

STATEMENT OF ENVIRONMENTAL EFFECTS

Penrith City Council

Torrens title paper-plan subdivision into 3 superlots at Lots 3990 and 3991,
DP 1190132, Jordan Springs Boulevard, Jordan Springs

Date 17 July 2018, Revision B

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1.0 INTRODUCTION

This report has been prepared to accompany a Nominated Integrated Development Application for Torrens title paper-plan subdivision into 3 superlots at Lots 3990 and 3991, DP 1190132, Jordan Springs Boulevard, Jordan Springs.

Minor stormwater works within proposed easement to drain water denoted 'A' are proposed partly within Lot 3989, DP 1190132 and proposed Lot 1 in order to convey the future stormwater drainage from proposed Lot 2 to the existing drainage channel within Lot 3992, DP 1190132 running east-west adjacent to the southern boundary of the site. No works are proposed within Lot 3992 DP 1190132.

The proposal constitutes integrated development and necessitates external referrals to the Department of Industries – Water, Rural Fire Service and National Parks and Wildlife Services.

The purpose of the paper-plan subdivision is to facilitate commercial contractual arrangements for future development of Proposed Lot 2 by a third party for the purpose of an Aged Care Facility. In this regard, the early approval of the paper-plan subdivision is essential for the social benefit it will facilitate for the wider Jordan Springs community and the integrated offering of Seniors Housing on proposed Lot 1 and Aged Care of proposed Lot 2.

The proposed development is permissible with consent under Sydney Regional Environmental Plan No. 30 – St Marys. The proposal is generally consistent with the provisions of the SREP and Precinct Plan.

The locality is a mix of nearby residential uses with associated recreational, educational and commercial areas, comprising single and double storey detached dwellings and townhouses, industrial buildings and mixed use commercial and retail. The proposed development will be compatible with the existing form of residential development.

This statement will address the proposal in the context of the applicable planning legislation including:

- Sydney Regional Environmental Plan No. 30 – St Marys; and
- Precinct Plan St Marys Western Precinct 2009.

This report is to be read in conjunction with the following associated documents and plans prepared as a part of this Development Application:

1. *Plan of Proposed Subdivision*
2. *Stormwater Concept Plan*
3. *Lot 3991 Bushfire Report (for information purposes only)*
4. *Stormwater Strategy (for information purposes only)*
5. *Species Impact Statement (for information purposes only)*
6. *Geotechnical Report (for information purposes only)*
7. *Site Contamination Report (for information purposes only)*

2.0 SITE LOCATION

2.1 Context and Location

The land is located on the southern side of Jordan Springs Boulevard within the Western Precinct of the St Mary's former ADI Site.



Figure 1: Site Context (Source Six Maps)

The area surrounding the site is predominantly characterised by a mix of nearby residential uses with associated recreational, educational and commercial areas.

The subject site is well serviced by nearby bus and train public transport and enjoys vehicular access to the nearby surrounding regional road network of the Northern Road and M4 directly via Jordan Springs Boulevard.

2.2 Site Details

The site of the paper-plan subdivision is irregular in shape and legally described as Lots 3990 and 3991, DP 1190132, Jordan Springs Boulevard, Jordan Springs. The site has a total area of 5.93ha and a frontage of approximately 238.46m to Jordan Springs Boulevard and 78.09m to Lakeside Parade. The land adjoins regional park to the west and south, and a future development site to the east.



Figure 2: Site Details (Source Six Maps)

The site is currently vacant and free from existing improvements with existing vegetation concentrated on the western half of Lot 3991 and eastern side of Lot 3990 adjacent to an existing dam to be retained (see Figure 2 above). Access is currently available via Jordan Springs Boulevard and Lakeside Parade. The site slopes from north-west to south-east, with a fall of approximately 4m. Two existing watercourses (one of which is to be piped as a part of future separate development to connect to the existing drainage system, the other located within the existing open drainage channel) are currently identified in the vicinity of the proposed stormwater easement works.

The land is affected by bushfire prone land, flooding, riparian corridor, Shale Plains Woodland, salinity, and High potential for Aboriginal cultural heritage. However, given the minor extent of proposed stormwater easement works to service proposed Lot 2, the proposal does not result in any adverse environmental impacts subject to suitable conditions to satisfactorily control the development. In particular, it is noted that the location of the proposed stormwater works within easement 'A' is wholly clear of any existing trees or identified threatened flora and fauna species or communities. Further, the land is the subject of both an Aboriginal Heritage Impact Permit and Site Audit Statement, which ensure that the site is suitable with respect to Aboriginal heritage and site contamination. A separate

current application for ultimate development of the land also ensures that relevant matters with respect to flooding, riparian corridor, flora and fauna, salinity, site contamination and bushfire management will be satisfactorily addressed prior to the ultimate use of the land for urban purposes in a wholistic fashion.

Nevertheless, whilst the paper-plan subdivision is only for contractual purposes and only involves limited stormwater easement works and the creation of superlots intended for future development under separate current applications, the proposal technically constitutes integrated development requiring approval under the Water Management Act 2000 for works within 40m of top of bank of a watercourse. For abundant caution, the creation of new lots also triggers integrated development approval under the Rural Fires Act 1997. External referral to the National Parks and Wildlife Services is also required for development (being subdivision only) of land adjoining land within the regional park in accordance with Clause 44 of the Sydney Regional Environmental Plan No. 30 – St Marys.

Power and water will be available to the site.

3.0 DEVELOPMENT PROPOSAL

The proposal is for Torrens title paper-plan subdivision into 3 superlots and involves the following:

- Proposed Lot 1 has an area of 3.141ha with a 145.57m frontage to Jordan Springs Boulevard.
- Proposed Lot 2 has an area of 5,004sqm with a 58.25 frontage Jordan Springs Boulevard and 78.09m frontage to Lakeside Parade.
- Proposed Lot 3 has an area of 2.294ha with a 34.64m frontage to Jordan Springs Boulevard.
- Associated drainage works within proposed easement 'A'.

An extract of the proposed plan is shown in the figure below.

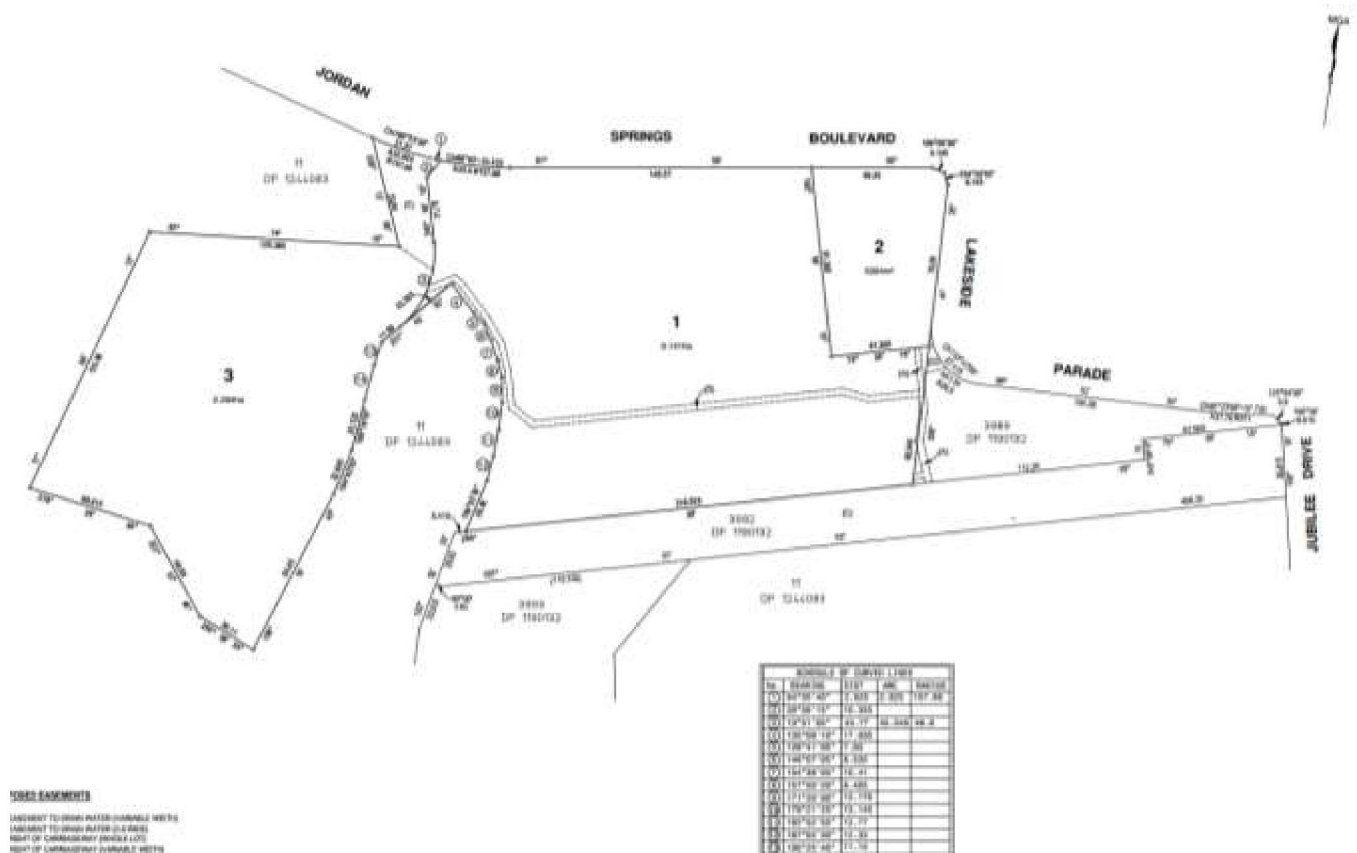


Figure 3: Plan of proposed subdivision (Source: SDG Land Development Solutions)

The purpose of the subdivision is to create a future development lot within proposed Lot 2 intended to be developed by a third party under a separate application for Aged Care purposes and retain proposed Lots 1 and 3 as residual superlots intended to be further subdivided and developed under separate current applications for seniors living purposes.

No works are proposed as a part of this DA with the exception of minor stormwater works involving the provision of pits and pipe within the proposed drainage easement benefiting proposed Lot 2. The minor stormwater works are also identified as a part of a separate current application, with the works in this DA providing for flexibility to be undertaken earlier.

All three proposed lots enjoy separate road frontages providing current legal access to Jordan Springs Boulevard. Therefore, it is requested that the proposed paper-plan subdivision into 3 superlots is not conditioned to provide any formalised vehicular access, given these superlots will be the subject of separate current applications for subdivision and development that will ensure an orderly development outcome of the site.

Minor stormwater works involve the provision of pits and pipe within the proposed drainage easement over Lot 3989 DP 1190132 and proposed Lot 1 benefiting proposed Lot 2 in order to convey the future stormwater drainage from proposed Lot 2 to the existing drainage channel within Lot 3992, DP 1190132 running east-west adjacent to the southern boundary of the site. No works are proposed within Lot 3992 DP 1190132. These works are located within the vicinity of two existing watercourses but are wholly clear of existing vegetation. An extract of the proposed stormwater works is shown in the figure below.

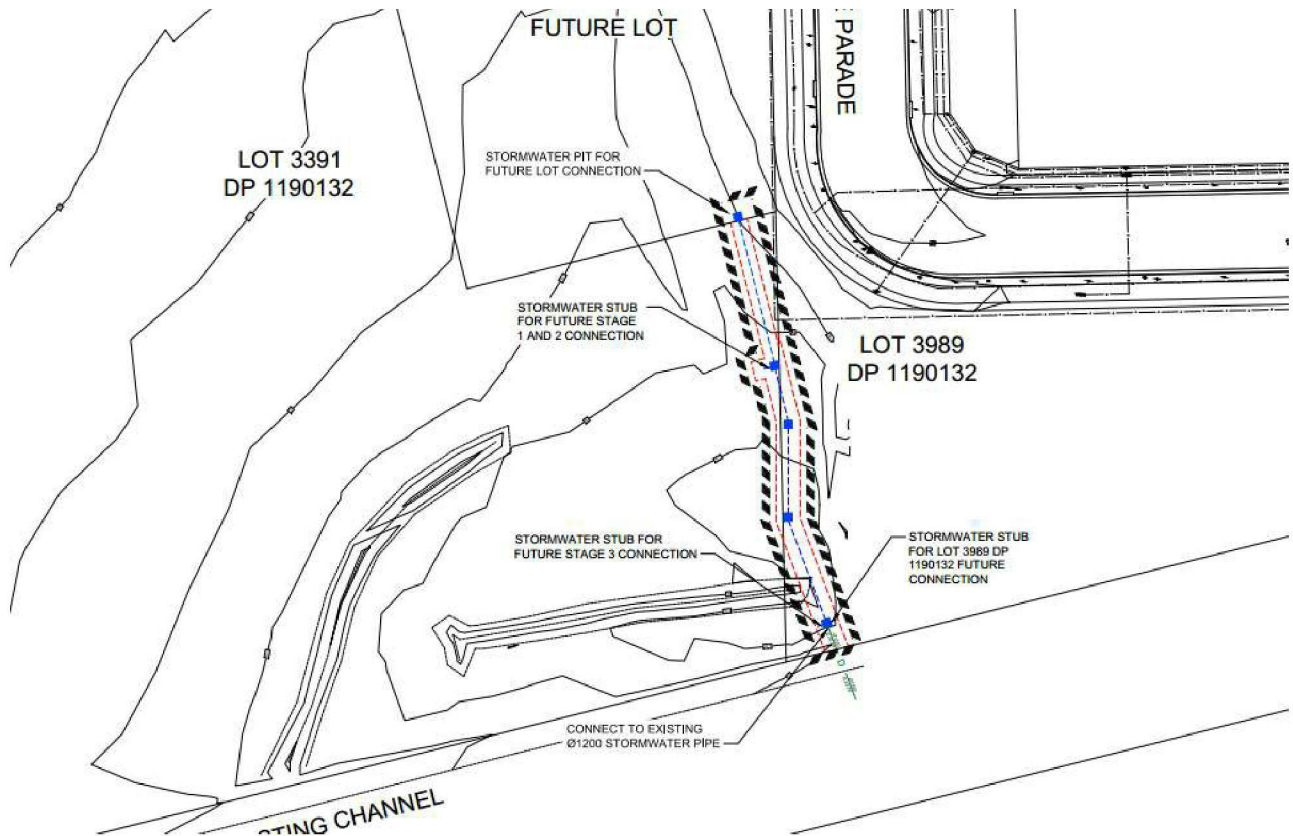


Figure 4: Proposed stormwater easement work (Source: JWP)

4.0 PLANNING CONTROLS

4.1. SYDNEY REGIONAL ENVIRONMENTAL PLAN NO. 30 – ST MARYS

4.1.1 Sydney Regional Environmental Plan No. 30 – St Marys

The subject site is zoned Urban pursuant to Sydney Regional Environmental Plan (SREP) No. 30 – St Marys as shown in Figure 5 below. The proposed development is permissible with consent.

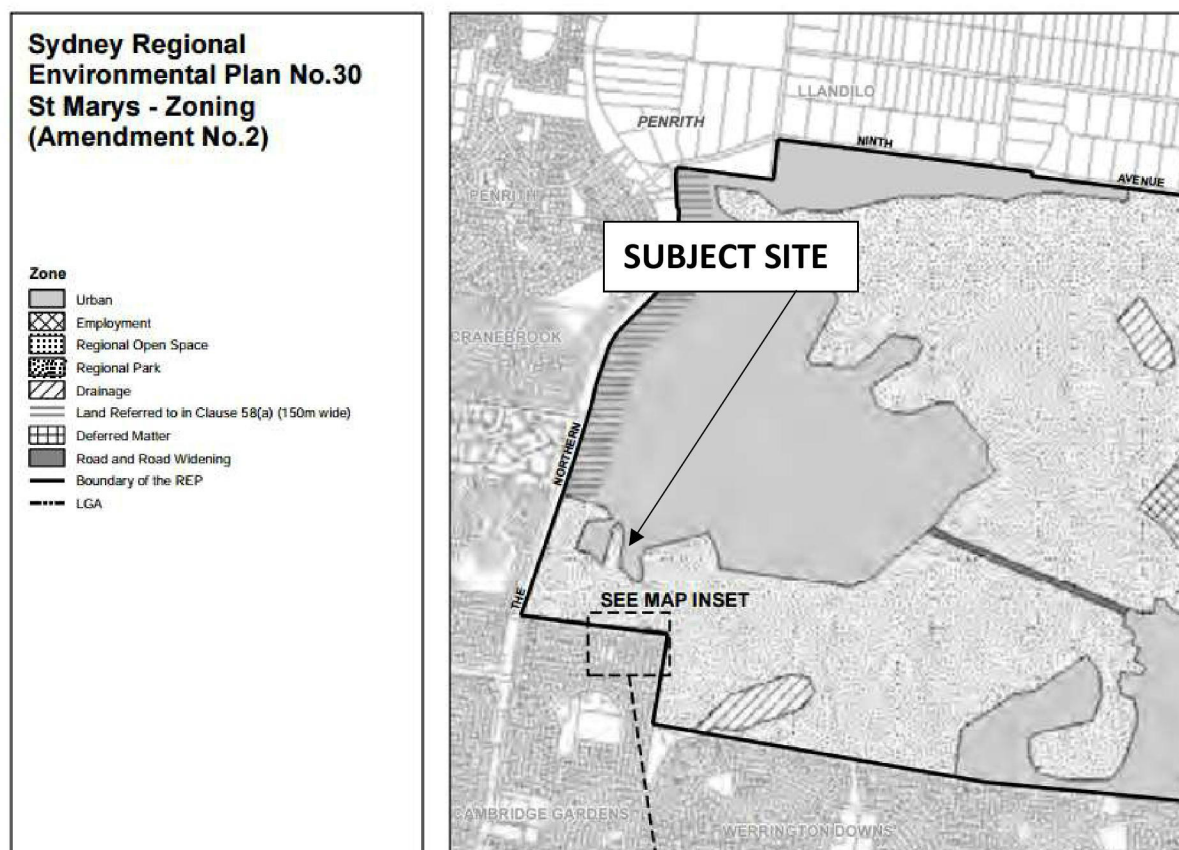


Figure 5: Zoning under SREP 30

The objectives of the zone are as follows:

Objectives of zone

- (a) to ensure that buildings and works within the zone are primarily used for residential purposes and associated facilities, and
- (b) to limit the range and scale of non-residential uses to ensure that they are compatible with residential amenity and primarily serve local residents, and
- (c) to provide for local retailing and related services, including supermarkets, which will complement established centres in the Blacktown City and Penrith City local government areas and not have a significant adverse effect on the viability of established retail centres, and

- (d) to provide for medium density residential development in locations which provide optimum access to employment, public transport and services, while ensuring residential amenity, and*
- (e) to promote home based industries where such activities are unlikely to adversely affect the living environment of neighbours, and*
- (f) to ensure that development adjacent to the Regional Park zone does not have a negative impact on biodiversity or conservation within that zone.*

The proposed subdivision will facilitate development that is consistent with the intended use of the land and suitable for the site and will not result in any negative impacts to the Regional Park.

The following clauses apply to the proposed development:

- Clause 20 Development consent restrictions,
- Clause 21 Required outcomes for any development,
- Clause 22 Ecologically sustainable development,
- Clause 24 Conservation,
- Clause 25 Heritage,
- Clause 26 Community Services,
- Clause 28 Watercycle,
- Clause 29 Soils,
- Clause 44 Consultation with National Parks and Wildlife Service,
- Clause 45 Subdivision
- Clause 51 Salinity and highly erodible soils,
- Clause 52 Tree preservation,
- Clause 55 Conservation of items of environmental heritage, and
- Clause 57 Access

In this instance, the proposed subdivision is consistent with the performance objectives, zone objectives and precinct plan prescribed by the SREP and will support the goal of ecologically sustainable development by facilitating future Seniors Living and Aged Care developments in close proximity to services and amenities within the Jordan Springs community. The proposal will not result in any adverse flora and fauna impacts given the minor stormwater works are wholly clear of any vegetation. The land is the subject of an Aboriginal Heritage Impact Permit and separate Geotechnical and Site Contamination Reports prepared by suitably qualified consultants confirming the suitability of the site for the intended use in terms of site contamination, salinity and heritage impacts. Whilst the land adjoins the regional park, no works are proposed within the regional park and the proposed lot layout accords with the identified zoning layout. No access is proposed to The Northern Road.

The extent of works form part of the overall stormwater drainage strategy and civil works for future separate development of the site that have been considered as a part of the DA for seniors living on proposed Lot 2, with relevant studies:

- Flora and Fauna Impact Assessment prepared by Cumberland Ecology, dated April 2018;
- Bushfire Report prepared by Petersen Bushfire, dated May 2018;
- Geotechnical Investigation and Site Contamination Report prepared by Alliance Geotechnical, dated May 2018;
- Stormwater Strategy prepared by J Wyndham Prince, dated June 2018;
- Aboriginal Heritage Impact Permit No. 10996059 issued by NPWS, dated 13/2/2009; and
- Statement of Environmental Effects prepared by Keylan Consulting, dated June 2018.

Therefore, the proposal does not result in any adverse impacts or trigger any further environmental assessment requirements in terms of bushfire, flooding, riparian corridor, flora and fauna, salinity, contamination and Aboriginal cultural heritage, all of which will be satisfactorily addressed as a part of separate current applications. Nevertheless, whilst the paper-plan subdivision is not for residential purposes and only involves limited stormwater easement works and the creation of superlots intended for future development under separate current applications, the proposal technically constitutes integrated development requiring approval under the Water Management Act 2000 for works within 40m of top of bank of a watercourse. For abundant caution, whilst not intended for residential purposes, the creation of new lots also triggers integrated development approval under the Rural Fires Act 1997. External referral to the National Parks and Wildlife Services is also required for development (being subdivision only) of land adjoining land within the regional park in accordance with Clause 44 of the Sydney Regional Environmental Plan No. 30 – St Marys.

4.1.2 Precinct Plan – St Marys Western Precinct 2009

The Precinct Plan 2009 is a detailed document providing controls and design recommendations for all land as defined pursuant to the Precinct Plan. The Precinct Plan covers performance and design guidelines and controls related to environmental performance, social performance, amenity issues and design elements. The subject proposal has been assessed against the controls and guidelines of the Precinct Plan and is considered to be generally compliant with the principle standards and consistent with the intent of the Plan. The proposed superlot subdivision does not preclude and will facilitate future intended uses that are permitted within the Urban Zone and generally consistent with the Western Precinct Framework Plan and Environmental Strategies.

4.2 STATE ENVIRONMENTAL PLANNING POLICIES

4.2.1 State Environmental Planning Policy No. 55 (Remediation of Land)

SEPP 55 specifies certain considerations for development on land with respect to the potential for contamination, particularly for sensitive land uses such as development for residential, educational or recreational purposes. A Site Audit Statement has been prepared indicating that the site is suitable for residential re-development. Therefore, it is considered that the requirements of Clause 7 – "Contamination and remediation to be considered in the determination of development applications" have been satisfactorily addressed.

5.0 KEY CONSIDERATIONS

5.1 Design & Planning Principles

The proposed development has been designed to reflect current trends and to accommodate future building forms which will be compatible with the Council's vision for the locality. The lot layout and configuration has particular regard to the intended future seniors living and aged care uses of the land and is generally consistent with the identified zoning layout and framework plan identified for the Western Precinct.

The outcome of these considerations is, it is contended, future development which:

- will be of a high quality appearance and finish;
- compliments the existing and likely scale of development on adjoining land; and
- has minimal impact on the amenity of the locality due to its positioning and orientation.

5.2 Access, Infrastructure and Stormwater Drainage

No works are proposed as a part of this paper-plan superlot subdivision with the exception of minor stormwater works involving the provision of pits and pipe within the proposed drainage easement benefiting proposed Lot 2. The proposal paper-plan superlots have frontage to an existing public road providing legal right of access. Given all future servicing, infrastructure and development will be provided as a part of separate current applications, it is considered that this paper-plan superlot subdivision does not warrant or trigger the need for the provision of any formalised vehicular access. Council can ensure that these matters are satisfactorily addressed as a part of separate applications. Similarly, the proposed superlots do not warrant or trigger the need for Section 7.11 local infrastructure contributions, noting that a Development Agreement providing for local infrastructure for the Western Precinct is currently in place.

The engineering plans for this stormwater concept accompany this application.

5.3 General Services

5.3.1 Sewer and Water

Reticulated sewer and water will be available to the site as a part of separate current applications.

5.3.2 Electricity Supply

Electricity will be available to the site as a part of separate current applications.

6.0 CONCLUSION

The proposed development has been assessed against the matters for consideration listed in Section 4.15 of the Environmental Planning & Assessment Act 1979 and is considered to be satisfactory. In this regard it is considered that the likely impacts of the development have been satisfactorily addressed and that the proposal is in the public interest. Further, the subject site is considered suitable for the proposed development.

The proposal is consistent with the objectives of the SREP 30 and is permissible in the zone with development consent. The proposal also complies with the main essential criteria set out in the SREP Precinct Plan – St Marys Western Precinct, and is considered satisfactory with regard to relevant matters such as Urban Design, Access, Traffic Impact, Stormwater Drainage, ESD, Site Contamination, Amenity, Overshadowing, Social and Economic Impacts and the like subject to the imposition of suitable conditions of consent to satisfactorily control the development.

7.0 APPENDIX A – SECTION 4.15 MATTERS FOR CONSIDERATION

HEADS OF CONSIDERATION	RESPONSE
<p><i>(a) the provisions of–</i></p> <p><i>(i) any environmental planning instrument, and</i></p> <p><i>(ii) any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority, and</i></p> <p><i>(iii) any development control plan, and</i></p> <p><i>(iv) any matters prescribed by the regulations, that apply to the land to which the development application relates,</i></p>	<p>The proposal's compliance and consistency with the provisions of the SREP and Precinct Plan have been addressed in detail at 4.2 of this Statement. In general terms subdivision development is permissible within the zone and is consistent with the aims and objectives of the SREP and Precinct Plan.</p>
<p><i>(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,</i></p>	<p>The likely impact of the proposal have been addressed in detail at Section 5 of this Statement. The proposal is considered satisfactory with regard to relevant matters such as Built Form, Access, Traffic Impact, Stormwater Drainage and ESD given it provides for suitable future development sites subject to separate DA's.</p>
<p><i>(c) the suitability of the site for the development</i></p>	<p>The site is suitable for the development given it provides for suitable future development sites subject to separate DA's without any adverse impacts.</p>
<p><i>(d) any submissions made in accordance with this Act or the regulations,</i></p>	<p>This matter would relate to Council's public exhibition of the development.</p>
<p><i>(e) the public interest.</i></p>	<p>The proposed development facilitates the orderly and economic development of the land consistent with the intended development outcome for this part of Jordan Springs and as such is considered to be in the public interest.</p>