



Statement of Environmental Effects

Construction of the Caddens Eastern Hilltop Park

O'Connell Street, Caddens

June 2017

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 the proposed Caddens Eastern Hilltop Park. Originally identified within the documentation accompanying DA16/1166 as proposed Lot 498 within Stage 4, the Park was deferred from that application. In the Notice of Determination dated 3 March 2017, Condition No. 3 read:

3. Prior to the issue of a Subdivision Certificate for Stage 4, a separate development application is required to be submitted to and approved by Council for the landscape embellishment of the Hilltop Park. The park is required to be completed prior to the release of the final Subdivision Certificate.

In essence, that consent approved the location and size of the park in the context of the surrounding road network, however the finer detail of its design and composition are now the subject of this application.

The site is zoned *RE1 Public Recreation* and *R1 General Residential*, the applicable environmental planning instrument is *Penrith Local Environmental Plan 2010* and the proposal is permissible with consent. It is noted that Council is intending to amend the zoning maps in the next LEP 'housekeeping' amendments to reflect the approved park boundary.

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.

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

Landscape embellishment of the Hilltop Park was originally proposed as part of the documentation lodged as DA16/1166. Whilst the size, location and configuration of the park was approved, the landscape embellishment was deferred through Condition No. 3 within the consent. That condition required a separate development application to be lodged.

Discussions with Council’s Landscape Architecture team have been undertaken since that time and the design presented as part of this application reflects those discussions.

1.4 Supporting Documentation

The proposal is accompanied by the following documentation:

Documentation	Prepared By
Landscape Masterplan Report	Place Design Group

1.5 Legislation, Environmental Planning Instruments and Policies to be considered

- *State Environmental Planning Policy No 55 – Remediation of Land*
- *Sydney Regional Environmental Plan No 20 – Hawkesbury Nepean River*
- *Penrith Local Environmental Plan 2010*
- *Penrith Development Control Plan 2014*

1.6 Consent Authority

The consent authority for this application is Penrith City Council.

2 The Site and Surrounds

2.1 The Subject Site and Surrounds

The subject site of this application was identified as proposed lot 498 in the approved subdivision of stage 4 (DA16/1166).

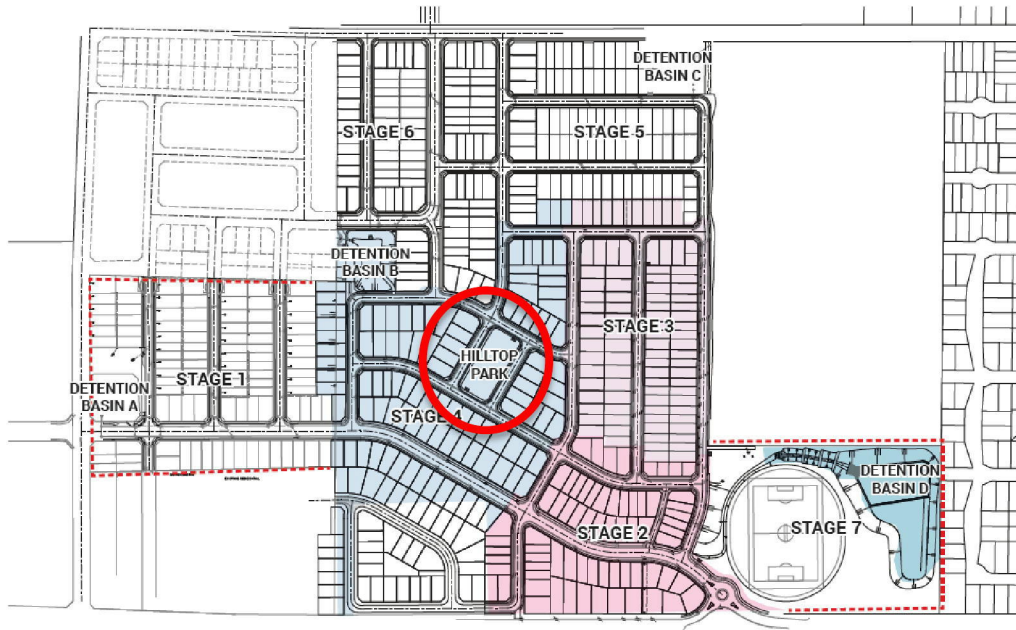

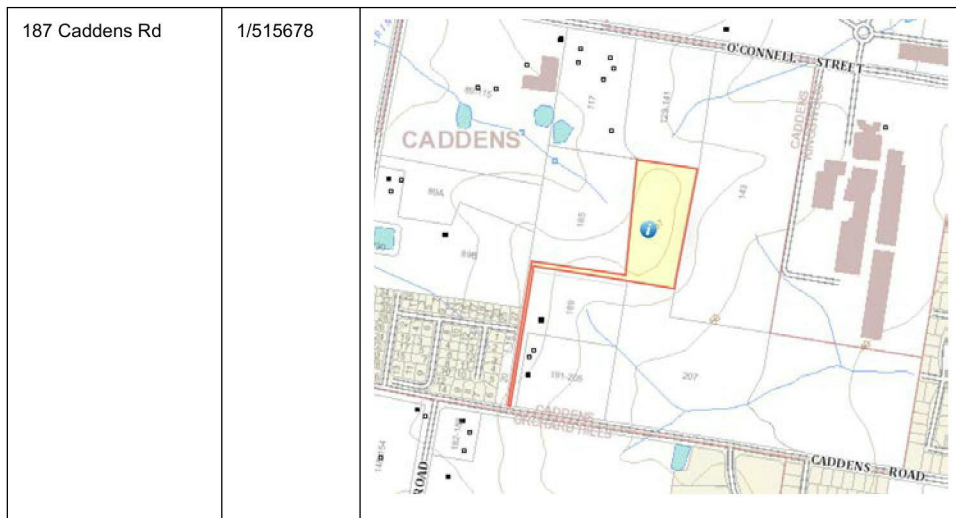


Figure 1 Subject site

Presently, the site location of this application however comprises the following multiple lots as indicated on the SIX Maps website.

Address	Lot/DP	
185 Caddens Rd	101/564332	



The site is some 0.35ha in area, is to be bounded by road on all sides, and will be surrounded by residential development.

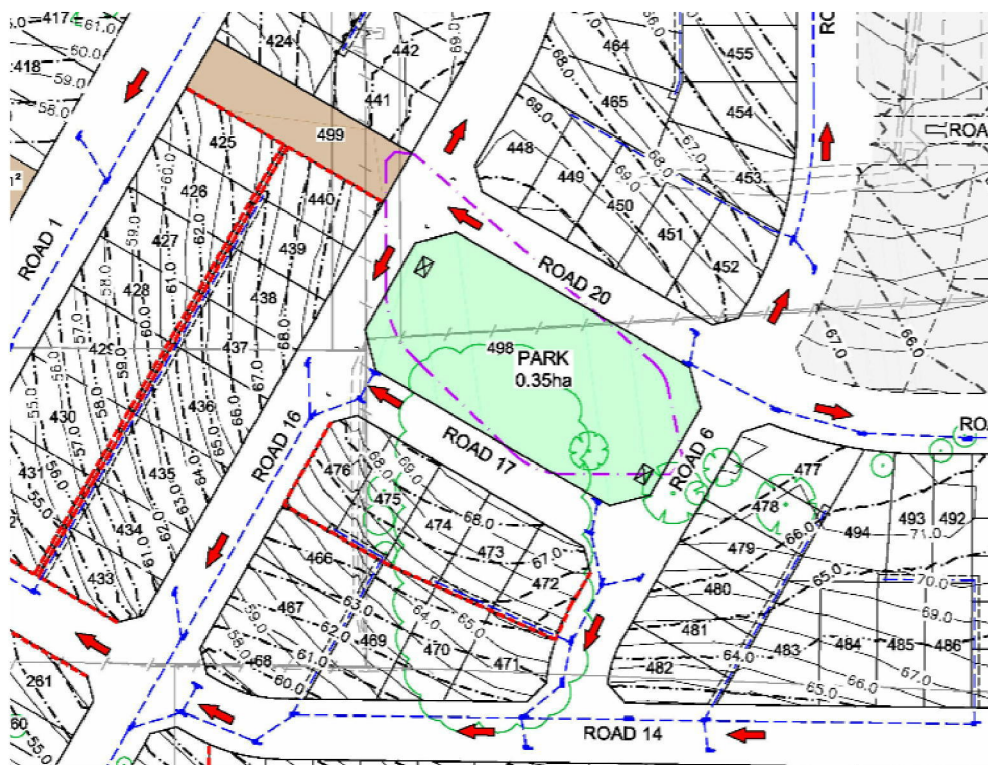


Figure 2 Surrounding approved cadastre

Topography

The design of the park has been conceived to celebrate the hilltop using the existing topography as an asset to the extent possible, while acknowledging this creates such challenges for accessibility.

Vehicular Access

Vehicular access is currently available from Caddens Road and O'Connell Street.

Utilities and Services

There are existing reticulated sewer, water and electricity services to or near the site.

Vegetation

Some vegetation is found on the site however it is not considered to be significant and is proposed to be removed. Vegetation removal has already been approved under previous DA's on the site.

3 Development Proposal

3.1 Objectives of the Proposal

This application seeks consent for the detailed landscape embellishments of the proposed Hilltop Park. Whilst the location and configuration of the park has already been approved, the detailed landscape response is included within this application.

The objectives¹ of this application include:

- Provide high quality, low maintenance public domain which affords the community with a high level of amenity and creates a strong sense of place for the development.
- Provide an exciting adventure play area that utilises the changes in level at the Hilltop Park and complements the native revegetation to the east. Equipment could include slides, climbing nets and rope systems.
- Ensure the views are maximised from key areas in the Hilltop Park.
- Ensure that the existing woodland is revegetated and revitalised in order to provide a habitat for native fauna whilst also reinforcing the 'woodland' character of the park.

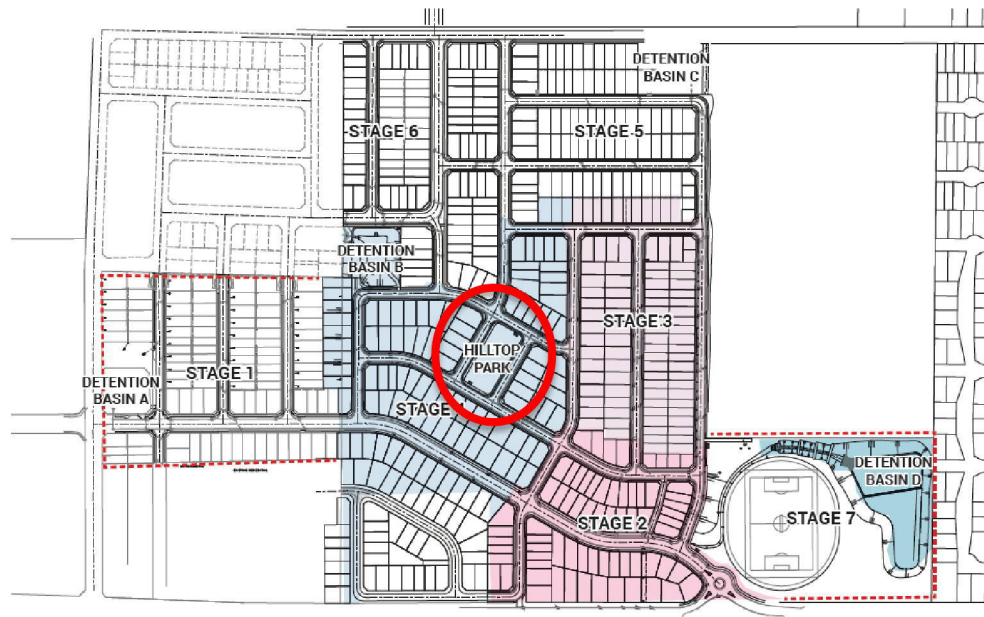


Figure 3 Location of the park within the staging plan

¹ Landscape DA Report – Place Design Group



Figure 4: Park design

3.2 Details of the Proposal

As outlined in the Landscape DA Report, the proposed Hilltop Park design reflects and responds to the criteria outlined throughout the DCP where possible. The ‘*native woodland and potentially significant trees*’ identified in the DCP cannot be retained due to the requirements of new road levels. In return, an area of endemic native revegetation has been identified aiming to create a new woodland. The commemoration of site specific heritage items, accessibility, seating, native plant species and a viewing platform have also been taken into consideration.

The park has been designed to include:

- *Active play area making the most of the change in level (5m) which includes slides, mounded soft-fall (all abilities suitable) and rope climbing elements*
- *Terraced walling/Timber sleeper steps at various angles to both sides of the soft-fall zone*
- *Step access to the Hilltop from the south east and access to the shelter via steps to the west of the park*
- *Accessible path to the top of the sloped play area*
- *Hilltop shelter and pergola structure with furniture*
- *Open active lawn area to the north*
- *Passive lawn to the south*
- *Revegetated area to the east of the park*
- *Bicycle parking hoops to the south*
- *Remnant materials used in the design of the pavement where feasible*
- *Interpretive elements reflecting the former homestead*

The park will contain low maintenance, robust planting and hardscape materials in accordance with Penrith City Council maintenance capabilities and guidelines

Topography

The park will be graded to accommodate a range of activities and users. The design is sympathetic to the surrounding landform.

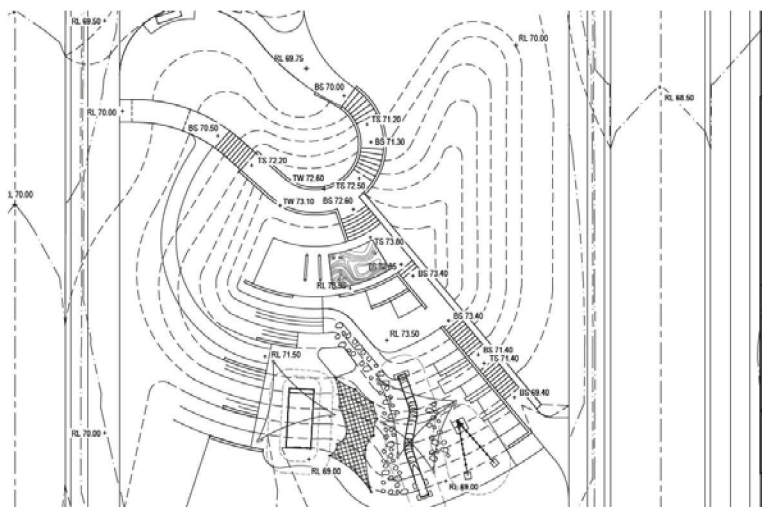


Figure 5 Extract from Grading Plan



Figure 6 Section through the park

Accessibility

An access review was submitted as part of the previous application. The principles of the review have been retained in this revised application, however some elements have been reviewed following comments from Council and also part of the cost review.

Signage

Signage is proposed as part of the interpretation of the previous uses of the site and ecological history. Details are provided in the Landscape DA Report.

Archaeological Ruins

Whilst not listed as an item of environmental heritage, the proponent will take the opportunity to utilise some of the existing artefacts on the site and incorporate them into materials used for the park.

Park Furniture

A range of seating, pergola and shade structures, and bin enclosures are proposed consistent with previous discussions with Council staff.

Stormwater Drainage

Design analysis has confirmed that formal drainage structures are not required within the park. Minor local run-off can be managed within areas of planting and turf.

3.2.1 Revegetation Strategy

Importantly, an area of re-vegetation is proposed to meet the requirements of the DCP. The area incorporates a range of endemic native species, understory and canopy the includes provenance stock². These are detailed in the accompanying Landscape DA Report.

² Landscape DA Report

4 Statutory Context

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

4.1 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. Over time assessments have been undertaken on the various allotments that are the subject of this application. The following table identifies the status of each lot and its corresponding assessment.

Existing Lot / DP	DCP Potentially Contaminated	Current Status of Contamination Investigations	Conclusion
Lot 101 DP564332	Yes	Site Audit Statement issued 2009 JBS&G completed a walkover to confirm there is no evidence of contamination since SAS issued	Site is suitable for residential uses
Lot 1 DP515678	Yes	Phase 2 ESA completed October 2016.	Site is suitable for residential uses

Matters relating to potential contamination were addressed under DA16/1166 and that consent contains conditions to be implemented before any works under this DA proceed.

In summary, the subject site satisfies the provisions of the SEPP and is considered suitable for the proposed development.

4.2 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.

Appropriate conditions of consent would normally be applied to any approval to ensure the health of the river system is not compromised by way of sediment or erosion from the works or use.

4.3 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 majority of the subject site is zoned RE1 Public Recreation. The objectives of the RE1 zone are:

- *To enable land to be used for public open space or recreational purposes.*
- *To provide a range of recreational settings and activities and compatible land uses.*
- *To protect and enhance the natural environment for recreational purposes.*
- *To ensure that development is secondary and complementary to the use of land as public open space, and enhances public use, and access to, the open space.*
- *To provide land for the development of services and facilities by public authorities for the benefit of the community.*

The proposed development is consistent with the objectives in that:

- Recreational and open space is provided for as a result of this application.
- The proposed recreational spaces are complementary to the residential development of the land.
- The wider Penrith community will benefit from the installation of the proposed recreational facilities.

Parts of the site are also zoned *R1 General Residential* although it is noted that Council will amend the zoning maps in the next LEP 'housekeeping' amendment to reflect the approved park boundary.

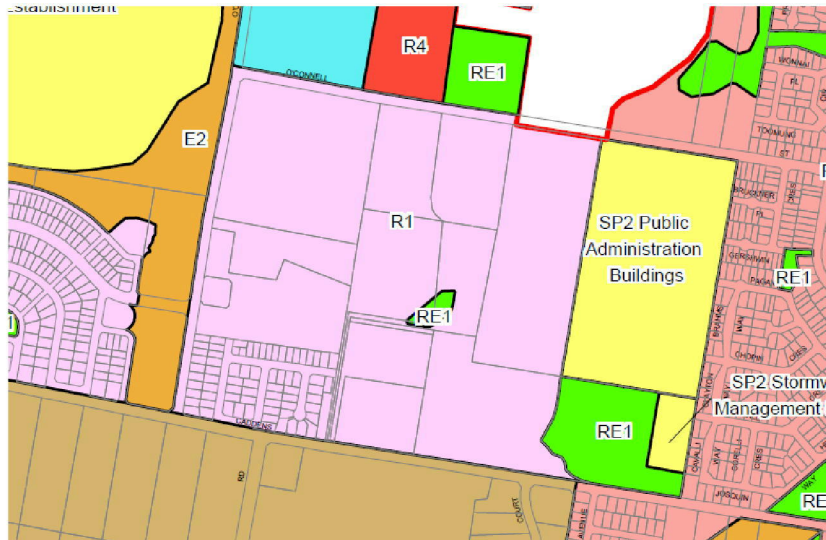


Figure 7 Land zoning

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:	N/A	N/A	-	
4.2 Rural Subdivision:	N/A	N/A	-	
4.3 Height of Buildings:	9m	<9m	All structures are well below 9m in height.	
4.4 Floor Space Ratio	N/A	N/A	-	
4.5 Calculation of Floor Space Ratio and site area	N/A	N/A	-	
4.6 Exceptions to development standards	N/A	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	The accompanying plans detail the vegetation that is proposed to be removed because of the topography of the land. The detailed landscape Master Plan indicates the embellishment that is proposed in its place.
5.10	Heritage conservation	N/A
5.11	Bush fire hazard reduction	N/A
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	The proposed development provides a vital piece of recreational infrastructure for this new release area.
6.3	Development control plan	The proposed development is generally consistent with the provisions of the Penrith DCP.
6.4	Relationship between Part and remainder of Plan	Noted
6.5–6.19	(Repealed)	N/A

Part 7 Additional Local Provisions		
Provision		Comment
7.1	Earthworks	Proposed earthworks were detailed in DA16/1166 and cover the subject land.
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

4.4 Penrith Development Control Plan

Development Control Plans contain finer grain planning controls in respect of specific development types. The following *relevant* Parts of Penrith DCP 2014 specifically relates to development at Caddens and are considered in detail below.

Part E1: Caddens	
Control	Comment
<p>1.2.1 Urban Structure</p> <ol style="list-style-type: none"> 1) The principal land use at Caddens will be residential. The residential areas will be located on either side of a linear riparian corridor and around open space areas on hilltops and ridges. 2) The location of the Precinct Centre, riparian corridor and active open space will provide focal points for the new community. 3) The Precinct Centre will form the hub of the WELL Precinct and serve the residential community, the university and TAFE community, and future employment areas. 4) Active and passive open spaces will be distributed throughout Caddens and integrate with the natural features of the Werrington Creek riparian corridor. 5) The area will be legible and highly accessible and incorporate a bus route, cycle routes and walking tracks. 6) Higher density forms of housing will be located in close proximity to the Precinct Centre and other areas of higher amenity. 7) Caddens Road is to function as a rural road segmented by strategic closures. 8) Development facing and accessing Caddens Road will contain larger, wider lots that provide a transition between the new urban area and the rural landscape to the south. 9) Views to and vistas from the hilltops will be protected by way of lower rise development and revegetated open space. 	<p>The proposed location and configuration of the Hilltop Park was confirmed in the approval of DA16/1166. This application is consistent with that approval.</p>

<p>1.2.2 Character Area Design Principles</p> <p>Hilltops</p> <p>The hilltops will be characterised by open space and sensitively designed residential development on generally larger lots that respond to the undulating landform while creating an opportunity for visual connections to the ridge line and hilltop parks.</p> <p>Development is to:</p> <ol style="list-style-type: none"> 1) Respond to the topographical constraints. 2) Provide, where possible, opportunities for views to hilltops and ridges. 3) Minimise the height, bulk and scale of dwellings on steep slopes when viewed individually and collectively both from within and outside the locality. 4) Provide appropriate residential amenity, particularly with respect to visual privacy and the relationship between dwellings. 5) Provide pedestrian and cyclist links to public open space. 	<p>The proposed landscaping theme is consistent with existing approvals in the precinct and is acceptable in the context of the DCP.</p>
<p>1.3.1 Street Network and Design</p>	<p>The proposal does not alter the already approved street layout. The location of the park was confirmed in the approval of DA16/1166.</p>
<p>1.3.2 Street Furniture and Public Art</p> <p>Controls</p> <ol style="list-style-type: none"> 1) Public art may be freestanding art objects or works integrated into building facades, other built edges, water courses and landscaping adjoining public spaces. 2) Street furniture is to enhance pedestrian comfort, convenience and amenity and to form an integral element of the streetscape. 3) The provision of street furniture in public spaces must include, as appropriate: <ol style="list-style-type: none"> a) Seats. b) Litter bins. c) Drinking fountains. d) Lighting. e) Information signs. f) Bicycle racks. g) Planter boxes. h) Other items suitable to the function of each public space. 4) Street furniture throughout precincts should be consistent in design and style. 5) Street furniture is to be located so as not to impede mobility, in accordance with A51428:1-4. 6) Location and detailing of all proposed street furniture and public art is to be indicated on the Landscape Plans submitted with Development Applications. 	<p>Appropriate street furniture and installations are proposed on the Hilltop Park. Details are within the Landscape Master Plan Report.</p>
<p>1.3.3 Pedestrian and Cycle network</p>	<p>The approved pedestrian and cycle network is not altered as a result of this application.</p>
<p>1.3.5 Open Space, Environmental Conservation and Landscape Network</p>	<p>A Comprehensive response to this part of the DCP is provided within the Landscape Master Plan Report.</p> <p>The design incorporates the broader objectives sought and generally complies with the controls identified.</p>

It is submitted that the proposed generally satisfies the controls within the Penrith DCP and can be supported by Council.

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 adopted planning agreements that apply to the site or development. However, it is noted that a Voluntary Planning Agreement is currently being finalised with Council in respect of the wider estate.

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

The following impacts have been considered in the preparation of this development proposal.

5.6.1 Flora and Fauna

There are no negative impacts expected in this regard. The proposal includes a revegetation strategy that incorporates an area of endemic native species, understory and canopy.

5.6.2 Stormwater and Flooding

Design analysis has confirmed that formal drainage structures are not required within the park. Minor local run-off can be managed within areas of planting and turf.

5.6.3 Erosion and Sediment Control

It is expected that Council would impose appropriate conditions of consent to ensure that erosion and sediment control measures were installed on the site prior to construction commencing.

5.6.4 Traffic Generation and Parking

The proposed development will not alter the traffic assessment already accepted by Council as part of DA16/1166. No additional demand or generation is expected from a traffic or parking perspective.

5.6.5 Noise Impacts

No unacceptable noise emissions will be generated from the proposed development.

5.6.6 Heritage Issues

Whilst there are no formal heritage matters to be considered for this application, a heritage interpretation strategy is proposed for Hilltop Park in relation to the 'ruins' and historical evolution of the wider Caddens area.

5.6.7 Visual Impact

The proposed development will result in a high level of visual amenity in the locality for residents and users of the park.

5.6.8 Services

The site is appropriately serviced to allow for the proposed development.

5.6.9 Social and Economic

The recreational will result in a positive social impact for the neighbourhood. No unacceptable economic impacts are expected as a result of this application.

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

The proposed Hilltop park would not result in any unacceptable impact on the locality. Its design has been the subject of discussions with Council officers and is considered to represent an outstanding inclusion in the development of the wider Caddens area.

No unacceptable impacts are expected on nearby or adjoining dwellings.

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

Accordingly, it is recommended that the proposed development of the Caddens Eastern Hilltop park be approved.