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Friday 3<sup>rd</sup> May 2019  
Ref: 1330 Env

## STATEMENT OF ENVIRONMENTAL EFFECTS

**Address:** 77 Lethbridge Street, Penrith

**Proposed:** SEPP 2009 Affordable Rental Housing Boarding House

### THE SITE

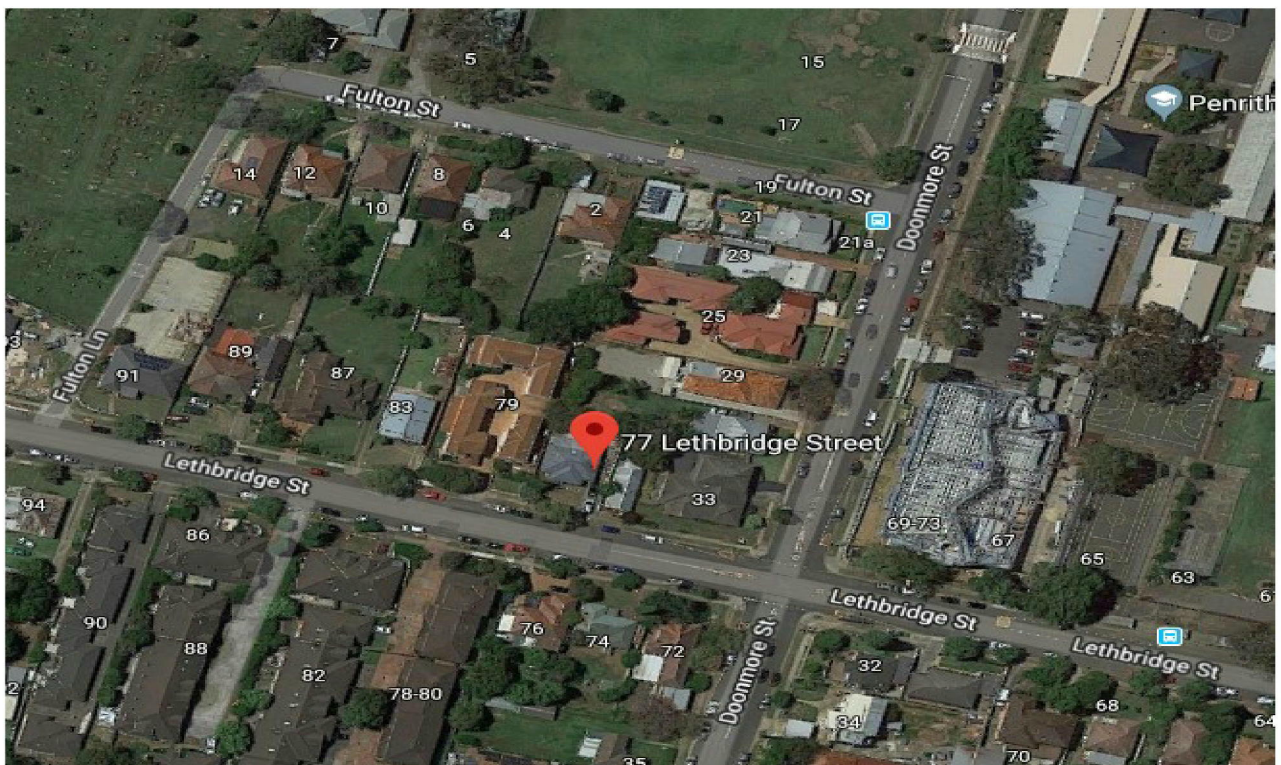
The site is rectangular on the north side of Lethbridge Street Penrith, 50m from the Gidley St intersection

The site has a frontage to Lethbridge Street of 23.16m and depth of 24.07m with total area of 557.79m<sup>2</sup>.

The site slopes from its rear to front side approximately 1.5m.

Adjoining development to the west is a two-storey Townhouse development and to the east is a two-storey Dual Occupancy development and to the rear a single storey dwelling.

The existing development is an old single storey weatherboard dwelling with F'ç detached garage.

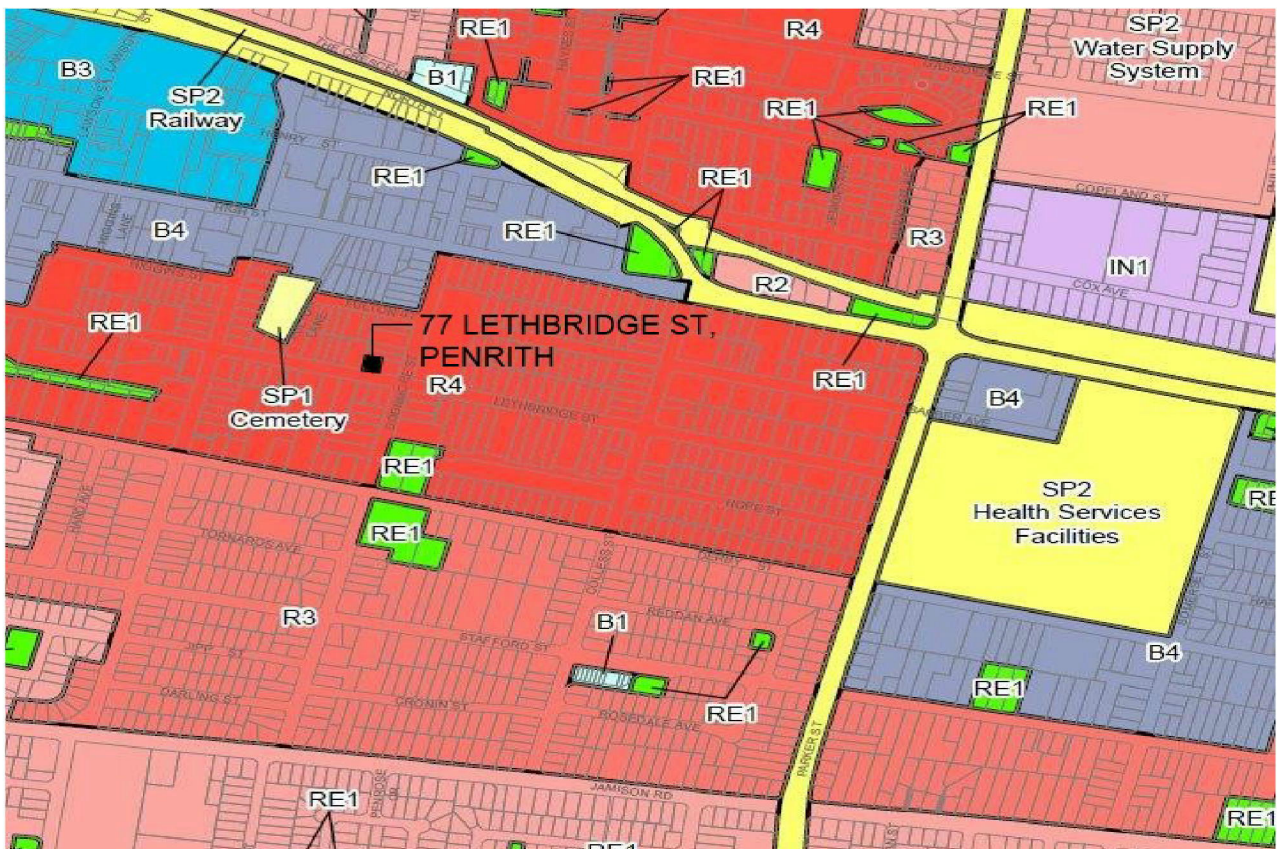


Aerial Photo, The Site: 77 Lethbridge Street, Penrith



The Site: 77 Lethbridge Street, Penrith

### STATUTORY SITUATION



R4 Zone

The site is zoned R4 High Density Residential in Penrith LEP 2010. SEPP (Affordable Rental Housing) 2009 applies to the land and the proposed development of a Boarding House is permitted under this SEPP.

The site is serviced within 400m by a compliant bus service and is thus classed as being in an Accessible area under the SEPP, but the SEPP no longer requires this in the R4 Zone.

The development is also subject to compliance with Penrith DCP 2014 as may be applicable under the SEPP.

## **THE PROPOSAL**

The proposed development is for a 2.5 storey Boarding House containing 12 boarding rooms, common room, common open spaces and parking area. The ground floor contains the carpark area, 2 disable access units, common room and bin and bulky waste store rooms with a common courtyard area at the rear; the first floor contains 8 units with a further 2 units located on the second floor/attic level all accessed by a central stairway system.

The building has brick and clad walls with metal roof,

The ground floor of the building and the 2 unit rooms are designed as Accessible in accordance with AS1428.1.

The boarding rooms each contain a separate bathroom, small kitchenette and laundry facilities. Five of the rooms are able to house 2 persons each, seven are one-person rooms, which gives a total occupancy of 17 boarders.

It is proposed that the occupancy rooms would be leased to single individuals or couples in accordance with the SEPP, typically students and / or young workers and typically mostly dependent on public transport.

The proximity to compliant bus transport in this area enables the area to be classed as “Accessible Area” under the SEPP although currently not a requirement in the SEPP.

The proposed building is located setback 5.5m, the same as the Townhouses to the west and 3.8m behind the existing garage.

The development will have an access driveway from Lethbridge Street to the ground level garage parking spaces. The garage parking area has space for 6 cars, 2 motor cycles and 3 bicycle spaces. Due to the small number of parking spaces one accessible parking spaces is required.

Due to the small number of occupants no onsite manager with dedicated car space is required.

Security to the site will be provided by an automatic garage roller door with driveway and pedestrian gates. The whole of the ground floor is designed as Accessible.

A garbage bin storage area and bulky waste area is also located in the ground floor area and will be accessed by council collection service.

Due to the slope of the site the development is cut in approximately 800mm at the rear, this providing increased privacy to neighbours from the rear common outdoor courtyard area and compliant disable access.

Stormwater is discharged to the street in accordance with Engineers details and Councils requirements. The proposed development site is located in an area required to have OSD and the site area of 557.79m<sup>2</sup> is not required to have WSUD and OSD is provided.

## STATUTORY ASSESSMENT

1) Environmental Planning and Assessment Act 1997 Section C(1)

The provisions of section 79C(1) of the Environmental Planning and Assessment Act 1997 require the matters hereunder to be considered prior to determination of the subject application.

79C(1) a) i) The Provisions of any Planning Instrument.  
The following Relevant Environmental Planning Instruments apply.

a) The Environmental Planning and Assessment Act 1997 and Environmental Planning and Assessment Regulation 2000.

b) The Penrith Local Environmental Plan 2010.

c) The Penrith Development Control Plan 2014,

d) SEPP (Affordable Rental Housing) 2009.

79C(1)a)ii) Any Proposed instrument the subject of Public Consultation.  
N/A

79C(1)a)iii) Any Development Control Plan

**a) Environmental Planning and Assessment Act 1997 and Regulation 2000.**

The proposal is not classed as Designated Development nor is it Integrated Development.

**b) Penrith Local Environmental Plan 2010.**

## Zone R4 High Density Residential

### 1 Objectives of zone

- To provide for the housing needs of the community within a high-density residential environment.
- To provide a variety of housing types within a high-density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To ensure that a high level of residential amenity is achieved and maintained.
- **To encourage the provision of affordable housing.**
- To ensure that development reflects the desired future character and dwelling densities of the area.

### 2 Permitted without consent

Home occupations

### **3 Permitted with consent**

**Boarding houses;** Building identification signs; Business identification signs; Car parks; Centre-based child care facilities; Community facilities; Emergency services facilities; Environmental protection works; Exhibition homes; Exhibition villages; Flood mitigation works; Home-based child care; Home businesses; Information and education facilities; Neighbourhood shops; Oyster aquaculture; Places of public worship; Recreation areas; Recreation facilities (indoor); Residential accommodation; Respite day care centres; Roads; Shop top housing

### **4 Prohibited**

Pond-based aquaculture; Rural workers' dwellings; Tank-based aquaculture; Any other development not specified in item 2 or 3

**The proposal meets the objectives of the zone with the provision of affordable rental housing in a boarding house format which protects the character of surrounding residential development, but with increased housing density and variety.**

Clause 4.1A Minimum Lot sizes for Dual Occupancies and Multi Unit Housing  
N/A

**The proposal complies with SEPP 2009 requirements.**

R4 Zone Maximum Height: 18m proposed 8.5m **Complies**

Minimum Landscaped Area : 40% N/A

**SEPP 2009 requires front setback landscape to be compatible with street scape. - proposal complies with setbacks of adjoining developments.**

Compliance with Penrith DCP 2014 Provisions for Environmental Performance in Development Generally

**The proposal complies with each of these requirements and is supported by a BASIX Certificate.**

The following Development Control Plans apply.

**c) Penrith City Council Development Control Plan 2014.**

## **5.11 Boarding Houses**

### **A. Background**

The following developments are covered by this section:

- a) boarding houses; and
- b) alterations and additions to existing boarding houses.

This section provides supplementary directions for Boarding Houses in addition to those contained within State Environmental Planning Policy (Affordable Rental Housing) 2009 (SEPP) and the general controls elsewhere in this DCP.

Boarding house developments should be compatible with local character and provide suitable amenity for tenants and the community.

## B. Objectives

- 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.

## C. Controls

### 1) Local Character

- a) Boarding house development applications shall be accompanied by detailed site analyses to assist with the determination of local character.
- b) A neighbourhood analysis should be completed to identify the desired future character of the neighbourhood. It is recommended that community consultation be undertaken as part of the analysis to determine aspirations for the future character.
- c) 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

### 2) Built form, Scale and Appearance

- a) The entrance to the boarding house must be in a prominent position addressing the street. **Proposal Complies**
- b) New boarding houses shall not adversely impact upon solar access of adjoining properties. **Complies**
- c) Boarding houses shall be designed to have a sympathetic relationship with adjoining development. **Complies**
- d) Proposals must demonstrate that neighbourhood amenity will not be adversely impacted by factors such as noise and privacy. **Complies, building is a small residential apartment format with internal parking and garbage areas and lower than natural ground level rear common space courtyard.**
- e) In a Low-Density zone, boarding houses should comply with controls for *Single Dwellings* where these controls do not conflict with the requirements of the SEPP. **N/A R4 zone**
- f) 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. **Complies as relevant**
- g) 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.

**Complies as relevant**

### **3) Tenant Amenity, Safety and Privacy**

Boarding houses are to maintain a high level of resident amenity, safety and privacy by ensuring:

- a) communal spaces including laundry, bathroom, waste facilities, private open space, kitchen and living areas are accessible to all lodgers; **Complies**
- b) if over 10 boarding rooms are supplied, 10% of the total number of dwellings (rounded up) must be accessible; **12 units therefore 1.2 accessible ; 2 provided** **Complies**
- c) cross ventilation is achievable such that reliance on air-conditioning is minimised;
- d) all opening windows are to be provided with fly screens; **Complies**
- e) secure mailboxes should be incorporated within the foyer window of the property allowing resident only access from inside the foyer. **Australia post not allowed**  
**Secure Letter boxes to be on fence alignment**

### **4) Visual and Acoustic Amenity Impacts**

Boarding houses are to provide:

- a) bedrooms separate from significant noise sources; **Complies**
- b) sound insulation between bedrooms to provide reasonable amenity; **Complies BCA regs**
- c) communal areas and bedroom windows away from the main living area or bedroom windows of any adjacent buildings; **Complies**
- d) screen fencing, plantings, and acoustic barriers in appropriate locations. **Complies**

### **5) Location**

Boarding Houses shall not be located in cul-de-sacs.

**Complies**

### **6) Plan of Management**

An operating 'Plan of Management' is to be submitted with each development application for a boarding house (including new and existing boarding houses). The Plan of Management is to include, but is not limited to:

- a. boarding house staffing arrangements, including the location of 24/7 contact details for any on-site manager or resident caretaker, who has overall responsibility for the operation, administration, cleanliness, maintenance and fire safety of the premises;
- b. house rules and how they will be publicised to residents, including details of:
  - i. guest behaviour;
  - ii. activities and noise;
  - iii. visitor policy;
  - iv. the use of alcohol and/or drugs;
  - v. cleaning of communal spaces following use, and
  - vi. location of smoking area.
- c. plans outlining the occupancy rate for each sleeping room, room furnishings, provisions of communal areas and facilities, and access and facilities for people with disabilities;
- d. measures to minimise unreasonable impact to the habitable areas of adjoining properties, including the management of communal open spaces, which, for boarding houses within residential areas or where adjoining sites contain residential activities, should be restricted to 10pm;
- e. waste minimisation, recycling and collection arrangements are to be identified;
- f. maintenance strategy including, but not limited to:
  - i. monthly gardening and pruning of vegetation;
  - ii. pest management plan;

- iii. cleaning and sanitation program including end of lease arrangements;
- iv. quarterly external clean and graffiti removal;
- v. waste management plan; and
- vi. indicative arrangements for council officer's 12-month inspection, required under the Boarding House Act 2012.
- g. internal signage arrangements, including:
  - i. the name and contact number of the property caretaker or manager;
  - ii. emergency contact numbers for essential services;
  - iii. house rules;
  - iv. a copy of the annual fire safety statement and current fire safety schedule;
  - v. floor plans that will be permanently fixed to the inside of the door of each sleeping room which indicate the available emergency egress routes from the respective sleeping room; and
  - vi. information on local social services.
- h. minimum lease period with conditions including:
  - i. resident agreement to comply with boarding house rules;
  - ii. minimum lease period of 3 months; and
  - iii. 6 and 12 month rental terms available.
- i. a social impact assessment;
- j. a complaint register that is available for inspection by Council;
- k. indicative arrangements for Council monitoring and review of required management actions; and
- l. any further relevant considerations. Council may request further information to be

**Plan of management provided as separate document.**

#### **d) SEPP (Affordable Rental Housing) 2009**

### **Division 3 Boarding houses**

#### **25 Definition**

In this Division:

*communal living room* means a room within a boarding house or on site that is available to all lodgers for recreational purposes, such as a lounge room, dining room, recreation room or games room.

#### **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:

- (a) Zone R1 General Residential,
- (b) Zone R2 Low Density Residential,
- (c) Zone R3 Medium Density Residential,
- (d) **Zone R4 High Density Residential,**
- (e) Zone B1 Neighbourhood Centre,
- (f) Zone B2 Local Centre,
- (g) Zone B4 Mixed Use.

**The site is zoned R4 High Density Residential under Penrith LEP 2010.**



## 27 Development to which Division Applies

The site is zoned R4, therefore permissible use.

## 28 Development may be carried out with consent

Development to which this Division applies may be carried out with consent.

## 29 Standards that cannot be used to refuse consent

- (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:
  - (a) the existing maximum floor space ratio for any form of residential accommodation permitted on the land, or  
**N/A No floor space ratio for the site.**
  - (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 **N/A**
  - (c) if the development is on land within a zone in which residential flat buildings are permitted and **N/A**  
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.
- (2) A consent authority must not refuse consent to development to which this Division applies on any of the following grounds:
  - (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,  
**Proposed height 8.0m complies with LEP 18 m max**
  - (b) **landscaped area**  
if the landscape treatment of the front setback area is compatible with the streetscape in which the building is located,  
**Landscaping to front setback is compatible with streetscape.**
  - (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,  
**Common living room receives 3 hours direct sunlight etc.**

(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 dimension of 3 metres is provided for the use of the lodgers,

**Private common open space area is provided 34.4m<sup>2</sup>.**

- (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,

**Private common open space for the manager. N/A**

(e) **parking**

if:

(i) in the case of development carried out by or on behalf of a social housing provider in an accessible area—at least 0.2 parking spaces are provided for each boarding room, and

(ii) in the case of development carried out by or on behalf of a social housing provider not in an accessible area—at least 0.4 parking spaces are provided for each boarding room,

**N/A**

(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, **Complies 12 rooms = 6 spaces**

(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, **N/A**

(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.

**Boarding room sizes vary from 12.07m<sup>2</sup> -20.1m<sup>2</sup>**

- (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.

**All boarding rooms have kitchen, laundry and bathroom 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).

### **30 Standards for boarding houses**

- (1) 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,

**1 common living room is provided.**

- (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,

**Maximum size is 20.1 m<sup>2</sup>**

- (c) no boarding room will be occupied by more than 2 adult lodgers,

**Controlled by lease agreement.**

(d) adequate bathroom and kitchen facilities will be available within the boarding house for the use of each lodger,

**Each boarding room has 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,

**Total capacity 17 lodgers therefore no on-site manager is required.**

(f) (Repealed)

(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, **N/A**

(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.

**3 bicycles and 3 motor bike spaces provided.**

(2) Subclause (1) does not apply to development for the purposes of minor alterations or additions to an existing boarding house.

### **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.

**The design of the development is completely compatible with the R4 character of the local area which is characterised by apartment ,townhouse ,dual occupancy and single dwelling development from single storey to 4 plus storey buildings and is compliant with relevant sections of the Penrith DCP 2014.**

79C (1) b) The likely impacts of the development, including environmental impacts on both the natural and built environments and social and economic impacts in the locality.

**The proposal will have a positive and beneficial impact on the natural, built, social and economic environments of the locality.**

79C (1) c) The Suitability of the Site for the Development.

**The site is suitable for the proposed development since it is appropriately zoned, and the proposal satisfies the objectives of the zone.**

79C (1) 1) d) Any submissions made in accordance with this Act or the Regulations.

**There are no known submissions to be addressed in respect of the application at this time.**

79C (1) e) The Public Interest.

**It is considered that the proposal is consistent with the zoning and development control principles established by the State and Council, is sustainable development, provides appropriate opportunities for control and regulation for this type of usage and on balance is consistent with the wider public interest. The development will provide valuable affordable accommodation for relevant members of the community within the central urban area of Penrith.**