

# PENRITH CITY COUNCIL

## MAJOR ASSESSMENT REPORT

<b>Application number:</b>	DA18/1199
<b>Proposed development:</b>	Demolition of Existing Structures & Construction of a Two (2) Storey Boarding House containing 13 Boarding Rooms, Manager's Room & Basement Car Parking
<b>Property address:</b>	6 Edith Street, KINGSWOOD NSW 2747
<b>Property description:</b>	Lot 55 DP 241989
<b>Date received:</b>	4 December 2018
<b>Assessing officer</b>	Wendy Connell
<b>Zoning:</b>	Zone R3 Medium Density Residential - LEP 2010
<b>Class of building:</b>	Class 3
<b>Recommendations:</b>	Refuse

## Executive Summary

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Council is in receipt of a development application for the demolition of all structures on the site and the construction of a two storey, fourteen (14) room boarding house at 6 Edith Street, Kingswood. The development is defined as a 'boarding house' and is a permissible form of development in the R3 Medium Density Residential zone under *Penrith Local Environmental Plan 2010* (PLEP 2010). The development proposal is also permissible within the R3 Medium Density Residential 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:

- The design of the building and its relationship to the existing and likely future streetscape is not considered compatible with the character of the local area,
- The presentation of the building is bulky in scale, with a number of design features considered to contribute to the scale and bulk, causing overbearing and overshadowing impacts,
- The proposal is not considered to provide for an appropriate landscape treatment of the front setback area, or meet the minimum landscape requirements for the site area,
- The design has not provided an adequate communal living room, in terms of functionality,
- The design has not provided for adequate on-site waste infrastructure,
- The application has not demonstrated that the site is suitable for the proposed use as required by *State Environmental Planning Policy No. 55* (SEPP 55),
- The proposal was not considered acceptable by Council's Development Engineering, Social Planning, Waste Services, Public Health and Environmental Management Sections.

The application has been notified to adjoining properties and land owners, and exhibited and advertised between 14 December 2018 and 1 February 2019, in accordance with relevant legislation. A total of fourteen (14) submissions, with one being a petition, were received in response. Submissions raised various matters including impacts on amenity, local character, privacy and overlooking, traffic and parking, property values, bulk and scale, safety and security, noise, overshadowing and the cumulative impacts of boarding house developments in the vicinity. A response to the matters raised in the submissions is provided within this report.

As the application has received more than 10 submissions, it is a statutory requirement that the application be determined by the Penrith Local Planning Panel as identified by the *Environmental Planning and Assessment Act 1979*.

An assessment under Section 4.15 of the *Environmental Planning and Assessment Act 1979 (as amended)* has been undertaken and the application is recommended for refusal for the reasons stated at the end of this report.

## Site & Surrounds

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The subject site is legally described as Lot 55 in DP 241989 and is known as 6 Edith Street, Kingswood. The site is relatively flat and is a rectangular shaped allotment located on the eastern side of Edith Street, close to the intersection of Edna Street, and is 644 sqms in area. The site currently contains a single storey, brick residential dwelling with attached garage and carport with vehicle access via a driveway from Edith Street.

The site shares its northern boundary with a single storey dwelling at 4 Edith Street and its southern boundary with a single storey dwelling at 8 Edith Street. Although it is noted that the zoning of the land within this area permits a greater level of density than currently exists, the local character of the area is that of single storey, older style residential dwellings with ancillary structures. Edith Street consists of all single storey dwellings, with one exception at No.18 Edith Street, where a two storey dwelling is located.

The campus of Western Sydney University is located 695m to the east of the subject site. Kingswood Railway Station is approximately 1.2 km walking distance to the north-west of the site. Local shops including an art supplies store, a taylor, convenience store, a restaurant and take away food shop are located at the intersection of Second Avenue and Manning Street which is approximately 200m walking distance to the north-east.

## Proposal

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The proposed development, as amended involves:

- Demolition of all structures on the site,
- Construction of a two storey, 14 room boarding house for a maximum of 28 boarders. Each boarding room is provided with a double bed to accommodate two (2) persons and is also provided with a bathroom and kitchenette,
- a separate managers room is provided to the ground floor, in addition to a waste room and communal space/lobby; and
- Basement parking for 8 cars, 3 motorcycles and 4 bicycles.

The proposed boarding house is to be treated externally in a mixture of painted rendered finish, face brick and aluminium panels (presenting as dark timber). The boarding house is provided with a flat roof with colourbond roof sheeting.

## Plans that apply

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

## Planning Assessment

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### • 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 proposal has been undertaken with regard to the provisions of SEPP ARH and the proposal is found to be non-compliant as detailed below:

#### **Division 3 Boarding houses**

##### Clause 29 Standards that cannot be used to refuse consent

Clause 29 of the SEPP ARH states that a consent authority must not refuse consent to a development to which this Division applies on any of the following grounds:

- (a) Building Height - if the building height is not more than the maximum permitted under another environmental planning instrument for any building on the land.
- (b) Landscaped area - if the landscaped treatment of the front setback area 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 9:00am and 3:00pm 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 20sqm's with a minimum dimension of 3m's is provided for the use of all lodgers

(ii) if accommodation is provided on site for a boarding house manager - one area of at least 8sqm's with a maximum dimension of 2.5m is provided.

(e) Parking - if

(i) in the case of development not carried out by or on behalf of a social housing provider—at least 0.5 parking spaces are provided for each boarding room.

(f) Accommodation size - if each boarding room has a gross floor area (excluding any area used for the purposes of private kitchen or bathroom facilities) of at least 12sqm's for a single room and 16sqm's in any other case.

Clause 29 also states that Council may consent to development to which this Division applies whether or not the development complies with the standards listed above.

The proposed development is assessed to comply with the above mentioned applicable standards related to parking, height and accommodation size. However, the proposal does not comply with the standards related to landscaped area, solar access and private open space.

#### *Clause 29(b) - non compliance*

Almost 50% of the area within the front setback is provided as a hardstand area to accommodate vehicle and pedestrian access (total of 8m) with the remaining area proposed to accommodate above ground on-site detention. The landscaping of the front setback is not compatible with the streetscape in which the building is located and is not representative of the landscape treatment of front setback as anticipated by residential landscaping controls of the Penrith Development Control Plan 2014. The landscape plan has only identified a turfed area to be provided to the front setback with no consideration provided for the planting of any other vegetation.

#### *Clause 29(c) - non compliance*

The shadow diagrams provided to support the proposal demonstrates that the communal living room will not receive the required amount of solar access. This is the result of its narrow design, its central position within the building and a 600mm roof overhang.

#### *Clause 29(d) - non compliance*

The proposal has not provide private open space for a boarding house manager. The communal area to the rear of the site incorporates both communal outdoor area for boarders and a boarding house manager.

#### Clause 30 Standards for boarding houses

Clause 30 of the SEPP ARH states that a consent authority must not consent to development to which this Division applies unless it is satisfied of each of the following:

- (a) if a boarding house has 5 or more boarding rooms, at least one communal living room will be provided,*
- (b) no boarding room will have a gross floor area (excluding any area used for the purposes of private kitchen or bathroom facilities) of more than 25 square metres,*
- (c) no boarding room will be occupied by more than 2 adult lodgers,*
- (d) adequate bathroom and kitchen facilities will be available within the boarding house for the use of each lodger,*
- (e) at least one parking space will be provided for a bicycle, and one will be provided for a motorcycle, for every 5 boarding rooms.*

The development proposal is assessed to comply with the above mentioned requirements, however the communal living room mentioned in (a) is considered non-compliant with the intent of the development standard, due to the lack of functionality and useability of the space. The internal plans indicate a 'communal space/lobby' however this space is narrow, and also functions as a thoroughfare to access the communal outdoor area and Room 3 rather than providing for a clear area for persons to congregate which is the intention of the space.

#### Clause 30A Character of local area

Clause 30A states that a consent authority must not consent to a 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. As discussed elsewhere in this report, the design of the development is not

compatible with the character of the local area, in that 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 at the first floor or side elevations, and the building's length and rectangular design add bulk and inappropriate scale to the structure which is not representative of, or complementary to, the character of the local area.

The building is provided with a mix of building elements which are not considered to be provide for a harmonious relationship with each other to the front façade. Each side elevation provides inadequate visual interest, with large areas of either rendered or face brick finish which is a result of the nature of the small openings proposed. In addition, the failure to step back the upper level from the ground level is considered to accentuate the bulk and create a visually dominant built form.

The built form is not representative of the traditional pattern of development for residential accommodation existing in Edith Street or that which is anticipated through the applicable controls and objectives of the PLEP 2010 and the PDCP 2014. Due to the volume of car parking required to facilitate a compliant level of car parking spaces under the SEPP ARH, landscaping is deficient and does not complement the streetscape of Edith Street. As previously discussed, the nature of the landscaping proposed to the front setback area is poor and void of adequate vegetation.

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

This Policy ensures the implementation of the BASIX scheme that encourages sustainable residential development. It requires certain kinds of residential development to be accompanied by a list of commitments to be carried out by applicants. This application is subject to these requirements as it involves the construction of a new two storey, 14 room boarding house.

BASIX Certificate No. 969627M was submitted with the development application. The certificate demonstrates compliance with set sustainability targets for water, energy efficiency and thermal comfort. The BASIX Certificate indicated air conditioning units for each room however the submitted architectural plans do not indicate the location of any air conditioning units.

### **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 (SEPP 55) and the application is considered unsatisfactory. When determining a development application for any development of land, Clause 7 of SEPP 55 requires that Council consider "*whether the land is contaminated*" and "*if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out*".

From historic aerial photographs it can be seen that fill material has been imported onto the property. Fill can be seen imported onto the south-west portion of the property at various points in time between 9 May 2012 and 5 May 2016. The piles of fill identified within this time frame vary in size and colour. The origin and contamination status of the fill is not known and therefore Council cannot, with certainty, be satisfied that the site is not contaminated.

Documentation was not submitted with the application to detail the source, quantity and nature of the fill imported onto the site. Therefore, Council cannot determine whether the land is contaminated and if the fill material is suitable for the proposed use as required by SEPP 55.

### **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 4.3 Height of buildings	Complies
Clause 4.4 Floor Space Ratio	N/A
Clause 7.1 Earthworks	Complies
Clause 7.2 Flood planning	N/A
Clause 7.4 Sustainable development	Does not comply - See discussion
Clause 7.6 Salinity	Complies
Clause 7.7 Servicing	Complies

### Clause 1.2 Aims of the plan

Approval of the development proposal would not be supportive of the aims of the plan expressed under Clause 1.2(2) of PLEP. In particular, support for the proposal would be contrary to clause 1.2(2)(b) and (c) in that the proposal will not promote development that is consistent with the Council's vision for Penrith including particulars related to the promotion of harmony of urban development and environmental protection and enhancement. The development 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 PLEP 2010. 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.*

Although the development would add to the variety of dwelling types and numbers within the zone, the development proposal is considered to be in conflict with core objectives of the zone related to enhancing essential character and residential amenity.

It is not considered that the design of the boarding house enhances the essential character and identity of the established residential area, in that the built form does not complement qualities of existing residential development that define the character of the area. The development proposal does not include adequate articulating elements along its side elevations and the building's length and rectangular bulky design are not representative of or complementary to the character of the local area.

The density of rooms proposed, and the requirement under the SEPP ARH to provide a minimum of 0.5 car spaces per room, is resulting in an overdevelopment of the site with unacceptable levels of site coverage and limited opportunity for meaningful landscaping within the setback areas. To mitigate against self imposed impacts related to noise and privacy, the development provides minimal window openings to boarding rooms along its side elevations which is resulting in large expanses of unarticulated wall and poor architectural composition.

In addition, the development does not reflect the desired future character and dwelling densities of the area, in that the proposal is in conflict with the comparable built form controls of the PDCCP 2014 which is to be discussed later within this report.

### Clause 7.4 Sustainable development

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

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

Due to the sheer wall heights, minimal glazed elements and elevated unarticulated design of the building, the thermal load of the concrete and brickwork will result in high energy consumption in the hotter months of the year. No sun shading is provided to north facing openings or walls, also noting that the building design is void of eaves to assist in this manager.

A minimal drying area is nominated on plans which does not meet best practice standards for the number of people able to reside in the development. Minimal rooms are provided with the opportunity for natural cross flow ventilation. Minimal natural light is provided to the internal lobby and hallway areas at the ground floor and communal living room is unlikely to receive direct solar access due to its narrow design and its central position within the building. In this regard, the amenity provided for future occupants is considered poor as a consequence of the above design elements.

In addition, no water tanks are proposed for water re-use. The development was submitted with a BASIX certificate (No. 919612M ) indicating compliance with minimum sustainability requirements. The BASIX Certificate notes that air conditioning is provided to each room however, the location of the air-conditioning units is not shown on plans, and visual and noise impacts cannot be adequately assessed.

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

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

The State Environmental Planning Policy (Affordable Rental Housing) 2009 is currently subject to an amendment limiting boarding houses to 12 boarding rooms per site within a R2 Low Density Residential zone. This amendment was on publicity exhibited from the 28 November 2018 to 19 December 2018. As the subject site is located within a R3 Medium Density Residential zone, the amendment does not have any implications for this application.

## 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	Complies
C3 Water Management	Does not comply - see Appendix - Development Control Plan Compliance
C4 Land Management	Complies
C5 Waste Management	Does not comply - see Appendix - Development Control Plan Compliance
C6 Landscape Design	Does not comply - see Appendix - Development Control Plan Compliance
C7 Culture and Heritage	N/A
C8 Public Domain	N/A
C9 Advertising and Signage	N/A
C10 Transport, Access and Parking	Complies - see Appendix - Development Control Plan Compliance
C11 Subdivision	N/A
C12 Noise and Vibration	Complies
C13 Infrastructure and Services	Complies
D2.1 Single Dwellings	N/A
D2.2. Dual Occupancies	N/A
D2.3 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

## Section 79C(1)(a)(iiia) The provisions of any planning agreement

There are no planning agreements in place applying to this development proposal.



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

The application was referred to Council's Building Surveyor for assessment. No objections were raised. Further, the development application has been notified, exhibited and advertised in accordance with the requirements of the Regulations. Notwithstanding, the proposal is recommended for refusal related to building, amenity, streetscape character and landscape design matters.

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

Likely impacts of the proposed development are discussed below:

### **Streetscape and Local Character**

The proposal to construct a two storey, 14 bedroom boarding house will have a negative impact on the existing streetscape and character of the local area. The development proposal is inconsistent with controls of PDCCP 2014 which are related to boarding houses, local character, landscaping, built form and solar access. The design is also in contrast to comparable built form controls of the PDCCP, in that the bulk and scale of the development is not adequately mitigated by landscaping or articulating design elements along its elevations. The design of the boarding house does not enhance the essential character and identity of established residential areas.

In addition to the above, this form of development is considered to be in conflict with the objectives of the subject site zoning related to maintaining residential amenity and development being designed to reflect the desired future character of the area.

### **Noise and Privacy Impacts**

The development proposal does not adequately demonstrate a package of measures to mitigate against negative privacy and amenity impacts. Side setbacks at the basement are minimal (500mm) and results in an inadequate area for landscape screening along each side boundary. The length of the building and the extent of the upper level will result in negative overbearing and overlooking impacts on neighbouring sites.

Impacts related to demolition, site preparation and construction could be adequately managed via recommended conditions of consent in relation to hours of demolition and construction, dust, erosion and sediment control, however, the development application is recommended for refusal.

### **Traffic, Access and Manoeuvring**

The development complies with the minimum number of spaces required by the State Environmental Planning Policy (Affordable Rental Housing) 2009. However, impacts related to site coverage, landscaping, local character and overbearing are resulting from the requirement to provide 0.5 car spaces per room.

### **Solar Access Impacts**

Shadow diagrams indicate that the residential dwelling to the south will be primarily negatively impacted. Windows along its northern elevation will have reduced direct solar access having less than 2 hours per day at mid-winter. This is considered a consequence of the large built form proposed and the length of the building which is not considered an acceptable design for the subject site and its surrounds.

### **Social and Economic Impacts**

The proposal was referred to Council's Social Planner who has not raised any objections to the boarding house development. However, it has been identified that there are functionality concerns with the internal communal area required under the SEPP ARH, and that there is no accessible access arrangement to the external open space. The development proposal is inconsistent with the objectives of the zone and applicable controls of PDCCP, as such the development application is recommended for refusal.

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

The site is considered to be unsuitable for the following reasons:

- The design of the building is not compatible with, or complementary to the character of the local area,
- The excessive building bulk and site coverage is attributed to the number of rooms proposed and the requirement to comply with the applicable car parking rate set out in the SEPP ARH, and
- The development proposal does not adequately demonstrate that impacts related to bulk, scale, privacy, noise and amenity are adequately mitigated against or addressed in the design of the building.

## Section 79C(1)(d) Any Submissions

### Community Consultation

In accordance with Appendix F4 of Penrith Development Control Plan 2014, the proposed development was notified to nearby and adjoining residents and was exhibited advertised between 14 December 2018 and 1 February 2019. Council received 14 submissions (one being a petition) in response.

Matters raised in the petition and submissions have formed part of this assessment. A response to the summarised matters raised are also provided below.

<b>Matter Raised</b>	<b>Officer Comments</b>
<p><i>Bulk, Character and Density</i></p> <ul style="list-style-type: none"><li><i>This part of Kingswood has already been the subject of significant development proposals for boarding houses resulting in development which is not compatible with the existing character.</i></li><li><i>The boarding house setbacks do not align with the existing dwellings in Edith Street.</i></li><li><i>The boarding house is too large a scale and there is no similarity between the architecture and external colours proposed by this development and the surrounding single storey residential properties.</i></li><li><i>The bulk of the building does not integrated well with the cottage style of the dwellings on the street and is impacting on the solar access to the adjoining property at 8 Edith Street.</i></li></ul>	<ul style="list-style-type: none"><li>As discussed within this report, the development is considered inconsistent with the comparative built form controls of the DCP and is inconsistent with the objectives of the zone.</li><li>Although boarding houses are permissible under the SEPP ARH, the design of the development is considered to be inconsistent with Clause 30A of the Policy which relates to local character.</li><li>As detailed within this report it has been identified that the density of rooms proposed at the site is resulting in excessive bulk, overbearing and negative amenity impacts.</li><li>It is agreed that elements of the essential character of the area are not complemented by the design of the building.</li></ul>

<p><b>Traffic and Parking</b></p> <ul style="list-style-type: none"> <li><i>Families, visitor and emergency and other service vehicles cannot enter and exit the suburb safely due to on street parking associated with other multi-unit and boarding house developments, the local school and University.</i></li> <li><i>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).</i></li> <li><i>Parking is inadequate for the number of rooms proposed and does not account for visitors.</i></li> <li><i>Potential damage to adjoining properties due to the extent of basement excavation required to contain the car parking for the proposal.</i></li> </ul>	<ul style="list-style-type: none"> <li>Council's Traffic Engineers have assessed the development in relation to impact on local road network and have no objection from a traffic impact perspective.</li> <li>It is the intention of the SEPP ARH, that developments incorporating affordable rental housing are located with accessible locations. This is to facilitate connected communities and allow individuals making use of affordable rental housing, opportunity to access services, facilities and transport options. It is not expected that the traffic and parking needs of the development will result in negative impacts to the detriment of the local area. The proposed parking meets the required parking rates under the SEPP ARH.</li> <li>Adequate conditions of consent may be applied with regards to the pre-development and post development condition of adjoining properties, however the application is recommended for refusal and as such standard conditions are not recommending in this regard.</li> </ul>
<p><b>Safety and Social Impacts</b></p> <ul style="list-style-type: none"> <li><i>The character and behaviour of potential tenants is raised as a concern.</i></li> <li><i>Safety is raised as an issue related to the proximity to the school and young children living/visiting adjoining properties.</i></li> <li><i>Approval of the boarding house will decrease property values and people will move.</i></li> </ul>	<ul style="list-style-type: none"> <li>The development proposal was referred to Council's Social Planner who has identified a need for diverse forms of affordable rental housing within the local area. Selection of tenants of the boarding house will be a matter for the owner and /or manager to resolve.</li> <li>It is not documented that the safety of children in the area would be impacted by the proposal.</li> <li>No evidence has been provided to suggest that property values will be impacted in the vicinity of the site, should the boarding house be approved.</li> </ul>
<p><b>Waste</b></p> <ul style="list-style-type: none"> <li><i>The large number of bins required to service the development.</i></li> </ul>	<ul style="list-style-type: none"> <li>The waste infrastructure is inadequate however as the development application is recommended for refusal, the applicant was not requested to amend their proposal to rectify inconsistencies with Section C5 Waste Management of the Penrith DCP.</li> </ul>
<p><b>Operational Arrangements</b></p> <ul style="list-style-type: none"> <li><i>Concern was raised as to how the Boarding House would operate and complaint management.</i></li> </ul>	<ul style="list-style-type: none"> <li>A Plan of Management was submitted to support the proposal however it is not consistent with PDGP 2014 requirements or the requirements under Schedule 2 of the Local Government (General) Regulations 2005. 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 recommending in this regard.</li> </ul>
<p><b>Noise</b></p> <ul style="list-style-type: none"> <li><i>Concern raised regarding noise impacts from communal areas and air conditioning units.</i></li> </ul>	<ul style="list-style-type: none"> <li>It is considered that noise levels may have an impact on existing levels of amenity in the area. The applicant has submitted a Plan of Management which includes conflict resolution and instructions of how complaints will be managed.</li> <li>No acoustic report was submitted to support the proposal. It is considered that the proposed development has not demonstrated that noise can effectively be managed at the site.</li> </ul>

<p><i>Privacy and overshadowing</i></p> <ul style="list-style-type: none"> <li>• <i>The two storey building will deprive families in adjoining properties of privacy.</i></li> <li>• <i>The development will overshadow adjoining residents.</i></li> </ul>	<ul style="list-style-type: none"> <li>• Windows at the upper and lower levels have a ceiling height at 1.8m which will limit any downward view.</li> <li>• The limited number of windows on the subject building is resulting in additional bulk and limited articulation.</li> <li>• Insufficient area for substantial or sustainable landscaping is provided for. Privacy impacts are not able to be mitigated through landscape screening.</li> <li>• Council's DCP does not have specific overshadowing controls related to boarding house development, the solar access controls specified for multi dwelling housing development can be used as a guide. In this respect, the DCP requires that the proposed development provides a minimum of 4 hours sunlight between 9:00am and 3:00pm on June 21 to the living zones (not including bedrooms, bathrooms, kitchen or laundry) of any adjoining dwelling.</li> <li>• The submitted shadow diagrams indicate that the development will overshadow the north facing window openings for the dwelling at No. 8 (to the immediate south) of the site for most of the day with less than 2 hours provided in the pm hours at the winter solstice. In this regard, compliance with the DCP control is not demonstrated.</li> </ul>
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## Referrals

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

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

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

The proposed development is assessed to be contrary to the aims and zone objectives of Penrith Local Environmental Plan 2010 and is non-compliant with key clauses of State Environmental Planning Policy (Affordable Rental Housing) 2009, including those related to compatibility with local character and development standards related to landscaping and solar access.

The proposal is not considered to comply with the relevant provisions of Penrith Development Control Plan 2014, in particular Section 5.11 - Boarding Houses, requiring the design to be compatible with the context of the site and its immediate surrounds. Furthermore, the proposed bulk and scale of the proposal are not considered compliant with the applicable built form controls detailed under this Section.

It is for the above reasoning that approval of the development application would not be in the public interest.

## Section 94 - Developer Contributions Plans

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

## Conclusion

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

In its current form, the proposal will have a negative impact 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, as defined by *Penrith Local Environmental Plan 2010* and the *Penrith Development Control Plan 2014*.

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

It is for the above reasoning that the development application is not worthy of support. Reasons for refusal are detailed below.

## Recommendation

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1. That DA18/1199 for a two storey, 14 room boarding house at 6 Edith Street, Kingswood, be refused for the following reasons; and
2. That those making submissions are notified of the determination.

## Refusal

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

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

The proposal is inconsistent with the objectives of the R3 Medium Density Residential zone, specifically

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

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

The application is not satisfactory for the purpose of Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979* as the proposal is inconsistent with the provisions of 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 and Clause 30A Character of local area.

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

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

Part C City-wide Controls;

- C1 Site Planning and Design Principles
- C5 Waste Management
- C6 Landscape Design
- C10 Transport, Access and Parking

Part D Multi Dwelling Housing, and

Part D5 Other Land Uses;

- 5.11 Boarding Houses

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

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

- (i) negative streetscape and local character impacts;
- (ii) noise and privacy impacts;
- (iii) traffic, access and manoeuvring;
- (iv) solar access; and
- (v) landscaping, setbacks and site coverage.

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

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

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

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

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

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



# Appendix - Development Control Plan Compliance

## Development Control Plan 2014

### Part B - DCP Principles

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

The 2m proposed side setbacks are unlikely to support canopy tree planting. No canopy tree planting is proposed around the development.

Solar access can not be provided in accordance with the requirement of the SEPP ARH (3 hours of direct solar access between 9am and 3pm in mid-winter to the communal living area). There is limited opportunity is provided for natural cross flow ventilation.

Plan do not nominate the location of air conditioning units. No water capture and re-use is proposed.

### Part C - City-wide Controls



## **Section C1 Site Planning and Design Principles**

### *Clause 1.2.2 Built form - Energy Efficiency and Conservation*

This section of the PDCP 2014 states that "*buildings should be designed on passive solar design principals which respond to orientation to maximise the northern aspect and solar access in the cooler periods; reduce overheating in summer and promote solar gain in winter; and ensure there is adequate cross flow of air by utilising natural ventilation, resulting in a reduction in the use of mechanical ventilation and/or air-conditioning systems*".

The design of the building does not facilitate opportunity for natural cross flow ventilation resulting in overheating and poor internal amenity and thermal comfort for lodgers, and reliance on air conditioning systems.

### *Clause 1.2.3 Building Form - Height, Bulk and Scale*

The proposal fails to demonstrate how the development is consistent with the height, bulk and scale of adjacent development. It is acknowledged that the area is zoned R3 Medium Density Residential under PLEP 2010 and some growth in the density of the area is expected. However, the development proposal does not demonstrate an acceptable level of compliance with applicable built form controls under the PDCP 2014 or objectives of the zone. The development will result in unacceptable levels of overshadowing to the south, and is not sufficiently articulated and its bulk and scale is unacceptable in the location.

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

## **Section C5 Waste Management**

The design of the development does not comply with design requirements of the waste bin and bulky waste area as detailed within the DCP. It is acknowledged that these could be rectified by design amendments however, as the recommendation is for refusal on other matters a revised design was not requested and standard waste conditions of consent are not recommended.

## **Section C6 Landscape Design**

### *Clause 6.1.3 Neighbourhood Amenity and Character*

The submitted design does not comply with the requirements of the PDCP 2014 as follows:

- The landscape proposal does not enhance the amenity and visual quality of the site. The bulk and scale of the building is not moderated by the use of landscaped elements such as for screening or shade provision.
- The development does not make any contribution to the streetscape by way of the design of structures or landscaping.
- The design of landscaping works do not ensure that the development integrates into and enhances the existing landscape character through either setbacks, materials selection, architectural character or vegetation selection/placement.

### *Clause 6.1.4 Site Amenity*

The PDCP 2014 states that landscape design should seek to screen development, particularly from the sides and rear of an allotment and shrubs and small trees should be used to screen service areas and block unwanted views that reduce privacy. The proposal does not adequately demonstrate that an acceptable level of compliance is achievable. The proposed level of site coverage is excessive and areas of landscaping are minimal in width due to basement design, which is needed to support the car parking requirements under the SEPP ARH.

## **Section C10 Transport, Access and Parking**

Car parking requirements are set by State Environmental Planning Policy (Affordable rental Housing) 2009 [SEPP ARH] and are found to be compliant. Notwithstanding the compliance with the number of car parking spaces required by the SEPP ARH, the development is recommended for refusal. It is noted that the area required to facilitate a compliant level of car parking is resulting in a high level of site coverage and minimal landscaping.

## **D2 Residential Development**

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

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

### *Clause 2.4.4 Urban Form*

The development proposal is in conflict with controls requiring external walls to be a maximum of 5m in length between distinct corners and does not provide a variety of roof forms representative or complementary to, traditional dwelling designs within the immediate area. No eaves are provided to provide shadow or relief from the heat. No areas for landscape are proposed.

### *Clause 2.4.5 Front and Rear Setbacks*

The proposal does not comply with the front setback requirement of a minimum of 5.5m or the average of the setbacks of the immediate neighbours, whichever is the greater of the two. Neighbours to the north and south have setbacks of 7.5m. The proposal is for 5.69m, which is not compliant with the DCP requirement and is forward of neighbouring buildings.

### *Clause 2.4.6 Building Envelope and side setbacks*

The proposal does not comply with the side setbacks requirements under 2.4.6(7)(a) and (b) which states a minimum side setback of 2m is permissible however for only 50% of any boundary. The proposal is for 2m side setback (north and south) for 100% of the length of the building for both the ground and upper floors..

### *Clause 2.4.9 Solar Planning*

The DCP requires that the development allow a minimum of 4 hours sunlight between the hours of 9.00am and 3.00pm on June 21, to living zones of any adjoining dwellings. Submitted shadow diagrams do not demonstrate an acceptable level of compliance with the above control.

### *Clause 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 number and design of window openings.

### *Clause 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 eaves are proposed to the side elevations and air conditioning units are not noted on plans.

### *Clause 2.4.19 Visual and Acoustic Privacy and Outlook*

The development proposal has not adequately demonstrated that the package of measures proposed to prevent privacy (visual and acoustic) impacts is acceptable. No landscaping is provided to the side and rear setback to provide a buffer. No acoustic report was submitted to support the application. Air conditioning units are not nominated on plans and as such an assessment of their noise impact cannot be made.

## **D5 Other Land Uses**

### *Section 5.11 Boarding Houses*

At its Policy Review Committee meeting on 10 December 2018, Council resolved to adopt amendments to Penrith Development Control Plan 2014. The amendments, which have been

titled Amendment No. 5, include revised controls relating to Multi Dwelling Housing and new controls for Boarding Houses. Amendment No. 5 came into effect on 21 December 2018. The proposal has been assessed against the provisions of Section 5.11 of the DCP as follows:

*Clause 5.11, B Objectives*

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

*(a) To ensure that boarding houses fit the local character or desired future local character of the area.*

*(b) To minimise negative impacts on neighbourhood amenity.*

*(d) To respond to increasing neighbourhood densities resulting from boarding house development.*

*(e) To ensure that boarding houses operate in a manner which maintains a high level of amenity, health and safety for residents.*

The bulk and scale of the development does not adequately respond to the existing or desired future character of the area in the vicinity of the site, as discussed elsewhere within this report (refer SEPP ARH local character discussion). The building design and landscaping concept does not take adequate regard of the submitted site analysis. Proposed setbacks and landscaping will not ameliorate negative and unacceptable impacts on residential amenity due to the scale and bulk of the building, the wall length and its 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 intent of the space under the SEPP ARH and the bulk and scale of the design proposed will result in over bearing and amenity impacts (visual and acoustic) on neighbouring residential uses.

The density of the development and the requirement under the SEPP ARH to provide 0.5 car parking spaces per bedroom will result in the basement excavation being excessive such that deep soil landscaping is negatively impacted.

*Clause 5.11, C. Controls*

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

The proposal does not comply with clause 5.11(C)(2)(f) which states that a boarding house proposal of a scale similar to a multi dwelling housing development should comply with the controls and objectives for multi dwelling housing within this DCP, where they are not in conflict with the requirements of the SEPP ARH and the objectives of the zone. The design of the boarding house is not compliant with the controls for multi dwelling housing as detailed under Section D2 Residential Development of this report. Compliance with the controls for multi dwelling housing would not result in a development that would be in conflict with the objectives of the R3 Medium Density Residential zone or those of the SEPP ARH.

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

- Clause (c) which requires cross ventilation to be achieved to reduce reliance on air conditioning.
- Clause (d) requires fly screens on all windows. It is unclear if this is proposed.

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 rear and side setback areas.

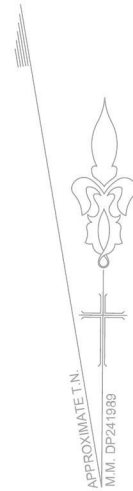


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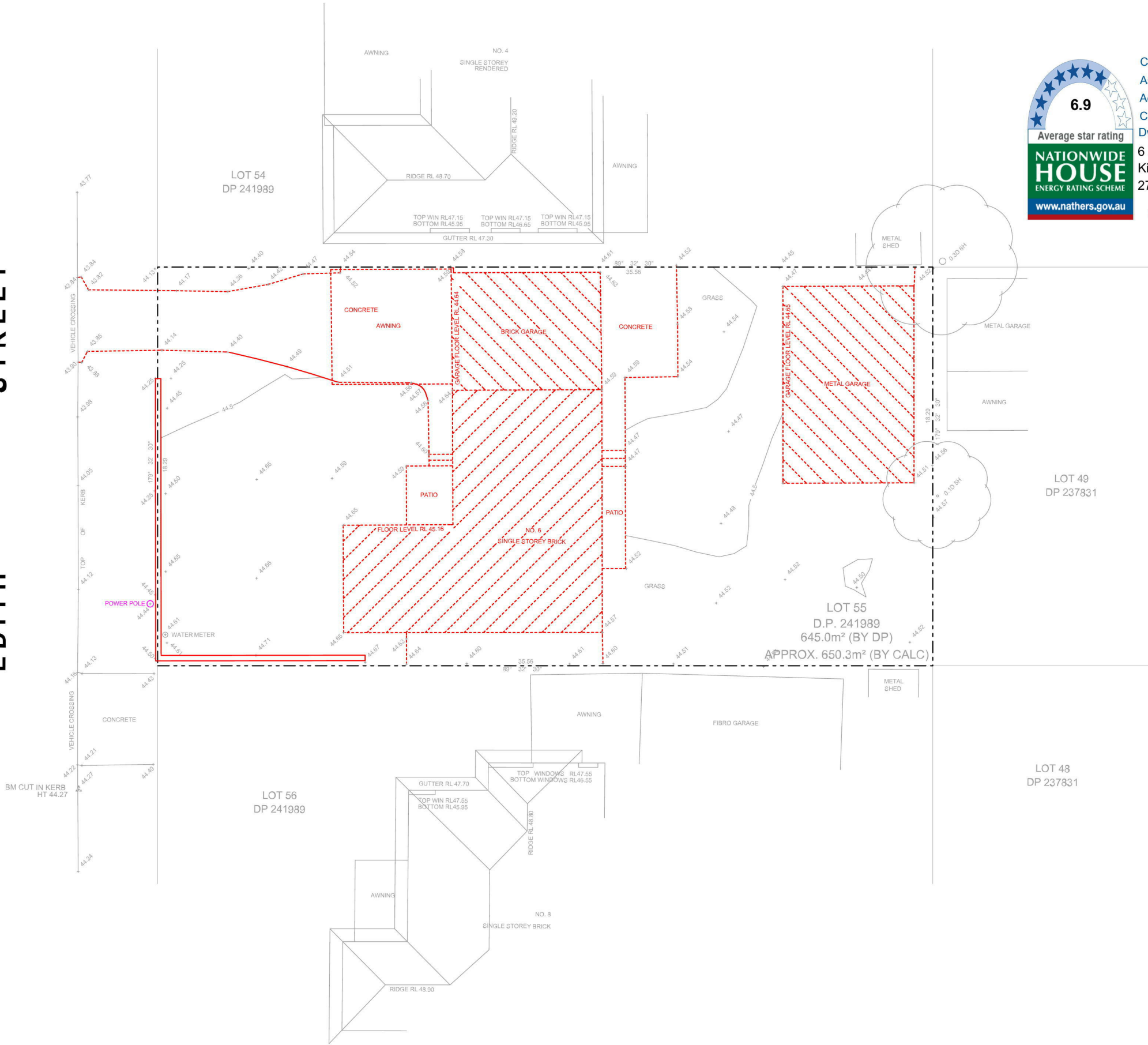
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Certificate date: 12 November 2018

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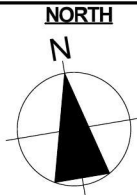
DEMOLITION PLAN  
1:200

KEY	
	existing doors
	existing timber framed wall to be removed
	elements to be demolished
	existing timber framed wall
	existing walls

**GEN ONE GROUP**

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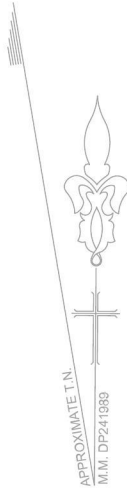
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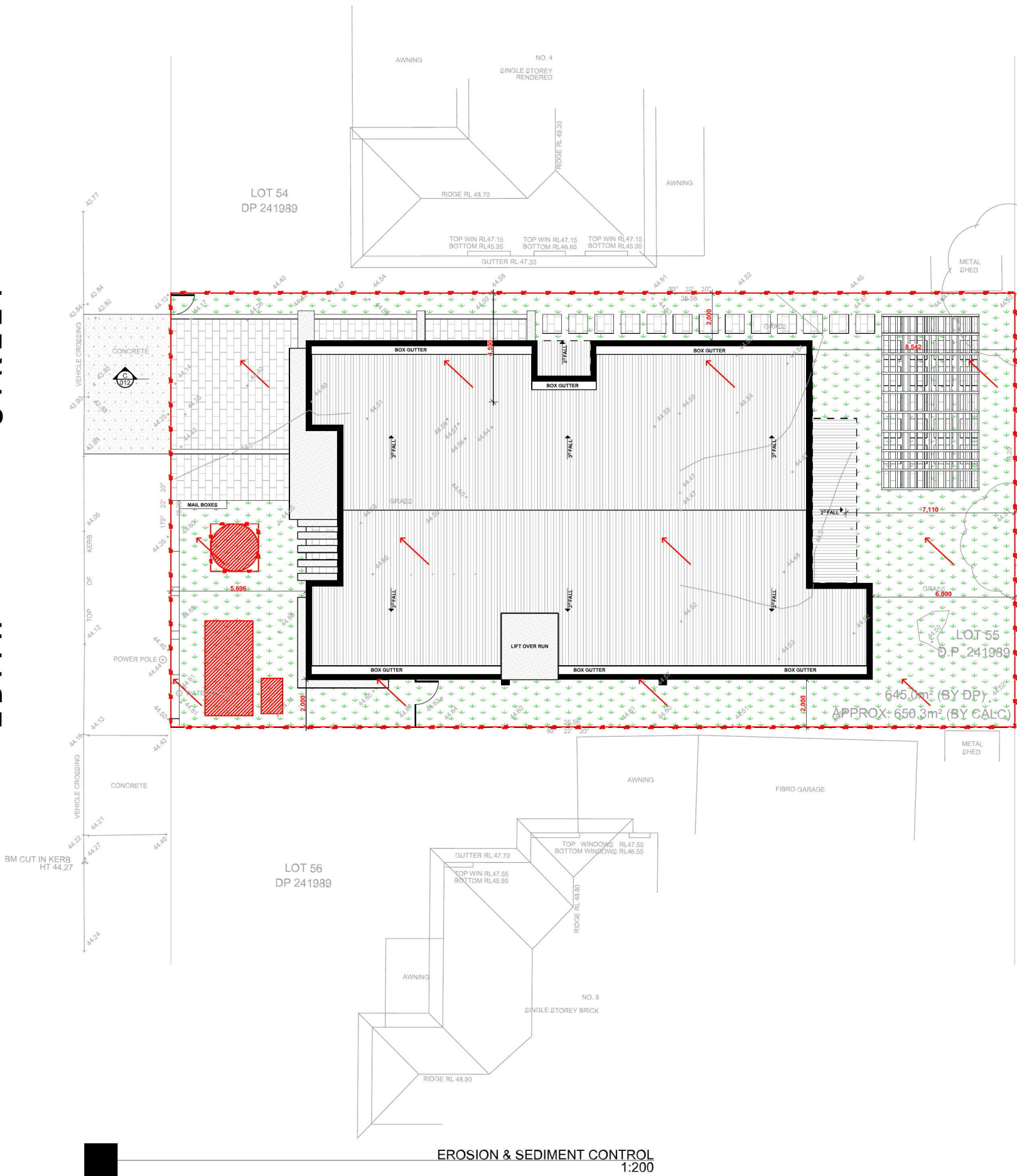
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PROJECT: BOARDING HOUSE  
CLIENT: MR. SIMON SASSINE

LGA:	PENRITH CITY COUNCIL	ISSUE A:	Client Approval	18/06/2018
SCALE:	AS SHOWN	ISSUE B:	DA	28/08/2018
REF:	2018 - 065			
DATE:	JUNE - 2018			
DRAWN BY:	W.H			
ADDRESS	LOT 55 DP 241989 LOT SIZE 650.3m <sup>2</sup>			
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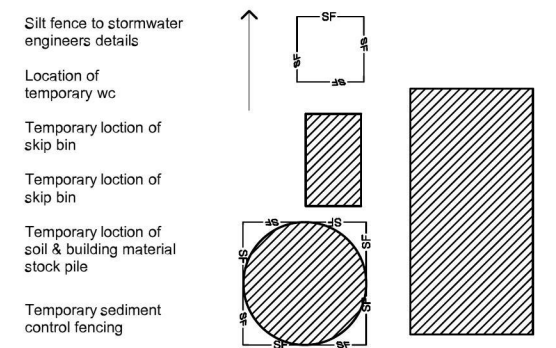
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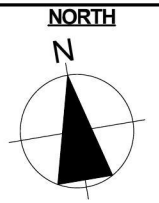
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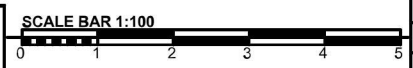
SITE MANAGEMENT TEXT



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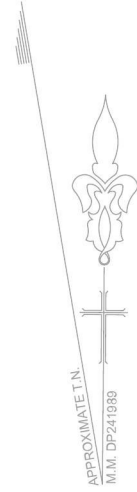
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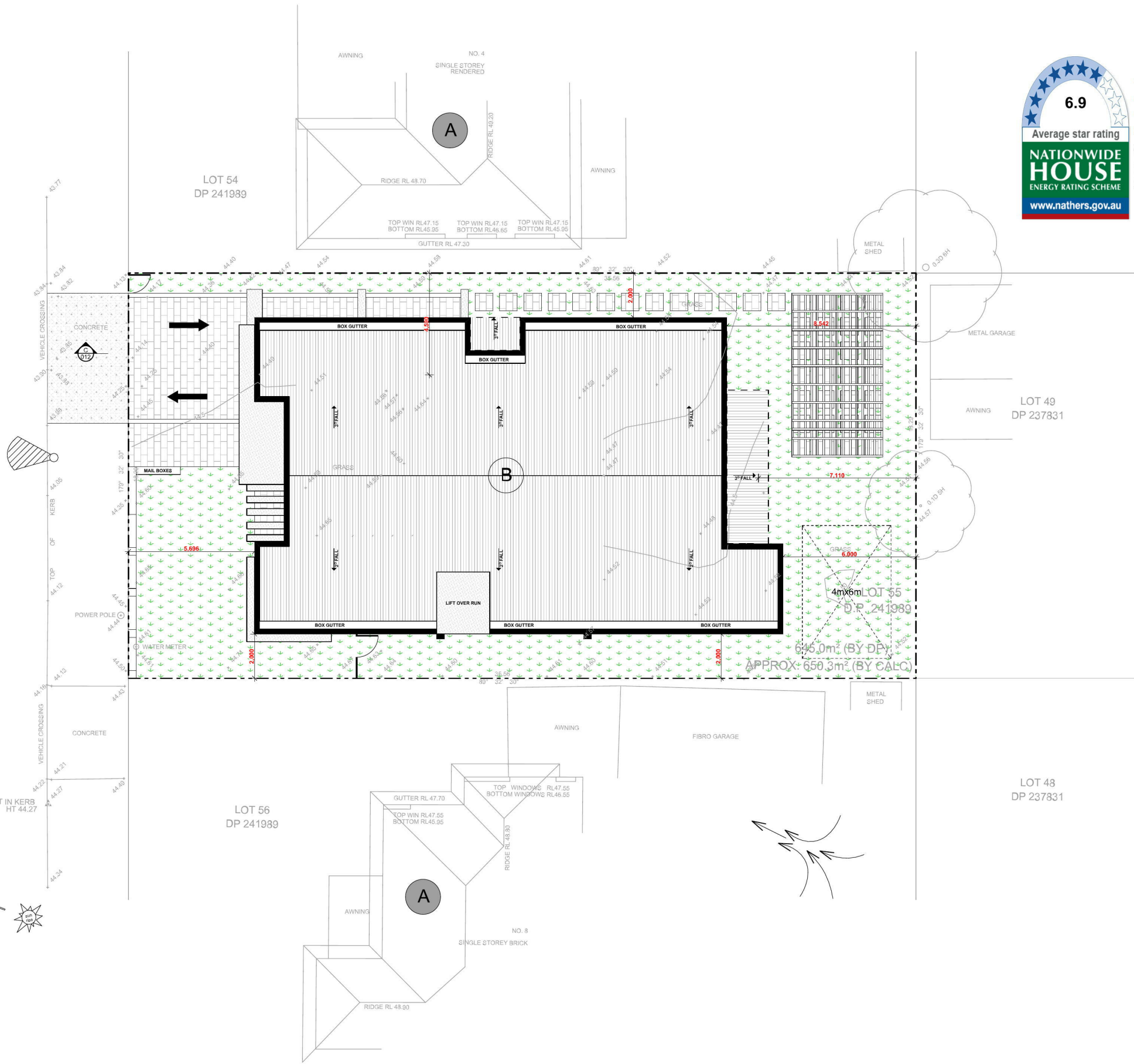
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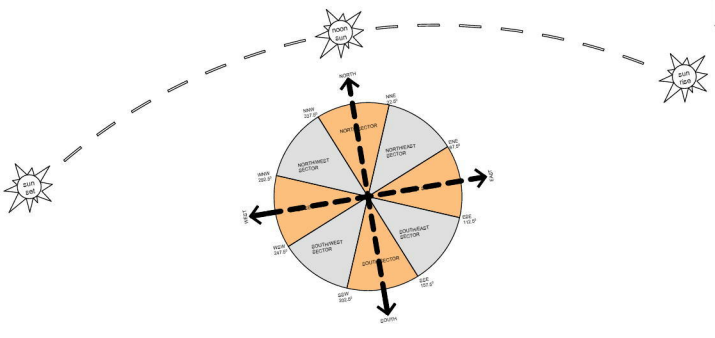
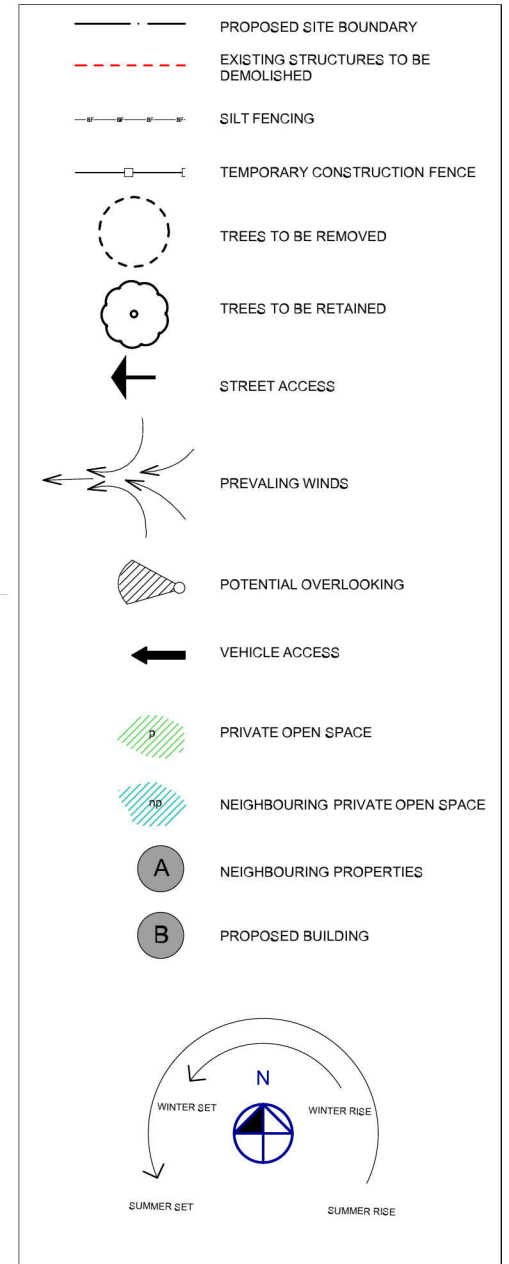
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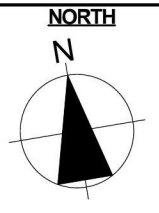
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ROOF/SITE ANALYSIS PLAN  
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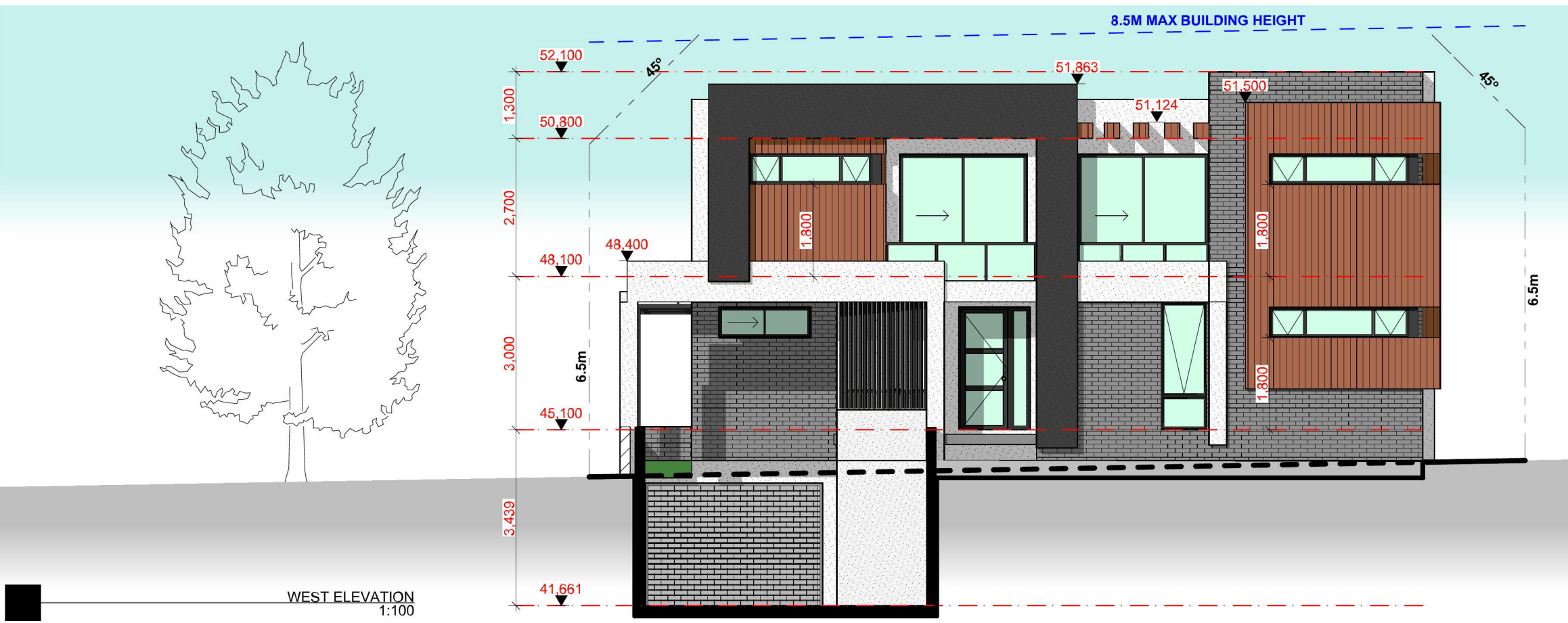
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 CLIENT: MR. SIMON SASSINE

LGA: PENRITH CITY COUNCIL  
 SCALE: AS SHOWN  
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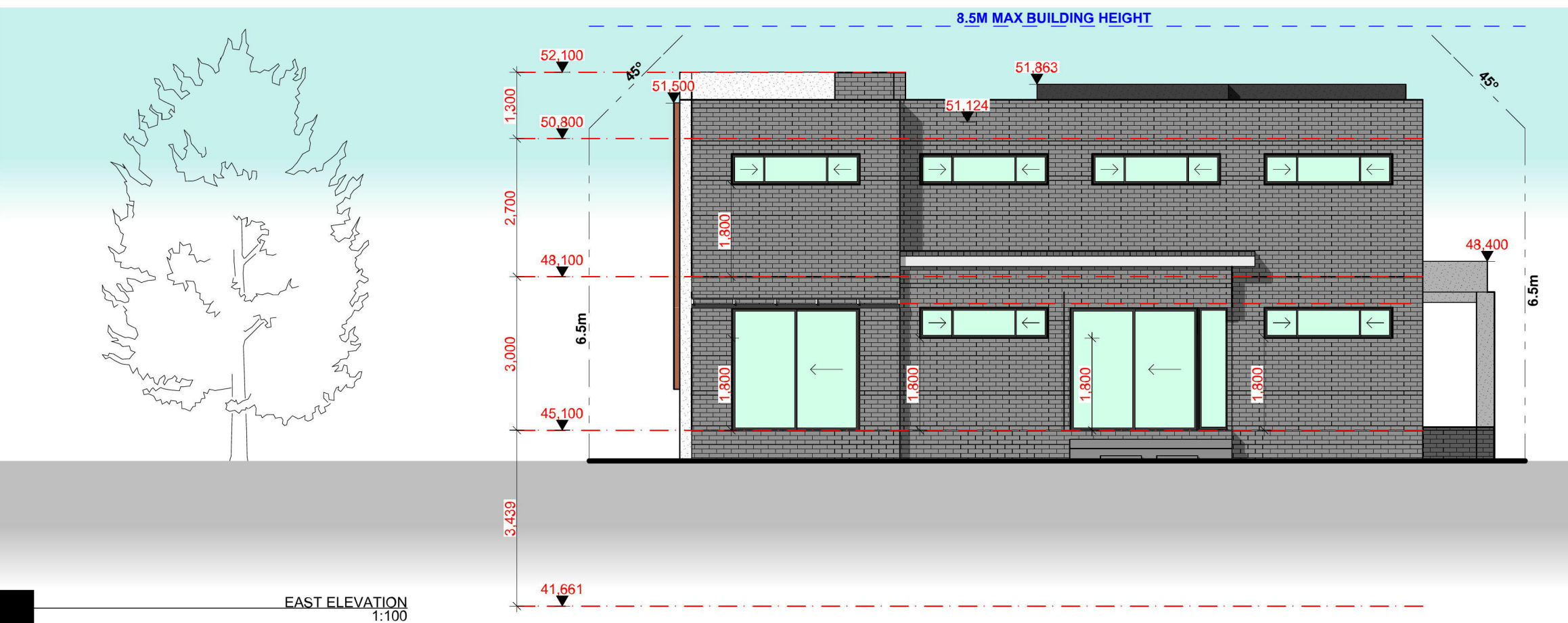
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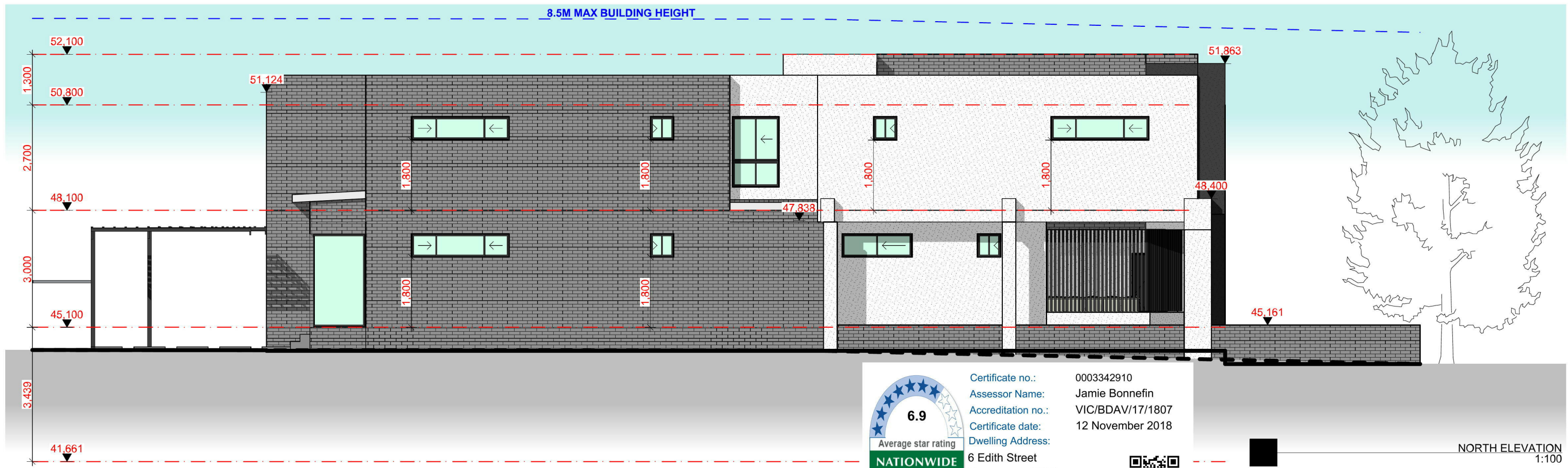


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**6.9**  
 Average star rating  
**NATIONWIDE HOUSE**  
 ENERGY RATING SCHEME  
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				B				ISSUE B: DA	28/08/2018	
				A3	PROJECT: BOARDING HOUSE CLIENT: MR. SIMON SASSINE		REF: 2018 - 065 DATE: JUNE - 2018 DRAWN BY: W.H.	ADDRESS LOT 55 DP 241989 LOT SIZE 650.3m <sup>2</sup> 6 EDITH STREET, KINGSWOOD NSW 2747		

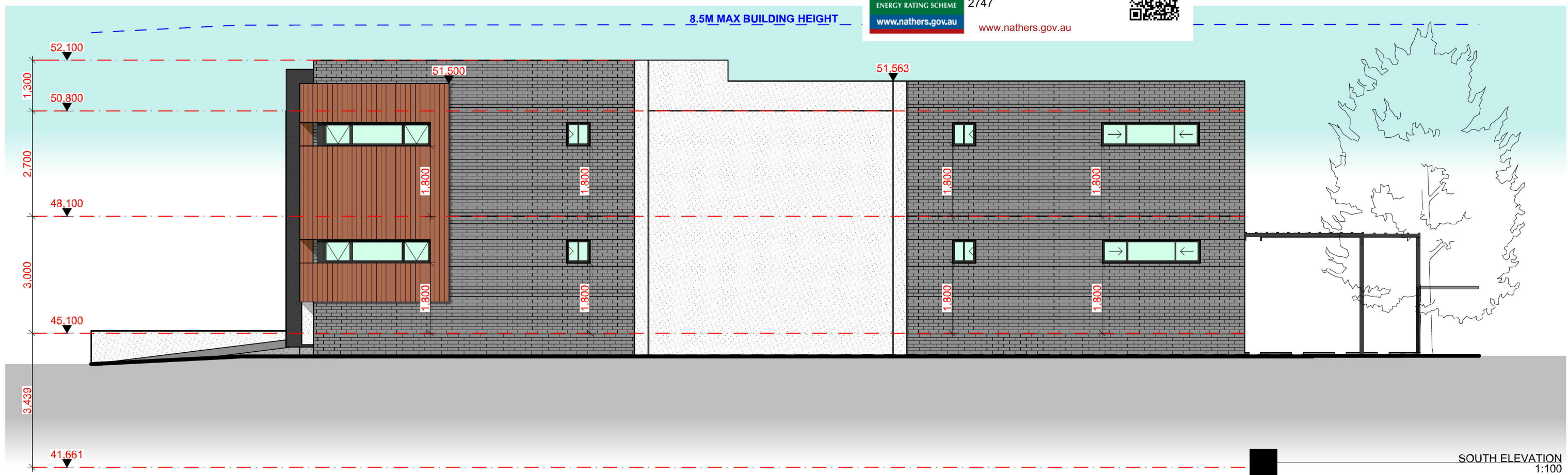


NORTH ELEVATION  
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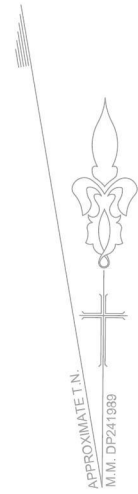
**6.9**  
Average star rating

**NATIONWIDE HOUSE**  
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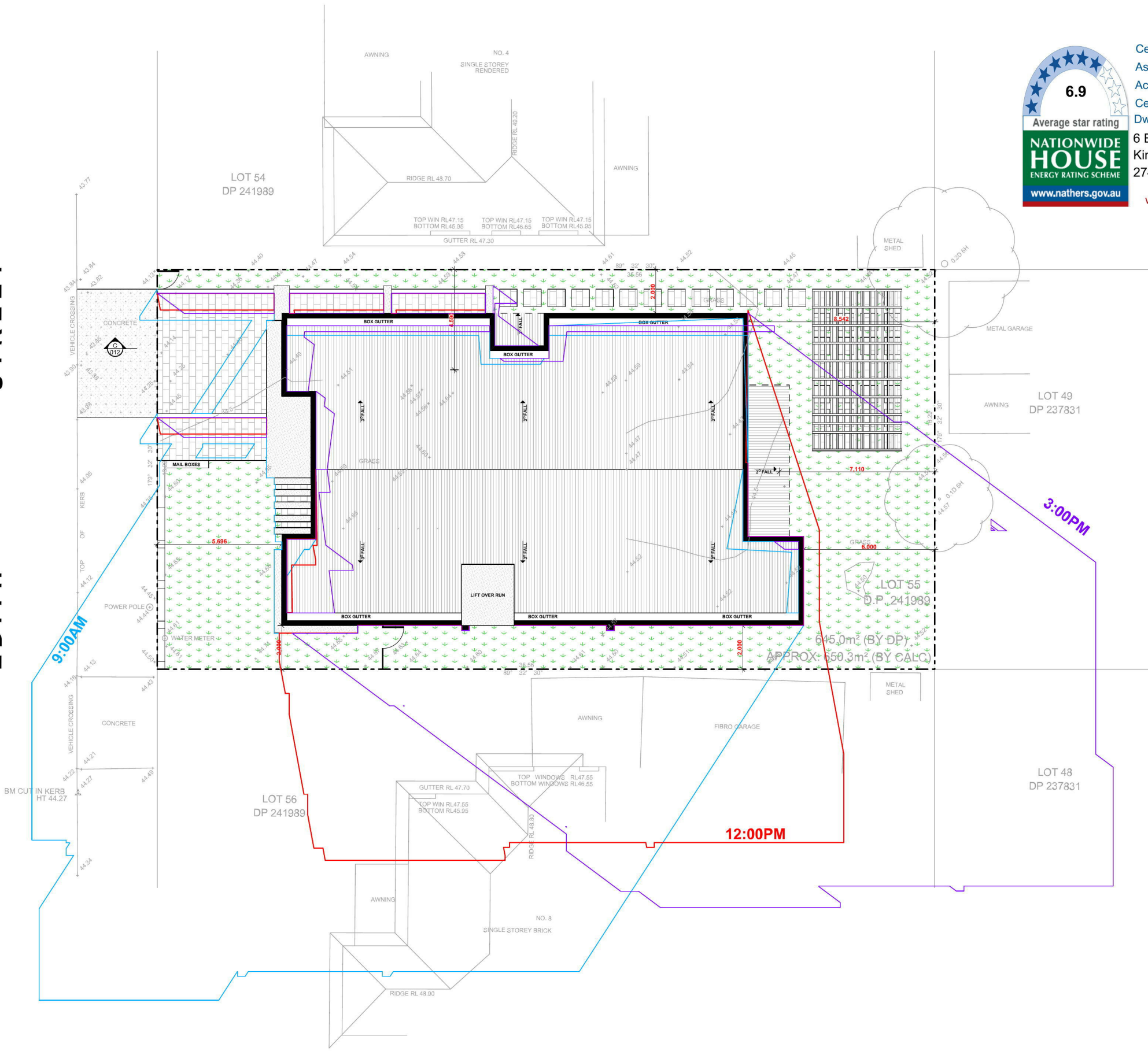


SOUTH ELEVATION  
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				B				ISSUE B: DA	28/08/2018	
				A3			PROJECT: BOARDING HOUSE	SCALE: AS SHOWN		
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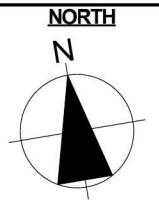
SHADOWS BASED ON JUNE 21ST 1:200



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 Web: [www.genonegroup.com.au](http://www.genonegroup.com.au)

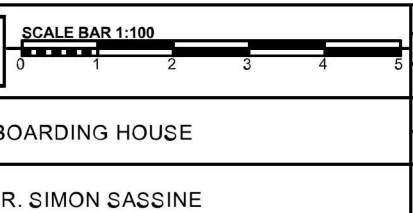


Pg. 013  
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 DA

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PROJECT: BOARDING HOUSE  
 CLIENT: MR. SIMON SASSINE



LGA: PENRITH CITY COUNCIL  
 SCALE: AS SHOWN  
 REF: 2018 - 065  
 DATE: JUNE - 2018  
 DRAWN BY: W.H  
 ADDRESS: LOT 55 DP 241989 LOT SIZE 650.3m<sup>2</sup>  
 6 EDITH STREET, KINGSWOOD NSW 2747

ISSUE A: Client Approval	18/06/2018
ISSUE B: DA	28/08/2018

## LEGEND

**turf**  
Excavate / grade all areas to be turfed to 120mm below required finished levels. Do not excavate within 1500mm of the trunk of any existing tree to be retained. Ensure that all surface water runoff is directed towards inlet pits, kerbs etc. and away from buildings. Ensure that no ponding will occur. Rip the subgrade to 150mm. Install 100mm depth of imported topsoil. Just prior to spreading the turf, spread "Shirley's No. 17 lawn fertilizer" over the topsoil at the recommended rate. Lay "Kikuyu" turf rolls closely butted. Fill and small gaps with topsoil. Water thoroughly.

**turf (on top of basement slab)**  
Minimum soil depth to be 300mm

**brick garden edging**  
Lay a single course of paving bricks in a mortar haunch (200mm wide and 100mm deep). The edges are to be laid in even curves and straight lines as shown on the plan. Where tight curves are shown use half bricks to show a more even curve. The top of the edges to finish flush with the adjacent turf and mulch levels.

**stepping stones**  
Precast concrete stepping stones in decorative gravel mulch

**existing trees to be removed**  
...

**existing trees to be retained**  
...

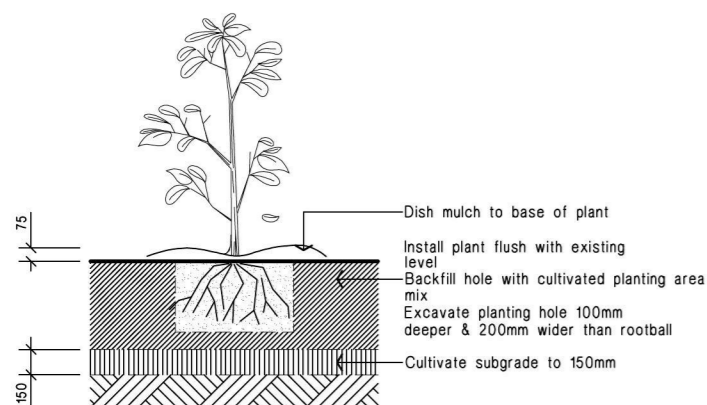
**planting areas**  
Ensure that the mass planting areas have been excavated to 300mm below finished levels. Rip to a further depth of 150mm. Supply and install 300mm soil mix. Soil mix to comprise of one part approved compost to three parts topsoil. Topsoil shall be either imported topsoil or stockpiled site topsoil (if suitable ie: No clay). Install 75mm depth of selected mulch.

### maintenance:

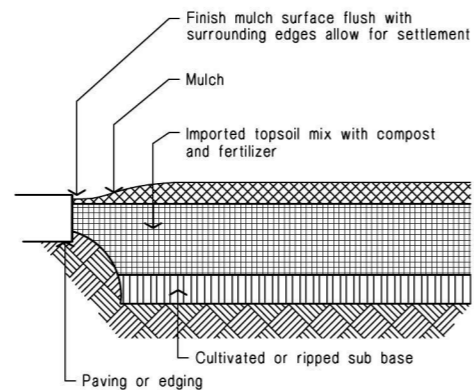
All landscape works are to be maintained for a period of three months from the date of practical completion. This includes all watering, weeding, spraying and re-mulching necessary to achieve vigorous growth. Any defects which arise during this period are to be rectified immediately. Any plants or areas of turf which fail during this period are to be replaced at no additional cost.

### fencing:

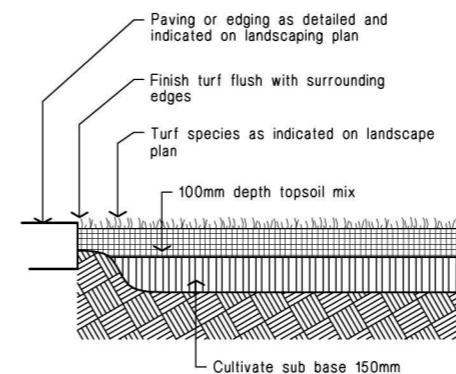
For all fencing types and materials refer to the Architects plans.



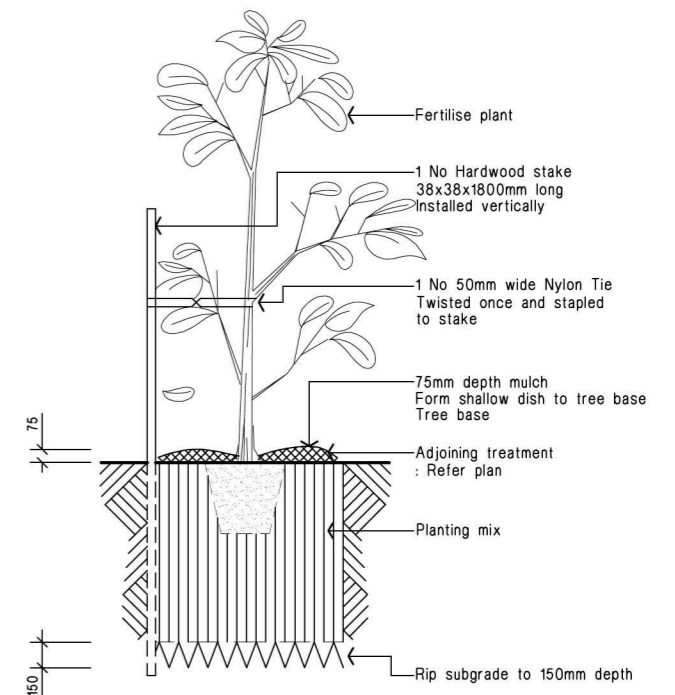
**Planting in garden beds Detail.** Not.To.Scale.



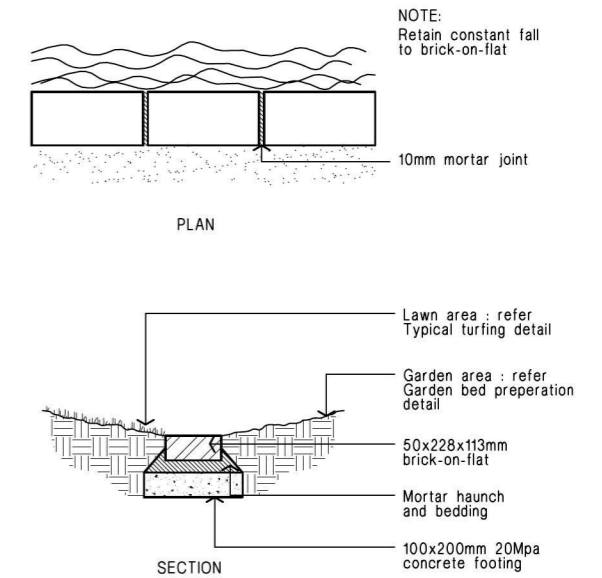
**Ground preparation Planting area using imported topsoil Detail.** Not.To.Scale.



**Ground preparation Grassed area: turf using imported topsoil Detail.** Not.To.Scale.



**15 - 35 litre Tree planting Detail.** Not.To.Scale.



**Brick garden edge Detail.**

## PLANT SCHEDULE

Code	Latin Name (Common Name - Mature Height)	Qty	Size	Stake
<b>Trees</b>				
E	Elæocarpus reticulatus 'Prima donna' (Blue berry ash - 8m)	2	35 litre	yes
T	Tristania laurina 'Luscious' (Water Gum - 10m)	2	35 litre	yes
U	Elæocarpus eumundii (Smooth leaved Quandong - 8m)	3	35 litre	yes

### Shrubs

Bx	Buxus microphylla 'Japonica' (Box - 1m)	4	5 litre	-
Cwa	Callistemon 'White Anzac' (White Bottlebrush - 1.5m)	16	5 litre	-
Mtb	Magnolia grandiflora 'Teddy Bear' (Dwarf Magnolia - 3m)	1	5 litre	-
Prr	Photinia 'Red Robin' (Photinia - 2.5m)	46	5 litre	-
Rip	Raphiolepis 'Oriental Pearl' (Dwarf Indian hawthorne - 1m)	4	5 litre	-
Sre	Syzygium australe 'Resilience' (Lilly Pilly - 3m)	28	5 litre	-
Sb	Syzygium 'Blaze' (Syzygium - 3m)	9	5 litre	-
Sc	Syzygium 'Cascade' (Syzygium - 3.5m)	1	5 litre	-

### Groundcovers

Di	Dieties iridooides (Wild Iris - 0.8m)	18	150mm pot	
Lt	Lomandra longifolia 'Tanika' (Fine leaf dwarf lomandra - 0.6m)	5	150mm pot	

STREET

EDITH

PROPOSED DEVELOPMENT

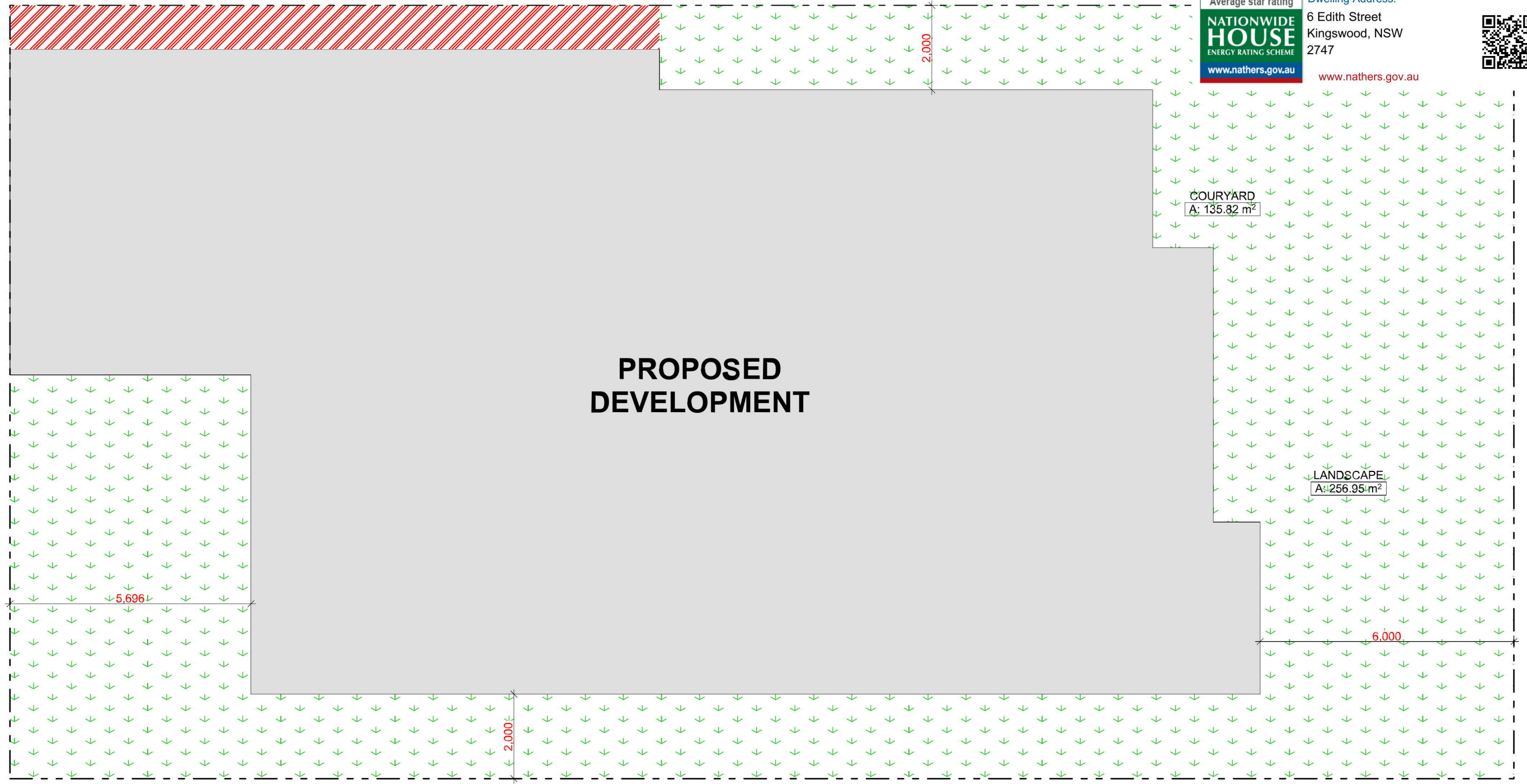
NOT CALCULATED

40% CALCULATED LANDSCAPE  
(2M MIN DIMENSION)



Certificate no.: 0003342910  
 Assessor Name: Jamie Bonnefin  
 Accreditation no.: VIC/BDAV/17/1807  
 Certificate date: 12 November 2018

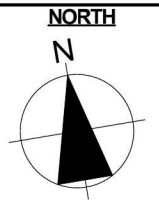
Dwelling Address:  
 6 Edith Street  
 Kingswood, NSW  
 2747



LANDSCAPE PLAN  
1:100

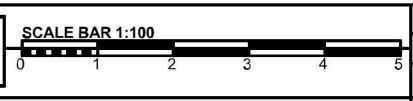


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DA



PROJECT: BOARDING HOUSE  
 CLIENT: MR. SIMON SASSINE

LGA: PENRITH CITY COUNCIL  
 SCALE: AS SHOWN  
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ISSUE A: Client Approval 18/06/2018  
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 5. Contractor to liaise with third party suppliers to confirm exact requirements.

# PROPOSED RESIDENTIAL DEVELOPMENT

## 6 EDITH STREET, KINGSWOOD

- ### STORMWATER LAYOUT NOTES
- 1) PITS DEEPER THAN 600mm TO BE 600 X 900 W, ELSE 450 SQ U.N.O.
  - 2) ALL PIPES TO HAVE 1% MIN. GRADE U.N.O.
  - 3) ALL GUTTERS SHALL BE MINIMUM 100 X 75MM & DOWNPIPES TO BE 100 X 75 BOX.
  - 4) PIPES TO BE U.P.V.C. OR STORMWATER PIPE TO A.S.1254.
  - 5) PITS TO BE STANDARD PRECAST CONCRETE PITS OR BRICK RENDERED WITH CONCRETE HEAVY DUTY GRATES SIZED
  - 6) NO SEWER VENTS, GULLY PITS OR SIMILAR TO BE LOCATED BELOW THE MAXIMUM WATER SURFACE LEVEL IN DETENTION BASINS.
  - 7) PERSONS UTILISING THIS PLAN FOR ANY PURPOSES SHALL VERIFY DATUM & RESPECTIVE LEVELS PRIOR TO COMMENCING ANY WORKS & NOTIFY ENGINEER OF ANY DISCREPANCIES.
  - 8) DRIVEWAY LEVELS PROVIDED FOR DRAINAGE DESIGN PURPOSES ONLY. LEVELS MAY BE ADJUSTED TO SUIT FINAL HOUSE CUT/FILL CONDITIONS BUT NEED TO MAINTAIN INTENT OF DRAINAGE SYSTEM. ENGINEER TO BE CONSULTED PRIOR TO CONSTRUCTION TO ENSURE INTENT MAINTAINED.
  - 9) END OF EXISTING DRAINAGE LINE TO BE EXPOSED & LEVELS CONFIRMED BY THE BUILDER PRIOR TO COMMENCEMENT OF WORKS.
  - 10) BUILDERS TO ENSURE SERVICES CONNECTIONS TO HOUSE DO NOT CONFLICT WITH DRAINAGE DESIGN REQUIREMENTS.
  - 11) ALL WORKS TO BE CONSTRUCTED TO GOOD BUILDING PRACTISE
  - 12) PROVIDE STEPS OR RAMP TO ALL OSD FOR MAINTANENCE AND ACCESS.
  - 13) ALL DETENTION WALLS TO BE WATER TIGHT AND SMOOTH FINISHED.
  - 14) ALL DETENTION WALLS SHALL BE CONSTRUCTED WITHIN THE PROPERTY BOUNDARIES OF THE SITE BEING DEVELOPED.
  - 15) LANDSCAPE AREA WITHIN OSD STORAGE AREAS ARE TO BE MULCHED WITH DECORATIVE ROCK MULCH.
  - 16) IF RAINWATER TANK IS PROVIDED, CONNECT OVERFLOW FROM THE RAINWATER TANK TO OSD. CONNECT ONLY THE ROOF WATER TO THE RAINWATER TANK.

### LIST OF DRAWINGS

SW882-1	CONSTRUCTION NOTES AND STANDARD DETAILS
SW882-2	ROOF & FIRST FLOOR LAYOUT
SW882-3	STORMWATER SITE LAYOUT
SW882-4	BASEMENT LAYOUT

### PIPE SCHEDULE DETERMINED AT C.C

TAG	SIZE	MATERIAL	GRADE	DESCRIPTION
'A'	100DIA	PVC	1% MIN	REGULAR GRAVITY PIPE
'B'	150DIA	PVC	1% MIN	REGULAR GRAVITY PIPE
'C'	225DIA	PVC	1% MIN	REGULAR GRAVITY PIPE
'D'	300DIA	RCP	2% MIN	REGULAR GRAVITY PIPE
'E'	200X100	RHS	1% MIN	GALVANISED STEEL
'W'	100DIA	PVC	1% MIN	TO FEED RAINWATER TANK
'X'	150DIA	PVC	1% MIN	TO FEED RAINWATER TANK
'Y'	225DIA	PVC	1% MIN	TO FEED RAINWATER TANK
'Z'	300DIA	PVC	1% MIN	TO FEED RAINWATER TANK

- ### RAINWATER TANK IF REQUIRED
- 1) LABELS SHALL BE FIXED ADJACENT TO ALL OUTDOOR WATERING TAPS STATING THAT THE WATER IS NOT TO BE CONSUMED.
  - 2) AN EMERGENCY MAINS TAP SHALL BE PROVIDED ADJACENT TO THE WATER METER AND CONNECTED TO THE MAINS SUPPLY.
  - 3) RAINWATER TANK SUPPLY SHALL NOT BE CONNECTED TO DRINKING AND BATHING WATER TAP OUTLETS.
  - 4) FIRST FLUSH DEVICES TO BE FITTED TO ALL DOWNPIPES CONNECTED TO THE RAINWATER TANK.
  - 5) ALL DOWNPIPES ARE TO BE ENTIRELY P.V.C. ALL PIPES ARE TO BE SEALED UP TO UNDERSIDE OF ROOF GUTTERS.
  - 6) ENSURE ALL CONNECTIONS WITHIN CHARGED SYSTEMS ARE SOLVENT WELDED.
  - 7) TANK SHALL BE CONNECTED TO A SYDNEY WATER APPROVED CONTROL PANEL TO INSURE MAINS WATER SUPPLY IS PROVIDED WHEN TANK EMPTIES.
  - 8) ALL PLUMBING WORKS SHALL BE CARRIED OUT BY A LICENSED PLUMBER IN ACCORDANCE WITH SYDNEY WATERGUIDELINES AND THE "NSW CODE OF PRACTICE: "PLUMBING AND DRAINAGE".

### SIGN FOR BELOW GROUND TANK N.T.S.

**DANGER**

NO ENTRY WITHOUT  
CONFINED SPACE  
TRAINING

COLOURS:  
'DANGER' AND BACKGROUND - WHITE  
ELLIPTICAL AREA - RED  
RECTANGLE CONTAINING ELLIPSE - BLACK  
OTHER LETTERING AND BORDER - BLACK

A) A CONFINED SPACE DANGER SIGN SHALL BE POSITIONED IN A LOCATION AT ALL ACCESS POINTS SUCH THAT IT IS CLEARLY VISIBLE TO PERSONS PROPOSING TO ENTER THE BELOW GROUND TANK'S CONFINED SPACE.  
B) MINIMUM DIMENSIONS OF THE SIGN:  
- 300mm x 450mm (LARGE ENTRIES, SUCH AS DOORS)  
- 250mm x 180mm (SMALL ENTRIES SUCH AS GRATES & MANHOLES)  
C) THE SIGN SHALL BE MANUFACTURED FROM COLOUR BONDED ALUMINIUM OR POLYPROPYLENE.  
D) SIGN SHALL BE AFFIXED USING SCREWS AT EACH CORNER OF THE SIGN.

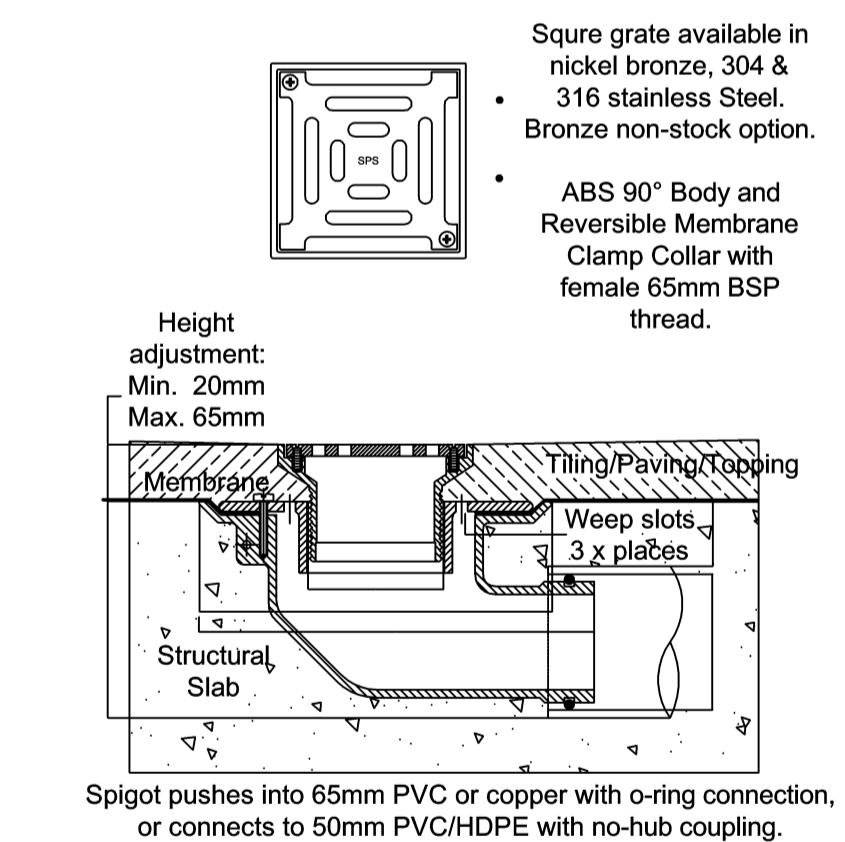
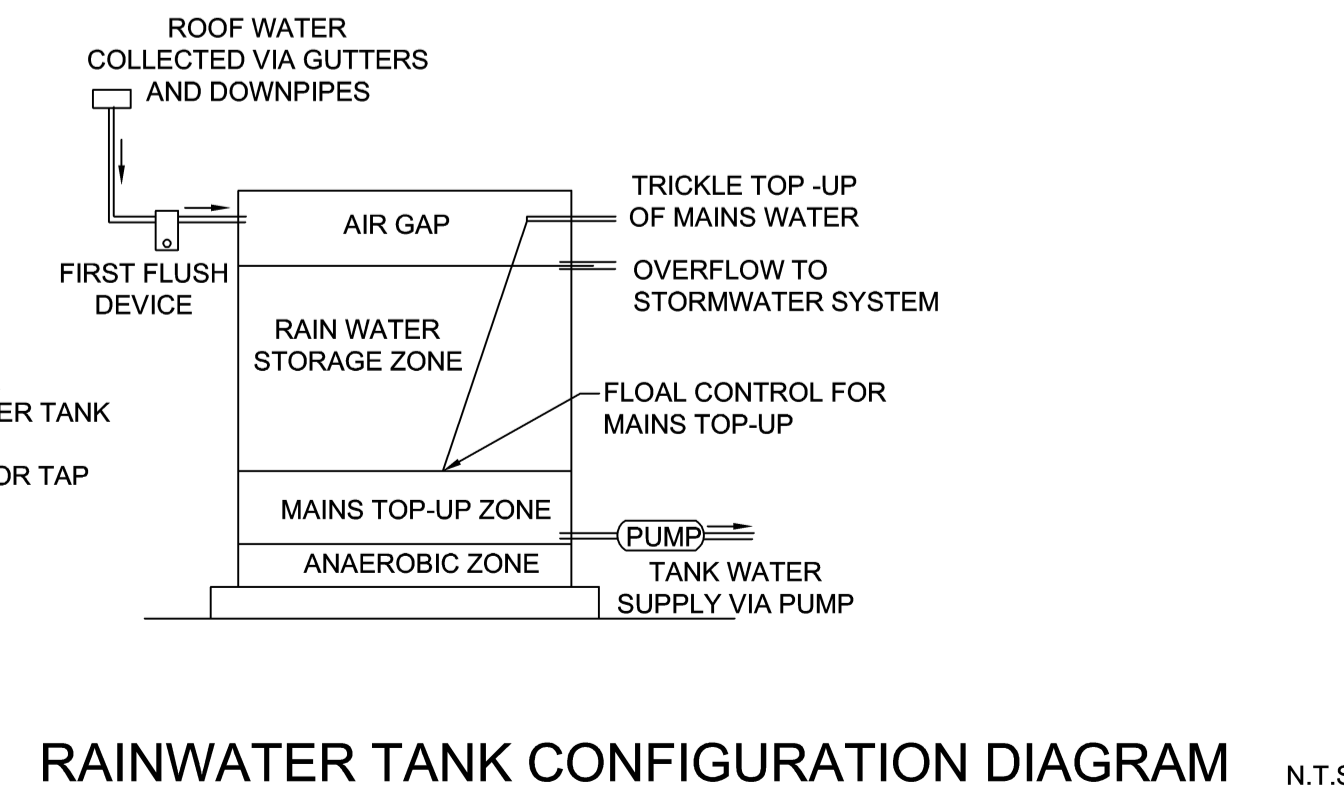
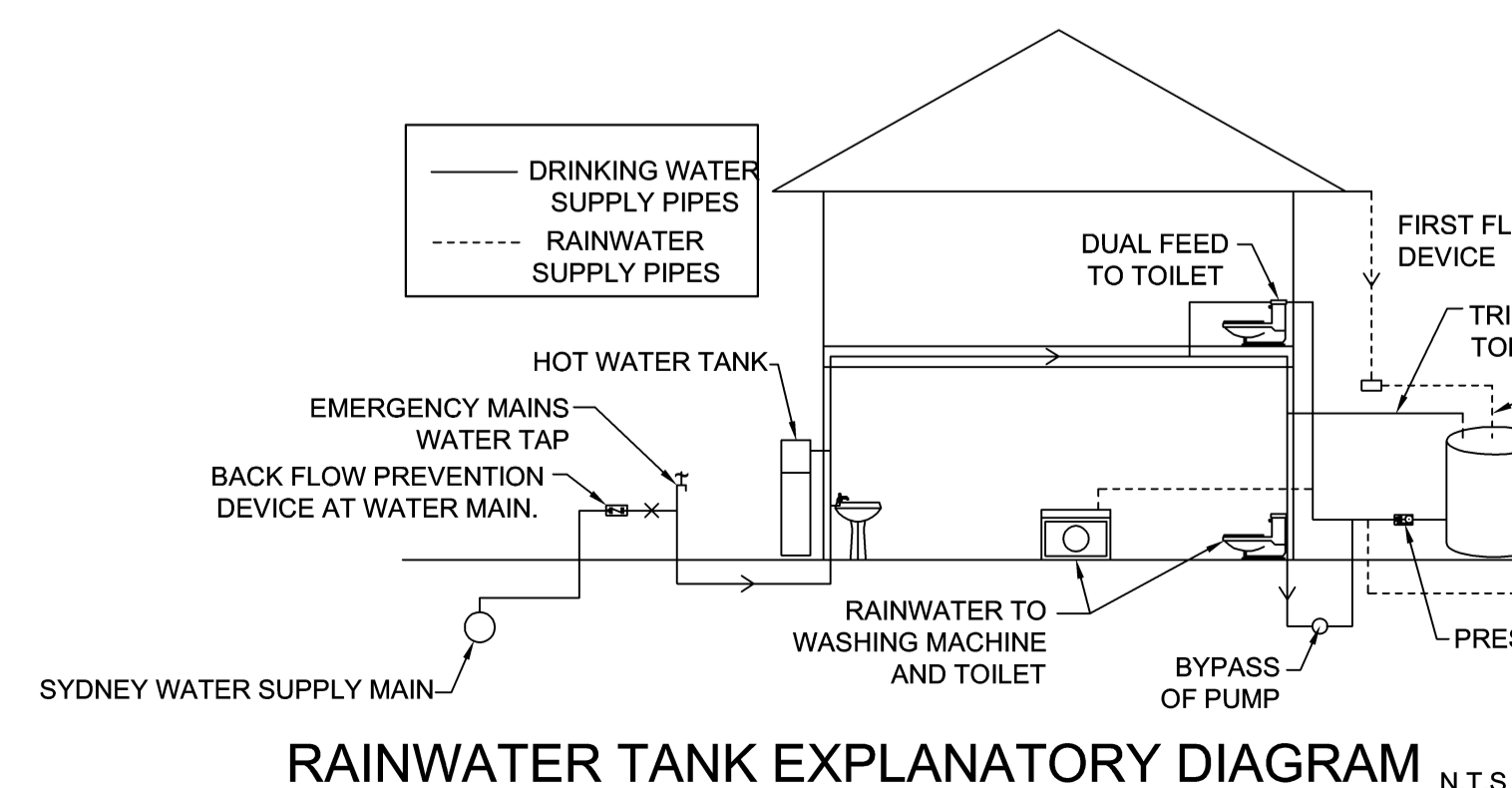
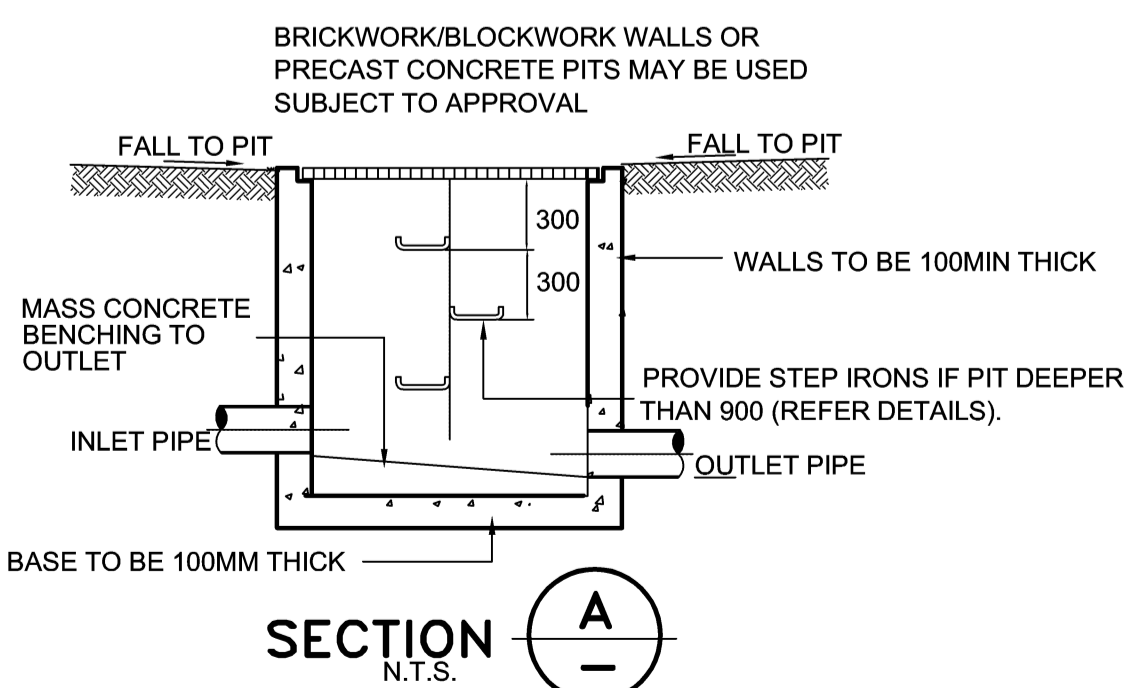
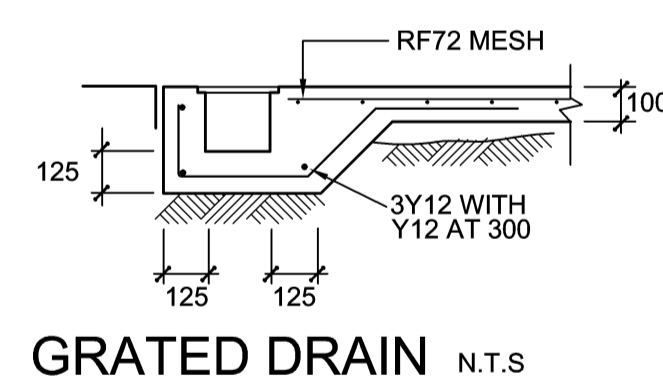
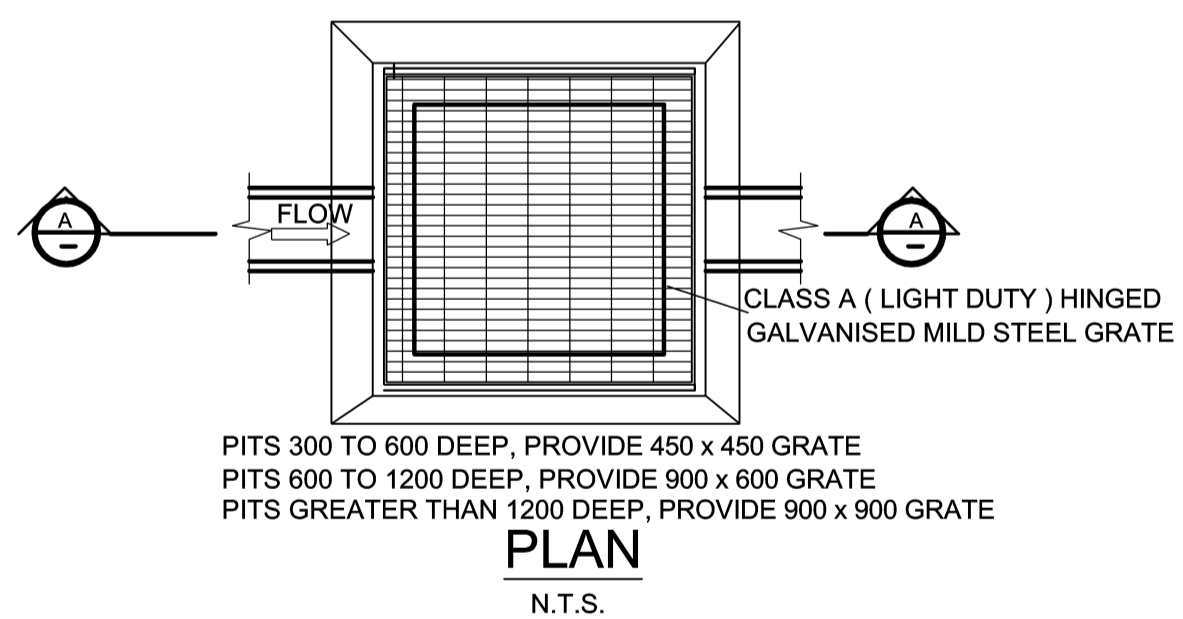
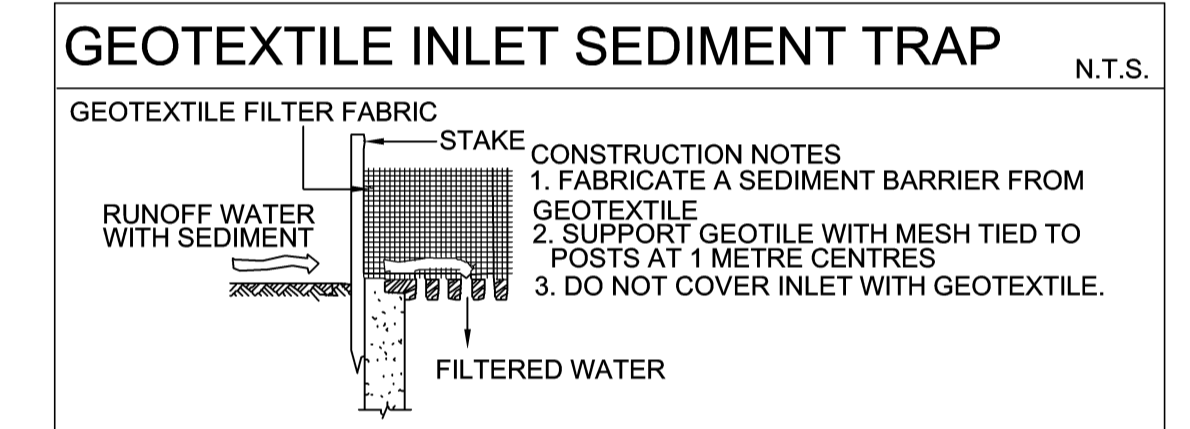
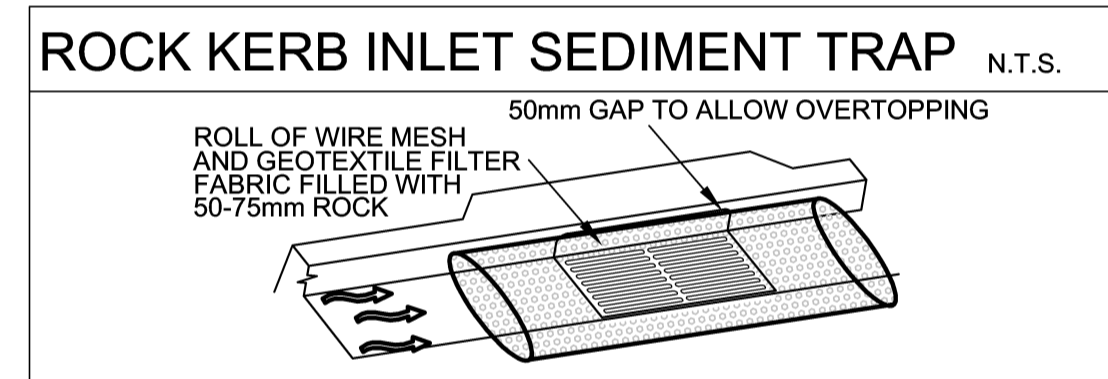
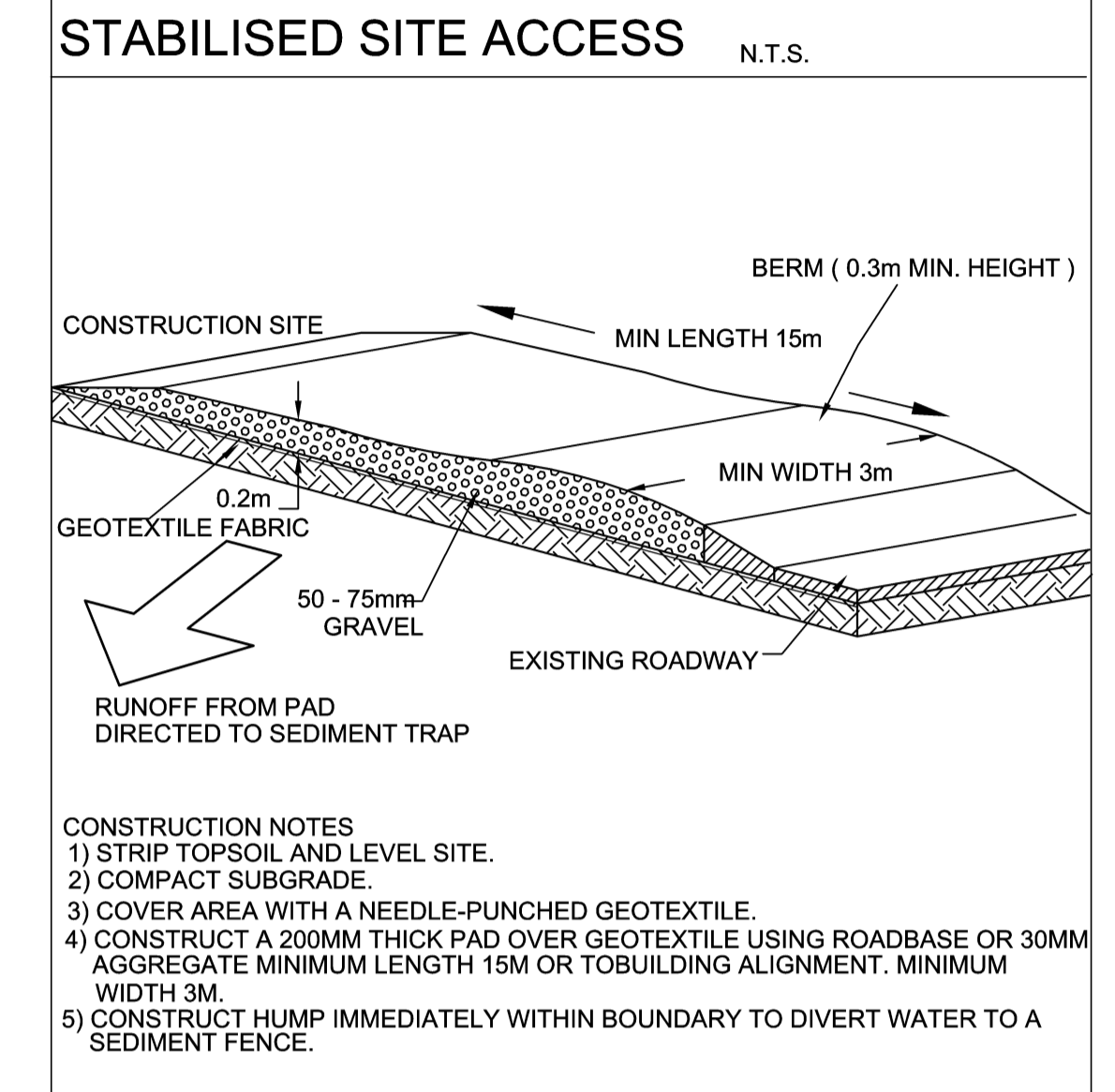
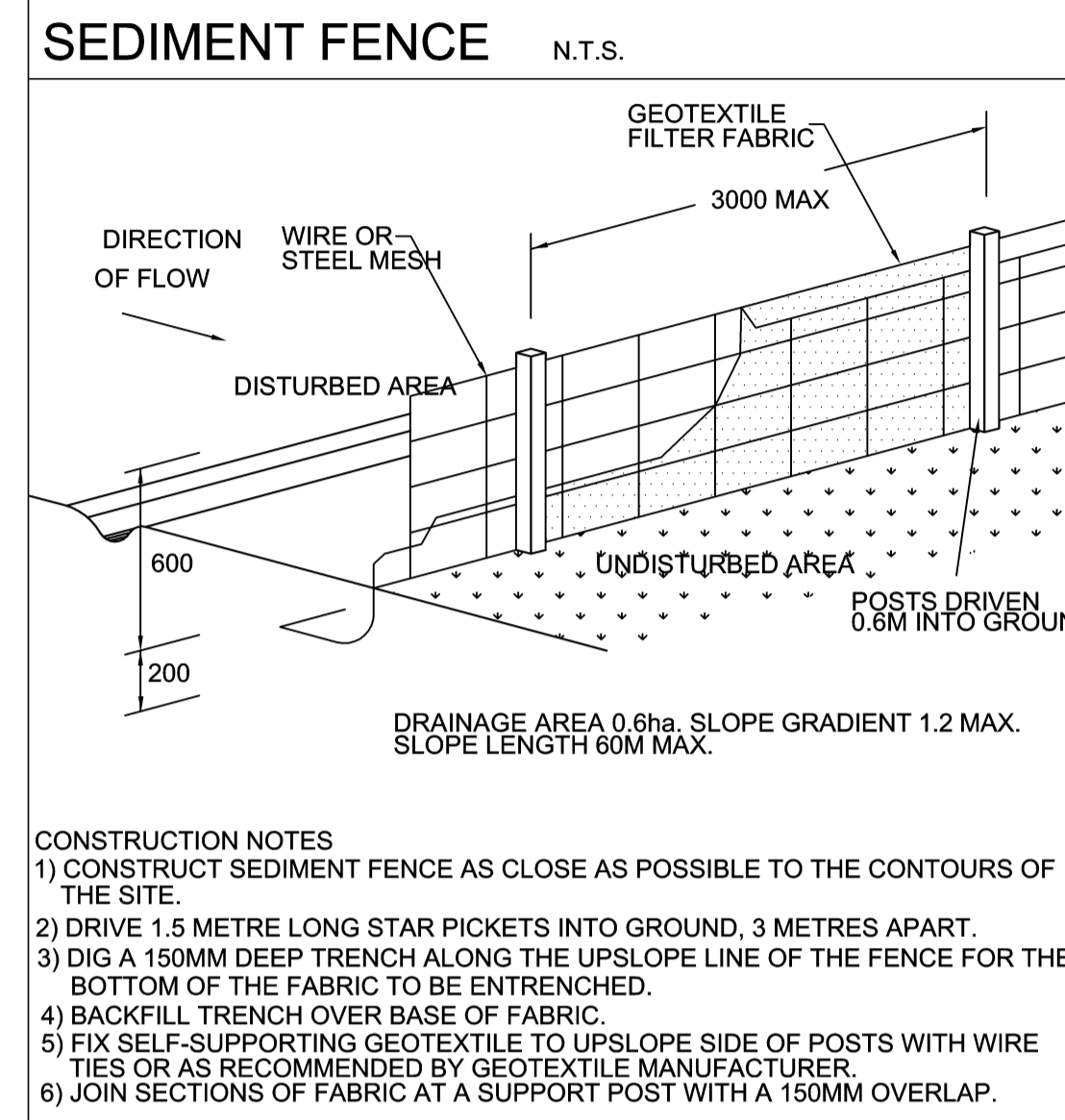
### LEGEND

P1	PIT LABEL	⊙	PLANTER DRAIN
⊞	SUMP PIT	⊞	TERRACE DRAIN
—	DRAINAGE PIPE	⊕	CLEANING EYE
—	AERIAL PIPE	•0.00	EXISTING REDUCED LEVEL
⊞	JUNCTION PIT	⊕ R.L. 157.00	PROPOSED REDUCED LEVEL
S.L.	SURFACE LEVEL	•DP	DOWNPIPE
I.L.	INVERT LEVEL	■RWP	RAIN WATER HEAD
F.F.L.	FINISHED FLOOR LEVEL	→	OVERLAND FLOW
G.F.L.	GARAGE FLOOR LEVEL	—	SPILLWAY
—	SEDIMENT FENCE	⊕ SP	SPITTER/SPREADER
—AG	AG LINE	⊕	ABOVE GROUND RAINWATER TANK

### SIGNAGE FOR EXCAVATION N.T.S.

**DANGER**

WHEN EXCAVATING WITHIN ANY SITE, FOOTPATH AND ROADWAY, ALL SERVICES SHALL BE LOCATED PRIOR TO COMMENCEMENT OF THE EXCAVATION WORKS.  
CONTACT "DIAL BEFORE YOU DIG" ON PHONE No. 1100 OR GO TO THE WEB SITE  
"www.1100.com.au"



### wehbe CONSULTING

STORMWATER & STRUCTURAL ENGINEERS

PO BOX 166, CATLANDS NSW 2117 JOB NUMBER: 882  
PHONE: 0425 290 099  
EMAIL: sharon@wehbeconsulting.com.au DRAWING NUMBER: SW882-1

PROJECT: PROPOSED DEVELOPMENT  
6 EDITH STREET, KINGSWOOD  
CONSTRUCTION NOTES AND STANDARD DETAILS

DESIGNED: S.W. DRAWN: S.W. SIGNED: S.WEHB BE MIE AUST CP ENG NPER-3  
DRAWINGS NOT TO BE USED FOR CONSTRUCTION UNLESS SIGNED BY DESIGNING ENGINEER

A	ISSUED FOR D.A.	26/10/18
ISSUE	REVISION DESCRIPTION	APPR. DATE



# Statement of Environmental Effects

6 EDITH STREET,  
KINGSWOOD  
8 NOVEMBER 2018



<b>QUALITY ASSURANCE</b>	
<b>Project:</b>	<b>Boarding House</b>
<b>Address:</b>	<b>6 Edith Street, Kingswood</b>
<b>Lot /DP:</b>	<b>Lot 53 DP 241989</b>
<b>Council:</b>	<b>Penrith City Council</b>
<b>Author:</b>	<b>Think Planners Pty Ltd</b>

<b>Date</b>	<b>Purpose of Issue</b>	<b>Rev</b>	<b>Reviewed</b>	<b>Authorised</b>
<b>October 2018</b>	<i>Draft Issue for Comment</i>	<i>Draft</i>	<i>LK/SK</i>	<i>JW</i>
<b>November 2018</b>	<i>DA Lodgement Issue</i>	<i>Final</i>	<i>JW</i>	<i>AB</i>

<i>Integrated Development (under S91 of the EP&amp;A Act). Does the development require approvals under any of the following legislation?</i>	
<i>Fisheries Management Act 1994</i>	<i>No</i>
<i>Heritage Act 1977</i>	<i>No</i>
<i>Mine Subsidence Act 1992</i>	<i>No</i>
<i>Mining Act 1992</i>	<i>No</i>
<i>National Parks and Wildlife Act 1974</i>	<i>No</i>
<i>Petroleum (Onshore) Act 1991</i>	<i>No</i>
<i>Protection of the Environment Operations Act 1997</i>	<i>No</i>
<i>Roads Act 1993</i>	<i>No</i>
<i>Rural Fires Act 1997</i>	<i>No</i>
<i>Water Management Act 2000</i>	<i>No</i>
<b>Concurrence</b>	
<i>SEPP 1- Development Standards</i>	<i>No</i>
<i>SEPP 64- Advertising and Signage</i>	<i>No</i>
<i>SEPP 71 – Coastal Protection</i>	<i>No</i>
<i>SEPP (Infrastructure) 2007</i>	<i>No</i>
<i>SEPP (Major Development) 2005</i>	<i>No</i>
<i>SREP (Sydney Harbour Catchment) 2005</i>	<i>No</i>



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## EXECUTIVE SUMMARY

This Statement of Environmental Effects has been prepared in support of a Development Application for the demolition of existing structures to construct a New Generation 'Boarding House' at 6 Edith Street, Kingswood.

The boarding house is to accommodate a total of 14 rooms, each with full bathroom, kitchenette and living area, noting 2 of the rooms on the ground floor have been designed to be adaptable (Rooms 1 & 5). The boarding house will accommodate a total of 28 lodgers based on the room size and configuration and as nominated on the plans, noting that the proposal provides for 14 double occupancy rooms- which is inclusive of 1 on site manager room.

The development also includes a communal room and communal open space within the ground floor, a total of 8 car parking spaces including an accessible car parking space within the basement level also including 3 x motorcycle parking space and 4 x bicycle parking spaces within the basement level.

Situated within walking distance of 550m from the Western Sydney University – Penrith Campus and within walking distance from TAFE NSW College Kingswood. The site is also within proximity to Nepean Hospital, Kingswood Commercial Precinct, suburban train station, local primary school (Kingswood Primary School), child care centres, large parks/sportsground with a bus stop with regular services to Penrith and Mt Druitt situated on the eastern and western side of Manning Street.

Located within proximity to a small set of neighbourhood shops, the site can be best described as a regular shaped land parcel with a frontage of 18.29m to Edith Street and a site depth of 35.56m, resulting in a total site area of 650.3m<sup>2</sup>.

The site and the broader locality is zoned R3 Medium Density Residential under the Penrith Local Environment Plan 2010. Despite its R3 zoning which permits medium density residential developments including multi-dwelling housing, the built form in the vicinity of the site comprises predominantly of older style single storey dwellings within a garden setting interspersed by larger two storey dwellings and dual occupancies as well as boarding houses, a small number of child care centres and a few large older style multi dwelling housing developments.

Renewal of the locality is inevitable and potential residential redevelopment patterns and form is heavily dictated by historical subdivision patterns, which will dictate the shape and form of residential areas- therefore meaning that dual occupancies are more likely than traditional townhouse development in the R3 zone given the allotment configurations.

The immediate locality comprises predominantly of smaller lots which are not conducive to undertaking redevelopment for multi dwelling housing which typically requires cluster of large and deep lots and as such land parcels along Edna & Edith Streets that are more likely to be redeveloped as larger modern two storey forms including dual occupancies and unlikely to be redeveloped for multi dwelling housing in the medium term.

As such, the proposed new age boarding housing is designed to appear as a large two storey duplex set within a landscape setting to be consistent with the existing and anticipated higher-intensity low density housing character of the immediate locality, noting Council has recently approved comparable two storey boarding houses within R3 zones within the immediate locality.

*'Boarding Houses'* are permissible with consent within the R3 Medium Residential zone with the application made pursuant to State Environmental Planning Policy (Affordable Rental Housing) 2009. The development proposes to provide affordable rental housing, noting that students are to be a key target market for future residents considering the site's proximity to an established university and TAFE.

Following a review of the relevant planning controls, it is concluded that the proposed development is consistent with the objectives, planning strategies and detailed controls of these planning documents.

Having regard to the benefits of the proposal and considering the absence of adverse environmental, social or economic impacts, the application is submitted to Council for assessment and granting of development consent. Think Planners Pty Ltd recommends the approval of the application, subject to necessary, relevant and appropriate conditions of consent.

## SITE AND LOCALITY DESCRIPTION

### LEGAL DESCRIPTION

The subject site is legally known as Lot 53 DP 241989, though more commonly known as 6 Edith Street, Kingswood.

### SUBJECT SITE

Situated within walking distance to local neighbourhood shops, the development site is within 550m from the Western Sydney University – Penrith Campus and within walking distance from TAFE NSW College Kingswood. The subject land parcel can be best described as a regular shaped land parcel with a frontage of 18.29m to Edith Street and an average site depth of 35.56m, resulting in a total site area of 650.3m<sup>2</sup>.

The subject site currently accommodates an older style residential dwelling, vehicle cross-over, driveway and associated structures, as demonstrated by Photograph 1 below.

**Photograph 1: Shows the subject site – 6 Edith Street, Kingswood**



The site is also within proximity to Nepean Hospital, Kingswood Commercial Precinct, suburban train station, local primary school (Kingswood Primary School), child care centres, large parks/sportsground with a bus stop with regular services to Penrith and Mt Druitt situated on the eastern and western side of Manning Street.

The site itself is bounded by single storey residential dwellings to its northern, southern and western boundaries. The development proposes to provide affordable rental housing, noting that students are to be a key target market for future residents considering the site's proximity to an established university and TAFE. This is illustrated by an aerial map extract below.

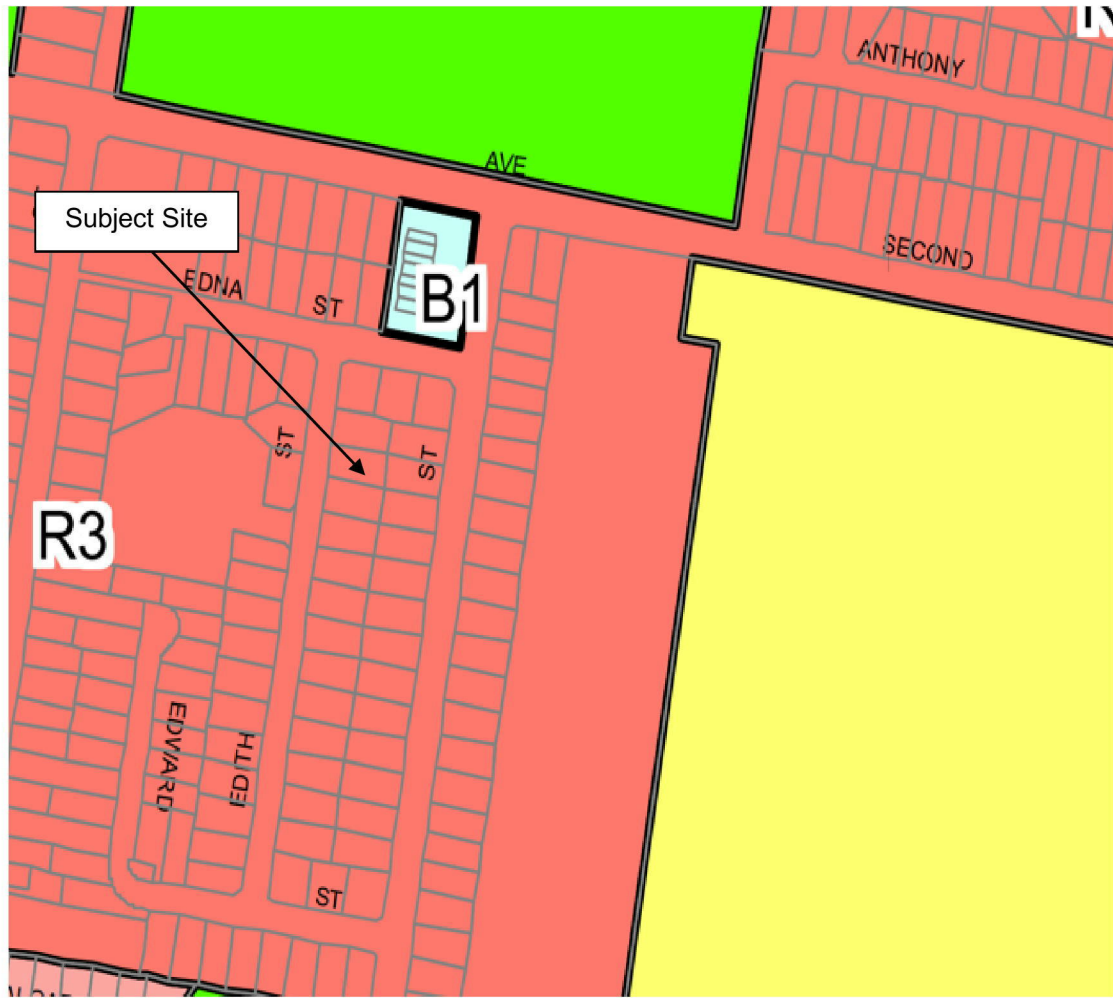
**Figure 1: Aerial Map Extract of Subject Site (Six Maps)**



## ZONING CONTROL

The site is zoned R3 Medium Density Residential under the provisions of the Penrith Local Environmental Plan 2010 and is attributed with a maximum permitted building height limit of 8.5m. Council's zoning map extract is provided below.

Figure 2: Zoning Map Sheet LZN\_013 Extract (Source: Penrith LEP 2010)



The built form along Edith Street comprises predominantly of older style single storey dwellings within a garden setting interspersed by larger two storey dwellings and dual occupancies as well as boarding houses, child care centres and a few large older style multi dwelling housing developments.

'Boarding Houses' are permissible with consent within the R3 Medium Residential zone with the application made pursuant to State Environmental Planning Policy (Affordable Rental Housing) 2009.

## LOCALITY ANALYSIS

An analysis of the built form character along Edith and nearby Manning Street indicates that single storey dwellings set within a garden setting is the predominant dwelling form interspersed by larger two-storey dwellings and dual occupancies.

Renewal of the locality is inevitable and potential residential redevelopment patterns and form is heavily dictated by historical subdivision patterns, which will dictate the shape and form of residential areas.

The immediate locality comprises predominantly of smaller lots which are not inductive to undertaking redevelopment for multi dwelling housing which typically requires cluster of large and deep lots and as such land parcels along the Edith Street are more likely to be redeveloped as larger modern two storey forms including dual occupancies and unlikely to be redeveloped for multi dwelling housing in the medium term and as such the proposed new age boarding housing is designed to appear as a large two storey duplex set within a landscape setting to be consistent with the existing and anticipated higher-intensity low density housing character of the immediate locality.

**Figure 3: Locality Aerial Map Extract of Subject Site (Source: Google Maps)**

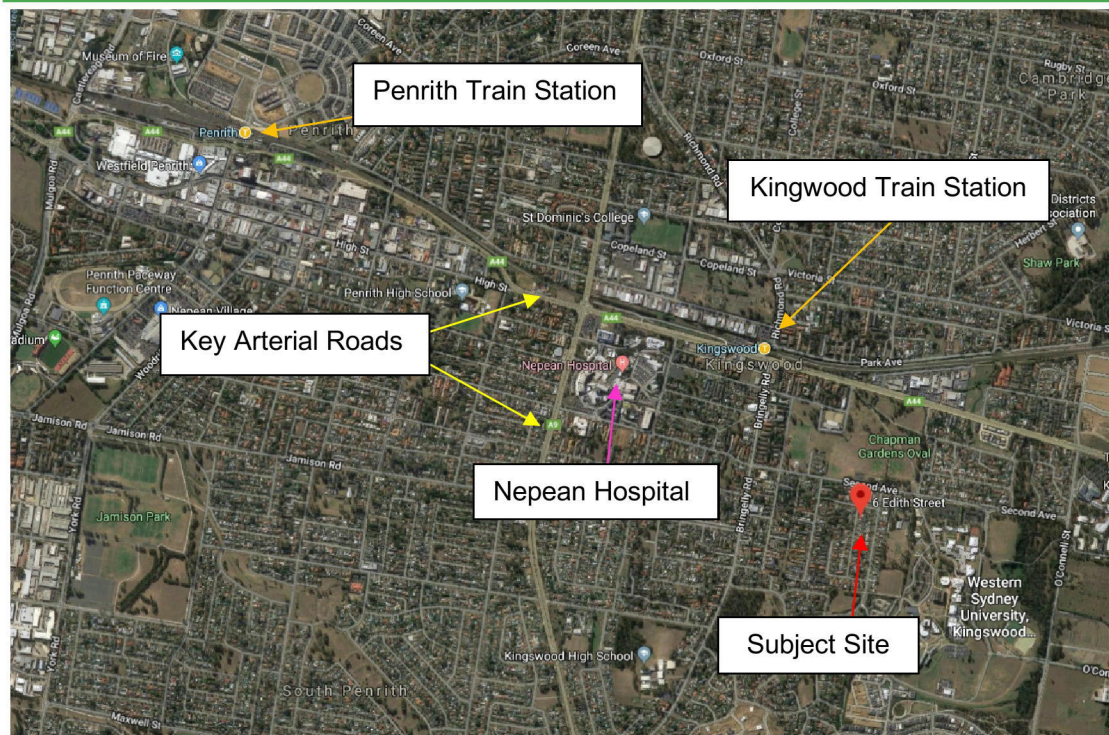




## BROADER LOCALITY ANALYSIS

The subject area is ideal to accommodate a new age boarding house due to its proximity to Nepean Hospital, Kingswood Commercial Precinct, local primary school (Kingswood Primary School), child care centres, large parks/sportsground and public transportation (suburban train station and local bus stops with services between Penrith and Mt DrUITt). The site is also serviced by key road networks including The Great Western Highway, as illustrated by an aerial map of the broader locality within the following page.

**Figure 4: Broader Aerial Map Extract of Subject Site (Source: Google Maps)**



The development proposes to provide affordable rental housing, noting that students are to be a key target market for future residents considering the site's proximity to an established university. Photographs are provided overleaf that give context to the locality and the relationship of the development site with adjoining developments.

Photograph 2: Shows a recently constructed comparable boarding house No. 55 Second Ave, Kingswood



Photograph 3: Shows WSU Kingswood Campus via Second Avenue





## DESCRIPTION OF PROPOSAL

The Development Application is for the demolition of existing structures in order to construct a New Generation 'Boarding House' at 6 Edith Street, Kingswood.

The boarding house is to accommodate a total of 14 rooms, each with full bathroom, kitchenette and living area, noting 2 of the rooms on the ground floor have been designed to be adaptable (Rooms 1 & 5). The boarding house will accommodate a total of 28 lodgers based on the room size and configuration and as nominated on the plans, noting that the proposal provides for 14 double occupancy rooms- which is inclusive of 1 on site manager room.

The development also includes a communal room and communal open space within the ground floor, a total of 8 car parking spaces including an accessible car parking space within the basement level also including 3 x motorcycle parking space and 4 x bicycle parking spaces within the basement level.

The basement level also includes 3 x motorcycle parking spaces and 4 x bicycle parking spaces with access to the basement level provided via a new double width vehicle crossover, driveway and graded ramp from Edith Street.

A summary of the relevant aspects of the proposal is provided below:

Level	Inclusion
<b>Basement Level</b>	<p>Access to the basement level is provided via a graded vehicle ramp from the ground floor.</p> <p><b><u>Parking</u></b></p> <p>Car parking breakdown within the basement level:</p> <ul style="list-style-type: none"> <li>- 8 x vehicular parking spaces</li> <li>- 3 x motorcycle spaces</li> <li>- 4 x bicycle spaces.</li> </ul> <p>The internal circulation areas and turning areas are of sufficient size to permit vehicles to enter and exit in a forward direction.</p> <p>Storage room/ Bulk waste facility</p> <p>Stairwell.</p>
<b>Ground Floor</b>	<p><b><u>Vehicular Access</u></b></p> <p>Direct vehicular access to driveway and graded ramp to the basement level situated to the eastern corner of the site from Edith Street.</p> <p><b><u>Pedestrian Access</u></b></p> <p><b>Primary</b></p> <p>Primary pedestrian access is provided via a graded pedestrian pathway situated near the central portion of the site from Edith Street.</p>

	<p><b>Boarding House</b></p> <p>A total of 6 boarding house rooms/suites are located within the ground floor with each room/suite provided with a bedroom, kitchenette, living space, storage and bathroom.</p> <p>Two of the rooms/suites are designed as adaptable units (Room 1 &amp; 5).</p> <p>The boarding house also includes a communal space/lobby with a courtyard provided towards the rear with a pergola proposed.</p> <p>Furthermore, boarding house also includes internal hallway, fencing, awning, planter boxes and a stairwell.</p>
<p><b>First Floor</b></p>	<p><b>Boarding House</b></p> <p>A total of 8 boarding house rooms/suites is located within the first floor with each room/suite provided with a bedroom, kitchenette, living space, storage and bathroom.</p> <p>The boarding house also includes an internal hallway and a stairwell.</p>

The proposal is purpose built to provide low cost flexible rental accommodation to a wide range of tenants. Most tenants are likely to be students from Western Sydney University, but may also include single retirees, working singles and young couples. In addition the site is within broad proximity to the Kingswood Health and Education Precinct and therefore nurses and other medical professionals may also be future residents.

The boarding house has been designed to present as a large two storey dual occupancy to be consistent with the existing and anticipated 2 storey low density-built form character within the immediate locality, noting Council has recently approved comparable two storey boarding houses within R3 zones within the immediate locality (55 Second Avenue, Kingswood). The development also incorporates contemporary architectural aesthetics that relate to existing development in proximity to the site and are sympathetic to the nature and character of the area.

Design consideration has also been given to residential amenity including aspects such as privacy and solar access for both future residents of the proposal and those of surrounding properties.

The relevant architectural plans for the proposal have been prepared by Design Corp, while supporting reports have been prepared by relevant consultants.

The design of the proposal development incorporates contemporary architectural aesthetics that aims to be consistent with the character in the locality.

## **PLANNING CONTROLS**

### **STATUTORY CONTROLS**

The relevant Statutory Planning Controls include:

- State Environmental Planning Policy BASIX
- State Environmental Planning Policy No. 55 – Remediation of Land
- State Environmental Planning Policy- (Vegetation in Non-Rural Areas) 2017
- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy (Affordable Rental Housing) 2009
- Sydney Regional Environmental Plan (SREP) NO. 20 – Hawkesbury Nepean River.
- Penrith Local Environmental Plan 2010.

### **POLICY CONTROLS**

The applicable policy control documents include:

- Penrith Development Control Plan 2014.

## CONSIDERATION OF PLANNING CONTROLS

The following summarises the relevant planning controls in relation to the proposal and the compliance of each.

### STATE ENVIRONMENTAL PLANNING POLICY (BASIX) 2004

The proposal is not subject to BASIX and hence a Section J report accompanies the development application.

### STATE ENVIRONMENTAL PLANNING POLICY NO. 55 – REMEDIATION OF LAND

Given the historical use of the locality for residential purposes, land contamination is not likely. A review of aerial photographs and the site itself does not indicate any potentially contaminating activities occurring on the site and therefore Clause 7 is satisfied.

Further investigation and reporting under SEPP 55 is not considered necessary as there is no underlying change of use of the land and as such Clause 7 of the SEPP is satisfied. If any contaminated material or suspected contaminated material is unearthed during the construction process, then actions consistent with the legislative requirements and guideline document will be undertaken.

### STATE ENVIRONMENTAL PLANNING POLICY (INFRASTRUCTURE) 2007

The development site is not located on a classified road and thus it is not necessary to consider the provisions of Clause 102, and 104 of the SEPP. Clause 104 identifies several types of development that require concurrence from Roads and Maritime Services where development is identified as *'traffic generating development'*.

The current proposal is not identified as traffic generating development as the site does not trigger the threshold requirements.

Therefore, concurrence from the RMS is not required.

## STATE ENVIRONMENTAL PLANNING POLICY- (VEGETATION IN NON-RURAL AREAS) 2017

State Environmental Planning Policy (Vegetation in Non-Rural Areas) was introduced in August 2017. This SEPP seeks to protect the biodiversity values of trees and other vegetation in non-rural areas of the state, and to preserve the amenity of non-rural areas of the State through the appropriate preservation of trees and other vegetation.

The subject site is within a well-established residential area, having historically been used for residential purposes. This application seeks Council consent for the removal of a few small shrubs on site as identified in the attached plans. It is highlighted that no significant vegetation is to be impacted as part of the proposal.

Development proposes extensive landscape embellishment works within a low to medium residential context including landscaping along the sites front, side and rear setbacks will be undertaken as part of the proposal in accordance with the attached Landscape Plan.

The landscape treatment will soften the built form, assist with maintaining privacy and help to integrate the development with the site's context.

## STATE ENVIRONMENTAL PLANNING POLICY (AFFORDABLE RENTAL HOUSING 2009)

The SEPP permits Boarding Houses on land zoned residential, neighbourhood, local centre and mixed use. The effect of the SEPP is to confirm that such uses are consistent with the objectives of the zone.

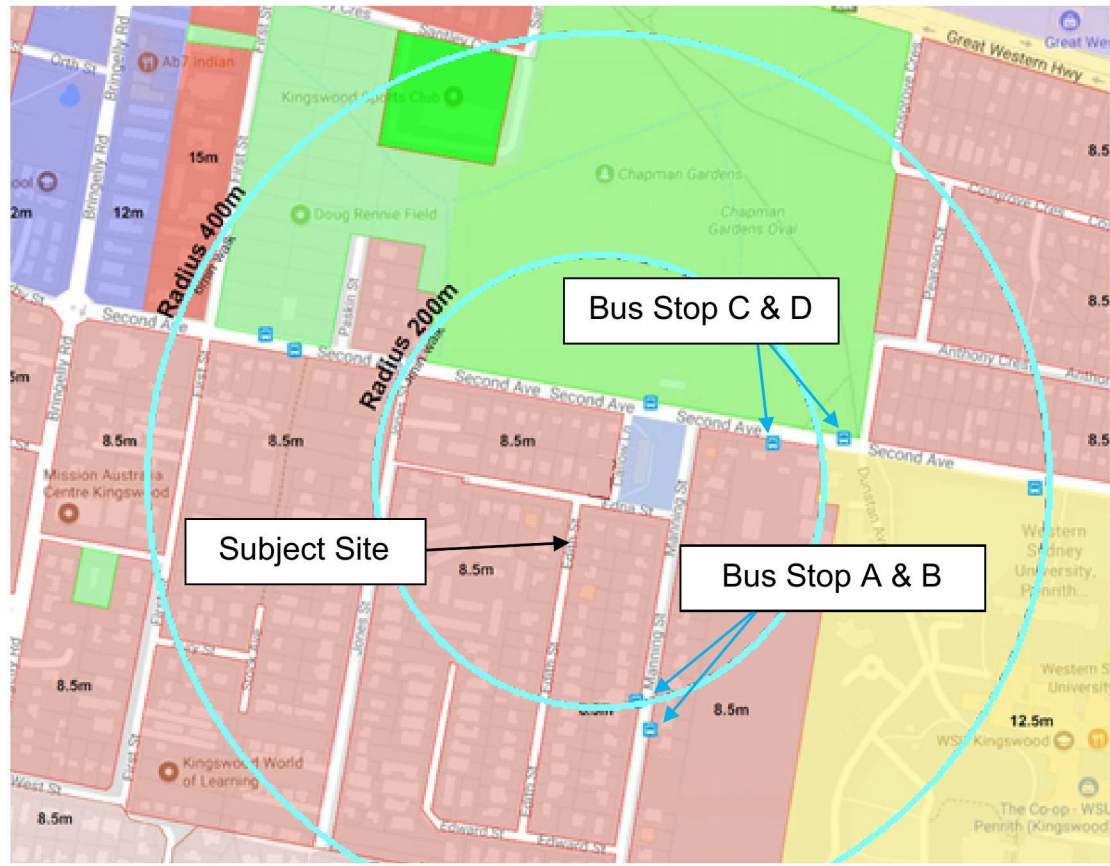
The site is located within an '*accessible area*' being within 400m of a bus stop that provides the required level of service as defined in the SEPP.

As shown on the map extract in the following page, a local bus stop that provides an hourly service to Penrith via the 770/774/775/776 bus routes that run between 06.00 and 21.00 from Monday to Friday and between 08.00 and 18.00 on each Saturday and Sunday, is situated between 120m-240 away from the subject site and two bus stops (on each side of the road) that provide a hourly service to Mt Druitt via the 770/774/775/776 bus routes that run between 06.00 and 21.00 from Monday to Friday and between 08.00 and 18.00 on each Saturday and Sunday.

As such it is demonstrated that the site is within an accessible area and that the level of service complies with the SEPP requirements to be considered as an '*accessible area*'.



Figure 6: Bus Stop Location



The proposal will provide affordable rental housing within medium density residential zoned land to address current shortages in the availability of affordable rental housing.

The table below provides discussion against the relevant provisions of the SEPP.

### SEPP ARH Requirement

#### 3 Aims of Policy

The aims of this Policy are 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,

The proposal is for a form of affordable housing directly sought in the SEPP. The proposal will result in the addition of affordable short-term rental housing in the area that is close to public transport and as such is consistent with the aims of the policy.

- (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.

## 25 Definition

In this Division:

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

The development provides a common living room and communal open space at the rear of the site that exceeds the minimum area set out by the SEPP. This area can be used as a congregation/living area by future residents.

## 26 Land to which Division applies

This Division applies to land within any of the following land use zones or within a land use zone that is equivalent to any of those zones:

The site is zoned R3 Medium Density Residential.

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

## 27 Development to which Division applies

This Division applies to development, on land to which this Division applies, for the purposes of boarding houses.

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

Consent is sought in this development application.

## 29 Standards that cannot be used to refuse consent

(1) A consent authority must not refuse consent to development to which this Division applies on the grounds of density or scale if the density and scale of the buildings when expressed as a floor space ratio are not more than:

There is no applicable maximum FSR for land zoned R3 within Penrith LEP 2010.

(a) the existing maximum floor space ratio for any form of residential accommodation permitted on the land, or	
(2) A consent authority must not refuse consent to development to which this Division applies on any of the following grounds:	
(a) building height	
if the building height of all proposed buildings is not more than the maximum building height permitted under another environmental planning instrument for any building on the land,	Development complies with prescribed height controls under the Penrith LEP.
(b) landscaped area	
if the landscape treatment of the front setback area is compatible with the streetscape in which the building is located,	The front setback landscape treatment is compatible with the existing streetscape, noting the landscape plantings proposed.
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,	One communal area is provided to the boarding house. The communal living room is oriented to the north and will receive at least 3 hours of direct sunlight from 9am to 12 noon.
(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,	The proposal provides communal open space area to the rear of the site with depth greater than 3m (6m) and a total area over 20m <sup>2</sup> and as such is compliant with the SEPP.
(ii) if accommodation is provided on site for a boarding house manager—one area of at least 8 square metres with a minimum dimension of 2.5 metres is provided adjacent to that accommodation,	The proposal is for a 14-room boarding house accommodating 28 lodgers and therefore a boarding house manager is required, noting ARH SEPP states a total of 20 or more lodgers triggers the need to provide an on-site boarding house manager. Room 6 is the Managers Room.
(e) parking	
if not more than:	
(i) in the case of development not carried out by a social housing provider—at least 0.5 parking spaces are provided for each boarding room	The site is in an accessible area (within 400m to bus stop).
	0.5 x 14 = 7 car parking spaces.
	The application provides a total of 8 resident car parking spaces within a basement level. Complies.
	The proposal also provides for 3 motorcycle parking spaces and 4 bicycle parking space within a basement level, which complies with the SEPP.

<p>(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:</p> <p>(i) 12 square metres in the case of a boarding room intended to be used by a single lodger, or</p> <p>(ii) 16 square metres in any other case.</p>	<p>All single lodger rooms are &gt;12m<sup>2</sup> when excluding the kitchen and bathroom areas and all double lodger rooms are &gt;16m<sup>2</sup>, when excluding kitchen and bathroom areas.</p>
<p>(3) A boarding house may have private kitchen or bathroom facilities in each boarding room but is not required to have those facilities in any boarding room.</p>	<p>Each room has a kitchen and bathroom.</p>
<p>30 Standards for boarding houses</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>A communal living room is provided on the ground floor with generous ancillary outdoor space.</p>
<p>(b) no boarding room will have a gross floor area (excluding any area used for the purposes of private kitchen or bathroom facilities) of more than 25 square metres,</p>	<p>The rooms measure no more than 25m<sup>2</sup> in area in total, noting the largest room/suite is 24.52m<sup>2</sup> in size when excluding the kitchen and bathroom areas.</p>
<p>(c) no boarding room will be occupied by more than 2 adult lodgers,</p>	<p>Boarding House designed with a maximum of 2 adults lodgers. A condition to this effect is anticipated.</p>
<p>(d) adequate bathroom and kitchen facilities will be available within the boarding house for the use of each lodger,</p>	<p>All boarding rooms are self-contained rooms containing a kitchen and bathroom.</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>The boarding has the capacity to accommodate up to xxx lodgers and as such a boarding house manager must be provided on-site.</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>Not applicable.</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>SEPP requires a total of 1 bicycle parking space and 1 motorcycle parking space for every 5 boarding rooms. This equates to 2.8 spaces for both bicycles and motorcycles. The proposal makes provision for 4 x bicycle parking spaces and 3 x motorcycle parking spaces, which complies with the SEPP.</p>

<p>52 No subdivision of boarding houses A consent authority must not grant consent to the strata subdivision or community title subdivision of a boarding house.</p>	<p>No subdivision is proposed.</p>
<p>30A Character of Local Area A consent authority must not consent to development to which this Division applies unless it has taken into consideration whether the design of the development is compatible with the character of the local area.</p>	<p>An analysis of the character of the local area and the compatibility of a boarding house is provided overleaf.</p>

### **Character of the Local Area**

The SEPP requires consideration as to whether the design of the development is compatible with the character of the local area. The question of compatibility is set out in the planning principle set out in *Project Venture Developments v Pittwater Council (2005) NSW LEC 191*. A decision in *Moscaritolo v Ryde City Council [2012] NSWLEC 1024* reinforced that the planning principle is relevant to development to which the Affordable Rental Housing SEPP applies. A discussion of the character of the locality is provided as well as assessment of the compatibility of the proposal that aligns with the planning principle.

### **Existing Character**

The existing character of the locality is of 1-2 storey residential dwellings of mixed age and architectural style. Given the age of housing stock in the locality a key consideration in the current circumstance is the form of development anticipated for the area. As addressed, the site is zoned R3 Medium Density Residential under the Penrith LEP 2010 and boarding houses, multi-unit housing, dual occupancies, semi-detached dwellings and dwelling houses are permissible on the site and in the surrounding locality.

Renewal of this established residential estate is inevitable and potential residential redevelopment pattern and form is heavily dictated by historical subdivision patterns, which will dictate the shape and form of residential areas. The immediate locality comprises predominantly of smaller lots which are not inductive to undertaking redevelopment for multi dwelling housing which typically requires cluster of large and deep lots and as such land parcels along the both Edith Street and Manning Street are more likely to be redeveloped as larger modern two storey dwelling and large two storey duplex and unlikely to be redeveloped for multi dwelling housing in the medium term and as such the proposed new age boarding housing is designed to appear as a large two storey duplex set within a landscape setting to be consistent with the existing and anticipated housing forms in the locality noting adjoining properties are sized for dual occupancy developments rather than multi-unit housing and therefore adopting those controls as a guide for the building footprint are considered most suitable.

The development has been influenced and designed to be consistent with the form, style, bulk and scale of a comparable two storey boarding houses elsewhere in the immediate locality and broadly adopted the setback controls that would apply to a dual occupancy on a corner allotment given the allotment size and configuration would otherwise likely to result in a dual occupancy development.

In consideration of the likely future character of this local area and anticipated building forms, the current proposal will be entirely consistent with the future character of the locality as envisaged under the controls contained within the Penrith LEP 2010.

Furthermore, it will not be out of context with the existing established character.

### **Compatibility of the Proposal with the Character of the Area**

In accordance with the Planning Principle set out in *Project Venture Developments v Pittwater Council (2005) NSW LEC 191* the following tests apply in determining whether development is compatible with surrounding development:

*24 Where compatibility between a building and its surroundings is desirable, its two major aspects are physical impact and visual impact. To test whether a proposal is compatible with its context, two questions should be asked.*

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

These questions will be dealt with in turn however it is important to note that as set out in the planning principle *'Compatibility is... 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'*.

Therefore, it is not necessary that the development adopt the same built form as surrounding, and in this case anticipated, development. In terms of the physical impacts of development the following points are made:

- The design of the proposal and the orientation of the lot means that there is minimal overshadowing to adjoining properties, with adjoining properties retaining adequate solar access at mid-winter.
- Privacy impacts are mitigated using building separation, reduced windows to side boundaries and the use of raised sill windows to upper level rooms.

- Noise impacts are reduced through siting the communal areas internally and communal open space towards the rear of the development site away from adjoining dwellings and road traffic areas.
- The development proposal does not result in the constrained development potential of the adjoining properties.

Therefore, the physical impacts of the proposal are acceptable.

In response to the second question set out in the planning principle, the following comments are made:

- The scale of the proposed building is consistent with the anticipated character of residential buildings in the area, as discussed above. This is particularly the case given that the LEP adopts a building height of 8.5m for the site with development near the site permitted to adopt comparable forms of dual occupancies, and townhouses, noting that Council has recently approved comparable two storey boarding houses within R3 zones within the immediate locality.
- The proposal does not exceed the maximum height of 8.5m, thus the proposal is consistent with the height required by the LEP and therefore respects the character of the local area.
- The boarding house provides compatible building setbacks allowing for substantial areas of open space and landscape plantings. The height is consistent with the planning controls and is a 2-storey building that appears as a 2-storey dual occupancy development comparable to development within the locality, noting that the development has been influenced and designed to be consistent with the form, style, bulk and scale of a comparable two storey boarding house within a R3 zone that has recently approved by Council within the subject are (55 Second Avenue, Kingswood).
- The extent of landscaping is comparable to the adjoining developments and is reasonable on that basis noting screen plantings are proposed along the front boundary to soften the development.
- The architectural style seeks a contemporary design; however it continues to align with the building height and setbacks of other comparable developments.

Based on the foregoing discussion the development proposal is considered compatible with the character of the local area, with reference to the anticipated future character of the locality that will adopt a comparable form and scale to the current proposal.

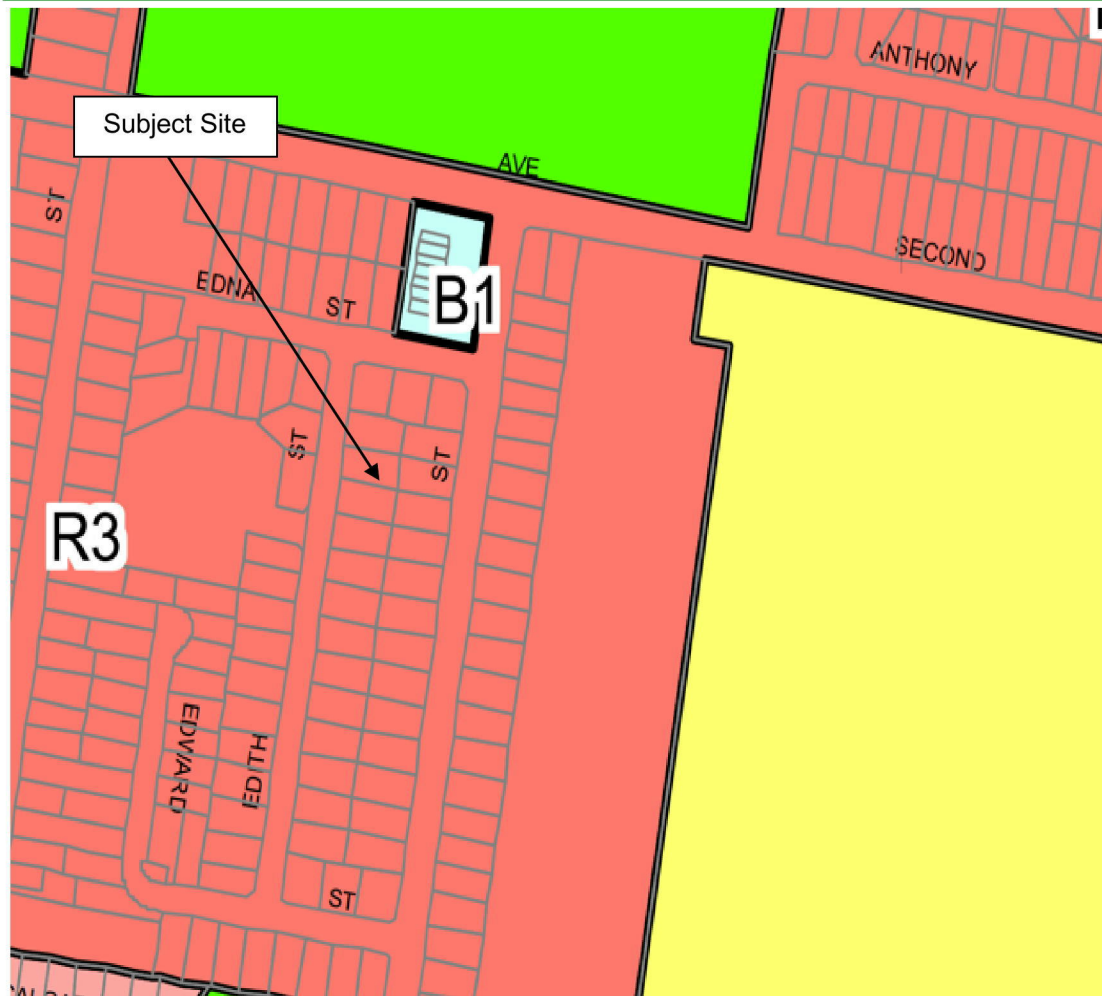
SYDNEY REGIONAL ENVIRONMENTAL PLAN (SREP) NO. 20 – HAWKESBURY  
NEPEAN RIVER

The development proposal incorporates a drainage concept that demonstrates that stormwater can be adequately conveyed to the existing street network. Appropriate erosion and sediment controls can be implemented through construction and it is anticipated that conditions of consent will reinforce this. It is noted that the proposal meets the recently adopted WSUD measures required to achieve appropriate water quality for stormwater discharge.

PENRITH LOCAL ENVIRONMENTAL PLAN 2010

The development site is zoned R3 Medium Density Residential, as per the zoning map extract below, under the provisions of the Penrith LEP 2010.

Figure 7: Zoning Map Sheet LZN\_013 Extract (Source: Penrith LEP 2010)





Boarding Houses are permissible with consent within the subject site and the proposal is consistent with the definition contained within the LEP:

***Boarding House*** means a building that:

- (a) is wholly or partly let in lodging, 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 development proposal is also consistent with the prescribed zone objectives that are stipulated as:

- *To provide for the housing needs of the community within a medium density residential environment.*
- *To provide a variety of housing types within a medium density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To provide for a concentration of housing with access to services and facilities.*
- *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 proposal development provides a new generation boarding house that is not only located within a suitable location but will make available a variety of housing types within the and contribute towards providing low cost flexible rental accommodation for tenants such as single retirees, working singles, students from outside the Sydney metropolitan area and young couples an opportunity to live within Kingswood.

The proposed new generation boarding house incorporates the characteristics of a large 2 storey dual occupancy to be compatible with the existing and anticipated large two storey residential dwellings, noting the 2-storey form of the development is appropriate within a medium density residential context subject to a height limit of 8.5m.

The table below provides detail on the development standards relevant to the current proposal as well as other relevant LEP provisions.

<b>Penrith Local Environmental Plan 2010 – Compliance Table</b>			
<b>Clause</b>	<b>Controls</b>	<b>Comments</b>	<b>Complies</b>
<b>Zoning</b>	R3 – Medium Density	Boarding houses are permissible with Council consent in the R3 – Medium Density zone	<b>Yes</b>
<b>Part 2 Permitted or Prohibited Development</b>			
<b>2.3</b>	Zone Objectives and Land Use Table	The proposal is consistent with the zone objectives of the R3 – Medium Density and will appropriately fulfil the subject site’s zoning potential and will provide low rent short term accommodation in the form of a new age boarding housing within the catchment of public transport and services.	<b>Yes</b>
<b>2.6</b>	Subdivision – Consent Requirements	No subdivision is proposed.	<b>N/A</b>
<b>2.7</b>	Demolition Requires Consent	Council consent is sought for the demolition of the existing structures on site.	<b>Yes</b>
<b>Part 4 Principal Development Standards</b>			
<b>4.1A</b>	Minimum Subdivision Lot Size:  No minimum lot size for boarding houses	Not applicable	<b>N/A</b>
<b>4.3</b>	Height of Building: 8.5m	Penrith Local Environmental Plan 2010 Height of Buildings Map Sheet HOB_013 indicates that the maximum building height within the subject site is 8.5m.  Development proposes a two-storey building with a maximum building height of 8m. Complies.	<b>Yes</b>
<b>4.4</b>	Floor Space Ratio	No FSR control applies to the subject site. Not relevant.	<b>N/A</b>

Clause	Controls	Comments	Complies
<b>Part 5 Miscellaneous Provision</b>			
5.10	Heritage Conservation	<p>The site is not identified as a heritage item, and it is not located within a heritage conservation area, however there is a heritage item (I670) located near the subject site.</p> <p>Due to the nature of the proposal – a two storey new age boarding house set within a landscape setting and with sufficient separation, the proposal will have no impact on the curtilage associated with the heritage item and therefore the development will have no impact on the heritage significance of heritage item 670.</p> <p>As a result, the subject site will not have any associated heritage restrictions.</p> <p>A heritage impact statement is not deemed to be necessary.</p>	Yes
<b>Part 7 Additional Local Provisions</b>			
7.1	Earthworks	<p>This application seeks Council consent for the excavation of the site as per the attached plans. It is considered that the proposed excavation will have minimal adverse environmental or amenity impact.</p> <p>The proposal results in an appropriate outcome when considering the nature of the development, the unique characteristics of the site and compliance with relevant Council controls.</p> <p>The proposal will not adversely affect or disrupt drainage and flood patterns, flood storage or soil stability in the area.</p> <p>The proposed excavation is consistent with the current and future use of the land and will develop the site into context with its surrounds and in accordance with Councils current and proposed planning strategies.</p> <p>It is considered unlikely due to the location of the site as well as previous development that excavation will lead to the disturbance of relics.</p>	Yes

Clause	Controls	Comments	Complies
7.2	Flood Planning	The subject site is identified as being flood prone however this is limited and there is no impact from the development given it only affects a corner of the site which is clear of development.	Yes
7.3	Development on Natural Resources Sensitive Land	The subject site is not identified on the Natural Resource Sensitive Map. Not applicable.	N/A
7.4	Sustainable Development	<p>The proposal satisfies the LEP in that:</p> <p>(a) conserving energy and reducing carbon dioxide emissions,</p> <p>(b) embodied energy in materials and building processes,</p> <p>(c) building design and orientation,</p> <p>(d) passive solar design and day lighting,</p> <p>(e) natural ventilation,</p> <p>All units are to receive good solar access.</p> <p>(f) energy efficiency and conservation,</p> <p>(g) water conservation and water reuse,</p> <p>Proposal will comply with the accompanying Section J Report.</p> <p>(h) waste minimisation and recycling,</p> <p>Waste management and recycling can be addressed through waste management plan.</p> <p>(i) reduction of vehicle dependence,</p> <p>Proposal is located within walking distance of bus stops with regular services to Penrith and Mt Druitt situated on the eastern and western side of Manning Street.</p> <p>(j) potential for adaptive reuse.</p> <p>Given the zoning of the site as R3 there is limited adaptive re-use potential on the site.</p>	Yes
7.5	Protection of Scenic Character and Landscape Values	The site is not identified on the Land with Scenic and Landscape Values Map. Not applicable.	N/A
7.6	Salinity	Due to the nature and location of the site it is not likely to be affected by Saline Soils. Not applicable.	N/A
7.7	Servicing	The development site is well serviced by water and sewer and the required utility clearances will be obtained prior to works commencing on site.	Yes

## PENRITH DEVELOPMENT CONTROL PLAN 2014

State Environmental Planning Policy (Affordable Rental Housing) 2009 outlines the development standards for boarding houses within NSW.

The Penrith Development Control Plan 2014 does not apply to the development application as section D2 states that the DCP applies to dwelling houses, secondary dwelling, dual occupancy development, multi dwelling housing and residential flat development.

The development application is for a boarding house and does not fall into the development types mentioned and therefore the DCP provisions in section D2 are not strictly relevant to the assessment of the proposal.

However, to demonstrate that the proposal is a compatible form of development a discussion in consideration of the relevant objectives under the Penrith Development Control Plan 2014, noting the dual occupancy provisions are of relevance in the assessment of the application as the site would alternatively be development as a dual occupancy form given the allotment size and frontage- noting the site is not of sufficient size to accommodate a townhouse development proposal.

The relevant Council controls have been identified and considered in the following compliance table.

Penrith Development Control Plan 2014 Compliance Table			
Clause	Controls	Comments	Complies
<b>C1 Site Planning and Design Principles</b>			
1.1	Site Planning	<p><u>1.1.1 Site Analysis</u></p> <p>A Site Analysis has been prepared and is attached as part of this application.</p> <p>The site analysis identifies the relevant considerations required by Council and acknowledges the unique opportunities and constraints of the site that have informed the design of the development proposal.</p>	Yes
		<p><u>1.1.2 Key Areas with Scenic and Landscape Values</u></p> <p>The subject site is not located within the Scenic and Landscape Values Map under the Penrith LEP 2010.</p> <p>Not applicable.</p>	N/A

Clause	Controls	Comments	Complies
1.2	Design Principles	<p><u>1.2.2 Built Form – Energy Efficiency and Conservation</u></p> <p>The proposed development has orientation that maximise solar access to most rooms and designed in a manner that achieves natural ventilation to some of the rooms.</p> <p><u>1.2.3 Building Form – Height, Bulk and Scale</u></p> <p>It is considered that the proposal will result in an appropriate outcome on site that responds to the unique characteristics of the site, noting development is compliant with prescribed height control.</p> <p>The subject area is currently undergoing a transformation from single storey residential dwelling to larger two storey residential dwelling, dual occupancies and medium density housing, with the proposal designed to be consistent with the evolving medium density-built form character along Edith Street, noting development has been influenced and designed to be consistent with the form, style, bulk and scale of a comparable two storey boarding house within a R3 zone that has recently approved by Council within the subject are (55 Second Avenue, Kingswood).</p> <p><u>1.2.4 Responding to the Site's Topography and Landform</u></p> <p>The subject site responds to the topography and landform noting the land parcel relatively flat as such will not impact upon the site's ability to accommodate the proposed Boarding House development.</p> <p><u>1.2.5 Safety and Security (Principles of Crime Prevention through Environmental Design)</u></p> <p>The proposed development incorporates an active façade that will permit casual surveillance of both Edith and Edith Street , as well as common areas and landscaped areas of the proposal.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>

Clause Controls	Comments	Complies
	<p>The proposal incorporates open space and landscaped areas that will contribute to activity and natural surveillance of the area.</p> <p>The proposed landscaping and fencing is appropriate when considering CPTED principles and will not permit easy concealment of intruders.</p> <p>The proposed development is appropriate and provides measures, built elements, landscaping and design features that are consistent with CPTED principles.</p> <p><u>1.2.6 Maximising Access and Adaptability</u></p> <p>The proposed development incorporates a suitable path of travel from the street to the units and provides 2 x accessible rooms.</p>	<p><b>Yes</b></p>
<b>C2 Vegetation Management</b>		
<p><b>2.1</b> Preservation of Trees and Vegetation</p>	<p>The subject site is within a well-established residential area, having historically been used for residential purposes and is predominantly void of vegetation. It is noted that identified trees are to be removed to accommodate the proposed development. See attached plans for detail.</p> <p>The site is not identified as being located within the Natural Resource Sensitive Map under Penrith LEP 2010.</p> <p>The proposal will incorporate landscape embellishment works in accordance with the landscape plan to help soften the physical bulk and built form of the proposed development.</p> <p>The subject site does not contain any significant trees or vegetation.</p> <p>Landscaping of the site is to be undertaken in accordance with the attached Landscape Plan.</p>	<p><b>Yes</b></p>
<p><b>2.2</b> Biodiversity Corridors and Areas of Remnant Indigenous Vegetation in Non-Urban Areas</p>	<p>Subject site is not identified as being within a Natural Resource Sensitive Land under Penrith LEP 2010. Not applicable.</p>	<p><b>N/A</b></p>

Clause	Controls	Comments	Complies
2.3	Bushfire Management	The subject site is not located in a bushfire prone area.	N/A
<b>C3 Water Management</b>			
3.2	Catchment Management and Water Quality	<p>Appropriate management of the site during the demolition and construction phases will contribute towards protecting the water system.</p> <p>A Stormwater Management Plan has been prepared and is attached as part of this application noting stormwater is conveyed to the easement.</p> <p>See attached Stormwater Management Plan for detail.</p>	Yes
3.3	Watercourses, Wetlands and Riparian Corridors	Subject site is not located within proximity to a watercourse, wetland or riparian corridor. Not applicable.	N/A
3.4	Groundwater	The proposed development is to be for a boarding house development. It is therefore considered that the risk of site contamination occurring during construction and future use of the site is low. Not applicable.	N/A
3.5	Flood Planning	The site is flood prone land but the impact of this is limited and engineering plans provide further detail noting the affectation is only to a corner of the site.	Yes
3.6	Stormwater Management and Drainage	A Stormwater Management Plan has been prepared and is attached as part of this application.	Yes
3.9	Water Sensitive Urban Design	<p>The proposed development incorporates Water Sensitive Urban Design (WSUD) principles that seek to minimise and manage the impact of stormwater on site and within the area.</p> <p>The proposed development appropriately addresses the unique characteristics of the site and will allow for the efficient management of stormwater.</p> <p>See attached Stormwater Management Plan for detail.</p>	Yes



Clause Controls	Comments	Complies
<b>C4 Land Management</b>		
<p><b>4.1</b> Site Stability and Earthworks</p>	<p>This application seeks Council consent for the excavation of the site as per the attached plans. It is considered that the proposed excavation, will have minimal adverse environmental or amenity impact.</p> <p>The proposal results in an appropriate outcome when considering the nature of the development, the unique characteristics of the site and compliance with relevant Council controls.</p> <p>The proposal will not adversely affect or disrupt drainage and flood patterns, flood storage or soil stability in the area.</p> <p>The proposed excavation is consistent with the current and future use of the land and will develop the site into context with its surrounds and in accordance with Councils current and proposed planning strategies.</p> <p>Further the extent of excavation to the ground floor is limited to the footprint of the dwellings to maximize landscaping above.</p> <p>It is considered unlikely due to the location of the site as well as previous development that excavation will lead to the disturbance of relics.</p>	<p><b>Yes</b></p>
<p><b>4.3</b> Erosion and Sedimentation</p>	<p>This application seeks Council consent for the excavation of the site as per the attached plans.</p> <p>It is considered that the proposed excavation, will have minimal adverse environmental or amenity impact.</p> <p>The proposal results in an appropriate outcome when considering the nature of the development, the unique characteristics of the site and compliance with relevant Council controls.</p> <p>An Erosion and Sediment Control Plan is attached as part of this application.</p>	<p><b>Yes</b></p>

Clause	Controls	Comments	Complies
4.4	Contaminated Lands	<p>The site was previously used for urban purposes. The land is not known to have been used for any purposes that may give rise to the likelihood of contamination.</p> <p>Nothing on site indicates a previous contaminating use. If any contaminated material or suspected material is unearthed during the construction process, then actions consistent with the legislative requirements and guideline documents will be undertaken.</p>	Yes
4.5	Salinity	Due to the nature and location of the site it is not likely to be affected by Saline Soils, Not relevant.	N/A
<b>C5 Waste Management</b>			
		<p>A Waste Management Plan is attached as part of this application. Notwithstanding it is noted that waste is to be appropriately managed during the demolition and construction stages of the development.</p> <p>Bin storage area is located within the ground floor level and is designed to align with the Council design guidelines for a collect and return service.</p>	Yes
<b>C6 Landscape Design</b>			
		A landscape concept plan accompanies this development application. Where appropriate existing trees are to be retained. The concept plan details the landscape embellishment works proposed and these works is consistent with landscape works of other comparable low-density developments along Edith Street and surrounding streets and will also contribute towards softening the proposed built form.	Yes
<b>C7 Cultural and Heritage</b>			
7.1	Heritage	The site is not identified as a heritage item, and it is not located within a heritage conservation area, however there is a heritage item (I670 and I98) located near the subject site.	Yes

Clause	Controls	Comments	Complies
		<p>Due to the nature of the proposal – a two storey new generation boarding house set within a landscape setting and with sufficient separation, the proposal will have no impact on the curtilage associated with the heritage item and therefore the development will have no impact on the heritage significance of heritage item 670 and 98. As a result, the subject site will not have any associated heritage restrictions.</p> <p>A heritage impact statement is not deemed to be necessary.</p>	
7.2	Aboriginal Cultural and Heritage	Not relevant.	N/A
7.3	Significant Trees and Gardens	The subject site does not contain any trees or gardens that is considered to be of cultural, historical, scientific or aesthetic significant.	N/A
<b>C10 Transport, Access and Parking</b>			
10.2	Traffic Management and Safety	<p>It is considered that the vehicular access and exit points are clearly defined and provide for the safe and efficient movement of vehicular traffic on site and entering and exiting the site.</p> <p>The proposed car parking is provided within a basement level.</p> <p>It is noted that the development site will be landscaped and also contain fencing where practicable to help obscure any visual impacts and reduce any acoustic impacts associated with the vehicle access and parking arrangements.</p> <p>Furthermore, the proposal provides for the safe and efficient movement of pedestrian and vehicular traffic within the site and both entering and exiting the site. Vehicle and pedestrian routes are clearly indicated and accessible.</p>	Yes
10.3	Key Transport Corridors	The subject site is not located within a key transport corridor. Not relevant.	N/A

Clause	Controls	Comments	Complies
10.5	Parking, Access and Driveways	<p>Proposed dimensions for car parking spaces are consistent with Council controls. See plan for detail.</p> <p>Proposed dimensions for car parking spaces are consistent with Council controls. See plan for detail. The development proposes parking in accordance with the ARH SEPP as detailed previously.</p>	Yes – ARH SEPP
D2 Residential Development			
2.2	<p>Dual Occupancy Development</p> <p>A discussion against the Dual Occupancy controls is provided below to guide a merit assessment of the proposal when having regard to desired future character.</p>	<p><u>2.2.2 Preferred Configuration for New Dwellings</u></p> <p>1. The proposed development has been designed to be consistent the anticipated 2-storey attached dual occupancy development within the subject area.</p> <p>The building fronts the street and has adopted a traditional orientation with habitable windows, primary entry point and awning that address both frontages with front setback to be appropriate landscaped.</p> <p>2. The proposed layout, siting and design of the development incorporates the characteristic of a large 2 story dual occupancy that is compatible with the existing and anticipated large 2 storey residential dwellings, noting subdivision of the locality resulted in modest lots that are not ideal in accommodating multi dwelling housing developments. Furthermore, the development has been influenced and designed to be consistent with the form, style, bulk and scale of a comparable two storey boarding house within a R3 zone that has recently approved by Council in the locality- including developments on Second Avenue, Cosgrove Crescent, and Manning Street.</p> <p>3. &amp; 4. An appropriate green corridor is provided along the rear boundary.</p> <p>5. No garages are proposed noting the vehicle, bicycle and motorcycle parking to be provided within a basement level.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

Clause	Controls	Comments	Complies
		Finally, appropriate landscape is provided along the site's front setbacks. Refer to attached plans for detail.	
2.2.4	Urban Form	<p>1. The proposal adopts a traditional orientation as far as practicable. The front setbacks are to be appropriately landscaped. Furthermore, the front façade of the boarding house has been designed with articulation features and window placements to present as a large 2 storey attached dual occupancy. It is also noted that appropriate rear and side landscaping is provided.</p> <p>3. The boarding house proposes parking within a basement level and as such the proposal will not have a gun barrel design.</p> <p>4. The development has been articulated through shadow casting features and stepping external walls.</p> <p>Where appropriate, the proposed building has been designed to incorporate a variety of roof forms and pitches. It is noted that the proposal provides windows in every elevation.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
2.2.5	<p>Front and Rear Setbacks</p> <p>Rear Setback:</p> <ul style="list-style-type: none"> <li>- Single Storey Component: 4m</li> <li>- Two Storey Component: 6m</li> </ul> <p>Front Setback: Average of neighboring development or 5.5m minimum.</p>	<p>1 &amp; 2. The development provides a 4m rear setback to its ground floor level from the primary building line and a rear setback of 6m to the two-storey component of the building from the primary building line.</p> <p>3 &amp; 4. The front setback is 5.7m from the primary building line and is to be landscaped with the primary frontage to reflect the existing dwelling configuration on the site. Whilst not fully compliance with the 'average of the adjoining' the setback proposed is considered suitable given the R3 zoning and likely forms of redevelopment in the locality.</p> <p>5. No garages proposed.</p>	<p>Yes</p> <p>Yes</p> <p>N/A</p>

Clause	Controls	Comments	Complies
2.2.6	Building Envelope and Side Setbacks	1, 2 and 3. The proposal is within the building envelope. Complies.	Yes
		4. Cut and fill is limited to <500mm.	Yes
		5. The roof pitch is <25 degrees.	Yes
	Side Setbacks: 900mm	6. The development provides side setbacks >900mm to the first-floor component and a minimum side setback of 2m from the primary building line to the second storey component.	Yes
2.2.7	Driveways and Parking Areas	1. The proposal complies with the provisions in accordance with the parking section of the Penrith DCP 2014 and State Environmental Planning Policy (Affordable Rental Housing) 2009.	Yes – ARH SEPP 2009
		2. No garages are proposed.	N/A
		Driveways, access ways and car parking spaces are to be appropriately dimensioned in accordance with Council controls.	Yes
		The proposed car parking arrangement is to be appropriately integrated into the proposal and is consistent with existing development. In addition, vehicles can enter and leave the site in a forward direction.	
		Furthermore, it is considered that the proposal provides an appropriate outcome on site that provides adequate parking arrangements as well as ensuring the safe and efficient movement of vehicular and pedestrian traffic. See attached plans for detail.	
2.2.8	Landscaped Area  Minimum landscaped area:  40% of the site	SEPP ARH 2009 prevails regarding landscaped area and the 40% control is not relevant to the proposal as the ARH SEPP prevails and outlines that landscaping cannot be used as a ground for refusal provided that the development proposal is compatible with nearby development in terms of landscape treatment- which the proposal is fully compliant with.	N/A

Clause Controls	Comments	Complies
	<p>Notwithstanding the proposal has been designed to maximise the extent of landscaped area to achieve 39% of the site area which aligns with the intent of the control and achieves a landscaped front and rear setback area that aligns with the intent of the control.</p>	
<p><b>2.2.9</b> Solar Planning</p>	<p>1. The proposal incorporates appropriate design features including window size and location that will permit adequate solar penetration.</p> <p>The proposal complies with the ARH SEPP in relation to the required 3 hours of solar access to the common room between 12 noon and 3pm.</p> <p>The proposal does not result in unacceptable overshadowing of adjoining residential properties. Appropriate setbacks are employed to ensure solar access and privacy to adjoining development.</p> <p>Shadow diagrams demonstrate that adjoining property to the site's immediate western boundary continues to receive adequate solar access at mid-winter, noting the majority of the shadow casted by the proposed development falls onto the existing street network. See shadow diagram for detail.</p>	<p><b>Yes</b></p>
<p><b>2.2.10</b> Significant Townscapes &amp; Landscapes</p>	<p>The site is not within an area of townscape or landscape significance. Not relevant.</p>	<p><b>N/A</b></p>
<p><b>2.2.11</b> Corner Site and Park Frontages</p>	<p>The site has a primary frontage to Edith Street and a secondary frontage to Edith Street</p> <p>The development to the secondary street, Edith is consistent with the urban form within the locality, as discussed previously.</p>	<p><b>Yes</b></p>

Clause	Controls	Comments	Complies
2.2.12	Building Design	<p>1. No dormer windows proposed.</p> <p>2. The proposal incorporates physical articulation of the built form and a mixed palette of building materials and finishes that are typical of comparable development within the locality and within the wider Penrith Local Government Area.</p> <p>Furthermore, the development adopts a variety of architectural features designed to minimise the apparent scale and bulk of the proposed two storey boarding house by:</p> <ul style="list-style-type: none"> <li>• Incorporation of stepped alignment of walls</li> <li>• Articulation of the front façade</li> <li>• Alternate materials</li> <li>• Varied window placements.</li> </ul> <p>Materials used are consistent with that existing in the area while being contemporary in character, including wall and awning cladding and a mix of face and painted brickwork.</p> <p>The range of materials significantly contributes to the articulation of the building and reducing the overall bulk and mass of the building.</p> <p>The facade of the proposed 2-storey building includes windows and doors along all visible walls and feature facade to provide an attractive built form.</p>	<p>N/A</p> <p>Yes</p>
2.2.13	Energy Efficiency	<p>The proposal will comply with the accompanying Section J Report.</p> <p>Furthermore, the common rooms have been oriented to incorporate appropriate design features including window size and location that will permit adequate solar penetration.</p> <p>Appropriate shading devices are proposed to provide adequate shading from the summer sun.</p>	Yes



Clause	Controls	Comments	Complies
2.2.14	Design of Dwelling and Private Courtyards	<p>1. The proposal incorporates appropriate common open space. Private open space for each dwelling is not required under the ARH SEPP.</p> <p>An area of common open space is required and provided at the rear of the development site.</p>	Yes
2.2.15	Garage Design	<p>1. No garages are proposed.</p> <p>2. Development provides 8 car parking spaces as per SEPP (Affordable Rental Housing) 2009.</p>	N/A Yes
2.2.16	Garden Design	<p>Where appropriate, small to medium trees are to be planted along the sites front and side boundaries, noting an existing street tree is to be retained.</p> <p>See Landscape Plan for detail.</p>	Yes
2.2.17	Paving Design	<p>Where appropriate, hard paved surfaces are minimized to maximize landscaping and gardens.</p> <p>The proposal provides attractive driveways and provide soft verge planting.</p> <p>Refer to attached Landscape Plans for detail.</p>	Yes
2.2.18	Fencing and Retaining Walls	<p>Proposed fencing is to be consistent with that existing within Penrith Local Government Area of similar boarding house developments.</p> <p>The proposed fencing is compliant with Council controls.</p>	Yes
2.2.19	Visual and Acoustic Privacy and Outlook	<p>The proposal contains design elements that seek to reduce potential visual, privacy and acoustic impacts and promote a high standard of residential amenity.</p> <p>This includes the siting/layout of dwellings, location/size of windows, as well as the incorporating other elements including using landscaping, blank walls, and offset windows.</p>	Yes

Clause	Controls	Comments	Complies
		<p>It is considered that the proposed development produces an appropriate outcome on site that will provide a high level of residential amenity for future residents and will not adversely impact upon residential amenity currently enjoyed by adjoining properties.</p>	
2.2.20	Safety and Security	<p>The proposed development incorporates an active façade that will permit casual surveillance to both Edith Street and Edith Street as well as driveway and landscaped areas of the proposal.</p> <p>The proposal incorporates open space and landscaped areas that will contribute to activity and natural surveillance of the area.</p> <p>The proposed landscaping and fencing is appropriate when considering CPTED principles and will not permit easy concealment of intruders. The proposed development is appropriate and provides measures, built elements, landscaping and design features that are consistent with CPTED principles.</p>	Yes
2.2.21	Accessibility and Adaptability	<p>Proposal has been designed to provide access to and from the site for people with a disability, including graded pedestrian pathways to and from the site.</p> <p>Dwellings have been designed to meet the needs of an ageing population, noting 2 of the rooms have been designed to meet accessibility standards.</p>	Yes

## CONCLUSION

Following a review of the relevant planning controls, it is concluded that the proposed development is consistent with the objectives, planning strategies and detailed controls of these planning documents.

Consideration has been given to the potential environmental and amenity impacts that are relevant to the proposed development and this report addresses these impacts.

Having regard to the benefits of the proposal and considering the absence of adverse environmental, social or economic impacts, the application is submitted to Council for assessment and granting of development consent. Think Planners Pty Ltd recommends the approval of the application, subject to necessary, relevant and appropriate conditions of consent.