

MEMORANDUM

Reference: DA20/0729

To: Penrith Local Planning Panel

From: Lucy Goldstein – Senior Development Assessment Planner

Date: 19 January 2021

Subject: Torrens Title Subdivision of 2 into 3 lots and Construction of Three x Two Storey Boarding House with Associated Fencing, Car Parking, Tree Removal, Landscaping and Drainage Works – 31 & 32 Park Avenue Kingswood NSW 2747

I refer to the subject development proposal and the related assessment report that is scheduled for consideration by the Penrith Local Planning Panel on 20 January 2021.

This memorandum provides a response to the queries raised by the Local Planning Panel and sent to Council staff on 18 January 2021.

1. Lot 1- Minimum Lot Size

Noted. Lot 1 complies with the minimum lot size of 400sqm for a standard lot (rather than 450sqm for a batte-axe lot). Council's assessment report to be updated to clarify.

2. Lot 3- Calculation of Area

The area of Lot 3 as calculated in the Applicant's Clause 4.6 Request differs from the calculation provided in Council's assessment report.

The attached plan of Lot 3 shows the measured lot area as calculated by Council staff, as shaded in yellow.

Using Council's online measuring tool, the area of Lot 3 has been calculated as 371sqm. This calculation excludes the area that is used as an access handle in accordance with Clause 4.1 (4C) of Penrith LEP, which states:

"For the purposes of this clause, if a lot is a battle-axe lot or other lot with an access handle, the area of the access handle is not to be included in calculating the lot size."

Whilst Penrith LEP and DCP do not define an access handle, in this instance the access handle has been taken to include all parts of the driveway that facilitate direct vehicle access into the lot, and any shared access. The car parking spaces at the rear of Lot 3, and the part of the driveway that forms the carport entrance have been excluded from the access handle (and been included in the lot area).

3. Penrith LEP 2010- Objectives of Clause 4.1 and R3 Medium Density Residential zone

As requested, the objectives of Clause 4.1 of Penrith LEP 2010 are provided below in their entirety:

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4.1 Minimum subdivision lot size

(1) *The objectives of this clause are as follows—*

- a. *to ensure that lot sizes are compatible with the environmental capabilities of the land being subdivided,*
- b. *to minimise any likely impact of subdivision and development on the amenity of neighbouring properties,*
- c. *to ensure that lot sizes and dimensions allow developments to be sited to protect natural or cultural features including heritage items and retain special features such as trees and views,*
- d. *to regulate the density of development and ensure that there is not an unreasonable increase in the demand for public services or public facilities,*
- e. *to ensure that lot sizes and dimensions are able to accommodate development consistent with relevant development controls.*

The proposal is not considered to meet the objectives of Clause 4.1. Specifically, the proposed subdivision arrangement results in lot sizes that are insufficient for the development to comply with the DCP controls relevant to boarding house development. Including controls relating to setbacks, building separation, front setback treatment, and provision of landscaping between internal buildings and along rear and side boundaries.

As requested, the objectives of the R3 Medium Density Residential Zone are provided below in their entirety:

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

As reflected in Council's assessment report, the proposal is not considered to meet the objectives of the zone. Specifically, the proposal does not enhance the essential character and identity of the surrounding established residential area, which is evident by the development's non-compliance with the key built form controls including setbacks and building separation. The development requires an excessive amount of hardstand area (to facilitate access) with minimal landscaping to integrate the development into the local character.

Secondly, the development does not reflect the desired future character and dwelling densities of the area, as the subdivision arrangement is inconsistent

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with the established subdivision pattern and exceeds the maximum number of lots permitted to be served by a shared corridor (of two lots).

Thirdly, the proposal does not ensure that a high level of residential amenity is achieved and maintained, noting the internal layouts of the boarding houses provide poor amenity (poor location of entrances, waste infrastructure etc), and the location of car parking area and driveway along the northern and eastern side boundaries results in a poor edge treatment to adjoining properties with minimal opportunity for suitable screening landscaping.

4. Compliance with controls- per lot

As requested by the Panel, the below table shows how the proposal complies/does not comply with Council controls. Non-compliances have been marked in red.

Control	Required	Lot 1 (standard)	Lot 2 (battle-axe)	Lot 3 (battle-axe)	Complies
Minimum subdivision lot size. Clause. 4.1, LEP	Standard lot: 400sqm Battle Axe Lot: 450sqm	496sqm	407sqm	371sqm	No- Lot 2,3. Variation sought of 9.6% and 17.6% respectively Yes- Lot 1
Minimum subdivision lot width Clause. 4.1, LEP	Standard Lot: 12m Battle Axe: 15m	31m	30m	30m	Yes
Minimum lot frontage required for townhouses or boarding house of equivalent scale DCP, S.2.4.2 Multi Dwellings	22m	as above	as above	as above	Yes
Rear Setback DCP, S.5.11 (2) – Boarding Houses	4m at ground floor 6m at first floor	900mm at ground floor 1m at first floor	2.4m at ground floor 2.5m at first floor	4m at ground floor 6m at first floor	No- Lot 1,2 *While Lot 3 provides compliant building setback, car parking area is located in the setback. DCP requires rear setbacks to be used for landscaping
Side Setback DCP, S.5.11(2) – Boarding Houses	2m along not more than 50% of the building length. The remaining 50% is to achieve min.	2m for less than 50% of the building length	3m for the full length of building	2m for more than 50% of building length.	No- Lot 3

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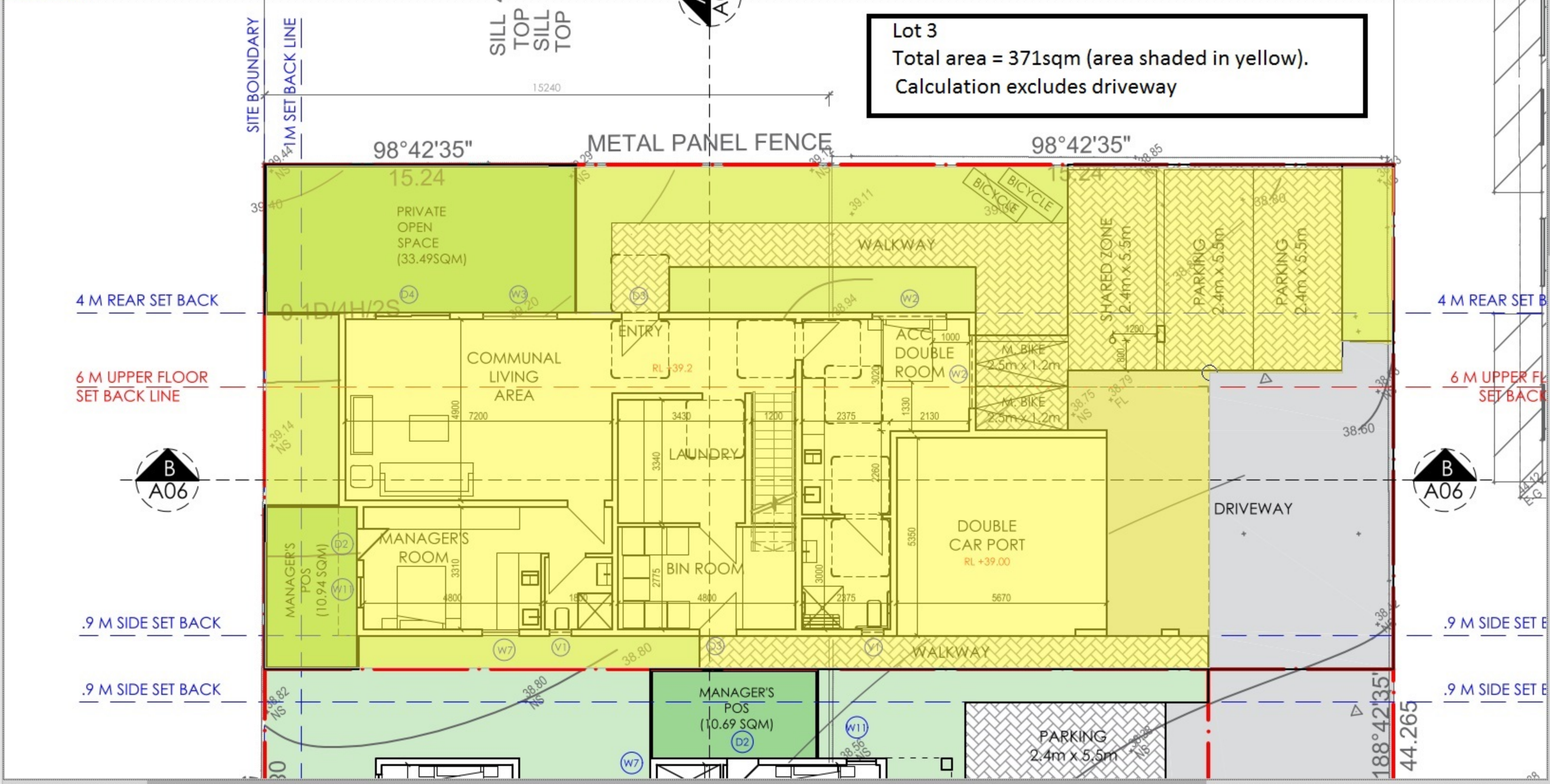
	3m, these areas are to be min. 1.5m wide.	3m for remainder of building		2.5m for remainder of building	
Landscaped Area >2m wide DCP, S.5.11(2) – Boarding Houses	R3 zone: 40%	157sqm or 31.7% of site	121sqm or 29.8% of the lot	59sqm, or 15.9% of the lot	No
Compatibility with streetscape in front setback DCP, S.5.11 (3) – Boarding Houses	Within front setback- a minimum of 18sqm of deep soil area of min. width and length of 3m.	92sqm	N/A No address to street	N/A No address to street	Yes

5. Building Separation

Penrith DCP requires a townhouse development, or a boarding house that is of equivalent scale, to provide internal building separation of a minimum 4m. In terms of separation between buildings on adjoining lots, a minimum side setback of 2m is required for half of the building length. The remainder of the building length is required to be setback 3m from the boundary.

However, additional building separation controls apply to sites that adjoin a park - which apply in this case. Along park frontages, adjacent buildings should be separated by open space corridors of at least 5m wide (Section 2.4.11(4)(d)).

Lucy Goldstein
Senior Development Assessment Planner



Measure

Options...

metres

Total line length = 87.989 metres
 Angle = 270° clockwise (90° anticlockwise)

length unit squared

Area = 370.947 metres²
 Perimeter = 88.024 metres

1 : 1

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Area Total = 370.947 metres²

Copy Measurement Text

Color palette

Make Annotation