

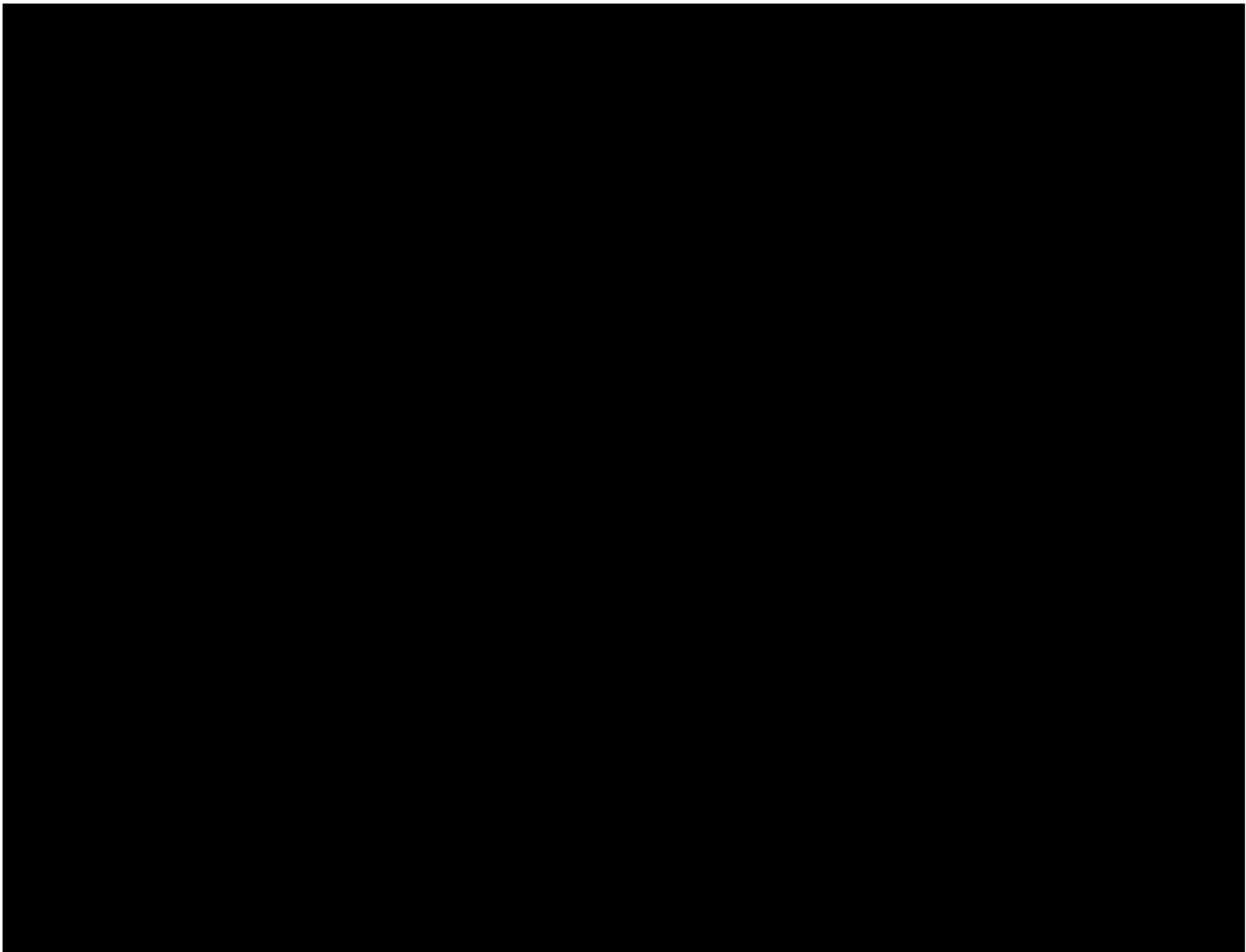


Pre-Lodgement Application Form

Portal Application number:
PAN-46320

Applicant contact details

Title	Mr
First given name	Thomas
Other given name/s	
Family name	Mithen
Contact number	
Email	
Address	
Application on behalf of a company, business or body corporate	Yes
Company, business or body corporate name	MIM Property Pty Ltd
ABN / ACN	
Is the nominated company the applicant for this application?	Yes



Note: It is an offence under Section 10.6 of the Environmental Planning and Assessment Act 1979 to provide false or misleading information in relation to this application.

Development details

Application type	Development Application	
Site address #	1	
Street address	31 PARK AVENUE KINGSWOOD 2747	
Local government area	PENRITH	
Lot / Section Number / Plan	15 / - / DP29528	
Primary address?	No	
Planning controls affecting property	Land Application LEP	Penrith Local Environmental Plan 2010
	Land Zoning	R3: Medium Density Residential
	Height of Building	8.5 m
	Floor Space Ratio (n:1)	NA
	Minimum Lot Size	400 m ²
	Heritage	NA
	Land Reservation Acquisition	NA
	Foreshore Building Line	NA
	Local Provisions	Wind Turbine Buffer Zone
	Obstacle Limitation Surface	230.5-230.5
	Sydney Trains Corridor Protection Zone	Clause 86/Concurrence
Site address #	2	
Street address	32 PARK AVENUE KINGSWOOD 2747	
Local government area	PENRITH	
Lot / Section Number / Plan	16 / - / DP29528	
Primary address?	Yes	
Planning controls affecting property	Land Application LEP	Penrith Local Environmental Plan 2010
	Land Zoning	R3: Medium Density Residential
	Height of Building	8.5 m
	Floor Space Ratio (n:1)	NA
	Minimum Lot Size	400 m ²
	Heritage	NA
	Land Reservation Acquisition	NA
	Foreshore Building Line	NA
	Local Provisions	Wind Turbine Buffer Zone
	Obstacle Limitation Surface	230.5-230.5

Proposed development

Proposed type of development	Subdivision of land Boarding house
Description of development	Subdivision into 3 lots and construction of a two-storey boarding house on each lot with associated parking, landscaping, and site works.
Dwelling count details	
Number of dwellings / units proposed	3
Number of storeys proposed	
Number of pre-existing dwellings on site	
Number of dwellings to be demolished	
Number of existing floor area	
Number of existing site area	
Do you have one or more BASIX certificates?	Yes
BASIX Certificate Number	1149706S 1149260S 1149707S
Subdivision	
Number of existing lots	2
Is subdivision proposed?	Yes
Type of subdivision proposed	Torrens Title
Number of proposed lots	3
Proposed operating details	
Number of staff/employees on the site	
Number of parking spaces	
Number of loading bays	
Is a new road proposed?	
Concept development	
Is the development to be staged?	No, this application is not for concept or staged development.
Crown development	
Is this a proposed Crown development?	No

Related planning information

Is the application for integrated development?	No
Is your proposal categorised as designated development?	No
Is your proposal likely to significantly impact on threatened species, populations, ecological communities or their habitats, or is it located on land identified as critical habitat?	No

Does the application propose a variation to a development standard in an environmental planning instrument (eg LEP or SEPP)?	Yes
Would you like to answer questions in this form to complete the variation request or upload a supporting document	Complete questions
What is the name of the relevant environmental planning instrument? eg. LEP, SEPP	Local Environmental Plan (LEP)
Relevant LEP	Penrith Local Environmental Plan 2010
What is the zone of the land?	
Address	31 PARK AVENUE KINGSWOOD 2747
Zone	R3
What is the zone of the land?	
Address	32 PARK AVENUE KINGSWOOD 2747
Zone	R3
What are the objectives of the zone(s) ?	<ul style="list-style-type: none"> • 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
Development Standard Variation details	
Name of the development standard being varied	Lot Size
Clause name	4.1
Numeric value of the standard being varied	450
Numeric value of the development against this standard	407
Percentage value of the proposed variation	9.48
What are the objectives of the development standard(s) ?	<p>(a) to ensure that lot sizes are compatible with the environmental capabilities of the land being subdivided,</p> <p>(b) to minimise any likely impact of subdivision and development on the amenity of neighbouring properties,</p> <p>(c) to ensure that lot sizes and dimensions allow developments to be sited to protect natural or cultural features including heritage items and retain special features such as trees and views,</p> <p>(d) to regulate the density of development and ensure that there is not an unreasonable increase in the demand for public services or public facilities,</p> <p>(e) to ensure that lot sizes and dimensions are able to accommodate development consistent with relevant development controls.</p>
	<ul style="list-style-type: none"> • The proposed battle-axe lot area variations are numerically minor variations of 43sqm (9.48%) and 35sqm (7.78%) for Lot 2 and Lot 3, respectively.

How is compliance with the development standard(s) unreasonable or unnecessary in the circumstances of this particular case ?

- Proposed Lot 1 is 97.5sqm larger than the minimum lot size requirement of 400sqm for a standard lot, which offsets the sum of the shortfall of 88sqm on battle-axe Lots 2 and 3, and as such, the proposed subdivision complies on an overall average lot size basis.
- The proposed variations relate to the paper plan subdivision lot boundaries only and would not be visually discernible given the proposed building siting and design, bulk and scale, landscaping, private open space, access, car parking and fencing would remain unchanged.
- Notwithstanding the above, the proposed subdivision facilitates the provision of new residential accommodation of a significantly lesser scale and intensity of development that could otherwise be achieved on an unsubdivided site noting Council's approval of a 28 room boarding house at 45 Park Avenue under D16/0374.
- The proposed lot layout results in a better planning outcome than an otherwise strictly compliant lot layout given the proposal minimises bulk and scale and overshadowing impacts to adjoining properties to the rear by providing for additional building area within Lot 1 facing the street, whereas a reduction in the size of Lot 1 and increase to the size of battle-axe Lots 2 and 3 would result in additional building area and bulk and scale at the rear of the site and additional visual bulk and overshadowing impacts to adjoining properties.
- The proposal is not an overdevelopment of the site given an overall yield of 3 lots in the form of two battle-axe lots of at least 450sqm excluding the access handle and one standard lot of 400sqm could otherwise be accommodated on the site.
- The proposed lot sizes ranging from 407sqm (excluding the access handle) and 497sqm are compatible with the environmental capabilities of the R3 medium density zoned land being subdivided.
- The proposed subdivision layout and building siting and design does minimise any likely adverse amenity impacts on adjoining properties in relation to bulk and scale, overshadowing, visual privacy and acoustic amenity.
- The proposed lot sizes and dimensions allow for the proposed building design and layout and detailed landscaping with additional canopy tree coverage to be suitably accommodated within the site in accordance with relevant development controls and do not result in any adverse heritage, tree or view impacts.
- The proposed lot sizes are wholly consistent with the planned residential density of the R3 zoned land given the yield is equivalent to an otherwise strictly compliant lot layout comprising 3 lots, but results in a better planning outcome in terms of reduced bulk and scale and overshadowing impacts to adjoining properties at the rear, and will ensure that there is not any unreasonable increase in demand for public services or public facilities.
- The variations do not result in additional floor area or an overdevelopment of the site.
- The proposal complies with relevant development controls including setbacks, building height, landscaping, private open space, solar access, visual privacy, car parking, access, stormwater and waste management.
- The proposal is in harmony with the bulk and scale of surrounding buildings and the streetscape and minimises the impacts of new development on adjoining or nearby properties from loss of privacy or acoustic amenity, overshadowing or visual intrusion.
- The proposal results in an improvement to the existing streetscape and park frontage and ensures a high visual quality of the development when viewed from adjoining properties, the adjoining public reserve to the west and the street frontage
- The proposal is consistent with the existing pattern of development and desired future character of this section of the street and the local area as shown in the aerial photo below.
- The proposal is a permitted form of development in the R3 zone and consistent with the relevant zone objectives to provide for the housing needs of the community and a variety of housing types within the medium density residential environment with excellent access to services and facilities and maintains a high level of residential amenity consistent with the existing and desired future character of the local area.
- The proposal is consistent with, and of a lesser scale and intensity of, residential development that could otherwise be reasonably accommodated noting Council has approved a total of 10 x 3-5 bedroom dwellings on the

	adjoining property to the east at 29-30 Park Avenue under DA15/0171 and 4 x 2-3 bedroom dwellings at 32 Joseph Street under DA18/0428.
Are there sufficient environmental planning grounds to justify variation of the development standard(s) ?	<ul style="list-style-type: none"> Proposed Lot 1 is 97.5sqm larger than the minimum lot size requirement of 400sqm for a standard lot, which offsets the sum of the shortfall of 88sqm on battle-axe Lots 2 and 3, and as such, the proposed subdivision complies on an overall average lot size basis. The proposed variations relate to the paper plan subdivision lot boundaries only and would not be visually discernible given the proposed building siting and design, bulk and scale, landscaping, private open space, access, car parking and fencing would remain unchanged. Notwithstanding the above, the proposed subdivision facilitates the provision of new residential accommodation of a significantly lesser scale and intensity of development that could otherwise be achieved on an unsubdivided site noting Council's approval of a 28 room boarding house at 45 Park Avenue under D16/0374. The proposed lot layout results in a better planning outcome than an otherwise strictly compliant lot layout given the proposal minimises bulk and scale and overshadowing impacts to adjoining properties to the rear by providing for additional building area within Lot 1 facing the street, whereas a reduction in the size of Lot 1 and increase to the size of battle-axe Lots 2 and 3 would result in additional building area and bulk and scale at the rear of the site and additional visual bulk and overshadowing impacts to adjoining properties. The proposed lot sizes and dimensions allow for the proposed building design and layout and detailed landscaping with additional canopy tree coverage to be suitably accommodated within the site in accordance with relevant development controls and do not result in any adverse heritage, tree or view impacts. The proposed lot sizes are wholly consistent with the planned residential density of the R3 zoned land given the yield is equivalent to an otherwise strictly compliant lot layout comprising 3 lots, but results in a better planning outcome in terms of reduced bulk and scale and overshadowing impacts to adjoining properties at the rear, and will ensure that there is not any unreasonable increase in demand for public services or public facilities. The variations do not result in additional floor area or an overdevelopment of the site.
Is there any other relevant information to be considered to justify variation of the development standard(s) ?	No
Is the application accompanied by a voluntary planning agreement (VPA) ?	No
Section 68 of the Local Government Act	
Is approval under s68 of the Local Government Act 1993 required?	No
10.7 Certificate	
Have you already obtained a 10.7 certificate?	No
Tree works	
Is tree removal and/or pruning work proposed?	Yes
Please provide a description of the proposed tree removal and/or pruning work	Remove 4 trees
Number of trees to be impacted by the proposed work	4
Land area to be impacted by the proposed work	
Units	
Approximate area of canopy REQUESTED to be removed	10
Units	Square meters
Local heritage	
Does the development site include an item of	

environmental heritage or sit within a heritage conservation area.	No
Are works proposed to any heritage listed buildings?	No
Is heritage tree removal proposed?	No
Affiliations and Pecuniary interests	
Is the applicant or owner a staff member or councillor of the council assessing the application?	No
Does the applicant or owner have a relationship with any staff or councillor of the council assessing the application?	No
Political Donations	
Are you aware of any person who has financial interest in the application who has made a political donation or gift in the last two years?	No
Please provide details of each donation/gift which has been made within the last 2 years	

Payer details

The Environmental Planning and Assessment Regulation 2000 and council's adopted fees and charges establish how to calculate the fee payable for your development application. For development that involves building or other works, the fee for your application is based on the estimated cost of the development. If your application is for integrated development or requires concurrence from a state agency, additional fees will be required. Other charges may be payable based on the council's adopted fees and charges. If your development needs to be advertised, the council may charge additional advertising fees.

Once this application form is completed, it and the supporting documents will be submitted to the council for lodgement, at which time the fees will be calculated. The council will contact you to obtain payment. Note that the application may be rejected if the fees are not paid.

Fee payment will be made by:

Company Name	MIM Property Pty Ltd
ABN	
ACN	
Trading Name	
Email address	mimproperty1@gmail.com
Billing address	3 42 MILITARY ROAD NORTH BONDI 2026

Application documents

The following documents support the application.

Document type	Document file name
Access report	Access Compliance Report_31-32 PARK AVE, KINGSWOOD
Acoustic report	Acoustic Report - 31-32 Park Avenue Kingswood
Arborists report	Arborist Report - 31-32 Park Avenue Kingswood
Architectural Plans	Architectural Plans - 31-32 Park Avenue Kingswood
BASIX certificate	BASIX CERTIFICATE_LOT 3_31-32 Park Avenue Kingswood BASIX CERTIFICATE_LOT 2_31-32 Park Avenue Kingswood BASIX CERTIFICATE_LOT 1_31-32 Park Avenue Kingswood
Car parking and vehicle access	Carpark Swept Paths - 31-32 Park Avenue Kingswood
Clause 4.6 variation request	Clause 4.6 request - 31-32 Park Avenue Kingswood
Cost estimate report	COST SUMMARY REPORT_31-32 Park Avenue Kingswood
Council DA Checklist	PCC Engineering Checklist - 31-32 Park Avenue, Kingswood
Landscape plan	Landscape Plan - 31-32 Park Avenue Kingswood
National Construction Code report	BCA REPORT_31-32 PARK AVE, KINGSWOOD
Notification plans	Notification Plans - 31-32 Park Avenue Kingswood
Owner's consent	Owners Consent - 32 Park Avenue Kingswood Owners Consent - 31 Park Avenue Kingswood
Plan of management	OPERATIONAL_MANAGEMENT_PLAN - 31-32 Park Avenue Kingswood

Statement of environmental effects	SEE_31-32 Park Avenue Kingswood
Stormwater drainage plan	PCC Engineering Checklist - 31-32 Park Avenue, Kingswood Stormwater Plans - 31-32 Park Avenue Kingswood Flood Letter - 31-32 Park Avenue, Kingswood OSD Design Certificate - 31-32 Park Avenue, Kingswood
Survey plan	Survey Plan - 31-32 Park Avenue Kingswood
Traffic report	Traffic Report - 31-32 Park Avenue Kingswood
Waste management plan	Waste_Management_Plan_31-32 Park Avenue Kingswood

Applicant declarations

I declare that all the information in my application and accompanying documents is , to the best of my knowledge, true and correct.	Yes
I understand that the application and the accompanying information will be provided to the appropriate consent authority for the purposes of the assessment and determination of this application, and may be provided to other State agencies.	Yes
I understand that if incomplete, the consent authority may request more information , which will result in delays to the application.	Yes
The information and materials provided may be used for notification and advertising purposes, and may be made available to the public for inspection.	Yes
I acknowledge that copies of this application and supporting documentation may be provided to interested persons in accordance with the Government Information (Public Access) 2009 (NSW) (GIPA Act).	Yes
I have read and agree to the collection and use of my personal information as outlined in the Privacy Notice.	Yes
I agree to the appropriately delegated assessment officers attending the site for the purpose of inspection.	Yes