

682 Castlereagh Road, Agnes Banks  
NSW 2753

Development Application for a  
Community Facility

## Statement of Environmental Effects

12 March 2018

THE COUNCIL APPROVAL EXPERTS



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# Table of Contents

<b>Introduction</b>	<b>3</b>
<b>The Subject Site and Locality</b>	<b>4</b>
Subject Site Details	4
Summary Environmental Mapping Constraints	5
Site Zoning	5
Relevant LEP Maps	6
<b>The Proposed Development</b>	<b>8</b>
Development Proposal Description	8
Pre-lodgement Meeting	8
Commercial/Industrial Operational Details	15
<b>Environmental Assessment</b>	<b>16</b>
State Environmental Planning Policies	16
SEPP Infrastructure 2007	16
SEPP Advertising and Signage.	16
SEPP 55 – Remediation of Land	16
<b>Local Environmental Plan</b>	<b>17</b>
Penrith Local Environmental Plan 2010	17
General Provisions	17
Zone Objectives – Zone RU1 – Primary Production	21
<b>Development Control Plan</b>	<b>22</b>
Penrith Development Control Plan 2014	22
Section 4.15 Considerations	38
Suitability of the Site for the Development	38
Public Interest	38
Section 4.15 of the Environmental Planning and Assessment Act, 1979	38
<b>Summary and Conclusion</b>	<b>39</b>
Recommendation	39



## Introduction

*Fragar Planning & Development* has been engaged by *Rick Shah* to prepare and submit a Development Application for a community facility at 682 Castlereagh Road, Agnes Banks NSW 2753. Once determined, this proposal will provide consent for a community facility for Vaishnav Sangh of Sydney.

We thank Penrith City Council staff members who have been of assistance during the formulation phase of this development application.

Specifically, this Statement of Environmental Effects (SoEE) includes

- an analysis of the subject site and the surrounding locality;
- a description of the proposed development;
- an analysis of the proposal against the provisions of the *Penrith Local Environmental Plan 2010 (LEP 2010)*, relevant SEPPs and deemed SEPPs, and other relevant statutory controls that apply to the site; and
- conclusion.

This SoEE is submitted in accordance with Schedule 1 of *The Environmental Planning and Assessment Regulation 2000* for the purposes of

- demonstrating that the environmental impact of the development has been considered; and
- outlining the steps to be undertaken to protect the environment and to mitigate any potential harm, if necessary.

This SoEE concludes that the proposal is consistent with the objectives and provisions of the *LEP 2010*. We are pleased to present this SoEE for a community facility, which, once approved, will provide consent for the development of a community facility for Vaishnav Sangh of Sydney.

## The Subject Site and Locality

The subject site is located at 682 Castlereagh Road, Agnes Banks NSW 2753 and is legally described as Lot 2 DP 252556. The overall site is 2.02 ha and improved by a dwelling. The site obtains vehicular access from Koorungal Avenue. Surrounding land uses are rural and rural residential in all directions.

### Subject Site Details

Address	Lot DP	Size
682 Castlereagh Road, Agnes Banks NSW 2753	Lot 2 DP 252556	2.02 ha



Diagram 1 – Aerial photos



Diagram 2 – Locality plan



Diagram 3 – Photo of the dwelling





Diagram 4 – Photo of the site when viewed from the southwest corner

## Summary Environmental Mapping Constraints

- **LEP Zoning:** The site is zoned under the *Penrith LEP 2010* as RU1 – Primary Production.
- **Heritage:** The site is not mapped as Heritage Conservation Area.
- **Bush Fire Prone Land:** The site is mapped as Vegetation Category 2, Low 14 - Bush Fire Prone Land.
- **Scenic and Landscape Values:** The site is mapped as Land with Scenic and Landscape Values.
- **Strategic Agricultural Land:** The site is mapped as Biophysical Strategic Agricultural Land.
- **Lot Size:** The site is mapped with Lot Size 20 ha (AB2).

## Site Zoning

The subject site is zoned RU1 – Primary Production under the *Penrith LEP 2010*.

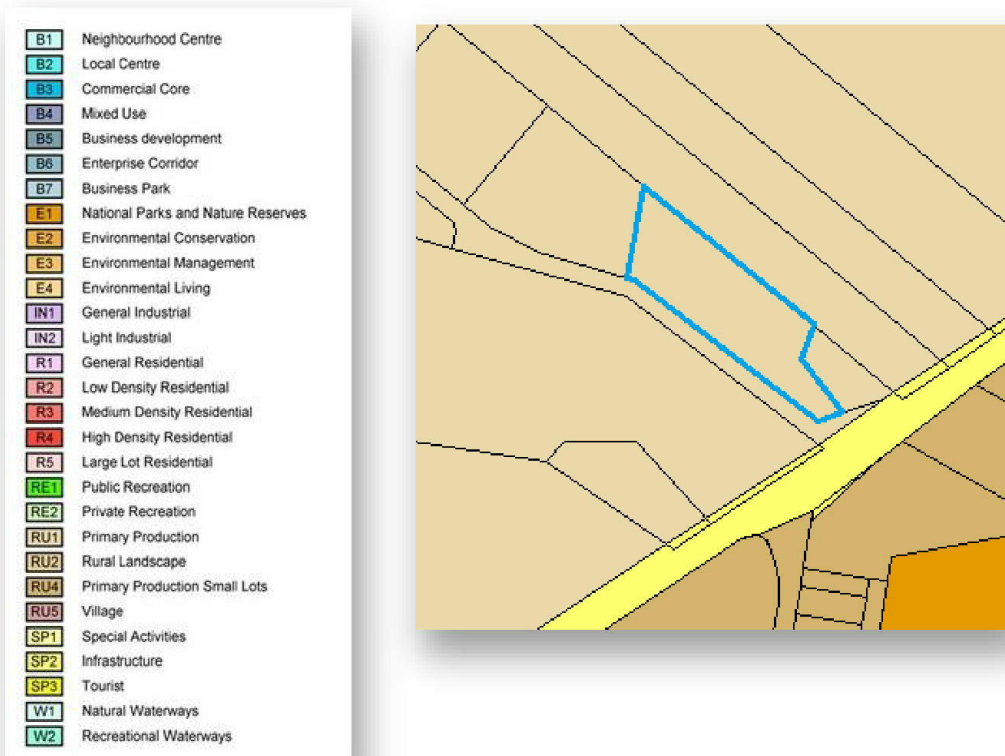


Diagram 5 – The site is zoned under Penrith LEP 2010 as RU1 – Primary Production

### The objectives of Zone RU1 – Primary Production are:

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To encourage diversity in primary industry enterprises and systems appropriate for the area.
- To minimise the fragmentation and alienation of resource lands.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To protect and enhance the existing agricultural landscape character of the land.
- To ensure development is compatible with the environmental capabilities of the land and does not unreasonably increase the demand for public services or public facilities.
- To preserve and improve natural resources through appropriate land management practices.

### The following uses are permitted without consent

Extensive agriculture; Home occupations; Intensive plant agriculture

### The following uses are permitted with consent

Agricultural produce industries; Agriculture; Animal boarding or training establishments; Bed and breakfast accommodation; Building identification signs; Business identification signs; Cellar door premises; Community facilities; Dual occupancies; Dwelling houses; Environmental facilities; Environmental protection works; Extractive industries; Farm buildings; Farm stay accommodation; Flood mitigation works; Forestry; Home-based child care; Home businesses; Home industries; Information and education facilities; Intensive livestock agriculture; Open cut mining; Roads; Roadside stalls; Rural supplies; Secondary dwellings; Stock and sale yards

### The following uses are prohibited

Any other development not specified in item 2 or 3

## Relevant LEP Maps

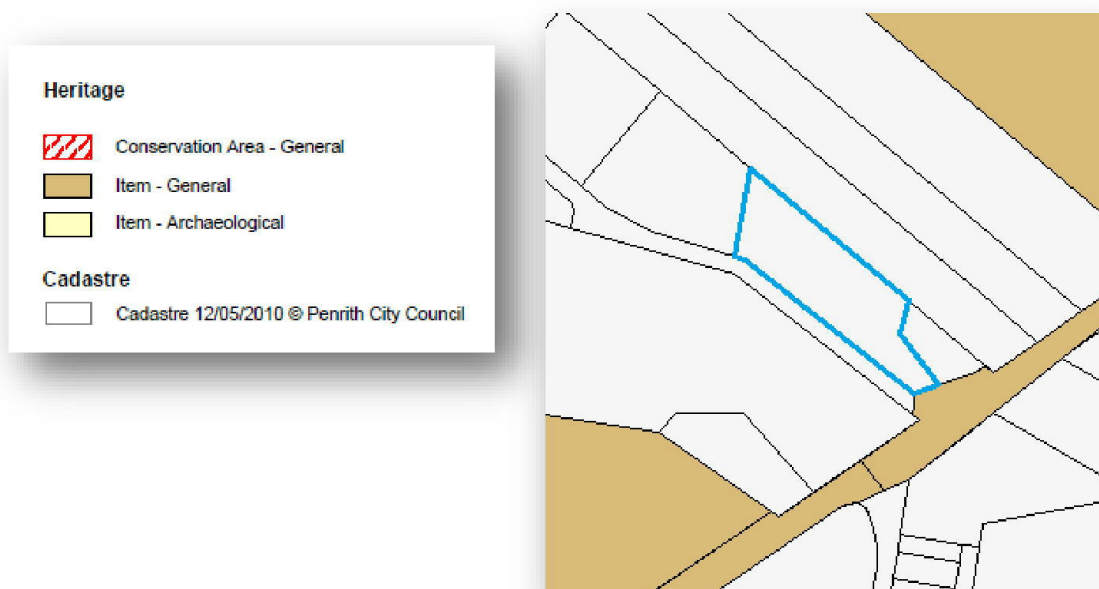




Diagram 6 – The site is not mapped as a Heritage Conservation Area

-  Land with Scenic and Landscape Values
-  Vistas of heritage items

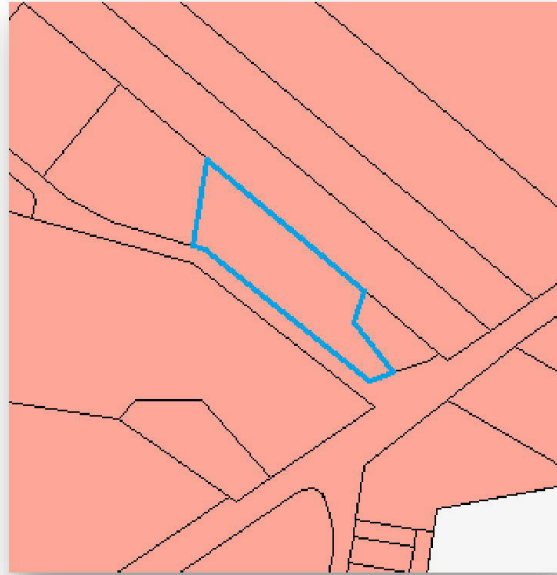





Diagram 7 – The site is mapped as Land with Scenic and Landscape Values

- Bush Fire Prone Land**
-  Buffer14
-  Low14
-  High\_Med14

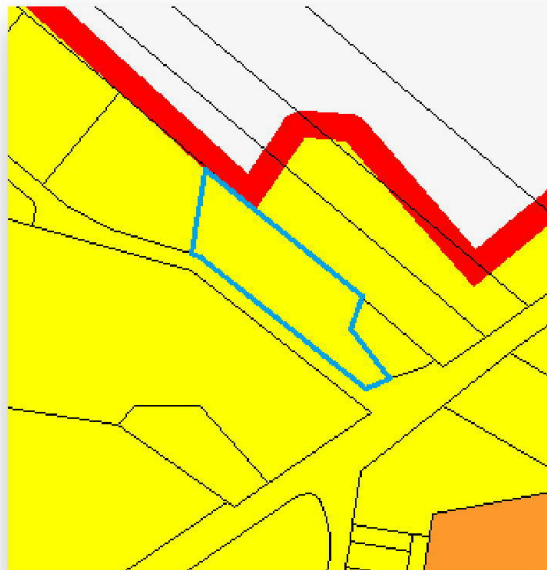


Diagram 8 – The site is mapped as Low 14 - Bush Fire Prone Land





## The Proposed Development

### Development Proposal Description

The development proposal is for a community facility, which is permitted with consent in the zone. A *community facility* means a building or place:

- (a) owned or controlled by a public authority or non-profit community organisation, and
- (b) used for the physical, social, cultural or intellectual development or welfare of the community, but does not include an educational establishment, hospital, retail premises, place of public worship or residential accommodation.

Specifically, the proposal includes the following:

- a) Change of use of existing premises to an Indian community facility
- b) Construction of a 450 m<sup>2</sup> covered awning on concrete slab to the rear of the existing dwelling to be used for social and cultural gatherings
- c) Conversion of the existing four-bedroom dwelling to a library, entertainment room, and community hall
- d) Conversion and extension of the single garage to an art room
- e) Construction of two car parks
- f) Construction of a children's play area, volleyball court, viewing platform, and monument
- g) The community facility will cater for maximum 200 people on event days.

### Pre-lodgement Meeting

A pre-lodgement meeting was held with council on 22 June 2017. We provide the following responses to the items identified in the pre-lodgement meeting.

Items identified in the pre-lodgement meeting	Responses
<p><b>Permissibility</b></p> <p>Compliance with the definition of '<i>community facility</i>' is to be demonstrated. You are to submit documentation that demonstrates the owner is a non-profit community organisation. This is critical to the permissibility of the development application.</p> <p>You are to address how the application is not a prohibited use. This includes, though is not limited to: 'place of public worship', 'education facility', 'entertainment facility' and 'childcare centre'.</p> <p>Please address, in the statement of environmental effects, how the proposed development meets the aims and objectives of the relevant planning policies.</p>	<p>Compliant. Vaishnav Sangh of Sydney is a not-for-profit organisation established in Sydney for over 14 years. The main objective of the organisation is to conduct regular educational and cultural activities for the Indian community, as well as celebrating key festivals with the community and providing an educational service to children and youth.</p> <p>The organisation meets the definition of a community facility, because of the following reasons:</p> <ul style="list-style-type: none"> <li>a) It is a registered charity. This can be confirmed by searching the ACNC Register for Vaishnav Sangh of Sydney, ABN 3365206023. In addition, a Not-for-profit Certificate of Registration is attached as Document 8.</li> <li>b) The proposed development will be used for cultural development.</li> </ul> <p>The centre does not meet the definition of an <i>educational establishment</i>:</p> <p>Educational establishment means a building or place used for education (including teaching), being: (a) a school, or (b) a tertiary institution, including a university or a TAFE establishment,</p>





that provides formal education and is constituted by or under an Act.

Also, the centre does not meet the definition of the definition of a *place of public worship*:

Place of public worship means a building or place used for the purpose of religious worship by a congregation or religious group, whether or not the building or place is also used for counselling, social events, instruction or religious training.

There are a number of examples of similar community facilities in Penrith including:

<https://www.penrithcity.nsw.gov.au/Community-and-Library/Community/St-Marys-Corner/>  
<https://www.penrithcity.nsw.gov.au/Facilities-and-Recreation/Halls-and-Centres/Find-a-hall/> (a long list of halls and centres)  
<http://www.nepeancommunity.org.au/facility-hire/>

The watercourse is identified on the attached survey plan and site plan. The only development proposed within 40 m of the watercourse is a 1.8 m fence around the dam, a 6 m × 15 m viewing deck, and a landscape feature.

Compliant. See Clause 5.10 in the Penrith LEP compliance table.

Compliant. A Visual Impact Assessment (undertaken in accordance with Penrith DCP and LEP Cl. 7.5) is attached as Document 12.

The Landscape Plan attached as Document 3c provides full details of proposed tree removal and plantings.

One of the proposed car parks remains within the front setback to Castlereagh Street. Landscaping is proposed to screen the car park from both Castlereagh Street and the adjoining property to the north. This location is most suitable for this car park as it allows the views to the northwest to be retained. Additional parking is proposed on the western side of the existing house to accommodate

### Mapped watercourse

The site is identified as having a mapped watercourse. You are encouraged to contact the Office of Water for their requirements. The application will be referred as an 'integrated' development application to the Office of Water where works are proposed within 40 metres of the mapped watercourse.

### Heritage

The requirements of Clause 5.10 of Penrith Local Environmental Plan (LEP) are to be addressed within the Statement of Environmental Effects with particular reference to the nearby heritage items. The application is likely to be referred to Council's Heritage Advisor for review and comment during the assessment process.

### Scenic and landscape values

A Visual Impact Assessment is to be undertaken in accordance with Penrith Development Control Plan (DCP). The provisions of LEP 2010 (Clause 7.5) and DCP 2014 are to be addressed. The proposed monument will be assessed in the context of the proposed development, including, though not limited to, the landscape plan.

### Vegetation

Clause 5A of the Environmental Planning and Assessment Act 1979 is to be addressed where native vegetation is proposed for removal. Where the Threatened Species and Conservation Act 1995 is triggered, a test of significance is to be undertaken. Retention of existing vegetation is preferred, and embellishment of existing vegetation, particularly along the boundaries of the site is encouraged for screening, rural character and amenity purposes.

### Design

The location of the car parking area within the front setback to Castlereagh is questioned, as is the need to separate car parking areas on the site. Consideration of the car parking in this area will be subject to consideration of proposed landscaping, vegetation removal and the merits of the proposal.



### Easement

It is Council's policy not to allow development over easements.

### Bushfire

Section 79BA of the Environmental Planning and Assessment Act 1979 is to be addressed, and Planning for Bushfire Protection.

### Services

You are encouraged to discuss this proposal with service providers (energy, water, gas, telecommunications) for their requirements. You are to demonstrate that disposal areas for any on site sewerage system are shown on a site plan and that required buffer distances (including to boundaries, water courses and structures) are provided.

### Flood related development controls

Chapter C3 (Section 3.5 - Flood planning) of DCP 2014 applies this application. Refer to Engineering advice for further requirements.

### Plan of management

A plan of management is to be provided that addresses:

- Safety and security (including fencing of the boundary and the dam, lighting and emergency response);
- Site maintenance including, though not limited to, vegetation management and how use of effluent disposal areas will be avoided.

### Accessibility

Pedestrian connectivity between buildings and locations on site, and from the entrance of the site is required.

### Waste requirements

Councils Waste Services department has reviewed the application PL17\_0053 located at 682 Castlereagh Road, Agnes Banks. The current proposal will consist of a Community Centre. The following is to be submitted with any development application for the proposed purpose:

A plan of operations outlining how the development will be serviced by a waste collection contractor, including vehicle dimensions, swept path outlining collection route and site of waste collection.

A detailed waste management plan to be submitted outlining the proposed waste generation rates expected for the site for each waste stream (residual and recycling).

for larger events. This area also accommodates minibus parking and parking for people with a disability.

Eleven trees are proposed for removal to accommodate the development. The removal of these trees is offset by proposed planting of 31 trees and 394 shrubs. Full details are provided in the Landscape Plan attached as Document 3c.

The drainage easement on the southern boundary of the property is illustrated in the DA Plans attached as Document 3b. Minor work is proposed over the existing drainage easement to allow access to the proposed car parking areas. The easement remains accessible; thus, it is considered acceptable.

A Bushfire Hazard Assessment Report is attached as Document 11. The report concludes that the site has a BAL of 12.5 and can achieve the performance criteria of *Planning for Bushfire Protection 2006*.

Compliant. Connections for telecoms, electricity, and reticulated water are existing. The On-site Wastewater Report attached as Document 5 demonstrates compliance.

See Chapter C3 – Section 3.5.

Compliant. An Operational Plan of Management is attached as Document 10.

Compliant. An Access Report is attached as document 16.

A Waste Management Plan (attached as Document 9) provides full details of waste management during the demolition and construction phases as well as ongoing operational waste management.





On-site waste infrastructure to be outlined on architectural plans outlining on-site storage infrastructure and the movement of bins from the internal storage to the proposed collection area.

### **Environmental management requirements**

#### **On-site sewage management**

##### *Wastewater Assessment Report*

The site is not connected to sewer and as such all facilities that generate wastewater will be required to be connected to an on-site sewage management system. Council records show that the current dwelling is serviced by a septic tank and absorption trench.

Given the proposed non-domestic use, a Wastewater Assessment Report will need to be submitted to provide details of the proposed method of managing the wastewater generated by the development. The Wastewater Report will need to be prepared by a suitably qualified consultant and address the requirements of Council's On-Site Sewage Management and Grey water Reuse Policy and Australian Standard 1547:2012, giving consideration to the anticipated water load (consider expected attendance at all services, events and other activities) and disposal methods.

It is noted that the site is heavily restricted, as it contains a marked watercourse, is affected by flooding, overland flow and a drainage easement. In turn, the required buffer distances may not be able to be achieved on site. For example, 100 metres is required from the marked watercourse, and 40 metres is required from the drainage easement that runs along the sites southern boundary. In turn, the Environment Team will not support the development proposal without suitable justification should these areas be encroached.

The report submitted with the pre-lodgement documentation provided has been considered, and the following comments are made for your consideration prior to the submission of the development application:

- As a new on-site sewage management system is proposed for the site, the existing system will need to be decommissioned.
- The proposed reserve area needs to be greater than 1 metre away from the primary proposed effluent disposal area - this will prevent the reserve area from becoming saturated and unusable should the primary effluent disposal area fail.
- Currently, there is a 95 metre buffer to the watercourse on the property from the proposed effluent disposal area. The Policy requires a 100 metre buffer to a permanent watercourse. Further justification would be required regarding this aspect.
- The proposed location of the tanks does not appear to achieve the required 3 metre buffer from the proposed facility (existing dwelling).

At present, the on-site sewage management system is proposed to be located outside of the flood affected area of the site. In turn, no special provisions are considered necessary to address this aspect at this time.

*An Operational Wastewater Management Plan (OWMP) will be required as the Onsite Sewage Management facility proposed is to be used for non-domestic purposes.*

An On-site Wastewater Management Report is provided as Document 5.



The OWMP shall be prepared by a suitably qualified consultant and is to address all environmental aspects of the operation of the on-site sewage management systems, all systems and controls to be implemented to minimise the potential for any adverse environmental impacts, and a program for ongoing monitoring and review to ensure that the OWMP remains contemporary with relevant environmental standards. The OWMP should include but is not limited to the following:

- System information (including specifications and site plans)
- Monitoring and testing
- Maintenance and servicing program (treatment system and irrigation system)
- System performance
- System failure contingency
- Odour management
- Landscape and disposal area management
- Health and safety

#### **Waste**

A Waste Management Plan will need to be provided to address the waste produced during the demolition, construction and operational phases of the development. It should address waste types, waste quantities, storage locations and removal. Vehicular access for collection also needs to be addressed

#### **Noise**

An Acoustic Report is required to be submitted as a part of the development application to demonstrate that the proposed place of worship will not have any impact on nearby sensitive receivers. This report is to be prepared by a suitably qualified acoustic consultant, and is to consider:

- The 'NSW Industrial Noise Policy' in terms of assessing the noise impacts associated with development, including noise from inside the various spaces of the facility (including meeting areas, activity rooms, etc.), the outdoor areas, any events (ceremonies, celebrations), plant and equipment, the use of the driveway and carpark, deliveries and garbage removal;
- The potential impact from road traffic noise resulting from vehicles entering and exiting site, demonstrating compliance with NSW 'Road Noise Policy'; and
- The 'Interim Construction Noise Guideline' in assessing the impacts associated with the construction phase of the development.

Should mitigation measures be necessary, recommendations should be included in the Report to this effect.

Recommendations and mitigation measures must be shown on all architectural plans. Any fencing treatments proposed should give consideration to the rural character of the area and neighbouring properties (amenity and solar access).

#### **SEPP 55 – Remediation of land**

The application is to address all relevant requirements under State Environmental Planning Policy 55 Remediation of Land (SEPP 55). Council cannot consent to any development unless these requirements have been satisfied. The application is to demonstrate that the land is suitable for the proposed purpose.

#### **Engineering requirements**

Preliminary information related to Operational Wastewater Management Plan is provided as Document 15. A full operational waste management plan can be provided at CC stage. This requirement can be conditioned to the consent.

Addressed above

It is noted that the proposal is not for a place of worship, but for a *community facility*.

An Assessment of Noise Impact is included within this SoEE. A separate acoustic report is not considered necessary at this time, as the proposed use will not generate high levels of noise.

Standard noise control conditions, such as limiting construction times and hours of operation, will be sufficient to mitigate any potential noise impacts.

See SEPP 55 assessment below.





### Stormwater

Stormwater drainage for the site must be in accordance with the following:

- Council's Development Control Plan,
- *Stormwater Drainage for Building Developments (Working Draft)* policy, and
- *Water Sensitive Urban Design Policy and Technical Guidelines*.

A stormwater concept plan, accompanied by a supporting report and calculations, shall be submitted with the application

- This development will require an easement to drain water over downstream properties. Evidence of owners consent shall be provided with the application for the provision of the easement. The easement to drain water must be registered prior to the issue of an operational consent.
- The application shall demonstrate that downstream stormwater systems have adequate capacity to accommodate stormwater flows generated from the development. This may require the provision of on-site detention to reduce stormwater flows or upgrade of stormwater infrastructure to increase capacity.
- A water sensitive urban design strategy prepared by a suitably qualified person is to be provided for the site. The strategy shall address water conservation, water quality, water quantity, and operation and maintenance.

### Mainstream flooding

The site is affected by mainstream flooding from Nepean River.

- Information currently held by Council indicates that the 1% AEP flood level affecting the site is estimated to be 18.4m AHD (please note that this level is subject to change should further modelling be undertaken).
- All plans for the site shall have levels and details to AHO.
- The application must demonstrate that the proposal is compatible with the State Government Floodplain Development Manual and Council's Local Environmental Plan and Development Control Plan for Flood Liable Lands.
- The application must be accompanied by a Flood Report prepared by a suitably qualified person.
- All habitable floor levels shall be a minimum RL 18.9 m AHO (1% AEP flood level + 0.5m freeboard).

### Local overland flows

- The site is affected by local overland flows.
- Information currently held by Council indicates that the 1% AEP water surface level affecting the site is estimated to be Level m AHD (please note that this level is subject to change should further modelling be undertaken). The applicant should ensure that this information is reviewed by a suitably qualified engineer.
- All plans for the site shall have levels and details to AHO.
- The application must demonstrate that the development proposal is consistent with Council's Development Control Plan for Flood Liable Land.
- All habitable floor levels shall be a minimum RL 18.9 m AHO (1% AEP water surface level +0.5m freeboard).

### Earthworks

Stormwater will be collected for reuse on site, with overflow directed to a grassy swale within the property boundary. The Stormwater Concept Plan attached as Document 7 provides full details.

The 1% flood level affecting the site is 18.4m AHD. The DA plans attached as Document 3b illustrate that the proposed development has a finished floor level of RL 30.21 AHD, well above the minimum RL 18.9 m AHO (1% AEP flood level + 0.5m freeboard).

See comments above.



- No retaining walls or filling is permitted for this development which will impede, divert or concentrate stormwater runoff passing through the site.
- Earthworks and retaining walls must comply with Council's Development Control Plan.
- Proposed fill material must comply with Council's Development Control Plan

#### Building requirements

- The existing dwelling will be required to be upgraded to comply with the Building Code of Australia in relation to fire safety. In this regard, this is likely to include the following:
    - Compliant latches to all required exit doors.
    - Installation of emergency lighting and exit signs.
    - Installation of portable fire extinguishers.
    - Alteration of the existing air conditioning system to shut down on the detection of smoke in accordance with NSW Table E2.2b of the Building Code of Australia.
- Disabled car parking spaces are required to be provided at a rate of 1 per 50 spaces or part thereof.
- Access for persons with a disability will need to be provided to all newly constructed buildings and structures in accordance with the requirements of the Disability (Access to Premises Standards) 2010 from the allotment boundary -and any disabled car parking spaces. This will include the provision of pathways of appropriate widths and gradients in accordance with AS1428.1-2009.
- Facilities (including facilities for persons with a disability) are required to be provided in accordance with the Building Code of Australia.
- Further clarification of the specific use of the awning structure proposed to the rear of the existing dwelling is to be provided with the Development Application to enable an accurate BCA classification to be determined.

#### Traffic requirements

- A traffic and parking report is to be submitted with development application demonstrating on-site parking is acceptable for number of people over range of days/events
- Accessible parking is to be provided
- Confirm that larger events are held off-site
- Main parking area is to be hardstand and line-marked
- Location of overflow parking to be identified on-site
- Location of bus parking if required
- Aisle widths and turning paths are to cater for largest vehicle (e.g. bus)
- On-street parking is not supported
- Population and parking numbers are to be consistent throughout documents and plans

#### Public health

Any kitchen that will supply food for sale as defined in the Food Act will need to be fitted out in accordance with the Food Standards Code. Please contact David Durie on 4732 8213 for advice relating to the sale of food.

Documents to be submitted with development application

#### Survey drawing to AHD

The proposal includes filling in the existing pool. Fill will be sourced from a reputable supplier, and requirements can be conditioned to the DA consent.

Compliant. See Document 3b, Plans, and Document 16, Access Report.

The awning will be used for social and cultural gatherings.

Compliant. A Transport Impact Study is attached as Document 6.

See Document 3b for kitchen details. Further details can be conditioned to the consent and provided at CC stage.

Compliant. All necessary documents are attached to this application.



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## Site Plan

- Floor Plan(s)
- Elevation and Section Plans
- Statement of Environmental Effects
- Stormwater Concept Plan
- Waste Management Plan
- WSUD Strategy
- Landscape Plan
- Traffic and Parking Assessment Report
- Contamination Assessment addressing SEPP 55 (in SEE)
- Schedule of External Materials and Finishes
- Access Statement
- Signage Details (if proposed)
- Operational Plan of Management
- Acoustic Report / Statement
- Waste water assessment report
- Visual impact assessment
- Light spill diagram

One (1) printed and two (2) x CD copies of your development application

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## Commercial/Industrial Operational Details

### Opening Hours

It is proposed that the community facility will be open seven days a week.

Administrative duties staff will be attending the site during the week, and their work hours are as follows: Monday–Friday—five people (max.), Saturday–Sunday—seven people (max.); timings—any time during the day.

Community site users attend the site: Monday–Friday—15 persons between 5 p.m. and 7 p.m. Saturday–Sunday—50 to 100 people between noon and 7 p.m.

*Event Day* is represented by a regular fortnightly event, with 200 persons attending fortnightly, approximately 25 times per year.

### Total Number of Staff

The proposed maximum number of staff is seven.

### Maximum Number of Visitors

The maximum number of visitors proposed is 200 on *Event Days*. Monday to Friday will be maximum 15, Saturday–Sunday 100.

### How Often Will Events Occur

- Daily—small groups (15 people)
- Weekly—100 people
- Event Days—fortnightly on a Sunday

### Staff at Any One Time

The proposed number of staff on site at any one time is Seven.





## Environmental Assessment

### State Environmental Planning Policies

#### **SEPP Infrastructure 2007**

The proposed community facility has been assessed against the provisions of Schedule 3 of *SEPP Infrastructure – Traffic generating development*.

*Community facilities* are not specifically identified in Schedule 3; however, *places of assembly or places of public worship* are identified. It is considered a *community facility* could be considered a *place of assembly*.

The subject site does not gain access via a classified road; therefore, the trigger for referral to the RMS is 200 or more motor vehicles. The Transport Impact Study (attached as Document 6) identifies that the peak number of vehicles is 167; thus, referral to the RMS is not required.

#### **SEPP Advertising and Signage.**

No signage is proposed at this time.

#### **SEPP 55 – Remediation of Land**

SEPP 55 Cl. 7(2) states:

(2) Before determining an application for consent to carry out development that would involve a change of use on any of the land specified in subclause (4), the consent authority must consider a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines.

(3) The applicant for development consent must carry out the investigation required by subclause (2) and must provide a report on it to the consent authority. The consent authority may require the applicant to carry out, and provide a report on, a detailed investigation (as referred to in the contaminated land planning guidelines) if it considers that the findings of the preliminary investigation warrant such an investigation.

(4) The land concerned is:

(a) land that is within an investigation area,

(b) land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out,

(c) to the extent to which it is proposed to carry out development on it for residential, educational, recreational or child care purposes, or for the purposes of a hospital—land:

(i) in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and

(ii) on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge).

#### **We provide the following response:**

4(a) A search of the EPA contaminated land record was conducted on 26 October 2017. The subject site is not identified as an investigation area on the register.

4(b) The subject site has been historically used as a rural residential property and a base for a pet supplies business, Pet lovers Gifts. To our knowledge, none of the activities identified in Table 1 of the *Contaminated Land Planning Guidelines* have been carried out on the subject site.

4(c) The proposal is for a *community facility*, which is a *recreational purpose*.

(i) As described above, to our knowledge none of the activities identified in Table 1 of the *Contaminated Land Planning Guidelines* have been carried out on the subject site.

(ii) The subject site is zoned RU1 – Primary Production. Lawful uses identified in Table 1 that may have been carried out include agricultural/horticultural activities, mining and extractive industries, and sheep and cattle dips.





## Local Environmental Plan

The *Penrith LEP 2010* is the primary planning instrument applicable to the subject site. The property is zoned RU1 – Primary Production under the *LEP 2010*. The development provisions of the *LEP 2010* for consideration and comment relative to compliance are outlined in the table below.

### Penrith Local Environmental Plan 2010

#### General Provisions

Clause	Provisions	What is proposed and statement of compliance
1.1	Name of Plan	Noted.
1.1AA	Commencement	Noted.
1.2(2)	Aims of Plan	
	(a) to provide the mechanism and planning framework for the management, orderly and economic development, and conservation of land in Penrith,	Consistent.
	(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,	Consistent.
	(c) to accommodate and support Penrith's future population growth by providing a diversity of housing types, in areas well located with regard to <u>services, facilities</u> and transport, that meet the <u>current and emerging needs of Penrith's communities</u> and safeguard residential amenity,	Consistent.
	(d) to foster viable employment, transport, education, agricultural production and future investment opportunities and <u>recreational activities</u> 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,	Consistent.
	(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,	Consistent.
	(f) to protect and enhance the environmental values and heritage of Penrith, including places of historical, aesthetic, architectural, natural, <u>cultural</u> , visual and Aboriginal significance,	Consistent.
	(g) to minimise the risk to the community in areas subject to environmental hazards, particularly flooding and bushfire, by managing development in sensitive areas,	Consistent.
	(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.	Consistent.
1.3	Land to which Plan applies	The project is on land governed by this Plan.
1.4	Definitions	Compliant. <b>Community facility</b> means a building or place: (a) owned or controlled by a public authority or non-profit community organisation, and (b) used for the physical, social, cultural or intellectual development or



		welfare of the community, but does not include an educational establishment, hospital, retail premises, place of public worship or residential accommodation.
1.5	Notes	Noted.
1.6	Consent authority	The consent authority for the purposes of this Plan is (subject to the Act) the Council.
1.7	Maps	Noted.
1.8	Repeal of planning instruments applying to land	Noted.
1.8A	Savings provision relating to development applications	Not relevant.
1.9	Application of SEPPs	The project will comply with all relevant SEPPs.
1.9A	Suspension of covenants, agreements and instruments	Noted.
2.1	Land use zones	The relevant zone is RU1 – Primary Production.
2.2	Zoning of land to which Plan applies	The relevant zone is RU1 – Primary Production.
2.3	Zoning objectives and Land Use Table	See discussion below.
2.4	Unzoned land	Not relevant.
2.5	Additional permitted uses for particular land	Not relevant. The subject site is not identified in Schedule 1.
2.6	Subdivision	Not relevant. No subdivision is proposed.
2.7	Demolition requires development consent	Compliant. Minor demolition is proposed to allow for the proposed alterations and additions to the existing building. See attached plans for details.
2.8	Temporary use of land	Not relevant.
3	Exempt and complying development	Not relevant.
4	Principal development standards	
4.1	Minimum subdivision lot size	Not relevant. No subdivision is proposed.
4.1A	Minimum lot sizes for dual occupancies, multi dwelling housing and residential flat buildings.	Not relevant.
4.1AA	Minimum subdivision lot size for community title schemes	Not relevant.
4.1AB	Minimum subdivision lot size for strata plan schemes in certain rural, residential and environmental protection zones.	Not relevant.
4.2	Rural subdivision	Not relevant.
4.3	Height of buildings	Not relevant. The subject site is not identified on the Height of Buildings map.
4.4	Floor space ratio	Not relevant. The subject site is not identified on the floor space ratio map.
4.5	Calculation of floor space ratio and site area	Not relevant.
4.6	Exceptions to development standards	Not relevant.
5.1	Relevant acquisition authority	Not relevant.

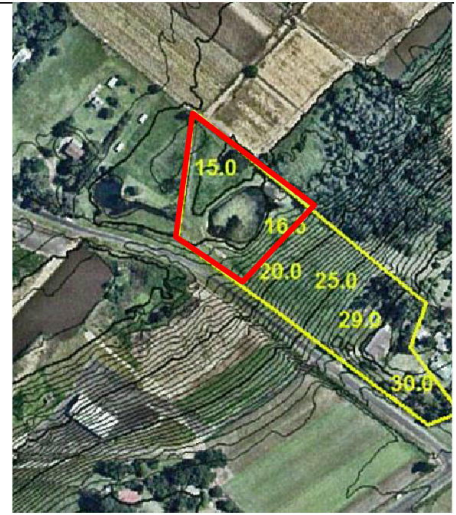


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5.2	Classification and reclassification of public land	Not relevant.
5.3	Development near zone boundaries	Not relevant.
5.4	Controls related to miscellaneous permissible uses	Not relevant.
5.5	Development within the coastal zone	Not applicable.
5.6	Architectural roof features	Not relevant. The subject site is not identified on the Height of Buildings map.
5.7	Development below mean high water mark	Not applicable.
5.8	Conversion of fire alarms	Not relevant.
5.9	Preservation of trees or vegetation	Repealed.
5.9AA	Trees or vegetation not prescribed by development control plan	Repealed.
5.10	Heritage conservation	Compliant. Although the site is not listed as a heritage item or located within a heritage conservation area, the Castlereagh Road Alignment is mapped as Local Heritage item 261. The proposed development does not alter the existing interaction with Castlereagh Road, and no works are proposed within this verge; thus, it is considered the proposal will not impact upon this local heritage item.
5.11	Bush fire hazard reduction	Noted.
5.12	Infrastructure development and use of existing buildings of the Crown	Not relevant.
5.13	Eco-tourist facilities	Not relevant.
5.14	Siding Spring Observatory – maintaining dark sky.	Not adopted.
5.15	Defence communications facility	Not adopted.
Part 6	Urban release areas	Not relevant.
7.1	Earthworks	The proposal includes filling in the existing pool. Fill will be sourced from a reputable supplier, and requirements can be conditioned to the DA consent.
7.2	Flood planning	Compliant. The 1% flood level affecting the site is 18.4m AHD. The DA plans (attached as Document 3) illustrate that the proposed development has a finished floor level of RL 30.21 AHD, well above the minimum RL 18.9 m AHO (1% AEP flood level + 0.5m freeboard). Approximately one-third of the property is affected by the 1% AEP flood from overland flow path (outlined in red below).

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Only minor works are proposed in this location (a monument landscape feature and viewing deck).

**7.3** Development on natural resources sensitive land

Not relevant. The subject site is not identified on the Natural Resources Sensitivity Land map.

**7.4** Sustainable development

Compliant.

**7.5** Protection of scenic character and landscape values.  
(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 development, to minimise the visual impact of the development from major roads and other public places.

Compliant. The subject site is identified on the Scenic and Landscape Values map. The proposed development comprises a modest extension to the existing dwelling on the subject site. The proposal is for a single-story community facility and ancillary structures.

Visual impacts of the proposal are minimised from both Castlereagh Road and Koorinal Drive by using landscaping screens around the parking areas. The proposed development will continue to present to the street as a single-storey dwelling.

The subject site is not located in an area with any significant public places.

The significant view from the property is to the northwest towards the Nepean River and Blue Mountains National Park. A Visual Impact Assessment is attached as Document 12.

**7.6** Salinity

Not relevant.

**7.7** Servicing

Compliant. Electricity, telephone, and reticulated water services are existing. No reticulated sewer is available, and on-site waste disposal is proposed. An On-site Wastewater Report (attached as Document 5) demonstrating the site is suitable for on-site wastewater disposal.





7.8	Active street frontages	Not relevant.
7.9	Development of land in the flight paths of the site reserved for the proposed Second Sydney Airport	Not relevant.
7.10	Dual occupancies and secondary dwellings in certain rural and environmental zones	Not relevant.
7.11	Penrith Health and Education Precinct	Not relevant.
7.12	Maximum gross floor area of commercial premises	Not relevant.
7.13	Exhibition homes limited to 2 years	Not relevant.
7.14	Cherrywood Village	Not relevant.
7.15	Claremont Meadows	Not relevant.
7.16	Glenmore Park Stage 2	Not relevant.
7.17	Dwelling houses on certain land in Castlereagh, Cranebrook, Llandilo, Londonderry, Kemps Creek and Mulgoa.	Not relevant.
7.18	Mulgoa Valley	Not relevant.
7.19	Villages of Mulgoa and Wallacia	Not relevant.
7.20	Orchard Hills	Not relevant.
7.21	Twin Creeks	Not relevant.
7.22	Waterside	Not relevant.
7.23	Location of sex services premises and restricted premises.	Not relevant.
7.24	Sydney Science Park	Not relevant.

### ***Zone Objectives – Zone RU1 – Primary Production***

<b>Objective</b>	<b>Provisions</b>	<b>What is proposed and statement of compliance</b>
<b>1</b>	To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.	Consistent.
	To encourage diversity in primary industry enterprises and systems appropriate for the area	Consistent.
	To minimise the fragmentation and alienation of resource lands.	Consistent.
	To minimise conflict between land uses within this zone and land uses within adjoining zones.	Consistent.
	To protect and enhance the existing agricultural landscape character of the land.	Consistent.
	To ensure development is compatible with the environmental capabilities of the land and does not unreasonably increase the demand for public services or public facilities.	Consistent.
	To preserve and improve natural resources through appropriate land management practices.	Consistent.
<b>2</b>	Permitted without consent	Not relevant.
<b>3</b>	Permitted with consent	Compliant. Community facilities are permitted with consent.
<b>4</b>	Prohibited	Compliant. This proposal is not prohibited development.



## Development Control Plan

### Penrith Development Control Plan 2014

The *Penrith DCP (2014)* contains relevant guidelines for the development of a community facility. The key DCP guidelines relevant to the subject site are *Part C: City Wide Controls* and *Part D: Land Use Controls*, outlined below.

Objective	Provisions	What is proposed and statement of compliance
<b>B –</b>	<b>DCP principles</b>	
<b>1.2 Principles</b>	1. Provide a long term vision for cities, based on sustainability; intergenerational, social, economic and political equity; and their individuality.	Consistent.
	2. Achieve long term economic and social security.	Consistent.
	3. Recognise the intrinsic value of biodiversity and natural ecosystems, and protect and restore them.	Consistent.
	4. Enable communities to minimise their ecological footprint.	Consistent.
	5. Build on the characteristics of ecosystems in the development and nurturing of healthy and sustainable cities.	Consistent.
	6. Recognise and build on the distinctive characteristics of cities, including their human and cultural values, history and natural systems.	Consistent.
	7. Empower people and foster participation.	Consistent.
	8. Expand and enable cooperative networks to work towards a common, sustainable future.	Consistent.
	9. Promote sustainable production and consumption, through appropriate use of environmentally sound technologies and effective demand management.	Consistent.
	10. Enable continual improvement, based on accountability, transparency and good governance.	Consistent.
<b>C –</b>	<b>Site planning and design principles</b>	
<b>1.1</b>	Site planning provided	Compliant. A Site Plan is attached as Document 3b. A Visual Impact Assessment is attached as Document 12.
<b>1.2</b>	<b>Design principles</b>	Consistent.
<b>1.2.3</b>	<b>Built form – Height, bulk and scale</b>	Compliant. The proposed building is single storey and comprises an extension to the existing dwelling. The scale and finishes are in keeping with the area, and there are no overshadowing or separation issues.
<b>1.2.5</b>	<b>Safety and security (Principles of crime prevention through environmental design)</b>	Can comply. In accordance with this clause, the proposed development application would be referred to the NSW Police Service.
	<b>1. Natural surveillance</b>	<b>Natural Surveillance</b>
	From a design perspective, ‘deterrence’ can be achieved by:	Natural surveillance is available from the building to the car parks
	• Locating public services in areas of high activity;	



- Providing clear sightlines between public and private places;
- Avoiding blind corners in pathways, stairwells, hallways and car parks;
- Ensuring that the range of land uses within a building increases opportunities for natural surveillance;
- Providing natural surveillance into communal and public areas;
- Locating entries that are clearly visible from the street;
- Designing fences that maximise natural surveillance from the street to the building and from the building to the street, and minimise opportunities for intruders to hide;
- Installing security grilles, shutters and doors that allows natural observation of the street;
- Installing effective lighting in public places that does not produce glare or dark shadows; and
- Ensuring that landscaping does not obstruct natural surveillance or provides a place to hide or entrap victims.

## 2. Access control

Effective access control can be achieved by:

- Ensuring buildings are clearly identified by street number;
- Providing clear entry points;
- Creating landscapes and physical locations that channel and group pedestrians into target areas;
- Using vegetation as barriers to deter unauthorised access;
- Using building materials/security that reduces the opportunity for intruder access;
- Designing public spaces that attract rather than discourage people from gathering;
- Restricting access to internal areas or high-risk areas such as loading or service areas;
- Ensuring there are appropriate security measures in place commensurate for the range of land uses within a building/development; and
- Ensuring that parking areas are clearly identified by signage to prevent unintended access and to assist persons trying to find their car.

## 3. Territorial reinforcement

Territorial reinforcement can be achieved in the design of the development by:

- Having distinct transitions/boundaries between the public and private areas; and
- Clearly defining spaces to express a sense of ownership and reduce illegitimate use/entry

## 4. Space management

Space management includes:

- Creating a 'cared for' image through proper maintenance regimes;
- Rapid repair of vandalism and graffiti, the replacement of burned out pedestrian and car park lighting and the removal or refurbishment of decayed physical elements;
- Using materials that reduce the opportunity for vandalism; and
- Encouraging design that promotes pride and a sense of place for the community.

and the road. Details of ingress and egress are provided on the plans attached as Document 3. The site is surrounded by a boundary fence. The car parks and building will be lit during events, and sensor lights used on the outside of the building to deter unauthorised entry.

## Access Control

The subject site is clearly identified by street number. Proposed car parking access is clearly identified by entry driveways, and pedestrian paths then channel pedestrians to the entrance of the community facility.

Vegetation barriers are proposed along Castlereagh Road, a portion of Koorringal Drive, and with the adjoining property to the north east.

Public spaces including the main community hall and awning, children's play area, volleyball court, and viewing platform all provide spaces that attract people to gather.

An Access Report is provided as document 16.

## 1. Territorial Reinforcement

The subject site has distinct fencing to separate the boundaries between the public road and the community facility. Spaces within the facility are clearly defined and include the car park, children's play area, volleyball court, and the internal areas of the facility.

## 4.Space Management

The building will be maintained by regularly inspecting and rectifying any maintenance issues such as painting and cleaning. In the unlikely event of graffiti, this will be removed within 24 hours.





### 1.2.6 Maximising access and adaptability

Principles:

- 1. Equitable use:** The design is useful and marketable to people with diverse abilities.
- 2. Flexibility in use:** The design accommodates a wide range of individual preferences and abilities.
- 3. Simple and intuitive use:** Use of the design is easy to understand regardless of the individual's experience, knowledge, language skills or current concentration levels.
- 4. Perceptible information:** The design communicates useable information effectively to the user regardless of ambient conditions or the user's sensory abilities.
- 5. Tolerance for error:** The design minimises hazards and the adverse consequences of accidental or unintended actions.
- 6. Low physical effort:** The design can be used effectively and comfortably with a minimum of fatigue.
- 7. Size and space for approach and use:** Appropriate size is provided for approach, manipulation and use regardless of users body size, posture or mobility.

The proposed community facility has two parking spaces for people with a disability with direct access to the entry of the building. An Access Report is provided as document 16.

### C2 Tree management

The relevant definition of a prescribed tree is:

*In rural areas:*

*Any tree or other vegetation, within 20m of a dwelling house, having a height of 3m or more or a trunk diameter exceeding 100mm at 1400mm above ground level.*

*Any indigenous tree or vegetation, not within 20m of a dwelling house. Note: clearing of vegetation will only be considered where it is proposed in conjunction with a use permissible on that land.*

*Any introduction vegetation, not within 20m of a dwelling house, having a height of 3m or more or a trunk diameter exceeding 100mm at 1400mm above ground level.*

The 11 trees proposed for removal are identified on the attached landscape plan.

### C3 Water management

The proposed development is identified in table C3.1 as Other development not listed above. This development is required to meet Water Sensitive Urban Design (WSUD) Water Conservation 5(a) performance criteria.

This can be addressed by way of BASIX certificate OR Water Efficiency Labelling and Standards (WELS), minimum 4 star for toilets and taps and 3 star for showerheads and urinals, rainwater tanks to meet 80% of non-potable demand and passive cooling methods.

The minimum requirement for a 4-star rating for toilets and taps and 3-star for showers and urinals can be conditioned to the consent.

The Stormwater Concept Plan provided as document 7 identifies the proposed rainwater tank, which will meet 80% of the demand for non-potable water.

### 3.3 Watercourses, wetlands and riparian corridors

A watercourse is identified on the attached survey plan and site plan. The only development proposed within 40 m of the watercourse is a 1.8 m fence around the dam, a 6 m × 15 m viewing deck, and a landscape feature.

### 3.5 Flood planning

Submission requirements

- a) Where relevant, a comprehensive flood study, incorporating:
  - i) a survey of the main watercourse; ii) a survey of the site; and
  - iii) a detailed flood and drainage investigation which establishes the

Compliant. As described in the LEP table, the 1% flood level affecting the site is 18.4m AHD. The DA plans attached as

estimated 1% AEP (100 year ARI) flood level; is to be submitted with any development application on land identified as fully or partially flood affected. The levels on the survey are required to be verified during construction by a survey certificate.

b) The applicant shall be required to demonstrate to the satisfaction of Council (on the basis of a qualified consultant report) that:

i) The development will not increase the flood hazard or risk to other properties; ii) The structure of the proposed building works shall be adequate to deal with flooding situations; iii) The proposed building materials are suitable; iv) The buildings are sited in the optimum position to avoid flood waters and allow safe flood access for evacuation; v) The proposed redevelopment will not expose any resident to unacceptable levels of risk or any property to unreasonable damage; and vi) Compliance of any existing buildings with the Standard - Construction of Buildings in Flood Hazard Area and the accompanying handbook developed by the Australian Building Codes Board (2012).

#### Change of use of existing buildings

a) Development consent for change of use of an existing building with floor levels below the 1% AEP (100 year ARI) flood will only be given where it can be demonstrated by the applicant that: i) There is no foreseeable risk of pollution associated with the proposed use of the building in the event that the 1% AEP (100 year ARI) flood occurs; ii) All practical measures shall be taken to minimise the risk of flood damage to the property within the building by the 1% AEP (100 year ARI) flood. These measures could include:

- Flood proofing the building to the level of the 1% AEP (100 year ARI) flood by either construction of a wall or levee bank or some other means of preventing water entry;
- Raising the floor level of the building to the level of the 1% AEP (100 year ARI) flood; and/or
- Storing all equipment, machinery and stock above the 1% AEP (100 year ARI) flood level.

#### Rural uses

a) Applications for minor extensions to existing buildings and new buildings associated with rural uses that are below the 1% AEP (100 year ARI) flood (other than residential buildings) will be considered on their merits having regard to the proposed use and the potential for property loss.

#### Overland flow flooding

a) Council has undertaken a Penrith Overland Flow Flood 'Overview' Study. Consideration must be given to the impact on any overland flow path. Generally, Council will not support development obstructing overland flow paths. Development is required to demonstrate that any overland flow is maintained for the 1% AEP (100 year ARI) overland flow. A merit based approach will be taken when assessing development applications that affect the overland flow.

### 3.6 Stormwater management and drainage

a) The development of any lot should take into account the existing drainage patterns of the area, including any localised ponding, and whether the proposed development is likely to affect: i) Access to the site; ii) Drainage on adjoining properties; iii) Localised nuisance flooding on adjoining properties; and iv) Natural overland flow or drainage paths.

b) In areas where there are no defined drainage patterns, Council

Document 3b illustrates that the proposed development has a finished floor level of RL 30.21 AHD, well above the minimum RL 18.9 m AHO (1% AEP flood level + 0.5m freeboard). Approximately one-third of the property is affected by the 1% AEP flood from overland flow path (outlined in red below).



Only minor works are proposed in this location (a monument landscape feature and viewing deck).

Compliant. Stormwater will be collected for reuse on site, with overflow directed to a grassy swale within the property boundary. The Stormwater Concept Plan attached as Document 7 provides full details.





may require the applicant to liaise with the adjoining owners regarding the construction of a drain or channel to an existing watercourse.

c) Depending on the scale of the proposed development, the applicant may be required to address the following matters in their application:

i) The drainage capacity available for the site (e.g. if the site is connected to a centralised stormwater system, the existing drainage network capacity); ii) Where capacity may be limited, appropriate drainage measures, including possible on-site detention (determined by liaising with Council's Development Services Unit and receiving detailed advice from a qualified engineering consultant);

iii) If the site is affected by drainage constraints, the current stormwater discharge and likely future discharge. In this regard, a report prepared by a qualified engineer will be required and should demonstrate that the development will not overload trunk drains during peak storm events or cause localised flooding; iv) If the proposed development will result in additional pollutant loading (and the appropriate licences have been obtained from the relevant government authorities), details demonstrating that the drainage systems have adequate capacity for those pollutants and runoff will comply with the water quality requirements referred to in this Plan; and v) Any required easements across neighbouring properties.

Where easements are required, Council requires the submission of the adjoining owner's consent with the development application.

d) If the site does not have access to Council's stormwater drainage system, all drainage should be designed to ensure that the intensity, quantity and quality of surface runoff is not detrimental to downstream properties and watercourses.

e) If the site has access to Council's stormwater drainage system, all roof and surface water that is not recycled for use on the site must be discharged into Council's stormwater drainage system. No surface drainage will be permitted to discharge across Council's footways or reserves or enter adjoining land.

f) The applicant should demonstrate how existing soil type and associated constraints (e.g. salinity and poor percolation) have been considered in the drainage design).

## **C4 Land management**

### **4.1 Earthworks**

a) Any development application that proposes earthworks and therefore changes to the levels of a site, is required to clearly address the following in the Statement of Environmental Effects or a Geotechnical Report Land Management i) The location and extent of the earthworks on the site; ii) Justification for the need to change the land levels in terms of the overall development; iii) Any other impacts from the changed land levels as a consequence of the earthworks.

b) Where a building is proposed on land where the existing slope gradient is higher than 15% (or the land is likely to be subject to any land stability issues), the development application may be required to include a Geotechnical Report (prepared by a suitably qualified consultant).

c) Council will not permit a building to be placed on land where the existing slope gradient before development is greater than 20%.

d) Applicants should refer to the following sections of this DCP: i) Vegetation Management, to ensure vegetation is protected on the site, particularly where the vegetation is important to site stability; ii) Site Planning and Design Principles, to ensure any proposed

See comments above relating to earthworks.





development responds to the natural topography of the site; and iii)  
The other sections of this section relating to landfill, erosion and sedimentation, contaminated lands and salinity to determine if any additional information is required to address these issues.  
4) Limitations on earthworks  
a) Earthworks to create a building platform shall not be undertaken where excavation and/or filling would exceed 1m from the existing natural ground level of the site.  
b) On sloping sites, site disturbance is to be minimised by using split level or pier foundation building designs (see Figure C4.1).  
c) All retaining walls proposed for the site are to be identified in the development application for the proposed development. Retaining walls are to be kept to a minimum to reduce earthworks. Use of materials that complement the natural environment is encouraged.  
d) During any earthworks, any topsoil should be preserved on site for re-use and should be stockpiled and covered to avoid dust or loss of topsoil. Refer to the Landscape Design Section of this Plan for controls on stockpiling topsoil on site.

#### 4.2 Landfill

##### 1) Development Application Requirements

a) Applicants seeking Council's consent for landfill must provide a Landfill Validation Report (written by an appropriately qualified person).  
b) Council may require a further detailed investigation to occur if contamination is, or may be, present in the fill material to prove that the fill material is suitable for the proposed use. (Refer to the Contaminated Land Section of this Plan for further requirements).

##### 2) Landfill Requirements

a) Imported fill shall not include putrescible waste (i.e. waste that breaks down) or building material. Clean fill including soil, sand or virgin excavated natural material (VENM) is generally acceptable.  
b) The filled area shall be drained to Council's satisfaction and not impact upon the drainage characteristics of other properties in the catchment area.  
c) The material shall be suitably compacted and treated to prevent runoff and siltation of watercourses.  
d) Compaction of filled areas is to be 98% standard compaction and in accordance with relevant Australian Standards, including AS1289 Method of testing soils for engineering purposes and AS3798 Guidelines on earthworks for commercial and residential development, and Council's engineering standards. Compaction certificates are to be submitted to the private certifier or Council.  
e) The finished area shall be revegetated and stabilised to blend the filled area and natural surfaces  
f) Earth moved from areas containing noxious weed material must be disposed of at an approved waste disposal facility and transported in compliance with the Noxious Weed Act 1993.  
g) Fill within 10m of adjoining bushland must not be carried out. Any fill in the vicinity of bushland must only use material from the local area (in order to minimise spread of weeds) and must be carried out in a manner that does not cause adverse impacts to surrounding properties, local drainage systems and existing vegetation. Material which is likely to have an adverse environmental effect due to it being combustible, toxic, hazardous or dangerous must not be used.  
h) Fill must not be carried out within the drip line of existing trees.

Can comply. A small amount of fill will be required to fill in the swimming pool. This fill will be sourced from a reputable supplier, and this requirement can be conditioned to the consent.

#### 4.3 Erosion and sediment control

An Erosion and Sediment Control plan can be provided at CC.



#### 4.4 Contaminated lands

##### 4.4.2 Triggers for contamination investigation

See SEPP 55 assessment.

A contamination investigation is triggered when a land use change is proposed on lands which have previously been used for certain purposes that have the potential to result in contamination. Agricultural / horticultural activities are identified on the list.

#### Controls

- 1) Any application must provide appropriate information relating to past, present and proposed land uses.
- 2) Council will evaluate the site's potential for contamination in accordance with procedures established by this section. If there is any indication of a past land use or activity that may have caused contamination, Council will require additional information to prove that the site is suitable for the proposed use.
- 3) Council may require any site investigation report or similar information submitted in support of an application to be referred to a site auditor for an independent review. The auditor shall be nominated by Council. All costs associated with the review shall be borne by the applicant. All communication with the auditor shall be either with the knowledge of Council or in the presence of Council officers.

C5

#### Waste management

Compliant. A Waste Management Plan is attached as Document 9.

Applicants are to submit a Waste Management Plan when lodging a development application for:

- a) Demolition or construction of buildings;
  - b) Change of use of buildings for rural, residential, commercial and industrial developments;
  - c) Subdivision of land and/or buildings; or
  - d) Alterations to 50% or more of the existing gross floor area of buildings, or additions to buildings resulting in a 50% increase (or more) to the existing gross floor area.
- 2) The Waste Management Plan must be supported by scaled waste management drawings that are to assist in demonstrating compliance with the provisions of this Plan.
  - 3) A Waste Management Plan will also be required for applications for a Complying Development Certificate.
  - 4) The Waste Management Plan enables Council (or the Certifying Authority) to assess the waste likely to be generated by the development and ensure that appropriate actions are taken so as to properly manage the generation, storage and disposal of wastes.
  - 5) The Waste Management Plan must include details of:
    - a) The types and volumes of wastes and recyclables likely to be generated as a result of the development;
    - b) How waste and recyclables will be stored and treated on site;
    - c) How the residual non-reusable or non-recyclable wastes and recyclables are to be disposed of; and
    - d) How ongoing waste management will operate once the development is complete (for the life of the development).

#### 5.2.4 Controls applicable to non-residential development controls

- 1) These controls will apply to commercial, industrial and any other non-residential development.
- 2) For any building comprising three or more storeys and not containing dwellings, a suitable system for the interim storage and transportation of waste and recyclables from each storey to the waste storage/collection area is to be integrated within the building's design.
- 3) Waste storage and collection areas should be:





- a) Flexible in their design so as to allow for future changes in the operation, tenancies and uses;
  - b) Located away from primary street frontages, where applicable;
  - c) Suitably screened from public areas so as to reduce the impacts of noise, odour and visual amenity; and Waste Management
  - d) Designed and located to consider possible traffic hazards (pedestrian/vehicular) likely to be caused by the storage and collection of waste.
- 4) The following features will need to be considered in the design of waste storage and collection areas:
- a) Dry recyclables including containers, paper, cardboard and toners for printers and photocopiers should be separated from other waste, for recycling;
  - b) Food scraps should be placed in specialised containment bins and collected on a regular basis (particularly where large volumes of perishable wastes are generated);
  - c) Refrigerated garbage rooms should be provided where there are large quantities of perishable wastes and infrequent collections; and
  - d) Clinical or hazardous and liquid waste should be placed in specialised containment bins and collected by specialised services.
- 5) Grease traps must be provided where there is a likelihood of liquid waste entering the drainage systems (contact Sydney Water to obtain trade waste requirements).
- 6) Communal storage/collection facilities are recommended where:
- a) The design makes it difficult for all tenants to have ready access to a collection point; or
  - b) The site characteristics restrict vehicle entry.
- 7) Where a communal facility exists, each tenant should have a designated area which is clearly signposted.
- 8) Should a collection vehicle be required to enter the property, the driveway and manoeuvring area must be suitable for a collection vehicle in terms of both its strength and design.
- 9) The system for waste management must be compatible with the collection service(s) to be used whether Council or private contractor.
- 10) Swept paths demonstrating adequate manoeuvring area are to be provided with the application.

## C6

### Landscape design

The proposed development may be identified as either Category 2 (cost below \$2 million) or Category 3 (cost above \$2 million or with a significant impact on the public domain).

- f) On completion of the landscaping works (and prior to an occupation certificate being issued by Council), an Implementation Report is to be submitted to Council. This is to provide written certification that the works have been completed in accordance with the consent and the provisions of this DCP (See Appendix F3 for further details).
- g) Twelve months after the date of the occupation certificate, the Implementation Report and the approved landscape design must be submitted with a Maintenance Report. This is to certify that the landscaping works are still in accordance with the consent and that the plant material has established and is thriving (See Appendix F3 for further details).

### Landscape design – Key considerations

Select low water/low maintenance plants, including drought tolerant species;

Planting native or indigenous plants

Using irrigation systems that utilise drip irrigation systems;

Using recycled and biodegradable products in the landscape design

Compliant. A Landscape Plan is attached as Document 3c.





Using quality, long lasting materials;  
Minimise soil erosion  
Avoid excavation and filling  
Conserve site soil  
Bushfire resistant species  
Minimise impervious surfaces  
Consider neighbourhood amenity and character  
Retaining walls must be masonry or concrete, timber retaining walls are not permitted.  
Where appropriate incorporate a permeable surface where a car can be washed.

C7

## Culture and heritage

### 7.1.5 Development in the vicinity of a heritage item or conservation area

1) A Heritage Impact Statement shall be lodged with a development application for buildings or works in the vicinity of a heritage item or heritage conservation area. This clause extends to development that:

See Cl 5.10 of LEP compliance table.

- a) May have an impact on the setting of a heritage item or conservation area, for example, by affecting a significant view to or from the item or by overshadowing; or
- b) May undermine or otherwise cause physical damage to a heritage item; or
- c) Will otherwise have any adverse impact on the heritage significance of a heritage item or any heritage conservation area within which it is situated.

2) The following issues must be addressed in the Heritage Impact Statement:

- a) The impact of the proposed development on the heritage significance, visual curtilage and setting of the heritage item;
- b) Details of the size, shape and scale of, setbacks for, and the materials to be used in, any proposed buildings or works; and
- c) Details of any modification that would reduce the impact of the proposed development on the heritage significance of the heritage item.

C9

## Advertising and signage

### 9.1 General requirements

1) General

- a) Signs are to be designed and located to: i) relate to the use of the building; ii) be visually interesting and exhibit a high level of design quality; iii) be constructed of high quality, durable materials; iv) be wholly contained within the property; v) have only a minimal projection from the building; vi) be integrated and achieve a high degree of compatibility with the architectural design of the supporting building having regard to its composition, fenestration, materials, finishes and colours, and ensure that architectural features of the building are not obscured; vii) have regard to the view of the sign and any supporting structure, cabling and conduit from all angles, including visibility from the street level and nearby higher buildings and against the skyline; and viii) be sympathetic to the existing character of the area and the particular architectural/urban design utilised in any improvements scheme.
- b) Signs that contain additional advertising promoting products or services not related to the approved use of the premises or site (such as the logos or brands of products; e.g. soft drinks, brewers, photographic film, etc) are not permitted.
- c) Signs painted or applied on the roof are prohibited;
- d) Corporate colours, logos and other graphics are encouraged to

No signage is proposed at this time.



- achieve a very high degree of compatibility with the architecture, materials, finishes and colours of the building and the streetscape.
- e) Flat standing signs are only permissible where the main building is set back 3 metres or more from the street alignment.
- f) In considering applications for new signs, Council must have regard to the number of existing signs on the site and in its vicinity; whether that signage is consistent with the provisions of this section; and whether the cumulative impact gives rise to visual clutter.
- g) Signs must not involve damage, removal or pruning to trees or other vegetation and must not result in pruning or removal for visibility purposes.

h) The dominant design of any sign must relate to business identification rather than product advertising

## 2) Signs and road safety

- a) Signs are regarded as prejudicial to the safety of the travelling public and are therefore prohibited if they: i) Obscure or interfere with road traffic signs and signals or with the view of oncoming vehicles or pedestrians; ii) Obscure or interfere with the view of a road hazard or an obstruction which should be visible to drivers or other road users; iii) Give instructions to traffic by use of the word 'stop' or other directions, which could be confused with traffic signs; iv) Include variable messages or intensity of lighting sufficient to impair drivers' vision or distract drivers' attention; or v) Are located in places where drivers' require greater concentration, such as at major intersections or merging and diverging lanes.

## 3) Inappropriate signs

- a) Council will not support an application for an advertisement of a form, type or size described below (see Figure C9.1 for example illustrations): i) Roof signs; ii) Sky signs controlled from the land; iii) Signs painted on or applied on the roof; iv) Flashing signs; v) Signs made of canvas, calico or the like (other than a temporary sign); vi) Signs displayed on an awning blind or external window blind; vii) Hoardings (excluding those required during construction); viii) Billboards; ix) Bulletin boards; x) Signs in the nature of posters attached directly onto walls, roof surfaces or any street furniture; xi) Signs mounted on parked or stationary motor vehicles, trailers (both registered and unregistered) where the principal purpose of the vehicle or trailer is not for the transportation of goods or people but is parked in a location and position as an advertising medium; xii) A-frame or sandwich board signs (except where specific controls have been prepared and adopted by Council); xiii) Pole or pylon signs, except for industrial, business park, service station or shopping centre uses which are permitted one pole or pylon signs with the maximum height not in excess of 7.0m; xiv) Signs that are located on land which advertises businesses that are not being conducted on that land; xv) Vertical or horizontal projecting signs; xvi) Fin signs; and xvii) Above awning signs.

## 4) Desirable Signage Design

- a) The following signs are permitted by Council (see Figure C9.2 for example illustrations): i) Fascia signs; ii) Under awning signs; iii) Flush wall signs; iv) Top hamper signs; v) Painted window signs; and vi) Advertising panel signs.

## 9.2 Signs in the vicinity of Heritage items

### Controls

- 1) Applicants intending to erect a sign should consult Penrith LEP 2010 (Schedule 5 Environmental Heritage) to determine whether or not the property is an heritage item, or in a heritage conservation area, or in the vicinity of a heritage item ('In the vicinity' is defined in



Appendix F1 – Definitions of this Plan). If the proposed signage is on or in the vicinity of a heritage item, or in a heritage conservation area, the impact must be addressed in the application. In some cases, Council may require a Heritage Impact Statement (see the Culture and Heritage Section of this Plan).

2) A sign, generally, should not be fixed to a heritage item unless the building had traditionally displayed an advertisement.

3) Any sign shall be appropriately designed and located to ensure that the architectural details of the building and/or the heritage character of the site are not obscured or diminished.

### 9.3 Residential, rural and environmental zones

#### Controls

1) A sign that is erected on a property must relate to an approved activity being conducted on that property.

2) A sign that is erected on the property must be located wholly within the property and positioned so as not to impede pedestrian access or result in a traffic hazard.

3) The siting and design of the sign on the property should ensure that amenity and visual impacts to adjoining properties are kept to a minimum.

4) The siting and design of the sign on the property should be sympathetic to the existing character of the area.

5) Only one building identification sign is to be erected on the property in association with the approved business or activity being conducted on the land.

6) The building identification sign is not to exceed 3m<sup>2</sup> or one-third of the length of the building elevation that faces the street, whichever is the lesser, and must not be illuminated.

7) Only one business identification sign is to be erected on the property in association with the approved business or activity being conducted on the land.

8) In residential zones, the business identification sign is not to exceed 3m<sup>2</sup> and must not be illuminated.

9) In rural zones, the business identification sign is not to exceed 3m<sup>2</sup>, must be no higher than 2m above the ground, must not be located in a position that would intrude into the skyline, and must not be illuminated.

10) In rural zones, signage, where permissible, shall relate to the style, character and function of the building or activity, and reflect the area's landscape and character.

11) In rural zones, signage shall not be freestanding in the landscape, but shall relate to walls, fences or buildings.

12) A real estate sign may comprise of a double sided or 'V' sign and must not exceed 4.5m<sup>2</sup> in area per sign face. The sign must be removed within 14 days of the property being sold or let.

13) A sign advertising an exhibition home or village must not exceed 10m<sup>2</sup> in area. The sign must be removed on expiration of the development consent for the 'exhibition home'.

14) Illuminated signs are generally not permitted. External lighting of a sign, however, will be considered where it can be demonstrated that no adverse impact will result.

## C10 Transport, access and parking

### 10.1 Transport and land use

#### Controls

1) A Transport Management and Accessibility Plan (TMAP) is to be prepared for all significant developments (see Appendix F3 – Submission Requirements for further details). The TMAP is to address the objectives and controls in this section.

Compliant. A Transport Impact Study is attached as Document 6.





- 2) New development that will have potential significant public transport patronage (especially residential, commercial and employment generating uses) is to be located close to existing or proposed transport nodes or networks.
- 3) A range of uses are to be provided or integrated in mixed-use areas to provide a range of services in a single location and minimise the need for additional travel.
- 4) Public transport use is to be enhanced by providing good pedestrian connections from places of residence or employment to transport networks or nodes.

### 10.2 Traffic management and safety

Traffic studies may be required for some developments. Check with Council about whether a traffic report is required to support your proposal.

A Traffic Report must be provided for applications required to be referred to the Roads and Maritime Services (RMS) under Column 2 and a Traffic Impact Statement for Column 3 of SEPP (Infrastructure) 2007.

#### Road safety

- a) Each development should demonstrate how it will:
  - i) Provide safe entry and exit for vehicles and pedestrians which reflect the proposed land use, and the operating speed and character of the road;
  - ii) Minimise the potential for vehicular/pedestrian conflicts, providing protection for pedestrians where necessary;
  - iii) Not restrict traffic flow or create a hazard to traffic on roads in the vicinity of the development;
  - iv) Provide suitable off-street parking facilities to accommodate vehicles generated by the development;
  - v) Identify the need, where apparent, for any additional on-street traffic facilities or road works which may be required to maintain the safe and efficient movement of vehicles and pedestrians.
- b) Where feasible, vehicle access for developments should be from service roads/lanes.
- c) The design of direct vehicular access to developments should consider the traffic impacts on the surrounding road network. This may require the provision of deceleration, acceleration, right turn lanes and road widening, as necessary.
- d) Provision must be made for all vehicles to enter and leave properties in a forward direction other than for single dwellings.
- e) The layout and design of parking areas must minimise vehicle to pedestrian impacts, especially where heavy vehicle access to loading docks is proposed

### 10.3 Key transport corridors

Castlereagh Road is identified as a key transport corridor.

- 1) Character of Key Transport Corridors
  - a) Applicants need to ensure that the proposed development is in character with each of the key transport corridors.
  - b) Access driveways and development in proximity to the key transport corridors need to protect the landscape character and any heritage values, and ensure traffic safety.
- 2) Development Setbacks from Transport Corridors
  - a) A minimum setback of 100m is required from Mulgoa Road where development is proposed in rural or environmental zones.
  - b) A minimum setback of 30m is required from all other key transport corridors where development is proposed in rural or environmental zones.



### 10.5 Parking, access and driveways

#### Provision of Parking Spaces

- a) Parking provided on site is to meet AS 2890 and where appropriate, AS 1428.
- b) For any proposed development, Council will require the provision of on-site car parking to a standard appropriate to the intensity of the proposed development as set out in Table C10.2 below.
- c) Within rural zones, the range of possible uses of land is very broad. Car parking is to be provided in accordance with Table C10.2: Car Parking Rates. If parking rates for the use is not listed, it will be the applicant's responsibility to demonstrate that adequate parking is provided.
- f) In the absence of specific requirements relevant to particular developments, the parking requirements in the RTA's "Guide to Traffic Generating Developments" (as updated) and Australian Standard AS 2890.1 and 2 - 2004 should be referred to as a guide. In the absence of all data, the applicant should revert to the use of first principles.
- g) Where relevant, development shall provide on-site loading facilities to accommodate the anticipated heavy vehicle demand for the site.
- h) Stacked parking will not be permitted for visitor spaces for any development.
- k) Car parking and associated internal manoeuvring areas provided over and beyond the requirements of this DCP shall be calculated as part of the development's gross floor area.

See comments above. A Transport Impact Study is attached as Document 6, and DA Plans are attached as Document 3b.

#### Transport, access and parking

##### 5) Design of Parking and Manoeuvring Areas

- a) Car space dimensions must comply with the relevant Australian Standards.
- b) The movement of pedestrians throughout the car park should be clearly delineated and be visible for all users of the car park to minimise conflict with vehicles. The car parking and manoeuvring layout should be in accordance with the provisions of AS 2890.1 - 2004.
- c) Provision of parking spaces for disabled persons should be in accordance with the Access to Premises Standards, the Building Code of Australia and AS2890.
- d) Council will require all car parking areas to be constructed of hard standing, all weather material, with parking bays and circulation aisles clearly delineated.
- e) Vehicle access is to be integrated into the building design as to be visually recessive.
- f) It will be necessary for the method of treating and minimising runoff from parking and access areas to be addressed as part of any development application (See the section entitled 'Stormwater and Drainage' in the Water Management Section).
- h) Large car parking areas (more than 5 vehicles) should be visually separated from access roads and from the buildings they serve by planting and other landscaping and should not be visually prominent from public roads, either through separation or screening.
- i) All vehicles must be able to enter and leave the site in a forward direction without the need to make more than a three point turn.
- j) Council may require the provision of internal directional signs to assist site visitors in locating parking areas.
- l) The design of the car park should ensure that passive surveillance is possible and, where appropriate, incorporate active measures such as cameras and security patrols. Car parks should be designed to minimise dark areas through the provision of appropriate lighting.



- s) Loading docks associated with the development shall be provided on-site, with all loading and unloading activities occurring on-site.
- t) All loading and unloading areas are to be: i) integrated into the design of developments, ii) separated from car parking and waste storage and collection areas, iii) located away from the circulation path of other vehicles, iv) provided separately for commercial/retail and residential uses, where part of a mixed use development, and v) designed for commercial vehicle circulation and access complying with AS 2890.2.
- u) Vehicular access to the loading / unloading area(s) is preferred off rear lanes, side streets and right of ways. Where appropriate, consider a single vehicular access point for the loading/unloading area(s) and waste collection area(s).

### 10.5.2 Access and driveways

#### General Requirements

- a) The road access to the site should provide for safe entry to and exit from the site. All vehicles must enter/exit the site in a forward direction. (This does not apply to single dwellings).
- b) The entry and exit from the site should provide for appropriate traffic sight distance in both directions, in accordance with the provisions of AS2890.1 and 2 - 2004 for car parking and commercial vehicles respectively.
- c) The design of the development driveway should take into consideration the traffic volumes of the surrounding road network.
- d) Driveways should be:
- i) Provided from lanes and secondary streets rather than the primary street, wherever practical; ii) Located taking into account any services located within the road reserve, such as power poles, drainage inlet pits and existing street trees; iii) Setback a minimum of 6m from the perpendicular of any intersection of any two roads; and iv) Located to minimise noise and amenity impacts on adjacent residential development.
- e) The driveway crossing and access roads shall be designed in accordance with the provisions of AS2890.1 and 2 - 2004 for car parking and commercial vehicles respectively.
- f) Driveway widths must comply with the relevant Australian Standards.
- g) Driveway grades, vehicular ramp width/grades and passing bays must be in accordance with the relevant Australian Standard (AS2890.1).

#### Design

- b) All driveways (including in rural and environmental zones) are to be sealed from the point of the public road up to and including the hard-stand parking areas.

#### Responding to Topography

- a) Natural contours should be followed when designing and constructing driveways. Driveways should be located to retain as much of the property's vegetation as practicable.

See comments above. A Transport Impact Study is attached as Document 6, and DA Plans are attached as Document 3b.

C13

### Infrastructure and services

#### 13.2 Utilities and service provision

##### Controls

##### 1) General

- a) Any site analysis (see the Site Planning and Design Principles Section) should address the existing and proposed provision of services/utilities to a property and whether there is satisfactory capacity to address the required demand of the proposal.
- b) Satisfactory arrangements should be made with the servicing authorities for the provision of services to the property.

Compliant. Connections for telecoms, electricity, and reticulated water are existing.





c) Where possible, services (including easements) should not be located in areas where vegetation will be removed or damaged.

#### **Water**

a) Sydney Water should be contacted regarding its requirements in conjunction with discussions with Council about development, subdivision and building applications.

b) For some developments, it will be necessary to provide evidence to Council that consultation has been carried out when building and development applications are submitted. For most developments, provision of evidence that consultation with Sydney Water has been carried out will be a condition of consent. Please discuss this with Council's Development Services Department.

c) Council is unlikely to grant consent to applications for developments which place unreasonable pressure on Sydney Water's supply capacity.

d) It will generally be the applicant's responsibility to pay for or construct any increase in capacity of services

#### **Electricity**

a) Applicants are required to make satisfactory arrangements with Endeavour Energy for the provision of electricity and/or lighting to the site.

#### **Telecommunications**

Applicants are required to make satisfactory arrangements with Telstra for the provision of telephone and data cables.

Telecommunication infrastructure in new release areas should provide the following:

a) Multiple telecommunication services including high speed internet (including broadband), voice and data systems;

b) Cabling for all telephone lines, cable TV and internet, built into all buildings from the outset;

c) Underground telecommunications infrastructure; and d) Consideration of the provision of a centralised (C.A.T.V) system rather than individual antennae or dishes particularly for multi dwelling housing and residential flat buildings.

### **13.3 On site sewage management**

#### **New OSSM Systems**

a) Approvals are required for the installation and operation of all new OSSM systems. Installation and operational approvals will initially be assessed together.

b) The installation and operation of OSSM systems are to be in accordance with Council's On-Site Sewage Management and Greywater Reuse Policy.

c) A Wastewater Assessment Report is required to be submitted with an application for the installation of a new domestic OSSM system when the criteria of Council's On-Site Sewage Management and Greywater Reuse Policy have been met.

d) A Wastewater Assessment Report is also required with an application for all commercial systems, in accordance with Council's On-Site Sewage Management and Greywater Reuse Policy.

The On-site Wastewater Report provided as Document 5 demonstrates compliance with this clause.

## **Part D Land use controls**

Community facilities are not specifically identified in Part D Land use controls. Relevant rural land use objectives and controls are set out below.



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<b>D1</b>	<p><b>Rural land uses</b></p> <p>General Objectives</p> <p>a) To reinforce Penrith's urban growth limits and promote a compact City by identifying and promoting the intrinsic rural values, character and functions of the City's rural lands;</p> <p>b) To sustain healthy and diverse rural lands in Penrith by conserving their biodiversity, maintaining the integrity of their ecosystems, maintaining their natural capital, and promoting the social well being of rural communities;</p> <p>c) To promote agriculture and other rural land uses that are sustainable in the longer term, through the use of appropriate resource and environmental management policies, plans, guidelines and practices;</p> <p>d) To promote a sustainable economic environment that fosters economically viable rural development, employment, transport and future investment opportunities;</p> <p>e) To increase the awareness of ecologically sustainable rural land use practices amongst landholders, land users and the community generally, and promote responsible stewardship of Penrith's rural lands;</p> <p>f) To consider the impacts of development on sustainable agriculture and ensure development will not unreasonably increase agricultural land values or incrementally reduce the size of agricultural holdings;</p> <p>g) To consider the potential for conflicts between various land uses, including rural living allotments, small holding subdivision, tourism, extensive and intensive agriculture and mining;</p> <p>h) To consider land capability, including soils, erosion potential, slope, and hazards (contamination, salinity, bushfire and flooding);</p> <p>i) To consider water resources, including impacts on water catchments, adequacy of water supply, access to water entitlements, and location of effluent disposal;</p> <p>j) To maintain and improve the water quality of watercourses within the City;</p> <p>k) To minimise the impacts of development on biodiversity, including threatened species, habitat, natural ecosystems and wildlife corridors;</p> <p>l) To consider existing infrastructure, including the capacity of the existing road network and utility services to meet the expected needs of proposed development;</p> <p>m) To promote rural residential development where it is consistent with the conservation of the rural, agricultural, heritage and natural landscape qualities of the area; and</p> <p>n) To ensure that traffic generating developments are suitably located so that the safety and efficiency of roads is not adversely affected by development on adjacent land.</p>	Consistent.
1.1	<p><b>Rural character</b></p> <p>Controls</p> <p>To preserve the rural character of the City of Penrith, all major development should seek to retain and protect the scenic, landscape and rural character of the City (where the relevant land uses are permissible within the zone and in accordance with the controls in Penrith LEP 2010 and this DCP).</p> <p>Major development applications may be required to</p>	Consistent. A Visual Impact Assessment is attached as Document 12.

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provide more detailed studies including, but not limited to, a Visual Impact Assessment (See section on 'Site Planning and Design Principles' and Appendix F3 'Submission Requirements').

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## Section 4.15 Considerations

### ***Suitability of the Site for the Development***

The previous sections of this report have demonstrated the suitability of the site for the proposed usage, particularly in the following terms:

- The proposal is consistent with the existing development within the locality.
- The proposal is consistent with the objectives and development standards applying to the land.
- Overall, the development is considered an appropriate usage of the site.

### ***Public Interest***

The proposal is considered to accord with the wider public interest in that

- it provides an appropriate use of the site;
- it will have a positive effect on the streetscape and immediate locality; and
- it is consistent with all relevant LEP aims and objections.

### ***Section 4.15 of the Environmental Planning and Assessment Act, 1979***

Section 4.15 (1) (a)(i) – Has consideration been given to all relevant provisions of any relevant environmental planning instrument?	Yes
Section 4.15 (1) (a)(ii) – Has consideration been given to all relevant provisions of any provisions of any draft environmental planning instrument?	N/A
Section 4.15 (1) (a)(iii) – Has consideration been given to all relevant provisions of any provisions of any development control plan?	Yes
Section 4.15 (1) (a)(iiia) – Has consideration been given to all relevant provisions of any Planning Agreement or Draft Planning Agreement?	N/A
Section 4.15 (1) (a)(iv) – Have you considered all relevant provisions of the Regulations?	Yes
Section 4.15 (1)(a)(v) – Has consideration been given to any coastal zone management plan (within the meaning of the <i>Coastal Protection Act 1979</i> )?	N/A
Section 4.15 (1) (b) – Are the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality, acceptable?	Yes
Section 4.15 (1) (c) – Is the site suitable for the development?	Yes
Section 4.15 (1) (d) – Has consideration been given to any submissions made in accordance with the EPA Act or EPA Regulations?	TBA by council
Section 4.15 (1) (e) – Is the proposal in the public interest?	Yes





## Summary and Conclusion

*Fragar Planning & Development* is pleased to submit this Statement of Environmental Effects and accompanying information for a community facility at 682 Castlereagh Road, Agnes Banks NSW 2753.

This Statement of Environmental Effects for the proposed development has considered

- the circumstances of the case;
- an analysis of the subject site and the surrounding locality;
- an analysis of the proposal against the provisions of the *LEP 2010*, as well as relevant DCPS, SEPPs and deemed SEPPs, and other relevant statutory controls that apply to the site; and
- Section 9.1 directions.

This report concludes that the proposal will substantially complement the objectives and vision of the plan, zone, and DCP.

We are pleased to present this SoEE for a community facility, which, once approved, will provide consent for the development of a community facility for Vaishnav Sangh of Sydney.

### ***Recommendation***

Under all the circumstances of the case, it is therefore recommended to council for favourable consideration.