



Statement of Environmental Effects

Sales Office

Lots 222, 223, 224, 225 DP 1229230

225 Caddens Rd & 196-200 Cadda Ridge Drive, Caddens

October 2018

LegPro Pty Ltd

Statement of Environmental Effects

Statement of Environmental Effects prepared by:

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Client and Land Details

Client: LegPro Pty Ltd
Subject Site: Lots 222, 223, 224, 225 DP 1229230,
225 Caddens Rd & 196-200 Cadda Ridge Drive, Caddens
Proposal: Sales Office

A handwritten signature in black ink, appearing to read 'W Stimson', is positioned above a horizontal line.

Warwick Stimson RPIA
Director



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1 Introduction

1.1 Project Overview

Stimson & Baker Planning has been engaged by LegPro Pty Ltd to prepare a Statement of Environmental Effects in relation to a proposed Sales Centre and office on the property known as 225 Caddens Rd & 196-200 Cadda Ridge Drive, Caddens.

The proposed development includes the installation of a sales office, associated signage, parking and landscaping. The sales office is expected to be removed within five years.

The site is zoned *R1 General Residential* under Penrith Local Environmental Plan 2010 with the proposal being permissible with consent.

The proposal is defined as *development* in Section 4 of the *Environmental Planning and Assessment Act 1979* (EPA Act). The EPA Act stipulates that the development must not be carried out on the subject site until consent has been obtained. Furthermore, the application does not trigger any of the 'integrated development' provisions of the Act and so no third party approvals are required.

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

1.2 Report Structure

This Statement of Environmental Effects is structured as follows:

- Section 1: Introduction – provides an overview of the proposal, planning history for the site and background to the application.
- Section 2: The Site and Surrounds – provides an analysis of the subject site, development within the locality and a consideration of the local and regional context.
- Section 3: Development Proposal – provides a detailed description of the proposed development and its characteristics.
- Section 4: Statutory Context – provides for consideration of the proposal against the specific planning instruments and policies that are applicable.
- Section 5: Section 4.15 Assessment – provides an assessment against Section 4.15 of the EPA Act.
- Section 6: Conclusion and Recommendation – summarises the report and presents a recommendation.

1.3 Purpose of the Application

This application seeks to approval for the installation of a sales office to service the Legacy land sales program. It is expected that the office would be removed within five years

1.4 Supporting Documentation

The proposed is accompanied by the following documentation:

Documentation	Prepared by
Architectural Drawings	GDS Pty Ltd
Hydraulic Report/Stormwater Plans	J. Wyndham Prince
Landscape Plan	Place Design Group

1.5 Legislation, Environmental Planning Instruments and Policies to be considered

- *Penrith Local Environmental Plan 2010*
- *Penrith Development Control Plan 2014*

1.6 Consent Authority

The consent authority for this application is Penrith City Council

2 The Site and Surrounds

The site is located within the Caddens Release area, currently being developed by Legacy. The release area is some two kilometres south west of Werrington railway station.

The locality is characterised by residential subdivision development, and dwelling house construction.



Figure 1 - Subject Site - Aerial

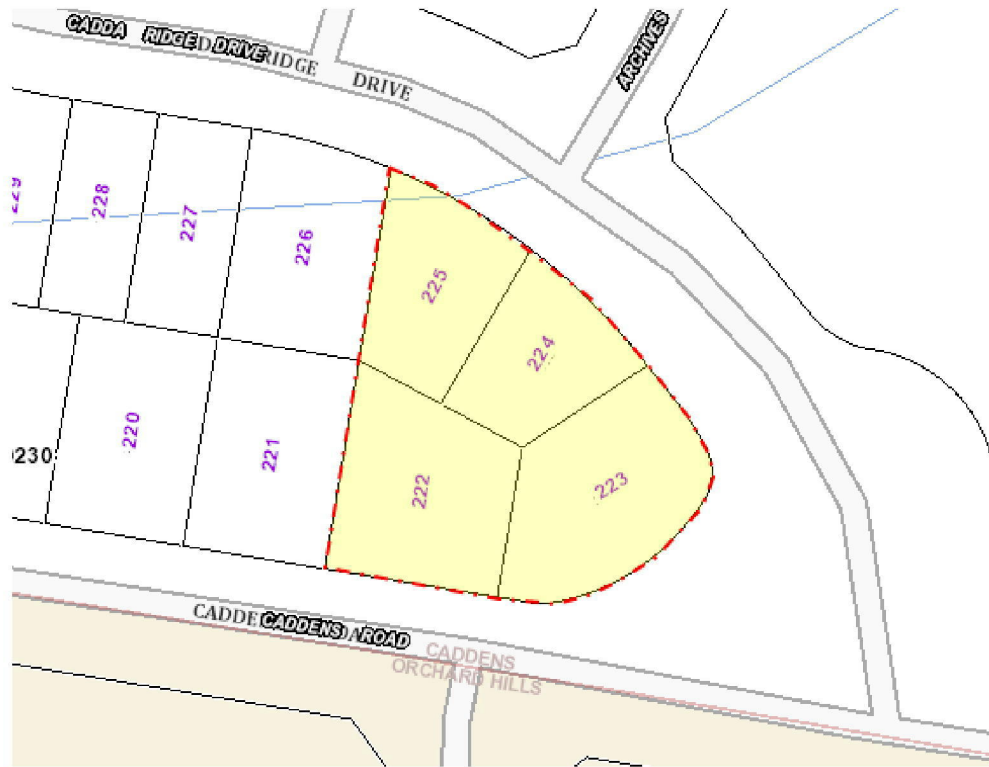


Figure 2 - Subject Site - Cadastre

3 Project Description

This application seeks approval for the installation of a pre-fabricated sales office, measuring some 16.1m x 11m. The application also seeks consent for the construction of 15 car parking bays, 6 flag panels and display signage.

The sales office has within it a meeting room, accessible toilet, office and lunch room. Accessible paths of travel are provided to access the sales office.

A signage masterplan accompanies the plans, showing acceptable way-finding and directional signage.

Landscaping comprises primarily native planting. The 6 flag panels are some 4.5m in height.

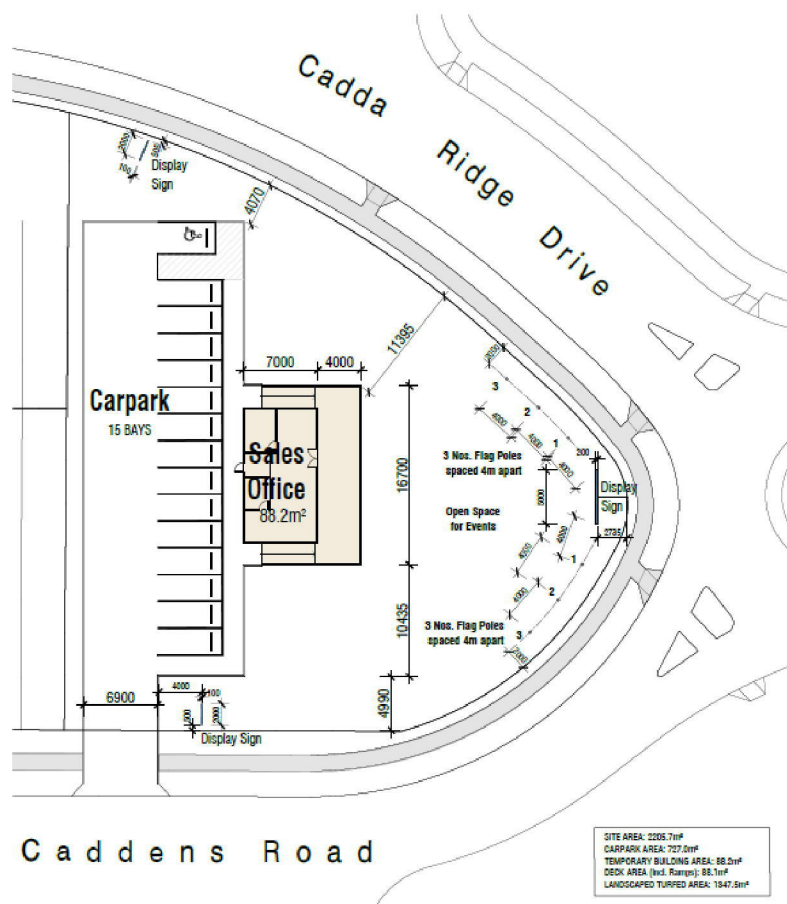


Figure 3 - Proposed Building Layout

Access and Internal Circulation

An appropriate level of access is provided to the site, both for vehicular and pedestrian traffic. Vehicular access is provided to the site via O’Connell Lane via a new access point.

Accessible requirements in accordance with the provisions of the Disability (Access to Premises) Standard 2010 will be included in the development.

Traffic and Parking Provision

Traffic generation and parking demand for an on-site display office is generally low and certainly limited to times when peak demands in the surrounding road network are low. For this proposal, 15 car spaces, inclusive of an accessible space are located adjacent to the sales office. Vehicular access to the site is located an appropriate distance from nearby intersections.

Landscaping and Open Space

A Landscape Plan accompanies the application and demonstrates high quality landscaping outcomes for the proposed development.

Hours of Operation and Employee Numbers

Hours of operation of the sales centre is expected to be normal business hours including weekends. It is expected that up to 2 employees would be on site, however this would be on an as needed basis.

Utilities

The site will be appropriately serviced to accommodate the proposed use. Some utility upgrades may be required and will be confirmed with the relevant service authority.

Contamination

The location of the proposed buildings is proposed on currently cleared land and open paddocks. Then property has been this way for a significant number of years. There is unlikely to be contamination on the site given its previous use. SEPP 55 is addressed below.

National Construction Code Compliance

All works will be carried and comply with the National Construction Code (now incorporating the BCA). A Construction Certificate will be required in relation to the proposal and it is expected that Council will require matters relating to NCC compliance.

4 Statutory Context

The following section provides an assessment of the proposed development against the relevant planning instruments and policies.

4.1 State Environmental Planning Policy No 55 – Remediation of Land

Under Clause 7(1)(A) the consent authority must not consent to a development application unless consideration has been given to whether the land is contaminated. Matters relating to contamination have been addressed in the overall subdivision application with Council. The site is suitable for development in this regard.

4.2 Sydney Regional Environmental Plan No 20 – Hawkesbury Nepean River

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

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

4.3 Penrith Local Environmental Plan 2010

The LEP is the primary environmental planning instrument relating to the proposed development. The objectives of the LEP are as follows:

- (a) *to provide the mechanism and planning framework for the management, orderly and economic development, and conservation of land in Penrith,*
- (b) *to promote development that is consistent with the Council's vision for Penrith, namely, one of a sustainable and prosperous region with harmony of urban and rural qualities and with a strong commitment to healthy and safe communities and environmental protection and enhancement,*
- (c) *to accommodate and support Penrith's future population growth by providing a diversity of housing types, in areas well located with regard to services, facilities and transport, that meet the current and emerging needs of Penrith's communities and safeguard residential amenity,*
- (d) *to foster viable employment, transport, education, agricultural production and future investment opportunities and recreational activities that are suitable for the needs and skills of residents, the workforce and visitors, allowing Penrith to fulfil its role as a regional city in the Sydney Metropolitan Region,*
- (e) *to reinforce Penrith's urban growth limits by allowing rural living opportunities where they will promote the intrinsic rural values and functions of Penrith's rural lands and the social well-being of its rural communities,*

- (f) *to protect and enhance the environmental values and heritage of Penrith, including places of historical, aesthetic, architectural, natural, cultural, visual and Aboriginal significance,*
- (g) *to minimise the risk to the community in areas subject to environmental hazards, particularly flooding and bushfire, by managing development in sensitive areas,*
- (h) *to ensure that development incorporates the principles of sustainable development through the delivery of balanced social, economic and environmental outcomes, and that development is designed in a way that assists in reducing and adapting to the likely impacts of climate change.*

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

The subject site is zoned R1 General Residential. The objectives of the R1 zone listed in the LEP are:

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

The proposed development is consistent with the objectives in that:

- The development is needed to facilitate the residential development of the area.
- The use is temporary in the sense that it will be redundant in the future and the use of the land will revert to residential use.
- The design of the development, or its utility, will not negatively impact on the amenity of the locality.

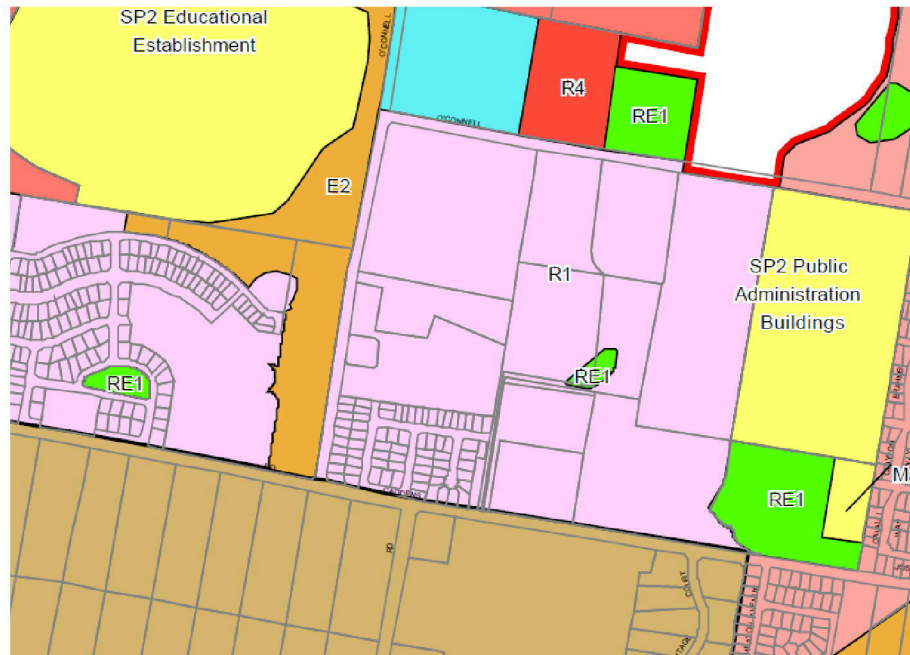


Figure 4 - Zoning Map

The Land Use Table of the LEP nominates *exhibition home* as a permissible form of development in the zone, given the notation on the zoning. The Dictionary definition of *exhibition home* is:

exhibition home means a dwelling built for the purposes of the public exhibition and marketing of new dwellings, whether or not it is intended to be sold as a private dwelling after its use for those purposes is completed, and includes any associated sales or home finance office or place used for displays.

The Dictionary definition of *dwelling* is:

dwelling means a room or suite of rooms occupied or used or so constructed or adapted as to be capable of being occupied or used as a separate domicile.

In our view, the proposed building can be defined as a *dwelling* given it comprises a suite of rooms that are capable of being used as a separate domicile. Whilst this would be possible it is not practical given its design and, in time, the building will be removed and replaced, pending approval of a future application.

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

Part 4 Principal Development Standards:				
Standard		Permitted	Proposed	Comment
4.1	Minimum subdivision lot size:	N/A	N/A	
4.2	Rural Subdivision:	N/A	N/A	
4.3	Height of Buildings:	9m	<9m	Complies
4.4	Floor Space Ratio	N/A	N/A	
4.6	Exceptions to development standards	N/A	N/A	

Part 5 Miscellaneous Provisions

Provision	Comment
5.1 Relevant acquisition authority	N/A
5.2 Classification and reclassification of public land	N/A
5.3 Development near zone boundaries	N/A
5.4 Controls relating to miscellaneous permissible uses	N/A
5.5 Development within the coastal zone	N/A
5.6 Architectural roof features	N/A
5.7 Development below mean high water mark	N/A
5.8 Conversion of fire alarms	N/A
5.9 Preservation of trees and vegetation	N/A
5.10 Heritage conservation	N/A
5.11 Bush fire hazard reduction	N/A
5.12 Infrastructure development and use of existing buildings of the Crown	N/A
5.13 Eco-tourist facilities	N/A

Part 7 Additional Local Provisions

Provision	Comment
7.1 Earthworks	No major earthworks are proposed. Some site levelling will be required however there will be no importing or exporting of fill.
7.2 Flood planning	N/A
7.3 Development on natural resources sensitive land	N/A
7.4 Sustainable development	N/A
7.5 Protection of scenic character and landscape values	The proposed site sits outside the area identified in the LEP as being land with scenic and landscape value.
7.6 Salinity	N/A
7.7 Servicing	Existing services can either be used or augmented to accommodate the proposed development.
7.8 Active street frontages	N/A
7.9 Development of land in the flight paths of the site reserved for the proposed Second Sydney Airport	N/A
7.10 Dual occupancies and secondary dwellings in certain rural and environmental zones	N/A
7.11 Penrith Health and Education Precinct	N/A
7.12 Maximum gross floor area of commercial premises	N/A
7.13 Exhibition homes limited to 2 years	N/A
7.14 Cherrywood Village	N/A
7.15 Claremont Meadows	N/A
7.16 Glenmore Park Stage 2	N/A

7.17	Dwelling houses on certain land in Castlereagh, Cranebrook, Llandilo, Londonderry, Kemps Creek and Mulgoa	N/A
7.18	Mulgoa Valley	N/A
7.19	Villages of Mulgoa and Wallacia	N/A
7.20	Orchard Hills	N/A
7.21	Twin Creeks	N/A
7.22	Waterside	N/A
7.23	Location of sex services premises and restricted premises	N/A

There are no other clauses relevant to the proposal.

4.4 Penrith Development Control Plan 2014

The Penrith Development Control Plan contains no specific provisions for sales offices. However, in relation to car parking it is noted that whilst there is no rate provided in the DCP for this land use type, the amount of parking is considered, on merit, acceptable.

It is submitted that given the general temporary nature of the proposal that it is not inconsistent with the general objectives of the DCP and that no further detailed consideration is required.

5 Section 4.15 Assessment

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

5.1 Section 4.15(1)(a)(i) – Any Environmental Planning Instruments

The relevant environmental planning instruments have been considered earlier in this report.

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

5.2 Section 4.15(1)(a)(ii) – Any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority

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

5.3 Section 4.15(1)(a)(iii) – Any Development Control Plan

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

5.4 Section 4.15(1)(a)(iiia) – Any Planning Agreement or Draft Planning Agreement entered into under Section 7.4

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

5.5 Section 4.15(1)(a)(iv) – The Regulations

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

5.6 Section 4.15(1)(a)(v) – Any coastal zone management plan

Not relevant to the proposed development.

5.7 Section 4.15(1)(b) – The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality

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

5.7.1 Flora and Fauna

No significant flora or fauna is located on the site. There will be no impact in this regard.

5.7.2 Stormwater and Flooding

A stormwater concept plan has been submitted with the development application demonstrating compliance with Council's requirements in this regard.

5.7.3 Erosion and Sediment Control

It is expected that Council would impose appropriate conditions of consent to ensure that erosion and sediment control measures were installed on the site prior to construction commencing.

5.7.4 Traffic Generation and Parking

The proposed development is not expected to generate significant demand for traffic generation or parking. An appropriate number of car parking spaces is proposed. No negative impacts are anticipated in this regard.

5.7.5 Noise Impacts

No major construction is proposed. No unacceptable impacts are expected.

5.7.6 Heritage Issues

There are no heritage issues of relevance in relation to this application.

5.7.7 Visual Impact

The proposed development is designed with a contemporary level of architectural merit that is suitable for the utility of this type of development. There will be no significant visual impacts arising.

5.7.8 Services

The site is appropriately serviced to allow for the proposed development.

5.7.9 Social and Economic

There are no negative economic or social impacts considered relevant to the proposal.

5.7.10 Waste Management

Appropriate waste management measures would be put in place on the site that are consistent with Council's requirements. The proposal is not expected to generate significant levels of waste.

5.8 Section 4.15(1)(c) – The suitability of the site for the development

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

For the reasons outlined in this report the site is considered suitable for this development proposal.

5.9 Section 4.15(1)(d) – Any submission made

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

5.10 Section 4.15(1)(e) – The public interest

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

6 Conclusion and Recommendation

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

The proposed sales office would not result in any unacceptable impact on the locality.

The site is considered quite suitable for a use of this nature and is consistent with nearby and adjoining development.

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

The application is recommended for approval.