



STATEMENT OF ENVIRONMENTAL EFFECTS

Integrated Housing, Subdivision and Associated Civil Works

Proposed Lot 1258; 16 Chapman Street, Werrington

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Proposed Lot 1258; 16 Chapman Street, Werrington

Prepared for

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By



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Date of final issue: 15 March 2022

File Path: C:\Users\SamJohns\Dropbox (GLN Planning)\Public\Projects\Active\11516 Lendlease Communities (Werrington) - Stage1A and 2C Integrated House Sites\Reports\Stage 2C\Creation\Report

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Project Number: 11516

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Document History and Status

Version	Issue To	Qty	Date	Prepared by	Reviewed by
V1 Draft	Rebecca McAlpine (Lendlease)	1-e	15/03/2022	S. Johns	MH
Final	Penrith City Council	1-e	15/03/2022	S. Johns	MH

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Executive Summary

This Statement of Environmental Effects (**SEE**) has been prepared to accompany a Development Application (**DA**) lodged on behalf of Lendlease Communities (Werrington) Pty Ltd (the **Applicant**) seeking approval of an integrated housing DA, including subdivision to create six (6) Torrens title allotments and associated works within the Kings Central estate at 16 Chapman Street, Werrington. The proposal seeks the subdivision of the site to occur first, then subsequent construction of the relevant dwellings.

The site is located within the South Werrington Urban Village (**SWUV**) of the Werrington Enterprise Living and Learning Precinct in the Penrith Local Government Area (**LGA**). The land is undergoing significant transformation from its current vacant state to urban purposes following the Precinct's rezoning and subsequent approval of DA19/0704 for:

"Integrated Development Application for: staged subdivision of Land to create 227 lots, 17 industrial lots, open space lots, 14 residue lots and road dedication. Works include site preparation, vegetation removal, bulk earthworks, civil works, construction of roads, including the East-West Collector Road and Round-a-bout on Werrington Road, stormwater infrastructure and basins."

Development Consent DA19/0704 was granted on 18 December 2020 by the Sydney Western City Planning Panel (the **Panel**) and included the creation of the residue Lot 2259. A subsequent Development Application was approved by Council under DA21/0808 on 31 January 2022 to further subdivide Lot 2259 into two residue lots numbered Lot 1258 and Lot 1259. Lot 1258 is 1,562m² in area and is the subject of this application (the **site**). Lot 1259 is subject to a separate Development Application (DA21/0978) for residential development. Five (5) of the dwellings proposed in this DA will gain access of a road being delivered under DA21/0978. The two DAs are therefore interrelated.

The Applicant has partnered with Creation Homes to deliver the dwellings subject of this DA.

The main components of the proposal include:

- The site subject to this DA is a residue lot created under DA21/0808.
- Integrated housing development including subdivision to establish six (6) dwellings across six (6) Torrens title allotments.
- Associated landscaping and civil works including lot grading.
- The proposal seeks consent that allows the subdivision of the land prior to the construction of the dwellings.

This DA seeks approval for development under Part 4 of the *Environmental Planning and Assessment Act 1979* (**EP&A Act**). The site is zoned R4 High Density Residential, and the proposed development is permissible with consent under the *Penrith Local Environmental Plan 2010* (**PLEP 2010**). This application has demonstrated that the proposal complies with the relevant controls and development standards in the PLEP 2010 and the PDCP.

The proposal is categorised as 'Integrated development' under section 4.46 of the EP&A Act given the site is mapped as bushfire prone, therefore the proposed development will require a Bushfire Safety Authority from the NSW Rural Fire Service (**RFS**) for the subdivision of the land for residential purposes pursuant to section 100B(1) of the *Rural Fires Act 1997* (**RF Act**). The proposal is not



classified as Regionally Significant or Designated Development and will likely be determined by Penrith City Council (**Council**), or the Local Planning Panel should the application receive more than 10 submissions.

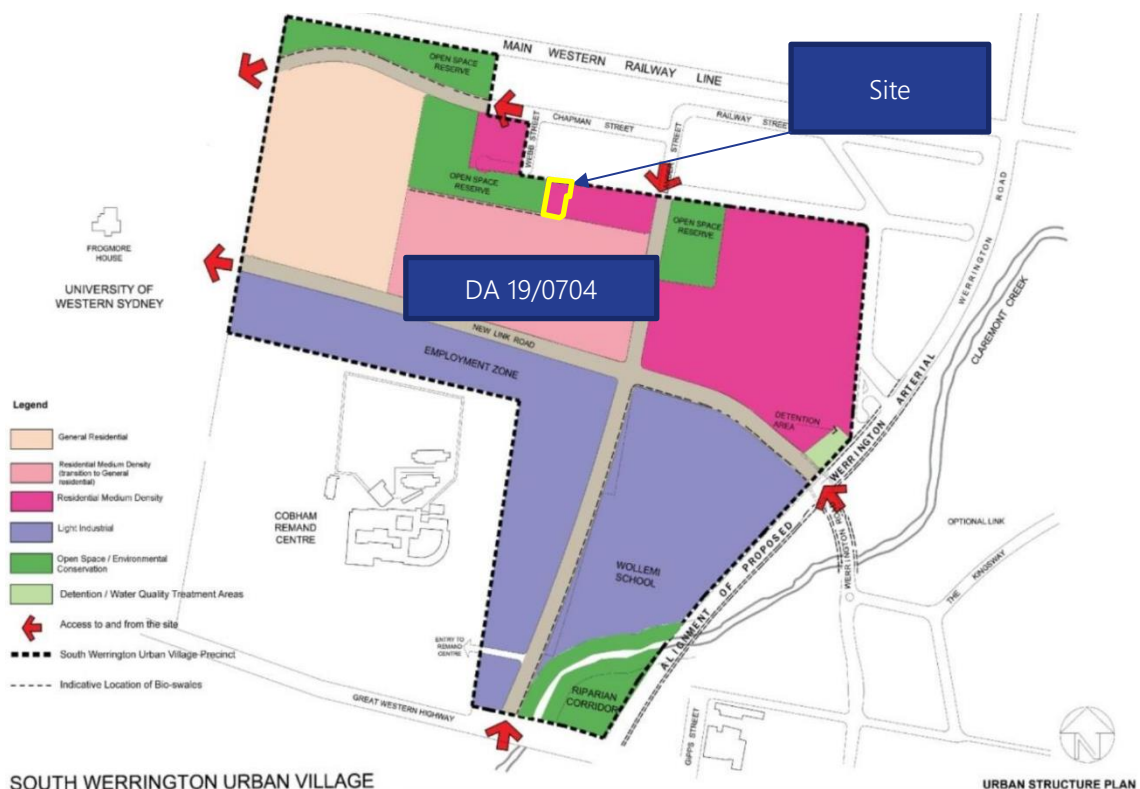
This SEE concludes that the proposed development is an acceptable form of development without having any adverse impact upon the environment and surrounding land uses. It is recommended that the proposal be approved subject to the imposition of appropriate conditions of consent.

1 Introduction

1.1 Background

GLN Planning Pty Ltd (**GLN**) has been commissioned by the Applicant to prepare this SEE. It accompanies a DA seeking approval for integrated housing comprising subdivision to create six (6) Torrens title allotments including associated civil works over proposed Lot 1258, which is currently a part of Lot 1 DP1226122; 16 Chapman Street, Werrington.

The site is located on land identified within the SWUV Precinct (see **Figure 1**) in the Penrith LGA and is zoned R4 High Density Residential under PLEP 2010.



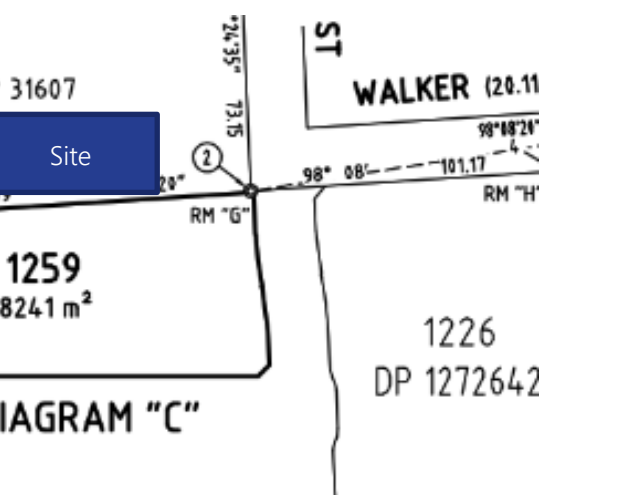
Source: Penrith DCP 2014

Figure 1. SWUV Structure Plan

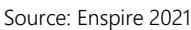
known as 'Kings Central'. The parent subdivision in Sydney Planning Panel on 18 December 2020. The lot approved under DA19/0704, Lot 2259 (see Figure 4) was recently approved for a paper subdivision. The lot is over Lot 1258 subject to its registration. The Development Application lodged with Council on 20 December 2020 is for the subdivision of the lot into 29 dwellings and Torrens title lots (see Figure 4). The proposal will utilise the road and the lot to obtain access to five (5) of the proposed lots.



DA19/0704



under DA21/0808



1.2 Development History

- DA21/0978, which is currently under assessment by Council for a DA and SWC for 29 Torrens title lot subdivision and integrated housing development of 29 dwellings on proposed residue Lot 1259
- DA21/0811, which is currently under assessment by Council for a DA and SWC for 12 Torrens title lot subdivision and integrated housing development of 12 dwellings on residue Lots 1230, 2010 and 2230.
- DA 20/0081, which was approved by Council on 2 November 2021 for the Staged construction and delivery of two open space parklands comprising the Central Reserve and Eastern Basin Park and restoration and management of Cumberland Plain Woodland (**CPW**) within the E2 Environmental Conservation reserve (see **Figure 4**). Specifically, this approval comprises of:
 - Construction of the Central Reserve, comprising a large areas of retained CPW vegetation, a planted bio-retention area and large informal grassed basin, children's play space areas, barbeque picnic areas and associated shelters, active recreation zone and pedestrian access paths.
 - Construction of the Eastern Basin Park, comprising a planted bio-retention area and large informal grassed basin framed by planted embankments incorporating pedestrian access paths and passive seating and picnic shelter furniture elements.
 - Implementation of the proposed vegetation management measures outlined in Niche's Vegetation Management Plan (**VMP**) to ensure the ongoing viability and conservation of the E2 Environmental Conservation reserve.



Source: Place Design Group

Figure 5. Approved plan under DA20/0081 for the Central Reserve and Eastern Basin Parks

1.3 Purpose of Report

This SEE has been prepared in accordance with Part 3 of the EP&A Regulation for the purposes of:

- Demonstrating that the environmental impacts of the development have been considered, and
- Outlining steps to be undertaken to protect the environment or to lessen any expected harm to the environment.

This SEE details the necessary information for the proposal to be assessed by the consent authority, including a description of the site and its surrounds, and an assessment of the proposal against the relevant planning controls.

This SEE concludes that the proposal is acceptable in that it is generally consistent with the relevant planning controls and will have minimal environmental impacts that can be satisfactorily managed.

2 The Site and Locality

This section of the report identifies the matters that underpin the siting, design and other planning considerations relevant to the development on the land, including:

- The site and its physical context,
- The background to planning considerations that has led to and supports the current DA for the proposed development, and
- The considerations outlined in this section are summarised into a site analysis to inform and confirm the siting and design and environmental responses required to ensure the appropriate development outcomes for the land.

2.1 Site Location

The site is located in the SWUV Precinct, Werrington within the Penrith LGA, as illustrated within **Figure 6**.



Source: Nearmap, 2019

Figure 6. General Site Location

The SWUV Precinct comprises approximately 48 hectares (**ha**) of land that has been identified for urban development consist of residential and employment generating uses. The SWUV Precinct will assist the delivery of housing and employment opportunities in Penrith and integrate with the existing Werrington community to the north and south of the Great Western Railway line.

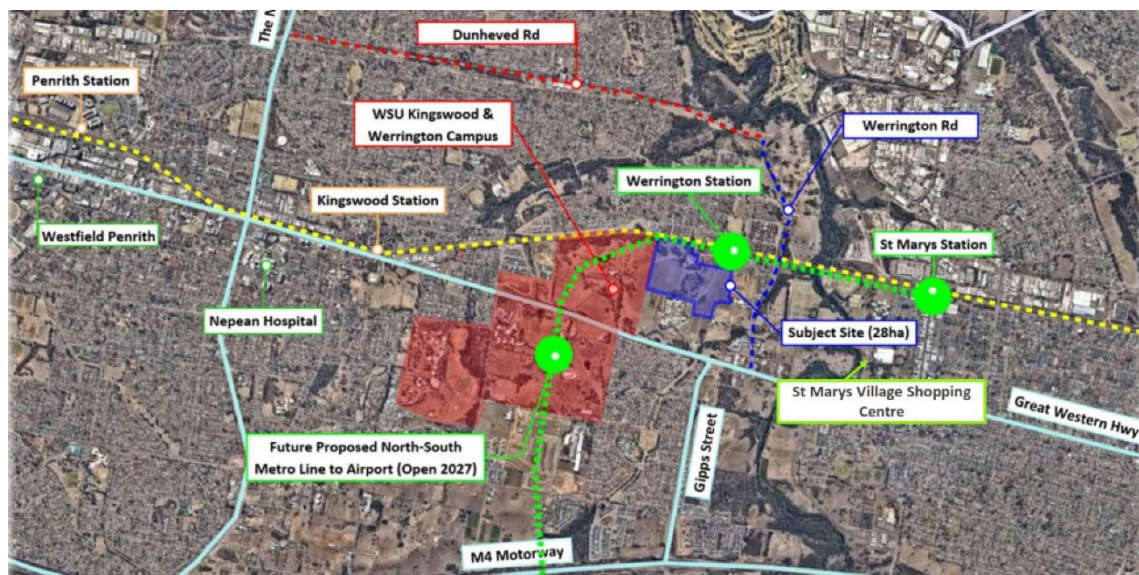
A vision for the SWUV Precinct was established through the Werrington Enterprise Living and Learning Strategy 2004 which is as follows:

'Demonstrating a model for sustainable urban development, that captures its potential arising from proximity to transport linkages and tertiary educational facilities, the WELL precinct will be an internationally renowned destination of choice for business, residents, and students. The synergies arising from the collective presence of these groups will energise the precinct and represent a catalyst for the emergence of creativity and innovation demonstrated in the enterprise, living and learning activities undertaken within the Precinct. Whilst attracting and accommodating a diverse range of land use activities and people, the desirability of the place will be a function of the seamless integration of those people and activities and the cosmopolitan lifestyles choices it subsequently generates and offers.'

In a regional context, the site is located approximately 7km east of the Penrith Central Business District (CBD) and approximately 50km west of Sydney CBD. Werrington Train Station is located approximately 400m north east of the site and the University of Western Sydney (UWS) Werrington North Campus is located to the west.

As illustrated in **Figure 7** the surrounding locality comprises a mixture of land uses, with low and medium density residential development located between the site's northern boundary and the Greater Western Railway line. To the immediate south lies the Cobham Juvenile Justice Centre, while to the southeast lies the grounds of Wollemi College educational establishment. To the east beyond Werrington Road lies existing regional recreational open space grounds at The Kingsway.

The site benefits from close proximity to major roads, including the Great Western Highway to the south and the Western Motorway. As noted above, the site is also located in close proximity to Werrington Train Station on the Greater Western Rail line, providing regular public transport services west to Penrith CBD and east to the Parramatta and Sydney CBDs.

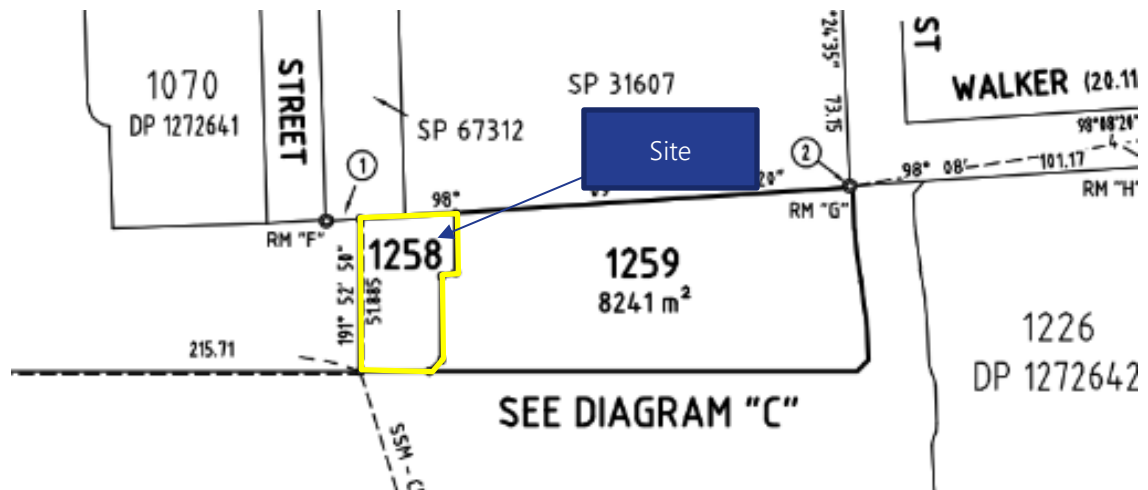


Source: Lendlease

Figure 7. Surrounding Locality

2.2 Site Description

The land the subject of this DA is currently legally described as Lot 1 DP 1226122, 16 Chapman Street, Werrington. The site is part of a residue lot approved under DA19/0704, which is to be further subdivided to create Lot 1258 under DA21/0808 as shown below. The site is 1562m², has a road frontage of 23.735m to the south and depth of 51.885m.



Source: Bartlett, 2021

Figure 8. Proposed Plan of Subdivision under 21/0808

2.3 Site Analysis

The key features of the site and surrounds include:

- The land has been identified for residential development and an existing consent has created residue lots for a specific tailored built form outcome.
- Dwellings on these lots will have high amenity benefitting from proximity to parks and can contribute positively to the public domain through high quality landscape outcomes.
- The residents will enjoy easy access to Werrington Rail Station, located within 400 metres of the site

3 Proposed Development

This DA seeks approval for integrated housing comprising the construction of six (6) dwellings as well as subdivision to create separate Torrens title allotments for each dwelling. Associated civil works including lot grading and the establishment of a shared driveway are proposed.

The application seeks the ability to first subdivide the site, with each lot having a restriction on title that only allows the approved dwelling to be constructed on the resultant lot.

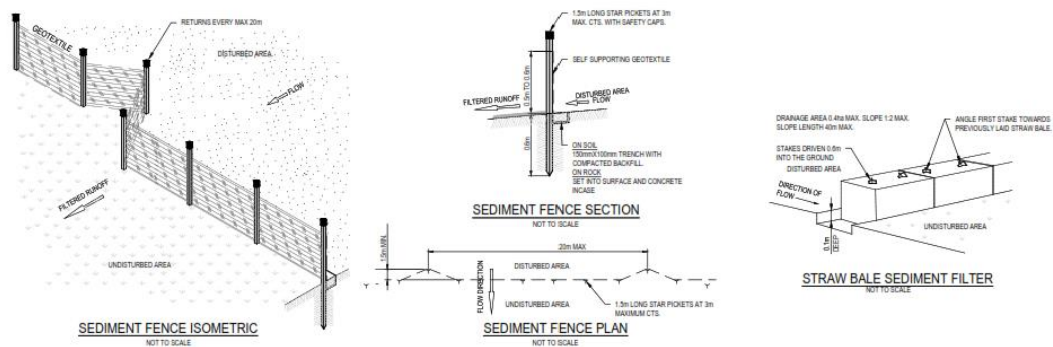
Each component is described in more detail in the sections below. The Civil Engineering Plans, Plan of Subdivision and Architectural Plans are provided at **Appendix B, C** and **D** respectively.

3.1 Civil Works

3.1.1 Sediment and erosion control

During construction appropriate sediment and erosion control measures will be implemented and maintained by the builder. These measures are illustrated in **Figure 9** and **Appendix B** and will include:

- erection of temporary security fencing and sediment control fencing.
- installation of sediment traps and barriers along stormwater flowpaths and inlet pits.
- implementation of appropriate treatment measures for construction vehicles to minimise off-site transfer of materials.
- location and formation of fill stockpiles adjacent or adjacent to areas of minimal cut and fill and use of appropriate covers and containment measures.



Source: Enspire Solutions, 2021

Figure 9. Erosion and Sediment Control Measures

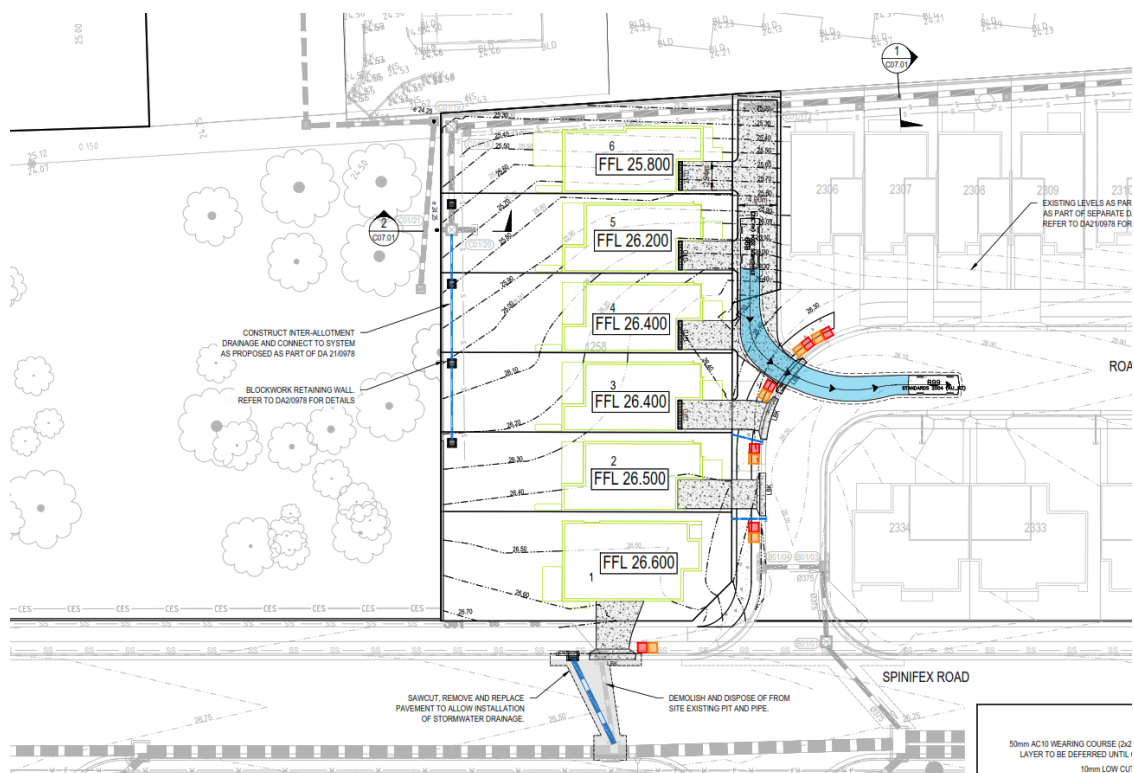
3.1.2 Site works

Minor lot regrading will be required to accommodate dwellings each lot. The proposed earthworks have been designed to integrate and reflect the works proposed under DA21/0987. Despite reflecting the design in DA21/0978 the civil design reflects some changes to the retaining wall along the northern boundary. These changes will also be reflected in updated plans submitted under DA21/0978. Further details of the proposed extent of the site levels are detailed at **Appendix B**.

3.1.3 Stormwater drainage

The proposed dwelling houses have been designed to connect into the stormwater network to be delivered under DA21/0978 and ultimately conveyed to the system approved DA19/0704. The Civil Plans actually vary slightly to those provided in DA21/0987

A rear allotment drainage network is proposed to run on Lots 2-6, with lot 1 draining to the street. Additional details are indicated at **Figure 10** and **Appendix B**.



Source: Enspire Solutions 2022

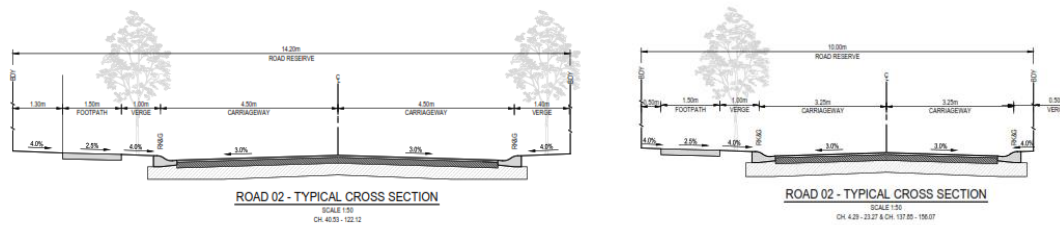
Figure 10. Stormwater drainage extract

3.1.4 Driveways

Access to four of the five allotments site will be available from an internal access road and driveway crossovers proposed to be delivered under DA21/0978 (Refer **Figure 11** and **Figure 12** below). Lots 2 and 3 will be provided a single vehicle crossover directly to the road being delivered under DA21/0978. Lots 4 – 6 will maintain a shared driveway arrangement. The shared driveway will maintain a 4m width and allows for vehicles to utilise driveways to turn around and exit in forward

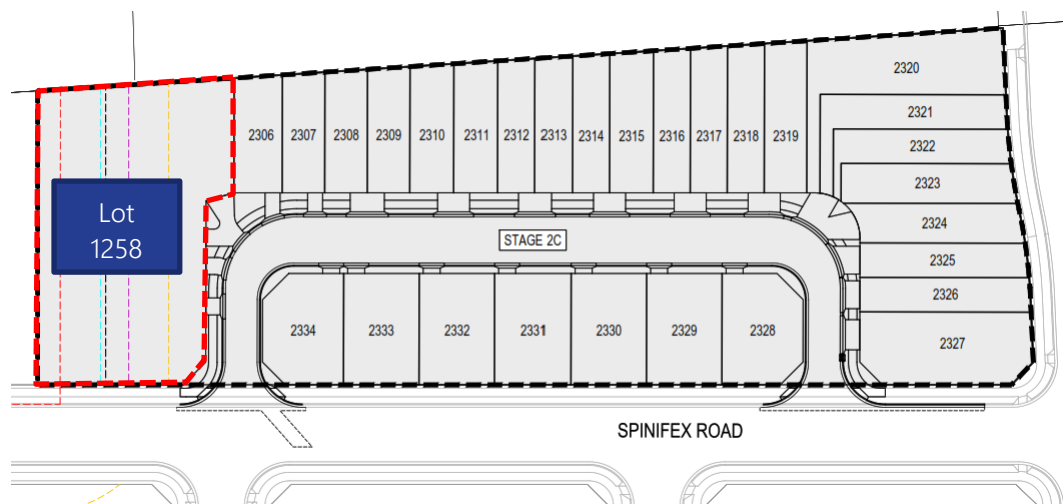
gear. The access driveway will cross all three allotments and will be afforded a reciprocal easement for access. Lot 1 will have access off Spinifex Road being delivered under DA19/0704.

The driveways have all been located to ensure suitable bin presentation can be provided as shown in **Figure 10** above.



Source: Enspire Solutions, 2021

Figure 11. Road 02 cross section proposed under DA21/0978



Source: Enspire Solutions, 2021

Figure 12. Internal access road and driveway crossovers proposed under DA21/0978

3.2 Subdivision

The proposal includes the subdivision of land to create six (6) Torrens title allotments. The subdivision will be executed prior to the construction of the integrated dwellings. The proposed plan of subdivision is provided at **Appendix C**. Table 1 below outlines the dimensions of the proposed allotments.

Table 1. Lot Dimensions

Proposed Lot	Lot Size (m ²)	Road Frontage (m)	Depth (m)
1	321	38.2	25.6 – 29.65

Proposed Lot	Lot Size (m ²)	Road Frontage (m)	Depth (m)
2	240	8.1	29.6
3	240	8.1	29.6
4	240	N/A	29.6-29.7
5	267	N/A	29.7-32.2
6	248	N/A	32.2-34.8

3.3 Integrated Housing

This DA proposed the construction of six (6) two-storey dwellings. The range of dwelling types includes five (5) built to boundary dwellings and one (1) detached dwelling.

The built to boundary dwellings are distinctly different from other dwellings proposed on the adjoining proposal under DA21/0978. On account that the site is zoned R4 High Density Residential and is situated between multi-dwelling housing to the north, a park to the west and future medium to high density dwelling housing to the east, the proposal has accommodated dwelling types that are sympathetic to each of these different interfaces.

Dwelling 1 is a corner lot and contains vehicular access from the secondary road frontage. A double car garage is provided to dwelling 1, with ample on street parking located on the road to the south. In accordance with the relevant controls, the secondary road will have a setback of 2m, with the primary street frontage having a consistent setback with the built to boundary dwellings to the north.

Dwelling 2-6 are all accessed off the road proposed under DA21/0978 and include a single car garage, setback 5.5m from the boundary to ensure a second car can be parked in the driveway without impeding on the footpath. The front building setback is 3m from the boundary. The 3m setback and deep allotment allows for significant backyard to be accommodated, which will contain the required Asset Protection Zone to the adjoining conservation area in the approved park.

Ultimately, the design and layout of the proposal has been considered to deliver the following:

- A suitable density on a R4 zoned lot.
- Housing products that are characteristic of both the multi dwelling housing to the north and detached residential housing to the south.
- A unique housing product in the precinct that overlooks parkland.
- High quality landscaping.

The proposed siting of the dwellings is indicated in **Figure 13**.



Source: MPS Architects, 2022

Figure 13. Site Plan Extract

Each dwelling will have four bedrooms. Dwelling 1 is proposed with three bedrooms located at the ground floor, and the master bedroom and main living areas, including kitchen, at the first floor. The built to boundary lots (dwellings 2 to 6) each have four bedrooms located at the first floor. On account the dwellings adjoin the park to the rear, they provide living areas that flow out onto the extensive rear yards, or in the case of Lot 1 will provide a balcony that overlooks the private open space and park. Each dwelling is of two storey construction and will include four bedrooms and 2.5 bathrooms. Each of the dwellings will receive excellent solar access to the rear yards and due to the orientation of the lot, no overshadowing will occur to the existing multi dwelling housing to the north. A range of materials including feature cladding will be provided on the upper stories of the northernmost elevation and southernmost elevation, to ensure no large blank walls address the road to the south or the multi dwelling housing to the north.

Appropriate fencing will be employed to maintain privacy for dwellings, but also ensure that suitable integration with the adjoining street/park is provided. A 0.9m high vertical paling fence is provided along half of the secondary road frontage and the primary road frontage of Lot 1. The rear yards will include a 1.8m high fence with vertical palings.



Architectural plans for the proposed dwelling houses are provided in **Appendix D**, including details of the dwelling type, site coverage, setbacks and private open space. BASIX certificates have been prepared for the dwellings and submitted with the architectural package for each dwelling.

4 Environmental Assessment

This section of the SEE assesses the proposed development against the planning framework and planning controls applicable to the site, including:

- Threatened Species and Biodiversity Impacts (section 1.7 of the EP&A Act)
- Matters for consideration relating to DAs (section 4.15 of the EP&A Act)
- Integrated development matters (section 4.46 of the EP&A Act).

4.1 Threatened Species and Biodiversity Impacts

The EP&A Act contains provisions designed to ensure threatened species are considered as part of the development application process.

Consent for vegetation and tree removal on the subject site was granted under DA 19/0704. The consent also approved the conservation of areas of ecological significance within the Central Park. As such, the site will be clear of vegetation before development occurs based on the existing approval and the proposal will not have any significant impact on areas of environmental significance.

4.2 Integrated Development

Sections 4.46 and 4.47 of the EP&A Act provide the opportunity for a DA to be lodged as 'integrated development' where the proposed development on the land would trigger an approval under other environmental or related legislation.

Table 2. Integrated Development Review

Legislation	Comment	GTAs
National Parks and Wildlife Act 1974	No known items or sites of indigenous archaeological significance have been identified on the site and it remains in the same condition at the times of consideration and approval of previous DAs at the site.	No
Protection of the Environment Operations Act 1997	The implementation of appropriate environmental protection works will ensure that no licence will be required.	No
Rural Fires Act 1997	<p>Section 100B of the <i>Rural Fires Act 1997</i> requires that a bush fire safety authority for development of bush fire prone land that could lawfully be used for residential or rural residential purposes, or development of bush fire prone land for a 'special fire protection purpose'.</p> <p>Subdivision works are proposed as part of this proposal and therefore a bush fire safety authority is required to be obtained.</p> <p>Accordingly, the DA is to be referred to the RFS to obtain GTAs.</p> <p>A Bushfire Assessment Report has been prepared for the site by Building Code and Bushfire Hazard Solutions (BC&BHS) (refer to Appendix E) that identifies the necessary Bushfire Protection Measures, asset protection zones and BAL construction standards required to meet the</p>	Yes



Legislation	Comment	GTAs
	requirements of <i>Planning for Bushfire Protection 2019 (PBP)</i> . Additional commentary is provided at Section 4.3 below.	
Water Management Act 2000	A Controlled Activity Approval is required to be obtained for any activity being situated within 40 metres from the top of a river bank in accordance with section 91(2) of the <i>Water Management Act 2000</i> . The proposed works are not located within 40m of a riverbank and as such the proposed development does not require an integrated approval to satisfy this legislation.	No
Fisheries Management Act 1994	No works proposed as part of this Application will harm defined marine vegetation or impede the movement or development of marine life within the Bonds Creek tributary. Therefore, no integrated approval is required under the <i>Fisheries Management Act 1994</i> .	No
Heritage Act 1977	No works are proposed that are referred to under section 57 of the <i>Heritage Act 1977</i> . Therefore, no integrated approval is required to address this legislation.	No
Mine Subsidence Compensation Act 1961	The land is not within a mine subsidence district.	No
Petroleum (onshore) Act 1991	No production lease is being sought.	No
Mining Act 1992	No mining lease is being sought.	No
Roads Act 1993	Road connection works are not proposed on RMS controlled classified or regional roads.	No

4.3 Bushfire Prone Land

Section 4.14 of the EP&A Act provides for the general consideration of bushfire hazard on land mapped as bushfire prone. Council's Bushfire Prone Land Map identifies that the site contains Category 1 Vegetation and therefore the application of PBP 2019 applies in this instance (see **Figure 14**).

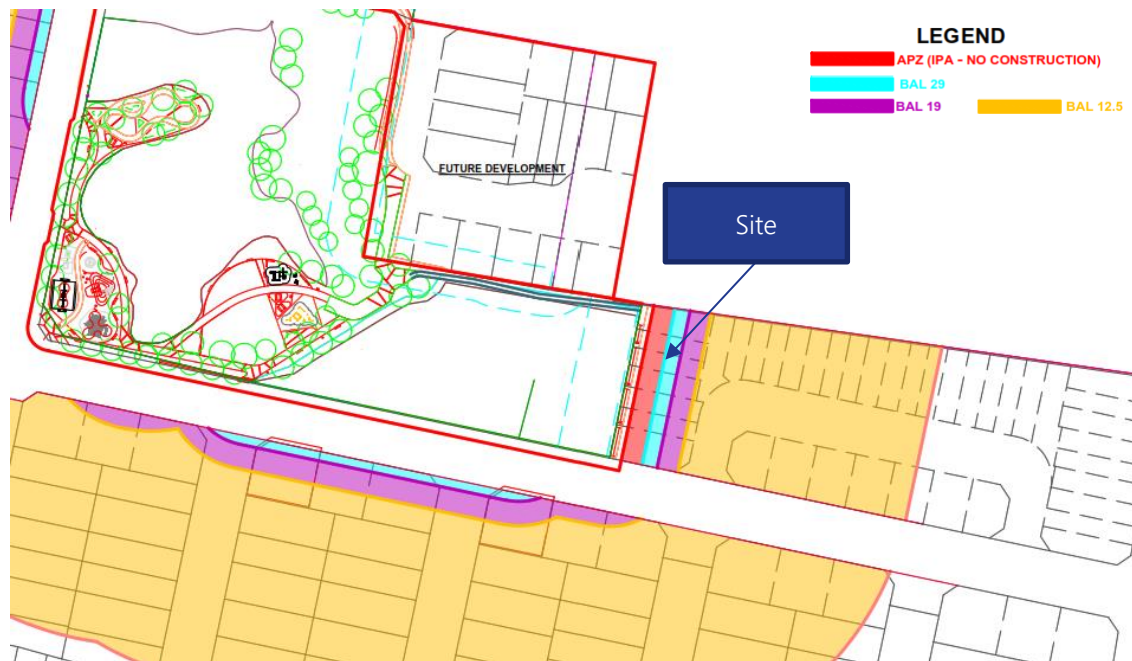


Source: Penrith City Council, 2014

Figure 14. Bushfire Prone Land Map

BC&BHS has prepared a comprehensive Bushfire Assessment Report (**Appendix E**) that provides an independent bushfire hazard determination together with appropriate recommendations for both new building construction and bushfire mitigation measures regarding construction within a designated 'bushfire prone' area.

The Bushfire Attack Level (**BAL**) of the proposed dwellings has been determined from Table 2.4.2 of Australian Standard (**AS**) 3959 'Construction of buildings in bushfire-prone areas' ranges from BAL 12.5 to BAL 29 from east to west. A 12 metre Asset Protection Zone (**APZ**) is also required at the rear of the property due to the location of the site in relation to a future open space (refer **Figure 15**). The proposed dwellings have been designed to comply with these requirements in terms of layout and fit and finishes. It is expected that any consent will be appropriately conditioned to ensure compliance with these requirements.



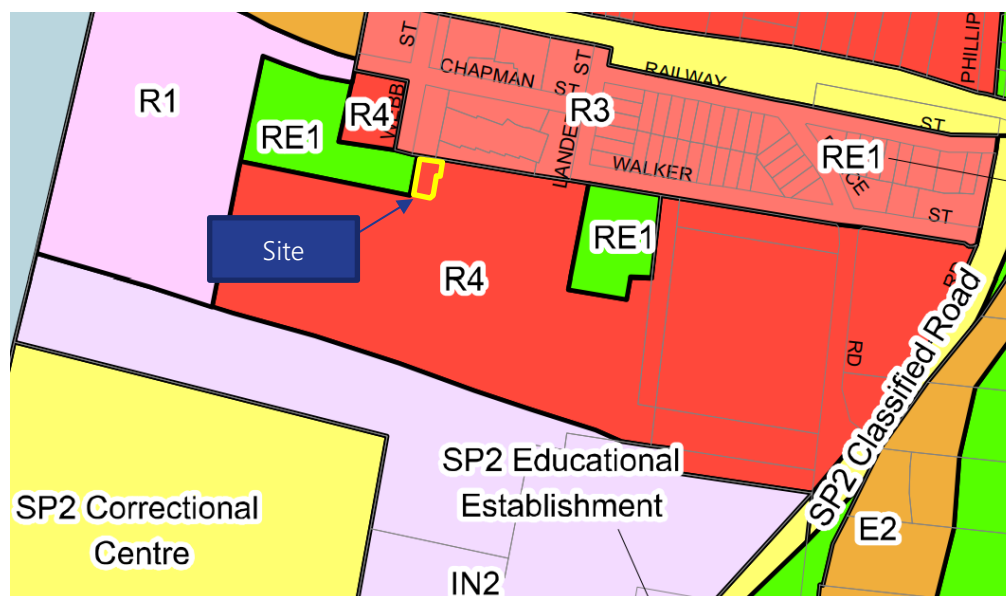
Source: BC&BHS, 2021

Figure 15. BAL Recommendations

4.4 Environmental Planning Instruments

4.4.1 Penrith Local Environmental Plan 2010

The PLEP 2010 is the primary environmental planning instrument regulating land uses within the Penrith LGA. Lot 1259 is located on land zoned R4 High Density Residential (see **Figure 16**).



Source: DPE 2022

Figure 16. Zoning Map Extract

Clause	Comment	Complies
	<p>The site design and layout will afford a high level of amenity and encourage the provision of affordable housing.</p> <p>It reflects the proposed and desired future character and dwelling densities of the locality.</p> <p>The proposal was developed in consultation with Council and responds to the masterplan framework for the site.</p>	
Part 4 – Principal Development Standards		
CI 4.1 Minimum subdivision lot size	Clause 4.1 of PLEP 2010 Lot Size Map does not identify a minimum lot size requirement for R4 zoned residential lands.	N/A
CI 4.3 Height of buildings	<p>The site is subject to a maximum building height of 15m.</p> <p>The proposed building heights comply with the maximum building height controls.</p>	Yes
CI 4.4 Floor space ratio	The Floor Space Ratio Map does not identify a minimum floor space ratio that applies to the site.	N/A
Part 5 - Miscellaneous Provisions		
CI 5.1 Relevant Acquisition Authority	No part of the site is mapped on the Land Reservation Acquisition Map under the PLEP 2010.	Yes
CI 5.10 Heritage Conservation	<p>The adjoining UWS land (i.e. Lot 101 DP 1140594) is mapped as containing a heritage item, being “Werrington Park House”, garden and popular avenue (Item No.315).</p> <p>The proposal is consistent with the site’s zoning and promotes the future urban development of the site, as envisaged by Council, such that it would not give rise to any additional matters not previously considered at the time of the SWUV precinct’s rezoning. It is noted that following the registration of the parent lot and further subdivision, that the site would no longer be located adjacent to this item.</p>	Yes
Part 7 – Other Provisions		
CI 7.1 Earthworks	The site benefits from approved earthworks under DA19/0704. The proposal will include minor site grading and benching to accommodate suitable levels and fall to accommodate the relevant dwellings and subdivision.	Yes
CI 7.6 Salinity	<p>Previous investigations undertaken on the site by Douglas Partners in 2007 identified the site as containing soils that ranged from non-saline to slightly saline and are assumed to comprise non to mildly aggressive soil conditions to both concrete and steel.</p> <p>The works under DA19/0704 will prepare the site for residential development. The works under DA19/0704 are conditioned to be undertaken in accordance with the process outlined in the Fill Management Protocol prepared by Douglas Partners Pty Ltd dated 1</p>	Yes



A supplementary investigation by Douglas Partners in 2020 regarding a shed at 16 Chapman Street, Werrington also found that there were no signs of contamination beyond the adopted NEPC.

Table 4 below provides an assessment of the proposed development against the relevant provisions of Chapter 4.

Table 4. Assessment against relevant provisions of Hazards SEPP - Chapter 4

Relevant Clause	Assessment/Comment
4.6 Contamination and remediation to be considered in determining development application	
<p>(1) A consent authority must not consent to the carrying out of any development on land unless:</p> <p>(a) it has considered whether the land is contaminated, and</p> <p>(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</p> <p>(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.</p>	<p>In accordance with subsection (1)(a), the consent authority can satisfactorily form the opinion that the site is suitable for the proposal having regard to the previous detailed assessments and investigations undertaken.</p> <p>Since those investigations and assessments were undertaken, the site has remained vacant with no known contaminating land uses or activities having been introduced on the site.</p> <p>It is therefore considered that the site remains in a suitable condition for the proposed residential land use and therefore, the requirements of clause 4.6 of the SEPP are satisfied.</p>
<p>(2) Before determining an application for consent to carry out development that would involve a change of use on any of the land specified in subsection (4), the consent authority must consider a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines.</p>	<p>As noted above, previous assessments and investigations undertaken over the site confirm its suitability for the proposed range of land uses.</p>
<p>(3) The applicant for development consent must carry out the investigation required by subsection (2) and must provide a report on it to the consent authority. The consent authority may require the applicant to carry out, and provide a report on, a detailed investigation (as referred to in the contaminated land planning guidelines) if it considers that the findings of the preliminary investigation warrant such an investigation.</p>	<p>As noted above, previous assessments and investigations undertaken over the site confirm its suitability for the proposed range of land uses, including residential uses.</p>

4.4.3 State Environmental Planning Policy (Transport and Infrastructure) 2021

This Policy repeals and replaces a number of SEPPs in lines with the Minister's Planning Principles to provide well-designed and located transport and infrastructure integrated with land use.



4.5 Proposed Environmental Planning Instruments

4.5.1 Planning Proposal – Mitigating the Urban Heat Island Effect

An amendment to the Penrith LEP 2010 is proposed to introduce a new local provision to ensure the mitigation of the urban heat island effect is a major consideration for development. The associated planning proposal received Gateway Determination from the Department of Planning and Environment in December 2021 and concluded its exhibition period on Monday 7th March 2022.

The new provision as it stands will apply to development in all residential, business, industrial, special purpose and recreation zones as well as the RU5 Village and C4 Environmental Living zones.

The draft wording of the instrument entails that development consent should not be granted by the consent authority unless it is satisfied that the following measures have been incorporated into the development:

- Measures to retain and extend green infrastructure, including vegetation that contributes to the local tree canopy;
- Measures to retain water in the landscape, including permeable surfaces, rainwater harvesting, water reuse and water features;
- Passive design measures, including siting, orientation, natural ventilation and external shading;
- Use of building, paving and other materials to minimise heat impacts, including green and cool roofs and walls, light-coloured materials and permeable paving; and
- Measures to reduce reliance on mechanical ventilation and cooling systems to conserve energy and minimise heat sources.

As part of the planning controls package, Penrith DCP 2014 is also proposed to be amended to include a new Chapter: 'C14 Urban Heat Management' to guide development applications. It is noted that the Draft Chapter specifies that on bushfire prone land, where there is an inconsistency between the outcomes of Planning for Bushfire Protection 2019 (**PBP**), the PBP provisions prevail.

Table 5 provides a response to the draft controls exhibited and by extension addresses the measures above:

Table 5. Draft Amendment to Penrith DCP 2014

Control	Requirement	Comment	Compliance
Part C14 Urban Heat Management			
14.1	Cooling with Landscaping	<p>Landscape plans have been attached at Appendix D. It is noted that an APZ covers the western portion of each rear yard which prevents extensive shading being provided to western facades.</p> <p>Street trees will be established under DA19/0704 to the south and additional landscaping works are proposed under DA21/0978 associated with the</p>	Yes

Control	Requirement	Comment	Compliance
		<p>internal access road and associated verges. The southern verge of the internal road proposed under DA21/0978 has an increased area and is able to accommodate more plantings.</p> <p>The internal road is only single lane which reduces the overall paved area.</p> <p>Although the site has a reduced front setback, the rear setbacks are extensive and provide significantly more green space than a typical dwelling on an allotment.</p>	
14.2	Cool Colours and Materials	Colorbond 'Windspray' roofing is proposed which is listed as having a Solar Reflectance Index (SRI) of 46.	
14.3	Cooling through Building Design	<p>The proposed dwellings have been designed to be energy efficient and to promote the circulation of air flows to capture north easterly prevailing breezes.</p> <p>Buildings have been designed to be long and thin to promote linear airflow. The western elevation of each lot has been provided with a sheltered alfresco dining area that functions as a more than compliant overhang to ensure shading and reduce heat absorption by the built form, and represents an alternative performance solution. The main living areas at each dwelling are capable of being designed as a cool refuge through having increased shade, being capable of provided with air conditioning or ceiling fans, and is appropriately zoned from other rooms to reduce air exchange.</p>	Yes
14.4	Optimising Mechanical Heating and Cooling	The proposed dwellings are capable of being designed to comply with air conditioning units likely to be placed in the northern side setbacks to avoid being vented onto sensitive areas of the public or private domain.	Yes

4.6 Development Control Plans

The following section discusses the relevant planning controls in the Penrith Development Control Plan 2014 (**PDCP**) that are relevant to the assessment of this DA.

4.6.1 Penrith Development Control Plan 2014

Penrith DCP describes the planning, design and environmental objectives and controls relevant to the SWUV to ensure orderly, efficient and sensitive development occurs in the Penrith LGA.

Vegetation management and water management have all been considered under DA19/0704 and are not relevant to this DA. These sections of the DCP have therefore not been considered in this application. **Table 6** below provides a comprehensive detailed assessment of the proposed development against the relevant provisions of Penrith DCP, including the specific provisions for the SWUV Precinct as specified in Part C, E12 of the DCP.

Table 6. Assessment of DCP Controls

Control	Requirement	Comment	Compliance
Part C5 Waste Management			
5.1	Waste Management Plans	A Waste Management Plan (Appendix J) for the site has been prepared detailing the types and volumes of waste streams.	Yes
5.2.1	Siting and design of waste bin storage areas for residential development	All proposed dwellings are provided with at least one side setback to allow for the storage of bins behind the front building line. The siting of proposed dwellings and their driveways also allows for the presentation of bins to the future road along their frontage.	Yes
Part C6 Landscape Design			
	Landscape design	Street trees will be established under DA19/0704 to the south and additional landscaping works are proposed under DA21/0978 associated with the internal access road and associated verges. In addition to the street tree planting, each dwelling will be improved by landscaping.	Yes
6.1.2	Environmentally sustainable designs	Environmentally Sustainable Design (ESD) measures are incorporated into the design of the proposal and have been achieved through the selection of native, indigenous species that provide a low water and low maintenance response to the site.	Yes
6.1.3	Neighbourhood amenity and character	The siting and layout of the proposal responds to the desired future landscape character of the locality. As outlined above, the design of the proposal has been undertaken in a coordinated manner to ensure it integrates with the proposed design of nearby future public reserves and development approved under DA19/0704.	Yes
6.1.4	Site amenity	Proposed landscape designs for the individual homes provide for complementary plantings to soften the bulk and scale of the new built form and to present a pleasant streetscape setting. The sites will benefit from being in immediate proximity of parklands, however significant private open space areas are also afforded to the development as detailed in the section following this table.	Yes
Part C10 Transport Access and Parking			
10.2	Traffic Management and Safety	The proposed development does not include any changes to the existing road network approved under DA19/0704 or proposed under DA21/0978 –	Yes



Control	Requirement	Comment	Compliance
		nor will it provide any significant increase in trip generation that has not been already considered in the surrounding road design.	
Part C11 Subdivision			
11.1	General subdivision requirements	<p>The proposed subdivision layout has considered the site planning principles outlined in this DCP. Key considerations during this early site analysis phase (under DA19/0704) included consideration of the existing site constraints (i.e. native vegetation and bushfire hazards) and surrounding land uses.</p> <p>These sites would need to have additional considerations including orientation, depth, internal one way road location in relation to approved intersections and managing any impacts on existing development to the north.</p> <p>The development of the site has therefore included integrated dwelling design that shows how the subdivision and dwelling design provide dwellings with good solar access, strong street address and integration with the drainage reserve opposite.</p>	Yes
Part C12 Noise and Vibration			
12	Noise and vibration	<p>The Noise Impact Assessment prepared by SLR Consulting (Appendix H) supported the subdivision under DA19/0704 and provides a comprehensive assessment of the existing noise environment and considered the potential noise impacts associated predominantly with rail traffic noise.</p> <p>SLR concludes that future development over the lots subject of this application would not be adversely affected by external noise sources subject to implementation of mechanical ventilation.</p>	Yes
Part C13 Infrastructure and Services			
13	Infrastructure and services	The site is satisfactorily serviced by all essential services as outlined in the Civil Engineering and Infrastructure Report prepared by Cardno for the boarder urban renewal of the property under DA19/0704.	Yes
E12 Penrith Health and Education Precinct			
Part 12.8.1 Preliminary			
12.8.1.2	Land to which the plan applies	The site is located within the SWUV Precinct.	Yes
12.8.1.3	Aims and general objectives	The proposal aligns with the Applicant's vision for the coordinated subdivision and urban renewal of the broader locality. The proposal has been designed	Yes



Control	Requirement	Comment	Compliance
		to sit within the Applicant’s larger subdivision under DA 19/0704.	
Part 12.8.2 Structure Plan			
12.8.2.1	Vision	The proposal is considered to be in keeping with the vision for the SWUV.	Yes
12.8.2.2	Urban structure	The proposal does not impact the urban structure as approved under DA19/0704.	Yes
12.8.2.3	Desired future character	<p>The proposed subdivision layout is considered to meet the desired future character of the SWUV precinct.</p> <p>The proposal has been designed in conjunction with the subdivision approved under DA 19/0704 and open space parklands DA.</p> <p>The design and layout of the proposed dwellings showcase the proposed product that is to be established within the broader residential subdivision.</p>	Yes
12.8.2.4	Dwelling yield	The proposal contributes to the overall density of Precinct A & B established under DA19/0704.	Yes
Part 12.8.3 Public Domain			
12.8.3.1.4	Vegetation	All required vegetation removal is proposed under DA 19/0704.	Yes
12.8.3.1.5	Salinity	<p>Previous investigations undertaken on the site by Douglas Partners in 2007 identified the site as containing soils that ranged from non-saline to slightly saline and are assumed to comprise non to mildly aggressive soil conditions to both concrete and steel.</p> <p>The aggressivity of soil conditions is proposed to be further investigated prior to the commencement of bulk earthworks on the site. Douglas Partner’s FMP approved under DA19/0704 also includes salinity testing and selection criteria for future imported materials to ensure no adverse impacts arise to the site’s existing condition.</p>	Yes
12.8.3.1.6	Contamination		
Part 12.8.3.2 Transport and Accessibility			
12.8.3.2.1	Road network	The proposal does not propose any changes to the approved road network under DA19/0704. An additional internal ‘one-way’ access road is proposed	Yes
12.8.3.2.2	Vehicular movement		Yes



Control	Requirement	Comment	Compliance
12.8.3.2.3	Public transport	through the site under DA21/0978 with a varying carriageway between 9 metres and 6.5 metres and has been demonstrated to comply with swept path requirements.	Yes
12.8.3.2.4	Pedestrians and bicycles		Yes
Part 12.8.3.3 Streetscapes			
12.8.3.3.1	Landscape Character	<p>The proposed subdivision layout has been designed to ensure that a minimum of one street tree can be accommodated per residential lot, taking into consideration the minimum driveway crossover widths and waste bin presentation requirements.</p> <p>Proposed street tree planting for the site and the coordinated design response in conjunction with the proposed design for the public reserves, will ensure a pleasing streetscape is established.</p>	Yes
Part 12.8.4 Private Domain			
12.8.4.1	Subdivision	<p>The lots have been designed to accommodate the residential dwellings under this DA and are sufficient to ensure satisfactory solar access is provided.</p> <p>Additional justification of the proposed subdivision is provided following this table.</p>	Yes.
12.8.4.2	Site Planning	<p>Principal Private Open Space</p> <p>The dwelling designs propose the principal private open space (PPOS) behind the building line - towards the rear of the dwellings to provide privacy. The alfresco areas are located adjoining the living rooms and generally located on the rear of the property to maximise the amount of solar access to the area on these western orientated lots. All dwellings comply with the relevant POS controls under PDCP.</p> <p>Garages and Parking</p> <p>The proposed dwellings are designed to accommodate single car garages that are setback a minimum 5.5m in accordance with the DCP and are behind the front building line. This allows for an additional car to be parked in the driveway.</p> <p>The dwelling at Lot 1 is proposed to be accessed from the secondary frontage at Spinifex Road. Dwellings at Lots 5 and 6 are accessed from a shared driveway to be titled under a right of carriageway arrangement.</p> <p>Building Footprints</p> <p>Front setbacks generally comply with the minimum requirements specified for attached and semi-detached dwellings. The curved road geometry of the proposed road on the eastern side of the site,</p>	Yes

Part 12.8.5 Residential Development Forms

Assessments against the relevant specific controls are provided in the following tables.

Control	Requirement	Comment	Compliance
		<p>does not strictly comply with the residential development forms in in 12.8.5 of the DCP, the designs have aligned as closely as possible with the relevant controls for the various housing forms under the DCP. The proposal has been designed by MPS Architects, who are registered architects (Registration no. 3180)</p> <p>The proposed dwellings most closely align with the following typologies as described in the DCP and are addressed in the following tables.</p> <p>Lot 1 – Detached Dwellings</p> <p>Lots 2 to 6 – Build to Boundary Dwellings</p>	

Table 7. Assessment DCP Table 12.8.5.7 - Detached Dwellings

Category	Control	Proposed	Assessment
Applicable lots	Lot 1		
Minimum Lot Size	450m ²	321m ²	Lot size does not comply and is why the proposal is for integrated housing.
Minimum Lot Frontage	15m – 18m	38.2m (corner lot with 2 frontages)	Complies
Minimum POS Area	50m ²	137m ²	Complies
Minimum POS Dimension	4m	>4m	Complies
Landscaping Site Coverage	40%	59.7%	Complies
Front setback	4.5m (1.5m articulation)	3.084m	Justiifcation provided following this table.
Secondary frontage setback	2m	2m	Complies
Side setback	0.9m	0.94m	Complies
Rear setback (lots with northern orientation)	Ground floor: 8m Upper floor: 12m	N/A	N/A
Rear setback (all other lots)	Ground floor: 4m Upper floor: 6m	Ground floor: 12.35m Upper floor: 12m	Complies
Garage frontage	5.5m	N/A	N/A



Category	Control	Proposed	Assessment
Garage to rear lane/secondary frontage	0m	2m	Complies

Table 8. Assessment DCP Table 12.8.5.8 - Building to Boundary Dwellings

Category	Control	Proposed	Assessment
Applicable lots	Lots 2-6		
Minimum Lot Size	230m ² – 450m ²	240m ² – 348m ²	Complies
Minimum Lot Frontage	9.5m – 15m	8.1m	Justification following this table
Minimum POS Area	40m ²	106.2m ² – 111.86m ²	Complies
Minimum POS Dimension	4m	>4m	Complies
Landscaping Site Coverage	50%	51% - 59%	Complies
Front setback	4.5m (1.5m articulation)	3m	Justification following this table.
Secondary frontage setback	2m	N/A	N/A
Side setback	0m (defined boundary) 0.9m	0m – 2.534m	Complies
Rear setback (lots with northern orientation)	8m	N/A	N/A
Rear setback (all other lots)	Ground floor: 4m Upper floor: 6m	Ground floor: 12.31m Upper floor: 12.06m	Complies
Garage to rear lane/secondary frontage	0m	N/A	N/A

Section 4.15(3A) of the EP&A Act limits the ability for a consent authority to impose more onerous standards with respect to development than those set within a development control plan, cannot rely on development control plan precedents in connection with a development application and must ensure flexibility is applied to all development control plan provisions for which a development application does not comply.

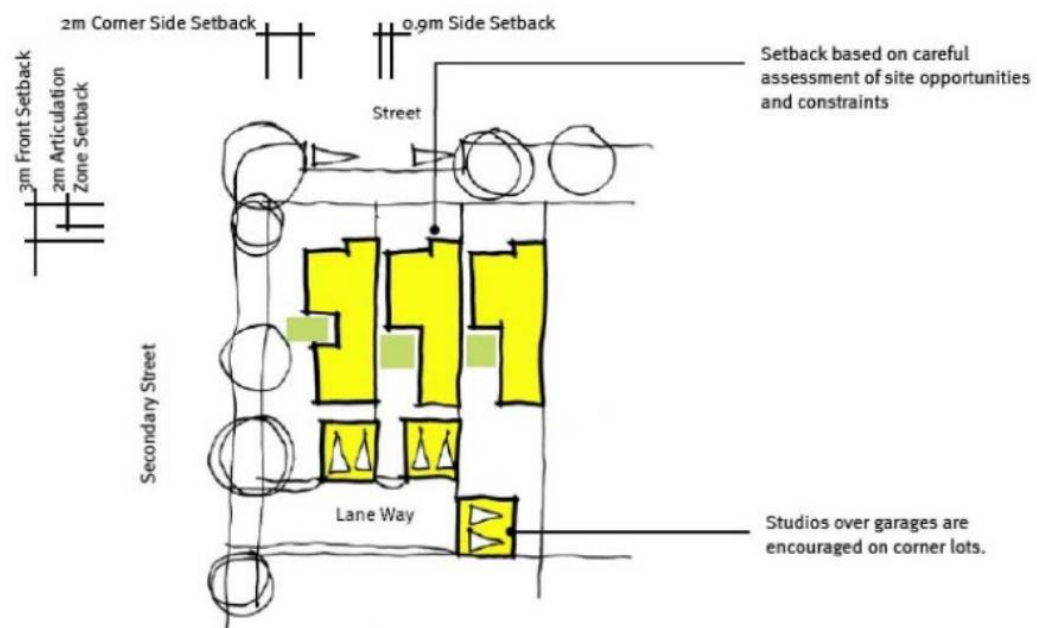
Section 4.15(3A)(b) of the EP&A Act requires that if the DCP contains standards (including 'performance criteria') with respect to an aspect of the development and if the DA does not comply with those standards, the consent authority is to be flexible in applying those provisions and to allow reasonable alternative solutions that achieve the objects of those standards for dealing with that aspect of the development.

This means that a development control plan's prescriptive standards are not the paramount consideration for consent authorities in their assessment and determination of DAs, but rather it is the intent of the standards that is most important and whether the intent can be achieved by the reasonable alternative solutions proposed by the applicant.

Reasonableness of proposed variations

Lots 2 to 4 have been provided with a minimum frontage of 8.1 metres as opposed to the minimum lot frontage control of 9.5 metres. This minor variation is proposed on account of the need to deliver a medium to high density outcome on an approved residue lot that does not benefit from each lot having access to a public road. All other setbacks, including side setbacks have been designed to comply to allow for easements for maintenance to adjoining lots.

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Figure E12.28 Built to Boundary Design Principles

Source: Penrith DCP 2014

Figure 17. Built to Boundary Design Principles

The proposed dwellings also seek a variation to the minimum front setback controls of 4.5m (with 1.5m of articulation). The proposal will seek to have the building setback 3m from the front boundary. This is largely a consequence of the requirement of the rear yards to contain the APZ from the vegetation in the adjoining park. The proposed lots at approximately 29.5m deep and required to accommodate a 12m APZ. Maintaining a 4.5m setback to the street would result in the dwelling only able to be 7.5m deep. There is no other real option in terms of lot orientation, without resulting in an inconsistent streetscape, an inefficient use of the land or compromising solar access. The extra 1.5m of building envelope facilitates the ability for a reasonably sized dwelling to be accommodated on each allotment and on account the proposal includes the construction of all dwellings on this street frontage, the streetscape will remain consistent. It should also be noted that the reduced setback has not compromised the achievement of off-street parking on each allotment. All single garage properties have the garage door setback a minimum of 5.5m from the boundary, which allows a vehicle to be parked on the driveway, without obscuring the footpath. Each dwelling can accommodate two off-street parking spaces. The location of the driveway to Lot 1 also accommodates several on-street parking spaces on the secondary road frontage.

As a positive consequence of the proposed lot orientation, width and front setback the proposal results in extensive rear yards that exceed all minimum private open space requirements and are well below the maximum site coverage controls.

4.7 Planning Agreements

No Voluntary Planning Agreements (**VPAs**) apply to the site.

Notwithstanding, Lendlease have formally made an offer to Council to enter into a VPA for the proposed broader development. The Letter of Offer outlines the proposed infrastructure that would be delivered, including the proposed embellishment of both parklands and dedication of the proposed E2 Environmental Conservation Reserve, the monetary value and corresponding offset against any likely section 7.11 development contribution obligations. Should the VPA not be executed prior to the issue of the subdivision certificate relevant to this DA, the Applicant has requested that a consent condition be provided to enable the bonding of section 7.11 contributions at \$30,000 per lot. This condition would be worded to match Condition 88 from the Subdivision Masterplan approved at DA19/0704.

Lendlease will continue to liaise with Council staff to ensure a suitable negotiated outcome beneficial to all parties can be reached.

4.8 Environmental Planning and Assessment Regulation 2021

There are no additional matters than previously considered in this report under the EP&A Regulation which would impact upon the consideration of this Application.

4.9 Likely Impacts of the Development

The likely impacts of the proposed development have been addressed in the previous sections of this SEE. In general, the proposed development is not considered to have any unacceptable impacts on the locality.

4.10 Suitability of the Site

The site has been zoned for urban development under the PLEP 2010 and remains suitable for its intended purpose.

4.11 Submissions

The DA will be notified in accordance with the relevant DCP notification policy. The applicant requests the opportunity to review and comment on any submissions received.

4.12 Public Interest

The subject site is located within the SWUV precinct in the Penrith LGA. The proposal is considered to be in the public interest as it is consistent with the planning controls for the Penrith LGA.

The proposal will provide for the establishment of an integrated housing development that is consistent with the envisaged form and character of SWUV precinct, and in turn supports future housing within a growing metropolitan



5 Conclusion

This integrated housing DA seeks approval for subdivision to create residential lots and the construction of six (6) dwellings within the approved subdivision of the Kings Central Estate.

The proposal has been assessed against the relevant requirements of the EP&A Act, PLEP 2010 and Council's DCP and is considered to be an acceptable development that is consistent with the desired character of the area for urban development. Despite a minor departure from the objective minimum frontage and front setback control for build to boundary dwellings in the DCP, the proposed dwellings all greatly exceed the minimum open space controls and have a site coverage well below the maximum allowed. Each dwelling will still maintain opportunity for two off street car parks and will have a clearly defined entry addressing the street. The minor departure from the control is a result of the required orientation of the dwellings and required of the lots which is required to accommodate APZ.

The proposal, in conjunction with the broader subdivision of the property, will provide certainty of a desired urban outcome to support the continued development of the remaining areas of the SWUV precinct. Based on the information contained in this SEE, the proposal should be granted consent, subject to the appropriate conditions.

The proposal has been assessed against the relevant requirements of the EP&A Act, PLEP 2010 and Council's DCP and is considered to be an acceptable development that is consistent with the desired character of the area for urban development.

The proposal, in conjunction with the broader subdivision of the property, will provide certainty of a desired urban outcome to support the continued development of the remaining areas of the SWUV precinct. Based on the information contained in this SEE, the proposal should be granted consent, subject to the appropriate conditions.



Glossary

Term	
Applicant	Lendlease Communities (Werrington) Pty Ltd
AS	Australian Standard
BAL	Bushfire Attack Level
BC&BHS	Building Code and Bushfire Hazard Solutions
CBD	Central Business District
Council	Penrith City Council
CPW	Cumberland Plain Woodland
EP&A Act	<i>Environmental Planning & Assessment Act 1979</i>
ESD	Ecologically Sustainable Development
GPT	Gross Pollutant Trap
LGA	Local Government Area
PBP	<i>Planning for Bushfire Protection 2019</i>
PDCP	Penrith Development Control Plan 2014
PPOS	Principal Private Open Space
RF Act	<i>Rural Fires Act 1997</i>
RFS	NSW Rural Fire Service
Site	Proposed Lot 1258; 16 Chapman Street, Werrington
SREP 20	Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River
SWUV	South Werrington Urban Village
The Panel	Sydney Western City Planning Panel
UWS	University of Western Sydney
VMP	Vegetation Management Plan



APPENDIX A: APPROVED PLANS DA19/0704 & PROPOSED PLANS DA21/0808



APPENDIX B: CIVIL PLANS



APPENDIX C: DRAFT PLAN OF SUBDIVISION



APPENDIX D: ARCHITECTURAL AND LANDSCAPE PLANS



APPENDIX E: BUSHFIRE REPORT



APPENDIX F: FILL MANAGEMENT PROTOCOL



APPENDIX G: ASBESTOS CLEARANCE STATEMENT



APPENDIX H: NOISE IMPACT STATEMENT



APPENDIX I: BASIX



APPENDIX J: WASTE MANAGEMENT PLAN



APPENDIX K: COST OF WORKS

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