



FM/TS/CC  
16031  
October 2016

Alan Stoneham  
General Manager  
Penrith City Council  
601 High Street  
PENRITH NSW 2750

Dear Alan

**BULK EARTHWORKS  
1 CHARLOTTE ST, JORDAN SPRINGS**

JBA has prepared this Statement of Environmental Effects (SEE) on behalf of Maryland Development Company in support of a Development Application (DA) for bulk earthworks on the existing site at 1 Charlotte Street, Jordan Springs.

This report describes the site, its environs, the proposed development, and provides an assessment of the proposal in terms of the relevant matters for consideration under Section 79C(1) of the Environmental Planning and Assessment Act 1979 (EP&A Act). It should be read in conjunction with the following supporting documentation appended to the report:

- Survey Plan prepared by RPS (**Attachment A**);
- Bulk Earthworks and Erosion and Sediment Control Plan prepared by Orion Consulting Engineers (**Attachment B**);
- Contamination Assessment prepared by Geotech Testing Pty Ltd (**Attachment C**);
- Waste Management Plan prepared by Lendlease (**Attachment D**).

**1.0 BACKGROUND**

**Sydney Regional Environmental Plan 30 – St Marys**

The former Australian Defence Industries (ADI) site at St Marys (St Marys site) was endorsed by the NSW Government for inclusion on the Urban Development Program (UDP) in 1993. Sydney Regional Environmental Plan 30 – St Marys is the main statutory planning framework document for the St Marys site. It contains planning principles, objectives, zoning and other provisions to control development.

Prior to consent being able to be granted for development within a precinct, SREP 30 requires that the Minister first declare land as a release area, and following this a Precinct Plan is prepared and adopted for the precinct. In this regard, the Western (and Central) Precinct were declared release areas by the then Minister for Planning on 29 September 2006. These releases follow earlier declarations from the Minister for the release of other precincts, including the Eastern, North Dunheved and South Dunheved Precincts.

### Western Precinct Plan

The Western Precinct is wholly zoned Urban under SREP 30. Land zoned Urban is intended to primarily accommodate residential uses, with some limited non-residential development, such as local retail and commercial uses. The Western Precinct Plan (WPP) and accompanying Development Control Strategy (DCS) have been prepared and were adopted by the Council at its ordinary meeting on 23 March 2009. These are to guide the future development of the Western Precinct/Jordan Springs.

The proposed development of the Western Precinct/Jordan Springs entails:

- a Village Centre, comprising a mix of retail, commercial, community, open space and residential uses, in the southern part of the precinct;
- predominantly residential development in the remainder of the precinct;
- construction of roads, including external connections to The Northern Road and Ninth Avenue and east to the Central Precinct; and
- provision of local open space, riparian corridors and stormwater basins.

It is anticipated that once fully developed Jordan Springs will accommodate some 3,000 dwellings with a residential population in the order of 6,500. The terms Western Precinct and Jordan Springs are used interchangeably throughout this statement.

### Commonwealth approvals

The Commonwealth environmental assessment of the development of the St Marys site was completed under the (now repealed) *Commonwealth Environment Protection (Impact of Proposals) Act 1974* (EPIP Act) with certification provided under the *Environmental Reform (Consequential Provisions) Act 1999*.

As the St Marys project as a whole was assessed under the EPIP Act, no further assessment in relation to Commonwealth threatened species and ecological communities is required under the *Environment Protection & Biodiversity Conservation Act 1999*.

In addition, the development of the St Marys site has been assessed by the Australian Heritage Commission pursuant to the requirements of the *Australian Heritage Commission Act 1975*.

## 2.0 SITE ANALYSIS

### 2.1 Site Description

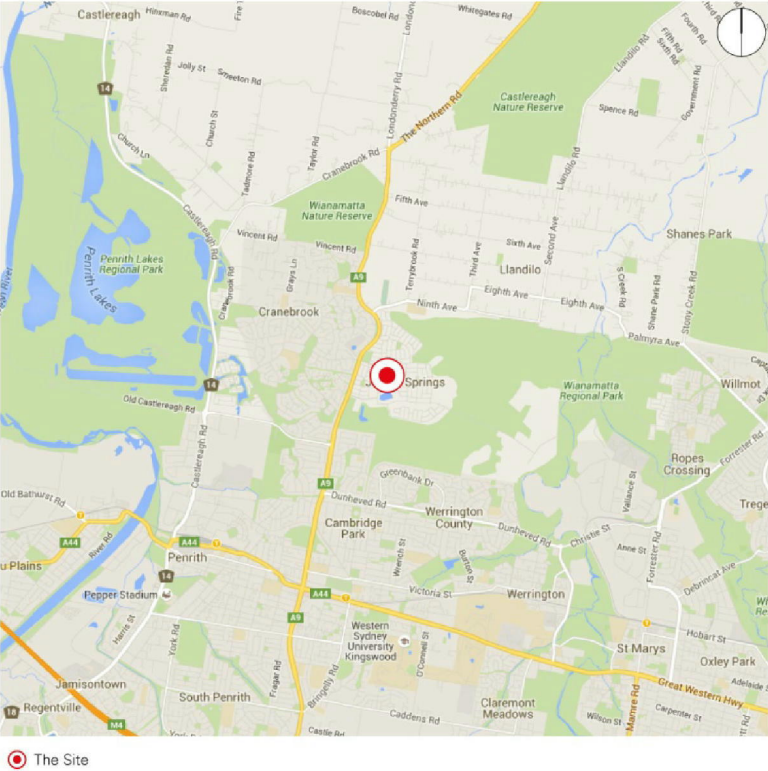
The site is located at 1 Charlotte Street, Jordan Springs as shown at **Figures 1** and **2**. The land is approximately 0.84 hectares and generally rectangular in shape.

The site is legally described as Lot 14 DP 1195110 and is located on land zoned for urban purposes under the Sydney Regional Environmental Plan No. 30 (St Marys). The legal owner of the site is Maryland Development Company, which is the joint venture company established by ComLand and LendLease to develop the St Marys site. The site is being developed by LendLease as part of the overall Jordan Springs development.

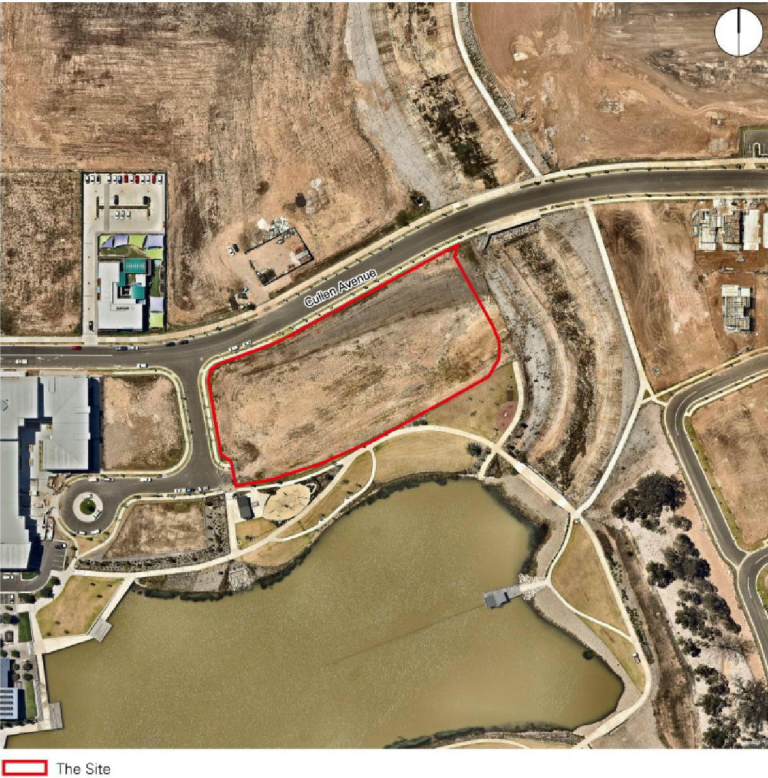
The site is currently cleared and contains no vegetation or improvements. The largest street frontage is to Cullen Avenue and access is gained via Charlotte Street.

To the north of the site is Cullen Avenue and yet undeveloped land. To the east of the site is a riparian corridor, with undeveloped land marked for residential development beyond. To the south of the site is the Village Lake and surrounding public open space. To the west of the site is the Jordan Springs town centre, which includes residential apartments and a Woolworths shopping centre in the vicinity of the site.

A site survey plan, showing site levels and details is included at **Attachment A**.



**Figure 1 – Site Context**



**Figure 2 – Site Location**



### 3.0 DESCRIPTION OF THE PROPOSED DEVELOPMENT

This DA seeks approval for bulk earthworks at the existing lot at 1 Charlotte Street, Jordan Springs. The extent of these works is shown in the Engineering Drawings at **Attachment B** and involves approximately:

- 30m<sup>3</sup> of cut.
- 3,700m<sup>3</sup> of fill.

The works are proposed in order to prepare on the site for future development, subject to a separate development application.

### 4.0 CONCURRENCE AND REFERRALS

Due to the location of the site within 40 metres of a riparian zone, the DA is to be referred to the Department of Primary Industries - Water. As a result of this, it is expected that the works will be subject to a Controlled Activity Approval (CAA) in accordance with the *Water Management Act 2000*. It is considered that the proposed works will be capable of complying with the conditions of any CAA.

### 5.0 ASSESSMENT OF PLANNING ISSUES

The following is our assessment of the environmental effects of the proposed development. The assessment includes only those matters under section 79C(1) of the EP&A Act that are relevant to the proposal.

The key planning issues associated with the proposed development are as follows:

- compliance with environmental planning instruments;
- water quality;
- contamination;
- waste;
- social and economic impacts;
- site suitability; and
- the public interest.

#### 5.1 Compliance with Environmental Planning Instruments

The following environmental planning instruments apply to the proposed development. The DA's compliance with the relevant planning controls is discussed below. Clause 4 of the Sydney Regional Environmental Plan No. 30 – St Marys (SREP 30) details the relationship between SREP 30 and other environmental planning instruments. This includes noting that the *Penrith Local Environmental Plan 2011* doesn't apply to the site. Accordingly, only state policies, SREP 30 and the Western Precinct Plan (WPP) apply to the site, which have been assessed below.

**Table 1** assesses the proposed works against the relevant provisions in SREP 30 and the WPP.

**Table 1** – Analysis of proposal against relevant controls

Control	Comment	Compliance
<b>Sydney Regional Environmental Plan No. 30 – St Marys</b>		
<b>3. Aims of the Plan</b>	The proposal meets the aims of the plan as it: <ul style="list-style-type: none"> <li>forms part of the overall development of Jordan Springs;</li> <li>facilitates the delivery of the Jordan Springs town centre for urban development purposes; and</li> <li>achieves desirable environmental and social outcomes at the site and within the locality.</li> </ul>	✓
<b>6. Development Structure</b>	The proposed works are consistent with the structure plan as it is located in an area zoned for development and it is considered that bulk earthworks are permitted with consent under SREP 30.	✓
<b>19. Consent Authority</b>	For this application, the consent authority is Penrith City Council.	✓
<b>25. Heritage</b>	The site is not within the vicinity of any identified heritage items.	✓
<b>30. Transport</b>	The site is located within approximately 200 metres of two bus stops which service Jordan Springs and connect to Penrith Station. Any future development of the land would therefore be able to maximise accessibility to services and facilities for people who do not have a private car and future development of the site will be able to effectively link into the surrounding road network.	✓
<b>31. Urban Form</b>	The proposed works are intended to facilitate future development on the site. Considerations in relation to urban form would be assessed at a future DA stage.	✓
<b>40. Urban Zone</b>	The proposal is consistent with the objectives of the Urban Zone as it will: <ul style="list-style-type: none"> <li>support the development of Jordan Springs for residential purposes;</li> <li>support the potential for medium density residential housing close to employment, public transport and services; and</li> <li>maintain residential amenity through access to public open space around the Village Lake south of the site.</li> </ul>	✓
<b>49. Land Below the PMF Level</b>	Analysis undertaken as part of the Western Precinct Plan confirms that the entire Jordan Springs area is outside of the Probable Maximum Flood (PMF) level of South Creek. As such, it is not at risk of flooding in the 100 year annual recurrence interval (ARI) event.	✓
<b>52. Tree Preservation</b>	No tree removal is proposed as part of the subject DA.	✓
<b>53. Items of Environmental Heritage</b>	The proposal will not affect any heritage items within the Western Precinct.	✓
<b>Western Precinct Plan (WPP)</b>		
<b>Part 4 – Framework Plan and Environmental Management Strategies</b>	The proposed development complies with the envisaged development at Part 4 of the WPP as the site is located within the Village Centre Character Area, where it is envisaged that there will be opportunities for varied types of residential development in a mixed-use village centre	✓
<b>4.4 Subdivision Layout Principles</b>	The proposed works will not impact on the approved subdivision layout of Jordan Springs and will assist in establishing housing diversity and mix within neighbourhoods.	✓
<b>4.7 Access and Movement</b>	The proposed works will not impact on the current or future arrangements for access and movement throughout Jordan Springs. Future connections to the lot would be determined as part of a separate DA for development of the lot.	✓
<b>5B Built Form Housing</b>	There is no minimum lot size for apartments under the WPP. It is anticipated that the site will be able to accommodate the required setbacks, which are as follows: <ul style="list-style-type: none"> <li>Street setback: 2 metres</li> <li>Side setback: 0.9 metres</li> <li>Rear setback: 0.9 metres</li> </ul>	

## 5.2 Water Quality

- An erosion and sediment control plan has been included as part of the Engineering Drawings at **Attachment B**. These plans demonstrate that appropriate erosion and sediment control

measures will be implemented throughout works on the site to ensure that the quality of surrounding water catchments is maintained. These measures include:

- Ensuring stockpiles are separated from existing vegetation, are limited in size and are constructed to ensure that water flow is not impeded.
- Ensuring that site access is stabilised.
- Construction of sediment fences.
- Installation of straw bale filters.

### **5.3 Contamination**

A Site Fill Testing and Contamination Clearance Letter has been prepared by Geotech Testing Pty Ltd following comprehensive tests on the site and the surrounding area. The report confirms that the fill to be placed on the site is appropriate as defined by the relevant Australian Standards and Council requirements and will be free of contamination. The report makes recommendations for future testing, including stripping any topsoil and vegetation and placing fill material in accordance with the relevant Australian Standards. Overall, it is found that the proposed works are not cause for any concern about contamination.

### **5.4 Waste**

A Waste Management Plan has been prepared by Lendlease for the proposed works. The plan demonstrates that the proposed works will generate minimal waste, with any rubbish generated from construction to be disposed of in a Council-approved landfill site.

### **5.5 Traffic**

It is considered that any traffic impacts associated with the proposed works will be negligible in the context of the ongoing development of the Jordan Springs precinct.

### **5.6 Social and economic impacts**

Although not containing any development under this DA, the proposal will facilitate the future development of the site, which will carry with it corresponding positive economic impacts at the future DA stage.

The proposal will not result in any adverse social impacts.

### **5.7 Site suitability and the public interest**

The proposal is consistent with the relevant planning provisions, and will have no material impact to the physical site. The bulk earthworks are suitable to allow the future development on the site.

This application is in the public interest as it will facilitate the expedient delivery of the land to the market and thus the faster delivery of housing. The site is considered to be suitable due to prior approvals for residential development at Jordan Springs.

## **6.0 CONCLUSION**

The proposed development is permissible with consent under SREP 30 – St Marys and is consistent with the aims and objectives of the Western Precinct Plan.

The proposal comprises bulk earthworks which is compliant with the relevant controls and will facilitate the orderly development of the site.

In light of the merits of the proposal and in the absence of any significant adverse environmental, social or economic impacts, we recommend that the application be approved subject to standard conditions of consent.

Should you have any queries about this matter, please do not hesitate to contact me on 9409 4942 or [fmehrtens@jbaurban.com.au](mailto:fmehrtens@jbaurban.com.au).

Yours faithfully

The image shows two handwritten signatures in blue ink. The signature on the left is 'FMehrtens' and the signature on the right is 'Curtis'.

Frances Mehrtens  
*Urban Planner*

Christopher Curtis  
*Senior Planner*