



Planning,
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Environment

IRF20/3799

Gateway determination report – PP_2020_PENRI_002_00

Glenmore Park Stage 3 (2558 homes, 0 jobs)

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1 Introduction

1.1 Overview of planning proposal

The planning proposal is supported by the following reports and plans:

- 1 Proposed Penrith Local Environment Plan 2010 maps
- 2 Supporting Information
- 3 Local Planning Panel of 13 May 2020 - Report and advice
- 4 Ordinary Meeting of 25 May 2020 - Council report and minutes
- A - High Level Risk Assessment (March 2020)
- B - Geotechnical Assessment /Report (May 2018)
- C - Desktop Aboriginal Objects Due Diligence Assessment (March 2020)
- D - Historic Heritage Assessment (March 2020)
- E - Water Cycle Management Strategy (March 2020)
- F - Bushfire Fire Assessment Report (May 2018)
- G - Social Impact and Infrastructure Assessment (March 2020)
- H - Traffic Impact Assessment (March 2020)
- I - Road Traffic Noise Investigation (March 2020)
- J – Visual Impact Assessment (March 2020)
- K – Preliminary Retail Advice (March 2020)
- L - High Level Agricultural Land Assessment (March 2020)
- M - Serviceability of Glenmore Park Stage 3 (March 2020)
- N - Electrical servicing investigation (March 2020)
- O - Ecological & Riparian Issues & Assessment Report (March 2020)

Table 1 Planning proposal details

| | |
|--------------------------|--|
| LGA | Penrith |
| PPA | Penrith Council |
| NAME | Glenmore Park Stage 3 (2558 homes, 0 jobs) |
| NUMBER | PP_2020_PENRI_002_00 |
| LEP TO BE AMENDED | Penrith Local Environmental Plan 2010 |
| ADDRESS | The Northern Road, Glenmore Park |

| | |
|---------------------------------|---|
| DESCRIPTION | Lot 3 DP1224642, Part of Lot 4 DP1240361, Lot 18 DP244610, Lot 19 DP244610, Lot 25 DP244610, Lot 27 DP244610, Lot 28 DP244610, Lot 29 DP244610, Lot 30 DP244610, Lot 3 DP1240361, Lot 1 DP29081, Lot 2 DP29081, Lot 3 DP29081, Lot 4 DP29081, Lot 5 DP29081, Lot 2 DP1240361, Lot 26 DP244610, Lot 6 DP29081, Lot 1 DP1088989, Lot 8 DP29081, Lot 1 DP795841, Unformed Public Road located between Lots 19 & 25 DP244610, Lot 6 DP1240361, Lot 7 DP1240361, Lot 9 DP1240361 |
| RECEIVED | 15/07/2020 |
| FILE NO. | IRF20/3799 |
| POLITICAL DONATIONS | There are no donations or gifts to disclose and a political donation disclosure is not required |
| LOBBYIST CODE OF CONDUCT | There have been no meetings or communications with registered lobbyists with respect to this proposal |

1.2 Site description and surrounding area

The site is located 6km south of Penrith CBD and 50km from Sydney CBD. It is bound by Glenmore Park in the north, The Northern Road in the east, Chain-O-Ponds Road in the south, and by Mulgoa Nature Reserve and rural-residential properties to the west.

It is formed from 25 lots and has a total area of 206 ha (Figure 1). The site is currently used for grazing, rural residential lifestyle dwellings, equipment storage, equestrian activities, and market gardening. It is primarily owned or controlled by Vianello and Mirvac, with 8 lots and an unformed public road owned by others.

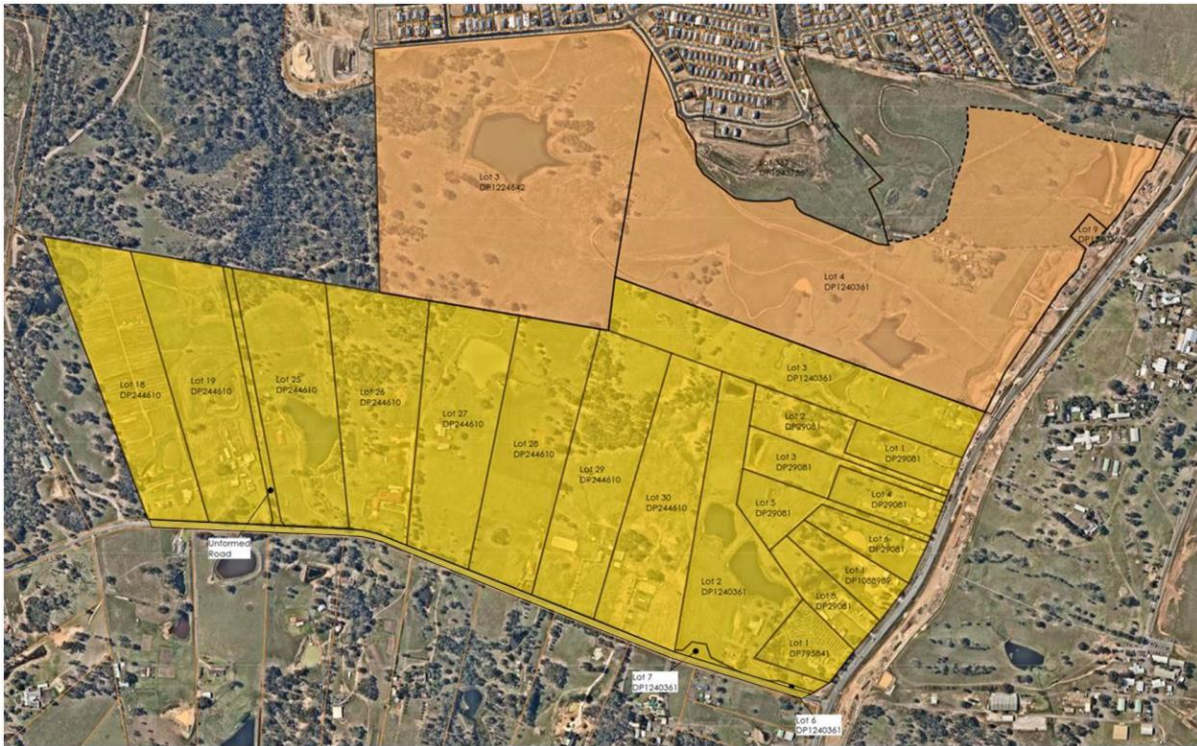


Figure 1 Subject site

The site has an undulating topography with a central valley (generally in the location of the proposed green corridor) and sits at the base of the Blue Mountains.

The land is predominately cleared with patches of Cumberland Plain Woodland along and adjacent to the creeks. There are 30 farm dams including with one large dam on the north western corner. The site is mapped as bush fire prone vegetation (Figure 2).

of the Rural Fires Act 1997.

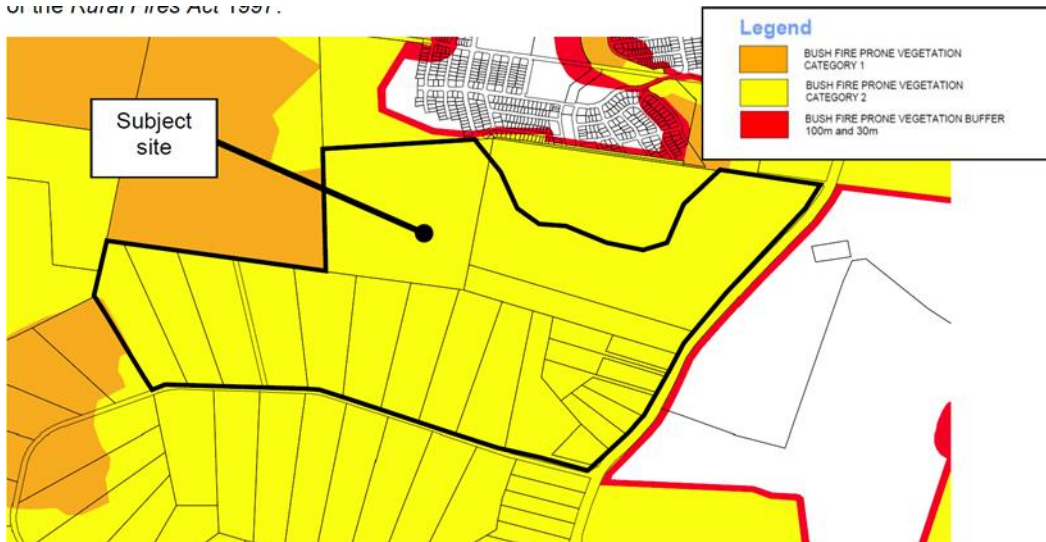


Image 03: Extract from Penrith Council's Bushfire Prone Land Map

Figure 2 Extract from Council's Bushfire Prone Land Map

A Master Plan has been prepared for the site as shown in Figure 3 below.



Figure 3: Proposed Master Plan for the site

The features of the Master Plan include:

- A total of 2,558 dwellings in low and medium density residential zones and Environmental Living dwellings with lots ranging in size from 180m² to 1.5 hectares.
- A centrally located community hub comprising a local centre with retail and shop top housing, a school and sports fields. All parts of the hub will be connected by footpaths.
- Environmental corridors that connect to Mulgoa Nature Reserve in the west, to the environmental corridor in the existing Glenmore Park in the north and Chain-O-Ponds Road in the south.
- Five playing fields spread across the site
- Identification of vegetation with conservation value to be preserved within environmental corridors and retention of key dams for aesthetic and stormwater management.
- A green landscape zone 9m wide (10m from back of kerb) adjacent to The Northern Road to create a dense landscape screen.
- Collector Road connections from the existing Glenmore Park to the approved intersection with The Northern Road and to link with Chain-O-Ponds Road.

The site is part of the Western Parkland City and is located within the Greater Penrith to Eastern Creek growth area (GPEC) (**Error! Reference source not found.**). The site is also part of the

Subject Land & Metro Rural Area map



Metropolitan Rural Areas (MRA) (

Figure).

The Western Sydney Aerotropolis area is located 11km to the south-east and in the future will provide residents with access to jobs and services, within a reasonable travel time.

The Northern Road is being significantly upgraded due to its status as a regional corridor. The upgrade project will create a minimum four-lane divided road with up to eight-lanes with dedicated

bus lanes in some sections. It will provide a key link to Narellan, Luddenham and Badgerys Creek to the south and Penrith and the Western Motorway to the north. The upgrade is scheduled to be open to traffic in 2022.

The site adjoins Mulgoa Reserve at its western boundary. The Reserve is managed by NSW National Parks and Wildlife Service. It is significant because it contains a large stand of Cumberland Plain Woodland and has shale cliffs which are the only ones of their type in the Sydney basin. The Mulgoa Nature Reserve is identified in the Government Architect's Green Grid as a project opportunity.

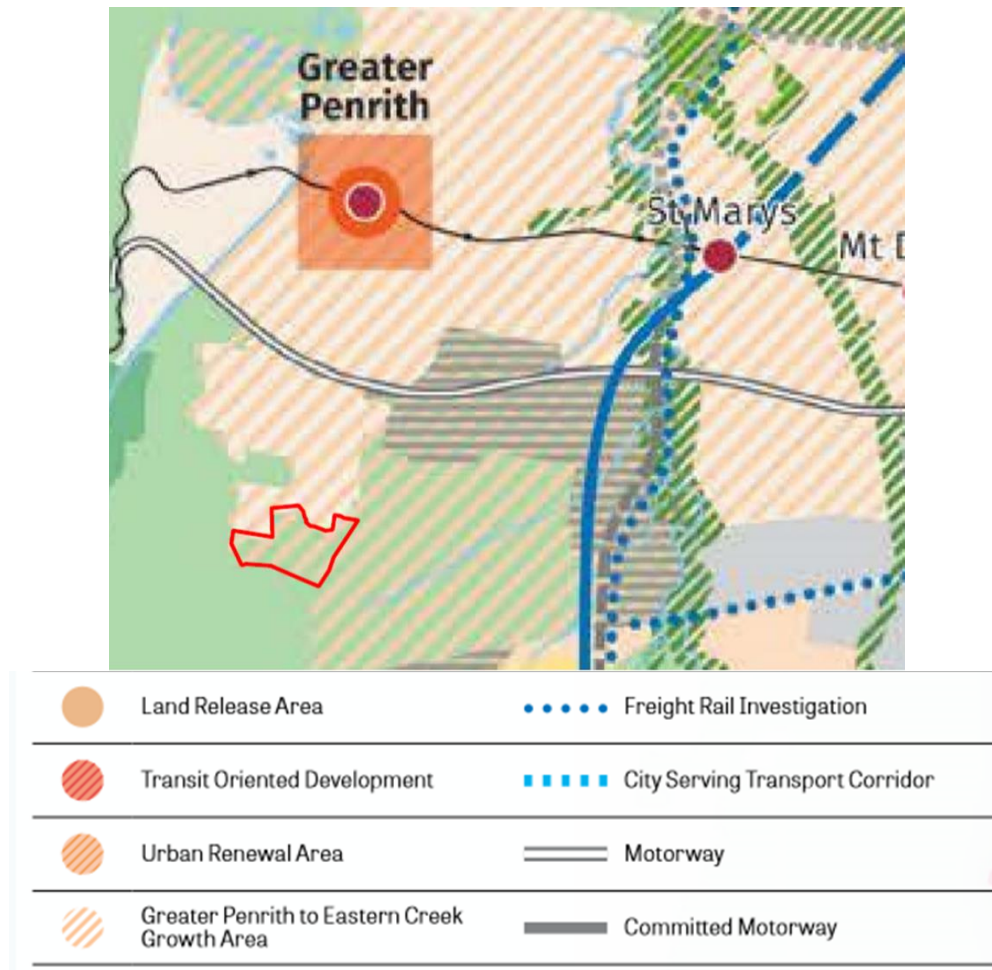


Figure 4: Subject site edged red, shown within the Greater Penrith to Eastern Creek Growth Area (Source: NSW Department of Planning, Environment and Industry)

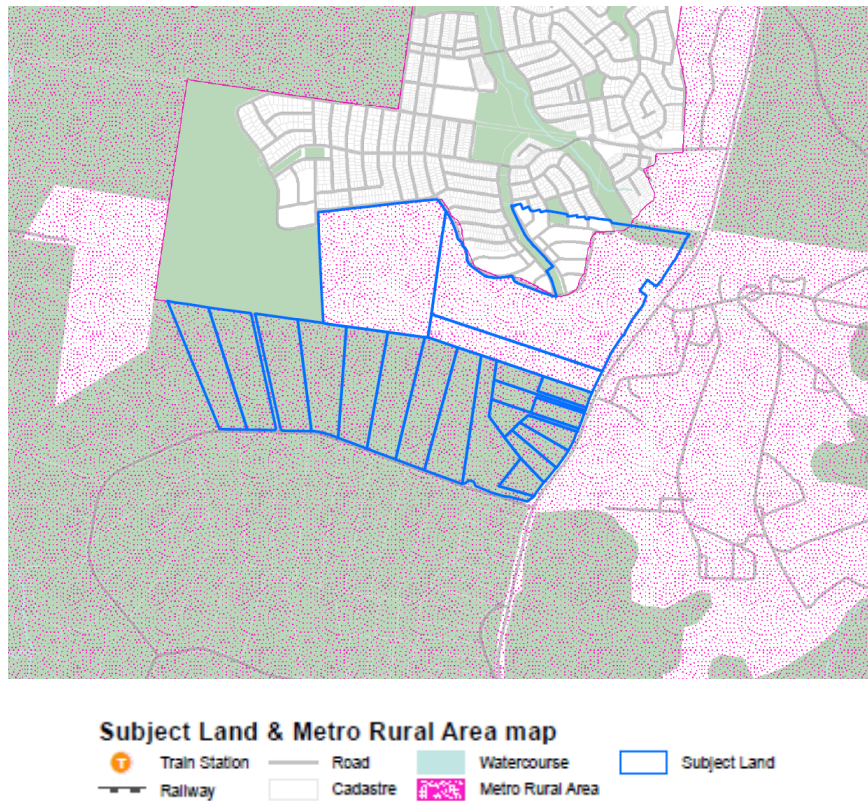


Figure 5: Subject Land & Metro Rural Area Map (Source: NSW Department of Planning, Environment and Industry)

2 Proposal

2.1 Objectives or intended outcomes

The planning proposal contains objectives and intended outcomes that adequately explain the intent of the proposal.

The objectives of the planning proposal are to:

- amend the Penrith Local Environmental Plan 2010 to facilitate the urban development of the Glenmore Park Stage 3 site (extending the existing suburb of Glenmore Park),
- ensure the urban development of Glenmore Park Stage 3, positioned on the southern rural / urban boundary of the Penrith LGA, provides an appropriate transition to adjacent uses and amenity,
- provide a high-quality development that will respond to urban heat and provide certainty of outcome as to dwelling density across the site, and the delivery of a diverse housing product,
- protect, maintain and enhance environmental corridors and areas within the site to provide long term benefits to the new community.

The objectives of this planning proposal are clear and adequate.

2.2 Explanation of provisions

The planning proposal contains an explanation of provisions that adequately explains how the objectives of the proposal will be achieved. The planning proposal seeks to amend the Penrith LEP 2010 per the changes below:

Table 2 Current and Proposed controls

| Control | Current | Proposed |
|--------------------------------|--|--|
| Zone | RU2 Rural Landscape E3 Environmental Management | R2 Low Density Residential R3 Medium Density Residential B2 Local Centre RE1 Public Recreation E2 Environmental Conservation E4 Environmental Living Note: The RU2 land adjoining the Northern Road is subject of road widening and not part of the planning proposal. |
| Maximum height of the building | Not applicable | M1 - 12m (local centre) C - 5m (lots fronting Northern Rd) I - 8.5m |
| Floor space ratio | Not applicable | Not applicable |
| Minimum lot size | 20ha (E3 zoned lands) 40ha (RU2 zoned lands) | R2 - 300m ² (A on map – Light blue) R3 - 180m ² (D on map – Blue) U1 - 1,000m ² V - 2,000m ² W - 4,000m ² Y2 - 1.25ha Mapped residential areas to inform dwelling caps |
| Number of dwellings | To be determined | 2588 |
| Clause application map | Not applicable | This map will identify the release as Glenmore Park Stage 3. This map will link with the new Additional Local Provision clause - Glenmore Park 3. |

| | | |
|---|---|--|
| Urban release area map | Not applicable | Identify the land as an urban release area to enable designated State public infrastructure under Clause 6.1 of the Penrith LEP. |
| Schedule 1 Additional Permitted Uses map | Not applicable | Additional permitted use to enable a temporary business premises to be used as a sales office for the duration of the release area on land zoned RE1 Public Recreation. Introduce Clause 35 to Schedule 1 |
| Scenic and Landscape Values Map | Applies from the middle of the rezoning area to The Northern Road | Remove the land mapped as scenic and landscape values |
| Part 7 Additional Local Provisions | Not applicable | <p>Clause 7.xx Glenmore Park Stage 3 to provide controls regarding:</p> <ul style="list-style-type: none"> • dwelling caps in mapped precincts (see below) • exceptions to the height of buildings map on slopes greater than 1 in 8 • an integrated housing development provision for R3 zones, requiring the subdivision and the dwelling that sits on each lot zoned R3 to be assessed and approved at the same time. • Dual occupancies in the E4 zone to be discouraged through 8000m² minimum lot size control. |
| Clause 4.6 Exceptions to Development Standard | Not applicable | Amend Clause 4.6(ca) to reference the new Clause 7.xx Glenmore Park Stage 3 so that controls within this clause including maximum building heights and dwelling caps in that clause are development standards that cannot be varied. |

| | | |
|---------------|----------------|--|
| Dwelling Caps | Not applicable | <p>Apply a dwelling cap to identified areas (see proposed height map Figure X) to control the density and mix of development. The cap will be given effect through a map and the proposed Additional Local provision (see above). The proposed caps are shown in Table 3.</p> <p><i>Note - The caps do not apply to the B2 (Local Centre) or E4 (Environmental living) zones. Development in these zones is constrained by the minimum lot sizes, the quantum of land zoned and the form of permissible development.</i></p> |
|---------------|----------------|--|

Table 3 - Proposed Dwelling Caps

| Area | Zoning | Max dwelling |
|----------|-------------------------------|--------------|
| Area 6 | R2 Low Density Residential | 670 |
| Area 6 | R3 Medium Density Residential | 107 |
| Area 7 | R2 Low Density Residential | 200 |
| Area 7 | R3 Medium Density Residential | 43 |
| Area 8 | R2 Low Density Residential | 310 |
| Area 9 | R2 Low Density Residential | 60 |
| Areas 10 | R2 Low Density Residential | 160 |
| Area 10 | R3 Medium Density Residential | 71 |
| Area 11 | R2 Low Density Residential | 445 |
| Area 11 | R3 Medium Density Residential | 416 |
| Area 12 | R2 Low Density Residential | 35 |

2.3 Mapping

The planning proposal includes mapping showing the proposed changes to the LEP maps, which are suitable for community consultation.

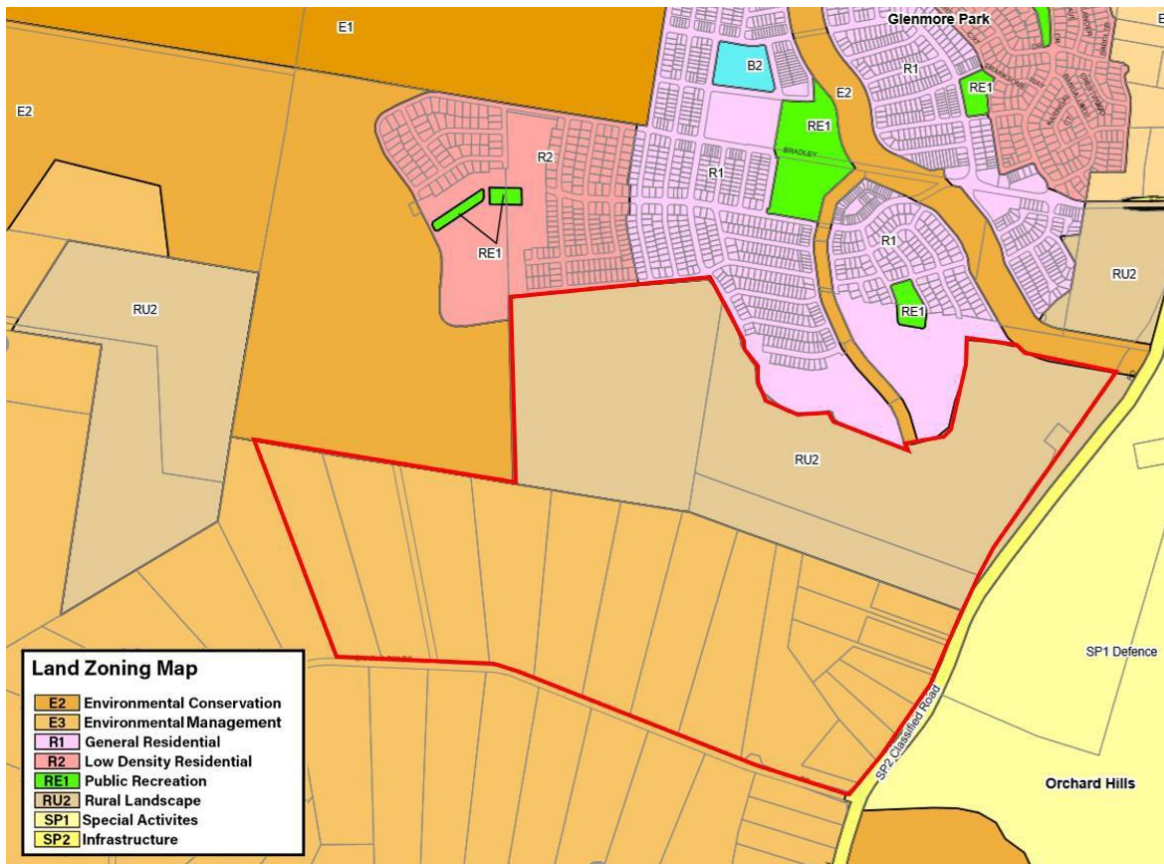


Figure 6 Current zoning map

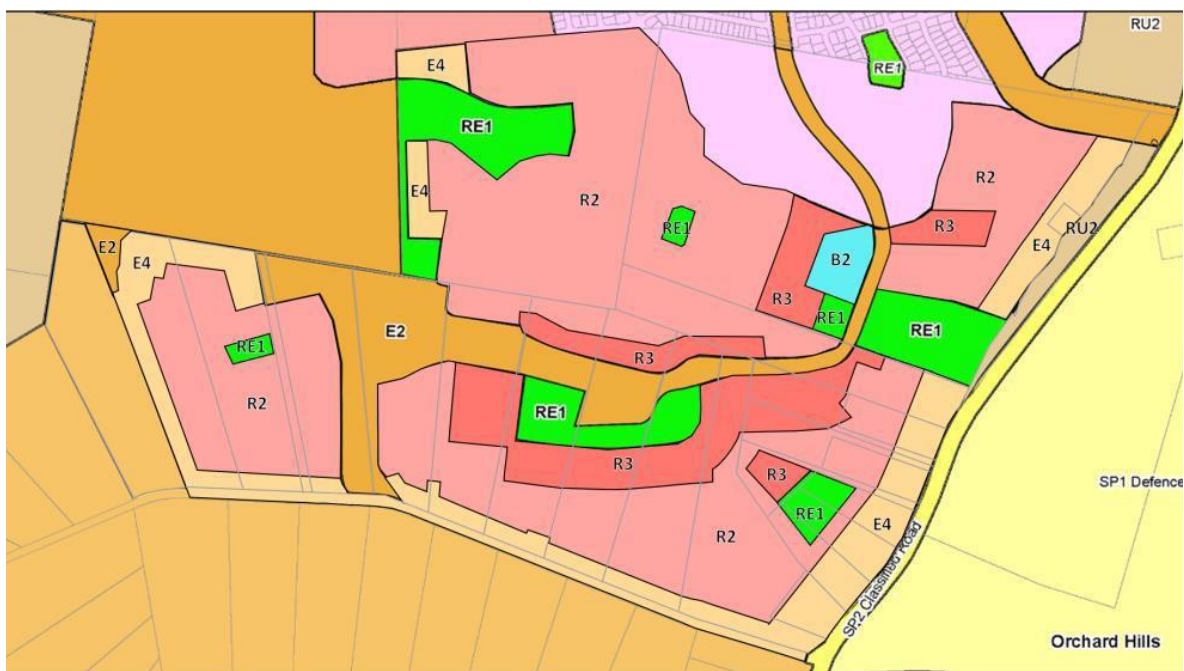


Figure 7 Proposed zoning map

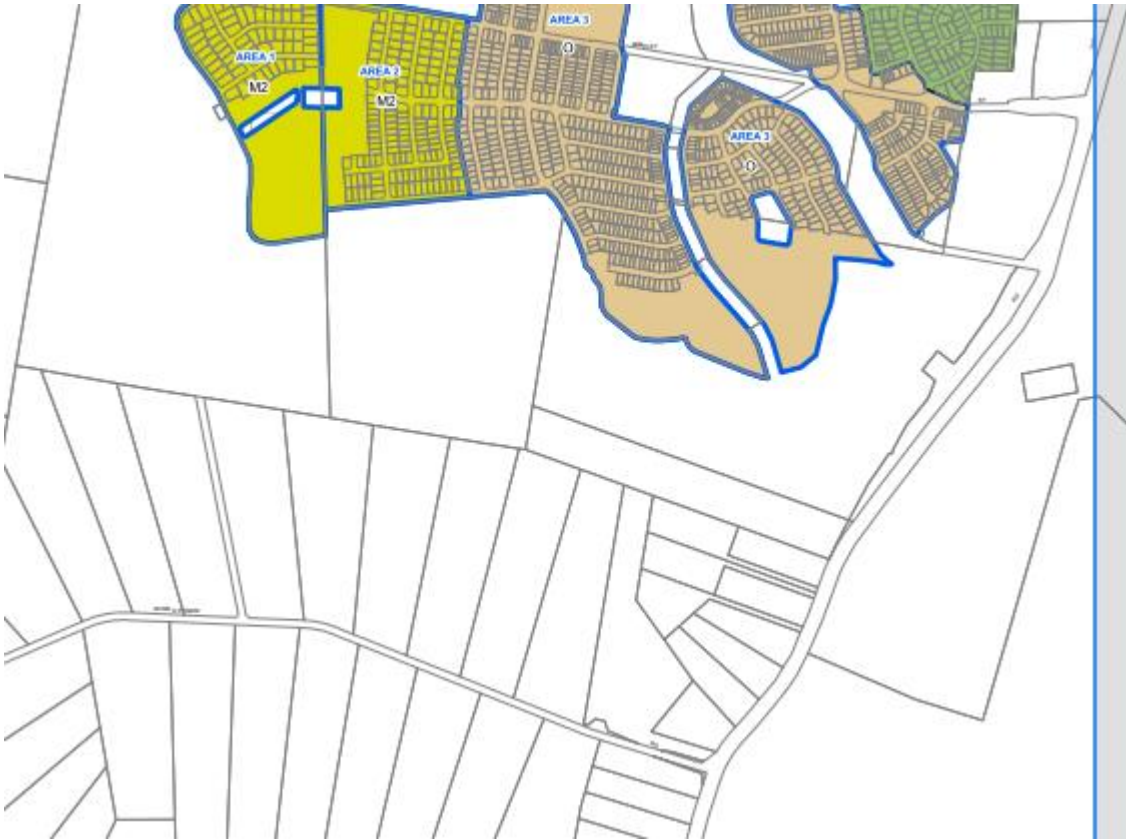


Figure 8 Current height of building map



Figure 9 Proposed height of building map

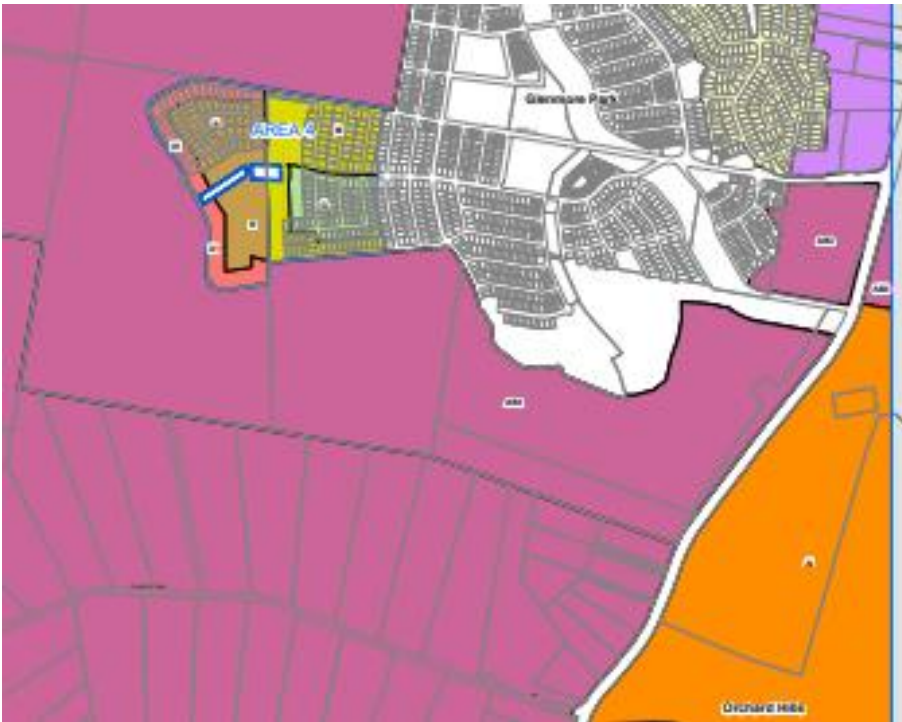


Figure 10 Current minimum lot size map

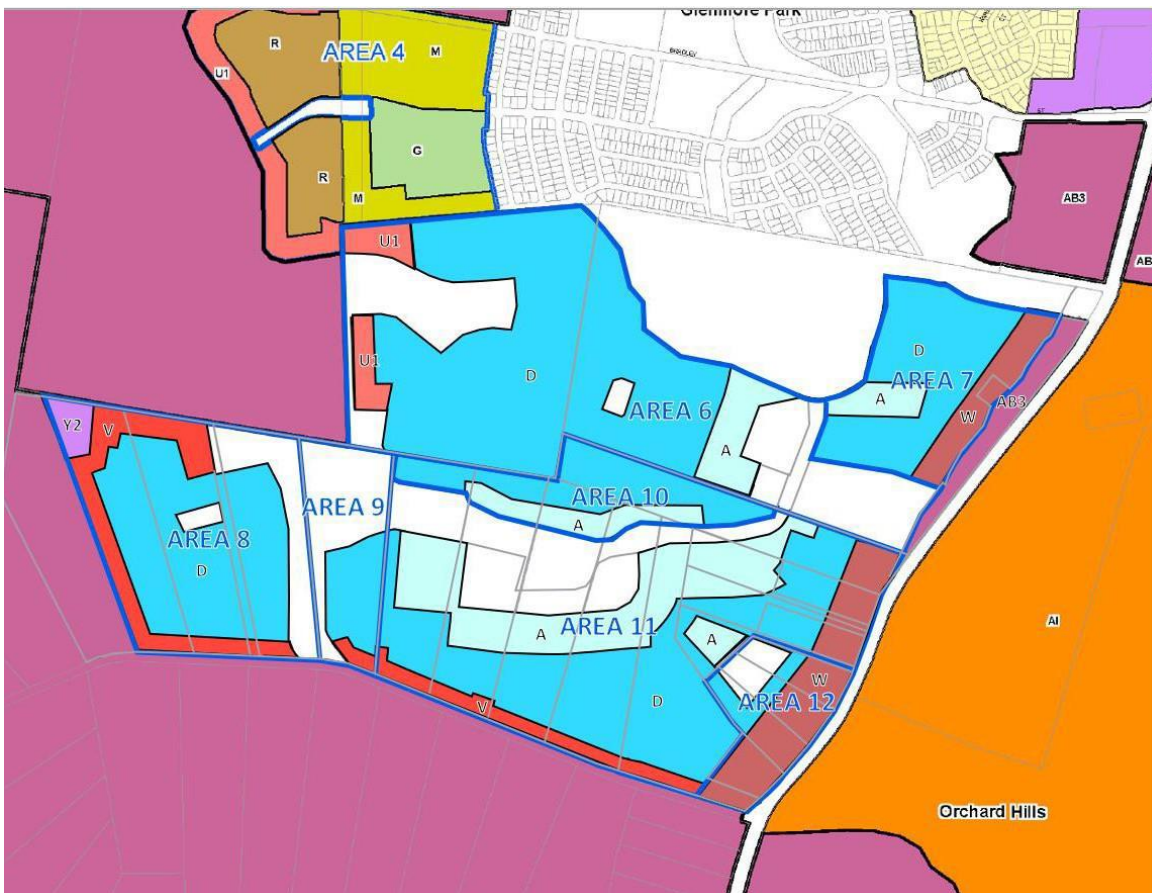


Figure 11 Proposed minimum lot size map

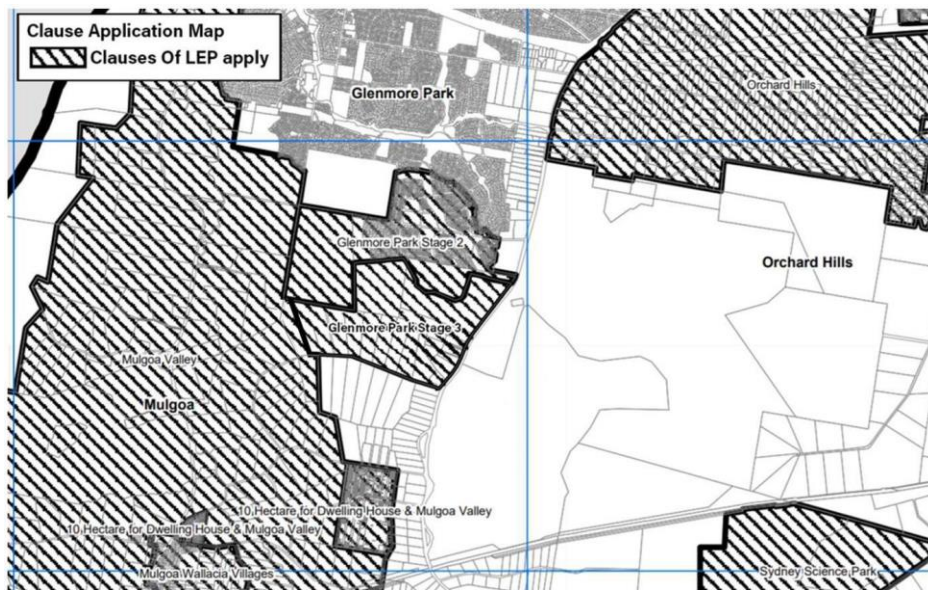


Figure 12 Proposed clause application map

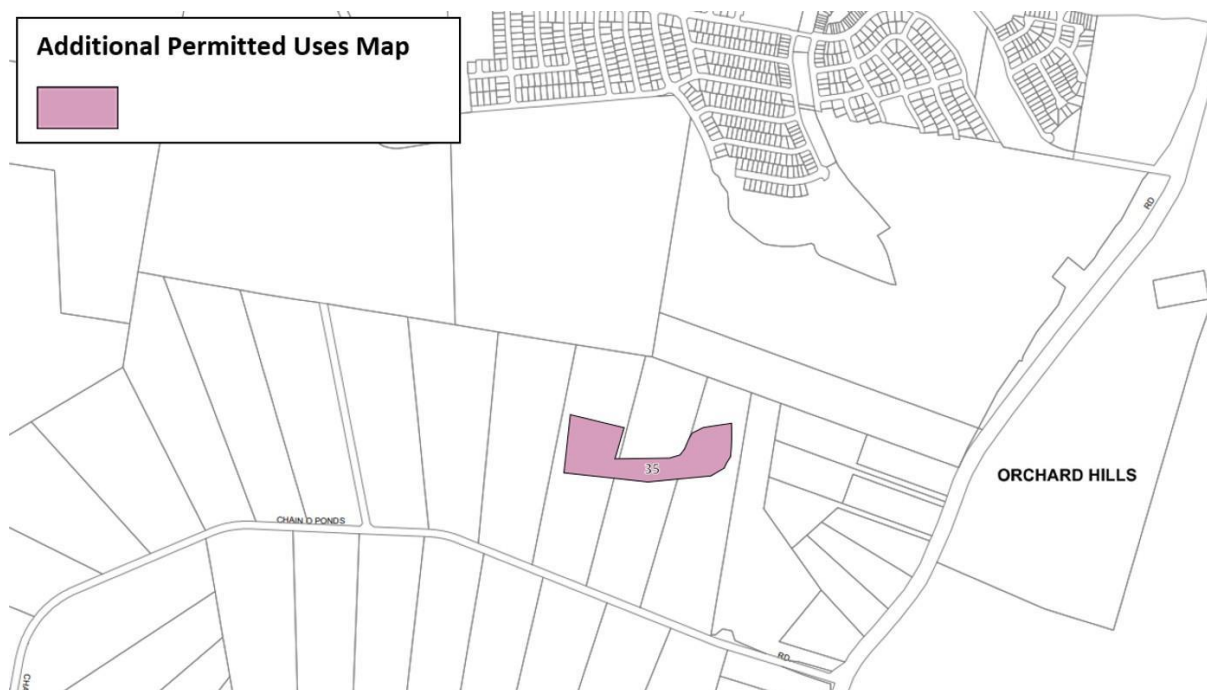


Figure 13 Proposed Additional permitted uses map

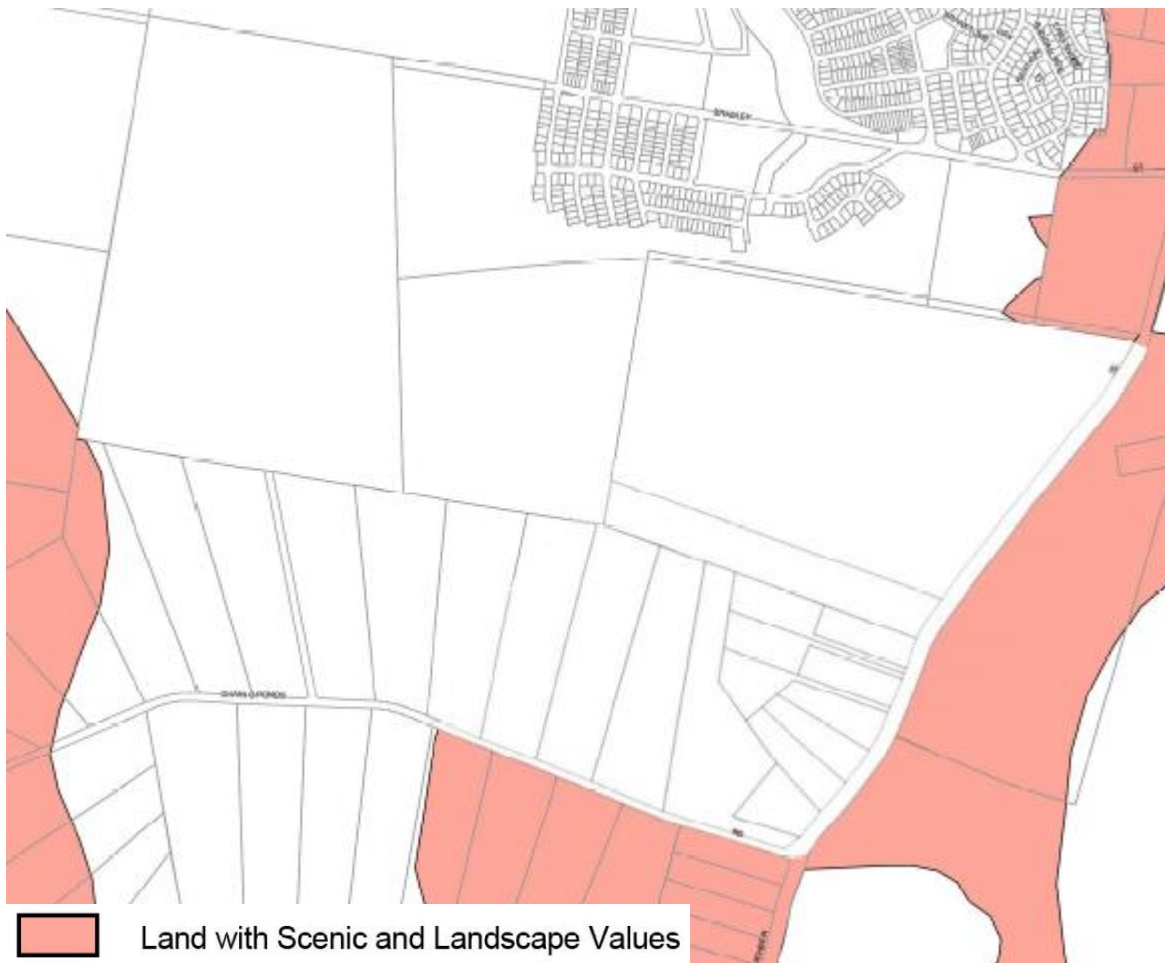


Figure 14 Proposed Scenic and landscape map

3 Need for the planning proposal

The Western District Plan sets Penrith City Council a target of delivering 6,600 dwellings by 2021. Council has identified that it will be a significant challenge to meet the target, as over the last five years with multiple green field release areas producing dwellings, 6,290 dwellings were delivered. Council modelling indicates that over the next 20 years half (approx.) of new dwellings will be delivered on greenfield sites, due to infill lands in the area being too constrained for development. The proposed rezoning is an important element in Council being able to meet its dwelling target.

The planning proposal was identified in Council's Accelerated Housing Delivery Program (AHDP) which was endorsed by Council on 27 November 2017. The site was identified as meeting the criteria and was determined to be suitable for development in the short term and could proceed to the rezoning stage.

The site was also identified as a Council identified Urban Investigation Area in Penrith City Council's Local Strategic Planning Statement (LSPS) which are identified as locations to provide new housing. The site is located within the Greater Penrith to Eastern Creek Growth Area (GPEC) being an area identified for change.

A planning proposal is the only means to establish a planning framework to guide new development.

The proposal has strategic merit and will assist in meeting the need for increased housing in the locality in a suitable location with access to jobs, infrastructure and services whilst delivering additional open space, accessible by the wider community.

4 Strategic assessment

4.1 Regional Plan

The proposal adequately addresses the key priorities in the Greater Sydney Regional Plan (Regional plan). An overarching objective of the plan is to place new housing in locations served by transport and near to jobs and services.

The Regional plan identifies the employment opportunities that will be created by the Western Sydney airport and the infrastructure to be delivered to support it, including upgrades to the Northern Rd and the new Metro line. The site is well placed to take advantage of that future infrastructure and create a new liveable community.

The site is within the investigation area for the Greater Penrith to Eastern Creek growth area (GPEC). The GPEC is a regionally significant growth corridor, the development of which will over time connect Penrith CBD, St Marys and Eastern Creek. The site's location within GPEC establishes it as an appropriate place to consider for development.

The proposal comes ahead of the detailed planning for the GPEC area, because its inception and preparation preceded identification of the growth area. The planning proposal meets the objectives of the Regional Plan and as such should not adversely affect broader planning for GPEC. The site can provide local infrastructure upgrades and it will be possible to include a satisfactory arrangements clause in the LEP to enable capture the requirement for any State Infrastructure contributions.

A gateway condition has been drafted to require consultation with the Greater Sydney Commission to confirm that the planning proposal is generally consistent with planning for GPEC.

4.2 District Plan

The site is within the Western District and the Greater Sydney Commission released the Western District Plan on 18 March 2018. The plan contains planning priorities and actions to guide the growth of the district while improving its social, economic and environmental assets.

The planning proposal is consistent with the priorities for infrastructure and collaboration, liveability, productivity, and sustainability in the plan as outlined below.

The Department is satisfied that the planning proposal gives effect to the District Plan in accordance with section 3.8 of the *Environmental Planning and Assessment Act 1979*. The following table includes an assessment of the planning proposal against relevant directions and actions.

The site is located within the MRA where development is limited. However, the District Plan does provide that development within the MRA will be considered on that is also identified as an urban investigation area in the Regional Plan. The Department has consulted the Greater Sydney Commission, who confirmed that the location of the site within the GPEC area means it can be considered as an urban investigation area.

The Glenmore Park area is identified by the District Plan as an area contributing to the delivery of forecast dwelling completions 2016-2021 as showing in Figure 15. The dwellings proposed by the proposal will generate continued housing supply beyond the 2021 dwelling forecast. This will assist in meeting the housing needs of the Western City District, supported by planned and existing infrastructure with access to transport, retail, services and open space. It also achieves the

planning priorities to create a walkable and connected development through natural green spines throughout the site.

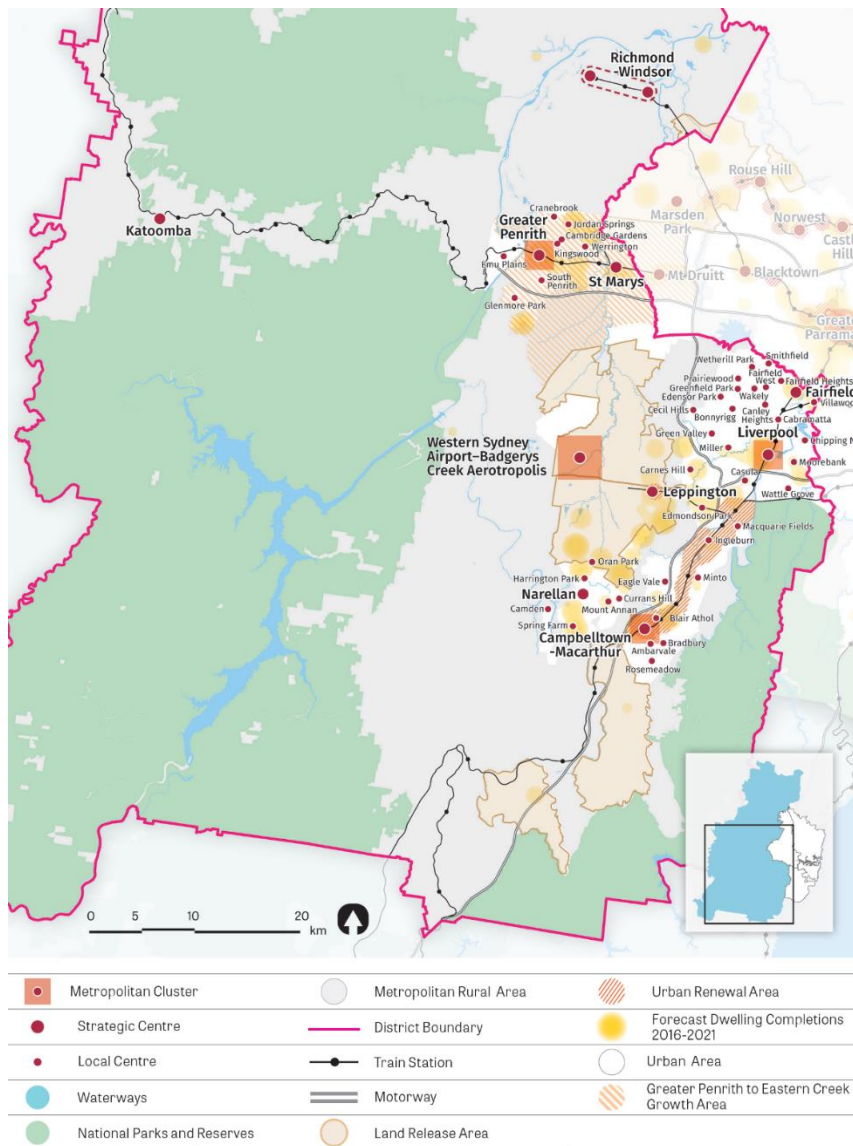


Figure 15 Western City District Future Housing Supply (Source: Western City District Plan)

4.3 Local

The proposal states that it is consistent with the following local plans and endorsed strategies. It is also consistent with the strategic direction and objectives, as stated in the table below:

Table 4 Local strategic planning assessment

| Local Strategies | Justification |
|--|---|
| Penrith Local Strategic Planning Statement | <p>The Planning Proposal is generally consistent with the Penrith LSPS, in particular:</p> <ul style="list-style-type: none"> <p>Planning Priority 3 – Provide new homes to meet the diverse needs of our growing community including Action 3.4 to “Investigate urban investigation areas at Glenmore Park South, Mt Vernon and Orchard Hills South”).</p> <p>The site is identified as a Council-led urban investigation area. Council supports investigation of its suitability for urban purposes, due to its location next to an existing urban area and the ability to connect with existing infrastructure and services within the locality.</p> <p>Planning Priority 4 – Improve the affordability of housing</p> <p>The proposal seeks to offer a range of housing product throughout the R2, R3 and R4 zones, with the ability for a shop top housing offering within the new local centre. The proposal seeks to include a provision to enable multi-dwelling housing above garages and require certainty in relation to subdivision and resulting built form at the development application stage.</p> <p>Planning Priority 5 – Facilitate sustainable housing</p> <p>The proposal advises that a site specific DCP will include measures to manage the urban heat effect and details of dwelling construction which will seek to achieve this planning priority.</p> <p>Planning Priority 17 – Define and protect the values and opportunities with the metropolitan rural area.</p> <p>The proposal seeks to release land within the MRA but seeks to protect and enhance the environmental values of the land, alongside the residential redevelopment. This is achieved through the provision of a network of green spines and open space to provide connectivity from the existing Glenmore Park suburb to the Mulgoa Reserve. It also offers the improvement of riparian corridors and embellishment of existing Cumberland Plain Woodland areas.</p> <p>Planning Priority 16 – Protect and enhance our high value environment lands</p> <p>The proposal includes the retention, rehabilitation and reconnection of woodland patches and other vegetation through areas of open space which will improve the extent and condition of environmental lands within the locality.</p> <p>Planning Priority 21 – Cool our city</p> <p>As noted above, the proposal includes the preparation of a site specific DCP which will include measures and control to assist in mitigating the urban heat island effect.</p> |

| | |
|---|---|
| Accelerated Housing Delivery Programme (AHDP) | <p>The development of the proposal was initially in response to Penrith's AHDP which endorsed the site as a suitable area for housing delivery due to its strategic location with no major constraints.</p> <p>The AHDP peer review noted the location of the site within the MRA as a potential constraint to development. As noted previously, the inclusion of the site within the GPEC enables it to be considered as an urban investigation area and for release of land within the MRA to be considered. The proposal is consistent with the AHDP.</p> |
| Penrith Community Plan 2017 | <p>The Planning Proposal has adequately addressed how it will achieve the key outcomes of the Penrith Community Plan. The proposal provides diversity in housing offering, protecting environmental corridors, include a community infrastructure offering and new primary school. It is also strategically located to offer access to jobs both within the Penrith centre and new jobs developing around the Western Sydney airport development.</p> |
| Cumberland Plain Conservation Plan | <p>The site is within the area to which the the Draft Cumberland Plain Conservation Plan (CPCP) applies. The CPCP is on public exhibition from 26 August until 25 September 2020.</p> <p>The site is identified as 'certified - urban capable' under the draft CPCP. The development of the site is therefore consistent with the overall intent of the CPCP.</p> <p>Parts of the site are identified as containing NSW Threatened Ecological Community including Cumberland Plain Woodland. Planning will have to ensure that these areas are protected or where necessary the required biodiversity offsets are obtained.</p> |
| Cooling the City Strategy | <p>The proposal has provided an initial response to the Cooling the City Strategy. It is proposed to incorporate DCP controls to reduce urban heat island effects and specific controls for water management. It is recommended that further work be undertaken to prepare more specific controls for landscape, water and tree canopy and that these be incorporated into the DCP.</p> <p>The proposal provides open space and creation of environmental corridors to provide a green spine to connect the existing Glenmore Park suburb and the Mulgoa Reserve.</p> <p>An open space strategy is required to be submitted and endorsed by the Department prior to public exhibition. This strategy should demonstrate how the precinct will meet the Greater Sydney 40% tree canopy target.</p> |
| Other strategies and studies | <p>It is noted that the planning proposal adequately addresses the following additional strategies:</p> <ul style="list-style-type: none"> • Draft Future Transport Strategy 2056 and Draft Western Sydney Corridor Strategy • Penrith Sport and Recreation Strategy (Draft) 2019 • Penrith Urban Strategy – Managing Growth to 2031 |

4.4 Local planning panel (LPP) recommendation

Council's Local Planning Panel considered the planning proposal on 13 May 2020 (Appendix 3) where they were generally supportive of both the strategic merit and the site-specific considerations of the planning proposal.

Council's Local Planning Panel strongly recommended that the minimum lot size be increased for the R2 Low Density Residential Zone to 450m² to ensure that dwellings are reasonably sized and adequately spaced. The panels concern stems from the view that the minimum lot sizes in the existing Glenmore Park development and more generally are too small.

4.5 Section 9.1 Ministerial Directions

The planning proposal's consistency with relevant section 9.1 Directions is discussed below:

Table 5 - 9.1 Ministerial Direction assessment

| Directions | Consistent/ Not Applicable | Reasons for Consistency or Inconsistency |
|-----------------|----------------------------|---|
| 1.2 Rural Zones | Inconsistent but justified | <p>This Direction applies when a planning proposal will affect land within an existing or proposed rural zone. The planning proposal is not consistent with this Direction as it proposes the rezoning of rural land to residential and business zones. However, inconsistency with the Direction can be justified by a study prepared in support of the planning proposal or in accordance with the relevant Regional Strategy, Regional Plan or Sub-Regional Plan or is of minor significance. The objective of the direction is to protect the agricultural production value of the rural land.</p> <p>The proposal is supported by a High-Level Agricultural Land Assessment (Attachment A12) The report concludes that the land is fragmented and has limited production potential, with only three lots used for primary production purposes. The report concludes that if all of the land subject to the planning proposal was utilised for agricultural production, rezoning would result in a loss of 0.14% of the total Class 3 land available in the Greater Sydney region. In addition, the report concludes that the nearest agricultural activities occur on lands to the south of Chain-O-Ponds Road and the separation between the use would prevent any conflict between them.</p> <p>It is considered that collective consideration of the above justifies any inconsistency with the Direction on the basis of limited current agricultural production, consistency with Regional Plan and that within the context of the Greater Sydney region, the proposal is of minor significance.</p> |

| Directions | Consistent/ Not Applicable | Reasons for Consistency or Inconsistency |
|--------------------------------------|----------------------------|--|
| 2.3 Heritage Conservation | Yes | <p>The objective of this Direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.</p> <p>The proposal is supported by an Aboriginal cultural heritage due diligence assessment report (Attachment A3), which concludes that Aboriginal objects are likely to occur within the site. The report recommends that further investigation should be undertaken following Gateway, prior to the DA process and redevelopment of the site.</p> <p>The due diligence report recommends that assessment and investigation continue as the project advances are supported. A condition of Gateway determination will require that the local Aboriginal land council is consulted on the planning proposal.</p> |
| 2.6 Remediation of Contaminated Land | Yes | <p>The objective of this direction is to reduce the risk of harm to human health and the environment by ensuring that contamination and remediation are considered by planning proposal authorities.</p> <p>The proposal is supported by a High-Level Risk Assessment report (Attachment A1). The assessment identifies a number of areas of concern, including lands used for agriculture, land used for storage of materials, housing sites and dams, and concludes there is potential for contamination of soil and groundwater. It notes this is a common situation in greenfield development.</p> <p>The report recommends that a detailed Tier 1 site assessment be undertaken to determine the presence and or extent of contamination. If contamination is found, a Remedial Action Plan is prepared to specify how it is to be managed and remediated.</p> <p>Based on the available information, it is concluded that the site is suitable or can be made suitable for the proposed uses.</p> |

| Directions | Consistent/ Not Applicable | Reasons for Consistency or Inconsistency |
|-----------------------|----------------------------|---|
| 3.1 Residential Zones | Yes | <p>The objectives of this Direction are to:</p> <ul style="list-style-type: none"> • Encourage a variety and choice of housing types to provide for existing and future housing needs • To make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services; and • To minimise the impact of residential development on the environment and resource lands. <p>The proposal is broadly consistent with these objectives and requirements of this Direction. The Department will require that further demonstration of the suitability of the yield and resultant development outcomes is provided prior to exhibition.</p> |

| Directions | Consistent/ Not Applicable | Reasons for Consistency or Inconsistency |
|--|----------------------------|---|
| 3.4 Integrating Land Use and Transport | Yes | <p>The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:</p> <ul style="list-style-type: none"> (a) improving access to housing, jobs and services by walking, cycling and public transport, and (b) increasing the choice of available transport and reducing dependence on cars, and (c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and (d) supporting the efficient and viable operation of public transport services, and (e) providing for the efficient movement of freight. <p>The site is located next to The Northern Road which is subject to future road upgrades. In addition, the provision of a collector road on the site will provide a bus route to reduce car dependency. The location of the site has good links to the existing transport network, offering good connection to local and regional transport networks to enable access to services and jobs in the locality by future residents.</p> <p>The site will contain a series of pedestrian walkways with roadways and the open space corridors. The walkways will promote use of active modes of transport for local trips.</p> <p>Council has advised that it has reached agreement with Transport for NSW that a Stage 2 transport analysis will be undertaken following gateway and prior to exhibition of the proposal. A multi-agency steering group including the Proponent, Council and Transport for NSW is to be established to guide the Stage 2 analysis.</p> <p>The Department supports the Council's proposed approach. The Stage 2 analysis should consider transport demand management measures to identify opportunities to reduce the use of private vehicles. A gateway condition has been drafted accordingly.</p> |

| Directions | Consistent/ Not Applicable | Reasons for Consistency or Inconsistency |
|--------------------------------------|---|---|
| 4.4 Planning for Bushfire Protection | Outstanding - to be addressed prior to exhibition | <p>This Direction applies as the site is identified on Bushfire Prone Land Map as containing designated Category 2 Vegetation. The planning proposal was submitted with a Bushfire Assessment Report (May 2019) which assessed the proposal in accordance with Planning for Bushfire Protection 2006. A supplementary bushfire statement was later submitted to address the additional requirements of Planning for Bush Fire Protection 2019 (PBP 19) which came into effect later (Attachment A6).</p> <p>The bushfire assessment determines that future development can be designed to meet the requirements of PBP 19. Perimeter Roads will be used to create separation between the fire hazard and dwellings, with APZs likely to be required to be applied to some future lots.</p> <p>In accordance with the requirements of this direction, Council is required to consult the NSW Rural Fire Service prior to public exhibition to ensure it does not object to the progression of the planning proposal.</p> <p>Council should, as part of this consultation, discuss with the NSW RFS the potential need to upgrade bushfire mapping to avoid the requirement for future development applications to be unnecessarily referred to them.</p> |

4.6 State environmental planning policies (SEPPs)

The planning proposal is consistent with all relevant SEPPs as discussed in Table 6 below.

Table 6 Assessment of relevant SEPPs

| State Environmental Planning Policy (SEPP) | Applicable (Y/N) | Consistent (Y/N) | Comments/Justification |
|---|------------------|------------------|---|
| State Environmental Planning Policy No 1—Development Standards | N | | |
| State Environmental Planning Policy No 19—Bushland in Urban Areas | N | | |
| State Environmental Planning Policy No 21—Caravan Parks | Y | Y | The planning proposal does not prevent the operation of this SEPP |
| State Environmental Planning Policy No 33—Hazardous and Offensive Development | N | | |
| State Environmental Planning Policy No 36—Manufactured Home Estates | N | | |
| State Environmental Planning Policy No 44—Koala Habitat Protection | N | | |

| State Environmental Planning Policy (SEPP) | Applicable (Y/N) | Consistent (Y/N) | Comments/Justification |
|---|------------------|------------------|--|
| State Environmental Planning Policy No 47—Moore Park Showground | N | | |
| State Environmental Planning Policy No 50—Canal Estate Development | N | | |
| State Environmental Planning Policy No 55—Remediation of Land | Y | Y | Preliminary investigations confirm that previous land uses have the potential to cause contamination. Further investigations to be completed prior to development. |
| State Environmental Planning Policy No 64—Advertising and Signage | N | | |
| State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development | Y | Y | SEPP 65 will continue to apply to any shop-top housing above the local retail centre |
| State Environmental Planning Policy No 70—Affordable Housing (Revised Schemes) | Y | Y | The planning proposal is consistent with this SEPP. |
| State Environmental Planning Policy (Aboriginal Land) 2019 | N | | |
| State Environmental Planning Policy (Affordable Rental Housing) 2009 | Y | Y | The planning proposal does not include any provisions which impede operation of this SEPP over the subject land. |
| State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 | Y | Y | The planning proposal is consistent as Basix will apply to the site |
| State Environmental Planning Policy (Coastal Management) 2018 | N | | |
| State Environmental Planning Policy (Concurrences) 2018 | N | | |
| State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 | N | | |
| State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 | Y | Y | The planning proposal ensures that exempt and complying development can occur in accordance with SEPP. |
| State Environmental Planning Policy (Gosford City Centre) 2018 | N | | |
| State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 | N | | |
| State Environmental Planning Policy (Infrastructure) 2007 | Y | Y | The planning proposal does not propose provisions to impede the application of this SEPP. |

| State Environmental Planning Policy (SEPP) | Applicable (Y/N) | Consistent (Y/N) | Comments/Justification |
|---|------------------|------------------|--|
| State Environmental Planning Policy (Kosciuszko National Park—Alpine Resorts) 2007 | N | | |
| State Environmental Planning Policy (Kurnell Peninsula) 1989 | N | | |
| State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007 | Y | Y | The planning proposal does not prevent the application of this SEPP. |
| State Environmental Planning Policy (Miscellaneous Consent Provisions) 2007 | Y | Y | |
| State Environmental Planning Policy (Penrith Lakes Scheme) 1989 | N | | |
| State Environmental Planning Policy (Primary Production and Rural Development) 2019 | N | | |
| State Environmental Planning Policy (State and Regional Development) 2011 | N | | |
| State Environmental Planning Policy (State Significant Precincts) 2005 | N | | |
| State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011 | Y | | |
| State Environmental Planning Policy (Sydney Region Growth Centres) 2006 | N | | |
| State Environmental Planning Policy (Three Ports) 2013 | N | | |
| State Environmental Planning Policy (Urban Renewal) 2010 | N | | |
| State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 | N | | |
| State Environmental Planning Policy (Western Sydney Employment Area) 2009 | N | | |
| State Environmental Planning Policy (Western Sydney Parklands) 2009 | N | | |

5 Site-specific assessment

5.1 Environmental

The following table provides an assessment of the potential environmental impacts associated with the proposal.

Table 7 Environmental impact assessment

| Environmental Impact | Assessment |
|----------------------|---|
| Ecological | <p>The Planning Proposal is supported by an Ecological and Riparian issues and Assessment report. The supporting report was subject to a peer review implemented by Council (Attachment A15).</p> <p>The site has been generally cleared of native vegetation and is improved pasture. There are patches of native open forest and woodland all of which are highly modified or degraded. There are small isolated patches of open forest and woodland in the northwest and southeast of the site; and a scattered band of patches through the centre of the site (mostly associated with watercourses). The patches in the north western and central parts of the site include species characteristic of the Cumberland Plain Woodland (CPW) community.</p> <p>Parts of the site are identified as containing NSW Threatened Ecological Community including Cumberland Plain Woodland under the draft CPCP.</p> <p>Any future DA may require the preparation of a biodiversity assessment review report if the proposal exceeds the biodiversity offsets scheme threshold.</p> <p>The ecological assessments generally conclude that the site does not have high ecological value in its current state. The peer review concludes that the development provides the opportunity to enhance its values, through improving water quality and regenerating native vegetation. It is that outcome which the planning proposal should endeavour to deliver.</p> <p>Council can identify in the development control plan how the measures required to be taken enhance the ecological values of the site.</p> <p>It is a condition of the Gateway Determination that an open space strategy be submitted and endorsed by the Department prior to public exhibition. This exercise should also explore how existing mature trees can be retained and incorporated into open space and streets.</p> |

| | |
|--------------------------------|---|
| Riparian Corridors | <p>Riparian corridors were considered in Ecological and Riparian issues and Assessment report (referenced above).</p> <p>The site contains 38 watercourses that are generally small in size, ephemeral and with limited vegetation. Only three have a bed and bank and are considered by the ecological experts to constitute a river for the purposes of the <i>Water Management Act 2000</i>.</p> <p>Development in the form permitted by the planning proposal will require removal of a number of the water courses. A decision as to whether that is acceptable will be made by the Natural Resource Access Regulator (NRAR) during the development assessment process. Should NRAR require retention of the water course then that will necessitate redesign of any proposed development. The proponent is aware of that risk.</p> <p>It should be noted that riparian areas will be maintained and enhanced in the environmental conservation corridor that extend through the site. The open space strategy required to be submitted prior to exhibition should also indicate where setbacks to riparian corridors are required under the <i>Water Management Act 2000</i> and how this might impact access and the usability of these corridors as open space.</p> |
| Dam Retention | <p>The proposal was amended following a peer review by Abel Ecology (Attachment A15) to retain the Northern Dam in its current location within the site. The retention of the dam is supported as it will provide habitat and a food resource of wading birds and aquatic fauna.</p> <p>It is recommended that Dam Safety New South Wales is consulted as a condition of Gateway determination to ensure that the proposed extension and location of the dam within an urban community is acceptable.</p> |
| Contamination and Geotechnical | <p>The proposal is supported by a Geotechnical Assessment (Attachment A2) which identifies no issues with the land for subdivision.</p> |

Scenic and
Landscape
Character

Penrith's Scenic and Cultural Landscape Study identified the section of the Northern Road corridor north to Chain-O-Ponds Road as a visually sensitive gateway, warranting a high urban design/landscape presentation to the road. Council throughout its assessment identified the visual impact of the development as a key matter for consideration.

The Penrith LEP 2010 identifies part of the site as land with scenic and landscape values. The proposal seeks to delete this clause.

The existing Clause 7.5 of the PLEP requires Council to be satisfied that:

"measures will be taken, including in relation to the location and design of the development, to minimise the visual impact of the development from major roads and other public places".

The objective of the clause is

- to identify and protect areas that have particular scenic value either from major roads, identified heritage items or other public places, and
- to ensure development in these areas is located and designed to minimise its visual impact proposal seeks to address the objective

The planning proposal is supported by a Visual Impact Assessment (**Attachment A10**). The assessment concludes that there will no longer be the opportunity to stop and park a car on the unformed verge and enjoy the view due to the Northern Road upgrades. The Northern Road will largely obscure views for the traffic heading south and views will not be impacted by the residential development. The dwellings within the environmental living lots will be up to 110m from the site boundary and will sit below existing sightlines or are already obscured by vegetation of the existing landform. In addition, the height of building controls proposed for the environmental lots along the boundary line ensure dwellings are single storey and site specific DCP controls seek to promote a built form that straddles the width of lots rather than encroach on their frontage. A view corridor will be maintained to the west across the eastern playing fields.

A similar approach is proposed to the Chain-O-Ponds boundary, with environmental living lots with 4000m² minimum lots sizes proposed to provide a clear boundary to the urban/rural fringe and transition between the different land uses.

Further consideration of how landscape can be used to retain the area's rural landscape character should be explored as part of the development of the DCP provisions.

| Open space and riparian corridors | <p>The Social Impact Assessment analysed the proposed provisions of open space against the performance indicators in Council's Sport and Recreation strategy. The analysis identifies the following provision of open space which is generally compliant with Council's requirements.</p> <table><tr><th>Open Space Type</th><th>Required (ha)</th><th>Proposed (ha)</th></tr><tr><td>Local Park</td><td>1.6</td><td>5.9</td></tr><tr><td>District Park</td><td>7.8</td><td>10.6</td></tr><tr><td>Sport space</td><td>10.9</td><td>9.7</td></tr><tr><td>Linear park</td><td>7.8</td><td>8.7</td></tr></table> <p>Additionally, the assessment makes the following observations:</p> <ul style="list-style-type: none">• Almost all residents will have access to local and district parks within 500m of their homes; and• The majority of residents will have access to a sporting space within 500 metres and all will have access to two sporting spaces within 2 kilometres. <p>The proposal contains open space corridors which link with the Glenmore Park and Mulgoa Reserve. The proposal provides opportunities for passive and formal use of the corridors.</p> <p>The NSW Government's Draft Greener Places Design Guide, 2020 provides metrics for the provision of new open space in low and medium density residential neighbourhoods. It is requested that the proposed open space network be reviewed against these metrics and submitted to the Department for endorsement prior to exhibition. In the interest of timely and orderly delivery, the location of the south-east open space on fragmented private lots should also be reviewed.</p> | Open Space Type | Required (ha) | Proposed (ha) | Local Park | 1.6 | 5.9 | District Park | 7.8 | 10.6 | Sport space | 10.9 | 9.7 | Linear park | 7.8 | 8.7 |
|-----------------------------------|---|-----------------|---------------|---------------|------------|-----|-----|---------------|-----|------|-------------|------|-----|-------------|-----|-----|
| Open Space Type | Required (ha) | Proposed (ha) | | | | | | | | | | | | | | |
| Local Park | 1.6 | 5.9 | | | | | | | | | | | | | | |
| District Park | 7.8 | 10.6 | | | | | | | | | | | | | | |
| Sport space | 10.9 | 9.7 | | | | | | | | | | | | | | |
| Linear park | 7.8 | 8.7 | | | | | | | | | | | | | | |
| Acoustics | <p>The site is susceptible to road traffic noise from The Northern Road. The use of acoustic barriers to limit noise intrusion is not supported by Council and TfNSW.</p> <p>The planning proposal is supported by a Road Traffic Noise Investigation (Attachment A9). The investigation concludes that <i>"unmitigated traffic noise onto the development site would mean high exposure to road traffic noise for residences near The Northern Road"</i>.</p> <p>The investigation recommends a combination of landscaping buffers, combined with enhanced construction/glazing for residences in proximity to the Northern Road. This combined with the larger environmental lots located along the Northern Road will enable dwellings to be set back. The site specific DCP will also prescribe specific setback and frontage controls for the dwellings fronting the Northern Road to ensure adequate distance from the Northern Road and incorporation of measures to mitigate traffic noise impact for future residents.</p> | | | | | | | | | | | | | | | |
| Landfill | <p>There is a licenced landfill facility located to the west of the site. The planning proposal identifies that the land fill activity is 95% complete, with much of the site capped. The active part of the site is 400m from the nearest future residential dwelling which would mitigate against any potential conflict due to odour, dust or noise.</p> | | | | | | | | | | | | | | | |

Stormwater management and water sensitive urban design

The Planning Proposal is supported by a Water Cycle Management Strategy which proposes the following measures:

- Rainwater tanks on each lot.
- Gross pollutant traps at each discharge point to basin or raingarden.
- Sixteen (16) bio-retention raingardens with a total filter area of approximately 16,890 m².
- One (1) wetland sized at approximately 8,810 m².
- Five (5) detention basins with a total volume of approximately 35,000 m³. This includes three (3) wet basins which have a component of permanent water bodies and two (2) dry bed detention basins.

The strategy states that modelling results demonstrate that the proposed five detention basins located will ensure that peak post-development discharges are restricted to less than the pre-development levels at all key comparison locations.

It is recommended that consultation be undertaken with DPIE - Environment, Energy and Science division to review the Water Cycle Management Strategy during public exhibition.

5.2 Social and economic

The following table provides an assessment of the potential social and economic impacts associated with the proposal.

Table 83 Social and economic impact assessment

| Social and Economic Impact | Assessment |
|----------------------------|--|
| Social | <p>Key social infrastructure items to be provided are a primary school and open space. This infrastructure will assist in creating a connected and healthy community. The co-location of facilities within and around the local centre will create convenience and enhance the areas liveability.</p> <p>The social infrastructure assessment (Attachment A7) identifies that there is currently no need for other social infrastructure, such as child care or healthcare. NSW Health and Council's social services directorate should be consulted to confirm this is the case.</p> <p>The social infrastructure assessment identifies the potential negative impacts of the proposal including increased traffic along the Northern Road. This impact can be mitigated by implementing traffic demand management measures, such as promoting the use of public transport, and through State and Local government management and maintenance of the road network.</p> <p>The proposal intends to provide additional community floorspace within the site through the dedication of the sales and marketing unit to Council. The Department has no objection to this transfer, but it will be Council's decision as to whether to accept it.</p> <p>The open space corridors will connect with corridors in Glenmore Park, making them available for use by the wider community.</p> |

Economic

The planning proposal is supported by Preliminary Retail Advice which concludes that population and spending growth resulting from the proposed residential development at the site will support the development of new retail facilities. The new neighbourhood centre anchored by a mid-sized supermarket can be supported by the development.

5.3 Infrastructure

One of the amendments proposed is to identify the land as an urban release area to enable designated State public infrastructure under Clause 6.1 of the Penrith LEP. The application of this clause will allow for the funding of required state infrastructure to be determined.

The requirement for Council to initiate discussions with the Department regarding infrastructure contributions is outlined in Condition 7 of the Gateway Determination.

The following table provides an assessment of the adequacy of infrastructure to service the site and the development resulting from the planning proposal and what infrastructure is proposed in support of the proposal.

Table 94 Infrastructure assessment

| Infrastructure | Assessment |
|------------------------------------|---|
| Place Infrastructure Compact (PIC) | <p>A Place Infrastructure Compact (PIC) is being developed by the Greater Sydney Commission under the Western Sydney City Deal which includes GPEC. The PIC undertakes detailed data analysis to demonstrate how to best align growth in housing and jobs with the delivery of infrastructure.</p> <p>Further consultation will be undertaken with the GSC regarding the delivery of the PIC and the proposed growth with the associated delivery in infrastructure.</p> |
| Services | <p>The planning proposal is supported by a Water and Waste Water Service investigation (Attachment A13) and an Electrical servicing investigation (Attachment A14).</p> <p>Endeavour Energy was consulted as part of the preparation of the report and confirmed that it has the capacity to supply the proposed development from initial stages through to completion. In terms of waste water, the investigation identified that a section of the downstream gravity waste water system will have to be upgraded as to ensure that Sydney Water's environmental licence condition with regards to overflow are met.</p> <p>A condition of Gateway determination requires the Council to consult with the relevant agencies and seek confirmation as to whether any state or local contributions will be required to facilitate required upgrades.</p> |

| | |
|------------------------------------|---|
| Transport | <p>The proposal is accompanied by a Stage 1 traffic impact assessment (Attachment A8) which identifies key issues and opportunities of the site. The assessment comes to a number of conclusions, of key relevance are the following:</p> <ul style="list-style-type: none"> • A bus service would be provided within the development to ensure that bus route and stops are provided to ensure that all dwellings are within 400m of a bus stop; • Additional road capacity would be required as part of the development and towards the Northern Road intersection. In addition, dual right turn lanes would be required to access the site from the Northern Road to accommodate the additional capacity anticipated from the development. • The development relies on the Northern Road being upgraded as part of the Western Sydney Infrastructure Plan. • There is a need for Council to update the Mulgoa Road intersection with St Thomas Road with a higher order turn treatment to separate through traffic and right turning movements to improve road safety. <p>The VPA includes a commitment to staged upgrading and improvements to the intersections into the site from the Northern Road at Chain-O-Ponds Roads and the northern entry of the site and upgrades to Chain-O-Ponds Road. The merits of that contribution must be evaluated by Council and TfNSW.</p> <p>Council and TfNSW have agreed that a stage 2 traffic and transport assessment is to be conducted at the post-Gateway stages and a condition of Gateway determination has been included to reflect this.</p> |
| Local Infrastructure Contributions | <p>Council is proposing to prepare a contribution plan for the site. The plan will be prepared after receipt of the Gateway and exhibited concurrently with the planning proposal and draft DCP.</p> <p>The plan will ensure all developers, including those outside the lead developers, make contributions to local infrastructure.</p> |

| | |
|------------------------------------|--|
| Voluntary Planning Agreement | <p>Council is proposing to enter into a voluntary planning agreement (VPA) with the lead developers. It is anticipated that the VPA will incorporate the following:</p> <ul style="list-style-type: none"> • Dedication of all land shown RE1 and E2 on the Land Use Zoning Map and embellishment of this land for as required drainage infrastructure, riparian regeneration and active and passive open space including play fields, courts, cycleways, picnic areas, seating and other equipment, at no cost to Council; • Commitment to the staged upgrading and improvements to the intersections into the site from The Northern Road at Chain-O-Ponds Road and the northern site entry; • Upgrade of Chain-O-Ponds Road from the Transport for NSW (formerly Roads and Maritime Services) limit of works along the remainder of the site frontage to a full width road pavement to meet the urban need, whilst maintaining a high-quality rural interface at no cost to Council; • Commitment to the provision of affordable housing equating to 3% of the total yield by payment of a contribution This mechanism is yet to be determined; and • Dedication of the sales and marketing suite for community use at the end of the release. <p>In the absence of a Council Affordable Housing Policy, it is reasonable for Council to negotiate and secure an affordable housing offering through a VPA. It is recommended that Council evaluate the viability of increasing the required percentage of affordable housing from 3% to 5% as part of its VPA negotiations. It is also recommended that Council further consider how other landowners within the site may contribute to infrastructure funding.</p> |
| State Infrastructure Contributions | <p>The State Infrastructure will include the dedication of a site for a primary school and the commitment to staged upgrading and improvements to the intersections into the site from the Northern Road at Chain-O-Ponds Road and the northern site entry and any other reasonable upgrade of roads and provision of state infrastructure required by the development.</p> <p>As the site is located within GPEC and is included as part of the PIC it may be subject to future State Infrastructure Contributions. The correspondence requests Council require the proponent to initiate discussions with the Department regarding infrastructure provision and the potential SIC.</p> <p>The letter also requests that Council consider the potential SIC when assessing the State infrastructure needs generated by the proposal.</p> |

Yield and Urban design

The planning proposal seeks to apply a minimum lot size of 300m² within the R2 Low Density Residential Zone and a minimum lot size of 180m² within the R3 Medium Density Residential Zone. It intends that the dwelling yield and mix of lot sizes will be managed through dwelling caps within mapped sub-precinct areas.

The dwelling caps are intended to ensure that on average a lot size of 400m² within the R2 zone will be achieved and 450m² in the R3 zone. This is intended to give certainty that a mix of lots sizes will be provided to ensure broader range of housing product and affordability.

Council's Local Planning Panel strongly recommended that the minimum lot size be increased for the R2 Low Density Residential Zone to 450m² to ensure that dwellings are reasonably sized and adequately spaced. The panels concern stems from the view that the minimum lot sizes in the existing Glenmore Park development and more generally are too small.

It is noted that the proposal provides for large lot sizes within the environmental living lots along the boundaries of the site to manage the visual impact and there is an aspiration for the site specific DCP to manage this and create a green gateway which is appropriate for the rural/urban fringe. The smaller R3 lots are located within the central parts of the site with good open space amenity close by. These smaller lots will enable a diverse housing product with a range of affordability.

Planning Priority No.4 of Council's LSPS identifies the importance of diversity in housing stock and compact homes as a means to ensure that housing is available to meet different people's needs. The proposed lot sizes will assist in achieving this planning priority and also reflects Penrith DCP's acknowledgement that there is a need for larger lots (more than 400m²) and smaller lots (less than 400m²) within the local government area.

Analysis

The Department has undertaken an urban design analysis of the proposed dwelling caps for each sub-precinct. This analysis was undertaken utilising GIS data provided by Penrith Council and assessed the dwelling cap in consideration of the area of each sub-precinct.

This analysis has found that the proposed dwelling caps for R2 and R3 zones appears to exceed the maximum residential density almost in some sub-precincts (25 dw/ha for R2 zone and 35dw/ha for R3 zone).

It is understood that caps are proposed to allow a broader range of lot size and housing products. However, the development should ensure that the application of the density controls will not ensure that development will exceed appropriate residential densities.

The Department recommends that further analysis is undertaken by the applicant and Council to demonstrate that the application of the dwelling caps within each area will not exceed densities of 25 dw/ha for R2 zone and 35dw/ha for R3 zone. This analysis should consider the proposed zoning, minimum lot sizes and setbacks result in lots on average exceed the minimum lot size control. The study should also consider the application of the current clause 4.1A of the LEP 2010 and the outcome for dual occupancy development within both the R2 and R3 zone.

This analysis is outlined in Condition 2 of the Gateway Determination and requires this work to be submitted for endorsement by the Department prior to exhibition.

It is also recommended that Council consider amending the planning proposal so that the minimum lot size for lots zoned R3 is increased from 180m² to 190m² as it may lead to undesirable urban design outcomes.

Penrith DCP 2010 requires the single dwelling lots have a minimum of 25m deep. The proposed minimum lot size of 180m² would result in development with the dwelling frontage less than 7.2m which is less than the minimum width of 7.5m to achieve effective internal layout including garaging.

Consideration of this issue should be undertaken prior to exhibition in conjunction with the development of the DCP and further urban design analysis.

6 Consultation

6.1 Community

Council proposes a community consultation period of 28 days.

The exhibition period proposed is considered appropriate and forms to the conditions of the Gateway determination.

The Department has received correspondence from some landowners which form part of the planning proposal. This correspondence stated that these owners would likely make a submission that during the public exhibition which objects to the Planning Proposal on the grounds of impacts that the proposed rezoning will have on their property.

These landowners form part of the 8 lots which are located on The Northern Road. Condition 4 requires the applicant is to consult the eight individual landowners prior to the public exhibition process and provide a summary of the outcomes of this consultation to the Department prior to public exhibition.

This will ensure that these landowners are directly consulted with by the applicant prior to public exhibition. This will be in addition to the standard consultation that would occur during an exhibition.

In addition, Condition 2 of the Gateway determination requires the submission of an additional analysis to detail dwelling yields and the resultant densities. This includes requiring detailed investigations of the 8 lots which are in private ownership to detail the likely uplift for these lots. This analysis will assist when assessing the implications of the planning proposal for these landowners.

6.2 Agencies

Council has nominated the following public agencies to be consulted about the planning proposal:

- Transport for NSW
- Sydney Water
- Endeavour Energy
- Water NSW
- NSW Environment, Energy and Science
- NSW Rural Fire Service
- NSW Department of Education
- NSW Environment Protection Authority

It is recommended the following agencies be consulted on the planning proposal and given 21 days to comment:

- Transport for NSW
- Sydney Water
- Endeavour Energy
- Water NSW
- NSW Environment, Energy and Science
- NSW Rural Fire Service
- NSW Department of Education
- NSW Environment Protection Authority
- Department of Planning Industry and Environment – Resilience Planning
- Local Aboriginal Land Council(s)
- NSW Department of Primary Industries - Agriculture
- NSW Health – Western Sydney Local Health District
- Greater Sydney Commission
- Dam Safety for NSW
- Natural Resources Access Regulator
- Western Parkland City Authority - PIC

7 Timeframe

Council proposes a 12 month time frame to complete the LEP.

The Department recommends a time frame of 12 months to allow for some flexibility following submissions of the planning proposal for finalisation.

A condition to the above effect is recommended in the Gateway determination.

8 Local plan-making authority

Council has advised that it would like to exercise its functions as a Local Plan-Making authority.

As the site/planning proposal requires consideration and coordination of state infrastructure contributions, the Department recommends that Council not be authorised to be the local plan-making authority for this proposal.

9 Assessment Summary

The planning proposal is supported to proceed with conditions for the following reasons:

- Provide a diverse range of housing product and contribute in meeting the housing needs of Penrith;
- Can be considered as an Urban Investigation Area as it forms part of the Greater Penrith to Eastern Creek investigation into a Growth Area.

- Defines the rural edge along Chain-O-Ponds Road to maintain a high-quality rural interface; and
- The site is a logical extension of the existing Glenmore Park suburb and can be integrated into the existing infrastructure network.

10 Recommendation

It is recommended that the delegate of the Secretary:

- Agree that any inconsistencies with section 9.1 Directions, 1.2 Rural Zones, are minor or justified;
- Note that the consistency with section 9.1 Directions Direction 4.4 Planning for Bushfire Protection is unresolved and will require justification.

It is recommended that the delegate of the Minister determine that the planning proposal should proceed subject to the following conditions:

1. The planning proposal is to be updated:
 - to rectify the following minor errors:
 - i. Part 1 - Amend the first outcome to refer to “create a residential development *with a dwelling yield of 2558 dwellings.*”
 - ii. Section A of Part 3 to be updated to reflect the updated questions to be considered when demonstrating justification as set out by “A Guide to Preparing Planning Proposals”
 - iii. Reference to Penrith’s LSPS should be included in Section A of Part 3 as the site is identified as an urban investigation area by Council’s LSPS.
 - iv. Part 3 – section 9.1 direction 2.6 to be added into the proposal together with confirmation of consistency.
2. The applicant must prepare additional analysis, for endorsement by the Department prior to exhibition, of the proposed dwelling yields and cap, and the resultant urban design outcome. This analysis should include detailed investigations of the 8 lots which form part of the planning proposal which are in private ownership. This analysis should assess both the existing and proposed development potential to determine the likely uplift in yield for these lots.
3. The applicant must prepare an open space strategy, for endorsement by the Department prior to exhibition, that addresses:
 - The principles and performance indicators in the NSW Government’s Draft Greener Places Design Guide 2020;
 - How the precinct will achieve the 40% tree open target for Greater Sydney;
 - How existing large trees can be incorporated into the public domain wherever possible;
 - How riparian corridors will be incorporated into the open space network; and
 - The suitability of the south-east open space on land with fragmented ownership.
4. The applicant is to consult the eight individual landowners prior to the public exhibition process and provide a summary of the outcomes of this consultation to the Department prior to public exhibition.
5. Consult the NSW Rural Fire Service prior to public exhibition in accordance with section 9.1 Direction 4.4 Planning for Bushfire Protection and address any comments from this agency.

6. As part of the Stage 2 transport analysis, Council is to consider traffic demand measures that can be incorporated to reduce reliance on private vehicles.
7. Council to request the proponent to initiate discussions with the Department regarding the State infrastructure needs generated by the proposal. This is consistent with the planning proposal seeking to identify the land as an urban release area to enable designated State public infrastructure under Clause 6.1 of the Penrith LEP.
8. Council is to concurrently exhibit the planning proposal, draft site-specific development control plan and draft contributions plan. Consultation should occur with the Department to ensure that the development control plan is consistent with the standard template which is currently being developed.
9. Council must evaluate the viability of increasing the required percentage of affordable housing from 3% to 5% as part of its VPA negotiations.
10. The planning proposal should be made available for community consultation for a minimum of 28 days.
11. In addition to Council's standard consultation during public exhibition, Council should send correspondence to all landowners which form part of the planning proposal with the offer to directly meet with Council officers to discuss the planning proposal.
12. Consultation is required with the following public authorities:
 - Transport for NSW
 - Department of Planning, Industry and Environment – Resilience Planning
 - Department of Planning, Industry and Environment – Environment, Energy and Science
 - Sydney Water
 - Endeavour Energy
 - Environmental Protection Authority
 - Department of Education
 - NSW Environment Protection Authority
 - Local Aboriginal Land Councils
 - Department of Primary Industries – Agriculture
 - NSW Health – Western Sydney Local Health District
 - Greater Sydney Commission
 - Dam Safety for NSW
 - Natural Resources Access Regulator

In consulting with authorities, Council is to seek the views of the relevant authorities over the need for state infrastructure contributions to support the proposal.
13. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
14. The time frame for completing the LEP is to be 12 months from the date of the Gateway determination.

15. Given the nature of the planning proposal, Council should not be authorised to be the local plan-making authority to make this plan.



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