



Planning Proposal

For 1-4 Old Bathurst Road, Emu Plains

Proposed Rezoning of part of Lot 1 to IN2 Light Industrial

22 June 2021

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Appendices

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Introduction

a) Purpose of Planning Proposal

Lot 1 parcel is subject to a split land use zoning and currently incorporates land which is a “deferred matter” under the Penrith Local Environmental Plan (PLEP) 2010.

The land use zones over the site are mapped as follows:

- The western portion of the land is zoned IN2 Light Industrial under the PLEP 2010.
- The eastern portion is zoned 1. Rural (d) Rural “D”. (Future Urban) under the historic Interim Development Order No. 93.

The land holding is the last remaining land area under Penrith Interim Development Order (IDO) No.93 which has not been transferred to the PLEP 2010.

This land is required to be transferred into the PLEP 2010 through a Planning Proposal process, either by Council or the landowner.

Following a recent review of current updated flood modelling for the site and the approval of a two lot subdivision of the land, it has been identified that there is an opportunity to resolve the land use zoning over the Bathurst Road frontage of the site.

The purpose of this Planning Proposal is to rezone a portion of Lot 1, at 1-4 Old Bathurst Road to IN2 Light Industrial under the Penrith Local Environmental Plan (PLEP) 2010, addressing the land within Lot 1 which is currently a deferred matter.

This will provide a consistent zoning across Lot 1 and the land fronting Old Bathurst Road.

The Planning proposal will adopt and transfer the land use zoning, building heights and provisions for the western portion of Lot 1 over the whole of the Lot 1 parcel.

The Planning Proposal does not seek to amend the land use zoning or provisions over the balance of the land holding, being Lot 2, which will be addressed under a separate process at a later date.

The area of land to be rezoned does not include any land with a frontage or proximity to Russell Street along the western property boundary.

The rezoning of a small area of deferred land within Lot 1 will not impede or impact on the resolution of future land use outcomes over Lot 2 to the rear.

This Planning Proposal has been prepared following detailed liaison with Penrith Council staff and addresses all existing site conditions and potential traffic generation.

A plan showing indicative building envelopes and site design outcomes has also been prepared and accompanies this Planning Proposal. The concept building envelope plan has been prepared to inform the traffic review.

No approval is sought for the site at this stage. A detailed Development Application will be prepared and lodged with Council following resolution of this Planning Proposal.

b) Background

The current zone boundaries for Lot 1 were historically drawn generally reflecting flood mapping available at the time. The IN2 land reflects land mapped as being above the 1:100 year flood level at the time (approximately 15 years ago).

A Development Consent was issued in August 2020 to consolidate the land holding allotments, creating two lots.

Lot 1 was created as a future development parcel, comprising all of the IN2 zoned land along the Old Bathurst Road frontage. Lot 1 was required to be a 2 hectare land parcel under the current lot size provisions of the Penrith IDO 93.

Following approval of this application, Penrith Council completed and released more detailed flood modelling of Emu Plains overland flow catchments. This indicated that Lot 1 was not affected by overland flow in the 1:100 year storm event.

Further review of more detailed up to date flood modelling of Nepean River Catchment prepared by Penrith Council also identified flood planning areas had been modified and refined over Lot 1.

It was identified that the balance of Lot 1 could be rezoned to Industrial land. This provides a number of benefits as follows:

- Address the historic Penrith IDO 93 over part of the site and incorporate Lot 1 into the Penrith LPE 2010.
- Deliver a regular shaped parcel and zone boundary, removing the current “triangle” shaped zone boundary.
- Allow for the delivery of a minor increase in employment generating development along the Old Bathurst Road frontage.

c) The Subject Site

The subject site, being 1-4 Old Bathurst Road, encompasses two approved allotments, currently in the process of being registered.

The subject site is located in the north-western portion of Emu Plains, on the northern side of Old Bathurst road.

The site is situated approximately 1.7km west of the Emu Plains Train Station. The main Penrith Central Business District (CBD) is situated approximately 3.4m to the east.

There are a number of major road connections within the locality including the Great Western Highway (1.3km to the south) and the M4 Motorway (1.8km to the south).

The large scale Emu Plains Industrial Area is situated directly to the south, on the southern side of Old Bathurst Road, and forms a major employment area within the Penrith LGA. The Emu Plains Correctional Facility and operational milk bottling factory is situated to the east of the site.

The land holding occupies a total area of 23.444 hectares, extending from Old Bathurst Road along the southern boundary to the Nepean River on the northern boundary.

Russell Street forms the northern boundary of the site. Russell Street is a part formed road and part unformed road.

A former dairy associated with the Emu Plains Correctional Facility forms the eastern boundary of the subject land holding.

The land holding comprises two allotments approved under a recent Development Consent, which consolidated four individual lots.

These allotments are described as follows:

- Lot 1 in a future DP 1273251 – 2.084 hectares
- Lot 2 in a future DP 1273251 – 21.36 hectares

This rezoning proposal relates to Lot 1 only. No change to the current zoning or and use provisions is sought for Lot 2 at this stage.

Figure 1 below shows the site in its local context.

Figure 1 – Locality Plan



Site Overview

a) Lot 1 – Land to be Rezoned.

The Planning Proposal seeks to rezone the eastern portion of Lot 1, comprising a triangular portion of land which adjoins the eastern property boundary.

Lot 1 has an area of 2.084 hectares, with the existing IN2 zoned land occupying approximately 1.1 hectares. This Planning Proposal seeks to rezone the balance of Lot 1, being approximately 9,840m², which is currently deferred land under Penrith LEP 2010.

Figure 2 below provides a detailed site plan, identifying the subject property and the land within Lot 1 proposed to be rezoned.

b) Site Conditions

Vegetation:

The land proposed to be rezoned has been predominantly cleared of vegetation in association with historical agricultural uses.

Vegetation over the land to be rezoned comprises mainly exotic pasture grasses.

The rezoning will not generate any clearing of land or removal of vegetation over the existing allotment. At this stage, it is not possible to define the exact future development footprint.

A future Development Application of the subject land will address vegetation management and removal of any existing site trees if required.

Topography:

The land is described as being typically flat with a slight grade from south-west to north-east.

The natural ground level over Lot 1 transitions from RL 25 on Old Bathurst Road to RL 23.5 in the north-eastern corner.

The site drains to an existing stormwater drainage channel traverses Lot 2 to the north, bisecting the site in a north-westerly direction.

The topography is highly suited to accommodate land uses permissible within the IN2 Light Industrial zone.

A preliminary earthworks design has been provided as part of this Planning Proposal which demonstrates that the site is able to be developed in a manner which provide floor levels above current 1:100 year flood levels as discussed below.

Site Access:

Lot 1 has road frontage and access to both Old Bathurst Road to the south and Russell Street to the west.

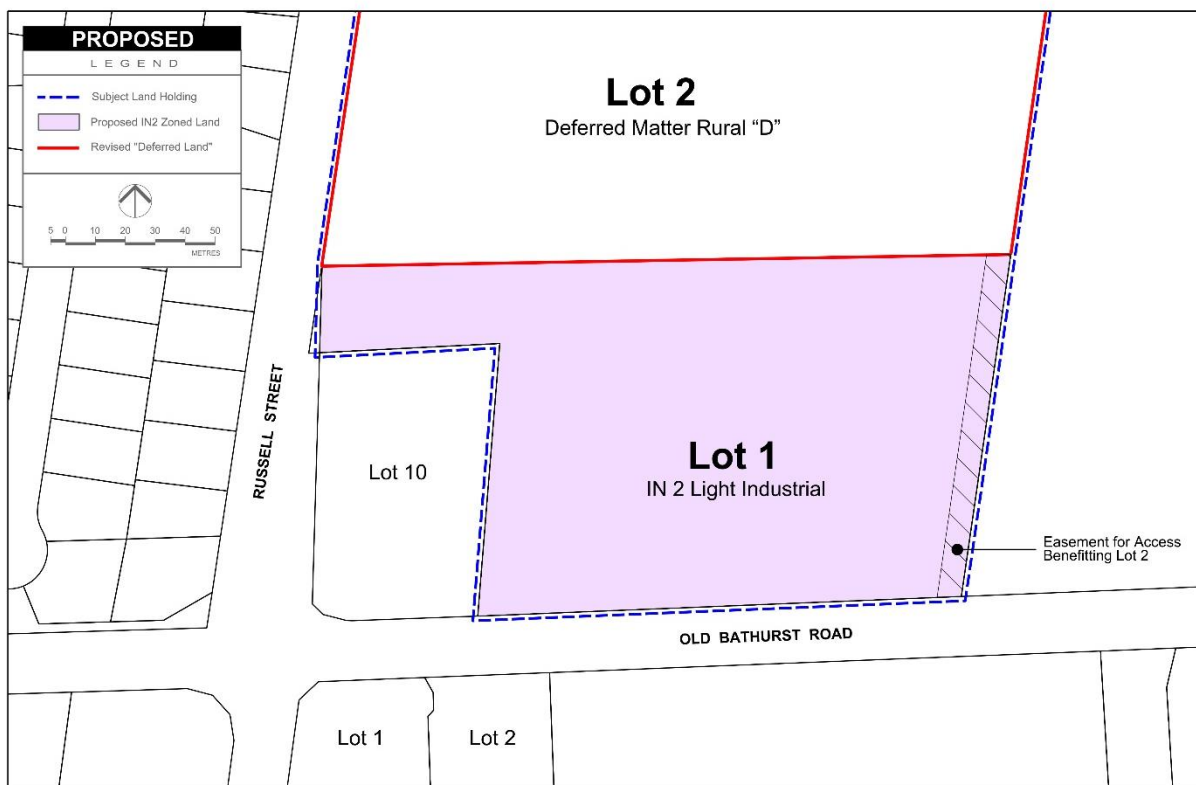
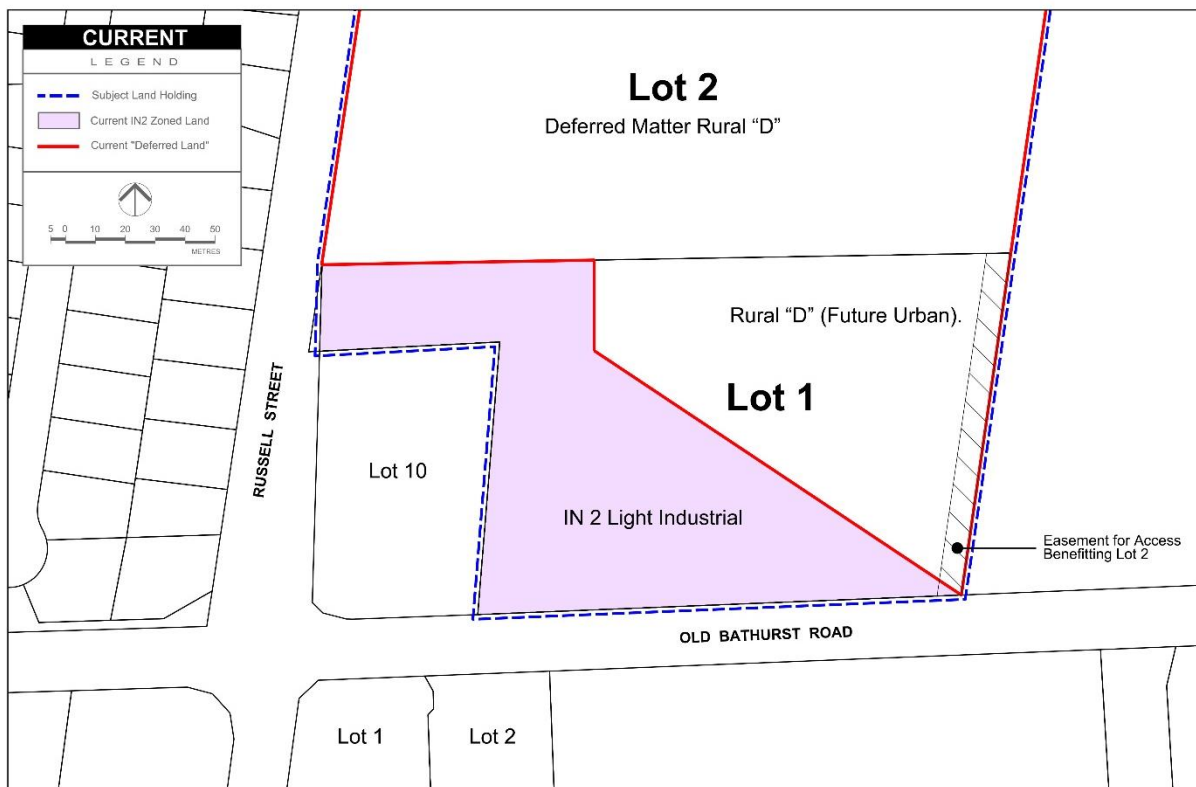
Old Bathurst Road is the primary frontage of the site, with road frontage of over 160m.

We note that there is no modification of the zoned land along the Russell Street frontage. This area is currently zoned Industrial IN2.

Figure 2 – Site Plan



Figure 3 – Proposed Zoning Plan



ZONING
1-4 OLD BATHURST ROAD
EMU PLAINS

NOTES

Base data supplied by NSW LPI
Projection: MGA Zone 56
Areas and dimensions shown are subject to final survey calculations.
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Flood Mapping:

Penrith Council have recently commissioned and completed more detailed flood studies which incorporate the subject site and surrounding land.

Recent flood studies completed have included:

- Nepean River Flood Study (2018) – prepared by Advisian.
- Emu Plains Overland Flow Flood Study (2020) – prepared by BMT.

These studies addressed different aspects of flood water behaviour over the catchment areas with varying degrees of impacts over Lot 1. We have provided a review of each of these studies below as they relate to Lot 1 and the land proposed to be rezoned.

These studies can be summarised as follows:

- When considered in the context of the Nepean River Catchment (21,400 square kilometres) Lot 1 experiences a minor area of inundation in the north-eastern corner in the 1:100 year storm event – water depths of 0 to 30cm.
- When considered in the context of the Emu Plains Catchment, Lot 1 is considered to be flood free, with no overland flow in the 1:100 year event.
- When considered in the context of the Emu Plains Catchment, there is no overland flow including and up to the 1:500 year storm event.

A preliminary engineering design review has been completed by North Western Surveys which provides a site earth works plan for Lot 1 demonstrating that the land is able to be filled above the flood planning level and therefore be flood free in the 1 in 100 year storm event.

This is achieved through a balance cut / fill exercise which removes an existing historic stock pile on site adjacent to the drainage canal, which will achieve a minor increase in flood storage capacity. This is discussed in detail in the site investigations below.

Nepean River Flood Study (2018) – prepared by Advisian

The Nepean River Flood Study was prepared by Advisian in 2018. As noted in the study, *The Hawkesbury-Nepean River catchment is one of the largest coastal basins in NSW with an area of 21,400 square kilometres. The catchment at Penrith is 52% of the total area and of this portion, 80% is under the control of Warragamba Dam.*

The aim of the study is described as being to produce information on flood flows, velocities, levels, flood extents, and hydraulic and hazard category mapping for a range of flood events under existing floodplain and catchment conditions. The study will also define and map the flood planning area for the study area, except for lands within the Penrith Lakes Scheme.

The Flood Study provides detailed mapping of various storm events over the Nepean River catchment within the Penrith LGA, inclusive of the 1 in 20 year storm through to the 1 in 2,000 year storm event and the Probable Maximum Flood (i.e. exceeding a 1 in 2,000 year storm event).

The Flood Study provides modelling Flood Planning Areas, Flood Hazard, Flood Depths, and water velocities across these storm events.

The Flood Planning Area has been mapped under based on the 100 year storm event plus a freeboard of 0.5m, reflecting a surface level 0.5m above the stormwater level.

Figures 4 & 5 below shows the current mapped 1 in 100 year storm event affectation over Lot 1.

The study and associated mapping indicate as follows for Lot 1:

- Flood affected land within Lot 1 is Flood Storage area and does not form part of the Floodway.
- Flood affected land within Lot 1 is Low Hazard H1 (lowest hazard) – H1 is noted as being Generally safe for vehicles, people, and buildings.
- Maximum water depth over Lot 1 is RL 23.8. The natural ground level over Lot 1 transitions from RL 25 on Old Bathurst Road to RL 23.5 in the north-eastern corner.

Water depth therefore varies from 0 to a maximum depth of 30cm in the north-eastern corner based on natural ground levels.

- Water velocity is low, being mapped as less than 0.4m/s.

Emu Plains Overland Flow Flood Study (2020) – prepared by BMT

The Emu Plains Overland Flow Flood Study was prepared by BMT in 2020. The was prepared to define the existing flood behaviour of the Emu Plains area, including the suburbs of Emu Plains, Emu Heights, and Leonay.

As noted in the report, the objective of the study was to *define the flood behaviour under historical, existing, and future conditions (incorporating potential impacts of climate change) for a full range of design flood events.*

The Flood Study provides detailed mapping of various storm events over the Nepean River catchment within the Penrith LGA, inclusive of the 1 in 20 year storm through to the 1 in 500 year storm event and the Probable Maximum Flood (i.e. exceeding a 1 in 500 year storm event).

The Flood Study provides modelling Flood Planning Areas, Flood Hazard, Flood Depths, and water velocities across these storm events.

Figure 6 below shows the current mapped 1 in 100 year storm event overland flow, demonstrating that there is no affectation of Lot 1.

The study and associated mapping indicate as follows for Lot 1:

- Lot 1 is not flood affected by overland flow in the 1:100 year storm event.
- Overland flow is fully contained within the existing drainage canal.

Figure 4 – Nepean River Flood Study 2020 – 1:100 Year Flood Map

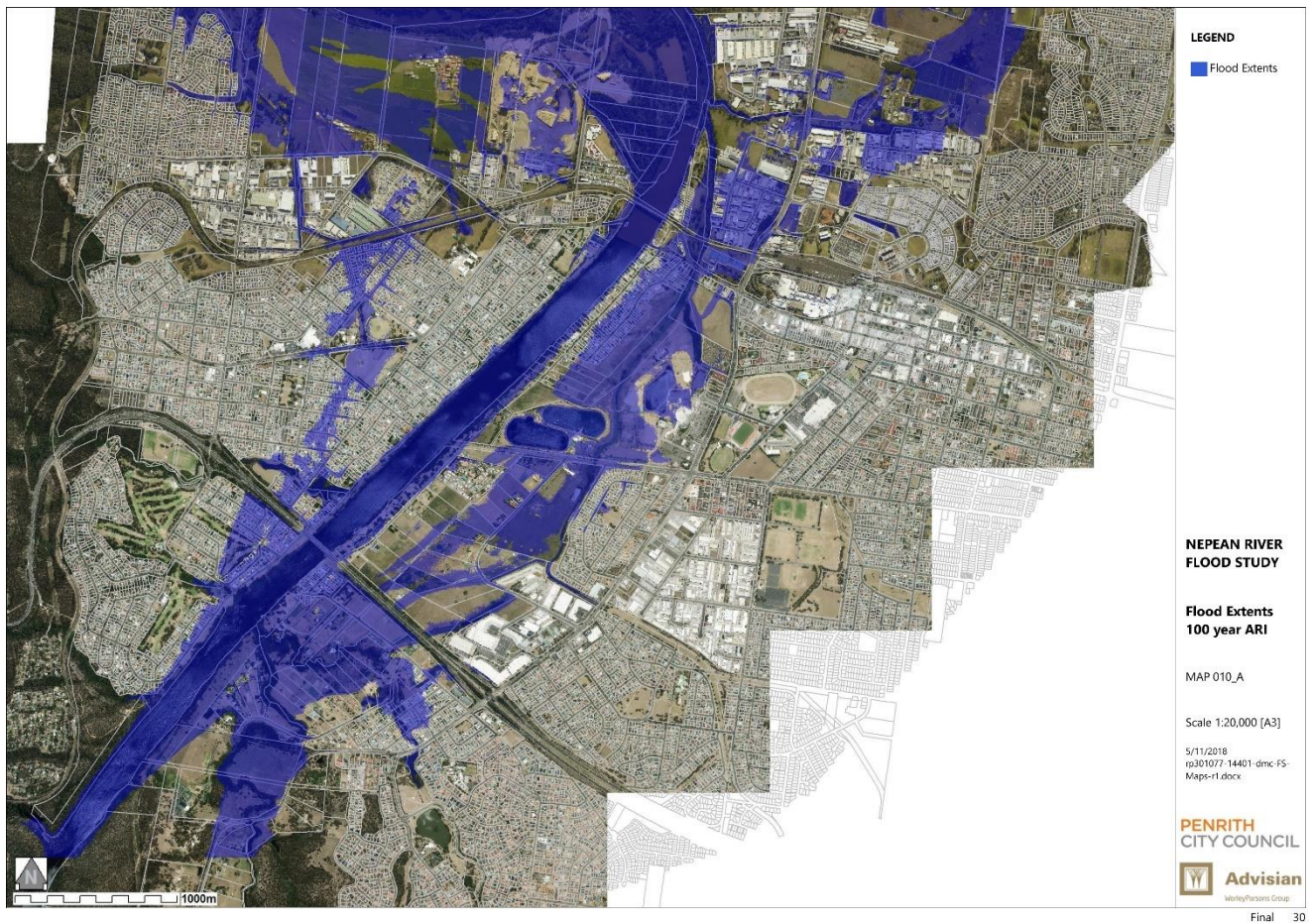


Figure 5 – 1:100 Year Flood Extent Provided by Council



FLOOD PRONE LAND
1-4 OLD BATHURST ROAD
EMU PLAINS

NOTES

Base data supplied by NSW LPI
 Projection MGA56, Zone 56
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Figure 6 – Emu Plains Overland Flow Study 2020 – 1:100 Year Flood Levels Map



Site Investigations

a) Engineering Review

A detailed engineering review has been undertaken over Lot 1 to address the flood prone land portion of the site and demonstrate that the landform is able to be modified to be flood free.

A preliminary cut and fill design plan has been prepared and is shown in Figure 7 below.

The cut and fill plan demonstrates that minor filling of Lot 1 (less than 0.5m at its highest point) can be undertaken, which will result in Lot 1 being flood free in the 1 in 100 year storm event.

The minor filling of the land is offset by the removal of an existing soil stockpile located on Lot 2 to the north adjacent to the drainage channel.

The plans provided demonstrate an increase in flood storage of 550m³ through the removal of the stockpile, with a corresponding decrease in flood storage of 500m³ through filling of Lot 1.

This results in an increase of 50m³ of flood storage across the land holding.

Furthermore, the stockpile currently acts as a blockage land from to flood water overtopping the drainage channel. Removal of the stockpile will enhance stormwater flows by removing the blockage.

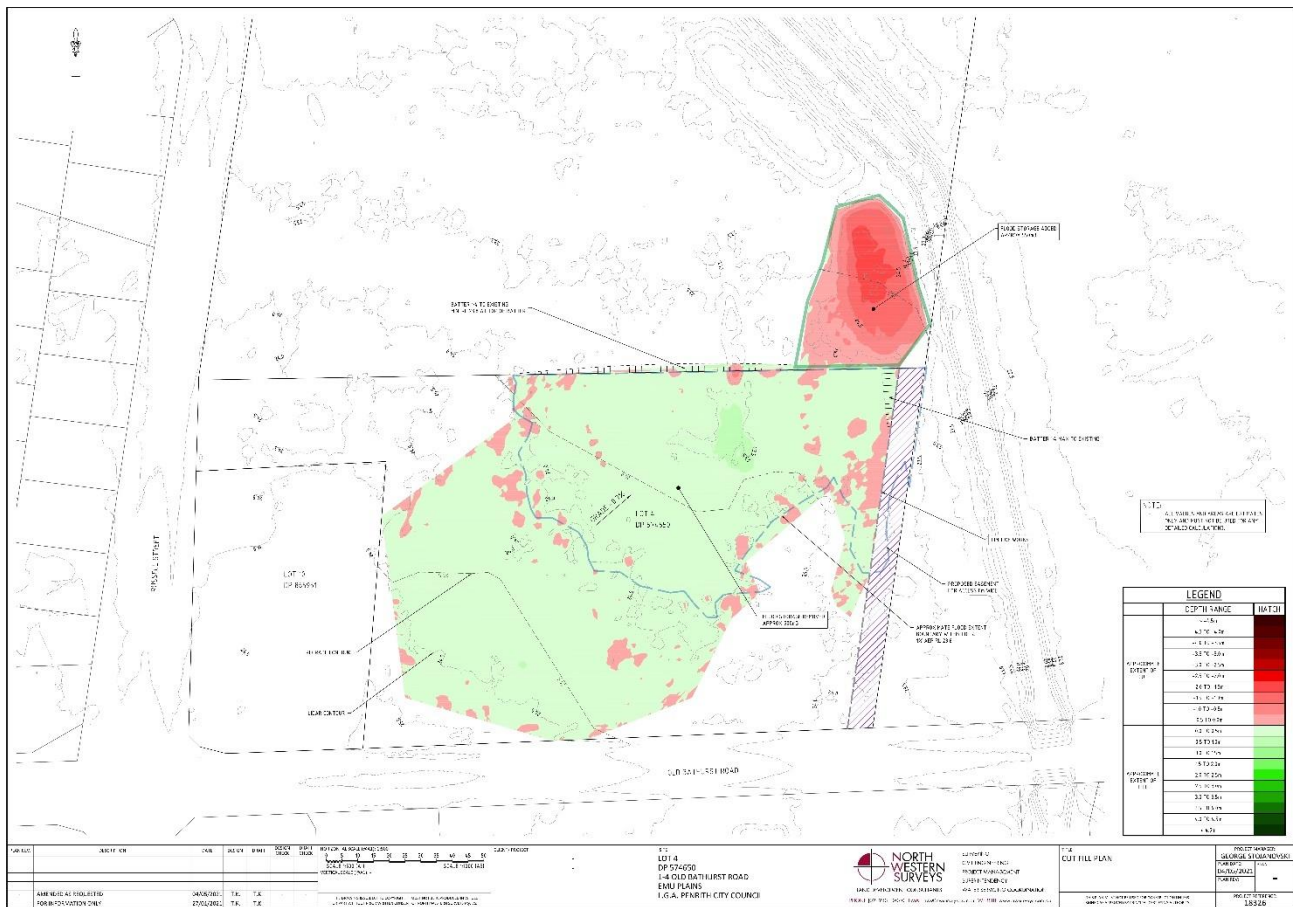
In this regard, the proposed cut and fill will provide a positive community benefit through increasing flood storage volumes within the land holding and removing an artificial land form blockage.

The cut and fill plan prepared shows no filling over the right of access along the eastern property boundary. The majority of this land is flood free at present and is intended to accommodate a driveway to Lot 2. As such, this portion of the site is not required to be filled. The existing site levels are able to be retained within the right of access handle, ensuring there is no impediment to overland flows.

We note that the cut and fill plan has been provided to demonstrate how the land form can be managed to address flood levels with no impacts on surrounding properties or flood storage.

The Planning Proposal itself does not authorise the works. A detailed Development Application will need to be lodged separately for the development of the site and incorporate relevant site earthworks.

Figure 7 – Indicative Cut and Fill Plan



b) Traffic Report

A preliminary Traffic Report has been prepared to accompany this rezoning proposal by Positive Traffic and is included in Appendix X.

The traffic report has been prepared taking into consideration potential development of Lot 1 for employment and industrial use. The indicative site Concept Plan was provided to assist in determining potential traffic generation and access, noting that a detailed Development Application will need to be prepared for the site.

To gauge existing traffic flows on the surrounding road network an intersection count was undertaken on Wednesday 28th April 2021 at the intersection of Old Bathurst Road / Russell Street between the hours of 6:30am – 9:30am and 3:30pm – 6:30pm to capture both the expected peak periods of an industrial use and road network peak.

The study has assessed existing traffic conditions, parking demands, access arrangements, future traffic conditions and design compliance.

The traffic report provides a review of road capacity based on Austroads 2020. The report notes that mid-block capacity of roads is based on road classification.

Table 2 – Austroads 2020 Lane Mid-Block Capacities outlines typical mid-block capacity for roadways. Mid-block capacities are further discussed in Austroads for roadways such as Old Bathurst road as follows:

Peak-period mid-block traffic volumes may increase to 1200 to 1400 pc/h/ln on any approach road when the following conditions exist or can be implemented:

- *adequate flaring at major upstream intersections*
- *uninterrupted flow from a wider carriageway upstream of an intersection approach and flowing at capacity*
- *control or absence of crossing or entering traffic at minor intersections by major road priority controls*
- *control or absence of parking*
- *control or absence of right turns by banning turning at difficult intersections*
- *high-volume flows of traffic from upstream intersections during more than one phase of a signal cycle*
- *good co-ordination of traffic signals along the route*

Based on Austroads, the traffic report concludes that as *Old Bathurst Road does not include any formal parking with little to no side friction from side accesses, the adoption of 1,200 vehicles pc/h/ln is appropriate.*

Table 3 of the traffic report provides a summary of current traffic flows along Old Bathurst Road. Maximum flows were counted as being 1,066 vehicles eastbound in the AM peak and 914 vehicles westbound in the PM peak.

From Table 3 it is noted the existing AM / PM peak hour flows by direction on Old Bathurst Road are below the mid-block lane capacity in each direction.

Applying the Transport for NSW Technical Direction TDT2013/04a rate to the potential total GFA

industrial development yield of 11,940m², the total site generation of Lot 1 would equate to 62 am Peak trips two way and 67 pm Peak trips two way.

This in turn would equate to a net increase of 33 am Peak trips and 36 pm peak trips over and above the traffic generation of Lot 1 under its current zoning.

This results in post rezoning maximum traffic flows of 1,097 vehicles eastbound in the AM peak and 948 vehicles westbound in the PM peak.

The report concludes that following full development of the rezoned site the future traffic flows in Old Bathurst Road would not result in the mid block capacities being exceeded in either direction during the AM and PM peak hour periods.

The report notes that, in the context of existing traffic volumes in Old Bathurst Road the total net traffic generation of the rezoning proposal to convert a portion of the site from residential to industrial uses would be low and is not expected to have a marked impact on existing traffic conditions in Old Bathurst Road.

c) Indigenous Heritage

Comber Heritage consultants prepared a detailed Aboriginal Archaeological Assessment in 2020 in association with the subdivision application to create Lot 1. A copy of the assessment is provided in Appendix X of this report.

During preparation of the report a site inspection was undertaken by David Nutley, Rivers McEwen, and Christopher Jones of Comber Consultants on Tuesday 7 July 2020, in consultation with the Deerubbin Local Aboriginal Land Council. The Land Council's letter of support for the findings of the report are included in Appendix C of the assessment.

The report notes that despite an intensive site inspection, no Aboriginal objects, artefacts, or sites were located during the survey.

Notwithstanding, the report notes that there was high possibility that subsurface Aboriginal objects will exist within the study area, comprising both Lot 1 & Lot 2.

In this regard, the report advises that as the subdivision application did not involve any building works or ground disturbance it was not necessary or appropriate to undertake testing or apply for an Aboriginal Heritage Impact Permit (AHIP). The report advises that unless there is to be ground disturbance, the guidelines do not permit testing and Heritage NSW will not issue an AHIP.

However, once redevelopment (construction works) or any ground disturbance to the site is to occur it will be necessary to undertake subsurface testing.

The report recommended that once the subdivision plans have been approved, if it is proposed to undertake building works or any ground disturbance on the property it will be necessary to undertake Aboriginal testing in accordance with the Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW. Such testing is limited to determining if Aboriginal objects exist on the property and if so, their nature and extent. If Aboriginal objects are uncovered, it will then be necessary to apply for an AHIP. If no objects are uncovered redevelopment of the site can proceed without an AHIP.

A condition of consent was included in the subdivision approval which required this notation to be included on the 88b for Lot 1 & 2. This has been incorporated in the subdivision certificate and 88b instrument for the site addressing this issue.

We note that the Planning proposal does not approve, facilitate, or involve any construction works. This will be addressed as part of any future Development Application lodged with Council.

d) European Heritage

Comber Heritage consultants prepared a detailed Historical Archaeological Assessment in 2020 in association with the subdivision application to create Lot 1. A copy of the assessment is provided in Appendix X of this report.

During preparation of the report an archaeological site inspection was undertaken by David Nutley, Rivers McEwen, and Christopher Jones of Comber Consultants on Tuesday 7 July 2020.

The report and investigation concluded that there are no constraints, upon historical archaeological grounds, to the redevelopment of the site.

No further historical archaeological assessment, monitoring, testing, or salvage is required in respect of the future redevelopment.

e) Servicing

Preliminary site investigations have confirmed services are provided to the land holding in association with the existing dwelling located within Lot 2.

Extension and / or augmentation of services surrounding the site will be delivered as part of any future Development Application once detailed requirements are able to be determined.

Services currently available and servicing the land holdings include:

- Sewer mains and service lines along Old Bathurst Road and Russell Street, with a residential connection to Lot 2.
- Sydney Water mains and service connections along Old Bathurst Road and Russell Street
- Electrical services are provided to the land holdings.
- Gas mains along Old Bathurst Road and service connection to the correction centre
- NBN services along Old Bathurst Road and existing site connections

Adequate services are available to allow rezoning of the land as proposed.

District and Local Strategic Planning

a) Western City District Plan

The Greater Sydney Region Plan and associated Western City District Plan were prepared by the Greater Sydney Commission in March 2018.

The plans outline a vision for Greater Sydney as a metropolis of three cities, incorporating the Western Parkland City, the Central River City, and the Eastern Harbour City.

The Western City District Plan incorporates a range of Planning Priorities for the region addressing areas including Infrastructure and Collaboration, Liveability, Productivity, Sustainability, and Implementation.

The rezoning of the site will deliver both enhanced employment and housing as part of an existing industrial / employment area.

We note that the land is identified as forming part of the *Urban Area* under the Western city District Plan.

Key priorities supporting the Planning Proposal include:

Planning Priority W1 - Planning for a city supported by infrastructure

Support for this Planning Proposal will allow for the delivery of additional employment land within close proximity of transport infrastructure including the Emu Plains Railway Station and existing bus services.

Planning Priority W11 - Growing investment, business opportunities and jobs in strategic centres

As noted in the District Plan, employment growth is the principal underlying economic goal for metropolitan and strategic centres.

Support for this Planning Proposal will allow for the delivery additional employment opportunities as part of the Emu Plains employment land precinct.

The proposal is consistent with the Actions of the District Plan which require that Councils Review current planning controls and create capacity to achieve the job targets for the District's centres.

The Planning Proposal is consistent with the Western City District Plan.

b) Penrith Local Strategic Planning Statement

The Penrith Local Strategic Planning Statement (LSPS) was finalised in March 2020.

The LSPS outline Penrith's broad economic, social, and environmental land use needs over the next 20 years.

The Penrith LSPS does not include any specific planning priorities or actions which relate the Emu Plains.

Consistent with the Western City District Plan, the subject land holding is mapped as forming part of the *Urban Area* under the LSPS. Map 7: Penrith's Economic Triangle of the LSPS also

identifies an industrial zone over the land holding, extending to the southern edge of the Nepean River. (Refer to Figures 8 & 9 below).

The LSPS notes that there is a need to ensure that the number of jobs in Penrith continues to grow. Many residents travel out of Penrith for work, and there is a need to plan for the right types of jobs to match the workforce.

Action 12.1 of the LSPS is to Prepare an Employment Lands Strategy, which has now been released for public exhibition and is discussed below.

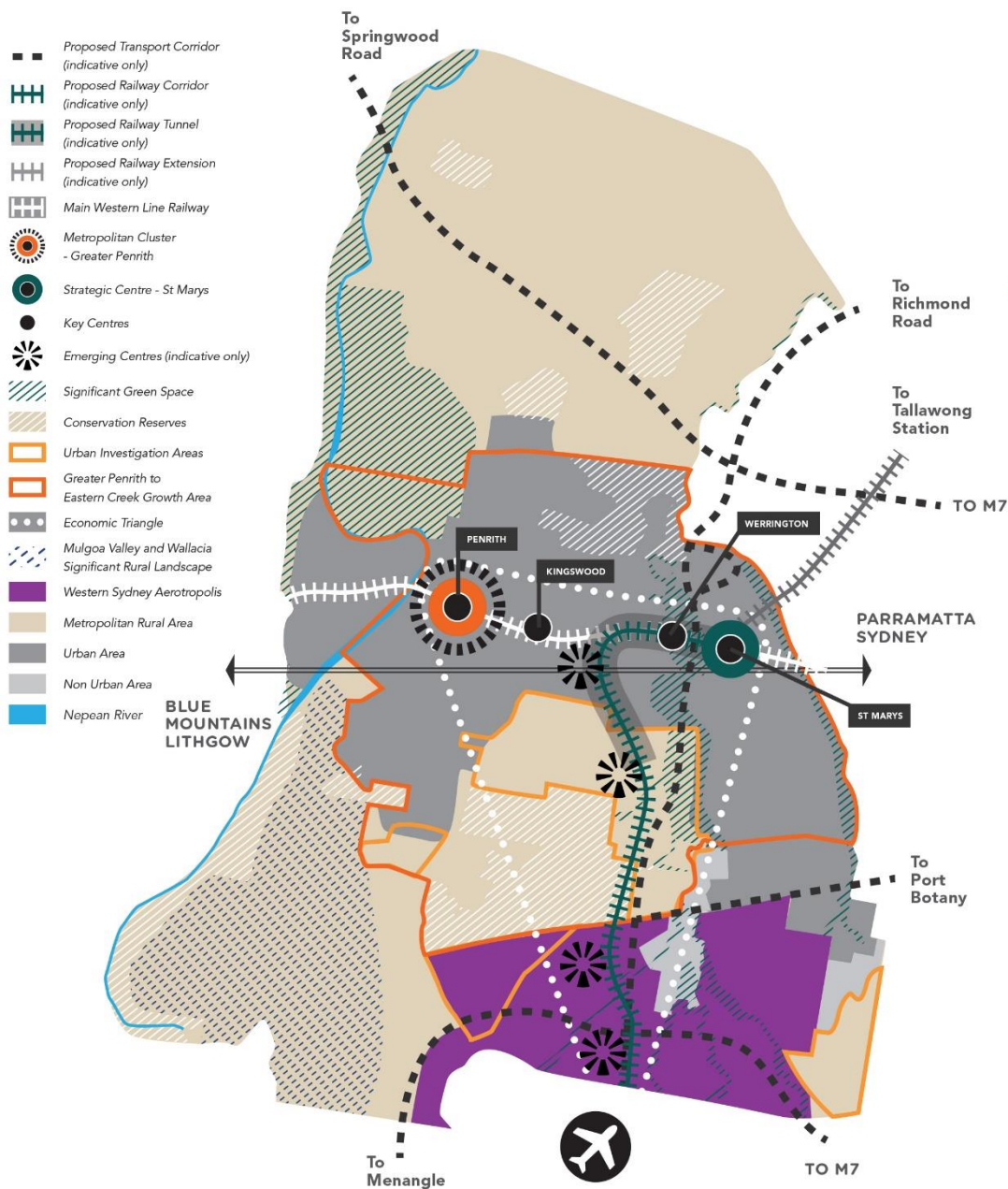
The LSPS notes that *The management of existing and future industrial and urban services land will be important to ensure our communities have jobs and services close to home, to satisfy the long-term demand for employment lands and to ensure timely and cost-effective infrastructure delivery.*

The Planning Proposal is generally consistent with the objectives of the Penrith LSPS and meets Planning Priority 12 being to Enhance and grow Penrith's economic triangle.

The Planning Proposal will deliver additional employment land and opportunities as part of an identified industrial hub on the western edge of the Economic Triangle.

Figure 8 – Penrith LSPS Structure Plan

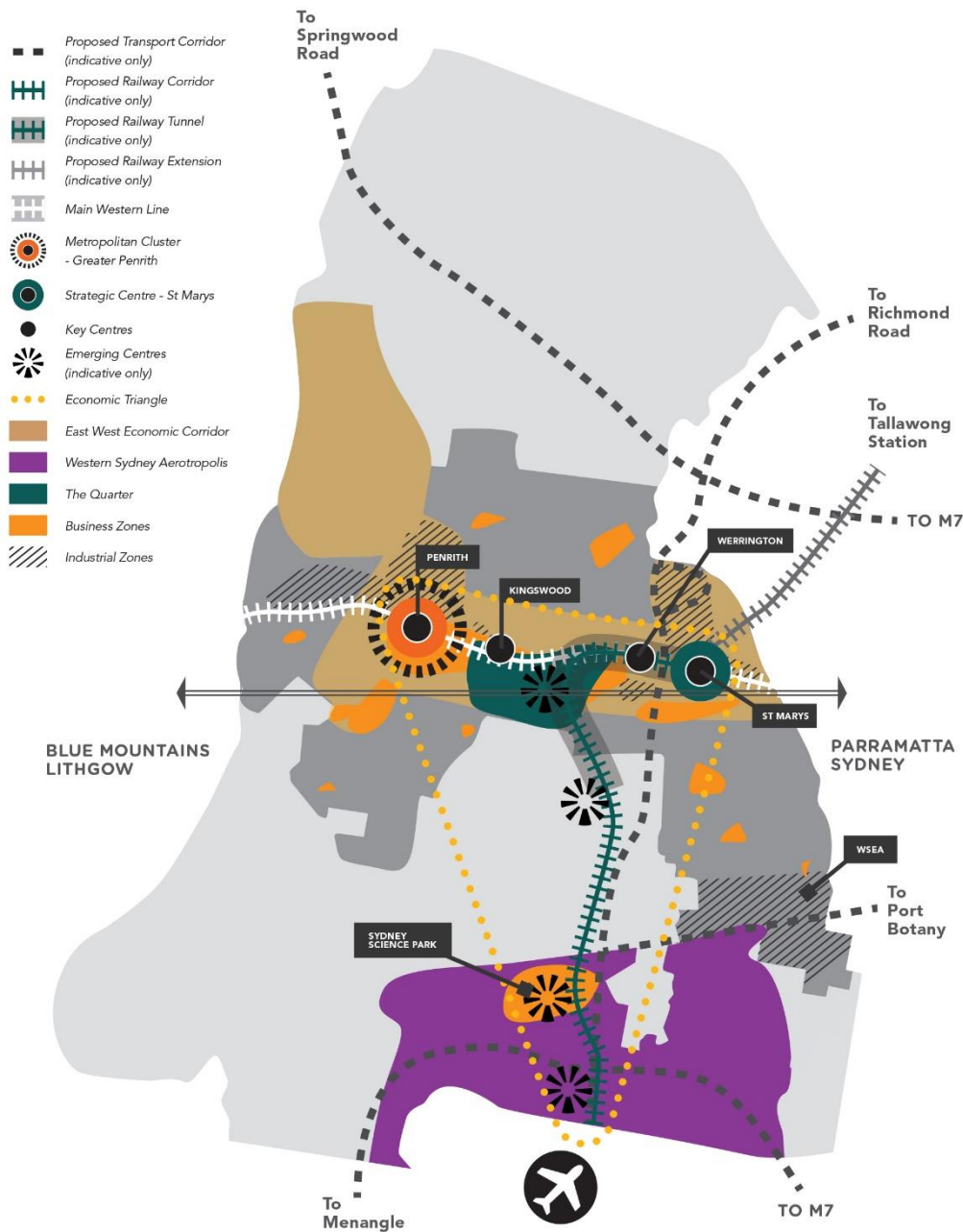
MAP 2: Structure Plan



Note: Committed NSW Government transport initiatives and routes throughout the LSPS are indicative only and subject to a final business case. This map reflects Council's advocacy position for the location of emerging centres.

Figure 9 – Penrith LSPS Economic Triangle

MAP 7: Penrith's Economic Triangle



Note: This map reflects Council's advocacy position for the location of emerging centres. The corridors identified in this map are adapted from Transport for NSW's Future Transport Strategy 2056 and may be subject to change.

c) Penrith draft Employment Land Strategy

The draft Penrith Employment Lands Strategy was released for comment in June 2021.

As outlined in the document, The draft Employment Lands Strategy (ELS) is intended to help guide Council's future planning. The development of this strategy is an immediate action (Action 12.1) identified in the Penrith Local Strategic Planning Statement (LSPS) under Planning Priority 12 to 'Enhance and grow Penrith's economic triangle'.

The draft ELS responds the Western City District Plan's principles to 'retain and manage' existing employment lands, and to 'plan and manage' new employment lands. The draft strategy aims to 'enhance and grow' Penrith's Economic Triangle to strengthen Penrith's economic resilience and improve community wellbeing in an environmentally responsible way.

The draft Employment Lands Strategy addresses land that across a range of employment uses including:

- Industrial and urban services or similar purposes
- Commercial and business purposes
- Land for employment generating special purposes such as health and education, tourism, entertainment, infrastructure, or other special purposes.

Emu Plains is identified as a major industrial land precinct forming part of the East-West Corridor in Penrith's Economic Triangle.

The strategy recognises that there are significant new employment land areas within the LGA to be delivered such as the Mamre Road and the Aerotropolis precincts. Critically however, the report notes that these new employment precincts will take time to become available and serviced. Furthermore, the strategy indicates that these precincts will mainly cater for large floorplate, global transport, logistics and warehousing seeking proximity to Western Sydney Airport.

The draft strategy specifically discusses the need to retain and manage existing industrial areas which lie along our East-West Corridor, such as the subject site, to deliver higher job density and greater business diversity compared to larger scale industrial precincts like Erskine Park.

The draft strategy indicates that based on population projections, Penrith will need to attract and enable businesses to grow the number of local jobs for local people by between 85,000 and 109,000 jobs to support the growing population and workforce.

The strategy states that at an LGA level, it would seem there is ample supply to meet demand for jobs, even under a high growth scenario. However, the Aerotropolis is not necessarily the solution for businesses that have a particular need to be located close to centres, other supply chains, or markets and/or servicing population and local businesses. Existing primary industrial sites, located near this infrastructure, is in high demand with low vacancy rates.

The Employment Land Use Study prepared by Hill PDA states that *There is currently 19 hectares of vacant land within the precinct accounting for 13% of the total land area. This shows there is little are to expand existing industrial uses. While there is limited available vacant land the Special Purpose lands to the north could be rezoned in the future to accommodate industrial lands demand.*

In this regard, the proposal is consistent with the intent and objectives of the employment Land Strategy and its background studies as follows:

- The proposal will deliver opportunity for smaller and more diverse employment generating businesses in comparison with the large scale floor plate warehouses anticipated around the airport.
- The proposal will enhance local employment generating land uses for residents wlliving in proximity of Emu Plains.
- The proposal will assist in achieving the employment target of up to 109,000 additional jobs.
- The proposal provides opportunity for additional employment land in the Emu Plains Precinct, which has a recognised shortage of future developable employment land.
- The rezoning will further assist in meeting the goal of achieving a "30-minute city".
- By supporting rezoning of the balance of Lot 1 to deliver more diverse employment generating land use opportunities for local residents.

The Proposal is consistent with the following Actions of the Employment Land Strategy:

Action 9

Considering zoning for more light industry for low impact businesses near centres and as a buffer between residential and industrial areas

The proposal will deliver an increase in the area of IN2 land within Emu Plains. There is a recognised shortage of IN2 land with all other land in Emu Plains zoned IN1 General Industrial.

Action 13

Planning a mix of lot sizes to allow local businesses to start-up and scale-up

The proposal will deliver opportunity for smaller scale industrial sites and development consistent with this action.

Action 15

Reviewing zoning, height limits and development controls to offer greater flexibility for business operations while preventing land use conflicts, and ensuring controls are appropriate to lot size and location

The rezoning of the balance of Lot 1 is consistent with this principle to review zoning and development controls to deliver employment opportunities.

As such, the proposal is able to be supported.

Part 1 – Objectives or Intended Outcomes

The objective of this Planning Proposal is to amend the Penrith Local Environmental Plan 2010 to rezone a portion of Lot 1 IN2 Light Industrial, consistent with the zoning of the balance of the allotment.

In seeking to realise these objectives, the Planning Proposal aims to deliver the following outcomes:

- Rezoning of the land under the Penrith LEP 2010 to resolve the Deferred Matter land within Lot 1.
- Deliver a small area of additional industrial zoned land to facilitate employment generation for local residents.
- Provide for more regular shaped zoning boundaries which allow for the delivery of efficient land development outcomes.
- Adoption of Planning Controls relating to building height, lot size and the like which reflect the existing planning controls over the current IN2 portion of Lot 1.

Part 2 – Explanation of Provisions

To achieve the minor zoning and planning provision amendments, the following LEP Maps will be amended under this proposal:

- Land Application Map: Sheet LAP_001
- Land Zoning Map: Sheet LZN_005
- Lot Size Map: Sheet LSZ_005
- Height of Building Map: Sheet HOB_005

Further details regarding the proposed amendments are outlined below.

Associated plans showing the current and proposed LEP mapping outcomes area provided in Figures 10 to13 on the following pages.

Land Application Map

The eastern portion of Lot 1 is currently mapped as a “Deferred Matter” under the Penrith LEP 2010.

This portion of Lot 1 is subject to the provisions of the historic Penrith Interim Development Order (IDO) No.93.

The deferred land will be amended under this Planning Proposal, with all of Lot 1 proposed to be subject to the provisions of the Penrith LEP 2010 providing consistency in zoning and land use provisions.

Land Zoning Map

Lot 1 currently has a split Land Use zoning. The western portion of the is zoned IN2 Light Industrial under the Penrith LEP 2010 while eastern portion is zoned 1. Rural (d) Rural “D”. (Future Urban) under thew historic Interim Development Order No. 93.

This proposal seeks support to amend the land use zoning over the eastern portion of Lot 1 to provide a consistent zoning outcome.

The Planning Proposal adopts the IN2 Light Industrial zone over Lot 1, utilising the Lot 1 cadastral boundary as the zone boundary.

This zoning arrangement will deliver a more appropriate long-term land use outcome, providing regular shaped zone boundaries which reflect cadastral boundaries.

Lot Size Map

The subject site currently has a split minimum lot size arrangement, reflecting the existing zone boundaries.

The IN2 zoned land has a minimum lot size of 6,000m² under Penrith LEP 2010. The land zoned Rural (d) Rural "D". (Future Urban) has a minimum lot size of 2 hectares under Penrith IDO No. 93.

This Planning Proposal seeks to adopt the 6,000m² minimum lot size over lot 1, consistent with the proposed amended zoning.

Building Height Map

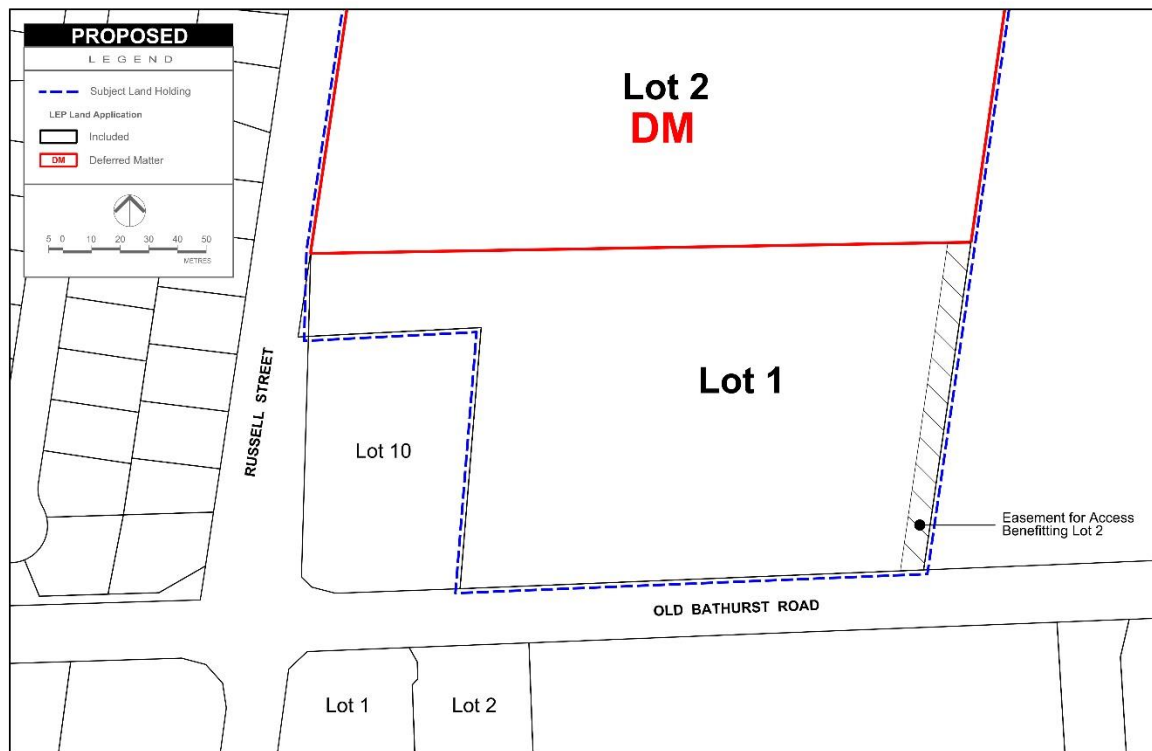
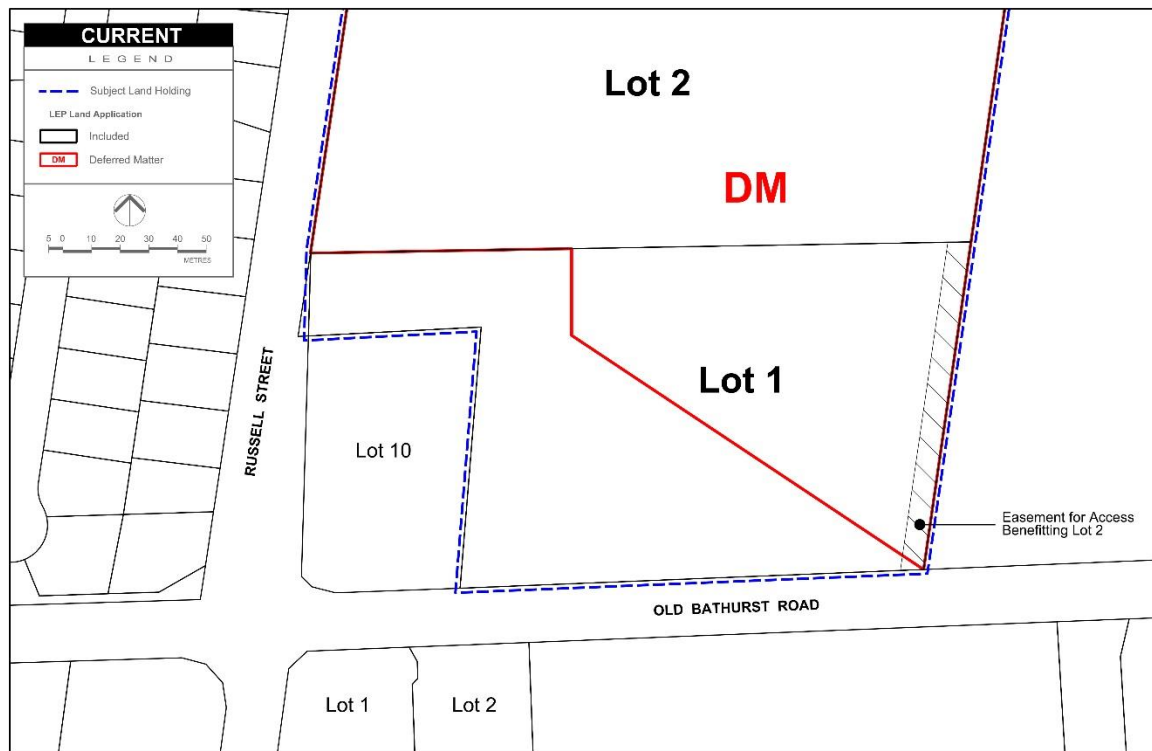
The subject site currently has a split permissible maximum building height, reflecting the existing zone boundaries.

The IN2 zoned land has a maximum building height of 12m under Penrith LEP 2010. The land zoned Rural (d) Rural "D". (Future Urban) does not have a specified maximum building height under Penrith IDO No. 93.

This Planning Proposal seeks to adopt the 12m maximum building height over lot 1, consistent with the proposed amended zoning.

Detailed plans showing the current and proposed LEP Height of Building mapping are included in Part 4 below.

Figure 10 – Amended Deferred Land Mapping



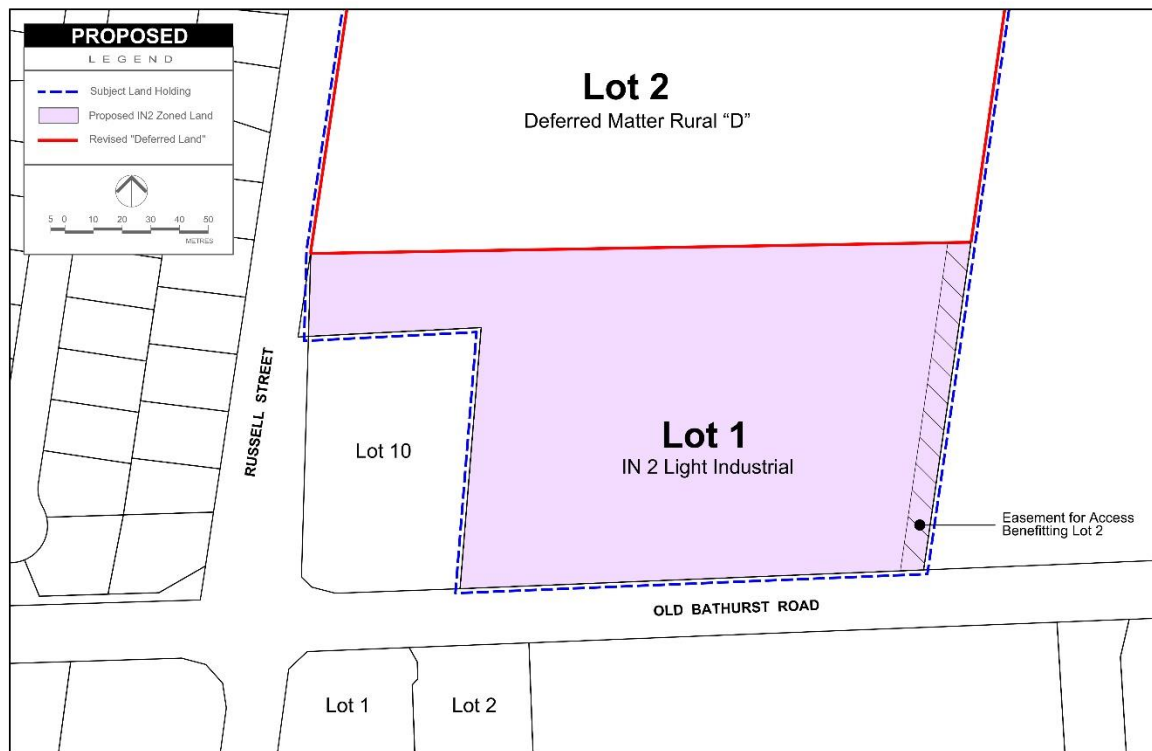
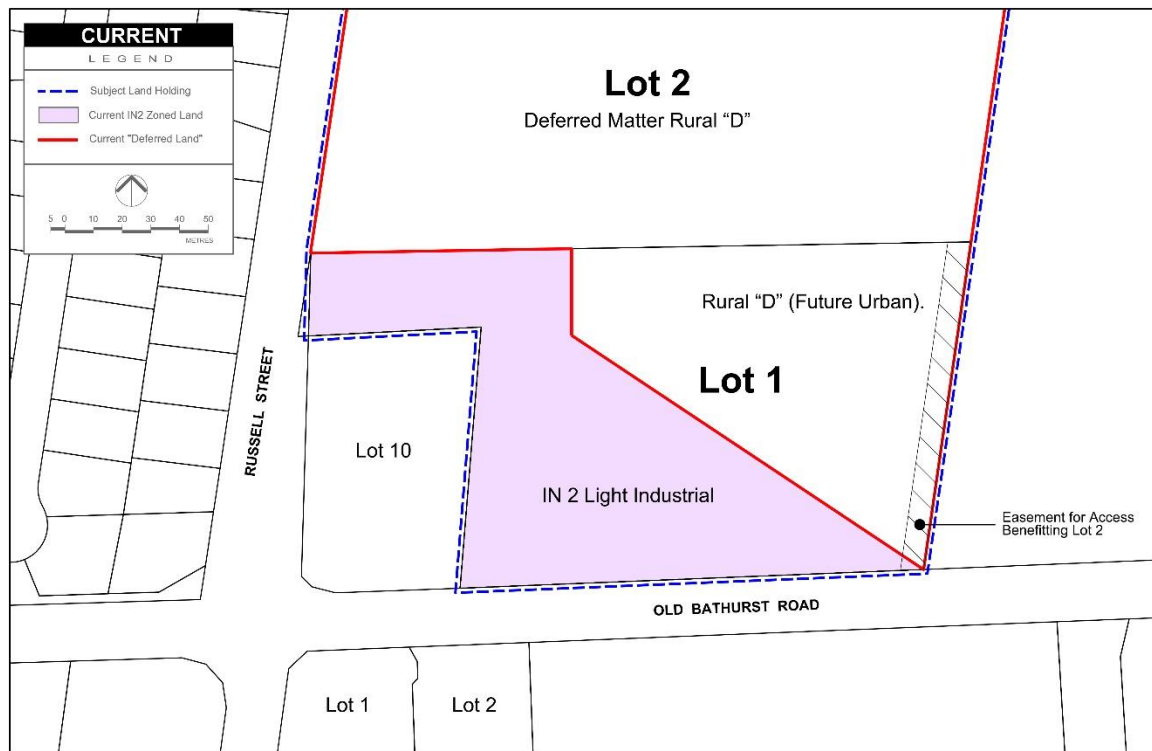
LEP LAND APPLICATION
1-4 OLD BATHURST ROAD
EMU PLAINS

NOTES
Base data supplied by NSW LPI
Projection: MGA Zone 56
Areas and dimensions shown are subject to final survey calculations.
All cartographic elements are shown for illustrative purposes only and are subject to detailed engineering design.
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DATE : 10/06/2021
PLAN No : 056.EP.014
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Figure 11 – Proposed Zoning



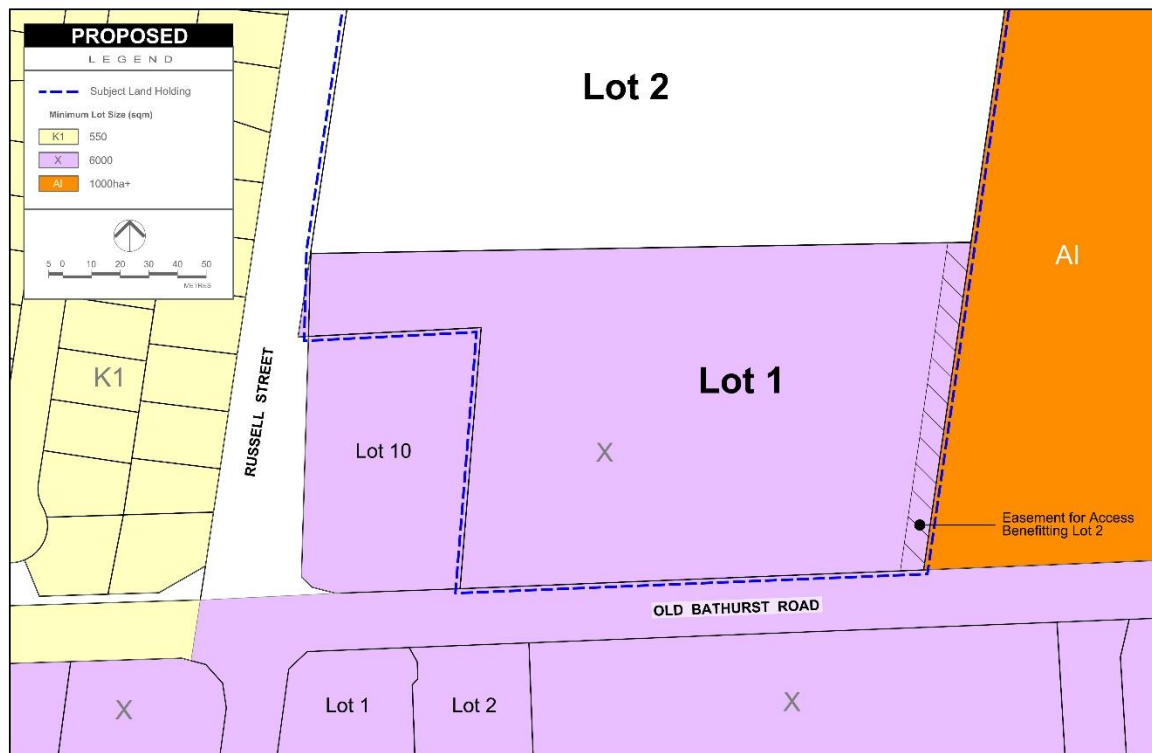
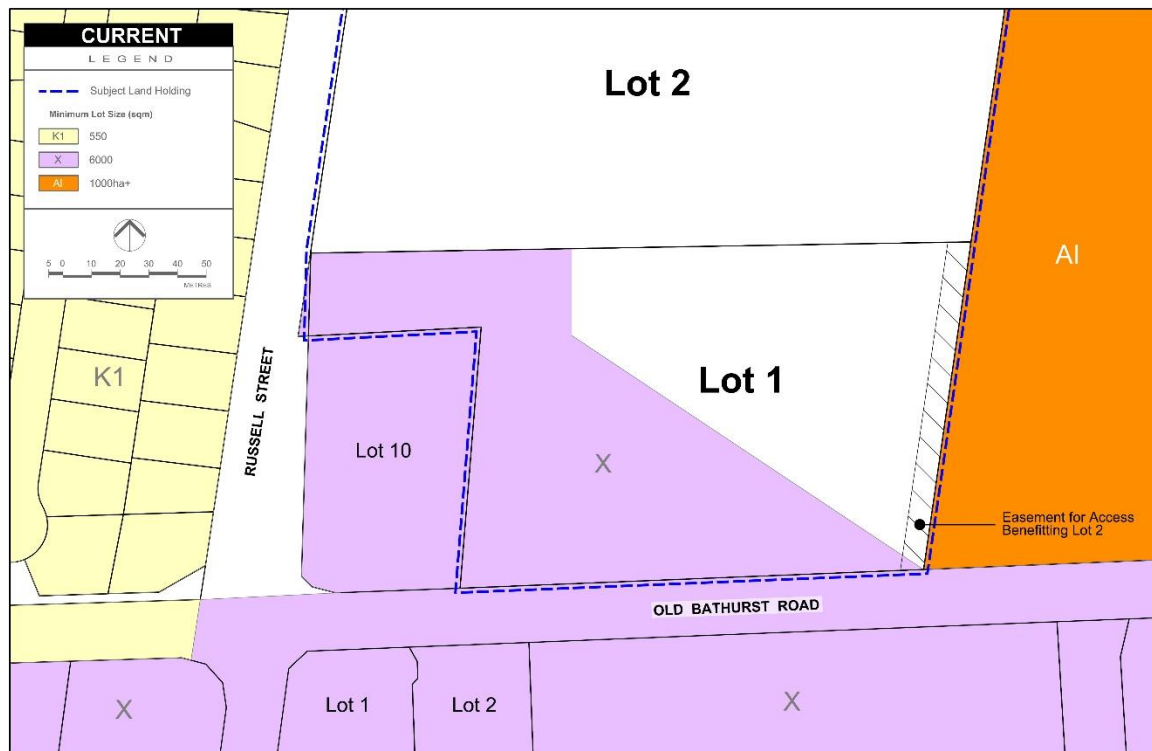
ZONING
1-4 OLD BATHURST ROAD
EMU PLAINS

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Figure 12 – Proposed Lot Size



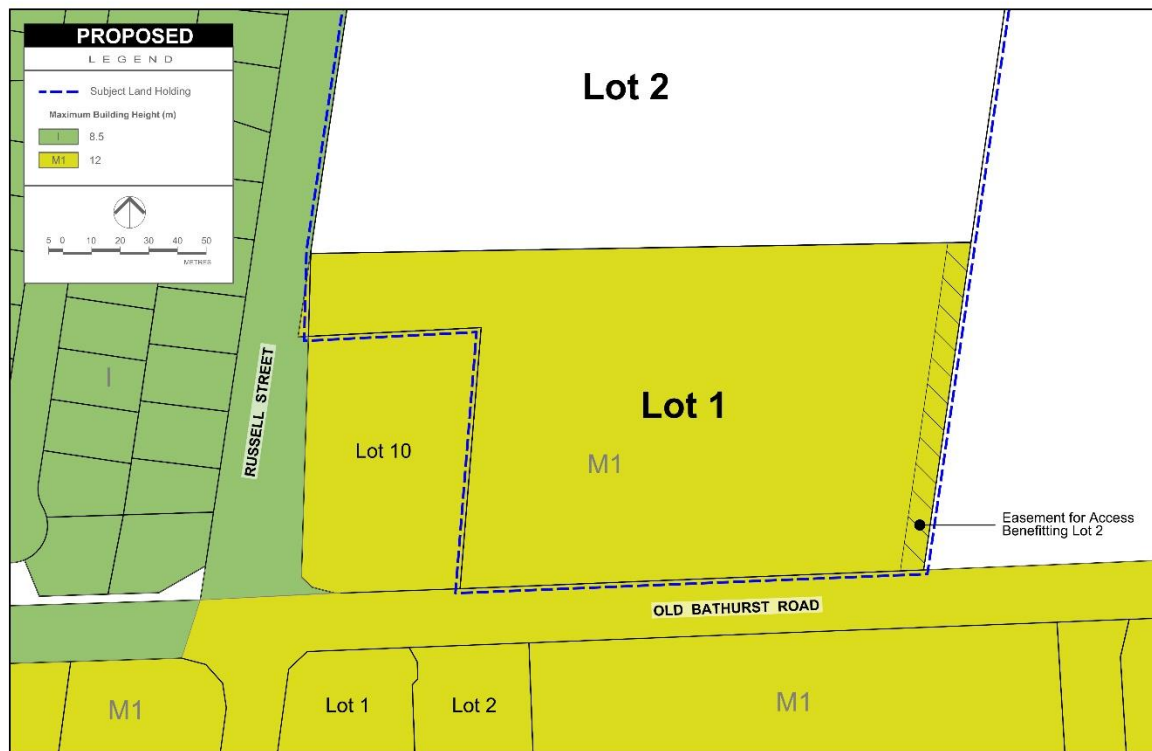
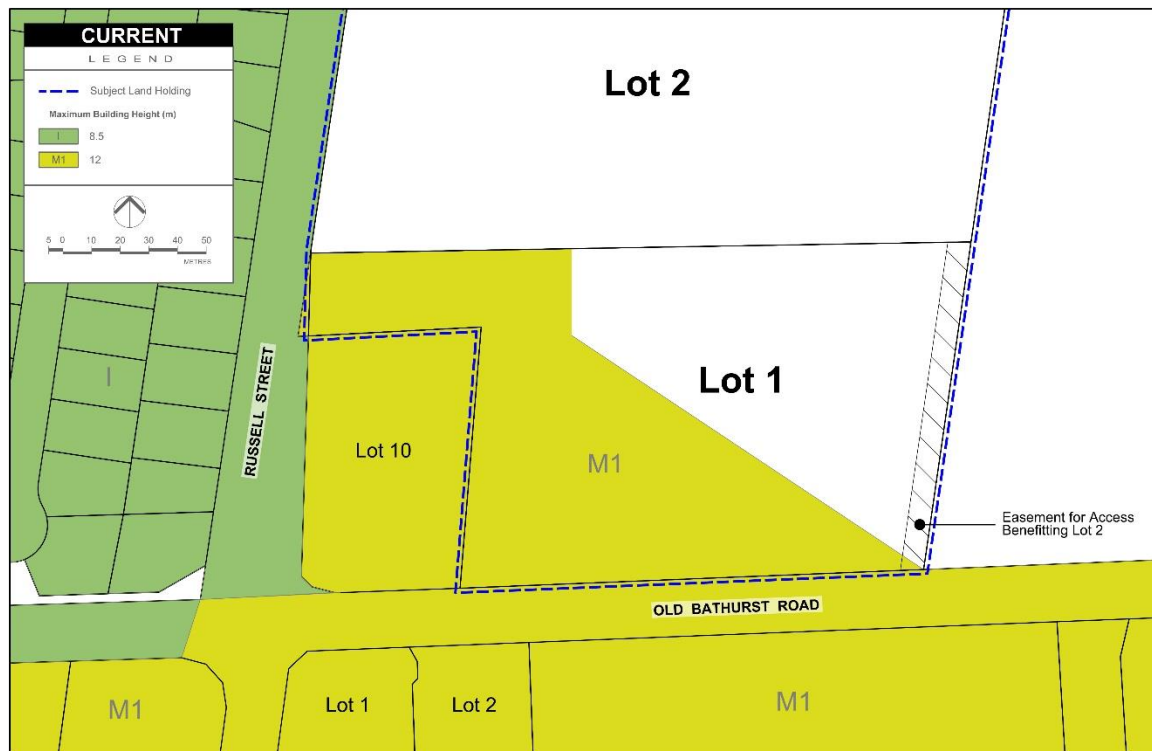
LOT SIZE
1-4 OLD BATHURST ROAD
EMU PLAINS

NOTES
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Figure 13 – Proposed Building Heights



HEIGHT OF BUILDING
1-4 OLD BATHURST ROAD
EMU PLAINS

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Part 3 – Justification

Section A – Need for the Planning Proposal

Q1. Is the Planning Proposal a result of any strategic study or report?

This Planning Proposal has been prepared in response to revised Flood Studies prepared over the Emu Plains catchment and also responds to the Penrith Local Strategic Planning Statement and draft Penrith Employment Lands Strategy.

Review of these studies has identified that there is opportunity to review the current arrangements and provisions to achieve more regular shaped zone boundaries and achieve a more refined and site responsive zoning outcome.

Q2. Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The land proposed to be rezoned is currently subject to the provisions of the historic Penrith Interim Development Order (IDO) No.93.

An amendment to Penrith LEP 2010 through a Planning Proposal to amend the deferred land mapping and include the subject land within the LEP is considered the most appropriate manner in which to achieve the intended outcomes and address historic planning instruments.

Section B – Relationship to Strategic Planning Framework

Q3. Will the planning proposal give effect to the objectives and actions of the applicable regional, or district plan or strategy (including any exhibited draft plans or strategies)?

Consistency with the Western City District Plan has been addressed in detail above.

Support for this Planning Proposal will give effect to the objectives and actions of the Western City District Plan as follows:

Planning Priority W1 - Planning for a city supported by infrastructure

Support for this Planning Proposal will allow for the delivery of additional employment land within close proximity of transport infrastructure including the Emu Plains Railway Station and existing bus services.

Planning Priority W11 - Growing investment, business opportunities and jobs in strategic centres

As noted in the District Plan Employment growth is the principal underlying economic goal for metropolitan and strategic centres.

Support for this Planning Proposal will allow for the delivery additional employment opportunities as part of the Emu Plains employment land precinct.

The proposal is consistent with the Actions of the District Plan which require that Councils Review current planning controls and create capacity to achieve the job targets for the District's centres.

Q4. Will the planning proposal give effect to a council's endorsed local strategic planning statement, or another endorsed local strategy or strategic plan?

Consistency with the Penrith Local Strategic Plan and draft Employment Land Strategy has been addressed in detail above.

Support for this Planning Proposal will give effect to adopted LSPS and draft strategy as follows:

- The land holding is mapped as forming part of the Urban Area under the LSPS, consistent with the surrounding existing employment and residential lands.
- Map 7: Penrith's Economic Triangle of the LSPS also identifies the land holding as forming part of the Emu Plains Industrial Area
- The LSPS notes that there is a need to ensure that the number of jobs in Penrith continues to grow. Many residents travel out of Penrith for work, and there is a need to plan for the right types of jobs to match the workforce.
- The Planning Proposal is generally consistent with the objectives of the Penrith LSPS and meets Planning Priority 12 being to Enhance and grow Penrith's economic triangle. The Planning Proposal will deliver additional employment land and opportunities as part of an identified industrial hub on the western edge of the Economic Triangle.

The proposal is consistent with the intent and objectives of the employment Land Strategy and its background studies as follows:

- The proposal will deliver opportunity for smaller and more diverse employment generating businesses in comparison with the large scale floor plate warehouses anticipated around the airport.
- The proposal will enhance local employment generating land uses for residents living in proximity of Emu Plains.
- The proposal will assist in achieving the employment target of between 85,000 and 109,000 additional jobs.
- The proposal provides opportunity for additional employment land in the Emu Plains Precinct, which has a recognised shortage of future developable employment land.
- The rezoning will further assist in meeting the goal of achieving a "30-minute city".
- By supporting rezoning of the balance of Lot 1 to deliver more diverse employment generating land use opportunities for local residents.

The Proposal is consistent with the following Actions of the Employment Land Strategy:

Action 9

Considering zoning for more light industry for low impact businesses near centres and as a buffer between residential and industrial areas

The proposal will deliver an increase in the area of IN2 land within Emu Plains. There is a recognised shortage of IN2 land with all other land in Emu Plains zoned IN1 General Industrial.

Action 13

Planning a mix of lot sizes to allow local businesses to start-up and scale-up

The proposal will deliver opportunity for smaller scale industrial sites and development consistent with this action.

Action 15

Reviewing zoning, height limits and development controls to offer greater flexibility for business operations while preventing land use conflicts, and ensuring controls are appropriate to lot size and location

The rezoning of the balance of Lot 1 is consistent with this principle to review zoning and development controls to deliver employment opportunities.

Q5. Is the planning proposal consistent with applicable State Environmental Planning Policies?

The NSW Government has gazetted a range of State Environmental Planning Policies (SEPPs) and Sydney Regional Environmental Plans (SREPs or Deemed SEPPs) which guide land use and planning outcomes across the State and Sydney Metropolitan Region.

We have provided a detailed review of the Planning Proposal and its intended outcomes and objectives against all relevant SEPPs in the table below.

This review has demonstrated that the proposal is consistent with all relevant and applicable state environmental planning policies.

The Planning Proposal is not considered to be inconsistent with any adopted State Environmental Planning Policies.

State Environmental Planning Policies

SEPP Title	Applicable	Consistent
State Environmental Planning Policy No 19—Bushland in Urban Areas	Not Applicable	The subject site does not incorporate any land zoned or identified as urban bushland.
State Environmental Planning Policy No 21—Caravan Parks	Not Applicable	The proposal does not seek amendments to provide for a caravan park. However, nothing in this Planning Proposal prevents the implementation of this SEPP.
State Environmental Planning Policy No 33—Hazardous and Offensive Development	Not Applicable	The proposal does not seek approval for land uses classified as hazardous or offensive development.

SEPP Title	Applicable	Consistent
State Environmental Planning Policy No 36—Manufactured Home Estates	Not Applicable	The proposal does not seek amendments to provide for manufactured home estates.
State Environmental Planning Policy No 47—Moore Park Showground	Not Applicable	The subject site is not located within the Moore Park Showground boundary.
State Environmental Planning Policy No 50—Canal Estate Development	Not Applicable	The Proposal is not classified as a Canal Estate.
State Environmental Planning Policy No 55—Remediation of Land	Applicable	A Stage 1 Preliminary Site Investigation (PSI) has been prepared for the site. The PSI concludes that the site is considered suitable or capable of being made suitable for the proposed development as per SEPP 55. The Proposal is consistent with the provisions and intent of the SEPP.
State Environmental Planning Policy No 64—Advertising and Signage	Not Applicable	The proposal will not impede the ongoing assessment of signage applications under SEPP 64.
State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development	Not Applicable	The proposal will not impact delivery of Residential Flat Buildings.
State Environmental Planning Policy No 70—Affordable Housing (Revised Schemes)	Not Applicable	This SEPP is not applicable to industrial or rural land.
State Environmental Planning Policy (Aboriginal Land) 2019	Not Applicable	The proposal does not incorporate any land to which this SEPP Applies.
State Environmental Planning Policy (Activation Precincts) 2020	Not Applicable	The proposal does not incorporate any land to which this SEPP Applies.
State Environmental Planning Policy (Affordable Rental Housing) 2009	Not Applicable	The proposal does not relate to residential development or affordable housing.

SEPP Title	Applicable	Consistent
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004	Not Applicable	The proposal does not relate to residential development.
State Environmental Planning Policy (Coastal Management) 2018	Not Applicable	The subject land is not mapped as Coastal Wetlands / Littoral Forests or Proximity Area for Coastal Wetlands / Littoral Forests. The Coastal Management SEPP contains provisions which are to be addressed in the assessment of a Development Application.
State Environmental Planning Policy (Concurrences and Consents) 2018	Applicable	The Planning Proposal will not affect implementation of this SEPP.
State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017	Applicable	The Planning Proposal will not affect implementation of this SEPP.
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008	Applicable	The proposal will not alter exempt or complying provisions.
State Environmental Planning Policy (Gosford City Centre) 2018	Not Applicable	The proposal does not incorporate any land to which this SEPP Applies.
State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004	Not Applicable.	The proposal does not seek to rezone any land which would allow for seniors housing. The subject site does not incorporate any identified infrastructure projects. Notwithstanding, the proposal will not impede the assessment or delivery of development under this SEPP.
State Environmental Planning Policy (Infrastructure) 2007	Applicable	The subject site does not incorporate any identified infrastructure projects.

SEPP Title	Applicable	Consistent
		Notwithstanding, the proposal will not impede the assessment or delivery of development under this SEPP.
State Environmental Planning Policy (Koala Habitat Protection) 2019	Not Applicable	The proposal does not incorporate any land to which this SEPP Applies. The land is not mapped as either Koala Habitat or potential habitat.
State Environmental Planning Policy (Kosciuszko National Park—Alpine Resorts) 2007	Not Applicable	The subject site is not located within the Kosciuszko National Park.
State Environmental Planning Policy (Kurnell Peninsula) 1989	Not Applicable	The subject site is not located within the Kurnell Peninsula.
State Environmental Planning Policy (Major Infrastructure Corridors) 2020	Not Applicable	The proposal does not incorporate any land to which this SEPP Applies or land which is identified as a transport corridor.
State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007	Applicable	The subject site does not incorporate any mining or petroleum industries or identified resources. Notwithstanding, the proposal will not impede the assessment or delivery of development under this SEPP.
State Environmental Planning Policy (Penrith Lakes Scheme) 1989	Not Applicable	The subject site is not located within the Penrith Lakes Scheme.
State Environmental Planning Policy (Primary Production and Rural Development) 2019	Applicable	The proposal will not impede the assessment or delivery of development under this SEPP. The proposal is therefore consistent with the objectives and provisions of the SEPP.
State Environmental Planning Policy (State and Regional Development) 2011	Applicable	The subject site does not incorporate State or Regionally significant development.

SEPP Title	Applicable	Consistent
		Notwithstanding, the proposal will not impede the assessment or delivery of development under this SEPP. The proposal is therefore consistent with the objectives and provisions of the Infrastructure SEPP.
State Environmental Planning Policy (State Significant Precincts) 2005	Not Applicable	The proposal does not incorporate any land to which this SEPP Applies.
State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011	Not Applicable	The Planning Proposal does not affect land within the Sydney Water Drinking Catchment.
State Environmental Planning Policy (Sydney Region Growth Centres) 2006	Not Applicable	The land is not situated within the Growth Centre.
State Environmental Planning Policy (Three Ports) 2013	Not Applicable	The subject site does not incorporate land to which this SEPP applies.
State Environmental Planning Policy (Urban Renewal) 2010	Not Applicable	The subject site is not identified as an Urban Renewal Precinct.
State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017	Not Applicable	The proposal does not seek any clearing of vegetation under this SEPP.
State Environmental Planning Policy (Western Sydney Aerotropolis) 2020	Not Applicable	The subject site is not located within the Western Sydney Aerotropolis. Consistency with this SEPP is therefore not applicable.
State Environmental Planning Policy (Western Sydney Employment Area) 2009	Not Applicable	The subject site is not located within the Western Sydney Employment Area.
State Environmental Planning Policy (Western Sydney Parklands) 2009	Not Applicable	The subject site is not located within the Western Sydney Parklands.

Q6. Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 directions)?

The Minister for Planning and Environment has issued Local Planning Directions that must be considered in the preparation of Planning Proposals. The directions cover a range of categories and land use considerations including:

- Employment and resources
- Environment and heritage
- Housing, infrastructure, and urban development
- Hazard and risk
- Regional planning
- Local plan making

A detailed review of the proposal against each Local Planning Direction is provided in the table below. This review demonstrates that the Planning Proposal is wholly consistent with all applicable Local Planning Directions.

Section 9.1 Ministerial Directions - Local Planning Directions

Direction	Applicable	Consistent	Comment
1 Employment and Resources			
1.1 Business and Industrial Zones	Applicable	Yes Consistent	The proposal retains the existing industrial zoned land and will not reduce the total potential floor space area for industrial uses.
1.2 Rural Zones	Applicable	Not Consistent	Addressed in detail below. The proposal is consistent with draft Employment Lands Strategy and Local Strategic Planning Statement. The proposal retains over 21 hectares of rural land and is of minor significance.
1.3 Mining, Petroleum Production and Extractive Industries	Not Applicable		The proposal will not amend any land use provisions relating to natural resources and does not affect any identified resources. Consultation can be undertaken with the Department of Primary Resources if required by the Gateway Determination.

Direction	Applicable	Consistent	Comment
1.4 Oyster Aquaculture	Not Applicable		The proposal will not have an impact on any identified aquaculture areas.
1.5 Rural Lands	Not Applicable		The direction is not applicable to the Penrith LGA.
2 Environment and Heritage			
2.1 Environment Protection Zones	Not Applicable		The proposal does not seek any amendments to the existing environmental protection zoned land or planning provisions.
2.2 Coastal Management	Not Applicable		The subject land is not located within an identified coastal protection zone area.
2.3 Heritage Conservation	Applicable	Yes Consistent	The proposal is consistent with this direction as the proposal will retain the existing LEP heritage provisions.
2.4 Recreation Vehicle Areas	Not Applicable		The proposal does not seek to introduce provisions for recreational vehicle areas.
2.5 Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs	Not Applicable		The subject land is not situated within a listed Local Government Area.
2.6 Remediation of Contaminated Land	Applicable	Yes Consistent	<p>A Stage 1 Preliminary Site Investigation (PSI) was prepared for the site in 2006.</p> <p>The PSI concluded that the is suitable or capable of being made suitable for industrial development.</p> <p>The Proposal is consistent with the Direction.</p> <p>Detailed site testing will be undertaken as part of any future Development Application.</p>
3 Housing, Infrastructure and Urban Development			

Direction	Applicable	Consistent	Comment
3.1 Residential Zones	Not Applicable		The proposal does not amend any residential zoned land.
3.2 Caravan Parks and Manufactured Home Estates	Not Applicable		The Planning Proposal does not seek support for any caravan or manufactured home estates.
3.4 Integrating Land Use and Transport	Applicable	Yes Consistent	The proposal is consistent with the objectives and principles of Improving Transport Choice – Guidelines for planning and development (DUAP 2001), and The Right Place for Business and Services – Planning Policy (DUAP 2001) through locating employment generating development in close proximity to existing residents as an extension of existing employment land.
3.5 Development Near Regulated Airports and Defence Airfields	Not Applicable		The subject site is not situated within proximity of an existing licensed CASA registered aerodrome.
3.6 Shooting Ranges	Not Applicable		No shooting ranges are located or proposed on the subject site.
3.7 Reduction in non-hosted short term rental accommodation period	Not Applicable		No amendments to short term rental accommodation provisions proposed.
4 Hazard and Risk			
4.1 Acid Sulfate Soils	Not Applicable		The land is not mapped as being subject to Acid Sulfate Soils.
4.2 Mine Subsidence and Unstable Land	Not Applicable		The subject land is not identified as being situated within a Mine Subsidence District.
4.3 Flood Prone Land	Applicable	Not Consistent	The proposal seeks to rezone a small portion of land within the Flood Planning Area.

Direction	Applicable	Consistent	Comment
			As addressed below, this is of minor significance. Preliminary cut and fill plans provided with this proposal demonstrate an increase in flood storage.
4.4 Planning for Bushfire Protection	Not Applicable		No land is proposed to be rezoned which is mapped as having bushfire affectation.
5. Regional Planning			
5.2 Sydney Drinking Water Catchments	Not Applicable		The land is not located within a Local Government Area which forms part of the Sydney drinking water catchment.
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	Not Applicable		The land is not within the identified area of State or Regional Significance Farmland.
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	Not Applicable		The land is not within the identified commercial and retail development area.
5.9 North West Rail Link Corridor Strategy	Not Applicable		The site does not incorporate any land within the Northwest Rail Link Corridor.
5.10 Implementation of Regional Plans	Applicable	Yes Consistent	This proposal includes a detailed assessment of the planning outcomes under the Western City District Plan and Greater Sydney Region Plan. The assessment demonstrates that the proposal is consistent with the regional strategies.
5.11 Development of Aboriginal Land Council land	Not Applicable		No rezoning of Aboriginal Land Council land proposed.
6. Local Plan Making			

Direction	Applicable	Consistent	Comment
6.1 Approval and Referral Requirements	Yes Applicable	Consistent	The proposal does not introduce any provisions that require concurrence or referral of Development Applications.
6.2 Reserving Land for Public Purposes	Yes Applicable	Consistent	This Planning Proposal does alter create or alter any existing public recreation zones or land reservations. Accordingly, the proposal is consistent with this direction.
6.3 Site Specific Provisions	Not Applicable		The proposal does not include the introduction of any site-specific provisions.
7. Metropolitan Planning			
7.3 Parramatta Road Corridor 1.2 Rural Zones Urban Transformation Strategy	Not Applicable		The land is not located within the Parramatta Road corridor.
7.4 Implementation of Northwest Priority Growth Area Land Use and Infrastructure Implementation Plan	Not Applicable		The land is not located within Northwest Priority Growth Area.
7.5 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Not Applicable		The land is not located within the Greater Parramatta Priority Growth Area.
7.6 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Not Applicable		The land is not located within the Wilton Priority Growth Area.
7.7 Implementation of Glenfield to Macarthur Urban Renewal Corridor	Not Applicable.		The site is not located within the Glenfield to Macarthur Urban Renewal Corridor.
7.8 Implementation of the Western Sydney Aerotropolis	Not Applicable.		The site is not located within the Western Sydney Aerotropolis LUIP area.

Direction	Applicable	Consistent	Comment
Interim Land Use and Infrastructure Implementation Plan			
7.9 Implementation of Bayside West Precinct Plan	Not Applicable		The land is not located within the Precinct Plan area.
7.10 Implementation of Planning Principles for Cookes Cove Precinct	Not Applicable		The land is not located within the Precinct area.
7.11 Implementation of St Leonards and Crows Nest 2036 Plan.	Not Applicable		The land is not located within the Plan Area.
7.12 Implementation of Greater Macarthur 2040	Not Applicable		The land is not located within the Macarthur 2040 Area.
7.13 Implementation of Pyrmont Peninsula Place Strategy	Not Applicable		The land is not located within the Pyrmont Peninsula.

Direction 1.2 Rural Zones

This direction applies when a planning proposal that will affect land within an existing or proposed rural zone.

The proposal seeks to rezone land zoned under an historic rural zoning to industrial land under the Penrith LEP. The balance of the land holding will be retained under its current rural zone.

The Direction notes that a planning proposal must:

- (a) not rezone land from a rural zone to a residential, business, industrial, village or tourist zone.*
- (b) not contain provisions that will increase the permissible density of land within a rural zone (other than land within an existing town or village).*

The Direction states that a planning proposal may be inconsistent with this direction where the planning proposal is:

- (a) justified by a strategy which:*
 - (i) gives consideration to the objectives of this direction,*
 - (ii) identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and*
 - (iii) is approved by the Director-General of the Department of Planning, or*

(c) in accordance with the relevant Regional Strategy, Regional Plan or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction, or

(d) is of minor significance.

The land does not form part of any strategic key farming lands and is zoned Rural 1D “Future Urban”. This indicates that the land proposed to be rezoned was intended to be considered for rezoning at the appropriate time.

The land is not currently utilised for any agricultural purposes.

Lot 1 has an area of 2.084 hectares, with the existing IN2 zoned land occupying approximately 1.1 hectares. This Planning Proposal seeks to rezone the balance of Lot 1, being approximately 9,840m², which is currently deferred land under Penrith LEP 2010.

The balance of the land holding being Lot 2 has an area of over 21 hectares and will retain the current “rural” zoning.

Therefore, rezoning of the land would have minor significance.

As such, the proposal is able to be supported.

Direction 4.3 Flood Prone Land

This direction applies when a relevant planning authority prepares a planning proposal that creates, removes, or alters a zone or a provision that affects flood prone land.

The proposal seeks to rezone a portion of Lot 1 which is partly mapped as being flood affected land.

The Direction notes that a planning proposal must:

(5) A planning proposal must not rezone land within the flood planning areas from Special Use, Special Purpose, Recreation, Rural or Environmental Protection Zones to a Residential, Business, Industrial, Special Use or Special Purpose Zone.

The Direction states that a planning proposal may be inconsistent with this direction where:

(a) the planning proposal is in accordance with a floodplain risk management plan prepared in accordance with the principles and guidelines of the Floodplain Development Manual 2005, or

(b) the provisions of the planning proposal that are inconsistent are of minor significance.

As discussed in detail above, Flood mapping for the Nepean catchment 1 in 100 year storm event indicates that part of the land proposed to be rezoned is mapped as being flood affected, defined as Flood Storage area. Flood affected land within Lot 1 is Low Hazard H1 (lowest hazard) – H1 being Generally safe for vehicles, people, and buildings.

Flood mapping for the Emu Plains catchment 1 in 100 year storm event indicates the land is not flood affected by overland flow in the 1:100 year storm event. Overland flow is fully contained within the existing drainage canal.

The cut and fill plan demonstrates that minor filling of Lot 1 (less than 0.5m at its highest point) can be undertaken, which will result in Lot 1 being flood free in the 1 in 100 year storm event.

The minor filling of the land is offset by the removal of an existing soil stockpile located on Lot 2 to the north adjacent to the drainage channel.

The plans provided demonstrate an increase in flood storage of 550m³ through the removal of the stockpile, with a corresponding decrease in flood storage of 500m³ through filling of Lot 1.

This results in an increase of 50m³ of flood storage across the land holding.

Given that the proposal will allow for an increase in Flood Storage, rezoning of the land would have positive outcome, and can be classified as encompassing minor significance.

As such, the proposal is able to be supported.

Section C – Environmental, Social and Economic Impacts

Q7. 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?

There are no identified areas of critical habitat within the land to be rezoned, threatened species or ecological communities which would be impacted by the proposal.

The land to be rezoned has been extensively cleared and managed for an extended period of time in association with historic land uses.

Q8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

The Planning Proposal will not result in any environmental impacts or effects pertaining to the subject site.

Support for this proposal will result in an overall increase in flood storage within the catchment, benefitting the local community.

There are no significant areas of vegetation on site which would be impacted by the proposal.

Q9. Has the planning proposal adequately addressed any social and economic effects?

Support for this Planning Proposal will facilitate enhanced opportunity for local employment generating development within the locality.

This will have positive social and economic benefits as follows:

- Creation of additional employment opportunities for local residents.
- Reduce the number of residents needing to travel outside of the Penrith LGA for employment.
- Contribute to achieving the “30-minute city”.
- Provide additional job opportunities during construction.
-

Section D – State and Commonwealth Interests

Q10. Is there adequate public infrastructure for the planning proposal?

The site is situated in an area where existing services and facilities are provided to surrounding land. The land holding has existing services provided to the dwelling located within Lot 2.

Site services will be provided as part of any future development.

The proposal seeks to rezone a small portion of land along the Old Bathurst Road frontage and will not generate any significant servicing requirements.

Servicing of the site has been addressed earlier in this report. Adequate services are available to allow rezoning of the land as proposed.

Q11. What are the views of state and Commonwealth public authorities consulted in accordance with the Gateway determination?

The Gateway Determination will outline the State and Commonwealth public authorities to be consulted.

This matter will be addressed posit Gateway Determination.

Part 4 – Mapping

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

Map	Tile Number
Land Application Map	Sheet LAP_001
Land Zoning	Sheet LZN_005
Lot Size	Lot Size Map: Sheet LSZ_005
Height of Buildings	Height of Building Map: Sheet HOB_005

The proposed Penrith LEP 2010 map amendments are provided at Appendix 2.

Part 5 – Community Consultation

The Gateway Determination will outline the community consultation to be undertaken.

The planning proposal will be publicly exhibited at the Penrith Council Civic Centre, Penrith Library, Council's St Marys Office, and St Marys Library. All exhibition material will be available on Council's website.

Notice of the public exhibition will be given in the local newspaper and on Council's website. Notice of the public exhibition will also be provided by a letter to the land owners and occupiers of adjoining and affected properties.

Consultation with public authorities will be undertaken in accordance with the requirements of the Gateway Determination.

In responses to Section 9.1 Direction 4.4, Council will consult the NSW Rural Fire Service on the planning proposal, which will provide the information to demonstrate compliance with the provisions of this Direction.

Part 6 - Project Timeline

Milestone	Timeframe
Council Assessment of Planning Proposal	July to September 2021
Local Planning Panel	October 2021
Council's sponsor of the Planning Proposal	December 2021
Submission to NSW Department of Planning, Industry and Environment	February 2022
Gateway Determination issued	April 2022
Public exhibition and public authority consultation	June 2022
Consideration of submissions	July 2022
Reporting of the Planning Proposal to Council	September 2022
Submission to NSW Department of Planning, Industry and Environment and Parliamentary Counsel Office	October 2022
Publication of LEP amendment	December 2022

Appendices

APPENDIX 1

Proposed Penrith LEP 2010 Maps

APPENDIX 3

Engineering Review

APPENDIX 4

Traffic Report

APPENDIX 9

Aboriginal Heritage Report

APPENDIX 6

European Heritage Report