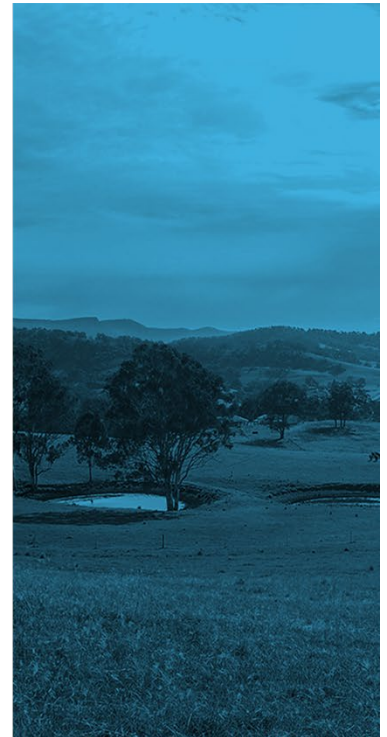


LOT 6 DP229296 GARFIELD ROAD EAST ROUSE HILL STATEMENT OF ENVIRONMENTAL EFFECTS RESIDENTIAL SUBDIVISION



August 2021

Prepared for Landen Property

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Document Control

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Executive Summary

This report has been prepared by Orion Consulting (Orion) to accompany the Development Application (Orion ref.: (21-0126). It constitutes a Statement of Environmental Effects (SEE) within the meaning of Schedule 1 of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation).

The site comprises Lot 6 in DP229296, known as Lot 6 DP 229296 Garfield Road East Rouse Hill (the site), has an approximate area of 2.4 hectares of land, is currently used for rural residential purposes and is largely devoid of any significant vegetation. It is zoned R2 Low Density Residential under State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (Growth Centres SEPP).

Landen Property seeks approval under S4.12 of the Environmental Planning & Assessment Act 1979 (EP&A Act) for a 32 lot residential subdivision and associated works including demolition of existing structures, tree removal, civil infrastructure, landscape works, and utilities servicing. The proposed development is permissible with consent.

This report considers the site characteristics and the anticipated impacts of the proposed development and provides an assessment in accordance with the matters for consideration in Section 4.15 (formerly 79C) of the Environmental Planning and Assessment Act 1979 (EP&A Act).

This report concludes that the proposed development indicates a positive contribution, is consistent with the strategic planning for the area and the relevant planning legislation and policies, and that the expected environmental impacts associated with the construction and future operation of the development can be mitigated. Accordingly, this report recommends consent be granted subject to appropriate conditions of consent.

1 Introduction

This section of the report characterises the proposed development, sets out the background to the development including consultation and related development applications, recognises the experts involved in the assessment of the site and identifies the intended planning approvals pathway.

1.1 Background

The site is located within the Riverstone East Precinct of the North West Growth Area. The draft precinct plan was finalised in March 2013 and the land was rezoned on 22 August 2016. At this time new planning controls were introduced to enable urban development in Stages 1 and 2 including the inclusion of a Precinct Plan being Appendix 12 Blacktown Growth Centres Precinct Plan to State Environmental Planning Policy (Sydney Region Growth Centres) 2006. Stage 3 is yet to be rezoned. The Blacktown Growth Centre Precincts Development Control Plan was adopted on 14 May 2010 and came into force on 19 May 2010. It was amended on 7 September 2016 to include the Precinct.

1.2 Purpose of this Report

This SEE has been prepared to be submitted to Blacktown City Council as part of a Development Application in accordance with Schedule 1 of the Environmental Planning & Assessment Regulation 2000 (EP&A Regulation). It provides an assessment of the proposed development including:

- a. the environmental impacts of the development;
- b. how the environmental impacts of the development have been identified;
- c. the steps to be taken to protect the environment or to lessen the expected harm to the environment;
and
- d. any matters required to be indicated by any guidelines issued by the Planning Secretary.

1.3 Consultants

The following consultant team was engaged to assess the proposal and to provide input into the development application:

Company	Discipline
Orion Consulting	Planning, Project Management, Design
Project Surveyors	Survey
Enviro Ecology	Environmental
Cultural Heritage Connections, Weir Phillips Heritage and Planning	Heritage
Aargus	Contamination, Geotechnical
PKA Acoustic Consulting	Acoustic
Bassett Demolitions	Waste
JMT Consulting	Traffic
Mitchell Brandtman	Quantity Surveyor
Naturally Trees	Arborist
Taylor Brammer	Landscape

1.4 Consultation

The application is subject to a Class 1 deemed refusal appeal in the Land & Environment Court. A Section 34 Conciliation Conference was held on-site followed by a remote session on 10 June 2021.

1.5 Type of Development

The proposal constitutes 'development' in accordance with Clause 1.5 of the Environmental Planning and Assessment Act 1979 (EP&A Act).

1.5.1 Consent Authority

The estimated cost of the development is approximately \$2,597,418 excluding GST and is local development that can be determined by Blacktown City Council. A copy of the estimated costs is attached at **Appendix B**.

The development is not State significant development or regional development or designated development.

1.5.2 Other Approvals

The proposal is nominated integrated development requiring consent under legislation other than the Environmental Planning and Assessment Act therefore General Terms of Approval are required under the following legislation:

- Water Management Act 2000

Nominated integrated development is subject to an extended public exhibition period.

1.5.3 Advertised Development

Schedule 1 of the Environmental Planning and Assessment Act sets out the requirements for community participation and provides that the development requires a public exhibition period of 28 days as the development is an application for nominated integrated development (Water Management Act).

1.5.4 Local Planning Panels

Blacktown City Council is a Schedule 2 Council under the Local Planning Panels Direction.

The development is not defined as conflict of interest/contentious/departure from development standards/sensitive development. The application is not required to be referred to the Local Planning Panel for determination.

1.6 Related Applications

Council's records do not indicate that there are any relevant related applications.

1.7 Report Structure

The structure of this report follows:

- Part 1 Identify the development
- Part 2 Site analysis
- Part 3 Development description
- Part 4 Relevant planning legislation and policies
- Part 5 Environmental impacts
- Part 6 Recommendation
- Part 7 Appendix

2 Site Analysis

This section of the report provides the formal particulars of the land and an analysis of the site and its environs.

2.1 The Site

The site comprises a regular and rectangular parcel (except for a splay corner to Garfield Road East and Clarke Street) and which has an approximate area of 2.4 hectares. The site is illustrated within **Figure 1** and is collectively known as Lot 6 DP 229296 Garfield Road East Rouse Hill.

The site is characterised by a gentle ridge running south to north east which divides it into two catchments. It gently slopes generally from the south east to the north west with the highest point of the site within the southern corner (set at approximately RL 34.19) in the location of the existing building assembly.

Vehicular access to the site is currently afforded from Clarke Street via a residential driveway. Another access point from Clarke Street serves as a farm gate access. The future development will provide new road links to the east.



Figure 1 - The Site

Reference: SIX Maps

The site is bounded by:

- Clarke Street to the south west and neighbouring agricultural and rural residential land uses which have been zoned for urban development. The land opposite the site is zoned for open space adjacent the riparian corridor.

- Garfield Road East to the north west and neighbouring agricultural and rural residential land uses which are planned for urban development as part of Riverstone East Stage 3. The land opposite the site is planned for open space adjacent the riparian corridor and a regional drainage basin.
- Adjoining rural residential and agricultural land uses to the north east and south east which have been zoned for urban development. This land includes a local heritage item and land proposed to be developed as open space.

The whole of the site is currently vacant most recently having been used for agricultural purposes. The east of the site is more cleared of significant vegetation than the west. There is a cluster of buildings including a single storey dwelling house and associated buildings evident at the western end of the site that are related to the former use. As a result, the site is largely devoid of any significant vegetation.

2.2 Formal Particulars of the Site

The site is legally described as Lot 6 in DP229296 and includes works that extend onto other properties. The full extent of the land to which the development relates (excluding any public road) is included below:

Lot / DP	Address	Owner
Lot 6 in DP229296	Lot 6 DP 229296 Garfield Road East Rouse Hill (formerly Riverstone)	L&R Patri Pty Ltd
Lot 11 Sec N DP712	1 Clarke Street Riverstone	Stephen & Jennifer Atkins
Lot 7 DP229296	256 Garfield Road East Rouse Hill (formerly Riverstone)	Landen Dev No.4 Pty Ltd

2.3 The Locality

The site is situated within the Riverstone East Precinct which forms part of the NSW Government's North West Growth Area, as illustrated within **Figure 2**, within the Blacktown City Council Local Government Area. As expected, the subject site is located within an area characterised by new residential subdivisions as well as some residual rural land uses comprising low density agricultural and rural residential dwellings.

The site is located approximately 37 kilometres west-north-west of the Sydney CBD. It is around 2km from Riverstone Station which provides access to the broader Sydney basin via the Richmond line. It is around 2.8kms from Tallawong Station which forms the terminating station on the Sydney Metro connecting the locality to the broader Sydney metropolitan area via Chatswood and the Northern rail line. The metro is currently being extended through Sydney CBD to Bankstown and is ultimately proposed to be extended west from Tallawong and then south to St Marys through the future Western Sydney Airport.

Upgrades to Garfield Road and Hambledon Road are planned from Tallawong Station to Box Hill and will ultimately enhance access to and through both the Riverstone East and adjacent precincts benefitting the development. The Hambledon Road upgrade will result in the diversion of Clarke Street to the south of the site at some time in the future reducing the function of Clarke Street in the road hierarchy.

The character of the Riverstone East Precinct has been, and is still, undergoing change following the rezoning of the Precinct for urban purposes and approvals which have enabled construction works for urban development to progress. Stage 3 of the Precinct is likely to remain rural in the short term as this land is yet to be rezoned.

First Ponds Creek and its tributaries form a significant natural asset that will ultimately deliver the green grid recreation infrastructure and amenity for the Precinct.



Figure 2 - Locality Context

Reference: DPIE Indicative Layout Plan

2.4 Site Opportunities and Constraints

The main planning and design opportunities presented by the site are that it is:

- within an identified growth area and zoned for residential development;
- an appropriate size to accommodate development and deliver services and in the control of a developer with an intention to deliver housing;
- within proximity to the Sydney Metro and Sydney Rail networks and collector road network;
- has utility services available to support development;
- located close to planned high quality open space areas including Rouse Hill Regional Park which is proposed to be significantly expanded over time;
- is relatively free of any significant site constraint including vegetation and habitat; and
- has site conditions suitable for development.

3 Proposed Development

This section of the report describes the proposed development.

3.1 Staged Residential Subdivision

The Development Application seeks approval for a staged residential subdivision:

- Demolition of all existing structures and improvements
- Removal of vegetation including those trees indicated for removal on the tree removal plan
- Subdivision of Lot 6/DP229296 and construction of works to create 32 residential lots in two stages:
 - Stage 1
 - Subdivision of Lot 6/DP229296 to create 25 residential lots (Lots 100-124) and 2 Residue Lots (Lots 125 & 126);
 - Full width construction of Road 1 from the southernmost intersection with Clarke Street to the frontage of future Proposed Lot 202;
 - Full width reconstruction of Clarke Street in line with the southern property boundary to the northern boundary of Proposed Lot 124; and
 - Construction of a temporary on-site detention and flood storage basin.
 - Stage 2
 - Demolition of the Stage 1 temporary on-site detention and flood storage basin;
 - Subdivision of the Residue Lot 125 to create 7 residential lots (200-206);
 - Full width construction of the remainder of Road 1 to the northernmost intersection with Clarke Street; and
 - Full width reconstruction of the remainder of Clarke Street for the extent of the property.
- Construction of drainage, and utility infrastructure.
- Associated street and public domain landscaping works.

The subdivision layout is illustrated in **Figure 3**.



Figure 3 - Proposed Subdivision

Reference: Orion Consulting

3.1.1 Lot Sizes and Orientation

The Subdivision Plans included at **Appendix C** show the proposed lot sizes and orientation. Residential lot sizes range from 502.5m² to 806.2m² (excluding battle-axe handle).

All lots exceed the minimum lot size of 500m² required by the DCP and all lots can accommodate future dual occupancy development. Four of the lots are battle-axe allotments.

The size of the lots irrespective of any orientation allow future housing and private open space areas to gain adequate solar access and all lots comply with the minimum 15m lot width.

3.1.2 Staging

The subdivision will be developed in two stages that reflect the requirement for a temporary OSD basin on the site until the regional storage basin has been completed by Council. The proposed staging takes into consideration the required infrastructure as well as providing a temporary vehicle turning area.

3.2 Access

The site is highly accessible to the Sydney Metro network and the arterial road network. Future employment lands are proposed within the adjacent Box Hill Precinct and a number of new village and town centres are proposed throughout the Precincts in proximity to the site. The development site will have three access points consistent with the ILP and forming a regular and permeable road network.

Access to the broader Sydney motorway network will be via Garfield Road East then Windsor Road through to the M7 Motorway which via the M2 Motorway provides access east, via the M4 provides access east and west, and via the M5 Motorway provides access south. Windsor Road also provides access to the Hawkesbury Valley on the edge of the Sydney metropolitan area.

The proposed road network is shown on the general arrangement plans included at **Appendix D** and discussed below:

- Stage 1
 - Full width construction of Road 1 from the southernmost intersection with Clarke Street to the frontage of future Proposed Lot 202; and
 - Full width reconstruction of Clarke Street in line with the southern property boundary to the northern boundary of Proposed Lot 124.
- Stage 2
 - Full width construction of the remainder of Road 1 to the northernmost intersection with Clarke Street; and
 - Full width reconstruction of the remainder of Clarke Street for the extent of the property.

Road	Road Reserve	Carriageway	Kerb
Road 1	13.5m, 16m & 20m	9m	Roll kerb
Clarke Street	20.112m	9m	Roll kerb; Kerb and gutter

3.2.1 Road 1

Road 1 is a loop road that links the proposed development to Clarke Street. When future adjoining development proceeds it provides access from that development through the site to Clarke Street. Two new intersections will be constructed with Clarke Street.

Full width construction of Road 1 is proposed for the extent located internally within the site. Half width construction is proposed adjoining Lot 7.

3.2.2 Clarke Street

Clarke Street is an existing road that will ultimately be terminated before the boundary of Lot 5 DP229296 in accordance with the ILP. Clarke Street will also ultimately be terminated at Garfield Road East following upgrade of Garfield Road East by TfNSW. The full width of Clarke Street is proposed to be reconstructed for the full extent of the site.

3.3 Earthworks

Some land contouring will be required to achieve the ultimate levels and gradient across the site to facilitate future built form. Significant changes exceeding 2.0m of cut and fill are required although changes to the landform of this extent are minimal. The key area requiring significant cut is the land where the existing buildings are clustered.

The grading of the site seeks to ensure a smooth transition between levels in adjoining areas, particularly adjacent to the future levels established by development on the neighbouring site.

The proposal has incorporated a bulk earthworks strategy that aims to minimise import of fill material (either VENM or ENM) needed to achieve a satisfactory development achieving net fill importation of 13,633m³ in Stage 1. A further 8,750m³ of fill will be required to decommission and fill the temporary drainage and flood basins as part of Stage 2.

Temporary stockpiling may be required within the site while land contouring works are undertaken to manage this process. The site grading is illustrated in the engineering plans in **Appendix D**.

3.4 Utilities and Services

The site is serviceable with potable water, sewer, electricity and telecommunications. The proposed connection of the subdivision to the existing utilities is described below. The works include the installation of services throughout the site. Services will be located within the road reserve in accordance with the service authority requirements.

3.4.1 Wastewater

The development is identified in Sydney Water's growth servicing plan. The internal subdivision will be provisioned through gravity reticulation that will be delivered throughout the subdivision prior to obtaining subdivision certificates from Council. The Sydney Water Growth Servicing Plan identifies the site as having limited existing trunk capacity and in the Option Planning phase. The development of the adjoining site at 256 Garfield Road East includes delivery of the lead-in sewer.

3.4.2 Potable Water

Each lot within the proposed development will be provided potable water connections prior to subdivision certificate. Lead in mains will be provided by the applicant to provide water services to the development. The Sydney Water Growth Servicing Plan identifies the site as having limited existing trunk capacity and in the Option Planning phase. The development of the adjoining site at 256 Garfield Road East includes delivery of the lead-in potable water.

3.4.3 Electricity

The development is identified in Endeavour Energy's growth servicing plan.

A network enquiry lodged with Endeavour Energy in 2017 indicated that the proposed network in the area will be enough to provide service to the proposed residential lots without additional network works. Further investigations into the capacity of the existing network will need to be undertaken following the issue of a development consent.

Standard conditions of consent are anticipated requiring the lodgment of a formal application to Endeavour Energy to determine detailed requirements for augmentation of the existing network to support the full development.

3.4.4 Telecommunications

A service provider will be installing telecommunications in the form of optic fibre. Once consent is granted a supply agreement will be established with an appropriate service provider.

3.5 Stormwater

The proposal involves the construction of stormwater drainage including inter-allotment drainage lines that will connect into the pit and pipe network where lots do not drain towards the street.

The site will discharge into new temporary basins located within the site at the corner of Garfield Road East and Clarke Street. Once regional drainage works have been completed the site will drain directly to First Ponds Creek.

A copy of the engineering plans is attached at **Appendix D**.

3.6 Landscaping and Open Space

The proposal seeks approval for road reserve landscaping including street tree planting. The proposed street tree planting locations and species will contribute to:

- creating legibility throughout the site and the street hierarchy;
- providing a variety in the palette, with feature trees used to complement the adjoining heritage property, along this interface;

- assisting with the creation of a green canopy within the public domain;
- forming a consistent tree avenue with a street tree in the verge for most residential lots; and
- considering public safety and the need to avoid hazards that may result from leaf and branch drop or obstacles in vehicular sight lines.

Street tree planting is shown on the Landscape Plans and is attached at **Appendix F**. The plan shows the indicative location of driveways with street trees to minimise conflict. This will be further refined and checked as part of the detailed construction certificate plans with some minor changes required once the final location of driveways is known.

The street trees will provide a consistent plant type along the full length of each street. This helps to define the street and give each individual street a slightly different streetscape character.

4 Legislative Framework

This section of the report assesses the proposed development against the planning framework and planning controls applicable to the site and the development.

4.1 Environmental Planning and Assessment Act 1979

The Environmental Planning and Assessment Act (the Act) provides the legislative framework for the assessment and approval of the proposed development.

The objectives of the Act relevant to the proposed development are:

- to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,
- to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,
- to promote the orderly and economic use and development of land,
- to promote the delivery and maintenance of affordable housing, and
- to promote good design and amenity of the built environment.

The site has been identified for urban development to meet the needs of the greater Sydney metropolis. Appropriate infrastructure upgrades are being delivered to promote the orderly development of the land and offsets have been agreed by the State at the regional level to manage the environmental impact of development.

The proposed development is broadly consistent with the strategic planning vision for the site and is therefore consistent with the objects of the Act.

4.1.1 Integrated Development

Development requiring approval under another Act in addition to development consent is integrated development. Section 4.46 (1) of the Act provides a list of these approvals. The following table indicates whether any aspect of the development triggers a need for the consent authority to obtain general terms of approval from the relevant approval bodies.

Act	Provision	Approval	Agency/Dept.	Required
Coal Mine Subsidence Compensation Act 2017	s 22	Approval to alter or erect improvements or to subdivide land within a mine subsidence district	Minister for Better Regulation and Innovation Department of Planning, Industry and Environment	No
Fisheries Management Act 1994	s 144	Aquaculture permit	Minister for Agriculture and Western New South Wales	No
	s 201	Permit to carry out dredging or reclamation work		
	s 205	Permit to cut, remove, damage or destroy marine vegetation on public water land or an aquaculture lease, or on the foreshore of any such land or lease	Department of Primary Industries	
	s 219	Permit to: (a) set a net, netting or other material, or (b) construct or alter a dam, floodgate, causeway or weir, or (c) otherwise create an obstruction,		

Act	Provision	Approval	Agency/Dept.	Required
		across or within a bay, inlet, river or creek, or across or around a flat		
Heritage Act 1977	s 58	Approval in respect of the doing or carrying out of an act, matter or thing referred to in s 57 (1)	Special Minister of State, Minister for the Public Service and Employee Relations, Aboriginal Affairs and the Arts	No
			Department of Planning, Industry and Environment	
Mining Act 1992	ss 63, 64	Grant of mining lease	Deputy Premier, Minister for Regional New South Wales, Industry and Trade	No
			Department of Planning, Industry and Environment	
National Parks and Wildlife Act 1974	s 90	Grant of Aboriginal heritage impact permit	Special Minister of State, Minister for the Public Service and Employee Relations, Aboriginal Affairs and the Arts	No
			Department of Planning, Industry and Environment	
Petroleum (Onshore) Act 1991	s 16	Grant of production lease	Deputy Premier, Minister for Regional New South Wales, Industry and Trade	No
			Department of Planning, Industry and Environment	
Protection of the Environment Operations Act 1997	ss 43 (a), 47 and 55	Environment protection licence to authorise carrying out of scheduled development work at any premises.	Minister for Energy and Environment	No
	ss 43 (b), 48 and 55	Environment protection licence to authorise carrying out of scheduled activities at any premises (excluding any activity described as a "waste activity" but including any activity described as a "waste facility").	Environment Protection Authority	
	ss 43 (d), 55 and 122	Environment protection licences to control carrying out of non-scheduled activities for the purposes of regulating water pollution resulting from the activity.		

Act	Provision	Approval	Agency/Dept.	Required
Roads Act 1993	s 138	Consent to: (a) erect a structure or carry out a work in, on or over a public road, or (b) dig up or disturb the surface of a public road, or (c) remove or interfere with a structure, work or tree on a public road, or (d) pump water into a public road from any land adjoining the road, or (e) connect a road (whether public or private) to a classified road	Minister for Transport and Roads Department of Transport	Yes
Rural Fires Act 1997	s 100B	Authorisation under section 100B in respect of bush fire safety of subdivision of land that could lawfully be used for residential or rural residential purposes or development of land for special fire protection purposes	Minister for Police and Emergency Services Office of the NSW Rural Fire Service	No
Water Management Act 2000	ss 89, 90, 91	Water use approval, water management work approval or activity approval under Part 3 of Chapter 3	Minister for Water Property and Housing Department of Planning, Industry and Environment	Yes

The development is integrated development requiring referral for General Terms of Approval.

4.1.2 Concurrences

The proposed development does not require any concurrences with other State agencies and departments under the Act or any Environmental Planning Instruments.

4.2 Commonwealth Legislation

4.2.1 Environmental Protection and Biodiversity Conservation Act 1999

The Commonwealth Minister for the Environment on 28 February 2012 endorsed the Strategic Assessment Program. Most of the site is shown to be certified under the *Threatened Species Conservation Act 1995* therefore the program means that the site does not require separate approval under the Environmental Protection and Biodiversity Conservation Act 1999 (EPBC Act).

Part of the site (corner of Garfield Road East & Clarke Street) is outside the Strategic Assessment Program. The Biodiversity Development Assessment Report considers this land in the context of the EPBC Act and finds:

- No EPBC listed TECs were identified from the project site.
- No threatened or migratory species listed under the EPBC Act were detected during the assessment.
- No other matters of national environmental significance listed under the EPBC Act are relevant to the Project Site.

4.3 NSW Legislation

Section 4.46 of the Act identifies whether the proposed development requires an approval under other environmental or related legislation. Such development may be categorised as 'integrated development'.

4.3.1 Biodiversity Conservation Act 2016

Section 1.7 of the Act requires consideration as to whether a proposed development will have a significant effect on threatened species, populations or ecological communities relating to terrestrial and/or aquatic environments under the Biodiversity Conservation Act 2016 (BC Act). The BC Act protects threatened species, communities, and critical habitat in New South Wales.

On 25 August 2017, the BCA commenced, superseding the Threatened Species Conservation Act 1995 (TSC Act). Clause 35 of the Biodiversity Conservation (Savings & Transitional) Regulation 2017 states that biodiversity certification conferred on land under the TSC Act is taken to be biodiversity certification conferred on the land under Part 8 of the Act.

Most of the development is biodiversity compliant development for the following reasons:

- In December 2007 an Order conferring biodiversity certification on land encompassed by State Environmental Planning Policy (Sydney Region Growth Centres) 2006 was made by the Minister for the Environment under section 126G of the TSC Act.
- The site is identified as biodiversity certified in the maps accompanying the Order.

For that part of the site that is not identified as biodiversity certified (corner of Garfield Road East & Clarke Street) and therefore not biodiversity compliant development the tests under the BC Act apply as to whether the development is likely to significantly affect threatened species:

- (a) Section 7.3 test; or
- (b) exceeds the biodiversity offsets scheme threshold; or
- (c) in a declared area of outstanding biodiversity value.

The site is identified on the biodiversity value map.

As a result, a Biodiversity Development Assessment Report has been prepared, and is included at **Appendix M**.

The report indicates that the development of this land will require the purchase and retirement of 1 ecosystem credit to meet the offset obligation.

4.3.2 Coastal Management Act 2016

The Coastal Management Act 2016 (CM Act) aims to protect and enhance the coastal environment of the State, acknowledge the Aboriginal and economic significance of the coastal zone, facilitate development and mitigate the risks of coastal processes.

The CM Act defines the coastal zone as comprising:

- Coastal wetlands and littoral rainforests area
- Coastal vulnerability area
- Coastal environment area
- Coastal use area

Management objectives are defined for each of these areas with maps identifying each area deferred to State Environmental Planning Policy (Coastal Management) 2018. If land is identified within multiple coastal zone areas, the highest management objectives apply, hierarchically ordered as above.

The site is not identified as any of the coastal management areas and therefore no further assessment is required under this Act.

4.3.3 Fisheries Management Act 1994

The Fisheries Management Act 1994 (FM Act) aims to conserve, development and share the fishery resources of the State for the benefit of present and future generations, including conserving fish stocks and fish habitat and promoting ecological sustainable development.

The Act identifies Key Fish Habitats throughout the state, with any dredging or reclamation work or temporary blocking of fish passage requiring the issuing of a permit from the Department of Primary Industries (DPI) under integrated development provisions.

DPI Fisheries 'Key Fish Habitat' mapping (DPI Fisheries, 2007) does not identify the subject site as a Key Fish Habitat. Consequently, the development is not integrated development requiring approval under the Act.

4.3.4 Heritage Act 1977

The Heritage Act 1977 (Heritage Act) has responsibility for listing and protecting items and areas of heritage significance in New South Wales. The NSW Heritage Council administers the Act and listings.

A search of the following heritage registers has been undertaken:

- Register of the National Estate
- Commonwealth Heritage List
- National Heritage List
- World Heritage List
- State Environmental Planning Policy (Sydney Region Growth Centres) 2006
- Blacktown Local Environmental Plan 2015

The subject site does not contain any Heritage Items. Consequently, this application is not considered integrated development.

We note however that the adjoining site at 4 Clarke Street is a local Heritage Item for which Council is the consent authority and this is discussed further in Sections 4.4.7 and 5.6.

4.3.5 National Parks and Wildlife Act 1974

NSW Environment, Energy & Science administers the National Parks & Wildlife Act 1974 (NPW Act). The NPW manages:

- Conservation of nature
- Conservation of objects, places and features of cultural value
- Public appreciation, understanding and enjoyment of nature and cultural heritage
- Land reserved under this Act.

A search of the Aboriginal Heritage Information Management System (AHIMS) indicates that there are no indigenous heritage sites on the land.

The site is identified by the Blacktown Growth Centre Precincts DCP as a known Aboriginal Heritage site and an area of moderate-high potential significance. For this reason, a Due Diligence Aboriginal Heritage Assessment Report has been prepared.

The report concludes that there is a low likelihood of an intact archaeological deposit.

There are no known Aboriginal artefacts present on the site and as such the application is not required to be referred to OEH. Should any unexpected items be found, an Aboriginal Heritage Impact Permit (AHIP) under the National Parks and Wildlife Act 1974 will be required to salvage the item.

4.3.6 Protection of the Environment Operations Act 1997

The Protection of the Environment Operations Act 1997 (POEO Act) requires an *Environmental Protection Licence* (EPL) be obtained for certain purposes:

Environment protection licences may be issued for the following purposes—

- (a) *to authorise the carrying out of scheduled development work at any premises, as required under section 47,*
- (b) *to authorise the carrying out of scheduled activities at any premises, as required under section 48,*
- (d) *to control the carrying out of non-scheduled activities for the purpose of regulating water pollution resulting from any such activity, as referred to in section 122.*

scheduled development work means work at any premises at which scheduled activities are not carried on that is designed to enable scheduled activities to be carried on at the premises. However, scheduled development work—

- (a) *also includes anything that is specified by the regulations as scheduled development work for the purposes of this Act, but*
- (b) *does not (despite the above) include anything that is specified by the regulations as not being scheduled development work for the purposes of this Act.*

The Regulations do not specify anything that is not scheduled development work however they provide that the following are scheduled development work:

Work at any premises at which scheduled activities of a class listed in Schedule 1 to the Act are carried on that is designed to enable scheduled activities of a different class listed in that Schedule not authorised by a licence to be carried on at the premises.

Development requiring approval under the POEO Act in addition to development consent (under the EP&A Act) is integrated development. Section 4.46(1) of the EP&A Act provides a list of these approvals.

Protection of the Environment Operations Act 1997	ss 43 (a), 47 and 55	Environment protection licence to authorise carrying out of scheduled development work at any premises.
	ss 43 (b), 48 and 55	Environment protection licence to authorise carrying out of scheduled activities at any premises (excluding any activity described as a “waste activity” but including any activity described as a “waste facility”).
	ss 43 (d), 55 and 122	Environment protection licences to control carrying out of non-scheduled activities for the purposes of regulating water pollution resulting from the activity.

The POEO Act provides a list of the scheduled activities in Schedule 1.

The scale of the site and the intended development is not likely to trigger the above thresholds and therefore no EPL is likely to be required in which case the development is not integrated for the purposes of the POEO Act.

The implementation of appropriate environmental protection works will ensure that no licence will be required. No integrated approval is required to address this legislation.

4.3.7 Sydney Water Act 1994

Clause 78 of the Sydney Water Act (SWA) requires the consent authority to notify the Sydney Water Corporation (the Corporation) of development and building applications if it will:

- (a) increase the demand for water supplied by the Corporation, or
- (b) increase the amount of waste water that is to be removed by the Corporation, or
- (c) damage or interfere with the Corporation’s works, or
- (d) adversely affect the Corporation’s operations.

As we expect Council to approve the application with a condition that the developer must obtain a compliance certificate from the Corporation no referral is required under Clause 78 (2).

4.3.8 Roads Act 1993

The Act provides the regulatory framework for the use, operation, opening and closing of roads in New South Wales, the functions of Government road authorities such as RMS and to regulate activities on public roads.

Consent under section 138 of the Roads Act is required for the construction to undertake any of the following:

- Erect a structure or carry out a work in, on or over a public road, or
- Dig up or disturb the surface of a public road, or
- Remove or interfere with a structure, work or tree on a public road, or
- Pump water into a public road from any land adjoining the road, or
- Connect a road (whether public or private) to a classified road.

The subdivision will open a network of local access roads connecting with the existing local road network. No referral to the RMS is required for this work as Council is the local roads authority for the site.

However battering works are proposed within Garfield Road East which is a State Road. For this reason the proposal is integrated development.

4.3.9 Rural Fires Act 1997

Section 100B of the Rural Fires Act 1997 requires that a bush fire safety authority for a subdivision of bush fire prone land that could lawfully be used for residential or rural residential purposes, or development of bush fire prone land for a 'special fire protection purpose'.

The subject site is not identified as bushfire prone land and does not require referral to NSW Rural Fire Service.

4.3.10 Water Management Act 2000

The Water Management Act 2000 is designed to provide for sustainable and integrated management and use of State water sources. The Act regulates controlled activities that occur within 40 metres of a water course, riverbank, and lake shore or estuary mean high water mark. An approval is required to undertake controlled activities on waterfront land unless that activity is otherwise exempt (section 91E).

Controlled Activity means:

(a) *the erection of a building or the carrying out of a work (within the meaning of the Environmental Planning and Assessment Act 1979), or*

(b) *the removal of material (whether or not extractive material) or vegetation from land, whether by way of excavation or otherwise, or*

(c) *the deposition of material (whether or not extractive material) on land, whether by way of landfill operations or otherwise, or*

(d) *the carrying out of any other activity that affects the quantity or flow of water in a water source.*

Works are located within 40m of First Ponds Creek to the west. As such a Controlled Activity Approval is required to be obtained for works within water front land in accordance with section 91(2) of the WM Act and the proposal is integrated development.

4.4 State Environmental Planning Policies

State Environmental Planning Policies (SEPPs) are environmental planning instruments that deal with matters of State or Regional environmental planning significance.

4.4.1 State Environmental Planning Policy No 19 - Bushland in Urban Areas

State Environmental Planning Policy No 19 - Bushland in Urban Areas applies to Local Government Areas listed in Schedule 1 of the SEPP and these include Blacktown.

The SEPP aims to protect and preserve bushland within urban areas. It aims to protect remnants plant communities, retain bushland readily accessible to the community, protect rare and endangered flora and fauna species, habitat, wildlife corridors and vegetation links, scenic values, geological features, landforms, archaeological relics, recreational & educational potential and manage & conserve bushland.

It defines *bushland* as land on which there is vegetation which is either a remainder of the natural vegetation of the land or, if altered, is still representative of the structure and floristics of the natural vegetation.

The consent of Council is required to disturb bushland zoned or reserved for public open space except where the disturbance is for the purposes of bushfire hazard reduction, facilitating recreational use in accordance with a plan of management, and for the purpose certain utility and road infrastructure.

The site is neither land that is zoned for public open space purposes nor land that adjoins bushland that is zoned for public open space purposes therefore no further consideration of SEPP 19 is required.

4.4.2 State Environmental Planning Policy No. 55 - Remediation of Land

State Environmental Planning Policy No 55 – Remediation of Land (SEPP55) provides a State-wide planning approach to remediation and aims to promote the remediation of any contaminated land for the purpose of reducing the risk of harm to human health and/or the environment.

SEPP55 requires that the consent authority must not consent to the carrying out of any development on land unless it has considered whether that land is contaminated and if so, whether it is suitable for a proposed development or requires remediation.

A Contamination Assessment was prepared by Aargus and is included at **Appendix F**. The assessment indicates that there is no evidence in the historical records of their being a significant contaminant risk other than that associated with agriculture and that it is unlikely that the site has been subject to business or industry activities.

The report identified the following areas of environmental concern:

- Potential importation of uncontrolled fill that may contain various contaminants.
- Current or past use of pesticides.
- Parking of vehicles.
- Metal degradation.
- Asbestos / Fibro features within former or current building structures.

However, testing indicates that the testing met the assessment criteria.

The report concludes that based on the results of this investigation it is considered that the risks to human health and the environment associated with soil contamination at the site are negligible within the context of the proposed use of the site for a residential subdivision.

The site is therefore considered to be rendered suitable for the proposed use.

On the basis of the historical information, the circumstances of other similar sites in the locality, and the investigations completed to date, Council can be satisfied that the land can be remediated before the land is used for residential purposes and has discharged its obligations with respect to Clause 7 of SEPP55.

4.4.3 State Environmental Planning Policy (Coastal Management) 2018

State Environmental Planning Policy (Coastal Management) 2018 updates and consolidates into one integrated policy SEPP 14 (Coastal Wetlands), SEPP 26 (Littoral Rainforests) and SEPP 71 (Coastal Protection) and gives effect to the Coastal Management Act 2016 from a land use planning perspective, by specifying how development proposals are to be assessed if they fall within the coastal zone.

The SEPP defines the four coastal management areas in the Act through detailed mapping and specifies assessment criteria that are tailored for each coastal management area. Councils and other consent authorities must apply these criteria when assessing proposals for development that fall within one or more of the mapped areas:

1. Coastal wetlands and littoral rainforests area – areas which display the characteristics of coastal wetlands or littoral rainforests that were previously protected by SEPP 14 and SEPP 26
2. Coastal vulnerability area – areas subject to coastal hazards such as coastal erosion and tidal inundation
3. Coastal environment area – areas that are characterised by natural coastal features such as beaches, rock platforms, coastal lakes and lagoons and undeveloped headlands. Marine and estuarine waters are also included
4. Coastal use area – land adjacent to coastal waters, estuaries and coastal lakes and lagoons.

The SEPP applies to land within the coastal zone (which is all of the land that falls within the above mapped areas) and this includes land within Blacktown LGA.

The site however is not mapped as coastal zone and therefore the SEPP does not apply.

4.4.4 State Environmental Planning Policy (Concurrences) 2018

The State Environmental Planning Policy (Concurrences) 2018 (Concurrence SEPP) provides for the Planning Secretary to act as a concurrence authority where a concurrence authority fails to inform the consent authority of its decision.

4.4.5 State Environmental Planning Policy (Infrastructure) 2007

The State Environmental Planning Policy Infrastructure (2007) (ISEPP) simplifies the approval process for State infrastructure like hospitals, roads, railways, emergency services, water supply and electricity delivery. Amendments in December 2017 and August 2018 included new provisions applicable to development.

4.4.5.1 Schedule 3 – Traffic Generating Developments

State Environmental Planning Policy (Infrastructure) 2007 (ISEPP) defines traffic generating development requiring referral to TfNSW (formerly the RMS). Schedule 3 of the ISEPP requires referral of the DA to the RMS for comment where the proposal involves the subdivision of land to create 200 or more allotments and where the subdivision includes the opening of a public road.

The proposed development is not required to be referred to TfNSW as this threshold is not met.

4.4.6 State Environmental Planning Policy (Major Infrastructure Corridors) 2020

State Environmental Planning Policy (Major Infrastructure Corridors) 2020 identifies infrastructure corridors that have been protected. It reserves land within these corridors for infrastructure purposes through the rezoning of the land and identifies such land as a major infrastructure corridor.

The Major Infrastructure Corridors SEPP applies to land within the Blacktown LGA however the site is not identified therefore the SEPP is not a consideration.

4.4.7 State Environmental Planning Policy (Sydney Region Growth Centres) 2006

State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (Growth Centres SEPP) is the environmental planning instrument which sets controls for the North West and South West Growth Areas of Sydney. The site is within the Riverstone East Precinct of the North West Growth Area.

The general provisions of the Growth Centres SEPP apply:

	Requirement	Comment	Complies
Part 1			
CI 2 (Relevant) Aims	(c) to provide for comprehensive planning for growth centres	The proposed subdivision is consistent with the aims of the Plan. The proposal will facilitate development generally in accordance with the Indicative Layout Plan (ILP) and will deliver allotments that can facilitate a range of housing products to provide variety in the market and attract buyers at different price points in the market.	Yes
	(d) to enable the establishment of vibrant, sustainable and liveable neighbourhoods that provide for community well-being and high quality local amenity	The proposed subdivision is consistent with the aims of the Plan and the broader Structure Plan that provides the planning to achieve this aim.	Yes
	(f) to provide for the orderly and economic provision of infrastructure in and to growth centres	The proposal includes the delivery of utility infrastructure required to service the lots and the payment of infrastructure contributions for fund local and regional infrastructure identified in the plans.	Yes
	(h) to protect and enhance land with natural and cultural heritage value	The proposal includes consideration of the adjoining heritage item through an enhanced setback and landscaping. Most of the site has been biodiversity certified and contributions through SIC levies will fund appropriate offset requirements. That part of the site that is not biodiversity certified has been assessed as of low condition.	Yes
	(i) to provide land use and development controls that will contribute to the conservation of biodiversity	Most of the site has been biodiversity certified and contributions through SIC levies will fund appropriate offset requirements. That part of the site that is not biodiversity certified has been assessed as of low	Yes

		condition and the purchase of one biodiversity credit will offset the loss.	
Part 2			
CI 7	Relevant Precinct	Appendix 12 is the relevant Appendix.	Yes
Controls			
Part 5			
CI 19	Consent authority must consider	BCC advised in the SOFAC that the proposed development was not permitted to raise adjoining flood waters by more than 20mm.	Yes
Development on flood prone and major creeks land	(a) whether or not the development will adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties,	The Stormwater Management Report indicates that for most of the site there is no increase above 20mm in 1% AEP however, there is a small, localised area in which the flood levels are increased to 21-22mm.	
	(b) whether or not the development will alter flow distributions and velocities to the detriment of other properties or the environment of the floodplain,	This is considered acceptable because the HECRAS model adopts conservative peak flows, a difference of 1 to 2mm is considered to be within tolerance of the Tuflow model, and the increase is in an isolated location of land currently being acquired by Council to construct regional stormwater quality treatment infrastructure.	
	(c) whether the development will enable safe occupation of the flood prone and major creeks land,		
	(d) whether or not the development will detrimentally affect the floodplain environment or cause avoidable erosion, siltation, salinity, destruction of riparian vegetation or a reduction in the stability of the riverbank/ watercourse,		
	(e) whether or not the development will be likely to result in unsustainable social and economic costs to the flood affected community or general community, as a		

consequence of
flooding,

(f) whether or not the
development is
compatible with the
flow conveyance
function of the
floodway,

(g) whether or not
the development is
compatible with the
flood hazard,

(h) in the case of
development
consisting of the
excavation or filling of
land, whether or not
the development—

(i) will detrimentally
affect the existing
drainage patterns and
soil stability in the
locality, and

(ii) will significantly
impact on the likely
future use or
redevelopment of the
land, and

(iii) will adversely
impact on the existing
and likely amenity of
adjoining properties,
and

(iv) will minimise the
disturbance of relics,
and

(v) will adversely
impact on any
watercourse, drinking
water catchment or
environmentally
sensitive area.

Clause 7 of the Growth Centres SEPP transfers planning controls to Appendix 12 Blacktown Growth Centres Precinct Plan (Precinct Plan).

The purpose of this DA is to subdivide the land to accommodate future permitted built form consistent with urban form illustrated in the Indicative Layout Plan (ILP) and the sustainable outcomes envisaged by the Precinct Plan. The ILP structure has been adopted without deviation.

The Growth Centres SEPP zones the site R2 Low Density Residential (R2). Demolition and subdivision are permissible with consent under Clauses 2.7 and 2.6 respectively and the future dwellings are permissible in the R2 zone.

An assessment against the relevant provisions of Appendix 12 Blacktown Growth Centres Precinct Plan is provided below:

	Requirement	Comment	Complies
Part 1			
CI 1.2 (Relevant) Aims of the Precinct Plan	(a) to rezone land to allow for development to occur in the manner envisaged by the growth centre structure plan and the indicative layout for the land to which this Precinct Plan applies	The proposal will facilitate development generally in accordance with the Indicative Layout Plan (ILP).	Yes
	(b) to deliver housing choice and affordability by accommodating a wide range of residential dwelling types that cater for housing diversity	The proposal will deliver allotments that can facilitate a range of housing products to provide variety in the market and attract buyers at different price points in the market. This is particularly evident when the proposal is compared to surrounding new development that offers a smaller lot size.	Yes
	(e) to protect and enhance areas of local heritage significance by establishing development controls in order to maintain and respect the relationships between heritage sites and uses of adjacent sites	The proposal complies with the increased minimum lots size for this land imposed as a direct measure to mitigate the impacts of development on the adjoining heritage item.	Yes
Part 2			
CI 2.3 Zone objectives and land use table	Relevant R2 Low Density Residential zone objectives: To provide for the housing needs of the community within a low-density residential environment.	The subject site is zoned R2 Low Density Residential. The proposed demolition, subdivision and associated works are permissible with consent in the R2 Low Density Residential zone.	Yes
CI 2.6 Subdivision	Land to which this Precinct Plan applies may be subdivided, but only with development consent.	This application is for subdivision.	Yes
CI 2.7 Demolition	The demolition of a building or work may be carried out only	This application is for demolition.	Yes

	with development consent.		
Part 4			
CI 4.1 Minimum subdivision lot size	The size of any lot created is not to be less than the minimum size shown on the Lot Size Map.	All lots meet the minimum lot size of 500m ² .	Yes
CI 4.1AB Minimum lot size for residential development	The minimum lot size for a dual occupancy is (b) 500m ² if the dwelling density (per hectare) shown on the Residential Density Map in relation to the land is 15	All lots can accommodate dual occupancy development.	Yes
CI 4.1B Dwelling density	The minimum residential density for the subject site is 15 dwellings per hectare.	The proposed development proposes 32 lots to accommodate 36 future dwellings (4 dual occupancy and 28 single dwellings). As a result, the proposed development is compliant with the minimum residential density of 15 dwellings per hectare (15.07 dwellings per hectare).	Yes
Part 5			
CI 5.9 Preservation of trees or vegetation	Consent required for tree removal	This application is for tree removal. The site is largely void of significant vegetation and the changes to the site gradients and the urban nature of the development make tree retention difficult.	Yes
CI 5.10 Heritage Conservation	Heritage Conservation	The site adjoins a heritage item. A Heritage Impact Statement accompanies the DA.	Yes
Part 6			
CI 6.1 Public utility infrastructure	Council must be satisfied that public utility infrastructure is available for the development	Water, electricity and sewer are available.	Yes

4.4.8 State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017

State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 (Vegetation SEPP) applies within the R2 Low Density Residential zone.

State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 (Vegetation SEPP) aims to preserve trees and vegetation in non-rural areas of the State and in selected Local Government Areas including Blacktown. The Vegetation SEPP requires consent be granted for the removal of vegetation (that is not dead, dying or a risk to human life or property).

This application does not rely on the permit provisions of the Vegetation SEPP as consent is sought for demolition (including tree removal) under Part 4 of the Environmental Planning and Assessment Act 1979.

4.4.9 Sydney Regional Environmental Plan No. 20 - Hawkesbury Nepean River (No 2 - 1997)

Sydney Regional Environmental Plan No. 20 – Hawkesbury Nepean River (SREP20) is a deemed SEPP and is proposed to be consolidated into a new Environment SEPP. The proposed SEPP was exhibited between 31 October 2017 and 31 January 2018.

The subject site is within the catchment draining to the Hawkesbury Nepean River system and as such the provisions of the deemed SEPP apply. The deemed SEPP aims to ensure the impact of urban development on the Hawkesbury Nepean River is minimised by considering catchment management, water quality and quantity, and protection and management of environmentally sensitive areas, flora and fauna and wetland habitats.

The proposed subdivision and associated works are not anticipated to have any adverse impacts on the Hawkesbury Nepean River system with suitable sediment and erosion control measures proposed to be installed throughout the construction of the development.

Parts 1, 2 & 3 of the deemed SEPP are relevant to this application.

Control	Matter	Comment
Part 1		
2	Land Application	The deemed SEPP applies to the application.
3	Aim	The application seeks to protect the environment of the Hawkesbury-Nepean River system by developing only the land identified in the SEPP for urban development in a manner appropriate and sensitive to its context.
Part 2		
5	General Planning Considerations	<p>The application is not inconsistent with the Action Plan of the Hawkesbury-Nepean Environmental Planning Strategy which seeks to conserve biodiversity and improve water quality in the catchment.</p> <p>There are no feasible alternatives to the development as the land has been identified for urban development in accordance with the strategic planning for the Precinct.</p> <p>Through the SIC levy and S7.11 contributions this development funds future public acquisition and the conservation of more significant land and thus will have a positive impact on the land and the catchment.</p>
6 (1)	Total catchment management	<p>No adjacent or downstream local government area is likely to suffer a significant adverse environmental effect from the subdivision.</p> <p>The impact on the catchment is positive as it seeks to change the use of land within the catchment from agriculture to urban form and install appropriate water quality and quantity measures.</p>
6 (2)	Environmentally sensitive areas	The land does not include any environmentally sensitive areas however due to its proximity to First Ponds Creek the application is integrated development requiring referral under the Water Management Act.
6 (3)	Water quality	The application proposes water quality measures.
6 (4)	Water quantity	The application proposes water quantity measures.
6 (5)	Cultural heritage	See Sections 4.3.4 & 4.3.5.
6 (6)	Flora and fauna	See Sections 4.2.1 & 4.3.1.
6 (7)	Riverine scenic quality	The site is not visible from the river.
6 (8)	Agriculture/aquaculture and fishing	The application does not involve these land uses.

6 (9)	Rural residential development	The land is not zoned rural.
6 (10)	Urban development	The land has been rezoned.
6 (11)	Recreation and tourism	The application does not involve these land uses.
6 (12)	Metropolitan strategy	The land has been rezoned.

The subdivision is not anticipated to have any adverse impacts on the Hawkesbury Nepean River system with suitable sediment and erosion control measures proposed to be installed during the works.

4.5 Local Environmental Plans

Local Environmental Plans (LEPs) are environmental planning instruments that apply to local Councils and provide a framework for the way land can be used. They zone the land and set out objectives for the principal purpose of the land, what development is permissible on the land with consent, what development is permissible on the land without consent and what development is prohibited.

4.5.1 Blacktown Local Environmental Plan 2015

The Blacktown Local Environmental Plan 2015 does not apply to land with the State Environmental Planning Policy (Sydney Region Growth Centres) 2006.

4.6 Draft Environmental Planning Instruments

Draft environmental planning instruments are a matter for consideration in the assessment of the proposal.

4.6.1 Draft Environment SEPP

An explanation of intended effect (EIE) has been released which proposes the consolidation of several environmental planning instruments into a new SEPP:

- State Environmental Planning Policy No. 19 – Bushland in Urban Areas
- State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011
- State Environmental Planning Policy No. 50 – Canal Estate Development
- Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment
- Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River (No.2-1997)
- Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005
- Willandra Lakes Regional Environmental Plan No. 1 – World Heritage Property.

The Explanation of Intended Effect for the Environment SEPP was on exhibition from 31 October 2017 until the 31 January 2018. However, an EIE is not a draft EPI and therefore is not a consideration under section 4.15 of the Act.

4.6.2 North West Draft Exhibition Package

An explanation of intended effect (EIE) has been released which proposes amendments to the Growth Centres SEPP. The amendments introduce the Land Use and Infrastructure Implementation Plan as the Structure Plan, set minimum and maximum densities, set minimum lot sizes among other changes. The Explanation of Intended Effect for the SEPP amendment was on exhibition from 15 May 2017 until the 4 July 2017. However, an EIE is not a draft EPI and therefore is not a consideration under section 4.15 of the Act.

4.6.3 Draft Remediation of Land SEPP

An explanation of intended effect (EIE) and Draft Planning Guideline has been released which presents a review of SEPP55 into a new SEPP.

The Draft SEPP proposed to continue the current requirements for consent authorities to consider contamination of land and for remediation works to be categorised as either exempt or requiring consent. New provisions are proposed that would require certification of all remediation work and require documentation to be provided to Council.

The Explanation of Intended Effect for the Environment SEPP was on exhibition from 31 January until the 13 April 2018. However, an EIE is not a draft EPI and therefore is not a consideration under section 4.15 of the Act.

4.6.4 Draft Design and Place SEPP

An explanation of intended effect (EIE) has been released which presents a review of SEPP65 into a new SEPP that will also replace the BASIX SEPP and provide for a range of guidelines applicable to a broader range of development which could include this proposal.

The Explanation of Intended Effect for the Environment SEPP was on exhibition from 26 February to 28 April 2021. However, an EIE is not a draft EPI and therefore is not a consideration under section 4.15 of the Act.

We understand the Department will shortly provide advice to Council's to disregard the application of the Draft SEPP from the assessment of Development Applications.

4.7 Non-Statutory Planning Instruments

In addition to the legislative framework and the environmental planning instruments non-statutory instruments may also be considered when considering the development application.

4.7.1 Blacktown City Council Growth Centre Precincts Development Control Plan

As required under Section 4.15(3A) of the EP&A Act, 1979, a Consent Authority is required to apply DCP provisions flexibly and allow reasonable alternative solutions that achieve the objects of those standards.

The Blacktown City Council Growth Centre Precincts Development Control Plan (DCP) communicates the planning, design and environmental objectives and controls against which application is required to be assessed.

Parts 1, 2, & 3 and Schedule 8 of the DCP apply to residential subdivision and development and are addressed below:

Control	Matter	Comment
Part 1 Introduction		
1.1 Land Application	Riverstone East precinct	The DCP applies to the application and Schedule 8 provides specific controls related to the Riverstone East precinct.
Part 2 Precinct Planning Outcomes		
2.2 Indicative Layout Plan		The application is consistent with the ILP in that the road pattern aligns with the ILP and the intended use is for residential development.
2.3.1 Flooding and water cycle management		Part of the site is identified as flood prone area. See Section 4.4.7.
2.3.2 Salinity and soil management		Part of the site is identified as an area of potential salinity. See Section 5.6.
2.3.3 Aboriginal and European heritage		The site is identified as a known Aboriginal Heritage site and the site is identified as an area of moderate-high potential however AHIMS indicates no Aboriginal heritage items are identified within the vicinity of site and the Aboriginal Heritage Assessment indicates there is a low likelihood of an intact archaeological deposit. A European heritage item directly adjoins the site. A Heritage Impact Statement accompanies the DA.
2.3.4 Native vegetation and ecology		The land is bio-certified except for the north western corner of the site. See Sections 4.2.1 & 4.3.1.

2.3.5 Bushfire Hazard Management		The site is not identified as bushfire prone land.
2.3.6 Site contamination		The site is not identified as requiring additional contamination investigation.
2.3.7 Odour assessment and control		The site is not expected to be impacted by any odour source.
Part 3 Neighbourhood and subdivision design		
3.1.1 Residential density	Minimum dwelling density of 15 dwellings per hectare.	<p>The proposed development proposes 32 lots to accommodate 36 future dwellings (4 dual occupancy and 28 single dwellings).</p> <p>As a result, the proposed development is compliant with the minimum residential density of 15 dwellings per hectare (15.07 dwellings per hectare).</p> <p>The subdivision design can accommodate a mix of detached dwelling houses, semi-detached dwellings, dual occupancies, and secondary dwellings consistent with the typical character provisions.</p>
3.1.2 Block and lot layout	Street block length, lot sizes and frontages	<p>The street layout is in accordance with the ILP.</p> <p>The lots all achieve the minimum lot size to support future dwelling houses with a minimum lot frontage exceeding 9m.</p> <p>All the residential lots proposed in each street have a frontage exceeding the minimum 10m.</p>
3.1.3 Battle-axe lots	Minimum area excluding handle	The four battle-axe lots meet the minimum 500m ² lot size.
3.1.4 Corner lots		The proposed lots include splays.
3.2 Subdivision approval process		Pathway A1
3.3 Construction Environmental Management	Construction Environmental Management Plan to be approved prior to approval of the subdivision Construction Certificate	A Construction Environmental Management Plan can be prepared prior to construction works commencing. This can be addressed through a condition of consent.
3.4.1 Street layout and design	<p>Local Street</p> <p>16.0m road reserve</p> <p>9.0m carriageway</p> <p>3.5m verge</p> <p>1.5m footpath</p>	<p>The road pattern is consistent with the ILP and achieves a permeable layout to facilitate vehicle and pedestrian movements, maximises surveillance and does not include any cul-de-sacs.</p> <p>Road widths are consistent with the section in the DCP.</p>
Schedule 8 Riverstone East Precinct		
3.2	Figure 3-2: Key elements of water cycle management and ecology strategy	The site is not affected.

	Figure 3-3: Flood prone land	Part of the site is identified as flood prone area - see original SEE and consultant reports for an assessment of this matter.
	Figure 3-4: Areas of potential salinity risk	Part of the site is identified as an area of potential salinity - see original SEE and consultant reports for an assessment of this matter.
	Figure 3-5: Aboriginal cultural heritage sites	See 2.3.3 above.
	Figure 3-6: European heritage sites	Nu Welwyn Curtilage is a heritage item that directly adjoins the site. A Heritage Impact Statement accompanies the DA.
	Figure 3-7: Bushfire Risk	The site is not affected.
	Figure 3-8: Contamination	The site is not affected.
4.1	Figure 4-1 Residential Structure	The site is identified as Low Density Residential.
	Figure 4-2 Road Hierarchy	All roads are Local Streets.
	Figure 4-3 Bicycle and Pedestrian Network	The main off road shared pedestrian and bicycle pathway adjoins the northern boundary of the site.
4.2	Street network and design	Local streets are proposed.
4.3	Information Technology	Optic fibre will be delivered to the development via agreement with a service provider.
4.4	Riparian Protection Area	The site is not affected.
4.5	Aboriginal Heritage	See 3.2 above.
6.1	Development on and around Nu Welwyn	All lots have a minimum lot size of 500m2 and a minimum lot width of 15m.

4.8 Developer Contributions

Developer contributions related to the proposed development are payable.

4.8.1 Special Infrastructure Contributions

The Western Sydney Growth Area Special Infrastructure Contribution Determination (SIC) came into effect on 14 January 2011 and applies to the site.

The SIC funds 50% of the roads, bus depots, open space, planning and delivery costs as well as land required for social infrastructure within the Growth Centres. The remaining 50% of these costs is to be funded by Government, as is the construction of social infrastructure - including emergency services and justice, education and health facilities.

The SIC was \$221,686 per hectare of net developable area (for the 2020-21 financial year) and represents the whole of the contribution for regional infrastructure proposed by the development. The Department are yet to provide guidance on the SIC for the 2021-22 financial year.

4.8.2 Local Contributions

There are no planning agreements related to the site therefore the provisions of Councils contribution plan will apply.

The Section 7.11 Contributions Plan No.22 – Rouse Hill (CP22) applies to the site. IPART have completed their assessment of CP22, the Minister directed Council to adopt the Plan and Council adopted CP22, therefore contributions under CP22 are payable.

Local Infrastructure Growth Scheme (LIGS) funding no longer applies to rezoned land in the Growth Centres.

Contributions are therefore payable for 32 lots in accordance with CP22 because of this application.

4.8.3 Planning Agreements

There are no planning agreements existing for the subject development.

4.9 Regulations

There are no additional matters under the Regulations which are required to be considered in relation to this application.

4.10 Suitability of the site

The site is considered suitable for the proposed development because:

- it has been rezoned for urban development
- it is appropriately serviced
- it will provide additional housing to meet the housing demands of Sydney
- it is free of any significant constraint to residential development
- it is readily accessible
- the proposed development is consistent with the established strategic planning objectives for the site and the surrounds.
- the site is zoned to accommodate this type and form of residential development.
- the size and dimensions of the land are suitable for the scale of the proposed development.

4.11 Submissions

An assessment of any submissions made during the public exhibition period will need to be made by Council. The applicant requests the opportunity to review and comment on any submissions received.

4.12 Public Interest

The proposed development is in the public interest for the following reasons:

- The site is situated within the Riverstone East Precinct of the North West Growth Area. Key purposes of the Growth Centre include addressing the existing housing supply shortage and accommodating the growing housing demands within the Sydney region.
- The development provides a range of allotment types to facilitate various future built form products targeted at different price points.
- The proposed development will lead to future social, environmental, and economic benefits for the locality in that it will enable the site to ultimately be developed for urban development consistent with its planning vision.
- The location and design of the development provides good access and connectivity to the surrounding area and the site is within proximity to the Rouse Hill Regional Park.
- There are no adverse impacts on surrounding properties.
- The road pattern is consistent with the ILP and will not adversely impact or prejudice adjoining land from developing.
- The development will increase the supply and choice of housing in the locality and will result in an overall improvement in the residential dwelling stock in the locality.

5 Environmental Impact Assessment

This section of the report identifies potential impacts resulting from the proposed development and subsequent mitigation and management measures.

5.1 Acoustic

There are no specific current ground sources of acoustic impact identified within proximity to the site however Garfield Road East is proposed to be significantly expanded and upgrade in the future.

An Acoustic Report has been prepared to provide acoustic recommendations for future residential development within the subdivision and is included at **Appendix K**. The report divides the site into three zones and provides recommendations for future dwelling construction.

5.1.1 Mitigation Measures

The recommended mitigation measures are:

- 1.8m boundary fences.
- Building façade and roof acoustic treatment for Zone A.
- Glazing treatment for Zone A and first floor level of Zone B.

5.2 Construction/Works Management

All construction work has the potential to have an impact on the surrounding locality. Such impact is short term and not unexpected in an area undergoing significant land use change.

5.2.1 Work Hours

Activities will be undertaken between Council's standard operating hours Monday to Saturday. No work is to take place on Sunday or public holidays. Any work outside of these hours will be subject to prior consultation with Council.

5.2.2 Sediment and Erosion Control

Temporary soil and sediment erosion control measures will be installed for the duration of works on the site which includes the construction of a stabilised site access, sediment erosion fencing, temporary basins and straw bales along drainage lines and surface inlet sediment traps to reduce run-off into the drainage system.

The full details of the proposed measures are shown on the erosion and sedimentation control plans and diagrams at **Appendix D**.

5.2.3 Works Traffic Management

Access for construction vehicles will be via Clarke Street. This is not considered to have a significant impact on traffic due to the low volumes of construction traffic required.

5.2.4 Noise and Vibration, Dust and Air Quality

Construction works will pose some noise impact within the locality. The impacts are expected as part of the broader conversion of the land from rural to urban land use, are short term in nature, and can be managed appropriately to limit their impact via standard conditions of consent.

5.2.5 Mitigation Measures

The recommended mitigation measures are:

- Construction vehicles will take direct routes to the collector road network and impacts will be managed by designated hours of operation for works.
- Implementation of the erosion and sediment control measures.

5.3 Crime and Safety

The subdivision has been designed as a highly permeable and legible street network. The lots created provide the opportunity for homes to be designed to address and passively surveil the street network. Lots have been designed to provide territorial reinforcement with a clear demarcation between private and public spaces.

5.3.1 Mitigation Measures

The recommended mitigation measures are:

- None required.

5.4 Ecology

5.4.1 Flora and Fauna

Most of the land is bio certified. A BDAR is provided for the removal of vegetation in the non certified part of the site and a BMP deals with removal of vegetation generally across the site.

5.4.2 Vegetation Management

All vegetation within the site in addition to some trees within the Garfield Road East road corridor and Lot 11 will be removed as a component of this application.

An Arboricultural Impact Appraisal has been prepared by Naturally Trees (refer to Appendix L) to assess the impact of the proposed development on existing trees. There are currently 89 trees on or adjacent the site that will be removed and the species and location of each of these trees is identified within the assessment report.

Notwithstanding, the public domain and future residential allotment landscaping proposed for the site will mitigate the loss of these trees.

Importantly, no impact is proposed to the trees within Lot 5 which are to be retained and protected during the construction process. The retention of these trees and embellishment of this boundary will contribute to the landscape elements of the site by allowing components of the current curtilage to be transferred to the new proposal and thereby maintaining elements of a continuous landscape throughout the redevelopment process. Methodology to ensure the long-term protection of these trees are included within the assessment report.

Accordingly, the removal of trees is considered appropriate given their proposed replacement as part of the high-quality landscape strategy, and in context of the broader community benefits delivered by the site's redevelopment in accordance with the expectations of the planning controls for the Precinct.

5.4.3 Mitigation Measures

The recommended mitigation measures are:

- Purchase and retire one credit.
- Tree protection measures for Trees 70-75.

5.5 Geotechnical

A Salinity Assessment was prepared by Aargus and is included at **Appendix H**.

5.5.1 Salinity

The laboratory test results indicate the insitu soil to be Non Saline and generally non-aggressive in pH to concrete and steel. The report concludes that from a salinity consideration, the site is suitable for the proposed development.

5.5.2 Mitigation Measures

The recommended mitigation measures are:

- None recommended.

5.6 Heritage Non-Indigenous

State Environmental Planning Policy (Sydney Region Growth Centres) 2006 does not identify any items of non-indigenous heritage on the site however that the adjoining site at 4 Clarke Street is a local Heritage Item for which Council is the consent authority and this is discussed further in Sections 4.4.7 and 5.8.

A Heritage Impact Statement (HIS) has been prepared by Weir Phillips and is included at **Appendix G**. The HIS references the State Heritage Database to provide the following statement of significance:

'Nu-Welwyn is of historic significance as a rare remaining brick homestead and outbuildings complex that retains a significant garden including layout and remnant herbaceous and mature trees, and general hilltop setting.'

The HIS describes the item as:

'Nu Welwyn is a one storey Late Victorian period dwelling constructed of face brickwork with a corrugated steel roof.'

And identifies the principal view corridor as directly from Clarke Street due to the concealment of the item by existing vegetation particularly a stand of elm trees along the boundary of the item and the site.

The HIS concludes that the proposal will have a minimal and acceptable impact on the significance of the item as the development has been designed to be consistent with the planning controls designed to reduce the impact of the development on the item.

5.6.1 Mitigation Measures

The recommended mitigation measures are:

- Compliance with the approved plans.

5.7 Landscape Assessment

There is no existing or future open space identified or proposed within the site. The Public Domain Plan illustrates the extent of landscape works that are proposed and this includes specific landscaping treatment to the boundary of the adjoining heritage item.

5.7.1 Mitigation Measures

The recommended mitigation measures are:

- None required.

5.8 Social and Economic

The proposed development of urban land for residential purposes will provide further housing within the locality consistent with the State Governments intentions for the land. The site is well connected to future retail, employment, education, community services, parks and open spaces.

Further, the proposed development will support short term construction jobs as well as flow on effects from establishing a new residential community, in accordance with the long-term strategic planning objectives for the area. Further, the long term use will deliver ongoing employment.

Housing stock and product availability is a key issue across Sydney, and the site seeks to provide a variety of low density lot types at the more affordable range and suited to the demands of the market.

5.8.1 Mitigation Measures

The recommended mitigation measures are:

- None required.

5.9 Traffic and Access

The road network is consistent with the ILP. The traffic and access attributes and impacts of the development have therefore already been assessed during the rezoning phase.

Notwithstanding the above a Traffic Statement has been prepared by JMT Consulting and is included at **Appendix I**. The Traffic Statement finds that:

'Vehicle access to the site would be obtained via the construction of a new road on the eastern boundary of the adjoining site at 256 Garfield Road East, consistent with the arrangements envisaged in the Riverstone East Indicative Layout Plan'.

The Traffic Statement concludes that the impact on the transport network will be acceptable.

5.9.1 Mitigation Measures

The recommended mitigation measures are:

- None required.

5.10 Visual Assessment

There are no significant views or vistas either from or to the site. The proposed development will integrate well with the future desired urban character of the locality.

5.10.1 Mitigation Measures

The recommended mitigation measures are:

- None required.

5.11 Water Cycle Management

Temporary on-site detention basins are proposed to ensure the peak post-development flow discharging from the site does not exceed permissible site discharge.

5.11.1 Flooding

State Environmental Planning Policy (Sydney Region Growth Centres) 2006 identifies part of the site as flood prone land.

5.11.2 Stormwater Management and Water Quality

A Stormwater Management Report and MUSIC modelling has been prepared by Orion Consulting and is provided at **Appendix N**.

The site's stormwater system is initially proposed to connect to the temporary basins and will be discharged to First Ponds Creek. Under the ultimate development scenario the stormwater will discharge through the public street drainage system to First Ponds Creek.

Stormwater runoff will be treated on the development site before it discharges to a public drainage system. The Stormwater Management Plan includes MUSIC modelling which confirms that the proposed detention and storm filter system will ensure water quality outcomes.

5.11.3 Mitigation Measures

The recommended mitigation measures are:

- Compliance with the approved plans.

5.12 Waste

The subdivision of the site and construction of civil works will not generate any significant waste. Once the site is developed, individual owners will assume responsibility for the waste management associated with future homes.

A Waste Management Plan has been attached at **Appendix D**.

5.12.1 Mitigation Measures

The recommended mitigation measures are:

- Compliance with the WMP.

5.13 Cumulative Impacts

The cumulative impacts of the development have been assessed during the rezoning phase at the broader Precinct and Metropolitan scales. The proposed development is consistent with the strategic planning for the Precinct and therefore no further impacts are proposed that would give rise to a renewed assessment.

5.13.1 Mitigation Measures

The recommended mitigation measures are:

- None required.

6 Conclusion

This report has provided a detailed assessment of the proposal against the EP&A Act, Growth Centres SEPP and GCP DCP. The proposed development is consistent with the relevant environmental planning instruments and non-statutory documents.

The supporting technical studies which accompany this DA confirm that the environmental impacts associated with the proposal are generally positive and will not give rise to any adverse impacts and the proposed development is suitable for the site and is in the public interest.

6.1 Recommendation

The proposal should be granted consent subject to the appropriate standard conditions of consent.

APPENDIX A Survey

APPENDIX B Cost Report

APPENDIX C Subdivision Plans

APPENDIX D Waste Management Plan

APPENDIX E Engineering Plans

APPENDIX F Landscape Plans

APPENDIX G Heritage Assessment

APPENDIX H Geotechnical (Salinity) Assessment

APPENDIX I Traffic Report

APPENDIX J Contamination Report

APPENDIX K Acoustic Report

APPENDIX L Arborist Reports

APPENDIX M Biodiversity Assessments

APPENDIX N Stormwater Report