

Statement of Environmental Effects

6 EDITH STREET,
KINGSWOOD
3 OCTOBER 2019



QUALITY ASSURANCE

Project:	Boarding House
Address:	6 Edith Street, Kingswood
Lot /DP:	Lot 53 DP 241989
Council:	Penrith City Council
Author:	Think Planners Pty Ltd

Date	Purpose of Issue	Rev	Reviewed	Authorised
October 2019	Draft Issue for Comment	Draft	SK	JW
October 2019	DA Lodgement Issue	Final	JW	JW

<i>Integrated Development (under S.4.46 of the EP&A Act). Does the development require approvals under any of the following legislation?</i>	
Fisheries Management Act 1994	No
Heritage Act 1977	No
Mine Subsidence Act 1992	No
Mining Act 1992	No
National Parks and Wildlife Act 1974	No
Petroleum (Onshore) Act 1991	No
Protection of the Environment Operations Act 1997	No
Roads Act 1993	No
Rural Fires Act 1997	No
Water Management Act 2000	No
<i>Concurrence</i>	
SEPP 1- Development Standards	No
SEPP 64- Advertising and Signage	No
SEPP Coastal Management 2018	No
SEPP (Infrastructure) 2007	No
SEPP (Major Development) 2005	No
SREP (Sydney Harbour Catchment) 2005	No

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EXECUTIVE SUMMARY

This Statement of Environmental Effects has been prepared in support of a new Development Application for the demolition of existing structures to construct a New Generation 'Boarding House' at 6 Edith Street, Kingswood.

It is noted that the new proposal has been prepared in response to a refusal of a prior development application on the site. The development has undergone revision to address the previous grounds for refusal with the building being substantially redesigned to present a building that is more in character with the area and presents a form similar to a large dwelling/dual-occupancy development. Of note is the reduction in the number of rooms to 12 and the reduction in the size of the number of rooms as well as the adoption of a more residential form of development with brickwork and a pitched roof form.

The proposed boarding house is to accommodate a total of 12 rooms, each with full bathroom, kitchenette and living area, noting 2 of the rooms on the ground floor have been designed to be adaptable (Rooms 1 & 4) and an on-site managers room. The boarding house will accommodate a total of 23 lodgers based on the room size and configuration and as nominated on the plans, noting that the proposal provides for 1 x single occupancy room and 11 double occupancy rooms- which is inclusive of the on-site managers room.

The development also includes a communal room and communal open space within the ground floor, a total of 7 car parking spaces including 2 x accessible car parking spaces within the basement level which also provides 4 x motorcycle parking space and 4 x bicycle parking spaces within a basement level.

Situated within walking distance of 550m from the Western Sydney University – Penrith Campus and within walking distance from TAFE NSW College Kingswood. The site is also within proximity to Nepean Hospital, Kingswood Commercial Precinct, suburban train station, local primary school (Kingswood Primary School), child care centres, large parks/sportsground with a bus stop with regular services to Penrith and Mt Druitt situated on the eastern and western side of Manning Street.

Located within proximity to a small set of neighbourhood shops, the site can be best described as a regular shaped land parcel with a frontage of 18.29m to Edith Street and a site depth of 35.56m, resulting in a total site area of 650.3m².

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

Renewal of the locality is inevitable and potential residential redevelopment patterns and form is heavily dictated by historical subdivision patterns, which will dictate the shape and form of residential areas- therefore meaning that dual occupancies are more likely than traditional townhouse development in the R3 zone given the allotment configurations which are much more shallow than traditional R3 allotments.

The immediate locality comprises predominantly of smaller lots which are not conducive to undertaking redevelopment for multi dwelling housing which typically requires cluster of large and deep lots and as such land parcels along Edna & Edith Streets that are more likely to be redeveloped as larger modern two storey forms including dual occupancies and unlikely to be redeveloped for multi dwelling housing in the medium term.

As such, the proposed new age boarding housing is designed to appear as a large two storey duplex set within a landscape setting to be consistent with the existing and anticipated higher-intensity low density housing character of the immediate locality, noting Council has recently approved comparable two storey boarding houses within R3 zones within the immediate locality (6 Anthony Crescent & 8 Cosgrove Crescent) locality. This indicates that small-scale boarding houses designed to appear as dwelling houses and dual occupancies within R3 zoned land within Kingswood is considered to be an acceptable development. As such, the current application is considered to not only reflect the desired future character of the area but also to enhance the essential character and identify of the existing low density character within the immediate locality.

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

The development proposes to provide affordable short-term rental housing, noting that students are to be a key target market for future residents considering the site's proximity to an established university and TAFE.

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



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

SITE AND LOCALITY DESCRIPTION

LEGAL DESCRIPTION

The subject site is legally known as Lot 53 DP 241989, though more commonly known as 6 Edith Street, Kingswood.

SUBJECT SITE

Situated within walking distance to local neighbourhood shops, the development site is within 550m from the Western Sydney University – Penrith Campus and within walking distance from TAFE NSW College Kingswood. The subject land parcel can be best described as a regular shaped land parcel with a frontage of 18.29m to Edith Street and an average site depth of 35.56m, resulting in a total site area of 650.3m².

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

Photograph 1: Shows the subject site – 6 Edith Street, Kingswood



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

The site itself is bounded by single storey residential dwellings to its northern, southern and western boundaries.

The development proposes to provide affordable rental housing, noting that students are to be a key target market for future residents considering the site's proximity to an established university and TAFE.

Aerial extract of the immediate locality provide context to the development site and its surrounds below.

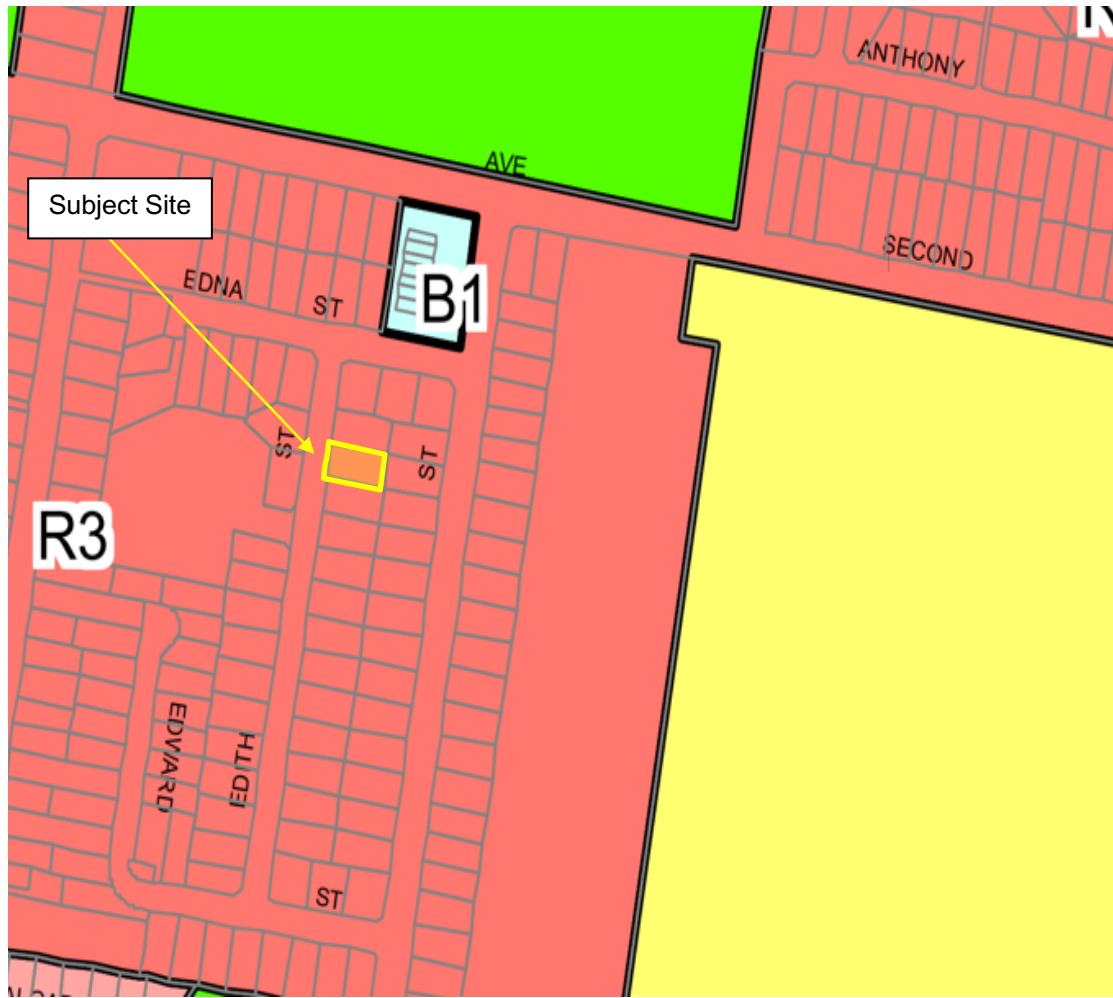
Figure 1: Aerial Map Extract of Subject Site (Six Maps)



ZONING CONTROL

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

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



The built form along Edith Street comprises predominantly of older style single storey dwellings within a garden setting interspersed by larger two storey dwellings and dual occupancies as well as boarding houses, child care centres and a few large older style multi dwelling housing developments.

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

LOCALITY ANALYSIS

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

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

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

Figure 3: Locality Aerial Map Extract of Subject Site (Source: Google Maps)

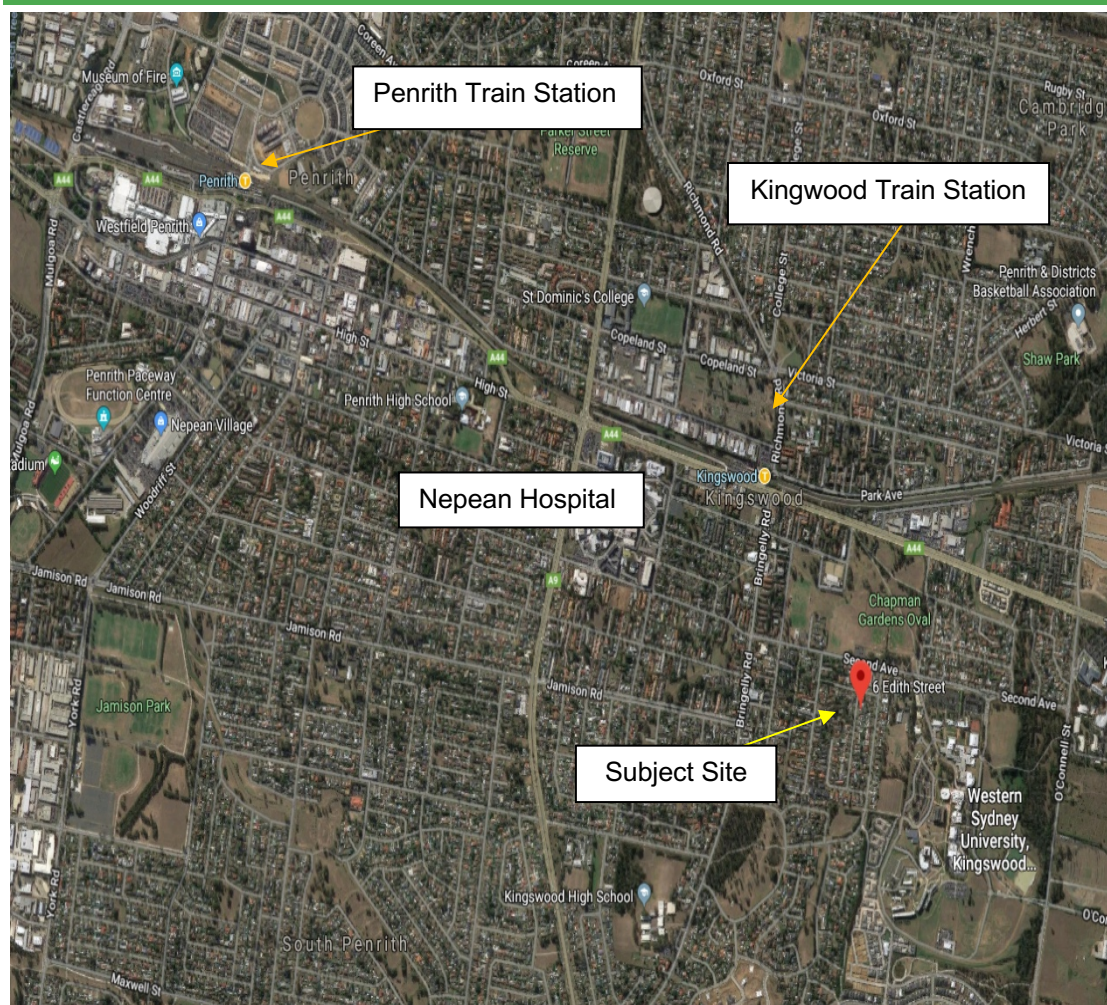


BROADER LOCALITY ANALYSIS

The subject area is ideal to accommodate a new age boarding house due to its proximity to Nepean Hospital, Kingswood Commercial Precinct, local primary school (Kingswood Primary School), child care centres, large parks/sportsground and public transportation (suburban train station and local bus stops with services between Penrith and Mt Druitt).

The site is also serviced by key road networks including The Great Western Highway, as illustrated by an aerial map of the broader locality below.

Figure 4: Broader Aerial Map Extract of Subject Site (Source: Google Maps)

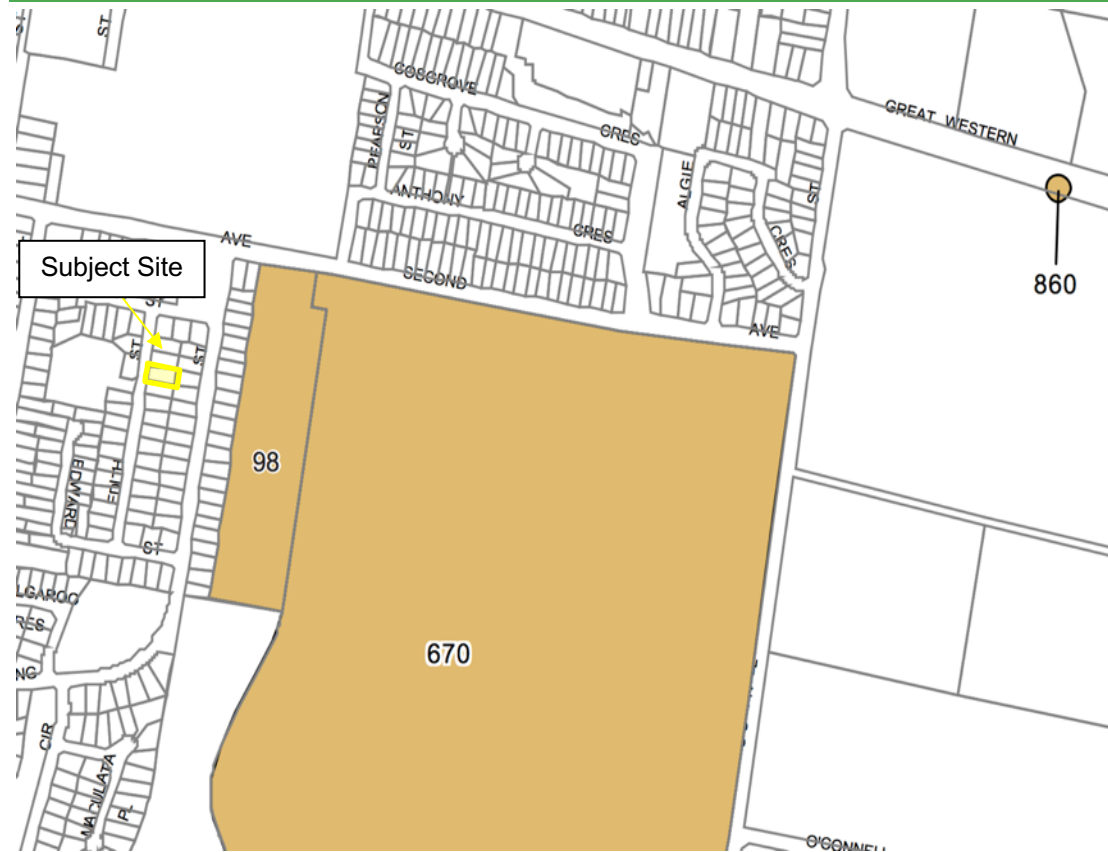


The development proposes to provide affordable rental housing, noting that students are to be a key target market for future residents considering the site's proximity to an established university.

HERITAGE

The site is not identified as a heritage item, and it is not located within a heritage conservation area, however there is a heritage item (I670) located near the subject site, as illustrated by Council's Heritage Map Extract below.

Figure 5: Heritage Map Sheet HER_013 Extract (Source: Penrith LEP 2010)



Item 670 is a former Teacher's Residence and is an item of local significance, noting that Kingswood Public School is also listed and is bounded towards the eastern side of Manning Street.

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

Given the separation the proposal will have no impact on the curtilage associated with the heritage item and therefore the development will have no impact on the heritage significant of heritage item 670 or 98.

As a result, the subject site will not have any associated heritage restrictions and a heritage impact statement is not deemed to be necessary.

DESCRIPTION OF PROPOSAL

The Development Application is for the demolition of existing structures in order to construct a New Generation 'Boarding House' at 6 Edith Street, Kingswood.

The boarding house is to accommodate a total of 12 rooms, each with full bathroom, kitchenette and living area, noting 2 of the rooms on the ground floor have been designed to be adaptable (Rooms 1 & 4) and an on-site managers room. The boarding house will accommodate a total of 23 lodgers based on the room size and configuration and as nominated on the plans, noting that the proposal provides for 1 x single occupancy room and 11 double occupancy rooms- which is inclusive of the on-site managers room.

The development also includes a communal room and communal open space within the ground floor, a total of 7 car parking spaces including 2 x accessible car parking spaces within the basement level which also provides 4 x motorcycle parking space and 4 x bicycle parking spaces within a basement level.

Access to the basement level provided via a new double width vehicle crossover, driveway and graded ramp from Edith Street.

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

Level	Inclusion
Basement Level	<p>Access to the basement level is provided via a graded vehicle ramp from the ground floor.</p> <p><u>Parking</u></p> <p>Car parking breakdown within the basement level:</p> <ul style="list-style-type: none"> - 7 x vehicular parking spaces - 4 x motorcycle spaces - 4 x bicycle spaces. <p>The internal circulation areas and turning areas are of sufficient size to permit vehicles to enter and exit in a forward direction.</p> <p>A lift core and stairwell.</p>
Ground Floor	<p><u>Access</u></p> <p><i>Vehicular Access</i></p> <p>Direct vehicular access to driveway and graded ramp to the basement level situated to the north-wester corner of the site from Edith Street.</p>

Pedestrian Access

Primary pedestrian access is provided via a graded pedestrian pathway situated near the central portion of the site from Edith Street.

Boarding House

A total of 4 boarding house rooms/suites are located within the ground floor with each room/suite provided with a bedroom, kitchenette, living space, storage and bathroom. Two of the rooms/suites are designed as adaptable units (Room 1 & 4).

A manager's room (Room 003) with private open space area is also provided within the ground floor.

The boarding house also includes a communal room (28.31m²), a communal open space (108.02m²) include pergola, seating area and clothesline, fencing and planter boxes.

Bin storage area.

Storage room.

First Floor

Boarding House

A total of 8 boarding house rooms/suites is located within the first floor with each room/suite provided with a bedroom, kitchenette, living space, storage and bathroom.

Room 007 & 008 are provided with a balcony oriented to Edith Street.

Lift core and stairwell.

The proposal is purpose built to provide low cost flexible rental accommodation to a wide range of tenants. Most tenants are likely to be students from Western Sydney University, but may also include single retirees, working singles and young couples. In addition the site is within broad proximity to the Kingswood Health and Education Precinct and therefore nurses and other medical professionals may also be future residents.

The boarding house has been designed to present as a large two storey dual occupancy to be consistent with the existing and anticipated 2 storey low density-built form character within the immediate locality, noting Council has recently approved comparable two storey boarding houses within R3 zones within the immediate locality (6 Anthony Crescent, Kingswood & 8 Cosgrove Crescent). The development also incorporates contemporary architectural aesthetics that relate to existing development in proximity to the site and are sympathetic to the nature and character of the area.

Design consideration has also been given to residential amenity including aspects such as privacy and solar access for both future residents of the proposal and those of surrounding properties.

The relevant architectural plans for the proposal have been prepared by Gen One, while supporting reports have been prepared by relevant consultants.

The design of the proposal development incorporates contemporary architectural aesthetics that aims to be consistent with the character in the locality.

COUNCIL REFUSAL NOTIFICATION DISCUSSION

A discussion against Council's reason for refusal notice of determination report is provided in the following table.

In simple terms the proposal has been redesigned to address these concerns through a reduction in the number of rooms (14 to 12) and a complete redesign to reflect a more traditional built form that is most clearly seen in the comparison of the previous scheme (top image) and the proposed scheme (bottom image).



The revisions are a much more suitable response to the context of the area and emerging character of the area.

The table below provides a discussion against those grounds for refusal.

Issue	Response
PLEP 2010	
<p>1. Proposal inconsistent with the objectives of the R3 Medium Density Residential Zone</p>	<p>The proposed development is considered to be consistent with the objectives of the R3 Zone as demonstrated below:</p> <ul style="list-style-type: none"> - The immediate locality comprises predominantly of smaller lots which are not conducive to undertaking redevelopment for multi dwelling housing which typically requires cluster of large and deep lots and as such land parcels along Edna & Edith Streets are more likely to be redeveloped as larger modern two storey forms including dual occupancies and unlikely to be redeveloped for multi dwelling housing in the medium term. <p>As such, the proposed new age boarding housing is designed to appear as a large two storey attached duplex set within a landscape setting to be consistent with the existing low density housing character of the immediate locality, noting Council has recently approved comparable two storey boarding houses within R3 zones within Kingswood (6 Anthony Crescent & 8 Cosgrove Crescent) locality. This indicates that small-scale boarding houses designed to appear as dwelling houses and dual occupancies within R3 zoned land within Kingswood is considered to be an acceptable development. As such, the current application is considered to not only reflect the desired future character of the area but also to enhance the essential character and identify of the existing low density character within the immediate locality.</p> <ul style="list-style-type: none"> - A high level of residential amenity is achieved via the boarding house designed to comply with the key requirements under the Affordable Rental Housing SEPP 2009. Furthermore, the development site is also designed to comply with key controls under the Penrith LEP in terms of building height, setback, landscaping to ensure an orderly development is provided.

State Environmental Planning Policy (Affordable Rental Housing) 2009

2. Part 2, Division 3, Clause 29(2)(b) The development is consistent with the provision of front setback under the Penrith DCP with less than 30.95% of the front setback sealed and the development also provides 40.3% of the site as landscape area, with a significant portion of the front setback to be landscaped. In addition the OSD has been relocated to be under the driveway to ensure suitable landscaping is maintained.

3. Part 2, Division 3, Clause 30(1)(a) Development provides a communal living room within the ground floor that is 28.31m² in size with minimum dimension of 3m.

4. Part 2, Division 3, Clause 30A

The immediate locality comprises predominantly of smaller lots which are not conducive to undertaking redevelopment for multi dwelling housing which typically requires cluster of large and deep lots and as such land parcels along Edna & Edith Streets are more likely to be redeveloped as larger modern two storey forms including dual occupancies and unlikely to be redeveloped for multi dwelling housing in the medium term.

As such, the proposed new age boarding housing is designed to appear as a large two storey attached duplex set within a landscape setting to be consistent with the existing low density housing character of the immediate locality, noting Council has recently approved comparable two storey boarding houses within R3 zones within Kingswood (6 Anthony Crescent & 8 Cosgrove Crescent) locality. This indicates that small-scale boarding houses designed to appear as dwelling houses and dual occupancies within R3 zoned land within Kingswood is considered to be an acceptable development. As such, the current application has taken into consideration that the design of the proposal is compatible with the existing character of the local area. Refer to detailed discussion against the Affordable Rental Housing SEPP 2009 further within this statement for detail.

SEPP No.55

5. A Phase 2 Environmental Site Assessment was undertaken within the subject site BY EHO Consulting, which concluded the following:

- *The investigation of fill material placed in the south western section of the property for the purposes of levelling the front yard within the fence line has found that the material is unsuitable not only for the proposed site use but is also unsuitable for the current site use.*

The unsuitable materials need to be either removed from the site by a licenced friable asbestos removalist and disposed of as Asbestos Waste under NSW EPA Waste Classification or the proposed development needs to be amended to ensure that potential disturbance of the unsuitable material is minimised or undertake remedial works including but not limited to:

- *onsite remediation by removing the grass under monitored conditions by a licenced friable asbestos removalist as asbestos waste and paving the front yard with a permanent surface such as pavers or concrete; or*
- *removal of the contaminated and disposal of the fill entirely under monitored conditions by a licenced friable asbestos removalist as asbestos waste, and replacing with clean fill and re-turfing.*

The development is to undertake the actions identified by the proposal to ensure that the proposed boarding house is suitable within the subject site in accordance with SEPP No.55. Refer to attached Phase 2 Environmental Site Assessment for detail.

Environmental Planning and Assessment Act 1979

6. Section 4.15(1)(i)

An updated Plan of Management has been provided in accordance with Schedule 2 of the Local Government (General) Regulations 2005.

8. Section 4.15(10(a)(iv) & Clause 54 of the Environmental Planning and Assessment Regulation 2000

An Acoustic Report has been prepared by Koikas Acoustics Pty Ltd and accompanies this report. The report concluded the following:"

The assessment considers potential impacts to future occupants of the development, and to surrounding residents such that acceptable acoustic amenity for the area is maintained. Acoustic planning levels have been reference from current EPA and BCA acoustic planning guidelines and requirements.

The recommendation are based on designs prepared by Gen One.

As such, there is sufficient scope within the proposed building design to achieve the applied acoustic planning guidelines. Referred to attached Acoustic Report for detail.

9. Section 4.15(1)(b)

The development is consistent with Section 4.15(1)(b) of the EPAA 1979 as demonstrated below:

(i) negative streetscape and local character impacts:

- The proposed small-scale two storey boarding house has been designed to appear as a modern two storey dual occupancy (attached) set within a landscape setting to be consistent with the existing low density character along Edith Street.

(ii) noise and privacy impacts:

- An Acoustic Report that accompanies this report has found that there is sufficient scope within the proposed building design to achieve the applied acoustic planning guidelines.
- Privacy impacts are mitigated using building separation, reduced windows to side boundaries and the use of raised sill windows to upper level rooms.

(iii) traffic, access and manoeuvring

- A Traffic and parking effect of the proposal has been undertaken by Stantec which concludes the following:
 - The proposed car parking provision meets the car parking requirements of the State Environmental Planning Policy (Affordable Rental Housing) 2009 parking requirements
 - The proposed car park layout complies with the Australian Standard (AS 2890). A swept path assessment has been prepared for the proposal, which demonstrates that vehicles are able to manoeuvre in and out the basement car park; and
 - The negligible level of traffic movement expected to be generated by the proposed development is not expected to result in any material change to the continued safe and efficient operating performance of the local road network or intersection.

Overall, the proposed boarding house development is expected to have negligible impact on the existing local traffic and parking environments.

(iv) solar access

- The proposal incorporates appropriate design features including window size and location that will permit adequate solar penetration.

The proposal complies with the ARH SEPP in relation to the required 3 hours of solar access to the common room between 12 noon and 3pm.

The proposal does not result in unacceptable overshadowing of adjoining residential properties. Appropriate setbacks are employed to ensure solar access and privacy to adjoining development.

Shadow diagrams demonstrate that adjoining property to the site's immediate western boundary continues to receive adequate solar access at mid-winter, noting the majority of the shadow casted by the proposed development falls onto the existing street network. See shadow diagram for detail.

(v) landscaping, setbacks and site coverage

- Development is consistent with the landscaping requirements under the Penrith DCP 2014.
- Development is consistent with the setback requirements under the Penrith DCP 2014.

(vi) stormwater management

- The proposed development incorporates Water Sensitive Urban Design (WSUD) principles that seek to minimise and manage the impact of stormwater on site and within the area.

The proposed development appropriately addresses the unique characteristics of the site and will allow for the efficient management of stormwater. See attached Stormwater Management Plan for detail.

10. Section 4.15(1)(c)

The site is considered to be suitable for the scale of the proposed development for the following reasons:

- The site which as a frontage of 18.29m, a site depth of 35.56m and a site area of 645m² is of a size and scale to accommodate the proposed small-scale two storey new age boarding house.
- The site provides a building envelope that complies with the provision for dual occupancies under the Penrith DCP in terms of setbacks and the provision of landscape area which demonstrate that the site can accommodate the small-scale boarding house
- Development is compliant with the key controls under the SEPP ARH 2009 including the provision of a communal room and parking.

Finally it is worth noting that the ARH SEPP states that for boarding houses on land within R2 Zone Land, a number of boarding rooms is capped at 12.

Clause 30AA does not apply to the current application as the subject site is zoned R3. However, considering that immediate locality, despite its R3 zoning, continues to maintain its low density character, the development proposes a small-scale boarding house designed to appear as a large 2 storey dual-occupancy with a maximum of 12 rooms and a managers room to be consistent with the SEPP's aims of ensuring boarding houses are of low scale within low density residential areas and ultimately that the site is considered to be suitable for the scale of the proposed development.

11. & 12. Section 4.15(1)(3)

The proposal has been revised to address key issues and deficiencies raised via Council Notice of Determination, noting that boarding houses are permissible within the R3 zone.

The development is considered to be a orderly development that has been designed to comply with relevant requirements under the ARH SEPP 2009, Penrith LEP & DCP to ensure that the amenity of neighbouring properties is maintained whilst also playing a role in increasing valuable short-term rental accommodation within the Kingswood housing market.

As such, the development is considered to be in the public interest as per Section 4.1(1)(e) of the Environmental Planning and Assessment Act 1979.

Penrith Development Control Plan 2014

7. Penrith DCP 2014

The proposal has been revised to ensure that the development is consistent with the relevant provision under the Penrith Development Control Plan 2014.

It is noted that the size of the site is not of a sufficient size to accommodate a multi dwelling housing development. Furthermore, it is worth noting that the immediate locality comprises predominantly of smaller lots which are not inductive to undertaking redevelopment for multi dwelling housing which typically requires cluster of large and deep lots and as such land parcels along Edna Street are more likely to be redeveloped as larger modern two storey forms including dual occupancies and unlikely to be redeveloped for multi dwelling housing in the medium term. This is evident with a lack of multi-dwelling housing development in the locality despite its R3 zoning. Considering Council approving comparable low-scale boarding houses within R3 zoned land parcel within the suburb, the development has been designed to comply with controls for dual occupancies as the site would alternatively be development as a dual occupancy form given the allotment size and frontage. This will also ensure that the proposal provides a building form and building envelope consistent with the existing low density character along Edna Street.

Refer to discussion against the DCP further within this statement for detail.

PLANNING CONTROLS

STATUTORY CONTROLS

The relevant Statutory Planning Controls include:

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

POLICY CONTROLS

The applicable policy control documents include:

- Penrith Development Control Plan 2014.

CONSIDERATION OF PLANNING CONTROLS

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

STATE ENVIRONMENTAL PLANNING POLICY (BASIX) 2004

The proposal is not subject to BASIX and hence a Section J report accompanies the development application.

STATE ENVIRONMENTAL PLANNING POLICY NO. 55 – REMEDIATION OF LAND

A Phase 2 Environmental Site Assessment was undertaken within the subject site BY EHO Consulting, which concluded the following:

- *The investigation of fill material placed in the south western section of the property for the purposes of levelling the front yard within eh fence line has found that the material is unsuitable not only for the proposed site use but is also unsuitable for the current site use.*

The unsuitable materials need to be either removed from the site by a licenced friable asbestos removalist and disposed of as Asbestos Waste under NSW EPA Waste Classification or the proposed development needs to be amended to ensure that potential disturbance of the unsuitable material is minimised or undertake remedial works including but not limited to:

- *onsite remediation by removing the grass under monitored conditions by a licenced friable asbestos removalist as asbestos waste and paving the front yard with a permanent surface such as pavers or concrete; or*
- *removal of the contaminated and disposal of the fill entirely under monitored conditions by a licenced friable asbestos removalist as asbestos waste, and replacing with clean fill and re-turfing.*

The development is to undertaken the actions identified by the proposal to ensure that the proposed boarding house is suitable within the subject site in accordance with SEPP No.55.

Refer to attached Phase 2 Environmental Site Assessment for detail.

STATE ENVIRONMENTAL PLANNING POLICY (INFRASTRUCTURE) 2007

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

The current proposal is not identified as traffic generating development as the site does not trigger the threshold requirements.

Therefore, concurrence from the RMS is not required.

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

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

The subject site is within a well-established residential area, having historically been used for residential purposes. This application seeks Council consent for the removal of a few small shrubs on site as identified in the attached plans. It is highlighted that no significant vegetation is to be impacted as part of the proposal.

Development proposes extensive landscape embellishment works within a low to medium residential context including landscaping along the sites front, side and rear setbacks will be undertaken as part of the proposal in accordance with the attached Landscape Plan.

The landscape treatment will soften the built form, assist with maintaining privacy and help to integrate the development with the site's context.

STATE ENVIRONMENTAL PLANNING POLICY (AFFORDABLE RENTAL HOUSING 2009)

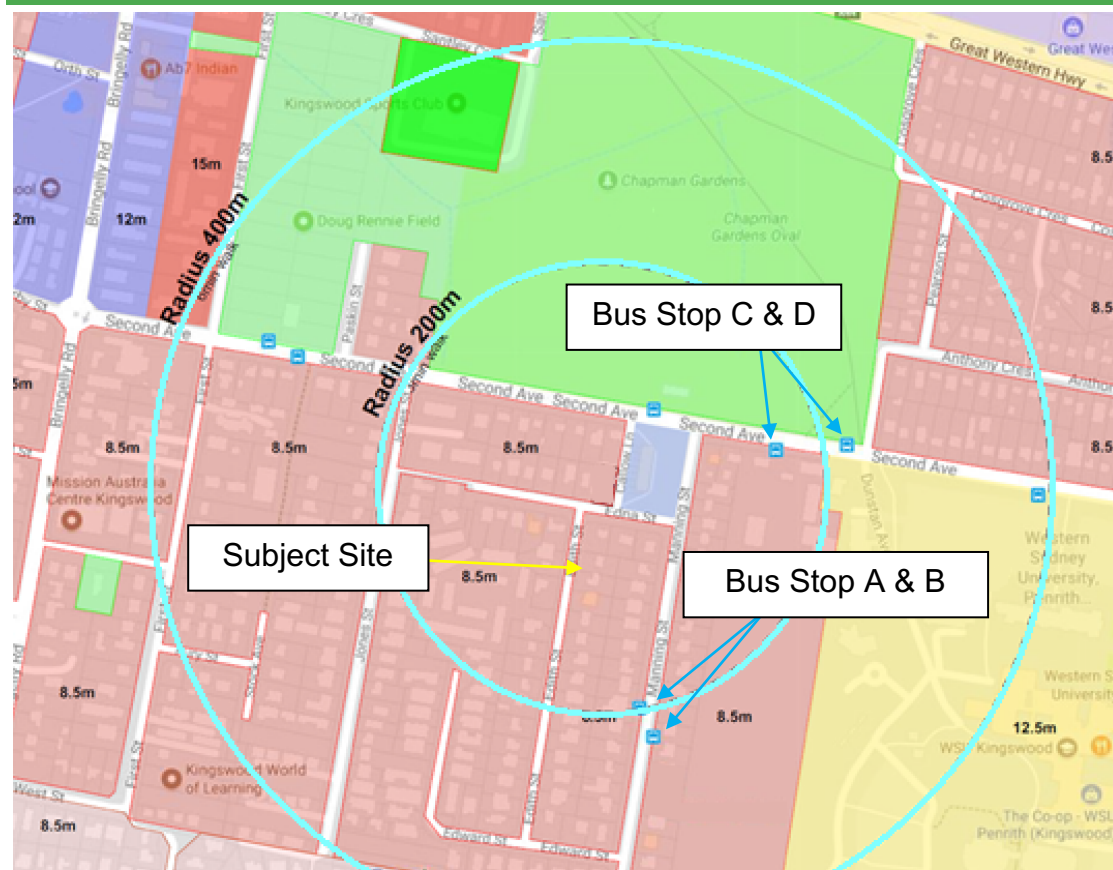
The SEPP permits Boarding Houses on land zoned residential, neighbourhood, local centre and mixed use. The effect of the SEPP is to confirm that such uses are consistent with the objectives of the zone.

The site is located within an *'accessible area'* being within 400m of a bus stop that provides the required level of service as defined in the SEPP.

As shown on the map extract in the following page, a local bus stop that provides an hourly service to Penrith via the 770/774/775/776 bus routes that run between 06.00 and 21.00 from Monday to Friday and between 08.00 and 18.00 on each Saturday and Sunday, is situated between 120m-240 away from the subject site and two bus stops (on each side of the road) that provide a hourly service to Mt Druitt via the 770/774/775/776 bus routes that run between 06.00 and 21.00 from Monday to Friday and between 08.00 and 18.00 on each Saturday and Sunday.

As such it is demonstrated that the site is within an accessible area and that the level of service complies with the SEPP requirements to be considered as an 'accessible area'.

Figure 6: Bus Stop Location



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

The table below provides discussion against the relevant provisions of the SEPP.

SEPP ARH Requirement

3 Aims of Policy

The aims of this Policy are as follows:

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

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

25 Definition

In this Division:

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

The development provides a common living room and communal open space at the rear of the site that exceeds the minimum area set out by the SEPP. This area can be used as a congregation/living area by future residents.

26 Land to which Division applies

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

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

The site is zoned R3 Medium Density Residential.

27 Development to which Division applies

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

<p>28 Development may be carried out with consent Development to which this Division applies may be carried out with consent.</p>	<p>Consent is sought in this development application.</p>
<p>29 Standards that cannot be used to refuse consent</p>	
<p>(1) A consent authority must not refuse consent to development to which this Division applies on the grounds of density or scale if the density and scale of the buildings when expressed as a floor space ratio are not more than:</p>	<p>There is no applicable maximum FSR for land zoned R3 within Penrith LEP 2010.</p>
<p>(a) the existing maximum floor space ratio for any form of residential accommodation permitted on the land, or</p>	
<p>(2) A consent authority must not refuse consent to development to which this Division applies on any of the following grounds:</p>	
<p>(a) building height if the building height of all proposed buildings is not more than the maximum building height permitted under another environmental planning instrument for any building on the land,</p>	<p>Development complies with prescribed height controls under the Penrith LEP.</p>
<p>(b) landscaped area if the landscape treatment of the front setback area is compatible with the streetscape in which the building is located,</p>	<p>The front setback landscape treatment is compatible with the existing streetscape, noting the landscape plantings proposed.</p>
<p>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,</p>	<p>One communal area is provided to the boarding house. The communal living room is oriented to the north and will receive at least 3 hours of direct sunlight from 9am to 12 noon.</p>
<p>(d) private open space if at least the following private open space areas are provided (other than the front setback area): (i) one area of at least 20 square metres with a minimum dimension of 3 metres is provided for the use of the lodgers,</p>	<p>The proposal provides communal open space area to the rear of the site with depth greater than 3m (6m) and a total area over 20m² and as such is compliant with the SEPP.</p>
<p>(ii) if accommodation is provided on site for a boarding house manager—one area of at least 8 square metres with a minimum dimension of 2.5 metres is provided adjacent to that accommodation,</p>	<p>The proposal is for a 12-room boarding house accommodating a total of 23 lodgers (1 x single lodger room & 11 x double lodger rooms) and therefore a boarding house manager is required, noting ARH SEPP states a total of 20 or more lodgers triggers the need to provide an on-site boarding house manager.</p>
	<p>Room 004 within the ground floor is to be dedicated as the Managers Room and > 8sqm is provided.</p>

<p>(e) parking</p> <p>if not more than:</p> <p>(i) in the case of development not carried out by a social housing provider—at least 0.5 parking spaces are provided for each boarding room</p>	<p>The site is in an accessible area (within 400m to bus stop).</p> <p>0.5 x 12 = 6 car parking spaces.</p> <p>The application provides a total of 7 resident car parking spaces within a basement level, including a parking space allocated to the on-site manager. Complies.</p> <p>The proposal also provides for 4 motorcycle parking spaces and 4 bicycle parking space within a basement level, which complies with the SEPP.</p>
<p>(f) accommodation size</p> <p>if each boarding room has a gross floor area (excluding any area used for the purposes of private kitchen or bathroom facilities) of at least:</p> <p>(i) 12 square metres in the case of a boarding room intended to be used by a single lodger, or</p> <p>(ii) 16 square metres in any other case.</p>	<p>All single lodger rooms are >12m² when excluding the kitchen and bathroom areas and all double lodger rooms are >16m², when excluding kitchen and bathroom areas.</p>
<p>(3) A boarding house may have private kitchen or bathroom facilities in each boarding room but is not required to have those facilities in any boarding room.</p>	<p>Each room has a kitchen and bathroom.</p>
<p>30 Standards for boarding houses</p> <p>(1) A consent authority must not consent to development to which this Division applies unless it is satisfied of each of the following:</p> <p>(a) if a boarding house has 5 or more boarding rooms, at least one communal living room will be provided,</p> <p>(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,</p> <p>(c) no boarding room will be occupied by more than 2 adult lodgers,</p>	<p>A communal living room is provided on the ground floor with generous ancillary outdoor space.</p> <p>The rooms measure no more than 25m² in area in total, noting the largest room/suite is 23.61m² in size when excluding the kitchen and bathroom areas.</p> <p>The boarding house has been designed with a maximum of 2 adults lodgers. A condition to this effect is anticipated.</p>
<p>(d) adequate bathroom and kitchen facilities will be available within the boarding house for the use of each lodger,</p>	<p>All boarding rooms are self-contained rooms containing a kitchen and bathroom.</p>
<p>(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,</p>	<p>The boarding has the capacity to accommodate up to 23 lodgers and as such a boarding house manager has been provided on-site (Room 003)</p>
<p>(g) if the boarding house is on land zoned primarily for commercial purposes, no part of the ground floor of the boarding house that fronts a street will</p>	<p>Not applicable.</p>

<p>be used for residential purposes unless another environmental planning instrument permits such a use,</p> <p>(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.</p>	<p>SEPP requires a total of 1 bicycle parking space and 1 motorcycle parking space for every 5 boarding rooms. The development proposes a total of 12 boarding house room which equates to 2.4 spaces for both bicycles and motorcycles.</p> <p>The proposal makes provision for 4 x bicycle parking spaces and 4 x motorcycle parking spaces, which complies with the SEPP.</p>
<p>30AA Boarding houses in Zone R2 Low Density Residential</p>	<p>The SEPP prescribes that for boarding houses on land within R2 Zone Land, a number of boarding rooms is capped at 12.</p> <p>Clause 30AA does not apply to the current application as the subject site is zoned R3. However, considering that immediate locality, despite its R3 zoning, continues to maintain its low density character, the development proposes a small-scale boarding house designed to appear as a large 2 storey dual-occupancy with a maximum of 12 rooms and a managers room to be consistent with the SEPP's aims of ensuring boarding houses are of low scale within low density residential areas.</p>
<p>30A Character of Local Area A consent authority must not consent to development to which this Division applies unless it has taken into consideration whether the design of the development is compatible with the character of the local area.</p>	<p>An analysis of the character of the local area and the compatibility of a boarding house is provided at the end of this table.</p>
<p>52 No subdivision of boarding houses A consent authority must not grant consent to the strata subdivision or community title subdivision of a boarding house.</p>	<p>No subdivision is proposed.</p>

Character of the Local Area

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

A discussion of the character of the locality is provided as well as assessment of the compatibility of the proposal that aligns with the planning principle.

Existing Character

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

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

As such, the proposed new age boarding housing is designed to appear as a large two storey duplex set within a landscape setting to be consistent with the existing and anticipated higher-intensity low density housing character of the immediate locality, noting Council has recently approved comparable two storey boarding houses within R3 zones within the immediate locality (6 Anthony Crescent & 8 Cosgrove Crescent) locality. This indicates that small-scale boarding houses designed to appear as dwelling houses and dual occupancies within R3 zoned land within Kingswood is considered to be an acceptable development. As such, the current application is considered to not only reflect the desired future character of the area but also to enhance the essential character and identify of the existing low density character within the immediate locality.

In consideration of the likely future character of this local area and anticipated building forms, the current proposal will be entirely consistent with the future character of the locality as envisaged under the controls contained within the Penrith LEP 2010.

Furthermore, it will not be out of context with the existing established character.

Compatibility of the Proposal with the Character of the Area

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

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

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

These questions will be dealt with in turn however it is important to note that as set out in the planning principle *'Compatibility is... different from sameness. It is generally accepted that buildings can exist together in harmony without having the same density, scale or appearance, though as the difference in these attributes increases, harmony is harder to achieve'*.

Therefore, it is not necessary that the development adopt the same built form as surrounding, and in this case anticipated, development. In terms of the physical impacts of development the following points are made:

- The design of the proposal and the orientation of the lot means that there is minimal overshadowing to adjoining properties, with adjoining properties retaining adequate solar access at mid-winter. Refer to attached shadow diagrams.
- Privacy impacts are mitigated using building separation, reduced windows to side boundaries and the use of raised sill windows to upper level rooms.
- Noise impacts are reduced through siting the communal areas internally and communal open space towards the rear of the development site away from adjoining dwellings and road traffic areas. An Acoustic Report that accompanies this report has found that there is sufficient scope within the proposed building design to achieve the applied acoustic planning guidelines.
- The development proposal does not result in the constrained development potential of the adjoining properties.

Therefore, the physical impacts of the proposal are acceptable.

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

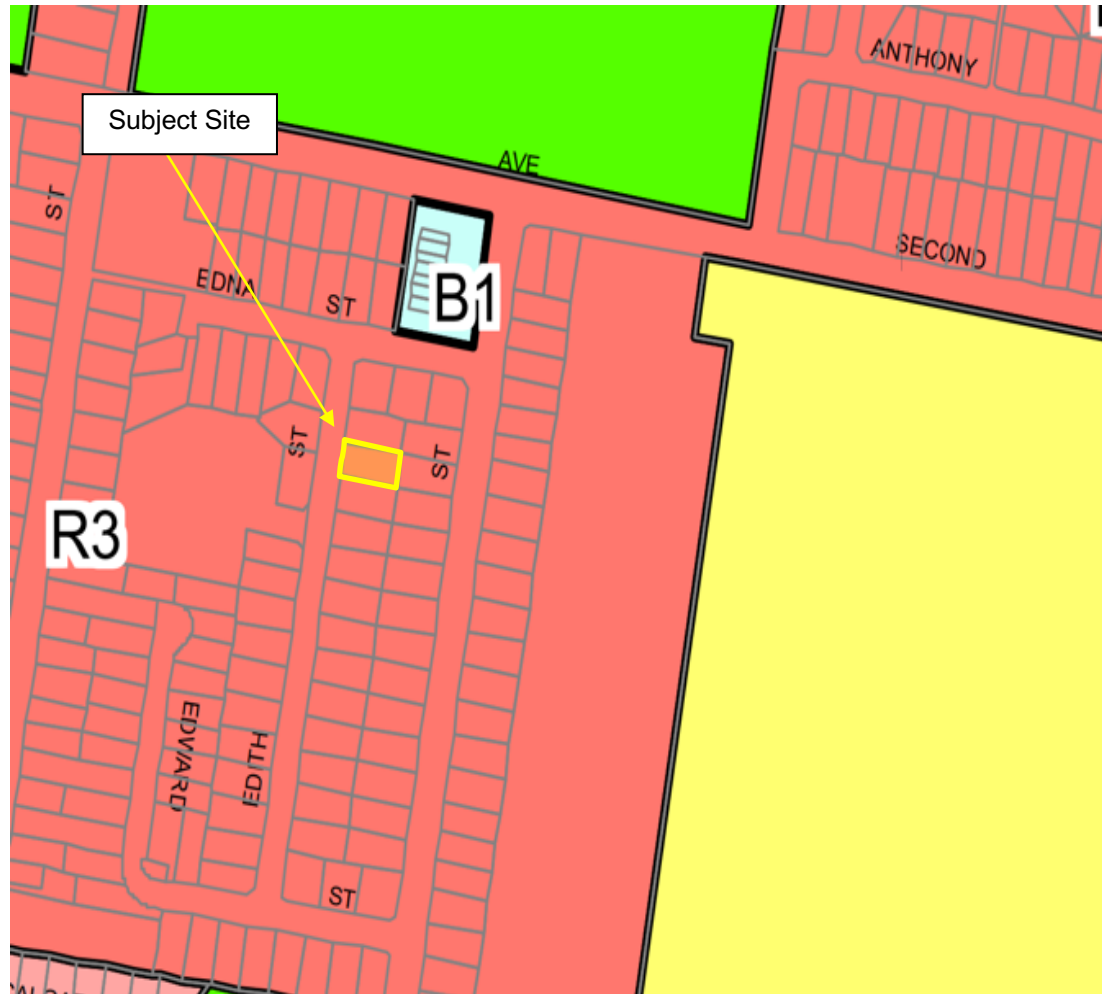
- The scale of the proposed building is consistent with the anticipated character of residential buildings in the area, as discussed above. This is particularly the case given that the LEP adopts a building height of 8.5m for the site with development near the site permitted to adopt comparable forms of dual occupancies, and townhouses, noting that Council has recently approved comparable two storey boarding houses within R3 zones within the immediate locality.
- The proposal does not exceed the maximum height of 8.5m, thus the proposal is consistent with the height required by the LEP and therefore respects the character of the local area.
- The boarding house provides compatible building setbacks allowing for substantial areas of open space and landscape plantings. The height is consistent with the planning controls and is a 2-storey building has been designed to appear as a large 2-storey dual occupancy development comparable to development within the locality, noting that the development has been influenced and designed to be consistent with the form, style, bulk and scale of a comparable two storey boarding house within a R3 zone that has recently approved by Council within the subject are (6 Anthony Crescent & 8 Cosgrove Crescent).
- The extent of landscaping is comparable to the adjoining developments and is reasonable on that basis noting screen plantings are proposed along the front boundary to soften the development.
- The architectural style seeks a contemporary design; however it continues to align with the building height and setbacks of other comparable developments.

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

PENRITH LOCAL ENVIRONMENTAL PLAN 2010

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

Figure 7: Zoning Map Sheet LZN_013 Extract (Source: Penrith LEP 2010)



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

Boarding House means a building that:

- (a) is wholly or partly let in lodging, and
- (b) provides lodgers with a principal place of residence for 3 months or more, and
- (c) may have shared facilities, such as a communal living room, bathroom, kitchen or laundry, and

(d) has rooms, some or all of which may have private kitchen and bathroom facilities, that accommodate one or more lodgers,

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

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

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

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

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

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

Penrith Local Environmental Plan 2010 – Compliance Table			
Clause	Controls	Comments	Complies
Zoning	R3 – Medium Density	Boarding houses are permissible with Council consent in the R3 – Medium Density zone	Yes

Clause	Controls	Comments	Complies
Part 2 Permitted or Prohibited Development			
2.3	Zone Objectives and Land Use Table	The proposal is consistent with the zone objectives of the R3 – Medium Density and will appropriately fulfil the subject site's zoning potential and will provide low rent short term accommodation in the form of a new age boarding housing within the catchment of public transport and services.	Yes
2.6	Subdivision – Consent Requirements	No subdivision is proposed.	N/A
2.7	Demolition Requires Consent	Council consent is sought for the demolition of the existing structures on site.	Yes
Part 4 Principal Development Standards			
4.1A	Minimum Subdivision Lot Size: No minimum lot size for boarding houses	Not applicable	N/A
4.3	Height of Building: 8.5m	Penrith Local Environmental Plan 2010 Height of Buildings Map Sheet HOB_013 indicates that the maximum building height within the subject site is 8.5m. Development proposes a two-storey building with a maximum building height of 8m. Complies.	Yes
4.4	Floor Space Ratio	No FSR control applies to the subject site. Not relevant.	N/A
Part 5 Miscellaneous Provision			
5.10	Heritage Conservation	The site is not identified as a heritage item, and it is not located within a heritage conservation area, however there is a heritage item (I670) located near the subject site. Due to the nature of the proposal – a two storey new age boarding house set within a landscape setting and with sufficient separation, the proposal will have no impact on the curtilage associated with the heritage item and therefore the development will have no impact on the heritage significance of heritage item 670.	Yes

Clause	Controls	Comments	Complies
		<p>As a result, the subject site will not have any associated heritage restrictions.</p> <p>A heritage impact statement is not deemed to be necessary.</p>	
Part 7 Additional Local Provisions			
7.1	Earthworks	<p>This application seeks Council consent for the excavation of the site as per the attached plans. It is considered that the proposed excavation will have minimal adverse environmental or amenity impact.</p> <p>The proposal results in an appropriate outcome when considering the nature of the development, the unique characteristics of the site and compliance with relevant Council controls.</p> <p>The proposal will not adversely affect or disrupt drainage and flood patterns, flood storage or soil stability in the area.</p> <p>The proposed excavation is consistent with the current and future use of the land and will develop the site into context with its surrounds and in accordance with Councils current and proposed planning strategies.</p> <p>It is considered unlikely due to the location of the site as well as previous development that excavation will lead to the disturbance of relics.</p>	Yes
7.2	Flood Planning	<p>The subject site is identified as being flood prone however this is limited and there is no impact from the development given it only affects a corner of the site which is clear of development.</p>	Yes
7.3	Development on Natural Resources Sensitive Land	<p>The subject site is not identified on the Natural Resource Sensitive Map. Not applicable.</p>	N/A
7.4	Sustainable Development	<p>The proposal satisfies the LEP in that:</p> <ul style="list-style-type: none"> (a) <i>conserving energy and reducing carbon dioxide emissions,</i> (b) <i>embodied energy in materials and building processes,</i> (c) <i>building design and orientation,</i> (d) <i>passive solar design and day lighting,</i> (e) <i>natural ventilation,</i> 	Yes

Clause	Controls	Comments	Complies
		<p>All units are to receive good solar access.</p> <p><i>(f) energy efficiency and conservation,</i> <i>(g) water conservation and water reuse,</i> Proposal will comply with the accompanying Section J Report.</p> <p><i>(h) waste minimisation and recycling,</i> Waste management and recycling can be addressed through waste management plan.</p> <p><i>(i) reduction of vehicle dependence,</i> Proposal is located within walking distance of bus stops with regular services to Penrith and Mt Druitt situated on the eastern and western side of Manning Street.</p> <p><i>(j) potential for adaptive reuse.</i> Given the zoning of the site as R3 there is limited adaptive re-use potential on the site.</p>	
7.5	Protection of Scenic Character and Landscape Values	The site is not identified on the Land with Scenic and Landscape Values Map. Not applicable.	N/A
7.6	Salinity	Due to the nature and location of the site it is not likely to be affected by Saline Soils. Not applicable.	N/A
7.7	Servicing	The development site is well serviced by water and sewer and the required utility clearances will be obtained prior to works commencing on site.	Yes

PENRITH DEVELOPMENT CONTROL PLAN 2014 PART C – CITY-WIDE CONTROLS

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

Penrith Development Control Plan 2014 Compliance Table			
Clause	Controls	Comments	Complies
C1 Site Planning and Design Principles			
1.1	Site Planning	<p><u>1.1.1 Site Analysis</u></p> <p>A Site Analysis has been prepared and is attached as part of this application.</p> <p>The site analysis identifies the relevant considerations required by Council and acknowledges the unique opportunities and constraints of the site that have informed the design of the development proposal.</p>	Yes
		<p><u>1.1.2 Key Areas with Scenic and Landscape Values</u></p> <p>The subject site is not located within the Scenic and Landscape Values Map under the Penrith LEP 2010. Not applicable.</p>	N/A
1.2	Design Principles	<p><u>1.2.2 Built Form – Energy Efficiency and Conservation</u></p> <p>The proposed development has orientation that maximise solar access to most rooms and designed in a manner that achieves natural ventilation to some of the rooms.</p>	Yes
		<p><u>1.2.3 Building Form – Height, Bulk and Scale</u></p> <p>It is considered that the proposal will result in an appropriate outcome on site that responds to the unique characteristics of the site, noting development is compliant with prescribed height control.</p> <p>The subject area is currently undergoing a transformation from single storey residential dwelling to larger two storey residential dwelling, dual occupancies and medium density housing, with the proposal designed to be consistent with the evolving medium density-built form character along Edith</p>	Yes

Clause Controls	Comments	Complies
	<p>Street, noting development has been influenced and designed to be consistent with the form, style, bulk and scale of a comparable two storey boarding house within a R3 zone that has recently approved by Council within the subject are (55 Second Avenue, Kingswood).</p> <p><u>1.2.4 Responding to the Site's Topography and Landform</u></p> <p>The subject site responds to the topography and landform noting the land parcel relatively flat as such will not impact upon the site's ability to accommodate the proposed Boarding House development.</p> <p><u>1.2.5 Safety and Security (Principles of Crime Prevention through Environmental Design)</u></p> <p>The proposed development incorporates an active façade that will permit casual surveillance of Edith Street, as well as common areas and landscaped areas of the proposal.</p> <p>The proposal incorporates open space and landscaped areas that will contribute to activity and natural surveillance of the area.</p> <p>The proposed landscaping and fencing is appropriate when considering CPTED principles and will not permit easy concealment of intruders.</p> <p>The proposed development is appropriate and provides measures, built elements, landscaping and design features that are consistent with CPTED principles.</p> <p><u>1.2.6 Maximising Access and Adaptability</u></p> <p>The proposed development incorporates a suitable path of travel from the street to the units and provides 2 x accessible rooms.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
C2 Vegetation Management		
2.1	Preservation of Trees and Vegetation	<p>The subject site is within a well-established residential area, having historically been used for residential purposes and is</p> <p>Yes</p>

Clause	Controls	Comments	Complies
		<p>predominantly void of vegetation. It is noted that identified trees are to be removed to accommodate the proposed development. See attached plans for detail.</p> <p>The site is not identified as being located within the Natural Resource Sensitive Map under Penrith LEP 2010.</p> <p>The proposal will incorporate landscape embellishment works in accordance with the landscape plan to help soften the physical bulk and built form of the proposed development.</p> <p>The subject site does not contain any significant trees or vegetation.</p> <p>Landscaping of the site is to be undertaken in accordance with the attached Landscape Plan.</p>	
2.2	Biodiversity Corridors and Areas of Remnant Indigenous Vegetation in Non-Urban Areas	Subject site is not identified as being within a Natural Resource Sensitive Land under Penrith LEP 2010. Not applicable.	N/A
2.3	Bushfire Management	The subject site is not located in a bushfire prone area.	N/A
C3 Water Management			
3.2	Catchment Management and Water Quality	<p>Appropriate management of the site during the demolition and construction phases will contribute towards protecting the water system.</p> <p>A Stormwater Management Plan has been prepared and is attached as part of this application.</p>	Yes
3.3	Watercourses, Wetlands and Riparian Corridors	Subject site is not located within proximity to a watercourse, wetland or riparian corridor. Not applicable.	N/A
3.4	Groundwater	The proposed development is to be for a boarding house development. It is therefore considered that the risk of site contamination occurring during construction and future use of the site is low. Not applicable.	N/A

Clause	Controls	Comments	Complies
3.5	Flood Planning	The site is flood prone land but the impact of this is limited and engineering plans provide further detail noting the affectation is only to a corner of the site.	Yes
3.6	Stormwater Management and Drainage	A Stormwater Management Plan has been prepared and is attached as part of this application.	Yes
3.9	Water Sensitive Urban Design	<p>The proposed development incorporates Water Sensitive Urban Design (WSUD) principles that seek to minimise and manage the impact of stormwater on site and within the area.</p> <p>The proposed development appropriately addresses the unique characteristics of the site and will allow for the efficient management of stormwater.</p> <p>See attached Stormwater Management Plan for detail.</p>	Yes
C4 Land Management			
4.1	Site Stability and Earthworks	<p>This application seeks Council consent for the excavation of the site as per the attached plans. It is considered that the proposed excavation, will have minimal adverse environmental or amenity impact.</p> <p>The proposal results in an appropriate outcome when considering the nature of the development, the unique characteristics of the site and compliance with relevant Council controls.</p> <p>The proposal will not adversely affect or disrupt drainage and flood patterns, flood storage or soil stability in the area.</p> <p>The proposed excavation is consistent with the current and future use of the land and will develop the site into context with its surrounds and in accordance with Councils current and proposed planning strategies.</p> <p>Further the extent of excavation to the ground floor is limited to the footprint of the dwellings to maximize landscaping above.</p>	Yes

Clause	Controls	Comments	Complies
		It is considered unlikely due to the location of the site as well as previous development that excavation will lead to the disturbance of relics.	
4.3	Erosion and Sedimentation	<p>This application seeks Council consent for the excavation of the site as per the attached plans.</p> <p>It is considered that the proposed excavation, will have minimal adverse environmental or amenity impact.</p> <p>The proposal results in an appropriate outcome when considering the nature of the development, the unique characteristics of the site and compliance with relevant Council controls.</p> <p>An Erosion and Sediment Control Plan is attached as part of this application.</p>	Yes
4.4	Contaminated Lands	<p>A Phase 2 Environmental Site Assessment was undertaken within the subject site by EHO Consulting.</p> <p>Refer to attached Phase 2 Environmental Site Assessment for detail.</p>	Yes
4.5	Salinity	Due to the nature and location of the site it is not likely to be affected by Saline Soils, Not relevant.	N/A
C5 Waste Management			
		<p>A Waste Management Plan is attached as part of this application. Notwithstanding it is noted that waste is to be appropriately managed during the demolition and construction stages of the development.</p> <p>Bin storage area is located within the ground floor level and is designed to align with the Council design guidelines for a collect and return service.</p>	Yes
C6 Landscape Design			
		A landscape concept plan accompanies this development application.	Yes

Clause	Controls	Comments	Complies
		Where appropriate existing trees are to be retained. The concept plan details the landscape embellishment works proposed and these works is consistent with landscape works of other comparable low-density developments along Edith Street and surrounding streets and will also contribute towards softening the proposed built form.	
C7 Cultural and Heritage			
7.1	Heritage	<p>The site is not identified as a heritage item, and it is not located within a heritage conservation area, however there is a heritage item (I670 and I98) located near the subject site.</p> <p>Due to the nature of the proposal – a two storey new generation boarding house set within a landscape setting and with sufficient separation, the proposal will have no impact on the curtilage associated with the heritage item and therefore the development will have no impact on the heritage significance of heritage item 670 and 98. As a result, the subject site will not have any associated heritage restrictions.</p> <p>A heritage impact statement is not deemed to be necessary.</p>	Yes
7.2	Aboriginal Cultural and Heritage	Not relevant.	N/A
7.3	Significant Trees and Gardens	The subject site does not contain any trees or gardens that is considered to be of cultural, historical, scientific or aesthetic significant.	N/A
C10 Transport, Access and Parking			
10.2	Traffic Management and Safety	<p>It is considered that the vehicular access and exit points are clearly defined and provide for the safe and efficient movement of vehicular traffic on site and entering and exiting the site.</p> <p>The proposed car parking is provided within a basement level.</p>	Yes

Clause	Controls	Comments	Complies
		<p>It is noted that the development site will be landscaped and also contain fencing where practicable to help obscure any visual impacts and reduce any acoustic impacts associated with the vehicle access and parking arrangements.</p> <p>Furthermore, the proposal provides for the safe and efficient movement of pedestrian and vehicular traffic within the site and both entering and exiting the site.</p> <p>Vehicle and pedestrian routes are clearly indicated and accessible.</p> <p>Finally a traffic and parking effect of the proposal has been undertaken by Stantec which concludes that the proposed boarding house development is expected to have negligible impact on the existing local traffic and parking environments.</p>	
10.3	Key Transport Corridors	The subject site is not located within a key transport corridor. Not relevant.	N/A
10.5	Parking, Access and Driveways	<p>Proposed dimensions for car parking spaces are consistent with Council controls. See plan for detail.</p> <p>Proposed dimensions for car parking spaces are consistent with Council controls. See plan for detail.</p> <p>The development proposes parking in accordance with the ARH SEPP as detailed previously.</p>	Yes – ARH SEPP

PENRITH DEVELOPMENT CONTROL PLAN 2014 PART D – CITY-WIDE CONTROLS

State Environmental Planning Policy (Affordable Rental Housing) 2009 outlines the development standards for boarding houses within NSW.

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

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

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

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

D2 Residential Development			
2.2	Dual Occupancy Development	<u>2.2.2 Preferred Configuration for New Dwellings</u>	
	A discussion against the Dual Occupancy controls is provided below to guide a merit assessment of the proposal when having regard to desired future character.	<p>1. The proposed development has been designed to be consistent the anticipated 2-storey attached dual occupancy development within the subject area.</p> <p>The building fronts the street and has adopted a traditional orientation with habitable windows, primary entry point and awning that address both frontages with front setback to be appropriate landscaped.</p>	Yes
		<p>2. The proposed layout, siting and design of the development incorporates the characteristic of a large 2 story dual occupancy that is compatible with the existing and anticipated large 2 storey residential dwellings, noting subdivision of the locality resulted in modest lots that are not ideal in accommodating multi dwelling housing developments. Furthermore, the development has been influenced and designed to be consistent with the form, style, bulk and scale of a comparable two storey boarding house within a R3 zone that has recently approved by Council in the locality- including developments on Second Avenue, Cosgrove Crescent, and Manning Street.</p>	Yes
		<p>3. & 4. An appropriate green corridor is provided along the rear boundary.</p>	Yes

		<p>5. No garages are proposed noting the vehicle, bicycle and motorcycle parking to be provided within a basement level.</p> <p>Finally, appropriate landscape is provided along the site's front setbacks. Refer to attached plans for detail.</p>	Yes
2.2.4	Urban Form	<p>1. The proposal adopts a traditional orientation as far as practicable. The front setbacks are to be appropriately landscaped. Furthermore, the front façade of the boarding house has been designed with articulation features and window placements to present as a large 2 storey attached dual occupancy. It is also noted that appropriate rear and side landscaping is provided.</p> <p>3. The boarding house proposes parking within a basement level and as such the proposal will not have a gun barrel design.</p> <p>4. The development has been articulated through shadow casting features and stepping external walls.</p> <p>Where appropriate, the proposed building has been designed to incorporate a variety of roof forms and pitches. It is noted that the proposal provides windows in every elevation.</p>	Yes
2.2.5	<p>Front and Rear Setbacks</p> <p>Rear Setback:</p> <ul style="list-style-type: none"> - Single Storey Component: 4m - Two Storey Component: 6m <p>Front Setback: Average of neighboring development or 5.5m minimum.</p>	<p>1 & 2. The development provides a 6m rear setback to both the ground floor first floor.</p> <p>3 & 4. Development is to provide a front setback of 7.5m from the primary building line and is to be landscaped with the primary frontage to reflect the existing dwelling configuration on the site. Whilst not fully compliance with the 'average of the adjoining' the setback proposed is considered suitable given the R3 zoning and likely forms of redevelopment in the locality.</p> <p>5. No garages proposed.</p>	<p>Yes</p> <p>Yes</p> <p>N/A</p>

2.2.6	Building Envelope and Side Setbacks	1. 2 and 3. The proposal is within the building envelope. Complies.	Yes
		4. Cut and fill is limited to <500mm.	Yes
		5. The roof pitch is <25 degrees.	Yes
		6. The development provides side setbacks >900mm to the first-floor component and a minimum side setback of 2m from the primary building line to the second storey component.	Yes
	Side Setbacks: 900mm		
2.2.7	Driveways and Parking Areas	1. The proposal complies with the provisions in accordance with the parking section of the Penrith DCP 2014 and State Environmental Planning Policy (Affordable Rental Housing) 2009.	Yes – ARH SEPP 2009
		2. No garages are proposed.	N/A
		Driveways, access ways and car parking spaces are to be appropriately dimensioned in accordance with Council controls.	Yes
		The proposed car parking arrangement is to be appropriately integrated into the proposal and is consistent with existing development. In addition, vehicles can enter and leave the site in a forward direction.	
	Furthermore, it is considered that the proposal provides an appropriate outcome on site that provides adequate parking arrangements as well as ensuring the safe and efficient movement of vehicular and pedestrian traffic. See attached plans for detail.		
2.2.8	Landscaped Area	Minimum landscaped area:	261.88m ² or 40.3% of the site is dedicated as landscaped area. Complies.
		40% of the site	
2.2.9	Solar Planning	1. The proposal incorporates appropriate design features including window size and location that will permit adequate solar penetration.	Yes
		The proposal complies with the ARH SEPP in relation to the required 3 hours of solar	

		<p>access to the common room between 12 noon and 3pm.</p> <p>The proposal does not result in unacceptable overshadowing of adjoining residential properties. Appropriate setbacks are employed to ensure solar access and privacy to adjoining development.</p> <p>Shadow diagrams demonstrate that adjoining property to the site's immediate western boundary continues to receive adequate solar access at mid-winter, noting the majority of the shadow casted by the proposed development falls onto the existing street network. See shadow diagram for detail.</p>	
2.2.10	Significant Townscapes & Landscapes	The site is not within an area of townscape or landscape significance. Not relevant.	N/A
2.2.11	Corner Site and Park Frontages	Development site is a mid-block land parcel that does not front a park or reserve.	N/A
2.2.12	Building Design	<p>1. No dormer windows proposed.</p> <p>2. The proposal incorporates physical articulation of the built form and a mixed palette of building materials and finishes that are typical of comparable development within the locality and within the wider Penrith Local Government Area.</p> <p>Furthermore, the development adopts a variety of architectural features designed to minimise the apparent scale and bulk of the proposed two storey boarding house by:</p> <ul style="list-style-type: none"> • Incorporation of stepped alignment of walls • Articulation of the front façade • Alternate materials • Varied window placements. <p>Materials used are consistent with that existing in the area while being contemporary in character, including wall and awning cladding and a mix of face and painted brickwork.</p>	<p>N/A</p> <p>Yes</p>

		<p>The range of materials significantly contributes to the articulation of the building and reducing the overall bulk and mass of the building.</p> <p>The facade of the proposed 2-storey building includes windows and doors along all visible walls and feature facade to provide an attractive built form.</p>	
2.2.13	Energy Efficiency	<p>The proposal will comply with the accompanying Section J Report.</p> <p>Furthermore, the common rooms have been oriented to incorporate appropriate design features including window size and location that will permit adequate solar penetration.</p> <p>Appropriate shading devices are proposed to provide adequate shading from the summer sun.</p>	Yes
2.2.14	Design of Dwelling and Private Courtyards	<p>1. The proposal incorporates appropriate common open space in accordance with the ARH SEPP 2009.</p> <p>Private open space for each dwelling is not required under the ARH SEPP 2009.</p>	Yes – ARH SEPP 2009
2.2.15	Garage Design	<p>1. No garages are proposed.</p> <p>2. Development provides 7 car parking spaces as per SEPP (Affordable Rental Housing) 2009 within the basement level.</p>	N/A Yes
2.2.16	Garden Design	<p>Where appropriate, small to medium trees are to be planted along the sites front and side boundaries, noting an existing street tree is to be retained.</p> <p>See Landscape Plan for detail.</p>	Yes
2.2.17	Paving Design	<p>Where appropriate, hard paved surfaces are minimized to maximize landscaping and gardens.</p> <p>The proposal provides attractive driveways and provide soft verge planting.</p> <p>Refer to attached Landscape Plans for detail.</p>	Yes

2.2.18	Fencing and Retaining Walls	<p>Proposed fencing is to be consistent with that existing within Penrith Local Government Area of similar boarding house developments.</p> <p>The proposed fencing is compliant with Council controls.</p>	Yes
2.2.19	Visual and Acoustic Privacy and Outlook	<p>The proposal contains design elements that seek to reduce potential visual, privacy and acoustic impacts and promote a high standard of residential amenity.</p> <p>This includes the siting/layout of dwellings, location/size of windows, as well as the incorporating other elements including using landscaping, blank walls, offset windows and sill height windows to side elevations.</p> <p>It is considered that the proposed development produces an appropriate outcome on site that will provide a high level of residential amenity for future residents and will not adversely impact upon residential amenity currently enjoyed by adjoining properties.</p> <p>Finally, an Acoustic Report that accompanies this report has found that there is sufficient scope within the proposed building design to achieve the applied acoustic planning guidelines.</p>	Yes
2.2.20	Safety and Security	<p>The proposed development incorporates an active façade that will permit casual surveillance to Edith Street as well as driveway and landscaped areas of the proposal.</p> <p>The proposal incorporates open space and landscaped areas that will contribute to activity and natural surveillance of the area.</p> <p>The proposed landscaping and fencing is appropriate when considering CPTED principles and will not permit easy concealment of intruders. The proposed development is appropriate and provides measures, built elements, landscaping and design features that are consistent with CPTED principles.</p>	Yes

2.2.21	Accessibility and Adaptability	<p>Proposal has been designed to provide access to and from the site for people with a disability, including graded pedestrian pathways to and from the site.</p>	Yes
		<p>Dwellings have been designed to meet the needs of an ageing population, noting 2 of the rooms have been designed to meet accessibility standards.</p>	
D4 Other Land Uses			
5.11	Boarding Houses	<p><u>1 Local Character</u> Refer to discussion against the ARH SEPP 2009 'Character Test' provided previously within this statement where the proposal provides a suitable design response to the local character.</p>	Yes
		<p><u>2 Built Form, Scale and Appearance</u> a) The entry point to the boarding house is in a prominent position that addresses the street.</p>	Yes
		<p>b) The proposed small scale two-storey boarding house has been sited and oriented to protect the solar access of adjoining properties.</p>	Yes
		<p>The proposal does not result in unacceptable overshadowing of adjoining residential properties. Appropriate setbacks are employed to ensure solar access and privacy to adjoining development.</p>	
		<p>Shadow diagrams demonstrate that adjoining property to the site's immediate western boundary continues to receive adequate solar access at mid-winter, noting the majority of the shadow casted by the proposed development falls onto the existing street network. See shadow diagram for detail.</p>	
		<p>c) The boarding house has been designed to appear as a modern large attached two storey dual occupancy in-order to be consistent with the existing low density character within the immediate locality.</p>	Yes
		<p>d) The development has been designed protect the neighbouring amenity noting that potential privacy impacts are mitigated using</p>	Yes

building separation, reduced windows to side boundaries and the use of screens and noise impacts are reduced through siting the communal areas internally and communal open space towards the rear of the development site away from adjoining dwellings and road traffic areas. Refer to attached Acoustic Report for detail.

e) & f) As discussed extensively previously within this statement, the size of the site is not of a sufficient size to accommodate a multi dwelling housing development. Furthermore, it is worth noting that the immediate locality comprises predominantly of smaller lots which are not inductive to undertaking redevelopment for multi dwelling housing which typically requires cluster of large and deep lots and as such land parcels along Edna Street are more likely to be redeveloped as larger modern two storey forms including dual occupancies and unlikely to be redeveloped for multi dwelling housing in the medium term. This is evident with a lack of multi-dwelling housing development in the locality despite its R3 zoning. Considering Council approving comparable low-scale boarding houses within R3 zoned land parcel within the suburb, the development has been designed to comply with controls for dual occupancies as the site would alternatively be development as a dual occupancy form given the allotment size and frontage. This will also ensure that the proposal provides a building form and building envelope consistent with the existing low density character along Edna Street.

**Technical
Variation**

3 Tenant Amenity, Safety and Privacy

a) All 11 boarding house rooms and the managers room has been designed to be self contained in that each room is provided with a bathroom, kitchenette, laundry and living area. The boarding house also provides a communal room, communal open space and waste facilities.

Yes

b) DCP prescribes 10% of all boarding rooms (developments with more than 10 rooms) to be accessible. The development provides a total of 2 accessible/adaptable rooms or 16.7%). Complies.

Yes

c) Development has been designed where appropriate to achieve cross-ventilation.	Yes
d) All opening windows are to be provided with fly screens. This is to be enforced via condition of consent.	Yes
d) Appropriate and secured mailboxes are to be provided.	Yes
<u>4 Visual and Acoustic Amenity Impacts</u>	
a) Where appropriate, bedrooms are to be separated from significant noise sources. Refer to attached Acoustic Report for detail.	Yes
b) Appropriate sound insulation are to be provided between bedrooms. Noise insulation will be compliant with relevant BCA requirement. Refer to attached Acoustic Report for detail.	Yes
c) Communal areas and bedroom windows are primary located away from windows on adjoining buildings, noting windows are minimised to side elevation and the use of blank walls contribute towards mitigating potential privacy impacts to neighbouring properties.	Yes
d) Appropriate fencing and planning are provided along the site's side and rear boundaries.	Yes
<u>5 Visual and Acoustic Amenity Impacts</u>	
The proposed boarding house is not located in a cul-de-sac.	N/A
<u>6 Plan of Management</u>	
A Plan of Management has been prepared and accompanies this statement.	Yes

CONCLUSION

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

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

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