

3 Edward Street, Kingswood

Statement of Environmental Effects for a proposed boarding house development

On behalf of
Signature Projects Australia Pty Ltd



Project Director

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07 August 2020

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* This document is for discussion purposes only unless signed and dated by the persons identified. This document has been reviewed by the Project Director.

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1 Introduction

This Statement of Environmental Effects (SEE) report has been prepared on behalf of Signature Projects Pty Ltd (the client) to support a Development Application (DA) to Penrith City Council (Council) for a proposed boarding house development at 3 Edward Street, Kingswood (the site).

The proposed boarding house is intended to be operated by Christ Mission Possible (CMP) with discussions underway between Signature Projects and CMP with a view to enter into a head lease arrangement. CMP are familiar with the needs of the region, managing social housing across the Blacktown and Penrith LGA's, with their head office located in Kingswood.

The application has been made in accordance with the provisions of State Environmental Planning Policy (Affordable Rental Housing) 2009 (ARH SEPP) for a boarding house.

The proposed development includes construction of a two-storey boarding house with 14 rooms and 3 at-grade parking spaces. Consent for the demolition of the existing structure is not sought under this application.

The SEE includes an assessment of the proposed works in terms of the matters for consideration as listed under Section 4.15 of the Environmental Planning and Assessment Act 1979.

The SEE should be read in conjunction with the specialist reports submitted under separate cover.

The planning and environmental assessments within this SEE have found that the proposal will deliver a high-quality boarding house development that complies with key planning standards within the ARH SEPP, Penrith Local Environmental Plan 2010 (PLEP) and Penrith Development Control Plan 2014 (PDCP) and is consistent with the surrounding local character.

1.1 Pre-DA Advice

On 13 July 2020, Pre-DA advice was provided to the proponent discussing the proposal relating to a 14 room two-storey boarding house located on site.

The following table provides a response to each of the issues raised by Council in its advice.

Table 1 – Pre-DA Meeting	
Item	Response
Planning	
The 5.5 metre front setback to Edward Street appears to be appropriate in context. However, a greater setback may be necessary if the design requires structures to be located within the front setback. This may include any below ground	Noted. The 5.5m front setback is considered appropriate for the site. Structures including OSD and waste rooms are provided elsewhere on site, and as such, do not adversely impact the setback. Sufficient landscaping is provided in the setback area that responds to the character of the street.

Table 1 – Pre-DA Meeting

<p>structures such as On-Site Detention and above ground structures, such as any changes to the waste rooms.</p>	<p>As such, the proposal is considered compatible with the streetscape character.</p>
<p>The 6-metre rear setback at first floor level is appropriate and acceptable.</p>	<p>Noted.</p>
<p>The 4-metre rear setback at ground floor is acceptable numerically but the setback area contains hardstand and parking, which is not acceptable. The objective of providing the setback is to allow deep soil landscaping to soften the appearance of structures and provide a visual buffer between neighbouring buildings. The proposal is unlikely to comply with the current and draft controls which require the setback areas to be void of any structures and thereby allowing good landscaping.</p>	<p>Noted.</p> <p>Parking has been provided to the rear in order to minimise potential visual and amenity impacts upon the streetscape. As discussed in the DCP and ARH SEPP compliance table, under cl 29(2)(b) of the ARH SEPP, the development cannot be refused on the grounds of landscaped area if the landscape treatment of the front setback area is compatible with the streetscape in which the building is located.</p> <p>Part D2, Clause 2.4 provides controls relevant to multi-dwelling housing where there are different landscaping controls than provided by the ARH SEPP. The provisions of the DCP relating to landscape area and deep soil are not relevant to an application under cl29(2)(b) of the ARH SEPP as there is no requirement for 40% of the site to be provided as landscape area.</p>
<p>The 2-metre eastern side setback is only appropriate for 50% of the building's length (facing the side boundary). The draft amendments to the DCP state that the minimum side setback can be 2m for not more than 50% of the building's length, with the remaining length to be set back 3m. You should therefore consider further setbacks to comply with this draft control. You should also show the location and outline of the adjoining building to the east so that any further setbacks can respond to the neighbouring building in terms of least impact.</p>	<p>Noted.</p> <p>Section 4.15(1)(a) of the EP&A Act stipulates that in determining a development application, a consent authority is to take into consideration the provision of 'any proposed instrument that is or has been the subject of public consultation under this Act'. As PDCP 2014 is not an 'instrument' as defined by the Act, any draft amendment to the PDCP 2014 relating to boarding houses is not a matter for consideration pursuant to Section 4.15(1) of the Act, whilst in draft.</p> <p>It is noted that in instances where there is an inconsistency with the DCP and an EPI, the provisions of the relevant EPI (in this case ARH SEPP) will prevail. The proposal complies with standards pursuant to Clause 29 of ARH SEPP, and therefore the proposal cannot be refused on the grounds of the standards referenced in clause 29.</p> <p>However, if we considered the draft control with regard to the side setback, it is found to represent a minor non-compliance. While compliance with this control is not required, we note that the ground floor is measured to be 17m in length along the eastern boundary, while the first floor is measured to be 15m in length. Notwithstanding, the minor non-compliance that would result, the 2m setback to the eastern boundary is considered sufficient, in so far as adjacent areas of primary living areas and private open space are located far away enough ensuring impact is</p>

Table 1 – Pre-DA Meeting

	<p>minimal. The location of an existing garage structure adjacent to the eastern boundary on the adjoining site provides further physical separation between the proposed building and the dwelling on the eastern adjoining lot.</p>												
<p>The non-complying eastern side setback is likely to be more apparent when you superimpose the draft Building Envelope Control to the eastern side of the proposed development. The Draft DCP controls refer to a permitted building envelope being formed by a 45 degree angle above a height of 1.8m from the side property boundary. It is unclear if your proposal would comply with this control along the eastern side boundary, but I expect that the first floor would breach this envelope. This is likely to be another reason to require the eastern side at first floor level to be further set back.</p>	<p>Noted.</p> <p>As detailed above, Section 4.15(1)(a) of the EP&A Act stipulates that in determining a development application, a consent authority is to take into consideration the provision of 'any proposed instrument that is or has been the subject of public consultation under this Act'. As PDCP 2014 is not an 'instrument' as defined by the Act, any draft amendment to the PDCP 2014 relating to boarding houses is not a matter for consideration pursuant to Section 4.15(1) of the Act, whilst in draft.</p> <p>In addition, we refer to the Business Paper of the Policy Review Committee Meeting of 10 August 2020, which provides on page 12 that the existing building envelope control for multi dwelling housing will continue to apply to boarding houses in the R3 zone, as extracted following:</p> <table border="1" data-bbox="762 981 1340 1137"> <thead> <tr> <th colspan="3">Boarding Houses</th> </tr> </thead> <tbody> <tr> <td>The publicly exhibited building envelope controls for boarding houses in the R3 zones impact the delivery of a 2nd storey</td> <td>Apply the existing building envelope control for multi dwelling housing to boarding houses in the R3 zone.</td> <td>The draft amendments proposed a building envelope from Multi Dwelling Housing apply to boarding houses in R3 zones. Taking into consideration</td> </tr> </tbody> </table> <p style="text-align: center;"><i>Policy Review Committee Meeting</i> 10 August 20</p> <table border="1" data-bbox="762 1346 1340 1518"> <thead> <tr> <th>Matters Raised</th> <th>DCP Change Proposed</th> <th>Reason for Change</th> </tr> </thead> <tbody> <tr> <td></td> <td></td> <td>the amended side setback controls, it is proposed to continue to implement the existing building envelope controls until further review will be undertaken in stage 2 of DCP 2014 Review.</td> </tr> </tbody> </table>	Boarding Houses			The publicly exhibited building envelope controls for boarding houses in the R3 zones impact the delivery of a 2nd storey	Apply the existing building envelope control for multi dwelling housing to boarding houses in the R3 zone.	The draft amendments proposed a building envelope from Multi Dwelling Housing apply to boarding houses in R3 zones. Taking into consideration	Matters Raised	DCP Change Proposed	Reason for Change			the amended side setback controls, it is proposed to continue to implement the existing building envelope controls until further review will be undertaken in stage 2 of DCP 2014 Review.
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Matters Raised	DCP Change Proposed	Reason for Change											
		the amended side setback controls, it is proposed to continue to implement the existing building envelope controls until further review will be undertaken in stage 2 of DCP 2014 Review.											
<p>The western side setback, adjacent to the driveway, should include a landscaped edge between the driveway and the side property boundary. This should be at least 1m to 2m wide and be able to include planting to provide a softer, green edge to the development.</p>	<p>Noted.</p> <p>The driveway has been designed to comply with the relevant AS and is not considered to result in adverse environmental impacts upon future residents.</p> <p>Clause D2.4.7 in not relevant in this instance as it supports a 40% landscape requirement which is not relevant to this application made in accordance with the provisions of ARH SEPP that provides under cl 29(2)(b) the development cannot be refused on the grounds of landscaped area if the landscape treatment of the front</p>												

Table 1 – Pre-DA Meeting

	<p>setback area is compatible with the streetscape in which the building is located.</p> <p>As a 40% landscaping requirement is not relevant to a boarding house application made pursuant to the provisions of the ARH SEPP it is not relevant to accord with the controls which support the 40% landscape area for a multi-dwelling development.</p> <p>The proposed driveway, although not providing a landscaped edge along the full length of the western side, is nonetheless appropriate. The lack of landscaping across the full length will not adversely affect the amenity of the adjoining property to the west, with the built form remaining a minimum 3.6m from the western boundary. Further, the infrequency in the movement of vehicles will mean any acoustic impact from vehicles will be negligible. Any landscaping along this boundary, in addition to that provided in the front setback would not provide for any benefit to amenity.</p>
<p>Council's DCP controls generally require the first floor footprint to be smaller than the ground floor footprint as this is a way to ensure the building mass at the upper level is appropriate. Your proposal appears to follow the same outline (footprint) at both ground and first floors. This potentially results in a bulky building that lacks articulation, particularly at the front and eastern side elevation where the two-storey form is a sheer and uniform wall.</p>	<p>Noted.</p> <p>The proposal, including the first floor provides for high-quality materiality and articulation across all four elevations that result in a building that responds appropriately to the site and within the context of the wider area, including the streetscape along Edward Street. Notwithstanding the footprint of the first floor, the overall scale of the building is not unreasonable and considered consistent with other similar approved developments, including boarding houses in the area</p>
<p>The onus is on the applicant and landowner to ascertain whether the easement running through the site can be built upon. You should check the terms of the easement in this regard and clarify this with your own consultants and Council (if the easement benefits Council). You would need to consider the terms of the easement regarding access for maintenance, particularly given that you propose hardstand over parts of the easement, as well as active uses such as the clothesline, parking and parts of the waste room.</p>	<p>Noted.</p> <p>The proposed boarding house does not propose construction of structures on the existing stormwater easement, which is clearly indicated on the submitted drawings.</p>
<p>The overall architectural language, materials and detailing of the proposal is generally acceptable. The building has the appearance of a residential dwelling which is good, and the use of hipped roofs fits in</p>	<p>Noted.</p> <p>The proposed materials and finishes provide for an appearance compatible with the existing and desired built form along Edward Street.</p>

Table 1 – Pre-DA Meeting

<p>with the appearance of the area. You should consider lightweight cladding for the first floor and a light colour for the roof.</p>	<p>As depicted in the architectural drawings, the first floor is proposed to be constructed of 'timber framed lightweight wall with smooth textures finished cladding'.</p>
<p>The location of the communal room and the private open space is awkward because both these spaces face into the car parking area, with the open space wedged between car parking, bicycle parking and the waste room. It would spatially make more sense to have the common room and common open space towards the rear (northern) and side (eastern) edges of the building so that the common room could open directly into the rear setback area which is north facing and could be better utilised as part of the common open space. You could also consider whether the second stair can be internalised so that it does not occupy a northern edge of the building, as the northern edges would be better utilised to get access to light and air. In the same manner the bathroom to Room 6 could be moved from the northern edge and that space better utilised with habitable uses that would benefit from northern sun access. Where the common room and common private open space are currently located, they appear to be wedged in between service and parking areas and therefore their amenity is compromised.</p>	<p>Noted.</p> <p>The layout of the ground floor has been amended since the pre-DA comments were received and while Council's comments are acknowledged with regard to the location of the communal area and POS, the location of these areas are not unreasonable and will continue to provide adequate amenity for occupants including acceptable solar access. As such, it is not considered that the amenity of these areas will be compromised. The POS is located so as to act as an extension of the internal living area thereby providing suitable amenity for occupants.</p>
<p>You will need to confirm if 40% of the site remains as landscaped area as this is the requirement for development in the R3 zone.</p>	<p>Noted.</p> <p>The proposal provides for 186.76m² (29.41%) of landscaped area.</p> <p>Legal advice prepared by Addisons Lawyers accompanies this application. The advice states the following with regard to landscaped area:</p> <p><i>Under clause 29(2)(b) of the ARH SEPP, Council must not refuse consent to the Proposed Developments on the basis of landscaped area "if the landscape treatment of the front setback area is compatible with the streetscape in which the building is located".</i></p> <p>Refer to legal advice under separate cover.</p>
<p>Room 14 on the first floor is designed with a 'snorkel' window which is not ideal and compromises the amenity</p>	<p>Noted.</p>

Table 1 – Pre-DA Meeting

<p>of that room. You could consider shifting the bathroom of Room 13 further to the north so that even a highlight window can be added to the northern side of Room 14, and perhaps the northern facing window to Room 13 can be increased in size.</p>	<p>The design of the room and window to Room 14 has been amended to provide adequate solar access for the occupant of the room.</p>
<p>Your documentation states that the proposal will be for a social housing provider and 3 on-site car parking spaces are shown. While the 3 parking spaces complies with the SEPP requirement of 0.2 spaces per boarding room, you will need to provide documentary evidence with your application that a social housing provider is indeed on board with your development. This information must be provided with your DA and should be more than prospective.</p>	<p>Noted.</p> <p>As discussed above, the proposed boarding house is intended to be operated by Chris Mission Possible (CMP). CMP are familiar with the needs of the region, managing housing across the Blacktown and Penrith LGA's, with their head office located in Kingswood.</p> <p>The provision of such information is not considered reasonable for the purposes of assessing a development application but can be provided prior to the issuing of a CC. Alternatively, Council may choose to impose a deferred commencement condition in any development consent.</p>
<p>The drawings indicate that you are proposing 7 single rooms and 7 double rooms, giving a capacity of 21 lodgers. In this case, an on-site managers room with accompanying private open space would be required.</p>	<p>Noted.</p> <p>The breakdown of single and double rooms has been amended as follows:</p> <ul style="list-style-type: none"> - 11 x single rooms - 3 x double rooms <p>Accordingly, pursuant to <i>clause 30(1)(e) of the ARH SEPP an on-site managers room is not required.</i></p>
<p>Environmental Management</p>	
<p>Section D5.11 of the Penrith DCP requires an operational 'Plan of Management' to ensure that the proposed boarding house operates with minimal impact on adjoining owners and maintains a high level of amenity for residents.</p>	<p>Noted.</p> <p>A POM has been prepared (Judith Stubbs & Associates, 6 August 2020) in accordance with Section 5.11 of the PDCP and is provided under separate cover.</p>
<p>Shared facilities are required unless separate laundry facilities are provided within rooms for all residents. As a guide:</p> <ul style="list-style-type: none"> • One 8.5kg capacity automatic washing machine and one domestic dryer for every 12 residents • At least one large laundry tub and one cleaner's sink with running hot and cold water; and 	<p>Noted.</p> <p>These requirements will be addressed during the detailed design phase prior to the issue of a CC.</p>

Table 1 – Pre-DA Meeting

<ul style="list-style-type: none"> 30 metres of clothesline for every 12 residents in an outdoor area (can be retractable). 	
<p>An acoustic assessment is required to be submitted as a part of the development application to demonstrate that the proposed boarding house will not have any impact on nearby sensitive receivers.</p>	<p>Noted. An acoustic report (PKA, August 2020) has been provided with the application.</p>
<p>The application is to address all relevant requirements under State Environmental Planning Policy 55 Remediation of Land (SEPP 55).</p>	<p>Noted. As discussed within Section 4 of this SEE, the proposal addresses the requirements of SEPP 55.</p>
<p>A Waste Management Plan is to be provided addressing waste produced during the demolition, construction and operational phases of the development.</p>	<p>Noted. A Waste Management Plan has been prepared to support the application.</p>
<p>Trees greater than 3m in height are protected under Part C2 Vegetation Management of the Penrith Development Control Plan 2014.</p>	<p>Noted. An Arborist Report (Newleaf Arboriculture, July 2020) has been provided with the application.</p>
<p>The environmental impacts associated with the construction phase of the development must be addressed, such as water quality, noise, dust, air quality and sediment and erosion control.</p>	<p>Noted. The application is supported by a sediment and erosion control plan. The mitigation of impact on noise, dust and air quality may be addressed via condition of consent.</p>
<p>Engineering</p>	
<p>All engineering works must be designed and constructed in accordance with Council's Design Guidelines for Engineering Works for Subdivisions and Developments and Council's Engineering Construction Specification for Civil Works.</p>	<p>Noted. All proposed works are capable of being designed and constructed in accordance with Council's Design Guidelines for Engineering Works for Subdivisions and Developments and Council's Engineering Construction Specification for Civil Works. Council may wish to apply appropriate conditions for works to be suitably designed prior to the issuing of a CC.</p>
<p>Stormwater</p>	
<p>Stormwater drainage for the site must be in accordance with the following:</p> <ul style="list-style-type: none"> Council's Development Control Plan, 	<p>Noted. The application is supported by a stormwater drainage plan prepared by Uber Engineering. The stormwater management on site is prepared in accordance with Council's DCP, drainage specification for building developments policy, water sensitive urban design policy and technical guidelines.</p>

Table 1 – Pre-DA Meeting

- Stormwater Drainage Specification for Building Developments policy,
- Water Sensitive Urban Design Policy and Technical Guidelines.

A stormwater concept plan, accompanied by a supporting report and calculations, shall be submitted with any future development application.

It is acknowledged that there is an existing 2.44m wide Council drainage easement located within the development site. A cross section of this drainage pipeline is to be provided through the drainage easement showing pipe cover, depth and size and demonstrating that the pipe is clear from the zone of influence of any adjoining structure.

No structure/s shall be erected within the existing Easement to Drain Water. You will need to look more closely at whether any structures relating to the waste room/area will encroach into the easement.

The application shall demonstrate that downstream stormwater systems have adequate capacity to accommodate stormwater flows generated from the development. This may require the provision of on-site detention to reduce stormwater flows or upgrade of stormwater infrastructure to increase capacity.

On-site Stormwater Detention (OSD) is required to be provided for the site. The Site Storage Rate (SSR) is 240cbm/Ha with a Permissible Site Discharge (PSD) of 120L/s/Ha.

The on-site detention system must be within common property and accessible from the street without going through dwellings or private courtyards.

The OSD system shall provide an emergency overland flow path – full details are to be provided.

A water sensitive urban design strategy prepared by a suitably qualified person is to be provided for the site. The strategy shall address water conservation, water quality,

Based on discussion with Tim Gower at Penrith City Council, MUSIC modelling is not required to be prepared and submitted for this development.

Table 1 – Pre-DA Meeting

<p>water quantity, and operation and maintenance.</p>	
<p>The site is affected by local overland flow flooding based on Council's adopted 'College, Orth and Werrington Creeks Catchment Overland Flow Flood Study'.</p> <p>Information currently held by Council indicates that the 1% AEP flood level affecting the site is estimated to be RL 44.6m AHD towards the rear of the lot and RL 44.3m AHD at the front of the lot.</p>	<p>Noted.</p> <p>The application is supported by Overland Flow Study, prepared by Uber Engineering, dated 5 August 2020. The ground floor level of the boarding house achieves the required 0.5m freeboard above the 1% AEP flood level.</p>
<p>All plans for the site shall have levels and details to AHD.</p> <p>The application must demonstrate that the proposal is compatible with the State Government Floodplain Development Manual and Council's Local Environmental Plan and Development Control Plan for Flood Liable Lands.</p> <p>All habitable floor levels shall be a minimum of RL 45.1m AHD (1% AEP flood level + 0.5m freeboard).</p>	<p>Noted.</p> <p>As above. The supporting Overland Flow Study demonstrates that the proposal is compatible with the State Government Floodplain Development Manual and Council's Local Environmental Plan and Development Control Plan for Flood Liable Lands.</p> <p>The ground floor level of the boarding house achieves the required 0.5m freeboard above the 1% AEP flood level as noted in the Overland Flow Study.</p>
<p>No retaining walls or filling is permitted for this development which will impede, divert or concentrate stormwater runoff passing through the site.</p> <p>Earthworks and retaining walls must comply with Council's Development Control Plan.</p> <p>Proposed fill material must comply with Council's Development Control Plan.</p>	<p>Noted.</p> <p>Minimal fill is proposed to be provided for a level building platform. Due to the minimal extent of fill, and as noted in the Overland Flood Study, it is not anticipated that stormwater management will be adversely affected by the proposal. Stormwater runoff will not be impeded and ensure suitable flow of water.</p>
<p>Traffic</p>	
<p>A Traffic and Parking Assessment of the carpark design, access driveway design shall be reviewed and endorsed by a suitably qualified traffic practitioner.</p>	<p>Noted.</p> <p>A Traffic and Parking Assessment (Varga, August 2020) has been provided to support the proposal.</p>
<p>Building</p>	
<p>Access to and within the building will need to comply with Part D3 of the BCA and AS1428.1-2009.</p>	<p>Noted.</p> <p>A BCA Assessment has been provided (Checkpoint Building Surveyors, 6 August 2020) demonstrating that the proposed development is able to comply with applicable BCA standards.</p>

Table 1 – Pre-DA Meeting

<p>Ensure construction and essential services provided comply with the provisions of Volume 1 of the Building Code of Australia.</p>	<p>Noted. A BCA Assessment has been provided (Checkpoint Building Surveyors, June 2020) demonstrating that the proposed development is able to comply with applicable BCA standards.</p>
<p>Waste</p>	
<p>A bin generation rate of 75% will be applied to the waste generation calculation outlined within table 2 of the 'Multi-unit dwelling waste management guideline' document for boarding house developments.</p>	<p>Noted. A WMP has been incorporated into this SEE and has adopted the rates provided under Table 2.</p>
<p>Communal Waste Collection Area</p> <p>A communal waste collection area must be provided for the development and incorporate the following provisions:</p> <ul style="list-style-type: none"> • A communal Waste Storage area large enough to accommodate 12 x 240L bins and a bulky goods storage area 4sqm. 	<p>Noted. The proposal has been designed to accommodate a communal waste collection area on the western side of the site. The area is large enough to accommodate 12x240L bins. A 4m² bulky goods storage area is also provided.</p>

2 The Site

The site is a regular-shaped allotment located at 3 Edward Street, Kingswood (Lot 36 DP 237831), with total site area of 635m² and a frontage to Edward Street 23.74m, as shown in the figures below:

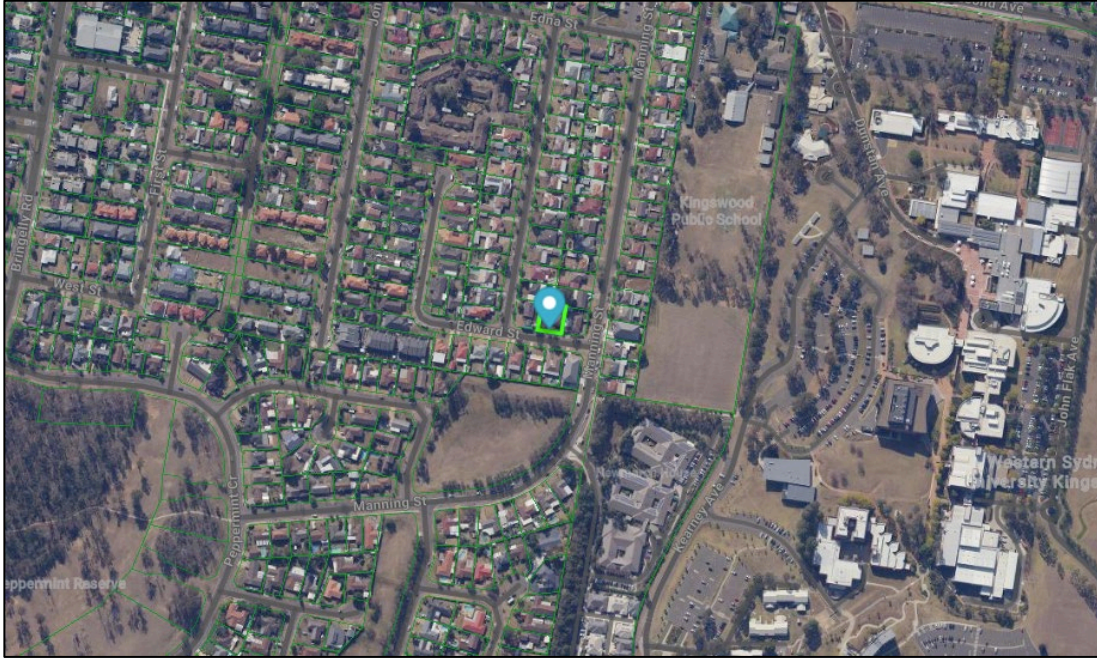


Figure 1: Site context
Source: Mecone Mosaic

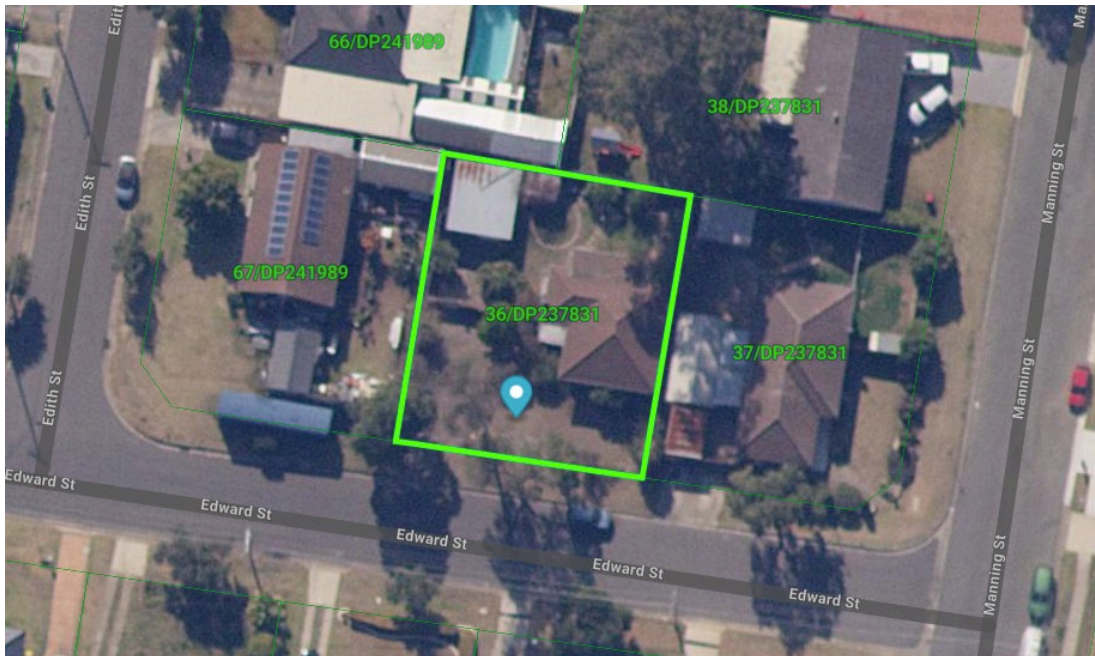


Figure 2: Site aerial
Source: Mecone Mosaic



Figure 3: Site viewed from Edward Street

Source: Signature



Figure 4: Development opposite Edward Street to the south

Source: Signature



Figure 5: Adjoining development to the east

Source: Signature

The site is well located only 80m west of the Kingswood Public School and 200m west of the Kingswood Western Sydney University campus. The site is also located approximately 1.1km south-east of Nepean Hospital and the surrounding commercial centre on Somerset Street and Derby Street, and 330m south of the neighbourhood shopping centre located on Edna Street and Manning Street.

Kingswood Station is located approximately 1km north-west of the site, while Bus Stop 274745 is located only 180m north east of the site, with Route 770, connecting the site to Penrith. The route running to Penrith meets the definition of a 'regular bus service' under the ARH SEPP providing services at least once an hour across the following hours:

- Mon-Fri: 6:00am – 21:00pm; and
- Sat-Sun: 8:00am – 18:00pm.

A summary description of the site and surrounds is provided in the table below.

Table 2 – Site Description	
Item	Description
Legal Description	Lot 36 DP 237831
Total Area	Approx. 635sqm
Street Frontage	Approx. 23.74m to Edward Street
Existing Use	The site contains a single storey dwelling house and detached garage. An easement to drain water cuts diagonally across the site.

Table 2 – Site Description

Item	Description
Zoning	R3 Medium Density Residential
Surrounding Context	The surrounding context is dominated by single and double storey residential dwellings.
Existing Access	The site is currently accessed via a driveway to Edward Street.
Public Transport	The site is located within 180m of the nearest bus stop located along Manning Street. As such, the subject site is located within an “accessible area”, being within 400m walking distance of a bus stop used by a regular bus service that has at least one bus per hour servicing the bus stop between 06:00 and 21:00 each day from Monday to Friday and between 08:00 and 18:00 on each Saturday and Sunday, as defined by ARH SEPP
Topography	The site is relatively flat, providing for a slight fall towards the northeast.

3 The Proposal

3.1 Overview

The DA proposes the following works:

- Construction of a boarding house development comprising:
 - Tree removal;
 - Construction of a two-storey boarding house, comprising 14 boarding rooms;
 - Construction of an at grade carpark containing three (3) spaces; and
 - Associated civil works and landscaping.

No demolition is proposed as part of this application. Demolition will be carried out separately via a complying development certificate.

Further detail is provided in the table below.

Table 3 – Key Elements of Proposed Development		
Item	Details	
Land Use	Boarding house	
Height	8.43m 2 storeys	
Room size (area excludes bathroom and kitchen as per ARH SEPP requirements)	Room 1 (single)	14.57m ²
	Room 2 (single)	12.05m ²
	Room 3 (single)	12.48m ²
	Room 4 (single accessible)	12.34m ²
	Room 5 (single accessible)	12.14m ²
	Room 6 (single)	12.00m ²
	Room 7 (single)	13.91m ²
	Room 8 (double)	16.00m ²
	Room 9 (double)	16.1m ²
	Room 10 (double)	17.84m ²
	Room 11 (single)	13.74m ²
	Room 12 (single)	13.73m ²
	Room 13 (single)	14.23m ²
	Room 14 (single)	14.23m ²

Table 3 – Key Elements of Proposed Development

Item	Details	
Room design	Each room features a private en-suite and kitchenette.	
Lodgers	17 total lodgers (1 per single room and 2 per double room)	
Communal Areas	At ground level the development contains a communal living/dining/kitchen area and laundry facilities for use by all residents.	
Private Open Space	<p>The development features a private open space area providing 20.1sqm private open space area at the north-west corner of the building for use by all residents, in addition to a grassed area to the north; and</p> <p>This provision meets the non-discretionary minimum standard in the ARH SEPP, which requires a private open space of 20sqm with minimum dimension of 3m.</p>	
Parking	<p>3 at-grade spaces located to the rear of the site, which meets the non-discretionary minimum standard in the ARH SEPP for development carried out on behalf of a social housing provider</p> <p>3 motorcycle spaces</p> <p>3 bicycle spaces.</p>	
Access	<p>Pedestrian and vehicle access are via Edward Street with vehicular access located to the southwestern side of the lot and pedestrian access via a pathway located to the southeastern side of the lot.</p> <p>Note: Additional discussion provided below, following this table.</p>	
Setbacks	Front (Edward Street):	5.5m
	Side (to the west):	3.6m
	Side (to the east):	2m
	Rear (to the south):	Ground: 4m First floor: 6.096m
Landscaping	<p>The proposed landscaping includes turfed areas within the front setbacks, with hedging shrubs and multiple small, medium and large trees along the front and rear boundaries. This design is consistent with other development in the street.</p> <p>Note: Additional discussion provided below, following this table.</p>	
Tree Removal	The development requires removal of two trees located to the Edward Street frontage.	
Waste Management	<p>The development contains a bin storage room and bulky goods storage room integrated into the western side of the building. This area is discreetly located but easily accessible from Edward Street via the driveway.</p> <p>Note: Additional discussion provided below, following this table.</p>	

Table 3 – Key Elements of Proposed Development

Item	Details
Plan of Management	<p>A draft Plan of Management (PoM) has been prepared to support the application. The aim of the PoM is to ensure the proposed boarding house maintains a high level of amenity for neighbouring properties and for all residents living in the premises.</p> <p>It is anticipated that the draft PoM will be refined post-determination, and the implementation of the plan will form a condition of any future consent.</p>

Extracts of the architectural drawings are provided below.

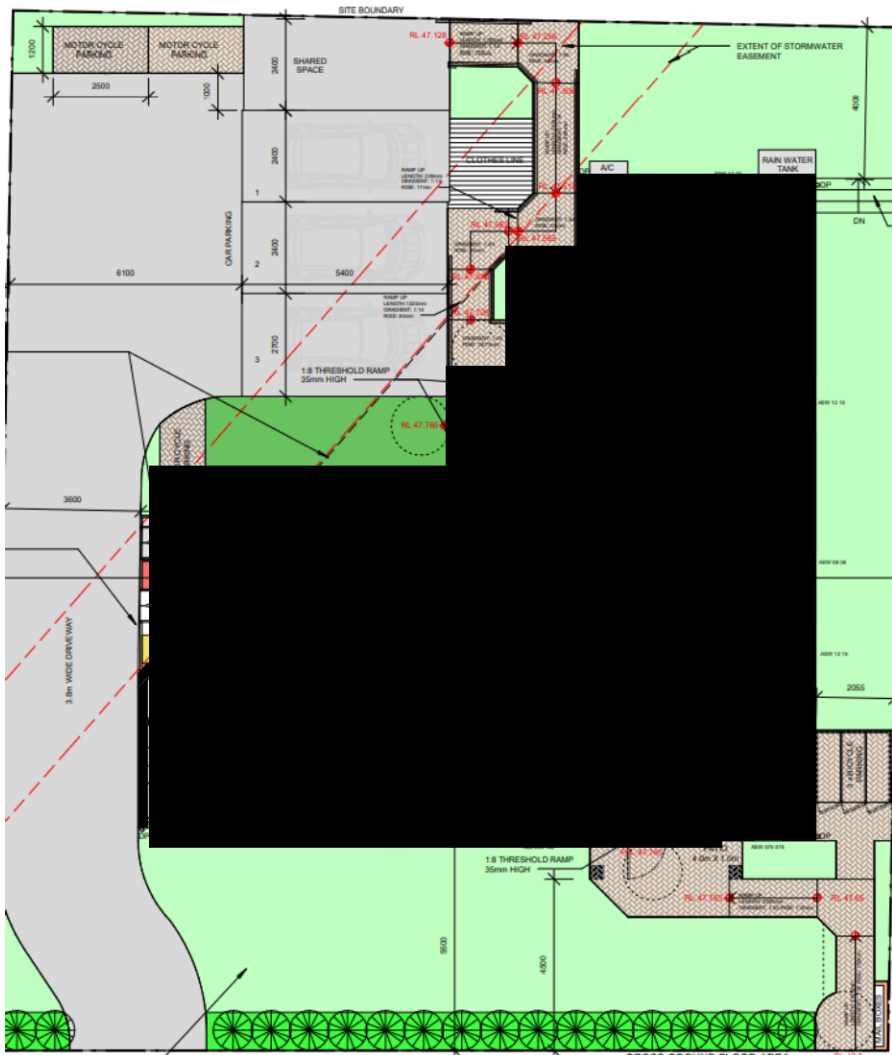


Figure 6: Ground floor plan
 Source: Signature Projects Pty Ltd

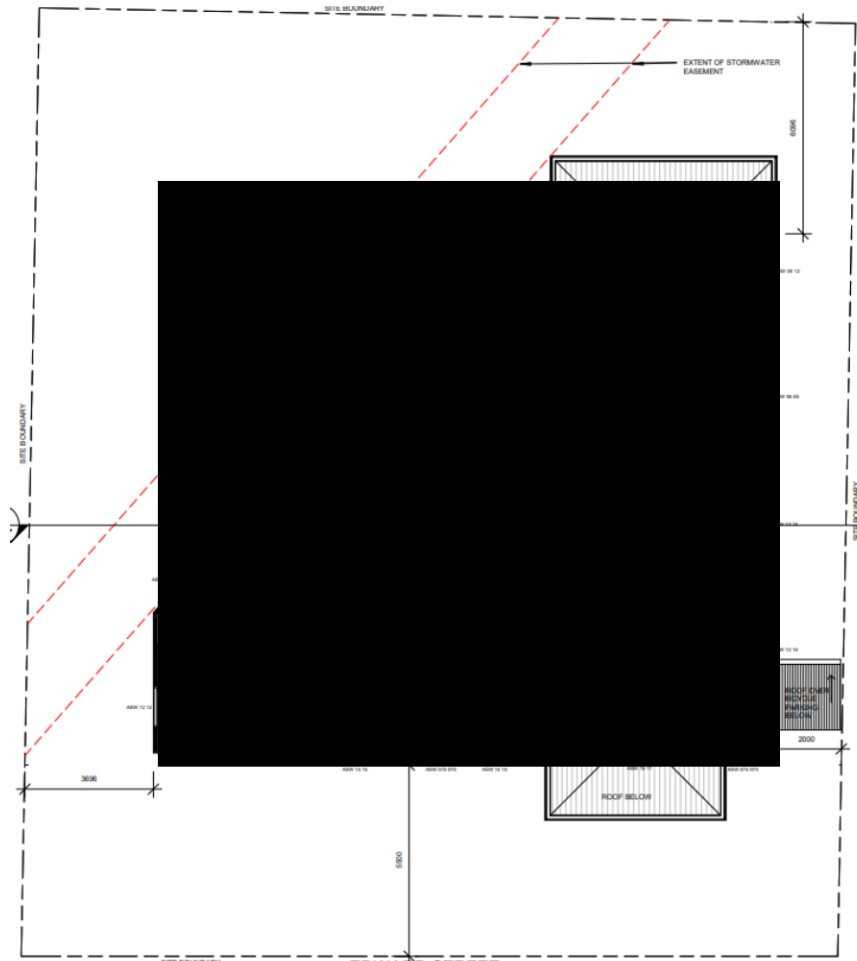


Figure 7: First floor plan
 Source: Signature Projects Pty Ltd



Figure 8: Artistic impression of proposed boarding house
 Source: Signature Projects Pty Ltd

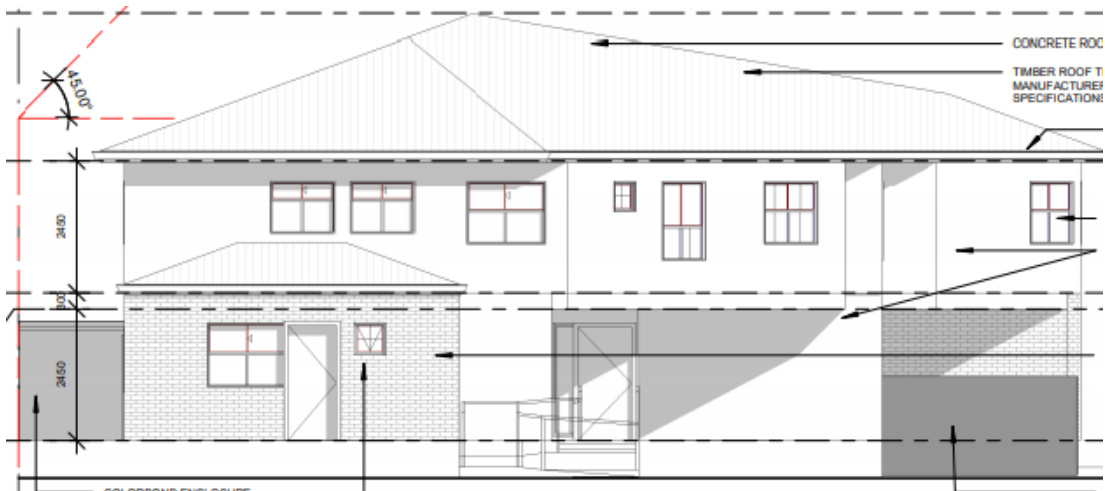


Figure 9: North Elevation
 Source: Signature Projects Pty Ltd

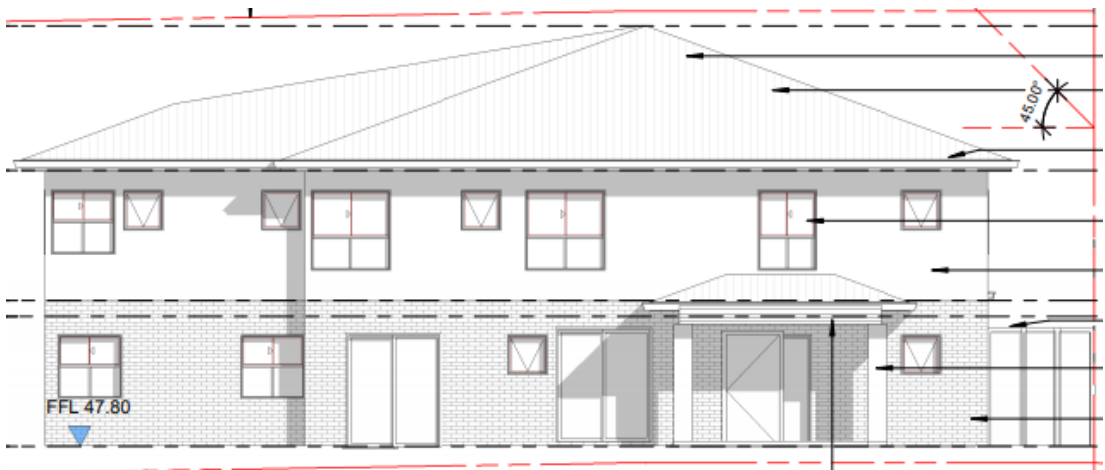


Figure 10: South Elevation
 Source: Signature Projects Pty Ltd



Figure 11: West Elevation
 Source: Signature Projects Pty Ltd

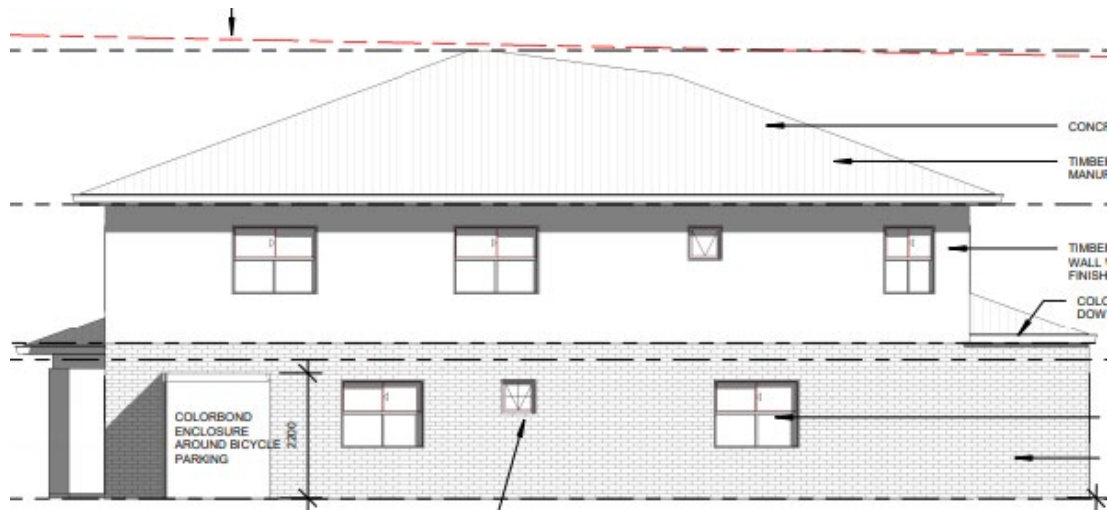


Figure 12: East Elevation

Source: Signature Projects Pty Ltd

3.2 Access and Parking

The development proposes vehicular access via an access driveway off Edward Street to the south.

Pursuant to Clause 29 of ARH SEPP, in the case of development carried out by or on behalf of a social housing provider in an accessible area, at least 0.2 parking spaces are provided for each boarding room.

Under Clause 4(1) of ARH SEPP, an “accessible area” is defined as land that is within:

- a) 800 metres walking distance of a public entrance to a railway station or a wharf from which a Sydney Ferries ferry service operates, or
- b) 400 metres walking distance of a public entrance to a light rail station or, in the case of a light rail station with no entrance, 400 metres walking distance of a platform of the light rail station, or
- c) 400 metres walking distance of a bus stop used by a regular bus service (within the meaning of the [Passenger Transport Act 1990](#)) that has at least one bus per hour servicing the bus stop between 06.00 and 21.00 each day from Monday to Friday (both days inclusive) and between 08.00 and 18.00 on each Saturday and Sunday.

In the case of this development, the site is located 180m walking distance from the nearest bus stop along Manning Street to the north east, identified as Bus Stop 274745 as shown in the map below.

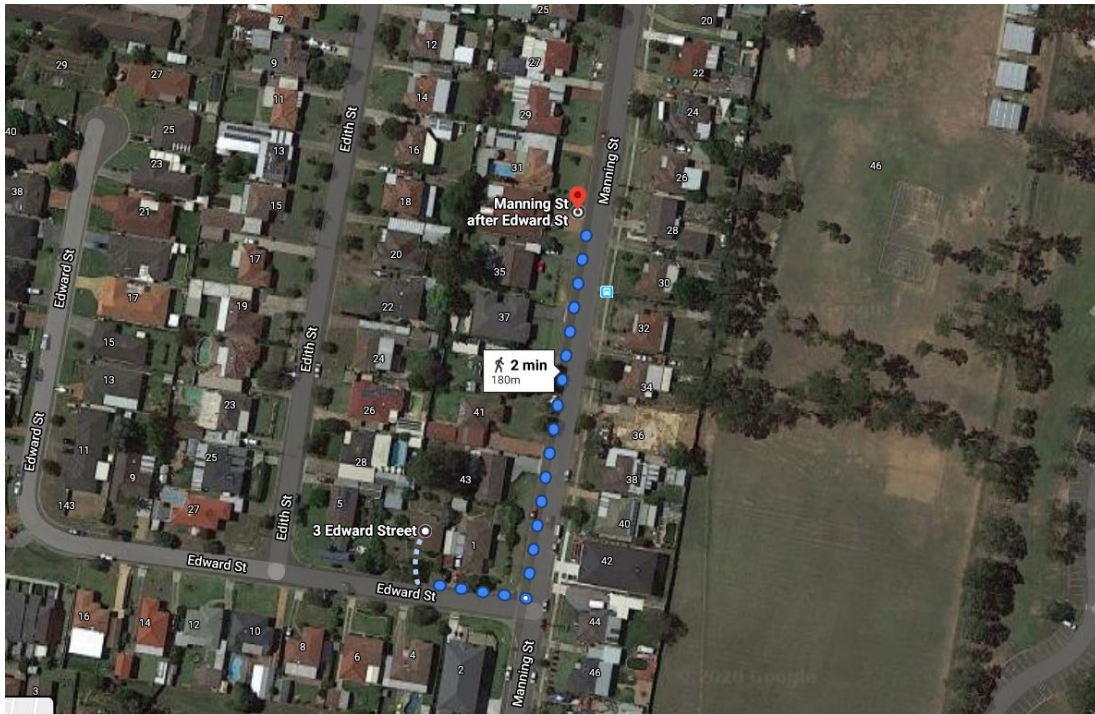


Figure 13: Walking distance to bus stop

Source: Google

Bus stop 274745 is serviced by Route 770, connecting the site to Mount Druitt. The route running to Mount Druitt meets the definition of a 'regular bus service' providing services at least once an hour across the following hours:

- Mon-Fri: 6:00am – 21:00pm; and
- Sat-Sun: 8:00am – 18:00pm.

The driveway provides access to three parking spaces and three motorcycle spaces. The proposal also provides a pedestrian pathway to the main entry to the building and the three bicycle spaces located on the eastern side of the building. Access to the waste bin area and bulk goods store along the western side of the building is provided via the driveway. As demonstrated by the vehicle swept path analysis provided under separate cover, vehicles will be able to enter and leave the site in a forward direction.

3.3 Landscaping and Private Open Space

Clause 29(2)(b) of ARH SEPP stipulates that a consent authority must not refuse consent to development to which this Division applies on the following grounds:

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

The development proposes landscaping and deep soil zones across the front setback area. A landscape plan prepared by Earth Matters Consulting, dated 6 August 2020 depicts a mix of deep soil gardens, and turf areas designed to integrate the development with the existing context as well as the emerging medium-density context. Further, the proposed landscaping provides for a development that integrates with the existing landscaped residential character of the street and

surrounding area. It is argued that the proposal provides for a development with landscape treatment that is compatible with the established streetscape character, while complementing the desired future character of Edward Street. In addition, the landscaping will ensure privacy and amenity is maximised to the site and development.

The landscape and building designs are considered to enhance the amenity and visual quality of the site and wider area. The proposed landscaping and plant species will screen and soften the built form as viewed from the public domain and enhance the building elements within their setting, providing for a suitable residential landscape character and setting.

The landscape and building design are complementary while achieving similar design objectives. In light of the existing streetscape character, the proposal is considered to contribute positively to a desirable streetscape and improve the existing character of the area. The landscape design aims to soften the impact of the proposed building, while providing an enhanced visual setting when viewed from the public domain.

Proposed landscaping has considered the built form, scale, and appearance of the building, ensuring a sympathetic relationship with adjoining development and within the context of a medium density zoning. The front setback has been provided with extensive landscaping, including deep soil zones that result in a setback area that is compatible with the streetscape in which the building is located. Refer to the landscape concept plan under separate cover.

Clause 29(2)(d) of ARH SEPP stipulates that a consent authority must not refuse consent to development on the following grounds:

if at least the following private open space areas are provided (other than the front setback area)—

- i. one area of at least 20 square metres with a minimum dimension of 3 metres is provided for the use of the lodgers,*

The area of private open space satisfies the above numerical requirement and is integrated with the landscape design, while providing a suitable area of open space behind the front building line for the occupants of the development. The development proposes 201.48m² (31.87%) of landscaped area and >20m² of private open space to the rear.

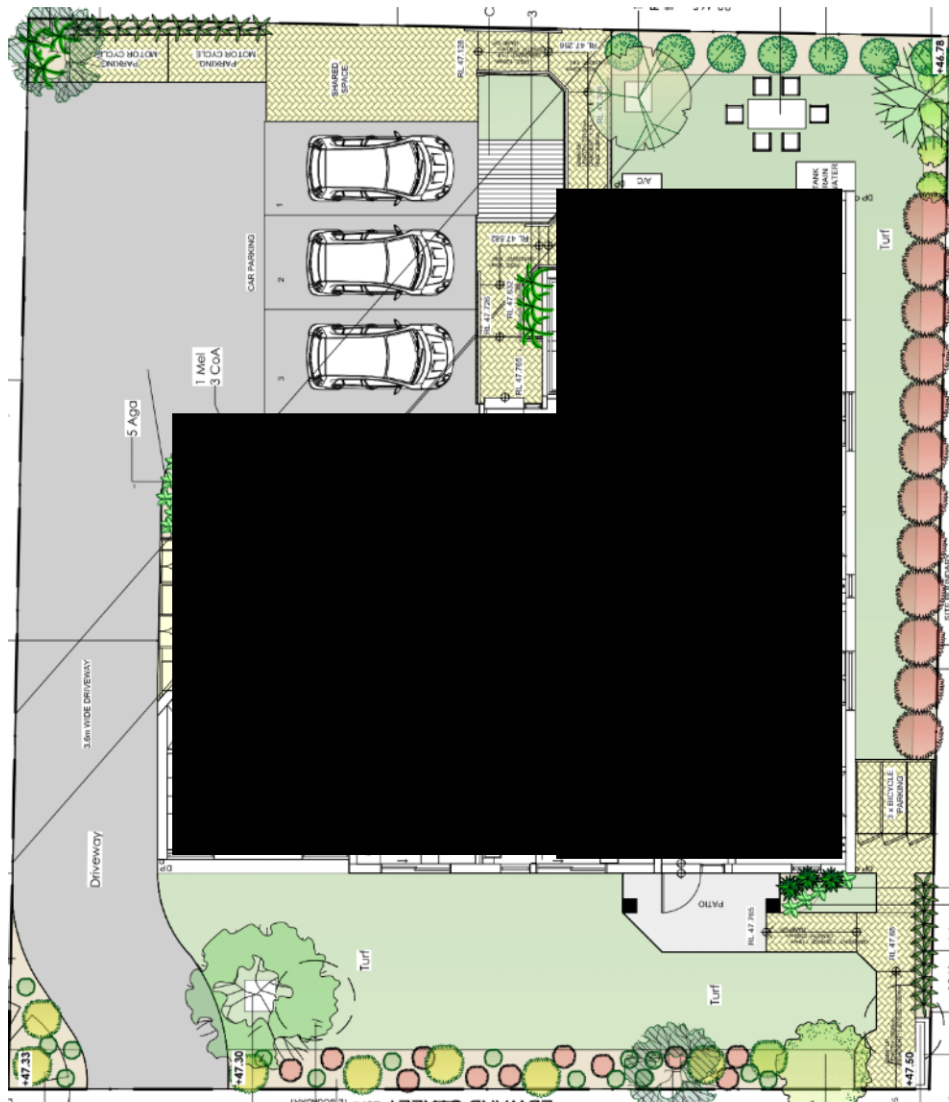


Figure 14: Landscape plan
 Source: Earth Matters Consulting

3.4 Waste Collection

All waste will be in a dedicated waste collection area, located behind the front setback and on the western side of the proposed development. Garbage bins would be transferred from the waste storage area to the Edward Street kerbside for collection.

It is proposed that all garbage collection will be undertaken kerbside on Edward St by Council's 'Collect and Return Service'. Garbage bins would be transferred from the waste storage area to the Edward Street kerbside for collection by Council's collection vehicle driver.

In accordance with the requirements in Council's guideline regarding the collect and return service, the bin storage area can accommodate all bins assigned to the development, is integrated with the building design, is physically separated from the bulky goods storage room, allows for separate unobstructed access to the street, features a doorway width of no less than 1.2m, features a service pathway 1.2m in width and is located within 14m of the kerb. Detailed specifications for the room

identified in Council's DCP, such as waterproofing and taps, can be implemented via condition of consent.

Note: Further detail is provided at Section 5.8 of this SEE.

4 Planning Assessment

This section contains an assessment against key relevant environmental planning instruments and development control plans including:

- State Environmental Planning Policy (Affordable Rental Housing) 2009 (ARH SEPP);
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 (BASIX SEPP);
- State Environmental Planning Policy. No 55 – Remediation of Land (SEPP 55);
- Sydney Regional Environmental Plan No 20 – Hawkesbury-Nepean River (no 2 – 1997) (SREP No 20);
- Penrith Local Environmental Plan 2010(PLEP);
- Penrith Development Control Plan 2014 (PDCP); and
- Penrith DCP Housekeeping Amendment.

4.1 Penrith Local Environmental Plan 2010

The table below provides a summary of the key development standards under the Penrith LEP 2010 that apply to the site.

Table 4 – Penrith LEP 2010 Compliance Table	
Provisions	Compliance
<p>Land Use</p> <p>R3 Medium Density Residential</p>	<p>Complies</p> <p>Under the R3 Medium Density Residential zone, boarding houses are a type of development that is permissible with consent.</p> <p>The application is being made pursuant to the ARH SEPP 2009, which permits boarding houses in the R3 zone.</p>
<p>Cl. 4.3 Height of buildings</p> <p>8.5m</p>	<p>Complies</p> <p>8.43m</p>
<p>Cl. 4.4 Floor space ratio</p> <p>There is no FSR control applicable to the site.</p>	<p>N/A</p>
<p>Cl. 5.10 Heritage conservation</p> <p>There are no heritage items or heritage conservation areas within proximity of the site.</p>	<p>N/A</p>
<p>Cl. 7.4 Sustainable Development</p>	<p>Complies</p>

Table 4 – Penrith LEP 2010 Compliance Table

Provisions	Compliance
<p>In deciding whether to grant development consent for development, the consent authority must have regard to the principles of sustainable development as they relate to the development based on a “whole of building” approach by considering each of the following—</p> <ul style="list-style-type: none"> (a) conserving energy and reducing carbon dioxide emissions, (b) embodied energy in materials and building processes, (c) building design and orientation, (d) passive solar design and day lighting, (e) natural ventilation, (f) energy efficiency and conservation, (g) water conservation and water reuse, (h) waste minimisation and recycling, (i) reduction of vehicle dependence, (j) potential for adaptive reuse. 	<p>The proposed development has been designed and oriented to achieve a sustainable development. Windows to the north are maximised; all rooms are naturally ventilated; and 6 out of the 14 rooms and the first-floor corridors are naturally cross ventilated.</p> <p>These measures combine to achieve passive thermal design for ventilation, heating and cooling, reducing reliance on technology and operation costs.</p> <p>The development also includes soft landscaped areas, equating to 186.76m² or 29.41% of the total site area, for groundwater recharge and vegetation.</p> <p>The development will provide for a building that is designed to ensure energy efficiency and conservation, water reuse and conservation.</p> <p>The application is supported by a BASIX Certificate which demonstrates this.</p> <p>Furthermore, waste minimisation and recycling has been addressed and demonstrated through the supporting WMP. In all, the development has considered the principles of sustainable development, as required by CI 7.4 of PLEP.</p>
<p>7.6 Salinity</p> <p>(2) Development consent must not be granted to any development unless the consent authority has considered—(a) whether or not the proposed development is likely to have an impact on salinity processes, and</p> <p>(b) whether or not salinity is likely to have an impact on the proposed development, and</p> <p>(c) appropriate measures that can be taken to avoid or reduce any undesirable effects that may result</p>	<p>Complies</p> <p>The site is shown on the Salinity Potential in Western Sydney 2002 Map as having moderate potential for salinity. Notwithstanding, due to the minimal extent of excavation, it is unlikely that salinity will have an impact on the proposed development.</p>

Table 4 – Penrith LEP 2010 Compliance Table

Provisions	Compliance
from the impacts referred to in paragraphs (a) and (b).	

4.2 SEPP (Affordable Rental Housing) 2009

Under the SEPP, the proposal is classified as a 'boarding house'. Boarding Houses are not defined in the ARH SEPP 2009, but rather the Penrith Local Environmental Plan 2010 (PLEP), the applicable LEP for the site, as follows:

boarding house means a building that—

- (a) is wholly or partly let in lodgings, and
- (b) provides lodgers with a principal place of residence for 3 months or more, and
- (c) may have shared facilities, such as a communal living room, bathroom, kitchen or laundry, and
- (d) has rooms, some or all of which may have private kitchen and bathroom facilities, that accommodate one or more lodgers,

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

The proposal for a boarding house within the R3 Medium Density Residential zone is permissible under the ARH SEPP, as discussed below. It should also be noted that Boarding Houses are permitted with consent in the R3 zone under PLEP.

Division 3 'Boarding Houses'

Division 3 'Boarding Houses' of the ARH SEPP therefore applies to the site, providing certain requirements and standards that cannot be used to refuse consent. A detailed assessment against these standards is provided in **Appendix 1**.

In summary, we have found that the proposal:

- Complies with the non-discretionary standards under cl. 29, including:
 - The building height complies with the relevant LEP requirement (8.5m);
 - The landscaped area is compatible with the streetscape;
 - The communal living room achieves 6 hours of direct sunlight between 9am and 3pm at mid-winter;
 - The building features a private open space area of 20.1sqm with a minimum dimension of 3m;
 - 3 parking spaces are provided in accordance with the minimum of 0.2 spaces per room required if the development is carried out by or on behalf of a social housing provider in an accessible area;
 - The site has been demonstrated to be in an accessible area;

- Each single room is at least 12sqm and each double room is at least 16sqm;
- Complies with the standards for boarding houses under cl. 30, including:
 - The proposal features a communal living room given it has more than 5 boarding rooms;
 - No boarding room has a GFA greater than 25sqm;
 - No boarding room will be occupied by more than 2 adult lodgers;
 - Adequate bathroom and kitchen facilities are available for lodgers, with each room having its own private ensuite and kitchenette;
 - 3 bicycle parking spaces and 3 motorcycle parking spaces are provided, meeting the minimum requirement of 1 per 5 rooms;
- Is compatible with the character of the area (refer to analysis following).

4.2.1 Clause 30A Character of local area

Clause 30A of SEPP ARH 2009 states the following with regard to 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.

Existing character

The following response is offered to the above:

Edward Street is comprised with a range of dwelling types and built form styles. While the predominate built form is single storey dwellings there are examples of two storey development along the street and opposite the site including 2 Edward Street which is a two storey, 16 room boarding house. There are examples of two storey detached and multi dwelling developments at 68 Jones Street (which connects to Edward Street), 76-78 Jones Street (which is visible from Edward Street), 42 Manning Street as well as 28 and 32 Edward Street.

The following set of photos provide an outline of the more recent developments on Edward Street and the surrounding area with several boarding houses within the area.



Figure 15: Approved 16 room boarding house at 2 Edward Street, opposite the subject site (DA16/0562)

Source: Signature



Figure 16: Approved 8 room boarding house located at 10 Manning Street

Source: Signature



Figure 17: Approved boarding house located at 36 Manning Street currently under construction

Source: *Signature*



Figure 18: Approved 16 room boarding house located at 42 Manning Street

Source: *Signature*



Figure 19: Townhouse development at 28 Edward Street

Source: Signature

Dwellings along the south of the street are generally comprised of side driveways to recessed garages. Brick appears to be the predominate material for dwellings with red, blonde and brown tones employed, with newer dwellings providing a combination of brick and clad or rendered walls.

Single storey brick housing is the predominate dwelling character. However as evidenced by the approved examples at 2, 26 and 32 Edward as well 68 and 76-78 Jones Street and 42 Manning Street, two storey and multi dwelling housing is compatible with the local character and indicative of the changing densities occurring as a result of the R3 Medium Density Residential zone applying to the land.

Setbacks and landscape treatments

There is some consistency in setbacks along the southern side of Edward Street, with the north side less consistent. Houses along Edward Street with frontages along two roads (Edith, Manning and Edward as it turns north), are generally set back against one of the two roads. This includes 1, 2 and 5 Edward Street.

Mature trees are present along the street, mainly between Edith and Manning. For the most part vegetation at the front of most properties along the street tends to be limited to small trees, shrubs and grass lawns.

As such the defining characteristic of Edward Street front setbacks is soft landscaping, with a few examples of mature trees on site.

The Proposal

The proposal incorporates features present along the street and creates an outcome that is compatible with its context. The proposed character of the development is considered consistent with the established character, as demonstrated by the supporting photos above.

- The proposed building material choices are present in dwellings along the street; with the use of softer materials on the first floor to reduce the bulk and visual prominence of the development.
- The bulk, height and scale of the proposed development is in keeping with the two storey development surrounding the site, including the existing approved boarding house opposite the site at 2 Edward Street. As such, it is considered that the proposal aligns with the acceptable and established built form;
- Material and colour choice are sympathetic to the complementary elements of the street and enable the site to better integrate with its context;
- Proposed articulation elements create visual interest in the building when viewed from Edward Street and from the side. This reflects the articulation demonstrated by the two storey buildings nearby; and
- The site's entrance will address the street providing a sense of arrival and enable passive surveillance to and from the street.

The landscape treatment within the front setback is consistent with the soft landscaping and hard surfaces used for driveways that are present along the street. While it is proposed that two trees with low to medium retention value are to be removed, several trees are to be planted in replacement. The front setback landscaping treatment includes:

- Lagerstroemia indica 'Natchez' Crepe Myrtle with a mature height of 4-6 metres
- Prunus x blireana Purple Leaved Plum with a mature height of 4 metres
- Tristaniopsis laurina Water Gum with a mature height of 10-12 metres
- Zoysia Macarantha Nara Turf

The rear landscaping includes a rear setback that will be used for parking of cars, with vegetation along the rear boundary to consist of:

- Magnolia 'Teddy Bear' 'Magnolia' with a mature height of 5-6 metres
- Melaleuca decora 'Honey Myrtle' with a mature height of 10 metres
- Prunus x blireana 'Purple Leaved Plum' with a mature height of 4 metres
- New Zealand Flax
- Coastal Rosemary shrubs

The above responses will provide a landscape environment that will blend in with the landscape treatments along the street. Regular maintenance of front landscaping will contribute positively to the street amenity, appearance and character. Further increased canopy cover will be a benefit for pedestrians and native wildlife.

The proposed landscaping is compatible with the established landscaping of the street and desired outcomes for the following reasons:

- The provision and configuration of landscaping is consistent with established landscaping along Edward Street and will contribute toward an attractive streetscape;
- The trees located in the front setback, once mature, will soften the appearance first floor from the street;
- With the exception of the driveway and pathway, the private garden fills the front setback;

- Garages, or in this instance onsite parking, is concealed behind the building, thereby avoiding the negative visual impacts associated with parking in front of houses, which has been exhibited along the street;
- Additional tree canopy will contribute positively to the streetscape.

In conclusion, the proposal is found to be consistent with Clause 30A of ARH SEPP with respect to achieving a suitable character outcome for Edward Street and the wider locality. The surrounding area, being located within medium density zoning is undergoing constant change. The proximity to nearby infrastructure, including Kingswood Western Sydney University campus, Kingswood Station and Nepean Hospital will result in further development over the long-term, resulting in a character that will be unidentifiable to the existing setting. The proposal is considered to align with the desirable future character that is consistent with a medium density setting as well as offering consistency with the existing streetscape character.

4.3 SEPP (Building Sustainability Index: BASIX) 2004

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 (SEPP BASIX) provides objectives to encourage sustainable residential development.

The application is accompanied by a BASIX Certificate, which confirm the development is able to meet the NSW Government's requirements for sustainability if built in accordance with the commitments set out in the certificate.

4.4 SEPP 55 – Remediation of Land

Clause 7 of SEPP 55 states that a consent authority, in determining a DA, must not consent to the carrying out of any development on land unless:

- a) it has considered whether the land is contaminated, and*
- b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
- c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*

The historical use of the subject site appears to have been limited to residential development and there would appear to be no indication of commercial or industrial activities on the site or neighbouring land that would render the site unsuitable for the proposed development. As such, the site is considered suitable for the proposed residential use and for the proposed development.

It should also be noted that no significant earthworks, such as basement carparking, are proposed as part of the development.

An unexpected finds protocol can be implemented during the construction phase via condition of consent.

4.5 SREP 20 – Hawkesbury-Nepean River (No 2-1997)

Clause 4 of SREP 20 states that a consent authority must take into consideration the general planning considerations set out in Clause 5 of SREP 20 and the specific planning policies and recommended strategies in Clause 6. The planning policies and recommended strategies under SREP 20 are considered to be met through the development controls under PDCP.

As demonstrated in Section 4.6 below, the development generally complies with the relevant development controls established within the PDCP. Therefore, the proposal is considered to satisfy Clause 4 of SREP 20.

4.6 Penrith Development Control Plan 2014

Penrith Development Control Plan 2014 (PDCP) applies to all land in the Penrith LGA and contains more detailed development provisions that are considered by Council when making decisions about individual development applications.

The compliance table provided at **Appendix 2** provides a comprehensive assessment of the proposal against all relevant sections of the PDCP. Several key issues are discussed below.

4.6.1 Relevant Section of PDCP

Part D5 of PDCP provides supplementary directions for Boarding Houses at Section 5.11, with (2)(e) and (f) providing:

e) In a Low-Density zone, boarding houses should comply with controls for Single Dwellings where these controls do not conflict with the requirements of the SEPP.

f) A boarding house proposal of a scale similar to a multi dwelling housing development should comply with the controls and objectives for multi dwelling housing within this DCP, where they are not in conflict with the requirements of the SEPP and the objectives of the zone.

The subject site is located within the R3 Medium Density zone but does not provide a development which is of a similar scale to a multi dwelling housing development.

If we review the scale of the proposed boarding house, it is evident that it has been designed to be of a similar scale to a large dwelling house.



Figure 20: Artistic impression of proposed boarding house at 3 Edward Street, Kingswood

Source: Signature

If we refer to the wording in the DCP with regard to boarding houses proposed in the R3 zone, it provides: “A boarding house proposal of a scale similar to a multi dwelling housing development should comply with the controls and objectives for multi dwelling housing within this DCP”.

Multi dwelling housing is defined by Penrith LEP as:

multi dwelling housing means 3 or more dwellings (whether attached or detached) on one lot of land, each with access at ground level, but does not include a residential flat building.

Based on the definition of multi dwelling housing in the LEP we would anticipate any multi dwelling housing development to present as at least 3 dwellings, each with a front door at the ground level.

The proposed boarding house presents as a single dwelling and is located on a single lot of land.

We further note that the LEP at clause 4.1A requires a minimum lot size of 800sqm for the development of multi dwelling housing, while the subject R3 lot is 635sqm.

Accordingly, the scale of the proposed boarding housing is not comparable to multi dwelling housing permitted under the provisions of Penrith LEP as it presents as a single dwelling and the site area does not meet the minimum lot size required for multi dwelling houses. The proposed development falls under the provisions of the ARH SEPP, which does not require a minimum lot size.

If we compare the proposed boarding house to surrounding multi dwelling developments, the proposed boarding house offers a far less intense form of development than a multi-dwelling housing development.



Figure 21: Townhouse development at 28 Edward Street, Kingswood

Source: Signature





Figure 22: Existing multi dwelling development at 76-78 Jones Street, Kingswood – Site area 3,083sqm

Source: Mecone Mosaic



Figure 23: Existing multi dwelling development at 5A Edith Street, Kingswood – Site area 8,565sqm

Source: realestate.com.au



Figure 24: Existing multi dwelling development at 18 Second Avenue, Kingswood – Site area 4,452sqm

Source: realestate.com.au



Figure 25: Existing multi dwelling development at 67 Jones Street, Kingswood – Site area 1,363sqm

Source: realestate.com.au



Figure 26: Existing multi dwelling development at 63 Jones Street, Kingswood – Site area 1,369sqm

Source: realestate.com.au

As depicted in the surrounding examples of multi dwelling housing, the developments generally present as a series or row of dwellings, either attached or detached on one lot of land that present as individual dwellings with matching architectural form to the other dwellings within the development.

This is quite different to the proposed boarding house which presents as a single building, similar in scale to a large dwelling house.

The scale of the proposed boarding house cannot be reasonably compared to multi dwelling development under PLEP, as multi dwelling development could not occur on a single lot of less than 800m² and would therefore require the consolidation of multiple lots, which results in multi dwelling housing providing a larger scale and far more intense built form than the proposed boarding house.

As the site is not located in a low-density zone, 2(e) does not apply. However, as the development is not of a similar scale to a multi dwelling housing development, 2(f) is also not applicable to the proposed boarding house.

Accordingly, the multi dwelling controls contained at 2.4 of Part D2 of PDCP are not relevant to the proposed boarding house development.

This position is supported by Sharnie Belle, Special Counsel for Addisons Lawyers, who has prepared a legal opinion, which is attached to this SEE.

The compliance table provided as **Appendix 2** provides an assessment of the proposal against PDCP and has addressed the multi dwelling housing controls because they have been raised within Council's pre-DA comments. We maintain the position that the controls contained within Section 2.4 of Part D2 are not a relevant

consideration in relation to the proposed development as per the requirements of Part D5 Section 5.11 (2)(e) and (f).

4.6.2 Landscaped Area

Part C, Section 2.1.7 (3) of the DCP requires that the rear setback area should provide a corridor of habitat and a green background that is visible from the street. The majority of the proposal's rear setback area consists of a driveway and parking area, which has been proposed to ensure parking areas do not dominate the streetscape.

This is considered acceptable under the provisions of the ARH SEPP.

Specifically, Cl. 29(2)(b) of the ARH SEPP provides that development cannot be refused on the grounds of "landscaped area" if the landscape treatment of the "front setback area and is compatible with the streetscape in which the building is located". This non-discretionary landscape standard contains no requirement for rear landscaped areas. The proposed front landscaping is compatible with the streetscape, and therefore the overall landscape solution is considered acceptable.

Legal advice prepared and provided by Addisons Lawyers, dated 7 July 2020, accompanies this submission. The advice states the following with respect to landscaping on site:

Clause 2.1.2(B)(1)(e)(iv) in Chapter D2 of the DCP requires that rear setback areas "be used predominantly for the provision of a landscaped area". In addition, clauses 2.1.4 and 2.4.8 of the DCP require boarding house developments on R2 and R3 zoned land to provide a minimum landscaped area of 50% and 40%, respectively.

However, as set out above, under clause 29(2)(b) of the ARH SEPP, Council must not refuse consent to the Proposed Developments on the basis of landscaped area "if the landscape treatment of the front setback area is compatible with the streetscape in which the building is located".

Clauses 2.1.2(B)(1)(e)(iv), 2.1.4 and 2.4.8 in Chapter D2 of the DCP and clause 29(2)(b) of the ARH SEPP clearly all deal with the same subject matter, namely landscaped area. It follows, that to the extent the "compatibility" test in clause 29(2)(b) of the ARH SEPP is satisfied by the Proposed Developments, consent to the Proposed Developments cannot be refused on the ground of landscaped area under clause 2.1.2(B)(1)(e)(iv), clause 2.1.4 and/or clause 2.4.8 in Chapter D2 of the DCP.

On the issue of "compatibility", the following comments of Morris C in Moscaritolo and Anor v The Hills Shire Council [2013] NSWLEC 1014 quoting Roseth SC in Project Venture Developments v Pittwater Council [2005] NSWLEC 191 are of relevance:

27 No merit matters are raised by the council, the only matter that requires my determination is the compatibility provision of clause 16A of SEPPARH and the issues raised by objectors. Such determination does not require a finding of sameness and this could not be expected from a state-wide policy that allows for a form of development that is not exactly the same as that anticipated by local planning controls. Consideration of the word "compatible" was assessed

by Roseth SC in *Project Venture Developments v Pittwater Council* [2005] NSWLEC 191, where he states:

22 There are many dictionary definitions of compatible. The most apposite meaning in an urban design context is capable of existing together in harmony. Compatibility is thus 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.

23 It should be noted that compatibility between proposed and existing is not always desirable. There are situations where extreme differences in scale and appearance produce great urban design involving landmark buildings. There are situations where the planning controls envisage a change of character, in which case compatibility with the future character is more appropriate than with the existing. Finally, there are urban environments that are so unattractive that it is best not to reproduce them.

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

Are the proposal's physical impacts on surrounding development acceptable? The physical impacts include constraints on the development potential of surrounding sites.

Is the proposal's appearance in harmony with the buildings around it and the character of the street?

25 The physical impacts, such as noise, overlooking, overshadowing and constraining development potential, can be assessed with relative objectivity. In contrast, to decide whether or not a new building appears to be in harmony with its surroundings is a more subjective task. Analysing the existing context and then testing the proposal against it can, however, reduce the degree of subjectivity.

26 For a new development to be visually compatible with its context, it should contain, or at least respond to, the essential elements that make up the character of the surrounding urban environment. In some areas, planning instruments or urban design studies have already described the urban character. In others (the majority of cases), the character needs to be defined as part of a proposal's assessment. The most important contributor to urban character is the relationship of built form to surrounding space, a relationship that is created by building height, setbacks and landscaping. In special areas, such as conservation areas, architectural style and materials are also contributors to character.

To the extent that landscaped treatment of the front setback area of each of the Proposed Developments is compatible with the streetscape in which it is located, it will have satisfied the test in clause 29(2)(b) of the ARH SEPP and consent to the development cannot be refused on the ground of landscaped

area, notwithstanding any noncompliance with clauses 2.1.2(B)(1)(e)(iv), 2.1.4 and 2.4.8 of Chapter D2 of the DCP.

4.6.3 Building Envelope

Part D, Section 2.1.2(2) sets out the relevant building envelope controls for multi dwelling housing, which consists of a 45-degree angle extending from a point 6.5m

We note that Section 2.4 of Part D2 of PDCP does not apply to the proposed boarding house as the proposed boarding house does not present a similar scale to multi dwelling houses, as per Part D5 5.11(2)(e) and (f). Notwithstanding the forgiving, the proposed development has been designed to fit within the building envelope in Section 2.1.2(2), thereby achieving an outcome which is sympathetic to adjoining properties.

4.6.4 Local Character

Part D, Section 5.11(1) requires that boarding houses be accompanied by detailed site and neighbourhood analysis to assist with the determination of neighbourhood character. A site analysis plan has been submitted as part of the architectural package, and the key elements identified in the DCP are discussed below.

Surrounding land uses: Development to all sides is zoned medium density residential and currently consists of dwelling houses, multi-dwelling and boarding house developments.

Social and historic context: The area is historically residential in nature with a regular, well-defined lot pattern.

Scale: Surrounding development ranges in scale from smaller one-storey dwelling houses to larger two-storey dwellings and boarding houses. There are also several two-storey multi dwelling housing developments in the locality.

Built form: Surrounding built form is low to medium density residential in nature. The existing built form, consisting of single dwellings, multi-dwelling and boarding house developments (refer to figures 21-26) is generally traditional in form with rectangular or L-shaped layouts and pitched roofs. It should be noted that it is not uncommon for rear yards to be largely taken up by outbuildings or hardstand area.

Natural environment: The locality is an established suburb with landscaped allotments. Front setbacks generally consist of lawn and low shrubs. Some lots contain 1-2 canopy trees in the front, but there is no consistent canopy tree cover. There are no significant areas of vegetation in the area. There is a park to the south along Manning Street which consists largely of cleared open space.

Density: Densities in the area are typical of medium density areas. There is no FSR control, but it is estimated that the dwelling house lots would have an FSR in the range of 0.5:1, while the boarding house and multi dwelling housing lots would be in the range of 0.7:1.

Amenity: Residential amenity in the area is typical of medium density residential areas. Dwellings generally have small to moderate front and rear yards, and minimal side setbacks.

Safety and security: Refer to the submitted CPTED for a review of crime in the locality.

Social dimensions and housing affordability: According to ABS data, the Kingswood area, compared to the Greater Sydney region, has a higher unemployment rate, lower education attainment, lower incomes and more “lone person” households. These factors point to the need for affordable rental accommodation in the area.

Aesthetics: The surrounding area is an established residential suburb with older housing stock from 70s and newer stock from the 90s onwards. Common materials in the area include brick veneer, clad or rendered walls and tiled or metal roofing.

Overall, based on the analysis of the site and area, it is considered that the proposal is compatible with the surrounding area, providing a traditional two-storey form similar to a large dwelling house with a pitched roof. The proposal's materiality, consisting of partial brick veneer, first floor cladding and metal roof is consistent with other development in the area.

4.7 Penrith Development Control Plan Housekeeping Amendment 2014

Council is proposing changes to the DCP under a draft Housekeeping Amendment. The amendment seeks to, inter-alia, updated controls to boarding house development in the R3 zone.

Section 4.15(1)(a) of the EP&A Act stipulates that in determining a development application, a consent authority is to take into consideration the provision of 'any proposed instrument that is or has been the subject of public consultation under this Act'. As PDCP 2014 is not an 'instrument' as defined by the Act, any draft amendment to the PDCP 2014 relating to boarding houses is not a matter for consideration pursuant to Section 4.15(1) of the Act, whilst in draft.

It is noted that in instances where there is an inconsistency with the DCP and an EPI, the provisions of the relevant EPI (in this case ARH SEPP) will prevail. The proposal complies with standards pursuant to Clause 29 of ARH SEPP, and therefore the proposal cannot be refused on the grounds of the standards referenced in clause 29.

5 Environmental Assessment

This section provides an assessment of the potential environmental impacts resulting from the proposal. It is based on, and should be read in conjunction with, the various specialist reports submitted with the application.

5.1 Social Impact

A Social Impact Assessment (SIA), prepared by Judith Stubbs & Associates, dated 6 August 2020, accompanies this submission.

The SIA assess the proposal in terms of:

- Its accessibility, facilities and design, internal and external amenity and social planning aspects of local character as per best-practice and with regard to compliance with relevant provisions of ARH SEPP;
- Relevant provisions of the *Boarding House Act 2012*;
- The demographic, housing and service context of the locality relevant to the need and demand for Boarding House accommodation; and
- Consultation with nearby residents via door knock survey to understand the locality, identify concerns and to inform mitigations if required.

The SIA concludes the following with respect to the likely social impacts:

Local demography and predicated demography of boarding house

The SIA finds that the demography of the local area is characterised as a highly disadvantaged population compared to Penrith LGA and Greater Sydney benchmarks. There is little socially rented housing in the immediate locality (1.7%), which is notably lower than the Greater Sydney average (5%).

The SIA finds that should the proposed boarding house be owned and/or managed by a social housing provider, eligibility requirements are likely to mean that a relatively high proportion of occupants will be very low income households, including pensioners and individuals on various benefits, as well low income 'key' workers needing affordable (discount market rent) housing. The proposed rents would also make rooms attractive and affordable to very low-income singles and couple.

Affordability

It is advised that the average rental cost will be \$240 per week, with the smallest single occupancy room renting for approximately \$200 per week.

Based on a June 2020 snapshot of the local housing market, the proposal is likely to contribute to alleviating housing stress for very low income and low-income private renting households. Based on 2016 census data, 85% of very low income privately renting small households (in the Penrith LGA) were in housing stress compared to 79% Greater Sydney average, with these households comprising 33% of all small privately renting households in the LGA.

The predicted demography of residents and affordability of indicative rents suggest that the proposed boarding house will include very low-income households. If the property is operated by a social housing provider, it is likely that some future residents may also have complex needs. As such, whilst the proposal does not include provision

of an on-site manager it is recommended that the Plan of Management include strategies to ensure amenity for resident and neighbours is maintained.

Character and Amenity

The SIA concludes that there may be acoustic impacts associated with residents using areas of private open space, although this area is well set back from adjacent properties. This potential impact could be managed by time restrictions on use of the area, as set out in the POM.

Potential overlooking from second floor windows to adjacent properties, including Rooms 10, 11 and 12 may be mitigated by appropriate screening of the windows Rooms 10, 11 and 12. Further privacy impacts could be mitigated by providing a 1.8 metre fence between the development site and adjacent lots.

Regarding amenity provided for within the boarding house, the internal and external amenity of the proposal Boarding House is high. All rooms are fully self-contained with kitchen and bathroom facilities, furniture, and furnishings. There are indoor and outdoor common areas, including ground level kitchen/dining/living area with television, kitchen facilities and lounge furniture. There are common laundry facilities located at ground level including clothes drying lines outside. Outdoor enhancements, such as landscaping and seating, are not shown on the drawings provided. The common outdoor open space area has a northerly aspect and would be expected to be sunny for part of the day

Management Issues

The predicted demography of residents and affordability of indicative rents suggest that the proposed Boarding House will include very low-income households. If the property is operated by a social housing provider, it is likely that some future residents may also have complex needs. As such, whilst the proposal does not include provision from an on-site manager, it is recommended that the Plan of Management include strategies to ensure amenity for resident and neighbours is maintained, including excellent management processes by the SHP. It is also recommended that the presence of a voluntary onsite caretaker be adopted by the SHP Tenancy Manager.

Issues raised in Resident Survey

The resident survey conducted in the preparation of this SIA identified issues associated with the increased concentration of Boarding Houses in the locality, as the other major concern about the proposal. This included reported social problems with existing Boarding Houses; concerns about the 'type of people' living in the Boarding Houses; the lack of effective and/or onsite management; and possible drug dealing near the facilities; the potential for social problems due to the nature of accommodation and 'type of people' likely to live there.

No respondents to the survey cited direct experiences of any problems with the existing facilities. However, they expressed concerns that would be broadly related to amenity from the existing facilities. The main mitigations suggested by residents are reasonable, and include the following:

- Care in the selection of tenants for the proposed Boarding House, providing for a mix of tenants, reducing concentration of high needs people, and reducing turnover;

- Strict House Rules and Plan of Management that are enforced; and
- Presence of an onsite caretaker and appropriate complaints procedure that is implemented.

Conclusion and Recommendations

Provided the draft Plan of Management and other recommendations are adopted and implemented, it is likely that the benefits of the proposed boarding House would outweigh the potential adverse impacts of the development.

The SIA recommends the adoption of the draft Plan of Management and House Rule for the purpose of the DA, which will be further refined by the social housing provider and include the following:

- Presence of a voluntary onsite caretaker, excellent oversight from the SHP Tenancy Manager, and appropriate and transparent complaints and response procedures;
- Care in the selection of tenants, including awareness of the need to accommodate diversity of tenures with regard to income, employment or student status; and other provisions related to accommodation of children should this occur;
- Hours of operation of relevant spaces to ensure noise and privacy impacts are avoided;
- Provisions for both short-term (3 month) or longer-term (6-12 months) Occupancy Agreements to increase stability and reduce turnover; and
- Strict House Rules, with appropriate penalties for non-compliance.

5.2 Traffic and Transport

A traffic impact assessment, prepared by Varga Traffic Planning Pty Ltd, dated 6 August 2020, accompanies this submission. The report assesses the traffic and parking implications of the development. Refer to report under separate cover.

5.2.1 Parking

Clause 29 of ARH SEPP stipulates a consent authority must not refused consent to development on the grounds of car parking, if:

- In the case of development carried out by or on behalf of a social housing provider in an accessible area – at least 0.2 parking spaces are provided for each boarding room

As detailed previously, Bus Stop 274745 is located only 180m north east of the site, with Route 770, connecting the site to Mount Druitt. The route running from Mount Druitt to Penrith meets the definition of a 'regular bus service' providing services at least once an hour across the following hours:

- Mon-Fri: 6:00am – 21:00pm; and
- Sat-Sun: 8:00am – 18:00pm.

Accordingly, the site is identified to be located within an accessible area.

Clause 30(1) of ARH SEPP outlines a list of standards which a consent authority must not consent to development to which this Division applies unless it is satisfied of the following:

- at least one parking space will be provided for a bicycle, and one will be provided for a motorcycle, for every 5 boarding rooms.

Therefore, the minimum parking rates for the development under the SEPP have been applied in the table below:

Table 5 – Parking Rates (ARH SEPP)		
Minimum Parking Rate	Minimum Required	Spaces Provided
0.2 parking spaces provided for each boarding room	2.8 parking spaces	3 spaces (including an accessible space)
At least one parking space to be provided for a bicycle, and one for a motorcycle, for every 5 boarding rooms	Motorbike: 2.8 spaces Bicycle: 2.8 spaces	3 spaces 3 spaces
Total	Car parking: 2.8 (3) Motorbike: 2.8 (3) Bicycle: 2.8 (3)	3 3 3

Overall, the proposed development requires a minimum of nine (9) spaces to accommodate vehicles, including cars, motorbikes and bicycles, under the ARH SEPP. The proposed development provides a total of nine (9) parking spaces. The proposal is therefore compliant with the minimum requirements of the ARH SEPP.

5.2.2 Traffic Generation and Impacts

Existing Trip Generation

The site is occupied by a single dwelling house, which based on traffic generation rates for “low density residential dwellings” nominated in the *RMS Technical Direction* to the existing residential dwelling house on the site yields a traffic generation of approximately 1 vph during both AM and PM peak hour. The traffic generation is considered to be:

- 1 vehicle trips per hour in the AM peak; and
- 1 vehicle trips per hour in the PM peak.

Proposed Trip Generation

An indication of the traffic generation potential of development proposal is usually provided by reference to the Roads and Maritime Services', 'Guide to Traffic

Generating Developments, Section 3 – Landuse Traffic Generation (October 2002)' and the updated traffic generation rates in the RMS 'Technical Direction (TDT 2013/04a) document.

However, in this instance, neither the RMS Guidelines nor the Technical Direction nominate a traffic generation rate for boarding house developments.

An empirical traffic has assessment has been undertaken by conservatively assuming each of the parking spaces associated with the proposed boarding house is accessed once during a two-hour period in both the morning and afternoon peak periods. This corresponds to a traffic generation rate of:

- 0.5 peak hour vehicle trips per car space.

Accordingly, the proposed 3 car space may potentially generate up to 1.5 vehicle trips per hour (vph) during both the AM and PM peak periods.

Nett Increase

However, the projected future level of traffic generation potential should be offset or discounted by the volume of traffic which could reasonably be expected to be generated by the existing uses of the site, in order to determine the nett increase in traffic generation potential of the site.

It is likely that the proposed development would result in a nett increase in the traffic generation potential of the site of approximately 0.5 vph during both the AM and PM peak hour, as set out below:

- Projected Future Traffic Generation Potential: 1.5 vph
- Less Existing Traffic Generation Potential: -1.0 vph

Nett Increase in Traffic Generation Potential: 0.5 vph

The proposed nett increase in traffic generation of 0.5 vph is statistically insignificant and considered consistent with the zone objectives of the site, while the increase is unlikely to result in unacceptable traffic implications in terms of the road network capacity.

5.3 Acoustic

The application is supported by an Acoustic Assessment, prepared by PKA Acoustic Consulting, dated 5 August 2020.

An acoustic assessment was conducted in accordance with the acoustic requirements of Penrith City Council and the NSW EPA Noise Policy for Industry. Unattended noise measurements were conducted on site to obtain the existing background noise levels. Furthermore, noise goals were established for noise breakout from the use of the boarding house to other surrounding sensitive receivers.

Communal Areas

Where outdoor areas are proposed to communal areas, to mitigate noise impact from the outdoor private areas and common living rooms to adjacent residential receivers, acoustic fences are required to be installed at the boundary. The fences must have a minimum acoustic performance of R_w of 30 and the barriers must be a minimum height of 1.8 m. The acoustic barrier must be of solid construction (with no air gaps) with materials such as:

- Timber fence with double lapped boards of standard 15 mm thickness, allowing a continuous thickness of 30 mm;
- Autoclaved Aerated Concrete (AAC) panels such as Hebel;
- Masonry of Precast concrete panels; and
- Any combination of the above.

Façade Treatment

The glazing in the indoor communal areas (Living/Dining/Kitchen) must have a minimum sound insulation rating of Rw32.

Outdoor Plant and Equipment

At the time of preparation of this report, a detailed mechanical schedule was unavailable. The selection of any future outdoor mechanical and plant equipment must be checked so that the rated sound power/pressure levels will comply at the boundary of the sensitive residences with the NSW EPA Noise Policy for Industry 2017

Subject to the recommendations in the acoustic report, it is anticipated that the proposal will not adversely affect the acoustic privacy of residents within the boarding house, as well as any adjoining and nearby properties.

5.4 Access

The application is supported by an Access Design Report, prepared by Aibee Architects, dated 5 August 2020.

The report provides an assessment of the proposal against the applicable sections of the BCA and relevant Australian Standards. The following summary is provided:

- The proposal is to be assessed as New Parts under the Premises Standards.
- An accessible path of travel is to be provided from the front boundary through the principal entrance and to the two accessible sole occupancy units. The accessible path must also extend to the entry door to each sole occupancy unit on the ground floor and to all common facilities.
- The upper floor is not required to have a lift or ramp for wheelchair access, but even so the stairs are to fully comply with AS1428.1 to allow for people with disabilities other than wheel chair users to access the upper floor.
- The proposal provides two accessible sole occupancy units based on the BCA requirements. These two units have accessible en-suites to AS1428.1 and compliant door circulations. Other units are not required to be accessible internally of the units.
- The appointed certifier is required to ensure BCA accessibility compliance for all New Parts at construction certification.

The proposal is found to comply with the Premises Standards, BCA and Penrith City DCP accessibility requirements, as required for a planning level of assessment and is capable of full compliance at Construction Certification stage of documentation.

5.5 Stormwater

The proposed stormwater management has been designed to comply with Council's Stormwater Drainage guidelines for Building Developments Policy 2016. The site is located within the Kingswood and Orchard Hills OSD catchment area, therefore

requiring OSD to be provided in accordance with Council's Stormwater Drainage policy.

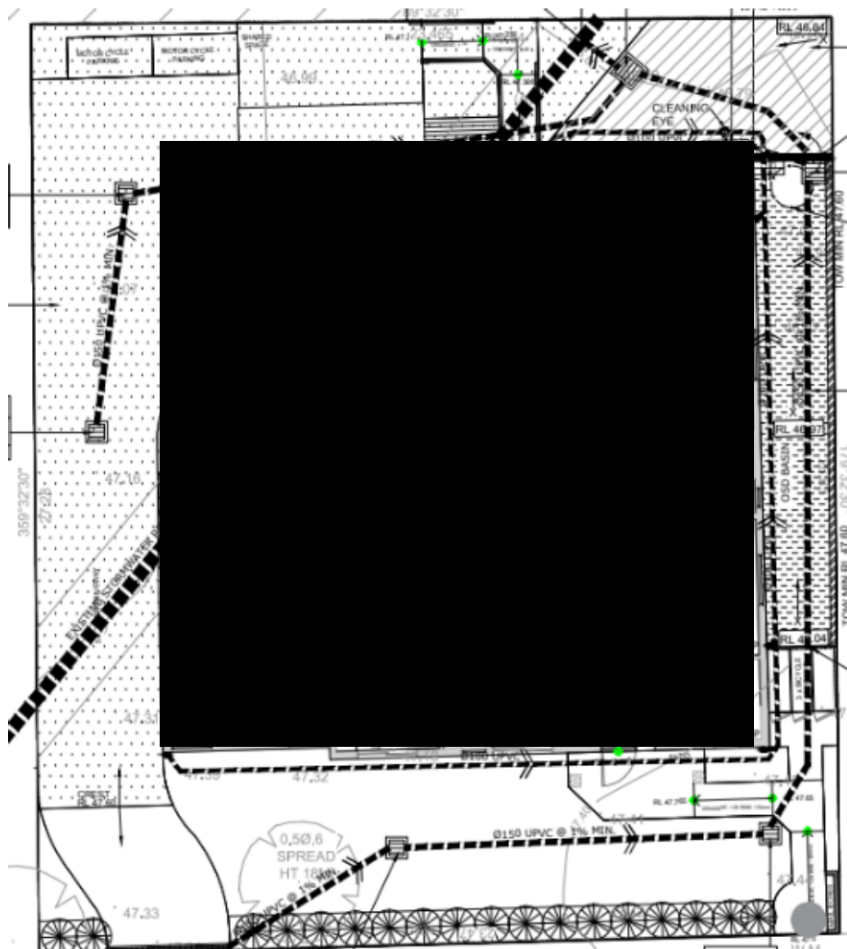


Figure 27: Stormwater Management Plan. Source: GEBA Consulting

The management of stormwater is to be facilitated via two (2) above ground on-site detention systems, located in the north-west and north-east corners. Stormwater is to be dispersed through an existing stormwater pipe located within an inter-allotment drainage easement servicing the subject site and adjoining lots.

For further detail, refer to accompanying stormwater details, prepared by Uber Engineering.

5.6 BCA

A Building Code of Australia 2019 Capability Statement, prepared Checkpoint Building Surveyors, supports this application.

The Capability Statement considers the proposal against fire safety and access requirements pursuant to the relevant sections of the BCA. The assessment of the proposed design has been undertaken against the Deemed-To-Satisfy provisions of the relevant sections of the BCA. The assessment has revealed that the design can achieve compliance subject to detailing and design development.

The preliminary assessment finds that compliance with the technical provisions of the BCA is readily achievable without significant modifications of the plans. Compliance

with the Performance Requirements of the BCA will be achieved via mixture of Deemed-to-Satisfy compliance and formulating Alternative Solutions.

5.7 Arborist

The proposal includes removal of two trees (Trees 2 and 4 in the image below), which are in advanced decline with significant structural defects and are recommended for removal regardless of the proposed development.

The two Council street trees along the frontage (a Brush Box and a Weeping Bottle Brush—Trees 1 and 3 in the image below) are proposed for retention.



Figure 28: Tree diagram

Source: *Truth About Trees*, modified by Mecone

The submitted Arboricultural Impact Assessment (Truth About Trees, 6 July 2020) provides further details on these trees, including recommended protection measures for the trees to be retained.

The proposed landscaping includes replacement planting, consisting of three (3) NSW Christmas Bush trees with a maturity height of 6 metres. These are to be planted within the front setback allowing for

Overall, it is considered that the proposal will result in an improve landscape outcome for the site.

5.8 Waste

A waste management plan (WMP) prepared using Council's template has been submitted with the application, covering the construction and operational phases of the development. Key aspects of the management of operational waste are discussed below.

Waste Generation

Council's Multi-Unit Dwelling Waste Management Guideline has been referenced to calculate the total number of bins required for the boarding house. The following table shows the required number of 240L bins to service the development.

Table 6 – Waste Generation Rates					
Rooms	Type of Waste	Base Requirement	Boarding house rate	Total Required	Proposed
14	Residual	2 rooms per 240L bin = 7 bins required	75% bin generation rate applied	6 (rounded up)	6
	Recycling	2 rooms per 240L bin = 7 bins required	75% bin generation rate plate	6 (rounded up)	6

The above rates assume twice weekly collection for residual waste and once weekly collection for recycling in accordance with Council's guideline.

Waste Storage Room

The communal areas of the proposed boarding house (communal kitchen and living rooms) will contain adequate space for the interim storage of organic waste, other recyclable waste and non-recyclable waste, which will then be transferred to the communal waste collection area.

As shown in the image below, a dedicated waste storage room is provided on the western side of the building, capable of accommodating the required 12 bins. The room is suitably integrated into the building form and screened by the building when viewed from the street frontage. In addition, a bulky goods storage area of 4.13sqm is provided adjacent to the bin storage room.

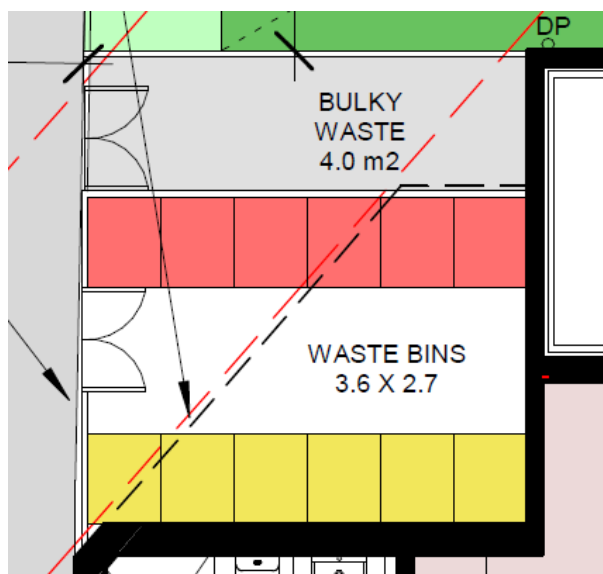


Figure 29: Waste storage area

Source: Signature Projects Pty Ltd

In accordance with the requirements in Council's guideline regarding the collect and return service, the bin storage area can accommodate all bins assigned to the development, is integrated with the building design, is physically separated from the bulky goods storage room, allows for separate unobstructed access to the street, features a doorway width of no less than 1.2m, features a service pathway 1.2m in width and is located within 14m of the kerb, exceeding the minimum 10m requirement. Importantly the waste storage area is located behind the front building line, unlike other existing boarding houses, including 2 Edward Street and 42 Manning Street. All other detailed specifications for the room identified in the DCP can be implemented via condition of consent.

Movement and Collection of Waste

It is proposed that all garbage collection will be undertaken kerbside on Edward Street by Council's 'Collect and Return Service'. Garbage bins would be transferred from the waste storage area to the Edward Street kerbside for collection by Council's collection vehicle driver.

5.9 Crime Prevention Through Environmental Design

A Crime Prevention Through Environmental Design (CPTED) report has been prepared under separate cover that addresses the principles of CPTED and how the DA minimises opportunity for crime.

These principles aim to reduce crime by using design and place management concepts to decrease the likelihood that the constituents of crime events (victim, offender, opportunity) come together in space and time. More specifically, CPTED aims to:

- Increase the perception of risk to criminals by increasing the possibility of detection, challenge and capture;
- Increase the effort required to commit crime by increasing the time, energy or resources that need to be expended;
- Reduce the potential rewards of crime by minimising, removing or concealing "crime benefits"; and
- Remove the conditions that create confusion about required norms of behaviour.

Principles

The key CPTED principles have been assessed as follows:

Surveillance

The proposal presents ample opportunities for improving surveillance on the street by having the buildings oriented towards the street. Windows that face the street will have views to Edward Street and from ground level to the upper levels. This establishes a form of 'natural surveillance' on the street and local area. A proportion of rooms will also face along the side boundaries, providing 'natural surveillance' on the inner pathways, private open space and landscaped areas.

Access Control

The proposal will have secure entrances to prevent strangers from entering. Access control will be arranged through a combination of natural, technical and organised measures. This will include private landscape treatments to distinguish from the public realm and secure entry access and lock systems.

Territorial enforcement

The proposal encourages a close relationship between future residents and the public domain through multiple entries and balconies that overlook the street and private open space. These features promote activity along the street, the landscaped areas and compel residents to share responsibility for the condition of these areas and streetscape.

Space management

The proposal has no features that would hinder the application of appropriate space management measures, such as site cleanliness, rapid repair of vandalism and graffiti.

Territorial enforcement

- The building should incorporate appropriate way-finding signage internally from well areas of the building such as the communal area; and
- The facility should incorporate distinctive paving and landscaping to serve as transition cues to alert people they are moving between the street and building. It is considered the driveway be given appropriate attention in aiding with this transition.

Space management

- Graffiti management measures should be incorporated into the maintenance plan/strategy for the building;
- A building maintenance plan/strategy should include landscaping to ensure the site displays strong ownership; and
- The building should incorporate a robust material palette, particularly for outdoor spaces in order to reduce susceptibility to vandalism and wear and tear.

5.10 S4.15 EP&A Act

This SEE has provided an assessment of proposed boarding house development in terms of the matters for consideration under Section 4.15 of the EP&A Act. A summary assessment against Section 4.15 is provided in the table below.

Table 7 – Section 4.15 summary assessment		
Clause No.	Clause	Assessment
(1)	Matters for consideration—general In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:	
(a)(i)	The provision of: Any environmental planning instrument, and	This SEE has considered and provided an assessment against the relevant environmental planning instruments, including SEPP 55, ARH SEPP and Penrith LEP 2014. It has been shown that the proposed development is generally compliant with the provisions of these instruments.
(ii)	Any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Director-General has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and	No draft instrument applies to the development. We note that the Proposed Housing Diversity SEPP – Explanation of Intended Effect is on exhibition until 9 September 2020 however, there is no draft EPI exhibited at this point in time.
(iii)	Any development control plan, and	This SEE has considered the controls of Penrith DCP 2014, and it has been shown that the application generally complies with the key relevant controls, with sufficient justification provided for any variation.
(iiia)	Any planning agreement that has been entered into under Section 7.4, or any draft planning agreement that a developer has offered to enter into under Section 7.4, and	Not applicable.
(iv)	The regulations (to the extent that they prescribe matters for the purposes of this paragraph), and	The proposal is consistent with the regulations applying to development applications.
(v)	Any coastal zone management plan (within the meaning of the Coastal Protection Act 1979), that apply to the land to which the development application relates,	Not applicable.

Table 7 – Section 4.15 summary assessment

(b)	The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,	The likely impacts of the development on the built and natural environments, and social and economic impacts in the locality have been considered within this SEE. The proposed development has been shown to result in minor and acceptable impacts and will provide social benefits through the provisions of affordable housing in an accessible area.
(c)	The suitability of the site for the development,	The development is generally consistent with the relevant SEPP, LEP and DCP provisions and has no unacceptable adverse environmental impacts. The site is therefore considered suitable for the development.
(d)	Any submissions made in accordance with this Act or the regulations,	This is a matter for to be addressed following the notification of the application.
(e)	The public interest.	<p>The proposal is in the public interest as:</p> <ul style="list-style-type: none"> • Provides for essential affordable housing in an accessible area; • The environmental impacts have been considered and have been shown to minor and acceptable subject to mitigation; and • The proposal generally complies with applicable EPIs.

6 Conclusion

This SEE has been prepared on behalf of Signature Projects Australia Pty Ltd to support a development application for a boarding housing development to Penrith City Council.

This statement describes the proposed works in the context of relevant planning controls and policies applicable to the form of the development proposed. In addition, the statement provides an assessment of those relevant heads of consideration pursuant to Section 4.15 of the Environmental Planning and Assessment Act 1979 (EPAA).

An environmental assessment has been undertaken in Section 5 of this report, supported by additional consultant studies as per the requirements of Council. The environmental assessment found the associated impacts of the proposal are considered to be minimal and manageable.

The development:

- Presents a sensible and suitable outcome for the site;
- Is consistent with the objectives of the Affordable Rental Housing SEPP and Penrith LEP;
- Provides for a traditional building design that is compatible with the character of the local area;
- Provides sufficient visual and acoustic privacy;
- Generates no adverse overshadowing to adjoining properties;
- Ensures traffic impacts in the area are within acceptable levels;
- Provides landscaping to enhance the character and amenity of the site and landscape treatment of the front setback area that is compatible with the streetscape; and
- Provides for critical affordable housing in close proximity to Kingswood Town Centre, as well as Nepean Hospital and Western Sydney University.

Therefore, we request that Council recommend that the proposed development be granted approval.

APPENDIX 1:

ARH SEPP COMPLIANCE TABLE

Table 1. SEPP (Affordable Rental Housing) 2009

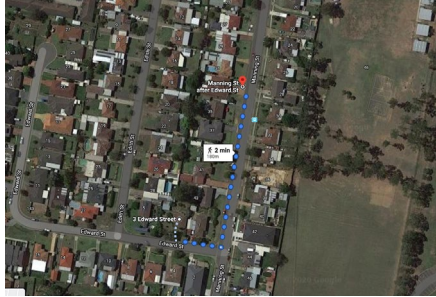
Clause	Provision	Compliance
Division 3 Boarding Houses		
26 Land to which this Division applies	<p>This Division applies to land within any of the following land use zones or within a land use zone that is equivalent to any of those zones—</p> <p>(c) Zone R3 Medium Density Residential,</p>	<p>Complies</p> <p>The site is zoned R3 Medium Density Residential.</p>
27 Development to which Division applies	<p>(1) This Division applies to development, on land to which this Division applies, for the purposes of boarding houses.</p> <p>(2) Despite subclause (1), clauses 29, 30 and 30A do not apply to development on land within Zone R2 Low Density Residential or within a land use zone that is equivalent to that zone in the Sydney region unless the land is within an accessible area.</p> <p>accessible area means land that is within—</p> <p>(a) 800 metres walking distance of a public entrance to a railway station or a wharf from which a Sydney Ferries ferry service operates, or</p> <p>(b) 400 metres walking distance of a public entrance to a light rail station or, in the case of a light rail station with no entrance, 400 metres walking distance of a platform of the light rail station, or</p> <p>(c) 400 metres walking distance of a bus stop used by a regular bus service (within the meaning of the Passenger Transport Act 1990) that has at least one bus per hour servicing the bus stop between 06.00 and 21.00 each day from Monday to Friday (both days inclusive) and between 08.00 and 18.00 on each Saturday and Sunday.</p>	<p>Complies</p> <p>The proposal is for the purposes of a 'boarding house'.</p> <p>As the site is not located within an R2 zone or equivalent zone the application of subclause 2 does not apply, however, we note that the site is located in an accessible area.</p> <p>In the case of this development, the site is located 180m walking distance from the nearest bus stop along Manning Street to the south-east, identified as Bus Stop 274745 as shown in the map below.</p>  <p>Bus stop 274745 is serviced by Route 770, connecting the site to Mount Druitt. The route running to Mount Druitt meets the definition of a 'regular bus service' providing services at least once an hour across the following hours:</p> <ul style="list-style-type: none"> • Mon-Fri: 6:00am – 21:00pm; and • Sat-Sun: 8:00am – 18:00pm.

Table 1. SEPP (Affordable Rental Housing) 2009

Clause	Provision	Compliance
<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>(a) the existing maximum floor space ratio for any form of residential accommodation permitted on the land, or</p>	<p>Complies</p> <p>The site is not subject to an FSR control.</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>Complies</p> <p>The proposal provides for a maximum height of 8.482m, which is below the height control of 8.5m stipulated by PLEP.</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>Complies</p> <p>The front setback area provides a 5.5m setback and will be turfed and planted in a similar fashion to surrounding development.</p> <p>The SEE contains an assessment of local character which details the streetscape and the compatibility of the proposed front landscape treatment as detailed in Section 4.2.1. The supporting landscape plan provides extensive landscaping that will complement the existing streetscape, while also softening the built form as viewed from Edward Street.</p>
	<p>(c) solar access where the development provides for one or more communal living rooms, if at least one of those rooms receives a</p>	<p>Complies</p> <p>Based on the submitted shadow diagrams, it is evident that the communal living room will receive</p>

Table 1. SEPP (Affordable Rental Housing) 2009

Clause	Provision	Compliance
	<p>minimum of 3 hours direct sunlight between 9am and 3pm in mid-winter,</p>	<p>direct sunlight for 6 hours between 9am -3pm mid-winter.</p>
	<p>(d) private open space if at least the following private open space areas are provided (other than the front setback area):</p> <p>(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>(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>Complies</p> <p>A private open space area is provided to northwest of the dwelling providing a total area of 20.1sqm, with a minimum dimension of 3m.</p> <p>No boarding house manager is required in this instance.</p>
	<p>(e) parking if:</p> <p>(i) in the case of development carried out by or on behalf of a social housing provider in an accessible area—at least 0.2 parking spaces are provided for each boarding room, and</p>	<p>Complies</p> <p>The development is being undertaken on behalf of a social housing provider and is located in an accessible area, being located within 400m walking distance of a bus stop for the 770 service, which provides a “regular bus service” in accordance with the definition in the SEPP. The development features 14 rooms, resulting in a requirement of 3 car parking spaces. A total of 3 spaces are provided.</p>
	<p>(f) accommodation size if each boarding room has a gross floor area (excluding any area used for the purposes of private kitchen or bathroom facilities) of at least:</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>Complies</p> <p>A range of room sizes are provided as follows (areas exclude private kitchens and bathrooms):</p> <p>Double rooms – Room 8-10 – all above 16sqm</p> <p>Single rooms – Room 1-7, 11-14 – all above 12sqm</p>

Table 1. SEPP (Affordable Rental Housing) 2009

Clause	Provision	Compliance
	(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.	Noted A communal kitchen, dining room and living room are provided. Private ensuites and kitchenettes are provided in each room.
30 Standards for boarding houses	(1) A consent authority must not consent to development to which this Division applies unless it is satisfied of each of the following:	-
	(a) if a boarding house has 5 or more boarding rooms, at least one communal living room will be provided,	Complies A communal kitchen, dining room and living room are provided.
	(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,	Complies The largest room proposed (Room 10), will provide a total area of 17.84sqm.
	(c) no boarding room will be occupied by more than 2 adult lodgers,	Able to comply Single rooms are intended to be occupied by 1 person, and double rooms are intended to be occupied by 2 persons. This is expected to form a condition of consent.
	(d) adequate bathroom and kitchen facilities will be available within the boarding house for the use of each lodger,	Complies Private ensuites have been provided for every room in the boarding house. In addition, a communal kitchen, dining room and living room are provided.
	(e) if the boarding house has capacity to accommodate 20 or more lodgers, a boarding room or on site dwelling will be provided for a boarding house manager,	N/A The proposal is only able to accommodate 17 lodgers (1 per single room and 2 per double room). Accordingly, an on-site boarding house manager is not required.
	(h) at least one parking space will be provided for a bicycle, and one	Complies

Table 1. SEPP (Affordable Rental Housing) 2009

Clause	Provision	Compliance
	will be provided for a motorcycle, for every 5 boarding rooms.	Three motorbike spaces and three bicycle space are provided.
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>Complies</p> <p>The development will present as a two-storey dwelling from the street, consistent with the surrounding lower density character.</p> <p>The proposed landscaping will reduce the perceived bulk of the development and will contribute to the landscape character and amenity of the locality.</p> <p>As demonstrated, the design of the development is compatible with the immediate locality.</p> <p>A full character assessment in accordance with Clause 30A is contained within the SEE at Section 4.2.1.</p>

APPENDIX 2:
PENRITH DCP 2014 COMPLIANCE TABLE


Section	Control	Compliance
Part C – City-Wide Controls		

C2 Vegetation Management

6. Site Planning and Design	a) The siting and layout of a development should consider, at the initial concept stage, the location of trees and other vegetation and favour their retention.	<p>Noted</p> <p>An Arboricultural Impact Assessment has been provided under separate cover and provides that two trees are recommended for removal regardless of the development requirements.</p> <p>Two other trees have been identified to be isolated from construction activity with tree protection fencing.</p>
	f) An application is required to address the effect of the proposed development on existing vegetation, the landscape character and the scenic quality of the locality.	<p>Noted</p> <p>As discussed within the Arboricultural Impact Assessment provided under separate cover the removal of two trees of this nature with low retention value are not expected to adversely affect the landscape character and scenic quality of the locality.</p> <p>Furthermore, additional trees will be planted as part of the application. In conjunction with associated landscaping (turf and shrubs), the development will contribute to the landscape character of the locality in the longer term.</p>
	l) Wherever trees or vegetation are removed (with consent) as a consequence of the development, an equal or greater number of replacement trees that grow to a similar or greater height or canopy should, where practical, be incorporated into the landscaping design of the new development.	<p>Complies</p> <p>Additional medium sized trees are to be planted as part of the development.</p>

C3 Water Management

3.2 Catchment Management and Water Quality	Table C3:1 requires a BASIX certificate and stormwater quality and flow documentation for development involving 5 or more dwellings.	<p>Complies</p> <p>A BASIX report and stormwater quality and flow documentation have been prepared in accordance with this section. Refer to documentation submitted under separate cover.</p>
3.6 Stormwater Management and Drainage	<p>1) Natural Environment</p> <p>2) Drainage</p>	<p>Complies</p> <p>Refer to stormwater concept plan submitted under separate cover.</p>

C4 Land Management		
4.3 Erosion and Sedimentation	1) Erosion and Sediment Controls Plans (ESCP) a) All applications for subdivision and development which involve site disturbance must be accompanied by an Erosion and Sediment Control Plan (ESCP).	Complies An erosion and sedimentation control plan demonstrating compliance with the requirements of this section has been submitted under separate cover.
4.4 Contaminated Lands	-	Complies Refer to SEPP 55 discussion in SEE.
4.5 Salinity	<p>a) A detailed salinity analysis will be necessary if:</p> <p>i) The site of the proposed development has been identified as being subject to a potential risk of salinity (refer to the map Salinity Potential in Western Sydney 2002),</p> 	<p>Noted</p> <p>The site is shown on the Salinity Potential in Western Sydney 2002 Map as having moderate potential for salinity.</p> <p>Given there is minimal excavation involved with the project, the risk of salinity impacts are minimal.</p>
C5 Waste Management		
5.1 Waste Management Plan	<p>1) Applicants are to submit a Waste Management Plan when lodging a development application for:</p> <p>a) Demolition or construction of buildings;</p>	Complies A waste management plan (WMP) for the construction and operation phases, prepared in accordance with the requirements of this section, has been submitted under separate cover.
5.2 Development Specific Controls	-	Complies The submitted WMP has been prepared in accordance with the controls for multi-unit development.
5.3 General Controls	-	Complies The submitted WMP has been prepared with regards to the requirements of this section.

C6 Landscape Design

<p>1) Development Categories</p>	<p>Given the proposals nature as a boarding house, the development is considered to fall under category 2:</p> <ul style="list-style-type: none"> Any development in category 1 which in the opinion of Council would have a significant impact on the amenity of the locality. <p>This requires the submission of:</p> <ul style="list-style-type: none"> Site analysis Plan; and Landscape Concept Plan. 	<p>A site analysis plan has been prepared as part of the Architectural Package whilst a concept landscape plan (Earth Matters, June 2020) has been provided under separate cover.</p>
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C10 Transport, Access and Parking

<p>10.5.1 Parking</p>	<p>a) Parking provided on site is to meet AS 2890 and where appropriate, AS 1428.</p> <p>b) For any proposed development, Council will require the provision of on-site car parking to a standard appropriate to the intensity of the proposed development as set out in Table C10.2 below.</p> <p>k) Car parking and associated internal manoeuvring areas provided over and beyond the requirements of this DCP shall be calculated as part of the development's gross floor area.</p>	<p>Complies</p> <p>A Traffic Impact Assessment (Varga, 8 August 2020) has been provided under separate cover. The Assessment confirms compliance with the relevant AS and PDCP requirements.</p> <p>Carparking has been provided in accordance with the minimum parking requirements provided in the ARH SEPP 2009.</p>
	<p>5. Design of Parking Areas</p> <p>a) Car space dimensions must comply with the relevant Australian Standards.</p> <p>b) The movement of pedestrians throughout the car park should be clearly delineated and be visible for all users of the car park to minimise conflict with vehicles.</p> <p>c) Provision of parking spaces for disabled persons should be in accordance with the Access to Premises Standards, the Building Code of Australia and AS2890.</p> <p>d) Council will require all car parking areas to be constructed of hard standing, all weather material, with parking bays and circulation aisles clearly delineated.</p>	<p>Complies</p> <p>As confirmed in the Traffic Report, the carparking areas have been designed in accordance with the applicable standards as well as requirements for vehicles to enter and leave the site in a forward direction.</p> <p>A separate pedestrian access path has been provided to the development. Furthermore, given the small size of the car park (3 spaces), no adverse impacts or potential conflict between pedestrians and vehicles are expected.</p> <p>The proposed parking will be located behind the rear building line, minimising visual impacts on the streetscape.</p> <p>Parking area is hard stand with parking bays clearly delineated.</p> <p>Refer to Stormwater Management Plan (Uber Engineering).</p>

	<p>e) Vehicle access is to be integrated into the building design as to be visually recessive.</p> <p>f) It will be necessary for the method of treating and minimising runoff from parking and access areas to be addressed as part of any development application (See the section entitled 'Stormwater and Drainage' in the Water Management Section).</p> <p>h) Large car parking areas (more than 5 vehicles) should be visually separated from access roads and from the buildings they serve by planting and other landscaping and should not be visually prominent from public roads, either through separation or screening.</p> <p>i) All vehicles must be able to enter and leave the site in a forward direction without the need to make more than a three-point turn</p>	<p>All vehicles enter and leave the site in a forward direction.</p>
10.5.2 Access and Driveways	<p>1. General Requirements</p> <p>b) The entry and exit from the site should provide for appropriate traffic sight distance in both directions, in accordance with the provisions of AS2890.1 and 2 - 2004 for car parking and commercial vehicles respectively.</p> <p>c) The design of the development driveway should take into consideration the traffic volumes of the surrounding road network.</p>	<p>Complies</p> <p>As confirmed in the Traffic Report (Varga), the driveway has been designed in accordance with relevant standards.</p> <p>The traffic generation resulting from the development is not expected to result in adverse impacts upon the surrounding road network.</p>
C12 Noise and Vibration		
12.1 Road Traffic Noise	-	<p>Complies</p> <p>The submitted traffic report considers road traffic noise. The report confirms the development is capable of complying with relevant noise criteria, subject to the implement of the recommendations contained in the report.</p>

Part D – Land Use Controls

D2 Residential Development – 2.4 Multi-dwelling housing

As detailed within the SEE at Section 4.6.1 we do not find Section 2.4 of Chapter D2 of PDCP to be applicable to the proposed development, in accordance with the provisions of Section 5.11 of PDCP.

This position is supported by the legal opinion provided by Addisons Lawyers, dated 7 July 2020 and attached to this application.

As described at Section 4.6.1 of the SEE, PDCP Chapter D5 is clear at Section 5.11 that a boarding house proposal of a scale similar to a multi dwelling housing development should comply with the controls and objectives for multi dwelling housing, where they are not in conflict with the requirements of the SEPP and objectives of the zone.

A review of the applicable PLEP and PDCP controls as well as surrounding development of multi dwelling housing, confirms that the proposed boarding house is not of a scale similar to a multi dwelling housing development.

Accordingly, **Section 2.4 of Chapter D2 of PDCP does not apply to the proposed development.**

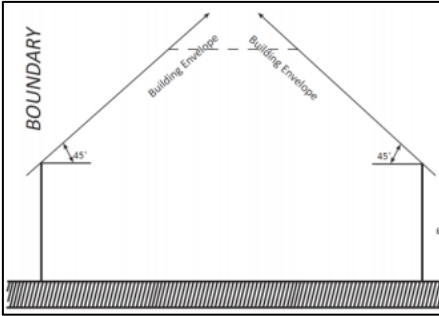
However, we have addressed Section 2.4 of PDCP following as Council have based pre-DA comments on the application of multi dwelling housing controls contained within PDCP.

D2 Residential Development – 2.4 Multi-dwelling housing

2.4.3 Development Site	1) A minimum lot frontage and lot width of 22m is required for multi dwelling housing development within the following zones: a) the R3 Medium Density Residential Zone b) the R4 High Density Residential Zone	Complies While compliance with this control is not required, the lot provides a frontage of 23.47m as shown on the submitted site survey.
	2) Where an adjoining property with a frontage of under 22m is likely to be isolated by a proposed development, applicants should provide documentation which demonstrates that a reasonable attempt has been made to purchase and incorporate the isolated site.	Complies While compliance with this control is not required, the adjoining properties have frontages greater than 22m.
2.4.4 Urban Design	1) For dwellings fronting the street, adopt a traditional orientation.	Complies While compliance with this control is not required, the building provides a front door and windows to the street frontage, presenting as a typical two storey dwelling. The majority of the front landscaped area is landscaped, with the driveway limited to 3.6m wide. The proposal will provide for adequate landscaping to the front setback, matching the existing landscaped character of Edward Street.
	4) "Articulate" building forms by design measures that cast deep shadows	Complies While compliance with this control is not required, sufficient articulation has been provided including the stepping back of the western building form and articulation



		elements including a pitched roof patio. This building presents to the street as a classic two-storey dwelling form.
2.4.5 Front and Rear Setbacks	1. Key setbacks:	
	Front:	Average of adjoining developments or 5.5m minimum, whichever is greater
		<p>Complies</p> <p>We note this setback relates to multi dwelling housing development and not boarding houses unless they provide a scale similar to multi dwelling housing, which the proposed boarding house does not, as detailed within the SEE.</p> <p>Notwithstanding, the following is provided in respect of the front setback.</p> <p>While compliance with this control is not required, a 5.5m front setback is proposed to Edward Street. It is noted that the front setback to Edward Street of existing buildings on adjoining properties are as follows:</p> <p>No 1 Edward Street – 3.03m</p> <p>No 5 Edward Street – 2.48m</p> <p>The average front setback of the adjoining developments is therefore 2.76m.</p> <p>The proposed 5.5m is further considered appropriate as a result of the landscaped front setback proposed and provision of an articulated facade that will not undermine the developments ability to align with the desired future landscape character of Kingswood.</p>
	Rear (ground level):	4m
Rear (first floor):	6m	<p>Complies</p> <p>While compliance with this control is not required, a 6m setback is provided.</p>
	<p>Within the rear boundary setback:</p> <p>a) there shall be no building encroachments either above or below ground (eaves excepted);</p> <p>b) maximise the amount of undisturbed soil, encouraging rapid growth of healthy trees and shrubs;</p>	<p>N/A</p> <p>Carparking and other services have been located to the rear of the boarding house in order to minimise potential amenity impacts upon the streetscape, as required by the PDCP.</p> <p>Notwithstanding, under cl 29(2)(b) of the ARH SEPP, the development cannot be refused on the grounds of landscaped area</p>

	<p>c) where there are physical encumbrances such as open drains, increase the setback accordingly.</p>	<p>if the landscape treatment of the front setback area is compatible with the streetscape in which the building is located.</p> <p>This non-discretionary landscape standard contains no requirement for minimum landscaped areas. The proposed front landscaping is consistent with other development in the street, and therefore the overall landscape solution is considered acceptable.</p> <p>As detailed within the legal opinion provided by Additions Lawyers:</p> <p><i>To the extent that landscaped treatment of the front setback area of each of the Proposed Developments is compatible with the streetscape in which it is located, it will have satisfied the test in clause 29(2)(b) of the ARH SEPP and consent to the development cannot be refused on the ground of landscaped area, notwithstanding any noncompliance with clauses 2.1.2(B)(1)(e)(iv), 2.1.4 and 2.4.8 in Chapter D2 of the DCP.</i></p>
<p>2.4.6 Building Envelope and Side Setback</p>	<p>1. Building Envelope</p> <p>Multi-dwelling housing</p> 	<p>Complies</p> <p>While compliance with this control is not required, the submitted plans indicate the 45 degree building envelope control and confirm the proposed boarding house is located within the DCP envelope.</p>
	<p>4) Cut and fill and maximum ground floor heights:</p> <p>a) on sloping sites provide stepping building platforms in line with existing topography with floors no higher than 1m above natural ground level;</p> <p>b) restrict cut-and-fill to a maximum of 500mm; and</p> <p>c) provide effective sub-soil drainage.</p>	<p>Complies</p> <p>While compliance with this control is not required, the proposal restricts cut and fill to a maximum of 0.5m.</p>

	<p>5) Pitches for main roofs are not to be in excess of 25 degrees in order to reduce the visual bulk of the building.</p>	<p>Complies</p> <p>While compliance with this control is not required, the main roof proposes a pitch of 20 degrees.</p>
	<p>6) Provide reasonable separation and landscaping between neighbouring buildings, consistent with the following parts of this section:</p> <p>a) Driveways and parking</p> <p>b) Landscaped area</p> <p>c) Solar planning; and</p> <p>d) Privacy and outlook.</p>	<p>N/A</p> <p>The development only proposes a single building and as such, these requirements do not apply.</p>
	<p>7) Setbacks from side boundaries should be varied to articulate walls to side boundaries:</p> <p>a) a minimum setback of 2m, but only</p> <p>b) along not more than 50% of any boundary.</p>	<p>N/A</p> <p>While compliance with this control is not required, the ground floor is measured to be 17m in length along the eastern boundary, while the first floor is measured to be 15m in length. Each exceed 50% of the eastern boundary (26.83m/13.415m). Notwithstanding, the 2m setback to the eastern boundary is sufficient, in so far as adjacent areas of primary living areas and private open space are located far away enough ensuring impact is minimal. The location of an existing garage structure adjacent to the eastern boundary on the adjoining site provides further physical separation between the proposed building and the dwelling on the eastern adjoining lot.</p>
2.4.7 Driveways and Parking Areas	<p>1) Provide on-site parking in accordance with the parking section of this DCP.</p>	<p>ARH SEPP parking rates prevail</p> <p>The development provides for 3 car parking spaces within the rear setback in accordance with the parking standards of the ARH SEPP 2009 (Appendix 1), meaning that the development consent cannot be refused based on the number of parking spaces provided.</p>
	<p>2) Driveways should:</p> <p>a) have a minimum paved width of 3m providing one-way movement;</p>	<p>N/A</p> <p>While compliance with this control is not required, a 3.6m wide driveway is provided along the western boundary of the site.</p>

	<p>b) incorporate passing-bays and queue space at the street frontage where more than 5 dwellings are served, and driveways are longer than 30m;</p> <p>c) minimise the paved area within the front setback;</p> <p>d) be separated from dwellings by a landscaped verge at least 1m wide;</p> <p>e) where possible, also separated from boundary fences by a landscaped verge;</p> <p>g) provide for effective and healthy landscaping along all site boundaries;</p> <p>h) provide for landscaping as continuous verges along both sides, or as a verge beside dwellings with plantings in pavement cut-outs along a boundary fence;.</p>	<p>The driveway has been designed to comply with AS2890.1:2004 and is not considered to result in adverse environmental impacts upon future residents.</p> <p>The boundary length is measured to be 27.28m long, less than the 30m length threshold requiring passing bays.</p> <p>Notwithstanding, recommended that suitable signage is installed to the outside face of the waste area advising drivers to "Give Way to Entering Vehicles"</p>
	<p>3) Garages and parking spaces should:</p> <p>a) not be located in the front setback;</p> <p>b) should not directly face the street;</p> <p>c) be setback at least 6.5m from the outside driveway kerb.</p>	<p>Complies</p> <p>While compliance with this control is not required, the proposed parking spaces will be located in the rear setback and are provided in accordance with AS2890.1:2004.</p>
2.4.8 Landscaped Area	<p>2) Landscaped areas must:</p> <p>a) Minimum landscaped area percentage of site: 40%</p> <p>b) have a minimum width of 2m – with no basement encroachment; and containing unexcavated soil to promote landscaping that is effective and healthy;</p> <p>c) may include terraces and patios located not higher than 0.5m above ground and pedestrian pathways to building and dwelling entrances;</p> <p>d) do not include substantially-paved areas such as buildings, driveways and covered garages;</p>	<p>ARH SEPP landscaped area prevails</p> <p>The proposal provides for a landscape area of 186.76sqm, or 29.41% of the site area.</p> <p>Notwithstanding, under cl 29(2)(b) of the ARH SEPP, the development cannot be refused on the grounds of landscaped area if the landscape treatment of the front setback area is compatible with the streetscape in which the building is located.</p> <p>This non-discretionary landscape standard contains no requirement for minimum landscaped areas. The proposed front yard landscaping is compatible with the streetscape, and therefore the overall landscape solution is considered acceptable.</p> <p>We further note that the provision of a 40% landscape control relates to multi dwelling</p>

		<p>housing development and not boarding houses.</p> <p>The application of such a control would undermine the provisions of ARH SEPP.</p>
2.4.9 Solar Planning	<p>1) The applicant must demonstrate that dwellings meet acceptable solar standards and that existing neighbouring and proposed private open spaces receive adequate solar access by:</p> <p>a) Providing shadow diagrams prepared by a qualified technician for all two-storey buildings and additions;</p> <p>e) Ensuring that the proposed development provides a minimum of 4 hours sunlight between 9am and 3pm on 21 June, to living zones (ie areas other than bedrooms, bathrooms, kitchen and laundry) of each dwelling, and the living zones of any adjoining dwellings;</p> <p>f) Ensuring that the proposed development provides a minimum of 3 hours sunlight between 9am and 3pm on 21 June, to 40% of the main private open spaces of the dwelling and main private open spaces of any adjoining dwellings;</p>	<p>Complies.</p> <p>Shadow diagrams have been submitted with the architectural package.</p> <p><u>Communal Living Room:</u></p> <p>Complies</p> <p>As demonstrated by the shadow diagrams, the communal living room will receive six hours of sunlight between 9am and 3pm in accordance with the non-discretionary solar access standard in the ARH SEPP.</p> <p><u>Neighbouring Living Zones:</u></p> <p>Complies</p> <p>Adjoining development to the west will not be overshadowed by the development between 9am and 3pm at mid-winter. The adjoining development to the east will receive full sunlight between 9am and 2pm.</p> <p><u>Proposed principle private open space:</u></p> <p>Complies</p> <p>Located on the northwest side of the development, the private open space will receive ample sunlight between 9am and 3pm midwinter.</p> <p><u>Neighbouring principal private open space:</u></p> <p>Complies</p> <p>As noted above, the lot to the west will not be overshadowed at mid-winter, and the lot to the east will receive five hours of sunlight (from 9am to 2pm).</p>
2.4.12 Building Design	<p>1) Development should incorporate a variety of architectural features to minimise the apparent scale and bulk of two storey buildings</p>	<p>Complies</p> <p>While compliance with this control is not required, the proposal has been designed with a variety of architectural features including patio entrance that serves to break up the façade, articulated western elevation and material differentiation between the ground and first floor, which</p>

		work to minimise the bulk and scale of the development.
2.4.16 Garden Design	<p>1) The rear boundary setback should provide:</p> <ul style="list-style-type: none"> b) a corridor of habitat, and a green backdrop that is visible from the street; c) conservation for any existing corridor of mature trees; or d) an interlocking canopy of low to medium-height trees and shrubs; e) predominantly species indigenous to the soils of Penrith City. <p>2) Alongside boundaries, provide:</p> <ul style="list-style-type: none"> a) small-to medium height canopy trees for sun-shading and privacy separation between dwellings; b) within the verges to any common driveway: hedges fronting windows to any dwelling; 	<p>N/A</p> <p>A corridor of landscaped area will be provided between the building and the rear and eastern boundaries, together with a small landscaped area between the motorcycle parking area and the rear boundary. This is considered acceptable given the parking requirements for boarding houses.</p> <p>It is further noted that, under cl 29(2)(b) of the ARH SEPP, the development cannot be refused on the grounds of landscaped area if the landscape treatment of the front setback area is compatible with the streetscape in which the building is located. This non-discretionary landscape standard contains no requirement for rear landscaped areas. The proposed front landscaping is compatible with the streetscape, and therefore the overall landscape solution is considered acceptable.</p> <p>As detailed within the legal opinion provided by Addisons Lawyers:</p> <p style="text-align: center;"><i>To the extent that landscaped treatment of the front setback area of each of the Proposed Developments is compatible with the streetscape in which it is located, it will have satisfied the test in clause 29(2)(b) of the ARH SEPP and consent to the development cannot be refused on the ground of landscaped area, notwithstanding any noncompliance with clauses 2.1.2(B)(1)(e)(iv), 2.1.4 and 2.4.8 in Chapter D2 of the DCP.</i></p> <p>N/A</p> <p>Refer to discussion above and note that under cl 29(2)(b) of the ARH SEPP, the development cannot be refused on the grounds of landscaped area if the landscape treatment of the front setback area is compatible with the streetscape in which the building is located.</p> <p>We further note that the control relates to multi dwelling housing and not boarding</p>

		houses unless they are of a scale similar to multi dwelling housing which we are not.
2.4.17 Paving Design	1) Hard paved surfaces should: a) maximise the area available for landscaping and gardens;	Refer discussion above
	2) Driveways and associated parking courts should: f) provide for landscaping as continuous verges along both sides, or as a verge beside dwellings with plantings in pavement cut-outs along a boundary fence;	Refer discussion above
2.4.18 Fences and retaining walls	1) Fences should be no taller than: a) 1.8m generally	Complies Fencing is to not proposed to exceed 1.8m.
	2) Fences along boundaries forward of the front building alignment: a) should not be taller than 1.2m, or if taller, of see-through construction; b) should not be constructed of metal panels;	Complies The proposal includes 0.9m palisade fencing along the side boundaries forward of the front building alignment.
2.4.19 Visual and Acoustic Privacy and Outlook	1) Demonstrate a package of measures that achieves reasonable privacy: a) for adjacent dwellings: at least 3m between any facing windows, screened by landscaping or other means including courtyard walls, or pergolas to prevent cross viewing from first storey windows; d) for windows of habitable rooms with a direct outlook onto windows of habitable rooms of adjacent dwellings: i. are offset by a distance sufficient to limit views between windows; or ii. have sill heights of 1.7 m above floor level; or iii. have fixed obscure glazing in any part of the window below 1.7 m.	Complies The proposal has been designed to ensure adequate visual and acoustic privacy is provided to adjoining properties. Existing separation between the development and existing dwellings is provided to minimise any overlooking of principal living areas. A garage structure at 1 Edward Street is located immediately adjacent to the subject site providing a further buffer and separation, while in excess of 8m of separation is provided to the dwelling to the west at 5 Edward Street.

2.4.21 Accessibility and Adaptability	1) Demonstrate that planning and design measures do not prevent access by people with disabilities	Complies Refer to submitted access report.
D5 Other Land Uses		
5.11 Boarding Houses	<p>Objectives</p> <p>a) To ensure that boarding houses fit the local character or desired future local character of the area.</p> <p>b) To minimise negative impacts on neighbourhood amenity.</p> <p>c) To ensure boarding house premises are designed to be safe and accessible.</p> <p>d) To respond to increasing neighbourhood densities resulting from boarding house development.</p> <p>e) To ensure that boarding houses operate in a manner which maintains a high level of amenity, health and safety for residents.</p>	Complies In summary, the proposal is considered to align with the objectives of this DCP section, providing for a high-quality boarding house development that compliments the existing character of the locality and minimises potential adverse environmental impacts. This is discussed in further detail in Section 4 of the SEE.
	<p>1) Local Character</p> <p>a) Boarding house development applications shall be accompanied by detailed site analyses to assist with the determination of local character.</p> <p>b) A neighbourhood analysis should be completed to identify the desired future character of the neighbourhood. It is recommended that community consultation be undertaken as part of the analysis to determine aspirations for the future character.</p> <p>c) Key elements that contribute to consideration of local and neighbourhood character include:</p> <ul style="list-style-type: none"> - Surrounding land uses - Social and Historic Context - Scale - Built Form Natural Environment 	Complies A detailed site analysis plan has been submitted with the architectural package provided under separate cover. As discussed throughout the SEE, the proposal is considered to align with the existing medium-density neighbourhood character and will align with the desired future character. The SEE contains a detailed assessment of the local character in accordance with the ARH SEPP and PDCP at Section 4.2.1 and 4.6.4.

<ul style="list-style-type: none"> - Density - Amenity - Safety and Security - Social dimensions and housing affordability - Aesthetics 	
<p>2) Built Form, Scale and Appearance</p> <p>a) The entrance to the boarding house must be in a prominent position addressing the street.</p> <p>b) New boarding houses shall not adversely impact upon solar access of adjoining properties.</p> <p>c) Boarding houses shall be designed to have a sympathetic relationship with adjoining development.</p> <p>d) Proposals must demonstrate that neighbourhood amenity will not be adversely impacted by factors such as noise and privacy.</p> <p>e) In a Low Density zone, boarding houses should comply with controls for Single Dwellings where these controls do not conflict with the requirements of the SEPP.</p> <p>f) A boarding house proposal of a scale similar to a multi dwelling housing development should comply with the controls and objectives for <i>multi dwelling housing</i> within this DCP, where these controls do not conflict with the requirements of the SEPP.</p>	<p>Complies</p> <p>The boarding house will present as a two-storey dwelling house that addresses the street frontage. The street frontage will be landscaped to mitigate potential visual impacts and integrate the development into its surrounds.</p> <p>As demonstrated further above in this table, no unacceptable overshadowing of the adjoining sites is expected.</p> <p>Furthermore, the proposal has been shown to generally comply with the key standards within the ARH SEPP, and, whilst not applicable to boarding houses, the key envelope controls in PDCP.</p> <p>The proposal's built form, scale and appearance are therefore considered appropriate for the site.</p> <p>Noise and privacy matters have been addressed in the Acoustic and Social Impact Assessment reports forming part of the application.</p> <p>As discussed in the SEE, the subject site is located within the R3 Medium Density zone but does not provide a development which is of a similar scale to a multi dwelling housing development. The scale of the proposed boarding house is of a similar scale to a large dwelling house. Accordingly, e) and f) do not apply to the development.</p>
<p>3) Tenant Amenity, Safety and Privacy</p> <p>Boarding houses are to maintain a high level of resident amenity, safety and privacy by ensuring:</p> <p style="padding-left: 40px;">a) communal spaces including laundry, bathroom, waste</p>	<p>Complies</p> <p>The proposal will exhibit a high level of amenity, safety and privacy by adopting the measures recommended in this SEE including supplemental reports.</p> <p>Communal laundry, living, dining and kitchen facilities will be provided on the</p>

	<p>facilities, private open space, kitchen and living areas are accessible to all lodgers;</p> <p>b) if over 10 boarding rooms are supplied, 10% of the total number of dwellings (rounded up) must be accessible;</p> <p>c) cross ventilation is achievable such that reliance on air-conditioning is minimised;</p> <p>d) all opening windows are to be provided with fly screens; and</p> <p>e) secure mailboxes should be incorporated within the foyer window of the property allowing resident only access from inside the foyer.</p>	<p>ground floor and will be accessible to all lodgers.</p> <p>As confirmed by the Access Report, two rooms will be accessible.</p> <p>Whilst the majority of boarding rooms won't be naturally cross ventilated, the common areas will be.</p> <p>Mailboxes have been located at the front boundary in accordance with Council's pre-DA comments for other boarding house developments.</p>
	<p>4) Visual and Acoustic Amenity Impacts</p> <p>Boarding houses are to provide:</p> <p>a) bedrooms separate from significant noise sources;</p> <p>b) sound insulation between bedrooms to provide reasonable amenity;</p> <p>c) communal areas and bedroom windows away from the main living area or bedroom windows of any adjacent buildings; and</p> <p>d) screen fencing, plantings, and acoustic barriers in appropriate locations</p>	<p>Complies</p> <p>As detailed within the site analysis, there are no major sources of noise affecting the subject site, with Edward Street considered a local street.</p> <p>Recommended construction measures to ensure adequate insulation between bedrooms are outlined in the acoustic report submitted under separate cover.</p> <p>The communal area windows are within the central portion of the site, away from the adjacent buildings. Select first floor bedroom windows face the adjoining property to the east; however, this is considered acceptable as the windows comply with the minimum side setback and the adjoining dwelling has a garage structure along its western side, meaning that the proposal's upper level windows will not overlook a sensitive area.</p>
	<p>5) Location</p> <p>Boarding Houses shall not be located in cul-de-sacs.</p>	<p>Complies</p> <p>The site is not located in a cul-de-sac.</p>

	<p>6) Plan of Management</p> <p>An operating 'Plan of Management' is to be submitted with each development application for a boarding house (including new and existing boarding houses). The Plan of Management is to include, but is not limited to the items required within the DCP.</p>	<p>Complies</p> <p>A Plan of Management (POM) has been provided under separate cover (Judith Stubbs & Associates, 6 August 2020) and addresses the relevant items outlined within the DCP.</p>
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