

MEMORANDUM

Reference: DA20/0729

To: Penrith Local Planning Panel

From: Lucy Goldstein – Senior Development Assessment Planner

Date: 18 January 2021

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

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

This memorandum provides further information regarding the proposal and addresses additional information submitted by the Applicant ahead of the upcoming Local Planning Panel Meeting.

On 13 January 2021 the Applicant submitted an amended concept plan in response to assessment issues raised by Council staff.

The amended concept plan proposes to delete the Torrens Title subdivision component, and includes amendments to the car parking arrangement, changes to the internal ground floor layout, includes a minor increase to building separation and additional landscaping in the rear setback, and relocates the communal waste storage area to the front of the site adjacent to the driveway.

However overall, the revised scheme remains largely unchanged in terms of spatial arrangement, built form and scale. The amended proposal is not considered to resolve the issues raised in Council's assessment report for the application. Further, the amended design raises additional issues relating to permissibility.

Key concerns regarding the amended design include:

- *Permissibility*
The design proposes three boarding houses on one Torrens Title Lot. Noting each boarding house is designed to function independently with an onsite manager provided per building. This raises issues regarding the permissibility of multiple boarding houses on the one lot, and requires detailed consideration.
- *Local Character*
The design remains incompatible with the surrounding local area. The relocation of waste bay to the front of the site, further reduces the overall landscaped area on the site and minimises opportunity for suitable landscape treatment along the site frontage, noting the building sits forward of the adjoining property.

Further, the front building includes extensive car parking that projects forward of the building line with minimal landscape screening. The car parking area is

MEMORANDUM

visually identifiable from the street and is inconsistent with the surrounding character. Noting all townhouse development in the vicinity of the site have parking sleeved between buildings.

- *Provision of Car Parking, and Car Park Design*

The design does not provide additional onsite car parking spaces. In response to the issue of a shortfall of 3x car spaces for each of the manager's rooms, the Applicant disagrees with Council's calculations, and argues that a sufficient amount of onsite car parking is provided as required under the SEPP ARH.

In support, the Applicant references a recent Land and Environment court case relating to a boarding house development application in Kingswood (Kohler Bros Property Group Pty Ltd v Penrith City Council [2020] NSWLEC 1364). This case found that a manager's room could be defined as a boarding room, and as such, the car parking rate of 0.5 space per boarding room, should be applied in relation to a manager's room. Using this interpretation, the proposal would comply with the car parking requirements of 12x spaces (0.5 spaces x 24 rooms).

Notwithstanding the above, the design of the car parking spaces remains inadequate (not wide enough) to allow for proper and safe manoeuvring, and is non-compliant with Penrith DCP and Australian Standard AS2890.1 (when measured to scale, as no dimensions were provided for the car spaces for buildings 2,3)

- *Rear Setback & Building Separation*

The design provides additional landscaped area in the rear setback, however hardstand (driveway and motorcycle parking) still encroaches the rear setback area limiting opportunity for a quality landscaped rear garden and appropriate edge treatment to adjoining property.

Minor building adjustments have been made to increase building separation. A 4m separation is provided between buildings 1-2, and a 4m separation is provided for half of the building length between building 2-3. Proposal remains non-compliant with Chapter D2, Section 2.4.11 'Corner Sites and Park Frontages' which applies to development that is located adjacent to a park. Section (4)(e) requires that "Adjacent buildings should be separated by open space corridors at least 5m wide"

With consideration to the above matters, it is the position of Council staff that the amended concept design is not supportable, and deferral of the determination of the application based on the amended scheme is not warranted.

Lucy Goldstein
Senior Development Assessment Planner