



## STATEMENT OF ENVIRONMENTAL EFFECTS

**Section 4.55(1A) Application to modify  
DA19/0704 to delete redundant pedestrian access**

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# Statement of Environmental Effects

Section 4.55(1A) Application to modify DA19/0704 to delete  
redundant pedestrian access

## Prepared for

Lendlease Communities (Werrington) Pty Ltd

By



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Client: Lendlease Communities (Werrington) Pty Ltd

Project Number: 11516

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## Table of Contents

<b>1</b>	<b>Introduction</b>	<b>6</b>
1.1	Application History	7
1.2	Determining Authority	7
<b>2</b>	<b>The Site and Locality</b>	<b>9</b>
2.1	Site Location	9
2.2	Site Description	11
<b>3</b>	<b>Proposed Modification</b>	<b>13</b>
3.1	Details of Proposed Modifications	13
3.1.1	Description	13
3.2	Modifying the Determination	14
<b>4</b>	<b>Strategic and Statutory Planning Framework</b>	<b>15</b>
4.1	Environmental Planning and Assessment Act 1979.	15
4.2	Environmental Planning and Assessment Regulation 2000	16
<b>5</b>	<b>Matters of Consideration – Section 4.15(1) of the EP&amp;A Act</b>	<b>19</b>
5.1	Environmental Planning Instruments – Section 4.15(1)(a)(i)	19
5.1.1	SREP No.20 - Hawkesbury Nepean	19
5.1.2	State Environmental Planning Policy No 55. – Remediation of Land	19
5.1.3	State Environmental Planning Policy (Infrastructure) 2007	19
5.1.4	Proposed Instruments – Section 4.15(1)(a)(ii)	20
5.1.5	Development Control Plan – Section 4.15(1)(a)(iii)	20

## Tables

Table 1	Assessment against S4.55(2) of the EP&A Act	16
Table 2	Assessment against the EP&A Regulations	16
Table 3	Assessment against DCP	20

## Figures

Figure 1	Snapshot of approved plans DA19/0704 identifying the site	6
Figure 2	Staging Plan	7
Figure 3.	General Site Location	9
Figure 4.	Surrounding Locality	10
Figure 5	Approved Plans under DA19/0704 showing the site and pedestrian access	11

## Statement of Environmental Effects

Section 4.55(1A) Application to modify DA19/0704  
to delete redundant pedestrian access

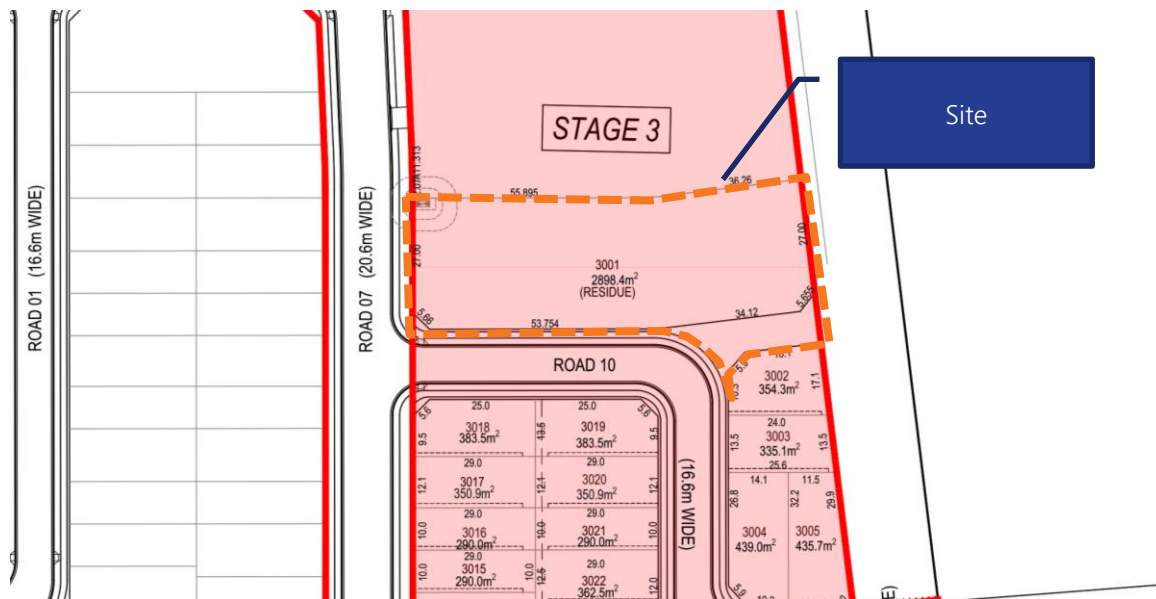
Figure 6 Approved Plan for Eastern Park under DA20/0081	12
Figure 7 Proposed modification of lot configuration	13

## Appendices

Appendix A: Notice of Determination No. DA19/0704  
Appendix B: Approved Plans DA19/0704  
Appendix C: Proposed Plan of Subdivision

## 1 Introduction

GLN Planning Pty Ltd (**GLN**) has been commissioned by Lendlease Communities (Werrington) Pty Ltd (the **Applicant**) to prepare this report to accompany an application to modify Notice of Determination No. DA19/07045 (**the Consent**) issued on 18 December 2020 to delete land designated for a pedestrian link and to consolidate that land with proposed residue Lot 3001 in the subdivision of Lot 1 DP1226122, 16 Chapman Street, Werrington to provide better private vehicular access to this part of the site. A pedestrian link has already been approved on Eastern Park immediately to the north of Lot 3001.). **Figure 1** shows the location of Lot 3001 (the **site**) and the pedestrian link within the approved subdivision.



Source: Cardno – modified by GLN

Figure 1 Snapshot of approved plans DA19/0704 identifying the site

The proposal is submitted under s.4.55(1A) of the *Environmental Planning and Assessment Act 1979* (**EP&A Act**) to remove land identified as a pedestrian link, by amalgamating the area with residue Lot 3001 and noting that a separate pedestrian link is already provided within the adjoining park to the north (as approved under DA20/0081).

The proposal has been discussed with Penrith City Council (**Council**) at various meetings regarding the future development of residue Lot 3001 and the proposed open space to the north. In these meetings Council confirmed that the land identified as a pedestrian link south of Lot 3001 is not required and should be in private ownership for private driveway and not a public asset to be managed by Council.

The proposal remains permissible with consent under *Penrith Local Environmental Plan 2010* (**PLEP**), and *Penrith Development Control Plan 2014* (**DCP**). This report describes the proposed amendments, confirms that the proposal is substantially the same development as that approved by Council, identifies any potential impacts and the measures to be implemented to mitigate those impacts.

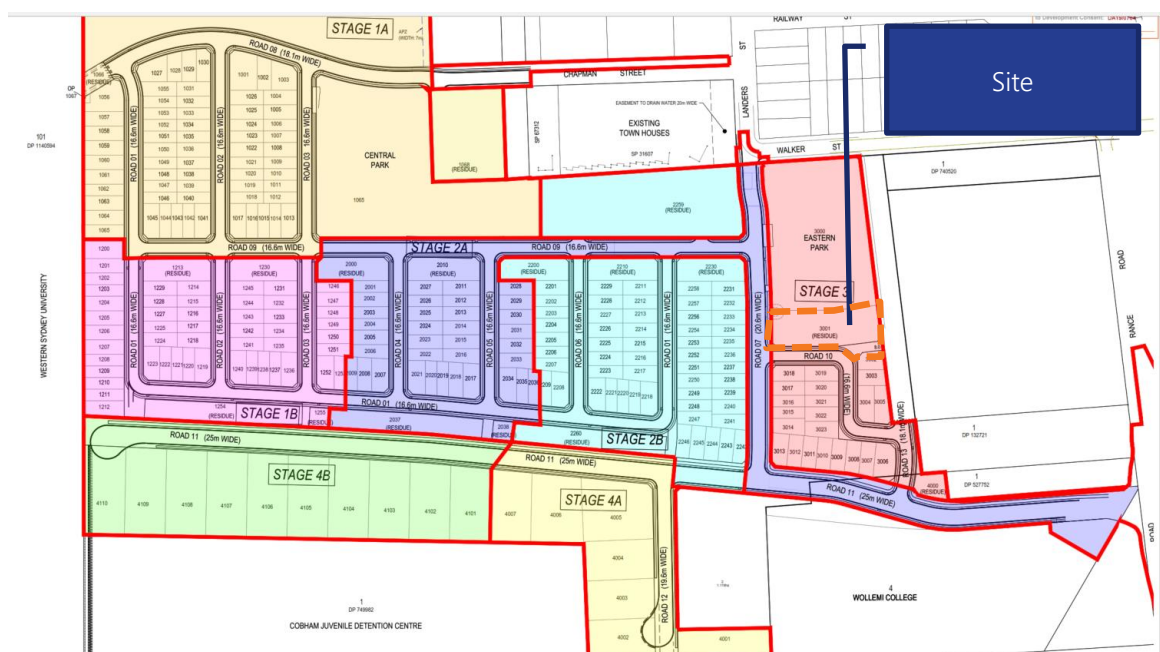
This report concludes that the proposed amendments are acceptable, and it is recommended that Council modify the consent, subject to appropriate modified conditions of consent.

## 1.1 Application History

On 18 December 2020 Council issued Notice of Determination No. DA19/0704 (**Appendix A**) subject to conditions for:

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

The site is located in Stage 3 of the approved subdivision. The approved staging plan is shown in **Figure 2**.



Source: Cardno as modified by GLN

**Figure 2 Staging Plan**

## 1.2 Determining Authority

Despite the consent being determined by the Panel, CI 123BA of the *Environmental Planning and Assessment Regulation 2000* (**EP&A Regulations**) delegates the decision-making power from the relevant Panel to Council for applications that include a modification of an existing consent for applications under s4.55(1A).

In accordance with the *Instruction on Functions Exercisable by Council on Behalf of Sydney District or Regional Planning Panels—Applications to Modify Development Consents* the proposal is not required to be determined by the Planning Panel on account the proposal does not include;

- Amendments to a condition of development consent recommended in the Council assessment report by which was amended by the panel,

- Amendments to a condition of development consent that was included in the Council assessment report, which was added by the panel, or
- Criteria relating to conflict of interest, contentious development, or departure from a development standard.

Council will be the determining authority for the proposed modification to the consent.



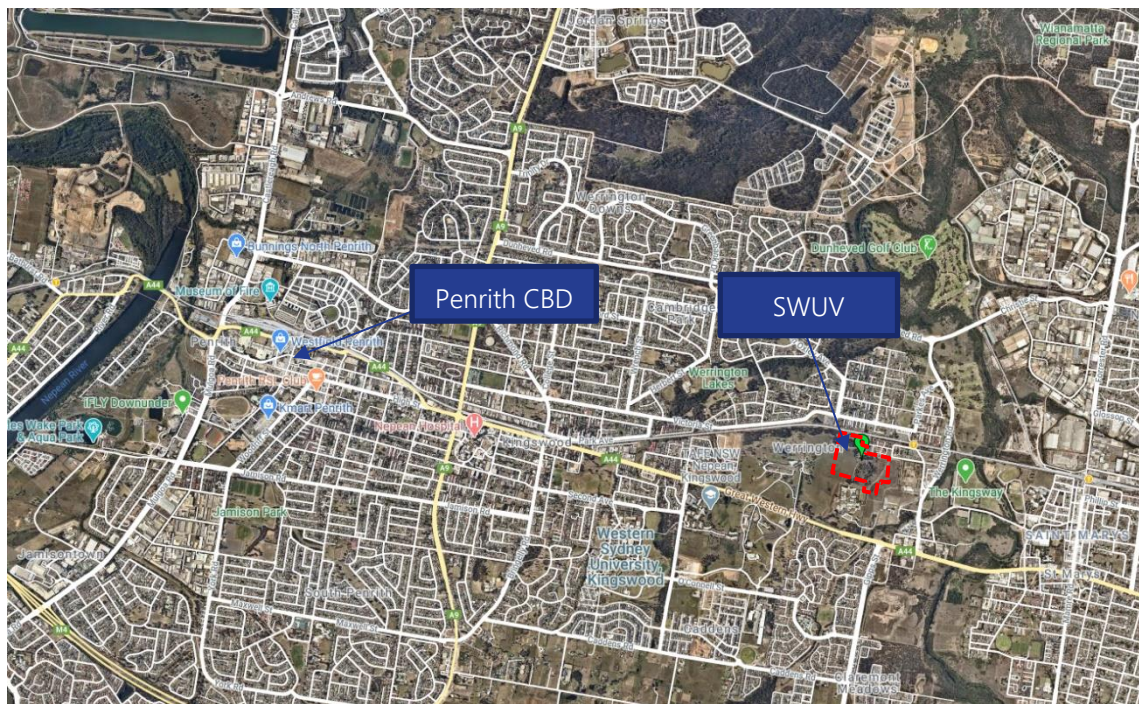
## 2 The Site and Locality

This section of the SEE describes:

- The site and its physical context,
- The background to planning considerations that has led to and supports the current DA for the proposed development, and
- The considerations that would inform a site analysis to ensure the siting and design and environmental responses are appropriate development outcomes for the land.

### 2.1 Site Location

The site is located in the South Werrington Urban Village (**SWUV**) Precinct, Werrington within the Penrith LGA, as illustrated within **Figure 3**.



Source: Nearmap

Figure 3. Location of the SWUV

The SWUV Precinct comprises approximately 48 hectares (**ha**), the majority of which is owned by the Applicant and is subject to DA19/0704. The SWUV 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 to the north and south of the Great Western Railway line.

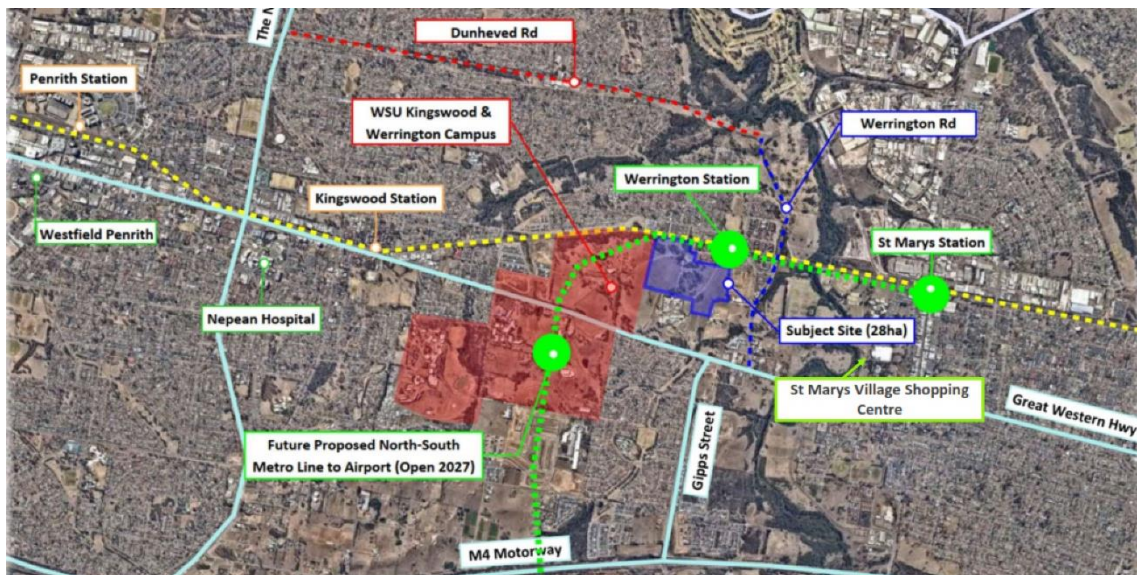
A vision for the SWUV Precinct was established through the Werrington Enterprise Living and Learning Strategy 2004 which is as follows:

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

In a regional context, the site is located approximately 7km east of the Penrith Central Business District (CBD) and approximately 50km west of Sydney CBD. Werrington Train Station is located approximately 20m north of the site and the University of Western Sydney (UWS) Werrington North Campus is located to the west with a common boundary to the site.

As illustrated in **Figure 4**, the surrounding locality comprises a mixture of land uses, with low and medium density residential development located between the site's northern boundary and the Greater Western Railway line. To the immediate south lies the Cobham Juvenile Justice Centre, while to the southeast lies the grounds of Wollemi College educational establishment. To the east 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 the Parramatta and Sydney CBDs.



Source: Lendlease

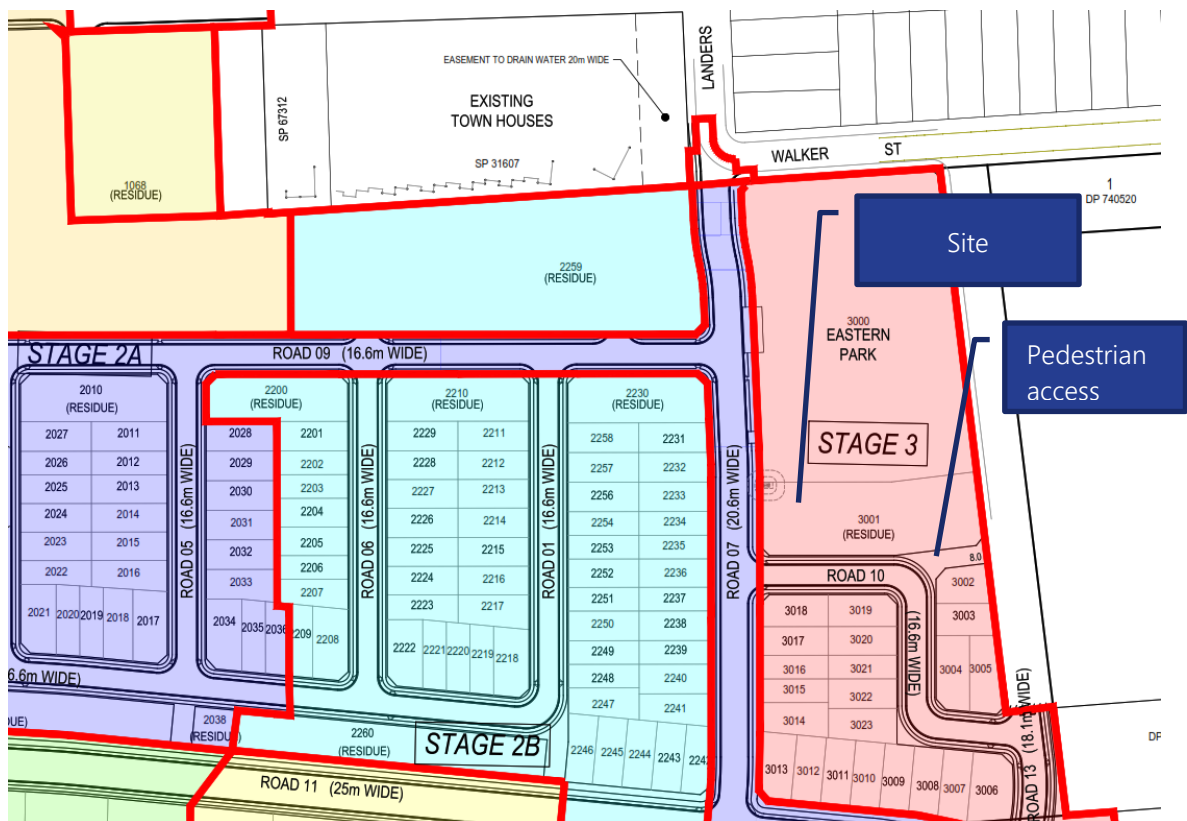
Figure 4. Surrounding Locality



## 2.2 Site Description

The proposed modification applies to Stage 3 of the approved subdivision under DA19/0704. Stage 3 of DA19/0704 is located on Lot 1 DP1226122 at 16 Chapman Street, Werrington. The site is residue Lot 3001 and the adjoining pedestrian link to the south. Lot 3001 has an area of 2,898m<sup>2</sup>.

The site has road frontage to approved Road 07 to the west, approved Road 10 to the south and extension of approved Road 13 (approved under separate DA) to the east. The surrounding road network as well as associated street tree plantings are to be delivered as part of the parent consent under DA19/0704 (see **Figure 5**).



Source: Cardno

Figure 5 Approved Plans under DA19/0704 showing the site and pedestrian access

Pedestrian permeability is an important principle in the SWUV Precinct. However, Eastern Park is located to the north of the site (approved under DA20/0081) and includes a pedestrian access in the form of a footpath through the park between Road 07 to the future extension of Road 13 only 30m to the north of the redundant pathway (see **Figure 6**).

The deletion of the public accessway and use of this land for vehicular access to Lot 3001 would remove an asset burden on Council and permit improved and safer vehicular access to future development on the site.



Source: Place Design Group

Figure 6 Approved Plan for Eastern Park under DA20/0081

## 3 Proposed Modification

### 3.1 Details of Proposed Modifications

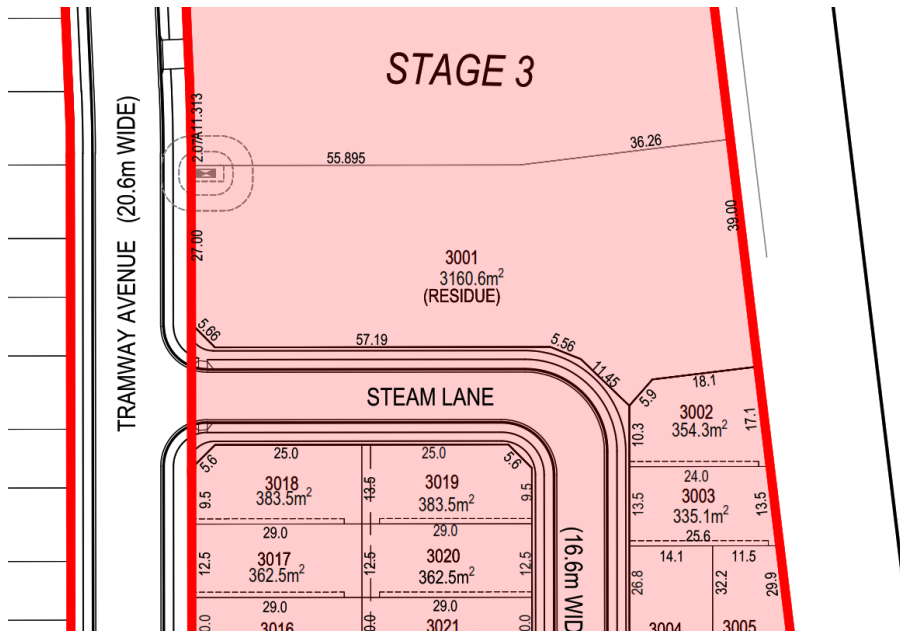
The proposed modification applies to Stage 3 of the approved subdivision under DA19/0704. Stage 3 of DA19/0704 is located on Lot 1 DP1226122 at 16 Chapman Street, Werrington and seeks to recognise the approval of DA20/0081 for the park to the north of the site which includes a pedestrian access park providing appropriate permeability between Road 7 (Tramway Ave) and Road 10.

#### 3.1.1 Description

The proposed modification does not alter the total number of allotments, introduce any potential new uses and will ultimately not affect the operation or intensity of the development as approved under DA19/0704. The proposal includes the amalgamation of approved Lot 3001 and the pedestrian link to the south. The resultant lot configuration is shown in **Figure 7** below. The revised Staging Plan and Stage 3 plans are provided in **Appendix C**.

The proposed pedestrian path approved to the south of Lot 3001 is redundant as a 2.5m wide pathway will be provided as part of the open space approval (DA20/0081) directly adjoining the northern boundary of Lot 3001.

As a pathway has been provided through the park to the north of the site, and that the use of the pedestrian access will likely also need to be utilised for vehicular access, the land is best managed under private ownership.



Source: Cardno

Figure 7 Proposed modification of lot configuration

### 3.2 Modifying the Determination

To facilitate the above changes, the following amendments to conditions are proposed as follows. Additions in text are shown in ***bold italics*** and deletions are shown in ~~strike through~~.

Conditions of Consent

Condition 1 is amended in the following manner:

GENERAL

Page 7 of 33

Condition 1 is proposed to be amended as follows:

- 1 The development must be implemented substantially in accordance with the following plans and any supporting information received with the application, except as may be amended in red on the attached plans and by the following conditions.

Drawing title	Drawing no.	Prepared by	Revision	Date
Land Swap – Plan of Subdivision Sheet 1 of 2	-	Terry Edward Bartlett	-	13/11/2020
Land Swap – Plan of Subdivision Sheet 2 of 2	-			
<del>Subdivision Plans</del>	<del>80219053-001-SL080 to 80219053-001-SL088</del>	<del>Cardno</del>	<del>Up to Revision 10</del>	4/11/2020
<i>Subdivision Plans</i>	<i>80219053-001-SL080</i>	<i>Cardno</i>	<i>Revision 13</i>	14/12/2021
<i>Subdivision Plans</i>	<i>80219053-001-SL082 to 80219053-001-SK085</i>	<i>Cardno</i>	<i>Up to revision 9</i>	4/11/2020
<i>Subdivision Plans</i>	<i>80219053-001-SL086</i>	<i>Cardno</i>	<i>Revision 11</i>	14/12/2021
<i>Subdivision Plans</i>	<i>80219053-001-SL087 to</i>	<i>Cardno</i>	<i>Revision 9</i>	4/11/2020
<i>Subdivision Plans</i>	<i>80219053-001-SK089</i>	<i>Cardno</i>	<i>Revision 7</i>	18/08/2020
...				
...				

## 4 Strategic and Statutory Planning Framework

Section 4.55(1A) of the EP&A Act contains the provisions that must be considered by a consent authority in determining an application to modify a Notice of Determination. In addition to the EP&A Act, Division 12 of the EP&A Regulations, contains matters that must be considered with an Application to modify a consent. The provisions under the EP&A Act and EP&A Regulations are addressed below.

### 4.1 Environmental Planning and Assessment Act 1979.

Section 4.55(1A) of the EP&A Act provides for the following:

*(1A) Modifications involving minimal environmental impact. A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with regulations, modify the consent if –*

- (a) it is satisfied that the proposed modification is of minimal environmental impact.*
- (b) It is satisfied that the development to which the consent is modified relates is substantially the same development as the development for which the consent authority originally granted and before that consent as originally granted was modified (if at all), and*
- (c) It has notified the application in accordance with –*
  - (i) the regulations, if the regulations so require, or*
  - (ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and*
- (d) it has considered any submissions made concerning the proposed modification within the period prescribed by the regulations or provided by the development control plan, as the case may be.*

*Subsections (1) and (2) and (5) do not apply to such a modification.*

- (3) In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in section 4.15(1) as are of relevance to the development the subject of the application. The consent authority must also take into consideration the reasons given by the consent authority for the grant of the consent that is sought to be modified.*
- (4) The modification of a development consent in accordance with this section is taken not to be the granting of development consent under this Part, but a reference in this or any other Act to a development consent includes a reference to a development consent as so modified.*

**Table 1** below discusses compliance with S4.55(2) as outlined above.

**Table 1 Assessment against S4.55(2) of the EP&A Act**

Clause	Matter	Comment
4.55(1A)(a)	Minimal environmental impact	The proposed modification will remove a pedestrian link. The intention was to provide pedestrian permeability between Road 07 and Road 13. This is now facilitated through a 2.5m pathway located approximately 20m to the north through the Eastern Park under DA20/0081.  The proposed modification will have negligible environmental impacts.
4.55(1A)(b)	Substantially the same development	The proposed modification will not change the overall number of lots or intensity of the development. The proposal is substantially the same as approved.
4.55(1A)(c)	Notification	The proposal will be notified in accordance with Council's policy.
4.55(1A)(d)	Consideration of submissions	Consideration of submissions is a procedural matter for Council. We request the opportunity to review and comment on any submissions received, should they arise.
4.55(3)	Consent Authority Considerations	In determining an application for modification of a consent under this section, the consent authority must take into consideration such matters referred to in section 4.15(1) of the EP&A Act as are of relevance to the development the subject of the application.  The consent authority must also take into consideration the reasons given by the consent authority for the granting of consent that is sought to be modified.  These matters are discussed in detail under <b>Section 5</b> of this Report.
4.55(4)	Modification of Development Consent	This application has been lodged with Council pursuant to section 4.55(1A) of the EP&A Act to modify the Determination.
4.55(6)	Deemed Refusals	The EP&A Regulations make provisions for determination timeframes.

## 4.2 Environmental Planning and Assessment Regulation 2000

Clauses 115 and 117 of Division 12 of the EP&A Regulations details the requirements and information required to be submitted to a consent authority with an application to modify a development consent. The following table details compliance:

**Table 2 Assessment against the EP&A Regulations**

Clause	Matter	Comment
Clause 115 (1)(a)	Name and address of applicant	Details of the applicant are included in this report and provided via the Planning Portal.



## Statement of Environmental Effects

Section 4.55(1A) Application to modify DA19/0704  
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Clause	Matter	Comment
Clause 115 (1)(b)	A description of the original development	This report includes details of the original development and the proposed modifications under this application.
Clause 115 (1)(c)	Address and formal particulars	Details are included in <b>Section 2</b> of this report and completed in the Planning Portal.
Clause 115 (1)(d)	A description of the proposed modification	<b>Section 1</b> of this report includes details of the original development and the modifications proposed under this application.
Clause 115 (1)(e)	A statement that indicates the modification is intended to have some other effect	The primary purpose of this application is to remove the pedestrian link to the south of residue Lot 3001 as a pathway has been approved under DA20/0081 to the north of residue Lot 3001. This allows Lot 3001 to increase in size and provides opportunity for a regular development to occur on the site.
Clause 115 (1)(f)	A description of the expected impacts of the modification	This report provides a detailed description and review of potential impacts and concludes the modifications as proposed should be supported.
Clause 115 (1)(g)	An undertaking that the development will remain substantially the same	The development remains substantially the same, as detailed in <b>Table 1</b> above.
Clause 115 (1)(g)	1(g1) Biodiversity	Not Applicable.
Clause 115 (1)(h)	Owners Consent	Owner's consent for the making of this application is appended to the Application Form.
Clause 115 (1)(i)	Statement that the application is to the Court or to the consent authority	This application is made to Council pursuant section 4.55(1A) of the EP&A Act.
Clause 115(1A)	Planning Portal	The application has been made via the Planning Portal and includes the relevant forms and materials as required under the regulations.
Clause 115 (2)	Notification requirements of clause 49	The requirements of public notification pursuant clause 49 do not apply to this application.
Clause 115 (3)	Residential Apartment Development	N/A
Clause 115 (3A)	Designer Statement	
Clause 115 (3B)	Design Review Panel	N/A
Clause 115 (4)	BASIX certificate for residential apartment development	N/A

## Statement of Environmental Effects

Section 4.55(1A) Application to modify DA19/0704  
to delete redundant pedestrian access

Clause	Matter	Comment
Clause 115 (5)	State Significant Development	The application is not State Significant Development.
Clause 115 (6)	BASIX certificate	N/A
Clause 115 (7)	BASIX certificate	N/A
Clause 115 (8)	Local Aboriginal Land Council	The land relating to this Application is not owned by a Local Aboriginal Land Council.
Clause 115 (9)	Fee	This application has been lodged with the relevant fee.
Clause 115 (10)	the Court	Procedural matters are noted.
117	Modification of Consent involving minimal environmental impacts	The proposal will be notified in accordance with Counsel's requirements.

## **5 Matters of Consideration – Section 4.15(1) of the EP&A Act**

The following discusses the relevant matters pursuant section 4.15(1) of the EP&A Act.

### **5.1 Environmental Planning Instruments – Section 4.15(1)(a)(i)**

This application has been prepared and lodged pursuant to section 4.55(1A) of the EP&A Act. Section 4.55 of the EP&A Act is a ‘free-standing provision’ subject to its own stand-alone tests, meaning that an application may be approved notwithstanding any breach of development standards. Despite this, the proposed modification does conflict with any development standards that apply to the site.

The relevant environmental planning instruments to the proposed modification are reviewed in the following sections,

#### **Penrith Local Environmental Plan 2010**

The PLEP 2010 is the primary environmental planning instrument regulating land uses within the Penrith LGA. The land subject to this modification is zoned R4 High Density Residential. The proposed development, as modified under this application, maintains a permitted land use as well as being consistent with the R4 High Density Residential zone objectives.

The proposal affects the subdivision of land, which is permitted with consent under cl.2.6 of the PLEP. There is no minimum lot size that applies to the land under cl.4.1 and no built form is proposed. There are no further controls within the PLEP that apply to the proposed modification.

#### **5.1.1 SREP No 20 - Hawkesbury Nepean**

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. The proposal does not affect the systems approved under DA19/0704 that have been employed to protect the environment of the river system.

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

This SEPP provides a State-wide planning approach to remediation and aims to promote the remediation of any contaminated land for the purpose of reducing the risk of harm to human health and/or the environment. No changes to the remediation approved under DA19/0704 and no changes would be required as a result of the proposed modification.

#### **5.1.3 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 including consultation with relevant public authorities.

Clause 104 Traffic-generating development of the Infrastructure SEPP applied to the application as proposed under DA19/0704 as it included the delivery of more than 200 lots and construction of public roads. The proposed amendment to DA19/0704 does not result in any amendments to the

approved road network or the number of lots/dwellings. The proposed modification will not generate any additional impact on the road network or require referral under the Infrastructure SEPP.

#### 5.1.4 Proposed Instruments – Section 4.15(1)(a)(ii)

There are no proposed instruments relevant to the proposed modification Application.

#### 5.1.5 Development Control Plan – Section 4.15(1)(a)(iii)

##### Penrith Development Control Plan 2015

The relevant matters of consideration pursuant to the DCP under this application to modify the Determination are considered in **Table 3** below.

**Table 3 Assessment against DCP**

Control	Matter	Comment	Compliance
Part C2 Vegetation Management			
2.1	Preservation of trees and other vegetation	The proposal does not involve removal of any additional trees.	Yes
2.3	Bushfire Prone Land	The site is mapped as being partially bushfire prone land. DA19/0704 also included approval under the <i>Rural Fires Act 1979</i> . The proposed modification to the scheme to do not affect any of the conditions under the General Terms of Approval.	Yes
Part C3 Water Management			
3.2	Catchment management and water quality	The proposed development does not include any alterations to the approved stormwater management system.	Yes
3.6	Stormwater management and drainage		
3.7	Water retention basins/dams		
Part C4 – Land Management			
4.1	Site stability and earthworks	No additional earthworks are required as a result of the proposed modification.	Yes
4.2	Landfill		
4.3	Erosion and Sedimentation		
4.4	Contaminated Lands		
4.5	Salinity		

## Statement of Environmental Effects

Section 4.55(1A) Application to modify DA19/0704  
to delete redundant pedestrian access

Control	Matter	Comment	Compliance
Part C5 – Waste Management			
5.1	Waste Management Plans	The waste services arrangements remain unchanged from the proposed modification.	Yes
5.2.1	Siting and Design of Waste Bin Storage Areas for Residential Development		
Part C6 – Landscape Design			
	Landscape Design	The development under DA19/0704 did not include any detailed landscaping design – other than landscaping in the road reserve. The approved development included delivery of 4 x trees in the pedestrian access to the south of Lot 3001 – these trees no longer need to be delivered as a result of this modification.	Yes
Part C10 Transport Access and Parking			
10.2	Traffic Management and Safety	The proposal does not seek to modify existing traffic or parking arrangements. The pedestrian connection to the south of Lot 3001 will be removed – however a 2.5m wide footpath is being provided to the north of Lot 3001 as a result of the approval of DA20/0081.	Yes
10.5	Parking, Access and Driveways		
10.6	Pedestrian Connections	Access to Lot 3001 will be determined through the approval process of any DA lodged over that site.	
10.7	Cycleways		
C11 Subdivision			
11.1	General Subdivision Requirements	The proposed modification represents a minor variation to the approved subdivision layout. The revised boundary will not impact on any approved engineering works, vegetation management, water management, land management, roads and transport or infrastructure.	Yes
Part 12.8.1 Preliminary			
12.8.1.2	Land to which the plan applies	The site is wholly located within the SWUV.	Yes
12.8.1.3	Aims and General Objectives	The proposed modification does not compromise the approved development’s ability to continue to meet the relevant objectives.	Yes
12.8.1.5	Concept Plans	The proposal is consistent with the overall structure and approval strategy established under DA19/0704.	Yes
Part 12.8.2 Structure Plan			

## Statement of Environmental Effects

Section 4.55(1A) Application to modify DA19/0704  
to delete redundant pedestrian access

Control	Matter	Comment	Compliance
12.8.2.1	Vision	The proposal is in keeping with the vision for the SWUV.	Yes
12.8.2.2	Urban Structure	The proposal maintains the urban structure as approved.	Yes
12.8.2.3	Desired future character	The proposed modification has arisen from preparing the DA for the residue Lot 3001. Lot 3001 is located in the High density residential zone, which is identified for Multi Dwelling Housing under the Desired Future Character statement in the DCP. To deliver a logical and efficient design of townhouses on the site, the pedestrian access would need to also be utilised for a driveway for some of these future townhouses. As there is an approved pedestrian pathway located just to the north of the site, the pedestrian path located some 30m to the south of the site is redundant – therefore the pedestrian access is best utilised as access for future townhouses delivered for Lot 3001 under separate DA.	Yes
12.8.2.4	Dwelling yield	The proposed modification does not change the total number of dwellings to be delivered under DA19/0704.	Yes
Part 12.8.3 Public Domain			
12.8.3.1.4	Vegetation	The proposal does not provide any further impact on vegetation, salinity or contamination than already assessed under DA19/0704.	Yes
12.8.3.1.5	Salinity		Yes
12.8.3.1.6	Contamination		Yes
12.8.3.2 Transport & Accessibility			
12.8.3.2.1	Road Network	There are no changes to the transport network.	Yes
12.8.3.2.2	Vehicular Movement	Despite the removal of the pedestrian pathway, a pedestrian pathway and link between Road 07 and Road 13 has been provided approximately 25m to the north through the park approved under DA20/0081.	Yes
12.8.3.2.3	Public Transport		Yes
12.8.3.2.4	Pedestrians and Bicycles		Yes
Part 12.8.3.3 Streetscapes			
12.8.3.3.1	Landscape Character	The approval includes a Street Tree Masterplan for the site. This Street Tree Master Plan includes 5 trees within the pedestrian path which as a result of this modification will no longer need to be delivered.	Yes
12.8.3.3.2	Road Sections	No alterations to approved road sections will be required.	Yes
12.8.3.4	Passive Open Space & Environmental Conservation Areas	All proposed landscape embellishment works of the RE1 Public Recreation zones are subject to DA 20/0081.	Yes
Part 12.8.4 Private Domain			

Control	Matter	Comment	Compliance
12.8.4.1	Subdivision	The proposed modification allows for a more consistent and compliant subdivision (and integrated housing) DA to be submitted over approved residue Lot 3001.	Yes

### 5.1.6 Planning Agreements - Section 4.15(1)(a)(iiia)

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

Notwithstanding, Lendlease have formally made an offer to Council to enter into a VPA for the proposed broader development. The Letter of Offer outlines the proposed infrastructure that would be delivered, including the proposed embellishment of both parklands and dedication of the proposed E2 Environmental Conservation Reserve, the monetary value and corresponding offset against any likely section 7.11 development contribution obligations.

The proposed modification does not require any amendment to the letter of offer or draft VPA.

### 5.1.7 Regulations - Section 4.15(1)(a)(iv)

Relevant provisions pursuant to the EP&A Regulations are independently addressed in **Section 4.2**.

### 5.1.8 Likely Impacts of the Development - Section 4.15(1)(b)

The likely environmental impacts of the proposed development have been generally discussed or appended to this report. It is not anticipated that the proposed modification will impact on the natural and built environment or result in any negative social or economic impacts on the surrounding locality. Ultimately, the modifications ensure the orderly and efficient development of land is facilitated in accordance with Council's policies.

### 5.1.9 Suitability of the Site- Section 4.15(1)(c)

The proposal is consistent with the existing development as approved under DA19/0704. The proposal includes the deletion of a pedestrian connection, which is no longer required on account of a pathway being delivered in the public open space to the north of the site.

### 5.1.10 Submissions - Section 4.15 (1)(d)

The applicant requests the opportunity to discuss and address any submissions, if received.

### 5.1.11 Public Interest - Section 4.15 (1)(e)

The proposed modification is considered to be in the public interest as it assists in the logical and efficient delivery of housing in the SWUV precinct. As the approved pathway in the open space to the north of Lot 3001 has made the pedestrian link to the south of Lot 3001 redundant, the amalgamation of the pedestrian link and Lot 3001 will facilitate a more consistent housing product over Lot 3001 (subject to future DA).

## 5.2 Reasons for Granting of Development Consent

The following discusses the reasons given by the panel for the granting of the consent that is sought to be modified.

- The proposed modification does not compromise the existing consents granted to deliver a staged subdivision and associated works within the SWUV precinct of the Werrington Enterprise Living and Learning Precinct. The development remains permissible.
- The biodiversity impacts will continue to be appropriately protected.
- The road network remains consistent with the PDCP.
- The proposed modification is an appropriate form of development in line with the 2009 rezoning.



## 6 Conclusion

This application is submitted to Council pursuant to Section 4.55(1A) of the EP&A Act to modify Notice of Determination No. DA19/0704, for the principle purpose of removing a redundant pedestrian pathway, which will facilitate a more logical development outcome on a residue lot (subject to future DA).

The modification has been assessed against the requirements of the EP&A Act and the EP&A Regulations and has been found to be substantially the same development and consistent for the granting of the Determination.

The modification is considered consistent with the State and local planning controls as well as being satisfactory in terms of environmental impacts. This application to modify the Determination should be supported as proposed in this report.

# **APPENDIX A: NOTICE OF DETERMINATION NO. DA19/0704**

## Statement of Environmental Effects

Section 4.55(1A) Application to modify DA19/0704  
to delete redundant pedestrian access

# APPENDIX B: APPROVED PLANS DA19/0704

## Statement of Environmental Effects

Section 4.55(1A) Application to modify DA19/0704  
to delete redundant pedestrian access

## **APPENDIX C: PROPOSED PLAN OF SUBDIVISION**

## Statement of Environmental Effects

Section 4.55(1A) Application to modify DA19/0704  
to delete redundant pedestrian access