



# Statement of Environmental Effects

46-66 & 29 O'CONNELL STREET,  
CADDENS

2 SEPTEMBER 2020



## QUALITY ASSURANCE

<b>Project:</b>	<i>Subdivision</i>
<b>Address:</b>	<i>46-66 &amp; 29 O'Connell Street, Caddens</i>
<b>Lot /DP:</b>	<i>Lot 2 in DP 1217434, Lot 3 in DP1103503 and Lot 6 in DP593628</i>
<b>Council:</b>	<i>Penrith City</i>
<b>Author:</b>	<i>Think Planners Pty Ltd</i>

<b>Date</b>	<b>Purpose of Issue</b>	<b>Rev</b>	<b>Reviewed</b>	<b>Authorised</b>
<i>September 2020</i>	<i>Draft issue for Client</i>	<i>Draft</i>	<i>SK/JW</i>	<i>JW</i>
<i>September 2020</i>	<i>DA Issue</i>	<i>Final</i>	<i>JW</i>	<i>JW</i>

<i>Integrated Development (under S.4.56 of the EP&amp;A Act). Does the development require approvals under any of the following legislation?</i>	
<i>Biodiversity Conservation Act 2016</i>	<i>No</i>
<i>Fisheries Management Act 1994</i>	<i>No</i>
<i>Heritage Act 1977</i>	<i>No</i>
<i>Mine Subsidence Act 1992</i>	<i>No</i>
<i>Mining Act 1992</i>	<i>No</i>
<i>National Parks and Wildlife Act 1974</i>	<i>No</i>
<i>Petroleum (Onshore) Act 1991</i>	<i>No</i>
<i>Protection of the Environment Operations Act 1997</i>	<i>No</i>
<i>Roads Act 1993</i>	<i>No</i>
<i>Rural Fires Act 1997</i>	<i>Yes</i>
<i>Water Management Act 2000</i>	<i>No</i>
<i>Concurrence</i>	
<i>SEPP 64- Advertising and Signage</i>	<i>No</i>
<i>SEPP 71 – Coastal Protection</i>	<i>No</i>
<i>SEPP (Infrastructure) 2007</i>	<i>No</i>
<i>SEPP (Major Development) 2005</i>	<i>No</i>
<i>SREP (Sydney Harbour Catchment) 2005</i>	<i>No</i>

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## EXECUTIVE SUMMARY

This Statement of Environmental Effects has been prepared in support of a Development Application to undertake a torrens title subdivision with associated works at 44-66 & 29 O'Connell Street, Caddens.

The proposal is to create 160 new residential allotments, 2 residue lots and to undertake bulk earthworks and the construction of road, half road, stormwater and other associated civil infrastructure works, and associated stormwater works.

The proposal is designed to be carried out within 5 distinct stages to enable the delivery of the proposed development- noting residue allotments will be subject to future applications for the B2 land and the residential super lot.

The key design principle underpinning the current subdivision application is that it has been designed to follow the general principles and road layouts prescribed for the Caddens Precinct rather than a traditional subdivision. Noting that a portion of the site, being the B2 zoned land associated with the subject site, resides within the Caddens Precinct associate with the Penrith Development Control Plan 2014 and the remaining R3 zoned portion of the site sitting just outside the precinct and does not contain site specific controls.

The typical R3 medium density product under Penrith LEP 2010 is for strata titled townhouses as observed across other parts of Penrith, Kingswood, St Marys, Werrington, and Oxley Park. However the size of this allotment and its interface to the Caddens Precinct lends itself to an alternate design approach with a small lot housing product which achieves a lower density than would typically occur in an R3 context. In terms of density when considering the developable area- excluding Lot 401 and 501 (B2)- the proposal achieves a density of 17.7 dwellings per Ha.

This compares to the prior Concept Plan approval that achieved 39 dwellings per Ha (excluding B2). So on a density basis it can be clearly seen that the density of the scheme is substantially less- and enables a more suitable outcome for the site. Further it is noted that the desired minimum density for Caddens is 15 dwellings per Ha- which this scheme achieves but does not substantially exceed- again pointing to the suitability of the outcome on the site.

Critically we note the prior development consent issued for the land that adopted a significantly higher density than that proposed by this new development proposal. This proposal is a much better contextual 'fit' for the locality and with the product proposed as well as more suitable typical road layouts and block configurations.



The primary rationale for this is that the development site is the only large land parcel remaining within the Eastern side of O'Connell Road capable of undertaking large scale residential development comparable to that currently being undertaken in Caddens and therefore it is appropriate to deliver residential development in terms of lot configuration, scale, density, and housing types comparable to that within the adjoining residential estate.

This will ensure not only a suitable transition of urban development but also achieve consistency with the type and scale of residential subdivision and subsequent development currently being undertaken within Caddens rather than the Penrith Local Government Area as a whole.

The key aspects of the proposal are as follows:

### **Staging**

The development is to be undertaken within 5 distinctive stages as indicated below:

#### **Stage 1:**

- Creating a total of 94 residential lots (Lots 101-194).
- Bulk earthworks
- Removal of identified trees
- Construction of roads
- Installation of north-western basin and the south-western basin in the area of Residue Lot 501 and the north-western basin in the park lot.
- Landscaping works and relevant street trees and the like.

#### **Stage 2:**

- Creating a total of 32 lots (Lots 201-232).
- Landscaping works and relevant street trees and the like.
- Construction of roads

#### **Stage 3:**

- Lots 301-334: Creating a total of 34 lots (Lots 301-334).
- Creation of 1 x residue lot (Lot 335) earmarked as a future reserve/park with 7,883.4m<sup>2</sup> in size.
- Construction of roads
- Temporary detention in the north east and south east corner and the south-east corner of the park lot.
- Landscaping works

#### **Stage 4:**

- Creation of 1 x residue lot (Lot 401) that is 9,463.7m<sup>2</sup> in size and will be developed at a future date.



**Stage 5:**

- Lot 501 will be 18,464.9m<sup>2</sup> in size and will facilitate future mixed use development at a future date. Lot 501 to be utilised during the construction phase for temporary basin and other works.

An indicative plan illustrates the potential future development outcomes associated with the current subdivision proposal- by way of typical building envelopes and typologies prepared by PBD Architects.

In conclusion the proposed Torrens Title Subdivision will result in the following:

- 160 x new residential allotments
- 2 x residue lots;
- Creation of a future new park and associated VMP works- to be retained in private ownership.
- Dedication of land to facilitate future planned roads.

Situated within close proximity to an emerging residential estate (Caddens), the development site is located on the eastern side of O'Connell Street, approximately 450m south from the intersection of O'Connell Street and The Great Western Highway, Kingswood.

The subject site bounds TAFE NSW Nepean Kingswood Campus to its northern boundary, a large commercial centre (Caddens Corner) that is currently under construction to its immediate southern boundary and grounds associated with the University of Western Sydney its eastern boundary.

O'Connell Street separates the site from The University of Western Sydney and grounds associated with the university to the west. The development site is also within proximity to Kingswood Commercial Precinct, local schools, child care facilities and Caddens & Settlers Place Estate Werrington, two of Penrith's newest residential estate that is currently undergoing extensive land preparation, subdivision and development of residential dwellings on lots of varying sizes and shapes.

The locality is also serviced by public transport with bus stops providing services to Mount Druitt and Penrith (Route 775 & 776) within a 250m radius and Kingswood Train Station situated approximately 1.9km from the development site.

The site which is 12.2a in area (Lot 2 – 0.6ha, Lot 3 – 5.8ha & Lot 6 – 5.8ha) has a frontage to O'Connell Street, is orientated in a western direction and has a significant slope from the rear to the street. Lot 3 lies at elevation of approximately 48m to 67m AHD and Lot 6 lies at elevation of approximately 55 to 67m AHD.

The site is comprised of two formerly rural residential lots with associated sheds and outbuildings and former agricultural land, much of which is covered by regrowth native vegetation and an existing road easement at O'Connell Street (Lot 3 in DP1103503) to the north that has been purchased by the application for access into the site.

The subject site is subject to a split zoning with the majority of the site zoned R3 – Medium Density Residential and the western portion of the site fronting O'Connell Street zoned B2 – Local Centre under the Penrith Local Environmental Plan 2010 noting '*Subdivision*' is permissible with Council consent within both the B2 and R3 zone.

Under Penrith LEP 2010, the eastern portion of the site which is zoned R3 is subject to a minimum lot size of 400m<sup>2</sup>. The current development is to undertake subdivision of the subject land parcel to facilitate future residential development and will result in new lots with sizes of between 266m<sup>2</sup> and 18,464.9m<sup>2</sup>.

With the key design principle underpinning the current subdivision application is to deliver residential development in terms of scale, density, lot sizes and housing types comparable to that within Caddens, it is considered appropriate to assess the current application against the key controls for subdivision within Caddens, rather than the city wide minimum lot size control. This will ensure consistency with the type and scale of residential subdivision and subsequent development currently being undertaken within Caddens.

The current application has undertaken a significant revision to the subdivision scheme approved under DA17/0042 with an aim of delivering a more traditional residential subdivision pattern to lots typically found within new estates including Caddens of between 266m<sup>2</sup> and 551.3m<sup>2</sup> and will achieve a total residential yield of 160 new residential lots, which is significantly less than that approved under DA17/0042. The revised scheme would result in a better outcome whilst also being consistent with the residential subdivision pattern and development within Caddens.

The development is to also deliver a new woodland park (7,883.4m<sup>2</sup>) within Lot 401 which is going to retain identified Cumberland woodland vegetation and will also comprise of bioretention basins, internal 2.5m side pathway of varying gradients, turf areas with shade trees and informal seating for passive recreational and a fenced children's play area with covered nature play elements.

Having regard to the benefits of the proposal and taking into account the absence of adverse environmental, social or economic impacts, and that the proposal represents an appropriate use of well-located land, the application is submitted to Council for assessment. Think Planners Pty Ltd recommends the approval of the application, subject to necessary, relevant and appropriate conditions of consent.



## DA BACKGROUND AND HISTORY

### DA17/0042

Council approved, through the Sydney West Regional Planning Panel, DA17/0042 to undertake large scale subdivision of the subject which delivered a total of 320 dwellings (with 70 secondary dwellings) to be accommodated across 15 superlots with sizes of between 1,080.7m<sup>2</sup> and 4,032.2m<sup>2</sup> and subsequent community title subdivision. This was exclusive of the B2 land.

By way of comparison the 390 dwellings approved compares to 160 lots, plus the 401 superlot (subject to future DA), which is 50% less than the density approved previously by Council and the Sydney West Planning Panel. In terms of density when considering the developable area- excluding Lot 401 and 501 (B2)- the proposal achieves a density of 17.7 dwellings per Ha. This compares to the prior Concept Plan approval that achieved 39 dwellings per Ha (excluding B2). So on a density basis it can be clearly seen that the density of the scheme is substantially less- and enables a more suitable outcome for the site.

The current application has undertaken a significant revision to the subdivision scheme approved under DA17/0042 with an aims of delivering a more traditional residential subdivision pattern to lots typically found within new estates including Caddens of between 266m<sup>2</sup> and 551.3m<sup>2</sup> and will achieve a total residential yield of 160 new residential lots, which is significantly less than that approved under DA17/0042.

The revised scheme would result in a better outcome whilst also being consistent with the residential subdivision pattern and development within Caddens.

### DA20/01432

DA20/01432 has recently granted consent for the demolition of existing dwellings, structures and outbuildings within the development site.





## SITE AND CONTEXT

### SUBJECT SITE

Situated adjacent to an emerging residential estate (Caddens), the subject site is located on the eastern side of O'Connell Street, approximately 450m south from the intersection of O'Connell Street and The Great Western Highway, Kingswood. The site which is 12.2a in area (Lot 2 – 0.6ha, Lot 3 – 5.8ha & Lot 6 – 5.8ha) has a frontage to O'Connell Street, is orientated in a western direction and has a significant slope from the rear to the street. Lot 3 lies at elevation of approximately 48 to 67 m AHD and Lot 6 lies at elevation of approximately 55 to 67m AHD.

The site comprises of two formerly rural residential lots with associated sheds and outbuildings and former agricultural land, much of which is covered by regrowth native vegetation and an existing road easement at O'Connell Street (Lot 3 in DP1103503) to the north that has been purchased by the application to avoid any landlocking issues and to ensure orderly development. As illustrated by an aerial map extract below, the development site is currently unoccupied as the removal of all existing structures as per DA20/01432 has occurred.

**Figure 1: Aerial Map Extract of the Subject Site (Source: Near Maps)**



The subject site bounds TAFE NSW Nepean Kingswood Campus to its northern boundary, a large commercial centre (Caddens Corner) that is currently under construction to its immediate southern boundary and WSU to the east.

The development site is also within proximity to Kingswood Commercial Precinct, local schools, child care facilities and Caddens & Settlers Place Estate Werrington, two of Penrith’s newest residential estate that is currently undergoing extensive land preparation, subdivision and development of residential dwellings on lots of varying sizes and shapes.

**Figure 2: Aerial Map Extract of the Subject Site (Source: Google Maps 2020)**



 Subject Site

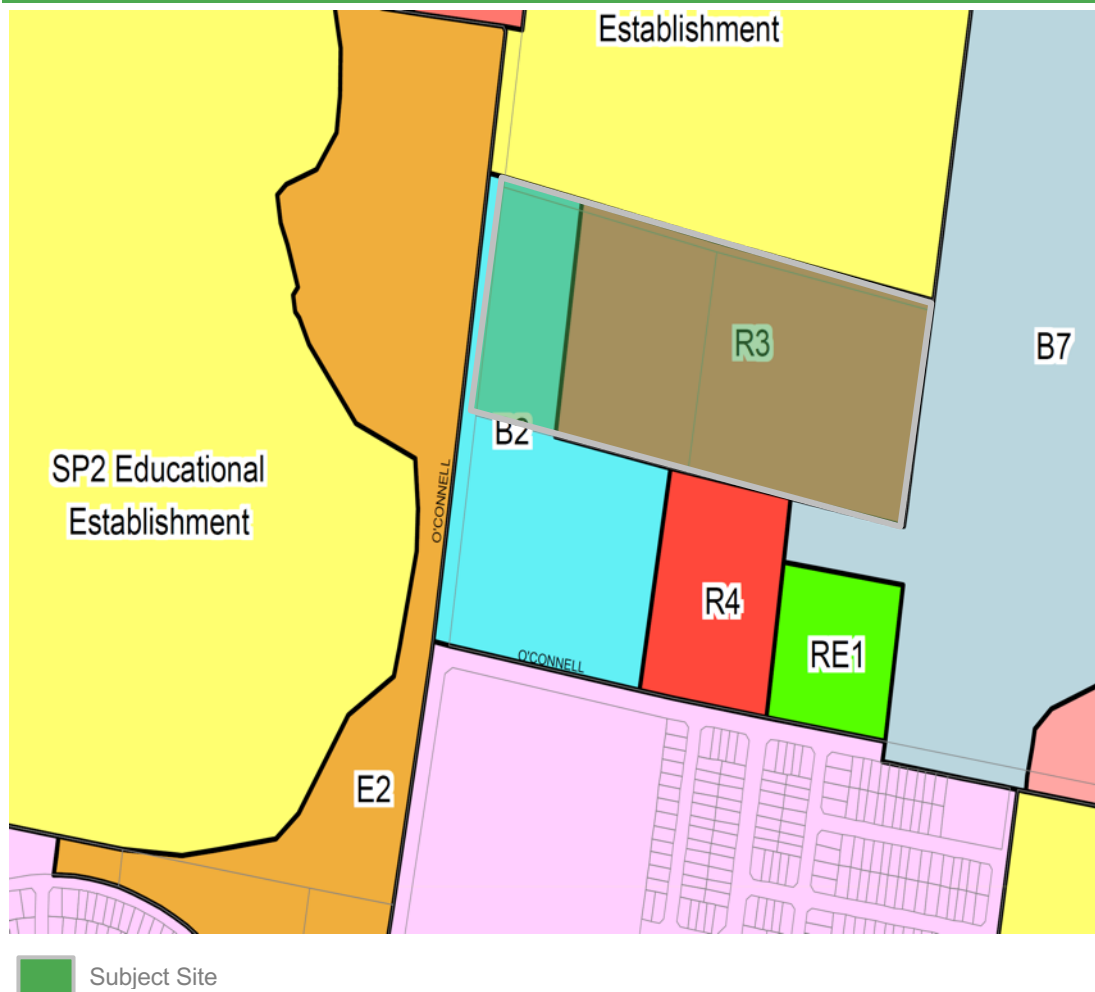


## ZONING

As evident in the zoning map extract below, the subject site is subject to a split zoning with the majority of the site zoned R3 – Medium Density Residential and the western portion of the site fronting O’Connell Street zoned B2 – Local Centre under the Penrith Local Environmental Plan 2010.

*Subdivision* is permissible with Council consent within both the B2 and R3 zone.

**Figure 3: Zoning Map Sheet LZN\_013 Extract (Source: Penrith LEP 2010)**



The proposed redevelopment of the large site present a unique opportunity to deliver appropriate low density housing within Penrith within a vacant and underutilised land parcel situated within close proximity to educational establishments, commercial centre, child care facilities and public transportation.

Photographs are provided within the following pages that give context to the locality and also the relationship of the development site with adjoining developments.

**Photograph 1: Shows the subject site as viewed from O'Connell Street looking eastwards, noting that it is currently undertaking clearance works as per DA20/1432**



**Photograph 2: Shows the existing streetscape along O'Connell St looking northwards**





**Photograph 3: Shows the existing streetscape along O'Connell St looking southwards**



**Photograph 4: Shows Caddens Corner, currently under construction which bounds the site's immediate southern boundary**





## HERITAGE

The site is not identified as a heritage item, it is not located within a heritage conservation area, however O'Connell Street separates the site from a local heritage item (1670 – Teacher's residence), as illustrated by the heritage extract map below.

**Figure 4: Heritage Map Sheet HER\_013 Extract (Source: Penrith LEP 2010)**



The heritage significance comes from the heritage item itself with the current subdivision to have no impact on the heritage significance of the local heritage item. Furthermore, O'Connell Street will provide sufficient separation and existing contemporary building within the university itself and existing bushland providing adequate buffer between the development site and the local heritage item. As such the proposal will have no impact on the heritage significance of local heritage item 670. As a result, the subject site will not be burdened by any heritage restrictions.

Aboriginal Heritage Due Diligence Assessment was undertaken as part of previous DA which did not detect any PAD's or relics on site and as such no further heritage assessment is considered necessary.

## DESCRIPTION OF PROPOSAL

The Development Application is to undertake a torrens title subdivision with associated works at 44-66 & 29 O'Connell Street, Caddens.

The proposal is to create 160 new residential allotments, 2 residue lots and to undertake bulk earthworks and the construction of road, half road, stormwater and other associated civil infrastructure works, and associated stormwater works.

The proposal is designed to be carried out within 5 distinct stages to enable the delivery of the proposed development- noting residue allotments will be subject to future applications for the B2 land and the residential super lot.

The key aspects of the proposal are as follows:

### **Staging**

The development is to undertaken within 5 distinctive stages as indicated below:

#### **Stage 1:**

- Creating a total of 94 residential lots (Lots 101-194).
- Bulk earthworks
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- Landscaping works and relevant street trees and the like.

#### **Stage 2:**

- Creating a total of 32 lots (Lots 201-232).
- Landscaping works and relevant street trees and the like.
- Construction of roads

#### **Stage 3:**

- Lots 301-334: Creating a total of 34 lots (Lots 301-334).
- Creation of 1 x residue lot (Lot 335) earmarked as a future reserve/park with 7,883.4m<sup>2</sup> in size.
- Construction of roads
- Temporary detention in the north east and south east corner and the south-east corner of the park lot.
- Landscaping works

#### **Stage 4:**

- Creation of 1 x residue lot (Lot 401) that is 9,463.7m<sup>2</sup> in size and will be developed at a future date.



### Stage 5:

- Lot 501 will be 18,464.9m<sup>2</sup> in size and will facilitate future mixed use development at a future date. Lot 501 to be utilise during the construction phase for temporary basin and other works.

An indicative plan illustrates the potential future development outcomes associated with the current subdivision proposal- by way of typical building envelopes and typologies prepared by PBD Architects. Further this shows the likely intended access arrangements to the B2 land to ensure that an understanding of the likely access points relative to the proposed allotments.

### Site Preparation

Site preparation works including removal of identified vegetation, and demolition of existing dwelling have been approved via DA20/01432.

The development is seeking the following works to prepare the site for residential use:

- Bulk earthworks
- Construction of temporary haul roads
- Construction of temporary detention basins and then the final bioretention basins on full development of the site.
- Construction of internal access roads
- Removal of identified trees.
- Retaining land including conservation areas and open space areas and restoration works as per the VMP to the CPW.

### Lot calculation

A detailed breakdown of each proposed new allotment are outlined below, noting that a Building Envelope and Dwelling Types Plan accompanies this application.

### Stage 1:

Lot	Frontage	Size	Orientation	Dwelling Type
Lot 101	12.06m to Road No.02, splay of 7.35m and 21.47m to Road 03	449.0m <sup>2</sup>	East-West	Corner Land Parcel with Indicative Layout Dwelling Type
Lot 102	10.03m to Road No.02	282.3m <sup>2</sup>	East-West	Predominantly Normal Land Parcel with Indicative Layout Dwelling Type
Lot 103	10.03m to Road No.02	290.5m <sup>2</sup>	East-West	Predominantly Normal Land Parcel with

				Indicative Dwelling Type	Layout
<b>Lot 104</b>	12.06m to Road No.02, splay of 6.36m and 26.47m to Road 01	501.2m <sup>2</sup>	East-West	Corner Land Parcel with Indicative Dwelling Type	Parcel Layout
<b>Lot 105</b>	10.0m to Road No.01	270.0m <sup>2</sup>	North-South	Normal Land Parcel with Type B Dwelling Type	Parcel
<b>Lot 106</b>	10.0m to Road No.01	270.0m <sup>2</sup>	North-South	Normal Land Parcel with Type B Dwelling Type	Parcel
<b>Lot 107</b>	10.0m to Road No.01	270.0m <sup>2</sup>	North-South	Normal Land Parcel with Type B Dwelling Type	Parcel
<b>Lot 108</b>	12.5m to Road No.01	337.4m <sup>2</sup>	North-South	Normal Land Parcel with Indicative Dwelling Type	Parcel Layout
<b>Lot 109</b>	10.0m to Road No.01	269.9m <sup>2</sup>	North-South	Normal Land Parcel with Type B Dwelling Type	Parcel
<b>Lot 110</b>	10.0m to Road No.01	270.0m <sup>2</sup>	North-South	Normal Land Parcel with Type B Dwelling Type	Parcel
<b>Lot 111</b>	10.0m to Road No.01	270.0m <sup>2</sup>	North-South	Normal Land Parcel with Type B Dwelling Type	Parcel
<b>Lot 112</b>	12.5m to Road No.01	337.5m <sup>2</sup>	North-South	Normal Land Parcel with Indicative Dwelling Type	Parcel Layout
<b>Lot 113</b>	20.91m to Road No.01, splay of 7.18m and 12.01m to No.03	432.6m <sup>2</sup>	East-West	Corner Land Parcel with Indicative Dwelling Type	Parcel Layout
<b>Lot 114</b>	10.01m to Road No.03	266.0m <sup>2</sup>	East-West	Normal Land Parcel with Indicative Dwelling Type	Parcel Layout
<b>Lot 115</b>	10.0m to Road No.03	269.1m <sup>2</sup>	East-West	Normal Land Parcel with Indicative Dwelling Type	Parcel Layout
<b>Lot 116</b>	12.02m to Road No.03, splay of 6.96m and 22.62m to No.03	452.6m <sup>2</sup>	East-West	Corner Land Parcel with Indicative Dwelling Type	Parcel Layout
<b>Lot 117</b>	121.5m to Road No.03	337.5m <sup>2</sup>	North-South	Normal Land Parcel with Indicative Dwelling Type	Parcel Layout
<b>Lot 118</b>	10.0m to Road No.03	270.0m <sup>2</sup>	North-South	Normal Land Parcel with Type A Dwelling Type	Parcel

<b>Lot 119</b>	10.0m to Road No.03	270.0m <sup>2</sup>	North-South	Normal Land Parcel with Type A Dwelling Type
<b>Lot 120</b>	10.0m to Road No.03	270.0m <sup>2</sup>	North-South	Normal Land Parcel with Type A Dwelling Type
<b>Lot 121</b>	12.5m to Road No.03	337.6m <sup>2</sup>	North-South	Normal Land Parcel with Indicative Layout Dwelling Type
<b>Lot 122</b>	10.0m to Road No.03	270.0m <sup>2</sup>	North-South	Normal Land Parcel with Type A Dwelling Type
<b>Lot 123</b>	10.0m to Road No.03	270.0m <sup>2</sup>	North-South	Normal Land Parcel with Type A Dwelling Type
<b>Lot 124</b>	10.0m to Road No.03	270.0m <sup>2</sup>	North-South	Normal Land Parcel with Type A Dwelling Type
<b>Lot 125</b>	12.06m to Road No.02, splay of 7.35m and 24.5m to Road 03	500.7m <sup>2</sup>	East-West	Corner Land Parcel with Indicative Layout Dwelling Type
<b>Lot 126</b>	10.03m to Road No.02	312.7m <sup>2</sup>	East-West	Predominantly Normal Land Parcel with Indicative Layout Dwelling Type
<b>Lot 127</b>	10.03m to Road No.02	320.8m <sup>2</sup>	East-West	Predominantly Normal Land Parcel with Indicative Layout Dwelling Type
<b>Lot 128</b>	12.06m to Road No.02, splay of 6.78m and 28.85m to Road 03	551.3m <sup>2</sup>	East-West	Corner Land Parcel with Indicative Layout Dwelling Type
<b>Lot 129</b>	10.0m to Road No.03	267.5m <sup>2</sup>	North-South	Normal Land Parcel with Type A Dwelling Type
<b>Lot 130</b>	10.0m to Road No.03	270.0m <sup>2</sup>	North-South	Normal Land Parcel with Type A Dwelling Type
<b>Lot 131</b>	12.5m to Road No.03	337.5m <sup>2</sup>	North-South	Normal Land Parcel with Indicative Layout Dwelling Type
<b>Lot 132</b>	10.0m to Road No.03	270.0m <sup>2</sup>	North-South	Normal Land Parcel with Type A Dwelling Type
<b>Lot 133</b>	10.0m to Road No.03	270.0m <sup>2</sup>	North-South	Normal Land Parcel with Type A Dwelling Type



<b>Lot 134</b>	12.5m to Road No.03	337.6m <sup>2</sup>	North-South	Normal Land Parcel with Indicative Dwelling Type
<b>Lot 135</b>	10.0m to Road No.03	272.4m <sup>2</sup>	North-South	Normal Land Parcel with Type A Dwelling Type
<b>Lot 136</b>	24.46m to Road No.01, splay of 7.18m and 12.01m to No.03	492.8m <sup>2</sup>	East-West	Corner Land Parcel with Indicative Dwelling Type
<b>Lot 137</b>	10.01m to Road No.03	301.5m <sup>2</sup>	East-West	Normal Land Parcel with Indicative Dwelling Type
<b>Lot 138</b>	10.0m to Road No.03	304.7m <sup>2</sup>	East-West	Normal Land Parcel with Indicative Dwelling Type
<b>Lot 139</b>	12.02m to Road No.03, splay of 6.96m and 26.17m to No.04	512.7m <sup>2</sup>	East-West	Corner Land Parcel with Indicative Dwelling Type
<b>Lot 140</b>	10.0m to Road No.04	272.4m <sup>2</sup>	North-South	Normal Land Parcel with Type D Dwelling Type
<b>Lot 141</b>	12.5m to Road No.04	337.6m <sup>2</sup>	North-South	Normal Land Parcel with Indicative Dwelling Type
<b>Lot 142</b>	10.0m to Road No.04	270.0m <sup>2</sup>	North-South	Normal Land Parcel with Type D Dwelling Type
<b>Lot 143</b>	10.0m to Road No.04	270.0m <sup>2</sup>	North-South	Normal Land Parcel with Type D Dwelling Type
<b>Lot 144</b>	12.5m to Road No.04	337.5m <sup>2</sup>	North-South	Normal Land Parcel with Indicative Dwelling Type
<b>Lot 145</b>	10.0m to Road No.04	270.0m <sup>2</sup>	North-South	Normal Land Parcel with Type D Dwelling Type
<b>Lot 146</b>	10.0m to Road No.04	267.5m <sup>2</sup>	North-South	Normal Land Parcel with Type D Dwelling Type
<b>Lot 147</b>	12.00m to Road No.03, splay of 7.10m and 21.89m to No.03	446.0m <sup>2</sup>	East-West	Corner Land Parcel with Indicative Dwelling Type
<b>Lot 148</b>	10.0m to Road No.03	271.4m <sup>2</sup>	East-West	Normal Land Parcel with Indicative Dwelling Type
<b>Lot 149</b>	10.0m to Road No.03	272.2m <sup>2</sup>	East-West	Normal Land Parcel with Indicative Dwelling Type

<b>Lot 150</b>	22.52m to No.01, splay of 6.94m and 12.18m to No.03	454.0.0m <sup>2</sup>	East-West	Corner Land Parcel with Indicative Layout Dwelling Type
<b>Lot 151</b>	12.5m to Road No.01	337.3m <sup>2</sup>	North-South	Normal Land Parcel with Indicative Layout Dwelling Type
<b>Lot 152</b>	10.0m to Road No.01	269.8m <sup>2</sup>	North-South	Normal Land Parcel with Type B Dwelling Type
<b>Lot 153</b>	10.0m to Road No.01	269.9m <sup>2</sup>	North-South	Normal Land Parcel with Type B Dwelling Type
<b>Lot 154</b>	12.5m to Road No.01	337.3m <sup>2</sup>	North-South	Normal Land Parcel with Indicative Layout Dwelling Type
<b>Lot 155</b>	10.0m to Road No.01	269.9m <sup>2</sup>	North-South	Normal Land Parcel with Type B Dwelling Type
<b>Lot 156</b>	10.0m to Road No.01	269.9m <sup>2</sup>	North-South	Normal Land Parcel with Type B Dwelling Type
<b>Lot 157</b>	12.5m to Road No.01	337.4m <sup>2</sup>	North-South	Normal Land Parcel with Indicative Layout Dwelling Type
<b>Lot 158</b>	10.0m to Road No.01	269.9m <sup>2</sup>	North-South	Normal Land Parcel with Type B Dwelling Type
<b>Lot 159</b>	10.0m to Road No.01	269.9m <sup>2</sup>	North-South	Normal Land Parcel with Type B Dwelling Type
<b>Lot 160</b>	12.5m to Road No.01	337.4m <sup>2</sup>	North-South	Normal Land Parcel with Indicative Layout Dwelling Type
<b>Lot 161</b>	12.5m to Road No.03	337.6m <sup>2</sup>	North-South	Normal Land Parcel with Indicative Layout Dwelling Type
<b>Lot 162</b>	10.0m to Road No.03	270.1m <sup>2</sup>	North-South	Normal Land Parcel with Type A Dwelling Type
<b>Lot 163</b>	10.0m to Road No.03	270.1m <sup>2</sup>	North-South	Normal Land Parcel with Type A Dwelling Type
<b>Lot 164</b>	12.5m to Road No.03	337.6m <sup>2</sup>	North-South	Normal Land Parcel with Indicative Layout Dwelling Type
<b>Lot 165</b>	10.0m to Road No.03	270.1m <sup>2</sup>	North-South	Normal Land Parcel with Type A Dwelling Type

<b>Lot 166</b>	10.0m to Road No.03	270.1m <sup>2</sup>	North-South	Normal Land Parcel with Type A Dwelling Type
<b>Lot 167</b>	12.5m to Road No.03	337.7m <sup>2</sup>	North-South	Normal Land Parcel with Indicative Layout Dwelling Type
<b>Lot 168</b>	10.0m to Road No.03	270.1m <sup>2</sup>	North-South	Normal Land Parcel with Type A Dwelling Type
<b>Lot 169</b>	10.0m to Road No.03	270.2m <sup>2</sup>	North-South	Normal Land Parcel with Type A Dwelling Type
<b>Lot 170</b>	12.5m to Road No.03	337.7m <sup>2</sup>	North-South	Normal Land Parcel with Indicative Layout Dwelling Type
<b>Lot 171</b>	12.02m to Road No.03, splay of 7.11m and 21.89m to No.03	446.8m <sup>2</sup>	East-West	Corner Land Parcel with Indicative Layout Dwelling Type
<b>Lot 172</b>	10.0m to Road No.03	271.4m <sup>2</sup>	East-West	Normal Land Parcel with Indicative Layout Dwelling Type
<b>Lot 173</b>	10.0m to Road No.03	272.6m <sup>2</sup>	East-West	Normal Land Parcel with Indicative Layout Dwelling Type
<b>Lot 174</b>	11.99m to No.01, splay of 7.03m and 22.52m to No.03	453.1m <sup>2</sup>	East-West	Corner Land Parcel with Indicative Layout Dwelling Type
<b>Lot 175</b>	12.5m to Road No.03	337.3m <sup>2</sup>	North-South	Normal Land Parcel with Indicative Layout Dwelling Type
<b>Lot 176</b>	10.0m to Road No.03	269.8m <sup>2</sup>	North-South	Normal Land Parcel with Type C Dwelling Type
<b>Lot 177</b>	10.0m to Road No.03	269.9m <sup>2</sup>	North-South	Normal Land Parcel with Type C Dwelling Type
<b>Lot 178</b>	12.5m to Road No.03	337.3m <sup>2</sup>	North-South	Normal Land Parcel with Indicative Layout Dwelling Type
<b>Lot 179</b>	10.0m to Road No.03	269.9m <sup>2</sup>	North-South	Normal Land Parcel with Type C Dwelling Type
<b>Lot 180</b>	10.0m to Road No.03	269.9m <sup>2</sup>	North-South	Normal Land Parcel with Type C Dwelling Type
<b>Lot 181</b>	12.5m to Road No.03	337.4m <sup>2</sup>	North-South	Normal Land Parcel with Indicative Layout Dwelling Type

<b>Lot 182</b>	10.0m to Road No.03	269.9m <sup>2</sup>	North-South	Normal Land Parcel with Type C Dwelling Type
<b>Lot 183</b>	10.0m to Road No.03	269.9m <sup>2</sup>	North-South	Normal Land Parcel with Type C Dwelling Type
<b>Lot 184</b>	12.5m to Road No.03	337.4m <sup>2</sup>	North-South	Normal Land Parcel with Indicative Layout Dwelling Type
<b>Lot 185</b>	12.5m to Road No.04	337.6m <sup>2</sup>	North-South	Normal Land Parcel with Indicative Layout Dwelling Type
<b>Lot 186</b>	10.0m to Road No.04	270.1m <sup>2</sup>	North-South	Normal Land Parcel with Type D Dwelling Type
<b>Lot 187</b>	10.0m to Road No.04	270.1m <sup>2</sup>	North-South	Normal Land Parcel with Type D Dwelling Type
<b>Lot 188</b>	12.5m to Road No.04	337.6m <sup>2</sup>	North-South	Normal Land Parcel with Indicative Layout Dwelling Type
<b>Lot 189</b>	10.0m to Road No.04	270.1m <sup>2</sup>	North-South	Normal Land Parcel with Type D Dwelling Type
<b>Lot 190</b>	10.0m to Road No.04	270.1m <sup>2</sup>	North-South	Normal Land Parcel with Type D Dwelling Type
<b>Lot 191</b>	12.5m to Road No.04	337.7m <sup>2</sup>	North-South	Normal Land Parcel with Indicative Layout Dwelling Type
<b>Lot 192</b>	10.0m to Road No.04	270.1m <sup>2</sup>	North-South	Normal Land Parcel with Type D Dwelling Type
<b>Lot 193</b>	10.0m to Road No.04	270.1m <sup>2</sup>	North-South	Normal Land Parcel with Type D Dwelling Type
<b>Lot 194</b>	12.5m to Road No.04	337.7m <sup>2</sup>	North-South	Normal Land Parcel with Indicative Layout Dwelling Type



## Stage 2:

Lot	Frontage	Size	Orientation	Dwelling Type
Lot 201	12.5m to Road No.01	337.4m <sup>2</sup>	North-South	Normal Land Parcel with Indicative Layout Dwelling Type
Lot 202	10.0m to Road No.01	269.9m <sup>2</sup>	North-South	Normal Land Parcel with Type B Dwelling Type
Lot 203	10.0m to Road No.01	269.9m <sup>2</sup>	North-South	Normal Land Parcel with Type B Dwelling Type
Lot 204	12.5m to Road No.01	337.4m <sup>2</sup>	North-South	Normal Land Parcel with Indicative Layout Dwelling Type
Lot 205	10.0m to Road No.01	269.9m <sup>2</sup>	North-South	Normal Land Parcel with Type B Dwelling Type
Lot 206	10.0m to Road No.01	270.0m <sup>2</sup>	North-South	Normal Land Parcel with Type B Dwelling Type
Lot 207	12.5m to Road No.01	337.5m <sup>2</sup>	North-South	Normal Land Parcel with Indicative Layout Dwelling Type
Lot 208	10.0m to Road No.01	270.0m <sup>2</sup>	North-South	Normal Land Parcel with Type B Dwelling Type
Lot 209	10.0m to Road No.03	270.0m <sup>2</sup>	North-South	Normal Land Parcel with Type A Dwelling Type
Lot 210	12.5m to Road No.03	337.5m <sup>2</sup>	North-South	Normal Land Parcel with Indicative Layout Dwelling Type
Lot 211	10.0m to Road No.03	270.0m <sup>2</sup>	North-South	Normal Land Parcel with Type A Dwelling Type
Lot 212	10.0m to Road No.03	270.1m <sup>2</sup>	North-South	Normal Land Parcel with Type A Dwelling Type
Lot 213	12.5m to Road No.03	337.6m <sup>2</sup>	North-South	Normal Land Parcel with Indicative Layout Dwelling Type



<b>Lot 214</b>	10.0m to Road No.03	270.1m <sup>2</sup>	North-South	Normal Land Parcel with Type A Dwelling Type
<b>Lot 215</b>	10.0m to Road No.03	270.1m <sup>2</sup>	North-South	Normal Land Parcel with Type A Dwelling Type
<b>Lot 216</b>	12.5m to Road No.03	337.6m <sup>2</sup>	North-South	Normal Land Parcel with Indicative Layout Dwelling Type
<b>Lot 217</b>	12.5m to Road No.03	337.4m <sup>2</sup>	North-South	Normal Land Parcel with Indicative Layout Dwelling Type
<b>Lot 218</b>	10.0m to Road No.03	269.9m <sup>2</sup>	North-South	Normal Land Parcel with Type C Dwelling Type
<b>Lot 219</b>	10.0m to Road No.03	269.9m <sup>2</sup>	North-South	Normal Land Parcel with Type C Dwelling Type
<b>Lot 220</b>	12.5m to Road No.03	337.4m <sup>2</sup>	North-South	Normal Land Parcel with Indicative Layout Dwelling Type
<b>Lot 221</b>	10.0m to Road No.03	269.9m <sup>2</sup>	North-South	Normal Land Parcel with Type C Dwelling Type
<b>Lot 222</b>	10.0m to Road No.03	270.0m <sup>2</sup>	North-South	Normal Land Parcel with Type C Dwelling Type
<b>Lot 223</b>	12.5m to Road No.03	337.5m <sup>2</sup>	North-South	Normal Land Parcel with Indicative Layout Dwelling Type
<b>Lot 224</b>	10.0m to Road No.03	270.0m <sup>2</sup>	North-South	Normal Land Parcel with Type C Dwelling Type
<b>Lot 225</b>	10.0m to Road No.04	270.0m <sup>2</sup>	North-South	Normal Land Parcel with Type D Dwelling Type
<b>Lot 226</b>	12.5m to Road No.04	337.5m <sup>2</sup>	North-South	Normal Land Parcel with Indicative Layout Dwelling Type
<b>Lot 227</b>	10.0m to Road No.04	270.0m <sup>2</sup>	North-South	Normal Land Parcel with Type D Dwelling Type
<b>Lot 228</b>	10.0m to Road No.04	270.1m <sup>2</sup>	North-South	Normal Land Parcel with Type D Dwelling Type
<b>Lot 229</b>	12.5m to Road No.04	337.6m <sup>2</sup>	North-South	Normal Land Parcel with Indicative Layout Dwelling Type

<b>Lot 230</b>	10.0m to Road No.04	270.1m <sup>2</sup>	North-South	Normal Land Parcel with Type D Dwelling Type
<b>Lot 231</b>	10.0m to Road No.04	270.1m <sup>2</sup>	North-South	Normal Land Parcel with Type D Dwelling Type
<b>Lot 232</b>	12.5m to Road No.04	337.6m <sup>2</sup>	North-South	Normal Land Parcel with Indicative Layout Dwelling Type

### Stage 3:

<b>Lot</b>	<b>Frontage</b>	<b>Size</b>	<b>Orientation</b>	<b>Dwelling Type</b>
<b>Lot 301</b>	12.5m to Road No.01	337.4m <sup>2</sup>	North-South	Normal Land Parcel with Indicative Layout Dwelling Type
<b>Lot 302</b>	21.52m to Road No.01, splay of 7.25m and 12.52m to No.07	459.1m <sup>2</sup>	East-West	Corner Land Parcel with Indicative Layout Dwelling Type
<b>Lot 303</b>	10.01m to Road No.07	276.0m <sup>2</sup>	East-West	Normal Land Parcel with Indicative Layout Dwelling Type
<b>Lot 304</b>	10.01m to Road No.07	280.7m <sup>2</sup>	East-West	Normal Land Parcel with Indicative Layout Dwelling Type
<b>Lot 305</b>	11.52m to Road No.07, splay of 6.92m and 24.06m to No.03	460.9m <sup>2</sup>	East-West	Corner Land Parcel with Indicative Layout Dwelling Type
<b>Lot 306</b>	12.5m to Road No.03	337.5m <sup>2</sup>	North-South	Normal Land Parcel with Indicative Layout Dwelling Type
<b>Lot 307</b>	12.5m to Road No.03	337.5m <sup>2</sup>	North-South	Normal Land Parcel with Indicative Layout Dwelling Type
<b>Lot 308</b>	24.0m to Road No.03, splay of 7.23m and 12.02m to No.07	487.3m <sup>2</sup>	East-West	Corner Land Parcel with Indicative Layout Dwelling Type
<b>Lot 309</b>	10.01m to Road No.07	300.3m <sup>2</sup>	East-West	Normal Land Parcel with Indicative Layout Dwelling Type
<b>Lot 310</b>	10.01m to Road No.07	305.0m <sup>2</sup>	East-West	Normal Land Parcel with Indicative Layout Dwelling Type
<b>Lot 311</b>	12.02m to Road No.07, splay of 6.91m and 26.54m to No.04	517.0m <sup>2</sup>	East-West	Corner Land Parcel with Indicative Layout Dwelling Type

<b>Lot 312</b>	12.5m to Road No.04	337.5m <sup>2</sup>	North-South	Normal Land Parcel with Indicative Layout Dwelling Type
<b>Lot 313</b>	11.0m to Road No.04	276.7m <sup>2</sup>	North-South	Normal Land Parcel with Type E Dwelling Type
<b>Lot 314</b>	11.0m to Road No.04	275.5m <sup>2</sup>	North-South	Normal Land Parcel with Type E Dwelling Type
<b>Lot 315</b>	11.0m to Road No.04	275.4m <sup>2</sup>	North-South	Normal Land Parcel with Type E Dwelling Type
<b>Lot 316</b>	12.01m to Road No.04	297.7m <sup>2</sup>	North-South	Normal Land Parcel with Indicative Layout Dwelling Type
<b>Lot 317</b>	11.0m to Road No.04	271.6m <sup>2</sup>	North-South	Normal Land Parcel with Type E Dwelling Type
<b>Lot 318</b>	11.0m to Road No.04	270.4m <sup>2</sup>	North-South	Normal Land Parcel with Type E Dwelling Type
<b>Lot 319</b>	11.0m to Road No.04	269.2m <sup>2</sup>	North-South	Normal Land Parcel with Type E Dwelling Type
<b>Lot 320</b>	24.49m to Road No.04, splay of 7.24m and 9.12m to No.07	410.6m <sup>2</sup>	East-West	Corner Land Parcel with Indicative Layout Dwelling Type
<b>Lot 321</b>	10.01m to Road No.07	299.9m <sup>2</sup>	East-West	Normal Land Parcel with Indicative Layout Dwelling Type
<b>Lot 322</b>	10.01m to Road No.07	302.6m <sup>2</sup>	East-West	Normal Land Parcel with Indicative Layout Dwelling Type
<b>Lot 323</b>	9.11m to Road No.07, splay of 6.96m and 25.79m to No.07	423.4m <sup>2</sup>	East-West	Corner Land Parcel with Indicative Layout Dwelling Type
<b>Lot 324</b>	11.0m to Road No.07	269.2m <sup>2</sup>	North-South	Normal Land Parcel with Type E Dwelling Type
<b>Lot 325</b>	11.0m to Road No.07	270.4m <sup>2</sup>	North-South	Normal Land Parcel with Type E Dwelling Type
<b>Lot 326</b>	11.0m to Road No.07	271.6m <sup>2</sup>	North-South	Normal Land Parcel with Type E Dwelling Type
<b>Lot 327</b>	12.0m to Road No.07	297.7m <sup>2</sup>	North-South	Normal Land Parcel with Indicative Layout Dwelling Type

<b>Lot 328</b>	11.0m to Road No.07	274.2m <sup>2</sup>	North-South	Normal Land Parcel with Type E Dwelling Type
<b>Lot 329</b>	11.0m to Road No.07	275.5m <sup>2</sup>	North-South	Normal Land Parcel with Type E Dwelling Type
<b>Lot 330</b>	11.0m to Road No.04	276.7m <sup>2</sup>	North-South	Normal Land Parcel with Type E Dwelling Type
<b>Lot 331</b>	25.53m to Road No.07, splay of 7.0m and 10.53m to No.05	454.2m <sup>2</sup>	East-West	Corner Land Parcel with Indicative Layout Dwelling Type
<b>Lot 332</b>	10.0m to Road No.05	301.1m <sup>2</sup>	East-West	Normal Land Parcel with Indicative Layout Dwelling Type
<b>Lot 333</b>	10.0m to Road No.05	299.1m <sup>2</sup>	East-West	Normal Land Parcel with Indicative Layout Dwelling Type
<b>Lot 334</b>	10.52m to Road No.05, splay of 7.07m and 24.49m to Road No.04	454.2m <sup>2</sup>	East-West	Corner Land Parcel with Indicative Layout Dwelling Type
<b>Lot 335</b>	64.46m to Road No.03, splay of 7.02m, 106.03m to Road No.04, splay of 7.07m and a frontage of 62.37m to Road No.05	7,883.4m <sup>2</sup>	-	Residue Lot

#### Stage 4:

Lot	Frontage	Size	Orientation	Dwelling Type
<b>Residue Lot 401</b>	Splay of 7.16m to Road No.02, 63.2m frontage to Road 02, splay of 6.77m, 124.89m to Road No.04, splay of 7.2m, frontage of 59.95m to Road No.03 and splay of 7.04m	9,463.7m <sup>2</sup>	-	Super Lot

#### Stage 5:

Lot	Frontage	Size	Orientation	Dwelling Type
<b>Residue Superlot 501</b>		18,464.9m <sup>2</sup>	-	Residue Lot

## ROADS AND INFRASTRUCTURE

The proposal involves the construction of required roads and stormwater infrastructure.

### Roads

- 9m – wide carriageway with 16m - wide road reserve including the following:
  - o Road 1: 16m wide
  - o Road 02: 16m wide
  - o Road 03: 16m wide
  - o Road 04: 16m wide
  - o Road 05: 16m wide
  - o Road 06: 16m wide
  - o Road 07 16m wide and 8m half road width
  
- An access road system including:
  - o 1 road connections to/from O'Connell Street North
  - o Future connections to UWS Road, which connects to/from O'Connell Street East

The proposal is to undertake the development of planned internal roads along its frontage and includes the construction of 8m wide temporary turning head to permit vehicle access during the construction phase of the proposal.

The proposal incorporates a minor departure from the road layout shown in the Caddens DCP, however, it retains the status quo in relation to the road connection on the eastern side of O'Connell Street North.

As such, to assist Council to provide the required certainty for Council, all roads and associated public domain works will be dedicated to Council at no cost following construction. This includes dedication of the public roads, all road drainage works for the construction of the public footways, including pavement construction, landscaping, any relief drainage works, lighting and any required street furniture.

Approval is also sought for bulk earthworks to create the required road levels, as well as the provision of essential services.



## **TRAFFIC AND VEHICULAR ACCESS**

Traffic Report which accompanies this application concludes that the proposed road system will be appropriate and generally compliant with the DCP specification noting that the proposal incorporates a minor departure from the road layout shown in the Caddens DCP as it relates to the split roads in the B2. Following discussions with Council and with input from the traffic consultant the most appropriate road location is to the north to maximise site lines and avoid conflict with the Caddens Corner main entry road arrangement.

The provision for vehicles access and serving will be satisfactory and that there will be no adverse traffic implications noting the deletion of rear laneways and the like that were identified as problematic by Council as part of ongoing discussions.

## **VEGETATION MANAGEMENT PLAN**

A Vegetation Management Plan has been prepared for the southern portion of the site and it includes a small patch of remnant vegetation mapped on the Biodiversity Values Map which will be retained as part of a residual lot (Lot 335). Landscaping including the construction of two bioretention basins, parklands and walking tracks are proposed within the remnant vegetation and have been excluded from the Vegetation Management Plan boundary.

## **ABORIGINAL HERITAGE**

An Aboriginal Heritage Due Diligence Assessment was undertaken by McCardle Cultural Heritage Pty Ltd as part of the prior DA which confirmed that there are no PAD's or relics on the site and therefore an Aboriginal Heritage Impact Permit is not required. Therefore this matter has been previously resolved.



## DISCUSSIONS WITH COUNCIL

The development proposal has been subject to substantial ongoing discussions with Council staff regarding the development and an ongoing dialogue has occurred on key matters such that a large number of issues have evolved through the design development such that the majority of issues are resolved.

With regard to the Pre-DA feedback provided the design scheme has been substantially revised in response and a discussion against the key 'themes' raised by Council are outlined below.

### Western Sydney University Land Interface

Ongoing discussions with WSU have occurred and there is a detailed masterplanning exercise occurring on that site. WSU have been kept up to date with this scheme and the road layouts are not designed to be reliant on WSU noting:

- The linkage to Caddens Corner aligns with the road layouts approved along the south-western corner of the site;
- The road designs provide full width construction to Stage 3 such that the road is a 'perimeter road' and does not rely on any connections. However it also enables a future connection by WSU should they choose to do so. The planned nominated linkage to Road 5 to the WSU is facilitated- but again not necessary for this development to occur;
- This development is 'stand alone' with regard to road access arrangements such that there is no reliance on planned but not yet built roads (noting adjoining road to Lot 401 is approved and built.

### Road Linkages and Design

- The linkages through the site are substantially re-aligned to ensure traditional intersection arrangements.
- The northern road (Road No.1) is proposed to ensure a suitable location relative to sight lines given topography and maximising separation to the Caddens Corner main road design. This is the most suitable location for this road configuration.

### Laneway and Rear Loaded Product

- The proposal now adopts traditional front loaded product and avoids the laneway configurations.





## B2 Zone Re Alignment

- The proposal maintains the B2 zone alignment as per the LEP and hence follows the existing zoning.
- Lot 401 is also a superlot that is subject to future applications.

## Acquisition of the Northern Lot

The proponent has worked hard in negotiating to purchase the adjoining land to the north of the site and this has been acquired and is now part of the development proposal and no longer results in any landlocking scenario.

## Dwelling Typologies

The proposal provides a diversity of housing types and typologies as shown on the BEP documents by PBD to align with the comments regarding housing diversity.



## PLANNING CONTROLS

### LEGISLATIVE CONTROLS

The relevant Legislative Controls include: -

- Biodiversity Conservation Act 2016;
- Rural Fires Act 1997;

### STATUTORY CONTROLS

The relevant Statutory Planning Controls include: -

- State Environmental Planning Policy No. 55 – Contaminated Land;
- State Environmental Planning Policy – (Vegetation in Non-Rural Areas) 2017;
- State Environmental Planning Policy (Infrastructure) 2007;
- Penrith Local Environmental Plan 2010.

### POLICY CONTROLS

The applicable policy control documents are: -

- Penrith Development Control Plan 2014;



## CONSIDERATION OF PLANNING CONTROLS

Consideration and discussion of the compliance of the proposal with the relevant planning controls is provided below.

### BIODIVERSITY CONSERVATION ACT 2016

A Biodiversity Development Assessment Report is required to be submitted with any development that has a significant impact on biodiversity values. There are four triggers for a significant impact:

- exceeding the clearing threshold in section 7.2 of the BC Regulation 2017
- impacting on vegetation shown on the Biodiversity Values Map in section 7.3 of the BC Regulation 2017
- a significant impact in accordance with section 7.3 of the BC Act 2016
- impacts to Areas of Outstanding Biodiversity Value (AOBV). As there are not AOBV on site, this trigger does not apply.

The minimum size lots is 400m<sup>2</sup> under the Penrith LEP 2010 and the threshold for clearing native vegetation is 0.25ha. The proposed works will result in the removal of up to 3.34 ha of native vegetation. The proposed development exceeds the Biodiversity Assessment Method threshold and proposes to affect 0.43 ha of land including on the Biodiversity Values Map. Therefore, submission of a Biodiversity Development Assessment Report is required.

As such a Biodiversity Development Assessment Report has been prepared by Eco Logical Australia or the proposed new residential development at O'Connell Street, Caddens.

This report has been prepared to meet the requirements of the Biodiversity Assessment Method 2017 established under Section 6.7 of the Biodiversity Conservation Act.

The vegetation within the development site has previously been cleared for an orchard and grazing lands noting no threatened flora species were recorded on or within the development site or are likely to persist in the soil profile. The vegetation within the development site was deemed highly disturbed and fragmented.

Regenerating Cumberland Plain Woodland present as derived native grassland and scattered shrubs and canopy species have established within the development site. A patch of intact Cumberland Plain Woodland was located along the southern portion of the site and has been mapped on the Biodiversity Values Map.



A portion of this vegetation will be affected for the construction of paths, playgrounds and landscaping.

No threatened flora species were recorded on or within the development site or are likely to persist in the soil profile. The vegetation within the development site was deemed highly disturbed and fragmented. It does not represent potential habitat for these species.

No additional threatened fauna species were recorded within the development site. There is potential that highly mobile threatened species may utilise the vegetation for foraging resources on occasion.

Following consideration of all the above aspects, the residual unavoidable impact impacts of the project were calculated in accordance with the Biodiversity Assessment Method.

The remaining native vegetation mapped within the development site were in poor condition and did not require offsets.

Two Matters of National Environmental Significance, *Cumberland Plain Shale Woodlands and Shale-Gravel Transition Forest* and *Pteropus poliocephalus* (Grey-headed Flying-fox) were identified as having potential to be affected by the proposed works. Grey-headed Flying-fox is listed as Vulnerable under the Commonwealth Environmental Protection and Biodiversity Conservation Act 1999 and it is considered that this species is likely to use some of the development site for foraging (0.43 ha). *Cumberland Plain Shale Woodlands and Shale-Gravel Transition Forest* is listed as critical endangered under the Environmental Protection and Biodiversity Conservation Act 1999; the proposed development will affect 0.43 ha of this vegetation community.

An assessment of the Commonwealth Significant Impact Criteria was undertaken for both Matters of National Environmental Significance ES and concluded that the project would not have a significant impact on this threatened species or ecological community.

Refer to the Biodiversity Development Assessment Report for more detail however in summary subject to the implementation of the recommendations of that report and the VMP that the impact is acceptable and satisfies the relevant provisions of the Act.



## WATER MANAGEMENT ACT 2000

The development site was noted to contain a very small portion of an unnamed 1<sup>st</sup> order tributary in the south. Although there is currently no evidence of the tributary within the development site, and the adjoining site has provided a road in this location hence it is not considered relevant.



Therefore, under the Water Management Act, the proposed works are not considered to occur within 40m waterfront land and a Controlled Activity Approval under S91 of the Water Management Act is not considered required.



## RURAL FIRES ACT 1997

The development site is technically bushfire prone owing to the university land and some existing vegetation. Therefore the proposal requires a Section 100b Bushfire Safety Authority. A bushfire report prepared to Ecological considers these matters as has found that the bushfire risk is acceptable subject to APZ's as reflected below:

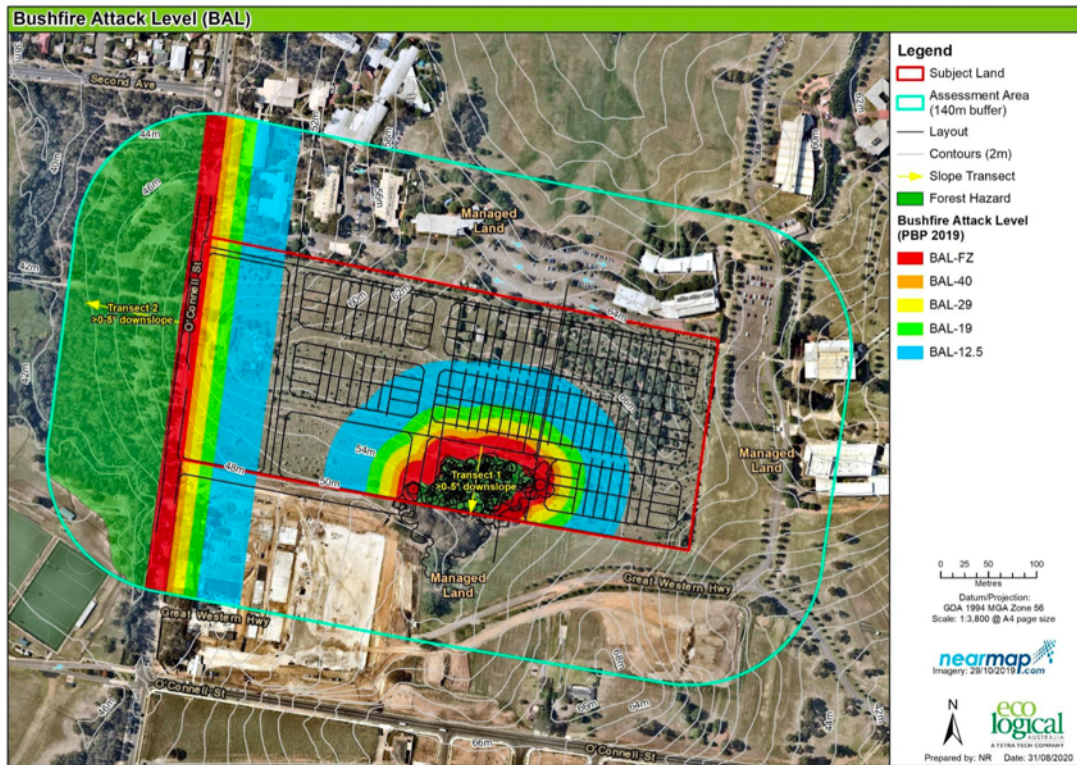


Figure 3: Bushfire Attack Levels (BAL)

## STATE ENVIRONMENTAL PLANNING POLICY NO. 55 – CONTAMINATED LAND

DA17/0042 approved a concept plan establishing indicative subdivision patterns, density projections, infrastructure layout and landscape embellishment works, noting that all relevant issues including preliminary site investigation, bushfire, Flora and Fauna Assessment, Aboriginal due diligence assessment have been addressed via the previous DA and previously considered satisfactory however given the time that has passed additional and revised reports have been prepared.

A Preliminary Site Investigation was undertaken by AAP Corporation in December 2019. The investigation concluded that there was a moderate risk of potential contamination with the following areas of environmental concerns identified on site:

- *Presence of stockpiles of unknown origin stored on the site;*
- *Presence of potentially hazardous materials and uncontrolled chemicals stored on the site;*
- *Filling of materials in the driveway of Lot 2; and*
- *Extensive history of agricultural land use.*

The Preliminary Site Investigation recommended a Detailed Site Investigation to be undertaken to characterise the contamination status of the site, draw conclusions regarding the suitability of the Site for a low density residential land use and provide recommendations based on those conclusions.

Based on the finding of the investigation works completed and reported upon within this DSI report, the overall objectives are considered to have been met and a suitable understanding of soil conditions and contamination issues at the Site has been established.

In the context of the Conceptual Site Model developed for the site, there exists a potential SPR linkage onsite under the current land use. This includes inhalation risks associated with the AF/FA identified in SP6. Asbestos within this stockpile exceeded the relevant health screening levels. As such the materials should be classified and disposed from Site to a facility licensed to accept the waste.

Other soil stockpiles in Lot 3 (SP1-SP5) were assessed as being compliant with the relevant human health and environmental criteria. Stockpiles of inert building materials within lot 3 should be removed from Site when the structures are demolished.

Investigation concluded that the Site can be made suitable for the intended land use, consistent with 'Residential A' as defined in the National Environmental Protection (Assessment of Site Contamination) Amendment Measure 2013 (No.1) ('NEPM', NEPC, 2013), following the disposal of SP6 and assessment of identified data gap areas post demolition. It is considered that this can form a condition of consent and the consent authority can be satisfied the site can be made suitable for the development.





## STATE ENVIRONMENTAL PLANNING POLICY (INFRASTRUCTURE) 2007

The development site is not located within proximity to a classified road and as a result it is not necessary to consider the provisions of Clause 102 of the SEPP that requires a consent authority to consider the impact of arterial roads on buildings used for residential purposes.

Clause 104 identifies a number of types of development that require concurrence from Roads and Maritime Services where development is identified as 'traffic generating development'.

The current proposal is not identified as traffic generating development as the site does not trigger the threshold requirements.

Therefore, concurrence from the RMS is not required.

## STATE ENVIRONMENTAL PLANNING POLICY (VEGETATION IN NON-RURAL AREAS) 2017

State Environmental Planning Policy (Vegetation in Non-Rural Areas) applies to development that does not require consent. As the current application requires consent under the Environmental Planning and Assessment Act, the Vegetation SEPP is not relevant. See the discussion against the Biodiversity Conservation Act 2016.

## PENRITH LOCAL ENVIRONMENTAL PLAN 2010

As evident in the zoning map extract below, the subject site is subject to a split zoning with the majority of the site zoned R3 – Medium Density Residential and the western portion of the site fronting O'Connell Street zoned B2 – Local Centre under the Penrith Local Environmental Plan 2010. '*Subdivision*' is permissible with Council consent within both the B2 and R3 zone.

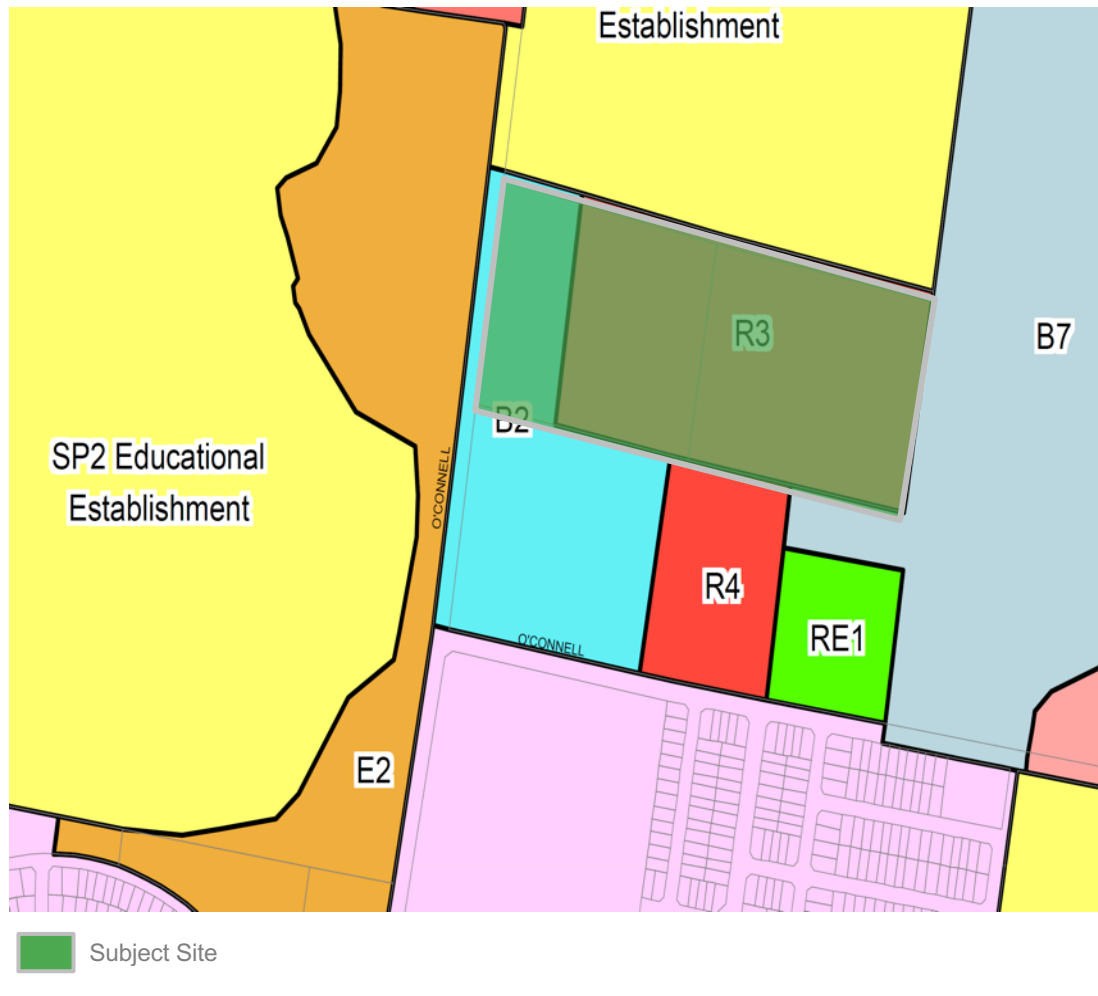
The site will impact upon land mapped under the Biodiversity Values Map and therefore a Biodiversity Development Assessment Report has been prepared and will accompany this application.

It is noted that the subject site is not subject to the biodiversity or riparian overlay under the LEP.

The proposed redevelopment of the large site present a unique opportunity to deliver appropriate low density housing within Penrith within a vacant and underutilised land parcel situated within close proximity to educational establishments, commercial centre, child care facilities and public transportation.



Figure 5: Zoning Map Sheet LZN\_013 Extract (Source: Penrith LEP 2010)



The table below provides details on the development standards relevant to the current proposal as well as other relevant LEP provisions.

Penrith Local Environmental Plan 2010– Compliance Table			
Clause	Controls	Comment	Complies
Zoning	R3 – Medium Density	Subdivision to facilitate future residential development is permissible with Council consent within the R3 – Medium Density Zone.  It is noted that development in the B2 zone is limited to civil works and creation of the super lot.	Yes

## Part 2 Permitted or Prohibited Development

2.3	Zone Objectives and Land Use Table	The proposal is consistent with the zone objectives of the R3 – Medium Density and will appropriately fulfil the subject site’s zoning potential by facilitating residential development in the catchment of public transport and services whilst contributing to range of housing types to suit the needs of residents within Caddens.	Yes
2.6	Subdivision – Consent Requirements	Development is seeking consent to undertake a large scale subdivision of the subject site in-order to facilitate future residential development.	Yes
2.7	Demolition Requires Consent	No demolition is proposed as part of this application noting that DA20/01432 has recently granted consent for the demolition of existing dwellings, structures and outbuildings within the development site.	Yes

## Part 4 Principal Development Standards

4.1	<p>Minimum Subdivision Lot Size – 400m<sup>2</sup></p> <p><i>(2) This clause applies to a subdivision of any land shown on the Lot Size Map that requires development consent and that is carried out after the commencement of this Plan.</i></p>	<p>The current development is to undertake subdivision of the subject land parcel to facilitate future residential development and will result in new lots with sizes of between 266m<sup>2</sup> and 18,464.9m<sup>2</sup>.</p> <p>Considering that the development site is the only large land parcel remaining within the eastern side of O’Connell Road capable of undertaking large scale residential development and residing just outside the western edges of the Caddens residential estate, the proposal requires a merit assessment rather than strict compliance with the LEP lot size of 400sqm.</p> <p>The key design principle underpinning the current subdivision application is that it has been designed to follow the general principles and road layouts prescribed for the Caddens Precinct rather than a traditional subdivision. Noting that a portion of the site, being the B2 zoned land associated with the subject site, resides within the Caddens Precinct associate with the Penrith Development Control Plan 2014 and the remaining R3 zoned portion of the site sitting just outside the precinct and does not contain site specific controls.</p>	<p><b>Clause 4.6</b> <b>Variation</b></p>
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The typical R3 medium density product under Penrith LEP 2010 is for strata titled townhouses as observed across other parts of Penrith, Kingswood, St Marys, Werrington, and Oxley Park. However the size of this allotment and its interface to the Caddens Precinct lends itself to an alternate design approach with a small lot housing product which achieves a lower density than would typically occur in an R3 context.

Critically we note the prior development consent issued for the land that adopted a significantly higher density than that proposed by this new development proposal. This proposal is a much better contextual 'fit' for the locality and with the product proposed as well as more suitable typical road layouts and block configurations.

By way of comparison the 390 dwellings approved compares to 160 lots, plus the 401 superlot (subject to future DA), which is 50% less than the density approved previously by Council and the Sydney West Planning Panel.

The current application has undertaken a significant revision to the subdivision scheme approved under DA17/0042 with an aim of delivering a more traditional residential subdivision pattern to lots typically found within new estates including Caddens of between 266m<sup>2</sup> and 551.3m<sup>2</sup> and will achieve a total residential yield of 160 new residential lots, which is significantly less than that approved under DA17/0042.

The revised scheme would result in a better outcome whilst also being consistent with the residential subdivision pattern and development within Caddens.

We also note that technically if the development was 'community title' as per the prior DA that had a 50% greater density there would be no non-compliance as the control only relates to torrens subdivision and community title subdivision is not captured by the lot size control. Hence the non-compliance could be removed through this approach however there is no planning benefit as it has nothing to do with the actual design outcome which would be materially the same.

4.3	Height of Buildings: 9m	Development proposes to undertake large scale subdivision to facilitate future residential development, with no works proposed with the exception of road construction proposed. Not applicable.	N/A
4.4	Floor Space Ratio:	The development site is not subject to FSR controls. Not applicable.	N/A
<b>Part 5 Miscellaneous Provision</b>			
5.10	Heritage Conservation	<p>Site is not identified as a heritage item nor is it located within a heritage conservation area.</p> <p>O'Connell Street separates the site from a local heritage item (1670 – Teacher's residence).</p> <p>The heritage significance comes from the heritage item itself with the current subdivision to have no impact on the heritage significance of the local heritage item. Furthermore, O'Connell Street will provide sufficient separation and existing contemporary building within the university itself and existing bushland providing adequate buffer between the development site and the local heritage item. As such the proposal will have no impact on the heritage significance of local heritage item 670. As a result, the subject site will not be burdened by any heritage restrictions.</p> <p>Aboriginal Heritage Due Diligence Assessment was undertaken as part of previous DA which did not detect any PAD's or relics on site and as such no further heritage assessment is considered necessary.</p>	N/A
<b>Part 7 Additional Local provisions</b>			
7.1	Earthworks	<p>No additional earthworks other than that approved under DA20/01432 is proposed as part of this application.</p> <p>It is noted that future development of each individual allotment will undertake appropriate excavation works in accordance with Council requirements.</p>	N/A



<b>7.2</b>	Flood Planning	The development site is clear of the PMF flood level.	<b>N/A</b>
<b>7.3</b>	Development on Natural Resources Sensitive Land	<p>The subject site is not identified on the Natural Resource Sensitive Map. Not applicable.</p> <p>It is noted that the development site is will impact upon land mapped under the Biodiversity Values Map and therefore a Biodiversity Development Assessment Report has been prepared and accompanies this application.</p>	<b>N/A</b>
<b>7.4</b>	Sustainable Development	Not applicable to the current proposal, it is anticipated that future development will undertake appropriate measures to ensure sustainable development including incorporating BASIX certificate relating to both energy efficiency and energy/water efficiency.	<b>Yes</b>
<b>7.6</b>	Salinity	Due to the nature and location of the site it is not likely to be affected by Saline Soils.	<b>N/A</b>
<b>7.7</b>	Servicing	The proposal will be serviced by sewer, water, power and telecommunications and conditions imposed accordingly for the required clearance certificates.	<b>Yes</b>

## PENRITH DEVELOPMENT CONTROL PLAN 2014

All relevant Council controls have been identified and considered in the following compliance table.

Penrith Development Control Plan 2014 Compliance Table			
Clause	Controls	Comments	Complies
<b>C1 Site Planning and Design Principles</b>			
1.1	Site Planning	<p><u>1.1.1 Site Analysis</u></p> <p>This current subdivision application is to facilitate future commercial and residential development with the only physical works is limited to the construction of the planned road in stages. As such a site analysis is not considered necessary.</p>	N/A
		<p><u>1.1.2 Key Areas with Scenic and Landscape Values</u></p> <p>The subject site is not located within the Scenic and Landscape Values Map under the Penrith LEP 2010. Not applicable.</p>	N/A
1.2	Design Principles	Consideration for future DA.	N/A
<b>C2 Vegetation Management</b>			
2.1	Preservation of Trees and Vegetation	<p>The vegetation within the development site has previously been cleared for an orchard and grazing lands noting no threatened flora species were recorded on or within the development site or are likely to persist in the soil profile. The vegetation within the development site was deemed highly disturbed and fragmented.</p> <p>As the proposal will impact upon land mapped under the Biodiversity Values Map, a Biodiversity Development Assessment Report has been prepared and accompanies this application.</p> <p>Measures have been taken to avoid, minimise and mitigate impacts to the vegetation and species habitat present within the development site and methodologies to minimise impacts during construction and operation of the development have been included in the Biodiversity Development Assessment Report.</p>	Yes

Clause	Controls	Comments	Complies
		<p>Regenerating Cumberland Plain Woodland present as derived native grassland and scattered shrubs and canopy species have established within the development site.</p> <p>A patch of intact of Cumberland Plain Woodland is located along the southern portion of the development site and is to be retained and subject to a weed management in accordance with a Vegetation Management Plan. It is noted that a portion of this vegetation will be affected for the construction of paths, playground and landscaping.</p>	
<b>C3 Water Management</b>			
<b>3.2</b>	Catchment Management and Water Quality	A Concept Stormwater and Water Quality Management Report has been prepared to and accompanies this application. .	<b>Yes</b>
<b>3.3</b>	Watercourses, Wetlands and Riparian Corridors	The development site contains a very small portion of an unnamed 1st order tributary in the south. Although there is currently no evidence of the tributary hence it is not considered relevant as it has been entirely removed by the adjoining development.	<b>N/A</b>
<b>3.4</b>	Groundwater	This current subdivision application is to facilitate future commercial and residential development with the only physical works is limited to the construction of the planned road in stages. As such, this clause will be addressed via future DAs. Not applicable.	<b>N/A</b>
<b>3.5</b>	Flood Planning	The development site is clear of the PMF flood level.	<b>N/A</b>
<b>3.6</b>	Stormwater Management and Drainage	A Concept Stormwater and Water Quality Management Report has been prepared to and accompanies this application. .	<b>Yes</b>
<b>3.9</b>	Water Sensitive Urban Design	A Concept Stormwater and Water Quality Management Report has been prepared to and accompanies this application. .	<b>Yes</b>

Clause	Controls	Comments	Complies
<b>C4 Land Management</b>			
4.1	Site Stability and Earthworks	No additional earthwork other than that approved under DA20/01432 is proposed as part of this application.  It is noted that future development of each individual allotment will undertake appropriate excavation works in accordance with Council requirements.	<b>N/A</b>
4.3	Erosion and Sedimentation	No additional earthwork other than that approved under DA20/01432 is proposed as part of this application.	<b>Yes</b>
4.4	Contaminated Land	Has been addressed. Refer to discussion against the State Environmental Planning Policy No. 55 for more detail.	<b>Refer to discussion against SEPP No.55</b>
4.5	Salinity	The 'Salinity Potential in Western Sydney' map indicates that the site lies within a region of low salinity potential. As per the Detailed Site Investigation that accompanies this application, there were no visual indicators of saline soils during the investigation with the site appearing to have good vegetation coverage free of stress	<b>N/A</b>
<b>C5 Waste Management</b>			
		This current subdivision application is to facilitate future commercial and residential development. Not applicable.	<b>N/A</b>
<b>C6 Landscape Design</b>			
		A site wide Landscape Plan has been prepared and accompanies this application.	<b>Yes</b>
<b>C7 Cultural and Heritage</b>			
7.1	Heritage	Site is not identified as a heritage item nor is it located within a heritage conservation area. O'Connell Street separates the site from a local heritage item (1670 – Teacher's residence).	<b>N/A</b>

Clause	Controls	Comments	Complies
		The heritage significance comes from the heritage item itself with the current subdivision to have no impact on the heritage significance of the local heritage item. Furthermore, O'Connell Street will provide sufficient separation and existing contemporary building within the university itself and existing bushland providing adequate buffer between the development site and the local heritage item. As such the proposal will have no impact on the heritage significance of local heritage item 670. As a result, the subject site will not be burdened by any heritage restrictions.	
7.2	Aboriginal Cultural and Heritage	Aboriginal Heritage Due Diligence Assessment was undertaken as part of previous DA which did not detect any PAD's or relics on site and as such no further heritage assessment is considered necessary.	N/A
7.3	Significant Trees and Gardens	<p>The development site is will impact upon land mapped under the Biodiversity Values Map and therefore a Biodiversity Development Assessment Report has been prepared and accompanies this application.</p> <p>A patch of intact of Cumberland Plain Woodland is located along the southern portion of the development site and is to be retained and subject to a weed management in accordance with a Vegetation Management Plan.</p>	N/A
<b>C10 Transport, Access and Parking</b>			
10.2	Traffic Management and Safety	It is noted that this development is for a subdivision and as such, this clause will be addressed via future DAs. Not applicable.	N/A



Clause	Controls	Comments	Complies
C11 Subdivision			
11.3	Residential Subdivision	<p><u>Design Principles</u></p> <p>The following considerations have informed the proposal to demonstrate the suitability of the site to facilitate large scale subdivision:</p> <ul style="list-style-type: none"> <li>- Appropriate slope and orientation of land</li> <li>- Opportunities for solar and daylight access to future dwellings</li> <li>- Design of internal road to permit suitable vehicle access</li> <li>- Retention of special qualities or features including Cumberland Woodland vegetation</li> <li>- Appropriate utilities will be made available</li> <li>- Provision of adequate site drainage</li> <li>- Provision of public open space</li> <li>- Adequacy of each residential allotment to accommodate a dwelling house as per the building envelope plan</li> </ul> <p>The key design principle underpinning the current subdivision application is that it has been designed to follow the subdivision layout prescribed for the Caddens Precinct including lot sizes rather than the overall subdivision controls via the minimum lot size controls under the Penrith Local Environment Plan 2010, noting that only the B2 zoned land associated with the subject site resides within the Caddens Precinct associate with the Penrith Development Control Plan 2014 and the remaining R3 zoned portion of the site sitting just outside the precinct.</p> <p>The primary rationale for this is that the development site is the only large land parcel remaining within the Eastern side of O'Connell Road capable of undertaking large scale residential development comparable to that currently being undertaken in Caddens and therefore it is appropriate to deliver residential development in terms of scale, density, lot sizes and housing types comparable to that within the adjoining residential estate.</p>	Yes

Clause	Controls	Comments	Complies
		This will ensure not only a suitable transition of urban development but also achieve consistency with the type and scale of residential subdivision and subsequent development currently being undertaken within Caddens rather than the Penrith Local Government Area as a whole.	
	Lot Orientation	The allotments proposed will enable suitable solar access, noting that the majority of the proposed internal road run east-west to provide good orientation of allotments for solar access to residential lots.	Yes
	Site Frontage	Each new residential allotment has a suitable frontage that will permit sufficient vehicle and pedestrian access.	Yes
	Allotment Dimensions	Residential allotments >400m <sup>2</sup> are capable of achieving a 10x 12m area or 8m x 15m area with the configuration.  Residential allotments <400m <sup>2</sup> are provided with a building envelope that demonstrates that an appropriate built form can be achieved that complies with relevant provision of the DCP can be delivered on the lot. It is noted that the DCP provides a mechanism for consideration of small lots and in particular the BEP clearly demonstrates the provision of privacy, adequate provision for natural light, and the fact the smaller lots allow greater apportionment of the cost of services required to be provided to the development.	Yes
	Landscaping	A detailed site wide landscape plan accompanies this application.	Yes
	Services	The site has access to sewer, power, water and telecommunications and conditions of consent can reinforce the need for relevant utility clearances.	Yes
	Drainage	A Concept Stormwater and Water Quality Management Report has been prepared to and accompanies this application.	Yes

## PENRITH DEVELOPMENT CONTROL PLAN 2014 E1 CADDENS

The development aims to facilitate future residential development that will deliver a diverse range of housing forms and densities to meet the needs of diverse age groups, family types and income levels.

The western portion of the site zoned B2 is located within the boundaries of the Caddens Precinct, however the remaining R3 zoned portion of the site resides just outside the precinct as demonstrated via the Caddens boundary map extract below and Caddens Structure Plan provided overleaf.

**Figure 6: Caddens Boundary Map Extract (Source: Penrith DCP)**



Figure 7: Caddens Structural Plan Map Extract (Source: Penrith DCP)



Given that only the western portion of the development site resides within the Caddens Precinct and that the current application is utilising Part E – Key Precincts: Caddens has a guide to demonstrate the deliverance of comparable residential, only the key controls relevant to the current application is addressed in the following table and technically none of the controls actually apply.

Penrith Development Control Plan 2014 E1 Caddens Compliance Table			
Clause	Controls	Comments	Complies
<b>1.2 Structure Plan</b>			
1.2.1	Urban Structure	The portion of the site zoned B2 will be subdivided from the remaining R3 zone land and be prepared to facilitate future commercial development purpose as per the Structure Plan.	Yes
1.2.2	Character Area Design Principles	<p><u>Precinct Centre</u></p> <p>The portion of the site zoned B2 will be subdivided from the remaining R3 zone land and be prepared to facilitate future commercial development purpose as per the Structure Plan.</p> <p>The attached Building Envelope and Dwelling Type extract demonstrate indicative apartment building layout for the portion of the site identified as being located within the Precinct Centre associated with the Caddens Structure Plan.</p>	Yes
1.2.3	Dwelling Yield and Diversity	The density controls does not apply to the current application as it is located outside of the Caddens Precinct, however the development will deliver a diverse range of lot sizes, dwelling types and housing forms to meet the needs of diverse age groups and family types.	N/A
<b>1.3 The Public Domain</b>			
1.3.1	Street Network and Design	Does not apply to the current application as it is located outside of the Caddens Precinct, however the proposed internal roads servicing the site have been designed and will be constructed in accordance with the relevant requirements set out in the Penrith Council Engineering Design Specifications.	Yes

Clause	Controls	Comments	Complies
		<p>The proposal incorporates a minor departure from the road layout shown in the Caddens DCP, however, it retains the status quo in relation to the road connection on the eastern side of O'Connell Street North. Refer to attached Traffic Report for detail.</p> <p>The development is to also provide appropriate street trees on all proposed road networks in accordance with the Landscape Plan which accompanies with application.</p>	
1.3.2	Street Furniture and Public Area	Not relevant to the current development application.	N/A
1.3.3	Pedestrian and Cycle Network	Not relevant to the current development application.	N/A
1.3.4	Public Transport	Not relevant to the current development application.	N/A
1.3.5	Open Space, Environmental Conservation and Landscape Network	<p>Does not apply to the current application as it is located outside of the Caddens Precinct, however the development will provide for the public open space and recreational needs of future residents by delivering a new woodland park (7,883.4m<sup>2</sup>) within Lot 401 which is going to retain identified Cumberland woodland vegetation and will also comprise of bioretention basins, internal 2.5m side pathway of varying gradients, turf areas with shade trees and informal seating for passive recreational and a fenced children's play area with covered nature play elements.</p> <p>As such the dedicated open space area will provide a local community focus and will permit both active and passive open space opportunities whilst also conserving valuable Cumberland woodland vegetation.</p> <p>Finally the proposed detention basins are to be appropriately landscaped to ensure that they appear natural rather than engineered features and sit harmoniously in its surroundings.</p> <p>A Landscape Plan, Biodiversity Development Assessment Report and Vegetation Management Plan accompany this application.</p>	N/A
1.3.6	Biodiversity	The development site is not identified under the Penrith Local Environmental Plan 2010 as containing natural resource sensitive land nor does it contain land with scenic and landscape values.	N/A



Clause	Controls	Comments	Complies
		<p>However the development will deliver a new woodland park (7,883.4m<sup>2</sup>) within Lot 401 which is going to retain identified Cumberland woodland vegetation.</p> <p>As such the dedicated open space area will conserve valuable Cumberland woodland vegetation.</p> <p>It is noted that that a Biodiversity Development Assessment Report and Vegetation Management Plan accompany this application.</p>	
1.3.7	Aboriginal and European Heritage	Assessment of any Aboriginal cultural heritage have been addressed via previous DAs.	
1.3.8	Bushfire Hazard Management	<p>The development site includes land classified as bush fire prone on the Penrith City Council's bush fire prone land (BFPL) map.</p> <p>Bushfire Protection Assessment which accompanies this application has found that the proposed subdivision complies with either the acceptable or performance solutions within 'Planning for Bush Fire Protection 2019.</p> <p>Refer to attached Bushfire Protection Assessment for more detail.</p>	Yes
1.3.9	Water Cycle Management	A Concept Stormwater and Water Quality Management Report has been prepared to and accompanies this application. .	Yes
1.3.10	Contamination Management	<p>A Preliminary Site Investigation and Detailed Site Investigation have been undertaken as part of the subdivision application.</p> <p>The Detailed Site Investigation has found that the overall objectives are considered to have been met and a suitable understanding of soil conditions and contamination issues at the Site has been established.</p> <p>Investigation concluded that the Site can be made suitable for the intended land use, consistent with 'Residential A' as defined in the National Environmental Protection (Assessment of Site Contamination) Amendment Measure 2013 (No.1) ('NEPM', NEPC, 2013), following the disposal of SP6 and assessment of identified data gap areas post demolition.</p>	Yes

Clause	Controls	Comments	Complies
1.3.11	Salinity Management	<p>The 'Salinity Potential in Western Sydney' map indicates that the site lies within a region of low salinity potential.</p> <p>As per the Detailed Site Investigation that accompanies this application, there were no visual indicators of saline soils during the investigation with the site appearing to have good vegetation coverage free of stress</p>	N/A
<b>1.4 Residential Development</b>			
1.4.1	Subdivision and Neighbourhood Design	<p>The prescribed subdivision layout does not apply to the current application as it is located outside of the Caddens Precinct. However, a key aspect of the <u>current subdivision application</u> is that it has been designed to follow the general principles prescribed for the Caddens Precinct rather than the overall subdivision prescribed within the Penrith LEP 2010.</p> <p>The primary rationale for this is that the development site is the only large land parcel remaining within the eastern side of O'Connell Road capable of undertaking large scale residential development and as it resides just outside the western edges of the Caddens residential estate, it is appropriate to deliver residential development comparable to that within the adjoining residential estate. This will ensure consistency and suitable transition of the with the type and scale of residential subdivision and subsequent development currently being undertaken within Caddens.</p> <p>Taking this into consideration the current application is to address the key numerical controls for subdivision:</p> <ul style="list-style-type: none"> <li>- A diverse range of lot types and frontage are to be provided in each street, noting repetition of lots with the same frontage along the street has been avoided.</li> <li>- No more than 5 lots in a row have the same frontage for lots 12.5m wide and above.</li> <li>- Minimum minor variation to some of the corner lots, however the development will continue to deliver a variety of corner parcels of mixed sizes and frontages which will deliver a range of densities, lot sizes and housing types.</li> <li>- Typical detached dwellings have an area of between 337.6m<sup>2</sup> – 266.0m<sup>2</sup> with lot width of between 10m – 12.5m (excluding corner parcels).</li> </ul>	Yes

Clause	Controls	Comments	Complies
		<ul style="list-style-type: none"> <li>Whilst smaller than the DCP lot size we note lot sizes substantially exceed those of the prior DA for the land that were proposed and the smaller lots are accompanied by a BEP as per control (7) of the DCP.</li> </ul> <p>The lots less than 350m<sup>2</sup> are accompanied with building envelope plan that demonstrate that an appropriate built form can be achieved that complies with relevant provision of the DCP can be delivered on the lot. Therefore the small lot product is considered suitable and appropriate as demonstrated by the BEPs shown by PBD.</p>	
1.4.2	Streetscape, Feature Element and Roof Design	The current application is limited to undertaking subdivision of the subject site to facilitate future residential development. Not applicable.	N/A
1.4.3	Dwelling Height, Massing and Siting	The current application is limited to undertaking subdivision of the subject site to facilitate future residential development. Not applicable.	N/A
1.4.4	Building Setbacks	<p>The current application is limited to undertaking subdivision of the subject site to facilitate future residential development. Not applicable.</p> <p>The attached Building Envelope extract gives a guide on the potential built form on each residential lot and this follows the setback controls</p>	<b>BEP's Follow Setback Provisions</b>
1.4.5	Development Forms	<p>The current application is limited to undertaking subdivision of the subject site to facilitate future residential development. Not applicable.</p> <p>The attached Building Envelope extract gives a rough guide on the potential built form on each residential lot.</p>	N/A
1.4.6	Private Open Space	The current application is limited to undertaking subdivision of the subject site to facilitate future residential development. Not applicable.	N/A
1.4.7	Site Cover and Landscaped Area	The current application is limited to undertaking subdivision of the subject site to facilitate future residential development. Not applicable.	N/A
1.4.8	Fencing	The current application is limited to undertaking subdivision of the subject site to facilitate future residential development. Not applicable.	N/A
1.4.9	Garage and Access	The current application is limited to undertaking subdivision of the subject site to facilitate future residential development. Not applicable.	N/A

Clause	Controls	Comments	Complies
		The attached Building Envelope extract gives a guide on the potential built form on each residential lot.	
<b>1.5 Environmental and Residential Amenity</b>			
		The current application is limited to undertaking subdivision of the subject site to facilitate future residential development. Not applicable.	<b>N/A</b>
<b>1.6 The Precinct Centre</b>			
		The current application is limited to undertaking subdivision of the subject site to facilitate future commercial development.	<b>N/A</b>
		Detailed development for the B2 zoned land will be provide via future development.	

## CONCLUSION

Following a review of the relevant planning controls, it is concluded that the proposed development is consistent with the objectives, planning strategies and detailed controls of these planning documents.

Consideration has been given to the potential environmental and amenity impacts that are relevant to the proposed development and this report addresses these impacts.

Having regard to the benefits of the proposal and taking into account the absence of adverse environmental, social or economic impacts, the application is submitted to Council for assessment and granting of development consent. Think Planners Pty Ltd recommends the approval of the application, subject to necessary, relevant and appropriate conditions of consent.

