

The development proposal will provide new local employment opportunities for the community which will reduce the need to travel outside the LGA for employment.

- ***Are there significant Government investments in infrastructure or services in the area whose patronage will be affected by the proposal? If so, what is the expected impact?***

The Emu Plains rail station has undergone significant capital upgrades. The proposal will only lead to increase patronage of that facility.

No other significant infrastructure works are programed for the local area.

- ***Will the proposal impact on land that the Government has identified a need to protect (e.g. land with high biodiversity values) or have other environmental impacts? Is the land constrained by environmental factors such as flooding?***

The land is impacted by flooding. Extensive flood modelling and analysis has been undertaken as part of the Planning Proposal and preceding rezoning application and demonstrates that all adverse flood impacts can be suitably managed on site.

- ***Will the LEP be compatible/complementary with surrounding land uses? What is the impact on amenity in the location and wider community?***

The development proposal simply reflects the prevailing land use pattern of a large industrial development adjoining residential land uses.

Amenity impacts of this outcome were addressed as part of the initial rezoning application and demonstrated that any adverse impact could be mitigated as part of the development and site operations. Additional Acoustic analysis has been prepared and accompanied this Planning Proposal.

- ***Will the public domain improve?***

The development proposal creates an opportunity to undertake environmental restoration works adjacent to the Nepean River corridor. This option will not eventuate under the existing planning regimes.

- ***Will the proposal increase choice and competition by increasing the number of retail and commercial premises operating in the area?***

Not relevant as no new retail or commercial facilities are proposed.

- ***If a stand-alone proposal and not a centre, does the proposal have the potential to develop into a centre in the future?***

The development proposal represents a small and logical extension to an adjacent large and established industrial precinct.

- ***What are the public interest reasons for preparing the draft plan? What are the implications of not proceeding at that time?***

The development will provide new local employment opportunities in the order of 1300 full time workers on site post construction.

SECTION B: RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK

4. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

METROPOLITAN PLAN FOR SYDNEY 2036

This plan represents contemporary metropolitan strategy for the Sydney region. The plan identifies 9 different strategic directions. *Strategic Direction E. Growing Sydney's Economy* is the most relevant and identifies a series objectives and actions. These are identified below:

TABLE 1: RELEVANT OBJECTIVES AND ACTIONS

STRATEGIC DIRECTION E Growing Sydney's Economy	
OBJECTIVE E1	TO ENSURE ADEQUATE LAND SUPPLY FOR ECONOMIC ACTIVITY, INVESTMENT AND JOBS IN THE RIGHT LOCATIONS
E1.1	Reflect new subregional employment capacity targets in <i>Subregional Strategies</i> and <i>Local Environmental Plans</i>
E1.2	Establish an Employment Lands Task Force to promote and ensure the orderly development of Employment Lands
OBJECTIVE E3	TO PROVIDE EMPLOYMENT LANDS TO SUPPORT THE ECONOMY'S FREIGHT AND INDUSTRY NEEDS
E3.1	Monitor supply and demand for employment lands, and plan for new employment lands
E3.2	Identify and retain strategically important employment lands
E3.3	Strengthen existing freight and industry clusters and support emergence of new clusters

In summary the Plan states that Sydney will require 760,000 more jobs by 2036 with half of those planned for Western Sydney with a focus on cities and centres where the greatest population growth will occur.

The Department of Planning estimates that Sydney may need 8500ha of new employment lands.

The planning proposal is consistent with the objectives and actions of this strategic direction as it will provide new employment lands adjacent to existing serviced and industrial zoned land in Western Sydney.

In relation to *E3.1 monitoring supply and demand of industrial land* a recent Evaluation Report prepared by the Department of Planning & Infrastructure specifically examined this issue in the context of the subject site. This report referenced the NSW Employment Lands Development Program (ELDP) Update Report 2011 which identifies a decline in undeveloped serviced industrial land across key industrial precinct in Penrith inclusive of the Emu Plains industrial area.

Accordingly, the Planning Proposal is also consistent with this action.

NORTH WEST SUB REGIONAL PLAN (DRAFT)

Subregional planning is an intermediate step in translating the Metropolitan Strategy. Draft Sub-regional Strategies act as a broad framework for the long term development of the area, guiding Government investment and linking local and state planning issues.

They also provide the detail required to guide the preparation of Principal Local Environment Plans (LEPs), which is the key legislation that links local councils and State Government in land use planning for each Local Government Area (LGA).

As part of the North Western Sydney Sub-Regional Plans, the Department of Planning has estimated that Penrith's population will

grow to around 220,000 by 2031, an increase of over 40,000 people during that period.

To accommodate this, the strategy identifies growth targets for the Penrith LGA that include a further 25,000 dwellings in established areas and an additional 28,000 jobs.

The Strategy identifies the Emu Plains industrial Precinct as one of the 43 major industrial precincts in the entire sub-region and gives the following commentary:

"36) Emu Plains Industrial Area (Manufacturing–Light, Manufacturing–Heavy, Urban Services, Business Park) is 125 hectares and is located west of the Nepean River and north of the Main Western Rail Line. The area is characterized by extractive–related activities and larger manufacturing industries such as concrete pipe construction and paper products. There are also important urban support services and some business park style uses."

The strategy also identifies the following additional and region specific action to supplement those provided by the Metro Strategy:

NW
A1.1.2

North West councils to prepare Principal LEPs which provide sufficient zoned and serviced commercial and employment land to meet the employment capacity targets (Hawkesbury 2008, Penrith and Blacktown 2009, Baulkham Hills and Blue Mountains 2011).

The subject lands is located immediately opposite and adjacent to the Emu Plains Industrial Precinct and is therefore ideally suited to assisting meeting the continuing demand for new industrial lands.

Accordingly, it is considered that the proposal is well consistent with strategic planning framework.

5. Is the planning proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?

The consistency of the Planning Proposal with Councils strategic planning framework was demonstrated at earlier previous sections of this report.

The following Council resolutions also demonstrate the intention of Council to rezone the subject lands:

EMPLOYMENT LANDS STRATEGY

At the completion of the exhibition period Council made the following resolution:

*Council adopt the Employment Planning Strategy, as attached to this report, with the site at **Old Bathurst Road/Russell Street** to be included in the Draft LEP as General Industrial, with all other issues to be assessed as part of a future Development Application.*

(Confirmed Minutes of Ordinary Meeting of PCC, 26/3/07).

DRAFT LEP 2010 – STAGE 1

Council rezoned a southern portion of the site to an industrial zoning as part of Penrith LEP 2010. (See figure 8). As part of this decision Council resolved to defer re-zoning of the northern section of the site

pending completion of the cumulative flood study undertaken by the proponent with that study to determine the appropriate flood level.

- 1. The land to the south of the flood planning level, adjacent to Old Bathurst Road, be retained in draft Penrith Local Environmental Plan 2008, and zoned IN2 Light Industrial*
- 2. The land to the north of the flood planning level be deferred to LEP 2010 Stage 2*
- 3. The flood planning level for the property as a whole be determined with reference to the cumulative flood study and modelling currently being undertaken by Hydraulic Engineers, Worley Parsons.*

**(Confirmed Minutes of Policy Review Committee Meeting of
PCC, 21/10/09).**

OLD BATHURST RD – PLANNING PROPOSAL

In response to the receipt of two independent assessments undertaken in relation to the subject Planning Proposal Council resolved as follows at a recent Council meeting:

That:

- 1. The information contained in the report on Planning Proposal - Land at 1-4 Old Bathurst Road, Emu Plains be received.*
- 2. In accordance with Sections 55 and 56 of the Environmental Planning and Assessment Act 1979, that the Planning Proposal prepared by Cityscape Planning and Projects dated September 2011, the original rezoning application dated February 2006 and supporting documentation, and the Department of Planning and Infrastructure's 25 September 2012 Evaluation Report be forwarded to the Department of Planning and Infrastructure seeking a Gateway Determination.*
- 3. The Department of Planning and Infrastructure be requested to include in its Gateway Determination confirmation of the terms of reference that are identified in*

the Evaluation Report, prepared by the Department of Planning and Infrastructure and any other specific further investigations required under Section 56 of the Environmental Planning and Assessment Act 1979.

- 4. The engagement of a suitably qualified consultant be agreed between Council and the proponent to conduct an independent review of flooding matters based on the terms of reference confirmed by the Department of Planning and Infrastructure's Gateway Determination.*
- 5. Council officers be authorised to request the proponents to make any minor amendments to the Planning Proposal necessary to meet the Department of Planning and Infrastructure's guidelines for the content and format for Planning Proposals.*

**(Confirmed Minutes of Policy Review Committee Meeting of
PCC, 8/10/12).**

6. Is the planning proposal consistent with applicable state environmental planning policies?

An assessment against these planning instruments is provided At Table 2 and demonstrates consistency where relevant with all planning instruments.

TABLE 2: RELEVANT PLANNING INSTRUMENTS

SEPP TITLE	CONSIS -TENCY	COMMENTS
SEPP (Urban Renewal) 2010	N/A	
SEPP (Western Sydney Employment Area) 2009	N/A	
SEPP (Affordable Rental Housing) 2009	N/A	
SEPP (Western Sydney Parklands) 2009	N/A	
SEPP (Exempt and Complying Development Codes) 2008	Y	

SEPP (Rural Lands) 2008	N/A	
SEPP (Kosciuszko National Park - Alpine Resorts) 2007	N/A	
SEPP (Infrastructure) 2007	Y	
SEPP (Temporary Structures and Places of Public Entertainment) 2007	Y	
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	Y	
SEPP (Sydney Region Growth Centres) 2006	N/A	
SEPP (Major Development) 2005	Y	
SEPP (Development on Kurnell Peninsula) 2005 N/A	N/A	
SEPP (Building Sustainability Index: BASIX) 2004	Y	
SEPP (Housing for Seniors or People with a Disability) 2004	N/A	
SEPP No. 71 - Coastal Protection	N/A	
SEPP 70 - Affordable Housing (Revised Schemes)		
SEPP No. 67 - Macquarie Generation Industrial Development Strategy	N/A	
SEPP No. 65 - Design Quality of Residential Flat Development	N/A	
SEPP No. 64 - Advertising and Signage	Y	
SEPP No. 62 - Sustainable Aquaculture	Y	
SEPP No. 60 - Exempt and Complying Development	Y	
SEPP No. 59 - Central Western Sydney Regional Open Space & Residential	N/A	
SEPP No. 55 - Remediation of Land	Y	
SEPP No. 50 - Canal Estates	Y	
SEPP No. 53 - Metropolitan Residential Development	Y	
SEPP No. 47 - Moore Park Showground	N/A	
SEPP No. 44 - Koala Habitat Protection	N/A	
SEPP No. 41 - Casino/Entertainment Complex	N/A	
SEPP No. 39 - Spit Island Bird Habitat	N/A	
SEPP No. 36 - Manufactured Home Estates	N/A	
SEPP No. 33 - Hazardous and Offensive Development	Y	
SEPP No. 32 - Urban Consolidation (Redevelopment of	N/A	

Urban Land)		
SEPP No. 30 - Intensive Agriculture	N/A	
SEPP No. 29 - Western Sydney Recreation Area	N/A	
SEPP No. 26 - Littoral Rainforests N/A	N/A	
SEPP No. 22 - Shops and Commercial Premises	N/A	
SEPP No. 21 - Caravan Parks	N/A	
SEPP No. 19 - Bushland in Urban Areas	N/A	
SEPP No. 15 - Rural Land-Sharing Communities	N/A	
SEPP No. 14 - Coastal Wetlands	N/A	
SEPP No. 6 - Number of Storeys in a Building	Y	
SEPP No. 4 - Development without Consent and Miscellaneous Complying Development	Y	
SEPP No. 1 - Development Standards	Y	
SREP 20 No. 20 – Hawkesbury-Nepean River (No2)	Y	

7. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

An assessment against these directions is provided in Table 3:

TABLE 3: S117 DIRECTIONS

DIRECTIONS UNDER s.117(2)		CONSIST- ENCY	JUSTIFICATION (where inconsistent)
1. Employment and Resources			
1.1	Business and Industrial Zones	Yes	
1.2	Rural Zones	Yes	
1.3	Mining, Petroleum Production and Extractive Industries	N/A	
1.4	Oyster Aquaculture	N/A	
1.5	Rural Land	N/A	
2. Environment Heritage			
2.1	Environment Protection Zones	Yes	
2.2	Coastal Protection	N/A	
2.3	Heritage Conservation	Yes	
2.4	Recreation Vehicle Areas	Yes	
3. Housing, Infrastructure and Urban Development			
3.1	Residential Zones	N/A	
3.2	Caravan Parks and Manufactured Home Estates	N/A	
3.3	Home Occupations	N/A	
3.4	Integrating Land Use and Transport	Yes	
3.5	Development Near Licensed Aerodromes	N/A	
3.6	Shooting Ranges	N/A	
4. Hazard and Risk			
4.1	Acid Sulfate Soils	Yes	
4.2	Mine Subsidence and Unstable Land	N/A	
4.3	Flood Prone Land	No	The site is within a flood planning area however

			detailed flood studies that accompany the planning proposal demonstrate that inconsistency is of a minor significance as it does not cause significant impact on flood behaviour and the flood risk can be managed appropriately in terms of personal risk and flood damage risk.
4.4	Planning for Bushfire Protection	Yes	
5.	Regional Planning	N/A	
6.	Local Plan Making		
6.1	Approval and Referral Requirements	Yes	
6.2	Reserving Land for Public Purposes	Yes	
6.3	Site Specific Provisions	Yes	
7.	Metropolitan Strategy		
7.1	Implementation of the Metropolitan Plan for Sydney 2036	Yes	

SECTION C: ENVIRONMENTAL SOCIAL AND ECONOMIC IMPACT

8. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

The site is largely cleared of remnant bushland as part of previous agricultural use. Flora and fauna studies prepared as part of the rezoning application demonstrate that no adverse ecological impacts will arise from rezoning and development of the site.

9. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

The rezoning submission demonstrated that there is unlikely to be any adverse environmental effects arising from the zoning and development of the site for industrial purposes. This was demonstrated by the following technical studies that accompanied this submission.

- Flooding – Patterson Briton and Partners & Worley Parsons
- Flora and Fauna Assessment - AES Environmental
- Traffic Analysis – Traffic Solutions
- Contamination – New Environment
- Heritage – Comber Consultants

Key matters arising from these studies were that adverse amenity impacts related to traffic can be managed by ensuring that all vehicle access is provided via Old Bathurst Rd.

Additional acoustic impacts on adjacent residential development could also be managed by the Provision of IN2 zoning adjacent to Russell St residential development and mitigation measures such as increased building setbacks and acoustical barriers.

The results of a more detailed acoustical impact assessment, inclusive of any proposed mitigation measures will be provided as part of the public exhibition of the Planning Proposal.

10. How has the planning proposal adequately addressed any social and economic effects?

The rezoning submission identified positive social and economic benefits arising from the zoning and development of the site for industrial purposes. This includes the potential to generate about 1,300 full time workers on site plus significant additional construction and multiplier jobs.

SECTION D: STATE & COMMONWEALTH INTERESTS

11. Is there adequate public infrastructure for the planning proposal?

The site adjoins existing urban development which enables connection to a full suite of urban services and infrastructure required to support the rezoning and development of the site.

12. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

This section of the Planning Proposal is completed following consultation with the State and Commonwealth Public Authorities identified in the gateway determination and must summarise any issues raised by public authorities not already dealt with in the Planning Proposal, and address those issues as appropriate.

However, some informal consultation has been undertaken with *Office of Hawkesbury Nepean* which has not identified any fundamental objection to the rezoning proposal.

PART 4: COMMUNITY CONSULTATION

Community consultation will be carried out in accordance with Section 4.5 of *A Guide to Preparing LEPs (Department of Planning 2009)*.

The consultation program will extend over 28 days include:

- Newspaper Advertising through local media to inform the community that the exhibition has started, how long it will run, how information can be obtained and how to make a submission.
- Website - Availability of information through the internet, including copies of the Planning Proposal which can be downloaded.
- Information available at exhibition points highlighting key features of the draft Planning Proposal, closing date for the exhibition and how to make a submission.
- Letters to individual land owners and those in the surrounding area advising of the exhibition of the Planning Proposal and where it can be viewed.

A number of supporting documents will be exhibited with the Planning Proposal to assist in understanding the planning documents. The supporting documents will include:

- A copy of the Standard Instrument Order.

- A full list of the relevant State Government policies, plans and directions, which have been taken into account when developing the Planning Proposal.
- Technical studies and supporting documentation as discussed in this Planning Proposal.