



STATEMENT OF ENVIRONMENTAL EFFECTS

Smart Lot Integrated Housing DA
16 Chapman Street, Werrington

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Statement of Environmental Effects

Smart Lot Integrated Housing Development Application
1 DP 1226122, 16 Chapman Street, Werrington

Prepared for

Lendlease Communities (Werrington) Pty Ltd.

By



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Executive Summary

This Statement of Environmental Effects (**SEE**) has been prepared to accompany a Development Application (**DA**) lodged on behalf of Lendlease Communities (Werrington) Pty Ltd (**Lendlease**) (the **Applicant**) seeking approval of an integrated housing DA comprising site preparation, construction of 26 detached dwelling houses and subdivision to create 26 Torrens title residential lots on proposed residue Lots 1252, 1263, 2046, 2048 and 2212 proposed to be created under DA 19/0704.

This DA is lodged in advance of the determination of DA 19/0704 to provide Penrith City Council (**Council**) the necessary comfort to demonstrate that a suitable built form outcome can be achieved within the proposed future smart lot dimensions.

The site is located within the Applicant's larger land holding, legally described as Lot 1 in Deposited Plan (**DP**) 1226122, 16 Chapman Street, Werrington. It is located along the southern edge of proposed residential Stages 1B, 2A and 2B, immediately north of proposed Road 11 (i.e. East West Collector Road) within the South Werrington Urban Village (**SWUV**) Precinct of the Werrington Enterprise Living and Learning Precinct, located within the Penrith Local Government Area (**LGA**). The land is intended to undergo significant transformation from its current vacant grassland state to urban purposes following the Precinct's rezoning.

Works proposed under DA 19/0704, currently under the assessment of Council, include site preparatory works that seek consent for the removal of all existing vegetation from the property to facilitate its proposed urban renewal; that is with the exception of existing vegetation located within the E2 Environmental Conservation lot at the north of the site (i.e. proposed Lot 1000) and the proposed Central Reserve lot (i.e. Lot 1065).

The proposal includes the construction of dwelling houses that are generally in accordance with the controls applicable for 'build to boundary dwellings' in the Penrith Development Control Plan 2014 (Penrith DCP). The site specific conditions have resulted in some minor variations to these controls, namely the quantitative rear setback controls. The proposed variation has resulted from an increased setback to the front boundary that allows for open space and living rooms to take advantage of the northerly aspect and avoid adverse impacts from the proposed road and future light industrial uses to the south.

The proposed variations have been assessed against the relevant objectives in the Penrith DCP and matters raised by Council prior to lodgement. The proposal is considered to still meet the objectives of the SWUV Precinct and will ensure the delivery of a high quality residential neighbourhood for the betterment of future and residents of the community

This DA seeks approval for the works under Part 4 of the *Environmental Planning and Assessment Act 1979* (**EP&A Act**). The zoning of the land is part R1 General Residential, part R4 High Density Residential and part IN2 Light Industrial, and the proposed development is permissible with consent under the *Penrith Local Environmental Plan 2010* (**PLEP 2010**) by application of the zone boundary variation provision in clause 5.3 of PLEP 2010. The use of this clause is consistent and will give effect to the SWUV Precinct Structure Plan, and the proposal complies with the other relevant plans and policies that apply to the land and the development.

The proposal is categorised as 'Integrated development' under section 4.46 of the EP&A Act given:



- the site is mapped as bushfire prone land and requires a Bushfire Safety Authority from the NSW Rural Fire Service (**RFS**) for a subdivision of bushfire prone land that could lawfully be used for residential or rural residential purposes pursuant to section 100B(1) of the *Rural Fires Act 1997* (**RF Act**).

This SEE has considered the proposal pursuant to the EP&A Act and the *Environmental Planning and Assessment Regulation 2000* (**EP&A Regulation**). This SEE describes the development, its likely impacts and measures to be implemented to mitigate any impacts. All anticipated environmental impacts can be satisfactorily managed and mitigated to ensure no adverse environmental impacts are generated.

The key matters to be addressed are summarised in **Table 1**. This SEE concludes that the proposed development is acceptable and should be approved by Council subject to appropriate conditions of consent.

Table 1 Summary of key matters for consideration

Key issues	Comments
Land this DA applies to	<p>The site is proposed residue Lots 1252, 1263, 2046, 2048 and 2212 that are proposed to be created under DA 19/0704. The land is currently registered as Lot 1 DP 1226122, 16 Chapman Street, Werrington and is located in the Penrith LGA.</p> <p>Council is currently assessing DA 19/0704 for the site which seeks approval for the site works, bulk earthworks, civil works and road construction, staged residential and industrial subdivision and road dedication. The proposed development is located within Stages 1B, 2A and 2B of this DA</p>
Clause 5.3 Zone boundary variation	<p>The proposal seeks to rely on the zone flexibility provisions provided under clause 5.3 PLEP 2010 to permit the development of the proposed residential land uses on IN2 Light Industrial zoned land.</p> <p>As previously established under DA19/0704 and pursuant to clause 5.3(4) of PLEP 2010, it is considered that Council can be satisfied that:</p> <ul style="list-style-type: none"> - the development is not inconsistent with the objectives for development in both zones, - the use of this clause gives effect to the SWUV Precinct Structure Plan, and - the proposed development outcome is still compatible with the land use interface zoning, all necessary infrastructure demands of the development will be met by the Applicant and the proposal represents a coordinated and efficient approach to the timely development of the subject land.
Smart Lot Dwelling Houses	<p>The proposal seeks consent for the construction of bespoke detached dwellings on the proposed 26 integrated housing lots. The proposed dimensions of the smart lots (i.e. generally 16.5-17m x 17m) and the housing product have been designed together to maximise the internal amenity and external appearance of built form.</p> <p>The siting and design of the dwelling houses minimise potential amenity impacts from the nearby IN2 industrial land uses and focus private open space and internal amenity areas to the front of the smart lots to ensure solar access and high levels of amenity are attained.</p> <p>The built form design of each dwelling house ensures that a pleasing and varied streetscape to proposed Road 01 is delivered, whilst also ensuring they</p>



Key issues	Comments
	do not detract from, or impact on, the proposed Road 11 streetscape at the rear of the smart lots.

This SEE concludes that the proposal is an acceptable form of development as it will positively contribute to the delivery of new and variety of dwelling houses within the Penrith LGA, contribute to the ongoing urbanisation of the SWUV precinct without having any adverse impact upon the environment and surrounding locality.



1 Introduction

1.1 Background

GLN Planning Pty Ltd has been commissioned by Lendlease (the **Applicant**) to prepare this Statement of Environmental Effects (**SEE**). It accompanies an integrated housing Development Application (**DA**) seeking approval site works, construction of 26 detached dwelling houses and concurrent subdivision to create 26 Torrens title residential lots on proposed residue Lots 1252, 1263, 2046, 2048 and 2212 to be created under DA 19/0704, in the proposed subdivision of Lot 1 DP 1226122, 16 Chapman Street, Werrington.

The lodgement of this DA is intended to support the residue Lots proposed under DA 19/0704 and to provide Council with the necessary comfort by demonstrating that these proposed residue Lots are capable of accommodating a suitable residential built form outcome.

The site is located on land identified within the SWUV Precinct (see **Figure 1**) in the Penrith LGA and is zoned part R1 General Residential, part R4 High Density Residential and part IN2 Light Industrial under *Penrith Local Environmental Plan 2010 (PLEP 2010)*.



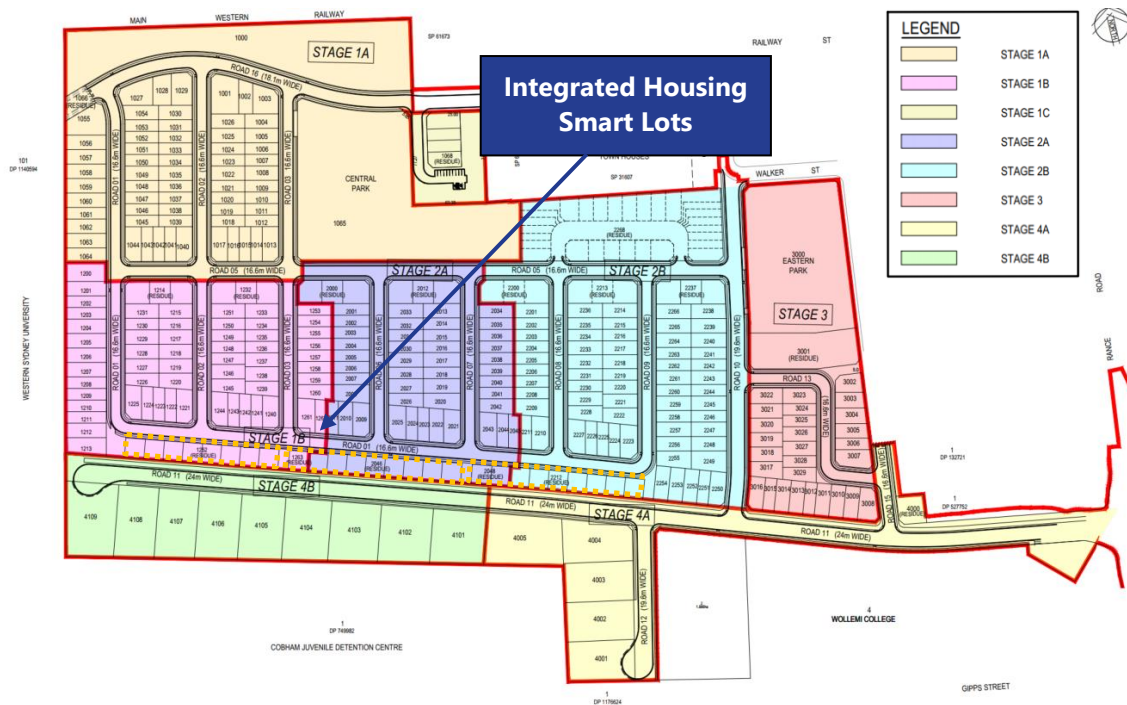
Source: Penrith Development Control Plan 2014

Figure 1 SWUV Structure Plan (approximate site location shown yellow)

The proposal is located within Stages 1B, 2A and 2B of Lendlease's residential and industrial subdivision proposal, consent for which is sought under DA 19/0704. The integrated housing smart lot dwelling houses are to be located on proposed residue Lots 1252, 1263, 2046, 2048 and 2212 (see **Figure 2**).

This proposal forms part of a suite of proposals lodged by the Applicant to supplement the previously approved/proposed developments identified in **Section 1.3**, by providing a high quality built form response to the residential interface with industrial land and to assist in facilitating the urbanisation of the site and broader SWUV precinct.

The proposed new smart lot dwelling houses will complement the proposed residential subdivision and will be integrated into a highly connected neighbourhood that is supported by local retail, community and recreational facilities in an environmentally sustainable manner.



Source: Cardno

Figure 2 Smart Lot Dwelling House Locations within proposed plan of subdivision (DA 19/0704)

1.2 Development History

It is important to have regard to the development history of the site, including the original approvals for a residential outcome that was fundamentally inconsistent with - the residential density, diversity and infrastructure requirements now underpinning the master planning and Lendlease's delivery of the release.

The development applications which provide context to the proposal are outlined further below.

1.2.1 Applications by Universal Property Group

There were three previous approvals granted over the site to Universal Property Group 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 approvals are listed below:



- 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 approved 274 dwelling yield was 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 or 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 master plan would have provided a total site yield up to approximately 1,200 dwellings, with no commitment to the delivery of 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 Applications by Lendlease Communities (Werrington) Pty Ltd

Lendlease has lodged three applications to Council to deliver an estate consistent with the SWUV Structure Plan as follows:

- 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 20/0081 (under assessment) – Staged construction and delivery of two open space parklands comprising the Central Reserve and Eastern Basin Park and restoration and management of Cumberland Plain Woodland (CPW) within the E2 Environmental Conservation reserve comprising:
 - Construction of the Central Reserve, comprising a large areas of retained CPW vegetation, a planted bio-retention area and large informal grassed basin, children's play space areas, barbeque picnic areas and associated shelters, active recreation zone and pedestrian access paths including Werrington Train Station through-site link connection.
 - Construction of the Eastern Basin Park, comprising a planted bio-retention area and large informal grassed basin framed by planted embankments incorporating pedestrian access paths and passive seating and picnic shelter furniture elements.
 - Implementation of the proposed vegetation management measures outlined in Niche's Vegetation Management Plan (VMP) to ensure the ongoing viability and conservation of the E2 Environmental Conservation reserve.
- DA 20/0084 (under assessment) – Display Village comprising an integrated housing DA proposing works over proposed Lot 1068 over land at Lot 1 DP 1226122, 16 Chapman Street, Werrington, comprising:
 - bulk earthworks, new road construction and associated civil works, subdivision to create four Torrens title residential lots and one superlot and construction of four dwelling houses
 - the establishment and operation of an exhibition village and ancillary sales centre (i.e. Sales Pod) and carpark over the site and use of the four proposed dwellings as exhibition homes
 - subsequent use of the four exhibition homes as dwelling houses following the cessation of the exhibition village operations and decommissioning of ancillary features.

DA 19/0704 continues to be assessed by Council and precedes this DA and the recently lodged exhibition village and open space park DAs. All required site works, vegetation clearance, bulk earthworks and civil infrastructure necessary to support the proposal are proposed under DA 19/0704.

The site layout proposed under this DA is informed by the proposed dimensions and siting of the residue lots proposed under DA 19/0704 and will ensure an integrated outcome is achieved.



1.3 Purpose of Report

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

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

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

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

1.4 Type of Development Application

The proposal relates to the construction of dwelling houses and associated works. The proposed works constitute 'development' in accordance with section 1.5 of the EP&A Act.

The capital investment of the development falls under \$30 million and the DA therefore would not be referred to the Sydney Western City Planning Panel for assessment. Development consent is sought from Council pursuant to Part 4, section 4.16(1)(a) of the EP&A Act.

Under section 9.1 of the EP&A Act, the Minister for Planning made the *Local Planning Panels Direction - Development Applications*. This direction commenced on 1 March 2018 and applies to all councils in the Greater Sydney Region and Wollongong. Based on the thresholds for Council, this application would not be referred to the Local Planning Panel for determination. In this regard, the DA:

- Does not depart from any development standards with the LEP,
- Is not classified as 'sensitive development', and
- Does not result in a conflict of interest.

State Environmental Planning Policy (State and Regional Development) 2011 defines Regionally Significant Development per Schedule 7. The following provisions were considered.

2. General development over \$30 million

Development that has a capital investment value of more than \$30 million.

The cost estimate for the proposal totals \$10,765,000.

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 for works and section 7.11 development contribution offsets. Notwithstanding, this agreement would be entered into under the EP&A Act for the purposes of the payment of contributions by the Applicant and thus the DA is not considered 'Regionally Significant Development'.

Notwithstanding the above, as the Applicant has offered to enter into a VPA with Council to offset any likely section 7.11 development contributions, the proposal is therefore considered to be sensitive development under schedule 2, clause 4 of the Minister's Local Planning Panel Direction, dated 28 February 2018. Accordingly, local planning panel is the relevant consent authority for this DA.

This DA is not considered as 'Designated development', 'Regionally significant development' or 'State significant development' under the EP&A Act or the EP&A Regulation. Lendlease has elected to lodge the subject DA as 'Integrated development' pursuant to section 4.46 of the EP&A Act given the land the subject of this DA is mapped as bushfire prone land. The following is therefore required:

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

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

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

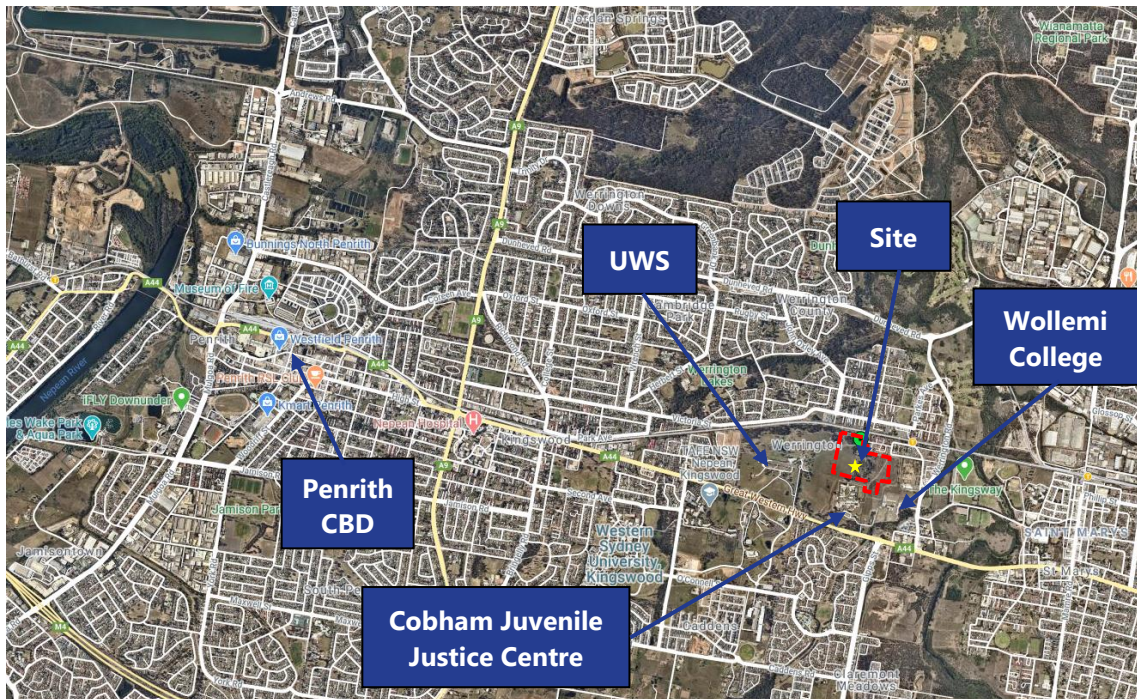
Section 4.2 of this SEE provided further discussion regarding integrated development matters.

2 The Site and Locality

This section of the SEE describes the physical characteristics of the site, the adjoining development and character of the locality relevant to the preparation of a site analysis.

2.1 Site Location

The site is situated in the suburb of Werrington within the Penrith LGA, as illustrated within **Figure 3** below.



Source: www.nearmap.com, 2019

Figure 3 General Site Location

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

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

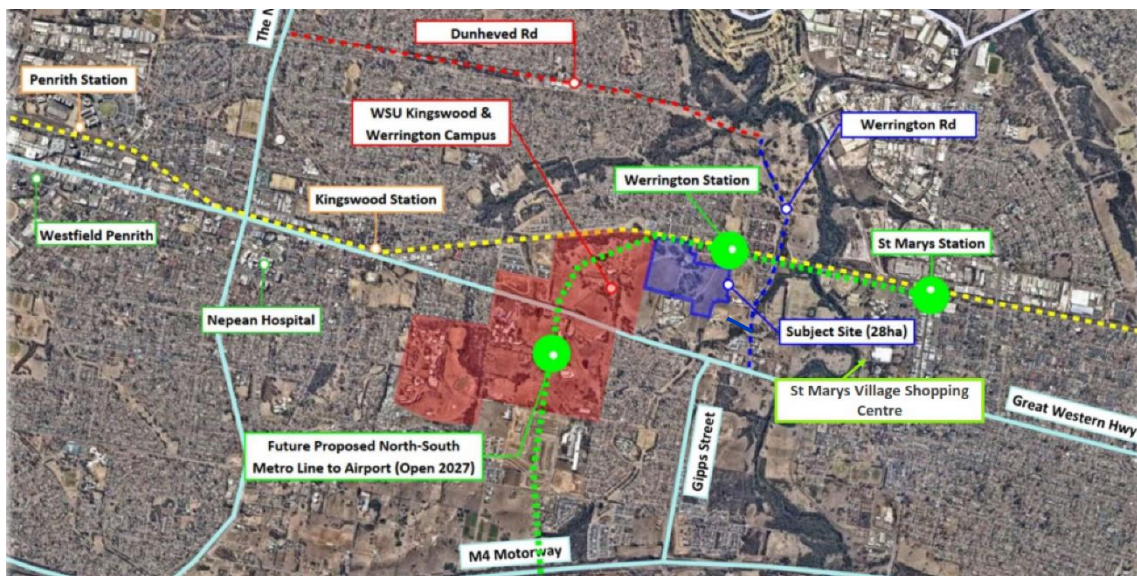
'Demonstrating a model for sustainable urban development, that captures its potential arising from proximity to transport linkages and tertiary educational facilities, the WELL precinct will be an internationally renowned destination of choice for business, residents, and students. The synergies arising 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 500m north-northeast of the site and the University of Western Sydney (UWS) Werrington North Campus is located to the west and shares a common boundary with the broader principal site.

Approximately 80m further to the south lies Cobham Juvenile Justice Centre. The proposed future smart lot dwelling houses will be separated from the existing juvenile justice centre by planned light industrial built form and proposed Road 11 known as the East West Collector Road.

As illustrated in **Figure 4**, land surrounding the site comprises a mixture of land uses, with low and medium density residential development located north of the site within the existing Werrington neighbourhood. To the southeast lies 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 and the Western Motorway to the south. As noted above, the site is located in close proximity to Werrington Train Station on the Western Rail line, providing regular public transport connections west to Penrith CBD and east to Parramatta and Sydney CBDs.



Source: Lendlease

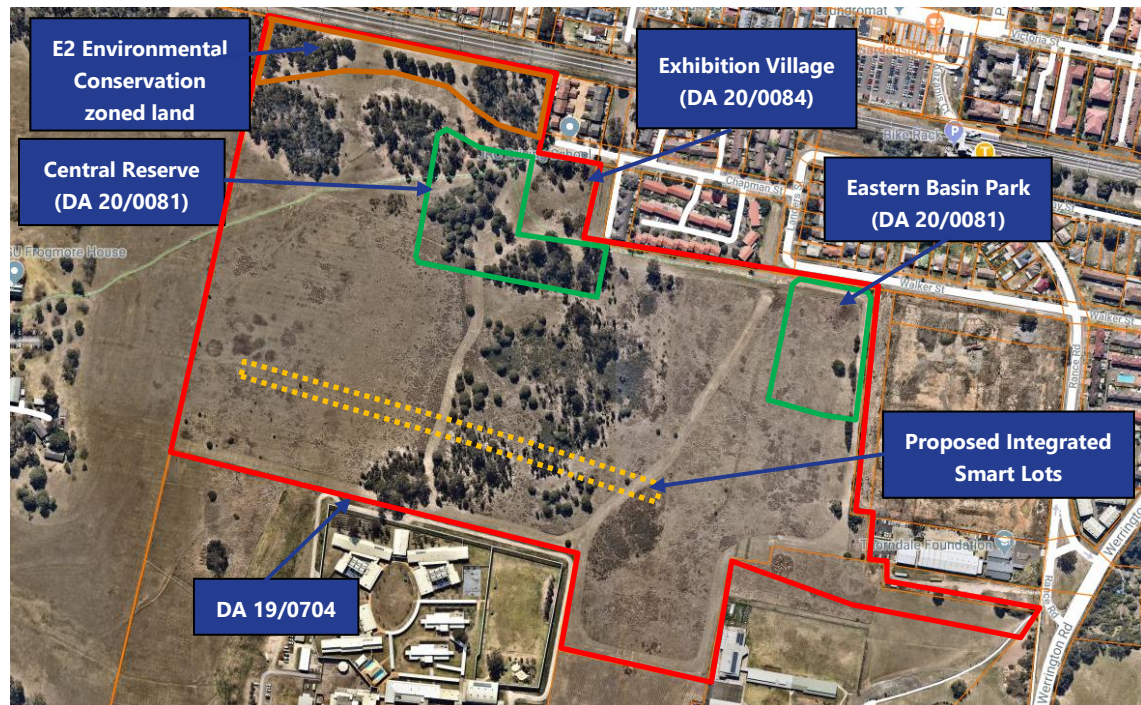
Figure 4 Surrounding development

2.2 Site Description

The land is legally described as Lot 1 DP 1226122, 16 Chapman street, Werrington. The site is currently undeveloped and generally covered in grasses, with a portion of an existing stand of native vegetation located in an approximate central position shown as Central Reserve and the E2 Environmental Conservation Lot (see **Figure 5**). All existing vegetation outside of the area nominated as Central Reserve and the E2 Zoned land within the boundary of the site is proposed to be removed under DA 19/0704.

An Assessment of Significance has previously been undertaken by Niche Environment and Heritage Pty Ltd (**Niche**) in support of works proposed under DA 19/0704. Niche's assessment concludes that

the loss of vegetation proposed under DA 19/0704 is acceptable, including that from within the boundary of the subject site. This was on the basis that vegetation contained within the Central Reserve, E2 Environmental Conservation lot and nearby WSU land would be retained and protected and that the local occurrence would not be significantly impacted on.



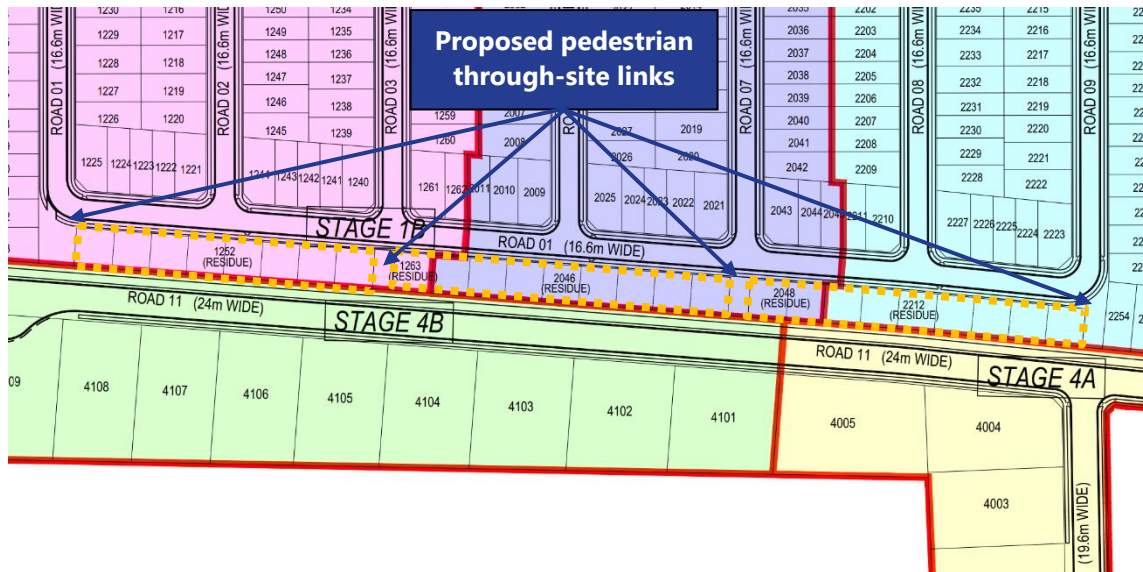
Source: www.nearmap.com, 2019

Figure 5 Aerial photo of site (outlined yellow) and broader principal site

The site is known as proposed residue Lots 1252, 1263, 2046, 2048 and 2212. As illustrated in **Figure 6**, the residue lots are arranged in three blocks, broken up by proposed pedestrian through-site links as follows:

- proposed residue Lot 1252
- proposed residue Lot 1263 and Lot 2046
- proposed residue Lot 2048 and Lot 2212.

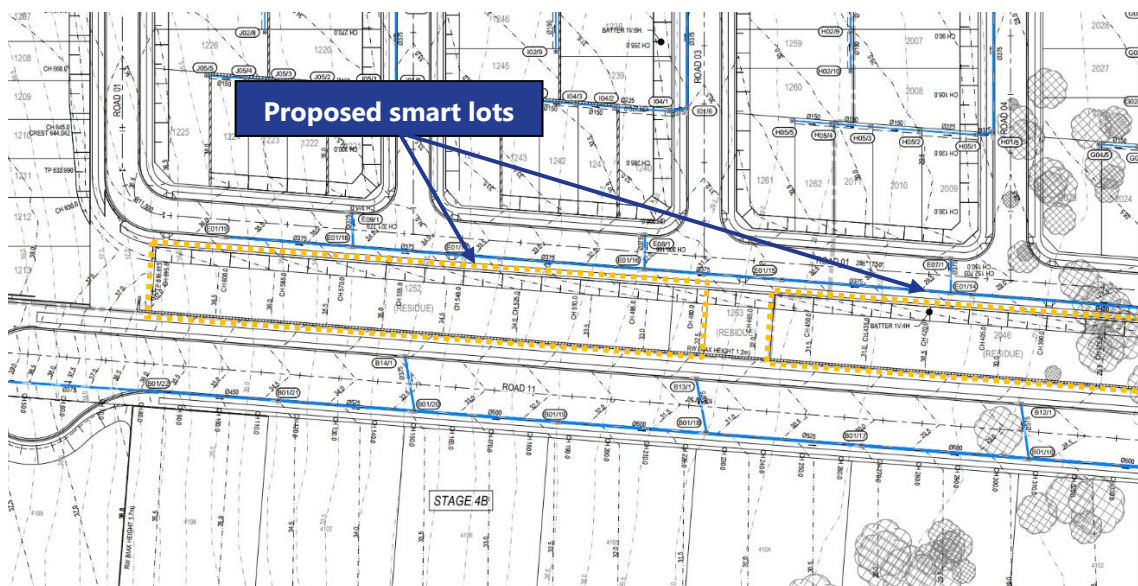
The proposed residue lots that make up the site are regular in shape and have a combined total area of 7,608.69m². The site has a primary frontage to proposed Road 01 measuring 446.72m (excluding the pedestrian through site link openings). The site also backs onto proposed Road 11 (i.e. East West Collector Road), however no vehicular access is proposed from this rear frontage.



Source: www.nearmap.com, 2019

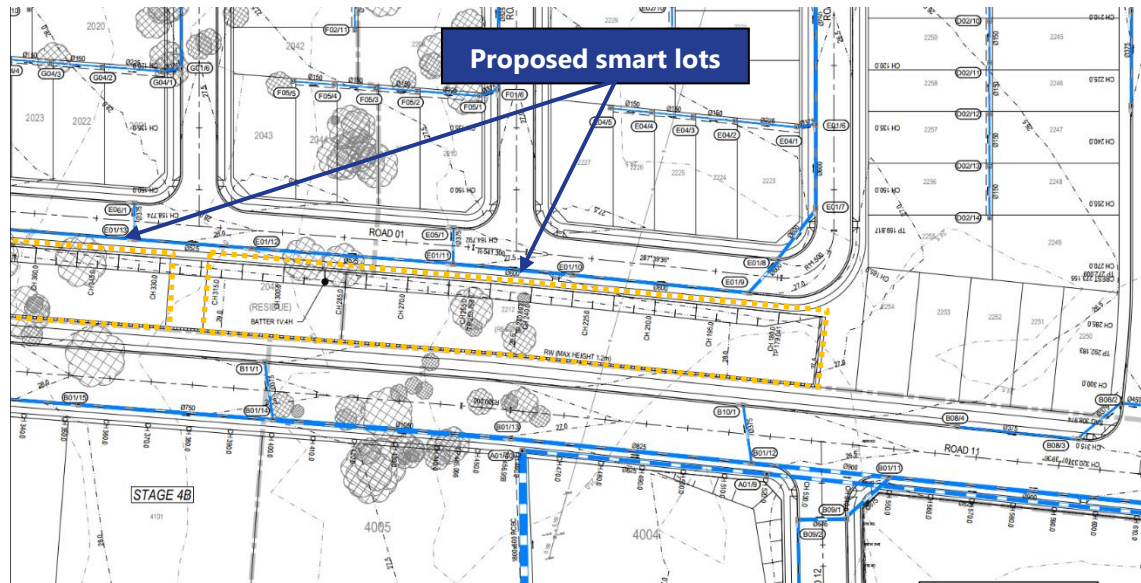
Figure 6 Proposed plan of subdivision

The site, as is proposed to be established under DA 19/0704, will be finished approximately 800mm above the finished level of the adjoining verge within proposed Road 01 over a 1:4 batter. The site will also be graded to fall approximately 10m from west to east across the extent of its frontage to proposed Road 01 (see **Figure 7** to **Figure 9**).



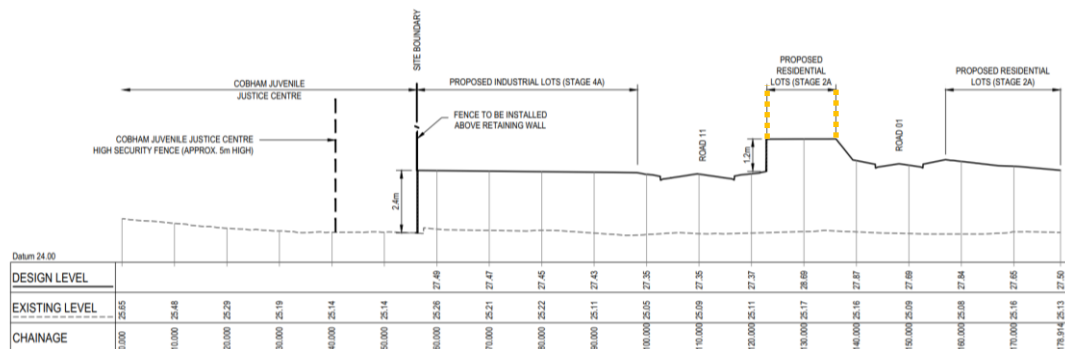
Source: Cardno

Figure 7 Bulk earthworks section (proposed under DA 19/0707) - western half



Source: Cardno

Figure 8 Bulk earthworks section (proposed under DA 19/0707) – eastern half



Source: Cardno

Figure 9 Bulk earthworks section (proposed under DA 19/0707)

2.3 Surrounding Locality

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

- To the north of the site is R3 Medium Density Residential zoned land, comprising a mix of low and medium density housing. Werrington Station on the Greater Western Rail line is located further north.
- Adjoining the site to the west is the UWS Werrington North Campus, while the TAFE NSW Kingswood Campus is located approximately 1.8km southwest and the Nepean Hospital lies approximately 3.4km further to the west of the site.
- To the east of the site is the Kingsway regional recreational open space, with St Marys Village Shopping Centre beyond, 3.1km east of the site.



- To the south is the Cobram Juvenile Justice Centre and Wollemi College. Claremont Meadows Public School lies approximately 1.5km south of the site and the new Caddens Hill residential estate lies approximately 2km to the southwest of the site.

2.4 Amenity

The proposed smart lots as well as the design and internal layout of future dwelling houses have been designed to sit slightly above the finished levels of the adjoining IN2 Light Industrial land uses and proposed Road 11. All primary living spaces are sited towards the front of the dwelling house.

The effect of which is to ensure a suitable buffer is provided from any future industrial activities to the rear and to ensure that the proposed forward position of living spaces and private open space of each dwelling house are afforded high levels of amenity and solar access.

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

2.5 Services

Essential development enabling infrastructure including potable water, wastewater, electricity, and communications are available for the development. Following the issue of development consent, the relevant service authorities will specify the requirements to connect the proposed lots to their existing infrastructure. Further details regarding infrastructure services are outlined in the Civil Engineering and Infrastructure Report provided to Council for consideration under DA 19/0704.



3 Proposed Development

This integrated housing DA seeks approval for minor civil site works, construction of 26 dwelling houses and subdivision to create 26 Torrens title residential lots and associated infrastructure works.

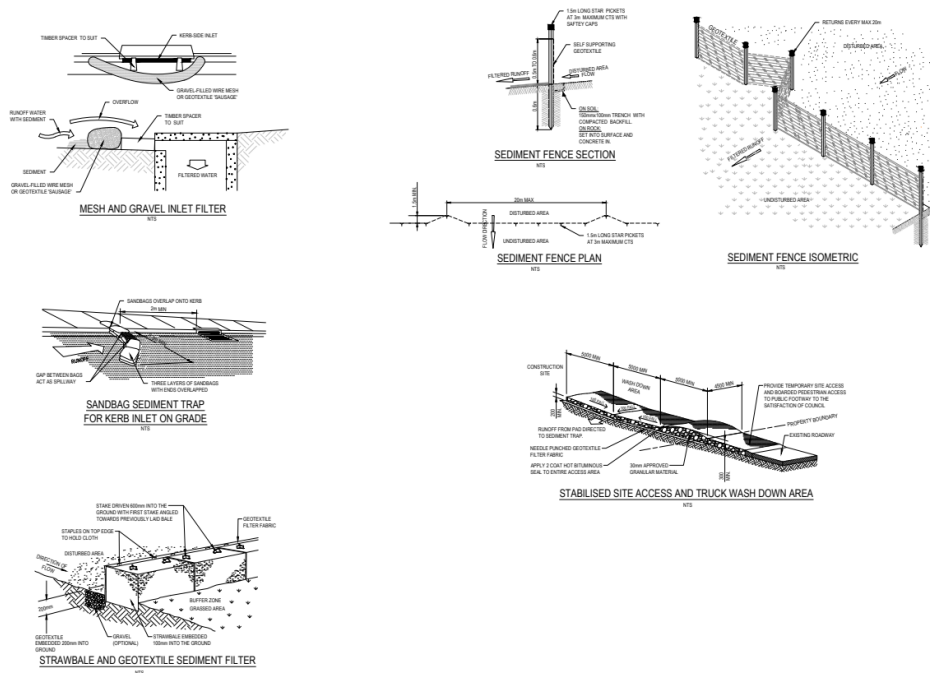
Each component is described in more detail in the sections below. Civil Works Plans, Draft Plan of Subdivision, Landscape Plans and Architectural drawings are provided at **Appendix A**, **Appendix C**, **Appendix D** and **Appendix E** respectively.

3.1 Site Civil Works

3.1.1 Sediment and erosion control

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

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



Source: Cardno

Figure 10 Extract of Erosion and Sediment Control Plan



3.1.2 Site works

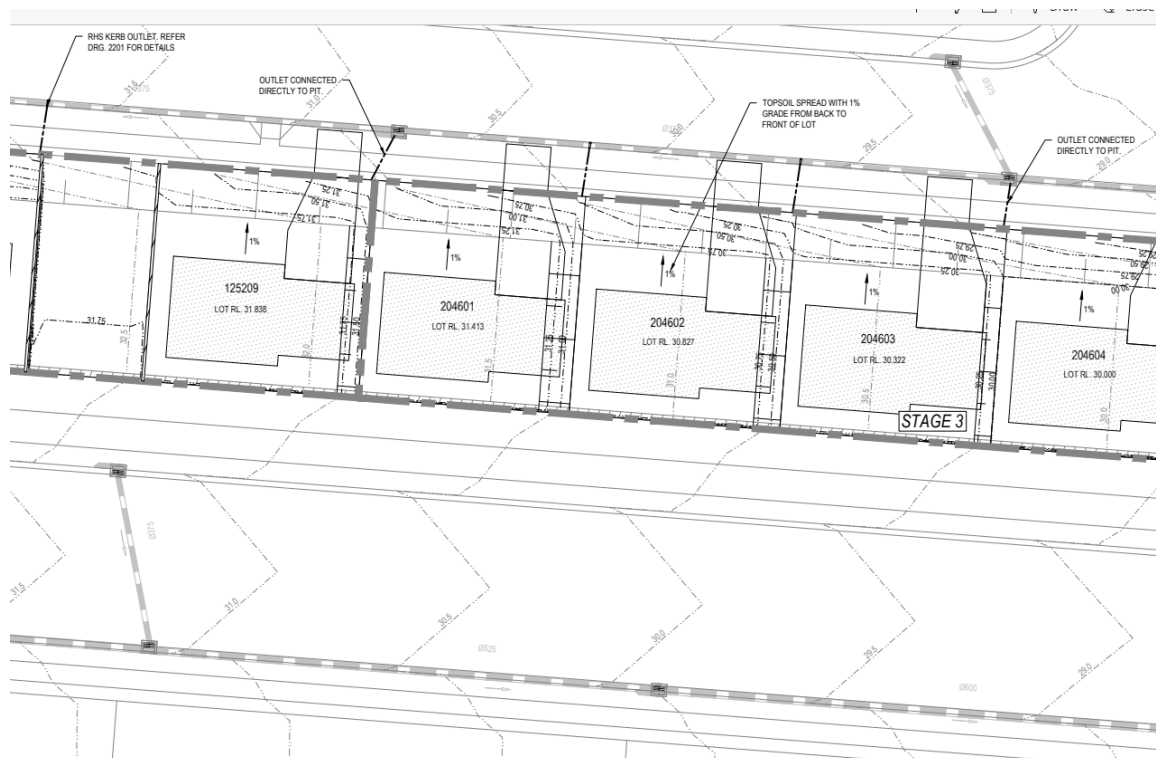
Minor site works are proposed to bench each proposed dwelling house to accommodate the fall across the site. These works will vary across each of the 26 integrated housing sites, but will generally comprise of:

- A benched house pad that is generally at least 0.5m higher than the level of the adjoining proposed Road 01; and,
- A benched house pad that generally has a 1% fall from the rear of the site.

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

3.1.3 Stormwater drainage

Proposed integrated dwelling houses have been designed to connect into the proposed stormwater network to be delivered in proposed Road 01 at the front of each dwelling house. In accordance with the requirements under *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 (BASIX)* a portion of runoff from the proposed dwelling houses will be directed into rainwater tanks required to be delivered within each residential lot, reducing the load discharged into street drainage network.



Source: Cardno

Figure 11 Snapshot of proposed stormwater drainage



3.2 Integrated Housing

This DA proposes the construction of 26, two storey detached dwelling houses. The architectural plans provided at **Appendix E** detail the proposed design, private open space provisions, extent of overshadowing and landscaping for each dwelling.

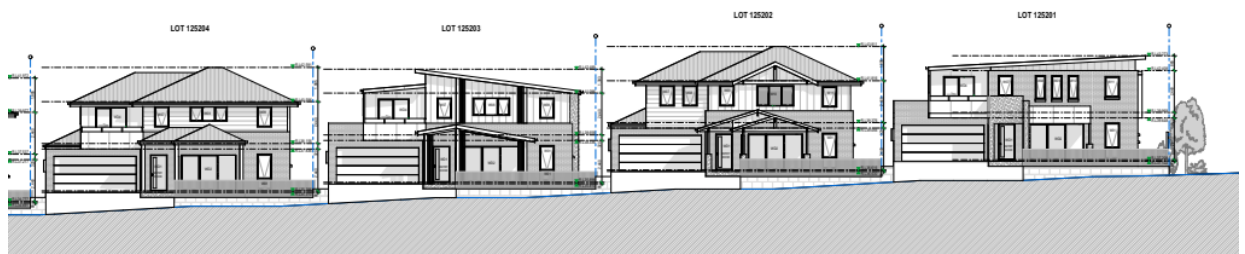
3.2.1 Smart Lot Dwelling Houses

Each proposed two storey dwelling house is designed to comprise four bedrooms and a double garage. Each dwelling house is designed with a separate kitchen area and open plan dining and living on the ground floor that connects directly to the front alfresco and principal private open space (**PPOS**) of each dwelling. The upper floor is proposed to contain all four bedrooms, which will be predominantly sited to the front of the floor to minimise exposure to future industrial land uses to the rear.

The proposed dwellings will each be finished in similar materials from a consistent colour palette to provide consistency within the streetscape. The materials include a mix of face brickwork, with main feature porch to the front façade and columns to be of a rendered façade. A modern design incorporating varying roof pitches and fenestration have been incorporated to reduce dominance from the street and clearly identify entrances to each of the dwellings. All proposed residential lots will have access directly to proposed Road 01.

The PPOS areas of each dwelling house will be located forward of the main building line of the dwelling to maximise solar access provisions and ensure satisfactory amenity levels attained. Each PPOS area will be directly accessible from the dining/alfresco area. The combination of the elevated PPOS position, front fencing and landscape screen planting will ensure these spaces have high levels of amenity. The forward position of the proposed PPOS will also increase natural surveillance of the adjoining public domain, ensuring heightened levels of security are established within the local community.

Across the proposed 26 allotments four different dwelling house designs are proposed. Architectural Plans for the proposed dwelling houses are provided in **Appendix E**, including details of dwelling type, site coverage, setbacks and private open space. BASIX Certificates have been prepared for the dwellings and submitted with architectural package for each dwelling. Although the floor plans include subtle variations across the four designs, the designs are designed to be distinct when viewed from the street frontage.



Source: Creative

Figure 12 Proposed Elevations Lots 125201-125204



The Draft Plan of Proposed Subdivision in Appendix C shows the subdivision across six (6) stages. Table 2 provides a compliance assessment of the proposed dwelling houses relevant to each stage against E12 of the Penrith DCP. The assessment is against the relevant criteria for build to boundary dwellings.

Table 2 Proposed Dwelling House DCP Compliance

Control	Lots				
Stage 1	125201	125202	125203	125204	
House Type	3	4	2	1	
Minimum Lot Size (230m ² – 450m ²)	Complies 289m ²	Complies 280.8m ²	Complies 280.8m ²	Complies 280.8m ²	
Minimum Lot Frontage (9.5m – 15m)	Complies – 17m	Complies – 16.5m	Complies 16.5m	Complies 16.5m	
Minimum POS Area (40m ²)	Complies 46.78m ²	Complies 46.23m ²	Complies 46.23m ²	Complies 46.23m ²	
Minimum POS Dimension (4m)	Complies 4.245m	Complies 4.245m	Complies 4.35m	Complies 4.24m	
Landscaping Site Coverage (50% of total site area)	No 28.5%	No 28.5%	No 28.5%	No 28.5%	
Front setback (4.5m)	Complies – 7.006m	Complies – 7.006m	Complies – 7.012m	Complies – 7.006m	
Secondary frontage setback (2m)	Complies – 2.077m	Complies – 2.077m	Complies – 2.077m	Complies – 2.078m	
Side setback (0m – defined boundary and 900mm)	Complies – 0.902m (eastern) and 1.826m (western)	Complies – 0.9m (eastern) and 1.47m (western)	Complies – 0.9m (eastern) and 1.348m (western)	Complies – 0.9m (eastern) and 1.349m (western)	
Rear setback (non-northern orientation) <ul style="list-style-type: none"> Ground floor (4m) Upper floor (6m) 	Alternative solution Ground and upper floors 2.077m-2.919m	Alternative solution Ground and upper floors 2.077m-2.918m	Alternative solution Ground and upper floors 2.077m-2.913m	Alternative solution Ground and upper floors 2.078m-2.919m	
Garage setback to rear lane/secondary frontage (0m)	N/A 2.919m to the street proposed.	N/A 2.918m to the street proposed.	N/A 2.913m to the street proposed.	N/A 2.919m to the street proposed.	



Control	Lots				
Stage 2	125205	125206	125207	125208	125209
House Type	1	2	4	3	
Minimum Lot Size (230m ² – 450m ²)	Complies 280.8m ²	Complies 280.9m ²	Complies 280.8m ²	Complies 289m ²	Complies 289m ²
Minimum Lot Frontage (9.5m – 15m)	Complies 16.5m	Complies 16.5m	Complies 16.5m	Complies 17m	Complies - 17m
Minimum POS Area (40m ²)	Complies 46.23m ²	Complies 46.23m ²	Complies 46.23m ²	Complies 46.23m ²	Complies 46.23m ²
Minimum POS Dimension (4m)	Complies 4.242m	Complies 4.243m	Complies 4.243m	Complies 4.242m	Complies 4.259m
Landscaping Site Coverage (50% of total site area)	No 28.5% or 152.05m ²	No 28.5% or 82.55m ²	No 28.5% or 65.6m ²	No 28.5% or 106.6m ²	
Front setback (4.5m)	Complies 7.002m	Complies 7.002m	Complies 7.002m	Complies 7.002m	Complies 7.020
Secondary frontage setback (2m)	Complies 2.077m	Complies 2.076m	Complies 2.076m	Complies 2.077m	Complies 2.062m
Side setback (0m – defined boundary and 900mm)	Complies 0.903m (eastern) and 1.349m (western)	Complies 0.912m (eastern) and 1.349m (western)	Complies 0.903m (eastern) and 1.469m (western)	Complies 1.830m (eastern) and 0.9m (western)	Complies 0.902m (eastern) and 01.826m (western)
Rear setback (non-northern orientation) <ul style="list-style-type: none"> Ground floor (4m) Upper floor (6m) 	Alternate Solution Ground and Upper Floors 2.077m-2.916m	Alternate Solution Ground and upper floors 2.076m-2.915m	Alternate Solution Ground and upper floors 2.076m-2.915m	Alternate Solution Ground and Upper Floors 2.077m-2.916m	Alternate Solution Ground and Upper Floors 2.062m-2.905m
Garage setback to rear lane/secondary frontage (0m)	N/A 2.916m to the street proposed.	N/A 2.915m to the street proposed.	N/A 2.915m to the street proposed.	N/A 2.916m to the street proposed.	N/A 2.905m to the street proposed.



Control	Lots				
Stage 3	204601	204602	204603	204604	204605
House Type	2	4	3	1	3
Minimum Lot Size (230m ² – 450m ²)	Complies 280.8m ²	Complies 280.8m ²	Complies 280.8m ²	Complies 280.8m ²	Complies 280.8m ²
Minimum Lot Frontage (9.5m – 15m)	Complies 16.5m	Complies 16.5m	Complies 16.5m	Complies 16.5m	Complies 16.5m
Minimum POS Area (40m ²)	Complies 46.23m ²	Complies 46.23m ²	Complies 46.23m ²	Complies 46.23m ²	Complies 46.23m ²
Minimum POS Dimension (4m)	Complies 4.256m	Complies 4.245m	Complies 4.242m	Complies 4.245m	Complies 4.244m
Landscaping Site Coverage (50% of total site area)	No 28.5%	No 28.5%	No 22.5%	No 28.5	
Front setback (4.5m)	Complies 7.015m	Complies 7.006m	Complies 7m	Complies 7.006m	Complies 7.004m
Secondary frontage setback (2m)	Complies 2.061m – 2.897m	Complies 2.077m – 2.919m	Complies 2.076m – 2.912m	Complies 2.077m – 2.919m	Complies 2.088m – 2.917m
Side setback (0m – defined boundary and 900mm)	Complies 0.905m (eastern) and 1.349m (western)	Complies 0.9m (eastern) and 1.468m (western)	Complies 0.902m (eastern) and 1.349m (western)	Complies 0.9m (eastern) and 1.349m (western)	Complies 0.902m (eastern) and 1.348m (western)
Rear setback (non-northern orientation) <ul style="list-style-type: none"> Ground floor (4m) Upper floor (6m) 	Alternate Solution Ground and Upper Floors 2.061m-2.897m	Alternate Solution Ground and Upper Floors 2.077m-2.919m	Alternate Solution Ground and Upper Floors 2.076m-2.912m	Alternate Solution Ground and Upper Floors 2.077m-2.919m	Alternate Solution Ground and Upper Floors 2.077m-2.917m
Garage setback to rear lane/secondary frontage (0m)	N/A 2.897m to the street proposed.	N/A 2.919m to the street proposed.	N/A 2.912m to the street proposed.	N/A 2.919m to the street proposed.	N/A 2.917m to the street proposed.



Control	Lots				
Stage 4	204606	204607	204608	204609	204610
House Type	4	2	1	3	4
Minimum Lot Size (230m ² – 450m ²)	Complies 280.8m ²	Complies 280.8m ²	Complies 289m ²	Complies 289m ²	Complies 280.9m ²
Minimum Lot Frontage (9.5m – 15m)	Complies 16.5m	Complies 16.5m	Complies 17m	Complies 17m	Complies 16.5m
Minimum POS Area (40m ²)	Complies 46.23m ²	Complies 46.23m ²	Complies 46.23m ²	Complies 46.23m ²	Complies 46.23m ²
Minimum POS Dimension (4m)	Complies 4.245m	Complies 4.229m	Complies 4.242m	Complies 4.245m	Complies 4.245m
Landscaping Site Coverage (50% of total site area)	No 28.5%	No 28.5%	No 28.5%	No 28.5%	
Front setback (4.5m)	Complies 7.006m	Complies 6.985m	Complies 7.002m	Complies 7.006m	Complies 7.006m
Secondary frontage setback (2m)	2.077m- 2.919m	2.090m – 2.927m	2.077m – 2.916m	2.076m – 2.918m	2019m – 2.921m
Side setback (0m – defined boundary and 900mm)	Complies 0.9m (eastern) and 1.468m (western)	Complies 0.902m (eastern) and 1.349m (western)	Complies 1.83m (eastern) and 0.9m (western)	Complies 0.9m (eastern) and 1.828m (western)	Complies 0.902m (eastern) and 1.468m (western)
Rear setback (non-northern orientation) <ul style="list-style-type: none"> Ground floor (4m) Upper floor (6m) 	Alternate solution Ground and Upper Floors 2.077m-2.919m	Alternate Solution Ground and Upper Floors 2.09m-2.927m	Alternate Solution Ground and Upper Floors 2.077m-2.916m	Alternate Solution Ground and Upper Floors 2.076m – 2.918m	Alternate Solution Ground and Upper Floors 2019m – 2.921m
Garage setback to rear lane/secondary frontage (0m)	N/A 2.919m to the street proposed.	N/A 2.927m to the street proposed.	N/A 2.916m to the street proposed.	N/A 2.918 m to the street proposed.	N/A 2.921m to the street proposed.



Control	Lots				
Stage 5	204701	204702	204703	204704	
House Type	2	1	4	1	
Minimum Lot Size (230m ² – 450m ²)	Complies 280.8m ²	Complies 280.8m ²	Complies 284.7m ²	Complies 280.8m ²	
Minimum Lot Frontage (9.5m – 15m)	Complies 16.5m	Complies 16.5m	Complies 16.7m	Complies 16.5m	
Minimum POS Area (40m ²)	Complies 46.23m ²	Complies 46.23m ²	Complies 46.23m ²	Complies 46.23m ²	
Minimum POS Dimension (4m)	Complies 4.244m	Complies 4.244m	Complies 4.243m	Complies 4.33m	
Landscaping Site Coverage (50% of total site area)	No 28.5%	No 28.5%	No 28.5%	No 28.5%	
Front setback (4.5m)	Complies 7.004m	Complies 7.004m	Complies 7.043m	Complies 7.089m	
Secondary frontage setback (2m)	Complies 2.082m – 2.921m	Complies 2.092m – 2.932m	Complies 2m – 2.84m	Complies 2m – 2.84m	
Side setback (0m – defined boundary and 900mm)	Complies 0.902m (eastern) and 1.348m (western)	Complies 0.9m (eastern) and 1.35m (western)	Complies 0.901m (eastern) and 1.517m (western)	Complies 0.901m (eastern) and 1.349m (western)	
Rear setback (non-northern orientation) <ul style="list-style-type: none"> Ground floor (4m) Upper floor (6m) 	Alternate Solution Ground and Upper Floors 2.082m – 2.921m	Alternate Solution Ground and Upper Floors 2.092m – 2.932m	Alternate Solution Ground and Upper Floors 2m – 2.84m	Alternate Solution Ground and Upper Floors 2m – 2.84m	
Garage setback to rear lane/secondary frontage (0m)	N/A 2.921m to the street proposed.	N/A 2.932m to the street proposed.	N/A 2.84m to the street proposed.	N/A 2.84m to the street proposed.	



Control	Lots				
Stage 5	204705	204706	204707		
House Type	2	4	3		
Minimum Lot Size (230m ² – 450m ²)	Complies 280.8m ²	Complies 280.8m ²	Complies 283.6m ²		
Minimum Lot Frontage (9.5m – 15m)	Complies 16.5m	Complies 16.5m	Complies 16.7m		
Minimum POS Area (40m ²)	Complies 46.23m ²	Complies 46.23m ²	Complies 46.23m ²		
Minimum POS Dimension (4m)	Complies 4.326m	Complies 4.33m	Complies 4.32m		
Landscaping Site Coverage (50% of total site area)	No 28.5%	No 28.5%	No 28.5%		
Front setback (4.5m)	Complies 7.09m	Complies 7.09m	Complies 7.075m		
Secondary frontage setback (2m)	Complies 2m-2.864m	Complies 2m-2.84	Complies 2m-2.831		
Side setback (0m – defined boundary and 900mm)	Complies 0.901m (eastern) and 1.338m (western)	Complies 0.901m (eastern) and 1.469m (western)	Complies 1.513m (eastern) and 0.9m (western)		
Rear setback (non-northern orientation) <ul style="list-style-type: none"> Ground floor (4m) Upper floor (6m) 	Alternate Solution Ground and Upper Floors 2m – 2.864m	Alternate Solution Ground and Upper Floors 2m – 2.84m	Alternate Solution Ground and Upper floors 2m – 2.831m		
Garage setback to rear lane/secondary frontage (0m)	N/A 2.864m to the street proposed.	N/A 2.84m to the street proposed.	N/A 2.831m to the street proposed.		

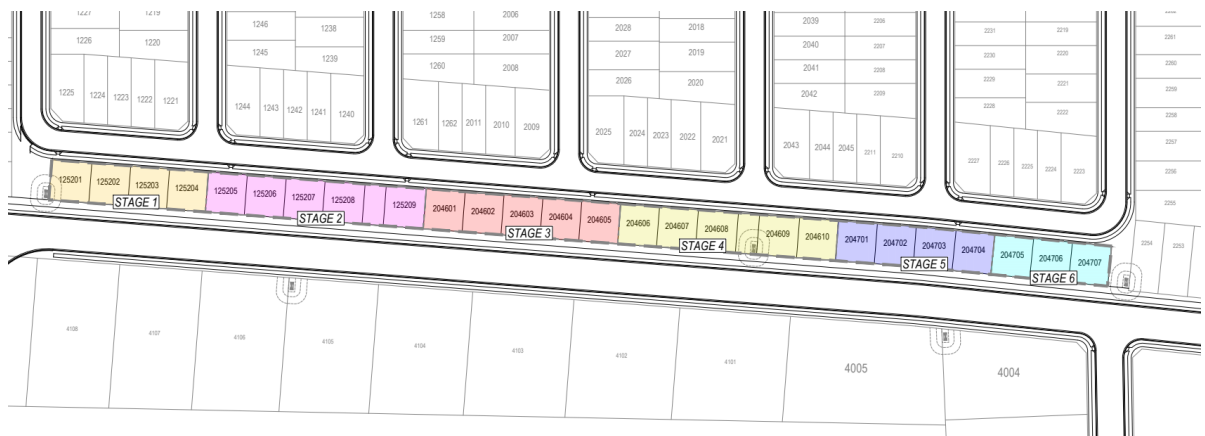


3.2.2 Subdivision

This DA seeks approval for the subdivision of proposed residue Lots 1252, 1263, 2046, 2048 and 2212 (i.e. proposed under DA 19/0704) in Lot 1 DP 1226122, to create 26 Torrens title residential lots over six stages.

As illustrated in **Figure 13**, the proposed subdivision layout provides for residential lots ranging in site area between 289m² and 280.8m², with 16.5-17m lot frontages. The proposed size of the residential lots proposed will contribute to the broader range of residential lots proposed under DA 19/0704 that provides diverse housing opportunities.

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



Source: Cardno

Figure 13 Smart Lots Subdivision Plan



4 Environmental Assessment

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

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

4.1 Threatened Species

The EP&A Act contains provisions designed to ensure threatened species legislation is considered as part of a single development assessment process. The provisions as they apply to the proposed development are discussed below.

4.1.1 Biodiversity Impacts

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

Section 1.7 of the EP&A act requires consideration as to whether a proposed development will have a significant effect on threatened species, populations or ecological communities relating to terrestrial and/or aquatic environments as required under Part 7 of the *Biodiversity Conservation Act 2016* (**BC Act**) and Part 7A of the Fisheries Management Act 1994 (**FM Act**)

The proposal is not located in proximity to any watercourses or proposes any works that would cause harm to any threatened species, populations or ecological communities listed under the FM Act.

In addition, no future vegetation or trees are proposed to be removed by this DA. All necessary tree removal works are proposed under DA 19/0704.

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

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

DA 19/0704 proposes the retention and protection of 1.6ha of CPW, consisting of 0.7ha within the E2 Environmental Conservation Reserve (i.e. proposed Lot 1000) and 0.9ha within the proposed site boundary of the Central Reserve parkland. Niche noted that the majority of moderate quality habitat will be protected in accordance with the conservation zoning of proposed Lot 1000, while CPW within the Central Reserve would be protected in accordance with recommended mitigation measures outlined in its VMP accompanying DA 20/0081 for the proposed open space parks.

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. **Figure 14** illustrates the extent and quality of vegetation across the site in the context of the proposed smart lot integrated housing DA and the proposed subdivision DA.



Source: Niche

Figure 14 Cumberland Plain Woodland Location Context

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 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>	No known items or sites of indigenous archaeological significance have been identified on the site and it remains in the same condition at the times of the consideration and approval of the three previous DAs over the site.	No
<i>Protection of the Environment Operations Act 1997</i>	The implementation of appropriate environmental protection works will ensure that no licence will be required.	No



<i>Rural Fires Act 1997</i>	<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>Residential development and concurrent subdivision is 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 G) that identifies the necessary Bushfire Protection Measures, asset protection zones and BAL construction standards required to meet the requirements of <i>Planning for Bushfire Protection 2019</i> (PBP 2019).</p> <p>It is noted that all dwelling houses have been designed to ensure compliance with the recommended BAL 12.5 construction standard.</p>	Yes
<i>Water Management Act 2000</i>	<p>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>.</p> <p>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.</p>	No
<i>Fisheries Management Act 1994</i>	No works proposed as part of this Application will harm defined marine vegetation or impede the movement or development of marine life within the Bonds Creek tributary. Therefore, no integrated approval is required under the <i>Fisheries Management Act 1994</i> .	No
<i>Heritage Act 1977</i>	No works are proposed that are referred to under section 57 of the <i>Heritage Act 1977</i> . Therefore, no integrated approval is required to address this legislation.	No
<i>Mine Subsidence Compensation Act 1961</i>	The land is not within a mine subsidence district.	No
<i>Petroleum (onshore) Act 1991</i>	No production lease is being sought.	No
<i>Mining Act 1992</i>	No mining lease is being sought.	No
<i>Roads Act 1993</i>	Road connection works are not proposed on RMS controlled classified or regional roads.	No

4.3 Bushfire Prone Land

Section 4.14 of the EP&A Act provides for the general consideration of bushfire hazard on land mapped as bushfire prone. Council's Bushfire Prone Land Map identifies that the site contains Categories 1 and 2 Vegetation and Vegetation Buffer and therefore the application of PBP 2019 must apply in this instance (see **Figure 15**).

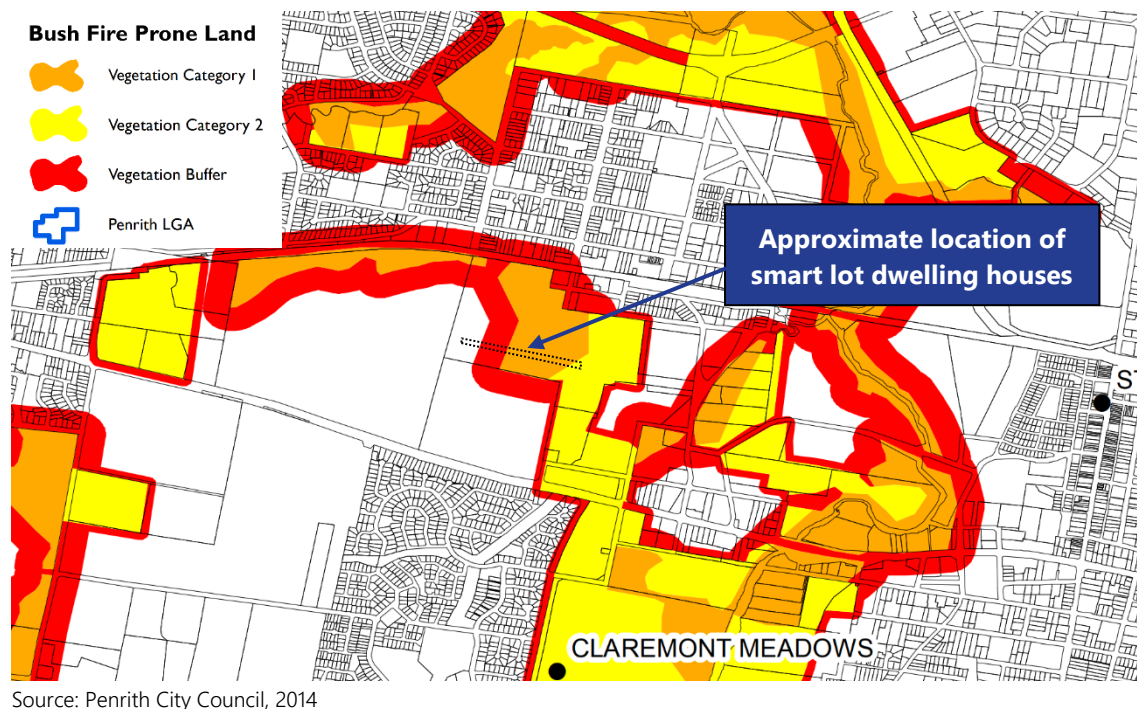


Figure 15 Extract from Penrith City Council's Bushfire Prone Land Map

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

As outlined above, all vegetation is proposed to be removed under DA 19/0704

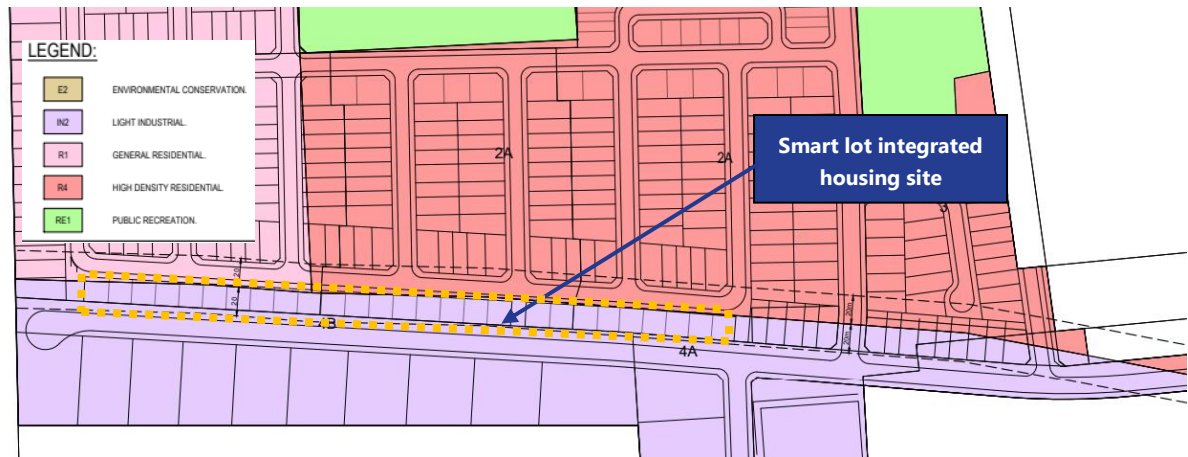
The highest Bushfire Attack Level (**BAL**) to the proposed dwellings were determined from Table 2.4.2 of Australian Standards (**AS**) 3959 'Construction of buildings in bushfire-prone areas' 2009 to be BAL 12.5 and therefore there are no construction provisions required under AS3959-2018.

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 site is located on land zoned R1 General Residential, R4 High Density Residential and IN2 Light Industrial (see **Figure 16**).

Subject to a proposed zone boundary variation as permitted by clause 5.3 of PLEP 2010, the proposed dwelling houses are considered to be permissible with consent. Detailed consideration of the relevant clauses in PLEP 2010 is provided in **Table 4** below. A map detailing the relationship of the proposed layout under DA19/0704 and the zone boundaries has been included in Appendix B.



Source: Cardno

Figure 16 Land Use Zoning Map Site Overlay

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 Plan as it:</p> <ul style="list-style-type: none"> promotes potential residential built form outcomes associated with the proposed urban renewal of the SWUV precinct in line with Council's vision for the locality supports the accommodation of a growing Penrith LGA by displaying a range of potential housing choices to promote greater housing diversity within the locality provides for the urban renewal of a vacant land within the SWUV precinct that is close to existing infrastructure and services provides for the delivery of future sustainable residential development that is sympathetic to and integrates with the existing urban qualities of the Werrington community, while ensuring the existing environmental qualities of the site are protected as much as possible incorporates the principles of ecologically sustainable development and proposes residential development that complies with the relevant BASIX's sustainable targets. 	Yes
Part 2 - Permitted and Prohibited Development		
CI 2.3 Zone objectives and land use table	<p>Developable land within the site is zoned R1 General Residential, R4 High Density Residential and IN2 Light Industrial.</p> <p>The Applicant seeks consent for the construction of 26 integrated housing smart lot dwelling houses, associated works and Torrens title subdivision.</p> <p>All works are permissible with consent in each zone under the gazetted land use table and subject to clause 5.3 of PLEP 2010. Further discussion against each land use zone is provided below.</p>	Yes
CI 2.6	This DA seeks development consent for subdivision.	Yes



Clause	Comment	Comply
Subdivision – consent requirements		
Land Use Table		
Zone R1 General Residential	<p>The proposal is consistent with the following relevant zone objectives:</p> <ul style="list-style-type: none"> <i>To provide for the housing needs of the community.</i> <i>To provide for a variety of housing types and densities.</i> <i>To ensure that a high level of residential amenity is achieved and maintained.</i> <p>The western portion of the site (i.e. proposed Stage 1B) is zoned R1 and the proposal will ensure that the future housing needs of the community are met through the provision of additional residential lots. In addition, the proposed lot sizes and widths will ensure housing diversity is delivered in future residential dwellings constructed.</p> <p>The integrated housing DA approach to the proposal ensures that the necessary detail is provided to help justify the resultant lot dimensions and to demonstrate how the proposed dwelling house built form will achieve satisfactory levels of amenity.</p>	Yes
Zone R4 High Density Residential	<p>The proposal is consistent with the R4 High Density Residential zone objectives as follows:</p> <ul style="list-style-type: none"> the proposed dwellings will contribute to the diversity of housing within a high density residential environment the site design and layout will afford a high level of amenity and encourage the provision of affordable housing it reflects the proposed and desired future character and dwelling densities of the locality. <p>The proposed siting and design of the proposed dwellings was developed in consultation with Council and responds to the masterplan framework for the site.</p> <p>The location and density of residential land uses in the context of previous approvals granted over the site, adjacent and surrounding proposed land use were reviewed with the aim of providing a more considered approach to the delivery of residential development within the site that responds to surrounding context.</p> <p>In the broader context of the proposal, the proposed masterplan in DA19/0704 seeks to deliver a range of high density residential opportunities that provide an improved transition towards the north to Werrington Station and potential residential apartment building development(s) to be delivered at 25 Rance Road adjacent to the east.</p> <p>In accordance with DA19/0704 a total potential residential yield of approximately 235 dwellings can be accommodated within the R4 zoned land across the, inclusive of future development of proposed residue allotments for a higher density of residential development. This prospective residential yield and resultant density is considered to be in keeping with the minimum 184 dwelling yield prescribed in Council's DCP.</p>	Yes
Zone IN2 Light Industrial	<p>The proposal is consistent with the following relevant zone objectives:</p>	Yes



Clause	Comment	Comply
	<ul style="list-style-type: none"> To provide a wide range of light industrial, warehouse and related land uses. To encourage employment opportunities and to support the viability of centres. To minimise any adverse effect of industry on other land uses. To support and protect industrial land for industrial uses. To limit the impact of industrial development on adjacent residential areas, in terms of its built form, scale, acoustic and visual privacy and air quality. <p>The proposal seeks to develop this part of the site to minimise adverse effects of industry on other land uses.</p> <p>The extent of the light industrial operations has been proposed under DA19/0704, which includes 14 viable light industrial lots, a minimum 2,000m² in size in accordance with PLEP 2010 and Council's DCP. Accompanying that application includes an analysis undertaken by SBA Architects demonstrates that the lot dimensions and sizes can satisfactorily accommodate light industrial land uses to ensure a wide range of uses can be accommodated.</p> <p>Due to the location of proposed Road 11, the proposal is removed from the balance IN2 Light Industrial zoned land. This proposal utilises CI 5.3 of the PLEP, which allows for development flexibility between the two adjoining zones to allow for the logical and appropriate development. The proposal does not unreasonably impact the achievement of the IN2 Light Industrial zone objectives in the greater context of the surrounding Master Plan.</p>	
Part 4 – Principle Development Standards		
CI 4.1 Minimum subdivision lot size	Clause 4.1 of PLEP 2010 Lot Size Map does not identify a minimum lot size requirement for R4 zoned residential lands.	N/A
CI 4.3 Height of buildings	<p>The site is subject to several maximum building height controls that align with the relevant development land use zone. They include:</p> <ul style="list-style-type: none"> R1 – 10m R4 – 15m <p>All proposed dwelling houses comply with the maximum building height control, with a maximum dwelling height of 7.281m proposed.</p>	Yes
CI 4.4 Floor space ratio	<p>The Floor Space Ratio Map does not identify a minimum floor space ratio that applies to the site.</p> <p>Site coverage controls as relevant to the SWUV precinct are contained in Council's DCP.</p>	N/A
Part 5 - Miscellaneous Provisions		
CI 5.1 Relevant Acquisition Authority	No part of the site is mapped on the Land Reservation Acquisition Map under the PLEP 2010.	Yes



Clause	Comment	Comply
CI 5.3 Development near zone boundaries	<p>Clause 5.3 provides flexibility between any two zones, subject to land and zones identified under clause 5.3(3), up to a distance of 20m where it is found that a use allowed on the other side of a zone boundary would enable a more logical and appropriate development of the site and be compatible with the planning objectives and land uses for the adjoining zoned.</p> <p>This proposed DA seeks to rely on a zone boundary variation up to 20m between the two residential zones (i.e. R1 General Residential and R4 High Density Residential) and the adjoining IN2 Light Industrial zone (see Figure 16).</p> <p>The siting of proposed Road 11 has been designed to be generally consistent with the alignment of the collector road approved under DA 14/0627 and DA 16/1148, such that these approvals were also likely to have required reliance on a zone boundary variation. The proposed siting and alignment of proposed Road 11 has dictated the separation between the industrial and residential land use zonings, with each respective land use proposed to be developed on either side.</p> <p>The benefit of this alignment of proposed Road 11 minimises impacts to Wollemi College's school grounds and the well-established operations of the Thorndale Foundation at Lot 1 DP 527752 and Lot 1 DP 132721.</p> <p>The proposed Road 11 alignment has resulted in the proposed residue Smart Lots being predominantly located within land zoned IN2 Light Industrial.</p> <p>In accordance with clause 5.3(4), consent may be granted to the development of land to which clause 5.3 applies if the consent authority is satisfied that:</p> <ol style="list-style-type: none"> the development is not inconsistent with objectives for development in both zones, the use of this clause gives effect to the SWUV Precinct Structure Plan, and the carrying out of the development is desirable due to compatible land use planning, infrastructure capacity and other planning principles relating to the efficient and timely development of land. <p>Having regard to subclause 5.3(4)(a), the development is considered not inconsistent with the objectives for development in both zones given the following:</p> <ul style="list-style-type: none"> The proposed encroachment into the IN2 zone will not adversely impact on the delivery of IN2 zoned land nor will it impact on the ability for the land to be developed for the purposes of establishing an industrial employment precinct. DA 19/0704 demonstrates that a wide range of light industrial, warehouse or related land uses could be supported, noting that the subdivision layout provides for 14 IN2 lots, greater than 2,000m² in area and with lot depths greater than 25m and a minimum 10m landscape setback. An analysis undertaken with DA 19/0704 by SBA Architects demonstrates that the proposed 14 industrial employment lots are sufficiently sized and arranged in a manner to allow for their successful development. 	Yes



Clause	Comment	Comply
	<ul style="list-style-type: none"> The siting of the proposed smart lot dwelling houses along the northern side of proposed Road 11 is consistent with the land use structure prescribed in the DCP for the SWUV precinct. The physicality of the collector road was always envisaged as a key design element to ensure that the amenity of residential properties was protected and similarly, that future industrial development did not adversely impact on the amenity of adjoining residential land uses. The integrated design approach of future built form and the landscaped Road 11 verge will ensure a positive outlook towards the future industrial precinct and assist in minimising any adverse effects of future industrial land uses on the proposed smart lot residential land uses. The siting and design of the proposed smart lot dwelling houses locate the main living spaces and bedrooms towards the front of the dwelling and away from any future industrial noise sources. Proposed residential built form has been sympathetically designed to provide an attractive edge along proposed Road 11. The combination of the widened landscaped verge and landscaped front setback to future industrial built form will ensure that the scale of future along both edges of the road corridor are suitably screened and softened to minimise any potential bulk and scale impacts. The proposed development of the smart lot dwelling houses on land zoned IN2 will not limit the ability of the IN2 zoned land from being developed, while simultaneously allowing for greater housing choices and the delivery of new housing to meet the needs of the SWUV community. <p>Having regard to subclause 5.3(4)(b), the proposed development is considered desirable given the following:</p> <ul style="list-style-type: none"> The proposed development is compatible, in part, with previous subdivision approvals granted on the site, such that the proposed sting of proposed Road 11 and the encroachment of residential land uses into the northern edge of the IN2 zoned land remains compatible with these previously endorsed land use planning outcomes. The proposal will facilitate the delivery of IN2 zoned industrial employment land to the market and create improved opportunities for the creation of jobs closer to home, supporting the Greater Sydney Commission's vision for Sydney in creating '30 minute cities', where people are can access jobs and services within 30 minutes of their homes. The proposed masterplan framework for the site illustrates Lendlease's commitment to the urban renewal of the land such that the SWUV precinct is substantially completed. The proposed masterplan framework for the site envisages a residential yield outcome much more in keeping with the existing community than that previously approved and planned for by the previous site owners. Coupled with the proposed delivery of the East-West Collector Road and Werrington Road roundabout, the proposed residential yield and industrial employment demands will be satisfactorily 	



Clause	Comment	Comply
	<p>catered for through the Applicant's commitment to, and delivery of, associated essential infrastructure.</p> <ul style="list-style-type: none"> The proposal represents Lendlease's commitment to the efficient and coordinated subdivision and urban renewal of the site. The proposal also provides Council greater certainty to urban outcomes within the SWUV precinct and will ensure that the precinct is developed in a timely manner. <p>In view of the above, it is considered that the proposed encroachment of the R1 and R4 land use zones into the adjoining IN2 land use zone is not inconsistent with the objectives for development in the zones and that the carrying out of the development is considered desirable for the reasons outlined above.</p> <p>It is therefore requested that the consent authority supports the proposed zone boundary variation in its consideration and determination of the proposal.</p>	
CI 5.10 Heritage Conservation	<p>No items of heritage or indigenous archaeological significance have been identified on the site. The adjoining WSU 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), also referred to as 'Frogmore House.</p> <p>Frogmore House sits atop a hill at approximately RL50 and some 180m west of the site's western boundary. The subdivision layout and proposed lot and road finished levels will afford detached dwelling houses on the lower slopes leading up to Frogmore House.</p> <p>The proposal and future built form are not anticipated to unreasonably impact on views towards Frogmore House, noting that the design of roads orientated east-west generally accommodate a level rises that would afford views towards Frogmore House.</p> <p>The subdivision proposed under DA 19/0704 proposes the 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>	Yes
Part 7 – Other Provisions		
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 f soil condition is proposed to be further investigated prior to bulk earthworks proposed under DA 19/0704 being undertaken on the site.</p>	Yes
CI 7.10 Essential Services	<p>The site is satisfactorily serviced by all essential services. As outlined in the Civil Engineering and Infrastructure Report prepared by Cardno and submitted with DA 19/0704, reticulation of utility services and the construction of lead-in mains for electricity, water, gas and sewer are required to service the predicted demand generated by the broader urban renewal of the property, including the subject proposal.</p>	Yes



4.4.2 State Environmental Planning Policy No. 19 – Bushland in Urban Areas

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

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

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

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

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

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

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

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

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



Table 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 residential land use and therefore, the requirements of clause 7 of SEPP 55 are satisfied.
(2) Before determining an application for consent to carry out development that would involve a change of use on any of the land specified in sub clause (4), the consent authority must consider a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines.	As noted above, previous assessments and investigations undertaken over the site confirm its suitability for the proposed range of land uses.
(3) The applicant for development consent must carry out the investigation required by sub clause (2) and must provide a report on it to the consent authority. The consent authority may require the applicant to carry out, and provide a report on, a detailed investigation (as referred to in the contaminated land planning guidelines) if it considers that the findings of the preliminary investigation warrant such an investigation.	As noted above, previous assessments and investigations undertaken over the site confirm its suitability for the proposed range of land uses, including residential uses.
Clause 9	
For the purposes of this Policy, a category 1 remediation work is a remediation work (not being a work to which clause 14 (b) applies) that is: (d) development for which another State environmental planning policy or a regional environmental plan requires development consent, or	As noted above and as concluded in those technical reports prepared, no remediation of the site is considered necessary.
Clause 13	
(1) A category 1 remediation work is identified as advertised development, unless the remediation work is: (a) designated development, or (b) State significant development. (2) Pursuant to section 29A of the Act, the period specified in clause 65 (5) (d) of the Environmental	This DA does not seek development consent for remediation works and is therefore not considered to be defined as 'advertised development'.



Relevant Clause	Assessment/Comment
Planning and Assessment Regulation 1994 is extended to 30 days in relation to development identified as advertised development by this clause.	

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

This Policy provides a State-wide planning approach to protect the biodiversity values of trees and other vegetation in non-rural areas and to preserve the amenity of those areas through the preservation of trees and other vegetation.

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

It is further noted that no consent is sought for any vegetation removal under this DA.

4.4.5 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 26 two storey detached dwellings. BASIX Certificates demonstrating compliance with the Policy for each dwelling have been prepared and are provided as part of the architectural package (refer to **Appendix E**).

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

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

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

4.5 Proposed Environmental Planning Instruments

4.5.1 State Environmental Planning Policy (Environment)

The NSW government has been working towards developing a new SEPP for the protection and management of the natural environment. An explanation of intended effect (EIE) has been released which proposes a number of SEPPs related to the environment to be merged into one SEPP. Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment is included for review and consolidation with other existing EPIs. This consolidated SEPP proposes to simplify the planning



rules for a number of water catchments, waterways, urban bushland, and Willandra Lakes World Heritage Property. The DPE sought feedback on the proposed SEPP until 31 January 2018.

The proposal and management strategies are consistent with the proposed instrument.

4.6 Development Control Plans

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

4.6.1 Penrith Development Control Plan 2014

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

Table 6 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 6 Assessment of DCP Controls

Control	Requirement	Comment	Compliance
Part C2 Vegetation Management			
2.1	Preservation of trees and other vegetation	No vegetation is proposed to be removed as part of this DA. Consent for vegetation removal is sought under DA 19/0704. Niche has prepared an 7-Part Assessment of Significance as part of that DA in accordance with the TSC Act and concludes that the proposal will not have a significant adverse impact on the local occurrence of CPW.	Yes
2.3	Bushfire Prone Land	The site is mapped as being partially bushfire prone land. A comprehensive Bushfire Assessment Report has been prepared by BC&BHS (Appendix G) in accordance with PBP 2019 and concludes that the highest Bushfire Attack level to the proposed dwellings was determined to be BAL Low and therefore there are no construction provisions applicable.	Yes
Part C3 Water Management			
3.2	Catchment management and water quality	The stormwater drainage network design proposed under DA 19/0704 provides for three basins, including two dual purpose OSD/WSUD basins within the footprints of the Eastern Basin Park and Central Reserve. A third WSUD basin is proposed at the eastern extent of proposed Road 11 (i.e. East West Collector Road) to treat water prior to its discharge, east into Claremont Creek.	Yes
3.6	Stormwater management and drainage		
3.7	Water retention basin/dams		



Control	Requirement	Comment	Compliance
		<p>A range of bio-retention and GPTs will be installed in the treatment train to ensure water quality targets set by Council are met.</p> <p>Stormwater runoff generated by the proposal will be directed towards the basin proposed within the Eastern Basin Park, which has been designed to accommodate the predicted flows from residential development across the broader site.</p>	
Part C4 Land Management			
4.1	Site suitability and earthworks	<p>The approach to the proposed site earthworks is proposed under DA 19/0704 to ensure that a suitable drainage network can be established that meets the connects to the broader drainage network.</p> <p>DA 19/0704 will also facilitate the delivery of level, developable residential lots and will provide all necessary civil infrastructure works to service the proposal.</p> <p>Minor building footprint benching is required, that maintains a 1% slope to the Road 01 frontage. Proposed Cut and Fill Plans are detailed by Cardno in Appendix A.</p>	Yes
4.3	Erosion and sedimentation	<p>Temporary sediment and erosion control measures will be employed throughout the construction phase to ensure no detrimental off-site impacts arise.</p> <p>The proposed erosion and sediment control measures to be implemented are provided in greater detail in Cardno's Civil Works Plans (Appendix A).</p>	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 soil condition is proposed to be further investigated prior to the commencement of bulk earthworks on the site proposed under DA 19/0704. Any necessary measures will be implemented under that DA which will in turn inform any minimum construction requirements for the proposed smart lot dwelling houses.</p>	Yes
Part C5 Waste Management			
5.1	Waste Management Plans	Waste Management Plans (Appendix I) for the site has been prepared detailing the types and volumes of waste streams.	Yes
5.2.1	Siting and design of waste bin	Each proposed dwelling house provides sufficient street frontage and space along side setbacks to	Yes



Control	Requirement	Comment	Compliance
	storage areas for residential development	allow for the presentation and storage of bins, respectively.	
Part C6 Landscape Design			
	Landscape design	<p>A landscape plans have been prepared by Creation (Appendix D).</p> <p>The landscape design has included a range of spaces including an active turfed area and undercover patio space. Each dwelling is provided with a medium sized deciduous tree in the north facing front setback along with low hedge and groundcover to the front boundary.</p> <p>The landscape design and proposed materials and finishes will complement the proposed landscape design for the surrounding locality.</p>	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
6.1.3	Neighbourhood amenity and character	The siting and layout of the proposal responds to the existing and desired future landscape character of the locality. As outlined above, the design responds to the surrounding environment, concentrating open spaces and large plantings at the front of the dwelling to provide privacy and enhance the street appeal.	Yes
6.1.4	Site amenity	<p>The proposed landscape details continue the bushland theme proposed for the surrounding locality under DA19/0704.</p> <p>Proposed landscape designs for the individual dwellings provide for complementary plantings to soften the bulk and scale of the new built form and to present a pleasant streetscape setting. Landscape treatments such as paving, fencing as well as shrub and ground cover plantings provide strong delineation of private open space and legible pathways to the entrance of the building from the street.</p>	Yes
6.1.5	Construction	<p>The landscape design for the exhibition village has been prepared by Creation.</p> <p>The Applicant, Lendlease, will deliver the proposed landscape embellishment works concurrently with its proposed subdivision proposal.</p>	Yes



Control	Requirement	Comment	Compliance
Part C10 Transport Access and Parking			
10.2	Traffic Management and Safety	Several road upgrade works are proposed under DA 19/0704 that are designed to facilitate the growth in traffic associated with the broader residential subdivision, such that the proposed dwellings have been satisfactorily considered and accommodated.	Yes
10.5	Parking, Access and Driveways	Each dwelling house accommodates two off street parking spaces in a garage.	Yes
Part C11 Subdivision			
11.1	General subdivision requirements	<p>The proposed subdivision layout has considered the site planning principles outlined in this DCP. The proposed subdivision is subsequent to the layout established under DA19/070, which addressed constraints environmental, bushfire and other constraints.</p> <p>The proposal includes an integrated application that includes the dwelling houses to be constructed on each allotment.</p> <p>The subdivision layout has given consideration to the availability of existing essential services, with confirmation provided by Cardno that the site is capable of adequately being serviced.</p>	Yes
Part C12 Noise and Vibration			
12	Noise and vibration	<p>Detailed consideration and assessment of noise and vibration impacts associated with the proposed lots were addressed under DA19/070 and are reviewed again in Section 4.9.1 below.</p> <p>The Noise Impact Assessment prepared by SLR Consulting (Appendix H) provides a comprehensive assessment of the existing noise environment and considered the potential noise impacts associated predominantly with rail traffic noise.</p> <p>SLR concludes that the proposed development is suitable and would not be adversely impacted on by external noises sources subject to the implementation of recommended noise mitigation measures as part of future detailed built form.</p>	Yes
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 DA 19/0704.	Yes
Part 12.8.1 Preliminary			



Control	Requirement	Comment	Compliance
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 proposal 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	<p>The proposal is considered to address the key performance measures of the SWUV structure as follows:</p> <p>Access</p> <ul style="list-style-type: none"> The proposal integrates with the road network provided under DA19/0704. <p>Land Use</p> <ul style="list-style-type: none"> The proposal will contribute to the overall residential density proposed under DA 19/0704 and is considered to represent a more considered approach to the site's urban renewal that will be more in keeping with the surrounding Werrington community. <p>Stormwater Management</p> <p>The approach to the stormwater drainage design and its functions is outlined on Cardno's Civil Works Plans. The design has been coordinated with the design proposed under DA 19/0704.</p>	Yes
12.8.2.3	Desired future character	<p>The proposed subdivision layout is considered to meet the desired future character of the SWUV precinct. The proposal will add to the diversity of lot sizes and dwelling product.</p> <p>The proposal has been designed in conjunction with the subdivision proposal under DA 19/0704.</p> <p>The design of the proposed dwellings and associated landscaping positively add to the streetscape, whilst providing a high level of amenity to the future occupants.</p>	Yes
12.8.2.4	Dwelling yield	<p>The site lies within dwelling yield sub-precincts B and will contribute to the overall dwelling yield proposed to be delivered under DA 19/0704.</p> <p>In total, a yield of approximately 265 Torrens title residential lots and an additional 111 dwellings as part of future integrated housing DAs and development of the residential apartment building residue lot are identified to be delivered in DA19/0704.</p>	Yes



Control	Requirement	Comment	Compliance
		<p>The proposal subject of this DA reflects the establishment of 26 of the additional dwellings identified as “part of future integrated housing DAs” in DA19/0704.</p> <p>In the context of the broader locality, the proposal is considered to satisfy the minimum dwelling yield for the site in accordance with the DCP.</p>	
Part 12.8.3 Public Domain			
12.8.3.1.4	Vegetation	All required vegetation removal is proposed under DA 19/0704.	Yes
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.	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>Detailed consideration of contamination is provided above in Section 4.4.3.</p>	Yes
Part 12.8.4 Private Domain			
12.8.4.1	Subdivision	<p>The proposed subdivision layout for the site seeks to create generally conventional residential lots that are typically 16.5 m to 17 m in width and 17 m in depth.</p> <p>The lots have been designed to accommodate dwellings, complying with Section 12.8.5 Residential Development Types of the Penrith DCP.</p> <p>The subdivision and associated dwellings have been designed to best locate open space and habitable rooms to make the most of the northern aspect and defend against any adverse conditions associated with the future collector road and land uses to the south.</p>	Yes
12.8.4.2	Site Planning	<p>Principal Private Open Space</p> <p>All dwelling designs propose the principal private open space (PPOS) at the front of the dwellings. These spaces are accessed directly off the living areas. The private open space has been sited to maximise the amenity to the future occupants, capturing the northern aspect and mitigating the impacts of the future road and land uses to the south.</p>	Yes, subject to a minor justified variation.



Control	Requirement	Comment	Compliance
		<p>Garages and Parking</p> <p>All proposed dwellings are designed to accommodate double car garages that are setback a minimum 8m from the front boundary; well in excess of the minimum requirements under the DCP.</p> <p>Garage door openings are proposed at approximately 4.8m. These widths are noted as being undersized compared to that required in the DCP (5.8m for single and double garage door openings, respectively).</p> <p>The minor variation is not considered detrimental to the effective functioning of the garages of each dwelling house and will satisfactorily accommodate two standard passenger vehicles. Further, the proposed design is noted to conform to the standard garage door opening widths presently being delivered in nearby land release areas.</p> <p>Building Footprints</p> <p>A variation to the rear setbacks has been proposed. This has resulted from additional setbacks being proposed to the front boundary. The additional setback to the front boundary has allowed for the siting of private open space away from the future collector road and light industrial activity to the south. As there are no dwellings adjoining the rear boundary of the proposed dwellings, the rear setback does not compromise any adjoining amenity.</p> <p>Side setbacks are sited in accordance with the DCP.</p> <p>Dwelling Design</p> <p>The design of each dwelling provides an address to the street with clear and legible entries. Alfresco areas are provided forward of the building line to take advantage of the northerly aspect and to adjoin the PPOS. These areas are setback 4.2m from the front boundary, with the building line setback 7m from the front boundary.</p> <p>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 garage is recessed behind the main building line of the dwelling house.</p> <p>Visual and Acoustic Privacy</p> <p>The proposed double storey dwellings are designed to include appropriate measures to minimise privacy impacts (i.e. 1.5m sill heights, obscure glazing and balcony orientated to the front or rear boundary).</p> <p>Acoustic measures recommended in SLR Consulting's Acoustic Report (Appendix H) will be incorporated in the detailed design of each dwelling</p>	



Control	Requirement	Comment	Compliance
		<p>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. With the rear fencing to be selected acoustic fence as per the Acoustic Report in Appendix H. A 1.1m high vertical slate powder coated aluminium fence is provided to the front boundary.</p> <p>Site Facilities</p> <p>Side access and double garages are proposed for each dwelling house that will sufficiently cater for waste bin storage requirements.</p> <p>Sufficient space is also provided in the rear setback of each lot to accommodate external clothes drying facilities.</p>	
Part 12.8.5 Residential Development Forms			
12.8.5.7	Build to boundary dwellings	<p>It is recognised that proposal does not include any dwellings constructed to be boundary. The proposal has demonstrated that a suitable level of amenity and logical built form can be established that complies with the build to boundary dwelling requirements – albeit with small setbacks to the adjoining boundary.</p> <p>All proposed lot sizes comply with the minimum lot size and lot with requirements under the DCP, with the smallest lot proposed being 280.8m² and 16.5m in width.</p> <p>All proposed dwellings satisfactorily provide a minimum 40m² of private open space with a minimum dimension of 4m.</p> <p>It is acknowledged the design of the proposed dwellings do not comply with the minimum 50% landscape site coverage control.</p> <p>The non-compliance with the minimum landscape site coverage control is not considered detrimental to the proposal or built form outcomes. Each dwelling house design satisfactorily accommodates the minimum PPOS requirements while providing sufficient soft landscaped area to establish and embellish the front setback that will positively contribute to the streetscape setting.</p> <p>All front, side and rear boundary setbacks comply with the specified requirements in the DCP, with the exception of the rear setback which proposes a 2-3m rear setback.</p> <p>This minor non-compliance results from additional setbacks being proposed to the front setback. Additional front setback provides additional amenity in the terms of direct solar access. The rear of the allotments are considered to be an undesirable</p>	Yes, subject to a justified variation.



Control	Requirement	Comment	Compliance
		location for living spaces and open space due to the adjoining future road and opposite light industrial activity.	

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.

Reasonableness of proposed variations

In accordance with section 4.15(3A) of the EP&A Act and as demonstrated in this SEE and supporting technical documentation, despite providing detached dwellings, the proposal delivers a suitable level of amenity akin to the establishment of built to boundary dwellings.

It is recognised that even in considering the controls relevant to build to boundary dwellings, the proposal fails to meet the prescriptive rear setback requirements. The rear setback has been established as a response to the site specific circumstances. The prescribed 4-8m rear setback is for the provision of PPOS at the rear of the site and to avoid any invasion of privacy on dwellings to the rear.

In the circumstances of this site, adjoining the rear of the site is a future collector road with light industrial uses opposite. A reduced setback to the rear boundary will not unreasonably impact on any dwellings to the rear. Furthermore, a setback of (generally) 7m is provided to the front boundary of the proposed dwellings, which is a 55% increase in the minimum setback control. The additional



setback to the front boundary allows PPOS to be sited in this area, maximising the solar access and siting away from the future busy road and light industrial uses to the south.

The proposed variation to meeting the specified 50% landscape area site coverage requirement for build to boundary dwelling houses is not considered detrimental to the delivery of a satisfactory urban form. The design and siting of each dwelling surpass the minimum PPOS requirement by 15% and provide a front setback that is in 55% in excess of the minimum requirement. The result is that the design afforded the future occupants' high levels of solar access and amenity. Considering there are not dwelling directly adjoining the rear boundary all this is achieved without impacting on any surrounding land uses.

The combination of side setbacks (where build to boundary setbacks would otherwise be permitted) and a varied dwelling design provide variety and interest within the streetscape and does not unnecessarily contribute to building bulk. Each dwelling design is supported by a landscape scheme that will provide opportunities for the establishment of complementary landscaping.

In view of the above, it is considered that the proposal is acceptable. Where the consent authority is of the opinion that the variations proposed under the DA are justified, they should have no hesitation in supporting the proposal.

4.7 Planning Agreements

At present, no VPAs apply to the site.

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

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

4.8 Environmental Planning and Assessment Regulation 2000

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

4.9 Likely impacts of the Development

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

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



4.9.1 Noise Impact Assessment

A comprehensive Noise Impact Assessment was undertaken by SLR (**Appendix H**) as part of the principal subdivision under DA 19/0704 to assess the potential impacts on the proposed residential lots from nearby noise sources, including the Western Rail Line, Great Western Highway and future proposed uses internally within the broader property (i.e. traffic movements along the proposed East West Collector Road and future IN2 zoned industrial land uses).

Background noise monitoring was undertaken nearby external site boundaries to establish the existing background noise environment and to establish the project specific noise trigger levels. These levels are outlined in more detailed in SLR's Noise Impact Assessment. The location of background noise monitoring undertaken is shown below in **Figure 17**.

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

- rail noise impacts were generally limited to the northern area of the site and would not impact on the residue smart lots
- the nearest residential lots are over 450 m away from the Great Western Highway and would be generally shielded by future industrial land uses and result in noise levels less than 50 dBA during the daytime and less than 45 dBA during the night time.



Source: SLR Consulting

Figure 17 Background Noise Monitoring Locations

A worst-case scenario assessment of industrial noise sources and road traffic along proposed Road 11 showed a non-compliance with the daytime amenity criteria for these properties. Accordingly, SLR



recommended mitigation measures (i.e. mechanical ventilation) to ensure the smart lots and future dwelling houses achieve compliance with the relevant amenity criterion as indicated on **Figure 18**.

It is important to note, however, that while an exceedance of the amenity criteria is predicted, this was indicative and based on several assumptions. SLR commented that while physical industrial development is not proposed at this stage, future assessment and consideration of potential industrial noise impacts from the proposed industrial employment lands should be assessed against the project specific noise trigger levels outlined in its Noise Impact Assessment to ensure that background noise environment is not adversely impacted.

SLR conclude that the assessed impacts from potential road and future industrial land uses are capable of being acoustically treated to ensure that the amenity levels of future occupants achieve compliance with the relevant criteria outlined in the Environment Protection Authority's *Noise Policy for Industry* and the Department of Planning, Industry and Environment's policy *Development near Rail Corridors and Busy Roads*.



Source: SLR Consulting

Figure 18 Lots Requiring Façade Upgrades and Mechanical Ventilation

4.10 Suitability of the site

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

4.11 Submissions

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



4.12 Public Interest

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

- The proposal is generally consistent with the planning controls for the Penrith LGA.
- The proposal will provide for the establishment of residential dwellings that provide a diversity of housing product within the surrounding locality.
- The proposal responds to the sites opportunities and constraints by providing a generous front setback, in which the PPOS is, removed from the potentially noisy environment to the south and sited to receive optimal solar access.
- The proposal provides a coordinated approach to the site's urban renewal and delivery of that will positively contribute to the character of the developing locality.



5 Conclusion

This integrated housing DA seeks approval for site preparation (benching), subdivision to create 26 residential lots and the construction of 26 residential dwellings. A

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

As addressed in this SEE, the proposed variations to the minimum landscape area site coverage requirement and verge design of the proposed minor local road are considered to satisfactory in the context of the proposal, such that it is considered that the proposal meets the relevant objectives for the SWUV precinct contained in Council's DCP.

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



APPENDIX A: CIVIL WORKS PLANS



APPENDIX B: ZONE MAPS



APPENDIX C: DRAFT PLAN OF SUBDIVISION



APPENDIX D: LANDSCAPE PLANES



APPENDIX E: ARCHITECTURAL DRAWINGS AND BASIX CERTIFICATES



APPENDIX F: CUMBERLAND PLAIN WOODLAND TEST OF SIGNIFICANCE



APPENDIX G: BUSHFIRE ASSESSMENT REPORT



APPENDIX H: NOISE IMPACT ASSESSMENT



APPENDIX I: WASTE MANAGEMENT PLANS

