

STATEMENT OF ENVIRONMENTAL EFFECTS

PROPOSED SUBDIVISION OF CADDENS HILL (STAGES 8 AND 9), INCLUDING DEMOLITION OF EXISTING STRUCTURES, STREETScape LANDSCAPING, UTILITY INFRASTRUCTURE AND REMEDIATION

89-115 O'CONNELL STREET, CADDENS



STATEMENT OF ENVIRONMENTAL EFFECTS

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Client and Land Details

Client: Legacy Property
Subject Site: Lot 37 DP1044732, Lot 396 DP1229232, Lot 399 DP1229232
89-115 O'Connell Street, Caddens
Proposal: Proposed Subdivision of Caddens Hill (Stages 8 and 9), including demolition of existing structures, streetscape landscaping, utility infrastructure and remediation

Warwick Stimson RPIA
Director



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Version	Date	Comment
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1 INTRODUCTION

1.1 PROJECT OVERVIEW

Stimson Urban & Regional Planning has been engaged by Legpro 74 Pty Ltd ATF Legpro 74 Unit Trust to prepare a Statement of Environmental Effects in relation to a proposed subdivision of the property known as 89-115 O'Connell Street, Caddens.

The proposed development includes Stages 8 and 9 of the subdivision of Caddens Hill. Over the two stages, this application seeks to create a total of 121 residential lots, one lot for the purposes of providing a detention basin, and one residue lot that will be the subject of a future development application (future Stage 10). The application also seeks consent for the demolition of existing structures, construction of roads, installation of streetscape landscaping and utility infrastructure. Approval for the remediation of land is also sought.

The site is zoned *RI General Residential* under *Penrith Local Environmental Plan 2010* with the proposal being permissible with consent.

The proposal is defined as *development* in Section 4 of the Act. The Act stipulates that the development must not be carried out on the subject site until consent has been obtained.

The site is also traversed by a mapped watercourse¹ meaning the proposal is also considered to be 'integrated development' with approval being required from the Department of Natural Resources Access Regulator (NRAR) prior to the determination of the application.

The proposal also 'integrated development' for the purposes of requiring a Bushfire Safety Authority from the NSW Rural Fire Service pursuant to section 100B of the Rural Fires Act 1997.

This report describes the proposed development and subject site in detail and undertakes an assessment of the proposal against the relevant aims, objectives and development provisions of Council's LEP and DCP, and Section 4.15 of the Act.

1.2 REPORT STRUCTURE

This Statement of Environmental Effects is structured as follows:

- Section 1: Introduction – provides an overview of the proposal, planning history for the site and background to the application.
- Section 2: The Site and Surrounds – provides an analysis of the subject site, development within the locality and a consideration of the local and regional context.
- Section 3: Project Description – provides a detailed description of the proposed development and its characteristics.
- Section 4: Statutory Considerations – provides for an assessment of the proposal against the specific planning instruments and policies that are applicable.

¹ www.maps.six.nsw.gov.au

- Section 5: Key Planning Issues – provides an assessment of the key issues identified in the preparation of the application.
- Section 6: Section 4.15 Assessment – provides an assessment against section 4.15 of the EPA Act.
- Section 7: Conclusion and Recommendation – summarises the report and presents a recommendation.

1.3 SUPPORTING DOCUMENTATION

The proposed is accompanied by the following documentation:

Documentation	Prepared by
Building Envelope Plans	Integrated Design Group
Bushfire Report	Building Code & Bushfire Hazard Solutions Pty Limited
Civil/Stormwater Drawings	J. Wyndham Prince
Detailed Site Investigation	JBS&G Australia Pty Ltd
Geotech Investigation	Geotechnique Pty Ltd
Landscape Plans	Place Design Group
Noise Impact Assessment	Rodney Stevens Acoustics
QS Report	Newton Fisher Group
Remedial Action Plan	JBS&G Australia Pty Ltd
Road Safety Audit	The Transport Planning Partnership
Street Infrastructure Plan	J. Wyndham Prince
Survey	Vince Morgan (Surveyors) Pty Ltd
Traffic Impact Assessment	Transport & Traffic Planning Associates

1.4 LEGISLATION, ENVIRONMENTAL PLANNING INSTRUMENTS AND POLICIES TO BE CONSIDERED

- *Biodiversity Conservation Act 2016*
- *State Environmental Planning Policy No 55 – Remediation of Land*
- *Sydney Regional Environmental Plan No 20 – Hawkesbury Nepean River*
- *Penrith Local Environmental Plan 2010*
- *Penrith Development Control Plan 2014*

1.5 CONSENT AUTHORITY

The consent authority for this application is Penrith City Council.

2 THE SITE AND SURROUNDS

The subject site and its surrounds have the following characteristics.

Site Address	89-115 O'Connell St, Caddens
Lot/DP	Lot 37 DP 1044732, Lot 396/DP1229232 & Lot 399 DP1229232
Site Area	8.00ha approx.
Local Government Area	Penrith City Council
Zoning	R1 General Residential
Current Land Use	Residential
Proposed Land Use	Residential
Surrounding Land Uses	North – commercial/retail, East & South – residential, West – open space and residential
Topography	There is an approximate 12.5m downward slope from the south-eastern corner to the north-western corner. A natural watercourse traverses the site in an east-west direction.
Terrestrial Biodiversity	Not mapped in LEP.
Heritage	The greater Western Sydney University site to the west is listed as an item of environmental heritage, although not considered to pose any concerns in the context of this proposal.
Flooding	Not mapped in LEP.
Bushfire	Site is mapped, due to the vegetation located adjacent to the western side of the site.



Figure 1 Subject Site - Aerial

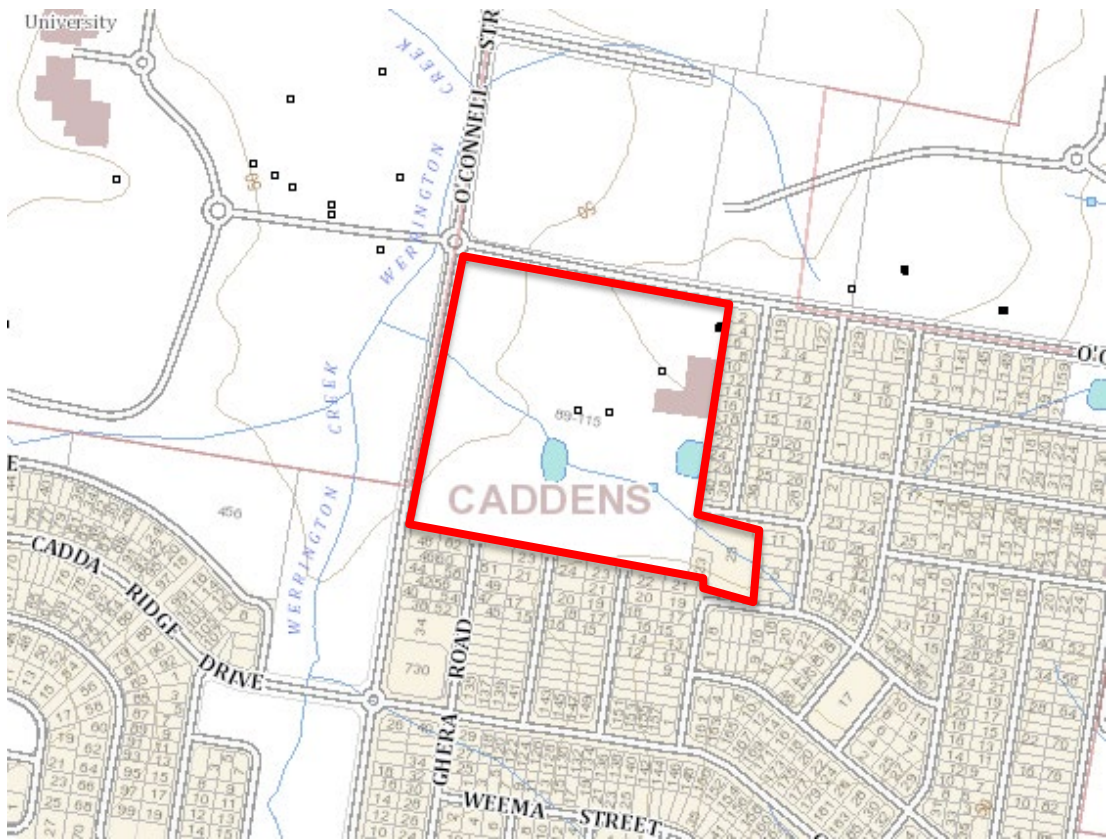


Figure 2 Subject Site - Cadastre

2.1 SURROUNDING CONTEXT

The proposed development represents two of the remaining three stages of development of this part of Caddens. The locality is characterised by the type of development proposed as part of this application – residential dwelling development, mostly of a detached nature, within the greenfield Caddens development. A neighbourhood centre is located to the north of the site across O'Connell Street, while the Western Sydney University is situated to the west of the site across O'Connell Lane. The Penrith CBD is located some 4km to the west.

2.2 TRANSPORT NETWORK

Bus services in the vicinity of the site are provided by Busways, which operate routes 770, 774, 775, 776 and 835 along Second Avenue, Cadda Ridge Drive and O'Connell Street. These services provide links to the Penrith and Mount Druitt Railway Stations, Penrith CBD/Nepean Hospital and St Marys CBD with 10-minute frequency during the weekday peak periods.

Off-road shared paths are provided on the northern side of the Great Western Highway between Parker Street and Bringelly Road, crossing at the intersection of the Great Western Highway /Bringelly Road and continuing to the southern side of the Great Western Highway towards Pages Road. A range of on-road bicycle facilities are provided along the Great

Western Highway, Parker Street, Richmond Road, College Street, Bringelly Road, Derby Street, Second Avenue, Jamison Road, and O'Connell Street are available in the vicinity of the site.

Dedicated shared paths are provided on both sides of O'Connell Lane, southern and eastern side of O'Connell Street, with pedestrian footpaths provided within the WSU campus. These paths provide good connectivity between the site and the Kingswood Centre and Railway Station and surrounding developments.

3 PROJECT DESCRIPTION

3.1 OVERVIEW

This application seeks consent for the following development:

- Demolition of existing structures.
- Subdivision of 121 torrens title house lots across two stages.
- Subdivision of one lot for the construction of a detention basin.
- Creation of a residue lot to be the subject of a future development application.
- A road network adopting a conventional 'grid pattern' format with 8-10m wide 'local streets'.
- Streetscape landscaping.
- Construction of all required utility infrastructure across the two stages and civil works.
- Consideration of, and approval for, the remediation of any unexpected contamination discovery across the site.

These are detailed as follows.

3.2 DEMOLITION

All existing structures on the site are to be demolished.

3.3 SUBDIVISION OF HOUSING LOTS

The proposed development seeks consent for the subdivision of 121 torrens title housing lots across the following two stages.:

3.3.1 *Stage 8*

Stage 8 comprises:

- 105 torrens title lots (Proposed Lots 793 to 899).
- The creation of the lot (proposed Lot 797) to accommodate the required detention basin.
- The extension and integration into Stage 8 of Starline and Ghera Roads, Redhaven Street and Oxen Way. This will include the removal of existing (and temporary) turning cul-de-sacs in Ghera Road, Redhaven Street and Oxen Way, and reinstating affected lots to a normal lot configuration.
- The construction of 2 new internal roads, both 16m in width.
- The construction of a pedestrian pathway some 9.5m in width, linking Ghera Road and O'Connell Lane.

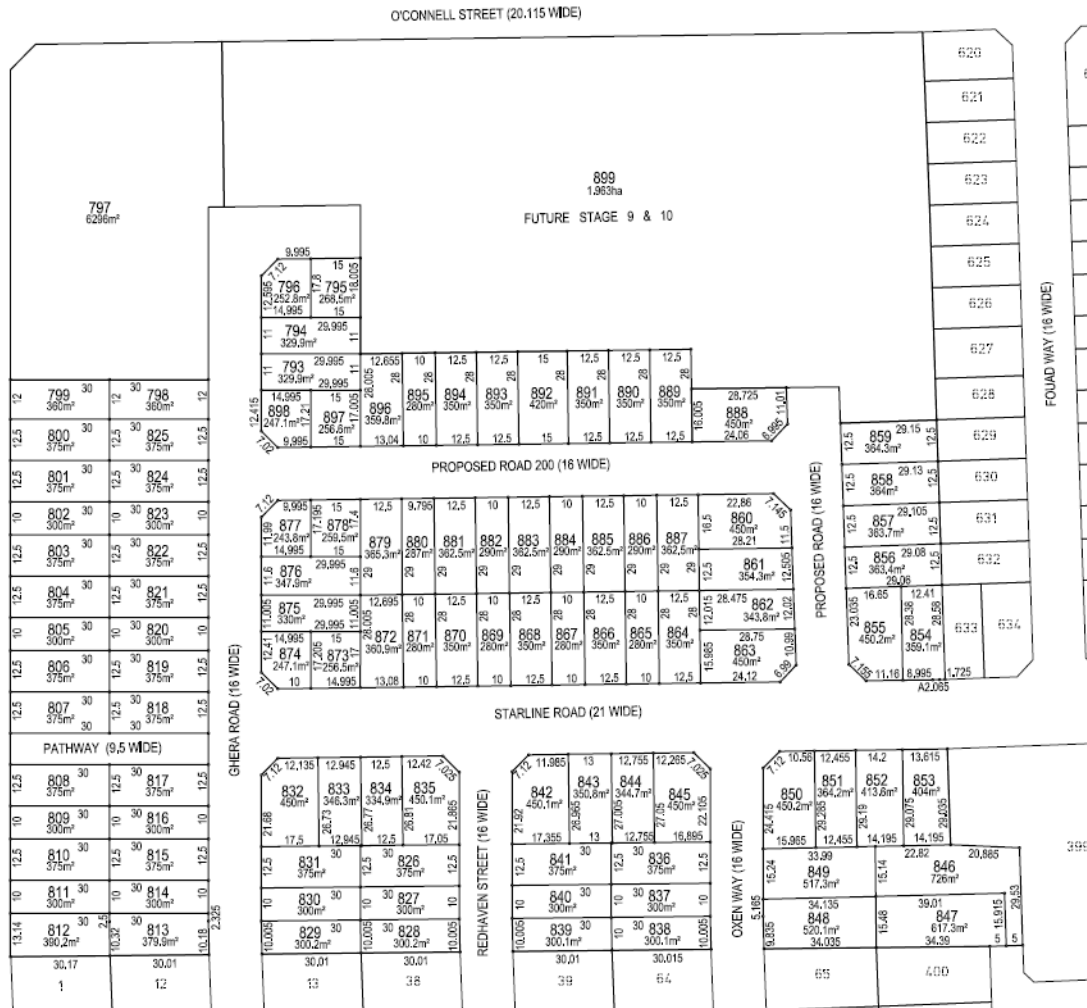


Figure 3 Stage 8 works

3.3.2 Stage 9

Stage 9 comprises:

- 16 torrens title lots (Proposed Lots 904 to 920).
- The extension of Ghera Road, turning to an east-west alignment at its northern end, linking up with one of the proposed north-south roads proposed as part of Stage 8.
- The creation of a residue lot (Proposed Lot 920) measuring some 1.072ha in area to be the subject of a future development application.

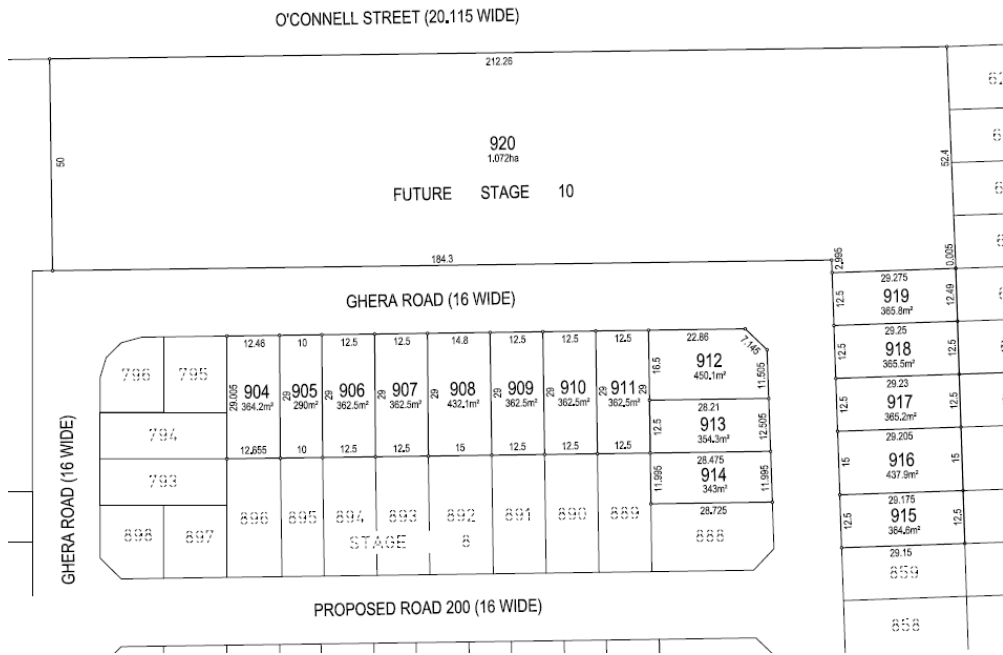


Figure 4 Stage 9 works

3.4 THE DETENTION BASIN

A lot of some 6,296sqm in area is proposed at the north-western corner of the development site to accommodate the required stormwater detention basin. The basin is proposed to be landscaped to the extent that it presents to the adjacent intersection of O'Connell Street and O'Connell Lane as a significant green 'gateway' to the Caddens Estate. The result is intended to indicate a 'sense of arrival' into Caddens when approaching from the north.

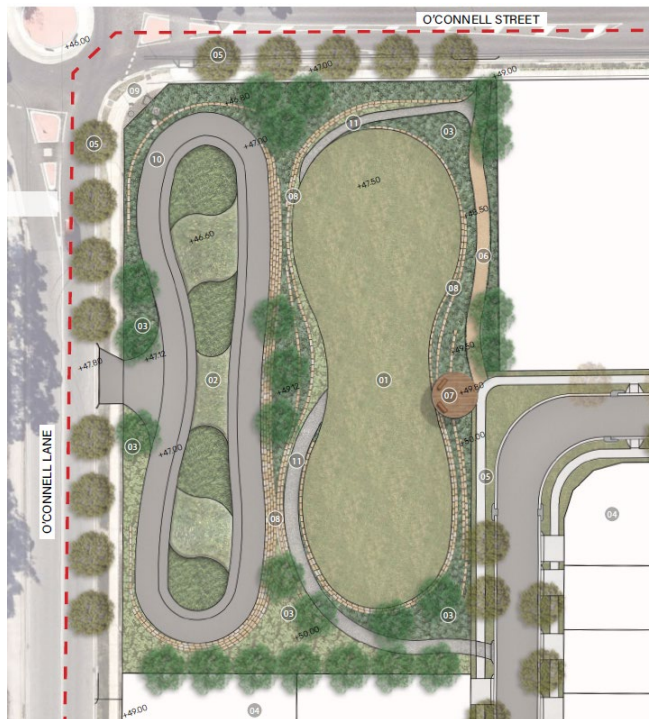


Figure 5 Proposed detention basin

3.5 THE RESIDUE LOT

Proposed Lot 920 (as indicated in the Stage 9 plans – See Figure 4 above), totalling some 1.072ha in area is proposed as a residue lot as part of this application. Its development will be the subject of a future development application.

3.6 THE PROPOSED ROAD NETWORK

The development proposes a conventional ‘grid’ road network comprising predominantly 16m wide roads, as well as the extension of the 21m wide Starline Road, which should provide the main vehicular access to these stages. The road network, which is considered further in this report, is generally consistent with the indicative layout in Council’s DCP.

3.7 STREETScape LANDSCAPING

Extensive landscaping is proposed through these stages. This includes:

- A strong street tree network, providing shelter and contributing to the reduction in the ‘heat island effect’ in western Sydney.
- Appropriate landscaping for the proposed pedestrian link.
- Signature landscaping of the proposed detention basin, so as to present as a ‘green gateway’ element when approaching the estate from the north.

Landscaped works will also include pedestrian path networks, tiered walls and planters, and an elevated viewing platform with seating, providing opportunities to overlook the detention basin.



Figure 6 Proposed landscape masterplan

3.8 UTILITY INFRASTRUCTURE AND CIVIL WORKS

Extensive utility infrastructure is proposed throughout the subject site, including:

- Required services connections for sewer, water, and electricity.
- Street infrastructure in an orderly and considered manner, mindful of end users in the estate, indicated on a plan showing the relationships between driveways, drainage pits and kerb inlets, indicative bin locations, driveway location and street tree location.



Figure 7 Extract from street infrastructure plan

Civil works that form part of this application include:

- Dewatering and removal of onsite dams.
- Earthworks comprising cut and fill to create the lot pads.
- Retaining of land by walls no greater than 1.5m in height.

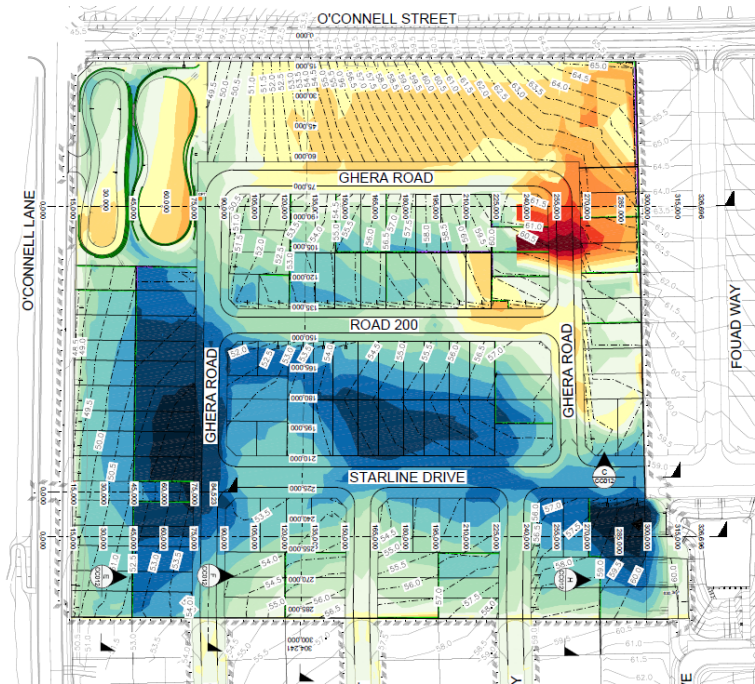


Figure 8 Cut (red) and Fill (blue) plan

3.9 REMEDIATION OF CONTAMINATION

A Detailed Site Investigation was undertaken on the site given the historical uses of the site for rural residential as well as light industrial purposes. The report relating to which accompanies this application. Based on intrusive investigations, the following was encountered.

- Fill material was encountered at isolated locations across the site, generally localised to imported material for accessway, filling beneath site structures and levelling around site structures. Fill material consisted of bedding sand, clayey sand, clay and silty clay.
- Reworked natural material was encountered across isolated areas of the site, generally within the former orchard area, and was generally constrained to the top 0.2 m bgs. Reworked natural soils consisted of brown silty clay, with inclusions of rootlets.
- During the site inspection two suspected ACM fragments were identified on the ground surface adjacent to the south east corner of the large commercial sheds (≈ 2 m²), and a suspected ACM pipe and pipe fittings were noted between the two smaller sheds in the central portion of the site (≈ 2 m²). No ACM was noted within sub surface fill material during the intrusive investigation, nor evidence of ACM underground pipework.

The Detailed Site Investigation confirmed the site is suitable for residential development subject to the removal of the suspected ACM fragments. Accordingly, a Remediation Action Plan accompanies this application covering that removal process.

4 STATUTORY CONSIDERATIONS

The applicable statutory planning instruments and relevant guidelines have been considered below.

4.1 BIODIVERSITY CONSERVATION ACT 2016

The Biodiversity Offsets Scheme (BOS) applies to local developments assessed under Part 4 of the EPA Act that trigger the BOS threshold or is likely to have a significant effect on threatened species. A Biodiversity Development Assessment Report (BDAR) may be needed to determine any potential offset obligations. The need for a BDAR is detailed in the Department of Planning, Industry and Environments *Guidance for local government on applying the Biodiversity Offset Scheme threshold* as follows:

This guidance is for consent authorities who determine development applications under Part 4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) (not including state significant development).

A Biodiversity Development Assessment Report (BDAR) will be required to accompany a development application if the proposed development is likely to 'significantly affect threatened species' and the Biodiversity Offset Scheme (BOS) will apply.

Section 7.2 of the *Biodiversity Conservation Act 2016* (BC Act) states that a development will 'significantly affect threatened species' if:

- a. it is likely to significantly affect threatened species or ecological communities, or their habitats, according to the test in section 7.3, or
- b. the development exceeds the biodiversity offsets scheme threshold if the biodiversity offsets scheme applies to the impacts of the development on biodiversity values, or
- c. it is carried out in a declared area of outstanding biodiversity value.

The BOS threshold is established by section 7.2(1)(b) of the BC Act and clause 7.1(1) of the Biodiversity Conservation Regulation 2017 (BC Regulation).

The threshold has two components:

- whether the amount of native vegetation being cleared exceeds a threshold area
- whether the development involves clearing of native vegetation or prescribed impacts on an area mapped on the biodiversity values map published by the Minister for the Environment.

Figure 9 DPIE Guidance Extract

Figure 10 below shows the mapping on the NSW Biodiversity Values Map. Whilst there is a very small piece of mapping that extends into the site, it is clear from Figure 11 that the mapping must be erroneous since there is no vegetation of any significance in those locations. It is highly unlikely there would be any example of any type of threatened species or ecological community in that environment, and so it is considered unnecessary to provide a BDAR in the circumstances of this case.

The other test to determine whether a BDAR is required relates to the area clearing threshold. For this site, the threshold for clearing above which a BDAR is required is 0.25ha. The vegetation proposed to be removed do not exceed this threshold.

Accordingly, we submit the proposal does not trigger the requirements for a BDAR to be submitted to Council.

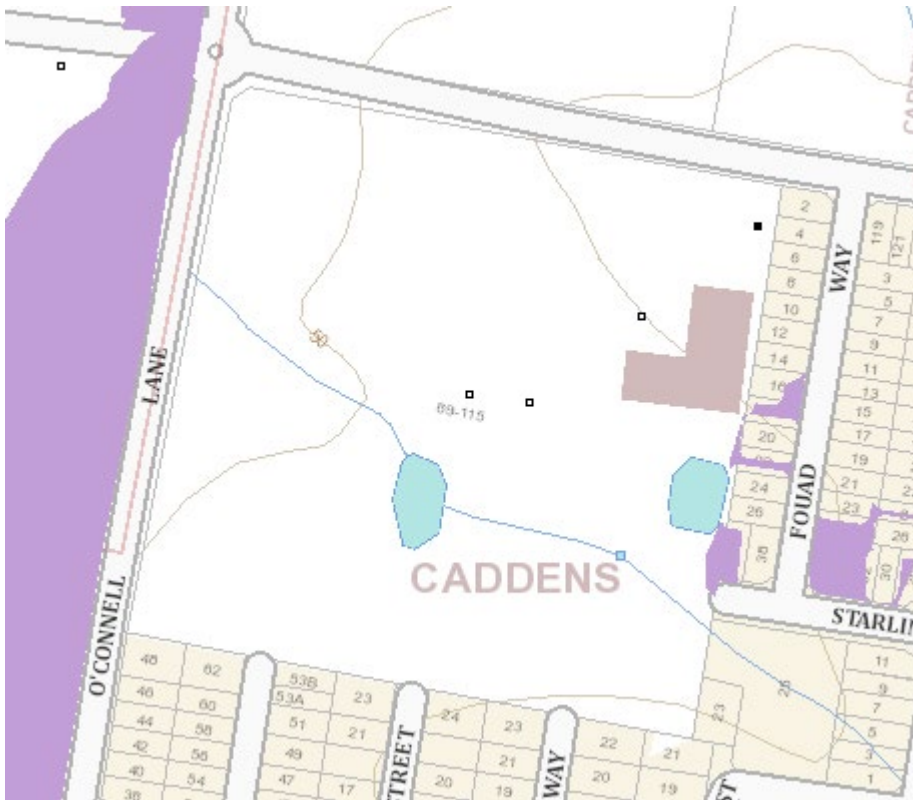


Figure 10 Extract from NSW Biodiversity Values Map - affected areas in purple



Figure 11 Nearmap image (taken 17 October 2021)

4.2 SYDNEY REGIONAL ENVIRONMENTAL PLAN No 20 – HAWKESBURY NEPEAN RIVER

The aim of SREP 20 is to protect the Hawkesbury-Nepean River system by ensuring that the impacts of future land uses are considered in a regional context.

Appropriate conditions of consent would normally be applied to any approval to ensure the health of the river system is not compromised by way of sediment or erosion from the works or use.

Additionally, consent for remediation is being sought as part of this application to negate the need for a further consent to be issued in the event there are any unexpected finds.

4.3 STATE ENVIRONMENTAL PLANNING POLICY No 55 – REMEDIATION OF LAND

Under Clause 7(1)(A) the consent authority must not consent to a development application unless consideration has been given to whether the land is contaminated.

A Detailed Site Investigation was undertaken on the site given the historical uses of the site for rural residential as well as light industrial purposes. The report relating to which accompanies this application. Based on intrusive investigations, the following was encountered.

- Fill material was encountered at isolated locations across the site, generally localised to imported material for accessway, filling beneath site structures and levelling around site structures. Fill material consisted of bedding sand, clayey sand, clay and silty clay.
- Reworked natural material was encountered across isolated areas of the site, generally within the former orchard area, and was generally constrained to the top 0.2 m bgs. Reworked natural soils consisted of brown silty clay, with inclusions of rootlets.
- During the site inspection two suspected ACM fragments were identified on the ground surface adjacent to the south east corner of the large commercial sheds (≈2 m²), and a suspected ACM pipe and pipe fittings were noted between the two smaller sheds in the central portion of the site (≈2 m²). No ACM was noted within sub surface fill material during the intrusive investigation, nor evidence of ACM underground pipework.

The Detailed Site Investigation confirmed the site is suitable for residential development subject to the removal of the suspected ACM fragments. Accordingly, a Remediation Action Plan accompanies this application covering that removal process.

The provisions of the SEPP are considered to have been satisfied.

4.4 PENRITH LOCAL ENVIRONMENTAL PLAN 2010

The Penrith LEP is the main environmental planning instrument applicable to the subject site.

The objectives of the LEP are as follows:

- (aa) to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,
- (a) to provide the mechanism and planning framework for the management, orderly and economic development, and conservation of land in Penrith,
- (b) to promote development that is consistent with the Council's vision for Penrith, namely, one of a sustainable and prosperous region with harmony of urban and rural qualities and with a strong commitment to healthy and safe communities and environmental protection and enhancement,
- (c) to accommodate and support Penrith's future population growth by providing a diversity of housing types, in areas well located with regard to services, facilities and transport, that meet the current and emerging needs of Penrith's communities and safeguard residential amenity,
- (d) to foster viable employment, transport, education, agricultural production and future investment opportunities and recreational activities that are suitable for the needs and skills of residents, the workforce and visitors, allowing Penrith to fulfil its role as a regional city in the Sydney Metropolitan Region,
- (e) to reinforce Penrith's urban growth limits by allowing rural living opportunities where they will promote the intrinsic rural values and functions of Penrith's rural lands and the social well-being of its rural communities,
- (f) to protect and enhance the environmental values and heritage of Penrith, including places of historical, aesthetic, architectural, natural, cultural, visual and Aboriginal significance,
- (g) to minimise the risk to the community in areas subject to environmental hazards, particularly flooding and bushfire, by managing development in sensitive areas,
- (h) to ensure that development incorporates the principles of sustainable development through the delivery of balanced social, economic and environmental outcomes, and that development is designed in a way that assists in reducing and adapting to the likely impacts of climate change.

It is submitted that the proposed development is not inconsistent with these objectives.

Land Use and Permissibility

The subject site is zoned *R1 General Residential* with the following zone objectives applying to that zone.

- To provide for the housing needs of the community.
- To provide for a variety of housing types and densities.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To ensure that a high level of residential amenity is achieved and maintained.
- To ensure that new development reflects the desired future character and dwelling densities of the area.

The proposed development is consistent with the objectives of the zone in that:

- The application will result in additional housing that is in significant demand in this location.
- The development provides for a variety of housing lot sizes and configurations which will result in diversity of housing product delivered to the market.

- A high level of residential amenity will be provided as a result of the associated landscape works proposed, and the considered approach to streetscape infrastructure, ensuring potential future impacts are mitigated.
- The proposal is consistent with the desired future character of this locality, as has also been demonstrated through the development that has been delivered in earlier stages.

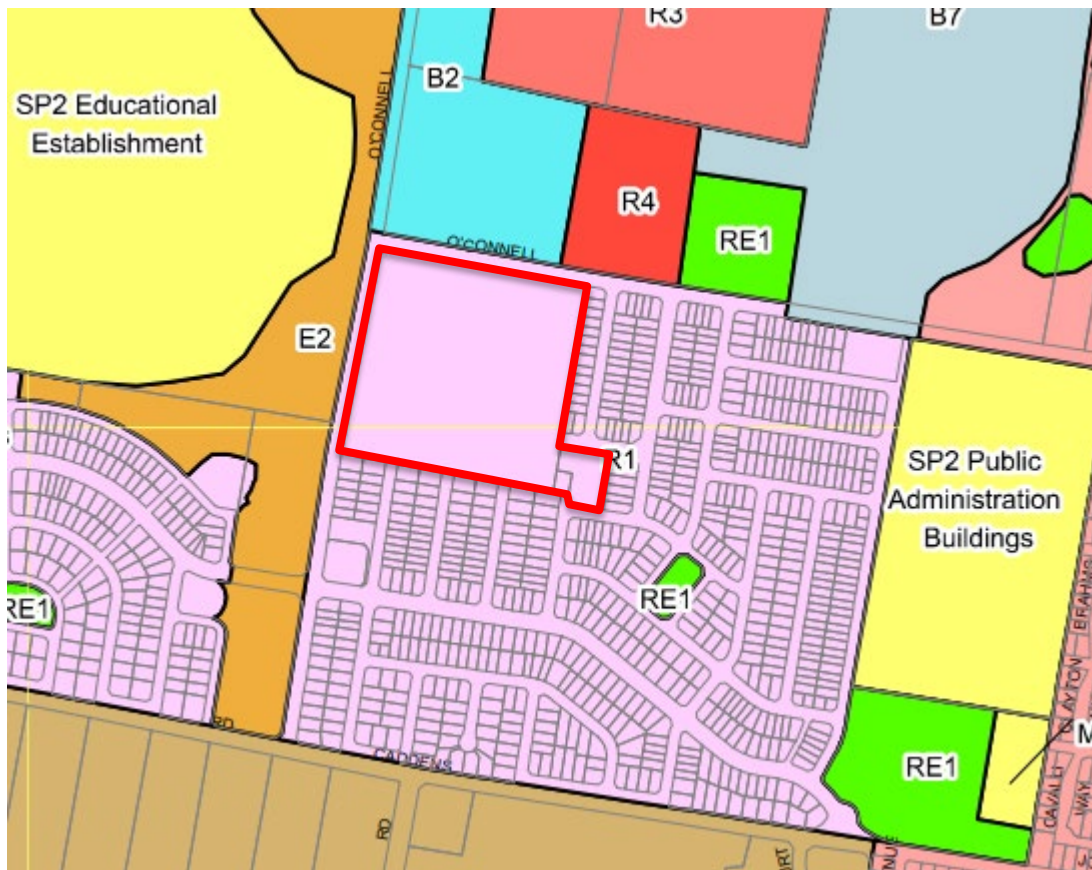


Figure 12 Land use zoning map

The following relevant clauses have also been considered in respect of this development proposal.

Clause 2.6 - Subdivision—consent requirements

Clause 2.6 allows for subdivision of land to which the LEP applies, so long as it meets the minimum lot size shown on the accompanying maps.

There is no minimum lot size for this site. Lot sizes and densities are guided by the controls within Penrith's DCP 2014, addressed later in this report.

Clause 4.3 - Height of buildings

This application relates to the subdivision of land. Building heights will be considered in future development applications.

Clause 7.1 – Earthworks

The objectives of this clause include;

- (a) to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land,
- (b) to allow earthworks of a minor nature without separate development consent.

The proposed earthworks are detailed in the accompanying civil plans. In this regard we note;

- Cut and fill is minimised where possible.
- Retaining walls will be limited to a maximum 1.5m in height.
- The proposed stages have been designed to integrate into already completed stages.

The development is considered to satisfy this LEP clause.

Clause 7.5 - Protection of scenic character and landscape values

The objectives of this clause include;

- (a) to identify and protect 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.

Whilst the area has been mapped as land that has scenic values, the proposed development is consistent with the built form and housing outcomes envisioned for the estate. In this regard the development is not inconsistent with these objectives.

Clause 7.6 – Salinity

The objectives of this clause include;

- (a) to protect natural hydrological systems by minimising soil disturbance and ensuring appropriate land use management,
- (b) to avoid the adverse effects of rising salinity on land, including damage to infrastructure and buildings, loss of productive agricultural land and other adverse environmental effects.

The western part of the subject site is mapped as having potential salinity issues. The accompanying geotechnical report responds to this issue provide a range of recommendations that can be adopted in any consent.

Clause 7.7 - Servicing

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
 - (b) the development will have adequate facilities for the removal and disposal of sewage, and
 - (c) if the development is for seniors housing, the development can be connected to a reticulated sewerage system, and
 - (d) the need for public amenities or public services has been or will be met.

Appropriate services will be connected to enable the development to be progressed. In this regard, the relevant utility providers will be consulted prior to the issue of Construction Certificates.

4.5 PENRITH DEVELOPMENT CONTROL PLAN 2014

The following assessment has been made in respect of the relevant development controls for the proposed stages in the Caddens area within the DCP. Some of the DCP controls have not been included as they are more relevant to development beyond the scope of this DA.

E1 Caddens																
Section	Comment															
1.2 Structure Plan																
1.2.3 Dwelling Yield and Diversity																
B. Controls																
1)	A minimum of 1,247 dwellings is to be delivered.	The number of dwellings across the entire estate exceeds this number.														
2)	For each precinct the minimum dwelling yield outlined in Table E1.1 is to be achieved.	Refer below for commentary.														
3)	As part of a subdivision application, an applicant is to demonstrate to Council how the objective of 15 dwellings per hectare is to be achieved for that development so that the overall precinct minimum dwelling yields will be achieved.	The proposed development satisfies this rate, given the total number of dwellings to be constructed in Caddens will ultimately exceed the dwelling targets initially established.														
4)	The creation of a super lot or residue parcel is to specify the minimum dwelling yield which that lot will be required to deliver.	Noted. However, typology for Stage 10 has not yet been confirmed and so a dwelling yield cannot yet be indicated.														
<p>Table E1.1 – Dwelling yield</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 30%;">Sub precinct</th> <th style="width: 30%;">Minimum dwelling yield</th> <th style="width: 40%;"></th> </tr> </thead> <tbody> <tr> <td>A</td> <td style="text-align: center;">377</td> <td rowspan="6" style="vertical-align: top; padding-left: 10px;">The subject site is located within precinct B, where a minimum 634 dwellings are to be delivered. Including this application, Legacy is responsible for delivering 710 dwelling in Precinct B. This does not include the proposed Stage 10, or development by others. The DCP requirement has already been met.</td> </tr> <tr> <td>B</td> <td style="text-align: center;">634</td> </tr> <tr> <td>C</td> <td style="text-align: center;">102</td> </tr> <tr> <td>D</td> <td style="text-align: center;">134</td> </tr> <tr> <td>Total</td> <td style="text-align: center;">1247</td> </tr> </tbody> </table>			Sub precinct	Minimum dwelling yield		A	377	The subject site is located within precinct B, where a minimum 634 dwellings are to be delivered. Including this application, Legacy is responsible for delivering 710 dwelling in Precinct B. This does not include the proposed Stage 10, or development by others. The DCP requirement has already been met.	B	634	C	102	D	134	Total	1247
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5)	A diverse range of housing types is to be provided in accordance with Figure E1.5		<p>The site is mapped as needing to provide a range of “detached, semi-detached, built to boundary, attached and studio dwellings.” The subdivision proposed will deliver a diverse range of housing types that will be consistent with these requirements.</p> <p>Additional diversity in the housing product offered in this area is also delivered through the range of lot sizes that are on offer.</p>													

6)	Where topography permits, higher density development, such as attached dwellings, multi unit dwellings and residential flat buildings, should be located adjacent or near areas of higher amenity like the Precinct Centre, the riparian corridor and parks.	In consultation with Council, smaller lots (increased densities) have been proposed on flatter parts of the site. Fortunately, these areas are located closer to the Caddens Corner neighbourhood centre, and the landscape featured detention basin.																					
7)	Development must provide a variety of lot sizes, dwelling types and dwelling sizes to create opportunities for a wide range of housing needs to be met.	<p>This application provides a diverse lot mix that directly responds to the demands of the market, and is summarised as follows:</p> <table border="1" style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th>Size range</th> <th>No. of lots</th> <th>% lot mix</th> </tr> </thead> <tbody> <tr> <td>250-299</td> <td style="text-align: center;">18</td> <td style="text-align: center;">15%</td> </tr> <tr> <td>300-349</td> <td style="text-align: center;">25</td> <td style="text-align: center;">21%</td> </tr> <tr> <td>350-399</td> <td style="text-align: center;">59</td> <td style="text-align: center;">49%</td> </tr> <tr> <td>400-449</td> <td style="text-align: center;">5</td> <td style="text-align: center;">4%</td> </tr> <tr> <td>450+</td> <td style="text-align: center;">14</td> <td style="text-align: center;">12%</td> </tr> <tr> <td>Total</td> <td style="text-align: center;">121</td> <td style="text-align: center;">100%</td> </tr> </tbody> </table> <p>We note the majority of lots exceed 350sqm in area. Notwithstanding, Council indicated a desire for this application to fully demonstrate the orderly coordination of street infrastructure and the ultimate dwelling designs that would end up being constructed. In this context, we have submitted a specific Street Infrastructure Plan that shows how the potential conflicts between dwelling design and elements such as driveway location, street trees, kerb inlets and garbage bin placement, can be minimised. Arising from the Street Infrastructure Plan will be a limitation on what lots within the subdivision can, and cannot, accommodate a double garage.</p> <p>Through the pre DA process, Council rightly expressed frustration over the ultimate street and dwelling arrangements that can be delivered in greenfield developments. We consider the preparation of a Street Infrastructure Plan has assisted in ensuring these aspects are planned efficiently across the stages proposed. The applicant has sought input from a project home builder in the development design which has enabled the coordination of subdivision infrastructure and proposed dwelling footprints. This has resulted in a whole of life approach to the subdivision design that considers and responds to the street character and presentation intended in this DCP.</p>	Size range	No. of lots	% lot mix	250-299	18	15%	300-349	25	21%	350-399	59	49%	400-449	5	4%	450+	14	12%	Total	121	100%
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1.3 The Public Domain

1.3.1 Street Network and Design

B. Controls

1)	The street network is to be provided generally in accordance with Figure E1.6 and must incorporate a new collector road to by-pass Caddens Road	The proposed network is consistent with the network indicated in the DCP.
2)	<p>Where any variation to the residential street network indicated at Figure E1.6 is proposed, the alternative street network is to be designed to achieve the following principles:</p> <ol style="list-style-type: none"> a) establish a direct and open network that is based on a modified grid system; b) encourage walking and cycling and reduce travel distances; c) maximise connectivity between residential areas, open space and the Precinct Centre; d) take account of topography and accommodate significant vegetation; e) provide frontage to and maximise surveillance of open space and the riparian corridor; f) provide views and vistas to landscape features; and 	<p>Minor variations to the network have been proposed (and are supported by Council) as:</p> <ul style="list-style-type: none"> • Additional intersections with O'Connell Street are undesirable. • Increased pedestrian and bicycle permeability are preferred outcomes, encouraging walking and riding. • The topography of the land and the DCP requirements have influenced the proposed arrangements. <p>The proposed layout is considered to satisfy the DCP provision.</p>

g)	minimise the use of cul-de-sacs. If required, the maximum number of dwellings to be served by the head of a cul-de-sac is six.	
3)	Streets are to be provided in accordance with the cross-sections at Figure E1.7. The dimensions shown on these typical diagrams are minimums only. Alternative street designs may be permitted on a case-by-case basis if they preserve the functional objectives and requirements of the design standards.	Provided and demonstrated in the submitted plans.
4)	Except where otherwise provided for in this DCP, all streets and roundabouts are to be designed and constructed in accordance with the minimum requirements set out in the Penrith Council Engineering Design Specifications.	Provided and demonstrated in the submitted plans.
5)	Where roads are adjacent to public reserves or riparian corridors, the verge widths may be reduced to a minimum of 1m, subject to footpaths, public utilities, bollards and fencing being adequately provided for, and riparian corridors requirements being addressed.	Provided and demonstrated in the submitted plans.
6)	Where possible and practicable, the verge width is to be increased to 4.8m in front of dwellings where the front setback is less than 4.5m.	Provided and demonstrated in the submitted plans.
7)	Street trees are required on all streets. Street planting is to: <ul style="list-style-type: none"> a) minimise risk to utilities and services; b) be durable and suited to the street environment and include endemic species; c) maintain adequate lines of sight for vehicles and pedestrians, especially around driveways and street corners; d) provide appropriate shade; e) provide an attractive and interesting landscape character without blocking the potential for street surveillance; and f) be sited to minimise interference with street lighting. 	Street trees are provided throughout the stages proposed and their placement has considered street frontage infrastructure as indicated in the accompanying plans.

1.3.5 Open Space, Environmental Conservation and Landscape Network

B. Controls

1)	The open space network, consisting of active and passive open space, together with the riparian corridor and other areas of conservation value are to be provided generally in accordance with Figure E1.10.	The entire estate is generally consistent with this Figure. One small variation to the DCP is the relocation of the detention basin to the north-western corner of the site. In consultation with Council, this location better suits the civil and stormwater design proposed, and also benefits the estate as acting as a 'green gateway' when approaching from the north.
2)	The design and embellishment of public open space must satisfy the principles of high quality, robust, low maintenance design and address the vision for Caddens.	These principles have been incorporated into the landscape concept.
3)	The provision of open space and facilities including embellishment is to be consistent with the WELL Precinct Section 94 Contributions Plan.	Noted.

4)	Passive open space should generally be bordered on all sides by streets and houses should be oriented towards the open space for passive surveillance.	Noted.
5)	<p>The detailed design of public open space areas is to incorporate the following elements, where appropriate, in accordance with the Open Space Strategy and the WELL Precinct Section 94 Contributions Plan:</p> <ul style="list-style-type: none"> a) play and other spaces to cater for a range of ages; b) adequate car and bicycle parking, lighting and waste management facilities; c) amenities such as seating and shade structures, drinking fountains, lighting, information signs, feature fencing and the like; and d) linkages with the broader pedestrian and cycle network. 	Noted. Incorporated into the plans where required.
6)	The hilltop parks should be designed generally in accordance with the Caddens Public Domain Strategy and the design requirements described in this section of the Plan. Figures E1.11 and E1.12 provide indicative concept plans for these hilltop parks.	Not applicable.
11)	<p>The detention basins are to be landscaped so that they appear as natural rather than engineered features and sit harmoniously in their surroundings. They are to be designed and treated to satisfy the requirements of this section of the Plan and to accord with the Caddens Public Domain Strategy. Figure E1.15 provides an indicative concept plan for their design which is to typically incorporate the following elements as appropriate:</p> <ul style="list-style-type: none"> a) a natural/organic basin form with steeper slopes facing east to avoid the hot westerly winds and exposure to afternoon sun; b) a rain garden at the base of the basin with sloped embankments (capable of being mowed); c) a 1.5m path informally planted with native trees with low level under planting to define the top of the detention basin; d) passive open space; and e) seating areas along flatter slopes where possible to allow views across the rain gardens. 	The landscaping of the detention basin has been designed sympathetically to the engineering requirements of that space.
12)	The environmental conservation area is to accord with the Riparian Corridor Management Plan and the requirements set out in Sections 3.5 and 3.8 of this section and is to be designed generally in accordance with Figures E1.16 and E1.17.	Noted.
1.3.10 Contamination Management		
B. Controls		
1)	DAs for development in areas of potential contamination as identified at Figure E1.20 shall be accompanied by a Phase 2 Environmental Site Assessment in accordance with Council's policies and requirements.	Provided with this application, along with a Remediation Action Plan.

1.4 Residential Development

1.4.1 Subdivision and Neighbourhood Design

B. Controls

1)	Subdivision layout should generally be in accordance with Figure E1.2 and is to create a recognisable, open and networked street hierarchy that responds to natural topography, the location of existing significant trees and solar design principles.	The proposed subdivision pattern is consistent with figure E1.2.
2)	Pedestrian connectivity is to be provided between residential development and public open space areas, public transport nodes, and community facilities and services.	Provided for through the northern and western boundaries of the subject site.
3)	Lot orientation and configuration is to be generally consistent with the subdivision principles shown at Figure E1.22. Preferred lot orientation is either on a north-south or east-west axis as per Figure E1.22. Where there are other forms of amenity available, such as views or an outlook over open space, an alternative lot orientation can be considered.	Provided and demonstrated in the accompanying plans.
4)	A diverse range of lot types and frontages should be provided in each street. The repetition of lots with the same frontage along a street is to be avoided. For lots 12.5m wide and above, no more than five lots in a row should have the same frontage.	A diverse range of housing lots are proposed. There is no repetition of lot widths within the proposed stages.
5)	The minimum area for corner lots is 450m ² .	The proposed subdivision pattern complies with this requirement. Notwithstanding, and as was delivered in previous stages, Torrens title courtyard homes are being proposed to contribute to the diversity in housing product offered to the market. These are proposed on Lots 795, 796, 873, 874, 877, 878, 897 and 898. Whilst they are Torrens title lots, once completed will appear as one large dwelling, noting that when combined, each corner will exceed 500sqm in area.

6) The minimum lot dimensions for all dwelling types at Caddens are set out in Table E1.2.

Table E1.2: Minimum lot dimensions

Dwelling type	Lot area (m ²)	Lot width (m)	
Detached – contiguous (sharing a common border) with Caddens Road*	600	18	<p>One of the biggest constraints of the subject site is the fact that it is the last to be developed in the estate. This has posed challenges in creating an efficient grid layout that is consistent with the DCP requirements yet provides each lot with a high level of private open space amenity.</p> <p>Consequently, whilst lot widths can be achieved, lot depths influence the lot area with some minor variations being sought. However, we note lot widths proposed as part of this application are generally consistent with this control and the overall intent of the DCP.</p> <p>Where minor non compliances have occurred, street infrastructure has been considered and smaller lots are proposed as single garage dwellings only. The submitted Street Infrastructure Plan, demonstrates the efficient planning of both stages and the ability for dwellings and public domain to be integrated.</p> <p>The proponent has sought input from a project home builder in the development design which has enabled the coordination of subdivision infrastructure and proposed dwelling footprints. This has resulted in a whole of life approach to the subdivision design that considers and responds to the street character and presentation intended in this DCP.</p>
Detached	450	15	
Detached	350	12.5	
Built to boundary	350	10 -15	
Semi-detached	225	7.5 -10	
Attached	195	7.5 -9.5	

7)	<p>All applications for subdivision proposing residential allotments with a site area of less than 350m² are to be accompanied by development plans for the proposed dwellings on those lots. Council may waive this requirement where an application for subdivision creates no more than 2 lots with a site area less than 350m² per dwelling and it is satisfied that the subdivision application demonstrates (through use of restrictions such as building envelopes, preferred locations for garages and open space and the like) that an appropriate built form that complies with the relevant provisions of this DCP can be delivered on the lot. These restrictions will be approved as part of the subdivision application and will be required to be complied with by any future application proposing a dwelling on that lot.</p>	<p>A building envelope plan (BEP) accompanies this application detailing the development outcomes on lots less than 350sqm. We note the BEP's demonstrate compliance with the DCP for future dwelling footprints.</p>
8)	<p>On lots greater than or equal to 350m² in size where a built to boundary (zero lot line) dwelling is permitted, the side of the allotment that may have a zero-lot alignment shall be shown on the approved subdivision plan. The Section 88B instrument for the subject lot and the adjoining lot shall include a note identifying the potential for a building to have a zero lot line.</p>	<p>Noted. Can comply.</p>
<p>1.4.2 Streetscape, Feature Elements and Roof Design</p>		
<p>Can comply. Will be demonstrated in future dwelling applications.</p>		
<p>1.4.3 Dwelling Height, Massing and Siting</p>		
<p>Can comply. Will be demonstrated in future dwelling applications.</p>		
<p>1.4.4 Building Setbacks</p>		
<p>Can comply. Will be demonstrated in future dwelling applications.</p>		
<p>1.4.5 Development Forms</p>		
<p>Can comply. Will be demonstrated in future dwelling applications.</p>		

The proposed development is considered to be consistent with the relevant DCP provisions.

5 KEY PLANNING ISSUES

The following impacts have been considered in the preparation of this development proposal.

5.1 TRAFFIC GENERATION AND PARKING

A Traffic and Parking Impact Assessment accompanies this application that considers the proposed development. The development is considered acceptable on traffic grounds given that:

- The proposed road system is generally compliant with the DCP.
- Intersection and driveway access is in accordance with the relevant Standards.
- Adequate sight lines have been provided.
- There will be no adverse traffic impacts.

5.2 NOISE IMPACTS

An Acoustic Impact Assessment has been undertaken in relation to traffic noise impacts from O'Connell Street and O'Connell Lane. As a result of that assessment a number of facades of future homes are recommended to be acoustically treated. The treatment will include glazing and insulation specifications to be met at the time of dwelling construction. Such recommendations can be incorporated into restrictions on the title of land.

5.3 BUSHFIRE IMPACTS

The site is mapped as being bushfire prone lands, albeit in a very minor way. A Bushfire Impact Assessment therefore accompanies the application. The proposed development can satisfy the provisions of *Planning for Bushfire Protection 2019* based on the recommendation within that report.

General Terms of Approval will need to be issued by the NSW Rural Fire Service prior to the application being determined.

5.4 SOCIAL AND ECONOMIC IMPACTS

There are no negative social or economic impacts arising from this development proposal. Positive impacts include increased housing supply, additional diversity in housing stock, and the completion of the Caddens release area.

6 SECTION 4.15 ASSESSMENT

An assessment of the proposal has been undertaken in accordance with the statutory requirements of the EPA Act. The following assessment against Section 4.15 of the EPA Act has been undertaken.

6.1 SECTION 4.15(1)(A)(I) – ANY ENVIRONMENTAL PLANNING INSTRUMENTS

The relevant environmental planning instruments have been considered earlier in this report. These include the following:

- *Biodiversity Conservation Act 2016*
- *State Environmental Planning Policy No 55 – Remediation of Land*
- *Sydney Regional Environmental Plan No 20 – Hawkesbury Nepean River*
- *Penrith Local Environmental Plan 2010*
- *Penrith Development Control Plan 2014*

The proposal is permissible with consent and is considered satisfactory when assessed against the relevant controls.

6.2 SECTION 4.15(1)(A)(II) – ANY PROPOSED INSTRUMENT

There are no known draft Environmental Planning Instruments applicable to the subject site.

6.3 SECTION 4.15(1)(A)(III) – ANY DEVELOPMENT CONTROL PLAN

Compliance against the relevant DCP has been considered earlier in this report.

6.4 SECTION 4.15(1)(A)(IIIA) – ANY PLANNING AGREEMENT OR DRAFT PLANNING AGREEMENT

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

6.5 SECTION 4.15(1)(A)(IV) – THE REGULATIONS

There are no sections of the regulations that are relevant to the proposal at this stage.

6.6 SECTION 4.15(1)(A)(V) – ANY COASTAL ZONE MANAGEMENT PLAN

Not relevant to the proposed development.

6.7 SECTION 4.15(1)(B) – THE LIKELY IMPACTS OF THE DEVELOPMENT

Potential impacts have been considered in this report as well as the accompanying consultant reports. Appropriate mitigation responses have been recommended that can be incorporated into any approval. There is no substantial reason why this proposal could not be supported based on its potential impacts.

6.8 SECTION 4.15(1)(C) – THE SUITABILITY OF THE SITE FOR THE DEVELOPMENT

The proposal is generally consistent with the planning controls that apply in this zone. Moreover, the objectives of the zone have been satisfied, ensuring that the proposed subdivision would not result in any unacceptable impact on any adjoining landowners or buildings.

The site is considered to be suitable for the development for the reasons outlined below:

- The proposal is permissible with consent in the R1 zone.
- The proposal represents an appropriate land use and built form located on an appropriately serviced site that is in an accessible location.
- The proposal is compatible with surrounding land uses, representing an appropriate extension to the existing Caddens release area.
- The proposal represents an increase in diverse housing stock.

6.9 SECTION 4.15(1)(D) – ANY SUBMISSION MADE

Council may undertake a notification process in accordance with its controls and policies. We welcome the opportunity to provide additional information in response to any submissions received.

6.10 SECTION 4.15(1)(E) – THE PUBLIC INTEREST

Given the type of development, its general compliance with the planning controls, how the objectives are satisfied and the suitability of the site it is considered that the public interest would not be jeopardised as a result of this development.

7 CONCLUSION AND RECOMMENDATION

The proposed development has been assessed against the requirements of the Penrith LEP and DCP and is considered to represent a form of development that is acceptable.

The proposed subdivision would not result in any unacceptable impact on the locality. The site is considered quite suitable for a use of this nature and is consistent with nearby and adjoining development.

An assessment against Section 4.15 of the EPA Act has not resulted in any significant issues arising.

Accordingly, it is recommended that the proposed development be approved.