
STATEMENT OF ENVIRONMENTAL EFFECTS

CONCRETING WORKS ON THE SITE

549 GREAT WESTERN HIGHWAY, WERRINGTON





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LEGISLATION CHECKLIST

| STATE ENVIRONMENTAL PLANNING POLICY | APPLICABLE | N/A |
|--|------------|-----|
| SEPP NO 19 - BUSHLAND IN URBAN AREAS | | ✗ |
| SEPP NO 21 - CARAVAN PARKS | | ✗ |
| SEPP NO 33 - HAZARDOUS AND OFFENSIVE DEVELOPMENT | | ✗ |
| SEPP NO 36 - MANUFACTURED HOME ESTATES | | ✗ |
| SEPP NO 47 - MOORE PARK SHOWGROUND | | ✗ |
| SEPP NO 50 - CANAL ESTATE DEVELOPMENT | | ✗ |
| SEPP NO 55 - REMEDIATION OF LAND | ✓ | |
| SEPP NO 64 - ADVERTISING AND SIGNAGE | | ✗ |
| SEPP NO 65 - DESIGN QUALITY OF RESIDENTIAL APARTMENT DEVELOPMENT | | ✗ |
| SEPP NO 70 - AFFORDABLE HOUSING (REVISED SCHEMES) | | ✗ |
| SEPP (ABORIGINAL LAND) 2019 | | ✗ |
| SEPP (AEROTROPOLIS) 2020 | | ✗ |
| SEPP (AFFORDABLE RENTAL HOUSING) 2009 | | ✗ |
| SEPP (BUILDING SUSTAINABILITY INDEX: BASIX) 2004 | | ✗ |
| SEPP (COASTAL MANAGEMENT) 2018 | | ✗ |
| SEPP (CONCURRENCES AND CONSENTS) 2018 | | ✗ |
| SEPP (EDUCATIONAL ESTABLISHMENTS AND CHILD CARE FACILITIES) 2017 | | ✗ |
| SEPP (EXEMPT AND COMPLYING DEVELOPMENT CODES) 2008 | | ✗ |
| SEPP (GOSFORD CITY CENTRE) 2018 | | ✗ |
| SEPP (HOUSING FOR SENIORS OR PEOPLE WITH A DISABILITY) 2004 | | ✗ |
| SEPP (INFRASTRUCTURE) 2007 | ✓ | |
| SEPP (KOALA HABITAT PROTECTION) 2019 | | ✗ |
| SEPP (KOSCIUSZKO NATIONAL PARK - ALPINE RESORTS) 2007 | | ✗ |
| SEPP (KURNELL PENINSULA) 1989 | | ✗ |
| SEPP (MINING, PETROLEUM PRODUCTION AND EXTRACTIVE INDUSTRIES) 2007 | | ✗ |
| SEPP (PENRITH LAKES SCHEME) 1989 | | ✗ |
| SEPP (PRIMARY PRODUCTION AND RURAL DEVELOPMENT) 2019 | | ✗ |
| SEPP (STATE AND REGIONAL DEVELOPMENT) 2011 | | ✗ |
| SEPP (STATE SIGNIFICANT PRECINCTS) 2005 | | ✗ |
| SEPP (SYDNEY DRINKING WATER CATCHMENT) 2011 | | ✗ |
| SEPP (SYDNEY REGION GROWTH CENTRES) 2006 | | ✗ |
| SEPP (THREE PORTS) 2013 | | ✗ |
| SEPP (URBAN RENEWAL) 2010 | | ✗ |
| SEPP (VEGETATION IN NON-RURAL AREAS) 2017 | ✓ | |
| SEPP (WESTERN SYDNEY EMPLOYMENT AREA) 2009 | | ✗ |
| SEPP (WESTERN SYDNEY PARKLANDS) 2009 | | ✗ |
| GMREP NO 2 - GEORGES RIVER CATCHMENT | | ✗ |
| SREP NO 20 - HAWKESBURY-NEPEAN RIVER (NO 2 - 1997) | ✓ | |
| SREP (SYDNEY HARBOUR CATCHMENT) 2005 | | ✗ |



1 INTRODUCTION

This Statement of Environmental Effects has been prepared to accompany the Development Application (DA) to Penrith City Council seeking consent for the concreting of the site for the area behind the front building line and construction of an in-ground on-site stormwater detention basin at 549 Great Western Highway, Werrington.

This Statement of Environmental Effects has been prepared pursuant to Section 4.12 of the *Environmental Planning and Assessment Act, 1979* (the Act) and Clause 50 and Schedule 1 of the *Environmental Planning and Assessment Regulation, 2000* (the Regulation), and provides the following:

- Identifies any environmental impacts of the development;
- Indicates how any environmental impacts of the development have been identified;
- Outlines the steps to be taken to protect the environment or to lessen the expected harm to the environment; and
- Considers any matters required to be indicated by any guidelines issued by the Planning Secretary.

The subject application solely proposes the concreting of the site, to replace the current dirt and topsoil coverage of the site. This will assist in maximising site potential and operation in the case of rain events. The concreting is expected to cover a majority of the site behind the front building line and with the exception of the current building, which will remain. The proposed development is ancillary to the building itself, and thus such ancillary works are permissible in the B6 Enterprise Corridor under the *Penrith Local Environmental Plan 2010*. The proposal has been assessed against the provisions of the *Penrith Local Environmental Plan 2010* and *Penrith Development Control Plan 2014*.

This Statement should be read in conjunction with the following plans and documents accompanying the application:

- Architectural Plans prepared by Planzone;
- Survey Plan prepared by Vince Morgan Surveyors
- Statement of Environmental Effects prepared by Planzone.

The DA is made pursuant to Part 4 of the Act and the development is not Integrated Development or Designated Development under the provisions of the Act. The development has a Capital Investment Value of less than \$30 million and the application is not one that requires determination by the Local Planning Panel by Ministerial Direction issued under Section 9.1 of the Act as detailed below:

| DEVELOPMENT | TRIGGER |
|---|--|
| 1. Conflict of Interest | N/A |
| 2. Contentious Development | The consideration of submissions cannot be made at the time of preparing this Statement. |
| 3. Departure from Development Standards | The DA does not seek consent for a departure from a development standard under Clause 4.6 of the LEP. |
| 4. Sensitive Development | <ul style="list-style-type: none"> (a) The DA is not designated development. (b) The DA does not seek consent for a residential flat building. (c) The DA does not seek consent for demolition of a heritage item. (d) The DA is not for a licensed premises. (e) The DA is not for a sex-services or restricted premises. (f) The DA does not propose to enter into a planning agreement. |

TABLE 1: LOCAL PLANNING PANEL MINISTERIAL DIRECTION CRITERIA

LEGEND:

- ✓ COMPLIES
- ✗ DOES NOT COMPLY
- ✗ SATISFACTORY

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Accordingly, the Council is the consent authority for the purpose of determining the DA.

This Statement of Environmental Effects undertakes an assessment of the proposal against the requirements and the matters for consideration under Sections 1.7, 4.15 and 4.46 of the Act. The Statement should be read in conjunction with the plans and documents accompanying the application.

2 THE SITE AND SURROUNDS

2.1 LEGAL DESCRIPTION

The subject property comprises three land parcels legally described as Lot 6, 7 and 8 in Deposited Plan 542766 and is formally known as 549 Great Western Highway, Werrington.

2.2 LOCATION

The site is situated on the north side of the Great Western Highway, and thus occupies its' northern frontage. The site is adjacent to an electrical transmission lines corridor and a dwelling house.



FIGURE 1: LOCATION MAP

2.3 DIMENSIONS AND AREA

The subject site comprises of a regular rectangular allotment with boundary dimensions as evident in the survey by Vince Morgan Surveyors dated 21/04/2021.

LEGEND:
✓ COMPLIES
✗ DOES NOT COMPLY
S SATISFACTORY

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| POINT | BOUNDARY LENGTH (METRES) |
|---------------------|--------------------------|
| A (frontage) | 20.16 |
| B | 134.48 |
| C | 136.215 |
| D | 20.115 |

TABLE 2: BOUNDARY DIMENSIONS

The subject site has an overall site area of 8,189m².

2.4 EXISTING STRUCTURES

The subject site contains an existing two storey brick and clad building. An aerial map of the site is provided in Figure 2. No changes will be made to the use of the site.



FIGURE 2: AERIAL MAP, SUBJECT SITE OUTLINED IN RED

2.5 EXISTING VEGETATION

The site is largely devoid of vegetation, except for a large palm tree (approx. 20m tall) in front of the building in a grassy landscaped front setback area. The rear setback consists of dirt and there are no plants apart from occasional boundary shrubbery and native weeds.

LEGEND:
✓ COMPLIES
✗ DOES NOT COMPLY
S SATISFACTORY

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2.6 SURROUNDS AND CONTEXT

The surrounding land uses immediately adjoining and opposite the site comprises a range of industrial development as identified in Figures 3 to 5.

| ADDRESS | LOCATION | USE/S | FIGURE NO. |
|---------------------------|------------------------|--|------------|
| 555 Great Western Highway | Adjoining to the West | Industrial Use | Figure 3 |
| 9-11 Bridge Street | Adjoining to the East | Vacant site and Electricity Transmission Line corridor | Figure 4 |
| 564 Great Western Highway | Adjoining to the South | Vacant site | Figure 5 |



SOURCE: PHOTO BY PLANZONE
DATE TAKEN: 17/06/2021

FIGURE 3: VIEW OF GREAT WESTERN HIGHWAY LOOKING WEST FROM THE SITE

LEGEND:
✓ COMPLIES
✗ DOES NOT COMPLY
S SATISFACTORY

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FIGURE 4: 555 GREAT WESTERN HIGHWAY DWELLING HOUSE



FIGURE 5: ADJACENT SITE TO THE EAST AT 9-11 BRIDGE STREET, WERRINGTON

2.7 PAST USES AND DEVELOPMENT HISTORY

A review of historical aerial imagery indicates the site contained residential dwelling houses in or around 1943 with the current building appearing on the site sometime around the mid 1960's.

LEGEND:

- ✓ COMPLIES
- ✗ DOES NOT COMPLY
- ✗ SATISFACTORY

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A review of Penrith Council's online DA Tracker revealed no prior development history on the subject site.

3 THE PROPOSAL

3.1 DESCRIPTION

The subject DA seeks consent for the concreting of the site for the area behind the front building line and construction of an in-ground on-site stormwater detention basin at 549 Great Western Highway, Werrington. The scope of works also includes the creation of a 0.9 landscaped buffer adjacent to the sites eastern, northern and western site boundary. This will provide an aesthetic transition between the sites and surrounds, as well as serve as filtering for the stormwater runoff on the site.

The development is ancillary works pertaining to the site, and such a definition is not present in the LEP dictionary.

3.2 DEMOLITION AND EARTHWORKS

The application does not seek consent for any demolition or earthworks.

3.3 BUILDING WORK AND INTERNAL BUILDING LAYOUT

The application does not seek consent to carry out building work. The internal layout of the existing building will remain the same. The application solely relates to the concreting of the site.

3.4 DEVELOPMENT AND BUILT FORM SNAPSHOT

| | |
|----------------------------|--|
| SITE AREA: | 8,189m ² |
| GROSS FLOOR AREA: | No change |
| FLOOR SPACE RATIO: | No change |
| BUILDING HEIGHT: | No change |
| SETBACKS: | No change |
| CAR PARKING: | 12 car parking spaces at the front of site for clients, as well as 4 car parking spaces for employees. |
| AREA OF CONCRETE | 5,750m ² |
| AREA OF LANDSCAPING | 1,385m ² retained within the front setback on either side of driveway. |

TABLE 3: DEVELOPMENT AND BUILT FORM SNAPSHOT

3.5 PEDESTRIAN ACCESS

Pedestrian access is available and accessible from the site's frontage to Great Western Highway. The building is located towards the centre front on the site, is visible and easily accessed from the internal car parking provided on site. The concreting will enable further ease of access to the building and around it on both sides.

3.6 VEHICULAR ACCESS

Vehicular access to and from the site is currently provided via a large driveway accessible to the north from the Great Western Highway frontage.

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The concreting will provide a firmer and more consistent surface for the vehicles instead of the current tar and dirt carparking area. During the construction phase, clients can utilise off street parking in nearby Water Street and Tenant Street should they wish to access the site.

4 PLANNING FRAMEWORK

The *Environmental Planning and Assessment Act, 1979* (the Act) prescribes the following matters that have been taken into consideration in the assessment of the subject application, as detailed under the respective headings within Sections 5, 6 and 7 of this Statement:

- Section 1.7 - Significant effect on threatened species, populations or ecological communities, or their habitats;
- Section 4.15 - Evaluation:
 - Section 4.15(1)(a)(i) - The provisions of any Environmental Planning Instrument;
 - Section 4.15(1)(a)(ii) - The provisions of any exhibited Draft Environmental Planning Instruments;
 - Section 4.15(1)(a)(iii) - The provisions of any Development Control Plan;
 - Section 4.15(1)(a)(iiia) - The provisions of any Planning Agreement entered into under s7.4 or proposed Planning Agreement;
 - Section 4.15(1)(a)(iv) - The provisions of the Regulations;
 - Section 4.15(1)(b) - The likely environmental impacts on both the natural and built environments, and social and economic impacts of the development;
 - Section 4.15(1)(c) - The suitability of the site for the development;
 - Section 4.15(1)(d) - Any submissions made in accordance with the Act or the regulations; and
 - Section 4.15(1)(e) - The public interest.
- Section 4.46 - Integrated Development.

5 SECTION 1.7 EVALUATION EP&A ACT, 1979

Section 1.7 of the Act prescribes matters for consideration in determining whether a development is likely to have a significant effect on threatened species, populations or ecological communities, or their habitats. The relevant provisions from the Act are discussed below.

5.1 BIODIVERSITY CONSERVATION ACT, 2016

The development is not *likely to significantly affect threatened species* as required to be considered under Part 7 of the *Biodiversity Conservation Act, 2016*.

5.2 FISHERIES MANAGEMENT ACT, 1994

The development is not *likely to significantly affect threatened species, population or ecological community* as required to be considered under Part 7A of the *Fisheries Management Act, 1994*.

6 SECTION 4.15 EVALUATION EP&A ACT, 1979

6.1 SECTION 4.15(1)(A) OF THE EP&A ACT, 1979

(i) SECTION 4.15(1)(A)(I)

THE PROVISIONS OF ANY ENVIRONMENTAL PLANNING INSTRUMENT

The following environmental planning instruments are applicable to this development:

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- ☛ State Environmental Planning Policy No. 55 - Remediation of Land;
- ☛ State Environmental Planning Policy (Infrastructure) 2007;
- ☛ State Environmental Planning Policy (Vegetation in Non-rural Areas) 2017;
- ☛ Sydney Regional Environmental Plan No. 20 - Hawkesbury-Nepean River;
- ☛ Penrith Local Environmental Plan 2010.

An assessment of the merits of the proposed development against the above planning instruments and applicable controls is provided below.

STATE ENVIRONMENTAL PLANNING POLICY NO. 55 - REMEDIATION OF LAND

State Environmental Planning Policy No. 55 - Remediation of Land (SEPP 55) contains planning controls for the remediation of contaminated land. The policy states that land must not be developed if it is unsuitable for a proposed use because it is contaminated.

The history of land uses for the site has been considered as an indicator for potential contamination of the site. Since 1943, the site has been used for residential and business development. There is no reason to suggest that previous uses on the site were harmful.

Accordingly, there is no reason to suspect that the site may be contaminated and further investigation of the site's potential contamination is not required. Moreover, under Council's LEP maps, the site is not subject to Acid Sulfate Soil contamination. Therefore, Council can be satisfied of its obligations under Clause 7 of SEPP 55 as the application appropriately considers the potential for contamination under SEPP 55.

STATE ENVIRONMENTAL PLANNING POLICY (INFRASTRUCTURE) 2007

PART 3 - DIVISION 5 - ELECTRICITY TRANSMISSION OR DISTRIBUTION

CLAUSE 45: DETERMINATION OF DEVELOPMENT APPLICATIONS - OTHER DEVELOPMENT

Clause 45 of *State Environmental Planning Policy (Infrastructure) 2007* (the Infrastructure SEPP) identifies triggers which require the local electricity supply authority to be given written notice of a Development Application (or modification) as identified below:

| CL | INFRASTRUCTURE SEPP ELECTRICITY REFERRAL TRIGGERS | REFER? |
|--------|--|--------|
| (1)(a) | <i>The penetration of ground within 2m of an underground electricity power line or an electricity distribution pole or within 10m of any part of an electricity tower.</i> | ✗ |
| (1)(b) | <i>Development carried out-</i> <i>(i) within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists), or</i> <i>(ii) immediately adjacent to an electricity substation, or</i> <i>(iii) within 5m of an exposed overhead electricity power line.</i> | ✗ |
| 1(c) | <i>installation of a swimming pool any part of which is-</i> <i>(i) within 30m of a structure supporting an overhead electricity transmission line, measured horizontally from the top of the pool to the bottom of the structure at ground level, or</i> <i>(ii) within 5m of an overhead electricity power line, measured vertically upwards from the top of the pool.</i> | ✗ |
| (1)(d) | <i>Development involving or requiring the placement of power lines underground, unless an agreement with respect to the placement underground of power lines is in force between the electricity supply authority and the council for the land concerned.</i> | ✗ |

TABLE 4: INFRASTRUCTURE SEPP ELECTRICITY REFERRAL TRIGGERS

LEGEND:

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- S SATISFACTORY

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Accordingly, the proposal does not trigger any of the requirements for the local electricity supply authority to be given written notice of the subject Development Application.

PART 3 - DIVISION 15 - RAILWAYS

CLAUSE 85: DEVELOPMENT IMMEDIATELY ADJACENT TO RAIL CORRIDORS

CLAUSE 86: EXCAVATION IN, ABOVE OR ADJACENT TO RAIL CORRIDORS

CLAUSE 87: IMPACT OF RAIL NOISE OR VIBRATION ON NON-RAIL DEVELOPMENT

The development is not on land that is in or immediately adjacent to a rail corridor and the site is not land within or above a rail corridor, within 25 metres of a rail corridor or within 25 metres of the ground directly above an underground rail corridor and therefore Clauses 85, 86 and 87 of the Infrastructure SEPP do not apply to the subject DA.

PART 3 - DIVISION 17 - ROADS AND TRAFFIC

CLAUSE 101(2): DEVELOPMENT WITH FRONTOAGE TO CLASSIFIED ROAD

The subject site has a frontage to Great Western Highway, Werrington which is identified in the Transport for NSW (TfNSW) *Schedule of Classified Roads and Unclassified Regional Roads* publication (April 2017) as being a Classified Road. Accordingly, the provisions of Clause 101(2) of the Infrastructure SEPP apply to the subject application.

However, when considering these Clauses, the work will not change existing vehicular access to the site with sole existing access via the Great Western Highway. There will be no added access points or changes to existing access. The concreting of the site may create emissions and dust, which may impact site lines adjacent to the site and require possible mitigation measures for pedestrians however these are only related to construction work and can be mitigated by conditions of consent.

The work is not likely to impact traffic flow along the road and therefore it is not expected that the DA will require referred to Transport for NSW under Clause 101(2).

CLAUSE 102: DEVELOPMENT IN OR ADJACENT TO ROAD CORRIDORS

The site has a frontage to and is accessed via the Great Western Highway, Werrington Road corridor. Based on the most current Annual Average Daily Traffic (AADT) data published by TfNSW, Great Western Highway is listed as having an AADT volume of over 20,000 vehicles. However, there is no fixed or sample AADT counter at or near the location. Based on the road being a major east-west arterial road axis in Sydney, it can be predicted that the AADT of the road exceeds 20,000 vehicles at most times of the year. Accordingly, the provisions in Clause 102 of the Infrastructure SEPP apply to the subject application.

As per Clause 102(1), the proposed development does not relate to:

- (a) residential accommodation
- (b) a place of public worship
- (c) a hospital
- (d) an educational establishment or centre-based child care facility.

The development does not propose bedrooms/additional habitable rooms.

CLAUSE 104: TRAFFIC GENERATING DEVELOPMENT

The proposed development is not a traffic generating development as it is not development specified in Column 1 of the Table to Schedule 3 of the Infrastructure SEPP.

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STATE ENVIRONMENTAL PLANNING POLICY (VEGETATION IN NON-RURAL AREAS) 2017

State Environmental Planning Policy (Vegetation in Non-rural Areas) 2017 contains planning controls for the removal of vegetation on the land within non-rural areas of the State. The policy aims to protect the biodiversity values of trees and other vegetation in non-rural areas of the State and to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.

The subject site is located on land zoned B6 Enterprise Corridor. The subject site does not contain any existing vegetation.

SYDNEY REGIONAL ENVIRONMENTAL PLAN NO. 20 - HAWKESBURY-NEPEAN RIVER (DEEMED SEPP)

The *Sydney Regional Environmental Plan No. 20 - Hawkesbury-Nepean River (SREP 20)* is a Deemed SEPP that aims “*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*”. The plan establishes the framework within which local, State and Federal agencies will consult so that there is a consistent approach to planning and development within the catchment.

PART 1 - INTRODUCTION

CLAUSE 2: APPLICATION

Pursuant to Clause 2, the subject site is located within the Penrith City Local Government Area to which the provisions of the SEPP apply.

PART 2 - GENERAL PLANNING CONSIDERATIONS, SPECIFIC PLANNING POLICIES AND RECOMMENDED STRATEGIES

CLAUSE 6: SPECIFIC PLANNING POLICIES AND RECOMMENDED STRATEGIES

| SREP NO. 20 - CLAUSE 6 | |
|--|---|
| POLICY | COMMENT |
| <i>Total Catchment Management</i> | Total catchment management is integrated with environmental planning for the catchment through the provisions contained within the <i>Penrith Local Environmental Plan 2010</i> . |
| <i>Environmentally Sensitive Areas</i> | The site is not located in an environmentally sensitive area. |

LEGEND:

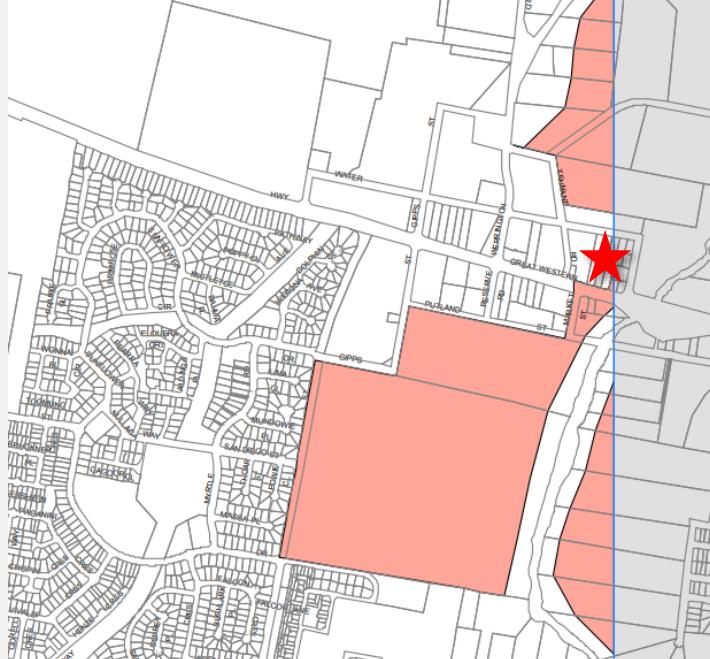
- ✓ COMPLIES
- ✗ DOES NOT COMPLY
- ✗ SATISFACTORY

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SREP NO. 20 - CLAUSE 6

| POLICY | COMMENT |
|--------------------------|---|
| |  |
| <i>Water Quality</i> | <p>The development does not propose any site or building works or land use that will affect water quality and prejudice the achievement of the goals of use of the river for primary contact recreation. The concreting of the site will create faster stormwater runoff and velocity towards South Creek towards the east, however appropriate measures are proposed to mitigate flows and ensure the development will not impact on water quality.</p> |
| <i>Water Quantity</i> | <p>The development does not propose any site or building works or land use that will change the flow characteristics of surface or groundwater in the catchment.</p> |
| <i>Cultural Heritage</i> | <p>The site is not identified as a heritage item, however, is located within the vicinity of several heritage items. They are as follows:</p> <ul style="list-style-type: none"> ➢ Rose Cottage and Early Slab Hut, at the corner of Water Street and Tenant Road– State Heritage Register ➢ “Torquay” House, adjacent to the south to the west, at 555 Great Western Highway ➢ Brick house, at 565 Great Western Highway, adjacent to the west. |
| <i>Flora & Fauna</i> | <p>No impact on flora and fauna is envisaged as a result of the proposed development. The development involves the creation of a 0.9m landscaped strip surrounding the site which will enhance the flora capabilities on site. The weeds present surrounding the current building will be removed prior to the concreting works. The landscaping will consist of low lying shrubs, likely not being able to accommodate fauna to a significant degree.</p> |

LEGEND:

- ✓ COMPLIES
- ✗ DOES NOT COMPLY
- ✗ SATISFACTORY

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CONCRETING WORKS ON THE SITE
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| SREP NO. 20 - CLAUSE 6 | |
|--|--|
| POLICY | COMMENT |
| <i>Riverine Scenic Quality</i> | The application does not propose any works that would affect the scenic quality of the Riverine corridor. The corridor is not within the scenic area of the Riverine corridor. The extent of concreting is well set back from South Creek at 151m. |
| <i>Agriculture/Aquaculture and Fishing</i> | The application does not propose agriculture, aquaculture or fishing. |
| <i>Rural Residential Development</i> | The development is not for rural residential development. |
| <i>Urban Development</i> | The development is not for urban development, solely the concreting for the site. |
| <i>Recreation and Tourism</i> | The development is not for recreation and tourism. |
| <i>Metropolitan Strategy</i> | The development complements the vision, goal, key principles and action plan of the Metropolitan Strategy which envisages the land being used for industrial purposes. |

TABLE 5: SREP NO. 20 - CLAUSE 6 COMPLIANCE TABLE

PART 3 - DEVELOPMENT CONTROLS

CLAUSE 11: DEVELOPMENT CONTROLS

| SREP HAWKESBURY-NEPEAN RIVER NO. 2 - PLANNING CONTROL TABLE | | | |
|---|-----|--------------------------------------|-----|
| DEFINED USE | ✓/✗ | DEFINED USE | ✓/✗ |
| Artificial Lake | ✗ | Maintenance Dredging | ✗ |
| Aquaculture | ✗ | Manufactured Home Estates | ✗ |
| Caravan Parks | ✗ | Marinas and Slipways | ✗ |
| Caravan parks or camping grounds | ✗ | Intensive animal industries | ✗ |
| Composting facilities or works | ✗ | Manufactured home estates | ✗ |
| Buildings, works or land uses within Glenbrook and Erskine Creek, Webbs Creek, the Colo River, the Grose River and the Macdonald River sub-catchments | ✗ | Marinas | ✗ |
| Remediation of contaminated land | ✗ | Recreational facilities | ✗ |
| Extractive industries | ✗ | Land uses in or near the river | ✗ |
| Extractive industries—maintenance dredging and extractive operations | ✗ | Land uses in riverine scenic areas | ✗ |
| Filling | ✗ | Sewerage systems or works | ✗ |
| Potentially hazardous or offensive industries | ✗ | Waste management facilities or works | ✗ |
| Items of non-Aboriginal heritage | ✗ | Development in mapped wetlands | ✗ |
| Intensive horticultural establishments | ✗ | | |

TABLE 6: SREP NO. 20 - CLAUSE 11 DEVELOPMENT CONTROLS TABLE

LEGEND:

- ✓ COMPLIES
- ✗ DOES NOT COMPLY
- S SATISFACTORY

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PART 4 - MISCELLANEOUS

There are no provisions within this Part of the SREP that are of relevance to the application.

PENRITH LOCAL ENVIRONMENTAL PLAN 2010

Penrith Local Environmental Plan 2010 (the LEP) is the principal environmental planning instrument that applies to the land and contains all the applicable development standards for the development of the subject site. An assessment pursuant to the applicable sections of the LEP is provided below.

| PENRITH LOCAL ENVIRONMENTAL PLAN 2010 | | | |
|---|---|---|-----|
| CL | REQUIREMENT | PROPOSED | ✓/✗ |
| PART 1 - PRELIMINARY | | | |
| 1.2 | Aims of Plan | <p>The development is consistent with the aims of the LEP in the following ways:</p> <p>(a) The development allows for the management, orderly and economic development, and conservation of the land;</p> <p>(b) The development is consistent with the Council's vision for Penrith;</p> <p>(f) The development protects and enhances the environmental values and heritage of Penrith, including places of historical, aesthetic, architectural, natural, cultural, visual and Aboriginal significance;</p> <p>(g) The development is not on land in areas subject to environmental hazards; and</p> <p>(h) The development incorporates the principles of sustainable development through the delivery of balanced social, economic and environmental outcomes. The development is designed in a way that assists in reducing and adapting to the likely impacts of climate change.</p> | ✓ |
| 1.4 | Definitions are contained in the dictionary | The proposed development is defined ancillary development related to the existing use. | ✓ |
| PART 2 - PERMITTED OR PROHIBITED DEVELOPMENT | | | |
| 2.2 | Zoning of Land | The subject site is zoned B6 Enterprise Corridor | ✓ |
| 2.3 | Zone Objectives and Land Use Table | <p>ZONE OBJECTIVES: The proposed development is consistent with the objectives of the zone, as it proposes concreting of the site to facilitate business, will provide short term employment in the construction sector and does not encourage retail activity.</p> <p>LAND USE TABLE: Ancillary development is permissible as part of the existing use.</p> | ✓ |
| 2.5 | Additional permitted uses for particular land | The site is not afforded with additional permitted uses in Schedule 1 of the LEP. | ✓ |
| 2.6 | Subdivision - consent requirements | The application does not seek consent for subdivision. | ✓ |

LEGEND:

- ✓ COMPLIES
- ✗ DOES NOT COMPLY
- S SATISFACTORY

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PENRITH LOCAL ENVIRONMENTAL PLAN 2010

| CL | REQUIREMENT | PROPOSED | ✓/✗ |
|---|---|--|-----|
| 2.7 | Demolition requires development consent | The application does not seek consent for any demolition. | ✓ |
| PART 4 - PRINCIPAL DEVELOPMENT STANDARDS | | | |
| 4.3 | Height of Buildings | STANDARD: 12.5m PROPOSED: No building works are proposed that will change the height of the building. | ✓ |
| 4.4 | Floor space ratio | STANDARD: Not prescribed PROPOSED: No building works are proposed that will affect the FSR of the site. | ✓ |
| 4.5 | Calculation of floor space ratio and site area | Floor Space Ratio and Site Area have been calculated according to the provision of this clause. | ✓ |
| 4.6 | Exceptions to development standards | The application does not seek consent for any exceptions to development standards as part of the application. | ✓ |
| PART 5 - MISCELLANEOUS PROVISIONS | | | |
| 5.1 | Relevant acquisition authority | The site is not identified as being reserved for acquisition on the <i>Land Reserved for Acquisition Map</i> . | ✓ |
| 5.2 | Classified and reclassification of public land | The site is not mapped as being classified or reclassified of public land | ✓ |
| 5.3 | Development near zone boundaries | The proposed development does not rely on the provisions of this Clause. | ✓ |
| 5.4 | Controls relating to miscellaneous permissible uses | The proposed development is not for any of the development types listed in this Clause. | ✓ |
| 5.6 | Architectural roof features | The proposed development does not include any architectural roof features as part of the proposal. | ✓ |
| 5.7 | Development below mean high water mark | The site is not identified as being situated below the mean high-water mark. | ✓ |
| 5.10 | Heritage Conservation Heritage Item: Conservation Area: In vicinity of item or area: Archaeological Site: Aboriginal Heritage: | <p>The site is not identified as a heritage item, but is located within the vicinity of any heritage items, including a State Heritage Item.</p> <p>The heritage items include the following:</p> <ul style="list-style-type: none"> ➢ Rose Cottage and Early Slab Hut, at the corner of Water Street and Tenant Road– State Heritage Register ➢ “Torquay” House, adjacent to the south to the west, at 555 Great Western Highway ➢ Brick house, at 565 Great Western Highway, adjacent to the west. <p>The site is not identified as an archaeological site.</p> <p>There are no known Aboriginal sites in or near the subject site and no known Aboriginal places declared in or near the site.</p> | ✓ |
| 5.11 | Bushfire hazard reduction | Part of the south-eastern corner of the site is mapped as being affected by bushfire - vegetation buffer. The application does not propose bushfire hazard reduction. | ✓ |

LEGEND:

- ✓ COMPLIES
- ✗ DOES NOT COMPLY
- S SATISFACTORY

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| PENRITH LOCAL ENVIRONMENTAL PLAN 2010 | | | |
|--|---|--|-----|
| CL | REQUIREMENT | PROPOSED | ✓/✗ |
| PART 6 - URBAN RELEASE AREAS | | | |
| 6 | Urban Release Areas | The site is not located in any urban release areas and therefore the provisions under Part 6 are not applicable. | N/A |
| PART 7 - ADDITIONAL LOCAL PROVISIONS | | | |
| 7.1 | Earthworks | No earthworks are proposed as part of this application. | ✓ |
| 7.3 | Development on natural resources sensitive land | The site is not mapped as being on land with natural resources sensitive land. | ✓ |
| 7.5 | Protection of scenic character and landscape values | The site is not mapped as land of scenic character and landscape values. See map above. | ✓ |
| 7.6 | Salinity | The land is not identified as saline land. | ✓ |
| 7.7 | Servicing | The existing site is serviced by existing essential services. | ✓ |
| PART 8 - LOCAL PROVISIONS - PENRITH CITY CENTRE | | | |
| 8 | Penrith City Centre | The subject site is not located in Penrith City Centre and therefore the provisions under Part 8 are not applicable. | N/A |

TABLE 7: PENRITH LOCAL ENVIRONMENTAL PLAN 2010 COMPLIANCE TABLE

(ii) **SECTION 4.15(1)(A)(ii)**

THE PROVISIONS OF ANY PUBLICLY EXHIBITED DRAFT ENVIRONMENTAL PLANNING INSTRUMENTS

DRAFT STATE ENVIRONMENTAL PLANNING POLICY (ENVIRONMENT)

The NSW Department of Planning, Industry and Environment has publicly exhibited Draft State Environmental Planning Policy (Environment) (Draft Enviro SEPP) which relates to the protection and management of our natural environment with the aim of simplifying the planning rules for a number of water catchments, waterways, urban bushland, and Willandra Lakes World Heritage Property. The changes proposed include consolidating the following seven existing SEPP's:

- State Environmental Planning Policy No. 19 - Bushland in Urban Areas;
- State Environmental Planning Policy No. 50 - Canal Estate Development;
- State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011;
- 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; and
- Willandra Lakes Regional Environmental Plan No. 1 - World Heritage Property.

The draft Enviro SEPP will repeal the above existing SEPP's and certain provisions will be transferred directly to the new SEPP, amended and transferred, or repealed due to overlaps with other areas of the NSW Planning System.

Changes are also proposed to the Standard Instrument - Principal Local Environmental Plan. Some provisions of the existing policies will be transferred to new Section 117 Local Planning Directions where appropriate.

As discussed under the existing SEPP's earlier within this Statement, the development is considered acceptable having regard to those SEPP's.

LEGEND:

- ✓ COMPLIES
- ✗ DOES NOT COMPLY
- S SATISFACTORY

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DRAFT STATE ENVIRONMENTAL PLANNING POLICY (REMEDIATION OF LAND)

The Draft State Environmental Planning Policy (Remediation of Land) (Draft Remediation SEPP), relates to the remediation of land and seeks to repeal and replace the current SEPP 55. Generally, the Draft Remediation SEPP maintains similar provisions to the current SEPP 55 and will contain provisions to the following effect:

- ▶ Making remediation work permissible, despite anything to the contrary in another environmental planning instrument;
- ▶ Specifying when development consent is, and is not required, for remediation work;
- ▶ Specifying considerations that are relevant in determining development applications; and
- ▶ Requiring remediation work meet certain standards and notification requirements.

As discussed under the existing SEPP 55 earlier within this report, the development is considered acceptable having regard to the provisions of SEPP 55 and the site has been identified as being suitable for the proposed development without the need for any remediation that would require separate Development Consent.

DRAFT STATE ENVIRONMENTAL PLANNING POLICY (HOUSING)

Draft *State Environmental Planning Policy (Housing)* (Draft Housing SEPP) aims to facilitate the delivery of more diverse and affordable housing types. The proposed Housing SEPP will:

- ▶ Consolidate 5 existing housing-related SEPPs (*State Environmental Planning Policy (Affordable Rental Housing) 2009*, *State Environmental Planning Policy (Housing for Seniors and People with a Disability) 2004*; *State Environmental Planning Policy No 70 – Affordable Housing (Revised Schemes)*; *State Environmental Planning Policy No 21—Caravan Parks*; and *State Environmental Planning Policy No 36—Manufactured Home Estates*);
- ▶ Include the recently made provisions for short term rental accommodation and build-to-rent housing and the recently updated social housing provisions;
- ▶ Introduce provisions for co-living housing;
- ▶ Incorporate amendments to boarding house and seniors housing provisions; and
- ▶ Amend some local environmental plans in relation to secondary dwellings in rural zones, and the permissibility of boarding houses in R2 zones.

The provisions contained in the Draft Housing SEPP are not relevant to the subject application.

DRAFT PENRITH LOCAL ENVIRONMENTAL PLAN 2010

Council has publicly exhibited various Draft Amendments to *Penrith Local Environmental Plan 2010*. None of the Draft LEP Amendments are of relevance to the subject application or the subject site.

Accordingly, the proposed development is acceptable having regard to the provisions of the Draft EPI's under Section 4.15(1)(a)(ii) of the *Environmental Planning and Assessment Act, 1979*.

(iii) SECTION 4.15(1)(A)(III)

THE PROVISIONS OF ANY DEVELOPMENT CONTROL PLAN

PENRITH DEVELOPMENT CONTROL PLAN 2014

Penrith Development Control Plan 2014 (the DCP) contains objectives and development controls for development within the City of Penrith Local Government Area. An assessment of the development against the applicable and relevant provisions of the DCP is provided below.

LEGEND:

- ✓ COMPLIES
- ✗ DOES NOT COMPLY
- ✗ SATISFACTORY

STATEMENT OF ENVIRONMENTAL EFFECTS
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PENRITH DEVELOPMENT CONTROL PLAN 2014

| REF | CONTROL | PROPOSED | ✓/✗ |
|------------------------------------|-------------------------------------|--|-----|
| PART C - CITY-WIDE CONTROLS | | | |
| C1 | Site Planning and Design Principles | The development has been designed to respond to the natural topography and landform of the site and will not impair on the scenic or visual importance in the City of Penrith. The application does not propose any new building work that would alter the existing bulk, mass, height and density of the built form. The application does not include cut and fill practices and instead responds naturally to the slope of the site. | ✓ |
| C2 | Vegetation Management | The concreting of the site means that some of the vegetation on the site will need removal, however this vegetation consists of low-lying shrubbery along the rear boundary, many of which are weeds which have come to occupy the site and penetrated through the topsoil. There are some shrubs along the eastern boundary fence, less than 2m high, however they are woody and not in a healthy condition. Again, they are not likely to be planted. There are no natural species of flora on the site of significance. | ✓ |
| C3 | Water Management | The site is not mapped as being affected by Flooding and although being 200m west of South Creek (from the centre of the site), no building works are proposed that would affect the redirection of water into the natural environment or Council's stormwater system. | ✓ |
| C4 | Land Management | <p>A detailed Stormwater Management Plan has been prepared by Donovan Associates, dated 10/09/2021. The plan has been drafted as per Council advice and the stringent DCP requirements for Stormwater in areas within the jurisdiction of Penrith City Council.</p> <p>The works will be surrounded by a boundary sediment fence. Upon completion, three 900x900 grated opening heavy-duty class 'D' grates will be present on the roof, draining into a filter chamber with an area of 20m². 7 off phosphors storm filter cartridges will filter the stormwater before water is let out to an underground OSD tank with total volume of 80.8m³. Proposed stormwater overflow weirs to extended detention storage will be present at a height of RL 23.53. This will allow for stormwater to spend time in the filter chamber before running into the OSD tank. Stormwater will exit via a mesh screen to proposed high kerb at RL 24.45.</p> <p>To prevent sedimentation and erosion, a mesh and gravel inlet filter will be installed adjacent to the Great Western Highway during construction.</p> | ✓ |
| C5 | Waste Management | A WMP is not required as no demolition or construction works will be undertaken. The application proposes a concrete slab over the applicable site area as per the architectural plans. | ✓ |
| C6 | Landscape Design | The site is devoid of planned landscaping, containing only weeds. These weeds will be removed as part of the proposed works. The front setback will remain soft landscaped as shown on the plans. | ✓ |
| C7 | Culture and Heritage | <p>The site is not identified as a heritage item, but is located within the vicinity of any heritage items.</p> <p>As stated before, the site is adjacent to a Local Heritage Item, south-east of a State Heritage Item and 189m east of another Local Heritage Item.</p> <p>The site is not identified as an archaeological site.</p> <p>There are no known Aboriginal sites in or near the subject site and no known Aboriginal places declared in or near the site.</p> | ✓ |

LEGEND:

- ✓ COMPLIES
- ✗ DOES NOT COMPLY
- ✗ SATISFACTORY

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PENRITH DEVELOPMENT CONTROL PLAN 2014

| REF | CONTROL | PROPOSED | ✓/✗ |
|-----|-------------------------------|--|-----|
| C8 | Public Domain | <p>The subject site has a frontage to Great Western Highway with existing pedestrian and vehicular access achieved from the highway.</p> <p>The existing industrial building is double storey and is centrally located on the site and is recognisable and has direct access from the frontage. A footpath also lies along the nature strip and runs parallel to the Great Western Highway, connecting it with a local bus stop and the bridge over South Creek.</p> | ✓ |
| C9 | Advertising and Signage | The proposal does not seek consent for advertising or signage as part of the application. | ✓ |
| C10 | Transport, Access and Parking | <p>The subject site has a frontage to Great Western Highway and a secondary frontage to Warrior Place. Vehicular access to and from the site is currently provided a single driveway, whilst there is also a smaller driveway for exiting.</p> <p>The subject site provides 12 carparking spaces for clients as well as an additional four for staff. The site is situated adjacent to a bus stop along the Great Western Highway in a westbound direction, serviced by 770, 774, 775, 776 and 781 routes. Additionally, there is a bus stop servicing the Great Western Highway in an easterly direction, serviced by the 770, 774, 775, 776 and 781 route.</p> | ✓ |
| C11 | Subdivision | The application does not seek consent for subdivision. | ✓ |
| C12 | Noise and Vibration | The proposed works will not generate noise or vibration. Therefore, a Noise Impact Statement is not required. | ✓ |
| C13 | Infrastructure and Services | The site has existing services to water, sewer and electricity. Any further infrastructure requirements will be borne by the person acting on any development consent granted. | ✓ |

TABLE 8: PENRITH DEVELOPMENT CONTROL PLAN 2014 COMPLIANCE TABLE

(iii) SECTION 4.15(1)(A)(III)

THE PROVISIONS OF ANY PLANNING AGREEMENT ENTERED INTO UNDER S7.4

There are no known Planning Agreements entered into under Section 7.4 and no draft Planning Agreements are proposed to be entered into under Section 7.4 for this proposed development.

(iv) SECTION 4.15(1)(A)(IV)

THE PROVISIONS OF THE REGULATIONS

ENVIRONMENTAL PLANNING AND ASSESSMENT REGULATION, 2000

Pursuant to Section 4.15(1)(A)(iv) of the Act, the following additional matters are required to be taken into consideration (where relevant) for a DA:

| CL | MATTER FOR CONSIDERATION | ✓/✗ |
|----------|--|-----|
| 92(1)(b) | <i>In the case of a DA for the demolition of a building, the provisions of AS 2601</i> | ✗ |
| 92(1)(c) | <i>Any subdivision order made under Schedule 7 to the Act</i> | ✗ |
| 92(1)(d) | <i>The Dark Sky Planning Guideline</i> | ✗ |
| 92(1)(e) | <i>Medium Density Design Guide for DA for manor house or multi dwelling housing (terraces)</i> | ✗ |
| 93 | <i>Fire safety and other considerations</i> | ✗ |

LEGEND:

- ✓ COMPLIES
- ✗ DOES NOT COMPLY
- S SATISFACTORY

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| CL | MATTER FOR CONSIDERATION | ✓/✗ |
|-----|--|-----|
| 94 | <i>Consent authority may require buildings to be upgraded</i> | ✗ |
| 94A | <i>Fire safety and other considerations applying to erection of temporary structures</i> | ✗ |

TABLE 9: MATTERS FOR CONSIDERATION UNDER THE EP&A REGULATION, 2000

6.2 SECTION 4.15(1)(B) OF THE EP&AACT, 1979

THE LIKELY IMPACTS OF THE DEVELOPMENT

INCLUDING ENVIRONMENTAL IMPACTS ON BOTH THE NATURAL AND BUILT ENVIRONMENTS, AND SOCIAL AND ECONOMIC IMPACTS IN THE LOCALITY.

The subject DA seeks consent for the concreting of the site for the area behind the front building line and construction of an in-ground on-site stormwater detention basin at 549 Great Western Highway, Werrington.

An assessment of the proposal against the provisions prescribed in the relevant and applicable State Environmental Planning Policies, *Penrith Local Environmental Plan 2010* and *Penrith Development Control Plan 2014* has been provided throughout this Statement detailing the proposal's likely environmental impacts on both the natural and built environments, and social and economic impacts in the locality. A further and summarised assessment of these matters is provided as follows:

6.2.1 SITING, DESIGN AND THE BUILT FORM

The application does not seek consent for any changes to the existing built form that would affect the siting and design of the existing building.

6.2.2 PRIVACY

The proposal will not create any privacy impacts for adjoining properties and does not propose any external works which will impact on the privacy of adjoining uses.

The assessment provided in Section 6 of this Statement outlines why the proposal is acceptable and would have an acceptable level of impact on adjoining properties.

6.2.3 SOLAR ACCESS AND OVERSHADING

As detailed in the assessment provided in Section 6 of this Statement, the proposed development will not alter the physical form of the existing building. Therefore, the proposal will not impact on existing solar access of adjoining properties.

6.2.4 TREE REMOVAL, LANDSCAPING, FLORA & FAUNA

The site contains no trees and vegetation and the application does not propose any tree removal. The current weeds on the site will be removed to cater for the concrete slab. No impact on flora and fauna is envisaged as a result of the proposed development.

6.2.5 TRAFFIC & PARKING

Vehicular access to and from the site is currently provided via a driveway that is directly accessed from the primary frontage, Great Western Highway. The application proposes to retain the 12 carparking spaces for clients as well as the 4 staff carparking spaces.

LEGEND:

- ✓ COMPLIES
- ✗ DOES NOT COMPLY
- ✗ SATISFACTORY

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As with the current site layout, vehicles will be able to enter, manoeuvre and exit the site in a forward-facing direction so as to not pose any traffic impacts on the locality.

6.2.6 UTILITIES/INFRASTRUCTURE

No augmentation and provision of new and additional utilities and infrastructure is necessary as part of the application.

6.2.7 NATIONAL CONSTRUCTION CODE/BUILDING CODE OF AUSTRALIA

The design of the development relates purely to the construction of a concrete slab. Compliance with the NCC/BCA will be addressed at the Construction Certificate stage, if required. If necessary, conditions may be imposed by Council in relation to the development complying with the provisions of the NCC/BCA.

6.2.8 HERITAGE IMPACTS

An assessment of the proposal and the potential heritage impacts has been provided within Section 6 of this Statement where it has been determined that the proposed development is not a heritage item and is not located within a heritage conservation area. The site is not identified as an archaeological site. There are no known Aboriginal sites in or near the subject site and no known Aboriginal places declared in or near the site.

The concreting will not have an impact on the State Heritage listed house at the corner of Water Street and Tenant Road, nor an impact on 565 Great Western Highway, Werrington. The concreting of the site will have a minor impact on the readability of the heritage item at 555 Great Western Highway (adjacent to the west), where it is now separated from the building by a grassy patch. The concreting will encroach onto the site however the 0.9m landscaped separation and existing boundary fence will largely keep existing heritage values intact.

6.2.9 SOCIAL IMPACTS

The development is not anticipated to result in any adverse social impacts on the locality.

6.2.10 ECONOMIC IMPACTS

The proposed development will generate some short-term economic benefits for the local and wider community via the creation of construction related employment opportunities. The concreting does not increase the development potential of the site, and thus there won't be an increase in personnel on the site because of this change.

6.2.11 STORMWATER MANAGEMENT

A stormwater plan has been prepared by Donovan Associates dated 10/09/2021. Extreme care and attention to detail has been undertaken in the drafting of the plan to meet Council's requirements.

An additional Musiclink report has been generated for Penrith City Council, exported 2/09/2021.

LEGEND:

- ✓ COMPLIES
- ✗ DOES NOT COMPLY
- § SATISFACTORY

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The proposed development deals with Stormwater efficiently by capturing Stormwater from the roof in the form of three grated drains, which travel down to a filter chamber with 7 off phosphors stormfilter cartridges. Filtered water is then stored in an underground OSD tank with a volume of 80.8m³. Water will then exit from a via mesh screen to a proposed high kerb, with a 200mm wide opening in kerb. Thus, water at this stage will discharge onto the existing kerb.

In terms of sedimentation, a sediment fence around the site boundary as well as sediment barriers around all pits during construction will be installed.

Refer to the Stormwater Plan attached under separate cover for further information.

6.2.12 SOIL MANAGEMENT

The development does not propose for any filling or excavation of the land. In light of this, the proposed development is not anticipated to have any adverse impacts in regard to soil erosion or sedimentation.

6.2.13 CONTAMINATION

The history of land uses for the site has been considered as an indicator for potential contamination of the site. The site is known to have been used for residential purposes in the past and commercial uses more recently. Accordingly, there is no reason to suspect that the site may be contaminated and further investigation of the site's potential contamination is not required. The application can therefore be processed in the usual manner.

6.2.14 WASTE MINIMISATION/MANAGEMENT

There is no requirement for a Waste Management Plan, as there will be no demolition on site and little to no concrete will be wasted throughout the process.

6.2.15 CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN - CPTED

The proposed development will not contribute to the provision of any increased opportunity for criminal or anti-social behaviour to occur.

6.2.16 CONSTRUCTION IMPACTS

Whilst there is expected to be some impacts during construction of the proposed development, the impacts are not anticipated to be excessive and can be suitably controlled by the imposition of conditions on any consent granted for the proposal. Such impacts include the presence of dust adjacent and around the Great Western Highway, an increase in noise, a need to block off the pedestrian footpath in front of the site and a small-scale increase in construction related vehicles to and from the site.

6.2.17 ESD & THE CUMULATIVE IMPACT

The proposed development is not expected to have any cumulative impacts and is not considered to inhibit the ability of future generations to use or develop the subject site.

LEGEND:

- ✓ COMPLIES
- ✗ DOES NOT COMPLY
- § SATISFACTORY



6.3 SECTION 4.15(1)(C) OF THE EP&A ACT, 1979

THE SUITABILITY OF THE SITE FOR THE DEVELOPMENT.

The Development Application seeks consent for the concreting of the site for the area behind the front building line and construction of an in-ground on-site stormwater detention basin at 549 Great Western Highway, Werrington.

The proposed development is defined as an ancillary development to the current site and is permissible on the land pursuant to the B6 Enterprise Corridor applying to the land under the *Penrith Local Environmental Plan 2010*. The proposal satisfies the objectives of the B6 Enterprise Corridor zone as it encourages employment whilst not opening up the site for retail use.

The site is not impacted by any easements or other site constraints that would restrict the proposed development or otherwise render the site unsuitable for the proposed development.

The assessment of the proposal contained within this Statement outlines how the proposal achieves a high level of compliance with the provisions of *Penrith Local Environmental Plan 2010* and *Penrith Development Control Plan 2014* in relation to the location and design of the proposed development. The proposal complies with all DCP controls demonstrating thought with regard to design and impact mitigation.

It is evident from the above and the assessment provided within this Statement that the site is suitable for the proposed development.

6.4 SECTION 4.15(1)(D) OF THE EP&A ACT, 1979

ANY SUBMISSIONS MADE IN ACCORDANCE WITH THIS ACT OR THE REGULATIONS.

The consideration of submissions cannot be made at the time of preparing this Statement.

6.5 SECTION 4.15(1)(E) OF THE EP&A ACT, 1979

THE PUBLIC INTEREST.

The proposed development is defined as development ancillary to the existing use and building.

The proposed development will enable the orderly and economic development and use of the land, will result in small scale construction related employment, will increase the usability of the site during rain events as well as maximising comfort for its' occupants, and is acceptable having regard to the applicable State and Council planning controls and will not result in any unacceptable impacts on the locality.

The assessment of the proposal contained within this Statement outlines how the proposal complies with Council's requirements for the siting, location and design of the proposed development.

When completed, the proposed development will have minimal impact on the locality and amenity of surrounding residents and will complement the character of existing developments in the streetscape and will provide a religious service for the local and wider community.

In view of the above and having regard to the assessment of the development contained within this Statement, the development is considered to be in the public interest.

LEGEND:

- ✓ COMPLIES
- ✗ DOES NOT COMPLY
- ✗ SATISFACTORY

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7 SECTION 4.46 EVALUATION EP&A ACT, 1979

Section 4.46 of the Act details requirements for development that requires a separate approval under other environmental planning instrument or related legislation known as “*integrated development*”. An assessment as to whether any of the triggers for integrated development has concluded that the proposal is not integrated development.

| EPI OR ACT | ✓/✗ | EPI OR ACT | ✓/✗ |
|---|-----|--|-----|
| <i>Fisheries Management Act 1994</i> | ✗ | <i>Protection of the Environment Operations Act 1997</i> | ✗ |
| <i>Heritage Act 1977</i> | ✗ | <i>Roads Act 1993</i> | ✗ |
| <i>Mines Subsidence Compensation Act 1961</i> | ✗ | <i>Rural Fires Act 1997</i> | ✗ |
| <i>Mining Act 1992</i> | ✗ | <i>Water Management Act 1912</i> | ✗ |
| <i>National Parks & Wildlife Act 1974</i> | ✗ | <i>Water Management Act 2000</i> | ✗ |
| <i>Petroleum (Onshore Act) 1991</i> | ✗ | | |

TABLE 10: INTEGRATED DEVELOPMENT TRIGGERS

8 CONCLUSION

The Development Application seeks consent for the concreting of the site for the area behind the front building line and construction of an in-ground on-site stormwater detention basin on the subject site known as 549 Great Western Highway, Werrington.

The development has been assessed pursuant to the matters for consideration prescribed in Sections 1.7, 4.15 and 4.46 of the *Environmental Planning and Assessment Act, 1979* and the *Environmental Planning and Assessment Regulation, 2000*. The proposed development is not Designated Development or Integrated Development and so the application can be dealt with in the usual manner.

This Statement provides an assessment of the proposed development against the relevant planning instruments including:

- State Environmental Planning Policy No. 55 - Remediation of Land;
- State Environmental Planning Policy (Infrastructure) 2007;
- State Environmental Planning Policy (Vegetation in Non-rural Areas) 2017;
- Sydney Regional Environmental Plan No. 20 - Hawkesbury-Nepean River ;
- Penrith Local Environmental Plan 2010;
- Draft State Environmental Planning Policy (Environment);
- Draft State Environmental Planning Policy (Remediation of Land);
- Draft State Environmental Planning Policy (Housing);
- Draft Penrith Local Environmental Plan 2010;
- Penrith Development Control Plan 2014.

As an ancillary development to the existing site's development and use, the proposal achieves the objectives of the B6 Enterprise Corridor zone as it proposes the continued use of the site, encourages local construction related employment and prevents retail creep in the locality.

The local surrounding area is characterised by a range of commercial, residential and industrial uses. Many of the buildings will frontages to the Great Western Highway are service facilities for local tradespeople or facilities catering to local residents such as fast food outlets and petrol stations.

LEGEND:
 ✓ COMPLIES
 ✗ DOES NOT COMPLY
 S SATISFACTORY

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The assessment of the proposal contained within this Statement outlines how the proposal complies with Council's requirements. The built form of the existing building will not be affected under this proposal.

The proposed development achieves a high level of compliance with the requirements prescribed in the applicable State Environmental Planning Policies, *Penrith Local Environmental Plan 2010* and *Penrith Development Control Plan 2014*.

Overall when completed, the proposed development will have minimal impact on the locality and amenity of surrounding uses and will integrate within the character of existing developments in the local area.

This Statement demonstrates that the proposed development will enable the orderly and economic development and use of the land; that the subject site is suitable for the proposed development and that the proposed development will be in the local and wider public interest.

In view of the above and having regard to the assessment provided throughout this Statement, the development is considered worthy of Council's approval.

LEGEND:
✓ COMPLIES
✗ DOES NOT COMPLY
S SATISFACTORY

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