

cityscapeplanning+projects

ENVIRONMENTAL PLANNING REPORT

2 X LOT SUBDIVISION
39 DEVLIN RD, CASTLEREAGH

NOVEMBER 2012

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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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SECTION 1: **SITE + DEVELOPMENT**

1.1 INTRODUCTION

Cityscape Planning + Projects has been engaged to prepare an Environmental Planning Report to accompany a Development Application (DA) to be submitted on the subject site. Plans and a completed DA form are provided separately.

The report encompasses a broad range of matters that are pursuant to both State Government legislation and policy, and local Council planning instruments and codes.

The report therefore includes the following elements:

- Site Analysis
- Bushfire Assessment Report
- Statement of Environmental Effects

The report has been compiled, through on ground investigations, research, analysis and discussion with planning officers from Penrith City Council and is to be read in conjunction with the accompanying DA form and plan of subdivision.

1.2 THE SUBJECT SITE

The subject site is a large rectangular shaped parcel located on the northern side of Devlin Rd approximately 300m east of its intersection with Rickards Rd.

A plan showing the locality of the site is provided at figure 1.

The site is known as No. 39 Devlin Rd, Castlereagh but has the following real property description:

Lot: 7 DP: 17231

FIGURE 1: LOCATION OF SITE



1.3 DEVELOPMENT PROPOSAL

The applicant seeks Council consent for the subdivision of the subject site into two (one additional) allotments. The proposed subdivision plan is represented at Figure 2.

The lots will have the following site areas:

Proposed lot 71: 2.024 ha

Proposed lot 72: 2.024 ha

Both lots will be provided with direct vehicular access via Devlin Rd.

1.4 STATUTORY SITUATION

1.4.1 DEVELOPMENT PERMISSIBILITY

The subject site is zoned pursuant Penrith LEP 2010 **RU4 – Rural Small Holdings**.

The lots size map that accompanies the relevant LEP provides a minimum lot size of 2 ha.

The proposed lots are both provided at or above the stated minimum. Therefore the proposed development is permissible under the statutory framework.

1.4.2 INTEGRATED DEVELOPMENT

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

SECTION 2: **SITE ANALYSIS**

2.1 SITE DIMENSIONS

The site is a large rectangular shaped parcel with a total site area of 4.048 ha. It has a frontage of 134.3m to Devlin Rd and depth of 301.4m along its western and eastern boundaries.

2.2 TOPOGRAPHY + DRAINAGE

The site and the broader area in which the site is located sits within an area that is characterised as relatively flat and possessing very limited relief.

Contours are shown on the topographic plan provided at Figure 3 and subdivision plans and reveals the limited change in elevation the site and broader area experiences

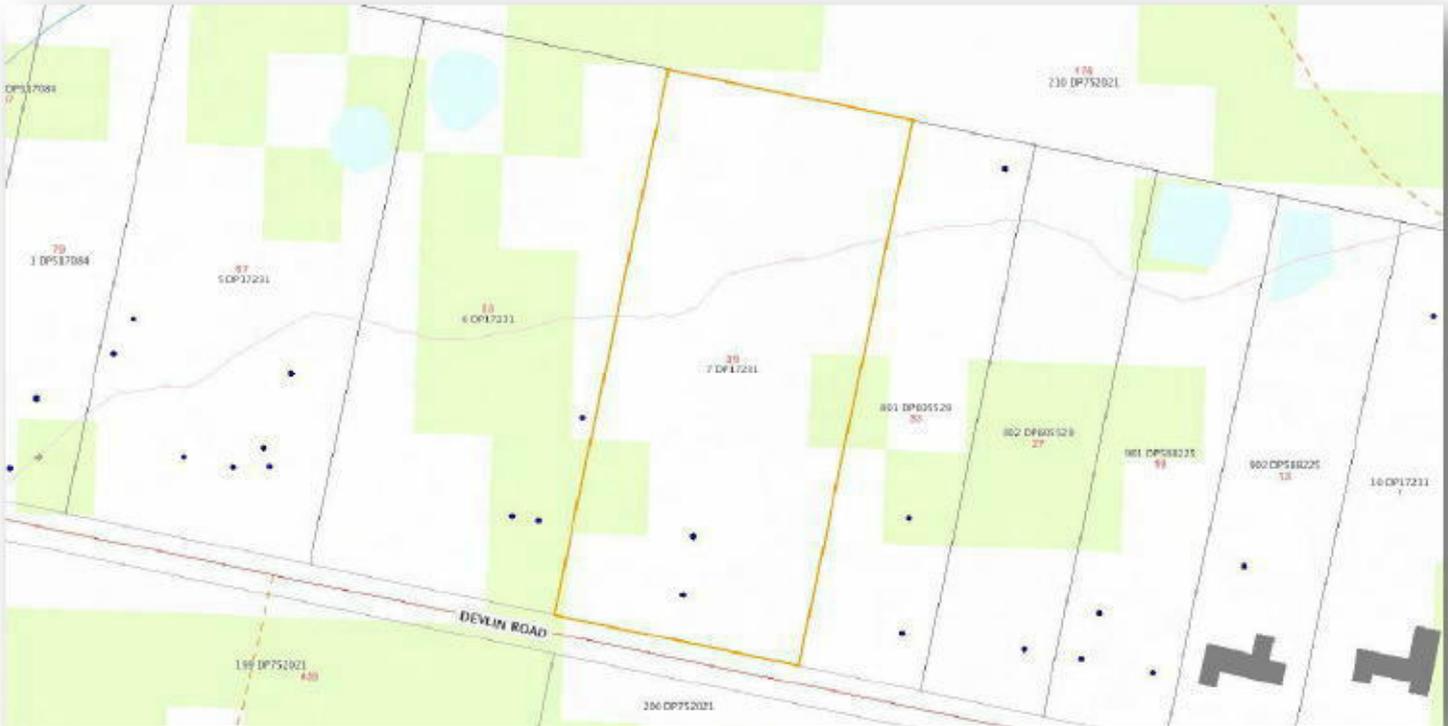
No other significant topographical features, including rock outcrops or dams are represented on site.

2.3 SOILS

The 1:100 000 Soil Landscape Series Sheet for Penrith (Bannerman & Hazelton 1990) indicates that the soils belong to the Berkshire Park Soil Landscape.

The soil landscape is characterised by very high wind erosion hazard and waterlogging through impermeable sub-soils. These hazards can be appropriately managed as part any subsequent construction phase to ensure no adverse impacts upon local or regional water quality

FIGURE 3: SITE TOPOGRAPHY



 Subject Site

FIGURE 4: AERIAL PHOTO OF SITE



2.4 FLORA & FAUNA

The site has undergone extensive vegetation clearing associated with current and previous agricultural uses and is now largely represented as cleared grasslands.

However, the site does still accommodate scattered tree coverage with the most extensive coverage occurring at the rear or north eastern corner of the site.

The site also adjoins large stands of remnant bushland at the front and rear boundaries.

Images of the coverage of vegetation on site and in the broader area are provided at the aerial photos at Figures 4, whilst photos of the vegetation are provided at Figure 6-9.

A review of DECC mapping reveals that this vegetation is classified as *Castlereagh Scribbly Gum Woodland*. This woodland is not listed as an Endangered Ecological Community under the *Threatened Species Conservation Act 1995*. An extract of that DECC mapping is provided at Figure 5.

FIGURE 5: DECC MAPPING



Subject site

Legend

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

- | | |
|--|--|
| <ul style="list-style-type: none"> Shale/Sandstone Transition Forest 1 - Shale/Sandstone Transition Forest (Low Sandstone Influence) 2 - Shale/Sandstone Transition Forest (High Sandstone Influence) | <ul style="list-style-type: none"> 12 - Riparian Forest Western Sydney Dry Rainforest 13 - Western Sydney Dry Rainforest Moist Shale Woodland 14 - Moist Shale Woodland Sydney Turpentine-Forbark Forest 15 - Turpentine-Forbark Forest 43 - Turpentine-Forbark Margin Forest Edenlea Banksia Scrub Forest 37 - Edenlea Banksia Scrub Forest Shale Gravel Transition Forest 103 - Shale Gravel Transition Forest Blue Gum High Forest 162 - Blue Gum High Forest |
|--|--|

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

- | | |
|---|---|
| <ul style="list-style-type: none"> 6 - Castlereagh Scribbly Gum Woodland 31 - Sandstone Ridge-top 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 | <ul style="list-style-type: none"> Waterbody |
|---|---|

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 Cms, D, Tr)
- Canopy Cover < 10% (Urban Areas) (Areas mapped as class Tu)

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

FIGURE 6: **CLEARED AREA AT FRONT OF SITE**



FIGURE 7: **CLEARED AREA AT FRONT OF SITE**



FIGURE 8: VEGETATION AT REAR OF SITE



FIGURE 9: VEGETATION AT LANDS TO WEST OF SITE



2.5 EXISTING DEVELOPMENT

The site currently accommodates a single dwelling house together with a variety of sheds and outbuildings within the curtilage of that dwelling.

Images of those built forms are provided at Figure 10.

FIGURE 10: EXISTING DWELLING ON SITE



2.6 ADJACENT DEVELOPMENT

Adjoining development to the west and east is represented by rural residential scaled dwelling houses and lots, many of which are of a size and scale similar to that proposed on the subject site.

2.7 ABORIGINAL & EUROPEAN HERITAGE

Neither the subject site nor lands within the immediate vicinity of the site are identified as containing any identified items of Aboriginal or European heritage.

Written confirmation of the absence of the absence of Aboriginal heritage is provided at Annexure A which contains the product of searches of the Aboriginal Heritage Information Management System (AHIMS).

2.8 SERVICES & INFRASTRUCTURE

Power and communication services are currently available to the site and it also site enjoys access to *Sydney Water's* reticulated water services. No sewer services are available.

2.9 LOCAL VIEWSHEDS

The site does not sit within any significant viewsheds, but does enjoy a pleasant rural type viewscape as well as distant views of large bushland units.

2.10 HAZARDS & NUISANCE

The subject site is identified as being bushfire prone on the relevant Council map held by Penrith City Council. An extract of that map is provided at figure 11.

Accordingly, a bushfire hazard assessment is provided at Section 3 of this report.

The site is not exposed to any other conceivable risk from hazard or nuisance.

SECTION 3: **BUSHFIRE ASSESSMENT**

3.1 INTRODUCTION

Cityscape Planning + Projects has been engaged to prepare a Bushfire Attack Assessment report for the subject site, as part of the assessment relating to the proposed subdivision.

The report and assessment has been undertaken in a manner consistent with that identified in the relevant sections of *Planning for Bushfire Protection 2006*, and has been compiled through research, discussions with Council officers and on-site inspections.

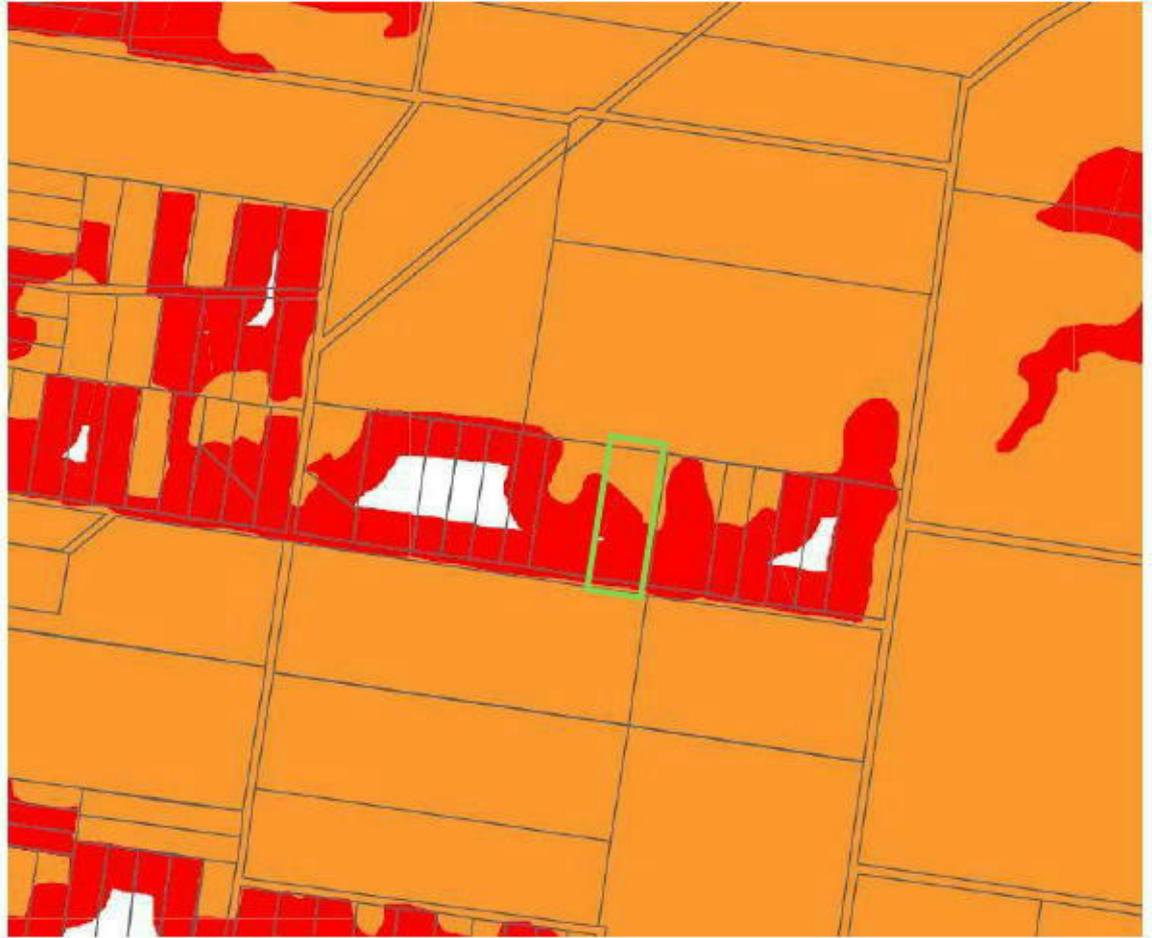
3.2 SITE ASSESSMENT

3.2.1 THE COUNCIL BUSHFIRE MAP

The subject site is identified as bushfire prone on the relevant map held at the Penrith City Council.

Figure 11 provides an excerpt of the map that identifies that the front and central rear sections of the site are identified with a categorisation of **Bushfire Buffer Zone** whilst the rear section of the site is categorised as **High to Medium Hazard**.

FIG 11: COUNCIL BUSHFIRE MAP



subject site

High-Medium Hazard

Low Hazard

30m Buffer Zone

100m Buffer Zone

3.2.2 VEGETATION

VEGETATION TYPES

The site is located within an established rural-residential environment that has been significantly modified as part of rural-residential type development over many decades.

Major modifications to that local environment as part of its development include clearing of vegetation, construction of built forms and provision of urban type infrastructure and services.

Consequently, much of the local native vegetation has been removed from the broader area and in some instances been replaced with built forms and exotic 'garden' type plantings.

Nevertheless, the site accommodates scattered and isolated copses of remnant vegetation as well as larger bushland units located at the north eastern corner of the site. The site also borders large units of remnant bushland.

Photos of the subject site are provided at figures 4-9 and demonstrate the extent of vegetation coverage on site and in the local area.

VEGETATION DISTANCES

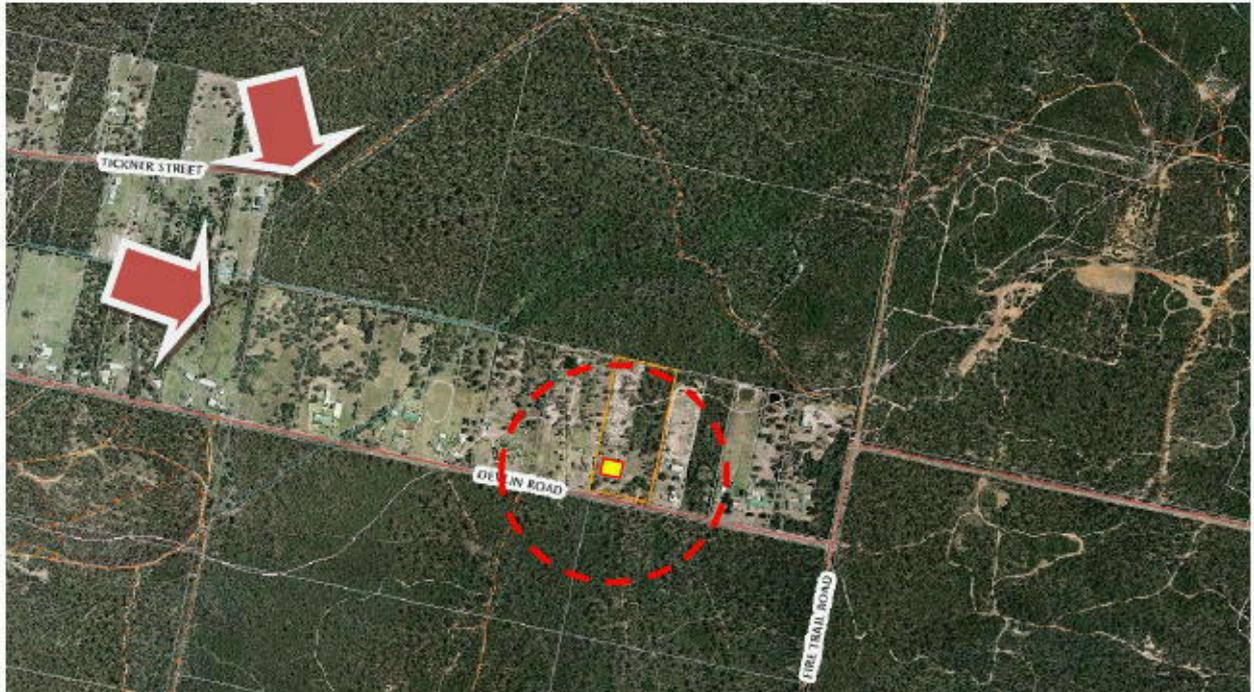
Planning For Bushfire Protection 2006 requires that an assessment be made of the different vegetation communities within 140m of the subject site.

The location of the various vegetation types and coverage within the relevant radius and broader area is identified in the aerial photo at figure 12.

This figure reveals that the largest bushland units within the 140m radius are located to the north east and south of the site.

With hot summer winds from the north and west likely to be the precursor to bushfire conditions it is from these directions that the path of future bushfire attack is most likely to emerge. This path is also plotted at figure 12.

FIGURE 14: AERIAL PHOTO & 140 METRE RADIUS



Aspect	Vegetation Type	Distance (m)	Effective Slope		APZ
			Angle	Slope	
North	Open Woodland	0-140m+	1°	Downslope	15m
West	Managed properties	0-140m+	0°	Flat	-
South	Managed properties	0-60m	1°	Upslope	-
South	Open Woodland	60-140m+	1°	Upslope	15m
East	Managed properties	0-140m+	0°	Flat	-
		Subject Site			
		Proposed Dwelling Envelope			
		140 metre radius of future dwelling			
		Prevailing winds in typical bushfire Conditions			

VEGETATION CLASSIFICATION

The vegetation to the near south, west and east of the site is classified as 'managed properties' primarily because it is subject ongoing grazing etc associated with existing uses of the site.

However, the vegetation structure associated with the lands to the north east and far south of the site can be described as trees 10-30m high, 10-30% foliage cover dominated by eucalypts and acacias, with a grassy understorey

Pursuant to *Planning for Bushfire Protection*, this type of vegetation is classified as *Open Woodland* which has an assessed fuel load of 10/15 tonnes per ha.

For the purposes of this assessment this vegetation classification, located to the south of the site, is identified as the predominant class.

3.2.3 SLOPE

The site and the broader area in which the site is located sits above the Nepean River Floodplain. It is generally characterised as very flat and possessing limited relief.

Contours are shown on the topographic plan and the plan of subdivision provided at Figures 2-3 and reveals the limited change in elevation the site and broader area experiences.

However, the site does experience a limited slope to the rear of site. This slope falls 5m over 300m and therefore represents a downslope of

1.66% which translates to 1⁰. For the purposes of *Planning for Bushfire Protection 2006* this represent the effective slope.

3.2.4 FIRE WEATHER AREA

The site is located within the Penrith LGA and therefore is determined as having a Fire Danger Index of 100.

3.2.5 REQUIRED ASSET PROTECTION ZONE

When this vegetation classification is considered in conjunction with the identified slope and FDI rating then Table A2.4 to *Planning for Bushfire Protection* identifies a minimum Asset Protection Zone (APZ) of 15m to the north.

3.2.6 BUSHFIRE ATTACK LEVEL

The determination of the appropriate Bushfire Attack Level for any future dwelling is derived from Table 2.4.2 of *AS3959, 2009 – Construction of Buildings in Bushfire Prone Areas*.

Using the relevant table in combination with the methodology prescribed in *Planning for Bushfire protection 2006*, any future dwelling provided as part of the proposed subdivision would be considered to be categorised as **BAL – 12.5**.

3.3 BUSHFIRE PROVISIONS

The following assessment is undertaken against Performance Based Controls identified in chapter 4 of *Planning for Bushfire Protection 2006*.

3.3.1 ASSET PROTECTION ZONES (APZ)

Given the circumstances of the site *Planning for Bushfire Protection 2006* requires a 15m APZ to the north and south for the siting of a new dwelling on the newly created lot. The proposed lot 71 is readily able to provide a dwelling house that can achieve these APZ requirements wholly on the site. This is demonstrated at Figure 15. The existing dwelling currently enjoys a minimum 15m APZ on all sides which is more than sufficient given the more limited bushfire hazard at that location.

FIG 15: APZ's PROVIDED ON SITE



 future building envelope

3.3.2 ACCESS

The existing dwelling and future dwelling will continue to obtain vehicular access to Devlin Rd. Images of this road are provided at Figure 16. This a fully sealed road and ensures that suitable and appropriate vehicular access is provided for vehicles to the proposed lots in the manner as stipulated in the design criteria. This includes the availability of access for fully loaded fire fighting vehicles and other fire fighting appliances. Devlin Rd also provides for emergency egress in the event of a bushfire.

Neither of the dwellings will be located more than 200m from a public road and therefore the alternative access requirement is not applicable.

3.3.3 AVAILABILITY OF SERVICES

The site enjoys full access to electricity and Sydney Waters reticulated water supply.

These services ensure suitable fire fighting services are available to future site development.

Additional stand alone water supply should be provided as part of a future dwelling house.

FIG 16: DEVLIN RD



View west



View east

3.3.4 SITING & DESIGN OF BUILDINGS

The development application seeks only to subdivide the existing site to create two lots.

The existing dwelling is a 1960s type house that was not designed with regard to any bushfire construction standards. Nevertheless, the fire hazard for this dwelling is not significant and would only warrant a BAL 12.5 construction standard if built today.

The newly created lots allows for mitigation of the impacts of bushfire hazard. Future development of this lot should be provided within the identified building envelope, provide the identified APZ's and be constructed in accordance with the **BAL – 12.5** construction standard pursuant to *AS3959, 2009 – Construction of Buildings in Bushfire Prone Areas*.

3.3.5 SPECIAL FIRE PROTECTION DEVELOPMENTS

Not relevant to this development.

3.4 CONCLUSION

The site is located within an established rural-residential environment that has been modified as part of recent urban development, but still sits near remnant vegetation units.

The subject site is identified as being bushfire prone on the relevant map held at the Penrith City Council offices.

The development will generate one dwelling opportunity. Future development of this lot should be provided within the identified building envelope, provide the identified APZ's and be constructed in accordance with the BAL – 12.5 construction standard pursuant to *AS3959, 2009 – Construction of Buildings in Bushfire Prone Areas*.

Should this occur the development would not be considered to not cause any inconsistency with the relevant provisions of *Planning for Bushfire Protection 2006*.

SECTION 4: **STATEMENT OF ENVIRONMENTAL EFFECTS**

4.1 THE PROVISION OF ANY ENVIRONMENTAL PLANNING INSTRUMENT

The relevant provisions of the Penrith LEP 2010 are provided below together with an assessment against the relevant provisions:

PART 2: PERMITTED OR PROHIBITED DEVELOPMENT

2.2 Zoning of land to which Plan applies

The subject site is part zoned RU4 – Rural Small Holdings. An extract of the relevant zoning map is provided at Figure 16.

2.3 Zone objectives and land use table

Zone RU4 Rural Small Holdings

1 Objectives of zone

- To enable sustainable primary industry and other compatible land uses.
- To maintain the rural and scenic character of the land.
- To ensure that development does not unreasonably increase the demand for public services or public facilities.
- To minimise conflict between land uses within the zone and land uses within adjoining zones.
- To ensure land uses are of a scale and nature that is compatible with the environmental capabilities of the land.

- **To preserve and improve natural resources through appropriate land management practices.**

The site analysis undertaken at Section 2 of this report reveals that the site does not accommodate any features of ecological, or natural significance and as such there are no fundamental constraints to development of the site.

The development will facilitate only one additional dwelling and this will be provided on lots of a scale that will reflect the prevailing and future settlement pattern and character of the adjacent lands.

The site enjoys access to *Sydney Waters* reticulated water supply network as well as full suite of power and telecommunication services in addition to the local road network.

The development is of a type and scale that would not exceed the carrying capacities of that infrastructure.

No connection to reticulated sewer is available, however, the size of the sites and soil type will allow for the managing of waste water on site without adverse impact.

2.6 Subdivision—consent requirements

(1) Land to which this Plan applies may be subdivided, but only with consent.

The subject Development Application seeks to obtain formal Development Consent for the subdivision of the site.

PART 4 PRINCIPAL DEVELOPMENT STANDARDS

4.1 Minimum subdivision lot size

(
(3) The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the Lot Size Map in relation to that land.

The Lot Size Map identifies the subject site as having a minimum lot size of 2 ha. An extract of the relevant lot size map is provided at Figure 17.

The subject development provides two lots each with a size that either achieve or exceed 2 ha and therefore complies with the relevant standard.

6.4 Development on natural resource sensitive land

(1) The objectives of this clause are as follows:

- (a) to protect, enhance and manage the ecological, hydrological, scientific, cultural and aesthetic values of biodiversity and wildlife habitat corridors, natural water bodies and riparian land,**
- (b) to enhance connections between remnants of indigenous vegetation,**
- (c) to prevent the fragmentation and degradation of remnant vegetation,**
- (d) to ensure that clearing and other development is located and designed to avoid or minimise the impact on the ecological, hydrological, scientific, cultural and aesthetic values of biodiversity and wildlife habitat corridors, natural water bodies and riparian land.**

(2) This clause applies to all land shown as “Natural Resources sensitive land” on the Natural Resources Sensitivity Land Map

Not relevant as the site is not identified on the relevant Map as being Natural Resource Sensitive Land.

Zone

B4	Mixed Use
E1	National Parks and Nature Reserves
E2	Environmental Conservation
E3	Environmental Management
E4	Environmental Living
IN1	General Industrial
IN2	Light Industrial
RS	Large Lot Residential
RE1	Public Recreation
RE2	Private Recreation
RU1	Primary Production
RU2	Rural Landscape
RU4	Rural Small Holdings
RU5	Village
SP1	Special Activities
SP2	Infrastructure
W1	Natural Waterways
W2	Recreational Waterways

FIG 16: EXTRACT OF DRAFT ZONING MAP

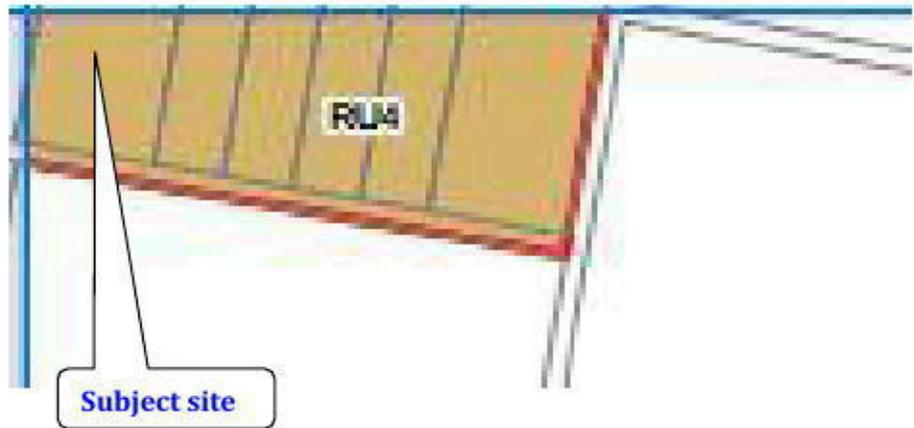
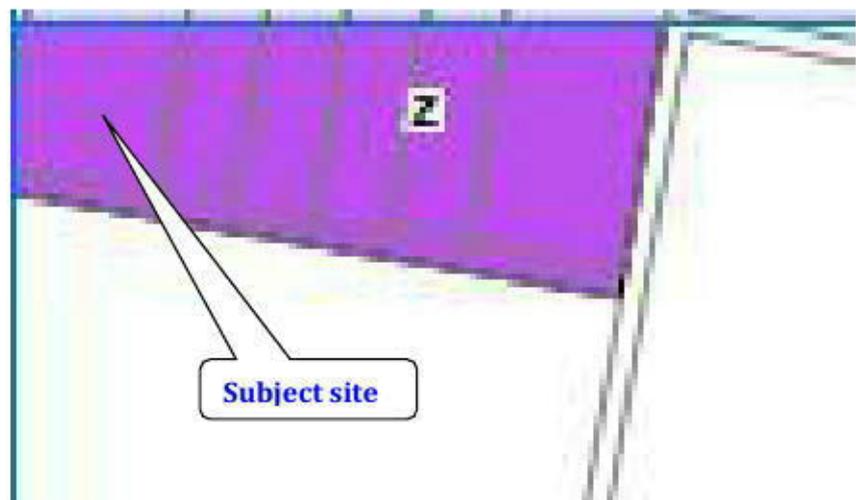


FIG 17: EXTRACT OF LOT SIZE MAP

Minimum Lot size (sq m)

K1	550
K2	560
U1	1000
U2	1200
V	2000
W	4000
X	6000
Y1	10000 (1 ha)
Y2	12500 (1.25 ha)
Z	20000 (2 ha)
AB1	200000 (20 ha)
AB2	400000 (40 ha)
AI	1000000+ (1000ha+)
Blue outline	Refer to clause 6.13 or 6.15



(4) Before deciding an application to carry out development mentioned in subclause (3), the consent authority must consider whether the development meets the objectives of this clause and such of the following as are relevant:

- (a) the condition and significance of the vegetation on the land and whether it should be substantially retained in that location,**
- (b) the importance of the vegetation in that particular location to native fauna,**
- (c) the strategic importance of the land as part of a biodiversity corridor,**
- (d) the sensitivity of the land and the effect of clearing vegetation,**

The rear of the site accommodates remnant vegetation that is classified as *Castlereagh Scribbly Gum Woodland*. This woodland is not listed as an Endangered Ecological Community under the *Threatened Species Conservation Act 1995*.

In any event, the development need not result in the loss of any of that existing vegetation.

- (e) the relative stability of the bed and banks of any waterbody that may be affected by the development, whether on the site, upstream or downstream,**
- (f) the effect of the development on watercourse health, including pollution of the watercourse or waterbody, a significant increase or decrease in the amount or velocity of runoff entering the watercourse or waterbody, or a significant increase in siltation of the watercourse or waterbody,**
- (g) the effect of the development on the functions of aquatic ecosystems (such as habitat and connectivity).**

The site analysis undertaken at Section 2 of this report reveals that the site does not accommodate natural drainage lines of any significance. In any event the proposed subdivision need not impact upon any drainage feature located on site.

(5) Development consent must not be granted to development mentioned in subclause (3) unless the consent authority is satisfied that:

- (a) the development is designed and will be located and managed to avoid any potential adverse environmental impact, or**
- (b) if a potential adverse environmental impact cannot be avoided, the development:**
 - (i) is designed and located so as to have minimum adverse impact, and**
 - (ii) incorporates effective measures to remedy or mitigate any adverse impact caused.**

An on site waste water treatment system could be readily provided on site in a manner that would not result in adverse local or regional water quality.

6.5 Protection of Scenic character and landscape values

(1) The objectives of this clause are as follows:

- (a) to identify areas that have particular scenic value either from major roads, identified heritage items or other public places,**
- (b) to ensure development in these areas is located and designed to minimise its visual impact.**

(2) This clause applies to land identified as “Land with scenic and landscape values” on the Scenic and Landscape Values Map.

(3) Development consent must not be granted for any development on land to which this clause applies unless the consent authority is satisfied that measures will be taken, including in relation to the location and design of the proposed development, to minimise the visual impact of the development from major roads, identified heritage items and other public places.

Not relevant as the site is not identified as being within an area of scenic landscape values.

6.6 Servicing

(1) The objective of this clause is to ensure that development of land to which this Plan applies reflects the availability of services.

(2) Before granting development consent for development on any land to which this Plan applies, the consent authority must be satisfied that:

(a) the development will be connected to a reticulated water supply, if required by the consent authority, and

The site and all proposed lots will have access to *Sydney Waters* reticulated water supply network.

(b) the development will have adequate facilities for the removal and disposal of sewage, and

The existing dwelling and proposed dwelling will need to be serviced by an onsite waste water management system.

A soil assessment has been undertaken and demonstrates that such a system can be provided without adverse impact upon local or regional water quality

(c) if the development is for seniors housing, the development can be connected to a reticulated sewerage system, and

Not relevant to the subject development proposal.

(d) the need for public amenities or public services has been or will be met.

The development will attract s94 contributions which will ensure that the demands for amenities and public services will be met.

- (3) Subclause (4) applies to land in Zone RU5 Village or Zone R5 Large Lot Residential that is not connected to a reticulated sewerage system provided by Sydney Water or licensed by the Council or the Environment Protection Authority.
- (4) Development consent must not be granted to a subdivision of land referred to in subclause (3) unless each resulting lot will have an area of at least 1 hectare.

Not relevant to the subject development proposal.

3.2 THE PROVISIONS OF ANY DRAFT PLANNING INSTRUMENT

There are no known draft planning instruments relevant to the subject site.

3.3 THE PROVISIONS OF ANY DEVELOPMENT CONTROL PLANS

The following provisions of the Penrith DCP 2010 are relevant to the consideration of this development application:

C2 VEGETATION MANAGEMENT

2.2 Biodiversity Corridors and Areas of Remnant Indigenous Vegetation in Non-Urban Areas

B. Objectives

- a) Promote the establishment and retention of biodiversity corridors and areas of remnant indigenous vegetation that contribute to the long-term survival of native fauna and flora species in the area;
- b) Maintain (and where possible increase) the current area of native bushland, and retain the natural species diversity of bushland as far as possible;
- c) Encourage the planting of a diversity of indigenous species to enhance biodiversity values, scenic quality and landscape character; and
- d) Facilitate the implementation of weed control and management measures that act upon the processes causing weed invasion of natural areas.

The site does not accommodate any vegetation units listed as an Endangered Ecological Community under the *Threatened Species Conservation Act 1995*.

2.3 Bushfire Management

B. Objectives

- a) Minimise the risk to life, property and the environment in the event of a bushfire, including the lives of emergency personnel;
- b) Ensure that all development on bush fire prone land makes adequate provision for access for emergency personnel, vehicles and equipment;
- c) Balance the risk of bushfire to life and property with the other principles in this DCP, including the need to protect and enhance existing vegetation where possible; and
- d) Recognise that land not classified as 'bushfire prone land' may still be subject to the impact from bushfire, particularly through ember attack.

A Bushfire Hazard Assessment has been undertaken as part of the development proposal and is provided at section 3 of this report.

The report concludes that the development is not considered to cause any inconsistency with the relevant provisions of *Planning for Bushfire Protection 2006*.

C11 SUBDIVISION

11.1. General Subdivision Requirements

C Controls

2. Site Planning

Good subdivision design goes beyond the application of the controls outlined below. Careful appraisal and systematic analysis of the site with consideration of all the natural and man-made constraints is required to ensure that its best qualities are used most effectively to suit the proposed development.

a) Any proposed subdivision must demonstrate how the proposed subdivision design has taken into account the principles set out in Chapter C1 - Site Planning and Design Principles of this DCP. This includes, but is not limited to:

i) **Site analysis and response to site context;**

A site analysis is provided both as part of Section 2 this report.

ii) **Social impact of proposed subdivision;**

iii) **Economic assessment of the proposed subdivision;**

iv) **Environmental assessment of the proposed subdivision;**

v) **Urban design assessment of the proposed subdivision;**

These matters are addressed at Section 3.4 of this report.

vi) Compliance with the provisions of this DCP relating to specific land uses. The allotment size, shape and orientation;

Addressed at relevant sections of this report.

vii) The alignment of roads with the natural topography;

Not relevant as the development does not seek to provide any new roads.

viii) Potential energy and water savings from subdivision design and allotment orientation;

The development provides lots with a generously sized north-south axis. This creates an excellent opportunity to design future dwellings with direct northern aspect to their living areas as well as the potential for installation of solar hot water systems etc on roofs.

There is also ample opportunity for any future dwelling to provide rain water tanks.

ix) The ability of proposed allotments to operate efficiently for the proposed use and potential future development.

The lots are large unconstrained lands parcels with ample opportunity to provide a dwelling on the newly created lot.

b) As part of any site analysis, the proposed subdivision must demonstrate its integration with the natural and physical features of the site including, but not limited to:

i) Slope and orientation of land

The site has limited relief or slope and is typically flat. This presents no constraint to the proposed subdivision or future development of subdivided lands.

ii) Opportunities for solar and daylight access to dwellings (if applicable)

The development provides lots with a generously sized north-south axis. This creates an excellent opportunity to design future dwellings with direct northern aspect to their living areas.

iii) Design of roads and access ways (individual site access)

The new lot will enjoy direct vehicular access of Devlin Rd. The limited relief presents no topographical constraint to vehicular access.

iv) Retention of special qualities or features such as trees or views

The development will result in the retention and conservation of the vast majority of remnant bushland on site.

v) Availability of utilities

The site enjoys access to *Sydney Waters* reticulated water supply network as well as full suite of power and telecommunication services in addition to the local road network.

The development is not of a scale that would exceed the carrying capacities of that infrastructure.

No connection to reticulated sewer is available, however, the new dwellings site is large enough and have suitable soils to accommodate on site waste water systems.

vi) Provision of adequate site drainage

All storm waters will be able to be managed on site as part of the design and construction of any future dwelling.

vii) Possible need to retain existing subdivision character

The local area provides lot sizes and shapes that entirely match that of the proposed subdivision.

viii) Heritage and archaeological conservation

Neither the subject site nor lands within the immediate vicinity of the site are identified as containing any identified items of Aboriginal or European heritage.

ix) Adequacy of each allotment considering relevant development standards for the proposed future land use

The proposed subdivision provides lots of a size greater than the minimum allowed under the LEP and therefore provides ample opportunity for the siting of dwellings that would comply with all relevant standards.

x) Relationship to adjacent subdivision patterns

The local area provides a broad mix of lots shapes and sizes and does not presents any prevailing or typical lot pattern.

xi) Potential land use conflicts with adjacent lands

New dwelling opportunities associated with the proposed development can be provided in areas with good separation distances to adjacent residential development and therefore alleviate the potential for future conflict.

c) Existing vegetation and natural drainage lines should be retained and enhanced wherever possible.

Existing vegetation shall not be impacted by the development of a future dwelling or its required APZ.

d) Existing dams should be retained where possible.

The subdivision will retain all the existing farm dams located on site.

e) Long and narrow allotments should be avoided. Allotments should have a maximum of 4:1 depth to width ratio.

The proposed lots will have a length to width ratio of 4:1 and therefore satisfy the relevant requirement.

f) 'Battle-axe lots' are discouraged by Council. No more than two allotments shall be served by a shared access corridor. Where a corridor is shared, reciprocal rights of way and easements for drainage shall be granted over the access corridor for the benefit of both allotments.

No battle-axe lots proposed.

g) Applications for subdivision need to demonstrate that each of the proposed allotments can support the proposed development/buildings by providing a Potential Development Area Plan. This Plan (based on a survey diagram) shall show the potential development area of each allotment (after taking

into account setbacks that may be required to meet built form or environmental controls in this DCP).

Section D1 of the DCP requires a 15m setback to the street frontage and 10m setback to side boundaries.

All sites created by the subdivision will readily allow for the achievement of the side and rear boundary setbacks.

h) Applications should be accompanied by landscape plans indicating proposed landscaping and parking arrangements.

It is considered that landscape plans are more appropriately provided as part of Development Applications for future dwellings.

i) New lots should be located so as to protect, enhance or conserve areas of high scenic or recreational value. Council may consider subdivisions/buildings in these higher value areas where ridgelines, vistas and other geographic features are not interrupted or where building materials that blend with the environment are to be used.

The report has previously demonstrated that the site does not possess features of high scenic or recreational value.

3. Subdivision of Environmentally Sensitive Areas

- a) Applicants are required to address the environmental impacts of any proposed subdivision of land where the proposed allotment(s) are within or adjacent to land shown on the Environmentally Sensitive Land Map attached to the LEP.**
- b) Council will not support the subdivision of land within or adjacent to the land noted on the Environmentally Sensitive Land Map where the subdivision will result in fragmentation that will make control of environmental outcomes difficult to achieve.**
- c) Council may require dedication of conservation easements where necessary over land adjacent to land shown on the Environmentally Sensitive Land Map to protect areas identified to be of significance.**

Not relevant as the site is not identified as accommodating environmentally sensitive land.

4. Vegetation Management

- a) Any subdivision proposal is required to address the objectives and controls set out in Chapter C2 - Vegetation Management and C6 - Landscape Design with particular focus on the protection of existing vegetation.
- b) Not more than 10% of the vegetation on any site shall be cleared (or required to be cleared) as a result of any subdivision proposal.
- c) The design of any subdivision layout must ensure that the potential development pattern supported by the proposed subdivision design will preserve the existing landscape character of the site.
- d) A subdivision application on land adjacent to or noted as being Bushfire Prone Land will need to address the controls set out in C2 – Vegetation Management relating to bushfire protection and provision of asset protection zones, minimising the removal of significant areas of existing vegetation.

This matter is addressed previously in this report.

5. Water Management

- a) Any subdivision proposal is required to address the objectives and controls set out in Chapter C3 - Water Management with particular focus on ensuring that the proposed subdivision is appropriate considering the likelihood of, amongst other issues of:
 - i) The potential impacts of any future development on water catchments and surface water quality;
 - ii) The potential impacts of any future development on watercourses, riparian corridors and wetlands or other environmentally sensitive areas;
 - iii) The potential for flood risk and damage to life and property and the need to provide safe emergency access/egress from the site;
 - iv) Issues arising from stormwater and drainage requirements;

v) The potential for the site design to incorporate features of Water Sensitive Urban Design.

The site does not accommodate a drainage line or farm dams.

Stormwater generated from any future development will be able to be managed on site and is highly unlikely to cause any adverse impact to local or regional water quality.

- b) Council will not approve any subdivision of lots where it is evident that a flood free building envelope and safe internal access from/to the public road cannot be provided. The building envelope for any dwelling should be flood free in a 1 in 100 year flood. Evidence of this must be provided as part of any application.
- c) Council will not support the subdivision of any land located in floodway or areas of high flood hazard.
- d) Subdivision of flood planning land in rural zones creating additional allotments will generally not be supported. However, where the applicant can demonstrate that:
- the flood hazard low;
 - flood free access can be provided; and
 - a minimum of 1000m² of each allotment is flood free, allowing for a dwelling and all ancillary works, Council may consider a subdivision application.
- e) Generally, land situated within existing residential, commercial and industrial zones may only be subdivided to enable its development for urban purposes where the level of the existing land to be developed is not lower than the standard flood. All lots created by such subdivision shall have the portion of the lot that can be built upon filled to a level at least 0.5m above the standard flood.
- f) Significant filling of flood planning land will not be supported. If minor filling is required on flood planning land, the provision relating to flood liable land will apply (Chapter C3 – Water Management).

Not relevant to the subject development as the site is not identified as being flood prone on the relevant Council map.

6. Land Management

- a) Any subdivision proposal is required to address the objectives and controls set out in Chapter C4 - Land Management with particular focus on ensuring that the proposed subdivision is appropriate considering the likelihood of, amongst other issues of:

i) Site instability due to geology, slope or landfill;

The site does not possess any topographical or geological characteristics that would create any conceivable type of site instability.

ii) The need for excavation and fill to create developable allotments;

The site possesses very limited slope and as such will necessitate very limited cut or fill to create developable allotments.

iii) The potential for erosion and sedimentation; and

All erosion and sedimentation potential through future construction phases can be mitigated through implementation of standard management measures.

iv) The potential for salinity.

The site is not identified as being in an area of high potential for salinity. In any event, the development will not cause any exacerbation of any existing salinity problem either on site or on the broader area.

- b) Any subdivision application must address whether the proposed site has any potential for contamination (in accordance with the Contaminated Land Management Act

1997), other than by normal grazing activities and, if required by Council, remediate the land in accordance with the legislative requirements before subdivision can be permitted.

The *Department of Planning* have issued Planning Guidelines for the remediation of contaminated land. Table 1 of these guidelines list those land uses that have the potential to cause site contamination.

The site has no know or likely use for any of those land uses identified at Table 1.

There is therefore considered to be limited potential for the site to be contaminated.

7. Culture and Heritage

Subdivision of a known heritage item or in the vicinity of a known heritage item or where there is the likelihood of an Aboriginal Archaeological heritage item must address the objectives and controls set out in Chapter C7 – Culture and Heritage. The proposed subdivision must minimise:

- a) **Impact on Aboriginal or European Archaeology on the site;**
- b) **Impact on Aboriginal Culture or significant sites.**

Neither the subject site nor lands within the immediate vicinity of the site are identified as containing any identified items of Aboriginal or European heritage.

8. Access and Traffic

- a) **Any subdivision proposal is required to address the objectives and controls set out in Chapter C10 - Transport, Access and Parking with particular focus on ensuring that the proposed subdivision is appropriate considering:**
 - i) **Appropriate location of land uses to minimise transport requirements;**

The development responds to the broader strategic initiative of providing environmental living opportunities in the rural environs of the LGA. As such there is no expectation underpinning the strategy that such development would have access to anything other the local road network and bus services.

ii) Likely traffic generation;

The development provides a maximum of one additional dwelling opportunity. 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 9 vehicle trips per day.

This additional traffic volume is well within the design capacity of Devlin Rd and the local traffic network.

iii) Safe access and egress to the site;

Devlin Rd provides a sealed and wide carriageway that runs a along a straight alignment with no topographical variation.

The roadway therefore provides safe and convenient site access and egress.

Figure 15 provides images of this roadway at the entrance to the site.

iv) Appropriate lots sizes to provide facilities for cars, pedestrians and bicycles.

The lots are all a minimum of 2 ha and therefore is of a suitable scale to readily provide vehicle accommodation.

b) Council will not approve any subdivision of new lots in situations where each lot cannot be provided with a safe access point to an existing public road.

The proposed subdivision plan clearly shows that each lot will be able to provide vehicular access to both Devlin Rd.

c) Council may not approve subdivision of allotment/s where access is to be a Crown Road only (see Council's Policy, Access from Crown Roads).

Not relevant to the subject development.

d) Site frontage must be sufficient to permit vehicular and pedestrian access to the site.

e) A minimum allotment frontage of 25 metres must be provided when the allotment has a vehicle access point to a collector or major road.

f) Council and the Roads and Traffic Authority require that access points are grouped at existing or limited access points whenever feasible to minimise the traffic impact and risk on additional access points to road networks.

Devlin Rd is not considered to be a collector road, nevertheless, the proposed lots both provide width of over 67m.

g) Where an internal road system is proposed to a new subdivision, the application must demonstrate a distinctive and hierarchical network of roads with clear physical distinctions between each type of road, based on function, capacity, vehicle speeds and public transport.

h) Any proposed road systems must provide acceptable levels of access, safety and convenience for all road users, while

ensuring acceptable levels of amenity and protection from the impact of traffic.

Not relevant to the subject development has no new internal road system is proposed.

- i) Council may levy a road contribution or require road upgrading for all proposed lots whether the lots are accessed by sealed or unsealed roads. The amount of the contribution will depend on the current standard of the road and the increased levels of traffic to be generated.**

The development will generate approximately 9 additional vehicles per day.

This is considered to be a relatively minor increase in traffic volume and therefore would not necessitate road upgrading.

9. Noise and Vibration

Any subdivision proposal is required to address the objectives and controls set out in Chapter C12 - Noise and Vibration with particular focus on designing lots so sensitive buildings (especially dwellings) will have sufficient setbacks or noise mitigation measures to minimise noise and vibration impacts.

Devlin Rd does not generate significant traffic volumes to generate adverse amenity impacts. Nevertheless, a future dwelling can be well setback from that potential noise source.

10. Infrastructure and Services

- a) Council will not approve of any subdivision of new lots where requirements for effluent/waste water disposal cannot be adequately met on each individual lot.**

Waste waters will be managed as part of future on site treatment systems. Both lots have sufficiently large areas to manage those waste waters.

- b) Council will not approve of any subdivision of new lots where the provision of services such as electricity, telephone and other centralised services would result in additional costs not paid for by the applicant.**

Satisfactory arrangements will be required to be made with Sydney Water in conjunction with submission of the subdivision application. Documentary evidence will be required of the consultation which has been undertaken.

All such services are available. It is expected that any Development Consent Notice will ensure, by conditions, that the relevant DCP provision is satisfied.

D. LIFTING THE BAR

The following represent some ways in which Applicants can demonstrate additional commitment to the principles expressed in this DCP. Demonstration of this commitment may lead to Council considering variation of development standards under Clause 4.6 of Penrith LEP 2008.

- a) Consolidation of Allotments:** Where an Applicant is proposing substantial works that require a development application on rural or industrial properties across a number of allotments with a single use, an Applicant should review the potential to consolidate those allotments as part of the development application.
- b) Environmentally Sensitive Lands:** Where a proposed subdivision is either within or immediately adjacent to land on the Environmentally Sensitive Land Map in the LEP, an Applicant should discuss with Council the potential to dedicate part of the subdivision as a buffer to that environmentally sensitive land.
- c) Water Sensitive Urban Design:** Where a subdivision involves more than 10 allotments or an area greater than 5 hectares, an Applicant should demonstrate to Council how the proposed subdivision layout will incorporate Water Sensitive Urban

Design mechanisms both at the entire subdivision level and for each site.

Not relevant as no variation to Development Standards under Clause 4.6 of the LEP is sought by the development.

11.2. RURAL SUBDIVISION

C. Controls

1. Land Capability

As part of any subdivision application for rural lands, an applicant must address the impact that the proposed subdivision will have on the agricultural capability and sustainability of the proposed allotments as well as the impact on agriculture in the surrounding area. This must address social, economic and environmental factors.

Not relevant as the subject development does not propose subdivision for future agricultural purposes.

2. Avoiding Land Use Conflicts

a) If any proposed subdivision is located within 1 kilometre of an existing approved or licensed intensive agriculture operation, waste facility, noxious, offensive and hazardous land use or sensitive land use the application will need to address how any potential land use conflicts (including but not limited to noise, dust, odour, traffic, light etc) will be minimised.

b) Site locations must ensure such existing land uses will still comply with the draft EPA Point Source Odour Control Guidelines and other relevant publications including the NSW Feedlot Manual.

c) Use of building envelopes, buffer zones and planting will be considered in helping to mitigate these issues.

The site is not located with close proximity to any such use.

3. Subdivisions for Dwellings

- a) Applications for subdivision that will include a new dwelling should be accompanied by a proposal for siting of a dwelling.
- b) In some circumstances, the building envelope (ground area and height) and/or design guidelines specifying the proposed building location/height must be registered on the Certificate of Title as part of the subdivision approval process
- c) The building envelope must comply with the relevant setbacks from roads, water courses, building separations and side boundaries in Chapter D1 Rural Land Uses.

The proposed lots are large and unconstrained and therefore it is considered that the provision of building envelopes is unwarranted in this instance.

3.4 IMPACTS OF DEVELOPMENT

3.4.1 NATURAL ENVIRONMENT

The proposed subdivision seeks only to create one additional lot. The site possesses no environmental or ecological features of any significance. Similarly, no other changes to site topography or drainage features will result from the development.

All necessary services and infrastructure are currently available to the broader area, other than sewer services. However, both the existing and future dwelling can be provided with on site waste water treatment systems that will mitigate any potential impact to local or regional water quality.

3.4.2 BUILT ENVIRONMENT

The local character of the area is represented by large free-standing dwellings on a mixture of various scaled rural type lots.

The proposed subdivision will provide additional lots that will provide future built forms and landscape character that is entirely consistent with existing development and the prevailing settlement pattern

3.4.3 SOCIAL IMPACT

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

3.4.4 ECONOMIC IMPACT

The proposed subdivision will cause no economic impacts to the local or broader area.

3.5 SUITABILITY OF THE SITE

The subject site is appropriately zoned and serviced to accommodate the proposed development and will cause no adverse impacts to the built or natural environment.

The subject site is therefore ideally suited to the proposed development.

3.6 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 negative outcomes and hence the public interest is best served by approval of the development.

SECTION 5: **CONCLUSION**

CONCLUSION

The application seeks approval to the subdivision of the subject site to create one additional allotment.

An assessment of the development has been made against the relevant provision of Penrith LEP 2010 and its associated DCP. This assessment demonstrates that the development complies with all the identified development standards and criteria.

The report is also includes bushfire hazard assessment and demonstrates the development will cause no inconsistency with policy and strategies relevant to that matter.

For these reasons we can see no reason why Council should not approve the proposed subdivision.

ANNEXURE A: **AHIMS SEARCH**



AHIMS Web Services (AWS) Search Result

Your Ref Number :
Client Service ID : 86071

Vince Hardy
16 Alexandra Cres
GLENBROOK New South Wales 2773

Date: 23 November 2012

Attention: Vince Hardy

Email: vhardy@cityscape.net.au

Dear Sir or Madam:

AHIMS Web Service search for the following area at Lot: 7, DP:DP17231 with a Buffer of 50 meters, conducted by Vince Hardy on 23 November 2012

A search of the Office of the Environment and Heritage AHIMS Web Services (Aboriginal Heritage Information Management System) has shown that:

0	Aboriginal sites are recorded in or near the above location.
0	Aboriginal places have been declared in or near the above location.*

If your search shows Aboriginal sites or places what should you do?

- You must do an extensive search if AHIMS has shown that there are Aboriginal sites or places recorded in the search area.
- If you are checking AHIMS as a part of your due diligence, refer to the next steps of the Due Diligence Code of practice.
- You can get further information about Aboriginal places by looking at the gazettal notice that declared it. Aboriginal places gazetted after 2001 are available on the [NSW Government Gazette](http://www.nsw.gov.au/gazette) (<http://www.nsw.gov.au/gazette>) website. Gazettal notices published prior to 2001 can be obtained from Office of Environment and Heritage's Aboriginal Heritage Information Unit upon request

Important information about your AHIMS search

- The information derived from the AHIMS search is only to be used for the purpose for which it was requested. It is not be made available to the public.
- AHIMS records information about Aboriginal sites that have been provided to Office of Environment and Heritage and Aboriginal places that have been declared by the Minister;
- Information recorded on AHIMS may vary in its accuracy and may not be up to date. Location details are recorded as grid references and it is important to note that there may be errors or omissions in these recordings.
- Some parts of New South Wales have not been investigated in detail and there may be fewer records of Aboriginal sites in those areas. These areas may contain Aboriginal sites which are not recorded on AHIMS.
- Aboriginal objects are protected under the National Parks and Wildlife Act 1974 even if they are not recorded as a site on AHIMS.
- This search can form part of your due diligence and remains valid for 12 months.