

DCP Assessment Table

Proposed Two-Lot Torrens Title Subdivision
75-87 Dunheved Circuit, St Marys (Lot 2 DP 1175850)

Penrith Development Control Plan 2014	Planning Assessment Compliance	Planning Assessment
Part C11: Subdivision		
Section 11.1 General Subdivision Requirements		
<p>1) Engineering Works</p> <p><i>a) Where roads and other engineering works are required to support a proposed subdivision, details must be included in the development application.</i></p>	N/A	The proposal only seeks to undertaken paper subdivision, therefore details relating to engineering works will form part of a future DA for the Site.
<p>2) Site Planning</p> <p><i>a) Any proposed subdivision must demonstrate how the proposed subdivision design has taken into account the principles set out in Section C1 'Site Planning and Design Principles' of this DCP. This includes, but is not limited to:</i></p> <ul style="list-style-type: none"> <i>i) Site analysis and response to the site context;</i> <i>ii) Social impact of the proposed subdivision;</i> <i>iii) Economic assessment of the proposed subdivision;</i> <i>iv) Environmental assessment of the proposed subdivision;</i> <i>v) Urban design assessment of the proposed subdivision;</i> <i>vi) Compliance with the provisions of this DCP relating to specific land uses;</i> <i>vii) The allotment size, shape and orientation;</i> <i>viii) The alignment of roads with the natural topography;</i> <i>ix) Potential energy and water savings from subdivision design and allotment orientation; and</i> <i>x) The ability of proposed allotments to operate efficiently for the proposed use and potential future development.</i> 	YES	<p>The proposal only relates to subdivision and any built form works as part of a future application will consider the principles set out in Section C1 'Site Planning and Design Principles'.</p> <p>Notwithstanding, the proposed subdivision would facilitate the future development of these lots for industrial and warehousing purposes which are permitted with consent in the IN1 zone.</p> <p>Importantly, the proposed lots comply with the minimum lot sizes prescribed for the Site under the PLEP2010. In addition, as demonstrated by the indicative developable area plan provided at Appendix 5, the proposed allotments are capable of accommodating development for industrial and warehousing purposes that comply with the building setback requirements prescribed under chapter D4 of the PDCP2014.</p>
<p><i>c) Existing vegetation and natural drainage lines should be retained and enhanced, wherever possible</i></p>	N/A	The proposal only relates to subdivision and does not result in the removal of any existing vegetation and natural drainage lines.
<p><i>d) Existing dams should be retained, where possible</i></p>	N/A	The Site does not comprise an existing dam.
<p><i>e) Long and narrow allotments should be avoided. Allotments should have a maximum of 4:1 depth to width ratio.</i></p>	YES	<p>Lot 1: 3.2:1</p> <p>Lot 2: 2:1</p> <p>The proposed subdivision will result in two (2) irregular shaped allotments that will comprise varied widths and depths. Importantly,</p>

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		<p>the proposed subdivision will not result in the creation of long and narrow allotments.</p> <p>Notwithstanding, the proposal considerably exceeds the minimum lot size requirement prescribed by Clause 4.1 of the PLEP 2010 and also complies with the minimum frontage width requirement prescribed under Section 11.4.2 of the PDCP2010. As such, the proposal is considered to be capable of accommodating future development on the Site.</p>
<p><i>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)</i></p>	YES	<p>As aforementioned, the proposal only seeks to undertake subdivision of the Site and future built form works will form part of a future DA.</p> <p>As aforementioned, the proposal considerably exceeds the minimum lot size requirement prescribed by Clause 4.1 of the PLEP2010 and it also complies with the minimum frontage width requirement prescribed under Section 11.4.2 of the PDCP2010. As such, the proposal is considered to be capable of accommodating future development on the Site.</p> <p>Notwithstanding, an indicative building envelope plan has been prepared and provided at Appendix 5. As demonstrated on the plan, the proposed allotments are capable of accommodating development for industrial and warehousing purposes that comply with the relevant building setback requirements prescribed under chapter D4 of the PDCP2014.</p>
<p><i>h) Applications should be accompanied by landscape plans indicating proposed landscaping (including streets and how they are positioned so as not to compromise the effectiveness of street lighting) and parking arrangements</i></p>	N/A	<p>The proposal only seeks to undertake subdivision of the Site and a landscape plan will be provided as part of a future DA for the built form works on the site.</p>
<p><i>i) New allotments 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.</i></p>	YES	<p>The western portion of the Site is identified on the Scenic and Landscape Values Map under the PLEP2010 as land with scenic and landscape values.</p> <p>Given the proposal does not involve built form works on the Site, the existing land features will remain as existing. Notwithstanding, future development on the proposed lot's is capable of being designed to</p>

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		mitigate visual impact, having regard to the scenic character and landscape requirements.
<p><i>4) Vegetation Management</i></p> <p><i>a) Any subdivision proposal is required to address the objectives and controls set out in the Vegetation Management and Landscape Design sections with particular focus on the protection of existing vegetation.</i></p> <p><i>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.</i></p> <p><i>c) The design of any subdivision layout must ensure that the potential development pattern supported by the proposed subdivision design will be consistent with the existing landscape character of the area.</i></p> <p><i>d) A subdivision application on land identified as or adjacent to 'bushfire prone land' will need to address the controls set out in the Vegetation Management Section relating to bushfire protection and the provision of asset protection zones. Where possible, removal of significant vegetation is to be minimised.</i></p> <p><i>e) Tree protection measures must be provided in accordance with Australian Standard AS 4970-2009 Protection of trees on development sites.</i></p>	YES	The proposal only relates to subdivision and does not result in the removal of any existing vegetation on the site. The site is subject to bushfire prone land (Vegetation Category 2 and Vegetation Buffer) along the southern boundary, for which any future development will consider potential bushfire affectations on the Site.
<p><i>5) Water Management</i></p> <p><i>a) Any subdivision proposal is required to address the objectives and controls set out in the Water Management Section. The subdivision design should consider the following and incorporate measures to address:</i></p> <p><i>i) The potential impacts of any future development on water catchments and surface water quality;</i></p> <p><i>ii) The potential impacts of any future development on watercourses, riparian corridors and wetlands or other environmentally sensitive areas. Lot design may need to facilitate the fronting onto riparian land to facilitate surveillance and prevent degradation of these areas;</i></p> <p><i>iii) The potential for flood risk and damage to life and property and the need to provide safe emergency access/egress from the site;</i></p> <p><i>iv) Issues arising from stormwater and drainage requirements; and</i></p> <p><i>v) The potential for the site design to incorporate features of water sensitive urban design.</i></p> <p><i>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 1:100</i></p>	YES	<p>The proposal only relates to subdivision and the future built form works on the Site will address the objectives and controls set out in Section C3 'Water Management' of the PDCP 2010.</p> <p>In relation to the flood requirements prescribed under 5 (b), (c), (d), (e) and (f), the Site is not identified as flood prone land pursuant to the Flood Planning Land Map of the PLEP 2010. As such, these requirements are not applicable given the Site is not identified as flood prone land.</p>

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<p><i>Average Recurrence Interval (ARI) flood. Evidence of this must be provided as part of any application.</i></p> <p><i>c) Council will not support the subdivision of any land located in a floodway or areas of high flood hazard.</i></p> <p><i>d) Subdivision of land below the flood planning level in rural zones creating additional allotments will generally not be supported. However, Council may consider a subdivision application where the applicant can demonstrate that:</i></p> <ul style="list-style-type: none"> <i>i) the flood hazard is low;</i> <i>ii) flood free access can be provided; and</i> <i>iii) a minimum of 1,000m² within each allotment is flood free, allowing for a dwelling and all ancillary works;</i> <p><i>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 1:100 ARI 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 1:100 ARI flood.</i></p> <p><i>f) Significant filling of flood planning land will not be supported. If minor filling is required on flood planning land, the provisions relating to flood liable lands will apply (refer to the Water Management section).</i></p>		
<p>6) Land Management</p> <p><i>a) Any subdivision proposal is required to address the objectives and controls set out in the Land Management section with particular focus on ensuring that the proposed subdivision is appropriate taking into consideration:</i></p> <ul style="list-style-type: none"> <i>i) Site instability due to geology, slope or landfill;</i> <i>ii) The need for excavation and fill to create developable allotments;</i> <i>iii) The potential for erosion and sedimentation; and</i> <i>iv) The potential for salinity.</i> <p><i>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. If required by Council, the land will need to be remediated in accordance with legislative requirements before subdivision can be permitted.</i></p>	YES	<p>As aforementioned, the proposal involves subdivision only. Any future development of the Site will have regard to the requirements for excavation and fill, erosion and sedimentation and salinity.</p> <p>Furthermore, in relation to contamination, the Site is not identified as comprising contaminated land under the NSW EPA contaminated land register. Notwithstanding, a future DA for built form works will undertake a Preliminary Site Investigation (PSI) to determine if there are any existing contaminants on the Site.</p>
<p>7) Culture and Heritage</p> <p><i>a) Subdivision of a heritage item or in the vicinity of a heritage item or where there is the likelihood of an Aboriginal archaeological heritage item must address</i></p>	N/A	<p>The Site has not been identified under the PLEP2010 as containing any Heritage items, archaeological item nor is it located within a conservation area.</p>

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<p><i>the objectives and controls set out in the Culture and Heritage section. The proposed subdivision must minimise:</i></p> <ul style="list-style-type: none"> <i>i) The impact on Aboriginal or European archaeology on the site; and</i> <i>ii) The impact on Aboriginal objects and places</i> 		
<p><i>8) Access and Transport</i></p> <ul style="list-style-type: none"> <i>a) Any subdivision proposal is required to address the objectives and controls set out in the Transport, Access and Parking section with particular focus on ensuring that the proposed subdivision is appropriate taking into consideration: <ul style="list-style-type: none"> <i>i) The appropriate location of land uses to minimise transport requirements;</i> <i>ii) Likely traffic generation;</i> <i>iii) Safe access and egress to the site; and</i> <i>iv) Appropriate lot sizes to provide facilities for cars, pedestrians and bicycles.</i> </i> <i>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.</i> <i>c) Council may not approve subdivision of allotments where access is to a Crown Road only.</i> <i>d) Site frontage must be sufficient to permit vehicular and pedestrian access to the site.</i> <i>e) A minimum allotment frontage of 25m must be provided when the allotment has a vehicle access point to a collector or major road.</i> <i>f) Council and the Roads and Maritime Services (RMS) 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.</i> <i>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.</i> <i>h) Any proposed road system 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.</i> <i>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.</i> 	<p>YES</p>	<p>The Site currently comprises vehicle access via Dunheved Circuit and it is anticipated that the location of a future driveway to Lots 1 and 2 would also be located at Dunheved Circuit. Vehicle access to the allotments would be subject to separate approval.</p> <p>As aforementioned the proposed lots exceed the minimum frontage width requirement prescribed under Section 11.4.2 of the PDCP 2010. Therefore, it is considered that there is adequate width at the frontage of the Site to accommodate vehicular and pedestrian access to the Site.</p> <p>The requirements relating to traffic generation and car parking set out in Section C10 'Transport, Access and Parking' of the PDCP 2010 are dependent on a future land use which will be addressed as part of a future DA.</p>

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<p>9) <i>Noise and Vibration</i> a) <i>Any subdivision proposal is required to address the objectives and controls set out in the Noise and Vibration section 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.</i></p>	<p>YES</p>	<p>The Site is surrounded by industrial land uses. The nearest residential properties are not located approximately 1 – 1.5km from the Site. As such, any future use of the Site is not considered to result in unreasonable noise impacts.</p>										
<p>10) <i>Infrastructure and Services</i> a) <i>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.</i> b) <i>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.</i> c) <i>Satisfactory arrangements will be required to be made with Sydney Water in conjunction with the submission of the subdivision application. Documentary evidence will be required of the consultation which has been undertaken.</i></p>	<p>YES</p>	<p>In accordance with the Civil Engineering Service and Utilities Review provided at Appendix 4, the proposed lots will have access to all services and there will not be any extension or major modifications to the existing utilities.</p>										
<p>Section 11.4: Industrial Subdivision</p>												
<p>11.4.1 Subdivision – Lot Standards</p> <p>Table C11.1: Minimum Lot Width</p> <table border="1" data-bbox="121 938 926 1247"> <thead> <tr> <th>Location</th> <th>Minimum Lot Width</th> </tr> </thead> <tbody> <tr> <td>Lots fronting Castlereagh Road</td> <td>60m</td> </tr> <tr> <td>Lots fronting:</td> <td>50m</td> </tr> <tr> <td> <ul style="list-style-type: none"> • Andrews Road • Mulgoa Road • Old Bathurst Road </td> <td></td> </tr> <tr> <td>Lots within:</td> <td>20m</td> </tr> </tbody> </table>	Location	Minimum Lot Width	Lots fronting Castlereagh Road	60m	Lots fronting:	50m	<ul style="list-style-type: none"> • Andrews Road • Mulgoa Road • Old Bathurst Road 		Lots within:	20m	<p>YES</p>	<p>The Site is located within St Marys (Precinct 1) which prescribes a minimum lot width of 20m.</p> <p>The proposal will comprise the following lot widths:</p> <ul style="list-style-type: none"> ▪ Lot 1: 61.285 ▪ Lot 2: 174.065 (combined) <p>As such, the proposal will comply with the minimum lot width prescribed for the site.</p>
Location	Minimum Lot Width											
Lots fronting Castlereagh Road	60m											
Lots fronting:	50m											
<ul style="list-style-type: none"> • Andrews Road • Mulgoa Road • Old Bathurst Road 												
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Location	Minimum Lot Width									
<ul style="list-style-type: none"> South Penrith (Precincts 6)* St Marys (Precincts 1, 2 and 3)* 										
Lots within 'Lambridge Estate' (Precinct 4)	See Precinct 4 Plan below									
All other lots (not specified above)	20m									
<p>11.4.3 Subdivision – Lot Standards 1) <i>Newly created lots are to drain directly to a piped drainage system, and not to the kerb and gutter.</i></p>	N/A	<p>The proposal only seeks to undertake subdivision of the Site and does not involve and construction or built form works that would alter existing drainage systems on the Site.</p> <p>This will be further considered as part of a future DA on the site.</p>								
<p>2) <i>If the land has an area of 5ha or greater, then the subdivision proposal is to incorporate the specific water quality treatment measures detailed in the Catchment Management and Water Quality part of the Water Management Section of this Plan. Information on the water quality treatment for the subdivision is to be submitted with the application for subdivision.</i></p>	N/A	<p>The proposed subdivision does not result in lots greater than 5ha.</p>								
<p>3) <i>The likelihood of Aboriginal archaeological items being present on the land must also be considered with the creation of new industrial lots. The Culture and Heritage Section of this Plan details the necessary documentation to be submitted with the application for subdivision.</i></p>	N/A	<p>The Site is not been identified under the PLEP2010 as containing any heritage items or archaeological items, nor is it located within a conservation area. Additionally, the Site is not identified as containing an Aboriginal heritage by the Aboriginal Information Management System (AHIM).</p>								
C13 Infrastructure and Services										
<p>13.1 Location of Easements for Infrastructure 1) <i>Applicants should identify the type and location of infrastructure (including the easement) that is on the site and consult with the relevant service authority to determine whether the easement will be a constraint to development of the site.</i> 2) <i>Applicants should consider the likely impacts of locating adjacent to or on an easement and the likely land uses/activities proposed on the site. Buildings</i></p>	YES	<p>As indicated on the proposed subdivision plan (Ref. 202098-1), the proposed subdivision will be carried out over existing easements on the site which include an easement for overhead power lines (E2) and an easement for an electrical substation (ES) located at the frontage of Dunheved Circuit.</p> <p>As demonstrated in the letter prepared by Next Level Up Construction Services provided at Appendix 6, the existing electrical easements are</p>								

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<i>(including swimming pools) or the storage of flammable or explosive materials or flammable liquid carriers must not be located within easements. 3) Proposals that encroach into the easement will require the approval of the relevant service authority. It is recommended that applicants consult with the relevant service authority as part of the initial stages of the development concept.</i>		redundant and have been demolished. Correspondence between the applicant and Endeavour Energy commenced on 5 November 2020 in relation to removing the existing easements from the Site.