



Statement of Environmental Effects

Proposed Boundary Adjustment (Stages 2 and 3 – creation of 2 lots and 4 residue lots)

Lot 755 DP 1180111, Lot 51 DP 1188905, O'Connell Street, Caddens

October 2016

Legacy Property



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1 Introduction

1.1 Overview

Stimson and Baker Planning has been engaged by Legacy Property to prepare a Statement of Environmental Effects in relation to a proposed boundary adjustment to create super lots for their impending residential development. The lots that are the subject of this application are Lot 755 DP 1180111, Lot 51 DP 1188905. Four residue lots will be created because of this application.

No physical works are required by this application.

The proposed boundary adjustment will enable the most appropriate staging and sequencing of the subdivision works that will be the subject of a future subdivision.

The site is zoned *R1 General Residential* under *Penrith Local Environmental Plan 2010* and the proposal is permissible with consent.

The proposal is defined as *development* in Section 4 of the *Environmental Planning and Assessment Act 1979* (EPA Act). Section 76A of the EPA Act stipulates that the development must not be carried out on the subject site until consent has been obtained.

A very small portion of the site is mapped as being bushfire prone. Technically the application is for subdivision and as such, it is considered the integrated development provisions are triggered and there is a need to obtain general terms of approval from Rural Fire Service NSW.

This report describes the proposed development and subject site in detail and undertakes an assessment of the proposal against the relevant aims, objectives and development provisions of Council's LEP and DCP, and Section 79C(1) of the EPA Act.

1.2 Report Structure

This Statement of Environmental Effects is structured as follows:

- Section 1: Introduction – provides an overview of the proposal, planning history for the site and background to the application.
- Section 2: The Site and Surrounds – provides an analysis of the subject site, development within the locality and a consideration of the local and regional context.
- Section 3: Development Proposal – provides a detailed description of the proposed development and its characteristics.
- Section 4: Statutory Context – provides for consideration of the proposal against the specific planning instruments and policies that are applicable.

- Section 5: Section 79C Assessment – provides an assessment against section 79C of the EPA Act.
- Section 6: Conclusion and Recommendation – summarises the report and presents a recommendation.

1.3 History of the Application

1.3.1 Pre-lodgement Meeting

There have been ongoing discussions with Council in relation to the development of this land. These discussions have included references as to how the site would be staged and sequenced. This application allows the project to be delivered effectively and efficiently and is consistent with the discussions held to date with Council.

1.4 Legislation, Environmental Planning Instruments and Policies to be considered

- *Penrith Local Environmental Plan 2010*
- *Penrith Development Control Plan 2014*

1.5 Consent Authority

The consent authority for this application is Penrith City Council.

1.6 Sequencing of Applications for this Estate

The complex arrangements of existing lots making up the subject site requires several applications to be considered by Council. The following diagram shows clearly how the development super lots are proposed to be created.

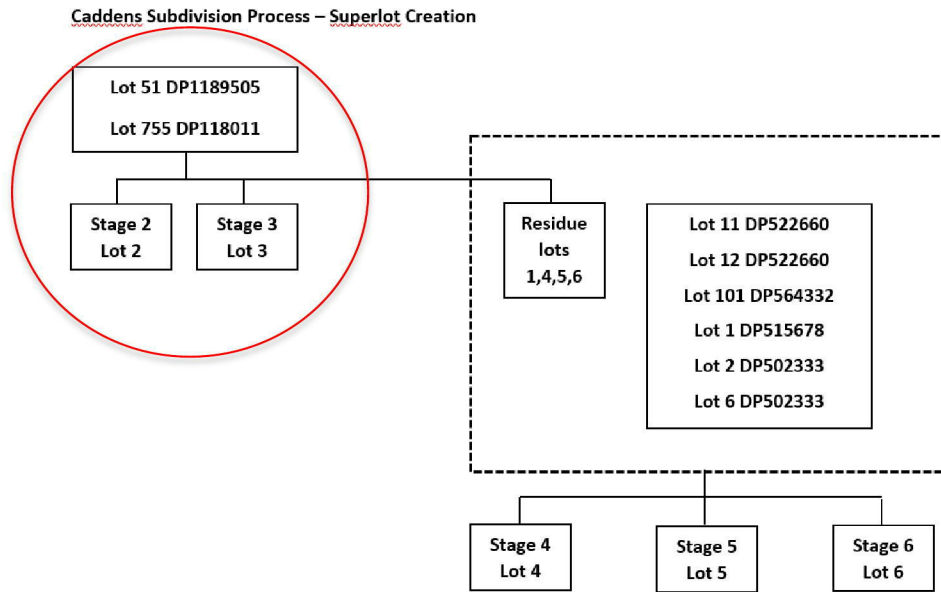


Figure 1 Super Lot Creation – this application is circled in red

2 The Site and Surrounds

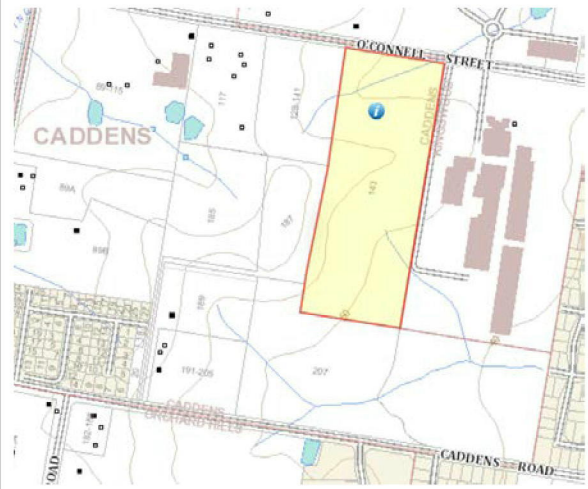
2.1 The Subject Site and Surrounds

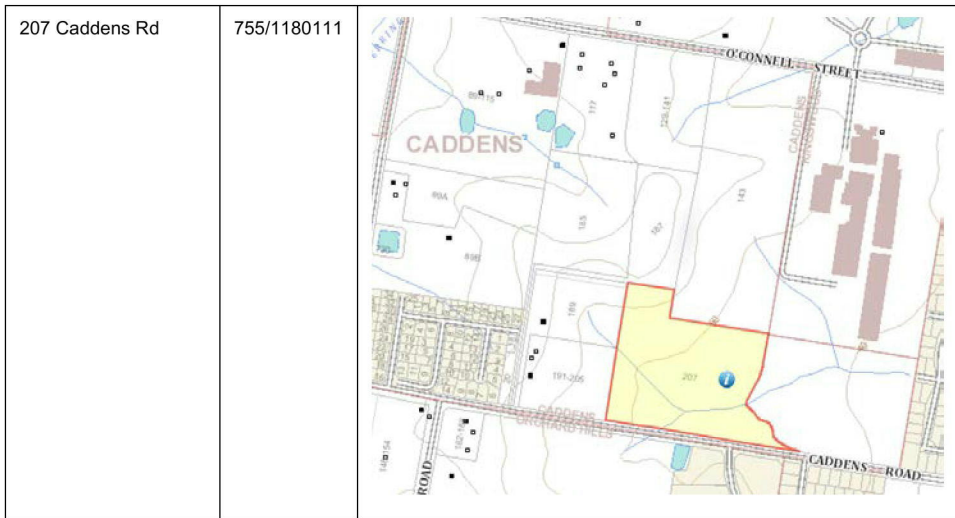
In its entirety, the subject site is over 30 hectares in area, with frontages to both O'Connell Street and Caddens Road.



Figure 2 Overall subject site

This application for the creation of super lots however comprises the following parcels.

Address	Lot/DP	
143 O'Connell St	51/1189505	



As this locality is a residential release area, the surrounds are characterised as rural residential however there is increased development activity occurring.

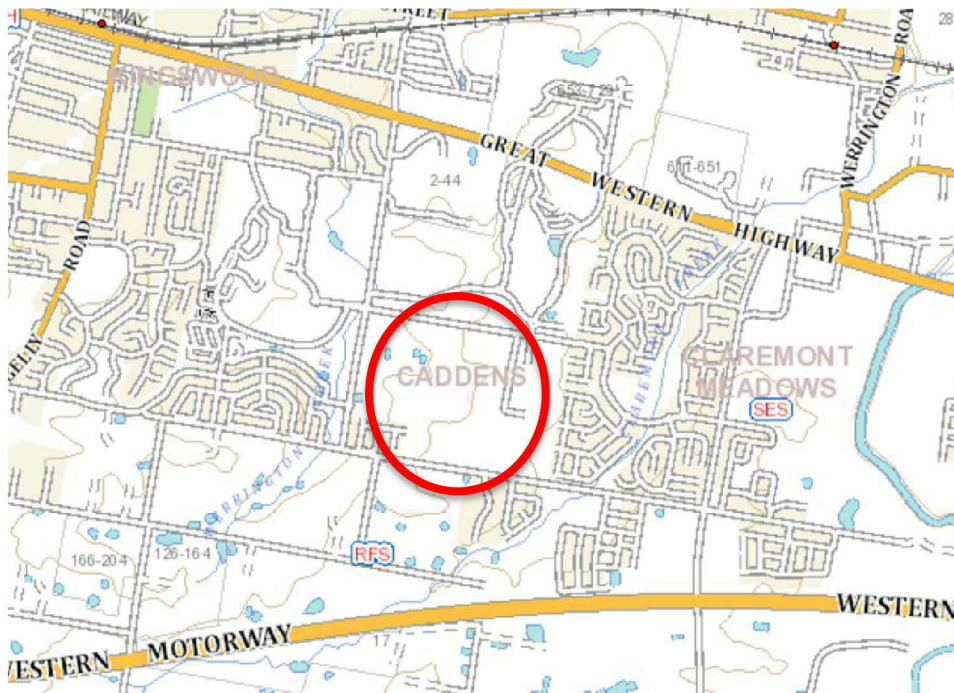


Figure 3 Surrounding locality

3 Development Proposal

3.1 Details of the Proposal

This application seeks consent for the realignment of various lot boundaries to create development super lots. This will assist in the staging and sequencing of the overall estate development. The staging has been heavily influenced by the client's program of acquisition and when various allotments are being settled on.

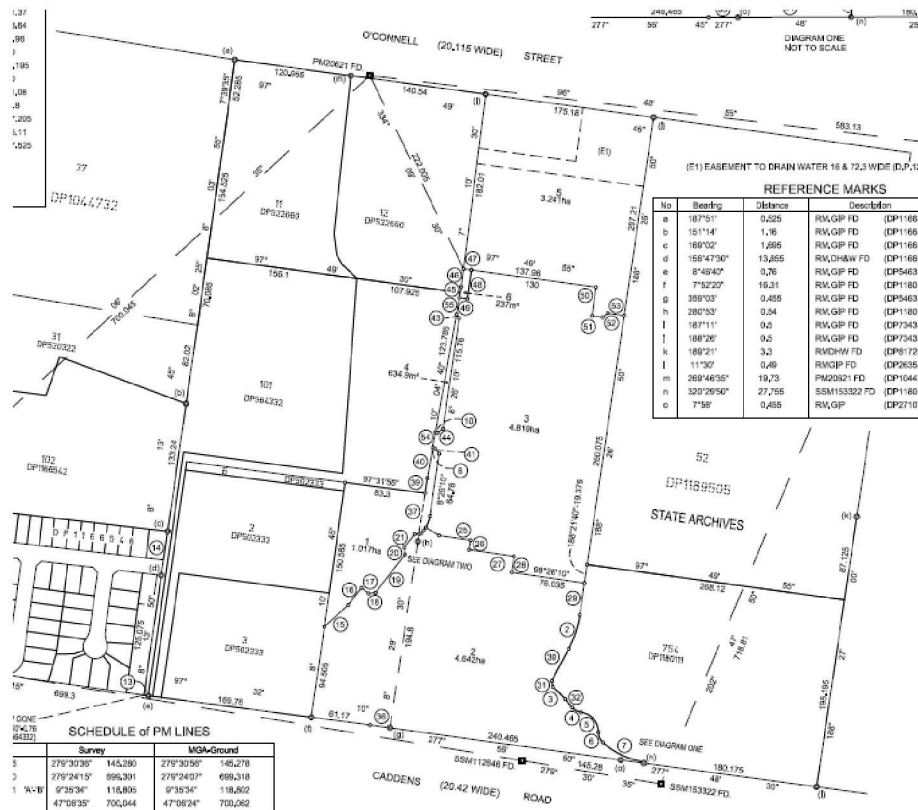


Figure 4: Proposed Plan of Subdivision

No physical works are proposed as part of this application.

No lots are created for additional dwelling houses. The overall development of the estate will be the subject of a future development application.

Four residue lots would be created because of this application.

4 Statutory Context

The following section provides an assessment of the proposed development against the relevant planning instruments and policies.

4.1 Rural Fires Act 1997

The site is mapped as being bushfire prone. Technically the application is for subdivision and so it is therefore considered to be integrated development. General terms of approval will be required to be issued by the RFS prior to the determination of this application.



Figure 5 Bushfire Prone Land Map Extract

4.2 State Environmental Planning Policy No 55 – Remediation of Land

Under Clause 7(1)(A) the consent authority must not consent to a development application unless consideration has been given to whether the land is contaminated. As no works are proposed, an assessment against the provisions of this SEPP is not considered to be necessary.

4.3 Sydney Regional Environmental Plan No 20 – Hawkesbury Nepean River

The aim of SREP 20 is to protect the Hawkesbury-Nepean River system by ensuring that the impacts of future land uses are considered in a regional context.

No works are proposed so detailed consideration of this SEPP is necessary.

4.4 Penrith Local Environmental Plan 2010

The LEP is the primary environmental planning instrument relating to the proposed development. The objectives of the LEP are as follows:

- (a) *to provide the mechanism and planning framework for the management, orderly and economic development, and conservation of land in Penrith,*
- (b) *to promote development that is consistent with the Council's vision for Penrith, namely, one of a sustainable and prosperous region with harmony of urban and rural qualities and with a strong commitment to healthy and safe communities and environmental protection and enhancement,*
- (c) *to accommodate and support Penrith's future population growth by providing a diversity of housing types, in areas well located with regard to services, facilities and transport, that meet the current and emerging needs of Penrith's communities and safeguard residential amenity,*
- (d) *to foster viable employment, transport, education, agricultural production and future investment opportunities and recreational activities that are suitable for the needs and skills of residents, the workforce and visitors, allowing Penrith to fulfil its role as a regional city in the Sydney Metropolitan Region,*
- (e) *to reinforce Penrith's urban growth limits by allowing rural living opportunities where they will promote the intrinsic rural values and functions of Penrith's rural lands and the social well-being of its rural communities,*
- (f) *to protect and enhance the environmental values and heritage of Penrith, including places of historical, aesthetic, architectural, natural, cultural, visual and Aboriginal significance,*
- (g) *to minimise the risk to the community in areas subject to environmental hazards, particularly flooding and bushfire, by managing development in sensitive areas,*
- (h) *to ensure that development incorporates the principles of sustainable development through the delivery of balanced social, economic and environmental outcomes, and that development is designed in a way that assists in reducing and adapting to the likely impacts of climate change.*

It is submitted that the proposed development is not inconsistent with these objectives.

The subject site is zoned *R1 General Residential*. The objectives of the R1 zone are:

- *To provide for the housing needs of the community.*
- *To provide for a variety of housing types and densities.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To ensure that a high level of residential amenity is achieved and maintained.*
- *To ensure that new development reflects the desired future character and dwelling densities of the area.*

The proposed development is not inconsistent with the objectives of the zone.
 Approval of this application will allow future development applications to be lodged that will satisfy the objectives of the zone.

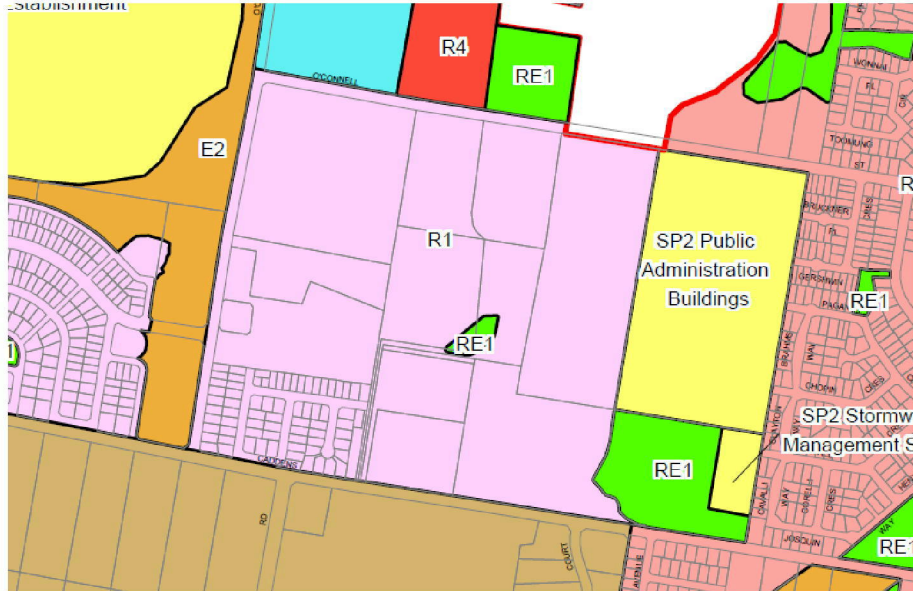


Figure 6 Land zoning

Subdivision is permissible under the LEP. The following relevant clauses have also been considered in respect of this development proposal.

Part 4 Principal Development Standards:			
Standard	Permitted	Proposed	Comment
4.1 Minimum subdivision lot size:			This application is for the creation of development super lots. They achieve technical compliance with the LEP but more importantly, establish the parcels for future subdivision applications.
4.2 Rural Subdivision:	N/A		
4.3 Height of Buildings:	N/A		
4.4 Floor Space Ratio	N/A		
4.5 Calculation of Floor Space Ratio and site area	N/A		
4.6 Exceptions to development standards	N/A		

Part 5 Miscellaneous Provisions	
Provision	Comment
5.1 Relevant acquisition authority	N/A
5.2 Classification and reclassification of public land	N/A
5.3 Development near zone boundaries	N/A

5.4	Controls relating to miscellaneous permissible uses	N/A
5.5	Development within the coastal zone	N/A
5.6	Architectural roof features	N/A
5.7	Development below mean high water mark	N/A
5.8	Conversion of fire alarms	N/A
5.9	Preservation of trees and vegetation	N/A
5.10	Heritage conservation	N/A
5.11	Bush fire hazard reduction	A bushfire assessment report is accompanying this application and is to be considered in its assessment.
5.12	Infrastructure development and use of existing buildings of the Crown	N/A
5.13	Eco-tourist facilities	N/A
Part 6 Urban release areas		
Provision		Comment
6.1	Arrangements for designated State public infrastructure	N/A
6.2	Public utility infrastructure	N/A
6.3	Development control plan	N/A
6.4	Relationship between Part and remainder of Plan	N/A
6.5–6.19 (Repealed)		N/A
Part 7 Additional Local Provisions		
Provision		Comment
7.1	Earthworks	N/A
7.2	Flood planning	N/A
7.3	Development on natural resources sensitive land	N/A
7.4	Sustainable Development	N/A
7.5	Protection of scenic character and landscape values	N/A
7.6	Salinity	N/A
7.7	Servicing	N/A
7.8	Active street frontages	N/A
7.9	Development of land in flight path of proposed Second Sydney Airport	N/A
7.10	Dual occupancies and secondary dwellings in certain rural and environmental zones	N/A
7.11	Penrith Health and Education Precinct	N/A
7.12	Maximum gross floor area of commercial premises	N/A
7.13	Exhibition homes limited to 2 years	N/A

7.14	Cherrywood Village	N/A
7.15	Claremont Meadows	N/A
7.16	Glenmore Park Stage 2	N/A
7.17	Dwelling houses on certain land in Castlereagh, Cranebrook, Llandilo, Londonderry, Kemps Creek and Mulgoa	N/A
7.18	Mulgoa Valley	N/A
7.19	Villages of Mulgoa and Wallacia	N/A
7.20	Orchard Hills	N/A
7.21	Twin Creeks	N/A
7.22	Waterside Corporate	N/A
7.23	Location of sex services premises and restricted premises	N/A

4.5 Penrith Development Control Plan 2014

Whilst the Penrith DCP contains specific provisions relating to the Caddens urban release area, those controls are not considered applicable for this super lot subdivision application.

The DCP will be considered in details as part of future subdivision and estate development applications.

5 Section 79C Assessment

An assessment of the proposal has been undertaken in accordance with the statutory requirements of the EPA Act. The following assessment against Section 79C of the EPA Act has been undertaken.

5.1 Section 79C(1)(a)(i) – Any Environmental Planning Instruments

The relevant environmental planning instruments have been considered earlier in this report.

The proposal is permissible with consent and is considered satisfactory when assessed against the relevant requirements.

5.2 Section 79C(1)(a)(ii) – Any Draft Environmental Planning Instrument

There are no known draft Environmental Planning Instruments applicable to the subject site.

5.3 Section 79C(1)(a)(iii) – Any Development Control Plan

Compliance against the relevant DCP's has been considered earlier in this report.

5.4 Section 79C(1)(a)(iiia) – Any Planning Agreement or Draft Planning Agreement entered into under Section 93f

There are no known planning agreements that apply to the site or development.

5.5 Section 79C(1)(a)(iv) – The Regulations

There are no sections of the regulations that are relevant to the proposal at this stage.

5.6 Section 79C(1)(b) – The Likely Impacts of the Development

No physical works are proposed as part of this development application. Accordingly, it is submitted there will be no likely impacts arising as a result.

5.7 Section 79C(1)(c) – The Suitability of the Site

The proposal is generally consistent with the planning controls that apply in this zone. Moreover, the objectives of the zone have been satisfied, ensuring that the proposal would not result in any unacceptable impact on any adjoining landowners or buildings.

For the reasons outlined in this report the site is considered suitable for this development proposal.

5.8 Section 79C(1)(d) – Any Submission Made

Council will undertake a notification process in accordance with its controls and policies. We welcome the opportunity to provide additional information in response to those.

5.9 Section 79C(1)(e) – The Public Interest

Given the type of development, its general compliance with the planning controls, how the objectives are satisfied and the suitability of the site it is considered that the public interest would not be jeopardised as a result of this development.

6 Conclusion and Recommendation

The proposed subdivision has been assessed against the requirements of the Penrith LEP and DCP and is considered to represent a form of development that is acceptable.

The proposal is for the purposes of super lot creation and no physical works are required. The proposal would not result in any unacceptable impact on the locality.

An assessment against section 79C of the EPA Act has not resulted in any significant issues arising.

Accordingly it is recommended that the application be approved.