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STATEMENT OF ENVIRONMENTAL EFFECTS

*“Demolition of existing structures
and construction of a new age
boarding house with basement
parking”*

*27-28 Park Avenue,
Kingswood*

March 2021

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1.0 INTRODUCTION

- 1.1 This statement has been prepared on behalf of the applicant in support of a development application to the Penrith City Council (the "Council") comprising demolition of the existing structures and construction of a boarding house containing 64 boarding rooms with basement parking, at 27 & 28 Park Avenue, Kingswood.
- 1.2 The proposal seeks approval for a boarding house containing sixty-four (64) boarding rooms and managers residence. The building is a two-three storey structure over two basement levels - containing parking and various service areas. The development presents to Park Avenue as two storeys and two separate buildings. It is divided into eight (8) vertical clusters of rooms, each with their own stairway access and landing. There is an east and west wing which is separated by a common courtyard in the middle of the site. The third habitable level is set behind the front room clusters – which are only two storeys with sloping rooflines facing Park Ave. Access to the basement levels is via a two-way driveway located adjacent the eastern boundary.
- 1.3 The subject site is located approximately 700m east of the Kingswood Train Station, north of the railway line reserve. It comprises two allotments, adjoining an existing medium density townhouse development and low density detached housing.
- 1.4 The site is zoned R3 Medium Density Residential under Penrith LEP 2010. The site is not subject to a FSR development standard, only a height of building control. There is minor variation requested to 8.5m height limit to allow for the uniformity of the structures and the sloping roof lines when viewed from Park Avenue. The variation is only 500mm in the south-east corner of the building – less than 10% and able to be supported in the circumstances. A clause 4.6 written request for variation is submitted as part of the DA documentation.
- 1.5 The use of the site as a boarding house development is permissible within the R3 zone, with the consent of Council. The proposal has been reviewed against the zone and HOB development standard objectives and found to be acceptable, particularly in terms of the likely future character of development in this area and its proximity to a number of services and facilities within the immediate vicinity of Park Avenue. Further, there are no significant adverse environmental impacts associated with the use.
- 1.6 The proposal has been assessed in terms of SEPP (Affordable Rental Housing) (SEPPARH) and the Penrith DCP. The SEPPARH overrides the PDGP in the areas specified being the non-discretionary development standards such as parking and landscaped area. As identified in DA Plan set the proposed boarding house has an acceptable visual fit; will be part of an eclectic mix of residential accommodation in the immediate area; and over time will reflect the likely future character given that the zoning permits a higher density of development. It has been assessed and found to satisfy the requirements of the SEPPARH in relation to the character test.
- 1.7 This document has been prepared pursuant to Section 4.12 of the *EP&A Act 1979*, and cl.47 and Schedule 1, Part 1, cl. 2(c) of the Environmental Planning and Assessment Regulation 2000 and reviews the applicable environmental planning instruments and development control plans that apply to the subject property.

- 1.8 The subject proposal is not Integrated or Designated Development pursuant to the *EP&A Act 1979*. The proposal is to be assessed as local development under Part 4 of the *EP&A Act 1979*. It is noted that clauses 45 and 85 of the SEPP (infrastructure) apply to the subject site and the development application will be referred to the relevant authorities as part of the DA assessment process by Penrith Council.
- 1.9 Therefore, it is with confidence and high expectation of support that the development application is submitted to Council.

2.0 DESCRIPTION OF SITE AND LOCALITY

2.1 Site Description

The subject site is legally described as Lot 11 & Lot 12 DP 29528. The two lots are commonly known as No. 27 and No. 28 Park Avenue, respectively. The proposed development site comprises both lots. It is an irregular site with frontage to Park Avenue of 31.61m, rear northern boundary of 30.48m, eastern side boundary of 50.95m and western side boundary of 59.31m.

The two sites are currently occupied by two single storey dwellings and associated garage and structures. They are both generally tired and aged houses on relatively large residential blocks, sitting within a R3 zone. The sites appear to be generally in a fairly unkept condition.

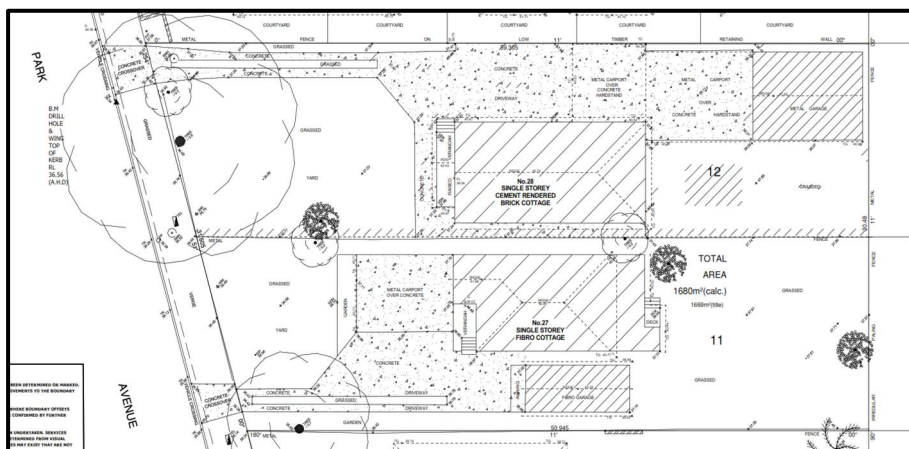


Figure 1: Extract of Site Survey

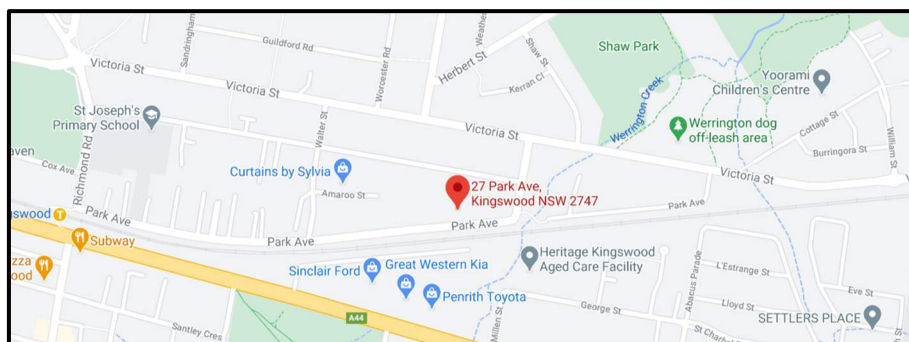


Figure 2: Location of the site (Source: googlemaps)



Figure 3: Aerial view of the subject site (Source: sixmaps NSW)

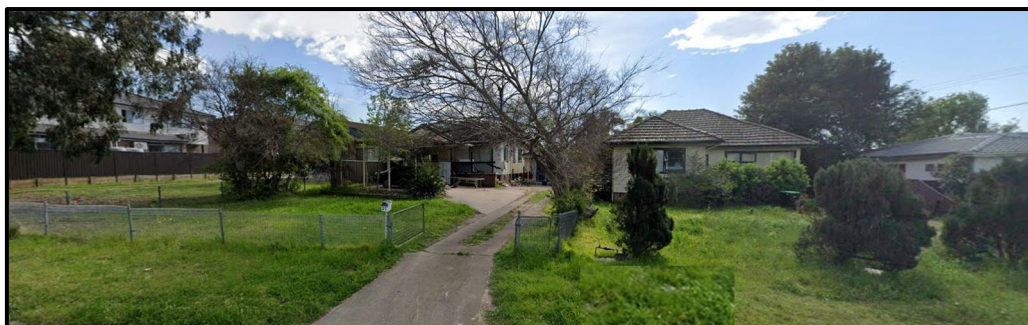


Figure 4: View of subject site from Park Avenue

Surrounding the site is an eclectic mix of residential development both low and medium density. The above photos of development along Park Ave demonstrates the existing mix and transitioning nature of development in the area.



Figure 4: View looking east from subject site – single storey older style dwellings on left of photo and State Rail reserve on right of photo (screened by dense vegetation)



Figure 5: View of townhouse development at No. 30 Park Avenue being a product of the R3 zoning hierarchy

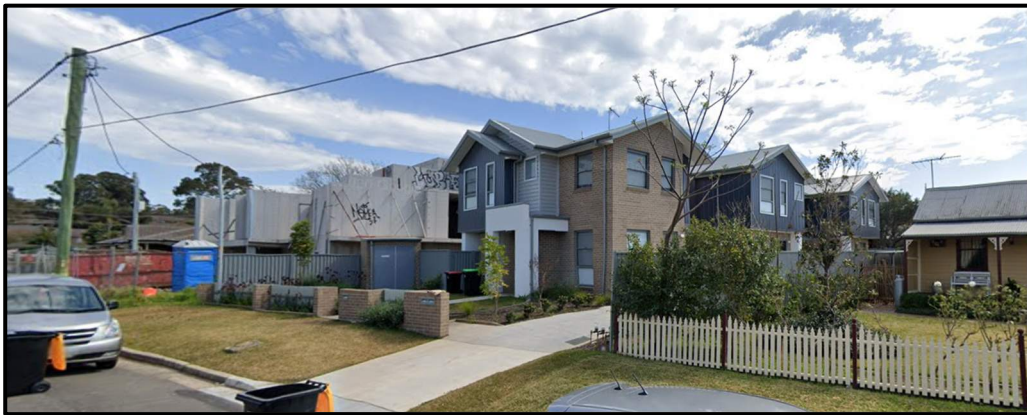


Figure 6: View of townhouse development at 44 Park Avenue



Figure 7: View of approved boarding house, under construction as at September 2020 at 45 Park Avenue



Figure 8: View of older style three storey walk-up residential flats at 56 and 58 Park Ave. These are typical of a number of unit development along Park Ave – west of the subject site towards the Kingswood Train Station

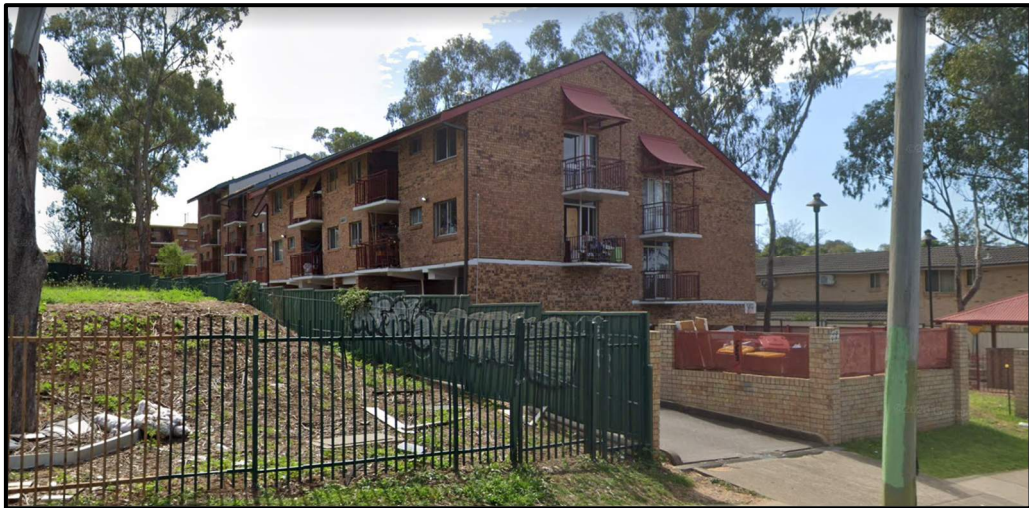


Figure 9: View of medium density units (3 storeys) at 70 Park Ave

3.0 **DESCRIPTION OF PROPOSAL**

Demolition: Removal of all structures on both allotments and site preparation works.

Site Preparation: Excavation of the basement levels with appropriate soil and sediment erosion control measures in place

Construction: Construction of 2-3 storey boarding house containing 64 rooms and a manager's residence with basement parking over two levels.

The building is a two-three storey structure over two basement levels - containing parking and various service areas. The development presents to Park Avenue as two storeys and two separate buildings. It is divided into eight (8) vertical clusters of rooms, each with their own stairway access and landing. There is an east and west wing with a separated by a common courtyard in the middle of the site. The third habitable level is set behind the front room clusters – which are only two storeys with sloping rooflines facing Park Ave. Access to the basement levels is via a two-way driveway located adjacent the eastern boundary.

The boarding house is to contain sixty-four (64) boarding rooms, parking for thirty-two (32) vehicles, 13 motorbike and 13 bicycle spaces with manager's room on the ground floor level. The proposed development may be summarised as follows:

Basement 2

- Parking for 32 vehicles, including 2 accessible spaces
- Parking for 2 motorcycles and 13 bicycles
- Plant room
- Lift and stairs to basement 1

Basement 1

- Parking for 9 vehicles, including 4 accessible spaces
- Parking for 11 motorcycles and 13 bicycles
- Bulky waste room, bin storage room
- Loading bay
- Lift and stairs to other levels

Ground Floor Level

- Twenty-one (21) boarding rooms (including 6 accessible rooms and 2 single rooms, others are double rooms)
- Community room (22.5m²) with outdoor COS area 46.5m²
- Manager's room 17.5m² with POS area 25.5m²

- Central courtyard between east and west wings of the development
- Stairs to each vertical room cluster
- Lift and stairs to other levels

First Floor Level

- Twenty-six (26) boarding rooms (including 2 single rooms, otherwise double rooms)
- Stairs to each vertical room cluster

Second Floor Level

- Seventeen (17) boarding rooms (all double rooms)
- Stairs to each vertical room cluster

Ancillary

- Consolidate lots
- Landscaping
- Drainage

Table 1: Schedule of rooms

Room No.	Size m ² (nett)	No. of persons	Accessible room (Y or N)	Room No.	Size m ² (nett)	No. of persons	Accessible room (Y or N)
1	16.0	2	Y	33	16.0	2	N
2	16.0	2	Y	34	17.5	2	N
3	14.5	1	N	35	17.5	2	N
4	17.5	2	N	36	17.5	2	N
5	14.0	1	N	37	17.5	2	N
6	16.0	2	N	38	17.5	2	N
7	16.0	2	N	39	17.5	2	N
8	16.0	2	N	40	16.0	2	N
9	16.0	2	N	41	16.0	2	N
10	16.0	2	Y	42	16.0	2	N
11	16.0	2	Y	43	16.0	2	N
12	16.0	2	Y	44	16.0	2	N
13	16.0	2	Y	45	16.0	2	N
14	16.0	2	N	46	16.0	2	N
15	16.0	2	N	47	16.0	2	N
16	16.0	2	N	48	16.0	2	N
17	16.0	2	N	49	16.0	2	N
18	16.0	2	N	50	16.0	2	N
19	16.0	2	N	51	16.0	2	N
20	16.0	2	N	52	16.0	2	N
21	16.0	2	N	53	16.0	2	N
22	17.5	2	N	54	17.5	2	N
23	17.5	2	N	55	17.5	2	N
24	14.5	1	N	56	17.5	2	N
25	17.5	2	N	57	17.5	2	N
26	17.5	2	N	58	17.5	2	N
27	14.5	1	N	59	17.5	2	N
28	17.0	2	N	60	16.6	2	N
29	17.0	2	N	61	16.6	2	N
30	16.0	2	N	62	16.6	2	N
31	16.0	2	N	63	16.6	2	N
32	16.0	2	N	64	16.6	2	N
Total	64 rooms	124 persons	6				
Manager's Room		17.5m²					

The following plan extracts show the areas of change from the original development to the proposed development:

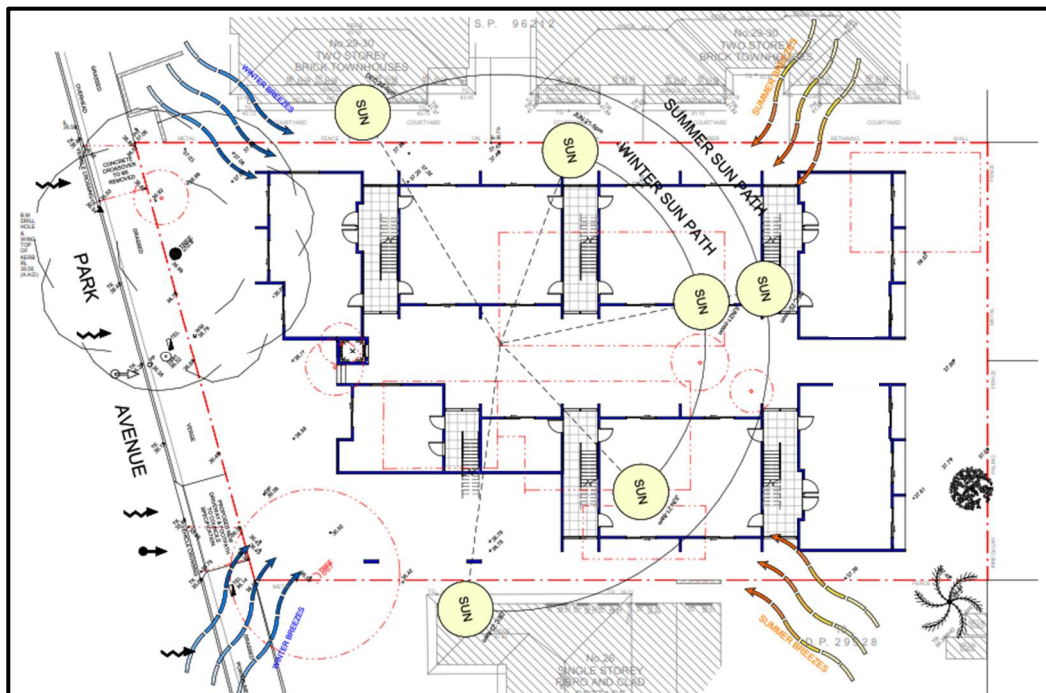


Figure 10: Extract of site analysis plan showing tree retention in front yard, staggered building front setback, building separation to neighbouring properties and sun light paths across the site



Figure 11: Proposed streetscape and south elevation showing domestic scale and height of development relative to adjoining landuses. Development presents as two x two storey buildings, separated by open space in between; pitched roofline retained along Park Avenue frontage



Figure 12: East Elevation incorporating third storey within roof space; flat roof and high level window openings to upper level



Figure 13: North Elevation (rear of the site – setback over 6m from rear boundary)



Figure 40: West Elevation showing two storey pitched roof line to Park Ave frontage



Figure 15: 3-D view from Park Avenue showing two storey presentation to Park Ave; single driveway access adjacent eastern boundary and building separation between the east and west wings of the boarding house

4.0 SECTION 4.15 ASSESSMENT – HEADS OF CONSIDERATION

In accordance with s4.15 of the *EP&A Act 1979* the following matters shall be considered in determination of the development application:

4.15 Evaluation

(1) Matters for consideration—general

In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

(a) the provisions of:

- (i) any environmental planning instrument, and*
- (ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and*
- (iii) any development control plan, and*
- (iiia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and*
- (iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph),*
- (v) (Repealed) that apply to the land to which the development application relates,*

(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,

(c) the suitability of the site for the development,

(d) any submissions made in accordance with this Act or the regulations,

(e) the public interest.

4.1 Relevant Statutory Environmental Planning Policies (EPIs)

The following identifies the relevant EPIs applicable to the assessment of the application.

The application is assessed under the provisions of Section 4.15 of the *Environmental Planning and Assessment Act 1979*, as amended, which include:

- Sydney Regional Environmental Plan no 20 – Hawkesbury Nepean River (No 2 - 1997)
- SEPP No. 55 - Remediation of Land
- SEPP (Vegetation in Non-Rural areas) 2017
- SEPP (Infrastructure) 2007
- SEPP (ARH) – Division 3 – Boarding Houses
- Draft SEPP (Housing Diversity)
- Penrith Local Environmental Plan (PLEP) 2010
- Penrith Development Control Plan 2014 (PDCP 2014)

4.1.1 Sydney Regional Environmental Plan no 20 – Hawkesbury Nepean River (No 2 - 1997)

Sydney Regional Environmental Plan is applicable to land within the Penrith LGA as identified within the associated mapping.

The site is located approximately 4.6km from the Nepean River foreshore. It is not considered likely that the proposal will impact water quality through its construction operation. Nonetheless, the proposed development incorporates a range of measures to ensure the development does not adversely impact the environment of the Hawkesbury-Nepean River system.

Stormwater runoff from the development will be conveyed to Council drainage system in Park Avenue. Appropriate erosion and sediment controls will be implemented throughout construction, as identified on the Erosion and Sediment Control Plan submitted with the DA package.

The proposal has also been designed to be consistent with the provisions Penrith LEP 2010 and the Penrith DCP 2014. The development is therefore consistent with the aims of the Sydney Regional Environmental Plan No 20 - Hawkesbury Nepean River.

4.1.2 SEPP 55 – Remediation of Land

State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55) requires that a consent authority must not consent to the carrying out of any development on land unless it has considered whether or not the land is contaminated.

The site is located within an established residential area with residential land uses continuing to the present. The site is therefore considered to have a low risk for potential land contamination.

Should any contamination be discovered on site during excavation or construction, appropriate management and notification procedures will be followed as per conditions of consent and consistent with the legislative requirements and guideline document to manage any contaminated land.

4.1.3 SEPP (Vegetation in Non-Rural areas) 2017

State Environmental Planning Policy (Vegetation in Non-Rural areas) 2017 seeks to protect the biodiversity values of vegetation in non-rural areas of the State and to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.

The redevelopment of the site across the two lots requires a small number of small trees to be removed as they are located within the building footprint or zone of influence of the new driveway. The large eucalypt in the front yard is to be retained and protected. This is a significant and important tree within the Park Avenue streetscape and its retention is a positive element of the development.

New landscaping will significantly improve on the current streetscape of the two properties. The side and rear boundary areas are to include trees, plants, shrubs and ground cover to suitably address the need for privacy and a softening of the development when viewed from various vantage points.

The maintenance of the landscaping will be undertaken by management of the property, not left to individual residents – as is the case with strata titled townhouses.

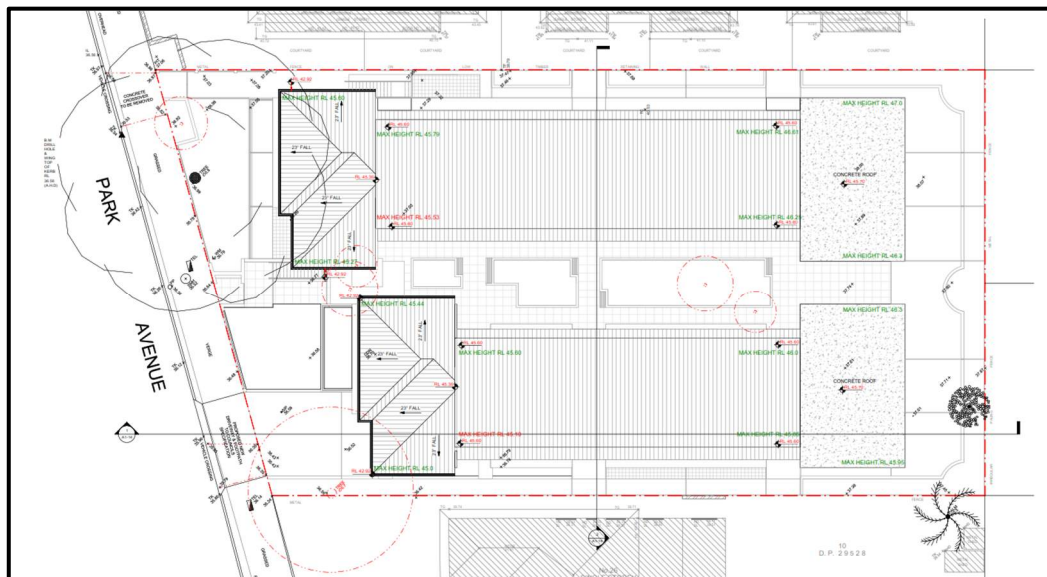


Figure 12: Site plan showing tree removal and retention for the development

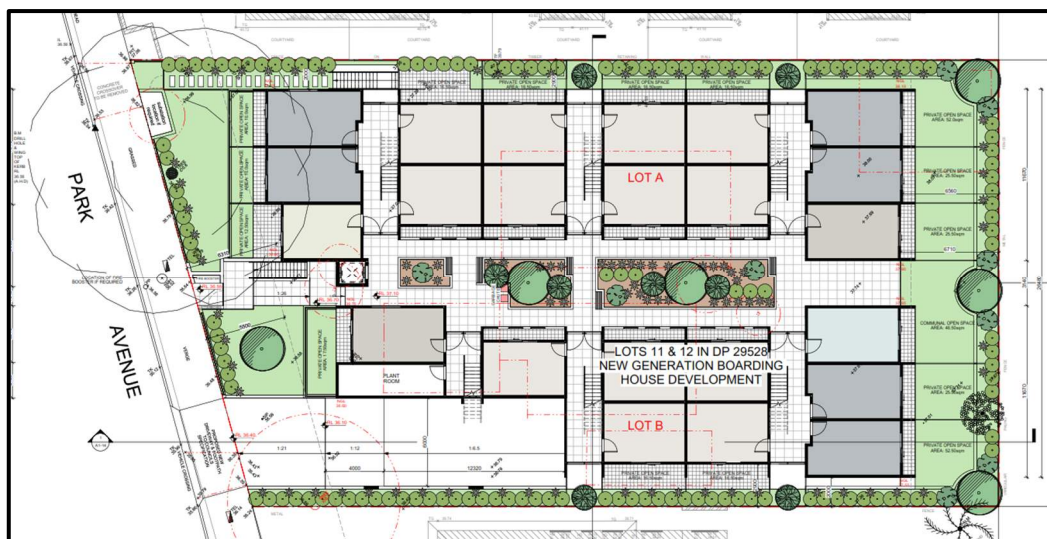


Figure 13: Landscape concept plan showing locations of proposed plantings and general planting scheme. Refer also to detailed landscape plans

4.1.4 SEPP (Infrastructure) 2007

The site is located immediately north of the State Rail line that runs in an east-west direction. Notwithstanding that the site is separated from the state reserve land by the Park Avenue road reserve, cl 85(3) calls up the provisions of the SEPP as it applies to the subject site.

The Park Avenue frontage is also traversed by a power line immediately adjacent the front property boundary. Clause 45 of the iSEPP is considered on this basis. Clause 45 of iSEPP states:

45 Determination of development applications—other development

- (1) This clause applies to a development application (or an application for modification of a consent) for development comprising or involving any of the following—*
- (a) the penetration of ground within 2m of an underground electricity power line or an electricity distribution pole or within 10m of any part of an electricity tower,*
 - (b) development carried out—*
 - (i) within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists), or*
 - (ii) immediately adjacent to an electricity substation, or*
 - (iii) within 5m of an exposed overhead electricity power line,*
 - (c) installation of a swimming pool any part of which is—*
 - (i) within 30m of a structure supporting an overhead electricity transmission line, measured horizontally from the top of the pool to the bottom of the structure at ground level, or*
 - (ii) within 5m of an overhead electricity power line, measured vertically upwards from the top of the pool,*
 - (d) development involving or requiring the placement of power lines underground, unless an agreement with respect to the placement underground of power lines is in force between the electricity supply authority and the council for the land concerned.*
- (2) Before determining a development application (or an application for modification of a consent) for development to which this clause applies, the consent authority must—*
- (a) give written notice to the electricity supply authority for the area in which the development is to be carried out, inviting comments about potential safety risks, and*
 - (b) take into consideration any response to the notice that is received within 21 days after the notice is given.*

Council may refer the application to the relevant electricity supply authority for comment, noting that the new development is proposed to setback more than 5.5m from the front property boundary. However, given the driveway works and proposed tree retention within the front yard, this technical clause of the iSEPP is addressed within this Statement.

Clause 85 of iSEPP states:

85 Development adjacent to rail corridors

- (1) This clause applies to development on land that is in or adjacent to a rail corridor, if the development—*
- (a) is likely to have an adverse effect on rail safety, or*
 - (b) involves the placing of a metal finish on a structure and the rail corridor concerned is used by electric trains, or*
 - (c) involves the use of a crane in air space above any rail corridor, or*
 - (d) is located within 5 metres of an exposed overhead electricity power line that is used for the purpose of railways or rail infrastructure facilities.*
- Note—*
Clause 45 also contains provisions relating to development that is within 5 metres of an exposed overhead electricity power line.
- (2) Before determining a development application for development to which this clause applies, the consent authority must—*
- (a) within 7 days after the application is made, give written notice of the application to the rail authority for the rail corridor, and*
 - (b) take into consideration—*
 - (i) any response to the notice that is received within 21 days after the notice is given, and*
 - (ii) any guidelines that are issued by the Secretary for the purposes of this clause and published in the Gazette.*
- (3) Land is adjacent to a rail corridor for the purpose of this clause even if it is separated from the rail corridor by a road or road related area within the meaning of the Road Transport Act 2013.*

The application will be referred to rail authority for comment as part of the notification stage of the development application assessment. As there are no anticipated adverse environmental impacts on the land owned and operated in the State Rail reserve area, it is expected that the authority will respond favourably to the proposal.

4.1.5 SEPP (Affordable Rental Housing) 2009

The aim of ARH SEPP is to facilitate increased supply of rental housing in NSW. Division 3 of the ARH SEPP permits certain development for the purposes of boarding houses to be carried out if:

- that development is permitted with consent under another environmental planning instrument;
- the site does not contain a heritage item; and
- the site is located within an accessible area. Boarding houses are permitted with consent in the R3 Medium Density Residential zone pursuant to the Penrith LEP 2010.

The proposal requires consideration under Part 2, Division 3 of State Environmental Planning Policy (Affordable Rental Housing) 2009 (SEPP ARH), in accordance with Clauses 26 and 27.

The SEPP ARH contains a number of controls for boarding house developments. The relevant Clauses relating to boarding house developments are outlined in Table 2 below.

Table 2: Compliance Table under State Environmental Planning Policy (Affordable Rental Housing) 2009

Division 3 – Boarding Houses	
Clause	Proposed
26 Land to which Division applies This Division applies to land within any of the following land use zones or within a land use zone that is equivalent to any of those zones: <ul style="list-style-type: none"> • Zone R3 Medium Density Residential 	The subject site is zoned R3 Medium Density Residential. The SEPP applies to the proposal and is assessed below.
27 Development to which Division applies This Division applies to development, on land to which this Division applies, for the purposes of boarding houses.	Noted.
28 Development may be carried out with consent Development to which this Division applies may be carried out with consent.	Noted.
29 Standards that cannot be used to refuse consent A consent authority must not refuse consent to development to which this Division applies on the grounds of density or scale if the density	No FSR applicable to the subject site.

and scale of the buildings when expressed as a floor space ratio are not more than: (a) the existing maximum floor space ratio for any form of residential accommodation permitted on the land, or	
(b) if the development is on land within a zone in which no residential accommodation is permitted—the existing maximum floor space ratio for any form of development permitted on the land, or	Residential permissible in the zone.
(c) if the development is on land within a zone in which residential flat buildings are permitted and the land does not contain a heritage item that is identified in an environmental planning instrument or an interim heritage order or on the State Heritage Register—the existing maximum floor space ratio for any form of residential accommodation permitted on the land, plus: (i) 0.5:1, if the existing maximum floor space ratio is 2.5:1 or less, or (ii) 20% of the existing maximum floor space ratio, if the existing maximum floor space ratio is greater than 2.5:1.	Residential flat buildings are <u>not</u> permissible in this R3 Medium Density Residential zone and there is no heritage item or interim heritage order on the site. Therefore, this clause does not Apply. Not applicable.
(2) A consent authority must not refuse consent to development to which this Division applies on any of the following grounds:	These are non-discretionary standards.
(a) building height if the building height of all proposed buildings is not more than the maximum building height permitted under another environmental planning instrument for any building on the land,	No. There is minor variation to the 8.5m height limit for the site. The proposal, in the south-east corner is 500m above the height max height limit. This is addressed in the clause 4.6 written request for variation that is submitted as part of the DA package.
(b) landscaped area if the landscape treatment of the front setback area is compatible with the streetscape in which the building is located,	The proposal includes a landscape area along each frontage, the central courtyard, POS and COS along the side and rear boundaries. Refer to the Landscape plans, submitted with the DA plan set and package. This landscaping will improve upon the current unkempt nature of the sites and provide an attractive

	<p>green setback to the street frontage. This is compatible with domestic level of landscaping in the area.</p> <p>The treatment of the front setback is compatible with the local area having regard to the fact that in order to be compatible the treatment does not need to be the same. The proposal achieves a deep soil front setback outside the areas of the driveway.</p>
<p>(c) solar access</p> <p>where the development provides for one or more communal living rooms, if at least one of those rooms receives a minimum of 3 hours direct sunlight between 9am and 3pm in mid-winter,</p>	<p>Communal room faces north and will receive a minimum of 3 hours sunlight – mid-winter.</p>
<p>(d) private open space</p> <p>if at least the following private open space areas are provided (other than the front setback area):</p> <p>(i) one area of at least 20 square metres with a minimum dimension of 3 metres is provided for the use of the lodgers,</p> <p>(ii) if accommodation is provided on site for a boarding house manager—one area of at least 8 square metres with a minimum dimension of 2.5 metres is provided adjacent to that accommodation.</p>	<p>The internal courtyard is a communal area, together with the ground level communal open space area at the rear of the site (46.5m²)</p> <p>The Managers residence is located on the ground floor level with a POS area of 25.5m². It has direct access to the manager's residence.</p>
<p>(e) parking</p> <p>if:</p> <p>(i) in the case of development in an accessible area—at least 0.5 parking spaces are provided for each boarding room, and</p> <p>(ii) in the case of development not in an accessible area—at least 0.4 parking spaces are provided for each boarding room, and</p> <p>(iii) in the case of any development—not more than 1 parking space is provided for each person employed in connection with the development and who is resident on site,</p>	<p>Parking spaces:</p> <p>Car spaces: 32, including 6 accessible</p> <p>Motorcycle spaces: 13</p> <p>Bicycle spaces: 13</p>
<p>(f) accommodation size</p> <p>if each boarding room has a gross floor area (excluding any area used for the purposes of</p>	<p>Each of the rooms comply.</p>

private kitchen or bathroom facilities) of at least: (i) 12 square metres in the case of a boarding room intended to be used by a single lodger, or (ii) 16 square metres in any other case.	
(3) A boarding house may have private kitchen or bathroom facilities in each boarding room but is not required to have those facilities in any boarding room.	Each room has its own facilities.
(4) A consent authority may consent to development to which this Division applies whether or not the development complies with the standards set out in subclause (1) or (2).	Noted.
30 Standards for boarding houses	
A consent authority must not consent to development to which this Division applies unless it is satisfied of each of the following: (a) if a boarding house has 5 or more boarding rooms, at least one communal living room will be provided,	One communal room and dedicated open space areas is provided at ground floor level – at the rear of the building.
(b) no boarding room will have a gross floor area (excluding any area used for the purposes of private kitchen or bathroom facilities) of more than 25 square metres,	Each room is less than 25sqm – nett area. Refer to Table 1 in Section 3 above.
(c) no boarding room will be occupied by more than 2 adult lodgers,	Table 1 in Section 3 above lists the number of lodgers per room. Each room provides for only 1 or 2 lodgers.
(d) adequate bathroom and kitchen facilities will be available within the boarding house for the use of each lodger,	Each room has its own bathroom and kitchen facilities.
(e) if the boarding house has capacity to accommodate 20 or more lodgers, a boarding room or on-site dwelling will be provided for a boarding house manager,	Double rooms: 60 Single rooms: 4 Max No. of lodgers: 124
(f) (Repealed)	N/A
(g) if the boarding house is on land zoned primarily for commercial purposes, no part of the ground floor of the boarding house that fronts a street will be used for residential purposes unless another environmental planning instrument permits such a use.	The land is zoned R3 Medium Density Residential.

(h) at least one parking space will be provided for a bicycle, and one will be provided for a motorcycle, for every 5 boarding rooms.	Required: $64/5 = 12.8$ or 13. Provided: 13 motorcycle and bicycle spaces.
(2) Subclause (1) does not apply to development for the purposes of minor alterations or additions to an existing boarding house.	N/A
30A Character of local area A consent authority must not consent to development to which this Division applies unless it has taken into consideration whether the design of the development is compatible with the character of the local area.	Area permits medium density residential development and boarding houses. Refer to the character analysis in section 4.1.5 below.
Part 4 Miscellaneous 52 No subdivision of boarding houses A consent authority must not grant consent to the strata subdivision or community title subdivision of a boarding house.	N/A

4.1.6 30A Character of local area

The surrounding R3 Medium Density Residential zoned area supports an eclectic mix of twentieth century single storey dwellings, 3-storey walk-ups residential flat buildings, 2 storey multi-dwelling houses/townhouses, approved and/or constructed boarding houses. The age and built form of the area is as varied. Older style single dwellings are being replaced by newer contemporary development. The character of the area is transitioning and generifying from the historical low-density single dwelling development to medium density residential development and boarding houses displaying similar built form. The area is growing to accommodate growth associated with the Penrith CBD and greater Western Sydney. The R3 Medium Density residential zoning of land supports such growth.

The site and surrounding locality are well positioned near services and facilities to cater for an increase in residential density. Newer developments have typically been two storey designs including multi dwelling housing, single dwellings and boarding houses (mostly on single allotments).

Both newer and older style developments in the area tend to have hipped or gable roofs. This is part of the established character of the area. Vegetation removal to accommodate new footprints is often needed and is replaced with new domestic planting schemes.

The proposed development has been designed to consider the likely character of the area.

The design elements incorporated into the proposal are to ensure the proposal does not generate 'physical impacts' to surrounding development in accordance with the planning principle derived from *Project Venture Developments v Pittwater Council* (2005) NSW LEC 191:

- The proposed building, while not the same, exhibits a reasonable level of consistency with the scale adopted by neighbouring and nearby residential development;
- The design adopts setbacks and associated building separation that mitigates any significant adverse impact associated with privacy, overlooking and overshadowing. Screening is provided to further strengthen levels of internal privacy for residents;
- Despite the absence of a maximum floor space ratio, the design is broken into two distinct buildings to assist with dispersal of visual bulk and scale. The side elevations are articulated due to the physical breaks between the buildings.
- The DA Plan set indicates that development of the proposed scale can be accommodated comfortably within the site;
- The separation of buildings results in the development presenting as two x two storey dwelling houses to Park Avenue, with traditional features of a dwelling house including formal front entrance with pathway, landscaped areas and main living areas fronting the street plus pitched roof with eave;
- The design incorporates a pitched roof line to Park Ave – reflective and consistent with the existing roof styles in the immediate area;
- Landscaping, including a variety of trees, shrubs and groundcovers, will provide a vegetated buffer between neighbouring properties;
- Windows and doors of main living areas and small private open space areas have been orientated to Park Ave to assist with retaining surveillance and security of the site;
- The proposed development will not constrain any future redevelopment potential of adjoining sites as it does not create any isolated sites that can benefit from the R3 Medium Density Residential zoning.
- The proposal generates no significant adverse 'physical' impacts' to surrounding development. The overall perceived presentation to the side boundaries and the street is 2 storeys.

The following comments are provided in relation to the 'compatible' appearance of the development:

- The height, bulk and scale of the proposal is consistent with existing and desired building typologies in the medium density residential zone.
- The built form, facing Park Avenue, is limited to two storeys with gable roof forms to ensure the development is compatible with the immediate locality;
- Architectural height plane analysis demonstrates that the majority of the boarding house is compliant with the LEP height limit. A minor variation (less than 6%) is proposed in the south-east of the front section of the building. As this will be barely discernible once constructed and does not, of itself, result in any impacts such as extraneous shadow impacts, the development is therefore considered to be consistent with existing and future desired building heights to be provided in accordance with the LEP control;
- Compliant setbacks are provided to front boundary – providing a stepped presentation in line with the offset alignment of the front boundary;
- The two wings of the boarding house are separated by the central communal courtyard, thereby maximising building separation between adjoining dwellings and optimising useable open space, natural ventilation and sunlight as it crosses the site from east to west (that is, side boundary to side boundary in this case).
- Landscaping is consistent with requirements for residential developments and will significantly improve the current presentation of the two sites to Park Avenue and ultimately upgrade the streetscape;
- A single double width driveway servicing the consolidated site is no greater in area than the two combined single driveways that would typically serve each lot.

A character analysis has therefore been undertaken in accordance with the planning principle derived from *Project Venture Developments v Pittwater Council (2005) NSW LEC 191* and the design of the boarding house is compatible with the height, bulk and scale of surrounding and likely future development. It respects the residential built form narrative established by existing medium density development in the local area. The proposal respects the emerging character. The new 2/3 storey development is able to co-exist with the existing single storey forms.

4.2 Any Draft, exhibited environmental planning instruments

4.2.1 Draft State Environmental Planning Policy (Housing Diversity)

The Draft Housing Diversity SEPP is a proposed new policy which aims to facilitate the delivery of diverse and affordable housing to meet the needs of the State's growing population. An *Explanation of Intended Effect* was exhibited between 29 July and 9 September 2020 for the proposed new Housing Diversity SEPP. The draft SEPP proposes to amend some boarding house provisions of the ARH SEPP as discussed in Table 3 below.

Table 3: Draft Housing Diversity SEPP

Proposed Amendment	Comment
<p>The definition of a boarding house is to be amended as follows:</p> <p>boarding house means an affordable rental building that —</p> <p>(a) provides lodgers with a principal place of residence for 3 months or more, and</p> <p>(b) is managed by a registered not-for-profit community housing provider (CHP), and</p> <p>(c) has some shared facilities, such as a communal living room, bathroom, kitchen or laundry, and</p> <p>(d) has rooms, some or all of which may have private kitchen and bathroom facilities, that accommodate one or two adult lodgers,</p> <p>but does not include backpackers' accommodation, a group home, hotel or motel accommodation, seniors housing or a serviced apartment.</p> <p>Note. Boarding houses are a type of residential accommodation.</p>	<p>The development falls outside the amended definition of a boarding house under the proposed Housing Diversity SEPP as it not to be managed by a community housing provider.</p> <p>The remainder of the criteria are satisfied.</p> <p>As this is a draft SEPP only and not currently in effect, Council is not prevented from approving the application and it is our understanding that the SEPP will contain savings provision.</p> <p>The proposed boarding house does not fall within the definition of backpackers' accommodation, a group home, hotel or motel accommodation, seniors housing or a serviced apartment.</p>
Boarding house development will not be mandated in the R2 Low Density Residential zone	The site falls within the R3 Medium Density Residential zone. Boarding houses will continue to be a permissible land use within this zone under the proposed Housing Diversity SEPP.

Introduction of a flat 20% FSR bonus above the existing maximum FSR where residential flat buildings are permissible in the zone.	Residential flat buildings are not permissible under the PLEP 2010 within the R3 Medium Density Residential zone. Further, there is no FSR applicable for this site.
Maintain reduced minimum car parking rates for boarding house development applications lodged by or on behalf of a social housing provider.	The development is not being carried out by Provider. Car parking is provided as required by the current SEPP provisions and complies with the minimum numbers for vehicles, motorcycles and bicycles.

4.2.2 Strategic Planning Context for Housing Diversity

Future Directions for Social Housing

Future Directions for Social Housing in NSW is a 10 year housing strategy by the State Government intended to guide social and affordable housing supply and respond to affordability trends. The strategy will address the full gamut of housing; homelessness to home ownership, in a coordinated approach that includes regional NSW locations.

The expected waiting times for social housing in the Penrith area (Penrith zone) is identified as 5 to 10 years for studio and 1-bedroom properties, according to the *Guide to waiting times for social housing*, as at 30 June 2020.¹

While this proposal is not to be developed by the State Government or managed by a community housing provider, it aligns with the general objectives of the policy. That is, assisting in the provision of housing supply. A private boarding house offers an alternative to the more expensive new single residential units dwellings. In this manner, the proposal will support the State Government broader housing policy. The proposal provides a more private living option than say a share 2 bedroom flat or unit.

A Housing Strategy for NSW

A Housing Strategy for NSW, prepared in May 2020, is a Discussion Paper which identified affordability as one of the primary barriers to home ownership. Low income growth coupled with rising cost of housing has increased mortgages and placed significant pressure on social housing services.

The Discussion Paper identified a range of affordability concerns, including impacts associated with the rental price of housing within centres and close to services and amenities. Where prices are often inflated in 'liveable' areas, the Government identified provision of support for residents who need to live near local facilities, jobs and their networks to assist with gaining financial sustainability. The proposed development is consistent with this approach through facilitation of high quality housing within walking distance to transport services which will take residents to jobs and services. There is also a range of recreational facilities and areas available in the Penrith district together with community-based services for residents.

¹ <https://www.facs.nsw.gov.au/housing/help/applying-assistance/expected-waiting-times>

Greater Sydney Regional Plan 2018

The Greater Sydney Region Plan was released in 2018 to guide the growth and development of Sydney. The site is located within the 'Western City' district and Planning Priority W5 is relevant to the provision of social housing as follows:

W5 - Providing housing supply, choice and affordability, with access to jobs, services and public transport.

Further analysis of the strategy indicates that the development is consistent with the government's desire to provide housing in the right places; locations that are in walking distance to trains, buses, retail facilities, open space and schools. The subject site is well located to capitalise on a range of important amenities provided within Penrith. Further, the boarding house typology effectively responds to the changing demand for social housing, particularly provision of housing to assist residents in times of immediate need.

The proposed development will therefore contribute to regional social housing objectives through effective utilisation of an underutilised residential site.

Penrith City Strategy

The Penrith City Strategy (referred to as 'the Strategy') was adopted by Council on 24 June 2013. The Strategy summarises the key issues facing the LGA over the next 10-20 years and outlines how Council will respond.

The Strategy identified that there are significant changes emerging in the structure of the LGA's housing with an increase in single person households. More accommodation is needed, particularly apartments, townhouses and smaller dwellings to meet community needs. Further, a greater diversity in housing types is required to better suit changing community needs, including the availability of smaller housing options. The Strategy identifies that it is important to ensure there is a diversity of housing types in both new and older areas.

The Strategy also identifies that housing affordability is an ongoing and significant issue, particularly in recent years. This has resulted in demand for smaller, less expensive homes.

Council's policy response aims to provide housing that meets community needs with regard to supply, choice, design quality, sustainability and affordability.

Key housing goals include:

- H1. Protection of the City's agreed urban and rural boundaries
- H2. An additional 25,000 dwellings between 2006 and 2031.
- H3. A choice of housing that responds to a diverse community and changing household structures.
- H4. Housing design is of a high standard and enhances the character of the City.
- H5. Design is appropriate for our climate.
- H6. Medium and high-density residential development located in and adjacent to the City's centres
- H7. Housing that maximises resource efficiency and minimises greenhouse gas emissions
- H8. Housing that is adaptable and accessible and will accommodate people of all ages and abilities, recognising that their needs change over time.
- H9. Affordable housing through partnerships and Government initiatives.

The proposed development is consistent with the housing goals as follows:

- The development is conveniently located within an existing urban area, with proximity to the Penrith City Centre, transport infrastructure, open spaces, employment and retail facilities to support residents and visitors.
- The development will support population growth through accommodation of up to 124 residents at any time (NB: this is a maximum).
- The boarding house will contribute to the diversity in built form and residential typology within the area.
- The development will aptly provide for the LGA's increase in single person households and the recognised need for smaller dwellings and accommodation.
- The contemporary but familiar architectural design represents an upgrade to the site and surrounding low density dwellings.
- The proposal is within the R3 Medium Density Residential zone conveniently located within walking distance of the Kingswood Train Station, local bus services and the topography encourages walking and cycling as it is generally flat in the immediate area.
- The boarding house has been designed to maximise resource efficiency and minimise greenhouse gas emissions will be constructed in accordance with BASIX commitments.
- The development will provide adaptable and accessible housing within six (6) accessible rooms.
- The onsite resident manager will oversee the operation of the boarding house, thereby ensuring a high level of maintenance, order and compliance with the adopted POM and House Rules.
- The boarding house will contribute to affordable rental provision of high quality accommodation for residents, particularly those on lower incomes, those not requiring larger accommodation and those needing to be located near places of employment and/or services.

The proposal will therefore assist in meeting the key housing goals as identified at the State and Local levels.

4.3 Local Planning Instrument

4.3.1 Penrith Local Environmental Plan 2010 (PLEP 2010)

The proposed use reasonably satisfies the stated aims and objectives of the LEP.

1.2 Aims of Plan

(2) The particular aims of this Plan are as follows—

(aa) to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,

(a) to provide the mechanism and planning framework for the management, orderly and economic development, and conservation of land in Penrith,

(b) to promote development that is consistent with the Council's vision for Penrith, namely, one of a sustainable and prosperous region with harmony of urban and rural qualities and with a strong commitment to healthy and safe communities and environmental protection and enhancement,

(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,

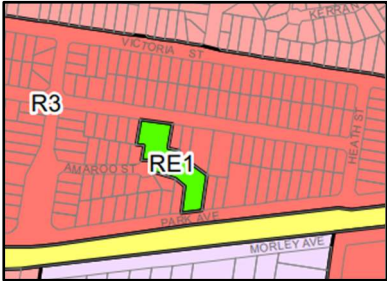
(d) to foster viable employment, transport, education, agricultural production and future investment opportunities and recreational activities that are suitable for the needs and skills of residents, the workforce and visitors, allowing Penrith to fulfil its role as a regional city in the Sydney Metropolitan Region,


- (e) to reinforce Penrith's urban growth limits by allowing rural living opportunities where they will promote the intrinsic rural values and functions of Penrith's rural lands and the social well-being of its rural communities,
- (f) to protect and enhance the environmental values and heritage of Penrith, including places of historical, aesthetic, architectural, natural, cultural, visual and Aboriginal significance,
- (g) to minimise the risk to the community in areas subject to environmental hazards, particularly flooding and bushfire, by managing development in sensitive areas,
- (h) to ensure that development incorporates the principles of sustainable development through the delivery of balanced social, economic and environmental outcomes, and that development is designed in a way that assists in reducing and adapting to the likely impacts of climate change.

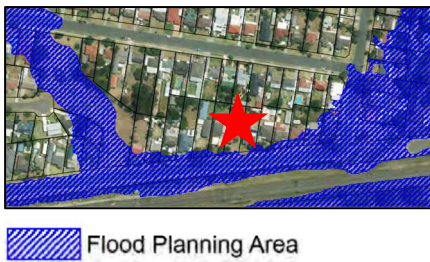

Comment: The subject site is located within the Penrith area. The proposal is a permissible land use. It seeks to provides an affordable and alternative form of residential accommodation, being a boarding house. The development will provide a service to the local residential community and/or those on a temporary basis but no less than 3 months. The proposal will not significantly impact on the surrounding area and will provide a boost to local businesses and employment sites in the area. The Nepean Hospital and Western University Campus are in relatively close proximity to the site.

Table 4 below provides an assessment of the proposal against the provisions of the Penrith LEP 2010.

Table 4: Penrith LEP 2010

LEP Clause	Proposal	Complies
<p>Zone and Permissibility</p>  <p>Map series 13</p> <p>Zone R3 Medium Density Residential</p> <p>Objectives of zone</p> <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 types within a medium density residential environment. To enable other land uses that provide facilities or services to meet the day to day needs of residents. To provide for a concentration of housing with access to services and facilities. 	<p>Boarding houses are permitted with consent in the R3 zone under PLEP 2010.</p> <p>The proposed development is consistent with the R3 zone objectives in that:</p> <ul style="list-style-type: none"> The proposal contributes to the housing needs of the community in a proposed built form that reflects the permissible use in Park Avenue and is consistent with the objectives of the zone; Increases the diversity of housing supply and choice in the area; The development is designed to optimise the advantages of the site's proximity to public transport, educational, employment and recreational facilities and services. 	Yes

<ul style="list-style-type: none"> • 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 <p>Permitted with consent Attached dwellings; Bed and breakfast accommodation; Boarding houses; Building identification signs; Business identification signs; Centre-based child care facilities; Community facilities; Dual occupancies; Dwelling houses; Emergency services facilities; Environmental protection works; Exhibition homes; Exhibition villages; Flood mitigation works; Group homes; Home-based child care; Home businesses; Home industries; Information and education facilities; Multi dwelling housing; Neighbourhood shops; Oyster aquaculture; Places of public worship; Recreation areas; Respite day care centres; Roads; Secondary dwellings; Semi-detached dwellings; Seniors housing; Shop top housing; Tank-based aquaculture</p> <p>4 Prohibited Pond-based aquaculture; Any other development not specified in item 2 or 3.</p>		
<p>Clause 4.1 Minimum subdivision lot size</p> <p>The minimum lot size is 400sqm.</p>	<p>The proposal does not involve subdivision.</p>	<p>N/A</p>
<p>Clause 4.3 Height of buildings</p>  <p>"1" = 8.5m</p>	<p>The proposal varies the maximum height for the site – in the south-east corner of the building.</p> <p>A Clause 4.6 HOB request for variation is submitted with the DA package, addressing the minor variation.</p>	<p>No minor variation</p>

The maximum building height for the subject site is 8.5m.		
Clause 4.4 Floor space ratio No FSR mapped for the site.	The site has no mapped floor space ratio.	N/A
Clause 5.10 Heritage conservation	The site is not identified as a heritage item or located within a heritage conservation area. No heritage items are located within proximity of the site.	N/A
Clause 7.1 Earthworks	<p>Earthworks are required for the two basement levels. Appropriate drainage, erosion and sediment controls will be incorporated during construction and throughout the use of the development.</p> <p>The proposed earthworks will not have a significant detrimental impact on the environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.</p>	Yes
Clause 7.2 Flood Planning	<p>Site is located within the Flood Planning Area of the Penrith CBD Catchment Overland Flow Flood Study. The Park Ave and the front boundaries of the sites area identified as being flood affected.</p> <p>The site is located clear of any overland flows and therefore flood related development controls are not applicable to the development.</p>  <p> Flood Planning Area</p>	N/A

Clause 7.3 Development on natural resources sensitivity land	The site is not identified within the Natural Resources Sensitive Map.	N/A
Clause 7.4 Sustainable development	<p>The proponent is committed to achieving a high level of sustainability measures within the new age boarding house development to reduce emissions, water and waste.</p> <p>The proposed design incorporates boarding rooms and common areas with northern orientation, good solar access and natural ventilation.</p> <p>The development will be provided with appropriate waste management and recycling facilities throughout its operation as per the Waste Management Plan.</p> <p>The development is located with good access to public transport facilities and within walking distance to a range of services including commercial, community and medical facilities thus reducing vehicle dependence for tenants.</p> <p>The site is zoned R3 Medium Density Residential with the proposed boarding house being a rational, economic and orderly use of the land. Adaptive re-use potential of the site is therefore not required to be considered further as the existing built form is at the end of its economic life.</p>	Yes
Clause 7.5 Protection of Scenic Character and Landscape Values	The site is not identified within the Land with Scenic and Landscape Values Map.	N/A
Clause 7.6 Salinity	None known.	N/A
Clause 7.7 Servicing	The proposal will incorporate provision of or connection to the reticulated water, sewer, electricity, gas and telephone.	Yes

Clause 7.9 Development of land in the flight paths of the site reserved for the proposed Second Sydney Airport	The site does not fall within the anticipated flight path of the proposed Second Sydney Airport and therefore it is unlikely the development will be adversely affected by aircraft noise from that source.	N/A
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4.4 Non-statutory Planning Instruments and Policies

4.4.1 Penrith Development Control Plan 2014 (PDCP 2014)

Further to this broad context, the PDCP as a whole contains the development controls that guide this type of residential development. Table 5 below is an assessment of the proposal against the provisions of the DCP.

Table 5: Penrith DCP Assessment

Clause	Proposal	Complies
Part C1: Site Planning and Design Principles		
1.1 Site Planning	A Site Analysis Plan has been prepared for the proposed development in accordance with the DCP controls.	Yes
1.2 Design Principles	<p>The high-quality architectural design maximises energy efficiency across the proposal – internally and externally. All rooms within the boarding house have access to natural light and natural ventilation.</p> <p>The development will be constructed in accordance with BASIX commitments as outlined within the BASIX Certificate submitted with the DA package.</p> <p>It is considered the proposed will result in an appropriate outcome for the site in that it responds to existing site constraints and characteristics. While not necessarily the same development typology as existing in the area, it is similar to No. 45 Park Avenue Boarding House (approved by Council). Its design and layout reasonably reflects the approved and likely future character of residential development within the R3 zone along Park Avenue.</p> <p>The proposed maximum height of 9.0m is a technical variation to the</p>	Yes

	<p>8.5m maximum height control of the PLEP2010. However, it is numerically minor, only applies to the two sections of the building. The proposal generally fits with the eclectic nature of residential development in the immediate area.</p> <p>The proposed development is consistent with CPTED principles and has been designed to mitigate the incidence of opportunistic crime where possible. The following principles have been implemented within the design of the development:</p> <ul style="list-style-type: none"> • the proposed design of rooms, common room, gathering spaces and balconies/ terraces combines a sense of safety, privacy and residential stewardship. • the built form and open space footprints afford maximum natural surveillance opportunities. • the pedestrian and car park entry will be secured to ensure residents are provided with an appropriate level of access control. • lighting, fencing, landscaping and signage design will facilitate target hardening. <p>The proposed boarding house provides six accessible rooms and six accessible parking spaces.</p>	
Part C2: Vegetation Management		
2.1 Preservation of trees	<p>The proposal requires the removal of a number of trees on the site. The main tree – the mature eucalypt within the front yard of the site is retained and protected. The staggered building setback assists with the protection of this tree together with the splay setback.</p> <p>Suitable replacement plantings are proposed as part of the development which will make a significant improvement to the biodiversity values of the site and</p>	Yes

	<p>enhance the ecological qualities of the area.</p> <p>Extensive landscaping which incorporates a range of trees, shrubs and ground covers will positively contribute to the landscape character of the site and domestic scale of landscaping along Park Avenue.</p>	
Part C3: Water Management		
3.2 Catchment Management and Water Quality	A Stormwater Management Plan is submitted as part of the DA package. Appropriate stormwater management controls are to be implemented for the development during construction and throughout the use of the site, which will contribute towards protecting water quality and the catchment.	Yes
3.4 Groundwater	The proposed boarding house is unlikely to have an adverse impact on underlying and surrounding groundwater.	Yes
3.6 Stormwater Management and Drainage	<p>A Stormwater Management Plan is submitted with the DA package. Stormwater runoff from the development will be conveyed to Park Ave and Council's existing stormwater drainage network.</p> <p>The proposed stormwater measures are appropriate to control the quality and quantity of stormwater runoff from the development.</p>	Yes
C4: Land Management		
4.1 Site stability and earthworks	<p>The proposal includes excavation of the basement levels to a depth of up to 6.8m. The area is limited to the building envelope, under the boarding rooms and driveway areas. A dilapidation report and Construction Management Plan (CMP) will be prepared and submitted with the Construction Certificate documentation.</p> <p>It is considered that the earthworks can be appropriately managed and will not have an undue adverse</p>	Yes

	environmental or amenity impact on adjoining properties. Conditions of consent to be imposed.	
4.3 Erosion and Sedimentation	Appropriate erosion and sedimentation controls will be implemented during construction of the development.	Yes
4.4 Contaminated lands	The site has been used for residential purposes and contamination risks are low having regard to previous use of the site.	Yes
4.5 Salinity	No known impacts.	Yes
Part C5: Waste Management		
5.1 Waste Management Plans	A Waste Management Plan is submitted with the DA package. The plan details the types and volumes of wastes and recyclables likely to be generated by the development, how waste and recyclables will be stored and treated on site, and ongoing waste management procedures.	Yes
5.2 Development Specific Controls	<p>The development provides designated bin rooms for waste receptacles and bulky goods waste room. There is a loading bay and truck turn table for to access the waste area in basement 1.</p> <p>Internal waste storage areas will also be provided for each room. The proposed waste bin location and layout complements the building design and is suitable for the use of the proposed development.</p> <p>Waste will be appropriately managed during occupation in accordance with the DCP controls, as outlined within the Waste Management Plan.</p>	Yes
Part C6: Landscape Design		
6.1 Controls	A high-quality landscape design is proposed, which integrates with the building design and makes a positive contribution to the streetscape. The design incorporates a range of soft and hard	Yes

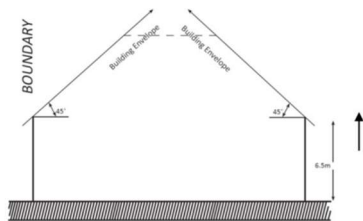
	landscaping elements along with a range of plantings including native and exotic plants, including trees, shrubs and ground covers.	
C7: Culture and Heritage		
7.1 European Heritage	The site is not identified as a heritage item or located within a heritage conservation area. No heritage items are located within proximity of the site.	Yes
7.2 Aboriginal Culture and Heritage	The site is significantly disturbed for residential land use. Should any relics be found during construction works, the relevant stop work procedure will be followed.	Yes
7.3 Significant Trees and Gardens	The site does not contain any significant trees or gardens that are considered to be of cultural, historical, scientific or aesthetic significance. The one large eucalypt in the front yard is retained.	
Part C10 Transport, Access and Parking		
10.2 Traffic Management and Safety	<p>The Traffic Report submitted with the DA package concludes that the proposed development will not generate substantial adverse traffic or parking implications.</p> <p>The proposed driveway and parking areas have been designed to improve road and pedestrian safety.</p> <p>The vehicular access and exit points are clearly defined and located to provide safe and efficient movement of traffic and pedestrians. The development also provides suitable off-street parking facilities for vehicles, motorcycles and bicycles, including accessible spaces.</p>	Yes
10.5 Parking, Access and Driveways	<p>Parking requirements are derived from SEPP (Affordable Rental Housing) 2009 and the DCP is not relevant.</p> <p>The amount of parking provided for vehicles, motorcycles, bicycles and</p>	Yes

	accessible rooms is compliant with the provisions of the SEPPARH.	
10.7 Bicycle Facilities	The development provides space for storage of thirteen (13) bicycles in accordance with the requirements of ARH SEPP.	Yes
Part C13: Infrastructure and Services		
13.2 Utilities and Service Provision	<p>In accordance with the DCP requirements, the proposal will incorporate provision of or connection to the following services:</p> <ul style="list-style-type: none"> • Reticulated water • Electricity • Reticulated sewer • Telecommunications 	Yes
Part D Land Use Controls		
D5 – Other Land Uses		
5.11 Boarding Houses		
Objectives		
<i>a) To ensure that boarding houses fit the local character or desired future local character of the area.</i>	a) As discussed in section 4.1.6 above, the proposal fits with the eclectic existing residential typologies along Park Ave, together with the approved and likely future character of residential development on the area.	Yes
<i>b) To minimise negative impacts on neighbourhood amenity.</i>	b) the potential impacts are addressed in accordance with the provisions of s4.15 of the EP&A Act. Where a variation to any State or Local Planning provision is proposed, the variation has been addressed through appropriate design solutions or justified. In this way any potential negative impacts have been adequately addressed and the development is worthy of approval.	Yes
<i>c) To ensure boarding house premises are designed to be safe and accessible.</i>	c) The necessary measures to ensure safety and security are addressed throughout this Statement – CPTED measures, access report,	Yes

<p>d) <i>To respond to increasing neighbourhood densities resulting from boarding house development.</i></p> <p>e) <i>To ensure that boarding houses operate in a manner which maintains a high level of amenity, health and safety for residents.</i></p>	<p>landscaping design and a resident manager and POM.</p> <p>d) Noted. The proposal adds to the residential density in the neighbourhood. It is a permissible use, design in a manner to address and mitigate potential impacts.</p> <p>e) Internal and external amenity has been addressed within the design, layout, POM, House Rules and locational context of the development. In each case the proposal is considered to achieve a high level of amenity.</p>	<p>Yes</p> <p>Yes</p>
<p>C. Controls</p> <p>1) Local Character</p> <p>a) <i>Boarding house development applications shall be accompanied by detailed site analyses to assist with the determination of local character.</i></p> <p>b) <i>A neighbourhood analysis must 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.</i></p> <p>c) <i>Key elements that contribute to consideration of local and neighbourhood character include: - Surrounding land uses - Social and Historic Context - Scale - Built Form - Natural Environment - Density - Amenity - Safety and Security - Social dimensions and housing affordability – Aesthetics</i></p>	<p>Detailed site analysis is included as part of development application plans. The character of the area and the fit of the proposal is addressed as part of the SEPPARH Character test (refer to Section 4.1.6 above).</p> <p>The boarding house has been designed to consider existing older style housing stock, eclectic residential built forms along Park Avenue and the future built form anticipated for the Park Ave area.</p> <p>The development is compatible with the height, bulk and scale of nearby older, new and approved developments, including a boarding house at No. 45 Park Avenue.</p> <p>A range of measures have been incorporated into the design to ensure the boarding house positively contributes to the existing and emerging character of the area, including:</p>	<p>Yes</p>

	<ul style="list-style-type: none"> • The proposed building height and design exhibits consistency with the scale adopted by newer neighbouring residential dwellings; • The design adopts setbacks and associated building separation that mitigates any unacceptable impact associated with privacy, overlooking and overshadowing; • the design is broken into two distinct building wings (east and west) to assist with dispersal of visual bulk. • the floor area proposed is not overbearing and the Site Plan clearly indicates that development of the proposed scale can be accommodated comfortably within the site; • the front façades include pitched roof lines, reflecting the general built form character along Park Ave; • Landscaping, including advanced trees, shrubs and groundcovers, will provide a vegetated buffer between neighbouring properties; • The proposal is consistent with the provisions of the PLEP 2010 and DCP 2014. 	
2) Built Form, Street Impact and Appearance <i>a) The entrance to the boarding house must be in a prominent position addressing the street.</i> <i>b) New boarding houses must not reduce the achievement of access to a minimum of 3 hours sunlight in the main living area and in at least 50% of private open space between 9am and 3pm on 21 June for adjoining properties.</i> <i>c) Boarding houses must be designed to have a sympathetic relationship with adjoining development.</i>	<p>a) Pedestrian entrance to the boarding house is in a prominent position addressing Park Avenue.</p> <p>b) Shadow impacts are addressed in the DA plan set, demonstrating that properties to the east and west of the site will retain morning or afternoon sunlight – mid-winter.</p> <p>c) The boarding house has been designed with internal and external spaces sited to</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>

<p>d) <i>Proposals must demonstrate that neighbourhood amenity will not be adversely impacted by factors such as noise and privacy.</i></p> <p>e) <i>There must be no basement encroachments to setbacks either above or below ground.</i></p> <p>f) <i>R3 Zone - Minimum setbacks. The intent of this control is to ensure consistency with local character by replicating streetscape patterns of buildings and private gardens in established neighbourhoods, which have visual and symbolic richness that are valued by their community.</i></p> <p><i>R3 zone:</i> <i>Front: average of adjoining neighbours to 5.5m, whichever is the greater.</i></p> <p><i>Side: 2m along not more than 50% of the building length.</i> <i>The remaining 50% is to achieve a minimum setback of 3m.</i> <i>These areas are to be a min of 1.5m wide.</i></p> <p><i>Rear: 4m for single storey building or 6m for two storey building.</i></p> <p><i>Building Envelope: As per diagrams below:</i></p>	<p>address amenity of the resident and adjoining neighbours. The building setbacks are sufficient for separation – with those setback areas containing landscape features to soften and separate the properties.</p> <p>d) Amenity issues are addressed via the setbacks, landscaping, orientation of rooms, tree retention at the front of the site, onsite management of the development.</p> <p>e) Noted. The basement levels are setback from the side and rear boundaries.</p> <p>f) Setbacks: Front: the proposal has a staggered setback over 5.5m from the front boundary. The staggered setback achieves the DCP averaging and protects the mature gum tree on the site. Complies.</p> <p>Side setbacks: Both side elevations have a 2m min with 3m recesses along the building elevation, thereby articulating and modulating the appearance of the building from both adjoining properties. This complies with the intent of the DCP provision.</p> <p>Rear setback: each level is setback 6.7m from the rear boundary. Complies.</p> <p>Building Envelope: The following red lines show the 45° building envelope above 6.5m at the boundary. In each case the</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
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*R3 zone:
Compatibility of Landscaping with
Streetscape in the front setback:
40% landscaped area.*

development complies. Refer also to Dwg No. A1-12 & A1-13.



Plate A: South Elevation



Plate B: North Elevation

Front setback landscaping:

Proposed:

Area forward of 5.5m building

line: 181.5m²

Required landscaped area:

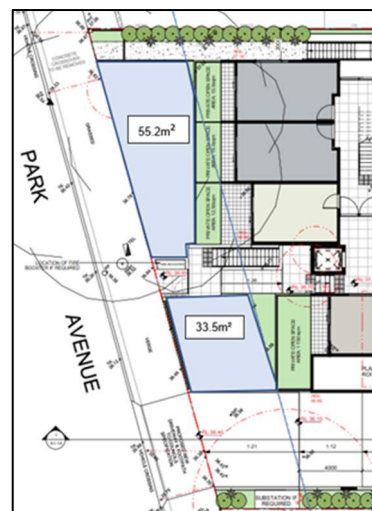
40% or 72.6m²

Proposed:

Landscaped area forward of
the 5.5m building line

(excluding POS areas): 88.7m²

Complies.



The proposal includes substantial plantings in accordance with the DCP controls. Areas across the site include a number of deep soil zones which will support larger plants and trees and soften the built form. The mature tree in

<p><i>g) In an R2 or R3 Zone, boarding houses should comply with controls for Single Dwellings where these controls do not conflict with the requirements of the SEPP.</i></p> <p><i>h) 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.</i></p> <p><i>i) A boarding house proposal of a scale similar to a residential flat building or high density mixed use development should comply with the controls and objectives for Residential Flat Buildings within this DCP, where they are not in conflict with the requirements of the SEPP, and the objectives of the zone.</i></p>	<p>the front yard is retained and protected. The front setback landscaping will improve the current domestic presentation of the new development to Park Avenue.</p> <p>The communal areas of the site will be maintained by the boarding house management, not left to individual residents. This will ensure that the external appearance of the site and the development will be well maintained.</p> <p>g) – i) This is a medium density zone as opposed to an R2 zone. The proposal is not a single dwelling, a townhouse development or residential flat building. It is not considered appropriate to require a boarding house to apply the same controls, particularly where Council provides specific development controls that are to guide the development of boarding house within a R3 zone. There is no provision in g) – i) that indicates which provisions override the other. In this case, the boarding house has been sited and designed in accordance with Council's DCP controls for boarding houses, as enunciated in their adopted PDCP 2014.</p>	
<p>3) Compatibility with Streetscape in the Front Setback</p> <p><i>In order to be compatible with the streetscape, boarding houses must supply the following elements within the front setback, in addition to complying with other relevant Landscape Design controls in this DCP and Built form, streetscape impact and appearance controls in this section:</i></p>		

<p><i>a) A minimum of 18m² deep soil area must be provided to support larger plants and trees used to soften the form of the building and provide shade. Deep soil areas are to be a minimum width and length of 3m. Deep soil zone may form part of the landscaped area calculation.</i></p> <p><i>b) A watering system that does not rely on lodgers to maintain plantings.</i></p>	<p>Required: 18m² deep soil area for planting of larger plants and trees. Proposed: 55.2m² area (forward of the 5.5m building line - located on the western section of the site), includes the retention of the large mature eucalypt. The 33.5m² area on the eastern side of the site is similar – deep soil planting area.</p> <p>Both areas comply with the 3m x 3m dimensions.</p> <p>Subject to condition of consent.</p>	
<p>4) Tenant Amenity, Safety and Privacy</p> <p><i>Boarding houses are to maintain a high level of resident amenity, safety and privacy by ensuring:</i></p> <p><i>a) communal spaces including laundry, bathroom, waste facilities, private open space, kitchen and living areas are accessible to all lodgers;</i></p> <p><i>b) if over 10 boarding rooms are supplied, 10% of the total number of dwellings (rounded up) must be accessible;</i></p> <p><i>c) cross ventilation should be achieved in common areas including corridors, common kitchen areas, living areas, laundry, waste and kitchen facilities;</i></p> <p><i>d) all opening windows are to be provided with fly screens; and</i></p> <p><i>e) secure mailboxes shall be provided on the property allowing resident only access</i></p> <p><i>f) Communal kitchen facilities must be provided with a minimum area of:</i></p> <p><i>a. 7m² for up to 6 lodgers,</i></p> <p><i>b. or 11m² for more than 6, up to 12 lodgers.</i></p> <p><i>c. A minimum of 15m² will be provided above 12 lodgers, plus 1m² for each additional lodger over 12; or all bedrooms shall contain kitchenette facilities with a fridge, adequate cupboards and shelves and a</i></p>	<p>In accordance with DCP requirements, the proposed design includes:</p> <ul style="list-style-type: none"> • The development is accessible to all lodgers. • Six rooms and six parking spaces are available for as accessible rooms and parking. • Cross ventilation is provided to common area. • Window openings will be provided with flyscreens. • Secure mailboxes will be provided on the property. • Kitchen facilities are provided within rooms. • 22.8m² of floor area provided for the common room with direct access to a further 46.5m² outdoor COS area. 	<p>Yes</p>

<p><i>microwave. For fire safety reasons no other cooking appliances are permitted.</i></p> <p><i>g) Common rooms must be provided at a minimum rate of 2m² per lodger, or a minimum of 13m² where there are fewer than 6 lodgers. Common rooms do not include circulation space or laundry, bathroom, waste and kitchen facilities.</i></p>		
<p>5) Visual and Acoustic Amenity Impacts</p> <p><i>Boarding houses are to provide:</i></p> <p><i>a) bedrooms separate from significant noise sources;</i></p> <p><i>b) sound insulation between bedrooms to provide reasonable amenity;</i></p> <p><i>c) communal areas and bedroom windows away from the main living area or bedroom windows of any adjacent buildings; and</i></p> <p><i>d) screen fencing, plantings, and acoustic barriers in appropriate locations.</i></p>	<p>The rooms are broken up into four vertical clusters around a central courtyard. There is an east and west wing. Rooms are oriented either towards the central courtyard or outwards towards a property boundary. At ground level the rooms have POS areas. At upper floor levels rooms have small balconies to provide natural ventilation. The width and size of the balconies do not facilitate gatherings of people. Therefore, privacy and noise emissions are reduced and the amenity of adjoining residents protected. Screen plantings around the boundaries is proposed to increase privacy across ground level.</p>	Yes
<p>6) Location</p> <p><i>Boarding Houses shall not be located in cul-de-sacs.</i></p>	<p>Park Avenue is not a cul-de-sac.</p>	N/A
<p>7) Plan of Management</p> <p><i>An operating 'Plan of Management' is to be submitted with each development application for a boarding house (including new and existing boarding houses).</i></p>	<p>A Draft POM and House Rules is Appendix A of this Statement. It is anticipated that this will be a condition of consent of any approval.</p>	Yes

4.5 Suitability of the site for the development

It is considered that the development, as proposed, is suitable for the subject site. Council has previously approved a boarding house of similar design and external appearance at No. 45 Park Avenue. This application, while proposed over two allotments, breaks up the boarding house into two wings (east and west) and into eight (8) vertical room clusters. Visually this reduces the perceived scale of the development. The two front room clusters have a pitched roof line – reflecting the existing character of nearby single dwellings and townhouses. These two clusters are two storeys only, thereby retaining the two storey character of development along parts of Park Avenue and the expected built form in this area. The third storey rooms are essentially within an attic level of the rear of the development, nested behind the front pitched roof. They will be barely discernible from Park Avenue.

As detailed by this assessment, the proposed development is unlikely to have any significant negative impacts on the natural or built environments. The proposed development is generally consistent with relevant state and local planning legislation and design guidelines for boarding houses. Any non-compliances have been identified and addressed through design solutions or considered on planning grounds to be reasonable and justified.

The proposal aims to provide rental housing which will assist in meeting State Government objectives for Western Sydney.

The site is considered to be suitable for the proposed development for following reasons:

- The proposed development is permissible and consistent with the objectives of the R3 land use zoning;
- There are no site constraints that would prevent a boarding house development;
- The locational context of the subject site provides additional housing within proximity to a range of facilities and services that will benefit the new residents and the local economy;
- The existing character is an eclectic mix of residential development – of various ages and built form typologies that will transition over time;
- The residential character along Park Ave and surrounds is undergoing a transition from low density to a more diverse residential community facilitated by the R3 zoning controls;
- The location is well-sited to accommodate additional residents, being serviced by public transport and other services in Kingswood and the broader Penrith district;
- The dual site can adequately accommodate the proposed development without adversely impacting the residential amenity of neighboring development; and
- The proposal's design is based on sound site analysis and contributes positively to the locality.

4.6 Any submissions made in accordance with this act or the regulations

Council is responsible for the referral of the application to relevant Government bodies and to adjoining owners. Any submissions will be reviewed by the applicant and Council during the assessment process, and duly considered.

4.7 Public Interest

Given that the relevant issues have been addressed with regard to the public interest as reflected in the relevant planning policies and codes, the development is unlikely to result in any adverse impact to the public interest in the circumstance of the case.

The proposal is a new age boarding house to be managed in the private rental sector, not by a social housing provider. Notwithstanding this, a review of the social housing waiting lists for the area reveals that there is a significant need for additional housing outside of the larger, more expensive private unit or townhouse rental market.

There are currently 1,678 applicants on the waiting list for social housing in the GW05 Penrith region with 179 of these are categorised to be priority application.² The expected social housing waiting time data for the Penrith area, as at 30 June 2020, are listed below:

- Expected waiting time for studio/1 bedroom property – 5 to 10 years;
- Expected waiting time for 2-bedroom property – 5 to 10 years;
- Expected waiting time for 3-bedroom property – 10+ years;
- Expected waiting time for 4+ bedroom property – 5 to 10 years.

It is clear that any assistance in providing housing in the private rental market that can help some local residents is in the public interest. More private housing opportunities will reduce some burden on public housing in the medium to long term.

5.0 **CONCLUSION**

The proposal seeks approval for a boarding house containing sixty-four (64) boarding rooms over basement parking. The site is zoned R3 Medium Density Residential, wherein a boarding house is a permissible landuse, with Council's consent.

The proposal has been sited and designed taking into account the site features as well as the adjoining and adjacent development. The design solution includes breaking the development into vertical rooms clusters and two wings sited around a central courtyard. Parking is provided at basement level, creating space for good quality landscaping at the front, sides and rear of the site plus impacts of parking and access is internalised.

The development will be consistent with the objectives of the R3 Medium Density Residential zone and the PLEP Height of building development standard. The minor variation to the height limit is addressed within the Clause 4.6 variation request. The environmental planning grounds are outlined in that submission, demonstrating that the proposal can be supported under the circumstances of this case.

Accordingly, the subject application, as described in this Statement, will result in no undue environmental impact that would warrant modification or refusal of the application. The proposal is worthy of the approval of Council.

Andrew Martin *MPIA*
Planning Consultant

² <https://www.facs.nsw.gov.au/housing/help/applying-assistance/expected-waiting-times>