

Appendix 4: Statutory compliance tables

Environmental Planning and Assessment Act	2
Environmental Planning and Assessment Regulation 2021	5
Biodiversity Conservation Act 2016	6
Contaminated Land Management Act 1997	7
Heritage Act 1977	7
Rural Fires Act 1997	7
Threatened Species Conservation Act 1995	8
State Environmental Planning Policy (Biodiversity and Conservation) 2021	8
State Environmental Planning Policy (Housing) 2021	9
State Environmental Planning Policy (Planning Systems) 2021	13
State Environmental Planning Policy (Resilience and Hazards) 2021	15
State Environmental Planning Policy (Sustainable Building) 2022	16
State Environmental Planning Policy (Transport and Infrastructure) 2021	17
Guide to Traffic Generating Developments	18
Penrith Local Environmental Plan 2010	18
Penrith Development Control Plan 2014	23

Environmental Planning and Assessment Act

Development under the Act must have regard to its objects as set out under Section 1.3. The proposed development is considered consistent with the objects of the Act, as outlined in the table below.

Consideration	Relevance	EIS ref
Section 1.3: Objects of the Act		
a. 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	The proposed development promotes the social and economic welfare of the community as it will significantly contribute to housing supply, affordability, and diversity in a well located site close to transport, retail and other services in Caddens. It will specifically address the current affordable housing shortage by providing 73 affordable homes and contribute to the local economy through employment generation during construction and the operation of the retail, commercial and medical premises.	Section 7
b. to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment	This EIS provides information on the relevant economic, environmental and social impacts of the proposed development to enable the consent authority to undertake a thorough environmental assessment and assist in its decision-making on the application.	Section 7
c. to promote the orderly and economic use and development of land	The development promotes the orderly and economic use of the land by providing 409 market residential and 73 affordable homes, in accordance with the provisions of the Housing SEPP, and commercial, retail and medical uses on site through the provision of a single commercial premises and shop-top housing.	Section 7
d. to promote the delivery and maintenance of affordable housing	The proposal provides for 15% affordable housing of the total residential GFA.	Section 6

Consideration	Relevance	EIS ref
e. to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats	The proposed development includes new planting in the communal open space and in the landscaped areas along the site's boundary. Importantly, the proposal includes the conservation and protection of the TEC to the north of the site. The development will not result in impacts to the habitat of any threatened species as detailed in the accompanying BDAR.	Section 6.9
f. to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage)	The proposed development has been assessed for potential impacts upon Aboriginal and European heritage within and surrounding the site. The site area does not contain and is not likely to contain any Aboriginal objects. The accompanying Heritage Impact Statement and Aboriginal Due Diligence Report demonstrate that the proposal is not expected to have an impact on Aboriginal heritage items.	Section 6.15
g. to promote good design and amenity of the built environment	The proposed development is accompanied by an architectural design report which details the rationale for the built form outcome of the site. The accompanying Architectural Design Report addresses the Design Principles for affordable housing in the Housing SEPP.	Section 6.1 and Appendix 9
h. to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants	The development will be constructed in line with any conditions of approval issued by the consent authority and the relevant requirements that relate to health and safety, construction and maintenance.	Section 6.4.3 Appendix 24 Appendix 48
i. to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State	This EIS is submitted to the DPHI to enable an environmental assessment of the application. It is expected that this document will be referred by the Department to other NSW Government agencies for further assessment and comment.	N/A

Consideration	Relevance	EIS ref
j. to provide increased opportunity for community participation in environmental planning and assessment.	As part of DPHI's assessment of the application, this EIS will be made publicly available to the community, Council and any NSW Government agencies invited to provide a submission on the proposal. Any submissions received will be addressed by the applicant.	Section 5
Section 4.12(8)		
A development application for State significant development or designated development is to be accompanied by an environmental impact statement prepared by or on behalf of the applicant in the form prescribed by the regulations.	This EIS has been prepared to accompany an SSD application and is in the form prescribed by the regulations.	EIS
Section 4.15		
a) the provisions of:		
i) any environmental planning instrument	The environmental planning instruments relevant to the site are addressed at Section 4 and within this Appendix	Section 4
ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved)	There are no draft EPIs relevant to the site.	Section 4
iii) any development control plan	Development control plans do not apply to SSD under Section 2.10 of the Planning Systems SEPP.	-

Consideration	Relevance	EIS ref
a. any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4	The Applicant has commenced discussions with Council regarding the potential inclusion of a Voluntary Planning Agreement (VPA) as part of this SSDA. These discussions are ongoing and are subject to finalisation.	Section 2.4
iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph),	The Environmental Planning and Assessment Regulation is addressed in this Appendix.	Section 4 and Appendix 4
b) The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality	The likely impacts of the development, including environmental impacts on the natural and built environments, social and economic impacts are addressed at Section 6.	Section 6
c) the suitability of the site for the development	The suitability of the site for the development is considered at Section 6.	Section 6
d) any submissions made in accordance with this Act or the regulations	Any submissions received on the application will be considered and addressed as part of a 'Response to submission report'.	Section 5
e) the public interest.	The development is in the public interest as detailed in Sections 2 and 7	Sections 2 and 7

Environmental Planning and Assessment Regulation 2021

This EIS has been prepared in line with form and content requirements of Section 192 of the Environmental Planning and Assessment Regulation. An overview of how the requirements of the Regulation have been satisfied is included in the table below.

Consideration	Relevance	EIS ref
Section 190		
Form of environmental impact statement	The EIS has been prepared in accordance with this section including consideration of the <i>State Significant Development Guidelines</i> .	-
Section 192		

Consideration	Relevance	EIS ref
Content of an environmental impact statement	The EIS includes all content required under this section.	-

Biodiversity Conservation Act 2016

Consideration	Relevance	EIS ref
Section 7.9		
<p>1. This section applies to—</p> <p>(a) an application for development consent under Part 4 of the Environmental Planning and Assessment Act 1979 for State significant development, and</p> <p>(b) an application for approval under Division 5.2 of the Environmental Planning and Assessment Act 1979 to carry out State significant infrastructure.</p> <p>2. Any such application is to be accompanied by a biodiversity development assessment report unless the Planning Agency Head and the Environment Agency Head determine that the proposed development is not likely to have any significant impact on biodiversity values.</p> <p>3. The environmental impact statement that accompanies any such application is to include the biodiversity assessment required by the environmental assessment requirements of the Planning Agency Head under the Environmental Planning and Assessment Act 1979.</p>	<p>A Biodiversity Development Assessment Report (BDAR) has been prepared and included as part of this EIS.</p> <p>The BDAR has been prepared with respect to the biodiversity values land at the site and confirms that the proposal is suitable and warrants approval.</p> <p>Overall, the proposal has demonstrated efforts to avoid and minimise impacts to biodiversity, and appropriate measures have been incorporated to manage and mitigate residual impacts.</p>	<p>Section 6.9 Appendix 22</p>

Contaminated Land Management Act 1997

Consideration	Relevance	EIS ref
This Act establishes a process for investigating and (where appropriate) remediating land where contamination poses a significant risk of harm to human health or the environment.	The DSI conducted on site found that contaminant concentrations in soil samples did not exceed adopted health-based criteria and in majority of samples did not exceed adopted ecological criteria.	Appendix 16

Heritage Act 1977

Consideration	Relevance	EIS ref
The Heritage Act 1977 establishes a framework for the identification, conservation, and management of environmental heritage, including buildings, works, relics, and places of historical, cultural, or social significance.	<p>The site itself is not identified as a heritage item; however, it is located to the east of the 'Teacher's residence (former)' (Item 670), a local heritage item which is identified under Schedule 5 of the PLEP 2010 located 56 Second Avenue, Kingswood. On this basis a heritage impact statement is not required.</p> <p>An Aboriginal Heritage Due Diligence Report has been prepared by Artefact and is provided at Appendix 27. The assessment concludes that Aboriginal objects are unlikely to be present.</p>	Section 6.15 and Appendix 27

Rural Fires Act 1997

Consideration	Relevance	EIS ref
The Rural Fires Act 1997 established a framework for the prevention, mitigation and suppression of bush and other fires and for the co-ordination of bush firefighting and bush fire prevention throughout the State.	A small portion of the west of the site is located within bushfire buffer zone. A Bushfire Protection Assessment prepared by Eco Logical is provided in Appendix 26. The report concludes that the proposal is supportable subject to recommendations.	Section 6.10 and Appendix 26

Threatened Species Conservation Act 1995

Consideration	Relevance	EIS ref
The Threatened Species Conservation Act 1995 establishes a legal framework for the protection and recovery of threatened species, populations, and ecological communities in NSW, and for the management of critical habitats.	The proposal incorporated the conservation and protection of the CWP TEC that is located within the northern portion of the site. The accompanying BDAR in Appendix 22 assesses the proposal against the requirements of the Threatened Species Conservation Act 1995. The BDAR concludes the proposal has demonstrated avoidance to impacts to the CWP and that no direct impacts would occur to the TEC on site.	Section 6.9.1 and Appendix 22

State Environmental Planning Policy (Biodiversity and Conservation) 2021

The State Environmental Planning Policy (Biodiversity and Conservation) 2021 seeks to value, protect, conserve and manage the innate value and external benefits of NSW's natural environment and heritage.

Chapter/Section	Consideration	Discussion	EIS ref
2. Vegetation in non-rural areas			
Chapter 2	Part 2.2 Clearing vegetation in non-rural areas	Information on existing trees to be removed is included in the Arboricultural Impact Assessment which is submitted with this EIS. The AIA outlines that 115 trees are nominated for removal and replacement for the development. The 57 trees to be preserved will be retained and protected through the implementation of adequate measures for their integration into the development by the application of appropriate technology as detailed in this report. Substantial tree planting is proposed as demonstrated on the landscape plans.	Section 6.3 and Appendix 17

State Environmental Planning Policy (Housing) 2021

The State Environmental Planning Policy (Housing) 2021 seeks to guide the delivery of the right number of homes in the right place and of the right type, to suit the changing needs of people living in NSW now and into the future.

The proposal will contribute to housing diversity and affordability within the Penrith LGA through the provision of additional dwelling types including shop top housing and residential flat beds. An assessment of the relevant provisions is detailed below.

Chapter	Consideration	Discussion	EIS ref
Chapter 2 Affordable housing			
Part 2	Development for Affordable Housing	Division 1 of the Housing SEPP applies to in-fill affordable housing. A full assessment of this part is provided in the table below.	Appendix 4

Part 2 Division 1 Infill affordable housing	Comment
15C Development to which Division applies	
<i>This division applies to development that includes residential development if—</i>	
<i>a) the development is permitted with consent under Chapter 3, Part 4, Chapter 5, Chapter 6 or another environmental planning instrument, and</i>	Noted. This division applies to the proposed development.
<i>b) the affordable housing component is at least 10%, and</i>	The affordable housing component is above 10%.
<i>c) all or part of the development is carried out—</i> <i>(i) for development on land in the Six Cities Region, other than in the City of Shoalhaven or Port Stephens local government area—in an accessible area, or</i> <i>(ii) for development on other land—within 800m walking distance of land in a relevant zone or an equivalent land use zone.</i>	is carried out within an accessible area, in the Six Cities Region as it is within 400m walking distance to the: <ul style="list-style-type: none"> O'Connell St after John Fak Ave (Stop ID 274713) bus stop, and O'Connell St opp Starline Dr, Kingswood (Stop ID 274714) bus stop (Figure 9) which are regularly serviced within the meaning of the <i>Passenger Transport Act 1990</i> . A copy of the bus timeframe is included at Appendix 28.
16 Floor space ratios	

Part 2 Division 1 Infill affordable housing	Comment
4. This section does not apply to development on land for which there is no maximum permissible floor space ratio	There is no maximum permissible FSR on this site.
17 Additional floor space ratio for relevant authorities and registered community housing providers	
(1) This section applies to residential development to which this division applies that is carried out - (a) by or on behalf of a relevant authority or registered community housing provider, and (b) on land with a maximum permissible floor space ratio of 2:1 or less.	This section does not apply.
18 Affordable housing requirements for additional building height	
(1) This section applies to development that includes residential development to which this division applies if the development— (a) includes residential flat buildings or shop top housing, and (b) does not use the additional floor space ratio permitted under section 16. ii. each deep soil zone has a minimum dimension of 3 metres, and	The proposal includes RFBs and shop-top housing and does not avail of the additional FSR bonuses under Section 16 of the SEPP.
(2) The maximum building height for a building used for residential flat buildings or shop top housing is the maximum permissible building height for the development on the land plus an additional building height of up to 30%, based on a minimum affordable housing component calculated in accordance with subsection (3).	The proposal avails of the 30% additional building height given the provision of 15% affordable house. It is noted that the majority of the site complies with the permissible 19.5m HOB, and that Buildings S and T have a proposed height of 25.5m. Therefore, a Clause 4.6 request is submitted to vary this standard.
(3) The minimum affordable housing component, which must be at least 10%, is calculated as follows— <div data-bbox="296 1608 866 1671" style="border: 1px solid black; padding: 5px; width: fit-content; margin: 10px auto;"> $\text{affordable housing component} = \frac{\text{additional building height}}{\text{(as a percentage)}} + 2$ </div>	
19 Non-discretionary Design requirements	
2. The following are non-discretionary development standards in relation to the residential development to which this division applies—	
(a) site area if the site area is at least 450 m ²	Complies. Site area is 53,941m ²

Part 2 Division 1 Infill affordable housing	Comment
<p><i>(b) a minimum landscaped area that is the lesser of—</i></p> <p><i>(i) 35m² per dwelling, or</i></p> <p><i>(ii) 30% of the site area,</i></p>	<p>Complies. 33.45% of the site area is proposed to be landscaped.</p>
<p><i>(c) a deep soil zone on at least 15% of the site area, where—</i></p> <p><i>(i) each deep soil zone has minimum dimensions of 3m, and</i></p> <p><i>(ii) if practicable, at least 65% of the deep soil zone is located at the rear of the site,</i></p>	<p>Complies. The proposal includes 9,989m² (18.5%) of deep soil.</p>
<p><i>(d) living rooms and private open spaces in at least 70% of the dwellings receive at least 3 hours of direct solar access between 9am and 3pm at mid winter,</i></p>	<p>Over 82% of the proposed development achieves solar access, exceeding the 70% minimum requirement set by the ADG criteria (Appendix 8)</p>
<p><i>(e) the following number of parking spaces for dwellings used for affordable housing—</i></p> <p><i>(i) for each dwelling containing 1 bedroom—at least 0.4 parking spaces,</i></p> <p><i>(ii) for each dwelling containing 2 bedrooms—at least 0.5 parking spaces,</i></p> <p><i>(iii) for each dwelling containing at least 3 bedrooms— at least 1 parking space,</i></p>	<p>Details of parking provision are outlined within the Traffic & Parking Assessment included at Appendix 11.</p>
<p><i>(f) the following number of parking spaces for dwellings not used for affordable housing—</i></p> <p><i>(i) for each dwelling containing 1 bedroom—at least 0.5 parking spaces,</i></p> <p><i>(ii) for each dwelling containing 2 bedrooms—at least 1 parking space,</i></p> <p><i>(iii) for each dwelling containing at least 3 bedrooms—at least 1.5 parking spaces,</i></p>	
<p><i>(g) the minimum internal area, if any, specified in the Apartment Design Guide for the type of residential development</i></p>	<p>Complies. See Architectural Design Report for assessment against ADG at Appendix 9.</p>
<p>19(3) Design requirements</p>	

Part 2 Division 1 Infill affordable housing	Comment
<i>A consent authority must not consent to development to which this Division applies unless it has taken into consideration whether the design of the residential development is compatible with the desirable elements of the character of the local area or for precincts undergoing transition – the desired future character of the precinct.</i>	Complies. The proposed development is compatible with the desired future character for Caddens Precinct.
21 Must be used for affordable housing for at least 15 years	
1) Development consent must not be granted under this Division unless the consent authority is satisfied that for a period of at least 15 years commencing on the day an occupation certificate is issued-	Complies. A condition of consent can be imposed to ensure the affordable housing is used for a period of 15 years.
a) the affordable housing component of the residential development will be used for affordable housing, and	
b) the affordable housing component will be managed by a registered community housing provider.	

Chapter	Consideration	Discussion	EIS ref
Chapter 4	Design of residential apartment development	A full assessment of this part is provided in the table below.	Appendix 4

Chapter 4 Design of residential apartment development	Comment
147 Determination of development applications and modification applications for residential apartment development	
<i>(1) Development consent must not be granted to residential apartment development, and a development consent for residential apartment development must not be modified, unless the consent authority has considered the following—</i>	A comprehensive assessment of the proposed development against nine design quality principles of Chapter 4 of the Housing SEPP and consideration of the Apartment Design Guidelines is provided in the Architectural Design Statement prepared by Group GSA
<i>(a) the quality of the design of the development, evaluated in accordance with the design principles for residential apartment development set out in Schedule 9</i>	
<i>(b) the Apartment Design Guide,</i>	

Chapter 4 Design of residential apartment development	Comment
(c) any advice received from a design review panel within 14 days after the consent authority referred the development application or modification application to the panel.	
148 Non-discretionary development standards for residential apartment development	
(2) The following are non-discretionary development standards—	
(a) the car parking for the building must be equal to, or greater than, the recommended minimum amount of car parking specified in Part 3J of the Apartment Design Guide,	N/A
(b) the internal area for each apartment must be equal to, or greater than, the recommended minimum internal area for the apartment type specified in Part 4D of the Apartment Design Guide,	Apartments meet ADG minimum for internal and external areas. Refer to Architectural drawings (Appendix 8)
(c) the ceiling heights for the building must be equal to, or greater than, the recommended minimum ceiling heights specified in Part 4C of the Apartment Design Guide.	1 Bedroom apartments are equal to or larger than minimum required 50sqm 2 Bedroom apartments are equal to or larger than minimum required 75sqm 3 Bedroom apartments are equal to or larger than minimum required 95sqm

State Environmental Planning Policy (Planning Systems) 2021

The State Environmental Planning Policy (Planning) 2021 seeks to identify development that is state significant development.

An assessment of the relevant provisions is detailed below.

Chapter/Section	Consideration	Discussion	EIS ref
Chapter 4 Concurrences and consents - Schedule 1 State significant development-general			
Clause 26A Infill affordable housing	(1) Development to which State Environmental Planning Policy (Housing) 2021, Chapter 2, Part 2, Division 1 applies if—	The proposed residential development will have an estimated development cost greater than \$75 million.	Section 7.5.2 and Appendix 6

Chapter/ Section	Consideration	Discussion	EIS ref
	<p><i>(a) the part of the development that is residential development has an estimated development cost of—</i></p> <p><i>(i) for development on land in the Eastern Harbour City, Central River City or Western Parkland City in the Six Cities Region—more than \$75 million</i></p> <p><i>(b) the development does not involve development prohibited under an environmental planning instrument applying to the land.</i></p>	<p>In accordance Section 2.6(2) of the Planning Systems SEPP, the proposed construction of a single storey commercial premises (shop) located at the south-western corner of 68 O’Connell Street is sufficiently related to the remainder of the proposal, as:</p> <ul style="list-style-type: none"> • a single (multi-level) basement is proposed to be constructed underneath the shop-top housing buildings (Buildings P to U). 	
	<p><i>(1A) In determining the estimated development cost for subsection (1)(a), the estimated development cost of existing residential development must be included if—</i></p> <p><i>(b) the development will result in—</i></p> <p><i>(i) for development on land to which subsection (1)(a)(i) applies—at least 40 additional dwellings</i></p>	<ul style="list-style-type: none"> • This basement is proposed to service the entire Caddens Corner Precinct (including the proposed shop). • it would be illogical from a planning approval and construction perspective to have separate parts of a single basement to be subject to separate planning approvals. • the proposed SSDA seeks to amend the Concept DA to facilitate the removal of the shop-top housing development currently approved under DA17/0995. This will be replaced by the proposed shop. 	

Chapter/ Section	Consideration	Discussion	EIS ref
		<ul style="list-style-type: none"> if the proposed shop were not considered 'substantially related', a further amendment to both the Concept DA and SSDA (once determined) would be required. Including the proposed shop within the SSDA, ensures this process is streamlined and avoids multiple revisions to the existing consent. the proposed commercial premises is in keeping with the site's role as a precinct centre, as envisaged within the DCP and the concept approval, and will provide retail services to support the future residential population of the site and locality <p>It is important to note that the proposed shop does not rely on the adjacent existing at-grade car park, this is used by the existing child-care centre. As detailed above, the proposed shop will be serviced by the proposed car park beneath the shop top housing (Buildings P to U).</p> <p>In light of the above, the proposed shop has both a physical and functional relationship with the other parts of the proposed SSD and is deemed sufficiently related for the purpose of Section 2.6 of the Planning System SEPP.</p>	

State Environmental Planning Policy (Resilience and Hazards) 2021

The *State Environmental Planning Policy (Resilience and Hazards) 2021* seeks to reduce risk and build resilience in the face of natural hazards as well as development-related hazards. An assessment of the relevant provisions is detailed below.

Chapter/ Section	Consideration	Discussion	EIS ref
4. Remediation of land			
Section 4.6	Contamination and remediation to be considered in determining development application	Site contamination has been considered through the preparation of a Detailed Site Investigation (DSI). The DSI conducted on site found that contaminant concentrations in soil samples did not exceed adopted health-based criteria and in majority of samples did not exceed adopted ecological criteria.	Section 6.4 and Appendix 16

State Environmental Planning Policy (Sustainable Building) 2022

The State Environmental Planning Policy (Sustainable Building) 2022 (Sustainable Buildings SEPP) encourages the design and delivery of more sustainable buildings across NSW. It sets sustainability standards for residential and non-residential development and starts the process of measuring and reporting on the embodied emissions of construction materials.

Sustainability commitments and objectives have been incorporated into the design of the proposed development to achieve a high level of energy efficiency and sustainability.

Specific design elements have been integrated in the development to ensure the building embodies best practice sustainable design.

Chapter	Consideration	Discussion	EIS ref
Chapter 2 Standards for residential development—BASIX			
Section 2.1	Standards for BASIX development and BASIX optional development	This EIS includes an Environmentally Sustainable Development assessment (ESD) which demonstrates how the development will minimise waste, reduce demand for electricity and water, and utilise renewable energy. The Architectural Plans are also supported by a BASIX Certificate.	Appendix 20 Appendix 21
Chapter 3 Standards for non-residential development			

Chapter	Consideration	Discussion	EIS ref
Section	Development consent for non-residential development	This EIS includes an ESD which demonstrates how the development will minimise waste, reduce demand for electricity and water, and utilise renewable energy. The Architectural Plans are also supported by a BASIX Certificate.	Section 7.5.3 and Appendix 21

State Environmental Planning Policy (Transport and Infrastructure) 2021

The *State Environmental Planning Policy (Transport and Infrastructure) 2021* seeks to guide the provision of well-designed and located infrastructure including transport. An assessment of the relevant provisions is detailed below.

Chapter/ Section	Consideration	Discussion	EIS ref
2. Infrastructure			
Section 2.120	<i>Section 2.120 stipulates that the consent authority must not grant consent for residential development adjacent to a road corridor with an annual average daily traffic volume of more than 20,000 vehicles unless appropriate noise mitigation measures will be taken that provide for an acceptable acoustic environment.</i>	The proposal is accompanied by a Noise Impact Assessment prepared by Stantec (at Appendix 12), which recommends appropriate noise mitigation treatments to ensure that future residential apartments achieve an acceptable noise environment and residential amenity.	Section 6.8 and Appendix 12
Section 2.122	<i>Section 2.122 requires that development applications for certain traffic generating development, as set out in Schedule 3 of the policy, be referred to the Roads and Maritime Services (RMS) and that any submission from the RMS be considered, as well as the accessibility of the site concerned prior to the determination of the application.</i>	The proposal is accompanied by a Traffic Impact Assessment prepared by TTPA (at Appendix 11),	Section 6.7 and Appendix 11

Guide to Traffic Generating Developments

Transport for NSW's Guide to Traffic Generating Developments provides guidance on a number of matters related to the traffic impacts of land use developments, most notably on matters relating to traffic generation and parking.

The assessment of the proposal's traffic generation and parking are addressed in the Traffic and Parking Impact Assessment prepared by TTPA at Appendix 11, which demonstrates that the proposal is suitable on traffic grounds.

Penrith Local Environmental Plan 2010

Penrith Local Environmental Plan 2010 (PLEP 2010) regulates development throughout the is Penrith area. An assessment against the PLEP 2010 has been provided below for reference.

Clause	Consideration	Discussion
2.2 Zoning	<i>Site is zoned E1 Local Centre and R4 High Density Residential.</i>	<p>The development is consistent with the objectives of the E1 Local Centre zoning where the Shop Top Housing component is proposed.</p> <p>Development for the purposes of commercial, retail premises, medical centre, recreation facility (indoor) and shop top housing is permissible with consent in the E1 zone.</p> <p><i>As noted, the proposed shop top housing component is consistent with this definition as:</i></p> <ul style="list-style-type: none"> the ground floor component of all buildings in the E1 zone will contain a commercial premises or health services facility and associated carparking no residential parking is anticipated to be provided on the ground floor. all residential dwellings will be located above the ground floor, consistent with the definition of <i>shop top housing</i>. <p>The development is also consistent with R4 High Density Resident where the proposed residential flat buildings are located. Residential flat buildings are permissible with consent in the R4 zone.</p>
4.3 Height of buildings	<i>The maximum height on site is 15m.</i>	<p>The proposal avails of the 30% additional building height bonus under the Housing SEPP given the provision of 15% affordable house in the development.</p>

Clause	Consideration	Discussion
		It is noted that the majority of the site complies with the permissible 19.5m HOB, and that Buildings S and T have a proposed height of 25.5m. Therefore, a Clause 4.6 request is submitted to vary this standard.
4.4 Floor space ratio	N/A	N/A
5.10 Heritage conservation	N/A	<p>There are no Heritage Items on site. The nearest heritage item is Local Heritage Item 670 - Teacher's residence (former) at 56 Second Avenue Kingswood to the west of the site.</p> <p>Given the separation distance, existing (dense) landscaping and buildings/structures located both on the subject site and at 56 Second Avenue Kingswood, the proposed development is unlikely to result in adverse impacts on the heritage significance of the item.</p> <p>It is also noted that there are numerous buildings that have been recently construction or approved at 56 Second Avenue Kingswood, in addition to the surrounding Kingswood locality.</p> <p>The proposed is consistent with the type and scale of development envisaged within the PDCP 2014.</p> <p>Overall, it is concluded that the proposal is not likely to adversely impact the nearby heritage item.</p>
5.11	<i>Bush fire hazard reduction work authorised by the Rural Fires Act 1997 may be carried out on any land without development consent.</i>	A portion of the west side of the site is located within the Vegetative Buffer zone where existing structures of 'Caddens Corner' are currently located.

Clause	Consideration	Discussion
		A Bushfire Protection Assessment prepared by Eco Logical concludes that given recent removal of bushfire hazards on adjoining land and the classification of the small onsite remnant as 'low-threat vegetation'), the development site is not considered bushfire prone
5.21 Flood planning	<p>(3) <i>In deciding whether to grant development consent on land to which this clause applies, the consent authority must consider the following matters—</i></p> <p>(a) <i>the impact of the development on projected changes to flood behaviour as a result of climate change,</i></p> <p>(b) <i>the intended design and scale of buildings resulting from the development,</i></p> <p>(c) <i>whether the development incorporates measures to minimise the risk to life and ensure the safe evacuation of people in the event of a flood,</i></p> <p>(d) <i>the potential to modify, relocate or remove buildings resulting from development if the surrounding area is impacted by flooding or coastal erosion.</i></p>	<p>The site is located on land that is subject to flooding.</p> <p>A Flood Risk Consideration Letter at Appendix 31 provides flood level information pertaining to the site.</p> <p>The floor levels of the proposed buildings have been designed in accordance with the flood level information.</p>
7.1 Earthworks	<p>(3) <i>Before granting development consent for earthworks, the consent authority must consider the following matters—</i></p> <p>(a) <i>the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality,</i></p> <p>(b) <i>the effect of the proposed development on the likely future use or redevelopment of the land,</i></p>	<p>A Geotechnical Assessment is provided at Appendix 14 and a Groundwater Seepage Analysis at Appendix 15.</p> <p>The Geotechnical Assessment found groundwater was encountered at variable depths, typically above the proposed excavation levels. Infiltration is anticipated to be manageable using conventional sump and pump dewatering systems.</p>

Clause	Consideration	Discussion
	<p>(c) the quality of the fill or the soil to be excavated, or both,</p> <p>(d) the effect of the proposed development on the existing and likely amenity of adjoining properties,</p> <p>(e) the source of any fill material and the destination of any excavated material,</p> <p>(f) the likelihood of disturbing relics,</p> <p>(g) the proximity to and potential for adverse impacts on any waterway, drinking water catchment or environmentally sensitive area,</p> <p>(h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development,</p> <p>(i) the proximity to and potential for adverse impacts on any heritage item, archaeological site, or heritage conservation area.</p>	<p>The assessment recommends ongoing refinement of the design, ensure construction-phase risk mitigation and additional geotechnical investigation. This includes supplementary boreholes, extended groundwater monitoring, pre-construction dilapidation surveys, and real-time construction monitoring.</p> <p>Subject to these recommendations, the proposal is considered supportable on geotechnical grounds.</p>
7.12 Max GFA for commercial premises	10,000sqm max	<p>The proposal provides 2,337sqm of commercial GFA, increasing the overall commercial GFA of Caddens Corner to 8,679sqm.</p> <p>It is noted the Council have prepared a Planning Proposal to remove the clause limiting commercial GFA.</p>
7.14 Acid sulphate soils	N/A	N/A

Clause	Consideration	Discussion
7.30 Urban Heat	<p><i>(3) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that planning and design measures are incorporated to reduce the urban heat island effect that—</i></p> <p><i>(a) maximise green infrastructure, and</i></p> <p><i>(b) retain water in the landscape, and</i></p> <p><i>(c) use design measures to ensure the thermal performance of the development achieves a high degree of passive cooling, and</i></p> <p><i>(d) use building, paving and other materials that minimise heat impacts, and</i></p> <p><i>(e) reduce reliance on mechanical ventilation and cooling systems, to conserve energy and to minimise heat sources.</i></p>	<p>The proposal has included design measures to incorporate landscaping, tree canopy coverage, green open space, carefully selected building and paving materials to reduce urban heat island effect. Refer to Schedule of Colours, Materials and Finishes prepared by Group GSA (Appendix 8)</p>
7.31	<p><i>(2) When granting development consent to development to which this clause applies, the consent authority may impose a condition requiring an affordable housing contribution (a contribution).</i></p> <p><i>(3) A condition imposed under this clause must require a person to satisfy the contribution by a monetary contribution paid to the Council.</i></p>	N/A

Penrith Development Control Plan 2014

Clause	Consideration	Discussion
Key Precincts - E1 Caddens		
1.2.1 Urban Structure	<ul style="list-style-type: none"> The Caddens Release Area Structure Plan establishes the urban structure and form for the planning and future development of the subject land. 	Complies. The subject site is strategically identified within the Caddens Release Area Structure Plan as a suitable location for the Precinct Centre to serve the community. The proposal aligns with this to provide for higher density forms of housing to meet the needs of diverse age groups, family types and income levels.
1.2.2 Character Area Design Principles	<ul style="list-style-type: none"> The Centre is intended to be local in scale, with a retail and commercial limit of 10,000m² and a maximum height of 15m (4 storeys plus roof element). The Precinct Centre will be characterised by a mix of retail, community, commercial and residential uses that serve the needs of, and integrate with, adjacent residential development and employment areas 	Complies. Refer to Section 6.1 for detail of how the proposed development is designed with consideration to the character area of the precinct centre in addition to availing of the affordable housing bonuses under the Housing SEPP.
1.2.3 Dwelling Yield and Diversity	<ul style="list-style-type: none"> In the two areas that the site falls within, there is to be a minimum dwelling yield of 134 across the eastern portion, and 102 across the western portion 	Complies. This proposal contributes to the delivery of dwellings within the Caddens Precinct, exceeding the minimum dwelling yield identified for the site.
1.3.1 Street Network and Design		Refer to Section 6.8.2 for details of road network design.
1.3.3 Pedestrian and Cycle network		Refer to Section 6.8.2 for details of road network design.
1.3.4 Public Transport		The proposed development will promote the utilisation of existing bus services serving the site.
1.3.5 Open Space, Environmental Conservation and Landscape Network		Complies. Refer to Sections 6.1.4 and Section 6.2 for further details on the provision of opens space and conservation of TEC on site.
1.3.7 Aboriginal and European Heritage		Complies. Refer to Section 6.16

Clause	Consideration	Discussion
1.3.8	Bushfire Hazard Management	Complies. Refer to Section 6.11
1.3.9	Water Cycle Management	Complies. Refer to Section 6.4
1.3.10	Contamination Management	Complies. Refer to Section 6.7
1.4.3	Dwelling Height, Massing and Siting	The proposed development exceeds the height limit specified in the DCP, however, this is due to the introduction of in-fill affordable housing height bonuses implemented under the Housing SEPP after the DCP was published. Refer to Section 6.1 in relation to further details of how the proposal has been designed to integrate appropriate height, massing and siting.
1.4.6	Private Open Space	Complies. Refer to Section 6.1.4
1.4.7	Site Cover and Landscaped Areas	Complies with site coverage for residential flat buildings. Refer to Section 6.2 for further detail on landscaping.
1.5.2	Safety and Surveillance	Complies. Refer to Section 6.18
1.5.3	Sustainable Building Design	Complies. Refer to Section 6.20
1.6	The Precinct Centre	Complies. Refer to Section 6.1.1 for details on height exceedance on the basis of in-fill affordable housing height bonuses implemented under the housing SEPP.