

# cityscapeplanning+projects

## STATEMENT OF ENVIRONMENTAL EFFECTS

PROPOSED 9 x LOT SUBDIVISION  
LOTS 109-110 CHURCH LANE, CRANEBROOK

DECEMBER 2013

cityscape planning + projects

abn: 37 089 650 386

phone: 4739 3374

fax: 4739 3408

mobile: 0408 866913

email: [cityscape@cityscape.net.au](mailto:cityscape@cityscape.net.au)

[www.cityscape.net.au](http://www.cityscape.net.au)

post: PO Box 127

Glenbrook NSW 2773

This report has been prepared by:



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**Vince Hardy** BTP, MPiA CPP  
URBAN PLANNING CONSULTANT



cityscape planning + projects, 2013

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 Penrith Lakes Development Corporation (PLDC) 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 inclusive of:

- Plan of Subdivision – Freeburn Surveyors
- Flood Affectation Advice – Cardno
- Infrastructure Report – J. Wyndham Prince
- Geotechnical Advice – Coffey
- Supplementary Contamination Advice – DLA Environmental
- Flood evacuation advice – J. Wyndham Prince
- Flora and Fauna Assessment – PLDC
- Bushfire Hazard Assessment – Cityscape Planning + Projects
- Heritage Impact Assessment – James Stephany

## 2.0 THE SUBJECT SITE

The subject site is a large irregular shaped parcel of land located on the southern side of Church Lane, with a second frontage to Castlereagh Rd to the south. A plan showing the locality of the site is provided at Figure 1.

The site forms part of the Penrith Lakes Scheme and actually represents the northern section of lots that straddle Castlereagh Rd and is comprised of two lots with the following real property description:

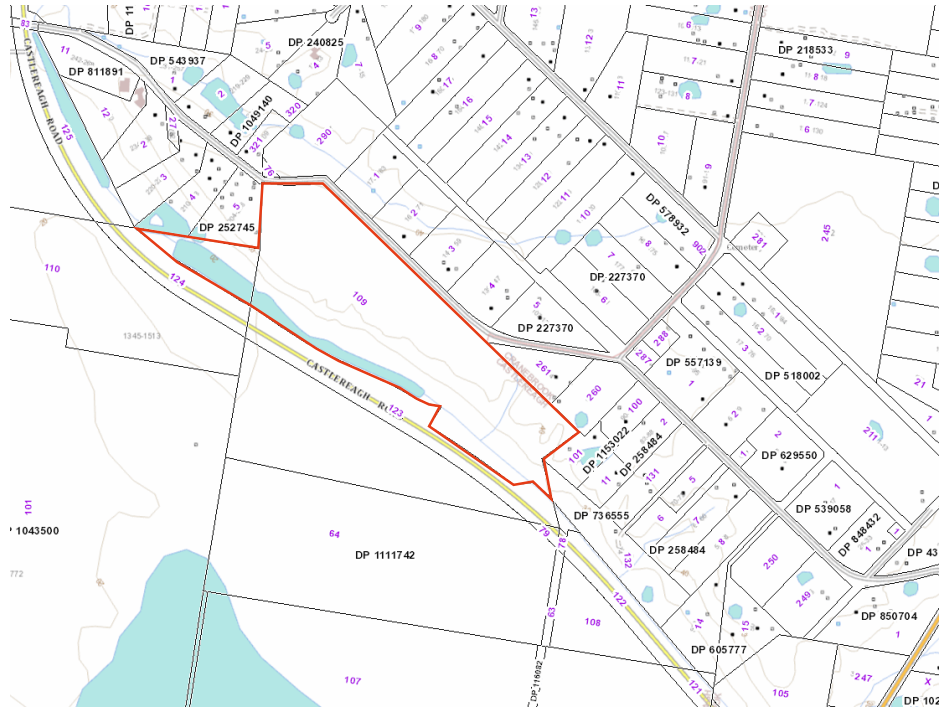
**Lots:** 109,110      **DP:** 1143931

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**

### **3.1 OBJECTIVES OF THE PROPOSED DEVELOPMENT**

The development seeks to achieve the following objectives:

- To promote the orderly and economic use and development of the subject land
- To facilitate future development outcomes identified under the Penrith Lakes Structure Plan that are currently permissible under the existing statutory planning framework
- To provide a scale and form of development that is within the environmental capacity of the subject land and its environs
- To conserve identified items of cultural heritage
- To provide lots of a scale and shape that are consistent with that of the surrounding area
- To implement the Penrith Lakes Scheme in accordance with SEPP (Penrith Lakes) 1989 and the 1987 Deed of Agreement.

### **3.2 DESCRIPTION OF PROPOSED DEVELOPMENT**

The applicant seeks Council consent for the subdivision of the subject site to create 9 (7 additional) allotments. The dimension of each lot is represented in Table 1.

Vehicular access to each lot is to be provided via Church Lane.

The subdivision plan includes designated building envelope areas together with Asset Protection Zones (APZ) and waste-water disposal areas.

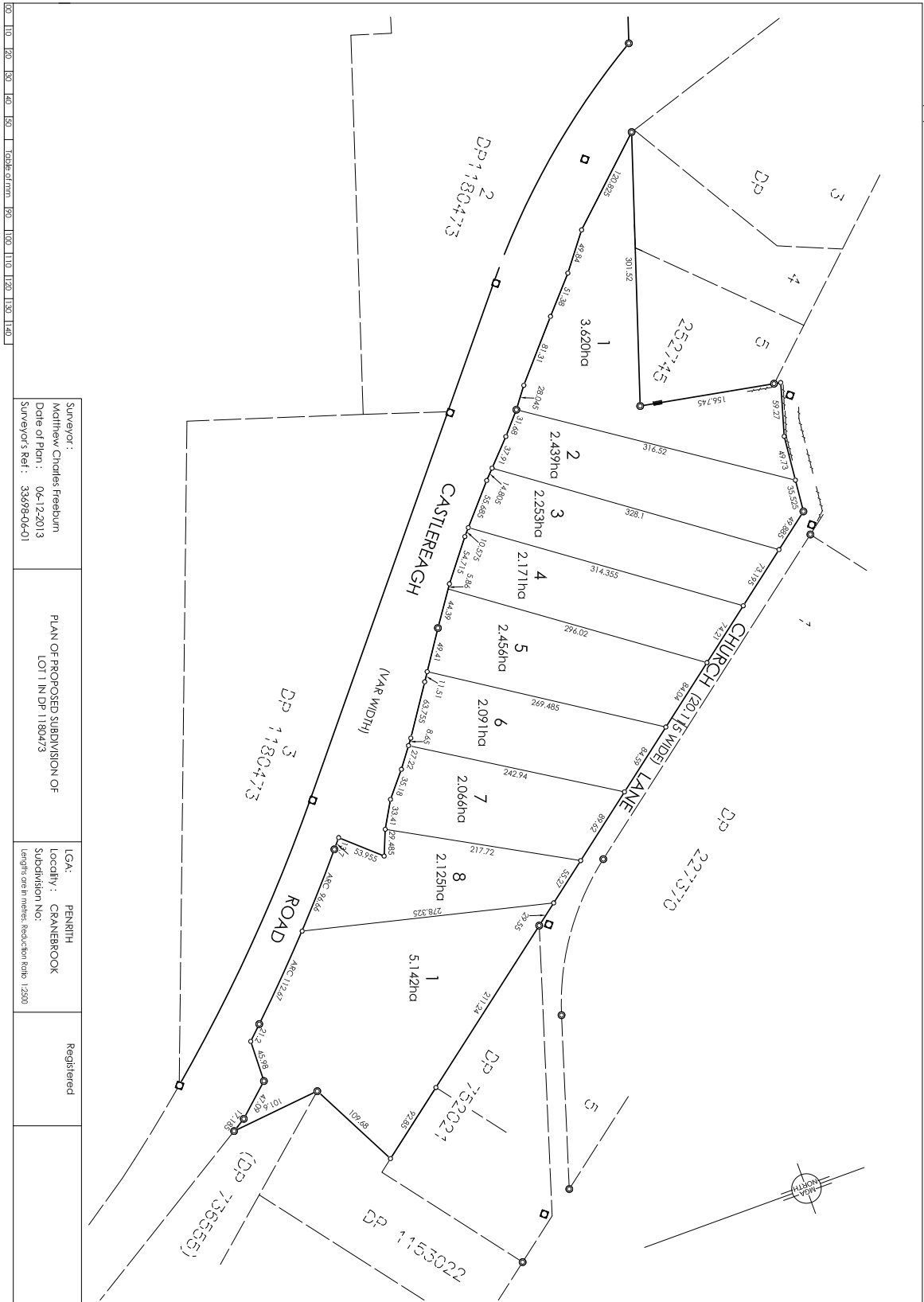
A detailed subdivision plan accompanies the Development Application however a representation of that plan is provided at Figure 4.

**TABLE 1: PROPOSED LOT AREA**

Proposed Lot	Area (hectares)	Lot Width (m) @ Church Lane	Comments
lot 1	3.63 ha	109m	
lot 2	2.43 ha	85.41m	
lot 3	2.25 ha	73.195m	
lot 4	2.17 ha	74.21m	
lot 5	2.46 ha	84.04m	Provides heritage curtilage for Mass Concrete Ruins
lot 6	2.09 ha	84.59m	
Lot 7	2.06 ha	89.62m	
Lot 8	2.09 ha	55.27m	
Lot 9	5.17 ha	333.64m	
Total	24.35 ha		



FIGURE 4: PROPOSED SUBDIVISION PLAN



PLAN FORM 2 (A2)

WARNING: CREASING OR FOLDING WILL LEAD TO REFLECTION

Sheet 1 of 1 sheets

### **3.3 FEASIBLE ALTERNATIVES**

Given the site is identified as being within a 'future urban area' of the Penrith Lakes Scheme, a feasible development alternative would be for the entire site to be subdivided and developed for residential purposes as part of the broader and longer term planning and development of the Lakes Scheme.

However, the subject lands is located on the very perimeter of the Lakes Scheme and on the eastern side of the alignment of Castlereagh Rd corridor, which now represents the commonly understood boundary of the Penrith Lakes Scheme. As such, this location does not enjoy the proximity or locational advantages to the Lakes Scheme that may warrant or justify more intensive forms of residential development.

Further, the subject site directly adjoins an established rural environment. Accordingly, the development of these more intensive housing forms would be both out of character with the established rural environment and landscape.

In addition, the site is not readily serviced by infrastructure such as reticulated sewer networks, and the costs of delivery of such infrastructure would have limited feasibility.

There may also be some community expectation that the entire site is delivered as an open space area, however the Penrith Lakes Scheme will deliver approximately 1500 ha of quality open spaces and therefore in this context the dedication of additional lands, which have long been zoned and planned for both rural and urban purposes would be unnecessary burden or impost of the land owner and therefore is considered to have limited feasibility.

Such an outcome would also create an open space of limited utility, particularly when this is considered within the context of open spaces to be provided as part of the broader scheme.

### **3.4 CONSEQUENCES OF NOT CARRYING OUT PROPOSED DEVELOPMENT**

The subject lands possess an ongoing maintenance expense to the owner (PLDC).

As the extractive industry phase of the Lakes Scheme nears completion an alternative land use and management outcome is therefore needed for this site to allow for its proper management in the future absence of management by PLDC.

PLDC has the obligation under the Deed to maximise development outcomes for 'future urban areas' and not developing the subject land could be a breach of that obligation.

The subdivision and sale of these lands to individuals for future small lot, rural scaled development represents the most appropriate and economically feasible management response. Should the subdivision and sale of these lands not proceed then the site would eventually represent an unmanaged parcel of land and could provide weed, bushfire, vermin or waste dumping hazards to the local environment.

## 4.0 STATUTORY SITUATION

### 4.1 ZONING

The subject site is zoned No.1 Rural 1(a2) subject to the provisions of *Interim Development Order (IDO) No.93 – Penrith*

Clause 5(1) of the IDO states that subdivision requires the consent of Council.

### 4.2 MINIMUM LOT AREA

Clause 5(2)(b) of the IDO requires a minimum lot size of 2ha.

The Table provided at Section 3 of this report demonstrates that all proposed lots provide an area of greater than 2ha.

Council can therefore approve the development proposal.

### 4.3 INTEGRATED DEVELOPMENT

The land is identified as 'bushfire prone land' on the relevant Bushfire Prone Land Map and the development proposes the subdivision of land for rural-residential purposes. The development is therefore Integrated Development under s91 of the *Environmental Planning and Assessment Act 1979*.

## **5.0 SITE ANALYSIS**

### **5.1 SITE DIMENSIONS**

The site is a large irregular shaped parcel with a total area of 24.35 ha.

It has a frontage of approximately 1km to Church Lane and varying depths of between 200-330m from Church Lane.

### **5.2 TOPOGRAPHY**

The site provides flood plain type topography at its southern section before rising up a steep escarpment over its central sections before once more levelling out over the northern sections of the site.

The escarpment has a grade of up to 25% in sections. A representation of that slope profile is shown at Figure 5 and a contour plan shown at Figure 6.

FIGURE 5: SLOPE PROFILE

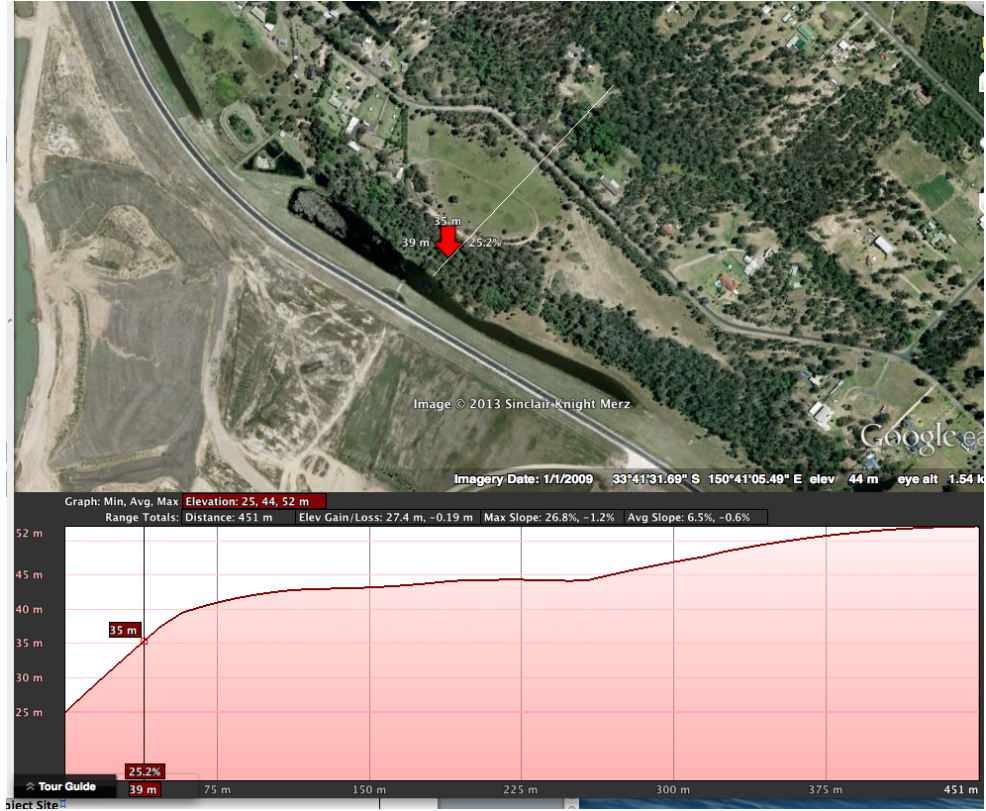
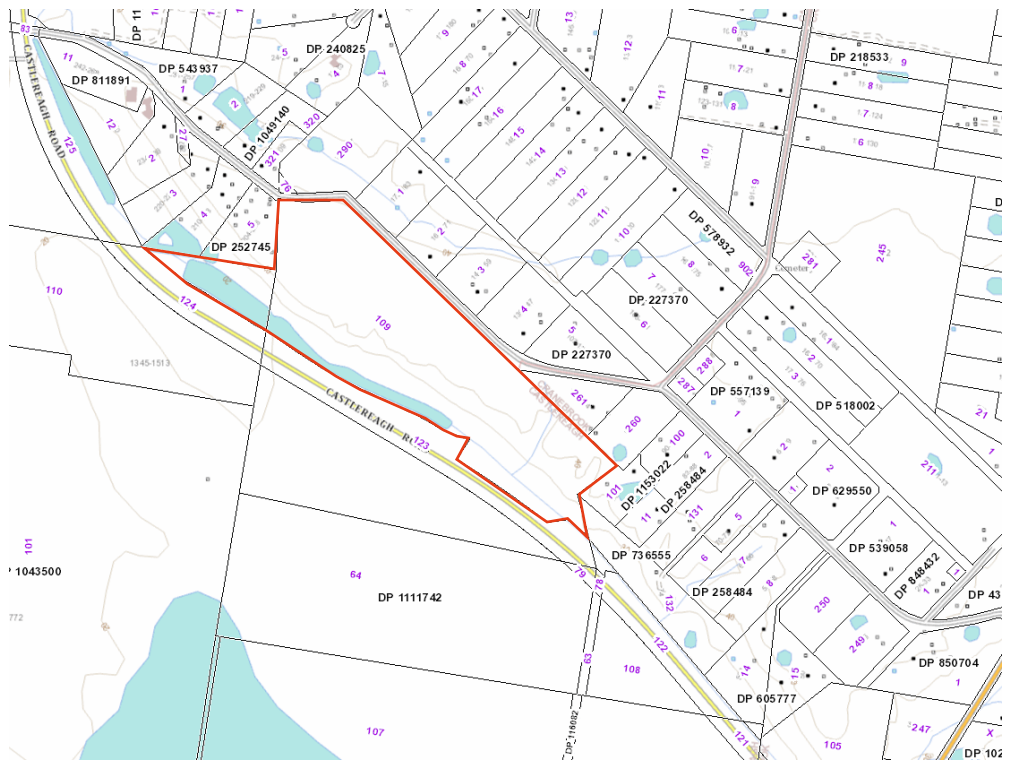


FIGURE 5: TOPOGRAPHIC PLAN



### 5.3 DRAINAGE & FLOODING

The site provides a drainage line at the Castlereagh Rd frontage which drains the site and broader area. Figure 7 provides an extract of the recently approved *Penrith Lakes Water Management Plan 2012* which shows the hydrology of the lakes and its environs. This plan demonstrates that the site and broader area drains northwards to the Lakes Scheme where it 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 Water Management Plan 2012 also defines local flood levels for the Lakes Scheme. This plan identifies the 1 in 100 year flood level as being 21.7m AHD. An extract of the relevant flood map is provided at Figure 8 and demonstrates that it only pertains to the lower or southern sections of the site.

### 5.4 GEOTECHNICAL

The Penrith Lakes site is located within Quaternary Age alluvial soils of the Cranebrook Formation. Typically the natural soil profile comprised “overburden” comprising sand, silt and clay soils overlying sandy gravel. Large areas of the Penrith Lakes site have been excavated, quarried to remove the sandy gravel resource, and backfilled with the excavated overburden.

To the north east of Castlereagh Road in the vicinity of the Escarpment land parcel is a ridge of Ashfield Shale, which forms the higher elevation land (slopes and plateau adjacent to Church Lane).

The Escarpment land parcel is located along the north-east perimeter of the quarried lands and is partially underlain by former quarried/back-filled land. Drawing PLDC – 11537 (Rev B) shows the location of the former quarry high face as determined by PLDC survey. The land to the north-east of the former quarry high face is interpreted to be natural ground. The land to the south-west of the former quarry high face is expected to be deep fill.

The central and upper portions of the site provide areas that have not been affected by quarrying activities. Development of this portion of the lots would need to consider the landform characteristics and should be based on further geotechnical advice that is specific to the proposed development.

In general geotechnical advice that accompanies the development states that:

- Significant geotechnical constraints are not expected on the plateau area (slopes about 5%) between the ridge and Church Lane. Each lot has some land within this terrain unit that is not disturbed by any quarry activities.
- Slope risks should be considered for proposed development on steeper slopes south of the ridge.
- Those parts of proposed Lots 1 to 9 that are located within former quarried lands (on the lower slopes and floodplains) should not be developed without specific geotechnical engineering advice.



FIGURE 7: LOCAL HYDROLOGY

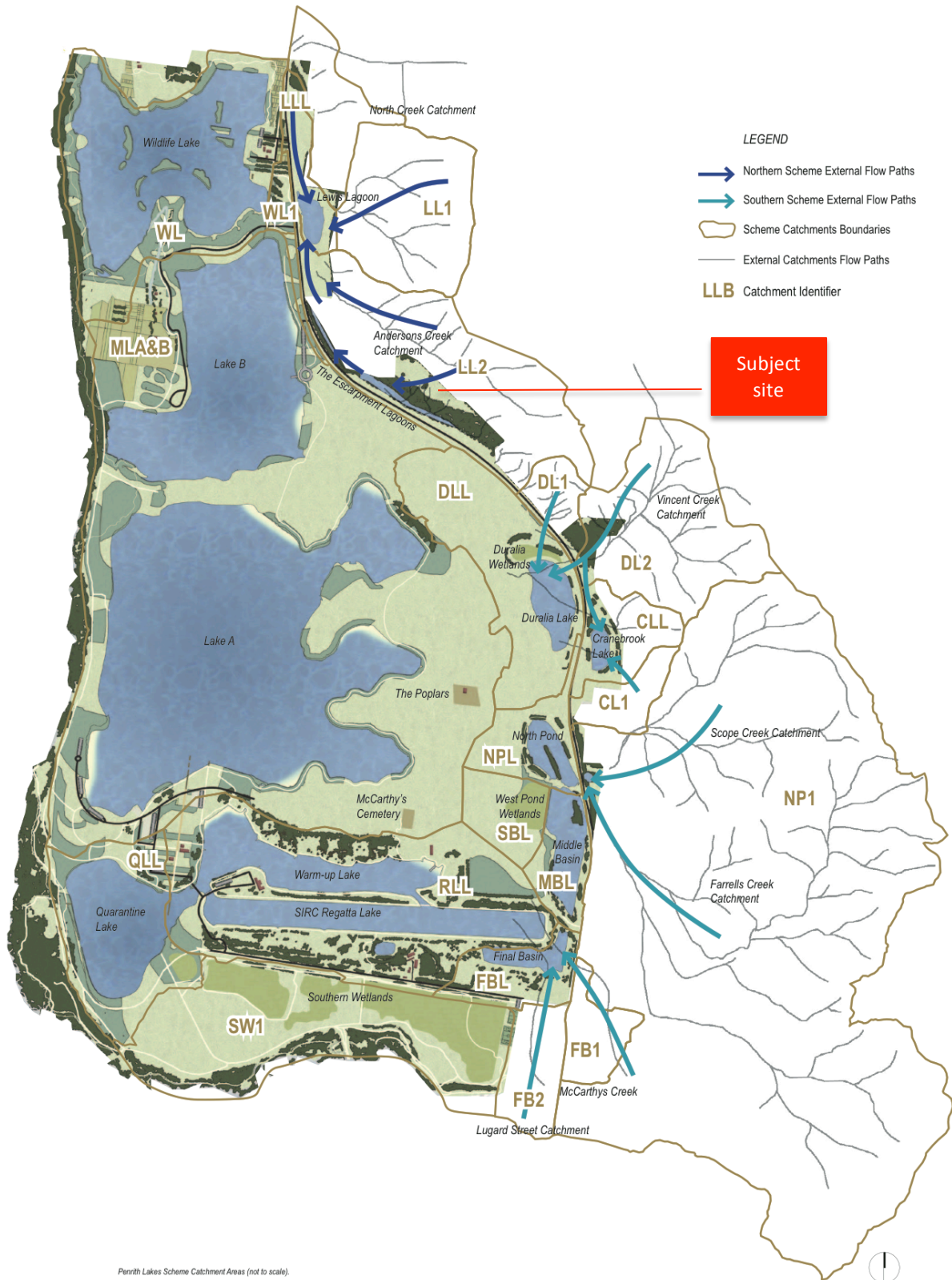
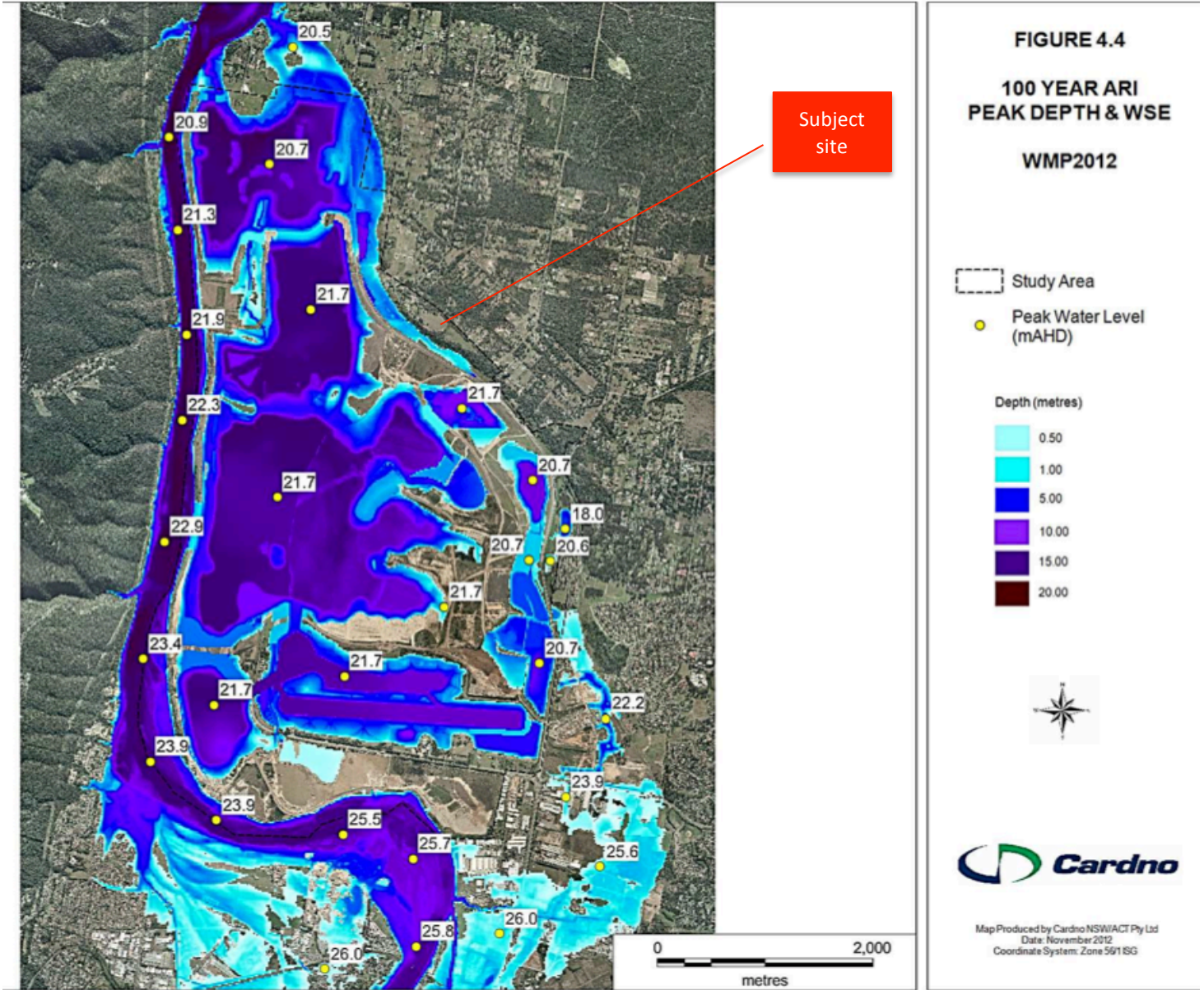


FIGURE 7: RELEVANT FLOOD MAP



## 5.5 FLORA + FAUNA

The site contains a sparse covering of vegetation in the upper and lower section of the site but more generous vegetation coverage over the central escarpment area.

An aerial photo of the site is provided at Figure 8 and demonstrates the vegetation coverage on site. Photos of the vegetation are provided at Figures 9-12.

A review of *National Parks and Wildlife Services* mapping reveals that this vegetation is identified as being a combination of Cumberland Plain Woodland and Sydney Coast River Flat forest, both of which are identified as endangered ecological communities under the *Threatened Species Conservation Act, 1995*. An extract of that mapping is provided at Figure 13.

FIGURE 8: AERIAL PHOTO OF SITE



FIGURE 9: VEGETATION @ CHURCH LANE FRONTAGE



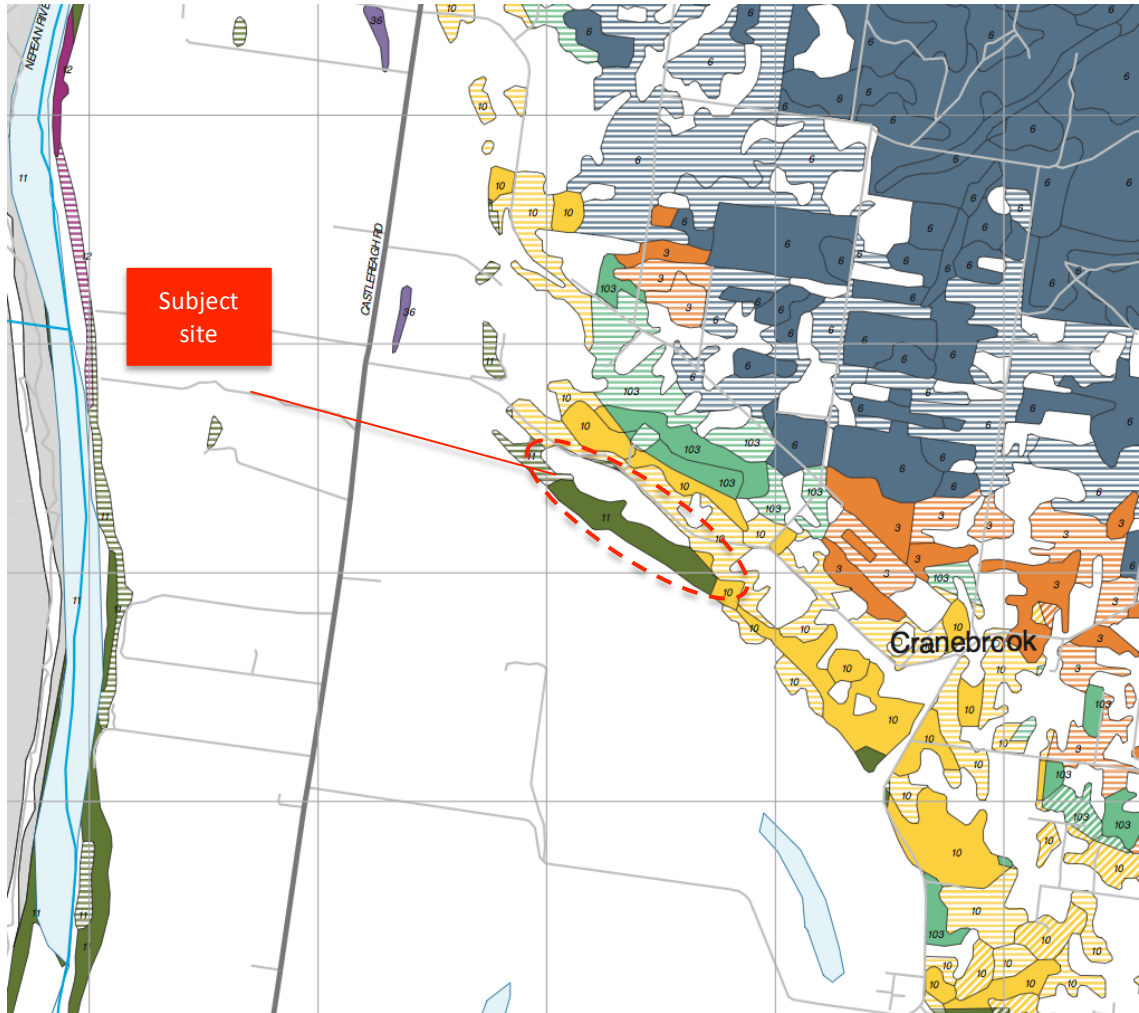
FIGURE 10: CLEARED OPEN AREA @ UPPER SECTION



FIGURE 11-12: ESCARPMENT VEGETATION



FIGURE 13: NPWS MAPPING



**Legend**

**Endangered ecological communities listed under the Threatened Species Conservation Act 1995 as of 1 June 2002**

Shale/Sandstone Transition Forest 1 - Shale/Sandstone Transition Forest (Low Sandstone Influence)	12 - Riparian Forest
2 - Shale/Sandstone Transition Forest (High Sandstone Influence)	Western Sydney Dry Rainforest 13 - Western Sydney Dry Rainforest
Cooks River/Castlereagh Ironbark Forest 3 - Cooks River/Castlereagh Ironbark Forest	Moist Shale Woodland 14 - Moist Shale Woodland
Castlereagh Swamp Woodland 4 - Castlereagh Swamp Woodland	Sydney Turpentine-Ironbark Forest 15 - Turpentine-Ironbark Forest
Agnes Banks Woodland 8 - Agnes Banks Woodland	43 - Turpentine-Ironbark Margin Forest
Cumberland Plain Woodland 9 - Shale Hills Woodland	Elderslie Banksia Scrub Forest 37 - Elderslie Banksia Scrub Forest
10 - Shale Plains Woodland	Shale Gravel Transition Forest 103 - Shale Gravel Transition Forest
Sydney Coastal River-flat Forest 11 - Alluvial Woodland	Blue Gum High Forest 152 - Blue Gum High Forest

**Ecological communities not listed under the Threatened Species Conservation Act 1995 as of 1 June 2002**

6 - Castlereagh Scribbly Gum Woodland	Water body
31 - Sandstone Ridgetop Woodland	
32 - Upper Georges River Sandstone Woodland	
33 - Western Sandstone Gully Forest	
34 - Mangrove/Saltmarsh Complex	
35 - Riparian Scrub	
36 - Freshwater Wetlands	
61 - Eastern Gully Forest	
62 - Woodland Heath Complex	
67 - Vegetation Of Volcanic Substrates	
9999 - Unclassified Vegetation, or outside study area	
No native vegetation overstorey	

**Vegetation Condition Classes**

Canopy Cover > 10% (Unless Remnant > 5ha, Where Canopy Cover > 5%) (Areas mapped as classes: A, B, C, SA)
Canopy Cover < 10% (Areas mapped as classes: C min, Tx, Trx)
Canopy Cover < 10% (Urban Areas) (Areas mapped as class: Tru)

Note: Condition classes are shown as a shading over the ecological community color code.  
 Example shown is for:  
 1 - Shale/Sandstone Transition Forest (Low Sandstone Influence)

- Study Area Boundary
- Local Government Area Boundary
- NPWS Estate boundary

## 5.7 ABORIGINAL & EUROPEAN HERITAGE

The subject site is not identified as possessing any item of heritage under the existing statutory planning framework.

However, Councils draft LEP has identified the site as being located adjacent to an archaeological item, being the *Castlereagh Township* and possessing a further archaeological item known as the Mass concrete ruins (aka *Pise House*). An image of this item is provided at Figure 14.

An assessment of these heritage values is provided as part of reports accompanying this development application. These reports make recommendations as to the subdivision design and building curtilages (e.g should be wholly located within lot 5) that have been incorporated into the development proposal.

Further assessment by PLDC has also identified the site as possessing Aboriginal heritage values. An assessment of the developments impact on these items accompanies the DA.

## 5.8 SERVICES & INFRASTRUCTURE

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

## 5.9 ADJACENT DEVELOPMENT

Adjoining lands provide rural lots and development of a similar scale and type to those proposed as part of the subject development proposal. This development is evident at the aerial photo shown at Figure 8.

## 5.10 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 15.

Accordingly a bushfire hazard assessment accompanies the development proposal and demonstrates it achieves the requirements of *Planning for Bushfire Protection 2006*.



FIGURE 14: MASS CONCRETE HOUSE RUINS



FIGURE 15: COUNCIL BUSHFIRE MAP



## **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 contamination assessment has been undertaken inclusive of soil sampling. This assessment concludes that all contaminants of potential concern in the soil across the site were less than the soil investigation levels with the exception of sample 7-B (0.0m) for lead 2,500mg/kg and sample 7-C which contained asbestos cement within surface soils (i.e. upper 200mm of the soil) in the immediate vicinity of the derelict dwelling.

It is recommended that some delineation of the extent of the identified contaminants be undertaken. It is likely that remediation will be required in this isolated area, which will require excavation and disposal of the contaminated material.

These works will be undertaken under instruction from PLDC, which will then be validated in accordance with NSW EPA Guidelines for Consultants Reporting on Contaminated Sites, 1997 and the requirements of the NSW EPA Guidelines for the NSW Site Auditor Scheme, second edition 2006.

By adopting the NSW Site Auditor Scheme, PLDC is ensuring that appropriate processes are followed in order to arrive at the conclusion the land is suitable for its intended uses. DLA is confident that all Areas of Environmental Concern (AECs) have been identified as part of the Site assessment and that the strategy to remediate the area is appropriate in accordance with SEPP 55 – Remediation of Land.

Accordingly, the assessment concludes that that site can be remediated to comply with the proposed residential (rural) land uses.

### **6.1.2 SREP 20 – HAWKESBURY NEPEAN RIVER**

The aim of this plan is to protect the environment of the Hawkesbury-Nepean River system by ensuring that the impacts of future land uses are considered in a regional context.

It seeks to achieve this by providing a series of strategies and planning controls that all development must be considered against.

All water system issues for the broader Penrith Lakes Scheme inclusive of the subject site were specifically addressed as part of the recently approved by the *Penrith Lakes Water Management Plan 2012*. An extract of this plan is provided in figure 7 shows the hydrology of the lakes and its environs. This plan demonstrates that the site and broader area drains northwards to the Lakes Scheme where it enters the stormwater treatment trains regime currently provided at the north eastern extent of the Lakes Scheme.

This treatment regime delivers water quality levels suitable for parkland and recreational outcomes and has previously obtained approvals that have included assessment against SREP 20.

The development is also accompanied by an on-site waste water management study which recommends further means to mitigate adverse water quality impacts.

Accordingly, it can be concluded that this development will be consistent with the SREP.

### **6.1.3 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***

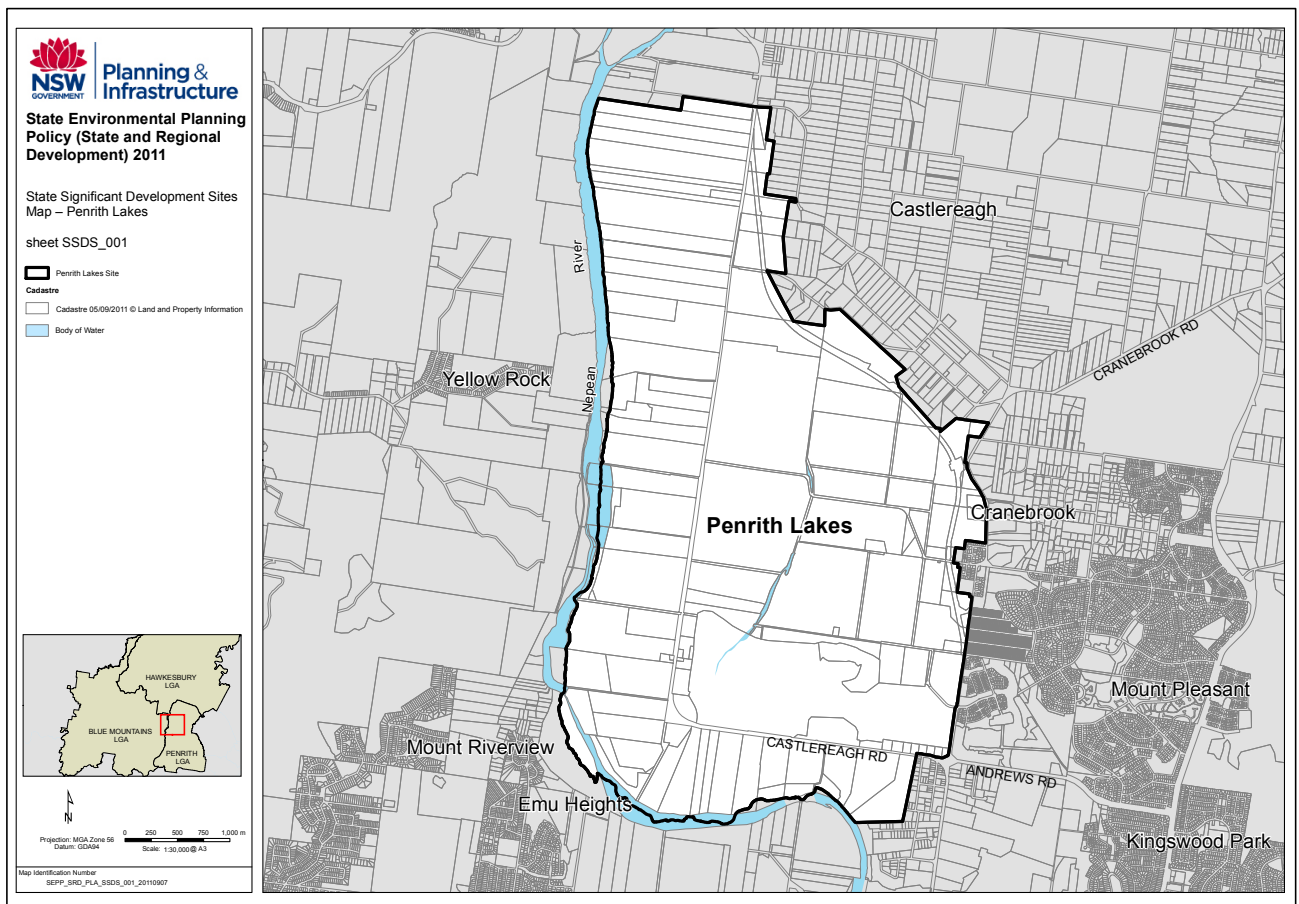
*Development on land identified as being within the Penrith Lakes Site on the State Significant Development Sites Map if the*

*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).*

A copy of the relevant map is provided at Figure 16:

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.

FIGURE 16: SEPP SITES MAP



#### 6.1.4 SEPP (PENRITH LAKES) 1989

This SEPP is the primary planning instrument applying to the Penrith Lake Scheme and provides a framework to facilitate development that implements the Penrith Lakes Scheme.

*The aims of this policy are:*

- (a) to provide a development control process establishing environmental and technical matters which must be taken into account in implementing the Penrith Lakes Scheme in order to protect the environment,*
- (b) to identify and protect items of the environmental heritage,*
- (c) to identify land which may be rezoned for urban purposes,*  
*and*
- (d) to permit interim development in order to prevent the sterilization of land to which this Policy applies during implementation of the Penrith Lakes Scheme.*

Part 1 of the SEPP defines the extent of the Lakes Scheme and its future use through the formal introduction of a Structure Plan. A copy of that Structure Plan is provided at Figure 17. This plan shows the subject site as being designated as a 'Future Urban Area'.

Importantly, the definition of the Lakes Scheme is provided at Schedule 1. This definition is provided below:

##### ***Schedule 1 Penrith Lakes Scheme***

***The Penrith Lakes Scheme is the creation of a regional recreational lake system as shown on the structure plan for the benefit of the public as a result of:***

***(a) the staged optimum extraction of sand and gravel reserves,***

***(b) the staged rehabilitation, reconstruction and landscaping of the land, and***

***(c) the staged formation of a series of interconnected lakes,***

***and includes the identification of land for possible future urban purposes as a result of the work referred to in paragraphs (a) and (b).***

Importantly, only the very southern section of the site has been the subject of any extraction, identified for the staged rehabilitation of the land or staged formation of lakes. Accordingly, pursuant to the definition provided at Schedule 1 only that southern section of the site would form part of the Lake Scheme.

In this context the SEPP 1989 has limited relevance to the subject site. Accordingly, for such lands, the relevant land use framework reverts to underlying zoning and subdivision controls provided by IDO 93.

Nevertheless, key provisions of the SEPP are addressed below:

***4 Inconsistency between environmental planning instruments***

***In the event of an inconsistency between this Policy and any other environmental planning instrument (whether made before, on or after the day on which this Policy is made), this Policy shall prevail to the extent of the inconsistency.***

Although the site is identified as a 'future urban area', site constraints related to flooding, bushland, bushfire, heritage and slope and lack of urban infrastructure significantly limit any realistic expectation of an urban outcome for the site. Therefore the small lot rural outcome as proposed by the development can be considered to be the most suitable development response for the site and therefore is '*generally in accordance with the Structure Plan*'.

The development is therefore considered to cause no inconsistency between this planning instrument and other relevant planning instruments identified in this report. The consistency with other planning instruments is further demonstrated below and in other sections of this report.

#### ***7 Development generally***

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

The development does not seek to rely upon the SEPP for its approval.

#### ***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.***



Although the site is identified as a 'future urban area', site constraints related to flooding, bushland, bushfire, heritage and slope and lack of urban infrastructure significantly limit any realistic expectation of an urban outcome for the site. Therefore the small lot, rural outcome as proposed by the development can be considered to be the most suitable development response for the site and therefore is '*generally in accordance with the Structure Plan*'.

As such the development can be considered to implement the Lakes Scheme.

***(b) in the case of an application to carry out development which includes an extractive industry, the consent authority is of the opinion that:***

***(i) development should not be carried out until other land to which this Policy applies is developed for purposes which include an extractive industry,***

***(ii) the land, the subject of the application, will not be rehabilitated and reconstructed:***

***(A) generally in accordance with the structure plan, or***

***(B) to ensure the satisfactory implementation of the Penrith Lakes Scheme, or***

Not relevant as the subject development does not seek to undertake extractive industry on the site.

***(iii) the person (including any person related, connected or otherwise associated to or with that person) proposing to carry out that development has not complied with the conditions of a consent previously granted to carry out***

***development which included an extractive industry in respect of other land to which this Policy applies.***

The southern sections of the site have previously undergone extraction. This occurred as part of previous development approvals and all condition of consent related to that approval have been complied with.

***(3) The consent authority shall not consent to the carrying out of development for the purposes of implementing the Penrith Lakes Scheme unless the person making the application has submitted a statement of the environmental effects of the proposed development containing the matters specified in clause 1 of Schedule 2 and addressing the matters specified in clause 2 of that Schedule.***

This report addresses each of the matters identified at Schedule 2.

## **9 Interim development**

***Development may be carried out on any part of the land to which this Policy applies:***

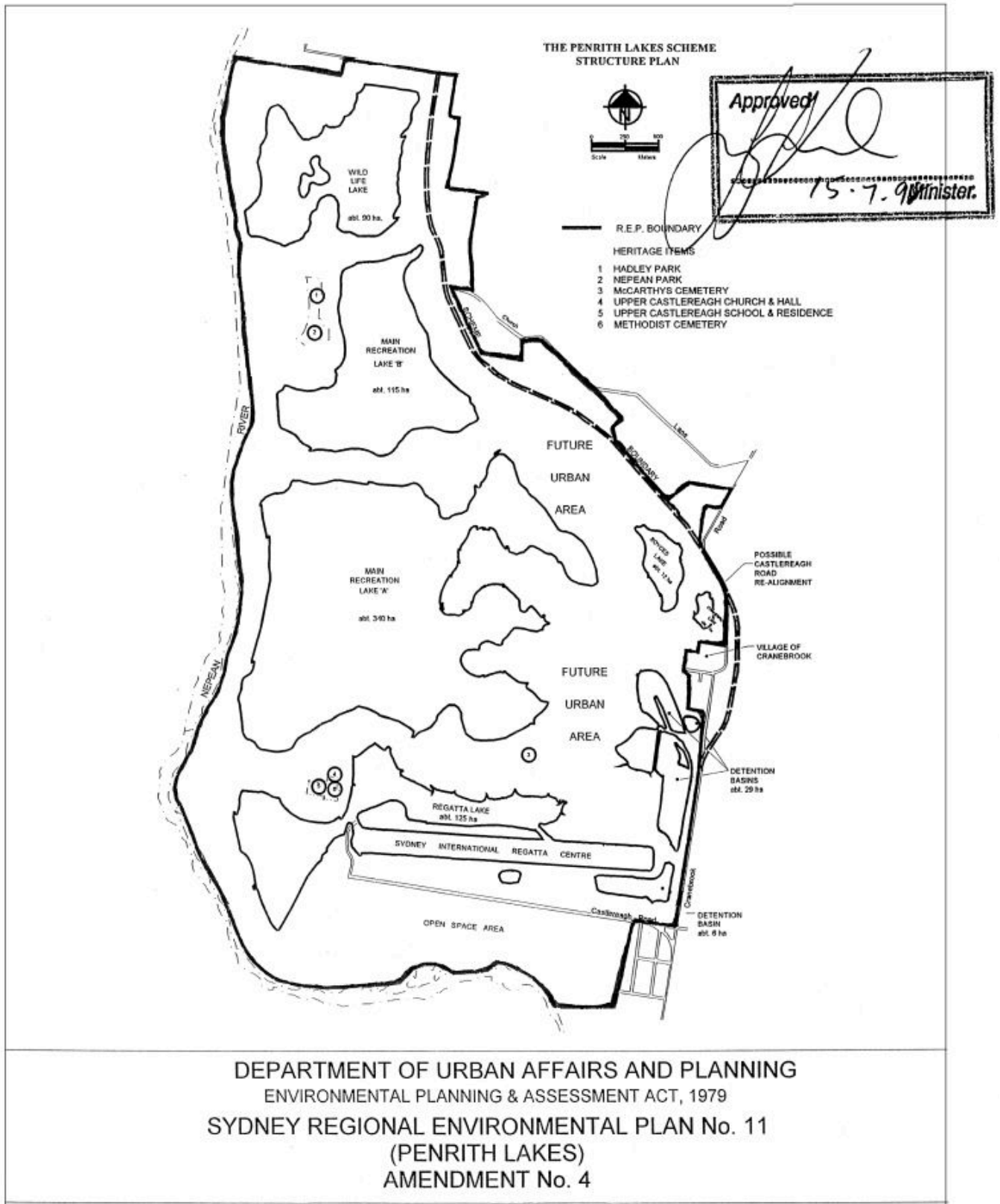
***(a) for the purpose of agriculture, without the necessity for development consent, or***

***(b) for any other purpose, with development consent, if the consent authority is satisfied that the carrying out of development for that purpose will not adversely affect the implementation of the Penrith Lakes Scheme,***

***pending the completion of the Penrith Lakes Scheme in, and the use as a public recreational lake system of, that part of the land.***

Not relevant as no interim development proposed.

FIGURE 17: LAKES SCHEME STRUCTURE PLAN



### 6.1.5 INTERIM DEVELOPMENT ORDER No.93

Matters of permissibility and lot area were addressed at section 4 of this report.

The only other relevant clauses of the IDO are provided below:

#### **Setbacks**

***9. A building shall not be erected on any land having a frontage to a designated road if the distance between that building and the nearest alignment of that road is less than 30 metres.***

The proposed lots have a frontage to Castlereagh Rd, however proposed building envelopes are all located adjacent to the Church Lane street frontage and therefore easily achieve the 30m setback to Castlereagh Rd.

#### **Consents**

***16. In respect of any application for the consent of the council to the carrying out of the following development, namely -***

***(a) any development within view of any waterway, or adjacent to a designated road the council shall take into consideration the probable aesthetic appearance of the land or of the proposed building or work when used for the proposed purpose and viewed from the waterway or road;***

The site has a frontage to Castlereagh Rd and parts of the site will enjoy views to the Penrith lakes water bodies.

However, the proposed building envelopes are all located to the northern section of the site approximately 200m from Castlereagh Rd.

The building envelopes are also separated from that road viewshed by a steep escarpment and dense planting that will serve to screen views between the water bodies and the building envelopes. Views from the road to the site which demonstrate the screening effect of that topography is provided at Figure 18.

***(b) to the erection or use of an amusement park, cemetery, club, drive-in theatre, industry, place of assembly, plant nursery or recreation establishment or to the carrying out of any other development likely to cause increased vehicular traffic on any road in the vicinity thereof, the council shall take into consideration whether -***

***(i) adequate vehicular entrances to and exits from the site have been provided so that vehicles using those entrances and exits will not endanger persons and vehicles using that road;***

The development provides ample opportunity for safe vehicular access to each lot.

***(ii) space, sufficient to provide for the parking or standing of so many vehicles as the council may determine, is provided on the site or on land adjoining the site (other than a public road); and***

***(iii) Omitted.***

***(iv) adequate space has been provided within the site of the building or development for the loading, unloading and fuelling of vehicles and for the picking up and setting down of passengers; or***

The proposed lots all provides large building envelope that will readily provide spaces for the garaging and manoeuvring of vehicles.

***(c) the erection of a dwelling-house, the council shall take into consideration the likelihood of floodwaters entering the dwelling- house and may impose conditions or any consent requiring the floor to be erected at a height sufficient, in its opinion, to obviate the frequent flooding of the dwelling-house.***

All building envelopes and waste-water disposal areas are provided above the adopted flood level.

**FIGURE 18: VIEW FROM CASTLEREAGH RD TO ESCARPMENT**



## 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.

The Planning Proposal that accompanies this Draft LEP states that the Objectives of the DLEP are:

*(a) To implement a comprehensive SI LEP for the Penrith local government area that builds on Penrith LEP 2010 (Stage 1) and replaces, but maintains the general effect of, the existing LEPs applying to the Stage 2 land, except:*

The DLEP proposes a **RU1 Primary Production** over the entire Penrith Lakes Scheme site. See Figure 19.

The application of the **RU1 Primary Production** zone does not represent a direct translation of IDO 93 but rather seeks to provide a zone that it is assumed seeks to reflect the existing extractive industries activities provided for by the Lakes Scheme SEPP.

The Planning Proposal also dismisses the other zonings provided under IDO 93 and Penrith LEP 1998 on the basis as they have already been developed as water bodies and stormwater basins and therefore can no longer realise those development outcomes. This is incorrect as there remains some development potential of lands with these zones and therefore this should be reflected under the DLEP.

The 20ha minimum provided by DLEP does not represent an accurate translation of the existing statutory planning framework.

PLDC have made a submission to Council at and its Council meeting of 25/11/13 it was formally resolved that that prevailing statutory planning framework inclusive of IDO 93 would be retained in the Draft LEP forwarded to the Department of Planning & Infrastructure for gazettal.

In the interim the Draft LEP is neither certain or imminent and therefore Council should afford limited consideration to the draft plan as part of their assessment of this development proposal.

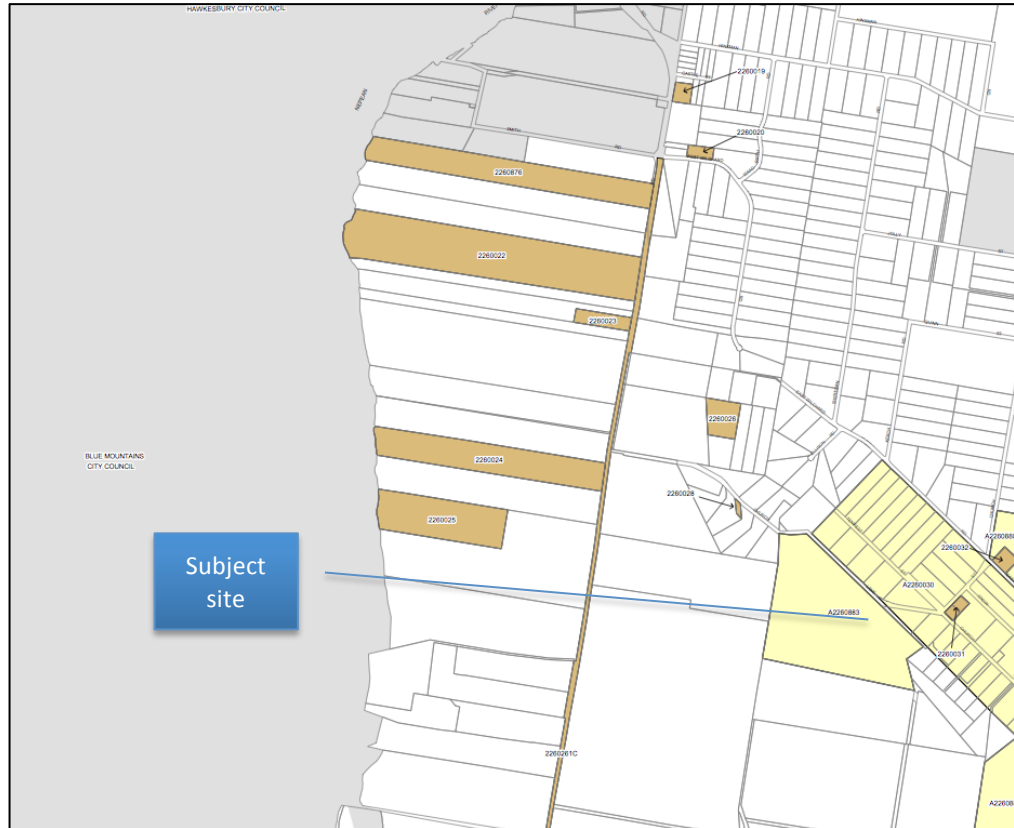
The Draft LEP also proposes to identify the subject site as a archaeological heritage item (See Figure 20). This has been addressed as part of the accompanying heritage reports.

**FIGURE 19: DRAFT LEP ZONE MAP**








FIGURE 20: DRAFT LEP HERITAGE MAP




## Heritage Map - Sheet HER-004

### Heritage

-  Conservation Area - General
-  Item - General
-  Item - Archaeological

### Cadastre

-  Cadastre 01/05/2013 ©Penrith City Council

## 6.3 THE PROVISIONS OF ANY DEVELOPMENT CONTROL PLANS

### PENRITH DCP 2006

#### *Part 2 – City Wide General Controls*

#### *Section 2.12: On Site Sewage Management*

##### **3 PURPOSE AND OBJECTIVES**

###### ***Purpose:***

***Guide applicants and landholders towards sustainable on-site management of sewage and waste water;***

***Protect and enhance the quality of public health and the environment within the Penrith LGA.***

###### **COMMENT:**

The development proposal is accompanied by an *On-Site Waste Water Management Report*.

This report undertook soil testing and concluded that no major limitations to on-site wastewater management exist. It also makes recommendations for the provision of an Aerated Wastewater Treatment System (AWTS) inclusive of an irrigation system and irrigation envelopes.

The proposed subdivision plan provides the required irrigation envelope on each site.

These envelopes are located above the 1 in 100 year flood level.

Accordingly, the development is considered to provide a sustainable waste-water management response that will protect public health and the local environment.

## **6.4 IMPACTS OF DEVELOPMENT**

### **6.4.1 NATURAL ENVIRONMENT**

The site accommodates significant topographic features inclusive of a water-body, escarpment and vegetation that forms part of a threatened ecological community.

However, the subdivision seeks to site the proposed building envelopes in cleared areas of the site that are well removed from the escarpment and flood prone water-bodies.

Some limited clearing of vegetation is required to provide Asset Protection Zone (APZ) for 2 lots. However, the report is accompanied by a flora and fauna impact assessment inclusive of a 7-Part Test which concludes that the development will not significantly impact upon the identified ecological community.

The development is also accompanied by a waste-water report that demonstrates that all waste water can be suitably managed on site without adverse impact upon the local environment.

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.

In the pre DA process Council officers raised some concern about the potential to provide lot boundaries through the water-body at the southern section of the site.

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**

The local character of the area is represented as a rural type environment that provides 2 ha scaled lots of varying shapes however presents a predominance of long narrow lots.

The proposed subdivision seeks to reflect this prevailing settlement pattern with lots that will comfortably sit within the character of that rural landscape.

Rural character issues will be further considered as part of future development applications for dwelling and associated built forms.

The RTA document, *Guide to Traffic Generating Developments (2002)*, states that a single dwelling house is likely to generate an average of 9 vehicle trips per day. The development is therefore likely to generate approximately additional 81 vehicle trips per day.

These vehicles trips will access the local road at Church Lane and each access point provides lengthy and clear site lines to ensure a safe road traffic environment is maintained.

The volume of additional traffic generated by the development is limited and well within both the design and operating capacity of the local road network.

The site provides building envelopes over 200m from Castlereagh Rd and therefore this distance will adequately mitigate any adverse acoustic impacts from Castlereagh Rd.

The development also seeks to retain all identified items of heritage in a manner that will assist in the conservation of those items.

Accordingly, it can be concluded that the development will not cause adverse impact upon the built environment.

#### **6.4.3 SOCIAL IMPACT**

The proposed subdivision will create additional housing opportunities in the local area. This is considered to be a positive social impact.

#### **6.4.4 ECONOMIC IMPACT**

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

## 7.0 PROPOSED MITIGATION MEASURES

The proposed development has been demonstrated to cause no adverse environmental impact. Nevertheless, the following mitigation measures are provided as part of the development to mitigate environmental impact:

- The subdivision provides lots of scale and shape consistent with that of the prevailing settlement pattern in the local area.
- All lots provide suitable scaled APZ's
- All lots provide building envelopes above the flood planning level.
- Lots are large enough to allow for the provision of suitably scaled building envelopes that will mitigate adverse environmental impacts.
- Stormwaters are diverted to the water quality treatment chain provided by the Lakes Scheme and will therefore ensure appropriate water quality standards are achieved.

## 8.0 JUSTIFICATION OF DEVELOPMENT

The site is zoned to accommodate rural type subdivision and development of a site that has long been identified as a future urban area as part of the Penrith Lakes Scheme SEPP.

Prevailing site constraints and the adjacent rural character values are considered to lend the site to be considered more suited to rural type development.

The application seeks approval to the subdivision of the subject site to create 9 (7 additional) rural allotments and is therefore considered to be consistent with adopted longer term planning outcomes for the site.

An assessment of the development has been made against the relevant provision of all relevant planning instruments and demonstrates no inconsistencies with those plans.

The development will also implement several measures that will mitigate against any adverse environmental impacts.

Therefore, we can see no reason why Council should not approve the proposed subdivision.