

# PENRITH CITY COUNCIL

## MAJOR ASSESSMENT REPORT

<b>Application number:</b>	DA21/0348
<b>Proposed development:</b>	Demolition of Existing Structures, Removal of Trees & Construction of a Two Storey Boarding House Consisting of 16x Rooms
<b>Property address:</b>	76 Hobart Street, ST MARYS NSW 2760
<b>Property description:</b>	Lot 2 DP 514876
<b>Date received:</b>	20 May 2021
<b>Assessing officer</b>	Lucy Goldstein
<b>Zoning:</b>	Zone R3 Medium Density Residential - LEP 2010
<b>Class of building:</b>	Class 3
<b>Recommendations:</b>	Approve

## Executive Summary

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Council is in receipt of a Development Application for the Demolition of Existing Structures, Removal of Trees and Construction of a Two-Storey Boarding House Consisting of 16x rooms at 76 Hobart Street, St Marys.

Under Penrith Local Environmental Plan 2010 (**Penrith LEP**), the subject site is zoned R3 Medium Density Residential, and the proposal is defined as a Boarding House, which is a permissible land use with consent.

Key issues identified during the assessment of the application include:

- Compliance with standards under State Environmental Planning Policy (Affordable Rental Housing) 2009 (**SEPP ARH**) and Chapter D5 of Penrith Development Control Plan 2014 (**Penrith DCP**)
- Scale, building setbacks, landscape treatment of the front setback area
- Internal amenity, particularly in relation to the ground floor design and provision of suitable communal living room
- Maintaining surrounding residential amenity (visual, privacy, acoustic impacts)

Throughout the assessment process, the proposal has undergone several design amendments to address matters raised by Council staff. Notably, the design has been amended to provide compliant rear setback of 4m at ground floor and 6m at first floor, has been reduced in scale from 17x rooms to 16x rooms, the onsite detention system has removed from the front garden area to under the building to enable suitable deep soil landscaping along the frontage of the site, and the ground floor level has been reconfigured to improve residential amenity and provide a larger communal living room to comply with Penrith DCP requirements. To minimise impacts on surrounding properties, the south (rear) elevation has been amended to reduce the number of windows at first floor facing the adjoining property, and acoustic barrier along boundaries has been reduced from 2.1m to 1.8m height to minimise visual impacts.

In accordance with Council's Community Engagement Strategy, the application has been notified to nearby properties and exhibited between 7 June 2021 and 21 June 2021. The application was advertised in a local newspaper on 3 June 2021. Council received three (3) submissions. The matters raised in the submissions relate to character, scale, overshadowing, amenity, noise impacts, setbacks, tree removal and landscaping, perceived social impacts, and traffic and parking. The matters raised have been addressed in this report.

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

## Site & Surrounds

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The subject site is legally described as Lot 2 DP 514876, known as 76 Hobart Street, St Marys. The site is located on the southern side of Hobart Street, approximately 35m from the intersection with Australia Street. To the north of the site (across Hobart Street) is the railway line, and to the east, west and south are residential dwellings. The surrounding area currently contains a mix of residential development types, including single dwellings and more recent multi-unit housing development, being an area of transition.

The site is a wide lot with a 31m frontage to Hobart Street, rear width of 31m and depth of 24m, comprising a total lot area of 774sqm. Several existing trees are present on the site.

### Background

A pre-lodgement meeting was undertaken between Council staff and the applicant on 28 January 2021 (PL21/0001). The proposal presented at the pre-lodgement meeting was for a two-storey boarding house containing 17x rooms, and Council raised the following key planning issues at the time:

- Must address Subdivision 2 of SEPP Infrastructure for development in or adjacent to rail corridor
- Compliance with Division 3 Boarding Houses of SEPP ARH and Chapter D5 of Penrith DCP
- Appropriateness of scale
- Compliance with building setbacks, and provision of 40% landscaped area
- Demonstrating compliance with overshadowing controls
- Providing high level internal amenity for residents, particularly in regard to communal living area

The key matters raised at the pre-lodgement meeting have been suitably addressed by the application, as detailed in this report. The proposal has undergone amendments to address matters relating to building setbacks, has been reduced in scale from 17x rooms to 16x rooms, has removed the onsite detention system from the front garden area to under the building to enable suitable deep soil landscaping at the front of the site and provide for 40% of the site as landscaped area, and internal reconfiguration to improve residential amenity. The proposal has been referred to Sydney Trains who raised no objections to the proposal, subject to conditions relating to the construction management and protection of the rail corridor.

## Proposal

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The proposed development involves:

- Demolition of existing dwelling, structures and outbuildings, and tree removal;
- Construction of a two storey boarding house comprising the following:
  - Ground Floor
    - 2 accessible single rooms;
    - 1 common room;
    - Waste storage room;
    - 8 car parking spaces including 2 accessible spaces;
    - 4 motorbike spaces;
    - 10 bicycle spaces;
    - Communal open space;
  - First floor
    - 14 single rooms
- Associated drainage and landscaping works.

## Plans that apply

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- Local Environmental Plan 2010
- Development Control Plan 2014
- State Environmental Planning Policy (Affordable Rental Housing) 2009
- State Environmental Planning Policy (Infrastructure) 2007
- 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 has been assessed in accordance with the matters for consideration under Section 4.15 of the Environmental Planning and Assessment Act 1979, and having regard to those matters, the following issues have been identified for further consideration:

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

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

The proposal has been assessed against relevant provisions under *State Environmental Planning Policy (Affordable Rental Housing) 2009* (SEPP ARH), and found to be acceptable as outlined below.

It is important to note that on 26 November 2021, *State Environmental Planning Policy (Housing) 2021* (SEPP Housing) came into force, and had the effect of repealing SEPP ARH 2009. However, SEPP Housing 2021 contains savings and transitional provisions, which apply to this application. In this regard, Schedule 7 'Savings and transitional provisions' of SEPP Housing 2021 permits the former provisions of a repealed instrument to continue to apply to a development application made, but not yet determined on or before the commencement date of the policy (being 26 November 2021). The application was lodged on 21 May 2021, prior to SEPP Housing 2021 coming into force. As such, in accordance with Schedule 7, the repealed provisions of SEPP ARH 2009 continue to apply to the proposal, and the following assessment has been undertaken accordingly.

SEPP ARH, Division 3 Boarding Houses	Comment	Outcome
<b>Clause 29 Standards that cannot be used to refuse consent -</b>		
<b>2(a) Building Height</b>	The proposal complies with the maximum building height of 8.5m permitted on the site under Penrith LEP 2010. The proposed building is two-storey and has a maximum ridge level (RL) 47.65, resulting in an overall maximum height of approximately 7.8m from natural ground level.	<b>Standard met</b>

<b>2(b) Landscaped Area</b>	An application cannot be refused on the grounds of landscaping, if the landscape treatment of the front setback area is compatible with the streetscape in which the building is located. The proposal (as amended) provides a suitable landscaped front setback treatment. The onsite detention tanks have been removed from the setback area to within the building footprint, to allow deep soil planting areas within the front garden, inclusive of five (5) canopy trees. The communal waste area is integrated into the building, located internally within the car park to minimise visual impacts on the streetscape.	<b>Standard met</b>
<b>2(c) Solar access</b>	An application cannot be refused on the grounds of 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. The proposal provides a communal living room located at ground floor, which a south-west orientation. A window opening is provided on the western elevation which will enable sufficient solar access to the room in the afternoon.	<b>Standard met</b>
<b>2(d) Private Open Space</b>	An application cannot be refused on the grounds of 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.  The proposal provides a communal open space area more than 20sqm in area, and wider than 3m located at the rear of the site.	<b>Standard met</b>
<b>2(e) Parking</b>	An application cannot be refused on the grounds of car parking, if 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.  The proposal contains sixteen (16) boarding rooms, requiring a total number of eight (8) onsite car parking spaces.	<b>Standard met</b>
<b>2(f) Accommodation size</b>	An application cannot be refused on the grounds of accommodation size, if the gross floor area of a boarding room (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.  All rooms are single and meet the minimum 12sqm size. It is noted the ground floor rooms are 15sqm and do not exceed the size of a double room.	<b>Standard met</b>
<b>Clause 30 Standards for boarding houses -</b> <b>(1) A consent authority must not consent to development to which this Division applies unless it is satisfied of each of the following—</b>		

1(a) if a boarding house has 5 or more boarding rooms, at least one communal living room will be provided	A communal living room is provided at ground floor at the rear of the building. The communal living room is 32sqm in area, and connects to the outdoor rear garden area.	<b>Complies</b>
1(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	No boarding room has a gross floor area in excess of 25sqm. The proposed boarding rooms range in size from 12sqm to 15sqm.	<b>Complies</b>
1(c) no boarding room will be occupied by more than 2 adult lodgers	All proposed boarding rooms are single, and will be occupied by 1x person as enforced via conditions of consent.	<b>Complies</b>
1(d) adequate bathroom and kitchen facilities will be available within the boarding house for the use of each lodge.	All proposed boarding rooms contain a private kitchenette and bathroom	<b>Complies</b>
1(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	Not applicable, the proposal does not accommodate 20 or more lodgers (16x lodgers proposed)	N/A
1(f) repealed	Noted	N/A
1(g) applies to land zoned primarily for commercial purposes	Site is zoned for residential purposes.	N/A
1(h) at least one parking space will be provided for a bicycle, and one will be provided for a motorcycle, for every 5 boarding rooms.	The boarding house contains 16x rooms. As such, 4x motorcycle and bicycle parking spaces are required. 4x motorcycle spaces are provided at ground floor within the car park area, and 8x bicycle spaces provided at the rear of the building.	<b>Complies</b>
<b>Clause 30(A) Character of Area -</b> <b>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.</b>		

The local area is in transition, comprising a mix of traditional single dwellings and medium density development. The site is adjacent to the railway line, and several more recent townhouse developments are located nearby (notably at 73 and 74 Hobart St and several on Australia Street). The proposal is considered compatible with the character of the local area in terms of building height, building envelope, setbacks, and massing. Whilst the surrounding buildings generally provide a gable or hip roof, the proposed flat roof design is acceptable, given the location of the site being opposite the railway line and noting the roof design minimises overshadowing and reduces the apparent bulk of the building. The proposal provides adequate landscaped along the front, rear and side boundaries to provide separation and screening of the development.

### **State Environmental Planning Policy (Infrastructure) 2007**

Clause 85 of SEPP Infrastructure relates to development adjacent to rail corridors. The provisions of Clause 85 apply to this application, as the site is adjacent to the railway line.

Specifically, the proposal triggers Clause 85(1)(b), as the proposal involves the placing of a metal finish on a structure and the adjacent rail corridor is used by electric trains. Clause 85(2) requires the consent authority before determining a development application for which the clause applies, to refer the application to the appropriate rail authority (Sydney Trains), and take into consideration any response and any guidelines that are issued for the purpose of Clause 85.

In accordance with Clause 85, the application and supporting documentation was referred to Sydney Trains. In their response dated 24 January 2022, Sydney Trains raised no objection to the proposal and provided several recommended conditions of consent relating to compliance with the Department of Planning's 'Development Near Rail Corridors and Busy Roads - Interim Guidelines', construction management including addressing electrolysis risks, and prohibiting stockpiling of materials and pollution entering the rail corridor. The recommended conditions provided by Sydney Trains have been included in their entirety within the conditions section of this report.

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

The proposal has been assessed against relevant criteria of State Environmental Planning Policy No 55—Remediation of Land (SEPP 55), and is found to be satisfactory. In this regard, the site is considered suitable for the proposal from a contamination perspective, noting the following:

- In review of Council's records, the site has historically been used for residential purposes, which is not considered a potentially contaminating activity. As such, it is considered that there is very low risk of land contamination issues. It is noted that the proposal does not seek a change of use to a more sensitive use.
- Given the age of the existing two dwellings on the site, it is considered necessary that a Hazardous Materials Survey be conducted prior to demolition, to ensure that structures will not impact the health of surrounding sensitive receives and the environment. This matter is capable of being addressed via a condition of consent.

With consideration to the above, the proposal is considered to satisfy the requirements of SEPP 55.

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

An assessment has been undertaken of the application against relevant criteria with Sydney Regional Environmental Plan No 20—Hawkesbury-Nepean River (No 20—1997). The application is considered to meet the aims and objectives of this Policy, noting the following considerations:

The development incorporates a 7kl rainwater tank used for irrigation, promoting reuse of water across the site. The accompanying MUSIC model indicates that the site will achieve a %81.83 no potable water reuse, complying with Council's water quality requirements. Further, the proposal provides stormwater treatment prior to discharge, by way 6 x 460mm Psorb cartridges, located with a 4m<sup>2</sup> filter chamber adjacent to the OSD. The provided MUSIC model confirms that this will provided adequate stormwater treatment prior to discharge. A900mm<sup>2</sup> access panel has been provided above the filter chamber for maintenance access. It is noted that Council's Waterways Officer has raised no objections to the proposal.

As such, the application has suitable addressed water quality management, and satisfies the objectives of SREP 20.

### Local Environmental Plan 2010

Provision	Compliance
Clause 2.3 Permissibility	Complies
Clause 2.3 Zone objectives	Complies - See discussion
Clause 2.7 Demolition requires development consent	Complies
Clause 4.3 Height of buildings	Complies - See discussion
Clause 4.4 Floor Space Ratio	N/A

#### Clause 2.3 Zone objectives

The proposal (as amended) meets the objectives of the R3 Medium Density Residential zone, specifically to:

- *To provide for the housing needs of the community within a medium density residential environment.*
- *To provide for a concentration of housing with access to services and facilities.*
- *To ensure that a high level of residential amenity is achieved and maintained.*

The proposal will provide additional housing options within a medium density residential environment, that are in close proximity to services and facilities, including St Marys Railway Station and commercial premises in the St Marys town centre. The proposal has been designed to maintain high level of residential amenity, noting the built form design has been amended to provide increased building setbacks to adjoining properties to achieve sufficient landscaped separation, and provides for suitable acoustic treatments to mitigate noise impacts.

#### Clause 4.3 Height of buildings

Pursuant to Clause 4.3, a Maximum Height of Building of 8.5m is permitted on the site. The proposed building is approximately 7.1m in height, complying with the Maximum Height of Building requirement. Therefore, the proposal is satisfactory in respect to Clause 4.3.



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

### Development Control Plan 2014

Provision	Compliance
C1 Site Planning and Design Principles	Complies
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	Complies
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	Complies
C13 Infrastructure and Services	Complies
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 4.15(1)(a)(iv) The provisions of the regulations

The proposal complies with the requirements of the Environmental Planning and Assessment Regulation 2000. It is noted that a condition has been included to ensure that the development complies with all relevant requirements under the Building Code of Australia, including fire safety requirements. The application was referred to Council's Building Surveyor, who raised no objections to the proposal subject to conditions.

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

### **Stormwater Management**

The site naturally falls to the front, enabling drainage to the street. The proposal was accompanied by concept stormwater plans, which reflect drainage is to occur to the street, and includes a below ground onsite detention (OSD) tank to detain and treat water prior to discharge located within the footprint of the building. The application and supporting documentation has been reviewed by Council's Development Engineer, who raised no objections to the proposal, subject to conditions.

It is noted that a condition has been included to require the OSD tank to be extended into the driveway area, so that the access grates above the orifice and Overflow Pit are lower than the car park. This will provide protection to the car park and dwelling in the event of a blockage in the OSD system, directing emergency overflow from the grates towards the road.

### **Acoustic Impacts**

The proposal was accompanied by an acoustic report, titled '*Noise Impact Assessment*' (200781R1 – Revision 2) for 76 Hobart St, St Marys prepared by Rodney Stevens Acoustics dated 15 November 2021. The Noise Impact Assessment addresses noise impacts on surrounding receivers as a result of the proposal, and noise impacts on the boarding house as a result of nearby sources including the railway and traffic, and concludes the proposal complies with relevant noise criteria, subject to recommended measures. Measures include provision of a 1.8m acoustic fence to be installed along the rear boundary and a portion of the east and west (side) boundaries, and prohibiting tenants to use the outdoor communal area between the hours of 10pm-7am and no music is to be played in the outdoor communal area. Condition have been included to this effect to enforce these requirements.

Council's Environmental Management Officer has reviewed the Noise Impact Assessment Report, and raised no objections subject to conditions.

### **Plan of Management**

The application was accompanied by a Plan of Management (POM), which includes methods to address potential social and environmental impacts associated with the development. A Complaints Monitoring System has also been established as part of the POM to address and manage complaints effectively. Conditions of consent have been including requiring that the premise be managed in perpetuity in accordance with the endorsed Plan of Management. The Plan of Management is permitted to be updated and amended when required so as to improve management practices, but this can only occur with the written approval of Penrith City Council.

### **Access and Parking**

The proposal provides 8x onsite car parking spaces, complying with the car parking requirements under State Environmental Planning Policy (Affordable Rental Housing) 2009. The proposed car park and driveway design achieves acceptable access and maneuvering, noting that the provided swept paths demonstrate the vehicles can suitably enter and exit in a forward direction. Council's Traffic Engineer has reviewed the application and raised no objections to the proposal, subject to conditions.

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

The site is suitable for the following reasons:

- The proposed use is compatible with surrounding/adjoining land uses, being of residential nature;
- The grade of the site is suitable for the design proposed
- The site is able to drain to Council's satisfaction
- The site is suitable for the proposal (as amended), noting the design accommodates sufficient onsite car parking, provision of landscaping inclusive of deep soil areas, sufficient separation from adjoining properties and a suitable built form.

## **Section 4.15(1)(d) Any Submissions**

### **Community Consultation**

In accordance with Council's Community Engagement Strategy, the proposal was notified to nearby and adjoining residents.

Council notified forty-eight (48) residences in the area and the exhibition period was between 7 June 2021 and 21 June 2021. Council received three (3) submissions.

The application was advertised in a local newspaper on 3 June 2021.

The following issues were raised in the submissions received and have formed part of the assessment.

<b><i>Issue Raised</i></b>	<b><i>Comments</i></b>
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<p><b>#1 Submission</b></p> <p>The submission provided general statements (not specific) relating to:</p> <ul style="list-style-type: none"> <li>• character (height, setbacks, massing and design)</li> <li>• does not respond to offsite amenity of surrounding properties, resulting in unreasonable visual bulk</li> <li>• unacceptable internal amenity</li> <li>• scale and intensity unreasonable amenity impacts</li> <li>• over development of the site</li> <li>• insufficient landscaping provided and inadequate information</li> <li>• proposed use and development inappropriate planning outcome.</li> <li>• insufficient parking</li> <li>• has not addressed best practice environmental sustainable outcomes</li> <li>• has not separated pedestrian/vehicle movement</li> <li>• not offer appropriate access to necessary services and transport</li> </ul>	<ul style="list-style-type: none"> <li>• The amended design is compatible with the surrounding character in terms of building height, setbacks, massing and design. In this regard, the proposal is compliant with the maximum height of building of 8.5m permitted on the site, provides sufficient rear, front and side setbacks, and complies with the building envelope control for the R3 zone. The development fronts Hobart Street with the entrance orientated towards the street, and provides passive surveillance with a boarding room window facing the street.</li> <li>• The scale of the proposal is acceptable, noting the building has been reduced from 17x rooms to 16x rooms.</li> <li>• The amended design provides suitable internal amenity to future occupants. The ground floor level has undergone substantial redesign to relocate rooms away from the car park area, so that no rooms share a wall with the internal car park. The communal living room is sufficient in size for the size of the development, being 32sqm, and providing additional kitchen and storage area.</li> <li>• The proposal provides 40% of the site an landscaped area, and includes deep soil planting provisions. The application was accompanied by a Landscape Plan which provides suitable landscape embellishment of the site including trees within the front and rear garden areas.</li> <li>• The proposal is a permissible land use on the site.</li> <li>• The proposal provides 8x onsite car parking spaces, meeting the car parking requirements under SEPP ARH.</li> <li>• The proposal includes water reuse by way of rainwater tanks, which is to the satisfaction of Council's Waterways Officer.</li> <li>• Access into/out of the development has been assessed by Council's Traffic Engineer and found to be satisfactory.</li> <li>• The development is located approximately 1km from St Marys CBD (Queen St) which offers various services and facilities. The site is located approximately 345m from bus stop on Phillip Street and 1km from St Marys railway station.</li> </ul>
<p><b>#2 Submission</b></p>	<ul style="list-style-type: none"> <li>• The proposal will partially overshadow the lot to the</li> </ul>

- Overshadowing of lot to the rear
- 6m rear setback not provided
- 3m rear setback provided, concerns raised regarding inadequate fire separation
- overlooking of property to the rear, 7 windows overlooking backyard. Suggests windows on the southern elevation be frosted and non-opening.
- noise impacts in relation to the common room, is considered too close to adjoining boundary.
- noise report assumes no large social gatherings will take place, questions how will this be managed
- 7 air conditioners proposed facing property to the rear resulting in unreasonable noise impacts
- 2.1m boundary fence will cause increased overshadow and look oppressive.
- too many residents (2 lodgers per unit assumed) = 34 residents
- trees proposed to be removed are not on the subject site.
- safety and security concerns
- perceived unfair process in not being able to view internal rooms to comment

rear. The accompanying shadow diagram shows that overshadowing of the lot to the rear will occur mainly during morning hours (9:00am). However, by midday onward the extent of overshadowing will be limited to a small slither along of the backyard of the rear lot. The proposal will therefore not result in unreasonable overshadowing impacts.

- The proposal has been amended to provide compliant rear setback of 4m at ground floor and 6m at first floor. The proposal complies with relevant fire separation requirements.
- The rear elevation (south) has been redesigned to address overlooking concerns. Specifically, 2x windows have been deleted on this elevation to minimise overlooking opportunities, reducing the number of windows from 7x to 5x. A further condition of consent has been included to require windows on this elevation to be obscured to minimise privacy impacts.
- The proposal was accompanied by a Noise Impact Assessment Report that demonstrates the proposal will meet relevant noise criteria. The Noise Impact Assessment report has been reviewed by Council's Environmental Management Officer, who raised no objections to the proposal subject to conditions.
- The proposal was accompanied by a Plan of Management (POM), which addresses ongoing management of the premise. The POM includes 'house rules' which must be made available to all residents and are strictly enforceable by the leasing manager of the premise. The POM sets out a complaints process to address issues should they arise. To ensure that the POM is adhered to for the life of the development, a condition of consent has been imposed to this effect.
- A condition has been imposed that requires the operating noise level of plant and equipment is not exceed 5dB(A) above the background noise level when measured at the boundaries of the premises. A further condition has been imposed to require a certificate to be obtained from a qualified acoustic consultant certifying that the building has been constructed (including mechanical ventilation) to meet the noise criteria in accordance with the approved acoustic report.
- Boundary fencing has been reduced to 1.8m, which is of a reasonable height. A condition of consent has

	<p>been imposed to enforce this.</p> <ul style="list-style-type: none"> <li>• The proposal contains 16x single boarding rooms, resulting in a maximum number of 16x lodgers. The application has demonstrated that the site can accommodate the proposal.</li> <li>• Tree removal is not permitted without relevant land owners consent. A condition of consent has been included prohibiting the removal of any trees or vegetation located outside of the subject site.</li> <li>• The proposal has been designed with crime prevention through environmental design principles in mind. In this regard, passive surveillance is provided to the street and rear courtyard with the communal living room connecting to the courtyard. Conditions have been imposed to require provision of CCTV cameras covering communal spaces and exit/entries, a lighting system across common areas and driveways to be provided, and provision of door and window locks in accordance with Australian Standard 220. A further condition has been imposed to require the premise to be carried out in accordance with the POM for the life of the development.</li> <li>• Due to copyright and security issues, internal layout of all residential development are not made public on Council's application tracker.</li> </ul>
<p><b>#3 Submission</b></p> <ul style="list-style-type: none"> <li>• concern over number of rooms (scale)</li> <li>• concerns regarding parking, particularly noting the multi unit housing development at 75 Hobart St - accumulative impacts of available parking spaces.</li> </ul>	<ul style="list-style-type: none"> <li>• The proposal as amended has been reduced in scale to 16x single boarding rooms. As detailed in this report, the proposal is suitable in terms of built form, provision of car parking, access, and landscaped area, indicating that the proposed scale can be accommodated by the site.</li> <li>• The proposal provides sufficient onsite car parking to service the development, providing 8x onsite car parking spaces, meeting the requirements of SEPP ARH.</li> </ul>

### Referrals

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

Referral Body	Comments Received
Building Surveyor	No objections - subject to conditions
Development Engineer	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
Social Planning	No objections - subject to conditions

### **Section 4.15(1)(e)The public interest**

The proposal subject to conditions is unlikely to result in significant issues of public interest, noting that the matters raised in submissions have been addressed in this report.

### **Section 94 - Developer Contributions Plans**

The following Section 7.11 plans apply to the proposal:

- Section 7.11 - District Open Space Facilities
- Section 7.11 - Cultural Facilities
- Section 7.11 - Penrith City Local Open Space

The following Section 7.11 calculations apply to the proposed development.

<b>Calculation for a Boarding House</b>					
<i>Open Space</i>					
No. of units	x	Rate	-	Credit for existing dwelling/s	Contribution rate
16	x	1.34	-	3.1	18.34
<i>City wide</i>					
No. of units	x	Rate	-	Credit for existing dwelling/s	Contribution rate
16	x	1.34		3.0	18.44
<b>AMOUNT</b>					
S.7.11 Contribution Plan		Contribution Rate x Calculation rate			Total
District Open Space		18.34 x \$2,058			\$37,743
Local Open Space		18.34 x \$744			\$13,644
Cultural facilities		18.44 x \$197			\$3,633
		<b>NET TOTAL</b>			<b>\$55,020</b>

## Conclusion

In assessing this application against the relevant environmental planning policies, being State Environmental Planning Policy (Affordable Rental Housing) 2009, Penrith Local Environmental Plan 2010 and Penrith Development Control Plan 20104, the proposal satisfies the aims, objectives and provisions of these policies.

The site is suitable for the proposal, and the proposal (as amended) is unlikely to have negative impacts arising from the proposal. Therefore, the application is recommended for approval, subject to the following conditions.



## Recommendation

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1. That Development Application DA21/0348 for Demolition of Existing Structures, Removal of Trees and Construction of a Two-Storey Boarding House Consisting of 16x rooms at 76 Hobart Street, St Marys be approved subject to the attached conditions (Development Assessment Report Part B).
2. That those making submissions are notified of the determination.

## CONDITIONS

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### General

#### 1 [A001 - Approved plans table](#)

The development must be implemented substantially in accordance with the following plans and documents stamped approved by Council, the application form, BASIX Certificate 1194552M, 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:

Plan	Reference	Prepared By	Dated
Calculations	Job #28811, Drawing #0002, Issue B	Idraft Architects	12/05/2021
Calculation Diagrams	Job #28811, Drawing #0003, Issue B	Idraft Architects	12/05/2021
BASIX Commitments	Job #28811, Drawing #0004, Issue B	Idraft Architects	12/05/2021
Site Analysis	Job #28811, Drawing #0005, Issue B	Idraft Architects	12/05/2021
Demolition Plan	Job #28811, Drawing #0008, Issue B	Idraft Architects	12/05/2021
Sedimentation Plan	Job #28811, Drawing #0009, Issue B	Idraft Architects	12/05/2021
Site Plan	Job #28811, Drawing #0010, Issue B	Idraft Architects	12/05/2021
Shadow Diagram & Streetscape	Job #28811, Drawing #0011, Issue B	Idraft Architects	12/05/2021
Ground Floor Plan	Job #28811, Drawing #1001, Issue B	Idraft Architects	12/05/2021
First Floor Plan	Job #28811, Drawing #1002, Issue B	Idraft Architects	12/05/2021
Roof Plan	Job #28811, Drawing #1003, Issue B	Idraft Architects	12/05/2021
North & South Elevations; East & West Elevations	Job #28811, Drawing #2001-2002, Issue B	Idraft Architects	12/05/2021
Sections A-A & B-B; Sections C-C & D-D	Job #28811, Drawing #3001-3002, Issue B	Idraft Architects	12/05/2021
Adaptable Plan	Job #28811, Drawing #4001, Issue B	Idraft Architects	12/05/2021
Landscape Concept Plan	Drawing #21054 DA 1, Revision B	Vision Dynamics	8/09/2021
Stormwater Concept Plan	Project # 201191, Drawing # 000 to 106, Issue B	Ace Civil Stormwater Services Pty Ltd	07/09/2021

#### Supporting Documents:

- Noise Impact Assessment, prepared by Rodney Stevens Acoustics Pty Ltd, Report Reference 200781R1, Revision 2, dated 15 November 2021
- Updated Operational Plan of Management, prepared by Specialist Town Planning Services, Version 3, dated December 2021
- Traffic and Parking Impact Assessment, prepared by Motion Traffic Engineers Pty Ltd, Reference N206413A (Version 1a), dated March 2021
- Waste Management Plan, dated 12 May 2021

2 [A019 - OCCUPATION CERTIFICATE](#)

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

3 [A039 - Graffiti](#)

The finishes of all structures and buildings are to be maintained at all times and any graffiti or vandalism immediately removed/repaired.

4 [A046 - Obtain Construction Certificate before commencement of works](#)

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

5 [A - Boarding House furniture and fittings](#)

Appropriate furniture and fittings must be provided and maintained in good repair. If the boarding house is one in which persons may lodge for 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 Boarding House Plan of Management.

6 [A Special - Access Report](#)

**Prior to the issue of a Construction Certificate**, the accompanying Access Report, Reference 21083, dated 26/04/21 is to be updated (where relevant) to reflect the amended design as approved by the stamped architectural plans.

The Principal Certifying Authority shall ensure that the requirements of the Access Report prepared by Vista Access Architects, Reference 21083 dated 26/04/21 (as amended to meet the above requirement) are incorporated into the Construction Certificate plans and the necessary works completed **prior to the issue of an Occupation Certificate**.

7 [A Special - BASIX](#)

**Prior to the issue of a Construction Certificate**, the BASIX Certificate 1194552M dated May 2021 is to be updated where relevant, to reflect the amended design as per the stamped approved architectural plans. **Prior to the issue of an Occupation Certificate**, the Principal Certifier shall ensure that the commitments required by the BASIX Certificate have been implemented.

8 [A Special - Boarding House Rules](#)

The boarding house "house rules" are to be provided to each tenant and displayed in a prominent position within the communal rooms. The ground floor communal open space and common rooms must be available for the use of lodgers of the building.

9 [A Special - Maximum Permitted Lodgers](#)

A maximum of 16x lodgers are permitted to reside at the boarding house at any one time. All boarding rooms within the development must be used as single rooms, with a maximum of one lodger per boarding room.

10 [A Special - No Strata Subdivision Permitted](#)

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.

#### 11 [A Special - Plan of Management](#)

The premises must be managed in perpetuity in accordance with the endorsed Plan of Management (Titled Updated Operational Plan of Management, prepared by Specialist Town Planning Services, Version 3, dated December 2021.) The Plan of Management is permitted to be updated and amended when required so as to improve management practices, but this can only occur with the written approval of Penrith City Council.

#### 12 [A Special - Windows on South Elevation](#)

To minimise opportunities for overlooking, all windows on the southern (rear) elevation at first floor are to be partially obscured/frosted. The Principal Certifying Authority shall ensure this is incorporated into the Construction Certificate plans, and installed prior to the issue of an Occupation Certificate.

#### 13 [A Special CPTED Requirements](#)

**Prior to the issue of an Occupation Certificate**, the following community safety and crime prevention through environmental design (CPTED) requirements must be implemented:

##### **Lighting**

- A lighting system is to 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).
- All outdoor/public spaces throughout the development must be lit to the minimum Australian Standard of AS 1158. Lighting must be consistent in order to reduce the contrast between shadows and illuminated areas.

##### **Car Parking**

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

##### **Building Security & Access Control**

- Intercom, code or card locks or similar must be installed for all entries to the building, including at side entry points to the property.
- Australian Standard 220 – door and window locks must be installed in all dwellings.
- CCTV is to be provided to cover communal public space areas, in particular car park entry/exit point. Cameras must be of sufficient standard to be useful for police in the event of criminal investigations. Lighting must be provided to support cameras at night (alternatively infra-red cameras are recommended). Signage must be displayed to indicate that CCTV cameras are in use.
- Mailboxes must be well secured.

##### **Graffiti/Vandalism**

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

#### 14 A Special Sydney Trains Requirements

The development is to comply with the following Sydney Train requirements:

(a) The development is to comply with the deemed-to-satisfy provisions in the Department of Planning's document titled "Development Near Rail Corridors and Busy Roads- Interim Guidelines".

(b) **Prior to the issue of a Construction Certificate**, the Applicant is to engage an Electrolysis Expert to prepare a report on the Electrolysis Risk to the development from stray currents. The Applicant must incorporate in the development all the measures recommended in the report to control that risk. A copy of the report is to be provided to the Principal Certifying Authority with the application for a Construction Certificate. The Principal Certifying Authority must ensure that the recommendations of the electrolysis report are incorporated in the construction drawings and documentation prior to the issuing of the relevant Construction Certificate.

(c) During all stages of the development the Applicant must take extreme care to prevent any form of pollution entering the rail corridor. Any form of pollution that arises as a consequence of the development activities shall remain the full responsibility of the Applicant.

(d) Excess soil is not allowed to enter, be spread, or stockpiled within the rail corridor (and its easements) and must be adequately managed/disposed of.

(e) The Applicant must ensure that all drainage from the development is adequately disposed of and managed and not allowed to be discharged into the rail corridor unless prior written approval has been obtained from Sydney Trains.

(f) Copies of any certificates, drawings, approvals/certification, or documents endorsed by, given to, or issued by Sydney Trains or TAHE (Transport Asset Holding Entity) must be submitted to Council for its records **prior to the issuing of the applicable Construction Certificate or Occupation Certificate**.

(g) The Applicant must ensure that at all times they have a representative (which has been notified to Sydney Trains in writing),

- who oversees the carrying out of the Applicant's obligations under the conditions of this consent and in accordance with correspondence issued by Sydney Trains;

- acts as the authorised representative of the Applicant; and is available (or has a delegate notified in writing to Sydney Trains that is available) on a 7 day a week basis to liaise with the representative of Sydney Trains, as notified to the Applicant.

(h) Without in any way limiting the operation of any other condition of this consent, the Applicant must, during demolition, excavation and construction works, consult in good faith with Sydney Trains in relation to the carrying out of the development works and must respond or provide documentation as soon as practicable to any queries raised by Sydney Trains in relation to the works.

*Note:* Where a condition of consent requires consultation with Sydney Trains, the Applicant shall forward all requests and/or documentation to the relevant Sydney Trains External Interface Management team. In this instance the relevant interface team is West Interface, and they can be contacted via email on [West\\_Interface@transport.nsw.gov.au](mailto:West_Interface@transport.nsw.gov.au)

## Demolition

15 **B002 - 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**.

16 **B003 - Asbestos**

Regulatory obligations (including licensing and notification requirements) for the management, control and removal of asbestos are prescribed in the:

- *Work Health and Safety Act 2011*
- *Work Health and Safety Regulation 2017*
- *SafeWork NSW Code of Practice How to Manage and Control Asbestos in the Workplace August 2019, and the*
- *SafeWork NSW Code of Practice How to Safely Remove Asbestos August 2019, and*
- *Australian Standard AS2601-2001 The demolition of structures*

Compliance with the above legislation is required and reference should be made to SafeWork NSW and to the *Asbestos Policy Penrith City Council 2014*.

**Prior to commencement of demolition works**, a portaloo with appropriate washing facilities shall be located on the site and the Principal Certifying Authority is to be satisfied that the person employed to undertake the works is a licensed asbestos removal contractor who has a current WorkCover Asbestos Licence.

All asbestos laden waste must be disposed of at a waste management facility licensed by the NSW Environment Protection Authority to receive asbestos waste.

17 **B004 - Dust**

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

18 **B005 - Mud/Soil**

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

#### 19 B006 - Hours of work

Demolition works are 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 and do not involve external walls or the roof, and do 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

#### 20 D005 – No filling without prior approval (may need to add D006)

No fill material is to be imported to the site without the prior approval of Penrith City Council in accordance with Sydney Regional Environmental Plan No.20 (Hawkesbury- Nepean River) (No.2-1997). No recycling of material for use as fill material shall be carried out on the site without the prior approval of Council.

#### 21 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 Contaminated Land Development Control Plan) with consideration of all relevant guidelines (e.g. EPA, ANZECC, NH&MRC), standards, planning instruments and legislation,
- 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 and unacceptable risk to human health or the environment.

Note: Penrith Contaminated Land Development Control Plan 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.

## 22 [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.

## 23 [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.

## 24 [D013 - Approved noise level 1](#)

Noise levels from the premises shall not exceed the relevant noise criteria detailed in the 'Noise Impact Assessment - Proposed Boarding House Development' (200781R1 Rev 2) for 76 Hobart St, St Marys prepared by Rodney Stevens Acoustics dated 15/11/2021. 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.

Particular attention is drawn to the following requirements contained in the Noise Impact Assessment Report:

- Provision of solid barrier 1.8m in height along the rear and side boundaries as shown in the Noise Impact Assessment;
- No music is to be played in the outdoor communal area at any time, and tenants are not permitted to use outdoor communal area between 10pm-7am.

A certificate is to be obtained from a qualified acoustic consultant certifying that the building has been constructed (including mechanical ventilation) to meet the noise criteria in accordance with the approved acoustic report. This certificate is to be submitted to the Principal Certifying Authority prior to the issue of an Occupation Certificate.

The provisions of the Protection of the Environment Operations Act 1997 apply to the development, in terms of regulating offensive noise.

## 25 [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.



## 26 D Special Waste Collection

**Prior to the issue of an Occupation Certificate** the following is to be submitted to and approved by Penrith City Council:

- The developer is to enter into a formal agreement with Penrith City Council for the utilisation of Councils Waste Collection Service. This is to include Council being provided with indemnity against claims for loss and damage.

The direct contact details of the owner/manager of the development are to be provided to Councils Waste and Resource Recovery Department prior to the issue of an Occupation Certificate.

### *Note:*

- By entering into an agreement with Council for Waste Collection, the development will be required to operate in full compliance with Penrith City Councils Waste Collection and Processing Contracts for Standard Waste Collection. The provision of Councils waste collection service will not commence until formalisation of the agreement.
- Councils Waste and Resource Recovery Department to conduct a site inspection of the on-site infrastructure with Councils collection contractors. The inspection to review the on-site waste collection infrastructure for the provision of a safe and efficient waste collection service in accordance with the stamped plans and Councils policy provisions.

## 27 D Special Waste Management

The following waste management requirements must be complied with and details of compliance demonstrated to Council **prior to the issue of a Construction Certificate**:

- The Waste Collection Area and Bulky Households Goods Area to incorporate the following infrastructure:
  - a) Floor graded to a central drainage point connected to the sewer
  - b) Floor waterproofed across all intersections and extend a minimum 1200mm high on each wall
  - c) Hot and cold water taps to permit scheduled cleaning
  - d) Incorporate mechanical ventilation
  - e) Sensor lights provided within structure and adjacent access pathways
  - f) Minimum unobstructed internal height clearance of 2700mm
  - g) All doors to be self-closing, sealed and 180 degree outwards opening
  - h) The western door of the Waste Collection Area to incorporate the following:
    - i) Centred on the western wall to permit 1000mm clearance on both the northern and southern sides to permit unobstructed bin placement
    - j) The door to be self-closing, sealed and 180 degree outwards opening to inhibit the permeation of odour within the residential corridor
- The waste collection area and bulky goods collection to incorporate the following:
  - a) The northern external doors to be locked/accessed through Councils abloy key system organised through Olympic Lock Smiths (Lock System 5OL092)
  - b) The western door of the waste collection and eastern door of the bulky waste area to be locked through an automated resident lock system to inhibit unauthorised external access to residential dwelling.

## 28 [D Unexpected Finds Protocol](#)

**Prior to the issue of a Construction Certificate**, an Unexpected Finds Protocol (the Protocol) is to be developed by an appropriately qualified environmental consultant and is to be submitted to Council for approval.

The Protocol is to address, at minimum, the management of any contamination found on the site during the demolition, excavation and construction phases of the development, including at minimum, contaminated soils, groundwater, buried building materials, asbestos, odour and staining.

The above Protocol is to be complied with at all times during the demolition, excavation and construction phases of the development.

## BCA Issues

### 29 [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

### 30 [F178 - Boarding House](#)

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.

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

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

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

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

### 33 [F180A - Boarding House - Compliance Inspection](#)

The operator/owner of the boarding house must book a compliance inspection with Penrith City Council within 3 months of the boarding house commencing operation in accordance with the requirements set out under the Boarding House Act 2012 and Regulation 2013.

34 **F181 - Boarding House - Registration**

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.

35 **F Special Additional Operational Information**

**Prior to the issuing of an Occupation Certificate**, the following information must to be submitted to and approved by Penrith City Council:

(a) waste minimisation, recycling and collection arrangements, including the servicing of 'sharps' and sanitary napkin receptacles;

(b) professional cleaning and pest and vermin control arrangements;

(c) inclusion of safety and security measures regarding perimeter lighting;

(d) a landline telephone for residents to ring emergency services;

(e) internal signage must include floor plans that will be permanently fixed to the inside of the door of each bedroom to indicate the available emergency egress routes from the respective bedroom.

(f) 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:

- frequency of pest service
- maintenance and cleaning
- area of service
- time of service
- sighting of pests and a response plan reporting
- methods of treatment
- 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. The plan shall clearly indicate how, and in what time frame, pests can be eradicated and what measures will be put in place to prevent the further harbourage of pests.

(g) Room furnishings. The Plan of Management is to include how and when a resident can have a mattress replaced.

(h) A cleaning and sanitation program is to 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 sanitising is conducted,
- frequency of cleaning and sanitising,
- use of chemicals,
- cleaning chemical and sanitising solution strengths,
- record keeping of cleaning and sanitising and signing off on cleaning and sanitising.

(i) Laundry and Clothes Line Guide Shared facilities are to be provided unless separate laundry facilities are provided within rooms for all residents. As a guide:

- one 8.5 kg capacity automatic washing machine and one domestic dryer for every 12 residents;
- at least one large laundry tub and one cleaner's sink with running hot and cold water

36 [F Special Notification](#)

**Prior to the issue of an Occupation Certificate**, the operator of the boarding house must notify Council in writing of the business name, address, owner or company name, 24-hour contact person/details, and number of approved occupants for the boarding house.

## Utility Services

37 [G002 - Section 73](#)

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 a Subdivision Certificate.

38 [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.

39 [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

#### 40 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 2 signs to be erected on the 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 2 signs stating the above details are to be erected:

- at the commencement of, and for the full length of the, construction works onsite, 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.

#### 41 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 the 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.

#### 42 H041 - Hours of work

Construction works that are carried out in accordance with an approved consent that involve the use of heavy vehicles, heavy machinery and other equipment likely to cause offence to adjoining properties shall 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 work is permitted on Sundays and Public Holidays.

Other construction works carried out inside a building/tenancy and do not involve the use of equipment that emits noise are not restricted to the construction hours stated above.

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

## Engineering

43 **K101 - Works at No Cost to Council**

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

44 **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 any 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 Asset Management Department on 4732 7777 or visit Penrith City Council's website for more information.

45 **K202 - S138 Roads Act - Minor Works in the Public Road**

Prior to the issue of any Construction Certificate, a Section 138 Roads Act application, including payment of application and inspection fees together with any applicable bonds, shall be lodged with 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)
- d) Road occupancy or road closures (including temporary construction work zones and tower crane operation)
- e) The placement of hoardings, structures, containers, waste skips, signs etc. in the road reserve
- f) Temporary construction access
- g) Temporary ground anchors (for basement construction)

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 Asset Management Department on 4732 7777 or visit Penrith City Council's website for more information.

Note:

- Where Penrith City Council is the Certifier for the development, the Roads Act approval for the above works may be issued concurrently with the Construction Certificate.
- Separate approval may be required from Transport for NSW for classified roads.
- All works associated with the Roads Act approval must be completed prior to the issue of any Occupation Certificate.
- On completion of any awning over the road reserve, a certificate from a practicing structural engineer certifying the structural adequacy of the awning is to be submitted to Council before Council will inspect the works and issue its final approval under the Roads Act.



46 **K210 - Stormwater Management**

The stormwater management system shall be consistent with the plan/s lodged for development approval, prepared by ACE Civil Stormwater Services, reference number 201191, revision B, dated 07/09/2021.

Prior to the issue of any Construction Certificate, the Certifier shall ensure that the stormwater management system has been designed in accordance with Penrith City Council's Stormwater Drainage Specification for Building Developments, Water Sensitive Urban Design (WSUD) Policy and addresses the following:

- The below ground OSD tank shall be extended into the driveway area so that the access grates above the orifice and Overflow Pit are lower than the carpark. This will provide protection to the carpark and dwelling in the event of a blockage in the OSD system, directing emergency overflow from the grates towards the road.

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

47 **K222 - Access, Car Parking and Manoeuvring - General**

Prior to the issue of any Construction Certificate, the Certifier shall ensure that vehicular access, circulation, manoeuvring, pedestrian and parking areas associated with the subject development are in accordance with Penrith City Council's Development Control Plan, AS2890.1, AS2890.2 and AS2890.6.

48 **K228 - Dilapidation Report**

The developer 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 Certifier for the development then the dilapidation report shall be submitted to Council prior to the issue of any Construction Certificate and then updated and submitted prior to the issue of any Occupation Certificate confirming no damage has occurred.

49 **K301 - Sediment & Erosion Control**

Prior to commencement of works 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.

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

50 **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.

51 **K501 - Penrith City Council Clearance - Roads Act / Local Government Act**

Prior to the issue of any Occupation Certificate, the Principal Certifier shall ensure that all works associated with a S138 Roads Act approval have been inspected and signed off by Penrith City Council.

52 **K503 - Works As Executed - Stormwater Management**

Prior to the issue of any Occupation Certificate, Works As Executed drawings, final operation and maintenance management plans and any other compliance documentation for the stormwater management system shall be submitted to the Principal Certifier in accordance with Penrith City Council's Engineering Construction Specification for Civil Works, Stormwater Drainage Specification for Building Developments and WSUD Technical Guidelines.

An original set of Works As Executed drawings and copies of the final operation and maintenance management plans and compliance documentation shall also be submitted to Penrith City Council with notification of the issue of the Occupation Certificate where Penrith City Council is not the Principal Certifier.

53 **K504 - Stormwater Compliance**

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

- a) Stormwater management systems (including on-site detention and water sensitive urban design)
  - 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, and;
  - Any remedial works required to be undertaken have been satisfactorily completed.

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

54 **K505 - Restriction on the Use of Land and Positive Covenant**

Prior to the issue of any Occupation Certificate, a restriction on the use of land 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 on the use of land and positive covenant shall be in Penrith City Council's standard wording as detailed in Council's Stormwater Specification for Building Developments - Appendix F.

55 **K - Waterways - Stormwater Management system operation and maintenance**

The stormwater management systems shall continue to be operated and maintained in perpetuity to the satisfaction of Council in accordance with the final operation and maintenance management plan. Regular inspection records are required to be maintained and made available to Council upon request. All necessary improvements are required to be made immediately upon awareness of any deficiencies in the treatment measure/s

56 **K Special Parking Spaces**

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

57 **K Special Parking Spaces, Aisles and Driveway**

All vehicle parking spaces, parking aisles and driveways/circulating roads must be designed and built in accordance with AS2890.1-2004; AS2890.6-2009 and Council's requirements.

58 **K Special Sight Lines to be Maintained**

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

59 **K Special Subleasing of spaces not permitted**

Subleasing of car parking spaces is not permitted by this Consent.

60 **K Special Vehicle Entry/Exit**

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

## Landscaping

61 **L001 - General**

All landscape works are to be constructed in accordance with the stamped approved Landscape Concept Plan (Drawing No. 21054 Reference DA1, Revision B, Prepared by Vision Dynamics dated 8/09/2021) and Penrith Council's Landscape Development Control Plan 2014.

Landscaping shall be maintained:

- in accordance with the approved plan, 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.

62 **L002 - Landscape construction**

The approved landscaping for the site must be constructed by a suitably qualified landscape professional.

63 **L003 - Report requirement**

The following series of reports relating to landscaping are to be submitted to the nominated consent authority at the appropriate time periods as listed below. These reports shall be prepared by a suitably qualified landscape professional.

i. Implementation Report

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.

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.

ii. Maintenance Report

On the first anniversary of the date of the Occupation Certificate issued for the development, a Landscape Maintenance Report is to be submitted to Penrith City Council certifying that the landscape works are still in accordance with the development consent and the plant material is alive and thriving.

64 **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.

65 **L008 - Tree Preservation**

No trees are to be removed, ring barked, cut, topped or lopped or willfully 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 Part C, C2 Vegetation section of Penrith Development Control Plan 2014.

**This consent does not permit the removal of any trees, landscaping or vegetation located outside of the subject site.**

66 **L Special - Fencing and Retaining Walls**

All fencing and retaining walls permitted by this consent are to be at the full cost of the developer/proponent.

Boundary fencing permitted by this consent is to have a maximum height of 1.8m, and be of material and colour that complement the external materials of the approved building. Any fencing located forward of the building line is to be no taller than 1.2m in accordance with Chapter D2 of Penrith Development Control Plan 2014.

All retaining walls subject of this consent must be of masonry construction.

67 **L Special - Pruning**

All vegetation must be regularly pruned to ensure that sight lines are maintained for safety purposes.

68 **L Special -Awning**

The awning over the outdoor Communal Open Space shall not project more than 2m beyond the external wall of the building, to minimise visual impacts on adjoining properties. **Prior to the issue of a Construction Certificate**, the Principal Certifier is to ensure that this is shown on the construction certificate plans.

## Development Contributions

69 **N001a - Section 7.11 contribution for Cultural Facilities**

This condition is imposed in accordance with Penrith City Council's Section 7.11 Contributions Plan for Cultural Facilities. Based on the current rates detailed in the accompanying schedule attached to this Notice, **\$3,633.00 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 Section 7.11 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 Section 7.11 invoice accompanying this consent should accompany the contribution payment. The Section 7.11 Contributions Plan may be inspected at Council's Civic Centre, 601 High Street, Penrith.

**Note:** The timing of contributions payable may be otherwise affected in accordance with Planning Circular PS20-003 dated 3 July 2020 and the associated NSW Government Ministerial Direction - Infrastructure Contributions.

70 **N001b - Section 7.11 contribution for District Open Space**

This condition is imposed in accordance with Penrith City Council's Section 7.11 Contributions Plan for District Open Space. Based on the current rates detailed in the accompanying schedule attached to this Notice, **\$37,743.00 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 Section 7.11 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 Section 7.11 invoice accompanying this consent should accompany the contribution payment. The Section 7.11 Contributions Plan may be inspected at Council's Civic Centre, 601 High Street, Penrith.

**Note:** The timing of contributions payable may be otherwise affected in accordance with Planning Circular PS20-003 dated 3 July 2020 and the associated NSW Government Ministerial Direction - Infrastructure Contributions.

71 **N001c - Section 7.11 contribution for Local Open Space**

This condition is imposed in accordance with Penrith City Council's Section 7.11 Contributions Plan for Local Open Space. Based on the current rates detailed in the accompanying schedule attached to this Notice, **\$13,644.00 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 Section 7.11 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 S7.11 invoice accompanying this consent should accompany the contribution payment. The Section 7.11 Contributions Plan may be inspected at Council's Civic Centre, 601 High Street, Penrith.

**Note:** The timing of contributions payable may be otherwise affected in accordance with Planning Circular PS20-003 dated 3 July 2020 and the associated NSW Government Ministerial Direction - Infrastructure Contributions.

## Certification

## 72 Q01F - Notice of Commencement & Appointment of PCA

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 81A 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 81A of the Environmental Planning and Assessment Act 1979.

## 73 Q05F - Occupation Certificate

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

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

#### C2 Vegetation

The site contains several existing trees. The application was supported by a Tree Report, prepared by a level 5 Arborist (AQF5) addressing tree impacts as a result of the proposal. The proposal involves removal of 2x Indian Date Palms, 2x Norfolk Island Pines, 1x liquid amber and 2 dead trees due to major encroachment of the works.

On balance, the proposed tree removal is acceptable, noting that the proposal will provide high quality planting on the site, including 14 trees within the front and rear garden areas, comprising:

- 2 x Callistemon viminalis (Weeping Bottlebrush) in 45L
- 3 x Eliocarpus reticulatus (Blueberry Ash) in 45 Litre pot.
- 3 x Tristainiopsus laurina 'Luscious' (Water Gum) in 45 Litre pot
- 3 x Lagerstroemia indica (Crepe Myrtle) in 45 Litre pot.
- 1 x Magnolia grandiflora 'Teddy Bear' (Magnolia) in 45 Litre pot
- 2 x Melaleuca decora (White Feather honey Myrtle) in 45 Litre pot.

It is noted that the proposal also involves the removal of 1x large leaved private which is an exempt species and does not require consent for removal, and 3x Oriental Arbor that are less than 3m in height and not subject to Council's Tree Protection Order.

#### C3 Water Management

The proposal has suitably addressed water management, demonstrating compliance with Council's Water Sensitive Urban Design (WSUD) Policy. It is noted that the application was reviewed by Council's Waterways Officer, who raised no objections to the proposal subject to conditions, with the following considerations noted:

- The proposal involves an increase of impervious areas by more than 250sqm. Therefore the development is required to comply with Section 3.1 and 3.2 of Council's Water Sensitive Urban Design (WSUD) Policy.
- Section 3.1 of Council WSUD policy requires the development to achieve a %80 non potable reuse. The development incorporates a 7kl rainwater tank used for irrigation. The application was accompanied by a MUSIC model, which indicates that the site will achieve a %81.83 non potable water reuse.
- Section 3.2 of Council's WSUD Policy requires the development to provide stormwater treatment prior to discharge. The application includes 6 x 460mm Psorb cartridges, located with a 4sqm filter chamber adjacent to the Onsite Detention (OSD). The provided MUSIC model confirms that this will provide adequate stormwater treatment prior to discharge. A 900msqm access panel has been provided above the filter chamber for maintenance access.

#### C5 Waste Management

The proposal provides a communal general waste bay, and separate bulky waste bay located within the basement at ground floor. The general waste bay is sufficient in size to accommodate 7x general bins and 7x recycling bins, which is required to service the boarding house. The bulky waste collection area is 4sqm in area, satisfying Council's requirements. Waste collection is to occur on-street, via Council's services, with residents taking bins to the kerbside. The application was reviewed by Council's Waste Services Officer, who raised no objections to the proposal, subject to conditions.

### D5 Other Land Uses

## D5.11 Boarding Houses

### Section 2 Built form, Street Impact and Appearance

- The entrance to the boarding house is in a prominent position, addressing Hobart Street.
- The proposal was accompanied by a Shadow Diagram which illustrates that the proposal will not reduce solar access to less than 3 hours of sunlight between 9am and 3pm of adjoining properties.
- The design has been amended to reduce privacy and visual impacts on adjoining properties, by way of window locations/design, building setbacks, and provision of landscaping along side, rear and front boundaries.
- The proposal does not contain a basement level.

Control	Required	Proposed	Comment
<b>Minimum lot frontage and Lot Isolation</b> required for a townhouse or boarding house that is of equivalent scale Section 2.4.3 Multi Dwellings	22m	The site has a frontage of 31.3m. Section 2.4.3 requires that where an adjoining property with a frontage of under 22m is likely to be isolated by a proposed development, applicants should provide documentation demonstrating that a reasonable attempt has been made to purchase and incorporate the isolated site. No. 75 Hobart Street, located to the east of the subject site has a frontage of approximately 18.95m and by virtue of the above guideline may be considered isolated as a result of the proposal. The application was accompanied by documentation demonstrating that the proponent made reasonable attempts to purchase and incorporate the adjoining site, prior to the lodgement of the application. However, the owner of the adjoining site did not respond.	<b>Satisfactory</b>
<b>Rear Setback</b> Section.5.11 (2) – Boarding Houses	4m at ground floor 6m at first floor	4m at ground floor 6m at first floor	<b>Satisfactory</b>



<p><b>Side Setbacks</b> Section.5.11(2) – Boarding Houses</p>	<p>2m along not more than 50% of the building length. The remaining 50% is to achieve minimum 3m, these areas are to be min. 1.5m wide.</p>	<p><b>West elevation:</b> 2m setback for not more than 50% of the building length provided at ground floor. Increased setback of 2.8m - 4.1m provided at first floor.</p> <p><b>East elevation:</b> 2m setback provided at ground floor for approximately 3/4 of the building length. On balance, the setback is considered acceptable, noting the irregular shape of the lot and the rear portion of the building provides an increased setback of 3.29m at ground floor. The east elevation is also the car park and as such is unlikely to cause privacy issues. An increased setback of 3.2m -4.1m is provided at first floor.</p>	<p><b>Satisfactory</b></p>
<p><b>Building Separation and Length</b> for a townhouse or boarding house that is of equivalent scale  Section 2.4.4 Multi Dwellings</p>	<p>Minimum building separation of 4m on site.  Building length no more 20m.</p>	<p>N/A - one building proposed.</p> <p>The building length is 14.8m. It is noted that the building width is greater than 20m. On balance, the building width is acceptable, noting the nature of the site being wider than it is deep. The building complies with the building envelope control for the R3 zone, and partially steps in the first floor to minimise the bulk of the building.</p>	<p><b>Satisfactory</b></p>
<p><b>Landscaped Area</b> Section 5.11(2) – Boarding Houses</p>	<p>R3 Zone: 40% of the site, min. 2m width</p>	<p>40% of site is provided as landscaped area, when calculating areas 2m or more wide</p>	<p><b>Satisfactory</b></p>
<p><b>Deep Soil</b> Section 5.11 (3) – Boarding Houses</p>	<p>Within front setback- a minimum of 18sqm of deep soil area of min. width and length of 3m.</p>	<p>&gt;18sqm deep soil in the front garden of min. 3m width/length. The proposal provides a total of 219sqm deep soil across the site within the front and rear garden</p>	<p><b>Satisfactory</b></p>
<p><b>Access</b> Section 5.11 - Boarding Houses</p>	<p>10% of boarding rooms are to be accessible when &gt;10 rooms are proposed.</p>	<p>16x rooms are proposed, requiring 1.6 rooms to be accessible (rounded up to 2 rooms). The proposal provides 2x accessible rooms at ground floor.</p>	<p><b>Satisfactory</b></p>
<p><b>Common room</b></p>	<p>common room must be provided at minimum rate of 2sqm per lodger.</p>	<p>16x lodgers are proposed, requiring a total of 32sqm of common room. The proposal provides a common room of 32sqm located at ground floor.</p>	<p><b>Satisfactory</b></p>