

# Statement of Environmental Effects

PAPER SUBDIVISION OF 1 INTO 2 LOTS ON LOT 54 DP 1246141, RETREAT DRIVE,  
PENRITH



Prepared by: Think Planners  
Document Date: 5 March 2019  
Consent Authority: Penrith City Council



**QUALITY ASSURANCE**

**PROJECT:** Statement of Environmental Effects– 1 into 2 lot Subdivision  
**ADDRESS:** Lot 54 DP 1246141 – Retreat Drive, Penrith  
**COUNCIL:** Penrith City Council  
**AUTHOR:** Think Planners Pty Ltd

Date	Purpose of Issue	Rev	Reviewed	Authorised
5 March 2019	DA Lodgement Issue	Final	JW	JW

Integrated Development (under S91 of the EP&A Act). Does the development require approvals under any of the following legislation?	
Fisheries Management Act 1994	No
Heritage Act 1977	No
Mine Subsidence Act 1992	No
Mining Act 1992	No
National Parks and Wildlife Act 1974	No
Petroleum (Onshore) Act 1991	No
Protection of the Environment Operations Act 1997	No
Roads Act 1993	No
Rural Fires Act 1997	No
Water Management Act 2000	No <sup>2</sup>
Concurrence	
Penrith LEP (Glenmore Park Stage 2) 2009- Director General	No
SEPP 1- Development Standards	No
SEPP 64- Advertising and Signage	No
SEPP 71 – Coastal Protection	No
SEPP (Infrastructure) 2007	No
SEPP (Major Development) 2005	No
SREP (Sydney Harbour Catchment) 2005	No

<sup>2</sup>\* No physical works means development is not triggered by WMA 2000.



## Contents

1. Introduction and Summary .....	4
2. Background to East Side Quarter (ESQ).....	6
3. Site Context .....	7
Local Context & The Site .....	7
4. The Proposal.....	10
5. Assessment of Planning Issues .....	11
Environmental Planning and Assessment Act 1979 .....	11
Bushfire Risk & Rural Fires Act 1997 .....	11
Compliance with Relevant Planning Controls .....	13
State Environmental Planning Policy No.55 (SEPP 55) – Remediation of Land .....	13
Sydney Regional Environmental Plan No.20 (SREP 20) – Hawkesbury Nepean River .....	13
Penrith Local Environmental Plan 2010 .....	14
Panthers Planning Proposal and DCP Amendment .....	15
Penrith Development Control Plan 2014.....	15
6. Conclusion .....	19



## 1. Introduction and Summary

This Statement of Environmental Effects is prepared as part of the supporting documentation for a 1 into 2 lot paper subdivision within the East Side Quarter (ESQ) of the Penrith Panthers site. This is contained to approved Lot 54, being Lot 54 DP 1246141.

DA18/0207 was approved for the creation of a total of 7 lots, including Lot 54. That subdivision has now been registered and this subdivision is proposed to create 2 paper lots, through re-subdivision of approved Lot 54, that are to be subject to future development applications for apartment proposals associated with Stage 4 & 5. The lots to be created consist of:

- Lot 59: Will contain the Stage 5 Apartments
- Lot 60: Will contain the Stage 4 Apartments

The private road has been created as Lot 52 DP 1246141.

The procedural paper subdivision is to accord with the likely staging of ESQ and the proposal does not seek consent for any physical works.

The relevant staging, and the area of the creation of the 2 lots, is reflected on the image below and shown in green.



Figure 1: Staging Plan



The proposal does not involve any physical works and as the proposal does not involve physical works a Controlled Activity Approval is not required under the Water Management Act 2000.

The development proposal is also not integrated to the RFS as the site (Lot 54) is not bushfire prone land based on Councils mapping.

The Statement has been prepared having regard to the relevant State Environmental Planning Policies, Local Environmental Plans and Development Control Plans. Of particular relevance is Penrith DCP Chapter E13 Riverlink Precinct.

In summary the proposal is for a procedural subdivision that will have no environmental impacts beyond those identified as part of approved DA18/0207.

## 2. Background to East Side Quarter (ESQ)

As per the previously submitted SEE for the 7 lot subdivision the Panthers Precinct Residential Development, known as ESQ1818, applies to the northern section of the Penrith Panthers Precinct as set out below, noting the image below is sourced from SJB Planning.

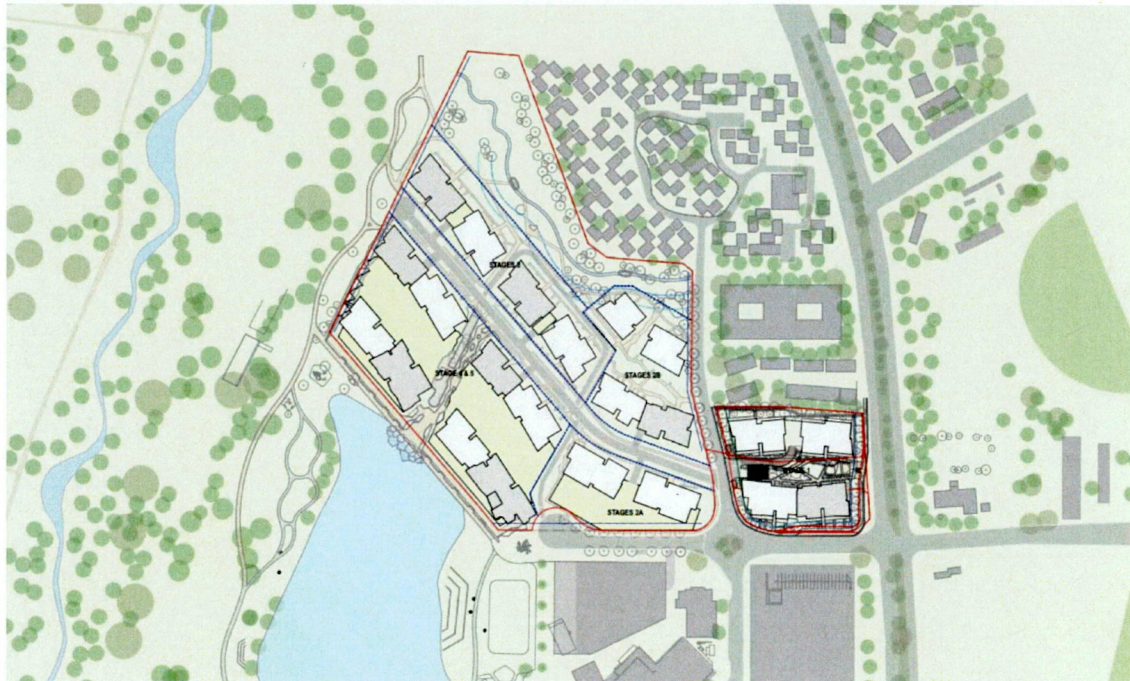


Figure 1: Excerpt of Site Plan lodged with DA 17/0766 showing St. 1 and remainder of proposed ESQ 1818 development on Lot 10 DP 1223020

The broader development involves the following key aspects:

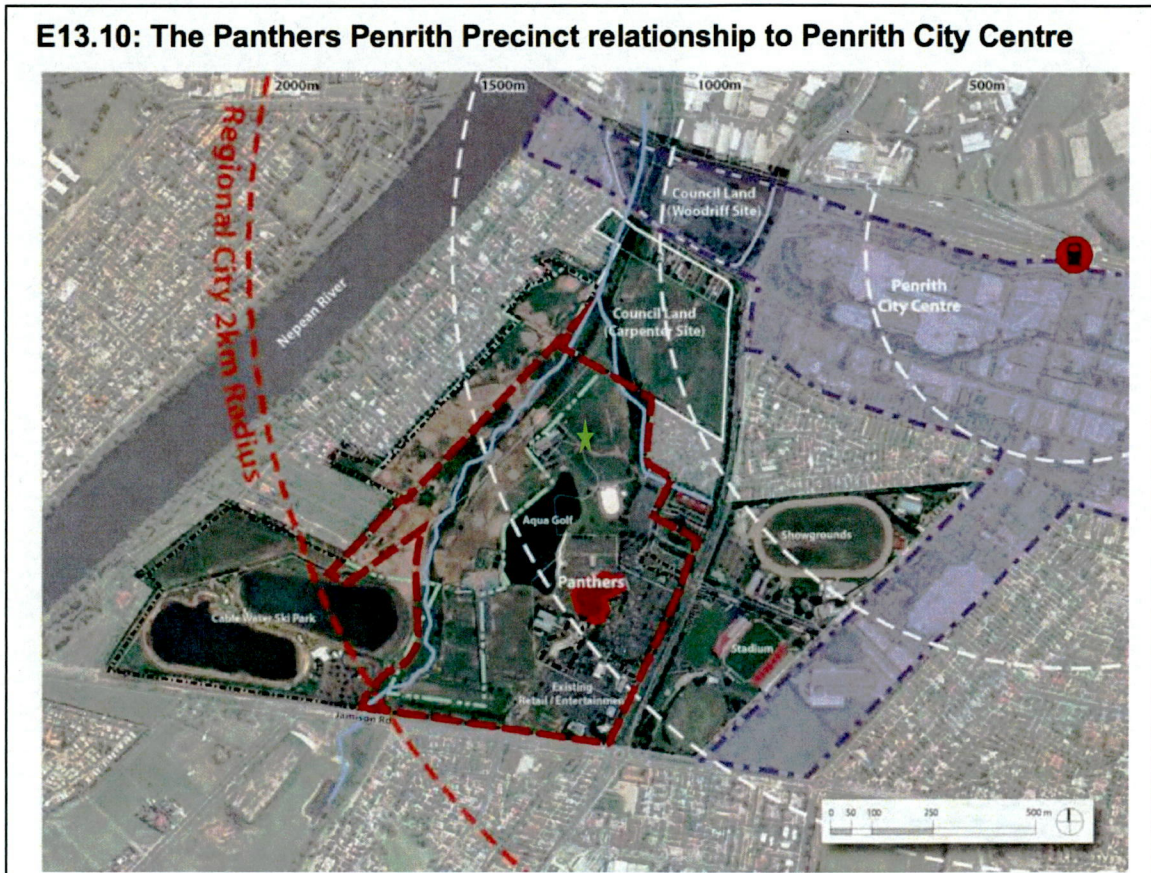
- Demolition works including the heritage listed dwelling at 65 Mulgoa Road;
- Apartment buildings and mixed use development comprising approximately 850 apartments with associated parking and services;
- A series of buildings and public domain works including:
  - Six (6) RFBs ranging in height from four (4) to seven (7) storeys;
  - Five (5) mixed use buildings with ground level retail and RFBs ranging in height from five (5) to 14 storeys;
  - Local street running north south connecting Retreat Drive in the south and provisioning for a possible future road connection from the north;
  - Through-site links running east west; and
  - Landscaped podiums;
- Public domain works including riparian zones, walking pathways and works at the interface to the lake.

### 3. Site Context

#### Local Context & The Site

The site is fully within the Penrith City Council local government area and is located north of the Jamison Road and West of Mulgoa Road and Retreat Drive.

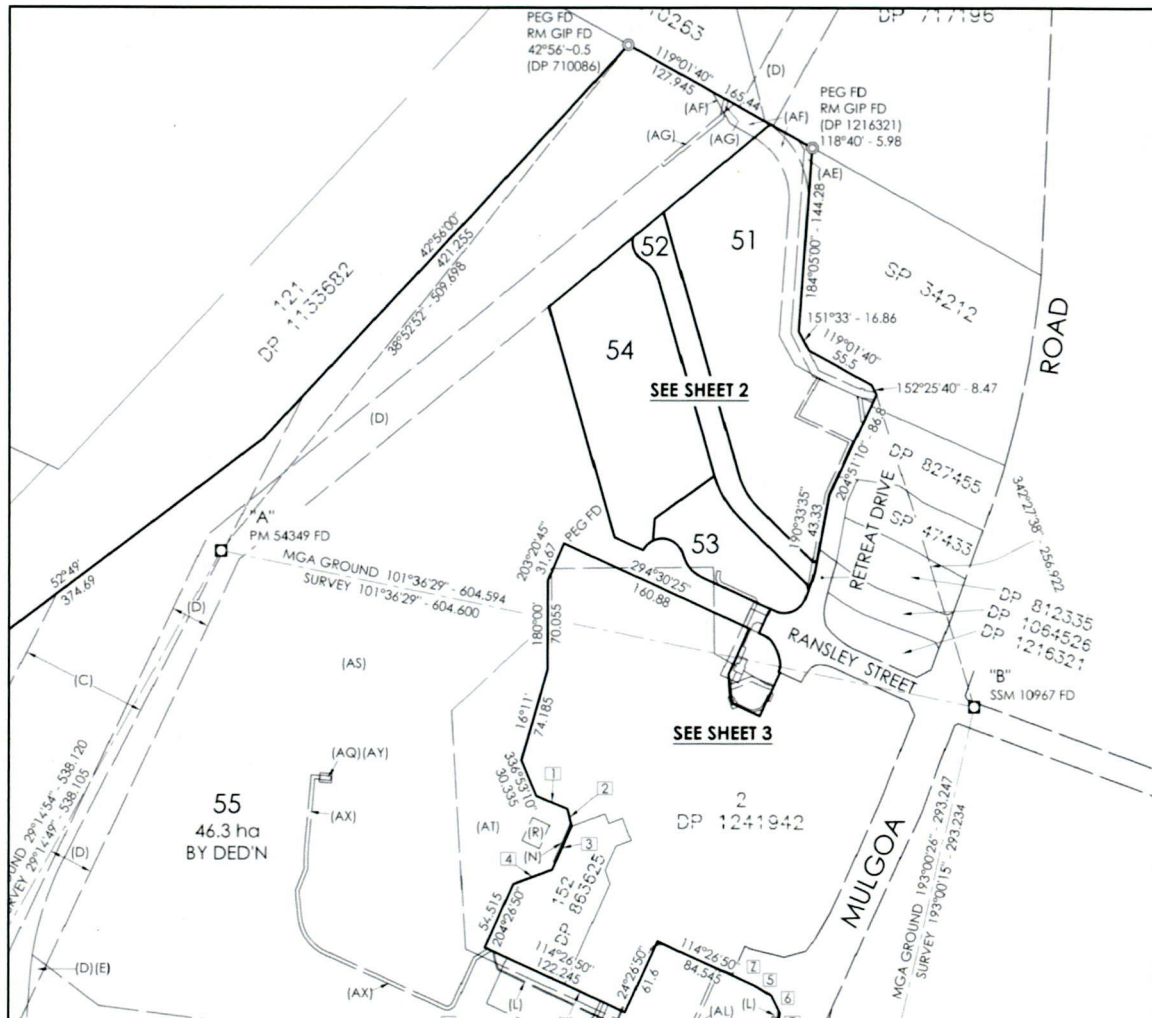
The image below shows the location of the broader Panthers site, sourced from PDCP 2014, and an indication of the location of the current DA- marked with the green star- is provided for context.





DA18/0207 was approved for the creation of a total of 7 lots, including Lot 54. Of those 7 lots there were a total of 5 future development lots.

The scope of this application is contained to approved Lot 54 and an extract of the linen plan submitted with the subdivision certificate is provided below for context. It is understood that the lots are created and will be shown on Councils system accordingly for the creation of Lot 54.



The subdivision is proposed to create 2 paper lots, through resubdivision of Lot 54, that are to be subject to future development applications for apartment proposals associated with Stage 4 & 5. The lots to be created consist of:

- Lot 59: Will contain the Stage 5 apartments
- Lot 60: Will contain the Stage 4 apartments.





The procedural paper subdivision is to accord with the likely staging of ESQ and the proposal does not seek consent for any physical works.

The relevant staging, and the area of the creation of the 2 lots, is reflected on the image below.





## 4. The Proposal

### ***Paper Lot Subdivision***

The development proposal seeks consent for a 1 into 2 lot paper subdivision within the East Side Quarter (ESQ) of the Penrith Panthers site. This is contained to approved Lot 54, being Lot 54 DP 1246141.

DA18/0207 was approved for the creation of a total of 7 lots, including Lot 54. Of those 7 lots there were a total of 5 future development lots.

The subdivision is proposed to create 2 paper lots, through re-subdivision of approved Lot 54, that are to be subject to future development applications for apartment proposals associated with Stage 4 and 5. The lots to be created consist of:

- Lot 59: Has a total area of 8072m<sup>2</sup> and will contain the Stage 5 apartments
- Lot 60: Has a total area of 9605m<sup>2</sup> and will contain the Stage 4 apartments

The relevant stages are reflected at Figure 1 of this report.

### ***Physical Works***

The procedural paper subdivision is to accord with the likely staging of ESQ and the proposal does not seek consent for any physical works.

### ***Floor Space Ratio***

PLEP 2010 requires a maximum permissible floor space ratio (FSR) across Panthers Penrith Precinct of 1:1. In addition to this FSR requirement, the draft Planning Proposal relating to the ESQ1818 development will impose a maximum GFA of 80,400m<sup>2</sup> across the ESQ1818 site.

The proposed subdivision will result in reduced lot sizes where development is proposed in line with the ESQ1818 scheme. It is noted that the ESQ1818 scheme has already received endorsement from Council by way of the approved Planning Proposal and DCP amendment, both of which will facilitate the outcome of this development.

Subject to future DAs across the ESQ1818 site, the outcome of this proposed subdivision will create disparity between the approved 80,400m<sup>2</sup> GFA, and permissible FSR within each resultant lots- but in the totality of the area compliance will be achieved.

While future stages of the ESQ1818 development will demonstrate compliance with the proposed maximum 80,400m<sup>2</sup> GFA cap, subsequent DAs for development within each resultant lot will exceed the permissible FSR of 1:1. Therefore a technical variation may occur that would be rectified by way of a Clause 4.6 variation or by way of an amendment to the Planning Proposal to rectify the anomaly. Either way there is no impediment to the current subdivision proposal.

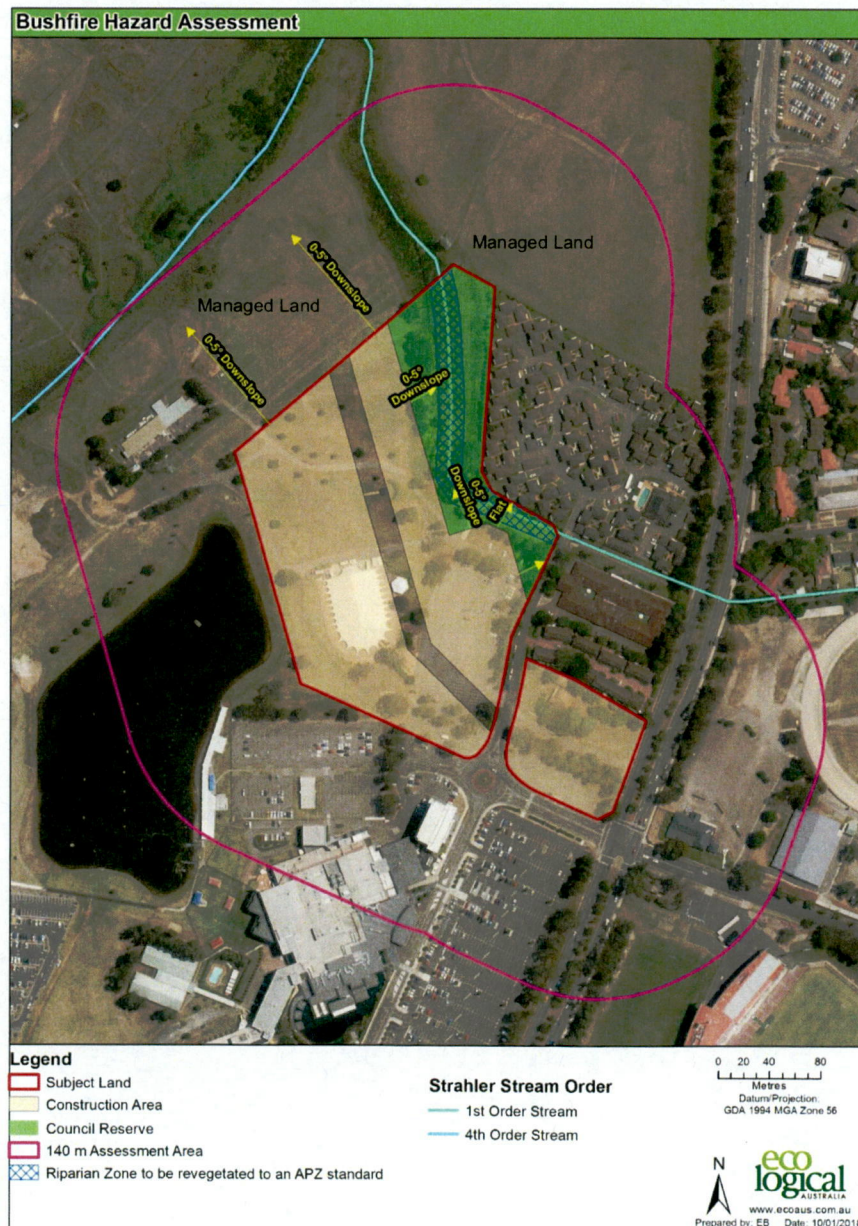
## 5. Assessment of Planning Issues

### Environmental Planning and Assessment Act 1979

The proposed development will be assessed under Part 4 of the Environmental Planning and Assessment Act 1979 (EP&A Act).

### Bushfire Risk & Rural Fires Act 1997

It is noted that the site is not identified as being bushfire prone based on Councils Bushfire Mapping (see extract below) and therefore the proposal is not integrated development for the purposes of Section 100B of the Rural Fires Act 1997. An extract of the approved bushfire report is provided below that shows the relevant bushfire threat which is not affecting Lot 54.





It is noted that in relation to the required mitigation measures the report provides as follows:

### **3.1 Asset Protection Zones (APZ)**

*No APZs are required to be established. However, the revegetation of the riparian corridor within the Council Reserve will be required to be established and continually managed in accordance with 'Planning for Bush Fire Protection 2006' (RFS 2006) APZ standards.*

*The revegetation of the riparian corridor is to be managed to an Inner Protection Area APZ standard to the following PBP compliant specification:*

- *No tree or tree canopy is to occur within 2 m of the future building rooflines;*
- *The presence of a few shrubs or trees is acceptable provided they:*

*o Are well spread out and do not form a continuous canopy;*

*o Are not species that retain dead material or deposit excessive quantities of ground fuel in a short period or in a danger period; and*

*o Are located far enough away from the building so that they will not ignite future buildings by direct flame contact or radiant heat emission.*

- *Any landscaping or plantings should preferably be local endemic mesic species or other low flammability species;*
- *A minimal ground fuel is to be maintained to include less than 4 tonnes per hectare of fine fuel (fine fuel means ANY dead or living vegetation of <6 mm in diameter e.g. twigs less than a pencil in thickness. 4 t/ha is equivalent to a 1 cm thick layer of leaf litter); and*
- *Any structures storing combustible materials such as firewood (e.g. sheds) must be sealed to prevent entry of burning debris.*

*Further details on implementation and management can be found in Appendix 2 and 3 of 'Planning for Bush Fire Protection 2006' (RFS 2006) and on the NSW RFS website including:*

*[https://www.rfs.nsw.gov.au/\\_\\_data/assets/pdf\\_file/0010/13321/Standards-for-Asset-Protection-Zones.pdf](https://www.rfs.nsw.gov.au/__data/assets/pdf_file/0010/13321/Standards-for-Asset-Protection-Zones.pdf).*

On that basis there is no bushfire risk associated with the proposal and no need for any mitigation measures or the like.



## Compliance with Relevant Planning Controls

### State Environmental Planning Policy No.55 (SEPP 55) – Remediation of Land

There are no known contaminated sites within the Precinct, and it should be noted that the provisions of SEPP 55 and the need for remediation or otherwise has been previously addressed as part of the broader development applications applying to the site.

### Sydney Regional Environmental Plan No.20 (SREP 20) – Hawkesbury Nepean River

It is noted that the impact upon the Hawkesbury Nepean River was a key consideration in the Local Environmental Study that preceded the rezoning of the land. Notwithstanding, the Specific Planning Policies and Strategies of the SREP, state in (10) Urban Development –

- (a) When considering a proposal for the rezoning or subdivision of land which will increase the intensity of development of that land (for example, by increasing cleared or hard surface areas) so that effluent equivalent to that produced by more than 2,500 people will be generated, consider requiring the preparation of a Total Water Cycle Management Study or Plan.*
- (b) Consider urban design options to reduce environmental impacts (such as variable lot sizes and shapes, and the clustering of development).*

The above matters have been previously considered in the rezoning of the Precinct and the current proposal will not result in any substantive impact on the Hawkesbury Nepean River.

## Penrith Local Environmental Plan 2010

The subject site, to which the development applies, is zoned SP3 Tourist and subdivision is permitted with consent pursuant to Clause 2.6 of the LEP.

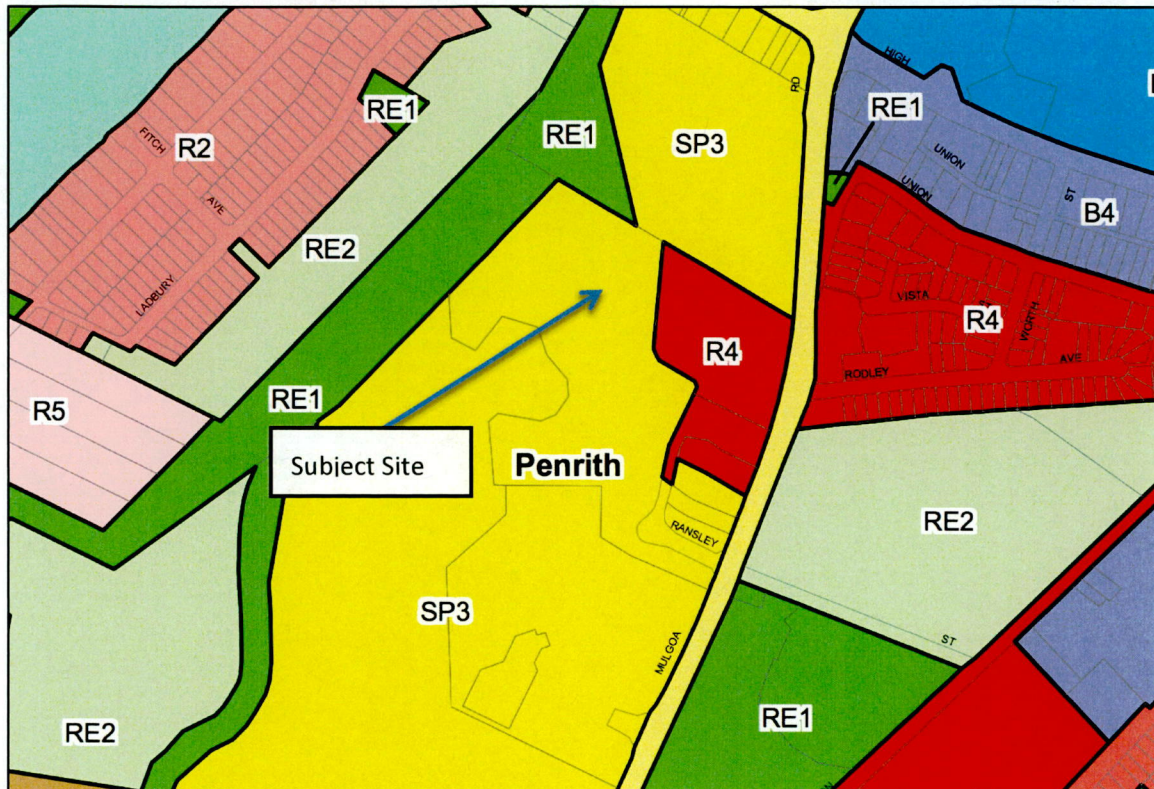


Figure 7: Zoning Extract

The proposal complies with the objectives of the SP3 Tourist Zone insofar as the development facilitates future development of the land.

Clause 4.1 designates, by reference to a map, minimum lots sizes for some areas within the broader Penrith Locality. No minimum lot size is designated for the site under this Clause.

Clause 7.2 identifies the site as flood prone, however no physical works are proposed and therefore the clause is not triggered, and this will be a consideration for future development applications.

Part 9 of the LEP contains specific detail regarding the Penrith Panthers Site and technically applies to the proposal. In this regard:

- Clause 9.3 is not relevant as it relates to retail premises;
- Clause 9.4 is not relevant as the proposal is not a community or strata title subdivision;
- Clause 9.5 relates to the campus style office development which does not apply to the scheme.
- Clause 9.6 requires a DCP to be in force for the Precinct- noting PDCP 2014 contains the requisite DCP provisions for the precinct and this Clause is satisfied.



## Panthers Planning Proposal and DCP Amendment

The Planning Proposal is a relevant consideration insofar as it is a Draft EPI.

That amendment will provide a maximum cap on GFA across the site, this being 80,400m<sup>2</sup>. The relevant mapped area equates to approved Lots 51-56 and Lot 3 DP 1216321, Lot 1 DP1064526 and Lot 1021 DP 812335, on which Stage 1 has already been approved.

Future development applications for the relevant staged will need to consider this in detail, however on average the proposal will comply with the 1:1 and the dwelling cap.

Further the dwelling cap of 850 units is not impacted by the current proposal.

## Penrith Development Control Plan 2014

The application has been assessed against relevant general provisions of the Penrith DCP and the specific provisions of Section E13 of the DCP that relates to the Riverlink Precinct and Panthers Site.

An assessment of the relevant parts of the DCP against the proposal follows in the table below.

<b>Penrith Development Control Plan 2014 – Compliance Table</b>			
<b>Clause</b>	<b>Controls</b>	<b>Comment</b>	<b>Complies</b>
<b>C1 Site Planning and Design Principles</b>			
1.1	Site Planning	Not applicable to the current proposal.	N/A
1.2	Design Principles	Not applicable to the current proposal.	N/A
<b>C2 Vegetation Management</b>			
2.1	Preservation of Trees and Vegetation Biodiversity Corridors and Areas of Remnant Indigenous Vegetation in Non-Urban Areas	The parent subdivision considered the need for the VMP for the watercourse area and this has been endorsed and the proposal does not impact on this.	Yes
2.3	Bushfire Management	Subject site is not identified as being within a Bushfire Prone Land. As per the previous discussion in this statement there is no need for mitigation measures as the affectation relates to other allotments in proximity to the riparian corridor.	Yes



<b>C3 Water Management</b>			
3.1	Water Conservation	Not applicable to the current proposal	N/A
3.2	Catchment Management and Water Quality	Not applicable to the current proposal	N/A
3.3	Watercourses, Wetlands and Riparian Corridors	Whilst the site does not contain a watercourse there are no physical works and therefore the provisions of this section of the DCP are not relevant.	N/A
3.4	Groundwater	Not applicable to the current proposal	N/A
3.5	Flood Planning	The subject site is identified as flood prone however the development is a paper subdivision with no physical works proposed meaning that there is no impact associated with the development noting future development on each lot will be required to consider the flood impact and the like.	N/A
3.6	Stormwater Management and Drainage	Not applicable to the current proposal	N/A
<b>C4 Land Management</b>			
4.1	Site Stability and Earthworks	Not applicable to the current proposal	N/A
4.3	Erosion and Sedimentation	Not applicable to the current proposal	N/A
4.4	Contaminated Lands	The land is not known to have been used for any purposes that may give rise to the likelihood of contamination. Nothing on site indicates a previous contaminating use. Future DA's will require consideration of any contamination on site.	Yes
4.5	Salinity	Not applicable to the current proposal	N/A
<b>C5 Waste Management</b>			
		Not applicable to the current proposal	N/A
<b>C6 Landscape Design</b>			
		Not applicable to the current proposal	N/A





<b>C7 Culture and Heritage</b>			
7.1	European Heritage	Not applicable to the current proposal	N/A
7.3	Significant Trees and Gardens	Not applicable to the current proposal	N/A
<b>C10 Transport, Access and Parking</b>			
10.2	Traffic Management and Safety	Not applicable to the current proposal	N/A
10.3	Key Transport Corridors	Not applicable to the current proposal	N/A
10.5	Parking, Access and Driveways	Not applicable to the current proposal	N/A
<b>C11 Subdivision</b>			
		<p>The development proposal seeks consent for a 1 into 2 lot paper subdivision</p> <p>The subdivision is proposed to create 2 paper lots, through re-subdivision of approved Lot 54, that are to be subject to future development applications for apartment proposals associated with Stage 4 and 5. The lots to be created consist of:</p> <ul style="list-style-type: none"> <li>• Lot 59: Has a total area of 8072m<sup>2</sup> and will contain the Stage 5 apartments</li> <li>• Lot 60: Has a total area of 9605m<sup>2</sup> and will contain the Stage 4 apartments</li> </ul> <p>The proposal satisfies the relevant DCP provisions noting that the proposal is for a paper subdivision only:</p>	Yes



### **Chapter E13- Riverlink Precinct**

Section 13.6 of PDCP 2014 contains objectives and provisions relating to development within the Panthers Precinct. Most of the objectives are not applicable to the proposed development as the controls relating to 'big picture' matters and detailed design requirements, whereas the proposed development is for a paper subdivision, with no works proposed.

However in relation to those provisions of relevance we note the following:

- Structure Plan: The paper subdivision aligns with the structure plan in that it facilitates future development as per the structure plan.
- Flooding and Drainage: The paper subdivision does not impact on flooding and drainage matters as they are considerations for future development applications for built forms
- Utilities: The existing utilities are in place and amplification will occur as part of built form DAs.



## 6. 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.