

13 November 2020

Our Ref: GLN 11128\_DA 19-0704 Road Relocation

Ms Kathryn Sprang  
Development Assessment Planner  
Penrith City Council  
Penrith Civic Centre  
601 High Street  
Penrith NSW 2750

Dear Ms Sprang,

**RE: DA19/0704 – RELOCATION OF EAST/WEST LINK ROAD  
PROPERTY: 16 CHAPMAN STREET, WERRINGTON**

Reference is made to the above development applicant (**DA**) lodged via the NSW Government's online ePlanning Portal on 3 October 2019 and registered by Penrith City Council (**Council**) on 14 October 2019. This DA seeks consent for site preparation, vegetation removal, bulk earthworks, civil works, construction of roads, the subdivision of land and the establishment of a temporary exhibition village and subsequent amendments undertaken in response to the various requests for information issued by Council in December 2019, May 2020, August 2020 and October 2020.

GLN Planning Pty Ltd (**GLN**) has prepared this correspondence on behalf of the Applicant, Lendlease Communities (Werrington) Pty Ltd (**Lendlease**) in response to ongoing debate around the location of the East/West Link Road in relation to the Land Zone boundary under the *Penrith Local Environmental Plan 2010* (**PLEP**). Despite the location of the proposed East/West Road being founded on sound planning, engineering and legal justification, it is our understanding that Council is no longer willing to support the proposal with the road in the originally proposed location.

This correspondence and attached documentation supports the relocation of the East/West Link Road so that it is consistent with the interface of the IN2 Light Industrial Zone and residential zones. The proposed alignment ensures that the application no longer relies on Clause 5.3 of the PLEP to establish residential land uses on land currently zoned IN2 Light Industrial and as a consequence has reduced the number of residential allotments being delivered. The amended road alignment results in no net loss of employment land.

The consequences of moving the East/West Road further north has impacted the length of blocks in Stage 1B, 2A, 2B, 3, 4A and 4B. The result is that the proposal is amended to provide 33 less residential allotments and provide 3 additional industrial allotments. The proposal now includes:

- 227 x residential allotments,

- 14 x residual allotments for future residential development,
- 17 x light industrial allotments,
- 3 x park/open space allotment to create 2 parks,
- 1 x allotment for conservation.

Throughout the assessment process there have been several updated reports and plans submitted for Council's consideration. For completeness, attached to this correspondence is a comprehensive set of the current plans and reports that have been submitted throughout the assessment process, including those plans prepared to support the relocation of the East/West Link Road detailed in this correspondence. These attached plans/reports include:

- Attachment A – Landowners Consents from
  - Thorndale Foundation as owners of Lot 1 DP527752
  - Wollemi College as owners of Lot 1 DP1176624
  - Western Sydney University as owners of Lot 101 DP1140594
  - Cobham Correction Facility as owners of 1 DP749982
  - Lendlease as owners of Lot 1 DP1226122
  - Transport for NSW as owners of Lot 12 DP734612
- Attachment B – Updated Land Swap Proposal Plans
- Attachment C – Updated Subdivision and Staging Plans
- Attachment D – Updated Civil Plans
- Attachment E - Updated Civil Report and Manuals
- Attachment F – Updated Landscaping Plan
- Attachment G – Traffic Report
- Attachment H – Updated Clause 4.6 Request
- Attachment I – Easement Terms for Substations
- Attachment J – 7 Part Test
- Attachment K - Updated Vegetation Management Plan (only minor wording amendment to align with EPBC approved VMP)
- Attachment L – Updated Construction Environmental Management Plan (only minor wording amendment to align with EPBC approved CEMP)
- Attachment M – Rural Fire Service General Terms of Approval.
- Attachment N – Acoustic Report

The following describes the background to the road relocation and a description as to how the relocation of the road has affected the proposal.

## Background

The site is located within the South Werrington Urban Village (**SWUV**) as established under the Penrith Development Control Plan (**PDCP**). The PDCP requires the delivery of an East/West Link Road to service the greater precinct (see **Figure 1**). The East/West Link Road is to provide separation between the land zoned for employment uses and land zoned for residential uses. The location of the proposed East/West Link Road traverses several properties including:

- Lot 1 DP527752 owned by the Thorndale Foundation,
- Lot 2 DP 1176624 owned by Wollemi School, and,
- Lot 1 DP1226122 owned by Lendlease.



Source: PDCP

**Figure 1 Snapshot of SWUV Structure Plan showing East/West Link Road in Orange Dash**

Lendlease has facilitated agreements with both the Thorndale Foundation and Wollemi College that include a land swap deal. The land swap results in Lendlease owning a corridor of land through existing Thorndale Foundation and Wollemi College owned land to deliver the East/West Link Road. In return Lendlease has gifted land to both the Thorndale Foundation and Wollemi College, which is contiguous to their current operations.

The path of the road and it's intersection with Werrington Road has been created through practical agreements between Lendlease, Wollemi College and Thorndale Foundation that ensure these institutions will not be unreasonably impacted by delivery of a road that will ultimately benefit the entire locality. The road in this location departs slightly from that described in the PDCP (see **Figure 2**), however relocation of the road to strictly align with that in the PDCP compromises the agreement with the Thorndale Foundation and Wollemi College and ultimately results in the abandonment by Lendlease to deliver the East/West Link Road at all. The road in this location must be fixed as per the proposal.



Source: Cardno

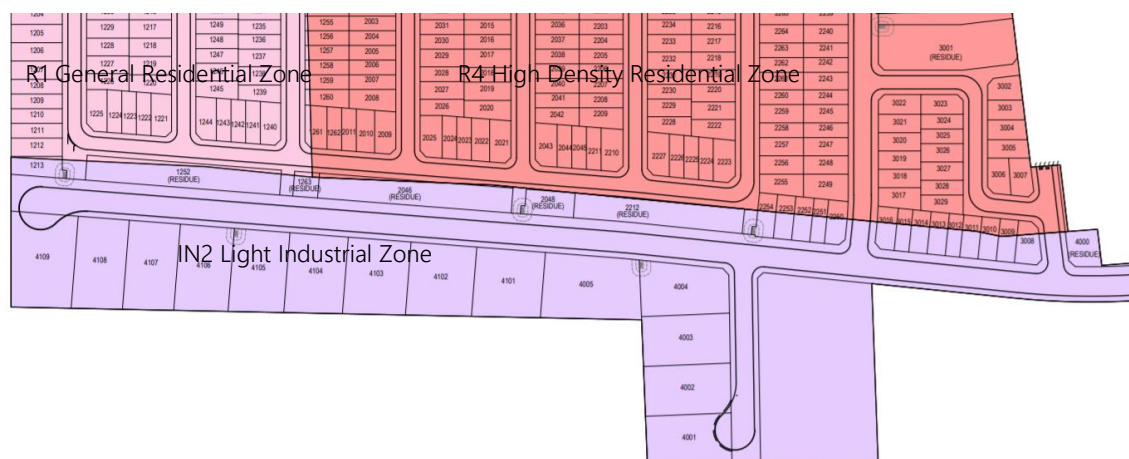
**Figure 2 Proposed East/West Road Alignment vs Link Road Alignment in PDCP**

The remaining length of the East/West Link Road is contained wholly inside the Lendlease land at Lot 1 DP1226122. The original location of the East/West Road was originally informed by the alignment established under existing approvals granted by both Council and the Land and Environment Court as follows:

- 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 by 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 by NSW LEC).

The above consents issued by Council and the NSW LEC established a location for the East/West Link Road that was north of the employment and residential land use zone interface and resulted in several residential allotments being proposed on land that was zoned IN2 Light Industrial and

subsequently being of an area that is below the minimum 2,000m<sup>2</sup> lot size for industrial land (see **Figure 3**). As these proposed future residential allotments were located on land zoned IN2 Light Industrial, the application relied on the flexibility afforded under Clause 5.3 of the PLEP to facilitate prohibited development across zone boundaries and Clause 4.6 of the PLEP to vary the minimum lot size development standard.



Source: Cardno

**Figure 3 Former Subdivision Plan overlaid onto zoning plan.**

Despite previous approvals setting out the East/West Road and suitable justification provided under Clause 5.3 and Clause 4.6 of the PLEP, Council has advised that it would not support the application if it delivered residential development over land zoned for employment purposes. Consequently, the information provided in this correspondence reflects the realignment of the East/West Link Road further north, to the extent where no residential lots are established on IN2 Light Industrial zoned land and to ensure the new alignment closer to the intersection with Werrington Road does not jeopardise the agreement between Lendlease, Thorndale Foundation and Wollemi College.

### **Proposed Relocation**

The aim, as requested by Council, is to relocate the East/West Link Road to ensure that no future residential development would be located on land zoned IN2 Light Industrial. The amended Subdivision Plan is provided in **Attachment C**.

As previously outlined, the location of the East/West Link Road where it intersects with Werrington Road is fixed. There is no opportunity to realign the location of the road which has been developed by ensuring minimal impact on Thorndale Foundation and Wollemi College operations. Because of this, the initial stage of the proposal (land swap stage) remains largely unchanged, with only small amendments required. The initial stage facilitates the intersection of the East/West Link Road and Werrington Road by:

- Creating Lot 102, 104 and 105 from the existing Wollemi College owned land for the future road reserve.
- As a result of creating Lot 102, 104 and 105 – Lot 101 is created on Lendlease's land to be gifted to Wollemi College.

- The proposed intersection will require the dedication of some of the Thorndale's Foundation land as road reserve. As a result of losing this land for the proposed East/West Link Road, Lendlease proposed to create Lot 4000 to be gifted to the Thorndale Foundation.

The revised Land Swap Plans are provided in **Attachment B**.

The major change resulting from the relocation of the East/West Collector Road is the reduction in residential allotments across Stages 1B, 2A, 2B and 3 and the increase in the number of IN2 Light Industrial allotments in Stages 4A and 4B. **Table 1** shows the proposed number of lots as a result of the road relocation along with minimum lot area, width and number of residual lots across the affected Stages. The previously proposed details provided in brackets.

**Table 1 Revised Lot numbers with previously proposed details in brackets**

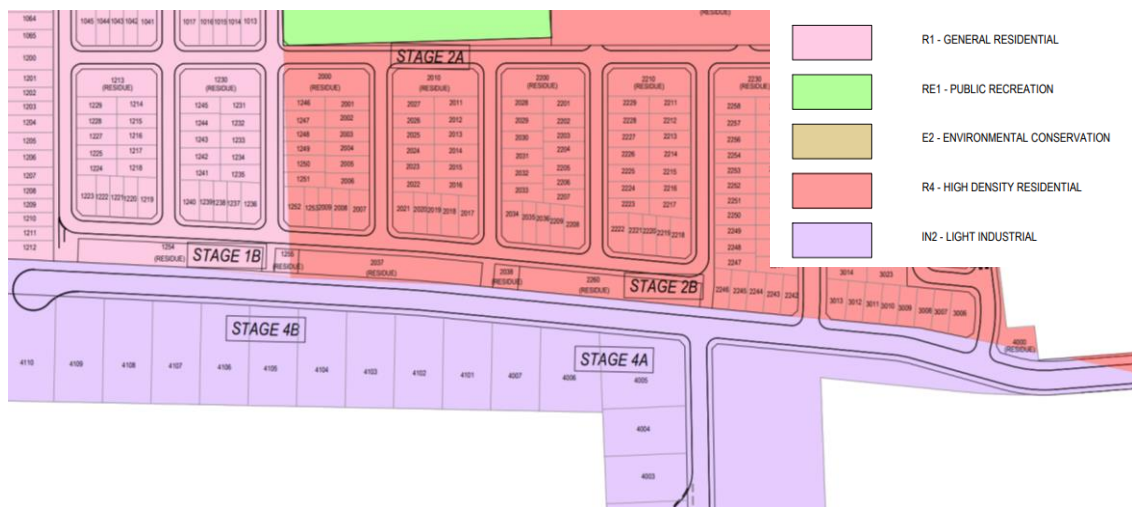
Stage	No. of Lots	Minimum Area (m <sup>2</sup> )	Minimum Width (m)	No. of Residual
Stage 1B	55 (64)	290 (290)	10 (10)	4 (4)
Stage 2A	39 (49)	290.5 (290.8)	10 (10)	4 (4)
Stage 2B	60 (68)	291.3 (290.8)	10 (10)	5 (5)
Stage 3	24 (30)	290 (290)	10 (10)	2 (2)
Stage 4A IN2 Light Industrial Zone	7 (5)	2,000 (2,003)	25 (31.9)	0 (0)
Stage 4B – IN2 Light Industrial Zone	10 (9)	2,252 (2,164)	35 (35)	0 (0)

The proposed relocation of the East/West Link Road does not impact on the fundamentals of the residential subdivision pattern to the north including maintaining the "smart lot" homes under DA20/0200 by deleting lots from within street blocks further within the subdivision. By doing this, the development has maintained the general road layout and design integrity of the subdivision; ultimately limiting residential vehicle access to the East/West Road opposite the IN2 Light Industrial zoned allotments.

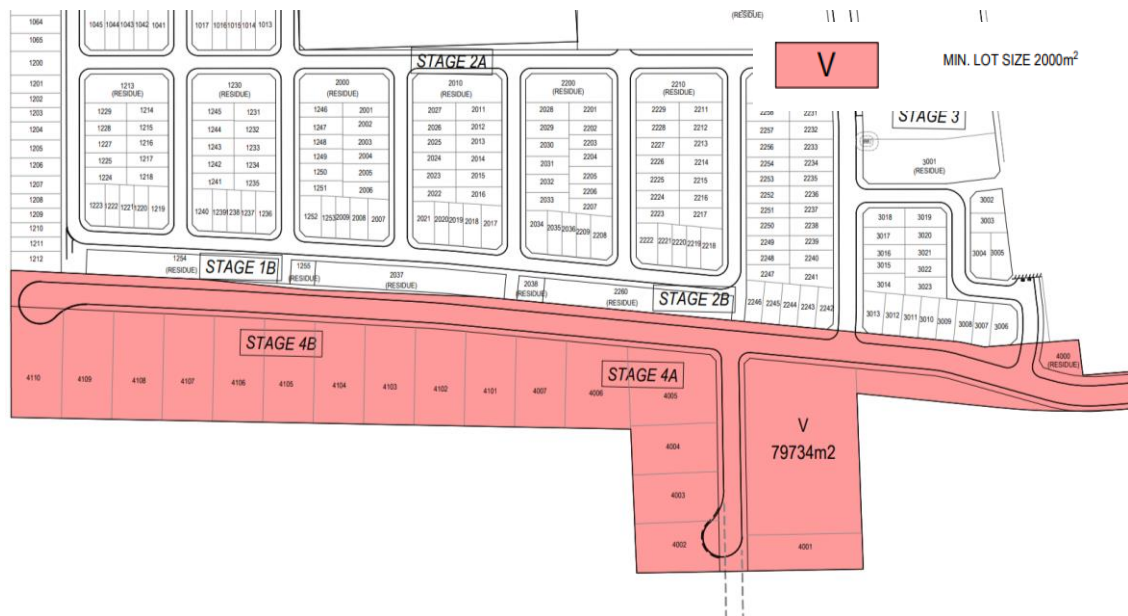
The revised location also ensures that no future allotments will rely on the flexibility afforded by Clause 5.3 of the PLEP to support the delivery of residential development on land zoned IN2 Light Industrial (see **Figure 4**). Similarly, all residential allotments will comply with the minimum lot size, however one proposed residue allotment (Lot 4000, being gifted to Thorndale Foundation) is below the minimum 2,000m<sup>2</sup> lot size. This is despite the fact not the entire lot is zoned IN2 Light Industrial.

A request in accordance with Clause 4.6 of the PLEP has been provided in **Attachment H**, which supports the reduced minimum lot size for proposed Lot 4000.





**Figure 4 Revised Layout overlaid onto Land Zoning Plan**

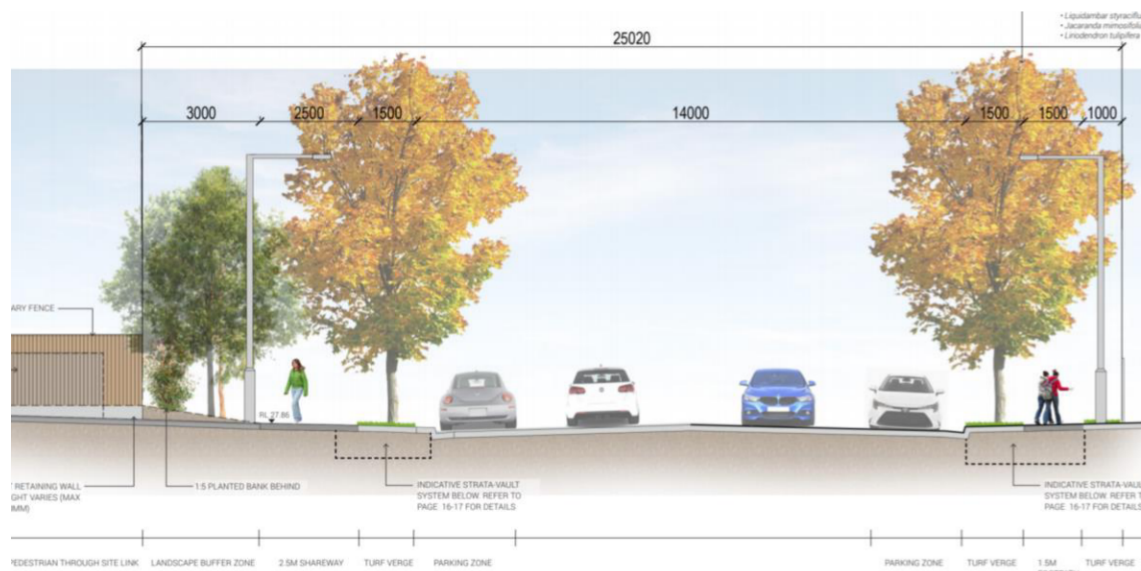


**Figure 5 Revised Layout overlaid onto Lot Size Map**

To support the proposed change requested by Council, the following revised plans and reports have been prepared and are attached to this correspondence:

- Attachment B & C – Amended Subdivision Plans
- Attachment D & E – Updated Civil Engineering Documentation
- Attachment F – Updated Landscaping Plans
- Attachment H – Updated Clause 4.6 Request.

The updated documentation addresses the relatively minor change to the development. The proposal provides for the same arrangements for the East/West Link Road as previously agreed and the width exceeds the minimum requirements in the PDCP (see **Figure 6**).



Source: Place Design

Figure 6 Section of East/West Link Road

The plans also reflect the inclusion of the Asset Protection Zones adjoining the proposed parks, being contained entirely on private land as required by the revised Rural Fire Services General Terms of Agreement dated 28 September 2020. Also provided in **Attachment K** and **L** are amended Vegetation Management Plan and Construction Environmental Management Plan that reflect the amendments to the EPBC Approval required after the RFS required an Asset Protection Zone to be established on Proposed Lot 1000 (Environmental Conservation Lot).

### Summary

The proposed relocation of the road has been undertaken at the request of Council. The proposed relocation has ensured that no residential allotments will be located on land zoned IN2 Light Industrial. The integrity of the design is maintained despite the road relocation. The road was ultimately relocated to ensure that Council would support the proposed development and that the application would be determined at the Planning Panel meeting on the 18 December 2020.

Should you wish to discuss the matter further please don't hesitate contacting Michael Hanisch on 0403 239 230.

GLN PLANNING PTY LTD

**MICHAEL HANISCH**  
**SENIOR PLANNER**





## Attachment A     Land Owner's Consents



## Attachment B     Land Swap Proposal Plans



Attachment

Proposed Plan of Subdivision



## Attachment D    Proposed Civil Plans



## Attachment D Civil Engineering Report and Manuals



## Attachment F      Revised Landscaping Plans





## Attachment G    Traffic Statement



## Attachment H    Clause 4.6 Request



## Attachment I      Easement Terms for Substations



## Attachment J      7 Part Test



## Attachment K      Updated Vegetation Management Plan



## Attachment L Construction Environmental Management Plan





## Attachment M    Revised Rural Fire Services GTAs



## Attachment N    Acoustic Report