



## STATEMENT OF ENVIRONMENTAL EFFECTS

### **South Werrington Urban Village Exhibition Village**

Part of Lot 1 DP 1226122 at 16 Chapman St,  
Werrington

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# Statement of Environmental Effects

South Werrington Urban Village Precinct Exhibition Village  
1 DP 1226122, 16 Chapman Street, Werrington

## Prepared for

Lendlease Communities (Werrington) Pty Ltd.

By



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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 (**Lendlease**) for an Exhibition Village, comprising of five (5) exhibition homes and associated temporary car park within Stage 1A of DA19/0704 granted over Lot 1 in Deposited Plan (**DP**) 1226122, 16 Chapman Street, Werrington. DA 19/704 granted by the Western City Planning Panel on 18 December 2020 approved:

*Staged subdivision of land to create 227 residential 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.*

Works approved under DA19/0704 include site preparatory works such as vegetation removal from the property to facilitate its proposed urban renewal. These works extend across the subject site as a forerunner to the establishment of the exhibition village.

The activity area of the proposal (i.e. the **site**) is located off the continuation of Chapman Street, being the northern boundary of the and holding approved for future Lots 1003-1008 under DA19/0704. The proposal for exhibition homes on this land means that the dwellings and works can be constructed prior to the issue of the subdivision certificate. Vehicle access to the site will be provided by the construction of a minor local road approved as part of DA19/0704.

The proposal has been designed so that each exhibition dwelling will be sited on proposed Lots 1004-1008. At the cessation of the use of the exhibition village, the temporary car park will be decommissioned, the land will have been subdivided and the exhibition homes will be occupied as single detached dwellings.

As the exhibition dwellings will be utilised for single detached dwellings, the proposal has been considered against the relevant controls in the Penrith Development Control Plan 2014 (**PDCP**). The proposal incorporates a variation to the minimum 50% landscape area site coverage control for build to boundary dwellings. The proposed variation to the landscape area site coverage control is not considered to detrimentally impact on the built form outcomes proposed, with all five (5) proposed dwellings achieving the minimum private open space area requirements as well as all necessary setback controls. The proposed variation to the control should also be considered in the context of the *State Environmental Planning Policy (Exempt and Complying Development) 2008* (**Code SEPP**). The proposed development will be consistent with development established under the Code SEPP on the site, which provides a minimum landscaped area of 15% for the lot area. The proposed dwellings exceed the minimum 15% landscaped area control and therefore will not be out of character with future surrounding dwellings that will be established as Complying Development.

The proposed variations have been assessed against the relevant objectives in the PDCP and matters raised by Council prior to lodgement. The proposal is considered to still meet the objectives of the SWUV Precinct and will ensure the delivery of a high quality residential neighbourhood.

This DA seeks approval for the works under Part 4 of the *Environmental Planning and Assessment Act 1979* (**EP&A Act**). The site is zoned R1 General Residential, and the proposed development is permissible with consent under the *Penrith Local Environmental Plan 2010* (**PLEP 2010**) and is consistent with the other relevant plans and policies that apply to the land and the development.

The proposal is categorised as 'Integrated development' under section 4.46 of the EP&A Act given:

- the site is mapped as bushfire prone land and requires a Bushfire Safety Authority from the NSW Rural Fire Service (**RFS**) for a subdivision of bushfire prone land that could lawfully be used for residential or rural residential purposes pursuant to section 100B(1) of the *Rural Fires Act 1997* (**RF Act**).

This SEE has considered the proposal pursuant to the EP&A Act and the *Environmental Planning and Assessment Regulation 2000* (**EP&A Regulation**). This SEE describes the development, its likely impacts and measures to be implemented to mitigate any impacts. All anticipated environmental impacts can be satisfactorily managed and mitigated to ensure no adverse environmental impacts are generated.

The key matters to be addressed are summarised below in **Table 1**. This SEE concludes that the proposed development is acceptable and should be approved by Council subject to appropriate conditions of consent.

**Table 1** Summary of key matters for consideration

Key issues	Comments
Land this DA applies to	<p>The site is over part of Lot 1 DP1226122 at 16 Chapman Street, Werrington in the Penrith LGA. The site specifically relates to an area identified as future Lots 1003-1008 approved under DA19/0704.</p> <p>The Sydney Western City Planning Panel approved DA19/0704 over the site on 18 December 2020 for the staged subdivision to create 227 residential lots, 17 industrial lots, open space lots, 14 residue lots and road dedication. The proposed development is located within Stage 1A of the aforementioned DA.</p>
Development	<p>This DA seeks approval for the construction of an exhibition village and ancillary temporary car park. The exhibition village includes five (5) exhibition homes located on land approved for future lots 1004-1008, with the temporary car park located on future lot 1003.</p> <p>The proposal will be delivered prior to the creation of proposed Lots 1003-1008 but has been designed to be consistent with the approved subdivision under DA19/0704, ensuring that as a result of the proposal each lot will contain an exhibition home once the subdivision certificate is issued and the lots registered.</p> <p>Once the use of the site for an exhibition village ceases, the temporary car park will be decommissioned and the exhibition homes will be occupied as detached dwellings.</p>

This SEE concludes that the proposed development is an acceptable form of development as it will assist in the delivery of information and sale of land to the public in the Penrith LGA without having any adverse impact upon the environment and surrounding location.

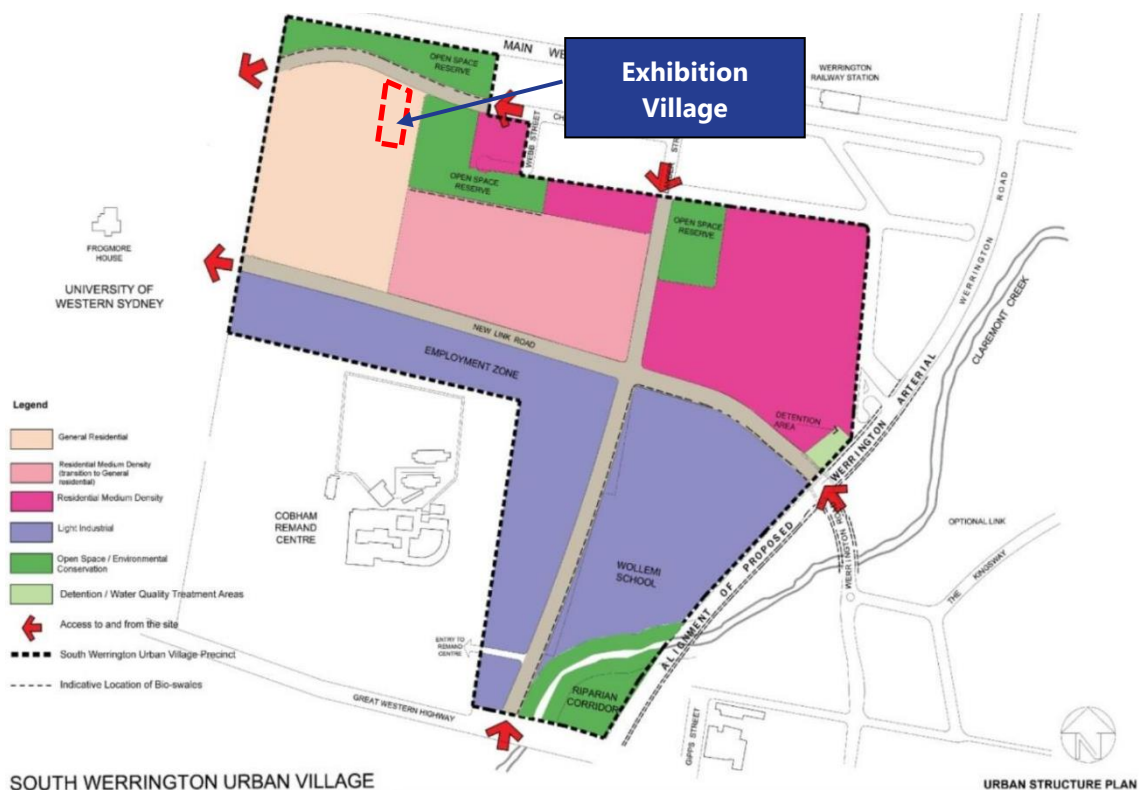
# 1 Introduction

## 1.1 Background

GLN Planning Pty Ltd (**GLN**) has been commissioned by Lendlease to prepare this SEE. It accompanies a DA seeking approval for the establishment of an exhibition village consisting of five (5) exhibition homes and an ancillary temporary car park on proposed Lots 1003-1008, approved under DA19/070. Approval is also sought for the subsequent use of each of the exhibition homes as dwellings houses following the cessation of the exhibition village operations and decommissioning of the proposed car park.

The purpose of the proposed exhibition village is to provide key information and advice to customers on the sale and future development of land within Lendlease's residential subdivision in the SWUV Precinct.. The proposed exhibition village is proposed to operate seven days per week, between 8:00am and 5:30pm and will employ three full-time equivalent sales staff.

The site is located on land identified within the SWUV Precinct (see **Figure 1**) in the Penrith LGA and is zoned part R1 General Residential under PLEP 2010.



Source: Penrith Development Control Plan 2014

**Figure 1 SWUV Structure Plan (site shown yellow)**

The proposal is located within Stage 1A of Lendlease's approved subdivision which was granted on 18 December 2020. The exhibition homes are to be typical of the types of dwellings that will be for sale within the balance of the subdivision and provide a high quality exhibition village that will promote and facilitate the future urban development of the site. The proposed lots for the exhibition homes and car park are shown in Figure 2.





Source: Cardno

**Figure 2 Stamped Approved Subdivision under DA19/0704**

## 1.2 Development History

In considering this DA, it is also important to have regard to the development history of the site.

Development applications relevant to the proposal are outlined further below.

### 1.2.1 16 Chapman Street, Werrington

#### Lendlease Communities (Werrington) Pty Ltd

On 18 December 2020, the Sydney Western City Planning Panel approved DA19/0704 over the site which is described on the Notice of Determination as:

*Integrated Development Application for; Staged Subdivision of land to create 227 residential 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.*

The overall approved plan of subdivision under DA19/0704 forms the base of **Figure 2** above. A copy of the stamped approved plan of subdivision under DA19/0704 is also provided at **Appendix A**.

There are two additional Development Applications that are currently under assessment by Council that are also over lots created under DA 19/0704. These include:

- DA20/0081 for the establishment of Open Space Areas and Stormwater Bo-retention basin over land identified as the Central Reserve and Eastern Park under DA19/0704.
- DA20/0200 for integrated housing comprising site preparation, construction of 26 detached dwelling houses and subdivision to create 26 Torrens title residential lots on proposed residue lots 1252, 1263, 2046, 2048 and 2212 proposed to be created under DA19/0704.

The proposal is over land that is identified as Lots 1003-1008 under DA19/0704. The proposed development is consistent with the eventual use of these lots as single detached dwellings.

There are three other historic DAs that were obtained over the site by Universal Property Group for:

- 14/0627: STAGE 1 – Subdivision to create 85 x residential lots and 2 x residue lots, Torrens title subdivision and associated road construction, earthworks and drainage works. (approved by Council on 15 February 2016)
- 16/1148: STAGE 2 – Subdivision to create 94 residential lots and 1 superlot, including roadworks, stormwater drainage, street tree planting and landscaping (approved 22 December 2017 (NSW LEC)).
- 16/0789: STAGE 3 – Subdivision and construction of 3 residential flat buildings (95 units) with associated basement car parking, drainage and landscape works (approved on 1 November 2017 (NSW LEC)).

These three historic approvals granted over the site provide for the delivery of conventional Torrens title residential lots across the western half of the site and a residential apartment building development to the north of the RE1 Public Recreation zoned land comprising the Central Reserve. It is a condition of DA20/0704 that these historic approvals obtained by Universal Property Group are surrendered.

### 1.3 Purpose of Report

This SEE has been prepared in accordance with Schedule 1 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.

## 1.4 Type of Development Application

The proposal relates to the establishment and operation of an exhibition village comprising five (5) exhibition homes and an associated temporary car park. The proposed works constitute 'development' in accordance with section 1.5 of the EP&A Act.

The capital investment of the development falls under \$30 million and the DA therefore would not be referred to the Sydney Western City Planning Panel for determination. Development consent is sought from Council pursuant to Part 4, section 4.16(1)(a) of the EP&A Act.

Under section 9.1 of the EP&A Act, the Minister for Planning made the *Local Planning Panels Direction - Development Applications*. This direction commenced on 1 March 2018, was amended on 30 June 2020 and applies to all councils in the Greater Sydney Region, Wollongong and the Central Coast. Based on the thresholds for Council, this application would not be referred to the Local Planning Panel for determination. In this regard, the DA:

- Does not depart from any development standards with the LEP,
- Is not classified as 'sensitive development', and
- Does not result in a conflict of interest.

*State Environmental Planning Policy (State and Regional Development) 2011* defines Regionally Significant Development per Schedule 7. The following provisions were considered.

### 2. General development over \$30 million

Development that has a capital investment value of more than \$30 million.

The cost estimate for the proposal totals \$1.6M.

### 3. Council related development over \$5 million

*Development that has a capital investment value of more than \$5 million if:*

- A council for the area in which the development is to be carried out is the applicant for development consent, or*
- The council is the owner of any land on which the development is to be carried out, or*
- The development is to be carried out by the council, or*
- The council is party to any agreement or arrangement relating to the development (other than any agreement or arrangement entered into under the Act or for the purposes of the payment of contributions by a person other than the council).*

Council is proposed to be a party to a future VPA for works and section 7.11 development contribution offsets. Notwithstanding, this agreement would be entered into under the EP&A Act for the purposes of the payment of contributions by the Applicant and thus the DA is not considered 'Regionally Significant Development'.

This DA is not considered as 'Designated development', Regionally significant development' or 'State significant development' under the EP&A Act or the EP&A Regulation. Furthermore, the application does not trigger integrated approval under section 4.46 of the EP&A Act.

Section 4.2 of this SEE provides further discussion regarding integrated development matters.

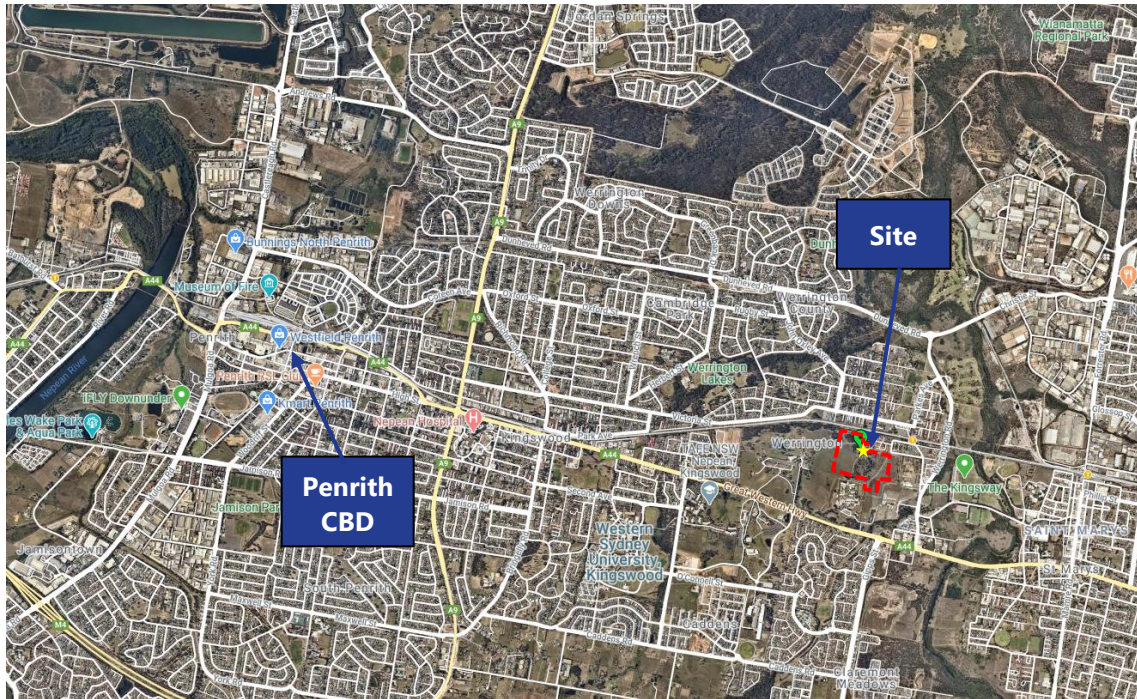


## 2 The Site and Locality

This section of the SEE describes the physical characteristics of the site, the adjoining development and character of the locality relevant to the preparation of a site analysis.

### 2.1 Site Location

The site is situated in the suburb of Werrington within the Penrith LGA, as illustrated within **Figure 3** below.



Source: [www.nearmap.com](http://www.nearmap.com), 2019

**Figure 3 General Site Location**

The SWUV Precinct comprises approximately 48 hectares (**ha**) of land that has been identified for urban development comprising 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 north and south of the Great Western Railway line.

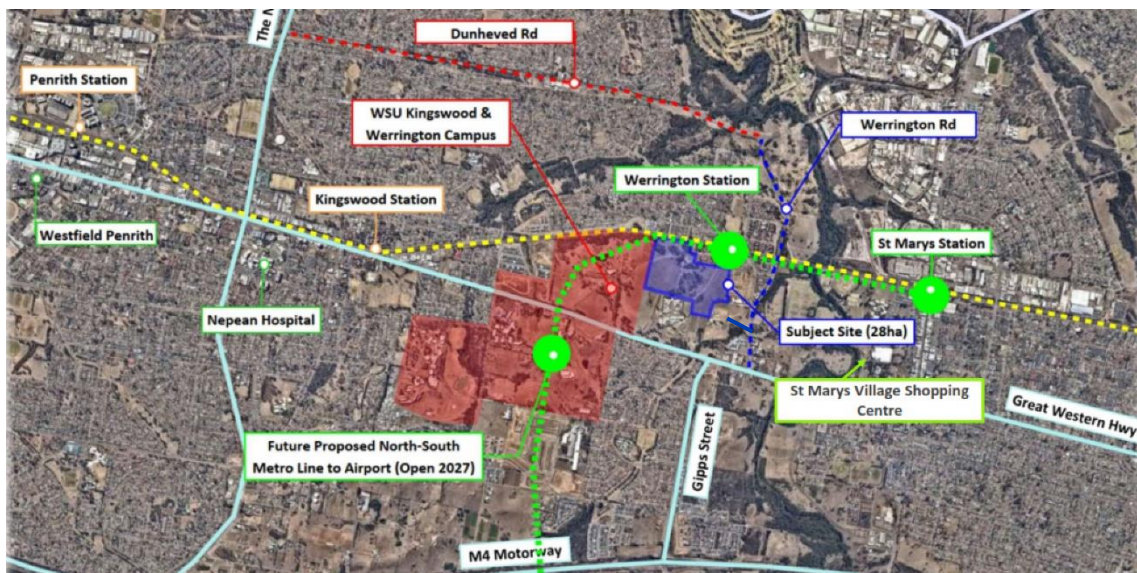
A vision for the SWUV Precinct was established through the Werrington Enterprise Living and Learning Strategy 2004 as follows:

*'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 40m north of the site and the University of Western Sydney (UWS) Werrington North Campus is located to the west with a common boundary to the site.

As illustrated in **Figure 4**, land surrounding the site 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 of the site lies the Cobham Juvenile Justice Centre, while to the southeast lies the grounds of Wollemi College educational establishment. To the east of the site 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 Parramatta and Sydney CBD's.



Source: Lendlease

**Figure 4** Surrounding development.

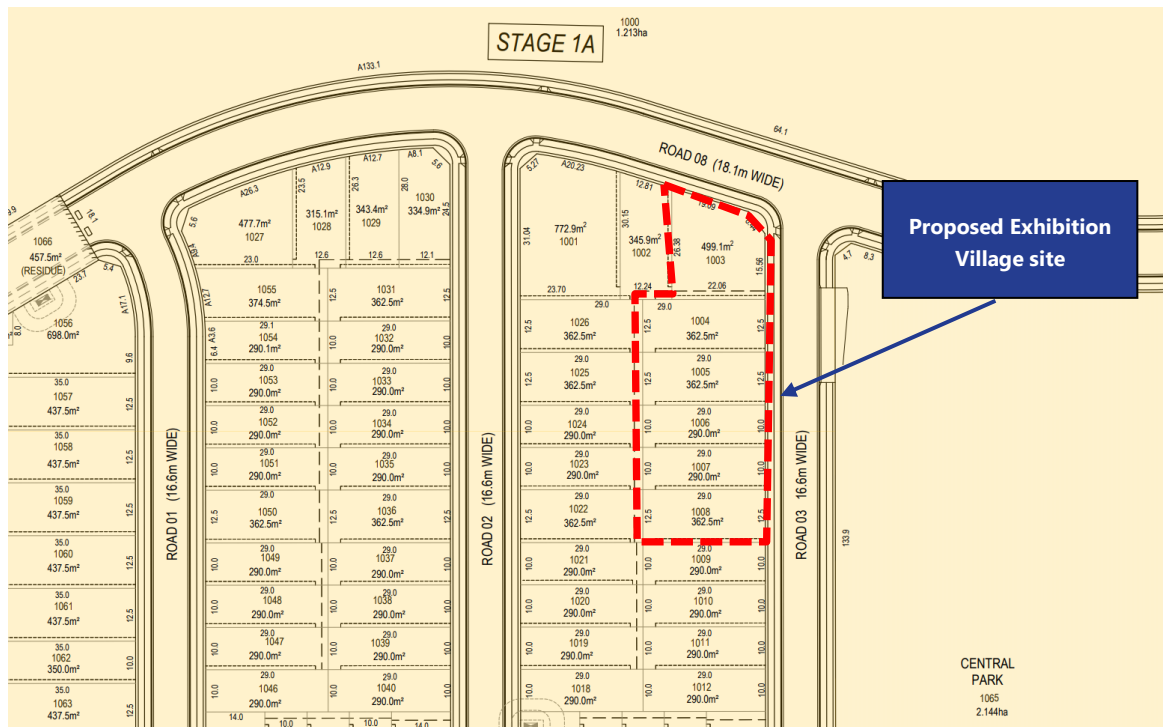
## 2.2 Site Description

The land is legally described as Lot 1 DP 1226122, 16 Chapman street, Werrington. The site relates to the part of Lot 1 DP1226122 specifically identified as future Lot 1003-1008, which is within Stage 1A of the approved development under DA 19/0704 (see **Figure 5**). The proposed development is intended to be delivered prior to the registration of Lots 1003-1008.

The site is located in the north east of Stage 1A, on the corner of proposed Road 08 (continuation of Chapman Street) and proposed Road 3. The site is regular in shape and has a total area of 2,166.6m<sup>2</sup>. The site contains scattered trees, all of which are approved to be cleared under DA19/0704.

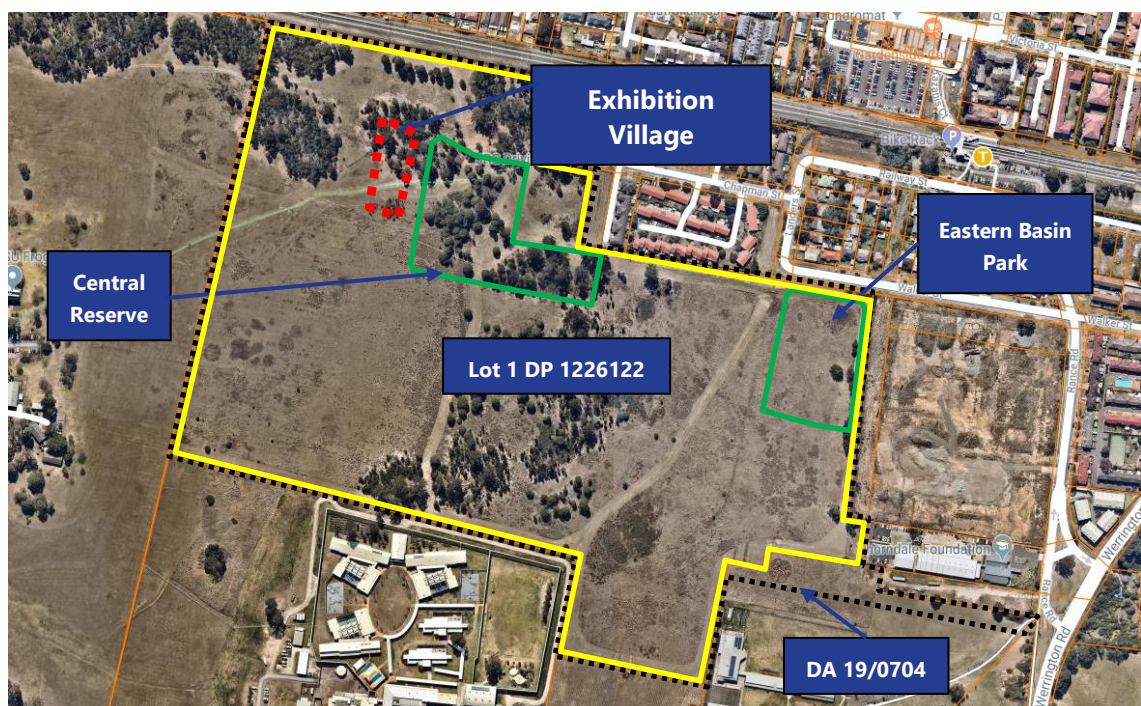
The proposal is consistent with DA19/0704. When Stage 1A is registered, each of Lots 1004-1008 will contain a single exhibition home, with the temporary car park provided on Lot 1003.





Source: Carndio

**Figure 5** Proposed plan of subdivision (approved under DA19/0704)



Source: [www.nearmap.com](http://www.nearmap.com), 2019

**Figure 6** Aerial photo of site (outlined red) and surrounding area (DA 19/0704 outlined black dashed line and RE1 Public Recreation lands outlined green)

## 2.3 Amenity

The proposal has been designed to integrate with the broader subdivision and contribute to the delivery of a sustainable and vibrant new residential community that will fulfil the vision of the SWUV Precinct. The location of the village is sited at the entrance to the initial stage of the development and opposite the Central Reserve, which will be delivered as one of the primary items in the subdivision. The design of the proposed Central Reserve (as proposed under DA20/0081) is shown in **Figure 7** below. The Central Reserve will contain several active open spaces directly opposite the exhibition village (shown as area 2 in Figure 7) as well as passive conservation area (shown as area 3 in Figure 7).



Source: Place Design Group

Figure 7 Landscape Plans for the Central Reserve, with exhibition village site highlighted in red

## 2.4 Services

Essential development enabling infrastructure including potable water, wastewater, electricity and communications are available for the development. Following the issue of development consent, the relevant service authorities will specify the requirements to connect the proposed lots to their existing infrastructure. Further details regarding infrastructure services are outlined in the Civil Engineering and Infrastructure Report provided to Council for consideration under DA 19/0704.



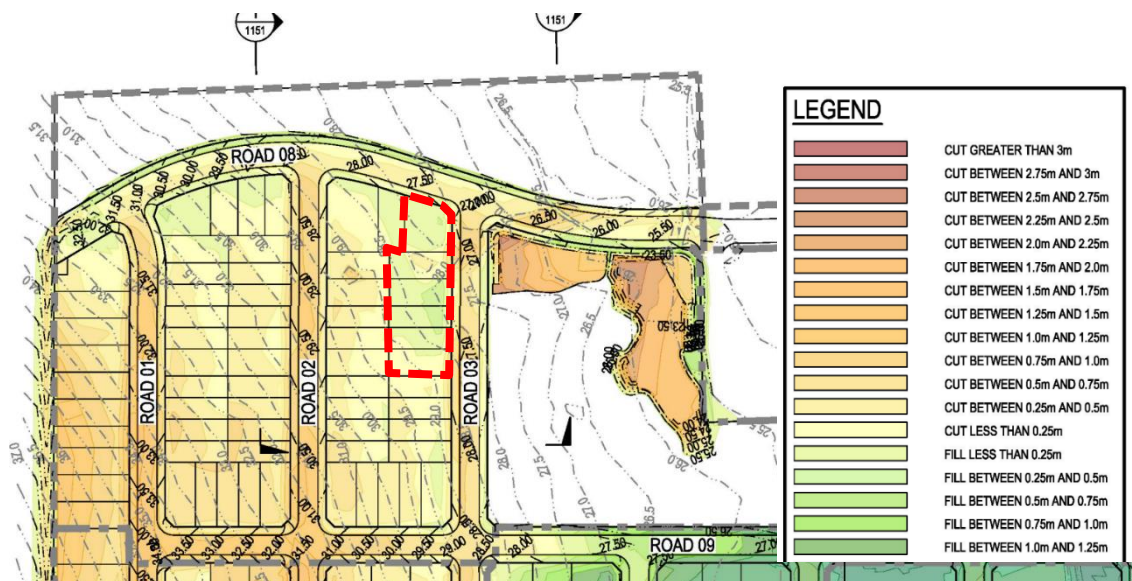
### 3 Proposed Development

This DA seeks approval for the establishment of an exhibition village consisting of five (5) exhibition homes and car parking. The exhibition homes will be established on land that is approved for residential subdivision under DA19/0704, however construction of the exhibition homes will occur concurrently to the subdivision works and before the registration of the Lots 1003-1008 under DA19/0704. Ultimately the intention is for the exhibition village to be open and operational by the time the subdivision certificate for Stage 1A of the DA19/0704 is issued.

#### 3.1 Tree Removal and Civil Works

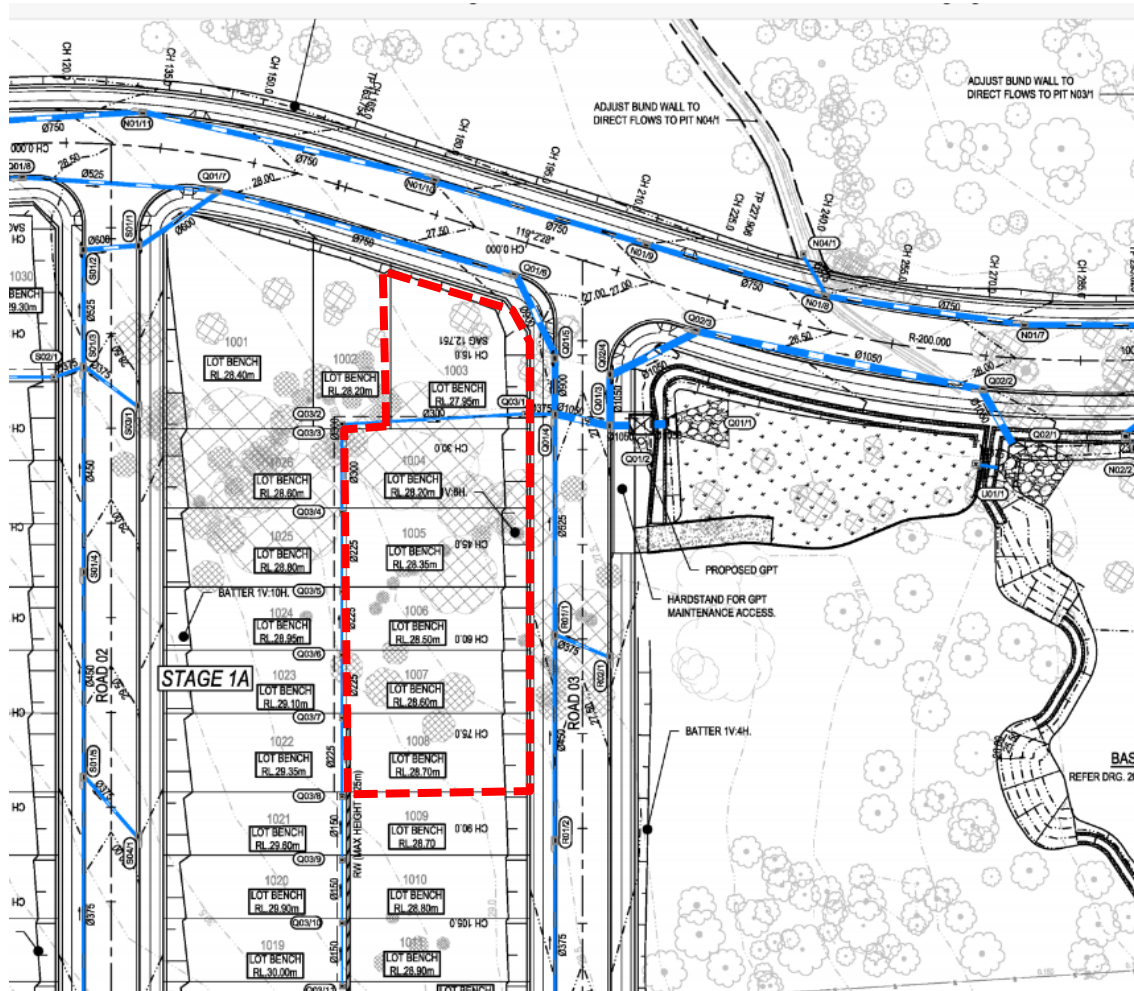
It is understood that construction on the proposed village will not be able to occur until such time the site clearing, and preliminary civil works have been undertaken on the site in accordance with DA19/0704. Furthermore, the exhibition village will not be operational until such time the proposed roads to access the land is constructed.

The site works under DA19/0704 have the subject site in an area of cut (see **Figure 8**). Lots will be benched between RL27.95 (proposed Lot 1003) and RL28.7 (proposed Lot 1008). All lots drain to the proposed stormwater network in proposed Road 3 (see **Figure 9**).



Source: Cardno

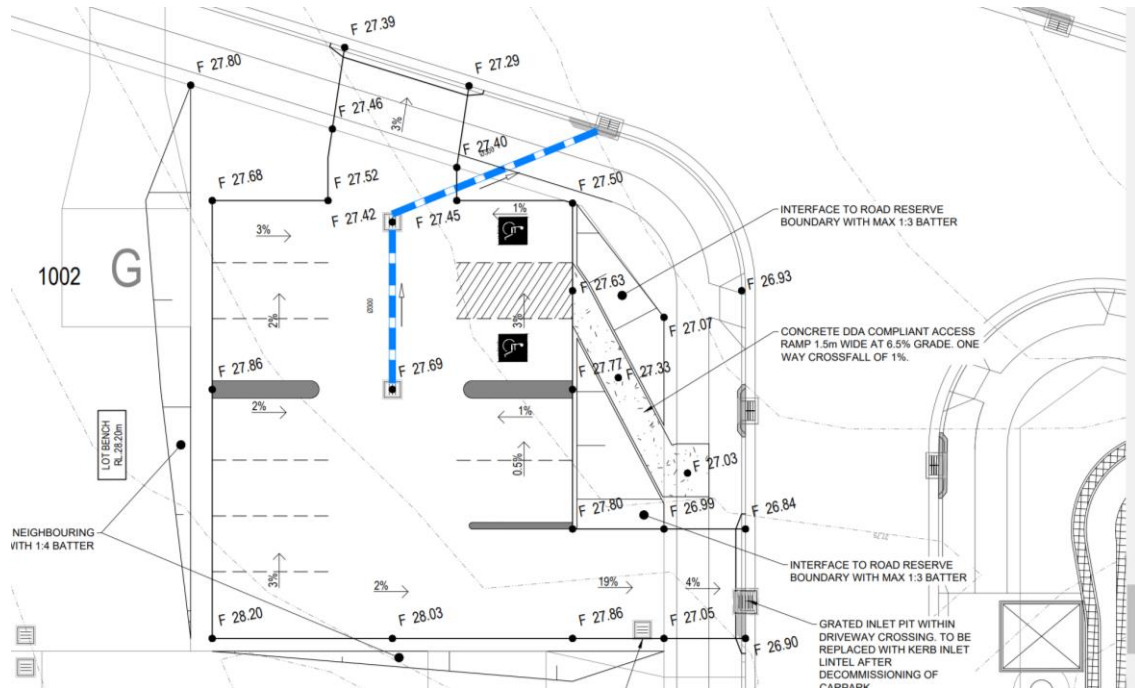
Figure 8 Approved cut and fill plan (DA19/0704)



Source: Cardno

Figure 9 Approved siteworks and stormwater plan (DA19/0704)

As the proposal includes the use of proposed Lot 1003 as a car park to service the exhibition village, some additional civil works are proposed to this lot that are not in accordance with DA19/0704. These works are described in **Appendix B** and include additional drainage infrastructure, grading and vehicle crossover (see **Figure 10**). Included in the civil works package for the proposed car park over Lot 1003 are erosion and sediment control plans.



Source: Cardno

Figure 10 Lot 1003 proposed siteworks and stormwater plan

### 3.2 Exhibition Village

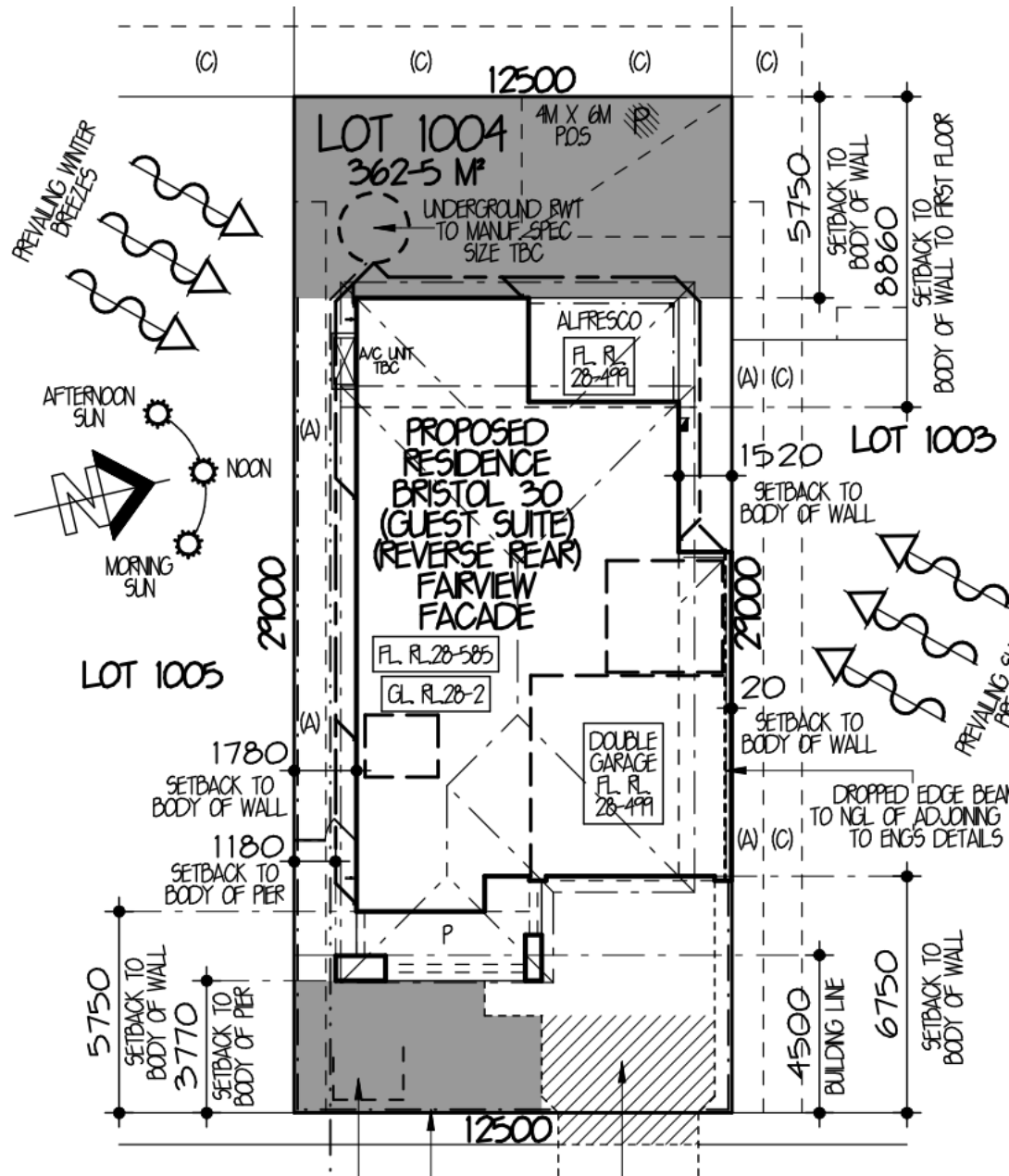
This DA seeks approval for the establishment and operation of an exhibition village over the site, including the construction of five (5) exhibition homes and an 11 space car park (including 2 x accessible spaces).

The exhibition village is proposed to operate 7 days per week, between 8:00am and 5:30pm to market house and land packages provided by the builders who establish within the exhibition village. Access to the exhibition village will be provided via the approved continuation of Chapman Street (Road 8) and Road 03, which were approved under DA19/0704.

The five (5) exhibition homes will each be situated on the area identified as approved Lots 1004-1008 under DA19/0704. The homes will present as individual detached dwellings, with landscaping and will include the use of a room inside of each dwelling for the use of an office to discuss designs and execute contracts as required. Specifically, the dwellings on Lot 1004 & 1007 will utilise the garage as an office. The garage opening will be replaced with two pedestrian doors. The landscaping has also been amended to reflect the use of the garage as the office. Once the subdivision certificate for Stage 1A has been issued, the exhibition village will continue to operate as five (5) separate exhibition homes. Once the use of the exhibition homes is no longer required, the intention is for structures to be sold and occupied as dwelling houses. As part of the decommissioning of the exhibition homes, the garage door and driveway for Lots 1004 and 1007 will be constructed and the temporary driveway over Lot 1003 will be reinstated as a single residential allotment.

The ground floor of each dwelling includes an open plan layout with living, dining area and kitchen as well as laundry, bathroom and alfresco area. Each dwelling will contain 4 bedrooms and are of single and double storey construction.

The proposed dwellings will each be finished in similar materials from a consistent colour palette to provide consistency within the streetscape. The materials include a mix of face brickwork with main feature porch to the front façade with columns to be of a rendered façade. A modern design incorporating varying roof pitches and fenestration have been incorporated to reduce dominance from the street and clearly identify entrances to each of the dwellings. All proposed residential lots will ultimately have access directly to the approved Road 03 with driveway access to be provided prior to the dwellings being used as exhibition homes (see **Figures 11-16**).



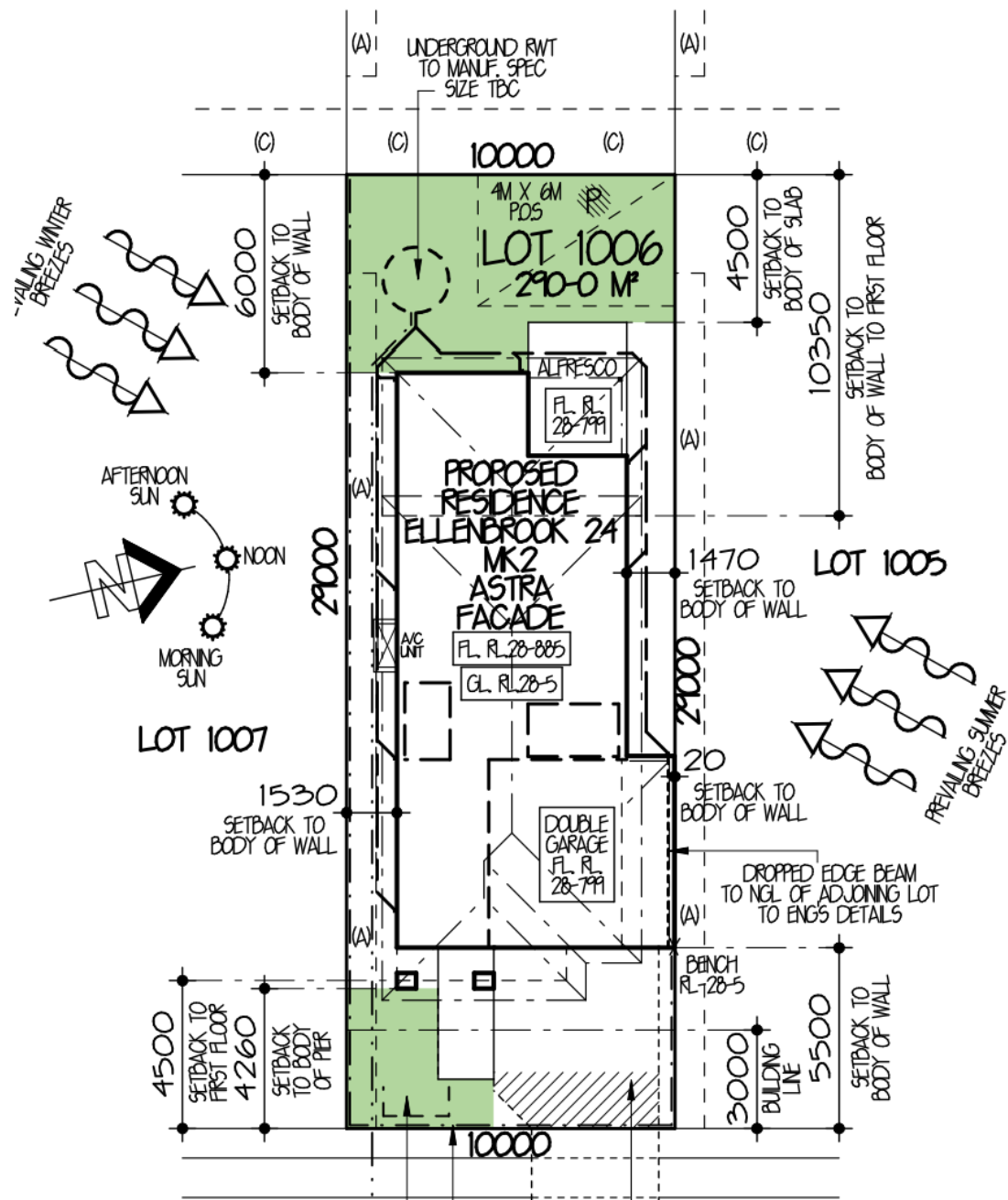
Source: A&N Design Group

Figure 11 - Site Plan Exhibition home over proposed Lot 1004



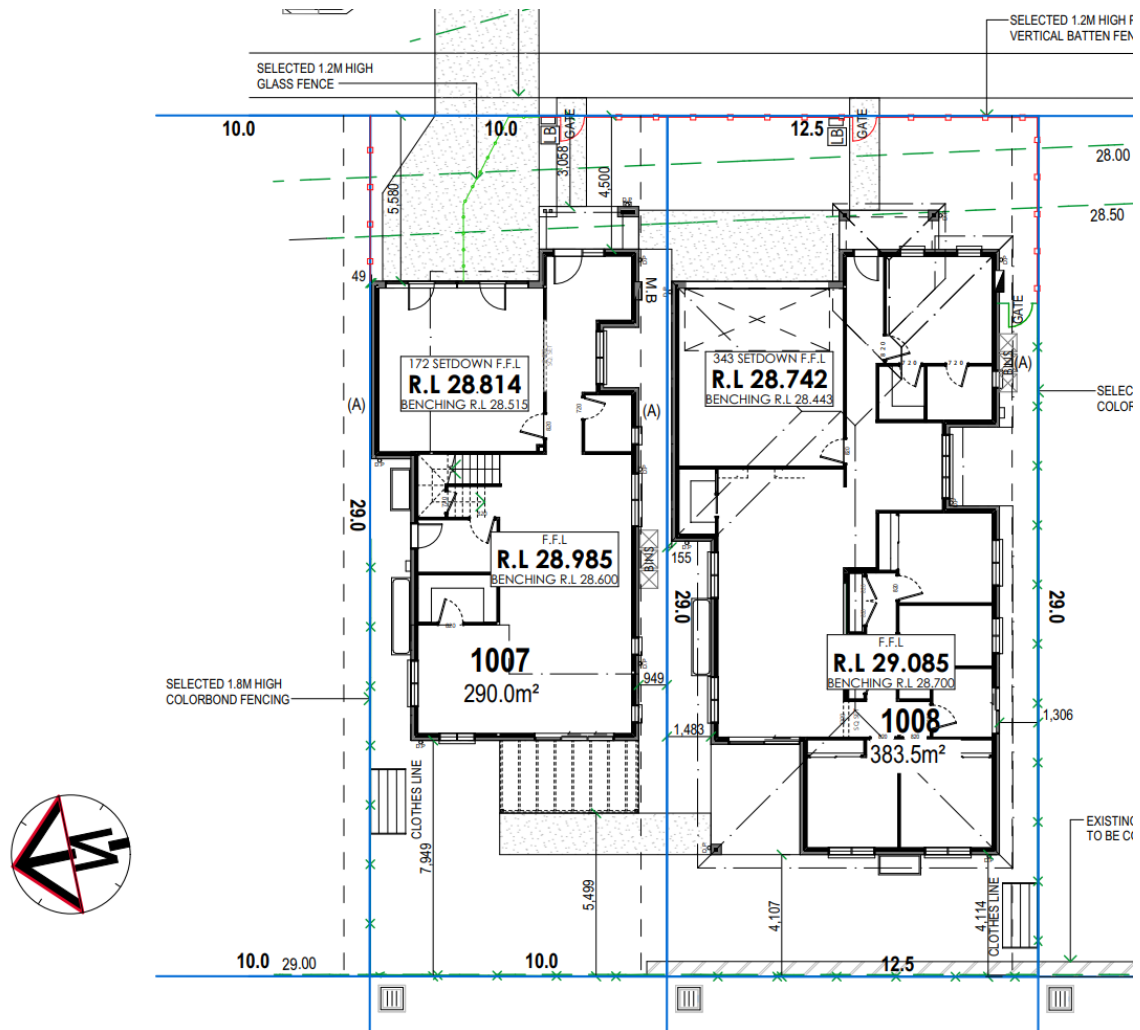


me over land future Lot 1005



Source: A&N Design

Figure 13 Site Plan for Exhibition home over land future Lot 1006



Source: Creation Homes

Figure 14 Site Plan for Exhibition home over land future Lot 1007 and 1008

Architectural Plans for the proposed dwellings are provided in **Appendix D**, including details of dwelling type, site coverage, setbacks, landscape design and Private Open Space (POS). BASIX Certificates have been prepared for the dwellings and submitted with architectural package for each dwelling. **Table 2** below provides a compliance assessment of the proposed dwelling houses against Section E12 of Penrith DCP.

**Table 2 Proposed Dwelling House DCP Compliance**

Control	Exhibition Dwelling				
	Lot 1004	Lot 1005	Lot 1006	Lot 1007	Lot 1008
Minimum Lot Size (230m <sup>2</sup> – 450m <sup>2</sup> )	362.5	362.5	290	290	362.5
Minimum Lot Frontage (9.5m – 15m)	12.5	12.5	10	10	12.5
Minimum POS Area (40m <sup>2</sup> )	Yes	Yes	Yes	Yes	Yes
Minimum POS Dimension (4m)	Yes	Yes	Yes	Yes	Yes
Landscaping Site Coverage (50% of total site area)	No 26.7%	No 16.7%	No 22.4%	No 22.8%	No 23%
Front setback (4.5m)	Yes – 4.5m	Yes – 4.5m	Yes – 4.5m	Yes – 4.5m	Yes – 4.5m
Secondary frontage setback (2m)	N/A	N/A	N/A	N/A	N/A
Side setback (0m – defined boundary and 900mm)	Yes – (1.52 – 1.78m)	Yes – (1.47m- 1.53m)	Yes – (0.92 - 1.53m)	Yes – (949mm)	Yes – (1.3m – 1.48m)
Rear setback	Yes	Yes	Yes	Yes	Yes
<ul style="list-style-type: none"> <li>Ground floor (4m)</li> <li>Upper floor (6m)</li> </ul>	5.7m & 8.8m	4m & NA	4.5m & 10.35m	5.5 & 11m	4.1m & N/A



## 4 Environmental Assessment

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

The EP&A Act contains provisions designed to ensure threatened species legislation is considered as part of a single development assessment process. The provisions as they apply to the proposed development are discussed below.

#### 4.1.1 Biodiversity Impacts

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

Section 1.7 of the EP&A Act requires consideration as to whether a proposed development will have a significant effect on threatened species, populations or ecological communities relating to terrestrial and/or aquatic environments as required under Part 7 of the *Biodiversity Conservation Act 2016* (**BC Act**) and Part 7A of the Fisheries Management Act 1994 (**FM Act**)

The proposed exhibition village is not located in proximity to any watercourses or proposes any works that would cause harm to any threatened species, populations or ecological communities listed under the FM Act.

In accordance with the BC Act, consideration as to whether the proposal is likely to significantly affect threatened species or ecological communities, or their habitats is required according to the test outlined in section 7.3 of Part 7 of the BC Act. The approval under DA 19/0704 included clearing, earthworks and subdivision of the site subject of this application. The proposal therefore will not provide any additional impact on ecological communities than already approved.

### 4.2 Integrated Development

Sections 4.46 and 4.47 of the EP&A Act provides 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.

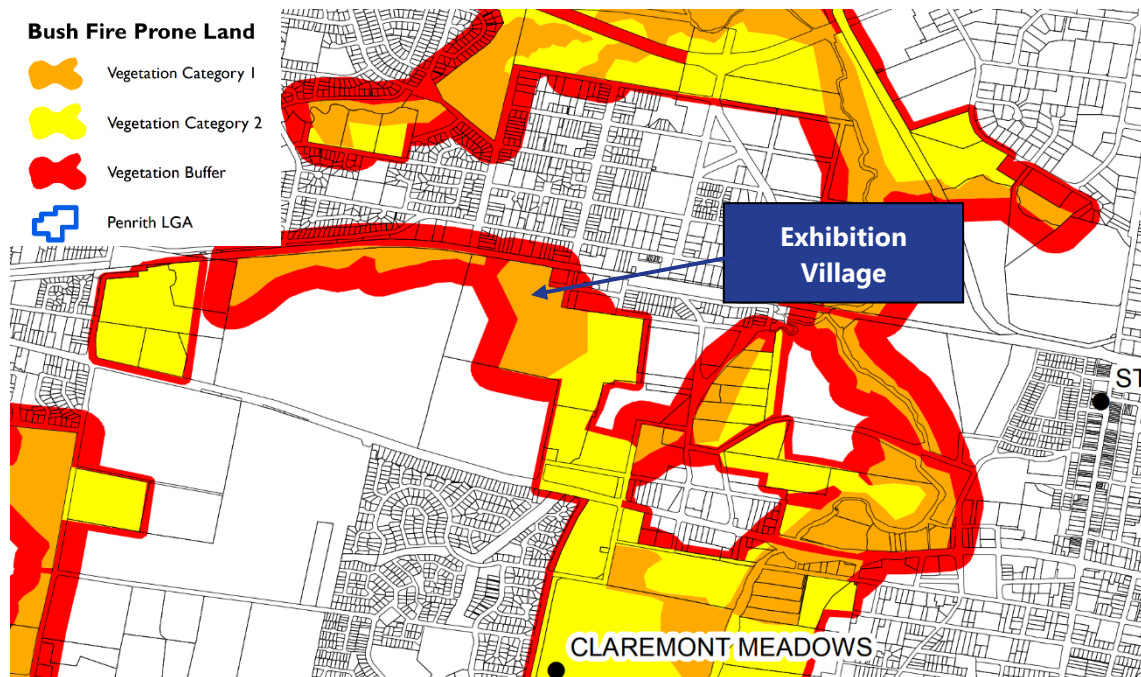
**Table 3** below provides commentary on whether any part of the proposed development triggers a need for Council, as the consent authority for this DA, to obtain GTA's from other approval bodies.

**Table 3 Integrated Development Review**

Legislation	Comment	GTAs
<i>National Parks and Wildlife Act 1974</i>	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 the consideration and approval of the three previous DAs over the site.	No
<i>Protection of the Environment Operations Act 1997</i>	The implementation of appropriate environmental protection works will ensure that no licence will be required.	No
<i>Rural Fires Act 1997</i>	<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>The proposal does not include any subdivision of land for residential purposes and the development is not for a "Special Fire Protection Purpose" – therefore a bush fire safety authority is not required.</p> <p>A Bushfire Assessment Report prepared for the site by Building Code and Bushfire Hazard Solutions (<b>BC&amp;BHS</b>) (refer to <b>Appendix D</b>) that identifies the necessary Bushfire Protection Measures for the greater subdivision under DA19/0704, asset protection zones and BAL construction standards required to meet the requirements of <i>Planning for Bushfire Protection 2006 (PBP)</i>. This report was submitted as part of the DA19/0704, which was approved under DA19/0704.</p>	No
<i>Water Management Act 2000</i>	<p>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>.</p> <p>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.</p>	No
<i>Fisheries Management Act 1994</i>	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
<i>Heritage Act 1977</i>	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
<i>Mine Subsidence Compensation Act 1961</i>	The land is not within a mine subsidence district.	No
<i>Petroleum (onshore) Act 1991</i>	No production lease is being sought.	No
<i>Mining Act 1992</i>	No mining lease is being sought.	No
<i>Roads Act 1993</i>	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. Councils Bushfire Prone Land Map identifies that the site contains Category 1 Vegetation and therefore the application of PBP 2006 must apply in this instance (see **Figure 15**).



Source: Penrith City Council, 2014

**Figure 15 Extract from Penrith City Council's Bushfire Prone Land Map**

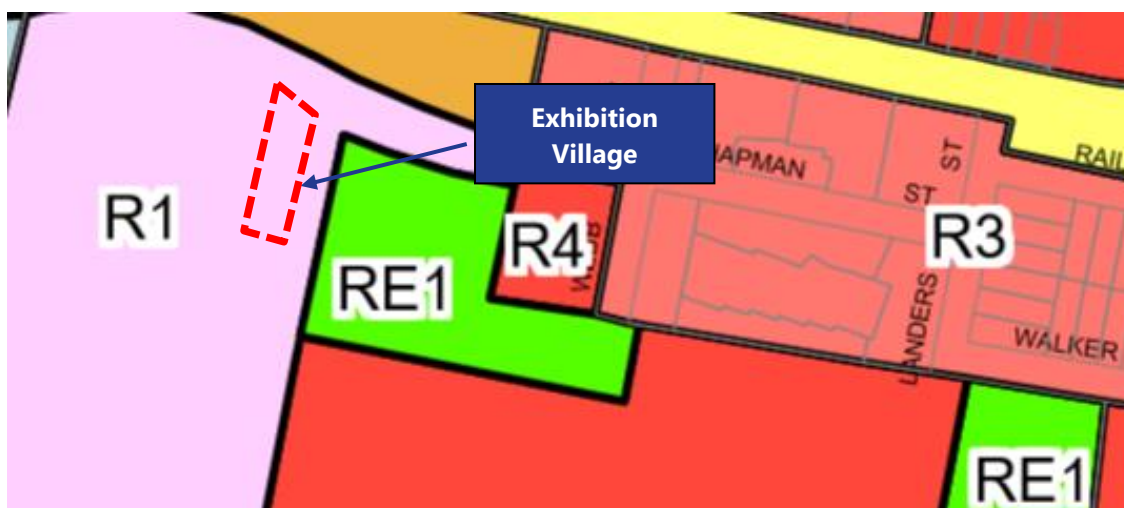
BC&BHS has prepared a comprehensive Bushfire Assessment Report (**Appendix D**) that provided an independent bushfire hazard determination together with appropriate recommendations for both new building construction and bushfire mitigation measures considered necessary having regard to construction within a designated 'bushfire prone' area. The Report considered the bushfire impact on the greater subdivision under DA19/0704, which included the six residential lots approved across the site subject of this DA.

Also provided in **Appendix E** are at the Rural Fire Service General Terms of Approval (**GTA**) for DA19/0704.

### 4.4 Environmental Planning Instruments

#### 4.4.1 Penrith Local Environmental Plan 2010

The PLEP is the primary environmental planning instrument regulating land uses within the Penrith LGA. The proposed exhibition village is located on land zoned R1 General Residential (see **Figure 16**).



Source: PLEP 2010

**Figure 16 Land Use Zoning Map**

The proposed exhibition village and car park are permissible with consent in the R1 General Residential zone. Detailed consideration of the relevant clauses in PLEP 2010 is provided in **Table 44** below.

**Table 4 Assessment Against PLEP**

Clause	Comment	Comply
<b>Part 1 - Preliminary</b>		
CI 1.2 Aims of Plan	<p>The proposal is consistent with the aims of the Plan as it:</p> <ul style="list-style-type: none"> <li>promotes potential residential built form outcomes associated with the proposed urban renewal of the SWUV precinct in line with Council's vision for the locality.</li> <li>supports the accommodation of a growing Penrith LGA by displaying a range of potential housing choices to promote greater housing diversity within the locality.</li> <li>provides for the urban renewal of a vacant land within the SWUV precinct that is close to existing infrastructure and services.</li> <li>provides for the delivery of future sustainable residential development that is sympathetic to and integrates with the existing urban qualities of the Werrington community, while ensuring the existing environmental qualities of the site are protected as much as possible.</li> <li>provides a coordinated approach to the management of stormwater to safeguard the locality from any potential hazards during storm events.</li> <li>incorporates the principles of ecologically sustainable development and proposes residential development that complies with the relevant BASIX's sustainable targets.</li> </ul>	Yes
<b>Part 2 - Permitted and Prohibited Development</b>		
CI 2.3	Developable land within the site is zoned R1 General Residential.	Yes

Clause	Comment	Comply
Zone objectives and land use table	The Applicant seeks consent for the construction and operation of an exhibition village including construction of five (5) exhibition homes and ancillary car park.  All works are permissible with consent in the zone under the gazetted land use table.	
CI 2.6 Subdivision – consent requirements	Subdivision of the land is already approved under AD19/0704	N/A
<b>Land Use Table</b>		
Zone R1 General Residential	The proposal is consistent with the R1 General Residential zone objectives as follows: <ul style="list-style-type: none"> <li>the exhibition homes will contribute to the diversity of housing consistent with the surrounding approved development.</li> <li>it proposes other land uses (i.e. exhibition village and exhibition homes) that will promote the urban renewal of the SWUV locality</li> <li>the site design and layout will afford a high level of amenity and encourage the provision of affordable housing</li> <li>it reflects the proposed and desired future character and dwelling densities of the locality.</li> </ul> The proposed siting of the exhibition village relates directly to the approved lots 1003-1008 under DA19/0704 and is proposed to ensure the exhibition homes can be constructed prior to the issue of the subdivision certificate for Stage 1A. Therefore, the village can be operational at the time that lots are on the market.	Yes
<b>Part 4 – Principal Development Standards</b>		
CI 4.1 Minimum subdivision lot size	Subdivision is approved under DA19/0704	N/A
CI 4.3 Height of buildings	The site is subject to a 10m maximum building height.  The tallest exhibition home has a height of 7.04m  The proposed building heights sought will comply with the maximum 10m building height control.	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
<b>Part 5 - Miscellaneous Provisions</b>		
CI 5.1 Relevant Acquisition Authority	No part of the site is mapped on the Land Reservation Acquisition Map under the PLEP 2010.	Yes

Clause	Comment	Comply
CI 5.10 Heritage Conservation	No items of heritage or indigenous archaeological significance have been identified on the site. 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).  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.	Yes
<b>Part 7 – Other Provisions</b>		
CI 7.1 Earthworks	Only minor works are required. The site will maintain generally the same earthworks as approved under DA19/0704, with the exception of some additional works to establish the ancillary temporary car park.	Yes
CI 7.6 Salinity	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.  The aggressivity of soil conditions is proposed to be further investigated prior to the commencement of bulk earthworks on the site as conditioned under DA19/0704.	Yes
CI 7.10 Essential Services	The site is satisfactorily serviced by all essential services. As outlined in the Civil Engineering and Infrastructure Report prepared by Cardno and submitted with DA 19/0704, reticulation of utility services and the construction of lead-in mains for electricity, water, gas and sewer are required to service the predicted demand generated by the broader urban renewal of the property, including the subject proposal.	Yes

#### 4.4.2 State Environmental Planning Policy No. 55 – Remediation of Land

This SEPP provides a State-wide planning approach to remediation and aims to promote the remediation of any contaminated land for the purpose of reducing the risk of harm to human health and/or the environment. In accordance with the assessment of DA19/0704, the site was deemed suitable for future residential development.

#### 4.4.3 State Environmental Planning Policy (Vegetation in Non Rural Areas)

This Policy provides a State-wide planning approach to protect the biodiversity values of trees and other vegetation in non-rural areas and to preserve the amenity of those areas through the preservation of trees and other vegetation.

This SEPP has already been considered in the granting of Development Consent DA19/0704 for the removal of vegetation on the site including the lots proposed for use as an exhibition village.

#### 4.4.4 State Environmental Planning Policy (Infrastructure) 2007

The Infrastructure SEPP aims to facilitate the State-wide delivery of infrastructure by providing greater flexibility in the location of infrastructure and service facilities, identifying relevant environmental assessment criteria for development as well as consultation requirements with relevant public authorities.

Clause 87 of the Infrastructure SEPP seeks to address the Impact of rail noise or vibration on non-rail development. The SEPP applies to the proposed development as the DA involves the development of residential accommodation that could be impacted by rail noise from proximity to the Western Rail Line.

A comprehensive noise impact assessment has been prepared by SLR Consulting (**Appendix F**) that has assessed the predicted rail noise impacts on the proposed residential dwellings. Several recommendations have been provided to ensure that the amenity criterion specified under clause 87 of the Infrastructure SEPP is achieved including the requirement for mechanical ventilation for exposed facades of the proposed dwellings.

It is also recognised that Condition 18 under DA19/0704 requires a positive covenant to be registered over the site prior to the issue of a subdivision certificate to ensure acoustic attenuation is built into future dwellings to meet the requirements of the SEPP. It is acknowledged that the requirements of the future covenant will need to be met prior to the issue of a Construction Certificate for the proposed dwellings including:

- Meeting the noise criteria as outlined in the SLR Consulting Report, and
- Detail the mechanisms employed in the design that comply with Section 5.1.4 of the SLPE Consulting Report.

The proposed development is able to meet the relevant requirements of the SEPP.

#### **4.4.5 State Environmental Planning Policy – Building Sustainability Index (BASIX) 2009**

The State Environmental Planning Policy introduced a Building Sustainability Index (BASIX) with which new residential development must comply to achieve energy savings and greater sustainability.

The proposal includes the construction of five exhibition homes, which will be utilised as future detached dwellings. BASIX Certificates demonstrating compliance with the Policy for each dwelling have been prepared and have been provided as part of the architectural package for each dwelling (refer to **Appendix C**).

#### **4.4.6 Sydney Regional Environmental Plan No. 20 – Hawkesbury Nepean River**

Sydney Regional Environmental Plan No 20 (SREP 20) is in place to protect the environment of the Hawkesbury-Nepean River system by ensuring that the impacts of future land uses are considered in a regional context. It seeks to achieve this by providing a series of strategies and planning controls that all development must be considered against. The proposal has been designed to integrate with the stormwater drainage design approved DA 19/0704 that will ensure the proposal does not conflict with this objective.

Further, it is considered that any risks relating to the protection of the Hawkesbury-Nepean River system would be considered and addressed through the recommendation of any conditions of consent relating to erosion and sediment control, and stormwater runoff mitigation.



## 4.5 Proposed Environmental Planning Instruments

### 4.5.1 State Environmental Planning Policy (Environment)

The NSW government has been working towards developing a new SEPP for the protection and management of the natural environment. An explanation of intended effect (EIE) has been released which proposes a number of SEPPs related to the environment to be merged into one SEPP. Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment is included for review and consolidation with other existing EPIs. This consolidated SEPP proposes to simplify the planning rules for a number of water catchments, waterways, urban bushland, and Willandra Lakes World Heritage Property. The DPE sought feedback on the proposed SEPP until 31 January 2018.

The proposal and management strategies are consistent with the proposed instrument.

## 4.6 Development Control Plans

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

### 4.6.1 Penrith Development Control Plan 2014

The PDCP 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.

**Table 5** 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 5 Assessment of DCP Controls**

Control	Requirement	Comment	Compliance
<b>Part C2 Vegetation Management</b>			
2.1	Preservation of trees and other vegetation	No vegetation is proposed to be removed as part of this DA. Consent for vegetation removal has been granted under DA 19/0704. Niche has prepared a 7-Part Assessment of Significance as part of that DA in accordance with the TSC Act and concludes that the proposal will not have a significant adverse impact on the local occurrence of CPW.	Yes
2.3	Bushfire Prone Land	The site is mapped as being partially bushfire prone land.  A comprehensive Bushfire Assessment Report has been prepared by BC&BHS ( <b>Appendix E</b> ). The Report was provided as part of the DA19/0704, for which the GTA was granted and provided in <b>Appendix F</b>	Yes
<b>Part C3 Water Management</b>			



Control	Requirement	Comment	Compliance
3.2	Catchment management and water quality	The stormwater drainage network design approved under DA 19/0704 provides for three basins, including two dual purpose OSD/WSUD basins within the footprints of the Eastern Basin Park and Central Reserve. A third WSUD basin is proposed at the eastern extent of proposed Road 11 (i.e. East West Collector Road) to treat water prior to its discharge, east into Claremont Creek.  A range of bio-retention and GPTs will be installed in the treatment train to ensure water quality targets set by Council are met.  Stormwater runoff generated by the proposal has been designed to discharge into the approved network under DA19/0704.  The proposed stormwater design associated with the ancillary car park is provided in <b>(Appendix B)</b> .	Yes
3.6	Stormwater management and drainage		
3.7	Water retention basin/dams		
Part C4 Land Management			
4.1	Site suitability and earthworks	The proposed development is sited on land created as a result of the execution of the approved earthworks under DA19/0704.	Yes
4.2	Landfill		N/A
4.3	Erosion and sedimentation	Temporary sediment and erosion control measures will be employed throughout the construction phase to ensure no detrimental off-site impacts arise.  The proposed erosion and sediment control measures to be implemented are provided in greater detail in Cardno’s Civil Works Plans <b>(Appendix B)</b> .	
4.4	Contaminated lands	As outlined above in <b>Section 4.4.2</b> , the site is considered suitable for the intended land uses proposed for the site	
4.5	Salinity	The proposed development is sited on land created as a result of the execution of the approved earthworks under DA19/0704.	
Part C5 Waste Management			
5.1	Waste Management Plans	The proposal includes the construction of five (5) exhibition homes that will be utilised as future dwellings. The proposal does not include any demolition or site works, all of which are approved under DA19/0704 and will be undertaken in accordance with the approved waste management plan under that consent.  A waste management plan for the construction of the individual exhibition homes is provided in <b>Appendix C</b> .	Yes
5.2.1	Sitting and design of waste bin	All proposed exhibition homes are provided with side setbacks to allow for the storage of bins behind	Yes

Control	Requirement	Comment	Compliance
	storage areas for residential development	<p>the front building line or within the proposed dwelling garages.</p> <p>In exhibition village mode, waste bins are capable of being presented to the kerb for collection.</p> <p>The siting of proposed exhibition homes and their driveways also allows for the presentation of bins to the future road along their frontage. The future proposed road will be upgraded to facilitate the manoeuvrability requirements of Council's waste vehicle.</p>	
<b>Part C6 Landscape Design</b>			
6.1.1	Landscape design	Suitable tree species have been proposed and included in the Landscape Plan for each exhibition home provided in <b>Appendix C</b> .	Yes
6.1.2	Environmentally sustainable designs	Environmentally Sustainable Design ( <b>ESD</b> ) 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 existing and 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 the surrounding subdivision.	Yes
6.1.4	Site amenity	Proposed landscape designs for the individual exhibition homes provide for complementary plantings to soften the bulk and scale of the new built form and to present a pleasant streetscape setting.	Yes
<b>Part C10 Transport Access and Parking</b>			
10.2	Traffic Management and Safety	<p>An 11-space car park is proposed to support operations associated with the proposed exhibition village, with additional parking capable along the proposed road.</p> <p>The anticipated traffic generation from operations associated with the exhibition village are not expected to generate any adverse impacts on the existing local road network.</p> <p>Proposed hours of operations are generally outside peak periods, with most activity likely on weekends, outside of the workday AM and PM peak periods.</p> <p>Several road upgrade works are approved under DA19/0704 that are designed to facilitate the growth in traffic associated with the broader residential subdivision, such that the proposed operations of the exhibition village will be satisfactorily accommodated.</p>	Yes

Control	Requirement	Comment	Compliance
10.4	Roads	No additional roads are delivered as part of this application. All roads are approved under DA19/0704.	N/A
10.5	Parking, Access and Driveways	<p>The proposed exhibition village will accommodate five (5) exhibition homes to facilitate with enquires and the sale of land.</p> <p>As part of the proposal, a car park with a capacity of 11 spaces is proposed to be provided, including two accessible spaces. The design of each proposed exhibition home is provided with capacity for a minimum two cars in accordance with the DCP.</p> <p>No specific car parking control is prescribed in Council's DCP for an exhibition home or exhibition village. Notwithstanding, the provision of the 11 car parking spaces and additional on-street capacity in front of the proposed dwellings is considered satisfactory and represents a minimum 2 car parking spaces per exhibition home.</p>	Yes
<b>Part C11 Subdivision</b>			
<b>Part C12 Noise and Vibration</b>			
12	Noise and vibration	<p>The Noise Impact Assessment prepared by SLR Consulting (<b>Appendix F</b>), which supported the consent under DA19/0704 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 Lot 1003-1008 (as approved under DA19/0704) are suitable for the construction of future dwellings and would not be adversely impacted on by external noises sources subject to the implementation of recommended noise mitigation measures which can be provided prior to the issue of any construction certificate.</p>	Yes
<b>Part C13 Infrastructure and Services</b>			
13	Infrastructure and services	<p>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.</p> <p>Cardno's report further outlines that the reticulation of utility services and the construction of lead-in mains for electricity, water, gas and sewer are required to service the predicted demand generated by the urban renewal of the locality.</p>	Yes
<b>Part 12.8.1 Preliminary</b>			
12.8.1.2	Land to which the plan applies	The site is located within the SWUV Precinct.	Yes

Control	Requirement	Comment	Compliance
12.8.1.3	Aims and general objectives	<p>The proposal aligns with the Applicant's vision for the coordinated subdivision and urban renewal of the broader locality. The proposal has been designed to sit within the Applicant's larger subdivision proposal under DA19/0704 and will complement anticipated future sales and enquires.</p> <p>The proposal has been designed to integrate with the drainage network proposed under DA19/0704, with stormwater to discharge into the adjoining stormwater system.</p>	Yes
<b>Part 12.8.2 Structure Plan</b>			
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	<p>The proposal is considered to address the key performance measures of the SWUV structure as follows:</p> <p>Land Use</p> <p>The proposal will contribute to the overall residential density proposed under DA 19/0704 and is considered to represent an appropriate approach to the site's urban renewal that will be more in keeping with the surrounding Werrington community.</p> <p>Stormwater Management</p> <p>The approach to the stormwater drainage design and its functions is outlined on Cardno's Civil Works Plans. The design has been coordinated with the design proposed under DA 19/0704.</p>	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. The proposal will deliver a range of residential lot types and sizes that can accommodate a variety of future housing forms.</p> <p>The proposal has been designed in conjunction with the subdivision proposal under DA 19/0704.</p> <p>The design and layout of the proposed exhibition homes showcase the proposed product that is to be established within the broader residential subdivision for the property.</p>	Yes
12.8.2.4	Dwelling yield	The site lies within dwelling yield sub-precincts B and will contribute to the overall dwelling yield proposed to be delivered under DA 19/0704.	Yes
<b>Part 12.8.3 Public Domain</b>			
12.8.3.1.4	Vegetation	All required vegetation removal is approved under DA 19/0704.	Yes

Control	Requirement	Comment	Compliance
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 as approved under DA19/0704.</p>	Yes
12.8.3.1.6	Contamination	Investigations and assessments previously undertaken across the site concluded that the site was suitable for the proposed land uses, including residential land uses with gardens and access to soils.	Yes
<b>Part 12.8.3.2 Transport and Accessibility</b>			
12.8.3.2.1	Road network	The proposed development utilises the road network as approved under DA19/0704.	Yes
<b>Part 12.8.4 Private Domain</b>			
12.8.4.2	Site Planning	<p>Principal Private Open Space</p> <p>All proposed dwelling designs propose the principal private open space (<b>PPOS</b>) at the rear of the dwellings, with generous rear setbacks provided.</p> <p>Garages and Parking</p> <p>All proposed dwellings are designed to accommodate double car garages that are setback a minimum 5.5m in accordance with the DCP.</p> <p>Garage door openings are proposed at 4.8m – 5.04m wide for double garages. It should be noted that the exhibition home on lot 1007 will utilise the garage as a temporary sales office until such time as the use as an exhibition village has ceased after which time the garage and driveway will be installed.</p> <p>These widths are noted as being undersized compared to that required in the DCP (5.8m for double garage door openings).</p> <p>The minor variation is not considered detrimental to the effective functioning of the garages of each dwelling house and will satisfactorily accommodate two standard passenger vehicles. Further, the proposed design is noted to conform to the standard garage door opening widths presently being delivered in nearby land release areas.</p> <p>Building Footprints</p> <p>Front and rear setbacks comply with the minimum requirements specified in Section 12.5.5 of the DCP.</p>	Yes (acceptable solution for Landscaping)

Control	Requirement	Comment	Compliance
		<p>Side setbacks and zero setbacks are sited in accordance with the DCP and provide for corresponding maintenance easements, as detailed on the approved plan of subdivision (<b>Appendix A</b>).</p> <p>Dwelling Design</p> <p>The design of each dwelling provides an address to the street with clear and legible entries. Front entry porches are proposed that provide articulation to the front elevation design of each dwelling and will contribute to the variety of housing forms delivered in the streetscape and broader SWUV precinct streetscapes.</p> <p>Each garage is recessed behind the main building line of the dwelling house.</p> <p>Front porch elements project no greater than 1.5m into the front setback and do contribute to greater than 60% of the lot widths upon which each dwelling is proposed.</p> <p>Visual and Acoustic Privacy</p> <p>The proposed double storey dwellings are designed to include appropriate measures to minimise privacy impacts (i.e. 1.5m sill heights, obscure glazing and privacy screens).</p> <p>Acoustic measures recommended in SLR Consulting's Acoustic Report (<b>Appendix G</b>) will be incorporated in the detailed design of each dwelling to ensure prescribed internal amenity levels for each dwelling house are achieved.</p> <p>Fencing</p> <p>All side and rear boundary fencing is proposed to be a minimum 1.8m in height.</p> <p>Site Facilities</p> <p>Side access and double garages are proposed for each dwelling house that will sufficiently cater for waste bin storage requirements.</p> <p>Sufficient space is also provided in the rear setback of each lot to accommodate external clothes drying facilities that will have direct sunlight access.</p>	
<b>Part 12.8.5 Residential Development Forms</b>			
12.8.5.8	Build to Boundary Dwellings	<p>The proposal will ultimately result in dwellings on proposed Lots 1004-1008. All approved lots have a site area between 290m<sup>2</sup> and 362.5m<sup>2</sup> with frontages of 10m to 12.5m.</p> <p>All proposed dwellings satisfactorily provide a minimum 40m<sup>2</sup> of private open space with a minimum dimension of 4m.</p>	Yes, subject to a justified variation.

Control	Requirement	Comment	Compliance
		<p>The following landscape site coverages are proposed:</p> <ul style="list-style-type: none"> <li>• Lot 1004 – 26.7%</li> <li>• Lot 1005 – 16.7%</li> <li>• Lot 1006 – 24.7%</li> <li>• Lot 1007 – 22.8%</li> <li>• Lot 1008 – 23%</li> </ul> <p>It is acknowledged the proposed dwelling designs do not comply with the minimum 50% landscape site coverage control.</p> <p>The non-compliance with the minimum landscape site coverage control is not considered detrimental to the proposal or built form outcomes. Each dwelling house design satisfactorily accommodates the minimum PPOS requirements while providing sufficient soft landscaped area to establish an embellished front setback that will positively contribute to the streetscape setting.</p> <p>It is further noted that the soft landscape site coverage requirement is high in comparison to that permitted to be delivered under the Greenfield Housing Code under Code SEPP, for which each dwelling design complies in full. All front, side and rear boundary setbacks comply with the specified requirements in the DCP.</p>	

#### 4.6.2 Proposed Variations to the Penrith DCP 2014

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.

Council's DCP provides circumstances where a variation may be considered, where the Applicant has demonstrated commitment to principles relevant to a particular development control. These matters have been considered and are addressed in detail throughout this SEE. This accords with the general position in section 4.15(3A)(b) of the EP&A Act whereby controls such as these are to be flexibly applied.

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.

It was also found in Commissioner Brown's decision at paragraph 32 of *Proust & Gardner Consulting Pty Ltd v Camden Council [2015] NSWLEC 1082*, that if a consent authority is satisfied that the objectives of the controls are achieved, a variation to those controls can be approved. In this case, Commissioner Brown found that there was justification for the variation and granted approval.

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. In the context of the proposal, the proposed variations to the passive and active recreation functions of the open space areas can be considered reasonable to address new and more detailed information about the site, particularly the precinct's stormwater drainage requirements, while ensuring that the planning outcomes are not significantly altered and the proposal remains integrated, sustainable and attractive within the context of the broader SWUV precinct

#### *Reasonableness of proposed variations*

The proposed variation to meeting the specified 50% landscape area site coverage requirement for build to boundary dwelling houses is not considered detrimental to the delivery of a satisfactory urban form. The design and siting of each dwelling achieves satisfactory levels of PPOS that are afforded high levels of solar access, and appropriate amenity will be delivered to each dwelling house.

The control should also be considered in the context of the controls under the Housing Code within the Code SEPP. The Housing Code within the Code SEPP provides minimum design requirements to allow development to proceed without the need for a DA, despite any controls within any other EPI or DCP. The controls provide minimum landscaping requirement of 15% for any future dwelling. It can be assumed that many of the dwellings within the surrounding locality will be constructed as Complying Development, and not require a DA to be submitted. The result is that several of the surrounding dwellings will have a landscaped area that is far less than the 50% control within the PDCP. The proposed development will therefore not be out of context with the surrounding locality.

The combination of the varied lot widths and one and two storey scale of the proposed dwellings will provide variety and interest within the streetscape and does not unnecessarily contribute to building bulk. Each dwelling design is supported by a landscape scheme that will provide opportunities for the establishment of complementary landscaping.

In view of the above, it is considered that the proposal is acceptable. Where the consent authority is of the opinion that the variations proposed under the DA are justified, they should have no hesitation in supporting the proposal.

## **4.7 Planning Agreements**

No VPAs apply to the site.

Notwithstanding, Lendlease 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.

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 2000

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 for the following reasons:

- The proposal is generally consistent with the planning controls for the Penrith LGA.
- The proposal will provide for the establishment of an exhibition village that will promote the form and character of the envisaged urban renewal for the broader property and in turn supports proposed future housing within a growing metropolitan city that is close to jobs and services, consistent with the Greater Sydney Commissions' '30 minutes cities' vision.
- The proposal responds to the site's opportunities and constraints.
- The proposal provides a coordinated approach to the site's urban renewal and delivery of that will positively contribute to the character of the developing locality.
- The proposal will positively contribute to the delivery of future social, environmental and economic benefits for the locality.

## 5 Conclusion

This DA seeks approval for the delivery of an exhibition village consisting of five (5) exhibition homes and a temporary car park. The proposal is over part of the site identified as Lot 1 DP 1226122, which is approved for subdivision under DA19/0704. The five (5) exhibition homes are sited on land described as proposed Lot 1004-1008 under DA19/0704. The proposed temporary car park is located on future Lot 1003. The proposal includes the delivery of the exhibition homes as part of the subdivision works for Stage 1A under DA19/0704, but prior to the registration of the relevant lots.

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.

As addressed in this SEE, the proposed variations to the minimum landscape area site coverage requirement is considered satisfactory in the context of the proposal, such that it is considered that the proposal meets the relevant objectives for the SWUV precinct contained in Council's DCP.

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



## APPENDIX A: APPROVED PLAN OF SUBDIVISION (DA19/0704)



## APPENDIX B: CIVIL PLANS



## APPENDIX C: BUILT FORM & LANDSCAPING DESIGNS (INCL BASIX)



## APPENDIX D: BUSHFIRE REPORT





## APPENDIX E: RFS GENERAL TERMS OF APPROVAL



## APPENDIX F: NOISE ASSESSMENT

