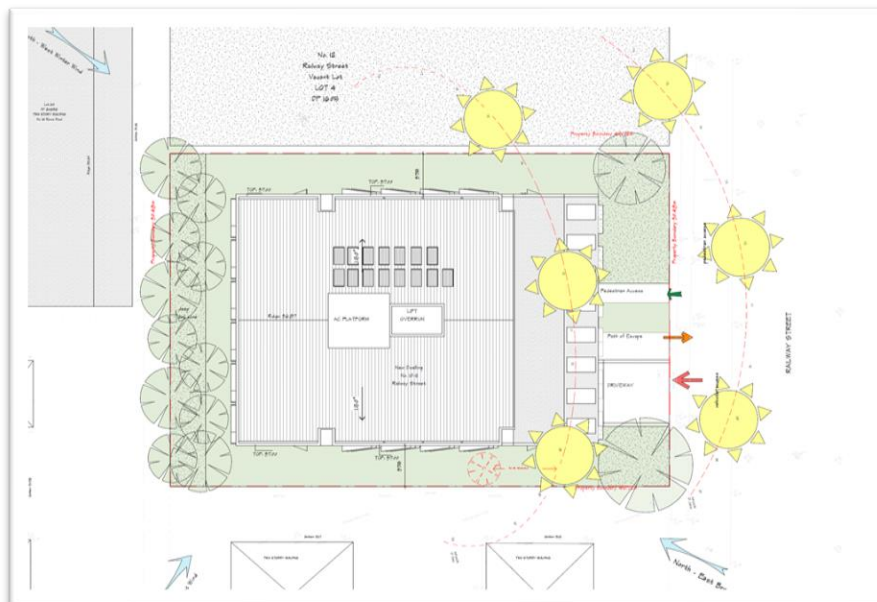


# Statement of Environmental Effects

10-11 Railway Street, Werrington  
Construction of a Boarding House



**Prepared for:** Level Architects

**Final report:** September 2021

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### Document control:

Project Reference Number: 83/2021

Version No.	Date	Document Status	Completed by	Reviewed by
1.0 (Draft)	27 Aug 2021	Draft for client review	Megan S	Patrick W
2.0 (Updated)	17 Sep 2021	Updated post client review	Megan S	Patrick W
2.1 (Final)	20 Sep 2021	Proof read updates	Megan S	Peter M

### Document release:

Issued Version	Issued Date	Director Approval	Signature
2.1 (Final)	20 Sep 2021	Peter Mangels	

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## 1. Summary

This Statement of Environmental Effects (SEE) has been prepared to accompany a development application (DA) at 10-11 Railway Street, Werrington (the 'subject site'). The proposal for which consent is sought is for the construction of a boarding house with basement carparking and associated landscape works.

The subject site is located within Werrington, a suburb of Penrith Local Government Area ('LGA'), and fronts Railway Street and the T1 North Shore & Western Railway line. The subject site is a vacant rectangular allotment that meets all key requirements for the construction of a Boarding House.

The proposal, and its potential impacts, has been considered against all relevant environmental planning instruments, the Penrith City Council's Development Control Plan (DCP) and Section 4.15 of the *Environmental Planning and Assessment Act 1979*.

The proposed building is of a contemporary architectural design that will result in not only a new and attractive addition to the streetscape but will assist with catalysing an urban transition to more modern and desirable development in the local area. As will be discussed in this SEE and supporting documentation, Werrington is expected to experience significant growth in the next few years. Coupled with high rates of lone-person households, the proposed development is considered appropriate for the subject site. As the proposal provides multiple common areas (both internal and external), it affords any future tenants with the ability to enjoy the site and increase their social capital by interacting with other like-minded tenants.

The proposal is demonstrated in this SEE to be worthy of approval by Penrith City Council ('the Council'). This SEE is to be read in conjunction with the architectural plans (prepared by Level Architects, issuing date 17 September 2021), the Landscape Plan (prepared by Grindstone Landscapes, dated 17 September 2021) and supporting reports and documentation, particularly the Neighbourhood Analysis (prepared by TBA Urban).

## 2. Consent Authority

In accordance with the *Penrith Local Environmental Plan (PLEP) 2010* the consent authority is Penrith City Council.

### 3. Site Description

The subject site is located at 10-11 Railway Street, Werrington with legal description of Lot 5 and 6 of DP1605.

The site is a cleared rectangular allotment comprising an area of 1393.5m<sup>2</sup>, a frontage of 30.48m to Railway Street, and a depth of 45.72m (Figure 1 and 2).

The land is generally flat with a north to south orientation and is absent of any mature vegetation. Refer to Figures 3 -6 for site photos.

#### Site images



Figure 1. Subject site, as indicated by green highlight area (Source: Six Maps).



Figure 2. Subject site, as indicated by green highlighted area (Source: Six Maps).

#### Site photos



Figure 3. South facing view of the subject site (Source: Google Maps).



Figure 4. South-east view of towards subject site with property at 12-13 Railway St visible in the foreground (Source: property owner).



Figure 5 – East view down Railway St with subject site visible on left hand side of image (as indicated by the construction site fencing) (Source: property owner).



Figure 6. Street frontage of the T1 Western Railway line, opposite to the subject site. (Source: property owner).

### 3.1 Streetscape

The subject site is located in a medium density residential zoned area that comprises a mixture of housing typologies, architectural styles and ages.

The northern side of Railway St does not include any development but instead comprises of the rail corridor and a vacant strip of RailCorp (now TAHE) owned land. Further east, closer to Werrington train station, this strip of land is used as a commuter car park. The vacant land that is located opposite the subject site is occupied by a row of large mature gum trees reaching heights of about 20m (Figure 7 and 8).



Figure 7. Street view, facing east, of the subject site to the right and mature gum trees adjoining the railway line on the left (Source: Google Maps Street View).



Figure 8. Street view, facing west, of the subject site to the left and mature gum trees adjoining the railway line on the right (Source: Google Maps Street View).

The southern side of Railway St streetscape includes residential developments. Towards the eastern end of Railway St is a red brick 1980s style three storey walk up apartment building with a pitched roof design (8 Railway St) and more contemporary two and three storey brick townhouses with prominent skillion roof design (6-7 Railway St) (see Figures 9 and 10). Towards the western side of the streetscape is the vacant allotment of the subject site, which is adjoined by vacant land at 12-13 Railway St, and further west is a two-storey dwelling (14 Railway St) (see Figures 11 and 12).

Due to the vacant land on the subject site and west adjoining property, there is no established street setback or consistent urban rhythm between built form and setback spacing. There is no perceptible front setback landscape character theme. In this regard, a discernible or desirable streetscape character has not been established within this portion of Railway St. Refer to the Neighbourhood Analysis which accompanies this DA for further description of the local area.



Figure 9. Development at 8 Railway Street (Source: Google Maps Street View).



Figure 10. Development at 6-7 Railway Street (Source: Google Maps Street View).



Figure 11. Development at 12-13 Railway St  
(Source Google Maps Street View)



Figure 12. Development at 14 Railway Street,  
Werrington (Source: Google Maps Street View).

### 3.2 Planning approval history – subject site

A development application (DA12/0282) was granted a deferred commencement development approval in 2012 for the demolition of existing structures and construction of 13 residential units with basement parking. (Refer to Figures 13 and 14 for extracts of the development).

The development essentially approved a three-storey residential flat building with a cascading pitched roof that had a maximum ridge line of 38.26m AHD, which is a building height of about 12.36m. This approved height represents a variation of 3.84m (or 48%) to the maximum building height standard of 8.5m.

The proposal also included an enclosed bin area located in the front setback .



Figure 13. Front Perspective Drawing of approved development DA12/0282 (source: Architectural Drawing dated Jan 2014 and prepared by EPS).

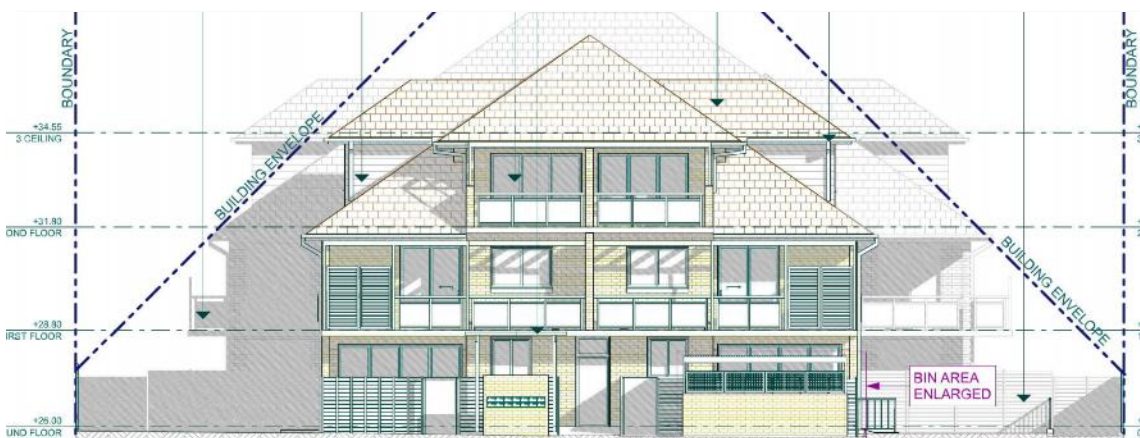


Figure 14. North Elevation of approved development DA12/0282 (source: Architectural Drawing prepared by EPS).

### 3.3 Development in local area

Other notable development applications in the local area include:

- **12-13 Railway Street (Lot 4 DP1605 and Lot 3 DP1605)**

The immediately adjoining property to the west is currently a vacant lot. Council's records show that approval was granted (DA14/0936) for the demolition of existing structures and construction of a two (2) storey Residential Flat Building (RFB), comprising 18 units and associated basement carparking, drainage and landscaping works. The design of the approved building is of a high-end contemporary architectural style (see Figure 15 below showing an extract of the northern elevation).



Figure 15. 3D Architectural Image of approved RFB at 12-13 Railway Street, Werrington.  
(Source: Penrith City Council DA tracker).

- **21 Railway Street, Werrington - DA21/0523**

This application is currently with Penrith City Council and seeks consent for the construction of a three (3) storey Boarding House, comprising 12 rooms, with ground level carparking. Figure 16 below indicates a building height that extends far beyond the maximum building height of adjoining properties, as well as showing a contemporary design that is distinctive to the existing development with the existing streetscape.



Figure 16. Architectural 3D Design of DA21/0523 as viewed from the street frontage  
(Source: Lyle Marshall & Partners Pty Ltd, obtained from Penrith City Council).



## 4. Site Context

### 4.1 Geographical

The subject site is located in the suburb of Werrington which is about 8km east of Penrith's CBD, and approximately 49km west of Sydney's CBD (see Figure 17 below). The site is well connected to the region being in proximity to Werrington train station (180m stroll west) and the Great Western Highway being located 1.8km south and accessed via Rance Rd and Werrington Rd.

The subject site is benefitted by ample recreational opportunities that are within walking distance, with the Kingsway Park and sporting fields located directly east, Rance Oval to the north, and Werrington Lakes further north-west.

The nearest neighbourhood shops include the Werrington local shops which is located on Victoria St, just north of Werrington Train station, and a 5 minute walk from the subject site. The nearest large format shopping centre is located 1.8km east of the site in St Mary's, just on the other side of the Kingsway Park.

The Penrith Western Sydney University Werrington campus is located 1.5km west of the site. The Western Sydney University is further adjoined by the Nepean – Kingswood TAHE campus. The Werrington Campus of Western Sydney University was rezoned to B7 Business Park use in 2017 to support the creation of the Penrith Health and Education Precinct.

Further west at the intersection of the Great Western Highway and Parker Street is the Nepean Hospital.

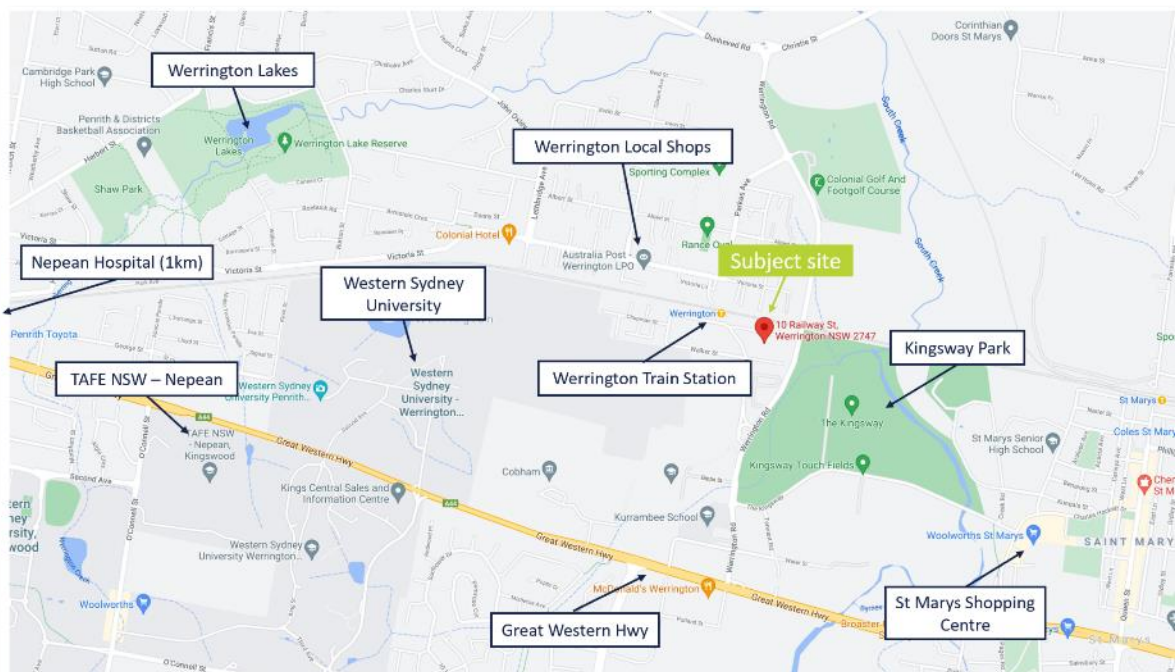


Figure 17. Suburb locality map (suburb identified by red star) (source: Google Maps as adapted TBA Urban)

## 4.2 Land use

The subject site is located within a pocket of R3 Medium Density Residential zoned land, which is essentially wedged between R4 High Density Residential zoned land directly north of the rail corridor, and south of Walker Street (Figure 18).

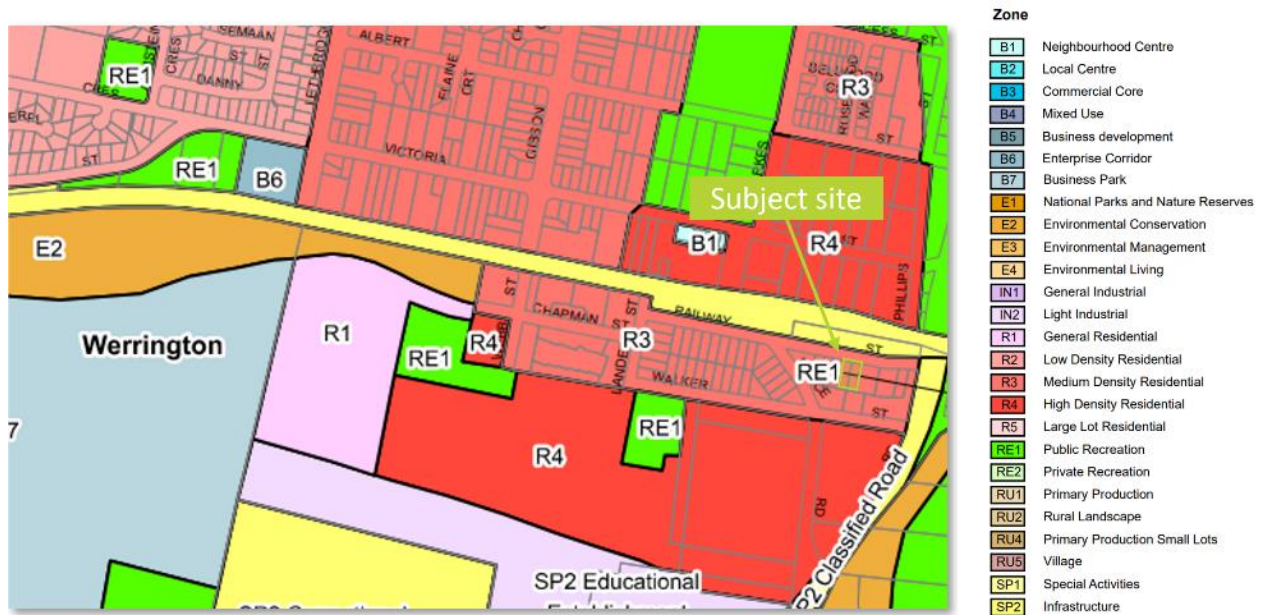


Figure 18 - Werrington land zoning (subject site identified by yellow star) (Source: Penrith Local Environmental Plan 2010, Land Zoning Map – Sheet LZM\_013).

Werrington has been earmarked as an area capable of accommodating additional future density. It is noted that, the existing residential development in the immediate is an underrepresentation of the permitted development potential of the R3 Medium Density Residential zone (which allows townhouse and residential flat building developments). Accordingly, the density of the immediate area is expected to increase naturally, even without further zoning amendments, as the existing lower density will continue to ripen for redevelopment to medium density residential typologies.

The Penrith Local Strategic Planning Statement (LSPS) 2019 has identified Werrington as an area of significant strategic importance, being a 'key centre' (see Figure 19 below). Werrington Train Station is also contemplated to be a stop along the proposed North South Rail Line (which will connect St Marys with Macarthur and Badgerys Creek airport) (Figure 19). These strategic aims illustrate that the character of the local area will experience significant change over the next decade.

Refer to the Neighbourhood Analysis accompanying the DA for further detail on the strategic planning applying to the local area.

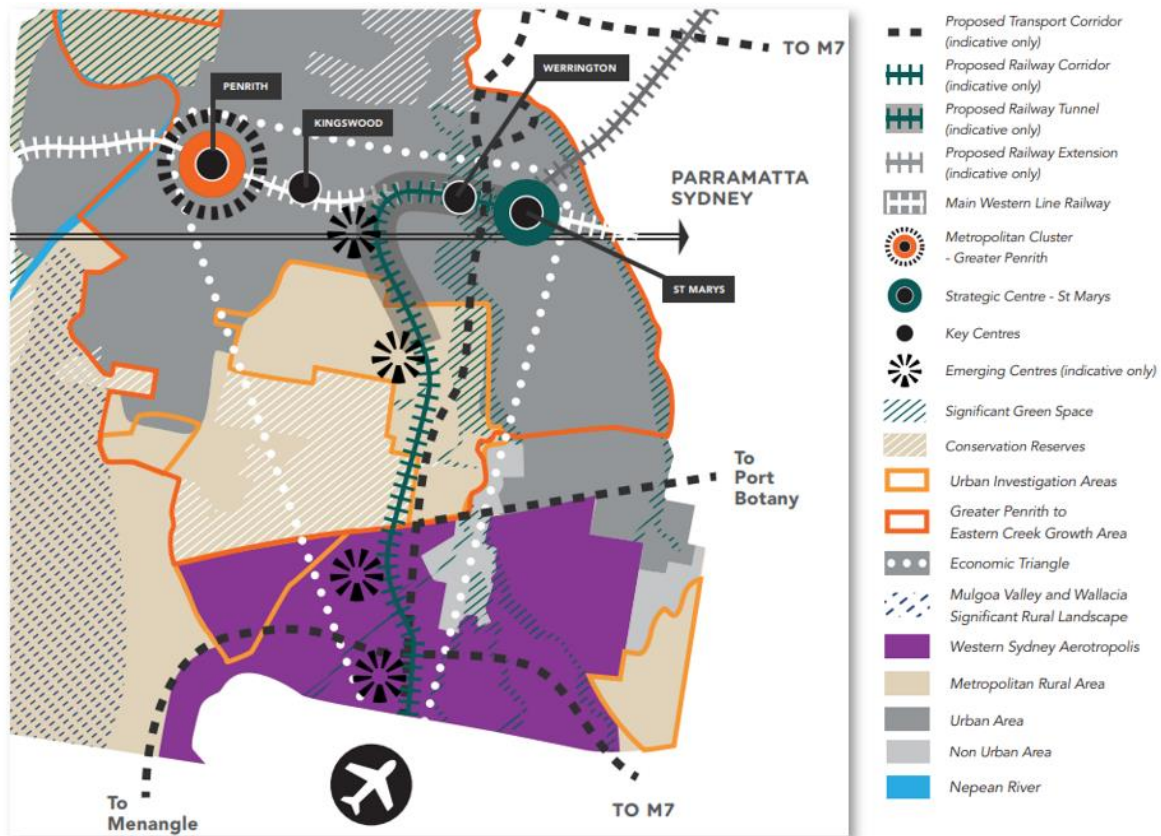


Figure 19. Map 2: Structure Plan (Source: Penrith City Council Local Strategic Planning Statement 2019).

### 4.3 Demographic

The relevant high level demographic constitution of Werrington and its relevance to the proposed development, as informed by the 2016 census and summarised on the Australian Bureau of Statistics (ABS) website, is discussed as follows:

- **Population**

The 2016 census estimated the residential population of Werrington to be 4,136 and the ABS 2020 estimated residential population increased this to 4,918. From 2019 to 2020 the population of Werrington grew about 5.3%, which is a much faster growth rate than the average of greater Sydney (1.1%).

The fastest growing age group within the Werrington area (between 2011 to 2016) was the young work force category (age 25 to 34), which also represents the second largest age group (15.5%) behind parents and homebuilders (20.5%) within the community.

A boarding house typology will provide appropriate housing prospects for the fastest growing age group being young work force members as they commence their career and look for affordable accommodation with high opportunities of social interaction.

- **Employment Industries**

The top employment industries for the residents of Werrington include Health Care and Social Assistance (12.8%), retail trade (11.6%) and construction (8.4%). Although these statistics are dated back from 2016, each of the noted employment industries

continues to be key employment areas for Penrith, and therefore considered to remain a relevant consideration.

A low cost and mimical upkeep style of accommodation, such as a modern boarding house, will support workers in these employment industries as these roles tend to be time intensive (Health Care, Retail, and Constructing), and tend to employ a larger portion of the young person's workforce.

- **Household types**

The largest household type in Werrington are lone person households, which make up 27.7% (more than 1 in 4) of the community, and the second largest household are couples with children which makes up 25.5% of the community. This community make up is quite a stark difference to the general household makeup of the greater Sydney average, which indicates that lone persons make up 20.4% of households and couple with children make up 35.3%.

In this regard, a modern boarding house accommodation would provide a warranted and desirable housing stock for the lone person household population of Werrington.

#### 4.4 Transport

The subject site is well serviced by mass public transport with Werrington Train Station located a distance of approximately 180m, which is around a 3-minute walk. The nearest bus stop is located on the corner of Victoria Street and Kazanis Crescent, which is approximately 400m from the subject site, and is around a 5-minute walk.

#### 4.5 Demonstrated need for boarding houses in local area

As discussed above, and throughout this SEE and associated documentation, the proposed boarding house is an appropriate land use within the local area being within proximity to a variety of community facilities and services, public recreational facilities, and a major train station.

The demographics detailed above, and within the Neighbourhood Analysis, clearly indicate that the population requires a greater diversity and quantum of more affordable housing typologies. A modern boarding house will provide support to those of the population who attend Western Sydney University; who work in Nepean Hospital; those who rely on close access to high frequency public transport; as well as those seeking more affordable housing after employment status change.

A modern boarding house further supports community members who are affected by living stresses, which includes approximately 19% of Werrington households, which is drastically greater than the average of greater Sydney, which is 11.8% (Penrith Local Housing Strategy 2009).

## 5. Proposal Summary

The DA seeks consent for the construction of a Boarding House, with basement carparking and associated landscape works. The boarding house building will be supported by solar panels on the roof.

The proposal will be four storeys with two levels of basement car parking and will comprise a total of 69 boarding rooms. Each room includes a kitchen, bathroom, and laundry.

### Boarding house summary

Floor	Boarding Rooms	Other
<b>Basement Level 2</b> 20.35m RL	None	<ul style="list-style-type: none"> <li>20 car spaces</li> <li>8 motorcycle spaces</li> <li>12 bicycle spaces</li> </ul>
<b>Basement Level 1</b> 22.9m RL	None	<ul style="list-style-type: none"> <li>16 car spaces (including 7 accessible and 1 manager's parking space)</li> <li>6 motorcycle spaces</li> <li>2 bicycle spaces</li> <li>General and recycling waste room</li> <li>Bulk waste room</li> </ul>
<b>Ground floor</b> 25.90m RL	<ul style="list-style-type: none"> <li>12 boarding rooms (2 accessible)</li> <li>1 Managers room (with 15.0m<sup>2</sup> of external private open space)</li> </ul>	<ul style="list-style-type: none"> <li>Common living room with kitchen amenities directly adjoined by external private open space</li> <li>1 accessible unisex toilet</li> </ul>
<b>First floor</b> 28.55m RL	<ul style="list-style-type: none"> <li>19 boarding rooms (2 accessible)</li> </ul>	
<b>Second Floor</b> 31.20m RL	<ul style="list-style-type: none"> <li>20 boarding rooms (2 accessible)</li> </ul>	
<b>Third Floor</b> 33.85m RL	<ul style="list-style-type: none"> <li>18 boarding rooms (1 accessible)</li> </ul>	
<b>Total</b>	<ul style="list-style-type: none"> <li><b>69 rooms</b></li> <li><b>(Including 1 managers room and 7 accessible rooms)</b></li> </ul>	<ul style="list-style-type: none"> <li><b>36 car spaces (7 accessible)</b></li> <li><b>14 motorcycle spaces</b></li> <li><b>14 bicycle spaces</b></li> </ul>

### External elements

The streetscape façade includes a descending pitched roof with dormer windows overlooking the street, and window from extensions with window shrouds on the side elevations.

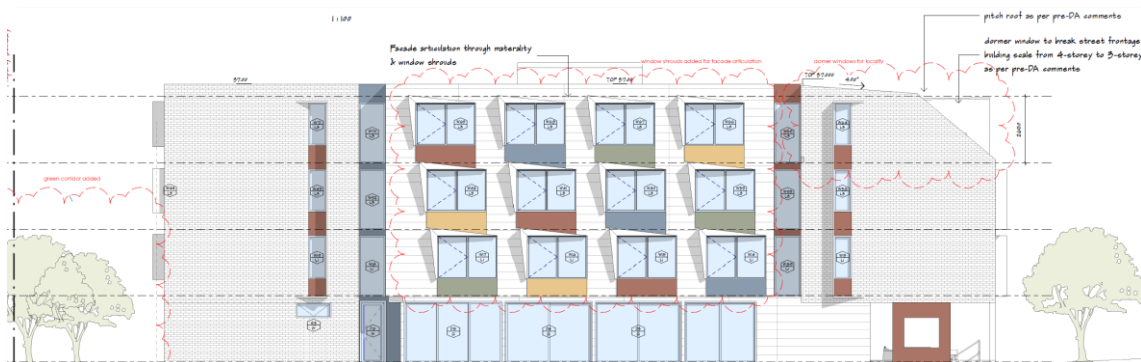


Figure 20. Extract of the East Elevation Drawing of proposed development (Source: Architectural Plans prepared by Level Architects).

## Landscaping

The proposed development will include 566.1m<sup>2</sup> (40%) of landscaped area. A rear setback deep soil area of 99.21m<sup>2</sup> (7.1%) is proposed and the front setback will include approximately 120m<sup>2</sup> (8.6%) of deep soil area. The deep soil area located to the rear of the site will support the creation of a green corridor along the spine of the subdivision block.

Appropriate front setback landscape is incorporated which will assist with establishing a coherent landscape character within Railway St. Refer to the Landscape Plan provided for more detail.

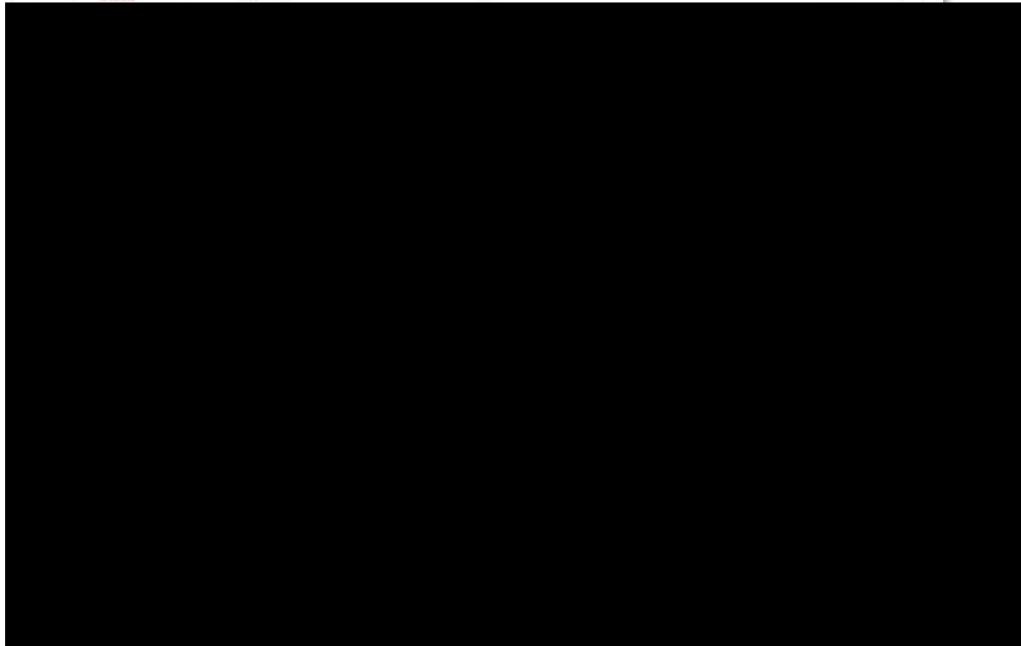


Figure 21 - Extract of site plan showing landscaped area (Source: Architectural Plans prepared by Level Architects).

## Waste Management

A Waste Management Plan has been prepared and accompanies this Development Application. Please refer to the architectural plans, Waste Management Plan and Plan of Management (PoM) for details outlining the proposed waste management storage and practices.

## Building design

The building design provides for a considered layout which promotes privacy between the proposed dwelling and adjoining sites. As well as providing a high level of articulation to the elevations to promote an interesting and aesthetically pleasing façade.

While the proposed boarding house will present as a four-storey building, the proposed ridge height is not considered unreasonable. The maximum ridge height of the adjoining property is RL35.77. It must be noted that the previously approved Development Application (DA12/0282) on the subject site had a maximum ridge height of RL38.24 (~12.75m maximum height).

The proposed development is illustrated in the architectural drawings, prepared by Level Architects, accompanying the DA.

## 6. Pre-Development Application meeting

A Pre-DA Meeting was held with the Council on 6 April 2021 (PL21/022).

The architectural plans have been redesigned to address the concerns raised by Council in the Pre-DA notes. This is indicated in the table below.

Pre-DA Council Comments	Redesign plans
Unacceptable bulk & scale, inadequate building façade and articulation, as well as consideration to adequate solar planning.	<ul style="list-style-type: none"> <li>Added a descending pitch to the roof fronting the street.</li> <li>Added dormer windows within the pitched portion of the roof.</li> <li>Added contemporary windows shroud articulation to the remaining windows along the side elevations providing for a high-level of articulation to the building.</li> <li>Solar access to adjoining development is demonstrated to be satisfactory in terms of the relevant development controls. Refer to accompanying shadow diagrams.</li> </ul>
Demonstrate the proposal achieves the local character of the area.	<ul style="list-style-type: none"> <li>Added architectural features better reflect the existing development in the local area whilst also reflecting the desired future character as has been analysed in the accompanying Neighbourhood Analysis.</li> </ul>
A deep soil zone area and green corridor is not provided.	<ul style="list-style-type: none"> <li>Increase deep soil areas, and now provided a rear setback deep soil area to contribute to a 'green corridor'.</li> </ul>
Maximum building height exceedance.	<ul style="list-style-type: none"> <li>Building height variation is considered to be reasonable, achieves the objectives of the standard and zone, and will deliver for an improved social outcome. Refer to accompanying Clause 4.6 Written Variation for full discussion of height variation.</li> </ul>
Inadequate waste management procedures.	<ul style="list-style-type: none"> <li>The proposed waste management procedures are appropriate for a boarding house use and will be managed by the on-site boarding house manager.</li> </ul>
Consideration of Clause 29 of the ARHSEPP	<ul style="list-style-type: none"> <li>Attachment 1 addresses all Clauses within ARHSEPP. It is thus concluded that the proposal achieves compliance with the clauses in the ARHSEPP.</li> <li>Shared kitchen and laundry facilities are provided in accordance with the applicable affordable housing planning instrument.</li> </ul>
Consideration of Part C and Part D (particularly D5.11 Boarding Houses) of the Penrith Development Control Plan 2014.	<ul style="list-style-type: none"> <li>As will be evident, the SEE addresses all relevant parts of the Penrith DCP 2014. Attachment 2 provides a detailed compliance table to D5.11 of the Penrith DCP 2014.</li> </ul>
Appropriate location of accessible car parking spaces.	<ul style="list-style-type: none"> <li>Accessible car spaces are located opposite to lift corridor (see architectural plan DA102).</li> </ul>
Laundry and clothesline location	<ul style="list-style-type: none"> <li>Multiple clotheslines are located on the ground floor level in the common areas on the western and eastern sides of the site.</li> </ul>

As indicated in the accompanying Neighbourhood Character Analysis, Werrington is expected to experience a transformation from the old-style single dwelling housing stock to higher density residential living, utilising high-end and modern architectural designs that would be commensurate with the Zone R3 Medium Density Residential, and the growing need for additional housing in Werrington.

## 7. Environmental Planning Instruments

The proposed development has been considered against the following applicable Planning Instruments.

### 7.1 State Environmental Planning Policy (Affordable Rental Housing) 2009

State Environmental Planning Policy (Affordable Rental Housing) 2009 (ARH SEPP) outlines statutory requirements and processes associated with designing, assessing, and approving various styles of affordable housing.

Division 3 of SEPP ARH 2009 prescribes statutory requirements relating to the construction of boarding houses.

The proposed development is consistent with the definition of a 'boarding house' as it appears within the Division and the Standard Instrument. Further, as the subject site is zoned R3 Medium Density Residential, the proposal is permissible under the ARH SEPP and may be carried out with consent.

Pursuant to Clause 29(2) of the ARH SEPP, the proposed development cannot be refused on the followings grounds as it complies with respective standards:

- **(1) Density and scale of building**

The land on which the development is proposed is not subject to a floor space ratio, and therefore cannot be refused on the grounds of density or scale as expressed by a floor space ratio.

If a floor space ratio had been applied to the subject land, the proposed development would be afforded a floor space ratio incentive of at least 0.5:1 for boarding houses (clause 29(1(c))) by virtue of the fact that residential flat buildings are permitted in the R3 Medium Density Residential zone and that the site does not contain a heritage item.

- **(2)(b) Landscaped area**

The proposed landscape area exceeds what is prescribed by the applicable controls, and the associated treatment will significantly enhance the landscaped character of the lacklustre Railway St streetscape.

- **(2)(c) Solar access**

The proposed north facing communal area (ground floor) will receive more than 3 hours of solar access.

- **(2)(d) Private open space**

A private open space area of 25m<sup>2</sup> is provided adjacent to the communal living room on the ground floor.

- **(2)(e) Parking**

36 car parking spaces are accommodated within the basement levels of the proposed development which equates to more than 0.5 spaces per boarding room.



- **(2)(f) Accommodation size**

Each boarding room has a gross floor area that is greater than 16m<sup>2</sup> and less than 25m<sup>2</sup> excluding areas for private kitchen, bathroom and laundry facilities.

Refer to Attachment 1 for a detailed assessment against the relevant clauses within Division 3 of the SEPP ARH 2009, which demonstrates the proposed development's compliance with the respective development standards.

## 7.2 State Environmental Planning Policy No 55 (Remediation of Land)

State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55) prescribes a statutory process associated with the development of land that is contaminated and needs remediation. Clause 7 of SEPP 55 provides:

*'(1) A consent authority must not consent to the carrying out of any development on land unless:*

- (a) It has considered whether the land is contaminated, and*
- (b) 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, and*
- (c) If the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*

The subject site is zoned R3 Medium Density Residential and has been zoned for residential living for an extended period of time (aerial imagery from 1943 illustrates that the subject site was vacant and the directly adjoining sites were used for residential purposes). More recent available aerial imagery (Maps Six images and google maps) and a review of NSW EPA Contaminated Land Record of Notices confirms that there is no evidence to suggest that any contamination activities occurred on the subject site. In this regard, the subject site is suitable for the proposed development and no further investigations are warranted.

### 7.3 Penrith Local Environmental Plan 2010

#### Clause 2.3 Land Use Zone – R3 Medium Density Residential Zone

- 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.

Werrington is expected to experience an urban transition from single-dwelling dominant housing to multi-dwelling housing options as permitted by the R3 zone and in response to the growing need for increased affordable rental housing options. As such, the provision of 69 boarding rooms (including 1 manager's room) will provide the community with alternative housing types within the medium density residential environment in which the subject site is located.

The subject site is located within good proximity to mass transport corridors (Werrington train station and multiple bus routes), as well as many facilities and services in the Werrington Village that will meet the day to day needs of all future tenants. It should be noted that these facilities and services are within an easy walking distance from the subject site.

Further, the proposal includes multiple communal private open spaces on the ground floor level that will ensure all future occupants can enjoy residential amenity on the subject site.

As described in detail in this SEE, the Clause 4.6 and the Neighbourhood Character Analysis, a desirable local character has not been observed within the immediate area Railway Street. In lieu of a definitive desirable residential character, the proposed development will favourably enhance the area through good architectural design, as well as improve the housing stock of the area.

#### Clause 4.3 Height of Buildings

The maximum building height for the subject site is **8.5m** (see Figure 22.).

The proposed boarding house results in a maximum height of approximately **11.6m**, from top of wall (RL37.00) and **12.25m** (RL37.850) at the lift overrun.

A Clause 4.6 has been prepared as a separate document which seeks consent for the 3.1m (36.5%) height exceedance to the top of the building wall, and a 3.75m (44%) exceedance to the lift overrun. The Clause 4.6 details that achieving compliance with the maximum building height is unreasonable and unnecessary, and that there are adequate planning grounds for which the standard can be varied, as summarised by the following:

- Improved social outcome with delivery of additional sorely needed lower cost housing.

- Compatibility of the Future Desired Character positioning the immediate area for urban transformation, as is stipulated by the Penrith Local Strategic Planning Statement (2019), the Penrith Local Housing strategy (2019), the Western Sydney District Plan, and as considered in previous strategic plans (Werrington Enterprise Living Learning Precinct 2004, Penrith Urban Design Study 209).
- Achievement with the objectives of the R3 Medium Residential Density zone and the Height of Building development standard, despite the height variation.
- Maintenance of appropriate residential amenity.
- Compatible with existing height plane with adjoining and nearby 3 storey structures and future developments as envisaged by the strategic planning for the Werrington area.
- Enhancing the Railway St streetscape and adding the creation of a desirable character.

The Clause 4.6 document should be read in conjunction with this SEE and accompanying architectural plans (prepared by Level Architects).

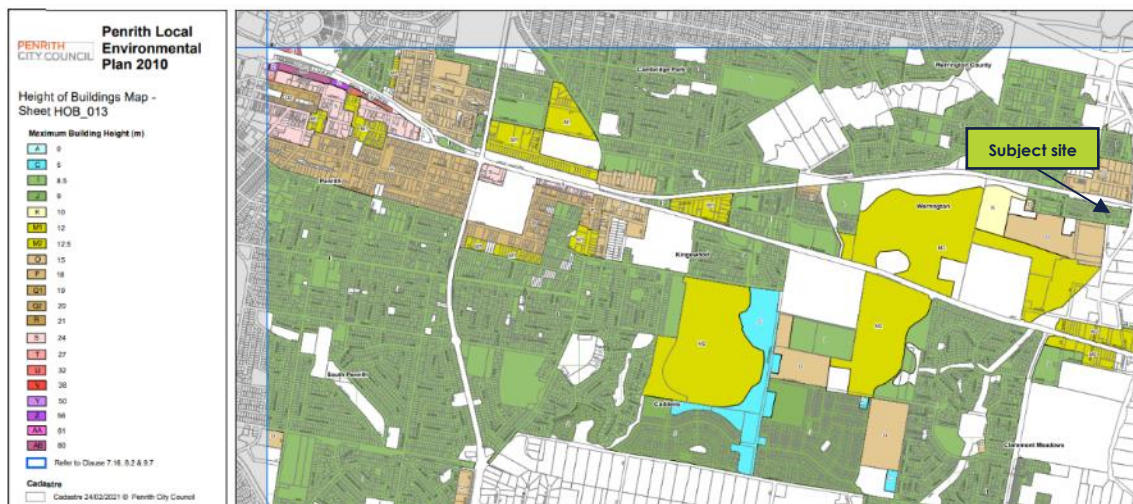


Figure 22 Height of Buildings Map (subject site indicated by a red star) (Source: Penrith Local Environmental Plan 2010 HOB\_013)

### Clause 4.4 Floor Space Ratio

A Floor Space Ratio has not been applied to the subject site or immediate area (see Figure 22).



Figure 23. Floor Space Ratio map (subject site indicated by red star)

(Source: Penrith Local Environmental Plan 2010 FSR\_013).

#### Clause 4.10 Heritage

The subject site is not a known heritage item, nor is it located within a heritage conservation area (see Figure 10.).

The nearest item of heritage is the Werrington Park House, garden and poplar avenue (Item 315) which is located in the grounds of Western Sydney University and over 1km from the subject site. In this regard, the proposal will not have any impact on the nearest item of heritage.



Figure 24. Heritage Map (subject site indicated by red star)  
(Source: Penrith Local Environmental Plan 2010 HER\_013).

## 8. Proposed Environmental Planning Instruments instruments

### 8.1 State Environmental Planning Policy (Housing) 2021

The Department of Planning, Industry and Environment (DPIE) released an Explanation of Intended Effect (EIE) for a proposed Housing State Environmental Planning Policy (SEPP). This was exhibited between 29 July and 9 September 2020. DPIE received over 270 submissions in response to the EIE, and these informed the fine-tuning of the proposed Housing SEPP. The draft Housing SEPP was re-exhibited for a second time, with submissions closing on 29 August 2021.

The primary purpose of the Housing SEPP is to consolidate the swath of housing related SEPPs including: the State Environmental Planning Policy (Affordable Rental Housing) 2009, State Environmental Planning Policy (Housing for Seniors and People with a Disability) 2004; State Environmental Planning Policy No 70 – Affordable Housing (Revised Schemes); State Environmental Planning Policy No 21—Caravan Parks; and State Environmental Planning Policy No 36—Manufactured Home Estates into a single SEPP.

The Housing SEPP further introduces provisions for co-living housing, which is a form of housing that provides small private rooms (which may or may not include private kitchen and bathroom facilities) offset by access to managed communal spaces, and changes to the ARH SEPP boarding house and seniors housing provisions.

The proposed development standards for boarding houses in the draft housing SEPP are consistent with the existing ARH SEPP. The principal changes to boarding houses, as proposed by the draft Housing SEPP, are to require boarding houses to be used for affordable housing in perpetuity and require boarding houses to be managed by a registered community housing provider.

#### **Comment**

The design of the proposed boarding house is consistent with the prescribed development standards for boarding houses contained in the proposed Housing SEPP.

The proposed changes to the management of a boarding house are still subject to consideration of the submissions received during the second exhibition period. As such, it is not certain that this will be adopted in the proposed form.

In this regard, the proposal subject to this development application, as lodged prior to the gazettal of the Housing SEPP, should be considered against the definition of boarding houses at the time of lodgement, and thereby capable of being approved as is described in this DA.

## 9. Penrith Development Control Plan 2014

The Penrith Development Control Plan 2014 (PDCP 2014) applies to the subject site. It provides planning, design and environmental objectives and controls against which Council is to assess DAs.

A full compliance assessment was undertaken, and it is noted that the proposed development generally complies with the relevant controls in the PDCP 2014 – please refer to *Attachment 2* for a full compliance assessment. Any variations to the controls stipulated within the PDCP 2014 are discussed below.

*Attachment 2* details the proposed development's compliance with the controls within D5.11 Boarding Houses of the Penrith DCP 2014. Consideration was also given to the controls relating to Multi-Dwelling Housing, as encouraged by section D5.11, control 2(h) of the PDCP 2014.

Any proposed variation to a PDCP2014 control has been considered against the relevant objectives and are demonstrated to be suitable in accordance with Section 4.15(3A) of the *Environmental planning and Assessment Act 1979* which deals with development control plans.

The proposed variations are discussed in detail in the following section.

### 9.1 D5.11 Boarding house objectives

The objectives of D5.11 Boarding Houses within the PDCP 214 are as follows:

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

The proposal achieves the objectives of the Boarding House section of the PDCP 2014, as demonstrated by the following:

- The proposed development is considered to represent the desired future local character of the area, as driven by the strategic objectives for Werrington and demonstrated by past community consultations undertaken for the Werrington Enterprise Living and Learning Precinct Strategy (2004), the Penrith Urban Design Study (2009), and more recently the Penrith Local Strategic Planning Statement (2019). The proposal is further not considered to be inconsistent with the existing local character as a consistent desirable character does not appear to have been established within the relevant portion of Railway St, with the presence of vacant lots mixed with aged red brick apartment blocks, and single dwellings that will likely experience redevelopment to the higher order permitted residential development in the near future. Please refer to the accompanying Neighbourhood Design Analysis for detailed investigation of future desired character.

- The location of the proposed boarding house is highly suitable as it is afforded the requisite amenities to support the proposed density with Werrington Train Station, Werrington local shops, and local parks, and educational precincts all within walking distance.
- The boarding house will be managed by an on-site manager who will ensure the safety and noise requirements stipulated in the Plan of Management are actualised.

## 9.2 Section 5.11(2) Building Envelope

### Prescribed controls

Figure D5.4 of the PDCP2014 prescribes a building envelope development control of which the envelope boundary is set at a height of 6.5m lot boundary and angled inwards at 45 degrees (refer to Figure 23), which essentially encourages pitched roof residential designs.

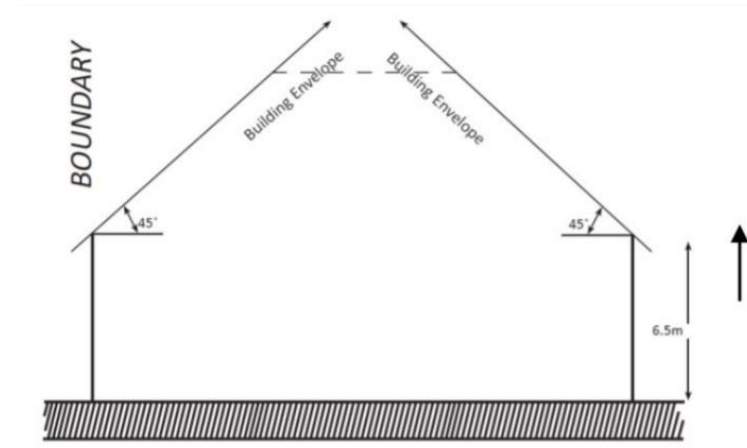


Figure 25. Extract of the Building Envelope Figure for boarding houses in the R3 zoned  
(Source: Penrith Development Control Plan 2014)

### Proposed development

The proposed design adopts a more contemporary flat roof design, which marginally exceeds the prescribed building envelope at the corners of the proposed built form by 885mm at the most extreme extent (Refer to Figure 24).



Figure 26. Extract of North Elevation Plan  
(Source: Architectural Drawings prepared by Level Architect)

The variation is minor and the proposal is considered to be acceptable, as demonstrated by the following:

- The variation relates to a minor encroachment of 885mm measured from the top of the corner, which is, at most, a 7.7% exceedance.
- Despite the encroachment, the adjoining property continues to be afforded appropriate solar access (min 3 hours between 9am and 3pm in the middle of winter) (please refer to accompanying shadow diagrams).
- The encroachment is essentially borne out of the application of a more contemporary and desirable (as evidence by the popularity of which flat roofs have been adopted by the construction industry) roof form.
- The local area can appropriately accommodate newer roof forms as a distinct and desirable character is not identifiable within the immediate streetscape of the subject site. This is confirmed by the fact that this immediate area of Werrington is not identified within a 'key precinct' of PDCP2014 (Part E), it is not subject to a heritage conservation zone, and there is no Council prescribed character statement.
- Past community consultation undertaken for Werrington Enterprise Living and Learning Precinct Strategy (2004), the Penrith Urban Design Study (2009), and more recently the Penrith LSPS (2019) received community comments regarding the undesirable built form that exists within parts of Werrington precinct and support newer more modern and contemporary redevelopments.
- The PDCP2014 is considered to include dated urban design controls that seeks to achieve a certain built form and roof design (pitched roof), as directed by the building envelope controls, and therefore penalises newer and potentially more innovative roof forms. Design preferences have changed since the PDCP2014 was adopted, and accordingly the prescribed building envelope is not considered to reflect desired designs as is put forward by the proposed development.
- The design of the Boarding House is demonstrated to be in line with the future desired character of Werrington, as it reflects contemporary design preferences and a density and use supportive of the growth expected to be experienced by Werrington with the newly created R4 High Density Residential zone to the south and the B7 Business Park zone at the Western Sydney University Werrington campus.
- The character of Werrington, with the anticipated growth and strategic importance with newer forms and styles of residential development, will complement the proposed development, ultimately creating a highly compatible built form.
- Notwithstanding the numerical non-compliance to the building envelope control due to the roof form, the proposed development demonstrates compliance with the objectives of D5.11 Boarding Houses.



### 9.3 Section 5.11(2) Basement

#### **Prescribed control**

The PDCP2014 prescribes that no basement encroachments to setbacks either above or below ground.

#### **Proposed development**

The proposal includes two levels of basement parking. The basement extends beyond the ground level building footprint up to the side property boundaries and partially into the rear setback area. A basement with nil side setbacks and a rear setback of 3.55m is proposed.

The practical impact of the variation is considered to be minor and will be mitigated via appropriate design and technical solutions, as demonstrated by the following:

- The basement encroachment will not lead to any additional overshadowing or privacy issues as it is contained below ground out of sight.
- Council's landscape requirements, including the provision of a green corridor along the spine of the residential subdivision block, are achieved with the proposed design. 40% of the site is landscaped and a 3.55m wide deep soil area is provided in the rear setback.
- Appropriate on-site water management, as provided for in the accompanying Stormwater Management Plans, ensure that no stormwater run-off is displaced to adjoining properties.
- The design of the basement affords a more efficient layout and enables appropriate number of car, motorcycle, and bicycle spaces to be provided without adding bulk or scale to the development.
- Planter boxes can be provided in the side setback for any required landscape treatments.
- From an urban design perspective, it is not uncommon to have larger basement footprints on land that is in close proximity to train station and area of high amenity as there is a natural increase of density close to such elements.

### 9.4 Section 5.11(3) Streetscape

#### **Prescribed control**

The PDCP2014 requires consideration of 'Compatibility with Streetscape in the Front Setback' through ensuring a minimum 18m<sup>2</sup> of deep soil is provided in the front setback and that an appropriate watering system is provided.

#### **Proposed development**

The proposal includes about 160m<sup>2</sup> of deep soil in the front setback area and the development itself provides a 6.5m front setback which is greater than the 6m development at 8 Railway St. This larger street setback will set the tone for future development in this vicinity Railway Street and ensures a suitable landscape component is provided.

More generally, the proposal is considered to enhance the existing streetscape which currently lacks coherence and consistency in built form and character. The addition of the proposed development and future development on the adjoining site (12-13

Railway St) will establish a more coherent streetscape comprising of more modern and contemporary designed buildings and improved front setback landscaping opportunities. Refer to Figure 24 for a visual representation of the general building envelopes on the subject site and at 12-13 Railway St (not to scale) which demonstrates this point and illustrates that a compatible height plane can be established with larger envelopes.

These building envelopes further act an appropriate urban design response to the opposing railway corridor, with taller developments often bounding areas of open space. This further assists with creating a visual and acoustic built form buffer between the rail corridor and the residential developments to the rear. The proposed Boarding House will anchor the contemporary façade in the urban plane and will not impede on the existing streetscape by creating a built form that suffocates the urban fabric on Railway Street. Rather, the proposal will be a welcomed visual relief from the old and near expired housing stock in the Werrington area.

## 9.5 Section C5 - Waste Management

### Prescribed controls

The Pre-DA notes provided by Council indicates that the proposed development's on-site waste collection infrastructure would need to be provided in accordance with Residential Flat Buildings (RFBs) as defined in the C5 Waste Management of the PDCP 2014.

### Proposed development

The proposed development includes two (2) bin storage areas located on Basement Level 1. When a tenant needs to dispose of waste from their room, they will do so by using the lifts that are centrally located in the building and safely accessing the relevant bin storage room on Basement Level 1.

The proposal opted out of providing a waste chute system as it is an impractical and often an unnecessary maintenance burden. The alternative solution proposed is included in the Plan of Management (PoM) which details that the on-site Manager will take out, and bring in, all the bins to the street frontage for collection on the relevant day. The PoM further details the timeframe to which the bins will be located on the street frontage. This will ensure that the bins will *only* be on the street frontage for collection and will not be left there for extended periods of time. (It is worth noting that the proposed bin collection strategy is a significant improvement to the adjoining property, being 8 Railway Street, which shows bins precariously placed adjacent to the driveway and in complete view of the streetscape [see Figure 24.]).

Assessing the proposed boarding house against waste management controls relating to an RFB is unreasonable in that the use and habitation of an RFB is considerably different to the use and habitation of a boarding house. A boarding house is based on flexible, short-lease tenancy, with variable tenancy occupation rates resulting in variable waste generation. Further, due to difference in habitation, boarding house are unlikely to generate excessive amounts of waste on a consistent basis (i.e. decreased furniture turn over). Whereas an RFB is generally a longer-lease option with constant tenants, operating at full-capacity. It can be reasonably be expected that the waste generated from a long-term tenancy is greater than that of a boarding house.

As discussed above, a detailed and comprehensive PoM has been prepared and submitted with this DA. The PoM details a range of procedures for the effective operation of the boarding house, including the appropriate waste disposal.

The proposed waste management and collection processes adequately and appropriately address Council's requirements in the PDCP 2014, as well as Council's concerns raised in the Pre-DA notes.



Figure 24. Bin collection point 8 Railway Street. (Source: Google Street View).

## 10. Environmental Planning and Assessment Act – S4.15 Assessment

The matters for considerations under Section 4.15 of the *EP&A Act 1979* have been considered in light of the proposed development and are discussed as follows:

### **(a) Environmental planning instruments and development control plan**

The key environmental planning instruments and the PDCP2014 have been addressed. It has been shown that the proposed boarding house satisfies all applicable development provisions and/or objectives.

### **(b) Likely impacts**

The proposal involves the construction of a boarding house, which is a permissible development within the zone. The proposal is deemed to have an acceptable impact with consideration of the land use zoning, permissible height, built form controls, and the urban context, with consideration to existing urban fabric and future desired urban character, in which the development is proposed.

### **(c) Suitability of the site**

The site is suitable for a boarding house, as confirmed by the permissibility of the development in the R3 Medium Density Residential zone, connection to utilities, and proximity to mass transport corridor, neighbourhood amenities and services, and tertiary education facilities. The proposal also achieves general compliance with all key development controls that relate to the bulk, scale and density, and layout of boarding houses. Further, the Neighbourhood Analysis that accompanies this SEE further details the suitability of the site for the proposed development.

### **(e) Public Interest**

A large proportion of the population of Werrington (19%) experiences housing stress and 27.7% of the population make up lone person households. While the proposal is demonstrated to have minimal environmental impacts, subsequently achieving the objectives of the land use zones, achieves orderly and economic development of the land, it is the provision of a 69-room boarding house that makes the proposed development a benefit to the population of Werrington. In this instance, the proposed development is in the public interest.

## 11. Conclusion

The proposed boarding house is a contemporary designed development that will positively add to the value of the existing streetscape, and to the redefined desired future character of Werrington.

The analysis detailed within the Neighbourhood Analysis, demonstrates that a boarding house development is highly appropriate within Werrington, and particularly for the subject site. As further discussed in Section 3 (Site Description) and Section 4 (Context) of this SEE, the subject site's proximity to a mass transport corridor, tertiary education facilities and neighbourhood services and amenities, in conjunction with the land use zoning, means that the subject site is ideal for medium density accommodation.

During the consultation activities for major strategic plans, including the Werrington Enterprise Living + Learning Strategy (WELL Strategy), the Penrith Urban Design Study 2008-2009, and the Penrith LSPS 2019, general community sentiment highlighted the need for the facilitation of sustainable and affordable housing that meets the diverse needs of the growing community. As clearly detailed in this SEE and the Neighbourhood Analysis, the proposed boarding house will provide suitable and affordable accommodation that will be beneficial for lone-persons households.

The immediate neighbourhood lacks consistency in the urban fabric and landscape treatment has generally resulted in a neighbourhood that lacks a uniform character and area of relevance to the community. The proposed design, which adopts a more contemporary style with the provision of additional landscape treatments, will have a direct and improved benefit to the undeveloped and incoherent streetscape, and wider Werrington area. The provision of a contemporary building will assist in anchoring the evolution of a greater neighbourhood character ultimately resulting in a more active, safer, and pleasant neighbourhood. The proposal in its entirety delivers against the desired character of the Werrington suburb and the objectives of the Penrith LGA.

The proposal, and its potential impacts, has been considered against all relevant environmental planning instruments, the Penrith Development Control Plan and Section 4.15 of the *Environmental Planning and Assessment Act 1979*.

The proposed development is worthy of approval by Penrith City Council.

## Attachment 1. SEPP (ARH) 2009, Division 3 Boarding House

### Clause 26: Land to which this Division applies

Requirement	Comment
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 these zones:	
(a) Zone R1 General Residential, (b) Zone R2 Low Density Residential, (c) Zone R3 Medium Density Residential, (d) Zone R4 High Density Residential, (e) Zone B1 Neighbourhood Centre, (f) Zone B2 Local Centre, (g) Zone B4 Mixed Use.	<b>Complies.</b> The subject site is located within the R3 Medium Density Residential zone and, as such, the proposed use is permissible with consent under <i>Penrith Local Environmental Plan 2010</i> .

### Clause 27: Development to which Division applies:

Requirement	Comment
(1) This Division applies to development, on land to which this Division applies, for the purposes of boarding houses.	<b>Complies.</b> The proposal seeks consent for the construction of a boarding house, basement carparking and associated landscaping works.
(2) Despite subclause (1), clauses 29, 30 and 30A do not apply to development on land within Zone R2 Low Density Residential or within a land use zone that is equivalent to that zone in the Greater Sydney region unless the land is within an accessible area.	<b>Not applicable.</b> The subject site is located within the R3 Medium Density Residential zone.
(3) Despite subclause (1), clauses 29, 30 and 30A do not apply to development on land within Zone R2 Low Density Residential or within a land use zone that is equivalent to that zone that is not in the Greater Sydney region unless all or part of the development is within 400 metres walking distance of land within Zone B2 Local Centre or Zone B4 Mixed Use or within a land use zone that is equivalent to any of those zones.	<b>Not applicable.</b> The subject site is located within the Sydney region and is located within the R3 Medium Density Residential zone.

### Clause 28: Development may be carried out with consent

Requirement	Comment
Development to which this Division applies may be carried out with consent.	<b>Complies.</b> The proposed development constitutes the construction of a boarding house as it is defined under the Standard Instrument. As such, the proposed development of a boarding house may be considered under this Division of the SEPP as development that may be carried out with consent.

Clause 29: Standards that cannot be used to refused consent

Standard	Requirement	Proposed	Comment
(1) A consent authority must not refuse consent to development to which this Division applies on the grounds of <b>density or scale</b> if the density and scale of the buildings when expressed as a floor space ratio are not more than	<p>(a) The existing maximum floor space ratio for any form of residential accommodation permitted on the land, or,</p> <p>(b) If the development is on land within a zone in which no residential accommodation is permitted – the existing maximum floor space ratio for any form of development permitted on the land, or</p> <p>(c) If the development is on land within a zone in which residential flat buildings are permitted and the land does not contain a heritage item that is identified in an environmental planning instrument or an interim heritage order or on the State Heritage Register – the existing maximum floor space ratio for any form of residential accommodation permitted on the land, plus -</p> <p>(i) 0.5:1, if the existing maximum floor space ratio is 2.5:1 or less, or</p> <p>(ii) 20% of the existing maximum floor space ratio, if the existing floor space ratio is greater than 2.5:1.</p>	<p>Floor space ratio is not applicable to this subject site.</p> <p>Floor space ratio is not applicable to this subject site.</p> <p>Floor space ratio is not applicable to this subject site.</p>	If a floor space ratio had been applied to the subject land, the proposed development would be afforded a floor space ratio incentive of at least 0.5:1 for boarding houses (clause 29(1(c))) by virtue of the fact that residential flat buildings are permitted in the R3 Medium Density Residential zone and that the site does not contain a heritage item.
(2) A consent authority must not refuse consent to development which this Division applies on any of the following grounds:			
<b>(a) Building Height</b>	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,	The proposed maximum building height is 11.6m (TOP) and 12.25 (Lift overrun). This is 3.1m and 3.75m above the prescribed 8.5m maximum building height prescribed under Clause 4.3 of PLEP 2010.	Application of Clause 4.6.
<b>(b) Landscaped Area</b>	if the landscape treatment of the front setback area is compatible with the streetscape in which the building is located,	The front setback area is proposed to have multiple deep soil zones, including the retention of multiple trees.	Complies.
<b>(c) Solar Access</b>	where the development provides for one or more communal living rooms, if at least one of those rooms receives a minimum of 3	The proposed development includes one (1) communal living room on the ground level at the front of the	Complies.

	hours direct sunlight between 9am and 3pm in mid-winter,	building. Due to the northern orientation of the building, this common room (including the communal private open space) will receive a minimum of 3 hours of direct sunlight between 9am and 3pm in mid-winter.	
<b>(d) Private Open Space</b>	<p>if at least the following private open space areas are provided (other than the front setback area)—</p> <p>(i) one area of at least 20 square metres with a minimum dimension of 3 metres is provided for the use of the lodgers,</p> <p>(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,</p>	<p>The proposal provides a private open space area of 39m<sup>2</sup> area behind the front setback area, exceeding the minimum dimensions required.</p> <p>The proposal provides accommodation for a boarding house manager, including a private open space area of 15.0m<sup>2</sup>, exceeding the minimum dimensions required.</p>	<p>Complies.</p> <p>Complies.</p>
<b>(e) Parking</b>	<p>If –</p> <p>(i) in the case of development carried out by or on behalf of a social housing provider in an accessible area—at least 0.2 parking spaces are provided for each boarding room, and</p> <p>(ii) in the case of development carried out by or on behalf of a social housing provider not in an accessible area—at least 0.4 parking spaces are provided for each boarding room, and</p> <p>(iia) in the case of development not carried out by or on behalf of a social housing provider—at least 0.5 parking spaces are provided for each boarding room, and</p> <p>(iii) in the case of any development – not more than 1 parking space is provided for each person employed in connection with the</p>	<p>Not applicable.</p> <p>Not applicable.</p> <p>The proposal includes 70 boarding rooms (including one manager’s room) and provides 36 parking spaces.</p> <p>The proposal includes one (1) manager’s room and provides one (1) parking space for the manager.</p>	<p>Complies.</p> <p>Complies.</p>



	development and who is resident on site,		
<b>(f) Accommodation size</b>	If each boarding room has a gross floor area (excluding any area used for the purposes of private kitchen or bathroom facilities) of at least – (i) 12 square metres in the case of a boarding room intended to be used by a single lodger, or (ii) 16 square metres in any other case.	Each boarding room has a gross floor area ranging between 16.0m <sup>2</sup> and 25.0m <sup>2</sup> .	Complies.
(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. <u>Comment:</u> Bathroom, kitchen, and laundry facilities are provided for in each room. Therefore, the proposal is compliant with this Clause.			
(4) A consent authority may consent to development to which this Division applies whether or not the development complies with the standards set out in subclause (1) or (2). <u>Comment:</u> The proposed development achieves compliance with standards as set out in subclause (2). Subclause (1) addresses floor space ratio standards which is not applicable to the subject site.			

#### Clause 30: Standards for boarding houses

Standard requirement	Proposed	Compliant/ Comment
(1) A consent authority must not consent to development to which this Division applies unless it is satisfied of each of the following:		
(a) If a boarding house has 5 or more boarding rooms, at least one communal living room will be provided,	One (1) common room is proposed on the ground floor plan. This room includes a common living area and kitchen amenities.	Complies.
(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,	The managers room, Type 1, and Type 2 rooms do not exceed 16 square metres. The Type 3 rooms and accessible rooms do not exceed 25 square metres.	Complies.
(c) No boarding room will be occupied by more than 2 adult lodgers,	Each room will allow for a maximum of two occupants.	Complies.
(d) Adequate bathroom and kitchen facilities will be available within the boarding house for the use of each lodger,	Each room is equipped with private laundry and kitchen facilities. Further, the common room has common kitchen amenities.	Complies.
(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,	The proposed boarding house has capacity to accommodate more than 20 lodgers. As such, a manager's room (equipped with a private bathroom, laundry and kitchen) is proposed to be located on the ground floor, adjacent to the front door.	Complies.
(f) Repealed.	N/A	N/A

(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,	Not applicable. The subject site is zoned R3 Medium Density Residential.	Not applicable.
(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.	The proposal includes 69 rooms, and provides the following: <ul style="list-style-type: none"> <li>• 14 motorcycle spaces</li> <li>• 14 bicycle spaces.</li> </ul>	Complies.
(2) Subclause (1) does not apply to development for the purposes of minor alterations and additions to an existing boarding house.	The proposed development is for the construction of a new boarding house. Therefore, subclause (1) applies.	Complies.

#### Clause 30AA: Boarding houses in Zone R2 Low Density Residential

The subject site is located within Zone R3 Medium Density Residential. Therefore, this Clause does not apply to this application.

#### Clause 30A: Character of local area

A consent authority must not consent to development to which this Division applies unless it has taken into consideration whether the design of the development is compatible with the character of the local area.

The proposed development is accompanied by a Neighbourhood Analysis which provides a high-level analysis of the Werrington neighbourhood. The Neighbourhood Analysis concludes that the subject site is a suitable location for the proposed boarding house for the following reasons:

- The population of Werrington is changing. There are higher growth rates than compared to the average of greater Sydney with a comparatively large lone household population.
- 19% of the Werrington population experiences housing stress.
- The immediate neighbourhood lacks a consistency in the urban fabric and landscape elements. As such, the immediate neighbourhood does not have a uniform character and connection to the community.
- South Werrington is set to experience a significant development with large vacant areas of the Western Sydney University (Werrington Campus), and the old Sydney Water site (corner of Walker Street and Rance Road) ready for construction. The development of these parcels will have an immediate impact on the neighbourhood character of Werrington.
- Werrington has been earmarked, on several occasions, as a key centre capable of accommodating additional housing and greater housing density.
- General community sentiment derived from past consultations confirms the community is supportive of increasing residential density within, or nearby, strategic centres, and particularly within proximity of mass transport systems. Additionally, past community sentiment has further expressed a desire for greater housing diversity in appropriately located areas to support the changing needs of the community.

In consideration of the above concluding points and the Neighbourhood Analysis, the proposed boarding house will assist in contributing to creating a more consistent neighbourhood character that has greater relevance to the future focus of Werrington.

## Attachment 2 Penrith DCP 2014 Built Form Compliance Table

### D5 Other Land Uses

#### 5.11 Boarding Houses

#### D5.11(c) Table D5.3 Minimum setback and building envelope requirements for Boarding Houses in R2, R3 and R4 zones.

Setbacks	Requirements		Proposed
	Minimums in R3 Zone	Minimums for Multi-dwelling housing	
<b>Front</b>	a) Average setbacks of the adjoining neighbours; or, b) A 5.5m minimum setback, whichever is the greater	a) Average setbacks of the adjoining neighbours; or, b) A 5.5m minimum setback, whichever is the greater	<b>Complies.</b> 6.5m setback is proposed. This is consistent with the front building line of 8 Railway Street and exceeds the numerical requirement of these controls.
<b>Side</b>	2m along not more than 50% of the building length. The remaining 50% is to achieve a minimum setback of 3m, these areas are to be a minimum of 1.5m wide.	Zero side setbacks from the side boundary are not permissible.	<b>Complies.</b> A side setback of 3.715m on both sides.
<b>Rear</b>	4m for a single storey building (or any single storey component of a building). 6m for a two storey building (or any two storey component of a building).	4m for a single storey building (or any single storey component of a building). 6m for a two storey building (or any two storey component of a building).	<b>Complies.</b> A rear setback of 6.0m is provided.
<b>Building Envelope</b>	Refer to Figure D5.5 – indicates 6.5m, angled inwards at 45 degrees.	Comply with controls for <i>Multi-dwelling Housing</i> in this DCP (which is 6.5m, angled inwards at 45 degrees).	<b>Minor variation</b> Marginally extends beyond the prescribed building envelope on both western and eastern elevations. Approvable through merit assessment, as discussed in Section 9.2 of this SEE.
<i>Compatibility of landscaping with streetscape in the front setback</i>	R3 Zone: 40%	40%	566.1m <sup>2</sup> (or 40%)

## Attachment 2. Penrith DCP 2014 Boarding House Compliance Table

### D5 Other Land Uses

#### 5.11 Boarding Houses

Development Control	Compliance
<p><b>1) Local Character</b></p> <p>(a) Boarding house development applications shall be accompanied by a detailed site analyses to assist with the determination of local character.</p>	<p><b>Complies.</b></p> <p>A site analysis plan is provided within the architectural drawings and a detail analysis of local character is provided in the Neighbourhood Analysis.</p> <p>Local character, both existing and the desired future character, is not defined in the PLEP 2010 or the Penrith DCP 2014. Further, Council has not adopted a Local Character Statement that provides guidance on the character of areas within the Penrith LGA.</p>
<p>(b) A neighbourhood analysis must be completed to identify the desired future character of the neighbourhood. It is recommended that community consultation be undertaken as part of the analysis to determine aspirations for the future.</p>	<p><b>Complies.</b></p> <p>A Neighbourhood Analysis has been undertaken and the results of have been provided as a separate document which accompanies this Development Application.</p>
<p><b>2) Built Form, Street Impact and Appearance</b></p> <p>(a) The entrance to the boarding house must be in a prominent position addressing the street.</p> <p>(b) New boarding houses must not reduce the achievement of access to a minimum of 3 hours sunlight in main living area and in at least 50% of private open space between 9am and 3pm on 21 June for adjoining properties.</p> <p>(c) Boarding houses must be designed to have a sympathetic relationship with adjoining development.</p> <p>(d) Proposals must demonstrate that neighbourhood amenity will not be adversely impacted by factors such as noise and privacy.</p> <p>(e) There must be no basement encroachments to setbacks either above or below ground.</p>	<p><b>Complies.</b></p> <p>The entrance to the boarding house is prominent with pedestrian and vehicular access gained from Railway Street. Access is sited centrally to the proposed building.</p> <p><b>Complies.</b></p> <p>Shadow diagrams provided with the architectural plans indicate the proposal achieves compliance with this control. Additional shadows are expected as the subject site is currently vacant – any development on the site would increase shadows to adjoining properties.</p> <p><b>Complies.</b></p> <p>The proposed boarding house has been designed to reflect a modern architecturally advanced structure with varying architectural treatments that create a visually appealing building.</p> <p><b>Complies</b></p> <p>The common room, including the external common area, is located along the northern elevation of the building, which fronts Railway Street and is located a reasonable distance from adjoining properties.</p> <p>The Plan of Management will ensure on site noise will be kept to a minimum.</p> <p><b>Minor Variation.</b></p> <p>The proposed basement extends into the side and rear setback areas. However, this does not result in any unreasonable amenity impacts and can be</p>

<p>(f) Minimum setbacks for boarding houses in R2 and R3 Zones are provided in table D5.3.3</p> <p>(g) In an R2 and R3 Zone, boarding houses should comply with controls for <i>Single Dwellings</i> where these controls do not conflict with the requirements of the SEPP.</p> <p>(h) A boarding house proposal of a similar scale to a multi dwelling housing development should comply with the controls and objectives of <i>Multi-Dwelling Housing</i> within this DCP, where they are not in conflict with the requirements of the SEPP and the objectives of the zone.</p> <p>(i) A boarding house proposal of a similar scale to a residential flat building or high density mixed use development should comply with the controls and objectives for <i>Residential Flat Buildings</i> within this DCP, where they are not in conflict with the requirements of the SEPP, and the objectives of this zone.</p>	<p>appropriately managed and secured during the construction stage. Please discussion under Section 9.3 of this SEE</p> <p><b>Complies.</b> This has been addressed in the body of the SEE.</p> <p><b>N/A</b></p> <p><b>Complies.</b> The Pre-DA meeting notes advised that consideration must be given to the controls and objectives of the <i>Multi-Dwelling Housing</i>. However, the control stipulates that a boarding house of a similar scale to a multi-dwelling housing development <i>should</i> comply. In this instance, the proposal generally complies with the controls and objectives of <i>Multi-Dwelling Housing</i> within the PDCP</p> <p><b>N/A</b> Based on the information and advice provided in the Pre-DA notes, consideration of this control is not required.</p>
<p><b>3) Compatibility with Streetscape in the Front Setback</b></p> <p>a) A minimum of 18m<sup>2</sup> deep soil area must be provided to support larger plants and trees used to soften the form of the building and provide shade. Deep soil areas are to be a minimum width and length of 3m. Deep soil zone may form part of the landscaped area calculation.</p> <p>b) A watering system that does not rely on lodgers to maintain plantings.</p>	<p><b>Complies.</b> The proposed development includes a deep soil zone of 18m<sup>2</sup> within the front setback area (forward of the communal private open space). Additional areas of deep soil zones and a green corridor are on the site.</p> <p><b>Complies.</b> Refer to the landscape plan provided.</p>
<p><b>4) Tenant Amenity, Safety and Privacy</b></p> <p>Boarding houses are to maintain a high level of resident amenity, safety, and privacy by ensure:</p> <p>a) Communal spaces, including laundry, bathroom, waste facilities, private open space, kitchen and living areas are accessible to all lodgers;</p> <p>b) If over 10 boarding rooms are supplied, 10% of the total number of dwellings (rounded up) must be accessible;</p> <p>c) Cross ventilation should be achieved in common areas including corridors, common kitchen areas, living areas, laundry, waste and kitchen facilities;</p>	<p><b>Complies.</b> All communal spaces are accessible by all lodgers.</p> <p><b>Complies.</b> The proposal includes the provision of 70 rooms (including 1 manager's room). Therefore, seven (7) rooms must be accessible. The proposal includes 9 accessible rooms.</p> <p><b>Complies.</b> Cross ventilation is achieved in all common areas.</p>

<p>d) All opening windows are to be provided with fly screens; and</p> <p>e) Secure mailboxes shall be provided on the property allowing resident only access.</p> <p>f) Communal kitchen facilities must be provided with a minimum area of:</p> <ul style="list-style-type: none"> <li>a. 7m<sup>2</sup> for up to 6 lodgers,</li> <li>b. Or 11m<sup>2</sup> for more than 6, up to 12 lodgers, plus 1m<sup>2</sup> for each additional lodger over 12; or all bedrooms shall contain kitchenette facilities with a fridge, adequate cupboards and shelves and a microwave. For fire safety reasons no other cooking appliances are permitted.</li> </ul> <p>g) Common rooms must be provided at a minimum rate of 2m<sup>2</sup> per lodger, or a minimum of 13m<sup>2</sup> where there are fewer than 6 lodgers. Common rooms do not include circulation space, laundry, bathroom, waste, and kitchen facilities.</p>	<p><b>Can be made to comply.</b></p> <p>The proposed development can be made to comply with this requirement.</p> <p><b>Complies.</b></p> <p>The proposed development includes a letterbox area within the front setback adjacent to the front entrance. The individual mailboxes can be made to be secured.</p> <p><b>Minor variation.</b></p> <p>The ARH SEPP requires a common room to be provided in a boarding house with 5 boarding rooms or more. The ARH SEPP does not provide a minimum numerical figure for the gross floor area (GFA) of the communal living room. The requirement for the communal kitchen space is somewhat outdated and a considered to be a legacy requirement of older generation boarding houses.</p> <p>The proposed design is for a modern boarding house which provides each boarding room with its own kitchenette amenities, and one common kitchen and communal living area for social interaction purposes.</p> <p>Appropriate fire safety measures have been included in the design of the building to accommodate cooking appliances in the boarding rooms.</p> <p><b>Minor variation.</b></p> <p>The proposal includes a common area for kitchen amenities and a living room, with an external private open space along the northern elevation of the building (access from the common living room). The proposed common living room, kitchen, and covered outdoor space have an approximate 77m<sup>2</sup> area.</p> <p>In addition, each ground floor boarding room is provided with a private open space area of ~10sqm and each boarding room is equipped with a private kitchen, bathroom and laundry. This provides a better outcome for future tenants as those who can use private courtyards will do so and this will provide more space in the proposed common areas for other tenants.</p> <p>The proposed mix of common space to private open space areas better reflect the requirements of a new generation boarding house and what the lone household market is wanting.</p>
<p><b>5) Visual and Acoustic Amenity Impacts</b></p> <p>Boarding houses are to provide:</p> <ul style="list-style-type: none"> <li>a) Bedrooms separate from significant noise sources;</li> <li>b) Sound insulation between bedrooms to provide reasonable amenity;</li> </ul>	<p><b>Complies.</b></p> <p>The bedrooms on the ground floor are located a reasonable distance from the communal living room and the external private open space.</p> <p><b>Complies.</b></p>

<p>c) Communal areas and bedroom windows away from the main living area or bedroom windows of any adjacent buildings; and</p> <p>d) Screen fencing, plantings and acoustic barriers in appropriate locations.</p>	<p>Sound insulation will be provided in accordance with the National Construction Code (NCC) acoustic installation standards.</p> <p><b>Complies.</b></p> <p>The proposed communal areas and bedroom windows are situated away from the main communal areas.</p> <p><b>Complies.</b></p> <p>Plantings are proposed in the rear setback and along side boundaries.</p>
<p><b>6) Location</b></p> <p>Boarding houses shall not be located in cul-de-sacs.</p>	<p>Railway Street is not a formal or defined cul-de-sac. The road signs on display on the corner of Railway Street and Rance Road do not indicate that Railway Street is a 'no-through road', as usually installed for defined cul-de-sac streets.</p> <p>A Traffic Management Plan has also been provided which concludes that Railway Street is equipped to appropriately manage additional vehicles.</p> <p>This control was not raised as an issue within the Pre-DA Meeting notes.</p>
<p><b>7) Plan of Management</b></p> <p>An operating 'Plan of Management' is to be submitted with each development application for a boarding house (including new and existing boarding houses). The Plan of Management is to include, but is not limited to:</p> <p>a) Boarding house staffing arrangements, including the location of 24/7 contact details for any on-site manager or resident caretaker, who has overall responsibility for the operation, administration, cleanliness, maintenance, and fire safety of the premises;</p> <p>b) House rules and how they will be publicised to residents, including details of:</p> <ol style="list-style-type: none"> <li>i. Guest behaviour;</li> <li>ii. Activities and noise;</li> <li>iii. Visitor policy;</li> <li>iv. The use of alcohol and/or drugs;</li> <li>v. Cleaning of communal spaces following use; and</li> <li>vi. Location of smoking area.</li> </ol> <p>c) Plans outlining the occupancy rate for each sleeping room, room furnishings, provisions of communal areas and facilities, and access and facilities for people with disabilities;</p> <p>d) Measures to minimise unreasonable impact to the habitable spaces of adjoining properties, including the management of communal open spaces, which, for boarding houses within residential areas or where</p>	<p><b>Complies.</b></p> <p>A Plan of Management has been prepared and is an accompanying document that forms part of the Development Application.</p> <p>The Plan of Management details how the boarding house will be managed in accordance with the requirements as listed under Control 7. Plan of Management of the PDGP2014.</p>

<p>adjoining sites contain residential activities, should be restricted to 10pm;</p> <p>e) Waste minimisation, recycling and collection arrangements are to be identified;</p> <p>f) Maintenance strategy including, but not limited to:</p> <ul style="list-style-type: none"> <li>i. Monthly gardening and pruning of vegetation;</li> <li>ii. Pest management plan;</li> <li>iii. Cleaning and sanitation program including end of lease arrangements;</li> <li>iv. Quarterly external clean and graffiti removal;</li> <li>v. Waste management plan; and,</li> <li>vi. Indicative arrangements for council officer's 12 month inspection, required under the Boarding House Act 2012.</li> </ul> <p>g) Internal signage arrangements, including:</p> <ul style="list-style-type: none"> <li>i. The name and contact number of the property caretaker or manager;</li> <li>ii. Emergency contact numbers for essential services;</li> <li>iii. House rules;</li> <li>iv. A copy of the annual fire safety statement and current fire safety schedule;</li> <li>v. Floor plans that will be permanently fixed to the inside of the door of each sleeping room which indicate the available emergency egress routes from the respective sleeping room; and,</li> <li>vi. Information on local social services.</li> </ul> <p>h) Minimum lease period with conditions including:</p> <ul style="list-style-type: none"> <li>i. Resident agreement to comply with boarding house rules;</li> <li>ii. Minimum lease period of 3 months; and,</li> <li>iii. 6 and 12 month rental terms available.</li> </ul> <p>i) A social impact assessment.</p> <p>j) A complaint register that is available for inspection by Council.</p> <p>k) Indicative arrangements for Council monitoring and review of require management actions</p> <p>l) Any further relevant considerations. Council may request further information to be provided.</p>	
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