

Ref: 056 – Old Bathurst Rd PP

24 June 2022

The General Manager
Penrith City Council
601 High Street
Penrith NSW 2750

RE: PLANNING PROPOSAL 2021 – 4118 – 170 RUSSELL STREET (1 to 4 OLD BATHURST ROAD) EMU PLAINS

RESPONSE TO LOCAL PLANNING PANEL REVIEW

We refer to Planning Proposal 2021 – 4118 which was recently considered for advice by the Penrith Local Planning Panel at their meeting of 22 December 2021. Following the meeting, the Local Planning Panel provided advice for consideration of Council.

Based on the advice provided by the Panel, there appears to be a fundamental misunderstanding of the key elements of the Planning Proposal which is addressed below.

We have worked closely and collaboratively with Council staff to ensure the proposal has no impacts on adjoining properties. We note that qualified Council staff have reviewed the plans and reports submitted and support the Planning Proposal. We provide response to each of the matters raised by the Local Planning Panel in the table below.

Matters Raised by Local Planning Panel	Response
Strategic Merit	
<i>The Planning Proposal does not have strategic merit due to impacts on the flood plain, flooding and stormwater management.</i>	<p>No, this is incorrect. There are no adverse impacts on flooding or stormwater management.</p> <p>Panel members have misunderstood the technical reports and Planning Proposal documentation.</p> <p>As discussed below and clearly demonstrated in the Planning Proposal and supporting detailed flood study:</p> <ul style="list-style-type: none">• There are no flood plain impacts – if supported the proposal will result in <u>an increase in flood storage.</u>• There are <u>no impacts</u> on flood levels or velocities on adjoining land.• There are <u>no impacts on stormwater management</u> in the local area or Lapstone Creek.

<p><i>Filling of the land to achieve ground levels above the flood limit suitable for construction of buildings will result in loss of flood storage capacity.</i></p>	<p>No, this is incorrect. There is no loss of flood storage.</p> <p>The Planning Proposal and supporting documentation clearly articulate that filling on Lot 1 (500m³) will be offset by using the existing stockpile on Lot 2 (550m³).</p> <p>The net result is an <u>increase in flood storage</u>.</p> <p>This has been reviewed and supported by Council's flood engineer.</p>
<p><i>The cumulative impact of filling below the flood limit has adverse strategic impacts.</i></p>	<p>No, this is incorrect. There are no flood impacts.</p> <p>The Flood Study prepared and submitted with the application clearly indicates that there are no adverse impacts on flood levels, flows or velocity.</p> <p>This has been reviewed and supported by Council's flood engineer.</p> <p>As detailed in the flood study and Planning Proposal:</p> <ul style="list-style-type: none"> • The net result is an increase in flood storage. • There are no impacts on adjoining land holdings.
<p>Site Specific Merit Matters</p>	
<p><i>The need to import fill to raise the level of the land would have flood impacts on adjoining land.</i></p>	<p>No, this is incorrect. There is no importation of fill or flood impacts on adjoining land.</p> <p>The Planning Proposal as submitted clearly states that there is no fill imported onto the site.</p> <p>The fill material to be used will be sourced solely from within the land holding.</p> <p>As noted above, it is the intention to utilise an existing stockpile, which will result in a net increase in flood storage.</p> <p>The existing stockpile is located adjacent to Lapstone Creek, and acts as a blockage during flood events.</p> <p>The flood study and Planning Proposal documents clearly indicate that there are no impacts to adjoining properties.</p> <p>Rather, removal of the stockpile will have positive flood flow benefits.</p>

<p><i>The potential impacts on the stormwater performance of Lapstone Creek</i></p>	<p>No, this is incorrect. There is no impact on Lapstone Creek.</p> <p>The detailed flood study provided with the proposal demonstrates there are no impacts on the stormwater performance of Lapstone creek.</p> <p>Rather, the removal of the stockpile will assist in stormwater flows that overtop the creek by removing a blockage obstacle.</p>
<p><i>Potential adverse traffic impacts on Old Bathurst Road and the operation of the local traffic network</i></p>	<p>No, this is incorrect. There are no adverse traffic impacts.</p> <p>A detailed traffic study was submitted with the Planning Proposal which demonstrates there are no adverse impacts on Old Bathurst Road and the local road network.</p> <p>The Proposal will only generate a small number of vehicle movements due to the small-scale nature of the rezoning.</p> <p>A revised Traffic Study has been submitted which provides a detailed assessment of the Old Bathurst Road / Russel Street intersection and demonstrates there is no change in the long term level of service or operation.</p>
<p><i>Potential adverse visual impacts caused by raising the level of the land that will increase the height of future buildings on the site</i></p>	<p>No, this is incorrect. There are no visual impacts.</p> <p>The land to be rezoned is currently deferred from the Penrith LEP.</p> <p>There is currently no building height limit specified for the land zoned Rural 1D (Future Urban) under Penrith Interim Development Order 93.</p> <p>The proposal will introduce maximum building heights identical to the surrounding land, ensuring consistency in the scale of buildings.</p> <p>The proposed fill areas are typically less than 300mm, primarily toward the rear of the site.</p> <p>Ground levels along Old Bathurst Road and Russell Street frontages generally remain unchanged.</p> <p>As such, there is no visual impact to the height of buildings.</p> <p>Rather, the introduction of maximum building heights will restrict the height of buildings across Lot 1.</p>

<p><i>The impact of development on important fauna and flora located on the site</i></p>	<p>No, this is incorrect. There are no impacts on flora and fauna on the site.</p> <p>The site has primarily been cleared and grazed. Some existing trees along the eastern boundary will be retained under this proposal. There are no works proposed along the eastern boundary.</p> <p>There is no vegetation removal required under this Planning Proposal.</p>
<p><i>The impact of development on the outlook from the floodplain towards the escarpment will adversely affect landscape and scenic qualities</i></p>	<p>No, this is incorrect. There are no visual impacts.</p> <p>The escarpment views are located to the west of the site, where there are existing building and structures.</p> <p>The proposal does not seek to rezone any of the land in the western portion of the site, this area is currently zoned IN2 Light Industrial.</p> <p>The proposal seeks to rezone the eastern portion of Lot 1.</p> <p>The land to the east forms part of the Emu Plains correctional facility and is not publicly accessible.</p> <p>The proposal will therefore have no impact on any view lines or landscape attributes toward the escarpment.</p>

I trust that the responses above clarify these matters. We appreciate Council staff's efforts in assessing the Planning Proposal and note their support for the rezoning.

We look forward to working continuing to work closely with Council to finalise this matter. If you have any questions or wish to discuss this letter, please contact me on 0455 994 957.

Yours faithfully
Urbanco Group Pty Ltd



Michael Rodger
Director