

# cityscapeplanning+projects

## STATEMENT OF ENVIRONMENTAL EFFECTS

PROPOSED EARTHWORKS  
259 WEST WILCHARD RD, CASTLEREAGH

FEBRUARY 2018

cityscape planning + projects

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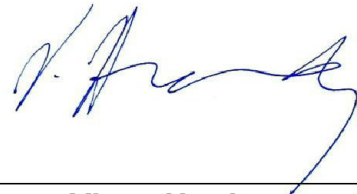
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Glenbrook NSW 2773

This report has been prepared by:



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**Vince Hardy** BTP, RPIA  
URBAN PLANNING CONSULTANT



cityscape planning + projects, 2018

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

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## 1.0 INTRODUCTION

*Cityscape Planning + Projects* has been engaged by the owner of the subject site to prepare a Statement of Environmental Effects to accompany a Development Application to be lodged on the subject site.

The report has been compiled, through on ground investigations, research, analysis and discussions with planning officers from *Penrith City Council* and is to be read in conjunction with the accompanying plans and reports.



## 2.0 THE SUBJECT SITE

The subject site is a large (area of 5.791ha) irregular shaped parcel of land located on the southern eastern side of West Wilchard Rd and Castlereagh Rd, Castlereagh. A plan showing the locality of the site is provided at Figure 1.

The site has historically formed part of the Penrith Lakes Scheme and represents the northern western corner of the Lakes Scheme Lands.

The site is known as 259 West Wilchard Rd, Castlereagh, but has the following real property description:

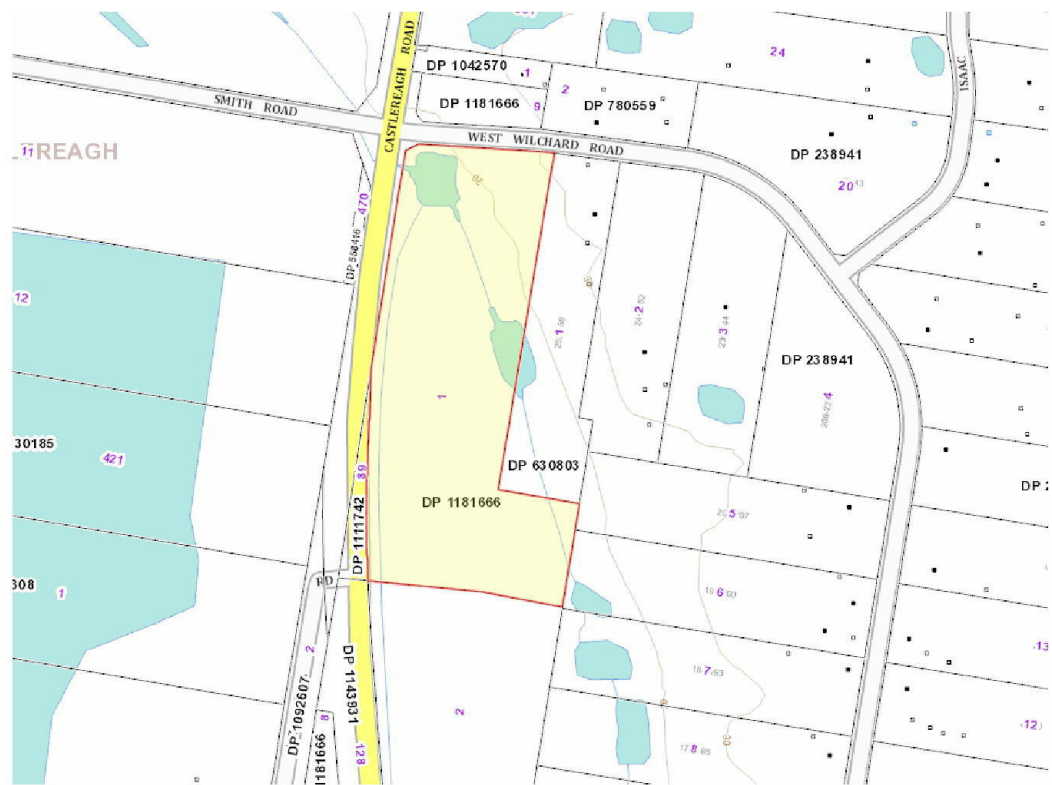
**Lots: 1      DP: 1181666**

Figure 2 and 3 provide a cadastral plan and aerial photo of the site.

**FIGURE 1: LOCATION OF SITE**



**FIGURE 2: CADASTRAL + TOPOGRAPHIC PLAN**



**FIGURE 3: AERIAL PHOTO**





## 3.0 DEVELOPMENT PROPOSAL

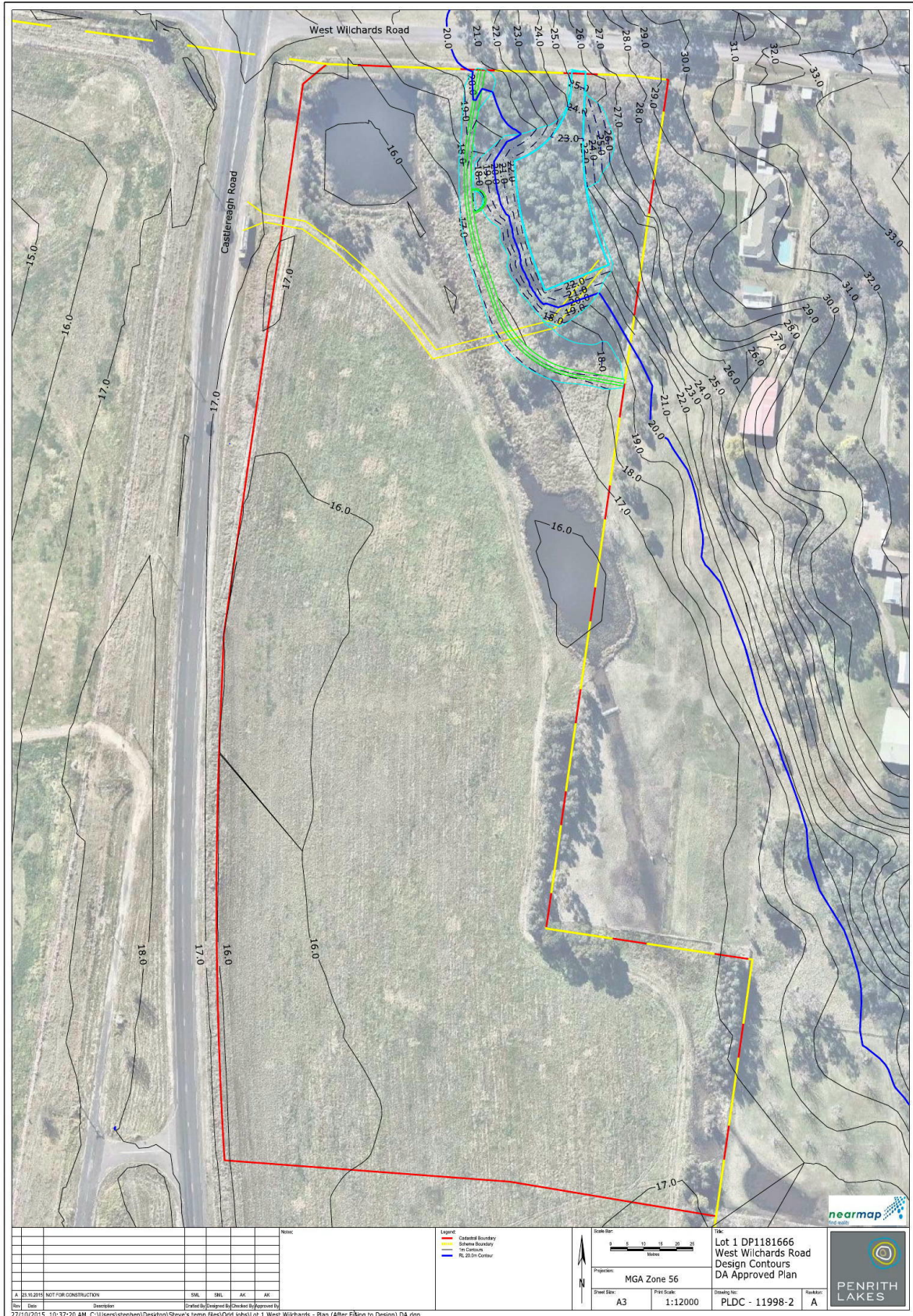
The development application seeks council consent to earthworks at the north-eastern corner of the site to create a building platform to facilitate a future dwelling house on the subject site.

Detailed plans accompany the Development Application, however a site plan of the development showing finished contour levels is provided at Figure 4.

The earthworks were initially undertaken by the Penrith Lakes Development Corporation (PLDC), on the understanding that the works was in accordance with DA4/1988. Advice to this effect is provided at Annexure A.

The development application has also been prepared as per advice received from Council officers as part of a pre-lodgement meeting of 16<sup>th</sup> October 2017.

FIGURE 4: PROPOSED SITE PLAN





## 4.0 STATUTORY SITUATION

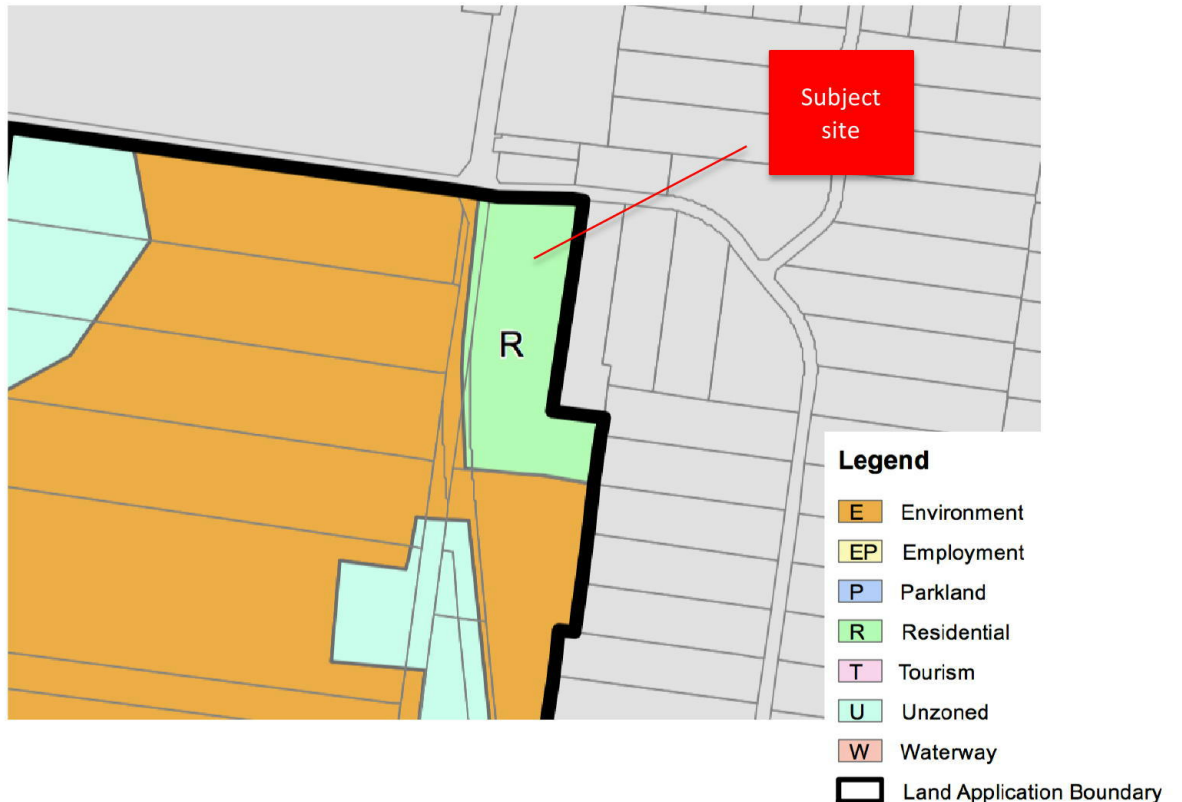
### 4.1 ZONING

The subject site is zoned 'Residential' pursuant to State Environmental Planning Policy (Penrith Lakes Scheme) 1989. An extract of that zoning map is provided at Figure 5.

### 4.2 PERMISSIBILITY OF DWELLING

The land use table to this zone identifies a dwelling houses as a permissible land use in the zone. The proposed earthworks represent a preliminary element of the development of the site for the purposes of a dwelling house. Council can therefore approve the development proposal.

FIGURE 5: SEPP ZONING MAP



## 5.0 SITE ANALYSIS

### 5.1 SITE DIMENSIONS

The site is a large 'L' shaped parcel with a total area of 5.791 ha. It has a frontage of 110m to West Wilchard Rd and a depth of approximately 408m.

### 5.2 TOPOGRAPHY

The site provides flood plain type topography at its western and southern sections before rising up steeply in its north-eastern section. A level platform area has been provided in that section. The topography of the site is represented at Figure 4. It is on this platform area in the raised section of the site where a future dwelling house is proposed to be sited.

### 5.3 DRAINAGE & FLOODING

The site provides a drainage line at the northern section, which is represented as lower order stream and two rural type dams. The location of these drainage features are represented at the topographic plan provided at Figures 2 and 4.

This watercourse and the broader site drains southwards where it initially enters the Lewis Lagoon and then the Wildlife Lake stormwater treatment trains regime currently provided at the north eastern extent of the Lakes Scheme.



The 'Flood Planning Level' (FPL) is also defined in the *SEPP (Penrith Lakes Scheme) 1989* as the level of a 1:100 ARI flood event plus 1 metre freeboard.

Written advice from Penrith Council (See Annexure B) identifies a mainstream 1% Annual Exceedence Probability (AEP) flood level for the site of 20.6m AHD.

Alternatively, the 100 year ARI in the 2012 Stage 1 Water Management Plan, which has been approved by the Minister for future residential land is RL21.7 AHD.

Regardless of which flood level is used, the topographic plan provided at Figure 4 demonstrates that the platform area provided in the north-eastern section of the site is approximately 23m AHD, which is well above that flood level and the required freeboard.

## **5.4 FLORA + FAUNA**

The site has largely been cleared of vegetation, however does contain contains a sparse covering of vegetation in the lower sections of the site and a larger copse of trees at the higher sections. The extent of vegetation coverage can be seen in the aerial photos provided at Figure 3 and a further images is provided at Figures 8.

Vegetation in the lower sections of the site is dominated by exotic grasses as well as some native grass (*Carex appressa*). Vegetation on the hillside is consistent with that found in alluvial woodland and Castlreagh Ironbark forest.

A detailed flora and fauna review accompanies the Development Application.

**FIGURE 9: VEGETATION AT NORTH EASTERN CORNER**



## **5.5 ABORIGINAL & EUROPEAN HERITAGE**

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

Further, an Aboriginal Heritage Impact Permit has also been granted over the broader Lakes Scheme site inclusive of the subject site. A copy of this permit also accompanies the development application.

## **5.6 SERVICES & INFRASTRUCTURE**

The site enjoys access to *Sydney Waters* reticulated water but not sewer services. Power and communication services are also available to the site.

## **5.7 PREVIOUS DEVELOPMENT**

The site has formerly been part of the Penrith Lakes Scheme and as such has experienced sand and gravel extraction pursuant to DA4 of The lakes Scheme, which was issued on 9 September 1988.

## **5.8 ADJACENT DEVELOPMENT**

Lands to the west of the subject site accommodate the Penrith Lakes Scheme. Adjoining lands to the north, south and east provide rural scaled lots and development of a similar scale and type to that ultimately proposed to be developed on the subject site. This development land fragmentation pattern is evident at the cadastral plan provided at Figure 10.

## **5.9 HAZARDS & NUISANCE**

Only the lower sections of the site are identified as being flood prone as previously discussed at section 5.3 of this report. The site is also identified as being bushfire prone land on the relevant Council map. An extract of that map is provided at Figure 11. A bushfire assessment report accompanies the DA however, the development poses no bushfire threat.



FIGURE 10: PREVAILING LAND FRAGMENTATION PATTERN

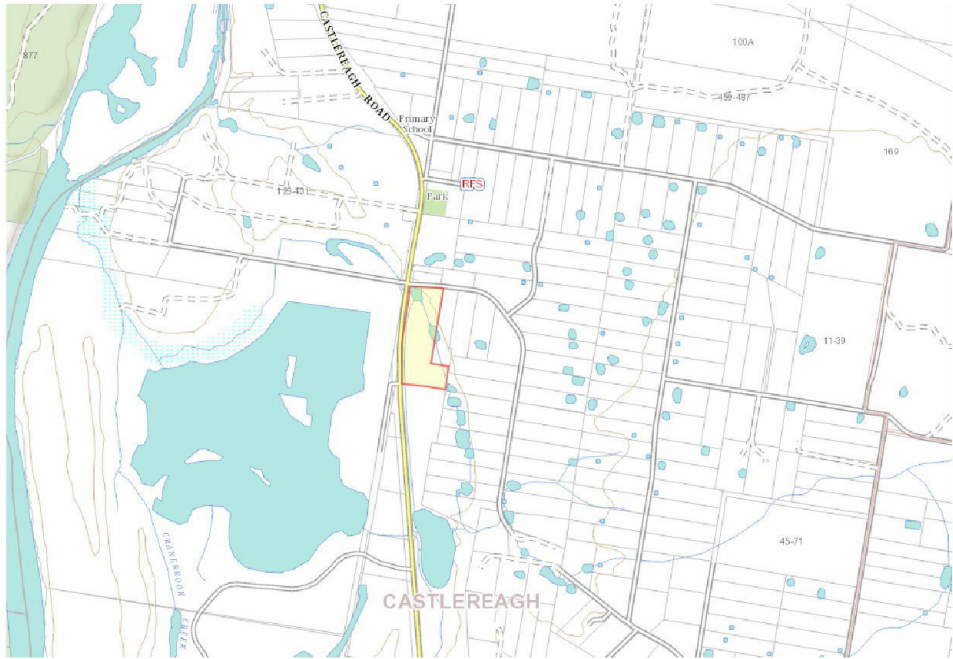
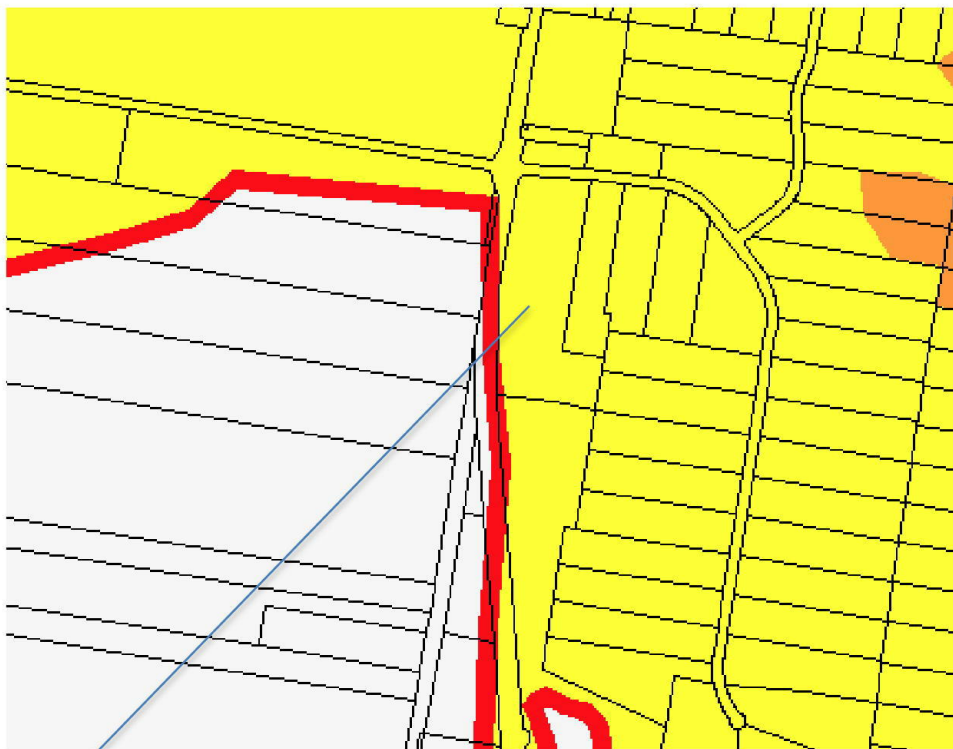


FIGURE 11: COUNCIL BUSHFIRE MAP



Subject site

## 6.0 PLANNING ASSESSMENT

### 6.1 THE PROVISION OF ANY ENVIRONMENTAL PLANNING INSTRUMENT

#### 6.1.1 SEPP No 55 – REMEDIATION OF LAND

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

- (a) by specifying when consent is required, and when it is not required, for a remediation work, and
- (b) by specifying certain considerations that are relevant in rezoning land and in determining development applications in general and development applications for consent to carry out a remediation work in particular, and
- (c) by requiring that a remediation work meet certain standards and notification requirements

A Site Audit Statement and Final Validation Report have been taken for the site and adjacent Lakes Scheme lands. The site audit concludes that remediation and validation works have been appropriately implemented and in conjunction with the investigation works that were previously conducted. The auditor also considers that the site is suitable for residential land use with access to soil, including less sensitive land uses such as recreational, park and open space.

A VENIM report for all imported material has also been undertaken and accompanies the DA. This report concludes that only natural VENIM materials have been placed on site and therefore presents no significant risk to human health or the environment.

This information has been reviewed by Council and found to be satisfactory as part of their previous assessment of DA16/0498.

### **6.1.2 SEPP (STATE AND REGIONAL DEVELOPMENT) 2011**

This SEPP aims to identify state and regionally significant development and the development assessment process for such development. Schedule 2 to the SEPP identifies certain sites that have been declared to provide state significant development. This schedule references the Penrith Lakes and an extract is provided below:

#### ***8 Development at Penrith Lakes Site***

*Development on land identified as being within the Penrith Lakes Site on the State Significant Development Sites Map if the development is for the purposes of extraction, rehabilitation or lake formation (including for the purposes of associated infrastructure on land located within or outside that Site).*

The site is located with the identified Penrith Lakes, however the development is not for the purposes of extraction, rehabilitation or lake formation and therefore the SEPP is not relevant to this development proposal.



### 6.1.3 SEPP (PENRITH LAKES) 1989

The SEPP is the primary environmental planning instrument that applies to the subject site. The aims of this plan are as follows:

#### *2 Aims of Policy*

*The aims of this Policy are as follows:*

- (a) to provide a development control process that ensures that environmental and technical matters are considered in the implementation of the Penrith Lakes Scheme,*
- (b) to identify and protect items of the environmental heritage,*
- (c) to identify certain land that may be rezoned for employment, environmental, parkland, residential, tourism and waterway purposes and land that will be rezoned as unzoned land,*
- (d) to permit interim development that will not detrimentally impact on the implementation of the Penrith Lakes Scheme,*
- (e) to ensure that the implementation of the Penrith Lakes Scheme does not detrimentally impact on the ongoing operation and use of olympic legacy infrastructure, including the Sydney International Regatta Centre and the Penrith Whitewater Stadium.*

The development does not cause any inconsistency with any of these objectives.

Other key provisions of the SEPP are addressed below:

#### **Part 2 Development Control**

#### **7 Development generally**

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***A person shall not carry out development on land to which this Policy applies except development authorised by or under this Policy.***

The developments permissibility has been demonstrated as part of previous sections of this report.

***8 Development for the purposes of implementing the Penrith Lakes Scheme***

***(1) Development for the purposes of implementing the Penrith Lakes Scheme may, with development consent, be carried out on land to which this Policy applies.***

Not relevant as the development proposal does not seek to implement the Penrith Lakes Scheme.

**Part 3 Permitted or prohibited development on zoned land**

***Residential***

***1 Objectives of zone***

- ***To provide for low-impact residential development in areas with special ecological, scientific or aesthetic value.***
- ***To ensure that residential development does not have an adverse effect on those values.***
- ***To minimise the potential for conflict between development in residential areas and land uses within adjoining zones.***
- ***To ensure that land uses are compatible with the available infrastructure, services and facilities and with the environmental capabilities of the land.***
- ***To preserve and improve natural resources through appropriate land and water quality management practices.***

The development seeks simply to provide a level building platform above the flood levels for future residential development.

The accompanying Flood Impact advice from BMT WBM concludes that the earthworks on the subject site provide negligible impact on the 1% AEP flood extent and negligible impact on available flood storage volume.

Further, all works have been undertaken utilising appropriate land and water quality management measures.

The development therefore causes no inconsistency with the relevant zone objectives.

#### ***Part 5 Additional provisions for zoned land***

##### ***25 Development on land zoned Residential***

***(1) Development consent must not be granted for development on land zoned Residential unless the consent authority is satisfied that the number of dwellings on all land zoned Residential will not exceed 30.***

The subject site seeks simply to facilitate future residential development of a single dwelling house on one of the few residential zoned parcels of land within the SEPP.

Accordingly, the development proposes nothing that could be expected to exceed the 30 dwelling maximum for the broader Lakes Scheme site.

***(2) Development consent must not be granted for development on land zoned Residential unless the consent authority has considered the following:***

***(a) an Aboriginal cultural heritage assessment for the land (being a written report detailing the results of the assessment and recommendations for actions to be taken before, during and after an activity to manage and protect Aboriginal objects and declared Aboriginal places identified by the investigation and assessment) that has been prepared by a suitably qualified person,***

The site has been the subject of significant Aboriginal cultural heritage assessment as part of the Penrith Lakes Scheme works.

As a consequence of this previous assessment and consideration an Aboriginal Heritage Impact Permit (AHIP) has already been issued for the subject site. This AHIP accompanies the DA.

PLDC have also previously provided an Aboriginal Cultural Management Plan (CMP) for the broader Lakes Scheme Site to the Department of Planning and Penrith City Council. The proposed development causes no inconsistency with that CMP.

The development therefore is considered to satisfy this clause of the SEPP.

***(b) a geotechnical assessment that has been prepared by a suitably qualified person and demonstrates that a stable development platform exists for the development,***

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Detailed geotechnical testing has been undertaken for the subject site and accompanies the DA. This testing concludes that the earthworks comply with the landform specifications for urban land.

***(c) an evacuation plan that is prepared by an emergency services organisation and endorsed by the NSW State Emergency Service as being appropriate for the development.***

There is no formal process for the preparation or even endorsement of an evacuation plan by the NSW State Emergency Service. It is therefore hard to understand how this requirement can ever be met.

Nevertheless, Molino Stewart Pty Ltd is an environmental and natural hazards consultancy, which has been involved in flood emergency planning in the Hawkesbury Nepean Valley since the company's inception in 1995. This consultancy is currently preparing a flood evacuation strategy for this land and other adjacent residential zoned lands with the SEPP and it is expected that this strategy will be available for Councils consideration very shortly.

In summary, the evacuation plan for the is to evacuate by vehicle within the ample warning period and if not then walk/drive out on rising grade on West Wilchards Road above the flood and to stay with neighbours until the flood subsides.

In addition Flood Emergency Response Plan and Action Guide accompanies the development application.



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**Part 6 Miscellaneous provisions**

**31 Earthworks**

**(1) The objective of this clause is to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.**

**(2) Development consent is required for earthworks unless:**

**(a) the earthworks are exempt development under an applicable environmental planning instrument, or**

**(b) the earthworks are ancillary to development that is permitted without consent under this Policy or to development for which development consent has been given.**

**(3) Before granting development consent for earthworks (or for development involving ancillary earthworks), the consent authority must consider the following matters:**

**(a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,**

The earthworks are well removed from any natural drainage line and not of scale to have any effect on drainage patterns.

Soil tests and geotechnical information that accompanies the development application demonstrates that the development will have no impact upon soil stability.

**(b) the effect of the development on the likely future use or redevelopment of the land,**



The development will facilitate a future development platform for a dwelling house located above the flood planning level which is entirely consistent with the zoning and proposed future use of the site.

***(c) the quality of the fill or the soil to be excavated, or both,***

A VENIM report accompanies the DA.

***(d) the effect of the development on the existing and likely amenity of adjoining properties,***

The finished site levels and profile will have limited visibility to adjoining properties and cause no adverse amenity impacts.

***(e) the source of any fill material and the destination of any excavated material,***

A VENIM report accompanies the DA.

***(f) the likelihood of disturbing relics,***

Previous detailed assessment of the site heritage has determined that there is very limited likelihood of disturbing any relics.

***(g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,***

The earthworks are well removed from any natural drainage lines and is not in any drinking water catchment.

Some vegetation removal was required to facilitate the development of the earthworks however a flora and fauna report accompanies the DA and concludes that no significant impact upon Cumberland Plain Woodland is caused by the development.

*(h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.*

All relevant measure to mitigate adverse environmental impacts were undertaken as part of the earthworks. The finishes stabilised land forms presents no potential to cause adverse environmental impacts.

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

Penrith City Council exhibited Draft LEP 2010 – Stage 2 (DLEP) on 13 May 2013. The exhibited Draft includes the entire Penrith Lakes Lands inclusive of the subject site.

However, the Lakes Scheme were subsequently excluded from that Draft LEP and therefore there are no Draft LEP's relevant to the subject site or its development.

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

### **PENRITH DCP 2014**

All relevant matters pertaining to site constraints, environmental planning matters have been addressed as part of previous sections of this report.

## **6.4 IMPACTS OF DEVELOPMENT**

### **6.4.1 NATURAL ENVIRONMENT**

The site accommodates significant topographic features inclusive of flood prone lands, a watercourse, slopes, and native vegetation.

However, the development seeks to create a future building platform in part of the site that is well above the flood level.

Some vegetation clearing was required however this was demonstrated to cause no adverse impact.

Further, the development will drain stormwaters to the Penrith lakes Scheme, which has been designed to accommodate and manage stormwaters inclusive of water quality and quantity, from both the site and the surrounding area.

As a consequence, it can be ultimately concluded that the development will not cause adverse impact upon the natural environment.

### **6.4.2 BUILT ENVIRONMENT**

No built forms are proposed by the development.

### **6.4.3 SOCIAL IMPACT**

The proposed development is not of a scale or type to cause any adverse social impact.

### **6.4.4 ECONOMIC IMPACT**

The proposed development is not of a scale that will cause any economic impacts to the local or broader area.

## **6.5 SUITABILITY OF THE SITE**

The subject site is appropriately zoned and has long been planned to provide future urban outcomes. The development will also cause no adverse impacts to the built or natural environment.

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

## **6.6 THE PUBLIC INTEREST**

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

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

## 7.0 CONCLUSION

The application seeks approval to limited earthworks to provide a building platform for a future dwelling house.

An assessment of the development has been made against the relevant provision of SEPP (Penrith Lakes Scheme) 1989 demonstrates that the development generally complies with all the identified planning objectives and development requirements.

For these reasons we can see good reason for Council to approve the development.

## **ANNEXURE A: PLDC ADVICE**



13 July 2016



Mr Vince Hardy  
Cityscape Planning Projects  
PO Box 127  
**Glenbrook, NSW 2773**

By Email: [vhardy@cityscape.net.au](mailto:vhardy@cityscape.net.au) (Original by mail)

Dear Mr Hardy,

**Re: Lot 1 in DP1181666 - Corner Castlereagh Road and West Wilchards Rd**

I am writing in response to your request for PLDC's comments in relation to earthworks carried out by the owner on the abovementioned privately owned lot. PLDC has reviewed the documentation that you provided (including the STS Geotechnical Report) and carried out a visual inspection of the completed works on that lot.

Firstly, I confirm that this lot was sold by PLDC with the understanding that it has a dwelling entitlement under IDO 93 and is located wholly within SEPP (Penrith Lakes Scheme) 1989 and within the relevant DA4/1998 area.

Second, following review of the documentation you provided to PLDC and our inspection I can state that:

- the land restoration and landform works at Lot 1 are considered to consistent with the DA4/1998 consent and its subsequent amendments;
- the subject land was nominated formally by PLDC as "Urban Land" pursuant to provisions of the 1987 Deed of Agreement between PLDC and the State;
- compliance of works under DA4/1998 has always been the responsibility of the NSW Department of Planning & Environment pursuant to SEPP (Penrith Lakes Scheme) 1989 and the consent conditions of DA4/1998;
- based on the recent STS Geotechnical Report PLDC is satisfied the landform works are consistent with the standards and methodology that PLDC would apply in carrying out similar works to a residential standard;
- the 2012 Water Management Plan for the Penrith Lakes Scheme (approved by the Minister for Planning) is in close alignment with Council's flood planning level of RL20.6AHD and the earthworks are well above these levels;
- the Penrith Lakes Scheme digital terrain modelling includes landform generally consistent with the finished landform on Lot 1 and hence there is no adverse flooding impact from Lot 1; and
- provisions of the SEPP and the 1987 Deed require the floor of residential buildings to be at or above the upper limit of the 1% probability flood level which Council has advised is RL20.6AHD. Based on your documentation that the proposed single storey will have an on-ground slab construction with top of slab at RL22.8AHD it will therefore comfortably comply.

Penrith Lakes Development Corporation Ltd

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Castlereagh NSW 2749

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Cranebrook NSW 2749

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ABN 46 000 133 951

Page 2 of 2

We trust this information addresses the matters on which you sought clarification.

Yours sincerely,  
**Penrith Lakes Development Corporation Limited**



Mick O'Brien  
Chief Executive Officer

Penrith Lakes Development Corporation Ltd

Old Castlereagh Road,  
Castlereagh NSW 2749

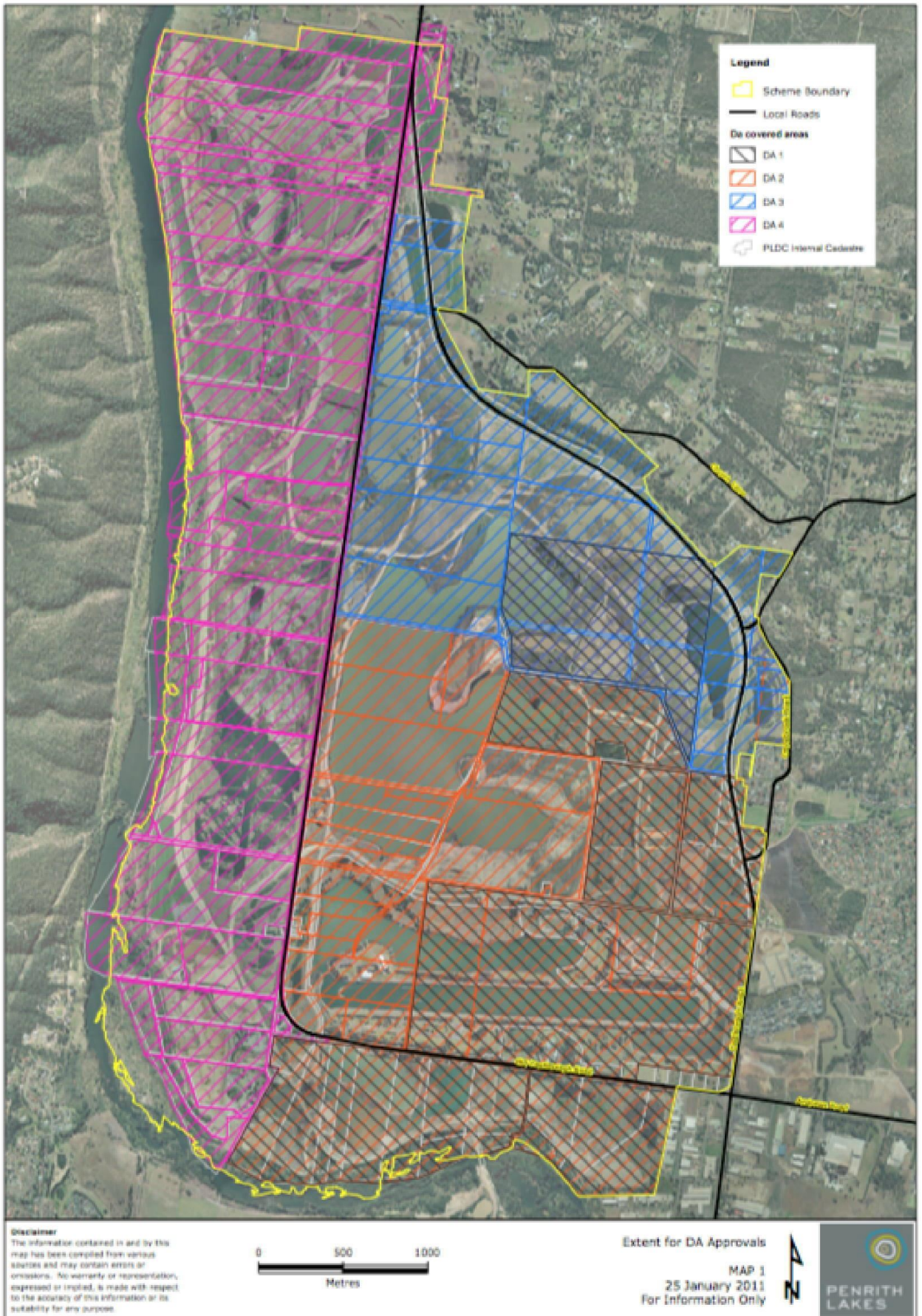
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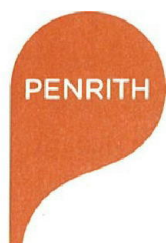




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## **ANNEXURE B: COUNCIL FLOOD ADVICE**





Our reference: ECM7003542  
Contact: Ratnam Thilliyar  
Telephone: 4732 7988

15 September 2015

Mr Vince Hardy  
Cityscape  
PO Box 127  
GLENBROOK NSW 2773

Dear Mr Hardy

**Flood Level Enquiry**  
**Lot 1 DP 1181666 No. 259 West Wilchard Road Castlereagh**

I refer to your Flood Information Application dated 3 September 2015, please find below the flood information for the above site.

The mainstream 1% AEP (*Annual Exceedance Probability – The chance of a flood of this size occurring in any one year*) flood level in the vicinity of the above property was previously estimated to be 20.6m AHD (*Australian Height Datum – A standard level datum used throughout Australia, approximately equivalent to mean sea level*) based on the information contained within the Nepean River RUBICON flood model (Water Board Study 1994). Please note however since 1994, the floodplain characteristics have changed and as such you should make your enquiries as to the present level of flooding relevant to this site.

The property is located in the close proximity of the Penrith Lakes Scheme and hence the flood behaviour (including the flood levels) in the vicinity of the subject site is predominantly influenced by the Lakes Scheme design. Accordingly, Council is aware that the Department of Planning are considering substantial amendment to the previously approved Penrith Lakes Scheme. Until such time as this is resolved, Council is not in a position to confirm the flood information relevant to your land.

I would also like to inform you that Council is currently reviewing this flood information and is subject to change.

Should you require any further information please do not hesitate to contact me on 4732 7988.

Yours sincerely

Ratnam Thilliyar  
**Engineering Stormwater Co-ordinator**

## **ANNEXURE C: AHIMS SEARCH**



**AHIMS Web Services (AWS)  
Search Result**

Purchase Order/Reference : west wilchard

Client Service ID : 222499

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

Date: 26 April 2016

Dear Sir or Madam:

**AHIMS Web Service search for the following area at Lot : 1, DP:DP1181666 with a Buffer of 50 meters, conducted by Vince Hardy on 26 April 2016.**

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



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

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