



MEMORANDUM

Reference: DA21/0225

To: Penrith Local Planning Panel

From: Lucy Goldstein – Senior Development Assessment Planner

Date: 20 July 2021

Subject: Demolition of existing structures and construction of 2-3 storey boarding house containing 64 rooms and a manager's residence, basement parking, landscaping and stormwater works.at 27 & 28 Park Avenue Kingswood

I refer to the subject development proposal and the related assessment report that is scheduled for consideration by the Penrith Local Planning Panel on 21 July 2021.

This memorandum provides a response to questions from the Local Planning Panel ahead of the upcoming Local Planning Panel meeting.

No.	Question	Response
1	<i>Has height non-compliance been checked. Pg 10 mentions around 50% non-compliance, which seems more than applicant's height non-compliance diagram. Can the survey be emailed</i>	<p>As requested, please find attached survey.</p> <p>A maximum building height of 8.5m is permitted on the site. The architectural plans show a maximum ridge height of 45.7 AHD, resulting in a maximum building height of 9.0m, representing a variation of 5.88%.</p>
2	<i>SEPP (Vegetation in non-Rural Areas) 2017 – assume this is relevant and to be considered. Can some discussion occur on street tree/scented gum, given it is a recommended reason for refusal</i>	<p>The SEPP (Vegetation in non-rural areas 2017) works in conjunction with the Biodiversity Conservation Act 2016. The subject site is not mapped on the Biodiversity Values Map, and the proposal does not exceed the clearing thresholds to trigger entrance into the biodiversity offset scheme. Notwithstanding, development consent is required for tree removal.</p> <p>On the site currently is an existing established lemon scented gum, located at the front corner of the site within the property boundary. Whilst the proposal includes retention of this tree, the supporting Arborist Report provides insufficient information to demonstrate how this tree can be suitably retained with the current design, given the proximity of the development to the tree.</p> <p>In this regard, the development encroaches the Tree Protection Zone (TPZ) of the lemon scented gum of more than 10%. Further, there</p>

MEMORANDUM

		<p>are aspects of the development that encroach the TPZ which have not been considered within the Arborist Report, such as retaining walls, front courtyards, paving.</p> <p>Therefore, Council cannot be certain that the proposal will enable the retention and ongoing health of the lemon scented gum on the site. The lemon scented gum provides significant streetscape amenity, given its location and height, and therefore should be retained.</p>
3	<p><i>Is there a letter or list of amendments requested that has been provided to the applicant – if so please provide</i></p>	<p>On 3 May 2021 Council issued a letter to the Applicant raising assessment issues and concerns.</p> <p>The key issues raised in Council's letter related to site suitability, compatibility with the surrounding character, car parking, amenity and non-compliances with SEPP Affordable Rental Housing, Penrith DCP. Given the scope of issues, the letter recommended that the application be withdrawn.</p> <p>To date, Council has not received a response from the Applicant.</p> <p>Please find attached copy of Council's letter dated 3 May 2021, which was issued to the Applicant.</p>

Lucy Goldstein
Senior Development Assessment Planner