



STATEMENT OF ENVIRONMENTAL EFFECTS

**South Werrington Urban Village Open Space
Parklands and E2 Environmental Conservation
Reserve
Lot 1 DP 1226122**

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Statement of Environmental Effects

South Werrington Urban Village Open Space Parklands and E2
Environmental Conservation Reserve
Lot 1 DP 1226122, 16 Chapman Street, Werrington

Prepared for

Lendlease Communities (Werrington) Pty Ltd

By



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Statement of Environmental Effects

SWUV Open Space Parklands and E2
Environmental Conservation Reserve



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Statement of Environmental Effects

SWUV Open Space Parklands and E2
Environmental Conservation Reserve



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Executive Summary

This Development Application (**DA**) is lodged on behalf of Lendlease Communities (Werrington) Pty Ltd (the **Applicant**) and seeks approval for the staged construction and delivery of two open space parklands, being the Central Reserve and Eastern Basin Park, and endorsement of proposed vegetation management practices within proposed Lot 1000 at Lot 1 DA 1226122, 16 Chapman Street, Werrington (the **site**).

The parklands sites and E2 Environmental Conservation lot are proposed to be established under DA 19/0704 and are located within the South Werrington Urban Village (**SWUV**) precinct of the Werrington Enterprise Living and Learning Precinct located within the Penrith Local Government Area.

The proposed open space parklands will support the future and existing residential populations of the SWUV precinct and offer a range of accessible passive and active recreation areas. The inclusive design of the parklands will offer spaces and functions that cater to the needs of all members of the community members, while balancing the protection and enhancement of native vegetation throughout the precinct.

Proposed Lot 1000 is proposed to be protected and enhanced in accordance with the measures outlined within the Vegetation Management Plan (**VMP**) prepared by Niche. In addition, existing areas of CPW vegetation within the proposed Central Reserve are also proposed to be managed in accordance with the measures outlined in Niche's VMP.

This DA seeks approval for the works under Part 4 of the *Environmental Planning and Assessment Act 1979* (**EP&A Act**). The DA does not include operational matters. Operational matters will be established by Penrith City Council (**Council**) per a Plan of Management.

The delivery of the proposed parklands aligns with the Applicant's offer presented to Council in its Letter of Offer to enter into a Voluntary Planning Agreement (**VPA**), dated 20 September 2019. Discussions continue with Council in order to finalise the Applicant's proposed offer. Matters relating to the ongoing maintenance and dedication of the open space parkland areas and proposed Lot 1000 are anticipated to be addressed in any future VPA entered into between both parties.

Site preparatory works associated with both open space parkland areas are proposed under DA 19/0704, which is currently under assessment by Council. These works will establish the finished levels for each site in association with the proposed dual stormwater detention/water quality treatment function for these spaces.

The passive open space parklands proposed under this application are zoned predominantly RE1 Public Recreation and partially R1 General Residential and R4 High Density Residential under *Penrith Local Environmental Plan 2010* (**PLEP 2010**). Proposed Lot 1000 is zoned E2 Environmental Conservation. Recreation areas are permissible with consent in all zones under the PLEP 2010. The proposed development complies with the relevant plans and policies applying to the land and the development.

The proposal incorporates minor variations to the envisaged layout and function of the SWUV passive open space areas under the Penrith Development Control Plan 2014 (**DCP**). The proposed variations are considered minor having regard to the master planned approach to the site's urban development and the benefits this will afford. These include:

- the coordinated delivery of passive open space identified for the SWUV precinct and associated certainty of the landscape treatment and function for these spaces
- an improved stormwater management and earthworks regime developed in conjunction with the proposed subdivision DA for the site that provides a holistic solution for the site and improved public domain interfaces with the parks.
- ensures both passive open space areas are assessed and integrated concurrently with the broader subdivision proposal for the site.

The proposed variations have been assessed against the relevant objectives in the DCP and matters raised by Council prior to lodgement. The proposal is considered to still meet the objectives for the delivery of passive open space within the SWUV precinct and provides will ensure the delivery of high quality open space environments for the betterment of future and residents of the community.

This Statement of Environmental Effects (**SEE**) describes the proposal, its likely impacts, measures to be implemented to mitigate those impacts, and assesses the proposal against the planning controls that apply to the site. All anticipated environmental impacts can be satisfactorily managed and mitigated to ensure no unacceptable adverse environmental impacts.

This SEE considers the proposal pursuant to the EP&A Act, *Environmental Planning and Assessment Regulation 2000*, PLEP 2010 and other relevant polices and plans.

This SEE outlines the justification for the proposed DCP variation to the functionality of the open space areas and concludes that the proposal is acceptable, and it is recommended that Council grant development consent subject to appropriate conditions of consent.

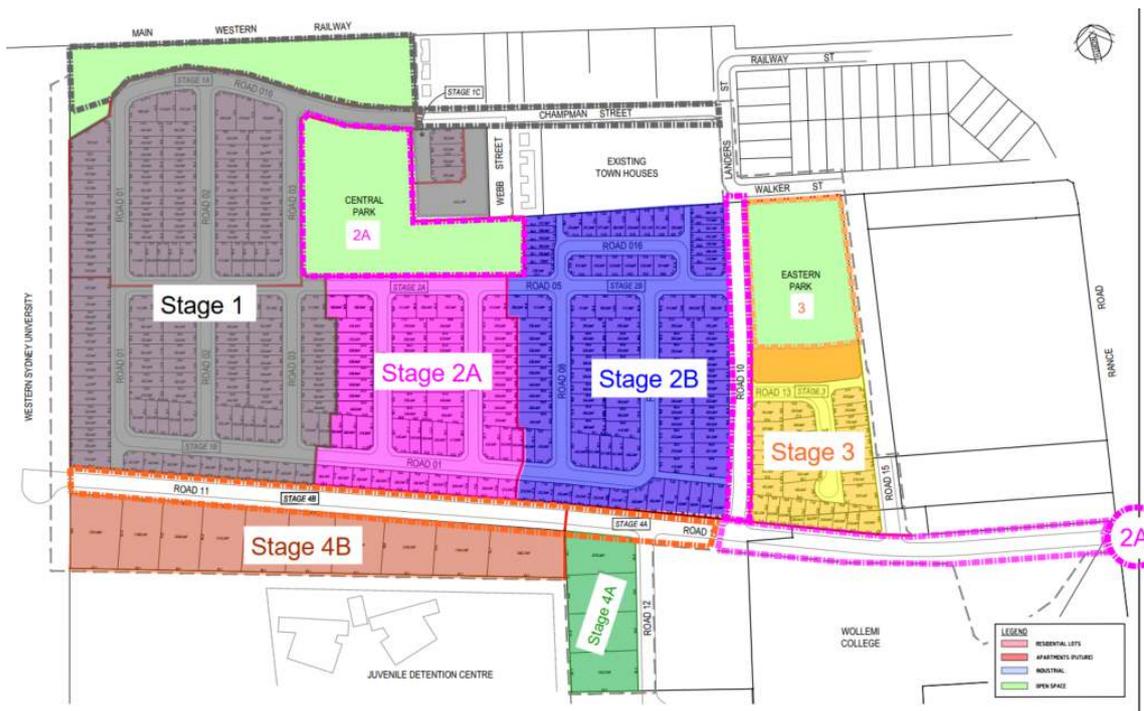
1 Introduction

1.1 Background

GLN Planning Pty Ltd (**GLN**) has been commissioned by Lendlease Communities (Werrington Pty Ltd) (the **Applicant**) to prepare a Statement of Environmental Effects (**SEE**) to accompany a Development Application (**DA**) seeking consent for the staged construction and delivery of two future open space parklands within the South Werrington Urban Village (**SWUV**) precinct and the management of the E2 Environmental Conservation reserve (proposed Lot 1000) at Lot 1 DP 1226122, 16 Chapman Street, Werrington (see **Figure 1**).

The proposal includes the construction the Central Reserve and Easter Basin Park, generally in accordance with Part C of Penrith Development Control Plan 2014 (**DCP**) and the associated management and restoration of native Cumberland Plain Woodland (**CPW**) vegetation within the proposed Central Reserve and E2 Environmental Conservation reserve.

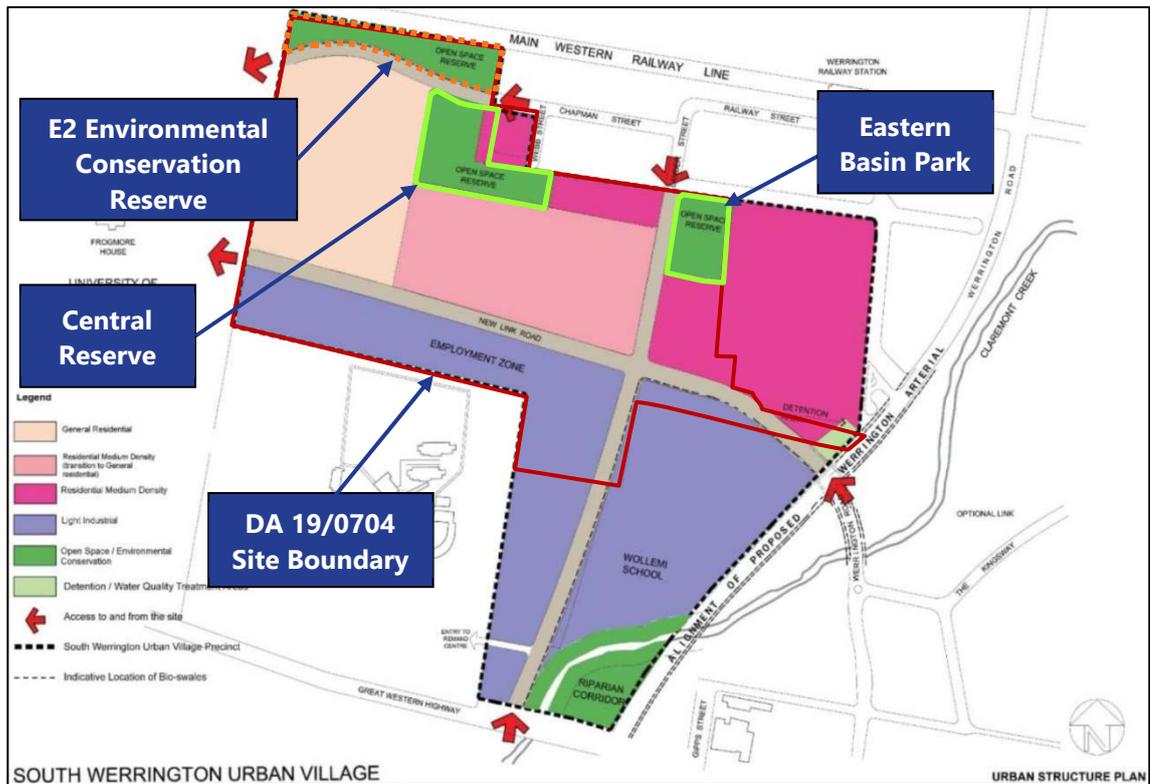
The landscape embellishment works and vegetation management measures proposed by this DA are anticipated to be undertaken concurrently with the broader subdivision works proposed under DA 19/0704, which is currently under assessment by Penrith City Council (**Council**).



Source: Cardno

Figure 1 Location of parks in context of indicative staging masterplan framework

The site is located on land identified within the SWUV precinct (see **Figure 2**) in the Penrith Local Government Area (**LGA**) and is zoned RE1 Public Recreation, R1 General Residential, R4 High Density Residential and E2 Environmental Conservation under *Penrith Local Environmental Plan 2010* (**PLEP 2010**).



Source: Penrith Development Control Plan 2014

Figure 2 SWUV Structure Plan (parkland sites shown dashed green)

Pre-lodgement consultation has been held with Council on several occasions during the development of the Applicant’s broader masterplan for the site, including a formal pre-lodgement meeting held 20 November 2019 for this subject DA. This meeting was supplemented by Council’s formal Pre-Lodgement Advice dated 3 December 2019. A response to the key matters outlined in Council’s advice are outlined below in **Table 1**.

Table 1 Response to Key Pre-Lodgement Meeting Matters

Pre-DA matter		Response
Planning		
1	Demonstrate how the proposed stormwater management system/strategy responds to the constraints of the site and fits within the overarching design principles for the precinct.	Engineer’s Cardno and Landscape Architect’s Place Design Group (Place) have worked collaboratively throughout the master planning process to balance the stormwater detention/water quality treatment and open space requirements for the SWUV precinct. Details demonstrating the coordination between to two practices is illustrated in the Landscape Plans and Civil Works Plans provided at Appendix A and Appendix B , respectively. The envisaged drainage functions of the Easter Basin Park were quickly determined not capable of being accommodated solely within the extent of the RE1



Pre-DA matter		Response
		<p>zoned in the east of the site and a two basin scenario was subsequently pursued.</p> <p>Engineering details submitted with DA 19/0704 demonstrate the necessity for the proposed two basin approach in addressing the locality stormwater drainage requirements. This includes the proposed location of detention and bio-retention areas within the basin/parkland design, which have been influenced by the drainage outlet/street system connection point locations and associated design levels.</p> <p>The proposed two basin approach is also supported by a robust bulk earthworks strategy for the site that limits the extent of fill required to be imported to the site. This has also facilitated a near at-grade interface between the entrance of the Central Reserve and public domain, significantly improving the amenity and usability of the space comparative to the current approvals over the site under DA 14/0627 and DA 16/0789.</p>
2	<p>DA to demonstrate how the proposal meets the performance measures of the DCP should a departure from the concept plan within the DCP be pursued.</p>	<p>The design of each open space parkland and works proposed in Lot 1000 generally meets the performance measures specified in subsection B of Section 12.8.3.4 of the DCP as follows:</p> <ul style="list-style-type: none"> existing native vegetation within the Central Reserve and proposed Lot 1000 will be retained and enhanced in accordance with the Vegetation Management Plan (VMP) prepared by Niche and provided at Appendix C each parkland space integrates with the adjoining residential land uses and have been designed to provide accessible transitions between the public domain and recreation environments to encourage their use and activity the location of both open space parklands and the E2 Environmental Conservation lot conform to their land use zonings and are bound by streets or residential allotments to ensure passive surveillance is achieved the subdivision layout proposed under DA 19/0704 will not result in the creation of allotments that back onto the proposed open space parklands or E2 Environmental Conservation lot each open space parkland incorporates a network of paths that link with the street networks proposed under DA 19/0704 to encourage pedestrian and cyclist connectivity



Pre-DA matter		Response
		<ul style="list-style-type: none"> playground, seating and shade facilities and opportunities are proposed to be provided. <p>Further details of the proposed open space parkland embellishment and compliance with Council's DCP is provided in the body of this SEE.</p>
3	The DA shall detail compliance with the open space area requirements detailed in the CP.	<p>Council's identifies the requirement for the dedication of 2.52 hectares (ha) of passive open space land, consisting of a 1.57ha Central Reserve and 0.95 ha Eastern Basin Park.</p> <p>DA 19/0704 proposes the establishment of the two subject open space allotments which total 2.94ha in area, consisting of a 1.778ha Central Reserve and 1.162ha Eastern Basin Park.</p>
4	Council's preference is that the Eastern Basin Park adopt a more organic form/shape and include features identified in the DCP which encourages more passive uses of the space as intended by the DCP.	<p>Further to comments provided at Point 1, the design capacity of the basin within the Eastern Basin Park is such that any further amendments to the form and/or shape of the basin (e.g. creating a more curvilinear edge treatment or reducing terraced wall elements) would have impact on the required detention capacity and likely require the basin finished floor level to be lowered further.</p> <p>This is not considered desirable in providing a usable space and would further impact on the attractiveness of the space in fulfilling its dual function requirement.</p> <p>Notwithstanding, additional embellishment works are proposed within the basin floor to improve its open space functionality and attractiveness, noting that the dry basin concept of the design will likely result in the basin floor being available for recreational use during extended periods throughout the year.</p>
5	Consideration should be given the form and location of the Western Reserve basin to maintain connectivity of vegetation to the E2 zoned conservation land in accordance with the overarching principles of the DCP.	As noted in Point 1, Cardno and Place have worked collaboratively to balance the stormwater and open space requirements for the SWUV precinct.
6	Proposed edge treatments and compatibility of the proposed design should be reviewed in terms of wayfinding, public vs private spaces, setbacks and pedestrian linkages.	The design of the Central Reserve and Eastern Park Basin has been undertaken in a coordinated manner with the proposed subdivision layout and civil infrastructure proposed to be delivered under DA 19/0704. The design of the open space areas will facilitate pedestrian connections around, through and into the proposed open space areas, which will be intended to become wholly public assets.
7	To facilitate more meaningful feedback through the DA process, plans submitted	Plans and documentation submitted with this DA provide a higher level of detail and beyond that of a 'concept' to allow for a more informed assessment.



Pre-DA matter		Response
	should include detail to that of a CC level where possible.	
8	An interpretation and/or heritage statement shall be provided, detailing any proposed signage or structural elements that may be incorporated into the landscape design.	No heritage values have been identified across the site and as such no heritage interpretation is proposed as part of this DA. Thematic historical references were drawn upon during the early design development phases to help inform the design of each parkland.
Landscape Design		
9	Council has adopted a 'Shade Facilities at Play Spaces Policy' which aims to increase useability and functionality of playgrounds. Details of how the playground areas are to be shaded shall be submitted.	Noted. Shading details are provided on the submitted Landscape Plans. Children's playground equipment proposed in the Central Reserve will be shaded with man-made shade structures, while other passive open space areas and the Eastern Basin Park will be shaded with natural element only.
10	Details of all landscaped terraces and seating walls shall be provided as well as all edge conditions.	Noted. All landscaping details are provided on the submitted Landscape Plans.
11	Details of landscaped site through-links identified throughout the subdivision shall be provided, including the purpose of these links in terms of location, pedestrian amenity and view corridors.	Noted. All landscaping details are provided on the submitted Landscape Plans.
12	Street tree planting shall be considered in the context of driveway locations, drainage infrastructure and garbage collection.	Street tree planting, including the species and location strategy, are proposed under DA 19/0704 which is currently under assessment by Council. Details have been submitted as part of that DA demonstrating how driveway crossovers can be located while ensuring street tree planting is maximised and does not compromise with garbage collection operations.
13	Long term sustainability shall be considered when selecting materials for public open space areas. Details of material selections are to be provided.	Noted. Details of materials, finishes, furniture and fixtures are provided on the submitted Landscape Plans.
14	Council recognises the proposed Western Park through-path will serve as a link for commuters walking to Werrington Train Station and should be illuminated with Category P3 lighting in accordance with AS1158.	Noted. All lighting proposed to be installed will comply with Category P3 lighting in accordance with AS1158. A lighting design plan is provided at Appendix D outlining the spill of light.
Biodiversity		
15	It is unclear how the proposed development may be affected by the <i>Biodiversity</i>	Existing vegetation within the Central Reserve and proposed Lot 1000 will be retained in full. Proposed tree removal required within the Central Reserve to



Pre-DA matter		Response
	<i>Conservation Act 2016</i> . Further investigation into this aspect is required.	<p>establish the proposed stormwater drainage functions and APZs are sought under DA 19/0704.</p> <p>No further tree removal is proposed under this DA.</p> <p>Niche’s assessment detailed in DA 19/0704 concludes that the loss of vegetation proposed under DA 19/0704 is not considered significant to the local occurrence of the existing Cumberland Plain Woodland (CPW) community.</p>
16	The CP does not set up a mechanism for the dedication of the E2 zoned conservation land. This will be reviewed as part of the current VPA offer.	<p>Noted. Discussions with Council regarding the outcome of the Letter of Offer and any future VPA continue.</p> <p>To ensure areas of conservation value are conserved and enhanced, a comprehensive vegetation management plan (VMP) has been prepared by Niche and accompanies this DA.</p>
17	Connectivity between vegetation sections shall be optimised and fragmentation minimised.	<p>Council’s DCP illustrates the required westerly extension of Chapman Street along the southern edge of the E2 zoned conservation land. The proposed civil works associated with the delivery of those road works are proposed under DA 19/0704.</p> <p>The future delivery of the road will have the effect of separating the E2 zoned conservation land from the remainder of the site, including the future open space within the Central Reserve. Notwithstanding, works proposed under that DA, including the proposed two basin stormwater strategy, have been designed to minimise the extent and requirement for vegetation removal.</p> <p>Accordingly, the design, location and capacity of the proposed stormwater basin within the Central Reserve has been massaged to minimise the requirement for unnecessary tree removal. The basin’s design and location has also been influenced by the desire of the Applicant to minimise the extent of cut and fill required to ensure the site drains appropriately.</p> <p>No further vegetation removal is proposed under this DA. All vegetation removal and bulk earthworks and civil works are proposed under DA 19/0704. Niche’s assessment also concludes that the loss of vegetation proposed under DA 19/0704 is not considered significant to the local occurrence of the existing Cumberland Plain Woodland (CPW) community.</p> <p>Remaining areas of CPW vegetation within the Central Reserve will be appropriately fenced in accordance with the requirements of the Federal Department of Environment to ensure the ongoing conservation and enhancement of these areas.</p>



Pre-DA matter		Response
18	Where possible, consider the use of walking tracks and informal paths through the Central Reserve to increase passive activities through this space.	As discussed with Council and where permitted by the Federal Department of Environment, the Applicant will deliver naturalistic gravel paths through the Central Reserve native vegetation to help activate the space and improve its conservation recognition and understanding.
19	Plantings of structured, complex vegetation (ground cover, shrubs/mid-storey, upper storey) for greater biodiversity benefits than just grass/groundcover and trees shall be provided.	The proposed landscape plantings are detailed on the submitted Landscape Plans. The proposed plantings comprise a broad range of ground covers, shrubs and other understory species that will be integrated with new tree plantings that will range in height at maturity between 6m and 25m.
20	Where structural complexity of vegetation needs to be balanced with other considerations such as visibility for people safety, consider low plantings that provide pollination habitat.	Landscape species selected in areas adjacent to the public domain and proposed paths will have mature heights that won't impede visibility or safety for people engaging in these spaces.
21	The use of native rather than exotic vegetation is encouraged, including street trees.	Predominantly native vegetation species are proposed within the landscape design for each open space area. Exotic species are proposed where shading during winter months is sought to improve amenity during these periods. Street tree species are proposed separately under DA 19/0704.
22	Include a buffer zone between embellished areas and remnant native vegetation - providing a transition between vegetation types.	Existing vegetation within proposed Lot 1000 will be restored and managed in accordance with the recommendations outlined in the VMP. No other works are proposed in this location. The envisaged planned alignment of the extension to Chapman Street effectively separates areas of remnant vegetation. To minimise any potential loss of vegetation density, the design of the Central Reserve includes dense native tree plantings around the perimeter of the site and between the proposed location of the basin to assist in establishing an effective transition zone.
23	Use local native plants rather than hybrids, such as hybrid grevilleas, as these large flowering plants may encourage large and aggressive honeyeaters that can deter smaller birds and reduce bird diversity.	As detailed on the Landscape Plans submitted, a range of native plant species are proposed for both open space areas.
24	Include habitat enhancement actions such as nest boxes, placement of logs.	No works or further vegetation removal are proposed within nominated conservation areas containing CPW vegetation community types. Notwithstanding, opportunities for the placement of logs and nest boxes will be further explored by the



Pre-DA matter		Response
		Applicant to enhance the localities habitat for native species.
25	Minimise disturbance in the native vegetation zones (it was not clear from the pre-lodgement meeting on the interaction between these proposed works and DA19/0704).	No further vegetation removal is proposed under this DA. All vegetation removal and bulk earthworks and civil works are proposed under DA 19/0704. Niche’s assessment also concludes that the loss of vegetation proposed under DA 19/0704 is not considered significant to the local occurrence of the existing Cumberland Plain Woodland (CPW) community.
26	Incorporate weed (including a focus on the transition zone between embellished and native vegetation) and pathogen actions in the vegetation management plan.	To ensure areas of conservation value are conserved and enhanced, a VMP addressing their management has been prepared by Niche.
Engineering		
27	Further consideration to be given to alternate or innovative means of meeting the stormwater runoff requirements generated by the development.	All matters concerning the management of stormwater runoff from the broader site and subdivision proposal are addressed in detail under DA 19/0704. As detailed, early investigations identified the deficiency of the single basin concept envisaged in the DCP and Council’s contributions plan. The bulk earthworks strategy proposed under DA 19/0704 was designed in conjunction with the water cycle management requirements for the site and the necessity to the design met pre-determined discharge points and levels. As such, a two basin approach was adopted for the proposal.
28	The design, layout and supporting infrastructure needs to address the means by which Council is able to adequately maintain and renew the proposed bio-filtration systems. An Operational and Maintenance Manual as well as associated Life Cycle costs shall be submitted as part of a DA in addition to the Design and Construction Specifications and detailed engineering drawings	Maintenance access has been designed into the layout of each proposed parkland to ensure all-weather accessibility is provided for Council’s vehicles. This includes the proposed construction of a 4m wide maintenance access path leading down into the basin floor. Details accompanying this DA also includes life cycle costs associated with the landscaping and associated infrastructure.
29	The Applicant will be required to enter into a Deed of Agreement with Council for the operation and maintenance of all assets for any land dedicated to Council.	Noted. The Applicant welcomes future discussions with Council regarding the delivery and dedication of the proposed open space areas and associated stormwater infrastructure.
30	The location of areas proposed for permanent irrigation, including location of water points are to be shown on the plans.	Connection points will be provided at strategic locations surrounding each park to ensure sufficient irrigation coverage is provided.

Pre-DA matter		Response
31	Details of any fencing, if required, to the conservation areas shall be submitted.	Noted. 900mm high galvanised steel and wire fencing is proposed around conservation areas to assist with the conservation of these areas. Fencing details are provided on the Landscape Plans.
32	Consideration to be given to long term access for heavy machinery to filtration zone/rain garden areas to allow for renewal of filter media.	Noted. Details of maintenance access are outlined on Civil Works Plans and Landscape Plans, including the provision of a concrete maintenance access track.
33	Details of access to detention basins shall be provided.	The design proposed for the Eastern Basin Park will accommodate a min. 4m wide concrete maintenance access path into the basin in accordance with Council's request. Maintenance access into the Western Reserve basin is provide in two separate locations, including access to the detention basin in the centre of the park and access to the bio retention zone from the north western corner of the park.
34	Details of edge treatments to grassed areas are to be provided.	Noted. Details provided as per Council request on Civil Works Plans and Landscape Plans.
35	Full engineering details are to be included on/with landscape plans so as one set of plans detail all works required within basin and surrounding areas	Noted. Details provided as per Council request on Civil Works Plans.
36	Location, levels and permanent treatment of emergency overflow weir from basins shall be submitted.	Noted. Details provided as per Council request on Civil Works Plans.
37	All finished surface levels of the basin floor shall be detailed on the engineering plans.	Noted. Details provided as per Council request on Civil Works Plans.
38	All batter slopes are to be shown on the plans.	Noted. Details provided as per Council request on Civil Works Plans.
39	Any structures will require submission of a design structural certification with the application for a CC.	Noted.
40	Access to GPT's will be part of subdivision civil works.	Noted.
41	Council's engineering requirements for subdivisions and developments, including policies and specifications listed herein, can be located on Council's website at the following link: https://www.penrithcity.nsw.gov.au/Building-andDevelopment/Development-Applications/Engineering-requirements-fordevelopments/	Noted.

Pre-DA matter		Response
42	All engineering works must be designed and constructed in accordance with Council's Design Guidelines for Engineering Works for Subdivisions and Developments and Council's Engineering Construction Specification for Civil Works.	Noted.
Western Reserve		
43	Details of all surrounding retaining walls to be shown including material finishes, top and bottom of wall levels, batter slopes, consistent with the plan of subdivision.	Noted. Details provided in Landscape Plans and Civil Works Plans.
Eastern Basin Park		
44	Retaining walls to basins shall be shown with a typical section required at highest point of wall. Details of materials, batter slopes, consideration of pedestrian safety.	Noted. Details provided in Landscape Plans and Civil Works Plans.
45	Consideration to be given to combining maintenance access with accessible pedestrian paths. Heavy duty concrete path 4m wide (path can be coloured).	Noted. The design proposed for the Eastern Basin Park proposes the delivery of separate accessible pedestrian paths and maintenance access. Maintenance access into the basin will be provided in accordance with Council's request, being a min. 4m wide concrete path.
46	The height of the batter/weir between the detention basin and filtration zone should be permanently maintained - consideration should be given to providing a concrete hob structure for ease of maintenance.	Noted. Details provided in the Civil Works Plans propose the construction of a reinforced batter to ensure longevity between the detention basin and bio retention zone.

This DA is supported by an Information Pack that includes indicative details of the southern interface of the Central Reserve with the proposed Exhibition Village and its envisaged final subdivision layout and the southern interface of the Eastern Basin Park with the residue residential apartment building lot.

These details demonstrate the landscape design for each park will provide a suitable interface design that creates an integrated design solution to the urban renewal of the site. This additional documentation has been provided under separate cover for information purposes only and does not form part of this DA.

1.2 Development History

In considering this DA, it is also important to have regard to the development history of the site and land surrounding, including the former non-master planned approach to the site's urban renewal, the approved residential density and 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

DA 19/0704 continues to be assessed by Council and precedes the proposed DA to establish the relevant open space park allotments and undertake the necessary bulk earthworks associated with their footprint and associated stormwater drainage functions.

The proposed landscaping works and vegetation management measures proposed under this DA have been informed by the works proposed under DA 19/0704 to ensure an integrated 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.

1.2.2 25 Rance Road, Werrington

- 15/0207: Subdivision to create 83 residential lots, one residue lot, including remediation works, subdivision works, construction of new roads, a roundabout, stormwater drainage works, detention basin and landscaping (approved on 14 November 2017 (NSW LEC)).

The approved residential subdivision at 25 Rance Road provides for the delivery of 83 Torrens title residential lots. A large residue lot at the north of the site was also approved for future high density residential development.

The proposed open space parks to be delivered under this DA will provide for the timely delivery of recreational facilities to support the future occupants of this approved subdivision proposal.

1.2.3 1 Water Street, Werrington

- 17/1204: Place of Public Worship containing an 89 place Child Care Centre and associated remediation, earthworks, road construction, drainage and landscaping works (staged) (refused on 27 August 2018).

An application for a Place of Public Worship (**PPW**) was previously refused by Council under delegation for several reasons, including but not limited to, impacts relating to traffic, parking and the inability to provide safe and efficient access to the site. It is also understood the Roads and Maritime Services (**RMS**) refused to provide support for the PPW pursuant to clause 104 Traffic-generating development of *State Environmental Planning Policy (Infrastructure) 2007 (Infrastructure SEPP)*, as safe access to the site could not be provided.

Where a successful PPW proposal is progressed in the future, the proposed open space parks will offer areas for passive recreation to visitors to the SWUV precinct.



1.3 Purpose of Report

This SEE has been prepared in accordance with Schedule 1 of the *Environmental Planning and Assessment Regulation 2000* (**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 consistent with the relevant planning controls and will have minimal environmental impacts that can be satisfactorily managed.

1.4 Type of Development Application

This development application is lodged in accordance with Part 4.12 of the *Environmental Planning & Assessment Act 1979* (**EP&A Act**) proposing the construction and delivery of future recreation and open space parkland and associated civil works. The proposed works are considered 'development' in accordance with section 1.5 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 1st 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, including stormwater basin works, totals \$4.5 million.

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

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

- a. A council for the area in which the development is to be carried out is the applicant for development consent, or
- b. The council is the owner of any land on which the development is to be carried out, or
- c. The development is to be carried out by the council, or
- d. 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 associated with delivery of these works. 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'.

Further to the above, the Applicant has offered to enter into a VPA with Council and is therefore considered to be sensitive development under schedule 2, clause 4 of the Minster's Local Planning Panel Direction, dated 28 February 2018. Accordingly, local planning panel is the relevant consent authority for this DA.

The DA is not considered to trigger the potential for integrated approval, under section 4.46 of the EP&A Act given that:

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

Section 4.1.2 of the report provides further discussion regarding integrated development matters.

The DA is not lodged as 'integrated development', 'designated development', 'regionally significant development' or 'state significant development' under the EP&A Act or the EP&A Regulation.

2 The site and locality

This section of the report 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 location of the proposed open space parklands within the broader development site is situated in the suburb of Werrington within the Penrith Council Local Government Area (**LGA**), as illustrated below within **Figure 3** below.



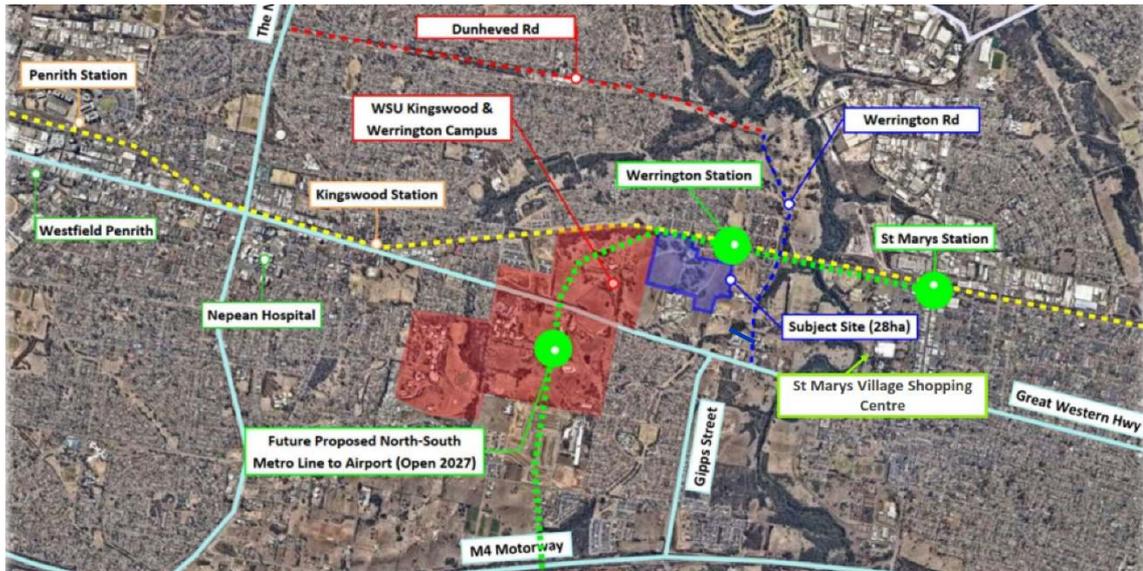
Source: www.nearmap.com, 2019

Figure 3 General Site Location

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 University of Western Sydney (**UWS**) Werrington North Campus 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 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 CDB, east to Parramatta and Sydney CBDs.



Source: Lendlease

Figure 4 Surrounding development

2.2 Site Description

The land subject of this DA only relates to land legally described as Lot 1 DP 1226122, 16 Chapman Street, Werrington (see **Figure 5** – shown yellow). The proposed open space park land activity areas generally correspond with the land zoned RE1 Public Recreation.

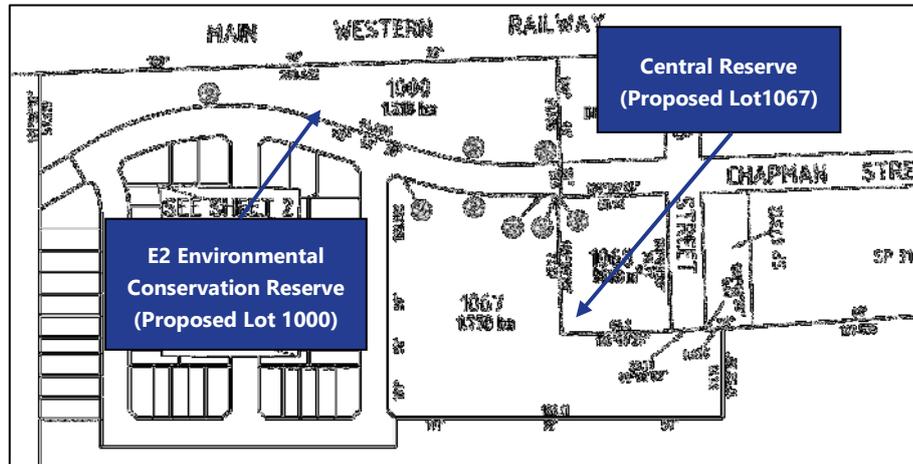


Source: www.nearmap.com, 2019

Figure 5 Aerial photo of site and surrounding area (DA 19/0704 outlined black dashed line)

DA 19/0704 proposes the establishment of the two subject open space parkland allotments which total 2.94ha in area. The proposed Central Reserve will have a total site area of 1.778ha (see **Figure 6**). The proposed Eastern Basin Park will have a total site area of 1.162ha (see **Figure 7**).

The future site characteristics of both parkland sites are proposed to be established under DA 19/0704, including the size and dimension of the parklands.



Source: www.nearmap.com, 2019

Figure 6 Proposed Central Reserve and E2 Environmental Conservation Reserve Lots



Source: www.nearmap.com, 2019

Figure 7 Proposed Eastern Bains Park Lot

The proposed Central Reserve is irregular in shape and is located in the central north of the site, adjacent to Chapman Street. Contained within the boundary of the proposed Central Reserve are areas of existing Cumberland Plain Woodland (CPW) (see **Figure 8**). Tree removal proposed under DA 19/0704 is necessary to facilitate the establishment of the proposed stormwater detention that will be located generally to the northern of the Central Reserve footprint.

The proposed Eastern Basin Park has an irregular rectangle shape and is located on the eastern boundary of the site, adjacent to the approved residential subdivision at 25 Rance Road (i.e. DA 15/0207). The site is comprised of predominantly clear grassland and contains a small amount of trees on the eastern boundary and in the north eastern corner adjacent to Walker Street.

All vegetation required to be removed is proposed under DA 19/0704 to facilitate the establishment of the proposed stormwater detention and associated bulk earthworks. No further vegetation is proposed to be removed from the Central Reserve as part of this DA.

The E2 Environmental Conservation reserve lot is located along the northern boundary of the site, in the north western corner. Proposed Lot 1000 is boundary between the Western Railway Line to the north, existing medium density residential development to the east, Western Sydney University land to the west (including the continuation of the E2 Environmental Conservation zoning) and the proposed western extension of Chapman Street as proposed under DA 19/0704.

The site comprises distinct patches of CPW vegetation of varying quality, the management and restoration of which is proposed under this DA.



Source: www.nearmap.com, 2019

Figure 8 Proposed Site Activity Areas



2.3 Surrounding locality

The activity areas are located approximately 6.3 km east of the Penrith CBD and is surrounded by the following features:

- Land surrounding each parkland site within the broader subdivision proposal DA 19/0704 remain clear and undeveloped.
- To the northeast of the Central Reserve and north of the Eastern Basin Park is R3 Medium Density Residential zoned land, comprising a mix of low and medium density housing. Werrington Station on the Western Rail Line is located further northeast.
- To the west of each parkland site is the Western Sydney Uni (**WSU**) Werrington North Campus, while the TAFE NSW Kingswood Campus is located approximately 1.8 km further southwest and the Nepean Hospital lies 3.4 km further to the west of the site.
- East of the parkland sites are The Kingsway regional recreational open space and St Marys Village Shopping Centre.
- To the south of each parkland site is the Cobham Juvenile Justice Centre and Wollemi College. Claremont Meadows Public School lies approximately 1.5 km further south and the new Caddens Hill residential estate lies approximately 2 km to the southwest.

2.4 Amenity

The facilities proposed to be provided within each parkland site are proposed to be highly accessible to support the needs of future occupants and those within the existing Werrington community. The proposed new open space facilities will include children's play spaces, passive lawn areas, active multi-sports zone and passive facilities support the activation and use of the parkland areas.

The proposed embellishment works within the parklands will be supplemented by street tree planting within the local road network proposed under DA 19/0704 that will complement the existing nature vegetation retained within the Central Reserve and E2 Environmental Conservation zoned land.

2.5 Services

Essential development enabling infrastructure is available for development, with infrastructure services to be delivered as part of DA 19/0704. Following the issue of development consent, the relevant service authorities will specify the requirements to connect the proposed lots to their existing infrastructure.

3 Proposed Development

The proposed DA seeks approval for the staged construction and delivery of the Central Reserve and Eastern Basin Park open space parkland areas within the SWUV precinct and the proposed restoration and management of CPW vegetation within the E2 Environmental Conservation reserve. The proposal will generally involve the following works:

- Construction of the Central Reserve, comprising a large areas of retained Cumberland plain woodland 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 VMP to ensure the ongoing viability and conservation of the E2 Environmental Conservation reserve.

Landscape Plans and Civil Works Plans are provided at **Appendix A** and **Appendix B** and provide more details of the proposed landscape design and associated civil infrastructure works.



Source: Place Design Group

Figure 9 Proposed Open Space Area Site Layouts

3.1 Central Reserve

Works are proposed within the boundary of the proposed Central Reserve (i.e. proposed Lot 1067) to create a new open space area that will provide the main community recreational facility for the immediate locality. The Central Reserve space has been designed to be integrated into the surrounding conservation zones, which will be managed through the implementation of the proposed VMP (see Error! Reference source not found.).



Source: Place Design Group

Figure 10 Central Reserve Layout

Stormwater detention functions within the Central Reserve basin are proposed to be delivered to support residential development within Stage 1 proposed under DA 19/0704. The basin floor will be embellished with a geofabric liner in the interim until the completion of works at Stage 2A, when all open space embellishment works will be completed within the Central Reserve, including the delivery of bio filtration plantings within the basin floor to support water quality treatment functions. The design of civil works supporting the proposed landscape design are provided at **Appendix B**

The Central Reserve will provide for a range of spaces and uses offering open passive/active lawn areas and barbeque facilities and shelters for picnics, supported by areas for more active recreational activities that cater young children and families and adults. Passive and active recreational spaces have been positioned in locations to minimise potential impacts on the existing CPW vegetation community, but also provide meaningful spaces that support a range of activities.

All proposed playground facilities and spaces will be linked via an accessible network of 2.5m wide shared paths that will provide excellent circulation through the open space. This also includes a key through-site connection towards Werrington Train Station to the northeast. The proposed through-site link is proposed to be activated by an active multi-sports zone with fitness station and half basketball court (see **Figure 11**).

At the south western corner of the Central Reserve, a multi-age children’s playground is proposed amongst existing trees that will offer a range of engaging spaces and play equipment (see **Figure 12**). Nearby to the north of the children’s playground and connected via a winding 2.5m shared path is a proposed children’s learn to ride track and small open space area (see **Figure 13**).

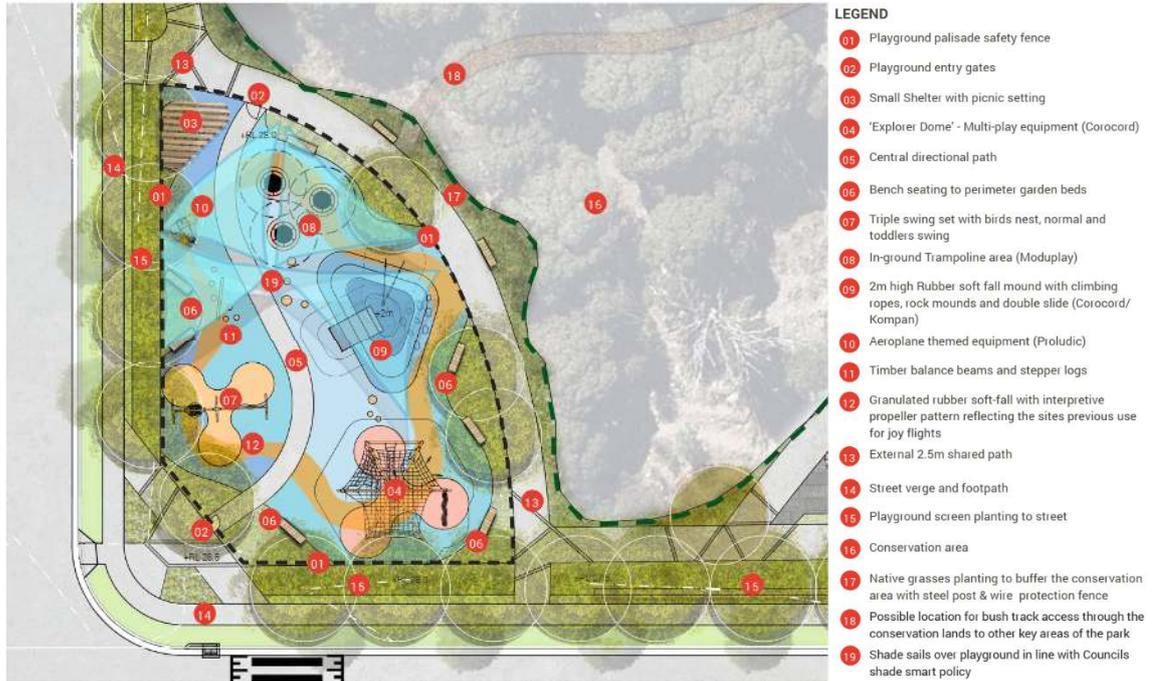
The positioning of a more active recreation space along a key pedestrian link provides beneficial natural and formal surveillance qualities. In addition, the diagonal through-site link will be supported by post top lighting at 20m spacings. The proposed lighting will ensure the path is illuminated during the night time to provide a safe route for commuters returning home late at night, but not facilitate late night activities around the multi-sports zone (see **Figure 14**).

The design concept for the Central Reserve also accommodates the provision of a stormwater detention basin and bio-filtration zone to mitigate the impact of stormwater runoff through the site. The basin design and location has been sensitively chosen and integrated within the parklands to reduce both its visual impact and disturbance of the surrounding native vegetation. The large open space of the basin will double as a valuable passive open space offering for use by residents and visitors alike.



Source: Place Design Group

Figure 11 Central Reserve Active Space Concept



Source: Place Design Group

Figure 12 Central Reserve Playground Concept



Source: Place Design Group

Figure 13 Central Reserve Children's Bike Track Concept



Source: Cardno

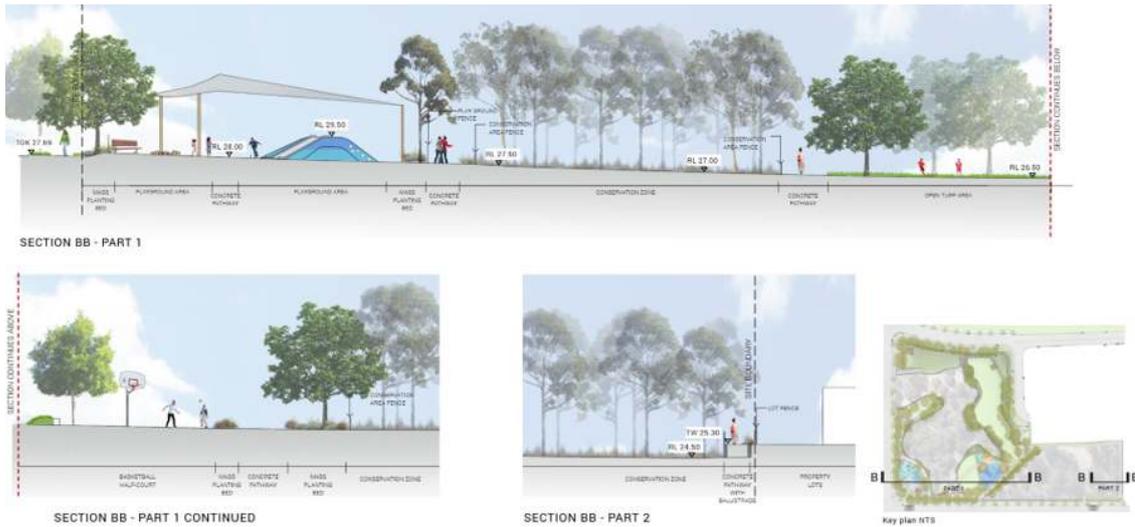
Figure 14 Proposed Central Reserve Lighting Design

The following key elements will be delivered within the Central Reserve open space area, which are further illustrated in **Figure 15** and **Figure 16**:

- additional/supplement plantings to assist with the re-establishment and enhancement of CPW vegetation
- indigenous trees in native grasses to create a filtered screen to adjacent residential properties with fuel managed bushfire asset protection zones (**APZs**)
- children’s playground that provides climbing structures, swings, slides and sensory play elements and learn to ride bicycle circuit
- multi-play area including half basketball court, table tennis and fitness station
- raised platforms and turfed mounds for social gathering
- bio-retention area planted with sedges and rushes.
- concrete maintenance access to basin
- Rural Fire Service vehicle access path outside the conservation area.

Statement of Environmental Effects

SWUV Open Space Parklands and E2 Environmental Conservation Reserve



Source: Place Design Group

Figure 15 Central Reserve Site Section B – B



Source: Place Design Group

Figure 16 Central Reserve Site Section C – C

3.2 Eastern Park Basin

Landscape embellishment works are proposed within the boundary of the Eastern Park Basin (i.e. proposed Lot 3000) that will complement the proposed primary function the space as a stormwater detention basin. The perimeter of the Eastern Park Basin will include a series of small shelters with picnic tables and small open space areas located along a loop path.

Areas of structured plantings are proposed around the top of the basin to provide users increased visual interest and to soften the overall expanse of the basin. Both able and disabled access is proposed to the base of the basin that provides access the large open space area which can be utilised for either passive or unstructured active recreation.

Stormwater detention functions within the Easter Basin Park are proposed to be delivered to support residential development proposed in Stage 2B proposed under DA 19/0704. An embellished geofabric liner will be provided in the interim until the completion of works in Stage 3, when all open space and basin floor embellishment works will be completed, including the delivery of bio filtration plantings to support water quality treatment functions. The design of civil works supporting the proposed landscape design are provided at **Appendix B**.

The following key elements will be delivered within the Eastern Basin Park open space area, which are further illustrated in **Figure 17** to **Figure 19**:

- large informal, grassed basin framed by planted embankments to the north-west and south
- continuous terraced retaining wall to top of the west, north and east embankments with planted beds to soften internal and external embankments
- scattered indigenous trees to create screen planting to adjacent future residential development
- small gathering area along the western boundary with shelter, picnic table and seating
- bio-retention area planted with sedges and rushes
- entry statement to Walker Street frontage utilising the blade walls including low feature planting
- accessible 1:20 ramp down to basin to turfing passive zone.
- Integrated design to accommodate a Gross Pollutant Trap with vehicular access from proposed Road 10
- native trees within basin including water tolerant species
- future residential apartment residue lot access path.

Statement of Environmental Effects
 SWUV Open Space Parklands and E2
 Environmental Conservation Reserve



Source: Place Design Group

Figure 17 Eastern Park Basin Layout



Source: Place Design Group

Figure 18 Eastern Park Basin Section B - B



Source: Place Design Group

Figure 19 Eastern Park Basin Section C – C

3.3 E2 Environmental Conservation Reserve Lot

The E2 Environmental Conservation Lot (i.e. proposed Lot 1000) is proposed to be retained and conserved largely in its current state. To support the rehabilitation of the location as expressed in the Penrith Development Control Plan 2014 (DCP), Niche has prepared a comprehensive VMP (provided at **Appendix C**).

Niche’s VMP splits the conservation areas into four management zones and provides a range of measures and associated costs to address identified management issues, including those related to habitat and threatened species (i.e. weeds, feral animals, unauthorised access and illegal rubbish dumping). These zones, their condition and the vegetation community contained within these areas are illustrated in **Figure 20**.

No formal pedestrian access into the reserve is proposed as part of this DA. Notwithstanding, Place’s landscape design for the Central Reserve indicatively shows a possible ‘bush track’ that could be established to provide low-impact access into the conservation space to improve the appreciation of the CPW vegetation community.

The key objectives of the VMP include:

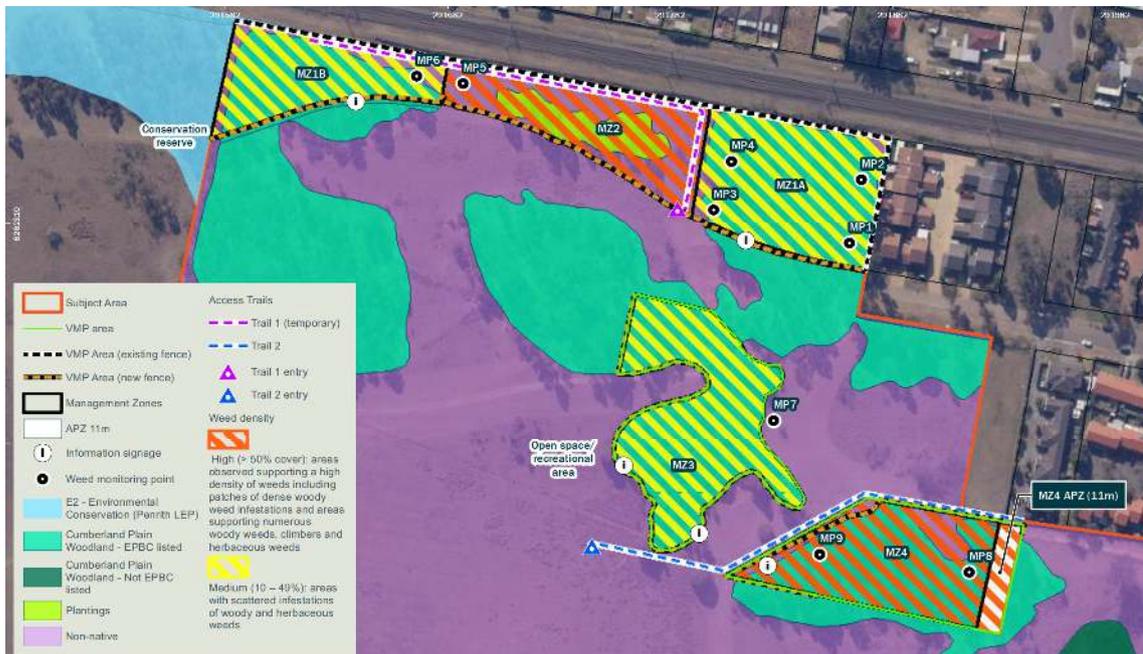
- establish the Conservation Reserve and Open Space/recreational area prior to the end of the maintenance period
- restore Critically Endangered Remnant Community (CPW) vegetation
- re-instate/maintain natural ecosystem functioning

Statement of Environmental Effects

SWUV Open Space Parklands and E2 Environmental Conservation Reserve

- rehabilitate any area of land disturbed by clearing or weed removal, using current bushland regeneration and vegetation management techniques
- improve habitat for native fauna including threatened species
- implement a monitoring and review process
- liaise with relevant local and state bodies
- provide an educational resource for the local community

In addition, the proposed VMP adopts recommended bushfire hazard reduction measures to ensure recommended APZs and associated fuel loads are managed accordingly.



Source: Niche

Figure 20 Vegetation Management Plan Zones

4 Environmental Assessment

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

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

4.1 Biodiversity and Threatened Species Impact

The EP&A Act contains provisions designed to ensure threatened species are considered as part of the development assessment 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 proposal is not located in proximity to any watercourses or propose any works that would cause harm to any threatened species, populations an 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, comprises a total of 6.6ha of CPW, a critically endangered ecological community (**CEEC**) 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 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 projected in accordance with recommended mitigation measures outlined in its VMP accompanying this DA.

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 21** illustrates the extent and quality of vegetation across the site in the context of the proposed subdivision DA and this application.



Source: Niche Environment and Heritage

Figure 21 Cumberland Plain Woodland Locational Context

As previously detailed, no vegetation removal is proposed as part of this DA, nor is it required to facilitate the proposed parkland embellishment works or vegetation management outlined in the VMP. Furthermore, no native vegetation communities were identified within the site boundary of the Eastern Basin Park.

Table 2 below provides an assessment of the proposal against section 7.3 of Part 7 of the BC Act.

Table 2 Section 7.3 BC Act Consideration

Section 7.3	Comment
<i>(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</i>	N/A
<i>(b) in the case of an endangered ecological community or critically endangered ecological community, whether the proposed development or activity— (i) is likely to have an adverse effect on the extent of the ecological community</i>	No vegetation removal is proposed as part of this DA. All vegetation removal required to facilitate the construction of the associated stormwater basin is proposed under DA 19/0704. Landscape embellishment works proposed by this DA have been designed to avoid any further impact on the existing CPW and are sited in existing cleared areas of the site.



Section 7.3	Comment
<p><i>such that its local occurrence is likely to be placed at risk of extinction, or</i></p> <p><i>(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,</i></p>	<p>The CPW retained within the E2 Environmental Conservation zone is proposed to be restored and enhanced, potentially increasing to comprise 1.2ha of CPW that would further contribute to the local occurrence of CPW.</p> <p>Existing CPW vegetation within the Central Reserve will be retained and managed for conservation under this DA. Measures proposed to minimise the potential for indirect impacts will be implemented and may include fencing off CPW area or allowing passive naturalised walking paths only.</p> <p>The VMP prepared by Niche at Appendix C will manage the proposed conservation and use of the parkland and proposes a range of measures to ensure of the rehabilitation and long-term survival of the community in this locality and to mitigate against potential future indirect impacts.</p> <p>Through the implementation of these measures, it is considered unlikely that the proposal will have an adverse effect on either the extent or composition of CPW proposed to be retained within the Central Reserve.</p>
<p><i>(c) in relation to the habitat of a threatened species or ecological community—</i></p> <p><i>(i) the extent to which habitat is likely to be removed or modified as a result of the proposed development or activity, and</i></p> <p><i>(ii) whether an area of habitat is likely to become fragmented or isolated from other areas of habitat as a result of the proposed development or activity, and</i></p> <p><i>(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,</i></p>	<p>The VMP prepared by Niche at Appendix C is proposed to be implemented to ensure of the management and conservation of existing native vegetation conservation areas within the Central Reserve and E2 Environmental Conservation Reserve. Measures proposed within the VMP, are designed to ensure the long-term survival and viability of the community in this locality and to mitigate against potential indirect impacts.</p> <p>No further vegetation removal or habitat fragmentation of the CPW community is proposed under this DA.</p>
<p><i>(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),</i></p>	<p>N/A.</p>
<p><i>(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.</i></p>	<p>The proposed landscape embellishment of the Central Reserve parkland and its future operations are proposed to be managed in accordance with the VMP prepared by Niche.</p> <p>The proposal and its use as recreational open space are not considered to comprise a key threatening process as specified under Schedule 4 of the BC Act.</p> <p>The implementation of the VMP will ensure the long-term survival and viability of the existing CPW retained within the parkland boundary and to minimise against potential indirect impacts.</p>

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

As previously outlined in DA 19/0704, the proposed impact associated with the removal of CPW from the site has been assessed by Niche as meeting the condition criteria for listing under the *Environment Protection and Biodiversity Conservation Act 1999* as having the potential to have significant impact on the CPW, as a CEEC. Accordingly, the proposal has been separately referred to the Commonwealth Minister for the Environment to determine if the proposal is considered a Controlled Action.

4.2 Integrated Approvals

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

Table 3 Integrated Development Review

Legislation	Comment	GTAs
<i>National Parks and Wildlife Act 1974</i>	<p>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.</p> <p>The proposal seeks consent for the construction and delivery of two parkland spaces associated with the proposed urban development of the site for land uses consistent with the site's zonings as permitted under PLEP 2010, such that the site's development would not give rise to any additional matters not previously considered at the time of the SWUV precinct's rezoning.</p>	No
<i>Protection of the Environment Operations Act 1997</i>	The implementation of appropriate environmental protection works will ensure that no licence will be required.	No
<i>Rural Fires Act 1997</i>	<p>The land is mapped as bushfire prone land per the Department of Planning, Industry and Environment's (Department) Bush Fire Prone Land Map on its Planning Portal. Specifically, the proposed Central Reserve is mapped as Vegetation Category 1 land and the proposed Eastern Basin Park is mapped as Vegetation Category 2 land.</p> <p>Notwithstanding, a bush fires safety authority is not required to be obtained for recreational related uses pursuant to section 100B of the <i>Rural Fires Act 1993</i>.</p> <p>A bush fire safety authority has been separately applied for under DA 19/0704 and is understood to have been referred to the NSW Rural Fire Service (RFS) to obtain General Terms of Approval.</p>	No
<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> .	No

	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.	
<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

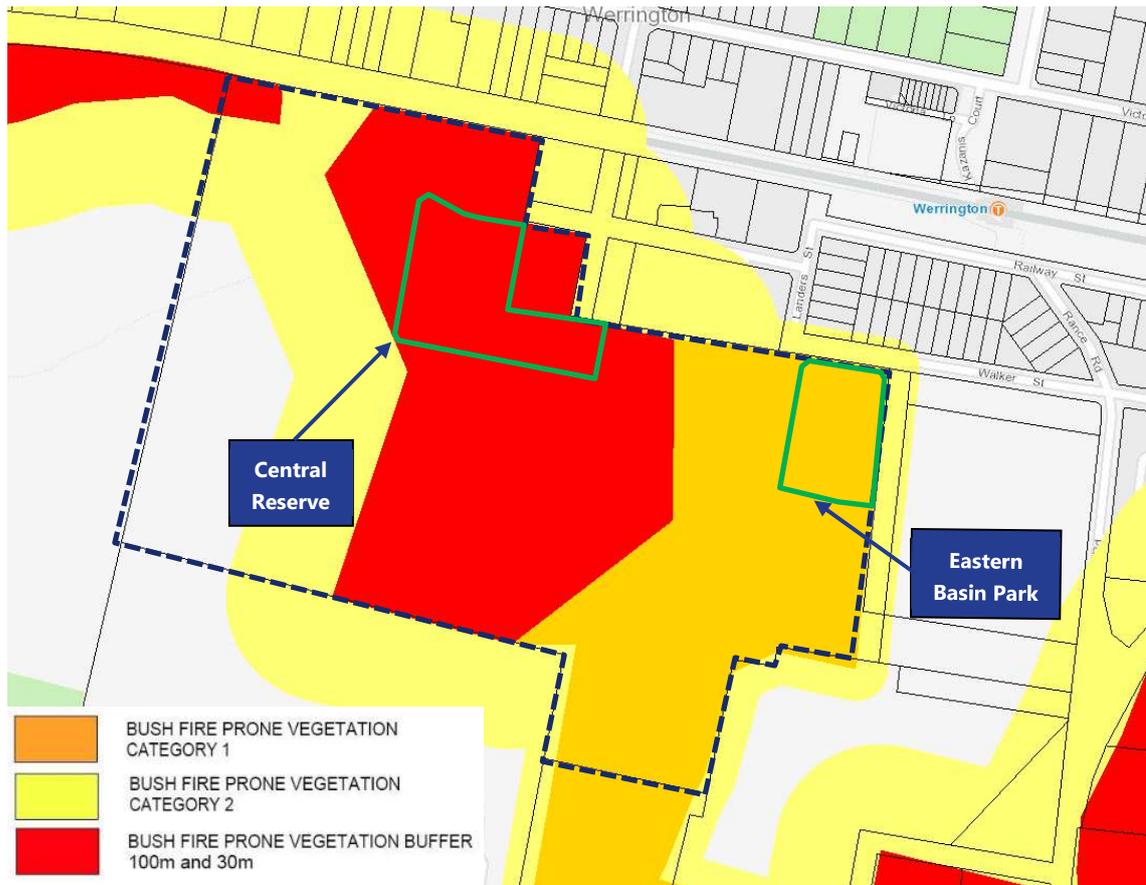
Section 4.14 of the EP&A Act provides for the general consideration of bushfire hazard on land mapped as bushfire prone. The majority of the site is mapped as bushfire prone land, with a high hazard threat mapped through the centre of the site, consistent with the existing vegetation present on the site (see **Figure 22**).

The RFS's Planning for Bush Fire Protection 2006 (**PBP**) categorises the proposal as 'other development'. This requires consideration of the aims and objectives of PBP, key bushfire protection measures (**BPM**) and appropriate bushfire protection measures to be identified.

It is noted that all existing vegetation located outside of the identified parkland sites and E2 Environmental Conservation zoned land are proposed to be removed under DA 19/0704 to facilitate the proposed subdivision and associated bulk earthworks proposed under that DA. Accordingly, the mapped bushfire threat applicable to the site would be substantially different following the completion of subdivision works and delivery of the proposed parkland spaces.

Building Code & Bushfire Hazard Solutions (**BC&BHS**) previously prepared a Bushfire Assessment Report to accompany DA 19/0704, provided at **Appendix G**, which assesses the retained CPW in the Central Reserve as a Remnant hazard and that the Eastern Basin Park would not pose a bushfire threat on account of the proposed stormwater detention functions and low-cut managed grass basin.

Existing CPW vegetation that would be retained and conserved within the E2 Environmental Conservation land to the north of the proposed Central Reserve was assessed entirely as a Woodland hazard.



Source: NSW Department of Planning, Industry and Environment Planning Portal

Figure 22 Bushfire Prone Site Map

BC&BHS confirms that the Central Reserve and the E2 Environmental Conservation zoned allotment will be maintained in accordance with an APZ (Inner Protection Area) as detailed in the RFS’s document ‘Standards for Asset Protection Zones’. BC&BHS also advise that fire fighting hydrants will be installed along roads proposed under DA 19/0704 in accordance with AS 2419.1-2005 and water supplies adequate for the replenishment of attending fire services.

Niches VMP (provided at **Appendix C**) adopts the proposed measures to ensure fuel loads located within retained CPW vegetation areas in the Central Reserve and E2 Environmental Conservation land are managed appropriately in perpetuity.

It was also noted that proposed water supply and access provisions were considered adequate and will satisfy section 4.1.3 of PBP.

4.4 Environmental Planning Instruments

4.4.1 Penrith Local Environmental Plan 2010

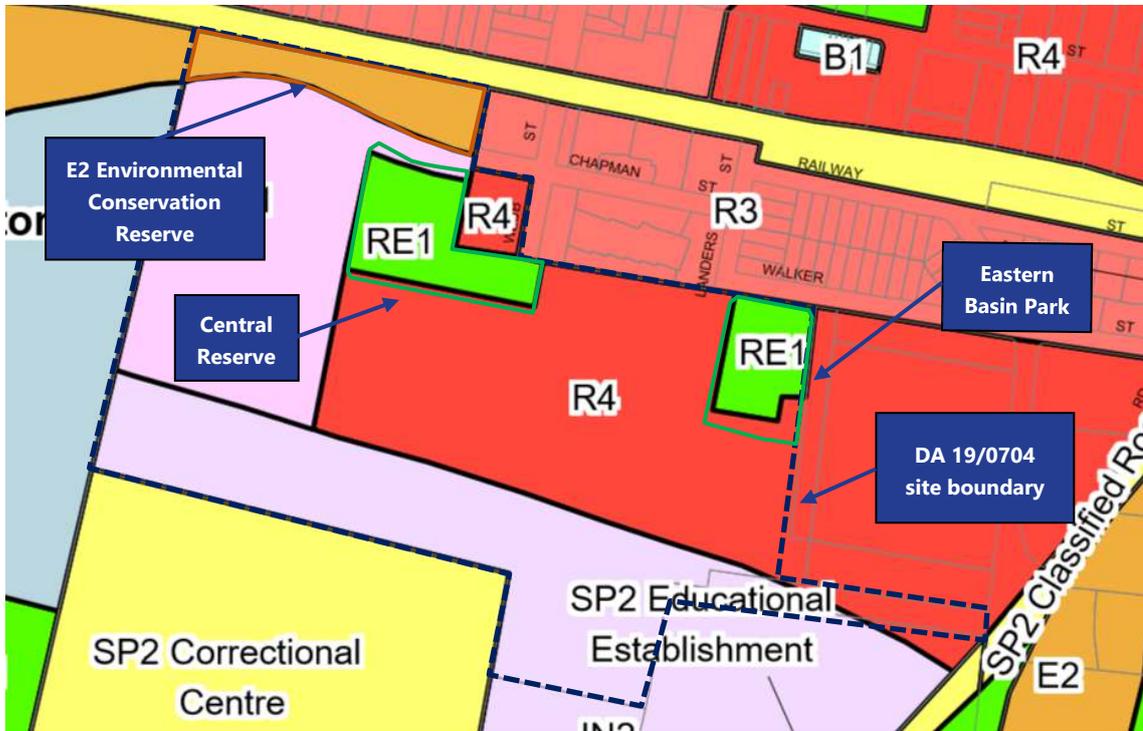
The PLEP 2010 is the primary environmental planning instrument regulating land uses within the Penrith LGA. The passive open space parklands proposed under this DA are zoned predominantly RE1 Public Recreation and partially R1 General Residential and R4 High Density Residential under

Statement of Environmental Effects

SWUV Open Space Parklands and E2 Environmental Conservation Reserve

PLEP 2010 (see **Figure 23**). Recreation areas are permissible with consent in all zones under the PLEP 2010, including the E2 Environmental Conservation reserve allotment.

Detailed consideration of this is PLEP 2010 clause and other relevant provisions of PLEP 2010 is provided in **Table 4**.



Source: PLEP 2010

Figure 23 Land Use Zoning Map

Table 4 Assessment Against PLEP

Clause	Comment	Comply
Part 1 - Preliminary		
CI 1.2 Aims of Plan	<p>The proposal is consistent with the aims of the PLEP 2010 as it will:</p> <ul style="list-style-type: none"> provide new public open space parkland consistent with the objectives of the RE1 Public Recreation land use zone and the master planned framework proposed under DA 19/0704 to ensure the site's urban renewal is undertaken in an orderly and economic manner support a growing Penrith LGA by providing new public open space facilities support the urban renewal of a large vacant parcel of land within the SWUV precinct that is close to existing infrastructure and services ensure the environmental qualities of the CPW community proposed to be retained is protected and enhanced to maintain the viability of the community 	Yes

Clause	Comment	Comply
	<ul style="list-style-type: none"> minimises the risk of bushfire hazards to the community through the implementation of appropriate measures to manage vegetation fuel loads provide a coordinated approach to the delivery and management of open space and stormwater for the SWUV precinct that will assist in safeguarding the locality from any potential hazards during storm events. 	
Part 2 - Permitted and Prohibited Development		
CI 2.3 Zone objectives and land use table	<p>Recreation land uses are permissible on land zoned RE1 Public Recreation, R1 General Residential, R4 High Density Residential and E2 Environmental Conservation.</p> <p>The Applicant seeks consent for the construction and delivery of two open space parklands, comprising civil works and landscape embellishment works. In addition, consent is sought for the proposed implementation of vegetation management measures in proposed Lot 1000.</p> <p>All works are considered permissible with consent in each zone under the gazetted land use table. Further discussion against each land use zone is provided below.</p>	Yes
CI 2.6 Subdivision – consent requirements	No subdivision is proposed under this DA.	N/A
Land Use Table		
Zone RE1 Public Open Space	<p>The proposal is consistent with the following relevant zone objectives:</p> <ul style="list-style-type: none"> <i>To enable land to be used for public open space or recreational purposes.</i> <i>To protect and enhance the natural environment for recreational purposes.</i> <i>To provide land for the development of services and facilities by public authorities for the benefit of the community</i> <p>The proposed Central Reserve and Eastern Basin Park are located generally in accordance with the specified RE1 zoned lands and will ensure that appropriate open space with high levels of amenity are provided for the future community and visitors.</p> <p>The proposed design and layout of the Central Reserve has been coordinated with the proposed stormwater infrastructure design and works to ensure that potential impacts to existing CPW vegetation is limited and that remaining vegetation is protected and enhanced to ensure its ongoing viability</p> <p>the design of the proposed collocated stormwater detention basin functions has considered the dual function of these lands and will ensure that passive open space environments can be suitably established.</p> <p>As outlined in Niche’s assessment prepared for this DA, existing vegetation within the Central Park will be generally retained in full,</p>	Yes

Clause	Comment	Comply
	with the exception of tree removal required to establish the necessary stormwater drainage functions and APZs. Notwithstanding, Niche's assessment concludes that the proposed loss of vegetation is not considered significant to the local occurrence of the existing CPW community.	
Zone R1 General Residential and Zone R4 High Density Residential	<p>The proposal is consistent with the following relevant zone objectives:</p> <ul style="list-style-type: none"> <i>To ensure that a high level of residential amenity is achieved and maintained.</i> <p>The proposed open space parkland areas will be constructed and delivered concurrently with the proposed staging of the proposed residential subdivision to ensure that suitable recreational open space with high levels of amenity is provided to support the future community's needs.</p>	Yes
Zone E2 Environmental Conservation	No invasive land use activities are proposed within the boundary of proposed Lot 1000. The existing CPW vegetation contained within proposed Lot 1000 will be restored and managed in perpetuity in accordance with the recommendations outlined in the VMP, consistent with the objectives of the zone.	Yes
Part 5 - Miscellaneous Provisions		
CI 5.1 Relevant Acquisition Authority	<p>The proposed Central Reserve and Eastern Basin Park are both located on land mapped on the Land Reservation Acquisition Map as being land to which this clause applies and as land required to be acquired by an authority.</p> <p>These affected lands correlate with the RE1 Public Recreation zonings applying to the site and marked 'Local Open Space'. The relevant acquisition authority is Council. This is also reflected in <i>Werrington Enterprise Living and Learning (WELL) Precinct Section 94 Development Contributions Plan 2008 (WELL CP)</i>.</p> <p>These lands, along with the E2 Environmental Conservation reserve lot, are proposed to be dedicated to Council following their embellishment as proposed under this DA. The proposed arrangements associated with the timing and costs required to undertake this are outlined in Niche's VMP and in the Applicant's letter of offer to Council to enter into a VPA for the site.</p> <p>Subject to both parties successfully entering into an agreement, and the proposed terms therein, the requirement for Council to compulsorily acquire these RE1 zoned parcels of land would be satisfied.</p>	Yes

4.4.2 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. It seeks to achieve this by providing a series of strategies and planning controls that all development must be considered against. The proposed landscape embellishment works, and vegetation management measures to be implemented, will follow the completion of bulk earthworks proposed under DA 19/0704.

The landscape embellishment works include the planting of the stormwater basin floors within both the Central Reserve and Eastern Basin Park. The completion of these works will complement key detention and water quality treatment functions in the proposed stormwater drainage network and ensure the proposal does not conflict with the objective of SREP 20.

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.

4.4.3 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.

Matters concerning the site contamination and the site's suitability for the purpose of residential and recreational land uses has been addressed in detail under DA 19/0704. It was concluded that based on the previous investigations undertaken and through the fulfilment of recommendations associated with the removal of a section of cement pipe, that the site was suitable for the proposed residential, industrial and recreational zoned land uses.

Table 5 below provides an assessment of the proposed development against the relevant provisions of SEPP 55.

Table 5 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 open space 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.

<p>(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.</p>	<p>Previous investigations and assessments and undertaken confirm the site's suitability for the proposed range of land uses, including open space recreational uses.</p>
<p>Clause 9</p>	
<p>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</p>	<p>No remediation of the site is considered necessary.</p>
<p>Clause 13</p>	
<p>(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.</p>	<p>This DA does not seek development consent for remediation works and is therefore not considered to be defined as 'advertised development'.</p>

4.4.4 State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017

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 required as no vegetation is proposed to be removed as part of this DA.

4.5 Proposed Environmental Planning Instruments

4.5.1 Draft 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 EPI's. 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 discusses the relevant planning controls in the DCP that are relevant to the assessment of the subject DA.

4.6.1 Penrith Development Control Plan

The DCP describes the planning, design and environmental objectives and controls relevant to the South Werrington Urban Village to ensure orderly, efficient and sensitive development occurs in the Penrith LGA.

Table 6 below provides a comprehensive detailed assessment of the proposal against the relevant DCP controls, including the specific controls for the SWUV as specified in Part C, E12 of the DCP.

Table 6 Assessment of DCP Controls

Control	Matter	Comment	Compliance
Part C2 Vegetation Management			
2.1	Preservation of trees and other vegetation	No vegetation or trees are proposed to be removed under this DA. A VMP has been prepared by Niche (provided at Appendix C) that details a range management measures to ensure the existing native vegetation contained in the E2 Environmental Conservation Reserve and Central Reserve are rehabilitated and conserved.	Yes
2.3	Bushfire Prone Land	The site is mapped as being partially bushfire prone land. A comprehensive Bushfire Assessment Report was prepared by BC&BHS for the proposed subdivision proposal under DA 19/0704, a copy of which is provided at Appendix G . Recommended bushfire hazard management measures have been adopted in Niche's VMP to ensure the ongoing management of fuel loads in recommended APZs.	Yes
Part C3 Water Management			
3.2	Catchment management and water quality	Development consent for the proposed stormwater drainage network design is sought under DA 19/0704.	Yes
3.6	Stormwater management and drainage	The proposed design of the Central Reserve and Eastern Basins Park have been undertaken in a coordinated manner to ensure these spaces provide both a stormwater function and passive/active recreation function for the future community. Details demonstrating the integration of the proposed landscape concepts with the stormwater drainage design are provided Cardno's Civil Works Plans at Appendix B .	Yes
3.7	Water retention basins/dams		Yes
Part C4 – Land Management			

Control	Matter	Comment	Compliance
4.1	Site stability and earthworks	Approval for bulk earthworks to facilitate the proposed parklands provided by this DA are proposed by this DA are sought under DA 19/0704.	Yes
4.3	Erosion and Sedimentation	The proposed parklands will be delivered concurrently with proposed subdivision works under DA 19/0704, wherein appropriate temporary sediment and erosion control measures will be employed to ensure no detrimental off-site impacts arise, including the establishment of sediment basins in the location of future stormwater basins.	Yes
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.	Yes
4.5	Salinity	<p>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.</p> <p>The aggressivity of soil conditions is proposed to be further investigated prior to the commencement of bulk earthworks on the site proposed under DA 19/0704.</p>	Yes
Part C6 – Landscape Design			
6.1.1	Development Process	<p>The DA proposes works that align with Category 3 in accordance with Table C6.2 of the DCP. Accordingly, the submission requirements for Category 3 proposals have been met with the exception of an arborist report.</p> <p>Preparation of an arborist report is not considered necessary under the circumstances, noting that no further vegetation or trees are proposed to be removed by this application. Further, the proposal is supported by a comprehensive landscape design and VMP that include measures to ensure the protection, rehabilitation and ongoing conservation of CPW vegetation within nominated conservation areas.</p>	Yes, subject to a minor variation.
6.1.2	Environmentally Sustainable Design	<p>Environmentally Sustainable Design (ESD) 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>A handful of ornamental and deciduous exotic tree species are proposed to provide colour, visual interest and access to sunlight during winter months.</p> <p>The design of the open space areas has been undertaken in a coordinated manner to ensure the required stormwater functions for the surrounding catchment are also met. This has ensured a dual function role is promoted.</p>	Yes



Control	Matter	Comment	Compliance
6.1.3	Neighbourhood Amenity and Character	<p>The landscape design for the parkland areas responds to the existing locality and their proposed intended functions.</p> <p>The Central Reserve design provides a bushland response to the existing site and has been sensitively designed to allow for the protection and enhancement of existing native vegetation. The design also ensures that opportunities for passive and active recreation are also integrated into the site.</p> <p>The Eastern Basin Park recognises the site’s identified formal stormwater basin functions, while sympathetically integrating landscape elements into the basin’s edge and within the basin floor, to provide a usable and inviting public open space area.</p> <p>Basin floors and passive and active recreation spaces are design with clear sight lines and pedestrian access point. Areas of intended heightened activity are located on the edge of the proposed open space areas ensuring that these areas engage with the surrounding public domain and remain visible and have high levels of surveillance at all times.</p> <p>Generally, no lighting is proposed to discourage activity and use of the open space areas after dark. Notwithstanding, post top lighting is proposed along the pedestrian through-site link in the Central Reserve to ensure satisfactory illumination is provided for commuters and residents moving between their homes and Werrington village centre. Details demonstrating the light spill form the proposed lighting is provide at Appendix D, which shows no detrimental off-site impacts.</p> <p>As detailed on the submitted landscape plans, areas of high conservation value are proposed to be appropriately fenced to prevent unauthorised access into these spaces and minimises any potential impacts to their rehabilitation and conservation.</p>	Yes
6.1.4	Site Amenity	<p>The location and amount of open space provided is generally in accordance with that envisaged under the South Werrington Urban Village DCP. It is acknowledged that additional stormwater functions have been introduced into the Central Reserve, however this location would have likely been restricted due to its potential conservation values.</p> <p>The proposal represents a balanced approach to ensuring the delivery of necessary infrastructure, protection of ecologically endangered vegetation and provision of meaningful and usable passive and active recreation spaces to support the future community.</p> <p>Playground equipment and access arrangements have been designed for all abilities, with a range of opportunities for passive and active recreation proposed.</p>	Yes

Control	Matter	Comment	Compliance
6.1.5	Construction	<p>The landscape design for the precinct 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 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	<p>The DA and its concurrent timing with Council's consideration of its subdivision proposal under DA 19/0704 further demonstrates Lendlease's approach to the efficient and coordinated urban renewal of the site. The proposal also provides Council greater certainty and understanding to the proposed outcome for the SWUV precincts renewal.</p> <p>The proposal will integrate stormwater measures proposed under DA 19/0704 (i.e. detention and bio-retention areas) to ensure usable and visually pleasing landscaped environments are created.</p> <p>The proposal also recognises the importance of the existing CPW vegetation within the site and proposes to implement the comprehensive VMP prepared by Niche to ensure its ongoing protection and management.</p>	Yes
12.8.1.5	Concept Plans	This DA proposes the embellishment of the open space areas generally in accordance with both the DCP and the concept landscape masterplan originally submitted with DA 19/0704.	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 and will complement the Applicant's aspiration for the locality to become an attractive and desirable residential and employment location.	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> <ul style="list-style-type: none"> The proposal is generally consistent with the two identified RE1 Public Recreation zoned land areas. The proposed landscape designs for these spaces incorporates opportunities for passive and active recreational uses and will ensure the ongoing protection and enhancement of existing native vegetation. The proposal includes a VMP that establishes management measures to ensure of the ongoing management of areas containing 	Yes

Control	Matter	Comment	Compliance
		<p>native vegetation, including the E2 Environmental Conservation Reserve and Central Reserve.</p> <ul style="list-style-type: none"> Stormwater management is proposed to be integrated in detention and bio-retention areas proposed in stormwater basins located within the boundaries of the proposed parklands spaces. These integrated measures will effectively treat water prior to its discharge into Council's network and provide opportunities for dual purpose open recreation areas in dryer periods. 	
12.8.2.3	Desired future character	The proposed landscape designs are consistent with the desired future character of the SWUV precinct and align with the proposed subdivision layout under DA 19/0704.	Yes
Part 12.8.3 Public Domain			
12.8.3.1.4	Vegetation	<p>The site contains existing CPW native vegetation which is predominantly located centrally and along the northern boundary of the site.</p> <p>Native vegetation removal, generally consistent with existing approvals applying to the site is sought under DA 19/0704. In addition, some additional vegetation is proposed to be removed from within the boundary of the Central Reserve under DA 19/0704 to facilitate the establishment of necessary site stormwater drainage requirements.</p> <p>All remaining native vegetation contained within the boundary of the Central Reserve and within the proposed E2 Environmental Conservation Reserve will be retained and protected.</p> <p>The proposal also proposes further embellishment of the proposed parklands areas to support the establishment of bushland buffer areas and to complement the proposed passive and active recreational uses.</p>	Yes
12.8.3.1.6	Contamination	<p>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.</p> <p>Consideration of contamination has been provided in DA 19/0704 and above in Section 4.4.3.</p>	Yes
Part 12.8.3.4 Passive Open Space & Environmental Conservation Areas			
12.8.3.4	Passive Open Space & Environmental Conservation Areas	<p>The proposed landscape designs for the Central Reserve and Eastern Park Basins satisfactorily meet the objectives of this section as follows:</p> <ul style="list-style-type: none"> usable and inviting open space environments are proposed that are proposed to be 	Yes



Control	Matter	Comment	Compliance
		<p>embellished with a range of landscape species and passive and active recreation facilities that will promote and encourage community interaction</p> <ul style="list-style-type: none"> remnant bushland remaining within the Central Reserve and E2 Environmental Conservation Reserve is proposed to be retained and enhanced in line with the measures proposed in the VMP provided at Appendix C the proposed design of both parkland spaces will provide future residents areas that deliver high amenity immediately adjacent to their dwellings. <p>As previously discussed with and conceptually endorsed by Council, this DA proposes a variation to the indicative design and function of the parkland areas as prescribed by Control 2. Primarily, the functions of the two parklands have been swapped with more passive functions being introduced into the design of the Eastern Basin Park and more active functions introduced into the design of the Central Reserve.</p> <p>The proposed variations have resulted from the required size and capacity of the stormwater basin within the Eastern Basin Park being far greater in size than envisaged in the DCP. The increase in size has compromised the ability to provide meaningful spaces around the perimeter of the stormwater basin. In consultation with Council, it was therefore proposed to swap the envisaged functionality of the recreation areas between the two parkland areas.</p> <p>Notwithstanding, the two parkland areas have been designed with regard to the performance measures and controls outlined in the DCP and are considered to generally comply as follows:</p> <ul style="list-style-type: none"> existing native vegetation will be retained and no further vegetation is sought to be removed under this DA the open space areas are proposed to be embellished with additional complementary native vegetation the proposed design and landscape embellishment of these open space areas is sought to create focal points key entry points into the residential SWUV precinct, but also providing a connection that integrates the existing surrounding areas of Werrington the proposed open space areas are located per the land use zoning and DCP and are proposed to be framed by streets with buildings oriented towards them to maximise natural and formal surveillance levels 	



Control	Matter	Comment	Compliance
		<ul style="list-style-type: none"> • no back fences are proposed to be oriented onto the proposed open space areas • the proposed parklands have been integrated into the broader street network proposed under DA 19/0704, with the design of the Central Reserve incorporating a key through-site linkage that provides a north eastern connection towards Werrington Train Station • playground facilities that cater for children and young families are proposed within the Central Reserve • both parklands spaces have been designed to offer a varied range of seating, shelters and picnic spaces, with ancillary barbecue facilities • the design of the parkland spaces differs from the concept designs detailed in the DCP due to the following: <ul style="list-style-type: none"> ○ modelled stormwater requirements for the precinct necessitate a larger basin within the footprint of the Eastern Basin Park restricting the ability to provide envisaged active recreation facilities ○ the design of the Central Reserve has successfully accommodated the envisaged active recreation facilities, while balancing the protection of existing native vegetation ○ lighting is generally not proposed in accordance with Council’s direction, with the exception of the proposed through-site link, which will be deliver 4m high post top lighting in accordance with the relevant Australian standard ○ a comprehensive VMP prepared by Niche accompanies this DA that provides measures for the enhancement, protection and ongoing conservation of native vegetation within the Central Reserve and E2 Environmental Management Reserve. 	

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, the proposed design of both open space areas is considered to provide a reasonable alternative outcome to that outlined in Part E12 of Council's DCP. The DA proposes a rearrangement to the functions of passive and active open space within each designated RE1 Public Recreation zone as originally envisaged under the DCP following more detailed information regarding the increased capacity requirements for stormwater detention and the impact this has had on available space surrounding the intended basin location.

As demonstrated in the SEE and within the submitted landscape plans prepared by Place, the design and intended functionality of the Central Reserve and Eastern Basin Park satisfactorily meet the desired outcomes for the open space offerings within the SWUV precinct and would not detrimentally impact on the level of amenity intended to be provided for the future community.

The proposed variations are considered minor and contained to the site such that they would not unnecessarily result in an unwarranted development outcome precedent. Further, the proposed design response is considered to provide a balanced approach to dealing with the identified stormwater challenges for the betterment of the SWUV precinct.

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 Regulation which would impact upon the consideration of this Application.

4.9 Likely impacts of the Development

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

4.10 Suitability of the site

The proposed open space areas are sited consistent with the RE1 Public Recreation land use zones applying to the site and the creation of proposed Lot 1000 conforms to the E2 Environmental Conservation zone boundary along the north of the site.

The proposed open space parklands are located consistent with the RE1 Public Recreation zonings identified under PLEP 2010. Further, the road and subdivision layout proposed under DA 19/0704 will ensure that the boundary of the E2 Environmental Conservation reserve (i.e. proposed Lot 1000) is established enabling the better management and protection of the CPW vegetation.

4.11 Submissions

The DA will be notified in accordance with the relevant DCP notification policy. Notification Plans are included as part of this DA plan package. 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 essential open space infrastructure and facilities to support 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, while integrating both passive and active recreational opportunities within the site.
- The site is zoned for RE1 Public Recreation and E2 Environmental Conservation, for which the proposal will fulfil the desired land use planning outcome.
- The proposal provides a coordinated approach to the site’s urban renewal and delivery of open space infrastructure that will positively contribute to the character of the developing locality.
- The proposal will positively contribute to the delivery of future social, environmental and economic benefits for the locality.



5 Conclusion

This DA seeks approval for the construction and delivery of two open space parklands and the vegetation management of E2 Environmental Conservation land within the SWUV precinct at Lot 1 DP 1226122.

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 outlined above, the proposed variation to the functions of the Central Reserve and Eastern Basin Park are considered to be minor in the context of the proposal, such that it is considered that the proposal meets the relevant objectives for open space and conservation areas within the SWUV precinct contained in Council's DCP.

Based on the information contained in this SEE, the proposal should be granted consent, subject to the appropriate conditions.



APPENDIX A: LANDSCAPE PLANS



APPENDIX B: CIVIL WORKS PLANS



APPENDIX C: VEGETATION MANAGEMENT PLAN



APPENDIX D: LIGHTING PLAN



APPENDIX E: COST OF WORKS



APPENDIX F: 7-PART TEST SIGNIFICANCE ASSESSMENT



APPENDIX G: BUSHFIRE ASSESSMENT REPORT