

cityscapeplanning+projects

LOTS 1-4 OLD BATHURST RD, EMU PLAINS

PLANNING PROPOSAL

PREPARED FOR:

DEPARTMENT OF PLANNING & INFRASTRUCTURE

OCTOBER 2012

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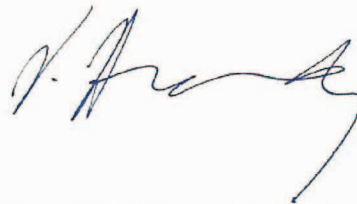
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TABLE OF CONTENTS

INTRODUCTION	1
BACKGROUND	1
SUBJECT SITE	2
PART 1: OBJECTIVES OR INTENDED OUTCOMES	4
PART 2: EXPLANATION OF PROVISIONS	4
PART 3: JUSTIFICATION	10
SECTION A: NEED FOR THE PLANNING PROPOSAL ..	10
SECTION B: RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK	21
SECTION C: ENVIRONMENTAL SOCIAL AND ECONOMIC IMPACT	31
SECTION D: STATE & COMMONWEALTH INTERESTS	32
PART 4: COMMUNITY CONSULTATION	34
 ANNEXUREA : SURVEY PLAN	

INTRODUCTION

Cityscape Planning + Projects has been engaged by *Juketop Pty Ltd* to prepare a *Planning Proposal* for the subject site.

The Planning Proposal explains the intended effect of a proposed local environmental plan (LEP) and sets out the justification for making that plan.

The report has been prepared in accordance with the Department of Planning and Infrastructure requirements as set out in *Guide to Preparing Local Environmental Plans (2009)* and *Guide to Preparing Planning Proposals (2009)*.

The proposal has been prepared to assist the Joint Regional Planning Panel (JRPP) with their assessment of their considerations pursuant to the subject site.

BACKGROUND

The *Planning Proposal* does not represent a new rezoning proposal but rather seeks to merely contemporise an original and outstanding rezoning submission dated 2005.

Accordingly, it does not introduce any new technical studies or information, but simply relies upon those studies that formed part of the original rezoning application and submissions to Council.

SUBJECT SITE

The site is a large rectangular shaped parcel of land located on the north eastern corner of the Old Bathurst Rd and Russell St Emu Plains. The site also directly adjoins the Nepean River corridor at its northern boundary. Figure 1-2 identify the location of the site and provide an aerial photo.

The site is comprised of four lots with the following real property description:

Lot 1-2 DP 517958 Lots 3-4 DP 574650

FIGURE 1: LOCATION OF SITE

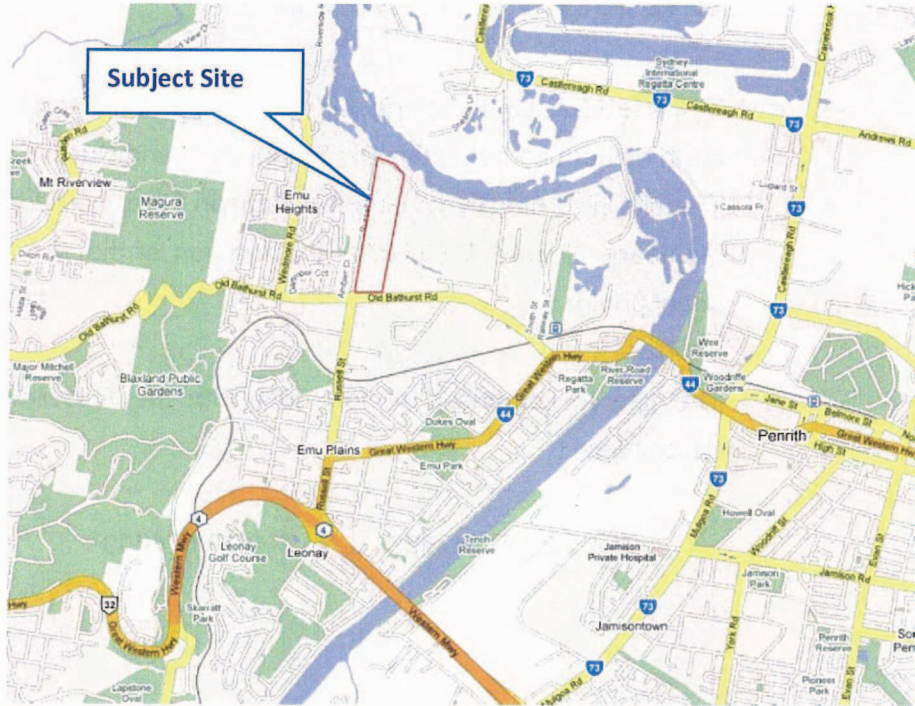


FIGURE 2: AERIAL PHOTO OF SITE



PART 1: OBJECTIVES OR INTENDED OUTCOMES

To enable the site to be developed for industrial land uses except for a corridor of land along the river frontage that will be retained for environmental management purposes.

PART 2: EXPLANATION OF PROVISIONS

A. PROPOSED ZONES

Amend the *Penrith LEP 2010 Land Zoning Map* in accordance with the proposed map shown at Figure 3.

The effect of this would be to zone 18.1647ha of the site as IN2 Light Industrial and 4.154ha as E3 Environmental Management.

B. PROPOSED MINIMUM LOT SIZE

Amend the *Penrith LEP 2010 Lot Size Map* in accordance with the proposed map shown at Figure 4.

The effect of this would be to designate 18.1647ha of the site as having a minimum lot size of 2000m² and the balance having a minimum lot size of 20ha.

C. PROPOSED HEIGHT OF BUILDINGS

Amend the Penrith *LEP 2010 Height of Buildings Map* in accordance with the proposed map shown at Figure 5.

The effect of this would be to designate 18.1647ha of the site as having a maximum building height of 12m.

D. SCENIC AND LANDSCAPE VALUES

Amend the *Penrith LEP 2010 Scenic and Landscape Values Map* in accordance with the proposed map shown at Figure 6.

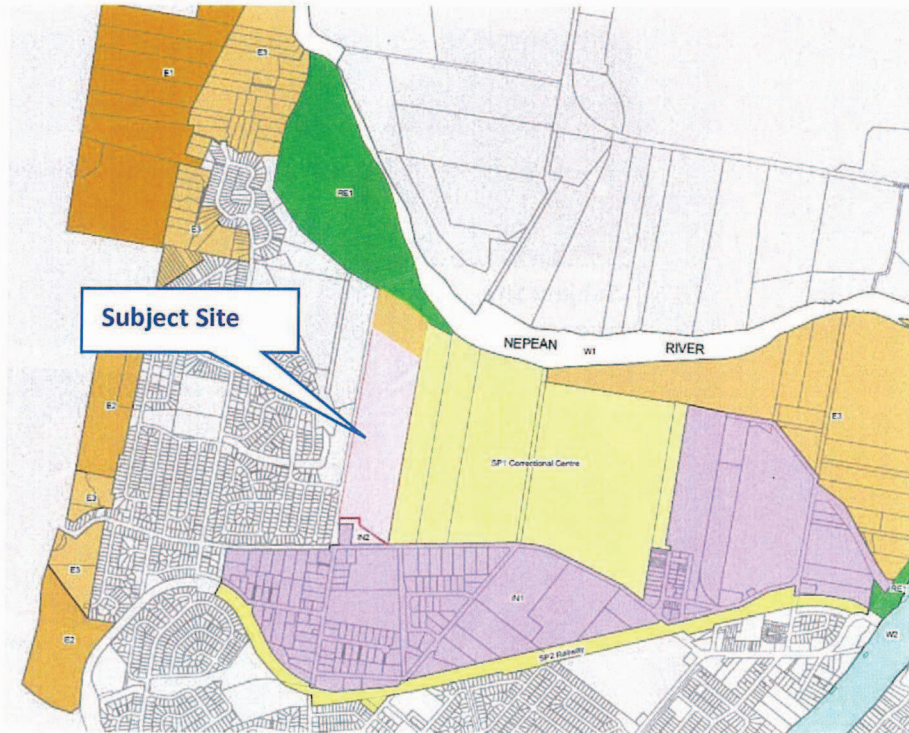
The effect of this would be to designate the entire site as being subject to the protection of scenic character and landscape value provisions as provided at clause 6.5 of Penrith LEP 2010.

E. LAND APPLICATION MAP

Amend the Penrith LEP 2010 Land Application Map by removing the sites designation as *Deferred Matter*.

NB: proposed site areas relating to zones and minimum lot size areas etc are calculated in accordance with survey plan provided at Annexure A.

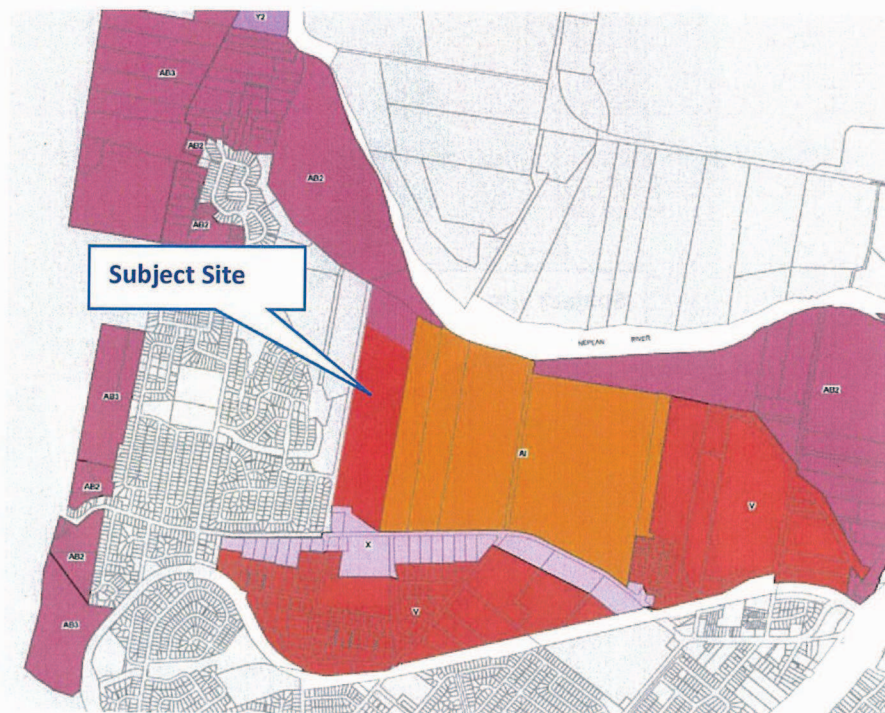
FIGURE 3: PROPOSED LAND ZONING MAP



Zone

- B4** Mixed Use
- E1** National Parks and Nature Reserves
- E2** Environmental Conservation
- E3** Environmental Management
- E4** Environmental Living
- IN1** General Industrial
- IN2** Light Industrial
- R5** Large Lot Residential
- RE1** Public Recreation
- RE2** Private Recreation
- RU1** Primary Production
- RU2** Rural Landscape
- RU4** Rural Small Holdings
- RU5** Village
- SP1** Special Activities
- SP2** Infrastructure
- W1** Natural Waterways
- W2** Recreational Waterways
- DM** Deferred matter

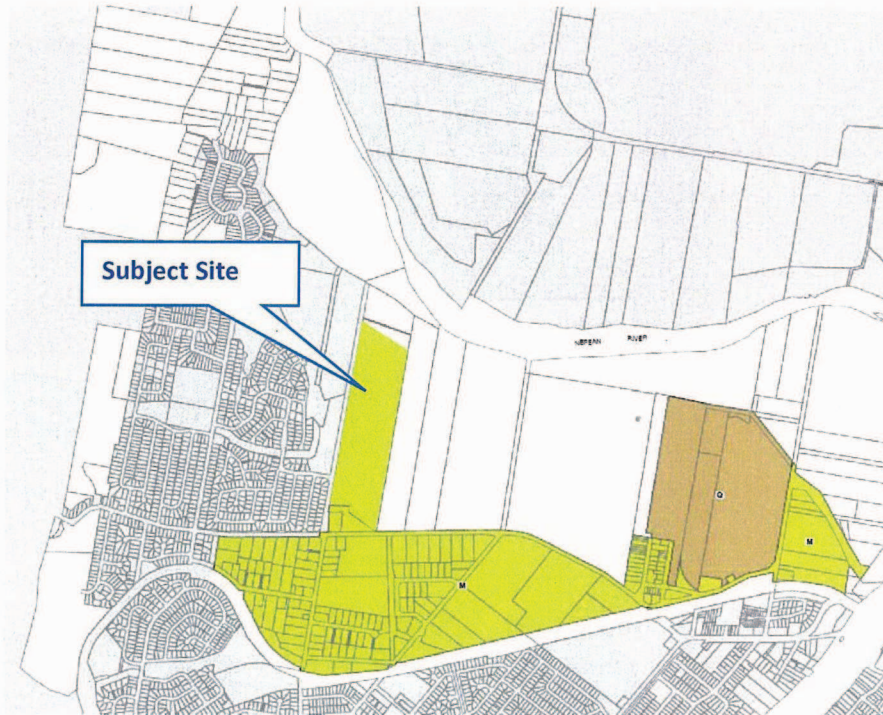
FIGURE 4: PROPOSED LOT SIZE MAP



Minimum Lot size (sq m)

K1	550
K2	560
U1	1000
U2	1200
V	2000
W	4000
X	6000
Y1	10000 (1 ha)
Y2	12500 (1.25 ha)
Z	20000 (2 ha)
AB1	100000 (10 ha)
AB2	200000 (20 ha)
AB3	400000 (40 ha)
AI	10000000+ (1000ha+)
	Refer to clause 6.13 or 6.15

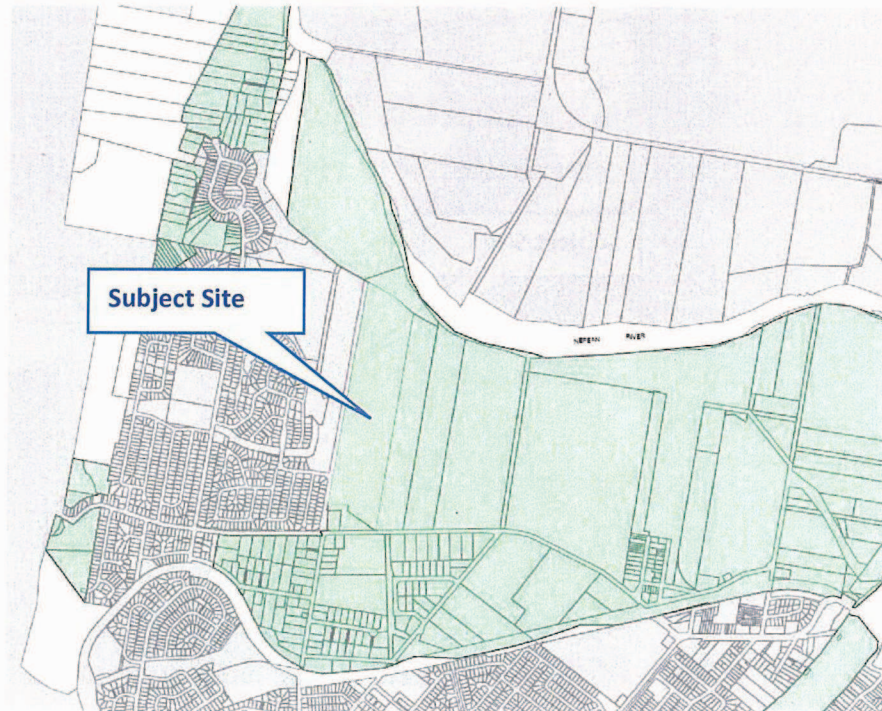
FIGURE 5: PROPOSED HEIGHT OF BUILDINGS MAP





Maximum Building Height (m)

M	12
O	16
Q	19
S	24
U	32

FIGURE 6: SCENIC LANDSCAPE VALUES MAP



-  Land with scenic and landscape values
-  Vistas of heritage items

PART 3: JUSTIFICATION

SECTION A: NEED FOR THE PLANNING PROPOSAL

1. Is the planning proposal a result of any strategic study or report?

CURRENT ZONING

The bulk of the site is currently zoned 1(d) Rural (***Future Urban***) under IDO 93 (dated 1980). This existing zoning reflects a long held policy and planning position that the lands possess long term capability for conversion to urban land uses..

REZONING APPLICATION AND STUDIES - 2006

A rezoning application with numerous technical studies and reports was prepared and submitted to the Council. The accompanying technical studies included:

- Economic Analysis – Hill PDA
- Flooding – Patterson Briton and Partners Flora and Fauna Assessment - AES Environmental
- Traffic Analysis – Traffic Solutions
- Contamination – New Environment
- Heritage – Comber Consultants

The rezoning submission concluded that the proposed rezoning does not present any major impacts that cannot be appropriately mitigated through the management of the development and future operations on the subject site.

Additional detailed flood studies were subsequently prepared by Worley Parsons and confirmed this view. A peer review of these flood studies was also undertaken by Cardno.

PENRITH EMPLOYMENT PLANNING STRATEGY – MARCH 2007

The *Penrith Employment Strategy* was adopted by Penrith City Council in 2007. The Strategy makes recommendations for the strategic direction of employment planning for City of Penrith and how it is to be managed in the next 10 to 25 years.

Background studies undertaken to support the study stated the following with regard to the demand for industrial zoned land:

“...Penrith’s industrial land supply would be completely exhausted either by 2020—assuming a low rate of take-up—or by 2013—assuming an average take-up rate....

Planning for the future expansion of industrial land stocks will, of course, need to occur well prior to 2020. It would be totally inappropriate, for instance, that Council allowed the City’s stock of industrial land to become fully exhausted before planning and implementing new industrial land releases. In view of the considerable time-frame required to zone and service industrial land, action to increase supply may need to be initiated at least five to eight years before the land is actually required.

Further, if as a result of the factors discussed previously, average annual industrial land take-up in Penrith accelerates, the ‘window’ for ensuring a satisfactory forward supply of industrial land in Penrith may shrink. For instance, if Council wishes to ensure an adequate supply of traditional industrial

land up to 2021 it is advisable to commence the investigative and rezoning process as soon as possible to ensure that new land becomes available in a timely manner. This would also allow for a potential escalation in the take-up rate which may occur in future years due to transport improvements.

(Penrith LGA Employment Lands Study – Stage 2. Leyshon Consulting 2004).

In response to this analysis the Strategy identified the following Actions:

C. Research, monitoring and review issues relating to Employment Planning

Strategy	Policy Action	Responsibility	Time Frame
Ensure employment issues and trends are recognised in Council's strategic directions and programs.	Monitor international, national and metropolitan employment issues and trends, and integrate the research in Councils' Strategic and Management planning processes.	LEDPM	ongoing
Ensure that there is sufficient area of different types of employment land to cater for long term employment growth in the City.	Establish regular consultations with major landowners, to monitor the potential for land that may become surplus, or relevant to future planning activities.	LEDPM LPM EPM	ongoing

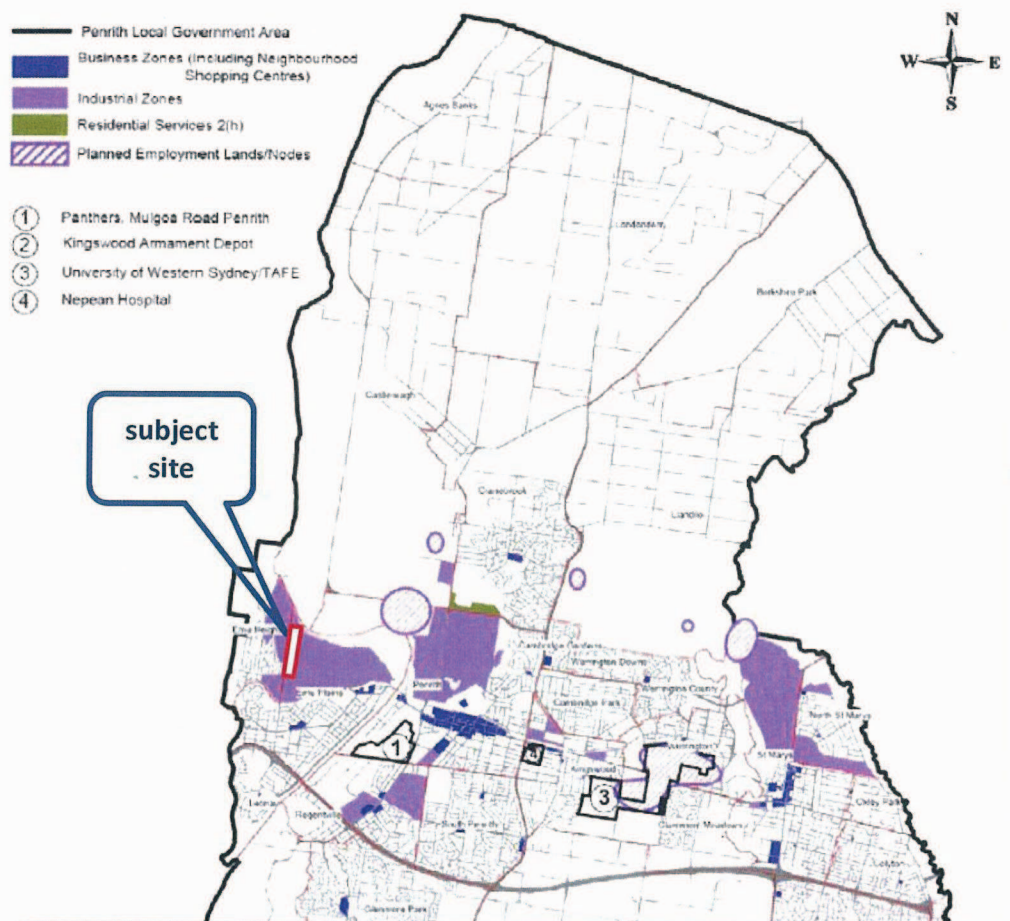
PENRITH PLANNING STRATEGY – OCTOBER 2008

This strategy represented the primary document associated with the preparation, exhibition and gazettal of *Penrith LEP 2010*.

The strategy encompassed many land use issues however with regards to the planning for employment lands, identified the challenge of providing sufficient lands to meet the continuing demand. As part of

this strategy it provides a plan that identified current and planned employment areas in the LGA. An extract of this plan is provided at Figure 7.

FIGURE 7: CURRENT + PLANNED EMPLOYMENT LANDS



Source: Penrith Planning Strategy (October 2008) p. 36

This plan identifies both the existing Emu Plains industrial precinct together with adjacent lands as providing potential opportunities to meet the demand for new industrial lands. Inexplicably this plan excluded the subject from this precinct despite it possessing no uniquely distinguishing features from all other adjacent lands.

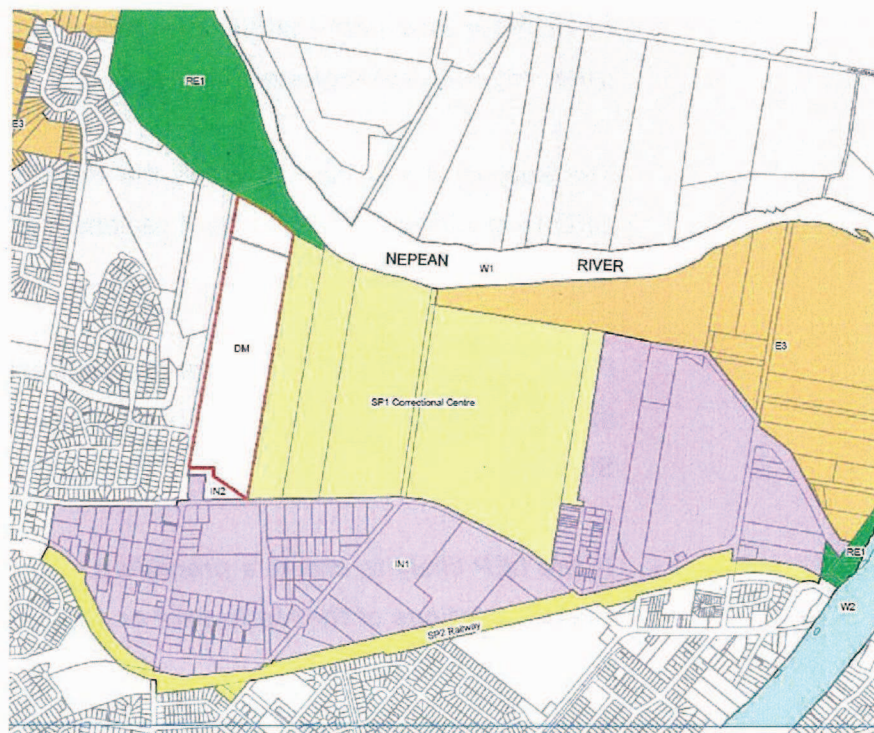
Regardless of the specific merits of the subject site, it is clear from Council own strategic analysis that the subject site sits within an area that is clearly suited to continued and future industrial zoning and development.

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The original opportunity to best realise Councils agreed zoning outcome for the site (see Section B) was through the Penrith LEP 2010 – Stage 1 process. However, the gazettal of that Plan left the bulk of the subject land zoning as a deferred matter (see Figure 8).

As such it is considered that the Planning Proposal is clearly the best means of achieving the objectives or intended outcomes.

FIGURE 8: EXISTING LEP 2010 ZONE



3. Is there a net community benefit?

The following section undertakes a 'net community benefit test' in accordance with the parameters defined by the NSW Draft Centres Policy.

- ***Will the LEP be compatible with agreed State and regional strategic direction for development in the area (eg land release, strategic corridors, development within 800 metres of a transit node)?***

An assessment of the Planning Proposal against all state, regional and local planning strategies and direction is undertaken at subsequent sections of this report and demonstrates consistency with all strategies.

- ***Is the LEP located in a global/regional city, strategic centre or corridor nominated within the Metropolitan Strategy or other regional/subregional strategy?***

The subject site is located within the Penrith LGA. Penrith CBD is identified as one of the 6 regional centres under that strategy.

Further, the Emu Plains industrial area is identified as one of the major industrial areas within the North West Sub-Regional Strategy.

- ***Is the LEP likely to create a precedent or create or change the expectations of the landowner or other landholders?***

The appropriateness of the site for industrial land uses has already been recognised by Council by the previous rezoning of the southern section of the site as part of LEP 2010. In this respect the precedent for change has already been established.

The proposal has deliberately sought to consider the cumulative impacts of the conversion of other adjacent lands to the east for industrial purposes as this is a logical long term outcome for those lands as contemplated by Councils own planning strategies.

- ***Have the cumulative effects of other spot rezoning proposals in the locality been considered? What was the outcome of these considerations?***

Flood modelling analysis and study has deliberately sought to consider the cumulative flood impacts of adjacent lands being developed in a similar manner. This cumulative analysis reveals that all impacts can be adequately managed without adverse impact upon flooding in the broader catchment.

- ***Will the LEP facilitate a permanent employment generating activity or result in a loss of employment lands?***

The intent of the LEP is to create new industrial lands and therefore employment opportunities.

- ***Will the LEP impact upon the supply of residential land and therefore housing supply and affordability?***

No.

- ***Is the existing public infrastructure (roads, rail, utilities) capable of servicing the proposed site?***

The site enjoys access to a full suite of urban services and infrastructure. There are no known infrastructure capacity constraints in the local area.

- ***Is there good pedestrian and cycling access?***

The site enjoys a direct access to a pedestrian pathway at its street frontage that provides excellent pedestrian access to nearby transport nodes and nearby commercial, industrial and residential areas. The adjacent road network also provides generous road shoulder widths that accommodate safe bicycle conveyance.

- ***Is public transport currently available or is there infrastructure capacity to support future public transport?***

The site enjoys close proximity to Emu Plain Rail Station and direct access to local bus services which run past the subject site and provide access to that rail station, local business centres and the surrounding residential environs.

- ***Will the proposal result in changes to the car distances travelled by customers, employees and suppliers? If so, what are the likely impacts in terms of greenhouse gas emissions, operating costs and road safety?***