

88-89 Nepean Gorge Drive

MULGOA

Subdivision Development Application

Statement of Environmental Effects

August 2017

Prepared For Angas Securities

Project: 88-89 Nepean Gorge Drive, Mulgoa

Document: Subdivision Development Application

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1.0 Introduction

This Statement of Environmental Effects has been prepared by ae design partnership to detail and explain the intended effects of the proposed subdivision of the approximately 110 hectare Lot 1 DP549247 (also known as 88-89 Nepean Gorge Drive, Mulgoa) into two allotments with size approximately 55 hectares, of which:

- Approximately 53 hectares in each allotment proposed to be protected in perpetuity under BioBanking agreement; and
- 2 hectares in each allotment (referred to as Residual Lots in Concept Layout forming part of this application) to remain vacant, enabling future Development Applications seeking development of detached dwellings and ancillary uses.

Located within the Penrith Local Government Area, the applicable Environmental Planning Instrument is the Penrith Local Environmental Plan 2010 (PLEP). The proposal and/or development enabled by the proposal is consistent with the relevant provisions of PLEP:

- Land Use Zone: **E3 Environmental Management**
- Minimum Lot Size: AB1 – **10 hectares**
- The site is adjacent to a general heritage item – Item 140
- The site is classified as **Natural Resources Sensitive Land**
- The site is classified as **Land with Scenic and Landscape Values**

2.0 Planning Framework

The site is located within the Penrith LGA, the applicable EPI is the Penrith Local Environmental Plan 2010 under which the site is zoned:

- Land Use Zone: **E3 Environmental Management**
- Minimum Lot Size: AB1 – **10 hectares**
- The site is adjacent to a general heritage item – Item 140
- The site is classified as **Natural Resources Sensitive Land**
- The site is classified as **Land with Scenic and Landscape Values**

As such the following provisions of the LEP are addressed within this Statement of Environmental Effects:

- Clause 2.3 Zone objectives and Land Use Table: E3 Environmental Management
- Clause 4.1 Minimum subdivision lot size
- Clause 4.2A Residential development and subdivision prohibited in certain rural, residential and environment protection zones
- Clause 7.3 Development on natural resources sensitive land
- Clause 7.5 Protection of scenic character and landscape values

Additionally, the following sections of the Penrith DCP 2010 are addressed within the Statement of Environmental Effects:

- Part C – City Wide Controls
- Part E – Key Precincts

3.0 Context

3.1 Greater Sydney Metropolitan Area

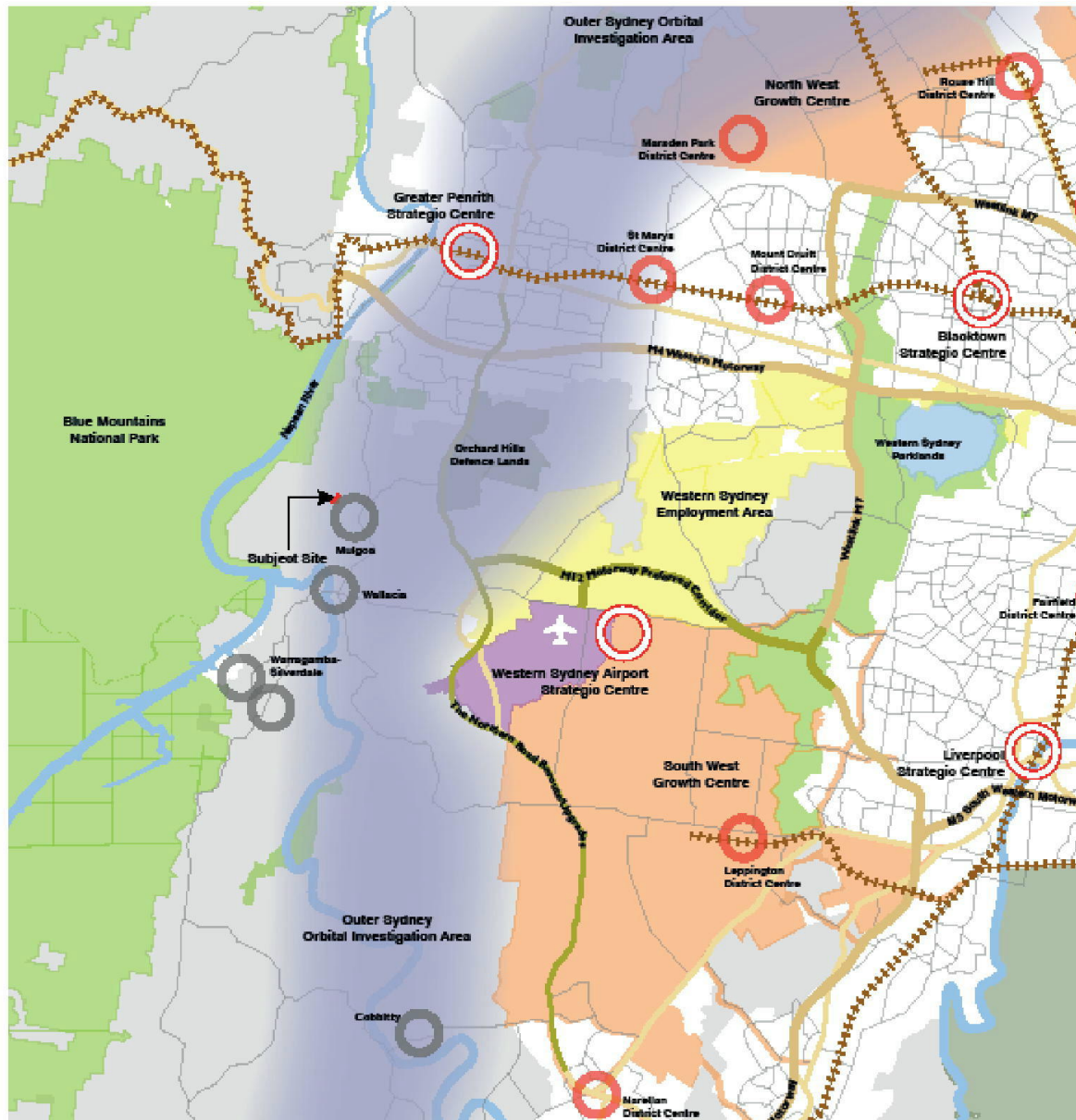


Figure 1: Greater Sydney Metropolitan Rural Area

There is an opportunity for development of the subject site due to its proximity to:

- Western Sydney Airport which, by 2063, will “enable 60,000 direct jobs” (AUS DoI&RD 2016);
- The Western Sydney Employment Area which over the next 30 years, is to provide more than 57,000 jobs with 212,000 forecasted for the longer term (NSW DoPE 2016);
- The Greater Penrith Strategic Centre, “the gateway to Greater Sydney” which “provides regional transport connections into Greater Sydney. The centre comprises Western Sydney University Werrington Campus, Western Sydney TAFE, Nepean Hospital and major retail activity. Significant growth potential is associated with the concentration of health and education within this centre” (GSC 2016, p. 34); and
- Mulgoa Village, including health and medical facilities, educational institutions and general retail to meet the day-to-day needs of local residents.

3.2 Locality

There is an opportunity for development of the subject site in accordance with the existing character of the locality (see Figure 2):

- Dense vegetation west of the subject site, forming part of the Nepean River riparian corridor and Blue Mountains National Park; and
- Existing development pattern:
 - Winding roads following existing ridgelines;
 - Lots fronting collector roads typically with size approximately 2 hectares;
 - Lots at the end of cul-de-sacs typically 10-15 hectares; and
 - Rural uses including dwellings and ancillary structures accessible via one-two entrance/egress points.



Figure 2: Local context

3.3 Subject Site

As shown in Figure 3, the subject site is defined by:

- Thinned vegetation, including threatened species *Grevillea Juniperina* extending from the centre from the centre of the site to its southern edge; and
- Minor streams which, subject to future Development Applications, could be bridged/culverted where necessary to enable access to future dwelling and ancillary structures;

There is an opportunity for:

- Location of 2 hectare Residual Allotments adjoining existing lots at the end of Nepean Gorge Drive and along Fairlight Road where existing access and services are available;
- Protection of remainder of lots (including threatened species *Grevillea Juniperina*) under BioBanking agreement, enabling the regrowth and rehabilitation of vegetation as part of a contiguous network forming part of the Nepean River riparian corridor and Blue Mountains National Park.

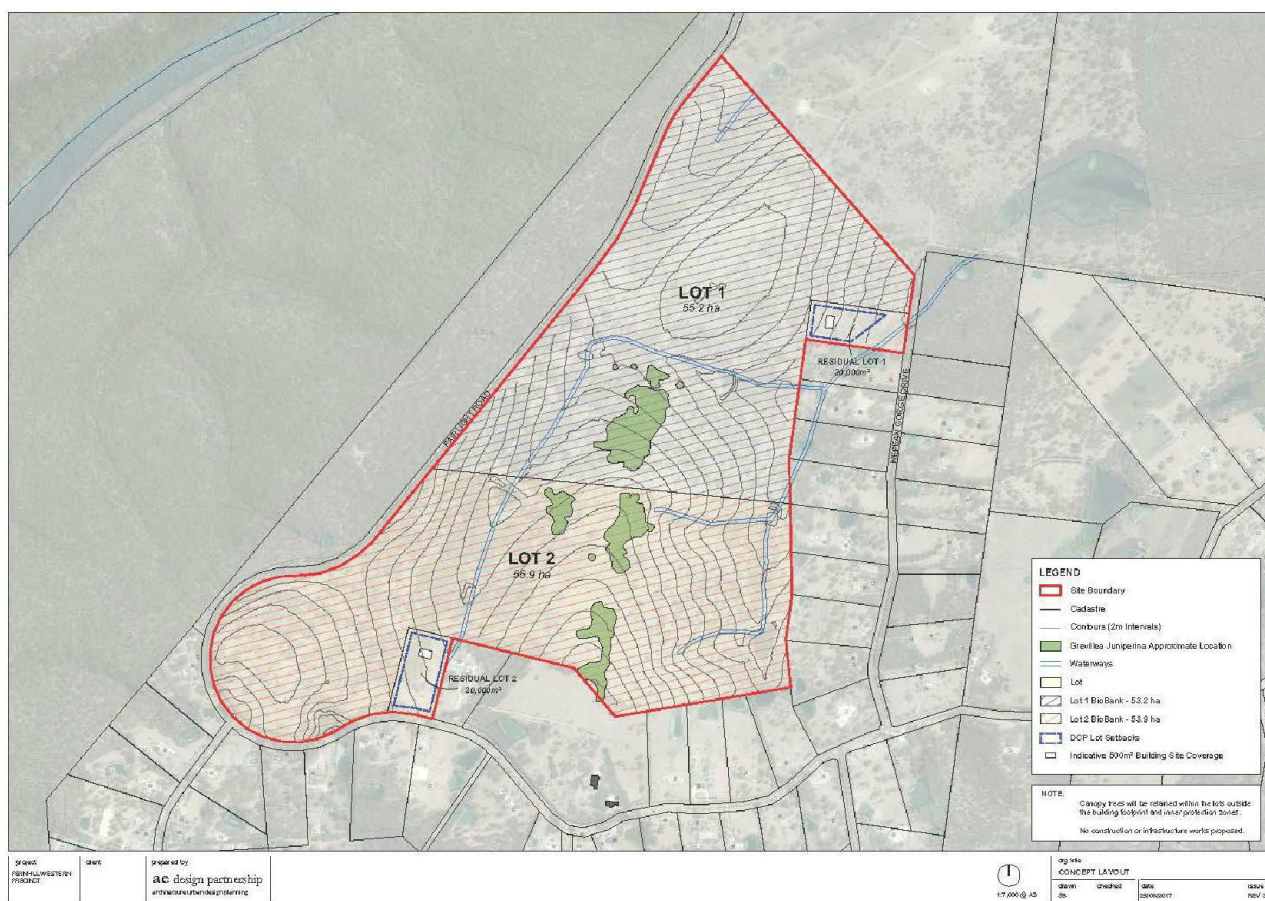


Figure 3: Site analysis

4.0 The Proposal

4.1 Subdivision

The proposal seeks subdivision of the vacant 110 hectare site in two approximately 55 hectare allotments as follows:

- Lot 1 (55.2 hectares):
 - 53.2 hectares to be protected in perpetuity under proposed BioBanking agreement; and
 - 2 hectares (Residual Lot 1 in Plan of Subdivision attached) in which it is anticipated detached dwelling and ancillary compliant uses will be constructed, subject to separate Development Application.
- Lot 2 (55.9 hectares):
 - 53.9 hectares to be protected in perpetuity under proposed BioBanking agreement; and
 - 2 hectares (Residual Lot 2 in Plan of Subdivision attached) in which it is anticipated detached dwelling and ancillary compliant uses will be constructed, subject to separate Development Application.

No further construction or infrastructure works are proposed.

As shown by indicative house pads in Concept Layout forming part of this application, the Residual Allotments have sufficient space to accommodate dwellings with 500m² footprint, without contravention of DCP setback requirements.

5.0 Environmental Assessment

5.1 Penrith LEP 2010

Clause:	Controls:	Comments:	Compliance:
2.3 Zone objectives and Land Use Table: E3 Environmental Management	<p>(2) <i>The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.</i></p> <p>The subject site is zone E3 Environmental Management</p> <p>Objectives of zone</p> <ul style="list-style-type: none"> <i>To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values.</i> <i>To provide for a limited range of development that does not have an adverse effect on those values.</i> <i>To minimise conflict between land uses within the zone and land uses within adjoining zones.</i> <i>To ensure development is compatible with the environmental capabilities of the land and does not unreasonably increase the demand for public services or public facilities.</i> <i>To preserve and improve natural resources through appropriate land management practices.</i> 	<p>The proposal seeks subdivision of the subject site into two allotments with size approximately 55 hectares, of which:</p> <ul style="list-style-type: none"> Approximately 53 hectares in each allotment proposed to be protected in perpetuity under BioBanking agreement; and 2 hectares in each allotment (referred to as Residual Lots in Concept Layout forming part of this application) to remain vacant, enabling future Development Applications seeking development of detached dwellings and ancillary uses. 	✓
4.1 Minimum subdivision lot size	<p>(2) <i>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> <p>(3) <i>The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the Lot Size Map in relation to that land.</i></p>	<p>The proposal enables subdivision of the subject site into two allotments with size approximately 55 hectares, compliant with the minimum 10 hectares permitted under PLEP 2010.</p>	✓

<p>4.2A Residential development and subdivision prohibited in certain rural, residential and environment protection zones</p>	<p>(2) <i>This clause applies to land in the following zones:</i></p> <p>f) <i>Zone E3 Environmental Management</i></p> <p>(3) <i>Development consent must not be granted for the erection of a dwelling house on a lot resulting from the closure of part or all of a road, whether before or after the commencement of this Plan.</i></p>	<p>Neither the proposed subdivision nor development enabled by the proposed subdivision would require the closure of part or all of a road.</p> <p>✓</p>
<p>7.3 Development on natural resources sensitive land</p>	<p>(3) <i>Development consent is required for the following on land to which this clause applies:</i></p> <p>(a) <i>the subdivision of land,</i></p> <p>(5) <i>Development consent must not be granted to development mentioned in subclause (3) unless the consent authority is satisfied that:</i></p> <p>(a) <i>the development is designed and will be located and managed to avoid any potential adverse environmental impact, or</i></p> <p>(b) <i>if a potential adverse environmental impact cannot be avoided, the development:</i></p> <p>(i) <i>is designed and located so as to have minimum adverse impact, and</i></p> <p>(ii) <i>incorporates effective measures to remedy or mitigate any adverse impact caused.</i></p>	<p>The proposal seeks consent for subdivision of the subject site.</p> <p>Environmental impacts are ameliorated through:</p> <ul style="list-style-type: none"> • Location of residual allotments adjoining existing lots at the end of Nepean Gorge Drive and along Fairlight Road where existing access and services are available; • Protection of the remainder of the subject site in perpetuity under BioBanking scheme, enabling the regrowth of vegetation as part of a contiguous network within the Nepean River riparian corridor and the Blue Mountains National Park. <p>✓</p>
<p>7.5 Protection of scenic character and landscape values</p>	<p>(3) <i>Development consent must not be granted for any development on land to which this clause applies unless the consent authority is satisfied that measures will be taken, including in relation to the location and design of the development, to minimise the visual impact of the development from major roads and other public places.</i></p>	<p>Indicative building footprints shown in the Concept Layout forming part of this application indicate that the proposed future Development Applications seeking consent for the development of detached dwellings will be able to be located such that they have minimal impact on the visual qualities of the landscape.</p> <p>✓</p>

5.2 Penrith DCP 2010

5.2.1 Part C – City Wide Controls

C11 Subdivision

11.1 General Subdivision Requirements		
Controls:	Comments:	Compliance:
1) Engineering Works		
a) Where roads and other engineering works are required to support a proposed subdivision, details must be included in the development application. Applicants are advised to consult with Council's Development Services Unit in relation to any subdivision proposal.	No additional roads are proposed, vehicular entrances to the two Residual Lots are available from existing roads, subject to future Development Applications.	✓
2) Site Planning		
a) Any proposed subdivision must demonstrate how the proposed subdivision design has taken into account the principles set out in Section C1 'Site Planning and Design Principles' of this DCP. This includes, but is not limited to: <ul style="list-style-type: none"> i) Site analysis and response to the site context; ii) Social impact of the proposed subdivision; iii) Economic assessment of the proposed subdivision; iv) Environmental assessment of the proposed subdivision; v) Urban design assessment of the proposed subdivision; vi) Compliance with the provisions of this DCP relating to specific land uses; vii) The allotment size, shape and orientation; viii) The alignment of roads with the natural topography; ix) Potential energy and water savings from subdivision design and allotment orientation; and x) The ability of proposed allotments operate efficiently for the proposed use and potential future development. 	<p>The proposed subdivision:</p> <ul style="list-style-type: none"> • Is consistent with the site analysis conducted within Section 3.3 of this report; • Is assessed against the relevant provisions of the DCP within this section of the report; • Does not require the construction of additional roads; • Creates Residual Allotments (in which it is anticipated future landowners will lodge Development Applications for detached dwellings and ancillary uses): <ul style="list-style-type: none"> ○ Resulting in marginal population increase which would not require further social impact, economic and urban design assessment; ○ with size, frontage and depth consistent with adjoining allotments; and ○ With sufficient size to accommodate on-site sewer and rainwater collection, as well as other potential energy and water savings. 	✓

<p>b) As part of any site analysis, the proposed subdivision must demonstrate its integration with the natural and physical features of the site including, but not limited to:</p> <ul style="list-style-type: none"> i) Slope and orientation of land; ii) Opportunities for solar and daylight access to dwellings (if applicable); iii) Design of roads and access ways (individual site access); iv) Retention of special qualities or features such as trees or views; v) Availability of utilities; vi) Provision of adequate site drainage vii) Possible need to retain the existing subdivision character; viii) Heritage and archaeological conservation; ix) Adequacy of each allotment considering relevant development standards for the proposed future use of the land; x) Relationship to adjacent subdivision patterns; and xi) Potential land use conflicts with adjacent lands. 	<p>The proposed subdivision provides a development which allows for individual access to existing roads and utilities while also retaining a large portion of native vegetation under BioBanking agreement.</p> <p>The two hectare Residual Lots are consistent with surrounding rural-residential pattern of development.</p> <p style="text-align: right;">✓</p>
<p>c) Existing vegetation and natural drainage lines should be retained and enhanced, wherever possible.</p>	<p>Proposed BioBanking agreement ensures existing vegetation will be retained. Canopy tress will also be retained within the lots outside of the building footprint.</p> <p style="text-align: right;">✓</p>
<p>d) Existing dams should be retained, where possible.</p>	<p>No dams are located on the subject site.</p> <p style="text-align: right;">✓</p>
<p>e) Long and narrow allotments should be avoided. Allotments should have a maximum of 4:1 depth to width ratio.</p>	<p>Both residual lots have an approximate depth to width ratio of 2:1 remaining compliant with this control.</p> <p style="text-align: right;">✓</p>
<p>f) 'Battle-axe' allotments are discouraged by Council. No more than two allotments shall be served by a shared access corridor. Where a corridor is shared, reciprocal rights of way and easements for drainage shall be granted over the access corridor for the benefit of both allotments.</p>	<p>'Battle axe' allotments are not proposed for this development.</p> <p style="text-align: right;">✓</p>
<p>g) Applications for subdivision need to demonstrate that each of the proposed allotments can support the proposed development/buildings by providing a Potential Development Area Plan. This Plan (based on a survey diagram) shall show the potential development area of</p>	<p>Potential Development Area Plan is included within the concept layout plan included an indicative 500m² building site coverage and DCP setbacks.</p> <p style="text-align: right;">✓</p>

<p>each allotment (after taking into account setbacks that may be required to meet built form or environmental controls in this DCP).</p>	
<p>h) Applications should be accompanied by landscape plans indicating proposed landscaping (including streets and how they are positioned so as not to compromise the effectiveness of street lighting) and parking arrangements.</p>	<p>The proposed subdivision does not include any works. Existing rural landscape is to be retained and allowed to rehabilitate in perpetuity under BioBanking agreement. It is anticipated that future Development Applications seeking consent for the development of detached dwellings and ancillary uses within the Residual Lots would be accompanied by Landscape Plans.</p> <p style="text-align: right;">✓</p>
<p>i) New allotments should be located so as to protect, enhance or conserve areas of high scenic or recreational value. Council may consider subdivisions/buildings in these higher value areas where ridgelines, vistas and other geographic features are not interrupted or where building materials that blend with the environment are to be used.</p>	<p>Environmental impacts are ameliorated through:</p> <ul style="list-style-type: none"> • Location of residual allotments adjoining existing lots at the end of Nepean Gorge Drive and along Fairlight Road where existing access and services are available; • Protection of the remainder of the subject site in perpetuity under BioBanking scheme, enabling the regrowth of vegetation as part of a contiguous network within the Nepean River riparian corridor and the Blue Mountains National Park. <p style="text-align: right;">✓</p>
<p>3) Subdivision of Natural Resources Sensitive Land</p>	
<p>a) Where applicable, applicants are required to address the environmental impacts of any proposed subdivision of land where the proposed allotment(s) are within or adjacent to land shown on the Natural Resources Sensitivity Land Map of the LEP.</p>	<p>Environmental impacts are ameliorated through:</p> <ul style="list-style-type: none"> • Location of residual allotments adjoining existing lots at the end of Nepean Gorge Drive and along Fairlight Road where existing access and services are available; • Protection of the remainder of the subject site in perpetuity under BioBanking scheme, enabling the regrowth of vegetation as part of a contiguous network within the Nepean River riparian corridor and the Blue Mountains National Park. <p style="text-align: right;">✓</p>
<p>b) Council will generally not support the subdivision of land within or adjacent to the land noted on the Natural Resources Sensitivity Land Map where the subdivision will result in fragmentation that will make control of environmental outcomes difficult to achieve.</p>	<p>As above.</p> <p style="text-align: right;">✓</p>

c) Council may require dedication of conservation easements, where necessary, over land adjacent to land shown on the Natural Resources Sensitivity Land Map to protect areas identified to be of significance.	As above.	✓
4) Vegetation Management		
Vegetation management is included within the Ecological Report produced by GHD.		
5) Water Management		
Water management is included within the Ecological Report produced by GHD.		
6) Land Management		
a) Any subdivision proposal is required to address the objectives and controls set out in the Land Management section with particular focus on ensuring that the proposed subdivision is appropriate taking into consideration: <ul style="list-style-type: none"> i) Site instability due to geology, slope or landfill; ii) The need for excavation and fill to create developable allotments; iii) The potential for erosion and sedimentation; and iv) The potential for salinity. 	<p>No works are proposed as a part of this development application that will impact on land management.</p> <p>Natural process will continue to occur on site.</p>	✓
b) Any subdivision application must address whether the proposed site has any potential for contamination (in accordance with the Contaminated Land Management Act 1997), other than by normal grazing activities. If required by Council, the land will need to be remediated in accordance with legislative requirements before subdivision can be permitted.	Future Development Applications seeking consent for the development of dwellings and ancillary uses within the Residual Lots would be required to be supported by Preliminary Site Investigations in accordance with State Environmental Planning Policy No 55.	✓
7) Culture and Heritage		
a) Subdivision of a heritage item or in the vicinity of a heritage item or where there is the likelihood of an Aboriginal archaeological heritage item must address the objectives and controls set out in the Culture and Heritage section. The proposed subdivision must minimise: <ul style="list-style-type: none"> i) The impact on Aboriginal or European archaeology on the site; and 	Land within the subject site adjacent to nearby items of heritage significance is proposed to be protected in perpetuity under BioBanking agreement, ensuring the setting of these natural and built items is unharmed or improved.	✓

ii) The impact on Aboriginal objects and places.	
8) Access and Transport	
<p>a) Any subdivision proposal is required to address the objectives and controls set out in the Transport, Access and Parking section with particular focus on ensuring that the proposed subdivision is appropriate taking into consideration:</p> <ul style="list-style-type: none"> i) The appropriate location of land uses to minimise transport requirements; ii) Likely traffic generation; iii) Safe access and egress to the site; and iv) Appropriate lot sizes to provide facilities for cars, pedestrians and bicycles. 	<p>Future Development Applications seeking consent for the development of dwellings and ancillary uses within the Residual Lots would:</p> <ul style="list-style-type: none"> • Result in marginal population increase which would not require further traffic impact assessment; and • Consider access and egress arrangements. <p>Proposed Residual Lots have sufficient size, frontage and depth to accommodate a range of vehicle parking facilities.</p>
b) Council will not approve any subdivision of new lots in situations where each lot cannot be provided with a safe access point to an existing public road.	<p>Both Residual Lots are located on existing roads providing opportunities for safe access.</p>
c) Council may not approve subdivision of allotments where access is to a Crown Road only.	<p>Neither Fairlight Road nor Nepean Gorge Drive are classified as Crown Roads.</p>
d) Site frontage must be sufficient to permit vehicular and pedestrian access to the site.	<p>Residual Lots have a minimum site frontage of 90 metres providing sufficient accessibility for vehicles and pedestrians.</p>
e) A minimum allotment frontage of 25m must be provided when the allotment has a vehicle access point to a collector or major road.	<p>The proposed allotments are compliant with this control:</p> <ul style="list-style-type: none"> ○ Lot 1 – 91 metres ○ Lot 2 – 103 metres
f) Council and the Roads and Maritime Services (RMS) require that access points are grouped at existing or limited access points whenever feasible to minimise the traffic impact and risk on additional access points to road networks.	<p>It is anticipated that future Development Applications seeking consent for the development of dwellings and ancillary uses within the Residual Lots would include 1-2 grouped access points.</p>
g) Where an internal road system is proposed to a new subdivision, the application must demonstrate a distinctive and hierarchical network of roads with clear physical distinctions between each type of road, based on	<p>An internal road system is not proposed.</p>

function, capacity, vehicle speeds and public transport.		
h)	Any proposed road system must provide acceptable levels of access, safety and convenience for all road users, while ensuring acceptable levels of amenity and protection from the impact of traffic.	No additional roads are proposed. ✓
i)	Council may levy a road contribution or require road upgrading for all proposed lots whether the lots are accessed by sealed or unsealed roads. The amount of the contribution will depend on the current standard of the road and the increased levels of traffic to be generated.	No additional roads are proposed. ✓
9) Noise and Vibration		
a)	Any subdivision proposal is required to address the objectives and controls set out in the Noise and Vibration section with particular focus on designing lots so sensitive buildings (especially dwellings) will have sufficient setbacks or noise mitigation measures to minimise noise and vibration impacts.	The proposed development does not require any works. Noise and vibration as a consequence of construction of future dwellings and ancillary uses within the Residual Lots would have to be considered as part of the Development Applications seeking their consent. ✓
10) Infrastructure and Services		
a)	Council will not approve of any subdivision of new lots where requirements for effluent/waste water disposal cannot be adequately met on each individual lot.	Proposal is compliant with this control. ✓
b)	Council will not approve of any subdivision of new lots where the provision of services, such as electricity, telephone and other centralised services, would result in additional costs not paid for by the applicant.	Proposal is compliant with this control. ✓
c)	Satisfactory arrangements will be required to be made with Sydney Water in conjunction with the submission of the subdivision application. Documentary evidence will be required of the consultation which has been undertaken.	Proposal is compliant with this control. ✓

5.2.2 Part E – Key Precincts

E9 Mulgoa Valley

9.1 Siting and Built Form Controls		
Controls:	Comments:	Compliance:
9.1.1 Heritage Items and Vistas		
1) No structures are to be located in the view corridors linking the heritage items of Cox's Cottage, St Thomas's Church and Fernhill.	Proposal is compliant with this control.	✓
2) Figures E9.1 and E9.2 show the extent of the historic landscapes and curtilages in the Mulgoa Valley and should be used in assessing the impact development may have on them. Buildings are to be screened from view from heritage items and their curtilages. (Figures E9.1 and E9.2 are located at the end of Section 9.1).	Proposal is compliant with this control.	✓
3) The vistas from the major heritage items in Mulgoa Valley are shown on the LEP on the Scenic and Landscape Values Map. No development is permitted in the vistas of these heritage items unless they are for the purpose of restoring, rehabilitating or preserving elements of the heritage items, such as fences, outbuildings, gates, roadways or plantings. Such structures should be designed and sited so as not to detract from the vistas.	The subject site is not identified as a vista of a heritage item on the Scenic and Landscape Values Map.	✓
4) Landscaping, including trees, should be sensitively sited to complement rather than interfere with the vistas.	A majority of the natural landscape will be protected under BioBanking agreement with canopy trees also proposed to be retained within the residual lots excluding the building footprint and inner protection zones.	✓
9.1.2 Siting		
In this development application, siting has relied on DCP setbacks, further details will be outlined in future development applications for residual lots.		✓
9.1.3 Building Form, Materials and Colours		
Controls are not applicable as this development application is for the subdivision of two lots.		✓
9.1.4 Planting		
Controls are not applicable as this development application is for the subdivision of two lots.		✓
9.1.5 Access, Parking and Services		

Controls are not applicable as this development application is for the subdivision of two lots.
Access, Parking and Services have not been proposed as a part of this application.



9.1.6 Fences and Entrances

Controls are not applicable as this development application is for the subdivision of two lots.
Fences and entrances have not been proposed as a part of this application.



9.1.7 Signage

Controls are not applicable as this development application is for the subdivision of two lots;
signage is not proposed.



6.0 Conclusion

The proposed development (and/or development enabled by the proposed development) is recommended for approval on the grounds that:

- It is consistent with Strategic and Local Context analysis conducted as part of this report;
- Complies with the relevant Environmental Planning Instrument, the Penrith Local Environmental Plan 2010;
- Complies with the relevant Development Control Plan, the Penrith Development Control Plan 2010;
- Enables the retention and rehabilitation of existing vegetation, including threatened species *Grevillea Juniperina*, located within the centre of the subject site and extending to its southern edge; and
- Is consistent with the public interest, providing limited residential growth whilst allowing the retention and rehabilitation of vegetation, the key contributing character to the locality.