

21st October 2013

The General Manager
Penrith City Council
601 High Street
PENRITH NSW 2760

Attention: Gavin Cherry

Dear Gavin,

**DEVELOPMENT APPLICATION (DA)
PROPOSED SUBDIVISION OF LOT 8 IN DP1176874 INTO 4 RESIDUE LOTS FOR THE
PURPOSE OF 1 FUTURE RESIDENTIAL DEVELOPMENT SITE, 1 PROPOSED EDUCATION
SITE, 1 FUTURE VILLAGE OVAL SITE AND 1 FUTURE RIPARIAN CORRIDOR LOT,
JORDAN SPRINGS, WESTERN PRECINCT, ST MARYS**

1.0 INTRODUCTION

This Statement of Environmental Effects (SEE) is submitted to Penrith City Council (PCC) in support of a Development Application (DA) for the proposed subdivision of lot 8 into 4 lots consisting 1 future residential development site, 1 proposed education site, 1 future village oval site and 1 future riparian corridor lot within Jordan Springs, Western Precinct, St. Marys.

This report has been prepared by the Applicant, Lend Lease (LL) as agent for Maryland Development Company.

This report should be read in conjunction with the following:

- DA form and application fees;
- Location Plan, prepared by Lend Lease (**Appendix A**);
- Existing Conditions Plan, prepared by Lend Lease (**Appendix B**);
- Neighbour Notification Plan, prepared by Lend Lease (**Appendix C**);
- Plan of Subdivision, prepared by Whelans Insites (**Appendix D**);
- Bushfire Protection Assessment, prepared by Bushfire and Environmental Services (**Appendix E**); and
- Species Impact Statement (SIS), prepared by Cumberland Ecology, and submitted previously as part of the Village Centre Bulk Earthworks DA (13/0686).

This report describes the site and its environs, the proposed development and includes an assessment of the proposal in terms of the matters for consideration as listed under Section 79C(1) of the *Environmental Planning and Assessment Act 1979* (EP&A Act). Within this report, references to the 'subject site' mean the land to which this DA relates.

2.0 SITE LOCATION AND DESCRIPTION

2.1 Background

The St Marys site was endorsed by the NSW Government for inclusion on the Urban Development Program (UDP) in 1993. The St Marys site is located approximately 45km west of the Sydney CBD, 5km north-east of the Penrith City Centre and 12km west of the Blacktown City Centre.

The St Marys site has an area of approximately 1,545ha and is approximately 7km east to west and 2km north to south. The site is bounded by Forrester Road and Palmyra Avenue in the east, The Northern Road in the west, Ninth Avenue and Palmyra Avenue in the north and the Dunheved Industrial Area, Dunheved Golf Club and Cambridge Gardens, Werrington Gardens and Werrington County residential estates in the south.

The St Marys site, which has been rezoned for a variety of uses, comprises 6 development precincts – Western, Central, North and South Dunheved, Ropes Creek and Eastern Precincts. Developable areas within these Precincts are shown on Figure 1.



Figure 1 – St Marys Development Precincts



On 16 June 2003 the Minister for Infrastructure, Planning and Natural Resources announced the “release” of the Eastern, North and South Dunheved Precincts. Subsequently, on 29 September 2006, the Minister released the remaining precincts, allowing “Precinct Plans” to be released for each area.

A Precinct Plan for the Western Precinct (the WPP) and accompanying Development Control Strategy (DCS) were adopted by Penrith City Council on 23rd March 2009. Construction of roads, services, landscaping and housing has been undertaken. The WPP required the preparation and adoption by Council of a Concept Plan prior to the approval of any subdivision proposal within the Western Precinct. The Concept Plan provides the next level of specificity of detail in relation to the matters addressed in the WPP and is intended for use by Council as an assessment tool for the consideration of future DAs.

2.2 Site Description and Ownership

The land to which this DA refers is the suburb of Jordan Springs which comprises the Western Precinct of the St Mary’s development. The site is owned by St Marys Land Limited and is being developed by Lend Lease under the name of Maryland Development Company.

The subject land of this subdivision DA is located on the existing balance lot 8 in DP1176874, registered on 17th September 2012.

For site context, refer to **Appendix A** for the Site Location Plan, and the Plan of Subdivision at **Appendix D**.

2.3 Relevant Western Precinct Subdivision DAs

This DA will require consideration within the context of previous DAs lodged adjacent to the subject site (refer **Table 1**). The scope of each DA and its status is provided.



Table 1- Associated Western Precinct subdivision DAs

Development Application	Proposal	Status
Stage 3A subdivision application (DA11/0511)	<ul style="list-style-type: none"> 139 Residential lots, 7 residue lots and public roads 	Approved 15 th August 2011
Stage 3B subdivision application (DA11/0512)	<ul style="list-style-type: none"> 138 Residential lots, 1 public reserve, 3 residue lots and public roads 	Approved 15 th August 2011
Childcare Centre and CRH subdivision application (DA11/1360)	<ul style="list-style-type: none"> 1 Childcare Centre site, 1 Community Resource Hub site and 1 residue allotment 	Approved 2 nd March 2012
Stage 1H subdivision application (DA11/1333)	<ul style="list-style-type: none"> 29 residential lots 	Approved 3 rd April 2012
Riparian Corridor subdivision application (DA11/1088)	<ul style="list-style-type: none"> 5 residue lots 	Approved 13th November 2012
Riparian Corridor Construction (DA13/0065)	<ul style="list-style-type: none"> Construction of Riparian Channel 	Lodged 25 th January 2013
Riparian Corridor Landscape Embellishment (DA13/0066)	<ul style="list-style-type: none"> Landscape embellishment works for the Riparian Corridor 	Lodged 25 th January 2013

3.0 DESCRIPTION OF PROPOSAL

This section of the report provides a detailed description of the proposed development.

The DA seeks development consent for subdivision of proposed residue lot 8 into 4 allotments. The allotments created as part of the proposed paper subdivision are as follows:

- Lot 21 (2.127ha) – Future Residential Development site proposed for possible higher density housing (Village Centre Site 13);
- Lot 22 (3ha) – Future possible Education site proposed for an education facility;
- Lot 23 (1.754ha) – Future Riparian Corridor allotment; and
- Lot 24 (5.687ha) – Proposed Village Oval site.

This DA is for a paper subdivision only, and does not propose any other development, including landscape embellishment works, civil works such as earthwork, road construction, footpaths or service connections, or dwelling construction.

Any development on lots 21 and 22 will be proposed and undertaken by a separate developer, including any roads and associated civil works, buildings or dwellings and associated landscape embellishment works. The assessment of any potential future development will be subject to future DAs, which will include specific details on built form to ensure compliance with the Western Precinct Plan and Village Centre Concept Plan.

The Riparian Corridor was previously approved under a separate Development Application (DA111/1088). The subject DA combines the existing approval of a portion of the North – South Riparian Corridor with the creation of lots 21 and 22 (the possible future residential development site and possible education site) in a single DA.

An assessment of planning issues is included in Section 4, and an assessment of the proposal against the relevant Environmental Planning Instruments is included in Section 5.

3.1 Location of subject site

The subject site is bound by Greenwood Parkway to the North, Alinta Promenade to the East, Cullen Avenue to the South and Lakeside Parade to the West.

3.2 Existing site conditions

The Existing Conditions Plan (refer **Appendix B**) illustrates that the subject site generally grades from North West to South East. No modifications to the existing site conditions are proposed in this DA.

4.0 ASSESSMENT OF PLANNING ISSUES

Section 79C(1) of the Environmental Planning and Assessment Act 1979 declares that the Consent Authority, in assessing a DA, must take into account a range of issues relevant to the proposal, including the suitability of the site, and the impacts of the site and surrounds imposed by the proposal.

The following matters are reviewed in accordance with the proposed subdivision.

4.1 Flooding and Stormwater Drainage

The Water, Soils and Infrastructure Report that forms part of the WPP and prepared by SKM contains an analysis of the existing water, drainage and soil characteristics of the Western Precinct. The report establishes that the site is not affected by the Probably Maximum Flood level from the Hawkesbury Nepean River system, or the 100 year ARI level in South Creek, located to the west of the subject site.

This DA is for a paper subdivision of allotments only. No stormwater drainage works are proposed as part of the subject DA. DAs for the construction and embellishment works of the drainage channel in the Riparian Corridor have previously been lodged with Council and subsequently approved under the DA numbers 13/0065 and 13/0066. These DAs were based on the agreed width of the Riparian Corridor channel, as approved in DA11/1088.

4.2 Earthworks and Ground Contouring

This DA does not propose any earthworks or ground contouring on the site. Bulk earthworks on this site are subject to a separate DA (13/0686), and the abovementioned Riparian Corridor construction DAs. Any additional earthworks will be part of future DAs for construction works on the site.

4.3 Erosion and Sediment Control

As part of this DA, there are no activities proposed on the subject site to cause erosion and result in the need for sediment control. Details of erosion control during construction will be submitted with future DAs for proposed development on the subdivided allotments.

4.4 Soil Salinity

The Soil and Water Management Plan contained within the Western Precinct Plan includes possible measures to address potential soil salinity issues, should they occur. The proposed subdivision will not have an impact on the current levels of salinity on the subject site.

4.5 Bushfire Management

The subject site is identified as bushfire prone land. The subject DA is proposing the subdivision of allotments for future residential and possible Special Fire Protection purposes, therefore the



proposal is defined as “integrated development” under Section 91 of the Environmental Planning and Assessment Act 1979.

Accordingly, a Bushfire Protection Assessment has been undertaken for the proposal, as prepared by EcoLogical Australia Pty Ltd and included at **Appendix E**. The bushfire report identifies that lot 21 is subject to an Asset Protection Zone (APZ) of 15 metres, and lot 22 subject to a 50m APZ as shown in the report.

4.6 Explosive Ordnance Material

Processes are in place for when potential ordnance material is uncovered, however this is not applicable under this paper subdivision DA.

4.7 Access and Traffic

Legal access to each allotment is provided for each lot in the form of road frontages. The construction of roads on each lot is expected to be included as part of any future DA for proposed future development.

4.8 Safety

This is not applicable under this DA.

4.9 Landscaping and Maintenance

No landscaping is proposed under this subdivision DA.

4.10 Tree Retention

The subject DA does not propose the modification of the existing conditions on site, and so tree retention or removal is not applicable under this DA.

4.11 Ecology

The existing flora and fauna on site will not be disturbed as a result of the subject DA, as no site works are being undertaken as part of the proposal. However, an SIS has been provided as part of the Development Application previously lodged for bulk earthworks for lots 21, 22 and 24 (DA13/0686). An SIS was also previously lodged and approved as part of DA 11/1088 for the Riparian Corridor.

4.12 Utility Services

Consultation with service providers was undertaken in preparation of the WPP. The subdivided allotments will be serviceable with water, sewer, electricity and telecommunications, subject to extensions or augmentation of utilities infrastructure to be determined with proposals for future development.

4.13 Heritage

There are no SREP30 identified European Heritage sites within the proposed development area. Additionally, there are no identified Aboriginal Archaeological Salvage sites located in the subject site. In any event, a Section 90 permit exists for all Urban zoned land in the Western Precinct.

4.14 Contamination

The St Marys Precinct has been subject to extensive investigation and remediation to ensure that the land is suitable for development. The Environmental Protection Agency (EPA), now DECCW, has been involved in the process of preparing the Site Audit Statements (SAS) for the Precinct. The specific SASs which encompasses the subject site is CHK001/1. A copy of this SAS has been submitted to Penrith City Council as part of previous DAs.

4.15 Social and Economic Impacts

The proposed development of urban land for residential purposes provides further housing choice within the region that is well connected to education and community services, public transport, parks and open spaces. The development framework established under SREP 30 is delivering economic development employment opportunities. The proposed subdivision will create developable lots which will promote these positive social and economic impacts.

Further, the proposed development will continue the utilisation of construction jobs as well as longer term economic benefits associated with flow on effects from establishing a new residential community.

4.16 The public interest

The proposed subdivision is adherent with the Development Control Strategy and Western Precinct Plan. These documents have been subject to public exhibition and assessment by Penrith City Council, leading to its subsequent adoption. The proposal represents Council's planning objectives for the Western Precinct.

5.0 DEVELOPMENT ASSESSMENT UNDER RELEVANT PLANNING INSTRUMENTS AND CONTROLS

Section 79C(1) of the Environmental Planning and Assessment Act states that the consent authority must take into account a range of matters relevant to the development in determining an application, and specifically the provisions of environmental planning instruments.

The following planning instruments and documents are relevant to the proposed development:

- Environmental Planning and Assessment Act 1979 (EP&A Act)
- St. Marys Development Agreement (Deed) and St Marys Penrith Planning Agreement;
- Sydney Regional Environmental Plan No. 30 – St Marys (SREP 30);
- St Marys Environmental Planning Strategy (St Marys EPS);
- Western Precinct Plan (WPP);
- Development Control Strategy (DCS); and
- Jordan Springs Village Centre Concept Plan.

The following assessment of these instruments only includes those matters under Section 79C(1) that are relevant to the proposal. These planning instruments have been used to determine the social, economic and natural and built environmental impacts.

5.1 Environmental Planning and Assessment Act 1979

In accordance with the EP&A Act, the proposal will require a bushfire safety authority for the subdivision of the land for future residential purposes, as the land is identified as bush fire prone. Therefore, the proposal is defined as Integrated Development in accordance with the Rural Fires Act 1997.

A cheque accompanies this application to facilitate the assessment of the proposal by the NSW Rural Fire Service. A Bushfire Protection Assessment prepared by EcoLogical Australia Pty Ltd also accompanies this application at **Appendix E**.

The proposal also requires referral to the NSW Office of Water in accordance with the Water Management Act 2000. The subdivision application relates to land within and adjoining the designated Riparian Corridor, and defined as “waterfront land”. A cheque has been provided to facilitate the assessment of the proposal by the Office of Water.

5.2 St. Marys Development Agreement and St. Marys Penrith Planning Agreement

The St. Marys Penrith Planning Agreement specifies the obligations of Lend Lease in relation to Open Space and Human Services. There are no obligations specifically relating to the required area of the possible future education site (lot 22), the proposed residential development lot (lot 21) or the future Riparian Corridor allotment (lot 23). However, the proposed Village Oval site has a Deed requirement for a minimum area of 5.5ha. The proposed subdivision complies with this requirement, as the future Village Oval lot is 5.687ha in size.

The St. Marys Development Agreement specifies the State Government Services and Facilities required on the St Marys site. Annexure L in the Agreement specifies that one primary school is required in the Western Precinct (Stage 2). The proposed subdivision addresses this requirement in the Agreement by allocating a 3ha site for a possible future education site, which will be subject to negotiations with relevant education providers. There are no additional requirements for the proposed education site or other proposed lots which will be created as part of the proposed subdivision.

5.3 Sydney Regional Environmental Plan No. 30 – St Marys (SREP 30)

SREP 30 contains planning objectives, principles and provisions to control development within the Precincts shown in figure 1. The proposed subdivision is not inconsistent with the achievement of the performance or zone objectives, and reflects the aims of the development control strategies of SREP 30.

Part 5 specifies the performance objectives for the Western Precinct. The proposed subdivision supports the future achievement of these objectives. Specifically, Clause 27 (Open Space and Recreation) is supported through the proposed subdivision, and enables the construction of a future Village Oval on lot 24 which can:

- provide an area for passive and active recreation;
- ensure utilisation by maximising accessibility; and
- provide a design which maximises the natural environmental values of the location.

Lot 23 supports the objectives of Clause 28 (Watercycle) and will enable the future construction of a drainage corridor which can:

- minimise impacts on water quality during construction;
- minimise impact upon flood levels downstream; and
- minimise flood risk to both people and property.

Lot 21 supports the objectives in Part 5, as they will enable the future construction of housing and built form which can:

- provide a range of housing types and sizes in close proximity to services and facilities within the Village Centre;
- provide an attractive and safe built environment; and
- maximise the potential for alternative forms of transport.

Clause 40 states the objectives and permissible uses within the Urban Zone. The proposed subdivision is development for the purpose of drains, housing, educational establishments and parks, which are all the proposed future uses of the allotments created in this DA.

Similarly, Clause 40 (1) states that:



The objectives of the Urban Zone are...to ensure that buildings and works within the zone are primarily used for residential purposes and associated facilities.

This proposal is consistent with these objectives, as this DA seeks consent for the subdivision of the subject lot within the Urban Zone for the future purpose of residential use and associated facilities.

5.4 St Marys Environmental Planning Strategy (St Marys EPS)

The St Marys EPS establishes guidelines and strategies for the future development of land under SREP 30, specifically in relation to matters of conservation, cultural heritage, water cycle and soils, transport, urban form, energy and waste, human services, employment and contamination.

The proposal is generally consistent with the performance objectives contained in the EPS, and will not prevent the achievement of the objectives for future development on the allotments created.

5.5 St Marys Western Precinct Plan (WPP)

The Western Precinct Plan (WPP) identifies the distribution of major land uses including the location and function of open space and public facilities within the Western Precinct.

The proposed subdivision is not inconsistent with the vision for the City of Penrith and Western Precinct detailed in sections 1.5 and 1.6, and it does not hinder the achievement of these principles with future development on the proposed allotments.

The proposal is consistent with the Framework Plan and Open Space Master Plan. Similarly, the location of the proposed future drainage corridor on lot 23 is compliant with the location indicated in the Precinct Plan.

5.6 Western Precinct Development Control Strategy (DCS)

The subdivision proposal will promote compliance of the residential development controls included in the DCS contained in Section 5B of the Precinct Plan, and will allow for a range of dwelling types on lot 21, including integrated housing.

The non-residential built form guidelines will provide guidance for the possible future education site. The built form proposal will be subject to a separate DA, for which an appropriate outcome has been facilitated through the subject proposal.

5.7 Jordan Springs Village Centre Concept Plan

The proposed subdivision supports the objectives of the Village Centre Character Area specified in the Jordan Springs Village Centre Concept Plan. The subdivision will not prevent future development from achieving these objectives.



It is noted that the possible future Education site in the proposed subdivision covers a larger area in the Village Centre Concept Plan and Village Centre Structure Diagram, including the areas of both lots 21 and 22 for a total area of 5.127ha (refer pgs 4, 5 and 14 of the Village Centre Concept Plan). Preliminary discussions with education providers have confirmed that the 3ha lot provides sufficient space for an education facility.

6.0 Conclusion

The proposed subdivision is consistent with the objectives and controls within the planning instruments relevant to this site.

The subdivision lot configuration is generally in accordance with the Development Control Strategy, Western Precinct Plan and Village Centre Concept Plan, and represents Council's planning objectives for the Western Precinct. Under SREP 30 objectives, the subdivision proposal is permissible with consent according to clause 45, and is consistent with the Urban Zone objectives specified in clause 40 (2).

In light of the merits of the proposal, and in absence of any significant adverse environmental, social or economic impacts, we request that the application be approved, subject to appropriate conditions of consent.

Should you require further clarification on any of the above items or require additional plans or documentation, please do not hesitate to contact me on 0439 094 730.

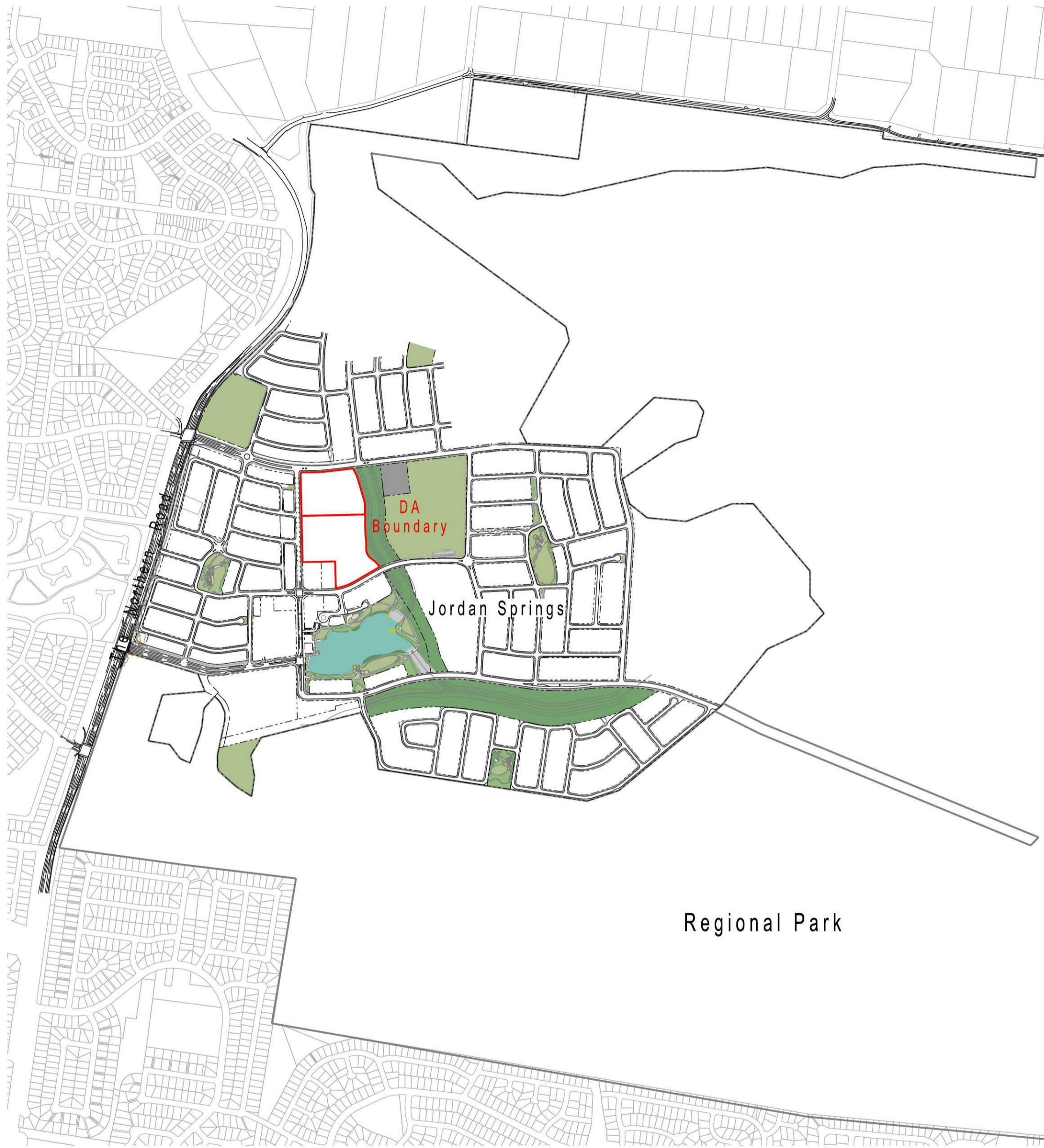
Yours faithfully,



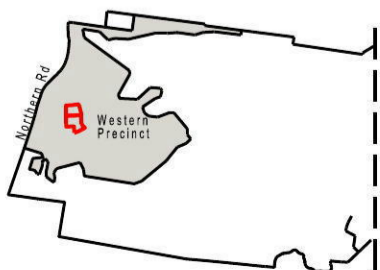
Angus Fulton
Statutory Planner NSW / ACT
COMMUNITIES



Appendix A
Location Plan, prepared by Lend Lease



KEY PLAN



NOTES

Issue	Amendment	Date
A	Council Lodgement Issue	14.10.13

LEGEND

 DA Boundary

Developer:



Cnr Jordan Springs Blvd and Lakeside Pde
 Jordan Springs NSW 2747
 PO Box 1870, Penrith NSW 2751
 p.02 9016 6500
 ABN 19 007 876 964

Development Manager: Lend Lease Development Pty Ltd

Project



Drawing Title

Village 13 &
 Education Site DA
 Location Plan

Scale AT A3 1:10000
 Drawn by RS/LM
 Drawing No. JS V13 Loc



Issue A



Appendix B
Existing Conditions Plan, prepared by Lend Lease



KEY PLAN



NOTES

Issue	Amendment	Date
A	Council Lodgement Issue	14.10.13

LEGEND

- DA Boundary
- Existing tree
- Existing contour
- Top of bank
- Bottom of bank
- Existing road

Developer



Development Manager: Lend Lease Development Pty Ltd

Project



Drawing Title
Village 13 & Education Site DA

Existing Conditions Plan

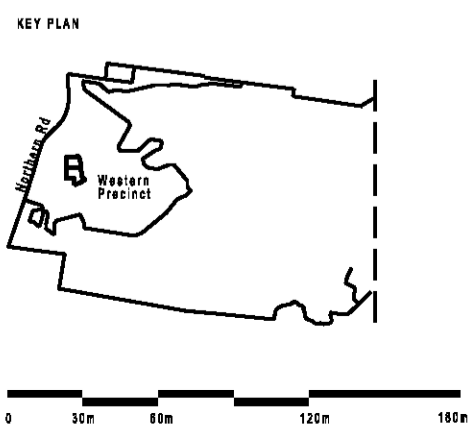
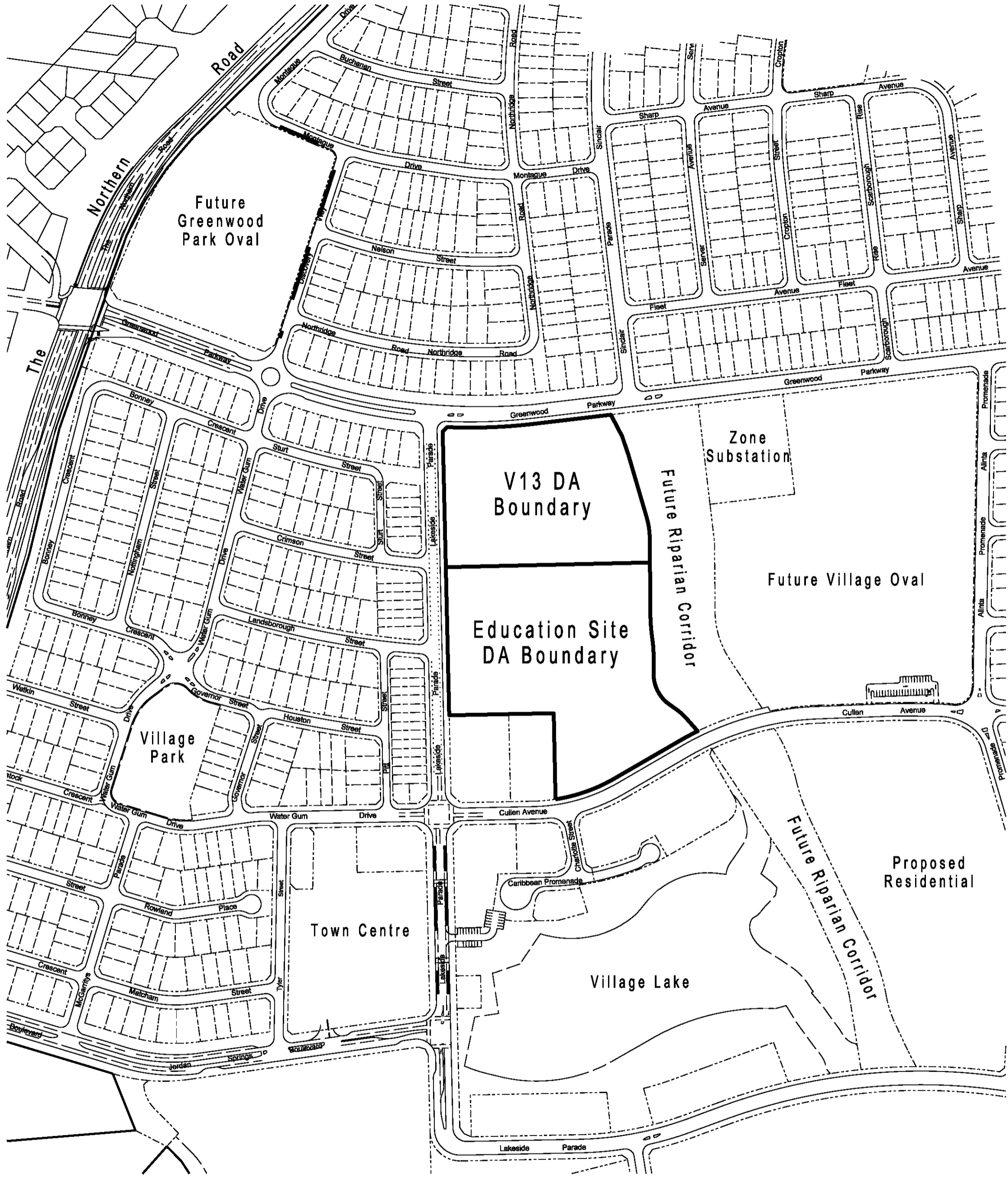
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Drawing Number WP V13 EC



Issue A



Appendix C
Neighbour Notification Plan, prepared by Lend Lease



NOTES

Issue	Amendment	Date
A	Council Lodgement Issue	14.10.13

LEGEND
 DA Boundary

Developer

Lend Lease
 Cnr Jordan Springs Blvd and Lakeside Pde
 Jordan Springs NSW 2747
 PO Box 1878, Parrish NSW 2751
 p.02 6018 6507
 ABN 19 007 879 064

Project

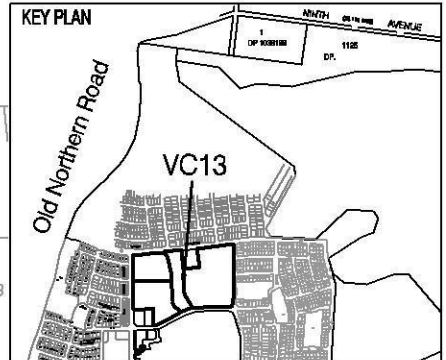
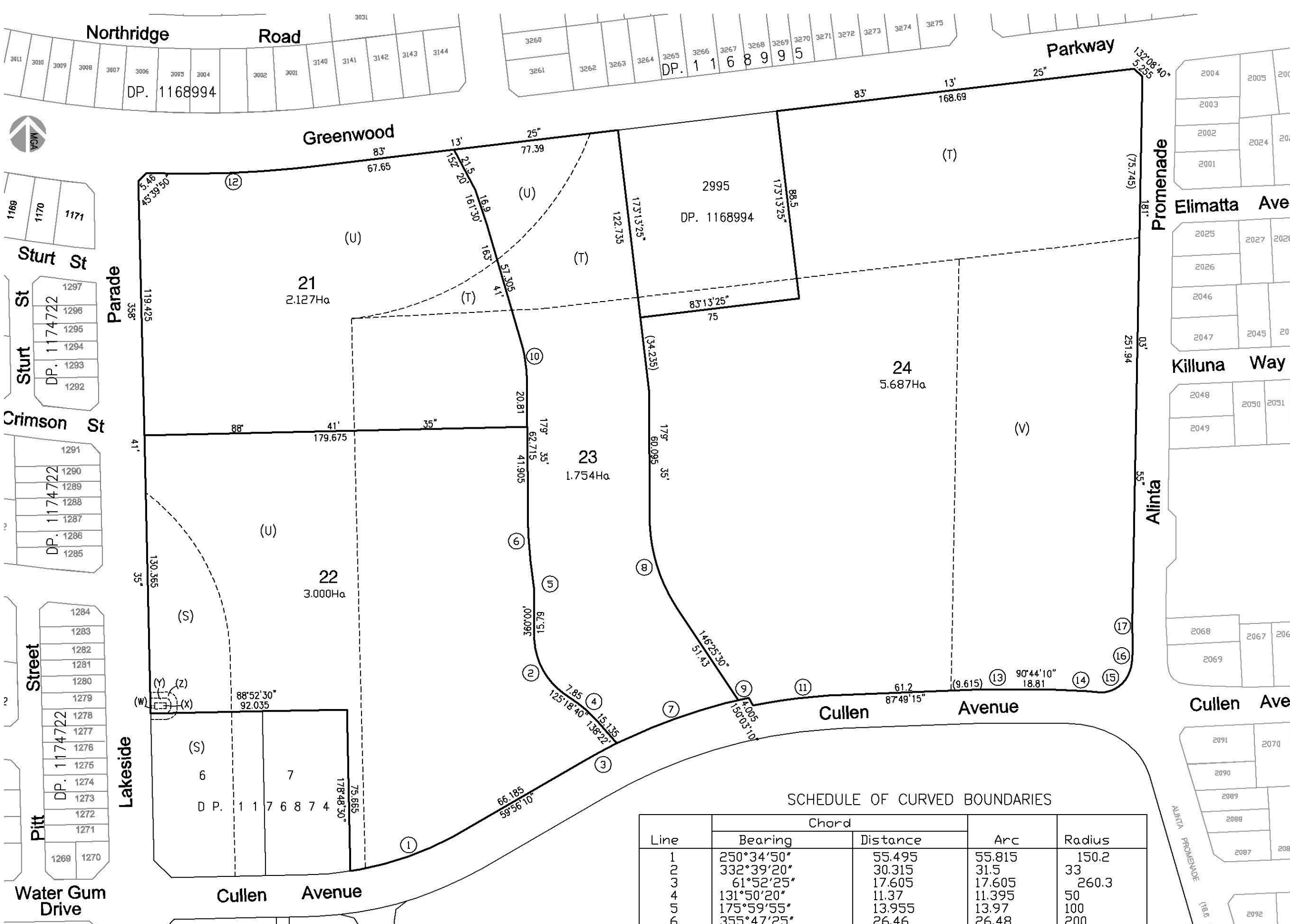
JORDANSPRINGS
 Drawing Title
Village 13 & Education Site DA
 Neighbour Notification Plan
 Scale AT A3 1:3000
 Drawn by R8/LM
 Drawing No. WP V13 Notification
 Issue A

Development Manager: Lend Lease Development Pty Ltd





Appendix D
Plan of Subdivision, prepared by Whelans Insites



Issue	Amendment	Date
A		

NOTES
 NO BOUNDARY SURVEY HAS BEEN UNDERTAKEN. DIMENSIONS AND AREA(S) SHOWN ARE APPROXIMATE ONLY AND ARE SUBJECT TO CONFIRMATION BY BOUNDARY SURVEY. LOT NUMBERING IS SUBJECT TO CHANGE ON PREPARATION OF FINAL DEPOSITED PLAN. ORIGIN OF MGA BASED SITE CO-ORDINATES FROM PM 147113 AND PLANE DISTANCES HAVE BEEN USED. CO-ORDINATES FOR PM 147113 WERE DEDUCED BY WIELANS FROM SURROUNDING SSM & PWS ON PUBLIC RECORD. CO-ORDINATES FOR PM 147113 HAVE BEEN ADOPTED AS 292202.160E 8266005.820N

Developer

 St Marys NSW 2760
 p.02 9673 8800 f.02 9673 8888
 m.02 967 678 964

Prepared by

 Repes Crossing Ph: 9833-9011

D646-VC13-001.dwg

Project
St Marys Development - Western Precinct Village 13, School Site & Oval

Drawing Title
PLAN OF SUBDIVISION OF LOT 8 IN DP. 1176874

0 10m 20m 50m 100m

CCAD5 REF: D646-VC13 SHEET 1 OF 1
 Scale 1:500 @ A3 DATE 3-10-13
 Drawn LAS
 Checked JMcW
 Job No LAYOUT: SH1 D646
 Drawing Number D646-VC13-001
 Project Web DCR No. W Issue A

SCHEDULE OF CURVED BOUNDARIES

Line	Chord		Arc	Radius
	Bearing	Distance		
1	250°34'50"	55.495	55.815	150.2
2	332°39'20"	30.315	31.5	33
3	61°52'25"	17.605	17.605	260.3
4	131°50'20"	11.37	11.395	50
5	175°59'55"	13.955	13.97	100
6	355°47'25"	26.46	26.48	200
7	70°27'05"	60.2	60.335	260.3
8	343°00'15"	44.515	45.14	78
9	77°39'50"	5.195	5.195	260.3
10	171°38'	19.365	19.425	70
11	83°10'05"	41.62	41.665	256.5
12	267°48'35"	76.92	77	481
13	89°16'45"	20.68	20.68	406.5
14	93°31'	19.405	19.41	200
15	233°28'20"	19.715	21.675	14.5
16	183°56'25"	11.445	11.475	49
17	359°08'55"	13.81	13.815	206.5

- (S) RESTRICTION ON THE USE OF LAND (DP. 1149528)
- (T) POSITIVE COVENANT (DP. 1168995)
- (U) POSITIVE COVENANT (DP. 1168994)
- (V) POSITIVE COVENANT (DP. 1168989)
- (W) EASEMENT FOR UNDERGROUND CABLE 1 WIDE (DP. 1168994)
- (X) EASEMENT FOR PADMOUNT SUBSTATION 2.75 WIDE (DP. 1168994)
- (Y) RESTRICTION ON THE USE OF LAND (DP. 1168994)
- (Z) RESTRICTION ON THE USE OF LAND (DP. 1168994)



Appendix E
Bushfire Protection Assessment, prepared by Bushfire and Environmental Services