



Statement of Environmental Effects

STAGED COMMUNITY TITLE
SUBDIVISION

46-66 & 29 O'CONNELL STREET,
CADDENS

11 MAY 2021



QUALITY ASSURANCE

Project:	<i>Subdivision – Community Title</i>
Address:	<i>46-66 & 29 O’Connell Street, Caddens</i>
Lot /DP:	<i>Lot 2 in DP 1217434, Lot 3 in DP1103503 and Lot 6 in DP593628</i>
Council:	<i>Penrith City</i>
Author:	<i>Think Planners Pty Ltd</i>

Date	Purpose of Issue	Rev	Reviewed	Authorised
<i>September 2020</i>	<i>Draft issue for Client</i>	<i>Draft</i>	<i>SK/JW</i>	<i>JW</i>
<i>September 2020</i>	<i>DA Issue</i>	<i>Final</i>	<i>JW</i>	<i>JW</i>
<i>May 2021</i>	<i>New DA Issue</i>	<i>Final</i>	<i>JW</i>	<i>JW</i>

Integrated Development (under S.4.56 of the EP&A Act). Does the development require approvals under any of the following legislation?

<i>Biodiversity Conservation Act 2016</i>	<i>No</i>
<i>Fisheries Management Act 1994</i>	<i>No</i>
<i>Heritage Act 1977</i>	<i>No</i>
<i>Mine Subsidence Act 1992</i>	<i>No</i>
<i>Mining Act 1992</i>	<i>No</i>
<i>National Parks and Wildlife Act 1974</i>	<i>No</i>
<i>Petroleum (Onshore) Act 1991</i>	<i>No</i>
<i>Protection of the Environment Operations Act 1997</i>	<i>No</i>
<i>Roads Act 1993</i>	<i>No</i>
<i>Rural Fires Act 1997</i>	<i>Yes*</i>
<i>Water Management Act 2000</i>	<i>No</i>

Concurrence

<i>SEPP 64- Advertising and Signage</i>	<i>No</i>
<i>SEPP 71 – Coastal Protection</i>	<i>No</i>
<i>SEPP (Infrastructure) 2007</i>	<i>No</i>
<i>SEPP (Major Development) 2005</i>	<i>No</i>
<i>SREP (Sydney Harbour Catchment) 2005</i>	<i>No</i>

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EXECUTIVE SUMMARY

This Statement of Environmental Effects has been prepared in support of a Development Application to undertake a staged community title subdivision with associated works at 44-66 & 29 O'Connell Street, Caddens.

The proposal is to create 251 new residential allotments, a residue B2 parcel, and the community title park lot. The proposal is also to undertake bulk earthworks and the construction of road, stormwater and other associated civil infrastructure works, and associated stormwater works. It is noted that all roads, other than Road 1 and Road 16, are private roads and hence have been designed accordingly. The public roads do follow the Council road design widths and configurations.

The proposal is supported by a built form masterplan and typical dwelling typologies for the various lot types- which will guide future development. The application is not 'integrated' with built form and subdivision but the masterplan by PBD Architects and associated dwelling typologies shows how the allotments will be redeveloped with the residential product in the future.

The proposal is designed to be carried out within 13 distinct stages to enable the delivery of the proposed development- noting the B2 residue lot is to be subject to a future DA.

It is noted that a prior torrens title subdivision DA was lodged and then withdrawn following Council feedback. The key issues were:

- Lot Size Departure to the 400m² Torrens Title Provision
- Road Linkages to Adjoining Properties
- Lot Layouts and Responding to Topography
- Impacts on CPW in Proposed Park & Biodiversity
- Traffic and Road Alignment
- Contamination
- Civil and Stormwater Design

These matters have been considered and addressed in the revised scheme, noting the community title scheme means that the 400m² standard does not apply. Further the road linkages have been revised and the subdivision is 'stand alone' owing to future development uncertainty with the University land.



Further the lot configurations and orientations have been fundamentally altered and broken into smaller street blocks to better deal with topography and solar access- noting a large increase in the extent of north/south roads that enables east/west lots to better deal with topography and solar access to the dwelling product.

The community park has also undergone revision to enlarge its size to align with comments regarding impacts on the CPW and the extent of works and the extent of stormwater infrastructure has been curtailed to minimise impacts.

The key design principle underpinning the current subdivision application is that it has been designed to follow the general principles and road layouts prescribed for the Caddens Precinct rather than a traditional subdivision. Noting that a portion of the site, being the B2 zoned land associated with the subject site, resides within the Caddens Precinct associate with the Penrith Development Control Plan 2014 and the remaining R3 zoned portion of the site sitting just outside the precinct and does not contain site specific controls.

The typical R3 medium density product under Penrith LEP 2010 is for strata titled townhouses as observed across other parts of Penrith, Kingswood, St Marys, Werrington, and Oxley Park. However the size of this allotment and its interface to the Caddens Precinct lends itself to an alternate design approach with a small lot housing product which achieves a lower density than would typically occur in an R3 context.

In terms of density when considering the developable area- excluding Lot 501 (B2)- the proposal achieves a density of approximately 25 dwellings per Ha which aligns with the general provisions in release area planning where a desired density in an R3 context is 20-25 dwellings per Ha (i.e. within Growth Centres this is the desired density band in an R3 context).

This compares to the prior Community Title Concept Plan approval (that remains an active consent) that achieved 39 dwellings per Ha (excluding B2). So on a density basis it can be clearly seen that the density of the scheme is substantially less- and enables a more suitable outcome for the site. Further it is noted that the desired minimum density for Caddens is 15 dwellings per Ha- which this scheme achieves but does not substantially exceed particularly relative to the current active consent that permits 39 dwellings per Ha- again pointing to the suitability of the outcome on the site.

Critically we note the prior development consent issued for the land that adopted a significantly higher density than that proposed by this new development proposal. This proposal is a much better contextual 'fit' for the locality and with the product proposed as well as more suitable typical road layouts and block configurations.

The primary rationale for this is that the development site is the only large land parcel remaining within the Eastern side of O'Connell Road capable of undertaking large scale residential development comparable to that currently being undertaken in Caddens and therefore it is appropriate to deliver residential development in terms of lot configuration, scale, density, and housing types comparable to that within the adjoining residential estate.

This will ensure not only a suitable transition of urban development but also achieve consistency with the type and scale of residential subdivision and subsequent development currently being undertaken within Caddens rather than the Penrith Local Government Area as a whole.

An indicative plan illustrates the potential future development outcomes associated with the current subdivision proposal- by way of typical building envelopes and typologies prepared by PBD Architects. These are addressed and discussed further in this statement.

Situated within close proximity to an emerging residential estate (Caddens), the development site is located on the eastern side of O'Connell Street, approximately 450m south from the intersection of O'Connell Street and The Great Western Highway, Kingswood.

The subject site bounds TAFE NSW Nepean Kingswood Campus to its northern boundary, a large commercial centre (Caddens Corner) that is currently under construction to its immediate southern boundary and grounds associated with the University of Western Sydney its eastern boundary.

O'Connell Street separates the site from The University of Western Sydney and grounds associated with the university to the west. The development site is also within proximity to Kingswood Commercial Precinct, local schools, child care facilities and Caddens & Settlers Place Estate Werrington, two of Penrith's newest residential estate that is currently undergoing extensive land preparation, subdivision and development of residential dwellings on lots of varying sizes and shapes.

The locality is also serviced by public transport with bus stops providing services to Mount Druitt and Penrith (Route 775 & 776) within a 250m radius and Kingswood Train Station situated approximately 1.9km from the development site.

The site which is 12.2a in area (Lot 2 – 0.6ha, Lot 3 – 5.8ha & Lot 6 – 5.8ha) has a frontage to O'Connell Street, is orientated in a western direction and has a significant slope from the rear to the street. Lot 3 lies at elevation of approximately 48m to 67m AHD and Lot 6 lies at elevation of approximately 55 to 67m AHD.



The site is comprised of two formerly rural residential lots with associated sheds and outbuildings and former agricultural land, much of which is covered by regrowth native vegetation and an existing road easement at O'Connell Street (Lot 3 in DP1103503) to the north that has been purchased by the application for access into the site.

The subject site is subject to a split zoning with the majority of the site zoned R3 – Medium Density Residential and the western portion of the site fronting O'Connell Street zoned B2 – Local Centre under the Penrith Local Environmental Plan 2010 noting '*Subdivision*' is permissible with Council consent within both the B2 and R3 zone.

Under Penrith LEP 2010, the eastern portion of the site which is zoned R3. The current development is to undertake subdivision of the subject land parcel to facilitate future residential development and will result in new lots with sizes of between 189m² and 305m² noting the community title arrangement.

With the key design principle underpinning the current subdivision application is to deliver residential development in terms of scale, density, lot sizes and housing types comparable to that within Caddens, it is considered appropriate to assess the current application against the key controls for subdivision within Caddens. This will ensure consistency with the type and scale of residential subdivision and subsequent development currently being undertaken within Caddens.

The current application has undertaken a significant revision to the subdivision scheme approved under DA17/0042 with an aim of delivering a more traditional residential subdivision pattern to lots typically found within new estates including Caddens and will achieve a total residential yield of 259 new residential lots, which is significantly less than that approved under DA17/0042. The revised scheme would result in a better outcome whilst also being consistent with the residential subdivision pattern and development within Caddens.

The development is to also deliver a new community woodland park (8172m²) within Pt Lot 1 (Community Lot) which is going to retain identified Cumberland woodland vegetation with a separate OSD area of 495m².

Having regard to the benefits of the proposal and taking into account the absence of adverse environmental, social or economic impacts, and that the proposal represents an appropriate use of well-located land, the application is submitted to Council for assessment. Think Planners Pty Ltd recommends the approval of the application, subject to necessary, relevant and appropriate conditions of consent.

SITE AND CONTEXT

SUBJECT SITE

Situated adjacent to an emerging residential estate (Caddens), the subject site is located on the eastern side of O'Connell Street, approximately 450m south from the intersection of O'Connell Street and The Great Western Highway, Kingswood. The site which is 12.2a in area (Lot 2 – 0.6ha, Lot 3 – 5.8ha & Lot 6 – 5.8ha) has a frontage to O'Connell Street, is orientated in a western direction and has a significant slope from the rear to the street. Lot 3 lies at elevation of approximately 48 to 67 m AHD and Lot 6 lies at elevation of approximately 55 to 67m AHD.

The site comprises of two formerly rural residential lots with associated sheds and outbuildings and former agricultural land, much of which is covered by regrowth native vegetation and an existing road easement at O'Connell Street (Lot 3 in DP1103503) to the north that has been purchased by the application to avoid any landlocking issues and to ensure orderly development. As illustrated by an aerial map extract below, the development site is currently unoccupied as the removal of all existing structures as per DA20/01432 has occurred.

Figure 1: Aerial Map Extract of the Subject Site (Source: Near Maps)



Subject Site

The subject site bounds TAFE NSW Nepean Kingswood Campus to its northern boundary, a large commercial centre (Caddens Corner) that is currently under construction to its immediate southern boundary and WSU to the east.

The development site is also within proximity to Kingswood Commercial Precinct, local schools, child care facilities and Caddens & Settlers Place Estate Werrington, two of Penrith’s newest residential estate that is currently undergoing extensive land preparation, subdivision and development of residential dwellings on lots of varying sizes and shapes.

Figure 2: Aerial Map Extract of the Subject Site (Source: Google Maps 2020)



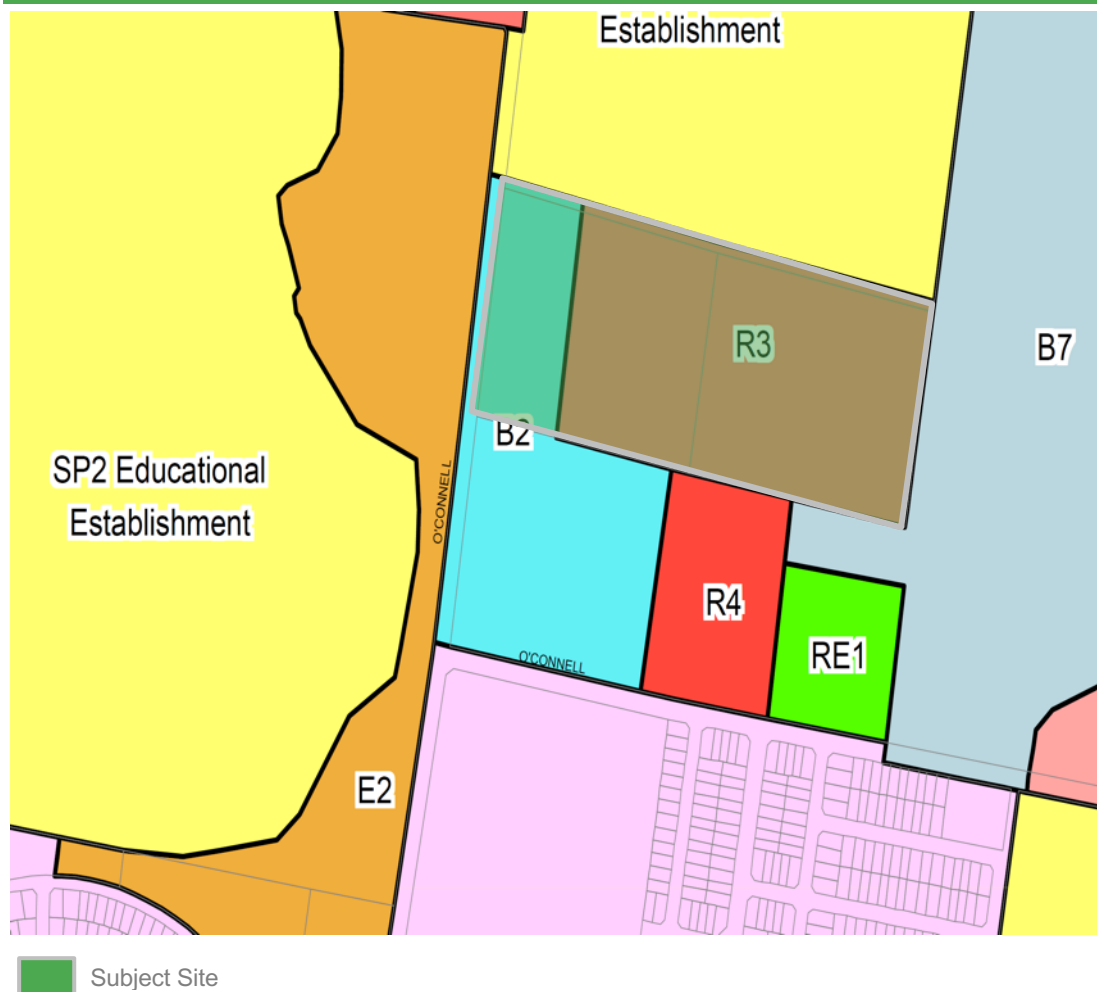
 Subject Site

ZONING

As evident in the zoning map extract below, the subject site is subject to a split zoning with the majority of the site zoned R3 – Medium Density Residential and the western portion of the site fronting O’Connell Street zoned B2 – Local Centre under the Penrith Local Environmental Plan 2010.

Subdivision’ is permissible with Council consent within both the B2 and R3 zone.

Figure 3: Zoning Map Sheet LZN_013 Extract (Source: Penrith LEP 2010)



The proposed redevelopment of the large site present a unique opportunity to deliver appropriate low density housing within Penrith within a vacant and underutilised land parcel situated within close proximity to educational establishments, commercial centre, child care facilities and public transportation.

Photographs are provided within the following pages that give context to the locality and also the relationship of the development site with adjoining developments.

Photograph 1: Shows the subject site as viewed from O'Connell Street looking eastwards, noting that it is currently undertaking clearance works as per DA20/1432



Photograph 2: Shows the existing streetscape along O'Connell St looking northwards



Photograph 3: Shows the existing streetscape along O'Connell St looking southwards



Photograph 4: Shows Caddens Corner, currently under construction which bounds the site's immediate southern boundary



HERITAGE

The site is not identified as a heritage item, it is not located within a heritage conservation area, however O'Connell Street separates the site from a local heritage item (1670 – Teacher's residence), as illustrated by the heritage extract map below.

Figure 4: Heritage Map Sheet HER_013 Extract (Source: Penrith LEP 2010)



The heritage significance comes from the heritage item itself with the current subdivision to have no impact on the heritage significance of the local heritage item. Furthermore, O'Connell Street will provide sufficient separation and existing contemporary building within the university itself and existing bushland providing adequate buffer between the development site and the local heritage item. As such the proposal will have no impact on the heritage significance of local heritage item 670. As a result, the subject site will not be burdened by any heritage restrictions.

Aboriginal Heritage Due Diligence Assessment was undertaken as part of previous DA which did not detect any PAD's or relics on site and as such no further heritage assessment is considered necessary.

DEVELOPMENT CONSENTS APPLYING TO THE LAND

DA17/0042

Council approved, through the Sydney West Regional Planning Panel, DA17/0042 to undertake large scale subdivision of the subject which delivered a total of 320 dwellings (with 70 secondary dwellings) to be accommodated across 15 superlots with sizes of between 1,080.7m² and 4,032.2m² and subsequent community title subdivision. This was exclusive of the B2 land.

By way of comparison the 390 dwellings approved compares to 160 lots, plus the 401 superlot (subject to future DA), which is 50% less than the density approved previously by Council and the Sydney West Planning Panel. In terms of density when considering the developable area- excluding Lot 401 and 501 (B2)- the proposal achieves a density of 17.7 dwellings per Ha. This compares to the prior Concept Plan approval that achieved 39 dwellings per Ha (excluding B2). So on a density basis it can be clearly seen that the density of the scheme is substantially less- and enables a more suitable outcome for the site.

The current application has undertaken a significant revision to the subdivision scheme approved under DA17/0042 with an aims of delivering a more traditional residential subdivision pattern to lots typically found within new estates including Caddens of between 266m² and 551.3m² and will achieve a total residential yield of 160 new residential lots, which is significantly less than that approved under DA17/0042.

The revised scheme would result in a better outcome whilst also being consistent with the residential subdivision pattern and development within Caddens.

DA20/01432

DA20/01432 has recently granted consent for the demolition of existing dwellings, structures and outbuildings within the development site.



DESCRIPTION OF PROPOSAL

The Development Application is to undertake a staged community title subdivision with associated works at 44-66 & 29 O'Connell Street, Caddens.

The proposal is to create 251 new residential allotments, 3 residue lots and to undertake bulk earthworks and the construction of road, stormwater and other associated civil infrastructure works, and associated stormwater works. It is noted that all roads, other than Road 1 and Road 16, are private roads and hence have been designed accordingly. The public roads do follow the Council road design widths and configurations.

The proposal is supported by a built form masterplan and typical dwelling typologies for the various lot types- which will guide future development. The application is not 'integrated' with built form and subdivision but the masterplan by PBD Architects and associated dwelling typologies shows how the allotments will be redeveloped with the residential product in the future.

The proposal is designed to be carried out within 4 distinct stages to enable the delivery of the proposed development- noting residue allotments will be subject to future applications, particularly for the B2 zoned land.

The key aspects of the proposal are as follows as well as the works per Stage are set out below.

FACILITATING SUBDIVISION STAGE

The initial stage is a facilitating subdivision that will create the following:

- Public Road lots
- Private Road lots as well as the community park and basins (all Pt Lot 1)
- B2 Lot: Lot 14
- Superlots to establish the 13 stages of development.

STAGING & WORKS PER STAGE

The development is to undertaken within 13 distinctive stages as indicated below:

Stage 1

- All bulk earthworks for all stages



- Construction of all public roads
- Construction of all community title roads- including the laneway
- Construction of road drainage
- Establishment of OSD basins.
- Creation of the super lots to enable future residential development- noting that there are 12 residential superlots to be created.
- Creation of the CPW lot (0.8172Ha)
- Creation of the B2 lot (2Ha)

Stage 2 (Noted 2 on Staging Plan)

- Creation of 24 residential lots ranging in size from 260m²- 334.1m²;
- Delivery of relevant detailed works including sewer, water, electricity, retaining walls and interallotment drainage where required.

Stage 3 (Noted 3 on Staging Plan)

- Creation of 24 residential lots ranging in size from 262m²- 302.5m²;
- Delivery of relevant detailed works including sewer, water, electricity, retaining walls and interallotment drainage where required.

Stage 4 (Noted 4 on Staging Plan)

- Creation of 24 residential lots ranging in size from 260m²- 334.1m²;
- Delivery of relevant detailed works including sewer, water, electricity, retaining walls and interallotment drainage where required.

Stage 5 (Noted 5 on Staging Plan)

- Creation of 22 residential lots ranging in size from 238.1m²- 309.9m²;
- Delivery of relevant detailed works including sewer, water, electricity, retaining walls and interallotment drainage where required.

Stage 6 (Noted 6 on Staging Plan)

- Creation of 24 residential lots ranging in size from 180m²- 270m²;



- Delivery of relevant detailed works including sewer, water, electricity, retaining walls and interallotment drainage where required.

Stage 7 (Noted 7 on Staging Plan)

- Creation of 14 residential lots being 260m²
- Delivery of relevant detailed works including sewer, water, electricity, retaining walls and interallotment drainage where required.

Stage 8 (Noted 8 on Staging Plan)

- Creation of 24 residential lots ranging in size from 180m²- 270m²;
- Delivery of relevant detailed works including sewer, water, electricity, retaining walls and interallotment drainage where required.

Stage 9 (Noted 9 on Staging Plan)

- Creation of 24 residential lots ranging in size from 180m²- 270m²;
- Delivery of relevant detailed works including sewer, water, electricity, retaining walls and interallotment drainage where required.

Stage 10 (Noted 10 on Staging Plan)

- Creation of 10 residential lots being 260m²
- Delivery of relevant detailed works including sewer, water, electricity, retaining walls and interallotment drainage where required.

Stage 11 (Noted 11 on Staging Plan)

- Creation of 36 residential lots ranging in size from 203.1m²- 236m²;
- Delivery of relevant detailed works including sewer, water, electricity, retaining walls and interallotment drainage where required.

Stage 12 (Noted 12 on Staging Plan)

- Creation of 18 residential lots being 183-212m², noting these are rear loaded product from the laneway.
- Delivery of relevant detailed works including sewer, water, electricity, retaining walls and interallotment drainage where required.

Stage 13 (Noted 13 on Staging Plan)



- Creation of 15 residential lots being 189-215m², noting these are rear loaded product from the laneway.
- Delivery of relevant detailed works including sewer, water, electricity, retaining walls and interallotment drainage where required.

BUILT FORM MASTERPLAN AND DWELLING TYPOLOGIES

An indicative plan illustrates the potential future development outcomes associated with the current subdivision proposal- by way of typical building envelopes and typologies prepared by PBD Architects.

This facilitates a total of 9 built form typologies (that contains further individual refinement to address particular block types) and identifies them on the Masterplan Built Form Layout with associated detailed envelopes and layouts for each building typology.

The building typologies include:

- Type A: 2 storey dwelling with a double garage, and 3 bedrooms with a study/bedroom on the ground floor.
- Type B: 2 storey dwelling with a double garage, and 3 bedrooms with a study/bedroom on the ground floor.
- Type C: 2 storey dwelling with a double garage, and 3 bedrooms with a study/bedroom on the ground floor.
- Type D: 2 storey dwelling with a double garage, and 3 bedrooms with a study at the upper level and a second living area facing the street.
- Type E: Potential duplex lot, with 3 bedrooms per dwelling and 2 separate garages with separate street address.
- Type F1: Split level laneway loaded product with rear garage , ground floor living areas, 2 bedrooms at the lower ground floor- addressing the secondary street, and the master bedroom at the first floor. This is built to boundary (terrace style)
- Type F2: 2 storey dwelling with single garage and ground floor living areas and 3 bedrooms at the first floor. This is built to boundary (terrace style)
- Type G1: Split level design that features garage at lower ground, with living areas at the ground floor plus a bedroom and then 2 further bedrooms at the first floor. This is built to boundary (terrace style)

- Typical G2: Ground floor double garage and living areas and 3 bedrooms at the upper level. This is built to boundary (terrace style)
- Typical H: Ground floor living areas, single garage, 2nd living room over the street and 3 bedrooms at the upper level. This is built to boundary on the eastern boundary.

The building typologies demonstrate the suitability of the lot layouts and street block formations.

ROADS AND INFRASTRUCTURE

The proposal involves the construction of required roads and stormwater infrastructure.

Roads- Public

- 16m – wide road reserve including the following:
 - o Road 1: 16m wide- noting 8m pavement, 1.6m of landscaped verge, 1.5m footpath, and 0.9m grassed verge.
 - o Road 02: 16m wide- noting 8m pavement, 1.6m of landscaped verge, 1.5m footpath, and 0.9m grassed verge. Road 2 connects to the east/west road on the adjoining property to the south (Corr Road).

Roads- Community Roads

- Road 03-11: 12.5m wide road reserve including:
 - o 8m pavement, 1.5m verge on one side, and then 3m verge on the opposite side that contains a 1.3m landscaped area, then a 1.2m footpath, and a further 500mm of turfed area.
- Laneway: 8m wide lane including:
 - o 6m pavement width
 - o 1m verge area either side.

The proposal incorporates a minor departure from the road layout shown in the Caddens DCP, however, it retains the status quo in relation to the road connection on the eastern side of O'Connell Street North.

As such, to assist Council to provide the required certainty for Council, all public roads and associated public domain works will be dedicated to Council at no cost following construction.

TRAFFIC AND VEHICULAR ACCESS

Traffic Report which accompanies this application concludes that the proposed road system will be appropriate and generally compliant with the DCP specification noting that the proposal incorporates a minor departure from the road layout shown in the Caddens DCP as it relates to the split roads in the B2. Following discussions with Council and with input from the traffic consultant the most appropriate road location is to the north to maximise site lines and avoid conflict with the Caddens Corner main entry road arrangement.

The provision for vehicles access and serving will be satisfactory and that there will be no adverse traffic implications noting the deletion of rear laneways and the like that were identified as problematic by Council as part of ongoing discussions.

STORMWATER AND WATER QUALITY

The proposal involves the construction of a series of basins and water quality treatments. This is set out on the stormwater drawings by GDS and the water quality report and supporting Music Modelling.

It is noted that the two temporary OSD and bio retention basins inside the B2 zoned land will be incorporated into the future development of the B2 zoned land as underground OSD and water treatment. This final structure will cater for the current proposed development in addition to any proposed final development of the B2 zoned land.

PUBLIC DOMAIN AND LANDSCAPING

Public domain landscaping is proposed by way of street trees and a footpath on one side of the private roads- noting the public roads are designed to align with Councils requirements.

VEGETATION MANAGEMENT PLAN

A Vegetation Management Plan has been prepared for the southern portion of the site and it includes a small patch of remnant vegetation mapped on the Biodiversity Values Map which will be retained as part of the residual community lot. This area is largely to be retained in a natural state with some minor works on the managed land portion including substations and an OSD basin. This has been excluded from the Vegetation Management Plan boundary. An extract of the revised Vegetation Management Zones is reflected over the page.



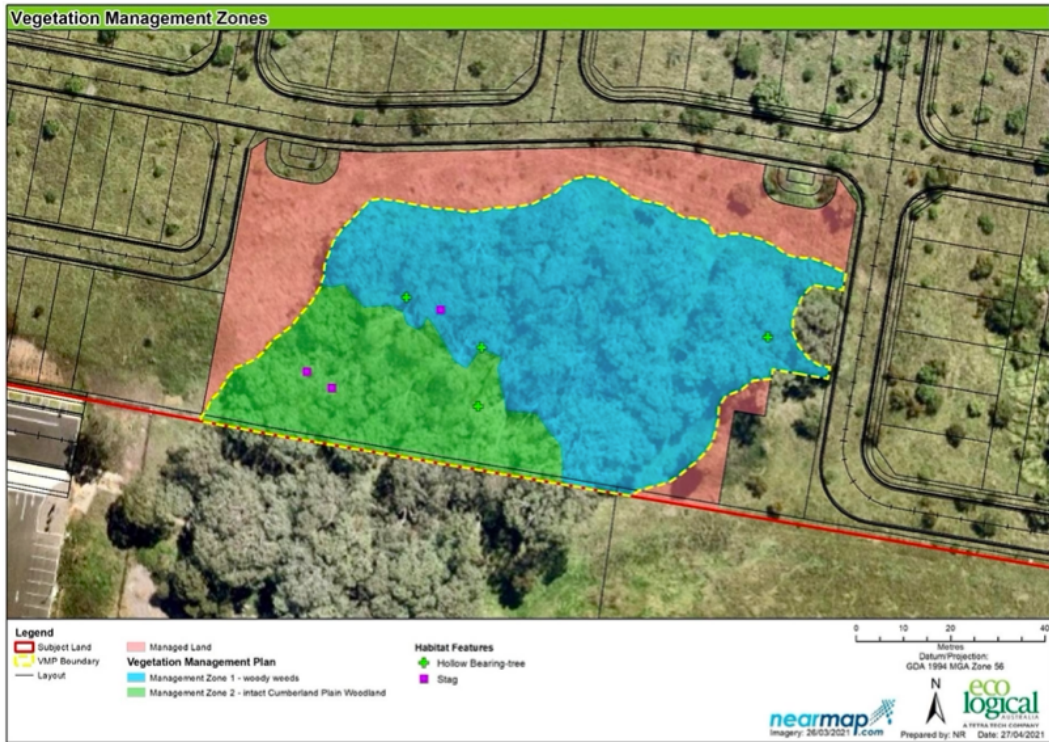


Figure 3: Vegetation management zones

ABORIGINAL HERITAGE

An Aboriginal Heritage Due Diligence Assessment was undertaken by McCardle Cultural Heritage Pty Ltd as part of the prior DA which confirmed that there are no PAD's or relics on the site and therefore an Aboriginal Heritage Impact Permit is not required. Therefore this matter has been previously resolved.

DISCUSSIONS WITH COUNCIL

The development proposal has been subject to substantial ongoing discussions with Council staff regarding the development and an ongoing dialogue has occurred on key matters such that a large number of issues have evolved through the design development such that the majority of issues are resolved as identified in the prior DA for the site.

Lot Size Departure to the 400m² Torrens Title Provision

This is now resolved by way of the Community Title approach which aligns with the prior DA for the land.

Road Linkages to Adjoining Properties & Road layouts

The road linkages have been revised and the subdivision is 'stand alone' owing to future development uncertainty with the University land. Hence all roads that service the development are full width roads and the only connection is the north-south connection to Corrs Road from Road 2.

Lot Layouts and Responding to Topography

The lot configurations and orientations have been fundamentally altered and broken into smaller street blocks to better deal with topography and solar access- noting a large increase in the extent of north/south roads that enables east/west lots to better deal with topography and solar access to the dwelling product. This is most clearly seen through comparison of the prior plan (top image), and the proposed plan (bottom image) that is provided over the page.



Impacts on CPW in Proposed Park & Biodiversity

The community park has also undergone revision to enlarge its size to align with comments regarding impacts on the CPW and the extent of works and the extent of stormwater infrastructure has been curtailed to minimise impacts.

Contamination

A further contamination report has been prepared to deal with the data gaps identified in relation to the contamination issue.

Civil and Stormwater Design

The proposed stormwater design has been reconfigured to establish permanent basins as shown on the revised plans.

Laneway and Rear Loaded Product

The proposal adopts some terrace products in the south-western corner to enable interface with the adjoining property and provide dwelling diversity.

B2 Zone Re Alignment

The proposal maintains the B2 zone alignment as per the LEP and hence follows the existing zoning.

Acquisition of the Northern Lot

The proponent has worked hard in negotiating to purchase the adjoining land to the north of the site and this has been acquired and is now part of the development proposal and no longer results in any landlocking scenario.

PLANNING CONTROLS

LEGISLATIVE CONTROLS

The relevant Legislative Controls include: -

- Biodiversity Conservation Act 2016;
- Rural Fires Act 1997;

STATUTORY CONTROLS

The relevant Statutory Planning Controls include: -

- State Environmental Planning Policy No. 55 – Contaminated Land;
- State Environmental Planning Policy – (Vegetation in Non-Rural Areas) 2017;
- State Environmental Planning Policy (Infrastructure) 2007;
- Penrith Local Environmental Plan 2010.

POLICY CONTROLS

The applicable policy control documents are: -

- Penrith Development Control Plan 2014;



CONSIDERATION OF PLANNING CONTROLS

Consideration and discussion of the compliance of the proposal with the relevant planning controls is provided below.

BIODIVERSITY CONSERVATION ACT 2016

A Biodiversity Development Assessment Report is required to be submitted with any development that has a significant impact on biodiversity values. There are four triggers for a significant impact:

- exceeding the clearing threshold in section 7.2 of the BC Regulation 2017
- impacting on vegetation shown on the Biodiversity Values Map in section 7.3 of the BC Regulation 2017
- a significant impact in accordance with section 7.3 of the BC Act 2016
- impacts to Areas of Outstanding Biodiversity Value (AOBV). As there are not AOBV on site, this trigger does not apply.

The minimum size lots is 400m² under the Penrith LEP 2010 and the threshold for clearing native vegetation is 0.25ha. The proposed works will result in the removal of up to 3.13 ha of native vegetation. The proposed development exceeds the Biodiversity Assessment Method threshold. Therefore, submission of a Biodiversity Development Assessment Report is required.

As such a Biodiversity Development Assessment Report has been prepared by Eco Logical Australia or the proposed new residential development at O'Connell Street, Caddens.

This report has been prepared to meet the requirements of the Biodiversity Assessment Method 2017 established under Section 6.7 of the Biodiversity Conservation Act.

The vegetation within the development site has previously been cleared for an orchard and grazing lands noting no threatened flora species were recorded on or within the development site or are likely to persist in the soil profile. The vegetation within the development site was deemed highly disturbed and fragmented.

Regenerating Cumberland Plain Woodland present as derived native grassland and scattered shrubs and canopy species have established within the development site. A patch of intact Cumberland Plain Woodland was located along the southern portion of the site and has been mapped on the Biodiversity Values Map.



A portion of this vegetation will be affected for the construction of paths, playgrounds and landscaping.

No threatened flora species were recorded on or within the development site or are likely to persist in the soil profile. The vegetation within the development site was deemed highly disturbed and fragmented. It does not represent potential habitat for these species.

No additional threatened fauna species were recorded within the development site. There is potential that highly mobile threatened species may utilise the vegetation for foraging resources on occasion.

Following consideration of all the above aspects, the residual unavoidable impact impacts of the project were calculated in accordance with the Biodiversity Assessment Method.

The remaining native vegetation mapped within the development site were in poor condition and did not require offsets.

Two Matters of National Environmental Significance, *Cumberland Plain Shale Woodlands and Shale-Gravel Transition Forest* and *Pteropus poliocephalus* (Grey-headed Flying-fox) were identified as having potential to be affected by the proposed works. Grey-headed Flying-fox is listed as Vulnerable under the Commonwealth Environmental Protection and Biodiversity Conservation Act 1999 and it is considered that this species is likely to use some of the development site for foraging (0.43 ha). *Cumberland Plain Shale Woodlands and Shale-Gravel Transition Forest* is listed as critical endangered under the Environmental Protection and Biodiversity Conservation Act 1999; the proposed development will affect 0.43 ha of this vegetation community.

An assessment of the Commonwealth Significant Impact Criteria was undertaken for both Matters of National Environmental Significance ES and concluded that the project would not have a significant impact on this threatened species or ecological community.

Refer to the Biodiversity Development Assessment Report for more detail however in summary subject to the implementation of the recommendations of that report and the VMP that the impact is acceptable and satisfies the relevant provisions of the Act.



WATER MANAGEMENT ACT 2000

The development site was noted to contain a very small portion of an unnamed 1st order tributary in the south. Although there is currently no evidence of the tributary within the development site, and the adjoining site has provided a road in this location hence it is not considered relevant.



Therefore, under the Water Management Act, the proposed works are not considered to occur within 40m waterfront land and a Controlled Activity Approval under S91 of the Water Management Act is not considered required.

RURAL FIRES ACT 1997

The development site is technically bushfire prone owing to the university land and some existing vegetation. Therefore the proposal requires a Section 100b Bushfire Safety Authority. A bushfire report prepared to Ecological considers these matters as has found that the bushfire risk is acceptable subject to APZ's as reflected below:

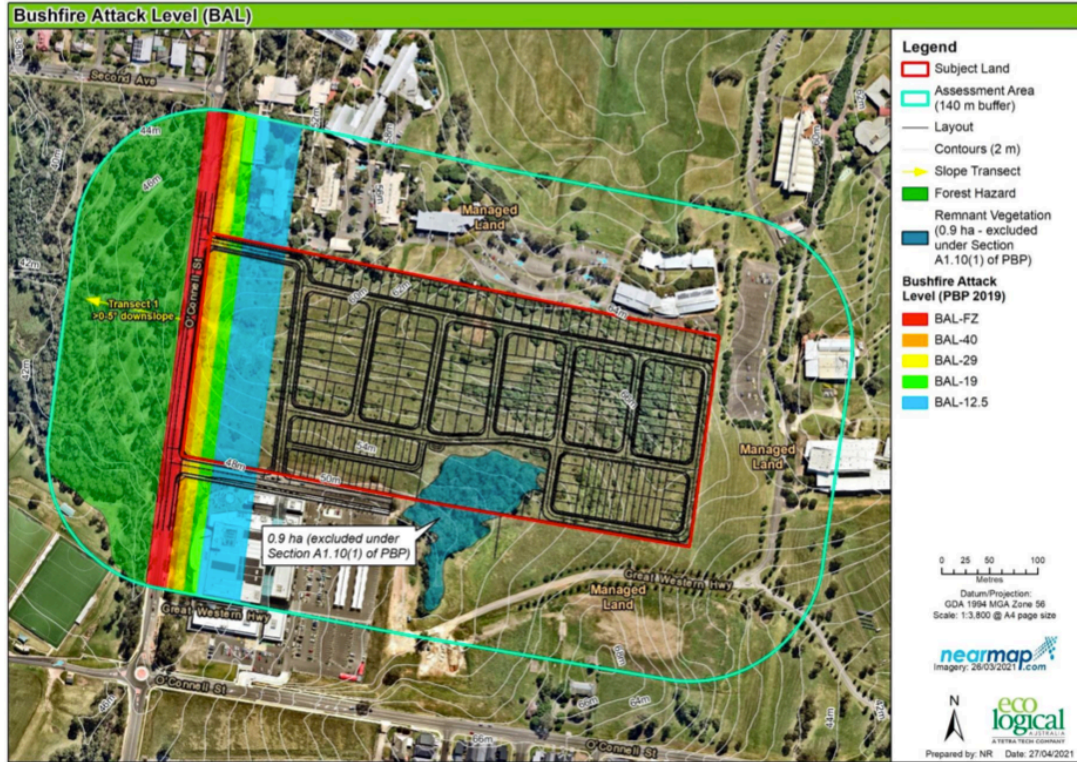


Figure 3: Bushfire Attack Levels (BAL)

STATE ENVIRONMENTAL PLANNING POLICY NO. 55 – CONTAMINATED LAND

DA17/0042 approved a concept plan establishing indicative subdivision patterns, density projections, infrastructure layout and landscape embellishment works, noting that all relevant issues including preliminary site investigation, bushfire, Flora and Fauna Assessment, Aboriginal due diligence assessment have been addressed via the previous DA and previously considered satisfactory however given the time that has passed additional and revised reports have been prepared.

A DSI was undertaken by ERM in May 2020 and a further DSI by Dirt Doctors dated 23 February 2021.

Based on the finding of the investigation works completed and reported upon within this DSI report, the overall objectives are considered to have been met and a suitable understanding of soil conditions and contamination issues at the Site has been established.

In the context of the Conceptual Site Model developed for the site, there exists a potential SPR linkage onsite under the current land use. This includes inhalation risks associated with the AF/FA identified in SP6. Asbestos within this stockpile exceeded the relevant health screening levels. As such the materials should be classified and disposed from Site to a facility licensed to accept the waste.

Other soil stockpiles in Lot 3 (SP1-SP5) were assessed as being compliant with the relevant human health and environmental criteria. Stockpiles of inert building materials within lot 3 should be removed from Site when the structures are demolished.

Investigation concluded that the Site can be made suitable for the intended land use, consistent with 'Residential A' as defined in the National Environmental Protection (Assessment of Site Contamination) Amendment Measure 2013 (No.1) ('NEPM', NEPC, 2013), following the disposal of SP6 and assessment of identified data gap areas post demolition.

The Direct Doctors further DSI outlined that:

15.0 CONCLUSION AND RECOMMENDATIONS

The conclusion of this Stage 2 Detailed Site Investigation is as follows:

- Objectives in section 2.0 have been achieved.
- The results of the chemical analyses for the soils on site have indicated no contamination is present.
- The data quality objectives of the report have been fulfilled.

Based on the scope of works undertaken, Dirt Doctors are of the opinion that the contaminants identified within areas assessed at the site pose no risk to human health and/or the environment for the exposure setting; 'standard residential with garden/accessible soil' ('A') which is considered suitable for Residential properties with garden/accessible soil (home grown produce <10% fruit and vegetable intake (no poultry), also includes childcare centres, preschools and primary schools.

This report was carried out in accordance with current NSW EPA guidelines, however, it is possible that contaminated soils may be present between sampling locations.

Therefore the consent authority can be satisfied the site can be made suitable for the development.

STATE ENVIRONMENTAL PLANNING POLICY (INFRASTRUCTURE) 2007

The development site is not located within proximity to a classified road and as a result it is not necessary to consider the provisions of Clause 102 of the SEPP that requires a consent authority to consider the impact of arterial roads on buildings used for residential purposes.

Clause 104 identifies a number of types of development that require concurrence from Roads and Maritime Services where development is identified as 'traffic generating development'.

The current proposal is not identified as traffic generating development as the site does not trigger the threshold requirements.

Therefore, concurrence from the RMS is not required.

STATE ENVIRONMENTAL PLANNING POLICY (VEGETATION IN NON-RURAL AREAS) 2017

State Environmental Planning Policy (Vegetation in Non-Rural Areas) applies to development that does not require consent. As the current application requires consent under the Environmental Planning and Assessment Act, the Vegetation SEPP is not relevant. See the discussion against the Biodiversity Conservation Act 2016.

PENRITH LOCAL ENVIRONMENTAL PLAN 2010

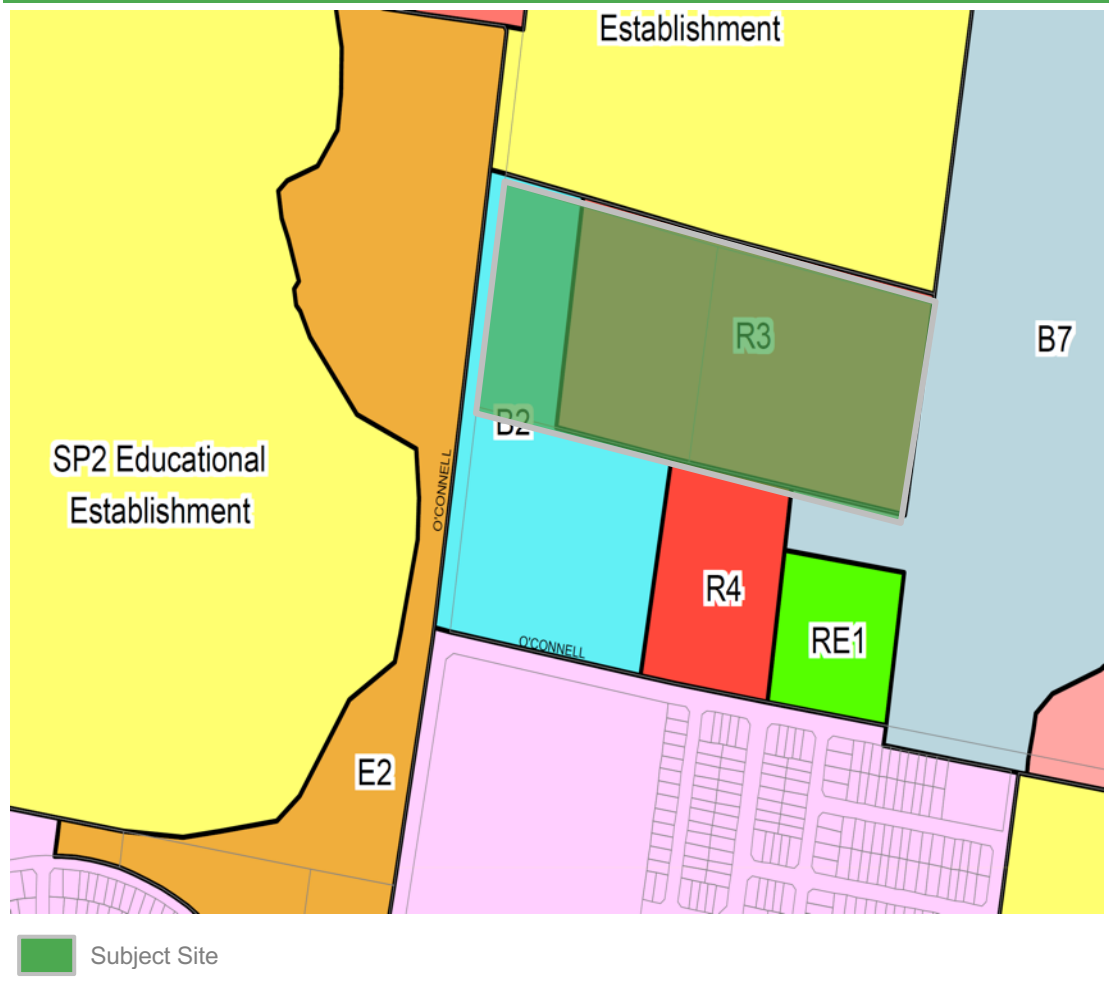
As evident in the zoning map extract below, the subject site is subject to a split zoning with the majority of the site zoned R3 – Medium Density Residential and the western portion of the site fronting O’Connell Street zoned B2 – Local Centre under the Penrith Local Environmental Plan 2010. ‘*Subdivision*’ is permissible with Council consent within both the B2 and R3 zone.

The site will impact upon land mapped under the Biodiversity Values Map and therefore a Biodiversity Development Assessment Report has been prepared and will accompany this application.

It is noted that the subject site is not subject to the biodiversity or riparian overlay under the LEP.

The proposed redevelopment of the large site present a unique opportunity to deliver appropriate low density housing within Penrith within a vacant and underutilised land parcel situated within close proximity to educational establishments, commercial centre, child care facilities and public transportation.

Figure 5: Zoning Map Sheet LZN_013 Extract (Source: Penrith LEP 2010)



The table below provides details on the development standards relevant to the current proposal as well as other relevant LEP provisions.

Penrith Local Environmental Plan 2010– Compliance Table			
Clause	Controls	Comment	Complies
Zoning	R3 – Medium Density	Subdivision to facilitate future residential development is permissible with Council consent within the R3 – Medium Density Zone. It is noted that development in the B2 zone is limited to civil works and creation of the super lot.	Yes

Part 2 Permitted or Prohibited Development			
2.3	Zone Objectives and Land Use Table	The proposal is consistent with the zone objectives of the R3 – Medium Density and will appropriately fulfil the subject site's zoning potential by facilitating residential development in the catchment of public transport and services whilst contributing to range of housing types to suit the needs of residents within Caddens.	Yes
2.6	Subdivision – Consent Requirements	Development is seeking consent to undertake a large scale subdivision of the subject site in-order to facilitate future residential development.	Yes
2.7	Demolition Requires Consent	No demolition is proposed as part of this application noting that DA20/01432 has recently granted consent for the demolition of existing dwellings, structures and outbuildings within the development site.	Yes
Part 4 Principal Development Standards			
4.1	Minimum Subdivision Lot Size – 400m ² <i>(2) This clause applies to a subdivision of any land shown on the Lot Size Map that requires development consent and that is carried out after the commencement of this Plan.</i>	<p>The current development is to undertake subdivision of the subject land parcel to facilitate future residential development.</p> <p>The proposal is a community title development and as such there is no minimum lot size that applies.</p> <p>The key design principle underpinning the current subdivision application is that it has been designed to follow the general principles and road layouts prescribed for the Caddens Precinct rather than a traditional subdivision. Noting that a portion of the site, being the B2 zoned land associated with the subject site, resides within the Caddens Precinct associate with the Penrith Development Control Plan 2014 and the remaining R3 zoned portion of the site sitting just outside the precinct and does not contain site specific controls.</p>	N/A

The typical R3 medium density product under Penrith LEP 2010 is for strata titled townhouses as observed across other parts of Penrith, Kingswood, St Marys, Werrington, and Oxley Park. However the size of this allotment and its interface to the Caddens Precinct lends itself to an alternate design approach with a small lot housing product which achieves a lower density than would typically occur in an R3 context.

Critically we note the prior development consent issued for the land that adopted a significantly higher density than that proposed by this new development proposal. This proposal is a much better contextual 'fit' for the locality and with the product proposed as well as more suitable typical road layouts and block configurations.

By way of comparison the 390 dwellings approved compares to 234 lots, which is substantially reduced relative to the approved subdivision.

The current application has undertaken a significant revision to the subdivision scheme approved under DA17/0042 with an aims of delivering a more traditional residential subdivision pattern to lots typically found within new estates including Caddens.

The revised scheme would result in a better outcome whilst also being consistent with the residential subdivision pattern and development within Caddens.

4.3	Height of Buildings: 9m	Development proposes to undertake large scale subdivision to facilitate future residential development, with no works proposed with the exception of road construction proposed. Not applicable.	N/A
4.4	Floor Space Ratio:	The development site is not subject to FSR controls. Not applicable.	N/A

Part 5 Miscellaneous Provision

5.10	Heritage Conservation	<p>Site is not identified as a heritage item nor is it located within a heritage conservation area.</p> <p>O'Connell Street separates the site from a local heritage item (1670 – Teacher's residence).</p> <p>The heritage significance comes from the heritage item itself with the current subdivision to have no impact on the heritage significance of the local heritage item. Furthermore, O'Connell Street will provide sufficient separation and existing contemporary building within the university itself and existing bushland providing adequate buffer between the development site and the local heritage item. As such the proposal will have no impact on the heritage significance of local heritage item 670. As a result, the subject site will not be burdened by any heritage restrictions.</p> <p>Aboriginal Heritage Due Diligence Assessment was undertaken as part of previous DA which did not detect any PAD's or relics on site and as such no further heritage assessment is considered necessary.</p>	N/A
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Part 7 Additional Local provisions

7.1	Earthworks	<p>No additional earthworks other than that approved under DA20/01432 is proposed as part of this application.</p> <p>It is noted that future development of each individual allotment will undertake appropriate excavation works in accordance with Council requirements.</p>	N/A
7.2	Flood Planning	The development site is clear of the PMF flood level.	N/A
7.3	Development on Natural Resources Sensitive Land	The subject site is not identified on the Natural Resource Sensitive Map. Not applicable.	Yes

		It is noted that the development site will impact upon land mapped under the Biodiversity Values Map and therefore a Biodiversity Development Assessment Report has been prepared and accompanies this application.	
7.4	Sustainable Development	Not applicable to the current proposal, it is anticipated that future development will undertake appropriate measures to ensure sustainable development including incorporating BASIX certificate relating to both energy efficiency and energy/water efficiency.	Yes
7.6	Salinity	Due to the nature and location of the site it is not likely to be affected by Saline Soils.	N/A
7.7	Servicing	The proposal will be serviced by sewer, water, power and telecommunications and conditions imposed accordingly for the required clearance certificates.	Yes

PENRITH DEVELOPMENT CONTROL PLAN 2014

All relevant Council controls have been identified and considered in the following compliance table.

Penrith Development Control Plan 2014 Compliance Table			
Clause	Controls	Comments	Complies
C1 Site Planning and Design Principles			
1.1	Site Planning	<p><u>1.1.1 Site Analysis</u></p> <p>This current subdivision application is to facilitate future commercial and residential development with the only physical works is limited to the construction of the planned road in stages. As such a site analysis is not considered necessary.</p>	N/A
		<p><u>1.1.2 Key Areas with Scenic and Landscape Values</u></p> <p>The subject site is not located within the Scenic and Landscape Values Map under the Penrith LEP 2010. Not applicable.</p>	N/A
1.2	Design Principles	Consideration for future DA.	N/A
C2 Vegetation Management			
2.1	Preservation of Trees and Vegetation	<p>The vegetation within the development site has previously been cleared for an orchard and grazing lands noting no threatened flora species were recorded on or within the development site or are likely to persist in the soil profile. The vegetation within the development site was deemed highly disturbed and fragmented.</p> <p>As the proposal will impact upon land mapped under the Biodiversity Values Map, a Biodiversity Development Assessment Report has been prepared and accompanies this application.</p> <p>Measures have been taken to avoid, minimise and mitigate impacts to the vegetation and species habitat present within the development site and methodologies to minimise impacts during construction and operation of the development have been included in the Biodiversity Development Assessment Report.</p>	Yes

Clause	Controls	Comments	Complies
		<p>Regenerating Cumberland Plain Woodland present as derived native grassland and scattered shrubs and canopy species have established within the development site.</p> <p>A patch of intact of Cumberland Plain Woodland is located along the southern portion of the development site and is to be retained and subject to a weed management in accordance with a Vegetation Management Plan. It is noted that a portion of this vegetation will be affected for the construction of paths, playground and landscaping.</p>	
C3 Water Management			
3.2	Catchment Management and Water Quality	A Concept Stormwater and Water Quality Management Report has been prepared to and accompanies this application. .	Yes
3.3	Watercourses, Wetlands and Riparian Corridors	The development site contains a very small portion of an unnamed 1st order tributary in the south. Although there is currently no evidence of the tributary hence it is not considered relevant as it has been entirely removed by the adjoining development.	N/A
3.4	Groundwater	This current subdivision application is to facilitate future commercial and residential development with the only physical works is limited to the construction of the planned road in stages. As such, this clause will be addressed via future DAs. Not applicable.	N/A
3.5	Flood Planning	The development site is clear of the PMF flood level.	N/A
3.6	Stormwater Management and Drainage	A Concept Stormwater and Water Quality Management Report has been prepared to and accompanies this application. .	Yes
3.9	Water Sensitive Urban Design	A Concept Stormwater and Water Quality Management Report has been prepared to and accompanies this application. .	Yes

Clause	Controls	Comments	Complies
C4 Land Management			
4.1	Site Stability and Earthworks	<p>No additional earthwork other than that approved under DA20/01432 is proposed as part of this application.</p> <p>It is noted that future development of each individual allotment will undertake appropriate excavation works in accordance with Council requirements.</p>	N/A
4.3	Erosion and Sedimentation	No additional earthwork other than that approved under DA20/01432 is proposed as part of this application.	Yes
4.4	Contaminated Land	Has been addressed. Refer to discussion against the State Environmental Planning Policy No. 55 for more detail.	Refer to discussion against SEPP No.55
4.5	Salinity	The 'Salinity Potential in Western Sydney' map indicates that the site lies within a region of low salinity potential. As per the Detailed Site Investigation that accompanies this application, there were no visual indicators of saline soils during the investigation with the site appearing to have good vegetation coverage free of stress	N/A
C5 Waste Management			
		This current subdivision application is to facilitate future commercial and residential development. Not applicable.	N/A
C6 Landscape Design			
		A site wide Landscape Plan has been prepared and accompanies this application.	Yes
C7 Cultural and Heritage			
7.1	Heritage	Site is not identified as a heritage item nor is it located within a heritage conservation area. O'Connell Street separates the site from a local heritage item (1670 – Teacher's residence).	N/A

Clause	Controls	Comments	Complies
		The heritage significance comes from the heritage item itself with the current subdivision to have no impact on the heritage significance of the local heritage item. Furthermore, O'Connell Street will provide sufficient separation and existing contemporary building within the university itself and existing bushland providing adequate buffer between the development site and the local heritage item. As such the proposal will have no impact on the heritage significance of local heritage item 670. As a result, the subject site will not be burdened by any heritage restrictions.	
7.2	Aboriginal Cultural and Heritage	Aboriginal Heritage Due Diligence Assessment was undertaken as part of previous DA which did not detect any PAD's or relics on site and as such no further heritage assessment is considered necessary.	N/A
7.3	Significant Trees and Gardens	<p>The development site is will impact upon land mapped under the Biodiversity Values Map and therefore a Biodiversity Development Assessment Report has been prepared and accompanies this application.</p> <p>A patch of intact of Cumberland Plain Woodland is located along the southern portion of the development site and is to be retained and subject to a weed management in accordance with a Vegetation Management Plan.</p>	N/A
C10 Transport, Access and Parking			
10.2	Traffic Management and Safety	<p>It is noted that this development is for a subdivision and as such, this clause will be addressed via future DAs. Not applicable.</p> <p>A traffic report has been prepared by TTPA that deals with traffic matters.</p>	N/A

Clause	Controls	Comments	Complies
C11 Subdivision			
11.3	Residential Subdivision	<p><u>Design Principles</u></p> <p>The following considerations have informed the proposal to demonstrate the suitability of the site to facilitate large scale subdivision:</p> <ul style="list-style-type: none"> - Appropriate slope and orientation of land noting the adoption of primarily east/west lots. - Opportunities for solar and daylight access to future dwellings - Design of internal road to permit suitable vehicle access - Retention of special qualities or features including Cumberland Woodland vegetation - Appropriate utilities will be made available - Provision of adequate site drainage - Provision of public open space - Adequacy of each residential allotment to accommodate a dwelling house as per the building envelope plan <p>The key design principle underpinning the current subdivision application is that it has been designed to follow the subdivision layout prescribed for the Caddens Precinct including lot sizes rather than the overall subdivision controls via the minimum lot size controls under the Penrith Local Environment Plan 2010, noting that only the B2 zoned land associated with the subject site resides within the Caddens Precinct associate with the Penrith Development Control Plan 2014 and the remaining R3 zoned portion of the site sitting just outside the precinct.</p> <p>The primary rationale for this is that the development site is the only large land parcel remaining within the Eastern side of O'Connell Road capable of undertaking large scale residential development comparable to that currently being undertaken in Caddens and therefore it is appropriate to deliver residential development in terms of scale, density, lot sizes and housing types comparable to that within the adjoining residential estate.</p>	Yes

Clause	Controls	Comments	Complies
		This will ensure not only a suitable transition of urban development but also achieve consistency with the type and scale of residential subdivision and subsequent development currently being undertaken within Caddens rather than the Penrith Local Government Area as a whole.	
	Lot Orientation	The allotments proposed will enable suitable solar access, noting that the majority of the proposed internal road run east-west to provide good orientation of allotments for solar access to residential lots.	Yes
	Site Frontage	Each new residential allotment has a suitable frontage that will permit sufficient vehicle and pedestrian access.	Yes
	Allotment Dimensions	<p>Residential allotments >400m² are capable of achieving a 10x 12m area or 8m x 15m area with the configuration.</p> <p>Residential allotments <400m² are provided with a building envelope that demonstrates that an appropriate built form can be achieved that complies with relevant provision of the DCP can be delivered on the lot. It is noted that the DCP provides a mechanism for consideration of small lots and in particular the BEP clearly demonstrates the provision of privacy, adequate provision for natural light, and the fact the smaller lots allow greater apportionment of the cost of services required to be provided to the development.</p>	Yes
	Landscaping	A detailed site wide landscape plan accompanies this application.	Yes
	Services	The site has access to sewer, power, water and telecommunications and conditions of consent can reinforce the need for relevant utility clearances.	Yes
	Drainage	A Concept Stormwater and Water Quality Management Report has been prepared to and accompanies this application.	Yes

PENRITH DEVELOPMENT CONTROL PLAN 2014 E1 CADDENS

The development aims to facilitate future residential development that will deliver a diverse range of housing forms and densities to meet the needs of diverse age groups, family types and income levels.

The western portion of the site zoned B2 is located within the boundaries of the Caddens Precinct, however the remaining R3 zoned portion of the site resides just outside the precinct as demonstrated via the Caddens boundary map extract below and Caddens Structure Plan provided below.

Figure 6: Caddens Boundary Map Extract (Source: Penrith DCP)

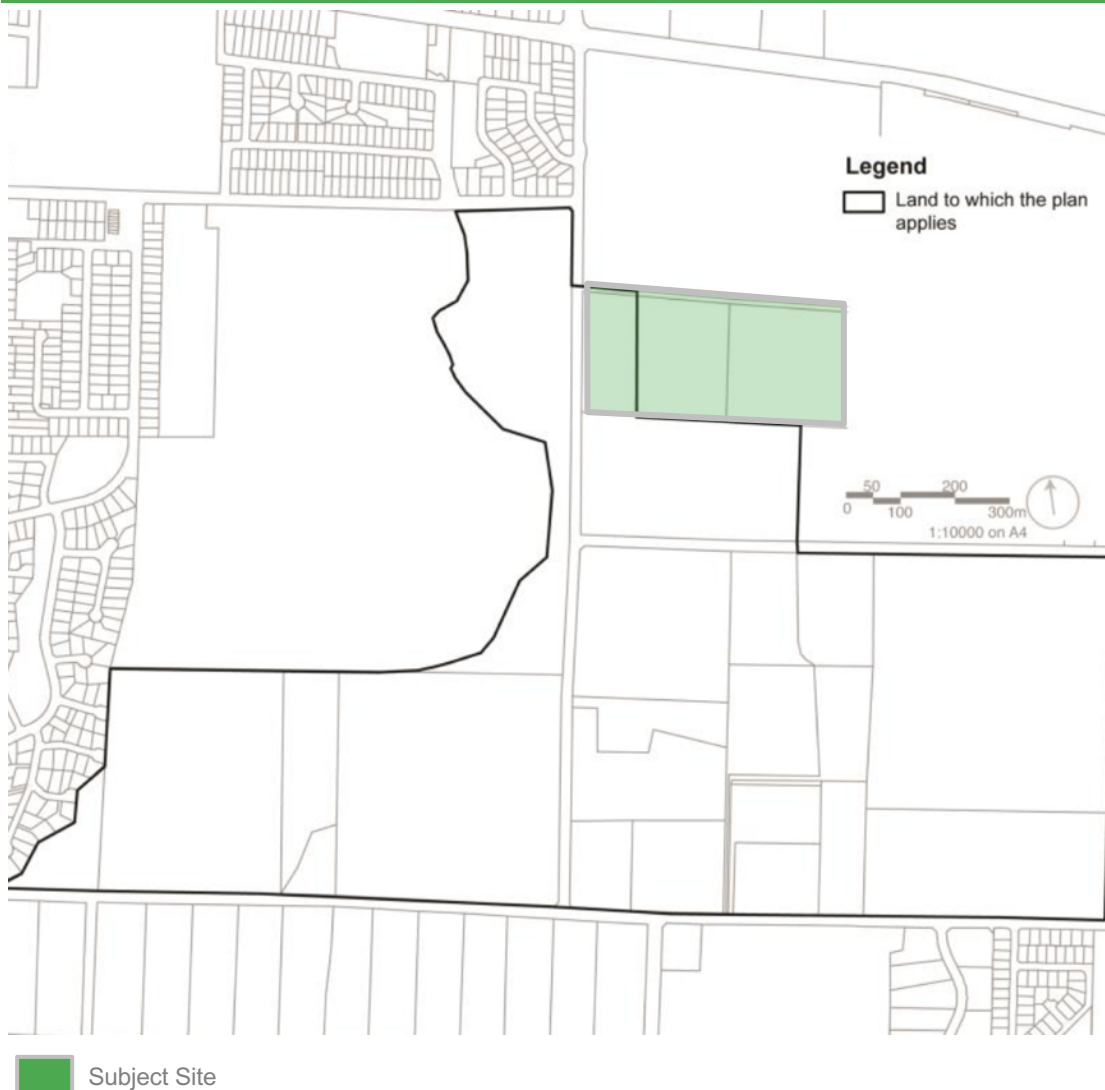


Figure 7: Caddens Structural Plan Map Extract (Source: Penrith DCP)



Given that only the western portion of the development site resides within the Caddens Precinct and that the current application is utilising Part E – Key Precincts: Caddens has a guide to demonstrate the deliverance of comparable residential, only the key controls relevant to the current application is addressed in the following table and technically none of the controls actually apply. Hence the application is subject to a merit assessment- as was the case with the prior DA approval for the site.

Penrith Development Control Plan 2014 E1 Caddens Compliance Table			
Clause	Controls	Comments	Complies
1.2 Structure Plan			
1.2.1	Urban Structure	The portion of the site zoned B2 will be subdivided from the remaining R3 zone land and be prepared to facilitate future commercial development purpose as per the Structure Plan.	Yes
1.2.2	Character Area Design Principles	<p><u>Precinct Centre</u></p> <p>The portion of the site zoned B2 will be subdivided from the remaining R3 zone land and be prepared to facilitate future commercial development purpose as per the Structure Plan.</p> <p>The B2 land will be redeveloped as part of a separate DA in the future for a development form envisaged by the planning controls- i.e. to follow the height and density etc anticipated for the B2 site.</p>	Yes
1.2.3	Dwelling Yield and Diversity	The density controls does not apply to the current application as it is located outside of the Caddens Precinct, however the development will deliver a diverse range of lot sizes, dwelling types and housing forms to meet the needs of diverse age groups and family types. The proposal achieves a density of 25 Dwellings per Ha which aligns with medium density development targets.	N/A
1.3 The Public Domain			
1.3.1	Street Network and Design	Does not apply to the current application as it is located outside of the Caddens Precinct, however the proposed public internal roads servicing the site have been designed and will be constructed in accordance with the relevant requirements set out in the Penrith Council Engineering Design Specifications.	Yes

Clause	Controls	Comments	Complies
		<p>The private community roads also align with the pavement width and provide for suitable verge areas with landscaping and a footpath on 1 side.</p> <p>The proposal incorporates a minor departure from the road layout shown in the Caddens DCP, however, it retains the status quo in relation to the road connection on the eastern side of O'Connell Street North. Refer to attached Traffic Report for detail.</p> <p>The development is to also provide appropriate street trees on all proposed road networks in accordance with the Landscape Plan which accompanies with application.</p>	
1.3.2	Street Furniture and Public Area	Not relevant to the current development application.	N/A
1.3.3	Pedestrian and Cycle Network	Not relevant to the current development application.	N/A
1.3.4	Public Transport	Not relevant to the current development application.	N/A
1.3.5	Open Space, Environmental Conservation and Landscape Network	<p>Does not apply to the current application as it is located outside of the Caddens Precinct, however the development will provide for the public open space and recreational needs of future residents by delivering a new woodland park (8172m²) within Pt Lot 1 which is going to retain identified Cumberland woodland vegetation and has limited new works.</p> <p>As such the dedicated open space area will provide a local community focus and will permit both active and passive open space opportunities whilst also conserving valuable Cumberland woodland vegetation.</p> <p>Finally the proposed detention basins are to be appropriately landscaped to ensure that they appear natural rather than engineered features and sit harmoniously in its surroundings.</p> <p>A Landscape Plan, Biodiversity Development Assessment Report and Vegetation Management Plan accompany this application.</p>	N/A
1.3.6	Biodiversity	The development site is not identified under the Penrith Local Environmental Plan 2010 as containing natural resource sensitive land nor does it contain land with scenic and landscape values.	N/A

Clause	Controls	Comments	Complies
		<p>However the development will deliver a new woodland park (8172.2m²) within Pt Lot 1 which is going to retain identified Cumberland woodland vegetation.</p> <p>As such the dedicated open space area will conserve valuable Cumberland woodland vegetation.</p> <p>It is noted that that a Biodiversity Development Assessment Report and Vegetation Management Plan accompany this application.</p>	
1.3.7	Aboriginal and European Heritage	Assessment of any Aboriginal cultural heritage have been addressed via previous DAs.	
1.3.8	Bushfire Hazard Management	<p>The development site includes land classified as bush fire prone on the Penrith City Council's bush fire prone land (BFPL) map.</p> <p>Bushfire Protection Assessment which accompanies this application has found that the proposed subdivision complies with either the acceptable or performance solutions within 'Planning for Bush Fire Protection 2019.</p> <p>Refer to attached Bushfire Protection Assessment for more detail.</p>	Yes
1.3.9	Water Cycle Management	A Concept Stormwater and Water Quality Management Report has been prepared to and accompanies this application. .	Yes
1.3.10	Contamination Management	<p>A Preliminary Site Investigation and Detailed Site Investigation have been undertaken as part of the subdivision application.</p> <p>The Detailed Site Investigation has found that the overall objectives are considered to have been met and a suitable understanding of soil conditions and contamination issues at the Site has been established.</p> <p>Investigation concluded that the Site can be made suitable for the intended land use, consistent with 'Residential A' as defined in the National Environmental Protection (Assessment of Site Contamination) Amendment Measure 2013 (No.1) ('NEPM', NEPC, 2013), following the disposal of SP6 and assessment of identified data gap areas post demolition.</p>	Yes

Clause	Controls	Comments	Complies
		The subsequent Dirt Doctors report sets out the site is suitable for residential development based on the further investigations carried out.	
1.3.11	Salinity Management	<p>The 'Salinity Potential in Western Sydney' map indicates that the site lies within a region of low salinity potential.</p> <p>As per the Detailed Site Investigation that accompanies this application, there were no visual indicators of saline soils during the investigation with the site appearing to have good vegetation coverage free of stress</p>	N/A
1.4 Residential Development			
1.4.1	Subdivision and Neighbourhood Design	<p>The prescribed subdivision layout does not apply to the current application as it is located outside of the Caddens Precinct. However, a key aspect of the <u>current subdivision application</u> is that it has been designed to follow the general principles prescribed for the Caddens Precinct rather than the overall subdivision prescribed within the Penrith LEP 2010.</p> <p>The primary rationale for this is that the development site is the only large land parcel remaining within the eastern side of O'Connell Road capable of undertaking large scale residential development and as it resides just outside the western edges of the Caddens residential estate, it is appropriate to deliver residential development comparable to that within the adjoining residential estate. This will ensure consistency and suitable transition of the with the type and scale of residential subdivision and subsequent development currently being undertaken within Caddens.</p> <p>Taking this into consideration the current application is to address the key numerical controls for subdivision:</p> <ul style="list-style-type: none"> - A diverse range of lot types and frontage are to be provided in each street. - No more than 5 lots in a row have the same frontage for lots 12.5m wide and above. - Minimum minor variation to some of the corner lots, however the development will continue to deliver a variety of corner parcels of mixed sizes and frontages which will deliver a range of densities, lot sizes and housing types. - Whilst smaller than the DCP lot size we note lot sizes substantially exceed 	N/A

Clause	Controls	Comments	Complies
		<p>those of the prior DA for the land that were proposed and the smaller lots are accompanied by a BEP as per control (7) of the DCP.</p> <p>The lots less than 350m² are accompanied with building envelope plan that demonstrate that an appropriate built form can be achieved that complies with relevant provision of the DCP can be delivered on the lot. Therefore the small lot product is considered suitable and appropriate as demonstrated by the BEPs shown by PBD- noting they are detailed and comprehensive designs for these dwellings.</p>	
1.4.2	Streetscape, Feature Element and Roof Design	The current application is limited to undertaking subdivision of the subject site to facilitate future residential development. Not applicable.	N/A
1.4.3	Dwelling Height, Massing and Siting	The current application is limited to undertaking subdivision of the subject site to facilitate future residential development. Not applicable.	N/A
1.4.4	Building Setbacks	<p>The current application is limited to undertaking subdivision of the subject site to facilitate future residential development. Not applicable.</p> <p>The attached Building Envelope extract gives a guide on the potential built form on each residential lot and this follows the setback controls and the required POS areas and the like.</p>	BEP's Follow Setback Provisions
1.4.5	Development Forms	<p>The current application is limited to undertaking subdivision of the subject site to facilitate future residential development. Not applicable.</p> <p>The attached Building Envelope extract gives a rough guide on the potential built form on each residential lot.</p>	N/A
1.4.6	Private Open Space	The current application is limited to undertaking subdivision of the subject site to facilitate future residential development. Not applicable. However the POS areas with the BEP's is designed to comply.	N/A
1.4.7	Site Cover and Landscaped Area	The BEP's have been designed to align with these provisions as a guide noting the landscaped area to the building typologies is 39%-52%.	N/A

Clause	Controls	Comments	Complies
1.4.9	Garage and Access	The BEP's do provide for a double width garage however the layout shows that suitable activation of the streetscape is maintained by the adjoining habitable room that is proposed.	N/A
1.5 Environmental and Residential Amenity			
		The current application is limited to undertaking subdivision of the subject site to facilitate future residential development. Not applicable.	N/A
1.6 The Precinct Centre			
		The current application is limited to undertaking subdivision of the subject site to facilitate future commercial development. Detailed development for the B2 zoned land will be provide via future development.	N/A

CONCLUSION

Following a review of the relevant planning controls, it is concluded that the proposed development is consistent with the objectives, planning strategies and detailed controls of these planning documents.

Consideration has been given to the potential environmental and amenity impacts that are relevant to the proposed development and this report addresses these impacts.

Having regard to the benefits of the proposal and taking into account the absence of adverse environmental, social or economic impacts, the application is submitted to Council for assessment and granting of development consent. Think Planners Pty Ltd recommends the approval of the application, subject to necessary, relevant and appropriate conditions of consent.

