

**statement of environmental effects
new generation boarding house
12 anthony cres, kingswood**



Prepared for
ZAC Homes

Mark Shanahan Planning Pty Ltd
February 2018



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Attachment 1: Penrith DCP 2014 Compliance Table
Attachment 2: Boarding House Plan of Management & House Rules

1. INTRODUCTION & BACKGROUND

This Statement of Environmental Effects (SEE) accompanies a development application (DA) to Penrith City Council for construction of a new generation boarding house at 12 Anthony Crescent, Kingswood (the site).

The development is for a two-storey building with 19 single boarding rooms accommodating 19 residents, and basement car parking.

This SEE has been prepared to assist community understanding of the proposal and to facilitate Council's determination of the DA by:

- Describing the site, neighbouring development and the locality;
- Describing the proposed development;
- Undertaking a merit-based assessment of the proposal with regard to the matters for consideration under Section 4.15 of the *Environmental Planning & Assessment Act 1979*, including an evaluation of the development's compliance with relevant environmental planning instruments and development control plans.

In addition to this SEE, the following documentation is submitted with the DA in support of this proposal:

- Detail Survey Plan by Richard Hogan & Co;
- Architectural drawing set by Dawsonvu Associates;
- Landscape Plan by Dawsonvu Associates;
- Waste Management Plan by ZAC Homes;
- Stormwater Design by Nastasi & Associates;
- BCA Section J Report by Frys Energywise;
- Geotechnical investigation reports by IdealGeotech.

The proposed accommodation is targeted to single working people and tertiary education students on low and moderate incomes. The site is well located for this group, being in close walking distance of bus routes to Kingswood local centre, railway station (1 km northwest of the site) and Nepean Hospital, and to the major hub of Penrith and rail station (2.5 km west of the site). The site is also within close walking distance of Western Sydney University (WSU) Kingswood Campus and Nepean TAFE College Campus.

The environmental assessment in Section 4 of this SEE shows that the development complies with the objectives and controls of the applicable environmental planning instruments and development control plan.

It does not have adverse impacts on neighbouring properties or the locality and has positive social and economic impacts in providing more affordable and flexible accommodation at a time of continued undersupply in the private rental housing market. The site is suitable for the development and the proposal is within the public interest.

It is concluded that the development application warrants approval by Council subject to appropriate conditions, including compliance with the attached Boarding House Plan of Management.

2. DESCRIPTION OF SITE & LOCALITY

2.1 The site

The site is known as 12 Anthony Crescent, Kingswood and is legally identified as Lot 67 in DP 212261.

As shown in **Figure 1 – Neighbourhood Context**, the site is located at the eastern end of Anthony Crescent on a block bordered by Anthony Cres, Second Ave and Morph St.

The site is rectangular with a primary street frontage to Anthony Cres of 15.255m, maximum depth of 41.155m and a total site area of 622.3m². It is generally level with a slight fall from the rear of site to the north and towards Anthony Cres.

Existing on the site is a modest single-storey weatherboard cottage with flat roof with both the front and rear yards containing informal soft landscaping with a mix of turfed areas, trees (2), plants, shrub, and weeds. The trees are common exotic garden species (Liquidambar and a juvenile Jacaranda) with poor multi-trunked forms and do not warrant retention. They will be replaced with more suitable endemic native species, as per the landscape plan.

The front boundary of the site has Weldmesh metal wire fencing 0.9m high which is returned down the side boundaries to the building line. The side and rear boundaries are enclosed with Colorbond metal panel fencing 1.5m high.

It is noted that the site has an existing DA consent (DA17/0389) for an attached dual occupancy. The approved design is similar to the proposed boarding house in terms of bulk, scale, materials and finishes, as presented to the public domain.



Figure 1: Neighbourhood Context (SIX Maps 14/11/18)

2.2 Neighbouring development

Adjoining to the east is a single storey fibro & tile house (No10 Anthony Cres) and to the west is a single storey weatherboard & tile house (No14 Anthony Cres). Located directly across from site to the north are a mix of single storey brick, fibro & weatherboard houses. Adjoining to the south is a single-storey brick and tile house (No65 Second Ave) which has a roundabout and WSU Kingswood Campus directly in front. These properties are typical of the original single-storey homes within Anthony Cres and the immediate locality. Whilst the adjoining properties have not undergone any significant redevelopment, other properties within Anthony Cres and the locality have, demonstrating the transitional nature of this area reflecting the R3 zoning and demand for further housing choice.

2.3 The locality

The site is within a low density residential precinct (notwithstanding the R3 zoning) originally developed with single storey brick and tile or fibro cottages dating from the 1950s and 60s. Over time, some of these original homes have had alterations and additions or been replaced with larger, modern two-storey dwelling houses, townhouse and villa complexes (such as 18 Anthony Cres). Most notably are the previously approved boarding houses located at No51 (DA11/0290) & No53 (DA15/0475) Second Ave, located approximately 80m to the west of site. The approved boarding house at No53 is consistent with the proposed boarding house in terms of bulk, scale, materials and finishes presented to the public domain.

As shown in **Figure 2 - Locality Map**, the Kingswood local centre is 1.5km west of the site along the Great Western Highway and has a local supermarket and several speciality shops catering for day-to-day household requirements, as well as a railway station and hospital. Within walking distance is the WSU Kingswood Campus and Nepean TAFE Campus, further strengthening the subject site as a suitable location for a boarding house.

More comprehensive facilities are available in the major hub of Penrith located 3.5km to the west along the Great Western Highway.

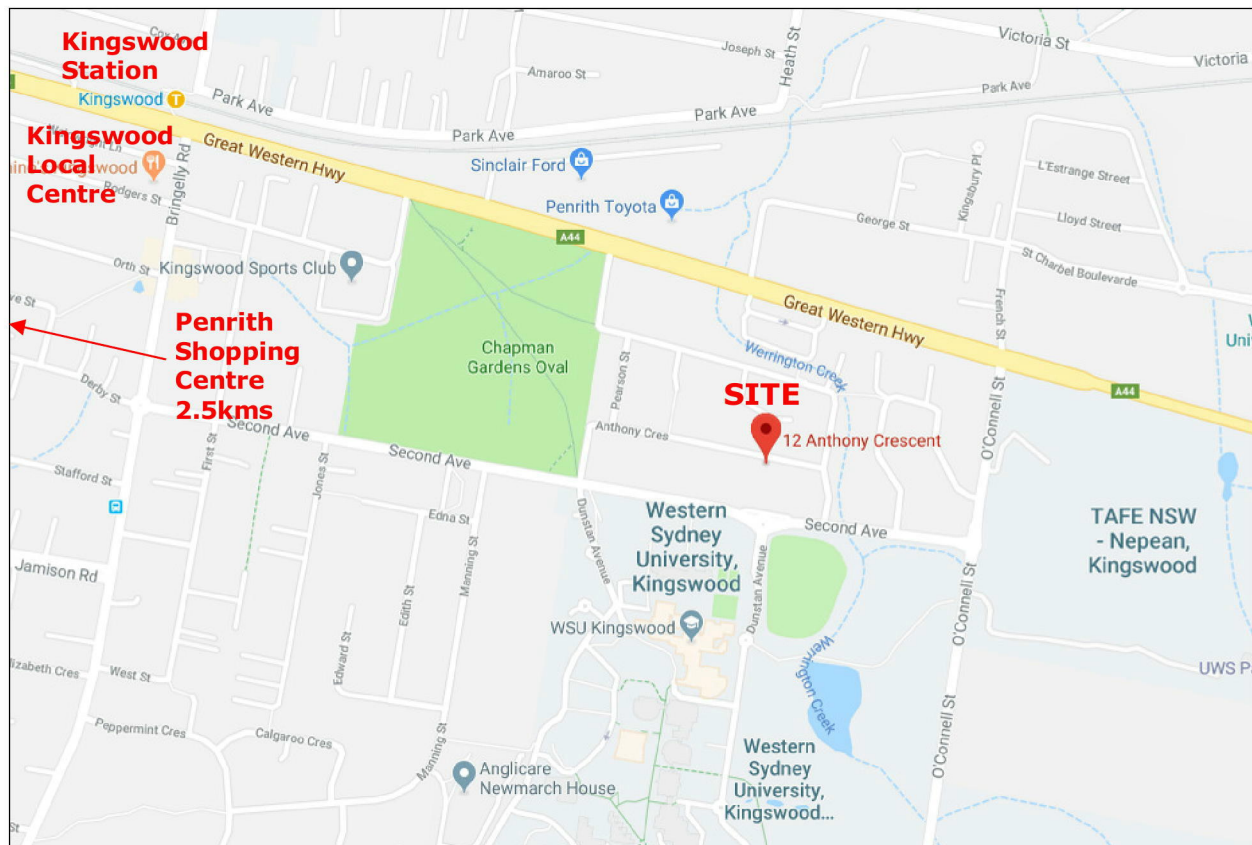


Figure 2: Locality map (Google Maps 14/11/18)



1. Anthony Cres elevation of site (looking west)



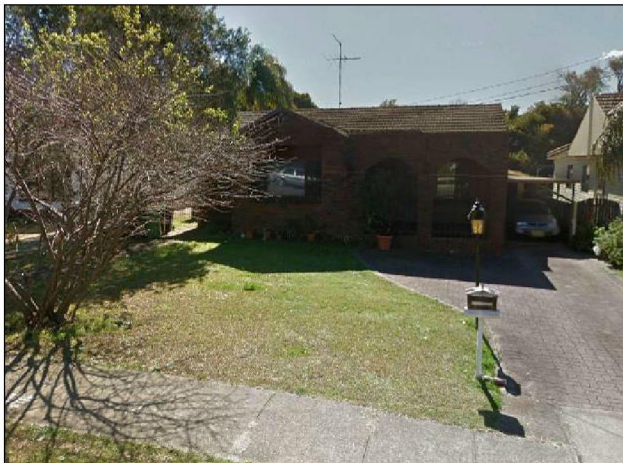
2. Anthony Cres elevation of site (looking east)



3. Western neighbour No14 Anthony Cres



4. Eastern neighbour No10 Anthony Cres



5. Southern neighbour No65 Second Ave



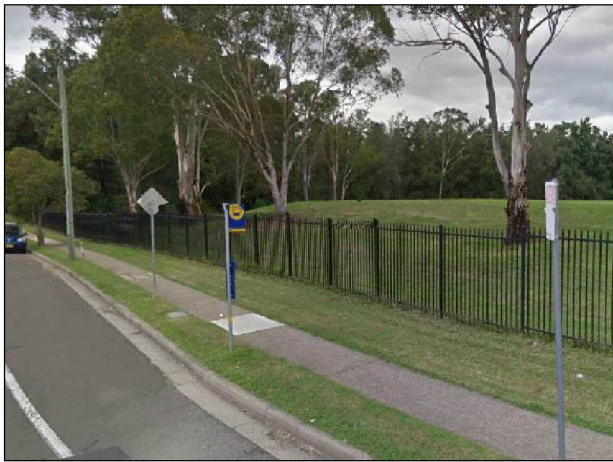
6. Northern neighbour No11 Anthony Cres



7. Boarding House DA15/0475 No53 Second Ave



8. Boarding House DA11/0290 No51 Second Ave



9. Bus stop on Second Ave



10. WSU Kingswood Campus

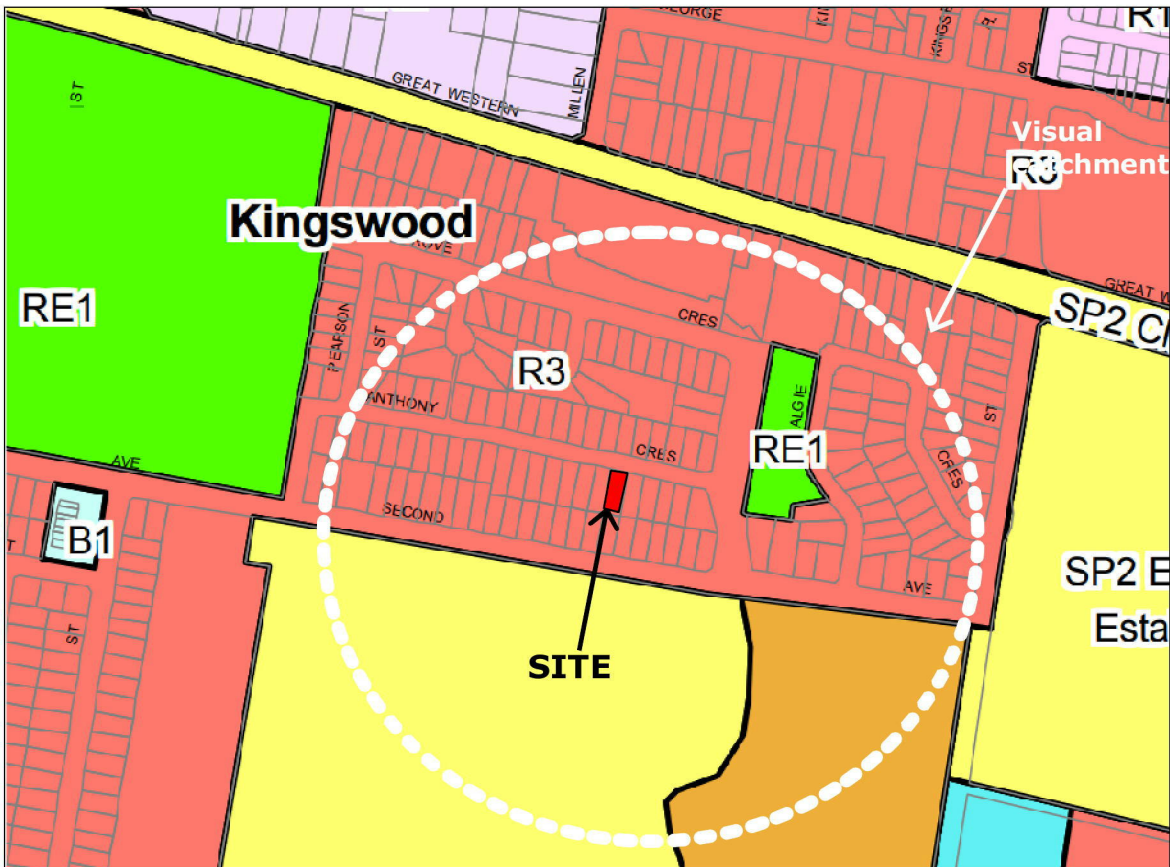


Figure 3: Zoning Map & Visual Catchment (Adapted from PLEP2010 LZN_013)

3. PROPOSED DEVELOPMENT

3.1 Proposed Building works

The following building works are proposed:

- demolish the existing dwelling house and rear awning;
- construct a two-storey boarding house containing 19 single-person boarding rooms (including 2 accessible rooms) and common room;
- construct basement car parking accessed off Anthony Cres for parking of 9 cars, 4 motorbikes and 4 bicycles;
- construct 1 accessible car parking space within integrated garage at ground level off Anthony Cres; and
- landscape the grounds with native trees, shrubs and ground covers.

The proposed works are illustrated in the following DA drawings by Dawsonvu Associates:

Table 1: Drawing schedule

Ref	Drawing title	Issue	Date
	Cover Sheet	D	04/02/19
	Locality Map	D	04/02/19
DA1	Site Plan	D	04/02/19
DA2	Basement Plan	D	04/02/19
DA3	Ground Floor Plan	D	04/02/19
DA4	First Floor Plan	D	04/02/19
DA5	Roof Plan	D	04/02/19
DA6	North Elevation	D	04/02/19
DA7	South Elevation	D	04/02/19
DA8	West Elevation	D	04/02/19
DA9	East Elevation	D	04/02/19
DA10	Section A	D	04/02/19
DA11	Shadows Plan (9am 12noon 3pm)	D	04/02/19
DA12	Construction Waste Management, Site Analysis	D	04/02/19
DA13	Landscape Plan	D	04/02/19
DA14	Images	D	04/02/19
DA15	Colour & Material Schedule	D	04/02/19
DA16	Demolition Plan	D	04/02/19
DA	Notification	D	04/02/19

The development has been carefully designed to present as a contemporary, two-storey dwelling house or attached dual occupancy.

Each of the proposed rooms will have a kitchenette and en-suite bathroom and they range in size from 12.08m² to 15.96m² (excluding kitchenettes & bathrooms).

Rooms will be furnished with bed, mattress, pillow, bedside table & lamp, fridge, microwave oven and wardrobe.

Rooms 1 and 4 (R1 & R4) on the ground floor are fully accessible, as are all communal facilities within the development with an accessible car parking space located at ground level. The driveway to the accessible parking space has been discretely integrated with the main pedestrian entry to avoid the impression of two driveways.

External security doors activated by swipe cards or fobs will be installed and together with common areas, will have CCTV surveillance monitored by the manager.

The grounds will be turfed and bordered by native gardens planted with ground cover, shrub and tree species, as indicated on the Landscape Plan, including boundary fence planting to mitigate privacy issues.

Proposed building materials comprise rendered masonry walls on the ground floor, vertically grooved lightweight composite cladding to the first floor, Colorbond metal roofing and

guttering, aluminium-framed windows and painted timber doors. Refer to Colour and Material Schedule including within the drawing package.

3.2 Proposed operation

The total capacity of the boarding house is 19 people comprising 19 lodgers (one lodger per room).

With its close proximity to bus stops providing quick and frequent access to Kingswood and Penrith centres, railway stations, Nepean Hospital, as well as being an easy walk/cycle to WSU Kingswood and TAFE Nepean, the premises will be attractive to low and moderate income workers and tertiary students seeking flexible and affordable accommodation close to employment, services, education and facilities (refer **Figure 4 – Bus route map**).

The premises will be operated in accordance with the Boarding House Plan of Management and house rules (**Attachment 2**).

Lodgers will be responsible for their own meals, laundry and cleaning of their room. Professional contractors will be engaged to clean the common areas and maintain the grounds and to put out, bring in and clean the bins and bin storage area.

The minimum period of stay for lodgers will be 3 months. The premises will operate as a "general boarding house" under the *Boarding Houses Act 2012*, not an "assisted boarding house". Under Section 5(2) of that Act, premises are a *general boarding house* if they provide beds, for a fee or reward, for use by 5 or more residents. This will require the premises to be registered with NSW Fair Trading and inspected at least annually by Penrith City Council to ensure compliance with the conditions of consent and the Standards for Places of Shared Accommodation specified in Schedule 2 of the *Local Government (General) Regulation 2005*.

The *Boarding Houses Act 2012* formalises local council oversight of the safety, amenity and management of boarding houses. It requires lodgers and landlords to enter into Occupancy Agreements which set out the rights and responsibilities of both parties, including the right of the lodger to the quiet enjoyment of their accommodation and the right of the landlord to evict a lodger who is in breach of the house rules.

The introduction of Occupancy Agreements in 2012 has provided an effective mechanism for ensuring the quiet and orderly operation of boarding house premises and in the process, safeguarding the amenity of lodgers and neighbouring residents.

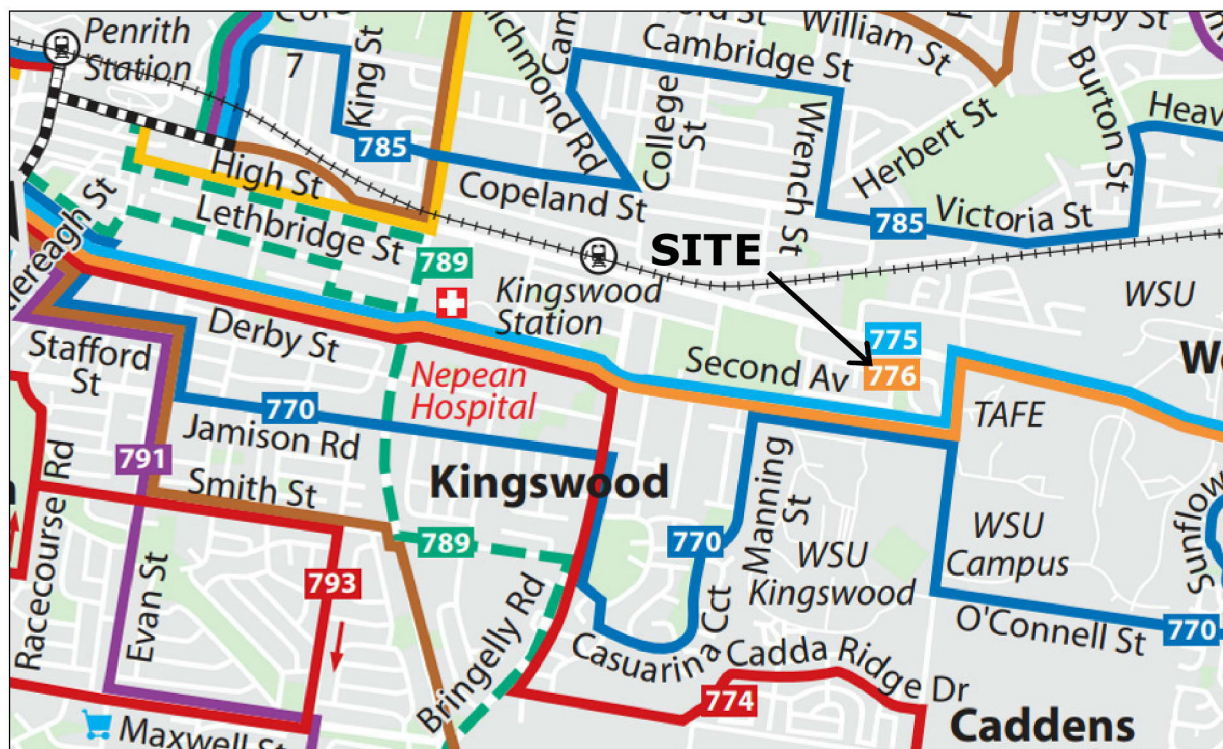


Figure 4 – Bus route map

4. ENVIRONMENTAL ASSESSMENT

The proposal is assessed below under relevant matters for consideration under Section 4.15 of the *Environmental Planning & Assessment Act 1979* ('the Act').

4.1 Provisions of environmental planning instruments s4.15(1)(a)(i) & (ii)

4.1.1 SEPP (Affordable Rental Housing) 2009

State Environmental Planning Policy (Affordable Rental Housing) 2009 (ARHSEPP) applies to development of a boarding house on land within certain nominated zones. As shown in **Figure 3 – Zoning Map & Visual Catchment**, the site is zoned R3 – Medium Density Residential under Penrith LEP 2010 which is one of the nominated zones.

Clause 27(2) only requires that a site zoned R2 must be within an "accessible area". The subject site is zoned R3 and therefore is not required to be within an accessible area. Nonetheless, as shown in **Figure 1 – Neighbourhood Context**, the site is within walking distance (approximately 250m) to a bus stop at the intersection of Second Ave and Morphett St which has services meeting the frequency requirements of ARHSEPP. This further supports the suitability of the site for boarding house development.

ARHSEPP adopts the Standard Principal LEP definition of "boarding house" which is:

boarding house means a building that:

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

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

The proposed building meets the above definition as it is wholly let in lodgings, provides lodgers with a principal place of residence for 3 months or more, has shared facilities and has rooms accommodating lodgers.

The aims of ARHSEPP are set out in Clause 3 as follows:

- (a) to provide a consistent planning regime for the provision of affordable rental housing,
- (b) to facilitate the effective delivery of new affordable rental housing by providing incentives by way of expanded zoning permissibility, floor space ratio bonuses and non-discretionary development standards,
- (c) to facilitate the retention and mitigate the loss of existing affordable rental housing,
- (d) to employ a balanced approach between obligations for retaining and mitigating the loss of existing affordable rental housing, and incentives for the development of new affordable rental housing,
- (e) to facilitate an expanded role for not-for-profit-providers of affordable rental housing,
- (f) to support local business centres by providing affordable rental housing for workers close to places of work,
- (g) to facilitate the development of housing for the homeless and other disadvantaged people who may require support services, including group homes and supportive accommodation.

The proposal is consistent with relevant aims of ARHSEPP in that:

- It provides affordable rental housing of a type that is in high demand in this locality;
- The site is within an "accessible area" being located approximately 250m to a bus stop with frequent services to both Kingswood and Penrith centres, railway stations, WSU Kingswood, Nepean TAFE and Nepean Hospital.

The lower car ownership of boarding house residents makes them more inclined to cycle, walk or take the bus to local shopping centres rather than drive to major one-stop shopping centres out of the area. The proposal will therefore support local businesses and provide affordable accommodation for workers and students close to services and places of work.

Clause 29 of ARHSEPP sets out matters which if satisfied cannot be grounds for refusal of a boarding house (non-discretionary standards). Clause 30 specifies development standards for boarding houses. These matters are addressed in the following table.

Table 2: ARHSEPP Compliance Review

Control	Proposed	Complies?
29(1)(a) Maximum floor space ratio is "existing maximum FSR" specified for any residential accommodation in another EPI or DCP.	Neither PLEP2010 or PDCP2014 specifies a maximum FSR for this site.	N.A.
29(2)(a) Height – as permitted for other development in the zone = 8.5m	Proposed building height: 8.445m	Yes
29(2)(b) Landscaping treatment of front setback must be compatible with streetscape	The proposed front setback of 7.72m exceeds the minimum 5.5m front setback required by the DCP. Neighbouring properties have a 10m setback (approximately), being the design at the time of the original dwellings. However, the 10m is not consistent with new development within the immediate locality and would be unachievable for any new development on the subject site. The townhouse/villa complex at No18 Anthony Cres has a 5m front setback (approximately) and the Boarding House at No53 Second Ave has a 6m setback (approximately), therefore the proposed 7.72m front setback is appropriate in comparison. The proposed landscape treatment of the front setback area is comparable or superior to neighbouring properties and will be compatible with the streetscape, particularly with modern development within the immediate locality.	Yes
29(2)(c) Sunlight: Communal living spaces to receive 3 hrs sunlight midwinter	The communal room has windows on its northern and eastern façades which provide for the required solar access. The extensive glazing on the southern side will allow for extensive daylight access.	Yes
29(2)(d) Private open space: Minimum 20m ² (at least 3m wide) for lodgers and 8m ² (at least 2.5m wide) for on site manager	The rear setback area of 70m ² is available for use as private open space for lodgers. It is ideally positioned adjacent to the communal living room and enjoys uninterrupted eastern and western solar access. As the accommodation capacity of the building is less than 20 lodgers, on-site manager's accommodation is not required.	Yes
29(2)(e) Car parking: Site is in an "accessible area" and the proposal is not carried out by or on behalf of a social housing provider. Requires 19 x 0.5 = 9.5 spaces = 10 spaces.	10 carparking spaces are provided, including 1 accessible space.	Yes
29(2)(f) Minimum accommodation size: 12m ² for single lodger 16m ² for doubles	All rooms are for single lodgers with areas of 12.08m ² to 12.28m ² (excluding kitchenettes & bathrooms), with the ground floor accessible rooms being 15.9m ² and 15.96m ² . The larger size of these rooms reflects access space requirements but they are below 16m ² and therefore are also single rooms.	Yes
30(a) Communal living room: At least one communal living room if >5 boarding rooms	A generous communal living room is provided on the ground floor and conveniently positioned close to the staircase and adjacent to the common open space. It includes tea-making facilities. An accessible WC is	Yes

Control	Proposed	Complies?
	provided adjacent to the common room for the convenience of lodgers, visitors and service personnel.	
30(b) Maximum room size: 25m ² (excluding kitchenette and en-suite bathroom)	Maximum room size is an accessible ground floor room of 15.96m ² (excluding kitchenette and en-suite bathroom).	Yes
30(c) Occupancy: Maximum 2 persons/room	Rooms are for a maximum of 1 person each. This is specified in the PoM and can be enforced through conditions of consent.	Yes
30(d) Internal amenities: Adequate bathroom and kitchen facilities to be provided	En-suite bathroom and kitchenette are provided in each room. An accessible WC is also provided for the convenience of guests and service personnel.	Yes
30(e) Boarding house manager: On-site manager required if there are 20 or more lodgers	Maximum capacity is 19 lodgers, therefore an on-site manager is not required or proposed.	Yes
30(g) Commercial use of ground floor if site in business zone & required by LEP	Site is not in a business zone.	N/A
30(h) Motorbike and bicycle parking: 1 x bicycle & 1 x motorbike spaces per 5 rooms (19) = 4 of each required.	4 x bicycle and 4 x motorbike spaces are provided.	Yes
30A – Design should be compatible with character of local area	Design minimises impacts and has a scale and appearance consistent with development in the locality. Refer to discussion below.	Yes
52 Strata or community title subdivision of a boarding house is prohibited.	Subdivision is not proposed and can be prevented in future through a condition of consent.	Yes

Clause 30A – Local Character Assessment

Clause 30A of ARHSEPP requires consideration of whether the design of the development is compatible with the character of the local area.

The approach set out in *Project Venture Developments v Pittwater Council* [2005] NSWLEC 191 has been adopted by the Land & Environment Court as its “Planning Principle” on the compatibility of a proposal with surrounding developments.

The fundamental principle established in *Project Venture* is that compatibility means capable of existing together in harmony. As explained in *Project Venture*:

Compatibility is thus different from sameness. It is generally accepted that buildings can exist together in harmony without having the same density, scale or appearance, though as the difference in these attributes increases, harmony is harder to achieve.

To test whether a proposal is compatible with its context, *Project Venture* poses two questions that need to be addressed:

- *Are the proposal’s physical impacts on surrounding development acceptable? The physical impacts include constraints on the development potential of surrounding sites.*
- *Is the proposal’s appearance in harmony with the buildings around it and the character of the street?*

As detailed later in this SEE, the development complies with the applicable LEP and DCP controls and its physical impacts are within the bounds anticipated by those controls.

The development does not have unreasonable impacts in terms of solar access, privacy, bulk & scale, streetscape, landscaping, parking or traffic. Its physical impacts are therefore considered acceptable and the first test in *Project Venture* is satisfied.

The "local area" is principally the visual catchment in which the development will be viewed.¹ The wider area is also relevant but less weight should be given to development in other zones or isolated, one-off uses.²

The visual catchment adopted for the purposes of this assessment is identified in **Figure 3 – Zoning Map & Visual Catchment**. The following table provides an assessment of the character of this area and the development's compatibility with that character.

Table 3: Local Area Character Analysis

Design Element	Local Area Character Analysis	Design Responses and Compatibility Tests	Complies?
Building type	Predominant building types are original single storey dwelling houses and later two storey additions and new homes.	The building has been designed to present as a contemporary, two-storey dwelling house or attached dual occupancy (which is permissible in the zone) including an integrated single garage design.	Yes
Height	Up to two storeys.	The development is two storeys. The upper storey is well articulated and has varied materials to reduce its bulk & scale.	Yes
FSR	No FSR is specified for this site. Built form is regulated by height and setback controls.	The building complies with height and setback controls for dual occupancy development and therefore has a density and scale consistent with that type of development.	Yes
Scale and form of buildings	Original dwelling houses are generally single storey and modest in scale. More recent homes and dual occupancy developments are of larger scale and often two storeys.	The building has been designed to reflect the form and scale of a modern dwelling house or attached dual occupancy. The footprint of the building and its two-storey height is also typical of modern houses, dual occupancies and multi-dwelling housing (No18 Anthony Cres) within the area. Further, there are previously approved boarding houses located at No51 (DA11/0290) & No53 (DA15/0475) Second Ave, located approximately 80m to the west of site. The boarding house and approved design at No53 is consistent with the new boarding house proposal in terms of bulk, scale and materials and finishes, as presented to the public domain. Lastly, it is important to note that the site has an existing DA consent (DA17/0389) for an attached dual occupancy with similar bulk, scale and materials and finishes.	Yes
Frontage treatment & streetscape setting	Front yards are mainly landscaped with turf and low shrubs.	Ground level (1) parking within the integrated single garage design is provided off Anthony Cres and mirrors the existing position to the current driveway and vehicle crossover. The front yard will be predominantly landscaped with a variety of native plants and shrubs. It will provide a superior presentation to some recent developments, most notably the two previously approved boarding houses in Second Ave.	Yes
Front setbacks	Front setbacks vary widely but modern houses and dual occupancies are typically set back 6m.	The proposed front setback of 7.72m exceeds the minimum 5.5m front setback required by the DCP. Neighbouring properties have a 10m setback (approximately), being the predominant design at the time they were built. However, the 10m is not consistent with new development within the immediate locality and would be unachievable for any new development on the subject site. No18	Yes

¹ *Peninsula Developments Australia Pty Ltd v Pittwater Council* [2011] NSWLEC 1244

² *Northcote Trust v Hornsby Shire Council* [2012] NSWLEC 1327

Design Element	Local Area Character Analysis	Design Responses and Compatibility Tests	Complies?
		Anthony Cres Townhouse/Villa complex has a 5m front setback (approximately) and the Boarding House at No53 Second Ave has a 6m setback (approximately), therefore the proposed 7.72m front setback is acceptable in comparison. The proposed landscape treatment of the front setback area is comparable or superior to neighbouring properties and will be compatible with the streetscape, particularly with modern development within the immediate locality.	
Side & rear setbacks	Original dwelling houses in the area typically have a driveway and carport on one side. Side and rear setbacks vary widely because many homes are at an angle to the street.	The building is set back 1.2m from the eastern side boundary and 1.34m from the western side boundary. These setbacks exceed the 900mm required at ground level and the proposal further complies with the required Maximum Building Envelope (a plane starting from 6.5m height at side boundary and projected in over the site at 45°) required for first floor level under the DCP.	Yes
Style of existing buildings	Original cottages are mostly post WW2 and utilitarian in style. More recent dual occupancies and townhouses also tend to have a conventional style and hipped roofs.	The development has a contemporary style with a triple-fronted façade and hipped roof to ensure compatibility with the traditional architectural styles predominating in this locality. It is also important to note that the site has an existing DA consent (DA17/0389) for an attached dual occupancy with an approved design similar to the proposal in terms of bulk, scale, materials and finishes.	Yes
Materials & finishes	Original homes have predominantly fibro walls with tile or metal roofing. More recent dual occupancies and multi units have brick or rendered finishes and tile or metal roofing.	The proposal has rendered masonry on the ground floor and vertically grooved lightweight composite cladding to the first floor, corrugated metal roofing and aluminium framed windows. These materials are typical of recent high quality dwelling houses and multi unit developments in the area.	Yes
Views, vistas & skylines	Views are limited because of the generally flat terrain and visual enclosure by buildings and vegetation.	The proposal will not obstruct any significant views.	Yes

Having regard to the above assessment, it is concluded that the proposal will be compatible with the character of the local area in the required sense of "capable of existing in harmony".

No other provisions of ARHSEPP of relevance to the proposed boarding house have been identified. It is concluded that the proposal satisfies all objectives and requirements of ARHSEPP.

4.1.2 SEPP (Building Sustainability Index: BASIX) 2004

The proposed boarding house is a Class 3 building and therefore subject to the energy efficiency requirements specified in Section J of the BCA.

A Section J report has been submitted which confirms that the building can comply with all relevant requirements of Section J. The report's recommendations will be implemented through the prescribed condition of consent requiring compliance with the BCA.

4.1.3 SEPP55 – Remediation of Land

The site and locality were primarily developed for low density residential purposes in the 1950s & 1960s and it is understood that prior to that, the area was agricultural. The site has been used for residential purposes for some 60 years and is not known to have been previously used for any of the potentially contaminating purposes listed in Table 1 of the contaminated land planning guidelines. In these circumstances, a preliminary investigation would not appear to be warranted.

A condition of consent can be applied requiring a Phase 1 study if any evidence of contaminated soil is uncovered during excavation. The age of the existing building suggests that it may contain asbestos sheeting and therefore demolition will need to be carried out in accordance with the relevant Australian Standards.

4.1.4 Penrith Local Environmental Plan 2010 (PLEP2010)

Penrith LEP 2010 (PLEP2010) is the sole local environmental plan applying to the development. Relevant provisions of PLEP2010 are addressed in the table below.

Table 4: Penrith LEP 2010 Compliance Review

Development Control	Comment	Complies?
1.2 Aims – relevantly include: (c) to accommodate and support Penrith’s future population growth by providing a diversity of housing types, in areas well located with regard to services, facilities and transport, that meet the current and emerging needs of Penrith’s communities and safeguard residential amenity.	The development is consistent with this aim in that it expands the range of housing types available in the locality to meet the high demand for affordable rental housing suitable for single people on low to moderate incomes well located in proximity to local centres, transport and facilities. The site’s location near to WSU Kingswood Campus and Nepean TAFE will also meet the housing needs of tertiary students looking to reside in the area.	Yes
1.4 Definitions include: boarding house means a building that: (a) is wholly or partly let in lodgings, and (b) provides lodgers with a principal place of residence for 3 months or more, and (c) may have shared facilities, such as a communal living room, bathroom, kitchen or laundry, and (d) has rooms, some or all of which may have private kitchen and bathroom facilities, that accommodate one or more lodgers, but does not include backpackers’ accommodation, a group home, hotel or motel accommodation, seniors housing or a serviced apartment.	The proposed development is consistent with the LEP definition for boarding house (which is the same as that adopted by ARHSEPP) as it is wholly let in lodgings, provides lodgers with a principal place of residence for 3 months or more, has shared facilities, has rooms accommodating lodgers and is not for the purposes of backpackers’ accommodation, a group home, hotel or motel accommodation, seniors housing or a serviced apartment.	Yes
2.3 – Land Use Table The site is zoned R3 Medium Density Residential.	The proposal is for a boarding house which is a use that is permissible with consent in the R3 zone. Boarding houses have been approved at No51 and No53 Second Ave.	Yes
2.3 – Zone objectives The consent authority must have regard to the objectives for development in the zone. The objectives of the R3 zone relevantly include: <ul style="list-style-type: none"> To provide for the housing needs of the community within a medium density residential environment. To provide a variety of housing 	The development is consistent with the relevant zone objectives in that it: <ul style="list-style-type: none"> provides a more affordable rental housing option than is generally available within the R3 zone and therefore meets the housing needs of low/middle income single workers and tertiary students; is compatible with medium density residential development, as shown in the preceding assessment of Clause 30A of ARHSEPP; 	Yes

Development Control	Comment	Complies?
<p>types within a medium density residential environment.</p> <ul style="list-style-type: none"> • To enable other land uses that provide facilities or services to meet the day to day needs of residents. • To provide for a concentration of housing with access to services and facilities. • To enhance the essential character and identity of established residential areas. • To ensure that a high level of residential amenity is achieved and maintained. • To ensure that development reflects the desired future character and dwelling densities of the area. 	<ul style="list-style-type: none"> • is located within an 'accessible area' in close proximity to local centres, transport, facilities and services; and • will not adversely affect the amenity of the neighbourhood. 	
4.1A Minimum lot sizes for dual occupancies, multi dwelling housing and residential flat buildings	No minimum lot size is specified for boarding houses. However, the site has an area of 622.3m ² and therefore would meet the minimum lot size specified for an attached dual occupancy. As previously noted, an attached dual occupancy has been approved on the site.	N.A.
4.3 Height of buildings – maximum 8.5m	Maximum building height: 8.445m	Yes
4.4 Floor space ratio – none specified	N.A.	N.A.
4.6 Exceptions to standards	The proposal complies with all applicable developments standards.	N.A.
5.10 Heritage Conservation	The site is not a heritage item nor within a heritage conservation area or the vicinity of a heritage item.	N.A.
7.1 Earthworks	The extent of earthworks proposed is appropriate in context and will not lead to any adverse impacts in terms of the matters prescribed at Clause 7.1(3). The proposed development is not likely to significantly affect the subject site or adjoining properties in terms of drainage patterns and soil stability. The excavated fill will be used on site where fill is required, with any excess disposed of to a licensed facility in accordance with relevant Australian Standards. Refer to the accompanying waste management plan for more information on disposal.	Yes
7.2 Flood planning	Council's on-line mapping tool indicates that the site does not have any flood affectation.	N.A.
7.3 Development on natural resources sensitive land	Council's on-line mapping tool indicates that the site is not natural resources sensitive land.	N.A.
7.4 Sustainable development	<p>As detailed in the BCA Section J Report, the proposal will incorporate a variety of design measures and materials contributing to energy efficiency in the building, including:</p> <ul style="list-style-type: none"> - New glazed windows and doors have been provided at the building facades allowing for natural daylight and ventilation into boarding rooms and communal room; - Energy efficient lighting and appliances; - Specified insulation to shield solar heat gain in summer and reduce winter heat 	Yes

Development Control	Comment	Complies?
	loss, resulting in reduced reliance on mechanical ventilation and heating.	
7.7 Servicing	The site is located within an established urban area where all essential services are available.	Yes

No other provisions of PLEP2010 of relevance to the proposed boarding house have been identified. It is concluded that the proposal satisfies all relevant objectives and standards of PLEP2010.

4.2 Proposed planning instruments – s4.15(1)(a)(iii)

There are no draft LEPs identified in the Department of Planning & Environment's LEP Tracking website of relevance to this development.

4.3 Provisions of development control plans – s4.15(1)(a)(iii)

Penrith Development Control Plan (the DCP)

An assessment of the development's compliance with the main relevant provisions of the DCP is provided in the table at **Attachment 3**.

The built form of the development has been designed to comply with provisions relating to dual occupancy development. Attachment 3 also includes an assessment of Part D5 – Other Land Uses – 5.11 Boarding Houses. This was not included within the original SEE or development plans, as it did not come into force until 21/12/18, well after the SEE (27/11/18) and plans (05/11/18) had been finalised.

The main implication of Part D5 – Other Land Uses – 5.11 Boarding Houses is the requirement for 10% of boarding rooms to be accessible. The plans have been amended to include a second accessible boarding room in order to comply with the DCP.

It is noted that the proposal complies with all other relevant requirements of the DCP.

4.4 Likely impacts of the development – s4.15(1)(b)

The potential environmental impacts of the development have been addressed in the foregoing review of the development's compliance with relevant environmental planning instruments and development control plan requirements. Social and economic impacts also require consideration and are addressed as follows.

Social impacts

Penrith is identified by the Department of Family & Community Services as a 'High Need' area for affordable rental housing.³ The proposed development provides modest but decent quality accommodation that will be affordable to singles on low to moderate incomes, and therefore directly addresses the chronic lack of housing for this group in the local private rental market.

The proposed development seeks to provide affordable but high quality and amenity rental accommodation that will meet contemporary demands, preferences and expectations but will nonetheless be amongst the most affordable accommodation in the area by virtue of its compact room size, shared facilities and restricted access to car parking.

By providing such accommodation in a highly accessible location, the development will have a positive social impact by addressing the high level of unmet demand for such housing in the LGA.

It will also have the social benefit of enabling existing residents such as young home leavers, key workers, tertiary students, divorcees and pensioners to continue living in the area and thereby maintain their social, educational and business networks. This stability and continuity is not only of direct benefit to the members of those groups but is also of wider benefit by helping maintain the established social fabric of the local community.

³ www.facs.nsw.gov.au/providers/housing/affordable/plan/chapters/where-need

Economic impact

The proposed provision of affordable rental accommodation in this locality has a positive economic impact in that the residents will provide additional custom for local businesses and services in the nearby Kingswood and Penrith local centres.

Overall impact

The development has significant positive social and economic impacts. No significant adverse physical impacts such as visual or acoustic privacy, overshadowing, bulk & scale, traffic & parking, streetscape character or heritage were identified in the preceding review of LEP and DCP provisions.

Potential impacts during the construction phase are temporary and can be managed by standard conditions of consent.

It is concluded that on balance, the overall impact of the proposed development will be positive.

4.5 Suitability of the site for the development – s4.15(1)(c)

The site is zoned medium density residential and boarding houses are permissible in the zone. It has an appropriate area, shape and topography for that purpose and is not affected by any natural hazards that would restrict its development.

The development provides a more affordable rental accommodation option for single persons on modest incomes. The site is well suited to this purpose, being accessible to the major hub of Penrith town centre, Kingswood and Penrith railway stations, WSU Kingswood Campus, Nepean TAFE and Nepean Hospital, as well as the local shopping centre at Kingswood providing affordable access to employment, services and facilities.

4.6 Submissions – s4.15(1)(d)

It is noted that Council will notify owners and occupiers of properties in the local area in accordance with the Appendix F4 of the DCP. Issues likely to be of concern to neighbours have been addressed within this SEE and it has been found that the development will not have significant or unreasonable impacts.

The applicant requests that Council provide opportunity to discuss any substantive issues raised in submissions and will consider reasonable measures to address justified concerns.

4.7 Public interest – s4.15(1)(e)

The proposed development is considered to promote the public interest by increasing the supply of more affordable and flexible rental housing in a high demand locality at a time of constrained supply and low rental vacancy rates.

The proposed development will provide properly designed and operated boarding house accommodation that provides a high level of amenity and safety and will be subject to Council and State Government regulation through the conditions of consent, the Boarding House Plan of Management, the *Boarding Houses Act 2012* and associated *Boarding Houses Regulation*.

Approval of this style of development reduces demand for unauthorised boarding accommodation or unregulated share house accommodation and this is also in the public interest.

5. SUMMARY AND CONCLUSION

The development complies with the objectives and standards of the Affordable Rental Housing SEPP, Penrith LEP 2010 and Penrith DCP 2014.

The proposal is compatible with the character of the local area, does not have any adverse amenity impacts on the neighbourhood and the site is well suited to boarding house development. It also has positive social and economic impacts and promotes the public interest.

Approval of the development subject to appropriate conditions of consent is therefore supported, including compliance with the attached Boarding House Plan of Management.

Clause	Requirement	Comment	Complies?
PART D2 Residential Development			
2.2. Dual Occupancies	The DCP does not have specific provisions for boarding houses. The site is of sufficient area for an attached dual occupancy development. The built form controls for dual occupancy development have therefore been used as a guide to an acceptable built form for the proposed boarding house.		Yes
2.2.1 Residential Character	The residential character of any neighbourhood is determined by: <ul style="list-style-type: none"> - Location and density of development; - The local landscape and its configuration; and - Predominant patterns of planning and design, displayed by: <ul style="list-style-type: none"> • local buildings and their gardens; • setbacks and building separation; • height, scale and bulk; • garaging; • articulated forms and varied plantings. 	A detailed assessment of the compatibility of the development with surrounding residential development was provided under Clause 30A of ARHSEPP. It was found that the design of the development is compatible. The building has been designed to reflect the form and scale of a modern dwelling house or attached dual occupancy. The footprint of the building and its two storey height is also typical of modern houses, dual occupancies and multi-dwelling housing (No18 Anthony Cres) within the area. Further, there are previously approved boarding houses located at No51 (DA11/0290) & No53 (DA15/0475) Second Ave, located approximately 80m to the west of site. The approved design of No53 is consistent with the proposed boarding house in terms of bulk, scale, materials and finishes, as presented to the public domain. It is further noted that the site has an existing DA consent (DA17/0389) for an attached dual occupancy with a design similar to the proposed boarding house proposal in terms of bulk, scale, materials and finishes.	Yes
2.2.2 Preferred Configuration for Dual Occupancy Development	New development should incorporate the traditional configuration of the cottages and cottage gardens that define the character of Penrith's established neighbourhoods In order to reflect patterns of traditional development, the preferred configuration for dual occupancies involves a "green corridor" of trees and shrubs along rear boundaries In order to reflect patterns of traditional development, the preferred configuration for dual occupancies involves Substantial back garden areas	As above. The proposed landscaping for site adopts a variety of native species including suitable boundary fence plantings to mitigate against potential privacy issues, whilst establishing green corridors bordering the new development. The proposed design incorporates a compliant rear setback which allows for a substantial back garden area.	Yes Yes Yes Yes

Clause	Requirement	Comment	Complies?
	In order to reflect patterns of traditional development, the preferred configuration for dual occupancies involves garages integrated with the design of buildings and front gardens	The proposed boarding house is of a similar scale and bulk as an attached dual occupancy, in which the design also includes an integrate single garage allowing for a ground level accessible car parking space at site. The proposed compliant front setback also allows for substantial landscaping within the front setback.	
2.2.4 Urban form	Both dwellings should front the street, and display a traditional orientation Avoid "gun-barrel" style developments with long buildings, long straight driveways and rows of uniform width garden courtyards "Articulate" all building forms and facades by design measures that cast deep shadows across every elevation	The proposed boarding house design appears as a two storey development, similar to that of an attached dual occupancy that would have both dwellings fronting the street, avoiding a 'gun-barrel' style design. The articulation incorporated to all the building facades provides for a stepped building and modular design consistent with high quality new development within the immediate locality.	Yes
2.2.5 Front and Rear Setbacks	Rear: - Single Storey: 4m - Two Storey: 6m Front: - 5.5m, or average of neighbours - Provide extensive landscaping	4.016m 6.055m The proposed front setback of 7.72m exceeds the minimum 5.5m front setback. Neighbouring properties have a setback of approximately 10m, being the design at the time of they were constructed. However, the 10m is not consistent with new development within the immediate locality and would be unachievable for any new development on the subject site. No18 Anthony Cres Townhouse/Villa complex has a front setback of approximately 5m and the Boarding House at No53 Second Ave has a front setback of approximately 6m, therefore the proposed 7.72m front setback is acceptable in comparison. The proposed landscape treatment of the front setback area is comparable or superior to neighbouring properties and will be compatible with the streetscape, particularly with modern development within the immediate locality.	Yes Yes Yes
2.2.6 Building Envelope and Side Setbacks	Ground Floor: - 900mm First Floor:	1.34m (west), 1.2m (east)	Yes

Clause	Requirement	Comment	Complies?
	<ul style="list-style-type: none"> - must comply with Maximum Building Envelope (a plane starting from 6.5m height at side boundary and projected in over the site at 45 degrees). 	1.34m (west), 1.2m (east) - Complies with building envelope measurements	Yes
	<p>Cut and Fill:</p> <ul style="list-style-type: none"> - provide stepping building platforms in line with existing topography with floors no higher than 1m above natural ground level; - restrict cut-and-fill to a maximum of 500mm; - provide effective sub-soil drainage. 	Complies	Yes
	<p>Roof Pitches:</p> <ul style="list-style-type: none"> - Two Storey: not greater than 25° 	Complies	Yes
2.2.7 Driveways and Parking Areas	<p>Parking for boarding houses is regulated by Clause 29(2)(e) of ARHSEPP which prevails over the provisions of the DCP.</p> <p>Garages for attached dwellings should:</p> <ul style="list-style-type: none"> a) occupy not more than 50% of any street frontage; b) flanked by at least one principal living room that faces the street with secondary windows facing the side boundary for light and ventilation. 	<p>The development complies with the parking requirements of ARHSEPP, as detailed in the preceding assessment of ARHSEPP, and therefore cannot be refused on the grounds of parking.</p> <p>Complies</p> <p>Not applicable as proposal is for a Boarding House in which design does not accommodate numerous living areas. However, the ground floor room (R8) has windows facing the street and the eastern side boundary.</p>	<p>N.A.</p> <p>Yes</p> <p>N.A</p>
2.2.8 Landscaped Area	R3 Medium Density Residential: 40% (248.92m ²)	This control is unenforceable as it contradicts the landscaped area control of ARHSEPP which is the prevailing standard. However, the proposal provides 251.29m ² (40.38%) of landscaped area, thereby complying with the DCP control.	Yes
2.2.9 Solar Planning	The applicant must demonstrate that dwellings meet acceptable solar standards and that existing neighbouring and proposed private open spaces receive adequate solar access	<p>The submitted shadow diagrams confirm that 40% of the main private open spaces of the dwelling and main private open spaces of the adjoining properties (No10 & No14 Anthony Cres and No65 Second Ave) will receive at least 3 hrs sun in midwinter.</p> <p>The development does not overshadow any neighbouring houses.</p>	Yes

Clause	Requirement	Comment	Complies?
2.2.12 Building Design	Development should demonstrate a variety of architectural features	<p>A detailed assessment of the compatibility of the development with surrounding residential development was provided under Clause 30A of ARHSEPP. It was found that the design of the development is compatible.</p> <p>The building has been designed to reflect the form and scale of a modern dwelling house or attached dual occupancy. The footprint of the building and its two storey height is also typical of modern houses, dual occupancies and multi-dwelling housing (No18 Anthony Cres) within the area.</p> <p>The proposed boarding house is considered to have a superior architectural presentation. Further, there are previously approved boarding houses located at No51 (DA11/0290) & No53 (DA15/0475) Second Ave, located approximately 80m to the west of site. The approved boarding house at No53 is consistent with the proposed boarding house in terms of bulk, scale and materials and finishes, as it presents to the public domain.</p>	Yes
2.2.13 Energy Efficiency	<p>All new dual occupancy development should employ construction techniques that provide appropriate thermal mass</p> <p>All new dual occupancy development should adopt an appropriate orientation for rooms and windows</p> <p>All new dual occupancy development should provide effective shading from summer sun</p> <p>All new dual occupancy development should employ effective glazing</p> <p>All new dual occupancy development should adopt a configuration for dwellings that promotes cross-ventilation</p>	<p>The proposal is a Class 3 building under the BCA and energy efficiency is therefore regulated by Section J of the BCA. A Section J report has been submitted which confirms that the building can meet the relevant requirements of Section J.</p> <p>The proposed building design has utilised the north/south orientation of the subject site and has incorporated a variety of design measures and materials contributing to energy efficiency in the building, including:</p> <ul style="list-style-type: none"> - New glazed windows and doors have been provided at the building facades allowing for natural daylight and ventilation into boarding rooms and communal room; - Energy efficient lighting through the building reducing energy costs and drain on the supply; and <p>Adequate insulation to shield solar access where appropriate, resulting in the reduced reliance on mechanical ventilation and heating.</p>	Yes
2.2.15 Garage Design	Garages should be designed to serve a variety of purposes, and their appearance should contribute to the overall diversity of building form and design	The proposed integrated single garage for the 1 accessible car parking space at ground level is set back from the front building façade and integrated into the overall design. This smart design	Yes

Clause	Requirement	Comment	Complies?
		further contributes to an appearance similar to that of a dual occupancy or contemporary dwelling house.	
2.2.16 Garden Design	Gardens should be landscaped according to the function of each area, and should provide a backdrop that is appropriate to each adjacent room.	Refer to landscape plan. The proposed landscape treatment of the front setback area is comparable or superior to neighbouring properties and will be compatible with the streetscape, particularly with modern development within the immediate locality.	Yes
2.2.18 Fences and Retaining Walls	Fences, courtyard walls and boundary retaining walls should be compatible with neighbourhood character, and should be integrated with the design of buildings and garden areas.	The existing Colourbond and Weldmesh fencing along the side and rear boundaries will be replaced with 1.8m lapped and capped timber fencing. No front fencing is proposed forward of the building line which is typical of other modern development fronting Anthony Cres and within the immediate locality.	Yes
2.2.19 Visual and Acoustic Privacy and Outlook	Provide an outlook from dwellings and their private open space, and achieve levels of acoustic and visual privacy that are reasonable for a residential neighbourhood The recommended night-time internal noise levels in living and sleeping areas is 35-40 dB(A) To provide a high level of visual and acoustic privacy for residents and neighbours in dwellings and private open space To ensure that building design minimises overlooking problems	The proposed development will not result in unreasonable visual or acoustic privacy impacts to the surrounding properties. Privacy and overlooking of ground floor windows and private open space is mitigated by side boundary fencing combined with new landscaping within the compliant building setbacks at both the ground and first floor levels. Where new windows and glass doors are proposed, potential overlooking impacts have been designed out through offsetting window locations, compliant sill heights, and the use of frosted and opaque materials. The external private open space areas of the proposal are located within the rear setbacks consistent with adjoining properties and are unlikely to create any significant acoustic issues noting the residential use. The proposal does not include individual balconies, further negating any potential overlooking issues. Where privacy impacts are perceived, further privacy mitigation measures (e.g. natural and built screening elements) can be imposed by a condition of consent, if required by Council.	Yes

Clause	Requirement	Comment	Complies?
2.2.20 Safety and Security	Achieve a high level of passive security within and surrounding dwellings.	The proposal has been designed to address the safety and security objective based on the following assessment: <ul style="list-style-type: none"> - The subject building will improve the existing access to the property through a new defined pedestrian and vehicular entry points from Anthony Cres; - The upper level windows will provide passive surveillance of the front of the building and Anthony Cres; - Appropriate lighting is to be installed to the front pedestrian entry point from Anthony Cres; and - The proposed landscaping will not obstruct sight lines between the boarding house and the street frontage. 	Yes
2.2.21 Accessibility and Adaptability	Ensure that dwellings are accessible to persons with impaired sight or partial mobility	The boarding house proposal includes one accessible boarding room and 1 accessible car parking space at ground level. Common facilities are also fully accessible.	Yes
PART C10 Transport, Access and Parking			
10.1 Transport and Land Use	New development that will have potential significant public transport patronage (especially residential, commercial and employment generating uses) is to be located close to existing or proposed transport nodes or networks	The site is within an "accessible area" being located approximately 250m to a bus stop with frequent services to both Kingswood and Penrith centres, railway stations, WSU Kingswood Campus, Nepean TAFE and Nepean Hospital. The lower car ownership of boarding house residents makes them more inclined to cycle, walk or take the bus to local shopping centres rather than drive to major one-stop shopping centres out of the area. The proposal will therefore support local businesses and provide affordable accommodation for workers and tertiary students close to services and places of work and study.	Yes
10.5. Parking, Access and Driveways	Parking provided on site is to meet AS 2890 and where appropriate, AS 1428 For any proposed development, Council will require the provision of on-site car parking to a standard appropriate to the intensity of the proposed development as set out in Table C10.2	The proposed basement and ground level parking have been designed to meet the relevant standards. The DCP (Table C10.2) does not specific a rate for boarding houses. In any event, the proposal meets the car parking standard of ARHSEPP which is the prevailing standard.	Yes N.A.

Clause	Requirement	Comment	Complies?
	<p>Car parking above ground level is to have a minimum floor to ceiling height of 2.8m so it may be adapted to another use in the future.</p> <p>Where possible, natural ventilation is to be provided to underground parking areas with ventilation grilles and structures that are:</p> <ul style="list-style-type: none"> - integrated into the overall façade and landscape design of the development; - located away from the primary street façade; and - oriented away from windows of habitable rooms and private open space areas <p>Proposals for basement parking areas are to be accompanied with a geotechnical report prepared by an appropriately qualified professional and any other supporting information to the Development Application</p> <p>On-site parking for residential developments, including the residential component in a mixed use development, is to be accommodated wholly in a basement parking area unless the applicant can demonstrate to Council's satisfaction that the site's unique conditions prevent the parking from being located in a basement structure</p>	<p>The proposed integrated single garage at ground level providing 1 accessible space complies with the 2.8 height requirement.</p> <p>The proposed basement parking is designed to accommodate 9 car parking spaces, 4 motorcycles and 4 bicycle parking spaces within the building footprint. The basement parking is comparable to that of basement parking for a large modern dwelling, and therefore has been designed with similar elements to facilitate natural ventilation.</p> <p>Geotechnical investigations have been undertaken, as detailed in the report accompanying the application.</p> <p>The proposal includes basement parking.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
10.5.2. Access and Driveways	<p>The road access to the site should provide for safe entry to and exit from the site. All vehicles must enter/exit the site in a forward direction. (This does not apply to single dwellings).</p> <p>The entry and exit from the site should provide for appropriate traffic sight distance in both directions, in accordance with the provisions of AS2890.1 and 2 - 2004 for car parking and commercial vehicles respectively.</p> <p>The design of the development driveway should take into consideration the traffic volumes of the surrounding road network.</p>	<p>The development has been designed to enable forward entry and exit from each of the 9 basement car parking spaces. The accessible car space requires reversing to the street, however this is similar to a conventional dwelling house or dual occupancy development. Given the likely lower rate of usage of the single accessible parking space, this is considered reasonable.</p> <p>Designed to comply.</p> <p>The subject site is located within a residential precinct where the traffic volumes are not excessive.</p>	<p>N/A</p> <p>Yes</p> <p>Yes</p>

Clause	Requirement	Comment	Complies?
	<p>Driveways should be:</p> <ul style="list-style-type: none"> - Provided from lanes and secondary streets rather than the primary street, wherever practical; - Located taking into account any services located within the road reserve, such as power poles, drainage inlet pits and existing street trees; - Setback a minimum of 6m from the perpendicular of any intersection of any two roads; and - Located to minimise noise and amenity impacts on adjacent residential development. 	The driveway has been provided from the only accessible point to the existing street network, that being the primary frontage to Anthony Cres.	Yes
	The driveway crossing and access roads shall be designed in accordance with the provisions of AS2890.1 and 2 - 2004 for car parking and commercial vehicles respectively	Designed to comply.	Yes
	Driveway widths must comply with the relevant Australian Standards	Designed to comply.	Yes
	Driveway grades, vehicular ramp width/grades and passing bays must be in accordance with the relevant Australian Standard (AS2890.1)	Designed to comply.	Yes
	Access to basement parking shall have an entry threshold a minimum of 300mm above the top of the kerb. The threshold shall be increased within areas of flooding or local overland flows to a minimum of 300mm above the flood level. The design of the development shall ensure that floodwater cannot enter the car park in a 1% Annual Exceedance Probability (AEP) flood event.	Designed to comply, and the subject site is not located in a flood prone area.	Yes
PART C5 Waste Management			
5.1. Waste Management Plans	Applicants are to submit a Waste Management Plan when lodging a development application for demolition or construction of buildings	A Waste Management Plan accompanies the application.	Yes
5.2.2. Residential Development	The kitchen of each dwelling should be designed with sufficient space (or an alternate location) for the interim	Each boarding room contains a kitchenette with sufficient under-bench space to accommodate bins for waste and recyclables.	Yes

Clause	Requirement	Comment	Complies?
Controls	<p>storage of organic waste, other recyclable waste and nonrecyclable waste. It should be of sufficient size to hold at least a single day's waste and to enable source separation of garbage, recyclables and compostable materials.</p> <p>The design and location of waste storage areas/facilities should be such that they:</p> <ul style="list-style-type: none"> - Complement the design of both the development and the surrounding streetscape; - Have access to a cold water supply for the cleaning of bins and the waste storage areas; and - Not be visually prominent from public areas. <p>An area for composting is to be provided on site and made available for residents' use.</p>	<p>An internal area has been allocated for waste bins within the integrated garage area. This garage links to the front setback area and driveway for easy movement of the bins to the kerb for collection, as well as providing a pervious area for washing out bins when required. As it is internal, the allocated area is not visible from the street.</p> <p>The private open space areas at site can accommodate a composting area.</p>	
PART D5 OTHER LAND USES			
5.11 Boarding Houses	<p>The proposed boarding house proposal meets the objectives:</p> <ul style="list-style-type: none"> - The design is compatible with the local character and provides suitable amenity for tenants and the community; - The design fits the local character or desired future local character of the area; - The design minimises negative impacts on neighbourhood amenity; - The design is safe and accessible; - The design responds to increasing neighbourhood densities resulting from boarding house development; and - The boarding house will operate in a manner which maintains a high level of amenity, health and safety for residents. 		Yes
1. Local Character	<p>Boarding house development applications shall be accompanied by detailed site analyses to assist with the determination of local character.</p> <p>A neighbourhood analysis should be completed to identify the desired future character of the neighbourhood. It is recommended that community consultation be undertaken as part of the analysis to determine aspirations for the future character.</p> <p>Key elements that contribute to consideration of local and</p>	<p>A detailed assessment of the compatibility of the development with surrounding residential development was provided under Clause 30A of ARHSEPP (pages 11-13). It was found that the design of the development is compatible with the character of the locality.</p>	Yes

Clause	Requirement	Comment	Complies?
	neighbourhood character include: <ul style="list-style-type: none"> - Surrounding land uses - Social and Historic Context - Scale - Built Form - Natural Environment - Density - Amenity - Safety and Security - Social dimensions and housing affordability - Aesthetics 		
2. Built form, Scale and Appearance	<p>The entrance to the boarding house must be in a prominent position addressing the street.</p> <p>New boarding houses shall not adversely impact upon solar access of adjoining properties.</p> <p>Boarding houses shall be designed to have a sympathetic relationship with adjoining development.</p> <p>Proposals must demonstrate that neighbourhood amenity will not be adversely impacted by factors such as noise and privacy.</p> <p>In a Low Density zone, boarding houses should comply with controls for Single Dwellings where these controls do not conflict with the requirements of the SEPP.</p> <p>A boarding house proposal of a scale similar to a multi dwelling housing development should comply with the controls and objectives for multi dwelling housing within this DCP, where they are not in conflict with the requirements of the SEPP and the objectives of the zone.</p>	<p>The site is of sufficient area for an attached dual occupancy development, where the proposed design is most similar to that of an attached dual occupancy development. Therefore, the built form controls for dual occupancy development (addressed in previous section on page 1 of this attachment) have therefore been used as a guide to an acceptable built form for the proposed boarding house.</p>	Yes
3. Tenant Amenity, Safety and Privacy	<p>Boarding houses are to maintain a high level of resident amenity, safety and privacy by ensuring:</p> <ul style="list-style-type: none"> - communal spaces including laundry, bathroom, 	<p>The proposed new generation boarding house design ensures a high level of amenity, safety and privacy by:</p> <ul style="list-style-type: none"> - providing communal spaces including laundry, bathroom, 	Yes

Clause	Requirement	Comment	Complies?
	<p>waste facilities, private open space, kitchen and living areas are accessible to all lodgers;</p> <ul style="list-style-type: none"> - if over 10 boarding rooms are supplied, 10% of the total number of dwellings (rounded up) must be accessible; - cross ventilation is achievable such that reliance on air-conditioning is minimised; - all opening windows are to be provided with fly screens; and - secure mailboxes should be incorporated within the foyer window of the property allowing resident only access from inside the foyer. 	<p>waste facilities, private open space, kitchen and living areas;</p> <ul style="list-style-type: none"> - two (2) accessible rooms are provided and an accessible car parking space. - where practicable providing cross ventilation in combination of installing fly screens to all window openings in all rooms; and - providing secure mailboxes at the front of the property. This external location is deemed satisfactory noting no internal foyer is proposed for a small scale boarding house of this nature. 	
4. Visual and Acoustic Amenity Impacts	<p>Boarding houses are to provide:</p> <ul style="list-style-type: none"> - bedrooms separate from significant noise sources; - sound insulation between bedrooms to provide reasonable amenity; - communal areas and bedroom windows away from the main living area or bedroom windows of any adjacent buildings; and - screen fencing, plantings, and acoustic barriers in appropriate locations. 	<p>The proposed design has provided:</p> <ul style="list-style-type: none"> - bedrooms separate from significant noise sources; - sound insulation between bedrooms to provide reasonable amenity; - communal areas and bedroom windows (where practicable) away from the main living area and bedroom windows of any adjacent buildings; and - screen fencing and plantings in appropriate locations. <p>Any other visual and/or noise mitigation measure required by Council can be conditioned by consent.</p>	Yes
5. Location	Boarding Houses shall not be located in cul-de-sacs.	The boarding house subject site is not located within a cul-de-sac.	N.A.
6. Plan of Management	<p>An operating 'Plan of Management' is to be submitted with each development application for a boarding house (including new and existing boarding houses). The Plan of Management is to include, but is not limited to:</p> <ul style="list-style-type: none"> - boarding house staffing arrangements, including the location of 24/7 contact details for any on-site manager or resident caretaker, who has overall responsibility for the operation, administration, cleanliness, maintenance and fire safety of the premises; - house rules and how they will be publicised to 	Refer to Attachment 2 Plan of Management.	Yes

Clause	Requirement	Comment	Complies?
	<p>residents, including details of:</p> <ul style="list-style-type: none"> • guest behaviour; • activities and noise; • visitor policy; • the use of alcohol and/or drugs; • cleaning of communal spaces following use, and • location of smoking area. <p>- plans outlining the occupancy rate for each sleeping room, room furnishings, provisions of communal areas and facilities, and access and facilities for people with disabilities;</p> <p>- measures to minimise unreasonable impact to the habitable areas of adjoining properties, including the management of communal open spaces, which, for boarding houses within residential areas or where adjoining sites contain residential activities, should be restricted to 10pm;</p> <p>- waste minimisation, recycling and collection arrangements are to be identified;</p> <p>- maintenance strategy including, but not limited to:</p> <ul style="list-style-type: none"> • monthly gardening and pruning of vegetation; • pest management plan; • cleaning and sanitation program including end of <p>lease arrangements;</p> <ul style="list-style-type: none"> • quarterly external clean and graffiti removal; • waste management plan; and • indicative arrangements for council officer's 12 month inspection, required under the Boarding House Act 2012. <p>- internal signage arrangements, including:</p>		

Clause	Requirement	Comment	Complies?
	<ul style="list-style-type: none"> • the name and contact number of the property caretaker or manager; • emergency contact numbers for essential services; • house rules; • a copy of the annual fire safety statement and current fire safety schedule; • floor plans that will be permanently fixed to the inside of the door of each sleeping room which indicate the available emergency egress routes from the respective sleeping room; and • information on local social services. <ul style="list-style-type: none"> - minimum lease period with conditions including: • resident agreement to comply with boarding house rules; • minimum lease period of 3 months; and • 6 and 12 month rental terms available. <ul style="list-style-type: none"> - a social impact assessment; - a complaint register that is available for inspection by Council; - indicative arrangements for Council monitoring and review of required management actions; and - any further relevant considerations. Council may request further information to be provided. 	<p>Social impacts have been addressed in Section 4.4 of the SEE.</p>	

BOARDING HOUSE PLAN OF MANAGEMENT AND HOUSE RULES FOR 12 ANTHONY CRESCENT, KINGSWOOD

Preliminary

12 Anthony Crescent, Kingswood is a *registrable boarding house* under Section 5(1) of the *Boarding Houses Act 2012*, being operated as a *general boarding house* with 19 boarding rooms with maximum occupancy of 19 lodgers. It is not an *assisted boarding house*.

This management plan implements the *occupancy principles* for boarding houses in force under Section 30(1) of the *Boarding Houses Act 2012*, as set out in Schedule 1 of this plan.

1. Object of this Plan

1.1 A primary purpose of this Management Plan is to ensure that neighbours' amenity is not reduced by the operation of the premises. To achieve this, the Management Plan has been drafted with the following matters in mind:

- a) to minimise disturbance to neighbours;
- b) to discourage behaviour of occupants which may cause neighbour's amenity to be reduced;
- c) to provide a procedure to receive and resolve complaints;
- d) to maintain the appearance and hygienic condition of the premises;
- e) to ensure a responsible person is readily contactable to assist in the ongoing implementation of this Management Plan;
- f) to ensure that this Management Plan is enforceable, and
- g) to make provision for this plan to be amended from time to time (with the approval of Council) in order to facilitate timely and responsive operational changes to improve residential amenity within and external to the site.

2. Responsibilities of Manager

2.1 The manager of the premises is responsible for ensuring that this Management Plan is properly implemented at all times.

2.2 This Management Plan shall be displayed in a common area of the boarding house at all times. The Manager shall give occupants copy of a document called "Boarding House Rules" ("the Rules") before they move into the boarding house. The Rules include guidelines for the conduct of occupants to minimise inappropriate behaviour that might reduce the amenity of neighbours or other lodgers. The Rules may not be inconsistent with this Management Plan or the conditions of development consent.

2.3 All residents in the boarding house are to sign an Occupancy Agreement which includes a requirement to comply with the Rules. The length of occupancy shall not be less than 90 days, on the explicit understanding that accommodation is not to be provided on a temporary basis to persons on recreational pursuits.

2.4 The Manager is responsible for enforcing the Rules.

2.5 The Manager shall have discretion to remove any person from the Boarding House who fails to comply with any Rule after due warning.

2.6 The Manager shall maintain a register of lodgers who have been evicted from the Boarding House and shall ensure that they are prevented from entering the premises in the future.

2.7 The Manager shall take all reasonable steps necessary to ensure that occupants of the Boarding House do not affect the amenity of neighbours. The Manager may evict occupants who unreasonably affect the amenity of neighbours.

2.8 The Manager shall ensure that the Rules are displayed in the entrance, common rooms, corridors and bedrooms of the Boarding House.

2.9 A sign shall be maintained at the entrance to the Boarding House advising occupants to be aware and mindful of the amenity of neighbours when entering or leaving the premises and refrain from making excessive noise.

2.10 A mobile phone number for contacting the Manager shall be displayed on the outside wall at the entrance to the boarding house, so that it is visible from outside the boarding house.

2.11 The Manager shall provide a mobile phone number to immediate neighbours and to lodgers on which the Manager can be contacted 24 hours a day.

3. Resident Manager

3.1 As the capacity of the boarding house is less than 20 people, a manager is not required to reside on the premises.

3.2 A professional managing agent will be engaged by the proprietor to enforce the requirements of this management plan and deal with all tenancy management matters.

4. Residents Register

4.1 The Manager shall maintain a register which includes the lodger's name, previous address, identification details, room number, the tariff charged, date of commencing occupancy and date of ceasing occupancy. The register may be kept in writing and/or on computer.

4.2 Only one lodger can be registered at any one time to occupy any of the boarding rooms. There are to be no more than 19 lodgers residing in the boarding house at any time. Inspections of the property and the Register may be undertaken by the Manager and authorised officers of Council from time to time to ensure that this requirement is being satisfied.

4.3 Preference in allocation of the accessible rooms (R1 and R4) shall be given to a lodger with disability. If R1 or R4 are occupied by a lodger without disability when a prospective lodger seeks accessible accommodation, the agreement of the current lodger shall be sought to move to another room that is (or becomes) available so that one of the accessible rooms can be allocated to the lodger with disability.

5. Boarding House Rules

5.1 The Boarding House Rules include the following:

Lodgers and their guests:

- a) Will not smoke inside the Boarding House.
- b) Will not drink alcohol or play music in the outdoor areas of the property between 10.00pm and 10.00am.
- c) Will not use the outdoor areas of the Boarding House for recreation between the hours of 10.00pm and 7.00am.
- d) Will not play music or make noise inside or outside the boarding house at a level that disturbs neighbours or other lodgers.
- e) Will not operate musical instruments or sound equipment (radios, TVs, computers, tape recorders, record players, compact disc, MP3 players, computer games or the like) from 12 midnight to 8am on any Friday, Saturday or day immediately before a public holiday, or 10pm to 8am on any other day, inside a

bedroom or communal area unless windows are closed or headphones are used and noise levels do not cause offensive noise to neighbours or other lodgers.

- f) May use the communal rooms at any time other than between the hours of 10pm and 6.00am, unless with the agreement of the Manager.
- g) Will remove their personal items and leave the common room in a clean and tidy condition after each use.
- h) Will not give or lend their key to the premises to anyone who is not a current lodger of the premises.
- i) Will not bring visitors to stay overnight.
- j) Will not be rude or offensive or create tension with other lodgers or neighbours.
- k) Will respect the right of other lodgers and neighbours to the quiet enjoyment of their premises.
- l) Will not jeopardize the safety of other lodgers or neighbours.
- m) Will not bring illegal drugs or substances onto the property.
- n) Will not bring pets onto the property.
- o) Will not use candles, incense, element heaters or other device or thing that is liable to cause a fire in their room or common areas.
- p) Will pay lodging fees by the due date.
- q) Will vacuum, clean and maintain their room in a hygienic condition.
- r) Will restore common rooms to a neat, clean and tidy condition after using them.
- s) Will turn lights and power off when not in use.
- t) Will put garbage and recyclable materials into the appropriate bin.
- u) Will safely convey bicycles in and out of the property without causing danger to other lodgers or neighbours.
- v) Will only park bicycles in the appropriate allocated parking space and not on any other common space of the property.
- w) Will let the owner or Manager inspect their room at least once a month or at other times as requested, with reasonable notice.
- x) Will notify the Manager immediately when there is reason to believe that the behaviour or action of other lodgers may cause harm or endanger lives or may cause damage to the premises/property.

6. Safety

6.1 The Manager shall ensure that all fire safety requirements of the Boarding House are met at all times, including ensuring the following:

- a) Fire exit signs are in working order.
- b) Emergency access routes are clear.
- c) Smoke detectors/alarms are in good working order.
- d) Any items that are a fire hazard are removed from the premises without delay.
- e) Generally maintain the premises in a fire-safe condition.

6.2 All occupants are to be informed of the fire safety facilities and evacuation procedures for the Boarding House including the fire exits, assembly area, fire blankets, fire extinguishers and fire warning devices installed in the Boarding House.

7. Cleaning & Waste Management

7.1 All common areas of the premises are to be professionally cleaned on a regular basis, and garbage bins presented at the kerbside at the appropriate time for collection and returned to the bin store after emptying. Arrangements for this will at all times be the responsibility of the Manager.

7.2 The common open space areas are to be maintained in a neat and orderly manner and in accordance with the approved Landscape Plan. This will require mowing and garden maintenance at least fortnightly during spring and summer and at least monthly during autumn and winter, and replacement of any plants identified in the approved Landscape Plan that fail to thrive. Contractors shall remove lawn clippings and other green waste at the completion of each service.

7.3 An adequate number of waste bins, including recycling bins, shall be provided to accommodate waste generated by the boarding house. Bins and the bin storage room must be kept in a clean, odour-free and vermin-free state at all times.

7.4 The Manager shall arrange for the removal within 48 hours of any graffiti on the exterior of the premises.

8. Pets

8.1 No pets of any kind are allowed on the boarding house premises.

9. Public Complaints Resolution Procedure

9.1 The Manager shall maintain a Complaints Register of public (external) complaints.

9.2 This register shall comprise of forms to be completed by the Manager, lodgers and/or complainants. The form is to record the nature and date of any complaint and the name, address and phone number of the person making the complaint.

9.3 The Manager shall respond by telephone to a written or oral complaint within 24hrs (provided that the complainant has provided a phone number).

9.4 The Manager shall respond in writing within 7 days to a written complaint (provided that the complainant has provided contact details).

9.5 The Manager shall use best endeavours to arrange a meeting with complainants so that the complaint is resolved. The Manager shall keep minutes of such meetings in the Complaints Register. The register is to be made available for inspection at any time by an authorised officer of the Council.

9.6 If a complaint cannot be resolved and the complainant wishes to escalate the matter, the complaint may be referred for resolution to the Community Justice Centre.

Schedule 1 Occupancy principles

(as in force under Section 30 of the *Boarding Houses Act 2012*)

1 State of premises

A resident is entitled to live in premises that are:

- (a) reasonably clean, and
- (b) in a reasonable state of repair, and
- (c) reasonably secure.

2 Rules of registrable boarding house

A resident is entitled to know the rules of the registrable boarding house before moving into the boarding house.

3 Penalties for breaches of agreement or house rules prohibited

A resident may not be required to pay a penalty for a breach of the occupancy agreement or the rules of the registrable boarding house.

4 Quiet enjoyment of premises

A resident is entitled to quiet enjoyment of the premises.

5 Inspections and repairs

A proprietor is entitled to enter the premises at a reasonable time on reasonable grounds to carry out inspections or repairs and for other reasonable purposes.

6 Notice of increase of occupancy fee

A resident is entitled to 4 weeks written notice before the proprietor increases the occupancy fee.

7 Utility charges

(1) The proprietor is entitled to charge a resident an additional amount for the use of a utility if:

- (a) the resident has been notified before or at the time of entering the occupancy agreement of the use of utilities in respect of which the resident will be charged, and
- (b) the amount charged is based on the cost to the proprietor of providing the utility and a reasonable measure or estimate of the resident's use of that utility.

(2) A utility for the purposes of this clause is each of the following:

- (a) the supply of electricity,
- (b) the supply of gas,
- (c) the supply of oil,
- (d) the supply of water,
- (e) the supply of any other service prescribed by the regulations.

8 Payment of security deposits

(1) The proprietor may require and receive a security deposit from the resident or the resident's authorised representative only if:

- (a) the amount of the deposit does not exceed 2 weeks of occupancy fee under the occupancy agreement, and
- (b) the amount is payable on or after the day on which the resident (or the resident's authorised representative) enters the agreement.

(2) Within 14 days after the end of the occupancy agreement, the proprietor must repay to the resident (or the resident's authorised representative) the amount of the security deposit less the amount necessary to cover the following:

- (a) the reasonable cost of repairs to, or the restoration of, the registrable boarding house or goods within the premises of the boarding house, as a result of damage (other than fair wear and tear) caused by the resident or an invitee of the resident,
- (b) any occupation fees or other charges owing and payable under the occupancy agreement or this Act,
- (c) the reasonable cost of cleaning any part of the premises occupied by the resident not left reasonably clean by the resident, having regard to the condition of that part of the premises at the commencement of the occupancy,
- (d) the reasonable cost of replacing locks or other security devices altered, removed or added by the resident without the consent of the proprietor,
- (e) any other amounts prescribed by the regulations.

(3) The proprietor may retain the whole of the security deposit after the end of the occupancy agreement if the costs, fees or charges referred to in subclause (2) (a)–(e) are equal to, or exceed, the amount of the security deposit.

(4) In this clause:

security deposit means an amount of money (however described) paid or payable by the resident of a registrable boarding house or another person as security against:

- (a) any failure by the resident to comply with the terms of an occupancy agreement, or
- (b) any damage to the boarding house caused by the resident or an invitee of the resident, or
- (c) any other matter or thing prescribed by the regulations.

9 Information about occupancy termination

A resident is entitled to know why and how the occupancy may be terminated, including how much notice will be given before eviction.

10 Notice of eviction

(1) A resident must not be evicted without reasonable written notice.

(2) In determining what is reasonable notice, the proprietor may take into account the safety of other residents, the proprietor and the manager of the registrable boarding house.

(3) Subclause (2) does not limit the circumstances that are relevant to the determination of what is reasonable notice.

11 Use of alternative dispute resolution

A proprietor and resident should try to resolve disputes using reasonable dispute resolution processes.

12 Provision of written receipts

A resident must be given a written receipt for any money paid to the proprietor or a person on behalf of the proprietor.