

PENRITH CITY COUNCIL

MAJOR ASSESSMENT REPORT

Application number:	DA19/0241
Proposed development:	Demolition of existing structures and construction of a Two (2) Storey Boarding House with Basement Parking Level and 21 Boarding Rooms
Property address:	159 Jamison Road, PENRITH NSW 2750
Property description:	Lot B DP 413314
Date received:	3 April 2019
Assessing officer	Lauren Van Etten
Zoning:	Zone R3 Medium Density Residential - LEP 2010
Class of building:	Class 3
Recommendations:	Refuse

Executive Summary

Council is in receipt of a development application for the demolition of existing structures and construction of a three storey boarding house containing 21 boarding rooms (including a manager's room) at 159 Jamison Road, Penrith.

The proposal is defined as a boarding house under Penrith Local Environmental Plan 2010 (LEP) and is a permissible form of development within the R3 High Density Residential zone, with consent. The proposal is also permissible within the zone under Division 3 Boarding Houses of State Environmental Planning Policy (Affordable Rental Housing) 2009 (SEPP ARH).

Key issues identified as part of the assessment of the proposed development include:

- Non-compliance with character, accommodation size, landscaped area, private open space, car bike and motorcycle parking controls as required under SEPP ARH.
- Non-compliance with Penrith LEP zone objectives.
- Non-compliance with tree preservation, water and waste management, traffic and access, built form, front setback, building envelope, retaining wall, character and amenity controls under Penrith Development Control Plan (DCP) 2014.
- Bulk, scale and density of the development does not adequately address the character of the area in the vicinity of the site, specifically the front and rear setback and landscape treatment of the site and hardstand area visible from Doonmore Street.
- Visual and acoustic amenity impacts.
- Site constraints due to the limited allotment depth/width, slope and its corner position.
- Inadequate front setback area treatment, particularly given proposed tree removal.
- Amenity impacts related to the scale of the building, the minimal side and rear boundary separation.

The application was notified to adjoining and nearby properties and advertised and exhibited between 12 April to 26 April 2019 in accordance with the relevant legislation. During this period 11 submissions were received in response, raising issues relating to traffic, parking and safety management. In this regard, as the submissions are considered unique, the application is referred to the Local Planning Panel for determination.

An assessment under Section 4.15 of the Environmental Planning and Assessment Act 1979 has been undertaken and the application is recommended for refusal.

Site & Surrounds

The subject site is located on the corner of Jamison Road and Doonmore Street, Penrith. The site is currently occupied by a single storey dwelling and vegetation with the subject site maintaining an area of 701m². The site is on the northern side of Jamison Road and eastern side of Doonmore Street. Within the front setback along Doonmore Street there is a euclayptus moluccana (30m in height) which is in healthy condition.

Directly adjoining the site to both its east and north are single detached dwelling houses, and the area is under transition with multi-unit housing developing within the vicinity of the site. The site is in proximity of Nepean Hospital to the north-east and Penrith CBD and train station to the north-west.

Proposal

The proposed development originally compromised:

- Demolition of existing dwelling and removal of all vegetation;
- Construction of a 21 room boarding house (including manager's room) over three storeys;
- Basement car parking for 10 vehicles with access from Tornaros Ave; and
- Landscaping, including the removal of trees.
- Each boarding room is proposed to be provided with their own private kitchen and bathroom facilities. Plans indicate there are 15 single occupancy rooms and 5 double occupancy rooms.

A pre-lodgement meeting was held on 31 January 2019 (PL19/0001) however the matters raised are not considered to have been satisfactorily addressed within the development application. Given the issues relate to site constraints and cannot be resolved without substantial redesign and reduction in scale, the applicant was ask to withdraw the development application. Council records indicate that no request to withdraw the development application has been received.

Plans that apply

- Local Environmental Plan 2010 (Amendment 4)
- Development Control Plan 2014
- State Environmental Planning Policy (Affordable Rental Housing) 2009
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- State Environmental Planning Policy No 55—Remediation of Land
- Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River

Planning Assessment

• Section 4.15 - Evaluation

The proposal has been assessed in accordance with the matters for consideration under Section 4.15 of the *Environmental Planning and Assessment Act 1979*, and having regard to those matters, the following issues have been identified for further consideration:

Section 79C(1)(a)(i) The provisions of any environmental planning instrument

State Environmental Planning Policy (Affordable Rental Housing) 2009

An assessment of the development application has been undertaken with regard to the relevant provisions of SEPP ARH and the proposal is found to be non-compliant, as detailed in the table below:

State Environmental Planning Policy (Affordable Rental Housing) 2009		
Division 3 Boarding Houses		
3Boarding Houses		
Requirement	Comment	Compliance

<i>Clause 25 – Definition</i>	Definition given for a ‘communal living room’. The communal living space proposed appears to align with this definition.	Yes
<i>Clause 26 – Land to which Division applies</i>	This Division applies to land within any of the specified zones (or equivalent); including: (c) Zone R3 Medium Density Residential	Yes
<i>Clause 28 – Development may be carried out with consent</i>	Development to which this Division applies may be carried out with consent.	Yes
<i>Clause 29 – Standards that cannot be used to refuse consent</i>	<p>(1) A consent authority must not refuse consent to development to which this Division applies on the grounds of density or scale if the density and scale of the buildings when expressed as a floor space ratio are not more than:</p> <p>(a) the existing maximum floor space ration for any form of residential accommodation permitted on the land.</p> <p>(2) A consent authority must not refuse consent to development to which this Division applies on any of the following grounds:</p> <p>(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.</p> <p>(b) landscaped area – if the landscape treatment of the front setback is compatible with the streetscape in which the building is located.</p> <p>(c) solar access – where the development provides for one or more communal living rooms, if at least one of those rooms receives a minimum of 3 hours direct sunlight between 9am and 3pm in mid-winter.</p> <p>(d) private open space – if at least the following private open space areas are provided (other than the front setback area): (i) one area of at least 20 square metres with a minimum</p>	<p>(a) N/A, as there is no FSR requirement, as per LEP 2010, for the subject site or area.</p> <p>(a) Yes, the ridgeline of the roofline (of is no higher than 8.5m, which is the maximum height of buildings listed for the site in the Height of Building Map under PLEP.</p> <p>(b) No, the landscaped treatment of the front setback area is incompatible with the streetscape in which the building is located.</p> <p>The built form presentation is considered uncharacteristic of the area, and also reduces the amount of landscaping within the front setback, presenting a site frontage of predominantly hardstand area. Additionally, the proposal includes the removal of all vegetation on the site, which removes the ability for instant screening and softening of the built form from the healthy 30m high eucalyptus tree among others.</p> <p>(c) Complies</p> <p>(d)(i) No, the minimum private open space requirement is provided within the front setback area, contrary to the control.</p>

dimension of 3 metres is provided for the use of the lodgers.

(e) parking if: (iia) - in the case of development not carried out by or on behalf of a social housing provider – at least 0.5 parking spaces are provided for each boarding room.

(f) accommodation size – if each boarding room has a gross floor area (excluding any area used for the purposes of private kitchen or bathroom facilities) of at least:

(i) 12 square metres in the case of a boarding room intended to be used by a single lodger, or

(ii) 16 square metres in any other case.

(e)(iia) **No**, the proposed car parking for the site includes 10 x car parking spaces (including 2 x accessible parking space), however 11 spaces are required.

(f)(i)&(ii) **No**. Insufficient documentation has been provided to allow an assessment of the size of each room. Floor plans are required which detail the area used to calculate room size to satisfy SEPP ARH requirements. The size of the rooms required is to exclude any area used for the purposes of private kitchen or bathroom facilities (an area to the front of the kitchen cabinet/bench area is to be excluded from the size calculations). In this regard, room sizes are not considered compliant.

<p><i>Clause 30 – Standards for boarding houses</i></p>	<p>(1) A consent authority must not consent to development to which this Division applies unless it is satisfied of each of the following:</p> <p>(a) if a boarding house has 5 or more boarding rooms, at least one communal living room will be provided.</p> <p>(b) no boarding room will have a gross floor area (excluding any area use for the purposes of private kitchen or bathroom facilities) of more than 25 square metres.</p> <p>(c) no boarding room will be occupied by more than 2 adult lodgers.</p> <p>(d) adequate bathroom and kitchen facilities will be available within the boarding house for the use of each lodger.</p> <p>(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.</p> <p>(f) (Repealed).</p> <p>(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.</p> <p>(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.</p>	<p>(a) Yes, communal space is provided on the ground floor.</p> <p>(b) Yes, each room is no more than 25m² in gross floor area.</p> <p>(c) Single and double rooms are proposed.</p> <p>(d) Yes, each room is provided with bathroom and kitchen facilities. A communal bathroom and kitchenette (within the communal area) is also provided.</p> <p>(e) Yes, a room for the manager has been provided given there are 20 rooms proposed.</p> <p>(g) N/A</p> <p>(h) No. While minimum parking requirement for motorcycles has been provided these spaces are located at the bottom of the ramp which are considered to create safety concerns for users of the spaces and the overall functionality of the basement. No room is allowed for an alternative location without detrimentally affecting deep soil zones and therefore this requirement is not satisfied.</p>
<p>30A – Character of local area</p>	<p>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.</p>	<p>No, the character of the local area is defined by deep set landscaped front yards with remnant canopy tree planting. The area is expected to undergo a gradual shift to higher densities permissible within the R3 Medium Density Residential zone which includes multi dwelling housing, however this would not incorporate such narrow front setbacks nor an abundance of hard</p>

stand areas i.e. ramps, pathways, waste collection areas and on-site detention areas all within the front setback as is proposed.

No vegetation is being retained on site to maintain local character and the excessive hard stand areas, narrow setbacks and bulky built form does not allow for an open and well landscaped frontage, nor side nor rear setbacks comparable or compatible with the character of the local area in the vicinity of the site.

The location of hardstand areas within the Jamison Road front setback is not reflective of the existing character of the street or of the desired future character of the local area. Level 1 is only partially stepped which adds bulk and is not sufficiently integrated into the design.

The built form does not complement existing built form qualities that are considered to define the character of the local area. The development proposal does not include adequate articulating elements along its side boundaries and the building's length and rectangular design are considered to add bulk to the structure. Little opportunity is provided for substantial landscaping around the development given the narrow setbacks, hard stand areas and facilities such as drainage and waste, which is considered to exacerbate the built forms bulk and scale.

The density of the development is directly related to the inability of the design to adequately respond to the future desired character of the area in that the bulk, scale and building design is not compliant with the boarding house controls under Part D5 Other Land Uses, clause 5.11 Boarding Houses of the DCP.

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

A BASIX Certificate is required for Class 3 Boarding house developments. This requirement is confirmed by a recent NSW Land and Environment Court Judgement which confirmed that self contained boarding rooms capable of being occupied or used as a separate domicile are BASIX affected development. A BASIX certificate was submitted however the commitments to be shown on the DA plans were not all detailed. As this application is recommended for refusal for reasons as detailed elsewhere in this report, the refusal will also note the inadequacies in relation to the BASIX Commitments.

State Environmental Planning Policy No 55—Remediation of Land

An assessment has been undertaken of the development proposal against the relevant criteria within State Environmental Planning Policy No 55—Remediation of Land and the application is considered satisfactory. Given the prior residential use for the subject location and continued use of the land for residential purposes (which is not considered a potentially contaminating activity) as stated in the supporting documentation with the application, the site is considered suitable for the proposed use in regards to contamination. Conditions of consent may be applied with regard to contamination procedures, should unexpected finds be uncovered during construction as well as standard conditions related to asbestos removal. As the development application is recommended for refusal, the above mentioned conditions are not recommended to be included.

Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River

An assessment has been undertaken of the proposed development against the relevant criteria within Sydney Regional Environmental Plan No. 20—Hawkesbury-Nepean River (No. 2—1997) and although the development proposal is not in conflict with the Policy, the development application is recommended for refusal based on other matters as detailed elsewhere within this report.

Local Environmental Plan 2010 (Amendment 4)

Provision	Compliance
Clause 1.2 Aims of the plan	Does not comply - See discussion
Clause 2.3 Permissibility	Complies - See discussion
Clause 2.3 Zone objectives	Does not comply - See discussion
Clause 2.7 Demolition requires development consent	Complies
Clause 4.3 Height of buildings	Complies
Clause 4.4 Floor Space Ratio	N/A
Clause 7.4 Sustainable development	Does not comply - See discussion
Clause 7.6 Salinity	Complies
Clause 7.7 Servicing	Complies

Clause 1.2 Aims of the plan

The proposal does not comply with the following aims of PLEP:

(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

(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

The development is inconsistent with the character envisioned for the Penrith area, in that the bulk and scale of the development is inappropriate for the site.

The adverse amenity impacts on neighbours, in regards to the visual and acoustic privacy of neighbouring dwellings, is not aligned with Council's vision for development in Penrith.

The proposal does not incorporate the principles of sustainable development into the design.

The provision of waste facilities and access arrangements are not sufficient to service the proposal.

Clause 2.3 Permissibility

Development for the purposes of a boarding house is permissible within the R3 Medium Density Residential zone under PLEP and is also permissible within the R3 zone under State Environmental Planning Policy (Affordable Rental Housing) 2009.

Clause 2.3 Zone objectives

The subject site is located within the R3 Medium Density Residential zone under the LEP. The proposal is inconsistent with the following objectives of the zone:

- *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.*

The design of the boarding house does not enhance the essential character and identity of the established residential area. The built form does not complement qualities of existing residential development that define the character of the area. The development's negative impacts on local character are further detailed under the SEPP ARH section of this report.

Inappropriate impacts on amenity can be directly linked to the density of rooms proposed and the inability of the site to accommodate the needs and minimal requirements of the development. The number of rooms proposed and associated hard stand from car parking, drainage and built form is related to negative impacts of bulk and scale, overbearing and visual and acoustic privacy. Minimal landscaped setbacks are resulting from the site coverage, basement extent and minimal rear and side setbacks proposed. The proposal does not include sufficient articulation elements along elevations to both the ground and first floor. The length and bulk of the building is not considered to represent, nor complement, residential development within the local area.

Landscaped elements are ineffective in ameliorating negative impacts on, or providing amenity to residents or neighbours of the development or on streetscape presentation. The existing mature eucalyptus tree within the street setback is proposed for removal despite its healthy condition and positive contribution to character and sustainability. The site's corner location with the primary frontage of 11m is not wide enough to accommodate the infrastructure required to service the development and therefore does not comply with the requirement for a 22m frontage as per the Penrith DCP, which will result in a poor street front presentation and landscaping outcome.

The development overall does not comply with key development controls of the Penrith DCP and as such, is not representative of the desired future character of the area.

The first floor footprint is predominantly equal to the ground floor layout in size and architectural elements. In addition the provision for flush walls between the ground and first floors are considered to accentuate the built forms scale to a prominent corner site.

Additionally, the development does not reflect the desired future character and dwelling densities of the area, in that the proposal is in conflict with the objectives and controls of Section D5, Clause 5.11 (Boarding houses) of the DCP. It is noted that these controls relate to local character, built form, scale, appearance, tenant amenity, safety, private, visual and acoustic amenity impacts.

Details of compliance with individual objectives and controls is discussed under the DCP and SEPP ARH sections of this report.

Clause 7.4 Sustainable development

Clause 7.4 of PLEP requires Council to have regard to the principles of sustainable development as they relate to the development based on a "whole of building" approach by considering each of the following:

- (a) conserving energy and reducing carbon dioxide emissions,*
- (b) embodied energy in materials and building processes,*
- (c) building design and orientation,*
- (d) passive solar design and day lighting,*
- (e) natural ventilation,*
- (f) energy efficiency and conservation,*
- (g) water conservation and water reuse,*
- (h) waste minimisation and recycling,*
- (i) reduction of vehicle dependence,*
- (j) potential for adaptive reuse.*

No sun shading is provided to the communal open space on the northern elevation. Further, while eaves are provided, insufficient landscaped widths mean there is no room for necessary planting to shield the building and reduce thermal loads in the summertime. Therefore the proposal is inconsistent with (c) and (d).

While each room is provided with at least one window, only 6 out of 20 rooms provide for natural cross ventilation. Therefore subclause (e) and (f) are not achieved either.

It is for the above reasoning that the development proposal is not considered to comply with clause 7.4 of PLEP 2010.

Section 79C(1)(a)(ii) The provisions of any draft environmental planning instrument

Draft Environment SEPP

The Draft Environment SEPP was exhibited from 31 October 2017 to 31 January 2018. This consolidated SEPP proposes to simplify the planning rules for a number of water catchments, waterways, urban bushland, and Willandra Lakes World Heritage Property.

Changes proposed include consolidating the following seven existing SEPPs:

- State Environmental Planning Policy No. 19 – Bushland in Urban Areas
- State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011
- State Environmental Planning Policy No. 50 – Canal Estate Development
- Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment
- Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River (No.2-1997)
- Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005
- Willandra Lakes Regional Environmental Plan No. 1 – World Heritage Property.

The proposal is not inconsistent with the provisions of this Draft Instrument.

Draft Remediation of Land SEPP

The Department of Planning and Environment has announced a Draft Remediation of Land SEPP, which will repeal and replace the current State Environmental Planning Policy No 55—Remediation of Land.

The main changes proposed include the expansion of categories of remediation work which requires development consent, a greater involvement of principal certifying authorities particularly in relation to remediation works that can be carried out without development consent, more comprehensive guidelines for Councils and certifiers and the clarification of the contamination information to be included on Section 149 Planning Certificates.

Whilst the proposed SEPP will retain the key operational framework of SEPP 55, it will adopt a more modern approach to the management of contaminated land. The Draft SEPP will not alter or affect the findings in respect to contamination of the Site. Appropriate conditions are included in respect to any potential asbestos removal and an expected finds condition will ensure that if any traces of contamination is found appropriate measures in accordance with EPA requirements are implemented.

Section 79C(1)(a)(iii) The provisions of any development control plan

Development Control Plan 2014

Provision	Compliance
DCP Principles	Does not comply - see Appendix - Development Control Plan Compliance
C1 Site Planning and Design Principles	Does not comply - see Appendix - Development Control Plan Compliance
C2 Vegetation Management	Does not comply - see Appendix - Development Control Plan Compliance
C3 Water Management	Does not comply - see Appendix - Development Control Plan Compliance
C4 Land Management	Complies
C5 Waste Management	Does not comply - see Appendix - Development Control Plan Compliance
C6 Landscape Design	Does not comply - see Appendix - Development Control Plan Compliance
C7 Culture and Heritage	N/A
C8 Public Domain	N/A
C9 Advertising and Signage	N/A
C10 Transport, Access and Parking	Does not comply - see Appendix - Development Control Plan Compliance
C11 Subdivision	N/A
C12 Noise and Vibration	Complies
C13 Infrastructure and Services	Complies
D2.1 Single Dwellings	N/A
D2.2. Dual Occupancies	N/A
D2.4 Multi Dwelling Housing	Does not comply - see Appendix - Development Control Plan Compliance
D2.5 Residential Flat Buildings	N/A
D2.6 Non Residential Developments	N/A
D5.1. Application of Certification System	N/A
D5.2. Child Care Centres	N/A
D5.3. Health Consulting Rooms	N/A
D5.4. Educational Establishments	N/A
D5.5 Parent Friendly Amenities	N/A
D5.6. Places of Public Worship	N/A
D5.7. Vehicle Repair Stations	N/A
D5.8. Cemeteries, Crematoria and Funeral Homes	N/A
D5.9. Extractive Industries	N/A
D5.10 Telecommunication Facilities	N/A
D5.11 Boarding Houses	Does not comply - see Appendix - Development Control Plan Compliance

Section 79C(1)(a)(iv) The provisions of the regulations

The application was referred to Council's Building Surveyor for assessment. No objections were raised.

Compliance with Public Health Regulations could be included as conditions, however the application is recommended for refusal related to other matters as detailed in this report.

The development application has been notified, exhibited and advertised in accordance with the requirements of the Regulations.

Section 79C(1)(b)The likely impacts of the development

Likely impacts of the proposed development are discussed below:

Streetscape and Local Character

The proposal will have a negative impact on the existing streetscape and character of the local area. The development proposal is inconsistent with controls of Penrith Development Control Plan 2014 (PDCP) in particular those that relate to boarding house development, bulk, scale, design, as well as those related to local character, landscaping and setbacks. The design is also in contrast to comparable built form controls of the DCP, in that the bulk and scale of the development is not adequately mitigated by landscaping or articulating building design elements along its elevations. The design of the boarding house does not enhance the essential character and identity of established residential areas, in part due to the need to accommodate parking, turning, waste storage and drainage, which limits landscaping opportunities. The development proposal is not compliant with the controls of the SEPP ARH which are related to accommodation size, local character, private open space, landscaping and parking.

Privacy Impacts

The development proposal does not adequately demonstrate a package of measures to mitigate against negative privacy and amenity impacts. Side setbacks are minimal and inadequate area is provided for landscape screening or buffer separation. The resulting building form and the extent of the upper level will result in negative overbearing and overlooking impacts on neighbouring sites. The design provides for a large amount of openings to the side elevations which are positioned so as to directly overlook the neighbouring properties.

Traffic, Access and Manoeuvring

The development does not comply with the minimum number of parking spaces required by the State Environmental Planning Policy (Affordable Rental Housing) 2009. Impacts related to site coverage, landscaping, local character and overbearing are also considered in part a consequence of providing for the 0.5 car spaces per room. The parking shortfall indicates the proposal is not able to cater for all aspects of the development on this site.

The proposed vehicular access to the basement level car park is not in accordance with clause 10.5.2 of Part C10 of the DCP in that access to the site should provide safe entry to and exit from the site. The Traffic Report does not demonstrate the ability for drivers to see one another at the bottom of the ramp in the scenario where a vehicle is entering the basement and another vehicle exiting or parking, particularly with the bend in the ramp. A traffic signal system would be required with a waiting area in the basement free from inward manoeuvring requirements. Given there is no room within the basement without encroaching upon landscape setbacks, the basement layout does not provide a safe entry and exit to the site.

Sustainable Design

The building design and landscape concept do not respond to the site's orientation and insufficient shading is provided for the site as a result of the minimal width of landscaped areas proposed.

Waste Management

Amendments to the waste areas may have been sought in response to non-compliances. However, further room for waste storage would considerably encroach upon the front setback which is already considered to be inadequate in area and landscaping, thus once more indicating an overdevelopment of the site and an inability to provide the necessary landscaping and facilities in line with a proposal of this size.

Plan of Management

A stand alone boarding house Plan of Management was provided as required by Section D5.11 (6). However, Council's Public Health Officer noted that there was insufficient information provided. Given the inadequacy of the plan of management submitted, the management of the boarding house and satisfaction of security and safety and operational measures cannot be known with certainty.

Section 79C(1)(c)The suitability of the site for the development

The site is unsuitable for the proposed development for the following reasons:

- The density of the rooms proposed and the requirement to comply with the applicable car parking rates as set out under the SEPP ARH is resulting in excessive building bulk and site coverage.
- The design of the building, its presentation to the street and the proposed landscaping is not considered to be compatible with, nor complementary to, the character of the local area or the future desired character of the area; and
- The proposal does not adequately demonstrate that impacts related to minimum side and rear setbacks, local character, streetscape presentation, bulk, scale, privacy, noise, amenity, access and parking are adequately mitigated against nor addressed through the design of the development.

Section 79C(1)(d) Any Submissions

Community Consultation

In accordance with Appendix F4 of Penrith Development Control Plan 2014, the proposed development was notified to nearby and adjoining residents and was exhibited advertised between 9 November to 23 November 2018. Three submissions were received during this period.

Matters raised in the submissions have formed part of this assessment. A response to the matters raised is also provided below.

Issue	Comment
<ul style="list-style-type: none"> -Increase in traffic, insufficient on site parking, current on-street parking issues will be exacerbated and associated safety impacts. - Narrow driveway, inadequate car parking. 	<p>Council's Traffic Officer has reviewed the proposal and advised that the traffic generated by the development cannot be accommodated within the road network given the minimum number of car parking spaces has not been provided and on-street parking is not justified. The application has been recommended for refusal based on this matter, among others.</p> <p>An assessment of the proposal against the applicable car parking rates and manoeuvring areas is included within this report.</p>
<ul style="list-style-type: none"> - Near misses turning into Jamison Road and parked cars obstructing views. 	<p>Existing traffic and parking issues can be reported to Council's Local Traffic Committee, Rangers or the Nepean Police LAC.</p>
<ul style="list-style-type: none"> -Safety issues from transient nature and subpar vetting of boarders not appropriate for residential area. -Concerns stem from the anonymity of the boarders and the uncertainty of criminal history - particularly of the paedophilic variety. -Site proximity to schools, school children and Parks and related safety concerns. 	<p>Boarding houses have historically been an important source of low cost accommodation and this development would increase the availability of this affordable housing type. There is an emerging trend for boarding houses to be targeted at young professionals and students. This type of affordable housing may also appeal to other tenants unable to afford ordinary private market rental rather than be occupied by any one demographic.</p> <p>Council is unable to require that tenants undergo further scrutiny such as background checks. Notwithstanding, the application has been recommended for refusal, based on other planning matters.</p>

Referrals

The application was referred to the following stakeholders and their comments have formed part of the assessment:

Referral Body	Comments Received
Building Surveyor	No objections - subject to conditions
Development Engineer	Not supported
Environmental - Environmental management	No objections - subject to conditions
Environmental - Waterways	No objections
Environmental - Public Health	No objections - subject to conditions
Waste Services	Not supported
Traffic Engineer	Not supported
Community Safety Officer	No objections - subject to conditions
Tree Management Officer	Not supported
Social Planning	No objections

Section 79C(1)(e)The public interest

The proposed development is contrary to the aims, and zone objectives, of the LEP. The proposed development does not comply with key clauses of Division 3 Boarding houses of SEPP ARH, including those related to compatibility with local character and development standards related to landscaped area, private open space, car bicycle, motorbike parking and accommodation size.

The proposal does not comply with the provisions of section 5.11 Boarding Houses of the DCP, in particular those requiring the design of the development to be compatible with the context of the site and to have regard to the site analysis. Further, the proposed setbacks, character and bulk and scale of the development are not compliant with the applicable built form and setback controls detailed under the section.

It is for the above reasoning that approval of the development application would not be in the public interest and would also set an undesirable precedent in the locality.

Conclusion

The development application has been assessed against the applicable planning control and policies including State Environmental Planning Policy (Affordable Rental Housing) 2009, Penrith Local Environmental Plan 2010 and Penrith Development Control Plan 2014, and the proposal does not satisfy the aims, objectives and provisions of these policies.

In its current form, the proposal would result in negative and unacceptable impacts on on-street parking, visual and acoustic privacy, the urban heat island effect, residential amenity and the surrounding character of the area. More specifically the bulk, scale and design of the development is not compatible with local character and is not representative of the future desired character of the area.

The development application was also submitted with insufficient information regarding waste infrastructure and management details.

Support of this application would set an undesirable precedent in the locality, particularly considering the incompatibility of the design with the boarding house controls from Penrith Development Control Plan 2014. The proposed building design is not site responsive and does not comply with the key development standards which are directly resulting in unacceptable negative impacts in the locality, and is not in the public interest.

As such, considering the above aspects, the subject application is recommended for refusal, with the reasons for refusal detailed below.

Recommendation

1. That DA19/0241 for the demolition of existing structures and construction of a boarding house at 159 Jamison Road, Penrith, be refused for the attached reasons; and
2. That those making submissions are notified of the determination.

Refusal

1 X Special 02 (Refusal under Section 79C(1)(a)(i) of EPA Act 1979)

The application is not satisfactory for the purpose of Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979* as the proposal is inconsistent with the provisions of Penrith Local Environmental Plan 2010 as follows:

(i) Clause 1.2 Aims of the Plan - The proposal is inconsistent with the Aims of the Plan in relation to the promotion of development consistent with Council's vision for Penrith and the safeguarding of residential amenity.

(ii) Clause 2.3 Zone Objectives - The proposal is inconsistent with the objectives of the R3 Medium Density Residential zone, specifically:

- the proposed boarding house is not considered to enhance the essential character and identity of an established residential area;
- the proposed boarding house does not ensure that a high level of residential amenity is achieved and maintained; and
- the proposed boarding house does not ensure that the development will reflect the desired future character of the area.

(iii) Clause 7.4 Sustainable Development - The proposal is inconsistent with the principles of sustainable design, particularly in relation to (c) (d) (e) and (f) of Clause 7.4 of the LEP.

2 X Special 03 (Refusal under Section 79C(1)(a)(ii) of EPA Act 1979)

The application is not satisfactory for the purpose of Section 4.15(1)(a)(ii) of the *Environmental Planning and Assessment Act 1979* as the proposal is inconsistent with the provisions of:

- State Environmental Planning Policy (Affordable Rental Housing) 2009 as the development application does not comply with Part 2, Division 3, Clause 29 Standards that cannot be used to refuse consent (2)(b) landscaped area (d)(i) private open space, (e)(iia) car parking, (f) accommodation size, Clause 30 (h) bicycle and motorbike parking and Clause 30A Character of Local Area.
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 as the BASIX Certificate commitments are not shown on the architectural plans as the Certificate requires.

3 X Special 04 (Refusal under Section 79C(1)(a)(iii) of EPA Act 1979)

The development application is not satisfactory for the purpose of Section 4.15(1)(a)(iii) of the *Environmental Planning and Assessment Act 1979*, as the proposal is inconsistent with the following provisions of Penrith Development Control Plan 2014 in that the application has not satisfied Council with respect to the requirements under:

- Part B - 'DCP Principles',
- Section C1 'Site Planning and Design Principles',
- Section C2 'Vegetation Management',
- Section C3 'Water Management',
- Section C5 'Waste Management',
- Section C6 'Landscape Management',
- Section C10 'Traffic, Access and Parking',
- Section D2.4 'Residential - Multi Dwelling Housing', and
- Section D5.11 'Boarding Houses'.

4 [X Special 07 \(Refusal under Section 79C\(1\)\(b\) of EPA Act 1979\)](#)

The development application is not satisfactory for the purpose of Section 4.15(1)(b) of the *Environmental Planning and Assessment Act 1979* in terms of the likely impacts of that development including those related to:

- (i) negative streetscape and local character impacts;
- (ii) privacy impacts;
- (iii) the excessive hard stand, infrastructure and built form which reduces landscaping opportunities;
- (iv) unsafe traffic, access and manoeuvring;
- (v) inadequate provision of parking;
- (vi) landscaped area and site coverage;
- (vii) overlooking; and
- (viii) waste management.

5 [X Special 08 \(Refusal under Section 79C\(1\)\(c\) of EPA Act 1979\)](#)

The application is not satisfactory for the purpose of Section 4.15(1)(c) of the *Environmental Planning and Assessment Act 1979* as the site is not suitable for the scale of the proposed development.

6 [X Special 10 \(Refusal under Section 79C\(1\)\(e\) of EPA Act 1979\)](#)

The application is not satisfactory for the purpose of Section 4.15(1)(e) of the *Environmental Planning and Assessment Act 1979*, as the proposal is not in the public interest.

7 [X Special 9 \(Refusal under Section 79C\(1\)\(d\) of EPA Act 1979\)](#)

Based on the above deficiencies and submissions received, approval of the proposed development would not be in the public interest (pursuant to Section 4.15(1)(d) of the *Environmental Planning and Assessment Act 1979*).

Appendix - Development Control Plan Compliance

Development Control Plan 2014

Part B - DCP Principles

The development proposal is considered to be contrary to the principles, commitments and objectives of the Penrith Development Control Plan 2014 (DCP) in particular, the proposal does not enable communities to minimise their ecological footprint or promote sustainable production and consumption through appropriate use of environmentally sound technologies and effective demand management.

The development does not adequately protect the occupants from the western heat with the private open space. Little opportunity is provided for natural cross flow ventilation or canopy trees for shading given the limited setback. Due to the orientation and height of the building, future occupants will be exposed to high levels of direct solar access and inadequate shade is provided to reduce the thermal loading, which will be retained in the summer months.

Individual air-conditioning units nominated for use are not indicated on the plans.

Part C - City-wide Controls

Section C1 Site Planning and Design Principles

Clause 1.2.2 Built form - Energy Efficiency and Conservation

This section of the DCP states that "*buildings should be designed on passive solar design principals which respond to orientation to maximise the northern aspect and solar access in the cooler periods; reduce overheating in summer and promote solar gain in winter; and ensure there is adequate cross flow of air by utilising natural ventilation, resulting in a reduction in the use of mechanical ventilation and/or air-conditioning systems*".

The design of the building does not facilitate opportunity for natural cross flow ventilation and is positioned and orientated such that the thermal load in summer will result in overheating of the private open space and the building generally given the lack of landscaping.

Clause 1.2.3 Building Form - Height, Bulk and Scale

The proposal fails to demonstrate how the development is consistent with the height, bulk and scale of adjacent development. It is acknowledged that the area is zoned R3 Medium Density Residential under PLEP and some growth in the density of the area is expected. However, the development proposal does not demonstrate an acceptable level of compliance with applicable built form controls under the DCP or objectives of the zone. The bulk and scale of the development is unacceptable in the location, particularly on the corner block which exacerbates the visual impact of the development.

Proposed setbacks, separation distances and landscaped elements do not adequately mitigate against negative and unacceptable amenity impacts such as visual privacy and impacts on local streetscape character.

Section C2 Vegetation Management

The eucalyptus tree within the site's front setback is considered significant to the character of the area and should be retained to soften the impact of the proposed development while also reducing the urban heat island effect of the proposal.

An Arborist Report was provided to attest to the health of this tree and any others within the property and recommends their removal. However, Council's Tree Officer noted that this tree is in good health indicating that if there was no development planned there would be no reason to support their removal.

The siting and layout of development has therefore not considered the location of trees and favored their retention as required under DCP Section C2.1(6)(a). The objectives of this section are to promote the benefits of trees and other vegetation, protect and enhance native vegetation, habitat for fauna and manage non-native vegetation in accordance with its cultural

and landscape significance. Trees and vegetation must also be retained where they form part of the landscape character of an area, however the proposal does not comply with this requirement under Section C2.1(6)(h).

Section C3 Water Management

Council's Development Engineer has reviewed the application and provided the following comments:

The application was accompanied by inadequate information to ensure the proposed stormwater runoff is consistent with Council's DCP Section C3.5, Penrith City Council's Stormwater Drainage Policy and mitigates adverse impacts upon adjoining properties or the street drainage system. The OSD storage shall have a minimum 1% fall to the outlet pit. The proposed sediment sump and relief drain shall be removed from the OSD discharge control pit. Further, the site is affected by local overland flow flooding. Council's adopted 1% AEP flood levels for the site vary from RL 45.4m AHD at the northern boundary to RL 44.9m AHD at the southern boundary based on Penrith CBD Detailed Overland Flow Flood Study, 2015. Floor levels for the proposed development have not been set 0.5m above Council's adopted 1% AEP flood levels however the required fill is excessive and therefore the application cannot meet the requirements of Council's Stormwater Policy, nor the objectives of the DCP which require development to demonstrate that any overland flow is maintained for the 1% AEP (100 year ARI) overland flow without adverse streetscape impacts from the fill required.

Section C5 Waste Management

Council's Waste Planning Officer has reviewed the application and provided the following comments:

- The waste and bulky waste storage areas do not meet the minimum dimensions required, nor provide suitable access to the kerb as per Section 2.4.1 and 2.4.2 of Council's Waste Management Guidelines for Multi-Unit Housing. Further, the waste areas are not effectively integrated with the development's built form and landscape design in accordance with clause 2.3.1 of Council's Waste Management Guidelines for Multi-Unit Housing. Therefore, the proposal does not enhance street presentation and resident amenity or provide adequate facilities for waste management. Redesign would increase encroachments upon the front setback indicating the proposal is an overdevelopment of the existing site area.

Section C6 Landscape Design

Clause 6.1.3 Neighbourhood Amenity and Character

The amended design was not submitted with an amended landscape plan. The submitted design does not comply with the requirements of the DCP as follows:

- The landscape proposal does not enhance the amenity and visual quality of the site. The bulk and scale of the building is not moderated by the use of landscaped elements such as for screening or shade provision.
- The development does not make any contribution to the streetscape by way of the design of structures or landscaping.
- The design of landscaping works do not ensure that the development integrates into and enhances the existing landscape character through either setbacks, materials selection, architectural character or vegetation selection/placement.
- The driveway proposed within the rear setback prevents deep soil planting opportunities and the development of reasonable landscaped separation and flora/fauna corridors as per the objectives for landscaping.

Clause 6.1.4 Site Amenity

The DCP states that landscape design should seek to screen development, particularly from the sides and rear of an allotment and shrubs and small trees should be used to screen service areas and block unwanted views that reduce privacy. The proposal does not adequately demonstrate that an acceptable level of compliance is achievable. The proposed level of hardstand site coverage is excessive and areas of landscaping are minimal in width or poorly located such that planting in these locations would not be either sustainable or substantial enough to result in any meaningful contribution to amenity, local character or streetscape presence.

Section C10 Traffic, Access and Parking

Clause C10.5 Parking, Access and Driveways

Council's Traffic Engineer has reviewed the proposal and provided the following comments:

- The proposed vehicular access to the basement level car park is not in accordance with clause 10.5 of Part C10 of the DCP which requires all vehicles to enter and leave the site in a forward direction without the need to make more than a three-point turn. The swept path analysis provided in the report prepared by SafeWay Traffic Management Solutions indicates tight but acceptable manoeuvring.
- The proposed vehicular access to the basement level car park is not in accordance with clause 10.5.2 of Part C10 of the DCP in that access to the site should provide safe entry to and exit from the site. The Traffic Report does not demonstrate the ability for drivers to see one another at the bottom of the ramp in the scenario where a vehicle is entering the basement and another vehicle exiting or parking, particularly with the bend in the ramp. A traffic signal system would be required with a waiting area in the basement free from inward manoeuvring requirements. Given there is no room within the basement without encroaching upon landscape setbacks, the basement as is does not provide a safe entry and exit to the site.

Overall, in relation to the City Wide controls that apply, the proposal fails to demonstrate that site planning, access, parking, waste servicing and stormwater management arrangements are suitable for the proposed development.

D2 Residential Development

An assessment of the built form of the development has been undertaken having regard to comparative built form controls applying to multi dwelling housing development within the R3 Medium Density Residential zone, as is required by the boarding house objectives and controls of clause 5.11 (Boarding Houses) of Section D5 Other Land Uses.

The anticipated built form for the area within the vicinity of the site (applicable to boarding houses and multi dwelling housing developments) is detailed within this section of the DCP and includes controls requiring articulation of the built form and the inclusion of deep external side setbacks with an upper storey surrounded by a larger floor plan. The development proposal does not include characteristics of traditional suburban development where the building form is stepped with integrated landscaped elements.

Clause 2.4.4 Urban Form

The development proposal is in conflict with controls requiring external walls to be a maximum of 5m in length between distinct corners and does not provide a variety of roof forms representative or complementary to, traditional dwelling designs within the immediate area. Minimal eaves are provided to provide shadow or relief from the heat.

Clause 2.4.5 Front and Rear Setbacks

The Application does not comply with clause 2.4.5 of Part D2 of the DCP which specifies that front setbacks either average the setbacks of the immediate neighbours or provide a 5.5m minimum whichever is the greater dimension. In this case, the adjoining property front setback ranges from 11m to 9m, whereas the proposal is from 4.6m to 5m. The secondary street is similarly varied, with the adjoining property setback 9.5m to 12m and the proposed setback at 3m. It is noted that there is an established front building line along both Jamison Road and Doonmore Street with only slight encroachments to the predominant line. Therefore, both street setbacks proposed are inconsistent with the predominant pattern of setbacks in the vicinity and thus do not achieve the objective to match the neighbourhood character. This in turn creates a significantly large built form which visually is considered disproportionate to its immediate surrounds. This visual impact is also considered accentuated by the prominent nature of the corner subject site.

Clause 2.4.6 Building Envelope and side setbacks

The Application does not comply with clause 2.4.6 of Part D2 of the DCP in that the minimum side setback is 2m. The Application proposes a side setback of 1m. Further, the proposal does

not comply with the maximum cut and fill control of 500mm with up to 1m proposed. The proposed fill is considered contrary to the objectives that restrict earthworks in order to respond to the site and minimise alterations to the land, while also exacerbating the visual impacts of the bulk and scale.

Clause 2.4.8 Landscaped area

The Application does not meet the minimum landscaped area required by clause 2.4.8 in Part D2 of the DCP which is 40% of the Site area or 250m² for the Site. The Application proposes 218m² of communal open space, or 31% of the Site.

The development is inconsistent with clause 2.4.8 in Part D2 of the DCP in that the proposed landscape treatment is inadequate. Given the on-site detention system within the front setback restricts planting, as does the 1m northern and western setbacks and basement design, there is limited opportunity for deep soil planting or screening vegetation. This reduces the development proposal's ability to contribute to the canopy coverage and green networks in the vicinity. The development therefore does not contribute to the contextual fit of, or enhance the landscape quality of the area in the vicinity of the Site.

Clause 2.4.11 Corner lots

The application does not comply with clause 2.4.11 of Part D2 in the DCP in that frontages to a second street must have a minimum setback to dwellings and garage entrances of 5.5m. The application proposes a secondary frontage setback of 2.5m on the ground level and 3m on the upper level which is considered to exacerbate the visual impact of the built form.

Clause 2.4.12 Building Design

The proposed design is inconsistent with clause 2.4.12 of Part D2 of the DCP in that the building design emphasises, rather than minimises, the impact of the bulk and scale of the development. The eastern and northern facades accentuate the bulk and scale of the building and are contrary to clause 2.4.4 of Part D2 of the DCP which requires the upper storey to be surrounded by a larger ground floor plan in order to reduce the appearance of bulk. Further, a variety of materials including lightweight cladding and brickwork is not incorporated but rather extensive brickwork is proposed with symmetrical features, rather than variation in architectural features.

The building design does not provide features that are typical of housing in the established residential area in accordance with clause 2.4.12 of Part D2 of the DCP in that the existing housing stock in the vicinity is characterised by low scale articulated dwellings with consistent and generous landscaped setbacks, whereas the narrow setbacks propose excessive fill, excessive building dimensions, and a bulky design.

Clause 2.4.13 Energy Efficiency

The Application has not appropriately considered the principles of energy efficiency as specified in clause 2.4.13 of Part D2 of the DCP in that the building does not provide effective shading to the communal open space nor to the building given the limited landscaped area widths. Cross ventilation is only provided to 6 of the 21 rooms.

Clause 2.4.18 Fences and retaining walls

The Application is contrary to clause 2.4.18 of Part D2 of the DCP in that retaining walls are generally to be a maximum of 500mm. Retaining walls are proposed to a height of approximately 1m and this is facing the streetscape. The proposed 1m of fill and subsequent retaining walls are inappropriate as they do not respond to topography while also elevating the building more than is necessary adding to the bulk and scale and resulting in overlooking impacts to the eastern property. Further, the anticipated overlooking impacts will be exacerbated by the necessary flood planning level which requires the finished floor level to be raised by a further metre, once more indicative that the site is not suitable for the proposal due to the constraints of the site and likely impacts.

2.4.20 Safety and Security

The floor plan does not confirm that visibility into the building on approach is provided as required by Clause 2.4.20 (2) (a) of the DCP.

D5 Other Land Uses

Section 5.11 Boarding Houses

At its Policy Review Committee meeting on 10 December 2018, Council resolved to adopt amendments to Penrith Development Control Plan 2014. The amendments, which have been titled Amendment No. 5, include revised controls relating to Multi Dwelling Housing and new controls for Boarding Houses. Amendment No. 5 came into effect on 21 December 2018. The proposal has been assessed against the provisions of Section 5.11 of the DCP as follows:

Clause 5.11 B Objectives

The proposal does not comply with the following objectives listed under the clause which include:

- (a) To ensure that boarding houses fit the local character or desired future local character of the area.*
- (b) To minimise negative impacts on neighbourhood amenity.*
- (c) To ensure boarding house premises are designed to be safe and accessible.*
- (d) To respond to increasing neighbourhood densities resulting from boarding house development.*
- (e) To ensure that boarding houses operate in a manner which maintains a high level of amenity, health and safety for residents.*

The bulk and scale of the development does not adequately respond to the existing or desired future character of the area in the vicinity of the site, as discussed elsewhere within this report (refer SEPP ARH local character discussion). Proposed setbacks and landscaping will not ameliorate negative and unacceptable impacts on residential amenity due to the scale and bulk of the building, and its potential for thermal load in the summer months and the inability for landscaping to provide relief in this regard. The density of the development and the requirement under the SEPP ARH to provide 0.5 car parking spaces per bedroom will result in the basement excavation being excessive such that the amount of deep soil landscaping is negatively impacted.

The proposed building design is likely to adversely impact upon the amenity of the private open spaces of the adjoining developments to the north and east. Such impacts would likely include an increased sense of enclosure and additional perception of bulk in close proximity to the boundaries.

The location of the communal open space and its connection to the communal room via a footpath within the front setback is unsafe and contrary to the controls for private open space locations within the SEPP ARH. This would likely give rise to additional visual and acoustic privacy impacts to adjoining developments to the west of Jamison Road and also for future occupants of the proposed development along the ground floor.

The proposed configuration of Rooms 1.02 is likely to result in poor outcomes and compromised amenity for future occupants. There are no windows to the bedroom and living areas of this unit noting the position of the bathroom along the external wall.

Clause 5.11 C. Controls

The proposed development does not comply with clause 5.11(C)(1) which states that a neighbourhood analysis should be completed to identify the desired future character of the neighbourhood. While an analysis was submitted as part of the application, the conclusions reached are not supported in relation to the proposal physical impacts and the proposals appearance in harmony with the surrounding character.

As detailed elsewhere, there are adverse impacts on the surrounding sites with respect to parking and overlooking which are not acknowledged by the character analysis. Secondly, the relationship identified between buildings, setbacks and landscaping is inaccurate. More specifically, the claim that there are no established front, side and rear setbacks is inaccurate, as is the claim that the proposal provides a 40% landscaped area. Subsequently, the design of

the proposed boarding house is not considered to be compatible with the character of the local area, as required by Clause 30 of the Affordable Rental Housing SEPP 2009, for the following reasons:

- Residential accommodation in the local area is designed to have consistent and generous landscaped setbacks and low scale articulated dwellings. By contrast, submitted plans indicate excessive fill and retaining walls, encroachments upon the front and rear setbacks, tree removal and poor landscaping, excessive building dimensions, and a bulky design.

The proposed development does not comply with clause 5.11(C)(2)(c) which states that "boarding houses shall be designed to have a sympathetic relationship with adjoining development" as discussed above and under the SEPP ARH section of this report. Further, due to the bulk and scale and the minimal side setbacks proposed, the proposal does not comply with clause 5.11(C)(2)(d) which requires proposals to demonstrate that neighbourhood amenity will not be adversely impacted by factors such as privacy.

The proposal does not comply with clause 5.11(C)(2)(f) which states that 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 ARH and the objectives of the zone. The design of the boarding house is not compliant with the controls for multi dwelling housing as detailed under Section D2 Residential Development of this report.

The proposal does not comply with the following controls of Clause 5.11(C)(3) Tenant Amenity, Safety and Privacy:

- Clause (a) which requires communal spaces to include laundry facilities
- Clause (c) which requires cross ventilation to be achieved to reduce reliance on air conditioning.
- Clause (d) requires fly screens on all windows. It is unclear if this is proposed.
- Clause (e) requires secure mailboxes to be incorporated within the foyer window of the property. No provision has been made for mailboxes in this area.

The proposal does not comply with the following controls of Clause 5.11(C)(4) Visual and Acoustic Amenity Impacts:

- Clause (a) bedrooms separate from significant noise sources. Room G.03 and G.04 have a window to the private open space.

The proposal does not comply with the following controls of Clause 5.11(C)(6) Plan of Management:

A stand alone boarding house Plan of Management was provided as required by Section D5.11 (6). However, Council's Public Health Officer noted that there was information missing, specifically:

- "(a) plans outlining the occupancy rate for each sleeping room, room furnishings, provisions of communal areas and facilities, and access and facilities for people with a disability;*
- (b) waste minimisation, recycling and collection arrangements, including the servicing of 'sharps' and sanitary napkin receptacles;*
- (c) professional cleaning and pest and vermin control arrangements, which, at a minimum, should include the weekly professional cleaning of shared facilities such as kitchens and bathrooms;*
- (d) management of any communal kitchen including rules of use and cleaning and schedules.*
- (e) safety and security measures, including, but not limited to:*

- (i) perimeter lighting;*
- (ii) surveillance or security camera systems;*
- (iii) fencing and secure gates;*
- (iv) room and access key arrangements; and*
- (v) a landline telephone for residents to ring emergency services;*
and internal signage, including:
- (vi) a copy of the annual fire safety statement and current fire safety schedule; and*

(vii) floor plans that will be permanently fixed to the inside of the door of each bedroom to indicate the available emergency egress routes from the respective bedroom.

(f) Records of rent receipts issued to borders and fees for residency

(g) A pest management plan that clearly indicates how pest prevention, monitoring, and eradication will be completed.

The pest management program shall include but not be limited to:

- pest management program
- frequency of pest service
- maintenance and cleaning
- area of service
- time of service
- sighting of pests and a response plan
- reporting
- methods of treatment
- approved products and chemicals

Specific consideration in the plan needs to be given to bed bugs particularly in regard to monitoring and a response plan should they be identified.

The plan shall clearly indicate how, and in what timeframe, pests can be eradicated and what measures will be put in place to prevent the further harbourage of pests.

(h) Minimum room furnishings. The Plan of Management should include a minimum room furnishing list and include detail on the condition of furnishing and process of replacing furnishing when required, such as how and when a resident can have a mattress replaced.

The list might include such things as:

- bed and bed size
- wardrobe
- mirror
- table and chair
- night light
- waste container
- curtains or blinds;
- phone line
- microwave
- refrigerator etc...

(i) A cleaning and sanitation program should be developed including written cleaning schedules and cleaning procedures.

The schedule and procedures shall cover all areas external to occupied resident's rooms but should include the room clean when a room is vacated.

The following shall also be addresses in the procedures:

- how cleaning and sanitising is conducted,
- frequency of cleaning and sanitising,
- use of chemicals,
- cleaning chemical and sanitising solution strengths,
- Record keeping of cleaning and sanitising and signing off on cleaning and sanitising."

Given the inadequacy of the plan of management submitted, the management of the boarding house and satisfaction of security and safety and operational measures cannot be considered as being satisfactorily considered.

