



Planning Proposal

Glenmore Park Stage 3

December 2022

PENRITH
CITY COUNCIL

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Appendix 2 – Supporting Technical Studies - Attachments		Date
A	High Level Risk Assessment (HLRA) To identify contamination and salinity risks by SESL	April 2022
B	Geotechnical Assessment /Report Proposed Residential Subdivision Chain O Ponds and Northern Roads Mulgoa by D Katauskas	April 2022
C	Desktop Aboriginal Objects Due Diligence Assessment Extension of Glenmore Park, Planning Proposal, Mulgoa NSW by Niche Consulting	April 2022
D	Historic Heritage Assessment Extension of Glenmore Park, Planning Proposal, Mulgoa NSW by Niche Consulting	April 2022
E	Water Cycle Management Strategy by JWyndham Prince	November 2022
F	Glenmore Park Stage 3 Planning Proposal Bushfire Statement prepared by Building Code and Bushfire Hazard Solutions	April 2022
G	Social Impact and Infrastructure Assessment – Glenmore Park Extension by Elton Consulting (March 2020) and Addendum (April 2022)	March 2020 April 2022
H	Traffic Impact Assessment – Glenmore Park Extension – Residential Development Planning Proposal by The Transport Planning Partnership	April 2022
I	Road Traffic Noise Investigation – Extensions to Glenmore Park, Mulgoa by Renzo Tonin and Associates	March 2020
J	Visual Impact Assessment – Glenmore Park Extension by Urbaine and GLN Planning	March 2020
K	Preliminary Retail Advice – Glenmore Park Extension by Urbis	April 2022
L	High Level Agricultural Land Assessment by GLN Planning	March 2020
M	Serviceability of Glenmore Park Stage 3 Water and wastewater servicing investigation. Prepared by Qalchek	April 2022
N	Electrical servicing investigation. Prepared by Power Line Design	April 2022
O	Ecological & Riparian Issues & Assessment Report by Gunninah Review of Planning Proposal for Glenmore Park Stage 3 (Peer review report). Prepared by Abel Ecology	April 2022 March 2019

Introduction

1.1 Purpose of Planning Proposal

This Planning Proposal (PP) seeks to amend the *Penrith Local Environmental Plan 2010* (LEP 2010) to rezone a 206-hectare site within the Penrith local government area.

For the purposes of this PP the site will be referred to as Glenmore Park Stage 3 (GP3). The site is located south of the existing suburb of Glenmore Park. Chain O Ponds Road represents the southern GP3 boundary. The Northern Road represents the eastern boundary with the Mulgoa Nature Reserve and rural residential properties along the western boundary.

The PP seeks to amend the existing zones being, C3 Environmental Management and RU2 Rural Landscape to allow for a new urban release development. The proposed zones include:

- R2 Low Density Residential
- R3 Medium Density Residential
- RE1 Public Recreation
- C4 Environmental Living
- B2 Local Centre
- C2 Environmental Conservation
- SP2 Infrastructure (Educational Establishment)

The site was identified by Council for rezoning as part of the Penrith Accelerated Housing Delivery Program (AHDP) endorsed by Council on 27 November 2017, and has subsequently been included as part of the Greater Penrith to Eastern Creek growth area in the Western City District Plan and as a Council-nominated urban investigation area in Council's Local Strategic Planning Statement (LSPS). The preparation of a Planning Proposal is the first step in the NSW Department of Planning and Environment's (DPE) Gateway process for amending the Penrith LEP 2010. After consideration of the Planning Proposal by the Local Planning Panel, the Gateway Process comprises a series of steps for making or amending the local environmental plan. The process is outlined in Table 1. The purpose of this PP is to demonstrate site specific merit and strategic merit for this proposal as set out in the DPE's Local Environmental Plan Making Guideline. The Planning Proposal is currently at the Assessment stage.

No	Step	Explanation
1	Planning Proposal	Council prepares a document explaining the effect of and justification for the making or amending of a local environmental plan and submits the Planning Proposal to the NSW Minister for Planning for consideration.
2	Gateway	The Department of Planning Industry and Environment, as a delegate of the Minister for Planning, determines whether a Planning Proposal should proceed.
3	Community Consultation	The Planning Proposal is publicly exhibited.
4	Assessment	Council considers the submissions received in response to the public exhibition, varying the Planning Proposal if necessary.
5	Drafting	Parliamentary Counsel prepares a draft local environmental plan.
6	Decision	The relevant planning authority approves the local environmental plan, making it law.

1.2 Background to Submission of the Planning Proposal

On 14 August 2017, Council resolved to commence an AHDP for new release areas. The need for an AHDP became clear given projected demand for housing and recognition that existing releases were nearing completion. The AHDP identified need for new 'ready to go' release areas to meet short term demand.

Against this housing supply crisis, the housing demand for Penrith LGA is anticipated to increase given Government investment in Western Sydney as well as from employment growth identified in the Western City District Plan associated with nominated economic corridors, trade gateway lands, new industrial lands and Western Sydney Employment Lands.

The AHDP sought submissions from landowners identifying sites capable of significantly contributing to housing supply over the next 3-5 years. Parcels were only considered that had a land area of approximately 100 hectares or greater and were capable of producing 1,000+ lots. Submissions were required to demonstrate the urban capability and physical suitability of the land, its strategic context for urban development, and an ability to efficiently extend infrastructure to ensure development could occur in the short to medium term.

On 27 November 2017, Council considered a report on the AHDP which investigated potential sites to supplement Penrith's currently planned and established residential areas. One of the sites shortlisted included Glenmore Park Stage 3 as it presents a logical extension to the existing urban area and can be easily serviced. Council endorsed the Glenmore Park Stage 3 site and one other site (Orchard Hills North) as accelerated housing to proceed with the statutory planning processes to rezone each parcel. The Council report is provided at Appendix 3.

Subsequently the land has been included as part of the Greater Penrith to Eastern Creek growth area in the Western City District Plan and as a Council-nominated urban investigation area in Council's Local Strategic Planning Statement (LSPS).

On 28 May 2018, Council received a Planning Proposal from Mirvac for the Glenmore Park Stage 3 site. The Planning Proposal has been modified a number of times to satisfy Council that appropriate environmental, urban and visual outcomes are secured as part of the planning process. Modifications to the Planning Proposal have related to the following matters:

- results of an independent peer review of the planning proposals Ecological Issues and Assessment report,
- removal from the Planning Proposal's rezoning area the most westerly property (Lot 17) along Chain O Ponds Road, to retain intact the original LEP 2010 Mulgoa Valley boundary,
- the introduction of an C4 Environmental Living zone to achieve visual outcomes and transitions along the key interfaces of the site,
- relocation of the Local Centre zoning away from The Northern Road,
- setting maximum dwelling yields and minimum lot sizes within each residential zone,
- introduction of residential zonings that do not permit residential flat buildings,
- development in the Local Centre (that may include top shop housing) will adhere to a height of buildings control of 12m (previously 15m),
- specific feedback from council officers relating to urban heat responses, dwelling density, building separation and treatment of key interfaces.

Some of the changes above have reduced the original yield of 3,200 lots (proposed when the Planning Proposal was lodged with Council) to 2,558 dwellings, plus provision for some shop top housing dwellings (within the 12 m height of buildings) in the local centre subject to detailed design outcomes.

Under the requirements of Section 2.19 of the *Environmental Planning and Assessment Act 1979*, this Planning Proposal was presented to the Local Planning Panel for advice on the 13 May 2020. The panel generally support the Planning Proposal and recommended that further consideration be given to certain matters. The Local Planning Panel's advice is provided in Appendix 4.

At the Ordinary Meeting of 25 May 2020, the Planning Proposal was presented to Council with a recommendation that it endorse the Planning Proposal to commence the Gateway process. At this meeting Council resolved to support this recommendation as provided in Appendix 5.

On 23 September 2020, DPE issued a Gateway Determination for the Planning Proposal. A Gateway Determination allows for public exhibition and community and agency consultation to occur, once any Gateway conditions are met. Council and the proponent have been working together to address the Gateway conditions. In December 2021, DPE provided a direction that the Planning Proposal needs to align with the Cumberland Plain Conservation Plan (CPCP) that was publicly exhibited in late 2020 and finalised in 2022. This direction has resulted in changes to the Planning Proposal and masterplan and necessitated updates to some of the technical studies that support the Planning Proposal.

Alignment of the Planning Proposal with the CPCP, has resulted in a further reduction to the dwelling yield to 2,330 dwellings, including provision for up to 100 shop top housing dwellings in the local centre subject to detailed design outcomes.

An Alteration to the Gateway Determination was provided on 2 March 2022, and again on 8 June 2022, which provided an extension of time to finalise the LEP amendments. The Gateway Determination and Gateway Alterations are provided in Appendix 6.

This report documents the investigations, consistency with planning strategies and detailed rezoning outcomes that have been carried out by the proponents since Council's resolution.

1.3 Site Description and Context

The Planning Proposal is for the extension of the existing Glenmore Park release area south to Chain-O-Ponds Road. It is located approximately 50km from the Sydney CBD and 6km from Penrith CBD. The Planning Proposal applies to land generally used for rural and rural residential uses, with a combined area of some 206ha. The land is owned or controlled by Mirvac and Vianello together with assorted other small private and government landholdings.

The land included in the Planning Proposal is identified in the Table below. The property descriptions have been updated following road widening and provision for turn around areas on The Northern Road and Chain-O-Ponds Road frontages taken for the upgrade of The Northern Road by Transport for NSW (TfNSW). The turnaround areas which extend into the site have been included in the Planning Proposal to ensure an efficient and rational land use adjacent to the entry roads. The lots included in the Planning Proposal are:

Land & Areas	Property Description
Land owned by Vianello:	Lot 3 DP1224642
Approximate total 79ha	Part of Lot 701 DP1275647
	Part of Lot 700 DP 1275647
	Part of Lot 445 DP 1268480
Land Controlled by Mirvac:	Lot 18 DP244610
Generally, 10ha lots, approximate total 103ha	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
Other land included in Planning Proposal:	Lot 26 DP244610
Generally, 2ha lots, approximate total 19ha	Lot 6 DP29081
& sections of road, approximate total 5ha	Lot 1 DP1088989
	Lot 8 DP29081
	Lot 1 DP795841
	Unformed Public Road located between Lots 19 & 25 DP244610
TfNSW owned	Lot 6 DP1240361
	Lot 7 DP1240361
	Part of Lot 9 DP1240361
Chain-O-Ponds Road fronting the Glenmore Stage 3 site area – including road reserve	

Figure 1 below shows the land comprising the Planning Proposal and land ownership.

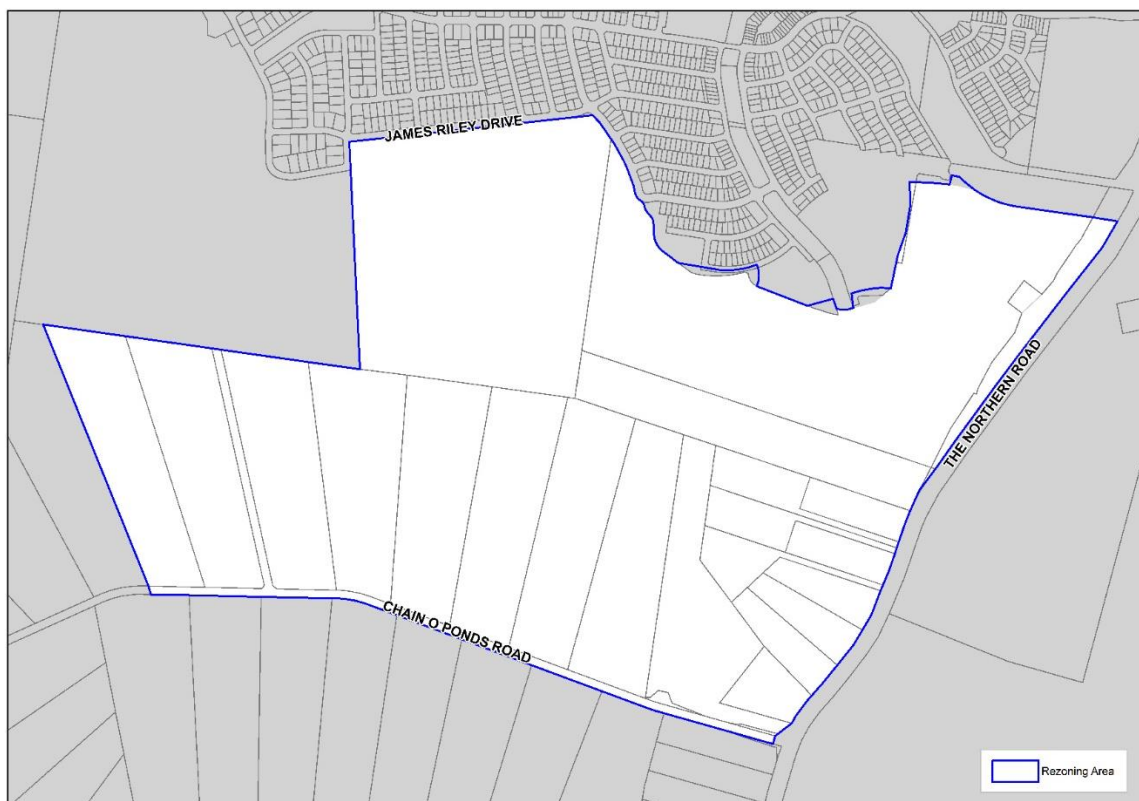
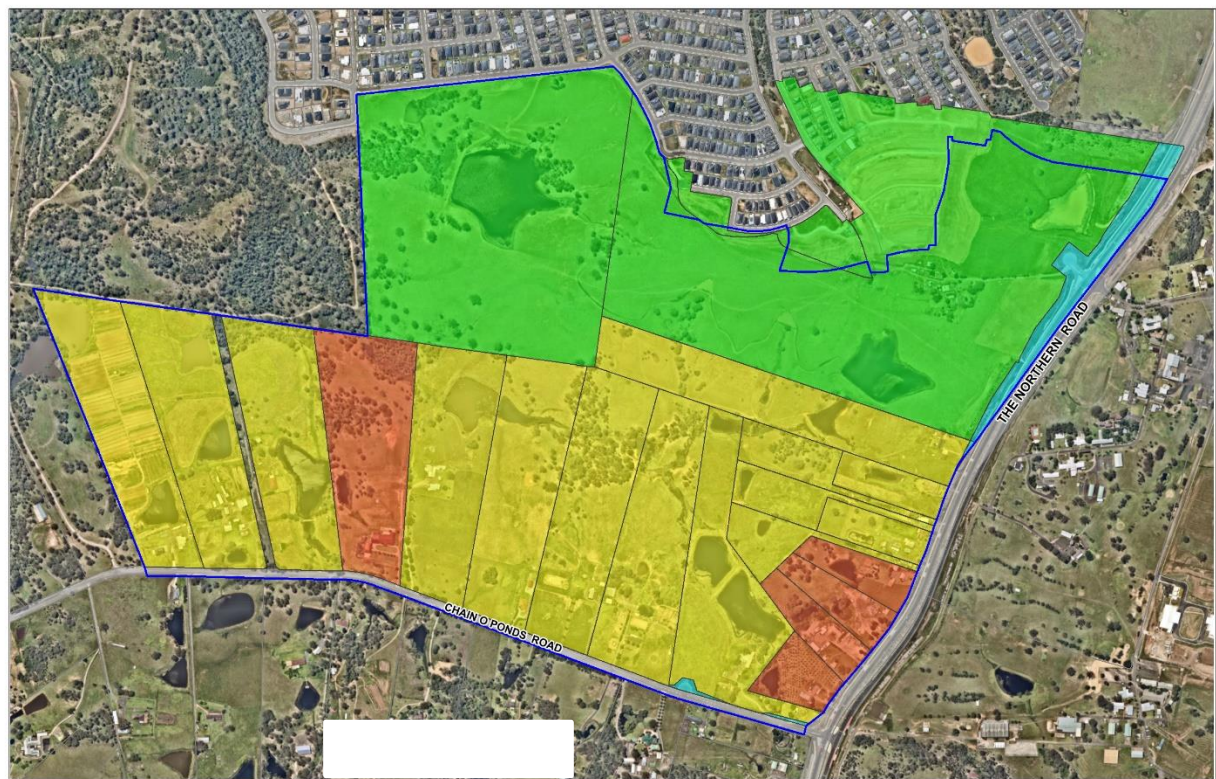


Figure 1 - Plan showing the land comprising the Planning Proposal

The Vianello parcel shown in green in Figure 1 is residue grazing land left over from the most recent extension of Glenmore Park Stage 2. The remaining land coloured yellow is owned or has been secured by Mirvac. The land shown in red is held by other private parties. The land shown in blue is owned by Transport for NSW. The rezoning area comprises lots of around 10ha along Chain-O-Ponds Road and generally 2ha off The Northern Road. One of these lots is used for crop production while others are used as rural residential properties, equipment storage and equestrian uses. The Planning Proposal parcel has been substantively cleared. However, there are still areas containing Cumberland Plain Woodland vegetation, particularly along and adjacent to the creeks that is worthy of retention.

Topographically, the land forms part of an undulating valley formation with The Northern Road located on or behind the ridge at the head of the catchment that ultimately feed creeks draining across the site and into the Mulgoa Nature Reserve in the west.

The last stage of the existing Glenmore Park development extends over the northern crest of the valley, pre-empting the valley's transformation. The southern ridgeline of this valley formation runs some 20m to 100m adjacent to the northern side of Chain-O-Ponds Road. Because large sections of The Northern Road and Chain-O-Ponds Road sit behind the key ridges forming the valley, there are limited locations, typically on elevated land, where there are views into the valley itself or backdrop views of Rileys Mountain located on the eastern side of the Nepean River.

Figure 2 shows the site topography and key ridge line defining the valley formation.

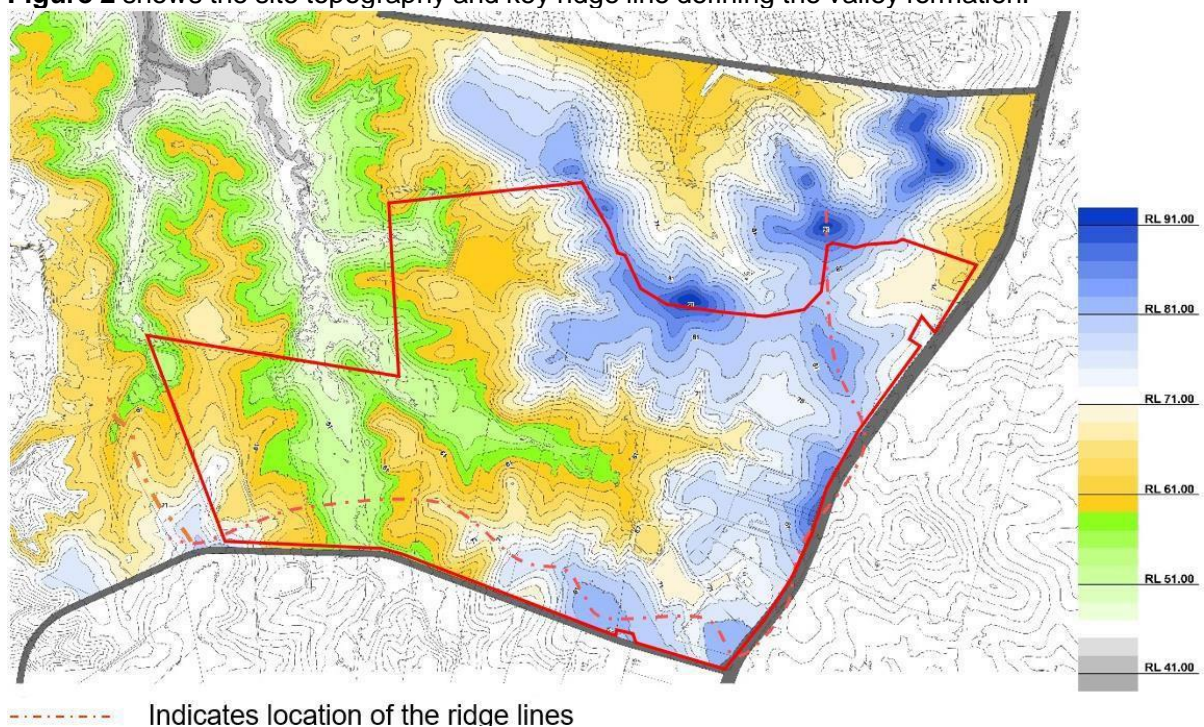


Figure 2 – Site topography including ridgelines

The land adjoining the site comprises the following uses:

- To the north, the Glenmore Park urban release
- To the west, the Mulgoa Nature Reserve, and a rural residential property with landfill site beyond accessed from Chain-O-Ponds Road
- To the east, opposite on The Northern Road, the Orchard Hills Defence Establishment
- To the south, opposite Chain-O-Ponds Road are rural residential properties in the C3 Environmental Management Zone.

The adjoining uses do not pose any specific land use conflicts, including from the land fill and other agricultural operations as discussed later in this report.

1.4 Penrith Local Environmental Plan 2010

The site is part zoned part RU2 Rural Landscape and part zoned C3 Environmental Management under Penrith Local Environmental Plan 2010. Note that due to changes to the Standard Instrument, a reference to an Environmental zone E1, E2, E3 or E4 within a land zoning map should be taken to be a reference to a Conservation zone C1, C2, C3 or C4.

The objectives for the RU2 Zone are aligned to permitting primary agricultural production while preserving natural resources, the rural landscape character and minimising land use conflict. The zone objectives for the C3 zone are aligned to limiting land uses that would impact on the conservation values of the land, preserve the natural landscape and limit land use conflict. The current zoning of the site is shown in **Figure 3** below.

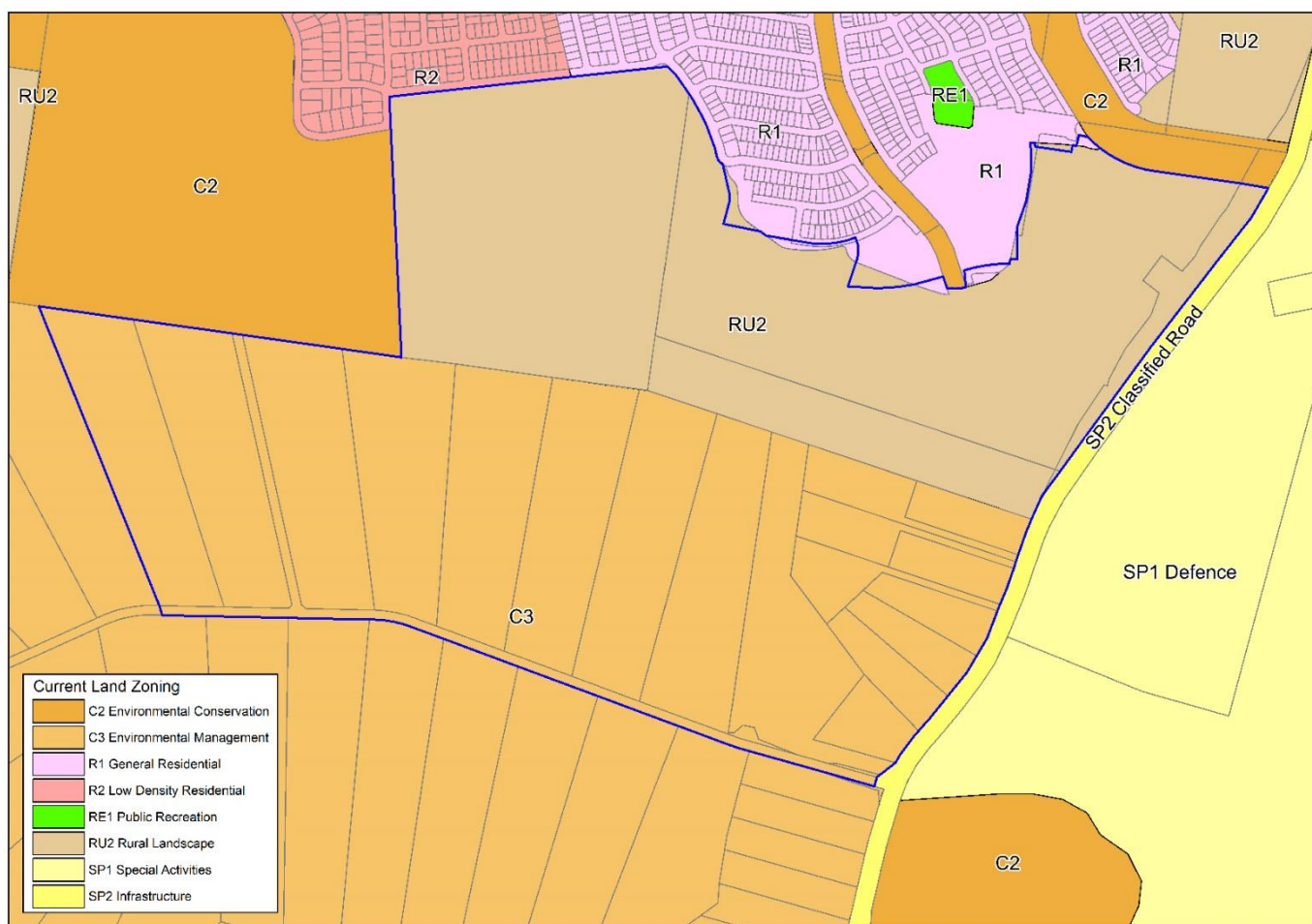


Figure 3 - Plan showing the existing zoning of the site

The LEP also provides the additional existing planning controls to guide future development of the site as set out below:

- Clause 4.1 Minimum Lot Size – sets a minimum lot size for subdivision at 40 ha within the RU2 Rural Landscapes Zone and 20 ha with the C3 Environmental Management Zone
- Clause 7.5 Protection of scenic quality and landscape character – applies to land adjacent to The Northern Road into the middle of the site as having landscape quality.

The site is not mapped as containing any heritage items or their mapped curtilages.

1.5 The Master Plan

The proponents have developed a Master Plan incorporating low and medium density residential areas, environment living (on large lots) at the non-residential interfaces of the site, a school, a local centre retail offering, open spaces and environmental conservation areas to protect existing creek lines and vegetation. Note that this Plan references the new Conservation zone descriptions to align with the land use table.

Figure 4 below shows the revised Master Plan.

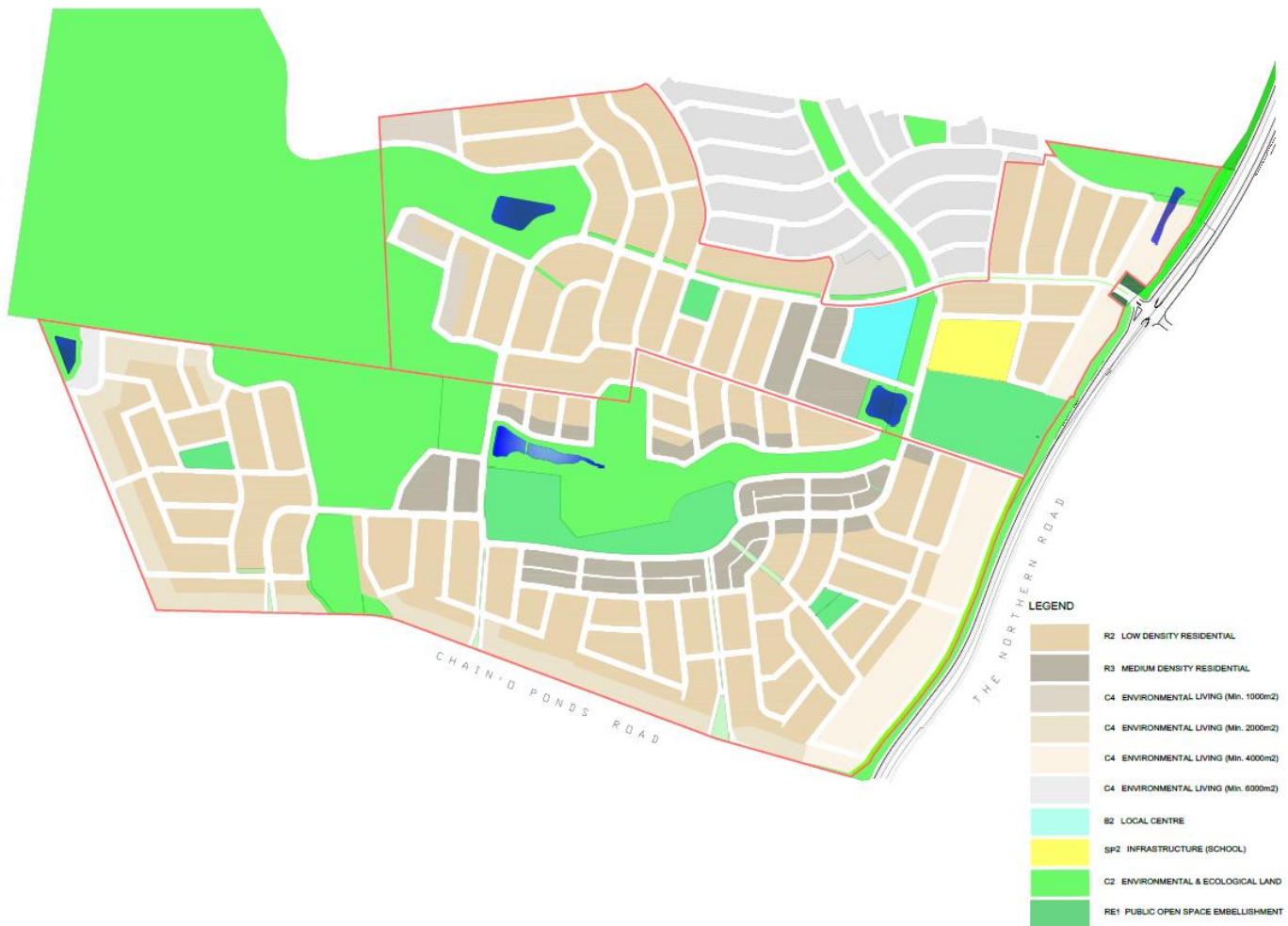


Figure 4 - Proposed Master Plan for the site

The features of the Master Plan include:

- A total of 2,153 dwellings in low density and medium density residential zones (including 16 studio / fonzie flats) allowing for a mix of lot sizes with diverse housing forms, and 77 Environmental Living dwellings with minimum lot sizes of 1,000m², 2,000m², 4,000m². This equates to a total release of 2,330 dwellings within the residential and environmental living and local centre zones. Housing diversity will be ensured through a combination of dwelling caps and minimum lot sizes, together with other residential development standards to be included in a Development Control Plan for the land.
- The Neighbourhood Precinct comprising retail centre, school and sports fields has been carefully designed to provide a well-connected heart to the development which will foster a strong sense of community. There is a strong correlation between these uses, particularly the school and sports fields which are provided immediately east of the retail centre across one of the 'green spines' or environmental corridors that traverse through the site. The benefit of this is that the traffic associated with the retail centre will be separated from the school and sports fields by the corridor. New pedestrian connections across the spine will link all parts of the centre for pedestrians. The retail shops have been included with provision for shop top housing (within the 12m Height of Building control) subject to the resolution of the finer grained design of the retail area. The open space has been sited to maintain the primary view line from The Northern Road to Rileys Mountain.
- Environmental corridors forming a green spine that loops through the site to connect to the Mulgoa Nature Reserve in the west, the existing suburb of Glenmore Park in the north, Chain-O-Ponds Road in the south and the community hub area of the school, sports fields and shops. These corridors can incorporate pedestrian and cycleways facilitating a healthier living environment.

- Five playing fields positioned to serve walkable neighbourhoods and local parks within 400m walking distance of all residents adjacent to the central green spine.
- Identification of vegetation with conservation value to be preserved within environmental corridors and retention of key dams for aesthetic and stormwater management. The land identified with environmental values has more recently been expanded to incorporate the land identified in the Cumberland Plain Conservation Plan (CPCP) mapping published by the Department of Planning and Environment.
- South of the sportsfield adjacent to The Northern Road, a green landscape zone 9m wide (10m from back of kerb) in a widened perimeter road reserve adjacent to The Northern Road site boundary to create a dense landscaped screen visually separating The Northern Road and the release area as shown on the Master Plan. This also means that the existing driveway access points will be removed with redevelopment thereby creating a consistent streetscape and removing conflict points to The Northern Road.
- Collector Road connections from the existing Glenmore Park to the approved intersection with The Northern Road and to link with Chain-O-Ponds Road. Close to 100% of residents will be within 400m of the collector road and The Northern Road providing access to bus services.

Both Mirvac and Vianello Holdings have committed to a package of infrastructure works to be included in a Voluntary Planning Agreement to support the Master Plan outcomes as well as the provision of, or contribution to Affordable Rental Housing.

1.6 Supporting Studies and Other Information

The Master Plan outcomes and final Planning Proposal zonings have been informed by a number of detailed studies. The following extracts from the studies and other matters confirm the urban capability and suitability of the land and measures to ensure appropriate environmental, social, and urban outcomes are achieved:

High Level Risk Assessment (HLRA) to identify contamination and salinity risks by SESL (March 2020)

State Environmental Planning Policy (Resilience and Hazards) 2021 repealed and replaced *State Environmental Planning Policy No 55 – Remediation of Land* in March 2022.

Clause 6 of SEPP 55, requiring consideration of contamination at the planning proposal stage was repealed in 2020, and therefore not carried over to the new SEPP. Nonetheless, contaminated lands are required to be considered by a planning authority under the relevant Section 9.1 Ministerial Direction 4.4 in preparation of a planning proposal.

The then Department of Urban Affairs and Planning and Environmental Protection Authority published the document, *Managing Land Contamination Planning Guidelines SEPP 55–Remediation of Land* in 1998. Page 22 of the Guidelines provides advice for generalised rezonings including rezonings that cover large areas as follows:

Rezonings that cover a large area, for example, more than one property, usually describe proposed land uses very generally both in type and location. This makes it difficult for a planning authority to be satisfied that every part of the land is suitable for the proposed use(s) in terms of contamination at the rezoning stage. In these cases, the rezoning should be allowed to proceed, provided measures are in place to ensure that the potential for contamination and the suitability of the land for any proposed use are assessed once detailed proposals are made. However, if the rezoning includes the identification of locations for sensitive uses, such as childcare centres, then it may be appropriate to determine the suitability of the land in those locations at the rezoning stage. (p21)

The HighLevel Risk Assessment prepared by SESL included the following scope:

- Undertaking of a comprehensive site history review including:
 - Current and historical aerial photographs;
 - Existing environmental reports for the site (where available);
 - Council planning documentation; and
 - The NSW EPA Contaminated Lands database.
- Obtaining information pertaining to the site's environmental setting including the proximity of the site to sensitive receptors and information on site geology;
- Development of a list of Potential Areas of Environmental Concern (PAECs) to identify data gaps that require additional environmental information;
- Review of salinity risk maps, and assessment of the potential risks associated with salinity pertaining to the proposed development;
- Discussion of the outcome of previous investigations relating to Glenmore Park Stage 2 findings, with Vianello Holdings;
- Preparation of this HLRA report in accordance with relevant guidelines for contaminated lands and salinity assessment.

The SESL report confirms that:

a range of current and former land use activities undertaken at the site have the potential to have caused contamination to soil, groundwater or other media. This is typical of most greenfield release areas that have been used for rural purposes over a prolonged period. During the review of available information for the development of this HLRA, there has been nothing identified to suggest that previous land uses have resulted in a degree of contamination at the site that cannot be remediated prior to the development of the site, at the development application stage.

Based on this assessment, SESL recommends that further investigation is required to determine the presence and/or extent of contamination associated with the PAECs identified, prior to the proposed development. This additional investigation must include:

- *The undertaking of a Tier 1 Detailed Site Investigation (DSI) to determine the presence and/or extent of contamination at the site, associated with the identified Potential Areas of Environmental Concern (PAECs);*
- *This investigation must be adequately designed to assess all identified Contaminants of Potential Concern (COPC) within site soils and groundwater; and*
- *In the event that site soils or groundwater are determined to be contaminated, a Remedial Action Plan (RAP) will need to be developed with the contaminated material to be managed and remediated during the construction phase.*

Council can have confidence that the matters required above can be undertaken at the development application stage after the land is rezoned and at the developer's costs for the studies and any remediation.

A copy of the SESL report (2022) is at **Attachment A**. No updates were required to this report as a result of any revisions made to the Planning Proposal.

Geotechnical Assessment by D Katauskas

This report has not been updated as it describes the geotechnical conditions of the site which does not change to respond to any of the revision made to the original Planning Proposal. The report identifies no issues with the development of the land for subdivision based on the geotechnical assessment. A copy of the Geotechnical Assessment (2022) is at Attachment B.

Desktop Aboriginal Objects Due Diligence Assessment by Niche Consulting (March 2020)

The assessment identified that Aboriginal objects have been found within the site as part of previous investigations with the potential for further Aboriginal objects to be present. The 4 of the 5 objects previously recorded are all located adjacent to existing water courses in areas which will not be subject to residential development but preserved in proposed C2 Environmental Conservation, RE1 Public Recreation zones or on C4 Environmental Living Land which will be subject to restrictions preventing development. One item is located near to the large farm dam (45-5-0407). This is near the boundary of RE1 land and a collector road. This item will be further investigated at DA stage and, if required to remain, can be accommodated by minor variation to the road location.

The study recommends that:

further investigation in accordance with the Guide to Investigating, assessing and reporting on Aboriginal cultural heritage in NSW (prepared by the former NSW Office of Environment and Heritage, 2011), the Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW and the Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010 (DECCW 2010) is required after Gateway and before development occurs on the land.

A copy of the Desktop Aboriginal Objects Due Diligence Assessment report (2022) is at **Attachment C**. No updates were required to this report as a result of any revisions made to the Planning Proposal.

Historic Heritage Assessment by Niche Consulting (March 2020)

The purpose of the report was to identify and assess the heritage significance of listed items within and within proximity of the Subject Area which may be impacted by a future rezoning. The consultant undertook a preliminary desktop non-Aboriginal (historic) archaeological assessment of the Subject Area which was validated by a site inspection. The report also appraises relevant heritage planning controls for development within the Subject Area.

The report concluded that:

there were no listed heritage items within the Subject Area, and that historic heritage items located in proximity to the Subject Area would not be impacted by the subdivision and planning proposal. The assessment also concluded that no potential areas of non-Aboriginal (historic) heritage significant archaeological relics are likely to be located within the Subject Area.

The Subject Area is located within (between) the boundaries of two areas established in the Penrith LEP 2010 which have developmental controls to preserve landscape character in these regions, partly to ensure that heritage significant views and vistas are not impacted by development (Clause 7.5 and 7.18). This assessment concludes that the planning proposal would not adversely impact the heritage requirements of these LEP clauses. This assessment also concludes that there would be no adverse impacts to heritage items protected under Part C7.1 of the Penrith DCP 2014.

This report concludes that there are no further non-Aboriginal heritage constraints on the rezoning planning proposal and the future residential development of the Subject Area.

A copy of the Historic Heritage Assessment report (2022) is at Attachment D. No updates were required to this report as a result of any revisions made to the Planning Proposal.

Water Cycle Management Strategy by J Wyndham Prince

The March 2020 report details the proposed Water Cycle Management Strategy to ensure that:

both water quantity and water quality are managed prior to discharge to Mulgoa Creek in accordance with Penrith City Council's guidelines and policy documents. An initial strategy has been submitted to Council (JWP, 17 May 2018, ref: 110474-02-Rpt1_C) which resulted in a series of comments and requests for information that have subsequently been addressed in this revised report.

The modelling and overall Water Cycle Management Strategy is based on the revised Master Plan (dated 20 February 2020). This investigation has included the following specific tasks:

- *Review all existing flood data and previous reports.*
- *Prepare an opportunities and constraints plan, considering all critical issues related to stormwater and flooding.*
- *Undertake a preliminary riparian assessment and liaise with NSW Office of Water (NOW).*
- *Determine indicative sizes and locations of stormwater management devices for the precinct.*
- *Undertake hydrology modelling in XP-RAFTS to represent both existing and developed conditions.*
- *Undertake a preliminary water quality assessment using percentage (%) of contributing catchment modelling to determine the location and size of water quality devices (raingardens).*
- *Prepare a high-level Stormwater Concept Plan to clearly define stormwater devices.*
- *Prepare a detailed Water Cycle Management Strategy Report suitable for submission to Penrith City Council to support the rezoning of the Glenmore Park Extension.*

Results demonstrate that the proposed five (5) detention basins located throughout the site with a total storage of approximately 35,000m³ will ensure that peak post-development discharges are restricted to less than the pre-development levels at all key comparison locations. This includes two (2) "dry" detention basins and three (3) "wet" detention basins co-located with open water bodies. Water quality will be managed by on-lot rainwater tanks, gross pollutant traps, raingardens and a wetland in order to deliver the required water quality outcomes.

A total of 16 raingardens and one (1) wetland are proposed across the site. The anticipated total bio-retention raingarden area is 16,890 m² and the anticipated wetland area is 8,810 m².

The Stormwater Management Strategy proposed for the Glenmore Park Extension is therefore functional; delivers the required technical performance; lessens environmental degradation and pressure on downstream ecosystems and infrastructure and provides for a 'soft' sustainable solution for stormwater management within the precinct.

This report was subsequently updated in April 2022 due to a shift in modelling methodologies and changes in modelling requirements and to reflect the updated masterplan and corresponding catchments as a result of the draft CSCP mapping. Changes included increasing the storage capacity of the proposed five (5) detention basins to approximately 39,000 m³ by providing a total of four (4) "wet" basins and one (1) "dry" basin. Additionally, the number of

raingardens has reduced to nine (9) with a corresponding reduction in the total bio-retention raingarden area to 11,420 m². The conclusion of the report remains unchanged, being the system provides a 'soft' sustainable solution for stormwater management for the site.

The Water Cycle Management Strategy report has been revised to confirm that the stormwater infrastructure can be located within the environmental corridors without compromising the CPCP values and consistent with the CPCP Infrastructure Guidelines.

A copy of the Water Cycle Management Strategy report (November 2022) is at Attachment E.

Note: A revised Water Cycle Management Report (WCMR) was provided to Council on 25 November 2022. Due to the timeframes for finalisation of the Planning Proposal, Council officers have not been able to complete a review of the updated report at the time of post-exhibition reporting. As part of the finalisation of the Planning Proposal, it is anticipated that DPE will assist with any outstanding agency submissions or matters related to the WCMR, in consultation with Council prior to making the Plan.

Bushfire Hazard Assessment by Building Codes and Bushfire Hazard Solutions (March 2020)

The site is deemed bushfire prone under Penrith City Council's Bush Fire Prone Land Map.

The original assessment found that the site and proposed Master Plan has the capacity to comply with the relevant specifications and requirements of Planning for Bush Fire Protection 2006 and will not result in areas that are difficult to evacuate, create control difficulties during a bushfire or adversely affect other bush fire protection strategies or place existing development at increased risk.

Since the lodgement of the application in May 2018, the Planning for Bush Fire Protection 2019 (PBP 19) has come into effect. Updated advice in a letter from Building Code and Bushfire Hazard Solutions note that:

As the Planning Proposal application was lodged with Council prior to 1 March 2020, Planning for Bush Fire Protection 2006 remains the valid assessment document for this matter.

Regardless in acknowledging that the future Development Applications will be lodged under PBP 19, the relevant Asset Protection Zones under this document have been applied to the Master Plan. The overlay demonstrates that the future allotments can suitably accommodate the required APZs.

This report was subsequently updated in April 2022 to reflect the updated masterplan and corresponding requirements of Planning for Bush Fire Protection 2019. Additionally, the report responded to comments from the NSW RFS relating to the asset protection zones along Linear Park 1, parking provision along perimeter roads and fire hydrant flows. The conclusions of the report remain unchanged, noting the site and proposed Master Plan has the capacity to comply with the relevant specifications and requirements of Planning for Bush Fire Protection 2006 and 2019.

A copy of the Bushfire Hazard Assessment (2018 & 2020) and the Supplementary Bush Fire Assessment Report (April 2022) is at **Attachment F**.

The Master Plan has also been further amended to incorporate a perimeter road along the western edge of the release area as requested by the NSW Rural Fire Service.

Social Impact and Infrastructure Assessment by Elton Consulting (March 2020)

The assessment by Elton Consulting considered the potential social impacts that may be expected as a result of the Glenmore Park Extension development. The assessment found:

This assessment has considered the potential social impacts that may be expected

as a result of the Glenmore Park Extension development. The residential development is expected to yield approximately 2,600 low and medium density dwellings with a resultant population of around 7,800 people. This population is expected to have similar characteristics to those of the adjoining suburb of Glenmore Park.

Overall, the noteworthy social impacts identified in this assessment relate to the delivery of a primary school that will give children in the area access to education. Likewise, the development will provide access to green space and to a healthy lifestyle through the inclusion of formal active open space as well as informal recreation spaces such as outdoor gyms and walking and cycle ways.

There were a small number of low level potential negative impacts such as noise and air pollution as a result of increased traffic along The Northern Road to affect residents along the eastern border of the site, however these can largely be mitigated through the implementation of proven, industry wide measures and emerging technologies. Others included the proximity and potential exposure to illegal dumping at the former landfill site and proximity and potential exposure to soil contamination of the DOEH site at the eastern border on the eastern side of The Northern Road. While these impacts are unlikely, there are acknowledged in this assessment.

Regarding the provision of social infrastructure and open space, the development will lead to the delivery of a K-6 primary school. It was determined through consultation that there is no current requirement for additional community facilities, childcare centres or healthcare facilities as demand for these services can be accommodated by existing nearby facilities.

The provision of total open space is adequate to meet the needs of the future community in Glenmore Park extension. Where possible the principles of connectivity and accessibility have been addressed.

The report was subsequently updated by means of a letter of addendum to the initial report to address the reduced yield in response to the masterplan changes and latest community requirements.

A copy of the Social Impact and Infrastructure Assessment report (2022) is at **Attachment G**.

Traffic Assessment by The Transport Planning Partnership (March 2020)

The Transport Planning Partnership (TTPP) prepared the original assessment for the Planning Report. The key changes to the Planning Proposal since the original assessment has been a reduction in dwelling yield from the release of some 500 dwellings.

The assessment by TTPP made the following conclusions:

- i. A Planning Proposal was lodged with Penrith City Council in May 2018 for land located adjacent to The Northern Road in Mulgoa. The Planning Proposal intends to amend the existing planning controls imposed on the site to permit residential development.*
- ii. The subject site is anticipated to be developed to provide 2,638 residential dwellings, a mixed-use centre of 5,000m² GLFA and a school of 300 students.*
- iii. The proposed residential development is estimated to generate approximately 2,651 trips in the AM peak hour and 2,690 trips in the PM peak hour.*
- iv. The Northern Road is being upgraded with additional lanes and a divided carriageway as part of the Western Sydney Infrastructure Plan.*
- v. In Year 2026, dual right turn lanes from The Northern Road into the Development Site Access Road would be required to accommodate the anticipated development traffic. Furthermore, additional road capacity would also be required on both Development Site Access Road towards the intersections with The Northern Road.*
- vi. Staged improvement measures have been recommended for Year 2036 to reduce intersection delays.*
- vii. An acceptable level of service (LoS D or better) would be maintained with the recommended intersection upgrade improvements in Year 2026 and 2036 with the proposed development traffic.*
- viii. The existing layout of the Mulgoa Road intersection with St Thomas Road meets the warrant for a Channelised Right Turn (CHR) Treatment on Mulgoa Road, based on the existing traffic volumes. Clearly, it is an existing problem as the lack of turning facilities is contributable to the right-rear crashes at the intersection. This prompts the need for Council to upgrade the intersection with a higher-order turn treatment to separate the northbound through and right turning movements in order to improve road safety at this blackspot intersection.*
- ix. A bus service would be provided within the development. The location and layout of the bus routes and stops would be provided such that all dwellings would be within 400m a bus stop.*

Overall it is concluded that the proposed residential development can be accommodated with road capacity upgrades at the intersections of The Northern Road with Chain-O-Ponds Road and DEOH Access in Year 2026 and Year 2036.

The report was subsequently updated in April 2022 to reflect the reduction in yield and an increase in the capacity of the proposed primary school to 1,000 students. The updated report concluded the development is estimated to generate approximately 2,967 (two-way) vehicle trips in the AM peak hour and 3,037 (two-way) vehicle trips in the PM peak hour which will require intersection upgrade works for year 2036 at The Northern Road intersection with the Entry Boulevard and the with Chain-O-Ponds Road.

The updated report provides the additional information as required by the gateway approval including consideration of traffic demand measures to reduce the reliance on private vehicles.

A copy of the Traffic Impact Assessment report (April 2022) is at **Attachment H**.

A Stage 2 Comprehensive Transport Impact Assessment was provided to Council on 19 August 2022, that reflect a dwelling yield of 2,300 dwellings. Post exhibition masterplan changes have resulted in an overall dwelling yield for Glenmore Park Stage 3 to be 2,330 dwellings. An addendum to the Stage 2 Comprehensive Transport Impact Assessment is provided that states *'traffic impact associated with the increase from 2,300 to 2,330 dwellings with the changes of 14 fonzie lots to low/medium density dwellings is considered negligible and would not impose any material difference to the road network and intersection performance.*

Road Traffic Noise Investigation by Renzo Tonin (March 2020)

The previous acoustic assessment by Renzo Tonin assumed, based on advice from Council and RMS, that acoustic barriers would not be supported along this section of The Northern Road. To the north of the site, 5m acoustic barriers will be installed along The Northern Road as part of the road works to protect the acoustic environment of existing residential dwellings.

In the absence of acoustic barriers, it was originally proposed to provide a perimeter road adjacent to The Northern Road boundary adding to the separation from main road traffic noise, and require the first row of houses facing this road on small residential properties to be two storey and incorporate noise attenuation. This in turn would shield the next row of houses further back into the release, and so on.

The revised Planning Proposal now incorporates large 4,000m² lots fronting the perimeter road within the site boundary with standard residential lots to the rear of this. This has pushed back the first row of dwellings to over 40m from the site boundary and typically over 60m from the edge of new roadways on The Northern Road.

For the purposes of the acoustic assessment The Northern Road would be considered under *State Environmental Planning Policy (Transport and Infrastructure) 2021* (formerly the ISEPP); and hence, the ISEPP noise goals should be adopted as they are considered the most current road traffic noise policy for new residential development in NSW. For the sporting fields and other recreational space along The Northern Road, reference is made to the NSW Road Noise Policy.

Based on a review of the relevant traffic noise assessments for The Northern Road upgrade, the Renzo Tonin assessment found that:

'..unmitigated traffic noise onto the development site would mean high exposure to road traffic noise for residences near The Northern Road.

To achieve the internal ISEPP noise criteria, a preliminary review indicates that first row residences on the lots along the eastern boundary shown on the provided Masterplan (with a setback of approximately 42m from the boundary of The Northern Road) would likely require up to Category 4 façade treatments as detailed within the ISEPP and shown in APPENDIX B of this report. This would require façade systems such as 10.38mm laminated glazing of windows, brick veneer construction facades and two layers of sound rated plasterboard applied to the ceilings of affected bedrooms and living areas.

Second row residences will typically be on standard residential lots and setback at least 100m from the eastern site boundary and would likely require acoustic façade treatment Category 3 (6.38mm laminated glazing). Indicative façade and roof constructions for these categories are also described in APPENDIX B.

Based on the current plan, it is estimated that residences within approximately 100-150 metres of The Northern Road would require some form of acoustic façade treatment to achieve the ISEPP internal noise goals, varying between Category 1

(standard 4mm glazing) for residences setback from the road with lower exposure to road traffic noise, up to Category 4 for residences adjacent to the road corridor. As the ISEPP noise criteria that govern the site are internal, there is no requirement to achieve external noise amenity. Whilst there is no requirement, the external noise levels in the private open spaces for the first row of residences adjacent to The Northern Road would be considered reasonable given the private open spaces are generally located in the rear yard. Unmitigated traffic noise would likely be more than 10dB(A) above the NSW RNP external noise goals however road traffic noise will be mitigated to achieve a more acceptable external noise level through increased front setbacks for the first row of residences and the incorporation of a substantial landscape screen along the eastern boundary of the site i.e. The Northern Road.

With regard to the sporting fields along The Northern Road, the noise level along the western side of the landscape buffer of the master plan is expected to be around 65dB(A). In the middle of the nearest sporting field (approx. 100m from the centreline of The Northern Road), this is expected to be around 61dB(A), which generally complies with the noise levels set out by the EPA. Full compliance will be achieved 125m from the centreline of The Northern Road. The level of exceedances ie. 1-4dB(A) that can be expected in the area of the sporting fields closest to The Northern Road is considered minor, especially noting the activities on sporting fields are noise generating by nature.

Appendix F of the Renzo Tonin report has also provided comments on Council's subsequent request for work on noise impacts from the internal collector roads as follows:

Noise impacts of internal collector road are not required to be assessed or considered under any current government policy. Renzo Tonin & Associates agreed that this can be fairly easily dealt with by use of upgraded façade treatments on future dwellings and therefore, it is not deemed critical to be discussed/highlighted in the Road Traffic Noise Investigation report. At this stage, no traffic data has been made available for internal collector roads so this cannot yet be quantified.

A copy of the Road Traffic Noise Investigation report is at **Attachment I**. No updates were required to this report as a result of any revisions made to the Planning Proposal.

Visual Assessment by Urbaine and GLN Planning (March 2020)

The Planning Proposal pre-empted land use change for housing across large portions of the site. The Visual Assessment by Urbaine notes that much of this change will be located within the valley and hence generally obscured from vantage points along adjoining roads by topography. This has enabled the visual assessment to focus on the road interfaces.

Since the original Planning Proposal which included relatively small standard residential lots along both road frontages, Council directed that lots fronting The Northern Road should have a minimum lot size of 4,000m² and Chain-O-Ponds Road should have a minimum lot size of 2,000m². The larger 4,000m² lot sizes are also to be coupled with the provision of a dense 10m wide landscape screen measured between the kerbline of any perimeter road and the site boundary along The Northern Road, and specific treatments including larger setbacks, fencing and landscaping to consistent with a rural streetscape along Chain-O-Ponds Road. Post-exhibition changes to the masterplan has removed the requirement for a perimeter road north of the sports field along The Northern Road. Screening north of the sports field will be a combination of earthworks, mounds and landscaping. Access will be provided via the internal road network to these lots.

The Visual Assessment has focused on the interfaces to the site along The Northern Road, Chain-O-Ponds Road and to Mulgoa Nature Reserve. It discusses how significant views were assessed and the treatments of these areas to achieve Council's desired outcomes.

The three transition areas are described below in more detail:

Interface to The Northern Road

Existing views across the site from The Northern Road were recorded every 100m along the frontage by looking at cross sections with corresponding photographs toward Rileys Mountain, being the most significant visual backdrop visible.

The photographs helped identify the nature of the existing view including whether it was interrupted by dwellings or other vegetation in the fore to mid ground which obscured views to Rileys Mountain or whether the views were uninterrupted or primary views of this feature. The proposed dwellings and existing vegetation were included on the cross section to determine whether these would also interrupt views based on the Master Plan and proposed setback. Existing vegetation that obscured views was not included, with the photographs showing at each section the impact of vegetation on existing view lines.

In the future, there will no longer be the opportunity to stop and park a car on the unformed verge and enjoy the view. The works proposed to The Northern Road will provide 2 traffic lanes and designated bus lane in each direction (without provision for parking) and introduce a landscaped median largely obscuring views for traffic heading south.

The assessment confirms that views will not be impacted by the residential development as both the single dwellings setback over 40m from the site boundary, and two storey dwellings typically setback over 110m from the site boundary sit at or below the existing sightlines or the view is already obscure by vegetation of existing landform/dwellings. The location of the sports fields will preserve this primary view corridor to Rileys Mountain.

Despite the large 4,000m² lots now proposed behind a perimeter road to The Northern Road, the Planning Proposal includes the planting of a dense contiguous landscape treatment along the edge of The Northern Road between the site boundary and back of kerb of the perimeter road where shown on the Master Plan. A provision will be incorporated in the DCP for the site to ensure this outcome.

As stated above, post-exhibition changes to the masterplan has removed the requirement for a perimeter road north of the sports field along The Northern Road. Screening north of the sports field will be a combination of earthworks, mounds and landscaping. Lots north of the sports field will gain access to the large 4,000m² lots via the internal road network.

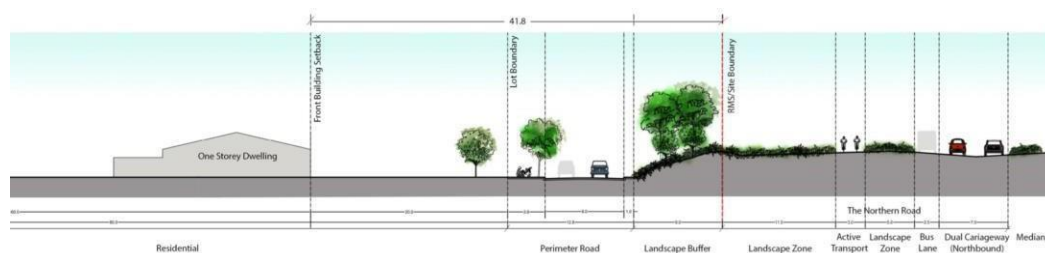


Figure 5 – Section of The Northern Road Landscaping and Dwelling Setback

Interface to Chain-O-Ponds Road

The original visual assessment noted that Chain-O-Ponds Road undulates along the site boundary with large sections sitting below an elevated ridge which obscures views into the valley beyond. There are some crests along the road where there are some broader views across parts of the land. However, the most significant backdrop view of Riley's Mountain will remain down the centreline of this road which will not be obscured by development.

The original Planning Proposal included larger residential lots fronting Chain-O-Ponds Road. However, Council directed that the lots fronting this road be included in an C4 Environmental Living Zone including being increased in area to a minimum lot size of 2,000m², thereby providing an appropriate transition to the properties opposite. The rural transition will be supported by DCP requirements requiring minimum frontages of 50m, setting a 15m front setback and 5m side setback for dwellings, rural fencing and limiting driveway entry to only one per lot. There are only 3 road connections to Chain-O-Ponds Road and the final treatment of Chain-O-Ponds Road will also look to incorporate rural elements including landscaping.

Interface to Mulgoa Reserve and other properties

The original Planning Proposal was amended to delete the western most lot fronting Chain-O-Ponds Road and to provide additional open space areas to provide a managed transition to Mulgoa Reserve.

In the south of the site, C4 Environmental Living Zoned lots of 2,000m² will extend from along the Chain-O-Ponds Road boundary along the new western boundary of the Planning Proposal site and north opposite Mulgoa Nature Reserve. The lot in the north western corner of this area will have a minimum lot size of 1.25ha. This size lot will provide an appropriate transition and can incorporate appropriate Asset Protection Zones to reflect bushfire hazard.

The lots in the northern part of the site will also be zoned C4 Environmental Living. However, as they are not located directly opposite Mulgoa Nature Reserve, but managed reserves, these have 1,000m² minimum lot sizes.

A copy of the Visual Assessment report is at **Attachment J**. No updates were required to be made to this report as a result of any revisions made to the Planning Proposal.

Preliminary Retail Advice by Urbis (March 2020)

The original Retail Study prepared by Urbis supported a proposal for a new retail centre to be located adjacent to the intersection of The Northern Road and the collector entry road into the release area. This area was also proposed to incorporate the school and active sports fields, in effect creating an important community hub for the release area.

Council had Hill PDA undertake a peer review of this report. Hill PDA supported the need for a centre of the size proposed but did note that the retail centre could be more centred within the release to maximise access to dwellings.

The Planning Proposal has been amended to relocate the retail centre further within the release area but with proximity and converging planned cycleway connections from the north and south and south/south west to the school and active sports fields to maintain the community hub of closely located land uses. The Planning Proposal has also been reduced in size by some 500 lots.

The updated Retail Assessment by Urbis found that:

Population and spending growth resulting from the proposed residential development at Glenmore Park will support the development of new retail facilities.

The proposed location of a new centre within GP3, can support the development of a new neighbourhood centre anchored by a mid-sized supermarket. This will need to ensure adequate car parking provision to maximise its accessibility to Trade Area residents.

Development of a new centre would not preclude the development of a comparable sized neighbourhood centre at the Glenmore Park Stage 2 site.

The inclusion of a new supermarket-anchored centre within GP3 would deliver equitable access to retail facilities, consistent with other locations throughout the Penrith LGA.

The report was subsequently updated in April 2022 in response to the masterplan and reduced yield and population forecasted. The conclusions of the report remain unchanged.

A copy of the Preliminary Retail Advice Report is at **Attachment K**.

High Level Agricultural Impacts by GLN Planning (March 2020)

The assessment found that the land is fragmented and has limited agricultural production at present, with grazing remaining on the residue parcel in the north and 1 of the smaller properties used for crop production (market garden).

The slope of the land and other constraints make the land estimated as Class 3, but could in some areas because of slope could be Class 4. Whilst around half the site is currently being used for agricultural production, if it were fully used for agricultural, the rezoning proposal would result in a negligible 0.14% reduction to the total Class 3 land in Sydney (this figure is based on the estimated 150,000 ha of Class 3 land in the Sydney Region). The fragmentation of the site and current use for solely residential purposes in effect reduces this percentage further.

The limited existing agricultural operations on the site will ultimately be redeveloped consistent with urban zonings in the Planning Proposal and hence possible conflicts between the more intensive operations on site and future residential will ultimately disappear.

The site has rural residential uses opposite and on the southern side of Chain-O-Ponds Road with only one orcharding use set well back from the road. This is unlikely to raise issues with agricultural conflict.

A copy of the High Level Agricultural Impacts report (2020) is at **Attachment L**. No updates were required to this report as a result of any revisions made to the Planning Proposal.

Serviceability of Glenmore Park Stage 3 by Qalchek

An options assessment report was prepared for Sydney Water to show that the Development is serviceable. The outcome of that report is that the Development will be serviced via the Bringelly Road water supply zone with regards to potable water and will be discharging the wastewater into the existing Penrith wastewater system. The options assessment was done following Sydney Water's planning criteria.

Potable Water

With regards to potable water the servicing strategy is based on 3 main points:

- The proposed development will be serviced via the Bringelly Road water supply zone by extending and where necessary amplifying the existing system coming out of Glenmore Park Stage 2*
- A water main amplification within the existing Glenmore Park Stage 2 development to give an additional major feed into the site and create a resilience link to de-risk potable water supply*

- *Due to the height of some parts of the development in relation to the supply levels of the Bringelly Road water supply zone a water booster pumping station and associated pipework will be required to guarantee adequate pressure supply for all proposed development areas.*

Waste Water:

With regards to waste water the servicing strategy is based on 3 main points:

- *The proposed development does have 2 distinctive catchments based on the surface levels, these catchments will be serviced by 2 new waste water pumping stations*
- *The rising mains coming from these pumping stations will discharge into the existing waste water system in Glenmore Park Stage 2*
- *Due to the increased loading a section of downstream gravity waste water system will have to be upgraded as to ensure that Sydney water's environmental license conditions with regards to overflows are met.*

The advice was subsequently updated in April 2022 to confirm the latest authority advice and respond to the reduced yield and population. There are no significant amendments from the previous report.

A copy of the water and sewer investigation advice is at **Attachment M**.

Electrical servicing investigation by Power Line Design (March 2020)

Power Line design has consulted with Endeavour Energy and can confirm the following:

- *Glenmore Park Zone Substation has the capacity to accommodate the installation of a new 11kV feeder to supply approximately 1300 lots. This feeder would require the installation of approximately 2.6km of new underground cable from Glenmore Park Zone Substation to the development. The cable would utilize a combination of existing conduits and new conduits to be installed as part of the construction process. Glenmore Park Zone Substation is located along Woodlands Drive, Glenmore Park to the west of the intersection of Linara Circuit, approximately 1.8km North-West of the proposed development.*
- *Capacity exists from the existing 11kV feeders (A095 and A096) supplied from Luddenham Zone Substation to provide backup capacity to the development. As well as some spare capacity to supply several lots. Luddenham Zone Substation is located along The Northern Road approximately 1.3km South of the proposed development.*
- *Endeavour Energy has plans and strategies in place for augmentation and extension of 11kV and Transmission Networks in the area, once the capacity of the first 11kV feeder approaches capacity. These strategies may include the installation of a new 11kV feeder from either Luddenham or Glenmore Park or a future Zone Substation.*

In conclusion, based on the advice given from Endeavour Energy. Endeavour Energy has the capacity to supply this development from initial stages through to completion of the development.

The investigation was subsequently updated in April 2022 to confirm the latest authority advice and respond to the reduced yield.

A copy of the Electrical Servicing Investigation is at **Attachment N**.

Ecological & Riparian Issues and Assessment Report by Gunninah (March 2020)

The original Planning Proposal was accompanied by an Ecological Assessment prepared by Gunninah which was subsequently peer reviewed by Abel Ecology on behalf of Council. Comments from the Mulgoa Land Care Group have also been forwarded by Council for incorporation wherever possible into the Planning Proposal. Comments from Abel Ecology and the Mulgoa Land Care Group have resulted in the deletion of a 10 ha allotment known as Lot 17 DP244610 from the Planning Proposal and the retention of the dam in the north western corner of the site. Additional land has been identified immediately adjacent to the Mulgoa Nature Reserve to provide a managed open space edge allowing for the transitioning from urban to bushland environment. Overall this has resulted in the increase of the non-residential zones by over 4ha.

The updated Gunninah assessment provides additional commentary on the Ecological Values and Riparian Corridors that underpin the environmental outcomes to the required standard for consideration of a Planning Proposal. It is acknowledged that additional investigations will need to be done at any future Development Application stage to give certainty to the recommendations and meet the statutory framework for this part of the development process. The following extracts from the Gunninah Report summarise the keys findings as they relate to the consideration of the Planning Proposal:

Ecological Values and Significance

The Glenmore Park Extension site is characterised predominantly by open grasslands, introduced and/or degraded pastures and horticulturally managed land. The majority of the subject land has been grazed, ploughed, fertilised and pasture-improved, cropped and/or used for market gardens over a very long period.

As noted by Abel Ecology (2019), the whole of the subject land “has very little ecological integrity due to a history of grazing and market gardens”; and “has internal features and topography that renders it more suitable for residential construction than reconstruction as a native forest”. The undersigned concurs with that assessment of the subject land.

The majority of the grasslands are dominated by introduced pasture grasses and weeds (mostly overwhelmingly so); although there are also patches where native grasses appear dominant or codominant. These, however, are relatively small in size; and are subject to ongoing agricultural activities (as noted above).

As also noted above, there are various (mostly small) patches of woodland scattered across the Glenmore Park Extension site – predominantly in the northwest and central parts of the subject land, with smaller patches in the southeast (see map above and in Attachment B). Many of these patches of woodland are dominated by trees characteristic of the Cumberland Plain Woodland (CPW) community; although in many (most) areas with an understorey characterised predominantly by introduced plant species.

Relevant matters for consideration with respect to the patches of ‘CPW’ woodland across the Glenmore Park Extension site are as follows.

- All of the woodland patches are disturbed and modified from their original condition; and all are regrowth, not remnant, vegetation.*
- The understorey in all of the patches has been modified and includes an array of non-native plant species. In many instances, the understorey is less than 50% (for patches <5ha) or 30% (for patches >5ha and/or connected to other areas) native species.*
- In these instances, these patches of vegetation do not meet the EPBC Act*

criteria for CPW; and in many instances may not satisfy the BCon Act criteria.

- Many of the patches are isolated from other native vegetation by intervening areas of agricultural or horticultural lands.

Most of the patches of woodland on the Glenmore Park Extension site are of low to moderate biodiversity conservation value at best – because of their degraded condition, isolation and/or relatively small sizes. Doubtless many such patches could be rehabilitated; although in most instances very substantial efforts and significant active management (and expense) would be required; and the biodiversity conservation benefits dubious unless they are connected to other patches.

Nevertheless, as discussed below, the Glenmore Park Extension project will achieve significant improvements in the extent and condition of CPW, and other vegetation types, on the subject land.

There are also scattered small linear patches of woodland along some of the watercourses through the Glenmore Park Extension site; although these are small and usually highly degraded. Some of the dams and short stretches of the watercourses have patches of fringing vegetation (such as reeds and sedges); although these again are highly modified and degraded. Riparian vegetation on the Glenmore Park Extension site is restricted to very narrow bands; as is typical of such ephemeral streams in western Sydney. All of the watercourses on the Glenmore Park Extension site are ephemeral; and contain limited areas of intact riparian habitat. In addition, most contain farm dams – some of considerable size.

It is important to note that the Glenmore Park Extension Planning Proposal includes the retention, rehabilitation and reconnection of woodland patches and other vegetation through the substantial areas of open space contained in the Master Plan (see plans in Attachment B). The majority of the better patches of 'CPW' and other vegetation across the Glenmore Park Extension site will be retained within the tracts of open space or environmental zoned land; and extended and rehabilitated.

The proposed network of open space and conservation areas along the drainage lines through the Glenmore Park Extension site will also significantly improve the connectedness of native vegetation through the site and into areas of native vegetation beyond the subject land – particularly to the northwest.

These outcomes will be of benefit to the native flora and fauna of the locality, including the threatened species recorded on or likely to occur or be present on the Glenmore Park Extension site. Threatened biota of particular relevance in this regard include microchiropteran bats and some threatened bird species – particularly those that are tolerant of urban environments (as discussed below in Chapter 5).

The areas of woodland to be retained and rehabilitated within the Glenmore Park Extension site will also supplement the areas of retained native (predominantly CPW) woodland on the adjoining lands to the west and northwest of the Glenmore Park Extension site including the Mulgoa Nature Reserve; and will reduce the potential for weed invasion into those lands (although the converse cannot be anticipated)

..... The proposed future development of the subject land at Mulgoa (generally in accordance with the Planning Proposal for the project – Attachment A) is not considered "likely" to impose a "significant effect" upon any "threatened species or ecological communities, or their habitats" (pursuant to Section 7.3(1) of the BCon

Act).

However, as discussed above, the proposal will involve an exceedance of “the biodiversity offsets scheme threshold” (pursuant to Section 7.2(1)(b) of the BCon Act); and any future DA will therefore require the preparation of a BDAR (biodiversity development assessment report)

..... The proposed future development of the subject land at Mulgoa (generally in accordance with the Planning Proposal for the project – Attachment A) is not considered “likely” to impose a “significant impact” upon any threatened or migratory biota listed in the EPBC Act; or on any other MNES.

There is no requirement for a future Development Application for residential development to be the subject of a ‘Referral’ to the Commonwealth for approval.

Riparian Considerations

The Water Management Act 2000 (WM Act) and the Water Management (General) Regulation 2018 (the ‘Regulation’) provide the relevant definitions and mechanisms for implementation of the Act. The Act, relevantly for the subject land at Mulgoa, provides definitions for the terms “river”, “lake” and “waterfront land”; as discussed below (Chapter 10.2).

The Regulation also inter alia identifies the Hydroline13 mapping and the Strahler system of stream classification. It is to be noted that the Hydroline mapping is not mandated by any Section of the Act or by any Clause of the Regulation; but it is identified in the NSW Department of Industry’s ‘Determining stream order Fact sheet’ as the basis for determining stream orders.

The problem (as noted below) is that the Hydroline ‘streams’ (blue lines) in many instances do not satisfy the definition of “rivers”; and therefore (as detailed in Chapter 10.2) there is no “waterfront land” present; and therefore no statutory or mandated trigger for riparian setbacks.

The defining element of the WM Act and of the Regulation is “waterfront land”.

This is because the requirement for a Controlled Activity Approval (CAA) pursuant to the WM Act is determined by the undertaking of a relevant “activity” (as defined in the Dictionary in the Act) “in, on or under waterfront land” – Section 91(2) (see definition and discussion below). Activities on “waterfront land” (ie within 40m of the “highest bank” of a “river”) require a Controlled Activity Approval (CAA) from the NRAR pursuant to Section 91(2) of the WM Act.

In other words, a CAA is only required when a proposal proposes to undertake “a specified controlled activity at a specified location in, on or under waterfront land” – Section 91(2).

The correct identification of “waterfront land” is therefore critical to the decision-making process (noting that the NRAR Guidelines identify the ‘recommended’, not ‘required’, widths of Riparian Zones for the different Stream Orders on the land). Because absent “waterfront land” on a particular site, there is no ‘trigger’ for implementation of the WM Act.

The NRAR has provided the following documents.

- The Strahler (1957) System for the stratification of watercourses.
- The Hydroline mapping system for watercourses in NSW.
- A set of “Guidelines for Riparian Corridors on Waterfront Land” (2012).

The Glenmore Park Extension site at Mulgoa contains an array of watercourses of various sizes (see Attachment G). However, most of the watercourses present are very small; and all are ephemeral.

There are two watercourses of moderate size that traverse the Glenmore Park Extension site – a 4th order (?) watercourse flowing south to north through the western part of the site and a 2nd order watercourse (?)¹⁴ flowing east to west through the central parts of the site (Figure 9; Attachment B). It is to be noted that even these watercourses are ephemeral; and support little in the way of riparian vegetation (see Photographic Essay in Attachment D).

Even in their natural state, these watercourses would have supported only very narrow strips of riparian vegetation – because of the topography of the land. Watercourses in these parts of the Cumberland Plain would naturally have been fringed by sedges and reeds in places, with a strip of riparian vegetation only a few metres wide; giving way to xeric woodland (in many instances within less than 5 metres of the stream).

Most of the mapped watercourses (see map below) are 1st order watercourses (according to Hydrolines). However, many (most) of these mapped 1st order ‘watercourses’ (or at least parts of them) are not “rivers” (as defined in the WM Act) – as they are devoid of any “bed or banks” (see details in Attachment G).

As a consequence of that circumstance, most of those ‘watercourses’ (subject to subsequent detailed site analysis at the DA stage) do not contain any “waterfront land”. They therefore do not require any riparian setbacks; and will not require approval from the NRAR.

The report was subsequently updated in April 2022 to address the updated masterplan in response to the proposed CPCP. The conclusions of the report remain unchanged while also noting that the Master Plan is consistent with the proposed CPCP.

A copy of the Ecological & Riparian Issues & Assessment Report is at **Attachment O**.

Council engaged Abel Ecology to undertake a peer review of the Gunninah report. The assessment in the Gunninah Report is generally consistent with the Abel Ecology Report which itself found that of the 38 watercourses identified on the Hydrolines mapping, only three of these had bed and bank and some assemblance of riparian vegetation. Two of these being the watercourses from Chain-O-Ponds Road directly north to Mulgoa Nature Reserve, and from the large dam in the north western part of the site to Mulgoa Nature Reserve are retained within environmental or passive open space zones. Gunninah agrees with the assessment of these watercourses. The third watercourse drains to the same large dam. Gunninah does not agree that this meets the requirements for a water course. This water course is proposed to be removed.

The other Hydrolines that have been mapped on the land do not have bed and bank and mostly do not have associated vegetation. This category includes the watercourse nominated in the south west of the site that is shown as extending from near the intersection of Chain-O-Ponds Road and The Northern Road toward the centre of the site. Neither Abel Ecology or Gunninah have recommended the retention of this watercourse.

As is the case for all greenfield subdivisions, the final determination of watercourse is made at the DA stage when NRAR receive an integrated development referral. Based on the above, the proponent’s consultants have a high level of confidence that, on inspection, the NRAR will agree that its removal is consistent with its policy. If that does not occur then the Master Plan will require adjustment to construct a riparian corridor and some lots will be lost. This does not need to be addressed at the Planning Proposal Stage as the EP&A Act is written for this to be resolved at Development Application stage through an integrated

development referral. In the interim, the water cycle management report has demonstrated that overland flows from within each catchment can be accommodated in the road system.

In resolving the final riparian corridors and their function, it is important to note that the Riparian Guidelines provide that the riparian corridors can incorporate pedestrian and cycleway paths adjacent to all streams as well as stormwater detention structures (within the outer 50% of the vegetated riparian zone) on higher 3rd and 4th order streams or online detention structures in 1st or 2nd order streams. The Riparian Guidelines also permit encroachments into the edges of the riparian corridor so long as the average width of the vegetated riparian zone is achieved. This offsetting approach is useful in adding areas of existing vegetation adjacent to the riparian corridor and allowing encroachments in other locations to maximise environmental outcomes.

The Master Plan has recognised the Riparian Guidelines by expanding the corridors to keep additional vegetation where these can be appropriately and seamlessly incorporated into a larger corridor without retaining walls in developing future cycleway and pedestrian connections.

A copy of the Review of Planning Proposal for GP3 prepared by Abel Ecology (2019) is also at **Attachment O**.

Dam Retention

As noted previously, the Planning Proposal has been amended to incorporate the large farm dam on the north western corner for the site.

The Abel Ecology report notes that the dam has been impacted by cattle grazing on emergent vegetation and that riparian vegetation was minimal in extent and in poor condition. Their investigation found no invertebrates or fauna except birds. Section 5.2.3 of that report concludes that:

'The ecological value of the Northern Dam appears to be in the large extent of aquatic vegetation hugging the water's edge. The open water of the dam is likely to be an ecological desert and does not give significant value to the dam.'

'If the large extent of aquatic vegetation with a smaller proportion of open (deep) water could be re-created in a replacement Lake, then the justification of the Northern Dam's removal would be ecologically justified.'

The Abel report comments that there are two purposes available for the Dam. Firstly, as a recreational area and secondly as an existing water quality control device.

The report recommends that the dam may be retained, however, it notes that:

'If the dam is demolished and replaced with a smaller pond downstream, Council will need to be satisfied that it will act as a water quality control to Council's standards for discharge off site, particularly since outflow will discharge to Mulgoa Nature Reserve. Both options are ecologically acceptable'

The configuration of the retained dam was revised, and its size substantially increased at the request of Council within the parameters and guidance provided in the Abel report. The waterbody will be a component of a stormwater quality treatment train and be an aesthetic feature in the location. Whilst every effort will be made to retain the dam formation and vegetation, it is likely that at least some reconstruction works will be required to achieve safe grades at the edges of the dam and acceptable water quality. As per the Abel report, if reconstruction is required, it is considered ecologically acceptable.

Cumberland Plain Conservation Plan Implications

Subsequent to the completion of the ecological studies, the NSW Government has introduced the Cumberland Plain Conservation Plan (CPCP) which maps areas of existing Cumberland Plain Woodland (CPW) and koala habitat in a database applying to the Sydney Region outside established urban areas.

The CPCP is accommodated by the following planning controls:

- Chapter 13 of State Environmental Planning Policy (Biodiversity and Conservation) 2021
- Ministerial Direction 3.6 Strategic Conservation Planning
- Environmental Planning and Assessment Amendment (Avoided Land) Regulation 2022
- Guidelines for Infrastructure Development
- Mitigation Measures Guideline

For Glenmore Park 3, areas mapped as containing remnant CPCP vegetation including adjoining areas in water courses are designated as “avoided lands”, enabling the remaining areas to be certified as “urban capable land” and to be bio certified. Bio certification means that the development of the land can progress for residential development without the need Biodiversity Development Assessment Reports where required to remove regrowth and more isolated trees and ultimately will negate the need for any referrals if relevant under the federal Environmental Protection and Biodiversity Conservation Act 1999.

The CPCP avoided lands sit primarily along the existing creek lines where the previous ecological reports noted remnants of CPW that has not previously been cleared for farming activities. In many cases the avoided lands area sit within the environmental corridor established by the previous studies. In others, it has meant that the environmental corridor has been widened and the future master plan has been adjusted accordingly.

New planning controls through an amendment to State Environmental Planning Policy (Biodiversity and Conservation) 2021 support future development outcomes which remain permissible under the C2 Environmental Conservation Zone to be applied to the environmental corridors through the site. The Department of Planning and Environment has also prepared Infrastructure Guidelines that address the considerations where infrastructure may still need to be located within or traverse the CPCP avoided lands to ensure that logical development outcomes and connected communities can still be delivered.

The bio certification of the urban capable land is supported by a per lot monetary contribution that is payable to the State Government to acquire other areas of CPW habitat in the area to help secure its long term survival.

A small area of land to the west of the north-south riparian corridor, currently situated on Lot 25 Chain O Ponds Road, is proposed to be deferred from the finalisation of the Planning Proposal and making of the LEP under the provisions of section 3.36 of the Environmental Planning and Assessment Act 1979. Whilst this area is currently mapped as Avoided land, Mirvac intend to investigate amendments to the mapping layer on account that the watercourse in this area has been verified as being located further to the east than is currently shown on the hydroline mapping. Under the deferral process, the underlying zone (C3 Environmental Management) is effectively retained. DPE have informed Council and Mirvac that amendments to the CPCP mapping (should they be supported) are intended to take place within 12 months of the finalised CPCP mapping (i.e. by August 2023).

Management of Environmental Conservation Zonings

The Planning Proposal notes that the land comprising the environmental corridors and areas zoned for open space will be dedicated to Council after regeneration and/or embellishment by the proponent as part of a Voluntary Planning Agreement. Once dedicated, the land will become Community Land under the Local Government Act and a Plan of Management will be required.

The Plans of Management address the core uses of the land whether that be bushland or sportsground, or park or passive open space uses. For bushland, the Plan of Management will outline requirements to ensure the remnant and revegetated Cumberland Plain Woodland vegetation structures in corridors are maintained as woodland to achieve desired environmental outcomes including bushfire hazard protection.

Management of the Environmental values on Lot 18 Chain O Ponds Road.

The original Planning Proposal submitted to DPE seeking a Gateway Determination identified a large lot would be created at the northern end of Lot 18 Chain O Ponds Road, being the most westerly lot. The northern end of Lot 18 contains a dam adjacent to Mulgoa Nature Reserve. This area is also identified as Avoided Lands in the Cumberland Plain Conservation Plan. The northern end of Lot 18 will be zoned as C2 Environmental Conservation and form part of a biodiversity corridor connecting north to the Mulgoa Nature Reserve.

A single dwelling entitlement adjoining this C2 zoned land on Lot 18 is proposed (with a minimum lot size of 6,000m² within a C4 zone).

In April 2022, the Water Cycle Management Report was updated to support the updated Planning Proposal masterplan (that aligns with the CPCP) and included an updated approach to the management of stormwater. The revised report identified the existing dam at the northern end of Lot 18 is required to provide a stormwater detention function.

The need for this detention basin in this location now requires the long-term ownership and management of this area to be reconsidered. This area has now been included as an item for acquisition and delivery in the Contributions Plan, consistent with other stormwater infrastructure to be delivered within the GP3. Post exhibition, the size and shape of the C2 zone has been amended to accommodate the future basin and provide options for future maintenance access to the basin.

Other Land Use Considerations

Penrith landfill to the west of the Planning Proposal parcel off Chain-O-Ponds Road is a licenced activity under the Protection of the Environment Operations Act 1997.

The Environmental Guidelines for Solid Waste Landfills prepared by the Environment Protection Authority states:

These guidelines do not contain express buffer distances or locational requirements. However, there are a number of recognised environmentally sensitive and inappropriate areas for landfilling. The EPA supports the list of such locations set out in the NSW Department of Planning and Environment's EIS Practice Guideline: Landfilling, Table 1 (NSW Department of Urban Affairs and Planning, 1996). In summary, the list of inappropriate areas for landfilling includes sites located as follows:

- within 250 metres of a residential zone or dwelling, school or hospital not associated with the facility; (Author's Underline)*

The Department's EIS Guideline for Landfilling states in Section 4.5 Compatibility with land uses:

The proximity of a site to nearby existing or proposed land uses should be considered as part of the site selection process. Sites which incorporate separation distances to preserve the amenity of land uses permitted in surrounding zonings, are more likely to be acceptable. Where possible, this buffer area should be owned or controlled by the operator of the landfill. (Author's Underline)

The Landfilling Guidelines clearly infer that buffers can and should be on land controlled or owned by the operator. In turn, this gives guidance confirming that the buffer is measured from the edge of the landfill (not the site boundary).

A review of historic aerial photographs shows the closest excess stockpile of materials from an excavation for land fill occurs more than 250m from the likely location of the nearest residential dwelling. Figure 6 shows the buffer superimposed on an aerial photograph with Master Plan overlay taken in 2020. This confirms there is adequate area on the two nearest lots on which to locate a dwelling outside the buffer. It is noted that further capping of the land fill has occurred since 2020 moving the land front away from this lot.

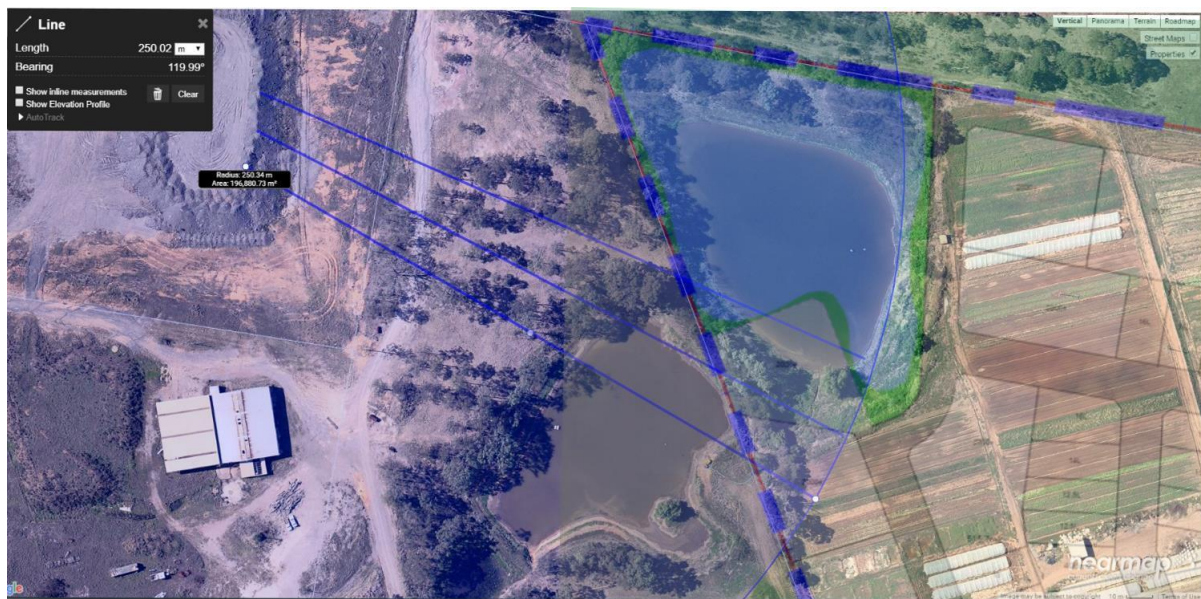


Figure 6 shows the 250m buffer from the closest landfill operations (Source Nearmap in 2020)

In addition to the above, it should be noted that approximately 95% of the approved waste disposal activities have been and continue to be capped following the completion of land fill activities. The remaining active part of the landfill site is located some 400m from the nearest future residential dwelling.

Part 1 – Objectives or Intended Outcomes

The objective of this Planning Proposal is 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 intended outcomes of the Planning Proposal are to:

- Create a residential development with a dwelling yield of 2330 dwellings including provision for shop top housing in the Local Centre,
- Provide a diversity of housing product in low and medium density residential and environmental living zones,
- Provide a neighbourhood precinct or community hub, to cater for the local shopping needs of the new community in proximity to a new school and major sports fields,
- Provide public recreation areas for the passive and active open space needs of the new community,
- Zone land for environmental conservation to protect existing streams and resilient stands of native vegetation,
- Allocate low impact residential development (in an environmental living zone) on the periphery of the site where there is special aesthetic and environmental values and to provide appropriate land use transitions to adjoining non-residential interfaces,
- Reinforce Chain-O-Ponds Road (fronting the Glenmore Park Stage 3 site) as the southern rural/urban boundary of the Penrith LGA, whilst ensuring the rural interface and transition is acknowledged and preserved.

To implement the objectives identified above, the Planning Proposal for *Glenmore Park Stage 3* includes the following package of changes to the Penrith LEP 2010:

- Amend the Land Zoning Maps for Glenmore Park Stage 3 to apply R2 Low Density Residential, R3 Medium Density Residential, C4 Environmental Living, B2 Local Centre, RE1 Public Recreation, C2 Environmental Conservation zones, and SP2 Infrastructure (Classified Road), and SP2 Infrastructure (Educational Establishment).
- Amend the Lot Size Map to set minimum lot sizes for the C4 Environmental Living Zone and R2 Low Density Residential and R3 Medium Density Residential Zones.
- Amend the Maximum Height of Buildings Map to introduce appropriate heights for residential, environmental living and local centre uses.
- Amend the Clause Application Map to introduce '*Glenmore Park Stage 3*'.
- Amend the Clause Application Map to ensure areas within the Glenmore Park Stage 2 release area where master planning and road layouts have been determined at the interface with Glenmore Park Stage 3, do not result in an outcome where lots may have split zonings and lots in the same street blocks may be subject to different development standards.
- Add a new Glenmore Park Stage 3 site specific clause that will:
 - set maximum dwelling caps for mapped areas, totalling 2,153 dwellings within the R2 Low Density Residential and R3 Medium Density zones including

- fonzy flats as well as minimum lot sizes and frontages,
 - disincentivise dual occupancies in the C4 zone,
 - require development applications for subdivision of R3 zoned land to include the plans for the dwelling to be erected on each resulting lot to be approved at the same time,
 - provide controls for the development of certain multi dwelling housing above garages,
 - relate to the height of buildings on steep land (1 in 8).
- Amend the Scenic and Landscape Values Map to remove the layer from the site consistent with the new urban zonings.
- Amend the Urban Release Area Map to identify the land as an urban release area and where Part 6 of Penrith LEP 2010 provisions apply.
- Amend the Additional Permitted Uses Map to enable a business premises to be used as a sales office on land zoned RE1 Public Recreation, as nominated in Schedule 1 Additional Permitted Uses. This clause will cease to apply at the end of 5 years from the publication of the Plan.
- Amend Clause 5.1 to include:
 - NSW Department of Education as the relevant acquisition authority for the future school site.
 - Council as the relevant acquisition authority for Local Open Space zoned C2 Environmental Conservation.
- Amend the Land Reserved for Acquisition (LRA) Map to include local open space zoned RE1 and C2 and infrastructure to be provided on public land.
- Amend LEP Clause 4.1 Minimum subdivision lot size (4A) and (4B) to state that these two subclauses do not apply for land affected by Clause 7.XX Glenmore Park Stage 3 on the Clause Application Map.

Part 2 – Explanation of Provisions

The objectives and intended outcomes of the Planning Proposal are summarised in the following Statement of Intended Effects and will be achieved by amending Penrith LEP 2010 as set out in the sections below.

STATEMENT OF INTENDED EFFECTS

The Planning Proposal seeks amendment of Penrith Local Environmental Plan 2010 (Penrith LEP 2010) and related maps as it applies to land south of Glenmore Park Stage 2 and bordered by The Northern Road, Mulgoa Nature Reserve, a rural residential property and Chain-O-Ponds Road.

The purpose of the amendment is to introduce appropriate urban zonings for the development of the land for residential, environmental living, open space, environmental conservation, education and for a retail centre.

Penrith LEP 2010 will be amended to establish land use zones by amendment of the Land Use Zone Map, the Maximum Height of Buildings Map and the Lot Size Map. A new clause will be inserted to encourage housing diversity in the residential zones by setting a maximum dwelling cap requiring a quantum of lots to exceed the minimum lot size in each area, and to enable additional height on lots which are at or exceed a slope of 1 in 8.

The rezoning will require amendment of other existing maps to align with the proposed release of Glenmore Park Stage 3 and the results of investigations supporting the Planning Proposal including the Clause Application Map, Scenic and Landscape Values Map, Land Reservation Acquisition Map and Urban Release Area Map.

The Planning Proposal also seeks amendment to Schedule 1 Additional Permitted Uses and Additional Permitted Uses Map to enable a “temporary business premises to be used as a sales and marketing suite” to be located on RE1 Public Recreation land which may be dedicated to council at the end of the release for use as a community facility or amenities for the co-located open space.

General Objectives/Intended Outcomes

The land has been identified for investigation for urban purposes in Penrith Council’s Accelerated Housing Program, the Greater Sydney Commission’s Western City District Plan and in Council’s Local Strategic Planning Statement. These documents identify that the land has been earmarked for urban investigation to contribute to Penrith Council’s dwelling supply, and they confirm the strategic merit for this amendment to Penrith LEP 2010.

The land comprising Glenmore Park Stage 3 will provide more homes, and a cohesive community supported by new open space areas, primary school and retail offering. The release is located to capitalise on improved access by road and public transport via upgrades to The Northern Road, Chain-O-Ponds Road and cost-efficient connection to existing services. The delivery and reconstruction of Chain-O-Ponds Road will emphasise the southern rural boundary of the LGA by providing an urban function whilst responding to the rural context and amenity of adjacent uses / properties. The release is planned to accommodate 2,330 dwellings in the residential and environmental living zones.

Minimum lot sizes are proposed to achieve both key environmental and planning outcomes including:

- For the C4 Environmental Living Zone - visual transition to non-residential land uses at the site interfaces, and consideration of bushfire hazard on land adjacent to Mulgoa Reserve.

- For the R2 Low Density Residential and R3 Medium Density Residential Zones – a minimum lot size coupled with dwelling cap and minimum frontage to encourage a range of lot and housing types and varied streetscapes within each zone.

The proposed heights have been set to generally allow for two storey development. The exception to this is the C4 Environmental Living Zone land adjacent to The Northern Road which will be single storey with a 5m height limit and the B2 Local Centre Zone which is proposed to have a height of 12m.

A separate clause in the LEP triggered by an amendment to the Clause Application Map to nominate the Glenmore Park Stage 3 parcel will enable heights to exceed those shown on the residential lands height of buildings map, but only where the slope of the land exceeds 1 in 8. This clause is similar to that already applying in Glenmore Park Stage 2. This clause will also set the dwelling caps in the R2 Low Density and R3 Medium Density Residential Zones.

Amendments to Maps

Amendments to the Land Zoning Map

A mix of land uses is proposed for *Glenmore Park Stage 3* which would allow the following to occur:

- delivery of more and greater variety of housing to meet growing demand for homes, and increase housing choice to reflect diversity of household types
- a mix of housing, retail services, primary school and open space areas in a new community with new connections via the road and bus way delivered on The Northern Road;
- provision of open space areas to provide both active and passive recreation opportunities including regeneration of riparian corridors and bushland environments.

The following land use zones are proposed for *Glenmore Park Stage 3*:

- B2 Local Centre
- R2 Low Density Residential
- R3 Medium Density Residential
- RE1 Public Recreation
- C2 Environment Conservation
- C4 Environmental Living
- SP2 Infrastructure

See proposed extract of Land Zoning Map Sheet LZN_007 below:

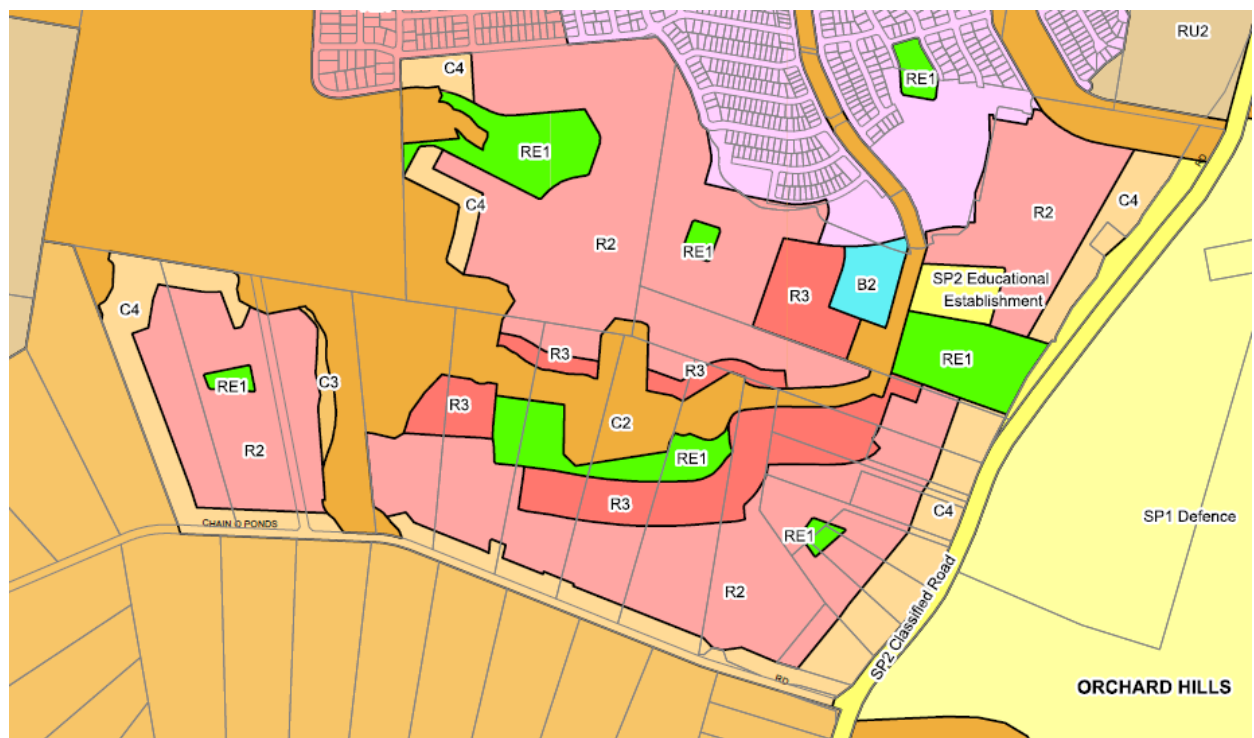


Figure 7 – Proposed Land Use Zoning

Amendments to Maps

Amendments to the Lot Size Map

Remove the existing colours that relate to the subdivision of land within the RU2 Rural Landscape Zone and C3 Environmental Management Zone and insert minimum lots sizes for:

- C4 Environmental Living Zone as 1,000m², 2,000m², 4000m² and 6,000m². depending on location to address the visual, environmental and bushfire imperatives
- R2 Low Density Residential as 300m²
- R3 Medium Density Residential as 180m²

See extract of Lot Size Map Sheet LSZ_007 below.

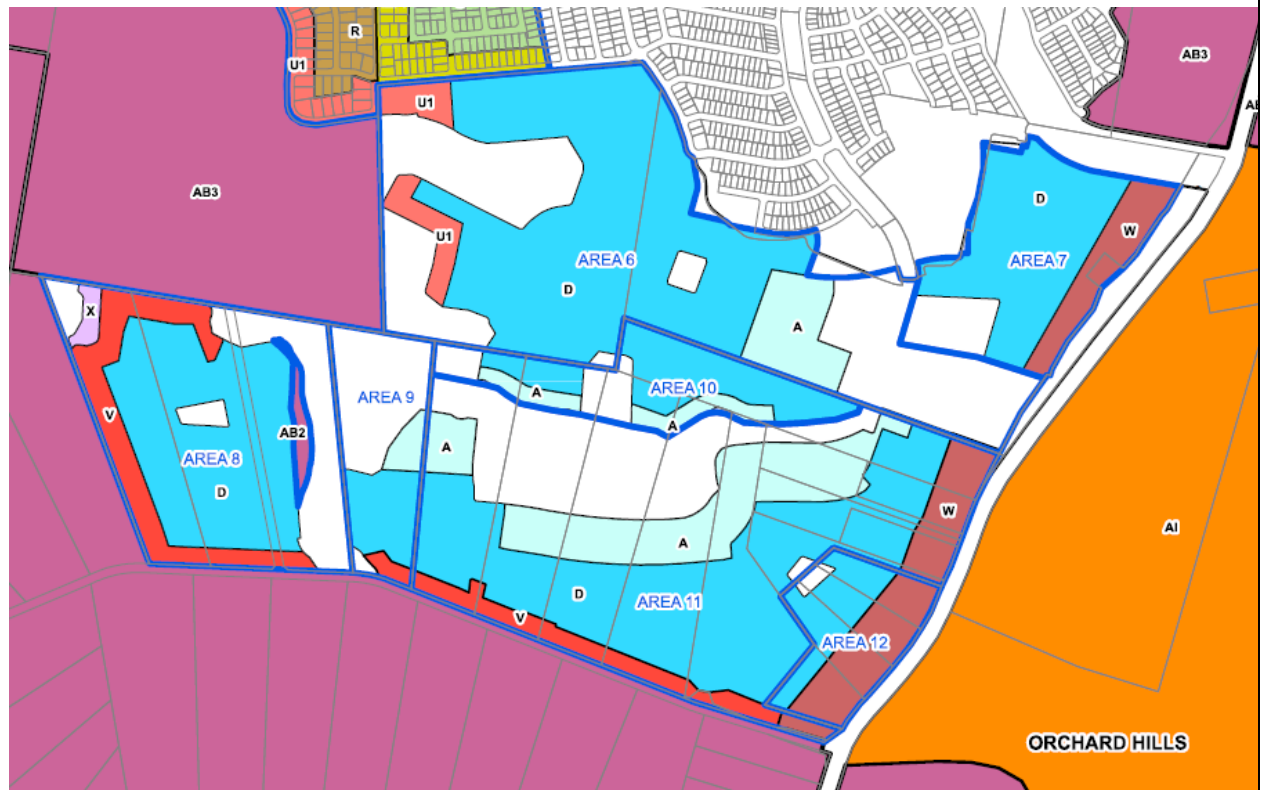


Figure 8 – Proposed Lot Size Map

Amendments to Maps

Amendments to the Height of Buildings Map

Amendment of the map to apply maximum heights of building to preserve views in sensitive location and for residential land and the local retail centre in other locations.

See extract of Height of Buildings Map Sheet HOB_007 below.



Figure 9 – Proposed Height of Building Map

Amendments to Maps

Amendments to the Clause Application Map

Amendment to introduce Clause 7.XX of Penrith LEP 2010 applies to align with new zonings and identify the release as Glenmore Park Stage 3.

See extract of Clause Application Map Sheet CAP_002 below.

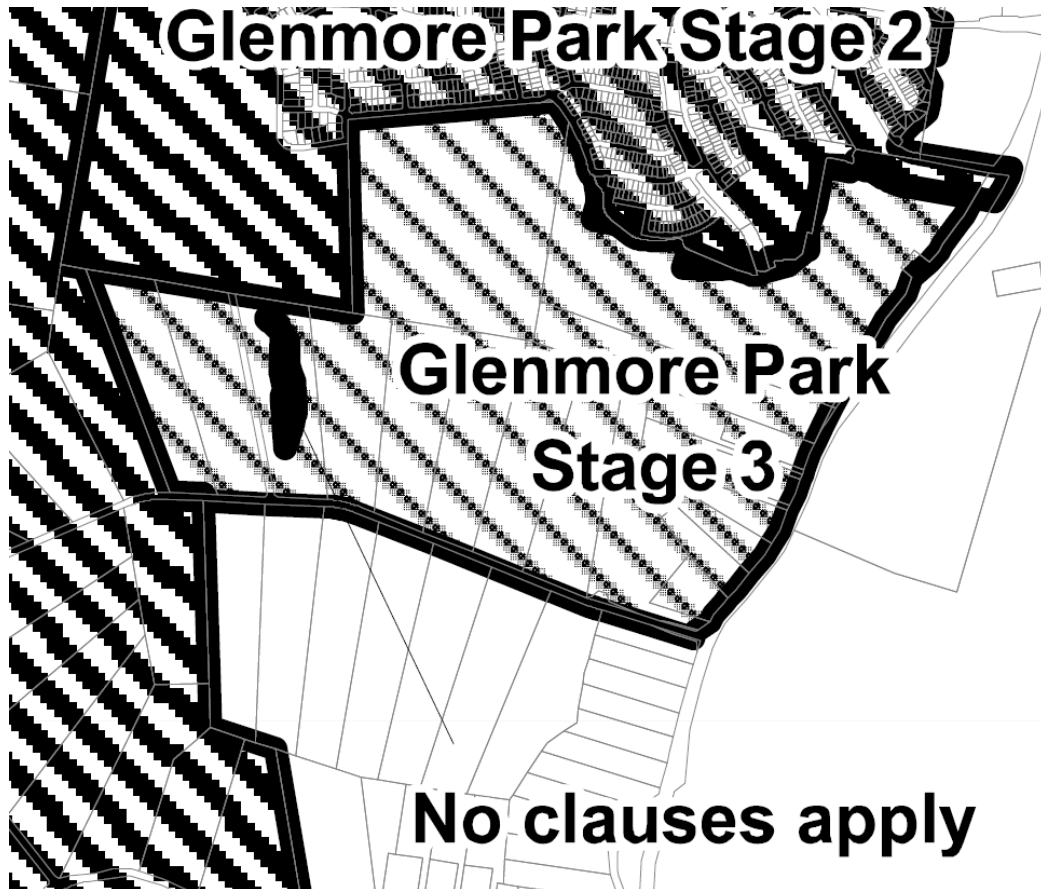


Figure 10 – Proposed Clause Application Map

Amendments to Maps

Amendments to the Urban Release Area Map

Amendment to identify the land as an urban release area for making arrangements for designated State public infrastructure under Clause 6.1 of the Penrith LEP.

See extract of Urban Release Area Map Sheet URA_007 below.

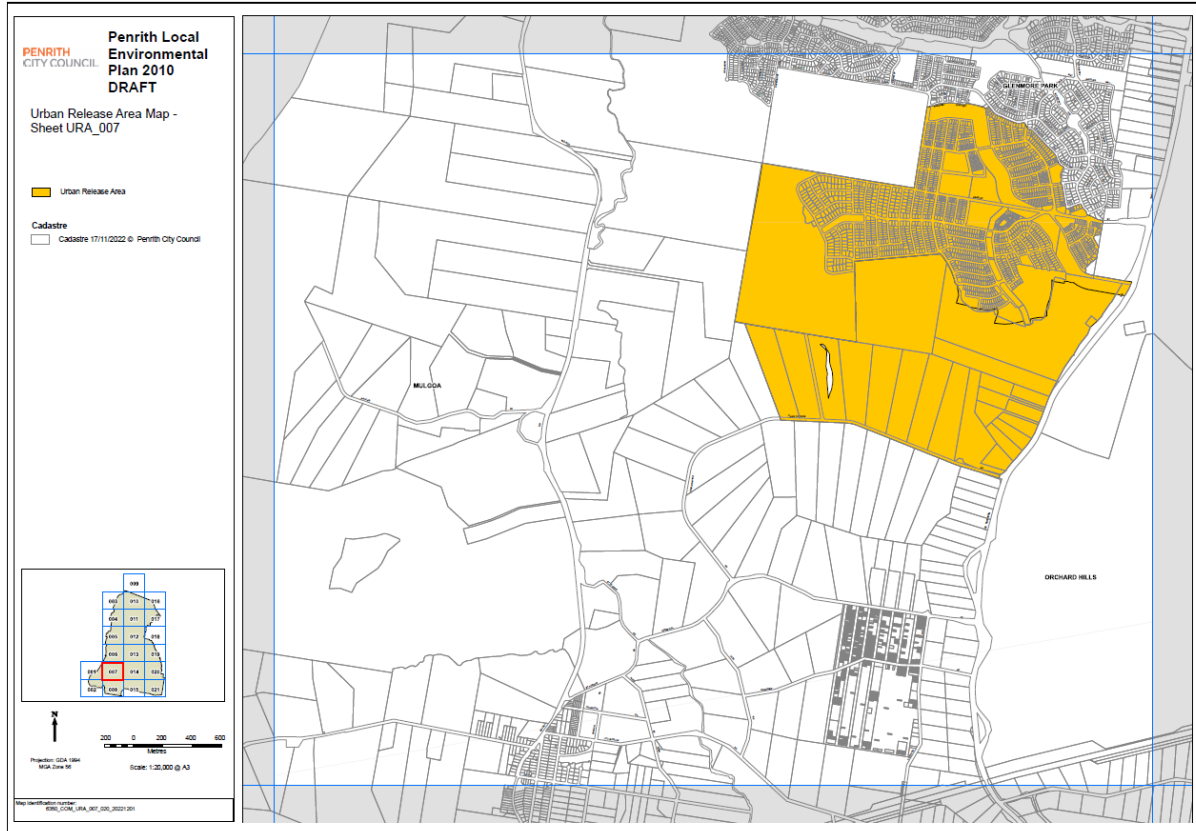


Figure 11 – Proposed Urban Release Area Map

Amendments to Maps

Amendments to the Additional Permitted Uses Map

Amendment to identify the land in the additional permitted uses map to which Clause 2.5 applies. This will enable land identified on the map to be referenced in the Schedule 1 Additional permitted use to enable a business premises to be used as a sales office on land zoned RE1. The Clause will specify an end date for the application of this clause being 5 years from the publication of the Plan.

See extract of Urban Release Area Map Sheet APU_007 below.

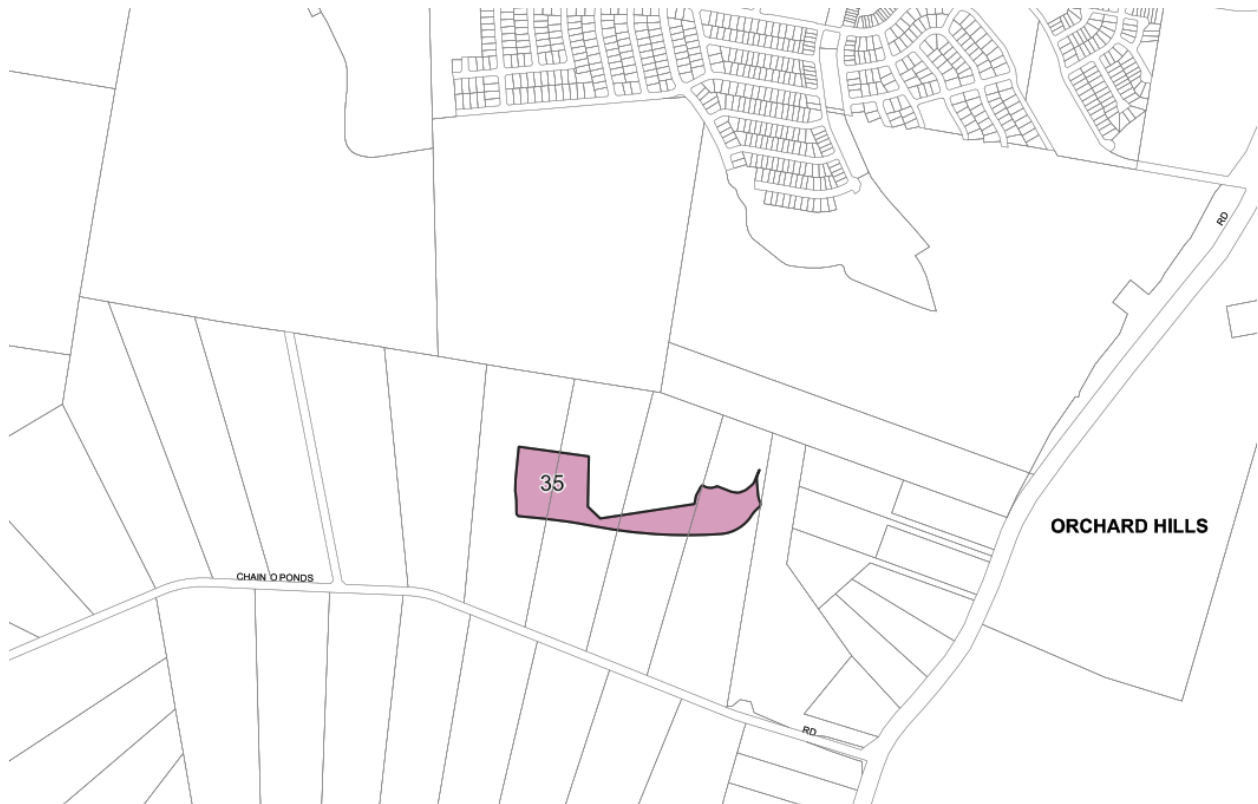


Figure 12 – Proposed Additional Permitted Uses Map

Amendments to Maps

Amendment of the Scenic and Landscape Values Map

Amendment to remove the land mapped as scenic and landscape values to which Clause 7.5 of Penrith LEP 2010 applies to align with the new zonings. See extract of Scenic and Landscape Values Map Sheet SLV_007 below.

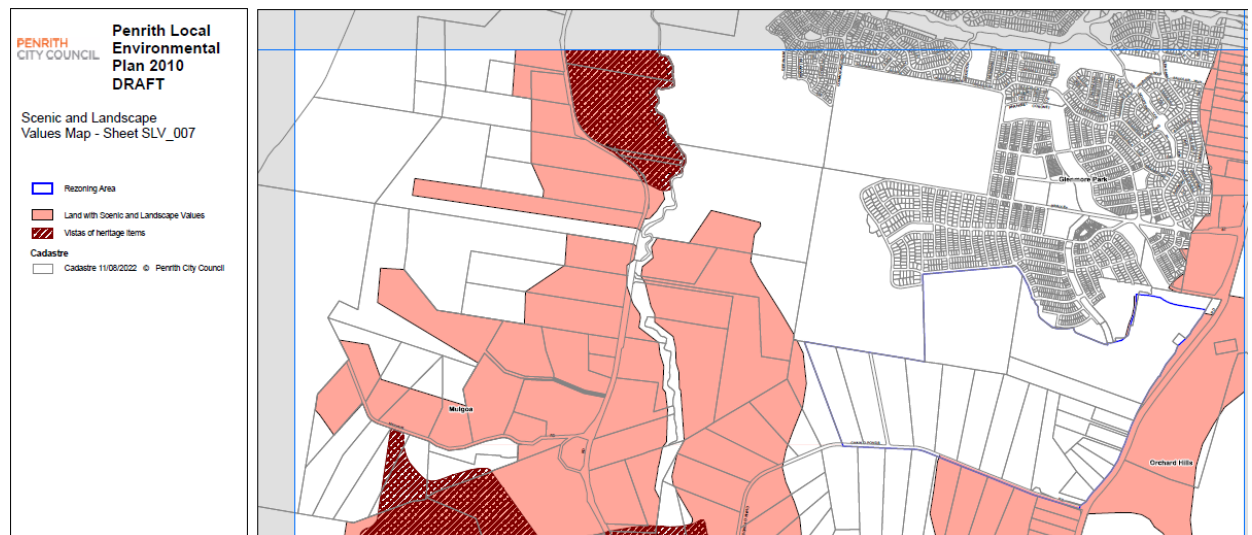


Figure 13 – Proposed Extract of Scenic and Landscape Values Map

Amendment of the Land Reservation Acquisition Map

The map displays the proposed development site with various land use designations. The designations are as follows:

- Local Open Space (RE1)
- Local Open Space (C2)
- Educational Establishment (SP2)
- Local Open Space (RE1)

A road labeled "CHAND POND" is also visible on the map.

Amendment to Clauses

The following clauses and Schedules of Penrith LEP 2010 are proposed to be amended as follows:

Exception to Development Standards

Amend Clause 4.6(8)(ca) to reference the new clause to apply to Glenmore Park Stage 3 so that the dwelling caps (subclause 3) and minimum lot sizes for dual occupancies in the C4 zone (subclause 4) are development standards that cannot be varied under Clause 4.6 of Penrith LEP 2010, with the amendment to show the final clause number in bold in the following extract:

Clause 4.6 Exceptions to Development Standard

- (8) *This clause does not allow development consent to be granted for development that would contravene any of the following—*
- (a) *a development standard for complying development,*
 - (b) *a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 applies or for the land on which such a building is situated,*
 - (c) *clause 5.4,*
 - (ca) *clause 6.1, 6.2, 6.6, 6.7, 6.16, 7.7, 7.17, 7.21, 7.24, **7.XX (3) and (4)** or Part 9.*

Insert Glenmore Park Stage 3 Provisions

Insert the following clause as the last clause in Part 7 Additional Local Provisions

Clause 7.XX Glenmore Park Stage 3

- (1) *The objectives of this clause are as follows:*

...

(Drafting Note: The objectives to Clause 7.XX will be further refined during the Gateway process and following advice from Parliamentary Counsel's Office)

- (2) *This clause applies to land identified as "Glenmore Park Stage 3" on the Clause Application Map.*
- (3) *Despite any other provision of this plan, land identified as "Area 6", "Area 7", "Area 8", "Area 9", "Area 10", "Area 11", or "Area 12" on the Lot Size Map, being part of the land to which this clause applies, must not be developed for more than the number of dwellings shown in Column 3 in the zone shown opposite in Column 2 in the area shown in Column 1.*

Column 1	Column 2	Column 3
Area 6	R2 Low Density Residential	463 dwellings
Area 6	R3 Medium Density Residential	172 dwellings
Area 7	R2 Low Density Residential	177 dwellings
Area 8	R2 Low Density Residential	294 dwellings
Area 9	R2 Low Density Residential	50 dwellings
Area 9	R3 Low Density Residential	27 dwellings
Area 10	R2 Low Density Residential	122 dwellings

Amendment to Clauses

Area 10	R3 Medium Density Residential	52 dwellings
Area 11	R2 Low Density Residential	477 dwellings
Area 11	R3 Medium Density Residential	261 dwellings
Area 12	R2 Low Density Residential	58 dwellings

(Drafting Note: The intention of this subclause is to restrict dwelling yield across the residential zones. The Lot Size Map for the Glenmore Park Stage 3 will include areas. This subclause will assign dwelling caps for each of these areas)

- (4) *Development consent may be granted for a purpose shown in in Column 2 of the table to this subclause, on a lot to within the zone in column 1 to which this clause applies, if the area of the lot is equal to or greater than the area shown opposite in Column 3 of that table.*

Column 1	Column 2	Column 3
C4 Environmental Living Zone	Dual occupancy (attached)	8,000 square metres
C4 Environmental Living Zone	Dual occupancy (detached)	8,000 square metres

(Drafting Note: Minimum lot sizes for dual occupancies and multi dwelling housing in the R2 and R3 zones will be regulated under the existing Clause 4.1A in Penrith LEP 2010)

- (5) *Development consent for any development on land zoned R3 Medium Density Residential to which this clause applies must include a single development application that is both of the following:*
- the subdivision of land into residential lots, and*
 - the erection of an attached dwelling or a dwelling house on each lot resulting from the subdivision, but only if the size of each lot is equal to or greater than 180m².*

(Drafting Note: The intention of this sub clause is to ensure certainty of outcome that:

- the sub clause applies to all R3 zoned land,
- for every development application for subdivision on R3 zoned land, the development application must also include plans for the dwelling to be built on each lot in the subdivision. Requiring development consent for the dwelling and the subdivision to be approved at the same time.
- individual R3 lots will not be sold off individually without certainty as to the resulting built form.
- future DCP commitments to address urban heat and sustainable housing will be assessed as a development application by Council as part of the subdivision).

- (6) *Despite any other provision of this plan, development for the purposes of a multi dwelling housing is permitted on a lot of land with the R3 Medium Density Residential Zone, but only if the development:*
- comprises no more than 3 dwellings and one of the dwellings is located above a garage or garages that fronts a rear lane and*
 - has an area of at least 360 square metres and is carried out on a lot that is a corner parcel to a street or side lane that provides vehicular access to the parcel.*

Any development to which this clause applies are dwellings to which subclause 3 refers to.

Amendment to Clauses

(Drafting Note: The intention of this sub clause is to allow a certain number of medium density dwellings to be delivered above garages, that meet the criteria of this sub clause).

- (7) *Despite any other provision of this Plan, the height of a type of dwelling specified in Column 2 of the table to this subclause, on land in an area specified opposite that dwelling in Column 1 of that table and identified on the Height of Buildings Map must not exceed the height specified opposite in Column 3 of that table.*

Column 1	Column 2	Column 3
Area 4	Dwelling houses and dual occupancies on the height map as 8.5 metres on a slope greater than 1 in 8	12.5 metres

(Drafting Note: The intention of this clause is to allow additional height for certain buildings on slopes greater than 1 in 8. Area 4 encompasses R2, B2, C4 and R3 zoned land.

Amend LEP Clause 4.1 Minimum subdivision lot size

Amend LEP Clause 4.1 Minimum subdivision lot size (4A) and (4B) to state that these two subclauses do not apply for land affected by Clause 7.XX Glenmore Park Stage 3 on the Clause Application Map.

(Drafting Note: Clause 4.1 requires a minimum lot width of 15 metres for standard lot in a R2 zone, and 12 metres for a standard lot in a R3 zone. Given the dwelling yield controls proposed in the new GP3 LEP clause and DCP controls for frontage, it is considered appropriate to exclude the application of Clause 4.1(4A) and 4.1(4B) for GP3.)

Amend Clause 5.1 Relevant Acquisition Authority as shown in red below:

5.1 Relevant acquisition authority

(1) The objective of this clause is to identify, for the purposes of section 3.15 of the Act, the authority of the State that will be the relevant authority to acquire land reserved for certain public purposes if the land is required to be acquired under Division 3 of Part 2 of the [Land Acquisition \(Just Terms Compensation\) Act 1991](#) (the owner-initiated acquisition provisions).

Note—

If the landholder will suffer hardship if there is any delay in the land being acquired by the relevant authority, section 23 of the [Land Acquisition \(Just Terms Compensation\) Act 1991](#) requires the authority to acquire the land.

(2) The authority of the State that will be the relevant authority to acquire land, if the land is required to be acquired under the owner-initiated acquisition provisions, is the authority of the State specified below in relation to the land shown on the [Land Reservation Acquisition Map](#) (or, if an authority of the State is not specified in relation to land required to be so acquired, the authority designated or determined under those provisions).

Type of land shown on Map	Authority of the State
Zone RE1 Public Recreation and marked "Local open space"	Council
Zone RE1 Public Recreation and marked "Regional open space"	The corporation constituted under section 2.5 of the Act
Zone SP2 Infrastructure and marked "Classified road"	Transport for NSW
Zone SP2 Infrastructure and marked "Local road"	Council
Zone C1 National Parks and Nature Reserves and marked "National Park"	Minister administering the National Parks and Wildlife Act 1974
Zone E2 Environmental Conservation and marked "Regional open space"	The corporation constituted under section 8 of the Act
Zone C2 Environmental Conservation and marked "Local Open Space"	Council
Zone SP2 Infrastructure (Educational Establishment)	NSW Department of Education

(3) Development on land acquired by an authority of the State under the owner-initiated acquisition provisions may, before it is used for the purpose for which it is reserved, be carried out, with development consent, for any purpose.

Amendment to Clauses

Amend Glenmore Park Stage 3 Provisions

Insert the following clause into Schedule 1.

Schedule 1 Additional Permitted Uses (to which Clause 2.5 applies)

35. Use of Additional Land within Glenmore Park Stage 3

This clause applies to land that is identified as “38” on the Additional Permitted Uses Map.

Development for the purposes of a business premises used as a sales office on land zoned RE1 Public Recreation Zone. This clause ceases to apply at the end of 5 years from the publication of the Plan.

(Drafting Note: The intention of this clause is to allow a building to be constructed on land zoned RE1. This building will be used as a sales office. At the end of the release the building may dedicated to council and used as a community facility co-located open space. It is prudent to specify an end date for the application of this clause, being 5 years from the publication of the Plan.)

Amendments to Penrith Development Control Plan 2014

A new section of DCP 2014 is proposed to apply to Glenmore Park Stage 3. This DCP will take important themes and issues identified in the studies supporting the Planning Proposal and embed them with appropriate controls in the DCP.

The DCP may include items that were not in the original reports. Additionally, the DCP may also change some of the requirements in the reports considered as part of the planning proposal to achieve a better and higher quality outcome.

The draft DCP was exhibited as part of the Planning Proposal Package and will separately be presented back to Council for finalisation.

Note: As outlined in the Ordinary Meeting 12 December 2022 report, road profiles and transport related chapters of the DCP were removed from the draft DCP that was presented to Council for endorsement.

It is intended to prepare an amendment to the DCP for Council's consideration in the first quarter of 2023 to revise and re-insert these controls. Given the DPE timeframes for finalisation of the Planning Proposal, this section of the DCP has not yet been finalised, and therefore have been removed. Council officers will continue to work with the proponent in developing the road profiles. Should Council resolve to endorse the draft amendments, the draft DCP will be placed on public exhibition for community consultation and reported back to Council post-exhibition for a decision

Part 3 – Justification

This part of the Planning Proposal discusses the need for the proposed amendments to LEP 2010, the relationship with the strategic planning framework, the impacts of the proposed changes, and State and Commonwealth interests.

Section A – Need for the Planning Proposal

Is the Planning Proposal the result of an endorsed LSPS, strategic study or report?

The Planning Proposal has been prepared in response to the nomination of the site in Council's Accelerated Housing Program which has been progressed to identify and accelerate land releases in the short term. Appendix 3 refers to the Council report that recommends pursuing the Glenmore Park Stage 3 rezoning area as an Accelerated Housing Delivery Program site.

The Western City District Plan prepared by the Greater Sydney Commission sets a dwelling target for Penrith for the period 2016 – 2021 of 6,600 dwellings. This is a substantial target for an LGA which delivered only 6,290 new dwellings in the previous 5 years comprising:

- Separate house – 4,717 dwellings
- Medium density (town houses) – 1,225 dwellings

The main contributors to the dwelling production over the last 5 years has been greenfield releases, a number of which are nearing the end of development or are completed. Previous work for Council by SGS Economics and Planning for the Local Housing Strategy ("the Strategy") confirms that approximately half of all additional housing in Penrith over the next 20 years will be provided in greenfield locations, particularly given challenges with assembling viable development parcels in infill locations and potential overlay of evacuation in a PMF event, which has stalled some of Council's renewal initiatives as well as long standing nominated releases such as Penrith Lakes.

Council has recognised the need to accelerate the planning of short to medium term release areas to supply housing over the next 3-5 years to meet dwelling targets and ensure supply to this part of western Sydney.

Local Strategic Planning Statement (LSPS)

The Local Strategic Planning Statement (LSPS) outlines Penrith's economic, social and environmental land use needs over the next 20 years including outlining how growth and change will be managed into the future.

The future of Penrith is to be connected, healthy, innovative and balanced. Amongst the Planning Priorities to achieve this are Priorities related to homes, communities, places, environment, sustainability and resilience which are relevant to the future planning associated with the Glenmore Park extension including:

- *Planning Priority 3 Provide new homes to meet the diverse needs of our growing community*
- *Planning Priority 4 Improve the affordability of housing*
- *Planning Priority 5 Facilitate sustainable housing*
- *Planning Priority 6 Ensure our social infrastructure meets the changing needs of our communities*
- *Planning Priority 7 Enrich our places*
- *Planning Priority 16 Protect and enhance our high value environment lands*
- *Planning Priority 18 Connect our green and blue grid*
- *Planning Priority 19 Create an energy, water and waste efficient city*

- *Planning Priority 21 Cool our city*

Further discussion on Planning Priorities 3, 5 and 17 are provided below.

Planning Priority 3 Provide new homes to meet the diverse needs of our growing community

The LSPS outlines how new housing for the next 20 years will be delivered as follows:

- in our already planned residential areas,
- in new release areas and urban investigation areas,
- through a change in house types in existing neighbourhoods, and
- as mixed use and high-density residential developments in our centres and around public transport.

Council has committed to investigating the potential for new housing in designated urban investigation areas. The LSPS has identified the GP3 site as a Council-nominated urban investigation area. This decision is supported by the sites' location directly adjoining an existing urban area, the site having limited environmental constraints or constraints that can be managed, and servicing of the site with infrastructure is cost effective.

The Planning Proposal will fill the need to provide additional homes for Penrith's growing population. It will also contribute to the provision of housing diversity and choice to improve housing affordability. The site has been endorsed under the Accelerated Housing Delivery Program.

The progression of this Planning Proposal supports Ongoing LSPS Action 3.4 to Investigate urban investigation areas at Glenmore Park South, Mt Vernon and Orchard Hills South.

This is consistent with the identification of the rezoning area as an 'urban investigation area'. The Master Plan and future planning controls for the release will contain more detailed planning provisions to ensure these priorities are delivered.

Planning Priority 5 Facilitate sustainable housing

This planning priority contains short-medium LSPS Action 5.3 Update planning and development controls to improve the design, durability and sustainability of new dwellings and release areas.

The Planning Proposal contains a suite of measures to improve the design, durability and sustainability of new dwellings and in release areas including:

- an integrated development model LEP clause to provide certainty of outcome regarding the delivery of R3 dwellings
- a specific DCP for Glenmore Park Stage 3 to ensure the intended outcomes for the release area are met.

Planning Priority 17 Define and protect the values and opportunities within the metropolitan rural area.

The LSPS provides a line of sight with the Western City District Plan and the Sydney Region Plan. These two documents define the Metropolitan Rural Area (MRA). They also identify local, state and nationally significant planning initiatives including the Western Sydney Aerotropolis, Urban Investigation Areas and the Greater Penrith to Eastern Creek Growth Area. To give local context to these plans and manage competing interests, Council in the LSPS have defined a 'rural edge'. The LSPS states that Council will reinforce this rural edge to protect the MRA, from urban development, using the planning framework of zones and planning and development controls.

In the context of GP3, the rural edge is represented in the southern rural area by that portion of Chain-O-Ponds Road that fronts the GP3 site. The mapping of the rural edge in the LSPS,

signals a clear intention that further urban development south of the GP3 site (or that portion of Chain-O-Ponds Road fronting the GP3 site) will not be supported.

This represents an opportunity for the delivery of housing on the GP3 site to consider its unique context and the desired outcomes for development on the urban edge. The Planning Proposal contains many commitments to achieving this including large lots along Chain-O-Ponds Road, attention given to the role and function of Chain-O-Ponds Road to meet the urban need whilst maintain a high-quality rural interface, and the provision of appropriate land use transitions to adjoining non-residential interfaces.

The Master Plan and future planning controls for the release will contain more detailed planning provisions to ensure these priorities are delivered.

The site has been identified in the LSPS with Ongoing Action 3.4 to Investigate urban investigation areas at Glenmore Park South, Mt Vernon and Orchard Hills South. This is consistent with the identification of the site as an 'urban investigation area' consistent with the strategy framework identified previously in this Planning Proposal Report. The Master Plan and future planning controls for the release will contain more detailed planning provisions to ensure these priorities are delivered.

Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The changes included in this Planning Proposal are the most appropriate and best means of achieving the objectives and intended outcomes. The proposed amendments relate to allocating mandatory planning provisions to land uses and principal development standards that will facilitate urban development of the site.

Section B – Relationship to Strategic Planning Framework

Will the Planning Proposal give effect to the objectives and actions of the applicable regional or district plan or strategy?

Greater Sydney Region Plan - Metropolis of Three Cities

Since *A Plan for Growing Sydney*, the Greater Sydney Commission (GSC) has been formed to establish the strategic direction for Sydney to 2056. This has culminated in the release of the *Greater Sydney Region Plan - A Metropolis of Three Cities* (**Region Plan**) and *Western City District Plan* (**District Plan**) in March 2018.

The Region Plan identifies the overarching directions and objectives to guide growth in the Sydney region. These directions have then been used to provide more specific detail to guide growth and land use decisions in each of the Districts through the relevant District Plans.

The overarching directions and objectives which the Region Plan addresses relevant to the Planning Proposal proposing an extension of an urban release area is to ensure housing is in the right location. The Region Plan notes the substantial employment opportunities associated with the airport and new employment areas such as Sydney Science Park, the improvement of infrastructure including the North South Rail Link from St Marys to the Airport and the upgrading of road infrastructure including The Northern Road a new Active Transport Link and allowances for separated bus lanes to improve public transport accessibility.

The site is nominated as being within the Greater Penrith to Eastern Creek Growth Area with Chain-O-Ponds Road being the southern extent as shown in the **Figure 14** below.

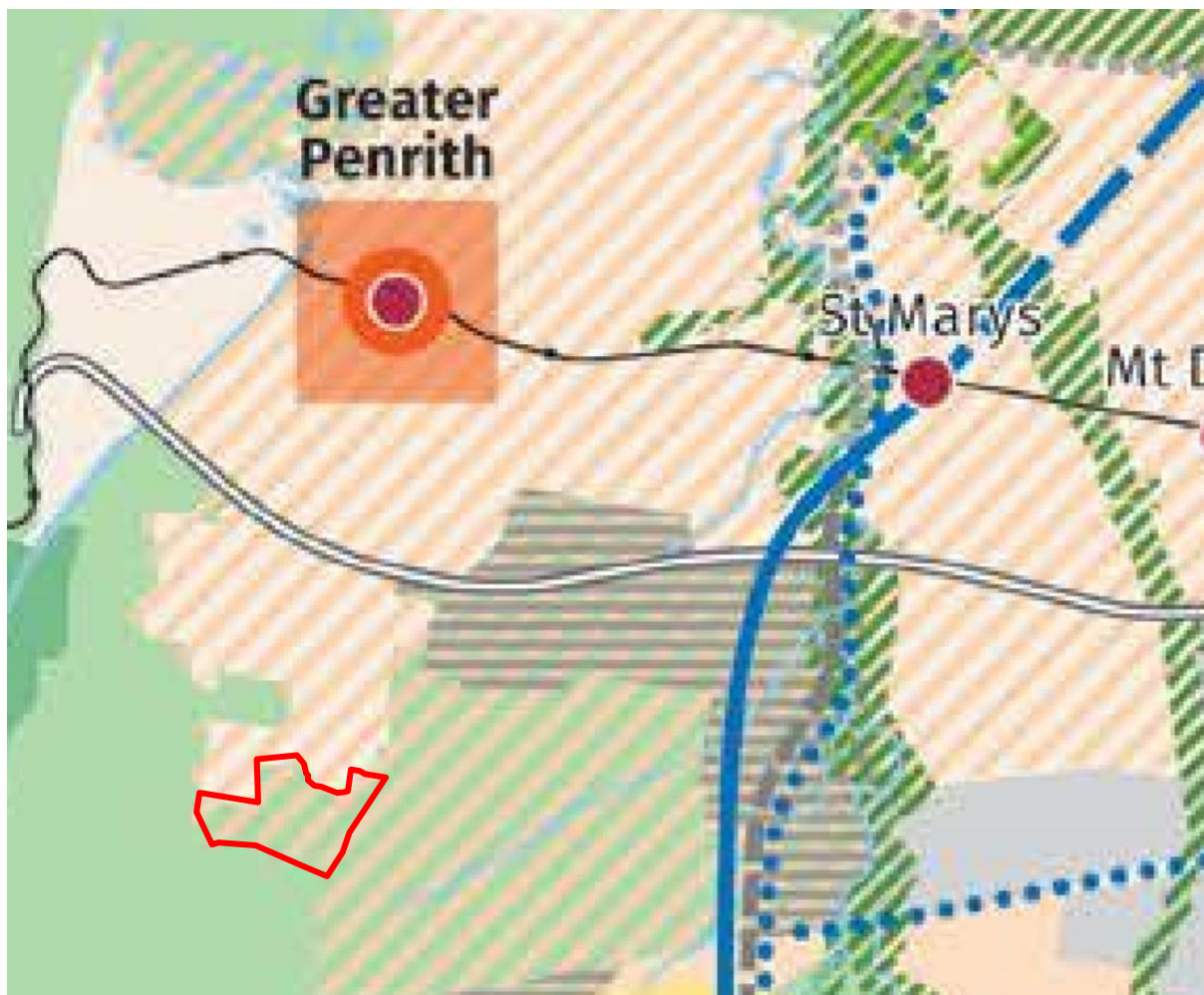


Figure 14 Extract from A Metropolis of Three Cities showing the site

At the detailed planning level, the Planning Proposal is consistent with objectives of walkable neighbourhoods and providing connections to open space areas as discussed in more detail in the following section.

Western City District Plan

The purpose of the District Plan is to set Planning Priorities and actions to guide future growth in the district as well as establish the criteria for the 'strategic merit test' for pre-Gateway Reviews of Planning Proposals. The site is identified as a land release area in the District Plan and is consistent with the Planning Priorities as follows:

Planning for a city supported by Infrastructure (Planning Priority W1)

The site is well supported by enabling infrastructure including the upgrade of the Northern Road with designated bus lanes and active transport links past the site as well as the North South Rail link to be constructed a short drive away. This will provide better connections to jobs and services for the future residents.

A collaborative city (Planning Priority W2)

The formulation of the Planning Proposal has involved consultations with Government Agencies and utility providers to coordinate the likely upgrades and benefits that can be achieved from development of the site.

A city for people (Planning Priority W3 and W4)

The Planning Proposal achieves accessibility to transport, retail, services and open space by:

- Continuing open space and cycleway connections into the existing Glenmore Park and extending them to link with the Mulgoa Nature Reserves to the west of the site.
- Providing 5 sportsfields and additional courts capable of a range of active recreation activities.
- Adoption of a collector road and bus route that increases the extent of site that is within a 400m walking catchment of future bus services as well as links to The Northern Road and its designated bus way and active transport link.
- Co-location of sports fields, school and Local Centre that offer a community hub that will grow as further development occurs in the catchment area.

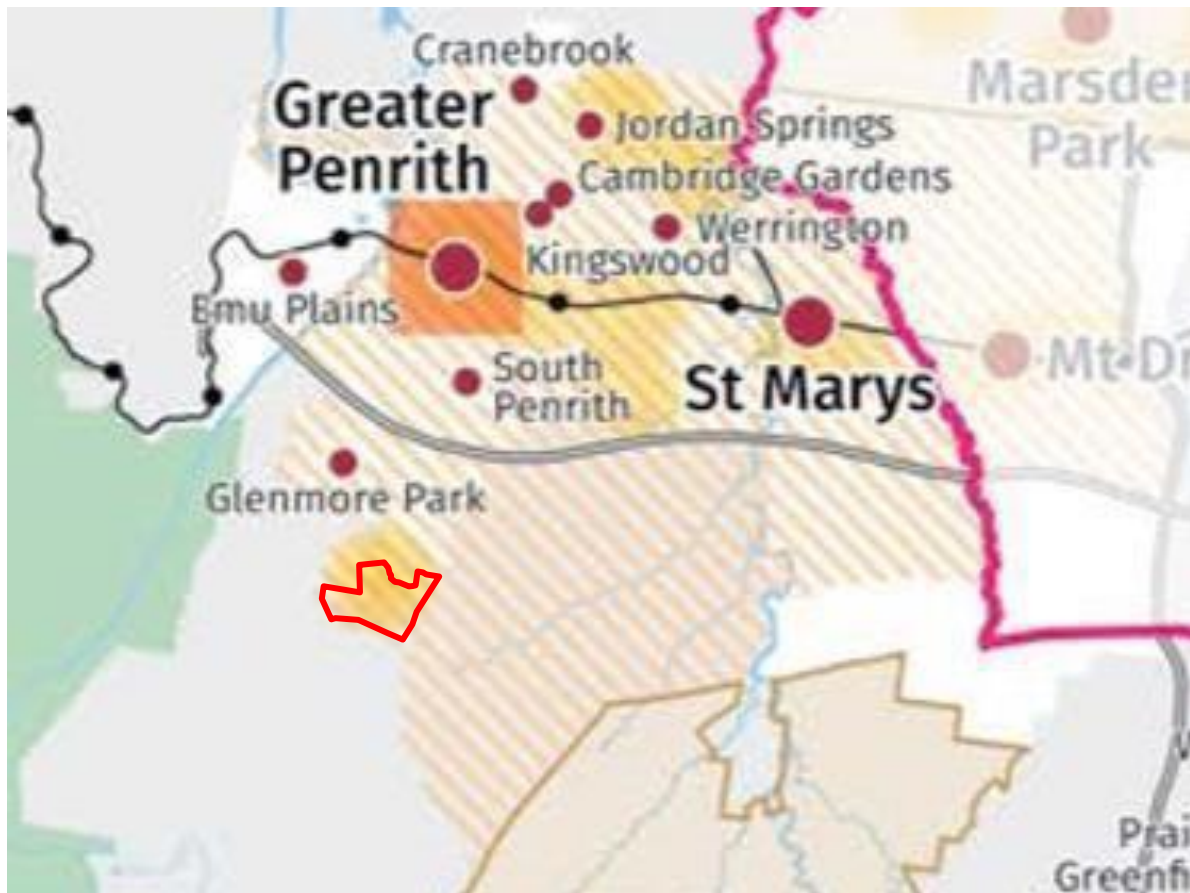
Housing the city (Planning Priority W5)

The Planning Proposal will result in an additional 2,330 dwellings plus some shop top housing dwellings to be delivered over the next 5 years to contribute to housing supply. As mentioned above, the site is located in close proximity to new employment areas and is well connected to these areas and the Penrith City Centre by designated bus service.

The District Plan identifies land which is earmarked for future investigation and release, and that land which should remain as Metropolitan Rural Area. The District Plan states:

'A Metropolis of Three Cities takes a strategic approach to delivering Greater Sydney's future housing needs within the current boundary of the Urban Area including Growth Areas. Urban development in the Metropolitan Rural Area will only be considered in the urban investigation areas identified in A Metropolis of Three Cities (p126).

The District Plan has nominated the site within the Greater Penrith to Eastern Creek Growth Area and as a site that will contribute dwelling completions between 2016 and 2021. See **Figure 15** on the following page.



Source: Greater Sydney Commission, NSW Department of Planning and Environment and NSW Government Housing Affordability Package.

Figure 15 Extract from the District Plan (site shown in red outline)

Whilst the land is mapped within the Greater Penrith to Eastern Creek Growth Area, the land is also identified as being within the Metropolitan Rural Area. The relationship discussed in the extract from page 126 of the District Plan above confirms that land in the Metropolitan Rural Area will be considered for release only if located in the urban investigation areas identified in A Metropolis of Three Cities. Additionally, the land is also nominated as contributing to the “Forecast Dwelling Completions 2016-2021” thereby recognising Council’s Accelerated Housing Program.

In the absence of the GSC’s implementation strategy for affordable housing, the Planning Proposal incorporates a commitment to the delivery of Affordable Housing. This may include a commitment to pay a contribution to deliver affordable housing on 3% of lots as per Council’s Policy, or any other agreed mechanism.

A city of great places (Planning Priority W6)

The Planning Proposal will deliver a co-located Local Centre, school and 5 sports fields that are all interconnected by an open space spine incorporating cycleways connecting the existing

Glenmore Park suburb in the north, Mulgoa Nature Reserve in the west, and Chain-O-Ponds Road in the south.

A well-connected city (Planning Priority W7)

As discussed above, the site benefits from public transport Infrastructure ensuring convenient connections to Penrith, the new Western Sydney airport, employment areas and the proposed new M12 and North South Rail Link. Within the site new cycleways within parks and riparian corridors that link with the community hub comprising local shops, school and open space will encourage greater pedestrian and cycling activity rather than forcing future residents to leave the site to access areas of amenity and daily convenience.

A city in its landscape (Planning Priority W12, W13, W14, W15, W16, W17 and W18)

The Planning Proposal will ensure that the stormwater management regime for the site will be consistent with *Sydney Regional Environmental Plan No. 20 - Hawkesbury Nepean Rivers* and Council's engineering specifications. This also includes the reinstatement of more natural environments along the designated riparian corridors and retention of Cumberland Plain Woodland vegetation on site.

An efficient city (Planning Priority W19)

The Planning Proposal will include playing fields and local amenities to create a walkable neighbourhood, along with a collector road and bus route that will ensure homes are within a 400m walking catchment to public transport.

A resilient city (Planning Priority W20)

The Planning Proposal does not result in any additional exposure to natural and urban hazards and the master plan is cognisant of planning for bush fire hazards.

The inclusion of additional open space and street tree planting will also assist in the reduction of the Urban Heat Island Effect on the site.

Penrith Community Plan 2017

The Penrith City Council Community plan is a ten-year plan on how Council can effectively work with its stakeholders to improve the wellbeing of the community. The Community Plan provides several key outcomes for the area which include:

- Helping the community find jobs that are close to home and suit them
- Planning for future growth by understanding the services and infrastructure needed to support a growing city
- Improving public transportation, roads, and cycle ways
- Creating public spaces that are safe, vibrant and pleasant
- Protecting air/water quality and natural areas
- Supporting the physical and mental health of the community
- Putting Councils' values of accountability, respect and innovation into action.

The outcomes above have underpinned much of the planning for the Glenmore Park Stage 3.

Penrith Sport and Recreation Strategy

The Penrith Sport and Recreation Strategy (the Strategy), provides a 15-year road map for the future provision of sport, recreation, play and open space facilities across the City. The Strategy is divided into core objectives for the provision of open space, play spaces, and sport and recreation as follows:

Open space

Vision: *An accessible and connected network providing a range of active, passive, structured and unstructured needs. Open space in Penrith will offer a range of opportunities and will be managed in a sustainable manner for current and future generations”*

The Strategy notes that future Open Space in the city will;

- *Be integrated into a network and connected, creating equitable access.*
- *Be multi-functional, support a diversity of activity and encourage participation.*
- *Be classified as; local, district, citywide, linear, sporting space and regional open space.*
- *Support environmental sustainability.*
- *Be provided in new release and development areas in accordance to specified quantity and quality frameworks within this strategy.*
- *Be optimised for existing populations.*

A performance based approach is applied to open space planning to recognise the quantity and quality of the space to contribute to future connections and connectivity, access and to support climate change and resilience. A starting point to determine the quantum of open space in greenfield areas are summarised in the following table albeit it is recognised that simply meeting the standard is not the only approach applied.

Greenfield Development (All forms of housing in Greenfield Areas)			
OPEN SPACE TYPE	MINIMUM RATE	ACCESS FROM HOMES	LAND SIZE
LOCAL PARK	0.2ha/1000 pop	80% within 400m 100% within 500m	Min 0.5ha
DISTRICT PARK	1ha/1000 pop	80% within 800m 100% within 1.5km	Min 2ha, Average >5 - 10 ha
SPORTING SPACE	1.4ha/1000 pop	80% access to 2 space within 2km	Min 10ha, Average >10ha
LINEAR PARK	1ha/1000 pop	100% within 800m	Min 20m wide
CITYWIDE PARK	1ha/1000 pop	100% within public Transport	Min 20ha
TOTAL	4.6ha/1000 pop		

Council defines the different types of open space as:

- Local open space – emphasis on convenient access to passive and limited active recreation within walking distance of residents. Uses could include passive recreation, play equipment targeted at 0-6 years of age, seating, playspace, isolated sporting facilities, low-key picnic and BBQ facilities including shading and tables, and kick about spaces.
- District open space – emphasis on more structured gatherings and activities with a catchment ranging two or more suburbs. Uses could include large group activities, organised sport, playspace for all ages, environmental education, cultural expression, hard courts, multiple sports, lighting, parking, walking loops and amenity buildings.

- Sporting spaces – emphasis on primary role for organised sport. This includes sportsgrounds, athletics tracks, courts and other sport surfaces, and may include building where there is recreation such as sport halls and aquatic centres.
- Linear open space – emphasis on ‘movement orientated recreation’ such as walking, running and cycling. These spaces are often associated with natural spaces such creeks, storm water channels and native vegetation corridors.

It is noted from the Social Impact and Infrastructure Assessment for the Glenmore Park Extension prepared by Elton Consulting, that the Planning Proposal which meets or exceeds the relevant criteria as well as contribution to connectivity and other design considerations. There is also opportunity to deliver some or all of the key priorities identified in the South West part of Penrith LGA including:

- Mixed use recreation space in either Mulgoa or Wallacia
- Upgrades to walking loops, fitness equipment and shading.

Play

Vision: *A wide range of play opportunities which promote the social, physical and cognitive development of children; playspaces in Penrith will be recognised as unique, safe and innovative providing a diversity of opportunities across the network.*

The Strategy outlines key objectives for future play spaces where future provision will:

- *Cater for everyone.*
- *Bring people together and be welcoming, comfortable, and easy to navigate.*
- *Offer a range of physical challenges across a variety of landscape settings.*
- *Be spaces to explore, promoting active and healthy lifestyles.*
- *Be diverse, contemporary, unique, safe and innovative.*
- *Be accessible, creating a connected network across the Penrith Local Government Area where everyone is able to engage and play together.*
- *Be classified in a hierarchy as Local, District, Citywide and Regional to guide levels of investment and facility design.*

To achieve the objectives, play spaces need to be properly located, designed and embellished. This requires appropriate budgets to be set aside to deliver parks that meet the objectives. In the case of the Planning Proposal, the main proponents are keen to enter into a Voluntary Planning Agreement that secures the delivery and embellishment of the range of open spaces to be delivered as part of the Master Plan. The type and costing for the future embellishment of all spaces will continue so that a VPA underpinned by a Section 7.11 Plan to capture other private developers can be progressed in alignment with Gateway consideration.

Sport and Recreation

Vision: *Penrith will be acknowledged for its diverse range of affordable, accessible and inclusive sport and recreation opportunities, provided in quality environments by well managed clubs and associations. Quality experiences, events and opportunities will also support regional tourism as a key contributor to the City's economy.* The Strategy outlines key objectives for Sport and Recreation facilities and services where future provision will:

- *Increase the capacity of existing sportsgrounds and facilities through undergoing upgrades*

such as building amenities, sports field lighting, irrigation, and surface renovations.

- *Be designed and located to maximise use.*
- *Enable access to existing non-Council sites and venues through engagement with external agencies such as the Department of Education.*
- *Support sports/recreation clubs and associations to enable good governance, sustainable operations, and facility planning and development.*
- *Ensure Indoor Sports Facilities and Aquatic Centres meet the needs of the community.*
- *Provide unstructured recreation spaces and activities to respond to changing trends in participation.*
- *Develop paths and trails to support walking and cycling in the City.*

The Master Plan contains a main sports field area co-located to the school and retail centre in the northern part of the site and smaller sports fields in the southern half of the site. These facilities will be linked by pedestrian and cycleway paths that traverse through the environmental corridors within the site with connections to other external cycleways including the active transport link being delivered along The Northern Road and existing cycleways in Glenmore Park.

Cooling the City Strategy

Council's Strategy to respond to urban heat includes a package of actions that can be applied to the Planning Proposal through policy, planning and community engagement. The Planning Proposal has already identified a number of opportunities for retention of existing trees and increased planting in streets, in proposed open spaces and riparian areas. The Policy has resulted in the adoption of Council's Urban Heat Management DCP and LEP clause which will also apply to future development on the land.

Development Contributions under Section 7.11 (previously Section 94) of the Environmental Planning and Assessment Act

Contributions for the upgrade of local services and facilities can be achieved by the preparation of a Section 7.11 Plan and/or by the entering into a Voluntary Planning Agreement (VPA) between the developers and Council.

Like Glenmore Park Stage 2, it is Council's preference that the proponent enter into a VPA. There is a package of infrastructure and services proposed to support the Glenmore Park Stage 3 release which are appropriately funded under a Section 7.11 Plan or VPA including:

- Dedication of all land shown C2 on the Land Use Zoning Map at no cost to Council.
- Embellishment of all land shown C2 and RE1 on the Land Use Zoning Map for 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. This mechanism is yet to be determined.

Given that there are a small number of owners within the site that are not part of the consortia, a draft Section 7.11 Plan has been prepared for the entire site to provide a consistent structure and framework for the VPA negotiation and the collection of contributions from non- consortia land

owners.

Is the planning proposal consistent with a council LSPS that has been endorsed by the Planning Secretary, GSC, or another endorsed local strategy or strategic plan?

Local Strategic Planning Statement (LSPS)

The Local Strategic Planning Statement (LSPS) outlines Penrith's economic, social and environmental land use needs over the next 20 years including outlining how growth and change will be managed into the future.

The future of Penrith is to be connected, healthy, innovative and balanced. Amongst the Planning Priorities to achieve this are Priorities related to homes, communities, places, environment, sustainability and resilience which are relevant to the future planning associated with the Glenmore Park extension including:

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Planning Priority 3 Provide new homes to meet the diverse needs of our growing community

The LSPS outlines how new housing for the next 20 years will be delivered as follows:

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This is consistent with the identification of the rezoning area as an 'urban investigation area'. The Master Plan and future planning controls for the release will contain more detailed planning

provisions to ensure these priorities are delivered

Planning Priority 5 Facilitate sustainable housing

This planning priority contains short-medium LSPS Action 5.3 Update planning and development controls to improve the design, durability and sustainability of new dwellings and release areas.

The Planning Proposal contains a suite of measures to improve the design, durability and sustainability of new dwellings and in release areas including:

- Compliance with Council's Urban Heat Management DCP chapter and LEP clause
- an integrated development model LEP clause to provide certainty of outcome regarding the delivery of R3 dwellings
- a specific DCP for Glenmore Park Stage 3 to ensure the intended outcomes for the release area are met.

Planning Priority 17 Define and protect the values and opportunities within the metropolitan rural area.

The LSPS provides a line of sight with the Western City District Plan and the Sydney Region Plan. These two documents define the Metropolitan Rural Area (MRA). They also identify local, state and nationally significant planning initiatives including the Western Sydney Aerotropolis, Urban Investigation Areas and the Greater Penrith to Eastern Creek Growth Area. To give local context to these plans and manage competing interests, Council in the LSPS have defined a 'rural edge'. The LSPS states that Council will reinforce this rural edge to protect the MRA, from urban development, using the planning framework of zones and planning and development controls.

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This represents an opportunity for the delivery of housing on the GP3 site to consider its unique context and the desired outcomes for development on the urban edge. The Planning Proposal contains many commitments to achieving this including large lots along Chain-O-Ponds Road, attention given to the role and function of Chain-O-Ponds Road to meet the urban need whilst maintain a high-quality rural interface, and the provision of appropriate land use transitions to adjoining non-residential interfaces.

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Is the planning proposal consistent with any other applicable State and regional studies or strategies?

Draft Future Transport Strategy 2036 and Draft Western Sydney Corridor Strategy

The draft Future Transport Strategy sets out a number of infrastructure improvements in part to achieve the 30 Minute City advocated in the A Metropolis of Three Cities. Key pieces of infrastructure highlighted for provision and which will benefit future residents on the Planning

Proposal site include the M12 Motorway and the North South Rail to connect the airport.

The Strategy also flags future infrastructure being considered including the Outer Sydney Orbital Route and Freight and Intermodal. The Draft Western Sydney Corridor Strategy shows that none of these will impact on the development of the site, being primarily on land well east of The Northern Road.

Cumberland Plain Conservation Plan (CPCP)

In meetings held with DPE in January 2022, DPE provided advice that the Planning Proposal must align with the Draft CPCP. The proponent was provided with CPCP mapping that was not currently available to the public (including Council). This CPCP mapping was used to inform amendments to the Public Domain and Open Space Strategy (PDOSS) and Planning Proposal masterplan.

The updated PDOSS and masterplan, that forms part of the Planning Proposal exhibition material resulted in an additional 6.16 hectares of land contributing to the quantum of open space in the C2 Environmental Conservation zone across the rezoning area.

On March 2022, DPE provided written advice that they have reviewed the draft PDOSS and support the PDOSS proceeding to public exhibition, noting that prior to finalisation of the Planning Proposal, the PDOSS is to be reviewed in the context of the CPCP, and if the Planning Proposal results in the removal of biodiversity in the 'avoided lands', the Planning Proposal may need to be amended. As noted above, the CPCP was finalised in August 2022. Council will seek DPE's verification that the CPCP has been appropriately incorporated into the Planning Proposal prior to finalisation of the LEP.

Is the Planning Proposal consistent with applicable SEPP's?

The NSW Government publishes State Environmental Planning Policies (SEPPs) and Sydney Regional Environmental Plans (SREPs or deemed SEPPs). These documents deal with matters of State or regional planning significance. In November 2021 the consolidated Housing SEPP commenced, repealing and replacing a number of SEPP's. In March 2022, the 45 existing SEPP's were also repealed and consolidated into 11 SEPP's. The Planning Proposal is consistent with applicable State Environmental Planning Policies (SEPPs), as demonstrated below, due to the proposed changes being of minor significance. Also see Appendix 8

SEPP Title	Comment
State Environmental Planning Policy (Biodiversity and Conservation) 2021	Consistent.
Ch 9 Hawkesbury-Nepean River	Consistent.
Ch 13 Strategic conservation planning	The Planning Proposal does not include any provisions which impede operation of this SEPP over the subject land.
State Environmental Planning Policy (Housing) 2021	Consistent.
Ch 2 Affordable housing	Consistent.
Ch 3 Diverse housing	Consistent.
State Environmental Planning Policy (Industry and	The Planning Proposal does not include any provisions which impede operation of this SEPP over

Employment) 2021	the subject land.
Ch 3 Advertising and signage	Consistent.
State Environmental Planning Policy (Resilience and Hazards) 2021	The Planning Proposal does not include any provisions which impede operation of this SEPP over the subject land.
Ch 4 Remediation of land	Consistent.
State Environmental Planning Policy (Transport and Infrastructure) 2021	The Planning Proposal does not include any provisions which impede operation of this SEPP over the subject land.
Ch 2 Infrastructure	Consistent.
Ch 3 Educational establishments and child care facilities	Consistent.
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008	Exempt and complying development under this SEPP will continue to apply to the land.

Is the planning proposal consistent with applicable Ministerial Directions (Section 9.1 Directions)?

The Minister for Planning and Environment issues Local Planning Directions that Councils must follow when preparing a Planning Proposal. The directions cover the following broad categories:

- employment and resources,
- environment and heritage,
- housing, infrastructure, and urban development,
- hazard and risk.

This Planning Proposal is considered to be consistent with all applicable Section 9.1 Directions, as demonstrated below and in Appendix 8.

Direction	Consistent
Focus Area 1: Planning Systems	
1.1 Implementation of Region Plans	The Planning Proposal is consistent with the Western City District Plan.
1.3 Approval and Referral Requirements	No new unnecessary referral or concurrence conditions are proposed as part of the Planning Proposal.
1.4 Site Specific Provisions	The Planning Proposal utilises appropriate zones to achieve the intended land use outcomes. To allow flexibility in the location of a temporary sales and marketing suite to be used in conjunction to community uses. It is proposed to use clause 2.8 of the LEP to allow for this use to be listed in Schedule 1 as an additional permitted use. This approach does not impose any additional development standards and is consistent with this direction.
Focus Area 1: Planning Systems – Place-based	
1.10 Implementation of the Western Sydney Aerotropolis Plan	The Planning Proposal is consistent with the Western Sydney Aerotropolis Plan, noting that it is located outside the bounds of the relevant Aerotropolis Precincts.
Focus Area 3: Biodiversity and Conservation	
3.1 Conservation Zones	The Planning Proposal introduces conservation zones in accordance with the Cumberland Plain Conservation Plan (CPCP) to apply to riparian areas and remnant vegetation on the land. This land will be included in a C2 Environmental Conservation zone with limited permitted uses focussed on environmental works and limited passive recreation. The land will be dedicated to Council. The Planning Proposal is consistent with this Direction.
3.2 Heritage Conservation	The Planning Proposal does not propose changes to the LEP clause or Maps relating to Heritage.

Direction	Consistent
	<p>All future Development Applications submitted will be required to comply with the relevant provisions within the LEP, National Parks and Wildlife Act and Heritage Act.</p> <p>The Planning Proposal is consistent with this Direction.</p>
3.5 Recreation Vehicle Areas	<p>This Planning Proposal does not enable land to be developed for a recreation vehicle area, and is therefore consistent with this Direction.</p>
3.6 Strategic Conservation Planning	<p>The Planning Proposal is wholly compliant with this Direction, with the Avoided lands (other than the area proposed to be deferred from the Planning Proposal and making of the LEP) proposed to be rezoned C2 Environmental Conservation.</p>
Focus Area 4: Resilience and Hazards	
4.1 Flooding	<p>Not applicable. The site is not identified as flood prone land.</p>
4.3 Planning for Bushfire Protection	<p>Any future development on site will have regard to Planning for Bushfire Protection 2018. The Planning Proposal investigations confirm that bush fire hazards can be addressed by Asset Protection Zones within the site by use of perimeter roads, setbacks and building construction. Further the master plan has been reviewed by a bushfire consultant to ensure appropriate fire truck access and evacuation.</p> <p>The Planning Proposal is consistent with this Direction.</p>
4.4 Remediation of Contaminated Land	<p>Contaminated lands have been previously investigated under the Preliminary Site Investigation and High Level Risk Assessment, requiring that Detailed Site Investigations, and if required, a Remediation Action Plan should be undertaken at the Development Application Stage pursuant with Chapter 4 of the Resilience and Hazards SEPP (previously SEPP 55).</p> <p>The Planning Proposal is consistent with this Direction.</p>
Focus Area 5: Transport and Infrastructure	
5.1 Integrating Land Use and Transport	<p>Land uses have been located to ensure access to key transport nodes/networks are provided via appropriate road, cycle and pedestrian linkages.</p> <p>The Planning Proposal provides for pedestrian and cycle connections to Glenmore Park Stage 2 and The Northern Road.</p> <p>The Planning Proposal is consistent with this Direction.</p>
5.2 Reserving Land for Public Purposes	<p>The Planning Proposal identifies several portions of land that are to be used of public purposes including public open space, drainage infrastructure and an educational establishment.</p> <p>Amendments are proposed to Clause 5.1 Relevant acquisition authority of Penrith LEP 2010 to identify the purpose of the</p>

Direction	Consistent
	<p>land to be acquired and the nominated authority. Schools Infrastructure NSW has provided Council with written confirmation as part of agency consultation that they should be the relevant acquisition authority for the land to be acquired for an educational establishment. The Planning Proposal does not alter the extent of land already nominated for acquisition by Transport for New South Wales.</p> <p>The Planning Proposal is consistent with this Direction.</p>
Focus Area 6: Housing	
6.1 Residential Zones	<p>The Planning Proposal will:</p> <ul style="list-style-type: none"> •broaden the choice of building types and locations available in the housing market, • achieve a high quality urban design outcome. • contain provisions that residential development is not permitted until land is adequately serviced, and • does not contain provisions which will reduce the permissible residential density of land. <p>The Planning Proposal is therefore consistent with this Direction.</p>
6.2 Caravan Parks and Manufactured Home Estates	<p>The Planning Proposal does not incorporate provision for Caravan Parks.</p> <p>The Planning Proposal is consistent with this Direction.</p>
Focus Area 7: Industry and Employment	
7.1 Business and Industrial Zones	<p>The Planning Proposal introduces a B2 Local Centre Zone to provide retail services of up to 5,000m² for the new community and is supported by a retail assessment.</p> <p>The Planning Proposal is consistent with this Direction.</p>
Focus Area 9: Primary Production	
9.1 Rural Zones	<p>The Planning Proposal will replace the RU2 Rural Landscape zone with an urban zone. Therefore whilst the Planning Proposal is inconsistent with this Direction, this can be justified as the land is identified within the Western City District Plan as part of the Greater Penrith to Eastern Creek growth area and Council's Local Strategic Planning Statement as being identified as an Urban Investigation Area.</p>

Section C – Environmental, Social and Economic Impacts

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 comprises a total of 206ha and has been historically used for a variety of agricultural and rural residential activities. It has previously been substantively cleared; however, some trees remain along creek lines and in scattered stands.

A Flora and Fauna investigation found that no threatened biota would be threatened with local extinction as a result of the proposed development of the site. There are significant areas within the site to be retained for the conservation of native biota; and the proposal will result in the enhancement of native vegetation and habitats, supplemented by existing conserved habitat in the locality and region.

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

There are no other likely environmental effects that will result from this proposal. The key environmental effects including ecological outcomes, water cycle management, bush fire planning, traffic, traffic noise have specific solutions incorporated in the master plan.

Further environmental testing and review to ensure final clearances for contamination and aboriginal archaeology can be finalised as part of the preparation of any Development Applications for residential development.

The masterplan shows large 4000m² lots fronting The Northern Road. Specific solutions have been outlined in this Planning Proposal to address traffic noise for lots fronting The Northern Road. However, further work post Gateway will be undertaken to ensure noise attenuation along The Northern Road has considered Council's resolution and is investigated fully to ensure the best outcomes for future residents.

Has the planning proposal adequately addressed any social and economic effects?

The Planning Proposal has addressed the social and economic effects by identifying the social and other infrastructure to service the release can be viably delivered. The Master Plan embeds a number of items that will have a positive community benefit in terms of providing better connections and healthier neighbourhoods through the provision of sports fields and cycleways, a range of lot sizes for housing diversity and affordability, and place making outcomes centred around the co-located shops, primary school, playing fields and community facilities.

Section D – State and Commonwealth Interests

Is there adequate public infrastructure for the planning proposal?

The investigations submitted by the proponent confirm that substantial consultation has occurred with utility agencies to develop and cost options for the provision of water, sewer and electricity to the site.

The Planning Proposal is also supported by an investigation and assessment of social infrastructure including open space required for the new community. The inclusion of the site on the Urban Release Map will also require arrangements to be made with the State Government for the provision of State infrastructure.

It is anticipated that a commitment by the proponents to address State and Local government infrastructure can be addressed by entering into a single or two Voluntary Planning Agreements.

The State infrastructure will include:

- Dedication of a site for a primary school
- 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 and any other reasonable upgrade of roads and provision of state infrastructure required by the development.

The Local Infrastructure will include:

- Dedication of all land shown RE1 and C2 on the Land Use Zoning Map (on land owned/controlled by the proponent and Vianello) 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.
- Upgrade of Chain-O-Ponds Road from the Transport for NSW 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 delivery on site and /or payment of a contribution.
- An offer to Council for the dedication of the sales and marketing suite for community use after 5 years from the publication of the plan at nil cost to Council is still subject to VPA negotiations.

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

In accordance with the Gateway Determination consultation with the NSW Rural Fire Service has been undertaken and their comments form part of the exhibition materials.

Further consultation will be undertaken as part of the exhibition of the Planning Proposal, as directed by the Gateway Determination. Public authorities to be consulted include:

- Transport for NSW
- Department of Planning and Environment – Resilience Planning
- Department of Planning and Environment – Environment and Heritage Group
- Sydney Water
- Endeavour Energy
- NSW Environment Protection Authority
- Deerubbin Local Aboriginal Land Council
- Department of Primary Industries – Agriculture
- NSW Health – Western Sydney Local Health District
- Greater Cities Commission
- Dam Safety for NSW
- Natural Resources Access Regulator
- Department of Education / Schools Infrastructure NSW

During the public exhibition period, Council formally sought comment from several State government agencies in accordance with the requirements of the Gateway Determination issued for the Planning Proposal. Submissions were received from most of the agencies including DPE, Endeavour Energy, Schools Infrastructure NSW, Sydney Water, Transport for NSW, NSW Rural Fire Service, NSW Health,

the Environment Protection Authority, Dams NSW and the Department of Primary Industries.

At the time of writing this report, the following submissions remain outstanding:

- Department of Planning and Environment – Water / Natural Resources Access Regulator (NRAR),
- Greater Cities Commission, and
- Deerubbin Local Aboriginal Land Council.

DPE are assisting Council in receiving submissions from these agencies through the Planning Delivery Unit. Should Council resolve to finalise the Planning Proposal and request DPE make the LEP amendment, it is anticipated that the DPE will consult with Council on any issues raised by these agency submissions as they finalise the amendment.

Submission comments from agencies and Council's response to these comments are provided as an attachment to the Ordinary Meeting report of 12 December 2022.

Part 4 – Mapping

The following map tiles are proposed to be amended as part of the Planning Proposal.

Map	Tile Number
Land Zoning	Sheet LZN_007
Lot Size	Sheet LSZ_007
Height of Buildings	Sheet HOB_007
Clause Application	Sheet CAP_002
Urban Release Areas	Sheet URA_007
Additional Permitted Uses	Sheet APU_007
Scenic and Landscape Values	Sheet SLV_007
Land Reserved Acquisition	Sheet LRA_007

The proposed Penrith LEP 2010 map tiles are provided at Appendix 2

Part 5 – Community Consultation

At the Ordinary Meeting of 25 July 2022, Council resolved to progress the Planning Proposal, draft development control plan, draft Section 7.11 Contribution Plan and draft VPA Letter of Offer to public exhibition. Appendix 8 provides the council report and minutes.

In accordance with the Gateway Determination:

- the Planning Proposal was concurrently exhibited with the draft site-specific development control plan and draft contributions plan and VPA letters of Offer.
- Exhibition of the Planning Proposal and supporting documents were made available for community consultation for a minimum of 28 days.
- In addition, Council have written to all landowners which form part of the planning proposal with the offer to directly meet with Council officers to discuss the planning proposal.

The Planning Proposal and supporting documents were placed on public exhibition from 19 August 2022 to 16 September 2022. Exhibition material was available to view online at:

- Council's Your Say Penrith website;
- Civic Centre;
- Penrith and St Marys libraries; and
- NSW Planning Portal.

The public exhibition was undertaken in accordance with the Gateway Determination, the community consultation requirements of the Environmental Planning and Assessment Act 1979 (EP&A Act) and Environmental Planning and Assessment Regulation 2000, and Council's Community Participation Plan.

A notice was placed in the Western Weekender for four consecutive weeks throughout the public exhibition period. Written notification was given to the landowners and occupiers of 73 properties that form part of the rezoning area, and on nearby or adjoining properties.

As required by the Gateway Determination condition 11, in addition to Council's standard consultation during the public exhibition, written notification to all landowners which form part of the Planning Proposal included an offer to directly meet with Council officers to discuss the Planning Proposal.

The 5 private landowners requested an extension of 4 weeks to make a submission. This request was granted. In addition, a meeting was held between Council and the private landowners on 5 October 2022, where the private landowners raised their concerns with Council.

A total of 17 public submissions were received on the public exhibition. A summary of these submissions is as follows:

- Full support for the proposal: 6 submissions
- Not opposed but concerns / matters / suggestions raised for consideration: 7 submissions
- Opposition to the proposal in its current form: 4 submissions
- Total submissions: 17

Details of the consultation held is provided in the Ordinary Meeting report of 12 December 2022.

Part 6 - Project Timeline

Milestone	Timeframe
Local Planning Panel	April 2020
Council's sponsor of the Planning Proposal	May 2020
Submission to NSW Planning and Environment	June 2020
Gateway Determination issued	September 2020
Public exhibition and public authority consultation (1)	Commence by 31 August 2022
Consideration of submissions	September – October 2022
Reporting of the Planning Proposal to Council (1)	By October 2022
Publication of LEP amendment (1)	By 23 December 2022

Note (1) – These timeframes are provided in the Alteration to Gateway Determination – 8 June 2022

Conclusion

This Planning Proposal seeks to rezone land for the extension of Glenmore Park for urban purposes including housing, open space, local shops and to achieve desirable environmental outcomes.

The Master Plan to support the urban release incorporates important connections to the existing suburb and the new road and public transport infrastructure being delivered on The Northern Road. The Master Plan will facilitate the capped release of 2,330 dwellings on residential land and a new community hub bringing together shopping, education and recreation opportunities to help achieve a sense of community and place.

This report has demonstrated that existing and proposed infrastructure can be delivered in a manner which supports the outcomes anticipated by the Planning Proposal. Similarly, there will be environmental benefits from supporting the change of use whereby water quality targets and preservation and regeneration of native vegetation can be better achieved.

The Planning Proposal is consistent with State Government Housing and Urban Release Area Density Target and as such, Council seeks support for this proposal, which will deliver a more socially integrated and equitable housing, place making and community building outcome.

	Appendix
1	Proposed Penrith LEP 2010 Maps
2	Supporting information
3	Ordinary Meeting of 27 November 2017 – Council report and minutes
4	Local Planning Panel of 13 May 2020 – Report and advice
5	Ordinary Meeting of 25 May 2020 – Council report and minutes
6	Gateway Determination (September 2020) and Gateway Alterations (2022)
7	Translation of B2 Local Centre to E1 Local Centre as part of Employment Zone Reform project
8	Consistency with applicable SEPP and Ministerial Directions
9	Ordinary Meeting of 25 July 2022 – Council report and minutes

**Penrith Local
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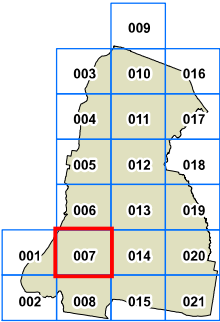
Land Zoning Map - Sheet LZN_007

Zone

- B1** Neighbourhood Centre
- B2** Local Centre
- B3** Commercial Core
- B4** Mixed Use
- B5** Business development
- B6** Enterprise Corridor
- B7** Business Park
- C1** National Parks and Nature Reserves
- C2** Environmental Conservation
- C3** Environmental Management
- C4** Environmental Living
- IN1** General Industrial
- IN2** Light Industrial
- R1** General Residential
- R2** Low Density Residential
- R3** Medium Density Residential
- R4** High Density Residential
- R5** Large Lot Residential
- RE1** Public Recreation
- RE2** Private Recreation
- RU1** Primary Production
- RU2** Rural Landscape
- RU4** Primary Production Small Lots
- RU5** Village
- SP1** Special Activities
- SP2** Infrastructure
- SP3** Tourist
- W1** Natural Waterways
- W2** Recreational Waterways
- DM** Deferred Matter
- WSEA** SEPP (Western Sydney Employment Area) 2009
- SM** SREP No. 30 - St Marys
- MIC** SEPP (Major Infrastructure Corridors) 2020
- WSA** SEPP (Western Sydney Aerotropolis) 2020

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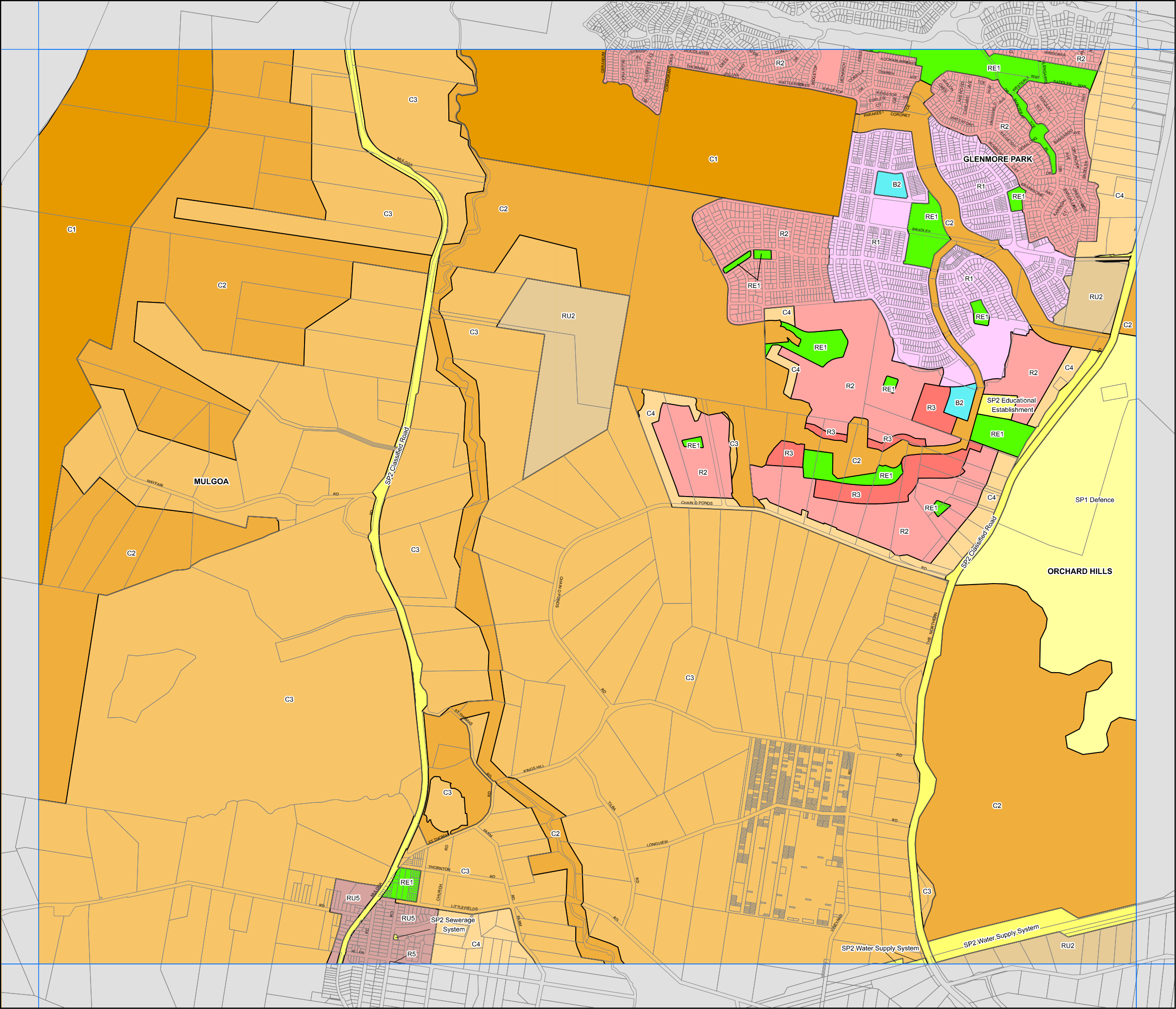
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Metres

Projection: GDA 1994
MGA Zone 56

Scale: 1:20,000 @ A3



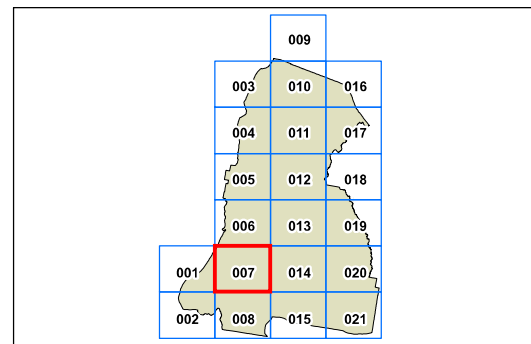
Lot Size Map -
Sheet LSZ_007

Minimum Lot Size (sq m)

A	180
B	225
D	300
F	400
G	450
K1	550
K2	560
M	600
O	650
R	750
S	800
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 (1000 ha+)
Refer to Clause 7.16, 7.19, 7.21 & 7.3x	

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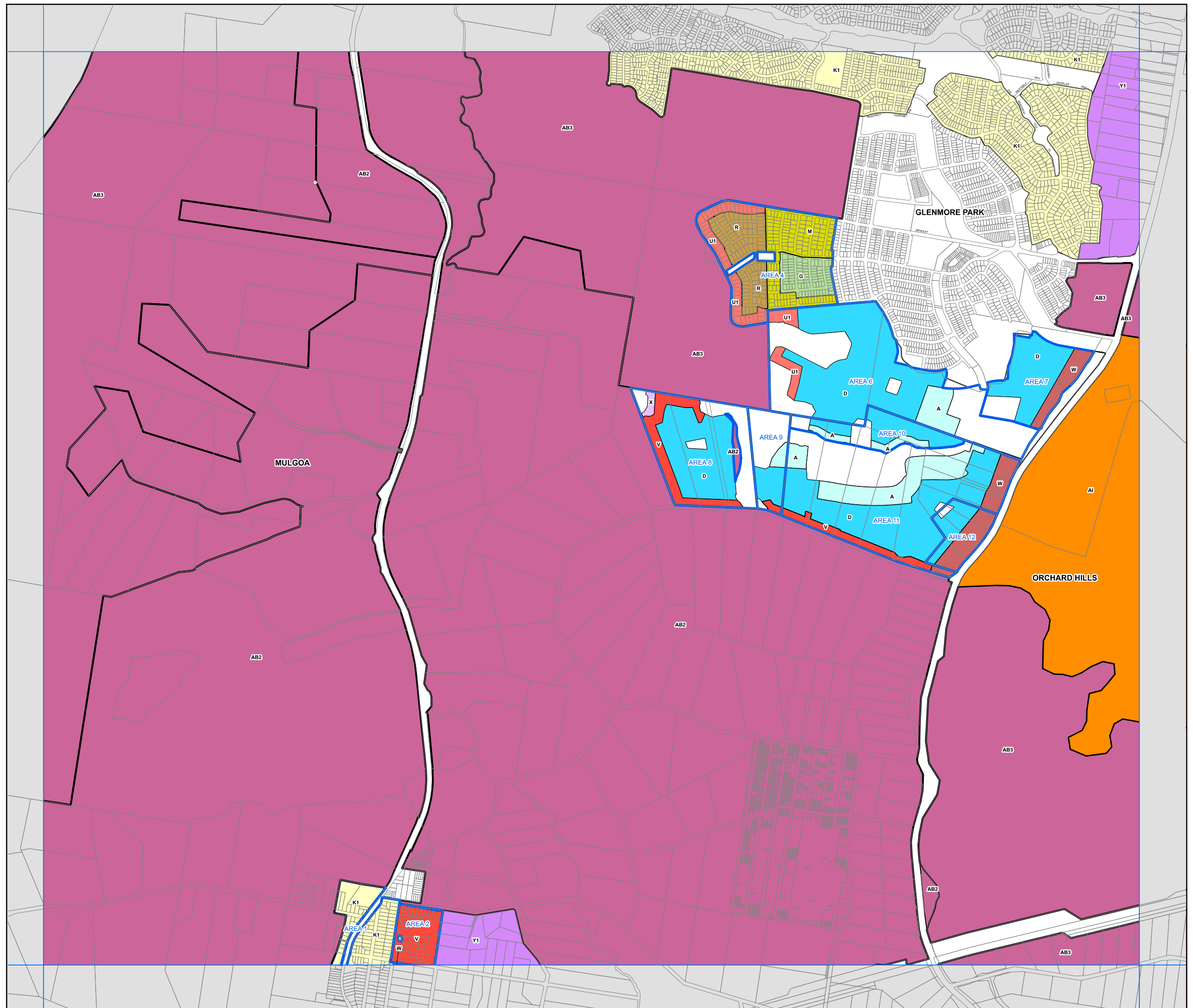


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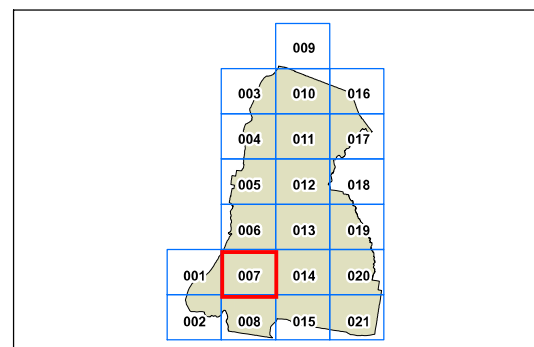
Height of Buildings Map -
Sheet HOB_007

Maximum Building Height (m)

A	0
C	5
I	8.5
J	9
K	10
M1	12
M2	12.5
O	15
P	18
Q1	19
Q2	20
R	21
S	24
T	27
U	32
V	38
Y	50
Z	56
AA	61
AB	80
Refer to Clause 7.16, 7.3x, 8.2 & 9.7	

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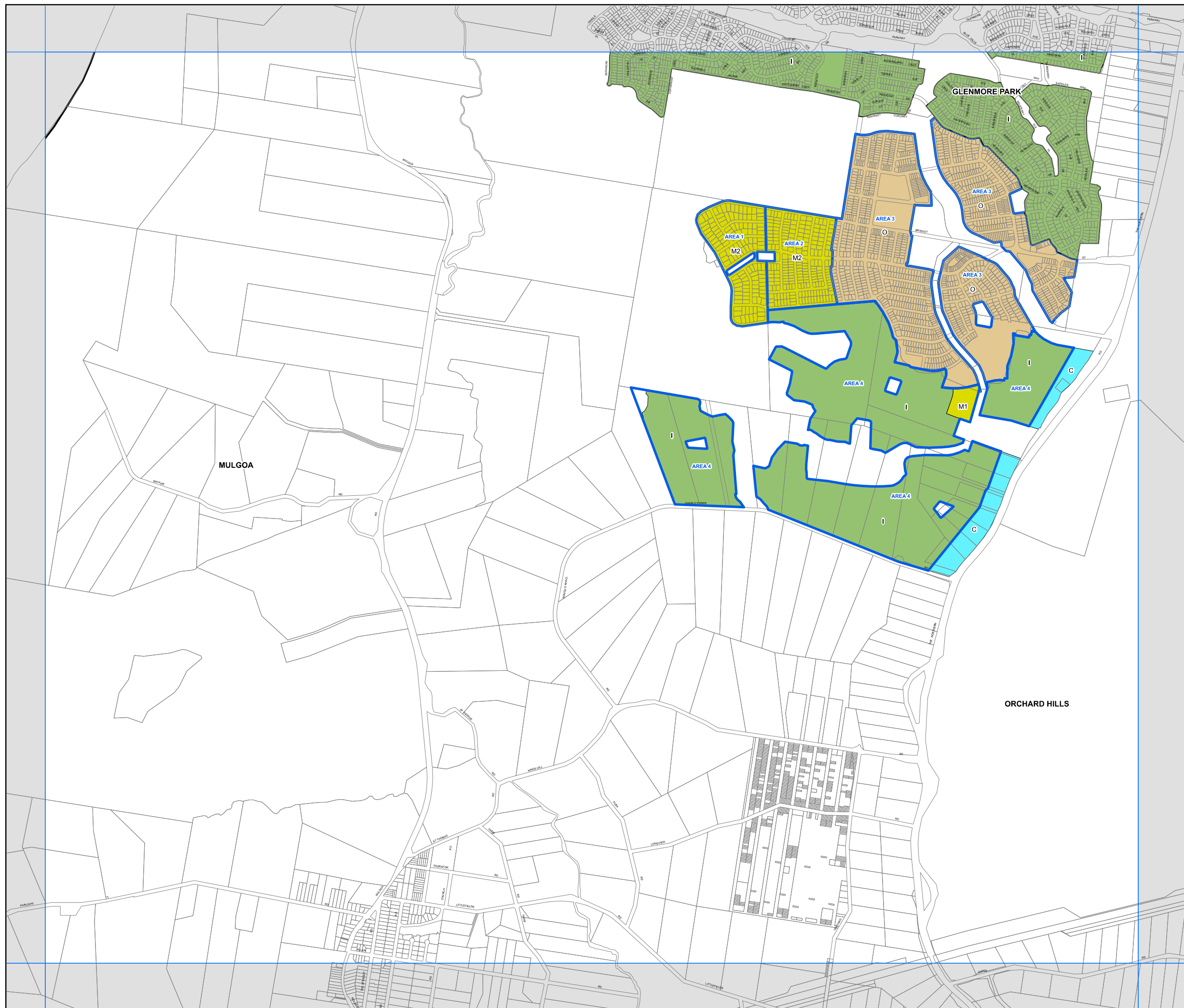
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MGA Zone 56

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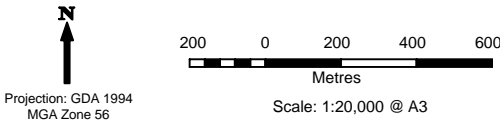
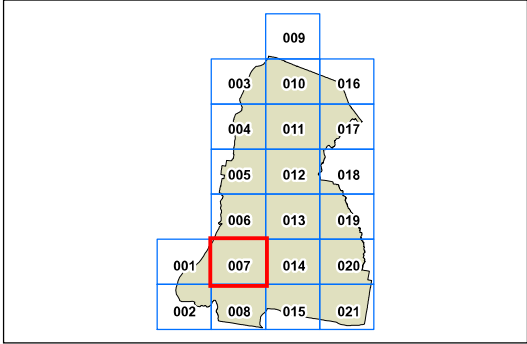


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**Land Reservation
Acquisition Map - Sheet LRA_007**

- Classified road (SP2)
- Local road (SP2)
- Regional open space (RE1) or (C2)
- Local open space (RE1)
- Local open space (C2)
- Educational Establishment (SP2)

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Clause Application Map -
Sheet CAP_002

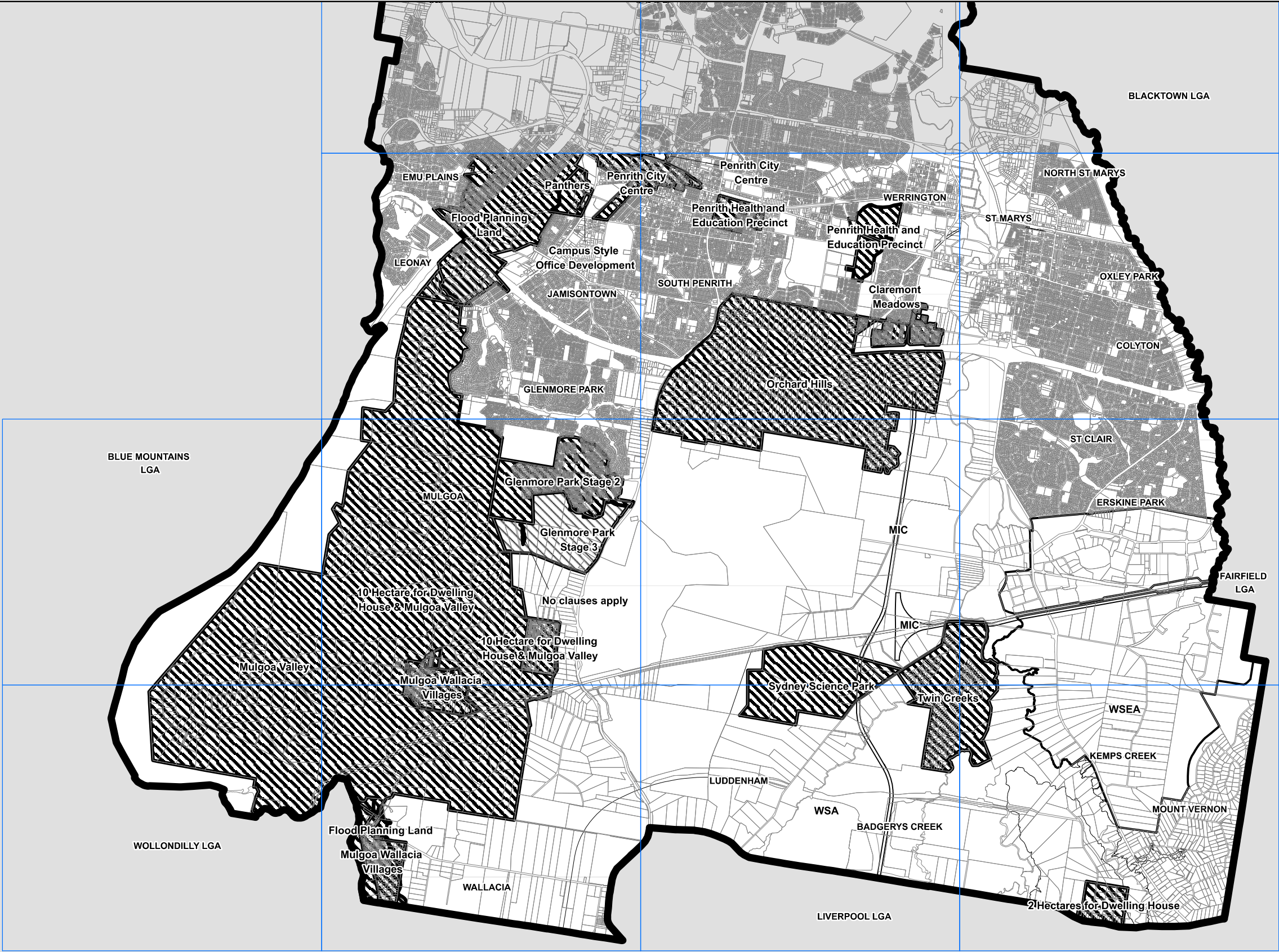
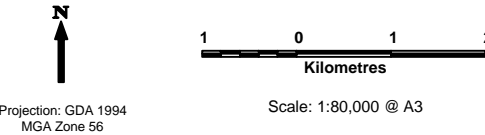
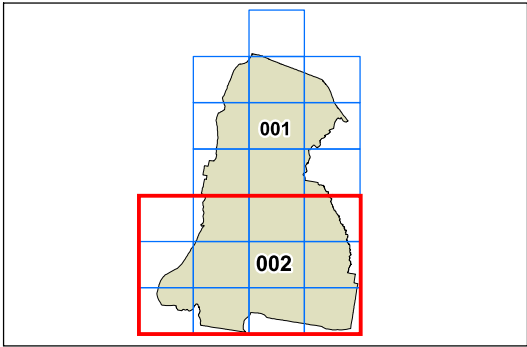
 LGA Boundary

LEP Land Application

-  Clauses of LEP apply
-  SEPP (Western Sydney Employment Area) 2009
-  SREP No. 30 - St Marys
-  SEPP (Penrith Lakes Scheme) 1989
-  SEPP (Western Sydney Aerotropolis) 2020
-  SEPP (Major Infrastructure Corridors) 2020

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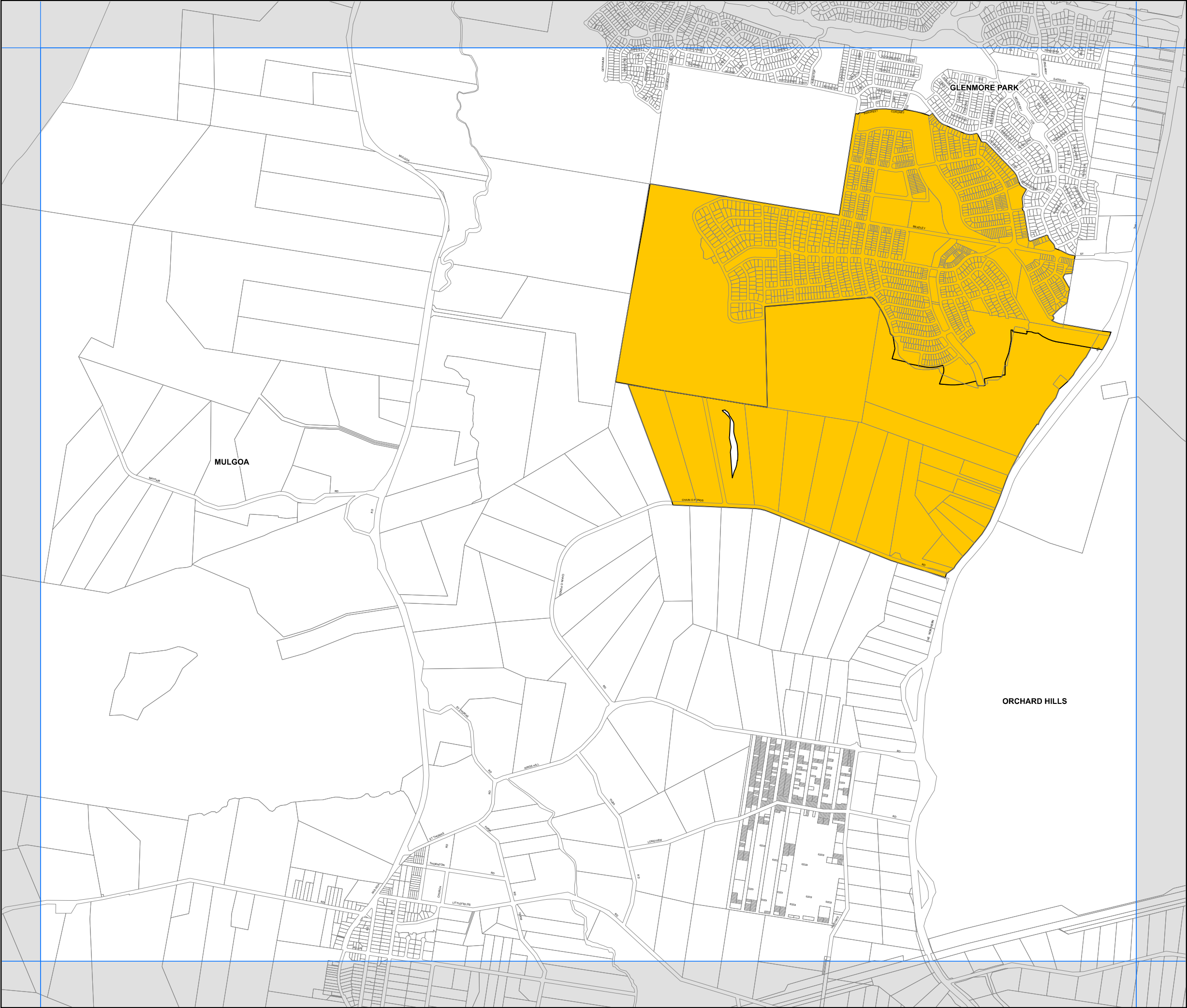
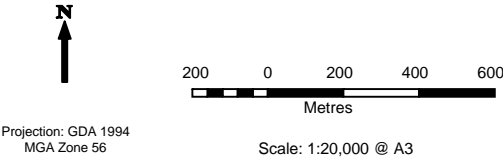
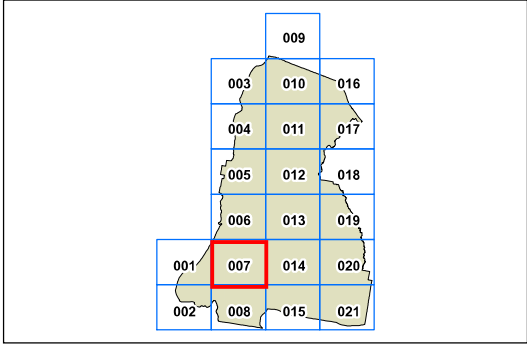
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Urban Release Area

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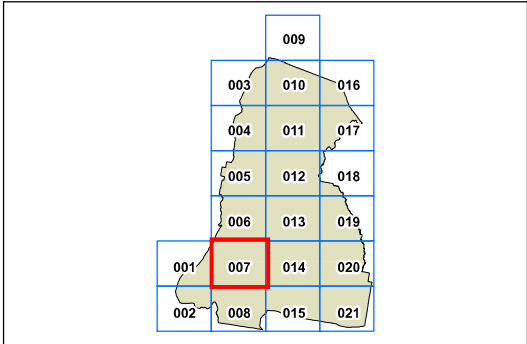
Additional Permitted Uses Map -
Sheet APU_007

Additional Permitted Uses

 Refer to Schedule 1

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Scenic and Landscape
Values Map - Sheet SLV_007

- Land with Scenic and Landscape Values
- Vistas of heritage items

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