



STATEMENT OF ENVIRONMENTAL EFFECTS

Integrated Housing, Subdivision and Associated Civil Works

Proposed Lot 1068; 16 Chapman Street, Werrington

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Statement of Environmental Effects

Integrated Housing, Subdivision and Associated Civil Works
Part of Lot 1 DP1226122 (Proposed Lot 1068)
16 Chapman Street, Werrington

Prepared for

Lendlease Communities (Werrington) Pty Ltd

By



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Executive Summary

This Statement of Environmental Effects (**SEE**) has been prepared to accompany a Development Application (**DA**) lodged on behalf of Lendlease Communities (Werrington) Pty Ltd (the **Applicant**). The DA seeks approval for integrated housing and associated works to create four (4) dwelling houses on Torrens title allotments, eleven (11) dwelling houses on lots within a community title scheme and a private road. The proposal seeks the subdivision of the site to occur first, then subsequent construction of the relevant dwellings. The site is within the Kings Central estate at 16 Chapman Street, Werrington.

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

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

Development Consent DA19/0704 was granted on 18 December 2020 by the Sydney Western City Planning Panel (the **Panel**) and included the creation of the residue lot 1068 (the **site**). The site is also affected by Development Consent DA20/0081, which required the dedication of some of site area for park. The resultant site area is approximately 3,330m². The main components of the proposal include:

- Integrated housing development including subdivision to establish 15 dwellings across 4 Torrens title allotments and 11 residential allotments within a community title scheme.
- Associated landscaping and civil works including lot grading and construction of a private road.
- The proposal seeks consent that allows the subdivision of the land prior to the construction of the dwellings.

This DA seeks approval for development under Part 4 of the *Environmental Planning and Assessment Act 1979* (**EP&A Act**). The site is zoned R4 High Density Residential, and the proposed development is permissible with consent under the *Penrith Local Environmental Plan 2010* (**PLEP 2010**). This application has demonstrated that the proposal complies with the relevant controls and development standards in the PLEP 2010 and the *Penrith Development Control Plan 2014* (**PDCP**).

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

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

1 Introduction

1.1 Background

GLN Planning Pty Ltd (**GLN**) has been commissioned by the Applicant to prepare this SEE. It accompanies a DA seeking approval for integrated housing comprising subdivision to create 15 dwelling houses across 4 Torrens title lots and 11 community title lots as well as supporting works including the construction of a private road. The site is proposed lot 1068, approved under Development Consent DA19/0704, although the site is currently legally identified as part of Lot 1 DP1226122; 16 Chapman Street, Werrington.

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

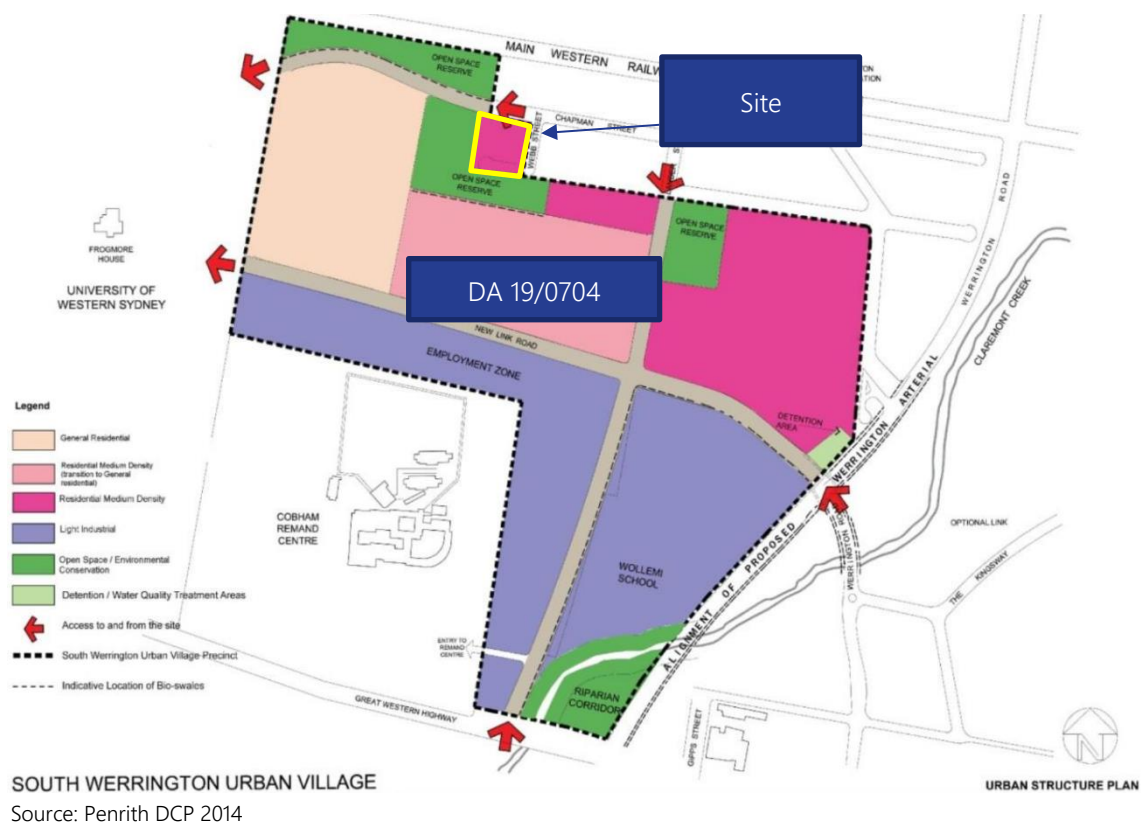
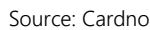


Figure 1. SWUV Structure Plan

The proposal is located within the Applicant's estate, known as 'Kings Central'. The parent subdivision consent for Kings Central was issued by the Western Sydney Planning Panel on 18 December 2020 under DA19/0704. The DA is over part of a residue lot approved under DA19/0704 known as Lot 1068 (see **Figure 2**).

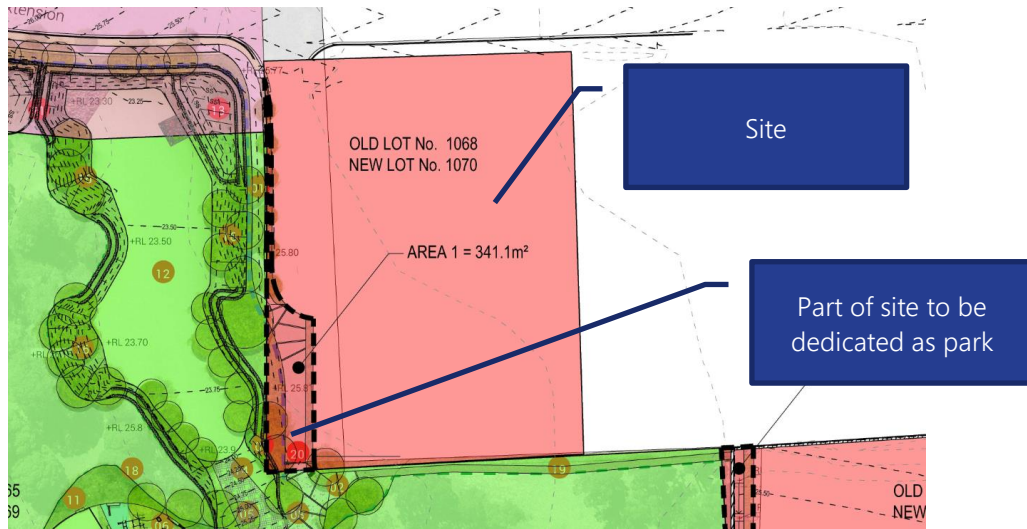


1.2 Development History

Preceding the approval of DA19/0704, in November 2016 Consent was granted under DA16/0789 for the construction of 95 apartments across three residential flat buildings with associated basement car parking, drainage and landscape works (see **Figure 4**).

- DA21/0811, which is currently under assessment by Council for a DA and SWC for 12 Torrens title lot subdivision and integrated housing development of 12 dwellings on residue Lots 1230, 2010 and 2230.
- DA21/0946, which is currently under assessment by Council for a DA and SWC for 12 Torrens title lot subdivision and integrated housing development of 12 dwellings on residue Lots 1213, 2000, 2200 and 2210.

- DA21/0978, which is currently under assessment by Council for a DA including subdivision to establish 29 Torrens title residential lots and integrated housing as well as associated works including the construction of road.



Source: Cardno

Figure 3. Approved plan under DA20/0081 for the Central Reserve and Eastern Basin Parks



Source: The Bathla Group

Figure 4 Snapshot of approved residential flat building under DA16/0789



1.3 Purpose of Report

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

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

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

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

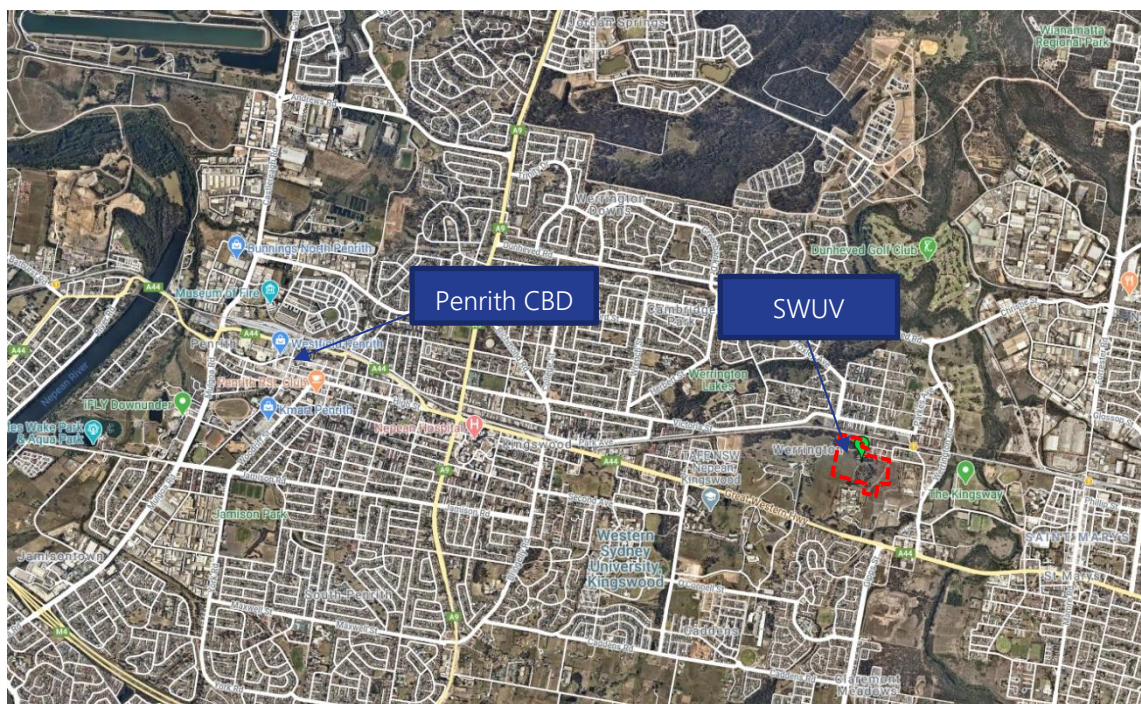
2 The Site and Locality

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

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

2.1 Site Location

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



Source: Nearmap

Figure 5. General Site Location

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

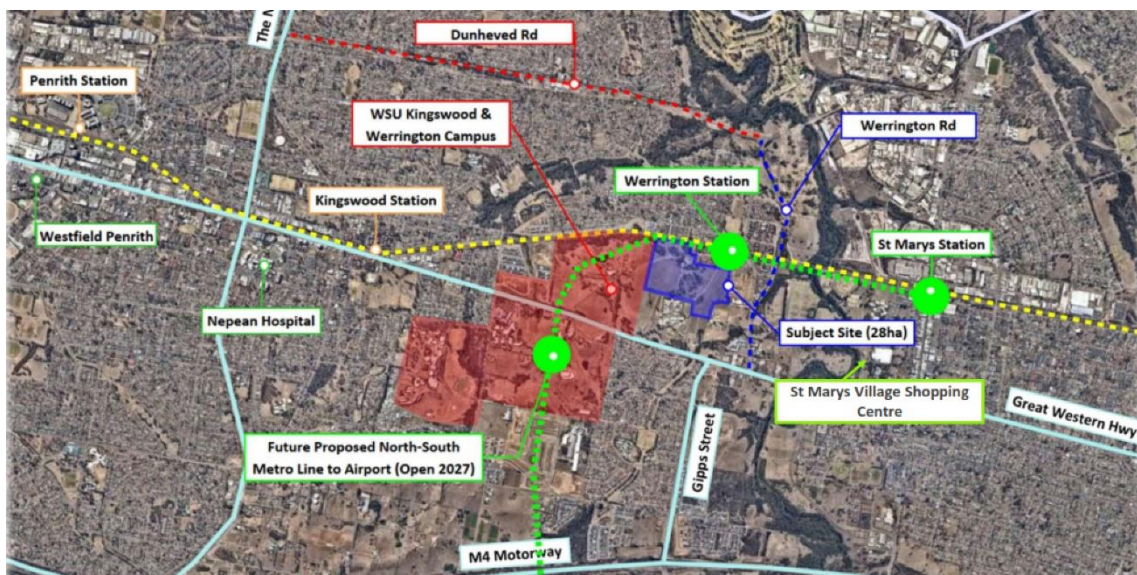
A vision for the SWUV Precinct was established through the Werrington Enterprise Living and Learning Strategy 2004 which is as follows:

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

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

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

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



Source: Lendlease

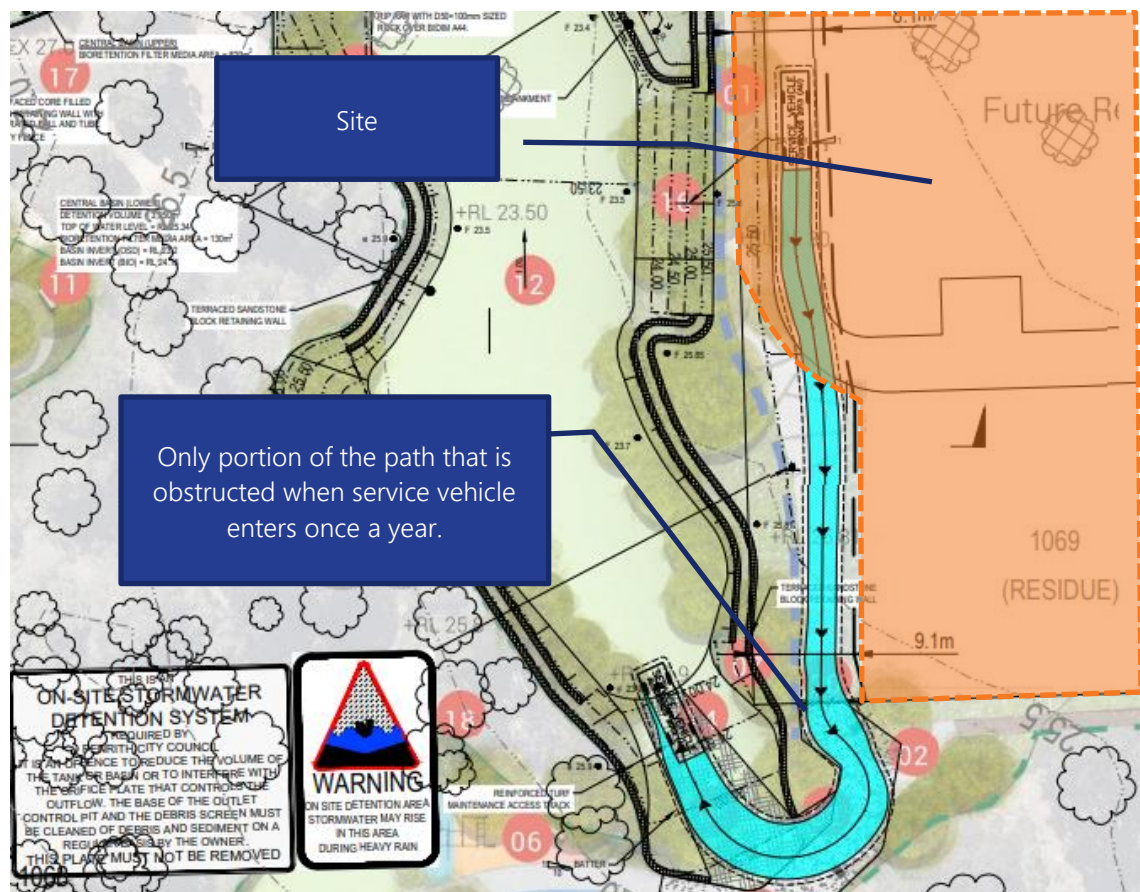
Figure 6. Surrounding Locality

2.2 Site Description

The land the subject of this DA is currently legally described as Lot 1 DP1226122, 16 Chapman Street, Werrington. The site is residue lot 1068, approved under DA19/0704, and has an area of 3,671m². The site has a primary road frontage to Chapman Street of 69.4 metres and a depth of 79.78 metres and is located directly adjacent to a future public reserve (Central Park). The surrounding road network as well as associated street tree plantings are to be delivered as part of the parent consent under DA19/0704.

The Central Park is approved under DA20/0081 and includes the construction of a detention basin. The Operational and Maintenance Manual for the Basin was also approved under DA19/0704. Access to the Basin will be across approved Lot 1068 (the site subject of this DA).

The approved Manual details that maintenance will occur once a year. The truck only requires use of the pathway for a short period to gain access to the basin and does not require closure of the pathway during maintenance (see Figure 7). Development Consent DA20/0081 requires dedication of some of site area for park to accommodate this maintenance access. The resultant site area is approximately 3,330m². The proposal accommodates this final lot configuration required under DA20/0081.0



Source: Cardno

Figure 7 Central OSD Basin Plan



2.3 Site Analysis

The key features of the site and surrounds include:

- The land has been identified for residential development and an existing consent has created residue lots for a specific tailored built form outcome.
- The site is affected by DA20/0081, which requires the site to facilitate Council's maintenance vehicle access from Chapman Street to the approved detention basin. This consent ultimately modifies the boundary between approved Lot 1068 and the approved park to the west.
- Dwellings on these lots will have high amenity benefitting from proximity to parks and can contribute positively to the public domain through high quality landscape outcomes.
- Residents will enjoy easy access to Werrington Rail Station, located within 400 metres of the site.



3 Proposed Development

This DA seeks approval for integrated housing comprising the construction of 15 dwellings as well as across 4 Torrens title allotments and 11 community title subdivision. Associated civil works include lot grading and the construction of an internal private road.

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

Each component is described in more detail in the sections below.

3.1 Civil Works

Civil works were approved under DA19/0704, works under this DA are subsequent to the works approved under DA19/0704. This includes:

- Erosion and sediment control measures comprising of:
 - A temporary site security/safety fence around the site,
 - Sediment fencing provided downstream of disturbed areas,
 - Dust control measures including covering stockpiles, installing fence hessian and watering exposed site areas,
 - Placement of hay bales or mesh and gavel inlet filters around and along propose catch drains and around stormwater inlet pits, and
 - Stabilised site access at the construction vehicle entry/exits.
- Siteworks and grading comprising of:
 - Construction of a one-way private road and driveway access. The road will be 6.1-6.5m wide. The design vehicle for the road is a 12.5m heavy rigid vehicle.
 - Minor site benching and earthworks are required to achieve the required levels, which are to generally achieve a fall at 3% in a north-east direction towards Chapman Street.
 - Construction of a retaining wall along the eastern boundary of the site, which has a retained height of 0.5m.
- Stormwater management strategy comprising of and inground pit and pipe network designed to cater for the 20% AEP and generally drains to Chapman Street.

A Civil Engineering and Infrastructure Report prepared by Enspire Engineering has been attached in **Appendix B**.

3.2 Subdivision

The proposal involves the following:

- Torrens title subdivision to create four residential allotments fronting Chapman Street (Lots 1301 to 1304)



- Community title subdivision comprising eleven (11) residential lots and one community lot comprising the shared laneway (Lots 1305 to 1315)

The subdivision is proposed to be executed prior to the construction of the integrated dwellings, and is attached at **Appendix C. Table 1** below outlines the dimensions of the proposed allotments:

Table 1. Lot Dimensions

| Proposed Lot | Lot Size (m ²) | Road Frontage (m) | Depth (m) |
|---|----------------------------|-------------------|-----------|
| Torrens title lots | | | |
| 1301 | 225 | 11.8 | 19.08 |
| 1302 | 204 | 10.7 | 19.08 |
| 1303 | 225 | 11.8 | 19.08 |
| 1304 | 204 | 10.7 | 19.08 |
| Community title lots (access via private road) | | | |
| Community lot/Private road | 1061 | N/A | N/A |
| 1305 | 205 | 9.12 | 22.5 |
| 1306 | 204 | 9.27 | 22.5 |
| 1307 | 205 | 9.12 | 22.5 |
| 1308 | 204 | 9.27 | 22.5 |
| 1309 | 254 | 7.64 | 27.05 |
| 1310 | 247 | 7.48 | 27.05 |
| 1311 | 247 | 7.48 | 27.05 |
| 1312 | 247 | 7.48 | 27.05 |
| 1313 | 280 | 7.48 | 27.05 |
| 1314 | 247 | 7.48 | 27.05 |
| 1315 | 254 | 7.66 | 27.05 |

3.3 Integrated Housing

This DA proposes the construction of fifteen two-storey dwellings. The range of dwelling types is illustrated at **Figure 8** and involves:

- 5 detached dwellings (shaded orange)
- 10 built to boundary dwellings (shaded blue)



The proposed dwelling designs have adopted to ensure both consistency and visual interest when viewed from the street frontage. On account the site is zoned R4 High density residential and will be surrounded by a park, residential and adjoining townhouses, the proposal has accommodated dwelling types that are sympathetic to each of these different interfaces. Each lot/dwelling can accommodate 2 x vehicles and benefits from a principal private open space (**PPOS**) located at the rear accessed via the main living area. Each dwelling is provided with three to four bedrooms to suit a range of households.

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

Lots at the northern block are front loaded, and are wider in order to minimise the dominance of garages from the streetscape. These lots have direct access to a public road and therefore are proposed as Torrens title lots.

As a private road is proposed for vehicular access to dwellings 1305 to 1315, these lots are proposed to be subdivided under a community title scheme. Part of the private road will also be burdened with an easement for access by Council to service the basin in the adjoining park. The land also allows for Council's garbage truck to service the dwellings.

The lots 1305-1307 are located in the centre of the site and have appropriately designed the backyards to maximise direct solar access. Lots 1309 to 1315 at the southern block are rear loaded, with their primary frontage located to the south, adjacent to the public reserve. The setback to the public reserve accommodates an Asset Protection Zone. Despite each of these proposed dwellings opening onto the adjacent park, they have also been provided a private open space area between the garage and dwelling. This area will also benefit from direct solar access. The lots and dwellings have also been designed so that despite being rear loaded, pedestrian access is available via a gate adjoining the garage. This means that visitors do not have to go through the garage or park to access each dwelling.



Source: MPS Architects (as modified by GLN)

Figure 8. Dwelling types in relation to lot position



4 Environmental Assessment

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

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

4.1 Threatened Species and Biodiversity Impacts

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

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

4.2 Integrated Development

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

Table 2. Integrated Development Review

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



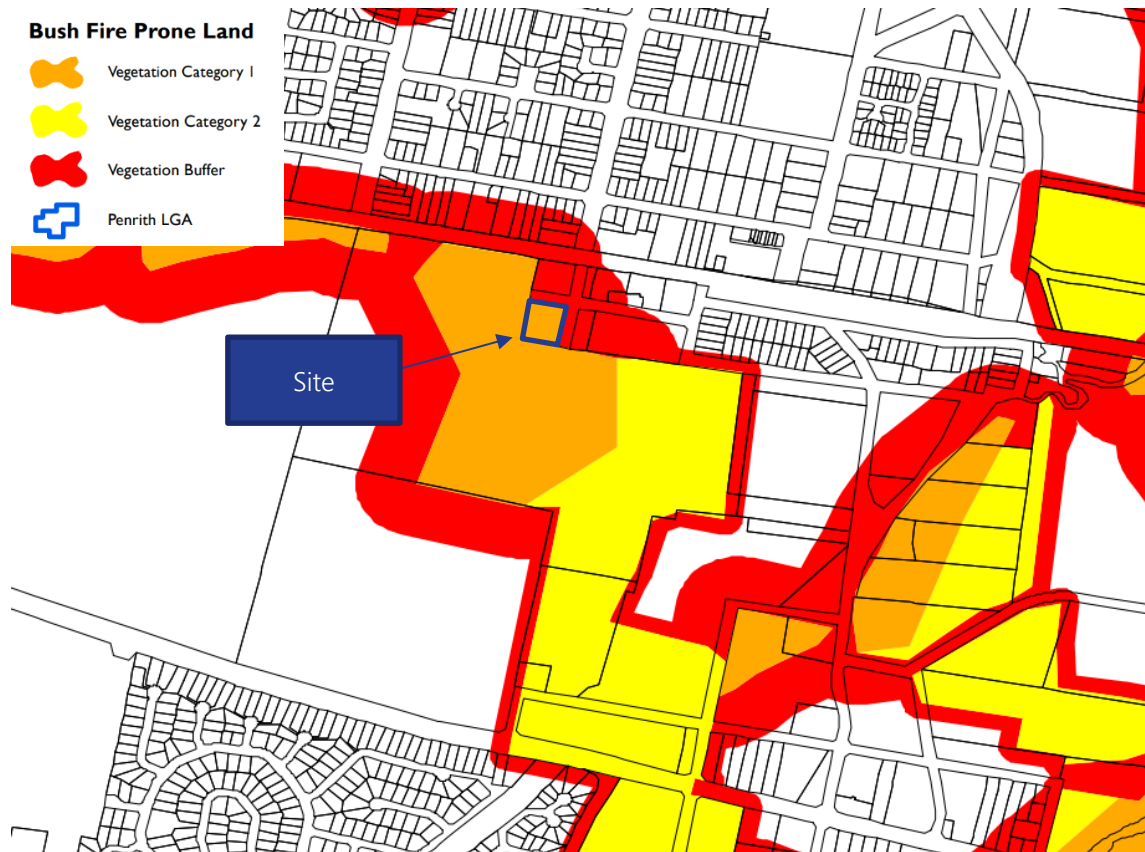
| Legislation | Comment | GTAs |
|---------------------------------------|--|------|
| | protection zones and BAL construction standards required to meet the requirements of <i>Planning for Bushfire Protection 2019 (PBP)</i> . | |
| Water Management Act 2000 | A Controlled Activity Approval is required to be obtained for any activity being situated within 40 metres from the top of a river bank in accordance with section 91(2) of the <i>Water Management Act 2000</i> . The proposed works are not located within 40m of a riverbank and as such the proposed development does not require an integrated approval to satisfy this legislation. | No |
| Fisheries Management Act 1994 | No works proposed as part of this Application will harm defined marine vegetation or impede the movement or development of marine life within the Bonds Creek tributary. Therefore, no integrated approval is required under the <i>Fisheries Management Act 1994</i> . | No |
| Heritage Act 1977 | No works are proposed that are referred to under section 57 of the <i>Heritage Act 1977</i> . Therefore, no integrated approval is required to address this legislation. | No |
| Mine Subsidence Compensation Act 1961 | The land is not within a mine subsidence district. | No |
| Petroleum (onshore) Act 1991 | No production lease is being sought. | No |
| Mining Act 1992 | No mining lease is being sought. | No |
| Roads Act 1993 | Road connection works are not proposed on RMS controlled classified or regional roads. | No |

4.3 Bushfire Prone Land

Section 4.14 of the EP&A Act provides for the general consideration of bushfire hazards on land mapped as bushfire prone. Council's Bushfire Prone Land Map identifies that the site contains Category 1 Vegetation and therefore the application of PBP 2019 applies in this instance (see **Figure 9**).

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

Dwellings adjoining the central park (Lots 1309 to 1315) have each been provided with a minimum front setback of more than 8 metres. It is noted that the entire site is to be managed as an Inner Protection Area (**IPA**) in accordance with PBP 2019, requiring limited new vegetation to prevent the build up of high fuel loads.



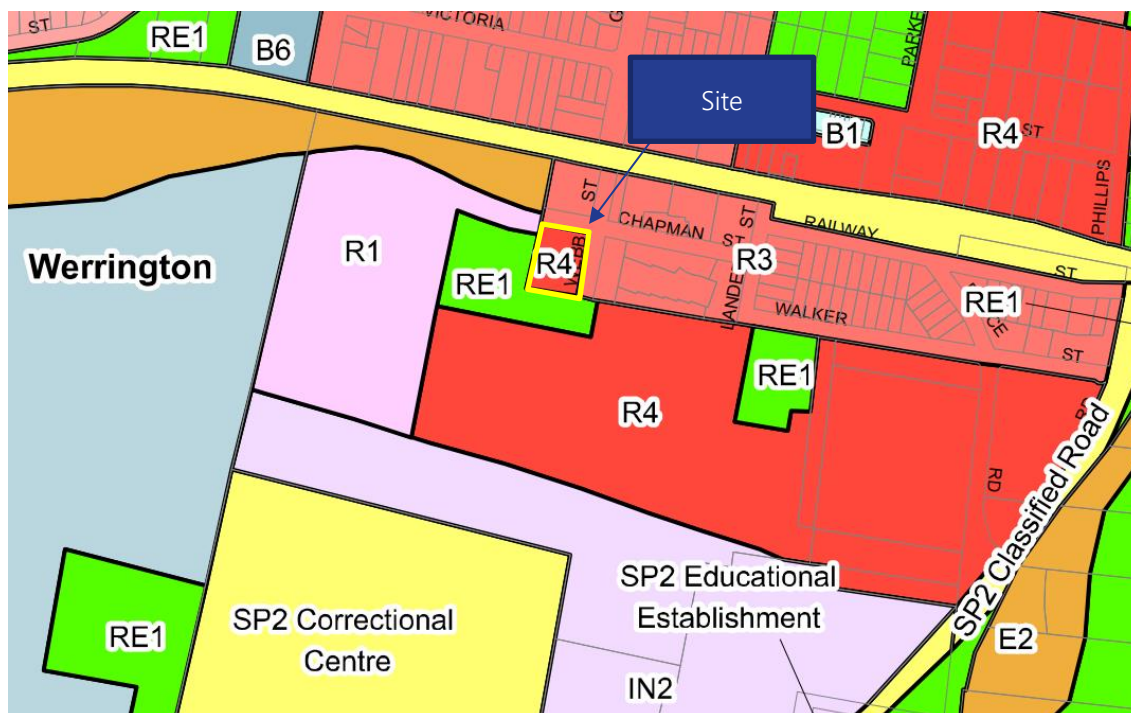
Source: Penrith City Council 2014

Figure 9. Bushfire Prone Land Map

4.4 Environmental Planning Instruments

4.4.1 Penrith Local Environmental Plan 2010

The PLEP 2010 is the primary environmental planning instrument regulating land uses within the Penrith LGA. Lot 1068 is located on land zoned R4 High Density Residential (see **Figure 10**).



Source: NSW Planning Portal (retrieved January 2022)

Figure 10. Land zoning map

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

Table 3. Assessment against Penrith LEP 2010

| Clause | Comment | Comply |
|-----------------------------|--|--------|
| Part 1 - Preliminary | | |
| CI 1.2 Aims of Plan | <p>The proposal is consistent with the aims of the Plan as it:</p> <p>Promotes residential built form outcomes associated with the proposed urban renewal of the SWUV precinct in line with Council's vision for the locality</p> <p>Supports the accommodation of a growing Penrith LGA by displaying a range of potential housing choices to promote greater housing diversity within the locality</p> <p>Provides for the urban renewal of vacant land within the SWUV precinct that is close to existing infrastructure and services</p> <p>Provides for the delivery of future sustainable residential development that is sympathetic to and integrates with the existing urban qualities of the Werrington community, while ensuring the existing environmental qualities of the site are protected as much as possible</p> <p>Provides a coordinated approach to the management of stormwater to safeguard the locality from any potential hazards during storm events</p> | Yes |



| Clause | Comment | Comply |
|--|--|--------|
| | Incorporates the principles of ecologically sustainable development and proposes residential development that complies with the relevant BASIX sustainable targets. | |
| Part 2 - Permitted and Prohibited Development | | |
| CI 2.3 Zone objectives and land use table | <p>Developable land within the site is zoned R4 High Density Residential.</p> <p>The Applicant seeks consent for the subdivision land, construction of integrated dwellings and ancillary site preparation and earthworks, road construction and associated civil works.</p> <p>The proposal is defined as subdivision of land and construction of residential accommodation consisting of 15 x dwellings. All works are permissible with consent in the zone under the gazetted land use table.</p> | Yes |
| CI 2.6 Subdivision – consent requirements | This DA seeks development consent for subdivision. | Yes |
| Land Use Table | | |
| Zone R4 High Density Residential | <p>The proposal is consistent with the Residential R4 High Density Residential zone objectives as follows:</p> <p>The proposal will contribute to the diversity of housing within the environment established under DA19/0704.</p> <p>The site design and layout will afford a high level of amenity and encourage the provision of affordable housing.</p> <p>It reflects the proposed and desired future character and dwelling densities of the locality.</p> <p>The proposal was developed in consultation with Council and responds to the masterplan framework for the site.</p> | Yes |
| Part 4 – Principal Development Standards | | |
| CI 4.1 Minimum subdivision lot size | Clause 4.1 of PLEP 2010 Lot Size Map does not identify a minimum lot size requirement for R4 zoned residential lands. | N/A |
| CI 4.3 Height of buildings | <p>The site is subject to a maximum building height of 15m.</p> <p>The proposed building heights comply with the maximum building height controls.</p> | Yes |
| CI 4.4 Floor space ratio | The Floor Space Ratio Map does not identify a minimum floor space ratio that applies to the site. | N/A |
| Part 5 - Miscellaneous Provisions | | |
| CI 5.1 | No part of the site is mapped on the Land Reservation Acquisition Map under the PLEP 2010. | Yes |



| Clause | Comment | Comply |
|----------------------------------|---|--------|
| Relevant Acquisition Authority | | |
| CI 5.10 Heritage Conservation | <p>The adjoining UWS land (i.e. Lot 101 DP 1140594) is mapped as containing a heritage item, being "Werrington Park House", garden and popular avenue (Item No.315).</p> <p>The proposal is consistent with the site's zoning and promotes the future urban development of the site, as envisaged by Council, such that it would not give rise to any additional matters not previously considered at the time of the SWUV precinct's rezoning. It is noted that following the registration of the parent lot and further subdivision, that the site would no longer be located adjacent to this item.</p> | Yes |
| Part 7 – Other Provisions | | |
| CI 7.1 Earthworks | The site benefits from approved earthworks under DA19/0704. The proposal will include minor site grading and benching to accommodate suitable levels and fall to accommodate the relevant dwellings and subdivision. | Yes |
| CI 7.6 Salinity | <p>Previous investigations undertaken on the site by Douglas Partners in 2007 identified the site as containing soils that ranged from non-saline to slightly saline and are assumed to comprise non to mildly aggressive soil conditions to both concrete and steel.</p> <p>The works under DA19/0704 will prepare the site for residential development. The works under DA19/0704 are conditioned to be undertaken in accordance with the process outlined in the Fill Management Protocol prepared by Douglas Partners Pty Ltd dated 1 October 2019. This protocol has considered the existing soil condition (see Appendix F).</p> | Yes |
| CI 7.10 Essential Services | The site is serviced by all essential services. As outlined in the Civil Engineering and Infrastructure Report prepared by Cardno and approved under DA 19/0704, reticulation of utility services and the construction of lead-in mains for electricity, water, gas and sewer are required to service the predicted demand generated by the broader urban renewal of the property, including the subject proposal. | Yes |

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

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

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



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

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

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

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

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

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

Table 4. Assessment against SEPP 55

| Relevant Clause | Assessment/Comment |
|--|---|
| Clause 7 | |
| (1) A consent authority must not consent to the carrying out of any development on land unless: | 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. |
| (a) it has considered whether the land is contaminated, and | 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. |
| (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 | 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. |
| (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. | |

| Relevant Clause | Assessment/Comment |
|---|---|
| (2) Before determining an application for consent to carry out development that would involve a change of use on any of the land specified in sub clause (4), the consent authority must consider a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines. | As noted above, previous assessments and investigations undertaken over the site confirm its suitability for the proposed range of land uses. |
| (3) The applicant for development consent must carry out the investigation required by sub clause (2) and must provide a report on it to the consent authority. The consent authority may require the applicant to carry out, and provide a report on, a detailed investigation (as referred to in the contaminated land planning guidelines) if it considers that the findings of the preliminary investigation warrant such an investigation. | As noted above, previous assessments and investigations undertaken over the site confirm its suitability for the proposed range of land uses, including residential uses. |
| Clause 9 | |
| For the purposes of this Policy, a category 1 remediation work is a remediation work (not being a work to which clause 14 (b) applies) that is: (d) development for which another State environmental planning policy or a regional environmental plan requires development consent, or | As noted above and as concluded in those technical reports prepared, no remediation of the site is considered necessary. |
| Clause 13 | |
| (1) A category 1 remediation work is identified as advertised development, unless the remediation work is: (a) designated development, or (b) State significant development. (2) Pursuant to section 29A of the Act, the period specified in clause 65 (5) (d) of the Environmental Planning and Assessment Regulation 1994 is extended to 30 days in relation to development identified as advertised development by this clause. | This DA does not seek development consent for remediation works and is therefore not considered to be defined as 'advertised development'. |

4.4.3 State Environmental Planning Policy (Infrastructure) 2007

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

Clause 87 'Impact of rail noise or vibration on non-rail development' of the Infrastructure SEPP applies to the proposed development as the DA involves the development of residential accommodation that would be impacted by rail noise from the nearby T1 Western Rail Line.

A comprehensive noise impact assessment has been prepared by SLR Consulting (**Appendix H**) that has assessed the predicted rail noise impacts on the proposed residential dwellings across the entire estate and supported the proposal under DA19/0704. The Acoustic Report is relevant to development of the site subject of this DA and includes recommendations for mechanical ventilation



to any development over the site. The report also concludes that with respect to this site, there is no need for any additional façade treatments.

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

This SEPP introduced a Building Sustainability Index (BASIX) with which new residential development must comply to achieve energy savings and greater sustainability.

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

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

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

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

4.5 Proposed Environmental Planning Instruments

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

4.6 Development Control Plans

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

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

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

Table 5. Assessment of DCP Controls



| Control | Requirement | Comment | Compliance |
|--|--|---|------------|
| Part C5 Waste Management | | | |
| 5.1 | Waste Management Plans | A Waste Management Plan (Appendix J) for the site has been prepared detailing the types and volumes of waste streams. | Yes |
| 5.2.1 | Siting and design of waste bin storage areas for residential development | <p>All proposed dwellings are provided with side setbacks to allow for the storage of bins behind the front building line (if not stored in the garage itself).</p> <p>The siting of proposed dwellings and their driveways also allows for the presentation of bins to Chapman Street or the private road for bin collection. On account the private road is one way only, a communal bin presentation for Lots 1309-1315 is located on the opposite side of the road.</p> | Yes |
| Part C6 Landscape Design | | | |
| | Landscape design | Street trees will be established under DA19/0704 and additional landscaping works are proposed under this DA associated with the internal lane and associated verges. In addition to the street tree planting, each dwelling will be improved by landscaping. | Yes |
| 6.1.2 | Environmentally sustainable designs | Environmentally Sustainable Design (ESD) measures are incorporated into the design of the proposal and have been achieved through the selection of native, indigenous species that provide a low water and low maintenance response to the site. | Yes |
| 6.1.3 | Neighbourhood amenity and character | The siting and layout of the proposal responds to the desired future landscape character of the locality. As outlined above, the design of the proposal has been undertaken in a coordinated manner to ensure it integrates with the proposed design of adjacent public reserves and development approved under DA19/0704. | Yes |
| 6.1.4 | Site amenity | <p>Proposed landscape designs for the individual homes provide for complementary plantings to soften the bulk and scale of the new built form and to present a pleasant streetscape setting.</p> <p>The site will benefit from being in close proximity to the central park, however significant private open space areas are also afforded to the development as detailed in the section following this table.</p> | Yes |
| Part C10 Transport Access and Parking | | | |
| 10.2 | Traffic Management and Safety | The proposed development does not include any changes to the existing road network approved under DA19/0704 – nor will it provide any significant increase in trip generation that has not been already considered in the surrounding road design. An | Yes |



| Control | Requirement | Comment | Compliance |
|--|----------------------------------|--|------------|
| | | additional private lane is proposed, with additional information included below addressing the relevant controls at Part 12.8.3.2. | |
| Part C11 Subdivision | | | |
| 11.1 | General subdivision requirements | <p>The proposed subdivision layout has considered the site planning principles outlined in this DCP. Key considerations during this early site analysis phase (under DA19/0704) included consideration of the existing site constraints (i.e. native vegetation and bushfire hazards) and surrounding land uses.</p> <p>The development of the site has therefore included integrated dwelling design that shows how the subdivision and dwelling design provide dwellings with good solar access, strong street address and integration with the adjacent park.</p> | Yes |
| Part C12 Noise and Vibration | | | |
| 12 | Noise and vibration | <p>The Noise Impact Assessment prepared by SLR Consulting (Appendix H) supported the subdivision under DA19/0704 and provides a comprehensive assessment of the existing noise environment and considered the potential noise impacts associated predominantly with rail traffic noise.</p> <p>SLR concludes that future development over the lots subject to this application would not be adversely affected by external noise sources subject to implementation of mechanical ventilation.</p> | Yes |
| Part C13 Infrastructure and Services | | | |
| 13 | Infrastructure and services | The site is satisfactorily serviced by all essential services as outlined in the Civil Engineering and Infrastructure Report prepared by Cardno for the boarder urban renewal of the property under DA19/0704. Additional civil design and service connection is provided in Appendix B . | Yes |
| E12 Penrith Health and Education Precinct | | | |
| Part 12.8.1 Preliminary | | | |
| 12.8.1.2 | Land to which the plan applies | The site is located within the SWUV Precinct. | Yes |
| 12.8.1.3 | Aims and general objectives | The proposal aligns with the Applicant's vision for the coordinated subdivision and urban renewal of the broader locality. The proposal has been designed to sit within the Applicant's larger subdivision under DA 19/0704. | Yes |
| Part 12.8.2 Structure Plan | | | |



| Control | Requirement | Comment | Compliance |
|---|--------------------------|---|-------------------------------------|
| 12.8.2.1 | Vision | The proposal is in keeping with the vision for the SWUV. | Yes |
| 12.8.2.2 | Urban structure | The proposal does not impact the urban structure as approved under DA19/0704. | Yes |
| 12.8.2.3 | Desired future character | <p>The proposed subdivision layout is considered to meet the desired future character of the SWUV precinct.</p> <p>The proposal has been designed in conjunction with the subdivision approved under DA 19/0704 and open space parklands DA.</p> <p>The design and layout of the proposed dwellings showcase the proposed product that is to be established within the broader residential subdivision.</p> | Yes |
| 12.8.2.4 | Dwelling yield | The proposal contributes to the overall density of Precinct B established under DA19/0704. | Yes |
| Part 12.8.3 Public Domain | | | |
| 12.8.3.1.4 | Vegetation | All required vegetation removal has been approved under DA 19/0704. | Yes |
| 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 approved under DA19/0704 also includes salinity testing and selection criteria for future imported materials to ensure no adverse impacts arise to the site’s existing condition.</p> | Yes |
| 12.8.3.1.6 | Contamination | | |
| Part 12.8.3.2 Transport and Accessibility | | | |
| 12.8.3.2.1 | Road network | <p>The proposal does not propose any changes to the approved road network approved under DA19/0704. An additional private road is proposed through the site with a varying carriageway between 6.1 and 6.5 metres. This is marginally less than the minimum width prescribed for a laneway in the DCP. Despite being slightly less than the prescribed laneway width, the road is actually a one way private road, whereas the DCP requires the 6.5m width for a 2 way laneway.</p> | Yes – Subject to a minor variation. |
| 12.8.3.2.2 | Vehicular movement | | Yes |
| 12.8.3.2.3 | Public transport | | Yes |
| 12.8.3.2.4 | Pedestrians and bicycles | | Yes |



| Control | Requirement | Comment | Compliance |
|-----------------------------------|---------------------|---|---|
| Part 12.8.3.3 Streetscapes | | | |
| 12.8.3.3.1 | Landscape Character | The proposed subdivision layout has been designed to ensure that a minimum of one street tree can be accommodated per residential lot on Chapman Street, taking into consideration the minimum driveway crossover widths and waste bin presentation requirements. | Yes |
| Part 12.8.4 Private Domain | | | |
| 12.8.4.1 | Subdivision | The lots have been designed to accommodate the residential dwellings under this DA and are sufficient to ensure satisfactory solar access is provided. Additional justification of the proposed subdivision is provided following this table. | Yes – subject to a minor justified variation. |
| 12.8.4.2 | Site Planning | <p>Principal Private Open Space</p> <p>The dwelling designs propose the principal private open space (PPOS) behind the building line - towards the rear of the dwellings to provide privacy. The alfresco areas are located adjoining the living rooms and generally located on the rear of the property to maximise privacy. All dwellings comply with the relevant POS controls under PDCP.</p> <p>Garages and Parking</p> <p>The proposed dwellings at Lots 1301 to 1308 are designed to accommodate single car garages that are setback a minimum 5.5m in accordance with the DCP and are behind the front building line. This allows for an additional car to be parked in the driveway.</p> <p>Dwellings at Lots 1309 to 1315 are designed with detached double garages that are rear loaded and accessed via the lane.</p> <p>As the dwellings are rear loaded, they have not been located behind the front building line. This is also a result of the location of the rear PPOS which has been strategically located to maximise solar access.</p> <p>Building Footprints & Envelopes</p> <p>The building footprints have generally been designed to maximise solar access and open space. Dwellings on Lots 1301 – 1304 are conventional to integrate into the existing street scape. The space between the buildings on Lot 1302 and 1303 has been provided to ensure direct solar access is provided to the rear yards of Lots 1305-1307. A generous setback to the park has been provided to Lots 1309-1315 to accommodate the APZ, whilst sufficient setback is provided between the garage and built form to allow for some solar access into the private courtyard.</p> <p>Visual and Acoustic Privacy</p> | Yes |



| Control | Requirement | Comment | Compliance |
|---|--------------------|--|------------|
| | | <p>Living and active spaces have been located on the ground floor. Upper storey windows have been offset to ensure there is no direct looking into windows of adjoining dwellings.</p> <p>Fencing</p> <p>Fences in front of the building line on Chapman Street and addressing the Park are 0.9m high. This allows for passive surveillance of the public space. Side and rear fences are 1.8m high.</p> <p>Site Facilities</p> <p>Side access and single and double garages are proposed for each dwelling house that will sufficiently cater for waste bin storage requirements.</p> <p>Sufficient space is also provided in the rear setback of each lot to accommodate external clothes drying facilities that will have direct sunlight access.</p> | |
| Part 12.8.5 Residential Development Forms Assessments against the relevant specific controls are provided in the following tables. | | | |
| 12.8.5.1 | Integrated Housing | <p>The site subject of this DA has been identified as a residue lot for integrated housing under DA19/0704. It was identified for this approval pathway on account that the site is generally contained by parkland to the west, existing multi dwelling housing to the east. Being separated from the other standard residential lots approved under DA19/0704, this site provides the opportunity to increase density. Furthermore, the depth of the residue lot was always going to require a road to unlock the potential of the site. The private road has resulted in some shallow lots, which require a bespoke design.</p> <p>Despite the proposal providing a bespoke design as integrated housing, where lot size and configuration does not strictly comply with the residential development forms in 12.8.5 of the DCP, the designs have aligned as closely as possible with the relevant controls for the various housing forms under the DCP.</p> <p>As demonstrated in Table 6 and Table 7, the proposed dwellings closely align with the following typologies as described in the DCP.</p> | Yes |

Table 6. Assessment DCP Table 12.8.5.7 - Detached Dwellings



| Category | Control | Proposed | Assessment |
|--|--------------------------------------|--|---|
| Applicable lots | Lots 1301, 1303, 1305, 1307 & 1313 | | |
| Minimum Lot Size | 450m ² | 205m ² – 280m ² | Lot size does not comply, hence why this application is for integrated housing. |
| Minimum Lot Frontage | 15m – 18m | 8.49m – 11.8m | Variation proposed in order achieve medium to high density and to ensure solar access. |
| Minimum POS Area | 50m ² | 50.03m ² – 54.24m ² | Complies |
| Minimum POS Dimension | 4m | >4m | Complies |
| Landscaping Site Coverage | 40% | 48.3% - 54.8% | Complies |
| Front setback | 4.5m | 4.5m – 8.012m (<1.5m articulation) | Complies |
| Secondary frontage setback | 2m | 2.4m | Complies |
| Side setback | 0.9m | Min. 0.9m | Complies |
| Rear setback (lots with northern orientation) | Ground floor: 8m Upper floor: 12m | Ground: 4.24m Upper: 4.37m | Variation proposed. Refer to section 4.6.1 of this report. |
| Rear setback (all other lots) | Ground floor: 4m Upper floor: 6m | Ground: 5.5m – 6.6m Upper: 5.63m – 12.52m | Ground floor complies. Minor variation proposed at upper floor. Refer to section 4.6.1 of this report. |
| Garage to primary frontage | 5.5m | 5.5m | Complies |
| Garage to rear lane/secondary frontage | 0m | 0.5m | Complies |

Table 7. Assessment DCP Table 12.8.5.8 - Built to Boundary Dwellings

| Category | Control | Proposed | Assessment |
|-------------------------|---|---------------------------------------|--|
| Applicable lots | Lots 1302, 1304, 1306, 1308, 1309-1312, 1314-1315 | | |
| Minimum Lot Size | 230m ² – 450m ² | 204m ² – 254m ² | Lot size does not wholly comply, hence why integrated housing is proposed. |



| Category | Control | Proposed | Assessment |
|--|-------------------------------------|---|--|
| Minimum Lot Frontage | 9.5m – 15m | 7.3m – 10.7m | Lot frontage does not wholly comply, hence why integrated housing is proposed. |
| Minimum POS Area | 40m ² | 45.37m ² – 50.99m ² | Complies |
| Minimum POS Dimension | 4m | >4m | Complies |
| Landscaping Site Coverage | 50% | 47.5% - 54.8% | Generally complies. Site is located adjoining public open space and only seeks a 5% variation. |
| Front setback | 4.5m | 4.5m – 8.01m | Complies |
| Secondary frontage setback | 2m | 2m | Complies |
| Side setback | 0m (defined boundary) 0.9m | 0m 1.13m – 2.15m | Complies |
| Rear setback (lots with northern orientation) | 8m | 4.24m | Variation proposed lots 1302 and 1304. Refer to section 4.6.1 of this report. |
| Rear setback (all other lots) | Ground floor: 4m Upper floor: 6m | Ground: 5.5m – 6.61m Upper: 5.63m – 12.52m | Ground floor complies. Minor variation Lots 1306 and 1308. Refer to section 4.6.1 of this report. |
| Garage to rear lane/secondary frontage | 0m | 0.5m | Complies |

4.6.1 Proposed Variations to Penrith DCP 2014

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

Council's DCP provides circumstances where a variation may be considered, where the Applicant has demonstrated commitment to principles relevant to a particular development control. These matters have been considered and addressed in detail throughout this SEE. This accords with the general



position in section 4.15(3A)(b) of the EP&A Act whereby controls such as these are to be flexibly applied.

Section 4.15(3A)(b) of the EP&A Act requires that if the DCP contains standards (including 'performance criteria') with respect to an aspect of the development and if the DA does not comply with those standards, the consent authority is to be flexible in applying those provisions and to allow reasonable alternative solutions that achieve the objects of those standards for dealing with that aspect of the development.

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

This means that a development control plan's prescriptive standards are not the paramount consideration for consent authorities in their assessment and determination of DAs, but rather it is the intent of the standards that is most important and whether the intent can be achieved by the reasonable alternative solutions proposed by the applicant.

In the context of the proposal, the development represents minor departures from the prescriptive standards related to the rear setbacks control for the north facing lots. The subdivision has been orientated, so that dwellings address Chapman Street and the balance of the lots are located behind. This ensures consistency for development along Chapman Street, while the balance of the development is contained within a community title arrangement.

To achieve a density reflective of the R4 High density zone and due to the site configuration (and need to include a private road), some of the dwellings have proposed a minor variation to the rear setback controls. The variation must first be considered in the context that much of the proposal will be provided in a community title arrangement and adjoins a significant area of public open space in the form of the Central Park. The minor variation to the rear setback controls is justified on account:

- The proposed development provides occupants with greater access to high amenity open space than other dwellings the estate. The rear setback variation has not compromised the compliance of each dwelling with the minimum primary open space requirements. Furthermore, each dwelling will benefit from greater access to the public open space than other dwellings on larger allotments in the greater Kings Park estate. Access to this adjoining park will either be directly from each lot or via common property (private road).
- The lot configuration and resultant dwelling design maximise the solar access to the private open space of each dwelling; which is the ultimate objective of the rear setback controls. Each dwelling will provide solar access during mid winter to approximately 50% of the primary open space area at certain stages during the day. Lots that provide less direct solar access are afforded consistent direct solar access to the living area through the entire day.

Solar access diagrams are provided in **Appendix D**.



4.7 Planning Agreements

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

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

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

4.8 Environmental Planning and Assessment Regulation 2000

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

4.9 Likely Impacts of the Development

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

4.10 Suitability of the Site

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

4.11 Submissions

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

4.12 Public Interest

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

- The proposal is generally consistent with the planning controls for the Penrith LGA.
- The proposal will provide for the establishment of an integrated housing development that is consistent with the envisaged form and character of SWUV precinct, and in turn supports future housing within a growing metropolitan city that are close to jobs and services, consistent with the Greater Sydney Commission's '30 minutes cities' vision.
- The proposal will positively contribute to the delivery of future social, environmental and economic benefits for the locality.



5 Conclusion

This integrated housing DA seeks approval for subdivision to create residential lots under Torrens and community title arrangements, the construction of 15 residential dwellings and the delivery of a private road across a residue lot within the approved subdivision of the Kings Central Estate.

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

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

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





Glossary

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



APPENDIX A: APPROVED SUBDIVISION PLAN





APPENDIX B: CIVIL DESIGN



B.1:



APPENDIX C: PLAN OF PROPOSED SUBDIVISION



C.1:



APPENDIX D: DWELLING DESIGN AND LANDSCAPE PLANS



APPENDIX E: BUSHFIRE REPORT



APPENDIX F: APPROVED FILL MANAGEMENT PROTOCOL



APPENDIX G: ASBESTOS AND CONTAMINATION CLEARANCE



APPENDIX H: APPROVED ACOUSTIC REPORT



APPENDIX I: BASIX CERTIFICATES



APPENDIX J: WASTE MANAGEMENT PLAN



APPENDIX K: COST OF WORKS

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