



STATEMENT OF ENVIRONMENTAL EFFECTS

Integrated Housing, Subdivision and Associated Civil Works

Proposed Lot 1259; 16 Chapman Street, Werrington

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Statement of Environmental Effects of Environmental Effects

Integrated Housing, Subdivision and Associated Civil Works
Part of Lot 1 DP 1226122 (Proposed Lot 1259)
16 Chapman Street, Werrington

Prepared for

Lendlease Communities (Werrington) Pty Ltd

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Statement of Environmental Effects

Integrated Housing, Subdivision and
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Executive Summary

This Statement of Environmental Effects (**SEE**) has been prepared to accompany a Development Application (**DA**) lodged on behalf of Lendlease Communities (Werrington) Pty Ltd (the **Applicant**) seeking approval of an integrated housing DA, including subdivision to create twenty-nine (29) Torrens title allotments and associated works within the Kings Central estate at 16 Chapman Street, Werrington. The proposal seeks the subdivision of the site to occur first, then subsequent construction of the relevant dwellings.

The site is located within the South Werrington Urban Village (**SWUV**) of the Werrington Enterprise Living and Learning Precinct in the Penrith Local Government Area (**LGA**). The land is undergoing significant transformation from its current vacant state to urban purposes following the Precinct's rezoning and subsequent approval of DA19/0704 for:

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

Development Consent DA19/0704 was granted on 18 December 2020 by the Sydney Western City Planning Panel (the **Panel**) and included the creation of the residue Lot 2259. A subsequent Development Application (DA21/0808) is currently under assessment by Council to further subdivide Lot 2259 into two residue lots numbered Lot 1258 and Lot 1259. Lot 1259 is 8,241m² and is the subject of this application (the **site**).

The Applicant has partnered with Eden Brae homes to deliver the dwellings subject of this DA.

The main components of the proposal include:

- The site subject to this DA is a residue lot created under DA21/0808.
- Integrated housing development including subdivision to establish twenty-nine (29) dwellings across twenty-nine (29) Torrens title allotments.
- Associated landscaping and civil works including lot grading and road formation.
- The proposal seeks consent that allows the subdivision of the land prior to the construction of the dwellings.

This DA seeks approval for development under Part 4 of the *Environmental Planning and Assessment Act 1979* (**EP&A Act**). The site is zoned R4 High Density Residential, and the proposed development is permissible with consent under the *Penrith Local Environmental Plan 2010* (**PLEP 2010**). This application has demonstrated that the proposal complies with the relevant controls and development standards in the PLEP 2010 and the PDCP. The only departure from the quantitative PDCP controls relates to minimum landscaping requirements for some of the dwellings. As the proposal includes different dwelling typologies (as categorised under the PDCP), different minimum landscaping control apply. The proposal has sought to achieve at least 30% landscaped area per dwelling across the DA.

Despite not complying with all the quantitative landscaped area controls in the PDCP, the proposal has greatly exceeded the minimum primary open space requirements by up to 140%. The

development meets and exceeds all setback requirements and private open space controls under the DCP. Despite the proposal's non-compliance with the numerical landscape coverage control, the proposal meets the objective of the control by ensuring:

- The principal area of private open space exceeds the relevant minimum control for each dwelling typology. The result is that the future occupants are afforded a much greater usable area of active open space.
- Increased plantings in the front and side boundaries as well as a large tree in the backyard. These additional plantings have increased the overall soft landscaping and therefore decreased the quantity of impervious surfaces.
- The proposal includes a positive presentation to the street frontage. The buildings comply with all minimum setback requirements and include extensive planting within the front setback (including one large tree per dwelling – in addition to street trees approved under DA19/0704) to ensure the development is consistent with future surrounding development.

The proposal is categorised as 'Integrated development' under section 4.46 of the EP&A Act given the site is mapped as bushfire prone, therefore the proposed development will require a Bushfire Safety Authority from the NSW Rural Fire Service (**RFS**) for the subdivision of the land for residential purposes pursuant to section 100B(1) of the *Rural Fires Act 1997* (**RF Act**). The proposal is not classified as Regionally Significant or Designated Development and will likely be determined by Penrith City Council (**Council**), or the Local Planning Panel should the application receive more than 10 submissions.

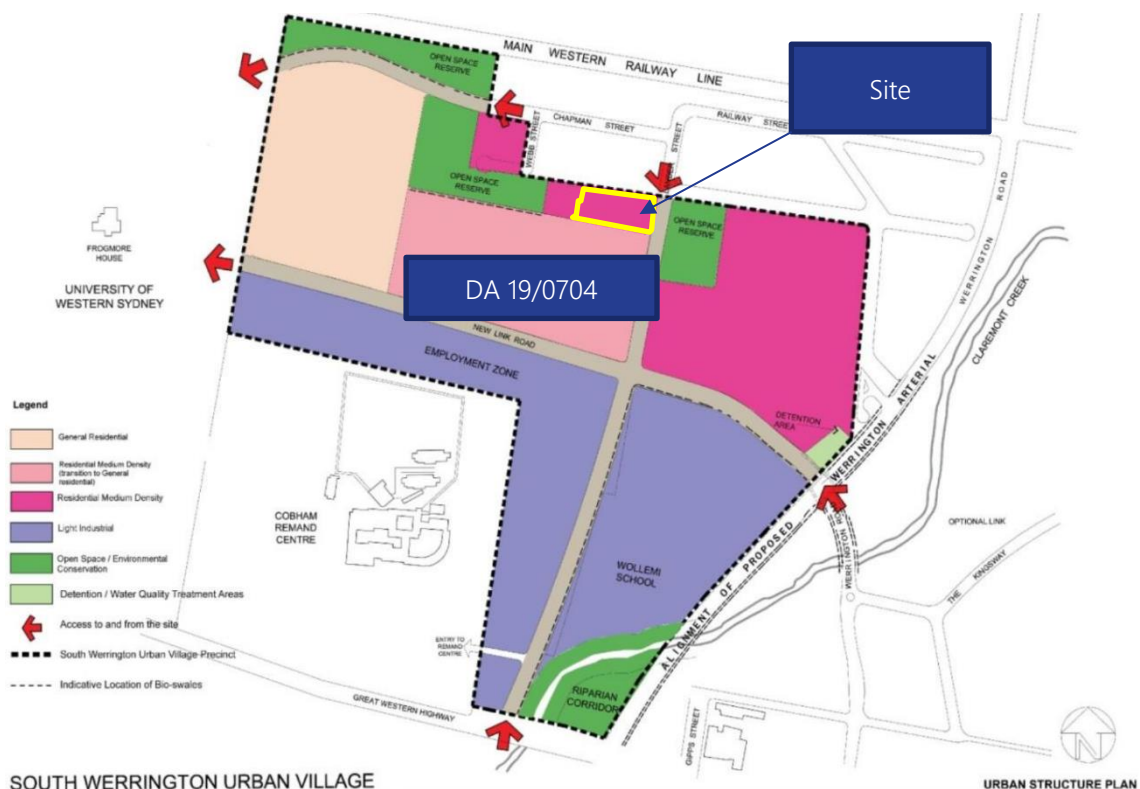
This SEE concludes that the proposed development is an acceptable form of development without having any adverse impact upon the environment and surrounding location. It is recommended that the proposal be approved subject to the imposition of appropriate conditions of consent.

1 Introduction

1.1 Background

GLN Planning Pty Ltd (**GLN**) has been commissioned by the Applicant to prepare this SEE. It accompanies a DA seeking approval for integrated housing comprising subdivision to create twenty-nine (29) Torrens title allotments including associated civil works over proposed Lot 1259, which is currently a part of Lot 1 DP1226122; 16 Chapman Street, Werrington.

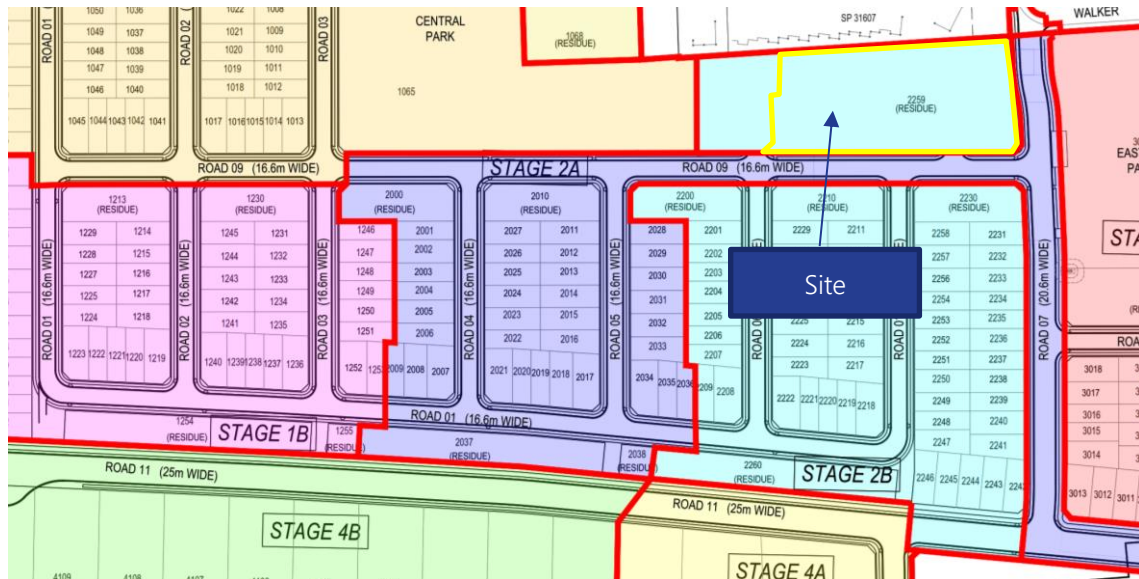
The site is located on land identified within the SWUV Precinct (see **Figure 1**) in the Penrith LGA and is zoned R4 High Density Residential under PLEP 2010.



Source: Penrith DCP 2014

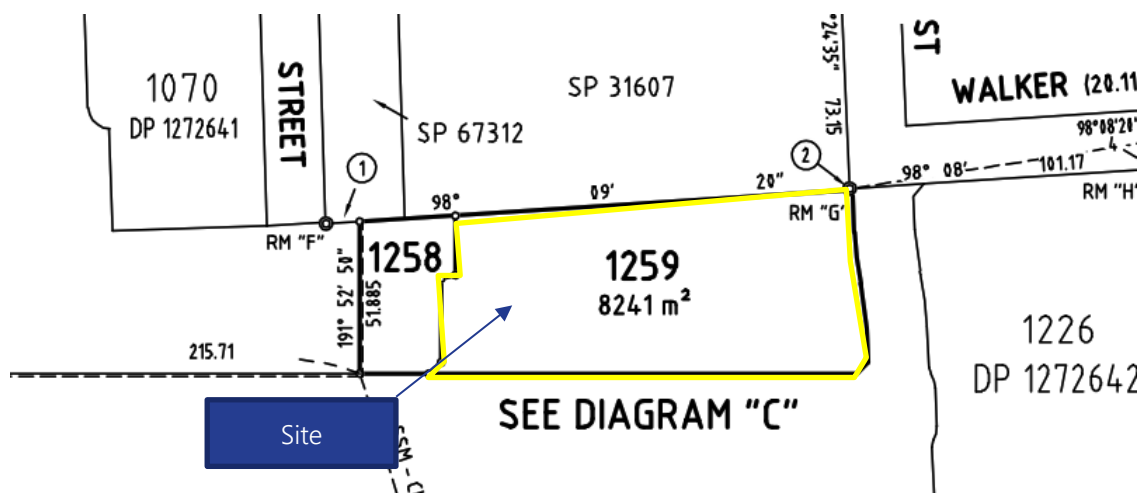
Figure 1. SWUV Structure Plan

The proposal is located within the Applicant's estate, known as 'Kings Central'. The parent subdivision consent for Kings Central was issued by the Western Sydney Planning Panel on 18 December 2020 under DA19/0704. The DA is over part of a residue lot approved under DA19/0704 as Lot 2259 (see **Figure 2**). Lot 2259 is currently subject of DA21/0808 for a paper subdivision to create Lots 1258 and 1259 (see **Figure 3**). This DA is over Lot 1259 created subject to approval of DA21/0808. The adjoining Lot 1258 will be subject to separate Development Application for dwellings being constructed by Creation Homes.



Source: Cardno

Figure 2. Snapshot of Approved Subdivision under DA19/0704



Source: Terry Edward Bartlett Surveyor

Figure 3 Snapshot of Plan of Proposed Subdivision under DA21/0808

1.2 Development History

There are several other current DAs and consents over the site, these include:

- DA21/0811, which is currently under assessment by Council for a DA and SWC for 12 Torrens title lot subdivision and integrated housing development of 12 dwellings on residue Lots 1230, 2010 and 2230.
- DA 20/0081, which was approved by Council on 2 November 2021 for the Staged construction and delivery of two open space parklands comprising the Central Reserve and Eastern Basin Park and restoration and management of Cumberland Plain Woodland (CPW)

within the E2 Environmental Conservation reserve (see **Figure 4**). Specifically, this approval comprises of:

- Construction of the Central Reserve, comprising a large areas of retained CPW vegetation, a planted bio-retention area and large informal grassed basin, children's play space areas, barbeque picnic areas and associated shelters, active recreation zone and pedestrian access paths.
- Construction of the Eastern Basin Park, comprising a planted bio-retention area and large informal grassed basin framed by planted embankments incorporating pedestrian access paths and passive seating and picnic shelter furniture elements.
- Implementation of the proposed vegetation management measures outlined in Niche's Vegetation Management Plan (**VMP**) to ensure the ongoing viability and conservation of the E2 Environmental Conservation reserve.



Source: Place Design Group

Figure 4. Snapshot of approved plan under DA20/0081 for the Central Reserve and Easter Basin Parks

1.3 Purpose of Report

This SEE has been prepared in accordance with Schedule 1 of the EP&A Regulation for the purposes of:

- Demonstrating that the environmental impacts of the development have been considered, and
- Outlining steps to be undertaken to protect the environment or to lessen any expected harm to the environment.

This SEE details the necessary information for the proposal to be assessed by the consent authority, including a description of the site and its surrounds, and an assessment of the proposal against the relevant planning controls.

This SEE concludes that the proposal is acceptable in that it is generally consistent with the relevant planning controls and will have minimal environmental impacts that can be satisfactorily managed.

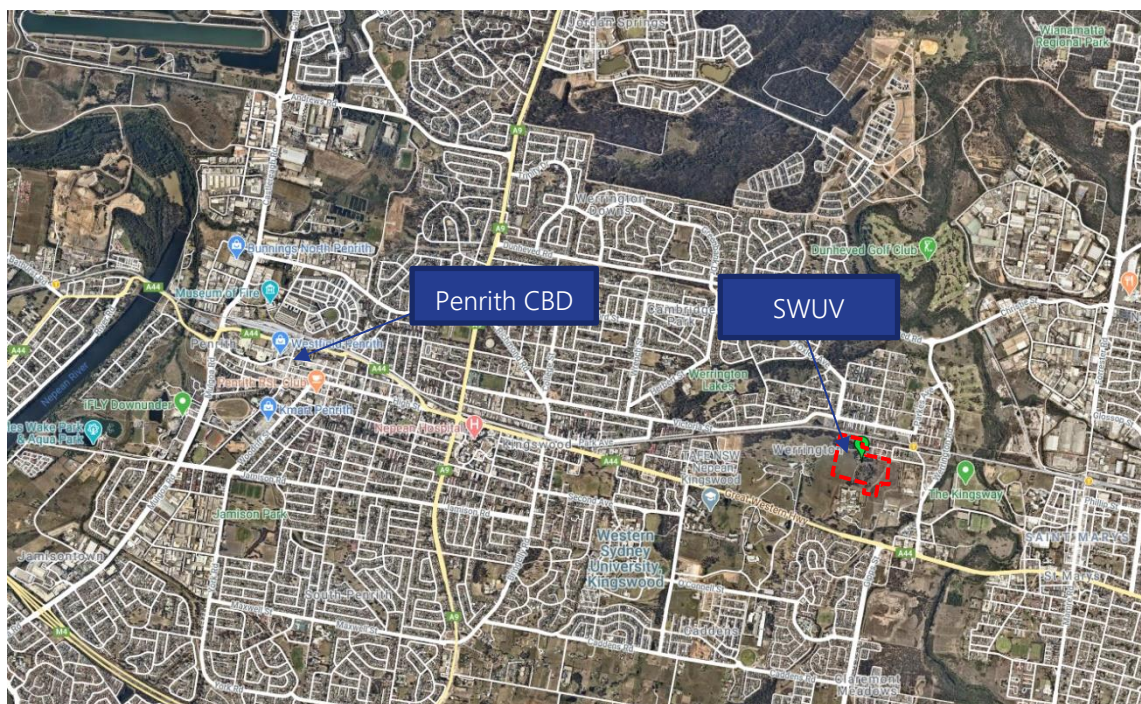
2 The Site and Locality

This section of the report identifies the matters that underpin the siting, design and other planning considerations relevant to the development on the land, including:

- The site and its physical context,
- The background to planning considerations that has led to and supports the current DA for the proposed development, and
- The considerations outlined in this section are summarised into a site analysis to inform and confirm the siting and design and environmental responses required to ensure the appropriate development outcomes for the land.

2.1 Site Location

The site is located in the SWUV Precinct, Werrington within the Penrith LGA, as illustrated within **Figure 5**.



Source: Nearmap, 2019

Figure 5. General Site Location

The SWUV Precinct comprises approximately 48 hectares (**ha**) of land that has been identified for urban development comprising residential and employment generating uses. The SWUV Precinct will assist the delivery of housing and employment opportunities in Penrith and integrate with the existing Werrington community to the north and south of the Great Western Railway line.

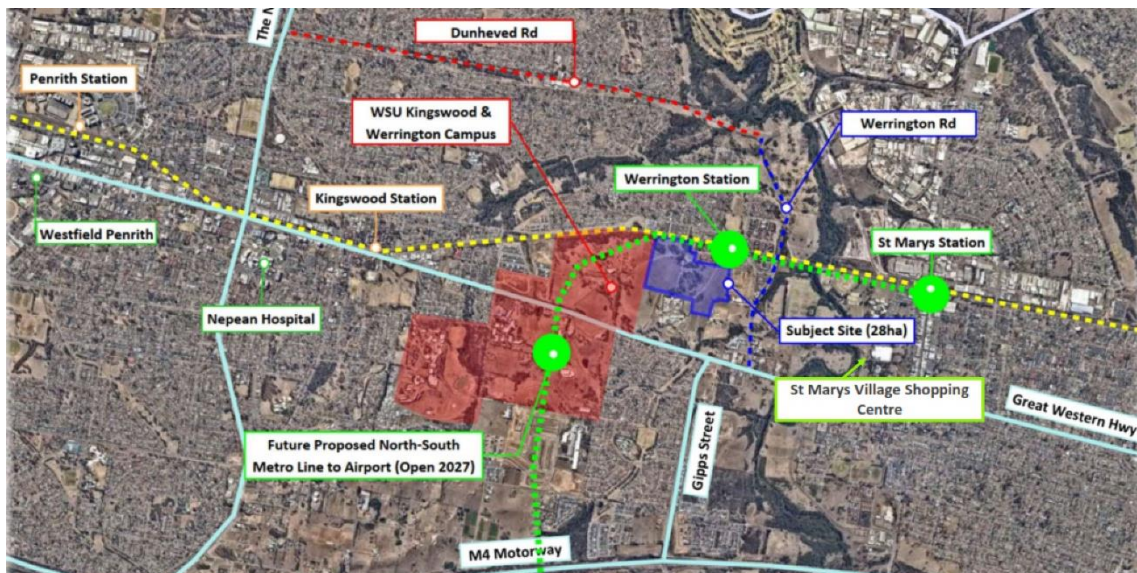
A vision for the SWUV Precinct was established through the Werrington Enterprise Living and Learning Strategy 2004 which is as follows:

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

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

As illustrated in **Figure 6** the surrounding locality comprises a mixture of land uses, with low and medium density residential development located between the site’s northern boundary and the Greater Western Railway line. To the immediate south of the site lies the Cobham Juvenile Justice Centre, while to the southeast lies the grounds of Wollemi College educational establishment. To the east of the site beyond Werrington Road lies existing regional recreational open space grounds at The Kingsway.

The site benefits from close proximity to major roads, including the Great Western Highway to the south and the Western Motorway. As noted above, the site is also located in close proximity to Werrington Train Station on the Greater Western Rail line, providing regular public transport services west to Penrith CBD and east to the Parramatta and Sydney CBDs.

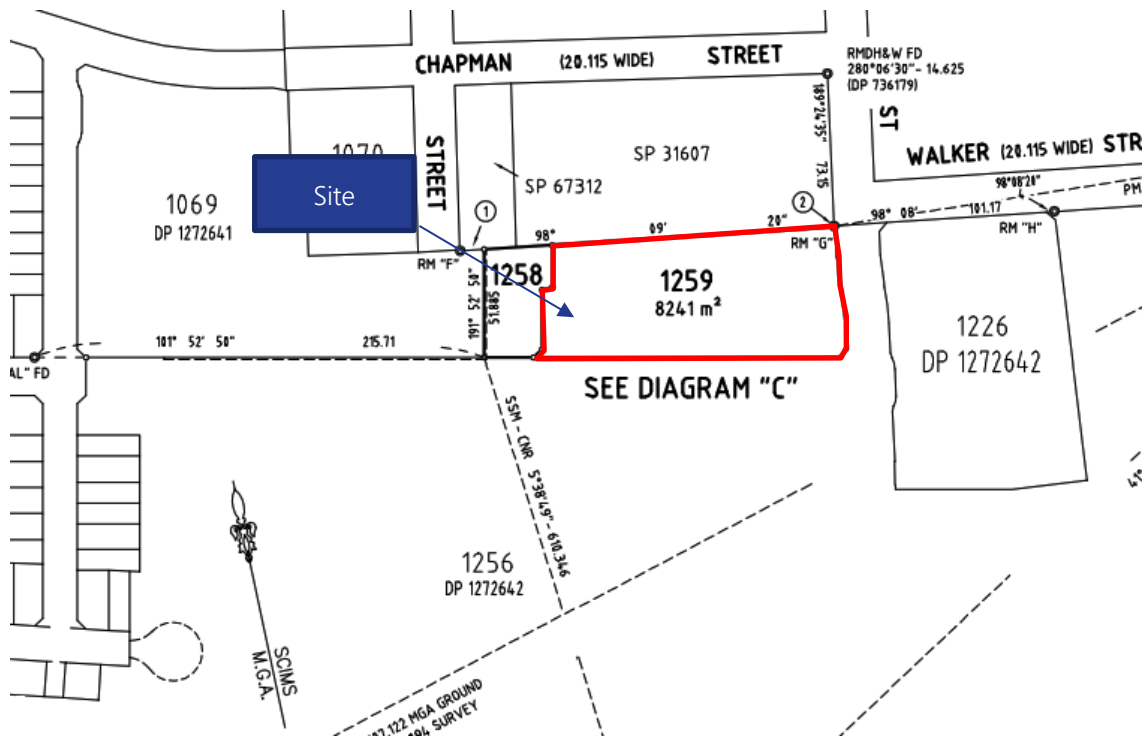


Source: Lendlease

Figure 6. Surrounding Locality

2.2 Site Description

The land the subject of this DA is currently legally described as Lot 1 DP 1226122, 16 Chapman Street, Werrington. The site is part of a residue lot approved under DA19/0704, which is to be further subdivided to create Lot 1259 under DA21/0808 as shown below. The site is 8,241m², has a road frontage of 145.83m to the south and 47m frontage to the road to the east. These roads as well as associated street tree plantings are delivered as part of the parent consent under DA19/070.



Source: Bartlett, 2021

Figure 7. Proposed Plan of Subdivision under DA21/0808

2.3 Site Analysis

The key features of the site and surrounds include:

- The land has been identified for residential development and an existing consent has created residue lots for a specific tailored built form outcome.
- Dwellings on these lots will have high amenity benefitting from proximity to parks and can contribute positively to the public domain through high quality landscape outcomes.
- The residents will enjoy easy access to Werrington Rail Station, located within 250 metres of the site

3 Proposed Development

This DA seeks approval for integrated housing comprising the construction of twenty-nine (29) dwellings as well as subdivision to create separate Torrens title allotments for each dwelling. Associated civil works including lot grading and internal road formation are proposed.

The application seeks the ability to first subdivide the site, with each lot having a restriction on title that only allows the approved dwelling to be constructed on the resultant lot.

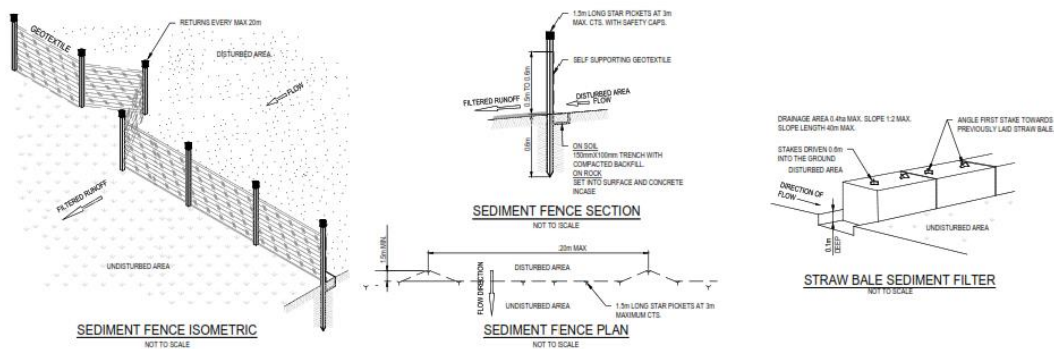
Each component is described in more detail in the sections below. The Civil Engineering Plans, Plan of Subdivision and Architectural Plans are provided at **Appendix B, C** and **D** respectively.

3.1 Civil Works

3.1.1 Sediment and erosion control

During construction appropriate sediment and erosion control measures will be implemented and maintained by the builder. These measures are illustrated in **Figure 8** and at **Appendix B** and will include:

- erection of temporary security fencing and sediment control fencing.
- installation of sediment traps and barriers along stormwater flowpaths and inlet pits.
- implementation of appropriate treatment measures for construction vehicles to minimise off-site transfer of materials.
- location and formation of fill stockpiles adjacent or adjacent to areas of minimal cut and fill and use of appropriate covers and containment measures.



Source: Enspire Solutions 2021

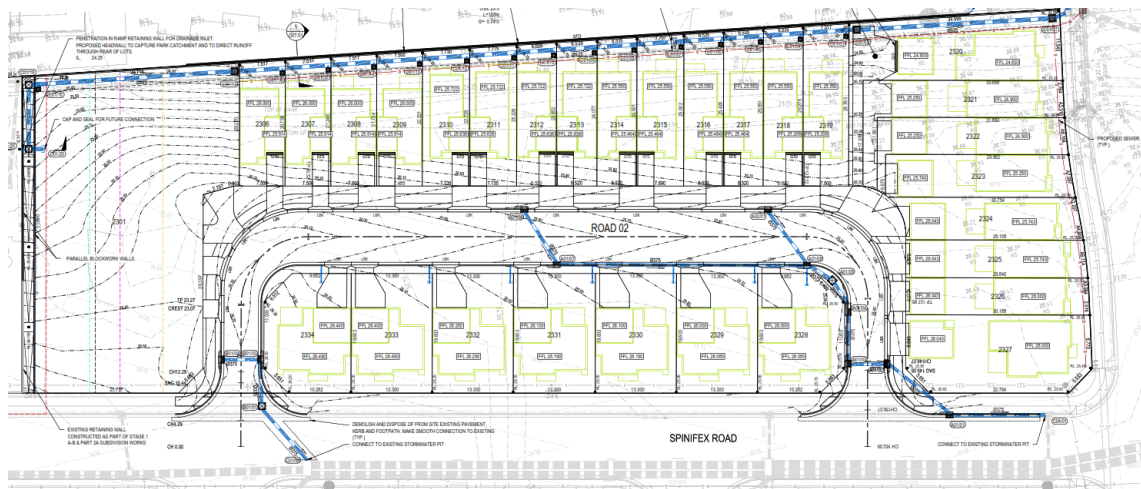
Figure 8. Erosion and Sediment Control Measures

3.1.2 Site works

Minor lot regrading will be required to accommodate dwellings on each lot. Further details of the proposed extent of the site levels are detailed at **Appendix B**.

3.1.3 Stormwater drainage

The proposed dwelling houses have been designed to connect into the stormwater network to be delivered under DA19/0704. A number of lots will accommodate an interallotment drainage line, with related drainage pits to be constructed on each lot that is not capable of draining towards the street. A Gross Pollutant Trap (**GPT**) is proposed to the north east of the site. Additional details are indicated at **Figure 9** and **Appendix B**.

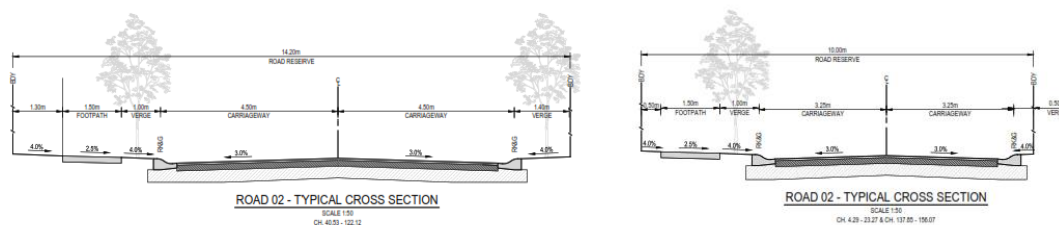


Source: Ensipre Solutions 2021

Figure 9. Stormwater drainage extract

3.1.4 Road formation

A road (Road 02) is proposed to provide vehicular access to each lot. The carriageway will generally be 9 metres wide, with 6.5 metre sections at the entry and exit. In reflection of this width, it is proposed to make the road one-way as illustrated at **Figure 10** below. This will enable waste collection vehicles and removalist trucks forward entry and egress without creating conflicting traffic flows.



Source: Ensipre Solutions 2021

Figure 10. Road 02 Cross Sections



Source: Enspire Solutions 2021

Figure 11. Pavement, signage and linemarking plan

3.2 Subdivision

The proposal includes the subdivision of the land to create twenty-nine (29) Torrens title allotments. The subdivision will be executed prior to the construction of the integrated dwellings. The proposed plan of subdivision is provided at **Appendix C. Table 1** below outlines the dimensions of the proposed allotments:

Table 1. Lot Dimensions

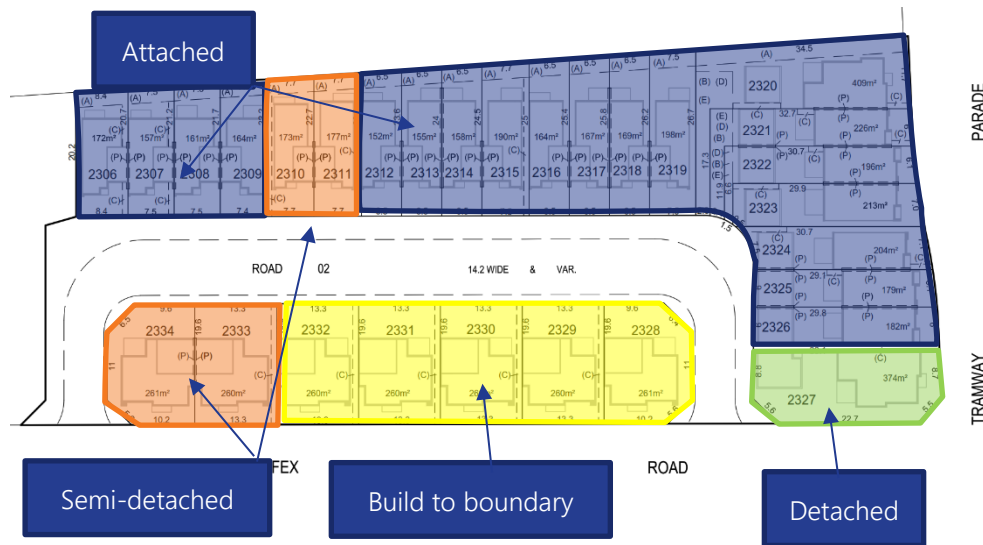
Proposed Lot	Lot Size (m ²)	Road Frontage (m)	Depth (m)
2306	172.1	8.4	20.2 – 20.7
2307	158.5	7.5	20.7 – 21.2
2308	161	7.5	21.2 – 21.7
2309	164	7.4	21.7 – 22.2
2310	173	7.7	22.2 – 22.7
2311	177	7.7	22.7 – 23.2
2312	152	6.5	23.2 – 23.6
2313	155	6.5	23.6 – 24.07
2314	158	6.5	24.07 – 24.5

Proposed Lot	Lot Size (m ²)	Road Frontage (m)	Depth (m)
2315	190	7.6	24.5 - 25
2316	164	6.5	25 - 25.4
2317	167	6.5	25.4 - 25.8
2318	169	6.5	25.8 - 26.2
2319	198	7.5	26.2 - 27.6
2320	409	11.7	32.7 - 34.5
2321	226	6	30.6 - 32.7
2322	196	6.1	29.9 - 30.7
2323	213	7	29.9 - 30.7
2324	204	7.1	29.1 - 30.7
2325	179	6.1	29.1 - 29.8
2326	182	6.	29.8 - 30.1
2327	374	51.3 (corner)	30.1 - 30.42
2328	261	42.8 (corner)	19.6
2329	260	26.6 (double front)	19.6
2330	260	26.6 (double front)	19.6
2331	260	26.6 (double front)	19.6
2332	260	26.6 (double front)	19.6
2333	260	26.6 (double front)	19.6
2334	261	42.8 (corner)	19.6

3.3 Integrated Housing

This DA proposes the construction of twenty-nine (29) two-storey dwellings. The range of dwelling types includes:

- 19 attached dwellings
- 4 semi-detached dwellings
- 1 detached dwelling (includes 1 studio)
- 5 built to boundary dwellings



Source: Proust and Gardner 2021 (as modified by GLN)

Figure 12 Plan identifying dwelling types (in accordance with DCP)

The four dwelling types contain a range of variations to ensure that they are distinct when viewed from the street frontage. On account the site is zoned R4 High density residential and is situated between multi dwelling housing development to the north, park to the east and typical single residential lots to the south, the proposal has accommodated dwelling types that are sympathetic to each of these different interfaces.

Denser attached style dwellings are located to the north, at the interface with the existing multi dwelling housing development. Despite being attached dwellings, this product will be front loaded. Extensive landscaping in the front setback is proposed to ensure suitable street presentation.

The proposed dwellings to the south interface with the lower density residential development approved under DA19/0704. For this reason, the dwellings are larger and detached. They will be rear loaded to remove traffic from the east west through road.

The attached dwellings to the east address the park on the opposite side of the road but are rear loaded. A shared driveway arrangement is proposed for the dwellings in the north eastern corner. Bins will be collected from the road to the east so as not to cause conflict during collection on the internal road.

Ultimately, the design and layout of the proposal has been considered to deliver the following on an irregular shaped lot:

- A suitable density on a R4 zoned lot.
- Housing product that is characteristic of the multi dwelling housing to the north and detached residential housing to the south.
- A unique rear loaded attached housing product in the precinct that overlooks parkland.
- High quality landscaping.

s is indicated in **Figure 13**.



Source: Studio Block, 2021

Figure 13. Site Plan Extract

Each dwelling will have at least 3 bedrooms, with built to boundary dwellings on larger lots to include a multi-purpose room that can function as a 4th bedroom. Each dwelling will contain an open plan kitchen, living and dining area that will connect to an alfresco dining area and to the principal private open space (**PPOS**).

The dwellings will each be finished in similar materials selected from a colour palette to provide consistency within the streetscape. The materials include a mix of face brickwork, colour render and feature timber. The front façade of each dwelling incorporates porches and varied setbacks. A modern design incorporating varying roof pitches and fenestration has been incorporated to reduce dominance from the street and clearly identify entrances to each of the dwellings.

The PPOS of each dwelling house is located at the rear of each dwelling house, either to the north or west depending on the lot orientation. This ensures that these areas have excellent solar access. Appropriate fencing will be employed to maintain privacy for dwellings at Lots 2328 to 2334 where private open space fronts Road 02.

Architectural plans for the proposed dwelling houses are provided in **Appendix D**, including details of the dwelling type, site coverage, setbacks and private open space. BASIX Certificates have been prepared for the dwellings and submitted with the architectural package for each dwelling.

4 Environmental Assessment

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

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

4.1 Threatened Species and Biodiversity Impacts

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

Consent for vegetation and tree removal on the subject site was granted under DA 19/0704. The consent also approved the conservation of areas of ecological significance within the Central Park. As such, the site will be clear of vegetation before development occurs based on the existing approval and the proposal will not have any significant impact on areas of environmental significance.

4.2 Integrated Development

Sections 4.46 and 4.47 of the EP&A Act provide the opportunity for a DA to be lodged as 'integrated development' where the proposed development on the land would trigger an approval under other environmental or related legislation.

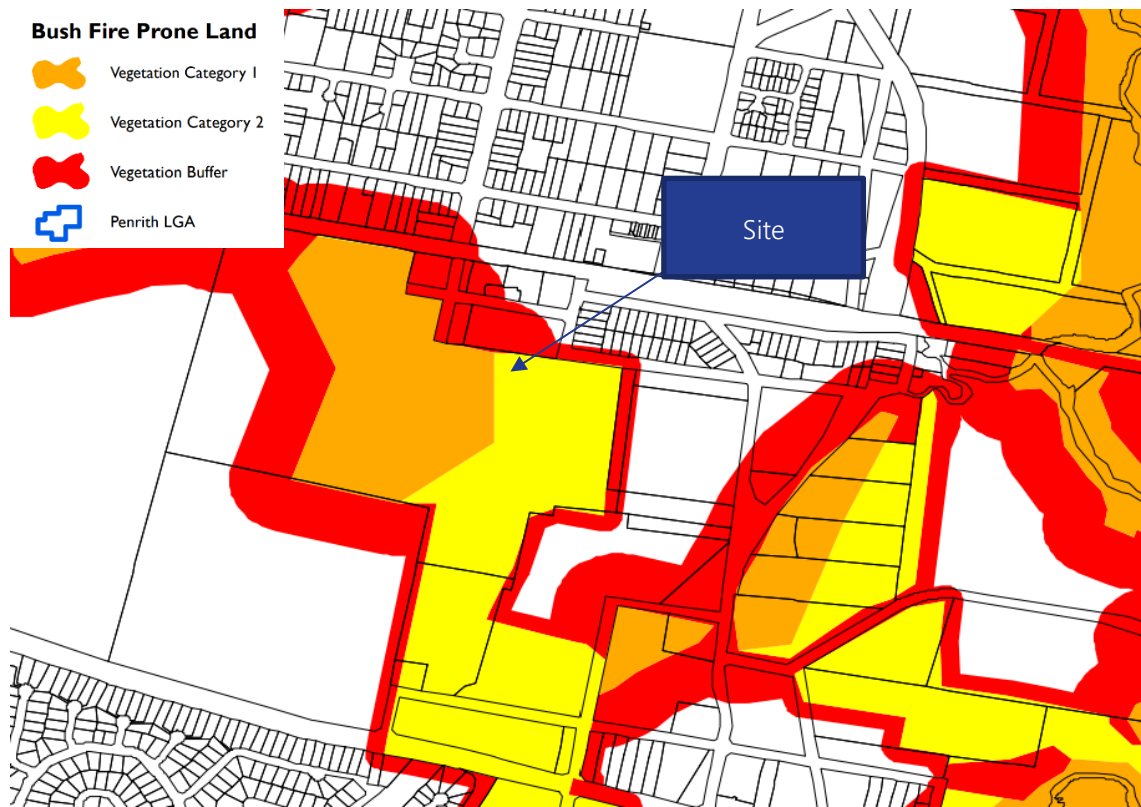
Table 2. Integrated Development Review

Legislation	Comment	GTAs
National Parks and Wildlife Act 1974	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 consideration and approval of previous DAs at the site.	No
Protection of the Environment Operations Act 1997	The implementation of appropriate environmental protection works will ensure that no licence will be required.	No
Rural Fires Act 1997	<p>Section 100B of the <i>Rural Fires Act 1997</i> requires that a bush fire safety authority for development of bush fire prone land that could lawfully be used for residential or rural residential purposes, or development of bush fire prone land for a 'special fire protection purpose'.</p> <p>Subdivision works are proposed as part of this proposal and therefore a bush fire safety authority is required to be obtained.</p> <p>Accordingly, the DA is to be referred to the RFS to obtain GTAs.</p> <p>A Bushfire Assessment Report has been prepared for the site by Building Code and Bushfire Hazard Solutions (BC&BHS) (refer to Appendix E) that identifies the necessary Bushfire Protection Measures, asset</p>	Yes

Legislation	Comment	GTAs
	protection zones and BAL construction standards required to meet the requirements of <i>Planning for Bushfire Protection 2019 (PBP)</i> .	
Water Management Act 2000	A Controlled Activity Approval is required to be obtained for any activity being situated within 40 metres from the top of a river bank in accordance with section 91(2) of the <i>Water Management Act 2000</i> . The proposed works are not located within 40m of a riverbank and as such the proposed development does not require an integrated approval to satisfy this legislation.	No
Fisheries Management Act 1994	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
Heritage Act 1977	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
Mine Subsidence Compensation Act 1961	The land is not within a mine subsidence district.	No
Petroleum (onshore) Act 1991	No production lease is being sought.	No
Mining Act 1992	No mining lease is being sought.	No
Roads Act 1993	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. Council's Bushfire Prone Land Map identifies that the site contains Category 1 and Category 2 Vegetation and therefore the application of PBP 2019 applies in this instance (see **Figure 14**).

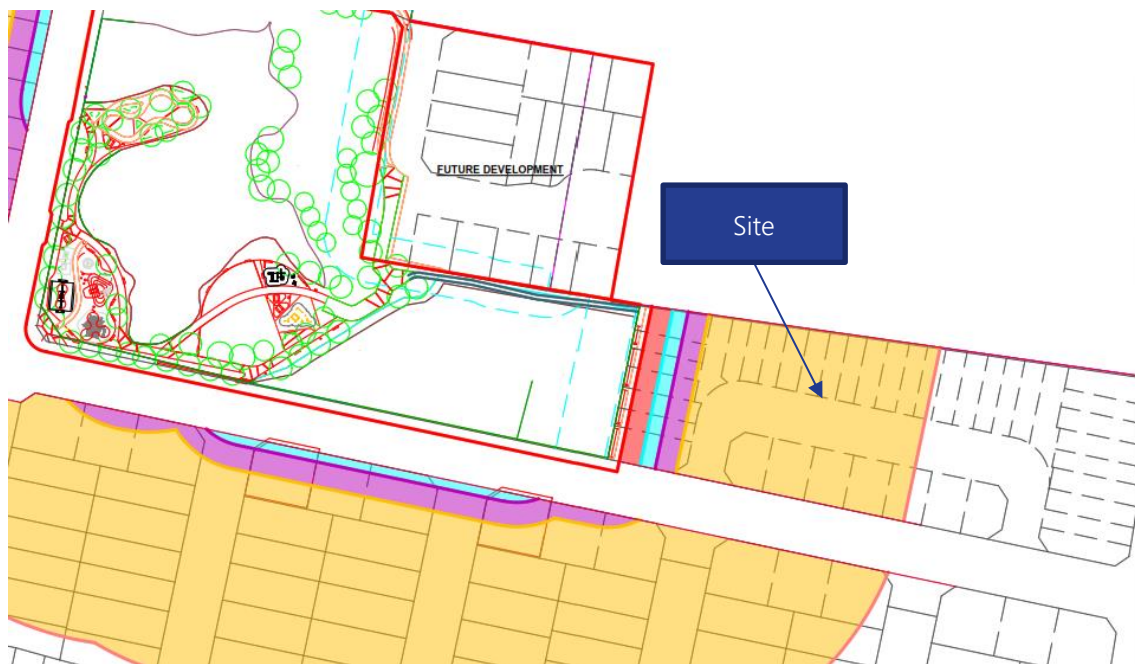


Source: Penrith City Council, 2014

Figure 14. Bushfire Prone Land Map

BC&BHS has prepared a comprehensive Bushfire Assessment Report (**Appendix E**) that provides an independent bushfire hazard determination together with appropriate recommendations for both new building construction and bushfire mitigation measures regarding construction within a designated 'bushfire prone' area.

The highest Bushfire Attack Level (**BAL**) to the proposed dwellings has been determined from Table 2.4.2 of Australian Standards (**AS**) 3959 'Construction of buildings in bushfire-prone areas' 2009 to be BAL 12.5 for proposed development for dwellings at the eastern half of the site, and for standard dwelling construction at the western half (refer **Figure 15**).



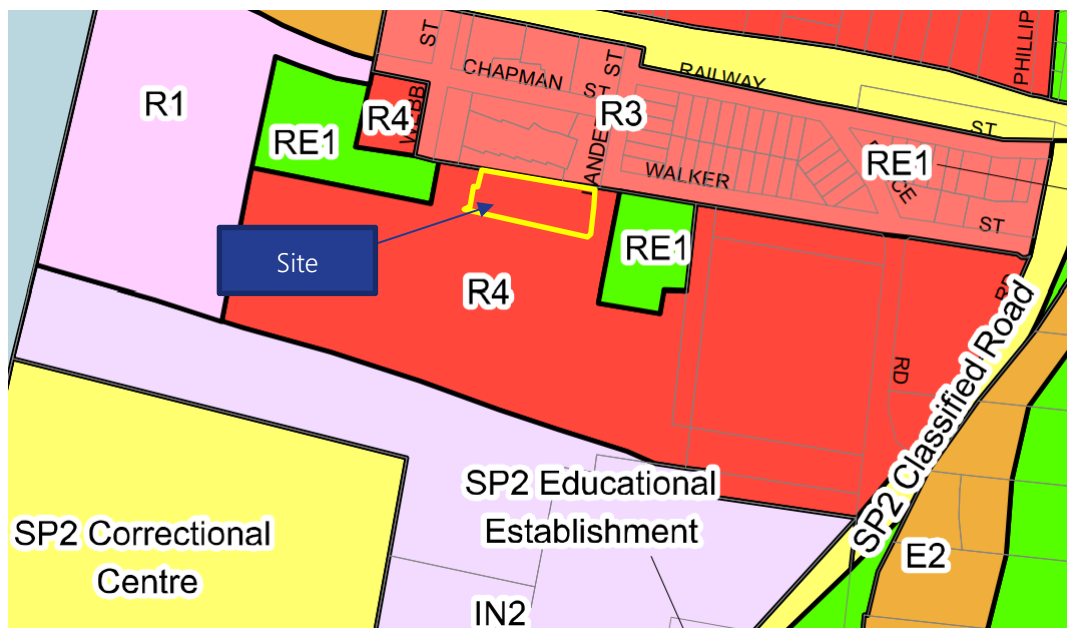
Source: BC&BHS, 2021

Figure 15. BAL Recommendations

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. Lot 1259 is located on land zoned R4 High Density Residential (see **Figure 16**).



Source: NSW Planning Portal, 2021

Figure 16. Land Zoning Map

Subdivision and residential development are permissible with consent under PLEP 2010 in the R4 Zone. Detailed consideration of the relevant clauses in the LEP is provided in **Table 3** below.

Table 3. Assessment against Penrith LEP 2010

Clause	Comment	Comply
Part 1 - Preliminary		
CI 1.2 Aims of Plan	<p>The proposal is consistent with the aims of the Plan as it:</p> <p>Promotes residential built form outcomes associated with the proposed urban renewal of the SWUV precinct in line with Council's vision for the locality</p> <p>Supports the accommodation of a growing Penrith LGA by displaying a range of potential housing choices to promote greater housing diversity within the locality</p> <p>Provides for the urban renewal of vacant land within the SWUV precinct that is close to existing infrastructure and services</p> <p>Provides for the delivery of future sustainable residential development that is sympathetic to and integrates with the existing urban qualities of the Werrington community, while ensuring the existing environmental qualities of the site are protected as much as possible</p> <p>Provides a coordinated approach to the management of stormwater to safeguard the locality from any potential hazards during storm events</p> <p>Incorporates the principles of ecologically sustainable development and proposes residential development that complies with the relevant BASIX sustainable targets.</p>	Yes
Part 2 - Permitted and Prohibited Development		
CI 2.3 Zone objectives and land use table	<p>Developable land within the site is zoned R4 High Density Residential.</p> <p>The Applicant seeks consent for the subdivision land, construction of integrated dwellings and ancillary site preparation and earthworks, road construction and associated civil works.</p> <p>The proposal is defined as subdivision of land and construction of residential accommodation consisting of 29 x dwellings. All works are permissible with consent in the zone under the gazetted land use table.</p>	Yes
CI 2.6 Subdivision – consent requirements	This DA seeks development consent for subdivision.	Yes
Land Use Table		
Zone R1 General Residential and R4 High Density Residential	<p>The proposal is consistent with the Residential R4 High Density Residential zone objectives as follows:</p> <p>The proposal will contribute to the diversity of housing within the environment established under DA19/0704</p>	Yes

Clause	Comment	Comply
	<p>The site design and layout will afford a high level of amenity and encourage the provision of affordable housing</p> <p>It reflects the proposed and desired future character and dwelling densities of the locality.</p> <p>The proposal was developed in consultation with Council and responds to the masterplan framework for the site.</p>	
Part 4 – Principal Development Standards		
CI 4.1 Minimum subdivision lot size	Clause 4.1 of PLEP 2010 Lot Size Map does not identify a minimum lot size requirement for R4 zoned residential lands.	N/A
CI 4.3 Height of buildings	<p>The site is subject to a maximum building height of 15m.</p> <p>The proposed building heights comply with the maximum building height controls.</p>	Yes
CI 4.4 Floor space ratio	The Floor Space Ratio Map does not identify a minimum floor space ratio that applies to the site.	N/A
Part 5 - Miscellaneous Provisions		
CI 5.1 Relevant Acquisition Authority	No part of the site is mapped on the Land Reservation Acquisition Map under the PLEP 2010.	Yes
CI 5.10 Heritage Conservation	<p>The adjoining UWS land (i.e. Lot 101 DP 1140594) is mapped as containing a heritage item, being "Werrington Park House", garden and popular avenue (Item No.315).</p> <p>The proposal is consistent with the site's zoning and promotes the future urban development of the site, as envisaged by Council, such that it would not give rise to any additional matters not previously considered at the time of the SWUV precinct's rezoning. It is noted that following the registration of the parent lot and further subdivision, that the site would no longer be located adjacent to this item.</p>	Yes
Part 7 – Other Provisions		
CI 7.1 Earthworks	The site benefits from approved earthworks under DA19/0704. The proposal will include minor site grading and benching to accommodate suitable levels and fall to accommodate the relevant dwellings and subdivision.	Yes
CI 7.6 Salinity	<p>Previous investigations undertaken on the site by Douglas Partners in 2007 identified the site as containing soils that ranged from non-saline to slightly saline and are assumed to comprise non to mildly aggressive soil conditions to both concrete and steel.</p> <p>The works under DA19/0704 will prepare the site for residential development. The works under DA19/0704 are conditioned to be undertaken in accordance with the process outlined in the Fill Management Protocol prepared by Douglas Partners Pty Ltd dated 1</p>	Yes

Clause	Comment	Comply
	October 2019. This protocol has considered the existing soil condition (see Appendix F).	
CI 7.10 Essential Services	The site is serviced by all essential services. As outlined in the Civil Engineering and Infrastructure Report prepared by Cardno and approved under DA 19/0704, reticulation of utility services and the construction of lead-in mains for electricity, water, gas and sewer are required to service the predicted demand generated by the broader urban renewal of the property, including the subject proposal.	Yes

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

This SEPP provides a State-wide planning approach to remediation and aims to promote the remediation of any contaminated land for the purpose of reducing the risk of harm to human health and/or the environment.

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

WSP's preparation of its Phase 2 Environmental Assessment included a soil sampling program that comprised of 40 test pits and the assessment of soil samples taken from those test pits and an assessment of groundwater conditions. Key features of the results concluded that typical background levels of heavy metals that did not exceed the relevant health risk based investigation levels or environmental investigation levels of petroleum hydrocarbons, BTEX, pesticides, PCBs, PAHs or phenolics were not detected in any samples collected asbestos was not detected in soil samples, though a fibre cement sample of an existing pipe was confirmed to contain asbestos. Heavy metal concentrations in groundwater were consistent with the background levels for Bringelly Shales.

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

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

The Site Auditor's report prepared by Environ in 2009 as well as the Asbestos clearance certificate dated 2016 are both provided in **Appendix G**. The Sydney Western City Planning Panel approved these documents in confirming that the site was suitable for residential development.

A supplementary investigation by Douglas Partners in 2020 regarding a shed at 16 Chapman Street, Werrington also found that there were no signs of contamination beyond the adopted NEPC criteria (refer **Appendix L**).

Table 4 below provides an assessment of the proposed development against the relevant provisions of SEPP 55.

Table 4. Assessment against relevant SEPP 55 provisions

Relevant Clause	Assessment/Comment
Clause 7	
(1) A consent authority must not consent to the carrying out of any development on land unless: (a) it has considered whether the land is contaminated, and (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and (c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.	In accordance with clause 7(1)(a), the consent authority can satisfactorily form the opinion that the site is suitable for the proposal having regard to the previous detailed assessments and investigations undertaken. Since those investigations and assessments were undertaken, the site has remained vacant with no known contaminating land uses or activities having been introduced on the site. It is therefore considered that the site remains in a suitable condition for the proposed residential land use and therefore, the requirements of clause 7 of SEPP 55 are satisfied.
(2) Before determining an application for consent to carry out development that would involve a change of use on any of the land specified in sub clause (4), the consent authority must consider a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines.	As noted above, previous assessments and investigations undertaken over the site confirm its suitability for the proposed range of land uses.
(3) The applicant for development consent must carry out the investigation required by sub clause (2) and must provide a report on it to the consent authority. The consent authority may require the applicant to carry out, and provide a report on, a detailed investigation (as referred to in the contaminated land planning guidelines) if it considers that the findings of the preliminary investigation warrant such an investigation.	As noted above, previous assessments and investigations undertaken over the site confirm its suitability for the proposed range of land uses, including residential uses.
Clause 9	
For the purposes of this Policy, a category 1 remediation work is a remediation work (not being a work to which clause 14 (b) applies) that is: (d) development for which another State environmental planning policy or a regional environmental plan requires development consent, or	As noted above and as concluded in those technical reports prepared, no remediation of the site is considered necessary.
Clause 13	
(1) A category 1 remediation work is identified as advertised development, unless the remediation work is:	This DA does not seek development consent for remediation works and is therefore not

Relevant Clause	Assessment/Comment
(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.	considered to be defined as 'advertised development'.

4.4.3 State Environmental Planning Policy (Infrastructure) 2007

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

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

A comprehensive noise impact assessment has been prepared by SLR Consulting (**Appendix H**) that has assessed the predicted rail noise impacts on the proposed residential dwellings across the entire estate and supported the proposal under DA19/0704. The Acoustic Report is relevant to development the site subject of this DA and includes recommendations for mechanical ventilation to any development over the site. No additional material considerations are therefore required for building facades.

4.4.4 State Environmental Planning Policy – Building Sustainability Index (BASIX) 2009

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

The proposal includes the construction of a range of dwellings. BASIX Certificates demonstrating compliance with the policy for each dwelling have been prepared and have been provided as part of the architectural package for each dwelling (refer to **Appendix I**).

4.4.5 Sydney Regional Environmental Plan No. 20 – Hawkesbury Nepean River

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

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

4.5 Proposed Environmental Planning Instruments

There are no Proposed Environmental Planning Instruments that apply to the development.

4.6 Development Control Plans

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

4.6.1 Penrith Development Control Plan 2014

Penrith DCP describes the planning, design and environmental objectives and controls relevant to the SWUV to ensure orderly, efficient and sensitive development occurs in the Penrith LGA.

Vegetation management and water management have all been considered under DA19/0704 and are not relevant to this DA. These sections of the DCP have therefore not been considered in this application. **Table 5** below provides a comprehensive detailed assessment of the proposed development against the relevant provisions of Penrith DCP, including the specific provisions for the SWUV Precinct as specified in Part C, E12 of the DCP.

Table 5. Assessment of DCP Controls

Control	Requirement	Comment	Compliance
Part C5 Waste Management			
5.1	Waste Management Plans	A Waste Management Plan (Appendix J) for the site has been prepared detailing the types and volumes of waste streams.	Yes
5.2.1	Siting and design of waste bin storage areas for residential development	All proposed dwellings are provided with side setbacks to allow for the storage of bins behind the front building line. Attached dwellings provide access through the driveway to an area off the laundry that is suitable for bin storage (if not stored in the garage itself) The siting of proposed dwellings and their driveways also allows for the presentation of bins to the future road along their frontage.	Yes
Part C6 Landscape Design			
	Landscape design	Street trees will be established under DA19/0704 to the south and additional landscaping works are proposed under this DA associated with the internal access road and associated verges. In addition to the street tree planting, each dwelling will be improved by landscaping.	Yes
6.1.2	Environmentally sustainable designs	Environmentally Sustainable Design (ESD) measures are incorporated into the design of the proposal and have been achieved through the selection of native, indigenous species that provide a low water and low maintenance response to the site.	Yes

Control	Requirement	Comment	Compliance
6.1.3	Neighbourhood amenity and character	The siting and layout of the proposal responds to the desired future landscape character of the locality. As outlined above, the design of the proposal has been undertaken in a coordinated manner to ensure it integrates with the proposed design of nearby future public reserves and development approved under DA19/0704.	Yes
6.1.4	Site amenity	<p>Proposed landscape designs for the individual homes provide for complementary plantings to soften the bulk and scale of the new built form and to present a pleasant streetscape setting.</p> <p>The sites will benefit from being in close proximity of the central park, however significant private open space areas are also afforded to the development as detailed in the section following this table.</p>	Yes
Part C10 Transport Access and Parking			
10.2	Traffic Management and Safety	The proposed development does not include any changes to the existing road network approved under DA19/0704 – nor will it provide any significant increase in trip generation that has not been already considered in the surrounding road design. An additional one-way access road is proposed, with additional information included below addressing the relevant controls at Part 12.8.3.2.	Yes
Part C11 Subdivision			
11.1	General subdivision requirements	<p>The proposed subdivision layout has considered the site planning principles outlined in this DCP. Key considerations during this early site analysis phase (under DA19/0704) included consideration of the existing site constraints (i.e. native vegetation and bushfire hazards) and surrounding land uses.</p> <p>These sites would need to have additional considerations including orientation, depth, internal one way road location in relation to approved intersections and managing any impacts on existing development to the north.</p> <p>The development of the site has therefore included integrated dwelling design that shows how the subdivision and dwelling design provide dwellings with good solar access, strong street address and integration with the park opposite.</p>	Yes
Part C12 Noise and Vibration			
12	Noise and vibration	The Noise Impact Assessment prepared by SLR Consulting (Appendix H) supported the subdivision under DA19/0704 and provides a comprehensive assessment of the existing noise environment and considered the potential noise impacts associated predominantly with rail traffic noise.	Yes

Control	Requirement	Comment	Compliance
		SLR concludes that future development over the lots subject of this application would not be adversely affected by external noise sources subject to implementation of mechanical ventilation.	
Part C13 Infrastructure and Services			
13	Infrastructure and services	The site is satisfactorily serviced by all essential services as outlined in the Civil Engineering and Infrastructure Report prepared by Cardno for the boarder urban renewal of the property under DA19/0704.	Yes
E12 Penrith Health and Education Precinct			
Part 12.8.1 Preliminary			
12.8.1.2	Land to which the plan applies	The site is located within the SWUV Precinct.	Yes
12.8.1.3	Aims and general objectives	The proposal aligns with the Applicant's vision for the coordinated subdivision and urban renewal of the broader locality. The proposal has been designed to sit within the Applicant's larger subdivision under 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.	Yes
12.8.2.2	Urban structure	The proposal does not impact the urban structure as approved under DA19/0704.	Yes
12.8.2.3	Desired future character	The proposed subdivision layout is considered to meet the desired future character of the SWUV precinct. The proposal has been designed in conjunction with the subdivision approved under DA 19/0704 and open space parklands DA. The design and layout of the proposed dwellings showcase the proposed product that is to be established within the broader residential subdivision.	Yes
12.8.2.4	Dwelling yield	The proposal contributes to the overall density of Precinct A & B established under DA19/0704.	Yes
Part 12.8.3 Public Domain			
12.8.3.1.4	Vegetation	All required vegetation removal is proposed under DA 19/0704.	Yes

Control	Requirement	Comment	Compliance
12.8.3.1.5	Salinity	Previous investigations undertaken on the site by Douglas Partners in 2007 identified the site as containing soils that ranged from non-saline to slightly saline and are assumed to comprise non to mildly aggressive soil conditions to both concrete and steel. The aggressivity of soil conditions is proposed to be further investigated prior to the commencement of bulk earthworks on the site. Douglas Partner’s FMP approved under DA19/0704 also includes salinity testing and selection criteria for future imported materials to ensure no adverse impacts arise to the site’s existing condition.	Yes
12.8.3.1.6	Contamination		
Part 12.8.3.2 Transport and Accessibility			
12.8.3.2.1	Road network	The proposal does not propose any changes to the approved road network approved under DA19/0704. An additional internal ‘one-way’ access road is proposed through the site with a varying carriageway between 9 metres and 6.5 metres. Swept paths have been included with the Civil Engineering Plans indicating that a Council waste truck will be capable of forward entry and egress.	Yes
12.8.3.2.2	Vehicular movement		Yes
12.8.3.2.3	Public transport		Yes
12.8.3.2.4	Pedestrians and bicycles		Yes
Part 12.8.3.3 Streetscapes			
12.8.3.3.1	Landscape Character	The proposed subdivision layout has been designed to ensure that a minimum of one street tree can be accommodated per residential lot, taking into consideration the minimum driveway crossover widths and waste bin presentation requirements. Proposed street tree planting for the site and the coordinated design response in conjunction with the proposed design for the public reserves, will ensure a pleasing streetscape is established.	Yes
Part 12.8.4 Private Domain			
12.8.4.1	Subdivision	The lots have been designed to accommodate the residential dwellings under this DA and are sufficient to ensure satisfactory solar access is provided. Additional justification of the proposed subdivision is provided following this table.	Yes – subject to a minor justified variation.
12.8.4.2	Site Planning	Principal Private Open Space The proposed dwelling designs propose the principal private open space (PPOS) behind the building line - towards the rear of the dwellings to provide privacy. The alfresco areas are located adjoining the living rooms and generally located on the rear of the	Yes

Control	Requirement	Comment	Compliance
		<p>property to maximise the amount of solar access to the area on these northern orientated lots. Lots 2328 to 2334 have their PPOS facing the Road 02 frontage, with alfresco areas integrated into the built form for appropriate separation from the streetscape. All dwellings comply with the relevant POS controls under PDCP.</p> <p>Garages and Parking</p> <p>The proposed front loaded dwellings at Lots 2306 to 2319 are designed to accommodate single car garages that are setback a minimum 5.5m in accordance with the DCP and are behind the front building line. This allows for an additional car to be parked in the driveway.</p> <p>Dwellings at Lots 2320 to 2327 are designed with detached double garages that are rear loaded, with Lots 2320 to 2323 accessed from a shared driveway to be titled under a right of carriageway arrangement.</p> <p>Dwellings at Lots 2328 to 2334 are designed with attached double garages that are rear loaded and accessed via Road 02. It is noted that the garages are set back 5.1 metres and are integrated within the built form. As the dwellings are rear loaded, they have not been located behind the front building line. This is also a result of the location of the rear PPOS which has been strategically located to maximise solar access.</p> <p>Building Footprints</p> <p>Front setbacks generally comply with the minimum requirements specified for attached and semi-detached dwellings. The curved road geometry of the proposed road on the eastern side of the site, means that some of the attached dwellings have variable front setbacks, however the primary building line has been designed to be located more than 3m from the road frontage, with a patio projecting in front to provide articulation.</p> <p>Dwelling Design</p> <p>The design of each dwelling provides an address to the street with clear and legible entries. Front entry porches are proposed that provide articulation to the front elevation design of each dwelling and will contribute to the variety of housing forms delivered in the streetscape and broader SWUV precinct streetscapes.</p> <p>Each front loaded garage is recessed behind the main building line of the dwelling house.</p> <p>Visual and Acoustic Privacy</p> <p>The proposed dwellings are designed to include appropriate measures to minimise privacy impacts</p>	

Control	Requirement	Comment	Compliance
		<p>(i.e. 1.5m sill heights and obscured glazing where appropriate).</p> <p>Acoustic measures recommended in SLR Consulting's Acoustic Report (Appendix H) will be incorporated in the detailed design of each dwelling to ensure prescribed internal amenity levels for each dwelling house are achieved.</p> <p>Fencing</p> <p>All side and rear boundary fencing is proposed to be a minimum 1.8m in height, while front fencing will be 1m in height.</p> <p>Site Facilities</p> <p>Side access and single and double garages are proposed for each dwelling house that will sufficiently cater for waste bin storage requirements.</p> <p>Sufficient space is also provided in the rear setback of each lot to accommodate external clothes drying facilities that will have direct sunlight access.</p>	
Part 12.8.5 Residential Development Forms Assessments against the relevant specific controls are provided in the following tables.			
12.8.5.1	Integrated Housing	<p>The site subject of this DA has been identified as a residue lot for integrated housing under DA19/0704. It was identified for this approval pathway on account that the site is generally contained by parkland to the west, existing multi dwelling housing to the north and roads to the south and east. Being separated from the other standard residential lots approved under DA19/0704, this site provides the opportunity to increase density. Furthermore, the depth of the residue lot was always going to need a road to unlock the potential of the site. The road through the centre of the lot has resulted in shallow lots, which require a bespoke design.</p> <p>Despite the proposal providing a bespoke design as integrated housing, where lot size and configuration does not strictly comply with the residential development forms in 12.8.5 of the DCP, the designs have aligned as closely as possible with the relevant controls for the various housing forms under the DCP.</p> <p>In accordance with Figure 12 the proposed dwellings most closely align with the following typologies as described in the DCP.</p> <p>Lots 2306-2309 & 2312-2326 – Attached Dwellings</p> <p>Lots 2310, 2311, 2334, 2333 – Semi Detached Dwellings</p> <p>Lots 2328-2332 – Build to Boundary Dwellings</p> <p>Lot 2327 – Detached Dwelling (with studio)</p>	Yes

Table 6. Assessment DCP Table 12.8.5.4 – Attached Dwellings

Category	Control	Proposed	Assessment
Applicable Lots	Lots 2306-2309 & 2312-2326		
Minimum Lot Size	195m ² – 230m ²	152m ² – 409.4m ²	Lot size does not comply and is why the proposal is for integrated housing.
Minimum Lot Frontage	6m – 9.5m	6.078m ² – 11.767m ²	Complies
Minimum POS Area	20m ²	30m ² – 96.4m ²	Complies
Minimum POS Dimension	4m	>4m	Complies
Landscaping Site Coverage	40%	41.9% - 28% (excluding access handles)	Justification following the table.
Front setback	3m	3m-3.5m	Complies
Secondary frontage setback	2m	N/A	Complies
Side setback	0m	0m – 3m	Complies
Rear setback (lots with northern orientation)	8m	N/A	Complies
Rear setback (all other lots)	Ground floor: 4m Upper Floor 6m	4.232m – 7.61m	Complies
Garage to rear lane/secondary frontage	0m	0m – 0.6m	Complies

Table 7. Assessment DCP Table 12.8.5.5 – Semi Detached Dwellings

Category	Control	Proposed	Assessment
Applicable Lots	2310, 2311, 2333, 233		
Minimum Lot Size	230m ² – 450m ²	173.8m ² – 261.4m ²	Lot size does not comply and is why the proposal is for integrated housing.
Minimum Lot Frontage	12m – 15m	7.735m-13.3m	
Minimum POS Area	30m ²	32.9m ² – 53.5m ²	Complies

Category	Control	Proposed	Assessment
Minimum POS Dimension	4m	>4m	Complies
Landscaping Site Coverage	40%	29%-35.4%	Justification following this table.
Front setback	3m	4.513m	Complies
Secondary frontage setback	2m	2m	Complies
Side setback	0m (defined boundary) 0.9m	0m – 1.095m	Complies
Rear setback (lots with northern orientation)	8m	N/A	N/A
Rear setback (all other lots)	Ground floor: 4m Upper floor: 6m	3.948m – 4.058m	Reduced upper storey rear setbacks for Lots 2310 and 2311, however no impact from overshadowing or overlooking as a result.
Garage to rear lane/secondary frontage	0m	N/A	N/A

Table 8. Assessment DCP Table 12.8.5.7 – Detached Dwellings

Category	Control	Proposed	Assessment
Applicable lots	2327		
Minimum Lot Size	450m ²	374.5m ²	Lot size does not comply and is why the proposal is for integrated housing.
Minimum Lot Frontage	15m – 18m	51m in total (corner lot with 3 frontages)	Complies
Minimum POS Area	50m ²	120.1m ²	Complies
Minimum POS Dimension	4m	>4m	Complies
Landscaping Site Coverage	40%	47.9%	Complies
Front setback	4.5m	3m	The detached dwelling at the end of a line of attached dwellings, which have a setback of

Category	Control	Proposed	Assessment
			3m. The proposed setback will be in accordance with the setback established by these attached dwellings.
Secondary frontage setback	2m	2.59m	Complies
Side setback	0.9m	0.9m	Complies
Rear setback (lots with northern orientation)	Ground floor: 8m Upper floor: 12m	N/A	N/A
Rear setback (all other lots)	Ground floor: 4m Upper floor: 6m	Ground floor: >4m Upper floor: >6m	Complies
Garage frontage	5.5m	N/A	N/A
Garage to rear lane/secondary frontage	0m	0.7m	Complies

Table 9. Assessment DCP Table 12.8.5.8 – Building to Boundary Dwellings

Category	Control	Proposed	Assessment
Applicable lots	2328-2332		
Minimum Lot Size	230m ² – 450m ²	260.7m ²	Complies
Minimum Lot Frontage	9.5m – 15m	13.3m	Complies
Minimum POS Area	40m ²	52.1m ²	Complies
Minimum POS Dimension	4m	>4m	Complies
Landscaping Site Coverage	50%	37%-39%	Justification following this table.
Front setback	4.5m	3.4m-3.9m	The front setback has been set off the 3m setbacks to the attached dwellings to the east and future dwellings to the west. The front setback does not need to accommodate a vehicle parked in the driveway as the lot is

Category	Control	Proposed	Assessment
			rear loaded, which has a setback of 5.2m. The proposed setback is consistent with other dwellings to be established on this side of the street and providing a 4.5m setback would be inconsistent.
Secondary frontage setback	2m	2.267m	Complies
Side setback	0m (defined boundary) 0.9m	0m – 1.285	Complies
Rear setback (lots with northern orientation)	8m	N/A	N/A
Rear setback (all other lots)	Ground floor: 4m Upper floor: 6m	Ground floor: >4m Upper floor: >6m	Complies
Garage to rear lane/secondary frontage	0m	5.2m	Complies

4.6.2 Proposed Variations to 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 development represents minor departures from the prescriptive standards related to minimum lot sizes and landscaping (see **Tables 6-9**).

Reasonableness of proposed variations

The proposed development has generally applied 30% landscape coverage across all dwellings, regardless of their typology. This has meant that the DA seeks a variation to the relevant 40% landscape coverage for attached, semi attached and detached dwellings as well as a variation to the 50% landscape requirement for build to boundary dwellings. The variation is not considered detrimental to the delivery of a satisfactory urban form or for the amenity of future occupants of the dwelling.

The plans attached in **Appendix D** provide a substantial amount of private open space and minimise the use of impervious surfaces. This has included removal of the any additional paved areas as well as increasing the overall soft landscaped area. The proposal has also provided planting in the front setback and a large tree in both the front and backyard. In lieu of the reduction of landscaped area, the proposal has greatly exceeded the primary usable open space area of the development by greatly exceeding the minimum primary open space requirements for each dwelling type as follows:

- Attached dwellings exceed minimum primary open space requirements by over 30%
- Semi detached dwellings exceed the minimum primary open space requirements by 10-78%
- Detached dwelling exceed the minimum primary open space requirements by 140%
- Build to boundary dwellings exceed the minimum primary open space requirements by 30%

It is recognised that the minimum landscaped area is below the minimum as required under the PDCP, however in the circumstances of the proposal, the departure from this control is reasonable on the following grounds:

- The principal area of private open space greatly exceeds the minimum control for all dwelling typologies. The result is that the future occupants are afforded a much greater usable area of active open space.
- Increased plantings in the front and side boundaries as well as a large tree in the backyard. These additional plantings have increased the overall soft landscaping and therefore decreased the quantity of impervious surfaces.
- The proposal includes a positive presentation to the street frontage. The proposed buildings comply with all minimum setback requirements and has included extensive planning within the front setback (including one large tree) to ensure the development is consistent with future surrounding development.

In accordance with the above, despite the non-compliance with the numerical landscape coverage control, the proposed development meets the relevant objectives by ensuring future residents are afforded a substantial area of private open space, impervious surfaces are minimised and the development provides a positive contribution to the streetscape.

4.7 Planning Agreements

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

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

Lendlease will continue to liaise with Council staff to ensure a suitable negotiated outcome beneficial to all parties can be reached.

4.8 Environmental Planning and Assessment Regulation 2000

There are no additional matters than previously considered in this report under the EP&A Regulation which would impact upon the consideration of this Application.

4.9 Likely Impacts of the Development

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

4.10 Suitability of the Site

The site has been zoned for urban development under the PLEP 2010 and remains suitable for its intended purpose.

4.11 Submissions

The DA will be notified in accordance with the relevant DCP notification policy. The applicant requests the opportunity to review and comment on any submissions received.

4.12 Public Interest

The subject site is located within the SWUV precinct in the Penrith LGA. The proposal is considered to be in the public interest for the following reasons:

- The proposal is generally consistent with the planning controls for the Penrith LGA.
- The proposal will provide for the establishment of an integrated housing development that is consistent with the envisaged form and character of SWUV precinct, and in turn supports



future housing within a growing metropolitan city that are close to jobs and services, consistent with the Greater Sydney Commission's '30 minutes cities' vision.

- The proposal will positively contribute to the delivery of future social, environmental and economic benefits for the locality.

5 Conclusion

This integrated housing DA seeks approval for subdivision to create residential lots and the construction of twenty nine (29) dwellings within the approved subdivision of the Kings Central Estate.

The proposal has been assessed against the relevant requirements of the EP&A Act, PLEP 2010 and Council's DCP and is considered to be an acceptable development that is consistent with the desired character of the area for urban development.

As addressed in this SEE, the proposed minor variation to the specific aspects of the PDCP fail to acknowledge the proposal is an integrated application that proposes a holistic built form outcome tailored to addressing the key amenity considerations for each lot and adjoining land. The integrated solution presents a good planning outcome for the site when reviewed in the context of the relevant objectives for the SWUV precinct contained in Council's DCP.

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

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.

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

Glossary

Term	
Applicant	Lendlease Communities (Werrington) Pty Ltd
BAL	Bushfire Attack Level
BC&BHS	Building Code and Bushfire Hazard Solutions
CBD	Central Business District
Council	Penrith City Council
CPW	Cumberland Plain Woodland
EP&A Act	<i>Environmental Planning & Assessment Act 1979</i>
ESD	Ecologically Sustainable Development
GPT	Gross Pollutant Trap
LGA	Local Government Area
PBP	<i>Planning for Bushfire Protection 2019</i>
PDCP	Penrith Development Control Plan 2014
PPOS	Principal Private Open Space
RF Act	<i>Rural Fires Act 1997</i>
RFS	NSW Rural Fire Service
Site	Proposed Lot 1259; 16 Chapman Street, Werrington
SWUV	South Werrington Urban Village
The Panel	Sydney Western City Planning Panel
UWS	University of Western Sydney
VMP	Vegetation Management Plan



APPENDIX A: APPROVED PLANS DA19/0704 & PROPOSAL PLANS DA21/0808



APPENDIX B: CIVIL PLANS



APPENDIX C: DRAFT PLAN OF SUBDIVISION



APPENDIX D: ARCHITECTURAL AND LANDSCAPE PLANS



APPENDIX E: BUSHFIRE REPORT



APPENDIX F: FILL MANAGEMENT PROTOCOL



APPENDIX G: ASBESTOS CLEARANCE STATEMENT



APPENDIX H: NOISE IMPACT STATEMENT



APPENDIX I: BASIX



APPENDIX J: WASTE MANAGEMENT PLAN



APPENDIX K: COST OF WORKS

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