

Penrith Local Environmental Plan 2010 - Amendment - 92,94 and 96 Victoria Street, Werrington

Proposal Title :	Penrith Local Environmental Plan 2010 - Amendment - 92,94 and 96 Victoria Street, Werrington		
Proposal Summary :	The planning proposal seeks to rezone land at 92, 94 and 96 Victoria Street, Werrington to R4 High Density Residential, and increase the maximum building height to 15m and the minimum lot size to 800sqm.		
PP Number :	PP_2016_PENRI_006_00	Dop File No :	qA399304

Proposal Details

Date Planning Proposal Received :	28-Feb-2017	LGA covered :	Penrith
Region :	Metro(Parra)	RPA :	Penrith City Council
State Electorate :	LONDONDERRY	Section of the Act :	55 - Planning Proposal
LEP Type :	Spot Rezoning		

Location Details

Street :	92 Victoria Street		
Suburb :	Werrington	City :	Penrith
Land Parcel :	Lot 6A DP 26950		Postcode : 2747
Street :	94 Victoria Street		
Suburb :	Werrington	City :	Penrith
Land Parcel :	Lot 6B DP 26950		Postcode : 2747
Street :	96 Victoria Street		
Suburb :	Werrington	City :	Penrith
Land Parcel :	Lot 7A DP 26950		Postcode : 2747

DoP Planning Officer Contact Details

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Land Release Data

Growth Centre :	N/A	Release Area Name :	N/A
Regional / Sub Regional Strategy :	Metro North West subregion	Consistent with Strategy :	Yes
MDP Number :		Date of Release :	
Area of Release (Ha) :		Type of Release (eg Residential / Employment land) :	Residential
No. of Lots :	0	No. of Dwellings (where relevant) :	170
Gross Floor Area :	0	No of Jobs Created :	0

The NSW Government Lobbyists Code of
Conduct has been
complied with : **Yes**

If No, comment : **At this point in time, to the best of the regional team's knowledge, the Department's Code of Practice in relation to communications with lobbyists has been complied with.**

Have there been
meetings or
communications with
registered lobbyists? : **No**

If Yes, comment : **A search of the register was undertaken on 6 November 2016. There are no records of meeting or communications with registered lobbyists.**

Supporting notes

Internal Supporting
Notes : **POLITICAL DONATIONS DISCLOSURE STATEMENT**
Political donations disclosure laws commenced on 1 October 2008. The legislation requires the public disclosure of donations or gifts for certain circumstances relating to the planning system.

"The disclosure requirements under new legislation are triggered by the making of relevant planning applications and relevant public submissions on such applications".

The term relevant planning authority means:

" A formal request to the Minister, a council or the Secretary to initiate the making of an environmental planning instrument..."

Planning Circular PS08-009 specifies that a person who makes a public submission to the Minister or the Secretary is required to disclose all reportable political donations (if any).

The Department has not received any disclosure statements for this planning proposal.

Receipt Date

The receipt date of the proposal has been amended to accommodate additional information being provided by Penrith City Council.

External Supporting
Notes :

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment : The planning proposal seeks to facilitate the development of land at 92,94 and 96 Victoria Street, Werrington (the site), for high density residential use. The proposal would allow for the development of additional housing in close proximity to services and facilities.

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment : The planning proposal seeks to amend the zoning, height and lot size controls contained within the Penrith Local Environmental Plan 2010 (Penrith LEP 2010) by:

1. Amending the Land Zoning Map (LZN_013) by rezoning the site from R3 Medium Density Residential to R4 High Density Residential;
2. Amending the Height of Building Map (HOB_013) by increasing the maximum building height for the site from 8.5m to 15m; and
3. Amending the Lot Size Map (LSZ_013) by increasing the minimum lot size for the site from 400sqm to 800sqm.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **No**

b) S.117 directions identified by RPA :

3.1 Residential Zones

* May need the Director General's agreement

3.4 Integrating Land Use and Transport

4.3 Flood Prone Land

Is the Director General's agreement required? **No**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified?

SEPP (Infrastructure) 2007

SREP No. 20 - Hawkesbury-Nepean River (No. 2 - 1997)

e) List any other
matters that need to
be considered :

SECTION 117 DIRECTIONS

The proposal is consistent with relevant section 117 Directions, however, commentary is to be provided on the following by Council:

DIRECTION 4.3 FLOOD PRONE LAND

Although the site is not identified as flood prone land within Penrith LEP 2010 Flood Planning Area Map (FLD_013), the site is affected by the Probable Maximum Flood

(PMF) within the Hawkesbury-Nepean Valley.

The assessment of flood risk is provided further in the report.

It is recommended prior to exhibition, the planning proposal is amended to address the consistency of the proposal with this Direction.

DIRECTIOIN 4.1 ACID SULFATE SOILS

It is recommended that, as a condition, Council provides some commentary on this direction.

STATE ENVIRONMENTAL PLANNING POLICIES

The proposal is consistent with all relevant SEPPs, however, it is recommended that commentary is provided by Council on the following:

SEPP (INFRASTRUCTURE) 2007

The site is immediately adjacent to the Western Line rail corridor and Werrington Railway Station, therefore this SEPP applies to the site. However the planning proposal does not address this policy.

It is recommended prior to exhibition, the planning proposal is amended to address the consistency of the proposal with this SEPP. It is also recommended that Sydney Trains be consulted.

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain :

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : Mapping of the current and proposed amendments are provided in Part 4 and Appendix 1-3 of the planning proposal. The planning proposal requires amendments to the following maps:
- Land zoning Map (LZN_013);
- Height of Building Map (HOB_013); and
- Lot Size Map (LSZ_013).

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : Part 5 of the planning proposal plans for a 14 day community exhibition period.

Given possible flood evacuation constraints, it is recommended that a 28 day exhibition period is justified and is undertaken.

Further, the planning proposal is to be amended prior to exhibition to ensure consistency with the Gateway determination in each part of the proposal.

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

Proposal Assessment

Principal LEP:

Due Date : **September 2010**

Comments in relation to Principal LEP : **The Penrith Local Environmental Plan (LEP) 2010 was notified in September 2010. The planning proposal is consistent with this instrument.**

Assessment Criteria

Need for planning proposal : **The planning proposal seeks to permit the development of a residential flat building containing 170 apartments on the site, which is not permissible under a R3 Medium Density Residential zone. A R4 High Density Residential is sought as the site adjoins R4 zoned land to the east and is located within close proximity to transport, services and facilities.**

Consistency with
strategic planning
framework :

DRAFT WEST DISTRICT PLAN (2016)

The site is located within the West District, however the planning proposal does not address the consistency of the proposal with the Draft West District Plan (the Draft Plan).

The site is affected by the Probable Maximum Flood (PMF) within the Hawkesbury Nepean Valley. As identified in the Draft West District Plan, up to 134,000 people currently live and work on the floodplain and could require evacuation during a flood.

In accordance with Action S16 – Address flood risk issues in the Hawkesbury Nepean Valley - the Department referred the planning proposal to the Hawkesbury Nepean Flood Risk Management Taskforce (the Taskforce) to ensure that the cumulative growth in the Hawkesbury-Nepean Valley does not increase the risk to life.

On 5 December, the Taskforce provided the following:

- in relation to the Hawkesbury Nepean regional flooding:
 - the site is located between the 1 in 2,000 and 1 in 5,000 chance per year flood extents;
 - the area is not a flood island; and
 - there is land above the PMF some 500m west along the rising Victoria Street;
- in relation to local flooding on South Creek, the NSW State Emergency Service and the NSW Office of Environment and Heritage advised that:
 - the site is within the 1 in 500 chance per year flood extent;
 - the area is not a flood island; and
 - there is land above the PMF some 500m west along the rising Victoria Street;
- the local evacuation routes would be via John Oxley Avenue and Victoria Street towards Cambridge Park. The last local evacuation route, on the generally rising Victoria Street towards Cambridge Park, can be affected by more local flooding on Werrington Creek near Park Avenue.

The Taskforce advised:

- the site is not considered to be subject to a high regional flood risk and would have limited impact on the emergency flood evacuation from higher flood risk areas in the Valley; and recommended:
- advice should be sought from Council regarding the local flood risk including how the local flood and regional flood risk interact;
- the design of the proposed development must be in accordance with the regional and/or local flood evacuation scenario including underground car parks, and evacuation route(s) and destination; and
- the planning proposal be supported by a detailed assessment addressing the above issues and include evacuation plans approved by the NSW State Emergency Service in consultation with Roads & Maritime Services and the NSW Office of Environment and Heritage.

It is recommended prior to exhibition, that the planning proposal be amended to address the consistency with the Draft West District Plan and address the advice provided by the Taskforce regarding flood risk and agency consultation.

Environmental social
economic impacts :

NATIVE VEGETATION

The site contains some trees at the rear of the site, however these are not identified as significant vegetation on the Penrith LEP 2010 maps.

Council notes that some of these trees may be native (remnant or regrowth) but are not connected to other native vegetation areas. Further assessment of vegetation on the site can be addressed at the development application stage through Council's vegetation management controls.

TRAFFIC IMPACTS

The Traffic and Parking Assessment Report concludes that the planning proposal will generate moderate traffic that will have a low impact on the existing road network. The Report also notes that Council's DCP requires 190 residential parking spaces whilst the

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RMS Guide only requires 148 spaces.

ACOUSTIC IMPACTS

The Acoustic Assessment Report notes that appropriate controls can be incorporated into the building design to address noise emission from the road and rail corridor for future residents. Further assessment of acoustic impacts can be addressed at the development application stage.

Assessment Process

Proposal type : **Routine** Community Consultation Period : **28 Days**

Timeframe to make LEP : **12 months** Delegation : **Nil**

Public Authority Consultation - 56(2)(d) : **Integral Energy
Transport for NSW
Transport for NSW - Sydney Trains
Transport for NSW - Roads and Maritime Services
State Emergency Service
Sydney Water
Telstra**

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

Flooding

If Other, provide reasons :

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
Letter - Penrith City Council_25-10-2016 Victoria Street, Werrington_ 1.pdf	Proposal Covering Letter	Yes
planning proposal.pdf	Proposal	Yes
Maps - Penrith City Council_25-10-2016_Gateway Determination for Planning Proposal - 92, 94 & 96 Victoria Street, Werrington_-4.pdf	Map	Yes

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Council Report - Penrith City Council_25-10-2016_Gateway Determination for Planning Proposal - 92, 94 & 96 Victoria Street, Werrington_.pdf	Study	Yes
Council Resolution - Penrith City Council_25-10-2016_Gateway Determination for Planning Proposal - 92, 94 & 96 Victoria Street, Werrington_-7.pdf	Study	Yes
Forms - Penrith City Council_25-10-2016_Gateway Determination for Planning Proposal - 92, 94 & 96 Victoria Street, Werrington_-2.pdf	Study	Yes
Acoustic Report - Penrith City Council_25-10-2016_Gateway Determination for Planning Proposal - 92, 94 & 96 Victoria Street, Werrington_-6.pdf	Study	Yes
Traffic Report - Penrith City Council_25-10-2016_Opt Gateway Determination for Planning Proposal - 92, 94 & 96 Victoria Street, Werrington_-5.pdf	Study	Yes
2016.11.07 - Letter to HN Taskforce - PP_2016_PENRI_006_00 - Victoria Street Werrington.pdf	Proposal Covering Letter	No

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions: **3.1 Residential Zones**
3.4 Integrating Land Use and Transport
4.3 Flood Prone Land

Additional Information : **DELEGATION OF PLAN MAKING FUNCTIONS**
 Penrith City Council has requested delegation for plan making functions to finalise the proposal. Given the nature of the planning proposal it is recommended that authorisation be issued for Council to exercise delegation.

RECOMMENDATION

It is recommended that the planning proposal proceed subject to the following conditions:

1. Prior to public exhibition, Council is to amend the planning proposal, by addressing:
 - (a) the draft West District Plan including Sustainability Action S16;
 - (b) consistency with the State Environmental Planning Policy (Infrastructure) 2007 in respect of the assessment provided in the supporting acoustic report; and,
 - (c) include commentary in respect of section 117 Direction 4.1 Acid Sulfate Soils.

The amended proposal is to be submitted to the Department for information purposes.

2. Prior to exhibition a detailed assessment addressing the issues outlined in the letter from the Hawkesbury-Nepean Valley Flood Management Directorate dated 5 December 2016, is required to be prepared, which includes evacuation plans approved by the NSW State Emergency Service in consultation with Roads & Maritime Services and the Office of Environment & Heritage. The proposal must be amended to address section 117 Direction 4.3 - Flood Prone Land.

A copy of the proposal and assessment must be provided to the Department's regional team for information.

Note: following Council's assessment, approval from the Secretary may be required in relation to this Direction.

3. Community consultation is required under sections 56(2)(c) and 57 of the Act as follows:

- (a) the planning proposal must be made publicly available for a minimum of 28 days; and
- (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of A Guide to Preparing Local Environmental Plans (Department of Planning and Environment 2016).

4. Consultation is required with the following public authorities under section 56(2)(d) of the Act and/or to comply with the requirements of relevant S117 Directions:

- Infrastructure NSW - Hawkesbury-Nepean Valley Flood Management Directorate;
- Transport for NSW;
- Transport for NSW - Sydney Trains;
- Transport for NSW – Roads and Maritime Services;
- NSW State Emergency Service;
- Sydney Water;
- Endeavour Energy; and,
- Telstra.

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.

Notwithstanding this condition, advice is required under Condition 2 regardless of any time limitation.

5. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission).

6. The timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway determination.

Supporting Reasons : The planning proposal would facilitate additional housing in a suitably well located area.

Signature:



Printed Name:

T DORAN

Date:

8/3/17