Development Application
in accordance with the
Environmental Planning & Assessment Act 1979

Planning Report and Statement of Environmental Effects
for
Demolition of Existing Dwelling and Construction of New Generation Boarding House

Lot B2 in DP161921 and Lot 18 in DP122079
#1 Station Lane
Penrith

Station Lane Pty Limited ATF The Station Lane Trust
MARCH 2021
Job Ref: 049 – 2019
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Client Details	
Client:	Station Lane Pty Limited ATF The Station Lane Trust C/- Wales & Associates Pty Limited P.O. Box 150 Ettalong Beach
Contacts:	Matthew Wales C/- Wales & Associates Pty Limited P.O. Box 150 Ettalong Beach matthew@walesassociates.com.au

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[redacted]	[redacted]
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LIST OF ABBREVIATIONS AND GLOSSARY	
Abbreviation	**Meaning**
ADG	Apartment Design Guide
AHD	Australian Height Datum
AS	Australian Standard
CC	Construction Certificate
CCTV	Closed Circuit Television
CPTED	Crime Prevention Through Environmental Design
Council	Penrith City Council
dB	Decibel, which is 10 times the logarithm (base 10) of the ratio of a given sound pressure to a reference pressure; used as a unit of sound
dB(A)	Frequency weighting filter used to measure 'A-weighted' sound pressure levels, which conforms approximately to the human ear response, as our hearing is less sensitive at very low and very high frequencies
DCP	Development Control Plan
DECCW	Department of Environment, Climate Change and Water NSW
EP&A Act	Environmental Planning & Assessment Act
EPI	Environmental Planning Instrument
ESD	Ecologically Sustainable Development
DPIE	Department of Planning, Infrastructure and Environment
Emission	The release of material into the surroundings (for example, gas, noise and water)
EP&A Act	Environmental Planning and Assessment Act 1979
GFA	Gross Floor Area
INP	Industrial Noise Policy
LEP	Local Environmental Plan
m^2	Square metre
m^3	Cubic metre
PCC	Penrith City Council
PDCP	Penrith Development Control Plan 2014
PLEP	Penrith Local Environmental Plan 2010
POM	Plan of Management
PP	Planning Proposal
PSI	Preliminary Site Investigation
QS	Quantity Surveyor
REF	Review of Environmental Factors
REP	Regional Environment Plan
RMS	Roads & Maritime Service
ROW	Right-of-way
SEE	Statement of Environmental Effects
SEPP	State Environmental Planning Policy
SIA	Social Impact Assessment
WA	Wales & Associates Pty Limited
WMP	Waste Management Plan

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DEVELOPMENT REPORT AND STATEMENT OF ENVIRONMENTAL EFFECTS

in accordance with

PENRITH CITY COUNCIL DEVELOPMENT APPLICATION MATRIX

Date of Report: 30th March 2021

Applicant: George Ghossayn
Station Lane Pty Limited ATF The Station Lane Trust
C/- **WALES & ASSOCIATES**
P.O. Box 150
Ettalong Beach 2257

Client: George Ghossayn
Station Lane Pty Limited ATF The Station Lane Trust
C/- Wales & Associates Pty Limited
P.O. Box 150
Ettalong Beach 2257

Location: Lot B2 in DP161921
Lot 18 in DP122079
#1 Station Lane at Penrith

Subject of Report: **Demolition of Existing Dwelling and Construction of New Generation Boarding House**

Current Zoning: R4 – *High Density Residential* under the Penrith Local Environmental Plan 2010
(see ***Figure 1*** on following page)

Site Area: Lot B2 = 664.5m²
Lot 18 = 198.3m²
Total = 862.8m²

Planning Instruments:

(i) Environmental Planning & Assessment Act 1979;
(ii) New South Wales (Australia) Local Government Amendment (Ecologically Sustainable Development) Act 1997;
(iii) Penrith Local Environmental Plan 2010;
(iv) State Environmental Planning Policy (Affordable Rental Housing) 2009;
(v) State Environmental Planning Policy (Exempt and Complying Development Codes) 2008;
(vi) SEPP (BASIX) 2004; and
(vii) Penrith Development Control Plan 2014

EXECUTIVE SUMMARY

This amended Statement of Environmental Effects has been prepared by Wales & Associates Pty Limited (WA) on behalf of Station Lane Pty Limited ATF The Station Lane Trust. It describes the site, its environs, the proposed development and provides an assessment of the proposal in terms of the matters for consideration under Section 4.15 – *Evaluation* of the *Environmental Planning and Assessment Act 1979* (EP&A Act 1979).

It should be read in conjunction with the supporting information and **Architectural Plans** prepared by ***Prodoc Architects*** appended to this report.

The subject property falls within Penrith City Council local government area. In particular, the proposal has been considered against the relevant provisions of the Penrith Local Environmental Plan (PLEP) 2010 and State Environmental Planning Policy (Affordable Rental Housing) 2009.

The aim of the application is to gain approval for the demolition of the existing dwelling and construction of a new generation boarding house consisting:

(i) twenty four (24) boarding rooms over five (5) levels consisting of four (4) double rooms and twenty (20) single rooms (including 3 accessible rooms);
(ii) under-croft car parking for twelve (12) vehicles;
(iii) communal room and kitchen (Level 1); and
(iv) comprehensive landscaping including ground level communal open space

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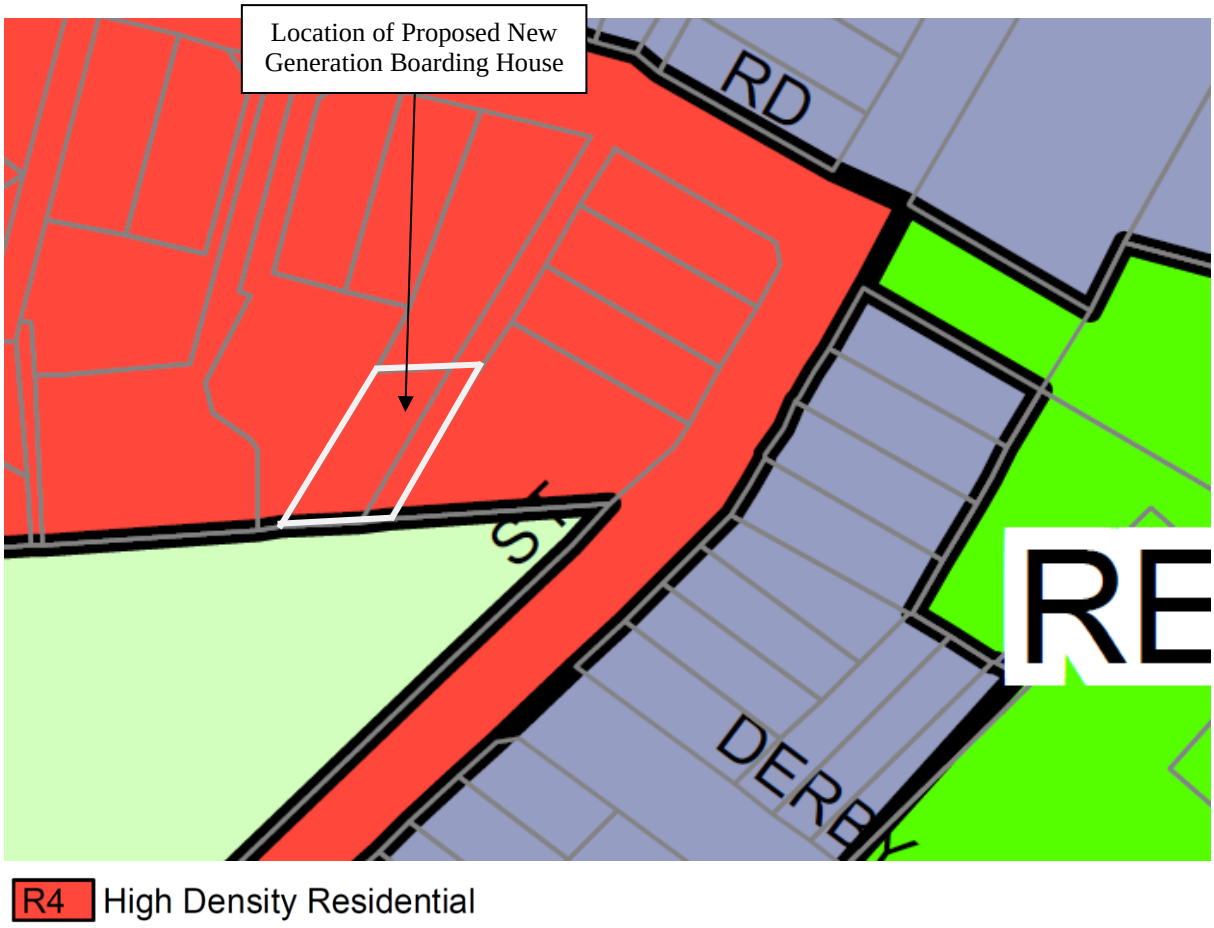

Figure 1
Extract from the Penrith Local Environmental Plan 2010 Zoning Plans LZN_006
(courtesy of the Penrith City Council through the NSW Legislation website)

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1.0 THE PROPOSAL

The proposed development involves the demolition of the existing brick dwelling house on the site to facilitate the construction of a new five (5) storey new generation boarding house development. A total of twenty four (24) boarding rooms consisting of four (4) double rooms and twenty (20) single rooms are proposed in the new development as shown in **Table 1**:-

Table 1
Development Components

Component	Rooms
Ground Level	Undercroft parking for 12 vehicles + lobby, services and waste storage area
Level 1	communal area and kitchen 6 boarding rooms
Level 2	managers residence plus 7 boarding rooms
Level 3	8 boarding rooms
Level 4	2 boarding rooms
TOTAL ROOMS	24 boarding rooms (including manager)

Off-street parking is proposed for a total of twelve (12) cars in a new under-croft parking area in accordance with the State Environmental Planning Policy (Affordable Rental Housing) 2009 requirements (Clause 29(2)(e)). Vehicular access to the car parking facilities is to be provided via the ingress/egress point located at the northern end of the property over the recently acquired Council owned Lot 18 in DP122079.

1.1 General

The following report is for the proposed new generation boarding house prepared by ***Prodoc Architects***. The proposal includes:-

(i) demolition of the existing single storey brick dwelling;
(ii) twenty four (24) residential boarding rooms over five (5) levels consisting of four (4) double rooms and twenty (20) single rooms ;
(iii) communal room and kitchen facilities;
(iv) laundry facilities within each boarding room;
(v) off street parking for twelve (12) vehicles; and
(vi) single ingress/egress

The attached **Architectural Plans** (REV 2) prepared by ***Prodoc Architects*** show the proposed new generation boarding house, ground level (undercroft) car parking, landscaping and site works described in this report.

1.2 Staging

The proposed boarding house development will be constructed in one (1) stage.

1.3 Pre Application Meeting

A pre-application meeting was held with Penrith City Council on Wednesday 7th March 2018 at which time the previous development proposal for a residential flat building (viz: DA18/0860) was assessed by the Council and the following preliminary key issues raised:-

(i) permissibility in the R4 – High Density Zone;
(ii) minimum lot size under Clause 4.1A;
(iii) building height;
(iv) SEPP 65 provisions;
(v) ADG requirements;
(vi) SEPP 55 – Site Contamination;
(vii) Noise Impacts;
(viii) waste management;
(ix) communal open space;
(x) side setbacks;
(xi) building separation;
(xii) building entry;
(xiii) storage;
(xiv) downstream drainage;
(xv) on-site detention;
(xvi) provision for overland flow;
(xvii) preservation of significant trees and tree retention;
(xviii) requirement for Arborists Report;
(xix) extent of excavation;
(xx) street presentation/activation; and
(xxi) requirement for Traffic Impact Assessment

A pre-application meeting has not been held for the current boarding house proposal. However, it is the applicant's view that the core issues remain the same as for the previous DA/18/0860 for the residential flat building. Each of the above issues raised at the pre-application meeting and subsequent DA assessment are dealt with where appropriate in this report under the relevant headings;

1.4 Plan of Management

A **Plan of Management** (POM) prepared by ***Wales & Associates*** is appended to this report with deals with:-

(i) services and facilities;
(ii) hours of operation;
(iii) record keeping;
(iv) staff roles and responsibilities;
(v) cleaning of premises;
(vi) complaints register and procedures;
(vii) tenancy agreements;
(viii) health and well-being;
(ix) safety and security;
(x) management practices
(xi) control of illegal activities and anti-social behaviour;

(xii) maintenance and repairs; and
(xiii) emergency procedures

2.0 CONSISTENCY WITH PLANNING CONTROLS

2.1 Penrith Local Environmental Plan 2010

The Penrith Local Environmental Plan 2010 (as amended) is the principal planning instrument affecting land use within the City. The Local Environmental Plan (LEP) defines what purpose land may be used for. The plan consists of a written statement and a number of maps. The plan, although prepared by Council, is vetted by the State Government to ensure consistency with Environmental Planning and Assessment Act, 1979, State Environmental Planning Policies before being gazetted by the Minister for Planning and Infrastructure. The following ***Table 1*** details the level of compliance with the Penrith Local Environmental Plan 2010.

Table 1
Compliance with the Penrith Local Environmental Plan 2010

Clause	Compliance
Clause 2.7 – Demolition	YES
Clause 4.1A – Minimum Lot Size	Not Applicable
Clause 4.3 – Height of Buildings	YES
Clause 4.4 – Floor Space Ratio	YES
Clause 4.6 – Exceptions to Development Standards	YES
Clause 5.10 – Heritage Conservation	YES
Clause 7.1 – Earthworks	YES
Clause 7.2 – Flood Planning	YES

2.1.1 *Zoning*

The property is current zoned R4 – *High Density Residential* under the Penrith Local Environmental Plan 2010.

The **objectives** of Zone R4 – *High Density Residential* are:-

(i) to provide for the housing needs of the community within a high density residential environment;
(ii) to provide a variety of housing types within a high density residential environment;
(iii) to enable other land uses that provide facilities or services to meet the day to day needs of residents;
(iv) to ensure that a high level of residential amenity is achieved and maintained;
(v) to encourage the provision of affordable housing; and
(vi) to ensure that development reflects the desired future character and dwelling densities of the area.

The following application **meets the objectives** of zone in that:-

(i) provides for the housing needs of the community within a high density residential environment through the construction of high quality new generation boarding house that has been designed to conform with the natural attributes of the site; and
(ii) provides for a variety of housing types with varying unit sizes and configurations within a high density residential environment;
(iii) the design ensures that a high level of residential amenity is achieved and maintained through appropriate setbacks and building articulation; and
(iv) the proposal ensures that the development reflects the desired future character and dwelling densities of the area

Therefore, the proposed new generation boarding house building **COMPLIES** with the **objectives** of the zone.

2.1.2 *Demolition*

Clause 2.7 – *Demolition requires development consent* requires that the demolition of a building or work may be carried out only with development consent.

It should be noted that if the demolition of a building or work is identified in an applicable environmental planning instrument, such as this Plan or *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*, as exempt development, the Act enables it to be carried out without development consent.

This application includes the demolition of the existing residential dwelling on the site (see ***Figure 2***) and clearing of the property.

Figure 2
Street View showing existing single storey brick dwelling at #1 Station Lane
(photograph courtesy of Antoine J. Saouma Architect)

2.1.3 *Height of Buildings*

Clause 4.3 – *Height of Buildings* addresses issues associated with the maximum building height as measured from the natural ground level. The **objectives** of this clause are as follows:-

(i) to ensure that buildings are compatible with the height, bulk and scale of the existing and desired future character of the locality;
(ii) to minimise visual impact, disruption of views, loss of privacy and loss of solar access to existing development and to public areas, including parks, streets and lanes;
(iii) to minimise the adverse impact of development on heritage items, heritage conservation areas and areas of scenic or visual importance; and
(iv) to nominate heights that will provide a high quality urban form for all buildings and a transition in built form and land use intensity.

The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.

In relation to the provisions under the Penrith Local Environmental Plan 2010, building height compliance is dealt with under Section 11.6 – *Building Height*. The subject lands are designated P and currently have a maximum height of 18.0 metres under the Penrith Local Environmental Plan 2010 as shown in ***Figure 3***.

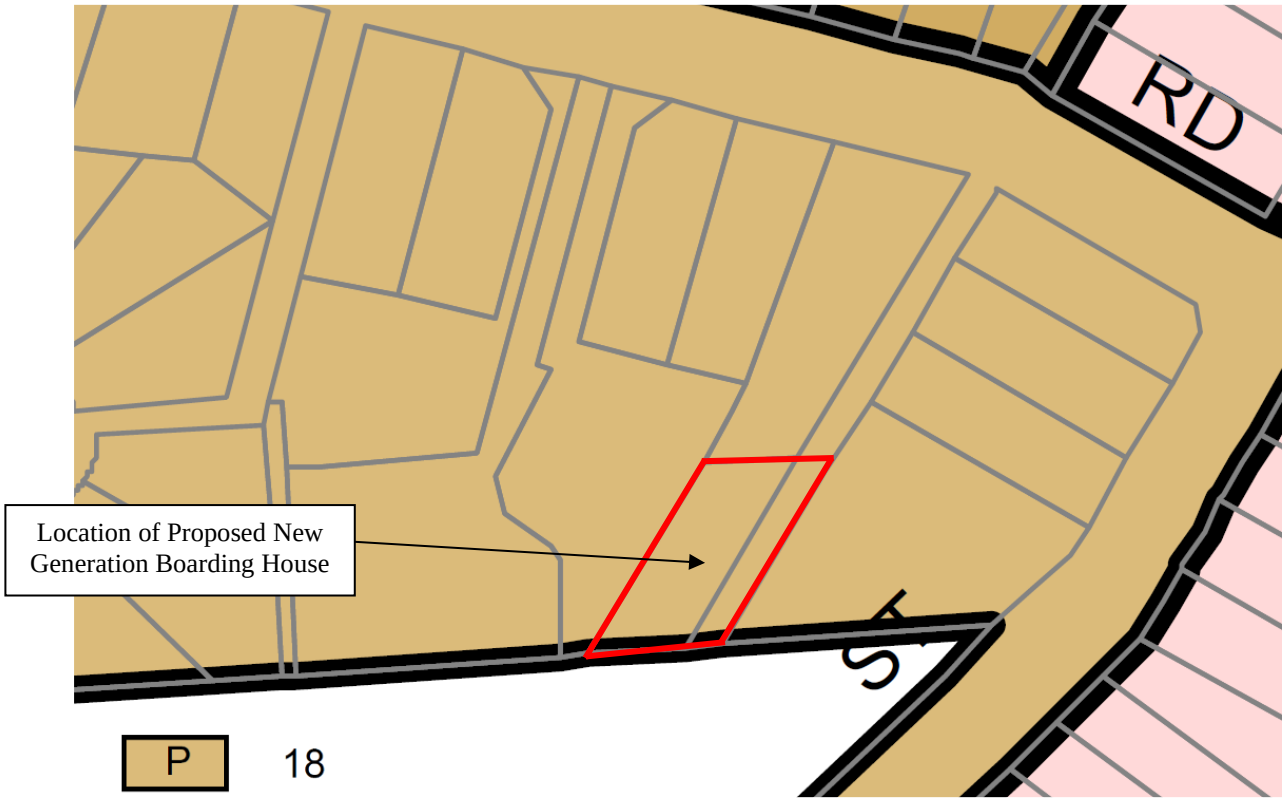

Figure 3
Extract from the Penrith Local Environmental Plan 2010 HOB_006
(courtesy of the Penrith City Council through the NSW Legislation website)

The height of the proposed new generation boarding house is shown on the attached **Architectural Plans** (REV 2) prepared by ***Prodoc Architects***. The proposed boarding house building **COMPLIES** with the provisions under Clause 4.3 with a maximum building height of 16.00 metres as shown ***Figure 4***.

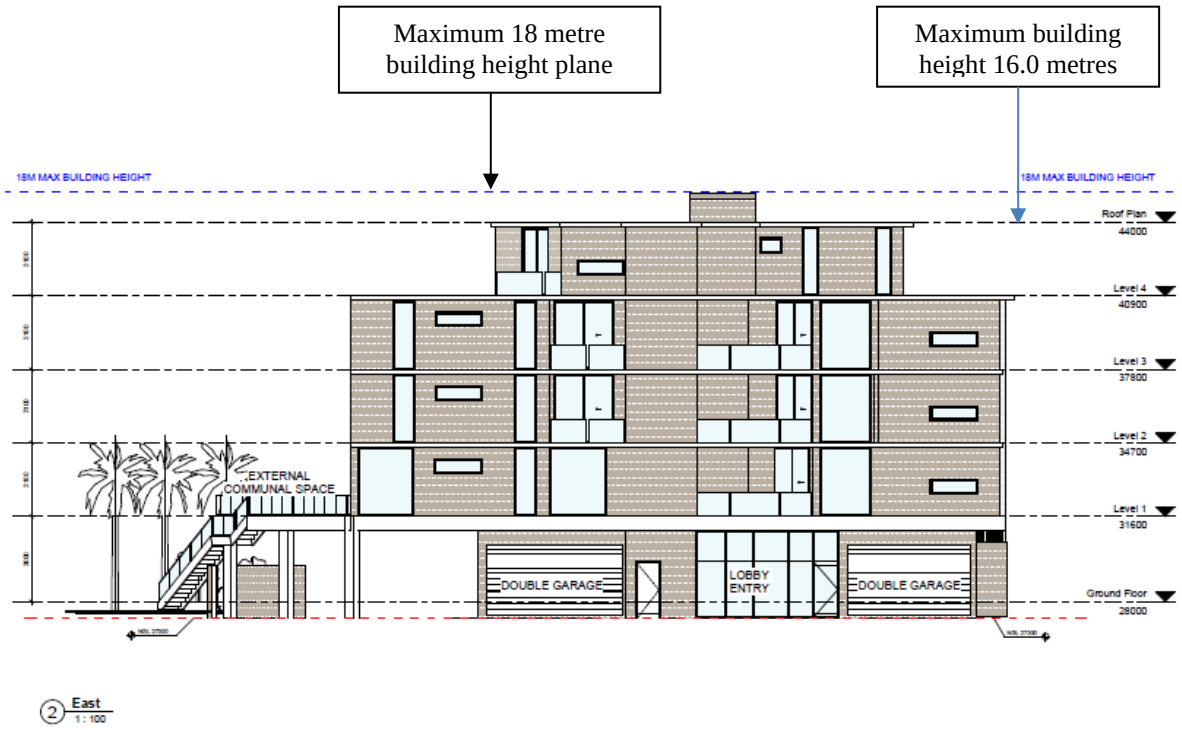

Figure 4
Extract from architectural plans showing maximum building height and 18.0m maximum height plane
(images courtesy of Prodoc Architects)

Assessment

Under the Penrith Local Environmental Plan 2010, the height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.

Subclause (2) of the Penrith Local Environmental Plan 2010 states:-

"*The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map*"

This is to ensure that the height of buildings is compatible with that of adjoining development and the overall streetscape and to minimise the impact of overshadowing, visual impact, and loss of privacy on adjoining properties and open space areas.

In this instance, the site is generally level and is located at the rear of Station Lane with the existing medium density three and four storey flat buildings to the west, north and east. There is no residential development to the south as the site overlooks Councils War Memorial Swimming Pool complex. The existing dwelling will be demolished and the new five (5) storey boarding house development to be constructed with generous setbacks to the west and along the northern and eastern boundary providing separation to the adjoining developments.

The bulk of the proposed structure will be hidden from street view by the existing four storey building façade at #20 Station Lane located at the entry to the laneway (see ***Figure 5***).

Figure 5
Street View showing four storey development at #20 Station Lane to the north of the subject site
(image courtesy of Google Earth Pro)

From the west as viewed near #115 Station Street, the proposed building is hidden from view by the existing four storey brick flat building and large trees adjacent to the drainage reserve and Penrith War Memorial Swimming Pool (see ***Figure 6***).

It is considered that the design ensures that the building height represents a reasonable transition between the existing three and four storey built form which dates from the 1970's and 1980's to the current five (5) storey outcomes anticipated in the Penrith Local Environmental Plan 2010 (ie: 18m = 6 storeys @ 3m per level). In fact, the proposed new generation boarding house represents a considerable improvement to the dated architectural quality of the current streetscape.

Further, the effective building height will not have any significant additional visual impact on the adjoining property to the west, north and east nor create any significant additional loss in privacy due to its positioning at the end of the laneway with generous setbacks from the west and existing separation from the laneway frontage. The proposal will have no significant impact on the areas of private open space within the development.

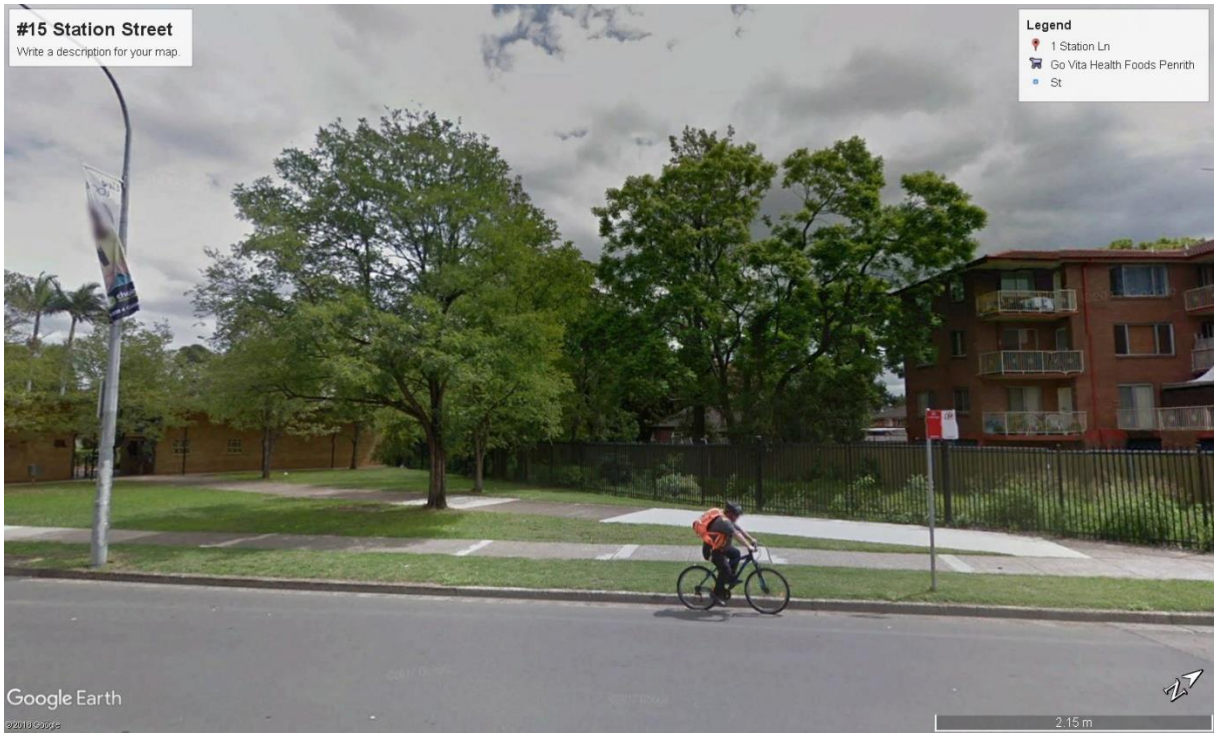

Figure 6
Street View showing four storey development at #115 Station Street to the south west of the subject site
(image courtesy of Google Earth Pro)

The architect for the project, ***Prodoc Architects***, has designed the proposed new generation boarding house development in such a manner as to:-

(i) produce a high quality residential development that provides a high level of articulation and effective and efficient floor space;
(ii) optimize the development outcomes for the site whilst being mindful of bulk and scale; and
(iii) improve yields and development viability in line with both Council's and the public expectations for the precinct

The proposed building height is considered to be reasonable when considered within the context of the overall streetscape with its primary frontage to Station Lane and the intent of the Penrith Local Environmental Plan 2010.

Conclusion

Based on the above assessment, the attached architectural plans and the submitted supporting documents, it is considered that the proposed new generation boarding house development will deliver a satisfactory planning outcome for the following reasons:-

(i) it complies with and is responsive to the intent of the Penrith Local Environmental Plan 2010 which anticipates up to a six (6) storey built form;
(ii) the proposal is responsive to the intent of the Penrith Development Control Plan;

(iii) the proposal fully utilises the available area within the Penrith residential precinct that seeks higher density residential development outcomes; and
(iv) meets the desired future character of the precinct

2.1.4 *Floor Space Ratio/Site Coverage*

Clause 4.4 – *Floor Space Ratio* of the Penrith Environmental Plan 2010 deals with the issues relating to gross floor area and its relationship to the site area.

The **objectives** of this clause are to permit development of a bulk and scale that is appropriate for the site constraints, development potential and infrastructure capacity of the locality.

The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.

The subject lands do not have a designated floor space ratio (ie: the mapping is uncoloured) under the Penrith Local Environmental Plan 2010 as shown in ***Figure 7***.

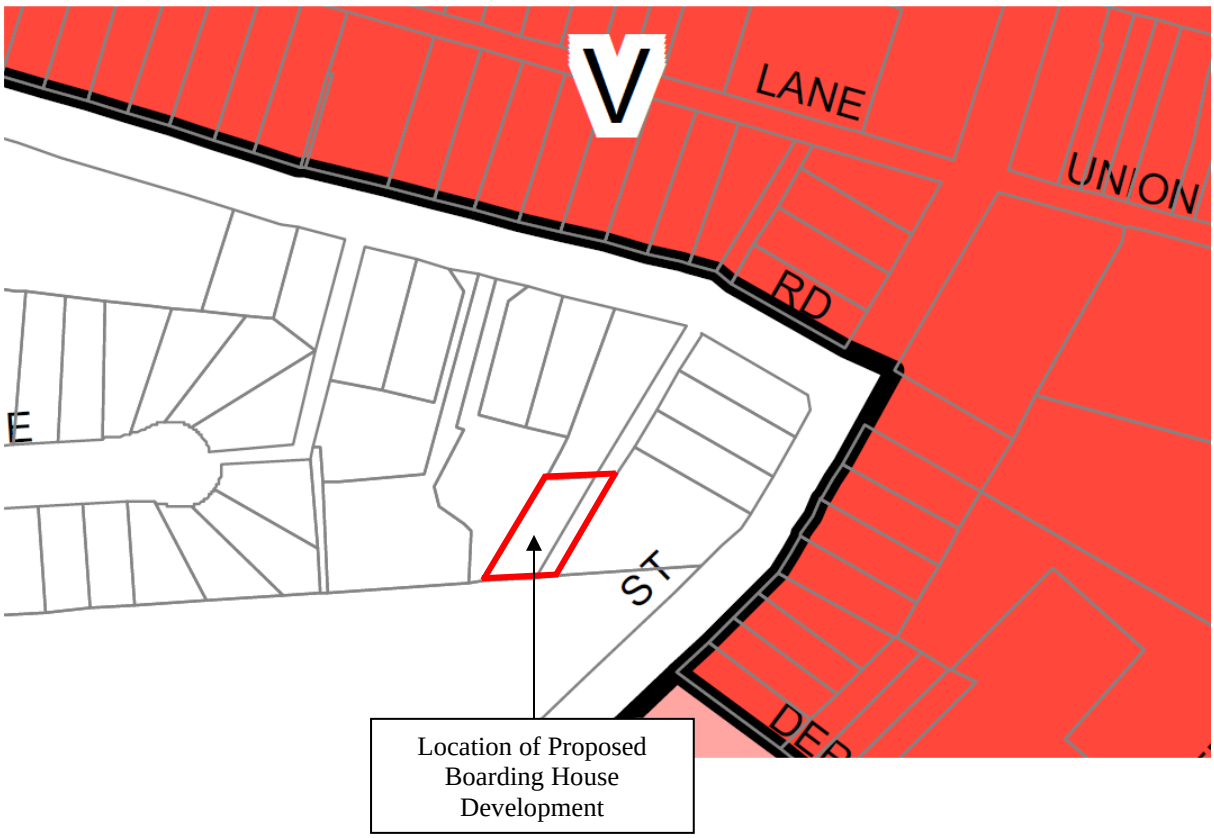

Figure 7
Extract from the Penrith Local Environmental Plan 2010 FSR_006
(courtesy of the Penrith City Council through the NSW legislation website)

The subject site has an area of 664.5m² with the adjoining (recently purchased) Lot 18 having an area of 198.3m². It is intended to consolidate the allotments giving a total site area of 862.8m².

As there are no FSR controls applicable in the Penrith LEP 2010, density is controlled by the height and setback provisions under:-

(i) the Penrith Local Environmental Plan 2010; and
(ii) Chapter C1 – *Site Planning and Design Principles* of the Penrith Development Control Plan 2014 together with the height controls in the LEP

In this instance, the building form is five (5) storeys and is well articulated such that the nominated setbacks incorporate adequate landscaping, open space and separation between buildings.

The proposed development therefore **COMPLIES** with Clause 4.4 – *Floor Space Ratio* of the Penrith Local Environmental Plan 2010 and the Penrith DCP 2014 provisions. Each of the provisions is discussed (where relevant) in the body of this report.

The relevant site statistics including the floor space ratio (FSR) are shown in ***Figure 8***. The floor space ratio for the proposed development in relation to the total site area (Lot B2 and Lot 18) only is **0.87 to 1** which is considerably less than the adjoining floor space ratio controls (ie: 3 to 1) on the north side of Union Road.

Gross Floor Area Calculation		
Site Area	Total GFA	FSR
862.8	748 m²	0.87

Figure 8
Extract from Architectural Plans - Site Statistics
(courtesy of Prodoc Architects)

2.1.5 *Heritage Conservation*

Clause 5.10 – *Heritage conservation* addresses issues relating to Heritage items (if any) which are listed and described in Schedule 5 of the Penrith LEP 2010. Heritage conservation areas (if any) are shown on the Heritage Map as well as being described in Schedule 5. The objectives of this clause are as follows:-

(i) to conserve the environmental heritage of Penrith;
(ii) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views;
(iii) to conserve archaeological sites; and
(iv) to conserve Aboriginal objects and Aboriginal places of heritage significance.

There are no heritage items affecting the site or in close proximity to the proposed boarding house development as shown in ***Figure 9***.

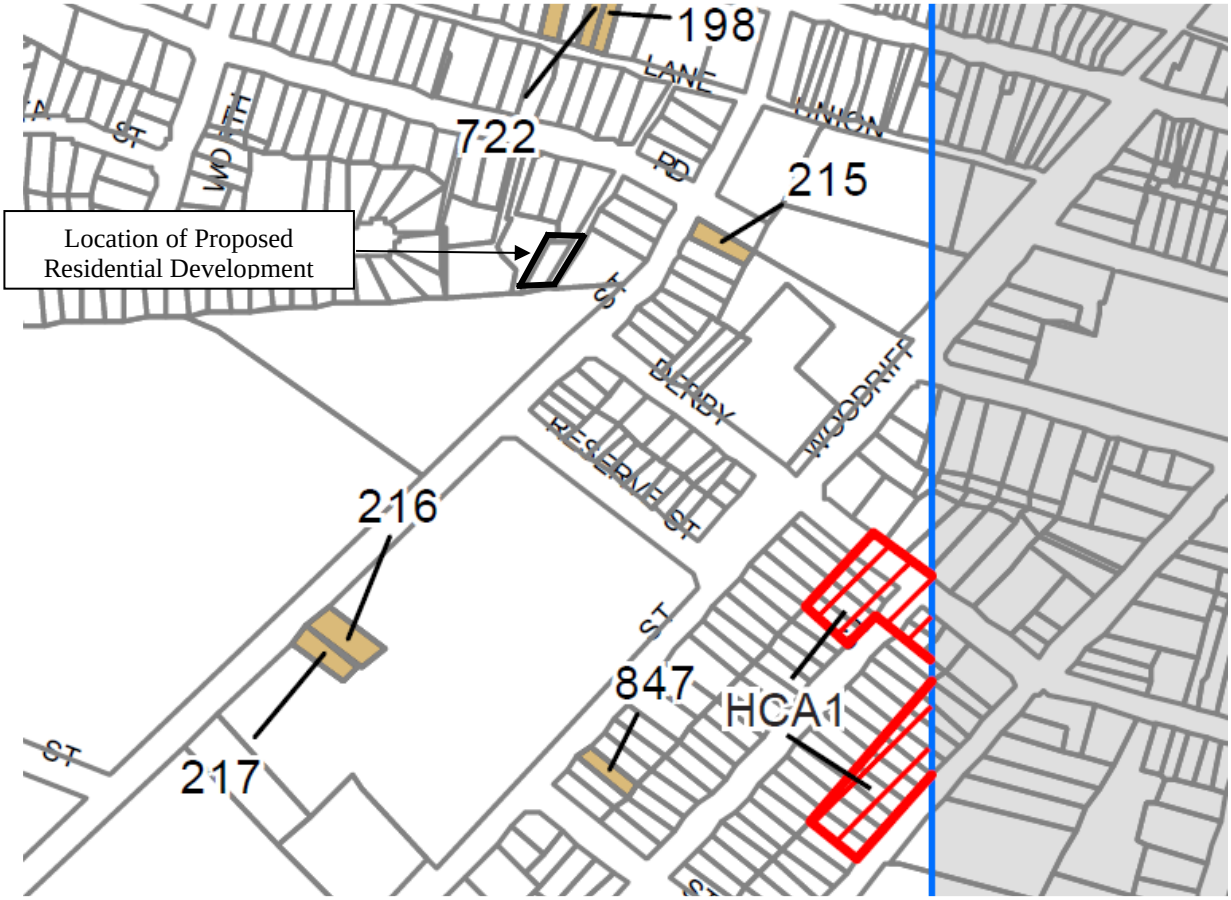

Figure 9
Extract from the Penrith Local Environmental Plan 2010 HER_006
(courtesy of the Penrith City Council through the NSW legislation website)

2.1.6 *Earthworks*

Clause 7.1 – *Earthworks* of the Penrith Local Environmental Plan 2010 deals with issues associated with the impact of excavation and earthworks.

The **objective** of this clause is to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land. Before granting development consent for earthworks (or for development involving ancillary earthworks), the consent authority must consider the following matters:-

(i) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development;
(ii) the effect of the development on the likely future use or redevelopment of the land;
(iii) the quality of the fill or the soil to be excavated, or both;
(iv) the effect of the development on the existing and likely amenity of adjoining properties;
(v) the source of any fill material and the destination of any excavated material;
(vi) the likelihood of disturbing relics;

(vii) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area; and
(viii) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.

2.1.6.1 *Preliminary Site Investigation*

The attached **Preliminary Site Investigation** (PSI) was prepared by ***Benviron Group*** (Geotechnical Engineers). The PSI was commissioned to determine the potential for onsite contamination arising from any areas of concern located within the site and its surrounding area. The appended report provides a preliminary assessment of any site contamination and, if required, provide a basis for a more detailed investigation.

Based on the results of Preliminary Site Investigation, it is considered that the risks to human health and the environment associated with soil and groundwater contamination at the site are low in the context of the proposed use of the site. The site is ***suitable*** for the proposed development, subject to the following recommendations:-

(i) any soil requiring removal from the site, as part of future site works, should be classified in accordance with the "Waste Classification Guidelines, Part 1: Classifying Waste" NSW EPA (2014); and
(ii) an Asbestos Clearance Certificate is recommended to be completed once all existing buildings are structures have been demolished.

If during any potential site works any significant unexpected occurrence is identified, site works should cease in that area, at least temporarily, and the environmental consultant should be notified immediately to set up a response to this unexpected occurrence.

2.1.6.2 *Geotechnical Assessment*

The attached **Geotechnical Desktop Study** was prepared by ***Morrow Geotechnics Pty Limited***. The purpose of the GDS is to review available data and to provide geotechnical advice and recommendations addressing the following:-

(i) description of the anticipated surface and subsurface conditions at the site;
(ii) building and retaining wall foundation options, including preliminary design parameters;
(iii) approaches to limit potential impacts on adjacent structures, services, roads and tunnels;
(iv) construction constraints including groundwater management requirements, if necessary; and
(v) the requirement for additional geotechnical investigations.

Based on the expected subsurface conditions, the proposed development will likely be impacted by the following key geotechnical constraints:-

(i) any uncontrolled fill is likely to have poor engineering properties and be unsuitable for re-use as engineered fill. Unsuitable materials may be removed by screening;

(ii) excavation and retention to prevent lateral deflections and ground loss as a result of excavations;
(iii) pile socket conditions within gravel beds in the Penrith area; and
(iv) the potential for the proposed excavation works intersecting the groundwater table

Preliminary advice and recommendations associated with management of the above key geotechnical constraints are provided in the relevant sections of the **Geotechnical Desktop Study**.

2.1.7 *Flood Planning*

Clause 7.2 – *Flood planning* addresses issues associated with development that occurs on land below the flood planning level or identified as "Flood planning land" on the Clause Application Map (see ***Figure 10***). The **objectives** of this clause are as follows:-

(i) to minimise the flood risk to life and property associated with the use of the land,
(ii) to limit uses to those compatible with flow conveyance function and flood hazard,
(iii) to manage uses to be compatible with flood risks,
(iv) to enable safe and effective evacuation of land,
(v) to ensure the existing flood regime and flow conveyance capacity is not compromised,
(vi) to avoid detrimental effects on the environment that would cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or waterways.

Whilst the subject lands are not identified on the Flood Planning Land Map, Council has advised during the pre-application process in March 2018 that the site is affected by local overland flow flooding in a 1% AEP Storm. The site has been identified as being located adjacent to a floodway/channel. Although Council had issued flood levels on the 3rd July 2017 with a flood level of 27.10m AHD, the site has recently been affected by overland flows in January 2016 inundating the entire site as a result of the existing channel over topping. A detailed assessment of the possible overland flows affecting the property in the form of an Overland Flow Flood Report therefore needed to be prepared by a suitably qualified flooding engineering as part of the development application process.

The attached **Flood Study** prepared by ***BMT WBM Pty Limited*** (Consulting Engineers) addresses the issues raised by Council. The purpose of the report is to provide commentary around the design flood levels for the site in accordance with the requirements of the Penrith Local Environment Plan (LEP) 2010 Section 7.2 and the Penrith Development Control Plan (DCP) 2014 Chapter 3.5. The flood study for the site includes the analysis of the January 2016 rainfall event which reportedly inundated the site.

Figure 10
Extract from the Penrith Local Environmental Plan 2010 FLD_006
(courtesy of the Penrith City Council through the NSW legislation website)

Based on the information contained within the pre-DA meeting minutes (ref: *PRE DA MEETING PL180012 1 Station Lane Penrith.pdf*), the peak 1% AEP flood level and FPL for the site identified by Council is 27.10 m AHD and 27.6 m AHD respectively.

Whilst BMT could not replicate this level exactly (-0.2 m difference in simulated 1% AEP levels) using the TUFLOW model provided (refer Section 2.2), BMT did not identify any significant issues that would result in the simulation of inappropriate design flood levels.

With regard to the inundation of the site as a result of the January 2016, the assessment identified the following:-

(i) the January 2016 rainfall event was approximately equivalent to a 2% AEP event (based on a comparison with the design rainfall hyetographs applied to Council's model as RoG);
(ii) the inundation of the site can be attributed to a combination of mainstream inundation from the open channel to the south of the site and overland flow originating from Union Street to the north of the site;
(iii) the study site was inundated to a depth of <20 cm;
(iv) Peak flood levels in the channel were potentially elevated due to a downstream structure blockage resulting in the overtopping of the channel bank; and
(v) Councils model would likely show the site as inundated by shallow floodwaters during the 1% AEP event but this inundation is removed via filtering of shallow depths <0.15 m.

The observed flood inundation of the site for the January 2016 event exceeds Council's 1% AEP design flood levels based on the existing flood modelling.

The BMT review of the existing model did not identify any significant issues that would suggest an underestimation of the design flood conditions. The discrepancy between the observed January 2016 and design 1% AEP flood conditions may be attributable to blockage conditions in the local drainage network (particularly the Mulgoa Road culvert) and potentially higher catchment rainfall than recorded at the gauge for the event.

Accordingly, Council's existing flood modelling is considered appropriate for the site providing for an FPL of 27.6m AHD for the proposed development at the site.

2.2 State Environmental Planning Policy (Affordable Rental Housing) 2009

This application has been lodged under the provisions of Division 3 – *Boarding Houses* of *State Environmental Planning Policy (Affordable Rental Housing) 2009*. The SEPP applies to lands zoned R4 – *High Density Residential.*

2.2.1 *Accessible Area*

Under Clause 27 – *Development to which Division Applies*, sub clause (2) states:-

"*Despite subclause (1), this Division does 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*".

In this instance, the subject lands are zoned R4 – *High Density Residential*. The proposal is not dependent on being within an "accessible area".

"*Accessible area*" means land that is within:-

(i) 800 metres walking distance of a public entrance to a railway station or a wharf from which a Sydney Ferries ferry service operates, or
(ii) 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
(iii) 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.

Notwithstanding, the subject site is located within 800 metres of a railway station in the Sydney metropolitan area (i.e. 649 metres from Penrith Rail Station as shown in ***Figure 11*** and ***Figure 12***).

Figure 11
Penrith Railway Station and Interchange
(image courtesy of Google Earth Pro)

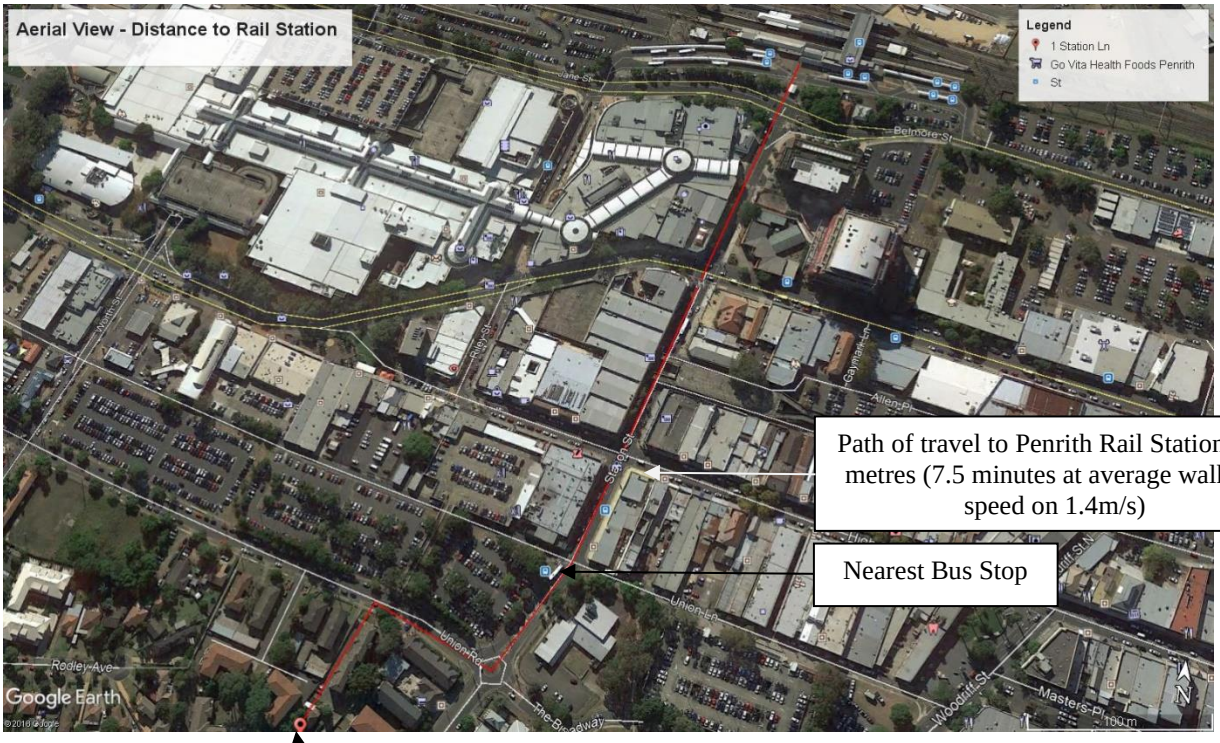

Figure 12
Aerial View showing distance to Penrith Rail Station (ie: 649 metres)
(image courtesy of Google Earth Pro)

The subject site is:-

(i) 649 metres walking distance (ie: 7.5 minutes) to Penrith Railway Station (see ***Figure 12***); and

(ii) within 400 metres walking distance of a bus stop (see ***Figure 12***) used by a regular bus service (ie: Busways Route 781, 793, 795, 797 and Route 799) as shown in ***Figure 13***

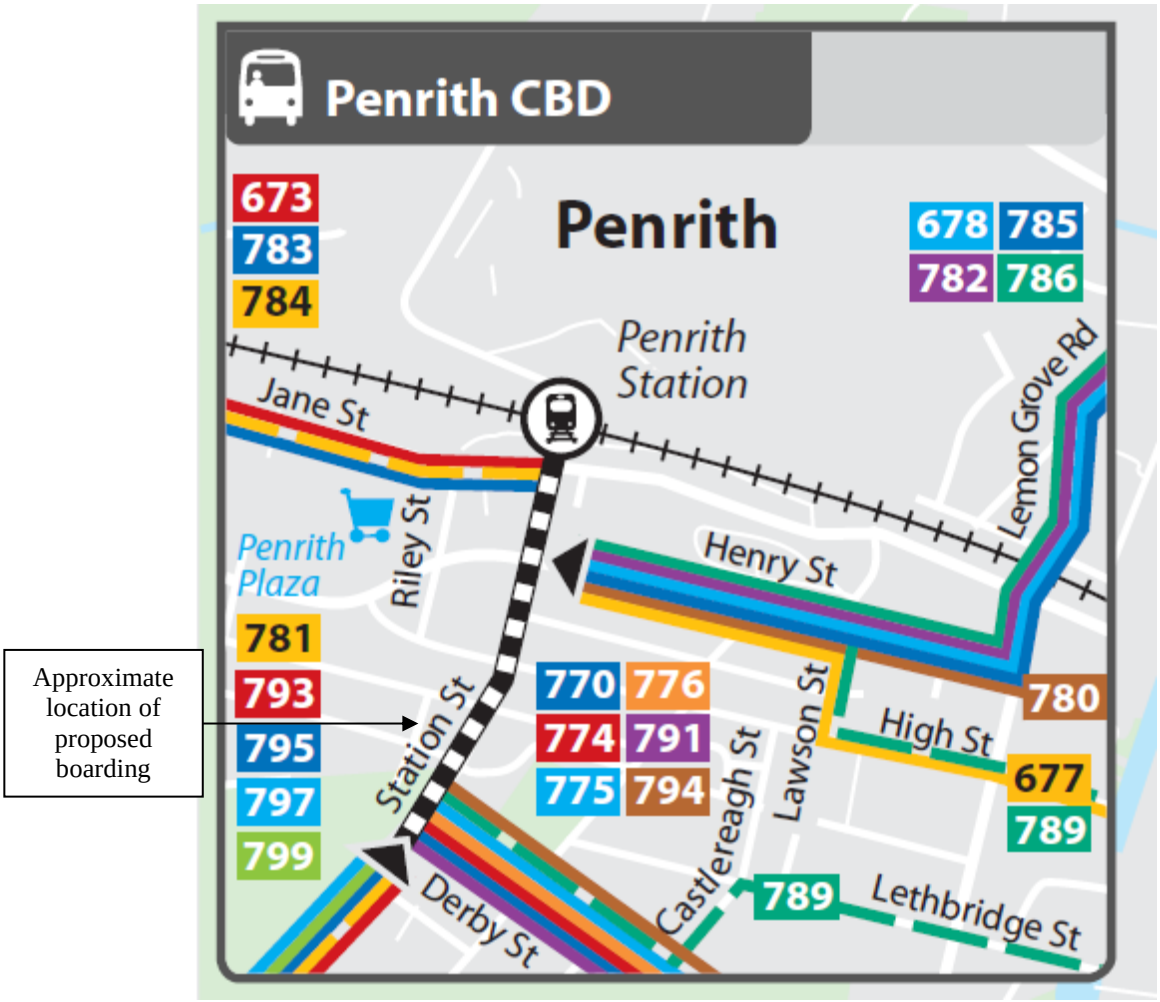

Figure 13
Busways Route Map
(courtesy of Busways)

2.2.2 *Density and Scale*

Clause 29 – *Standards that cannot be used to refuse consent* states in sub-clause (1) that:-

(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:

(a) the existing maximum floor space ratio for any form of residential accommodation permitted on the land, or

(b) if the development is on land within a zone in which no residential accommodation is permitted—the existing maximum floor space ratio for any form of development permitted on the land, or

(c) if the development is on land within a zone in which residential flat buildings are permitted and the land does not contain a heritage item that is identified in an environmental planning instrument or an interim heritage order or on the State Heritage Register—the existing maximum floor space ratio for any form of residential accommodation permitted on the land, plus:

(i) 0.5:1, if the existing maximum floor space ratio is 2.5:1 or less, or;

(ii) 20% of the existing maximum floor space ratio, if the existing maximum floor space ratio is greater than 2.5:1

In this instance, there are no FSR controls applicable to the subject site in the Penrith LEP 2010. Therefore, density is controlled by the height and setback provisions under:-

(iii) the Penrith Local Environmental Plan 2010; and
(iv) Chapter C1 – *Site Planning and Design Principles* of the Penrith Development Control Plan 2014 together with the height controls in the LEP

However, the density and scale of the proposed boarding house development when expressed as a floor space ratio is **0.87 to 1**. This issue is addressed in Section 11.4 – *Floor Areas and Floor Space Ratio.*

2.2.3 *Other Standards*

Clause 29 – *Standards that cannot be used to refuse consent* also states in sub-clause (2) that:-

(2) A consent authority must not refuse consent to development to which this Division applies on any of the following grounds:

(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;
(b) **landscaped area** – if the landscape treatment of the front setback area is compatible with the streetscape in which the building is located;
(c) **solar access** – where the development provides for one or more communal living rooms, if at least one of those rooms receives a minimum of 3 hours direct sunlight between 9am and 3pm in mid-winter;
(d) **private open space** - if at least the following private open space areas are provided (other than the front setback area):
(i) one area of at le**a**st 20 square metres with a minimum dimension of 3 metres is provided for the use of the lodgers;

(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

(e) **parking –** if:
(i) in the case of development carried out by or on behalf of parking spaces are provided for each boarding room, and
(ii) in the case of development carried out by or on behalf of a social housing provider not in an accessible area—at least 0.4 parking spaces are provided for each boarding room, and
(iii) in the case of development not carried out by or on behalf of a social housing provider—at least 0.5 parking spaces are provided for each boarding room, and
(iv) in the case of any development—not more than 1 parking space is provided for each person employed in connection with the development and who is resident on site

(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:
(i) 12 square metres in the case of a boarding room intended to be used by a single lodger, or;
(ii) 16 square metres in any other case

In relation to sub-clause 2(a) – *Building Height*, the building height of the proposed building is not more than the maximum building height permitted under the Penrith Local Environmental Plan 2010 (ie: 18 metres). The height of the proposed new generation boarding house is shown on the attached **Architectural Plans** (REV 2) prepared by ***Prodoc Architects***. The proposed boarding house building **COMPLIES** with the provisions under Clause 4.3 with a maximum building height of 16.0 metres as shown ***Figure 5***. Therefore, the proposed boarding house **COMPLIES** with the standard.

In relation to sub-clause 2(b) – *Landscaped Area*, the proposed landscape treatment of the front setback area is compatible with the streetscape in which the building is located and the desired character of the immediate precinct. The attached **Landscape Plan** prepared by ***Vision Dynamics*** details the proposed landscaping treatments for the proposed development. Therefore, the proposed boarding house **COMPLIES** with the standard.

In relation to sub-clause 2(c) – *Solar Access*, the proposed development provides for a communal lounge area adjacent to the eastern boundary. The boarding house communal space receives 3 hours between 9:00am and 12:00pm midwinter as shown in the shadow diagrams within the attached **Architectural Plans** (REV 2) prepared by ***Prodoc Architects***.

In relation to sub-clause 2(d) – *private open space*, an area of 62 square metres is provided for the use of the lodgers in the form of the communal room including kitchen and dining areas on Level 1. Further, as accommodation is to be provided on site for a boarding house manager, an open space area is provided adjacent to that accommodation on the Level 1.

In relation to sub-clause 2(e) – *Parking*, the proposed application for the boarding house is deemed to be in an accessible area. Therefore, at least 0.5 parking spaces are required for each boarding room. There are a total of twenty four (24) rooms to which this application would require twelve (12) car parking spaces. These can be accommodated on the ground level "at grade" parking area. The proposed boarding house component of the development therefore **COMPLIES** with the standard.

In relation to sub-clause (f) – *Accommodation*, the boarding rooms have a gross floor area (excluding any area used for the purposes of private kitchen or bathroom facilities) as shown in ***Table 2***.

Room	Type	Floor Area	Floor Area (Minimum SEPP)	COMPLIANCE
Level 1				
01	Single	20m²	12m²	YES
02	Single	20m²	12m²	YES
03	Double	22m²	16m²	YES
04	Single	24m²	12m²	YES
05	Single	20m²	12m²	YES
06	Single	17m²	12m²	YES
Manager				
Level 2				
Manager	Single	23m²	12m²	YES
07	Single	20m²	12m²	YES
08	Single	20m²	12m²	YES
09	Double	22m²	16m²	YES
10	Single	24m²	12m²	YES
11	Single	20m²	12m²	YES
12	Single	20m²	12m²	YES
13	Single	18m²	12m²	YES
Level 3				
14	Single	20m²	12m²	YES
15	Single	20m²	12m²	YES
16	Single	20m²	12m²	YES
17	Double	22m²	16m²	YES
18	Single	24m²	12m²	YES
19	Single	20m²	12m²	YES
20	Single	20m²	12m²	YES
21	Single	18m²	12m²	YES
Level 4				
22	Single	21m²	12m²	YES
23	Double	24m²	16m²	YES
Total	4 (Double) 20 (Single)			

The proposed boarding house component of the development therefore **COMPLIES** with the standard.

2.2.4 *Consent Obligations*

Clause 29(4) states:-

"*A consent authority may consent to development to which this Division applies whether or not the development complies with the standards set out in subclause (1) or (2)*"

This application generally meets all the standards.

2.2.5 *Standards for Boarding Houses*

Under Clause 30 – *Standards for Boarding Houses*, the SEPP (ARH) sets out the standards to which the consent authority must be satisfied. The following comments are made in relation to each of the standards:-

Clause 30(1)(a) – *Communal Living Room*

The proposed boarding house applies to more than five (5) boarding rooms; therefore, a communal living room (ie: common lounge and kitchen) is to be provided on the Level 1 together with additional balcony communal area and stairs to ground level communal landscaping.

Clause 30(1)(b) – *Maximum Room Size*

The application for use will not apply to any rooms greater than 25m².

Clause 30(1)(c) – *Room Occupancy*

The proposed boarding house will not apply to any boarding rooms that will be occupied by more than two persons.

Clause 30(1)(d) – *Kitchen and Bathroom Facilities*

Each boarding room will be provided with kitchen facilities, washing machine and ensuite bathrooms.

Clause 30(1)(e) – *Boarding House Manager*

As the proposed boarding house facility houses more than 20 persons, on site accommodation is to be provided for a boarding house manager on Level 2.

Clause 30(1)(f) – *Repealed*

Clause 30(1)(g) – *land zoned primarily for commercial purposes*

Not applicable. The land is zoned R4 – *High Density Residential*.

Clause 30(1)(h) – *Bicycle and Motorbike Parking*

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

Storage space will be provided for two (2) bicycles and three (3) spaces will be provided for motorcycles.

2.2.6 *Character*

2.2.6.1 *General*

Under Clause 30A – *Character of Local Area*, the 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.

The issue of "character" is also dealt with under Clause 19.5 – *Visual Amenity Effects*. It should be noted that boarding houses are permitted, with consent, in the R4 – *High Density Residential* zone.

It is instructive to defer to the objectives of the R4 – *High Density Residential* zone which are:-

(i) to provide for the housing needs of the community within a high density residential environment;
(ii) to provide a variety of housing types within a high density residential environment;
(iii) to enable other land uses that provide facilities or services to meet the day to day needs of residents;
(iv) to ensure that a high level of residential amenity is achieved and maintained;
(v) to encourage the provision of affordable housing; and
(vi) to ensure that development reflects the desired future character and dwelling densities of the area.

It is considered that the proposed development meets the desired character outcomes of the R4 – *High Density Residential* zone in that:-

(i) it provides for the housing needs of the local community within the existing high density environment through the demolition of the existing building and construction with a new boarding house that has been designed in compliance with the SEPP (Affordable Rental Housing);
(ii) it adds to the variety of housing types within the high density residential environment through the demolition of the existing building and construction with a new boarding house that has been designed in compliance with the SEPP (Affordable Rental Housing);
(iii) the proposal enables a land use that provides a residential facility that meets the day to day needs of the local community especially those in the over 55's demographic and people with disabilities that wish to downsize and remain in their local community with their established family and social networks;
(iv) the proposal seeks to demolish the existing building (which has reached the end of its use lifecycle) and construct a new boarding house facility that improves and enhances the residential amenity and character of the surrounding area; and
(v) it provides for affordable housing; and
(vi) it reflects the desired future character and dwelling densities of the area bearing in mind that the precinct is in an area under transition from single detached dwellings and older style residential flat buildings to higher density style development

The proposal replaces the out-dated residential building with a built form that is more consistent with the emerging higher density residential streetscape. The proposal enhances the existing built form and positively contributes to the existing streetscape. It is considered that the proposal **COMPLIES** with requirements of Clause 30A – *Character of Local Area*.

As to the issue of compatibility, the term "compatible" is a test of being in harmony with, or in sympathy with. In considering the character of the area, the Land & Environment Court of NSW encourages applicants to consider the existing development pattern in terms of location of car parking, built form, setback and private open space locations. Such assessments should have regard for the planning principle in relation to compatibility of a proposal with surrounding development contained within *Project Venture Developments Pty Ltd v Pittwater Council [2005]*.

2.2.6.2 *Planning principle: compatibility in the urban environment*

It is instructive to refer to *Project Venture Developments Pty Ltd v Pittwater Council [2005]* which deals with the Planning Principle – *compatibility in the urban environment*. The judgement by Senior Commissioner, Dr John Roseth states that 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 therefore 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.

This is applicable in this particular instance especially where the existing building is demolished and a new building constructed in a form that is designed to both improve the visual amenity of the streetscape and create a more sympathetic interface with the surrounding residential build environment.

It is 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 also 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. In this instance, the existing single storey residential dwelling has reached the end of its useful lifespan where its condition has deteriorated to a point where it is uneconomical to re-purpose or renovate and therefore is to be demolished and replaced. The zoning of the land also permits high density residential development and "boarding houses" and therefore envisages a potential for a change in local character.

The new building is designed to both improve the visual amenity of the existing streetscape and create a more appropriate interface with the surrounding residential build form in an area that is undergoing a transition to more modern high density residential accommodation. The proposal is an obvious and desirable improvement to the existing streetscape and one that meets the expectations of the current zoning.

Roseth also states that 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 need to be asked:-

(i) are the proposal's physical impacts on surrounding development acceptable? The physical impacts include constraints on the development potential of surrounding sites; and
(ii) is the proposal's appearance in harmony with the buildings around it and the character of the street?

The physical impacts of development, 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. In this case, noise, overlooking and overshadowing have all been adequately addressed as part of the design process and are assessed in detail under the relevant sub-headings in this report.

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.

The most important contributor to urban character is the relationship of built form to surrounding space, a relationship that is created by:-

(i) building height – buildings do not have to be the same height to be compatible. Where there are significant differences in height, it is easier to achieve compatibility when the change is gradual rather than abrupt. The extent to which height differences are acceptable depends also on the consistency of height in the existing streetscape.

*In this case, the existing building is single storey and reflects the historical built form prior to the later higher density provisions introduced in the Penrith LEP 2010. The new proposal is to be five (5) storey using exposed horizontal slab edges and face brickwork finishes (see **Figure 14**) such that the aesthetics of the building are compatible with the adjoining two and four storey brick residential flat buildings in the surrounding precinct (see **Figure 15** and **Figure 16**). The proposal also fully complies with the current Penrith LEP height controls*;

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Figure 14
External façade treatments
(image courtesy of Prodoc Architects)

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Figure 15
Image showing existing four storey residential flats at #20 Station Lane (to the immediate north of the subject site)
(image courtesy of Google Earth Pro)

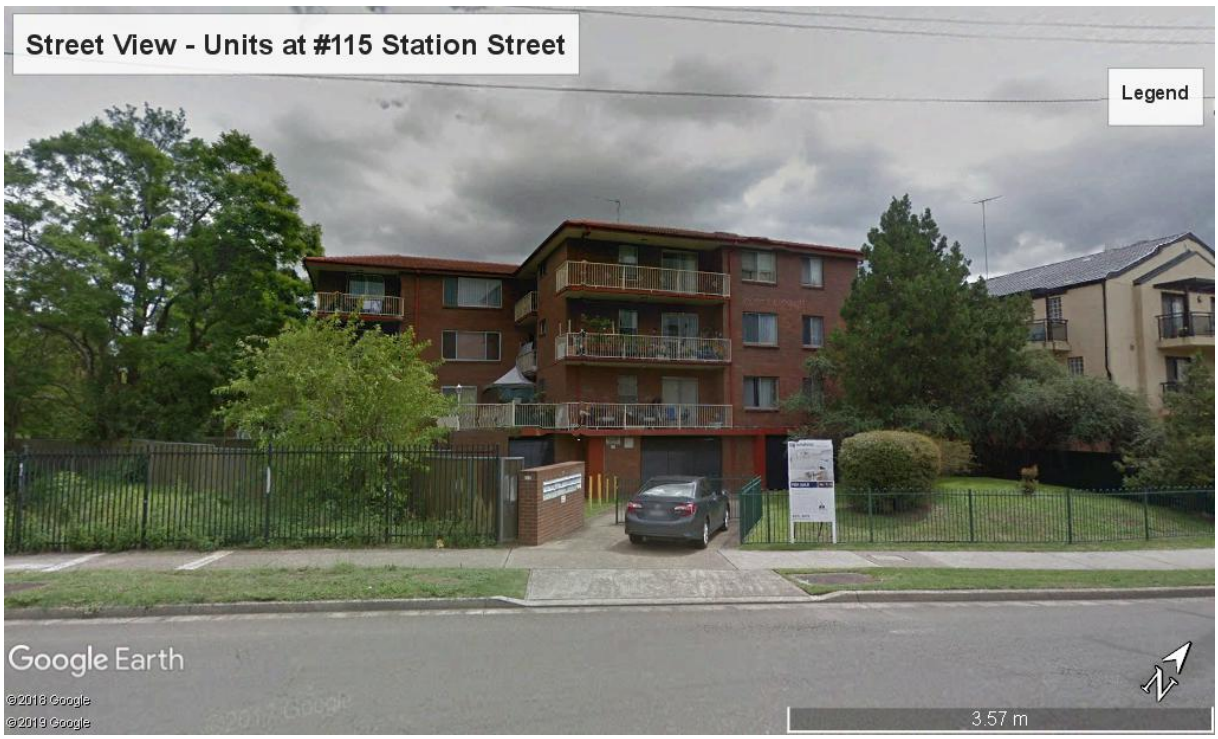

Figure 16
Image showing existing four storey residential flats at #115 Station Street (to the immediate east of the subject site)
(image courtesy of Google Earth Pro)

(ii) setbacks – front setbacks and the way they are treated are an important element of urban character. Where there is a uniform building line, even small differences can destroy the unity. Setbacks from side boundaries determine the rhythm of building and void. While it may not be possible to reproduce the rhythm exactly, new development should strive to reflect it in some way.

In this instance, the existing building represents a subservient structure at the end of Station Lane with a standard six (6) metre setback from the laneway frontage. It is "hidden" away amongst three and four storey brick flats to the north, west and east. The intent of the proposal is to demolish the existing residential structure (which has deteriorated over recent years) and replace the outdated built form with a new residential boarding house that enhances the streetscape and is more appropriate in scale.

The site is unusual in that it seeks to amalgamate Lot 1 and Lot B2 (total area = 862.8m²). Lot 1 has been acquired from Penrith City Council as a former laneway which and, as a separate allotment, did not provide public frontage or legal access to Lot B2. The laneway is six (6) metres wide. The north eastern corner of the building will be set back 6.0 metres from what is nominally the street frontage with the northern "side" also setback 6.0 metres from the common boundary with the adjoining allotment.

Level 4 is setback nine (9) metres from both the northern, eastern and southern boundaries.

There is no clear uniform building line in this instance. The aging dwelling is somewhat dysfunctional within its context amongst larger residential flat buildings without establishing a clear "rhythm of building and void". The surrounding buildings, in effect, create a predominant built form in which the existing residential dwelling is subservient. It is not practical (or beneficial) to retain this subservient form whereas the new development strives to reflect the surrounding form albeit to a higher design standard to that of the older residential flat buildings which seeks to enhance the urban character.

(iii) landscaping – landscaping is also an important contributor to urban character. In some areas landscape dominates buildings, in others buildings dominate the landscape. Where canopy trees define the character, new developments must provide opportunities for planting canopy trees.

In this instance, the existing development is largely devoid of any significant landscaping and largely reflects atypical suburban gardens. The proposed landscaping positively contributes to the urban character of the proposal by softening the proposed built form and providing screening particularly to the eastern and western boundaries and substantial screening along the Council's drainage reserve.

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2.2.6.3 *Conclusion*

Clause 30A – *Character* of State Environmental Planning Policy (Affordable Rental Housing) 2009 states that:-

"*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*".

The proposed development is **COMPLIANT** with the provisions under State Environmental Planning Policy (Affordable Rental Housing) 2009 and has been designed to complement the existing built form and desired character outcomes within the framework of the current height and density provisions under both applicable planning instruments.

2.2.7 *Maintaining Housing Affordability*

To the question of how will "affordable housing" will be maintained and will the rental cost be in line with the SEPP ARH definition of "affordable housing" for low income households under Clause 6 of the SEPP, it is essential that government at all levels, together with private industry and the non-government sector work in partnership toward finding innovative ways to provide affordable housing. The State Environmental Planning Policy (Affordable Rental Housing) 2009 (AHSEPP) was introduced on the 31st July 2009 to increase the amount and diversity of affordable housing and to maintain and improve affordable rental properties throughout NSW.

In the SEPP, a household is taken to be a very low income household, low income household or moderate income household if the household:-

(i) has a gross income that is less than 120 per cent of the median household income for the time being for the Greater Sydney (Greater Capital City Statistical Area) (according to the Australian Bureau of Statistics) and pays no more than 30 per cent of that gross income in rent, or

(ii) is eligible to occupy rental accommodation under the National Rental Affordability Scheme and pays no more rent than that which would be charged if the household were to occupy rental accommodation under that scheme.

Therefore to be deemed affordable, the rent charged needs to be no more than 30% of our occupant's gross income. The applicant's market research in the Penrith area shows that the average "granny flat" that falls under the affordable housing SEPP rents for around $320 p/w. Therefore this requires a household earning approx. $56K. The proposed development is targeting a rent of around $300 per week which would translate to someone earning approximately $47K. This would fall into the low to moderate income. Once constructed the property will be registered with Fair Trading as a registered boarding house.

2.2.8 *Tenant Selection*

To the question of how future tenants will be chosen to live in the boarding house, the applicant will be using a local real estate agency to manage the screening process for selecting residents. A crucial part of the screening process for applicants will involve employer's references, previous landlords/management agencies of the applicants being contacted and asked a series of questions to determine if the applicant is a suitable tenant.

Further, the agency will follow a strict process for handling dispute resolution between residents and liaising with neighbours and the local community. Conditions and house rules have been outlined relating to the operation of the boarding house and compliance with the submitted Plan of Management (POM). The above process is extremely important for both the agency and operators reputation. Therefore it is in the applicant's interest to ensure this process is executing correctly.

2.3 Penrith Development Control Plan 2014 (PDCP)

The proposal has been considered against the relevant provisions of the Penrith Local Environmental Plan (HLEP) 2013 and the Penrith Development Control Plan 2014 (PDCP) which provides detailed guidance on how development may occur. Development Control Plans (DCPs) are documents that supplement the provisions of Local Environmental Plans (LEPs) with more detailed planning and design guidelines.

The Penrith Development Control Plan 2014 (Penrith DCP 2014) has been prepared to support all planning instruments applying to the Penrith Local Government Area (LGA), including the Penrith LEP 2010. It represents a consolidation of all previous DCPs which applied to the City so that a single, City-wide DCP applies to the LGA. In addition, the DCP includes two new sections to guide development in the Penrith Health and Education Precinct and the Riverlink Precinct.

The Penrith DCP 2014 was adopted by Council on the 23rd March 2015 and came into effect on the 17th April 2015.

The following ***Table 3*** details the level of compliance with the Penrith Development Control Plan 2014.

Table 3
Compliance with the Penrith Development Control Plan 2014

Part/Clause	Compliance
Part C1 – Site Planning and Design Principles	
Clause 1.1 – Site Planning	YES
Clause 1.2 – Design Principles	YES
Part C3 – Water Management	
Clause 3.1 – Water Cycle	YES
Clause 3.2 – Catchment Management	YES
Clause 3.3 – Watercourses	YES
Clause 3.4 – Groundwater	YES
Clause 3.5 – Flood Planning	YES
Clause 3.6 – Stormwater Management	YES
Clause 3.7 – Water Retention	YES
Clause 3.8 – Rainwater/Storage Tanks	YES
Part C5 – Waste Management	YES
Part C6 – Landscape Design	YES
Part C10 – Transport, Access and Parking	YES
Part C12 – Noise and Vibration	YES

3.0 PROPERTY DETAILS

The property is known as Lot B2 in DP161921 and Lot 18 in DP122079 #1 Station Lane in Penrith. The land is currently occupied by a single storey residential dwelling (Lot B2) and contains areas of both introduced and native vegetation (see ***Figure 17***). Lot 18 in vacant (formerly Council laneway) and contains a range of public utilities and Council stormwater pipes.

Figure 17
Photograph showing the existing dwelling and surrounding vegetation
(photograph courtesy of Wales & Associates Pty Limited)

The existing site features are shown on the attached ***Site Survey Plan*** (see ***Figure 18***) prepared by **John Lowe & Associates Pty Limited** (Consulting Surveyors) and the ***Architectural Plans*** (ie: Site Plan) prepared by ***Antoine J. Saouma Architect***. The survey plans show the subject lands being Lot B2 and the adjoining former Council owned property being Lot 18 in DP122079 which was the subject of a recent acquisition/purchase negotiation.

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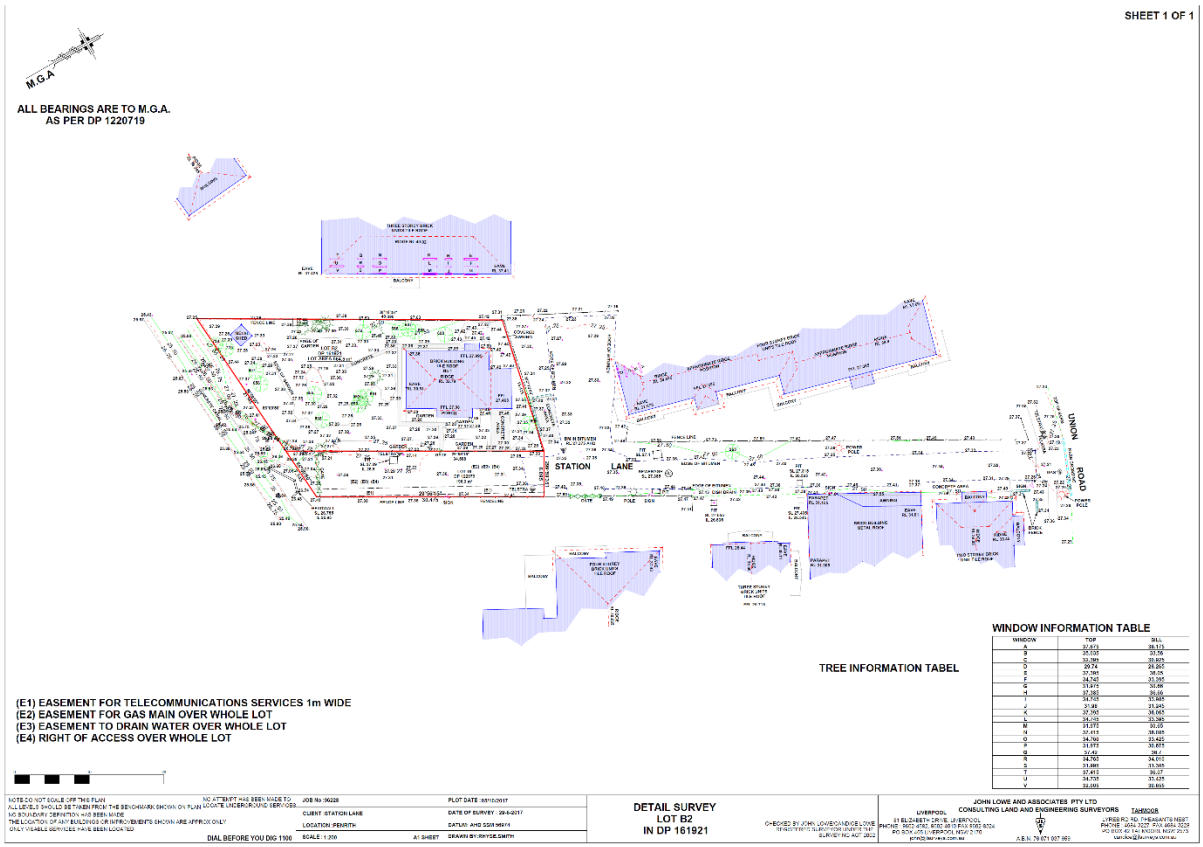

Figure 18
Detail Survey
(plan courtesy of John Lowe & Associates Pty Limited)

4.0 EASEMENTS/RIGHTS-OR-WAY

The property is not affected by any known easements or rights-of-way.

5.0 EXISTING BUILDINGS AND IMPROVEMENTS

The property is currently occupied by an existing single storey brick residential dwelling with tile roof as shown in ***Figure 17***.

The property is accessed from Station Lane which is bitumen sealed with a full range of services as shown in ***Figure 19***. The property is serviced with a full range of utilities including power, water, sewer and telecommunications.

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Figure 19
Street view looking south down Station Lane from Union Road
(image courtesy of Google Earth Pro)

6.0 LANDSCAPING

6.1 Existing Vegetation

The property is occupied by a single storey dwelling and garage with thirteen (13) trees and suburban gardens as described in the attached **Pre-development Tree Assessment Report** prepared by ***Nada Kbar***.

The existing thirteen (13) trees are mix of exotic and native Australian species, none of which have any special significance in regards to heritage/environment values as indicated in the Penrith Local Environment Plan 2010 (LEP).

The site is in a neglected state. The existing trees have been left unattended for a prolonged period of time allowing many invasive species to establish and grow. The majority of trees on the subject site have had lack of maintenance over in recent years. This has resulted in the presence of many structural and major defects with some trees being invaded by climbing Cactus (*Epiphyllum hookeri*) and Flame vine (*Pyrostegia venusta*).

Regardless of their location in relation to the proposed development, amongst the thirteen trees that have been identified on the site plan, only two (2) trees are considered healthy and in a good condition (T1 & T7). All other trees are either dead or in a declining state. All trees on the site are identified for removal based on their current condition.

6.2 Proposed Landscaping

The application for the proposed residential flat building and site access will include:-

(i) the removal of the existing trees as described in the **Pre-development Tree Assessment Report** prepared by ***Nada Kbar***;
(ii) formal plantings adjacent to and surrounding the proposed residential flat building; and
(iii) formal landscaping within the ground level communal area on the western side of the subject site which include the proposed rain garden and bio-retention basin

Details are shown on the attached **Landscape Concept Plan** prepared by ***Vision Dynamics*** (Landscape Architects).

7.0 CONTOUR LEVELS

The attached **Site Survey Plan** prepared by ***John Lowe & Associates Pty Limited*** (Consulting Surveyors) shows the existing spot levels and contours over the subject area and are tied to Australian Height Datum. The land is generally level with contours ranging around RL27.3m AHD. The site fronts Station Lane and the Council owned land known as Lot 18 in DP122079. The southern boundary is bounded by Council existing open drainage channel.

8.0 STORMWATER DRAINAGE

8.1 Existing Stormwater Drainage

The site is currently occupied by a single storey brick dwelling with tile roof and garage which discharges via a series of gutters, pits and pipelines all roof water to Council's drainage channel on the southern boundary.

8.2 Proposed Stormwater Details

The attached **Concept Stormwater Management Plan** drawings prepared by ***SGC Consulting Engineers*** details the method of stormwater disposal for the proposed residential development. The plan have been prepared in accordance with Part C3 – *Water Management* of the Penrith Development Control Plan 2014.

The engineering plans include:-

(i) carpark pump/pit details;
(ii) ground level stormwater details (including pits and pipelines);
(iii) bio-retention details;
(iv) erosion and sedimentation controls; and
(v) MUSIC modeling

The attached plans are accompanied by the attached **Flood Study** prepared by ***BMT WBM Pty Limited*** (Consulting Engineers) which addresses the issues raised by Council with regards to stormwater flows in January 2016 inundating the entire site as a result of the existing channel over topping.

The purpose of the report is to provide commentary around the design flood levels for the site in accordance with the requirements of the Penrith Local Environment Plan (LEP) 2010 Section 7.2 and the Penrith Development Control Plan (DCP) 2014 Chapter 3.5. The flood study for the site includes the analysis of the January 2016 rainfall event which reportedly inundated the site.

Final engineering details will be provided at Construction Certificate stage subject to appropriate consent conditions.

9.0 WATERWAYS/WATERCOURSES

The subject site is located adjacent to Council's existing open drainage channel as shown in ***Figure 20***.

Figure 20
Extract from the Penrith Overland Flood Study TUFLO Schematisation 1D and 2D Models

10.0 FLOODING

10.1 General

Planning issues associated with site flooding are addressed in Section 2.1.7 - *Flood Planning.* Whilst the subject lands are not identified on the Flood Planning Land Map, Council has advised during the previous pre-application process that the site is affected by local overland flow flooding in a 1% AEP Storm. The site has been identified as being located adjacent to a floodway/channel. Although Council had issued flood levels on the 3rd July 2017 with a flood level of 27.10m AHD, the site has recently been affected by overland flows in January 2016 inundating the entire site as a result of the existing channel over topping. A detailed assessment of the possible overland flows affecting the property in the form of an Overland Flow Flood Report therefore needed to be prepared by a suitably qualified flooding engineering as part of the development application process.

The attached **Flood Study** prepared by ***BMT WBM Pty Limited*** (Consulting Engineers) addresses the issues raised by Council. The purpose of the report is to provide commentary around the design flood levels for the site in accordance with the requirements of the Penrith Local Environment Plan (LEP) 2010 Section 7.2 and the Penrith Development Control Plan (DCP) 2014 Chapter 3.5. The flood study for the site includes the analysis of the January 2016 rainfall event which reportedly inundated the site.

Based on the information contained within the pre-DA meeting minutes (ref: *PRE DA MEETING PL180012 1 Station Lane Penrith.pdf*), the peak 1% AEP flood level and FPL for the site identified by Council is 27.10 m AHD and 27.6 m AHD respectively. Whilst BMT could not replicate this level exactly (-0.2 m difference in simulated 1% AEP levels) using the TUFLOW model provided (refer Section 2.2), BMT did not identify any significant issues that would result in the simulation of inappropriate design flood levels.

With regard to the inundation of the site as a result of the January 2016, the assessment identified the following:-

(i) the January 2016 rainfall event was approximately equivalent to a 2% AEP event (based on a comparison with the design rainfall hyetographs applied to Council's model as RoG);
(ii) the inundation of the site can be attributed to a combination of mainstream inundation from the open channel to the south of the site and overland flow originating from Union Street to the north of the site;
(iii) the study site was inundated to a depth of <20 cm;
(iv) Peak flood levels in the channel were potentially elevated due to a downstream structure blockage resulting in the overtopping of the channel bank; and
(v) Councils model would likely show the site as inundated by shallow floodwaters during the 1% AEP event but this inundation is removed via filtering of shallow depths <0.15 m.

The observed flood inundation of the site for the January 2016 event exceeds Council's 1% AEP design flood levels based on the existing flood modelling. The BMT review of the existing model did not identify any significant issues that would suggest an underestimation of the design flood conditions.

The discrepancy between the observed January 2016 and design 1% AEP flood conditions may be attributable to blockage conditions in the local drainage network (particularly the Mulgoa Road culvert) and potentially higher catchment rainfall than recorded at the gauge for the event.

Accordingly, Council's existing flood modelling is considered appropriate for the site providing for an FPL of 27.6 m AHD for the proposed development at the site.

10.2 Proposed Mitigation Measures

No flood mitigation measures are proposed as the subject lands are not affected by the 1% AEP Flood Event.

10.3 Climate Change and Sea Level Rise

In relation to climate change and sea level rise, these effects will be felt through:-

(i) increased in intensity and frequency of storms, storm surges and coastal flooding;
(ii) increased salinity of rivers, bays and coastal aquifers resulting from saline intrusion;
(iii) increased coastal erosion;
(iv) inundation of low lying coastal communities and critical infrastructure;
(v) loss of important mangroves and other wetlands; and
(vi) impacts on marine ecosystems

There is a general lack of knowledge on the specifics of climate change and the likely impact it will have on the proposed commercial development. Government action may mitigate the impact of climate change and the question of sea level rise may be able to be addressed through the construction of containment works or through Council's policies that may be developed over time. In the absence of any detailed information, it is considered that such affects will have minimal impact on the proposed development.

11.0 CONSTRUCTION DETAILS

The design and location of proposed new generation boarding house is controlled by State Environmental Planning Policy (Affordable Rental Housing) 2009 and the Penrith Development Control Plan 2014 under Part C1 – *Site Planning and Design Principles.*

Where applicable, this report addresses each of the relevant SEPP provisions and DCP standards.

11.1 New Building Location/Design

The **Architectural Plans** (Rev 2) prepared by ***Prodoc Architects*** shows the location of the proposed boarding house, landscape areas and vehicle access arrangements. The proposed boarding house has been orientated north/south to align with and address the street alignment, as well as maximise north and west facing frontages maximising solar access.

11.2 Building Setbacks

The proposed building setbacks are shown on the **Architectural Plans** (REV 2) prepared by ***Prodoc Architects*** and are generally consistent with provision outlined in the State Environmental Planning Policy (Affordable Rental Housing) 2009.

In this instance, the existing building represents a subservient structure at the end of Station Lane with a standard six (6) metre setback from the laneway frontage. It is "hidden" away amongst three and four storey brick flats to the north, west and east. The intent of the proposal is to demolish the existing residential structure (which has deteriorated over recent years) and replace the outdated built form with a new residential boarding house that enhances the streetscape and is more appropriate in scale.

The site is unusual in that it seeks to amalgamate Lot 1 and Lot B2 (total area = 862.8m²). Lot 1 has been acquired from Penrith City Council as a former laneway which and, as a separate allotment, did not provide public frontage or legal access to Lot B2.

The laneway is six (6) metres wide. The north eastern corner of the building will be set back 6.0 metres from what is nominally the street frontage with the northern "side" setback 6.0 metres from the common boundary with the adjoining allotment.

The eastern setback is 6.0 metres with Level 5 setback nine (9) metres from the northern, southern and eastern boundaries.

There is no clear uniform building line in this instance. The aging dwelling is somewhat dysfunctional within its context amongst larger residential flat buildings without establishing a clear "rhythm of building and void". The surrounding buildings, in effect, create a predominant built form in which the existing residential dwelling is subservient. It is not practical (or beneficial) to retain this subservient form whereas the new development strives to reflect the surrounding form albeit to a higher design standard to that of the older residential flat buildings which seeks to enhance the urban character.

11.3 Construction Details

The proposed external finishes are shown in ***Figure 21***.

Figure 21
Extract from Architectural Plans – External Finishes
(image courtesy of Prodoc Architects)

The **Architectural Plans** (REV 2) prepared by ***Prodoc Architects*** show the proposed new generation boarding house and site works described in this report.

11.4 Elevations and Sections

The **Architectural Plans** (REV 2) prepared by ***Prodoc Architects*** show the proposed elevations for the proposed new generation boarding house.

11.5 Floor Areas and Density/Site Coverage

Density and Site Coverage are dealt with under Section 2.1.4 – *Floor Space Ratio/Site Coverage*

Clause 4.4 – *Floor Space Ratio* of the Penrith Environmental Plan 2010 deals with the issues relating to gross floor area and its relationship to the site area.

The **objectives** of this clause are to permit development of a bulk and scale that is appropriate for the site constraints, development potential and infrastructure capacity of the locality.

The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.

The subject lands do not have a designated floor space ratio (ie: the mapping is uncoloured) under the Penrith Local Environmental Plan 2010 as shown in ***Figure 7***.

The subject site has an area of 664.5m² with the adjoining (recently purchased) Lot 18 having an area of 198.3m². It is intended to consolidate the allotments giving a total site area of 862.8m².

As there are no FSR controls applicable in the Penrith LEP 2010, density is controlled by the height and setback provisions under:-

(v) the Penrith Local Environmental Plan 2010; and
(vi) Chapter C1 – *Site Planning and Design Principles* of the Penrith Development Control Plan 2014 together with the height controls in the LEP

In this instance, the building form is five (5) storeys and is well articulated such that the nominated setbacks incorporate adequate landscaping, open space and separation between buildings.

The proposed development therefore **COMPLIES** with Clause 4.4 – *Floor Space Ratio* of the Penrith Local Environmental Plan 2010 and the Penrith DCP 2014 provisions. Each of the provisions is discussed (where relevant) in the body of this report.

The relevant site statistics including the floor space ratio (FSR) are shown in ***Figure 22***. The floor space ratio for the proposed development in relation to the total site area (Lot B2 and Lot 18) only is **0.87 to 1** which is considerably less than the adjoining floor space ratio controls (ie: 3 to 1) on the north side of Union Road.

Deep Soil		
Site Area	Area	Deep Soil
862.8	221 m²	26%

Figure 22
Extract from Architectural Plans - Site Statistics
(courtesy of Prodoc Architects)

11.6 Building Height

Building height is dealt with under Section 2.1.3 – *Height of Buildings*.

Clause 4.3 – *Height of Buildings* deals with issues relating to building height and the impact on built form and amenity. The objectives of this clause are to permit a height of buildings that is appropriate for the site constraints, development potential and infrastructure capacity of the locality.

The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.

The subject lands are designated P and currently have a maximum height of 18.0 metres under the Penrith Local Environmental Plan 2010 as shown in ***Figure 23***.

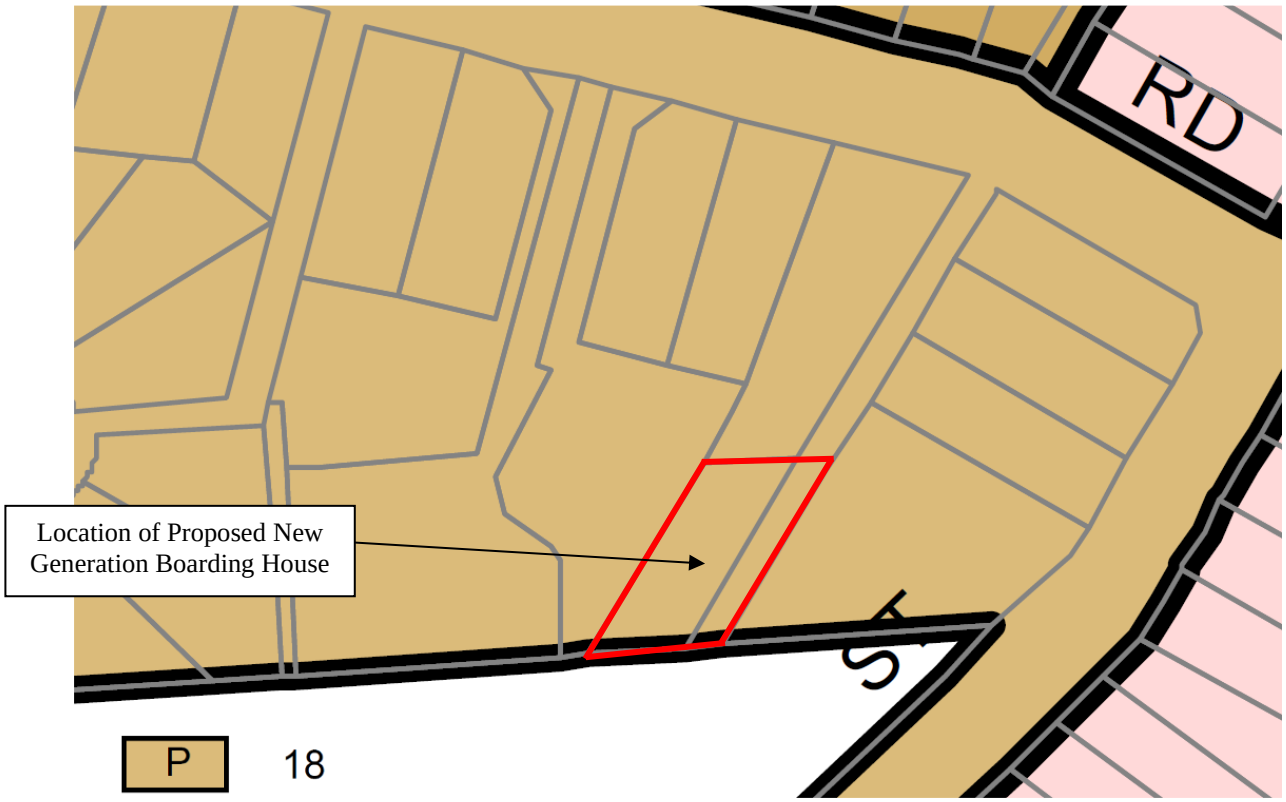

Figure 23
Extract from the Penrith Local Environmental Plan 2010 HOB_006
(courtesy of the Penrith City Council through the NSW Legislation website)

The height of the proposed new generation boarding house is shown on the attached **Architectural Plans** (REV 2) prepared by ***Prodoc Architects***. The proposed boarding house building **COMPLIES** with the provisions under Clause 4.3 with a maximum building height of 16.0 metres as shown ***Figure 24***.

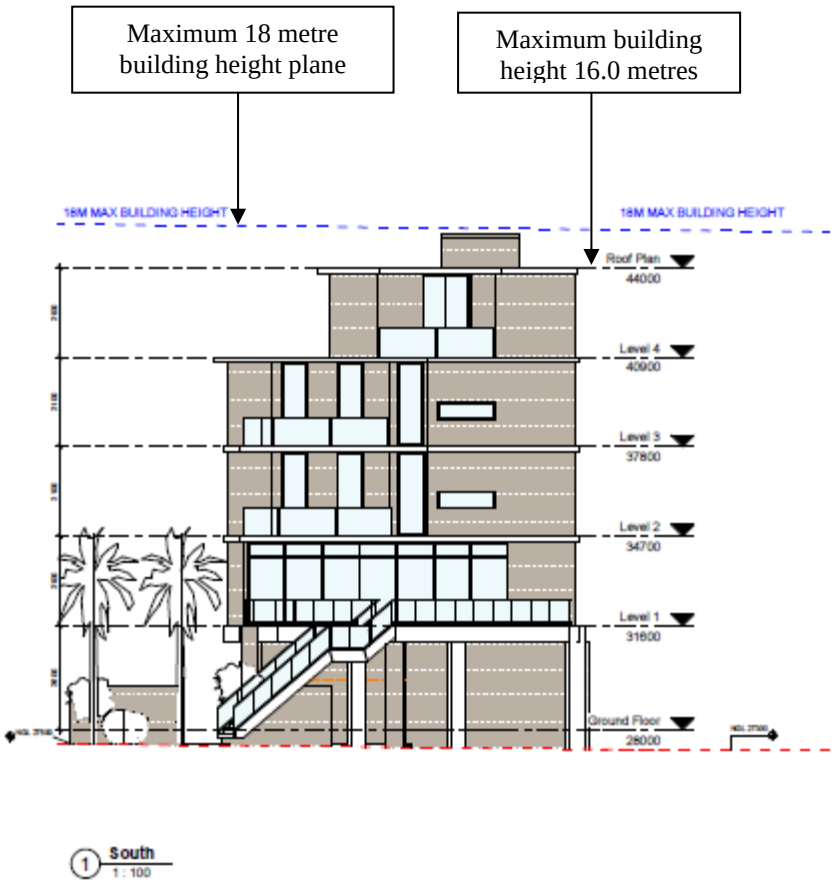

Figure 24
Extract from architectural plans showing maximum building height and 18.0m maximum height plane
(images courtesy of Antoine J. Saouma Architect)

Under the Penrith Local Environmental Plan 2010, the height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.

Subclause (2) of the Penrith Local Environmental Plan 2010 states:-

"*The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map*"

This is to ensure that the height of buildings is compatible with that of adjoining development and the overall streetscape and to minimise the impact of overshadowing, visual impact, and loss of privacy on adjoining properties and open space areas.

In this instance, the site is generally level and is located at the rear of Station Lane with the existing medium density three and four storey flat buildings to the west, north and east. There is no residential development to the south as the site overlooks Councils War Memorial Swimming Pool complex.

The existing dwelling will be demolished and the new five (5) storey boarding house development to be constructed with generous setbacks to the west and along the northern and eastern boundary providing separation to the adjoining developments.

The bulk of the proposed structure will be hidden from street view by the existing four storey building façade at #20 Station Lane located at the entry to the laneway (see ***Figure 25***).

Figure 25
Street View showing four storey development at #20 Station Lane to the north of the subject site
(image courtesy of Google Earth Pro)

From the west as viewed near #115 Station Street, the proposed building is hidden from view by the existing four storey brick flat building and large trees adjacent to the drainage reserve and Penrith War Memorial Swimming Pool (see ***Figure 26***).

It is considered that the design ensures that the building height represents a reasonable transition between the existing three and four storey built form which dates from the 1970's and 1980's to the current five (5) storey outcomes anticipated in the Penrith Local Environmental Plan 2010 (ie: 18m = 6 storeys @ 3m per level). In fact, the proposed new generation boarding house represents a considerable improvement to the dated architectural quality of the current streetscape.

Further, the effective building height will not have any significant additional visual impact on the adjoining property to the west, north and east nor create any significant additional loss in privacy due to its positioning at the end of the laneway with generous setbacks from the west and existing separation from the laneway frontage. The proposal will have no significant impact on the areas of private open space within the development.

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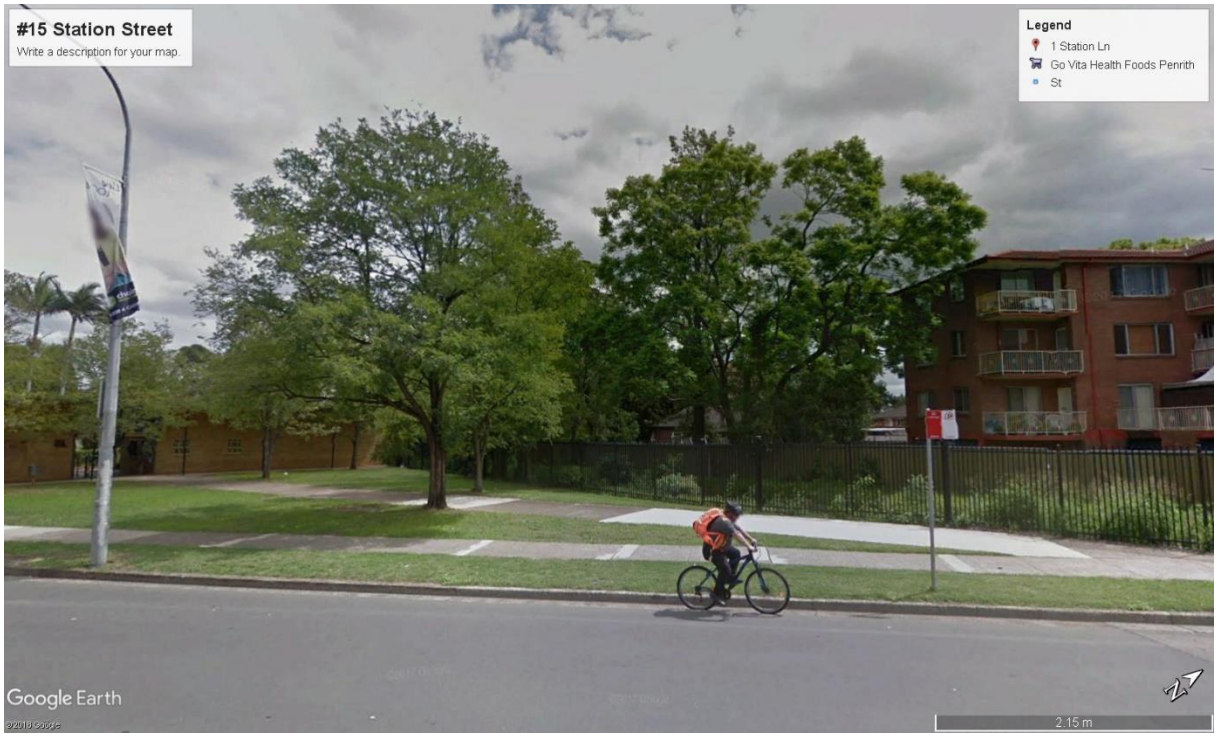

Figure 26
Street View showing four storey development at #115 Station Street to the south west of the subject site
(image courtesy of Google Earth Pro)

The architect for the project, ***Antoine J. Saouma Architect***, has designed the proposed new generation boarding house development in such a manner as to:-

(iv) produce a high quality residential development that provides a high level of articulation and effective and efficient floor space;
(v) optimize the development outcomes for the site whilst being mindful of bulk and scale; and
(vi) improve yields and development viability in line with both Council's and the public expectations for the precinct

The proposed building height is considered to be reasonable when considered within the context of the overall streetscape with its primary frontage to Station Lane and the intent of the Penrith Local Environmental Plan 2010.

Based on the above assessment, the attached architectural plans and the submitted supporting documents, it is considered that the proposed new generation boarding house development will deliver a satisfactory planning outcome for the following reasons:-

(v) it complies with and is responsive to the intent of the Penrith Local Environmental Plan 2010 which anticipates up to a six (6) storey built form;
(vi) the proposal is responsive to the intent of the Penrith Development Control Plan;
(vii) the proposal fully utilises the available area within the Penrith residential precinct that seeks higher density residential development outcomes; and
(viii) meets the desired future character of the precinct

11.7 Accessibility Assessment

The attached **Access Review Report** has been prepared ***Lindsay Perry Access*** to identify the extent of compliance achieved by the architectural documentation against the relevant provisions of the Australian Standard AS4299 (1995) – Adaptable Housing.

The proposed development will comprise four (4) levels containing boarding house rooms and ground level under-croft car parking. The purpose of this report is to provide an accessibility review of the subject development to ascertain whether the development is consistent with access to premises requirements for a proposed boarding house development.

12.0 TRAFFIC MANAGEMENT

The attached **Traffic Management Report** prepared by ***TTPA Consulting Traffic Engineers*** assesses the traffic and parking implications of the development proposal.

12.1 Existing Traffic Controls

The existing traffic controls which apply to the road network in the vicinity of the site include:-

(i) a 50 km/h SPEED LIMIT which applies to Union Road;
(ii) a 50 km/h SPEED LIMIT which applies to Station Lane;
(iii) TRAFFIC SIGNALS in Union Road where it intersects with Worth Street, with all turning movements permitted; and
(iv) a ROUNDABOUT in Union Road where it intersects with Station Street

The subject site fronts Station Lane which is bitumen sealed with a full range of services (see ***Figure 27***). The existing dwelling has access off the former Station Lane (now Lot 18) which services the existing garage. All access points will be removed and replaced by a single ingress/egress to service the proposed ground level under-croft car park as shown on the attached **Architectural Plans** (REV 2) prepared by ***Prodoc Architects***.

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Figure 27
Street View showing existing road infrastructure
(image courtesy of Google Earth Pro)

12.2 Proposed Parking Provisions

The attached **Architectural Plans** prepared by ***Prodoc Architects*** show the proposed ingress/egress point off Station Lane which services the proposed ground level parking area with a capacity of twelve (12) car parking spaces including two (2) spaces for people with disabilities

An assessment is made based on the provisions contained within the State Environmental Planning Policy (Affordable Rental Housing) 2009.

Subclause 29(e) - Parking states that consent cannot be refused if:-

(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

(ii) in the case of development carried out by or on behalf of a social housing provider not in an accessible area—at least 0.4 parking spaces are provided for each boarding room; and

(iii) in the case of development not carried out by or on behalf of a social housing provider—at least 0.5 parking spaces are provided for each boarding room; and

(iv) in the case of any development—not more than 1 parking space is provided for each person employed in connection with the development and who is resident on site,

Compliance with the provisions under State Environmental Planning Policy (Affordable Rental Housing) 2009 is shown in **Table 4**:-

Type	No. of Units	Rate	Parking Required	Parking Provided
Boarding house	24	0.5/room	12	12
		Total	12	12

Table 4
Compliance with Clause 29(e) of State Environmental Planning Policy (Affordable Rental Housing) 2009.

The proposed development makes provision for a total of twelve (12) off-street car parking spaces and therefore **COMPLIES** with the State Environmental Planning Policy (Affordable Rental Housing) 2009 requirements.

12.3 Traffic Movements

The RMS Development Guidelines do not specify peak traffic generation criteria relevant to boarding houses; however, the traffic generation of the proposed development will be limited to that of:-

(i) twelve (12) car spaces; and
(ii) three (3) motorcycle spaces

The RMS Guidelines for high-density apartments indicate a peak traffic generation rate of 0.29 vtph. The parking requirement for boarding houses is somewhat lower than standard apartments; hence residents will be less likely to depend on private vehicles. Nevertheless, if the higher apartment rate (0.29) is applied to the boarding house complex (to provide a conservative basis) then the projected outcome would be as follows in Table 5:-

Table 5
Traffic Generation Rate

AM		PM	
IN	OUT	IN	OUT
1	7	1	7

Traffic movements of this minor magnitude being equivalent to 1 vehicle movement every 8-9 minutes will not present any undue capacity, safety, or environmental impacts on the existing road networks.

The projected increase in traffic activity as a consequence of the development proposal is considered *minimal*, consistent with the R4 zoning objective of the area, and will clearly not have any unacceptable traffic implications in terms of road network capacity, nor will any mitigation measures be required to ameliorate any impacts.

13.0 SITE WASTE MANAGEMENT

The Penrith Development Control Plan 2014 Volume 1 Part C5 – *Waste Management* deals with issues related to site waste management. The objective of the policy is to facilitate sustainable waste management within the City of Penrith in accordance with the principles of Ecologically Sustainable Development;

The desired outcomes of the policy are:-

(i) to manage waste in accordance with the "Waste Hierarchy";
(ii) to assist in achieving Federal and State Government waste minimisation targets as set out in the *Waste Avoidance and Resource Recovery Act 2001* and *NSW Waste Avoidance and Resource Recovery Strategy 2007*; and
(iii) to minimise the overall environmental impacts of waste

It requires that a Waste Management Plan be prepared in accordance with Council guidelines and submitted with the development application, to address demolition and construction waste.

13.1 Garbage Collection Points

The proposed boarding house will be serviced by Council's current waste services contractor. MGB's will be stored within the proposed garage collection room on the ground level as shown in the attached Architectural Plans. The garbage collection room has the capacity to store:-

(i) 4 x 240 litre general waste bins (collection twice weekly);
(ii) 6 x 240 litre recyclable waste bins (collection weekly); and
(iii) green waste by private landscape contractor

In addition, provision is made on each level for 1 x 240 litre general waste and 1 x 240 litre recyclables MGB adjacent to the laundry facilities.

13.2 Controls for Site Waste Management

An **Operational Waste Management Plan** prepared by ***Elephants Foot*** (Waste Management Consultants) is attached which details the waste generated and the method of disposal. The Operational Waste Management Plan has been undertaken in accordance with the requirements of Part C – *City Wide Controls* Section C5 – *Waste Management* of the Penrith Development Control Plan 2014.

14.0 EXTENT OF CUT/FILL

The proposed development involve any significant degree of site excavation as shown on the **Architectural Plans** (REV 2) prepared by ***Prodoc Architects***.

It is expected that appropriate conditions of consent will be applied should approval be granted requiring the submission of final structural and engineering design plans. The extent of excavation is dealt with under Section 2.1.5 – *Earthworks*.

Clause 6.2 – *Earthworks* of the Penrith Local Environmental Plan 2010 deals with issues associated with the impact of excavation and earthworks. The **objective** of this clause is to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.

The attached **Preliminary Site Investigation** prepared by ***Benviron Group*** (Geotechnical Engineers) addresses the issues relating to sub-surface conditions.

15.0 EROSION AND SEDIMENTATION CONTROL

Preliminary erosion or sedimentation controls are shown on the attached **Stormwater Concept Plan** prepared by ***SGC Consulting Engineers***.

Final details will be provided at Construction Certificate stage subject to appropriate conditions of consent and will be installed and maintained in accordance with Part C – *City Wide Controls* Section C4 – Land Management Clause 4.3 – *Erosion and Sedimentation* of the Penrith Development Control Plan 2014. Full engineering details will be provided in accordance with appropriate conditions of consent as required by Penrith City Council. Works will include the installation of sediment fences around the perimeter of the site area, stormwater inlet protection and diversion drains where necessary.

16.0 ROAD FORMATIONS

16.1 Existing Road Formation

The development fronts Station Lane which is bitumen sealed with a full range of services. Whilst the road reserve is a standard 6 metres wide, the existing road pavement is engineered for two way traffic movements as shown in ***Figure 28***.

16.2 Road Upgrading

No road upgrading is required as part of this application other than transitioning the proposed access driveway to the existing road pavement.

Figure 28
Street View showing the road conditions at the entry to Station Lane
(image courtesy of Google Earth Pro)

16.3 Road Upgrading

No road upgrading is required as part of this application other than transitioning the proposed access driveway to the existing road pavement.

17.0 CLEARING

The proposed development will necessitate clearing of the existing thirteen (13) trees as described in the attached **Pre-development Tree Assessment Report** prepared by ***Nada Kbar***.

The existing thirteen (13) trees are mix of exotic and native Australian species, none of which have any special significance in regards to heritage/environment values as indicated in the Penrith Local Environment Plan 2010 (LEP).

The site is in a neglected state. The existing trees have been left unattended for a prolonged period of time allowing many invasive species to establish and grow. The majority of trees on the subject site have had lack of maintenance over in recent years. This has resulted in the presence of many structural and major defects with some trees being invaded by climbing Cactus (*Epiphyllum hookeri*) and Flame vine (*Pyrostegia venusta*).

Regardless of their location in relation to the proposed development, amongst the thirteen trees that have been identified on the site plan, only two (2) trees are considered healthy and in a good condition (T1 & T7). All other trees are either dead or in a declining state. All trees on the site are identified for removal based on their current condition.

18.0 PUBLIC UTILITIES AND SERVICES

The following information in relation to existing services and utilities was provided by Dial Before You Dig. Association of Australian Dial Before You Dig Services Ltd. does not maintain information regarding the location of underground assets. DBYD merely facilitates communication between the users of this service and Members/Participants. DBYD is not responsible for the accuracy of information received from users of this service, as to proposed excavation activity. There are also owners of underground assets which do not participate in the referral service operated by DBYD. Therefore, DBYD cannot make any representation or warranty as to the accuracy, reliability or completeness of the information contained in this notice. DBYD and its employees, agents and consultants shall have no liability (except insofar as liability under any statute cannot be excluded) arising in respect thereof or in any other way for errors or omissions including responsibility to any person by reason of negligence.

All users of this service acknowledge that they have a duty of care to observe with regards to underground networks when digging or excavating. All services should be located by survey prior to the commencement of all works.

18.1 Sewer Services

The site is currently serviced from Sydney Water's existing 150mm diameter VC gravity sewer main which is located within the carriageway of Station Lane as shown in ***Figure 29***.

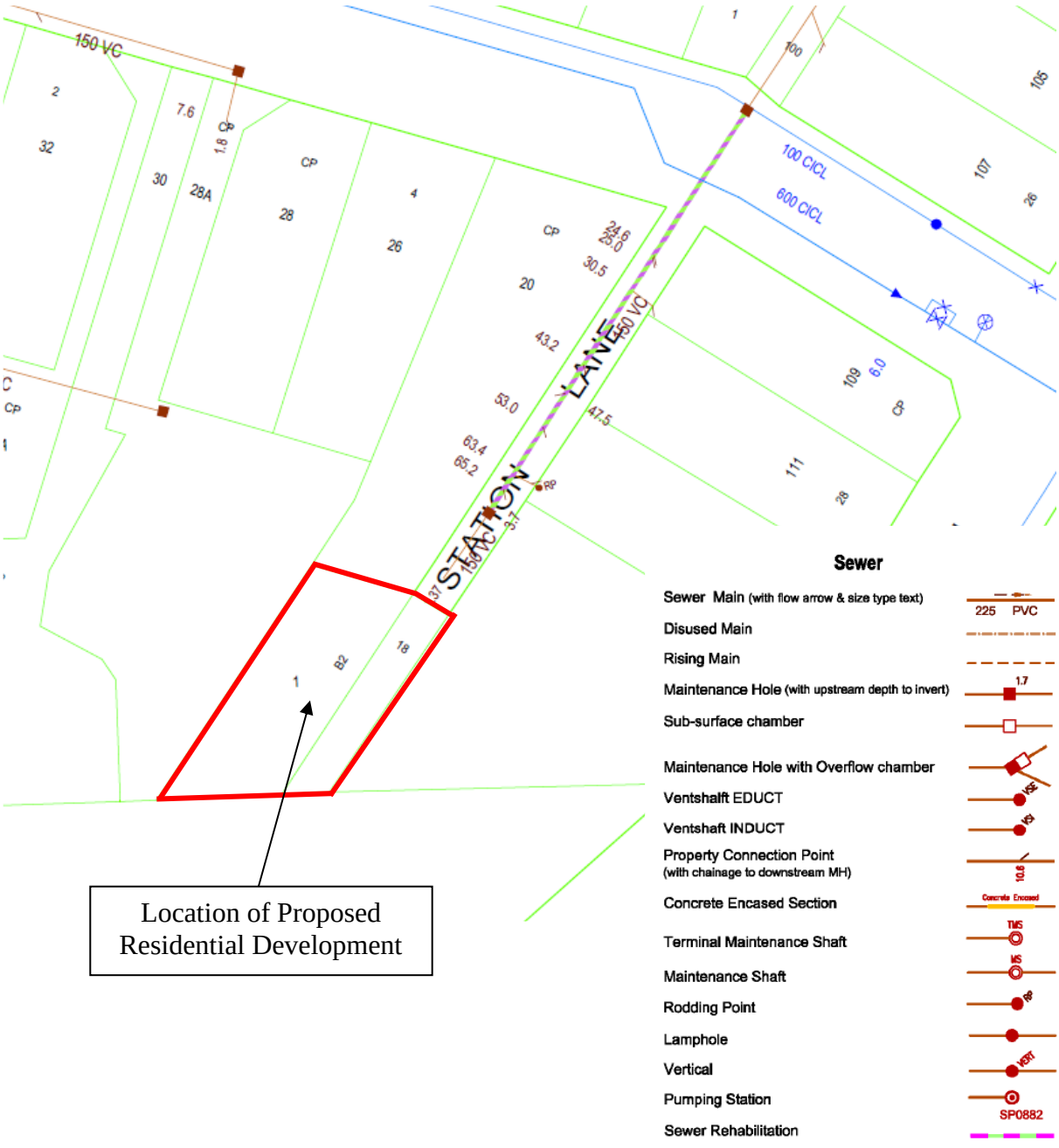

Figure 29
Extract from Sydney Waters Infrastructure Mapping
(image courtesy of Sydney Water through the Dial Before You Dig portal)

18.2 Water Reticulation

Sydney Water provides water supply from an existing 100mm diameter CICL water main located on the northern side of Union Street (see ***Figure 30***). The proposed boarding house development can connect to water authority's water supply system.

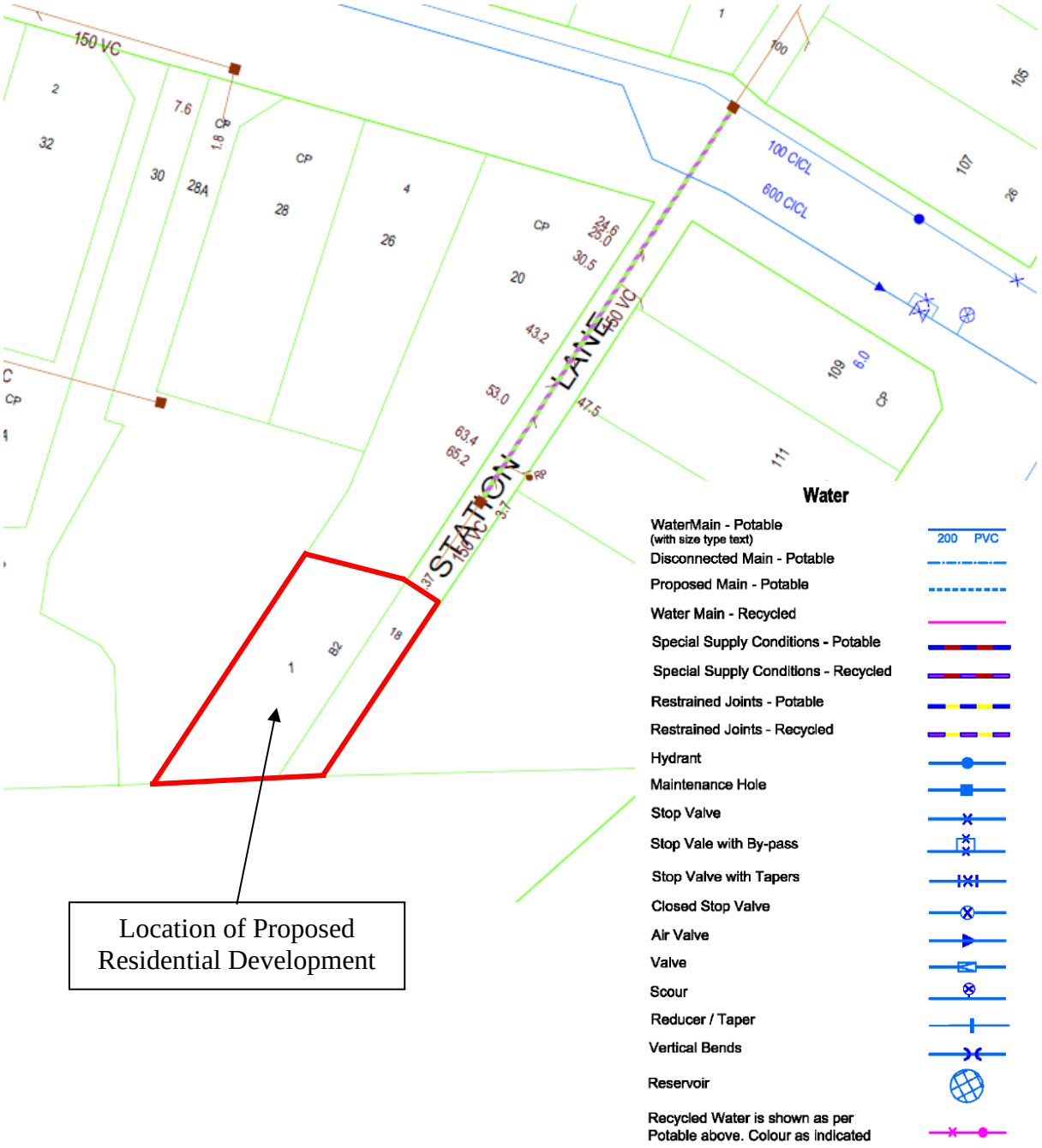

Figure 30
Extract from Sydney Waters Infrastructure Mapping
(image courtesy of Sydney Water through the Dial Before You Dig portal)

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18.3 Power Supply

The site is serviced from existing Endeavour Energy underground power lines in Station Lane as shown in ***Figure 31***. The existing dwelling is currently connected to the local power grid. The proposed boarding house development can be connected to the power grid subject to application to Endeavour Energy.

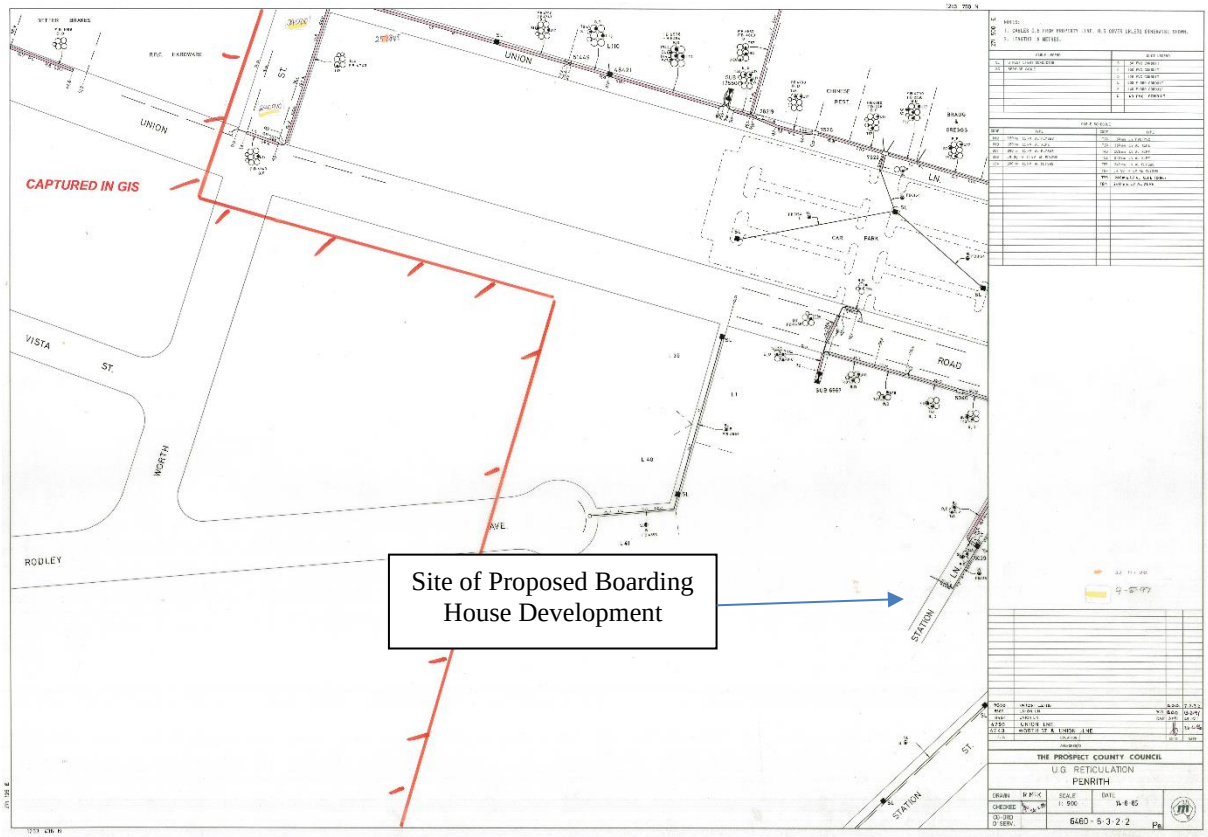

Figure 31
Extract from the Endeavour Energy's Infrastructure Mapping
(image courtesy of Endeavour Energy through the Dial Before You Dig portal)

18.4 Telecommunications

NBN Co. has underground telecommunications cables available in Station Lane as shown in ***Figure 32***. The existing dwelling is currently connected to the local telecommunications network. The proposed boarding house development will be able to access the existing services subject to application to NBN Co.

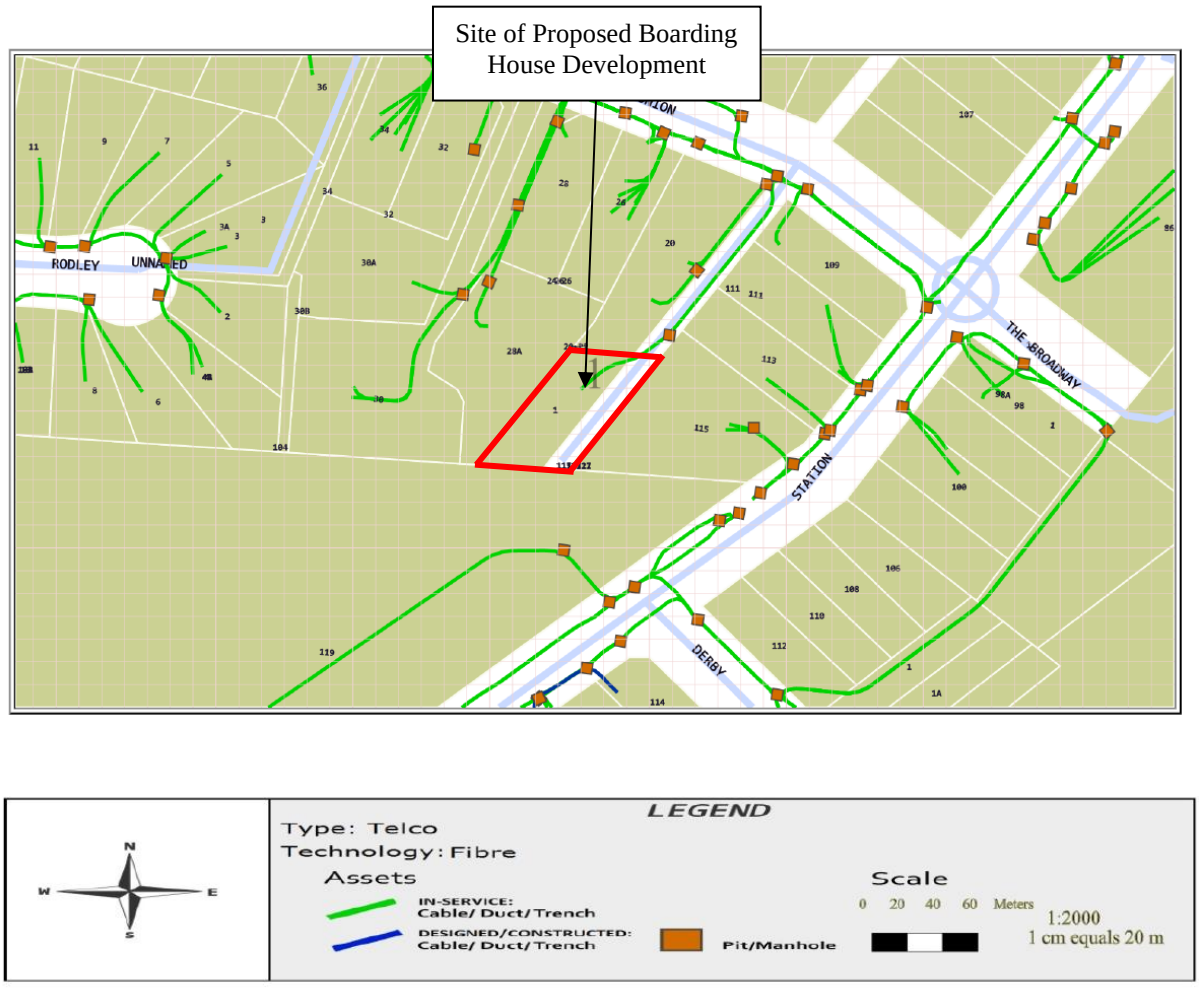

Figure 32
Extract from the NBN Co's Infrastructure Mapping
(image courtesy of NBN Co. through the Dial Before You Dig portal)

18.5 Gas Reticulation

Jemena currently has a 200mm 0.8-2.5 MBL high pressure gas mains in Station Lane and in the vicinity of the development site as shown in ***Figure 33***.

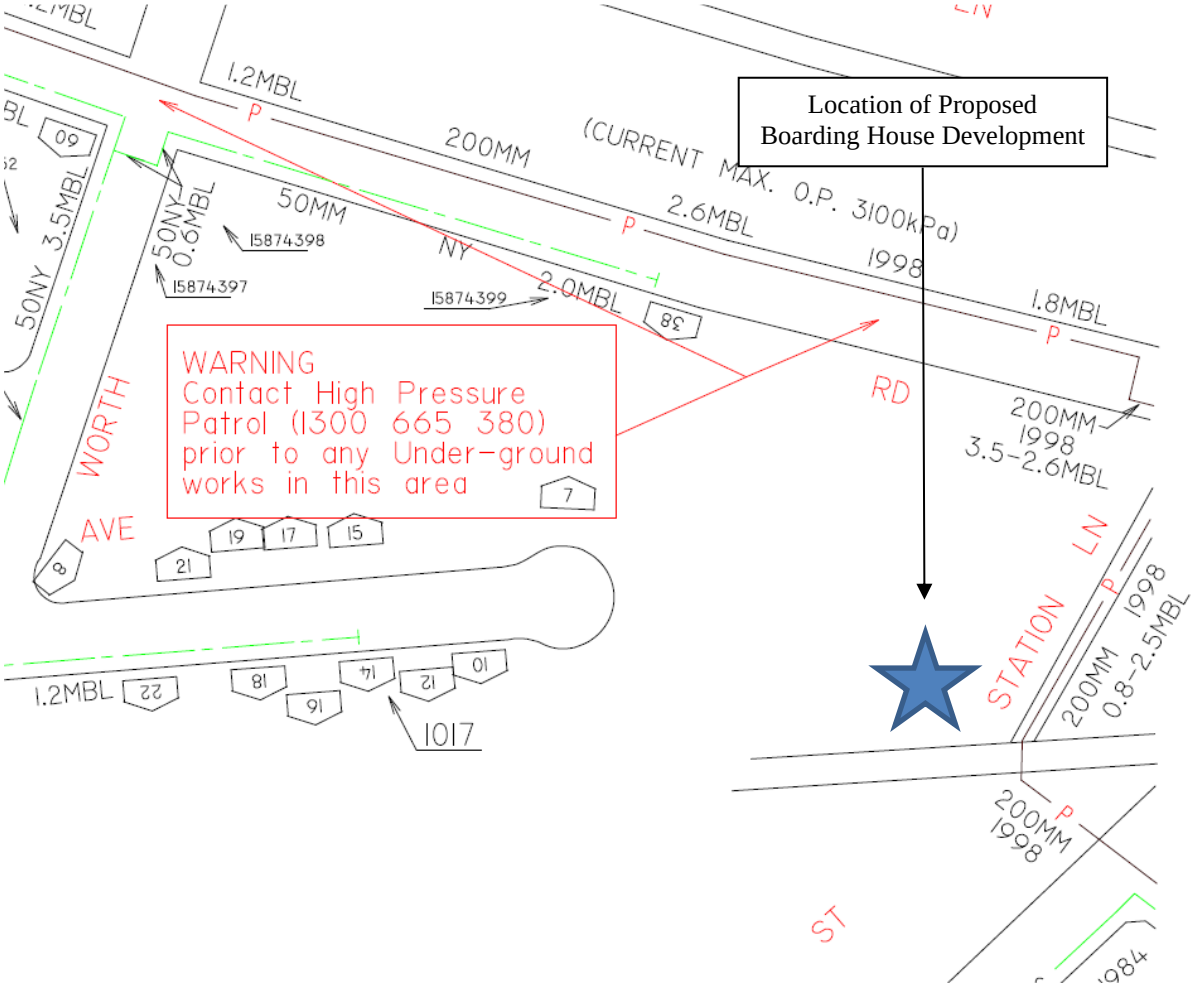

Figure 33
Extract from the Jemena Infrastructure Mapping
(image courtesy of Jemena through the Dial Before You Dig portal)

19.0 STATEMENT OF ENVIRONMENTAL EFFECTS:

The proposed new generation boarding house will have some effect on the local environment as will any high density residential development project. The following details highlight the measures proposed to reduce the potential effects of the development. All measures will be incorporated into the development so as to create an environmentally acceptable development proposal.

19.1 Flora Effects

The subject area of the residential development is already cleared of much of the original vegetation. Thirteen (13) remnant trees remain which will require removal as detailed in the attached **Pre-development Tree Assessment Report** prepared by ***Nada Kbar*** (see Section 17.0 – *Clearing*). However, extensive landscaping is proposed to offset tree loss as shown on the attached **Landscape Concept Plan** prepared by ***Vision Dynamics*** (Landscape Architects). The development will not adversely impact on any rare or endangered flora species. Nor will any wildlife corridors or habitat be affected as a result of the proposed works.

19.2 Fauna Effects

Most of the native vegetation, as described above, has been removed from the site. Therefore, the development will not adversely impact on any rare or endangered fauna species. Nor will any wildlife corridors or habitat be affected as a result of the proposed works. No significant natural fauna exists on the site.

19.3 Traffic Effects

As all the works are primarily within the property, the proposed application is not expected to adversely impact on traffic movements in Station Lane or Union Street nor adversely impact of local traffic circulation. See Section 12 – *Traffic Management* for further details. The attached **Traffic and Parking Assessment** prepared by ***TTPA Traffic Engineers*** assesses the traffic and parking implications of the development proposal.

Station Lane is a bitumen sealed laneway provided two way traffic access. All existing infrastructure is contained within the Council's road reserve.

The projected increase in traffic activity as a consequence of the development proposal is minimal, consistent with the R4 zoning objective of the area, and will clearly not have any unacceptable traffic implications in terms of road network capacity, nor will any mitigation measures be required to ameliorate any impacts.

19.4 Noise Effects

The attached **Acoustic (Traffic & Environmental Noise) Report** prepared by ***Acoustic Vibration & Noise Pty Limited*** was undertaken to determine the building materials to be used and the construction methods to be adopted such that the proposed development is built to achieve acceptable internal noise levels as per Penrith City Council's requirements under Part C – *City Wide Controls* Section C12 – *Noise and Vibration* of the Penrith Development Control Plan 2014.

The proposed new generation boarding house abuts existing residential dwellings and medium density housing to north and east of the site. The adjoining properties have varied setbacks with appropriate separation distances. As a result of the proposed construction works, some short term noise impacts will be experienced. However, such noise levels are not expected to cause any detrimental effects on the neighbourhood and once works are completed, background noise will return to current levels.

The Acoustic Report concludes that construction of the proposed boarding house development, if carried out as recommended in the plans and specifications and including the acoustic recommendations in the report, will meet the required noise reduction levels as required in:-

(i) Clause 102 of the State Environmental Planning Policy – (Infrastructure) 2007;
(ii) NSW Road Noise Policy;
(iii) Australian Standards AS 3671 "Traffic Noise Intrusion Building Siting and Construction";
(iv) AS 2107 "Acoustics – Recommended Design Sound Levels and Reverberation Times"; and

(v) Part C – *City Wide Controls* Section C12 – *Noise and Vibration* of the Penrith Development Control Plan 2014

19.5 Visual Amenity Effects

19.5.1 *General*

The demolition of the existing dwelling and construction of the proposed boarding house will have some impact on the visual amenity of the property and the immediate precinct as significant works (including site clearing) will need to be undertaken to accommodate the development. This will be mitigated by a significant improvement of the streetscape through the high quality architectural design and external finishes (as shown on the attached **Architectural Plans** (REV 2) prepared by ***Prodoc Architects*** together with substantial landscaping (as shown on the attached **Landscape Concept Plan**).

19.5.2 *Desired Character*

Consistent with the desired character, it is considered that the proposed new generation boarding house development, access and site works complies with the desired character in that:-

(i) the proposal compliments the proposed developments currently under construction in the Penrith commercial precinct as is supported by active landscape management;
(ii) the proposal does not significantly impact on the natural qualities of surrounding medium density properties; and
(iii) the proposal is consistent with the requirements of the State Environmental Planning Policy (Affordable Rental Housing) 2009

19.6 Air Quality Effects

In the short term, the potential effects on the air quality will be limited to those effects caused by the construction works emanating from emissions from construction machinery and motor vehicle exhausts associated with the building works.

Atmospheric pollutants caused by such emissions are not expected to have a significant effect on the surrounding area. When access alterations, site works and front fencing is completed, impacts on air quality caused by the operation of the development will not be appreciably greater than that currently experienced.

19.7 Erosion and Sedimentation Effects

Preliminary erosion or sedimentation controls are shown on the attached **Stormwater Concept Plan** prepared by ***SGC Consulting Engineers***. Final details will be provided at Construction Certificate stage subject to appropriate conditions of consent and will be installed and maintained in accordance with Part C – *City Wide Controls* Section C4 – Land Management Clause 4.3 – *Erosion and Sedimentation* of the Penrith Development Control Plan 2014. Full engineering details will be provided in accordance with appropriate conditions of consent as required by Penrith City Council. Works will include the installation of sediment fences around the perimeter of the site area, stormwater inlet protection and diversion drains where necessary.

19.8 Socio-Economic Effects

The applicant strongly believes in the benefits of boarding houses to the community. They promote community connectivity in an increasingly isolated society, improved density opportunities around infrastructure like transport and work hubs, contribute to suburb diversity and access for young property buyers into areas they may not be able to afford.

Introduced on the 31st July 2009, the state government's affordable housing provisions (AHSEPP) included incentives that permitted developers to build and lease smaller, and therefore cheaper micro apartments in buildings of a larger scale than otherwise permitted in low-density areas and the concept of new age boarding houses had risen.

These new generation boarding houses offer self-contained furnished studios from 12m² to 25m² with all utilities included in the rent or occupancy fee to people like young professionals, middle-aged people, divorcees and retired people who are squeezed out of the housing market because of the affordability gap between home ownership and their incomes.

The proposed new generation boarding house will have numerous positive socio-economic benefits including:-

(i) increasing the range and choice of housing accommodation within walking distance to the Penrith commercial centre, services and public transport;
(ii) the provision of a high quality new generation boarding house that will improve the standard of residential development close to Penrith Rail Station;
(iii) improving the amenity of the precinct and complement adjoining development to the north and east of the site; and
(iv) the provision of short term construction jobs

This application is supported by the attached **Social Impact Assessment** prepared by ***Sarah George Consulting***. The Social Impact Assessment assesses the potential impacts generated by the proposed boarding house development.

The report concludes that the subject site represents a suitable and appropriate location for a boarding house given its proximity to public transport, local shops and services such as medical centres. The proposed development is unlikely to generate any long term negative social impacts, but has the potential to generate several positive impacts, including:-

(i) provision of affordable housing for key workers, older people, students, people with a disability, and those on low incomes;
(ii) increasing the diversity of residents of the area;
(iii) contributing to the diversity of housing size and options in the areas;
(iv) contribution to the affordable housing stock in the Penrith LGA; and
(v) employment in the construction and fit out of the proposed boarding house

The Social Impact Assessment concludes that there are no reasons from a social planning perspective to refuse the application.

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19.9 Crime Prevention Through Environmental Design

Crime Prevention Through Environmental Design (CPTED) is a crime prevention strategy that focuses on the planning, design and structure of cities and neighbourhoods. It includes the built environment, open space (including passive recreation space), pedestrian and transport corridors, conflicts of land use etc.

CPTED aims to reduce opportunities for crime by using design and place management principles that reduce the likelihood of essential crime 'ingredients' (ie: law, offender, victim or target, opportunity) from intersecting in time and space.

In practice this means that predatory offenders often make 'cost benefit assessment' of potential victims and locations before committing crime. CPTED aims to create the reality (or perception) that the costs of committing crime are greater than the likely benefits. This is achieved by creating environmental and social conditions that:

(i) maximise risk to offenders (increasing the likelihood of detection, challenge and apprehension);
(ii) maximise the effort required to commit crime (increasing the time, energy and resources required to commit crime);
(iii) minimise the actual and perceived benefits of crime (removing, minimising or concealing crime attractors and rewards); and
(iv) minimise excuse making opportunities (removing conditions that encourage / facilitate rationalisation of inappropriate behaviour).

CPTED employs four key strategies. These are:-

(i) territorial re-enforcement,
(ii) surveillance,
(iii) access control, and
(iv) space/activity management.

The following strategies are to be included in the development:-

Territorial Re-enforcement

The use of vegetation will assist in creating territorial reinforcement along the Station Lane property boundary. The attached **Landscape Masterplan** prepared by ***Vision Dynamics*** ensures that:-

(i) vegetation does not inhibit a "line of sight" into the development when looking into the development from outside;
(ii) heavy vegetation has been avoided at the entrance areas of the buildings so as not to provide concealment opportunities; and
(iii) lighting will be used at key entry points so as to assist in identifying the transition between public and private land

Surveillance

The proposed landscaping has been designed so as not inhibit natural surveillance (ie: block sight lines) nor provide concealment and entrapment opportunities.

In selecting and maintaining the proposed vegetation, consideration has been given to the possibility of areas becoming entrapment sites in the future. Shrubs are not greater than 1 metre in height and the canopy of the tall street trees are to be higher than six (6) metres.

The new generation boarding house has been designed so as not inhibit natural surveillance (ie: block sight lines) nor provide concealment and entrapment opportunities. It has been designed taking into consideration:-

(i) the Australian and New Zealand Lighting Standard 1158.1 – *Pedestrian* which requires lighting engineers and designers to consider crime risk and fear when selecting lamps and lighting levels; and
(ii) vision and surveillance in the under-croft car park area

Access controls

(i) all entry points (pedestrian and vehicle) are to be clearly signposted and identify the area as being private property; and
(ii) pedestrian access markings on site where car park crossings are located will be clearly indicated

Space / Activity Management

Directional signage is to be provided throughout the development. The signage is to be clear, legible and useful so as to aid way finding throughout the development (particularly around entry, under-croft car parking and administration areas).

Gardens, hard walls, fencing and perimeter landscaping is to be well maintained. Any evidence of anti-social behaviour (eg: graffiti, malicious damage, broken lights etc) is to be cleaned, fixed, made good and replaced within 24 hours. A Maintenance Plan is to be prepared for the site. The garbage bin areas are to be secured and kept clean at all times.

19.10 Geotechnical Effects/Site Excavation

19.10.1 *Preliminary Site Investigation*

The attached **Preliminary Site Investigation** (PSI) was prepared by ***Benviron Group*** (Geotechnical Engineers). The PSI was commissioned to determine the potential for onsite contamination arising from any areas of concern located within the site and its surrounding area. The appended report provides a preliminary assessment of any site contamination and, if required, provide a basis for a more detailed investigation.

Based on the results of Preliminary Site Investigation, it is considered that the risks to human health and the environment associated with soil and groundwater contamination at the site are low in the context of the proposed use of the site. The site is ***suitable*** for the proposed development, subject to the following recommendations:-

(iii) any soil requiring removal from the site, as part of future site works, should be classified in accordance with the "Waste Classification Guidelines, Part 1: Classifying Waste" NSW EPA (2014); and
(iv) an Asbestos Clearance Certificate is recommended to be completed once all existing buildings are structures have been demolished.

If during any potential site works any significant unexpected occurrence is identified, site works should cease in that area, at least temporarily, and the environmental consultant should be notified immediately to set up a response to this unexpected occurrence.

19.10.2 *Geotechnical Desktop Study*

The attached **Geotechnical Desktop Study** was prepared by ***Morrow Geotechnics Pty Limited***. The purpose of the GDS is to review available data and to provide geotechnical advice and recommendations addressing the following:-

(i) description of the anticipated surface and subsurface conditions at the site;
(ii) building and retaining wall foundation options, including preliminary design parameters;
(iii) approaches to limit potential impacts on adjacent structures, services, roads and tunnels;
(iv) construction constraints including groundwater management requirements, if necessary; and
(v) the requirement for additional geotechnical investigations.

Based on the expected subsurface conditions, the proposed development will likely be impacted by the following key geotechnical constraints:-

(i) any uncontrolled fill is likely to have poor engineering properties and be unsuitable for re-use as engineered fill. Unsuitable materials may be removed by screening;
(ii) excavation and retention to prevent lateral deflections and ground loss as a result of excavations;
(iii) pile socket conditions within gravel beds in the Penrith area; and
(iv) the potential for the proposed excavation works intersecting the groundwater table

Preliminary advice and recommendations associated with management of the above key geotechnical constraints are provided in the relevant sections of the **Geotechnical Desktop Study**.

19.11 Accessibility Impacts

It is instructive to note Chapter D2 – Residential Development of the Penrith Development Control Plan 2014 and in particular Clause 2.2.21 – *Accessibility and Adaptability*.

The **objective of the clause** is to ensure that dwellings are accessible to persons with impaired sight or partial mobility.

The DCP controls require that the development demonstrate that planning and design measures do not prevent access by people with disabilities. It is required that:-

(i) access pathways should slope gently and evenly, with a non-slip finish and no steps between the street frontage and principal building entrances;
(ii) stair nosings should have a distinctive colour and texture;

(iii) dwellings should have:
- dimensions consistent with AS 1428.1-Design for access and mobility;
- hallways at least 1m wide;
- circulation areas in bathrooms at least 1m wide.

Developments are also required to demonstrate that dwellings have been designed to meet the needs of an ageing population. It is required that:-

(i) incorporate design measures which are appropriate to people with disabilities;
(ii) employ lever-type door handles and traditional cruciform tap-handles;
(iii) provide for future low-cost modifications to bathrooms;
- future removal of hobs from shower recesses;
- provision for future attachment of grab-rails to walls;

(iv) provide for future low-cost modifications to kitchens including replacement of under bench shelves with drawers & attachment of grab-rails; and
(v) provide appropriate levels and location of lighting.

The attached **Access Report** prepared by Lindsay Perry Access addresses the accessibility requirements across a range of legislation including the:-

(i) Disability Discrimination Act;
(ii) Disability (Access to Premises - buildings) Standards 2010;
(iii) Building Code of Australia (BCA); and
(iv) AS1428 – Design for Access and Mobility

The attached report demonstrates that the fundamental aims of accessibility legislation are achievable within the proposed Boarding Homes project located at #1 Station Lane at Penrith. Spatial planning and general arrangements of facilities will offer inclusion for all building users.

20.0 ENVIRONMENTALLY SUSTAINABLE DEVELOPMENT

It is prudent to take into consideration the principles of ecologically sustainable development in the management and development of the area. These comments are in accordance with the *New South Wales (Australia) Local Government Amendment (Ecologically Sustainable Development) Act 1997*.

Effective integration of economic and environmental considerations is recommended in decision making processes through the implementation of the following processes:-

(i) The Precautionary Principle – namely, if there are threats of serious or irreversible environmental damage, lack of scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation.

The site is currently occupied by a single storey brick residential dwelling with numerous introduced and native trees together with typical suburban landscaping. The allotments to the north and east of the site have been cleared, modified and are currently being developed for medium density residential purposes. It is proposed to construct a new generation boarding house, under-croft parking and associated site works and remove some of the existing native and introduced vegetation.

There are no identified threats that would cause serious irreversible environmental damage nor any lack of scientific certainty in relation to the proposed development.

(ii) Inter-generational Equity – namely, that the present generation should ensure that the health, diversity and productivity of the environment is maintained or enhanced for the benefit of future generations.

The proposed new generation boarding house and associated site works is to be undertaken in accordance with all current engineering and environmental regulations and to a standard that the local environment is protected both during the construction process and rehabilitation of the site. The proposal will also create both short employment opportunities, improve the residential amenity of the precinct and provide high quality affordable residential accommodation.

Therefore, the health, diversity and productivity of the environment will not be affected by the proposed boarding house development and site works.

(iii) Conservation of Biological Diversity and Ecological Integrity – namely, that the conservation of biological diversity and ecological integrity should be a fundamental consideration.

As the existing allotments and the allotments to the north and east of the site have been previously used for residential purposes, the lands have been significantly modified and degraded compared to its natural state. Therefore, the proposed new generation boarding house, access alterations and site works will have limited effect on the biodiversity or ecological integrity of the area. Some trees will require removal. However, it is not expected that the demolition of the existing dwelling, removal of the trees and the construction of the new boarding house building will adversely impact to any significant degree on the biological diversity of ecological integrity of the site.

21.0 CONCLUSION:

The proposed new generation boarding house is recommended to Penrith City Council on the basis that it:-

(i) is a permissible use within the current R4 – *High Density Residential* zone under the Penrith Local Environmental Plan 2010;
(i) is consistent with the objectives of the Penrith Local Environmental Plan 2010;
(ii) is compliant with the provision under SEPP (Affordable Rental Housing) 2009; and
(iii) is serviced by a range of public utilities

22.0 LIMITATIONS:

Wales & Associates Pty Limited (WA) has prepared this report for a project at #1 Station Lane in Penrith in accordance with instructions from the owner, Station Lane Pty Limited ATF The Station Lane Trust.

The report is provided for the exclusive use of Station Lane Pty Limited ATF The Station Lane Trust for this project only and for the purpose(s) described in the report. It should not be used for other projects or by a third party. In preparing this report WA has necessarily relied upon information provided by the client and/or their agents.

WA's advice is based upon the information supplied and encountered during this assessment. The accuracy of the advice provided by WA in this report may be limited by undisclosed information provided by other sub-consultants. The advice may also be limited by budget constraints imposed by others or by site accessibility.

This report must be read in conjunction with all of the attached notes and reports and should be kept in its entirety without separation of individual pages or sections. WA cannot be held responsible for interpretations or conclusions made by others unless they are supported by an express statement, interpretation, outcome or conclusion given in this report.

Please contact the undersigned for clarification of the above as necessary.

30th March 2021

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Matthew Wales
Director
Wales & Associates Pty Limited

Date

END

REFERENCES

The following documents were referenced:-

Planning Instruments:

(i) Environmental Planning & Assessment Act 1979;
(ii) New South Wales (Australia) Local Government Amendment (Ecologically Sustainable Development) Act 1997;
(iii) Penrith Local Environmental Plan 2010;
(iv) State Environmental Planning Policy (Affordable Rental Housing) 2009;
(v) State Environmental Planning Policy (Exempt and Complying Development Codes) 2008;
(vi) SEPP (BASIX) 2004; and
(vii) Penrith Development Control Plan 2014