

STATEMENT OF ENVIRONMENTAL EFFECTS

Development Application

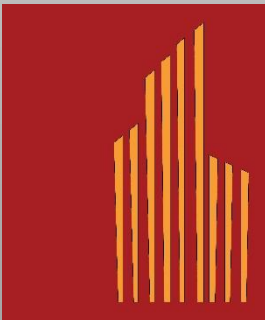
**STAGED CONSTRUCTION OF BUILDINGS ON IN2 LIGHT INDUSTRIAL ZONED LOTS
(APPROVED SUBDIVISION DA 19/0704) AND ASSOCIATED SITE WORKS**

**16 CHAMPAN STREET, WERRINGTON NSW 2747
(LOT 1 DP1226122)**

UNIVERSAL PROPERTY GROUP PTY LIMITED

Trading as Bathla Group

ABN 98 078 297 748



PO Box 270
Wentworthville NSW 2145
P 02 9636 2465
F 02 9688 4762
info@bathla.com.au

Prepared and published by:
Universal Property Group Pty Ltd
PO Box 270
Wentworthville NSW 2145
ABN 98 078 297 748

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1 INTRODUCTION

1.1 Overview

This Statement of Environmental Effects (SEE) has been prepared by Universal Property Group Pty Ltd to accompany a Development Application (DA) involving the **construction of buildings over IN2 LIGHT INDUSTRIAL zoned lots under the approved subdivision (DA 19/0704) and associated site works** at 16 Chapman Street, Werrington NSW 2747 (Lot 1 DP1226122).

Penrith City Council granted consent on 07 January 2021 to **DA 19/0704**, for the:

“Integrated Development Application for; Staged Subdivision of Land to Create 227 Residential Lots, 14 Residue Lots and Road Dedication. Works include Site Preparation, Vegetation Removal, Bulk Earthworks, Civil Works, Construction of Roads, Including the East-West Collector Road and Round-a-bout on Werrington Road, Stormwater Infrastructure and Basins”.

The proposal comprises the construction of IN2 LIGHT INDUSTRIAL buildings on 16 x approved lots located at **16 Chapman Street, Werrington NSW 2747 (Lot 1 DP1226122)**. The site has been previously approved for subdivision (DA 19/0704), vegetation clearing and associated site works. This DA seeks consent for the construction of buildings for the following IN2 Light Industrial compatible land uses:

1. Warehouse or Distribution Centre buildings on 14 x lots;
2. Recreation Facility (Indoor) on 1 x lot; and
3. Building to accommodate future indicative IN2 permissible land use options on 1 x corner lot to provide for uses such as: Amusement Centres, Light Industries, Artisan Food and Drink Industries, Medical Centres, Neighbourhood Shops, Take away food and drink premises.

The future land uses of each premises would be subject to future development approvals, for the indicative land uses that are permissible in the IN2 Light Industrial zone, as indicated below.

Proposed Lot No.	Proposed Building / Future Indicative Land Use	Site Area m ²
Lot 4002	Warehouse or Distribution Centre	2024
Lot 4003	Warehouse or Distribution Centre	2004
Lot 4004	Warehouse or Distribution Centre	2031
Lot 4005	Amusement Centres, Light Industries, Artisan Food and Drink Industries, Medical Centres, Neighbourhood Shops, Take away food and drink premises	3093
Lot 4006	Recreation Facilities (Indoor)	2588
Lot 4007	Warehouse or Distribution Centre	2161
Lot 4101	Warehouse or Distribution Centre	2253
Lot 4102	Warehouse or Distribution Centre	2340
Lot 4103	Warehouse or Distribution Centre	2396
Lot 4104	Warehouse or Distribution Centre	2445
Lot 4105	Warehouse or Distribution Centre	2494
Lot 4106	Warehouse or Distribution Centre	2541
Lot 4107	Warehouse or Distribution Centre	2577
Lot 4108	Warehouse or Distribution Centre	2612
Lot 4109	Warehouse or Distribution Centre	2647
Lot 4110	Warehouse or Distribution Centre	2741

The site is located at **16 Chapman Street, Werrington NSW 2747 (Lot 1 DP1226122)**. The site of the proposed development is an “L” shaped portion of land at Lot 1 DP1226122 with an area of approximately **38,945 m²**.

This Statement of Environmental Effects (SEE) will address the proposal in the context of the applicable planning legislation and policy:

- **Penrith Local Environmental Plan 2010 and**
- **Penrith Development Control Plan 2014**

The proposed development has been designed in accordance with the principal development standards and design controls depicted in relevant legislation and policies.

The purpose of this SEE is to provide Penrith City Council with the relevant information necessary to assess and determine the application for the proposed Light Industrial Buildings Development.

This report is to be read in conjunction with the following associated documents and plans prepared as a part of this Development Application:

- **Architectural plans** prepared by Universal Property Group Pty Ltd
- **Landscape Plan** prepared by A Total Concept Pty Ltd
- **Biodiversity and Bushfire Due Diligence Report** prepared by Ecological Australia Pty Ltd
- **Bushfire Assessment Report** prepared by Building Code and Bushfire Hazard Solutions Pty Ltd
- **Flora and Fauna Assessment Report** prepared by Ambrose Ecological Services Pty Ltd
- **Contamination and Site Investigation Report (Phase-1)** prepared by Douglas Partners Pty Ltd
- **Environmental Assessment Report (Phase-2)** prepared by WSP Pty Ltd
- **Engineering Plans** prepared by Cardno Pty Ltd
- **Road and Drainage Design** prepared by Orion Consultants Pty Ltd
- **Construction Environmental Management Plan** prepared by Niche Environment & Heritage Pty Ltd
- **Section J Assessment** prepared by SLR Pty Ltd
- **Tree Removal Plan** prepared by Cardno Pty Ltd
- **Vegetation Management Plan** prepared by Niche Environment & Heritage Pty Ltd
- **Traffic Impact Assessment** prepared by Varga Traffic Planning Pty Ltd
- **Waste Management Plan** prepared by BRP Consulting Pty Ltd
- **Survey Plans** prepared by Cardno Pty Ltd
- **Cost Estimate** Prepared by Gibson Quantity Surveyors Pty Ltd
- **Owner Consent**

2 SITE LOCATION

2.1. The site and Local Context

The site is situated in the suburb of Werrington within the Penrith Council Local Government Area (LGA), as illustrated below within **Figure 1**. The Site falls within the Penrith Health and Education Precinct of Chapter E12 of Penrith Development Control Plan 2014 (see Figure E12.9 of DCP 2014), which aims to facilitate the sustainable development of employment areas of the South Werrington Urban Village.

In a regional context, the site is located approximately 7 km east of Penrith Central Business District (CBD) and 50 km west of Sydney CBD. Werrington Station is located approximately 200m north of the site and the Western Sydney University (WSU) Werrington North Campus located to the west and common boundary with the site.

The land surrounding the subject site comprises a mixture of land uses, with low and medium density residential development located between the site's northern boundary and the Western Rail Line. To the immediate south of the site lies the Cobham Juvenile Justice Centre, while to the southeast lies the ground 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 Station on the Western Rail Line, providing regular public transport services west to Penrith CBD, east to Parramatta and Sydney CBDs.

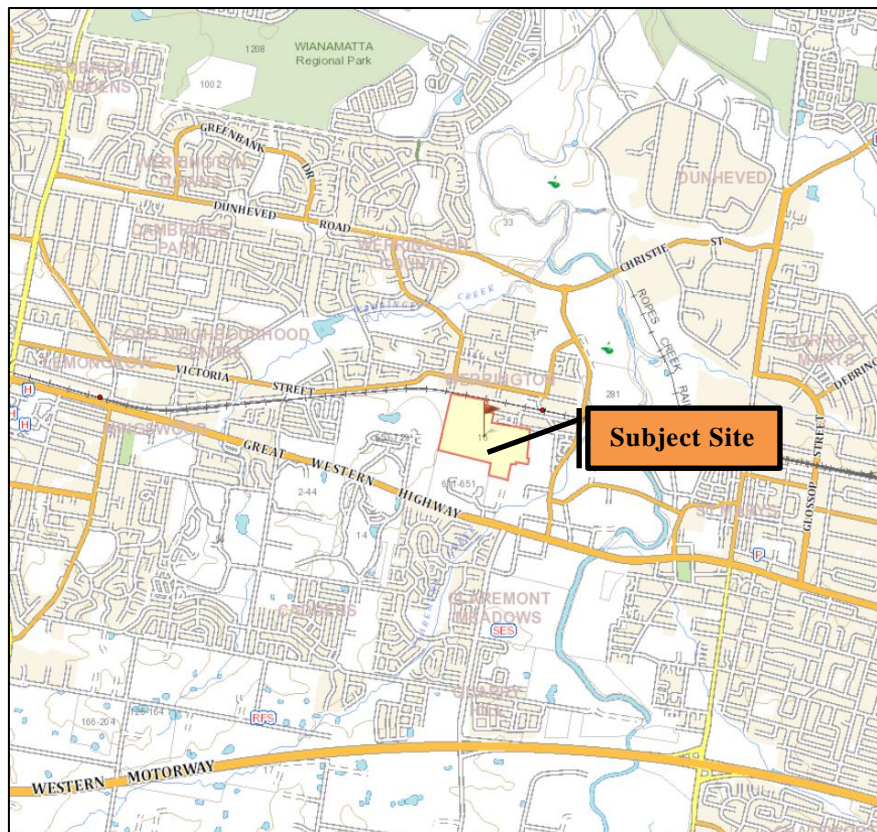


Figure 1: Locality Map (Source: SIX Maps, Online)

2.2. Landform and Topography

The site comprises several road frontages, including an 80 m frontage to Chapman Street, 100m frontage to Walker Street and a small frontage to Werrington Road on Lot 2 DP 1176624 which currently provides pedestrian access to Wollemi College.

The site generally grades from south-west to north-east, with grade ranging between 0.5 % to 8 %, but on average 1 % to 4 %. The site is undeveloped and is predominantly covered in grasses. The site also comprises a large stand of native vegetation through the centre of the site and along the northern boundary of the site.

A vegetation assessment undertaken by Niche Environment and Heritage (Niche) as part of this DA concluded that the site comprises 6.6 ha of Cumberland Plain Woodland (CPW) in two condition states:

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



Figure 2: Aerial View of Subject Site Configuration (Source: SIX Maps online)

3 DEVELOPMENT PROPOSAL

This development application seeks development consent for the following proposal as detailed on the Architectural Plans prepared by The Bathla Group. Proposed staged construction of IN2 Light Industrial units follows on from Penrith City Council consent on 07 January 2021 to **DA 19/0704**, for the:

“Integrated Development Application for; Staged Subdivision of Land to Create 227 Residential Lots, 14 Residue Lots and Road Dedication. Works include Site Preparation, Vegetation Removal, Bulk Earthworks, Civil Works, Construction of Roads, Including the East-West Collector Road and Round-a-bout on Werrington Road, Stormwater Infrastructure and Basins”.

The proposal seeks consent for the construction IN2 Light Industry units at this site which has previously been approved for subdivision and vegetation clearing.

3.1 Description of Proposal

The proposal comprises the construction of IN2 LIGHT INDUSTRIAL buildings on 16 x approved lots located at **16 Chapman Street, Werrington NSW 2747 (Lot 1 DP1226122)**. The site has been previously approved for subdivision (DA 19/0704), vegetation clearing and associated site works. This DA seeks consent for the construction of buildings for the following IN2 Light Industrial compatible land uses:

1. Warehouse or Distribution Centre buildings on 14 x lots;
2. Recreation Facility (Indoor) on 1 x lot; and
3. Building to accommodate future indicative IN2 permissible land use options on 1 x corner lot to provide for uses such as: Amusement Centres, Light Industries, Artisan Food and Drink Industries, Medical Centres, Neighbourhood Shops, Take away food and drink premises.

The future land uses of each premises would be subject to future development approvals, for the indicative land uses that are permissible in the IN2 Light Industrial zone, as indicated below.

Proposed Lot No.	Proposed Building / Future Indicative Land Use	Site Area m ²
Lot 4002	Warehouse or Distribution Centre	2024
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Approved Subdivision Plan (DA19/0704)

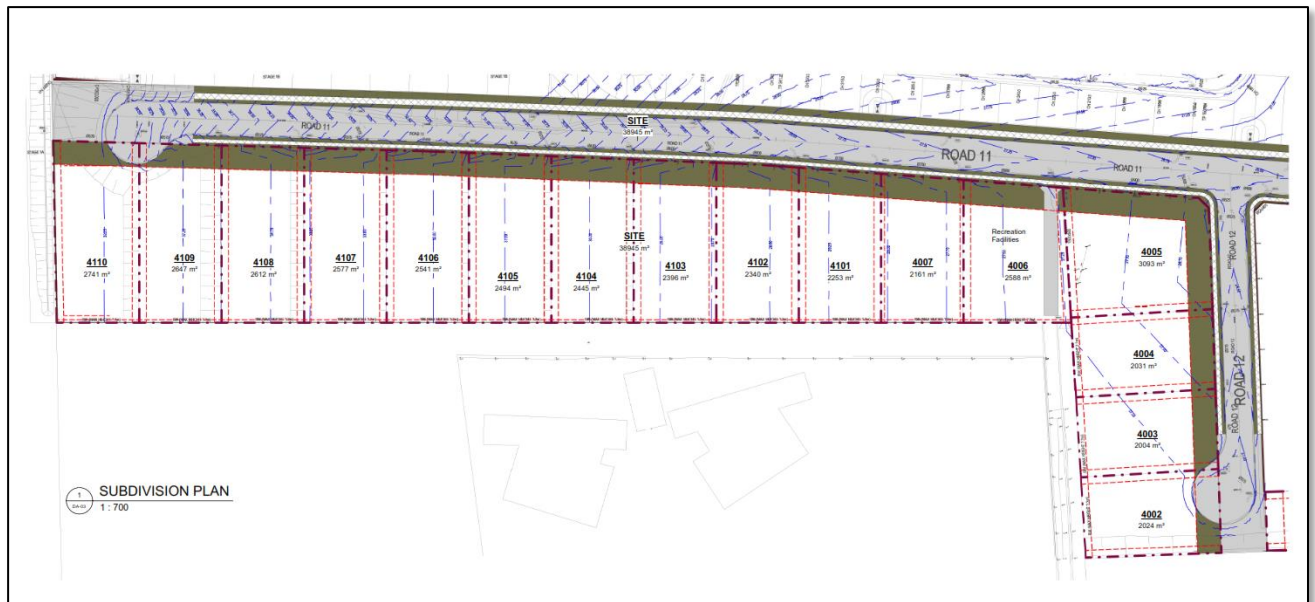


Figure 3: Approved Subdivision Layout Plan (Source: Extracted from Architectural Drawings)

Proposed Ground Floor Plan

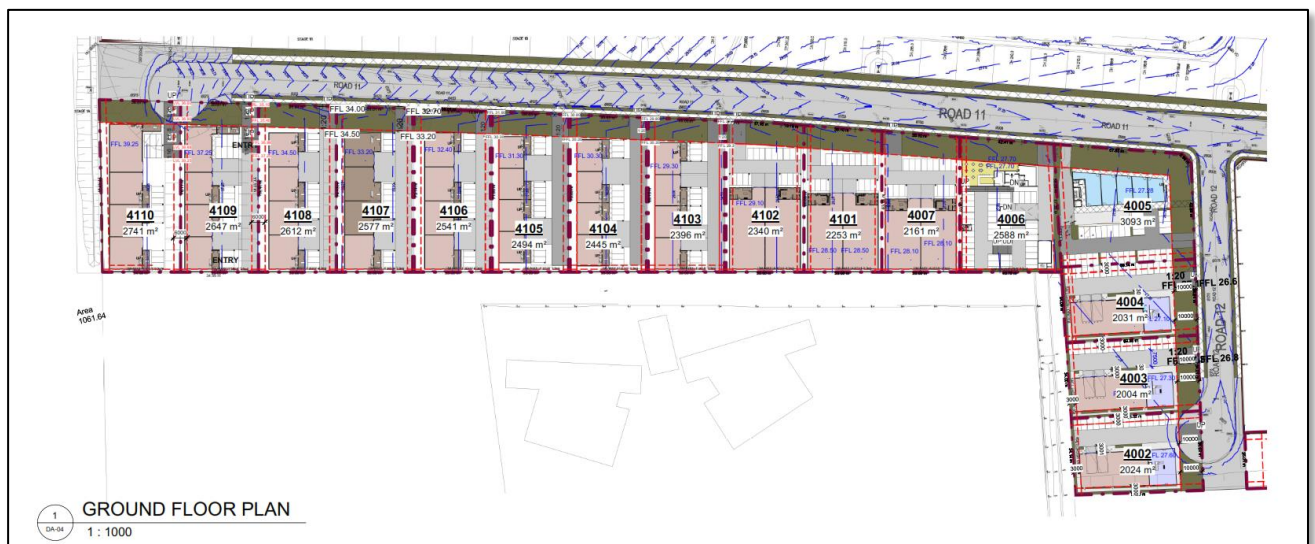


Figure 4: Proposed Ground Floor Layout Plan (Source: Extracted from Architectural Drawings)

Proposed First Floor Plan



Figure 5: Proposed First Floor Layout Plan (Source: Extracted from Architectural Drawings)

The proposal predominantly involves the development of units that would be suitable for Warehouse or Distribution Facility uses, comprising double volume warehouse component and ground and mezzanine offices.

The corner site is envisaged to be a 2-storey development that would be used for IN2 compatible land uses such as: Amusement Centres, Light Industries, Artisan Food and Drink Industries, Medical Centres, Neighbourhood Shops, and/or Take away food and drink premises.

Each lot is provided with access, parking and landscaping arrangements in accordance with Council's DCP requirements.

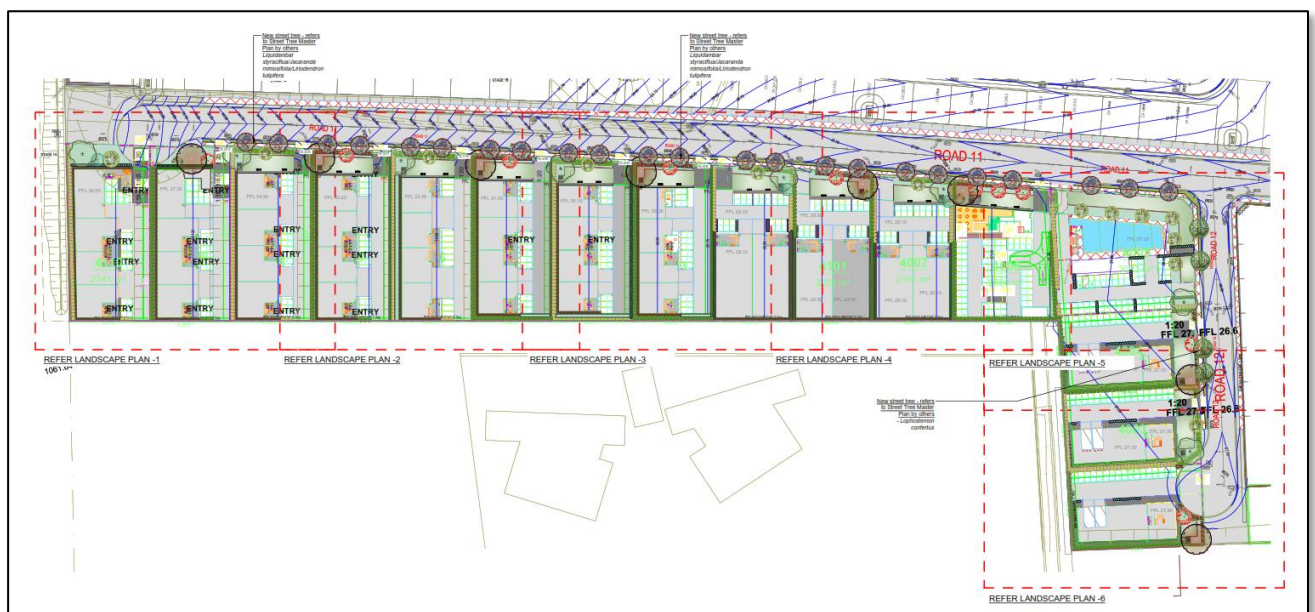


Figure 6: Proposed Landscaping (Source: Extracted from Landscape Plans)

4 PLANNING FRAMEWORK

The relevant environmental planning instruments and development controls plans are:

- Penrith Local Environmental Plan 2010;
- Penrith Development Control Plan 2010;
- Stat Environmental Planning Policy No. 55 – Remediation of land
- State Environmental Planning Policy (Infrastructure) 2007;

4.1 Penrith Local Environmental Plan 2010

The proposed development site is located within the Penrith Local Government Area complies with the aims of the Precinct Plan.

The particular aims of this Plan are as follows:

(2) The particular aims of this Plan are as follows—

- (aa) to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,
- (a) to provide the mechanism and planning framework for the management, orderly and economic development, and conservation of land in Penrith,
- (b) to promote development that is consistent with the Council's vision for Penrith, namely, one of a sustainable and prosperous region with harmony of urban and rural qualities and with a strong commitment to healthy and safe communities and environmental protection and enhancement,
- (c) to accommodate and support Penrith's future population growth by providing a diversity of housing types, in areas well located with regard to services, facilities and transport, that meet the current and emerging needs of Penrith's communities and safeguard residential amenity,
- (d) to foster viable employment, transport, education, agricultural production and future investment opportunities and recreational activities that are suitable for the needs and skills of residents, the workforce and visitors, allowing Penrith to fulfil its role as a regional city in the Sydney Metropolitan Region,
- (e) to reinforce Penrith's urban growth limits by allowing rural living opportunities where they will promote the intrinsic rural values and functions of Penrith's rural lands and the social well-being of its rural communities,
- (f) to protect and enhance the environmental values and heritage of Penrith, including places of historical, aesthetic, architectural, natural, cultural, visual and Aboriginal significance,
- (g) to minimise the risk to the community in areas subject to environmental hazards, particularly flooding and bushfire, by managing development in sensitive areas,
- (h) to ensure that development incorporates the principles of sustainable development through the delivery of balanced social, economic and environmental outcomes, and that development is designed in a way that assists in reducing and adapting to the likely impacts of climate change.

The proposed light industrial buildings development seeks to utilise the land in accordance with the zoning that will foster the provision of employment, transport, agricultural production and future investment opportunities. The proposed development is to provide a built form that is consistent with the evolving mixed-use and varied density character of the immediate.

An environmental assessment was undertaken through this SEE with no significant issues raised in the specialist reports which accompany this application.

4.1.2 Zoning

The subject site (16 Chapman Street, Werrington) comprises a number of land use zonings, including:

- R1 General Residential
- R4 High-Density Residential
- RE1 Public Recreation
- **IN2 Light Industrial** and
- E2 Environmental Conservation

This application is subject to the portion of land zoned IN2 Light Industrial where the light industrial buildings development are proposed over the subdivision lots approved under DA 19/0704.

Development of land zoned IN2 Light Industrial for permissible land uses with Consent:

Amusement centres; Car parks; Centre-based child care facilities; Community facilities; Crematoria; Depots; Educational establishments; Electricity generating works; Environmental facilities; Environmental protection works; Flood mitigation works; Function centres; Garden centres; Hardware and building supplies; Hotel or motel accommodation; Industrial retail outlets; Industrial training facilities; Kiosks; Landscaping material supplies; Light industries; Medical centres; Neighbourhood shops; Oyster aquaculture; Places of public worship; Plant nurseries; Recreation areas; Recreation facilities (indoor); Resource recovery facilities; Respite daycare centres; Roads; Self-storage units; Service stations; Signage; Take away food and drink premises; Tank-based aquaculture; Timber yards; Vehicle repair stations; Vehicle sales or hire premises; Veterinary hospitals; Warehouse or distribution centres; Waste or resource transfer stations

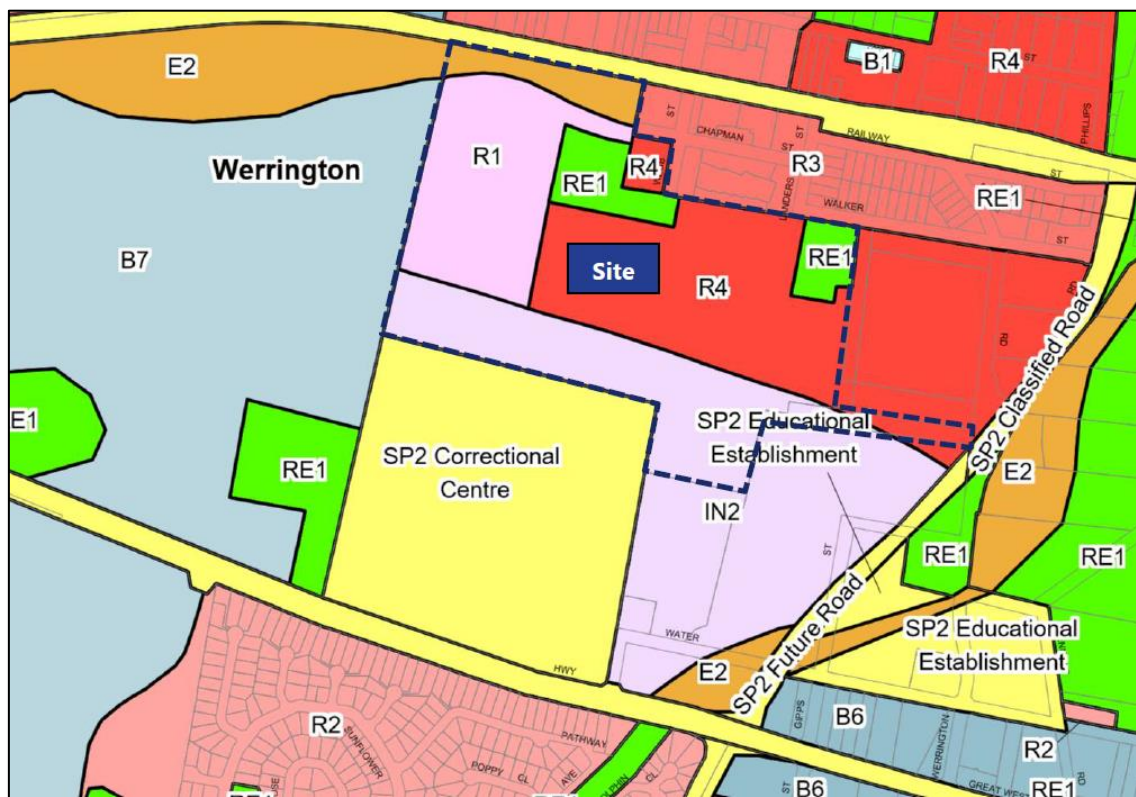


Figure 7: Land Use Zoning Map

The proposed development provides a range of light industrial buildings comprise Warehouse/distribution centre, amusement centres, medical centres, neighbourhood shops, take away food and drink premises, and recreation facilities (Indoor).

The proposed development is consistent with the prescribed zone objectives for the IN2 Light Industrial and is considered as a compatible form of land use with the zoning context of the site and surrounding locality.

4.1.3 Height of Building

The site is located within **Height Area M2** of Penrith LEP 2010 which restricts the future height of buildings to **12.5 m**. The proposed development complies with the height control. No part of the proposal exceeds 12.5m in height and as such is compliant with this control.

4.2 Penrith Development Control Plan 2010

The proposed development complies with the relevantly applicable requirements specified in Penrith Development Control Plan 2010.

Each lot has been provided with adequate access, parking, setbacks, utility services, and landscaping arrangements in accordance with Council's DCP requirements.

A development summary has been prepared for individual lots that has been summarised in Architectural Plans.

Following **Table 2** demonstrates the compliance against controls applies specifically on the subject site. (Penrith Health and Education Precinct).

Penrith DCP 2014 Chapter E12	Matter	Comments	Compliance
12.8.1 (Preliminary)	Land to Which the plan applies	The site is located within the Employment Zone of South Werrington Urban Village.	Yes
	Aims and General Objectives	The Site falls within the Penrith Health and Education Precinct of Chapter E12 of Penrith Development Control Plan 2014 (see Figure E12.9 of DCP 2014), which aims to facilitate the sustainable development of employment areas of the South Werrington Urban Village.	Yes
12.8.2 (Structure Plan)	Vision	Development of the site would facilitate and promote the principles of the Werrington Enterprise Living and Learning (WELL) Precinct.	Yes
	Land use	Development of the employment land is proposed south of the east-west collector road for a range of potential service and light industrial purposes in accordance with the DCP, such as: <ul style="list-style-type: none"> • Amusement Centres, • Light Industries, • Artisan Food and Drink Industries, 	Yes

Penrith DCP 2014 Chapter E12	Matter	Comments	Compliance	
		<ul style="list-style-type: none">• Medical Centres,• Neighbourhood Shops,• Take away food and drink premises• Warehouse or Distribution Centre• Recreation Facilities (indoor)		
	Desired Future Character	The development is in accordance with the Desired Future Character in that it would result the construction of employment land uses south of the east-west collector road for small lot industrial purposes that will not conflict with existing and intended future character and amenities of the residential areas immediately north of the site. The development would provide high quality architectural design features with a strong built edge to the streets, with incorporated landscaping of minimum 10 m depth to the street frontages.	Yes	
12.8.3 (Public Domain)	Water Management	The proposal is located upon an existing approved IN2 Light Industrial subdivision pattern and would not result in any adverse impact upon the health of Claremont Creek.	Yes	
	Flood Management	The proposal is located upon an existing approved IN2 Light Industrial subdivision pattern and would not result in any adverse impact upon any existing flood regime.	Yes	
	Vegetation	A Vegetation Management Plan has been prepared by Niche Environment and Heritage and provides details of the works and management actions required to maintain or improve the biodiversity values of the Cumberland Plain Woodland remnants within the broader 16 Chapman Street site. A Landscape Plan has been prepared and accompanies this SEE in support of the DA, which shows minimum 10 m landscaped frontages to all streets.	Yes	
	Contamination	Phase 1 and Phase 2 Preliminary Site Investigation Reports prepared by Douglas Partners and WSP Environmental accompany this SEE in support of the original subdivision approval DA 19/0704.	Yes	
12.8.3.2 (Transport and Accessibility)	Road Network	No changes to the approved road network are being sought by this DA. Temporary cul-de-sacs are provided to the roads.	Yes	
	Vehicular Movement	A Traffic Impact Assessment has been provided by Varga Traffic and Planning Pty Ltd, demonstrating that vehicular manoeuvring for Medium Rigid Vehicles can be accommodated at the site. It is noted that Table C10.3 of Penrith DCP 2014 (Chapter C10 Transport Access and Parking) provides the following design vehicle guidelines for commercial and industrial developments.	Yes, subject to merit assessment	
		Site Area		Design Vehicle
		Up to 1,500 m ²		Medium Rigid Vehicle (MRV)
		1,500 m ² to 4,000 m ²		Heavy Rigid Vehicle (HRV)
		Greater than 4,000 m ²		Articulated Vehicle

Penrith DCP 2014 Chapter E12	Matter	Comments	Compliance
		<p>However, as per clause 12.8.6 Development for Employment Purposes in Chapter E12 – Penrith Health and Education Precinct of Penrith DCP 2014, lots greater than 2,000 m² shall cater for articulated vehicles.</p> <p>The proposal demonstrates that each of the small light industrial units shall be able to accommodate Medium Rigid Vehicles. It is considered that the needs of the potential service and light industry land uses would be amply accommodated by the use of Medium Rigid Vehicles, in this area that is to be located opposite future residential land uses.</p>	
	Public Transport	There are no changes proposed to the approved road pattern layout, which would accommodate future bus networks to operate.	Yes
	Pedestrian Bicycles	There are no changes proposed to the approved road pattern layout, which would accommodate future cycling and pedestrian networks to operate.	Yes
12.8.3.3 (Streetscapes)	Landscape Character	A Landscape Plan has been prepared and accompanies this SEE in support of the DA, which shows minimum 10 m landscaped frontages to all streets.	Yes
	Road Sections	There are no changes proposed to the approved roads.	Yes
	Passive Open Space	A Landscape Plan has been prepared and accompanies this SEE in support of the DA, which shows minimum 10 m landscaped frontages to all streets.	Yes
12.8.4 (Private Domain)	Subdivision	There are no changes to the approved subdivision layout of DA 19/0704.	Yes
	Building Footprints	The proposed building footprints would result in an attractive and cohesive streetscape that is located within a landscaped setting.	Yes
12.8.6 (Development for Employment Purposes)	Performance Measures	Driveways and parking areas including off-street parking are appropriate to the potential land uses and in accordance with the Access and Parking section of Penrith DCP 2014, the RMS and Australian Standards.	Yes
	Landscaping	A detailed Landscape Plan has been prepared by Concept Landscape Architects and accompanies this SEE in support of the DA, which shows minimum 10 m landscaped frontages to all streets.	Yes
	Access	An Access Report prepared by Morris Goding Access Consulting and accompanies this SEE in support of the DA.	Yes

5 ENVIRONMENTAL PLANNING ASSESSMENT

5.1 Contamination Site Investigation and Environmental Assessment

The Site Investigation & Contamination report (Phase-1) has been prepared by **Douglas Partners Pty Ltd** and Environmental Assessment has been prepared by **WSP Pty Ltd**.

This Environmental Assessment report concludes:-

"...During the site inspection, the natural vegetation appeared to be in healthy condition, with no obvious signs of disturbance or stress. No staining, malodours or discolouration of soils was observed.

The surface soils encountered during the fieldworks generally comprised the following:

- *Surface soils (0.0 - 0.5 m bgl which were interpreted to comprise reworked or in-situ natural topsoils typically described as dark brown, clayey silt with organics.*
- *Filling generally comprised reworked natural material consisting of silty clays, dark brown in colour with organic matter present. This material appears to be locally sourced and is found only where an earth mound has been formed to act as a retaining wall on the eastern portion of the site (AEC 8).*
- *Natural material (0.3m - 8.0 m bgl), generally comprised orange, brown and grey clay with red/orange mottling in various stages of weathering as indicated by calcium carbonate nodules, ironstone fragments, sandstone fragments and changes in colour with depth. Charcoal fragments and were also present in the natural material, likely from natural deposition. Lenses of sand and rounded gravels in the southern portion of the site indicate fluvial deposition. Variations in natural material across the site reflect the characteristics identified by DP (July 2007b) in the two geomorphic units*
- *No fibre cement fragments were observed on the surface or in soils at the site during WSP site works, however a fibre cement pipe was encountered at TP04. Soils were moist to damp, with no evidence of groundwater flow observed in the soil profile.*
- *Concentrations of BTEX, OCP, OPP, PAH, PCB, Phenols, TPH and asbestos in soils were either below the laboratory detection limits or below the health-based investigation levels for Residential with access to soils (NEPM HIL-A).*
- *Concentrations of heavy metals were below the health-based investigation levels for Residential with access to soils (NEPM HIL-A) and provisional phytotoxicity based investigation levels (PILs).*
- *Concentrations of BTEX, PAH, Phenols, TPH, VHCs in groundwater were below the laboratory detection limits.*

On the basis of the Phase 1 Investigation, site history, current site condition and results of the Preliminary Phase 2 Environmental Assessment, the site is considered to be suitable for residential land use with gardens and accessible soils.

In order to facilitate proposed future development, WSP recommends that UWS delineate the extent of the asbestos containing pipe identified near TP04 and remove the pipe in accordance with current best practice.."

5.2 Acoustic Impact Assessment

Acoustic Impact Assessment has been conducted for the proposed development by SLR Pty Ltd dated 4th March 2020.

The report concludes:

"..This report provides an assessment of the potential noise impacts at the proposed subdivision of 16 Chapman Street, Werrington, on the basis on noise monitoring completed at the site. The impact of existing road and

rail noise on the subdivision varies across the site with the most affected locations being situated adjacent the T1 Western Line. Noise impacts are also expected from road traffic noise on the internal east-west road and also from industrial sources of noise from the future industrial and commercial lots near the southern boundary of the Precinct.

Mitigation strategies have been recommended which include acoustically optimising the site layout, using intervening multistorey buildings to provide shielding to the rest of site and designing building layouts to place less noise sensitive usages near to source of noise. Where residual impacts exist, noise mitigation through building design may be required for a number of lots which are close to sources of rail noise. This could be achieved through the use of upgraded facade elements, such as windows and doors.

Rooms on facades exposed to road, rail or industrial noise impacts would likely also need mechanical ventilation to enable windows to be kept closed as a noise mitigation measure. The preferred mitigation strategy for the proposal would be determined at a later stage in the project. Based on the assessment of the potential impacts and the requirement for mitigation, the proposed development is considered feasible and supported from a noise standpoint...”

5.3 Traffic Impact Assessment

Traffic Impact Assessment has been conducted by Varga Traffic Planning Pty Ltd dated 14th March 2022.

The report concludes that:

“..In summary, the proposed parking and loading facilities satisfy the relevant requirements specified in both Council’s DCP 2014 and the Australian Standards, and it is therefore concluded that the proposed development will not have any unacceptable parking or loading implications.”

5.4 Access Review Assessment

An Access Review Assessment dated March 2022 has been completed by Morris Goding Access Consulting and accompanies this SEE in support of the DA. The report provides recommendations to ensure that the proposal would be able to achieve compliance.

5.5 Bushfire Impact Assessment

Bushfire Impact Assessment has been done for the subject site by Building Code & Bushfire Hazard Solutions Pty Ltd.

The report concludes that:

“...The development proposal relates to a staged residential / industrial development at 16 Chapman Street, Werrington.

Given that the property is deemed bushfire prone under Penrith City Council’s Bushfire Prone Land Map any development would need to meet the requirements of Planning for Bush Fire Protection 2006. The determination of any bushfire hazard must be made on a site-specific basis that includes an assessment of the local bushland area and its possible impact to the subject property.

The vegetation identified as being the hazard is within the proposed northern (E2 Environmental Conservation) residue lot and proposed Central Park. The minimum required Asset Protection Zones were determined from

Table A2.4 of Planning for Bush Fire Protection 2006. The subject development achieves or in most instances exceeds the minimum required Asset Protection Zones under PBP.

No new dwellings/buildings (apart from the proposed sales pod) are proposed as part of this Development Application. Those new allotments that are mapped as Bushfire Prone Land following this subdivision may require further assessment under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 or s4.14 of the Environmental Planning and Assessment Act 1979 at the time of any future application for the construction of any new dwellings / buildings on these newly created allotments. The proposed water supply and access provisions are considered adequate and will satisfy section 4.1.3 of Planning for Bush Fire Protection 2006.

In accordance with the bushfire safety measures contained in this report, and consideration of the site specific bushfire risk assessment it is our opinion that when combined, they will provide a reasonable and satisfactory level of bushfire protection to the subject development..."

5.6 Flora and Fauna Impact Assessment:

Flora and Fauna Assessment for the subject site was conducted by Ambrose Ecological Services Pty Ltd.

The report has given the below mitigation measures prior to construction:

- Trees or shrubs that will be cleared from the subject site, should be checked beforehand for the presence of active nests of birds (that is, those nests containing fertile eggs or nestlings) and arboreal mammals (such as possums). These plants should not be removed or pruned until animals that are nesting in them have completed their breeding cycle.
- Trees or shrubs that will be cleared or pruned should be checked for animals before and after felling or pruning. Injured animals should be taken to a local vet or the local wildlife rescue service should be notified. Silt fences, sediment ponds and hay bales should be appropriately placed around construction areas to prevent runoff of sediment and nutrient-enriched waters into proposed conservation areas on the subject site and water runoff areas to Claremont Creek and its riparian zone. The effectiveness of these traps should be closely monitored during construction, ensuring that treated site run-off meets EPA guidelines.
- Trees and other vegetation that will be removed from the subject site for the proposed development should be conducted with minimal disturbance to the soil.
- Construction wastes should be managed appropriately to prevent accidental discharge of chemicals or other pollutants into waterways and vegetation downs-slope of the subject site. Demolition and construction materials should not be stored in garden areas of the subject site once construction has been completed so that the risk of weed outbreaks is minimised.

Post-Construction Period

- An appropriate and ongoing Weed Management Plan should be implemented in retained native vegetation remnants and landscaped areas.
- Landscaped areas should contain characteristic CPW species, representative of all vegetation layers (trees, shrubs and groundcover species)...."

5.7 Sewerage and Water

Water and sewer services are available to the site. The services will be connected to the proposed development in accordance with the Authority requirements.

5.8 Electricity and Telecommunication Supply

Electricity and telecommunication services are available to the site. The services will be connected to the proposed development in accordance with the Authority requirements.

6 SECTION 4.15 ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

Section 4.15 of the Environmental Planning & Assessment Act 1979 contains the broadheads of consideration related to the assessment of development proposals.

This section undertakes an assessment of the proposal in the context of the heads of the consideration set out in Section 4.15 (1) of the Environmental Planning and Assessment Act as follows:-

- (a) *the provisions of—*
- (i) *any environmental planning instrument, and*
 - (ii) *any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and*
 - (iii) *any development control plan, and*
 - (iiia) *any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and*
 - (iv) *the regulations (to the extent that they prescribe matters for the purposes of this paragraph),*
 - (v) *(Repealed)*
- that apply to the land to which the development application relates,*
- (b) *the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*
- (c) *the suitability of the site for the development,*
- (d) *any submissions made in accordance with this Act or the regulations,*
- (e) *the public interest.*

6.1 State Environmental Planning Policy No 55 – Remediation of Land

Clause 7 of SEPP 55 requires the Council to consider whether the land is contaminated prior to granting consent to the carrying out of any development on that land. Should the land be contaminated, the Council must be satisfied that the land is suitable in a contaminated state for the proposed residential use.

Site Investigation & Contamination report (Phase-1), Environmental Impact Assessment (Phase-2) and Vegetation management have been prepared by WSP Pty Ltd . Based on the results of this investigation, the site is considered to have a Low Risk of soil and groundwater contamination.

6.2 State Environmental Planning Policy (Infrastructure) 2007

This SEPP does not apply to the proposed development as the DA falls outside the provisions of Traffic Generating Development identified under Schedule 3 as a matter for consideration under the Policy. A Traffic Impact Assessment has been carried out by Varga Traffic Pty Ltd for the proposed development. The proposal is considered to be satisfactory with regard to future traffic generation and car parking issues and is recommended to be supported by the Penrith City Council

6.3 Likely Impacts of the Development on the Built Environment Section 4.15(1)(b)

The proposed development will have no adverse impact on the Built Environment.

6.4 Suitability of the Site Section 4.15(1)(c)

The site is **zoned IN2** Light Industrial for development under the Penrith Local Environmental Plan 2010 and the proposed development of Light Industrial Buildings are permitted with development consent. All environmental matters have been considered and addressed under this application. The application will not adversely affect the environment. Therefore, it is considered that the site is suitable for development and accordingly, the development application is capable of being approved by Council, subject to appropriate and reasonable conditions.

6.5 Any Submissions Section 4.15(1)(d)

Council is required to take into consideration any submissions made in accordance with the Council's notification policy and the notification provisions of the EP&A Act.

6.6 Public Interest Section 4.15(1)(e)

The proposed development site is located within the Penrith LGA and complies with the aims of the precinct plan. One of the key aims of the Penrith LEP is to encourage a range of housing, employment, recreation and services to meet the needs of existing and future residents of Penrith.

The development of the site is in the public interest, in that the proposal seeks approval for the construction of 16 Light Industrial Buildings and associated infrastructure that is consistent with the intended use of the site. Therefore, this development application is considered to be within the public interest.

7 CONCLUSION

It is concluded that the construction of buildings over IN2 LIGHT INDUSTRIAL zoned lots under the approved subdivision (DA 19/0704) and associated site works is an appropriate and compatible form of development when assessed under headings of consideration of Section 4.15 of the Environmental Planning and Assessment Act 1979.

It is considered that the proposed development satisfies and is generally in accordance with the guidelines and recommendations contained in the Penrith Local Environmental Plan 2010 and Penrith Development Control Plan 2014, in particular the guidelines found in Chapter E12 Penrith Health and Education Precinct that provides site-specific details for the Werrington Enterprise Living and Learning (WELL) Precinct.

Based on the above proposal and the development plans submitted, it is recommended that the Penrith City Council approve the proposed development.