



## STATEMENT OF ENVIRONMENTAL EFFECTS

**Staged Residential and Industrial Subdivision  
Lot 1 DP 1226122, Lot 2 DP 1176624, Lot 12 DP  
734612, Lot 1 DP 5277752, Lot 1 DP 749982, Lot  
101 DP 1140594**

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# Statement of Environmental Effects

Staged Residential and Industrial Subdivision

Lot 1 DP 1226122, 16 Chapman Street, Werrington

Lot 2 DP 1176624, 2 Gipps Street, Werrington

Lot 12 DP 734612, 12 Werrington Road, Werrington

Lot 1 DP 5277752, 51 Rance Road, Werrington

Lot 1 DP 749982, 611-651 Great Western Highway, Werrington

Lot 101 DP 1140594, Great Western Highway, Werrington

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## Executive Summary

This amended Statement of Environmental Effects (**SEE**) accompanies an amended Development Application (**DA**) 19/0704, which has been modified in response to Penrith City Council's (**Council**) Request for Information correspondence, dated 20 December 2019.

The proposal, as amended, is lodged on behalf of Lendlease (the **Applicant**) and seeks approval for subdivision and associated civil works at Lot 1 DP 1226122 - 16 Chapman Street, Werrington, Lot 2 DP 1176624 - 2 Gipps Street, Werrington, Lot 12 DP 734612 - 12 Werrington Road, Werrington, Lot 1 DP 5277758 - 51 Rance Road, Werrington, Lot 1 DP 749982, 611-651 Great Western Highway, Werrington and Lot 101 DP 101140594 - 653-729 Great Western Highway, Werrington (the **site**). The site is located within the South Werrington Urban Village (**SWUV**) precinct of the Werrington Enterprise Living and Learning Precinct located within the Penrith Local Government Area.

Approval is sought for tree removal and site preparation works, bulk earthworks and civil works across the site. These works will clear the site and establish the proposed future site levels, facilitate the construction of new roads, including the East-West Collector Road and roundabout on Werrington Road, and new stormwater infrastructure works.

The proposed subdivision will be carried out over several stages and create a total of 259 residential lots, 14 industrial lots, 17 residue lots, 2 RE1 Public Recreation lots, an E2 Environmental Conservation lot and road dedication.

The site is zoned R1 General Residential, R4 High Density Residential, RE1 Public Recreation, E2 Environmental Conservation and IN2 Light Industrial zones in accordance with the *Penrith Local Environmental Plan 2010* (**PLEP 2010**). The proposal is permissible with consent under the PLEP 2010 and complies with the relevant plans and policies applying to the land and the development.

The proposal incorporates minor variations to the South Werrington Urban Village (**SWUV**) road network hierarchy as it applies to the site under the Penrith Development Control Plan 2014 (**DCP**). The variations are considered minor having regard to the master planned approach to the proposed urban outcome for the site and the benefits this will afford. These include:

- the coordinated delivery of a large vacant parcel of land within the SWUV precinct that will provide Council certainty of the broader outcome for the site
- an improved land use and built form transition between future development on the site and the existing residential development within the SWUV community north of the site
- an improved interface between the residential and industrial land use zones
- a more balanced residential density and improved lot variety and opportunities for increased housing diversity and choice
- the coordinated delivery of all essential infrastructure and services across the site, including the planned East-West Collector Road (i.e. proposed Road 11) and a new four-way roundabout on Werrington Road that will provide traffic improvements for the immediate locality
- an improved stormwater management and earthworks regime which provides a holistic solution for the site.



The proposed variations have been assessed against the relevant objectives in the DCP and matters raised by Penrith City Council prior to lodgement. The proposal is considered to still meet the objectives of the SWUV precinct vision and provides a high level of amenity for future and existing residents of the community.

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 for the subdivision of bushfire prone land pursuant to section 100B of the *Rural Fires Act 1997*.

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

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

The SEE concludes that the proposal is acceptable, and it is recommended that Penrith City Council grant development consent subject to appropriate conditions of consent.

# 1 Introduction

## 1.1 Background

GLN Planning Pty Ltd has been commissioned by Lendlease Communities (Werrington Pty Ltd) (the Applicant) to prepare this revised Statement of Environmental Effects (SEE) to accompany a Development Application (DA) for the staged residential and industrial subdivision of Lot 1 DP 1226122, 16 Chapman Street, Werrington with supporting access and infrastructure works occurring on Lot 2 DP 1176624 - 2 Gipps Street, Werrington, Lot 12 DP 734612 - 12 Werrington Road, Werrington, Lot 1 DP 5277758 - 51 Rance Road, Werrington, Lot 1 DP 749982, 611-651 Great Western Highway, Werrington and Lot 101 DP 101140594 - 653-729 Great Western Highway, Werrington (see Figure 1).

The subdivision will be carried out over several stages, the first phase of which will subdivide Lot 1 DP 1226122 and Lot 2 DP 1176624 to create four new lots (i.e. proposed Lots 100, 101, 102 and 103) to facilitate a proposed land swap between Lendlease Communities (Werrington Pty Ltd) and Wollemi College to allow for the coordinated delivery of the East-West Collector Road.

The subsequent subdivision phase proposes the subdivision of proposed Lots 100 and 102 to create 259 residential lots, 14 industrial lots, 17 residue lots, 3 lots comprising land zoned E2 Environmental Conservation zoned and RE1 Public Recreation, with associated civil works.



Source: Cardno

**Figure 1 Proposed Subdivision Masterplan Framework**

The site is located on land identified within the South Werrington Urban Village (**SWUV**) (see **Figure 2**) in the Penrith Local Government Area (**LGA**) and is zoned R1 General Residential, R4 High Density

Residential, RE1 Public Recreation, E2 Environmental Conservation and IN2 Light Industrial zones under *Penrith Local Environmental Plan 2010 (PLEP 2010)*



Source: Penrith Development Control Plan 2014

**Figure 2 SWUV Structure Plan (site shown dashed red)**

Consultation has been held regularly with Penrith City Council (**Council**), including a pre-lodgement meeting held on 15 August 2019 that was supplemented by Council's formal Pre-Lodgement Advice dated 20 August 2019. The matters raised during consultation and in Council's formal advice have been considered thoroughly by the Applicant in finalising the proposed revised masterplan framework for the site. The proposal is considered to have responded to the matters discussed with Council.

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

The Applicant also proposes to enter into a Voluntary Planning Agreement (**VPA**) with Council to provide greater certainty to the timing and delivery of local infrastructure. This VPA is proposed to acknowledge the value of infrastructure that is proposed to be delivered by this DA in satisfying any developer contribution demands generated by the proposal. Separate correspondence to this effect was forwarded to Council on 20 September 2019 and 7 February 2020.

This DA is further supported by a Masterplan Information Pack that includes an indicative master plan for the site, which demonstrates the proposed coordinated approach to the urban renewal of the site. This includes the proposed approach to the future development of the proposed IN2 zoned

employment lands and residue integrated housing DA lots. This additional documentation has been provided under separate cover for information purposes only and does not form part of this DA.

## 1.2 Development History

In considering this DA, it is also important to have regard to the development history of the site and land surrounding, including the recent DA's lodged by the Applicant on the site, the former non-master planned approach to the site's urban renewal, the approved residential density and diversity and infrastructure proposed.

Determinations relevant to the proposal are outlined further below.

### 1.2.1 16 Chapman Street, Werrington

#### **Lendlease Communities (Werrington) Pty Ltd**

- DA 20/0081 – 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 – 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.

These new DAs demonstrate the Applicant's proposed coordinated development and delivery approach for new works and infrastructure across the site in conjunction with the broader master planned vision. The proposed works will facilitate the delivery of new public recreation spaces, conservation land, and the establishment of a Display Village in accordance with the subdivision layout proposed under this DA.

A future Integrated Housing DA is also proposed to be lodged with Council in April 2020 following the Applicant's formal Pre-Lodgement Meeting held 4 March 2020 for its proposed Smart Lot dwelling house product. The future Integrated Housing DA is anticipated to comprise the following:

- construction of 26 detached dwelling houses on proposed residue Lots 1252, 1263, 2046, 2048 and 2212 (i.e. Smart Lots) and ancillary landscaping and services
- concurrent Torrens title subdivision to create 26 residential allotments.

The lodgement of this future DA is intended to support the proposed residue Lots 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.

### **Universal Property Group**

- 14/0627: STAGE 1 – Subdivision to create 85 x residential lots and 2 x residue lots, Torrens title subdivision and associated road construction, earthworks and drainage works. (approved by Council on 15 February 2016)
- 16/1148: STAGE 2 – Subdivision to create 94 residential lots and 1 superlot, including roadworks, stormwater drainage, street tree planting and landscaping (approved 22 December 2017 (NSW LEC)).
- 16/0789: STAGE 3 – Subdivision and construction of 3 residential flat buildings (95 units) with associated basement car parking, drainage and landscape works (approved on 1 November 2017 (NSW LEC)).

The three previous approvals granted over the site provide for the delivery of conventional Torrens title residential lots across the western half of the site and a residential apartment building development to the north of the RE1 Public Recreation zoned Central Reserve. The approved Torrens title lot sizes range between approximately 285 m<sup>2</sup> to 600 m<sup>2</sup>, with larger lots approved in the west of the site capable of accommodating double the residential yield through the construction of dual occupancy dwellings.

The approved 274 dwelling yield (or 359 with the addition of dual occupancy dwellings) was only planned to be serviced by a single detention basin located in the eastern RE1 Public Recreation zoned land to the east of the site. No other substantial infrastructure was proposed under these approvals that would benefit the SWUV precinct.

To alleviate potential detrimental impacts associated with the forecast residential density, Council imposed a condition of consent on DA 14/0627 requiring the construction of a new roundabout at the intersection of Rance Road and Werrington Road.

The approval strategy taken failed to provide a long-term master planned outcome for the site or any certainty to the delivery of infrastructure required to unlock the SWUV precinct, including the final alignment and construction of the East-West Collector Road.

An unofficial master plan prepared by the Applicant of the previous DA approvals foreshadowed the delivery of a further 864 dwellings comprising of a mix of apartments and dual occupancy dwellings. This planned approach would have provided a total site yield up to approximately 1,200 dwellings, with no commitment to delivering any further local road network upgrades or connection of the East-West Collector Road to Werrington Road.

### 1.2.2 25 Rance Road, Werrington

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

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

The approval provides generally two different lot sizes, being 225.03 m<sup>2</sup> and 209.51 m<sup>2</sup>, all under 9m in width.

### 1.2.3 1 Water Street, Werrington

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

An application for a Place of Public Worship (**PPW**) is understood to have been refused by Council under delegation for a number of reasons, including but not limited to, impacts relating to traffic, parking and the inability to provide safe and efficient access to the site.

Additionally, Roads and Maritime Services (**RMS**) refused to provide support for the PPW proposal, pursuant to clause 104 Traffic-generating development of *State Environmental Planning Policy (Infrastructure) 2007* (**Infrastructure SEPP**), as safe access to the site could not be provided.

The delivery of the proposed East-West Collector Road (i.e. Road 11), North-South Road (i.e. Road 10/12) and new Werrington Road roundabout as part of this DA will improve the performance of the local road network. The new road infrastructure will benefit the local SWUV precinct and provide for improved accessibility opportunities to surrounding sites within the SWUV precinct but outside the extent of this DA.

## 1.3 Purpose of Report

This SEE has been prepared in accordance with Schedule 1 of the *Environmental Planning and Assessment Regulation 2000* (**EP&A Regulation**) for the purposes of:

- demonstrating that the environmental impacts of the development have been considered; and

- outlining steps to be undertaken to protect the environment or to lessen any expected harm to the environment.

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

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

## 1.4 Type of development Application

This development is lodged in accordance with Part 4.12 of the *Environmental Planning & Assessment Act 1979* (**EP&A Act**) proposing the staged subdivision of the site and associated site preparation works, bulk earthworks, road construction and civil works. The proposed works are considered 'development' in accordance with Part 4 of the EP&A Act.

The proposal's capital investment value is \$31.4 million. In accordance with subsection 20(1) and clause 2 of Schedule 7 *State Environmental Planning Policy (State and Regional Development) 2011* (**SRD SEPP**), the proposal is declared to be regionally significant development. The Sydney Western City Planning Panel is therefore the relevant consent authority for this DA.

It is noted, the Applicant has offered to enter into a VPA and 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. A detailed breakdown of the proposed cost of works is provided at **Appendix A**.

The DA is not considered 'designated' or 'State significant' development under the EP&A Act or EP&A Regulation.

The DA involves the subdivision of bushfire prone land and a Bush Fire Safety Authority is required under the *Rural Fires Act 1997* (**RF Act**). The DA constitutes Integrated Development pursuant to clause 4.46 of the EP&A Act and should be referred to the Rural Fire Service (**RFS**) for General Terms of Approval (**GTAs**).

The DA should also be referred to the RMS pursuant to clause 104 of the Infrastructure SEPP within 14 days of the DA lodgement as it involves subdivision of more than 200 lots and the construction of new public roads.



## 2 The site and locality

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

### 2.1 Site location

The site is situated in the suburb of Werrington within the Penrith Council Local Government Area (LGA), as illustrated below within **Figure 3** below.



Source: [www.nearmap.com](http://www.nearmap.com), 2019

**Figure 3 General Site Location**

In a regional context, the site is located approximately 7 km east of Penrith Central Business District (CBD) and 50 km west of Sydney CBD. Werrington Station is located approximately 200m north of the site and the Western Sydney University (WSU) Werrington North Campus located to the west and a common boundary with the site.

As illustrated in **Figure 4**, land surrounding the site comprises a mixture of land uses, with low and medium density residential development located between the site's northern boundary and the Western Rail Line. To the immediate south of the site lies the Cobham Juvenile Justice Centre, while to the southeast lies the ground of Wollemi College educational establishment. To the east of the site beyond Werrington Road lies existing regional recreational open space grounds at The Kingsway.

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





Source: Lendlease

**Figure 4** Surrounding development

## 2.2 Site Description

The land subject of this DA is legally described as Lot 1 DP 1226122 - 16 Chapman Street, Werrington, Lot 2 DP 1176624 - 2 Gipps Street, Werrington, Lot 12 DP 734612 - 12 Werrington Road, Werrington, Lot 1 DP 5277758 - 51 Rance Road, Werrington, Lot 1 DP 749982, 611-651 Great Western Highway, Werrington and Lot 101 DP 101140594 - 653-729 Great Western Highway, Werrington (see Figure 5). The site of the subdivision is irregular in shape and has a total area of approximately 28 hectares (ha), the majority of which lies within the boundaries of Lot 1 DA 1226122. The additional area of the site identified within Lot 2 DP 1176624, Lot 1 DP527752 and Lot 12 DP 734612 provides a key corridor of land required to facilitate the delivery of the East-West Collector Road and its connection to Werrington Road. Lot 1 DP749982 and Lot 101 DP1140594 will contain infrastructure and some other minor works to support the greater subdivision.

The site comprises several road frontages, including an 80 m frontage to Chapman Street, 100m frontage to Walker Street and small frontage to Werrington Road on Lot 2 DP 1176624 which currently provides pedestrian access to Wollemi College.

The site generally grades from south west to north east, with grade ranging between 0.5 % to 8 %, but on average 1 % to 4 %. The site is undeveloped and is predominantly covered in grasses. The site also comprises a large stand of native vegetation through the centre of the site and along the northern boundary of the site.

A vegetation assessment undertaken by Niche Environment and Heritage (**Niche**) as part of this DA concluded that the site comprises 6.6 ha of Cumberland Plain Woodland (**CPW**) in two condition states:

- a relatively intact community in moderate condition

- a derived native shrubland form of the community.



Source: [www.nearmap.com](http://www.nearmap.com), 2019

**Figure 5** Aerial photo of site and surrounding area

## 2.3 Surrounding locality

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

- To the north of the site is R3 Medium Density Residential zone land, comprising a mix of low and medium density housing. Werrington Station on the Western Rail Line is located further north.
- Adjoining the site to the immediate west is the WSU, while the TAFE NSW Kingswood Campus is located approximately 1.8 km southwest and the Nepean Hospital lies 3.4 km 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, 3.1 km east of the site.
- Adjoining the site to the south is the Cobham Juvenile Justice Centre and Wollemi College. Claremont Meadows Public School lies approximately 1.5 km south of the site and the new Caddens Hill residential estate lies approximately 2 km to the southwest of the site.

## 2.4 Amenity

The proposed subdivision and road layout have been developed to ensure future occupants are provided with the highest levels of amenity. The subdivision layout proposed provides high levels of

accessibility to existing and future public transport, with all areas of the subdivision layout within a reasonable walking distance from the existing Werrington Station and future identified collector/north-south road bus route. The proposed new East-West Collector Road will act as a physical point of transition between the IN2 Light Industrial zoned land and adjoining residential zoned lands. This collector road also provides a suitable separation between the land uses to assist in minimising any potential amenity impacts.

The facilities proposed to be provided within the site will also be highly accessible to support the needs of future occupants and those within the existing Werrington community. These facilities include open space areas, new shared paths and improved connections to the existing Werrington community. The subdivision layout also maximises density closer to open space areas and Werrington Station that will assist with encouraging increased activities and the creation of a vibrant community.

Lendlease also proposes to embellish the subdivision with compensatory street tree planting within the local road network to complement the existing nature vegetation retained within the Central Reserve and E2 Environmental Conservation land at the north of the site.

## 2.5 Services

Essential development enabling infrastructure including potable water, waste water, electricity and communications, is available for 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 at **Appendix B**.



### 3 Proposed Development

The proposed DA seeks approval for a staged residential and industrial subdivision at the site that comprises of the following:

- 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
- subdivision of Lot 1 DP 1226122 and Lot 2 DP 1176624 into four proposed lots (i.e. proposed Lots 100, 101, 102 and 103)
- staged subdivision of proposed Lots 100 and 102 to create:
  - 259 residential lots and 16 residue residential lots
  - 14 industrial lots
  - 3 lots comprising two future RE1 Public Open Space parks and an E2 Environmental Conservation lot
  - a residue lot to accommodate the future extension of Chapman Street west into WSU.

Each component is described in more detail in the sections below. A Civil Engineering and Infrastructure Report and draft Operation and Maintenance Manual, Civil Works Plans and Draft Subdivision Plans are provided at **Appendix B**, **Appendix C** and **Appendix D** that detail the proposed earthworks, road and civil works, subdivision layout and subdivision staging. These

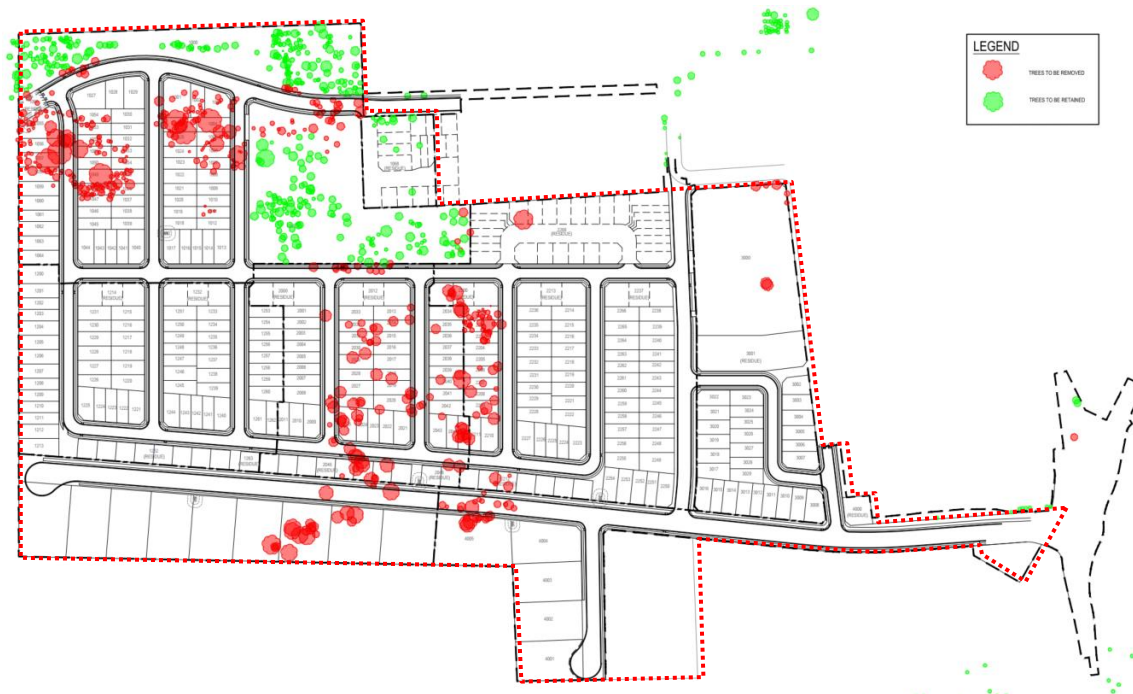
#### 3.1 Site Preparation Works

Approval is sought for vegetation clearance works from identified activity areas within the site to facilitate the proposal (see **Figure 6**). This will include approximately 5 ha of moderate condition and derived native shrubland CPW from the footprint of the future proposed industrial employment area, Stages 1A and 2A and the footprint of the stormwater detention basin within the Central Reserve. The existing CPW within the E2 Environmental Conservation zoned land (approximately 0.7 ha) and the remaining CPW within the boundary of the Central Reserve will be retained (approximately 0.9 ha) and protected.

A Tree Removal Plan is provided at **Appendix D**.

For the purposes of this DA, the *Threatened Species Conservation Act 1999* (**TSC Act**) continues to apply pursuant to the *Biodiversity Conservation (Savings and Transitional) Regulation 2017*. Accordingly, Niche has prepared a 7 Part Test (**Appendix E**) that assesses the significance of impact associated with the proposed vegetation removal. Niche details that the existing CPW within the site

forms part of a larger local occurrence of CPW approximately 15.3 ha in size. It was concluded that the proposed removal of approximately 5 ha of CPW from the broader local occurrence would not have an adverse impact on either the extent or composition of CPW and that in this instance a Species Impact Statement (**SIS**) would not be required.



Source: Cardno

**Figure 6 Proposed Tree Removal Plan**

During site preparation works, appropriate measures will be implemented on site to minimise the off-site transfer of dust, air quality and noise impacts by:

- erecting construction fencing along the perimeter of the site to prevent access and minimise the transfer of noise emissions during site works
- ensuring all material removed from the site is recycled or taken to a licensed waste facility.

## 3.2 Bulk Earthworks

### 3.2.1 Cut and fill

Approval is sought for cut and fill works across the site and ground contouring to grade the site to facilitate road formation, drainage and level allotments for future dwellings. **Figure 7** details the proposed extent of cut and fill across the site, with all efforts having been made to limit the use of engineered structures to provide a balanced outcome where the stormwater drainage requirements of the locality are addressed while offering useable open space facilities and level developable residential allotments.



Source: Cardno

**Figure 7 Proposed Cut and Fill Plan**

A total of 51,981 m<sup>3</sup> cut and 295,817m<sup>3</sup> fill is proposed, requiring the importation of a balance of 243,836m<sup>3</sup> of material from off site sources. The extent of fill required has been dictated by the existing topography and the requirement to ensure the site is safely drained to the designated stormwater detention basins located in the Eastern Basin Park and Central Reserve. Ground contouring works are also proposed to refine levels for roads and final lots for future residential and industrial development.

Proposed residue Lots 1252, 1263, 2046, 2048 and 2212 have been raised above the finished level of the adjoining proposed Road 11 to provide a deliberate level change. The proposed level change has been designed to help separate the residential and industrial land uses to ensure amenity, privacy and security for these future residential properties is achieved.

Further details of the proposed extent of cut and fill and proposed site levels are detailed in the Civil Engineering and Infrastructure Report (**Appendix B**) and Civil Works Plans (**Appendix D**).

To ensure imported fill is appropriate for reuse in residential applications, a Fill Management Protocol (**FMP**) (**Appendix F**) has been prepared by Douglas Partners for this DA. The FMP details the requirement for any fill imported to be either virgin excavated material (**VENM**) or excavated natural material (**ENM**). In addition, all material imported, and their sources, will be required to be:

- validated as being suitable, from a contamination standpoint, for use on residential sites
- appropriately tested, particularly for use in the top 2m on site
- approved by Lendlease and their nominated environmental consultant on a case by case basis prior to its acceptance on-site

- not contain particle sizes greater than 150mm to avoid issues during site compaction.

### 3.2.2 Retaining walls

A series of retaining walls are proposed throughout the site, the location of which are illustrated in the Civil Works Plans at **Appendix D**. Retaining walls are proposed to be provided as follows:

- along the southern boundary with a maximum height of 2.5m
- along the western boundary, tiered with a gross maximum height of 1.8m
- along the southern interface of the Central Reserve with proposed Road 5 and eastern interface with proposed residue Lot 2268, up to 2m
- along the northern boundary of proposed residue Lot 2268 adjacent to existing town house dwellings, with a maximum height of 1m
- throughout the subdivision layout between proposed lot boundaries and footpaths, ranging in height between 0.5m to 1.5m
- along the interface between the proposed Road 11/industrial employment lands and residential land, with a maximum height of 1.2m.

A proposed diversion bund will be constructed along the western boundary within WSU's property to capture and convey overland flows from this land northward to new stormwater infrastructure proposed in Chapman Street. A new 1:4 batter will then be provided that chases the hillside within WSU's property to best retain the natural boundary conditions. Land owner's from WSU's for the construction and delivery of these drainage works on their land have been provided and accompany this DA package.

Supporting these works and to facilitate developable lots, retaining walls are proposed to be constructed within the rear of properties along the western edge of the site. Where required, tiered retaining walls will be provided and will be offset from rear boundaries.

To mitigate against the impact of tiered retaining walls along the rear of these residential lots, their depths have been increased to 35m, appropriately 5m greater in depth than typical lot depths proposed under this DA. This will ensure that future built form can be satisfactorily sited and usable rear private open space provided. Where Council are concerned that future works permitted without consent on these western lots could further exacerbate level differences, the Applicant does not object to a restriction being placed on the title of proposed Lots 1057 – 1213 (inclusive) that would allow any alteration to retaining walls proposed under this DA or allow any works that would result in any site level changes that impact on the amenity of adjoining properties.

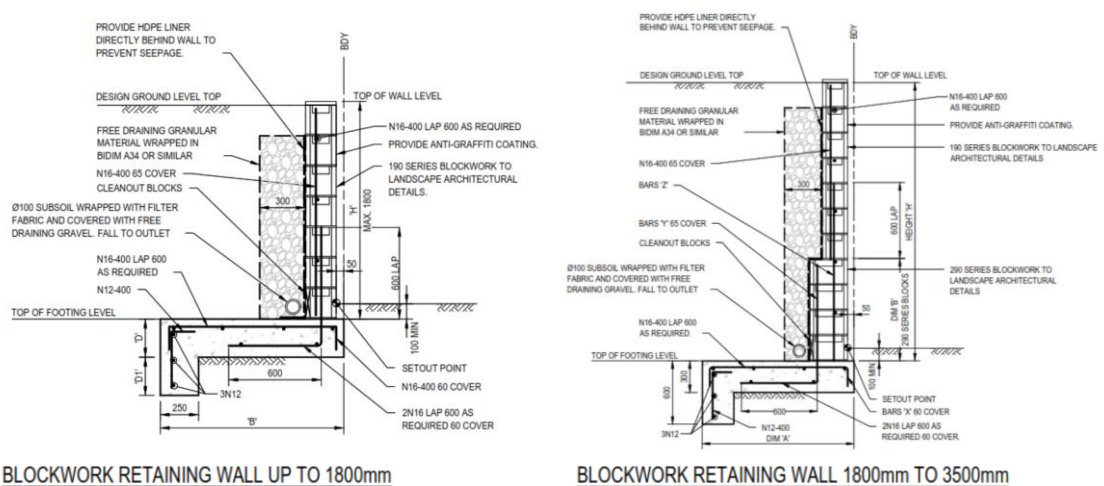
The proposed retaining wall to be constructed along the boundary between the industrial employment land and residential land is proposed to be complemented with landscape planting along the northern verge of proposed Road 11. This landscape planting will help soften the retaining wall and associated residential fencing constructed on top and to improve the visual amenity of the residential lots when viewed from the industrial employment precinct.

A new retaining wall is also proposed along the common boundary with the Cobham Juvenile Justice Centre up to 2.8m in height. Future industrial built form would be subject to separate DAs and would

be constructed along the rear of these allotments, providing for increased security along the common boundary between the two properties. To increase security and privacy measures between the two sites, the Applicant proposes to impose positive covenants and restrictions on the titles of the proposed industrial allotments that would:

- require 3m high fencing of solid construction to be built along rear common industrial lot boundaries where no industrial built form is proposed
- require any future window orientated towards Cobham Juvenile Justice Centre to have a minimum sill height of 1.5m above the finished floor level.

All retaining walls will be constructed using a masonry finish to provide a pleasing finish throughout the subdivision and will be constructed generally in accordance with the details as set out in **Figure 8** below and **Appendix D**.



Source: Cardno

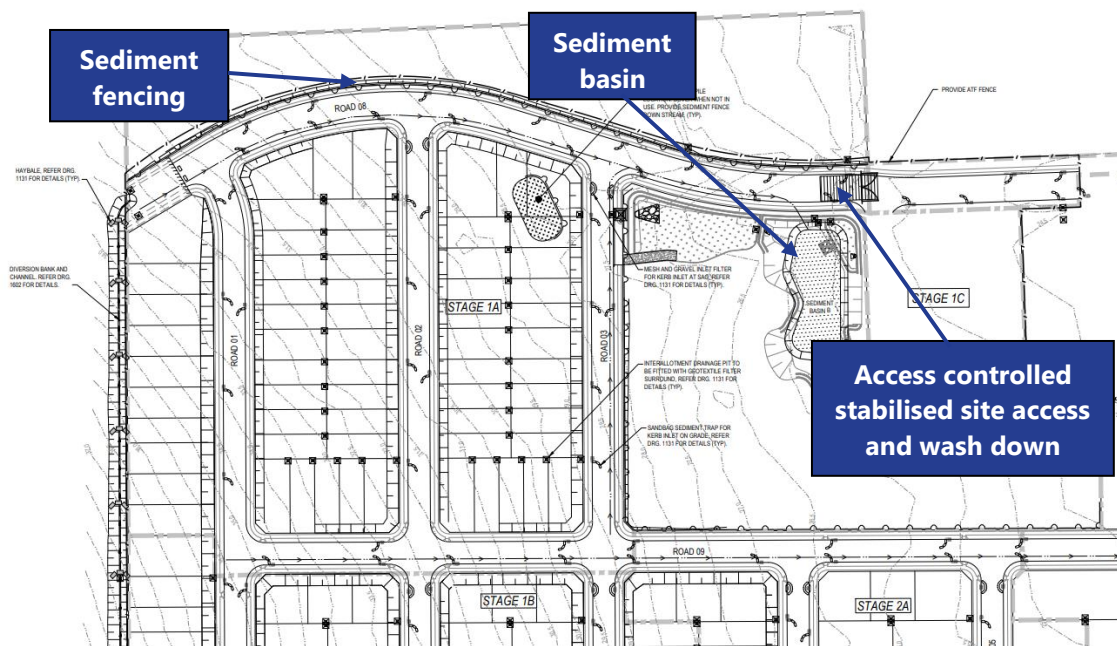
**Figure 8 Proposed Retaining Wall Construction Details**

### 3.2.3 Sediment and erosion control

During site works and civil construction works, sediment and erosion control measures will be implemented and maintained by Lendlease. As outlined in the Civil Engineering and Infrastructure Report (**Appendix B**) and as detailed in the Civil Works Plans (**Appendix D**), 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 near areas of minimal cut and fill and use of appropriate covers and containment measures
- establishment of temporary sediment basins.





Source: Cardno

### Figure 9 Example of Proposed Sediment and Erosion Control Measures

### 3.3 Roads and Civil Works

### 3.3.1 Roads

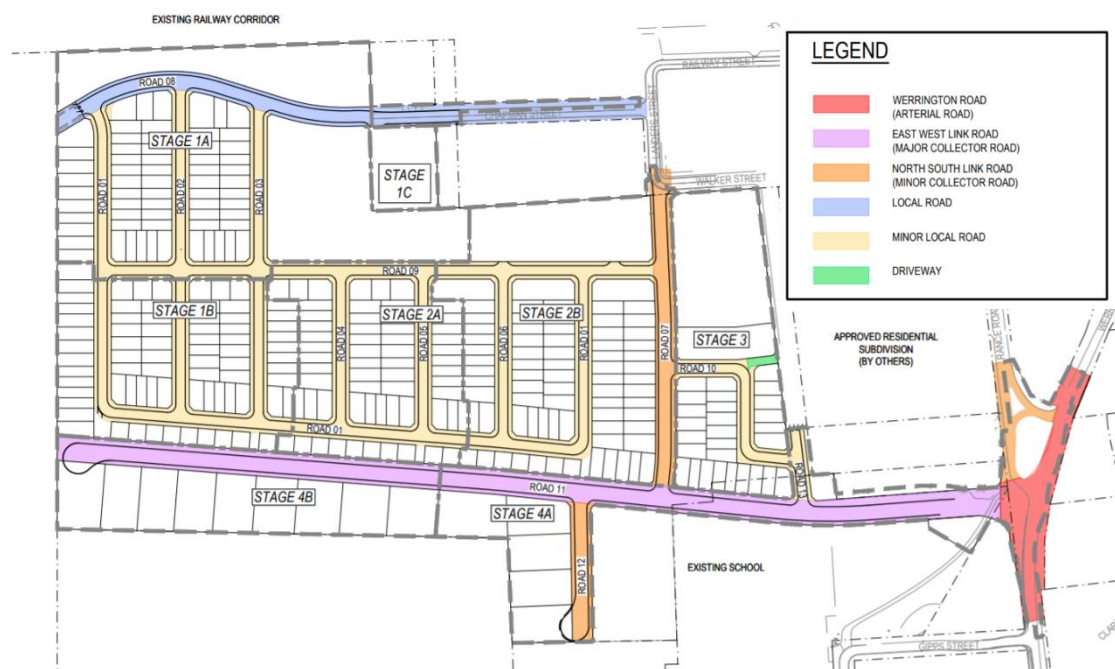
The DCP specifies a road network hierarchy that applies to the site and identifies the requirement for a major and minor collector roads and network of local roads, generally arranged in a grid structure. The alignment of the major collector road (i.e. East-West Collector Road/proposed Road 11) provides a physical separation between the residential and industrial zones land within the SWUV precinct (see **Figure 10**).

The proposal will include the staged construction and dedication of all public roads within the site, generally in accordance with the road network hierarchy specified in the DCP. Importantly, the proposal will deliver the East-West Collector Road, North-South Road (i.e. minor collector road) and a local road network that is aligned in a grid pattern and provides high levels of permeability throughout the site (see **Figure 11**).



Source: Penrith Development Control Plan 2014

**Figure 10 SWUV Road Network Hierarchy**



Source: Cardno

**Figure 11 Proposed Road Hierarchy Plan**

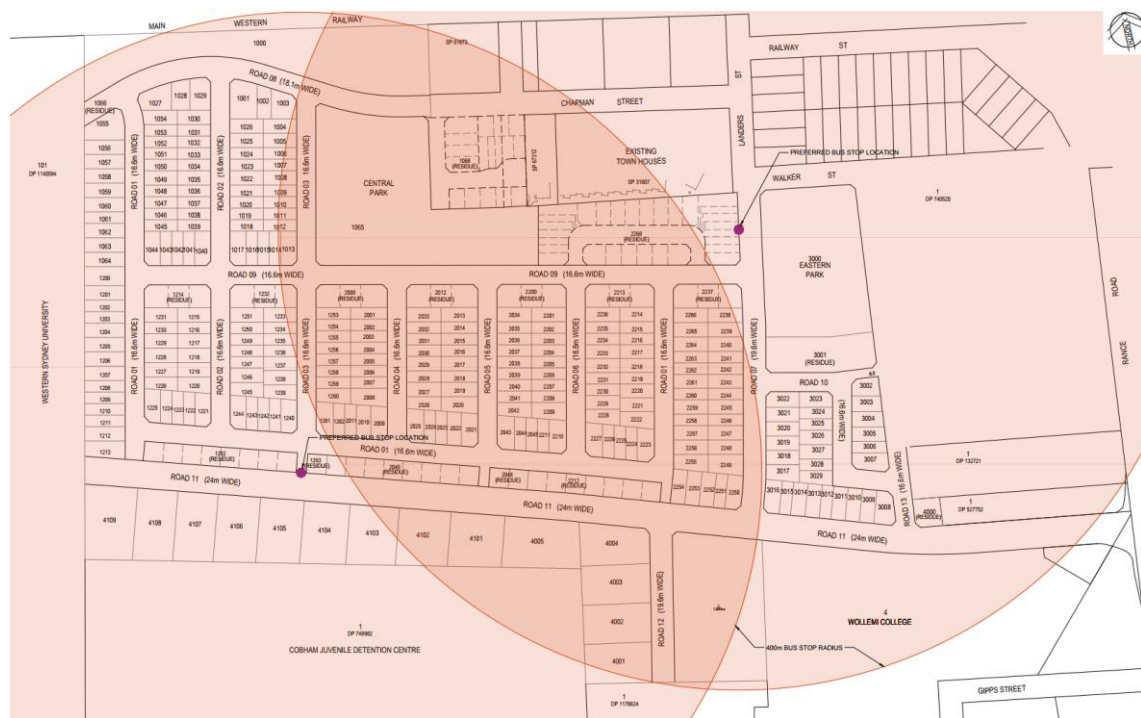
In addition to the proposed local road network within the site, the following additional road works are proposed as part of this DA that will provide significant benefits to the SWUV precinct and broader regional road network:

- road upgrades along Chapman Street between the site boundary and Landers street comprising of half road construction and road resurfacing
- staged construction of a new roundabout on Werrington Road, which will provide an ultimate four-leg design at the time of its connection to Road 11.

The design of the road network has had regard to Austroads 2006 vehicle standards in determining the required carriageway width to ensure that vehicles could satisfactorily negotiate turns. Where necessary, appropriate regulatory signage and kerb blisters will be provided to ensure turning areas are free from parked or stationary vehicles and to control traffic directions.

Road grades have been designed to generally comply with Council's requirements, with a cross-fall of 3% and minimum and maximum grade between 0.7% and 10%.

Consideration has also been given to the location of future bus stop locations within the site that would further service the broader precinct. As illustrated below in , the potential location of two bus stops would satisfactorily service all future residential and industrial land uses and provide the capability of connecting with Werrington Station. The proposed permeable street layout would further improve accessibility to and from bus stop locations within the precinct.



Source: Cardno

**Figure 12 Indicative Bus Stop Locations**

- A summary of the proposed road design characteristics are provided in
- 

Table 1 and in greater detail in the Civil Works Plans at **Appendix D**.

**Table 1 Proposed Road Network Characteristics**

Proposed Road/Design	Type	Proposed Road Reserve Width and Length	Carriageway Width	Verge Width
Roads 1, 2, 3, 5 – 9, 13 and 15	Minor Local Road	16.6m	9m	3.8m on either side, including 1.5m footpaths.
Road 16 (i.e. Chapman Street extension)	Local Road	18.1m	11m	3.8m wide verge on southern side, including 1.5m footpath.  Reduced 3.3m wide verge on northern side adjacent to E2 zoned land, including 1.5m footpath.
Road 10 (i.e. North-South Road in residential land)	Minor Collector Road	19.6	12m	Widened 4.8m verge on eastern side, including 2.5m shared path.  Reduced 2.8m verge on western side, with no provision made for a footpath.
Road 12 (i.e. North-South Road in industrial land)	Minor Collector Road	19.6m	12m	3.8m on either side, including 1.5m footpaths.
Road 11 (i.e. East-West Collector Road)	Collector Road	24m	14m	4m on southern side, including 1.5m footpaths.  6m on northern side, including a 2.5m shared path and 2m wide buffer planting.

The proposed road network will be delivered in stages, with initial access to the existing public road network provided at the completion of Stage 1A. Further site access to the public road network will be provided at the completion of Stage 2B.

Proposed Road 11 will be delivered in two stages, with the initial works undertaken during Stage 4A that will also provide the site and adjoining SWUV precinct properties with connections to the proposed new Werrington Road roundabout intersection.

### **East-West Collector Road**

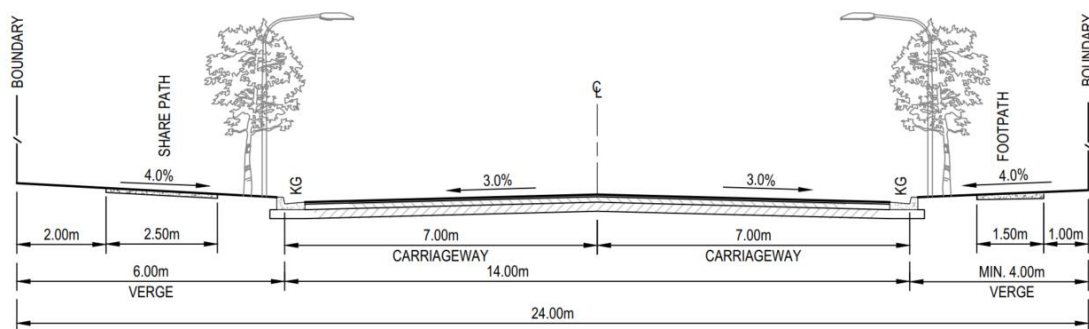
The alignment of Road 11 and its design is generally in accordance with Council's DCP, with the western half of the alignment consistent with the previous approvals granted over the site. The eastern extent of the alignment is proposed to be straightened and results in no adverse impacts to the surrounding road network and enables its connection to the fourth leg of a proposed new roundabout on Werrington Road.

The proposed alignment also minimises potential impacts on existing properties and minimises the extent and requirement for land acquisition associated with the road's delivery.

The proposed design of Road 11 accommodates a 24m wide road reserve, incorporating a 14m wide carriageway (see **Figure 13**). The design varies slightly from the DCP and proposes a reduced 4m verge on the southern side, including a 1.5m footpath. To compensate, an increased northern verge width is proposed that will accommodate a dedicated, off-street shared path 2.5m in width with an associated 2m of buffer planting.

The location of the shared path on the northern side of the road corridor removes the potential for conflicts between industrial vehicle movements and pedestrians/cyclists, which is seen as a positive outcome and will significantly help in encouraging walking and cycling mode share movements along this road corridor in the future. Suitable pedestrian amenity is still retained along the southern verge with the provision of a standard 1.5m wide footpath.

Proposed Road 11 will be provided with a temporary turning head at the western edge of the site, located within proposed Lot 4109, and will be maintained until such time as WSU develop their adjoining land holdings and the alignment of the East-West Collector Road is continued.



Source: Cardno

**Figure 13 Proposed Collector Road Cross Section**

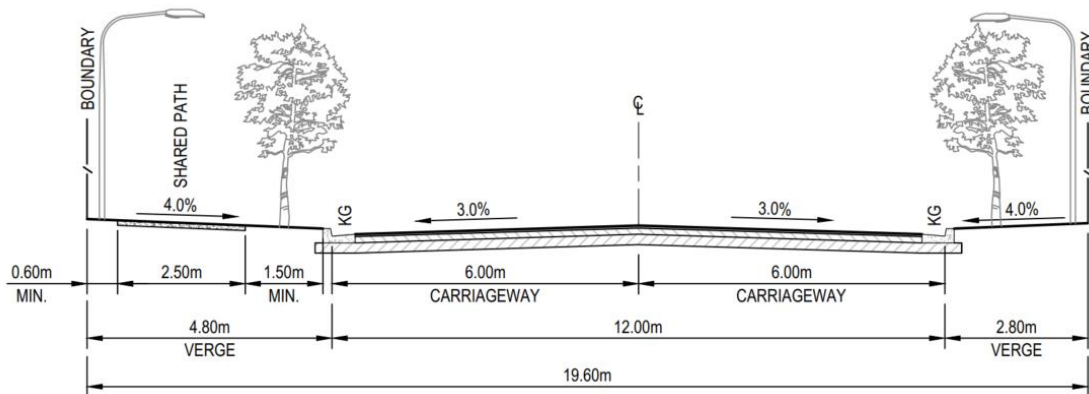
### North-South Road

The alignment of the North-South Road (i.e. proposed Roads 10 and 12) is proposed generally in accordance with the DCP. The straight through connection is proposed to take a slight dog-leg alignment at its intersection with Road 11, though still maintains the connections envisaged under the DCP and offers future opportunities for the development of SWUV precinct to the south of the site and its ultimate connection through to the Great Western Highway.

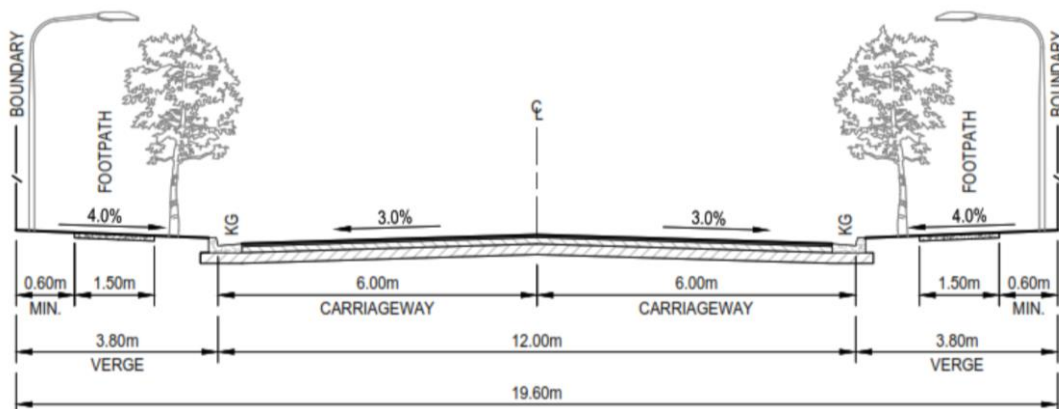
As illustrated in **Figure 14** and **Figure 15** the proposed road reserve and carriageway widths are consistent with the 19.6m and 12m prescribed in the DCP. The Traffic Impact Assessment (TIA) prepared by Cardno (**Appendix G**) also confirms the slight misalignment of the minor collector road would not detrimentally impact on the ability for a future bus service to satisfactorily operate along the route identified in the DCP.

A minor variation to the make up of the road reserve of proposed Road 10 within the residential land is proposed to accommodate a dedicated shared path along the eastern verge of the road corridor. This results in the loss of a footpath on the western verge of the road corridor, but is not anticipated to detrimentally impact on the accessibility provided within the broader subdivision.





Source: Cardno

**Figure 14 Proposed Minor Collector Road Cross Section – Residential Land**

Source: Cardno

**Figure 15 Proposed Minor Collector Road Cross Section – Industrial Land**

The proposed alignment of the southern extent of Road 12 does not impact on the delivery of functional IN2 Light Industrial zoned land and brings the alignment further west as desired by the RMS to reduce impacts on the future potential intersection of Werrington Road (Arterial Stage 2) and the Great Western Highway.

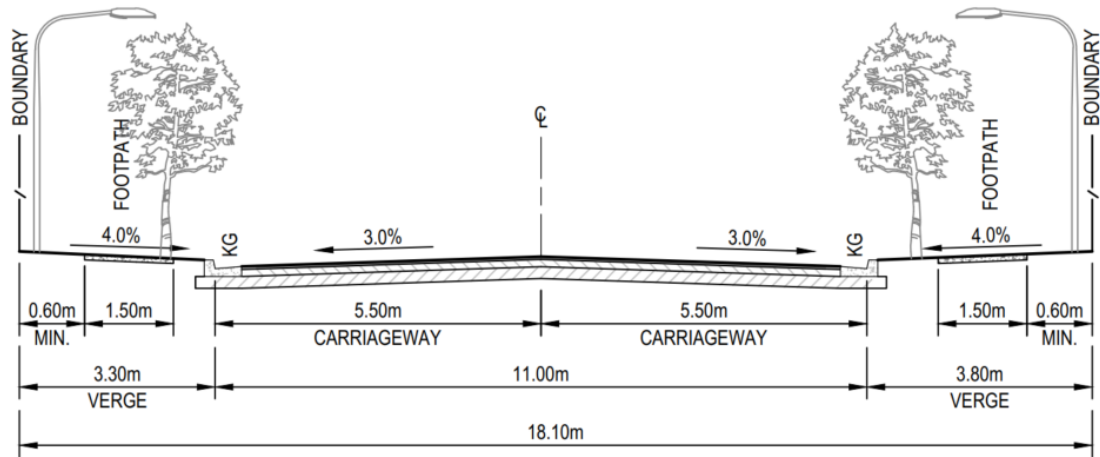
### Local and Minor Local Roads

The remaining part of the road network within the site are proposed to be delivered in accordance with the local and minor road reserve and carriageway widths in the DCP.

The proposal incorporates only a minor section of 'local road', being the extension of Chapman Street west into the site towards the western common boundary with WSU. The very western extent of this road corridor is proposed as a residue lot (i.e. Lot 1066) and will be delivered once greater direction regarding the future urban renewal of WSU's land holdings are better understood.

As illustrated in **Figure 16**, the road cross section is proposed to match the existing extent of Chapman Street, though will provide updated verge widths within the site. A minor reduction to the verge width is proposed along the northern edge of the road corridor adjacent to the E2 Environmental Conservation zoned land.

As detailed in the Civil Works Plans (**Appendix D**), proposed Road 14 (Chapman Street extension) provides a transition between the existing 19.6m wide road reserve of the existing and new 18.1m wide road reserve, though will provide for a consistent road carriageway width of 11m.

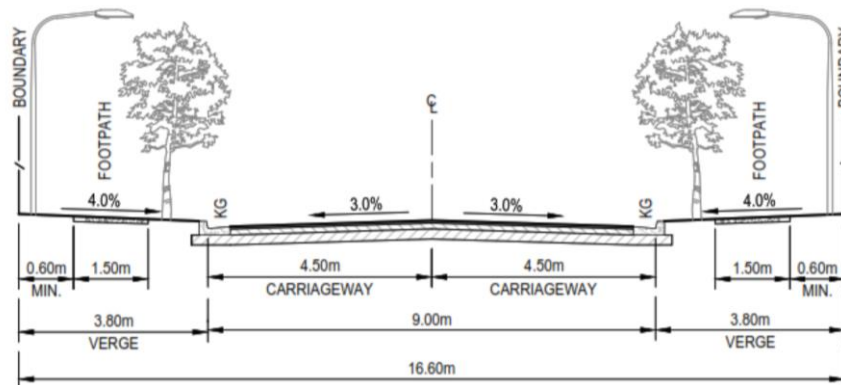


Source: Cardno

**Figure 16 Proposed Minor Local Road Cross Section**

The remaining minor local road network is proposed to comprise of a 16.6m wide road reserve, comprising a 9m wide carriageway in accordance with the DCP. A minor variation is also proposed, with the proposal accommodating wider 1.5m footpaths within each 3.8m wide verge that will provide for improve accessibility throughout the subdivision layout (see **Figure 17**).

Proposed Road Nos.1, 4 and 6 are designed to terminate as temporary turning heads at the site's north western boundary until future connections are made. Until the adjoining land to the northwest is developed, temporary 'No through road' signage, or similar, is also proposed to be installed.



Source: Cardno

**Figure 17 Proposed Minor Local Road (Chapman Street Extension) Cross Section**

Each of the proposed roads provide a service trench for the installation of road drainage, water, sewer, power and telecommunications and street lighting.

## Werrington Road Roundabout

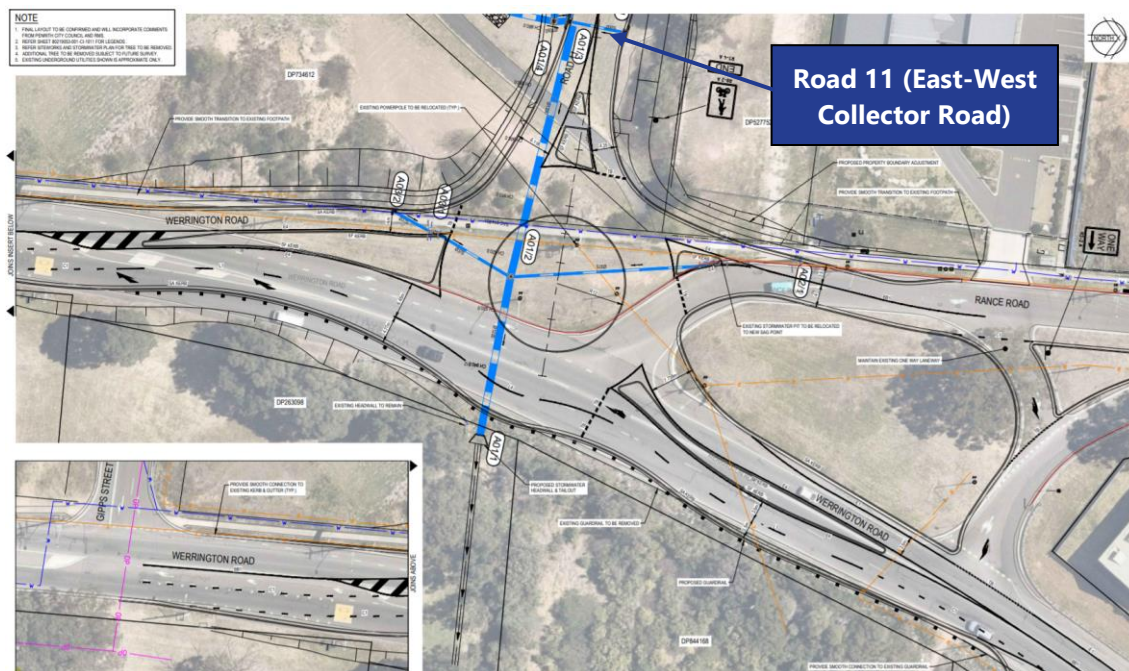
A new four leg roundabout is proposed on Werrington Road to address known traffic congestion issues within the locality. The proposed new roundabout will also satisfy previous conditional requirements imposed by Council on other DA approvals relative to the site.

The proposed roundabout will facilitate a new point of direct access to the site at its connection with proposed Road 11 (i.e. East-West Collector Road) and reduce the current reliance on the local road network within the existing Werrington community and also help to unlock other sites within the SWUV precinct.

The preliminary siting and design will eliminate the requirement for the right turn movement from Rance Road into Werrington Road and introduces two-way movements on the formally one-way section of Rance Road. Dual south bound Werrington Road lanes are proposed through the roundabout, including a dedicated bypass lane. One additional connection point is provided to accommodate the ultimate four-leg operational design and connection with proposed Road 11.

The draft design of the roundabout is illustrated below in **Figure 18**. The roundabout design has previously been forwarded under separate cover to both Council and the RMS to progress engagement with both stakeholders prior to the lodgement of this DA given the significance of this piece of infrastructure.

The proposed siting and design of the proposed roundabout has been positioned within the proposed Werrington Arterial Stage 2 road corridor outlined. This positioning is not considered to detrimentally impact on the ability of any future arterial road upgrades to be undertaken or expose Transport for NSW to any additional expense or land acquisition requirements. Further assessment of traffic impacts, including consideration of the benefits associated with the proposed roundabout, is provided in **Section 4.9.1**.



Source: Cardno

**Figure 18 Preliminary Werrington Road Roundabout Design**



### 3.4 Stormwater Management

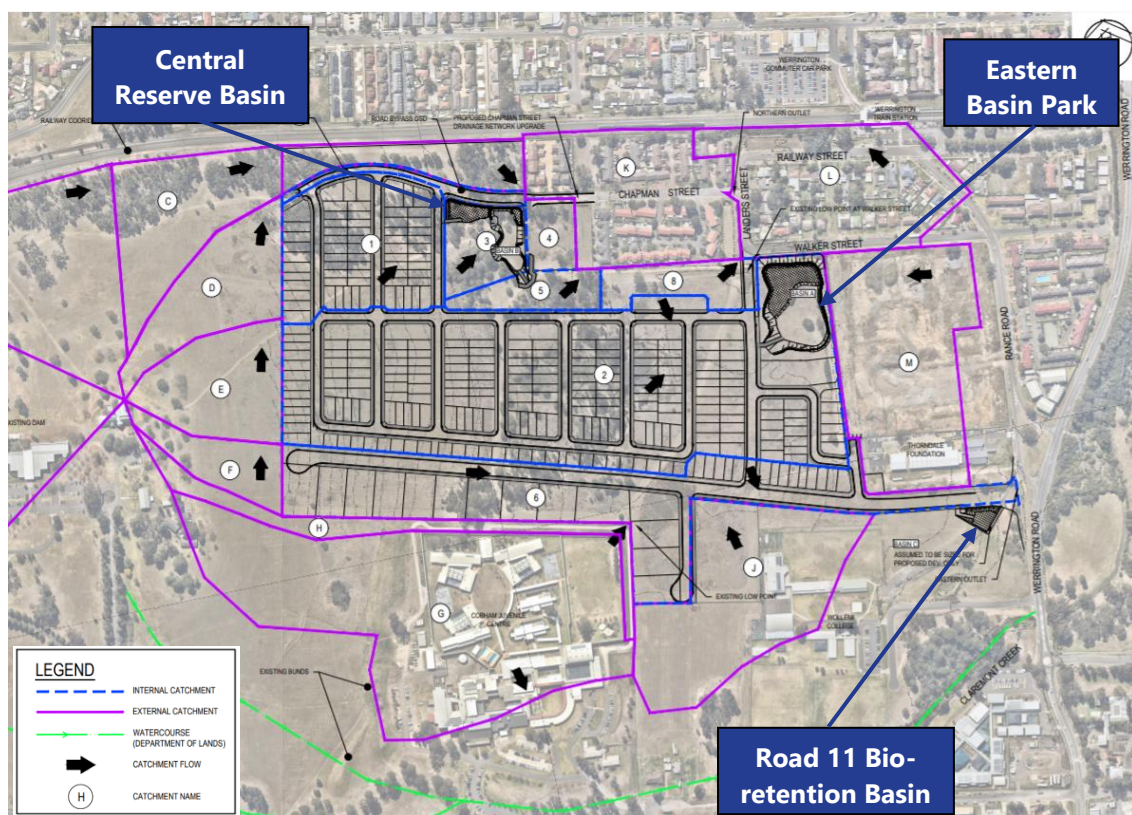
#### 3.4.1 Stormwater drainage

The development has been designed to convey minor 20% AEP and major 1% AEP stormwater flows safely through the site into stormwater basins, which will ultimately discharge into the existing stormwater drainage network within the local road network in accordance with Council's *Design Guidelines for Engineering Works for Subdivisions and Developments*.

The proposed stormwater drainage design for the proposal will accommodate two main catchments and will comprise of a street pit and pipe network that drains into two combined on-site detention (**OSD**)/water sensitive urban design (**WSUD**) basins via gross pollutant traps (**GPTs**).

These basins are proposed to be permanently established within the Eastern Basin Park and Central Reserve and will provide both stormwater detention and bio-retention functions during storm events. An additional bio-retention basin will also be delivered at the eastern extent of proposed Road 11, adjacent to Werrington Road, that will treat stormwater runoff from the road and a small portion of residential lots.

**Figure 19** illustrates the proposed site catchment plan and location of proposed stormwater basins. Further details of the proposed stormwater drainage network and maintenance requirements are provided in Cardno's Civil Engineering and Infrastructure Report and draft Operation and Maintenance Manual (**Appendix B**) and Civil Works Plans (**Appendix D**). Copies of the stormwater modelling for the proposal will also be provided electronically for Council's review.



Source: Cardno

**Figure 19 Stormwater Catchment Plan**

The Eastern Basin Park basin has also been sized appropriately to accommodate stormwater discharge from the adjoining residential site at 25 Rance Road and will ultimately discharge into Walker Street. The Central Reserve basin has been designed to tailout into a new 750mm pipe in the northern verge of Chapman Street to compensate for the increase discharge flow rates generated.

The stormwater drainage network will provide improved conditions during storm events and reduce the amount of surface runoff on the local road network.

Proposed lots have been graded to drain into the stormwater network at the kerb or via inter-allotment drainage networks. The proposed industrial employment land lots at the south of the site will be required to incorporate on-site OSD and WSUD measures at the point of their detailed design and development.

### 3.4.2 Water quality

Water quality objectives for the site will be met through the proposed treatment train to be installed in the proposed stormwater drainage network and will comprise of four GPTs and WSUD bio-retention areas within each basin. In addition, individual residential lots will incorporate rainwater tanks in accordance with BASIX, while industrial employment lots and any future residential apartment building developed on proposed residue Lot 3001 will incorporate their own on-site treatment measures as part of future applications.

MUSIC modelling by Cardno of the proposed stormwater drainage network demonstrates that the development will satisfactorily comply with Council's water quality targets.

### 3.4.3 Overland flowpath

Council's records indicate that the site is subject to two overland flowpaths from the external catchment (see **Figure 20**). One runs through the E2 Environmental Conservation land at the north of the site adjacent to the Western Rail Line (Flowpath A). The second which traverses through the site from the Cobham Juvenile Justice Centre north towards Walker Street (Flowpath B).

As detailed in Cardno's Civil Engineering and Infrastructure Report (**Appendix B**), Flowpath A conditions will not be altered by the proposal as no development or works are proposed in this location. Any surface runoff will be captured in the proposed stormwater drainage network to be delivered in Chapman Street.

Flowpath B is proposed to be replaced by the new stormwater drainage network in Road 11 which will convey stormwater flows east towards Claremont Creek. The capture and diversion of this existing flowpath will not detrimentally impact on the surrounding locality and has been modelled to demonstrate similar ponding at the existing low point near the Cobham Juvenile Justice Centre.



Source: Cardno

**Figure 20 Overland Flowpaths**

### 3.5 Subdivision

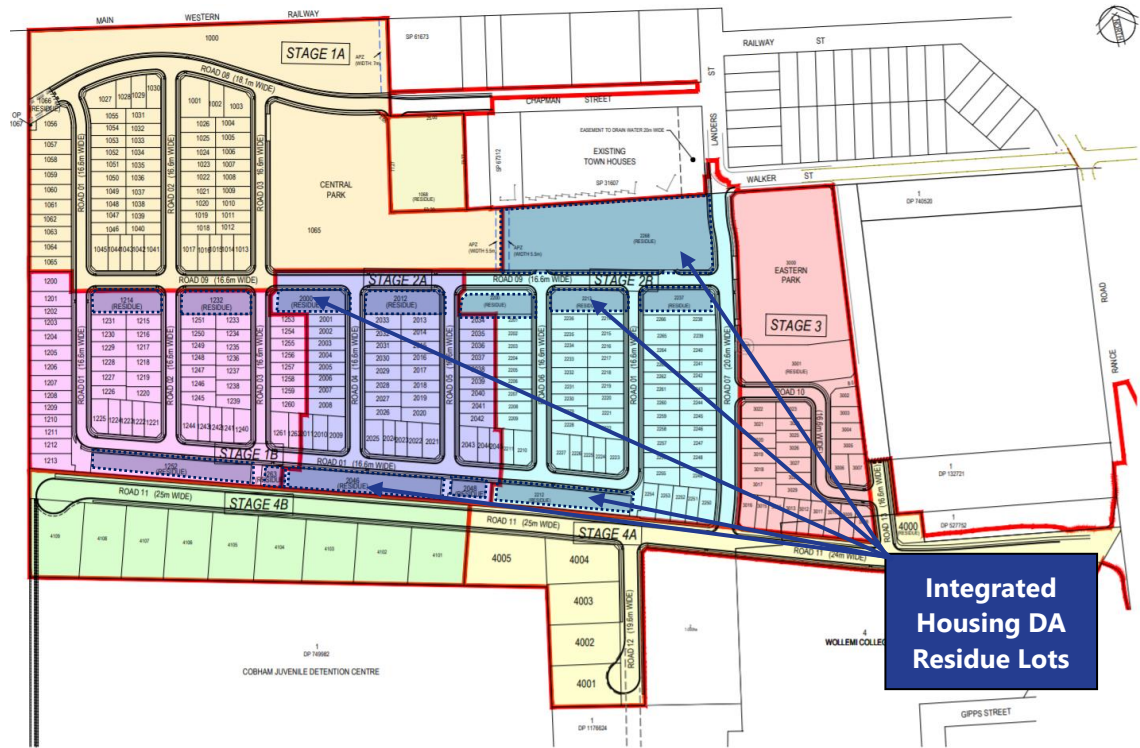
This DA seeks approval for the staged subdivision of the site as follows:

- subdivision of Lot 1 DP 1226122 and Lot 2 DP 1176624 into four proposed lots (i.e. proposed Lots 100, 101, 102 and 103)
- staged subdivision of proposed Lots 100 and 102 to create 259 Torrens title residential lots and 16 residue residential lots, consisting of:
  - 13 residue lots for future integrated housing
  - a residue lot for the establishment of a proposed display village and display homes (i.e DA20/0084)
  - a residue lot designated for a future potential residential apartment building
  - a residue lot on the north eastern corner of the intersection of proposed Roads 11 and 15
- 14 industrial lots
- 3 lots comprising two future RE1 Public Open Space parks and an E2 Environmental Conservation lot



- a residue lot to accommodate the future extension of Chapman Street west into WSU

The proposed subdivision layout, including the location of future integrated housing DA residue lots, is illustrated in **Figure 21** with detailed Subdivision Plans provided at **Appendix C**.



Source: Cardno

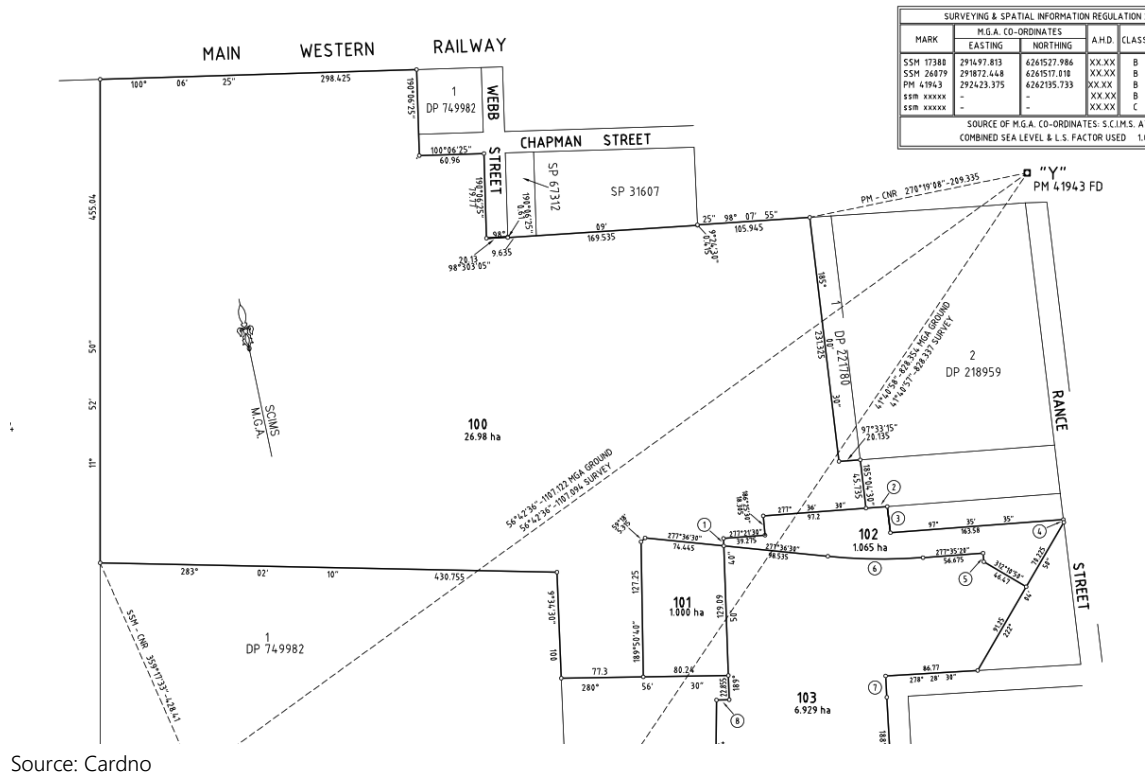
**Figure 21** Proposed Subdivision Layout

### 3.5.1 Land Swap

To facilitate the proposed construction of the East-West Collector Road and its ultimate connection to Werrington Road, Lendlease and Wollemi College have entered into a land swap agreement. Under the agreement, 1.065 ha of land on Lot 2 DP 1176624 required by Lendlease to deliver the East-West Collector Road will be offset by a 1 ha parcel of land on Lot 1 DP 1226122 that can be amalgamated with the remainder of the school's site in the future (see **Figure 22**).

This subdivision is proposed to be undertaken as the initial stage of the proposal and will establish four new lots, being proposed Lots 100, 101, 102 and 103. Proposed Lot 103 will continue to be occupied and utilised by the school and would be combined with proposed Lot 101 at a time mutually agreeable to both parties under the agreement.

Proposed Lots 100 and 102 are proposed to be further subdivided, as described below, to create the proposed residential and industrial lots and the proposed Road 11 road reserve corridor.



Source: Cardno

**Figure 22 Proposed Land Swap Subdivision**

### 3.5.2 Residential lots

The staged subdivision of proposed Lots 100 and 102 will create 259 residential Torrens title lots and will offer a mix of lot widths and sizes that will allow for a variety of different housing types to be delivered. The proposed lots typically range in area from 290m<sup>2</sup> to 437.5m<sup>2</sup>, with the largest lot proposed to be 799.92m<sup>2</sup> in area, and the smallest being 290m<sup>2</sup> in area.

All proposed lots will be a minimum of 10m wide and typically range between 10m to 12.5m. Some wider lots are provided throughout the subdivision layout to add variety and interest in the future streetscape established.

All residential lots proposed will be front loaded and have direct access to their respective road frontages. Proposed corner lots are appropriately sized to provide opportunities for side loading.

Proposed east-west orientated lot depths range typically between 29m and 32m, with deeper 35m lots proposed along the western boundary of the site to minimise impacts from boundary retaining walls on the ability to provide suitable rear private open space areas.

North-south orientated lots depths are proposed between 29m and 30m, with variations to these dimensions to accommodate road layouts. The increased lot depth, particularly for lots proposed at the southern end of a street block, are proposed to provide improved opportunities for solar access into the rear private open space areas of these lots.

The proposed lot mix that will be delivered across the site is illustrated in **Figure 23**, and detailed further in **Table 2** and



Table 3 below.



Source: Cardno

**Figure 23 Proposed Residential Lot Mix****Table 2 Proposed Residential Lot Widths**

Stage	10m	10m – 12.4m	12.5m	> 12.5m	Total
1A	35	0	17	12	64
1B	30	3	18	9	60
2A	27	2	9	6	44
2B	24	13	18	8	63
3	6	0	12	10	28
Total	122	18	74	45	259

**Table 3 Proposed Residential Lot Sizes**

Stage	230m <sup>2</sup> to 450m <sup>2</sup>	>450m <sup>2</sup>	Total
<b>1A</b>	59	5	<b>64</b>
<b>1B</b>	58	2	<b>60</b>
<b>2A</b>	44	0	<b>44</b>
<b>2B</b>	62	1	<b>63</b>
<b>3</b>	26	2	<b>28</b>
<b>Total</b>	<b>249</b>	<b>10</b>	<b>259</b>

Generally, all proposed lot sizes and widths will comply with the minimum lot size and lot width ranges associated with detached and build to boundary dwelling typologies. However, a proposed variation to the minimum lot size and associated lot widths is proposed for 12 proposed lots designed to cater detached dwellings, being proposed Lots 1040, 1013, 1221, 1240, 2009, 2021, 2210, 2223, 2250, 3022, 3023, 3002.

The proposed departure from the minimum 450m<sup>2</sup> and/or 15m – 18m lot width requirements for these lots is considered relatively minor in the context of the overall proposed masterplan framework for the site. The varied lot sizes proposed on these 12 lots are still sufficiently sized to cater for appropriate residential built forms and meet the required development controls set out in the DCP.

Residential lots that will rely on a zero lot setback (i.e. build to boundary dwelling) will have a suitable maintenance easement on the adjoining burdened lot a minimum 900mm in width. All build to boundary lots will comply with the minimum lot size and lot width range.

Easements for interallotment drainage networks are also proposed along the rear lots to convey stormwater to the respective stormwater basins where site's are not graded toward the primary road frontage.

A proposed larger residential residue (i.e. proposed Lot 3001) has been set aside at the southern end of the Eastern Basin Park lot to accommodate a future potential residential apartment building and provides a total lot area of 2,929m<sup>2</sup>, satisfying the minimum lot size requirement for a residential apartment building in the R4 High Density Residential zone in accordance with clause 4.1A(2) of the PLEP 2010.

### 3.5.3 Integrated Housing DA Residue Lots

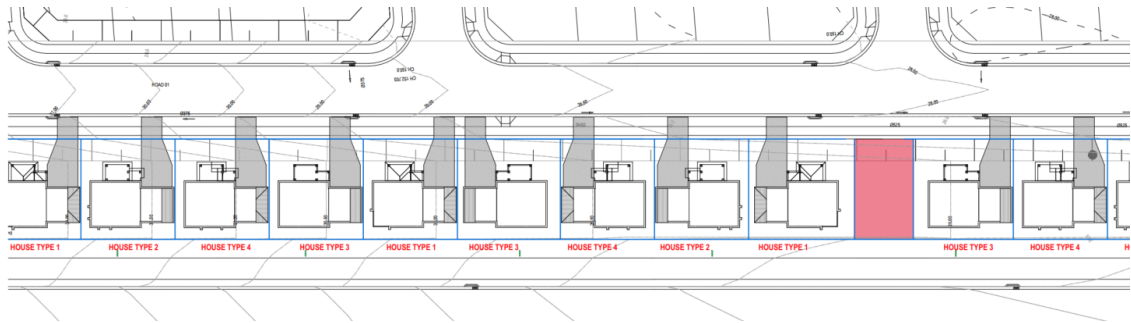
A total of 13 residue are proposed as part of this DA that have been designed to accommodate future integrated housing DA built form (see **Figure 21** – shaded blue). These integrated housing DA residue lots are envisaged to accommodate approximately 76 residential dwellings that would consist of a range of attached/abutting terrace housing typologies and bespoke 'smart lot' housing typologies that have been designed to be accommodated on lots with smaller depths.

The proposed smart lots would range in size between approximately 280m<sup>2</sup> to 360m<sup>2</sup> for typical lots, while corner lots at the northern end of a street block would typically be between approximately



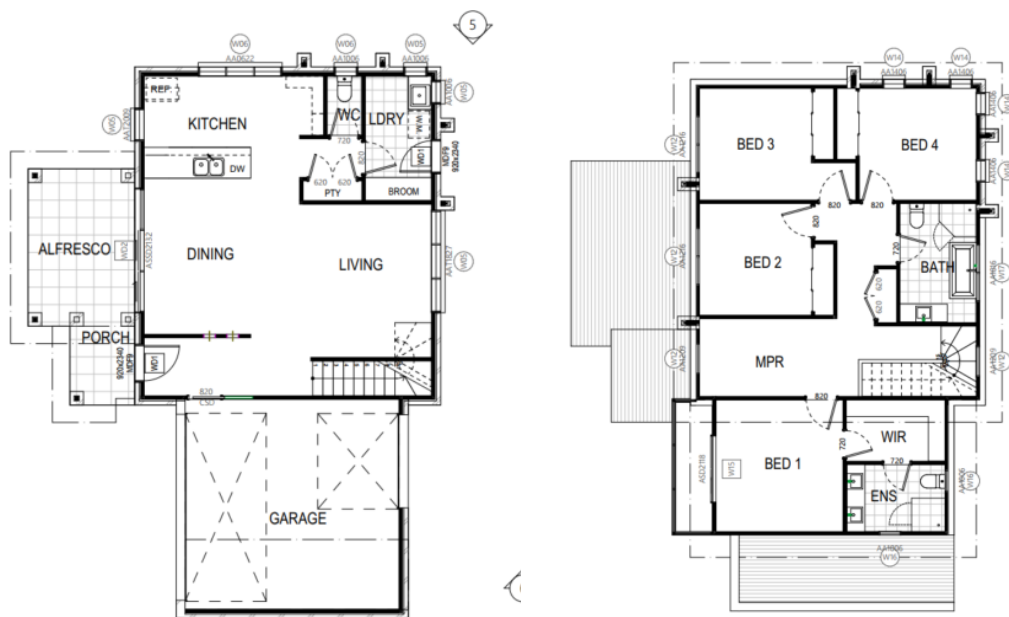
412m<sup>2</sup> and 450m<sup>2</sup>. Future smart lots along proposed Road 1, which also have a rear frontage to proposed Road 11, would have a depth of 17m, while the remaining proposed integrated housing smart lot designs at the northern end of a street block would have lots depths of at least 20m.

To provide Council with greater comfort that the proposed smart lots can accommodate satisfactory built form the Applicant has committed to the lodgement of a future Integrated Housing DA on the proposed Smart Lot residue lots to demonstrate the suitable built form outcomes that can be achieved on these proposed lots. Details of potential built form are provided below in **Figure 25** to **Figure 27**.



Source: Creation Homes

**Figure 24 Residue Lot - Smart Lot Indicative Site Layout**



Source: Creation Homes

**Figure 25 Smart Lot Indicative Dwelling Floor Plans**



Source: Impact Multimedia

**Figure 26** Indicative Smart Lot Street Streetscape



Source: Impact Multimedia

**Figure 27** Streetscape perspective of smart lot dwelling typology (indicative industrial built form shown behind)

### 3.5.4 Industrial Employment Lots

A total of 14 industrial employment lots are proposed to be created within the IN2 Light Industrial zoned land. In accordance with clause 4.1(3) of PLEP 2010, all industrial lots proposed satisfy the minimum 2,000 m<sup>2</sup> lot size prescribed on the Lot Size Map.

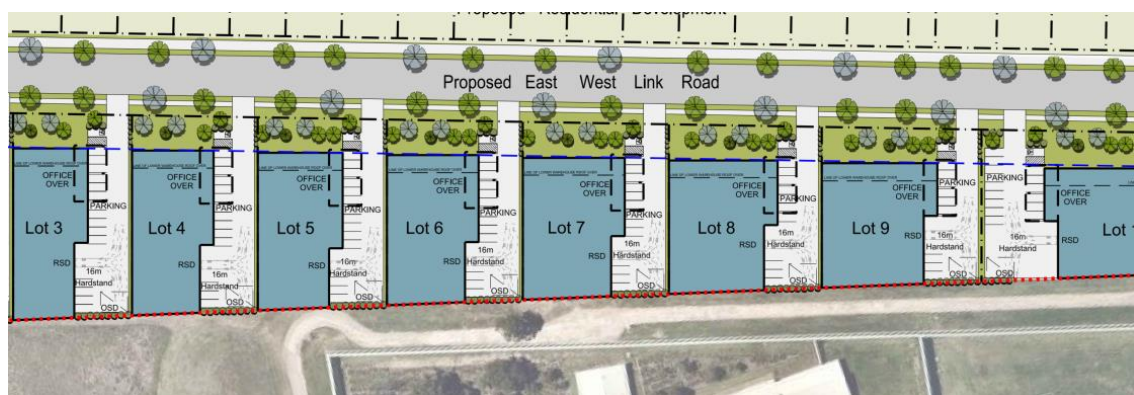
In accordance with Section 12.8.6 of the DCP, all lots will be greater than 25m in width and are provided with sufficient depths to accommodate functional developments that can still provide the minimum 10m landscaped setback and access and parking requirements.

Detailed investigations of the developability of the proposed industrial employment lot layout was undertaken by SBA Architects which demonstrates that the proposed lot sizes and dimensions are satisfactory (see **Figure 28** to **Figure 30**).

As demonstrated, the proposed lot sizes and their dimensions would not preclude the delivery of architecturally pleasing and functional light industrial built forms.

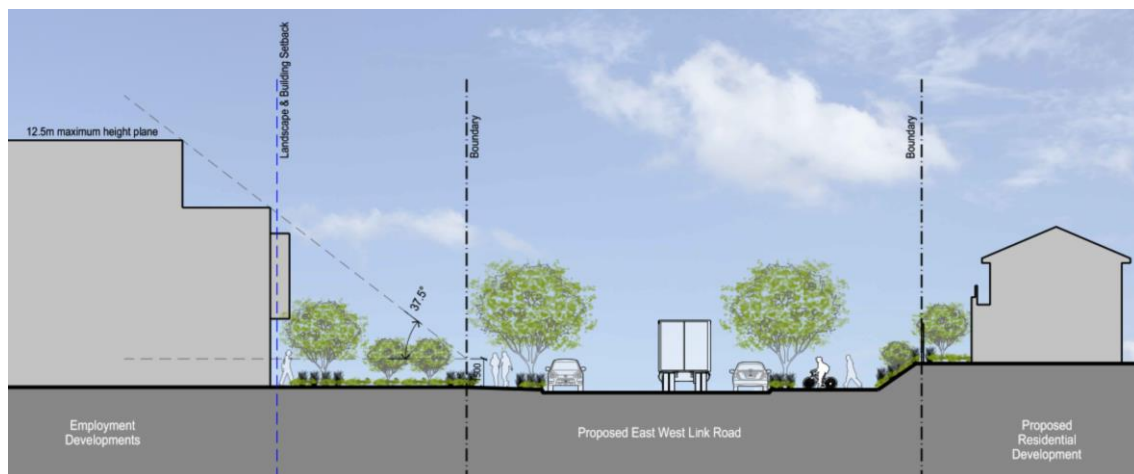
To ensure that future development on these industrial lots creates a suitable rear interface with the adjoining Cobham Juvenile Justice Centre, the Applicant proposes to impose positive covenants and restrictions on the titles of the proposed IN2 industrial lots. These are to ensure that a secured boundary interface is established and would require:

- 3m high solid fencing be constructed along rear boundaries where no built form exists to prevent opportunities for people to throw things into or out of the Cobham Juvenile Justice Centre
- any windows facing the Cobham Juvenile Justice Centre to have a minimum sill height of 1.5m above the finished floor level to prevent opportunities for overlooking.



Source: SBA Architects

**Figure 28 Indicative Industrial Employment Lot Layouts**



Source: SBA Architects

**Figure 29 Indicative Industrial – Residential Cross Section**





Source: SBA Architects

**Figure 30 Indicative Industrial Employment Lot Built Form (not proposed)**

### 3.5.5 Landscaping, Open Space and E2 Environment Conservation Lots

The proposed subdivision also provides for the creation of three allotments that will accommodate the future Eastern Basin Park (i.e. proposed Lot 3000) and Central Reserve (i.e. proposed Lot 2269), as well as create a specific lot encompassing the E2 Environmental Conservation zoned land (i.e. proposed Lot 1000).

These lots are proposed to be dedicated to Council at the finalisation of the proposal or at a time mutually agreeable between both parties. The proposed future embellishment of each park within the site will be subject to a separate DA(s). The proposed landscape embellishment of these proposed lots has been separately sought under DA 20/0081.

A comprehensive arrangement of street tree plantings are proposed throughout the subdivision to complement the proposal and surrounding vegetation communities (see **Figure 31**) and future open space areas. Specific tree species have also been selected to ensure solar access is provided to certain lots during winter months to improve overall site amenity (**Appendix H**).

An analysis also undertaken by demonstrates that sufficient space is provided within the verge within a typical lot arrangement (i.e. 10m lots mixed with 12.5m lots) to accommodate the proposed 100L street tree pot sizes and their prospective size at maturity.



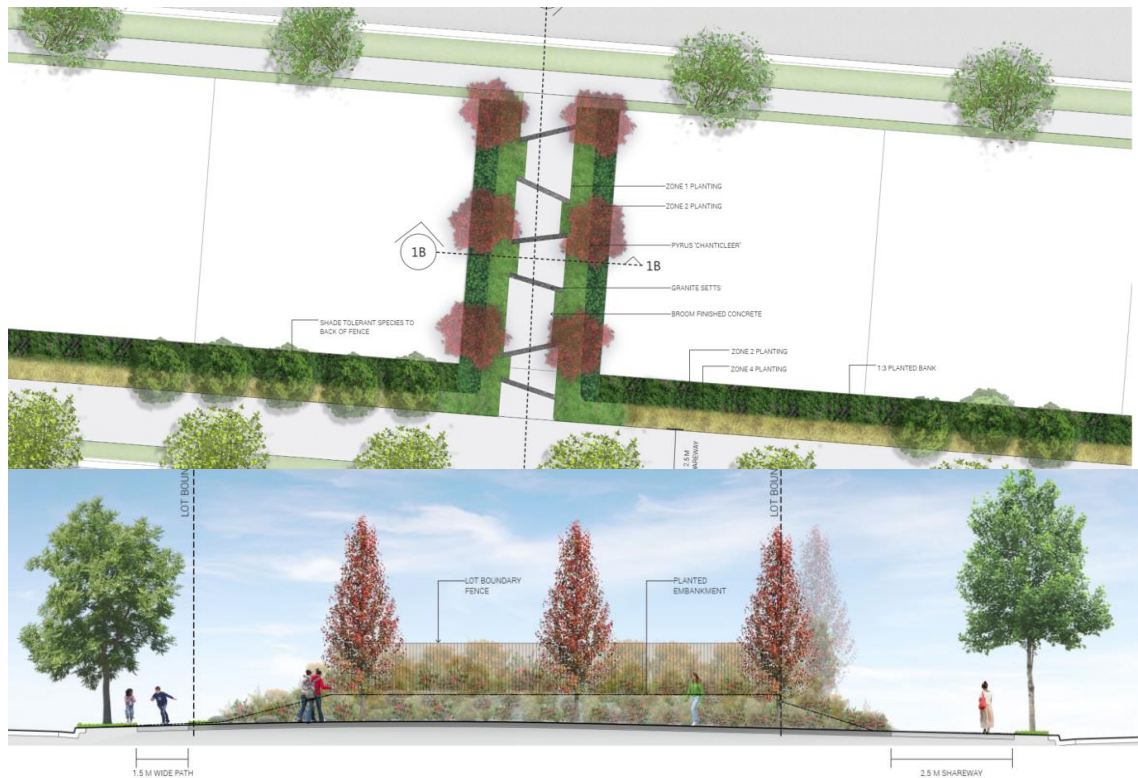
Source: Place Design Group

### Figure 31 Proposed Street Tree Masterplan

Detailed designs for the proposed pedestrian through-site links and proposed Road 11 are also provided at **Appendix H**, demonstrating high levels of amenity will be achieved within these spaces (see **Figure 32**).

**Figure 33** shows an indicative representation of the proposed envisaged embellishment along proposed Road 11 at the rear of the future Smart Lot dwelling houses, which is considered to compliment the amenity of the road corridor whilst screening the bulk and scale of future residential built form.





Source: Place Design Group

**Figure 32 Proposed Street Tree Masterplan**



Source: Impact Multimedia

**Figure 33 Proposed Road 11 Streetscape Perspective**

## 4 Environmental Assessment

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

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

### 4.1 Biodiversity and Threatened Species Impact

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

Section 1.7 of the EP&A Act requires consideration as to whether a proposed development will have a significant effect on threatened species, populations or ecological communities relating to terrestrial and/or aquatic environments. The proposal seeks consent for the removal of 5 ha of CPW, which is listed as a Critically Endangered Ecological Community (**CEEC**) under the Biodiversity Conservation Act 2016 (**BC Act**) and Commonwealth *Environmental Protection and Biodiversity Conservation* (**EPBC**) Act.

The site is within a Western Sydney Interim Designated Area in accordance with the *Biodiversity Conservation (Savings and Transitional) Regulation 2017* (**BC Regulation**) and therefore, the former planning provisions apply (former section 5A of the *Environmental Planning and Assessment Act 1979* and *Threatened Species Conservation Act 1995*).

The site was previously assessed by Ambecol in 2014 and provided to Council as part of the DA package DA 14/0627 that was subsequently approved on 15 February 2016. Ambecol's assessment identified the CPW and its CEEC listing under commonwealth legislation and (now repealed) state legislation, the TSC Act. The assessment concluded the presence of 4.8 ha of CPW on the site. As part of this approval, Council consented to the removal of 2.5 ha of CPW from a footprint generally consistent with Stages 1A/1B of this DA. Further approvals granted by the NSW LEC consent to the removal of additional CPW vegetation from the site, generally consistent with the footprint of Stage 2A and proposed within the site boundary of the approved residential apartment building.

This DA proposes the removal of a minor additional amount of vegetation in the context of previous approvals granted to accommodate the proposed stormwater drainage works within the footprint of the Central Reserve (see **Figure 6** and **Figure 34**). Proposed management measures that will be implemented to ensure the ongoing protection and enhancement of these areas post vegetation removal works are completed are outlined in Niche's Vegetation Management Plan provided at **Appendix E**.

Pre-lodgement discussions with Council included a request for further assessment of flora and fauna due to proposed time since the previous consideration of the vegetation community on the site. Accordingly, Niche has prepared a 7 Part Test (**Appendix E**) that assesses the significance of impact associated with the proposed vegetation removal.

Niche noted that the majority of moderate quality habitat will be protected in accordance with the PLEP 2010 E2 Environmental Conservation zoning along the northern portion of the site, whilst an additional hectare will be retained within the RE1 Public Open Space zoned Central Reserve (subject to proposed mitigation recommendations). Niche also details that the existing CPW within the site forms part of a larger local occurrence approximately 15.3 ha in size. It was concluded that the proposed removal of approximately 5 ha of CPW from the broader local occurrence would not have an adverse impact on either the extent or composition of CPW.

As such, the proposed development is considered unlikely to have a significant impact on the CEEC and that a SIS would not be required.



Source: Niche Environment and Heritage

**Figure 34 Cumberland Plain Woodland Locational Context**

The impact associated with the removal of CPW from the site has also been assessed by Niche as meeting the condition criteria for listing under the EPBC Act as having the potential to have significant impact on the CPW, as a CEEC. Accordingly, the proposal has been separately referred to the Commonwealth Minister for the Environment to determine if the proposal is considered a Controlled Action.

## 4.2 Integrated Approvals

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



**Table 4** 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.

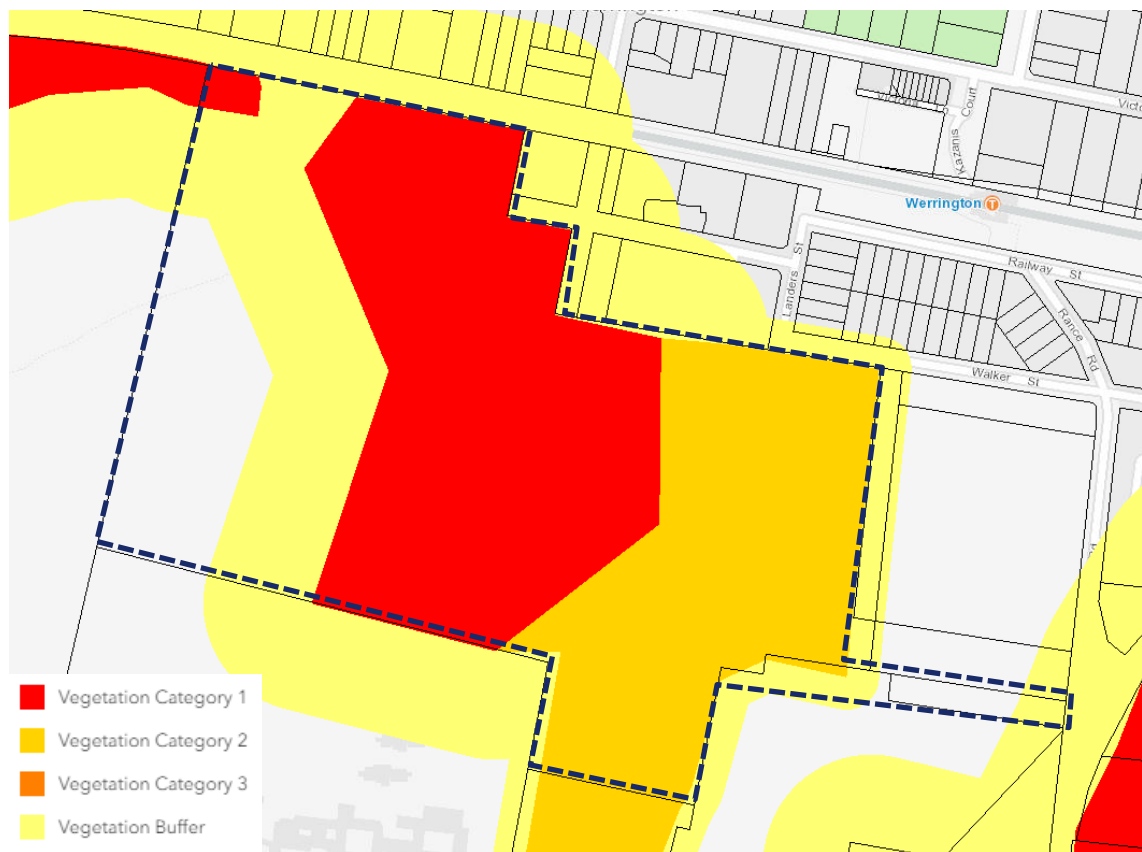
**Table 4 Integrated Development Review**

Legislation	Comment	GTAs
<i>National Parks and Wildlife Act 1974</i>	<p>No known items or sites of indigenous archaeological significance have been identified on the site and it remains in the same condition at the times of the consideration and approval of the three previous DAs over the site.</p> <p>The proposed subdivision 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>	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>Subdivision works are proposed as part of this proposal and therefore a bush fire safety authority is required to be obtained.</p> <p>Accordingly, the DA is to be referred to the RFS to obtain GTAs.</p> <p>A Bushfire Assessment Report has been prepared for the site by Building Code and Bushfire Hazard Solutions (<b>BC&amp;BHS</b>) (refer to <b>Appendix I</b>) that identifies the necessary Bushfire Protection Measures required to meet the requirements of <i>Planning for Bushfire Protection 2006 (PBP)</i>.</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 site is 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. The majority of the site is mapped as bushfire prone land, with a high hazard threat map through the centre of the site, consistent with the existing vegetation present on the site (see **Figure 35**).



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

**Figure 35 Bushfire Prone Site Map**

BC&BHS's Bushfire Assessment Report identifies the requirement for minimum Asset Protection Zones (**APZs**) between 10m – 15m to be established across the site to ensure that potential bushfire hazards are appropriately mitigated against for future residential development. It was concluded that the proposed residential lots can accommodate future residential development that achieves or exceeds the minimum required APZs under Appendix 2 of PBP.



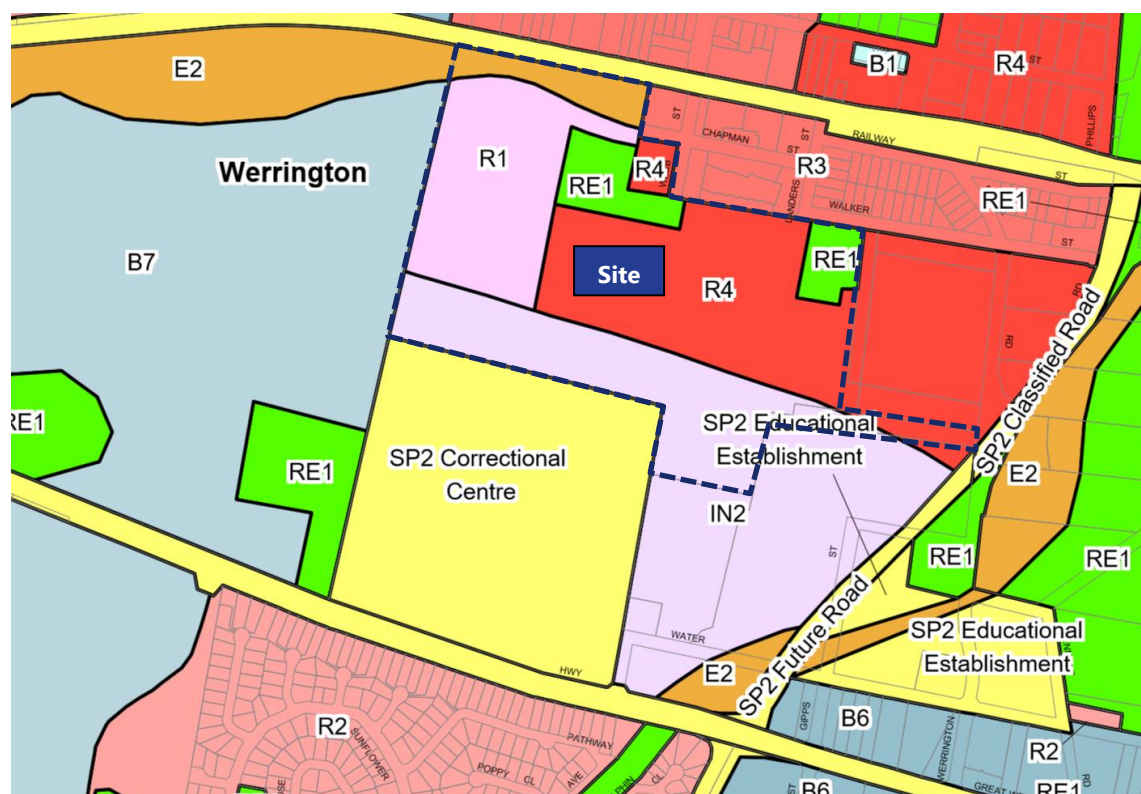
In most instances, recommended APZs can be accommodated wholly within the proposed width of road reserves to be constructed as part of the subdivision. The exception to this is proposed future terrace residential development at the western edge of Stage 2B residue Lot 2268. Future potential residential development in this location, being located immediately adjacent to the Central Reserve, will require an APZ. The proposed subdivision layout can accommodate an APZ up to 11m in width along the eastern boundary of the open space. BC&BHS recommends the a suitably worded restriction be imposed to ensure the ongoing management of this area.

BC&BHS also recommends the preparation of a Fuel Management Plan for the Central Reserve and Eastern Basin Park to ensure that fuel loads within these locations are managed appropriately. It was also noted that proposed water supply and access provisions were considered adequate and will satisfy section 4.1.3 of PBP.

## 4.4 Environmental Planning Instruments

### 4.4.1 Penrith Local Environmental Plan 2010

The PLEP 2010 is the primary environmental planning instrument regulating land uses within the Penrith LGA. The site comprises a number of land use zonings, including R1 General Residential, R4 High Density Residential, RE1 Public Recreation, IN2 Light Industrial and E2 Environmental Conservation (see **Figure 36**).



Source: PLEP 2010

**Figure 36** Land Use Zoning Map

The proposal also seeks to rely on a 20m zone boundary variation between the residential zoned land and the adjoining IN2 Light Industrial zoned land (see **Figure 37**). Detailed consideration of this is PLEP 2010 clause and other relevant provisions of PLEP 2010 is provided in **Table 5** below.



Source: Cardno

**Figure 37 Proposed Zone Boundary Variation Map**

**Table 5 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 Precinct Plan as it will:</p> <ul style="list-style-type: none"> <li>• Provide a master planned framework that aligns with the lands use zonings and objectives of those zones relative to the site to ensure the site's urban renewal is undertaken in an orderly and economic manner.</li> <li>• Support the accommodation of a growing Penrith LGA by providing increased lot diversity and choice that in turn will promote greater housing choice within the locality.</li> <li>• Provide for the urban renewal of a large vacant parcel of land within the SWUV precinct that is close to existing infrastructure and services.</li> <li>• Provide 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.</li> <li>• Foster the creation of additional employment lands through the contribution of additional IN2 Light Industrial land within the precinct which is supported by essential infrastructure to ensure the viable creation of an industrial employment precinct.</li> </ul>	Yes

Clause	Comment	Comply
	<ul style="list-style-type: none"> <li>Provide a coordinated approach to the management of stormwater across the site to safeguard the locality from any potential hazards during storm events.</li> <li>The proposal incorporates the principles of ecologically sustainable development through the establishment of a subdivision layout that maximises access to sunlight. The proposed subdivision layout will also enable future residential development to fully comply with the relevant BASIX's sustainable targets.</li> </ul>	
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, RE1 Public Recreation and IN2 Light Industrial.</p> <p>The Applicant seeks consent for the staged subdivision of the site, comprising ancillary site preparation and bulk earthworks, road constructions and associated civil works.</p> <p>All works are permissible with consent in each zone under the gazetted land use table. Further discussion against each land use zone is provided below.</p>	Yes
CI 2.6 Subdivision – consent requirements	This DA seeks development consent for staged subdivision.	Yes
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"> <li><i>To provide for the housing needs of the community.</i></li> <li><i>To provide for a variety of housing types and densities.</i></li> <li><i>To ensure that a high level of residential amenity is achieved and maintained.</i></li> </ul> <p>The western portion of the site (i.e. proposed Stages 1A/1B) are subject to this zoning, to which 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 subdivision layout provides lots with an east-west or north-south orientation to maximise the opportunities for high levels of amenity to be achieved. Lots proposed along the western boundary have also been increased in depth to minimise any impacts associated with the retaining walls along this boundary.</p>	Yes
Zone R4 High Density Residential	<p>The proposal is consistent with the following relevant zone objectives:</p> <ul style="list-style-type: none"> <li><i>To provide for the housing needs of the community within a high density residential environment.</i></li> </ul>	Yes

Clause	Comment	Comply
	<ul style="list-style-type: none"> <li><i>To ensure that a high level of residential amenity is achieved and maintained.</i></li> <li><i>To encourage the provision of affordable housing.</i></li> <li><i>To ensure that development reflects the desired future character and dwelling densities of the area.</i></li> </ul> <p>The proposed masterplan framework for the site reviewed the location and density of residential land uses in the context of previous approvals granted over the site and adjacent at 25 Rance Road with the aim of providing a more considered approach to the delivery of high density residential development within the site.</p> <p>Accordingly, the Applicant does not propose to pursue the previously approved residential apartment building over proposed Stage 1C (i.e. proposed residue Lot 1068) and instead seeks to establish a high density residential residue lot at the southern boundary of the proposed Eastern Basin Park lot.</p> <p>The location of this proposed lot provides for the opportunity for the delivery of a future residential apartment building development and positions the higher residential density around the future Eastern Basin Park to 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 addition, a range of other residential lot sizes and width will be provided throughout the remainder of the R4 zoning such that a high level of variety and housing types are offered.</p> <p>A total potential residential yield of approximately 235 dwellings can be accommodated within the R4 zoned land across the site (i.e. generally Stages 2A, 2B and 3), inclusive of potential development within the proposed integrated housing DA residue lots and the residential apartment building residue lot. 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>	
Zone IN2 Light Industrial	<p>The proposal is consistent with the following relevant zone objectives:</p> <ul style="list-style-type: none"> <li><i>To provide a wide range of light industrial, warehouse and related land uses.</i></li> <li><i>To encourage employment opportunities and to support the viability of centres.</i></li> <li><i>To minimise any adverse effect of industry on other land uses.</i></li> <li><i>To support and protect industrial land for industrial uses.</i></li> <li><i>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.</i></li> </ul> <p>The proposal will establish 14 viable light industrial lots, a minimum 2,000m<sup>2</sup> in size in accordance with PLEP 2010 and Council's DCP. 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>	Yes

Clause	Comment	Comply
	<p>The master planned approach to the urban renewal of the site has ensure that the IN2 zoned land was retained to ensure future employment opportunities a supported within the SWUV precinct.</p> <p>The existing SWUV precinct structure plan identifies the requirement for the delivery of the East-West Collector Road between the existing IN2 and R1/R4 residential land uses to provide some level of separation between the land uses.</p> <p>Accordingly, this DA proposes the staged delivery of the East-West Collector Road generally in accordance with the siting and alignment outlined in the DCP to provide this buffer. In addition, proposed residential lots immediately adjacent to the north (i.e. proposed integrated housing DA smart lots) are proposed to be elevated slightly above the finished level of the adjoining road verge to provide an additional buffer to the industrial precinct adjacent to maximise the residential amenity of these future residential properties.</p> <p>The proposed East-West Collector Road has been sited along the northern edge of the site's IN2 zoning. Notwithstanding, it has been demonstrated by SBA Architects in their analysis of the proposed industrial employment lots that viable future industrial built forms and uses could be satisfactorily accommodated.</p> <p>It is also noted that this subdivision DA and associated masterplan framework for the site demonstrates the Applicant's commitment to the delivery of much needed IN2 zoned land within the LGA.</p>	
Zone RE1 Public Open Space	<p>The proposal is consistent with the following relevant zone objectives:</p> <ul style="list-style-type: none"> <li><i>To enable land to be used for public open space or recreational purposes.</i></li> <li><i>To protect and enhance the natural environment for recreational purposes.</i></li> <li><i>To provide land for the development of services and facilities by public authorities for the benefit of the community</i></li> </ul> <p>The two RE1 zoned lots are proposed to be established as part of this DA are subject to a separate DA to facilitate their future embellishment (i.e. DA 20/0081). Their designs propose the collocation of stormwater detention basin functions and have considered the dual function of these lands and will ensure that passive and active open space environments are suitably established.</p> <p>As outlined in Niche's assessment prepared for this DA, existing vegetation within the Central Reserve will be generally retained in full, with the exception of tree removal required to establish the necessary stormwater drainage functions and APZs. Notwithstanding, Niche's assessment concludes that the proposed loss of vegetation is not considered significant to the local occurrence of the existing CPW community.</p>	Yes
Zone E2 Environmental Conservation	<p>The proposal is consistent with the following relevant zone objectives:</p> <ul style="list-style-type: none"> <li><i>To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values.</i></li> <li><i>To prevent development that could destroy, damage or otherwise have an adverse effect on those values.</i></li> </ul>	Yes



Clause	Comment	Comply
	<ul style="list-style-type: none"> <li><i>To protect, manage, restore and enhance the ecology, hydrology and scenic values of riparian corridors and waterways, wetlands, groundwater resources, biodiversity corridors, areas of remnant indigenous vegetation and dependent ecosystems.</i></li> <li><i>To allow for low impact passive recreational and ancillary land uses that are consistent with the retention of the natural ecological significance.</i></li> </ul> <p>The proposal will create a dedicated lot (i.e. proposed Lot 1000) that will clearly define the E2 Environmental Conservation zoned lands and assist with its future management, protection and enhancement. This will be guided in accordance with the Vegetation Management Plan prepared by Niche and provided at <b>Appendix E</b>.</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 the R1 and R4 zoned residential lands. The appropriate minimum lot size controls for the SWUV precinct are contained in the Council's Development Control Plan ( <b>DCP</b> )	Yes
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"> <li>R1 – 10m</li> <li>R4 – 15m</li> </ul> <p>All proposed dwelling houses comply with the maximum building height control.</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>	NA
Part 5 - Miscellaneous Provisions		
CI 5.1	<p>No part of the site is mapped on the Land Reservation Acquisition Map under the PLEP 2010.</p> <p>Land immediately adjacent to the exhibition village site to the west and south is identified as the Central Reserve and is zoned RE1 Public Recreation. The landscape design for the proposed exhibition village is envisaged to</p> <p>This land is proposed to be embellished under a separate DA recently lodged by the Applicant.</p> <p>This recreational zoned land will be dedicated to Council in accordance with its identification on the Land Reservation Acquisition Map.</p>	Yes
CI 5.3 Development near zone boundaries	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	Yes

Clause	Comment	Comply
	<p>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 <b>Figure 36</b> and <b>Appendix J</b>).</p> <p>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. The siting of proposed Road 11 has been designed to be 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.</p> <p>The continuation of proposed Road 11 east takes a straightened path to Werrington Road, rather than turning southeast as shown in Council's DCP. The benefit of this alignment 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>This has resulted in residential allotments along the northern edge of proposed Road 11 encroaching into the mapped IN2 zoning.</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"> <li>the development is not inconsistent with objectives for development in both zones, and</li> <li>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.</li> </ol> <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"> <li>The proposed encroachment into the IN2 zone will not adversely impact on the ability for the land to be developed for the purposes of establishing an industrial employment precinct. An analysis undertaken by SBA Architects demonstrates that the proposed 14 industrial employment lots are sufficiently sized and arranged in a manner to allow for their successfully development.</li> <li>The siting of proposed future residential development 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.</li> <li>The proposed subdivision layout and the design and alignment of proposed Road 11 will allow for the establishment of an active and vibrant industrial employment precinct, with proposed industrial lots shown to be capable of accommodating industrial built forms that positively</li> </ul>	

Clause	Comment	Comply
	<p>contribute to the streetscape. Further, the orientation of future proposed residential development away from the IN2 zoned land improves both the physical and visual separation between the two land use zones.</p> <ul style="list-style-type: none"> <li>The proposed encroachment of the residential lots into the IN2 zoned land will further promote the variety of housing choices within the SWUV precinct and allow for the delivery of housing needs to support the varied housing needs of the community.</li> </ul> <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"> <li>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.</li> <li>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.</li> <li>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.</li> <li>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 catered for through the Applicant's commitment to, and delivery of, associated essential infrastructure.</li> <li>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.</li> </ul> <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	<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</p>	Yes

Clause	Comment	Comply
Heritage Conservation	<p>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>	
Part 7 – Other Provisions		
CI 7.1 Earthworks	<p>The proposal seeks consent for bulk earthworks to establish level developable residential lots and to create usable open space areas.</p> <p>The extent of bulk earthworks proposed has been coordinated with the site design and proposed stormwater design to ensure that there are no detrimental effects on existing drainage patterns and soil stability conditions.</p> <p>To ensure fill importation required for the proposal does not result in adverse site conditions, a FMP has been developed by Douglas Partners (<b>Appendix F</b>), which is proposed to be implemented throughout the life of the bulk earthworks phase of the proposal.</p>	Yes
CI 7.6 Salinity	<p>Previous investigations undertaken on the site by Douglas Partners in 2007 identified the site as containing soils that ranged from non-saline to slightly saline and are assumed to comprise non to mildly aggressive soil conditions to both concrete and steel.</p> <p>The aggressivity of soil conditions is proposed to be further investigated prior to the commencement of bulk earthworks on the site. Douglas Partner's FMP (<b>Appendix F</b>) also includes salinity testing and selection criteria for future imported materials to ensure no adverse impacts arise to the site's existing condition.</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 (<b>Appendix B</b>). Cardno's report further outlines that the 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 proposal.</p>	Yes

#### 4.4.2 SREP No.20 - Hawkesbury Nepean

Sydney Regional Environmental Plan No 20 (SREP 20) is in place to protect the environment of the Hawkesbury-Nepean River system by ensuring that the impacts of future land uses are considered in a regional context. It seeks to achieve this by providing a series of strategies and planning controls that all development must be considered against. The proposed staged residential and industrial

subdivision of the site will be supported by an appropriately design stormwater drainage network 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.

#### 4.4.3 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 (**Appendix J**) and subsequent Preliminary Phase 2 Environmental Assessment undertaken by WSP in 2009 (**Appendix L**) 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, Pacific Environment Australia Pty Ltd provided written confirmation in May 2016 that the cement pipe had been satisfactorily removed in accordance with NSW EPA guidelines. It also confirmed that results



from soil samples taken surrounding the former cement pipe did not contain any asbestos fibres. A copy of Pacific Environment Australia Pty Ltd's correspondence is provide at **Appendix L**.

**Table 6** below provides an assessment of the proposed development against the relevant provisions of SEPP 55.

**Table 6 Assessment against relevant SEPP 55 provisions**

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

(a) designated development, or (b) State significant development. (2) Pursuant to section 29A of the Act, the period specified in clause 65 (5) (d) of the Environmental Planning and Assessment Regulation 1994 is extended to 30 days in relation to development identified as advertised development by this clause.	considered to be defined as 'advertised development'.
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#### 4.4.4 State Environmental Planning Policy (Infrastructure) 2007

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

Clause 104 Traffic-generating development of the Infrastructure SEPP applies to the proposed development as the DA involves subdivision for more than 200 lots and includes the construction of public roads. In this regard, clause 104(3) requires the consent authority to undertake the following prior to determining the DA:

- give written notice of the application to the RMS within 7 days after the application is made;
- consider any RMS submission, the accessibility of the site and any potential traffic safety, road congestion or parking implications of the development.

A TIA (**Appendix G**) has been prepared by Cardno for the proposal which concludes that the proposal can be accommodated within the local road network with the support of proposed infrastructure upgrades, including the delivery of the East-West Collector Road and the construction of a new four leg roundabout on Werrington Road. Notwithstanding, it is acknowledged that under the 2030 scenario the proposed development, the performance of the roundabout during the PM peak period is predicted to drop to a level of service 'F'. However, this is considerably better than the base scenario (i.e. without the proposal and Werrington Road roundabout) in 2030.

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

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

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

Development consent is sought for the removal of vegetation as part of this DA. An assessment of significance of the proposed native vegetation removal has been prepared by Niche (**Appendix E**), which concludes that the proposal will not have a detrimental impact on the existing local occurrence of the CPW community.

## 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 discusses the relevant planning controls in the DCP that are relevant to the assessment of the subject DA.

### 4.6.1 Penrith Development Control Plan

The Penrith Development Control Plan 2014 (**DCP**) describes the planning, design and environmental objectives and controls relevant to the South Werrington Urban Village to ensure orderly, efficient and sensitive development occurs in the Penrith LGA.

**Table 7** below provides a comprehensive detailed assessment of the proposal against the relevant DCP controls, including the specific controls for the SWUV as specified in Part C, E12 of the DCP.

**Table 7 Assessment of DCP Controls**

Control	Matter	Comment	Compliance
Part C2 Vegetation Management			
2.1	Preservation of trees and other vegetation	<p>Development consent is sought for vegetation and tree removal as part of this DA. The proposed subdivision layout of the site has considered the existing location of trees and has maximised where possible the protection and retention of existing native vegetation. This include the protection of large areas of existing trees within the footprint of the future Central Reserve and E2 Environmental Conservation zoned land.</p> <p>The proposed management and enhancement of disturbed areas is outlined in Niche's Vegetation Management Plan (<b>Appendix E</b>). Measures outlined in this plan are proposed to be implemented following the complement of vegetation removal works and post the embellishment of the Central Reserve open space, proposed under DA 20/0081.</p> <p>Niche has prepared a 7-Part Assessment of Significance (<b>Appendix E</b>) in accordance with the TSC Act and</p>	Yes

Control	Matter	Comment	Compliance
		concludes that the proposal will not have a significant adverse impact on the local occurrence of CPW.	
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 ( <b>Appendix I</b> ) in accordance with PBP and concludes that required APZs can be satisfactorily established throughout the site to ensure future residential development is not unduly exposed to a bushfire hazard.	Yes
Part C3 Water Management			
3.2	Catchment management and water quality	The proposed stormwater drainage network design provides for three basins within the site, 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 to treat water prior to its discharge, east into Claremont Creek. The approach to stormwater management is provided in greater detail in Cardno's Civil Engineering and Infrastructure Report ( <b>Appendix B</b> ) and its Civil Works Plans ( <b>Appendix D</b> ).	Yes
3.6	Stormwater management and drainage	The approach to stormwater management is provided in greater detail in Cardno's Civil Engineering and Infrastructure Report ( <b>Appendix B</b> ) and its Civil Works Plans ( <b>Appendix D</b> ).	Yes
3.7	Water retention basins/dams	The proposed stormwater drainage network includes a series of stormwater basins that will detain and treat stormwater flows prior to their discharge into Council's existing system. A range of bio-retention and GPTs will be installed in the treatment train to ensure water quality targets set by Council are met.  The approach to stormwater management is provided in greater detail in Cardno's Civil Engineering and Infrastructure Report ( <b>Appendix B</b> ) and its Civil Works Plans ( <b>Appendix D</b> ).	Yes
Part C4 – Land Management			
4.1	Site stability and earthworks	The extent of bulk earthworks proposed by this DA are outlined in detail in Cardno's Civil Engineering and Infrastructure Report ( <b>Appendix B</b> ) and its Civil Works Plans ( <b>Appendix D</b> ).  The approach to the proposed site earthworks has been to ensure that a suitable drainage network can be established that meets the drainage requirements for the catchments, while simultaneously providing for level, developable residential lots and usable open space areas.  The site also incorporates a network of retaining walls to satisfactorily retain areas of fill and cut, with high retaining walls appropriately terraced where practical to minimise any adverse impacts.	Yes

Control	Matter	Comment	Compliance
		In addition, a FMP ( <b>Appendix F</b> ) has been prepared by Douglas Partners to ensure that filling processes undertaken on site are done in a controlled and sustainable manner.	
4.2	Landfill	A FMP ( <b>Appendix F</b> ) has been prepared by Douglas Partners to ensure that filling processes undertaken on site are done in a controlled and sustainable manner.	Yes
4.3	Erosion and Sedimentation	Temporary sediment and erosion control measures will be employed throughout the construction phase to ensure no detrimental off-site impacts arise, including the establishment of sediment basins in the location of future stormwater basins.  The proposed erosion and sediment control measures to be implemented are provided in greater detail in Cardno's Civil Engineering and Infrastructure Report ( <b>Appendix B</b> ) and its Civil Works Plans ( <b>Appendix D</b> ).	Yes
4.4	Contaminated Lands	As outlined above in <b>Section 4.4.3</b> , the site is considered suitable for the intended land uses proposed for the site.	Yes
4.5	Salinity	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.  The aggressivity of soil conditions is proposed to be further investigated prior to the commencement of bulk earthworks on the site. Douglas Partner's FMP ( <b>Appendix F</b> ) also includes salinity testing and selection criteria for future imported materials to ensure no adverse impacts arise to the site's existing condition.	Yes
Part C5 – Waste Management			
5.1	Waste Management Plans	A Waste Management Plan ( <b>Appendix M</b> ) for the site has been prepared that details the types and volumes of waste streams.	Yes
5.2.1	Siting and Design of Waste Bin Storage Areas for Residential Development	All proposed residential and industrial lots sought to be created under this DA are provided with direct road frontage and sufficient space at the street kerb for the presentation of two bins. A Public Domain Plan provided at <b>Appendix H</b> demonstrates the ability for two waste bins to be presented at the kerb without being obstructed by street trees, on-street car parking or proposed driveways.  The design of the proposed road network throughout the proposed subdivision layout generally complies with Council's waste vehicle requirements. Further details, including swept path analysis of the road network is provided in Cardno's Civil Engineering and Infrastructure Report ( <b>Appendix B</b> ) and its Civil Works Plans ( <b>Appendix D</b> ).	Yes



Control	Matter	Comment	Compliance
Part C6 – Landscape Design			
	Landscape Design	<p>With the exception of proposed street tree planting, no detailed landscaping forms part of this DA. The future embellishment of the proposed Eastern Basin Park and Central Reserve are the subject of a separate DA currently under Council's assessment (i.e. DA 20/0081).</p> <p>An indicative Landscape Masterplan for the site has been provided as part of the Masterplan Information Package and provides a general direction for the site.</p> <p>A Street Tree Masterplan (<b>Appendix H</b>) is provided to demonstrate the proposed streetscape embellishment programme designed for the site.</p>	Yes
Part C10 Transport Access and Parking			
10.2	Traffic Management and Safety	Detailed consideration of the potential traffic and transport impacts associated with the proposal, including matters specific to the SWUV precinct, is provide below in <b>Section 4.9.1</b> .	Yes
10.5	Parking, Access and Driveways	<p>All proposed new residential lots and industrial employment lots are provided with direct frontage to future public roads.</p> <p>Provision has also been made in the subdivision layout to ensure that future residential development intended to be delivered under an integrated housing DA will have satisfactory vehicle access to future public roads.</p>	Yes
10.6	Pedestrian Connections	<p>The proposed road network has been designed to ensure suitable pedestrian access and amenity is established throughout the subdivision. Minimum required footpath widths will be provided within all verges delivered throughout the subdivision.</p> <p>Additionally, the subdivision layout accommodates four proposed pedestrian through-links between proposed Road 11 and proposed Road 01.</p> <p>These linkages have been designed with a generous width and will ensure a permeable grid road network is established that maximises pedestrian and cyclist connections.</p>	Yes
10.7	Cycleways	<p>The road reserve of proposed Road 11 departs slightly from that detailed in the DCP, and only proposes to accommodate a shared path connection along its northern edge. In addition to accommodating an on-road cycle lane, the proposed road reserve design incorporates a 2.5 m wide shared path within a widened 6m northern verge and standard 1.5m wide footpath within a 4m wide southern verge.</p> <p>A shared path was not proposed along the southern verge of proposed Road 11 due to concerns regarding potential conflicts between industrial vehicle movements</p>	Yes

Control	Matter	Comment	Compliance
		<p>and cyclists. The proposed generous shared path width and associated landscaping along the northern side of the road is considered to provide a far more inviting offering that will help encourage more active mode share movements throughout the precinct.</p> <p>The design of the road reserve of proposed Road 10 departs slightly from that detailed in the DCP to enable the provision of a 2.5m wide shared path along the eastern verge of the road to facilitate better north-south connections towards Werrington Station.</p> <p>To allow for a shared path to be accommodated within the Road 10 road reserve, no footpath and a reduced western verge 2.8m in width is proposed along the frontage of residential allotments in Stage 2B. The provision of a footpath along only one side of a residential street is not uncommon. The absence of a dedicated footpath along the frontage of proposed Stage 2B residential allotments is not considered to adversely impact on the future pedestrian amenity for the site, with suitable infrastructure provided on the opposite side of the street.</p>	
C11 Subdivision			
11.1	General Subdivision Requirements	<p>The proposed subdivision layout has considered the site planning principles outlined in this DCP. Key considerations during this early site analysis phase included consideration of the existing site constraints (i.e. native vegetation and bushfire hazards) and surrounding land uses and any future planned developments (i.e. Cobham Juvenile Justice Centre, WSU and adjacent DA determinations).</p> <p>A key outcome from this process has been to ensure that the proposed urban renewal of the site integrates into the existing Werrington community without unduly impacting on the developability or amenity of adjoining properties.</p> <p>The proposed subdivision will ensure that existing native vegetation within the footprint of the Central Reserve and the E2 Environmental Conservation zoned lot are protected and retained.</p> <p>As noted elsewhere, the existing site topography and drainage requirements have dictated the final bulk earthworks strategy for the site. This will require the importation of fill to establish the required finished site levels to enable the site to drain the surrounding catchment areas from west to east.</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. It is further noted that an existing easement for services to the south of the site, adjacent to the Cobham Juvenile Justice Centre, provides an</p>	Yes

Control	Matter	Comment	Compliance
		<p>opportunity to service the site with reduced disturbances to surrounding localities.</p> <p>The proposed subdivision layout has been designed with consideration of the overall view of improving traffic conditions surrounding the site. Key to this is the proposed delivery of the East-West Collector Road and the construction of a new roundabout on Werrington Road at the site's new connection off proposed Road 11. Traffic modelling undertaken by Cardno in its TIA demonstrates improvements the performance of the road network, that would otherwise deteriorate significantly without the proposed upgrades.</p> <p>The proposed subdivision layout ensures that conventional residential allotments are predominantly provided throughout the site, with a range of lot widths and sizes provided and no lots exceeding the desired 4:1 ratio.</p> <p>No battle-axe allotments are proposed as part of the subdivision layout. The proposed depth of the proposed future integrated housing DA residue smart lots, while shorter in depth than conventional a lot, have been satisfactorily shown to be capable of accommodating future residential built form that can satisfy the relevant site area and amenity requirements. The proposed arrangement of these future smart lots at the northern end of street blocks and along the southern side of proposed Road 01 allows for greater solar access provisions to penetrate into each lot and private open space areas.</p>	
C12 Noise and Vibration			
	Noise and Vibration	<p>Detailed consideration and assessment of noise and vibration impacts associated with the proposed are provided in <b>Section 4.9.2</b> below.</p> <p>The SLR's Noise Impact Assessment (<b>Appendix N</b>) has undertaken a comprehensive assessment of the existing noise environment and considered the potential noise impacts associated with those sources, including road traffic noise and rail traffic noise.</p> <p>SLR concludes that the proposed subdivision 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, including mechanical ventilation and/or façade treatments.</p>	Yes
C13 Infrastructure and Services			
	Infrastructure and Services	<p>The site is satisfactorily serviced by all essential services as outlined in the Civil Engineering and Infrastructure Report (<b>Appendix B</b>).</p> <p>Cardno's report further outlines that the reticulation of utility services and the construction of lead-in mains for</p>	Yes

Control	Matter	Comment	Compliance
		<p>electricity, water, gas and sewer are required to service the predicted demand generated by the proposal.</p> <p>The subdivision layout has given consideration to the availability of existing essential services, with confirmation provided by Cardno that an existing easement for services to the south of the site, adjacent to the Cobham Juvenile Justice Centre, provides an opportunity to align service through this location to the site to minimise potential disturbances to surrounding properties.</p>	
Part 12.8.1 Preliminary			
12.8.1.2	Land to which the plan applies	The site is wholly located within the SWUV.	Yes
12.8.1.3	Aims and General Objectives	<p>The proposal demonstrates the Lendlease's 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> <p>The proposal incorporates a road network that will deliver key collector and minor collector roads that link with the surrounding properties adjacent to the site and Werrington Road. The proposed road network hierarchy provides for a highly permeable precinct that will encourage and support pedestrian and cyclist movements that connect with Werrington Station.</p> <p>The proposal will incorporate WSUD measures in the stormwater treatment train that generally comprise of bio-retention areas in stormwater detention basins. These proposed measures will ensure that stormwater discharge from the site meets Council's relevant water quality targets.</p> <p>The proposal also recognises the importance of the existing CPW native vegetation within the site and proposes to establishment of a dedicated E2 Environmental Conservation lot that will ensure its ongoing protection and management.</p>	Yes
12.8.1.5	Concept Plans	<p>This DA demonstrates represents the comprehensive urban renewal of the entire site and a small portion of the adjoining Lot 2 DP 1176624 to facilitate the delivery of the East-West Collector Road.</p> <p>The Applicant's proposed planning approval strategy for the site removes the necessity for a concept plan to be prepared noting that this proposal provides the necessary details of, and seeks consent for:</p> <ul style="list-style-type: none"> <li>the overall urban structure including proposed open space and E2 Environmental Conservation allotments</li> </ul>	Yes

Control	Matter	Comment	Compliance
		<ul style="list-style-type: none"> <li>a subdivision layout that provides a mix and variety of lot sizes and width that promotes the opportunity for housing diversity across the site</li> <li>a road network hierarchy that includes the proposed delivery of the East-West Collector Road, North-South Road and a new roundabout on Werrington Road to address traffic issues surrounding the site</li> <li>indicative development staging and associated infrastructure delivery.</li> </ul> <p>A landscape masterplan showing the overall concept for the site's urban renewal is provided as part of the Masterplan Information Package provided under separate cover.</p> <p>In addition, the Applicant has recently lodged a DA proposing the landscape embellishment of both RE1 Public Recreation zoned open space areas consistent with the master planned concept layout for the site and generally in accordance with the DCP.</p>	
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"> <li>The proposed road network hierarchy does not preclude the ability for the Werrington Arterial to be delivered in the future. Notwithstanding, given limited commitment to the proposed upgrade of this arterial road network, a new roundabout is proposed at the site's connection with proposed Road 11 (i.e. East-West Collector Road). As outlined below in <b>Section 4.9.1</b>, the proposed road upgrades provide significant benefits for not only the site, but also the immediate locality and will reduce existing and growing traffic congestion issues.</li> <li>The road network hierarchy has been designed to accommodate the bus and articulate vehicle movements, as detailed in the Civil Engineering and Infrastructure Report (<b>Appendix B</b>).</li> <li>Minor variations are proposed to the general alignment and siting of the East-West Collector Road and North-South Road. These minor deviations are not considered detrimental to the overall function and urban structure of the SWUV precinct as demonstrated in this SEE. Further justification for this proposed variation is provided in <b>Section 4.6.2</b> below.</li> </ul>	Yes, subject to a minor justified variation.



Control	Matter	Comment	Compliance
		<p>Land Use</p> <ul style="list-style-type: none"> <li>The proposal seeks consent for the subdivision of the IN2 zoned land along the southern boundary of the site, with lots satisfying the minimum 2,000m<sup>2</sup> proposed.</li> <li>Proposed residential densities under this DA are generally in keeping with that envisaged under this DCP. The site has the potential to accommodate up to approximately 390 dwellings, including 33 apartments within the proposed residue residential apartment building lot (i.e. Lot 3001). This proposed yield satisfies the minimum yields outlined in the DCP and is far more in keeping than the approved and planned residential yields under the previous approvals by the former owner of the site. The proposal under this DA is consider to represent a more considered approach to the site's urban renewal that will be more in keeping with the surrounding Werrington community that will also be supported by necessary infrastructure (i.e. roads and open space)</li> </ul> <p>Open Space</p> <ul style="list-style-type: none"> <li>The two identified RE1 Public Recreation zoned land areas are proposed to be formally established by this DA (i.e. proposed Lot 3000 – Eastern Basin Park and proposed Lot 2269 – Central Reserve). The future embellishment of these lots is subject to DA 20/0081.</li> <li>The designs for these spaces seek to incorporate opportunities for passive, and some minor active, recreational uses and will also establish measures to ensure the protection of existing native vegetation.</li> <li>The proposal will also formally establish a defined boundary around the E2 Environmental Conservation zoned land on the site, with proposed Lot 1000 to be created at Stage 1A.</li> </ul> <p>Stormwater Management</p> <ul style="list-style-type: none"> <li>The approach to the stormwater drainage design and its functions is outlined in detail in Cardno's Civil Engineering and Infrastructure Report (<b>Appendix B</b>) and Civil Works Plans (<b>Appendix D</b>).</li> <li>The stormwater drainage network proposes an integrated approach to the management of stormwater that would be captured in the identified catchments affecting the site. WSUD measures are proposed to be incorporated, with bio-retention areas proposed in stormwater basins to effectively treat water prior to its discharge into Council's network.</li> </ul>	

Control	Matter	Comment	Compliance
		<ul style="list-style-type: none"> <li>A comprehensive Operations and Maintenance Manual has been prepared by Cardno that sets out parameters for the proposed bio-retention and stormwater detention basins (<b>Appendix B</b>).</li> </ul>	
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 deliver a range of residential lot types and sizes that can accommodate a variety of future housing forms.</p> <p>General Residential</p> <p>Proposed lot sizes within the 'General Residential' character area vary greatly, with 400m<sup>2</sup> + lot sizes proposed along the site's western boundary.</p> <p>It is acknowledged that the proposed subdivision layout proposes the creation of mostly 'build to boundary' lots, including land within the 'General Residential' character area. This practice is now considered common in residential land subdivision layout and does not preclude the ability for suitable lots sizes and future housing forms from being delivered.</p> <p>The proposal subdivision layout will establish north-south oriented streets that are proposed to be suitably embellished with a variety of trees species.</p> <p>Multi Dwelling Housing</p> <p>Proposed residential lots within the 'Multi Dwelling Housing' character area provide propose future opportunities for the delivery of high residential densities. These opportunities are provided in the proposed terrace, smart lot and residential apartment building residue lots. These residue lots have been positioned closer to Werrington Station and near proposed open space areas to provide for a suitable future built form transition from general residential areas towards the railway station.</p> <p>Employment Uses</p> <p>The proposal will create 14 new industrial employment lots, a minimum 2,000m<sup>2</sup> in size, with a minimum 25 m wide frontage in accordance with the DCP.</p> <p>The proposed industrial employment lots have been designed to ensure they are capable of accommodating future light industrial uses compatible with the locality. An analysis undertaken by SBA Architects demonstrates these lots are capable of being developed to provide high quality architectural outcomes that transition better into the adjoining residential land uses.</p>	Yes
12.8.2.4	Dwelling yield	<p>The site is subject to the dwelling yield sub-precincts A, B, C and a very small portion of E. In total, a minimum dwelling yield of approximately 270 is required to be delivered across the site (accounting for approximately 8 dwellings in sub-precinct E).</p>	Yes

Control	Matter	Comment	Compliance
		<p>The proposal seeks approval to create 259 Torrens title residential lots, with an approximate site capacity of 390 dwellings taking into consideration proposed future integrated housing dwellings and a future residential apartment building.</p> <p>The proposal will therefore satisfy the minimum dwelling yield for the site in accordance with the DCP. Satisfactory details are provided as part of this DA to demonstrate the site is capable of accommodating the increased residential dwelling yield.</p> <p>It should also be noted that the proposal provides a more considered approach to the proposed dwelling yield outcome for the site compared to the previous approvals and planned development on the site. Current existing approvals alone provide for up to 274 dwellings on half of the site, with little investment or commitment to deliver supporting road and open space infrastructure.</p>	
Part 12.8.3 Public Domain			
12.8.3.1.4	Vegetation	<p>The site contains existing CPW native vegetation which is predominantly located centrally and along the northern boundary of the site.</p> <p>Native vegetation removal, consistent with current approvals applying to the site, is sought as part of this DA to facilitate the site's urban renewal. Notwithstanding, native vegetation contained within the boundary of the Central Reserve and within land zoned E2 Environmental Conservation is proposed to be retained and protected.</p> <p>The embellishment of the proposed future Eastern Basin Park and Central Reserve is subject to a separate DA (i.e. DA 20/0081) and proposes the creation of functional, passive recreational open spaces. In addition, measures are included to ensure the retention and protection of a much native vegetation as possible, particularly within the Central Reserve. With the exception of trees proposed for removal to accommodate proposed stormwater drainage measures and an APZ, all other vegetation and trees will be protected and enhanced.</p> <p>Niche has prepared a 7 Part Test (<b>Appendix E</b>) that assesses the significance of impact associated with the proposal. Niche note that the majority of moderate quality habitat will be protected in accordance with the E2 Environmental Conservation zoning along the northern portion of the site, while an additional hectare will be retained within the Central Reserve.</p> <p>Niche also details that the existing CPW within the site forms part of a larger local occurrence approximately 15.3 ha in size. It was concluded that the proposed removal of approximately 5 ha of CPW from the broader local occurrence would not have an adverse impact on either the extent or composition of CPW.</p>	Yes

Control	Matter	Comment	Compliance
12.8.3.1.5	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 aggressivity of soil conditions is proposed to be further investigated prior to the commencement of bulk earthworks on the site. Douglas Partner's FMP (<b>Appendix F</b>) also includes salinity testing and selection criteria for future imported materials to ensure no adverse impacts arise to the site's existing condition.</p>	Yes
12.8.3.1.6	Contamination	<p>Investigations and assessments 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 <b>Section 4.4.3</b>.</p>	Yes
12.8.3.2 Transport & Accessibility			
12.8.3.2.1	Road Network	<p>The proposed road network hierarchy will create a modified grid networks as envisaged by the DCP. This network will facilitate and encourage walking and cycling connections throughout the site and also enables direct local vehicle trips within the neighbourhood and to local activity points.</p> <p>This road network will be legible and aligned with key destination points throughout the site, including the proposed Central Reserve, Eastern Basin Park, industrial employment lots to the south and to Werrington Station in the north.</p> <p>The siting of proposed future residential densities will place more dense urban outcomes closer to Werrington Station. Proposed pedestrian through-links between proposed Roads 01 and 11 will also provide direct pedestrian and cyclist connections from Werrington Station to this future employment precinct. These measures will ensure that alternative modes of transport are utilised for local trips to reduce the private vehicle dependency.</p>	Yes
12.8.3.2.2	Vehicular Movement	<p>The proposal is considered to satisfy the objectives of this section of the DCP, noting that:</p> <ul style="list-style-type: none"> <li>• a highly legible and connected grid road network hierarchy is proposed</li> <li>• the proposed road network hierarchy will create several opportunities for connections throughout the site and to adjoining locations, including the proposed delivery of the whole of the East-West Collector Road</li> <li>• the road network hierarchy does not create adverse traffic impacts, while the proposed new</li> </ul>	Yes

Control	Matter	Comment	Compliance
		<p>roundabout on Werrington Road will provide significant improvements to the local road network.</p> <p>The proposed subdivision layout will create a network of street blocks that comply in full with the maximum prescribed length and depth, ensuring that a well connected and legible precinct is established.</p> <p>Predominantly all residential lot proposed within the subdivision will have a primary frontage to a street to ensure that future residential development addresses the street in a positive manner.</p>	
12.8.3.2.3	Public Transport	<p>The permeable road network will provide high levels of connectivity between all areas of the site and Werrington Station and existing bus services nearby on the northern side of the Western Rail Line.</p> <p>The proposal will not preclude the establishment of a bus route through the identified SWUV precinct road network. As detailed in Cardno's TIA (<b>Appendix G</b>), the proposed road geometries and alignment of the North-South Road and East-West Collector Road can satisfactorily accommodate bus movements.</p> <p>It is acknowledged, however, the bus route options through the SWUV precinct are not capable of being fully established until such time as the remainder of the precinct develops. However, this proposal enables the early introduction of bus services in some capacity and will also provide a major step towards realising the delivery of the entire planned bus network thanks to the proposed construction of the East-West Collector in full as part of this DA. <b>Figure 12</b> depicts an indicative location of bus stop locations that provide satisfactory coverage to the future residential and industrial land uses within the site.</p>	Yes
12.8.3.2.4	Pedestrians and Bicycles	<p>The proposal will include the delivery of a 3.6 m wide shared path along a widened 6m northern verge within proposed Road 11, generally consistent with the bicycle network required to be delivered along collector roads per the DCP.</p> <p>An off-road separated shared path/cycleway is not proposed to be delivered along the southern verge of proposed Road 11 due to potential conflicts between industrial vehicle movements and cyclists. Instead, the widened shared path along the northern verge of the road corridor is proposed to allow for a more generous and inviting cycling route.</p> <p>In addition, a 2.5m wide shared path is proposed along the eastern verge of proposed Road 10 to provide for improved cyclist and pedestrian connections north towards Werrington Station. In consultation with Council and as a compromise to providing a shared path on the eastern edge of the road reserve, the western verge has</p>	Yes, subject to a justified variation.



Control	Matter	Comment	Compliance
		<p>been reduced in width and will not accommodate a footpath.</p> <p>The proposed permeable road network will further encourage opportunities for active trips and support the creation of healthy lifestyles within the precinct.</p> <p>With the exception of proposed Road 10 as outlined above, footpaths a minimum 1.5m in width will be provided on both sides of roads delivered within the site in accordance with the DCP.</p>	
Part 12.8.3.3 Streetscapes			
12.8.3.3.1	Landscape Character	<p>The proposal is supported by a Street Tree Masterplan for the site, prepared by Place Design Group (<b>Appendix H</b>). The masterplan proposes a range of 100L species for the site, with deciduous species proposed to be located along northern street block frontages to provide increased opportunities for sun light penetration into residential lots during winter months.</p> <p>The proposed subdivision layout has been analysed to ensure that a minimum one street tree can be accommodated per residential lot, taking into consideration the minimum driveway crossover widths and waste bin presentation requirements.</p> <p>Proposed street tree planting for the site will ensure pleasing streetscapes are established within the site.</p>	Yes
12.8.3.3.2	Road Sections	<p>As outlined above, the proposed road network will provide a functional and legible network that provides for safe and efficient vehicle and pedestrian connections.</p> <p>The proposed road network hierarchy has been designed with regard to the DCP and is generally in accordance with the road hierarchy outlined in the DCP.</p> <p>Additional mid-block streets are proposed and will improve overall site permeability and access. Dedicated pedestrian through-link connections are also proposed between the residential and industrial zoned lands, connecting movements along the East-West Collector Road with the open space areas and Werrington Station further north. These variations to the DCP are considered positive and will benefit the future residents, workers and visitors by allowing improved accessibility.</p> <p>Proposed road reserve and carriageway widths are generally consistent with that prescribed in the DCP, with all road reserve and carriageway widths either meeting, or exceeding the specified dimensions. Minor variations are proposed to verge widths as outlined above to provide for improved pedestrian and cyclist amenity outcomes.</p> <p>Further justification for this proposed variation is provided in <b>Section 4.6.2</b> below.</p>	Yes, subject to a minor justified variation

Control	Matter	Comment	Compliance
12.8.3.4	Passive Open Space & Environmental Conservation Areas	All proposed landscape embellishment works of the RE1 Public Recreation zones are subject to DA 20/0081.  This DA will establish the future park lots, ensuring that their land sizes and functionality can be better planned.	Yes
Part 12.8.4 Private Domain			
12.8.4.1	Subdivision	The propose subdivision layout for the site seeks to create generally conventional residential lots that are typically 10m to 12.5m in width and between 29m to 35m in depth.  East-west oriented lots are proposed to be provided with a range of lot widths, with the minimum width proposed to be 10m. These lots have been designed to allow for future build to boundary residential development and their depths are still considered sufficient to ensure satisfactory solar access is provided.  In accordance with the DCP controls, longer north-south oriented lots are proposed at the southern end of street blocks to maximise solar access opportunities for future residential development.  North-South oriented lots at the northern end of street blocks are typically proposed as residue lots. Future integrated housing DAs will be lodged for the development of these smart lots, along with other residue smart lots located on the southern side of Road 01. These lots are typically shorter in depth and wider at the street frontage. As demonstrated above in <b>Section 3.5.3</b> , potential residential built forms have been tested to ensure that these shorter and wider lots can satisfactorily accommodate residential built form that provides a satisfactory built form outcome for the site.	Yes, subject to a justified variation.
12.8.4.2.3	Building Footprints	As detailed on the Subdivision Plans ( <b>Appendix C</b> ), appropriate maintenance easements 900 mm in width are proposed on adjoining burdened lots.  Detailed design of these lots will be subject to future separated DAs or other approval pathway.	Yes
Part 12.8.5 Residential Development Forms			
12.8.5.2	Integrated Housing	No physical development is proposed as part of this DA. Notwithstanding, this proposal seeks to establish several residue lots that are intended to comprise future integrated housing developments, including attached/abutting terraces and smart lot dwellings.  The realisation of this future built form will be subject to separate DAs.	N/A
12.8.5.2	Apartments	Consistent with the comment provided above regarding integrated housing, a residue lot is proposed (i.e. proposed Lot 3001) at the south of the Eastern Basin Park	Yes

Control	Matter	Comment	Compliance
		<p>lot and is envisaged to accommodate a future residential apartment building development.</p> <p>Proposed Lot 3001 is 3,929m<sup>2</sup> in area and has a frontage to proposed Road 13 of 54.8m, from which future vehicle access is envisaged to be provided from.</p> <p>The proposed residue lot size is considered sufficient to satisfactorily accommodate a future residential apartment development.</p>	
12.8.5.7	Detached Dwellings	<p>A total of 20 proposed residential lots are proposed that have been designed to, or are capable of, accommodating future detached residential built forms.</p> <p>These lots will range in size between 369.9m<sup>2</sup> and 799.92m<sup>2</sup> of which 12 are proposed with a lot size less than 450m<sup>2</sup>. Further, of these 12 lots, 9 lots are proposed with widths less than the 15 m – 18m range. This variation represents a minor portion of the total number of residential lots proposed.</p> <p>The majority of these lots are typically located on the south western corner of each street block and allow for future built forms to be designed to address both frontages and rear private open space areas to receive unobstructed solar access during the morning winter solstice period.</p> <p>The relevant development controls are closely aligned to those applying to build to boundary dwellings, such that these lots are considered capable of still achieving compliance with the minimum private open space area of 50m<sup>2</sup>, landscape site coverage control and relevant setback requirements.</p>	Yes, subject to a justified variation
12.8.5.8	Build to Boundary Dwellings	<p>A total of 247 residential lots are designed to accommodate, or allow for, build to boundary dwelling forms.</p> <p>All lot sizes comply with the minimum lot size and lot with requirements under the DCP, with the smallest lot proposed being 290m<sup>2</sup> and 10 m in width.</p>	Yes
12.8.6	Development for Employment Purposes	<p>A total of 14 industrial employment lots are proposed to be created under this DA. Each lot satisfies the minimum 2,000m<sup>2</sup> lot size and 25 m lot width requirements. No physical development is proposed as part of this DA.</p> <p>A design analysis of the proposed subdivision layout has concluded that the lot sizes are sufficient enough to accommodate acceptable light industrial built forms, required car parking needs and a 10 m landscaped front setback.</p> <p>Future detailed designs will be required to demonstrate compliance with these controls and other relevant controls pertaining to landscaping, drainage, fencing and design.</p>	Yes

Control	Matter	Comment	Compliance
		Access to all lots will be provided from proposed Road 11 and proposed Road 12. While it is acknowledged that site access is detailed to be from the western side of each lot to reduce impacts of cut into the site, this DA will establish the final finished levels for the site, including the industrial employment lands. These proposed civil works will ensure that sites are appropriately levelled, with minimum cross-fall provided to each lot such that it should not preclude the ability to provide vehicle access from other locations along the site's frontage.	

#### 4.6.2 Proposed Variations to the Penrith DCP 2014

Section 4.15(3A) of the EP&A Act limits the ability for a consent authority to impose more onerous standards with respect to development than those set within a development control plan, cannot rely on development control plan precedents in connection with a development application and must ensure flexibility is applied to all development control plan provisions for which a development application does not comply.

Council's DCP provides circumstances where a variation may be considered, where the Applicant has demonstrated commitment to principles relevant to a particular development control. These matters have been considered and addressed in detail throughout this SEE. This accords with the general position in section 4.15(3A)(b) of the EP&A Act whereby controls such as these are to be flexibly applied. Section 4.15(3A)(b) of the EP&A Act requires that if the DCP contains standards (including 'performance criteria') with respect to an aspect of the development and if the DA does not comply with those standards, the consent authority is to be flexible in applying those provisions and to allow reasonable alternative solutions that achieve the objects of those standards for dealing with that aspect of the development.

It was also found in Commissioner Brown's decision at paragraph 32 of *Proust & Gardner Consulting Pty Ltd v Camden Council [2015] NSWLEC 1082*, that if a consent authority is satisfied that the objectives of the controls are achieved, a variation to those controls can be approved. In this case, Commissioner Brown found that there was justification for the variation and granted approval.

This means that a development control plan's prescriptive standards are not the paramount consideration for consent authorities in their assessment and determination of DAs, but rather it is the intent of the standards that is most important and whether the intent can be achieved by the reasonable alternative solutions proposed by the applicant. In the context of the proposal, variations may be considered reasonable to address new or more detailed information about the site, while ensuring that the planning outcomes for the precinct are not significantly altered and the proposal remains integrated, sustainable and attractive within the context of the broader SWUV precinct

##### *Reasonableness of proposed variations*

In accordance with section 4.15(3A) of the EP&A Act, the proposed subdivision and road network layout is considered to provide a reasonable alternative outcome to that outlined in Part E12 of Council's DCP relating to the SWUV precinct. The proposal includes minor adjustments to the subdivision and road layout to accommodate a realigned East-West Collector Road, which is considered to provide an improved development outcome for the site and adjoining properties.

As demonstrated in the SEE, the siting and alignment of the East-West Collector Road has not detrimentally impacted on the ability for a viable industrial employment precinct to be established. Further, a significantly inflated residential dwelling yield is also not proposed to be pursued through the resultant additional developed residential land. **Section 4.6.1** of this SEE also demonstrates that the objectives of the relevant sections of the DCP have been met.

The proposed subdivision layout, urban structure and associated road hierarchy are generally in accordance with the DCP and delivers a range of lot sizes to provide housing choice and diversity. The proposal also provides for the coordinated approach to the site's urban renewal and demonstrates Lendlease's commitment and proposed significant investment into the precinct, including supporting infrastructure.

The proposed variations to the minimum lot sizes for detached dwellings are considered minor in the context of the overall masterplan framework for the site. These lots are still considered capable of accommodating compliant residential built forms and will nonetheless still be required to comply with the relevant controls applicable to those lots at the time detailed built forms are proposed.

Any variations are considered minor and contained to the site such that they would not unnecessarily result in an unwarranted development outcome precedent. In this context, it is noted that the lot sizes and types proposed provide far more variety and diversity than current approvals over the site and over 25 Rance Road adjacent to the east. Importantly the proposal is considered to demonstrate that it aligns with the SWUV precinct vision and will provide a valuable contribution to the Penrith LGA.

In view of the above, it is considered that the proposal is acceptable and will ensure that the future residential and industrial development is integrated, sustainable and attractive within the context of the SWUV precinct. As demonstrated, where the consent authority is of the opinion that the variations proposed under the DA are justified, they should have no hesitation in supporting the proposal.

## 4.7 Planning Agreements

No VPAs apply to the site. Notwithstanding, Lendlease have written to Council to make a formal Letter of Offer to enter into a VPA for the proposed development. The Letter of Offer outlines the proposed infrastructure that would be delivered, its monetary value and corresponding offset against any likely section 7.11 development contribution obligations.

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

## 4.8 Environmental Planning and Assessment Regulation 2000

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





## 4.9 Likely impacts of the Development

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

Detailed consideration of matters considered of importance to the proposal is provided below.

### 4.9.1 Traffic and Transport

Cardno has prepared a detailed Traffic Impact Assessment (**TIA**) (**Appendix G**) that assesses the proposed estimated traffic generation potential of the development.

In assessing the proposal and its potential impacts on the existing road network, Cardno's assessment included a review and consideration of previous investigations undertaken for previously approved development on the site and at 25 Rance Road adjacent.

It was shown that intersection counts and traffic surveys recently undertaken in August 2019 were generally consistent with those previously undertaken in 2014, demonstrating limited changes to background traffic growth in the immediate locality. Additional surveys were undertaken of similar low density residential precincts in close proximity to a train stations to further assess potential dwelling trip rates that would be generated by the proposal.

Based on the additional surveys and in consultation with Council, the following trip rates were been adopted for the proposal:

- 0.53 (AM) and 0.49 (PM) trips per dwelling for low density development
- 0.4 trips (AM & PM) per dwelling for medium density development
- 0.33 trips (AM & PM) per dwelling for high density development.

On this basis, Cardno estimate that under a full developed scenario (i.e. all proposed residential lots, future integrated housing, apartment building and industrial land uses), the proposal was expected to generate 361 and 359 vehicular trips during the AM and PM peak periods.

Cardno's TIA presents SIDRA modelling of the base 2020 scenario for the following intersections:

- Werrington Road/Rance Road
- Werrington Road/The Kingsway
- Werrington Road/Great Western Highway
- Werrington Road/Dunheved Street/Christie Street.

It was shown that the existing AM peak period performance of nearby intersections ranged between a Level of Service (LoS) A and D and D and F in the PM peak period. Dunheved Street/Christie Street were shown to operate at a LoS A in the AM peak period and LoS C in the PM peak period.

In addition, the TIA modelled the following scenarios to allow for a comparative assessment:

- year 2022 Base (i.e. without development with 2% background growth)
- year 2022 Approved Development (i.e. approved development under DA14/0627, DA15/0207, DA16/1148 and DA16/0789)
- year 2022 Stage 1 (i.e. Applicant's proposed Stage 1 – up to 159 residential lot, three-legged Werrington Road roundabout plus the 85 residential lots approved under DA15/0207)
- year 2030 Base
- year 2030 Approved Development
- year 2030 Ultimate Development (i.e. Application's ultimate possible developed scenario proposed under this DA, four legged Werrington Road roundabout plus DA15/0207)
- Year 2030 Ultimate Development With Mitigation (i.e. northbound through lane on Werrington Road at the intersection with The Kingsway).

The following key findings were made by Cardno in its assessment:

- Cardno's assess that the introduction of the proposed Werrington Road roundabout (three legged design operation) in the year 2022 shows some improvements in intersection performance at the three main nearby intersections compared to a 2022 Approved Development scenario. These improvements generally relate to a reduced AM and PM peak period degree of saturation and average delay.
- Cardno's TIA shows that in the year 2030, the proposed operation of the Werrington Road four legged roundabout will improve intersection performance at Werrington Road/Rance Road/proposed Road 11 to a LoS C or better during both the AM and PM peak periods. This is compared to a 2030 Base scenario, where there would be no Werrington Road roundabout consistent with this proposal, where the Werrington Road/Rance Road intersection would operate at an LoS of C and F (i.e. fails) in the AM and PM peak periods, respectively.
- During the PM peak period under the 2030 Base, the Werrington Road/The Kingsway intersection fails at LoS F in all scenarios. Conversely, during the AM peak period in the intersection is modelled to operate satisfactorily at LoS B. However, this LoS will further deteriorate as a result of the additional traffic to a LoS F under all 2030 development scenarios (i.e. Approved Development and Ultimate Development).
- The Werrington Road/Great Western Highway intersection under the 2030 Base is modelled to operate at capacity in the AM peak period (LoS D) and fails in the PM peak (LoS F). The intersection deteriorates to LoS E under all scenarios in the AM peak. Intersection performance during the PM peak period remains at LoS F for all development scenarios with increased average vehicle delay compared to 2030 Base.

Consideration was also given to the introduction of network mitigation improvements in addition to the proposed four legged roundabout on Werrington Road, being a northbound through lane on Werrington Road at The Kingsway intersection. The results show that there is very little improvement gained from the introduction of such a mitigation measure, only serving to push congestion further along Werrington Road. On this basis, it is not considered this mitigation measures is warranted

given the little network performances gained compared to the required investment and impact on existing land holdings.

It is important to note, however, that the forecast performance of Werrington Road corridor is predicted to be LoS F under both a background growth only scenario and Approved Development scenario.

Cardno conclude that the proposed upgrades will generally provide an improvement over the 2030 Base scenario. It was also noted that once the Werrington Arterial Stage 2 is completed, the intersection performances in the locality will ultimately improve in line with the increased capacity of the corridor.

It is therefore considered that the proposal provides for an improved traffic outcome for the locality. The modelled intersection performances are also likely to improve once the Werrington Arterial Stage 2 upgrades are undertaken, for which the proposal would no comprise the delivery of.

#### 4.9.2 Noise Impact Assessment

A comprehensive Noise Impact Assessment has been undertaken by SLR (**Appendix N**) to assess the potential impacts on the proposed residential lots from nearby noise sources, including the Great Western Highway and Western Rail Line.

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 38**.

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 were predicted to result in noise levels around 59 dBA during the daytime and 57 dBA during the night time
- 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.



**Figure 38 Background Noise Monitoring Locations**

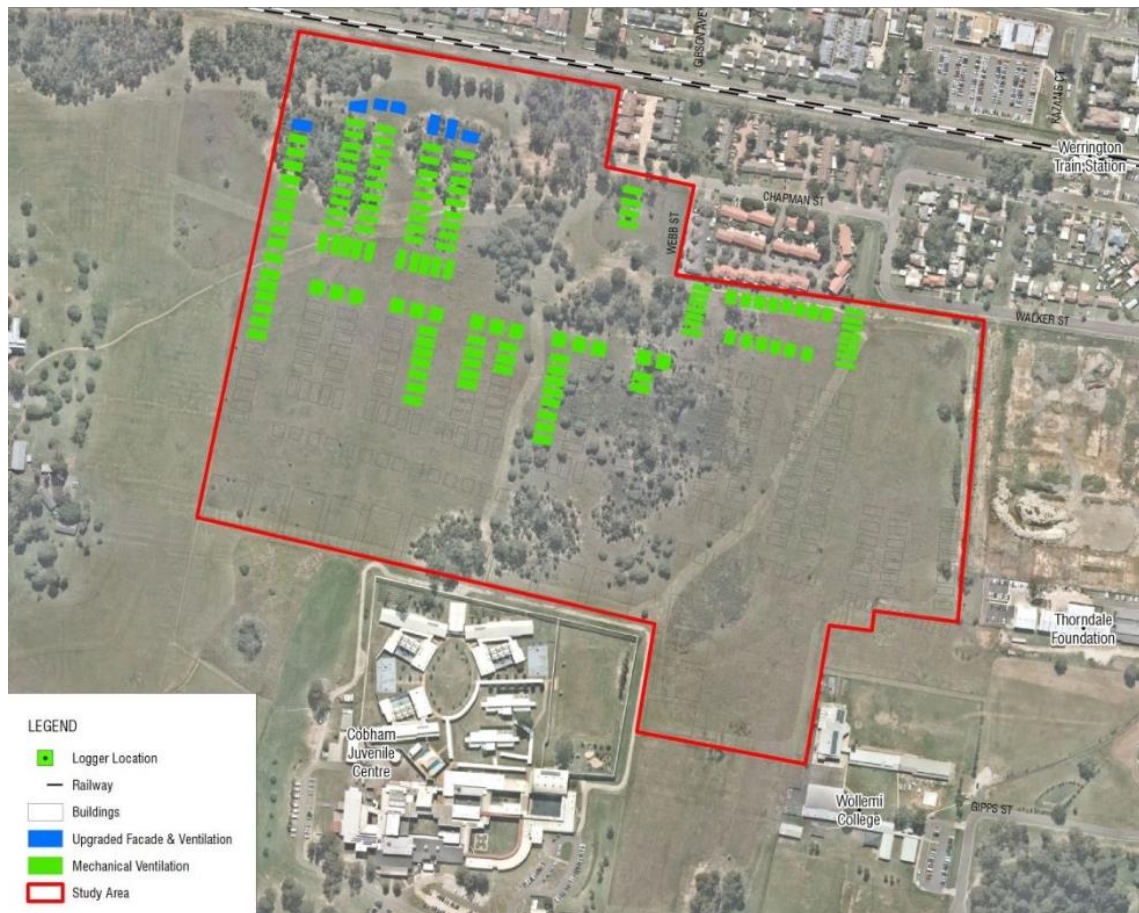
To ensure future residential dwellings achieve compliance with the relevant amenity criterion, SLR have recommended several mitigation measures, including ensuring façade upgrades and mechanical ventilation are implemented in the detailed design of future built form on lots generally consistent with those identified below in **Figure 39**.

For these identified lots, a noise reduction in the order of approximately 19-22 dBA is required to be achieved through the implementation of the recommended mitigation measures. Such measures may include increased window glazing thickness and increased façade treatments with weighted noise reduction insulation.

SLR also 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 rail traffic noises are capable of being acoustically treated to ensure that the amenity levels of future residential properties achieve compliance with the relevant criteria outlined in the Department of Planning, Industry and Environment's policy *Development near Rail Corridors and Busy Roads*.





**Figure 39** Location of 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. Notification Plans have been included as part of this DA package at **Appendix C**. 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 housing within a growing metropolitan city that are close to jobs and services, consistent with the Greater Sydney Commissions' '30 minutes cities' vision.



- The proposal responds to the sites opportunities and constraints and provide for a greater level of housing supply and diversity to accommodate the growing housing demands within the Sydney basin.
- The site is zoned for urban development purposes, and the proposal will fulfil this planned outcome.
- The proposal provides a coordinated approach to the site's urban renewal and delivery of infrastructure and services that will ultimately deliver a positive contribution to the character of this locality.
- The proposal will positively contribute to the delivery of future social, environmental and economic benefits for the locality.

## 5 Conclusion

This DA seeks approval for the staged residential and industrial subdivision of Lot 1 DP 1226122 - 16 Chapman Street, Werrington, Lot 2 DP 1176624 - 2 Gipps Street, Werrington, Lot 12 DP 734612 - 12 Werrington Road, Werrington, Lot 1 DP 5277758 - 51 Rance Road, Werrington, Lot 1 DP 749982, 611-651 Great Western Highway, Werrington and Lot 101 DP 101140594 - 653-729 Great Western Highway, Werrington, including associated site preparation works, tree removal, bulk earthworks and civil works.

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

As outlined above, the proposed non-compliances are minor 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 will provide certainty of the broader outcome for the site and SWUV precinct and will ensure the delivery of much needed infrastructure to support the continued development of the remaining areas of the precinct. Based on the information contained in this SEE, the proposal should be granted consent, subject to the appropriate conditions.



## APPENDIX A: COST OF WORKS SUMMARY



# **APPENDIX B: CIVIL ENGINEERING AND INFRASTRUCTURE REPORT AND OPERATION AND MAINTENANCE MANUAL**



## APPENDIX C: SUBDIVISION AND LOT MIX PLANS





## APPENDIX D: CIVIL AND EARLY WORKS PLANS



# APPENDIX E: 7-PART TEST SIGNIFICANCE ASSESSMENT AND VEGETATION MANAGEMENT PLAN



# APPENDIX F: FILL MANAGEMENT PROTOCOL



# APPENDIX G: TRAFFIC IMPACT ASSESSMENT



## APPENDIX H: STREETScape AND PUBLIC DOMAIN PLANS



# APPENDIX I: BUSHFIRE ASSESSMENT REPORT





# APPENDIX J: ZONING OVERLAY PLAN



# APPENDIX K: PHASE 1 CONTAMINATION ASSESSMENT



# APPENDIX L: PRELIMINARY PHASE 2 ENVIRONMENTAL ASSESSMENT



# APPENDIX M: WASTE MANAGEMENT PLAN



# APPENDIX N: NOISE IMPACT ASSESSMENT

