

Appendix E

Pre-Lodgement Meeting Advice

Our Ref: PL15/0026
Contact: Robert Craig
Telephone: (02) 4732 7593

21 April 2015

Dave Gerardis
Diversi Consulting
PO Box 6662
BAULKHAM HILLS NSW 2153

Dear Dave

Pre-Lodgement Advice
Proposed Torrens Title Subdivision x 14 Residential Lots & Public Road
Lot 36 DP 239502, 94-100 Explorers Way, ST CLAIR NSW 2759

We welcome your initiative to undertake a project in the Penrith Area.

Thank you for taking part in Council's pre-lodgement meeting on 10 March 2015. The meeting was useful for Council in gaining an understanding of your proposal.

You are advised that should the items in the attached information be addressed, your application should be suitable for submission and consideration.

As I am sure you are aware, Council's full assessment and determination can only be made after you lodge an application.

If we can help you any further regarding the attached advice, please feel free to contact me on (02) 4732 7593.

Yours sincerely

Robert Craig
Principal Planner

PROPERTY AND PLANNING INFORMATION	
Meeting Attendees	<p>Proponent Dave Gerardis (Diversi Consulting) Phil Diversi (Diversi Consulting) Noel Finianos (Silky Constructions)</p> <p>Penrith City Council Robert Craig (Principal Planner) Fred Shockair (Senior Engineer – Major Developments) Chris Martyn (Planning Administration Officer)</p>
Proposal	Torrens Title Subdivision x 14 Residential Lots & Public Road
Address	Lot 36 DP 239502, 94-100 Explorers Way, ST CLAIR NSW 2759
Zoning and Permissibility	<p>The subject land is zoned <i>R2 Low Density Residential</i> under Penrith Local Environmental Plan (LEP) 2010. The proposed subdivision requires development consent from Council pursuant to Clause 2.6 of the LEP and is subject to a minimum subdivision lot size of 550m² for a standard lot, a minimum subdivision lot size of 650m² for a battle-axe lot (exclusive of the access handle) and a minimum lot width of 15m (refer to Clause 4.1 of the LEP).</p> <p>Penrith Development Control Plan 2014 also applies to the land.</p>
Site Constraints	<ul style="list-style-type: none"> – Bushfire prone land. – Local overland flows. – Mapped remnants of Shale-Gravel Transition Forest (critically endangered ecological community under the Threatened Species Conservation Act 1995). – Tree preservation controls.
Development Type	<p>Integrated Development</p> <p><u>Note:</u></p> <p><i>The proposal will be referred to the NSW Rural Fire Service for concurrent approval pursuant to Section 100B of the Rural Fires Act 1997 (subdivision of bushfire prone land).</i></p>
KEY ISSUES AND OUTCOMES	
<p>The proposal is to address the following issues.</p> <p>RELEVANT EPI's, POLICIES AND GUIDELINES</p> <p>Planning provisions applying to the site including land use permissibility and the provisions of relevant plans and policies are contained in Appendix A.</p>	

KEY ISSUES

The following key issues must be addressed in relation to the proposal as part of the Development Application:

1. The development will require an easement to drain water over the adjoining public reserve (refer to "Engineering Matters" for further details). Written owner's consent from Council's Property Development Department for the provision of the easement will be required as part of the Development Application.
2. Any proposed stormwater connection to, or works over, the adjoining M4 Motorway corridor will require written owner's consent from the Roads and Maritime Services (RMS).
3. The proposed overland flow path shall be amalgamated with adjoining residential allotments rather than being contained within a separate drainage reserve. This arrangement will improve safety and security within the subdivision and negate the need for this land to be dedicated to, and maintained by, Council. The plan of subdivision shall include an easement for the overland flow path burdening the relevant lots.
4. The proposed battle-axe allotments shall be modified to comply with Clause 4.1 of Penrith Local Environmental Plan 2010. In this regard, a battle-axe lot requires a minimum lot size of 650m² (exclusive of the access handle) and a minimum lot width of 15m.
5. The existing dwelling on the site which is to be retained on one of the proposed allotments shall be provided with appropriate side and rear setbacks to ensure the amenity of this dwelling is maintained.

PLANNING MATTERS

- The application shall address, and demonstrate compliance with, the relevant provisions contained in Penrith Local Environmental Plan 2010.
- The application shall address, and demonstrate compliance with, the relevant provisions contained in Penrith Development Control Plan 2014, in particular in Section C11 (Subdivision).
- A bushfire hazard assessment report shall be submitted. The report should be prepared by a suitably qualified professional in accordance with the Planning for Bush Fire Protection Guidelines (2006).
- The application shall be accompanied by details of indicative driveway locations and building envelopes for future dwelling construction on each allotment. The driveway locations and building envelopes must comply with applicable building setback requirements and take into consideration site constraints such as existing vegetation.

VEGETATION MANAGEMENT

- The site is mapped as containing remnants of Shale-Gravel Transition Forest which is listed as a critically endangered ecological community under the Threatened Species Conservation Act 1995. Particular attention is to be paid to protecting existing trees and vegetation on the site.
- A flora and fauna impact assessment including a 7 part test is required in relation to proposed removal of vegetation. A species impact statement may also be required depending on the conclusion of the 7 part test.
- Details of proposed tree removal and tree retention shall be submitted and accompanied by a tree survey and arboricultural assessment.

LAND MANAGEMENT

- The application is to address all relevant requirements under State

Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55). Council cannot consent to development unless these requirements have been satisfied. Should remediation be necessary, this will require development consent. The statement of environmental effects is to demonstrate that the land is suitable for the proposed residential subdivision.

LANDSCAPE DESIGN

- A landscape plan detailing proposed street tree planting is to be provided in accordance with the landscaping provisions contained in Section C6 (Landscape Design) of Penrith Development Control Plan 2014.

NOISE AND VIBRATION

- A noise impact assessment shall be submitted with the application which addresses potential road noise and vibration impacts on the proposed subdivision from the M4 Motorway.
- The noise impact assessment should detail proposed mitigation measures to manage potential noise impacts.

SECTION 94 CONTRIBUTIONS

- Section 94 contributions will apply to the proposed development in accordance with Council's Cultural Facilities, Local Open Space and District Open Space contributions plans.

CONSULTATION

- Prior to lodgement of the Development Application, it is recommended that you consult with relevant government authorities, service providers, community groups and affected landowners. In particular, you should consult with the relevant energy provider and Sydney Water in relation to servicing requirements for the proposed development to satisfy the provisions of Clause 7.7 of Penrith Local Environmental Plan 2010.

ENGINEERING MATTERS

General Matters

- An erosion and sediment control plan shall be submitted.
- All engineering works must be designed and constructed in accordance with Council's Guidelines for Engineering Works for Subdivisions and Developments - Part 1 - Design and Council's Engineering Construction Specification for Civil Works.
- Council's engineering requirements for subdivisions and developments, including policies and specifications listed herein, can be located on Council's website at the following link:

<http://www.penrithcity.nsw.gov.au/Our-Services/Planning-and-Development/Engineering-Requirements-for-Subdivisions-and-Developments/>

Stormwater Drainage

- Stormwater drainage for the site shall be in accordance with the following:
 - Penrith Development Control Plan 2014.
 - Stormwater Drainage for Building Developments (Working Draft) Policy.

- Water Sensitive Urban Design Policy and Technical Guidelines.
- A stormwater drainage concept plan prepared by a suitably qualified person shall be submitted with the application.
- The stormwater drainage concept plan shall be accompanied by a supporting report and calculations as well as a WSUD (water sensitive urban design) strategy prepared by a suitably qualified person. The WSUD strategy shall include MUSIC modelling and address water conservation, water quality, water quantity and operational and maintenance matters (also refer to the attached checklist).
- The development will require an easement to drain water over the adjoining public reserve. Written owner's consent from Council's Property Development Department for the provision of the easement shall be provided.
- The application shall demonstrate that downstream stormwater systems have adequate capacity to accommodate stormwater flows generated from the development.

Local Overland Flows

- The site is identified as being affected by local overland flows.
- All plans for the site shall have levels and details to AHD (Australian Height Datum).
- The application shall demonstrate that the development proposal is consistent with Council's Development Control Plan for Flood Liable Lands.
- The application shall be accompanied by an overland flow report prepared by a suitably qualified person documenting existing and post development flow conditions.

Subdivision Works

- The application is to be accompanied by a subdivision concept plan and engineering works plans.
- The proposed road in the subdivision shall be designed in accordance with the "Local Roads" requirements in Council's Development Control Plan.
- The subdivision will require infrastructure works including road and drainage construction.
- A Stage 2 Road Safety Audit is to be submitted with the application.
- The subdivision shall be designed to ensure adequate access and turning paths are provided for Council's waste collection vehicles.

Access and Traffic

- The application shall be supported by a traffic impact statement prepared by a suitably qualified person.
- The application shall demonstrate that vehicle access, car parking and manoeuvring details comply with AS 2890 and Council's Development Control Plan.
- The subdivision design shall demonstrate compliance with the Planning for Bushfire Protection Guidelines.

Earthworks

- No retaining walls or filling is permitted for this development which will impede, divert or concentrate stormwater run-off passing through the site.
- Earthworks and retaining walls must comply with Council's Development Control Plan.
- Any proposed fill material must comply with Council's Development Control

Plan.	
Document Submission Requirements	<ul style="list-style-type: none"> – Statement of environmental effects – Site survey plan – Subdivision plan – Engineering plans – Bushfire hazard assessment report – Indicative driveway locations and building envelopes plan – Flora and fauna impact assessment and 7 part test – Tree survey – Arboricultural assessment – Landscape plan – Noise impact assessment – Erosion and sediment control plan – Stormwater drainage concept plan and supporting report – WSUD strategy – Overland flow report – Stage 2 Road Safety Audit – Traffic impact statement – Waste management plan – Eight printed copies of the application submission and two (2) electronic (CD) copies in pdf format – Cheque in the amount of \$320 payable to the NSW Rural Fire Service for referral of the application as Integrated Development <p>Please refer to the attached copy of Council's Development Application checklist for further details of submission requirements. All plans submitted should illustrate consistent detail.</p> <p>Please phone Council's duty planning officer on (02) 4732 7991 to make an appointment for lodgement of the application.</p>
Fees	<p>Please phone Council's Development Services Department's Administrative Support Team on (02) 4732 7991 to enquire about applicable fees and charges.</p>

APPENDIX A

- SREP 20 – Hawkesbury-Nepean River
- SEPP 55 – Remediation of Land
- SEPP (Infrastructure) 2007
- Penrith LEP 2010
- Penrith DCP 2014
- Nature and extent of any non-compliance with relevant environmental planning instruments, plans and guidelines and justification for any non-compliance.
- Planning for Bushfire Protection Guidelines – NSW Rural Fire Service
- Draft Guidelines for Threatened Species Assessment – NSW Department of Environment and Conservation (DEC)

- Threatened Biodiversity Survey and Assessment: Guidelines for Development and Activities (DEC)
- Waste Management Plan (PCC)

**** Important Note ****

The pre-lodgement panel will endeavour to provide information which will enable you to identify issues that must be addressed in any application. The onus remains on the applicant to ensure that all relevant controls and issues are considered prior to the submission of an application.

Information given by the pre-lodgement panel does not constitute a formal assessment of your proposal and at no time should comments of the officers be taken as a guarantee of approval of your proposal.

It is noted that there is no Development Application before the Council within the meaning of the Environmental Planning and Assessment Act 1979. This response is provided on the basis that it does not fetter the Council's planning discretion and assessment of any Development Application if lodged. It is recommended that you obtain your own independent expert advice.

The response is based upon the information provided at the time of the meeting.