



# cityscapeplanning+projects

## STATEMENT OF ENVIRONMENTAL EFFECTS

35 X LOT SUBDIVISION  
LOT 1672 CAPITOL HILL DRIVE, MT VERNON

JUNE 2013

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This report is provided to accompany a Development Application to be lodged on the subject land and is to be used for that purpose solely and for ('the client') exclusively. No liability is extended for any other use or to any other party. Whilst the report is derived in part from our knowledge and expertise, it is based on the conditions prevailing at the time of the Report and upon the information provided by the client.

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# SECTION 1: **SITE + DEVELOPMENT**

## 1.1 INTRODUCTION

*Cityscape Planning + Projects* has been engaged to prepare a Statement of Environmental Effects to accompany a Development Application (DA) to be submitted on the subject site. Plans and a completed DA form are provided separately.

The report has been compiled, through on ground investigations, research, analysis and discussion with planning officers from Penrith City Council and is to be read in conjunction with the accompanying DA form and plan of subdivision.

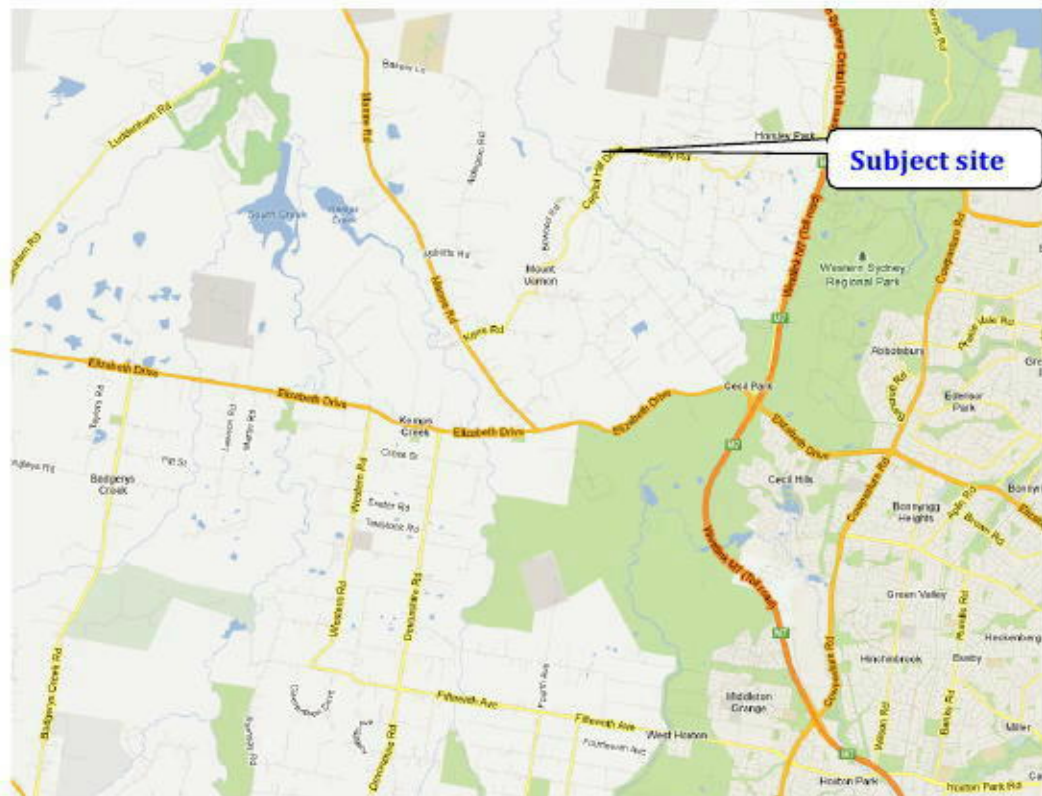
## 1.2 THE SUBJECT SITE

The subject site is a large irregular shaped parcel of land located on the north western side of Capitol Hill Drive, approximately 400m west of its intersection with Greenway Place. A plan showing the locality of the site is provided at figure 1.

The site is known as No. 19-105 Capitol Hill Drive, but has the following real property description:

**Lot:** 1672 **DP:** 855001

**FIGURE 1: LOCATION OF SITE**



## 1.3 DEVELOPMENT PROPOSAL

The applicant seeks Council consent for the subdivision of the subject site into 35 allotments. This represents Stage 9E of the Capitol Hill Subdivision.

The lots will be accompanied by 3 x new roads with a width of 17m and all proposed lots will have direct vehicular access to either Capitol Hill Drive or the proposed new roads.

The development also provides a 6m wide swale with pipes to drain water from the existing development to the east to the creek line to the west. It also provides an easement for the existing transmission line located on the western boundary.

The proposed subdivision plan is represented at Figure 2.

The proposed lots will have site areas as referenced at Table 1:

FIGURE 2: PROPOSED SUBDIVISION





**TABLE 1: SITE AREA FOR LOTS**

Lot No.	Lot Area (ha)	Lot No.	Lot Area (ha)
920	1	940	1
921	1	941	1
923	1	942	1.1
924	1	943	1
925	1	944	1
926	1	945	1
927	2.4576	946	1
928	1	947	1
929	1.25	948	1
930	1	949	1
931	1	950	1
932	1	951	1
933	1.0012	952	1
934	1.0021	953	1
935	1.0136	954	1
936	1		
937	1		
938	1.0189		
939	1.281		

## 1.4 STATUTORY SITUATION

The subject site is zoned as follows pursuant to Penrith LEP 2010:

- **Part E4 – Environmental Living**
- **Part E2 – Environment Conservation**

The lots size map that accompanies the relevant LEP provides a minimum lot size of 1 ha.

The development seeks to provide all proposed lots with a site area that either achieves or exceeds that minimum.

Therefore the proposed development is permissible under the statutory framework.

## 1.5 INTEGRATED DEVELOPMENT

The land is identified as 'bushfire prone land' on the relevant Bushfire Prone Land Map and the development proposes the subdivision of land for residential and rural-residential purposes. The development is therefore Integrated Development under s91 of the *Environmental Planning and Assessment Act 1979*.

## SECTION 2: **SITE ANALYSIS**

## 2.1 SITE DIMENSIONS

The site is a large irregular shaped parcel of land with a total area of approximately 41 ha. It has depth of approximately 900m on its northern boundary and rear boundary of approximately 1500m.

## 2.2 TOPOGRAPHY + DRAINAGE

The site and the broader area in which the site is located is represented as low undulating hills.

Contours are shown on the plans provided at Figures 2 and 3 and reveal the change in elevation the site and broader area experiences.

Analysis of these contours and spot levels reveal that the site has a high point of 90m AHD at its northern extend and then fall 22m to a low point of 68m AHD at the western boundary.

The low point of the site corresponds with the location of Ropes Creek which runs along that western boundary. The site also accommodates several dams. The location of the creek line and rural dams is identified in the topographic plan provided at Figure 3.

Photos of the site topographical feature are provided at Figures 5-8.

The location of the Ropes Creek at the western section of the site means the site is exposed to some flooding in the 1 in 100 year event.

FIGURE 3: SITE TOPOGRAPHY



FIGURE 4: AERIAL VIEWS OF SITE



FIGURE 5-6: SITE TOPOGRAPHY



FIGURE 7 ROPES CREEK



## 2.3 SOILS

The 1:100 000 Soil Landscape Series Sheet for Penrith (Bannerman & Hazelton 1990) indicates that the soils of the subject site belong to the Luddenham Soil Landscape.

This soil landscape have limitations related to erosion hazard and drainage, however, these hazards can be appropriately managed as part any subsequent construction phase to ensure no adverse impacts upon local or regional water quality.

## 2.4 FLORA & FAUNA

The site has undergone clearing as part of previous land use and development. However the site still retains scattered remnants of vegetation across the site as well as riparian type vegetation located within the Ropes Creek Corridor. Images of the coverage of vegetation on site and in the broader area are provided at the aerial photos at Figures 4, whilst photos of the cleared status of the site and vegetation are provided at Figure 5-7.

A detailed flora and fauna report is provided to address impacts associated with the development.

## 2.5 EXISTING DEVELOPMENT

The site is currently vacant and accommodates no built forms other than the transmission line towers located within the easement at the western boundary. An image of this is provided at Figure 7.

The remainder of the site is free of any development or land use.

## 2.6 ADJACENT DEVELOPMENT

The site sits within a fringe rural environment and is therefore adjoined by large rural-residential type dwellings to the east and south and more traditional rural type activities to the north and west.

The proximity of these dwellings to the subject site is evident in the aerial photo provide at Figure 8.



FIGURE 8: ADJACENT LAN USES



## 2.7 ABORIGINAL & EUROPEAN HERITAGE

A search of Council and NSW databases has confirmed that neither the subject site nor lands within the immediate vicinity of the site are identified as containing any identified items of Aboriginal or European heritage. Written confirmation of the absence of Aboriginal heritage is provided at Annexure A.

## **2.8 SERVICES & INFRASTRUCTURE**

Power and communication services are currently available to the site and it also site enjoys access to *Sydney Water's* reticulated water services, however no sewer services are available.

## **2.9 LOCAL VIEWSHEDS**

The site does not sit within any significant viewsheds, but does enjoy a pleasant rural type viewscape.

## **2.10 HAZARDS & NUISANCE**

The subject site identified as being bushfire prone on the relevant Council map held by Penrith City Council. An extract of that map is provided at Figure 9.

The site is also identified on the relevant airport noise map as being potentially affected by the Badgerys Creek Airport. This impact is addressed later in this report.

FIG 9: COUNCIL BUSHFIRE MAP



## SECTION 3: **STATEMENT OF ENVIRONMENTAL EFFECTS**

## **3.1 THE PROVISION OF ANY ENVIRONMENTAL PLANNING INSTRUMENT**

### **3.1.1 SREP NO. 20 - HAWKESBURY NEPEAN**

*Sydney Regional Environmental Plan No 20 (SREP 20)* is in place to protect the environment of the Hawkesbury-Nepean River system by ensuring that the impacts of future land uses are considered in a regional context.

It seeks to achieve this by providing a series of strategies and planning controls that all development must be considered against.

The proposed development is not in conflict with this objective, and it is considered that any risks relating to the protection of the Hawkesbury-Nepean River system would be considered and addressed through the implementation of any conditions of consent relating to erosion and sediment control, and stormwater runoff mitigation.

### **3.1.2 SEPP 55 – REMEDIATION OF LAND**

The object of this Policy is to provide for a State wide planning approach to the remediation of contaminated land. In particular, this Policy aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment:

- (a) by specifying when consent is required, and when it is not required, for a remediation work, and

(b) by specifying certain considerations that are relevant in rezoning land and in determining development applications in general and development applications for consent to carry out a remediation work in particular, and

(c) by requiring that a remediation work meet certain standards and notification requirements

The site is undeveloped and has no known use or likely previous use that would create a potential for contamination.

### **3.1.3 PENRITH LEP 2010**

The relevant provisions of the Penrith LEP 2010 are provided below together with an assessment against the relevant provisions:

#### **2.2 Zoning of land to which Plan applies**

The subject site is zoned part E2 Environmental Conservation and part E4 – Environmental Living. An extract of the relevant zoning map is provided at Figure 10.

#### **2.3 Zone objectives and land use table**

##### **Zone E4 – Environmental Living**

###### **1 Objectives of zone**

- To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values.
- To ensure that residential development does not have an adverse effect on those values.

- To minimise conflict between land uses within the zone and land uses within adjoining zones.
- To ensure land uses are compatible with the available infrastructure, services and facilities and with the environmental capabilities of the land.
- To preserve and improve natural resources through appropriate land management practices.

### **COMMENT**

The proposed subdivision represents a small and logical extension of the existing rural-residential settlement pattern.

The site analysis undertaken at Section 2 of this report reveals that the site accommodate limited features of ecological, or natural significance and as such there are no fundamental constraints to development of the site other than Ropes Creek Corridor.

The new dwelling opportunities created by the development are all provide clear of that Creek corridor and therefore cause no conflict with the zone objectives.

The site enjoys access to *Sydney Waters* reticulated water supply network as well as full suite of power and telecommunication services in addition to the local road network. The development is of a type and scale that would not exceed the carrying capacities of that infrastructure.

## **Zone E2 – Environmental Conservation**

### **1 Objectives of zone**

- To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values.
- To prevent development that could destroy, damage or otherwise have an adverse effect on those values.
- To protect, manage, restore and enhance the ecology, hydrology and scenic values of riparian corridors and waterways, wetlands, groundwater resources, biodiversity corridors, areas of remnant indigenous vegetation and dependent ecosystems.
- To allow for low impact passive recreational and ancillary land uses that are consistent with the retention of the natural ecological significance.

#### **COMMENT**

The environmental conservation zone corresponds with the alignment of the Ropes Creek corridor. The development does not seek to provide any roads or new building envelopes in close proximity to that corridor. Similarly, the development will manage all waste water without adverse impact to the local water quality and APZ's are provided without loss of remnant vegetation.

The development is therefore considered to be consistent with the relevant zone objectives.

#### **2.6 Subdivision—consent requirements**

##### **(1) Land to which this Plan applies may be subdivided, but only with consent.**

The subject Development Application seeks to obtain formal Development Consent for the subdivision of the site.



FIG 10: EXTRACT OF ZONING MAP

Zone

E4	Mixed Use
E1	National Parks and Nature Reserves
E2	Environmental Conservation
E3	Environmental Management
E4	Environmental Living
IN1	General Industrial
IN2	Light Industrial
RS	Large Lot Residential
RE1	Public Recreation
RE2	Private Recreation
RU1	Primary Production
RU2	Rural Landscape
RU4	Rural Small Holdings
RUS	Village
SP1	Special Activities
SP2	Infrastructure
W1	Natural Waterways
W2	Recreational Waterways

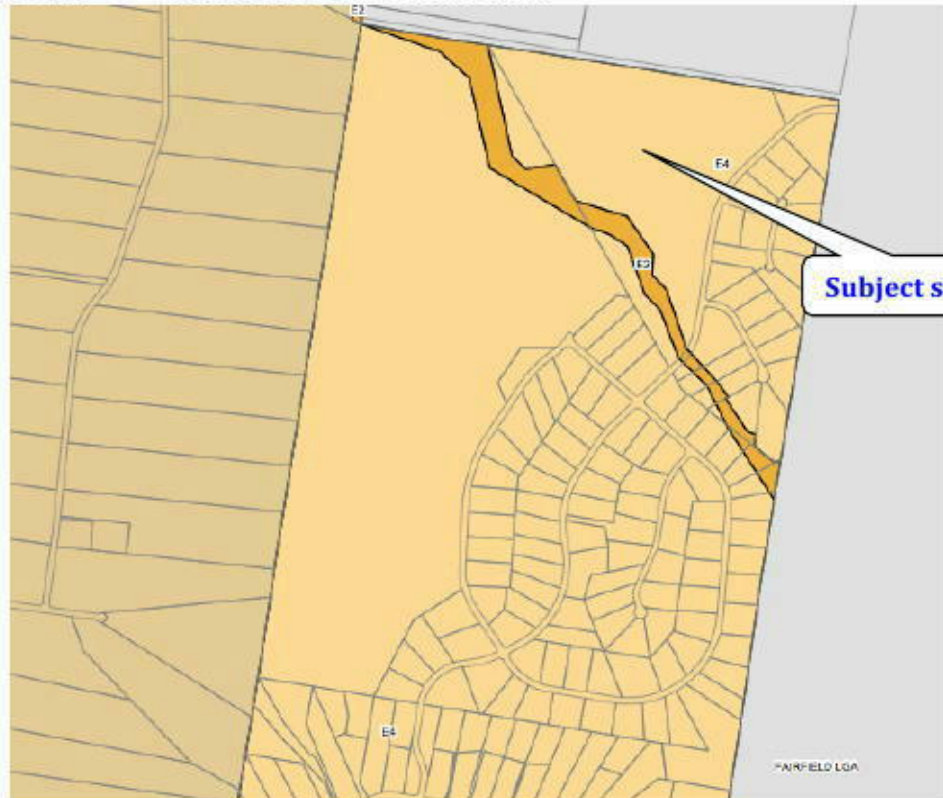


FIG 11: EXTRACT OF LOT SIZE MAP

Minimum Lot size (sq m)

K1	550
K2	560
U1	1000
U2	1200
V	2000
W	4000
X	6000
Y1	10000 (1 ha)
Y2	12500 (1.25 ha)
Z	20000 (2 ha)
AB1	200000 (20 ha)
AB2	400000 (40 ha)
AI	1000000+ (1000ha+)
□	Refer to clause 6.13 or 6.15



## **PART 4 PRINCIPAL DEVELOPMENT STANDARDS**

### **4.1 Minimum subdivision lot size**

**(3) The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the Lot Size Map in relation to that land.**

The Lot Size Map identifies the subject site as having a minimum lot size of 1 ha. An extract of the relevant lot size map is provided at Figure 11.

The subject development provides lots of a scale that all achieve or exceed the relevant standard.

### **6.3 Flood planning**

**(1) The objectives of this clause are as follows:**

- (a) to minimise the flood risk associated with the use of the land,**
- (b) to limit uses to those compatible with flow conveyance function and flood hazard,**
- (c) to manage uses to be compatible with flood risks,**
- (d) to enable safe and effective evacuation of land,**
- (e) to ensure the existing flood regime and flow conveyance capacity is not compromised,**
- (f) to avoid detrimental effects on the environment that would cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or waterways.**

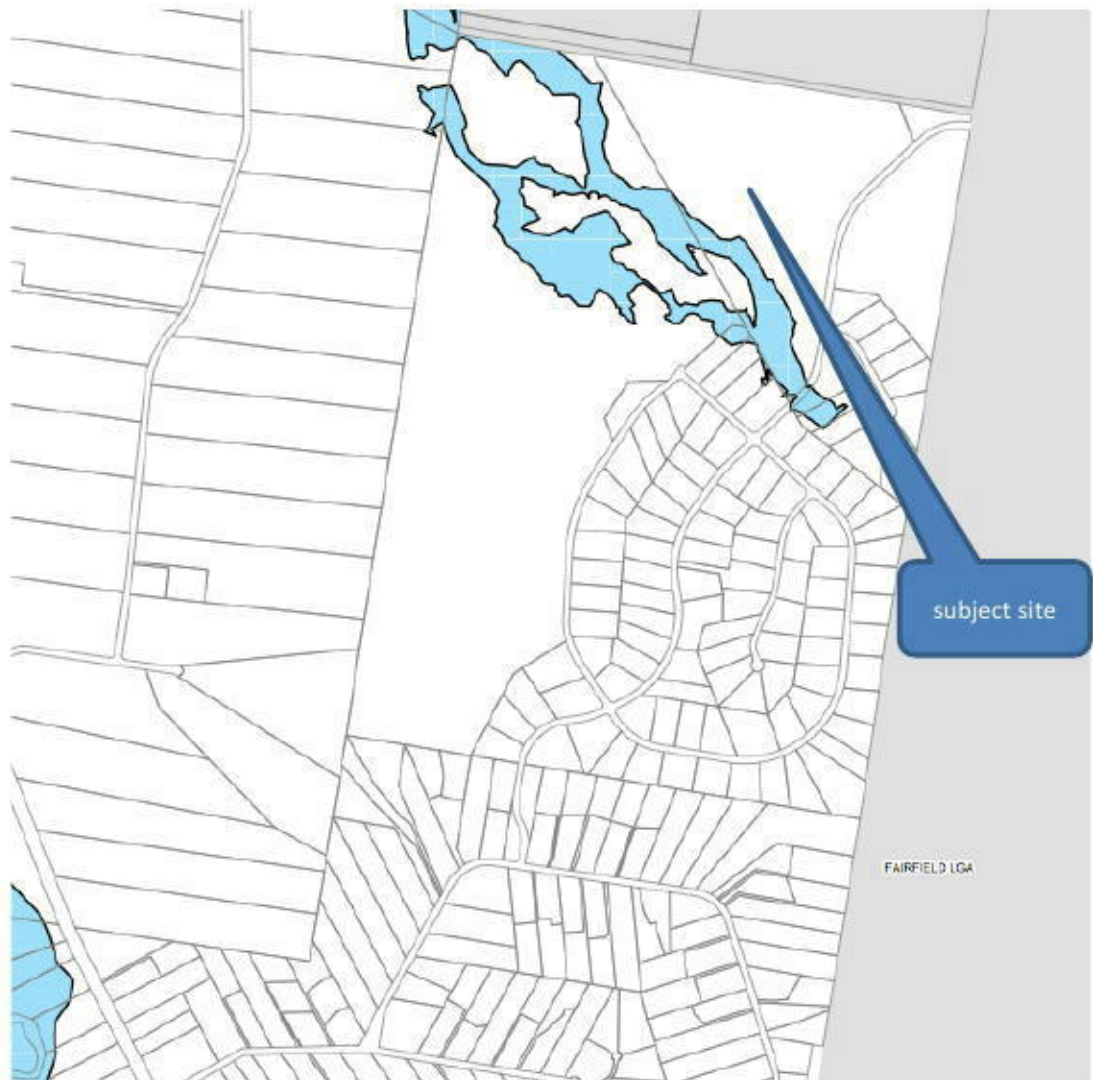
**(2) This clause applies to the following land:**

- (a) land shown as “Flood planning area” on the Flood Planning Land Map,**
- (b) other land at or below the flood planning level,**
- (c) land shown as “Flood Planning Land” on the Clause Application Map, generally being land surrounded by the flood planning area.**

The subject site is identified as being flood prone on the relevant Council LEP map. An extract of that map is provided at Figure 12.

However, all proposed lots are able to provide a building area above the flood prone area. Further, flood free vehicle access is also available to all lots via the proposed road and Capitol Hill Drive and ensures that safe and effective evacuation paths are available in the event of a flood larger than the standard flood event.

**FIG 12: EXTRACT OF FLOOD PLANNING LAND MAP**



#### **6.4 Development on natural resource sensitive land**

**(1) The objectives of this clause are as follows:**

- (a) to protect, enhance and manage the ecological, hydrological, scientific, cultural and aesthetic values of biodiversity and wildlife habitat corridors, natural water bodies and riparian land,**
- (b) to enhance connections between remnants of indigenous vegetation,**
- (c) to prevent the fragmentation and degradation of remnant vegetation,**
- (d) to ensure that clearing and other development is located and designed to avoid or minimise the impact on the ecological, hydrological, scientific, cultural and aesthetic values of biodiversity and wildlife habitat corridors, natural water bodies and riparian land.**

**(2) This clause applies to all land shown as “Natural Resources sensitive land” on the Natural Resources Sensitivity Land Map**

The subject site is not identified on the relevant Map as being Natural Resource Sensitive Land. This is demonstrated at Figure 13.

#### **6.5 Protection of Scenic character and landscape values**

**(1) The objectives of this clause are as follows:**

- (a) to identify areas that have particular scenic value either from major roads, identified heritage items or other public places,**
- (b) to ensure development in these areas is located and designed to minimise its visual impact.**
- (2) This clause applies to land identified as “Land with scenic and landscape values” on the Scenic and Landscape Values Map.**
- (3) Development consent must not be granted for any development on land to which this clause applies unless the consent authority is satisfied that measures will be taken, including in relation to the location and design of the proposed development, to minimise the visual impact of the development from major roads, identified heritage items and other public places.**

The subject site is not identified as being located within an area of scenic landscape values. An extract of this map is provided at Figure 14.

FIG 13: EXTRACT OF NRSL MAP



FIG 14: EXTRACT OF SCENIC LANDSCAPE VALUES MAP



## 6.6 Servicing

**(1) The objective of this clause is to ensure that development of land to which this Plan applies reflects the availability of services.**

**(2) Before granting development consent for development on any land to which this Plan applies, the consent authority must be satisfied that:**

**(a) the development will be connected to a reticulated water supply, if required by the consent authority, and**

The site and all proposed lots will have access to *Sydney Waters* reticulated water supply network.

**(b) the development will have adequate facilities for the removal and disposal of sewage, and**

Development of the proposed lots will have to be provided with a waste-water management system. A detailed On Site Waste Water Management report has been prepared and demonstrates that this system can be provided without adverse impact upon local or regional water quality.

**(c) if the development is for seniors housing, the development can be connected to a reticulated sewerage system, and**

Not relevant to the subject development proposal.

**(d) the need for public amenities or public services has been or will be met.**

The development will attract s94 contributions which will ensure that the demands for amenities and public services will be met.

**(3) Subclause (4) applies to land in Zone RU5 Village or Zone R5 Large Lot Residential that is not connected to a reticulated**

sewerage system provided by Sydney Water or licensed by the Council or the Environment Protection Authority.

- (4) Development consent must not be granted to a subdivision of land referred to in subclause (3) unless each resulting lot will have an area of at least 1 hectare.

Not relevant to the subject development proposal.

#### **6.14 Development of land in the flight paths of the site reserved for the proposed Second Sydney Airport**

(1) The objective of this clause is to ensure that development in the vicinity of the proposed Badgery's Creek airport site:

- (a) has regard to the use or potential future use of the site as an airport, and  
(b) does not hinder or have any other adverse impact on the development or operation of the airport on that site.

(2) Development consent is required for the erection of a building on land where the ANEF exceeds 20 if it is erected for residential purposes or for any other purpose involving regular human occupation.

(3) Development consent must not be granted to the following unless it meets the requirements of AS 2021—2000, Acoustics—Aircraft noise intrusion—Building siting and construction with respect to interior noise levels:

(a) residential accommodation on land where the ANEF exceeds 20,

(b) business premises, entertainment facilities, office premises, public administration buildings, retail premises and tourist and visitor accommodation on land where the ANEF exceeds 25.

(4) Development consent must not be granted to the following:

(a) development, on land where the ANEF exceeds 20, for the purposes of educational establishments, hospitals or places of public worship,

(b) development, on land where the ANEF exceeds 25, for the purposes of dwellings (other than development consisting of the alteration, extension or replacement of an existing dwelling house where the development is consistent with the objectives of this clause),

(c) development, on land where the ANEF exceeds 30, for the purposes of business premises, entertainment facilities, office

**premises, public administration buildings, retail premises or tourist and visitor accommodation.**

Parts of the site are identified as being located within the 20-25 ANEF contours. An extract of the relevant map is provided at Figure 15.

Accordingly there is a necessity for any future dwelling to meet the requirements of *AS 2021—2000, Acoustics—Aircraft noise intrusion—Building siting and construction with respect to interior noise levels.*

**FIG 15: EXTRACT OF ANEF MAP**





## **3.2 THE PROVISIONS OF ANY DRAFT PLANNING INSTRUMENT**

There are no known draft planning instruments relevant to the subject site.

## **3.3 THE PROVISIONS OF ANY DEVELOPMENT CONTROL PLANS**

The following provisions of the Penrith DCP 2010 are relevant to the consideration of this development application:

### **C11 SUBDIVISION**

#### **11.1. General Subdivision Requirements**

##### **C Controls**

##### **2. Site Planning**

Good subdivision design goes beyond the application of the controls outlined below. Careful appraisal and systematic analysis of the site with consideration of all the natural and man-made constraints is required to ensure that its best qualities are used most effectively to suit the proposed development.

- a) Any proposed subdivision must demonstrate how the proposed subdivision design has taken into account the principles set out in Chapter C1 - Site Planning and Design Principles of this DCP. This includes, but is not limited to:
  - i) Site analysis and response to site context;

A site analysis is provided both as part of Section 2 this report and demonstrates that there are limited site constraints for the siting of future dwellings

- ii) Social impact of proposed subdivision;**
- iii) Economic assessment of the proposed subdivision;**
- iv) Environmental assessment of the proposed subdivision;**
- v) Urban design assessment of the proposed subdivision;**

These matters are addressed at Section 3.4 of this report.

- vi) Compliance with the provisions of this DCP relating to specific land uses. The allotment size, shape and orientation;**

These matters are addressed at relevant sections of this report.

- vii) The alignment of roads with the natural topography;**

The subdivision plan provides contours that demonstrates that the proposed roads runs generally parallel with the site contours and therefore responds to the sites natural topography.

- viii) Potential energy and water savings from subdivision design and allotment orientation;**

The development provides all lots with a generously sized north-south axis. This creates an excellent opportunity to design future dwellings with direct northern aspect to their living areas as well as the potential for installation of solar hot water systems etc on roofs.

There is also ample opportunity for any future dwelling to provide rain water tanks.

**ix) The ability of proposed allotments to operate efficiently for the proposed use and potential future development.**

The lots are all large unconstrained lands parcels with ample opportunity to provide a dwelling on the newly created lot.

**b) As part of any site analysis, the proposed subdivision must demonstrate its integration with the natural and physical features of the site including, but not limited to:**

**i) Slope and orientation of land**

The site has limited topographical relief that presents no constraint to the proposed subdivision or future development of subdivided lands.

**ii) Opportunities for solar and daylight access to dwellings (if applicable)**

The development provides all lots with a generously sized north-south axis. This creates an excellent opportunity to design future dwellings with direct northern aspect to their living areas.

**iii) Design of roads and access ways (individual site access)**

The new lots will enjoy direct vehicular access off both Capitol Hill Drive and the new proposed roads. Clifton Ave. The limited relief presents no topographical constraint to vehicular access.

**iv) Retention of special qualities or features such as trees or views**

The development will not cause any modification or impact to the Ropes Creek Corridor that runs through the western section of the site. This includes the provision of setbacks to the riparian corridor in accordance with the NSW Office of Water Controlled Activity Guidelines 2012.

Further, the development does not propose any works that will directly impact upon the EEC – River-flat Eucalypt Forest on Coastal Floodplains.

#### **v) Availability of utilities**

The site enjoys access to *Sydney Waters* reticulated water supply network as well as full suite of power and telecommunication services in addition to the local road network.

The development is not of a scale that would exceed the carrying capacities of that infrastructure.

No connection to reticulated sewer is available, however, the proposed lots are all large enough and have suitable soils to accommodate on site waste water systems. This is demonstrated as part of accompanying the on-site waste water management report.

#### **vi) Provision of adequate site drainage**

The development is accompanied by civil plans that provide a stormwater management regime for the site. These plans demonstrate that all stormwaters are managed with the road network together with a 6m wide piped swale that drains lands

from the east of the site to the creek line located along the eastern boundary.

These plans demonstrate that all storm waters including up to the 20 year storm event will be able to be adequately managed as part of the development.

**vii) Possible need to retain existing subdivision character**

The proposed development represents Stage 9E of the Capitol Hill Subdivision. The proposed land fragmentation pattern therefore provides a lots size and shape that is consistent with those earlier stages and the subject site simply represents a logical extension of that existing subdivision pattern.

**viii) Heritage and archaeological conservation**

Neither the subject site nor lands within the immediate vicinity of the site are identified as containing any identified items of Aboriginal or European heritage.

**ix) Adequacy of each allotment considering relevant development standards for the proposed future land use**

The proposed subdivision provides lots of a size greater than or equal to the minimum allowed under the LEP and therefore provides ample opportunity for the siting of dwellings that would comply with all relevant standards.

**x) Relationship to adjacent subdivision patterns**

The proposed development represents Stage 9E of the Capitol Hill Subdivision. The proposed land fragmentation pattern

therefore provides a lots size and shape that is consistent with those earlier stages and the subject site simply represents a logical extension of that existing subdivision pattern.

**xi) Potential land use conflicts with adjacent lands**

New dwelling opportunities associated with the proposed development can be provided in areas with good separation distances to future dwellings and therefore alleviate the potential for future conflict.

There are no other land uses in the local area that could cause any other potential conflict.

**c) Existing vegetation and natural drainage lines should be retained and enhanced wherever possible.**

Key vegetation and ecological communities are provided within the Ropes Creek corridor. The subdivision does not currently propose any works that will directly impact on the EEC – River-flat Eucalypt Forest on Coastal Floodplains.

Also, riparian setbacks have been provided for in the proposed subdivision in accordance with NSW Office of Water Controlled Activity Guidelines 2012. As there are no works being proposed within the riparian corridor, the corridor will not be directly impacted and is expected to be allowed to naturally regenerate.

A high voltage electrical easement is present which places a significant limitation on the restoration of the riparian corridor which must be maintained on a regular basis as an infrastructure corridor. Any services, stormwater works or creek crossings required for the subdivision (if any) would be expected to comply

with NSW Office of Water Controlled Activity Guidelines 2012 in accordance with General Terms of Approval and any site specific requirements stipulated by the NSW Office of Water.

This matter is addressed in further detail as part of the accompanying flora and fauna report.

**d) Existing dams should be retained where possible.**

The site provides several rural dams the location of which are evident in the aerial photo provide at Figure 3.

However, these are actually only very shallow depressions and will no utility on the site post development. The dams are actually quite shallow and therefore are proposed to be filled. The limited extent of filling area and depth is demonstrated in the accompanying civil plans.

**e) Long and narrow allotments should be avoided. Allotments should have a maximum of 4:1 depth to width ratio.**

Proposed lot 935 has the largest length to width ratio which is 4.4:1. A handful of lots provide a similar ration whilst all other lots provide a ratio well less than the identified requirement.

Accordingly, the development is considered to satisfy the DCP.

**f) 'Battle-axe lots' are discouraged by Council. No more than two allotments shall be served by a shared access corridor. Where a corridor is shared, reciprocal rights of way and easements for drainage shall be granted over the access corridor for the benefit of both allotments.**

No battle-axe lots are proposed as part of the development.

- g) Applications for subdivision need to demonstrate that each of the proposed allotments can support the proposed development/buildings by providing a Potential Development Area Plan. This Plan (based on a survey diagram) shall show the potential development area of each allotment (after taking into account setbacks that may be required to meet built form or environmental controls in this DCP).**

Section D1 of the DCP requires a 30m setback to Classified Roads and a 10m setback to side boundaries. The development does not address any classified roads and all sites created by the subdivision will readily allow for the achievement of these setbacks.

- h) Applications should be accompanied by landscape plans indicating proposed landscaping and parking arrangements.**

All proposed lots provide large unconstrained development areas. Therefore it is considered that landscape plans are more appropriately provided as part of Development Applications for future dwellings.

- i) New lots should be located so as to protect, enhance or conserve areas of high scenic or recreational value. Council may consider subdivisions/buildings in these higher value areas where ridgelines, vistas and other geographic features are not interrupted or where building materials that blend with the environment are to be used.**

Previous sections of this report reveals that the site does possess nor is located in an area with identified scenic landscape values.

### **3. Subdivision of Environmentally Sensitive Areas**

- a) Applicants are required to address the environmental impacts of any proposed subdivision of land where the proposed**



- allotment(s) are within or adjacent to land shown on the Environmentally Sensitive Land Map attached to the LEP.
- b) Council will not support the subdivision of land within or adjacent to the land noted on the Environmentally Sensitive Land Map where the subdivision will result in fragmentation that will make control of environmental outcomes difficult to achieve.
  - c) Council may require dedication of conservation easements where necessary over land adjacent to land shown on the Environmentally Sensitive Land Map to protect areas identified to be of significance.

Not relevant as the site is not identified as accommodating environmentally sensitive areas.

#### 4. Vegetation Management

- a) Any subdivision proposal is required to address the objectives and controls set out in Chapter C2 - Vegetation Management and C6 - Landscape Design with particular focus on the protection of existing vegetation.
- b) Not more than 10% of the vegetation on any site shall be cleared (or required to be cleared) as a result of any subdivision proposal.
- c) The design of any subdivision layout must ensure that the potential development pattern supported by the proposed subdivision design will preserve the existing landscape character of the site.
- d) A subdivision application on land adjacent to or noted as being Bushfire Prone Land will need to address the controls set out in C2 – Vegetation Management relating to bushfire protection and provision of asset protection zones, minimising the removal of significant areas of existing vegetation.

The flora and fauna report outlines the following mitigation measures that minimise potential impacts upon the EEC – River-flat Eucalypt Forest on Coastal Floodplains and any hollow dependent threatened fauna habitat:

- The riparian corridor is to be protected and allowed to regenerate with exception to those areas impacted by the existing high voltage electrical easement;
- Prior to the removal of any trees, an inspection for hollows and hollow dependent threatened fauna is to be undertaken under the supervision of a fauna ecologist and allow for the relocation of the impacted fauna. Should juveniles be contained within the affected tree then clearing is to be delayed until juveniles have vacated;
- Artificial nest boxes are to be installed within the riparian corridor of appropriate locations to replace all affected hollows with every second nest box designed as a microbat box. The hollow inspection, removal and placement of hollows/boxes is to be under the direction of a fauna ecologist; and
- Proposed road works and future DA's should avoid the removal of existing trees.

## 5. Water Management

- a) **Any subdivision proposal is required to address the objectives and controls set out in Chapter C3 - Water Management with particular focus on ensuring that the proposed subdivision is appropriate considering the likelihood of, amongst other issues of:**
  - i) **The potential impacts of any future development on water catchments and surface water quality;**
  - ii) **The potential impacts of any future development on watercourses, riparian corridors and wetlands or other environmentally sensitive areas;**
  - iii) **The potential for flood risk and damage to life and property and the need to provide safe emergency access/egress from the site;**
  - iv) **Issues arising from stormwater and drainage requirements;**
  - v) **The potential for the site design to incorporate features of Water Sensitive Urban Design.**

The accompanying stormwater plan demonstrates that all stormwater generated from any future development will be able to be managed on site and is highly unlikely to cause any adverse impact to local or regional water quality.

- b) Council will not approve any subdivision of lots where it is evident that a flood free building envelope and safe internal access from/to the public road cannot be provided. The building envelope for any dwelling should be flood free in a 1 in 100 year flood. Evidence of this must be provided as part of any application.**
- c) Council will not support the subdivision of any land located in floodway or areas of high flood hazard.**
- d) Subdivision of flood planning land in rural zones creating additional allotments will generally not be supported. However, where the applicant can demonstrate that:**
  - the flood hazard low;
  - flood free access can be provided; and
  - a minimum of 1000m<sup>2</sup> of each allotment is flood free, allowing for a dwelling and all ancillary works, Council may consider a subdivision application.
- e) Generally, land situated within existing residential, commercial and industrial zones may only be subdivided to enable its development for urban purposes where the level of the existing land to be developed is not lower than the standard flood. All lots created by such subdivision shall have the portion of the lot that can be built upon filled to a level at least 0.5m above the standard flood.**
- f) Significant filling of flood planning land will not be supported. If minor filling is required on flood planning land, the provision relating to flood liable land will apply (Chapter C3 – Water Management).**

The subject site is identified as being flood prone on the relevant Council LEP map. An extract of that map is provided at Figure 12.

However, all proposed lots are able to provide a building area above the flood prone area. Further, flood free vehicle access is also available to all lots via the proposed road and Capitol Hill Drive and ensures that safe and effective evacuation paths are

available in the event of a flood larger than the standard flood event.

## 6. Land Management

- a) Any subdivision proposal is required to address the objectives and controls set out in Chapter C4 - Land Management with particular focus on ensuring that the proposed subdivision is appropriate considering the likelihood of, amongst other issues of:

i) **Site instability due to geology, slope or landfill;**

The site does not possess any topographical or geological characteristics that would create any conceivable type of site instability.

ii) **The need for excavation and fill to create developable allotments;**

The site possesses limited slope and as such will necessitate limited cut or fill to create developable allotments.

iii) **The potential for erosion and sedimentation; and**

All erosion and sedimentation potential through future construction phases can be mitigated through implementation of standard management measures.

iv) **The potential for salinity.**

The site is not identified as being in an area of high potential for salinity. In any event, the development will not cause any exacerbation of any existing salinity problem either on site or on the broader area.

- b) Any subdivision application must address whether the proposed site has any potential for contamination (in accordance with the Contaminated Land Management Act 1997), other than by normal grazing activities and, if required by Council, remediate the land in accordance with the legislative requirements before subdivision can be permitted.**

The *Department of Planning* have issued Planning Guidelines for the remediation of contaminated land. Table 1 of these guidelines list those land uses that have the potential to cause site contamination.

The site has no know or likely use for any of those land uses identified at Table 1.

There is therefore considered to be limited potential for the site to be contaminated.

## **7. Culture and Heritage**

**Subdivision of a known heritage item or in the vicinity of a known heritage item or where there is the likelihood of an Aboriginal Archaeological heritage item must address the objectives and controls set out in Chapter C7 – Culture and Heritage. The proposed subdivision must minimise:**

- a) Impact on Aboriginal or European Archaeology on the site;**
- b) Impact on Aboriginal Culture or significant sites.**

A search of Council and NSW databases has confirmed that neither the subject site nor lands within the immediate vicinity of the site are identified as containing any identified items of Aboriginal or European heritage. Written confirmation of the absence of Aboriginal heritage is provided at Annexure A.

## **8. Access and Traffic**

- a) Any subdivision proposal is required to address the objectives and controls set out in Chapter C10 - Transport,**

**Access and Parking with particular focus on ensuring that the proposed subdivision is appropriate considering:**

**i) Appropriate location of land uses to minimise transport requirements;**

The development responds to the broader strategic initiative of providing environmental living opportunities in the rural environs of the LGA. As such there is no expectation underpinning the strategy that such development would have access to anything other than the local road network and bus services.

**ii) Likely traffic generation;**

The development provides a maximum of one additional dwelling opportunity. The RTA document, *Guide to Traffic Generating Developments (2002)*, states that a single dwelling house is likely to generate an average of 9 vehicle trips per day.

The development is therefore likely to generate approximately additional 315 vehicle trips per day.

This additional traffic volume is well within the design capacity of Capitol Hill Drive and the surrounding local road network.

**iii) Safe access and egress to the site;**

Capitol Hill Rd provides a sealed and wide carriageway that runs on a relatively straight alignment with limited topographical variation.

The roadway therefore provides safe and convenient site access and egress. Figure 16 provides images of this roadway at the entrance to the site.

**iv) Appropriate lots sizes to provide facilities for cars, pedestrians and bicycles.**

The lots are all a minimum of 1 ha and therefore is of a suitable scale to readily provide vehicle accommodation.

**b) Council will not approve any subdivision of new lots in situations where each lot cannot be provided with a safe access point to an existing public road.**

The proposed subdivision plan clearly shows that each lot will be able to provide vehicular access to either the proposed new road or Capitol Hill Drive.

**c) Council may not approve subdivision of allotment/s where access is to be a Crown Road only (see Council's Policy, Access from Crown Roads).**

Not relevant to the subject development.

**d) Site frontage must be sufficient to permit vehicular and pedestrian access to the site.**

**e) A minimum allotment frontage of 25 metres must be provided when the allotment has a vehicle access point to a collector or major road.**

**f) Council and the Roads and Traffic Authority require that access points are grouped at existing or limited access points whenever feasible to minimise the traffic impact and risk on additional access points to road networks.**

Capitol Hill Drive is not a Collector or major Road, nevertheless each lot provides a lot width well in excess of 25m.

**FIG 16: CAPITOL HILL RD ENTRANCE TO THE SITE**



*View south*



*View north*



- g) Where an internal road system is proposed to a new subdivision, the application must demonstrate a distinctive and hierarchical network of roads with clear physical distinctions between each type of road, based on function, capacity, vehicle speeds and public transport.**
- h) Any proposed road systems must provide acceptable levels of access, safety and convenience for all road users, while ensuring acceptable levels of amenity and protection from the impact of traffic.**

The proposed roads will operate as a loop type road that sits comfortably within the existing road hierarchy. This new roads provides a high level of accessibility and efficiency for future vehicles associated with the development of the site.

A small stub cul-de-sac provides access to only three lots (i.e proposed lots 926-928). The limited number of lots that this road serves ensures that it does not detract from the efficiency of the broader traffic network.

- i) Council may levy a road contribution or require road upgrading for all proposed lots whether the lots are accessed by sealed or unsealed roads. The amount of the contribution will depend on the current standard of the road and the increased levels of traffic to be generated.**

The development is not considered to necessitate any upgrading of roads within the Local Government Area.

## **9. Noise and Vibration**

**Any subdivision proposal is required to address the objectives and controls set out in Chapter C12 - Noise and Vibration with particular focus on designing lots so sensitive buildings (especially dwellings) will have sufficient setbacks or noise mitigation measures to minimise noise and vibration impacts.**

The proposed lots each have enough depth to allow generous setback to the primary road frontage which will ensure a suitable acoustic treatment for future dwelling development.

#### **10. Infrastructure and Services**

- a) **Council will not approve of any subdivision of new lots where requirements for effluent/waste water disposal cannot be adequately met on each individual lot.**

Waste waters will be managed as part of future on site treatment systems. All lots have sufficiently large areas to manage those waste waters.

- b) **Council will not approve of any subdivision of new lots where the provision of services such as electricity, telephone and other centralised services would result in additional costs not paid for by the applicant.**

**Satisfactory arrangements will be required to be made with Sydney Water in conjunction with submission of the subdivision application. Documentary evidence will be required of the consultation which has been undertaken.**

All such services are available. It is expected that any Development Consent Notice will ensure, by conditions, that the relevant DCP provision is satisfied.

#### **D. LIFTING THE BAR**

The following represent some ways in which Applicants can demonstrate additional commitment to the principles expressed in this DCP. Demonstration of this commitment may lead to Council considering variation of development standards under Clause 4.6 of Penrith LEP 2008.

- a) **Consolidation of Allotments:** Where an Applicant is proposing substantial works that require a development application on rural or industrial properties across a number of allotments with a single use, an Applicant should review the potential to

consolidate those allotments as part of the development application.

- b) **Environmentally Sensitive Lands:** Where a proposed subdivision is either within or immediately adjacent to land on the Environmentally Sensitive Land Map in the LEP, an Applicant should discuss with Council the potential to dedicate part of the subdivision as a buffer to that environmentally sensitive land.
- c) **Water Sensitive Urban Design:** Where a subdivision involves more than 10 allotments or an area greater than 5 hectares, an Applicant should demonstrate to Council how the proposed subdivision layout will incorporate Water Sensitive Urban Design mechanisms both at the entire subdivision level and for each site.

Not relevant as no variation to Development Standards under Clause 4.6 of the LEP is sought by the development.

## **11.2. RURAL SUBDIVISION**

### **C. Controls**

#### **1. Land Capability**

As part of any subdivision application for rural lands, an applicant must address the impact that the proposed subdivision will have on the agricultural capability and sustainability of the proposed allotments as well as the impact on agriculture in the surrounding area. This must address social, economic and environmental factors.

Not relevant as the subject development does not propose subdivision for future agricultural purposes.

#### **2. Avoiding Land Use Conflicts**

- a) If any proposed subdivision is located within 1 kilometre of an existing approved or licensed intensive agriculture operation,

waste facility, noxious, offensive and hazardous land use or sensitive land use the application will need to address how any potential land use conflicts (including but not limited to noise, dust, odour, traffic, light etc) will be minimised.

b) Site locations must ensure such existing land uses will still comply with the draft EPA Point Source Odour Control Guidelines and other relevant publications including the NSW Feedlot Manual.

c) Use of building envelopes, buffer zones and planting will be considered in helping to mitigate these issues.

Not relevant as the site is well removed from any land use that has the potential to cause an amenity conflict.

### 3. Subdivisions for Dwellings

a) Applications for subdivision that will include a new dwelling should be accompanied by a proposal for siting of a dwelling.

b) In some circumstances, the building envelope (ground area and height) and/or design guidelines specifying the proposed building location/height must be registered on the Certificate of Title as part of the subdivision approval process

c) The building envelope must comply with the relevant setbacks from roads, water courses, building separations and side boundaries in Chapter D1 Rural Land Uses.

The subject development proposal provides large lots with no constraints that would compel the definition of building envelopes.

## **C12 NOISE + VIBRATION**

### **12.3 AIRCRAFT NOISE**

#### **C. Controls**

##### **1. General**

a) Council will not grant consent to any development unless it is demonstrated to Council's satisfaction that:

i) The building site is considered acceptable for the proposed development based upon ANEF (Australian Noise Exposure

Forecast) zones in accordance with Australian Standard 2021-2000.

ii) Where a building site is classified by AS 2021-2000 as 'conditionally acceptable', an assessment of the proposed development is to be conducted by an accredited acoustical consultant in accordance with the procedures set out in Australian Standard 2021-2000 to ensure that the indoor design sound levels of the Standard are achieved within the various areas of occupancy.

## **2. Determination of Noise Levels**

a) Assessment of site acceptability shall be determined by means of the most recent ANEF contour map available for the Second Sydney Airport (see Figure C12.1).

b) Determination of maximum noise levels due to aircraft flyovers at the site shall be conducted in accordance with the procedures laid down in Australian Standard 2021-2000.

This matter has been addressed previously in this report.

## **3.4 IMPACTS OF DEVELOPMENT**

### **3.4.1 NATURAL ENVIRONMENT**

The subject site has been highly modified by previous and existing land use and therefore the only significant natural assets are provided within the Creek corridor provided at the western boundary of the site.

The proposed subdivision does not currently propose any works that will directly impact on the EEC – River-flat Eucalypt Forest on Coastal Floodplains.

Further, riparian setbacks have been provided for in the proposed subdivision in accordance with NSW Office of Water Controlled Activity Guidelines 2012. As there are no works being proposed within the riparian corridor, the corridor will not be directly impacted and is expected to be allowed to naturally regenerate.

All necessary services and infrastructure are currently available to the broader area, other than sewer services. However, all future dwellings can be provided with on-site waste water treatment systems that will mitigate any potential impact to local or regional water quality.

### **3.4.2 BUILT ENVIRONMENT**

The local character of the area is represented by large free-standing dwellings on a mixture of various scaled rural type lots.

The proposed subdivision will provide additional lots that will provide future built forms and landscape character that is entirely consistent with existing development and the prevailing settlement pattern

### **3.4.3 SOCIAL IMPACT**

The proposed subdivision will create new and additional housing opportunities in the local area. This is considered to be a positive social impact.

### **3.4.4 ECONOMIC IMPACT**

The proposed subdivision will cause no economic impacts to the local or broader area.

## **3.5 SUITABILITY OF THE SITE**

The subject site is appropriately zoned and serviced to accommodate the proposed development and will cause no adverse impacts to the built or natural environment.

The subject site is therefore ideally suited to the proposed development.

## **3.6 THE PUBLIC INTEREST**

The public interest is best served when the outcomes from development represents positive benefits as distinct from negative benefits.

The proposed subdivision has no negative outcomes and hence the public interest is best served by approval of the development.



## SECTION 4: **CONCLUSION**

## CONCLUSION

The application seeks approval to the subdivision of the subject site to create 35 rural-residential allotments.

An assessment of the development has been made against the relevant provision of Penrith LEP 2010 and its associated DCP. This assessment demonstrates that the development complies with all the identified development standards and criteria.

The report is also includes bushfire hazard assessment and demonstrates the development will cause no inconsistency with policy and strategies relevant to that matter.

For these reasons we can see no reason why Council should not approve the proposed subdivision.

# **ANNEXURE A: AHIMS SEARCH**



## AHIMS Web Services (AWS) Search Result

Your Ref Number :  
Client Service ID : 101383

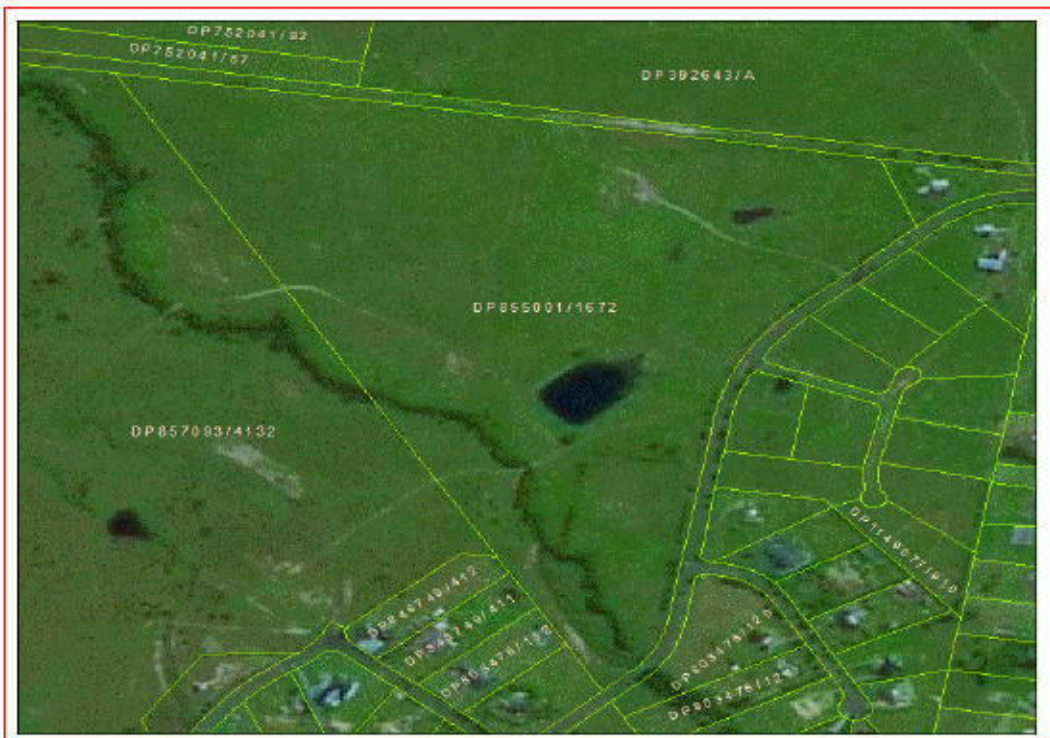
Vince Hardy  
16 Alexandra Cres  
GLENBROOK New South Wales 2773  
Attention: Vince Hardy  
Email: vhardy@cityscape.net.au

Date: 21 May 2013

Dear Sir or Madam:

**AHIMS Web Service search for the following area at Lot : 1672, DP:DP855001 with a Buffer of 50 meters, conducted by Vince Hardy on 21 May 2013.**

The context area of your search is shown in the map below. Please note that the map does not accurately display the exact boundaries of the search as defined in the paragraph above. The map is to be used for general reference purposes only.



A search of the Office of the Environment and Heritage AHIMS Web Services (Aboriginal Heritage Information Management System) has shown that:

<b>0</b> Aboriginal sites are recorded in or near the above location.
<b>0</b> Aboriginal places have been declared in or near the above location. *