



NBRSEARCHITECTURE



PREPARED FOR HILLS CHRISTIAN LIFE CENTRE PTY LTD

PREPARED BY CALIBRE CONSULTING PTY LTD

NOVEMBER 2017

15-001576

PLANNING

**1 Water St, Werrington Lot 1 DP 1176624**

**Proposal to construct a Church Auditorium, Childcare Centre,  
Children and Youth Ministry and a Multi - Purpose Facility**

Statement of Environmental Effects

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# 1 INTRODUCTION

This Statement of Environmental Effects (SEE) has been prepared by Calibre Consulting Pty Ltd for Hills Christian Life Centre Pty Ltd in support of a Development Application (DA) under Part 4 of the *Environmental and Assessment Act 1979* (EP & A Act). This DA seeks Council's consent for a three (3) staged development for the construction of a three levelled church auditorium (including ground floor), child care and ancillary facilities on 1 Water St, Werrington formally described as Lot 1 DP 1176624 (subject site). This proposed development comprises of the following works:

- Construction of a 3 level church auditorium with a total of 1,350 seats (Stage 1 includes 400 seat auditorium and Stage 2 1,350 seats);
- Ancillary office space;
- Kids Ministry;
- Youth Ministry containing 400 seats;
- Childcare centre including outdoor play area (Stage 3);
- Car park including 385 car parking spaces;
- Construction of Lander Street extension (19.6m wide) along the frontage of the site connecting into the existing Water Street;
- Stormwater Detention storage tanks underneath the car park;
- Landscaping; and
- Earthworks.

The proposed staging of this development is outlined in Section 3 of this SEE. The proposed development includes the construction of Lander Street extension generally in accordance with the location shown on the South Werrington Urban Village Structure Plan. The proposed layout seeks a variation to the Structure Plan where it connects into the Great Western Highway with the proposed location utilising the existing intersection of Water Street with Great Western Highway. The proposed location has several merits on Traffic grounds and cost savings. In addition, the land identified for the intersection of Lander Street extension and the Great Western Highway is not owned by the land owner of Lot 1 DP 1176624 and as such, Council cannot require the developer to construct the road over land they do not own, particularly as the proposed development does not warrant the construction of a new intersection on Great Western Highway.

The appropriate owners consent and letter of authority for the submission of the DA has been provided under a separate cover.

The subject site is situated within Penrith Local Government Area and the proposed development is permissible with Council's consent in accordance with the *Penrith Local Environmental Plan (LEP) 2010*. The proposed development has been assessed against *Penrith LEP 2010*, Penrith Development Control Plan 2014, Penrith Council's planning requirements and against the relevant heads of consideration under Section 79C of the *EP&A Act 1979*.

The Development Application is nominated as 'integrated' development under Section 91 of the *EP&A Act*, with application to be referred to the NSW Rural Fire Service, pursuant to the *Rural Fires Act 1997* as the subject site includes land identified as bushfire prone and NSW Department of Primary Industries – Water, pursuant to the *Water Management Act 2000* due to works within 40m of a watercourse, Claremont Creek.

In addition, under the provisions of *Clause 104 Traffic – Generating Developments* in the *State Environmental Planning Policy (Infrastructure) 2007*, the application will be issued to the RMS for comment as the development is a place of public worship which will include more than 200 motor vehicles with access to any road under Schedule 3 Traffic Generating Developments.

The application will also be advertised development as the proposal includes remediation works in accordance with provisions under SREP No.20 – Hawkesbury Nepean River (No 2 – 1997).

The following documents are submitted in support of this application:

- Appendix A: Survey Plan prepared by LTS Lockley Pty Ltd
- Appendix B: Architectural Plans prepared by NBRS Architecture Pty Ltd
- Appendix C: Engineering Civil Designs prepared by J. Wyndham Prince Pty Ltd
- Appendix D: Landscape Plan prepared by NBRS Architecture Pty Ltd
- Appendix E: Stormwater Report prepared by J. Wyndham Prince Pty Ltd
- Appendix F: Phase I & II Contamination Report prepared by SLR Consulting Pty Ltd
- Appendix G: Remedial Action Plan (RAP) prepared by SLR Consulting Pty Ltd
- Appendix H: Preliminary Salinity Report prepared by Asset Geo Pty Ltd
- Appendix I: Bushfire Assessment Report prepared by Eco Logical Australia Pty Ltd
- Appendix J: Flora and Fauna Assessment Report prepared by Eco Logical Australia Pty Ltd
- Appendix K: Acoustic Report prepared by Acoustic Logic Pty Ltd
- Appendix L: Traffic Assessment Report prepared by TDG Consulting Pty Ltd
- Appendix M: Building Code of Australia (BCA) & Access Compliance Review Report prepared by NBRS Architecture Pty Ltd
- Appendix N: Quantity Surveyors Report prepared by ECM Pty Ltd

A pre – lodgement meeting was held with Council on the 4<sup>th</sup> August 2016. The issues raised in the pre – lodgement meeting have been addressed in Section 5.2.1 of this SEE.

The capital investment value for the proposed works exceeds \$20 million, and as such the application will be determined by the Joint Regional Planning Panel.

## 2 THE SITE

### 2.1 SITE DETAIL

The subject site is Lot 1 in DP 1176624 being no.1 Water St, Werrington (Figure 2.1). The site is irregular in shape with an area of 3.09ha. The site is mostly vacant with an area of vegetation including trees in the eastern portion of the site. The site topography gently slopes south-east (1m contour interval) towards Claremont Creek which is further east of the Site.

The site has frontage to an unformed section of Water Street which connects into a formed road (Water Street) that intersects with the Great Western Highway. The intersection of Great Western Highway and Water Street is a non-signalised intersection.

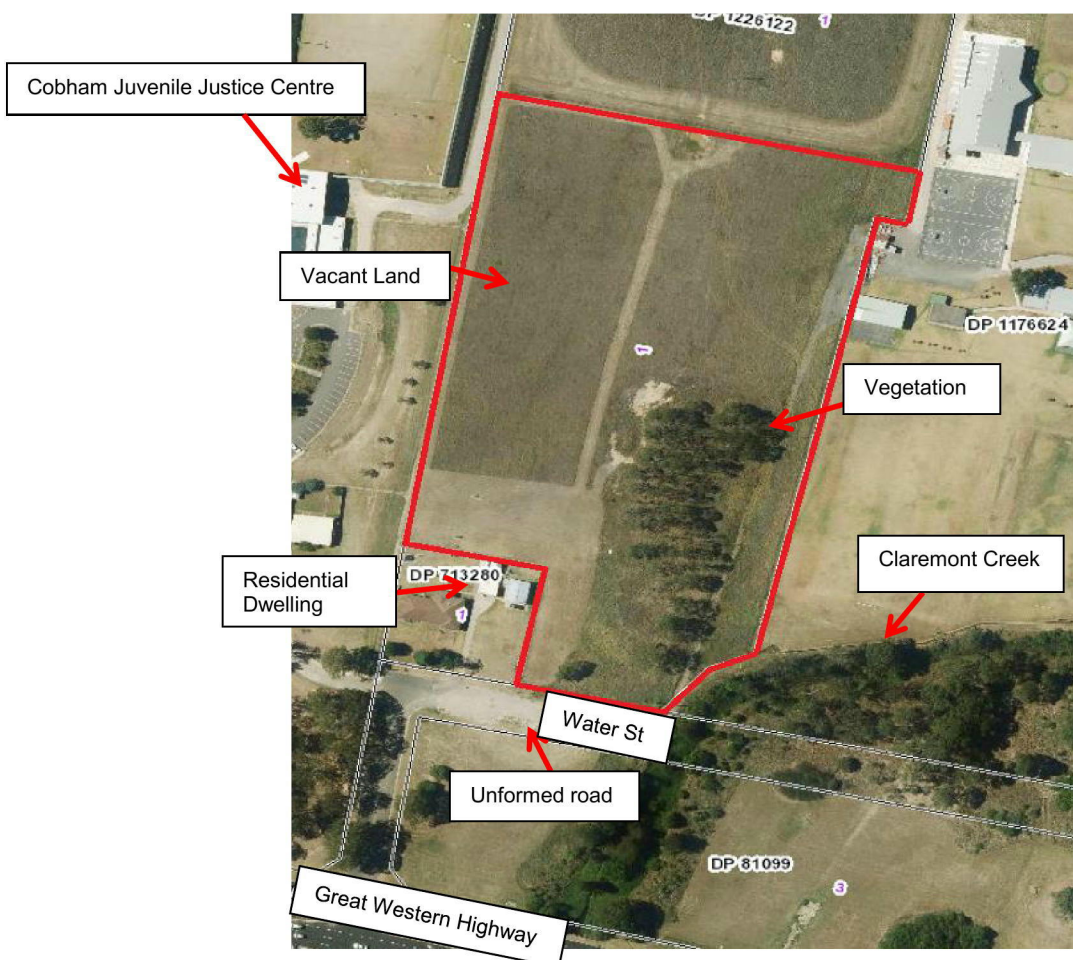


Figure 2-1: Site Detail (Source: Six Maps)

The Site is subject to a number of easements as shown in Figure 2.2 is an excerpt of DP 117664. The Site benefits from a 3m wide easement to drain water and a 2.25m wide easement for water supply.

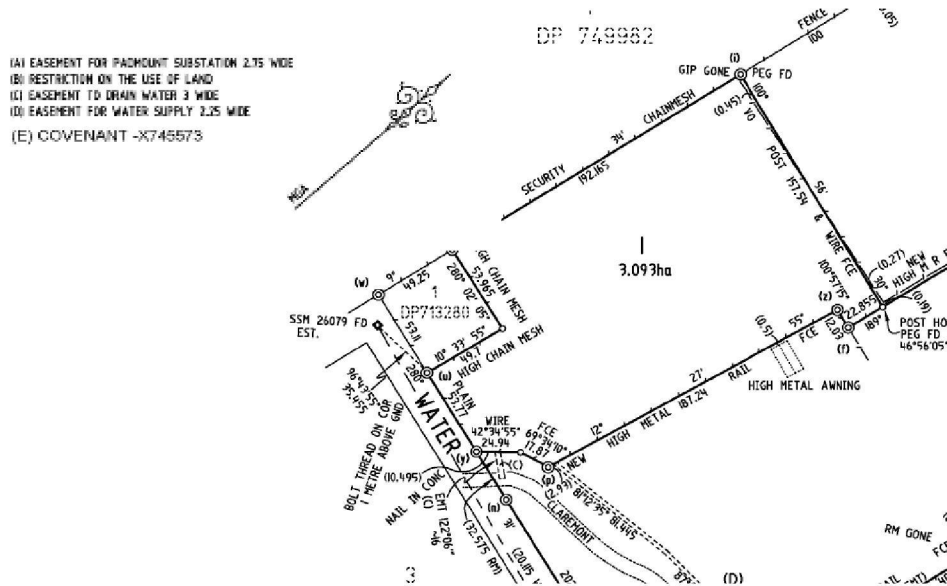


Figure 2-2: Deposited Plan 177664

The Site is also identified as containing bushfire prone land, mainly vegetation Category 2 and vegetation buffer, as shown in Figure 2-3 below. The application is supported by a Bushfire Report and will be referred to the NSW RFS as part of the assessment process.

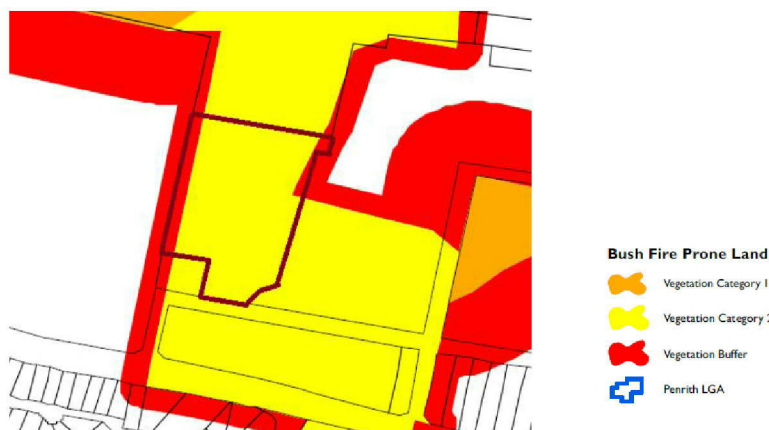


Figure 2-3: Excerpt of Bushfire Prone Land Map



## 2.2 SITE CONTEXT

The site is situated in Penrith Local Government Area, in the existing suburb of Werrington. Werrington Station is to the north of the Site and the Great Western Highway to the south. The site has two boundaries to an existing residential dwelling on Lot 1 DP 713280 and adjoins the Cobham Juvenile Justice Centre on the property's western boundary. Vacant land is to the north of the site, Wollemi School adjoins the eastern property boundary. Claremont Creek is further east of the Site. South of the Great Western Highway is an existing low-density residential area, the suburb of Claremont Meadows as shown in Figure 2.3.



Figure 2-4: Site Context (Googlemaps.com)

The site is located within area identified for urban development being the South Werrington Urban Village Precinct comprising of residential and employment purposes as shown in Figure 2.4 below. It is envisaged that the South Werrington Urban Village will assist in the delivery of housing and employment opportunities in Penrith and integrate with the existing Werrington community north and south of the Great Western Railway. The South Werrington Urban Village is part of the Penrith Health and Education Precinct.



Figure 2-5: Extract of the South Werrington Structure Plan (Source: Penrith Council DCP 2014)

## 3 PROPOSED DEVELOPMENT

### 3.1 THE PROPOSAL

This Development Application seeks Penrith City Council's consent for a three-staged development to construct a three level (including ground) church auditorium and ancillary facilities on Lot 1 DP 1176624, known as 1 Water St, Werrington. This development will comprise of the following works:

#### Stage One

- 400 seat auditorium
- Temporary child ministry
- Administration and Office (12 persons)
- Parking for 125 spaces and temporary driveway
- Part construction of Lander Street extension (19.6m in width) from existing formed road (Water Street) to the end of Stage 1 with a temporary turning head;

#### Stage Two

- Main auditorium (1,350 seats)
- Child ministry
- Youth ministry
- City care
- Internal alterations of the Stage 1 development for office and green room
- Parking for additional 157 spaces
- Street tree landscaping and street lighting
- Removal of Stage 1 temporary driveway and construction of Lander Street extension to the northern property boundary with a 13.5m radius turning head
- Bus drop off

#### Stage Three

- Child Care Centre including outdoor play area and associated facilities

Figure 3.1 on the following page illustrates the stages and how they fit together in the proposed development.

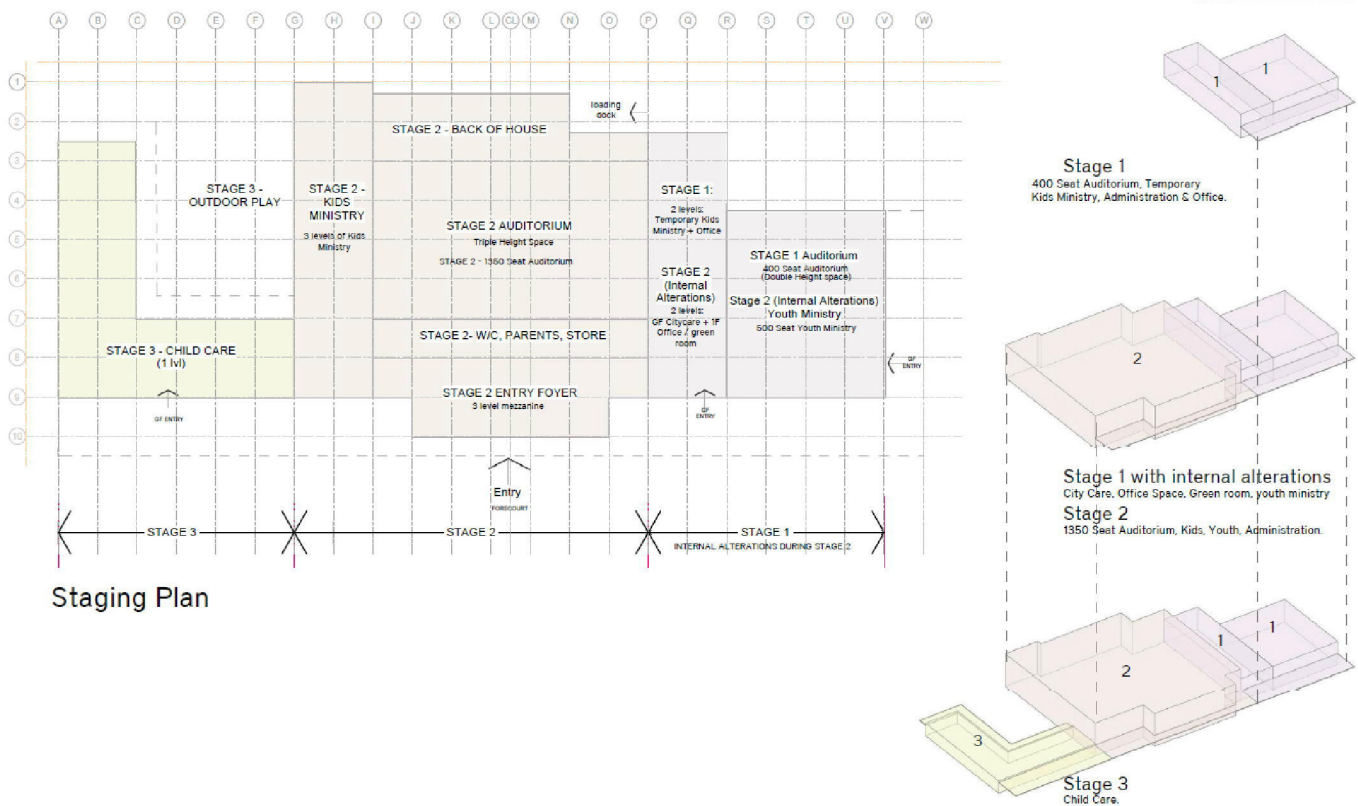


Figure 3-1: Staging Plan (Source: NBR Architecture 2017)

This proposal is a purpose built facility for Hillsong Church to utilise in Western Sydney in the Penrith area. This facility also includes a childcare centre and kids and youth ministries. Table 3.1 includes details in relation to the maximum number of people the child care centre, child and youth ministries and auditorium catered for in the development. The hours of operation are also provided.

Table 3-1: Maximum Patronage &amp; Hours of Operation (TDG Transport Report)

| Activity          | MAXIMUM NO. OF PERSONS AT END OF EACH STAGE |                    |                        | Peak Time of Operation             |
|-------------------|---|--------------------|------------------------|------------------------------------|
|                   | Stage 1                                     | Stage 2            | Stage 3                |                                    |
| Office            | 12 persons                                  | 12 persons         | 12 persons             | Weekdays 8.0 to 5.0pm              |
| Main Auditorium   | 400 persons                                 | 1,350 persons      | 1,350 persons          | Busiest on Sundays                 |
| Child Ministry    | 135 children                                | 400 children       | 400 children           | Busiest on Sundays                 |
| City Care         |   | 15 persons per day | 15 persons per day     | Monday - Friday<br>9.30am - 4.00pm |
| Youth Ministry    | 400 persons                                 | 500 persons        | 500 persons            | Busiest on Friday 6pm - 10.30pm    |
| Child Care Centre |   |                    | 89 Children + 19 staff | Monday - Friday<br>7.00am - 6.00pm |

As a result of the cut and fill earthworks, the Site will have an approximate surplus of 141m<sup>3</sup> of fill which will be required to be transported off site.

Under the provisions of the Clause 104 Traffic – Generating Developments in the SEPP (Infrastructure) 2007, the application will be provided to the RMS for comment as the development is a place of public worship will include more than 200 motor vehicles with access to any road (Schedule 3 Traffic Generating Developments).

The capital investment value for the proposed development is over \$20 million. As such, the determining authority will be the Joint Regional Planning Panel.

## 3.2 INTEGRATED DEVELOPMENT

This development is nominated as ‘integrated’ development and will require concurrence from the NSW Rural Fire Service, pursuant to the *Rural Fires Act 1997* as the site is identified as containing bushfire prone land (Vegetation Category 2) as per Penrith City Council’s Bushfire Prone Map.

Additionally, concurrence from the NSW Department of Primary Industries – Water, pursuant to the *Water Management Act 2000* will be required as the proposed development includes works within 40m from a watercourse and will require a Controlled Activity Approval.

## 3.3 SUPPORTING DOCUMENTATION

This application is supported by the following consultant reports/plans:

- Appendix A: Survey Plan prepared by LTS Lockley Pty Ltd
- Appendix B: Architectural Plans prepared by NBRS Architecture Pty Ltd
- Appendix C: Engineering Civil Designs prepared by J. Wyndham Prince Pty Ltd
- Appendix D: Landscape Plan prepared by NBRS Architecture Pty Ltd
- Appendix E: Stormwater Report prepared by J. Wyndham Prince Pty Ltd
- Appendix F: Phase I & II Contamination Report prepared by SLR Consulting Pty Ltd
- Appendix G: Remedial Action Plan (RAP) prepared by SLR Consulting Pty Ltd
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- Appendix M: Building Code of Australia (BCA) & Access Compliance Review Report prepared by NBRS Architecture Pty Ltd
- Appendix N: Quantity Surveyors Report prepared by ECM Pty Ltd

## 4 STATUTORY PLANNING CONTROLS & COMPLIANCE

The proposed development has been assessed against the development standards in the *Penrith Local Environmental Plan (LEP) 2010* being the applicable environmental planning instrument and Penrith Development Control Plan 2014. This section will discuss the relevant planning controls and provisions applying to the site and the proposed development.

### 4.1 PENRITH LOCAL ENVIRONMENTAL PLAN 2010

The following clauses of the LEP are relevant:

- **Clause 1.6 Consent Authority**

Penrith City Council is the relevant consent authority for this development application.

- **Clause 2.1 Land Use Zones**

The site is zoned IN2 Light Industrial under *Penrith Local Environmental Plan 2010*. Figure 4.1 includes an extract of the land zoning map.

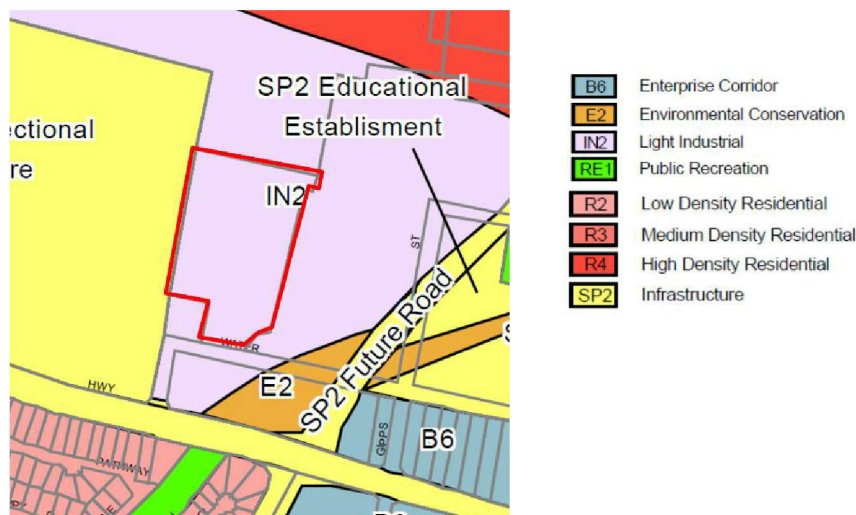


Figure 4-1: Land Use Zone (Source: Penrith LEP 2010)

The proposed development is defined as a ‘*place of public worship*’ which means “*a building or place used for the purpose of religious worship by a congregation or religious group, whether or not the building or place is also used for counselling, social events, instruction or religious training*”. A place of public worship is permissible in the IN2 Light Industrial land use zone.

The proposed development includes ancillary facilities such as a child care centre which is not included in the ‘place of public worship’ definition. However, the LEP defines a child care centre as “*a building or place used for the supervision and care of children that:*

- provides long day care, pre-school care, occasional child care or out-of-school-hours care, and*
  - does not provide overnight accommodation for children other than those related to the owner or operator of the centre,*
- but does not include:*

- (c) a building or place used for home-based child care, or
- (d) an out-of-home care service provided by an agency or organisation accredited by the Children's Guardian, or
- (e) a baby-sitting, playgroup or child-minding service that is organised informally by the parents of the children concerned, or
- (f) a service provided for fewer than 5 children (disregarding any children who are related to the person providing the service) at the premises at which at least one of the children resides, being a service that is not advertised, or
- (g) a regular child-minding service that is provided in connection with a recreational or commercial facility (such as a gymnasium), by or on behalf of the person conducting the facility, to care for children while the children's parents are using the facility, or
- (h) a service that is concerned primarily with the provision of:
  - i. lessons or coaching in, or providing for participation in, a cultural, recreational, religious or sporting activity,  
or
  - ii. private tutoring, or
- (i) a school, or
- (j) a service provided at exempt premises (within the meaning of Chapter 12 of the Children and Young Persons (Care and Protection) Act 1998), such as hospitals, but only if the service is established, registered or licensed as part of the institution operating on those premises".

As such, the proposed child care centre is permissible with consent in accordance with the 'place of worship' definition as 'a service that is concerned primarily with the provision of lessons or coaching in, or providing for participation in, a cultural, recreational, religious or sporting activity' it is excluded from the 'child care centre' definition as outlined above.

The objectives of the IN2 Light Industrial land use zone include the following:

- To provide a wide range of light industrial, warehouse and related land uses.
- To encourage employment opportunities and to support the viability of centres.
- To minimise any adverse effect of industry on other land uses.
- To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.
- To support and protect industrial land for industrial uses.
- To promote development that makes efficient use of industrial land.
- To limit the impact of industrial development on adjacent residential areas, in terms of its built form, scale, acoustic and visual privacy and air quality.

The proposed development supports the objectives of the IN2 Light Industrial land use zone as the proposal is supporting a wide range of light industrial land uses including a place of worship and ancillary childcare which will encourage employment opportunities within Western Sydney.

The architectural design, landscaping and placement of the development will minimise any adverse effects on adjoining land uses. As the proposed development is for a place of public worship, it will enable other land uses to provide facilities or services to meet the day to day needs of workers in the area. The design of the proposal including the church placement and alignment ensures that the industrial land is utilised efficiently. The site is not adjacent to residential areas as shown in Figure 4.1 however the proposed built form and scale ensures that the development will be sympathetic to future development within the South Werrington Village.

- **Clause 2.5 Additional Permitted Uses for particular land**

This clause allows development on particular land that is described or referred to in Schedule 1 Additional Permitted Uses for the LEP. Lot 1 DP 1176624 has additional permitted uses of a school which is permitted with development consent. This application will not be seeking to utilise the additional permitted uses as outlined in Schedule 1.

- **Clause 2.7 Demolition requires development consent**

This clause states that demolition of a building or work may be carried out only with development consent. This application does not seek any demolition works.

- **Clause 4.1 Minimum subdivision lot size**

The objectives of this clause are to ensure that:

- to ensure that lot sizes are compatible with the environmental capabilities of the land being subdivided,*
- to minimise any likely impact of subdivision and development on the amenity of neighbouring properties,*
- to ensure that lot sizes and dimensions allow developments to be sited to protect natural or cultural features including heritage items and retain special features such as trees and views,*
- to regulate the density of development and ensure that there is not an unreasonable increase in the demand for public services or public facilities,*
- to ensure that lot sizes and dimensions are able to accommodate development consistent with relevant development controls.*

This application is not seeking subdivision however as the proposed development includes the construction and creation of a public road, a subdivision plan should be made as a condition of consent to be submitted prior to occupation certificate in order to separate the ownership of the proposed development and the public road to be acquired by Council.

The minimum subdivision lot size is relevant to this application as the objectives aim to ensure that the likely impact of a development on the amenity of neighbouring properties is minimised. Due to the current ownership pattern in the vicinity of the subject site, this application does not include an existing residential dwelling that borders two of the subject site's property boundaries. This adjoining property is identified in Figure 4.2. The adjoining property has an area of 2,643m<sup>2</sup> which meets the minimum of size of 2,000m<sup>2</sup>. As such, the adjoining property contains an area that is capable of accommodating development consistent with the relevant development controls (objective (e) above) and can be developed in isolation to this application.

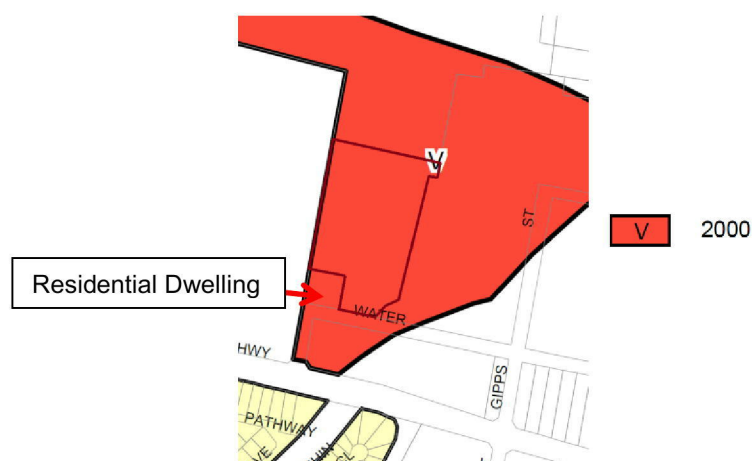


Figure 4-2: Minimum Lot Size (Source: Penrith LEP 2010)

- **Clause 4.3 Height of Buildings**

The objectives of this clause is to ensure development is compatible with the height, bulk and scale of the existing and desired future character of the locality, minimises visual impact, minimises adverse impact of development on heritage items and nominates heights that will provide a high quality urban form for all buildings. The height of a building on any



land is not to exceed the maximum height shown on the Height of Buildings Map. The site has a maximum building height of 12.5m, the proposed development complies with this clause and does not exceed 12.5m. However, the cross on the building façade exceeds the maximum building height by 2.45m. This is an architectural design feature and is addressed under Clause 5.6 Architectural roof features below.

- **Clause 5.6 Architectural roof features**

The objectives of this clause are to ensure that architectural roof features to which this clause applies are decorative elements only and that the majority of the roof features are contained within prescribed building heights. As discussed under Clause 4.3, the proposed development includes a cross that protrudes above the 12.5m height limit by 2.5m. The cross is a decorative element on the uppermost portion of the building, it is not an advertising structure, does not include floor space area and will cause only minimal overshadowing. In addition, all other aspects of the building are located within the 12.5m building height. As such, the proposed cross as an architectural roof feature should be supported by Council.

- **Clause 5.9 Preservation of trees or vegetation**

The objective of this clause is to preserve the amenity of the area, including biodiversity values, through the preservation of trees and other vegetation. As shown in the aerial photo of the site in Figure 2.1, the site contains minimal vegetation which is sought to be removed within this application as a result of the road construction which is in accordance with the South Werrington Urban Village structure plan. As a result, a Flora & Fauna Assessment was prepared by Eco Logical Australia Pty Ltd and supports this application. The Report assessed the impacts of the proposed development on the vegetation which is discussed in more detail in Section 5 of this SEE. The Flora & Fauna Assessment concluded that:

*“One threatened ecological community, Cumberland Plain Woodland, listed as critically endangered under the TSC was recorded in the study area. The woodland covered approximately 0.27 ha and was in relatively poor condition with weeds present and the patch being isolated from other patches of CPW. Cumberland Plain Woodland is also listed under the EPBC Act however following the site inspection it was confirmed that the assemblage of species in the native vegetation that exists on the study area does not meet condition thresholds criteria necessary for the vegetation to meet the definition of Cumberland Plain Woodland under the EPBC Act”.*

Considering the above, together with the proposed location of the north/south link road being consistent with the South Werrington Village Structure Plan’s location for the north/south link road, Council is requested to grant consent for the removal of the vegetation on the Site. The Flora & Fauna report also concluded that *“a number of mitigation measures have been outlined... to ameliorate potential impacts to adjacent native vegetation during construction works”* (p.10).

- **Clause 5.10 Heritage conservation**

The objective of this clause is to conserve environmental heritage, archaeological objects and the heritage significance of heritage items and heritage conservation areas. The site is not identified to contain any European heritage or Archaeological items under Penrith Council’s Heritage Map. This clause is not relevant to the proposed development.

- **Clause 6.1 Arrangements for designated State public infrastructure**

The objective of this clause is to require satisfactory arrangements to be made for the provision of designated State public infrastructure before the subdivision of land in an urban release area to satisfy needs that arise from development on the land, but only if the land is developed intensively for urban purposes. The subject site is not located within an urban release area in accordance with the LEP Urban Release Area Map and therefore not required to make satisfactory arrangements for the provision of state infrastructure.

- **Clause 7.1 Earthworks**

The objectives of this clause are to ensure that earthworks required for the proposed development will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land. Before granting consent for earthworks, the consent authority must consider the following matters:

(a) *the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality,*

Comment: The Site is relatively flat with minimal cut and fill works proposed and will result in approximately 141m<sup>3</sup> of excess material. The stormwater run-off as a result of the development will drain in accordance with the existing stormwater drainage pattern with a stormwater detention tank underneath the car park and supporting water quality measures.

(b) *the effect of the proposed development on the likely future use or redevelopment of the land,*

Comment: The proposed earthworks are required to facilitate the delivery of the Lander Street extension as identified in Council's South Werrington Structure Plan and the proposed development including on-grade car parking. The proposed development is in accordance with the land use zones for the South Werrington Structure Plan that will facilitate the redevelopment of this area.

(c) *the quality of the fill or the soil to be excavated, or both,*

Comment: The proposed development will not require any fill to be imported, there will be an excess of fill on Site of approximately 141m<sup>3</sup>. The quality of this fill will be assessed during the construction stage.

(d) *the effect of the proposed development on the existing and likely amenity of adjoining properties,*

Comment: The proposed earthworks will have a detrimental impact on the adjoining properties.

(e) *the source of any fill material and the destination of any excavated material,*

Comment: No fill material will be imported for the earthworks. The excess fill will be removed off site during the construction phase with the destination to be determined prior to the construction process commencing.

(f) *the likelihood of disturbing relics,*

Comment: There are no identified heritage relics on the Site.

(g) *the proximity to and potential for adverse impacts on any waterway, drinking water catchment or environmentally sensitive area*

Comment: A Stormwater Management plan supports this application which includes recommendations for detention of stormwater and water quality. The Stormwater Management Report concludes that "The water quality management comprises a 'treatment train' that consists of pit inlet filters and a cartridge filter system. Results demonstrate that this strategy will ensure that the post-development stormwater discharges will meet PCC's water quality pollutant removal targets. The On Site Detention will also ensure that the peak post development discharges do not exceed pre-development levels for the 50% and 1% AEP at the discharge points from the Site' (p.15).

(h) *any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development,*

Comment: As mentioned above, the Stormwater Management Report provides water quality and quantity measures to ensure the post-development stormwater discharges will meet PCC's water quality pollutant removal targets and the peak post development discharges do not exceed pre-development levels. In respect of earthworks, the proposed development, a soil and water management plan is included within the Engineering Plans. The proposed earthworks ensure no works are required on adjoining properties.

- (i) *the proximity to and potential for adverse impacts on any heritage item, archaeological site, or heritage conservation area.*

Comment: There are no identified heritage relics on the Site.

- **Clause 7.2 Flood Planning**

This clause applies to land which is at or below the flood planning level and land identified as 'flood planning land' on the Clause Application Map. The subject site is not identified as containing flood planning land under the LEP map.

- **Clause 7.4 Sustainable development**

In deciding whether to grant development consent for development, the consent authority must have regard to the principles of sustainable development as they relate to the development based on a "whole of building" approach by considering each of the following:

- a) *conserving energy and reducing carbon dioxide emissions,*

Comment: Conserving energy and reducing carbon dioxide emissions will be investigated with the on-going management of the building.

- b) *embodied energy in materials and building processes,*

Comment: This will be investigated in the construction phase.

- c) *building design and orientation,*

Comment: The building has been designed to interface with Lander Street extension through the landscaping and car parking in front of the building. The building is designed to be an architectural feature to the gateway of the South Werrington Urban Village.

- d) *passive solar design and day lighting,*

Comment: Passive solar design and day lighting has been incorporated where possible within the development.

- e) *natural ventilation,*

Comment: Natural ventilation has been incorporated where possible within the development.

- f) *energy efficiency and conservation,*

Comment: The building has been designed to maximise the energy efficiency and conservation.

- g) *water conservation and water reuse,*

Comment: Water conservation and reuse will be investigated with the on-going management of the building.

- h) *waste minimisation and recycling,*

Comment: Waste facilities are provided within the development.

- i) *reduction of vehicle dependence,*

Comment: The proposed development is located within the vicinity of public transport options including bus routes and the Werrington train station.

- j) *potential for adaptive reuse.*

Comment: This building is purpose-built, the potential for adaptive re-use would be internal reconfiguration of spaces only.

- **Clause 7.6 Salinity**

The objectives of this clause are to protect natural hydrological systems by minimising soil disturbance and ensuring appropriate land use management and to avoid the adverse effects of rising salinity on land. This clause states that development consent must not be granted to any development unless the consent authority has considered:

- a) *whether or not the proposed development is likely to have an impact on salinity processes, and*
- b) *whether or not salinity is likely to have an impact on the proposed development, and*
- c) *appropriate measures that can be taken to avoid or reduce any undesirable effects that may result from the impacts referred to in paragraphs (a) and (b).*

Comment: A Preliminary Salinity Report supports this application and concluded that the tested soils are classified as non-saline. As a result, a Salinity Management Plan is not required for the project and no further salinity assessment is required. The report added that *“notwithstanding the above, given that the site lies within an area mapped as having a high salinity potential, and noting that there are surficial vegetation features suggestive of salinity in the area, it is recommended that design and construction of the development be in accordance with the recommendations in ‘Building in a Saline Environment’, by Department of Environment and Climate Change, 2008”.*

- **Clause 7.7 Servicing**

The objective of this clause is to ensure that development of land to which this Plan applies reflects the availability of services. Before granting development consent for development on any land, the consent authority must be satisfied that the development will be connected to reticulated water supply, will have adequate facilities for the removal and disposal of sewage and the need for public amenities or services has been or will be met.

Comment: A Dial Before You Dig (DBYD) has shown services are available with the following services available:

- Jemena – Network main is present along Great Western Highway that services the Cobham Remand Centre
- Sydney Water Infrastructure – Sewer infrastructure is available along Water Street and along the Site’s southern property boundary. Potable water is available along the Great Western Highway frontage.
- Telstra – services are available to the Site, along Water Street.

Services are available to service the proposed development however suitable arrangements will be made in respect to water and sewer to service the proposed development once this development application has been lodged.

- **Clause 7.11 Penrith Health and Education Precinct**

The objective of this clause is to encourage a built form that is suitable for both residential and health services facilities and to encourage adaptive reuse of residential buildings for health services facilities. The site is identified within the South Werrington Urban Village in Penrith Council’s DCP which is located within the Penrith Health and Education Precinct. The proposed development is consistent with the South Werrington Urban Village structure plan which identifies the site to be used for employment uses.

## 4.2 PENRITH DEVELOPMENT CONTROL PLAN 2014

Penrith City Council Development Control Plan 2014 is the applicable DCP for the development of the subject site. The site is identified as being within the South Werrington Urban Village with a site specific DCP to support the delivery of housing and employment opportunities in Penrith. The site specific DCP is within Part C – South Werrington Urban Village Precinct within Section E12 Penrith Health and Education Precinct. This section of the SEE assesses the proposed development against the relevant provisions contained in the DCP.

### *Aims and General Objectives*

- a) *Support the objectives of Penrith Local Environmental Plan 2010; and*
- b) *Facilitate the sustainable development of residential, employment and open space areas of the South Werrington Urban Village.*

*Comment:* This development supports the objectives of *Penrith LEP 2010* by supporting the delivery of orderly and economic development of land in Penrith LGA, promoting development that is consistent with Council's visions for Penrith, specifically the South Werrington Urban Village Precinct and the IN2 Light Industrial land uses, and facilitates a sustainable development in an employment area within the South Werrington Urban Village. The proposed development will generate employment opportunities for the surrounding area. The design of the development will ensure that the risk of environmental hazards is minimised such as bushfire and flooding.

### *Transport and Accessibility*

- a) *To integrate public transport opportunities into the planning process,*
- b) *To respond to the existing and future arterial road network including the Werrington Sub – Arterial,*
- c) *To provide a sub – arterial and collector road network that links with surrounding areas,*
- d) *To ensure vehicular, pedestrian and cycle ways link effectively within and between residential areas and employment areas,*
- e) *To provide an inter – connective street system that links with the existing Werrington community,*
- f) *To ensure the proposed land uses relate to regional access routes, public transport routes, the local road network and the open space network,*
- g) *To provide an interconnected local road network that creates easy access, including truck access to employment areas and accommodates bus movements, and*
- h) *To provide a logical and interconnected pedestrian and cycleway system linking with surrounding areas.*
- i) *To ensure that there is adequate land set aside for the proposed east west link road within the land that is zoned for residential development.*

*Comment:* This development is in accordance with the objective to provide a sub – arterial and collector road network that links with surrounding areas with the proposal including the construction of Lander St Extension (part) and connecting this road onto Water Street (currently unformed) utilising the existing intersection with Great Western Highway. This will utilise the existing road network and respond to future road alignments envisaged by Penrith Council to deliver an inter – connective street system that links with the existing Werrington community.

Following the development of the remainder of the Werrington Precinct, the Werrington Station will be easily accessible via the local road network.

### *Natural Environment*

- a) *To recognise the natural land form in the design of the urban areas,*

- b) *To conserve the biodiversity of the site by incorporating woodland areas into the open space system and protecting riparian corridors,*
- c) *To reduce environmental impact by locating higher density housing closer to the railway station,*
- d) *To design an integrated stormwater management system consistent with principles of water sensitive urban design, and*
- e) *To design an integrated stormwater management system consistent with principles of water sensitive urban design, and*
- f) *To reinforce the importance of the natural landscape settings and areas with heritage conservation values, by protecting views and vistas to and from Frogmore House.*

*Comment:* The proposed development is supported by Flora & Fauna Report prepared by EcoLogical which identifies one threatened ecological community, Cumberland Plain Woodland, on the Site. The Report states “*The woodland covered approximately 0.27 ha and was in relatively poor condition with weeds present and the patch being isolated from other patches of CPW... the vegetation that occurs on site does not meet the criteria under the EPBCA Act... and it is unlikely that the proposed development will result in a significant impact on CPW*” (p.7). The Council endorsed South Werrington Precinct Plan does not include this Cumberland Plan Woodland within an open space system with the location of a road positioned in the area where this vegetation exists.

The proposed development is supported by a Stormwater Management Strategy that complies with the statutory requirements and industry best practice for stormwater management in this catchment. The water quality management comprises of a ‘treatment train’ that consists of pit inlet filters and a cartridge filter system to ensure the post-development stormwater discharges will meet Council’s water quality pollutant removal targets. The on-site detention will also ensure the peak-post development discharges do not exceed pre-development for the 50% and 1% AEP at the discharge points from the site.

The Site is approximately 66m from the Frogmore House with the Cobham Remand Centre obstructing any view Frogmore House may have to the development.

#### *Built Environment*

- a) *To maximise opportunities for higher density residential development in proximity to Werrington Station,*
- b) *To respond to the physical, cultural and urban heritage of the area with plans and designs that respect the landform, climate and patterns of land use,*
- c) *To encourage a contemporary built form of well – designed buildings that consider the amenity of the occupants and neighbours, and*
- d) *To ensure that the proposed development and built form comply with best practises in ESD and complies with the principles in Penrith Council’s Water Action Plan 2005 and Penrith City Council’s Green House Gas Reduction Plan.*

*Comment:* The proposed built form responds to the existing and future environment and streetscape with the Architectural design ensuring there is sufficient landscaping between the existing and proposed development and good quality, contemporary architectural design for the development.

#### *Social*

- a) *To provide diversity of housing choice, including affordable housing.*
- b) *To provide places for recreation that will accommodate casual activities,*
- c) *To encourage safety and security through passive surveillance of streets and open spaces,*
- d) *To build on the existing sense of community by integrating with the existing community,*

- e) To provide a range of passive open spaces that can act as meeting places for the existing and future communities.

*Comment:* The proposed development will be orientated towards Lander Street to provide passive surveillance of the car park and local road network. The South Werrington Structure Plan does not envisage open spaces within the subject Site. Construction of a church auditorium and associated ancillary facilities and childcare centre will contribute towards the development of the South Werrington Precinct community as development starts to take place.

*Economic*

- a) To encourage the provision of employment opportunities that are compatible with the existing or desired future adjoining residential development,
- b) To allow for the orderly and economic development of serviceable and accessible land,
- c) To ensure that employment development is delivered in a manner timely with the adjoining residential development.

*Comment:* The subject site is identified for light industrial uses under the South Werrington Urban Village Precinct. The proposed development is permissible with consent for a church auditorium, childcare centre and associated ancillary facilities which supports the provision of employment opportunities within the local area. These proposed uses are compatible with the Penrith Health and Education Precinct as it will promote economic development of land and is compatible with the desired future outcomes envisaged for the precinct.

- **Urban Structure (Section 12.8.2.2 of the DCP)**

The proposed development is generally in accordance with the road structure shown on the South Werrington Urban Village Structure Plan with minor road variations proposed. This development includes the construction of part of the minor North – South collector road which links Werrington station with the Great Western Highway and forms an edge between the employment precinct and the land that forms part of the Wollemi School in accordance with the DCP.

This development application proposes to reconfigure the alignment of Lander St extension to connect onto Water Street which has a formed road connecting into the Great Western Highway and unformed fronting the subject site. This is a variation to the Structure Plan which requires Lander Street extension to be adjacent to the subject site’s eastern boundary and connect into Great Western Highway. The road variation is discussed further in Section 4.2.1 of this report.

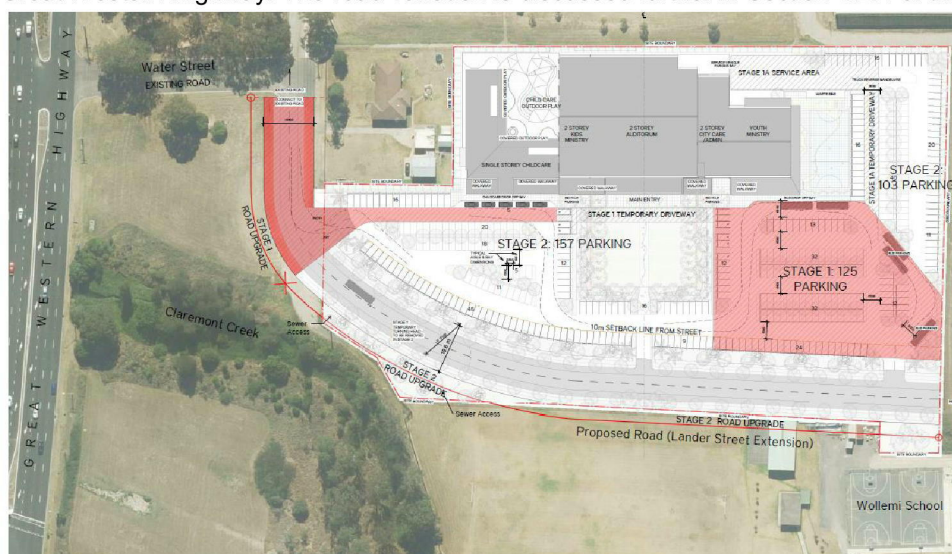


Figure 4-3: Extract of Proposed Site Plan (Source: NBR Architecture 2017)

#### Access

- a) *The structure plan envisages the construction of the proposed Werrington Arterial. A new major collector road is proposed to link the Werrington Arterial to future employment development to the west. This new link road also provides a separation between the employment and residential land uses. The intersection of the new link road with the Werrington Arterial has been located and designed and can be constructed in stages if required. The location of the new link road is as shown on the Structure Plan, and is located on the residential zoned land.*
- b) *A minor north south road is proposed linking Werrington Station with the Great Western Highway and forming an edge between the employment precinct and the land that forms part of the Wollemi School.*

Comment: The proposed development includes the north south road linking Werrington Station with the Great Western Highway. This will form an edge between the employment precinct and the land that forms part of the Wollemi School.

#### Land Use

- a) *Employment land is proposed south of the proposed east west collector road and extending to the Great Western Highway. It is proposed that this land would be used for a range of service and light industrial purposes.*

Comment: The site is zoned IN2 Light Industrial and keeping with the envisaged land use for this area as it proposes to build a church auditorium, childcare and ancillary facilities which will contribute to the variety of light industrial land uses anticipated in the future for South Werrington Urban Village.

#### Open Space

- (a) *Passive Open Space areas are located within SWUV and have been located having regard to a number of factors:*
  - i. *The findings of the WELL Precinct studies in relation to the location of passive and active open space;*
  - ii. *The present supply of passive open space in Werrington and the potential for passive parks to act as a meeting place;*
  - iii. *The presence of woodland communities, predominately along the northern boundary of the site and along the riparian corridor of Claremont Creek*
- (b) *Active Open Space are located outside SWUV however will be provided in accordance with WELL wide open space planning principles and the adopted WELL Contributions Plan. Development within SWUV will contribute towards active open space requirements across the WELL Precinct.*

Comment: The subject site is not in any open space areas on the structure plan nor has this development proposed for any open space. The presence of Cumberland Plain Woodland (CPW) covers 0.27 ha but is in relatively poor conditions with weeds present and does not meet the definition of CPW under the EPBC Act.

#### Stormwater Management

- a) *An integrated approach to stormwater management is proposed that considers the capacity of the existing system and water sensitive urban design that is compatible with the topography and soil types.*
- b) *A range of measures are proposed to manage stormwater.*
- c) *The design of Stormwater Management Facilities is to include a schedule of the long term maintenance and operation costs.*

Comment: A Stormwater Concept Plan Report has been prepared by J. Wyndham Prince which assess a range of measures to manage stormwater, assessing each option for suitability for the Site. An integrated approach is proposed, comprising of a 'treatment train' that consists of pit inlet filters and a cartridge filter system. The On-Site Detention will also ensure that peak post development charges do not exceed pre-development levels for the 50% and 1% AEP at the discharge points from the Site.



- **Desired Future Character (Section 12.8.2.3)**

There are three (3) main character areas within the South Werrington Urban Village including general residential, multi – dwelling housing and employment uses. The Employment use character area is for the land south of the proposed east west collector road and is for small lot industrial purposes that will not conflict with the existing and intended character and amenity of the residential areas to the north. The subject site is within the employment uses character area. Development in this location is to present high quality architectural design features with a strong built edge to the street with incorporated landscaping which contributes to the streetscape. The height of development and vegetation will not obstruct views to or from Frogmore House.

The proposed development will not conflict with the intended character and amenity of the residential dwelling to the north. The design of the development is aesthetically pleasing supported by landscaping and within the maximum building height. The development does not contain obtrusive architectural elements and will positively support the future streetscapes within the South Werrington Village. The height of the building does not exceed 12.5m in accordance with DCP requirements and will not obstruct views to and from Frogmore House (Refer to Figure 2.3)

- **Dwelling Yields (Section 12.8.2.4)**

There is no dwelling yield applicable to the subject site, as the site has been zoned for industrial purposes.

- **Riparian Corridors (Section 12.8.3.1.1)**

The objective of this control is to protect, restore and enhance the environmental values and functions of watercourses and riparian corridors along Claremont Creek. The proposed development includes the construction of Lander Street extension in accordance with the location shown in the Structure Plan. A water detention storage is proposed for underneath the car parking area.

Eco Logical Australia Pty Ltd were engaged to prepare a Flora and Fauna Assessment Report. This report in relation to riparian corridor impacts states, *‘the Structure Plan riparian corridor is approximately 10m either side of the watercourse and does not extend into the subject site. The proposed development is therefore consistent with the riparian corridor in the South Werrington Urban Village Structure Plan.’* Based on their findings, the site does not present any encroachment into the Claremont Creek riparian corridor and is suitable for the proposed development. Council is requested to refer this application to the NSW Department of Industries – Water for a Controlled Activity Approval.

- **Flood Management (Section 12.8.3.1.3)**

The objective of this control is to allow the riparian corridor on Claremont Creek to function as a naturally occurring waterway. A Stormwater Management Plan Report has been prepared by J. Wyndham Prince (JWP).

- **Vegetation (Section 12.8.3.1.4)**

The objective of this control is to protect and embellish local vegetation and habitat. A Flora and Fauna Assessment Report has been prepared by Eco Logical Australia Pty Ltd and have reported their findings and recommendations for this development. *‘No threatened flora and fauna species were observed during the site inspection. However, the site was considered potential habitat for the Cumberland Plain Land Snail, despite not observing an individual as part of a targeted survey within the site. An Assessment of Significance under the TSC Act was undertaken for Cumberland Plain Woodland and the Cumberland Plain Land Snail and concluded that a significant impact is not likely and therefore a Species Impact Statement is not required.’*

Based on findings from the Flora and Fauna Assessment Report, the site is deemed suitable for the proposed development and mitigation measures will be implemented to reduce potential impacts to native vegetation during construction works.

- **Salinity (Section 12.8.3.1.5)**

The objective of this control is to ensure that saline soils, groundwater levels and salinity processes are identified, prior to finalisation of development. A Preliminary Salinity Report supports this application, the report concluded that the soils tested were classified non-saline and as such as Salinity Management Plan is not required and no further salinity assessment is required.

However, the report draws attention to the Site being mapped as having high salinity potential and also “noting that there are surficial vegetation features suggestive of salinity in the area, it is recommended that design and construction of the development be in accordance with the recommendations in ‘Building in a Saline Environment’, by Department of Environment and Climate Change, 2008” (p.4).

- **Contamination (Section 12.8.3.1.6)**

The objective of this control is to minimise the risks to human health and the environment from the development of potentially contaminated land. A Phase I & II Contamination Investigation Report prepared by SLR Consulting Pty Ltd is submitted with this application. The report concluded that “The site would be suitable for the proposed land use scenario, from a human health perspective, for the proposed site redevelopment, subject to the management and/or remediation of localised asbestos containing materials in the areas identified” (p.4). A Remedial Action Plan also supports this application.

- **Road Network (Section 12.8.3.2.1)**

The objective of this control is to ensure clear hierarchy for movement within the subject lands and adjacent urban areas and to provide a safe and efficient movement network for all users. The proposed development varies from the road hierarchy shown on Penrith’s Structure Plan. Lander Street extension will be constructed to connect into the formed road of Water Street to provide access to Great Western Highway. Figure 4.4 shows the road hierarchy envisaged by Penrith Council and Figure 4.5 is Calibre’s proposed road hierarchy variation. Varying from the Structure Plan road hierarchy will provide better access from Water St and Great Western Highway. Additionally, this variation will limit any potential encroachments into Claremont Creek. This is further expanded in Section 4.2.1.



Figure 4-4: Structure Plan Road Hierarchy (Source: Penrith Health and Education Precinct DCP 2014)

Figure 4-5: Proposed Road Hierarchy Variation (Source: NBR Architecture)

- **Pedestrian and Bicycles (Section 12.8.3.2.4)**

The objective of this control is to promote active transport options by providing safe and convenient routes to and from key focal points within the release area. The proposed development complies with this control and has a minimum pathway of 1.5m to be provided on both sides of the road.

- **Landscape Character (Section 12.8.3.3.1)**

The objective of this control is to ensure development contributes to cohesive streetscape and desirable pedestrian environments. A Landscaping Plan has been prepared by NBRS Architecture Pty Ltd and supports this application. It is in accordance with the development provisions listed in the Penrith Health and Education Precinct DCP 2014.

- **Road Sections (Section 12.8.3.3.2)**

The objective of this control is to provide a functional road network allowing good connections with the surrounding areas and encourages safe and convenient access into and through the site. A Traffic Impact Assessment Report has been prepared by TDG Pty Ltd and supports this application.

This report concludes that the current very good Levels of Service “A” along the Great Western Highway and Water Street are not likely to be unduly impacted. At the final stage of development, an assessment should be made to establish whether traffic signals would be required at the junction of Water Street with Great Western Highway. The suggested location is appropriate for the following reasons:

- *The current layout of the intersection would easily adapt without further roadworks for the installation of traffic signals; thus reduced costs.*
- *Water Street is further away from the traffic signals controlling the major intersection of Great Western Highway with Gipps Street.*
- *It would provide safe and efficient access to all developments north of the Highway earlier than anticipated.*

- **Visual and Acoustic Privacy (Section 12.8.4.5)**

The objective of this control is to ensure buildings are designed to achieve the highest possible levels of visual and acoustic privacy. Noise within dwellings and intrusion of noise from outdoor areas are to be contained to provide privacy for adjoining properties.

Acoustic Logic Pty Ltd were engaged to prepare an Acoustic Report (Appendix K) to support this development application. This report has provided some recommendations for noise emissions and this development shall implement the recommended building controls and treatments relating to noise impacts.

- **Site Facilities (Section 12.8.4.7)**

The objective of this control is to ensure that adequate provision is made for site facilities and are thoughtfully integrated into development and are unobtrusive. A waste area is proposed located behind the courtside. The area is surrounded by vegetation to ensure the waste is not immediately visible to maintain the visual appearance of the area.

- **Development for Employment Purposes (Section 12.8.6)**

Development for employment purposes should be planned and designed to be compatible with the existing and intended desired character of the locality. The proposed development complies with the development provisions in meeting a minimum lot size of 2000m<sup>2</sup>, minimum front building setbacks of 10m and maximum building height of 12.5m. The proposed building is significantly setback from the road with a 5m landscape setback. Variations are permitted under the DCP where there is a high level of architectural treatment and improved landscaping outcome.

The subject site will not present any limitations to the development potential on the adjoining residential dwelling (Lot 1 DP 713280). As per DCP controls for a minimum lot size of 2000m<sup>2</sup>, the residential dwelling has a site area of 2643m<sup>2</sup>. Therefore, should the owners of Lot 1 DP 713280 on the adjoining land seek to subdivide their land, this proposed development will not hinder their development potential.

#### 4.2.1 ROAD VARIATION TO THE STRUCTURE PLAN

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This application seeks a variation to the structure plan in relation to the alignment of Lander Street Extension shown in the DCP for the following reasons:

- 1) The owner of the subject site does not own the land in which the structure plan identifies Lander Street extension to be constructed to connect to the Great Western Highway.
- 2) Council does not have any mechanisms to force the developer to construct the portion of the road.
- 3) This application includes the construction of Lander Street extension to connect into the existing Water Street utilising the existing intersection with the Great Western Highway.
- 4) The layout of the existing intersection would easily adapt without further roadworks for the installation of traffic signals; thus reduced costs (p.13 of Traffic Report).
- 5) Water Street is further away from the traffic signals controlling the major intersection of Gipps Street & Great Western Highway (p.13 of Traffic Report).
- 6) It would provide safe and efficient access to all developments north of the Highway earlier than anticipated (p.13 of Traffic Report).
- 7) The proposed alignment of this north – south road meets engineering design standards for rigid vehicles.
- 8) This development does not require the construction of the new intersection and the portion of road on adjoining land as the peak time for the proposed use of this development is on weekends contrary to the peak hour traffic Monday – Friday. This is supported by a Land & Environment Court case ‘North Western Surveys Pty Limited (Applicant) v Penrith City Council (Respondent) [2012] NSWLEC 1017’
- 9) The proposed Lander St Extension is not included in any Contribution Plans, it would be unfair to expect the developer to pay for a portion of Lander St over land that they do not control.

This is supported by a 2012 Land & Environment Court case, ‘North Western Surveys Pty Limited (Applicant) v Penrith City Council (Respondent) [2012] NSWLEC 1017’. This case contends Penrith City Council enforced on the basis of ‘Conditions of Consent’ for the developer to construct (at its own cost) a detention basin and road. The statutory basis of this requirement, according to Penrith Council, is an s 80A (1) (f) of the Act.

This case in context of this development application is similar. During our Pre – DA Meetings with Council on 4<sup>th</sup> August 2016, Council officers expressed strong views to the applicant to construct a portion of Lander Street. It should be noted, there is no Contribution Plan for constructing Lander Street and the reasons this application is against constructing this road is listed above. This application in relation to this Land & Environment Court Case is that Penrith City Council in both cases has strongly insisted for a portion of a road to be constructed by a developer without any contribution plan or “works in kind” payment agreement. Under S 80A Imposition of Conditions of the Act, a condition of development consent may be imposed if:

- a) *It relates to any matter referred to in section 79C (1) of relevance to the development the subject of the consent,*  
*or*
- b) *It requires the modification or surrender of a consent granted under this Act or a right conferred by Division 10 in relation to the land to which the development application relates, or*

- c) *It requires the modification or cessation of development (including the removal of buildings and works used in connection with that development) carried out on land (whether or not being land to which the development application relates), or*
- d) *It limits the period during which development may be carried out in accordance with the consent so granted, or*
- e) *It requires the removal of buildings and works (or any part of them) at the expiration of the period referred to in paragraph (d), or*
- f) *It requires the carrying out of works (whether or not being works on land to which the application relates) relating to any matter referred to in section 79C (1) applicable to the development the subject of the consent, or*
- g) *It modifies details of the development the subject of the development application, or*
- h) *It is authorised under section 80 (3) or (5), subsections (5)-(9) of this section or section 94, 94A, 94EF or 94F.*

In this development application, Council has prepared the Structure Plan envisaging Lander Street Extension at a strategic context and has not considered the impact this road will have on individual lots. If Council was intent on pursuing construction of Lander Street as a straight road then this should have been made in conjunction with a Section 94 Contribution Plan.

Although we are proposing a variation to the road hierarchy, under 79C Evaluation under (3A) Development control plans – an application cannot be refused and Council is requested to be flexible in applying these provisions and allow for reasonable alternative solutions to achieve these standards in dealing with this development.

*If a development control plan contains provisions that relate to the development that is the subject of a development application, the consent authority:*

*b) if those provisions set standards with respect to an aspect of the development and the development application does not comply with those standards – is to be flexible in applying those provisions and allow reasonable alternative solutions that achieve the objects of those standards for dealing with that aspect of the development.*

This application requests Council to consider the developers alternative road variation to construct part of Lander St extension to connect onto Water Street. Refer to Figure 4.4 for Calibre’s mark-up of the proposed road variation and linkage onto Water St and Great Western Highway.

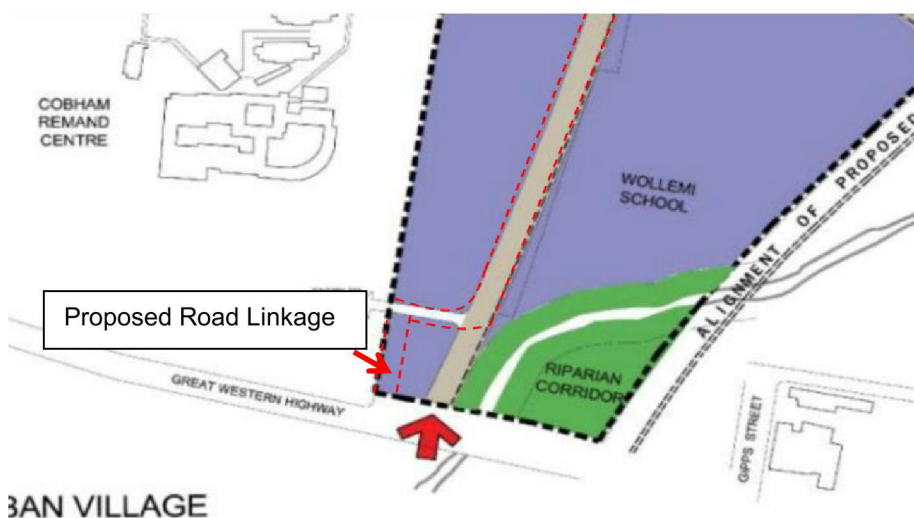


Figure 4-6: Penrith Health and Education Precinct Structure Plan (Source: Penrith DCP 2014)

## 5 SECTION 79C ASSESSMENT

### 5.1 MATTERS FOR CONSIDERATION

In determining a development application, a consent authority is to take into consideration the following matters:

- (a) *The provision of:*
- i. *Any Environmental Planning Instrument*

#### State & Regional Planning Policies

The relevant State Environmental Planning Policies (SEPP) are:

- SEPP No. 55 Remediation of Land is addressed in the Phase I & II Contamination Investigation Report prepared by SLR Consulting Pty Ltd which supports the proposed development. The report concluded that *“The site would be suitable for the proposed land use scenario, from a human health perspective, for the proposed site redevelopment, subject to the management and/or remediation of localised asbestos containing materials in the areas identified”* (p.4). A Remedial Action Plan also supports this application.
- SEPP No. 20 Hawkesbury Nepean River is addressed in the recommendations of the Stormwater Management Strategy Report prepared by J. Wyndham Prince (JWP) to support the development. The Report concludes that the proposed Stormwater Management strategy complies with the statutory requirements and industry best practice for stormwater management in this catchment. The water quality management comprises of a ‘treatment train’ that consists of pit inlet filters and a cartridge filter system to ensure the post-development stormwater discharges will meet Council’s water quality pollutant removal targets. The on-site detention will also ensure the peak-post development discharges do not exceed pre-development for the 50% and 1% AEP at the discharge points from the site.
- SEPP (Infrastructure) 2007 requires this application to be referred to the RMS under *Clause 104 Traffic-generating development of the SEPP* as a result of the proposed development being a place of public worship that has site access to a road that connects to a classified road with more than 50 vehicles. The SEPP requires the following to be taken into consideration:
  - The accessibility of the site concerned, including:*
    - *The efficiency of movement of people and freight to and from the site and the extent of multi-purpose trips*
    - *The potential to minimise the need for travel by car and to maximise movement of freight in containers or bulk freight by rail*

*Any potential traffic safety, road congestion or parking implications of the development.*

*Comment:* A Traffic Report is submitted to support this application which assesses the impact of the development on the surrounding network. The Site is easily accessible from the Great Western Highway. The extent of multi-purpose trips would be limited to the services offered within the development. As the South Werrington Precinct develops, the opportunity of multi-purpose trips may increase.

The Traffic Report concluded that in respect of traffic impact, the current very good Levels of Service “A” along the Great Western Highway and Water Street are not likely to be unduly impacted until the completion of Stage 2. An assessment would be made to establish whether traffic signals would be required at the junction of Water Street with Great Western Highway.

In respect of efficiency of people movement, once the road network is constructed within the Precinct, access to the open space reserve and station will be possible.

There will not be any freight vehicles to access the proposed development.

### **Local Environmental Plan**

*Penrith Local Environmental Plan 2010* zones the Site IN2 Light Industrial with the relevant provisions addressed under Section 4.1 of this Report. The proposed development is permissible with Consent.

- ii. *Any proposed instrument that is or has been subject of public consultation under this Act and that has been notified to the consent authority (unless the Director – General has notified the consent authority and that the making of the proposed instrument has been deferred indefinitely or has not been approved)*

There are no draft environmental planning instruments that have been the subject of public consultation that are relevant to the proposed development.

- iii. *Any Development Control Plan*

Penrith City Council has consolidated its DCP for development with the subject site within the Health and Education Precinct DCP 2014 – South Werrington Urban Village Precinct. This application addresses all relevant controls of the DCP under Section 4 of this SEE ‘Statutory Planning Controls and Compliance.’ The proposed development includes the construction of the north/south link road which is generally in accordance with the South Werrington Urban Village Structure Plan. This application proposes an alternate alignment for this north/south link road to connect into the existing formed Water Street and utilising the existing intersection with the Great Western Highway which is discussed in Section 4.2.1. The alternate alignment is a better arrangement in respect of utilising the existing intersection with the Great Western Highway via Water Street. Utilising the existing intersection is ideal as it is of adequate distance from other intersections along the Great Western Highway in the vicinity of the Site.

- iiia. *Any planning agreement that has been entered into under Section 93F, or any draft planning agreement that a development has offered to enter into under Section 93F.*

No voluntary planning agreements have been entered into involving the proposed development if the subject site.

- iv. *Any matters prescribed have been entered into involving the proposed development of the subject site.*

There are no prescribed matters under the Regulations that may impact on the consideration of this application.

- (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 likely environmental impacts on the natural environment of the proposed development are addressed as follows:

- Impacts on the natural environment

The proposed development will not have an adverse impact on the natural environment other than what is to be expected for the development of a new precinct. Impacts on the natural environment are addressed in the section below.

#### Flora and Fauna

Vegetation removal is proposed as part of this application due to the location of the north/south link road which is in accordance with the South Werrington Structure Plan. A Flora and Fauna Assessment Report has been prepared by Eco Logical Australia Pty Ltd which stated that the Cumberland Plain Woodland (threatened ecological community) covered

0.27ha on the site was in relatively poor condition and isolated from other patches of CPW. There was no threatened flora or fauna species identified on site. The following comments are excerpts from the EcoLogical report:

*“One threatened ecological community, Cumberland Plain Woodland, listed as critically endangered under the TSC was recorded in the study area. The woodland covered approximately 0.27 ha and was in relatively poor condition with weeds present and the patch being isolated from other patches of CPW.*

*Cumberland Plain Woodland is also listed under the EPBC Act however following the site inspection it was confirmed that the assemblage of species in the native vegetation that exists on the study area does not meet condition thresholds criteria necessary for the vegetation to meet the definition of Cumberland Plain Woodland under the EPBC Act. The vegetation that occurs on site does not meet the criteria under the EPBC Act as:*

- *The perennial understorey vegetation cover is not made up of  $\geq 30\%$  of native species.*
- *Trees did not contain hollows.*
- *The patch is not contiguous with a native vegetation remnant (p.7).*

*However, the proposed vegetation removal is unlikely to be considered significant for the following reasons:*

- *Clearance area is very small (0.27 ha) in relation to CPW in the locality.*
- *Clearing is primarily only of canopy species.*
- *The site is highly modified and invaded by exotic species*
- *Additional CPW is present directly adjacent to the site and within the locality (~10.5 ha).*

*On the basis of the above considerations, it is unlikely that the proposed development will result in a significant impact on CPW” (Appendix C).*

*“No threatened flora or fauna species were identified during the site inspection. No hollow-bearing trees or any other landscape features were considered to provide habitat for threatened fauna” (p.7).*

Considering the above commentary, the proposed development will not have an adverse impact on the flora and fauna on the site.

#### Bushfire impact

The site is identified as containing mostly Bushfire Prone land (Vegetation Category 2) and as such a Bushfire Protection Assessment Report has been prepared by Eco Logical Australia Pty Ltd and supports this application. The Report concludes that the proposed development can satisfy the aims and objectives of the Planning for Bushfire Protection (PBP) 2006, the specific objectives for Special Fire Protection Purpose objectives of the PBP and Fact Sheet 2/14. All required APZs can be accommodated within the development site.

#### Contamination

A Phase I & II Contamination Report was prepared to support the development of the Site. The report was based on a desktop review, site walkover, soil sampling, laboratory analysis and data assessment and reporting. The site walkover showed areas of environmental concern and based on laboratory analysis, the following conclusions were made:

- *“The detected concentrations of the identified contaminants of potential concern in soils on the site are considered:*
  - *Unlikely to present an unacceptable direct contact, soil vapour or vapour intrusion human health exposure risk;*
  - *Unlikely to present an unacceptable risk of forming observing light non-aqueous phase liquid (LNAPL), fire/explosive hazards, or to buried infrastructure e.g. penetration of, or damage to, in-ground services by hydrocarbons;*



- *Unlikely to present an unacceptable aesthetics risk, with the exception fragments of asbestos containing materials located in the vicinity of sampling points TP10, TP11, SS01, SS02, SS03, SS04, SS05 and SS06; and*
- *The site would be suitable for the proposed land use scenario, from a human health perspective, for the proposed site redevelopment, subject to the management and/or remediation of localised asbestos containing materials in the areas identified.*

*Based on the available data and conclusions made, SLR makes the following recommendations:*

- *A remedial action plan (RAP) should be prepared for the site, to facilitate the management and/or remediation of the identified asbestos containing materials;*
- *At the completion of management and/or remediation works, a site validation report should be prepared confirming that the asbestos containing materials have been adequately managed and/or remediated;*
- *In the event that an onsite management strategy is adopted for the asbestos containing materials, a long term EMP should be prepared following completion of the management strategy implementation, but prior to occupation and operation of the new development; and*
- *The RAP, site validation report and long term EMP (if required) should be prepared by a suitably experienced environmental consultant” (p.4).*

In accordance with the recommendations of the Phase I & II Contamination Report, a Remedial Action Plans supports this application outlining the process to remediate the contaminated areas. The natural environmental will benefit from the proposed development as a result of the contaminated land being remediated and the material moved off site.

#### Salinity

A Preliminary Salinity Report supports this application. The Report concluded that the soils tested were classified non-saline and as such as Salinity Management Plan is not required and no further salinity assessment is required. However, the report draws attention to the Site being mapped as having high salinity potential and also “*noting that there are surficial vegetation features suggestive of salinity in the area, it is recommended that design and construction of the development be in accordance with the recommendations in ‘Building in a Saline Environment’, by Department of Environment and Climate Change, 2008” (p.4).*

The Preliminary Salinity Report also concluded that soils are classified as ‘non-aggressive’ with respect to concrete piles and steel piles.

#### Stormwater

A Stormwater Management Strategy Report supports this application which reviewed Council’s guidelines to determine requirements for on-site detention and water quality impacts of the proposed development. The report recommended strategies that will enable development of the Site to meet water quality and quantity standards.

The Stormwater Management Strategy proposed complies with the statutory requirements and industry best practice for stormwater management in this catchment. The water quality management comprises of a ‘treatment train’ that consists of pit inlet filters and a cartridge filter system to ensure the post-development stormwater discharges will meet Council’s water quality pollutant removal targets. The on-site detention will also ensure the peak-post development discharges do not exceed pre-development for the 50% and 1% AEP at the discharge points from the site.

- Impacts on the built environment

The proposed development will contribute to the envisaged built environment as outlined in the Penrith Health and Education Precinct DCP supporting the light industrial land uses within the Precinct and the construction of the Lander

Street extension, connection into the existing Water Street, providing access to the Great Western Highway. The proposed development will be the gateway development to the southern entrance to the South Werrington Precinct. The proposed development will also be one of the first developments within the Precinct and will set a high standard of Architectural design.

The proposed development will contribute to the future character of the Education Precinct, encourage attractive architectural features and introduce a multi – purpose facility into the area. This development does not impact on the adjoining Cobham Juvenile Justice Centre or existing residential dwelling with the Architectural Design taking into consideration the Juvenile Justice Centre and the existing dwelling with sufficient screening. The development of the property with the existing dwelling is not compromised by the proposed development as the lot meets the minimum lot size should the owner decide to develop in the future.

### Traffic

A Transport Study supports this application, reviewing the parking requirements and traffic impact of the proposed development on Water Street and the Great Western Highway. The Report concluded:

- *The parking demand for the proposed development would vary from about 40 spaces during the week to about 340 spaces on Sundays. The provision of 385 spaces would satisfy the parking demand of the proposed development at all times. The parking layout and dimensions satisfy all the requirements of the Australian Standards (2004).*
- *On weekdays, the proposed development is expected to generate on Friday evenings a peak of 105 trips increasing to about 680 trips on Sundays between services, half of which would be exiting at the completion of the service with the remaining arriving prior to the next service. The volume of traffic generated by the proposed development will have little effect on the current very good Levels of Service “A” along the Great Western Highway and Water Street.*
- *The intersection of Water Street with the Great Western Highway indicates that it currently operates at a level of service “F”. However, this very poor level of service is caused by the very large delays experienced by a very small number (~5) of right turning vehicles out of Water Street. Therefore, in view of this very small number of cars making this manoeuvre no further action is required at this stage.*
- *At completion of Stage 1, the small number of cars with a westbound destination would find it difficult to turn right. These vehicles would most likely turn left into the Great Western Highway, then use Gipps Street and Water Street to access Werrington Road, where they would either right turn to access the signals at Great Western Highway or turn left if their destination is north of the railway line.*
- *At completion of Stage 2, the number of cars with a westbound direction would further increase (~80). At that stage, an assessment should be made to establish whether traffic signals would be required at the junction of Water Street with Great Western Highway.*

The Report concluded that the proposed parking satisfies Council's parking requirements. In respect of traffic impact, the current very good Levels of Service “A” along the Great Western Highway and Water Street are not likely to be unduly impacted. The use of Gipps Street to access Werrington Road then Great Western Highway to travel west would delay the necessity to provide traffic signals at the junction of Water Street with the Highway.

(c) The suitability of the site for development

The proposed development is suitable for the Site, with the development consistent with the aims and objectives of Penrith LEP 2010 and Penrith Health and Education Precinct DCP 2014. The site is suitable from an environmental perspective as the development of the Site will also include remediation of areas identified within the Phase I & II Contamination Report in accordance with the Remedial Action Plan.

The road variation is generally in accordance with the Road Hierarchy Plan shown on the DCP with a minor road variation proposed envisaging to connect Water St to the Lander St extension. The proposed alignment has merit from a Traffic standpoint in respect of the location of the existing intersection with The Great Western Highway and other intersections in the vicinity of the Site and utilising the existing road network.

(d) Any submissions made in accordance with this Act or regulations

No submissions have been made at this stage of the development.

(e) The public interest

There are no aspects of the proposed development that would be contrary to the public interest. This development includes the construction of the north/south collector road, Lander Street extension, which is not required to provide vehicular access to the proposed development and will service the broader South Werrington precinct providing access to the Great Western Highway.

## 5.2 ANY OTHER MATTERS FOR CONSIDERATION

### 5.2.1 PRE – DA NOTES

A pre – lodgement meeting was held with Council officers on 4<sup>th</sup> August 2016, reference no. PL 16/0085 with all relevant matters raised in the Pre – DA Meeting addressed within this application. Below is a description of how matters raised have been addressed.

- The intended operational aspects of the proposed uses for this development is provided for under Section 3 Proposed Development.
- This application is ‘integrated’ development and will be referred to the NSW Rural Fire Service and NSW Office of Primary Industries – Water for their consideration and comments to issue a GTA.
- The layout and design of the development has been amended and takes into consideration the required North – South road connection and layout of the carpark has been amended to comply with DCP provisions.
- The interface with the Cobham Juvenile Justice Centre and adjoining residential dwelling on 1 Water St, Werrington has been acknowledged in the design layout with appropriate landscaping and architectural design.
- Eco Logical Australia Pty Ltd was engaged to prepare a Flora and Fauna Assessment Report to support this DA. Their recommendations conclude the site is suitable for development from a flora and fauna perspective and does not present any detrimental impacts on the existing vegetation.
- The architectural plans have been amended to separate the child care centre and loading dock to ensure better safety and to achieve a better design outcome. Vehicular access to the loading dock will be a temporary driveway in Stage 1 prior to construction of car parking.
- A Lighting plan is not provided as the design of the development and landscaping will minimise light spill
- Building perspective plans / photomontages is submitted as part of this application and are shown on architectural plans under Appendix I.
- An Acoustic Report has been prepared by Acoustic Logic Pty Ltd to address potential noise impacts on the surrounding development from the proposed application and supports this application.
- A Waste Management Plan will be submitted at CC stage once a contractor has been appointed.
- A Phase I & II Contamination Report and Remedial Action Plan were prepared by SLR Consulting to support this application
- Engineering Civil Designs have been prepared by J. Wyndham Prince and supports this application.
- A Stormwater Management Plan Report has been prepared by J. Wyndham Prince and supports this application.
- This DA does not propose to encroach onto Claremont Creek however, it is within 40m from a watercourse and will require concurrence from the NSW Department of Industries – Water to issue a Controlled Activity Approval.
- A Traffic Impact Assessment Report supports this application
- A Building Code of Australia (BCA) and Accessibility Report supports this application
- Information on delivery and waste collection details including vehicle types and expected frequency of site visits is not yet known at this present time until a contractor has been appointed. Additionally, times for special events such as Christmas and Easter have not been provided in this development application due to this information unknown at this point in time. However, details on the operational plan of management in Table 3.1 should be sufficient for Council to determine this application’s intended operational aspects of the proposed uses
- A Landscaping Plan is submitted as part of this DA
- Public Health Matters in relation to the fit-out of all food preparation areas, refer to the Architectural Plans

## 6 CONCLUSION

This Statement of Environmental Effects has addressed all the relevant matters for consideration with respect to the proposed development to construct an auditorium, multi – purpose facility, childcare centre, children and youth ministry. Together with associated landscaping, road construction and on – site detention storage to be located underneath car parking areas.

The proposed development promotes the orderly and economic use of the site in accordance with the planning provisions under the Penrith LEP 2010 and Penrith Health and Education Precinct DCP 2014. The proposed development is permissible with consent.

The Development Application is nominated as ‘integrated development’ under Section 91 of the EP & A Act with the application to be referred to the NSW Rural Fire Service pursuant to the Rural Fires Act 1997 and the NSW Department of Primary Industries – Water, pursuant to the Water Management Act 2000.

The capital investment value exceeds \$20 million and the Joint Regional Planning Panel will be the determining authority.

Overall, the impacts of the proposed development are addressed within this application and Council is requested to issue the development consent to enable the proposed development works to proceed.

# APPENDICES

## **APPENDIX A SURVEY PLAN**

## **APPENDIX B ARCHITECTURAL PLANS**



## **APPENDIX C ENGINEERING CIVIL DESIGNS**

## **APPENDIX D LANDSCAPE PLAN**

## **APPENDIX E STORMWATER REPORT**

## **APPENDIX F STAGE 1 & 2 CONTAMINATION REPORT**

## **APPENDIX G REMEDIAL ACTION PLAN**

## APPENDIX H SALINITY REPORT

## **APPENDIX I BUSHFIRE ASSESSMENT REPORT**

## **APPENDIX J FLORA AND FAUNA ASSESSMENT REPORT**



## **APPENDIX K ACOUSTIC REPORT**

## **APPENDIX L TRAFFIC ASSESSMENT REPORT**

## **APPENDIX M ACCESSIBILITY & BCA REPORT**

## **APPENDIX N QUANTITY SURVEYORS REPORT**