

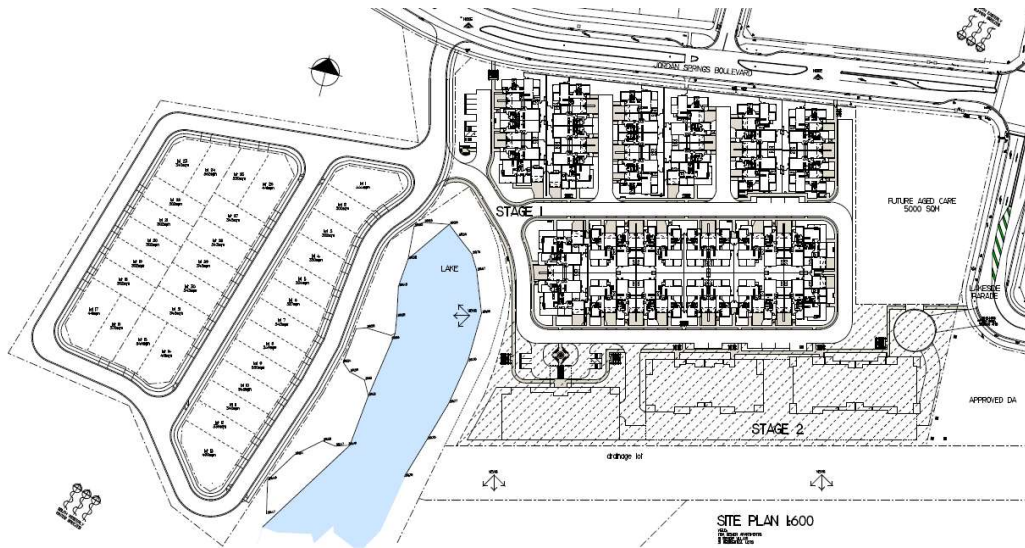


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Statement of Environmental Effects

Temporary Sales Suite and Community Facility
Lot 1 DP 1248137 Jordan Springs Boulevard, Jordan
Springs



Prepared for Lendlease RL Jordan Springs Holding Pty
Ltd as trustee of Lendlease RL Jordan Springs Trust
Submitted to Penrith City Council

April 2020

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Appendix 7	Access Report (Accessibility Solutions Pty Ltd)
Appendix 8	Acoustic Assessment (Renzo Tonin Associates)
Appendix 9	BCA Report (Michael Wynn-Jones & Associates)

1 Introduction

This Statement of Environmental Effects (SEE) has been prepared by *KEYLAN Consulting Pty Ltd* (Keylan) on behalf of *Lendlease RL Jordan Springs Holding Pty Ltd* as trustee of *Lendlease RL Jordan Springs Trust* (the Applicant) to accompany a Development Application for the use of Villa 2 (in DA18/0678) for a temporary sales suite and community facility, at Lot 1 DP1248137, Jordan Springs Boulevard, Jordan Springs. Villa 2 will be used as a temporary sales suite and community facility until the construction of Building A in the adjoining Jordan Springs Retirement Village development (subject to DA19/0808) is completed. The Sales Suite will then continue to operate from the Community Facility built in Stage 2.

This SEE has been prepared and is submitted to Penrith City Council (Council) pursuant to the provisions of Part 4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

This SEE concludes that the proposal:

- is consistent with relevant environmental planning instruments
- is minor and temporary in nature and will not result in any significant environmental impacts as no physical works are proposed.
- will provide public benefits through the provision of the temporary sales suite to assist in the marketing of the approved seniors living accommodation and community facilities for the social benefit of the seniors living residents

We therefore recommend that the Council approve the DA.

1.1 Report Structure

The SEE has been prepared in accordance with the requirements of Part 4 of the EP&A Act and Schedule 2 of the *Environmental Planning and Assessment Regulation 2000* (EP&A Regulation). The structure of the report is as follows:

Section	Description
Executive Summary	An overarching summary of the findings and conclusions of the assessment contained within this SEE.
1 Introduction	Overview of the SEE and the proposed development.
2 Background	Overview of the background of the development site and relevant approvals
3 Site and Locality	A description of the site, the context and an assessment of the opportunities and constraints presented by the site.
4 The Proposal	A detailed description of the project.
5 Strategic Planning Context	Identifies the key relevant strategic documents and considers the proposal against these documents.
6 Statutory Planning Framework	Identifies the key legislation that this SEE must address and the criteria the project must comply with.
7 Environmental Planning Assessment	Identifies key activities and assesses potential impacts on the environment.
8 Conclusion	A concluding statement taking into account the assessment of the proposal and a recommendation that the application be approved.

Table 1: SEE Report Structure

This SEE should be read in conjunction with the following supporting documents:

Appendices	Supporting Documents
Appendix 1	Plan of Management and Site Plan (Lendlease)
Appendix 2	Bushfire Assessment and Advice (Petersen Bushfire)
Appendix 3	Species Impact Statement (Cumberland Ecology)
Appendix 4	Contamination Report (Alliance Geotechnical Pty Ltd)
Appendix 5	Waste Management Plan (Elephants Foot Recycling Solutions)
Appendix 6	Traffic Impact Assessment (Bitzios Consulting)
Appendix 7	Access Report (Accessibility Solutions Pty Ltd)
Appendix 8	Acoustic Assessment (Renzo Tonin Associates)
Appendix 9	BCA Report (Michael Wynn-Jones & Associates)

Table 2: List of Appendices

1.2 Consent authority

There are no building works proposed in this DA. As the proposed development has a capital investment value of less than \$30,000,000, Council is the consent authority.

1.3 St Marys Development Site

The St Marys Development site is located approximately 45 km west of the Sydney CBD, 5 km north-east of the Penrith City Centre and 12 km west of the Blacktown City Centre (Figure 1). The T1 Western Line railway is located approximately 2.5 kilometres (km) south of the site. The Great Western Highway is located another kilometre south and the M4 Motorway a further 1.5 km south.

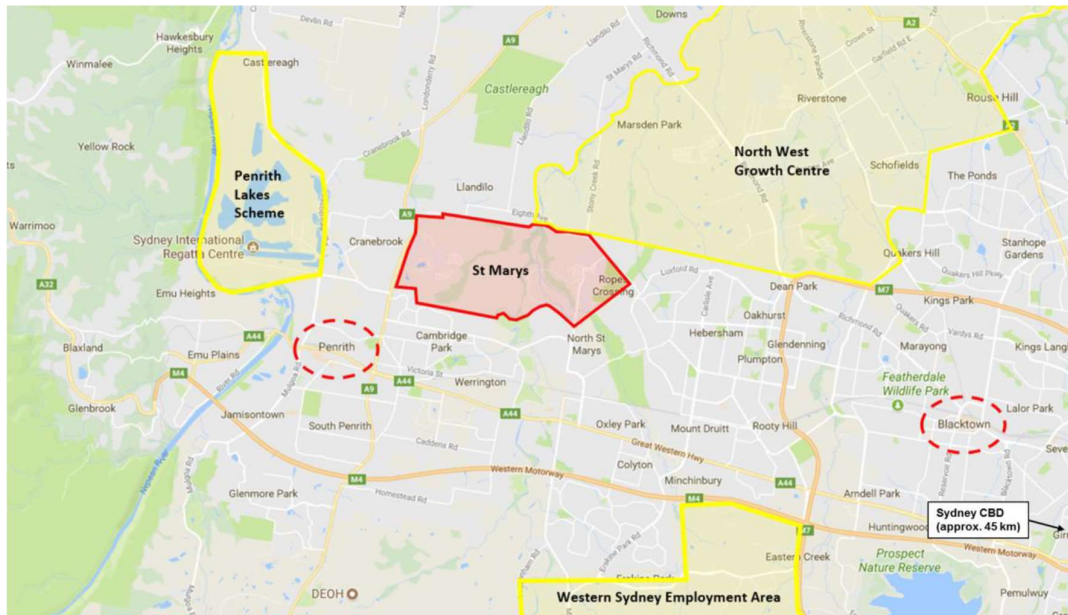


Figure 1: St Marys Development Site (Base source: Google Maps)

The St Marys Development site has an area of approximately 1,545 ha. It extends approximately 7 km east - west and 2 km north - south. It is bound by Forrester Road and Palmyra Avenue to the east, The Northern Road to the west, Ninth Avenue and Palmyra Avenue to the north, and to the south by the Dunheved Industrial Area, Dunheved Golf Club and the suburbs of Cambridge Gardens, Werrington Gardens and Werrington County.

The St Marys Development Site is bisected by the boundary between the Penrith and Blacktown LGAs, which generally follows South Creek in a north-south direction. The site includes an area of 900 ha zoned Regional Park, as well as areas zoned Regional Open Space, Drainage and Roads. It also includes 5 development areas, or “precincts” identified under *Sydney Regional Environmental Plan No. 30 – St Marys* (SREP 30) (Figure 2). These include the Eastern, Ropes Creek, North and South Dunheved, Central and Western Precincts. The site is located within the Western Precinct.

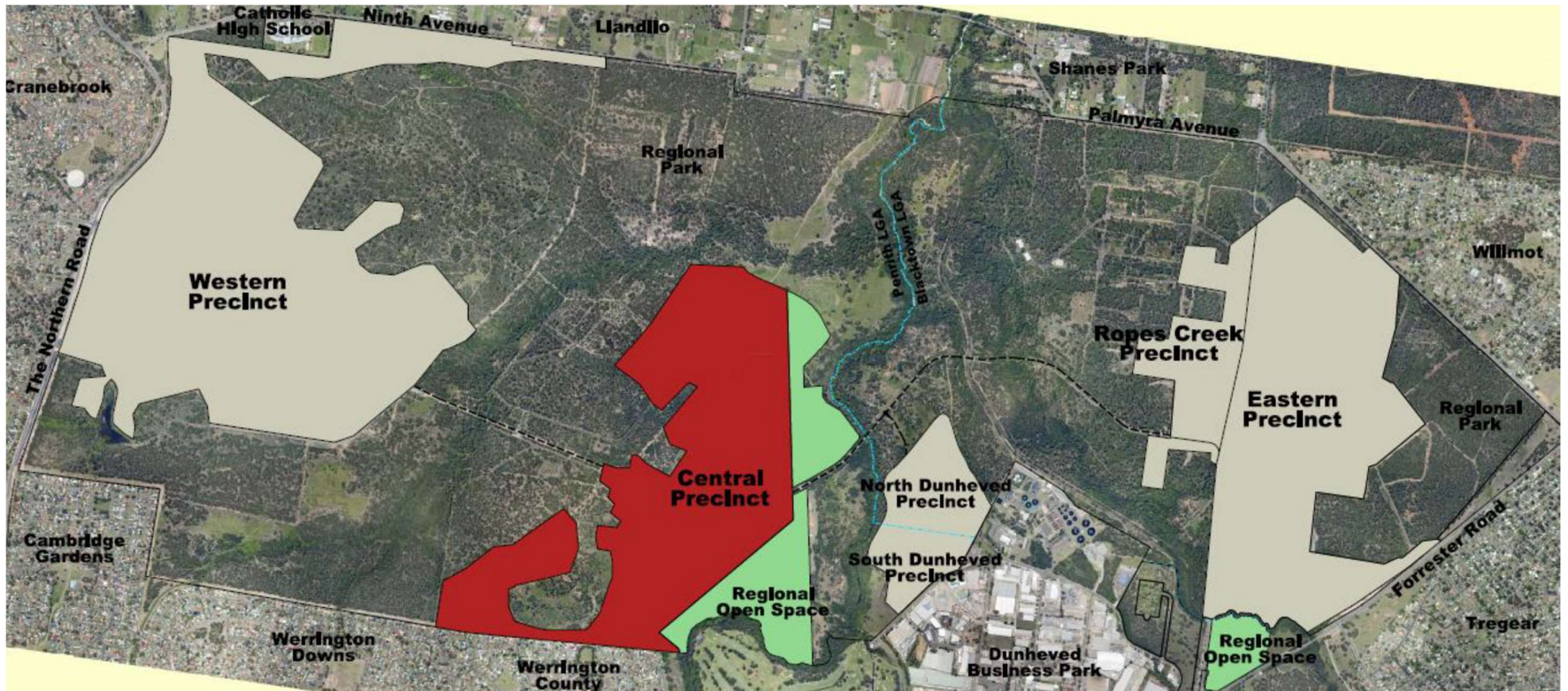


Figure 2: St Marys Development Site Precincts (Source: Lendlease)

2 The site and locality

2.1 Site description and location analysis

The site is located in the St Marys Development Site within the Penrith Local Government Area (LGA). The site has an area of approximately 6ha. The land is legally described as Lot 1 DP 1248137. The proposed temporary sales suite and community facility will be located within Villa 2, which is located in the north-western part of the site.

The location of the site is shown in Figure 3.

The site is irregular in shape and has a primary street frontage to Jordan Springs Boulevard. Jordan Springs Boulevard is a two-way local road running east-west between the Northern Road and Lakeside Parade. The Northern Road runs north-south along the western fringe of Jordan Springs.

The approved Jordan Springs Senior Living Stage 1 Villas are currently under construction (DA18/0678).

Vegetation on the site consists of a mix of young and mature Cumberland Plain Woodland in various stages of regeneration and low diversity native grassland derived from Cumberland Plain Woodland. Vegetation has largely been cleared in accordance with the approved construction activity under DA18/0678.

The site is identified as being flood affected.

The site is partially bushfire prone, identified as Vegetation Category 1 and has a Vegetation Buffer placed around the site (Figure 4).

There are no heritage items located on land subject to the site. Surrounding heritage items are discussed in Section 6 of this report.



Figure 3: Location of the site (Source: SIX Maps)



Figure 4: Bushfire Prone Land (Source: Penrith City Council)

2.2 Surrounding Development

The site is bound by the Wianamatta Regional Park on the south and west boundaries, and an artificial waterbody (lake) to the west. The lake is a permanent water feature with limited vegetation, located within the Regional Park.

To the north and east of the site is the established suburb of Jordan Springs, comprising retail, commercial and open space uses. The Jordan Springs Town Centre is located to the immediate north and north-east of the site.

To the immediate south of the site is a drainage lot. The drainage lot runs parallel along the southern boundary of the site from Jubilee Drive to the lake.

Table 3 describes the surrounding Development Applications relevant to the site.

Lot/DP	Development Description	Building Height	Determination
Lot 3989 DP1190132 3989 Lakeside Parade, Jordan Springs	DA15/0163 Stage 1 Construction of 4 x Residential Flat Buildings (138 Residential Apartments), 1 x Mixed Use Building (Ground Floor Commercial Floor Space and 63 Residential Apartments), Basement Car Parking, Road Construction, Drainage Works, Public Open Space Provision, Landscape Works, Earthworks and Tree Removal.	4 storeys	Approved 21 January 2016
Lot 12 DP1176163 5 Cullen Avenue, Jordan Springs	Construction of 2 x Residential Flat Buildings (Total of 84 x Units) and Associated Car Parking, Landscaping and Drainage Works	5 storeys	Approved 30 May 2016
Lot 16 DP1195110 76-94 Lakeside Parade, Jordan Springs	DA16/0487 Construction of 2 x Residential Flat Buildings (Total of 84 x Units) and Associated Car Parking, Landscaping and Drainage Works	4 storeys	Approved 6 April 2017
Lot 17 DP1195110 98-116 Lakeside Parade, Jordan Springs	DA16/0488 Construction of 2x Residential Flat Buildings (Total of 79 x Units) and Associated Car Parking, Landscaping and Drainage Works	4 storeys	Approved 10 May 2017
Lot 1 1248137 Lot 3 1248137	DA18/0714 Three lot Torrens title subdivision and drainage works	N/A	Approved 21 January 2019
Lot 2 1248137	DA19/0465	5 storeys	Under assessment

Lot/DP	Development Description	Building Height	Determination
	Integrated Development for an aged care facility (nursing home) containing 144 Rooms		
Lot 3991 DP1190132 Lot 3990 DP 1190132 3990 & 3991 Jordan Springs Boulevard, Jordan Springs	DA18/0678 Staged Concept Development Comprising Stage 1 Works involving the Construction of 51 x Seniors Living Villas, Civil Works & landscaping; Stage 2 Concept Development for Future Independent Living Units.	Single storey	Approved 16 February 2019
Lot 1 DP1248137 39 Jordan Springs Boulevard, Jordan Springs	DA19/0808 Proposed Stage Two (2) Works of an Approved Concept Development Application comprising of the Construction of Three (3) Six (6) Storey Seniors Living Apartment Buildings including 139 x Independent Living Units, Communal Facilities, 171 Car Parking Spaces and associated Earthworks and Landscaping	6 storeys	Under assessment
Lot 8 DP 1248038 25 Hortsmann Circuit, Jordan Springs	DA 20/0093 Single new residential dwelling	Single storey	Under assessment
Lot 19 DP 1248138 26 Hortsmann Circuit, Jordan Springs	DA 20/0075 Single new residential dwelling	2 storeys	Under assessment

Table 3: Summary of Surrounding DAs

2.3 Background and Relevant History

On 26 February 2019, the Sydney Western City Planning Panel (Panel) granted consent for a Development Application (DA18/0678) for the Staged Concept Development comprising Stage 1 Works involving the Construction of 51 Seniors Living Villas, Civil Works and Landscaping; and Stage 2 Concept Development for Future Independent Living Units along Jordan Springs Boulevard, Jordan Springs. Construction of the approved Stage 1 has commenced. This DA did not propose the use of any of the approved villas for the purposes of a sales suite or a temporary community centre.

The site has been subdivided since the Stage 1 approval to facilitate a separate development for aged care in the north-eastern corner of Lot 3991. The site is now known as Lot 1 DP 1248137 and comprises the approved seniors living development. The aged care development will be undertaken on Lot 2 DP 1248137.

Following the approval of the Concept Development and Stage 1 (DA18/0678), the Applicant submitted a Development Application to Council for the proposed Stage 2 works comprising the construction of three six storey seniors living apartment buildings including 139 Independent living units, communal facilities, 171 x car parking spaces and associated earthworks and landscaping (DA19/0808). This DA is currently under assessment.

3 The proposal

The proposed development is described in Table 4 below:

Address/Property Description	Lot 1 DP 1248137, Jordan Springs Boulevard, Jordan Springs
Ownership	Lendlease RL Jordan Springs Holding Pty Ltd as trustee of Lendlease RL Jordan Springs Trust
LGA	Penrith
Zoning	Urban (SREP 30)
Permissibility	Proposal is permissible with consent
Project	Temporary sales suite and community facility

Table 4: Project Overview

The Applicant proposes to use Villa 2 (as approved in DA18/0678, Figure 5) for a temporary sales suite and community facility within the Stage 1 site. It is proposed that only one Villa be used at a single time for both temporary uses. The temporary use will end upon completion of the construction of Building A in the adjoining Jordan Springs Retirement Village development (subject to DA19/0808).

The temporary sales suite comprises a sales office, village management office and reception, in which the Sales Manager and Village Manager will operate from. The temporary Community Facility will provide a space for social meetings. Some areas may be used later for specific events for residents, such as evening information sessions and community gatherings.

Once the temporary uses have ceased, Villa 2 will revert to the approved seniors living use.

There are no physical works proposed as part of this DA (refer to Figure 6).

Hours of Operation

The proposed hours of operation are Monday to Sunday (7 days per week) from 9:00 am to 5:00 pm for both the sales suite and community facility.

Information sessions for residents and the community may also be held on an infrequent basis. These will be limited to the hours of 9:00 am to 10:00 pm.

Staff

The proposal will have a maximum of 2 staff on site at any one time for both the sales suite and community facility. The approved visitor car parking adjacent to Villas 1-4 (7 spaces) will be used for staff and visitors.

Patron Capacity

The patron/visitor capacity for the proposed temporary uses are:

- Sales Suite: 3 to 5 visitors each week
- Community Facility: 15 patrons (larger events to be relocated to the Community Centre at Jordan Springs)

A Plan of Management and Site Plan accompanies the proposal and are provided in Appendix 1.

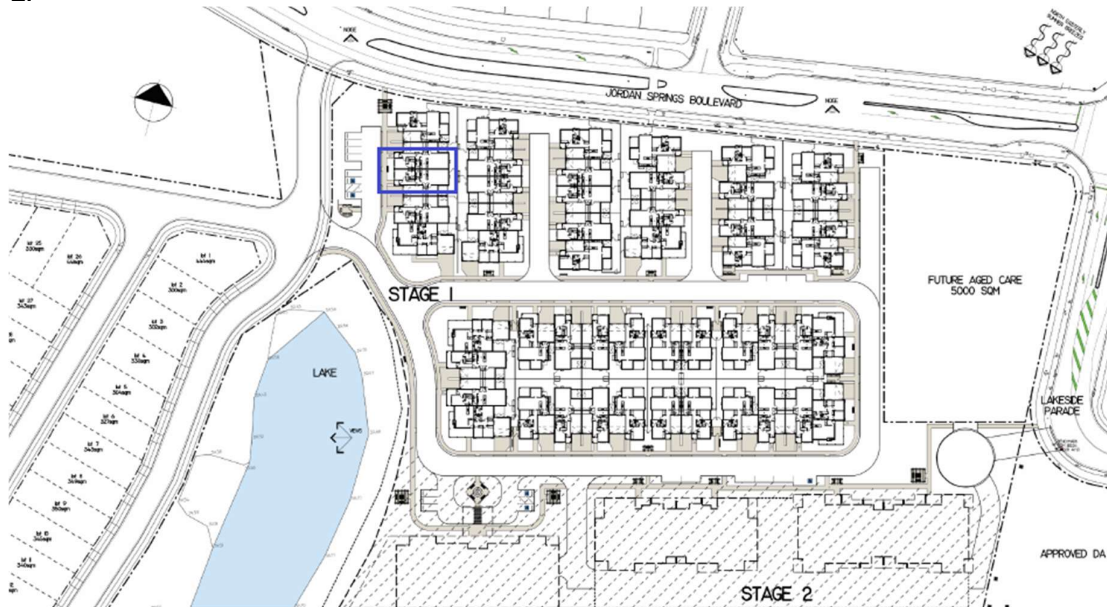


Figure 5: DA18/0678 Approved Site Plan - Villa 2 outlined in blue (Base Source: PCC)

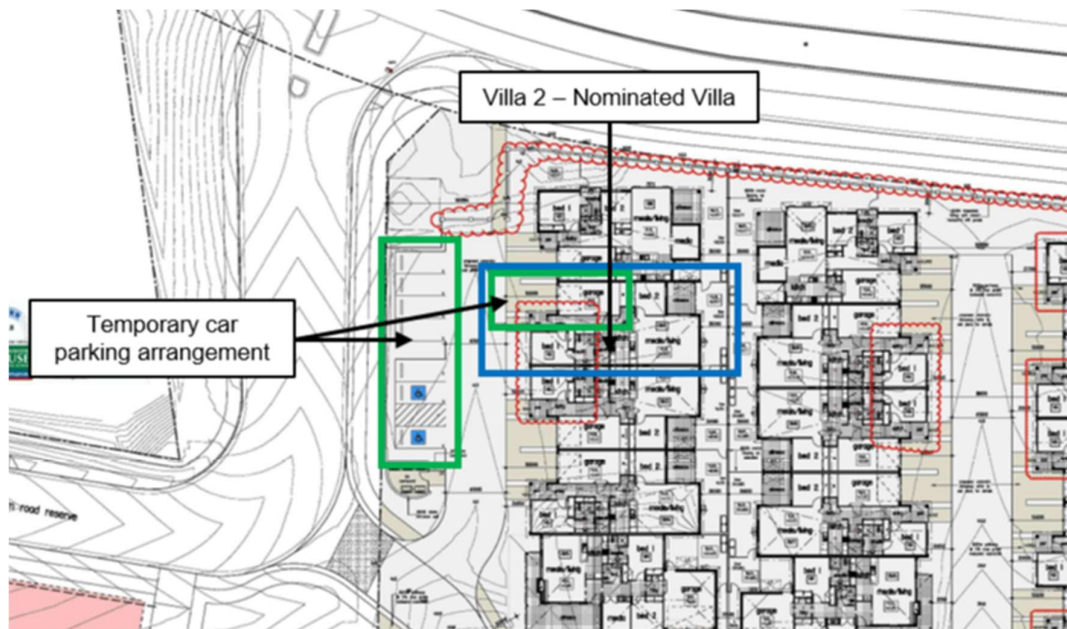


Figure 6: Site Plan (Base Source: A&N Design Group)

4 Strategic Planning Context

The proposal relates to development associated with the approved seniors living development under DA18/0678 and currently subject to DA19/0808. The consistency of the approved seniors living development with the applicable strategic planning framework has been assessed in the supporting SEEs. Key documents considered in this strategic assessment include:

- *Premier’s Priorities (updated 2018)*
- *Greater Sydney Region Plan*
- *Western City District Plan*
- *Penrith Urban Strategy Managing Growth to 2031*

The proposal is minor and temporary in nature and does not alter the previous assessments against this strategic framework.

5 Statutory Planning Framework

5.1 Environmental Planning and Assessment Act 1979

The proposal is consistent with the objects of the *Environmental Planning and Assessment Act 1979* (EP&A Act) as it is considered to promote the orderly and economic use and development of land without resulting in adverse environmental impacts.

This section of the report provides the planning assessment against the key statutory environmental planning instruments and development control plans relevant to the development. The following detailed assessment of the proposal is provided and is based on the heads of consideration contained in Sections 4.15 of the EP&A Act.

4.15 (1) Matters for consideration—general

In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

Relevant Provision	Comment
<i>(a) the provisions of:</i>	
<i>(i) any environmental planning instrument, and</i>	The relevant environmental planning instruments are addressed in Section 5.
<i>(ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and</i>	Yes. The Draft SREP 30 (Amendment No 3) has been exhibited but there are no direct implications for the site or proposal (Section 5). The Draft Remediation SEPP and Draft Environment SEPP have been exhibited. These draft SEPPs are addressed in Section 5.
<i>(iii) any development control plan, and</i>	The Western Precinct Plan, Development Control Strategy and the Penrith Development Control Plan 2014 are addressed in Section 5.

Relevant Provision	Comment
(iia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and	Not applicable.
(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph),	The requirements of the EP&A Regulations are addressed in Section 5.11.
(v) (Repealed)	Not applicable.
(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,	The impacts of the proposal are addressed in Section 6.
(c) the suitability of the site for the development,	Site suitability is addressed at Section 6.10.
(d) any submissions made in accordance with this Act or the regulations,	Any submissions made on this subject development application will be duly considered and addressed by the applicant. In addition, the Council will consider any public submissions relating to the proposal during its assessment.
(e) the public interest.	Public interest is addressed at Section 6.12.

Table 5: Section 4.15(1) assessment

5.2 Rural Fires Act 1997

As the site is identified as bushfire prone and will be used for seniors housing, the proposed development is classified as a ‘Special Fire Protection Purpose Development’ (SFPP), pursuant to Section 100B of the *Rural Fires Act 1997*.

A Bushfire Assessment, prepared by Peterson Bushfire, was prepared for the approved Jordan Springs Seniors Living Development Stage 1 to accompany that DA (DA18/0678). The Bushfire Assessment (Ref: 17154, 22nd May 2018) was prepared to ensure the DA complied with the NSW Rural Fire Service document ‘*Planning for Bush Fire Protection 2006*’.

Further Bushfire Advice, prepared by Peterson Bushfire (Appendix 2), accompanies the current DA and confirms that the proposed temporary change of use of Villa 2 does not change the building’s classification, being SFPP, and therefore the same assessment and protection requirements apply as the original villas DA.

According to the Bushfire Advice, the proposal is considered to be infill SFPP development under the revised ‘*Planning for Bush Fire Protection 2019*’, legislated on 1st March 2020. The Bushfire Advice confirms that the current proposal complies with the infill development objectives listed at Section 6.4 of ‘*Planning for Bush Fire Protection 2019*’ as it complies with ‘*Planning for Bush Fire Protection 2006*’.

The Bushfire Advice concludes that the current proposal does not require additional bushfire protection measures to those already incorporated in the consent for Stage 1. The Bushfire Advice confirms that the proposal complies with ‘*Planning for Bush Fire Protection 2019*’. The Bushfire Assessment and Advice are provided in Appendix 2.

5.3 NSW Threatened Species Conservation Act 1995 & NSW Biodiversity Conservation Act 2016

A Species Impact Statement (SIS) was prepared by Cumberland Ecology to accompany the Stage 1 DA (DA18/0678).

The SIS concludes that the Stage 1 development would result in the removal of a relatively small area of habitat for Cumberland Plain Woodland (CPW). The SIS confirmed the impact of the Stage 1 would be balanced by the major conservation outcome resulting from the creation of the 900ha Regional Park. The Regional Park comprises CPW in a consolidated land holding, which will be transferred into public ownership and subject to a fully funded Plan of Management. The SIS concluded that the relatively small areas of natural and semi-natural vegetation to be cleared as a result of the Stage 1 development is of minor consequence and that development will not result in any local populations of threatened species or occurrences of ecological communities becoming extinct (Appendix 3).

The proposal does not comprise any physical works or vegetation clearing. As such, the findings of the SIS remain relevant to the proposal.

5.4 National Parks and Wildlife Act 1974

An Aboriginal Heritage Impact Permit (AHIP) can be issued by the Chief Executive of the Office of Environment and Heritage (OEH) under the *National Parks and Wildlife Act 1974* (NPW Act) for development which will cause harm to an Aboriginal object or Aboriginal place and cannot be avoided.

An Aboriginal Heritage Impact Permit (AHIP) was granted on 13 February 2009 (AHIP No. 10996059) to all land within the Western Precinct in the St Marys Development Site. The consent covers all Aboriginal objects identified within the Western Precinct. The Stage 1 development was approved with this AHIP in place. Although this AHIP lapsed on 13 February 2019, the proposal does not comprise any physical works or vegetation clearing. As such, no further consideration of the NPW Act is considered necessary.

All Aboriginal objects within the Western Precinct, except for items which comprise burials, will be treated in accordance with the AHIP.

5.5 State Environmental Planning Policies

The proposal has been designed with regard to the objectives and standards of the relevant planning instruments and policies that apply to the site. Under the provisions of the EP&A Act, the key applicable State Environmental Planning Policies (SEPP) are:

- *Sydney Regional Environmental Plan No. 30 – St Marys;*
- *State Environmental Planning Policy No. 19 – Bushland in Urban Areas;*
- *State Environmental Planning Policy No. 55 – Remediation of Land;*
- *State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017;*
- *Draft State Environmental Planning Policy (Environment);*
- *Draft Remediation of Land State Environmental Planning Policy.*

5.5.1 Sydney Regional Environmental Plan No. 30 – St Marys

Sydney Regional Environmental Plan No.30 – St Marys (SREP 30) is a deemed SEPP and the main environmental planning instrument applying to the St Marys Development site.

The proposal is located on land zoned Urban under SREP 30 and is permissible with consent.

The relevant provisions of SREP 30 are detailed below.

Provision	Response
Part 1 Introduction	
3 Aims of this plan	<ul style="list-style-type: none"> • The proposal is consistent with the aims of SREP 30. • The proposal achieves desirable environmental, social and economic outcomes, in accordance with the Village Centre character area. • The proposal is integrated with established surrounding areas of Jordan Springs.
Part 4 Development applications	
19 Consent Authority	<ul style="list-style-type: none"> • Penrith City Council is the consent authority for the proposal.
Part 5 Performance objectives	
21 Requirement outcomes for any development	<ul style="list-style-type: none"> • The proposal is consistent with the performance objectives outlined below.
22 Ecologically sustainable development	<ul style="list-style-type: none"> • The proposal is consistent with the goal of ecologically sustainable development and will not result in additional adverse environmental impacts as physical works are not proposed.
23 Air Quality	<ul style="list-style-type: none"> • As there are no physical works proposed, a construction management plan to address air quality is not required.
24 Conservation	<ul style="list-style-type: none"> • As discussed in Section 5.3, physical works are not proposed, as such the removal of vegetation or habitats is also not proposed. The SIS submitted with DA18/0678 can be relied upon. • The proposal is unlikely to have any adverse impact on Regional Open Space as it is not located near any land zoned Regional Open Space under SREP 30 or any other planning instrument.

Provision	Response
25 Heritage	<ul style="list-style-type: none"> The proposed development will not have any adverse impacts on any heritage item in the locality due to the distance of the site from the heritage items. As discussed in Section 5.4, AHIP No. 10996059 applies to all land within the Western Precinct of the St Marys Development Site and covers all Aboriginal objects identified within the Western Precinct. The Stage 1 development (DA18/0678) was approved with this AHIP in place. The proposal does not comprise physical works or vegetation clearing. As such, no further consideration of the NPW Act is considered necessary. The proposal may require a referral to the Director General of the National Parks and Wildlife Service.
26 Community services	<ul style="list-style-type: none"> The Western Precinct Plan is supported by a Community Plan, which identifies the characteristics of the surrounding and anticipated population and the existing services and identified needs of the future population. The area surrounding the Western Precinct is generally well serviced by and proximate to a number of community services. The proposal will provide for a temporary community facility for the residents conveniently located in proximity to the Jordan Springs Town Centre and existing services located in the surrounding area of the Western Precinct. The proposal seeks to use Villa 2 for temporary community facilities until the community facility within Stage 2 is complete. Following the Stage 2 completion, the temporary use will cease and the Villa will revert to the approved seniors living use The proposal will encourage social interaction between the residents of the Jordan Springs Seniors Living Development.
27 Open Space and Recreation	<ul style="list-style-type: none"> N/A
28 Water cycle	<ul style="list-style-type: none"> N/A
29 Soils	<ul style="list-style-type: none"> N/A – no physical works proposed
30 Transport	<ul style="list-style-type: none"> The site is accessible from Jordan Springs Boulevard, which has access to public transport and is in close proximity to the Jordan Springs Town Centre. The proposal is within walking distance to public transport opportunities. Pedestrian access is approved along the lake boundary and around the residential lots. Adequate on-site parking will be made available adjacent to Villas 1 – 4.
31 Urban form	<ul style="list-style-type: none"> N/A – no physical works proposed
32 Employment and business development	<ul style="list-style-type: none"> The proposal will provide full-time employment for up to 2 people.
33 Housing	<ul style="list-style-type: none"> N/A
34 Energy Efficiency	<ul style="list-style-type: none"> Best practise energy management and energy efficient principles will be exercised during operation
35 Waste management	<ul style="list-style-type: none"> Physical works are not proposed in conjunction with this DA, as such the construction waste management plan is not required.

Provision	Response
	<ul style="list-style-type: none"> Waste will be managed in accordance with the Waste Management Plan prepared by Elephants Foot for Stage 1 (DA18/0678) and further discussed in Section 6.4 Full waste and recycling bins will be transferred to the kerbside by the manager/caretaker for collection. Waste will be collected by a private contractor.
Part 6 Zoning	
36 Zoning	<ul style="list-style-type: none"> The site is zoned Urban
37 Regional Park zone	<ul style="list-style-type: none"> N/A
38 Regional Open Space zone	<ul style="list-style-type: none"> N/A
39 Employment zone	<ul style="list-style-type: none"> N/A
40 Urban zone	<ul style="list-style-type: none"> The proposal is permissible with consent within the Urban Zone via Clause 40 and Clause 48 (detailed below). The proposal is for the temporary use of the approved Villa 2 as a sales suite and community facility. The temporary sales suite falls under the category of an “Exhibition Home” as defined in SREP 30 as a <i>dwelling built for the purpose of public exhibition and marketing which is intended to be sold as a private dwelling after it has been used for those purposes and may include a sales office, and a place for providing home financing and a building or furnishing materials display, and the like.</i> “Community Facilities” is defined in SREP 30 as a <i>building, place or any other facility, whether or not provided by the relevant council, provided for use by groups having a similar physical, cultural, social, recreational, ethnic or other interest or beliefs, but (in Part 6) does not include a club which is registered under the Registered Clubs Act 1976 or a building or place specifically defined elsewhere in this schedule.</i>
41 Road and Road Widening zone	<ul style="list-style-type: none"> N/A
42 Drainage zone	<ul style="list-style-type: none"> N/A
43 Exempt and complying development	<ul style="list-style-type: none"> N/A
Part 7 Development controls	
44 Consultation with National Parks and Wildlife Service	<ul style="list-style-type: none"> The proposal is for the temporary use of land adjoining land within the Regional Park zone. The proposal may require a referral to the Director General of the National Parks and Wildlife Service.
45 Subdivision	<ul style="list-style-type: none"> N/A
46 Development near zone boundaries	<ul style="list-style-type: none"> N/A
47 Demolition	<ul style="list-style-type: none"> N/A
48 Interim uses	<ul style="list-style-type: none"> The proposed temporary use is consistent with the aims of SREP 30, will not inhibit the approved Stage 1 development and will not adversely affect residential amenity The proposal is therefore permissible under this clause to operate for 5 years
49 Land below the PMF level	<ul style="list-style-type: none"> N/A – Villa approved
50 Filling of land	<ul style="list-style-type: none"> N/A

Provision	Response
51 Salinity and highly erodible soils	<ul style="list-style-type: none"> N/A
52 Tree preservation	<ul style="list-style-type: none"> N/A
53 Items of environmental heritage	<ul style="list-style-type: none"> No heritage items are identified on the site.
54 General heritage considerations	<ul style="list-style-type: none"> No heritage items are identified on or in the immediate vicinity of the site. As discussed in Section 5.4, AHIP No. 10996059 applies to all land within the Western Precinct of the St Marys Development Site and covers all Aboriginal objects identified within the Western Precinct. The Stage 1 development (DA18/0678) was approved with this AHIP in place. The proposal does not comprise earthworks, vegetation clearing, or physical works. As such, no further consideration of the NPW Act is considered necessary. The proposal may require a referral to the Director General of the National Parks and Wildlife Service. All Aboriginal objects within the Western Precinct, except for items which comprise burials, will be treated in accordance with the AHIP.
55 Conservation of items of environmental heritage	<ul style="list-style-type: none"> The proposed development will not have any adverse impact on any heritage item in the site locality due to the distance of the site from the heritage items.
56 Demolition of items of environmental heritage	<ul style="list-style-type: none"> The proposal does not comprise of any physical works.
57 Access	<ul style="list-style-type: none"> The proposal relies on the approved vehicular access which does not include the Northern Road, Palmyra Avenue, Forrester Road or Ninth Avenue.
58 Certain development prohibited	<ul style="list-style-type: none"> N/A
59 Retail and commercial development restricted	<ul style="list-style-type: none"> N/A
60 Services	<ul style="list-style-type: none"> Existing services and utilities will be sufficient for the temporary use of Villa 2 as a temporary sales suite and community facility
61 Subdivision without consent	<ul style="list-style-type: none"> N/A
62 Bush fire hazard reduction works	<ul style="list-style-type: none"> N/A
62A Temporary use of land	<ul style="list-style-type: none"> The proposal will not compromise the future development of the land or have detrimental economic, social, amenity or environmental effects on the land The proposed temporary uses will operate until the construction of the Stage 2 community facility in Building A (DA19/0808) is complete. After this time the temporary uses will end. The temporary use will not impact upon the amenity of adjoining land and the neighbourhood The temporary use of the Villa as a sales suite may exceed the maximum number of days specified in subclause (2).
62B Conversion of fire alarms	<ul style="list-style-type: none"> N/A

Table 6: Assessment against relevant SREP 30 provisions

An amendment to SREP 30 (Amendment No. 3) is currently under assessment with the DPIE. The amendment proposes the following:

- Rezone approximately 38.4 ha of land within the Central Precinct from Employment to Urban creating approximately 500 additional dwelling lots
- Revise the size and location of drainage zones to reflect amended urban development boundaries and the progression of the stormwater management strategy for the site
- Rezone approximately 1.2 ha of land within the Western Precinct (to the south of the site, below the drainage lot) from Urban to Regional Park

The proposed amendments to SREP 30 do not directly impact on the site.

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

State Environmental Planning Policy No. 19 – Bushland in Urban Areas (SEPP 19) aims to protect and preserve bushland within urban areas. The SEPP includes the Penrith LGA.

The proposed temporary sales suite and community facility will not require any removal of trees and vegetation. No further investigation is necessary.

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

The Contamination Report submitted with the Stage 1 DA found that the site is suitable for the proposed land use. As the proposal does not comprise any physical works, the findings of the Contamination Report are relevant to the proposal (Appendix 4).

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

SEPP (Vegetation in Non-Rural Areas) 2017 applies to the Penrith LGA.

As discussed in Section 5.3, a SIS accompanied the Stage 1 DA (DA18/0678).

The SIS concluded that the Stage 1 development would result in the removal of a relatively small area of habitat for Cumberland Plain Woodland (CPW). The SIS confirmed the impact of the Stage 1 would be balanced by the major conservation outcome resulting from the creation of the 900ha Regional Park.

The Regional Park comprises CPW in a consolidated land holding, which will be transferred into public ownership and subject to a fully funded Plan of Management. The SIS concluded that the relatively small areas of natural and semi-natural vegetation to be cleared as a result of the Stage 1 development is of minor consequence and that development will not result in any local populations of threatened species or occurrences of ecological communities becoming extinct (Appendix 3).

The proposal does not comprise physical works or vegetation clearing. As such, the findings of the SIS remain relevant to the proposed development.

5.5.5 Draft State Environmental Planning Policy (Environment)

Draft *State Environmental Planning Policy (Environment)* (Environment SEPP) aims to promote the protection and improvement of key environmental assets for their intrinsic value and the social and economic benefits they provide. Once adopted it will consolidate the following existing SEPPs:

- *State Environmental Planning Policy No.19 – Bushland in Urban Areas*
- *State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011*
- *State Environmental Planning Policy No.50 – Canal Estate Development*
- *Greater Metropolitan Regional Environmental Plan No.2 – Georges River Catchment*
- *Sydney Regional Environmental Plan No.20 – Hawkesbury-Nepean River (No.2-1997)*
- *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005*
- *Willandra Lakes Regional Environmental Plan No.1 – World Heritage Property*

It is noted that the preliminary maps accompanying the Draft Environment SEPP do not identify the site as a critical habitat area.

5.5.6 Draft Remediation of Land State Environmental Planning Policy

Draft *Remediation of Land State Environmental Planning Policy* (Remediation SEPP) aims for better management of remediation works by aligning the need for development consent with the scale, complexity and risks associated with the proposed works.

Once adopted, the Draft Remediation SEPP will:

- Provide a state-wide planning framework for the remediation of land
- Require consent authorities to consider the potential for land to be contaminated when determining DAs
- Clearly list the remediation works that require development consent
- Introduce certification and operational requirements for remediation works that can be undertaken without development consent

As discussed in Section 5.5.3, the Contamination Report submitted with the Stage 1 DA found that the site is suitable for the proposed land use. As the proposal does not comprise any physical works, the findings of the Contamination Report are relevant to the proposal (Appendix 4).

5.6 St Marys Environmental Planning Strategy 2000

The *St Marys Environmental Planning Strategy 2000* (EPS) accompanies SREP 30. One of the aims of SREP 30 cl 3(a) is to support the EPS by providing a framework for the sustainable development and management of the land.

The EPS identifies:

- The aims for the future use and management of the site
- Specific performance objectives
- Actions to be undertaken by local and State governments
- Development controls and obligations of developers

The EPS, together with SREP 30 and the St Marys Development Agreement establish the planning, urban design and environmental conservation principles to guide the long-term development and conservation of the site.

The performance objectives relating to the proposal are addressed in Table 6 in Section 5 of this SEE.

5.7 Western Precinct Plan and Development Control Strategy

The Western Precinct Plan (WPP) establishes the planning framework, principles and controls to provide clear and coordinated guidance for the development of land within the Precinct. It is a key tool for Council to use in its assessment and determination of development within the Western Precinct. The Development Control Strategy (DCS) provides for an assessment against the urban structure and built form.

The proposal will meet the objectives of 4.15 Community Facilities and Services of the Western Precinct Plan by providing a range of facilities, services and programs that meet the learning, social, cultural, health and recreational needs of the community.

We note that the Stage 1 DA was assessed against the DCS and found to be consistent. As there are no physical works proposed as part of this DA and the approved Stage 1 development is being relied upon, a further assessment against the DCS is not required.

5.8 Penrith Local Environmental Plan 2010

The *Penrith Local Environmental Plan 2010* (PLEP 2010) does not apply to the site.

5.9 Development Control Plans

The *Penrith Development Control Plan (DCP) 2014*, which supplements the PLEP 2010, applies to the site. In any case of an inconsistency between the DCP and SREP 30, the provisions of SREP 30 prevail.

An assessment against the relevant DCP controls are provided in Table 7 below.

Relevant Provision	Comment
<p>2.3 Bushfire Management</p> <p>Relevant Controls: Planning for Bushfire Protection</p> <ul style="list-style-type: none"> <i>If land is identified as 'bushfire prone land' on the Bushfire Prone Land Map, then any development application on that land must address the bush fire protection measures set out in the document 'Planning for Bushfire Protection 2006 (PBP).</i> <i>If the development proposes the subdivision of land for residential and rural-residential purposes or is a development which has been identified as 'special fire protection purposes', then the development will be Integrated Development under the Environmental Planning and Assessment Act 1979.</i> <p>Bushfire Assessment Report</p> <ul style="list-style-type: none"> <i>A Bushfire Assessment Report, prepared in accordance with the PBP, must accompany all development applications on land identified as bush fire prone land.</i> 	<ul style="list-style-type: none"> As discussed in Section 5.2, the Bushfire Advice finds that the proposal will not require additional bushfire protection measures to those already incorporated in the consent for Stage 1. The Bushfire Advice confirms that the proposal complies with 'Planning for Bush Fire Protection 2019' (Appendix 2).
<p>C5 Waste Management</p>	<ul style="list-style-type: none"> Waste will be managed in accordance with the approved Stage 1 Waste Management Plan (Appendix 5). Waste and Recycling bins will be transferred to the kerbside by the manager/caretaker for collection by a private contractor.
<p>C10 Transport, access and parking</p> <p>10.4 Roads B. 1 Controls for all roads <i>a) Proposed roads must comply with the road configurations set out in Table C10.1. These configurations apply to private and community title roads as well as all public roads.</i></p> <p>10.5 Parking, Access and Driveways</p> <p>10.5.1 Parking <i>1) Provision of Parking Spaces a) Parking provided on site is to meet AS 2890 and where appropriate, AS 1428. b) For any proposed development, Council will require the provision of on-site car parking to a standard appropriate to the intensity of the proposed development as set out in Table C10.2.</i></p>	<ul style="list-style-type: none"> The proposed temporary use is not anticipated to generate additional traffic above that considered in the Traffic Impact Assessment (TIA) submitted with the Stage 1 development (DA18/0678). The Stage 1 TIA found that on-site parking for 51 villas was appropriate for the site. The proposal seeks to use the 7 visitor car spaces adjacent to Villa 2 and the on-site parking within the Villa 2 site. The proposal seeks to use the approved vehicular access points and car parking spaces in the Stage 1 development and include two accessible car parking spaces. The approved pedestrian links within the Stage 1 site provide for adequate access. Bicycle parking has been provided as part of the approved DA18/0678.

Relevant Provision	Comment
<p>Accessible car spaces should be in accordance with the Access to Premises Standards, Building Code of Australia and AS2890.</p> <p>Bicycle parking in accordance with the suggested bicycle parking provision rates for different land use types in the document 'Planning Guidelines for Walking and Cycling' (NSW Government 2004). Bicycle parking spaces should comply with AS2890.3:1993 Bicycle Parking Facilities.</p> <p>10.5.2 Access and Driveways</p> <p>a) The road access to the site should provide for safe entry to and exit from the site. All vehicles must enter/exit the site in a forward direction. (This does not apply to single dwellings). b) The entry and exit from the site should provide for appropriate traffic sight distance in both directions, in accordance with the provisions of AS2890.1 and 2 - 2004 for car parking and commercial vehicles respectively. c) The design of the development driveway should take into consideration the traffic volumes of the surrounding road network.</p> <p>e) The driveway crossing and access roads shall be designed in accordance with the provisions of AS2890.1 and 2 - 2004 for car parking and commercial vehicles respectively. f) Driveway widths must comply with the relevant Australian Standards. g) Driveway grades, vehicular ramp width/grades and passing bays must be in accordance with the relevant Australian Standard (AS2890.1).</p> <p>10.6. Pedestrian Connections</p> <p>1) Footpaths should have ramps at all kerb corners for wheelchairs and pram access and cater for all people with diverse abilities in line with current Australian Standards.</p> <p>2) Street lighting in accordance with the provisions of AS1158 should be present in all urban streets, while on rural traffic routes in general only intersections will be lit</p> <p>4) To enable comfortable passage for all people with diverse abilities, footpaths must be: i) Provided on both sides of the road in urban areas; ii) A minimum of 1.5m wide along collector and all lower order streets; and iii) A minimum of 2.5m on approach routes to predictable destinations such as schools, parks and shopping precincts. (Three metre paths or wider are preferred).</p>	

Table 7: DCP Compliance Table (Base source: Council)

5.10 Contributions

There is no voluntary planning agreement(s) relating to this DA.

In 2006, St Marys Land Limited and Lendlease Development Pty Ltd entered into a separate planning agreement with Council. The Penrith Planning Agreement (PPA) sets out obligations for the Applicant to meet and includes providing contributions towards key public benefits including:

- Regional and local transport infrastructure
- Regional and local open space
- Local community facilities and services

The PPA covers all development in Jordan Springs. The proposal does not trigger any additional contributions.

5.11 Environmental Planning and Assessment Regulations

There are no known matters prescribed by the *Environmental Planning and Assessment Regulations 2000* (EP&A Regulation) that are relevant to the consideration of this application.

6 Environmental Planning Assessment

Section 4.15(1)(b) of the EP&A Act requires an assessment of the impact of development on environmental impacts (natural and built), and social and economic impacts. This assessment is outlined below.

6.1 Operation

A Plan of Management (PoM) prepared by Lendlease accompanies this SEE (Appendix 1). The POM details the proposed uses, staff, waste management and the operational hours.

The Applicant is seeking to use Villa 2 (as approved in DA18/0678) for a temporary sales suite and community facility within the Stage 1 site. Upon completion of Building A, the temporary uses will end.

The temporary sales suite comprises a sales office, village management office and reception, in which the Sales Manager and Village Manager will operate from. The temporary community facility will provide a space for social meeting places. Some areas may be used later for specific events for residents, such as evening information sessions and community gatherings.

The proposed hours of operation are Monday to Sunday (7 days per week) from 9:00 am to 5:00 pm. Information sessions for residents and the community may also be held on an infrequent basis. These will be limited to the hours of 9:00 am to 10:00 pm.

The proposed operating hours are not anticipated to have any adverse impacts on the amenity of neighbouring residential properties. The proposed use is ancillary to the approved seniors living development. To assist in minimising noise, windows can be shut to assist in controlling noise impacts. Noise is further considered in Section 6.4 below.

Waste will be transferred to the kerbside by the manager/caretaker for collection by a private contractor. Waste will be managed in accordance with the Waste Management Plan prepared for DA18/0678 by Elephants foot recycling solutions and included as Appendix 5.

6.2 Traffic, Transport and Parking

The proposal is not anticipated to generate significant additional traffic movements or on-site car parking demands above those identified in the Stage 1 DA. The proposal is ancillary to the primary use of the site being seniors housing and involves low staff and patron capacity numbers.

The Traffic Impact Assessment (TIA) submitted with the Stage 1 DA (Appendix 6) found that the development of the proposed 51 seniors villas would not generate any significant impacts on the traffic or transport conditions of the local road network. The TIA also found that the proposed on-site parking for the villas, including 7 visitor spaces and a minimum of 51 resident spaces, was appropriate for the development.

The approved Stage 1 visitor car parking (DA18/0678) will be used as car parking for the proposed temporary uses for staff and visitors. There will be 7 car parking spaces (including 2 accessible car spaces) for visitors and 1 garage car parking space for staff to service the proposed temporary uses. Further, there is sufficient on-street space to cater for any overflow parking within the site. The location of the approved Stage 1 car spaces proposed to be used are shown in Figure 7.

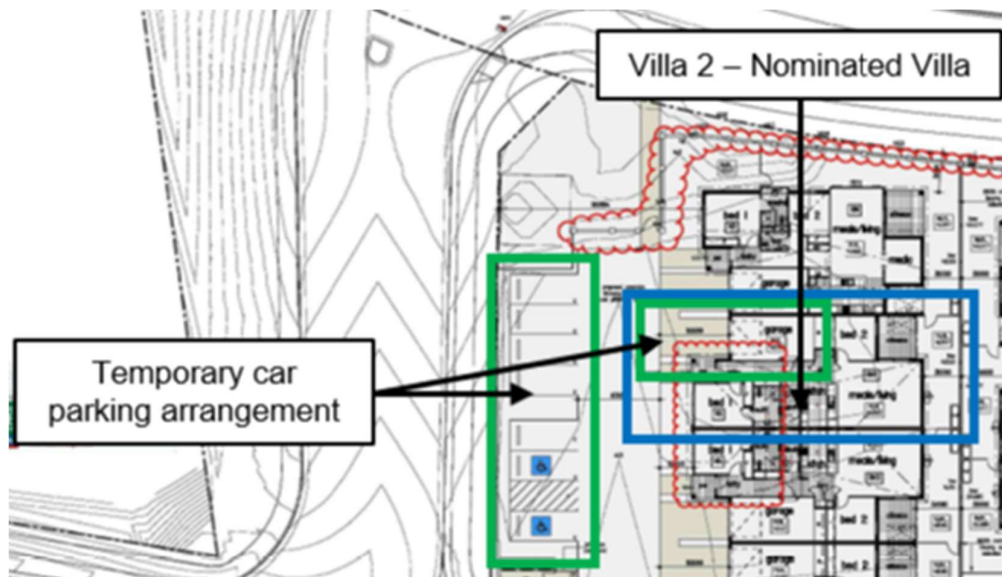


Figure 7: Temporary car parking arrangements (Source: A&N Design Group)

The site is located in close proximity to and within a reasonable walking distance of the Jordan Springs town centre and surrounding residential areas. The site is also within 400m walking distance to regular bus services which provide access to a variety of shops and specialised services throughout the week. Bus stops are located north of the site along Jordan Springs Boulevard and provide services to Penrith Westfield.

The proposed temporary use can cater for a maximum of 17 people at any one time. Given the site provides for 9 designated on-site car spaces, the availability of on-street car spaces and the adjacent town centre carpark, and the site's proximity to public transport services, it is considered that the proposed and available parking arrangements are appropriate.

6.3 Accessibility

The proposal is consistent with the findings in the Accessibility Report submitted with the Stage 1 DA (Appendix 7) as:

- there are no physical works proposed
- the proposal will continue to comply with the accessibility and adaptability requirements of the *State Environmental Planning Policy – Housing for Seniors or People with a Disability*
- it will provide appropriate accessible parking
- the site is accessible to public transport

6.4 Noise

The proposed temporary use is not anticipated to generate noise levels above that of the relevant noise criteria detailed in the Acoustic Assessment submitted with the Stage 1 DA (Appendix 8). The Acoustic Assessment found the noise emissions from the operation of mechanical plant equipment associated with the Villas will comply with the relevant AS/NZS 2107:2016, SEPP (infrastructure) and DoP Guideline 2008.

6.5 Bushfire Prone Land

As discussed in Section 5.2, the Bushfire Advice confirms that the proposed temporary use will not require additional bushfire protection measures to those already incorporated in the consent for Stage 1. The Bushfire Advice confirms that the proposal complies with ‘Planning for Bush Fire Protection 2019’ (Appendix 2).

6.6 Infrastructure and Utilities

The proposal will be serviced by existing infrastructure and utilities approved in the Stage 2 development (DA18/0678).

6.7 Heritage and Archaeology

The SREP 30 Heritage Map identifies 4 items of local environmental heritage within the Western Precinct as listed in the table below.

Site number	Item name
Site 9	House, western part portion 104
Site 14	Dumbles new house and out buildings
Site 15	Dumbles Old House
Site 16	Mrs Smiths House

Table 8: Surrounding heritage items in the Western Precinct

No items identified in the table above are located on or near the site and will therefore not be impacted by the proposal.

As discussed in Section 5.4, an AHIP was granted on 13 February 2009 (AHIP No. 10996059) to all land within the Western Precinct in the St Marys Development Site. The Stage 1 development was approved with this AHIP in place. The proposal does not comprise earthworks, vegetation clearing, or physical works. As such, no further consideration of the NPW Act is considered necessary.

6.8 Social benefits

The proposal comprises the temporary use of the approved Stage 1 villa (villa 2) (approved in DA18/0678) for a sales suite and community facility during the assessment process and construction of the Stage 2 Building A (DA19/0808).

The temporary community facility will provide a space for residents to use to socialise and a space for recreational activities while the Stage 2 development is being assessed and constructed.

6.9 National Construction Code

As the proposal seeks to use the approved Stage 1 villa, the proposal will remain consistent with the Building Code of Australia (BCA) Compliance and Compatibility Report submitted with the approved Stage 1 development (Appendix 9).

6.10 Flooding

A Flood Study was prepared by Northrop to accompany the Stage 1 proposal. The Flood Study outlines the catchment, the approved development and the implications for the development due to flooding and remains relevant to the current proposal. The Flood Study concludes that the approved level of the roads, lots and finished floor levels can be accommodated above the flood levels. The proposal seeks to use the approved Villa 2 and as such will not have any impacts on flood management.

6.11 Suitability of the site

The site is suitable in accommodating the proposed redevelopment for the following reasons:

- the proposal will not result in additional adverse environmental impacts above those considered in the Stage 1 DA;
- the proposal is temporary in nature and upon completion of Building A in Stage 2 the temporary use will cease; and
- the proposal is ancillary to the primary use of the site being for senior living development

Accordingly, it can be concluded that the site is entirely suitable to accommodate the temporary change of use.

6.12 Submissions

The proposed development will be notified in accordance with the Council's notification policy. Council officers will consider any submissions received prior to the determination of the application.

6.13 Public interest

The proposal will provide a significant public benefit for new residents and the existing community including:

- providing residents and the wider community with information about the senior housing to be available for sale on the site
- providing residents with a community facility to promote social interaction and recreational activities.

In addition, Council will consider any public submissions relating to the proposal during its assessment. Accordingly, it can be concluded that the proposed development is entirely in the public interest.

7 Conclusion

This SEE supports an application for the temporary use of Villa 2 for a sales suite and community facility. Villa 2 will be used for the purpose of a temporary community facility during the assessment and construction of Stage 2 Building A in the Jordan Springs Retirement Village (DA19/0808). The proposed temporary sales suite and community facility will be used on site until the completion of Building A in the adjoining Jordan Springs Retirement Village development (subject to DA19/0808).

Following a detailed consideration of the proposal in its legislative and physical context, we believe that approval of the proposal is warranted for the following key reasons:

- the proposal is suitable for the site and the area, after consideration against Section 4.15(1) of the EPA & Act
- the proposal meets the objectives of the zone in SREP 30
- the proposal is complementary and compatible with the Western Precinct within the St Marys Development Site
- the proposal will not result in any significant land use conflicts with existing surrounding uses and is consistent with the evolving character of Jordan Springs
- the proposal will improve the amenity of residents through the provision of a new community facility while the Stage 2 development is being assessed and constructed
- the proposal will not lead to any traffic or pedestrian safety issues
- the proposal will not result in any significant environmental impacts or adverse impacts on the amenity of surrounding land
- granting consent is considered in the public interest.

Consequently, approval of this residential development application is recommended.