



Statement of Environmental Effects

Proposed Residential Subdivision
Land at 86-94 Andromeda Drive
Cranebrook NSW



Foreword:

The Statement of Environmental Effects has been prepared by Whelans InSites Pty Ltd on behalf of the Trustees of the Roman Catholic Church for the Diocese of Parramatta in accordance with the statutory requirements of the *Environmental Planning and Assessment Act, 1979*. It supports an application for Torrens title subdivision of land at the rear of the property at 86-94 Andromeda Drive, Cranebrook.

Prepared by:

Whelans InSites Pty Ltd
ABN 61 088 148 743

Level 12, 80 Clarence Street
SYDNEY NSW 2000

T: +61 2 8234 8300
F: +61 2 9262 6511
www.insites.com.au

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1. THE SITE

1.1 BACKGROUND

Corpus Christi Primary School, Cranebrook, was initially established at Andromeda Drive in 1987, and continues to provide education across Years K to 6 for students resident within the local Cranebrook area, and beyond. As originally acquired, the site was substantially larger than ultimately required for primary school use. During the construction and development of Xavier College at Ninth Avenue, Llandilo, students commencing their secondary studies were temporarily accommodated in demountable buildings on land to the rear of the primary school from 1999 to 2004. However, following completion of the permanent College buildings at Ninth Avenue, demountable buildings were progressively removed from the rear of the Andromeda Drive site. Land to the rear of the primary school is therefore now surplus to school needs (Figure 1.1), and has been separately delineated as Proposed Lot 101 in plan of subdivision of Lot 1 in DP 1144668 (DA 12/0786).



Figure 1.1
Local Context
Land at 86-94 Andromeda Drive, Cranebrook
Source: Department of Lands Spatial Information Exchange 2013.



Site looking west from Northern Road boundary alignment

1.2 LOCAL CONTEXT

Land which is the subject of this application is formally identified as Part Lot 1 in DP 1144668, being proposed Lot 101 in Plan of Subdivision approved under Development Application 12/0786 of 12 November 2012. The site has a total area of approximately 2.017 hectares, and lies to the east of the Corpus Christi Primary School complex which adjoins the western boundary.

The subject land parcel is generally rectangular in shape and has a frontage of approximately 113.65m to the western alignment of The Northern Road, a rear boundary of 110.55m, a northern boundary line of 183.985m and a southern boundary line of some 192.745m (Figure 1.2).

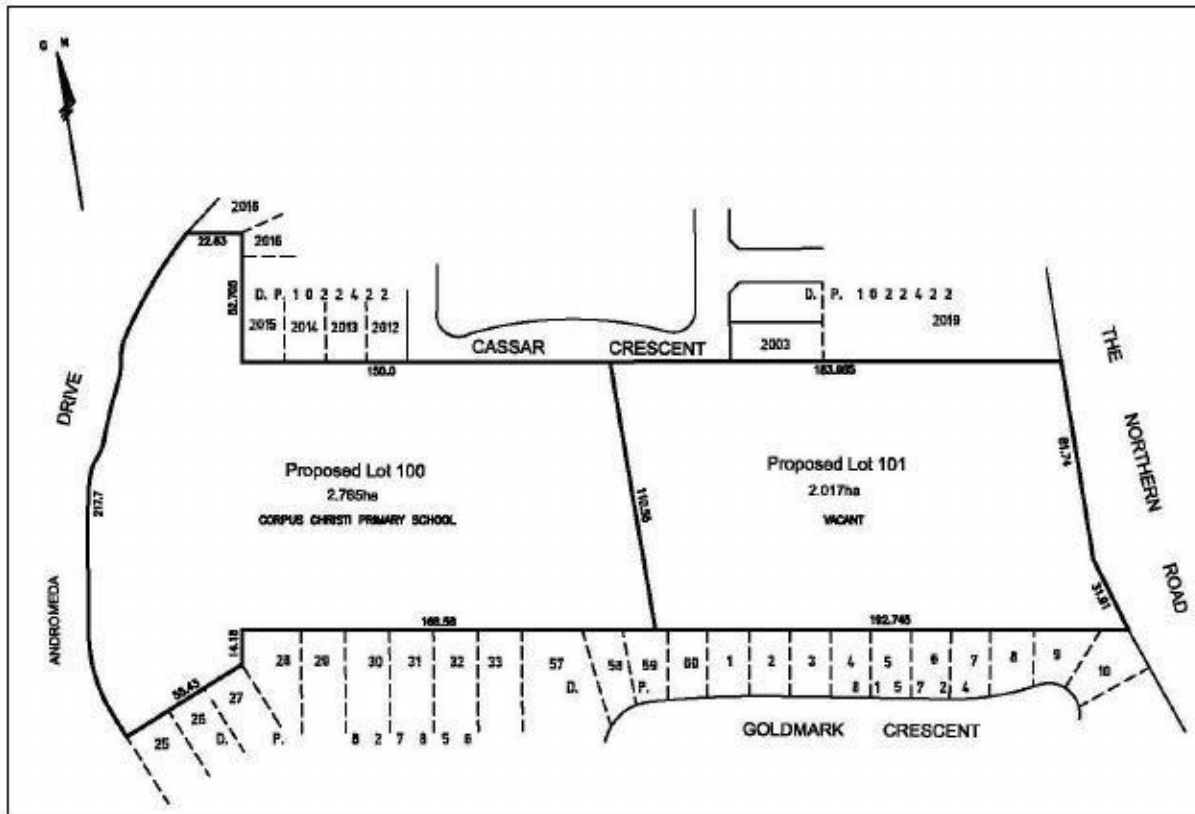


Figure 1.2
Approved Subdivision Parcels (DA 12/0786)
Land at 86-94 Andromeda Drive, Cranebrook

Source: Whelans InSites Pty Ltd 2012.



The site is relatively flat with a gentle slope from east to west of approximately 3%.

1.3 REGIONAL CONTEXT

The Andromeda Drive property is substantially surrounded by established residential development. To the south, residential allotments fronting Goldmark Crescent were initially developed in 1991 and are now fully occupied, while land to the north fronting Cassar Crescent was subsequently developed in 2001. More recently, to the east of the Northern Road lies the landmark 'Jordan Springs' urban residential precinct, currently being developed by Lend Lease. In this context, residential subdivision of the subject land represents infill development that is entirely consistent and compatible with both the surrounding land use and the prevailing urban form (Figure 1.3).

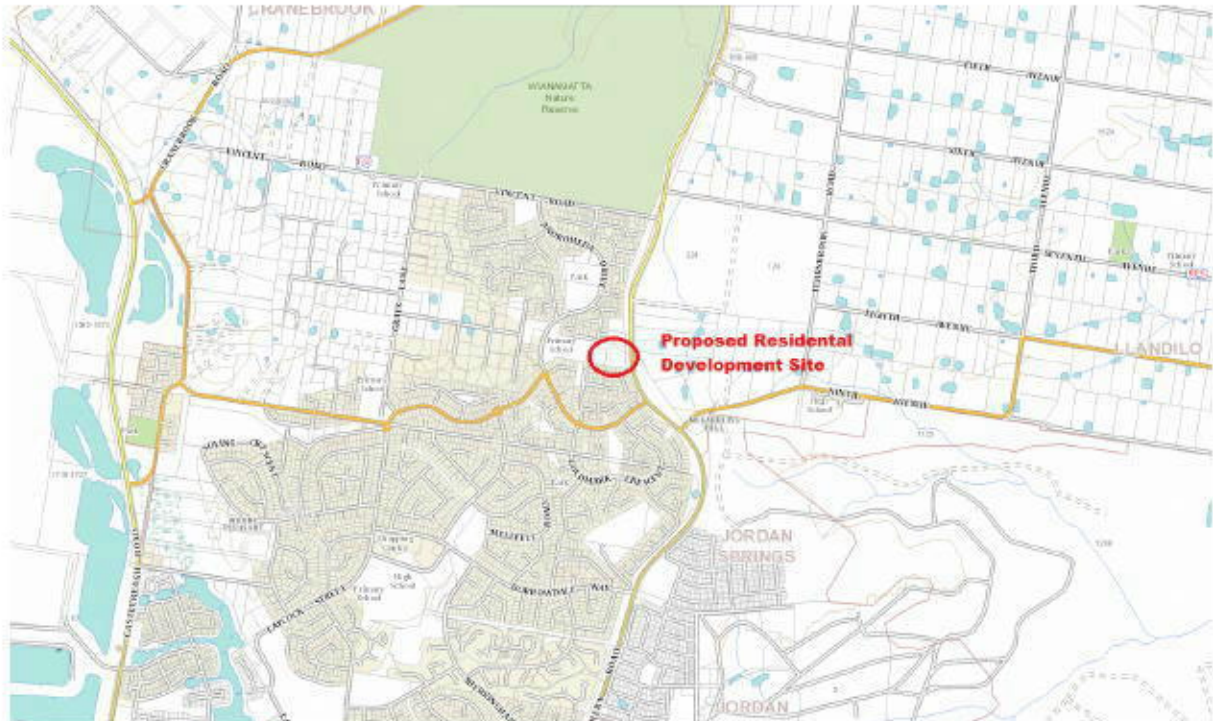


Figure 1.3
Regional Context
Land at 86-94 Andromeda Drive, Cranebrook
Source: Department of Lands Spatial Information Exchange 2013.



Adjacent Residential Development, Cassar Crescent, Cranebrook

2. OPPORTUNITIES AND CONSTRAINTS

2.1 SECTION 149 CERTIFICATE MATTERS

2.1.1 Environmental Planning Instruments and non statutory planning controls

Section 149 Certificate No 12/03250 includes reference to the following Environmental Planning Instruments and Development Control Plans, which are of key relevance to this application:

- *Penrith Local Environmental Plan 1998 (Urban Land)*

Penrith Local Environmental Plan 1998 (Urban Land) came into effect on 8 January 1999 and sets the statutory framework for the land use across the region. *Penrith Local Environment Plan 1998 (Urban Land)* aims to achieve the objects of the *Environmental Planning and Assessment Act, 1979* and establishes the requirements for the use and development of land. Through zoning and development controls the *Penrith Local Environmental Plan 1998 (Urban Land)* allows Penrith City Council to supervise the ways in which land is used and direct future growth.

- *Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River (No.2 - 1997)*

The aim of *Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River (No.2 - 1997)* 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.

- Penrith Development Control Plan 2006

Penrith City Council has a number of Development Controls Plans that apply to land across the Penrith City Council Area. The role of these Development Control Plans is to provide detailed standards and controls designed to guide development in the region to satisfy the purpose of an LEP and Part 5 of the *Environmental Planning & Assessment Act, 1979*.

2.1.2 Site Issues and Constraints

Section 149 Certificate No 12/03250 (**Appendix 2**) also identifies the following with respect to the subject property:

2.1.2.1 Conservation Area

The land is **not** within a Heritage Conservation Area.

2.1.2.2 Environmental Heritage

The site is **not** identified as an item of Environmental Heritage.

2.1.2.3 Road Widening

The property subject to this development application is **not** affected by any road widening or realignment.

2.1.2.4 Coastal Protection

The site is **not** affected by Section 38 or 39 of the *Coastal Protection Act, 1979*.

2.1.2.5 Risk of Land Slip or Subsidence

The land is **not** within a Proclaimed Mine Subsidence District.

2.1.2.6 Identified Critical Habitat

The land does **not** contain any identified critical habitats.

2.1.2.7 No Acquisition by a public Authority

The land is **not** subject to acquisition by a public authority.

2.1.2.8 State Significant Development

The land is **not** subject to an order by the Minister for Urban Affairs and Planning regarding State Significant Development pursuant of Section 76A(7)(b) of the *Environmental Planning and Assessment Act, 1979*.

2.1.2.9 Flood Management Plan

The land is **not** identified as being below the adopted flood planning level.

2.1.2.10 Biodiversity Certified Land

The land does **not** contain any Biodiversity Certified Land

2.1.2.11 Biobanking Agreement

The land is **not** subject to a Biobanking Agreement under Part 7a of the *Threatened Species Conservation Act 1995*.

2.1.2.12 Bushfire

The land is **not** identified as Bush Fire prone according to Council records.



2.1.3 Contextual Planning Controls

Under the terms of Penrith Local Environmental Plan 1998 (Urban Land) the site is zoned as Zone 2(b) Residential (Low Density), and accordingly has been earmarked for future residential development since that time. Mapping previously provided by Council in relation to the site also indicates that vehicular access is denied to The Northern Road (Figure 2.1).



Figure 2.1
Land Use Zoning
Land at 86-94 Andromeda Drive, Cranebrook
 Source: Penrith City Council

The subject site has also previously been identified within a former version of *Penrith Development Control Plan 2006 Part 6 Section 6.5 Cranebrook Release (Adopted 21 August 2006, in Force 15 December 2006)*. However, it would appear that Section 6.5 of the Penrith Development Control Plan 2006 was replaced in 2010, and now no longer includes specific reference to the Cranebrook urban release (Figure 2.2).

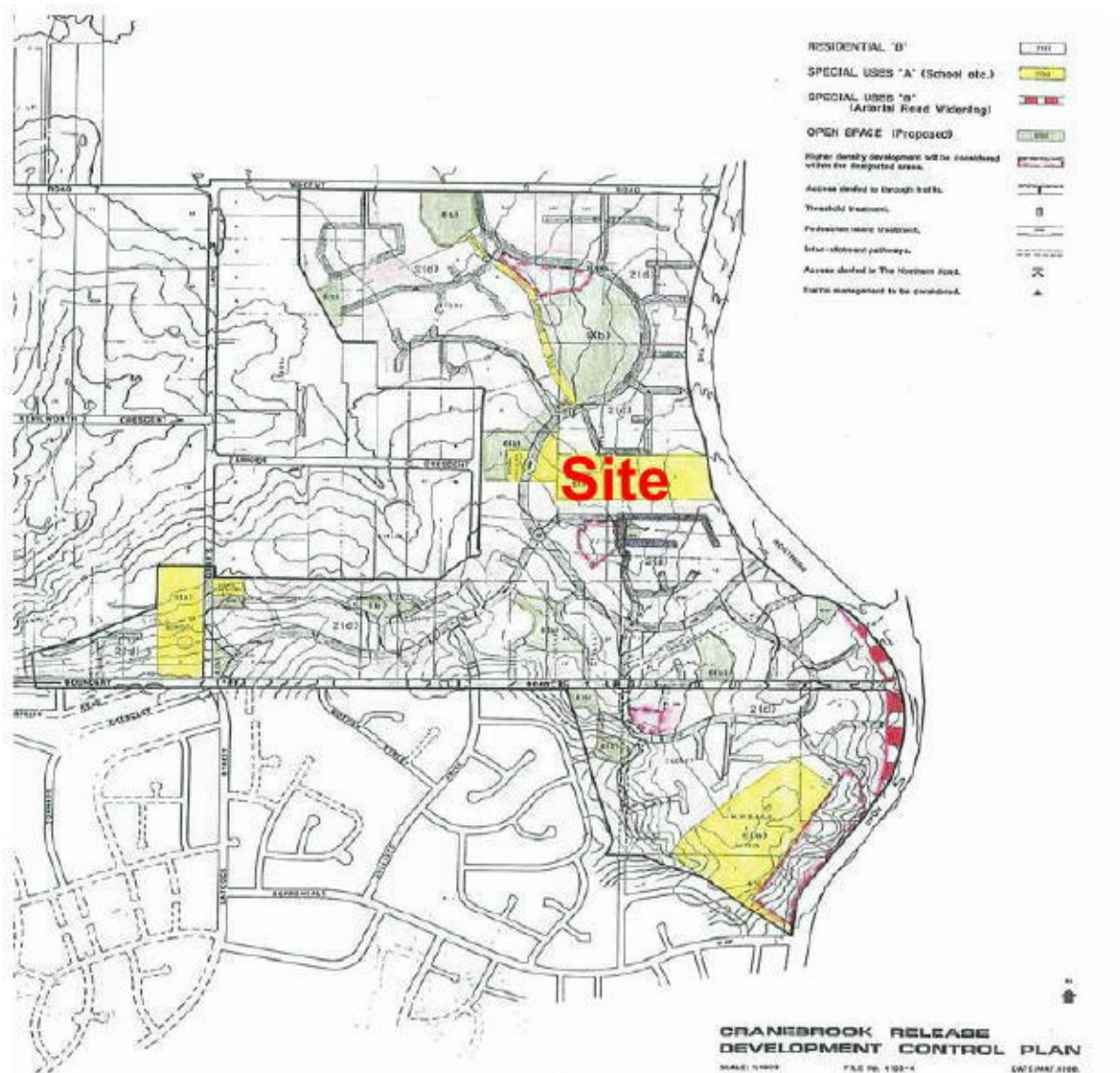


Figure 2.2
Former Cranebrook Release Area Development Control Plan
Source: Penrith City Council, 2006.

3. SITE ANALYSIS



4. PROPOSED DEVELOPMENT

4.1 DESCRIPTION OF PROPOSAL

Following an extensive process of site investigation, environmental assessment and consultation with Council, a proposal for residential subdivision of vacant land to the rear of the Corpus Christi primary school site has now been developed.

The current proposal specifically responds to the identified ecological characteristics of the site, and proposes retention and translocation of vegetation within two buffer zones, located to the east and west of the central residential component. In total, some 22 residential lots are proposed, together with a residue parcel for the permanent translocation of on-site vegetation (Figure 4.1).



Figure 4.1
Proposed Residential Development
Land at 86-94 Andromeda Drive, Cranebrook
Source: Whelans InSites Pty Ltd 2012.

5. ENVIRONMENTAL ASSESSMENT

This section provides an assessment of the proposal against the specific matters for consideration set out within Section 79C of the *Environmental Planning and Assessment Act, 1979*.

5.1 THE PROVISIONS OF ANY ENVIRONMENTAL PLANNING INSTRUMENT (SECTION 79C(1)(A)(I))

5.1.1 Penrith Local Environmental Plan 1998 (Urban Land)

Clause 9 – Zone objectives and Development Control Table

The subject land is wholly contained within Zone No 2(b) Residential (Low Density) under the provisions of Penrith Local Environmental Plan (PLEP) 1998 (Urban Land).

The objectives of Zone No 2(b) Residential (Low Density) are:

- (i) to reinforce the importance of natural landscape settings and areas with heritage conservation values, and*
- (ii) to promote the established urban and landscape character of traditional residential subdivisions by limiting the range of permissible uses, and*
- (iii) to allow a limited range of compatible non-residential uses.*

Clause 9 describes uses that are permitted without development consent to include:

- *Bed and breakfast establishments*
- *Family day care homes*
- *Bushfire hazard reduction*
- *Home activities*

The following uses and development types are permitted in Zone No 2(b) Residential (Low Density) only with development consent in accordance with Clause 9:

- *general stores,*
- *changes of building use,*
- *child care centres,*
- *community facilities,*
- *demolition of buildings or other structures,*
- *drains,*
- *dual occupancies,*
- *dwelling houses,*
- *educational establishments,*
- *buildings or other structures ordinarily associated with dwelling houses,*
- *health care consulting rooms,*
- *home businesses,*
- *hospitals,*
- *places of worship,*
- *internal structural work in bed and breakfast establishments,*
- *recreation areas,*
- *roads,*
- *utility installations,*
- *utility undertakings.*

Any land use that is not listed as permitted without consent or permitted only with development consent is a prohibited use within the Zone 2(b) Residential (Low Density) zone.

The proposed development is consistent with the objectives of the 2(b) Residential (Low Density) zone, as it accommodates the characteristics of the natural landscape, makes provision for the retention of local vegetation, and reflects the dominant subdivision pattern of the local area.

The proposed development promotes the established urban and landscape character of traditional residential subdivisions by incorporating a range of lot sizes suitable for various types of residential development. The lots are generally rectangular in shape and provide for good solar access, vehicular and pedestrian convenience and a high level of locality amenity.

It is considered that the proposed lot layout maintains the prevailing settlement patterns and promotes housing choice.

Clause 10 – Subdivision Controls Generally

The objectives of clause 10 are to prescribe minimum lot areas and minimum lot widths for land within a residential or rural-residential zone that will:

- (a) provide for development that promotes housing choice,
- (b) encourage lot dimensions and lot areas appropriate for development permissible in each zone,
- (c) maintain the prevailing settlement patterns in each of the residential and rural-residential zones, and
- (d) permit “strata” subdivision of dual occupancy and multi-unit housing development

Table 3.1 below prescribes minimum lot areas and widths for subdivision of land within Penrith City Local Government Area:

Zone No.	Standard Lot		Internal Lot	
	minimum area	minimum width	minimum area	minimum width
2(a1)	600m ²	20m	700m ²	20m
2(a)	600m ²	15m	700m ²	20m
2(b)	550m²	15m	650m²	15m
2(c)	475m ²	12m	525m ²	15m
2(d)	400m ²	12m	450m ²	15m
2(e)	400m ²	10m	450m ²	12m

Table 3.1 – General Subdivision Controls
Source – PLEP1998 (Urban Land)

The proposed subdivision of the land into 22 residential lots and one residual lot (for translocation of vegetation) complies with the *Penrith Local Environmental Plan 1998* in that the minimum lot size for a standard lot is 550m² and the minimum proposed lot size for an internal lot is 650m² excluding the access handle.

Clause 14– Provision for design principles in development generally

The purpose of this clause is to ensure that development maintains high levels of design resulting in development that is compatible with the scale, design and amenity of neighbouring development. Any development must consider the following:

- (a) reinforcement and protection of local topography and setting,*
- (b) reflection of the forms, features or qualities of traditional residential neighbourhoods across Penrith local government area,*
- (c) consistency or compatibility with the scale, design and amenity of neighbouring development,*
- (d) contribution to attractive streetscapes through the diversity of building forms and landscaped areas that can be seen from any public place nearby,*
- (e) provision for contemporary standards of amenity within each dwelling and the associated private open space,*
- (f) preservation and enhancement of any significant vista that currently might be available from a public place nearby.*

The subdivision as proposed is located on a relatively level site with minimal topographical features. The subdivision pattern is consistent with the prevailing form of the surrounding residential neighbourhood, mirroring the local design and layout in accordance with relevant provisions of the Penrith Development Control Plan 2006.

No approval for dwelling construction is sought in this present application. The scale and design of future dwellings on the site will be subject to future individual assessment by Penrith City Council under separate applications. It is considered that the amenity of the locality will be enhanced as a result of the proposed subdivision, with the retention of existing vegetation along the Northern Road Frontage and the translocation and regeneration of species in the retained parcel and additional road reserve adjacent to Cassar Crescent.

Clause 29 – Prohibited Access

- (1) Except as provided in subclause (2), the creation of a vehicular crossing in, on or through the boundary of any land shown on the map with the notation “Vehicular access denied” and marked on the map with a series of heavy black dots is prohibited.*
- (2) Despite subclause (1), the council may grant consent for development that involves such a vehicular crossing where it is satisfied that carrying out the development would be impracticable unless direct vehicular access is provided.*

The subject site abuts the western alignment of The Northern Road. As indicated on Council’s LEP Map, vehicular access is denied across this alignment. Thompson Stanbury has confirmed that vehicular access to the site from The Northern Road would not be supported (Thompson Stansbury Associates 2013, p14). However, the current proposal incorporates a 4 metre wide pedestrian access from the end of the proposed cul-de sac to the Northern Road, to provide improves local connectivity and permeability, and to also provide for an alternative entry to the locality for emergency vehicles if required.

Clause 34 – Consent required for subdivisions

Land to which this plan applies may be subdivided only with development consent.

Torrens title subdivision is proposed creating 22 residential lots, road widening and a residue parcel. The proposed development is permissible with consent in accordance with clause 34 of PLEP 1998.

5.1.2 Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River (No.2 - 1997)

The subject site to the rear of property at No 86-94 Andromeda Drive, Cranebrook is within the Hawkesbury-Nepean River catchment. The following provisions and strategies apply:

Strategy	RESPONSE/COMMENT	COMPLIANCE
6 Specific planning policies and recommended strategies		
(3) Water quality		
(a) Quantify, and assess the likely impact of, any predicted increase in pollutant loads on receiving waters.	The stormwater management strategy, prepared by InSites Engineering, proposed for the development complies with the requirements of Penrith City Council as set out in the DCP 2006 - Part 2.3, LEP, Engineering Design Specifications and Australian Rainfall & Runoff. The stormwater treatment strategy has been prepared with the view of ensuring long-term efficiency and sustainability by proposing treatment measures which are easy and cost effective to maintain and provide an aesthetically pleasing solution. The stormwater drainage strategy report is attached in full at Appendix 7 .	YES
(b) Consider the need to ensure that water quality goals for primary contact recreation and aquatic ecosystem protection are achieved and monitored.		YES
(c) Approve development involving primary contact recreation or the withdrawal of water from the river for human contact (not involving water treatment), such as showers, only in locations where water quality is suitable (regardless of water temperature).		YES
(d) Do not carry out development involving on-site disposal of sewage effluent if it will adversely affect the water quality of the river or groundwater. Have due regard to the nature and size of the site.		YES
(e) Develop in accordance with the land capability of the site and do not cause land degradation.		YES
(f) Consider the need for an Erosion and Sediment Control Plan (to be in place at the commencement of development) where the development concerned involves the disturbance of soil.		YES
(g) Minimise or eliminate point source and diffuse source pollution by the use of best management practices.		YES
(h) Site and orientate development appropriately to ensure bank stability. Plant appropriate native vegetation along banks of the river and tributaries of the river, but not so as to prevent or inhibit the growth of aquatic plants in the river, and consider the need for a buffer of native vegetation.		YES
(i) Consider the impact of the removal of water from the river or from groundwater sources associated with the development concerned.		YES
(j) Protect the habitat of native aquatic plants.		YES

Strategy	RESPONSE/COMMENT	COMPLIANCE
(4) Water quantity		
(a) Future development must be consistent with the interim or final river flow objectives that are set for the time being by the Government.	The stormwater management strategy, prepared by InSites Engineering, proposed for the development complies with the requirements of Penrith City Council as set out in the DCP 2006 - Part 2.3, LEP, Engineering Design Specifications and Australian Rainfall & Runoff. The stormwater treatment strategy has been prepared with the view of ensuring long-term efficiency and sustainability by proposing treatment measures which are easy and cost effective to maintain and provide an aesthetically pleasing solution. The stormwater drainage strategy report is attached in Appendix 7.	YES
(b) Ensure the amount of stormwater run-off from a site and the rate at which it leaves the site does not significantly increase as a result of development. Encourage on-site stormwater retention, infiltration and (if appropriate) reuse.		YES
(c) Consider the need for restricting or controlling development requiring the withdrawal or impoundment of water because of the effect on the total water budget of the river.		YES
(d) Consider the impact of development on the level and quality of the water table.		YES
(6) Flora and fauna		
(a) Conserve and, where appropriate, enhance flora and fauna communities, particularly threatened species, populations and ecological communities, aquatic habitats, wetland flora, rare flora and fauna, riverine flora, flora with heritage value, habitats for indigenous and migratory species of fauna, and existing or potential fauna corridors.	The Flora and Fauna Report prepared by SLR Consulting, dated 21 December 2012, supports the proposed subdivision. <i>'CRCIF (Cooks River Castlereagh Ironbark Forest) community present on the subject site at Cranebrook is small, patchy, isolated and degraded, and does not represent a special or important example of that vegetation. Given those circumstances, as well as the proposed salvage and reuse of plant material, and the rehabilitation of vegetation in the two reserves, there will be no adverse impact (or "significant effect") imposed upon the CRCIF community.'</i> (SLR Consulting, 2013, p15)	YES
(b) Locate structures where possible in areas which are already cleared or disturbed instead of clearing or disturbing further land.		YES
(c) Minimise adverse environmental impacts, protect existing habitat and, where appropriate, restore habitat values by the use of management practices.		YES
(d) Consider the impact on ecological processes, such as waste assimilation and nutrient cycling.		YES
(e) Consider the range of flora and fauna inhabiting the site of the development concerned and the surrounding land, including threatened species and migratory species, and the impact of the proposal on the survival of threatened species, populations and ecological communities, both in the short and longer terms.		YES
(f) Consider the need to provide and manage buffers, adequate fire radiation zones and building setbacks from significant flora and fauna habitat areas.		YES
(g) Consider the need to control access to flora and fauna habitat areas.		YES
(g) Consider the need to maintain corridors for fish passage, and protect spawning grounds and gravel beds.	The Flora and Fauna report is attached in Appendix 6 . Retention of local flora and fauna existing on the site will be enhanced by the retention of a translocation buffer zone between the adjacent school site and the proposed residential development.	YES

Strategy	RESPONSE/COMMENT	COMPLIANCE
(10) Urban development		
(a) When considering a proposal for the rezoning or subdivision of land which will increase the intensity of development of that land (for example, by increasing cleared or hard surface areas) so that effluent equivalent to that produced by more than 2,500 people will be generated, consider requiring the preparation of a Total Water Cycle Management Study or Plan.	The proposed subdivision will provide 22 residential lots and will not result in effluent for more than 2,500 people.	YES
(b) Consider urban design options to reduce environmental impacts (such as variable lot sizes and shapes, and the clustering of development).	The design of the subdivision is such that the environmental impacts will be minimal in the context of the surrounding development. The subdivision proposes variable lot sizes and shapes, and the clustering of development	YES
(12) Metropolitan strategy		
(a) Consider the impacts of transport infrastructure proposals on water quality and air quality.	The proposed subdivision is not a transport infrastructure proposal.	YES
(b) Consider the impacts of metropolitan waste disposal on water quality.	The proposed subdivision is not for metropolitan waste disposal.	YES
(c) Consider the impacts of development on air quality.	The proposed development is not considered to have adverse impacts on air quality.	YES
(d) Consider the need for waste avoidance, waste reduction, reuse and recycling measures.	Waste produced from future residential development will be captured within Council's waste disposal services.	YES
(e) Consider the implications of predicted climate change on the location of development and its effect on conservation of natural resources.	It is not expected that the predicted climate changes will impact on the proposed subdivision.	YES
11 Development controls		
(7) Filling		
<p>Definition:</p> <p>Filling of land, including submerged aquatic land, by raising the ground level through disposal of spoil from any landfill method (such as mining, dredging or refuse dumping), whether or not to enable the construction of a road or the erection of buildings or pylons or any other structure, where filling exceeds 1 metre in depth, or an area of 100 square metres.</p> <p>(Consent required)</p>	Fill/regrading proposed up to 600mm.	YES

5.2 THE PROVISIONS OF ANY DEVELOPMENT CONTROL PLAN (SECTION 79C(1)(A)(III))

5.2.1 Penrith Development Control Plan 2006

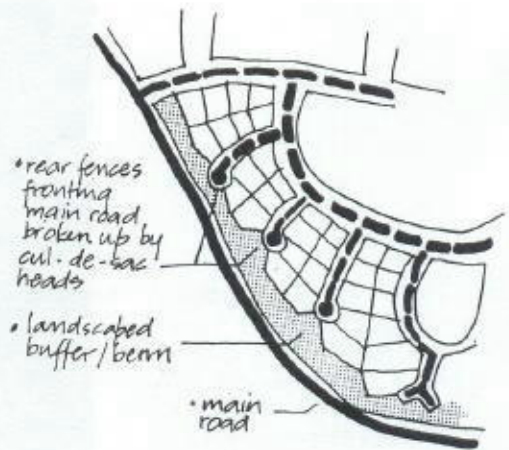

Penrith Development Control Plan (PDCP) 2006 aims to provide comprehensive planning controls for residential development across the Penrith LGA. The following assessment addresses relevant numerical controls applying to the subdivision of the land, as set out within PDCP 2006. However, before specifically addressing the relevant clause of PDCP 2006 it is important to recognise the desired future character of Penrith City LGA, as established through specific "Principles" set out within the sister document, *Penrith Development Control Plan (PDCP) 2010*. While PDCP 2010 does not technically apply to the site, it is relevant to consider these established principles as an overarching guide to Council's objectives for development within the LGA generally. Relevant principles are addressed in the following table.

Principle	Comment
Penrith DCP 2010	
Part B DCP Principles	
Provide a long term vision for cities, based on sustainability; intergenerational, social, economic and political equity; and their individuality.	The proposed subdivision creates a sustainable environment that supports social and community growth and allows individuality to be expressed in housing form and activity.
Achieve long term economic and social security.	Long term economic and social security is supported by the proposal, as it provides for residential lots in close proximity to services and facilities as well as providing a high amenity living environment.
Recognise the intrinsic value of biodiversity and natural ecosystems, and protect and restore them.	A goal of this development is to preserve and translocate existing individual plants within the site. The currently small, patchy, isolated and degraded communities are intended to be consolidated within a dedicated vegetation buffer, and protected and restored in perpetuity.
Enable communities to minimise their ecological footprint.	The location of the proposed subdivision is close to services and schools supporting a more active and walkable community with a minimal ecological footprint.
Build on the characteristics of ecosystems in the development and nurturing of healthy and sustainable cities.	The proposed subdivision will build on the characteristics of ecosystems in the local area. The currently small, patchy, isolated and degraded communities are intended to be consolidated within a dedicated vegetation buffer, and protected and restored in perpetuity.
Recognise and build on the distinctive characteristics of cities, including their human and cultural values, history and natural systems.	The proposed subdivision is consistent with the existing subdivision pattern and allows for development in the area which may enhance the human and cultural values of the locality.
Empower people and foster participation.	The location of the subdivision supports the fostering of broad community participation by future residents.
Expand and enable cooperative networks to work towards a common, sustainable future.	The development provides for preservation of local ecosystems, treatment of downstream water quality, and increased social and community connectivity. The proposal works towards the expansion of cooperative networks to work towards a common, sustainable future.

Promote sustainable production and consumption, through appropriate use of environmentally sound technologies and effective demand management.	The development provides for preservation of local ecosystems, treatment of downstream water quality, and increased social and community connectivity. The proposal promotes sustainable production and consumption, through appropriate use of environmentally sound technologies and effective demand management in relation to water quality and solar access.
Enable continual improvement, based on accountability, transparency and good governance.	The proposed subdivision displays a progression in the continual improvement of the site to create a quality urban environment and enhance areas of local endemic biodiversity.

The following clauses of PDCP 2006 specifically apply to the subject application:

CONTROL	RESPONSE/COMMENT	COMPLIANCE
Part 4 Section 4.7 Residential – Guidelines for Subdivision		
2 Controls for subdivision in residential zones		
<p>2.1 Application procedure Where the lots proposed are greater than 400m² a development application may be made for the subdivision alone. Where the lots proposed are less than 400m² a development application must include both subdivision and the development proposed on each lot.</p>	The subdivision proposed comprises lots with an area of no less than 555m ² .	YES
<p>2.4 Site Frontage Minimum frontage standards are not specified in this plan. Minimum frontage of 15m is specified by Clause 10 of the PLEP 1998.</p>	Minimum frontage of each lot not less than 15m	YES
<p>2.5 Allotment dimensions Allotments with an area of greater than 400m² must be capable of containing a rectangular building envelope measuring 10m x 12m or 8m x 15m.</p> <p>Where battle-axe allotments are proposed an area greater than 400m² may be required. The access corridor shall not be included in the site area calculation or battle-axe allotments.</p> <p>Requirements for access corridors are:</p> <ul style="list-style-type: none"> • minimum width – 4m • minimum width, shared corridor – 5m • maximum length – 60m <p>Generally battle-axe lots are discouraged and no more than two allotments shall be served by a shared access corridor.</p>	<p>All 22 residential lots provide for building envelope measuring 10m x 12m or 8m x 15m behind the front building line.</p> <p>Three (3) battleaxe lots are proposed. Lot 3 is access via a 4m wide access corridor that is 32m in length to the south of Lot 3 and maintains an area of 650m² excluding the access corridor.</p> <p>Lots 10 and 11 are adjacent to the northern boundary and share an access corridor 5m wide and 36.065m between Lots 9 and 12. Lot 10 maintains an area of 652m² and lot 11 maintains an area of 698m² each excluding the access corridor.</p>	<p>YES</p> <p>YES</p> <p>YES</p>
<p>2.6 Road network Access Place (or cul-de sac) – minor road which carries a low traffic volumes. Pedestrian, vehicle and recreation use is shared, with pedestrians having priority – where serving allotments greater than 400² shall serve a maximum 24 allotments.</p>	An access place is proposed with a maximum 22 residential lots in excess of 550m ² gaining access off the cul-de sac. The proposed road reserve maintains a width no less than 14m and a centrally located carriageway of 7m in width.	YES

CONTROL				RESPONSE/COMMENT	COMPLIANCE													
<table border="1"> <thead> <tr> <th>Road</th> <th>Carriageway</th> <th>Verge</th> <th>Road Reserve</th> </tr> </thead> <tbody> <tr> <td>Shareway</td> <td>3.5m</td> <td>Variable</td> <td>10m</td> </tr> <tr> <td>Access Place</td> <td>5.5m or 7m</td> <td>3.5m</td> <td>12.5m or 14m</td> </tr> <tr> <td>Access Street</td> <td>7m</td> <td>3.5m</td> <td>14m</td> </tr> </tbody> </table> <p>Figure 3.1: Road design Penrith DCP</p> <p>An access place or street shall be provided with a minimum of one 1.2m wide paved footpath. An access street shall provide for a future second footpath.</p>	Road	Carriageway	Verge	Road Reserve	Shareway	3.5m	Variable	10m	Access Place	5.5m or 7m	3.5m	12.5m or 14m	Access Street	7m	3.5m	14m	<p>All horizontal geometry has been designed in accordance with Austroads specifications and permitting a large rigid vehicle to turn in a standard 3 point turning pattern.</p> <p>A 1.2m wide footpath can be provided.</p>	<p>YES</p>
Road	Carriageway	Verge	Road Reserve															
Shareway	3.5m	Variable	10m															
Access Place	5.5m or 7m	3.5m	12.5m or 14m															
Access Street	7m	3.5m	14m															
<p>2.8 Landscape design</p> <p>For allotments greater than 400m², street tree planting or contribution for one super advanced tree per 10m road frontage is required.</p> <p>Rear fences fronting public roads are discouraged. Where unavoidable, the following measures may be required:</p> <ul style="list-style-type: none"> • greater setbacks for landscaping against fences, consistent with acoustic and road design standards • building frontages to face road by provision of parallel access road separated by acoustic and landscaped buffer. • landscaped berms and other planting, particularly where a minimal amount of rear fencing is provided such as with cul-de-sac heads abutting the major road boundary. <p>Figure: Road design Penrith DCP Source: Penrith City Council 2006</p> 	<p>Street tree planting and/or a contribution to Penrith City Council for advanced planting may be provided if required.</p> <p>The proposal provides for a buffer between the development and the Northern Road as well providing permeability and accessibility through the cul-de-sac head, as per Penrith DCP 2006.</p> 	<p>YES</p> <p>YES</p> <p>YES</p>																

CONTROL	RESPONSE/COMMENT	COMPLIANCE
<p>2.9 Services The design and construction of utility services shall conform to the specific standards of the relevant servicing authority.</p>	<p>Utility services are available locally, and may be designed to conform with the specific standards of the relevant servicing authority.</p>	<p>YES</p>
<p>Where possible, compatible public utility services shall be co-ordinated in common trenching to maximum cost effect.</p>	<p>Common trenches are utilised in the site where appropriate.</p>	<p>YES</p>
<p>In access places and streets, the design of street lighting as part of a thematic streetscape is encouraged.</p>	<p>The lighting in the streetscape is designed to ensure the up most safe and secure environment while providing for reasonable amenity.</p>	<p>YES</p>



5.3 THE PROVISIONS OF ANY PLANNING AGREEMENT (SECTION 79C(1)(A)(IIIA))

There are no known planning agreements that apply to the site of development.

5.4 THE LIKELY IMPACTS OF THE DEVELOPMENT (SECTION 79C(1)(B))

Aboriginal Cultural Heritage

The proposed development will incorporate a small amount of soil disturbance to provide servicing and utilities to the newly created lots. An AHIMS search has been completed to identify any aboriginal places or sites that may be apparent on the land. The AHIMS search did not result in the identification of any aboriginal sites or places. A visual inspection of the site did not result in the identification of any aboriginal sites, places or relics.

A copy of the AHIMS search and due diligence process is attached in **Appendix 4**.

The proposed Torrens title subdivision will not result in any adverse impacts on the natural or built environments nor does it adversely impact on the social and economic characteristics of the locality.

Bushfire

The subject site is not within Bushfire Prone Land. No further bushfire risk assessment is warranted at this stage given the available information, confirmed by Clause 11 of the Section 149 Certificate which states that *'the land is not identified as bush fire prone land according to Council records'*.

Traffic

A Traffic Impact Statement has been prepared by Thompson Stansbury Associates, which is attached in **Appendix 5**. The key conclusions detailed on page 17 of this report are:

- *Vehicles associated with the proposed residential subdivision will have little difficulty in undertaking movements between proposed Road No. 1 and private driveway, given the low volumes expected within Road No. 1;*
- *The proposed private access roads and the associated rights of carriageway will facilitate safe and convenient access for the battle-axe configured lots, being lots 2, 8 and 9;*
- *The proposed development has been assessed to generate 19 morning and afternoon peak hour vehicles. The existing traffic utilising Cassar Crescent, as well as the additional traffic from the proposed development does not result in the prescribed environmental capacity of Cassar Crescent being exceeded. Accordingly, it is not our expectation that the existing residential amenity will be unreasonably impacted upon associated with 19 additional peak hour vehicles associated with the proposed development;*
- *Proposed Road No. 1 intersects the south western corner of Cassar Crescent. A concept design has been prepared of this new intersection, providing a north/south priority movement between Cassar Crescent (east) and proposed Road No. 1. The intersection design seeks to encourage vehicles associated with the proposed subdivision to utilise the intersection of Andromeda Drive and Cassar Crescent (east) where sight distance more than adequately meets AUSTROADS recommendations in both directions.*

- *With sufficient sight distance and frequent gaps in Andromeda Drive traffic flow, morning and afternoon peak hour movements at the intersection of Andromeda Drive and Cassar Crescent (east) are expected to occur without any significant delay and under relative safety.*
- *It could be expected that a small proportion of traffic related to the proposed development will utilise the western Cassar Crescent intersection, providing a more direct route for motorists destined to the south. We note that sight distance at the intersection of Andromeda Drive and Cassar Crescent (west) to the east is sufficient to allow motorists to undertake a left hand turn from Cassar Crescent into Andromeda Drive. These movements are expected to occur with minimal delay.*

Based on our traffic assessment and the conclusions and recommendations reached herein, we do not consider that there are any traffic related matters that should prevent approval of the subject development application. Accordingly, we recommend that action to Council.’ (Thompson Stansbury Associates, 2013, p17).

Contamination

The previous site history includes the approved use for a school. The site history does not indicate the likelihood of significant risk of contamination, or any reason or indication that further contamination assessment is warranted at the present time.

Biodiversity

The Flora and Fauna Report prepared by SLR Consulting, dated 21 December 2012, supports the proposed subdivision.

‘CRCIF (Cooks River Castlereagh Ironbark Forest) community present on the subject site at Cranebrook is small, patchy, isolated and degraded, and does not represent a special or important example of that vegetation. Given those circumstances, as well as the proposed salvage and reuse of plant material, and the rehabilitation of vegetation in the two reserves, there will be no adverse impact (or “significant effect”) imposed upon the CRCIF community.’ (SLR Consulting, 2013, p15)

The Flora and Fauna report is attached in **Appendix 6**.

Stormwater Management

Investigations have indicated that it is feasible to connect to the current street drainage system in Cassar Crescent, with minimal increase to the peak flow rates immediately downstream of the site.

The majority of the stormwater runoff from the site will be captured the via street and inter-allotment drainage systems which will connect into two additional stormwater pits proposed in the road reserve of Cassar Crescent.

The stormwater management strategy proposed for the development complies with the requirements of Penrith City Council as set out in the DCP 2006 - Part 2.3, LEP, Engineering Design Specifications and Australian Rainfall & Runoff. The stormwater treatment strategy has been prepared with the view of ensuring long-term efficiency and sustainability by proposing treatment measures which are easy and cost effective to maintain and provide an aesthetically pleasing solution. The stormwater drainage strategy report is attached in **Appendix 7**.

5.5 KEY ISSUES AND OUTCOMES AS IDENTIFIED IN THE PRE LODGEMENT MEETING WITH COUNCIL OFFICERS ON 13.12.2012

Council comment	Action
PLANNING	
Council have advised that the following key issues should be specifically addressed:	
Under DA12/0786 approval was granted for subdivision which requires an 88B instrument to be created stating that no further development of Lot 101 can occur unless appropriate provision is made for access, services and drainage. Any application would clearly need to address this restriction.	Access to the site is gained through Cassar Crescent with road traffic leaving the site directed to the intersection of Cassar Crescent and Andromeda Drive (east). Vehicular access to The Northern Road is not proposed and will not be required.
A traffic assessment needs to be prepared and Council officers raise concerns about the capacity and safety of intersection with Cassar Crescent.	A Traffic Impact Statement has been prepared by Thompson Stansbury Associates, which is attached in Appendix 5. Thompson Stansbury Associates do not consider that there are any traffic related matters that should prevent approval of the subject development application.
Flora and fauna assessment will inform the layout of the proposed subdivision. Trees and vegetation with higher values are to be retained. DCP 2006 require subdivision layout to be designed so that existing streetscape and landscape characters are maintained. This DCP also requires the preservation of mature trees and associated landscape elements.	Flora and Fauna Assessment completed by SLR Consulting. <i>'CRCIF (Cooks River Castlereagh Ironbark Forest) community present on the subject site at Cranebrook is small, patchy, isolated and degraded, and does not represent a special or important example of that vegetation. Given those circumstances, as well as the proposed salvage and reuse of plant material, and the rehabilitation of vegetation in the two reserves, there will be no adverse impact (or "significant effect") imposed upon the CRCIF community.'</i> (SLR Consulting, 2013, p15)
Cul-de-sacs are not preferred and should be avoided as far as possible as they deteriorate permeability.	Access not permitted from The Northern Road. A Traffic Impact Statement has been prepared by Thompson Stansbury Associates, which is attached in Appendix 5. Thompson Stansbury Associates do not consider that there are any traffic related matters that should prevent approval of the subject development application. Less than 24 allotments are proposed, consistent with Clause 2.6 of Council's DCP. Permeability is provided for pedestrians via the cul-de-sac head, and access for emergency vehicles can also be provided as required.
The interface with the existing school and public reserve is a key consideration. Blank walls or high fences should not be proposed where there is this interface. Overlooking opportunities must be enhanced as far as possible.	The proposed translocation area will provide a buffer between the primary school and the proposed residential development. Blank walls and high fencing is not proposed..
The interface with the Northern Road is also a key consideration. Dwellings should have some form of orientation onto the Northern Road although vehicular access may be obtained from Road 1.	The interface with The Northern Road will be primarily green and vegetated zones may be protected via 88B on the title of proposed Lots 9, 11 and 12. A small emergency vehicle access is proposed at the eastern end of the cul-de sac.
Battleaxe blocks are not a preferred outcome for this subdivision. Battleaxe blocks should be removed and the subdivision pattern re-designed. Each residential lot should be afforded a street frontage and address.	The proposal has been designed in close cooperation with SLR Consulting to achieve an appropriate residential yield while providing reasonable and appropriate opportunity for the rehabilitation of bushland.

Council comment	Action
	The Traffic Impact Statement prepared by Thompson Stansbury Associates states on page 17 that <i>'the proposed private access roads and the associated rights of carriageway will facilitate safe and convenient access for the battle-axe configured lots, being lots 2, 8 and 9.'</i>
Allotment orientation is to consider the various types of dwellings which may be constructed on them. Building envelopes should be provided which demonstrate the development potential for each lot.	Building envelopes are shown on the submitted plans.
Areas of proposed reserve are not zoned for that purpose or included in Council's Section 94 plans for acquisition therefore they must be retained in private ownership and appropriately maintained.	The proposed translocation area will form a buffer between the school and the proposed residential development, and is proposed to be retained in private ownership. Minor widening of the Cassar Crescent road reserve is proposed, as separately requested by Council.
SITE PLANNING AND DESIGN	
Excessive retaining walls and tall fencing would not be appropriate where private lots have an interface with the reserve land or road frontages.	Excessive retaining walls and tall fencing are not proposed. Fill/regrading proposed up to 600mm. Max retaining wall height 600mm.
Opportunities for overlooking are essential and details of retaining walls and fencing are to be provided with this development application.	No substantial retaining walls or dwellings are proposed. Existing fencing to be retained on site.
The natural topography and existing vegetation are to be retained as part of this development.	Topography remains primarily unaltered. Vegetation retained where appropriate or species translocated in accordance with the recommendations of the SLR Flora and Fauna Assessment report.
Retaining walls are to be minimised.	Fill/regrading proposed up to 600mm. Max retaining wall height 600mm.
Landscaping should enhance the natural features of the land.	Translocation of species proposed in accordance with the SLR Flora and fauna Assessment Report. Landscaping on residential sites are subject to LEP and DCP controls on application for future dwellings on the land.
The application is to demonstrate how the subdivision layout has been designed to consider how each lot can be developed for residential purposes. This is to include setbacks, private open space, aspect, car parking and landscaping. This is particularly relevant on sloping land.	Building envelopes are shown on the submitted plans which clearly show setbacks, open space, aspect and car parking requirements can be met.
The subdivision layout is to provide land that can be developed in future with minimal need for cut and fill.	Land is relatively level. Cut and fill minimised.
LAND MANAGEMENT	
The application is to address all relevant requirements under State Environmental Planning Policy 55 Remediation of Land (SEPP 55). Council cannot consent to any development unless these requirements have been satisfied. Should remediation be required this will require development consent. The application is to demonstrate that the land is suitable for the proposed purpose.	The previous site history includes residential zoning and the prior approved use as a school, with accessible soil. The site history does not indicate any reason or indication that a concernable risk of contamination is present. No further contamination assessment is considered warranted at the present time.
LANDSCAPE DESIGN	
A street tree planting plan should be submitted with the application.	Street tree planting may be provided in accordance with Council's standard conditions of consent for residential developments of this scale and nature.

Council comment	Action
INFRASTRUCTURE SERVICES	
The application will need to demonstrate that sewer, water, electricity and telecommunications are available or will be made available.	An appropriate stormwater strategy has been prepared. All other relevant utility services are available in the locality.
BUSHFIRE	
The site is not strictly bushfire prone however the application will be referred to the Rural Fire Service. Council recommends early consultation with the RFS. A bushfire report is required. Future BAL construction standards for relevant lots is to be nominated.	The subject site is not within Bushfire Prone Land., and is largely surrounded by established residential development and urban roads. Clause 11 of the subject Section 149 Certificate states that 'the land is not identified as bush fire prone land according to Council records'.
SECTION 94 CONTRIBUTIONS	
Are applicable and would be levied under Local Open Space, District Open Space and Footpath Plans. Please refer to Council's website for copies of these Section 94 Plans.	It is acknowledged that S94 contributions will be payable in accordance with Council's relevant Section 94 Plan.
ENGINEERING	
Traffic	
The subject site includes a frontage to The Northern Road, it would be appropriate to seek guidance from the RMS. During the preliminary consultation with the RMS, it is advised that the option of gaining direct vehicular access from The Northern Road is discussed.	PLEP 1998 (Urban land) confirms that access from Northern Road is not permitted. Thompson Stansbury Associates have confirmed that access from the Northern Road will not be supported.
The development will only be permitted to have one vehicular access point.	The proposed access point and intersection with Cassar Crescent has been designed in accordance with relevant Australian Standards.
The application shall be supported by a traffic report prepared by a suitably qualified person, the report shall analyse but not be limited to the following: <ul style="list-style-type: none"> the safety of the intersections at Andromeda Drive/Cassar Crescent due to additional traffic volumes generated by the development the available road network capacity in Cassar Crescent to support the developments traffic volumes the report shall also consider the additional traffic volumes generated by the vacant land to the north that will potentially be subdivided in the near future consideration of the pavement width with respect to the function 	A Traffic Impact Statement has been prepared by Thompson Stansbury Associates, which is attached in Appendix 5. Thompson Stansbury Associates do not consider that there are any traffic related matters that should prevent approval of the subject development application.
The application must demonstrate that access, car parking and manoeuvring details comply with AS2890 Parts 1, 2 & 6 and Council's Development Control Plan.	Compliance with Parts 1, 2 & 6 and Council's Development Control Plan is achieved.
The application shall be supported by turning paths in accordance with AS2890 clearly demonstrating satisfactory manoeuvring on-site and forward entry and exit to and from the public road.	Proposed plan of subdivision includes compliant turning paths for each lot and cul de sac head for service vehicles.

Council comment	Action
Stormwater	
Stormwater drainage for the site must be in accordance with Council's Development Control Plan.	A stormwater drainage strategy and plan accompanies this application.
A stormwater concept plan shall be submitted with the application.	A stormwater drainage strategy and plan accompanies this application.
The stormwater concept plan shall be accompanied by a supporting report and calculations and also must analyse the available capacity of the downstream drainage infrastructure.	A stormwater drainage strategy and plan accompanies this application.
A water quality treatment device shall be provided in accordance with Council's Development Control Plan.	A stormwater drainage strategy and plan accompanies this application.
Additional information may be obtained from Council's draft policy 'Stormwater Drainage for Building Developments' which is available from Council's website at the following link: http://www.penrithcity.nsw.gov.au/index.asp?id=3196	A stormwater drainage strategy and plan accompanies this application.
Roadworks	
The development will require the following external road works: <ul style="list-style-type: none"> Provisions for an unconventional intersection to provide access to the development 	Access to the site is gained through Cassar Crescent with road traffic leaving the site directed to the intersection of Cassar Crescent and Andromeda Drive (east). Plans accompany this application detail the road design.
The proposed road is classified as an "Access Place" and will require a 14m road reserve. The road reserve will be made up of a 7m pavement and 2 x 3.5m verge areas.	Plans accompany this application detail the road design.
Earthworks	
No retaining walls or filling is permitted for this development which will impede, divert or concentrate stormwater runoff passing through the site.	Fill/regrading proposed up to 600mm. Max retaining wall height 600mm. Filling and retaining walls will not impede, divert or concentrate stormwater runoff passing through the site. Stormwater runoff will be captured in the concept stormwater management system.
Earthworks and retaining walls must comply with Council's Development Control Plan.	Fill/regrading proposed up to 600mm and will comply with Penrith DCP 2006.
Proposed fill material must comply with Council's Development Control Plan.	Fill/regrading proposed up to 600mm and will comply with Penrith DCP 2006.
Subdivision Works	
The application is to be accompanied by a subdivision concept plan.	Subdivision plans accompany this application.
The subdivision layout shall be in general accordance with Council's Development Control Plan.	Subdivision plans accompany this application.
All subdivision works must be designed in accordance with Council's Design and Construction Guidelines.	Subdivision plans accompany this application.
The application should discuss how services will access the proposed development	Servicing plans to be prepared
Any request for works in kind shall form part of the development application.	N/A
The subdivision will require the following key infrastructure works: <ul style="list-style-type: none"> Potential Drainage upgrades Pedestrian footpath works 	Proposed subdivision plans include concept stormwater and servicing design.
The width and design of the access handles shall be in accordance with Council's Development Control Plan.	<i>The proposed private access roads and the associated rights of carriageway will facilitate safe and convenient access for the battle-axe configured lots, being lots 2, 8 and 9' (Thompson Stansbury Associates, 2013, p17).</i>
Dedication of land for road reserve purposes in Cassar Place	Road access and dedication shown on plans accompany this application.
Provision of footpaths within the development.	Road access shown on plan accompanying this application, footpaths may be provided as specified.

5.6 THE SUITABILITY OF THE SITE FOR THE DEVELOPMENT (SECTION 79C(1)(C))

The site has been zoned for residential subdivision since 1998, and/or before. The site is suitable for the proposed Torrens title subdivision into 22 residential lots. Each lot has an area equal to or greater than 550m² within Zone 2(b) Residential (Low Density) as specified in PLEP 1998.

5.7 ANY SUBMISSIONS MADE IN ACCORDANCE WITH THE ACT (SECTION 79C(1)(D))

No submissions are apparent at the time this application was submitted to the determining authority. Council will undertake any notification and advertising process deemed necessary by the consent authority.

5.8 THE PUBLIC INTEREST (SECTION 79C(1)(E))

Torrens title subdivision of land at the rear of 86-94 Andromeda Drive, as proposed in this application, is demonstrably in the public interest, as it will facilitate the provision of much needed additional housing opportunities within the Penrith LGA. The development addresses and meets all relevant environmental planning controls and policies applicable to the site.



6. CONCLUSIONS AND RECOMMENDATIONS

Proposed Torrens title subdivision of land to the rear of property at 86-94 Andromeda Drive, Cranebrook, has been assessed against the heads of consideration set out within Section 79C of the Environmental Planning and Assessment Act, 1979, including the controls specified in PLEP 1998 and PDCP 2006, and is considered to represent the form of development that is entirely appropriate for the locality. The proposed subdivision is consistent with Council's statutes and policies, and will provide for additional housing choice in close proximity to an established community.

The assessment against Section 79C of the *Environmental Planning and Assessment Act, 1979* has identified the proposal as acceptable, with no significant adverse environmental impacts. Accordingly it is recommended that the proposed Torrens Title subdivision at 86-94 Andromeda Drive, Cranebrook be approved, subject to appropriate conditions.



7. APPENDIXES



Appendix 1 – Title Documents



Appendix 2 – Section 149 Certificate



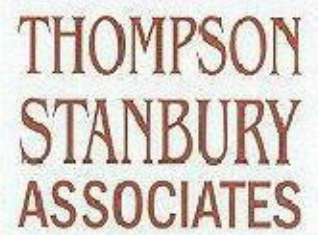
Appendix 3 – Proposed Subdivision Plan



Appendix 4 – AHIMS search and Due Diligence



Appendix 5 – Traffic Impact Statement



THOMPSON
STANBURY
ASSOCIATES



Appendix 6 – Flora and Fauna Report





Appendix 7 – Stormwater Drainage Strategy Report



Appendix 8 – Notes of Pre Lodgement Meeting