

PENRITH CITY COUNCIL

MAJOR ASSESSMENT REPORT

Application number:	DA19/0172
Proposed development:	Demolition of Existing Structures & construction of a Two (2) Storey Boarding House containing 19 Boarding Rooms & Basement Car Parking
Property address:	12 Anthony Crescent, KINGSWOOD NSW 2747
Property description:	Lot 67 DP 212261
Date received:	7 March 2019
Assessing officer	Gemma Bennett
Zoning:	Zone R3 Medium Density Residential - LEP 2010
Class of building:	Class 3 , Class 7a
Recommendations:	Refuse

Executive Summary

Council is in receipt of a development application for the demolition of existing structures and construction of a two storey boarding house with basement car parking containing 19 boarding rooms at 12 Anthony Crescent, Kingswood.

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 for the proposed development and site include:

- Non-compliance with character, landscaped area and solar access controls as required under SEPP ARH,
- Non-compliance with Penrith LEP zone objectives,
- Non-compliance with built form, character and amenity controls under Penrith Development Control Plan (DCP) 2014,
- Bulk, scale and density of the development,
- Visual and acoustic amenity impacts,
- Inappropriate onsite parking and accessibility provision,
- Inappropriate waste infrastructure.

The application was notified to adjoining and nearby properties and advertised and exhibited between 22 March and 5 April 2019, in accordance with the relevant legislation. During this period 16 submissions were received in response, of these submissions, 10 are considered unique and in this regard the application is referred for determination by the Local Planning Panel.

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 legally described as Lot 67 in DP 212261 and is known as 12 Anthony Crescent, Kingswood NSW 2747. The site is located 82m west of the intersection of Anthony Crescent and Morphett Street in Kingswood. The site has an area of 619m², is primarily rectangular in shape, and maintains a 15.24m frontage to Anthony Crescent.

The site has a gentle slope towards the northern Anthony Crescent frontage of the site of approximately 600mm. There are several bushes and shrubs scattered across the property, as well as 1 x mature tree that is greater than 3m in height, located within the front setback of the existing dwelling on the site.

The site is located approximately 250m north (via road access) of the round-a-bout entrance to Dunstan Avenue (entrance to Western Sydney University, Kingswood Campus). Werrington Creek reserve is located on the eastern side of Morphett Street which connects to a larger reserve located on the southern side of Second Avenue.

The Little Village Early Learning child care centre is located 215m to the west. Two boarding houses are located at 51 and 53 Second Avenue approximately 75m west of the subject site, opposite the University car parking area.

An attached dual occupancy was approved previously on the lot in 2017 (DA17/0389) and in 2014 (DA13/1316).

No pre-lodgement meetings are recorded for the subject site for the current proposal.

A boarding house development was approved at 6 Anthony Crescent under DA17/0708. Construction of the boarding house on this site has not commenced, with the site owned by a social housing provider and it is currently occupied by a single storey dwelling with ancillary structures.

Proposal

The proposed development includes the following aspects:

- Demolition of all existing structures on the site, and the removal of vegetation.
- Construction of a 2 storey, 19 room boarding house.
- Basement car parking.
- Associated driveway, landscaping and drainage works.

The proposed boarding house is comprised of the following elements:

Basement Car Parking

- 9 x car parking spaces, 4 x motorcycle parking spaces and a bicycle storage space (2m x 3m in area).
- Basement vehicle entry/exit is proposed from ramp access to Anthony Crescent, on the northern boundary frontage of the site.

Ground Floor

- 8 x boarding rooms, each with a kitchenette, bathroom and combined bedroom/living area.
- A common living area with kitchenette/bench and attached communal bathroom. The common living area is adjacent to a rear door access into the proposed communal open space at the rear of the site.
- A combined disabled parking garage (with 1 space) and waste bin storage room.

First Floor

- 11 x boarding rooms, each with a kitchenette, bathroom and combined bedroom/living area.

Open Space Area

- The plans indicate a 20m² area (5m x 4m) of private open space for the proposed boarding house that connects directly with the communal living area to the southern end of the site, with approximately 63m² of rear yard space behind the structure. It is noted 6 x trees and a clothesline are proposed in this area.

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 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		
3 Boarding 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>(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 is no higher than 8.5m (the maximum height listed for the site in the Height of Building Map).</p> <p>(b) No, the landscaped treatment of</p>

(b) landscaped area – if the landscape treatment of the front setback is compatible with the streetscape in which the building is located.

(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.

(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.

(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.

the front setback area is incompatible with the streetscape in which the building is located.

The proposed dual driveway servicing the basement level and at grade carparking space, is considered uncharacteristic of Anthony Crescent, 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 a mature tree (greater than 3m in height) that is currently positioned within the front setback area for the proposed basement entry/exit and driveway. No arborist report has been submitted to support the removal of this tree.

(c) No, given the limited fenestration along the eastern elevation of the building, consisting of 1 x window that is 1.2m high and 850mm wide for the communal living area. In addition, insufficient information has been provided regarding the solar access received by each room in the building. The application is also not considered to demonstrate that minimum of solar access requirements are achieved for the sole communal living room; in accordance with the requirements of this Policy.

(d)(i) Yes, the minimum private open space requirement has been provided.

(e)(iia) Yes, the proposed car parking for the site includes 9 x car parking spaces in the basement parking area and 1 x accessible parking space within waste storage room on the ground floor, accessed via an unsealed driveway from the frontage to Anthony Crescent. While numerically compliant with the SEPP ARH requirements the proposed accessible parking space is not considered to be appropriately positioned as it is in conflict due to its position within the waste storage room.

Additionally, Council's Development Engineers do not support the accessible parking arrangement on the ground floor, and request that only one vehicular access be provided for such a development via a concreted driveway. The proposed one-way basement ramp for two-way traffic movements is also not supported, with a minimum width of 5.5m for two-way traffic movements, in accordance with AS2890, being required for compliance.

As such, while it is considered that compliant on-site parking has been achieved the layout of the carparking areas is not considered appropriate with further discussion to be provided in later sections of this report.

(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.

(f)(i)&(ii) No, while each boarding room is provided with a kitchen, the proposal has failed to identify individual kitchen areas for each room (i.e. what floor space is dedicated to the individual kitchens), only identifying the counter where the sink and hot plates are to be located. In this regards, room sizes are not considered complaint.

<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 provided on ground floor.</p> <p>(b) Yes, each room is no more than 25m² in area.</p> <p>(c) Single rooms are proposed.</p> <p>(d) Yes, each room provided with bathroom and kitchen facilities. A communal bathroom and kitchenette (within the communal area) is also provided.</p> <p>(e) N/A.</p> <p>(g) N/A</p> <p>(h) Yes, the minimum parking requirement for motorcycles has been provided; with 4 x motorcycle parking spaces. However, although a 6.3m² area has been designated for bicycle parking, it has not been demonstrated that this area complies with AS2890.3: 1993 Bicycle Parking Facilities.</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. Examples of more recent multi dwelling housing developments within the block bounded by Second Avenue to the south and along Anthony Crescent to the east and west, are articulated by the provision of stepped vertical</p>

and horizontal wall elements to the ground and first floor levels and the inclusion of separated buildings.

As discussed elsewhere in this report, the design of the development is not compatible with the character of the local area. 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 (eastern and western) 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 which is considered to exacerbate the built forms bulk and scale.

Each side elevation is provided with a mixture of steel matt Colorbond and rendered wall finish which is considered, noting the length of the proposed building, to dominate its adjoining neighbouring lots. In addition, the Anthony Crescent façade is provided with a mixture of colours and finishes that are not considered an appropriate inclusion to the existing streetscape.

The use of a dark Colorbond finish to both the first floor and roof structure is considered to highlight the size and scale of the proposal to its surrounds.

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, which requires the development to be consistent with the comparative built form controls applicable to multi dwelling housing.

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.

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.

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
Clause 2.3 Zone objectives	Does not comply - See discussion
Clause 2.7 Demolition requires development consent	Complies
Clause 4.1A Minimum lot sizes for dual occupancies, multi dwelling housing and residential flat buildings	N/A
Clause 4.3 Height of buildings	Complies
Clause 4.4 Floor Space Ratio	N/A
Clause 7.1 Earthworks	Complies
Clause 7.2 Flood planning	Complies
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 proposed development does not achieve the aims of the plans expressed under Clause 1.2(2) of the LEP. In particular, the proposal is contrary to Clause 1.2(2)(b) and (c) in that the proposal will not promote development that is consistent with Council's vision for Penrith, including the promotion of harmony of urban development and environmental protection and enhancement. The proposal does not safeguard residential amenity by way of its density, bulk, scale and contribution to streetscape and local character.

Clause 2.3 Zone objectives

The subject site is located within the R3 Medium Density Residential zone under the LEP. Objectives of the zone include:

- *To provide for the housing needs of the community within a medium density residential environment.*
- *To provide a variety of housing types within a medium density residential environment.*
- *To 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, as the proposed built form does not complement those qualities of existing residential development that define the character of the area. The proposal does not include sufficient articulation elements along each side elevation 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.

The first floor plan is predominantly equal to the ground floor plan in size and architectural elements along the side elevations such as the double height unarticulated walls do not ameliorate bulk and scale or provide relief from the overall height of the building.

The eastern and western elevations each present as two storey sheer walls for more than two thirds of the site depth, which is not representative of, nor complementary to, the traditional pattern or design of development in the vicinity of the site. The above mentioned walls are likely to be an overbearing element impacting existing and future development on the neighbouring sites noting also the dependency on a dark coloured finish to the upper level.

The density of rooms proposed, in combination with the requirement under the SEPP ARH to provide a minimum of 0.5 car spaces per boarding room (total of 10 car spaces required), is considered to result in an overdevelopment of the site with unacceptable levels of site coverage, limited opportunity for sufficient landscaping along the side boundaries, reduced deep soil provision and non-compliant solar access provision to the communal room at ground floor.

The development provides minimal window openings to boarding rooms along its side elevations which results in several sections of large expanses of unarticulated wall. The location of air conditioning units are not noted on plans and as such noise and visual impacts from air conditioning units is not known.

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 solar access, car parking, landscaping and character as required by SEPP ARH.

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 the LEP requires the consent authority 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.*

A minor number of rooms have the potential to receive natural cross flow ventilation (with 7 of the 19 boarding rooms afforded with more than one opening).

The standards for any air conditioning for the proposed development were addressed in the Part J BCA report, prepared by Frys Energy Wise. However, there is no identification on the plans for any air conditioning units to be provided, and where such units would be located.

The height and scale of the two storey, unarticulated and unshaded walls with no eaves, in addition to the dark colour choices of materials, will attract a significant amount of heat during summer; particularly on the western elevation.

Minimal natural light is afforded to the internal lobby, hallway areas and, especially, the communal living room which is unlikely to receive direct solar access due to its positioning on the south-east corner and minimal provision of fenestration, also covered by the level above.

It is also noted that no water tanks are proposed for water-reuse for the site.

The above aspects display that the proposed development is not designed in such a way that takes into consideration the principles of sustainable design, particularly in relation to (b), (c), (d), (e) and (g) of clause 7.4 of the LEP.

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	Complies - 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	Does not comply - see Appendix - Development Control Plan Compliance
C13 Infrastructure and Services	Complies
D2.1 Single Dwellings	N/A
D2.2. Dual Occupancies	N/A
D2.3 Secondary Dwellings	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. Concern was raised with the proposed basement parking, as under BCA Clause D1.2(c)(i) the basement parking area is required to have 2 exits, due to the size of its floor area. Additionally, no advice has been supplied by the applicant regarding a BCA "Alternative Solution" to resolve this matter.

Accordingly, the proposal does not satisfy BCA requirements in this regard.

The application was also referred to Council's Public Health Officer for assessment against Public Health Regulations. No objection to the proposal was raised subject to further information being provided in the Plan of Management, including laundry arrangements and the provision for an external clothesline of sufficient size.

Further, 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

Streetscape and Local Character

The proposal to construct a two storey, 19 room boarding house of the scale and design proposed will result in negative impacts on the existing streetscape and character of the local area. The development proposal is not compliant with the controls of the SEPP ARH which are related to boarding houses, local character, landscaping and solar access. 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 design elements along its elevations or through its roof form. The design of the boarding house does not enhance the essential character and identity of the established residential area.

Noise and Privacy Impacts

The proposal does not adequately demonstrate measures to mitigate against negative privacy and amenity impacts as an acoustic report was not submitted with the application. Side setbacks are minimal and insufficient space is provided for landscaped screening. The proposed length of the building and the extent of the first floor level results in negative and overbearing impacts on neighbouring properties.

Parking, Access and Manoeuvring

The parking and access is not compliant with Council and Australian Standards. Provision of the accessible space on the ground level within the waste bin storage room and accessed by a secondary driveway is not supported. The second driveway also serves as the front pedestrian entry to the boarding house, which promotes opportunity for vehicular and pedestrian conflicts, as well as providing surfacing incompatible with accessibility standards. The single width basement ramp that proposes to cater for two way traffic is not supported due to the potential for vehicle conflicts. Car parking spaces 1, 6, 7 and 9 are of insufficient width due to locations adjacent to obstructions, and the aisle is of inadequate length with regards to Australian Standard AS2890.01. Swept path plans have not been provided to demonstrate that vehicles can enter and exit the basement utilising a maximum of 3 turns. It is likely that residents, particularly short term residents and visitors, would rely on street parking rather than use the on site parking, with the existing marked street parking in demand due to proximity to Western Sydney University to the south of the subject site.

Solar Access Impacts

The proposed boarding house development does not achieve compliance with the SEPP ARH, as it is not demonstrated that the communal living room receives a minimum of 3 hours direct solar access between 9:00am and 3:00pm during the winter solstice. This aspect of the communal living room would likely result in residents being unlikely to use the space for its intended purpose noting its southerly perspective.

Sustainable Design

The design of the proposed boarding house does not sufficiently respond to the site analysis. The two storey shear and predominantly unarticulated walls on the east and western elevations, and their proposed colour and materials (being mostly black in colour), are likely to retain significant thermal load in the summer season. The building design and landscape concept do not respond to the site's orientation in this regard, and insufficient shading is provided for the site as a result of the minimal width of landscaped areas proposed.

Social and Economic Impacts

The proposal was referred to Council's Social Planner and Community Safety Coordinator. Each officer did not support the proposed boarding house development due to the following:

- *There has been an emerging trend for boarding houses to be targeted at young professionals, students and other tenants unable to afford ordinary private market rental. Students, contract-workers and low-income household are likely to be more transient than the general population, and this can negatively impact on the social cohesion and sense of safety for all residents in the area, particularly considering the cumulative impacts from the clustering of proposed boarding houses in the Kingswood area.*
- *The proposal provides poor visual connection between the public domain and the occupants of the building. In further addressing principles of Crime Prevention Through Environmental Design (CPTED), more windows should face Anthony Crescent to provide passive surveillance opportunities to the street.*
- *The external colour schedule, and other external plans, indicate that all surfaces on the first floor and roof will be black in colour. In the interest of incorporating principles from the 'Cooling the City Strategy 2016', lighter coloured materials would have a better outcome for the proposal and site. The increased solar reflectance of light shades would also contribute to the overall reduction of the urban heat island effect that is experienced in the Penrith Local Government Area.*

Servicing the Site

With regard to use of the proposed accessible space, front door access and on site waste infrastructure, a combination of issues are considered to have the potential to occur. The accessible space proposed within the waste storage room on the ground floor is a poor design outcome in that it creates conflict with pedestrians accessing the front door, potential conflict for tenants accessing the waste storage room for both everyday use and on waste collection days, and is also adjacent to boarding room no. 1 which may lead to unknown acoustical issues for tenants living in this room. The front door access to the boarding house is via a combined driveway/pathway, for use of both pedestrians to access the front door and vehicles to park in the accessible space. This is viewed as a poor design outcome as it creates conflicts between those who wish to utilise the access way at any time.

Due to the size of the basement parking, a minimum of 2 exits is required to the floor area of the development, in accordance with BCA Clause D1.2(c)(i). The proposal only includes one entry/exit to and from the basement, with no BCA alternative solution proposed. As such, the proposal currently does not comply with BCA requirements concerning fire safety and access.

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 is resulting in excessive building bulk and site coverage, attributed to the number of rooms proposed and the requirement to comply with the applicable car parking rates as set out under the SEPP ARH.
- 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.
- The proposal does not adequately demonstrate that impacts related to minimum side and rear setbacks, local character, streetscape presentation, bulk, scale, privacy, noise and amenity are adequately mitigated against nor addressed through the design of the building.

Section 79C(1)(d) Any Submissions

Community Consultation

The application was notified to adjoining and nearby properties and advertised and exhibited between 22 March and 5 April 2019, in accordance with the relevant legislation. During this period 16 submissions were received in response, of which 10 were considered to be unique submissions with the remainder provided as proforma letters. Due to the number of unique submissions made, this application is referred for determination by the Local Planning Panel.

The following issues were raised in the submission received with feedback commentary detailed below:

Issue Raised	Comments
<p>1. Traffic congestion and limited street parking along Anthony Crescent.</p> <p>Families, visitors and emergency and other service vehicles cannot enter and exit the street safely due to on street parking associated with other residential development, primary school and the local university.</p> <p>Safety issues related to increased traffic in the area which is already experiencing high traffic demands, particularly during peak times (school pick up and drop off times).</p>	<p>Council's Traffic Engineer has assessed the development in relation to the impact on the local road network and have no objection from a traffic impact perspective.</p> <p>The proposed parking meets the required parking rates under the SEPP ARH. However, the proposal includes a single-lane basement ramp meant for two-way traffic that is not supported. The access ramp is required to be a minimum of 5.5m width for two-way traffic as per AS2890.1.</p> <p>Additional widening is required for particular parking spaces and clarification is required regarding the proposed bicycle parking facilities (see DCP section C10 of this report for more information).</p>
<p>2. No on-site manager to manage occupants.</p> <p>Concern was raised as to how the Boarding House would operate, including complaint management.</p>	<p>No on site manager is required for the 19 room boarding house as per the requirements of SEPP ARH. Adequate conditions of consent may be applied with regards to the operational management plan, however the application is recommended for refusal and as such standard conditions are not recommended in this regard.</p>
<p>3. Impact on neighbouring home's value.</p> <p>Concern was raised that the increase of boarding houses in the area will negatively impact on value of neighbouring resident's properties.</p>	<p>There is no evidence available that confirms that boarding houses result in negatively impacting the value of homes within an area.</p>
<p>4. Visual and acoustic privacy concerns.</p> <p>Concern was raised that the height of the boarding house would lead to overlooking into neighbouring properties private open space areas. Additional concern was raised regarding the increased densification and the noise that would be generated as a result.</p>	<p>Insufficient area has been proposed surrounding the proposed building for substantial or sustainable landscaping. Privacy impacts are not able to be mitigated through landscape screening.</p> <p>The two storey boarding house, with limited articulation across the ground and first floors, results in additional bulk which is overbearing in appearance and may lead to overlook the private open space areas of the adjoining single dwellings. These concerns are extenuated by the length of the proposed building.</p>

<p>5. Lack of services/infrastructure for the street.</p> <p>Concern was raised that the street is low density in nature and the increased densification would add stress on the local infrastructure that does not have the capacity to accommodate the increased traffic. Additional concern was raised for the waste collection and how the increased density of the site would negatively contribute to this.</p>	<p>The proposed dual driveway layout and integrated waste infrastructure is considered an inadequate design solution to adequately cater for the operations of the proposed boarding house. However, as the development application is recommended for refusal, the applicant was not requested to amend their proposal to rectify inconsistencies with DCP sections C5 Waste Management, and C10 Transport, Access and Parking.</p>
<p>6. Potential to increase crime along Anthony Crescent.</p> <p>Concern was raised that the increase of boarding houses will introduce more incidents of crime in the area.</p>	<p>Referral to Council's Social Planning team highlighted that boarding house development is usually advertised as affordable housing that attracts students, contract-workers and low-income households who are more likely to be more transient than the general population. This may potentially impact on the sense of social cohesion for the more established residents in the area. While this aspect is acknowledged, the proposal is recommended for refusal largely relating to design and presentation factors.</p>
<p>7. Overshadowing of neighbours.</p> <p>The proposed two storey boarding house will overshadow adjoining residents.</p>	<p>The shadow diagrams submitted with the application demonstrate that overshadowing will not be unacceptable and compliant with the standards required by the DCP.</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	Not supported
Development Engineer	Not supported
Environmental - Environmental management	Not supported
Environmental - Waterways	No objections
Environmental - Public Health	No objections - subject to conditions
Waste Services	Not supported
Traffic Engineer	Not supported
Community Safety Officer	Not supported
Social Planning	Not supported

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 solar access and landscaped area provision.

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 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.

Section 94 - Developer Contributions Plans

Development contributions apply to the subject proposal, however as the application is recommended for refusal, a condition of consent requiring their payment prior to the issue of a Construction Certificate is not recommended.

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 the surrounding character of the area. 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 acoustic impacts, basement car park design, waste infrastructure and accessibility.

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 DA19/0172 for the demolition of existing structures and construction of a 19 room, two storey boarding house with basement car parking at 12 Anthony Crescent, Kingswood NSW 2747, 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 4.15(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 of 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 proposal is not considered to enhance the essential character and identity of established residential areas;
- The proposed boarding house does not ensuring 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 does not demonstrate that the principles of sustainable development have been appropriately incorporated into the design.

2 X Special 03 (Refusal under Section 4.15(1)(a)(ii) 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 State Environmental Planning Policy (Affordable Rental Housing) 2009 as follows:

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, (c) Solar Access, (f) Accommodation size, and Clause 30A Character of local area.

3 X Special 04 (Refusal under Section 4.15(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:

(i) The application has not satisfied Council with respect to the requirements under Part B - 'DCP Principles', specifically:

- The proposal does not minimise its ecological footprint or promote sustainable production and consumption through appropriate use of environmentally sound technologies and effective demand management.

(ii) The application has not satisfied Council with respect to the requirements under Section C1 'Site Planning and Design Principles', specifically:

- The built form and bulk and scale of the proposal is not considered to provide for a positive addition to the streetscape character.

(iii) The application has not satisfied Council with respect to the requirements under Section C2 'Vegetation Management', specifically:

- The removal of the existing tree in the front setback has not be adequately justified via provision of appropriate supporting documentation.

(iv) The application has not satisfied Council with respect to the requirements under Section C5 'Waste Management', specifically:

- No bulky waste storage area is provided and the waste collection room is not effectively sized.

(v) The application has not satisfied Council with respect to the requirements under Section C6 'Landscape Design', specifically:

- The landscaped design does not enhance the amenity of the site or contribute to the streetscape.
- The landscape design does not appropriately screen service areas or block unwanted views that reduce

privacy.

(vi) The application has not satisfied Council with respect to the requirements under Section C10 'Traffic, Access and Parking', specifically:

- The proposed access ramp is considered insufficient as the width must comply with the Australian Standard 2890 for two-way movement.
- The second driveway and proposal to use the driveway as the main entry pathway is an unacceptable design solution.

(vii) The application has not satisfied Council with respect to the requirements under Section C12 'Noise and Vibration', specifically:

- No acoustic report was submitted with the application.

(viii) The application has not satisfied Council with respect to the requirements under Section D2.4 'Residential - Multi Dwelling Housing' specifically:

- The lot width does not meet the minimum 22m requirement.
- The proposal is in conflict with controls requiring external walls to be a maximum of 5m in length between distinct corners.
- The proposal does not meet the respective controls for rear or side setbacks.
- The proposal does not meet the minimum side setback requirements for the basement level.
- A landscaped area of 23% of the total site area has been provided which is non compliant with the minimum 40% landscaped area required.
- The insufficient landscaped area and basement design is considered to limit the opportunity for deep soil planting or screening vegetation, particularly along the eastern and western boundaries.
- The design does not effectively mitigate against bulk through the use of a variety of materials, articulating elements such as stepped walls and the number and design of window openings. The elevated form above existing ground level increases the appearance of bulk.
- The proposal does not adequately employ design techniques to reduce thermal loads and allow for effective solar shading which is not considered an acceptable design solution.
- The proposal is not considered to have adequately demonstrated that privacy is maintained for the subject or adjoining sites due to the minimal boundary separation and lack of screen planting.
- The proposal has not adequately addressed the principles of Crime Prevention Through Environmental Design.
- The proposal has not adequately considered accessibility requirements, in particular to access the front door.

(ix) The application has not satisfied Council with respect to the requirements under Section D5.11 Boarding Houses', specifically:

- The proposal does not comply with the objectives of clause 5.11 to ensure boarding houses fit the existing and desired future character of the area, minimise negative impacts on neighbourhood amenity, respond to increasing densities resulting from boarding house development and ensure that boarding houses operate in a manner that maintains a high level of amenity, health and safety for residents.
- The proposal does not comply with the controls within clause 5.11 including that boarding houses shall be designed to have a sympathetic relationship with adjoining development, and that the neighbourhood amenity will not be adversely impacted in relation to noise and privacy.
- The proposal does not comply with the controls related to tenant amenity, safety and privacy, visual and acoustic amenity impacts.

4 **X Special 06 (Refusal under Section 4.15(1)(a)(iv) of EPA Act 1979)**

The development application is not satisfactory for the purpose of Section 4.15(1)(a)(iv) of the *Environmental Planning and Assessment Act 1979* in that development does not satisfactorily demonstrate compliance with the provisions of the National Construction Code.

5 [X Special 07 \(Refusal under Section 4.15\(1\)\(b\) 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 the development including those related to:

- (i) negative streetscape and local character impacts;
- (ii) noise and privacy impacts;
- (iii) inadequate car parking provision;
- (iv) insufficient solar access;
- (v) landscaping, setbacks and site coverage;
- (vi) negative impacts on residential amenity;
- (vii) energy efficiency and sustainable development;
- (viii) negative social and economic impacts; and
- (ix) insufficient waste infrastructure and site access.

6 [X Special 08 \(Refusal under Section 4.15\(1\)\(c\) 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.

7 [X Special 10 \(Refusal under Section 4.15\(1\)\(e\) 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.

8 [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 proposed development is contrary to the principles, commitments and objectives of the DCP. The proposal does not enable the minimisation of the site's ecological footprint and does not promote sustainable production and consumption through appropriate use of environmentally sound technologies and management.

The development does not sufficiently protect the occupants of the structure from any heat that the site would be subject to, especially in the summer time. No eaves are provided to shade the building elevations. The minimal planting proposed along the southern boundary will have little effect in providing shade. The 1.2-1.3m proposed side setbacks and basement encroachment are unlikely to support any canopy tree planting to allow for effective screening.

It is unclear from the plans submitted that solar access can be provided to the proposed common living room in accordance with the requirement of the SEPP ARH; being 3 hours of direct solar access between 9am and 3pm in mid-winter. There is little opportunity provided for natural cross flow ventilation or canopy trees on the site.

In addition to the above, it is not known if individual air conditioning units are proposed to each room and if so locations of the units are not nominated on submitted plans. No water capture and re-use is proposed.

Part C - City-wide Controls

C1 Site Planning and Design Principles

The design of the proposed boarding house is contrary to the objectives of this Section, in that the application has not been accompanied by a sufficient site analysis for the subject site. Ivory Curl Trees are proposed along the southern and northern elevations of the site and no protection is provided to a majority of western and eastern facing walls which are unshaded. In addition, there are no eaves proposed along the east and western elevations which is not an acceptable design solution.

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 proposed boarding house facilitates little opportunity for natural cross flow ventilation, noting that the building is positioned and orientated in such a way that, in combination with the choice of colour for the first floor, the west facing walls will incur significant thermal load. This is likely to result in poor thermal comfort for any future occupants. There is also no tree shading or eaves provided to the western or eastern elevations of the building.

1.2.3 Building Form - Height, Bulk and Scale

The proposed development is not consistent with the height, bulk and scale of adjacent development or likely future adjacent development along Anthony Crescent. It is acknowledged that the area is zoned R3 Medium Density Residential under the LEP and some growth in the density of the area is to be expected. However, the proposal does not demonstrate an acceptable level of compliance with the applicable built form controls and boarding house controls under the DCP, nor the objectives of the R3 zone under the LEP.

The proposed development provides insufficient and minimal articulation along its side elevations. The setbacks and finished floor heights of the proposal are not comparable nor are

they complementary to other development within the vicinity of the site. The proposed landscaped elements do not sufficiently mitigate against the negative amenity impacts such as western heat, privacy (visual and acoustic), the overbearing nature of the structure and other impacts on local streetscape character.

C2 Vegetation Management

An objective of this section is to preserve existing trees and vegetation, where possible, during the design, development and construction process and justify any tree or vegetation removal.

The proposed development includes the removal of several bushes and shrubs, and at least 1 mature tree greater than 3m in height. A site inspection confirmed the status of this vegetation, and the mature tree appears to be in a healthy condition. The Statement of Environmental Effects does mention the removal of the subject tree, however, no arborist report or statement has been provided that analyses the species, value or status of this tree, and any recommendations with regard to its removal.

Given the insufficient information provided in this regard, the proposal does not satisfy the requirements of Section C2 of the DCP.

C3 Water Management

According to the 2006 Overland Flow Overview Study, this lot is subject to a minor overland flow flooding. However, referral to Council's Development Engineering team identified that, according to the *College, Orth and Werrington Creeks Catchment Overland Flow Flood Study, revision 3, dated November 2016*, this lot is not flood affected at all. Therefore, the flood development control is not applicable for this application, and as this lot falls towards street there is no drainage issue.

C5 Waste Management

As stated in the submitted 'Waste Management Plan' accompanying the application, the proposed demolition includes the removal of an estimated 10m³ of asbestos and/or gyprock lining, which is destined for removal by Sita Australia Veolia, of whom hold asbestos removal licences.

The design of the proposed boarding house is not considered to comply with the design requirements for the waste storage area as detailed in Part C5 of the DCP. It is acknowledged that there is potential for these matters to be rectified through design amendments, however, as the recommendation for the application is for refusal based on other matters, a revised design was not requested and the standard waste conditions of consent are not recommended in this instance.

C6 Landscape Design

6.1.3 Neighbourhood Amenity and Character

The submitted landscape design does not comply with the requirements of this Chapter; as explained below:

- The Landscape Plan does not sufficiently enhance the amenity and visual quality of the site. The bulk and scale of the boarding house structure is not ameliorated through the use of landscaped elements, such as screening or shade along the west and east side elevations.
- The design of the proposed landscaped areas do not ensure that the development integrates into and enhances the existing landscape character through either setbacks, materials and colour selection, architectural character or vegetation selection/placement, particularly across the side elevations and within the front and rear setbacks.

6.1.4 Site Amenity

This section states that the '*landscape design should seek to screen development, particularly from the side and rear of an allotment*' and that '*shrubs and small trees should be used to*

screen service areas and block unwanted views that reduce privacy'. Additionally, that 'landscaped design should also be responsive to the bulk and scale of the development'.

The landscape plan only proposes 2 species - a grass type and a tree. The lack of variety in heights and species will provide no screening for privacy and is uncharacteristic of traditional residential landscaping.

The proposal does not adequately demonstrate that the above controls have been satisfied. The minimal side setbacks, in comparison to the shear wall heights of the ground and first levels, do not allow for canopy spread to provide shading along these elevations. The proposed amount of site coverage from the boarding house structure and basement is excessive and available deep soil zones are minimal in width. As such, planting in these locations would not result in any significant contribution to amenity or local character and do not respond sufficiently to the bulk and scale of the building.

The proposal to include a second 'driveway', which is not completely sealed as a conventionally designed driveway, is not acceptable for practicality and amenity reasons. A dual driveway arrangement is not characteristic of Anthony Crescent, and increases the amount of hardstand area within the front setback of the site. In this regard, the front landscape design is complaint with the concepts mentioned above.

As such, the proposal does not satisfy the requirements of Section C6 of the DCP.

C10 Transport, Access and Parking

The car parking rates for boarding houses are set out under the SEPP ARH, which requires that in the case of development not carried out by or on behalf of a social housing provider, requires at least 0.5 car parking spaces to be provided for each boarding room. The proposal includes 19 x boarding rooms and, as such, 10 parking spaces are required. The proposal includes 9 x parking spaces in the basement and 1 x accessible parking space on the ground level within the waste bin storage room; satisfying the 10 x parking space requirement.

However, referral to Council's Development Engineers as part of the assessment process identified the following:

- The proposed one-way basement ramp for two-way traffic movements is not supported by Council's Development Engineers. The ramp requires a minimum width of 5.5m for two-way traffic movements, in accordance with AS2890; the ramp proposed is only 3m in width.
- The access/parking arrangement for the accessible space is not supported. Only 1 x vehicular access shall be provided for the development via a sealed concrete driveway. Additionally, a separate pedestrian access is required to ensure that risk of vehicle and pedestrian conflicts are minimised.

Additionally, referral to Council's Traffic Engineering team identified the following issues of concern:

- Bicycle and motorcycle parking is required at a rate of 1 space per 5 boarding room, requiring the provision of 4 x motorcycle spaces and 4 x bicycle spaces. The motorcycle spaces have been satisfied, with the provision of 4 x spaces. However, the bicycle parking is located within a designated area with no detail. It has not been demonstrated whether this constitutes secure, all weather bicycle parking in accordance with *AS2890.3:1993 Bicycle Parking Facilities, the DCP and Planning Guidelines for Walking and Cycling (NSW Government 2004)*.
- The proposed basement is a blind aisle and subsequently, space no. 9 requires widening by 300mm and the aisle requires lengthening by 1m in accordance with AS2890.1. Additionally, car spaces 1, 6 and 7 require 300mm widening in accordance with AS2890.1, due to their location which is adjacent to an obstruction.
- Swept path plans have not been provided demonstrating that vehicles can enter and exit the site in a forward direction, utilising no more than 3 turns.

Furthermore, referral to Council's Building Surveying team identified the following:

- Under BCA Clause D1.2(c)(i), the basement is required to have 2 x exits due to the floor area of the basement parking area. Additionally, in addressing this, no BCA "Alternative Solution" has been formulated and this could significantly affect the design of the building.

As such, the proposed parking, access and manoeuvring areas for the proposed boarding house development do not satisfy the requirements of Section C10 of the DCP.

C12 Noise and Vibration

The objective of this section is to ensure that future development that has the potential to generate noise or vibration does not adversely affect the amenity of surrounding land uses.

An acoustic report was not submitted in support of this application. Referral to Council's Environmental Management team identified that an acoustic assessment is required to be submitted as part of the application to demonstrate that the proposed boarding house will not have any impact on nearby sensitive receivers, including 10 & 14 Anthony Crescent and 63, 65 & 67 Second Avenue in Kingswood. Such a report would need to be prepared by a suitably qualified acoustic consultant, and consider the following:

- The *'NSW Noise Policy for Industry'* in terms of assessing the noise impacts associated with the development, including noise from the indoor and outdoor communal spaces on surrounding properties (including their outdoor spaces), the use of the basement carpark, as well as any mechanical plant associated with air conditioning for individual units or mechanical ventilation for the development (including basement carpark);
- The AS/NZS 2107:2016 Acoustics – Recommended design sound levels and reverberation times for building interiors in terms of ensuring that internal noise levels can be achieved;
- The Interim Construction Noise Guideline in assessing the impacts associated with the construction phase of the development; and
- The potential impact from road traffic noise resulting from vehicles entering and exiting site, demonstrating compliance with NSW *'Road Noise Policy'*.

Should mitigation measures be necessary as a consequence of the development, suitable recommendations would also be required to be included to this effect. Any recommendations and noise mitigation measures must be also shown on all architectural plans.

As such, noting the failure of the application to be accompanied with the necessary acoustic information, the proposal does not satisfy the requirements of Section C12 of the DCP.

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 section 5.11 (Boarding Houses) of Section D5 Other Land Uses of the DCP.

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.

2.4.3 Development Site

The subject site is 15.26m wide, which is non-compliant with the 22 metre lot width control. The proposal represents an over development of the site in proportion to the site area, with a large building mass and inadequate room for landscaping and deep soil zones and the incapacity to accommodate a dual width driveway for adequate basement access.

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. No eaves are provided to the east or west to provide shading or relief from the western heat. Minimal areas for substantial landscape are proposed within the front and rear setback areas.

Regarding the front entrance to the proposed boarding house, there is no separate pathway from the street frontage to the front porch. Instead the proposed 'second driveway' that leads into the combined waste bin storage room and accessible parking space is widened to address the front porch for pedestrian access. This proposed 'fusion accessway' for both vehicular and pedestrian access to the boarding house is not supported due to both its untraditional/uncharacteristic design and due to the potential conflicts that may arise from not having a dedicated pathway for safe pedestrian access. It is acknowledged that no accessibility report supports this application to address compliance with accessibility standards, in addition to the non-compliances covered in the Chapter C10 section of this report.

2.4.5 Front and Rear Setbacks

This section requires that two storey elements are to be setback 6m from the rear boundary. Encroachment into the rear first floor level setback area include the 2 storey blade feature walls at each side of the building, which have a 5.6m separation to the rear boundary. Although minor encroachments into the rear setback of this nature might, on their own be acceptable subject to an overall general compliance, they are not supported in this instance as they contribute to the overall bulk and scale of the development and having regard to other non-compliances such as car parking areas, landscaping, negative impacts on local character, amenity and built form design.

2.4.6 Building Envelope and Side Setbacks

This section states under clause 2.4.6(7)(a) and (b) that a minimum side setback of 2m is permissible, however, for only 50% of any boundary. The proposal is for 1.34m side setback to the west boundary for 64% of the length of the site, and a 1.2m side setback to the east boundary for 68% of the length of the site, for both the ground and upper floors. As such, the proposal does not comply with this requirement.

The proposal does not comply with the objectives of the clause under 2.4.6(A) which state that the development shall comply with the building envelope controls, minimise disturbance to existing topography and natural soil profiles and provide for reasonable landscaped separation between neighbouring dwellings. The proposed development does not comply with key building envelope controls and does not provide reasonable landscape separation.

The density of the subject development and the requirement under the State Policy to provide 0.5 car parking spaces per boarding room is also considered to result in the basement excavation being excessive; as a consequence of meeting the identified boarding room yield such that deep soil landscaping is negatively impacted.

2.4.8 Landscaped Area

The proposal 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 247.6m² for the Site. The application proposes 141.5m² of landscaped area, or 22.7% of the site to be landscaped, a deficiency of 106.1m².

The development is inconsistent with clause 2.4.8 in Part D2 of the DCP in that the proposed landscape treatment is inadequate. The insufficient landscaped area and basement design limit the opportunity for deep soil planting or screening vegetation, particularly along the eastern and

western boundaries. This reduces the development proposal's ability to contribute to the canopy coverage and green networks in the vicinity. The development does not contribute to the contextual fit of, or enhance the landscape quality of the area in the vicinity of the site.

2.4.12 Building Design

The development proposal is contrary to the controls of the clause, in that the design does not effectively mitigate against bulk through the use of a variety of materials, articulating elements such as stepped walls and roof forms, and the number (and appropriate design) of window openings.

2.4.13 Energy Efficiency

The development proposal does not adequately employ design techniques to reduce thermal loads, increase natural cross flow ventilation and allow for effective solar shading. No shading is provided to the western elevation and no eaves are proposed to the side elevations.

The standards for any air conditioning for the proposed development were addressed in the Part J BCA report, prepared by Frys Energy Wise. However, there is no identification on the plans for any air conditioning to be provided, where such units would be located.

2.4.19 Visual and Acoustic Privacy and Outlook

The development proposal has not adequately demonstrated measures to prevent issues impacting on privacy (both visual and acoustic) while the nature of windows to the east and west elevations are not considered to have appropriate recognition of neighbouring buildings or private open areas therefore increasing overlooking opportunities. Minimal landscaping is provided to the side and rear setback to provide a buffer to adjoining properties. An acoustic report was not submitted to support the application. Air conditioning units are not nominated on plans and as such an assessment of their noise and visual impact cannot be made.

It is unclear from the submitted plans if adequate privacy can be maintained to the window openings of the adjacent dwellings to the east and west.

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. No savings provisions apply to these amendments but while so, it is noted that the application was received after the amendment came into effect. The proposal has been assessed against the provisions of Section 5.11 of Penrith Development Control Plan 2014, 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.*
- (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 within this report (refer to the local character discussion under the SEPP ARH. The building design and landscaping concept does not respond sufficiently in regard to site analysis. The proposed setbacks and

landscaping do not ameliorate the negative and unacceptable impacts on residential amenity due to the scale and overall height of the east and west facing walls, their potential for thermal load in the summer months and the inability for landscaping to provide relief in this regard.

It has not been demonstrated that the communal room can comply with the minimum requirements for solar access under the SEPP ARH, and the bulk and scale of the design coupled with the minimal setbacks proposed will result in over bearing and amenity impacts (both visual and acoustic) on neighbouring low density residential properties.

Clause 5.11 - C. Controls

The proposed development does not comply with clause 5.11(C)(2)(b) of this section 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 reduced side setbacks proposed on the western and eastern boundaries, 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 with regard to visual and acoustic privacy.

The proposal also 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 the DCP, where they are not in conflict with the requirements of the State Policy 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 (b) which requires 10% of units to be accessible as only 1 accessible unit is proposed.
- Clause (c) which requires cross ventilation to be achieved to reduce reliance on air conditioning as only a maximum of 7 out of the 19 rooms may achieve natural cross flow ventilation.
- Clause (d) requires fly screens on all windows. It is unclear if this is proposed.

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

- Clause (d) which requires screen fencing, plantings and acoustic barriers in appropriate locations. No screen planting is provided to the side setback areas, and no acoustic report has been submitted to demonstrate that sufficient acoustic measures have been implemented/achieved.

Regarding the Plan of Management (POM) for the proposed boarding house, the submitted POM is regarded as satisfactory with the inclusion of the aspects below:

- The POM notes that a complaints register will be kept and provided to Council on request. However, this complaints register is only provided as part of the Public Complaints Resolution Procedure. To support residents of the proposal, the Plan of Management should also include a clear procedure for addressing resident complaints.
- Availability of longer terms of rental (longer than 3 months) and provision of information on local social services is required by the DCP, which should also be noted in the POM.

A3

(DP 1240048)



MGA



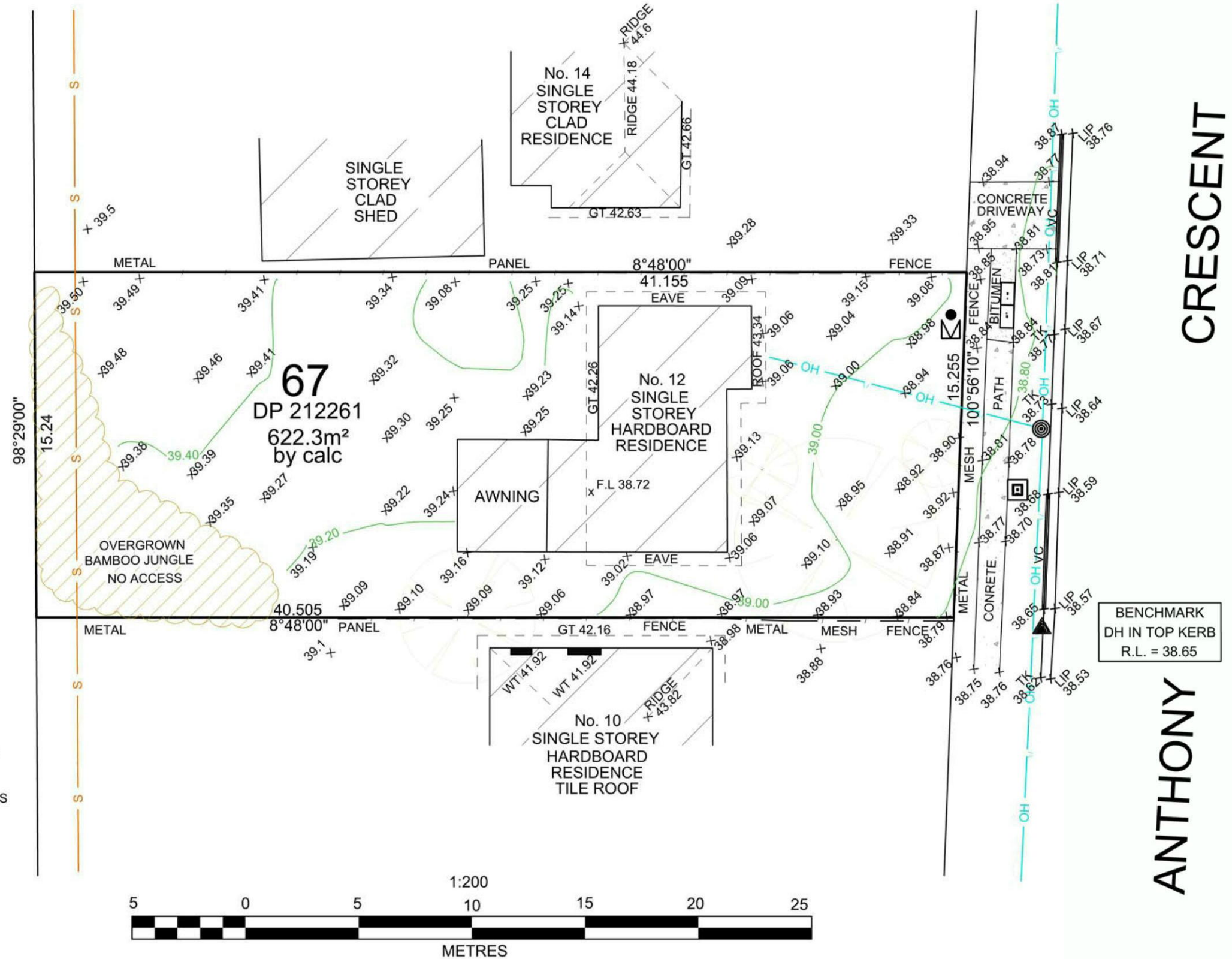
- GT DENOTES LEVEL AT TOP OF GUTTER
- WT DENOTES LEVEL AT TOP OF WINDOW
- VC DENOTES VEHICULAR CROSSING
- TK DENOTES LEVEL AT TOP OF KERB
- LIP DENOTES LEVEL AT LIP OF KERB
- WATER □ HYDRANT
- ⊞ WATER METER □ COMMS. PIT
- ⊙ POWER POLE

OH DENOTES LINE OF OVERHEAD POWER LINES

CAUTION NO SEWER SEARCH IS AVAILABLE
S DENOTES LINE OF APPROX. SEWER LINE

NOTES:

1. THIS DETAIL SURVEY IS NOT A 'SURVEY' AS DEFINED BY THE SURVEYING & SPATIAL INFORMATION ACT, 2002.
2. DATUM OF LEVELS : AUSTRALIAN HEIGHT DATUM
3. ALL AREAS AND DIMENSIONS HAVE BEEN COMPILED FROM PLANS MADE AVAILABLE BY THE OFFICE OF LAND & PROPERTY INFORMATION (NSW) AND ARE SUBJECT TO FINAL SURVEY.
4. NO SEARCH MADE OF LOCATION AND NATURE OF TELEPHONE, ELECTRICITY, SEWER, WATER, GAS AND DRAINAGE RECORDS AT THE RELEVANT AUTHORITY. PRIOR TO ANY CONSTRUCTION THE RELEVANT AUTHORITY SHOULD BE CONTACTED FOR LOCATION OF SERVICES.
5. THE POSITION OF IMPROVEMENTS IN RELATION TO BOUNDARIES IS DIAGRAMMATIC ONLY.
6. VISIBLE, ACCESSIBLE SERVICES LOCATED ONLY
7. SIGNIFICANT TREES LOCATED ONLY.
8. NEIGHBOURING HOUSES, RIDGE AND ROOF POSITIONS ARE APPROXIMATE ONLY.
9. THIS TITLE BLOCK AND NOTES IS AN INTEGRAL PART OF THIS DRAWING WHICH IS NOT TO BE REMOVED.
10. CONTOURS ARE INDICATIVE ONLY. SPOT LEVELS SHOULD BE USED FOR CALCULATIONS OF QUANTITIES WITH CAUTION.



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SURVEYING & DEVELOPMENT CONSULTANTS

ABN 59 082 453 165
P.O. BOX 4365, Penrith Plaza, W 2750.
PHONE: (02) 4732 6599
Web: www.rhco.com.au Email: admin@hoganco.com.au

SURVEYOR: HN
DRAWN: HN
REDUCTION RATIO: 1:200
CONTOUR INTERVAL: 0.2m
SHEET 1 OF 1

ORIGIN OF LEVELS:
SSM13702 (GNSS)
R.L.=41.812 (SCIMS)
DATUM: AUSTRALIAN HEIGHT DATUM
DATE: 25.05.2018
VERSION No.: A

PLAN OF DETAIL AND LEVELS OVER
LOT 67 IN DP 212261 AT
12 ANTHONY CRESCENT, KINGSWOOD

CLIENT: ZAC HOMES - REF:218064

L.G.A.: PENRITH

JOB REF: 18374

CAD FILENAME: X:\2018 - RHCO\18374 - 12 Anthony Cres Penrith\ACAD\18374 - 12 Anthony Crescent Kingswood - DETAIL SURVEY.dwg

BOARDING HOUSE DEVELOPMENT

LOT 67, 12 ANTHONY CRESCENT, KINGSWOOD, DP 212261



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04.02.2019

BOARDING HOUSE DEVELOPMENT

LOT 67, 12 ANTHONY CRESCENT, KINGSWOOD, DP 212261

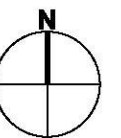


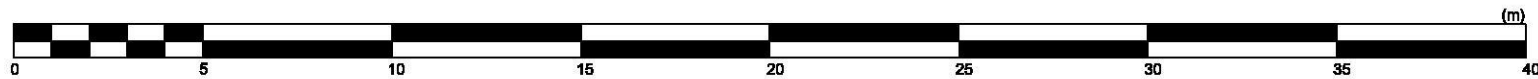
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LOCALITY MAP





GENERAL NOTES

A. THIS SURVEY IS SPECIFICALLY FOR CONTOUR PURPOSES ONLY. THE BOUNDARIES OF THE SUBJECT PROPERTY HAVE NOT BEEN INVESTIGATED

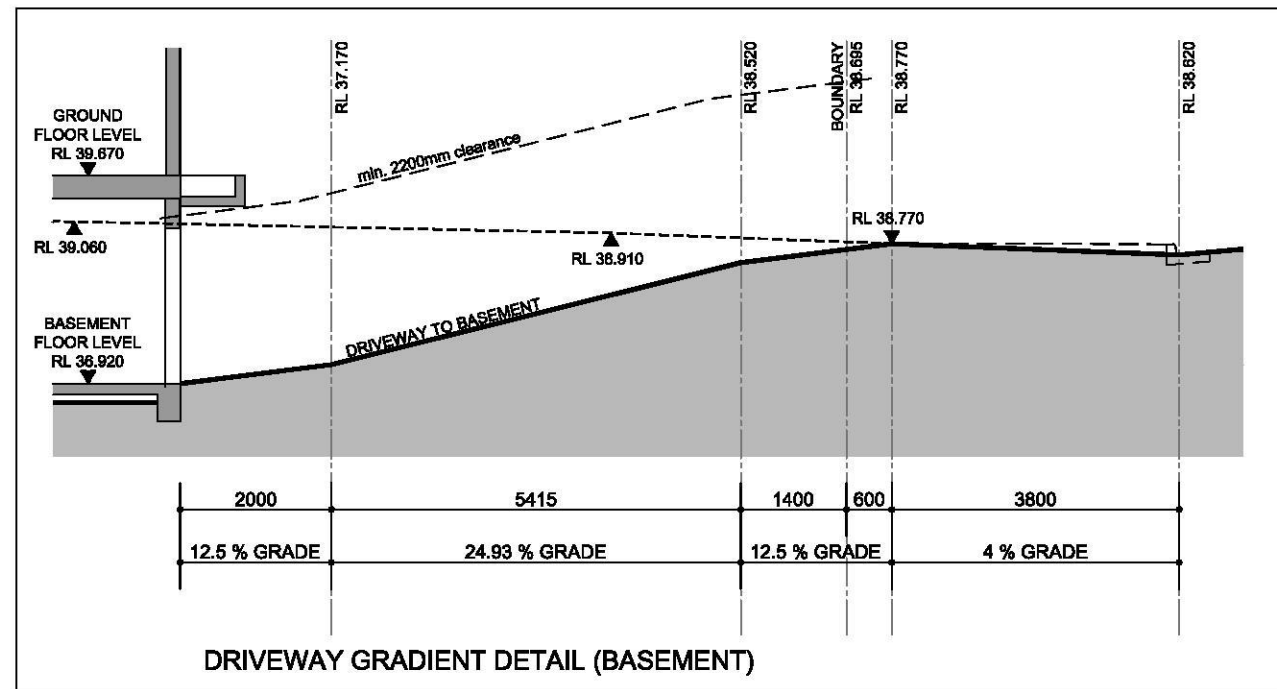
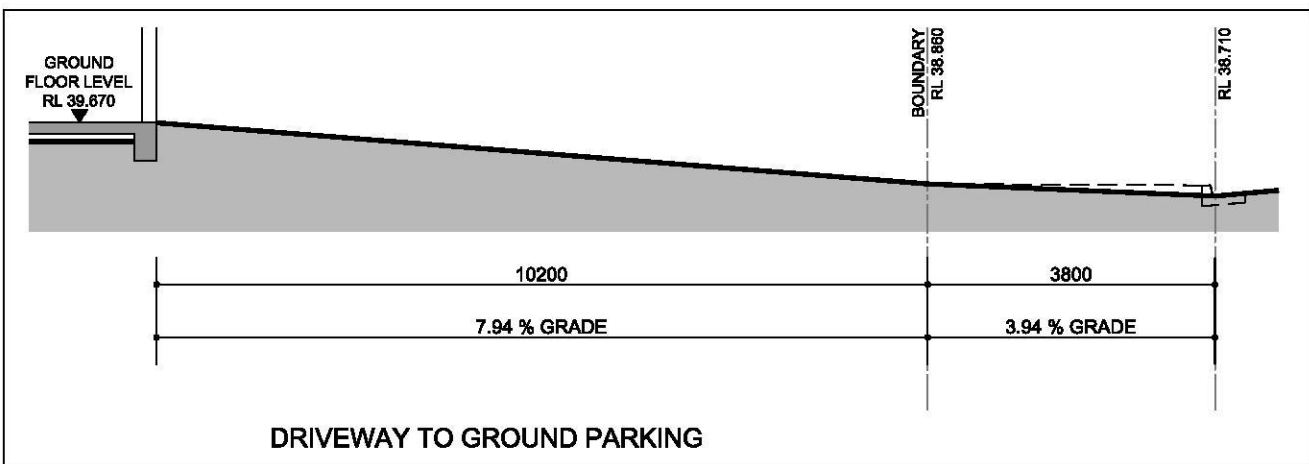
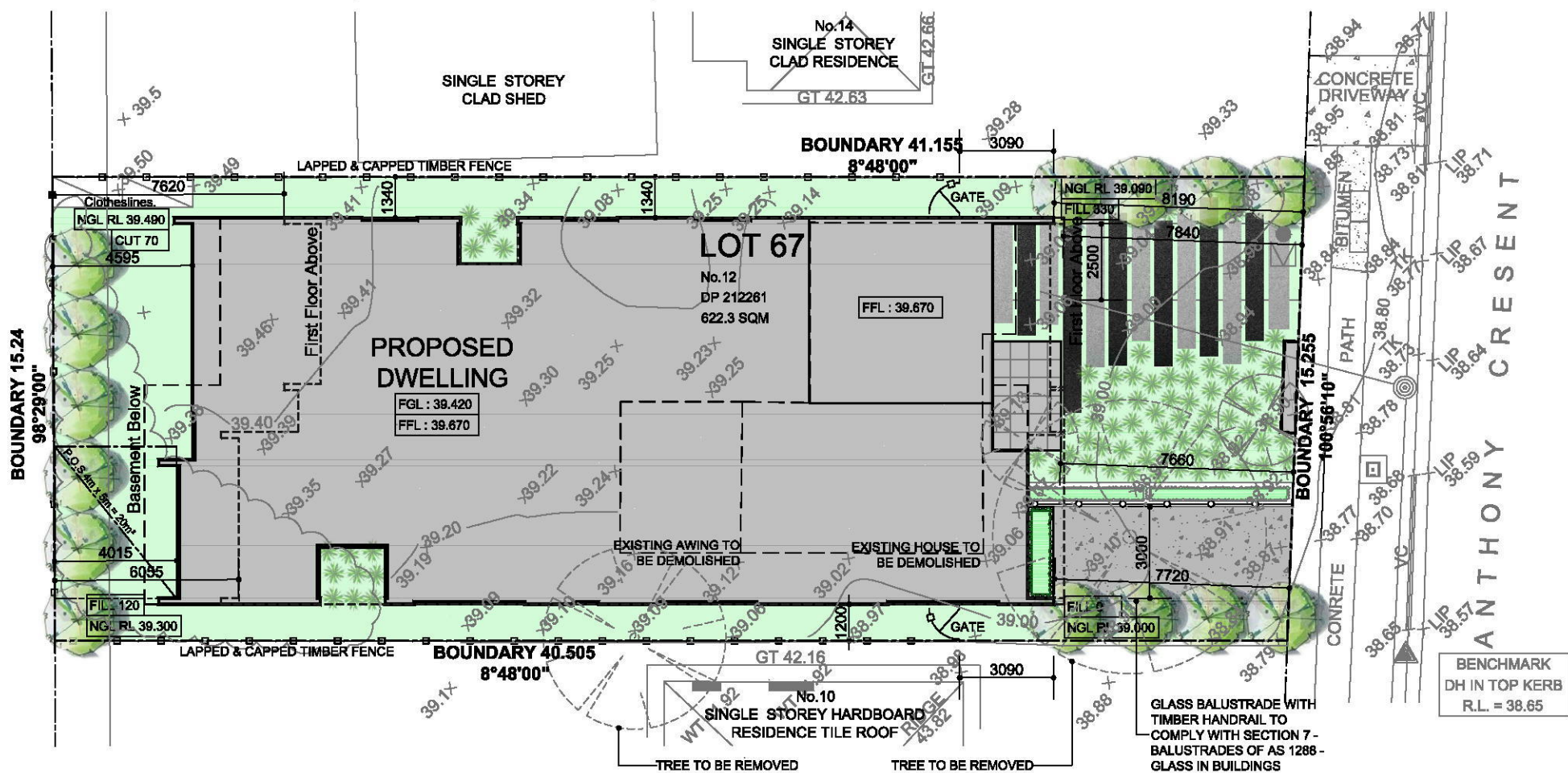
B. AREAS AND DIMENSIONS ARE SUBJECT TO SURVEY

C. SERVICES SHOWN HAVE BEEN DERIVED FROM VISUAL EVIDENCE APPARENT AT THE TIME OF SURVEY. THE RELEVANT SERVICE AUTHORITY SHALL BE CONTACTED TO VERIFY THE EXISTENCE AND POSITION OF ALL SERVICES PRIOR TO THE COMMENCEMENT OF ANY CONSTRUCTION OR EXCAVATION

D. CONTOURS ARE INDICATIVE OF SURFACE TOPOGRAPHY ONLY. SURVEYED SPOT LEVELS ARE THE ONLY VALUES TO BE RELIED ON FOR REDUCED LEVELS ON PARTICULAR FEATURES.

PROJECT SUMMARY :

LAND ZONING :	R3 - MEDIUM DENSITY RESIDENTIAL
PRECINCT :	PENRITH CITY COUNCIL
SITE AREA :	622.3 SQM
MAX BUILDING HEIGHT :	8.5M TO TOP OF ROOF
MAX BUILDING HEIGHT PROVIDED :	8.445M TO TOP OF ROOF
LANDSCAPE AREA REQUIRED :	40% x SITE AREA = 248.92 SQM
LANDSCAPE AREA PROVIDED :	251.29 SQM
P.O.S. REQUIRED :	Min 20 SQM (4M X 5M)
P.O.S. PROVIDED :	20 SQM (4M X 5M)
CARPARKING REQUIRED :	1 SPACE PER 2 BOARDING ROOMS = 10 SPACES
CARPARKING PROVIDED :	9 SPACES + 1 DISABLED SPACE
MOTORBIKE PARKING :	4 BICYCLE SPACES & 4 MOTORBIKE



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Date	Revision	Issue
04.02.19	D	Reduce R1 to 15.9sqm
31.01.19	C	Revised DA submission
16.11.18	B	Revised DA submission
05.11.18	A	DA submission

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Project:
Boarding House Development
Lot 67, 12 Anthony Crescent, Kingswood
Dp 212261

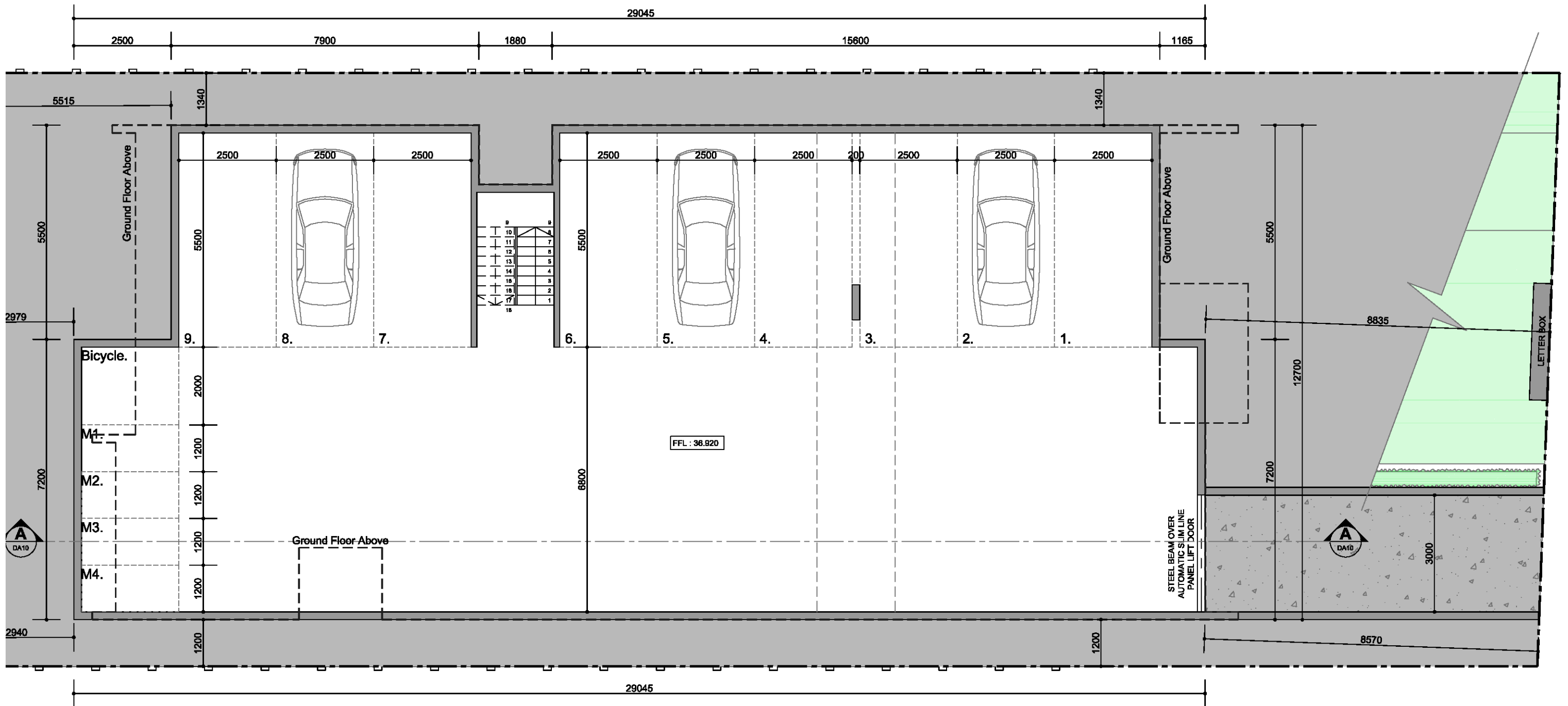
Drawing Sheet:
Site Plan
Scale: 1-200@A3

Date: 31.01.19

North:

Drawing No:
DA1

Revision:
D



AREA	
Basement	346.39 sqm
Living Area (GF)	329.55 sqm
Living Area (FF)	316.00 sqm
Front Porch	8.36 sqm
Total	1000.30 sqm
	107.67 sq

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- NON-SLIP NOSING'S OR TREADS TO STAIRS TO COMPLY WITH CLAUSE 3.9.1.4 OF THE BCA
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- A HIGH IMPACT VAPOR BARRIER TO COMPLY AS PER THE REQUIREMENTS OF CLAUSE 3.2.2.6 OF THE BCA;
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Project:
Boarding House Development
Lot 67, 12 Anthony Crescent, Kingswood
Dp 212261

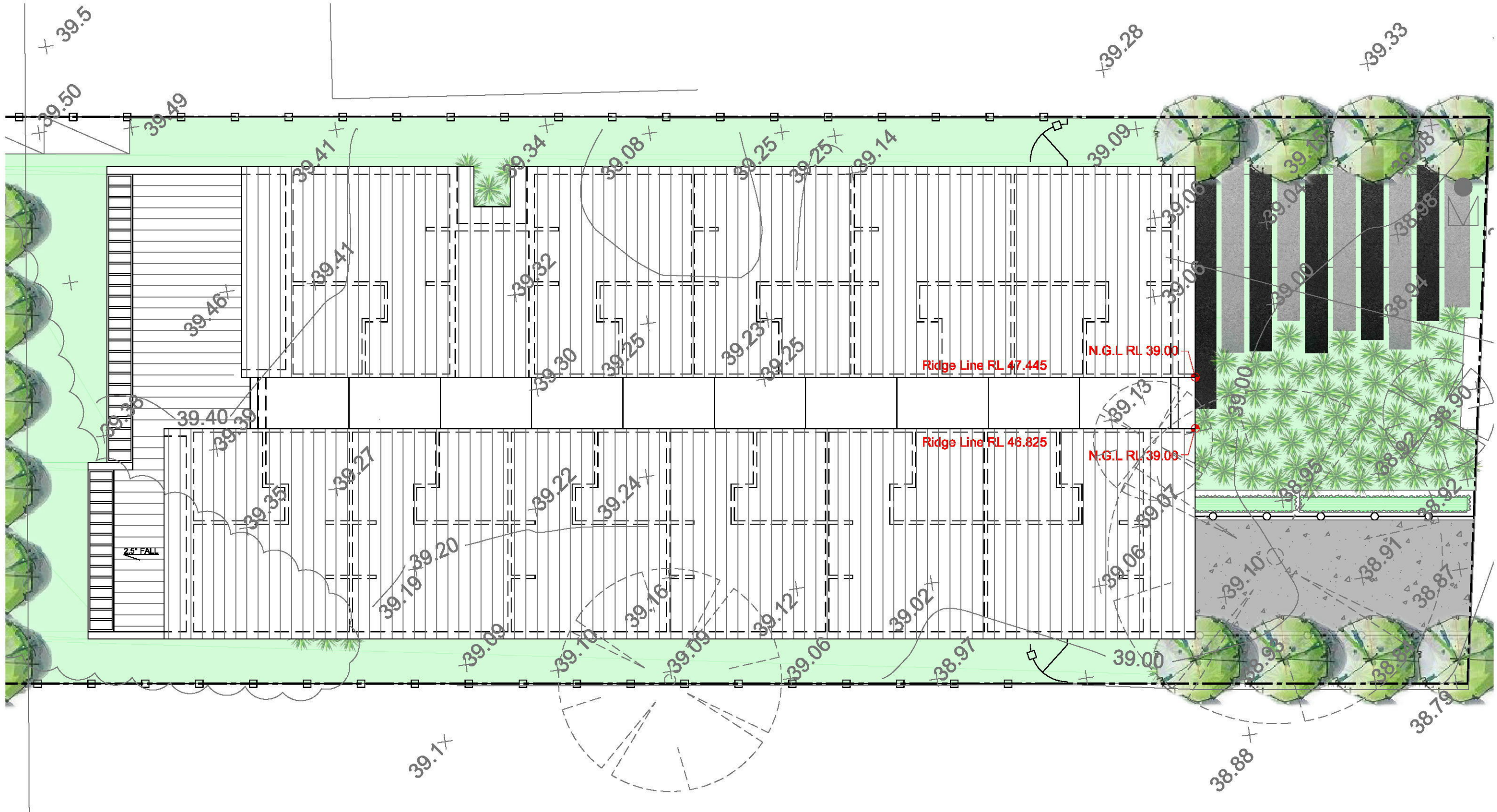
Drawing Sheet:
Basement Plan
Scale: 1-100@A3

Date: 31.01.19

North:

Drawing No:
DA2

Revision:
D



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Date	Revision	Issue
04.02.19	D	Reduce R1 to 15.9sqm
31.01.19	C	Revised DA submission
16.11.18	B	Revised DA submission
05.11.18	A	DA submission

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Project: Boarding House Development Lot 67, 12 Anthony Crescent, Kingswood Dp 212261	North:
Drawing Sheet: Roof Plan Scale: 1-100@A3	Drawing No: DA5
Date: 31.01.19	Revision: D



North Elevation

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Date	Revision	Issue
04.02.19	D	Reduce R1 to 15.9sqm
31.01.19	C	Revised DA submission
16.11.18	B	Revised DA submission
05.11.18	A	DA submission

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Project:	Boarding House Development Lot 67, 12 Anthony Crescent, Kingswood Dp 212261	North:
Drawing Sheet:	North Elevation Scale: 1-100@A3	Drawing No: DA6
Date: 31.01.19		Revision: D



South Elevation

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Date	Revision	Issue
04.02.19	D	Reduce R1 to 15.9sqm
31.01.19	C	Revised DA submission
16.11.18	B	Revised DA submission
05.11.18	A	DA submission

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Project:	Boarding House Development Lot 67, 12 Anthony Crescent, Kingswood Dp 212261	North:
Drawing Sheet:	South Elevation Scale: 1-100@A3	Drawing No: DA7
Date: 31.01.19		Revision: D



West Elevation

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Date	Revision	Issue
04.02.19	D	Reduce R1 to 15.9sqm
31.01.19	C	Revised DA submission
16.11.18	B	Revised DA submission
05.11.18	A	DA submission

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Project: Boarding House Development Lot 67, 12 Anthony Crescent, Kingswood Dp 212261	North:
Drawing Sheet: West Elevation Scale: 1-100@A3	Drawing No: DA8
Date: 31.01.19	Revision: D



East Elevation

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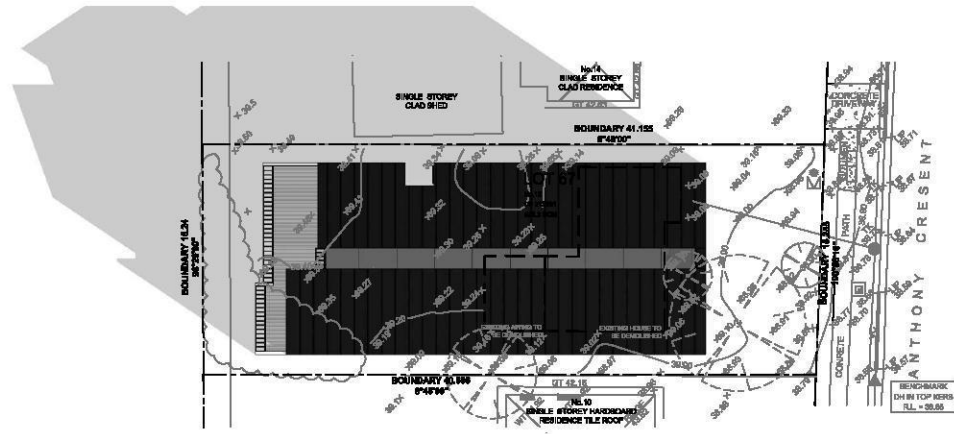
Date	Revision	Issue
04.02.19	D	Reduce R1 to 15.9sqm
31.01.19	C	Revised DA submission
16.11.18	B	Revised DA submission
05.11.18	A	DA submission

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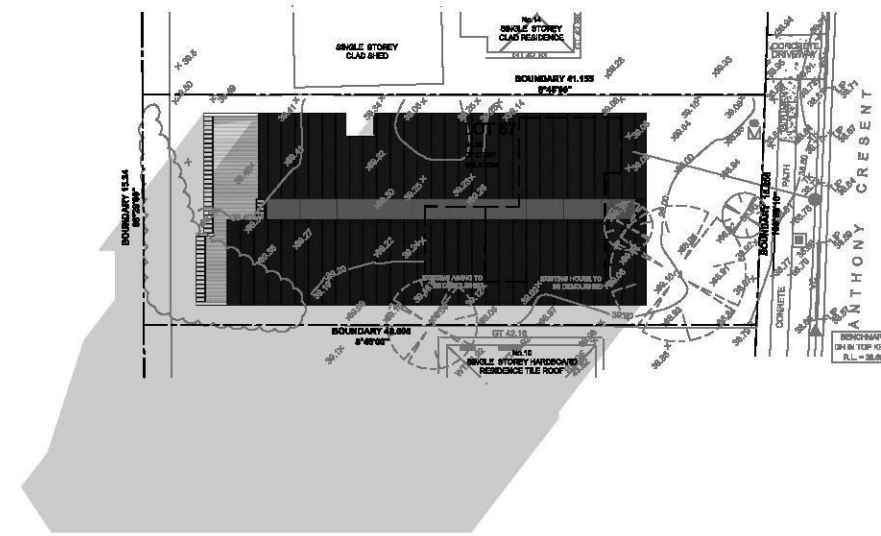
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- ALL MASONRY WALLS TO HAVE EXPANSION JOINTS TO COMPLY WITH BCA REQUIREMENTS
- TERMITE CONTROL TO AS 3680.1
- A HIGH IMPACT VAPOR BARRIER TO COMPLY AS PER THE REQUIREMENTS OF CLAUSE 3.2.2.6 OF THE BCA;
- MASONRY CONSTRUCTION TO COMPLY WITH AUSTRALIAN STANDARD 3700
- GUTTERS AND DOWNPIPES TO COMPLY WITH AUSTRALIAN STANDARD 3500.3 OR 3500.5
- WET AREA CONSTRUCTION TO COMPLY WITH AUSTRALIAN STANDARD 3740
- ALL ENCLOSED WATER CLOSET DOORS ARE TO SWING OUT OR TO BE PROVIDED WITH LIFT OFF HINGES OR THE LIKE IF THE DOOR IS WITHIN 1200MM OF THE PAN IN ACCORDANCE WITH THE REQUIREMENTS OF CLAUSE 3.8.3.3 OF VOLUME 2 OF THE NCCS (BCA)
- SMOKE ALARMS WILL BE PROVIDED IN ACCORDANCE WITH THE REQUIREMENTS OF PART 3.7.2 OF VOLUME 2 OF NCCS - BCA
- ALL STAIRS WILL BE CONSTRUCTED IN ACCORDANCE WITH THE REQUIREMENTS OF CLAUSE 3.9.1.2 OF VOLUME 2 OF THE NCCS-BCA
- THE FINISH OF ALL OF THE STAIRS WILL MEET THE REQUIREMENTS OF CLAUSE 3.9.1.4 OF VOLUME 2 OF THE NCCS-BCA
- ALL LANDINGS PROVIDED WILL MEET THE REQUIREMENTS OF CLAUSE 3.9.1.5 OF VOLUME 2 OF THE NCCS-BCA
- ALL BALUSTRADES SERVICING THE STAIRS WILL MEET THE REQUIREMENTS OF CLAUSE 3.9.2.3 OF VOLUME 2 OF THE NCCS-BCA
- ALL HANDRAILS TO THE STAIRS IN ACCORDANCE WITH CLAUSE 3.9.2.4 OF VOLUME 2 OF THE NCCS - BCA.

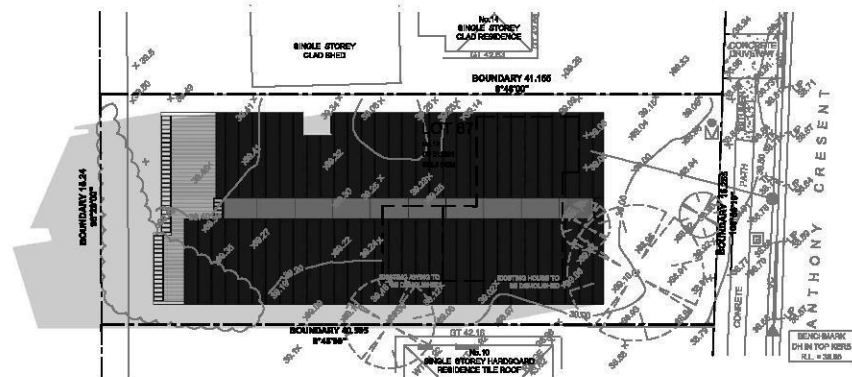
Project: Boarding House Development Lot 67, 12 Anthony Crescent, Kingswood Dp 212261	North:
Drawing Sheet: East Elevation Scale: 1-100@A3	Drawing No: DA9
Date: 31.01.19	Revision: D



SHADOW CAST AT 09:00 ON JUNE 21st



SHADOW CAST AT 15:00 ON JUNE 21st



SHADOW CAST AT 12:00 ON JUNE 21st

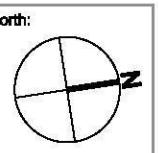
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Date	Revision	Issue
04.02.19	D	Reduce R1 to 15.9sqm
31.01.19	C	Revised DA submission
16.11.18	B	Revised DA submission
05.11.18	A	DA submission

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Project:
Boarding House Development
Lot 67, 12 Anthony Crescent, Kingswood
Dp 212261



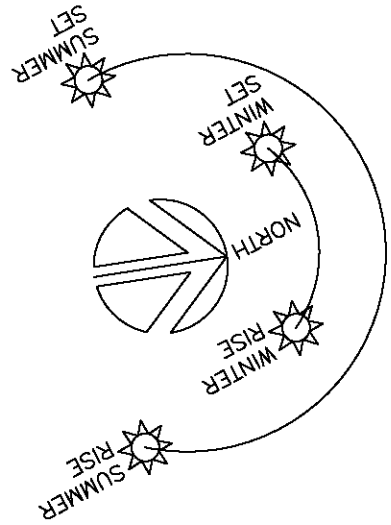
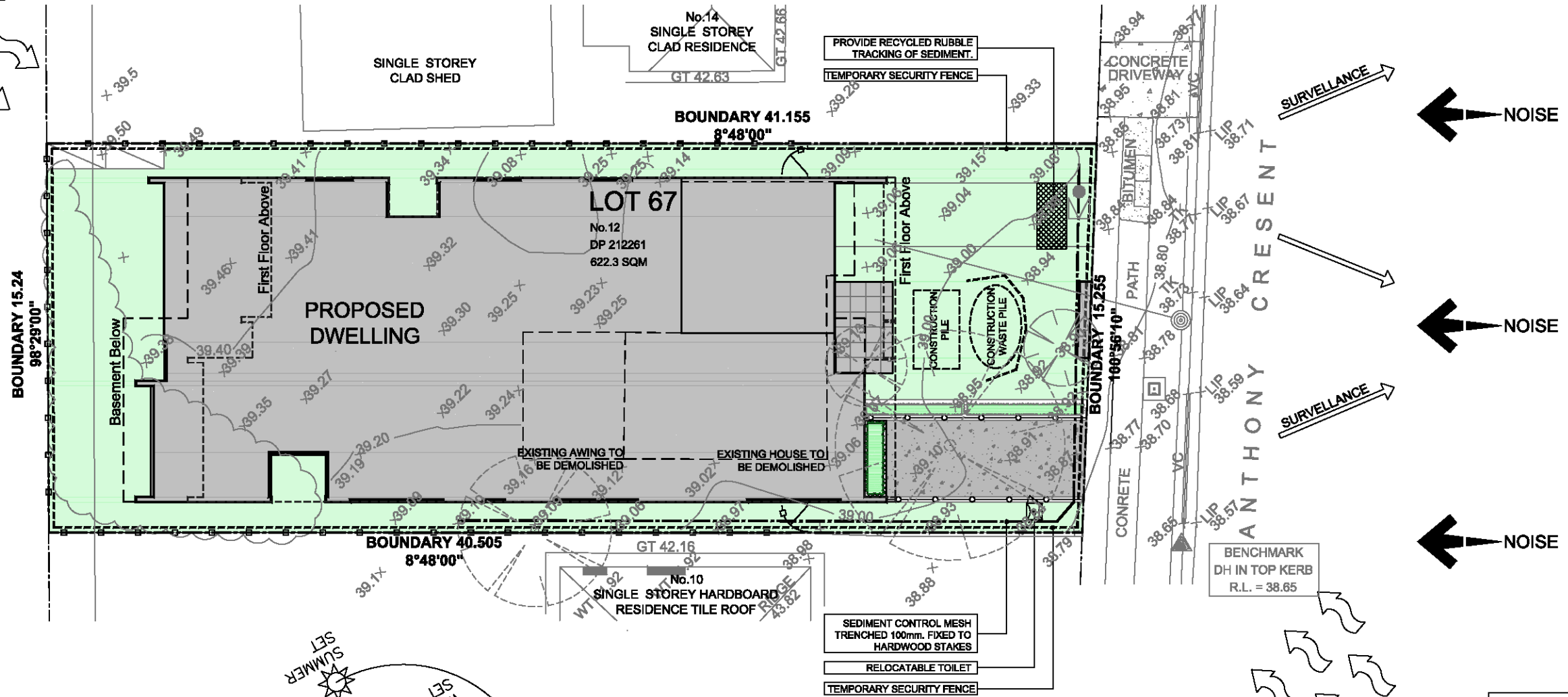
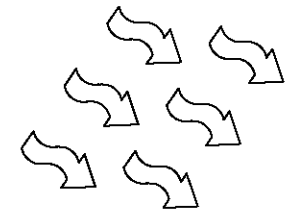
Drawing Sheet:
Shadows Plan
Scale: 1-500@A3

Drawing No:
DA11

Date: 31.01.19

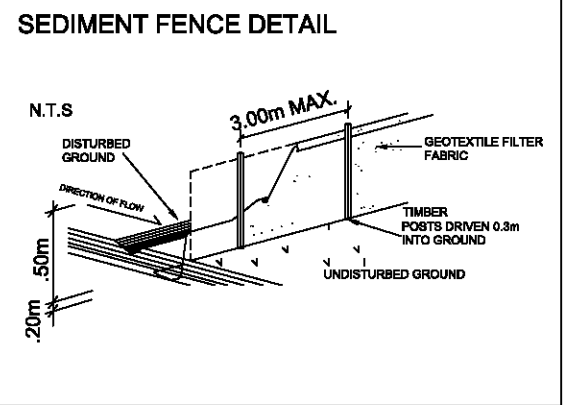
Revision:
D

PREVAILING WINTER BREEZE



SEDIMENT CONTROL NOTES

1. ALL EROSION AND SEDIMENTATION CONTROL MEASURES, INCLUDING REVEGETATION AND STORAGE OF SOIL AND TOPSOIL, SHALL BE IMPLEMENTED TO THE STANDARDS OF THE SOIL CONSERVATION OF NSW.
2. ALL DRAINAGE WORKS SHALL BE CONSTRUCTED AND STABILIZED AS EARLY AS POSSIBLE DURING DEVELOPMENT.
3. SEDIMENT TRAPS SHALL BE CONSTRUCTED AROUND ALL INLET PITS, CONSISTING OF 300mm WIDE X 300mm DEEP TRENCH.
4. ALL SEDIMENT BASINS AND TRAPS SHALL BE CLEANED WHEN THE STRUCTURES ARE A MAXIMUM OF 80% FULL OF SOIL MATERIALS, INCLUDING THE MAINTENANCE PERIOD.
5. ALL DISTURBED AREAS SHALL BE REVEGETATED AS SOON AS THE RELEVANT WORKS ARE COMPLETED.
6. SOIL AND TOPSOIL STOCKPILES SHALL BE LOCATED AWAY FROM DRAINAGE LINES AND AREA WHERE WATER MAY CONCENTRATE.
7. FILTER SHALL BE CONSTRUCTED BY STRETCHING A FILTER FABRIC (PROPEX OR APPROVED EQUIVALENT BETWEEN POST AT 3.0m CENTRES. FABRIC SHALL BE BURIED 150mm ALONG ITS LOWER EDGE.



Legend:

- Existing Tree To Be Removed
- Temporary Security Fence
- Contour Lines
- Sediment Control
- Prevailing Breeze
- Noise Impact From Road
- Ongoing Waste Management
- Surveillance
- Relocatable Toilet
- Construction Pile
- Construction Waste Pile

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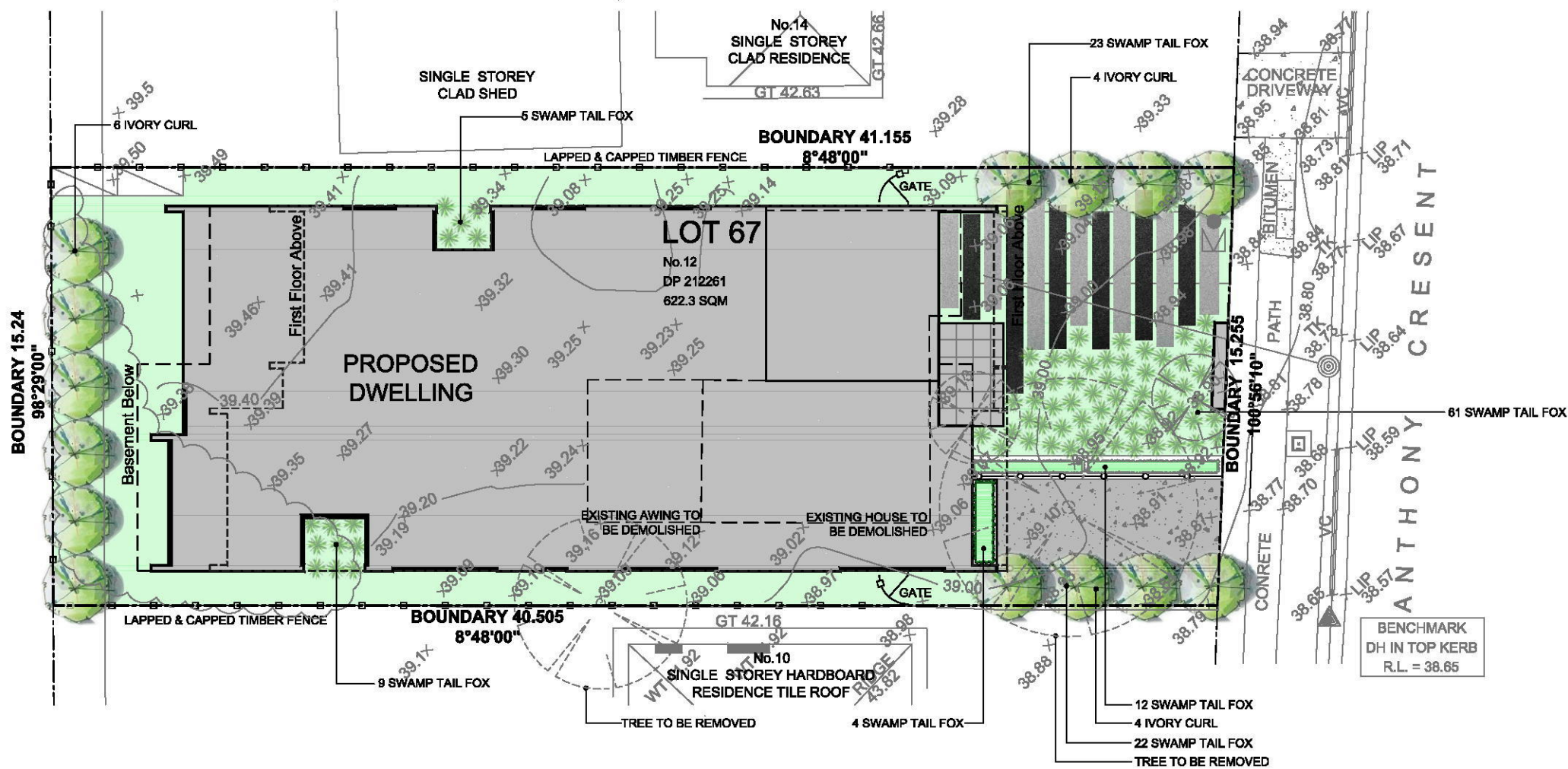
Date	Revision	Issue
04.02.19	D	Reduce R1 to 15.9sqm
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Project:
Boarding House Development
Lot 67, 12 Anthony Crescent, Kingswood
Dp 212261

Drawing Sheet:
Construction, Waste Mngmnt, Site Analysis
Scale: 1-200@A3
Date: 31.01.19

Drawing No:
DA12
Revision: D



PLANT SCHEDULE

Botanical name	Common name	Supply Size	Mature Height	Quantity
Buckinghamia Celsissima	Ivory Curl	100L	8m	13
Pennisetum	Swamp Tail Fox	30mm	1m	136

- ALL DRAWINGS TO BE READ IN CONJUNCTION WITH ARCHITECTURAL PLANS AND SITE SURVEY PLAN.
- IT IS RECOMMENDED THAT DRIP IRRIGATION BE PROVIDED TO ASSIST IN FIRE RETARDANCE OF LANDSCAPED AREAS.
- DO NOT SCALE DRAWING.
- ALL MEASUREMENTS TO BE VERIFIED ON SITE PRIOR TO COMMENCEMENT.
- ALL WORK TO BE COMPLETED IN ACCORDANCE WITH THE RELEVANT REQUIREMENTS OF THE BUILDING CODE OF AUSTRALIA, AUSTRALIAN STANDARDS, AND APPLICABLE DEVELOPMENT APPROVAL AUTHORITIES.

NOTE:

PLANT QUANTITIES SHOWN ON PLANTING PLAN TO BE USED AS A GUIDE ONLY. THE LANDSCAPE CONTRACTOR SHALL ENSURE THAT CORRECT QUANTITIES ARE INSTALLED AS PER PLANTING PLAN.

PLANTING INSTRUCTIONS & SPECIFICATION :

REMOVE ALL BUILDING RUBBLE AND WEEDS FROM GARDEN BEDS.

FILL GARDEN BEDS WITH 300MM ORGANIC GARDEN MIX.

STAND PLANT THE POTS IN THEIR POSITION ACCORDING TO THE PLANTING PLAN.

DIG HOLE SAME SIZE AS THE POT. REMOVE THE PLANT FROM THE POT. PLANT SO THAT THE TOP OF THE ROOT BALL IS LEVEL WITH THE SOIL.

SPRINKLE GRANULAR WETTING AGENT AND FERTILIZER ACCORDING TO DIRECTIONS ON THE PACK. WATER IN WELL.

RUN IRRIGATION TUBING OVER THE SOIL.

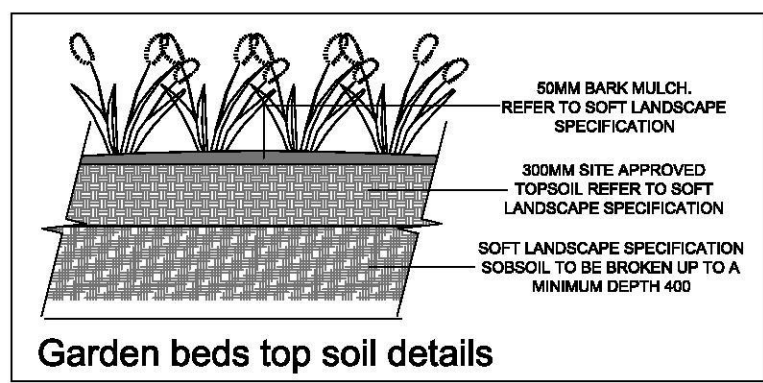
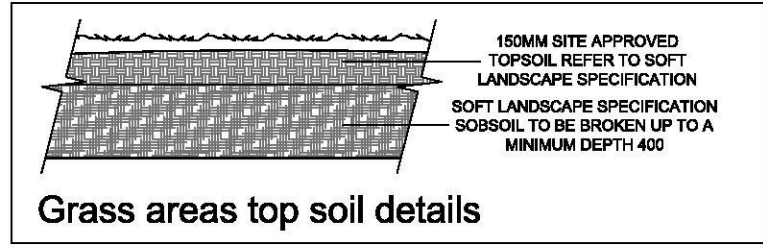
COVER THE ENTIRE SOIL SURFACE WITH 75MM MULCH.

NEW TURF: EXCAVATE/GRADE AREAS TO BE TURFED TO 120MM BELOW REQUIRED FINISHED LEVEL. ENSURE ALL SURFACE WATER RUN-OFF IS DIRECTED TOWARDS INLET PIT, KERBS ETC AND AWAY FROM BUILDING. FURTHER RIP THE SUBGRADE TO 150MM. INSTALL 100MM DEPTH OF TURF

UNDERLAY, LAY 'SIR WALTER BUFFALO' TURF ROLLS CLOSELY BUTTED. FILL ANY SMALL GAPS WITH TOPSOIL. WATER THOROUGHLY.

LEGEND:

	SITE BOUNDARY
	TURF ("SIR WALTER" SOFT LEAF BUFFALO)
	PAVER / TILE (SELECTED BY OWNERS)
	COLOURED CONCRETE PAVING (COLOUR SELECTED BY OWNERS)
	PLAIN CONCRETE PAVING (PLAIN GREY CONCRETE - BROOM FINISH)
	PAVER TILES SET IN PEBBLES / GRAVELS (500 X 500 PRECAST CONCRETE)
	DECORATIVE GRAVELS



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Date	Revision	Issue
04.02.19	D	Reduce R1 to 15.9sqm
31.01.19	C	Revised DA submission
16.11.18	B	Revised DA submission
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Project: Boarding House Development Lot 67, 12 Anthony Crescent, Kingswood Dp 212261	North:
Drawing Sheet: Landscape Plan Scale: 1-200@A3	Drawing No: DA10
Date: 31.01.19	Revision: D



FRONT VIEW FROM THE STREET



FRONT VIEW FROM THE STREET



FRONT VIEW FROM THE STREET



RIGHT VIEW



LEFT VIEW



REAR VIEW

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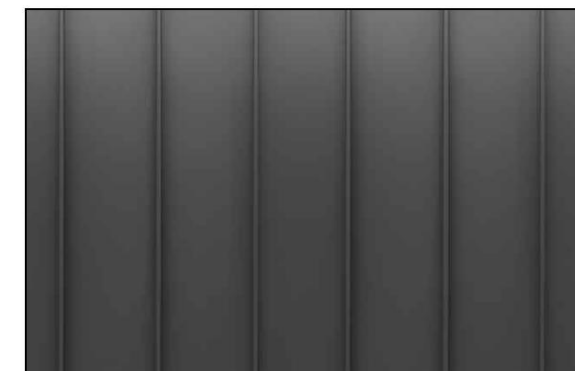
Date	Revision	Issue
04.02.19	D	Reduce R1 to 15.9sqm
31.01.19	C	Revised DA submission
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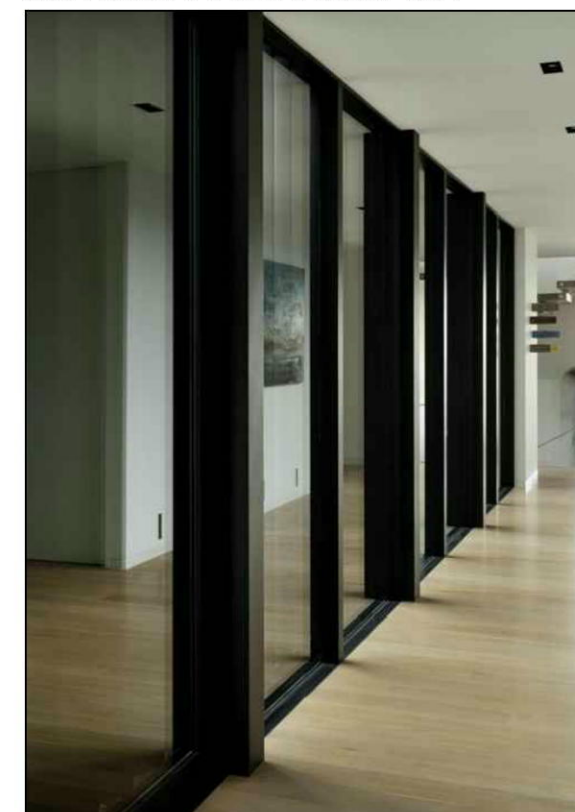
Project: Boarding House Development Lot 67, 12 Anthony Crescent, Kingswood Dp 212261	North:
Drawing Sheet: Images	Drawing No: DA14
Date: 31.01.19	Revision: D



GARAGE DOOR/ CEDAR CLADDING
COLOUR : STAINED



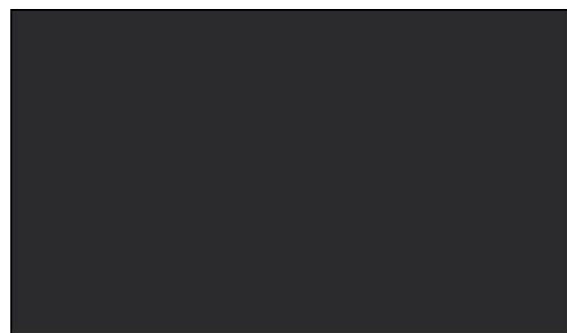
STANDING SEAM CLADDING
MATT FINISH BLACK COLORBOND



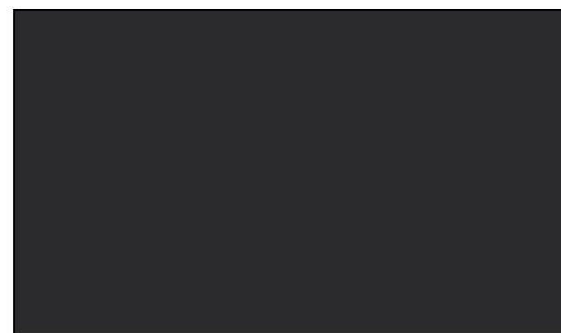
WINDOW/DOOR
COLOUR : BLACK



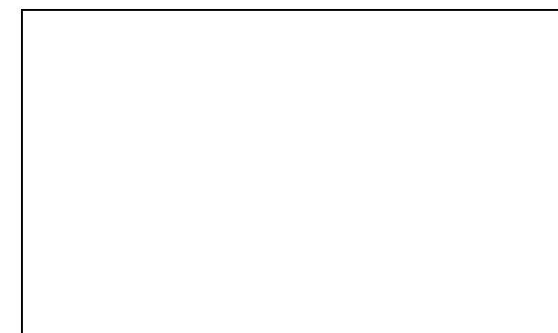
METAL ROOF - STANDING SEAM CLADDING
MATT FINISH BLACK COLORBOND



GUTTER & FASCIA
COLOUR: MONUMENT



RENDER FINISH
COLOUR: MONUMENT



RENDER FINISH
COLOUR: WHITE

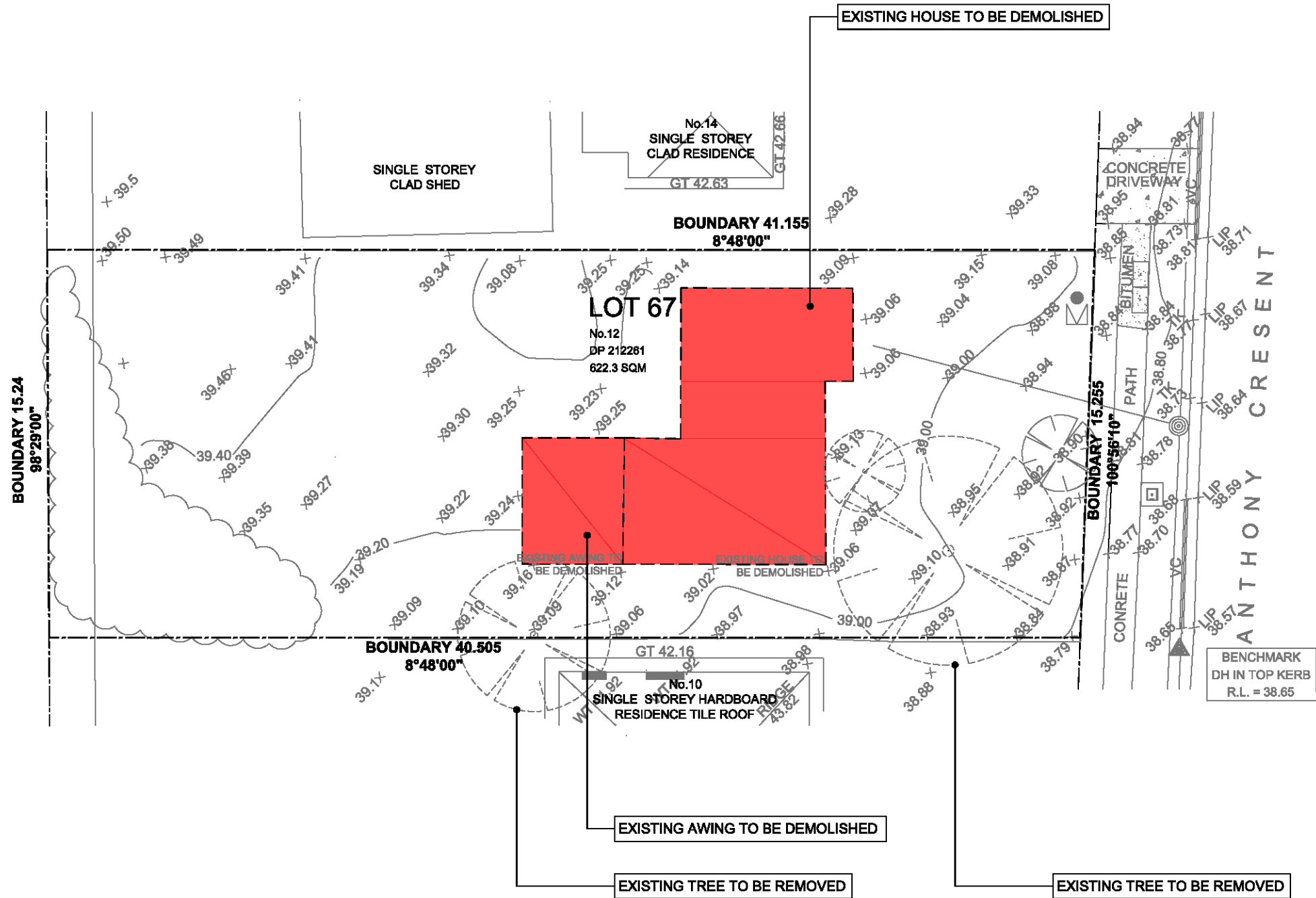
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Date	Revision	Issue
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31.01.19	C	Revised DA submission
16.11.18	B	Revised DA submission
05.11.18	A	DA submission

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Project: Boarding House Development Lot 67, 12 Anthony Crescent, Kingswood Dp 212261	North:
Drawing Sheet: Colour + Material Schedule Date: 31.01.19	Drawing No: DA15 Revision: D



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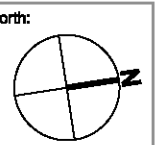
Date	Revision	Issue
04.02.19	D	Reduce R1 to 15.9sqm
31.01.19	C	Revised DA submission
16.11.18	B	Revised DA submission
05.11.18	A	DA submission

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LEGEND:

DEMOLISHED

Project:
Boarding House Development
Lot 67, 12 Anthony Crescent, Kingswood
Dp 212281

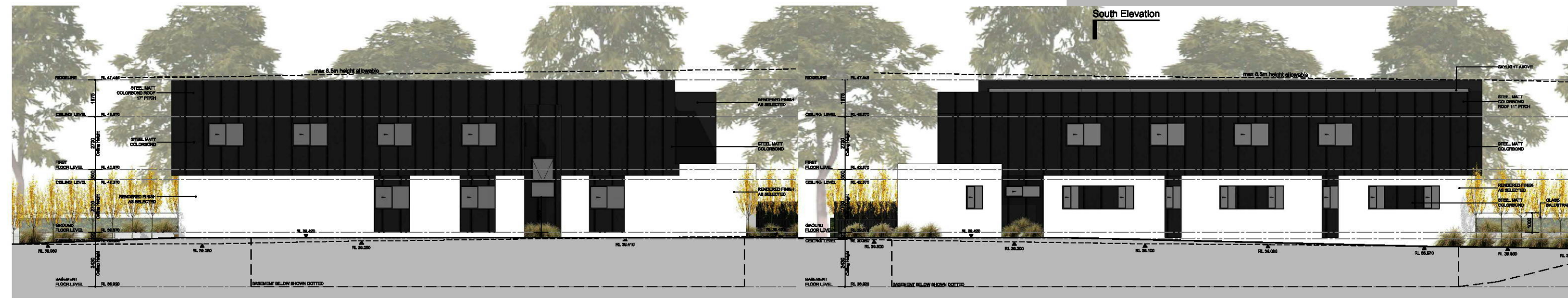
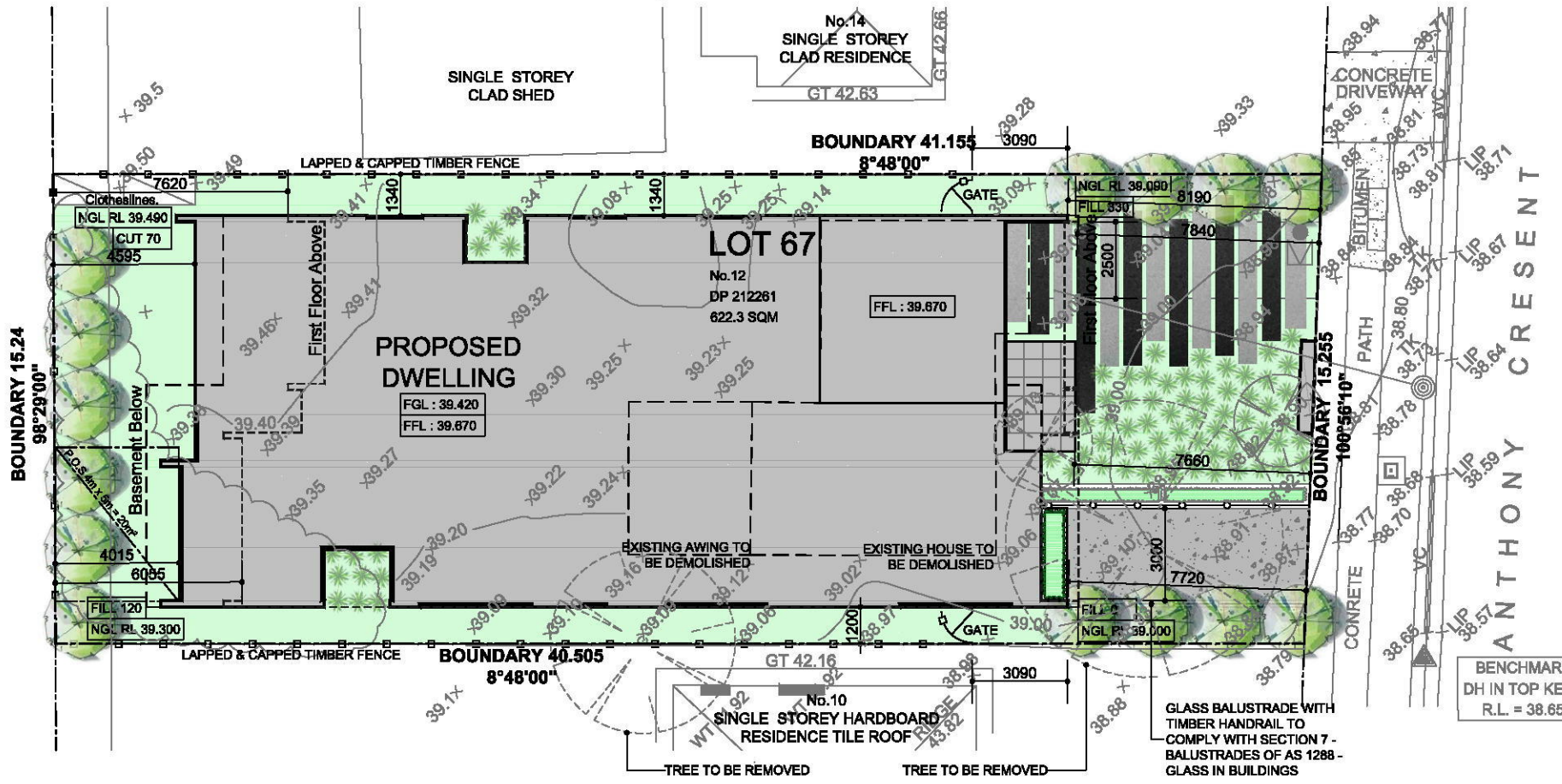


Drawing Sheet:
Demolition Plan
Scale: 1-200@A3

Drawing No:
DA16

Date: 31.01.19

Revision :
D



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Date	Revision	Issue
04.02.19	D	Reduce R1 to 15.9sqm
31.01.19	C	Revised DA submission
16.11.18	B	Revised DA submission
05.11.18	A	DA submission

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Project:
Boarding House Development
Lot 67, 12 Anthony Crescent, Kingswood
Dp 212261

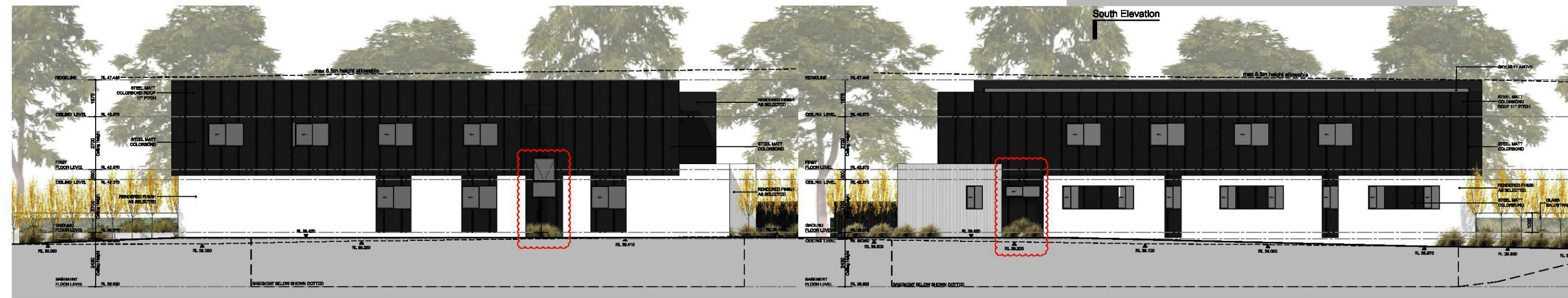
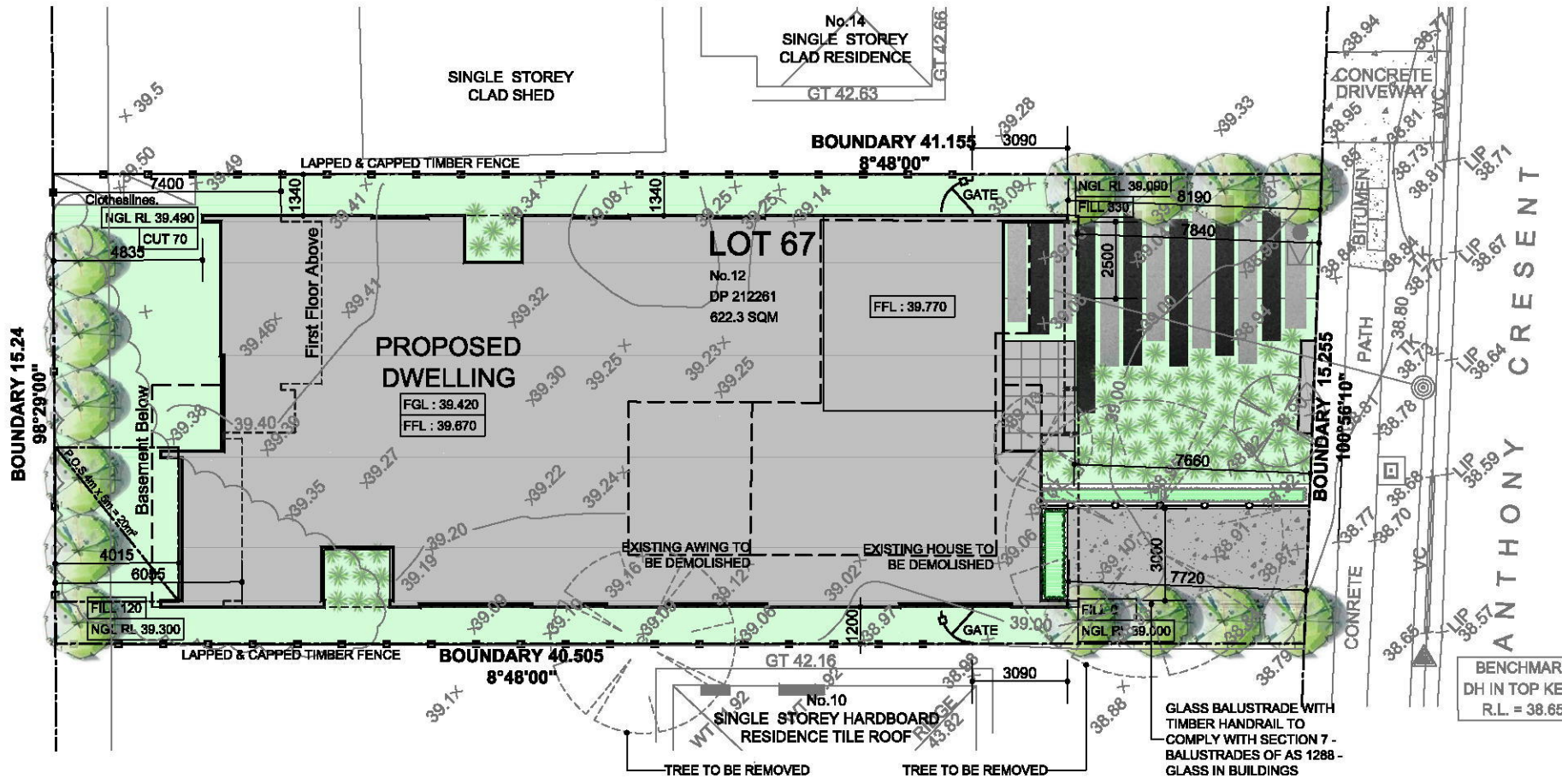
Drawing Sheet:
Notification

Date: 31.01.19

North:

Drawing No:
DA

Revision:
D



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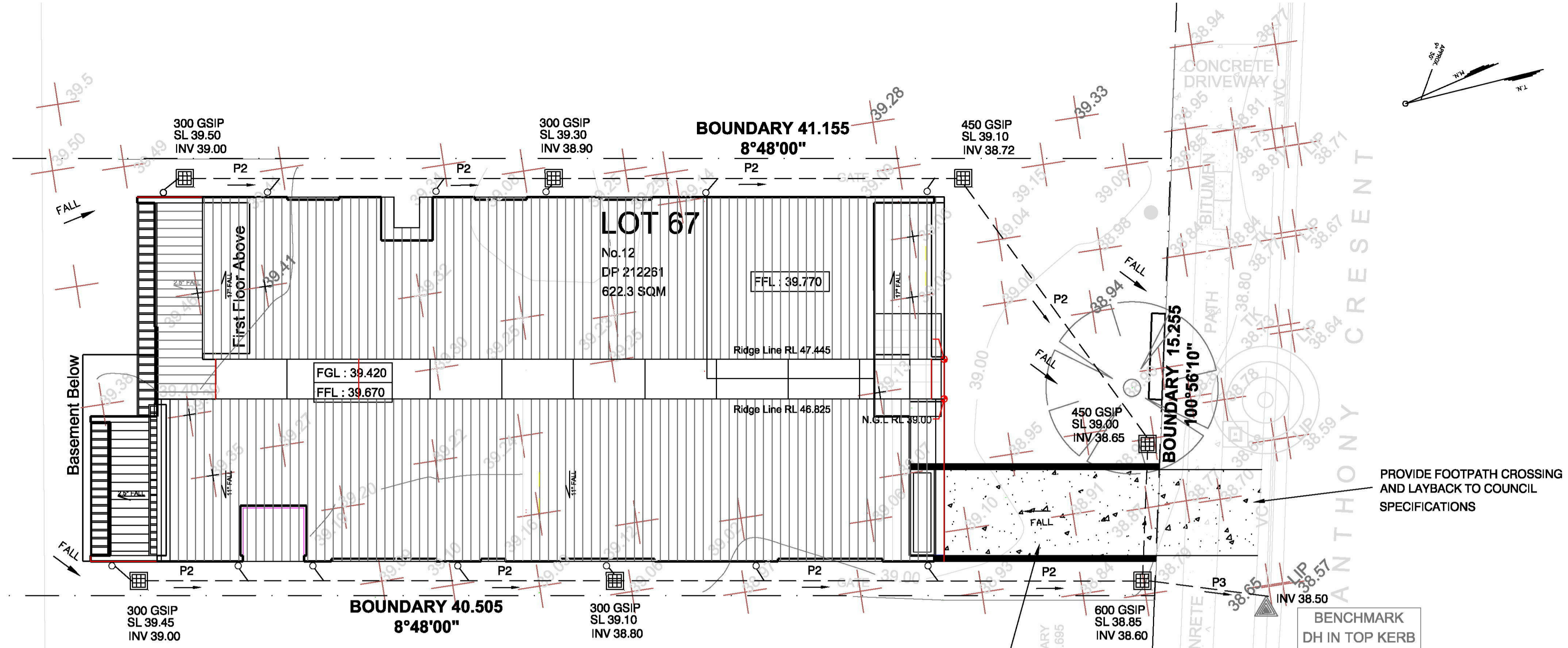
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Date	Revision	Issue
16.11.18	B	Revised DA submission
05.11.18	A	DA submission

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Project: Boarding House Development Lot 67, 12 Anthony Crescent, Kingswood Dp 212261	North:
Drawing Sheet: Notification	Drawing No: DA
Date: 16.11.18	Revision: B

- DRAINAGE NOTES:**
1. ANY DISCREPANCY OR CONFUSION ON THESE DRAWINGS MUST BE NOTIFIED TO THE ENGINEER BEFORE PROCEEDING FURTHER ON THE WORKS.
 2. ALL WORK SHALL BE IN ACCORDANCE WITH COUNCIL SPECIFICATIONS
 3. ALL WORKMANSHIP AND MATERIALS SHALL COMPLY WITH THE RELEVANT SAA CODES.
 4. CONTRACTOR SHALL VERIFY THE VALUE OF THE BM PRIOR TO COMMENCEMENT OF WORK
 5. MAKE SMOOTH JUNCTION WITH EXISTING WORKS
 6. ALL STORMWATER PIPES AND PITS SHALL BE INSTALLED IN ACCORDANCE WITH AS3500.3
 7. ALL STORMWATER PIPES UNDER TRAFFICABLE AREAS SHALL BE SEWER GRADE UPVC
 8. MINIMUM 100MM COVER TO NATURAL SURFACE OR UNDERSIDE OF PAVEMENT.
 9. ALL STORMWATER PIPES FROM DOWNPIPES SHALL BE 100MM DIA UPVC AT 1% MIN UNO
 10. ALL STORMWATER PIPES FROM PITS SHALL BE 150MM DIA UPVC LAID AT 1% MIN UNO
 11. ALL PITS SHALL BE PRE-CAST OR CAST-IN-SITU CONCRETE OR APPROVED EQUIVALENT
 12. DRAINAGE CALCULATIONS AND CAPACITIES HAVE BEEN ASSESSED AS FOLLOWS:
 - (A) 10 YR ARI FOR PITS AND PIPES
 - (B) 20 YR ARI FOR EAVES AND GUTTERS
 - (C) 100 YR ARI FOR BOX GUTTERS - UNO
 13. ALL EXISTING SERVICES IN THE ROAD RESERVE SHALL BE IDENTIFIED PRIOR TO CONSTRUCTION AND RELOCATED AS REQUIRED AT OWNERS EXPENSE.
 14. ALL CONTROL MEASURES USED SHALL BE IN ACCORDANCE WITH THE DEPARTMENT OF CONSERVATION AND LAND MANAGEMENT PUBLICATION DATED 1992 TITLED "URBAN EROSION AND SEDIMENT CONTROL"
 15. SOIL EROSION AND SEDIMENT CONTROL MEASURES SHALL BE SET IN PLACE PRIOR TO ANY WORKS COMMENCING
 16. ALL CONTROL MEASURES SHALL ALSO BE INSTALLED TO THE SATISFACTION OF COUNCIL'S ENGINEER
 17. THE CONTRACTOR SHALL REGULARLY MAINTAIN ALL SEDIMENT AND EROSION CONTROL DEVICES AND REMOVE ACCUMULATED SILT FROM SUCH DEVICES BEFORE NO MORE THAN 60% OF THEIR CAPACITY IS LOST. NO SILT SHALL BE REPLACED OUTSIDE THE LIMIT OF WORKS
 18. ALL DISTURBED AREAS SHALL BE STABILISED BY MEANS OF LANDSCAPING, TURF OR RE-VEGETATED AS SOON AS POSSIBLE.
 19. THIS DRAWING OUTLINES THE MINIMUM MEASURES TO BE TAKEN TO CONTROL EROSION AND TO ARREST THE TRANSPORT OF SEDIMENT. ADDITIONAL MEASURES MAY BE REQUIRED TO SUIT STAGING OF WORKS OR AS DIRECTED BY THE SUPERINTENDENT OR COUNCIL'S ENGINEER.
 20. HYDRAULIC DRAWINGS SHOULD BE READ IN CONJUNCTION WITH RELEVANT ARCHITECTURAL, STRUCTURAL, MECHANICAL, ELECTRICAL, CIVIL WORKS DRAWINGS AND SPECIFICATIONS
 21. THE LOCATIONS OF EXISTING SERVICES ARE APPROXIMATE ONLY. EXACT LOCATION OF SERVICES SHALL BE VERIFIED PRIOR TO COMMENCEMENT OF WORK
 22. THE FOLLOWING POINTS SHALL BE HOLD POINTS DURING CONSTRUCTION:
 - TRENCH AND BEDDING PRIOR TO LAYING OF PIPES.
 - PIPES, PRIOR TO BACKFILLING
 - PITS, PRIOR TO BACKFILLING
 - FINAL INSPECTION
 23. AT LEAST 24HRS NOTICE SHALL BE GIVEN TO COUNCIL FOR AN INSPECTION



STORMWATER PLAN
 SCALE 1:100 @ A1
 SCALE 1:200 @ A3

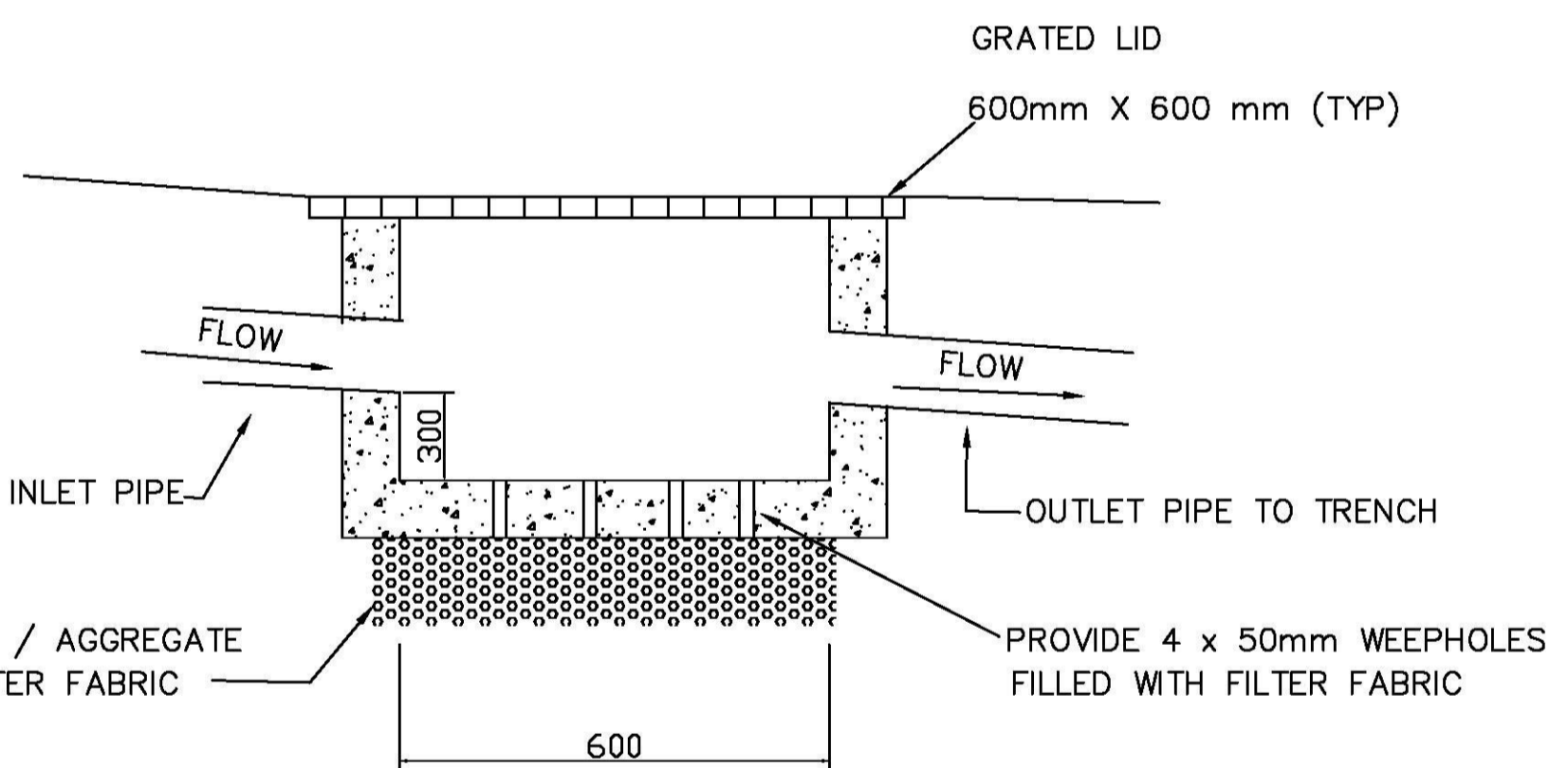
PROVIDE REINFORCED CONCRETE DRIVEWAY TO SEPARATE ENG DETAILS

PROVIDE FOOTPATH CROSSING AND LAYBACK TO COUNCIL SPECIFICATIONS

NOTE: EXACT LOCATION OF DOWNPIPES TO BE CONFIRMED WITH ARCHITECTURAL PLANS PRIOR TO CONSTRUCTION

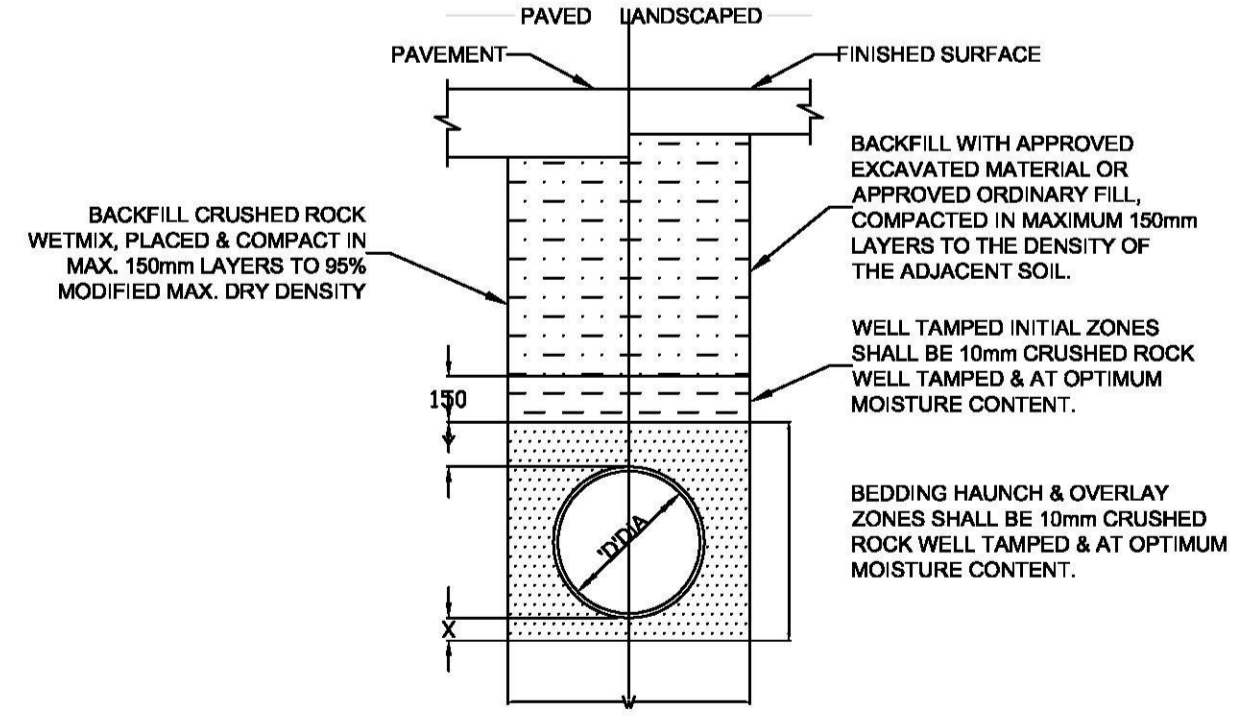
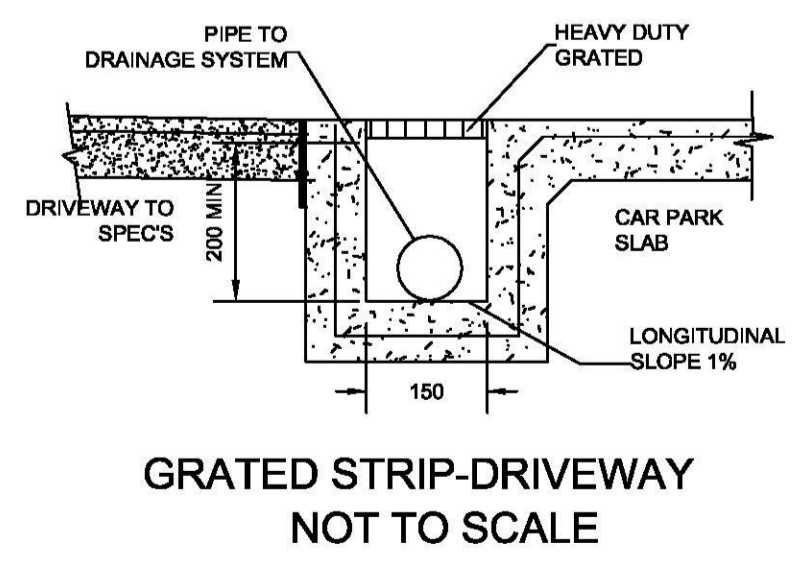
LEGEND

	PROPOSED SURFACE LEVEL
	EXISTING SURFACE LEVEL
	EXISTING SEWER LINE
	GRATED SURFACE INLET PIT MIN 600mm X 600mm
	PROPOSED CONCRETE DRIVEWAY
	CLEANING EYE
	CATCH DRAIN TO DETAIL



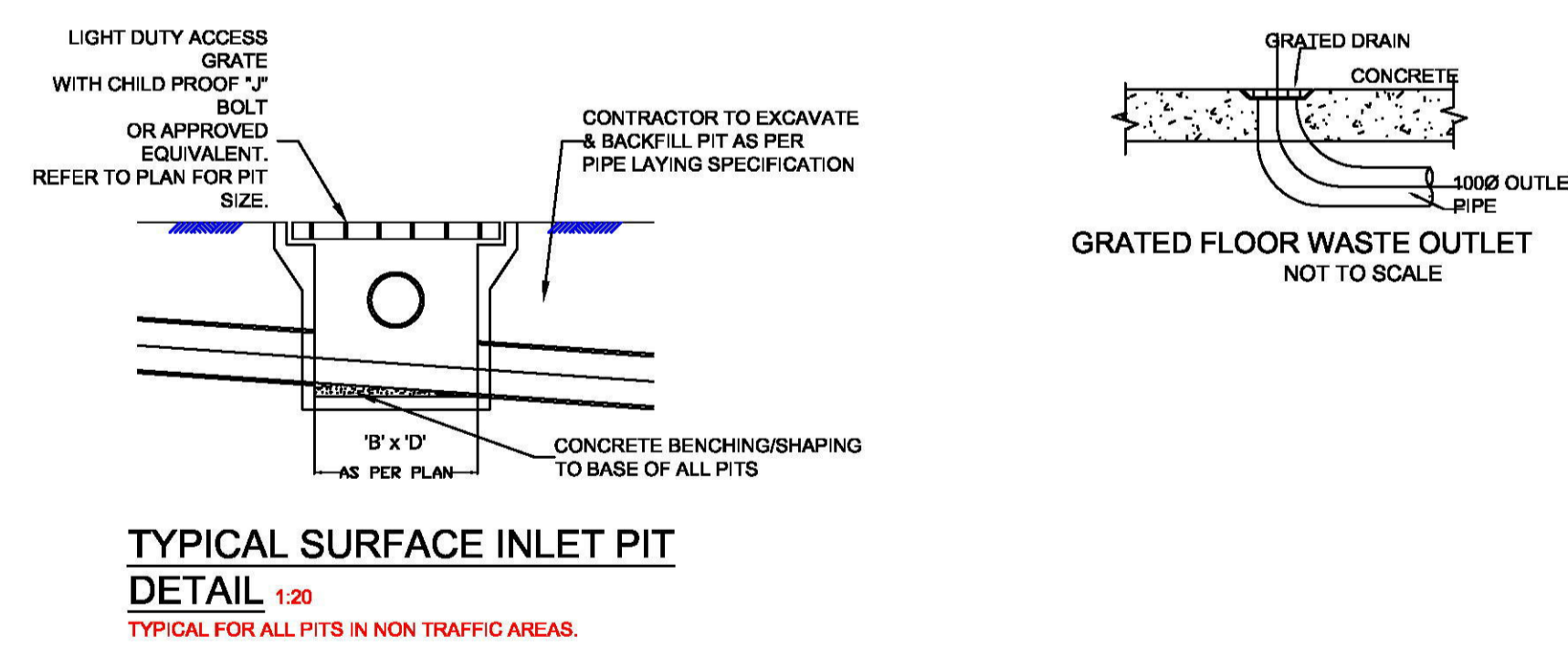
PIPE SCHEDULE

TAG	PIT SIZE	COMMENT
P1	90 mm UPVC SEWER GRADE	DP'S TO RAIN TANK FULLY SEALED
P2	100 mm UPVC SEWER GRADE	TO DRAIN AT MIN 1%
P3	150 x 75 RHS	TO DRAIN AT MIN 1% TO KERB
P4	100 MM UPVC	CONNECTION TO PIT FULLY SEALED
P5	90 MM UPVC	TO DRAIN AT MIN 1%



NOTE: 1 REFER TO PIPE LAYING SPECIFICATIONS FOR DETAILS.

PIPE DIA	W	X	Y
100-150	300	75	75
225-300	600	75	75



ISSUE	DATE	ISSUE	REVISIONS
A	26-10-18	A	ISSUED FOR APPROVAL

NASTASI & ASSOCIATES
 CONSULTING CIVIL & STRUCTURAL ENGINEERS
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 ABN 45 533 226 008
 UNIT 5, 1-3 WHYALLA PLACE, PRESTONS NSW 2170
 PH: (02) 9607 2864 OR (02) 8798 5617 FAX: (02) 9731 2081
 MOB: 0419 041 401

LGA
PENRITH CITY COUNCIL

CHECKED: S. NASTASI
 APPROVED: S. NASTASI

 S. NASTASI
 B.E., M.I.E. AUST, CPENG

CLIENT
 ZAC HOMES
 PROJECT
 STORMWATER DESIGN AT
 LOT 67 DP 212261 No. 12
 ANTHONY CRESCENT, KINGSWOOD

TITLE
 DRAINAGE PLAN
 PIPE SCHEDULE
 PIT DETAIL
 LEGENDS

DRAWN: SN
 DATE: 26/10/2018
 SCALE: AS NOTED
ISSUED FOR APPROVAL
 JOB No: 15755 SHEET 1 OF 3



PUMP STORAGE VOLUME CALCULATION

I 100,90min = 60.8mm/HOUR

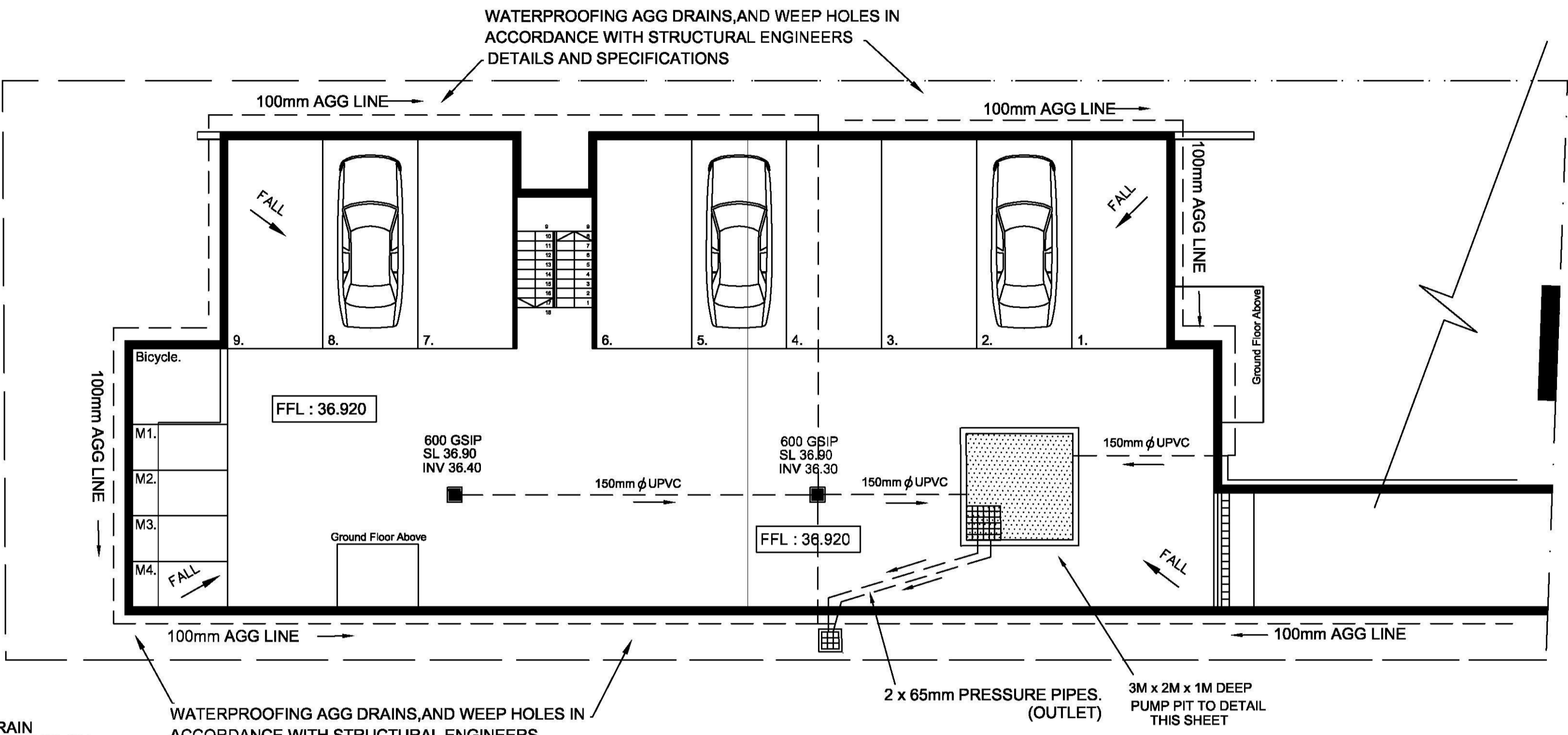
CATCHMENT AREA = 57m² = 0.0057ha

Q= C X I X A / 360 WHERE C=1
 = 1.0 X 60.8 X 0.057 / 360
 = 0.0096 m³/s
 = 09.66L/s

THEREFORE TANK VOLUME IS:

V = 0.96 X 1.5 X 3600
 = 5.29m³

PROVIDE 100mm AGG DRAIN TO FULL PERIMETER OF BASEMENT AND DRIVEWAY AND CONNECT TO PUMP PIT AS SHOWN



PROVIDE 100mm AGG DRAIN TO FULL PERIMETER OF BASEMENT AND DRIVEWAY AND CONNECT TO PUMP PIT AS SHOWN

WATERPROOFING AGG DRAINS, AND WEEP HOLES IN ACCORDANCE WITH STRUCTURAL ENGINEERS DETAILS AND SPECIFICATIONS

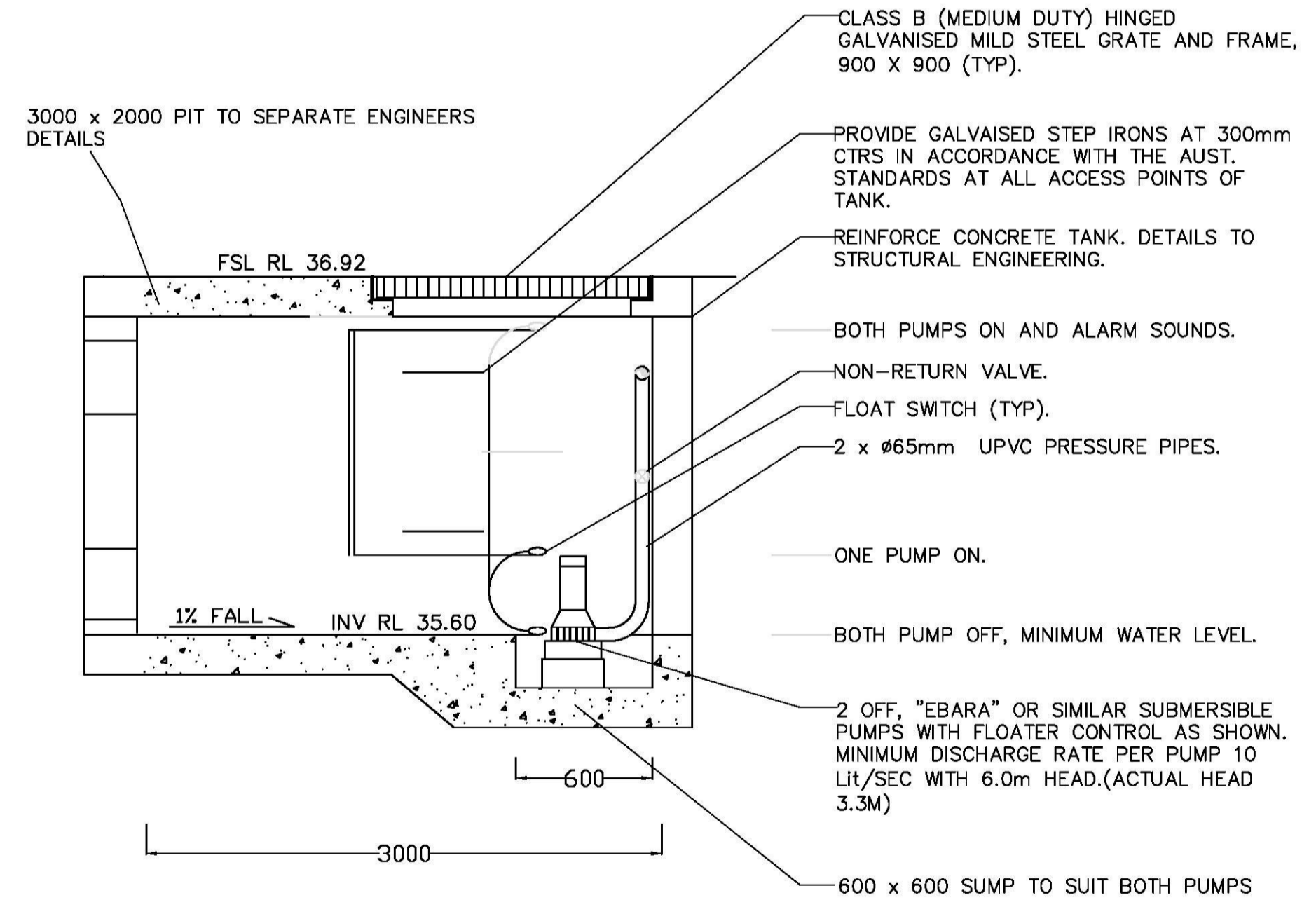
STANDARD PUMP OUT DESIGN NOTE:

THE PUMP OUT SYSTEM SHALL BE DESIGNED TO BE OPERATED IN THE FOLLOWING MANNER:

1. THE PUMPS SHALL BE PROGRAMMED TO WORK ALTERNATELY TO ALLOW BOTH PUMPS TO HAVE AN EQUAL OPERATION LOAD AND PUMP LIFE.
2. A FLOAT SHALL BE PROVIDED TO ENSURE THAT THE MINIMUM REQUIRED WATER LEVEL IS MAINTAINED WITHIN THE SUMP AREA OF THE BELOW GROUND TANK. IN THIS REGARD THIS FLOAT WILL FUNCTION AS AN OFF SWITCH FOR THE PUMPS AT THE MINIMUM WATER LEVEL. THE SAME FLOAT SHALL BE SET TO TURN ONE OF THE PUMPS ON UPON THE WATER LEVEL IN THE TANK RISING TO APPROXIMATELY 300mm ABOVE THE MINIMUM WATER LEVEL. THE PUMP SHALL OPERATE UNTIL THE TANK IS DRAINED TO THE MINIMUM WATER LEVEL.
3. A SECOND FLOAT SHALL BE PROVIDED AT A HIGH LEVEL, WHICH IS APPROXIMATELY THE ROOF LEVEL OF THE BELOW GROUND TANK. THIS FLOAT SHALL START THE OTHER PUMP THAT IS NOT OPERATING AND ACTIVATE THE ALARM.
4. AN ALARM SYSTEM SHALL BE PROVIDED WITH A FLASHING STROBE LIGHT AND PUMP FAILURE WARNING SIGN WHICH ARE TO BE LOCATED AT THE DRIVEWAY ENTRANCE TO THE BASEMENT LEVEL. THE ALARM SYSTEM SHALL BE PROVIDED WITH A BATTERY BACK UP IN CASE OF POWER FAILURE
5. A CONFINED SPACE DANGER SIGN SHALL BE PROVIDED AT ALL ACCESS POINTS TO THE PUMP OUT STORAGE TANK.

BASEMENT STORMWATER PLAN

SCALE 1:100 @ A1
 SCALE 1:200 @ A3



PUMP PIT SECTION DETAIL NTS

ANTHONY A.DWG

NOTE: REFER TO SEPARATE PLAN FOR STEEL REINFORCEMENT DETAILS, CONCRETE STRENGTHS AND DIMENSIONS BY ENGINEER



ISSUE	DATE	ISSUE	REVISIONS
A	26-10-18	A	ISSUED FOR APPROVAL

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PENRITH CITY COUNCIL

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 APPROVED: S. NASTASI

S. NASTASI
 B.E., M.I.E. AUST, CPENG

CLIENT
ZAC HOMES

PROJECT
STORMWATER DESIGN AT LOT 67 DP 212261 No. 12 ANTHONY CRESCENT, KINGSWOOD

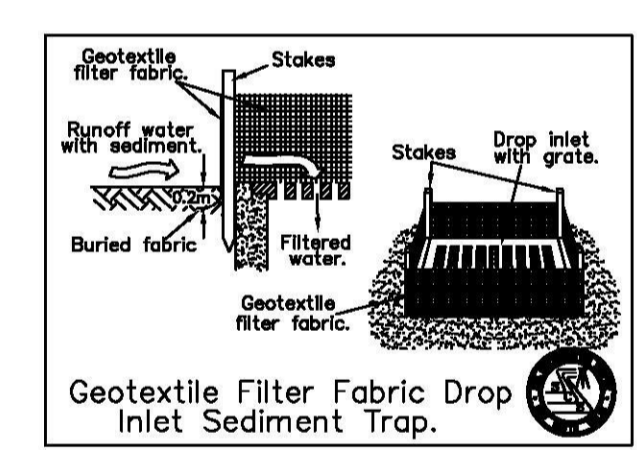
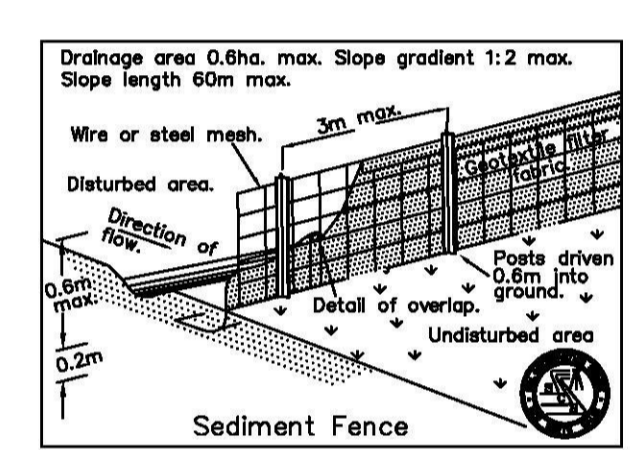
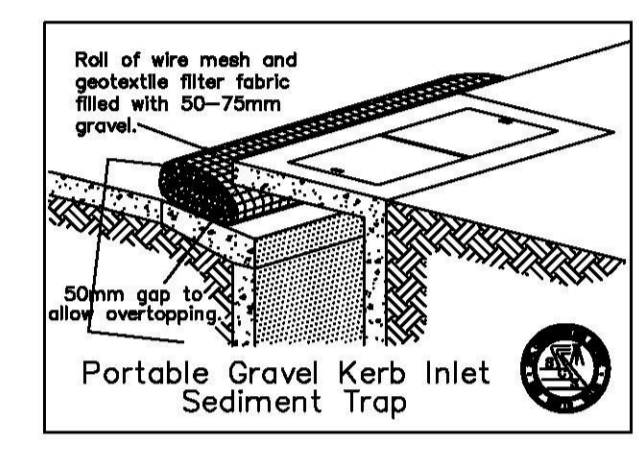
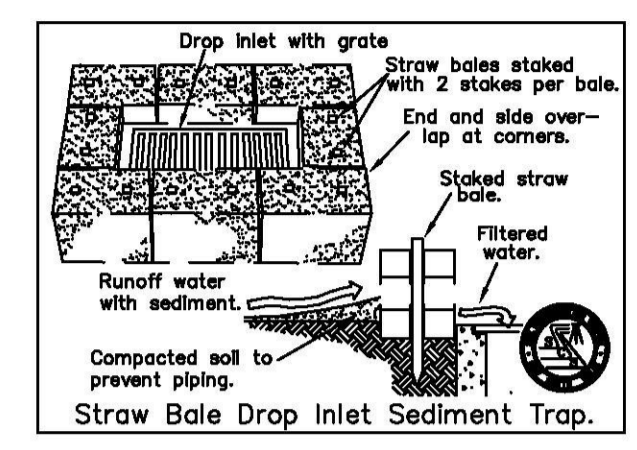
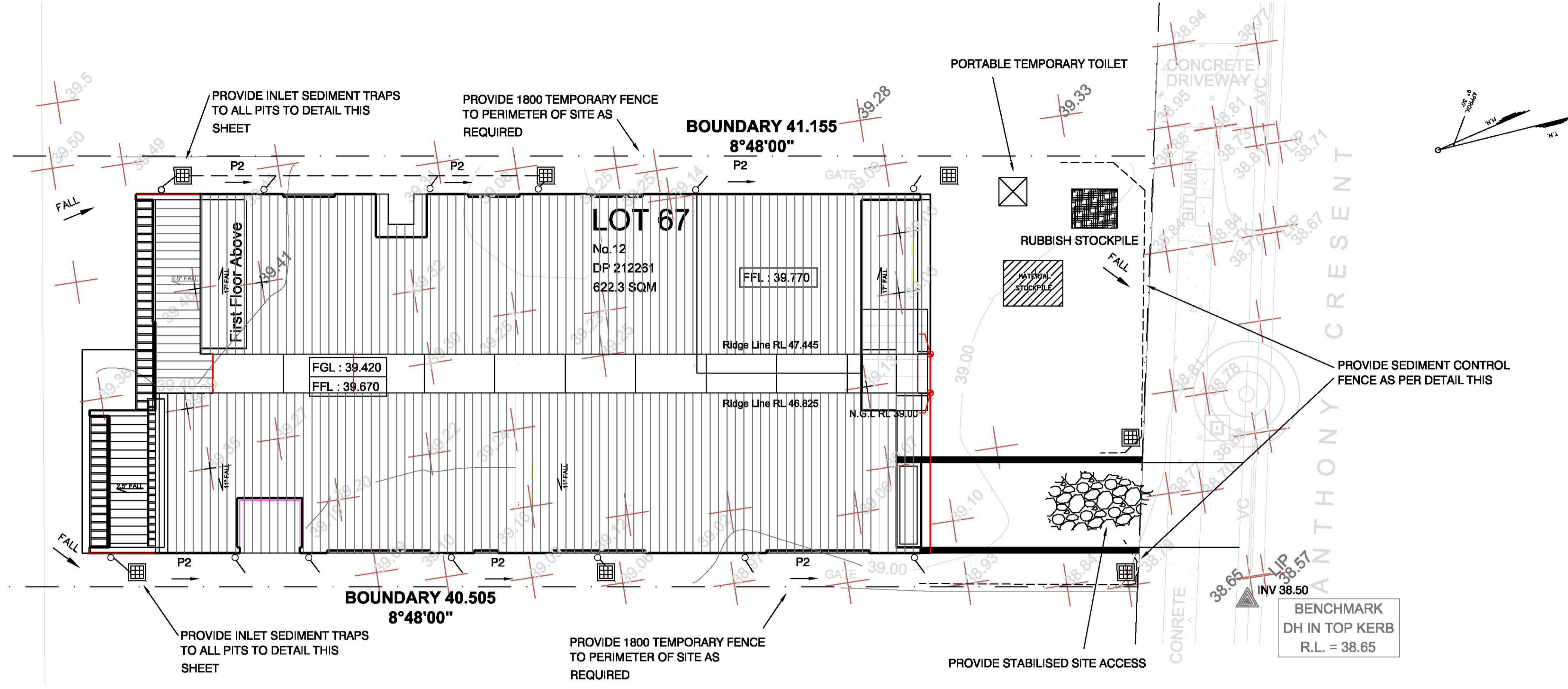
TITLE
BASEMENT STORMWATER PLAN LEGENDS

DRAWN: SN
 DATE: 26/10/2018
 SCALE: AS NOTED

ISSUED FOR APPROVAL

JOB No: 15755 SHEET 2 OF 3

BOUNDARY 15.24
98°29'00"



SOIL EROSION & SEDIMENT CONTROL PLAN

SCALE 1:100 @ A1
SCALE 1:200 @ A3

www.dialbeforeyoudig.com.au

REFER TO SHEET NO 1 FOR SOIL EROSION AND SEDIMENT CONTROL NOTES

ANTHONY A.DWG

ISSUE	DATE	ISSUE	REVISIONS
A	26-10-18	A	ISSUED FOR APPROVAL

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B.E., M.I.E. AUST, CPENG

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ZAC HOMES

PROJECT
STORMWATER DESIGN AT
LOT 67 DP 212261 No. 12
ANTHONY CRESCENT, KINGSWOOD

TITLE
SOIL EROSION & SEDIMENT CONTROL
PLAN DETAILS
PIT DETAIL

DRAWN: SN
DATE: 26/10/2018
SCALE: AS NOTED

ISSUED FOR APPROVAL

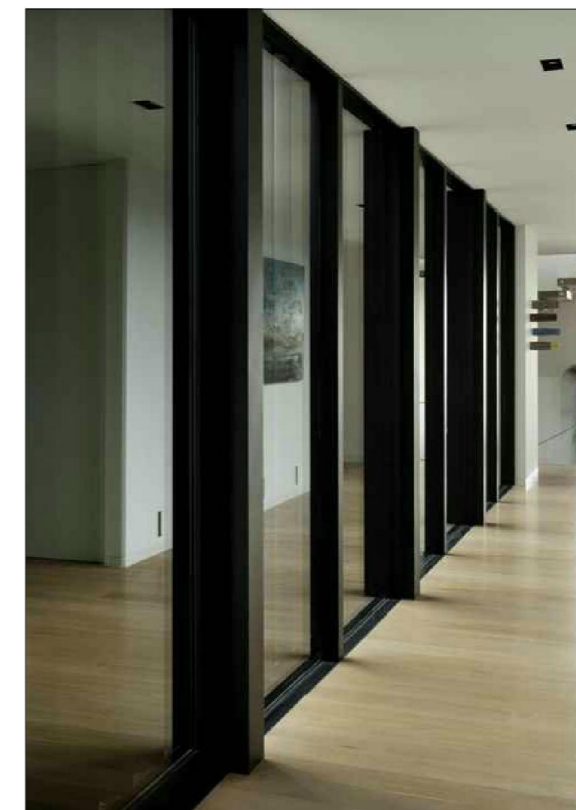
JOB No: 15755 SHEET 3 OF 3



GARAGE DOOR/ CEDAR CLADDING
COLOUR : STAINED



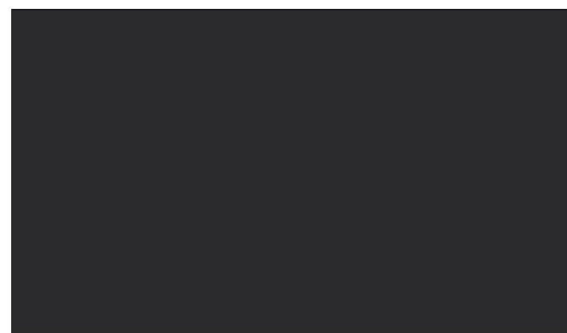
STANDING SEAM CLADDING
MATT FINISH BLACK COLORBOND



WINDOW/DOOR
COLOUR : BLACK



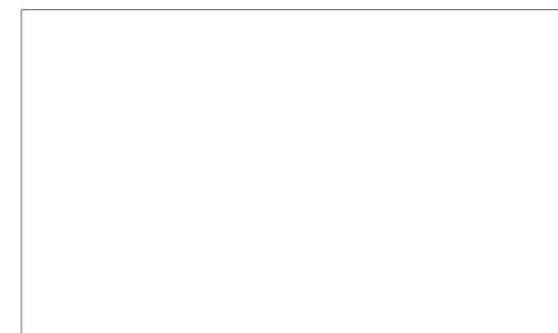
METAL ROOF - STANDING SEAM CLADDING
MATT FINISH BLACK COLORBOND



GUTTER & FASCIA
COLOUR: MONUMENT



RENDER FINISH
COLOUR: MONUMENT



RENDER FINISH
COLOUR: WHITE

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Date	Revision	Issue
16.11.18	B	Revised DA submission
05.11.18	A	DA submission

Notes:
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Project: Boarding House Development Lot 67, 12 Anthony Crescent, Kingswood Dp 212261	North:
Drawing Sheet: Colour + Material Schedule Date: 16.11.18	Drawing No: DA15 Revision : B

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



Prepared for
ZAC Homes

Mark Shanahan Planning Pty Ltd
February 2018



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Author	Version	Date
MW	Draft	16/11/18
MS	Final	27/11/18
MS	Revised	05/02/19

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04/02/19

TABLE OF CONTENTS

1.	INTRODUCTION & BACKGROUND	1
2.	DESCRIPTION OF SITE & LOCALITY	2
2.1	The site	2
2.2	Neighbouring development.....	3
2.3	The locality	3
3.	PROPOSED DEVELOPMENT	6
3.1	Proposed Building works	6
3.2	Proposed operation	7
4.	ENVIRONMENTAL ASSESSMENT.....	8
4.1	Provisions of environmental planning instruments s4.15(1)(a)(i) & (ii) ..	8
4.1.1	<i>SEPP (Affordable Rental Housing) 2009</i>	<i>8</i>
	<i>Clause 30A – Local Character Assessment.....</i>	<i>10</i>
4.1.2	<i>SEPP (Building Sustainability Index: BASIX) 2004.....</i>	<i>12</i>
4.1.3	<i>SEPP55 – Remediation of Land.....</i>	<i>13</i>
4.1.4	<i>Penrith Local Environmental Plan 2015 (PLEP2010)</i>	<i>13</i>
4.2	Proposed planning instruments – s4.15(1)(a)(iii).....	15
4.3	Provisions of development control plans – s4.15(1)(a)(iii)	15
	<i>Penrith Development Control Plan (the DCP)</i>	<i>15</i>
4.4	Likely impacts of the development – s4.15(1)(b).....	15
4.5	Suitability of the site for the development – s4.15(1)(c)	16
4.6	Submissions – s4.15(1)(d)	16
4.7	Public interest – s4.15(1)(e)	16
5.	SUMMARY AND CONCLUSION	16

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

1. INTRODUCTION & BACKGROUND

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

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

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

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

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

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

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

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

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

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

2. DESCRIPTION OF SITE & LOCALITY

2.1 The site

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

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

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

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

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

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



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

2.2 Neighbouring development

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

2.3 The locality

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

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

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

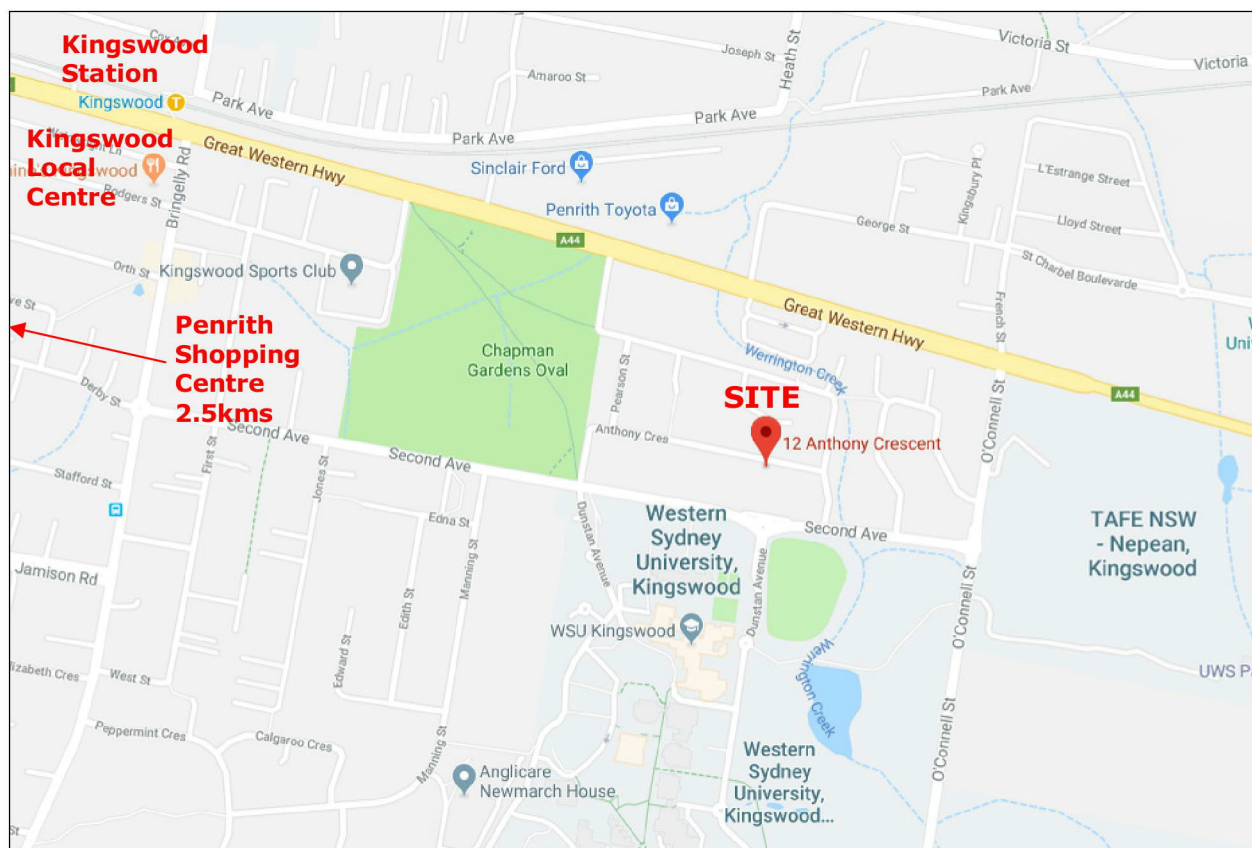


Figure 2: Locality map (Google Maps 14/11/18)



1. Anthony Cres elevation of site (looking west)



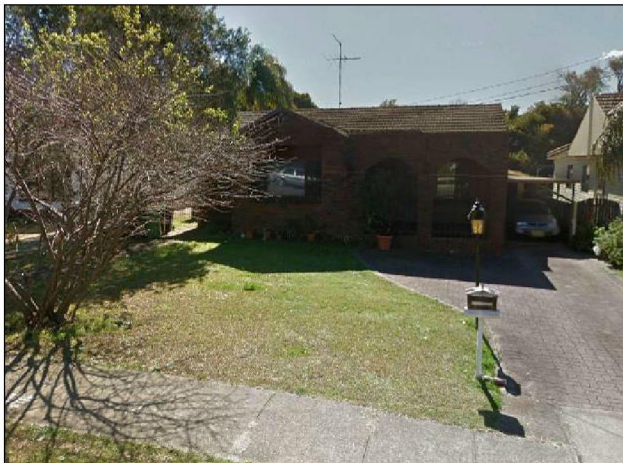
2. Anthony Cres elevation of site (looking east)



3. Western neighbour No14 Anthony Cres



4. Eastern neighbour No10 Anthony Cres



5. Southern neighbour No65 Second Ave



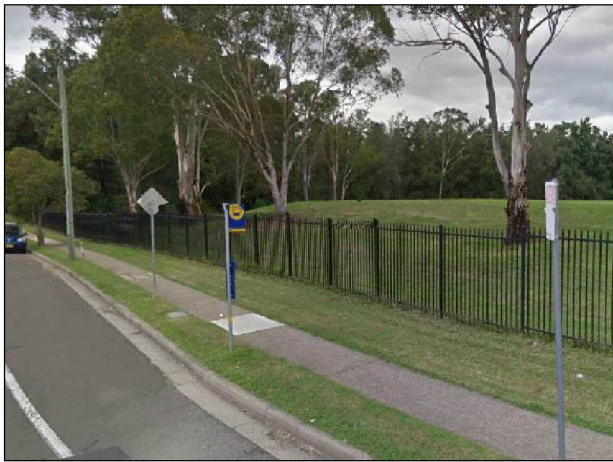
6. Northern neighbour No11 Anthony Cres



7. Boarding House DA15/0475 No53 Second Ave



8. Boarding House DA11/0290 No51 Second Ave



9. Bus stop on Second Ave



10. WSU Kingswood Campus

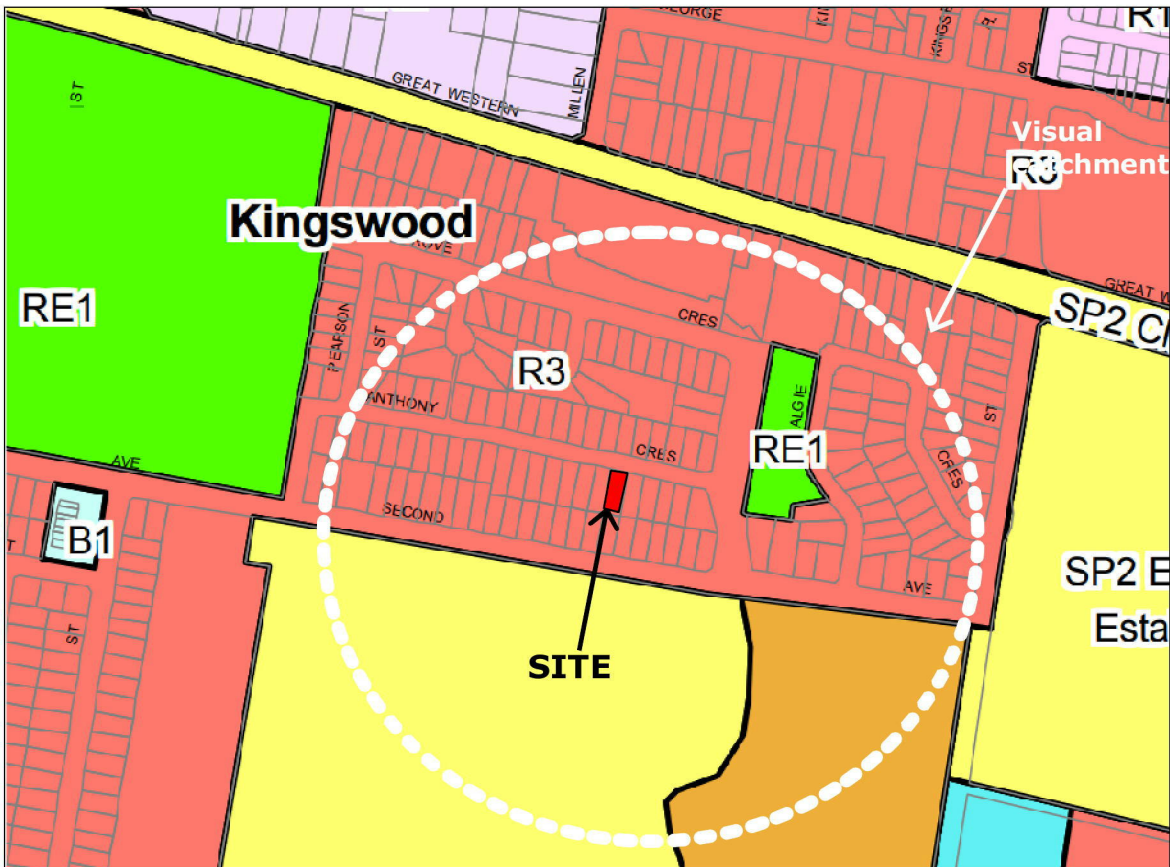


Figure 3: Zoning Map & Visual Catchment (Adapted from PLEP2010 LZN_013)

3. PROPOSED DEVELOPMENT

3.1 Proposed Building works

The following building works are proposed:

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

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

Table 1: Drawing schedule

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

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

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

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

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

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

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

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

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

3.2 Proposed operation

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

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

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

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

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

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

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

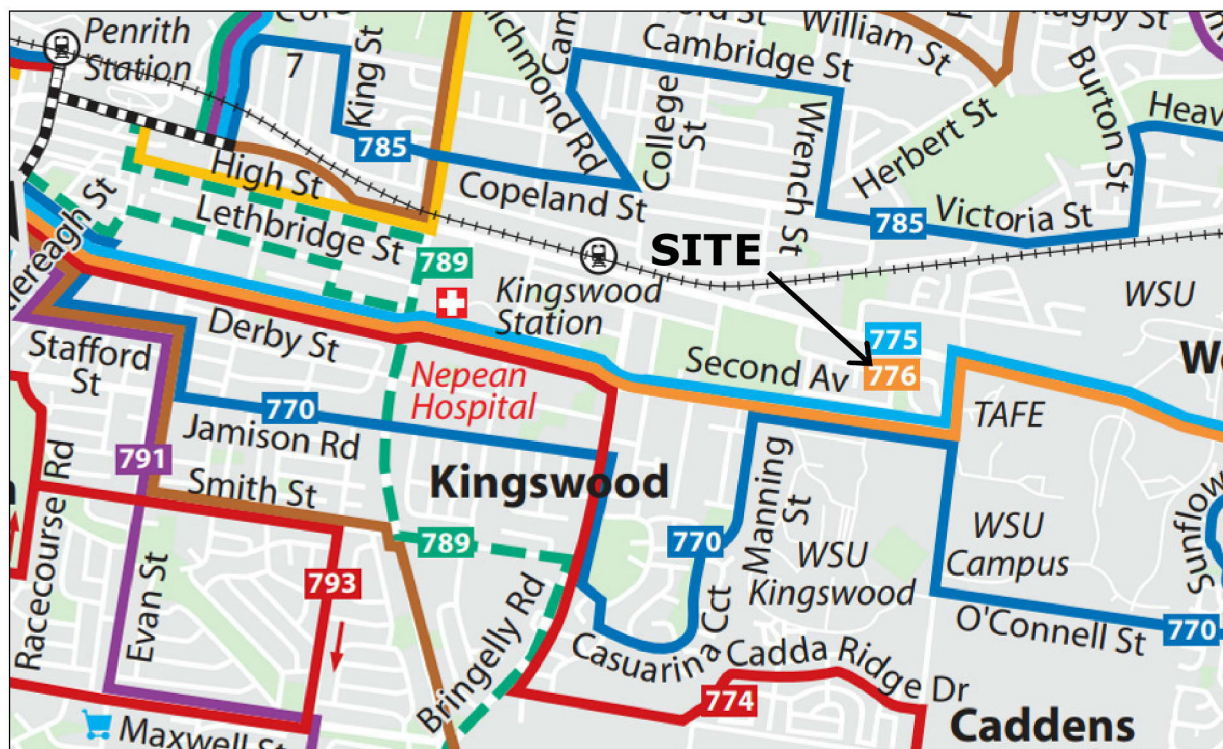


Figure 4 – Bus route map

4. ENVIRONMENTAL ASSESSMENT

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

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

4.1.1 SEPP (Affordable Rental Housing) 2009

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

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

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

boarding house means a building that:

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

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

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

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

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

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

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

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

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

Table 2: ARHSEPP Compliance Review

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

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

Clause 30A – Local Character Assessment

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

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

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

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

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

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

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

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

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

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

Table 3: Local Area Character Analysis

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

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

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

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

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

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

4.1.2 SEPP (Building Sustainability Index: BASIX) 2004

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

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

4.1.3 SEPP55 – Remediation of Land

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

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

4.1.4 Penrith Local Environmental Plan 2010 (PLEP2010)

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

Table 4: Penrith LEP 2010 Compliance Review

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

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

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

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

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

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

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

Penrith Development Control Plan (the DCP)

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

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

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

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

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

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

Social impacts

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

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

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

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

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

Economic impact

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

Overall impact

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

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

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

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

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

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

4.6 Submissions – s4.15(1)(d)

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

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

4.7 Public interest – s4.15(1)(e)

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

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

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

5. SUMMARY AND CONCLUSION

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

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

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

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

Clause	Requirement	Comment	Complies?
	In order to reflect patterns of traditional development, the preferred configuration for dual occupancies involves garages integrated with the design of buildings and front gardens	The proposed boarding house is of a similar scale and bulk as an attached dual occupancy, in which the design also includes an integrate single garage allowing for a ground level accessible car parking space at site. The proposed compliant front setback also allows for substantial landscaping within the front setback.	
2.2.4 Urban form	Both dwellings should front the street, and display a traditional orientation Avoid "gun-barrel" style developments with long buildings, long straight driveways and rows of uniform width garden courtyards "Articulate" all building forms and facades by design measures that cast deep shadows across every elevation	The proposed boarding house design appears as a two storey development, similar to that of an attached dual occupancy that would have both dwellings fronting the street, avoiding a 'gun-barrel' style design. The articulation incorporated to all the building facades provides for a stepped building and modular design consistent with high quality new development within the immediate locality.	Yes
2.2.5 Front and Rear Setbacks	Rear: <ul style="list-style-type: none"> - Single Storey: 4m - Two Storey: 6m Front: <ul style="list-style-type: none"> - 5.5m, or average of neighbours - Provide extensive landscaping 	4.016m 6.055m The proposed front setback of 7.72m exceeds the minimum 5.5m front setback. Neighbouring properties have a setback of approximately 10m, being the design at the time of they were constructed. However, the 10m is not consistent with new development within the immediate locality and would be unachievable for any new development on the subject site. No18 Anthony Cres Townhouse/Villa complex has a front setback of approximately 5m and the Boarding House at No53 Second Ave has a front setback of approximately 6m, therefore the proposed 7.72m front setback is acceptable in comparison. The proposed landscape treatment of the front setback area is comparable or superior to neighbouring properties and will be compatible with the streetscape, particularly with modern development within the immediate locality.	Yes Yes Yes
2.2.6 Building Envelope and Side Setbacks	Ground Floor: <ul style="list-style-type: none"> - 900mm First Floor:	1.34m (west), 1.2m (east)	Yes

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

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

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

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

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

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

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

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

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

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

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

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

Preliminary

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

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

1. Object of this Plan

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

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

2. Responsibilities of Manager

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

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

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

2.4 The Manager is responsible for enforcing the Rules.

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

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

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

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

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

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

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

3. Resident Manager

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

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

4. Residents Register

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

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

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

5. Boarding House Rules

5.1 The Boarding House Rules include the following:

Lodgers and their guests:

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

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

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

6. Safety

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

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

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

7. Cleaning & Waste Management

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

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

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

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

8. Pets

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

9. Public Complaints Resolution Procedure

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

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

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

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

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

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

Schedule 1 Occupancy principles

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

1 State of premises

A resident is entitled to live in premises that are:

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

2 Rules of registrable boarding house

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

3 Penalties for breaches of agreement or house rules prohibited

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

4 Quiet enjoyment of premises

A resident is entitled to quiet enjoyment of the premises.

5 Inspections and repairs

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

6 Notice of increase of occupancy fee

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

7 Utility charges

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

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

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

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

8 Payment of security deposits

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

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

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

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

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

(4) In this clause:

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

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

9 Information about occupancy termination

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

10 Notice of eviction

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

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

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

11 Use of alternative dispute resolution

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

12 Provision of written receipts

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