

cityscapeplanning+projects

STATEMENT OF ENVIRONMENTAL EFFECTS

PROPOSED 7 x LOT SUBDIVISION
Lot 102 SARDAM AVE, CRANEBROOK

NOVEMBER 2013

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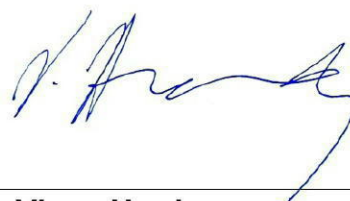
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cityscape planning + projects, 2013

This report is provided to accompany a Development Application to be lodged on the subject land and is to be used for that purpose solely and for the client exclusively. No liability is extended for any other use or to any other party. Whilst the report is derived in part from our knowledge and expertise, it is based on the conditions prevailing at the time of the Report and upon the information provided by the client.

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1.0 INTRODUCTION

Cityscape Planning + Projects has been engaged to prepare a Statement of Environmental Effects to accompany a Development Application to be lodged on the subject site.

The report has been compiled, through on ground investigations, research, analysis and discussions with planning officers from *Penrith City Council* and is to be read in conjunction with the accompanying plans and reports inclusive of:

- Proposed Lot, road and drainage works – J. Wyndham Prince
- Acoustic Assessment – TTM
- Flood Affectation Advice – Cardno
- Water Quality Assessment – J. Wyndham Prince
- Infrastructure Report – J. Wyndham Prince
- Geotechnical Advice – Coffey
- Supplementary Contamination Advice – DLA Environmental
- Flood evacuation advice – J. Wyndham Prince
- Flora and Fauna Assessment - PLDC

2.0 THE SUBJECT SITE

The subject site is a large irregular shaped parcel of land located on the eastern side of Castlereagh Rd, with additional frontages to both Farrells Lane to and Sardam Ave to the north and east respectively.

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

The site actually forms the eastern portion of the lot with the following real property description, with the full lot straddling both sides of Castlereagh Rd.

Lots: 102 **DP:** 1143931

Figure 2 and 3 provide a cadastral plan and aerial photo of the site.

FIGURE 1: LOCATION OF SITE



3.0 DEVELOPMENT PROPOSAL

3.1 OBJECTIVES OF THE PROPOSED DEVELOPMENT

The development seeks to achieve the following objectives:

- To promote the orderly and economic use and development of the subject land
- To facilitate future development outcomes identified under the Penrith Lakes Structure Plan that are currently permissible under the existing statutory planning framework
- To provide a logical extension of the existing Cranebrook Village
- To provide lots of a scale and form that is within the environmental capacity of the subject land and its environs
- To provide a scale and type of development that is consistent with adjacent residential land
- To implement the Penrith Lakes Scheme in accordance with SEPP (Penrith Lakes) 1989 and the 1987 Deed of Agreement.

3.2 DESCRIPTION OF PROSED DEVELOPMENT

The applicant seeks Council consent for the subdivision of the subject site to create 7 (6 additional) allotments. A large (3886m²) residue lot is also provided with plans to dedicate that residue parcel to the NSW State Government consistent with the Deed of Agreement between the two parties.

It is expected that the NSW Government would in turn hand that land to Penrith Council for amalgamation with the existing sporting fields at Cranebrook Park to the south.

This is in addition to the dedication of the 'Stilling Basin' lands located south of Cranebrook Park which PLDC have previously raised this with Council in its correspondence of 15 October 2012. A copy of this correspondence accompanies the Development Application.

The dimension of each lot is represented in Table 1.

TABLE 1: PROPOSED LOT DIMENSIONS

Proposed Lot	Area (m ²) –	Lot Width (m) at building line	Vehicle access
lot 1	1388m ²	15.5m	Sardam Ave
lot 2	950m ²	25.8m	Sardam Ave
lot 3	1081m ²	17.6m	Sardam Ave
lot 4	875m ²	17.5m	Sardam Ave
lot 5	1512m ²	21.5m	Sardam Ave
lot 6	585m ²	16.4m	Farrells Lane
Lot 7	1733m ²	57.7	Farrells Lane
Residue	3886m ²	NA	NA

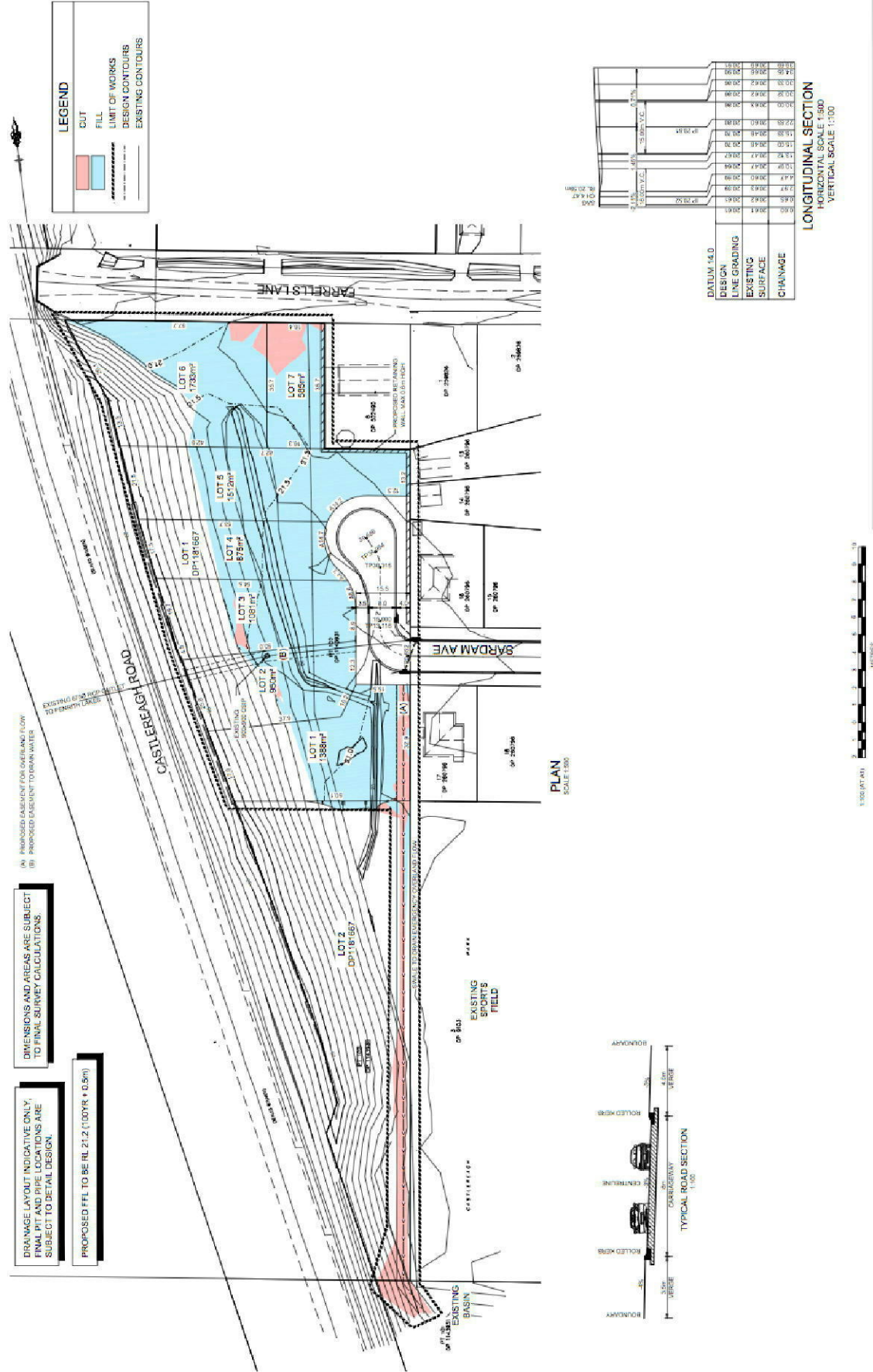
Vehicular access to lots 1-5 is to be provided via short cul-de-sac extension to Sardam Ave, whilst lots 6-7 would obtain vehicular access via Farrells Lane.

It is also proposed to fill an existing swale that runs north south over the subject site. The depth of the fill varies across the site but is a maximum of 1.5m. This will also be accompanied by a proposed retain wall (max 0.6m high) on the sites eastern boundary.

The development also proposes a concept stormwater plan that drains each of the proposed lots and new road extension to the Penrith Lakes Scheme via an easement that drains through proposed lots 2 and under Castlereagh Rd. This concept plan also provides a swale on the eastern perimeter of the site to provide emergency overland flow to an existing basin to the south.

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

FIGURE 4: PROPOSED SUBDIVISION PLAN



3.3 FEASIBLE ALTERNATIVES

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

Similarly, the entire site could also be developed for more intensive forms of residential development such as apartments or dual occupancies. These land uses are currently permissible under the relevant IDO and may also be accommodated as part of future strategic and statutory planning of the broader Penrith Lakes Scheme.

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

Further, the subject site directly adjoins an established village environment, which is characterised by low scale, detached housing types. Accordingly, the development of these more intensive housing forms would be out of character with the character of the established village environment.

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

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

3.4 CONSEQUENCES OF NOT CARRYING OUT PROPOSED DEVELOPMENT

The subject lands possess an ongoing maintenance expense to the owner (PLDC). This maintenance responsibility has been further complicated when they were disconnected from the eastern lakes in the Scheme when the new alignment of Castlereagh Road was built about 2006.

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

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

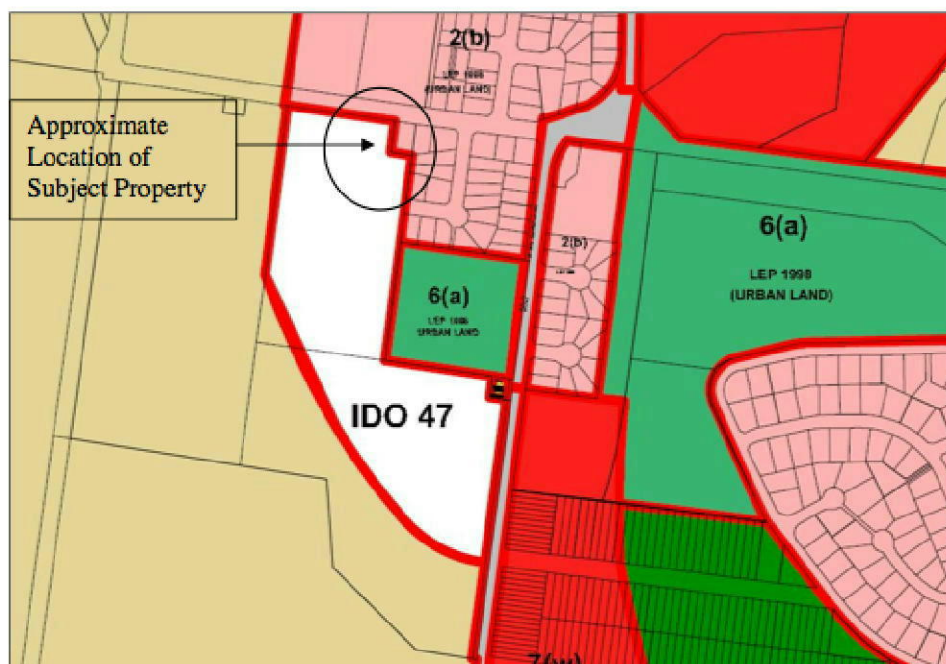
4.0 STATUTORY SITUATION

4.1 ZONING

The site is subject to the provisions of *Interim Development Order (IDO) No.47 – City of Penrith*. An extract of that deemed planning instrument is provided at Figure 6, whilst an extract of Council zoning plan is provided at Figure 5.

Clause 4 IDO No.47 states that the planning instrument permits development for the purposes of, amongst other things, drainage, subdivision and dwellings subject to the Consent of Council.

FIGURE 5: EXTRACT OF ZONING MAP



4.2 DWELLING DENSITY

Clause 11.(1) of the IDO states that the ratio of dwelling units per hectare shall not be greater than 10.5:1.

The subject lot provides a total area of 0.9100ha of land for urban purposes (excluding residue parcel) and the development proposes 7 lots. This represents a dwelling ration of which represents a dwelling unit ratio per ha of 7.69:1.

The development therefore achieves the relevant standard.

4.3 MINIMUM LOT DIMENSION

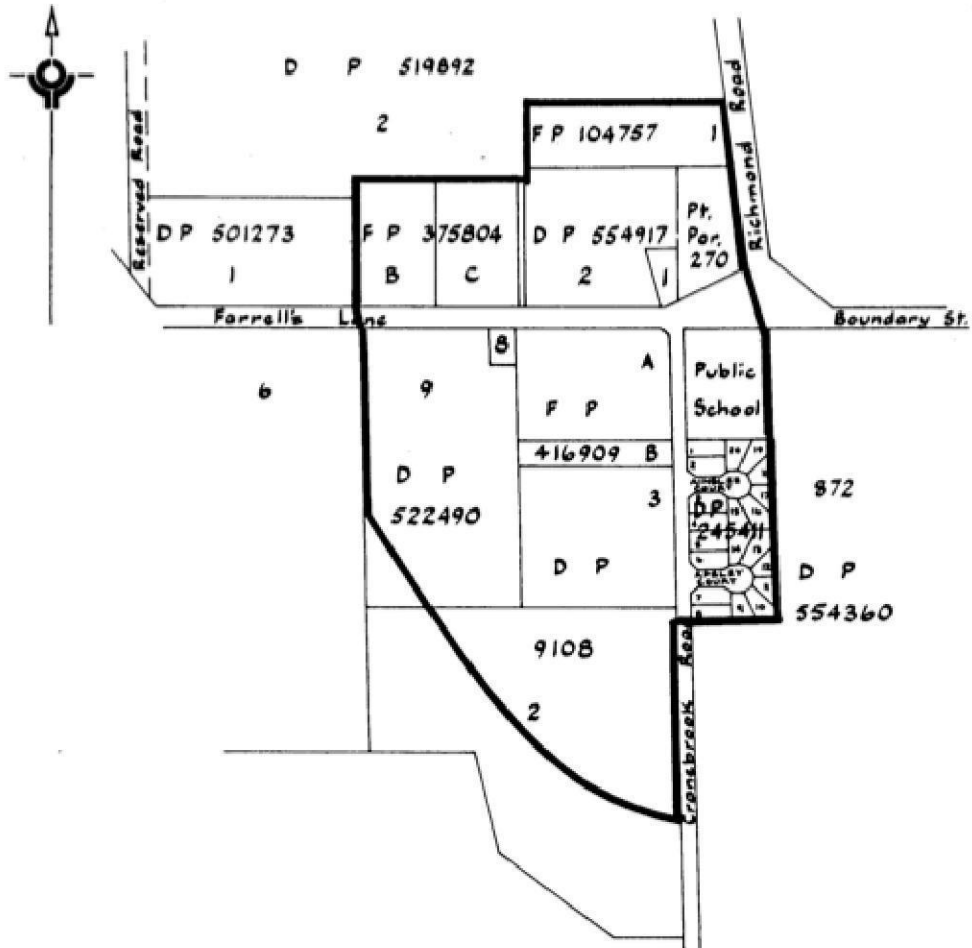
Clause 12.(1) of IDO 47 states that a dwelling house shall not be erected on any allotment of land which has an area less than 550m² and a width of less than 15m at the building line. Table 1 of this report demonstrates that each lot exceeds the minimum site dimension requirements.

FIGURE 6: EXTRACT OF IDO No.47

NEW SOUTH WALES PLANNING AND ENVIRONMENT COMMISSION
PLAN

Description Land in the vicinity of Farrell's Lane, Richmond and Cranebrook Road
 Mun-Shire-City Penrith Locality Cranebrook
 Parish of Castlereagh County of Cumberland

Scale 1-5000



COMPILED FROM INFORMATION IN 574/425 D.M.D. DATE 30-7-74	FILE REFERENCE M7/3/1/6	PLAN APPROVED <i>K.W. Gilroy</i> CHIEF CARTOGRAPHER	PLAN NUMBER 8606
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This is the plan referred to in
 Interim Development Order No. **47**
 Shire/Municipality **City of Penrith**

PLANNING SCHEME
 FOR
PENRITH

LAND SUSPENDED UNDER SEC. 342Y, LOCAL GOVERNMENT ACT SHOWN THUS
 N.S.W. GOVT. GAZETTE No. **45** OF **14-3-75** PLAN No. **245:2310**

5.0 SITE ANALYSIS

5.1 SITE DIMENSIONS

The site is a large irregular shaped parcel with a total area of 12986m², however the area proposed for future residential development has a site area of 9100m² with a frontage of 74.095m to Farrells Lane.

5.2 NATURAL ENVIRONMENT

The site contains a limited covering of vegetation, with the largest groupings of vegetation being located on its western flank adjacent to the Castlereagh Rd corridor. This vegetation was provided as part of the landscaping that accompanied the relative recent delivery of that of that road.

The central and eastern sections of the site provide more sparse vegetation covering with the site largely represented as grassland with the occasional and isolated mature tree.

An aerial photo of the site is provided at figure 3 and demonstrates the extent of vegetation coverage on site. Additional photos of on site vegetation are provided at Figures 4-5. A review of *National Parks and Wildlife Services* mapping reveals that this vegetation is not identified as being ecologically significant. An extract of that mapping is provided at Figure 6.

The Sardam Ave frontage section of the site provides limited topographical relief and is therefore relatively flat. However, it does provide a shallow drainage swale that runs on a north south alignment.

Figure 7 provides an extract of the recently approved *Penrith Lakes Water Management Plan 2012* which shows the hydrology of the lakes and its environs. This plan demonstrates that the site and broader area drains westward to the Lakes Scheme where it enters the stormwater treatment trains regime currently provided at the eastern extent of the Lakes Scheme.

The western flank of the site provides a graded embankment to Castlereagh Rd and therefore slopes up to that roadway.

Site contours are provided as part of the plans that accompanies this DA.

5.3 BUILT ENVIRONMENT

The site currently is vacant and doesn't accommodate any built forms or land use.

Further, the subject site is not identified as accommodating items of European cultural heritage nor is it located in close proximity to any items of heritage. This is demonstrated at Figure 9.

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

The site enjoys access to *Sydney Water's* reticulated water and sewer services. Power and communication services are also available to the site and vehicular access is provided via Sardam Ave and Farrells Lane.

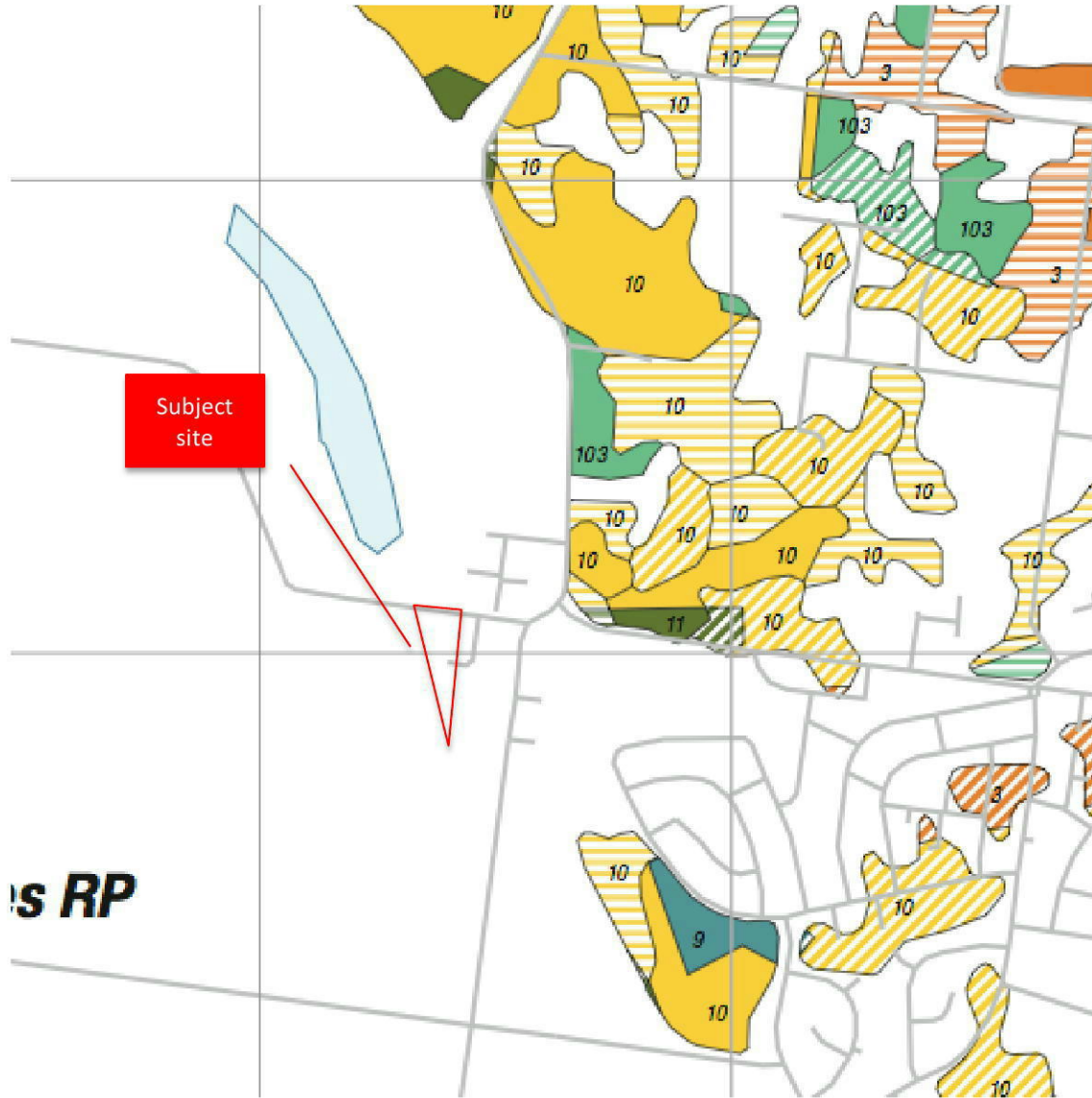
FIGURE 4: VIEW WEST FROM SARDAM AVE



FIGURE 5: VIEW SOUTH FROM FARRELLS LANE



FIGURE 6: NPWS MAPPING



Legend

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

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

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

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

Vegetation Condition Classes

- Canopy Cover > 10% (Unless Remnant > 5ha, Where Canopy Cover > 5%)
(Areas mapped as classes: A, B, C, SA)
- Canopy Cover < 10%
(Areas mapped as classes: C min, Tx, Tr)
- Canopy Cover < 10% (Lichen Areas)
(Areas mapped as class: Lx)

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

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

FIGURE 7: LOCAL HYDROLOGY



Source: Penrith Lakes Water Management Plan 2012

5.4 ADJACENT DEVELOPMENT

The site is located on the western edge of the Cranebrook village and therefore adjoins single detached dwellings to the east and rural residential scaled development to the north. The site also adjoins a local open space area to the south. This adjacent development is evident in the images provided at Figure 2-3.

5.4 HAZARDS & NUISANCE

The *Penrith Lakes Water Management Plan 2010* provides adopted flood planning levels for the Penrith Lakes Scheme Lands. The adopted flood planning level for the subject site is 20.7 m AHD. The relevant flood map from that plan is provided at Figure 10 and demonstrates that the site is not inundated by the 1 in 100 year flood event.

The site is not identified as being bushfire prone land on the relevant Council map. An extract of that map is provided at Figure 9.

The site's proximity to Castlereagh Rd also has the potential to expose the site to adverse noise impacts.

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

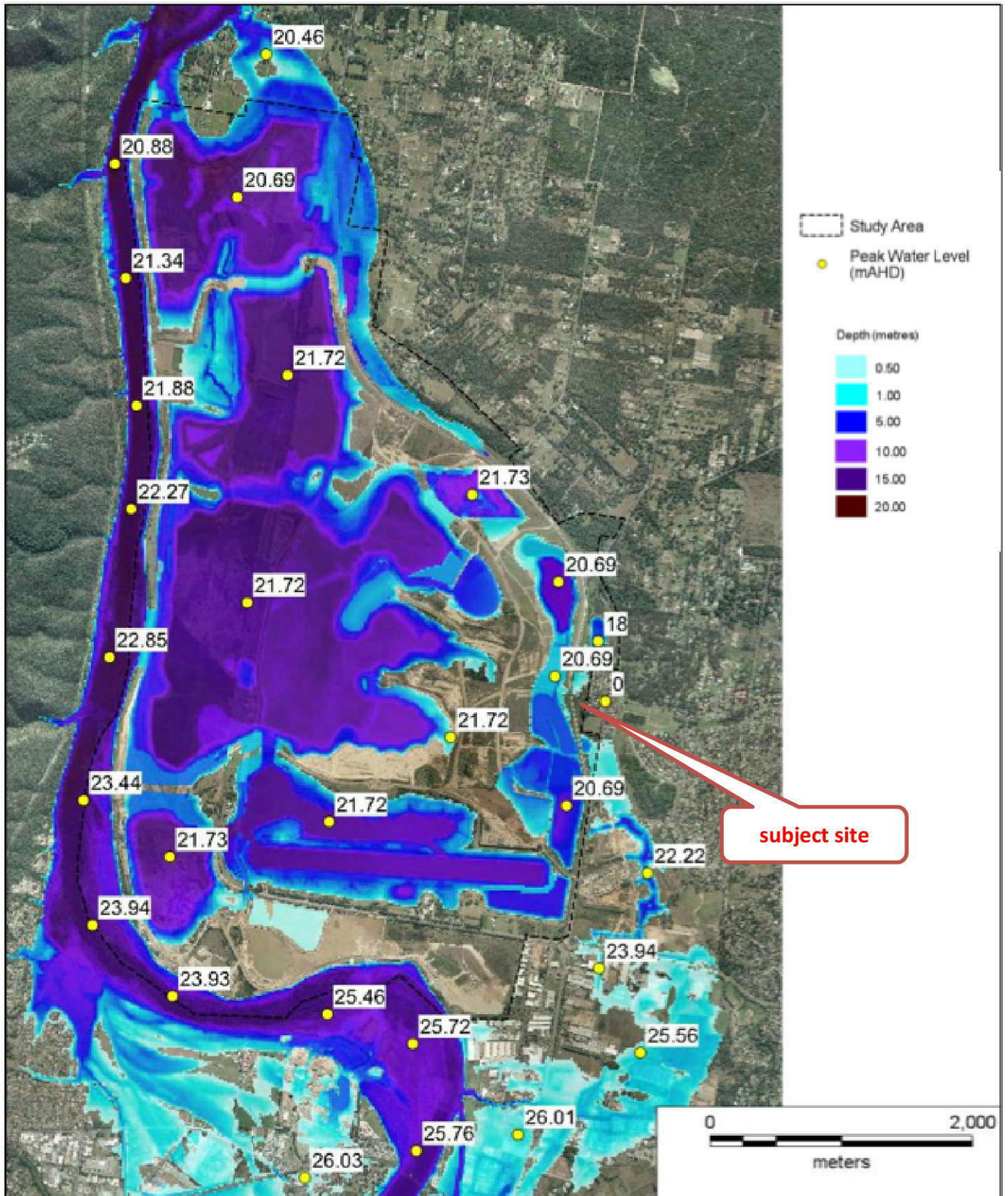
FIGURE 8: COUNCIL HERITAGE MAP



FIGURE 9: COUNCIL BUSHFIRE MAP



FIGURE 10: RELEVANT FLOOD MAP



6.0 PLANNING ASSESSMENT

6.1 THE PROVISION OF ANY ENVIRONMENTAL PLANNING INSTRUMENT

6.1.1 SEPP No 55 – REMEDIATION OF LAND

The object of this Policy is to provide for a State wide planning approach to the remediation of contaminated land. In particular, this Policy aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment:

- (a) by specifying when consent is required, and when it is not required, for a remediation work, and
- (b) by specifying certain considerations that are relevant in rezoning land and in determining development applications in general and development applications for consent to carry out a remediation work in particular, and
- (c) by requiring that a remediation work meet certain standards and notification requirements

The subject site has ben subject to extensive earthworks associated with the construction of Castlereagh Rd.

A site contamination assessment has been undertaken inclusive of soil sampling and concludes that the site is suitable for use as both public open spaces and residential land uses.

6.1.2 SREP 20 – HAWKESBURY NEPEAN RIVER

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

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

Water quality issues are specifically addressed by the accompanying water quality assessment. This plan demonstrates that storm water generated by the site will enter the water quality treatment train and regimes that forms part of the Penrith Lakes Scheme.

This treatment regime delivers primary level water quality outcomes and has previously obtained approvals that have included assessment against SREP 20.

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

6.1.3 SEPP (STATE AND REGIONAL DEVELOPMENT) 2011

This SEPP aims to identify state and regionally significant development and the development assessment process for such development. Schedule 2 to the SEPP identifies certain sites that have been declared to provide state significant development. This schedule references the Penrith Lakes and an extract is provided below:

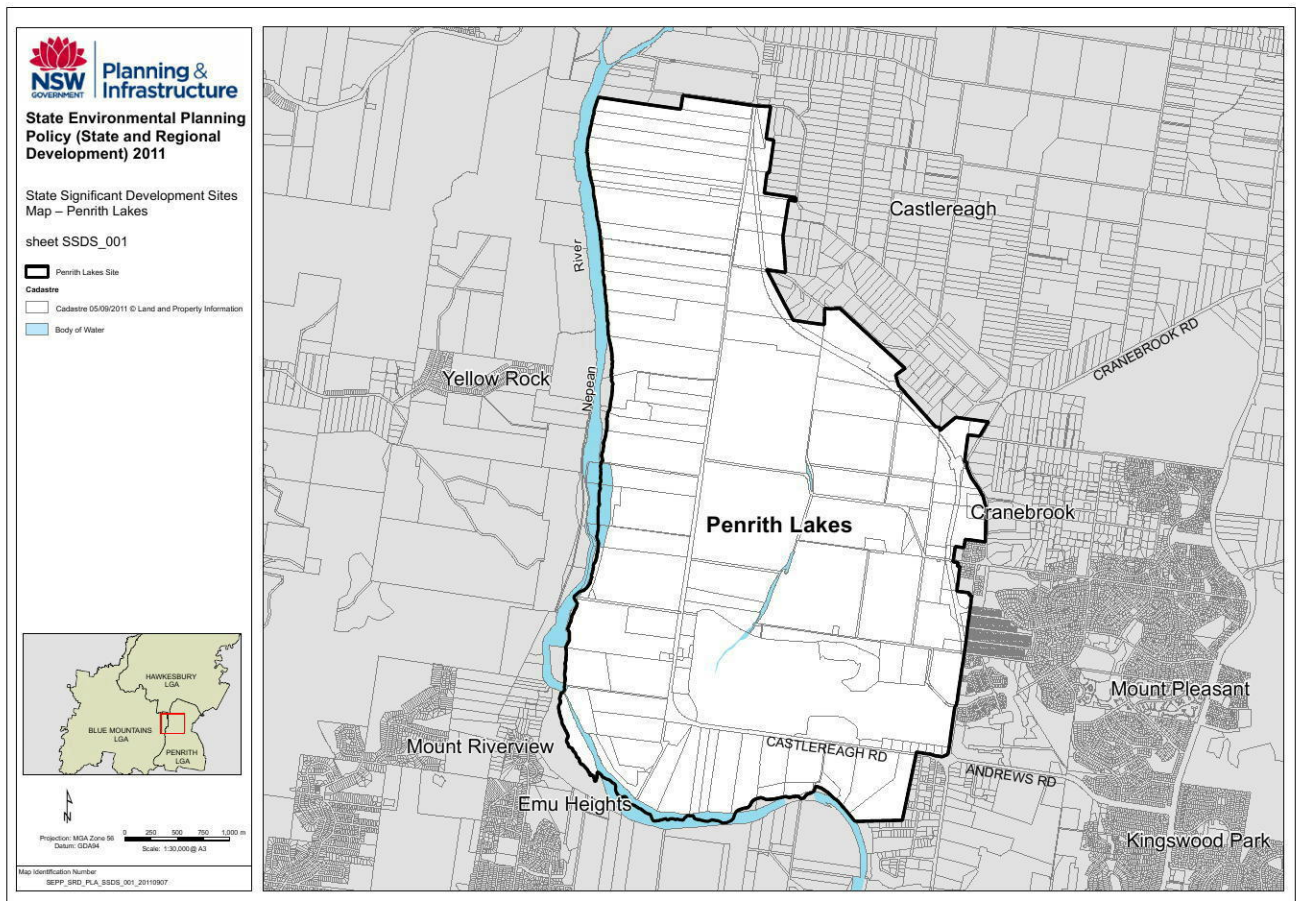
8 Development at Penrith Lakes Site

Development on land identified as being within the Penrith Lakes Site on the State Significant Development Sites Map if the development is for the purposes of extraction, rehabilitation or lake formation (including for the purposes of associated infrastructure on land located within or outside that Site).

A copy of the relevant map is provided at Figure 11:

The site is located with the identified Penrith Lakes, however the development is not for the purposes of extraction, rehabilitation or lake formation and therefore the SEPP Is not relevant to this development proposal.

FIGURE 11: SEPP SITES MAP



6.1.4 SEPP (PENRITH LAKES) 1989

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

The aims of this policy are:

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

Part 1 of the SEPP identifies defines the extent of the Lakes Scheme and its future use through the formal introduction of a Structure Plan. A copy of that Structure Plan is provided at Figure 12 and demonstrates that the subject site is within the area identified as 'Future Urban Area'.

Schedule 1 of the SEPP also provides a definition of the Penrith lakes Scheme which is relevant to the understanding of its relevance to this development proposal. This definition is provided below:

Schedule 1 Penrith Lakes Scheme

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

- (a) the staged optimum extraction of sand and gravel reserves,***
- (b) the staged rehabilitation, reconstruction and landscaping of the land, and***
- (c) the staged formation of a series of interconnected lakes,***

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

Importantly, the subject site has never been the subject of any extraction, however the western bank of the site has been landscaped as part of the reconstruction of Castlereagh Rd. Accordingly, pursuant the definition provided at Schedule 1 only that western part of the site would form part of the Lake Scheme.

The relevant provisions of the SEPP are addressed below:

4 Inconsistency between environmental planning instruments

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

The development proposal provides an urban scaled lot subdivision outcome which is consistent with the 'future urban area' designation of the site as identified by the SEPP Structure Plan. The development is therefore considered to cause no inconsistency between this planning instrument and other relevant planning instruments identified in this report. This is further demonstrated below and in subsequent sections of this report.

7 Development generally

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

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

8 Development for the purposes of implementing the Penrith Lakes Scheme

(1) Development for the purposes of implementing the Penrith Lakes Scheme may, with development consent, be carried out on land to which this Policy applies.

The development proposes urban development outcomes on land that is identified for 'future urban purposes' under the SEPP. The development can therefore be considered to implement the Penrith Lakes Scheme, albeit relying upon the provisions on IDO 47 for that approval.

(2) The consent authority shall grant consent to development to which this clause applies unless:

(a) the consent authority is of the opinion that the development the subject of the application:

(i) does not fully implement the Penrith Lakes Scheme on the land to which the application for development relates,

(ii) will not ensure the satisfactory implementation of the Penrith Lakes Scheme, or

(iii) is not generally in accordance with the structure plan, and

The Penrith Lakes Scheme Structure Plan identifies the subject site as providing land for 'future urban purposes'. Accordingly, the development fully implements the Penrith Lakes Scheme on the land to which the development relates.

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

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

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

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

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

Not relevant to the subject development as the subject land has no extractive industry and does not possess any extractive industry potential.

(iii) the person (including any person related, connected or otherwise associated to or with that person) proposing to carry out that development has not complied with the conditions of a consent previously granted to carry out development which included an extractive industry in respect of other land to which this Policy applies.

Not relevant to the subject development as the subject land has not had a history of extractive industry.

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

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

9 Interim development

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

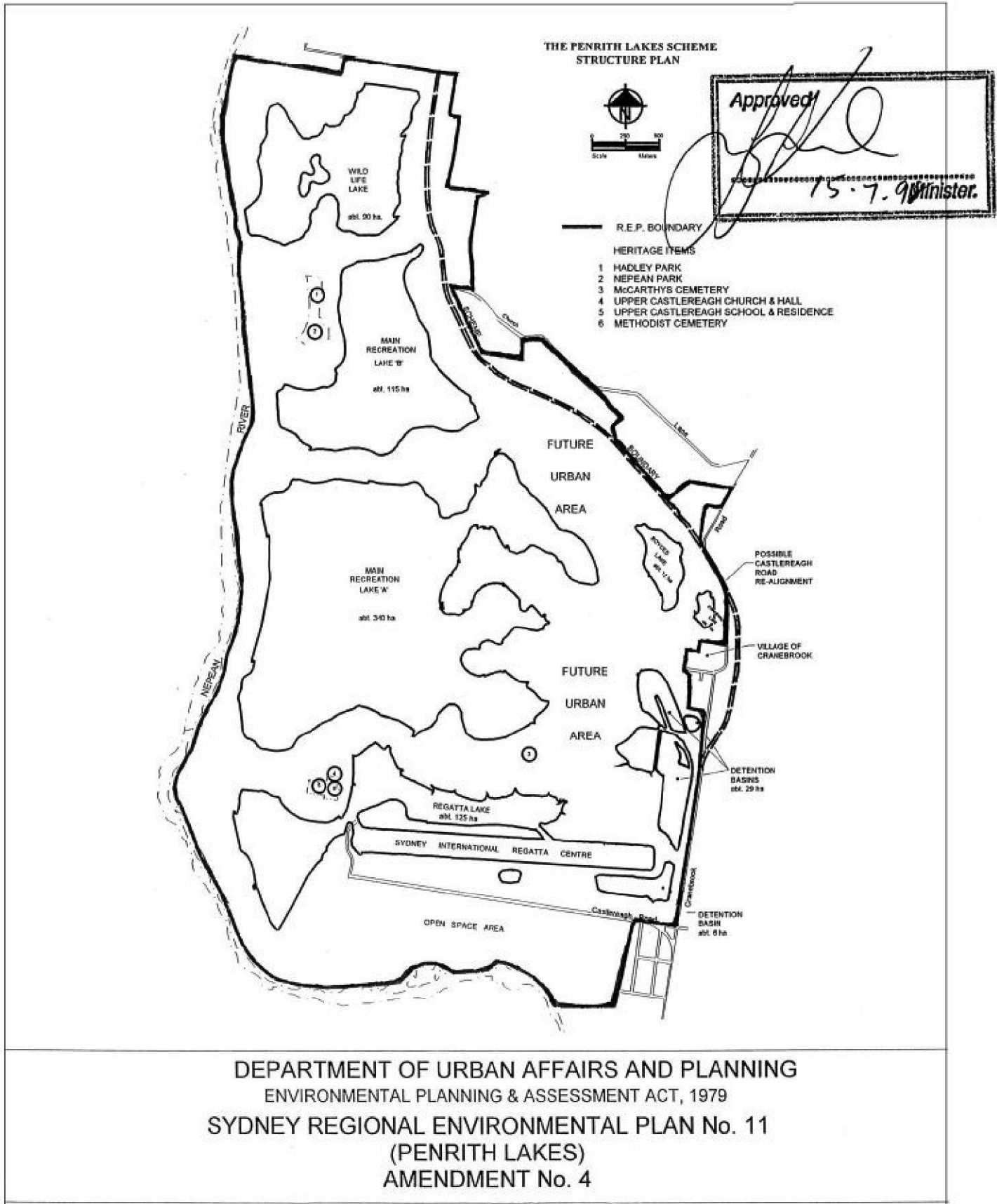
(a) for the purpose of agriculture, without the necessity for development consent, or

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

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

Not relevant as no interim development proposed.

FIGURE 12: LAKES SCHEME STRUCTURE PLAN



6.1.5 INTERIM DEVELOPMENT ORDER No.47

Matters of permissibility and lot dimensions were addressed at section 4 of this report. Other considerations pursuant to IDO 47 are addressed below:

5. The Council shall not grant consent to the carrying out of development on any land the subject of this order unless and until arrangements satisfactory to the Metropolitan Water Sewerage and Drainage Board and the Council have been made with the Board and the Council by the owner of such land and, where the applicant for development consent is not the owner, by such applicant also, for the amplification and reticulation of water and sewerage services to such land.

6. The Council may require as a condition of its consent to the carrying out of development on any land the subject of this Order that arrangements satisfactory to the Prospect County Council be made with the County Council by the owner of such land and, where the applicant for development consent is not the owner, by such applicant also, for the provision of underground low voltage electricity reticulation: Provided that neither the owner nor the applicant shall be required in any case to contribute more than the difference between the cost of overhead reticulation to each block and the cost of underground reticulation thereto.

The development application is accompanied by an *Infrastructure Report*, which demonstrates that the site can be readily provided with water, sewer and energy services.

8. In respect of any interim development application for the consent of the Council-

(a) to the erection of a building or fence, to the carrying out of a work, or to the use of land within view of or adjacent to any road, public reserve or proposed reserve, the Council shall take into consideration the probable aesthetic appearance of such development or work when used for the proposed purpose and viewed from such road, public reserve, proposed reserve or proposed expressway;

The proposed development does not seek approval to the erection of a building or fence. Issues of aesthetic appearance of fencing and buildings can be addressed as part of subsequent development applications for each of the proposed lots.

(b) to the carrying out of any development likely to cause increased vehicular traffic on any road in the vicinity thereof, the Council shall take into consideration whether, having regard to the proposed use of any such building or development

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

(ii) space, sufficient to provide for the parking or standing of such number of vehicles as the Council may determine, is provided on the site or on land adjoining the site not being a public road;

(iii) any representations made by the Police Department (Traffic Branch) and by the Department of Main Roads have been met; and

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

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

The development is therefore likely to generate approximately additional 63 vehicle trips per day.

These vehicles trips will access the local road network will be provided via the proposed extension to Sardam Ave and Farrells Lane. These access points should cause no safety concerns to existing users of those roads.

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

14. Development shall not take place on any land the subject of this Order until such land has been filled to a level satisfactory to the Council.

The subject site is proposed to be filled to a level that ensures that all finished floor levels (FFL) will be at 21.2m AHD, which represents 0.5m above the adopted flood level.

Accordingly, this is considered to represent a level that should be satisfactory to Council.

15. Development shall not take place on any land, the subject of this Order, unless and until arrangements satisfactory to the Council have been made with the Council for the carrying out of drainage works on all land the subject of this Order.

The development is accompanied by a concept stormwater plan that demonstrates suitable management of all stormwaters generated by the development.

6.2 THE PROVISIONS OF ANY DRAFT PLANNING INSTRUMENT

Penrith City Council exhibited Draft LEP 2010 – Stage 2 (DLEP) on 13 May 2013. The exhibited Draft includes the entire Penrith Lakes Lands inclusive of the subject site.

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

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

The DLEP proposes a **RU1 Primary Production** over the entire Penrith Lakes Scheme site. See Figure 13.

The application of the **RU1 Primary Production** zone does not represent a direct translation of IDO 47 but rather seeks to provide a zone that it is assumed seeks to reflect the existing extractive industries activities provided for by the Lakes Scheme SEPP.

The Planning Proposal also dismisses the other zonings provided under IDO 47 and Penrith LEP 1998 on the basis as they have already been developed as water bodies and stormwater basins and therefore can no longer realise those development outcomes. This is incorrect as there

remains some urban development potential of lands with this zones and therefore this should be reflected under the DLEP.

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

PLDC have made a submission to Council at and its Council meeting of 25/11/13 it was formally resolved that that prevailing statutory planning framework inclusive of IDO 47 would be retained in the Draft LEP forwarded to the Department of Planning & Infrastructure for gazettal.

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

6.3 THE PROVISIONS OF ANY DEVELOPMENT CONTROL PLANS

PENRITH DCP 2006

SECTION 4.7 - RESIDENTIAL GUIDELINES FOR SUBDIVISION

The abovementioned DCP identifies the following controls for residential subdivision:

2.3 ALLOTMENT ORIENTATION

This control seeks to achieve lot layouts with opportunities for good solar access and energy efficient dwelling design. To best achieve this it identifies a preferred allotment orientation of 20° either side of north.

FIGURE 13: DRAFT LEP ZONE MAP



The proposed lot layout identified at Figure 4 reveals that all new lots are suitably dimensioned to provide building envelope areas that would enjoy a direct northern aspect to both internal and external living areas.

The development is therefore considered to clearly satisfy this element of the DCP.

2.4 SITE FRONTAGE

This control seeks to allow the development of small sites and requires that site frontage is sufficient to permit vehicular and pedestrian access to the site and discourages deep, narrow lots.

The development avoids deep narrow lots. Rather it provides a depth to frontage ratio of 3.06:1 for the narrowest lot (i.e proposed lot 4).

Vehicular access can be readily achieved for each lot.

The development is therefore considered to readily satisfy this element of the DCP.

2.5 ALLOTMENT DIMENSIONS

This section seeks to provide a diverse range of housing types to meet the increasingly diverse housing demands of the community.

For lots greater than 400m² it requires the provision of a 10m x 12m or 8m x 15m building envelope to be provided behind the building line.

The subject subdivision proposal provides a variety of sized and shaped lots. Whilst building envelopes are not plotted on the proposed subdivision plan each lots will have the ability to accommodate both of the identified building envelopes requirements, as identified by the DCP.

The development is therefore considered to satisfy these elements of the DCP.

2.6 ROAD NETWORK

This section of the DCP aims to ensure that subdivision provides an appropriate road hierarchy network and ensure safe and efficient road network operation.

The development proposes a short extension to Sardam Ave terminates with a cul-de-sac head. The limited road extension will serve a maximum of 19 residential lots in Sardam Ave and therefore represents an appropriate road hierarchical response.

2.7 ROAD DESIGN + CONSTRUCTION

The road extension is provided as a 15.5m road reserve with 8.0m carriageway. These dimensions match that of the existing Sardam Ave road reserve and exceed the minimum as required under the DCP.

The proposed road extension is therefore considered to allow for safe passage of vehicles.

The carriageway is also sufficiently wide to allow for on-street parking of vehicles as per the requirements of the DCP.

2.8 LANDSCAPING + SITE DESIGN

This control seeks to maintain and enhance the existing streetscape and landscape character of areas.

Sardam Ave provides a typical suburban landscape character represented as free standing dwellings located on large lots with open front gardens and generous landscaped curtilage areas.

The proposed development seeks to provide a clear and logical extension to that suburban environment by providing lots of a scale and shape that is consistent with that adjacent and prevailing lot fragmentation pattern.

The new lots will allow for the retention of the existing vegetation that forms the landscaping of the Castlereagh Rd embankment. The roads reserve is also sufficiently wide to accommodate new street plantings.

The subsequent development of the site for the additional housing opportunities will also create an opportunity to re-establish new plantings on site.

Accordingly, it is considered that the proposed subdivision will not adversely impact upon that landscape character as all key elements of the landscape inclusive of street trees, and mature plantings in the front and rear garden areas will all be provided as part of the subdivision and subsequent development of the proposed lots.

2.9 SERVICES

This section of the DCP aims to ensure that services and utilities are provided for as part of development.

The subdivision has been designed to ensure that all services can be provided within the road reserve and therefore achieves consistency with this section of the DCP.

2.10 DRAINAGE

This section of the DCP aims to ensure that both minor and major stormwater flows can be adequately accommodated as part of the development and without adverse environmental impact.

The development application is accompanied by a concept stormwater plan that demonstrates that both minor and major stormwater flows within the site are captured and suitably disposed off.

2.11 PUBLIC OPEN SPACE

The control seeks to ensure appropriate allocations of open space are provided. For established areas it requires that subdivision be accompanied by developer contributions to fund such allocations.

The site forms part of the Penrith Lakes Scheme which will deliver over 1500 ha of open space. In addition the

development also provides a residue parcel that will be dedicated to Council for amalgamation with the adjacent Cranebrook Park to the south.

The development therefore provides generous open space for the LGA and as such there is considered to be good cause for no additional open space contributions to be levied under the relevant contributions plan.

2.12 ENVIRONMENTAL SITE MANAGEMENT

This control seeks to avoid degradation of natural systems.

The subject site is located in an urbanised environment that does not accommodate any items of natural or ecological significance.

The development will yield only 7 additional dwellings in an existing urbanised area.

The subject development therefore is not inconsistent with this DCP objective.

6.4 IMPACTS OF DEVELOPMENT

6.4.1 NATURAL ENVIRONMENT

The site accommodates a scattering of isolated trees and does not possess any other features of natural significance.

The site also enjoys access to a full range of urban services and utilities including water, sewer and stormwater drainage that will further mitigate adverse impacts upon local or regional water quality.

As a consequence, it can be ultimately concluded that the development will not cause adverse impact upon the natural environment.

6.4.2 BUILT ENVIRONMENT

The local character of the area is represented as a suburban type environment that provides both single dwelling on large lots.

The development forms a small and logical extension of the existing suburban environment and therefore has limited ability to cause adverse impact upon the built environment.

The proposed lot sizes area of a type and scale that is consistent with the established land fragmentation pattern of the local area and the proposed road design will sit comfortably within the established road hierarchy.

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

The sites proximity to Castlereagh presents a potential for adverse noise impacts to the proposed lots. However an acoustic assessment has been undertaken and concludes that the relevant noise criteria can be expected to be met for future dwellings should care and attention to noise impacts be taken at the design and construction stages.

6.4.3 SOCIAL IMPACT

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

It will also result in the dedication of additional lands to Council for amalgamation with adjacent active open spaces. This too is considered to represent a positive social impact.

6.4.4 ECONOMIC IMPACT

The proposed subdivision is not of a scale that will cause any economic impacts to the local or broader area.

6.5 SUITABILITY OF THE SITE

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

The site is also identified as being a future urban area under the Penrith Lakes Scheme SEPP Structure Plan.

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

6.6 THE PUBLIC INTEREST

The public interest is best served when the outcomes from development represents positive benefits as distinct from negative benefits.

The proposed subdivision has no negative outcomes and hence the public interest is best served by approval of the development.

7.0 PROPOSED MITIGATION MEASURES

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

- The subdivision represents logical extension of the Cranebrook Village and therefore will therefore provide development of a scale and type that is consistent with local character values.
- Lots are suitably large to allow for the provision of building suitably scaled envelopes that will mitigate adverse acoustic, solar amenity and visual privacy impacts.
- Minor and major stormwater flows will be suitably managed by the development through the provision of a piped easement and overland flow channel to the south.
- Stormwaters are diverted to the water quality treatment chain provided by the Lakes Scheme and will therefore ensure water quality standards are achieved.
- Acoustic measures can be implemented as part of dwelling design and construction to mitigate adverse noise impacts from the adjacent Castlereagh Rd corridor
- The development will result in the dedication of lands to council for amalgamation with adjacent active open space area in Cranebrook Park.
- The site is filled to ensure all development is above the adopted flood planning level.

- Flood evacuation opportunities are identified to enable safe passage of future residents in the event of a flood event.

8.0 JUSTIFICATION FOR DEVELOPMENT

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

The application seeks approval to the subdivision of the subject site to create 7 (6 additional) residential allotments and is therefore considered to be consistent with adopted longer term planning outcomes for the site.

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

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

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

ANNEXURE A: AHIMS SEARCH



AHIMS Web Services (AWS) Search Result

Your Ref Number :
Client Service ID : 110320

Vince Hardy
16 Alexandra Cres
GLENBROOK New South Wales 2773
Attention: Vince Hardy
Email: vhardy@cityscape.net.au

Date: 02 September 2013

Dear Sir or Madam:

AHIMS Web Service search for the following area at Lot : 102, DP:DP1143931 with a Buffer of 50 meters, conducted by Vince Hardy on 02 September 2013.

The context area of your search is shown in the map below. Please note that the map does not accurately display the exact boundaries of the search as defined in the paragraph above. The map is to be used for general reference purposes only.



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

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