appropriate use of well-located land the application is submitted to Council for assessment. Grant Robinson Property Services recommends the approval of the application, subject to necessary, relevant and appropriate conditions of consent.

Site and Locality Description

It is proposed to demolish existing structures in order to erect a boarding house development on this corner site. The subject site, which is legally known as Lot 80 DP 2167, is a corner allotment which is regularly in shape. The site has a frontage of 13.4m facing the Castlereagh Street and a side boundary of 44.4m facing Stafford Street. The site area is 592.7m². The site is zoned R3 Medium Density Residential under the Penrith City Council LEP. A boarding house is permissible with consent within the R3 Zone.



The site is centrally located. Approximately 1km North of the site is Penrith city centre where you will find Westfields, Penrith Railway Station, Joan Sutherlands performing art centre, Penrith RSL Club, Services NSW, Penrith Court House, Officeworks and many other shops, restaurants and services.

West of the site is Nepean Village Shopping Centre which has Kmart, Coles and many other stores. Also west of the site within 1km is Pathe's Stadium, Penrith Paceway function centre, Outback Steak house, Mercure hotel, Aqua Golf and many other shops.

South of the site is Jamieson Park and a huge industrial area off Mulgoa Road.

East of the site is a well established residential area consisting of older style dwelling houses, modern two storey dwellings, modern town houses, apartments and local shops.

With the locality zoned for medium density development and considering the current demand for housing within close proximity to commercial, recreational and employment hubs, public transport and schools combined within an absence of heritage items, it is expected that the build form will undertake a transformation towards medium density developments over the next 5-10 years.

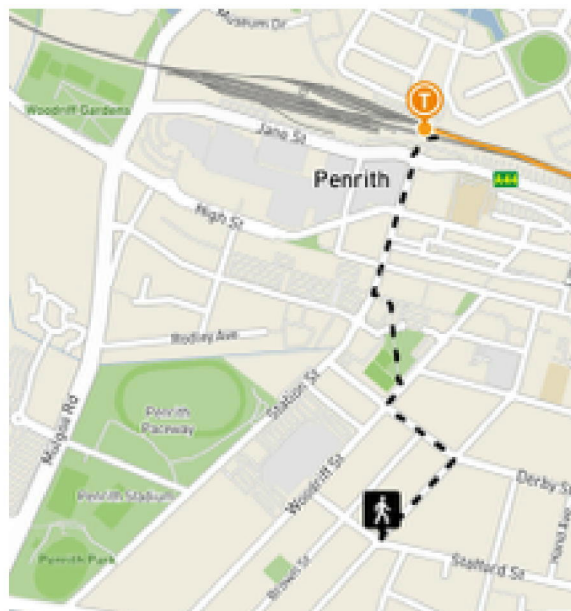
The subject site currently accommodates a single storey brick, fibro and tile residential dwelling that are to be demolished as part of the proposal. The dwelling is reaching an age that without major renovation will soon become unmanageable. The site is being under-utilised in terms of the site's full development potential given the R3 Medium Density Residential zone permits which permits medium density residential developments such as multi dwelling housing and boarding houses.

The site is within 200m of five well service bus stops:
 Stafford St before Castlereagh St Stop ID: 275053
 Stafford St at Castlereagh St Stop ID: 275094
 Castlereagh St at Derby St Stop ID: 275054
 Derby St before Castlereagh St Stop ID: 2750240
 Derby St before Castlereagh St Stop ID: 2750228

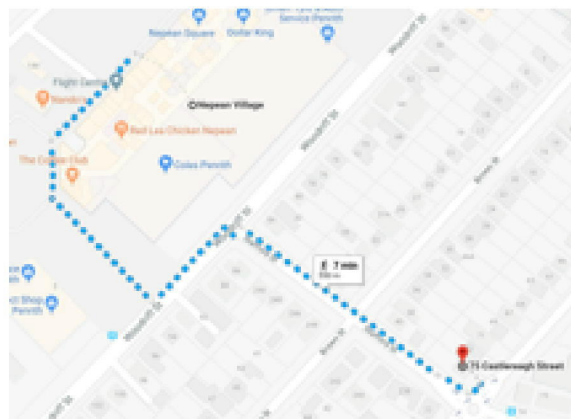
A map of Penrith, NSW, showing a blue route. The route starts at a bus stop (marked with a blue circle and 'B') on Stafford St, near the intersection with Windsor St. It proceeds north along Stafford St, then turns east onto a street that runs parallel to the railway tracks. The route ends at a train station (marked with a black square and 'To') on Penrith St, near the intersection with Jane St. The map shows various streets including Jane St, Penrith St, Stafford St, Windsor St, and Derby St. A green 'A50' road sign is visible on the route.

A detailed map of the Penrith area, showing streets and bus routes. The map includes labels for 'Penrith (see inset)', 'Penrith Station', 'Panthers Rd', 'Station St', 'Casperson St', 'Stafford St', 'Derby St', 'Jamison Rd', 'High St', 'Lethbridge St', 'King St', 'Coreen Av', 'Hillcrest', 'Richmond', 'Cope', 'Kil', 'Nepean Hospital', and '7. Thurston St'. Bus routes are indicated by colored lines and numbers: 783, 784, 785, 789, 770, and 771. A black arrow points from the text 'The bus route from Penrith Station to the hospital is shown in black' to a dashed black line connecting Penrith Station to Nepean Hospital.

Penrith Railway station can be easily access via bus or walking. Penrith Railway is approximately 1.3km from the site.



Shopping Centre.
The site is 550m walk from Nepean Village Shopping Centre



Walking Path to Nepean Village

The development seeks to utilise the land in accordance with the zoning and to take advantage of its proximity to employment and recreational hubs, local neighbourhood shops, public transport, and local schools.

The boarding house development aims to provide a strong interface to both Castlereagh Street and Stafford Street aligning with Councils future vision of the locality as accomodating medium density housing.

A plan for Growing Sydney supports higher residential development in strategic locations to accommodate future population growth. The subject area is ideal for future urban intersection as it is located within walking distance to local neighbourhood shops, bus stops, schools and public reserves, and is situated near a major commercial centre and industrial precinct which provide potential employment opportunities for future residents.

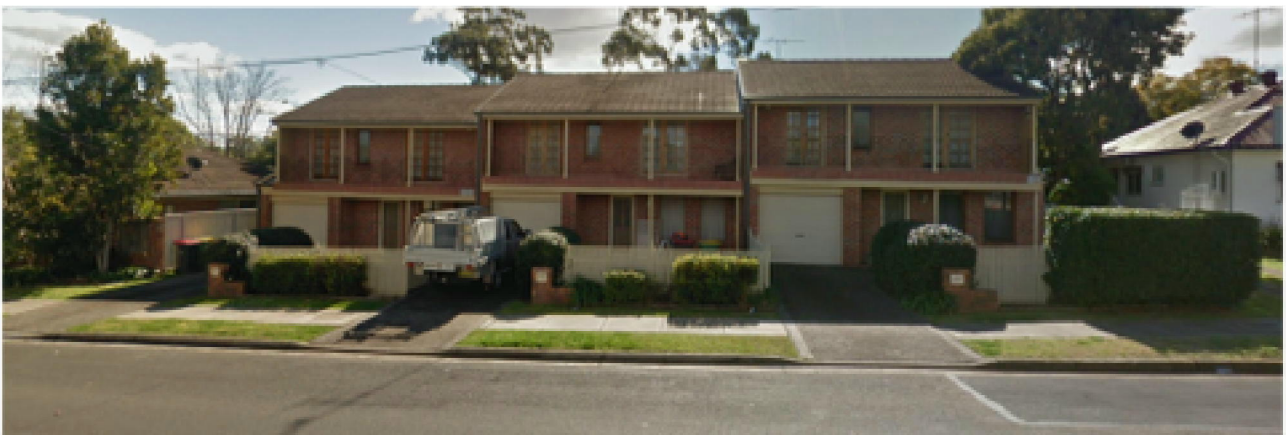
Photographs are provided below to give context to the locality and also the relationship of the development site with adjoining developments.



Photograph 1: Shows the existing house at 75 Castlereagh Street looking north down castlereagh tree.



Photograph 2: Is taken on Stafford street showing existing older home at 40 Brown Street. A granny flat has been added to the back yard of 40 Brown Street. To the right 75 Castlereagh Street can be seen.



Photograph 3: Shows a two storey town house development at 72 Stafford Street.



Photograph 4: Shows new modern development of 2 storey child care facility at 2 Rawson Avenue

Description of Proposal

The development application proposes the demolition of the existing structure on the site, in order to construct a boarding house development consisting of 7 Double Rooms and 5 Single Room. The boarding house incorporates the capacity to provide for a maximum occupancy of 19 residents.

The proposal is purpose built to provide low cost flexible rental accommodation to a wide range of tenants. Possible tenants include retirees single and couple, working singles and couples and students.

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

- Demolition of the dwelling and associated structures on the subject site.
- Construction of a new generation 2 storey boarding house - a brief description of the relevant aspects of the development is provided below.

Ground Floor

- Two entrance doors are proposed. The first from Castlereagh Street, the second from Stafford Street. A concreted access pathway from Stafford street to the second entrance door will be in accordance with AS1428 to ensure access for wheelchairs.
- Access to the ground floor will also be available from the car parking area. There will be a double width crossover from Stafford Street.
- Rooms 1 to 3 on the ground floor have a bedroom, kitchen, bathroom, laundry, and outdoor area.
- Rooms 2 and 3 are fully self contained accessible units.
- There is a communal common area of 49m². There are two outdoor communal common areas. The first is accessed directly from the communal common area and is 20m². The second outdoor common area 36m² is access via a walkway in accordance with AS1428. The second outdoor area has a northern aspect and will include a communal clothes drying area. The communal areas are designed for access by wheelchair.
- 6 car parking spaces have been provided including one parking space design for accessibility.
- 3 motorbike parking spaces
- Communal waste area
- Entrance foyer, access corridors and stairwells to upper level.

First Floor

- Rooms 4 to 12 are located on the first floor.
- All rooms have their own self contained kitchen, laundry, bathroom and an open area that can be used for dining and living areas.
- All rooms also have an outdoor balcony area with a screened section that can be used for drying of cloths.

Total outdoor common area is Ground Floor 36m² + 20m² = 56m²

The proposal is purpose built to provide low cost flexible rental accommodation to suit a range of potential tenants. The boarding house will accommodate a maximum of 19 tenants.

The design of the proposal incorporates contemporary architectural aesthetics that relate to existing development in proximity to the site and are sympathetic to the nature and character of the area.

The development is designed to provide good amenity to residents more aligned with a studio style living as opposed to a traditional boarding house. The design has been styled to appear as a two storey residential dwelling to be compatible with the density and character of the immediate locality.

Design consideration has been given to the scale, size and form of the proposal in relation to the unique characteristics of the site, adjoining residences and existing character of the area. Design consideration has also been given to residential amenity including aspects such as privacy and solar access for both future residents of the proposal and those surrounding properties.

Environmental Planning Instruments - SEPP

The following summarises the relevant planning controls in relation to the proposal and makes comment regarding compliance with these controls.

State Environmental Planning Policy BASIX

The size of the building does not fall within the requirement for a BASIX certificate and a section J report has been provided.

State Environmental Planning Policy No.55 - Remediation of Land

The development site has historically been utilised for residential purposes with no known potentially contaminating activities being conducted on the site. Review of aerial photographs and the site itself does not indicate the presence of any potential contamination.

State Environmental Planning Policy (Affordable Rental Housing) 2009

The SEPP permits Boarding Houses on land zoned residential, neighbourhood, local centre and mixed use. The effect of the SEPP is to confirm that such uses are consistent with the objectives of the zone. The site is located within an 'accessible area' being within 400m of a bus stop that provides the required level of service as defined in the SEPP. The site is 40m from the bus stop on the Stafford Street that provides multiple buses every hour. The level of services complies with the SEPP requirements to be considered as an accessible area. In addition the site is within 1.3km of Penrith railway station.

The proposal will provide affordable rental housing within medium density residential zoned land to address current shortages in the availability of affordable rental housing.

The proposed boarding house has been assessed against the relevant provisions of the State Environmental Planning Policy (Affordable Rental Housing) 2009. This assessment is presented below:

Clause 3 - Aims of Policy

The aims of this Policy are as follows:

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

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

Clause 25 - Definition

In this Division:

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

The development provides a common living room/area along the northern aspect of the building

Clause 26 - Land to which Division applies (division of SEPP relating to boarding houses)

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

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

The subject site is located within the R3 Medium Density Residential zone for the purpose of the application of the Exempt and Complying SEPP. Accordingly, the zones can be regarded as equivalent for the purposes of the applicability of this division of the Affordable Rental Housing SEPP to the subject land. The R3 Medium Density Residential zone is listed above as being a zone within which this division of the Affordable Rental Housing SEPP applies. Therefore, this section of the SEPP applies to the subject land.

Clause 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), this Division does 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*
- (3) Despite subclause (1), this Division does not apply to development on land within Zone R2 Low Density Residential or within a land use zone that is equivalent to that zone that is not in the Sydney region unless all or part of the development is within 400 metres walking distance of land within Zone B2 Local Centre or Zone B4 Mixed Use or within a land use zone that is equivalent to any of those zones.*

This application proposes the construction of a boarding house. Therefore, this section of the SEPP applies to the subject development application.

Clause 28 - Development may be carried out with consent

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

The proposed construction of a boarding house in the R3 Medium Density Residential zone is permissible with consent given the "equivalent zone" provisions set out above.

Clause 29 - Standards that cannot be used to refuse consent

Clause 29 of the SEPP outlines a range of development standards, which, if the proposed development complies with, means that Council cannot refuse the application. An assessment of the proposal against these standards is outlined below:

(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

There is no maximum floor space for the site therefore the proposal complies with this requirement.

(b) if the development is on land within a zone in which no residential accommodation is permitted—the existing maximum floor space ratio for any form of development permitted on the land

This subclause is not applicable, as residential accommodation is permitted on the land.

(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

The maximum building height permitted is 8.5m under the LEP and the proposal complies.

(b) landscaped area

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

Landscaping is proposed along both street frontage within the front setback. The landscaping proposed is consistent with the amount of landscaping on adjoining and surrounding sites in the immediate locality.

(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 three hours direct sunlight between 9.00am and 3.00pm in mid-winter

One communal living room is provided with a northern orientation. The proposed communal living room would receive more than three hours direct sunlight between 9.00am and 3.00pm 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 3.0 metres is provided for the use of the lodgers

An area of private open space of greater than 20 square metres and with a width of 3.0 metres is proposed at the front of the building within the secondary setback area. In addition a second area has been allocated on the northern end of the site.

(ii) if accommodation is provided on site for a boarding house manager - one area of at least 8.0 square metres with a minimum dimension of 2.5 metres is provided adjacent to that accommodation

No accommodation for a manager is proposed so this clause does not apply.

(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

(ii) in the case of development not in an accessible area—at least 0.4 parking spaces are provided for each boarding room

In June an amendment was passed increasing the number of parking space required. The new requirement of 0.5 parking space per room has been met. There are 12 rooms 6 parking spaces have been provided for.

(iii) in the case of any development—not more than 1.0 parking space is provided for each person employed in connection with the development and who is resident on site.

There are no employees in connection with the development.

(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

(ii) 16 square metres in any other case.

All of the proposed double boarding rooms are at least 16m² and the single rooms are over 12m². Therefore the development complies with this clause.

(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.

The proposed boarding house has private kitchen and bathroom facilities in each boarding room and therefore complies with this subclause.

(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).

The proposal complies with all of the standards contained in subclauses (1) and (2) and therefore complies with this subclause.

Clause 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 five or more boarding rooms, at least one communal living room will be provided

The proposed boarding house has 12 boarding rooms, and provides a communal living room having an area of 49m². In addition all rooms have their own private living room. The common room has been designed to be accessible from the ground floor with internal access available. Adjacent to the common room is a generous outdoor space. The proposal complies with this clause.

(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.

None of the proposed boarding rooms have a gross floor area (excluding private kitchens or bathrooms) of more than 25 square metres. Please see attached plan showing Room Sizes. The proposal complies with this clause.

(c) no boarding room will be occupied by more than two adult lodgers

As part of the ongoing management of the property no room will be allowed to house more than two adult lodgers. The proposal complies with this clause.

(d) adequate bathroom and kitchen facilities will be available within the boarding house for the use of each lodger

A private bathroom and kitchen facilities are to be provided within each boarding room. The proposal complies with this clause.

(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

There is no requirement to provide a managers room. The proposal complies with this clause.

(g) if the boarding house is on land zoned primarily for commercial purposes, no part of the ground floor of the boarding house that fronts a street will be used for residential purposes unless another environmental planning instrument permits such a use

Environmental Planning Instruments applying to the land do not prohibit the use of the ground floor of the building for residential purposes. The proposal complies with this clause.

(h) at least one parking space will be provided for a bicycle, and one will be provided for a motorcycle, for every five boarding rooms.

There are 12 Rooms, $12/5 = 2.4$ Rounded up to 3 spaces. Three bicycle spaces and three motorcycle spaces are provided. The proposal complies with this clause.

Clause 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.

The design and siting of the boarding house is considered compatibility with the character of the local area. The proposal complies with this clause.

An assessment of the proposal in terms of various aspects of its built form is outlined below:

Local Area – the 'local area' is principally the visual catchment in which the development can be viewed. The area in which the land is located is viewed from the Stafford Street and Castlereagh Street. Within this local area there are single storey and two storey houses of mixed age and architectural style and town houses.

Given the age of housing stock in the locality a key consideration in the current circumstance is the form of development anticipated for the area. As addressed, the site is zoned R3 medium density residential under the Penrith LEP and boarding houses, dual occupancies, and semi-detached dwellings and dwelling houses are permissible on the site and in the surrounding locality.

The locality is interspersed with modern 2 storey residential dwellings and child care facilities (shown in previous photographs) that are an indication that the locality is progressively upgrading its housing stock given the increase in the value of land within Sydney and the proximity of the locality to public transport and shops.

The proposed development present to the street as a large house.

Building bulk and scale/site coverage – The proposed boarding house is approximately 9.5 metres wide and 33m deep and two storeys in height. It is considered that there are a number of buildings in the locality that have a similar height to that of the proposal, and other buildings of greater height than that of the proposal.

Height – The two storey height of the development is acceptable in the locality that can be considered under the development controls within Penrith councils Development Control Plan.

Setbacks – The setbacks of the proposed development are 0.9 metres from side boundaries on the North East boundary, 4.8m on the Northwest rear boundary, 3m on the Stafford street boundary and 5.5m on the front Castlereagh street boundary. The setbacks for dwelling houses are contained within the Penrith Development Control Plan. The building is well within these setback limits.

Landscaping/Fencing – The proposed landscaping treatment is satisfactory and adequately softens the visual impact of the development. Landscaping is proposed to be provided within the front, side and rear setback areas of the proposal. This is considered to be consistent with the landscaping provided by other sites in the vicinity of the site.

In consideration of the likely future character of this local area and anticipated building forms, it can be seen that the current proposal will be entirely consistent with the future character of the locality as envisaged under the controls contained within the Penrith LEP.

Penrith Local Environmental Plan 2010

The development site is zoned R3 Medium Density Residential under the provisions of Penrith Local Environmental Plan.

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

Boarding house means a building that:

- a. Is wholly or partly let in lodging, 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, senior housing or a serviced apartment.

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

- To provide for the housing needs of the community within a medium density residential environment.
- To provide a variety of housing types within a medium density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To provide for a concentration of housing with access to services and facilities.
- To provide for a suitable visual transition between high density residential areas and lower density areas.
- To ensure that a high level of residential amenity is achieved and maintained.

The proposed development provides residential accommodation that is not only located in a suitable location but will contribute towards increasing the housing stock within the locality, including the stock of affordable housing. The site is well located and provides access to essential services, public transportation and recreation opportunities. Furthermore, an increase of an additional 12 dwellings within the locality will provide additional patronage and contribute towards boosting the local economy.

The boarding house development incorporates a contemporary design that achieves good presentation to the street. With development in the subject area expected to intensify over the next 5 to 10 years with the site zoned for medium density. The proposed development aims to be consistent with the evolving medium built form character.

The table below provides detail on the development standards relevant to the current proposal as well as other relevant LEP provisions.

Clause	Controls	Comment	Complies
Zoning	R3 - Medium Density	Boarding houses are permissible with council consent in the R3 - Medium Density Residential zone.	YES
Part 2 Permitted or Prohibited Development			

2.3	Zone objectives and Land Use Table	<p>The proposal is consistent with the zone objectives of the R3 - Medium Density Residential.</p> <p>The site is currently under-utilised in terms of its potential. The proposal will appropriately fulfil the subject site's zoning potential while increasing housing opportunity within Penrith.</p> <p>The development application will contribute towards maximising public transport patronage and will encourage walking, as it is located within close proximity to public transportation and recreational opportunities.</p> <p>Furthermore, an increase in dwellings within the locality will provide additional patronage and contribute towards boosting the local economy of Liverpool.</p>	YES
2.6	Subdivision - Consent Requirements	No subdivision is proposed	N/A
2.7	Demolition Requires Consent	Council consent is sought for the demolition of the existing structures on site.	YES
Part 4 Principal Development Standards			
4.3	Height of Buildings: 8.5m	Penrith LEP Height of Building Map indicates that the maximum building height within the subject site is 8.5m. No part of the proposal exceeds 8.5m in height as such is compliant with this control. See attached plans for detail	YES
4.4	Floor Space not specified	Penrith Local Environmental Plan 2010 does not specify a Floor Space Ratio for the site. The proposal complies with this.	YES
Part 5 Miscellaneous Provisions			
5.9	Preservation of Trees or Vegetation	<p>The subject site is within a well established residential area, having historically been used for residential purposes and is predominantly cleared of vegetation. This application seeks Council consent for the removal of a number of small bushes as identified in the attached plans.</p> <p>The landscaping treatment also seeks to soften the built form and integrate with the development and the sites context within a medium density zoned residential estate.</p> <p>It is highlighted that no significant vegetation is to be impacted as part of the proposal. Landscaping of the site is to be undertaken in accordance with the attached Landscaping Plan. See attached Landscaping Plan for detail.</p>	YES
5.10	Heritage Conservation	The site is not identified as a heritage item	N/A
Part 7 Additional Local Provision: Division 2 Other Provisions			

7.1	Earthworks	<p>This application seeks Council consent for the earthworks of the site as per the attached plans.</p> <p>It is considered that the proposed earthworks will have minimal adverse environmental or amenity impact.</p> <p>The proposal result in an appropriate outcome when considering the nature of the development, the unique characteristics of the site and compliance with relevant Council controls.</p> <p>The proposal will not adversely affect or disrupt drainage and flood patterns, flood storage or soil stability in the area.</p> <p>The proposed development is consistent with the current and future use of the land and will develop the site into context with its surrounds and in accordance with Council's current and proposed planning strategies.</p> <p>It is considered unlikely due to the location of the site as well as previous development that earthworks will lead to the disturbance of relics.</p>	YES
7.2	Flood Planning	<p>The attached flood level enquire from Penrith City Council indicate that the 1% AEP local overland flow flood levels affecting the property are estimated to vary from RL 29.2m AHD at the south-eastern front boundary to RL 28.8m AHD at the north-western rear boundary.</p> <p>In response the floor levels have been designed 0.5m above the 17 AEP flood level. As a result the development is not subject to Penrith DCP section C3.5 Flood planning.</p>	YES

7.4	Sustainable Development	<p>(a) conserving energy and reducing carbon dioxide emissions, Small space living reduces carbon dioxide emissions by reducing heat and cooling demands.</p> <p>(b) embodied energy in materials and building processes, The embodied energy per resident is very minimal.</p> <p>(c) building design and orientation, The building has been designed to make the most of the northern aspect.</p> <p>(d) passive solar design and day lighting, Care has been take in the design process to ensure quality daylight is provided to each room in the building.</p> <p>(e) natural ventilation, Each room has a sliding door onto a private open space. This allows for good ventilation to every room in the building.</p> <p>(f) energy efficiency and conservation, There is no greater way to conserve energy than living in a smaller space. Boarding houses by there very nature a extremely energy efficient.</p> <p>(g) water conservation and water reuse, A rainwater tank has been provided and will be plumbed to toilets and laundries to reduce the consumption of water. Star rated shower roses and kitchen taps shall be used to ensure minimal water use.</p> <p>(h) waste minimisation and recycling, Living in small space reduces the amount of waste produced per person. Having less area to decorate less money and resource is wasted decorating large rooms. People who choose to live in small space place less demands on the planet.</p> <p>(i) reduction of vehicle dependence, Being centrally located the tenants of this building will easily be able to find public transport to wherever they would like to go. They will be extremely well connected greatly reducing their reliance on vehicles</p> <p>(j) potential for adaptive reuse. It is not expected that this building would be adaptively reused. Being custom designed an built for a specific purpose means that the tenant of this building will be extremely happy and there should be no need to adaptively reuse the building.</p>	YES
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7.5	Protection of scenic character and landscape values	The site is included on the Scenic and Landscape values maps	YES
7.6	Salinity	The subject site is identified as being unaffected by Acid Sulfate Soils.	N/A
7.7	Servicing	The subject site is well serviced.	YES
7.8	Active Street Frontage	Not applicable	N/A
7.9	Flight Paths	Not applicable	N/A
7.10	Dual occupancies in rural zones	Not applicable	N/A
7.11	Penrith Health and Education Precinct	Not applicable	N/A
7.12	Maximum gross floor area of commercial premises	Not applicable	N/A
7.13	Exhibition Homes	Not applicable	N/A
7.13 to 7.25	Various	Not applicable	N/A

Penrith Development Control Plan 2014

Part 5.11 Boarding Houses

The table below provides detail on the development standards relevant to the current proposal, noting where clauses are not of relevance no discussion is provided.

Penrith Development Control Plan 2014 - Compliance Table			
Clause	Controls	Comment	Complies
5.11 Boarding Houses			
C.1 Local Character	a) Boarding house development applications shall be accompanied by detailed site analyses to assist with the determination of local character.	Site analysis has been carried and discussed previously in this SEE	YES
	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.	Neighbourhood analysis has been discussed in this SEE	YES
	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 - Density - Amenity - Safety and Security - Social dimensions and housing affordability - Aesthetics	Key elements have been considered and addressed appropriately	YES
C.2 Built form, scale and appearance	a) The entrance to the boarding house must be in a prominent position addressing the street.	The entrance to the building is prominently facing Castlereagh Street with design elements making it easy to understand where the entrance to the building is.	YES
	b) New boarding houses shall not adversely impact upon solar access of adjoining properties	Solar assessment plans have been included and it can be clearly shown that all neighbouring properties have more than the required 3 hours of direct sunlight in winter.	YES

	c) Boarding houses shall be designed to have a sympathetic relationship with adjoining development	3d modeling of the proposed development show the building sitting beautifully within the local environment. The visual aesthetics of the building will improve the adjoining developments.	YES
	d) Proposals must demonstrate that neighbourhood amenity will not be adversely impacted by factors such as noise and privacy.	<p>Care has been taken in the design to ensure that neighbouring properties are not adversely affected. There are no windows on the second floor that can look over any neighbouring properties. This is done with the use of frosted glass bricks and visual privacy screens.</p> <p>The outdoor 20m² common area has been placed away from neighbouring properties to give tenants an outdoor area away from neighbour. The 36m² outdoor area is located away from any existing neighbouring buildings. Also a strong management plan will prevent this area being used after 10pm.</p> <p>Noise from waste areas has already been discussed under waste management.</p>	YES
	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.	This clause does not apply since the development is in a medium density zone.	N/A
	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.	This clause does not apply as the development is similar in size to a dwelling house not a multi dwelling housing.	N/A
	g) A boarding house proposal of a scale similar to a residential flat building or high density mixed use development should comply with the controls and objectives for residential flat buildings within this DCP, where they are not in conflict with the requirements of the SEPP and the objectives of the zone	This clause does not apply as the development is similar in size to a dwelling house not a residential flat building.	N/A

C.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 facilities, private open space, kitchen and living areas are accessible to all lodgers;	All tenants have their own bathroom, kitchen and laundry. Private open spaces are available to all tenants. They have been designed in a way to allow wheel chair accessibility.	YES
	b) if over 10 boarding rooms are supplied, 10% of the total number of dwellings (rounded up) must be accessible;	10% of the number of dwellings is 1.2 dwellings are required to be accessible. Two accessible dwellings have been included in the design.	YES
	c) cross ventilation is achievable such that reliance on air-conditioning is minimised;	Cross ventilation will be achieved by the use of mechanical fans. No air-conditioning shall be installed in the building.	YES
	d) all opening windows are to be provided with fly screens; and	All opening windows shall be fitted with fly screens.	YES
	e) secure mailboxes should be incorporated within the foyer window of the property allowing resident only access from inside the foyer.	This does not comply with Australia Posts requirements for letterbox which is; <i>A single group of mail boxes on the boundary of the property with the footpath or public road. The mail boxes may be at right angles to the footpath or road and parallel to the driveway with the first box as close to the boundary as possible. Adequate parking for a bicycle or motor cycle must be available. A postal delivery officer must be able to place mail in the boxes safely.</i>	NO
C.4 Visual and Acoustic amenity impacts	Boarding houses are to provide: a) bedrooms separate from significant noise sources;	All bedrooms have been designed so that they are away from any significant noise sources. Including individual kitchens removes the potential for large kitchen areas to become noise.	YES
	b) sound insulation between bedrooms to provide reasonable amenity;	The building shall be built in accordance with the BCA. This requires all sole occupancy units to be sound and fire rated.	YES
	c) communal areas and bedroom windows away from the main living area or bedroom windows of any adjacent buildings; and	The communal area on the north side of the building will have non opening, fire rated windows. These will provide significant sound reduction for neighbouring properties.	YES
	d) screen fencing, plantings, and acoustic barriers in appropriate locations.	There are no areas that will produce significant noise to impact the neighbours.	YES

C.5 Location	Boarding Houses shall not be located in cul-de-sacs	The proposed site is not in a cul-de-sac.	YES
C.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).	A plan of management has been included in the development application.	YES

Part D2 Residential Development.

Dwelling Houses on lots greater than 400m² in the R2, R3 and R3 Zones.

State Environmental Planning Policy (Affordable Housing) outlines the development standards for boarding houses within NSW. Section 30A States, 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.

To further assess if the this development application fits within the character of the local area a discussion regarding the relevant objectives under the Penrith Development Control Plan 2014 - Part D2 Residential Development has been provided in the following compliance table.

NOTE: these controls do not strictly apply to this development application. These controls are not specified in Part 5.11 - Boarding house as this development is not in R2, it is not the same scale as a multi dwelling development and is not a similar scale to a residential flat building. As a result these controls do not apply however they have been assessed for convenience.

Penrith Development Control Plan 2014 - Part D2 Residential Development.			
Clause	Controls	Comment	Complies
1. Minimum front and side setbacks	A) front setback is the greater of either i) 5.5m or ii) the average of the setbacks of the adjoining properties.	a 5.5m front setback has been adopted for the design	YES
	B) front setbacks for corner sites are; i) Primary street frontage (measured on the shortest boundary, as in a) above ii) Secondary street frontage is 3m to external walls and 5.5m to garage entrances, verandahs and pergolas are permitted to encroach 1.5m beyond adopted setback.	A 5.5m setback from Castlereagh street has been adopted. A 3m setback from Stafford Street has been adopted. There are no garages however the car parking entrance is over 5.5m from the kerb front on Stafford Street.	YES
	C) Encroachments to front setbacks. i) Verandah and pergolas are permitted to encroach 1.5m beyond the setback to primary street frontage ii) Garage, carports and parking spaces, other than stacked parking or driveways, are not permissible within the front setback	The front door has a verandah that encroaches the front setback by less than 1.5m. There are no driveways or parking on the front setback.	YES
	D) Side setbacks to external walls should be a minimum of 900mm	All side walls are set back a minimum of 900mm	YES

	<p>E) Rear Setbacks</p> <p>I) The minimum rear setback for a single storey building (or any single storey component of a building) is 4m</p> <p>II) The minimum rear setback for a two storey building (or any two storey component of a building) is 6m</p> <p>III) Minor, partial or point encroachments in the above rear setbacks may be considered on irregular shaped lots.</p> <p>IV) Rear setbacks are to be used predominantly for the provision of landscaped area.</p>	<p>i) The rear wall of the first floor part of the building is setback over 4.5m from the rear boundary</p> <p>ii) The second storey part of the building is set back over 6m</p> <p>iii) The exception is two small areas of balcony encroach into the setback area. These balconies are screen with visual privacy screens.</p> <p>iv) The rear setback is allocated to landscaping and clothes dry area.</p>	YES
	<p>F) Exceptions to rear setbacks - consideration may be given to the erection of a non-habitable building or structure that does not comply with the minimum setback requirements if it can be demonstrated it will have minimal adverse impact on the subject property or any adjoining property.</p>	Not Applicable	N/A
2. Building Envelope	<p>a) Development is to be contained within the building envelope for the site. As shown in Figure D2.1 below, the building envelope means a height plane over the site at 45° from a specified height above natural ground level at the side boundaries of the site.</p>	<p>Elevation plans show that the building envelope is within the requirements of figure D2.1</p>	YES

2.1.4 Landscaped Areas	<p>1) The minimum landscaped area of a site is: R3 Medium Density Residential - 40%</p> <p>Calculation of this area is different for single dwellings, dual occupancy, secondary dwelling, multi dwelling and residential flats. To calculate the landscaped area we have use the rules set out in part 2.5.5 residential flat buildings which states.</p> <p>b) have a minimum width of 2m – with no basement encroachment; and containing unexcavated soil to promote landscaping that is effective and healthy;</p> <p>c) may include terraces and patios located not higher than 0.5m above ground and pedestrian pathways to building and dwelling entrances;</p> <p>d) do not include substantially-paved areas such as buildings, driveways and covered garages;</p> <p>e) should include verges that surround car parking areas and open driveways;</p> <p>f) should provide a reasonable area of private open space in accordance with the part within this section on design;</p> <p>g) where more than one building is proposed, that part of any easement exceeding 10% of the site area shall not be included in the landscaped area calculation.</p>	<p>A landscaped area of 40% of the site has been allowed.</p> <p>The total site area is 592.7m2 40% of this area is 237m2</p> <p>A total landscaped area of 241.7m2 has been included in the design.</p>	YES
2.1.5 Building Design/Site Works	<p>1) Articulation</p> <p>a) "Articulate" all building forms and facades:</p> <p>i) stepping floor plans should be capped by a variety of roof forms and pitches; Penrith Development Control Plan 2014 D2 Residential Development D2 - 9</p> <p>ii) every elevation should incorporate windows;</p> <p>iii) walls should be overhung by shady verandahs, awnings and carports</p>	<p>The design of the building has significant articulation and present well to the street</p>	YES
	<p>2) Bulk and Scale</p> <p>a) Two storey buildings to be designed as a combination of one and two storey elements with a variety of setbacks from boundaries</p> <p>b) External walls are not to be longer than 8m between distinct corners or features such as projecting verandahs and awnings or banks of windows.</p> <p>c) All balconies and decks higher than 800mm above existing ground level shall incorporate privacy measures such as screening or landscape planting.</p>	<p>The building is aesthetically pleasing presenting to the street with w variety of elements including interesting windows, balconies, wall colours, textures and finishes.</p>	YES

3) Design a) Dwellings should front the street, and display a traditional configuration with: i) The front door and a window to a habitable room facing the street ii) Garages integrated within the building façade iii) The size of driveways minimised, retaining sufficient area for landscaping of front	The elevation facing Castlereagh Street present well to the street. The veranda over the front door makes it clear where the entrance to the building. There are no driveways or garages facing the front entrance leaving the front setback completely landscaped.	YES
4) Garages a) Must be setback at least 1m behind the building line of the dwelling b) The total width of all garage doors facing a primary or secondary road frontage must not exceed; i) If the lot has a width less than 15m measured at the building line – 4.8m ii) If the lot has a width of more than 15m measured at the building line – 6m.	The garage is not visible from the front of the building. The carparking entrance is 5.8m wide. The width of the side boundary is 44m	YES
5) Corner Lots Development on corner lots is to be designed and orientated so as to address both street frontages and include appropriate design features and articulation.	The building looks beautiful from all angles. 3D imaging has been included in the application to show this.	YES
6) Parking a) Parking is to be provided at the rate of: i) A minimum of one space behind the building alignment ii) Two spaces for each dwelling with two or more bedrooms, at least one of which is located behind the building alignment. Stacked parking is acceptable for additional spaces.	Parking rates for boarding houses from the SEPP apply. This clause is not applicable.	N/A

2.1.6 Solar Planning	<p>1) Demonstrate that dwellings meet acceptable solar standards and that existing neighbouring and proposed private open spaces receive adequate solar access:</p> <p>a) maximise potential for solar gain by placing windows in all exterior walls that are exposed to northern sun;</p> <p>b) ensure that the proposed development provides a minimum of 3 hours sunlight between 9am and 3pm on 21 June, to living zones of the dwelling, and the living zones of any adjoining dwellings;</p> <p>c) ensure 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, and</p> <p>d) where existing overshadowing by buildings and fences reduces sunlight to less than this, sunlight is not further reduced by more than 20%.</p>	<p>Sun studies have been carried out to show the neighbouring properties still receive the required sunlight in winter.</p> <p>In addition a sun study on the common room has been provided to show the common room receives the required amount of sunlight in accordance with the SEPP</p>	YES
2.1.7 Garden Design and Fences	<p>1) Retaining walls:</p> <p>a) generally should be no taller than 600mm;</p> <p>b) should be separated from any associated fence by a planter-bed at least 500mm wide, minimising the apparent overall height of fencing;</p> <p>c) should be separated from any driveway by a landscaped verge at least 500m wide, to prevent impact damage from vehicles.</p>	<p>A retaining wall around the 20m2 common area has been included in the design this wall is 500mm high. This wall shall be part of the fence facing Stafford street.</p> <p>There are no retaining walls near driveways</p>	YES

	<p>2) Fencing;</p> <p>a) Meets the requirements of the Dividing Fences Act 1991</p> <p>b) Fences should be generally no taller than 1.8m or up to 2.4m on sloping sites, including the height of any retaining wall.</p> <p>c) Fences along boundaries forward of the front building alignment should not be taller than 1.2m and consist of see-through construction;</p> <p>d) Fences along shared driveways or fronting a public park should be 1m tall, or if taller, of see-through construction.</p> <p>e) Fences in any location that can be seen from the street or fronts a public park frontage should not be constructed of solid metal panels.</p> <p>f) If frontage is to a noisy thoroughfares solid masonry walls are acceptable to a maximum of 1.8m if corners and planting beds are incorporated every 5m.</p> <p>g) Fencing of a "see-through Construction" includes panels set into a timber frame or between brick piers, where:</p> <p>h) Any solid base is not taller than 600mm; and</p> <p>i) Panels are spaced timber pickets or palings, or palisade fencing.</p>	<p>The fencing design has been included in this submission and meets all the requirements of this clause.</p>	YES
	<p>3) The rear boundary setback should provide:</p> <p>a) The principal area of private open space;</p> <p>b) a corridor of habitat, and a green backdrop that is visible from the street;</p> <p>c) conservation for any existing corridor of mature trees; and/or</p> <p>d) an interlocking canopy of low to medium-height trees and shrubs; predominantly species indigenous to the soils of Penrith City.</p>	<p>A comprehensive landscaping plan has been included in the application. The landscaping plan meets all the requirements of this clause.</p>	YES
	<p>4) Planting along side boundaries is to provide small-to medium height canopy trees for sun-shading and privacy separation between neighbouring dwellings and yards;</p>	<p>Side boundary planting has been included to improve sunshading and privacy see the included landscaping plan.</p>	YES
	<p>5) Planting along narrow service areas is to provide feature plantings of ground covers pavers or an alternative water-permeable material such as river pebbles.</p>	<p>A comprehensive landscaping plan has been included in the application. The landscaping plan meets all the requirements of this clause.</p>	YES

	6) Street frontages are to; a) be sympathetic to the natural setting and character in form materials and colour; and b) incorporate mixed species of trees, shrubs, and accent plantings including flowers, ground covers and turf; c) along noisy thoroughfares: noise attenuation with an interlocking canopy formed by at least two rows of trees under planted with dense hedges. d) maximize natural surveillance from the street to the building and from the building to the street.	A comprehensive landscaping plan has been included in the application. The landscaping plan meets all the requirements of this clause.	YES
2.1.8 Significant Landscapes	Not Applicable		N/A
2.1.9 Significant Townscapes	Not Applicable		N/A

Compatibility of the proposal with local character

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

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

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

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

- The design of the proposal and the orientation of the lot means that there is minimal overshadowing to adjoining properties, with adjoining properties retaining adequate solar access at mid winter
- Privacy impacts are mitigated through the use of building separation, reduced windows to side boundaries and highlight windows
- Noise impacts are reduced through siting the communal areas towards the Stafford Street.
- The development proposal does not result in the constrained development potential of the adjoining properties.

Therefore it can be seen that the physical impacts of the proposal are acceptable

In response to the second question set out in the planning principle regarding being **in harmony with surrounding buildings and the characteristics of the street**, the following comments are made:

- It is clear that the scale of the proposed buildings is consistent with the anticipated character of residential buildings in the area, as discussed above. This is particularly the case given that the LEP adopts a building height of 8.5m for the site with development in the vicinity of the site permitted to adopt comparable forms. The proposal incorporates a maximum height less than 8.5m and complies with the building height control prescribed within the LEP and therefore respects the character of the local area.
- The boarding house provides compatible setback to the front, rear and side allowing for substantial areas of open space and landscape plantings. The height is consistent with the planning controls and is a 2 storey design that appears as a 2 storey residential development comparable to other developments in the area
- The architectural style seeks to downplay overall bulk and scale and the contemporary design is anticipated to be reflective of future development in the locality.
- The above is reflected in the streetscape elevations, with the artist impression provided demonstrating the appearance of the development resembles a contemporary 2 story residential building that is consistent with the observed emerging character of the locality.

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

Conclusion

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

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

Having regards to the benefits of the proposal and taking into account the absence of adverse environmental, social or economic impacts, the application is submitted to Council for assessment and the granting of development consent. Grant Robinson Property Services recommends the approval of the application, subject to necessary, relevant and appropriate conditions of consent.