



STATEMENT OF ENVIRONMENTAL EFFECTS

**South Werrington Urban Village Exhibition
Village**

Proposed Lot 1068 in Lot 1 DP 1226122

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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 an Development Application (**DA**) lodged on behalf of Lendlease Communities (Werrington) Pty Ltd (**Lendlease**) seeking approval of an integrated housing DA comprising site preparation and bulk earthworks, new road construction and associated civil works, subdivision to create four Torrens title residential lots and one superlot over proposed Lot 1068 and construction of four dwelling houses.

This DA also seeks approval for the establishment and operation of an exhibition village and ancillary sales centre (i.e. Sales Pod) and carpark over the site and use of the four proposed dwellings as exhibition homes. Approval is also sought for the subsequent use of the four exhibition homes as dwelling houses following the cessation of the exhibition village operations and decommissioning of ancillary features.

This DA is also lodged in advance of amendments foreshadowed to DA 19/0704, which is intended to be amended to remove the proposed exhibition village component of that proposal.

The activity area of the proposal (i.e. the **site**) is located along the northern boundary of the large land holding, legally described as Lot 1 in Deposited Plan (**DP**) 1226122, 16 Chapman Street, Werrington.

The site is located within the South Werrington Urban Village (**SWUV**) Precinct of the Werrington Enterprise Living and Learning Precinct located within the Penrith Local Government Area (**LGA**). The land is intended to undergo significant transformation from its current vacant grassland state to urban purposes following the Precinct's rezoning.

The proposal is to be located within Stage 1C of Lendlease's residential estate and located adjacent to the proposed Central Reserve RE1 Public Recreation zoned open space that is proposed to be created under new DA recently lodged with Council (Planning Portal reference PAN-8932). Vehicle access to the site will be provided by the construction of minor local road that will be constructed as part of this DA, but dedicated to Council at a later date at the cessation of the proposed exhibition village. Residential lots proposed under this DA are proposed to be registered prior to the dedication of the new road, with vehicle access to the lots proposed to be facilitate by the creation of an easement providing right of public access over the road.

Works proposed under DA 19/0704 currently under the assessment of Penrith City Council (**Council**) include site preparatory works that propose vegetation removal from the property to facilitate its proposed urban renewal. These vegetation removal works extend across the subject site allow for works proposed under this DA to be undertaken and the exhibition village established. For abundant caution, this DA also seeks approval for the clearance of existing vegetation within the boundaries of the site (i.e. the activity area).

The proposal incorporates a variation to the minimum 50% landscape area site coverage control for build to boundary dwellings and proposes a minor variation to the envisaged typical road cross section design of minor local roads under the Penrith Development Control Plan 2014 (**Penrith DCP**).

The proposed variation to landscape area site coverage control is not considered to detrimentally impact on the built form outcomes proposed, with all four proposed dwellings achieving the minimum private open space area requirements and comply with all necessary setback controls.

The western verge of the road reserve is proposed to be narrowed adjacent to the Central Reserve and only one footpath provided within the eastern verge adjacent to the proposed exhibition homes to better accommodate stormwater drainage basin design requirements within the adjoining Central Reserve. The proposed variation is considered minor having regard to the master planned approach to the site's urban development and the benefits this will afford.

The proposed variations have been assessed against the relevant objectives in the Penrith DCP 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 for the betterment of future and residents of the community

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 complies 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 proposed Lot 1068 to be created under DA 19/0704. The land is currently registered as Lot 1 DP 1226122, 16 Chapman Street, Werrington and is located in the Penrith LGA.</p> <p>Council is currently assessing DA 19/0704 for the site which seeks approval for the staged subdivision to create 265 residential lots, 14 industrial lots, open space lots, 17 residue lots and road dedication. The proposed development is located within Stage 1C of the aforementioned DA</p>
Development	<p>This integrated housing DA seeks approval for the construction of four dwelling houses, subdivision and establishment and operation of an exhibition village comprising:</p> <ul style="list-style-type: none"> site preparatory and bulk earthworks, construction of a new minor local road and associated civil works subdivision to create four Torrens Title residential lots and one superlot and construction of four dwelling houses

Key issues	Comments
	<ul style="list-style-type: none"> establishment and operation of an exhibition village, including construction of a display centre and carpark, incorporating a Sales Pod and ancillary landscaping use of the four proposed dwellings as exhibition homes decommissioning of the exhibition village and exhibition homes use and their individual use as a dwelling house.
Use of 4 lots for exhibition homes	The exhibition homes are proposed over proposed Lots 1101-1104.
Construction of 2 exhibition homes	<p>The PLEP 2010 defines Exhibition village as:</p> <p><i>2 or more exhibition homes and associated buildings and places used for house and land sales, site offices, advisory services, car parking, food and drink sales and other associated purposes.</i></p> <p>Further, the PLEP 2010 defines Exhibition homes as:</p> <p><i>a dwelling built for the purposes of the public exhibition and marketing of new dwellings, whether or not it is intended to be sold as a private dwelling after its use for those purposes is completed, and includes any associated sales or home finance office or place used for displays.</i></p> <p>To meet the requirements of these definitions, this DA seeks approval for the construction of four exhibition homes on proposed Lots 1101 and 1104.</p> <p>The proposed exhibition homes will provide an opportunity for a mix of housing dwelling typologies in the marketplace and help deliver a more affordable housing product.</p>
Construction and use of temporary Display Centre, minor local road and car park	<p>Vehicle access to the proposed exhibition village will be provided by a new minor local road to be constructed as part of this DA. A total of 13 car spaces are proposed as part of the exhibition village.</p> <p>The proposed temporary carpark will provide off street parking with ingress and egress located along the proposed new minor local road and comply with the design requirements of Australian Standards (AS)2890.1 and Councils Engineering Guidelines.</p> <p>The proposed minor local road is proposed to be retained in Lendlease's ownership and an easement for right of public access created over the top to facilitate exhibition village operations. Following the cessation of the exhibition village, any necessary road upgrades/maintenance works will be completed prior to the proposed dedication of the road to Council.</p>
Decommission of use and temporary works	<p>At the cessation of the use, the temporary display centre and carpark will be removed, and the exhibition homes converted to residential dwellings.</p> <p>The consent should include any relevant requirements to facilitate the removal of these items at the time without the need for further separate approvals.</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

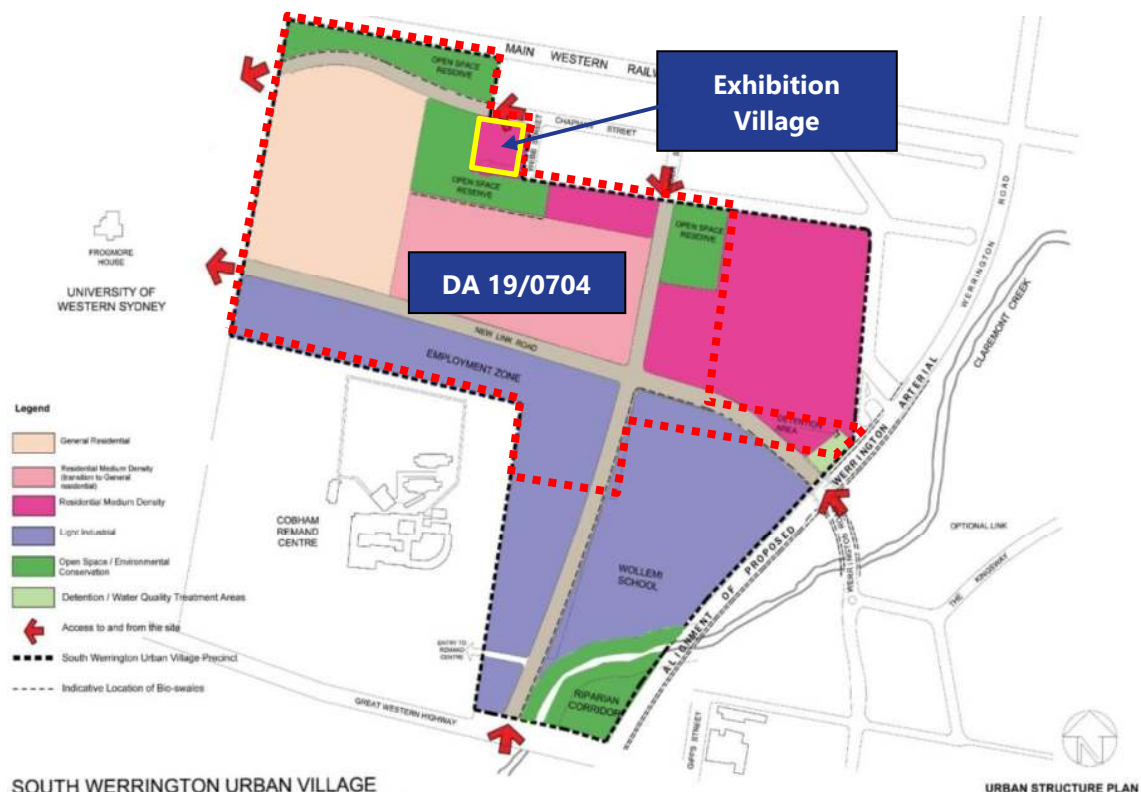
1.1 Background

GLN Planning Pty Ltd. has been commissioned by Lendlease to prepare this SEE. It accompanies an integrated housing DA seeking approval for bulk earthworks, new road construction and associated civil works, subdivision to create four Torrens title residential lots and one superlot and construction of four dwelling houses over proposed Lot 1068 over land at Lot 1 DP 1226122, 16 Chapman Street, Werrington.

This DA also seeks approval for the establishment and operation of an exhibition village and ancillary sales centre (i.e. Sales Pod) and carpark over the site and use of the four proposed dwellings as exhibition homes. Approval is also sought for the subsequent use of the four exhibition homes as dwelling houses following the cessation of the exhibition village operations and decommissioning of ancillary features.

The purpose of the proposed exhibition village is to provide key information and advice to customers regarding the sale and future development within Lendlease's proposed 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 R4 High Density Residential under PLEP 2010.



Source: Penrith Development Control Plan 2014

Figure 1 SWUV Structure Plan (site shown yellow)

The proposal is located within Stage 1C of Lendlease's proposed subdivision, consent for which is sought under DA 19/0704. The exhibition homes are to be located on proposed Lots 1101 to 1104, which are proposed over proposed Lot 1068 (see **Figure 2**). This proposal intends to supplement the developments identified in **Section 1.3**, by providing a high quality exhibition village that will promote and facilitate the future urban development of the site. The residential subdivision as proposed, will accommodate a walkable residential neighbourhood that is supported by local retail, community and recreational facilities in an environmentally sustainable manner.



Source: Cardno

Figure 2 Proposed (draft) DA 19/0704 plan of subdivision

1.2 Development History

In considering this DA, it is also important to have regard to the development history of the site, including the non-master planned approach to the site's urban renewal associated with the previous residential developments, approved residential density, diversity and infrastructure proposed.

Development applications relevant to the proposal are outlined further below.

1.2.1 16 Chapman Street, Werrington

Lendlease Communities (Werrington) Pty Ltd

- DA 19/0704 (under assessment) – Staged residential and industrial subdivision (as proposed to be amended following consultation with Council), comprising:
 - site preparation works, including site clearance, tree and vegetation removal
 - bulk earthworks and ground contouring, including sediment and erosion control measures

- construction of new roads and associated civil works, including the construction of the East-West Collector Road and a new roundabout on Werrington Road
- construction of new stormwater detention basins and stormwater network and associated infrastructure works
- staged subdivision of Lot 1 DP 1226122 and Lot 2 DP 1176624 into four proposed lots (i.e. proposed Lots 100, 101, 102 and 103) to create:
 - approximately 259 residential lots, approximately 16 residue residential lots and 14 industrial lots
 - 3 lots comprising the proposed Central Reserve and Eastern Park Basin RE1 Public Open Space areas and an E2 Environmental Conservation lot
 - a single residue lot to accommodate the future extension of Chapman Street west into UWS
- PAN-8932 (currently pending on the Planning Portal website) – 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 comprising:
 - 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 including Werrington Train Station through-site link connection.
 - 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.

DA 19/0704 continues to be assessed by Council and precedes this proposed DA and the recently lodged DA that propose the necessary site preparation works and bulk earthworks, stormwater drainage works and open space parkland embellishment works.

The proposed site layout and landscaping works proposed under this DA have been informed by the works proposed under DA 19/0704 and PAN-8932 to ensure an integrated subdivision and landscape design is delivered within the precinct.

Universal Property Group

- 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)).

The three previous 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 proposed RE1 Public Recreation zoned Central Reserve.

The approved 274 dwelling yield (or 359 with the addition of dual occupancy dwellings) was only planned to be serviced by a single detention basin located in the eastern RE1 Public Recreation zoned land. No other substantial infrastructure was proposed under these approvals that would benefit the SWUV precinct, including any landscape embellishment works to service the proposed residential density.

The approval strategy taken failed to provide a long term master planned outcome for the site or any certainty to the delivery of infrastructure required to unlock the SWUV precinct, including the final alignment and construction of the East-West Collector Road.

An unendorsed master plan prepared by Universal Property Group foreshadowed the delivery of a further 864 dwellings comprising of a mix of apartments and dual occupancy dwellings. This planned approach would have provided a total site yield up to approximately 1,200 dwellings, with no commitment to the delivery any further local road network upgrades, connection of the East-West Collector Road to Werrington Road or the delivery of the two identified open space areas.

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 construction of dwelling houses and the establishment and operation of an exhibition village comprising four exhibition homes and associated works. 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 Planning Panel for assessment. 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 and applies to all councils in the Greater Sydney Region and Wollongong. 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 \$705,000.

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'.

Notwithstanding the above, as the Applicant has offered to enter into a VPA with Council to offset any likely section 7.11 development contributions, the proposal is therefore considered to be sensitive

development under schedule 2, clause 4 of the Minister's Local Planning Panel Direction, dated 28 February 2018. Accordingly, local planning panel is the relevant consent authority for this DA.

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. Lendlease has elected to lodge the subject DA as 'Integrated development' pursuant to section 4.46 of the EP&A Act given the land the subject of this DA is mapped as bushfire prone land. The following is therefore required:

- A Bushfire Safety Authority is required to be obtained from the NSW RFS pursuant to section 100B(1) of the RF Act for *a subdivision of bushfire prone land that could lawfully be used for residential or rural residential purposes*. This DA should be referred to the NSW RFS for General Terms of Approval.

This DA is not considered to trigger any further potential for integrated approvals under section 4.46 of the EP&A Act given:

- No works are proposed requiring additional approval under the Heritage Act 1997,
- No works are proposed that would harm an Aboriginal object or place under the National Parks and Wildlife Act 1974 (NPW Act), and
- No works are proposed requiring approval under the Roads Act 1993 (Roads Act).

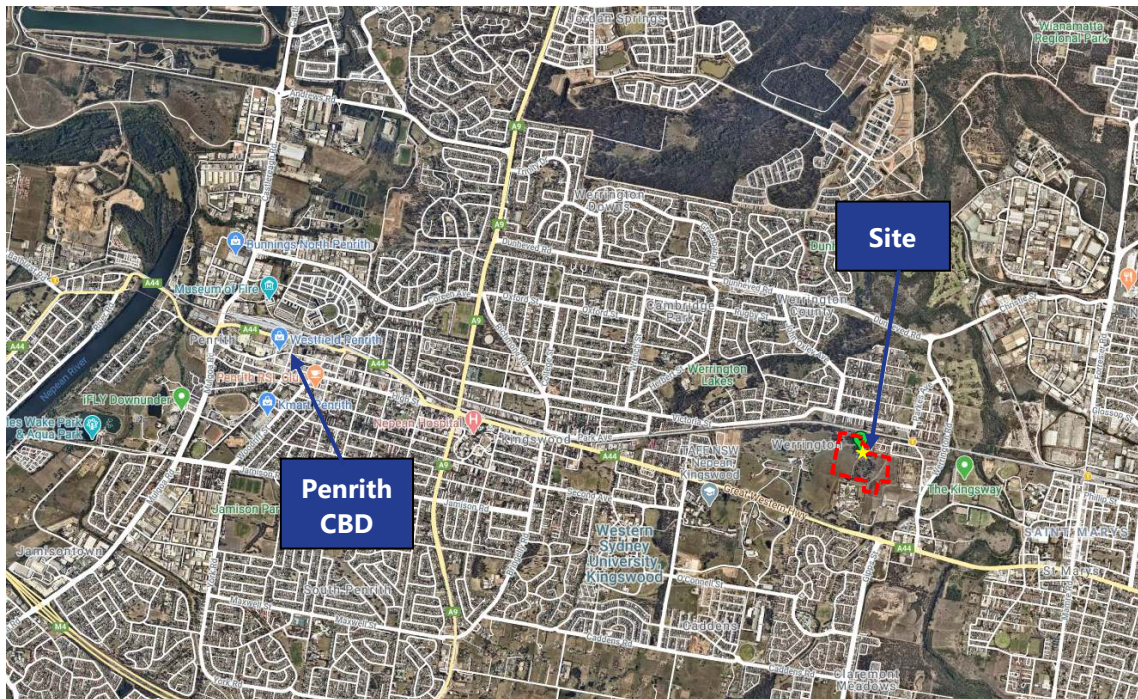
Section 4.2 of this SEE provided further discussion regarding integrated development matters.

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, 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.

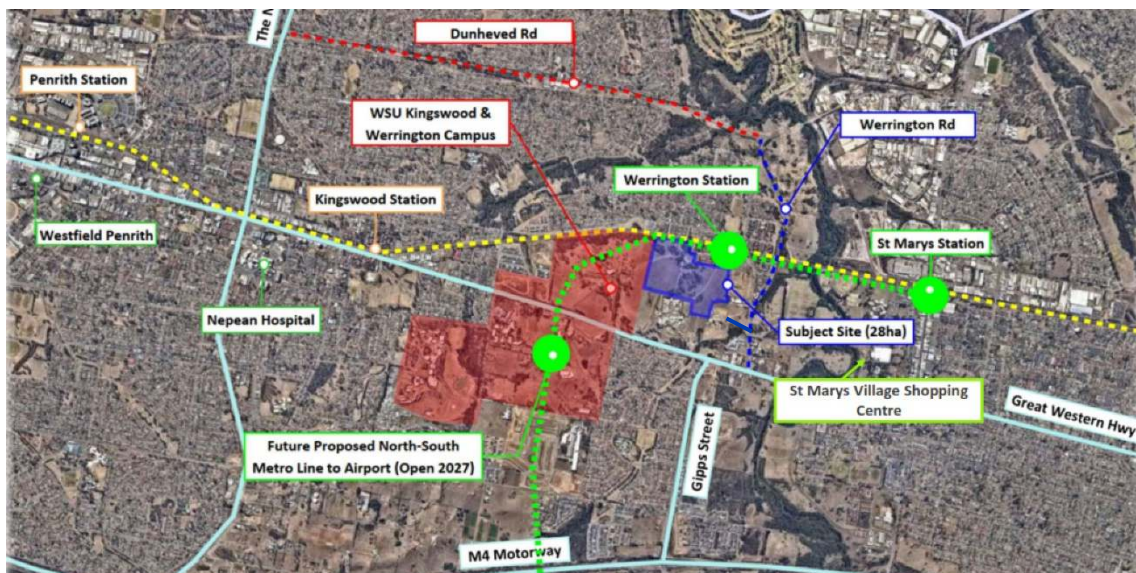
A vision for the SWUV Precinct was established through the Werrington Enterprise Living and Learning Strategy 2004 which is as follows:

'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 20m north of the site and the University of Western Sydney (UWS) Werrington North Campus is located to the west and a common boundary with 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

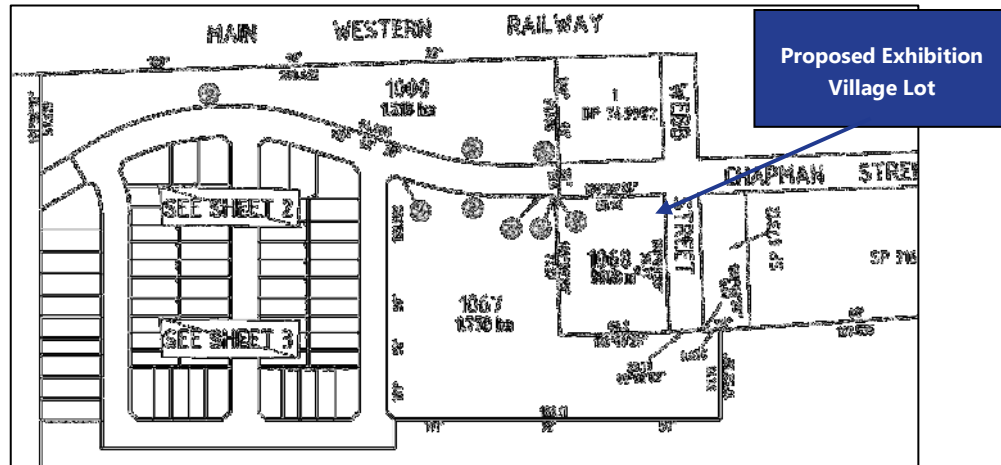
2.2 Site Description

The land the subject of this DA is legally described as Lot 1 DP 1226122, 16 Chapman street, Werrington. The site is known as proposed Lot 1068 that is proposed to be created under DA 19/0704 (see **Figure 5**).

The site is regular in shape and has a total area of 5,048m². While the broader property has several road frontages, the site comprises only one frontage to Chapman Street, measuring 60.96m. The site also has a secondary frontage to an unformed section of Webb Street. The site grades gently from the south western corner to the north eastern corner, adjacent to Chapman Street, falling approximately 1.25m (see **Figure 6**). The site is undeveloped and is predominantly covered in grasses and contains approximately 13 trees scattered across the site (see **Figure 7**).

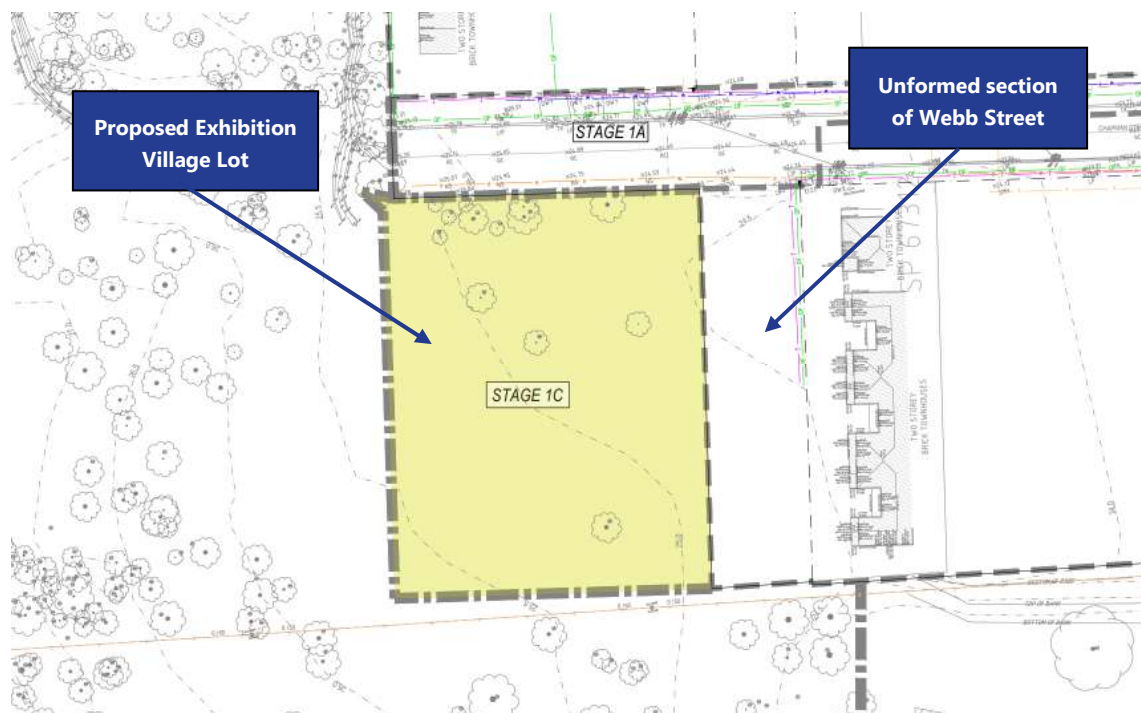
An Assessment of Significance previously undertaken by Niche Environment and Heritage Pty Ltd. (**Niche**) as part of DA 19/0704 concluded that the broader property comprises 6.6ha of Cumberland Plain Woodland (**CPW**) in two condition states:

- a relatively intact community in moderate condition, and
- a derived native shrubland form of the community.



Source: www.nearmap.com, 2019

Figure 5 Proposed plan of subdivision



Source: Cardno

Figure 6 Site Survey Extract



Source: www.nearmap.com, 2019

Figure 7 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 Surrounding Locality

The site is situated approximately 6.3km east of the Penrith CBD and is surrounded by the following features:

- To the north of the site is R3 Medium Density Residential zoned land, comprising a mix of low and medium density housing. Werrington Station on the Greater Western Rail line is located further north.
- Adjoining the site to the immediate west is the UWS Werrington North Campus, while the TAFE NSW Kingswood Campus is located approximately 1.8km southwest and the Nepean Hospital lies approximately 3.4km further to the west of the site.
- To the east of the site is the Kingsway regional recreational open space, with St Marys Village Shopping Centre beyond, 3.1km east of the site.
- Adjoining the site to the south is the Cobram Juvenile Justice Centre and Wollemi College. Claremont Meadows Public School lies approximately 1.5km south of the site and the new Caddens Hill residential estate lies approximately 2km to the southwest of the site.

2.4 Amenity

The proposed exhibition village and ancillary landscaping works have been designed to integrate with the landscape embellishment works proposed under the recently lodged DA for the development of the Central Reserve (adjacent to the site) and Eastern Basin Park.

The proposal has been designed to integrate with the broader subdivision of the property and contribute to the delivery of a sustainable and vibrant new residential community that will fulfil the vision of the SWUV Precinct.

2.5 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 integrated housing DA seeks approval for site preparatory and bulk earthworks, subdivision to create four Torrens title residential lots and one superlot and construction of four dwelling houses. Approval is also sought for the establishment and operation of an exhibition village over the site and use of the four dwellings as exhibition homes.

The proposal and the establishment and operation of the exhibition village is split into two stages as follows:

- **Stage 1 – Establishment**
 - Site preparatory works, including vegetation and tree removal and minor bulk earthworks to refine bulk earthworks proposed under DA 19/0704.
 - Construction of a new minor local road and associated civil works.
 - Construction of a new stormwater network and associated infrastructure works.
 - Subdivision of proposed Lot 1068 to create four Torrens title residential lots (i.e. proposed Lots 1101 to 1104) and one superlot (i.e. proposed Lot 1105).
 - Construction of four exhibition homes on proposed Lots 1101 to 1104.
 - Construction of a temporary display centre and car park, comprising Sales Pod and ancillary exhibition village landscaping.
 - Operation of the exhibition village for a period up to 2 years.
- **Stage 2 – Decommissioning**
 - Decommissioning and demolition of the temporary carpark.
 - Decommissioning of the temporary display centre, including Sales Pod and associated landscaping.
 - Decommission of each exhibition home and change of use for their subsequent use as a dwelling house.

A summary of the different aspects of this development are outlined in the following sections.

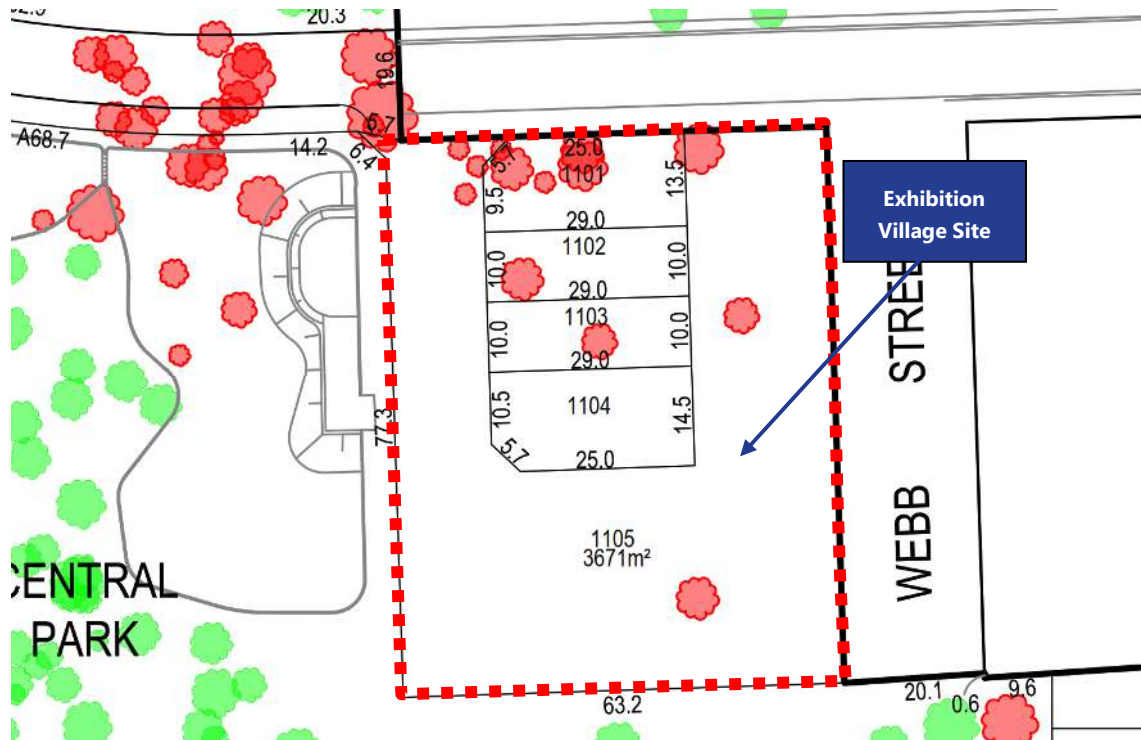
3.1 Site Preparation and Bulk Earthworks

3.1.1 Site preparation works

Consent is currently sought under DA 19/0704 for vegetation and tree removal works which extend across the subject site. For abundant caution, consent is also sought for site clearance works and the removal of 13 existing trees from within the boundary of the site (see **Figure 8**).

During site preparation works, appropriate measures will be implemented on site to minimise the off-site transfer of dust, air quality and noise impacts by:

- erecting construction fencing along the perimeter of the site to prevent access and minimise the transfer of noise emissions during site works
- ensuring all material removed from the site is recycled or taken to a licensed waste facility.



Source: Cardno

Figure 8 Proposed tree removal

3.1.2 Bulk earthworks

Minor bulk earthworks are proposed that include cut up to approximately 0.5m and fill up to approximately 1.5m that will create a balanced outcome where the stormwater drainage requirements of the locality are addressed while offering level developable residential allotments.

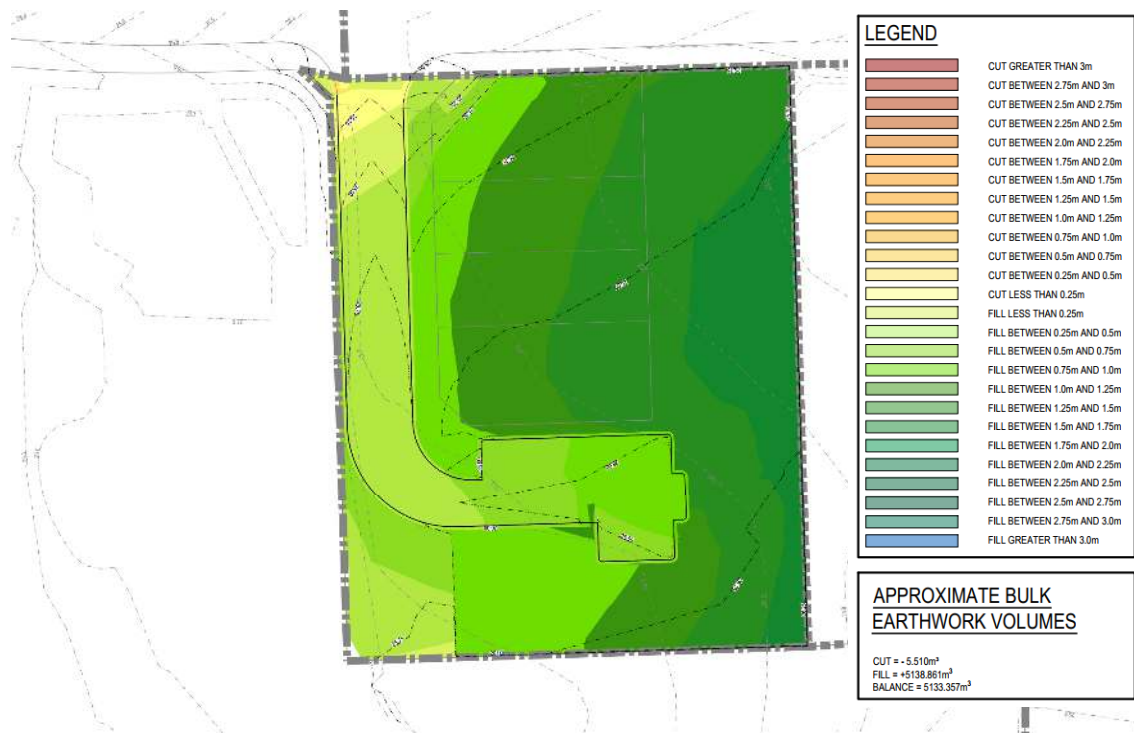
A total of 5,510m³ of cut and 5,138.861m³ of fill is proposed, requiring the importation of a balance of 5,133.357m³ of material (see **Figure 9**). The extent of fill required has been dictated by the existing topography and the requirement to ensure the site is safely drained to the designated stormwater detention basin located to the west of the site.

Further details of the proposed extent of cut and fill and proposed site levels are detailed in the Civil Works Plans (**Appendix A**).

To ensure imported fill is appropriate for reuse in residential applications, a Fill Management Protocol (**FMP**) had been previously by Douglas Partners for the broader site under DA 19/0704, including works anticipated under this DA. A copy of Douglas Partners FMP is reproduced at **Appendix B** and details the requirement for any fill imported to be either virgin excavated material (**VENM**) or excavated natural material (**ENM**). In addition, all material imported, and their sources, will be required to be:

- validated as being suitable, from a contamination standpoint, for use on residential sites

- appropriately tested, particularly for use in the top 2m on site
- approved by Lendlease and their nominated environmental consultant on a case by case basis prior to its acceptance on-site
- not contain particle sizes greater than 150mm to avoid issues during site compaction.



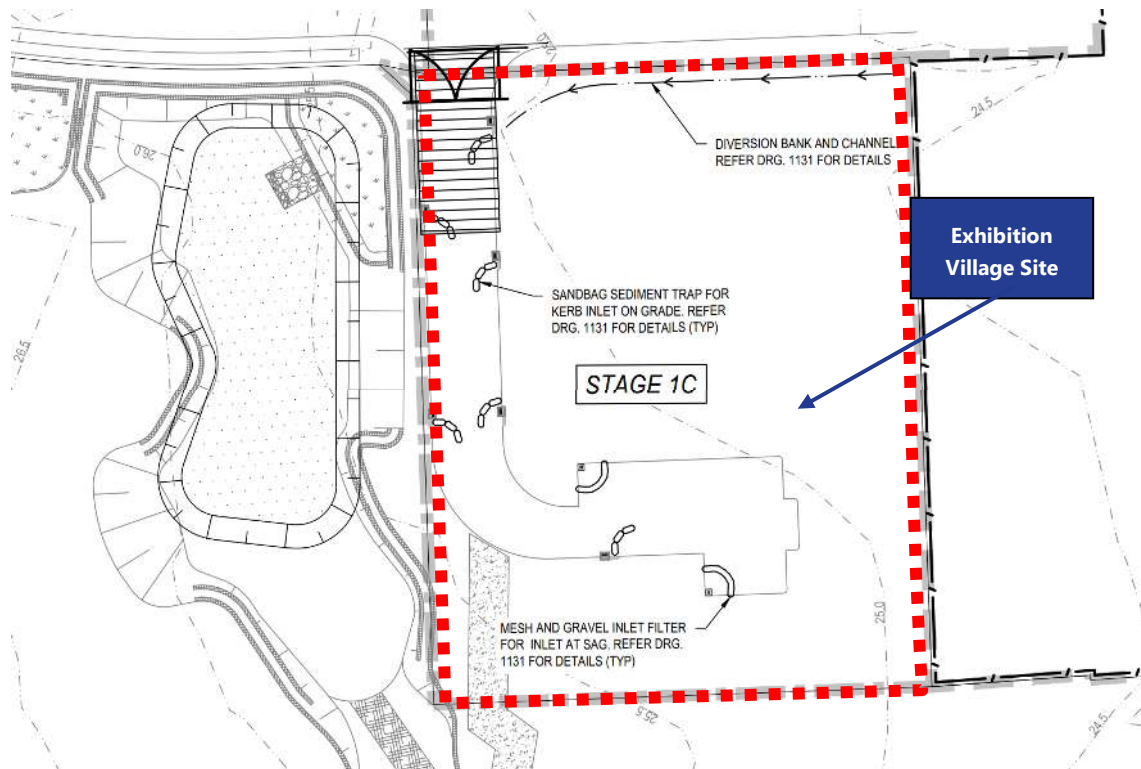
Source: Cardno

Figure 9 Extent of proposed cut and fill

3.1.3 Sediment and erosion control

During the earthworks, and ongoing use of the site, appropriate sediment and erosion control measures will be implemented and maintained by Lendlease. As illustrated in **Figure 10** and in the Civil Works Plans (**Appendix A**), measures 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: Cardno

Figure 10 Extract of Erosion and Sediment Control Plan

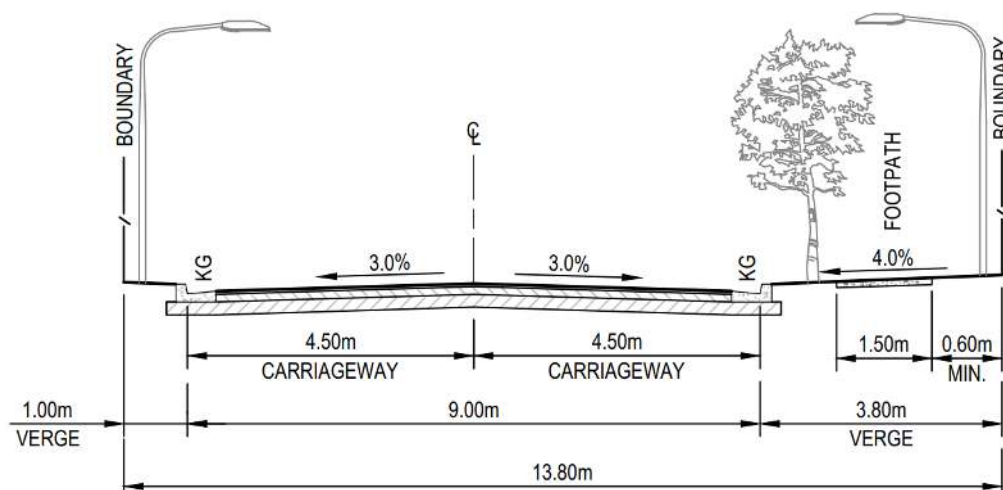
3.2 Road and Civil Works

3.2.1 Minor local road

The proposal includes the construction of a new minor local road along the western site boundary adjacent to the future proposed Central Reserve. The proposed road works will include the delivery of the appropriate services and stormwater drainage works.

The proposed new road has been designed to tie into proposed upgrade works on Chapman Street, proposed under DA 19/0704 and will facilitate access to the proposed exhibition village. The design will accommodate a 13.8m road reserve that comprises a 9m wide carriageway and 3.8m verge, including 1.5m wide footpath, along the eastern edge of the road adjacent to the exhibition homes and reduced 1m verge along the interface with the proposed Central Reserve parkland open space (see **Figure 11**).

A minor variation is proposed to design shown in Section E12 of Penrith DCP for a minor local road, with a reduced 1m wide verge proposed on the western edge and only one footpath provided on the eastern edge. The reduced verge width along the western edge and absence of a footpath will not adversely impact on pedestrian amenity within the locality, with the pedestrian path of travel designed to link from the Central Reserve through-site link north towards Chapman Street. Directing pedestrian movements along the eastern edge of the road reserve will help increase levels of surveillance along the site frontages of future residential dwellings.



Source: Cardno

Figure 11 Proposed minor local road

3.2.2 Retaining Walls

As detailed in the Civil Works Plans at **Appendix A**, a continuous retaining wall is proposed around the proposed residential lots and to the south around the proposed siting of the Sales Pod (see **Figure 12**). The proposed retaining wall will facilitate the filling works required to grade the site towards the stormwater basins located adjacent in the Central Reserve.

The height of the proposed retaining wall varies across its length, ranging between approximately 250mm and 1550mm.

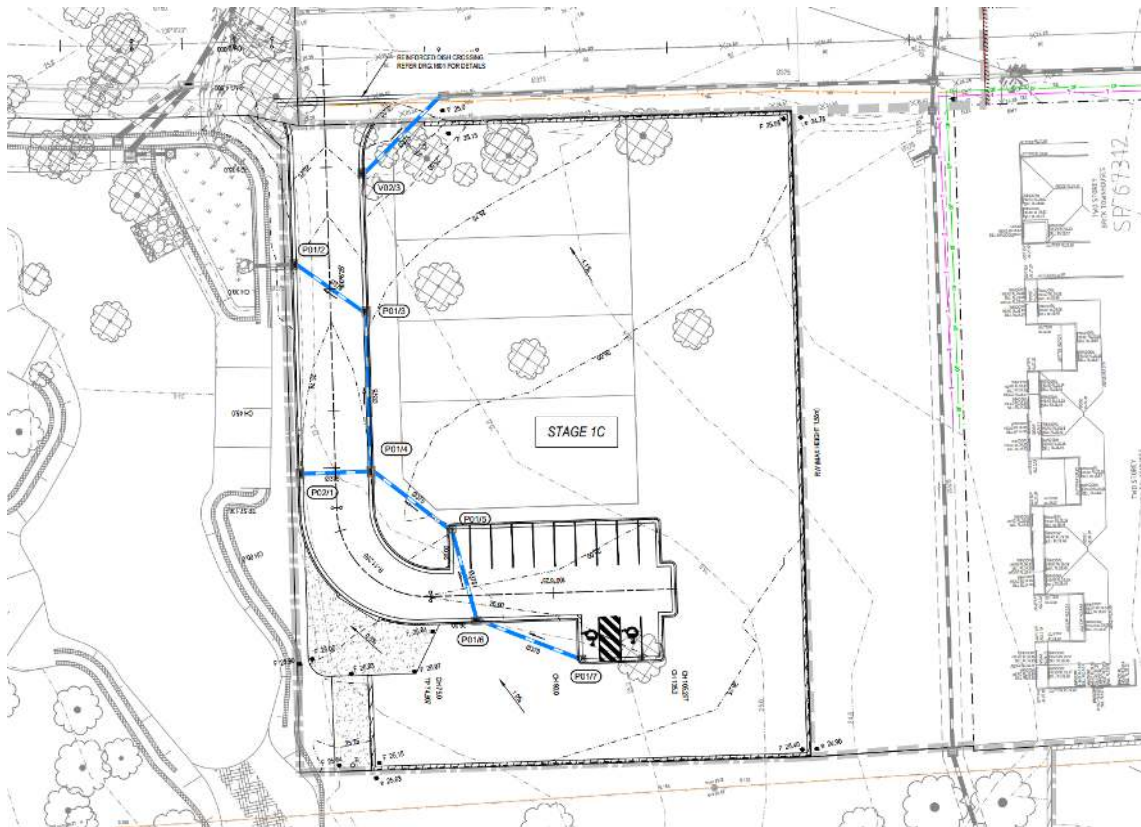
3.3 Stormwater Management

3.3.1 Stormwater drainage

The exhibition village has been designed to convey minor 20% AEP and major 1% AEP stormwater flows safely through the site into the adjoining stormwater basin in the Central Reserve that will ultimately discharge into the stormwater drainage network within the local road network in Chapman Street accordance with Council's Design Guidelines for Engineering Works for Subdivisions and Developments.

This stormwater basin has been proposed to be permanently established within the Central Reserve adjacent under DA 19/0704 and will provide both stormwater detention and bio-retention functions during storm events. **Figure 12** illustrates the proposed location of stormwater drainage network, which are provided in more detail in the Civil Works plans (see **Appendix A**).

The proposed exhibition homes have been designed to connect into the proposed stormwater network to be delivered in the new minor local road at the front of each residential lot. In accordance with the requirements under *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 (BASIX)* a portion of runoff from the proposed exhibition homes will be directed into rainwater tanks required to be delivered, reducing the load discharged into Council's proposed and existing network.



Source: Cardno

Figure 12 Proposed stormwater drainage and retaining walls

3.4 Subdivision

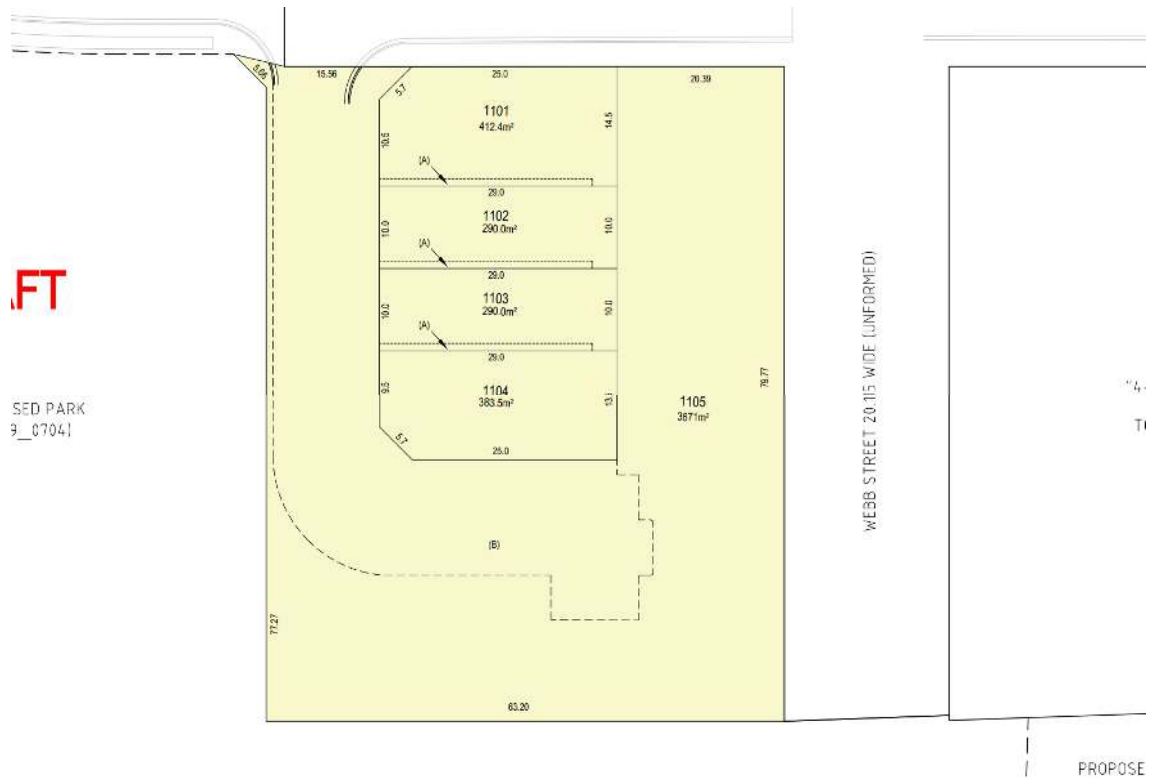
This DA seeks approval for the subdivision of proposed Lot 1068 in Lot 1 DP 1226122 as follows:

- creation of four Torrens title residential lot, being proposed Lot 1101 to 1104, inclusive
- creation of one superlot, being proposed Lot 1105

As illustrated in **Figure 13**, the proposed subdivision playout provides for four new residential lots ranging in site area between 290m² and 412.4m², with lot frontages between 10m and 14.5m. The proposed residential lots have been designed to accommodate future build to boundary dwellings and comply with the minimum lot size range and lot frontage range provided in Section E12 of Penrith DCP. The proposed size of the residential lots proposed will contribute to the broader range of residential lots proposed under DA 19/0704 that provides a diverse range of opportunities.

The proposed residential lots will be dedicated forward of the new minor local road being dedicated to Council. To facilitate vehicle access, particularly during the operation of the proposed exhibition village, the new minor local road is proposed to facilitate restricted access control to the site. As such, proposed Lot 1105 is proposed to incorporate an easement over the footprint of the proposed new road, and associated exhibition village car park, that creates a right of public access (see **Figure 13**). Upon cessation and decommissioning of the exhibition village, the proposed minor local road is planned to be subsequently dedicated to Council.

The proposed plan of subdivision provided at **Appendix C**.



Source: Cardno

Figure 13 Proposed plan of subdivision of proposed Lot 1068

3.5 Exhibition Village

3.5.1 Exhibition village

This DA seeks approval for the establishment and operation of an exhibition village over the site, including the construction of a temporary display centre that incorporates a Sales Pod, a 13 space car park and associated landscaping (see **Figure 14**). Development consent is also sought for the construction of four exhibition homes (see **Section 3.5.2**) in accordance with the PLEP 2010 definition of an exhibition village which must comprise two or more exhibition homes.

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. The Sales Pod is intended to accommodate three sales staff. Access to the exhibition village will be provided via the proposed new minor local road that will service the proposed 13 space car park, sited nearby the proposed Sales Pod.

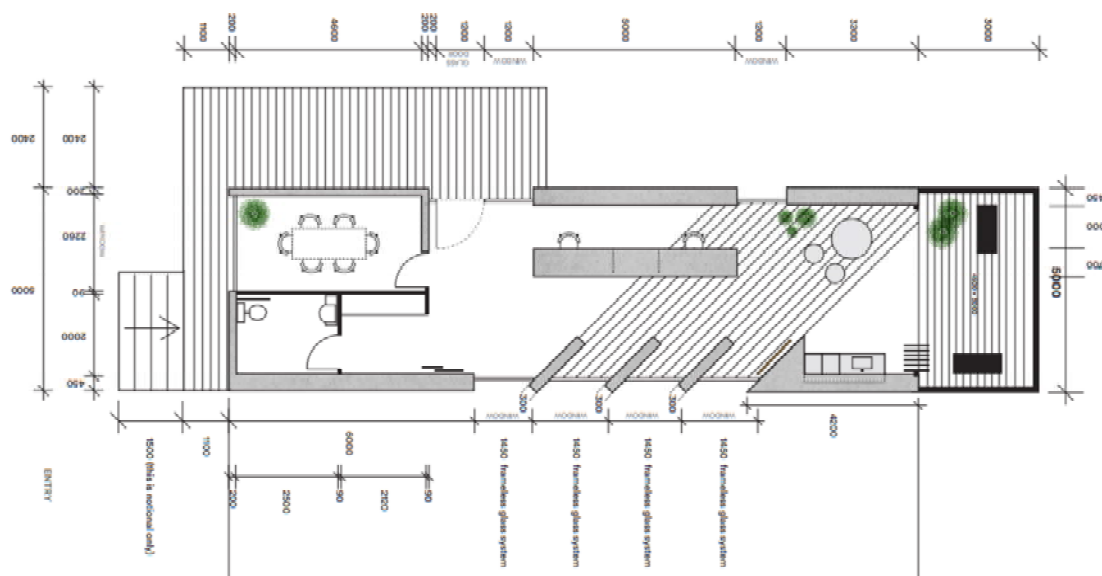
Approval is also sought for a proposed ancillary Sales Pod that will provide general amenities and sales functions associated with the operations of the proposed exhibition village. The Sales Pod comprises of a prefabricated structure that has an internal gross floor area of 32m² and building height of approximately 4.6m above the finished ground level. The proposed Sales Pod will be sited within a bushland landscape surrounds to help integrate the structure with the proposed setting. Internal layout and design of the Sales Pod is illustrated in **Figure 15** to **Figure 17**. It is intended to be an ordered, clear and attractive environment in which the public can move freely and safely.

Details of the proposed Sales Pod and landscape design for the proposal are set out at **Appendix D**.



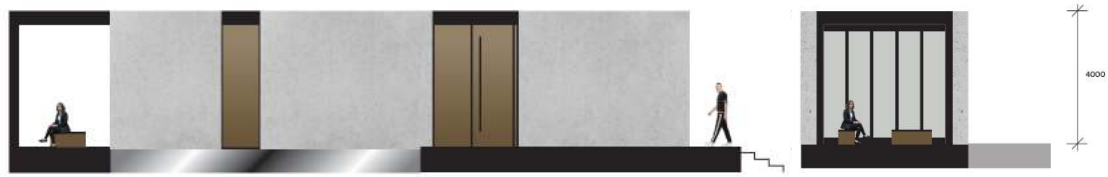
Source: Place Design Group

Figure 14 Layout of exhibition village



Source: Zebra Creative

Figure 15 Proposed Sales Pod floor plan



Source: Zebra Creative

Figure 16 Proposed Sales Pod – South East and South West Elevations

Source: Zebra Creative

Figure 17 Proposed Sales Pod – Section A

3.5.2 Exhibition homes

This DA seeks development consent for an integrated housing approval for the construction of four new dwellings on proposed Lots 1101 to 1104. Approval is also sought to use each dwelling house as an exhibition home.

The use of each dwelling as an exhibition home is temporary and linked to the proposed exhibition village use. As defined under PLEP 2010, each exhibition home may include associated sales and home finance office or place which is typical of an exhibition home.

Following the cessation of the proposed exhibition village land use, the proposed use of the dwellings as exhibition homes is also proposed to cease and their use is proposed to revert a dwelling house.

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. The dwellings are comprised of 4 bedrooms and are of single and double story 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 identifying entrances to each of the dwellings. All proposed residential lots will ultimately have access directly to the proposed minor local road with driveway access to be provided prior to the dwellings being used as exhibition homes.

Architectural Plans for the proposed dwellings are provided in **Appendix E**, including details of dwelling type, site coverage, setbacks 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 1101	Lot 1102	Lot 1103	Lot 1104
Minimum Lot Size (230m ² – 450m ²)	412.4	290	290	383.5
Minimum Lot Frontage (9.5m – 15m)	14.5	10	10	13.5
Minimum POS Area (40m ²)	Yes	Yes	Yes	Yes
Minimum POS Dimension (4m)	Yes	Yes	Yes	Yes
Landscaping Site Coverage (50% of total site area)	No 3965% or 152.05m ²	No 28.46% or 82.55m ²	No 22.6% or 65.6m ²	No 27.3% or 106.6m ²
Front setback (4.5m)	Yes – 4.5m	Yes – 4.5m	Yes – 4.5m	Yes – 4.5m
Secondary frontage setback (2m)	Yes – 3.535m	N/A	N/A	N/A
Side setback (0m – defined boundary and 900mm)	Yes – 1.2m (southern)	Yes – 0m (northern) and 960mm (southern)	Yes – 0m (northern) and 1.53m (southern)	Yes – 0m (northern) and 2.531m (southern)
Rear setback (non-northern orientation) <ul style="list-style-type: none"> Ground floor (4m) Upper floor (6m) 	Ground floor No – 3.417m	Ground floor Yes – 7.95m Upper floor Yes – 10.19m	Ground floor Yes – 6m Upper floor Yes – 10.35m	Ground floor Yes – 4m
Garage setback to rear lane/secondary frontage (0m)	N/A 5.5m to the street proposed.	N/A 5.5m to the street proposed.	N/A 5.5m to the street proposed.	N/A 5.5m to the street proposed.

3.6 Exhibition Village Decommissioning

Upon cessation of the exhibition village, display centre and associated works, the structures and facilities will be decommissioned. This DA seeks to include the removal of all facilities once the exhibition village is no longer required.

Approval is also sought for the proposed exhibition homes to revert back to a dwelling house and appropriate conditions of consent are requested to be included within any determination issued to address the decommissioning works to avoid the need for any future demolition application. These works would include:

- removal of the display centre and associated structures and any sales office fixtures and fittings for exhibition homes
- removal of the carpark to prepare the site for future development.

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.

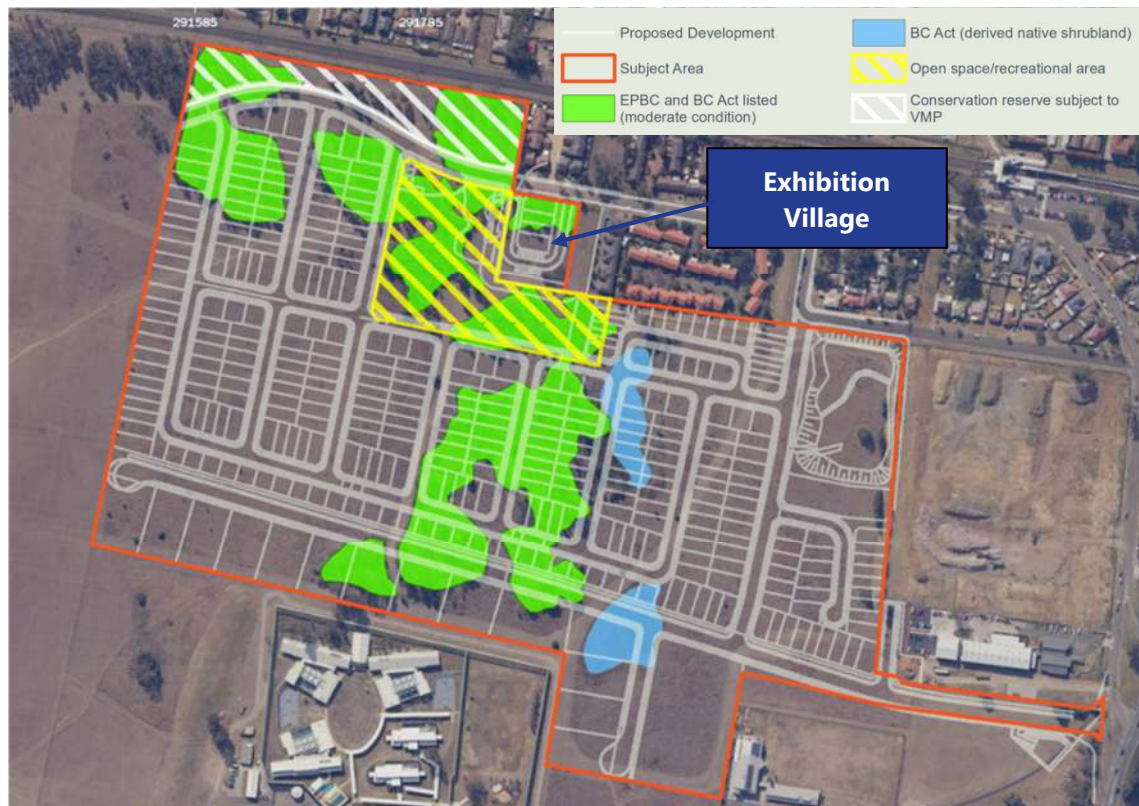
In accordance with the BC Act, consideration as to whether the proposal is likely to significantly affect threatened species or ecological communities, or their habitats is required according to the test outlined in section 7.3 of Part 7 of the BC Act.

The broader site area, being 16 Chapman Street, Werrington, comprises a total of 6.6ha of CPW, a critically endangered ecological community under the BC Act. Niche's original significance assessment, which accompanied DA 19/0704, outlined that the existing CPW on 16 Chapman Street forms part of a larger local occurrence approximately 15.3ha in size.

DA 19/0704 proposes the retention and protection of 1.6ha of CPW, consisting of 0.7ha within the E2 Environmental Conservation Reserve (i.e. proposed Lot 1000) and 0.9ha within the proposed site boundary of the proposed Central Reserve parkland. Niche noted that the majority of moderate quality habitat will be protected in accordance with the conservation zoning of proposed Lot 1000, while CPW within the Central Reserve would be protected in accordance with recommended mitigation measures outlined in its VMP accompanying the recently lodged open space DA (Planning Portable website reference PAN-8932).

Niche concluded that the proposed removal of approximately 5ha of CPW sought under DA 19/0704 from the broader local occurrence would not have an adverse impact on either the extent or composition of CPW. A copy of Niche's previous significance assessment is provided for information

at **Appendix F. Figure 18** illustrates the extent and quality of vegetation across the site in the context of the proposed exhibition village and the proposed subdivision DA.



Source: Penrith City Council, 2014

Figure 18 Cumberland Plain Woodland Location Context

As previously outlined, consent for vegetation and tree removal, including existing vegetation on the subject site, is sought under DA 19/0704.

Notwithstanding and for abundant caution, approval is also sought for the removal of vegetation and 13 existing trees from the site. Accordingly, additional consideration of the proposed removal of the existing vegetation is provided to determine whether the Biodiversity Offsets Scheme (**BOS**) applies. The BOS applies where:

1. the specified thresholds are triggered (i.e. vegetation proposed to be cleared exceeds an area threshold or is mapped on the Biodiversity Values Map), or
2. the proposed development is likely to significantly affect threatened species based on the test of significant under section 7.3 of the BC Act.

In the first test, it is noted that vegetation proposed to be removed constitutes less than 2,500m² in the context of the site which has an area of less than 1 ha. The vegetation, however, is mapped on the Biodiversity Values Map (**BV Map**) as having high biodiversity value. Notwithstanding, land proposed to be developed does not exceed the BOS threshold if the land was already subject of a planning approval prior to the land being added to the BV Map.

In this regard, it is noted that the LEC previously granted consent to DA 16/0789 on 1 November 2017 for the development of the subject site for three residential flat buildings containing 95 units, site

clearance works, basement car parking, drainage and landscape works. The BOS therefore does not apply having regard to the first test.

Regarding the second test, consideration is provided in **Table 3** whether the proposal is likely to have a significant affect on the existing threatened species on the site.

Table 3 Consideration of section 7.3, Part 7 of the BC Act

Section 7.3	Comment
a. In the case of a threatened species, whether the proposed development or activity is likely to have an adverse effect on the life cycle of the species such that a viable local population of the species is likely to be placed at risk of extinction.	N/A
b. In the case of an endangered ecological community or critically endangered ecological community, whether the proposed development or activity – <ul style="list-style-type: none"> i. Is likely to have an adverse effect on the extent of the ecological community such that its local occurrence is likely to be placed at risk of extinction, or ii. Is likely to substantially and adversely modify the composition of the ecological community such that its local occurrence is likely to be placed at risk of extinction. 	<p>Existing CPW that occurs within the broader site property boundary totals 6.6ha that occurs in a number of distinct, loosely connected patches running from the north-west and through the central and southern portion. The patches are surrounded in the south, east and west by cleared exotic grassland.</p> <p>Vegetation removal required to facilitate the proposed exhibition village on the site the subject of this DA constitutes approximately 0.13ha of the extent of existing CPW, representing approximately 2% of the total extent.</p> <p>The existing 6.6ha of CPW across the broader property forms part of a larger occurrence of the CPW community that also comprises 8.7ha of vegetation in the adjoining UWS site that extends to the west across the northern boundary its site.</p> <p>It is therefore considered that the proposed removal of 0.13ha of CPW vegetation under this DA is unlikely to have an adverse effect on either the extent of composition of existing CPW.</p>
c. In relation to the habitat of a threatened species or ecological community – <ul style="list-style-type: none"> i. The extent to which habitat is likely to be removed or modified as a result of the proposed development or activity, and ii. Whether an area or habitat is likely to become fragmented or isolated from other areas of habitat as a result of the proposed development or activity, and iii. The importance of the habitat to be removed, modified, fragmented or isolated to the long-term survival of the species or ecological community in the locality. 	<p>As outlined by Niche, the local occurrence of CPW equates to approximately 15.3ha. Approximately 3,223ha of CPW is mapped as occurring within 10km of the site (OEH 2015). This is also likely to be an over-estimate as aerial mapping imagery indicates that some areas identified as supporting CPW are cleared/have been developed.</p> <p>Approximately 0.13ha of CPW would be directly impacted by the proposal. This constitutes about 2% of existing CPW on the property, 0.85% of the local occurrence of the community and only 0.004% of that mapped within the 10km of the site.</p> <p>Notwithstanding, 0.7ha would be retained, protected and managed within the 1.2ha E2 zoned Environmental Management Reserve to the north of the site and a further 0.9ha of CPW would be</p>

Section 7.3	Comment
	<p>retained, protected and managed within the 1.8ha Central Reserve open space area.</p> <p>The existing CPW habitat contains a number of distinct patches, with vegetation proposed to be removed under this DA loosely connected to the existing vegetation located within land zoned Re1 Public Recreation and E2 Environmental Management. The existing alignment of Chapman Street creates a disconnection between these areas and the proposed small amount to be removed is not considered to further fragment the local occurrence or result in the creation of isolated areas.</p> <p>The existing CPW vegetation is categorised as being in moderate condition, though is still likely to support the broader diversity of the locality. Notwithstanding, in the context of the extent of vegetation proposed to be removed by this DA and that which is proposed to be retained under DA 19/0704, this proposal is not considered to impact on the long term survival of the CPW community.</p>
d. Whether the proposed development or activity is likely to have an adverse effect on any declared area of outstanding biodiversity value (either directly or indirectly),	N/A
e. Whether the proposed development or activity is or is part of a key threatening process or is likely to increase the impact of a key threatening process.	<p>The proposal does not constitute a key threatening process, though may increase the impact of such processes due to the increase of human activity within the immediate locality of the broader CPW community and invasion of native plant communities by exotic species.</p> <p>Notwithstanding, a comprehensive VMP has been prepared and submitted with the recently lodged open space DA that outlines detailed mitigation and management measures to ensure existing CPW vegetation retained within the Central Reserve and E2 Environmental Conservation Reserve are protected and enhanced. This includes installation of appropriate fencing to deter unwarranted human entry and the regular management of weeds and exotic species.</p> <p>Accordingly, it is considered that any potential threatening processes can be managed to ensure no further harm comes to the CPW vegetation community proposed to be retained.</p>

As such, the proposal is considered unlikely to have a significant impact on the CEEC.

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 4 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 4 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>	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'. Subdivision works are proposed as part of this proposal and therefore a bush fire safety authority is required to be obtained. Accordingly, the DA is to be referred to the RFS to obtain GTAs. A Bushfire Assessment Report has been prepared for the site by Building Code and Bushfire Hazard Solutions (BC&BHS) (refer to Appendix G) that identifies the necessary Bushfire Protection Measures, asset protection zones and BAL construction standards required to meet the requirements of <i>Planning for Bushfire Protection 2006 (PBP)</i> .	Yes
<i>Water Management Act 2000</i>	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
<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 19**).



Source: Penrith City Council, 2014

Figure 19 Extract from Penrith City Council's Bushfire Prone Land Map

BC&BHS has prepared a comprehensive Bushfire Assessment Report (**Appendix G**) that provides 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 minimum required APZs were determined from Table A2.4 of PBP 2006 to be 10m to the south, west and northwest. The closest available dwelling footprint was found to be located >31m from the hazard interface to the south, >41m from the hazard interface to the west and >25m from the hazard to the northwest. BC&BHS's Bushfire Assessment Report identifies the proposed development exceeds the minimum required APZ under PBP 2006 through the separation from the hazard interface with the existing Chapman Street, proposed internal road and carparking and proposed maintained basins. Noting all proposed allotments will be maintained in accordance with the APZs.

The highest Bushfire Attack Level (**BAL**) to the proposed exhibition homes were determined from Table 2.4.2 of Australian Standards (**AS**) 3959 'Construction of buildings in bushfire-prone areas' 2009 to be BAL 19 for proposed Lot 1101 and BAL 12.5 for proposed Lots 1102-1104. In accordance with section 3.5 of AS3959 the eastern and southern elevations of the proposed exhibition home within Lot 1101 can be downgraded to BAL 12.5 due to shielding.

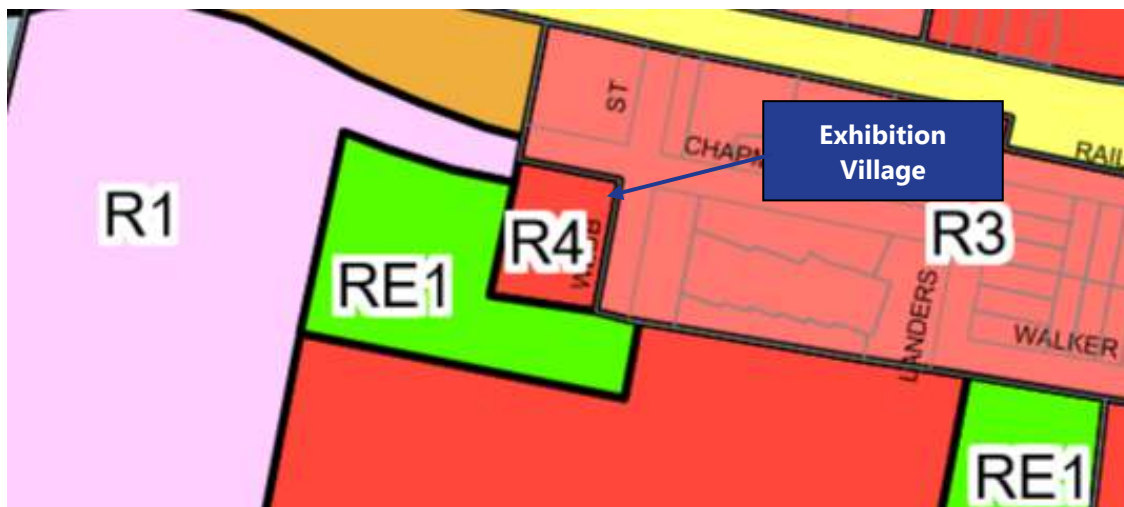
The proposed Sales Pod structure is a class 6 classification under the National Construction Code and does not provide any bushfire specific performance requirements for Class 5 to 8 structures and as such AS3959 'Construction of buildings in bushfire-prone areas' 2009 does not apply as a set of 'deemed to satisfy' provisions.

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. The proposed exhibition village is located on land zoned R4 High Density Residential (see **Figure 20**).

The proposed exhibition village, ancillary sales pod and car park and four exhibition homes are permissible with consent in the R4 High Density Residential zone. Detailed consideration of the relevant clauses in PLEP 2010 is provided in **Table 5** below.



Source: PLEP 2010

Figure 20 Land Use Zoning Map

Table 5 Assessment Against PLEP

Clause	Comment	Comply
Part 1 - Preliminary		
CI 1.2 Aims of Plan	The proposal is consistent with the aims of the Plan as it:	Yes

Clause	Comment	Comply
	<ul style="list-style-type: none"> 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 supports the accommodation of a growing Penrith LGA by displaying a range of potential housing choices to promote greater housing diversity within the locality provides for the urban renewal of a vacant land within the SWUV precinct that is close to existing infrastructure and services 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 provides a coordinated approach to the management of stormwater to safeguard the locality from any potential hazards during storm events incorporates the principles of ecologically sustainable development and proposes residential development that complies with the relevant BASIX's sustainable targets. 	
Part 2 - Permitted and Prohibited Development		
CI 2.3 Zone objectives and land use table	<p>Developable land within the site is zoned R4 High Density Residential.</p> <p>The Applicant seeks consent for the subdivision land, construction and operation of an exhibition village, construction of four exhibition homes and ancillary site preparation and bulk earthworks, road construction and associated civil works.</p> <p>All works are permissible with consent in the zone under the gazetted land use table.</p>	Yes
CI 2.6 Subdivision – consent requirements	This DA seeks development consent for subdivision.	Yes
Land Use Table		
Zone R4 High Density Residential	<p>The proposal is consistent with the R4 High Density Residential zone objectives as follows:</p> <ul style="list-style-type: none"> the exhibition homes will contribute to the diversity of housing within a high density residential environment it proposes other land uses (i.e. exhibition village and exhibition homes) that will promote the urban renewal of the SWUV locality the site design and layout will afford a high level of amenity and encourage the provision of affordable housing it reflects the proposed and desired future character and dwelling densities of the locality. <p>The proposed siting of the exhibition village was developed in consultation with Council and responds to the masterplan framework for the site.</p> <p>The location and density of residential land uses in the context of previous approvals granted over the site and adjacent at 25 Rance</p>	Yes

Clause	Comment	Comply
	<p>Road were reviewed with the aim of providing a more considered approach to the delivery of high density residential development within the site.</p> <p>Accordingly, the Applicant does not propose to pursue the previously approved residential apartment building over the site. Instead, it is proposed to establish a high density residential residue lot at the southern boundary of the proposed Eastern Basin Park within Stage 3 of the Applicant's subdivision proposal under DA 19/0704.</p> <p>In the broader context of the proposal, the proposed masterplan framework for the property seeks to deliver a range of high density residential opportunities that provide an improved transition towards the north to Werrington Station and potential residential apartment building development(s) to be delivered at 25 Rance Road adjacent to the east.</p> <p>A total potential residential yield of approximately 235 dwellings can be accommodated within the R4 zoned land across the, inclusive of future development of proposed residue allotments for a higher density of residential development. This prospective residential yield and resultant density is considered to be in keeping with the minimum 184 dwelling yield prescribed in Council's DCP.</p>	
Part 4 – Principle 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 15m maximum building height.</p> <p>The proposed exhibition homes have maximum building heights ranging between 4.331m and 6.98m above the finished ground level. The proposed sales pod has a maximum building height of approximately 4.7m above the finished ground level.</p> <p>The proposed building heights sought will comply with the maximum 15m building height control.</p>	Yes
CI 4.4 Floor space ratio	<p>The Floor Space Ratio Map does not identify a minimum floor space ratio that applies to the site.</p> <p>Site coverage controls as relevant to the SWUV precinct are contained in Council's DCP.</p>	N/A
Part 5 - Miscellaneous Provisions		
CI 5.1 Relevant Acquisition Authority	<p>No part of the site is mapped on the Land Reservation Acquisition Map under the PLEP 2010.</p> <p>Land immediately adjacent to the exhibition village site to the west and south is identified as the Central Reserve and is zoned RE1 Public Recreation. The landscape design for the proposed exhibition village is envisaged to</p> <p>This land is proposed to be embellished under a separate DA recently lodged by the Applicant.</p>	Yes

Clause	Comment	Comply
	This recreational zoned land will be dedicated to Council in accordance with its identification on the Land Reservation Acquisition Map.	
CI 5.10 Heritage Conservation	<p>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).</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.</p>	Yes
Part 7 – Other Provisions		
CI 7.1 Earthworks	<p>The proposal seeks consent for bulk earthworks to establish level developable residential lots and to allow for ancillary civil infrastructure works (i.e. road works and car park).</p> <p>The extent of bulk earthworks proposed has been coordinated with the site design and proposed stormwater design to ensure that there are no detrimental off-site impacts to adjoining properties.</p> <p>Fill importation required for the proposal is minimal and is proposed to be coordinated in conjunction with bulk earthworks proposed under DA 19/0704 to ensure any potential impacts are minimised to an appropriate level.</p>	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 aggressivity of soil conditions is proposed to be further investigated prior to the commencement of bulk earthworks on the site. Douglas Partner's FMP (Appendix B) 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
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. 19 – Bushland in Urban Areas

State Environmental Planning Policy No. 19 – Bushland in Urban Areas aims to ensure the protection and preservation of bushland on land reserved or zoned for public open space. Under this DA no part of the site is zoned or reserved for public open space purposes.

4.4.3 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.

A previous Phase 1 Contamination Assessment undertaken by Douglas Partners in 2007 and subsequent Preliminary Phase 2 Environmental Assessment undertaken by WSP in 2009 for the South Werrington Sub Precinct provided a comprehensive assessment of the site's contamination history and urban development suitability from a contamination perspective. These investigations identified several areas of potential contamination across the site that were attributed to the site's former agricultural use and unauthorised waste disposal.

WSP's preparation of its Phase 2 Environmental Assessment included a soil sampling program that comprised of 40 test pits and the assessment of soil samples taken from those test pits and an assessment of groundwater conditions. Key features of the results included:

- typical background levels of heavy metals that did not exceed the relevant health risk based investigation levels or environmental investigation levels
- petroleum hydrocarbons, BTEX, pesticides, PCBs, PAHs or phenolics were not detected in any samples collected
- asbestos was not detected in soil samples, though a fibre cement sample of an existing pipe was confirmed to contain asbestos
- heavy metal concentrations in groundwater were consistent with the background levels for Bringelly Shales.

It was recommended that the section of asbestos containing cement pipe be delineated and removed according to best practice. WSP concluded that the site was considered suitable for proposed residential land uses, following the removal of the identified cement pipe.

The assessment and findings detailed in Douglas Partners' Phase 1 assessment and WSP's Phase 2 assessment were subsequently reviewed by an NSW accredited site auditor. The site auditor's report prepared by Environ for the South Werrington Sub Precinct in 2009 and associated Site Audit Statement, concluded that the assessment and findings of the previous contamination assessments were satisfactory and complied with the relevant Environment and Protection Authority guidelines and technical policy documents. It was concluded that the site was suitable for the proposed range of intended land uses, including residential use with gardens and accessible soils.

Subsequent to the preparation of the assessments and site audit report detailed above, an asbestos clearance certificate was obtained from Pacific Environmental in 2016, confirming the satisfactory removal of the former cement pipe. Pacific Environmental also confirmed that the soils surrounding the former cement pipe did not contain any asbestos fibres.

Table 6 below provides an assessment of the proposed development against the relevant provisions of SEPP 55.

Table 6 Assessment against relevant SEPP 55 provisions

Relevant Clause	Assessment/Comment
Clause 7	
(1) A consent authority must not consent to the carrying out of any development on land unless: (a) it has considered whether the land is contaminated, and (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and (c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.	In accordance with clause 7(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. 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. It is therefore considered that the site remains in a suitable condition for the proposed residential land use and therefore, the requirements of clause 7 of SEPP 55 are satisfied.
(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 sub clause (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.	As noted above, previous assessments and investigations undertaken over the site confirm its suitability for the proposed range of land uses.
(3) The applicant for development consent must carry out the investigation required by sub clause (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.	As noted above, previous assessments and investigations undertaken over the site confirm its suitability for the proposed range of land uses, including residential uses.
Clause 9	
For the purposes of this Policy, a category 1 remediation work is a remediation work (not being a work to which clause 14 (b) applies) that is: (d) development for which another State environmental planning policy or a regional environmental plan requires development consent, or	As noted above and as concluded in those technical reports prepared, no remediation of the site is considered necessary.
Clause 13	
(1) A category 1 remediation work is identified as advertised development, unless the remediation work is: (a) designated development, or (b) State significant development. (2) Pursuant to section 29A of the Act, the period specified in clause 65 (5) (d) of the Environmental Planning and Assessment Regulation 1994 is extended to 30 days in relation to development identified as advertised development by this clause.	This DA does not seek development consent for remediation works and is therefore not considered to be defined as 'advertised development'.

4.4.4 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.

Approval of an application from a Native Vegetation Panel for the clearing of native vegetation under this policy is not sought and cannot be granted on account of the purpose for which development consent is sought (i.e. subdivision) requires development consent.

Development consent is sought for the removal of vegetation as part of this DA. An assessment of significance of the proposed native vegetation removal is provided above in **Section 4.1.1**, which is supplemented by a previous assessment prepared by Niche (**Appendix F**), which concludes that the proposal will not have a detrimental impact on the existing local occurrence of the CPW community.

4.4.5 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 categories for development and relevant matters to be considered and providing for consultation with relevant public authorities.

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

A comprehensive noise impact assessment has been prepared by SLR Consulting (**Appendix H**) 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.

4.4.6 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 four 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 E**).

4.4.7 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 proposed under 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

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.

Table 7 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 7 Assessment of DCP Controls

Control	Requirement	Comment	Compliance
Part C2 Vegetation Management			
2.1	Preservation of trees and other vegetation	No vegetation is proposed to be removed as part of this DA. Consent for vegetation removal is sought under DA 19/0704. Niche has prepared an 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 (Appendix G) in accordance with PBP and concludes that required APZs can be satisfactorily established throughout the	Yes

Control	Requirement	Comment	Compliance
		site to ensure development and their future use as residential dwellings is not unduly exposed to a bushfire hazard.	
Part C3 Water Management			
3.2	Catchment management and water quality	The stormwater drainage network design proposed 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 proposed stormwater basin to be delivered within the Central Reserve adjacent to the west of the site. The proposed stormwater design is detailed on Cardno's Civil Works Plans (Appendix A) and outlined further within the broader context of the urban renewal of the property in Cardno's Civil Engineering and Infrastructure Report originally provided with DA 19/070.	Yes
3.6	Stormwater management and drainage		
3.7	Water retention basin/dams		
Part C4 Land Management			
4.1	Site suitability and earthworks	The extent of bulk earthworks proposed by this DA are outlined in detail in Cardno's Civil Works Plans (Appendix A). The approach to the proposed site earthworks has been to ensure that a suitable drainage network can be established that meets the connects to the broader drainage network proposed under DA 09/0704, while simultaneously providing for level, developable residential lots and to facilitate civil infrastructure works. The site will also a retaining wall to satisfactorily retain areas of fill. Retaining walls are located predominantly around the site's perimeter up to a maximum 1.55m in height. In addition, a FMP (Appendix B) has been prepared by Douglas Partners for all works across the property, including the propose exhibition village, to ensure that filling processes undertaken on site are done in a controlled and sustainable manner.	Yes
4.2	Landfill	A FMP (Appendix B) has been prepared by Douglas Partners to ensure that filling processes undertaken on site are done in a controlled and sustainable manner.	

Control	Requirement	Comment	Compliance
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 (Appendix A).	
4.4	Contaminated lands	As outlined above in Section 4.4.3 , the site is considered suitable for the intended land uses proposed for the site	
4.5	Salinity	Previous investigations identified the site as containing non-saline to slightly saline soils and were 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. Douglas Partner's FMP (Appendix B) also includes salinity testing and selection criteria for future imported materials to ensure no adverse impacts arise to the site's existing condition.	
Part C5 Waste Management			
5.1	Waste Management Plans	Waste Management Plans (Appendix I) 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 exhibition homes are provided with side setbacks to allow for the storage of bins behind the front building line or within the proposed dwelling garages. In exhibition village mode, waste bins are capable of being presented to the Chapman Street kerb for collection. 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.	Yes
Part C6 Landscape Design			
	Landscape design	A landscape plan has been prepared by Place Design Group for the exhibition village (Appendix D), providing for street tree planting along lot frontages and supplementary planting surrounding the sales pod and customer car park. Planting surrounding the sales pod are proposed to be established in pots/containers to increase flexibility and minimise impacts to the site when operations cease.	Yes

Control	Requirement	Comment	Compliance
		The landscape design and proposed materials and finishes will complement the proposed landscape design for the Central Reserve, also designed by Place Design Group.	
6.1.2	Environmentally sustainable designs	<p>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.</p> <p>The design of the exhibition village has been undertaken in a coordinated manner to the site integrates into the surrounding landscape setting adjacent in the Central Reserve.</p>	Yes
6.1.3	Neighbourhood amenity and character	<p>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 adjoining Central Reserve.</p> <p>The proposed design of the Central Reserve is intended to provide a bushland response to the existing site and has been sensitively designed to allow for the protection and enhancement of existing native vegetation.</p> <p>A through-site link proposed in the Central Reserve has been accommodated within the site layout of the proposed exhibition village and will provide future commuters and community members a safe pedestrian environment to move between their homes and Werrington village centre.</p>	Yes
6.1.4	Site amenity	<p>The proposed landscape design for the exhibition village sales area continues the bushland theme proposed to be established adjacent in the Central Reserve.</p> <p>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.</p>	Yes
6.1.5	Construction	<p>The landscape design for the exhibition village has been prepared by the well-regarded multi-disciplinary firm, Place Design Group.</p> <p>The Applicant, Lendlease, will deliver the proposed landscape embellishment works concurrently with its proposed subdivision proposal.</p>	Yes
Part C10 Transport Access and Parking			
10.2	Traffic Management and Safety	A 13 space car park is proposed to support operations associated with the proposed exhibition	Yes

Control	Requirement	Comment	Compliance
		<p>villages and exhibition homes, with additional parking capable along the proposed road.</p> <p>The anticipated traffic generation from operations associated with the exhibition village are not expected 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 proposed under DA 19/0704 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>	
10.4	Roads	<p>A new proposed road will be constructed, providing access from Chapman Street into the site. As illustrated in Figure 11, the design of the proposed road provides a 13.8m wide road reserve that accommodates a 9m wide carriageway and 3.8m wide verge with a 1.5m footpath on the eastern side (dwelling house side) and a 1m wide verge on the western side (Central Reserve side).</p> <p>The design of the road reserve has been undertaken to meet the requirements under the SWUV DCP controls. Notwithstanding, it is acknowledged that the proposed road reserve width does not conform specifically to Council's design, with a footpath omitted from the western edge of the road. The proposed delivery of a dedicated footpath on the western side of the road adjacent to the future Central Reserve is not considered necessary on the basis that a footpath is provided on the eastern side, which correlates to the intended path of travel of pedestrians.</p> <p>The design of the Central Reserve has made provision for a preferred entry point at the south western corner of the subject site, such that pedestrian movements are not encouraged along the western edge of the road.</p>	Yes, subject to a minor justified variation.
10.5	Parking, Access and Driveways	<p>The proposed exhibition village will accommodate four exhibition homes and sales pod to facilitate with enquires and the sale of land.</p> <p>As part of the proposal, a car park with a capacity of 13 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 13 car parking spaces and additional on-street capacity in front of the proposed dwellings is considered</p>	Yes

Control	Requirement	Comment	Compliance
		<p>satisfactory and represents a minimum 3 car parking spaces per exhibition home.</p> <p>All proposed residential lots are provided with frontage to a new proposed road. During the operation of the site in exhibition village mode, a right of public access will be created over the proposed road within proposed Lot 1105 to facilitate access during this period.</p> <p>Following the cessation of operations, the road will be completed and is intended to be dedicated to Council at the appropriate time. The siting of the proposed future road will provide direct public access to the future Central Reserve.</p>	
10.6	Pedestrian Connections	The proposed future road has been designed to ensure suitable pedestrian access is continued from the Central Reserve through to the Werrington town centre.	Yes
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 included consideration of the existing site constraints (i.e. native vegetation and bushfire hazards) and surrounding land uses.</p> <p>The proposed siting of the four residential lots are setback from the future Central Reserve parklands providing a park outlook setting for future occupants.</p> <p>The design and layout of the four residential lots will be further complemented by the subdivision and development of proposed Lot 1105 following the cessation of the exhibition village operations.</p> <p>The proposed subdivision layout ensures that conventional residential allotments are provided, with a range of lot widths and sizes provided and no lots exceeding the desired 4:1 ratio.</p> <p>The subdivision layout has given consideration to the availability of existing essential services, with confirmation provided by Cardno that the site is capable of adequately being serviced.</p>	Yes
Part C12 Noise and Vibration			
12	Noise and vibration	<p>Detailed consideration and assessment of noise and vibration impacts associated with the proposed are provided in Section 4.9.1 below.</p> <p>The Noise Impact Assessment prepared by SLR Consulting (Appendix H) provides a comprehensive assessment of the existing noise environment and considered the potential noise impacts associated predominantly with rail traffic noise.</p>	Yes

Control	Requirement	Comment	Compliance
		SLR concludes that the proposed development is suitable and would not be adversely impacted on by external noises sources subject to the implementation of recommended noise mitigation measures as part of future detailed built form.	
Part C13 Infrastructure and Services			
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 DA 19/0704.</p> <p>Cardno's 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
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	<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 DA 19/0704 and will complement anticipated future sales and enquires.</p> <p>The proposal incorporates a future road that will deliver connections pedestrian and cyclist connections to Werrington Station and beyond.</p> <p>The proposal has been designed to integrate with the drainage network proposed under DA 19/0704, with stormwater to discharge into the adjoining stormwater detention basin proposed within the Central Reserve.</p>	Yes
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	<p>The proposal is considered to address the key performance measures of the SWUV structure as follows:</p> <p>Access</p> <ul style="list-style-type: none"> The proposed future road has been designed to intersect with Chapman Street and will provide local vehicle access. <p>Land Use</p> <ul style="list-style-type: none"> The proposal will contribute to the overall residential density proposes under DA 19/0704 	Yes, subject to a minor justified variation

Control	Requirement	Comment	Compliance
		<p>and is considered to represent a more considered 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>	
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 and open space parklands DA recently lodged with Council.</p> <p>The design and layout of the proposed exhibition homes showcase the proposed product that is proposed to be established within the broader residential subdivision for the property.</p>	Yes
12.8.2.4	Dwelling yield	<p>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.</p> <p>In total, a yield of approximately 265 Torrens title residential lots and an additional 111 dwellings as part of future integrated housing DAs and development of the residential apartment building residue lot, proposed to be delivered across the property.</p> <p>In the context of the broader locality, the proposal is considered to satisfy the minimum dwelling yield for the site in accordance with the DCP.</p>	Yes
Part 12.8.3 Public Domain			
12.8.3.1.4	Vegetation	<p>All required vegetation removal is proposed under DA 19/0704. For abundant caution, consent is also sought under this DA for the removal of 13 existing trees from the site.</p> <p>As outlined above, the proposed removal of the existing trees will not adversely impact on the significance of the locally occurring CPW community.</p>	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</p>	Yes

Control	Requirement	Comment	Compliance
		bulk earthworks on the site. Douglas Partner's FMP (Appendix B) also includes salinity testing and selection criteria for future imported materials to ensure no adverse impacts arise to the site's existing condition.	
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. Detailed consideration of contamination is provided above in Section 4.4.3 .	Yes
Part 12.8.3.2 Transport and Accessibility			
12.8.3.2.1	Road network	The proposed future road has been designed to intersect with Chapman Street and will facilitate and encourage walking and cycling connections throughout the broader precinct and will also enable local vehicle trips within the neighbourhood and to the future Central Reserve. The siting of the new future road also reflects the Applicant's proposal to improve the setting and access to the future Central Reserve parkland. A right of public access easement will be established over the road in the interim while the site is used as an exhibition village to facilitate access. Following the cessation of these operations, the road will be completed to Council's specifications and is intended to be dedicated to Council at that time.	Yes
12.8.3.2.2	Vehicular movement	The proposal is considered to satisfy the objectives of this section of the DCP, noting that: <ul style="list-style-type: none"> it will contribute to the highly legible and connected grid road network hierarchy proposed under DA 19/0704 it will facilitate connections to adjoining locations it will not generate adverse traffic impacts. The proposed subdivision layout will create a street block that complies with the maximum prescribed length and depth, ensuring that the small site remains connected and legible. All residential lots proposed will have a primary frontage to a street to ensure that future residential development addresses the street in a positive manner.	Yes
12.8.3.2.3	Public transport	The integration of works proposed under this DA with the permeable road network proposed under DA 19/0704 will provide high levels of connectivity between all areas of the site and Werrington Station	Yes

Control	Requirement	Comment	Compliance
		and existing bus services nearby on the northern side of the Western Rail Line. Provision has also been made in the subdivision layout proposed under DA 19/0704 for the establishment of a future bus route to ensure future homes and employment lands are well connected to public transport.	
12.8.3.2.4	Pedestrians and bicycles	The proposal will include the delivery of a 1.5m wide footpath along the eastern verge of the proposed new road that connects to the proposed through-site link in the Central Reserve. Although a minor variation to the requirement to provide a footpath on both sides of the road carriageway, the single pedestrian footpath is considered sufficient and will direct pedestrian movements from the parkland to the front of residential properties, increasing safety and surveillance.	Yes, subject to a minor justified variation
Part 12.8.3.3 Streetscapes			
12.8.3.3.1	Landscape Character	New street trees are proposed along the verges of the new future road and are detailed on the landscape plans prepared by Place Design Group (Appendix D). The proposed subdivision layout has been designed to ensure that a minimum one street tree can be accommodated per residential lot, taking into consideration the minimum driveway crossover widths and waste bin presentation requirements. Proposed street tree planting for the site and the coordinated design response in conjunction with the proposed design for the Central Reserve, will ensure a pleasing streetscape is established.	Yes
12.8.3.3.2	Road Sections	As outlined above, the proposed new future road has been designed generally consistent with the requirements for a local road under Council SWUV DCP. A minor variation is proposed to be requirement to deliver a footpath on the western parkland side of the road reserve on the basis that pedestrian access is encouraged along the eastern side adjacent to future residential dwellings. The provision of a footpath on one side would increase surveillance levels between dwellings and the public domain and improve overall safety of the locality.	Yes, subject to a minor justified variation
12.8.3.4	Passive Open Space & Environmental Conservation Areas	This DA does not propose the landscape embellishment of the two identified RE1 Public Recreation zones (i.e the Central Reserve and Eastern	Yes

Control	Requirement	Comment	Compliance
		Basin Park) and will be subject to a separated DA recently lodged with Council.	
Part 12.8.4 Private Domain			
12.8.4.1	Subdivision	<p>The propose subdivision layout for the site seeks to create generally conventional residential lots that are typically 10 m to 14.5 m in width and between 29 m in depth.</p> <p>The lots have been designed to accommodate the proposed build to boundary residential dwellings under this DA and are sufficient to ensure satisfactory solar access is provided.</p>	Yes
12.8.4.2	Site Planning	<p>Principal Private Open Space</p> <p>All proposed dwelling designs propose the principal private open space (PPOS) at the rear of the dwellings, with generous rear setback provided or areas sited on the northern side of the lots to maximise access to solar provisions in accordance with the DCP.</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 wide for double garages and 2.4m (x2) for proposed Lot 1103.</p> <p>These widths are noted as being undersized compared to that required in the DCP (i.e. 3.2m and 5.8m for single and double garage door openings, respectively).</p> <p>The minor variation is not considered detrimental to the effective functioning of the garages of each dwelling house and will satisfactorily accommodate a standard passenger vehicle. 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 and are addressed further below.</p> <p>Side setbacks and zero setbacks are sited in accordance with the DCP and provide for corresponding maintenance easements, as detailed on the draft plan of subdivision (Appendix C).</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</p>	Yes, subject to a minor justified variation.

Control	Requirement	Comment	Compliance
		<p>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, with the proposed dwelling built form on proposed Lot 1101 provided with openings and recessed roof elements to better present to the secondary Chapman Street frontage.</p> <p>Front porch projection 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>Two single and two double storey dwellings are proposed, with the proposed single storey dwellings not anticipated to generate adverse privacy impacts.</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 balcony orientated to the street).</p> <p>Acoustic measures recommended in SLR Consulting's Acoustic Report (Appendix H) 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>A variation is sought to the required side boundary requirement for proposed Lot 1101. Fencing along the northern side boundary of proposed Lot 1101 will also be 1.8m in height, but not constructed along the full length of the property boundary to provide relief to the street corner. However, side boundary fencing is not proposed to be setback 10m behind the main building line.</p> <p>The point at which the proposed 1.8m side boundary fencing commences is setback 7m from the front of the lot and is considered sufficient to provide relief to the corner lot when considered in the context of the future landscape embellishment of the Central Reserve.</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>	
Part 12.8.5 Residential Development Forms			

Control	Requirement	Comment	Compliance
12.8.5.8	Build to Boundary Dwellings	<p>All proposed lot sizes comply with the minimum lot size and lot with requirements under the DCP, with the smallest lot proposed being 290m² and 10 m in width.</p> <p>All proposed dwellings satisfactorily provide a minimum 40m² of private open space with a minimum dimension of 4m.</p> <p>The following landscape site coverages are proposed:</p> <ul style="list-style-type: none"> • Lot 1101 – 39.65% or 152.05m² • Lot 1102 – 28.46% or 82.55m² • Lot 1103 – 22.6% or 65.6m² • Lot 1104 – 27.3% or 104.6m² <p>It is acknowledged the design three of the four 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 embellish front setback that will positively contribute to the streetscape setting.</p> <p>The site coverage of each dwelling in general</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 <i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i>, for which each dwelling design complies in full with.</p> <p>All front, side and rear boundary setbacks comply with the specified requirements in the DCP, with the exception of the rear setback of the proposed dwelling house on proposed Lot 1101 which proposes a 3.417m rear setback. The minor non-compliance is not considered detrimental nor would it result in an adverse built form outcome given the single storey nature of the proposed dwelling design. Further, the proposed rear setback increases to approximately 4.3m adjacent to the Chapman Street side of the lot, ensuring that the dwelling presents positively when from the surrounding public domain.</p>	Yes, subject to a justified variation.

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 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

In accordance with section 4.15(3A) of the EP&A Act and as demonstrated in this SEE and supporting technical documentation, the proposed design of the new minor local road is considered satisfactory and would not detrimentally impact on the delivery of high pedestrian amenity levels. The subdivision layout of the site has been coordinated with the design of the adjoining Central Reserve, such that the proposed through-site link will connect to the proposed footpath on the eastern side of the proposed new road and provide satisfactory connections between the site and Werrington Train Station.

Further, 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 achieve satisfactory levels of PPOS that are afforded high levels of solar access, such that high levels of amenity will be delivered to each dwelling house.

The combination of the varied lot widths and one and two 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

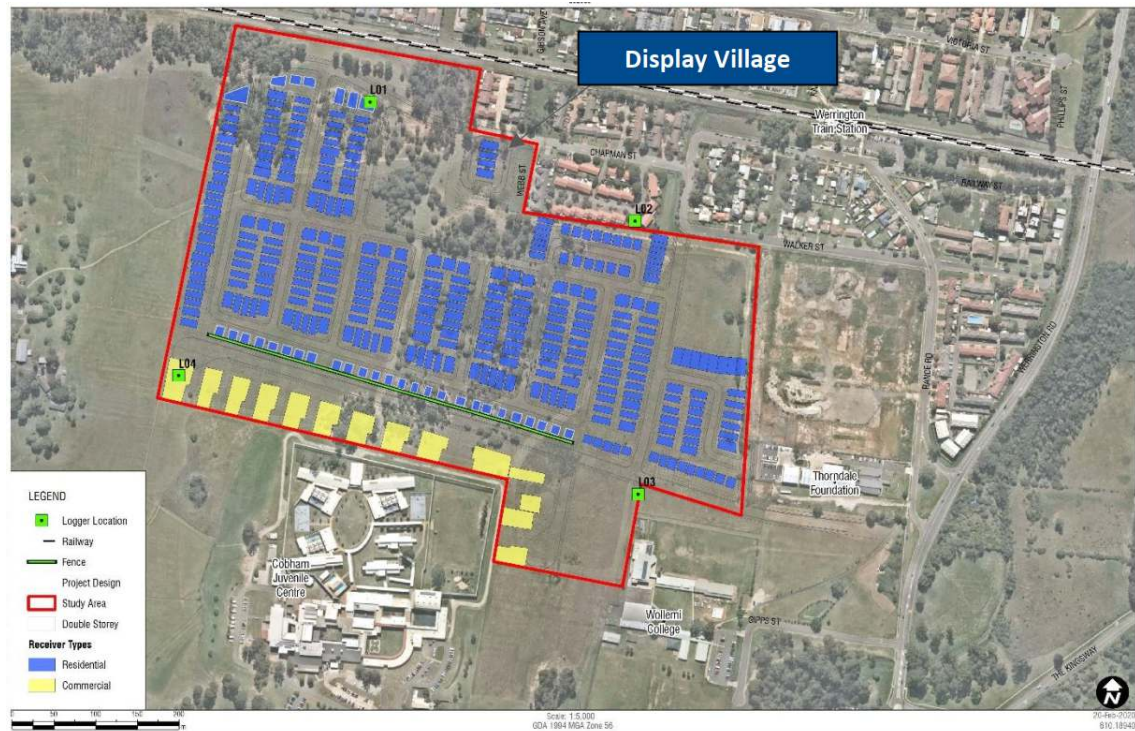
The likely impacts of the proposed development have been addressed in the previous sections of this SEE. In general, the proposed development is not considered to have any unacceptable impacts on the locality.

Detailed consideration of potential noise impacts is considered of importance to the proposal and is provided below.

4.9.1 Noise Impact Assessment

A comprehensive Noise Impact Assessment has been undertaken by SLR (**Appendix H**) to assess the potential impacts on the proposed residential lots from nearby noise sources, including the Western Rail Line, Great Western Highway and future proposed uses internally within the broader property (i.e. traffic movements along the proposed East West Collector Road and IN2 zoned industrial land uses).

Background noise monitoring was undertaken nearby external site boundaries to establish the existing background noise environment and to establish the project specific noise trigger levels. These levels are outlined in more detailed in SLR's Noise Impact Assessment. The location of background noise monitoring undertaken is shown below in **Figure 21**.



Source: SLR Consulting

Figure 21 Background Noise Monitoring Locations

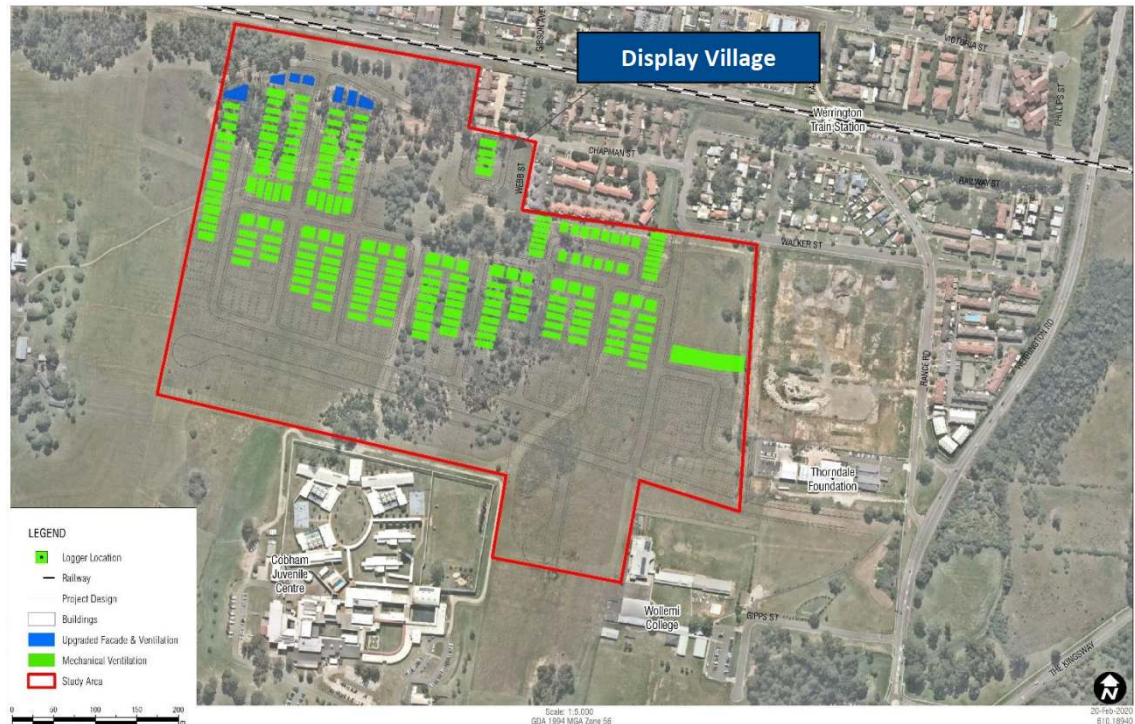
A detailed assessment of rail and traffic noise impacts was also undertaken, which demonstrated the following:

- rail noise impacts were generally limited to the northern area of the site and were predicted to result in noise levels around 55 dBA during the daytime and 52 dBA during the night time for proposed residential lots within the exhibition village
- the nearest residential lots are over 450 m away from the Great Western Highway and would be generally shielded by future industrial land uses and result in noise levels less than 50 dBA during the daytime and less than 45 dBA during the night time and would be client with the relevant amenity criterion for residential land uses.

To ensure future residential dwellings achieve compliance with the relevant amenity criterion, SLR have recommended mitigation measures for the proposed exhibition home dwellings to include mechanical ventilation in the detailed design of future built form (see **Figure 22**).

SLR also commented that while physical industrial development is not proposed at this stage, consideration of potential industrial land uses was found not to result in any adverse impacts on the proposed exhibition village dwellings, primarily due to the 300m distance separation and shielding qualities that would be provided by future built form.

SLR conclude that the assessed impacts from potential road and rail traffic noises are capable of being acoustically treated to ensure that the amenity levels of the proposed dwelling houses achieve compliance with the relevant criteria outlined in the Department of Planning, Industry and Environment's policy *Development near Rail Corridors and Busy Roads*.



Source: SLR Consulting

Figure 22 Exhibition Village Lots Requiring Façade Upgrades and Mechanical Ventilation

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 envisage urban renewal for the broader property and in turn supports proposed future housing within a growing metropolitan city that are close to jobs and services, consistent with the Greater Sydney Commissions' '30 minutes cities' vision.
- The proposal responds to the sites opportunities and constraints and provides an improved stormwater management outcome for the site.

- 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 integrated housing DA seeks approval for site predation and bulk earthworks, subdivision to create residential lots and the construction of four residential dwellings. Approval is also sought for the establishment of an exhibition village and use of the four dwellings as exhibition homes over proposed Lot 1068 in a proposed subdivision of Lot 1 DP 1226122 under DA 19/0704.

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 and verge design of the proposed minor local road are considered to 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 and ensure the delivery of much needed infrastructure 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.



APPENDIX A: CIVIL WORKS PLANS



APPENDIX B: FILL MANAGEMENT PROTOCOL



APPENDIX C: DRAFT PLAN OF SUBDIVISION



APPENDIX D: EXHIBITION LANDSCAPE MASTERPLAN AND SALES POD ARCHITECTURAL DRAWINGS



APPENDIX E: EXHIBITION HOME ARCHITECTURAL DRAWINGS AND BASIX CERTIFICATES



APPENDIX F: CUMBERLAND PLAIN WOODLAND TEST OF SIGNIFICANCE



APPENDIX G: BUSHFIRE ASSESSMENT REPORT



APPENDIX H: NOISE IMPACT ASSESSMENT



APPENDIX I: WASTE MANAGEMENT PLANS