
4. Proposed Zoning

4.1 Industrial Zoning

As indicated in Appendix 3 it is the purpose of this application to have a major portion of the site, indicated as the development zone, rezoned from the current IDO 93 to Industrial 4(a) General Industry pursuant to the requirements of Industrial Lands Local Environmental Plan 1996.

In determining if the site is suitable to be rezoned under the LEP the applicant must first consider the general and zone specific aims and objective contained within the plan.

The aims of this plan are:

(a) To encourage a broad range of industrial land uses which will promote both the economic and employment growth of the City of Penrith; and

Comments: The rezoning will comply with the requirements of this clause by encouraging a broad range of uses and promoting the employment growth of the City.

(b) To promote development which is consistent with the council's vision for the City of Penrith contained in its strategic management plan, namely one of a harmony of urban and rural qualities with a strong commitment to environmental protection and enhancement; and

Comments: The proposal is consistent with Council's vision for the City of Penrith as established in section 3.4.3.3.

(c) To promote development which observes responsible and environmentally sound management practices to minimise any adverse environmental impact of that development on surrounding localities.

Comments: The development has identified and will control any adverse environment impacts.

The objectives of this plan are:

(a) To consolidate and rationalise planning controls relating to industrial land, into a single plan; and

Comments: The rezoning will rationalise an old planning control in the form of IDO 93 into a more current planning control LEP 1996.

(b) To present the planning controls in a clear manner; and

Comments: By rezoning Council will ensure that the planning controls are presented in a clear manner

(c) To provide a planning framework which allows development control plans to supplement the controls embodied in this plan; and

Comments: It is expected that the Industrial Lands Development Control Plan will be adopted for the site.

(d) To require development to be assessed in accordance with and observe sound environmental planning principles; and

Comments: The development will observe sound environmental planning principles through the identification and superior management of any environmental matters

(e) To preserve the amenity of any adjacent residential communities; and

Comments: The proposal will preserve amenity by ensuring that the site is screened from residents and further the proposal will increase amenity by allowing for the access and use of open space adjacent to the site.

(f) to ensure that development of land to which this plan applies does not significantly affect the function, efficiency and safety of the road network, particularly Castlereagh Road, the Great Western Highway, Mulgoa Road and Parker Street, and

Comments: Not applicable for this site

(g) To promote the efficient development of industrial land; and

Comments: The proposal will ensure that the land is used efficiently

(h) To ensure the orderly provision of services and infrastructure to meet the needs of development; and

Comments: Services and infrastructure will form part of the development following the rezoning of the site.

(j) To promote the development of an attractive and safe work place environment; and

Comments: The development will offer local residents quality access to employment

(j) To restrict certain development to particular locations, where the development is likely to have an adverse environmental effect on adjoining land; and

Comments: The reports attached to this application demonstrate that the project will not have adverse environmental impact. In many instances the development will improve the quality of the environment.

(k) To ensure that outdoor advertising:

(i) Conveys advertisers' messages and images while complementing and conforming to both the building on which it is displayed and the character of the locality; and

(ii) Does not adversely affect the locality in terms of appearance, size, illumination or overshadowing or in any other way; and

(iii) Does not lead to visual clutter through the proliferation of signs; and

Comments: Any advertising will comply with the planning instruments.

(l) To ensure that land considered by the council as likely to have been contaminated, or with a known history of contamination, is fully assessed and the need or otherwise for its remediation established; and

Comments: The land has been fully assessed and recommendation provided to Council that the land is suitable for this use.

(m) To rationalise industry zone boundaries by zoning certain small areas of adjacent residential, rural, open space and special uses zoned land to industry.

Comments: This site is considered to adjacent rural land suitable for rationalisation.

Following compliance with the general aims and objectives of the Local Environmental Plan the applicant highlights the specific requirements of the 4(a) General Industry Zone.

The objectives of the zone are as follows:

(i) To encourage a diversity of industrial employment generating activities; and

Comments: The rezoning will meet this objective by allowing for a diverse range of employment generating activities.

(ii) To promote development which observes responsible, and environmentally sound, management practices; and

Comments: The rezoning will promote a development that has identified and will manage all environmental issues.

(iii) To promote development which makes efficient use of industrial land; and

Comments: The proposed development will make efficient use of the resultant industrial lands

(iv) To permit development which serves the daily convenience needs of persons working within industrial areas; and

Comments: The rezoning will allow for development which serves the daily convenience needs of the immediate subdivision occupants as well as the broader occupants of the Emu Plains area.

(v) To permit development for the purpose of recreational facilities, child care centres or community facilities to serve the needs of the workforce of the industrial areas and adjacent residential communities; and

Comments: The rezoning will allow for this development

(vi) to promote development of land with frontage to Castlereagh Road, Old Bathurst Road and Christie Street which, by its architectural and landscape design, will enhance their gateway entry roles to the City of Penrith.

Comments: It is proposed to enforce design covenants on the lots fronting Old Bathurst Road to ensure that the site highlights the area as a gateway to Penrith.

From the assessment of the Aims and Objectives of the Industrial Lands Local Environmental Plans and the specific zone objectives of the 4(a) General Industry Zone it is the opinion of the applicant that the proposed use will be consistent with the requirements of the plan.

4.2 Rural Zoning

As illustrated in the plan displayed in Appendix 4 it is the intention of the applicant to leave a portion of the site at the rear as Rural. This has been proposed for two reasons;

- 1) To provide an adequate flood corridor through the rear of the site as recommended by Patterson & Britton and Partners in a flood study undertaken on the site, and
- 2) For the use of the site as a Koala Browse plantation developed and operated by the Taronga Park Zoo. As indicated in the attached letter in Appendix 5, the Zoo find this portion of the site attractive for an number of reasons;
 - a. The current irrigation licence;
 - b. Direct access to the Emu Plains Prison Farm. The zoo have a strategic alliance with Correctional Services to assist in the management of the plantation;
 - c. The sites location within 1 hour to the zoo to ensure that the feed remains fresh.

not attached

It is anticipated that the use is consistent with the current planning objectives and that the proposal will provide positive social benefits to the local and broader area.

5. Impacts of the proposal

The rezoning and subsequent development of the subject site may have a number of impacts on the built and natural environment. The likely impacts of the development include;

- Impacts on the local economy;
- Social impacts on the local area;
- Impacts on local flooding;
- Impact on Heritage – both aboriginal and european;
- Impacts on local traffic;
- Impacts on future development from site contamination;
- Impact on local flora and fauna, and
- Impacts on amenity

Expert consultants have been engaged and reports included as appendices to this report which qualify and quantify all the above impacts.

5.1 Impacts on the local economy

To determine the impacts on the local economy we again are directed to a report prepared by Hill PDA Consultants. The report provides the following conclusions specifically in relation to the impacts on the local economy;

Economic Multipliers

Construction has strong multiplier impacts in the national economy. The estimated \$110m cost for land development cost and construction of industrial buildings will add a further \$99m activity in production induced effects and \$106m in consumption induced effects.

Employment Generation

Development will provide 690 job years (one full time job over one year) directly in construction of roads, drainage, services and buildings. Multiplier impacts will provide a further 538 job years in production induced effects and 1,607 job years in consumption induced effects. Total job years generated by construction will equal 2,835. Based on an estimated 75sqm of floor space per worker, it is estimated that there will be 1,300 full-time workers on-site post-construction.

Rates Uplift

The rates uplift is estimated at \$350,000 per annum – equivalent to \$4.4m in present value when amortised over 25 years at 7%.

Other Quantified Benefit

The land owner has agreed to provide access to the open space area on the western side of the site and meet some cost in embellishment and provision of playing fields. The applicant has allowed in this assessment 300m of roadway (12.5m wide) plus 3 hectares of embellishment, change rooms and toilets and car parking at a cost of \$1m.

It is reasonable to conclude from the above report that the proposed rezoning & subdivision has a positive impact on the local economy. The complete report is presented in Appendix 6.

5.2 Social impacts on the local & broader area

To determine the social impacts on the local area we also highlight extracts from a report commissioned by Hill PDA we. The report provides the following conclusions specifically in relation to the social benefits to the community.

- The proposed rezoning to industrial land provides quality access to employment within the local area, allowing the labour force to spend more time away from work and with families. This is consistent with Penrith Councils Strategic Plan in relation to the City and Its Economy.
- The land owner has agreed to provide access to the open space area on the western side of the site and meet some cost in embellishment and provision of playing fields.
- The rezoning and future development will allow for the improvement of infrastructure to the local area through development contributions and rates uplift.
- The location and operation of Taronga Park Zoo will allow for additional rehabilitation activities associated with the Emu Plains Correctional Facility. This will provide benefits to the area by improved social behaviour and increased work experience from persons upon completing their term within the prison; and
- The provision of a browse plantation provides social benefits to animals within the zoo. The location of a large plantation within 1 hour of the zoo increases the quality of feed presented to the animals within the zoo thus inturn increasing the overall health and wellbeing of the animals.

5.3 Flooding Impacts

The site is subject to flooding. It is considered that flooding would be the major constraint to development on the subject site. To determine the extent of flooding Patterson and Britten and Partners were engaged to model likely flooding scenarios and to provide guidance on the impact of flooding on both this site and the neighbouring sites. A complete flood survey has been included as Appendix 8 to this report. However the following recommendations have been extracted in the relation to the flood impacts on the site.

- *The flow expanding onto the floodplain from around the correctional facility forms a shear zone or edge with the remaining flow across the area. The maintenance of this corridor as a flow path will likely be an essential component in minimising impacts of development on the site. This would exclude development on a portion of the lot towards the river.*
- *It is assumed that the building areas for an eventual sub-division would be filled to the 100 year flood level plus a 500 mm freeboard allowance, and that the roads would be constructed to the 100 year level minus 250 mm to meet Council's floodplain development requirements. It is also assumed that some form of open corridor would be maintained for Lapstone Creek.*
- *The impact of any development on 100 yr ARI Hawkesbury-Nepean flood behaviour would likely be limited to slight increases in peak levels along the eastern side of the site as overland flows from the Old Bathurst Road underpass would be diverted into the Lapstone Creek and main channel flow paths.*
- *The impact of any development on 200 yr ARI Hawkesbury-Nepean flood behaviour is expected to be similar to the 100 yr flood with the addition of the extra overland flows being somewhat compensated for by flow passing across the site between the buildings with the increased water levels.*
- *Should the industrial zoning be approved, it is recommended that the development application for subdivision highlight the flow path corridor extent and level at the northern end of the site plus treatment of the Lapstone Creek corridor, and the spacing and elevation between the buildings.*

The flood modelling conducted in this report indicates that the land can be rezoned to the extent outlined in the report and reproduced in Appendix 3. This allows for a flow path suitable to cater for 1 in 200 year storm events.

5.4 Heritage Impacts

It was also anticipated that any development on the site may have impacts on both Aboriginal and European heritage. Comber Consultants Pty Ltd was commissioned to identify and understand these impacts. A complete report is included in Appendix 8 this report. The following conclusions and recommendations have been extracted and provided to summarise the results;

- *No Aboriginal archaeological sites or objects were located on the subject land. However, this was due to the dense vegetation cover which precluded the possibility of detecting any Aboriginal artefacts or sites. Therefore it is recommended that a program of sub-surface testing be undertaken prior to any development on the subject land. The aim of the sub-surface testing program will be to determine the presence or otherwise of Aboriginal artefacts, objects or sites on the subject land. If such are located further recommendations will need to be formulated in respect of any Aboriginal object located.*
- *In respect of the non-Aboriginal (historic) archaeological heritage of the subject site, no historic archaeological sites were located. The historic research undertaken in respect of this report indicates that it is highly unlikely that any historic relics will be located on the subject site. Therefore, no further assessment is required in respect of historic archaeological relics.*

To ensure that the development has no impact on heritage a program of sub-surface testing will be undertaken following rezoning and prior to any construction works commencing on the site.

5.5 Traffic Impacts

Of major concern to Council and the local residents is the impact of traffic on the local road system with the likely increase of traffic resulting from the development. In a report provided by Traffic Solutions Pty Ltd the following observations and conclusions were made;

- *The proposed driveway and new estate access road onto Old Bathurst Road will provide very good sight lines in both directions.*
- *The proposed subdivision has the potential to generate approximately 395 vehicle trips in the peak hours.*
- *The Level of Service at the intersection of Old Bathurst Road and Russell Street will not change with the estimated additional traffic generation of the proposed development.*
- *The intersection of Old Bathurst Road and Russell Street will continue to operate at an acceptable level with minimal delays and spare capacity.*

- *The proposed intersection of Old Bathurst Road and the proposed estate road will operate at a good level of service with minimal delays and space capacity.*

This report indicates that the development will not have any major impact on traffic in the local area. The complete report is included as in Appendix 9 attached to this report.

5.6 Site Contamination

With a previous use as agricultural it was anticipated that the site may be subject to contamination from a variety of different sources. New Environment Pty Ltd were commissioned to investigate and report on possible site contamination. The following conclusions are drawn from the report based on the findings of a preliminary site investigation for the subject site;

- *A preliminary site investigation was carried out at the site, following the request of Virtus. It is understood that Virtus is planning to lodge a development application for site redevelopment for industrial purposes. This investigation aims to partially fulfil the requirement by Council to allow Council to consider the development application. The investigation consists of site walkover and site history review.*
- *The site walkover inspection performed on 7th November 2005 revealed the site had in certain areas fragments of fibre cement that contain asbestos as well as building rubble and disposed electrical appliances. The site having being used for agricultural purposes might have a history of the use of chemicals (e.g. pesticides and other organic chemicals). The site may have been exposed to chemicals possibly used in the plumbing industry.*
- *Within the scope and limitations of this investigation New Environment believes that the site is not unsuitable for its intended use as an Industrial site. However New Environment makes the following recommendations.*
 - *New Environmental recommends that any possible asbestos containing material be removed from the site prior to any development work. A program of soil sampling and subsequent testing should be considered to determine any subsurface asbestos contamination, as well as other contaminants (e.g. pesticides, heavy metals)*
 - *The types of soils that could be on the site may be acidic. Acidic soil affects the setting of concrete footing thus testing of soil pH is recommended if any concrete piling work is to be carried out.*
 - *New Environment also recommends that given the erodability of the soil, a program be put into place to minimise erosion.*

This report recommends further subsoil testing to identify any further asbestos on the site. This issue can be adequately managed prior to any development on the site. The report has been provided in Appendix 10 attached to this report.

5.7 Local Flora and Fauna

AES Environmental Consultancy was commissioned to assess the possible impacts on local flora and fauna for the proposed development. The following observations and recommendation were made;

- *Most of the site is cleared grazing land, with some remnant trees. There is a strip of degraded Cabbage Gum Open Forest that occurs on the southern side of the Lapstone Creek drainage channel in the southern half of the site. This vegetation type is a variant of River-flat Eucalypt Forest, which is listed as an endangered ecological community on the TSC Act.*
- *No threatened flora species were recorded during the field survey. It is considered that the site is too degraded to support soil seedbanks of any threatened flora species.*
- *No threatened fauna species were recorded during the field survey. However, it is considered the following threatened fauna species listed on the TSC Act may occasionally use the site: Grey-headed Flying-fox, Eastern False Pipistrelle, Eastern Little Mastiff-bat and Common Bentwing Bat. Of these, the Grey-headed Flying-fox is listed as vulnerable on the EPBC Act.*
- *Based on the site vegetation's condition, potential for recovery, conservation significance and likelihood of threatened species occurring, there is a moderate constraint on development. This means that the site could be developed provided reasonable measures were taken to retain some of the vegetation or compensate for its loss. In this regard, it is recommended that the site's River-flat Eucalypt Forest be retained and that locally occurring native plant species be planted in the associated drainage easement.*
- *Given the above, it is considered that industrial development of the site would not have a significant impact on any threatened species, populations, ecological communities, or their habitats. In relation to the TSC Act, a Species Impact Statement would not be required for a development application. In relation to the EPBC Act, development would not be a controlled action and approval from the Minister for the Environment would not be required.*

It is anticipated that a suitable setback from Lapstone Creek will be required and should provide an adequate buffer to maintain the significant trees identified in the above report. The report is included in the Appendix 11 attached to this report.

5.8 Amenity Impacts

Amenity impacts are discussed as short term amenity impacts resulting from construction activities and long term amenity impacts resulting from the ongoing operation on the site.

5.8.1 Short term impacts

Adjacent residents may have concerns in relation to short term impacts resulting from the construction activities on the site. The following table highlights the possible concerns and the controls that will be implemented to alleviate these concerns;

Concern	Comments / Control
Noise	Noise from earth moving operations may impact on adjacent residents. It is anticipated that the development consent will stipulate hours of operation for construction activities. A noise management plan will also be developed to identify, assess and control impacts resulting from noise
Dust	During construction dust may impact on adjacent residents. Prior to construction commencing a dust management plan will be developed to ensure that dust does not leave the site. The management plan will identify and control likely sources of dust

5.8.2 Long term impacts

Adjacent residents may also have concerns in relation to operational noise and visual impacts. The following table highlights the possible concerns and the controls that will be implemented to alleviate these concerns;

Concern	Comments / Control
Noise	Residents may have concerns that noise from industrial activities may impact on their long term amenity. Whilst the zoning permits a broad range of activities, each operation requires separate development consent. Where an applicant can not demonstrate that their activities will have no noise impacts, Council will be in a position to refuse development consent. It must also be noted that a dense vegetation buffer will separate the activities from the residents which will further reduce any potential noise impacts.
Visual Amenity	It is considered that the immediate residents in Russell Street will have major concerns in relation to the long term visual impact of the development. Currently the site provides a rural setting for the residents and the rezoning would likely result in a loss of this perceived amenity. It is considered that any proposal would allow for a large buffer area of landscaping consisting of both physical

	barriers and established native landscaping. Figure 2 below demonstrates the current outlook of residents in Russell Street. Figure 3 is an artist's impression on the future outlook for these residents. As demonstrated the visual impact can be adequately controlled through landscaping. It would be expected that the landscaping must be well established prior to works commencing on the site. The impact of the development on the Blue Mountains Eastern Escarpment must also be considered. It is anticipated that by limiting building heights that the site is low enough on the plains to cause no intrusion into the escarpment. It is also considered that a future Development Control Plans or covenants would address these visual concerns by stipulating suitable colours and materials and maximum building heights to ensure that the buildings do not detract from the Blue Mountains Eastern Escarpment and are not visible to the neighbouring residential buildings
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In conclusion the proposed rezoning does not present any major impacts that cannot be appropriately mitigated through management of the development and future operations on the subject site.



Figure 4 – Current view from residential dwellings in Russell Street

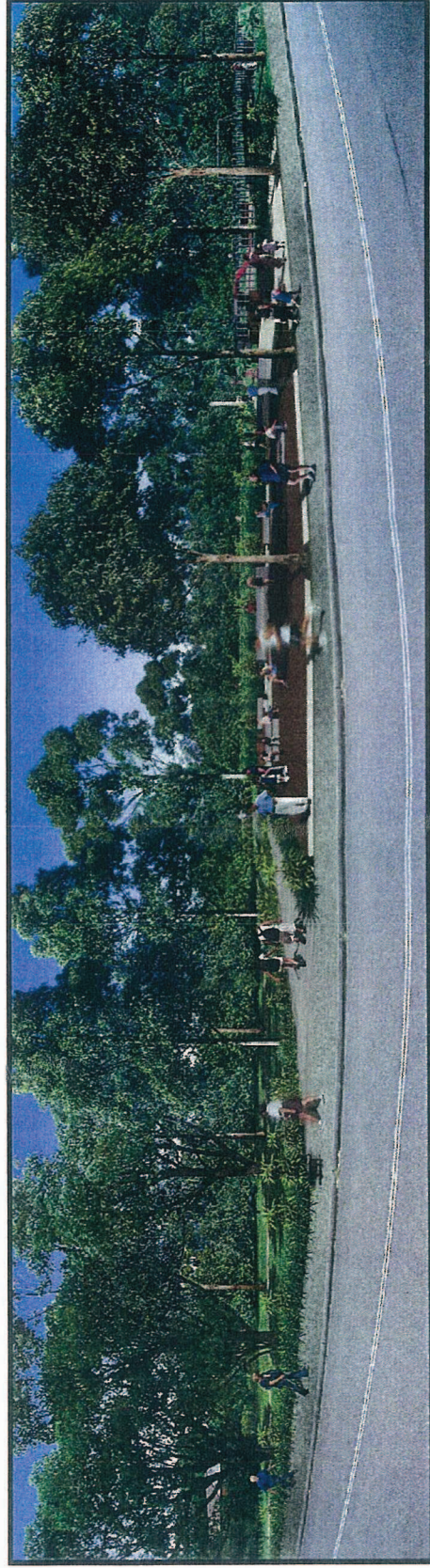


Figure 5 – Proposed view from residential dwellings in Russell Street

6. Zoning Alternatives for the Site

6.1 Option One

Retaining the existing regulatory controls applying to the site. That is, to allow for the development of the site for a permissible use under the provisions of Interim Development Order No. 93.

The following comments are offered;

6.1.1 Positives

- Such a development maintains the rural character of this parcel of Land. However as the zoning suggests the site is nominated as *Future Urban* of which this zoning was not likely to remain.

6.1.2 Negatives

- Many of the permissible uses may result in conflicts between the residential and agricultural use, particularly with the use as pesticides and fertilizers required for such uses.
- The current controls are outdated and do not represent the existing demand for employment generating developments of the type and nature proposed.
- The permissible uses results in no social and or economic benefit to Penrith Council or the broader community.

6.2 Option Two

As suggested by the Rural Lands Strategy the site has been identified as possible future housing (subject to flood investigations).

The following comments are offered;

6.2.1 Positives

- The development of housing would be more compatible with the adjacent land to the west.

6.2.2 Negatives

- The development of housing would not be compatible with surrounding land use to the north, south and east.
- The development of housing would be inconsistent with State and Local Government strategic plans for employment lands.
- This use results in no long term social and or economic benefit to Penrith Council or the broader community.

7. Conclusion

In conclusion this report has demonstrated that the proposed rezoning is consistent with local and state strategic policies. All relevant issues pertaining to the rezoning of the subject site can be adequately managed in the short and longer term.

Due to the strategic significance of the proposal it is recommended that Council consider in this instance a spot rezoning on the subject site. It has been demonstrated by expert independent consultants that there are significant economic and social benefits to Penrith City Council and the local area.

Our assessment concludes that the proposal represents sound and proper town planning and should be recommended for rezoning by Penrith City Council.

8. Appendices

1.1 Appendix 1 – Survey

