

# PENRITH CITY COUNCIL

## MAJOR ASSESSMENT REPORT

<b>Application number:</b>	DA18/0810
<b>Proposed development:</b>	Demolition of Existing Structures & Construction of Two (2) Storey Boarding House containing 16 Boarding Rooms & Basement Car Parking
<b>Property address:</b>	1 Edna Street, KINGSWOOD NSW 2747
<b>Property description:</b>	Lot 87 DP 241989
<b>Date received:</b>	15 August 2018
<b>Assessing officer</b>	Sufyan Nguyen
<b>Zoning:</b>	Zone R3 Medium Density Residential - LEP 2010
<b>Class of building:</b>	Class 3
<b>Recommendations:</b>	Approve

### Executive Summary

Council is in receipt of a development application for a two (2) storey boarding house at 1 Edna Street, Kingswood. The proposed boarding house has a total of sixteen (16) rooms accommodating up to a total of nineteen (19) lodgers with associated kitchenettes, bathrooms and a communal living area. The subject site is zoned R3 Medium Density Residential under the *Penrith Local Environmental Plan 2010* and the proposal is subject to *State Environmental Planning Policy (Affordable Rental Housing) 2009*. The development proposal is permissible with Council consent.

The key issues identified and addressed as part of the assessment of the proposal were in regard to the following matters:

- The bulk and scale of the proposal
- Compatibility with the desired future character of the local area
- Encroachment in to the front setback
- Residential amenity and community safety
- Equitable accessibility
- Potential amenity and privacy impacts on adjoining properties
- Provision for adequate parking and vehicle manoeuvring
- Provision for waste storage

The application has been notified to nearby and adjoining properties and advertised in the local newspaper. Council notified fifteen (15) properties in the immediate and surrounding area with the application exhibited from the 20 August 2018 until 14 September 2018. Two (2) submissions were received during this notification period. Following the conclusion of this notification period, a further twenty-one (21) submissions were received, noting that there were thirteen (13) proforma letters. Therefore, a total overall of ten (10) unique submissions were received and in this regard the application is referred for determination by the Local Planning Panel. It is noted that correspondence was provided to the objectors dated 7 March, 2019 and 18 April, 2019 addressing concerns raised.

It is also noted that the proposal was subject to a pre-Development Application meeting held with Council Officers on the 29 May, 2018.

An assessment of the proposal under Section 4.15 of the *Environmental Planning and Assessment Act 1979* has been undertaken and the application is recommended for approval, subject to recommended conditions.

## Site & Surrounds

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The subject site has a street address of 1 Edna Street, Kingswood and is legally described as Lot 87, DP 241989. The site has a land area of 651m<sup>2</sup> and is rectangular in shape with a 18.29m frontage and a depth of 35.66m. The site is situated on the north-western T-junction corner of Edna Street and Callow Lane. The front of the site is slightly affected by local overland flow flooding and majority of Callow Lane is inundated in the case of an 1% AEP event. The site is generally flat and currently contains a single dwelling and ancillary structures.

The surrounding area is typically characterised by traditional single dwellings and multi unit housing. The site adjoins a cluster of local shops eastwards and to the north is Chapman Gardens green open space located on the T-Junction of Second Avenue and Callow Lane approximately 60m northwards. The nearest bus stops are available approximately 68m - 85m north-eastwards and Western Sydney University, Kingswood is located 380m eastwards. Kingswood Train station is situated 770m north-westwards on the Great Western Highway.

## Proposal

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The applicant seeks development consent for the demolition of existing structures and the erection of a two storey 16 x boarding room with basement parking boarding house at 1 Edna Street, Kingswood.

The proposal includes the following aspects:

- 16 boarding rooms consisting of thirteen (13 single bed) and three (3) double bed rooms (including 2 accessible rooms on ground floor)
- Capacity to accommodate up to 19 lodgers
- Accommodation room sizes 12.0m<sup>2</sup> - 20.04m<sup>2</sup>
- Ground floor common room (39.82m<sup>2</sup>)
- Outdoor communal open space (116.94m<sup>2</sup>)
- Platform lift from basement
- 8 basement car parking spaces (including 1 accessible parking space)
- Waste room (12 x waste/recycling bins)
- Landscaping works
- Below ground OSD system

## Plans that apply

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- Local Environmental Plan 2010 (Amendment 4)
- Development Control Plan 2014
- State Environmental Planning Policy (Affordable Rental Housing) 2009
- State Environmental Planning Policy No 55—Remediation of Land
- Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River

## Planning Assessment

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### • Section 4.15 - Evaluation

The development 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 79C(1)(a)(i) The provisions of any environmental planning instrument

#### **State Environmental Planning Policy (Affordable Rental Housing) 2009**

The *State Environmental Planning Policy (Affordable Rental Housing) 2009* (SEPP ARH) aims to deliver affordable rental housing. Under Clause 8 Relationship with other environmental planning instruments of the SEPP ARH, in the event that there is an inconsistency between this policy and an environmental planning instrument, the SEPP prevails to the extent of the inconsistency. The provisions of the SEPP ARH relevant

to boarding houses are addressed below.

### **Permissibility**

Boarding houses are defined under the standard instrument as:

**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 ARH SEPP provides that development for the purposes of boarding houses may be carried out with consent in a number of zones, including the R1 General Residential, R2 Low Density Residential, R3 Medium Density Residential, R4 High Density Residential, B1 Neighbourhood Centre, B2 Local Centre and B4 Mixed Use zones or within a land use zone that is equivalent to any of those zones. The site is subject to a R3 zoning and the proposal is a permissible land use.

### **Development Standards**

*Clause 29 Standards that cannot be used to refuse consent* stipulates a number of standards that cannot be used as grounds to refuse consent by a consent authority. These standards are addressed 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, or*

N/A as no FSR standard is applicable to the site under the *Penrith Local Environmental Plan 2010*.

- (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, or*

N/A as residential accommodation is permitted.

- (c) *if the development is on land within a zone in which residential flat buildings are permitted and the land does not contain a heritage item that is identified in an environmental planning instrument or an interim heritage order or on the State Heritage Register—the existing maximum floor space ratio for any form of residential accommodation permitted on the land, plus:*

- (i) *0.5:1, if the existing maximum floor space ratio is 2.5:1 or less, or*
- (ii) *20% of the existing maximum floor space ratio, if the existing maximum floor space ratio is greater than 2.5:1.*

N/A as no FSR standard is applicable to the site.

- (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.*

Consistent. The proposal has a maximum building height of approximately 7.4m and is compliant with the 8.5m maximum height of building standard applicable to the site.

- (b) **landscaped area**

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

Consistent. The proposal has a 7.8m front setback which is compatible with the front setback of neighbouring dwellings. It is noted that the proposal includes a pathway, an access ramp and paved area for the waste room within the front setback area, forward of the building line. However, it is considered that sufficient landscaping works are proposed to screen these hardstand areas. This will ensure that the proposal is compatible with the streetscape and its immediate surrounds.

**(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.*

Consistent. The proposal makes provision for a north and west-facing ground level communal living room in the rear of the building. The communal living room contains northern, western and eastern facing windows which satisfies the minimum solar access requirements.

**(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,*

Consistent. The proposed development provides approximately 116.94m<sup>2</sup> of useable private open space in the rear yard area with a 4.002 - 5.432m rear northern setback. The outdoor communal space also includes decking with a width of 3m within the northern side boundary setback of the property, which is satisfactory.

**(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*
- (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,*

The subject site is within an accessible area and the proposal is subject to a parking rate of 0.5 parking spaces per boarding room. The proposal has a total of sixteen (16) boarding rooms which requires eight (8) car spaces. Eight (8) basement car spaces including one (1) accessible car space is provided which is satisfactory.

**(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.*

Consistent. The proposed boarding rooms are thirteen (13) single rooms with gross floor areas (GFA) of between 12.0m<sup>2</sup> - 14.88m<sup>2</sup> and three (3) double rooms with a GFA's of between 17.90m<sup>2</sup> to 20.04m<sup>2</sup>.

- (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.*

Consistent. The proposal incorporates a self-contained kitchen and bathroom within each boarding room.

*Clause 30 Standards for boarding houses* stipulates a number of standards that must be satisfied prior to the granting of consent to development for the purposes of a boarding house. Comment is provided below against these provisions.

*(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,*

Consistent. The proposal provides one (1) ground level communal living room.

*(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,*

Consistent. The maximum accommodation size for any proposed boarding room is 20.04m<sup>2</sup>.

*(c) no boarding room will be occupied by more than 2 adult lodgers,*

Consistent. A condition of consent is to be imposed that restricts any boarding room to a maximum of two (2) adult lodgers at any one time. It is also noted that plans provided are consistent in identifying a maximum of 2 lodgers to any one room.

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

Consistent. The proposal incorporates a self-contained kitchen and bathroom within each boarding room.

*(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.

*(f) (Repealed)*

*(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,*

The subject site is situated within a R3 Medium Density Residential zone.

*(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.*

Consistent. The proposal has a total of sixteen (16) boarding rooms which requires four (4) parking spaces each for bicycles and motorcycles. The proposal makes provision for four (4) bicycle and four (4) motorcycle parking spaces which is satisfactory.

### **Clause 30A (Character of Local Area)**

This clause requires that:

*"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."*

Concerns were initially raised with the proposal in regards to an encroachment into the establishing front building line along the northern side of Edna Street and minimal front landscaping, noting an extensive amount of hardstand area for the pedestrian accessway and basement driveway, and also a front terrace area. The original design was considered to lack sufficient articulation and contains visually dominant privacy louvres along the west elevation. As such, the proposal as amended, now incorporates suitable front landscaping and an appropriate mix of architectural design elements including treatment of the western edge of the basement entry

via the provision of a pergola and associated landscaping, which is considered to be compatible with the desired future character of the surrounding area.

#### **Clause 52 (Subdivision of Boarding Houses)**

This clause stipulates that boarding houses cannot be strata title or community title subdivided. Neither strata title or community title subdivision forms part of the proposal.

### **State Environmental Planning Policy No 55—Remediation of Land**

*State Environmental Planning Policy No. 55 – Remediation of Land* (SEPP 55) provides aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment. Under Clause 7 of SEPP 55, it must be considered as to whether the land is contaminated, and if so, Council must be satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which development is proposed to be carried out. In this regard, the subject site has been used for residential purposes for a number of years and the nature of the use will continue to be for residential purposes. Further, it is noted that aerial observation mapping indicates that the site does not appear to contain any unknown imported fill.

### **Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River**

An assessment has been undertaken of the proposal against relevant criteria within *Sydney Regional Environmental Plan No. 20—Hawkesbury-Nepean River* (No. 2—1997) and the proposal is satisfactory subject to recommended conditions of consent.

### **Local Environmental Plan 2010 (Amendment 4)**

<b>Provision</b>	<b>Compliance</b>
Clause 1.2 Aims of the plan	Complies
Clause 2.3 Permissibility	Complies - See discussion
Clause 2.3 Zone objectives	Complies
Clause 2.7 Demolition requires development consent	Complies
Clause 4.3 Height of buildings	Complies
Clause 4.4 Floor Space Ratio	N/A
Clause 7.2 Flood planning	Complies - See discussion
Clause 7.4 Sustainable development	Complies
Clause 7.6 Salinity	Complies
Clause 7.7 Servicing	Complies

#### **Clause 2.3 Permissibility**

The provision of a boarding house within the subject site's R3 Medium Density Residential zoning is permissible, subject to development consent from Council.

#### **Clause 7.2 Flood planning**

It is noted that the site is partially affected by an overland flow path which traverses a part of the front of the site. However, the building footprint is clear of any overland flooding flows and conditions of consent are to be imposed to ensure that habitable floor levels are at an appropriate height in accordance with flood planning controls. These measures will ensure that the development proposal does not pose any risk to human life or property.

## **Section 79C(1)(a)(ii) The provisions of any draft environmental planning instrument**

The *Draft Environment State Environmental Planning Policy* (SEPP) was exhibited from 31 October 2017 to 31 January 2018, which will simplify the planning rules for a number of water catchments, waterways, urban bushland, and Willandra Lakes World Heritage Property. These environmental policies will be accessible in one location, and updated to reflect changes that have occurred since the creation of the original policies.

The Draft Environmental SEPP proposes to consolidate the following seven existing SEPPs:

- *State Environmental Planning Policy No. 19 – Bushland in Urban Areas*
- *State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011*
- *State Environmental Planning Policy No. 50 – Canal Estate Development*
- *Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment*
- *Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River (No.2-1997)*
- *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005*
- *Willandra Lakes Regional Environmental Plan No. 1 – World Heritage Property*

Changes are also proposed to the Standard Instrument – Principal Local Environmental Plan. Some provisions of the existing policies will be transferred to new Section 117 Local Planning Directions where appropriate.

In consideration of the aforementioned, noting that the proposal does not pose any significant impacts on the surrounding environment, the proposal is not considered to be inconsistent with this Draft Instrument.

Further to the above, the *Draft Remediation of Land State Environmental Planning Policy*, which will repeal and replace the current *State Environmental Planning Policy No 55—Remediation of Land* was exhibited from 31 January to 13 April, 2018.

It is proposed the new land remediation SEPP will:

- provide a state-wide planning framework for the remediation of land
- maintain the objectives and reinforce those aspects of the existing framework that have worked well
- require planning authorities to consider the potential for land to be contaminated when determining development applications and rezoning land
- clearly list the remediation works that require development consent
- introduce certification and operational requirements for remediation works that can be undertaken without development consent.

In consideration of the proposed changes, noting that the subject site has no known history of land contamination, in addition to an appropriate condition of consent that is recommended in relation to any potential asbestos handling and/or removal, as stipulated by EPA requirements, the proposal is not considered to be inconsistent with this draft instrument.

## Section 79C(1)(a)(iii) The provisions of any development control plan

### Development Control Plan 2014

Provision	Compliance
DCP Principles	Complies
C1 Site Planning and Design Principles	Complies - see Appendix - Development Control Plan Compliance
C2 Vegetation Management	Complies - see Appendix - Development Control Plan Compliance
C3 Water Management	Complies - see Appendix - Development Control Plan Compliance
C4 Land Management	Complies
C5 Waste Management	Complies - see Appendix - Development Control Plan Compliance
C6 Landscape Design	Complies
C7 Culture and Heritage	N/A
C8 Public Domain	N/A
C9 Advertising and Signage	N/A
C10 Transport, Access and Parking	Complies - 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	Complies - 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	Complies - see Appendix - Development Control Plan Compliance

## Section 79C(1)(a)(iiia) The provisions of any planning agreement

There are no planning agreements applying to the development proposal.



## **Section 79C(1)(a)(iv) The provisions of the regulations**

The relevant prescribed conditions of the Regulations, such as the requirement for compliance with the Building Code of Australia and fire safety requirements, will be imposed as conditions of consent where applicable. Subject to the recommended conditions of consent, the proposed development complies with the requirements of the *Environmental Planning and Assessment Regulation 2000*.

Further, the development application has been notified, exhibited and advertised in accordance with the requirements of the regulations.

## **Section 79C(1)(b) The likely impacts of the development**

Under Section 4.15 of the Act, consideration must be given to the likely impacts of the development, including environmental impacts on both the natural and built environments, and the social and economic impacts in the locality.

In this regard, a number of amendments were required to the design as detailed within this report. The revised design is considered to be compatible with the character of the local area given the compliant front setback and suitable front landscaped area treatment. The proposal is considered to incorporate sufficient articulation which reduces the building's overall bulk. In this regard, the size and scale of the proposal is considered to be comparative with its surrounds also noting recessed first floor elements to the eastern facade, the use of landscaping to its perimeter and proposed colours and finishes schedule. Suitable landscape buffers and privacy measures, such as privacy screens and highlight windows are also considered to mitigate amenity and privacy impacts on adjoining properties. Further, the proposal makes provision for adequate residential amenity and services, as stipulated under SEPP ARH. The proposal also satisfies CPTED and community safety principles.

In terms of socio-economic impacts, the proposal is not considered to create a significant impact on the local community given that the proposal is compliant with the relevant provisions related to boarding houses and suitable management practices have been identified as being in place, including a Plan of Management.

The proposal is also considered to provide for a minor increase in local traffic flow. The traffic generated by the proposal is considered to be negligible adverse impacts on the local road network noting the compliant car parking provided on-site. The proposal will provide on-site parking for motor vehicles, motorcycles and bicycles in accordance with SEPP ARH requirements.

Therefore, it is not considered likely that the proposed development will result in any significant impacts on the surrounding natural or built environments or amenity or privacy of adjoining or nearby properties. Further considerations are detailed below in the Community Consultation section of this report in response to concerns raised during and after the notification period.

## **Section 79C(1)(c) The suitability of the site for the development**

The proposal is of a suitable bulk and scale and is not considered likely to result in any significant impacts on the surrounding natural or built environments including local traffic flows. The site provides adequate basement parking and sufficient connections to services. The site is in proximity to public transport and amenities including recreational activities. The site's soil profile is suitable for the development and the site does not contain any significant flora or fauna or valuable resources. Furthermore, the proposal poses no flooding risk or is subject to any other natural hazards. The site is therefore considered to be suitable for the proposal.

## **Section 79C(1)(d) Any Submissions**

### **Community Consultation**

In accordance with Appendix F4 Notification and Advertising of *Penrith Development Control Plan 2014*, The proposed development was notified to nearby and adjoining properties and advertised in the local newspaper. Council notified fifteen (15) properties in the immediate and surrounding area and the application was exhibited for a period of 14 days from 31 August 2018 to 14 September 2018. During this notification period, two (2) submissions were received in response and after this notification period, a further twenty-one (21) submissions

were received, noting that there were thirteen (13) proforma letters. Overall, a total of ten (10) unique submissions were received, however, the concerns raised are not considered to impede approval of the application.

Key concerns raised in relation to the development proposal were as follows:

Issue Raised	Comments
<b>Notification</b>	<ul style="list-style-type: none"> <li>The proposed boarding house was advertised, notified to adjoining and nearby properties and publicly exhibited in accordance with Appendix F of the <i>Development Control Plan 2014</i> (DCP). It is noted that submissions may be received and considered after the conclusion of the notification period as is the case with this current submission.</li> </ul>
<b>R3 Medium Density Residential Zone</b>	<ul style="list-style-type: none"> <li>Council will be working with the community over the next two years to develop a Local Strategic Planning Statement (LSPS), and review and update the existing <i>Penrith Local Environmental Plan 2010</i> (LEP). During this time, opportunities are available to inform the framework that will help guide decisions about land use in Penrith City over the next 20 years.</li> <li>Council's City Planning Team are also responding to a request from Council to consider the appropriateness of the R3 Medium Residential zone in parts of Kingswood in advance of the LEP review.</li> <li>It is noted that Boarding Houses are also a permissible land use with consent in an R2 Low Density Residential zone.</li> <li>Further, the site is in close proximity to Western Sydney University, Kingswood, Penrith Health &amp; Education Precinct, local shops and public transport.</li> <li>The proposal is considered to be compatible with the local area and a suitable scale noting the provisions of the current R3 zoning.</li> </ul>
<b>Boarding House Provisions</b>	<ul style="list-style-type: none"> <li>Council has most recently adopted new development controls for boarding houses in the DCP (being Section D5.11) on 21 December 2018, noting that the application was submitted before these amendments were adopted. These controls are in response to the increase of boarding house applications, community concerns and a review of Council's development controls.</li> <li>The proposal has been assessed in accordance with Section 5.11 Boarding Houses of the DCP and considered to satisfy the objectives of these provisions.</li> <li>In regards to any amendments to the <i>State Environmental Planning Policy Affordable Rental Housing (2009)</i> (SEPP ARH) provisions, these matters are a consideration for the Planning Minister.</li> </ul>

<b>Suitability of a Boarding House Development</b>	<ul style="list-style-type: none"> <li>It is noted that the site is in close proximity to Western Sydney University, Kingswood, TAFE, Penrith Health &amp; Education Precinct, local shops, public transport and green open space. Given the location of the site and proximity to employment, it is considered that the subject site is suitable for a boarding house.</li> <li>In regards to the type of development applications submitted to Council, the applicant has pursued a boarding house development which is up to the discretion of the applicant and a permissible land use with consent in the R3 zone.</li> <li>In relation to the cumulative impacts of boarding rooms, boarding house proposals undergo comprehensive scrutiny during the development approval process, which includes an internal review by appropriate staff ensures that the site is deemed suitable for the proposed development and that there be no unreasonable adverse impacts on the surrounding area.</li> </ul>
<b>Demand for Boarding Houses</b>	<ul style="list-style-type: none"> <li>The site is in close proximity to Western Sydney University, Kingswood, Penrith Health &amp; Education Precinct, local shops, public transport and green open space.</li> <li>The demand for affordable housing in this location is market driven.</li> </ul>
<b>Local Character</b>	<ul style="list-style-type: none"> <li>The building design underwent revision to ensure compatibility with the desired future character of the area and existing surrounding residential housing stock.</li> <li>Amendments include further articulation to the building facades such as rendering, cladding, colour diversity, removal of a pergola feature, etc, which are considered acceptable.</li> <li>The building is compliant with the 8.5 maximum building height requirement applicable to the site.</li> <li>The two storey building is an acceptable form of development in a residential area.</li> <li>The proposal provides generous landscaping embellishment which will aid in visual relief in terms of the overall bulk of the building.</li> <li>The proposal's physical impacts and relation to the streetscape is considered to be acceptable. The built form is considered to provide sufficient articulation and traditional design features to ensure that the building's appearance is in harmony with the adjoining and nearby buildings.</li> </ul>

## Parking & Traffic

- The proposal satisfies the minimum car parking requirements stipulated under SEPP ARH (0.5 parking spaces per boarding room - i.e. eight (8) on-site parking spaces for sixteen (16) boarding rooms). It is noted that previous boarding house approvals were assessed under the superseded parking space rate of 0.2 parking space per boarding room and in this regard the current controls are more stringent.
- Council's Traffic Engineer has advised that on-site parking and vehicle manoeuvring is satisfactory and the access driveway location proposed complies with the relevant standards. It is also noted that the driveway is in the same location as the existing driveway.
- The proposal has been assessed in accordance with the trip rates in the Guide to Traffic Generating Development of the Road and Maritime Services and has found to be satisfactory.
- The proposal is considered to be of a suitable scale and is not considered likely to result in any significant impacts on parking or local traffic flows.
- The Traffic Impact Report has been amended to classify the proposal from a motel to a new age boarding house which was reviewed by Council Staff and considered to be satisfactory.
- A condition of consent is to be imposed with any determination granted to ensure that the proposal is compliant with relevant Australian Standards and car parking provisions.
- The accessible parking space that was initially located within the rear yard area has been removed and relocated in the basement car park which is considered to provide for an improved design outcome. This is considered to reduce local traffic flows from Callow Lane and is also considered to protect the amenity of the northern adjoining property.
- It is noted that the site is within 100m walking distance from bus stops with hourly services during peak times and is therefore an accessible area.
- In consideration of the possible type of tenants who are generally low-income earners or students that utilise public transport, it is unlikely that all tenants will own a vehicle and require parking spaces minimising the impact on the existing road network.
- Given the nature of the development, it is unlikely that all the future tenants will own vehicles as boarding rooms do allow for a variety of users, such as students who may commute via public transport or on foot if attending the nearby Western Sydney University for instance.

<b>Amenity Impacts</b>	<ul style="list-style-type: none"> <li>• The application was accompanied by a Noise Impact Assessment Report which was reviewed by Council's Environmental Management Officer. The report demonstrates that the predicted noise levels in particular the outdoor communal area are satisfactory.</li> <li>• In the event of any on-going noise complaints, a noise impact assessment is required to be undertaken to address any concerns raised.</li> <li>• A condition of consent is recommended to restrict the outdoor communal area being used by a maximum of ten (10) users at any one time between 6am to 10pm, Monday to Sunday, and no users between 10pm and 7am, Monday to Sunday.</li> <li>• The minor increase in vehicles is not considered likely to result in any significant impacts on public health given the vast green open space areas, number of trees in the locality and availability amenities.</li> </ul>
<b>Solar Access</b>	<ul style="list-style-type: none"> <li>• The proposal retains adequate solar access to neighbouring properties (i.e. a minimum of 3 hours sunlight to living zones and 40% of the main private open space areas at winter solstice on June 21).</li> </ul>
<b>Visual Privacy</b>	<ul style="list-style-type: none"> <li>• The property has a separation distance of approximately 40m from the property at 4 Edith Street, Kingswood and is not considered to result in any direct privacy impacts to the south of the site.</li> <li>• The proposal incorporates upper level obscure glazing and privacy louvre windows along the western side and northern rear elevations to minimise overlooking concerns.</li> <li>• Adequate tree screening is provided along the western side and northern rear boundaries in the form of Lilly Pilly trees that have the capacity to grow to a minimum height of 2m at maturity.</li> <li>• These mitigation measures discussed above are considered to minimise any overlooking and privacy impacts on adjoining properties.</li> </ul>
<b>Community Safety</b>	<ul style="list-style-type: none"> <li>• Council's Community Safety Officer and Environmental Team has reviewed the proposal and raised no concerns regarding the nature of the development, noting its location and surrounding land uses.</li> <li>• Condition of consent with any determination granted are to be imposed to ensure that the proposal complies with Crime Prevention Through Environmental Design (CPTED) and community safety principles.</li> <li>• All tenants are required to be registered as required under the <i>Boarding Houses Act 2012</i>.</li> <li>• Any approval granted will also be accompanied by a Plan of Management in relation to the operation of the boarding house and resolution of any conflicts which may arise.</li> </ul>

<b>Social Impacts</b>	<ul style="list-style-type: none"> <li>• The proposal is to adhere to a plan of management for the operation and management of the proposed boarding house. The plan of management is to be included as a condition of consent with any development consent granted. The plan of management incorporates strategies and procedures to address potential social or environmental impacts associated with the boarding house.</li> <li>• In situations where issues related to the boarding house arise, an appointed management agent will be contactable on a 24-hour basis.</li> <li>• The proposed boarding house is not considered likely to result in any instability for the locality given that appropriate management processes are in place and will be maintained during its operations.</li> </ul>
<b>Residential Amenity</b>	<ul style="list-style-type: none"> <li>• The proposal satisfies the minimum private open space (POS) requirement of 20m<sup>2</sup> and provides for a communal living room as stipulated under SEPP ARH provisions.</li> <li>• It is noted that the terrace has been relocated from the western side boundary to the rear POS area. This is considered to reduce any adverse impacts on adjoining properties given the adequate separation distances from neighbouring POS areas and the northern adjoining large trees.</li> </ul>
<b>Maximum Number of Tenants</b>	<ul style="list-style-type: none"> <li>• The proposed boarding room contains 16 boarding rooms with a maximum tenancy rate of 19 tenants.</li> </ul>
<b>On-Site Manager</b>	<ul style="list-style-type: none"> <li>• Under SEPP ARH, an on-site manager is not warranted for a boarding house which does not have the capacity to accommodate less than 20 lodgers.</li> <li>• The proposal has the capacity to accommodate up to 19 residents only.</li> <li>• The proposal is subject to adherence to a Plan of Management which has been assessed by Council's Social Planning and Community Safety Officers and is deemed satisfactory in terms of providing effective management and guidelines to deter anti-social behaviour.</li> </ul>

<b>Waste Management</b>	<ul style="list-style-type: none"> <li>• The proposal includes a waste storage room and associated infrastructure capable of housing 12 x 240L bins. The waste management system has been reviewed by Council's Senior Waste Planning Officer who has advised that the waste management system is in accordance with Council's residential waste management guidelines.</li> <li>• It is noted that the proposal will be serviced by a waste collect and return system whereby the bins are collected from the waste collection room, emptied in the waste collection vehicle and returned to the waste collection room. It is also noted that residual and recycling waste streams are collected on alternate days.</li> </ul>
<b>Stormwater Management</b>	<ul style="list-style-type: none"> <li>• The stormwater plan was revised in accordance with Council's requirements for the on-site stormwater detention system in Council's Stormwater Drainage Specifications for Building Developments Policy. Council's Development Engineer reviewed the revised stormwater plan and noted that the proposal makes provision for adequate stormwater drainage. This will ensure that there are no adverse impacts on adjoining properties and Council's drainage network subject to the implementation of any drainage works.</li> </ul>
<b>Pedestrian Pathway</b>	<ul style="list-style-type: none"> <li>• The proposal includes a new pedestrian pathway in front of the property and a 2m x 2m splay corner in the south-western corner of the property which complies with Council's standards.</li> </ul>
<b>Construction Works</b>	<ul style="list-style-type: none"> <li>• A Geotechnical Report will be submitted to the Principal Certifying Authority prior to any basement construction works commencing. This will ensure that the basement construction will be undertaken in a manner which will not undermine existing adjacent structures.</li> <li>• Conditions of consent will require that the construction phase is to be undertaken in a manner that minimises any adverse impacts on the surrounding area. This includes requiring protection measures are in place, such as mitigating dust, erosion/sedimentation, noise/vibration and traffic flows. In cases where construction works present a hazard or nuisance, the matter can be reported to the Principal Certifying Authority for action.</li> <li>• It is noted that the proposal does not include the removal of any significant trees and that the landscape plan provides generous landscaping embellishment across the site, including 2 medium sized trees at the front of the site, and 1 medium sized tree in the rear yard area.</li> </ul>

<b>Future Resale Value</b>	<ul style="list-style-type: none"> <li>Council is unable to predict that properties will lose values as a result of the boarding house development noting the number of variable factors involved in calculation of any such figure including development potential, and therefore cannot prohibit a boarding house on this basis.</li> </ul>
<b>Classification</b>	<ul style="list-style-type: none"> <li>The proposal is defined as a boarding house under the SEPP ARH and LEP.</li> <li>While so, it is noted that the proposal makes provision for a kitchen and bathroom for each boarding room. While this may not be required, this aspect does not change the classification of the proposal being a boarding house.</li> </ul>
<b>Edward Street Images</b>	<ul style="list-style-type: none"> <li>The images of Edward Street in the Statement of Environmental Effects appears to be an error in the report.</li> </ul>
<b>Property Acquisition</b>	<ul style="list-style-type: none"> <li>The acquisition of property is not generally required to be publicly notified. In this regard, public access is made available under the Government Information (Public Access) Act 2009 (GIPA Act).</li> <li>In regards to who the owner(s)/developer(s) is of a property, this aspect does not form any part of the development assessment process and therefore cannot prohibit a boarding house on this basis.</li> </ul>
<b>Existing Boarding Houses</b>	<ul style="list-style-type: none"> <li>There are no current development standards or controls restricting the number of boarding houses in a locality and the assessment has not been identified any unreasonable impacts resulting from cumulative proposals in this immediate location.</li> </ul>

Email responses and letters were sent to the submitters on 11 March 2019 and 18 April 2019 advising of the above consideration given to their concerns.

## Referrals

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

<b>Referral Body</b>	<b>Comments Received</b>
Building Surveyor	No objections - subject to conditions
Development Engineer	No objections - subject to conditions
Environmental - Environmental management	No objections - subject to conditions
Environmental - Waterways	No objections - subject to conditions
Environmental - Public Health	No objections - subject to conditions
Waste Services	No objections - subject to conditions
Traffic Engineer	No objection subject to conditions
Community Safety Officer	No objections - subject to conditions
Tree Management Officer	No objections - subject to conditions
Social Planning	No objections



## Section 79C(1)(e)The public interest

Given the nature and scale of the development proposal, in addition to the proposal being largely compliant with the applicable development controls, the development is not considered likely to generate any significant issues of public interest. The proposal is considered to be consistent with the relevant Environmental Planning Instruments. In this regard, the public interest is served as the development as amended is considered to have adopted the predominant design characteristics found within the surrounding area and will also improve opportunities for low cost rental housing in an appropriate location.

## Section 94 - Developer Contributions Plans

The following development contribution plans apply to the site:

- Cultural Facilities
- District Open Space Facilities
- Penrith City Local Open Space

The following development contributions apply to the proposed development:

### Calculations for Boarding House

#### *Cultural Facilities*

Number of boarding rooms	x	Rate	Credit for existing dwelling	Contribution rate
16	x	1.34	3.0	18.44

#### *District and Local Open Space Facilities*

Number of boarding room	x	Rate	Credit for existing dwelling	Contribution rate
16	x	1.34	3.1	18.34

### AMOUNTS

Contribution Plan	Contribution Rate x Calculation Rate	Total
Cultural Facilities	18.44 x \$171.00	\$3,153.00
District Open Space	18.34 x \$1,978.00	\$36,277.00
Local Open Space	18.34 x \$715.00	\$13,113.00
NET TOTAL		\$52,543.00

## Conclusion

In assessing this proposal against the relevant environmental planning policies, being *Penrith Local Environmental Plan 2010*, *Penrith Development Control Plan 2014*, *State Environmental Planning Policy (Affordable Rental Housing) 2009* and *Sydney Regional Environmental Plan No. 20—Hawkesbury-Nepean River (No. 2—1997)*, the proposal satisfies the aims, objectives and provisions of these policies. The proposal does not contravene any development standards and is unlikely to have any significant impacts on the natural, social or economic environments. The site is suitable for the development and the proposal is in the public interest. Therefore, the application is worthy of support and is recommended for approval subject to conditions.

## Recommendation

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1. That DA18/0810 for a two (2) storey boarding house with sixteen (16) boarding rooms and basement parking at 1 Edna Street, Kingswood be approved subject to the attached conditions.
2. That those making submissions are notified of the determination.

## General

### 1 A001

The development must be implemented substantially in accordance with the following plans and documents stamped approved by Council, the application form and any supporting information received with the application, except as may be amended in red on the stamped approved plans and by the following conditions.

Drawing Title	Prepared By	Project No.	Drawing No.	Dated	Revision
Roof Site/Analysis Plan	Designcorp Architects	2018-140	I0	03/04/2019	i
Basement Floor Plan/Ground Floor Plan	Designcorp Architects	2018-140	I3	03/04/2019	i
First Floor Plan	Designcorp Architects	2018-140	I4	03/04/2019	i
Elevations/Section C	Designcorp Architects	2018-140	I5	03/04/2019	i
Section A - B/Accessible Rooms	Designcorp Architects	2018-140	I6	03/04/2019	i
Materials and Finishes Schedule	Designcorp Architects	2018-140	I9	03/04/2019	i
Landscape Plan	Andrew Murphy Design	2018-053	B01	18/11/2018	--
Stormwater Plans	Australian Consulting Engineers	180698	000, 101-105	23/01/2019	D

### Documents

- BASIX Certificate No. 946915M, dated 2 August, 2018 as amended to reflect the stamp approved plans and submitted to the Principal Certifying Authority, **prior to the issue of a Construction Certificate**,
- Plan of Management, Reference: New Generation Boarding House: 1 Edna Street, Kingswood prepared by Think Planners, dated 18 November, 2018, as amended by Condition 6 and Condition 55,
- Section-J Report prepared by Outsource Ideas Pty Ltd, Project Reference No. 2018-140, Revision E, dated 8 June, 2018,
- Arboricultural Development Impacts Assessment Report - 1 Edna Street, Kingswood NSW, prepared by Birds Tree Consultancy, Revision C, dated 5 July, 2017,
- Noise Impact Assessment Report prepared by Rodney Steven Acoustics, Reference No. Report 180260R1, Revision 1, dated 15 November, 2018,
- Traffic Impact Report and Car Parking Certification prepared by Safe Way Traffic Management Solutions, Reference: 1 Edna Street, Kingswood - Proposed New Generation Boarding House, Revision 1, dated November 2018,
- Access Report prepared by Vista Access Architects, Reference No. 18114, and
- Waste Management Plan prepared by Designcorp Australia Pty Ltd, dated 4 July, 2018.

### 2 A002

"The plans shall be amended to address the following issues to the written satisfaction of the Development Services Manager **prior to the issue of the Construction Certificate**;

- a) Deletion of the northern first floor balcony off the corridor. This may be repositioned to the southern elevation off the corridor, if desired. The remaining northern window shall include obscure glazing or fixed external louvres to a height of at least 1600mm above first floor finished level;
- b) Incorporation of a concrete cover at ground level over the driveway entrance at its northern end, adjacent to Room 5, extending south-wards to the furthest extent possible, while still meeting head clearance and disabled carparking access provisions (2200mm clearance);
- c) Incorporation of landscaping with a minimum depth of soil of 600mm along the western side of the ground floor to allow planting to further ameliorate the visual and acoustic privacy impacts to the west. The rainwater tank shall be repositioned further north, closer to the Common Room to minimise use of this landscaped area. This shall also be included in a revised and updated landscape plan, including ongoing irrigation and maintenance;
- d) If proposed, air-conditioning shall be by a centralised unit and located along the eastern elevation at least 6m from the northern boundary".

3 **A003**

In order to monitor and evaluate the successful management of the premises, this consent is granted on a trial period basis, in relation to the use of Room 4 as a boarding room, ending two years after the issue of an Occupation Certificate. An application to continue the use of this room may be made prior to this trial period ending, and in assessing such an application, the Council shall have regard to any substantiated complaints, the views of the Local Area Command of NSW Police and the history of the management of the premises. If such review demonstrates substantiated problems then the Council may require the ground floor south-eastern room (Room 4) to be made a permanent on-site Manager's residence.

4 **A004**

**Prior to the issue of an Occupation Certificate**, a footpath shall be installed for the full Edna Street frontage, to Council's satisfaction and approval.

5 **A005**

**Prior to the issue of an Occupation Certificate**, a telephone landline located in the common room which allows free calls to the site Manager and emergency services shall be installed.

6 **A006**

**Prior to the issue of the Construction Certificate**, the submitted Plan of Management shall be amended to address the following issues, to the written satisfaction of the Development Services Manager;

- a) provision of a landline in the common room;
- b) provision of secure access to the basement carpark, limited to the 8 allocated car spaces;
- c) display, at the entrance to Edna Street and on the rear stair wall facing Callow Lane, in a clear and legible font, the contact number and details of the site manager and 24 hour telephone contact details;
- d) provisions to ensure the site manager is appropriately trained in conflict and dispute resolution;
- e) community liaison procedures during demolition, construction and ongoing operations following occupation, to facilitate open lines of communication regarding the impact and management of the premises.

7 **A007**

The premises shall be managed in perpetuity accordance with the Plan of Management referred to in Condition 1, as may only be amended with the written approval of the Council.

8 **A008 - Works to BCA requirements (Always apply to building works)**

The work must be carried out in accordance with the requirements of the Building Code of Australia. If the work relates to a residential building and is valued in excess of \$20,000, then a contract of insurance for the residential development shall be in force in accordance with Part 6 of the *Home Building Act 1989*.

{Note: Residential building includes alterations and additions to a dwelling, and structures associated with a dwelling house/dwelling such as a carport, garage, shed, rural shed, swimming pool and the like}.

9 **A019 - OCCUPATION CERTIFICATE (ALWAYS APPLY)**

**The development shall not be used or occupied until an Occupation Certificate has been issued.**

10 **A032 - Goods in buildings**

No garbage waste, dumped goods or bulky waste such as disused or broken furnishings are to stored at the site (unless temporarily placed within the approved bulky waste area for booked Council collection). All car parking spaces shall be maintained for the use of tenants of the boarding house at all times and are not to be used for the storage of goods or unregistered/disused vehicles and the like.

11 **A038 - LIGHTING LOCATIONS**

**Prior to the issue of an Occupation Certificate**, a lighting system shall be installed for the development to provide uniform lighting across common areas and driveways. Exterior lighting shall be located and directed in such a manner so as not to create a nuisance to surrounding land uses. The lighting shall be the minimum level of illumination necessary for safe operation. The lighting shall be in accordance with AS 4282 "Control of the obtrusive effects of outdoor lighting" (1997).

12 **A039 - Graffiti**

The finishes of the building is to be maintained at all times and any graffiti or vandalism immediately removed/repaired.

13 **A046 - Obtain Construction Certificate before commencement of works**

A **Construction Certificate** shall be obtained prior to commencement of any building works.

14 **A Special (BLANK)**

The boarding house is permitted to accommodate a maximum of nineteen (19) lodgers at any one time. Approved occupancy rates are to be limited to a maximum of two (2) residents per double room for bedrooms 1, 4 and 6. Each remaining (single) room is to be limited to one (1) resident.

- 15 [A Special \(BLANK\)](#)  
**Prior to the issue of a Construction Certificate**, the stamped approved plans shall be amended to make provision for highlight windows and/or obscure glazing and/or privacy screens with with a window sill height of 1.7m above floor level to rooms 14 and 16. This amendment shall be shown on the Construction Certificate plans.
- 16 [A Special \(BLANK\)](#)  
**Prior to the issue of an Occupation Certificate**, the Principal Certifying Authority shall ensure that a street number is clearly displayed at the premises and mail boxes are installed and appropriately allocated to individual units.
- 17 [A Special \(BLANK\)](#)  
The Principal Certifying Authority shall ensure that the requirements of the Access Report prepared by Vista Access Architects, Reference No. 18114 are incorporated into the Construction Certificate plans and the necessary works completed **prior to the issue of an Occupation Certificate**.
- 18 [A Special \(BLANK\)](#)  
The owner of the boarding house is to ensure that the surrounds of building and street front verge are neat, tidy and free from litter at all times.
- 19 [A Special \(BLANK\)](#)  
All fencing and retaining wall works shall be at the full cost of the applicant/property owner. The materials and colours of any fencing and retaining walls shall match or complement the external materials of the approved building. All retaining walls shall be of masonry (or similar) construction (not timber).
- 20 [A Special \(BLANK\)](#)  
The ground floor communal open space and common room must be available for the use of lodgers of the building.
- 21 [A Special \(BLANK\)](#)  
In accordance with the provisions of Clause 52 of *State Environmental Planning Policy (Affordable Rental Housing) 2009* and *Penrith Development Control Plan 2014*, the boarding house cannot be strata subdivided.
- 22 [A special BLANK](#)  
Noise levels within the premises shall not exceed the relevant noise criteria detailed in the Noise Impact Assessment prepared by Rodney Stevens Acoustics, Reference No. 180260R1, Revision 1, dated 15 November, 2018. The recommendations provided in the above-mentioned acoustic report shall be implemented and incorporated into the design and construction of the development, and shall be shown on plans accompanying the Construction Certificate application. A certificate is to be obtained from a qualified acoustic consultant certifying that the building has been constructed to meet the noise criteria in accordance with the approved acoustic report and the relevant Australian Standards. This certificate is to be submitted to the Principal Certifying Authority **prior to the issue of an Occupation Certificate**.
- 23 [A special BLANK](#)  
The number of tenants using the outdoor communal area is to be restricted to:
- Maximum of ten (10) people in the evening between 6pm to 10pm, Monday to Sunday, and
  - No tenants allowed in the outdoor communal area between 10pm and 7am, Monday to Sunday.
- 24 [A special BLANK](#)  
In the event of on-going noise complaints relating to the development being received by Council, the owner and/or occupier of the development maybe required by Council to obtain the services of a suitably qualified acoustic consultant to undertake a noise impact assessment on the development to address the concerns of the community.
- The noise impact assessment report is to be prepared and provided to Council for approval within forty-five (45) days of being requested. Any mitigation works are to be undertaken within thirty (30) days from the date of notice from Council, unless otherwise specified.
- 25 [A special BLANK](#)  
The operator/owner of the Boarding House must book a compliance inspection with Penrith City Council within three (3) months of commencement of the boarding house as required under the *NSW Boarding House Act 2012*.
- 26 [A special BLANK](#)  
Appropriate furniture and fittings must be provided and maintained in good repair. If the place is one in which persons may board or lodge for seven (7) days or longer, an adequate number of beds (each provided with a mattress and pillow and an adequate supply of clean blankets or equivalent bed clothing), adequate storage space and blinds, curtains or similar devices to screen bedroom and dormitory windows for privacy must be provided for the occupants. Individual items must be listed in the Plan of Management for the boarding house.

27 [A special BLANK](#)

- A minimum of four (4) 8.5 kilogram washing machines and four (4) clothes dryers shall be provided and maintained by the boarding house owner/operator, and
- A minimum of 30.0m of clothes line shall be provided for every twelve (12) residents. Outdoor drying areas should not encroach on the outdoor communal living spaces. Clothes line may be retractable.

28 [A Special BLANK](#)

All mechanical plant and equipment is to comply with the noise criteria outlined in Noise Impact Assessment prepared by Rodney Steven Acoustics, Reference No. Report 180260R1, Revision 1, dated 15 November, 2018.

**Prior to the issue of the Construction Certificate**, further details on the type and location of all mechanical plant and equipment associated with the development it to be provided to Council for consideration and approval. Suitable data and information on the noise impacts associated with this plant and equipment is also to be supplied to demonstrate compliance with the established noise criteria.

**Prior to the issue of an Occupation Certificate**, a Compliance Certificate is to be submitted to and approved by Council. The Certificate is to outline that all plant and equipment have been installed to comply with the above information and the established noise criteria. Should the Compliance Certificate identify any non-compliance issues, the Certificate is to provide suitable recommendations for mitigation of those issues. Any mitigation works are to be undertaken within thirty (30) days from the date of notice from Council, unless otherwise specified.

29 [A Special Condition \(BLANK\)](#)

**Prior to the issue of a Construction Certificate**, the Certifying Authority shall ensure that the stormwater management plans stipulate the size of the rainwater tank.

### 30 **A Special CPTED Requirements**

The following community safety and Crime Prevention Through Environmental Design (CPTED) requirements are required to be implemented:

#### **(a) Lighting**

- A lighting system shall be installed for the development to provide uniform lighting across common areas and driveways,
- All pedestrian pathways, driveways and access routes in outdoor spaces throughout the development must be lit to the minimum of AS 1158,
- Lighting should be consistent in order to reduce the contrast between shadows and illuminated areas,
- Exterior lighting shall be located and directed in such a manner so as not to create a nuisance to surrounding land uses,
- The lighting shall be the minimum level of illumination necessary for safe operation, and
- The lighting shall be in accordance with AS 4282 - Control of the obtrusive effects of outdoor lighting.

#### **(b) Basement Car Parking**

- A security system must be installed on any pedestrian and vehicle entry/exit points to the car park, including the stairwell, to minimise opportunities for unauthorised access,
- All areas of the car park must be well-lit, with consistent lighting to prevent shadowing or glare, and
- Car park surfaces including walls and ceilings are to be light coloured with details included with the **Construction Certificate** application.

#### **(c) Building Security & Access Control**

- Intercom, code or card locks or similar must be installed for all entries to the building including car park and waste room,
- Australian Standard 220 – door and window locks must be installed in all rooms,
- A monitored alarm system should be considered to all communal areas within the property boundary, and
- The mail boxes must be well secured with no front flap lock on the boxes that can be easily broken.
- Access to the carpark shall be via a roller door, located at the bottom of the driveway, installed to ensure quiet operation.

#### **(d) Entrances**

- The main entrance to the boarding house must be clearly visible and legible to users,
- The entrance should be designed to allow users to see into the building before entering.

#### **(e) Graffiti/Vandalism**

- Graffiti resistant coatings must be used to external surfaces where possible, including fencing and retaining walls, etc, and
- Procedures must be in place to ensure the prompt removal and/or repair of graffiti or vandalism to the building, fencing, and common areas. This includes reporting incidents to police and/or relevant authorities.

#### **(f) Landscaping**

- All vegetation must be regularly pruned to ensure that sight lines are maintained.

#### **(g) Boarding House Management**

- Boarding House Management will be available at a mutually convenient time, at the invitation of Penrith City Council and/or the NSW Police, to discuss and action agreed Community Safety, Security or other issues in conjunction with other local stakeholders in the area should the need arise.
- Boarding house management is to provide information advertising where to go for help and how to report maintenance or vandalism problems.

## **Demolition**

### 31 **B001 - Demolition of existing structures**

Structures nominated for demolition on the approved plans shall be demolished as part of the approved works.

32 **B002 - AS FOR DEMOLITION AND DISPOSAL TO APPROVED LANDFILL SITE**

All demolition works are to be conducted in accordance with the provisions of AS 2601-1991 "The Demolition of Structures". **Prior to demolition**, all services shall be suitably disconnected and capped off or sealed to the satisfaction of the relevant service authority requirements.

All demolition and excavated material shall be disposed of at a Council approved site or waste facility. Details of the proposed disposal location(s) of all excavated material from the development site shall be provided to the Principal Certifying Authority **prior to commencement of demolition**.

33 **B003 - ASBESTOS**

You should read Council's Fact Sheet titled "Handling and Disposal of Fibrous Cement Products" **before any demolition works commence on-site**.

**Prior to commencement of demolition works on-site**, a portaloo with appropriate washing facilities shall be located on the site and the Principal Certifying Authority is to be satisfied that:

- Measures are in place so as to comply with the WorkCover Authority's "Short Guide to Working with Asbestos Cement" and
- The person employed to undertake the works is a licensed asbestos removal contractor and is holder of a current WorkCover Asbestos Licence.

Any demolition works involving the removal of all asbestos shall only be carried out by a licensed asbestos removal contractor who has a current WorkCover Asbestos Licence.

All asbestos laden waste, including asbestos cement flat and corrugated sheeting must be disposed of at a tipping facility licensed by the Environment Protection Authority to receive asbestos wastes.

34 **B004 - Dust**

Dust suppression techniques are to be employed during demolition works to reduce any potential nuisances to surrounding properties.

35 **B005 - Mud/Soil**

Mud and soil from vehicular movements to and from the site must not be deposited on the road.

36 **B006 - Hours of work**

Demolition and construction works will be restricted to the following hours in accordance with the NSW Environment Protection Authority Noise Control Guidelines:

- Mondays to Fridays, 7am to 6pm
- Saturdays, 7am to 1pm if inaudible on neighbouring residential premises, otherwise 8am to 1pm
- No demolition work is permitted on Sundays and Public Holidays.

In the event that the demolition relates to works inside the building that does not involve external walls or the roof, and does not involve the use of equipment that emits noise then the demolition works are not restricted to the hours stated above.

The provisions of the *Protection of the Environment Operations Act 1997* in regulating offensive noise also apply to all construction works.

## **Environmental Matters**

37 **D001 - Implement approved sediment& erosion control measures**

Erosion and sediment control measures shall be installed **prior to the commencement of works on site** including approved clearing of site vegetation. The erosion and sediment control measures are to be maintained in accordance with the approved erosion and sediment control plan(s) for the development and the Department of Housing's "Managing Urban Stormwater: Soils and Construction" 2004.



38 **D006 - No filling without prior approval (Use always, except for bulk earthworks/ major fill operations)**

No fill material shall be imported to the site until such time as a Validation Certificate (with a copy of any report forming the basis for the validation) for the fill material has been submitted to, considered and approved by Council. The Validation Certificate shall:

- state the legal property description of the fill material source site,
- be prepared by an appropriately qualified person (as defined in *Penrith Development Control Plan 2014*) with consideration of all relevant guidelines (e.g. EPA, ANZECC, NH&MRC), standards, planning instruments and legislation,
- clearly indicate the legal property description of the fill material source site,
- provide details of the volume of fill material to be used in the filling operations,
- provide a classification of the fill material to be imported to the site in accordance with the Environment Protection Authority's "Environmental Guidelines: Assessment, Classification & Management of Non-Liquid Wastes" 1997, and
- (based on the fill classification) determine whether the fill material is suitable for its intended purpose and land use and whether the fill material will or will not pose an unacceptable risk to human health or the environment.

{Note: *Penrith Development Control Plan 2014* defines an appropriately qualified person as "a person who, in the opinion of Council, has a demonstrated experience, or access to experience in hydrology, environmental chemistry, soil science, eco-toxicology, sampling and analytical procedures, risk evaluation and remediation technologies. In addition, the person will be required to have appropriate professional indemnity and public risk insurance."}.

If the Principal Certifying Authority or Penrith City Council is not satisfied that suitable fill materials have been used on the site, further site investigations or remediation works may be requested. In these circumstances the works shall be carried out prior to any further approved works.

39 **D007 - Cut and fill of land requiring Validation Certificate –limited to footprint**

Cut and fill operations on the property are only permitted in conjunction with the building works as detailed on the approved plans and specifications, and shall not extend more than two (2) metres past the defined building footprint.

Before any fill material is imported to site, a validation certificate issued by an appropriately qualified person is to be provided to the Principal Certifying Authority. The validation certificate must demonstrate that the fill material is free from contaminants and weeds, that it is suitable for its intended purpose and land use, and that it will not pose an unacceptable risk to human health or the environment.

40 **D009 - Covering of waste storage area**

All waste materials stored on-site are to be contained within a designated area such as a waste bay or bin to ensure that no waste materials are allowed to enter the stormwater system or neighbouring properties. The designated waste storage areas shall provide at least two waste bays/bins so as to allow for the separation of wastes, and are to be fully enclosed when the site is unattended.

41 **D010 – Appropriate disposal of excavated or other waste**

All excavated material and other wastes generated as a result of the development are to be re-used, recycled or disposed of in accordance with the approved waste management plan.

Waste materials not specified in the approved waste management plan are to be disposed of at a lawful waste management facility. Where the disposal location or waste materials have not been identified in the waste management plan, details shall be provided to the Certifying Authority as part of the waste management documentation accompanying the Construction Certificate application.

All receipts and supporting documentation must be retained in order to verify lawful disposal of materials and are to be made available to Penrith City Council on request.

42 **D014 - Plant and equipment noise**

The operating noise level of plant and equipment shall not exceed 5dB(A) above the background noise level when measured at the boundaries of the premises. The provisions of the *Protection of the Environment Operations Act 1997* apply to the development, in terms of regulating offensive noise.

43 **D Special (BLANK)**

Where an intruder alarm is installed on the premises, it shall be fitted with a timing device in accordance with the requirements of the *Protection of the Environment Operations Act 1997*.

44 **D Special (BLANK)**

The bin infrastructure and waste collection service will be provided/commenced for the development upon the completion of all on-site waste collection infrastructure and the attainment of an Occupation Certificate.

45 **D Special BLANK**

**Prior to the issue of a Construction Certificate**, the Certifying Authority shall ensure that following waste management requirements are complied with and details of compliance demonstrated. This detail shall be shown on the Construction Certificate plans.

- The Waste Collection Area and Bulky Households Goods Area are to provide wash facilities through the use of a centralised mixing valve and hose cock. Respective drainage and waterproofing is to be installed to support the use of hose facilities,
- The Waste Collection Area and Bulky Households Goods Area to provide adequate light and ventilation in accordance with the Building Code of Australia,
- The doors of the bulky waste and waste collection room are to be locked through an abloy key system,
- The northern door of the Waste Collection Area is to be 1.2m wide, outwards opening,
- The service path leading to the Waste Collection Area and Bulky Household Goods Area is to be 1.2m wide unobstructed access pathway, concrete and remain parallel to the contours at all points,
- The Waste Collection Area and Bulky Household Goods Area swing doors are to be provided with a latch to enable each door to be fixed in an open position during collection, and
- The floor of the Waste Collection Area and Bulky Household Goods Area are to be constructed of concrete to a minimum thickness of 75mm, be non-slip and have a smooth/even surface covered at all intersections with a maximum gradient of 1:24.

46 **D Special BLANK**

**Prior to the issue of an Occupation Certificate**, the developer is to enter into a formal agreement with Penrith City Council for the utilisation of Council's Waste Collection Service. This is to include Council being provided with indemnity against claims for loss and damage.

Note:

By entering into an agreement with Council for Waste Collection, the development will be required to operate in full compliance with Penrith City Council's Waste Collection and Processing Contracts for Standard Waste Collection. The provision of Council's waste collection service will not commence until formalisation of the agreement.

## BCA Issues

47 **E009 - Annual fire safety-essential fire safety (Class 2-9 buildings)**

The owner of a building, to which an essential fire safety measure is applicable, shall provide Penrith City Council with an annual fire safety statement for the building. The annual fire safety statement for a building must:

(a) deal with each essential fire safety measure in the building premises, and

(b) be given:

- within 12 months after the last such statement was given, or
- if no such statement has previously been given, within 12 months after a final fire safety certificate was first issued for the building.

As soon as practicable after the annual fire safety statement is issued, the owner of the building to which the statement relates:

- must also provide a copy of the statement (together with a copy of the current fire safety schedule) to the Commissioner of New South Wales Fire Brigades, and
- prominently display a copy of the statement (together with a copy of the current fire safety schedule) in the building.

48 [E01A - BCA compliance for Class 2-9](#)

All aspects of the building design shall comply with the applicable performance requirements of the Building Code of Australia so as to achieve and maintain acceptable standards of structural sufficiency, safety (including fire safety), health and amenity for the on-going benefit of the community. Compliance with the performance requirements can only be achieved by:

(a) complying with the deemed to satisfy provisions, or

(b) formulating an alternative solution which:

- complies with the performance requirements, or
- is shown to be at least equivalent to the deemed to satisfy provision, or

(c) a combination of (a) and (b).

It is the owner's responsibility to place on display, in a prominent position within the building at all times, a copy of the latest fire safety schedule and fire safety certificate/statement for the building.

## Health Matters and OSSM installations

49 [F006 - Water tank & nuisance](#)

The rainwater tank must be maintained so as not to create a nuisance and it must be protected against mosquito infestation.

50 [F178 - Boarding House](#)

The Boarding House is to be operated in accordance with the requirements set out under the *Local Government (General) Regulation 2005*, CI 83 and Schedule 2 - Standards Enforceable by Orders, Part 1 – Standards for Places of Shared Accommodation. Rooms are to be provided furnished in accordance with Schedule 2 of the "Regulation".

51 [F179 - Boarding Houses - PH Reg 2012](#)

The boarding House is to be operated in accordance with the requirements set out under the *Public Health Regulation 2012*.

52 [F180 - Boarding House – BH Act 2012](#)

The boarding house is to be operated in accordance with the requirements set out under the *Boarding House Act 2012* and Regulation.

53 [F181 - Boarding House - Registration](#)

The boarding house proprietor is required to register the boarding house, as a "general" boarding house on the register administered by NSW Department of Fair Trading within 28 days from commencement of operation of the boarding house.

54 [F182 - Health Care Premises – toilets and waiting areas](#)

Communal areas including the kitchen, laundry and waste room in the premises shall be maintained in a clean and hygienic condition free from a build up of waste at all times

**Prior to the issue of an Occupation Certificate**, a revised and detailed Plan of Management shall be provided to Council for assessment and approval. Additional information required in the Plan of Management includes:

(a) Plans outlining the occupancy rate for each sleep room, room furnishings, provisions of communal areas and facilities, and access and facilities for people with a disability.

(b) A pest management plan that clearly indicates how pest prevention, monitoring, and eradication will be completed.

The pest management program shall include but not be limited to:

- pest management program,
- frequency of pest service,
- maintenance and cleaning,
- area of service,
- time of service,
- sighting of pests and a response plan,
- reporting,
- methods of treatment, and
- approved products and chemicals.

Specific consideration in the "plan" needs to be given to bed bugs particularly in regard to monitoring and a response plan should they be identified.

(c) Minimum room furnishings. Rooms are to be provided fully furnished. The Plan of Management should include a minimum room furnishing list and include detail on the condition of furnishing and process of replacing furnishing when required, such as how and when a resident can have a mattress replaced.

The list might include such things as:

- bed and bed size,
- wardrobe,
- mirror,
- night light,
- waste container,
- curtains or blinds,
- phone line,
- microwave oven, and
- refrigerator, etc.

(d) A cleaning and sanitation program should be developed including written cleaning schedules and cleaning procedures.

The schedule and procedures shall cover all areas external to occupied resident's rooms but should include the room clean when a room is vacated.

The following shall also be addressed in the procedures:

- how cleaning and sanitizing is conducted,
- frequency of cleaning of sanitizing,
- use of chemicals,
- cleaning chemicals and sanitizing solution strengths, and
- record keeping of cleaning and sanitizing and signing off on cleaning and sanitizing.

(g) Consideration needs to be given to accessibility for laundry facilities.

**Prior to the issue of an Occupation Certificate**, detailed plans of the communal kitchen facilities are required to be submitted to Council for assessment and approval. The communal kitchen area is to be constructed in accordance with AS 4674-2004 - "Design, Construction and Fit-out of Commercial Food Premises".

## Utility Services

### 57 G002 - Section 73 (not for

A Section 73 Compliance Certificate under the *Sydney Water Act 1994* shall be obtained from Sydney Water. The application must be made through an authorised Water Servicing Coordinator. Please refer to “Your Business” section of Sydney Water’s website at [www.sydneywater.com.au](http://www.sydneywater.com.au) then the “e-developer” icon, or telephone 13 20 92.

The Section 73 Compliance Certificate must be submitted to the Principal Certifying Authority **prior to the issue of an Occupation Certificate**.

### 58 G004 - Integral Energy

**Prior to the issue of a Construction Certificate**, a written clearance is to be obtained from Endeavour Energy stating that electrical services have been made available to the development or that arrangements have been entered into for the provision of services to the development.

In the event that a pad mounted substation is necessary to service the development, Penrith City Council shall be consulted over the proposed location of the substation before the Construction Certificate for the development is issued as the location of the substation may impact on other services and building, driveway or landscape design already approved by Council.

### 59 G006 -

**Prior to the issue of a Construction Certificate**, the Principal Certifying Authority shall be satisfied that telecommunications infrastructure may be installed to service the premises which complies with the following:

- The requirements of the *Telecommunications Act 1997*;
- For a fibre ready facility, the NBN Co’s standard specifications current at the time of installation; and
- For a line that is to connect a lot to telecommunications infrastructure external to the premises, the line shall be located underground.

Unless otherwise stipulated by telecommunications legislation at the time of construction, the development must be provided with all necessary pits and pipes, and conduits to accommodate the future connection of optic fibre technology telecommunications.

**Prior to the issue of an Occupation Certificate**, written certification from all relevant service providers that the telecommunications infrastructure is installed in accordance with the requirements above and the applicable legislation at the time of construction, must be submitted to the Principal Certifying Authority.

## Construction

### 60 H001 - Stamped plans and erection of site notice

Stamped plans, specifications, a copy of the development consent, the Construction Certificate and any other Certificates to be relied upon shall be available on site at all times during construction.

The following details are to be displayed in a maximum of two (2) signs to be erected on-site:

- the name of the Principal Certifying Authority, their address and telephone number,
- the name of the person in charge of the work site and telephone number at which that person may be contacted during work hours,
- that unauthorised entry to the work site is prohibited,
- the designated waste storage area must be covered when the site is unattended, and
- all sediment and erosion control measures shall be fully maintained until completion of the construction phase.

Signage but no more than two (2) signs stating the above details are to be erected:

- at the commencement of, and for the full length of the, construction works on-site, and
- in a prominent position on the work site and in a manner that can be easily read by pedestrian traffic.

All construction signage is to be removed when the Occupation Certificate has been issued for the development.

61 [H002 - All forms of construction](#)

Prior to the commencement of construction works:

(a) Toilet facilities at or in the vicinity of the work site shall be provided at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. Each toilet provided must be:

- a standard flushing toilet connected to a public sewer, or
- if that is not practicable, an accredited sewage management facility approved by Council, or
- alternatively, any other sewage management facility approved by Council.

(b) All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with the appropriate professional standards. All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.

(c) If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:

- must preserve and protect the building from damage, and
- if necessary, must underpin and support the building in an approved manner, and
- must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished. The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this condition, whether carried out on the allotment of land being excavated or on the adjoining allotment of land (includes a public road and any other public place).

(d) If the work involved in the erection or demolition of a building is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or involves the enclosure of a public place, a hoarding or fence must be erected between the work site and the public place:

- if necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place,
- the work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place, and
- any such hoarding, fence or awning is to be removed when the work has been completed.

62 [H022 - Survey](#)

The building shall be set out by a registered surveyor. A Survey Certificate shall be undertaken and submitted to the Principal Certifying Authority when the building is constructed to ground floor slab level.

63 [H033 – Clothes line](#)

Clothes drying facilities are to be positioned and screened from public view.

64 [H036 - Rainwater Tank \(Also impose H037, H038, H039, G005 & Q010\)](#)

The rainwater tank is to be:

- erected on a self-supporting base in the approved location on the property in accordance with the stamped-approved site plans for the development,
- structurally sound and constructed in accordance with AS/NZS 3500 1.2- 1998: National Plumbing and Drainage - Water Supply - Acceptable Solutions,
- fully enclosed and all openings sealed to prevent access by mosquitoes,
- fitted with a first flush device,
- fitted with a trickle system to top up from mains water,
- provided with an air gap, and
- installed by a licensed plumber in accordance with Sydney Water's "Plumbing requirements Information for rainwater tank suppliers and plumbers April 2003" and the NSW Code of Practice: Plumbing and Drainage.

Additionally, the following are to be provided:

- A back flow prevention device shall be provided at the water meter in accordance with Sydney Water requirements.
- In the event of a power failure, a back up supply of mains water shall be provided to at least one toilet in the dwelling.
- The rainwater tank and associated piping is to be labelled 'Rainwater - Not for Drinking' in accordance with Sydney Water requirements.
- The rainwater tank and pipework is to be painted in colours matching the external finishes of the dwelling and is to be of non-reflective finish.
- The overflow for the rainwater tank is to be connected into the existing stormwater disposal system on the site.

Before a rainwater tank can be used, a certificate or suitable document is to be submitted to the Principal Certifying Authority stating that the rainwater tank has been installed in accordance with:

- the Manufacturer's Specifications, and
- Sydney Water and NSW Health requirements.

This certificate or documentation is to be provided by the licensed plumber who installed the rainwater tank on the property, and is to be submitted **prior to the issue of an Occupation Certificate**.

65 [H037 - Safe supply of water from catchment areas \(Also impose H036, H038 & H039\)](#)

The catchment area (for the rainwater tank) includes the parts of the roof of the dwelling(s) from which water is collected and includes gutters. To ensure a safe supply of water:

- roof catchment areas must be kept clear of overhanging vegetation,
- gutters must have sufficient fall to downpipes to prevent pooling of water,
- overflow, discharge from bleed off pipes from roof mounted appliances such as airconditioners, hot water services and solar heaters must not discharge into the rainwater catchment area,
- for roofs containing lead based, tar based or asbestos material the tank supply must not be connected to drinking, bathing and gardening tap water outlets,
- appropriate measures must be installed to prevent foreign materials from contaminating the water which enters the rainwater tank.

66 [H038 - Connection of rainwater tank supply \(Also impose H036, H037 & H039\)](#)

The rainwater tank supply must not be connected to drinking and bathing water tap outlets.

67 [H039 - Rainwater tank pumps \(Also impose H036, H037 & H038\)](#)

The rainwater tank pump must not exceed 5dBA above ambient background noise level at the nearest residential property boundary. The provisions of the *Protection of the Environment Operations Act 1997* apply to the development, in terms of regulating offensive noise.

68 [H042 - Adaptable Dwelling Certification](#)

The Construction Certificate must be accompanied by certification from an accredited Access Consultant confirming that the adaptable dwellings are capable of being modified, when required by the occupant, to comply with the Australian Housing Standard (AS 4299- 2009).

## Engineering



69 **K101 - Works at no cost to Council**

All roadworks, stormwater drainage works and associated civil works required to effect the consented development shall be undertaken at no cost to Penrith City Council.

70 **K201 - Infrastructure Bond**

An Infrastructure Restoration Bond is to be lodged with Penrith City Council for development involving works around Penrith City Council's Public Infrastructure Assets. The bond is to be lodged with Penrith City Council prior to commencement of any works on site or prior to the issue of a Construction Certificate, whichever occurs first. The bond and applicable fees are in accordance with Council's adopted Fees and Charges.

An application form together with an information sheet and conditions are available on Council's website.

Contact Penrith City Council's City Works Department on (02) 4732 7777 or visit Penrith City Council's website for more information.

71 **K202 - S138 Roads Act – Works and Structures - Minor Works in the public road DRIVEWAYS ROAD OPENINGS**

**Prior to the issue of a Construction Certificate**, a Section 138 Roads Act application, including payment of application and inspection fees, shall be lodged and approved by Penrith City Council (being the Roads Authority for any works required in a public road). These works may include but are not limited to the following:

- a) Vehicular crossings (including kerb reinstatement of redundant vehicular crossings)
- b) Concrete footpaths and or cycleways
- c) Road opening for utilities and stormwater (including stormwater connection to Penrith City Council roads and other Penrith City Council owned drainage)

All works shall be carried out in accordance with the Roads Act approval, the development consent, including the stamped approved plans, and Penrith City Council's specifications, guidelines and best engineering practice.

Contact Penrith City Council's City Works Department on (02) 4732 7777 or visit Penrith City Council's website for more information.

Note:

- a) Where Penrith City Council is the Certifying Authority for the development, the Roads Act approval for the above works may be issued concurrently with the Construction Certificate.
- b) All works associated with the Roads Act approval must be completed **prior to the issue of an Occupation Certificate**.

72 **K209 - Stormwater Discharge – Minor Development**

Stormwater drainage from the site shall be discharged to the:

- a) Street drainage system

The proposed development and stormwater drainage system shall be designed to ensure no adverse impact on adjoining properties by the diversion, damming or concentration of stormwater flows.

The proposed method of stormwater discharge shall be detailed in the Construction Certificate issued by the Certifying Authority.

73 **K210 - Stormwater Management**

The stormwater management system shall be provided generally in accordance with the concept plan/s lodged for development approval, prepared by Australian Consulting Engineers, Reference No. 180698, Revision D, dated 23 January, 2019.

Engineering plans and supporting calculations for the stormwater management systems are to be prepared by a suitably qualified person and shall accompany the application for a Construction Certificate.

**Prior to the issue of a Construction Certificate**, the Certifying Authority shall ensure that the stormwater management system has been designed in accordance with Penrith City Council's Stormwater Drainage for Building Developments and Water Sensitive Urban Design (WSUD) Policies.



74 **K211 - Stormwater Discharge – Basement Car parks**

**Prior to the issue of a Construction Certificate**, the Certifying Authority shall ensure that the stormwater drainage system for the basement car park has been designed in accordance with the requirements for pumped systems in AS 3500.3 (or as amended) (Plumbing and Drainage – Stormwater Drainage).

75 **K214 - Flooding – Floor levels**

**Prior to the issue of a Construction Certificate**, the Certifying Authority shall ensure that all habitable floor levels are in accordance with the stamped approved plans with a minimum floor level of RL 43.70m AHD (standard flood level +0.5m freeboard).

76 **K221 - Overland Flow - General**

**Prior to the issue of a Construction Certificate**, the Certifying Authority shall ensure that:

- a) All habitable floor levels are a minimum of 500mm above the top water level of the 1% Annual Exceedance Probability RL 43.20m AHD overland flow path.
- b) The proposed development will not concentrate, dam or divert overland flows onto adjoining properties.
- c) The crest in the access ramp to the basement car park shall be a minimum of RL 43.50m AHD.
- d) All proposed penetrations and access points into the basement carpark area minimum of 0.3m above the top water level adopted for the flooding.

Details prepared by a qualified person, demonstrating compliance with these requirements, shall form part of any Construction Certificate issued.

77 **K222 - Access, Car Parking and Manoeuvring – General**

**Prior to the issue of a Construction Certificate**, the Certifying Authority shall ensure that vehicular access, circulation, manoeuvring, pedestrian and parking areas associated with the subject development are in accordance with AS 2890.1, AS 2890.2, AS 2890.6 and *Penrith Development Control Plan 2014*.

78 **K226 - Basement Geotechnical Testing/ Dilapidation Report**

**Prior to the issue of a Construction Certificate**, the Certifying Authority shall ensure that a Geotechnical investigation, report and strategy has been conducted to ensure stability of the Council infrastructure and surrounding developments. The geotechnical investigation, report and strategy shall comply with the recommendations contained in the technical direction GTD 2012/001 prepared by the Road and Maritime Services as amended. The development shall undertake a dilapidation report for all surrounding buildings and Council owned infrastructure that confirms that no damage occurs due to the excavations associated with the development. If Council is not the Certifying Authority the dilapidation report shall be submitted to Council **prior to the issue of a Construction Certificate** and then updated and submitted **prior to an Occupation Certificate** confirming no damage has occurred.

79 **K301 - Sediment & Erosion Control**

Prior to commencement of any works associated with the development, sediment and erosion control measures shall be installed in accordance with the approved Construction Certificate and to ensure compliance with the *Protection of the Environment Operations Act 1997* and Managing Urban Stormwater series from the Office of Environment and Heritage.

The erosion and sediment control measures shall remain in place and be maintained until all disturbed areas have been rehabilitated and stabilised.

80 **K302 - Traffic Control Plan**

**Prior to commencement of any works associated with the development**, a Traffic Control Plan, including details for pedestrian management, shall be prepared in accordance with AS 1742.3 "Traffic Control Devices for Works on Roads" and the Roads and Maritime Services' publication "Traffic Control at Worksites" and certified by an appropriately accredited Roads and Maritime Services Traffic Controller.

Traffic control measures shall be implemented during the construction phase of the development in accordance with the certified plan. A copy of the plan shall be available on site at all times.

Note:

- a) A copy of the Traffic Control Plan shall accompany the Notice of Commencement to Penrith City Council.
- b) Traffic control measures may require road occupancy/road closure approvals issued under Section 138 of the Roads Act by Penrith City Council **prior to the issue of a Construction Certificate**.

81 **K401 - Flooding – Surveyor Verification of floor levels**

A certificate by a registered surveyor verifying that all habitable floor levels are at or above RL 43.70m AHD (standard flood level +0.5m freeboard) shall be submitted upon completion of the building to that level. No further construction of the building is to be carried out until approval to proceed is issued by the Principal Certifying Authority.

82 **K405 - Turf to Verge**

Upon completion of all works in the road reserve, all verge areas fronting and within the development are to be turfed. The turf shall extend from the back of kerb to the property boundary, with the exception of concrete footpaths, service lids or other infrastructure which is not to be turfed over. Turf laid up to concrete footpaths, service lids or other infrastructure shall finish flush with the edge.

83 **K406 - Underground Services**

All existing (aerial) and proposed services for the development, including those across the frontage of the development are to be located or relocated underground in accordance with the relevant authorities regulations and standards.

84 **K501 - Penrith City Council clearance – Roads Act/ Local Government Act**

**Prior to the issue of a Occupation Certificate**, the Principal Certifying Authority shall ensure that all works associated with a Section 138 Roads Act approval or Section 68 Local Government Act approval have been inspected and signed off by Penrith City Council.

85 **K504 - Stormwater Compliance**

Prior to the issue of any Occupation Certificate, the Principal Certifying Authority shall ensure that the:

a) Stormwater management systems (including on-site detention)

- Have been satisfactorily completed in accordance with the approved Construction Certificate and the requirements of this consent.
- Have met the design intent with regard to any construction variations to the approved design.
- Any remedial works required to been undertaken have been satisfactorily completed.

Details of the approved and constructed system/s shall be provided as part of the Works As Executed drawings.

86 **K505 - Restriction as to User and Positive Covenant**

**Prior to the issue of an Occupation Certificate**, a restriction as to user and positive covenant relating to the:

a) Stormwater management systems (including on-site detention and water sensitive urban design)

Shall be registered on the title of the property. The restriction as to user and positive covenant shall be in Penrith City Council's standard wording as detailed in Penrith City Council's Stormwater Drainage Specification for Building Development Policy.

87 **K508 - Splay**

**Prior to the issue of an Occupation Certificate**, a 3m by 3m splay corner at the intersection of Edna Street and Callow Lane is to be dedicated as public road to Penrith City Council on a plan of subdivision registered with Land Registry Services (LRS). The dedication of public road and subsequent registration shall be at no cost to Penrith City Council.

88 **K601 - Stormwater Management system operation and maintenance**

The stormwater management systems shall continue to be operated and maintained in perpetuity for the life of the development in accordance with the final operation and maintenance management plan.

Regular inspection records are required to be maintained and made available to Penrith City Council on request. All necessary improvements are required to be made immediately upon awareness of any deficiencies in the stormwater management systems.

89 **K Special (BLANK)**

All car spaces are to be sealed, line marked and dedicated for the parking of vehicles only and are not be used for the storage of materials, products, waste materials, etc

90 **K Special (BLANK)**

The required sight lines around the driveway entrances are not to be compromised by landscaping, fencing or signage.

91 **K Special (BLANK)**

All vehicles are to enter/exit the site in a forward direction.

# Landscaping

## 92 L001 - General

All landscape works are to be constructed in accordance with the stamped approved plans.

Landscaping shall be maintained:

- in accordance with the approved plans, and
- in a healthy state, and in perpetuity by the existing or future owners and occupiers of the property.

If any of the vegetation comprising that landscaping dies or is removed, it is to be replaced with vegetation of the same species and, to the greatest extent practicable, the same maturity as the vegetation which died or was removed.

## 93 L002 - Landscape construction

The approved landscaping for the site shall be constructed by a suitably qualified and experienced landscape professional.

## 94 L003 - Report requirement

Upon completion of the landscape works associated with the development and **prior to the issue of an Occupation Certificate** for the development, an Implementation Report must be submitted to the Principal Certifying Authority attesting to the satisfactory completion of the landscaping works for the development. The report is to be prepared by a landscape professional listed in Council's Approved Landscape Consultants Register as suitable to design category (2/3) landscape works.

An Occupation Certificate should not be issued until such time as a satisfactory Implementation Report has been received. If Penrith City Council is not the Principal Certifying Authority, a copy of the satisfactory Implementation Report is to be submitted to Council together with the Occupation Certificate for the development.

## 95 L005 - Planting of plant

All plant material associated with the construction of approved landscaping is to be planted in accordance with the Tree Planting Specification prescribed in *Penrith Development Control Plan 2014*.

## 96 L006 - Aust Standard

All landscape works are to meet industry best practice and the following relevant Australian Standards:

- AS 4419 Soils for Landscaping and Garden Use,
- AS 4454 Composts, Soil Conditioners and Mulches, and
- AS 4373 Pruning of Amenity Trees.

## 97 L008 - Tree Preservation Order

No trees are to be removed, ringbarked, cut, topped or lopped or wilfully destroyed (other than those within the proposed building footprint or as shown on the approved plans) without the prior consent of Penrith City Council and in accordance with Council's Tree Preservation Order and Policy.

## 98 L Special (Replacement of trees)

**Prior to the issue of an Occupation Certificate**, a minimum of two (2) suitable replacement trees (preferably native trees) capable of growing to minimum height of 10m height at maturity shall be planted in a suitable location within the property and a replacement street tree must be planted fronting Edna Street.

99 **L Special (Tree protection)**

All trees that are to be retained shall be protected in accordance with the recommendations in the Arboricultural Development Impacts Assessment Report - 1 Edna Street, Kingswood NSW, prepared by Birds Tree Consultancy, Revision C, dated 5 July, 2017, AS 4970 -2009, Section C2 Vegetation Management of the *Penrith Development Control Plan 2014* and the following:

- All excavation within the tree protection zone (TPZ) is to be carried out using non-destruction methods such as using an Air-Knife. High pressure water and Vacuum/Sucker Trucks are not suitable as the high pressure water will delaminate roots,
- No roots greater than 20mm to be cut or damaged within the TPZ of the subject trees,
- All excavation within the TPZ to be carried out under the supervision of site Arborist (AQF Level 5),
- Pavement design is to be permeable such as EcoTrihex to allow percolation of water and air and gaseous exchange within the TPZ,
- No retaining wall within the TPZ of the subject trees,
- The Stormwater pit is to be moved from within the TPZ of Tree 3 to outside the TPZ,
- The Rainwater tank is to be installed above ground and no excavation for pipework within the TPZ of the subject trees, and
- Total encroachment within the TPZ of the subject trees including over excavation for shoring etc is to be a maximum offset of 1m from the outside of the basement.

## Development Contributions

100 **N001 - Section 94 contribution (apply separate condition for each Contribution Plan)**

This condition is imposed in accordance with Penrith City Council's Development Contributions Plan for Cultural Facilities. Based on the current rates detailed in the accompanying schedule attached to this Notice, \$3,153.00 is to be paid to Council prior to a Construction Certificate being issued for this development (the rates are subject to quarterly reviews). If not paid within the current quarterly period, this contribution will be reviewed at the time of payment in accordance with the adopted contributions plan. The projected rates of this contribution amount are listed in Council's Fees and Charges Schedule.

Council should be contacted prior to payment to ascertain the rate for the current quarterly period. The invoice accompanying this consent should accompany the contribution payment. The Development Contributions Plan for Cultural Facilities may be inspected at Council's Civic Centre, 601 High Street, Penrith.

101 **N001 - Section 94 contribution (apply separate condition for each Contribution Plan)**

This condition is imposed in accordance with Penrith City Council's Development Contributions Plan for District Open Space. Based on the current rates detailed in the accompanying schedule attached to this Notice, \$36,277.00 is to be paid to Council prior to a Construction Certificate being issued for this development (the rates are subject to quarterly reviews). If not paid within the current quarterly period, this contribution will be reviewed at the time of payment in accordance with the adopted contributions plan. The projected rates of this contribution amount are listed in Council's Fees and Charges Schedule.

Council should be contacted prior to payment to ascertain the rate for the current quarterly period. The invoice accompanying this consent should accompany the contribution payment. The Development Contributions Plan for District Open Space may be inspected at Council's Civic Centre, 601 High Street, Penrith.

102 **N001 - Section 94 contribution (apply separate condition for each Contribution Plan)**

This condition is imposed in accordance with Penrith City Council's Development Contributions Plan for Local Open Space. Based on the current rates detailed in the accompanying schedule attached to this Notice, \$13,113.00 is to be paid to Council prior to a Construction Certificate being issued for this development (the rates are subject to quarterly reviews). If not paid within the current quarterly period, this contribution will be reviewed at the time of payment in accordance with the adopted contributions plan. The projected rates of this contribution amount are listed in Council's Fees and Charges Schedule.

Council should be contacted prior to payment to ascertain the rate for the current quarterly period. The invoice accompanying this consent should accompany the contribution payment. The Development Contributions Plan for Local Open Space may be inspected at Council's Civic Centre, 601 High Street, Penrith.

## Payment of Fees

103 **P001 - Costs**

All roadworks, dedications and drainage works are to be carried out at the applicant's cost.

104 **P002 - Fees associated with Council land (Applies to all works & add K019)**

**Prior to the commencement of any works on-site**, all fees associated with Penrith City Council-owned land and infrastructure shall be paid to Council. These fees include Road Opening fees and Infrastructure Restoration fees.

## **Certification**

105 **Q01F - Notice of Commencement & Appointment of PCA2 (use for Fast Light only)**

Prior to the commencement of any earthworks or construction works on site, the proponent is to:

- (a) employ a Principal Certifying Authority to oversee that the said works carried out on the site are in accordance with the development consent and related Construction Certificate issued for the approved development, and with the relevant provisions of the Environmental Planning and Assessment Act and accompanying Regulation, and
- (b) submit a Notice of Commencement to Penrith City Council.

The Principal Certifying Authority shall submit to Council an "Appointment of Principal Certifying Authority" in accordance with Section 6.6 of the *Environmental Planning and Assessment Act 1979*.

Information to accompany the Notice of Commencement

Two (2) days before any earthworks or construction/demolition works are to commence on site (including the clearing site vegetation), the proponent shall submit a "Notice of Commencement" to Council in accordance with Section 6.6 of the *Environmental Planning and Assessment Act 1979*.

106 **Q05F - Occupation Certificate for Class10**

An Occupation Certificate is to be obtained from the Principal Certifying Authority on completion of all works and prior to the occupation/use of the development.

The Certificate shall not be issued if any conditions of this consent, but not the conditions relating to the operation of the development, are outstanding.

A copy of the Occupation Certificate and all necessary documentation supporting the issue of the Certificate is to be submitted to Penrith City Council, if Council is not the Principal Certifying Authority.

# Appendix - Development Control Plan Compliance

## Development Control Plan 2014

### Part C - City-wide Controls

#### C1 Site Planning and Design Principles

##### C1.2.5. Safety and Security (Principles of Crime Prevention through Environmental Design)

Concerns were initially raised in regards to community safety due to the terrace areas located along the ground floor of the eastern side boundary given the adjoining Callows Lane. In addition, the communal living area located at the rear of the building on the ground floor contained only a highlight window which lacked adequate passive surveillance. In this regard, Council's Community Safety Officer has advised that the proposal addresses Crime Prevention through Environmental Design (CTEPD) and Community Safety principles, and therefore the terraces are acceptable, noting that adequate tree buffers are provided along the eastern side boundary. Further, sliding doors are now incorporated along the northern elevation of the communal room and a large tall window for the staircase which is considered to provide appropriate surveillance.

##### C1.2.6 Maximising Access and Adaptability

The original plans included an unconventional shaped pedestrian pathway to the front entrance. This pedestrian pathway followed a north-west-north route with the access point approximately 2.5m from the south-eastern splay corner at the front boundary and includes an access ramp along the western part of the pedestrian pathway. Noting that an accessible path of travel is to be in accordance with the provisions of Building Code of Australia, the pedestrian pathway was redesign to provide an additional stepped pathway that directly leads to the front entrance via a north/south direction. The remaining west/east orientated access ramp remains but the access point has been relocated to the south-eastern splay corner of the front boundary, which is compliant with accessibility provisions. The pedestrian pathway resembles a wide, lower case letter "h" shape and is considered to better accommodate disabled access.

In addition, consideration of providing a lift for the boarding house was explored to enable access to the upper floor level. However, further review of BCA requirements revealed that the proposal requires only two (2) accessible rooms and an accessible room located on the upper floor level is not required. In addition, the proposed platform lift that provides access from the accessible basement car parking space is compliant with BCA requirements and is therefore an acceptable outcome.

#### C2 Vegetation Management

##### C2.1 Preservation of Trees and Vegetation

The revised landscape plan provides generous landscaping embellishment across the site and is considered to adequately offset the tree loss at the front of the site.

#### C3 Water Management

##### C3.6 Stormwater Management and Drainage

Council's Development Engineer noted that the site is affected by an overland flow path at the front of the site and therefore the development proposal is subject to flood planning requirements. In this regard, the outlet control of the on-site stormwater detention (OSD) system was required to be redesigned to be above the 1% AEP flood level at this discharge point to ensure compliance with Council's Stormwater Drainage Specification for Building Developments Policy.

#### C5 Waste Management

##### C5.2.1 Siting and Design of Waste Bin Storage Areas for Residential Development

The development proposal initially failed to comply with Council's waste infrastructure requirements. The communal waste bay configuration did not provide separate unobstructed access to the waste room and bulky household goods waste bay. As such, the communal access corridor was deleted as it can potentially be obstructed by overflowing bulky items which impedes access to the waste collection bay. Several revisions of the waste bay were required noting that the mechanical ventilation riser for the basement is required to be integrated in the waste room, limiting certain waste bin layouts.

Final amendments make provision for two (2) rows of single file waste/recycling bins positioned in a north-south orientation, against the eastern and western side walls of the waste collection room, including an internal side entry accessed from the hallway and an external front entrance door. The bulky households waste bay is integrated with and separated from the waste collection, and accessed by an external front entrance double door. In addition, relevant conditions of consent are to be imposed to ensure compliance with Council's waste infrastructure and access requirements.

## **C10 Transport Access and Parking**

### **C10.5 Parking, Access and Driveways**

The basement parking was required to be revised to demonstrate adequate vehicle manoeuvring as advised by Council's Traffic Engineer. The original basement car parking was reconfigured from single aisle east-west orientated parking spaces along the eastern side of the basement and split into two (2) single aisle parking spaces; four (4) parking spaces in a north-south orientation along the northern part of the basement and four (4) parking spaces including an accessible parking space in an east-west orientation in the middle and front part of the basement. This involved repositioning the basement stairs from the middle part of the basement to the north-western corner of the basement and also removed the accessible car park that was originally located within the rear yard area.

The revised configuration provides adequate on-site basement parking and vehicle manoeuvring and also includes adequate motorcycle and bicycle parking spaces. In addition, the Traffic Impact Report was revised to classify the proposal from a "motel" to a new generation boarding house. The proposal in this report has been appropriately redefined in terms of determining traffic generation associated with the nature of the proposal.

## **D2 Residential Development**

Although the *Penrith Development Control Plan 2014* contains specific provisions for boarding houses, the proposal is considered to be closely aligned to multi dwelling housing given the nature and scale of the development also noting their reference within the boarding house section of the DCP. Therefore, the provisions for multi dwelling housing is required to also be used as a basis for assessment.

### **D2.4 Multi Dwelling Housing**

#### **D2.4.5 Front and Rear Setbacks**

The front setback was initially 6m and well forward of the established front building line along the northern side of Edna Street, noting that this front setback is approximately 7.8m. As such, the floor plan layout was reconfigured to provide for a 7.8m front setback which satisfies the minimum front setback requirement. It is also noted that the front terrace of Unit 4 was reduced in depth, however it still encroaches into the front setback by approximately 1m. Albeit, suitable landscaping in front of this terrace will screen this area and is considered to be acceptable in this instance. In addition, it is also noted that the relocated terrace encroaches into the minimum 4m rear setback by approximately 1.8m, however, given that the northern adjoining property contains a number of large trees that this area forms part of the open space area, and that the subject adjoins Callow Lane and the back of local shops, it is not considered likely that the terrace will result in any significant impacts on the character of the area or the amenity of the northern adjoining property.

#### **D2.4.8 Landscaped Area**

The proposal makes provision for approximately 40.47% of landscaped area (263.5m<sup>2</sup>). The calculated landscaped area includes the landscape verge along the western side boundary adjacent to the driveway, pedestrian entrances and elevated terraces which complies with DCP requirements. In addition, the landscape plan provides generous landscaping embellishment across the site and is considered to adequately offset the tree loss at the front of the site.

## **D5 Other Land Uses**

### **D5.11 Boarding Houses**

#### **1) Local Character**

The development proposal initially raised concerns in relation to the front setback treatment due to the expanse of hardstand area for the basement driveway and pedestrian pathway and an

encroachment of the building footprint into the front building line, including the front decking area for Unit 4 as previously detailed within this report.

In consideration of the above matters, the design initially did not demonstrate that it was aligned with the desired future character of the surrounding area. As such, the floor plan layout was considerably reconfigured to delete a portion of the front of the building to ensure that the established front building line along the northern side of Edna Street is retained.

A handrail was also incorporated around the pedestrian pathway which resembled a commercial premises. In this regard, the handrail was required to be removed as it was not considered to be compatible with the character of the locality.

## **2) Built form, Scale and Appearance**

The original built form failed to provide for a sufficient mix and balance of architectural design elements. The applicant was therefore requested to significantly redesign the building and as such, a front awning/pergola feature and some privacy screening were deleted. The front building façade now includes cladding and an additional window along the western part of the upper floor level. Below the amended upper floor level is now a rendered finish for the ground level, which is dark in colour and aids in providing visual relief to the front facade.

In addition, further amendments were necessary to better integrate the overhanging upper level and rear pergola located above the communal open space (elevated terrace) along the western elevation. This includes reinstating the front pergola and introducing a hanging vine feature situated over the basement driveway to its western side. Further, the landscaping and hedge planter box wall bounding the rear of the basement driveway was also reduced in width. As a result, the revised pergola is considered to better integrate with the front building facade, which in turn, reduces the overall length of ground floor area and is considered to present as a better design outcome when viewed from the street.

Further, the east elevation has been introduced with rendering to the ground floor level and the west elevation now incorporates additional cladding to the front portion of the upper floor level. Rendering is also provided to the front section of the ground floor, which will be visible from street view. It is also noted that a rendered feature is provided to the rear upper floor section of the east elevation and that privacy louvers have been reduced in height to cover only the upper half portion of selected windows. These amendments are considered to provide sufficient articulation.

## **3) Tenant Amenity, Safety and Privacy**

The proposal provides a kitchen, amenities and window(s) for each boarding room. Two (2) accessible rooms are provided on the ground floor and the design permits equitable access through the ground floor and outdoor communal area. Further, the narrow staircase window along the northern elevation has been modified to a row of 3 staircase windows to improve natural surveillance to the terrace area within this northern private area.

## **4) Visual and Acoustic Amenity Impacts**

It is noted that bedroom windows 14 and 16 overlook on to the western adjoining property's rear private open space. Given the potential for privacy impacts, a condition of consent is to be imposed to modify these windows to highlight windows. In regards to the remaining upper level bedroom windows, appropriate privacy measures are in place in the form of obscure glazing and privacy louvers, noting that the east elevation does not warrant any specific privacy measures given the outlook from these windows are only to the adjoining Callow Lane and the back of a commercial block, being garages and rear doors only.

In addition, the original proposal included a zero setback with an elevated terrace including a clothes line situated along the rear, western elevation of the building. Although amendments were submitted to reduce the width of this terrace to permit a landscape buffer of Lilly Pilly trees adjacent to the terrace, there were still concerns regarding the high potential for amenity impacts on the western adjoining property. In this regard, the terrace has been relocated to the north-eastern portion of the building and the clothes line has been relocated to the north-western corner of the site. The sliding doors along the western elevation have been modified to



regular windows and the deleted terrace area is now a non-accessible area. It is also noted that the rear terrace area has a rear setback of approximately 2.2m which encroaches into the minimum 4m rear setback requirement. However, given that the northern adjoining property contains a number of large significant trees along the rear boundary, this area of the neighbour's rear private open space is considered to be of low use.

Concern was also originally raised by Council's Environmental Section in relation to the submitted Noise Impact Assessment Report. The acoustic report calculated tenant sound power levels at a 50% patron rate with raised voices at any one time in the original outdoor communal area (terrace) located along the western side boundary, as opposed to a worst case scenario being 100% of patrons of the above. Further, the acoustic report recommends that the number of patrons using the outdoor communal area at any one time after 10:00pm should be minimised, however no specific number of patrons is proposed. As such, an amended acoustic report was required to be submitted for further review. In this regard, the revised and predicted tenant sound power levels is deemed acceptable by Council's Environmental Management Officer.

It is noted that since the amended acoustic report was submitted and reviewed by Council's Environmental Team, the terrace has been relocated to the north-western portion of the building. Notwithstanding the above, the acoustic report is considered to remain valid as the relocated terrace has a larger separation distance from adjoining properties in comparison to the original acoustic investigation. Further, the terrace is situated adjacent to large trees, which will act as a landscaping buffer and aid in reducing noise levels and any potential overlooking.

Given that the outdoor communal area is to be restricted to a maximum of ten (10) users at any one time during 6:00pm to 10:00pm and no users between 10:00pm and 7:00am, Monday to Sunday, via a recommended condition of consent, these measures are considered appropriate to mitigate any adverse amenity and privacy impacts on the adjoining properties.

#### **5) Location**

It is noted that Edna Street is a cul-de-sac, however the subject site is located on a corner lot, adjacent to Callums Lane with a large separation distance of approximately 105m from this cul-de-sac bulb. Further, Council's Traffic Engineer reviewed the accompanied Traffic Impact Report and advised that the local road network has the capacity to accommodate any traffic generation associated with the proposal. Given that the development is unlikely to result in any significant impacts on on-street parking or traffic flows in the immediate surrounding area, the site is considered to be appropriate for the proposed boarding house.

#### **6) Plan of Management**

A revised Plan of Management (POM) was required to be submitted as it originally stated that residents are to provide their own furniture and furnishings and that a Resident Special Need Register is to be completed, which is contrary to the relevant provisions applicable for general boarding houses. In addition, further details are required for the POM regarding occupancy rates, pest management, furnishing and cleaning and sanitation which will be addressed via a condition of consent with any determination granted.