



# **Planning Proposal**

## **For 170 Russell Street, Emu Plains**

**(Formerly 1-4 Old Bathurst Road)**

## **Proposed Rezoning of part of Lot 1 to E4 General Industrial**

**July 2022 – Revision D**

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# Appendices

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# Introduction

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## 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 currently zoned IN2 Light Industrial under the PLEP 2010.  
As per the recent employment land zone review – the land is to be transferred to an E4 general Industrial Zone.
- 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 the eastern portion of Lot 1, at 170 Russell Street (formerly 1-4 Old Bathurst Road) as an extension of the existing zoning 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 extend the land use zoning, building heights and provisions for the western portion of Lot 1 over the whole of the Lot 1 parcel.

There is no change to the land use provisions such as building heights, lot size mapping and the like for the existing zoned land along the western portion fronting Russel Street and Old Bathurst Road.

Lot 1 and Lot 2 to the north are owned by a single land owner. The Planning Proposal does not seek to amend the land use 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.

As part of the Employment Zones Reform being undertaken across NSW, Penrith Council is transferring existing IN2 Light Industrial Land to an E4 General Industrial zone, with appropriate Additional Land Use local provision clauses included where appropriate to retain existing permissible land uses.

As such, this Planning Proposal adopts the E4 General Industrial zone for the existing portion of the site zoned IN2 Light Industrial and includes revision of the proposed Additional Land Use provisions clause mapping.

This will ensure that the Planning Proposal is consistent with likely future adopted zoning provisions.

Should the Employment Zones reform be delayed, the existing IN2 Light Industrial zoning will be retained and adopted for the land subject to this Planning Proposal.

## **b) Background**

The current zone boundaries for Lot 1 were historically drawn generally reflecting flood mapping available at the time. The existing 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 is 170 Russell Street (formerly 1-4 Old Bathurst Road).

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 subject to this Planning Proposal is Lot 1 DP 1273251, which encompasses an area of 2.084 hectares

This rezoning proposal relates to the eastern portion of Lot 1 only.

Figure 1 below shows the subject land in its local context.

Figure 1 – Locality Plan





## Site Overview

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### 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 9,840m<sup>2</sup>, 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 land use provisions of the land along the Russell Street frontage. This area is currently zoned Industrial IN2.

The existing IN2 land will be transferred to an E4 General Industrial zone as required under the Employment Land zoning reforms.



**Views:**

There are no significant viewscape areas within, to or from the site.

The Old Bathurst Road interface is dominated by weed and invasive scrub / tree species on the site, and large scale industrial buildings and takeaway food restaurants on the southern side of Old Bathurst Road.

The south-western corner of the site adjoins an existing large scale zone substation which screen views to the site from Old Bathurst Road and Russell Street.

The Site topography and existing vegetation along Lapstone Creek drainage channel (which will be retained) fully enclose the views to the from the site. There are no views or relationship to the Nepean River.

The small portion of the land along Russell Street is already zoned IN2 Light Industrial. No change to the land use or building heights are proposed along this interface.

**Figure 2 – Site Plan**

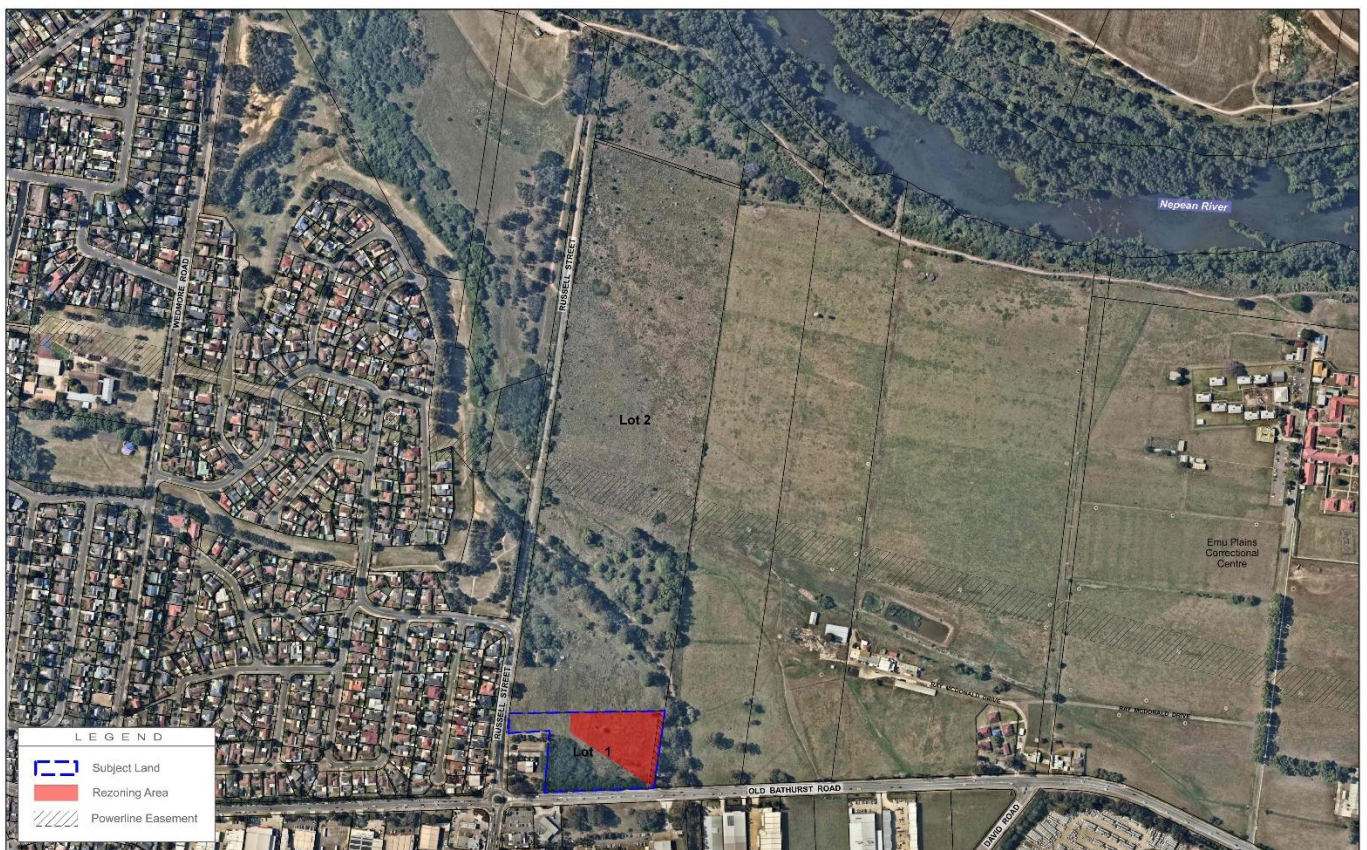




Figure 3 – Site Inset Plan





**Site Photo 1: Site frontage looking East Along Old Bathurst Road**



**Site Photo 2: Old Bathurst Road Looking North (Weed / Exotic Vegetation) – Land to be Rezoned**





**Site Photo 3: Western Boundary Interface with Substation**

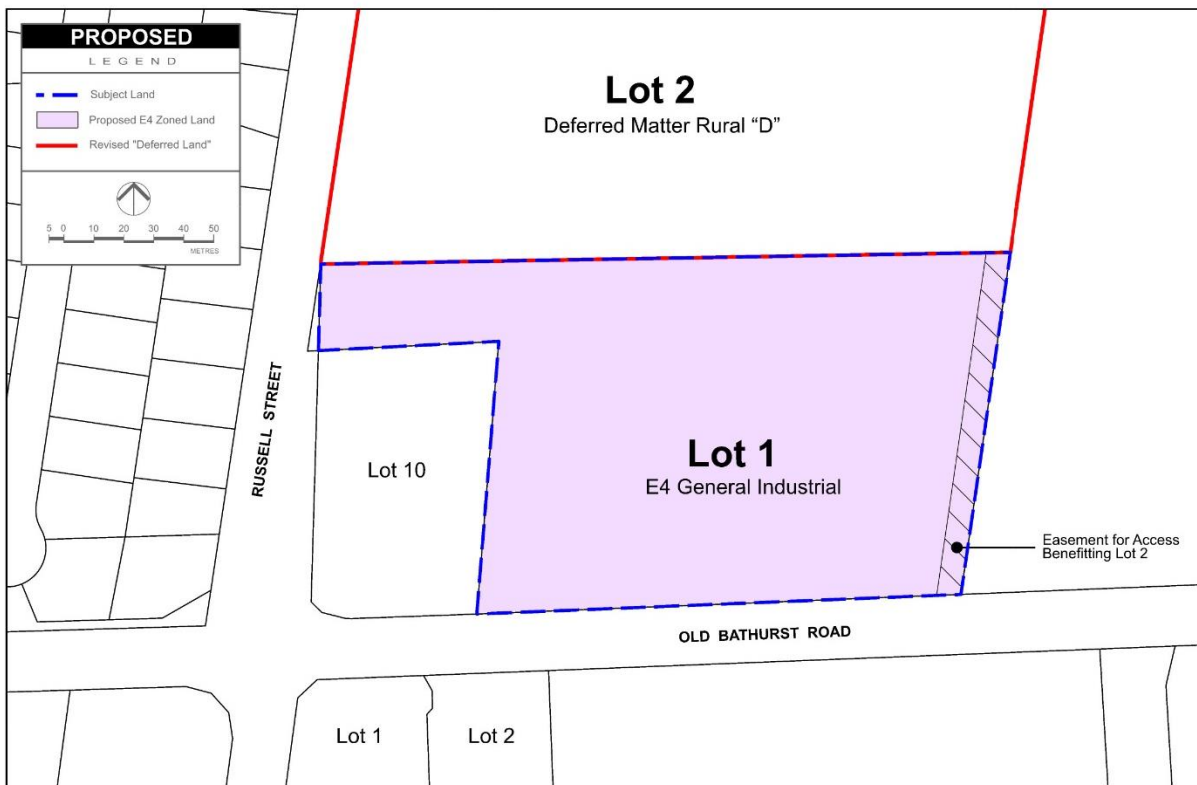
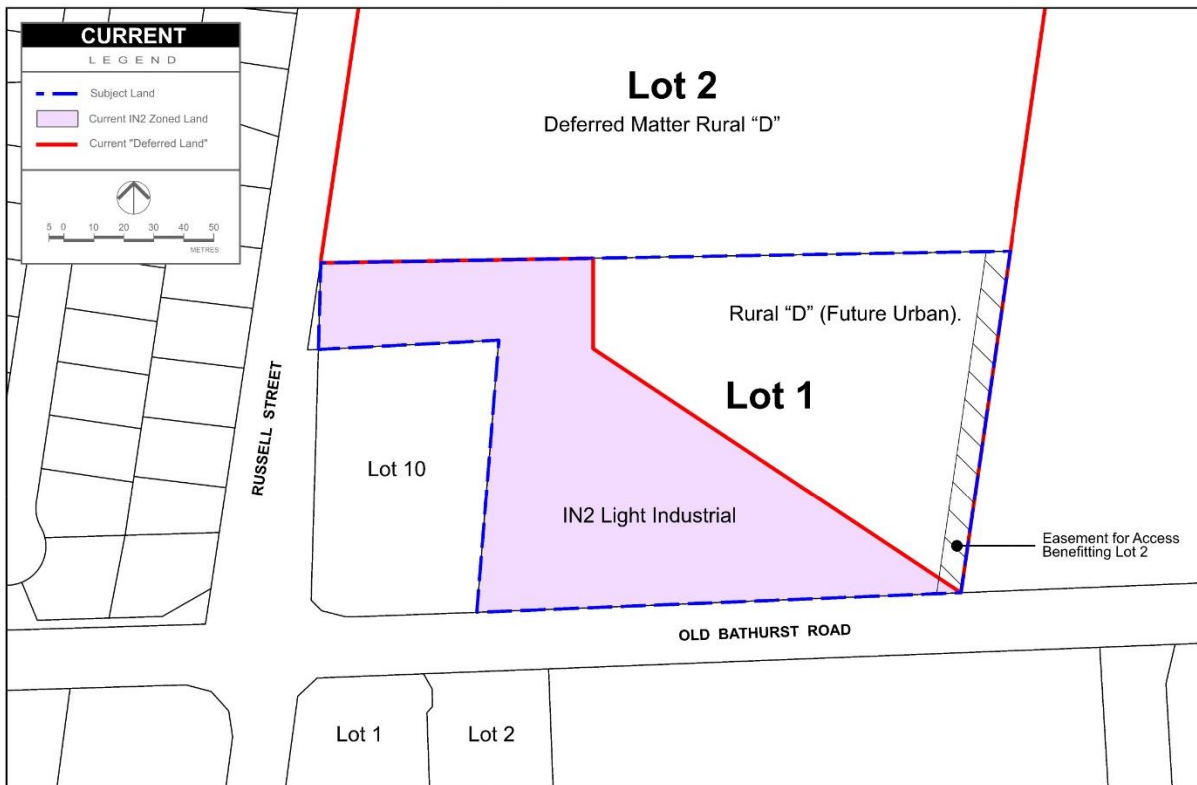


**Site Photo 4: Looking East over Existing Industrial Zoned Land**





**Figure 4 – Proposed Zoning Plan**



**LAND USE ZONING**  
170 RUSSELL STREET  
EMU PLAINS

**NOTES**  
Base data supplied by NSW LPI  
Projection: MGA Zone 56  
Areas and dimensions shown are subject to final survey calculations.  
All easements are shown for illustrative purposes only and are subject to detailed engineering design.  
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### **Existing Flood Mapping:**

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

The whole of the existing industrial; zoned land and a significant portion of the land to be rezoned in flood free in the 1% flood event.

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:

- The site is predominantly flood free in the 1% storm event.
- 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.

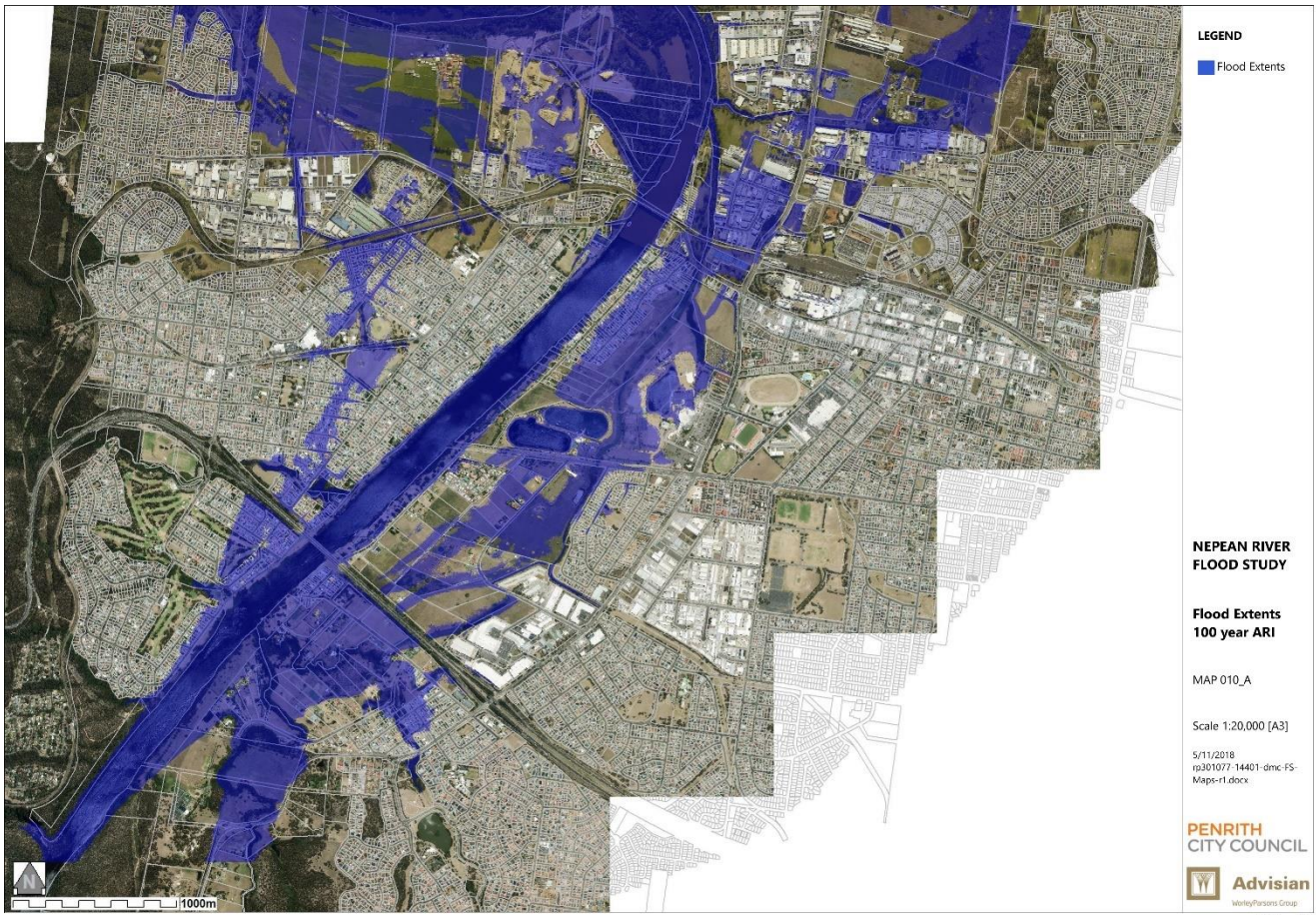
Figure 6 below shows the current mapped 1 in 100 year storm event overland flow, demonstrating that there is no affectation of Lot 1.

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 5 – Nepean River Flood Study 2020 – 1:100 Year Flood Map



**Figure 6 – 1:100 Year Flood Extent Provided by Council**



**FLOOD PRONE LAND**  
**1-4 OLD BATHURST ROAD**  
**EMU PLAINS**

**NOTES**

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Figure 7 – Emu Plains Overland Flow Study 2020 – 1:100 Year Flood Levels Map



## Site Investigations

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### 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 550m<sup>3</sup> through the removal of the stockpile, with a corresponding decrease in flood storage of 500m<sup>3</sup> through filling of Lot 1.

This results in an increase of 50m<sup>3</sup> 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.





## b) Site Material

As outlined in the detailed cut and fill plans provided, it is intended that the fill material utilised will be the existing stockpile material within the site. There will be no importation of fill required as a result of this proposal.

We note that there are six existing stockpiles located adjoining the drainage line which bisects the property. We also note that there is excess material in the stockpile.

We acknowledge that no detailed geotechnical or contamination assessment of the stockpile has been undertaken at this stage. However, the stockpiles are not imported material. The stockpiles are considered to be on-site material excavated during construction of the existing drainage line.

In this regard, the geotechnical profile of the soil is likely to be consistent with the balance of the site. Any topsoil stripped during earthworks will be replaced over the earthworks area, ensuring a like for like top soil placement.

Detailed geotechnical and contamination assessment of the stockpile will be completed as required prior to any earthworks application. This will include required compaction rates, top soil stripping and replacement, soil testing, contamination review and the like.

Should these studies indicate that the stockpile is unsuitable for the intended use, the material will be removed from site.

In this scenario, alternate fill material will be sourced wholly from within the subject site. Given the low volume of material required (500m<sup>3</sup>) and the size of the land holding (over 22 hectares) this will be easily achievable.

In this regard it is proposed to include a clause in the DCP which requires fill to be sourced wholly from within the land holding.

## c) Drainage Review

A preliminary drainage review has been completed by North Western Surveys civil engineers which addresses possible future drainage connections from the site.

As part of the drainage review, the engineers have prepared a Concept drainage plan / drainage strategy for the site based on an indicative possible layout.

We note that a detailed drainage plan and strategy will be prepared with any future Development Application for the site.

The drainage concept identifies potential points of for stormwater from the site and outlines how the discharge is able to comply with Council's DCP.

The drainage concept provides for a concept OSD system and demonstrates that the concept is appropriate in relation to the downstream discharge point.

The drainage concept demonstrates that the receiving system has capacity to cater for additional flows from the site and that the proposal will not have any local flooding impacts at the discharge point.

The drainage concept also addresses water quality and outlines potential measures to be implemented to meet Councils guidelines.

We note that detailed drainage design and assessment will be provided as part of any future Development Application.

#### d) Flood Study

A detailed Flood Study has been prepared in association with this Planning Proposal by Rienco and is included as Appendix 6.

The Flood Study provides:

- a) *Review of existing flood information available for the site, as quantified in:*
  - i. *Nepean River Flood Study (2018)*
  - ii. *Emu Plains Overland Flow Flood Study (2020)*
- b) *Prepare a detailed hydraulic model that replicates as best as practical the worst case 1% AEP design flood behaviour at the site under pre-development conditions.*
- c) *Determine the potential impacts of the proposed development, and the associated flood hazard categorisation, by way of additional hydraulic modelling.*
- d) *Review the proposed development, together with the hydraulic model results, and assess it against Clause 4.3 of the Section 9.1 Directions relating to flooding.*

The flood study has been prepared taking into consideration the cut / fill design prepared as part of the engineering review discussed above.

As such, a hydraulic model was required to quantify the impacts of the proposed cut and fill in the standard design flood event – the 1% AEP design flood modelling the Nepean River system.

A small sub-scale model of the Nepean River was constructed to as best as practical replicate the results of PCC's 2018 modelling. TUFLOW was the model chosen to carry out this task. The model grid was established as a 5m grid across the entire model domain.

#### ***Pre-Development Modelling***

The model indicates that currently existing the peak 1% AEP flood depths vary across the site but are however relatively shallow across Lot 1, with peak flood depths reaching 250 mm along the northern boundary. Average peak flood depths across the lot in the 1% AEP design flood are less than 200 mm (Refer Figure 8 Below).

The entire area of Lot 1 is denoted as Low Provisional Hydraulic Hazard when assessed in accordance with Figure L-2 of the NSW Government's Floodplain Development Manual (2005).

#### ***Post Development Modelling***

The model post development modelling accounted for the removal of the existing stockpile and distribution of material over Lot 1 as shown in the preliminary engineering plans.

The modelling demonstrated that the proposed earthworks will facilitate a materially flood-free lot, and re-inundated the areas where the stockpiles were previously located in the 1% AEP flood (Refer Figure 9 below).

The flood affected area in the north-eastern corner is less than 10cm in depth and accommodates the right of access to Lot 2. This area is not proposed to be developed or filled at this time.

The flood study also demonstrates that there are no impacts on adjoining land holdings under the proposal.



## Figure 9 – Existing Flood Mapping

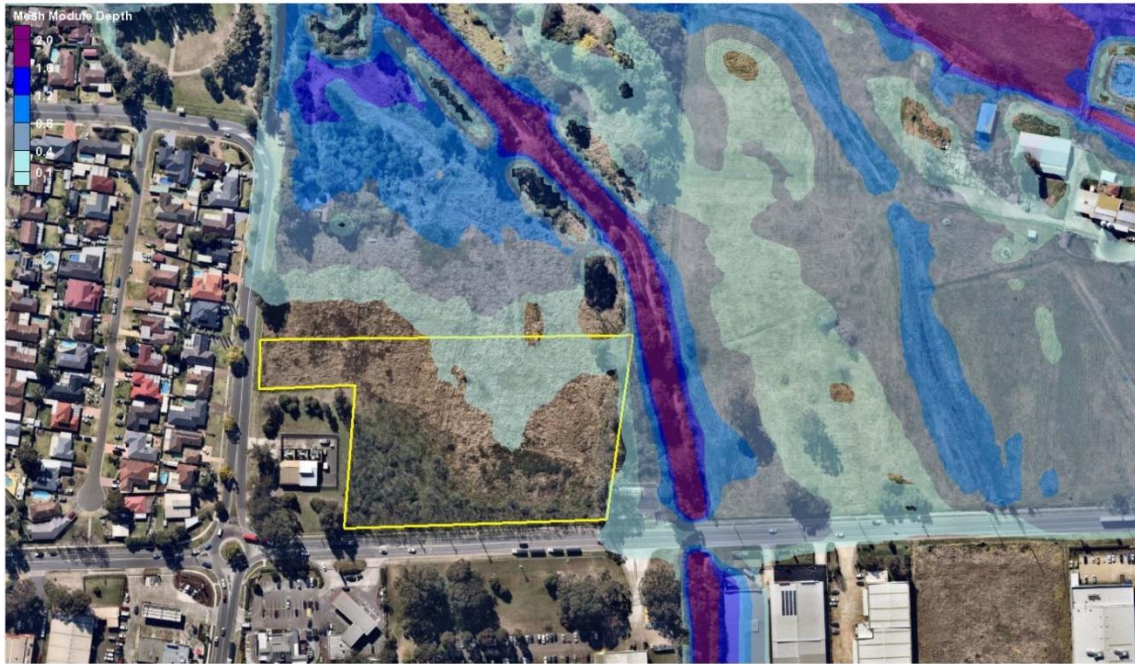


Figure B1.2: 1% AEP Flood Depths – Pre-Development

Note: Flood depths shaded from 0.1m (light blue) to 2.0m (dark blue). All depths over 2.0m shaded dark blue.

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## Figure 10 – Post Development Flood Mapping

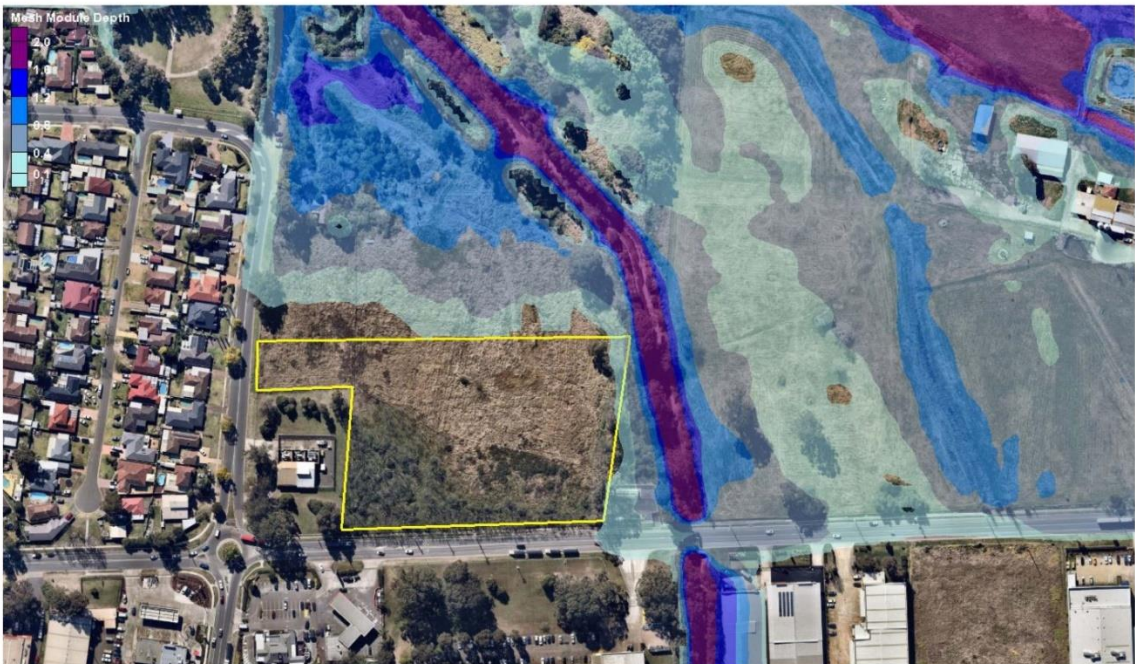


Figure B2.2: 1% AEP Flood Depths – Post-Development

Note: Flood depths shaded from 0.1m (light blue) to 2.0m (dark blue). All depths over 2.0m shaded dark blue.

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## Evacuation

The flood study also addresses evacuation routes from the site.

We do note that once filled, the entire site is no longer flood prone and will be above the 1% AEP flood level.

Once filled, the land is readily able to be evacuated in an orderly manner, for all events up to and including the 1% AEP design flood. IN this regard, there is no flood evacuation required form the site up to and including the 1:100 year storm event.

Notwithstanding the flood study provides the following assessment of flood evacuation:

*Depending on the future development layout of the site, flood-free access is available onto Russell Street or Old Bathurst Road. The preferred route on Russell Street would be south as it is flood free, however a northerly route is also available but would require trafficking through flood water at some (brief) point. The floodwater at this location, even at the peak, is relatively shallow and safe for vehicles and pedestrians.*

*In rarer events, such as the Probable Maximum Flood, evacuation can still be facilitated via the same routes, where warning times and evacuation orders are provided by the SES. This is no different to the normal evacuation procedures for Emu Plains, or the residential areas to the west of the site.*

*Any future development would be subject to a DA, and a flood emergency management plan could readily be developed as part of that DA, or as a condition of consent on the DA.*

Figure 11 – Evacuation Routes



Figure 5.3-1 1% AEP Post-Development Flood Evacuation Routes

## **Report Conclusions**

The flood study concludes as follows:

- The subject site is located in Emu Plains and is affected by mainstream regional flooding of the Nepean River in a 1% AEP design flood.
- Penrith City Council adopted catchment-wide flood studies quantifying pre-development design flood behaviour at the site, being:
  - Regional Flooding – Nepean River Flood Study (2018)
  - Local Catchment Flooding - Emu Plains Overland Flow Flood Study (2020)
- A detailed 2D TUFLOW model has been prepared for the subject site and surrounds. The model was run for the 1% AEP design flood event and replicates the design flood behaviour published in Council's Nepean River Flood Study (2018).
- The proposed development, specifically the cut and fill, was modelled as the 'post-development' scenario and the impact of the development was quantified by the hydraulic model.
- Flood behaviour for a range of design floods has been considered for the subject site and surrounds, from the 20 year ARI design flood up to and including the probable Maximum Flood.
- The proposal meets the requirements of the NSW Governments Section 9.1 Direction Clause 4.3. Where the proposal is considered inconsistent with this Direction, as per Clause 9 of the Section 9.1 Direction these inconsistencies are supported by this Floodplain Risk Management Plan.
- The requirements of the NSW Government's Floodplain Development Manual (2005) have been considered. There are no specific additional requirements stemming from the application of the Floodplain Development Manual, as the S9.1 Directions are consistent with the Floodplain Development Manual.

## e) Traffic Report

A detailed Traffic Report has been prepared to accompany this rezoning proposal by Positive Traffic and is included in Appendix 3.

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 and provides a review of the Old Bathurst Road / Russell Street intersection operation.

As requested by Council staff, the existing site is assessed as a greenfield site and does not generate any traffic.

The Traffic Report has been prepared taking into consideration the following key development sites and intersection upgrades:

- Upgrade of the intersection of Russell Street / Old Bathurst Road to provide a signalised intersection at the location in place of the existing single lane roundabout.  
The intersection upgrade is listed as Item T2 in the works schedule Table A1 of the Penrith Section 7.12 Contributions Plan.
- Recent construction of the new commuter car park for Emu Plains Station on Old Bathurst Road
- Recent Development Application lodged by Penrith Council for the redevelopment of 158-164 Old Bathurst Road as a light industrial development.

### ***Traffic Generation***

The traffic report states that Applying the Transport for NSW Technical Direction TDT2013/04a rate to the potential total GFA industrial development yield of 11,940m<sup>2</sup>, the total site generation of Lot 1 would equate to 62 AM Peak trips two way and 67 PM Peak trips two way.

The traffic report has adopted a conservative estimate of future year traffic conditions with the full traffic generation of the site added to the road network.

No allowance for the existing zoned land has been included.

### ***Traffic Impacts – Old Bathurst Road / Russell Street Intersection***

As noted above, the traffic report has undertaken a detailed analysis of the operation of the future signalised intersection at the Old Bathurst Road / Russell Street intersection.

This has taken into consideration the recently constructed commuter car park and Penrith Council's development proposal on Old Bathurst Road.

The assessment has demonstrated that the additional traffic generated by the proposal will not impact the level of service of the intersection.

At present, based on the additional traffic projected from Council's development site, the intersection is modelled to be operating near capacity (Level of Service D) in both the AM and PM peak, with a maximum average delay of 52.0 seconds in the PM peak.

With the additional traffic generated from the proposal there is no change to the operation of the intersection, with the intersection is modelled to be still operating near capacity (Level of Service D) in both the AM and PM peak. There is a very minor increase in the average delay to be 54.3 seconds in the PM peak.

The traffic report concludes that no additional upgrade of the intersection arrangements as identified in the SCT traffic report would be necessary to accommodate the traffic generation of the development through the intersection of Old Bathurst Road / Russell Street.

### ***Active Transport***

The traffic report provides a summary of Active Transport measures and connections within the locality, both existing and planned to be delivered.

Active Transport measures outlined include the following:

- A 'Priority Pathway' footpath along Old Bathurst as identified in the Penrith Accessible Trails Hierarchy (2009).
- A new footbridge over Old Bathurst Road will be provided to ensure safe and direct pedestrian access between the new Emu Plains Commuter Car Park (neighbouring site to the east) and the station.
- The Planning Proposal offers the opportunity to facilitate delivery of an upgraded pedestrian and cycle path in conjunction with a future Development Application for the site along the site frontage.
- A future Development Application will incorporate the construction of kerb and gutter along the Old Bathurst Road frontage, and streetscape works including pedestrian / cycle path, and verge landscaping.
- The existing footpath connection along Russell Street is situated on the western side of the roadway, servicing the residential areas to the west, and providing a direct linkage to the Emu Green Reserve open space area.
- The Planning Proposal is able to assist in the delivery of a pedestrian pathway as part of a "green grid" link along Russell Street in conjunction with a future Development Application for the site.

### **Traffic Impacts Conclusion**

The traffic report concludes as follows:

- 1. The potential traffic generation of the development would be very low in the context of existing traffic demands on the immediate surrounding road network.*
- 2. The future year (2033) intersection operating conditions at Old Bathurst Road / Russell Street would be similar to that which is estimated to occur in 2033 without the rezoning proposal additional traffic.*
- 3. The forecast 2033 traffic conditions which incorporated the traffic generation of all known developments including the subject site and a 2% per annum growth till 2033 at the upgraded intersection of Old Bathurst Road / Russell Street would be similar to that which was estimated without the development proposal.*
- 4. The proposed parking provision of the proposal is expected to comply with the requirements of Penrith City Council's DCP.*

### **f) 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 5 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 be 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.

#### **g) 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 6 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.

#### **h) Servicing**

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

A servicing feasibility review was undertaken by North Western Surveys and is included as Appendix

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

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## 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 10 & 11 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.

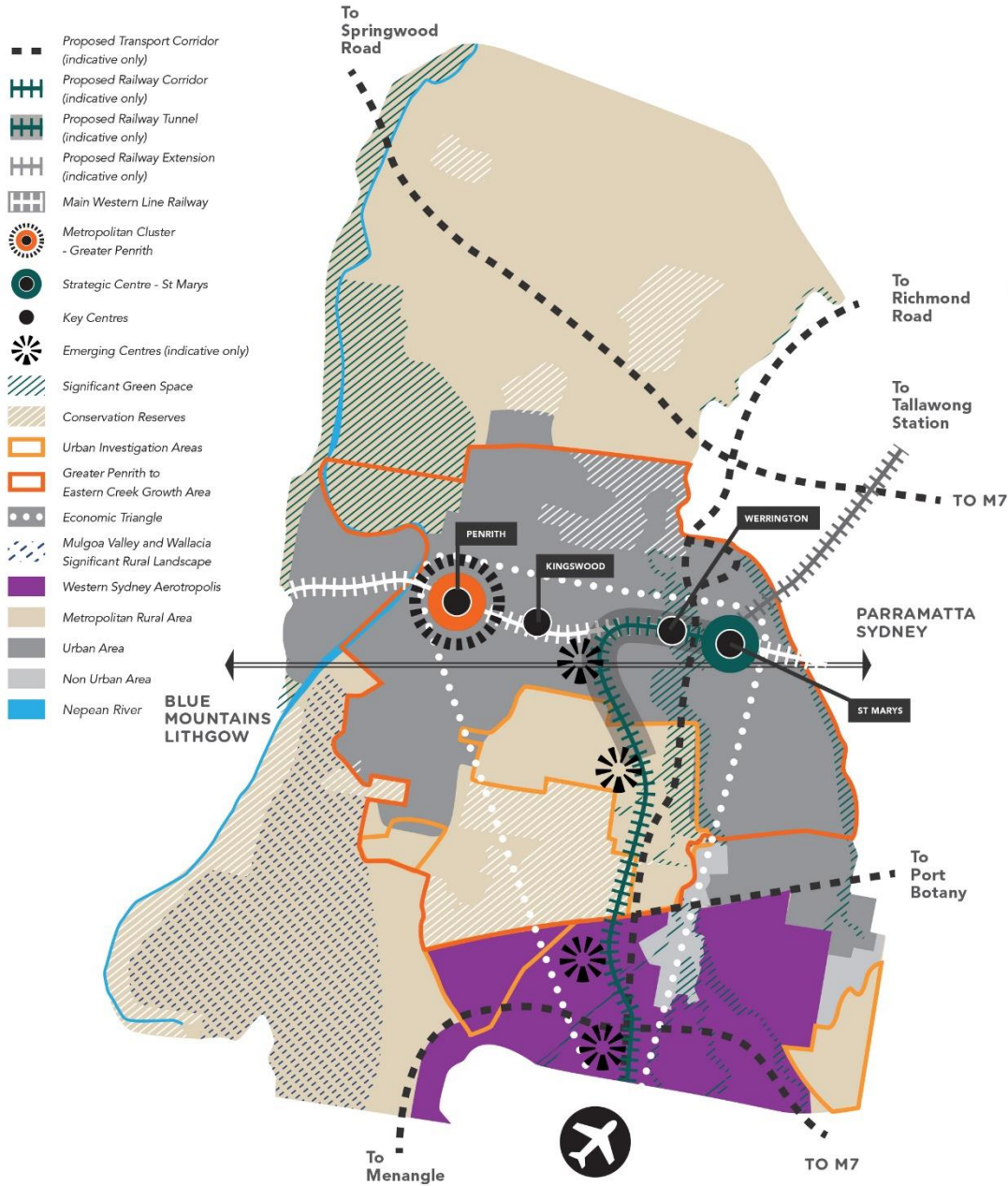
The LSPS notes that *The management of existing and future industrial and urban services land will be important to ensure our communities have jobs and services close to home, to satisfy the long-term demand for employment lands and to ensure timely and cost-effective infrastructure delivery.*

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 12 – Penrith LSPS Structure Plan**

**MAP 2: Structure Plan**

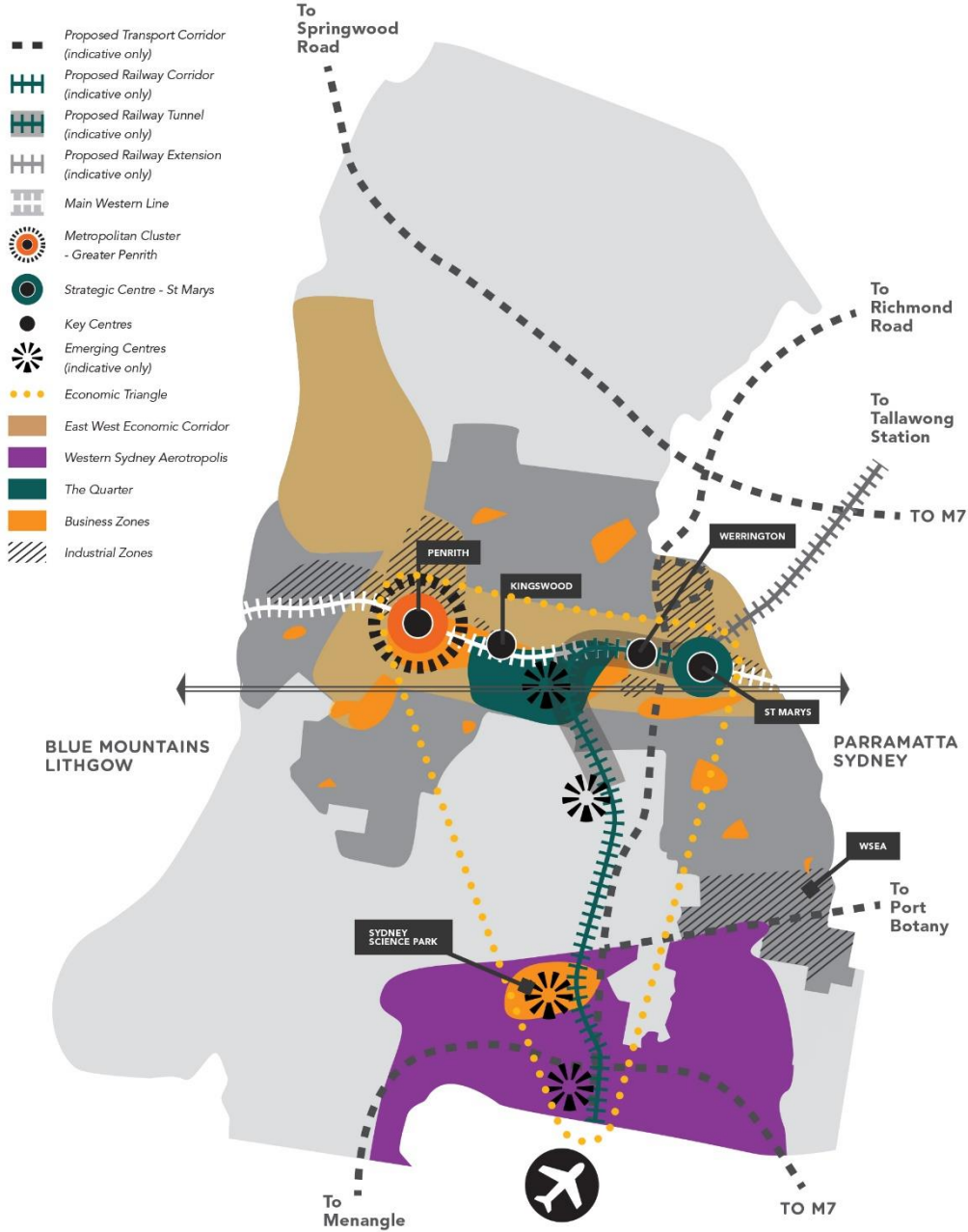


OUR FUTURE

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 13 – Penrith LSPS Economic Triangle**

**MAP 7: Penrith's Economic Triangle**



OUR ECONOMY

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 Council Green Grid Strategy

The Penrith Council Green Grid Strategy was adopted 2021. The Strategy provides the basis for recognising and highlighting the existing green infrastructure (bushland, waterways, open and recreation space), as well as developing opportunities to reinforce this network with new green links.

The Strategy addresses current and future challenges in prioritising urban greening and waterways, providing connections across existing and planned open space and transport infrastructure; and identifies implementation locations close to where people live and in locations where higher population growth will be experienced.

Penrith's Green Grid falls generally into three broad categories:

- Open space for recreation: Promote Green Grid for people for improved and accessible public open space
- Improved urban tree canopy: Green Grid for climate adaptation and resilience to increase urban tree canopy to support improved amenity, comfort for local park users, and for walking and cycling
- Emphasise connections to bushland and waterways: green-blue grid infrastructure for habitat and ecological health to improve the connectivity between bushland, recreation space and waterways to support habitat and the connection of people to nature within a sustainable environment.

The Strategy identifies project opportunities that consider the longer term strategic development goals identified in the West District Grid.

The West District Green Grid project opportunity clusters were identified as a starting point to ensure the more generalised district strategies and any future project delivery responds to the local strategic context and landscape conditions.

For mapping purposes in the Strategy, the site is located within *Precinct 6 Central West* which includes the suburbs of Emu Heights, Emu Plains and Leonay. *Figure 34. Precinct 6 Green Grid Strategy Plan* of the Strategy identifies *West District Green Grid Projects*.

As shown in Figure 12 on the following page, the Strategy incorporates the following Council Green Grid projects in the proximity of the site:

#### a) *Old Bathurst Road – Proposed Active Transport Link (Pedestrian / Cycle Path)*

There is an existing footpath along the Old Bathurst Road frontage of the site.

The Planning Proposal is able to facilitate delivery of an upgraded pedestrian and cycle path in conjunction with a future Development Application for the site.

A future Development Application will incorporate the construction of kerb and gutter along the Old Bathurst Road frontage, and streetscape works including pedestrian / cycle path, and verge landscaping.

#### b) *Russell Street – Priority Future Connections (Pedestrian / Cycle Path)*

The existing footpath connection along Russell Street is situated on the western side of the roadway, servicing the residential areas to the west, and providing a direct linkage to the Emu Green Reserve open space area.



The Planning Proposal is able to facilitate delivery of a green link along Russell Street in conjunction with a future Development Application for the site.

A future Development Application will incorporate the delivery of streetscape landscaping works, street trees and verge landscaping.

The verge on Russell Street is able to accommodate a new pedestrian and cycle link if required along the frontage of the site where the rezoning applies. This would be delivered as part of a future Development Application.

In this regard, the Planning Proposal is consistent with, and will enable delivery of the Green Grid Strategy as it applies to landscape and pedestrian connections surrounding the site.

**Figure 14 – Green Grid Strategy**

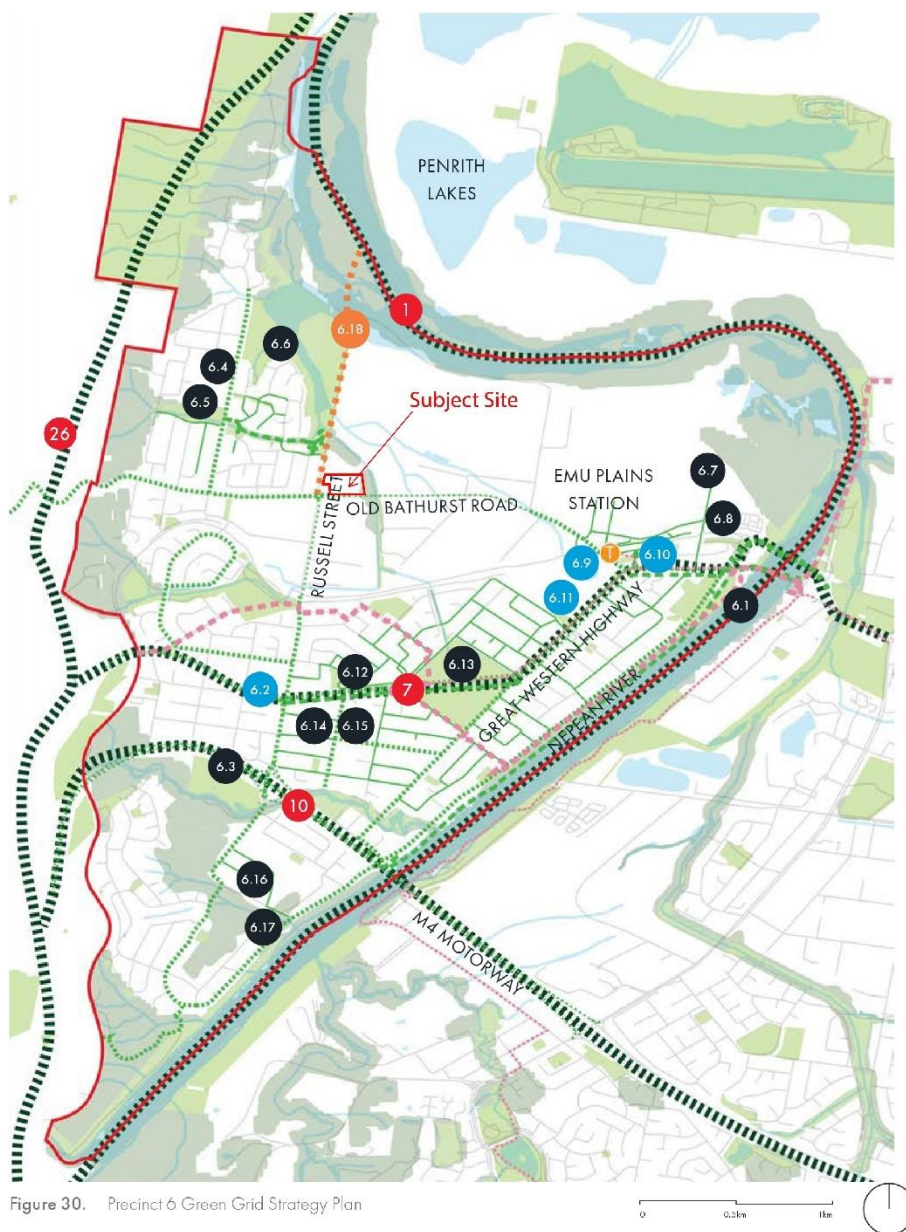


Figure 30. Precinct 6 Green Grid Strategy Plan

#### d) Penrith Council Cooling the City Strategy

The Penrith Cooling The City Strategy was adopted in August 2015. The Strategy aims to consolidate existing work by Council to cool the City, with a focus on tree planting and landscaping.

As noted in the Strategy, programs such as the Great River Walk, The Nepean River Vegetation Management Plan, the redesign of the Civic Arts Precinct, Council's Bushcare program, and the maintenance and renewal of parks, all contribute to cooling the City.

The topography of the area means that sea breezes from the east don't reach areas of western and south-western Sydney, including Penrith. This leads to consistently higher temperatures and lower rainfall in Penrith than in the more coastal parts of Sydney.

Further to this, the Urban Heat Island effect acts to intensify heat waves in cities, increasing health risks to the community and increasing the demand for air conditioning, which in turn emits more waste heat into the atmosphere, perpetuating the problem.

The Strategy specifically lists actions and responsibilities for Council to implement. Notwithstanding, we have provided a summary below outlining how the proposal and subsequent future Development Applications are able to contribute to the Cooling The City Strategy outcomes.

##### a) *Green Infrastructure*

The proposal and future Development Applications for built form are able to incorporate on-site Green Infrastructure including:

- Street tree plantings.
- Internal landscaping utilising species characteristic of the Cumberland Plain.
- Provision of green walls where possible.

##### b) *Water Sensitive Urban Design*

Water Sensitive Urban Design measures will be implemented where possible as part of a future Development Application for the site to address Council water quality targets.

##### c) *Increased albedo (reflectivity)*

Any future Development Application will adopt development provisions of Council's recent policy framework relating to roof colours, landscaping and site coverage to reduce reflectivity.

In this regard, the Planning Proposal is consistent with, and contribute to of the Cooling The City Strategy outcomes.



#### e) 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 living 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 industrial use land within Emu Plains. There is a recognised shortage of industrial land with all other land in Emu Plains.

*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.

# DCP Amendments

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Lot 1 incorporate a small frontage to Russell Street

As shown in the existing zoning plans and details outlined above, the small portion of land within Lot 1 which is situated along the Russell Street frontage is currently Zoned IN2 Light Industrial (to be transferred to the E4 General Industrial zone by Penrith Council).

There is no extension or increase in the industrial zoned land along Russell Street and the residential interface under this proposal.

There is also no intended change in the permissible land uses within the site.

In order to ensure any land use impacts are minimised, a number of amendments to the Penrith DCP are proposed to be adopted as part of this rezoning package.

The DCP amendments will assist in limiting the scale and type of land uses within the small area of existing industrial zoned land along Russell Street and manage future traffic movements to and from the site.

The proposed DCP amendments are described in Appendix 3 of this Planning Proposal and incorporate the following additional site specific development controls.

- a) No driveway access is to be permitted to Russell Street for industrial vehicles, heavy vehicles, rigid vehicles and trucks.

Driveway Access to Russell Street will be restricted to light vehicles only.

*The purpose of this control is to protect the nearby residential area from amenity impacts as a result of traffic movements generated by development on the subject site.*

- b) A detailed traffic study will be required as part of a future Development Application for the site.

The traffic study will be required to address impacts on Russel Street traffic movement and parking management and Old Bathurst Road.

*The purpose of this control is to protect the nearby residential area from amenity impacts as a result of traffic movements generated by development on the subject site.*

- c) A restriction for a single Driveway Access only to the site from Old Bathurst Road, to be located midway or toward the eastern boundary of the site.

*The purpose of this control is to manage traffic impacts and access to / from the site onto Old Bathurst Road.*

- d) Construction of kerb and gutter along the Old Bathurst Road frontage is required by the developer.

*The purpose of this control is to address construction of Kerb & Gutter to Old Bathurst Road.*

- e) Insert a clause describing the intended land use arrangements, with any industrial activities or large floorplate buildings to be located along the Old Bathurst road frontage.

Smaller industrial lots or non-industrial uses if possible are to be positioned along the Russell Street frontage.

*The purpose of this control is to deliver less intensive land uses and smaller lots at the frontage to the nearby residential area and thereby reduce land use conflict.*

- f) Larger industrial lots are to be positioned along the Old Bathurst Road frontage.

*The purpose of this control is to deliver larger lots at the frontage to the nearby industrial area and thereby reduce land use conflict with the nearby residential area.*

- g) Landscaping within the site should, where possible, use species characteristic of the Cumberland Plain Woodland and / or River-flat Eucalyptus Forest

*The purpose of this control is to deliver predominantly native species landscaping where possible / appropriate.*

- h) Filling of the land is to be completed in accordance the endorsed flood impact assessment report and the endorsed filling strategy.

Fill utilised to address flood levels is to be sourced from Lot 2 DP 1273251.

*The purpose of this control is to ensure the use of existing stockpiles on site as proposed for filling works.*

## Part 1 – Objectives or Intended Outcomes

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The objective of this Planning Proposal is to amend the Penrith Local Environmental Plan 2010 to rezone the eastern portion of Lot 1 E4 General Industrial, consistent with the zoning of the balance of the allotment. The existing IN2 zoned land will be transferred to an E4 zoning as part of this proposal.

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 existing portion of Lot 1 zoned for industrial use.

## Part 2 – Explanation of Provisions

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To achieve the minor zoning and planning provision amendments, the following land use clause, local provision and LEP Map amendments will be made under this proposal.

### a) LEP Mapping Amendments

The following LEP Maps will be amended as described below:

- 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
- Scenic and Landscape Values Map: Sheet SLV-005
- Additional Permitted Uses Map: Sheet APU\_005

Associated plans showing the current and proposed LEP mapping outcomes area provided in Figures 15 to 20 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 the historic Interim Development Order No. 93.

The existing IN2 zoned land is being transferred to a an E4 General Industrial zone under the employment land zoning reforms.

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 extends the E4 General 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 6,000m<sup>2</sup> 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.

Council staff requested that a smaller minimum lot size be adopted to promote smaller scale industrial activities. This Planning Proposal seeks to adopt 2,000m<sup>2</sup> minimum lot size over Lot 1, consistent with the majority of Industrial land within Emu Plains.

### ***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.

### ***Additional Permitted Use Map***

As noted above, the existing IN2 Light Industrial Land will be transferred to an E4 General Industrial zone under the Employment Land Zone reforms.

As part of this process, Council is implementing the inclusion of additional use local provisions and mapping to retain existing permissible land uses in the IN2 zones on a site specific basis.

This Planning Proposal adopts the proposed Additional Permitted Use provisions for the site.

As part of this Planning Proposal, the Additional Permitted Use Clause will also be amended to Prohibit Intensive Industrial uses on Lot 1.

This will minimise land use conflicts with the existing residential areas to the west of the site and better reflect the existing IN2 Light Industrial zone permissible land uses.

### ***Scenic and Landscape Values Map***

The subject site is currently partly mapped as being land which is required to be considered under Clause 7.5 of the Penrith LEP, being Land with Scenic and Landscape Values

This mapping does not indicate that the land has significant scenic or landscape value. Rather, the mapping is a DA requirement for consideration of visual impacts.

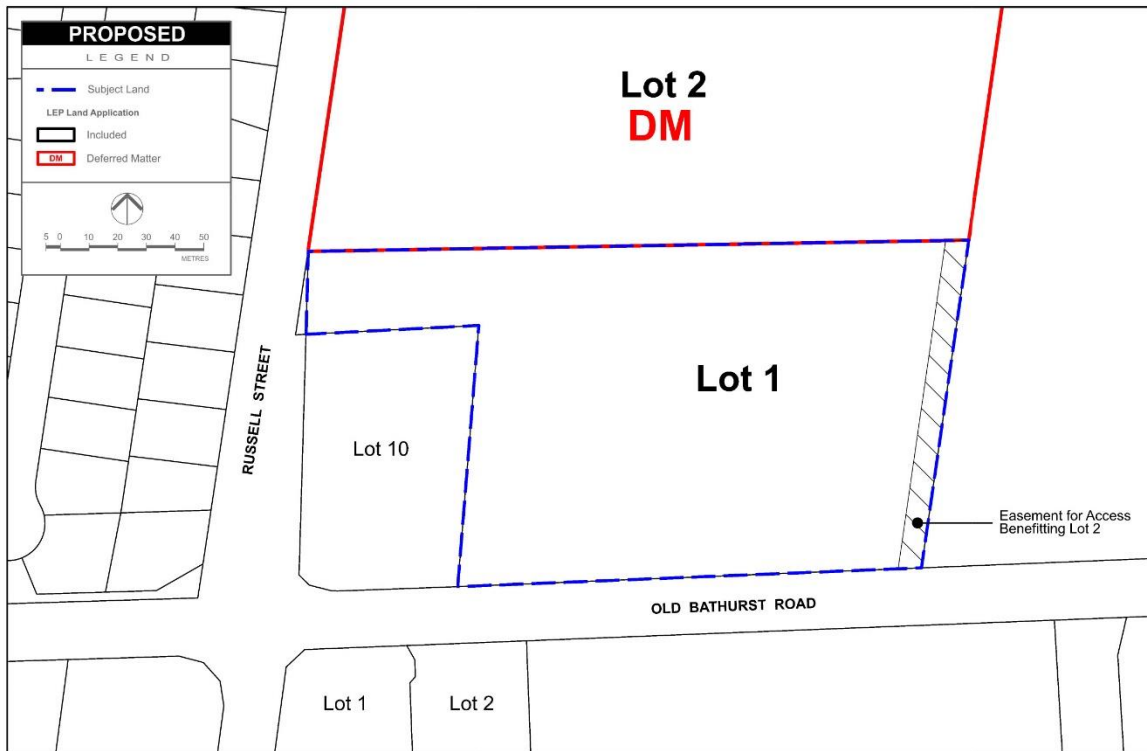
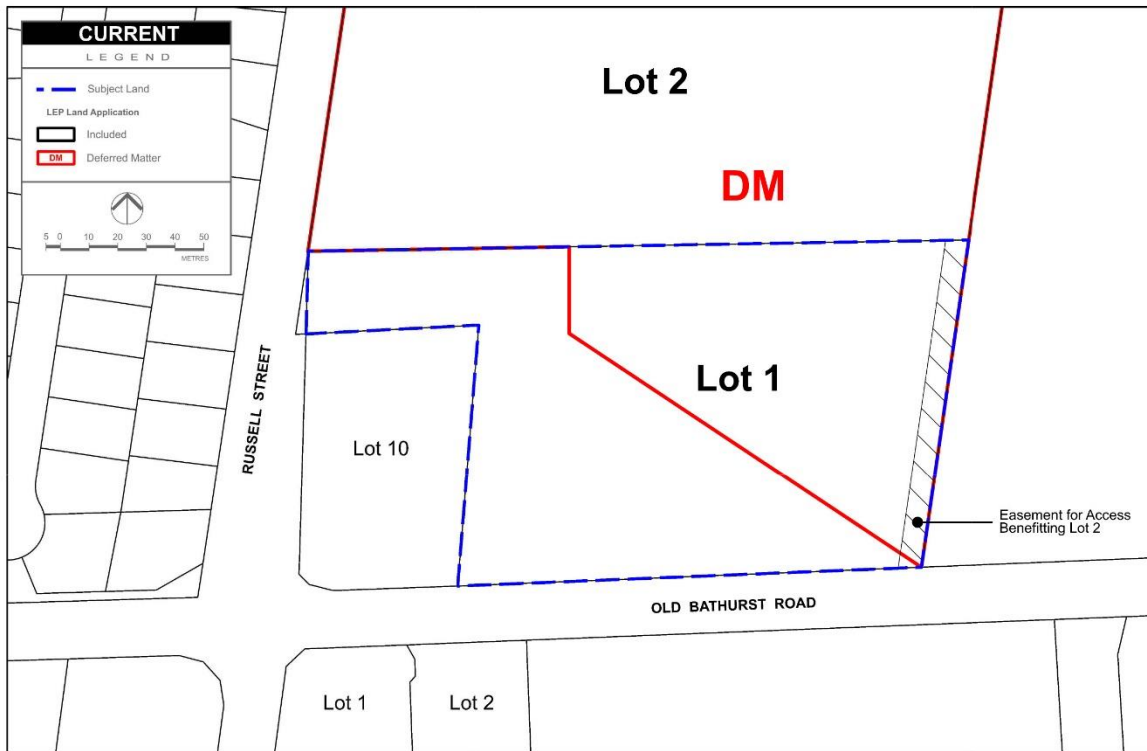
Currently, the IN2 zoned land which is subject to Penrith LEP 2010 is mapped as forming part of the Clause 7.5 scenic and landscape character area.

The eastern portion of the site is not subject to this clause or mapping.

This Planning Proposal will extend the Land with Scenic and Landscape Values mapping over the balance of Lot 1 under the Scenic and Landscape Values Map - Sheet SLV-005, consistent with the existing portion of Lot 1 which is subject to the provisions of Penrith LEP 2010.

Detailed plans showing the current and proposed LEP Scenic and Landscape Values mapping are included in Part 4 below.

**Figure 15 – Amended Land Application Map**



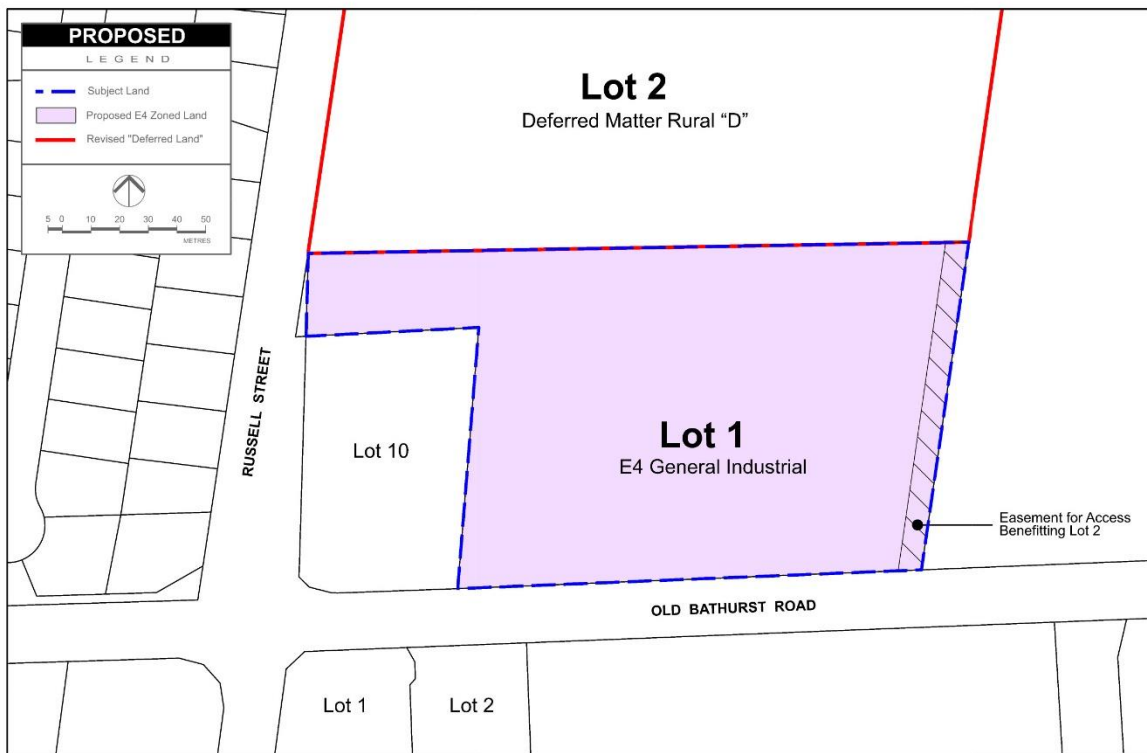
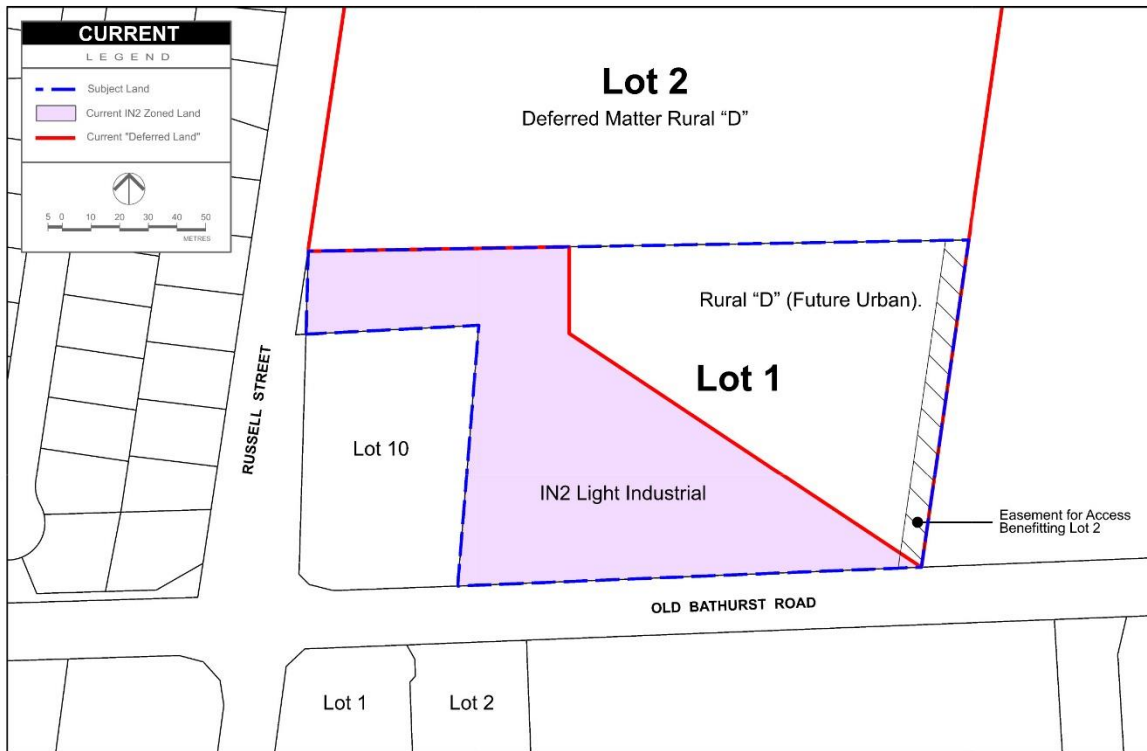
**LEP LAND APPLICATION**  
**170 RUSSELL STREET**  
**EMU PLAINS**

**NOTES**  
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 Projection MGA Zone 56  
 Areas and dimensions shown are subject to final survey calculations.  
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 PLAN No : 056.EP.014  
 REVISION : 03

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**Figure 16 – Proposed Zoning Mapping**



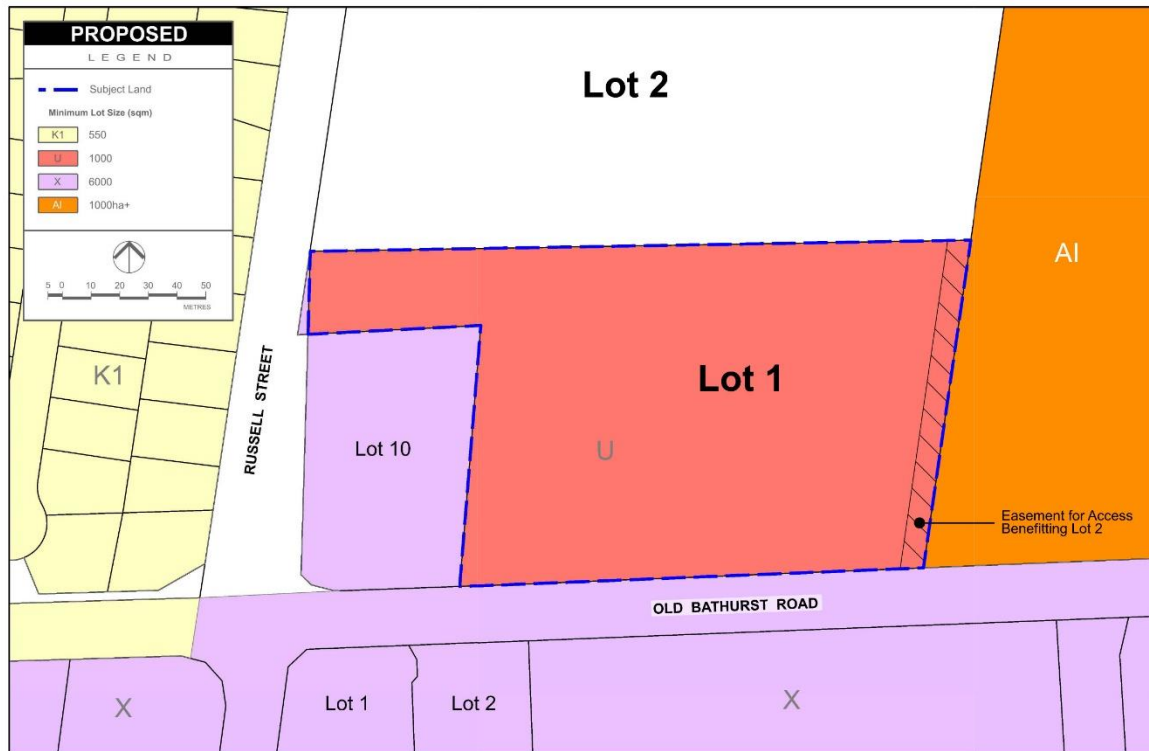
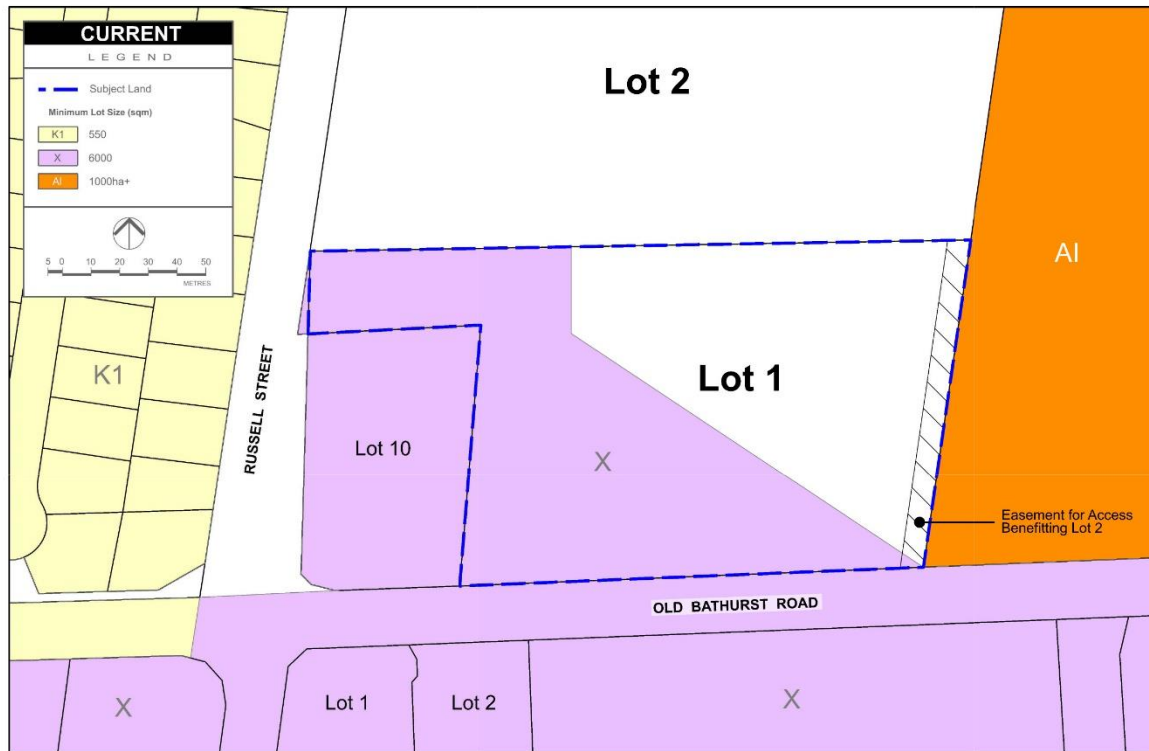
**LAND USE ZONING**  
170 RUSSELL STREET  
EMU PLAINS

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Figure 17 – Proposed Lot Size Mapping



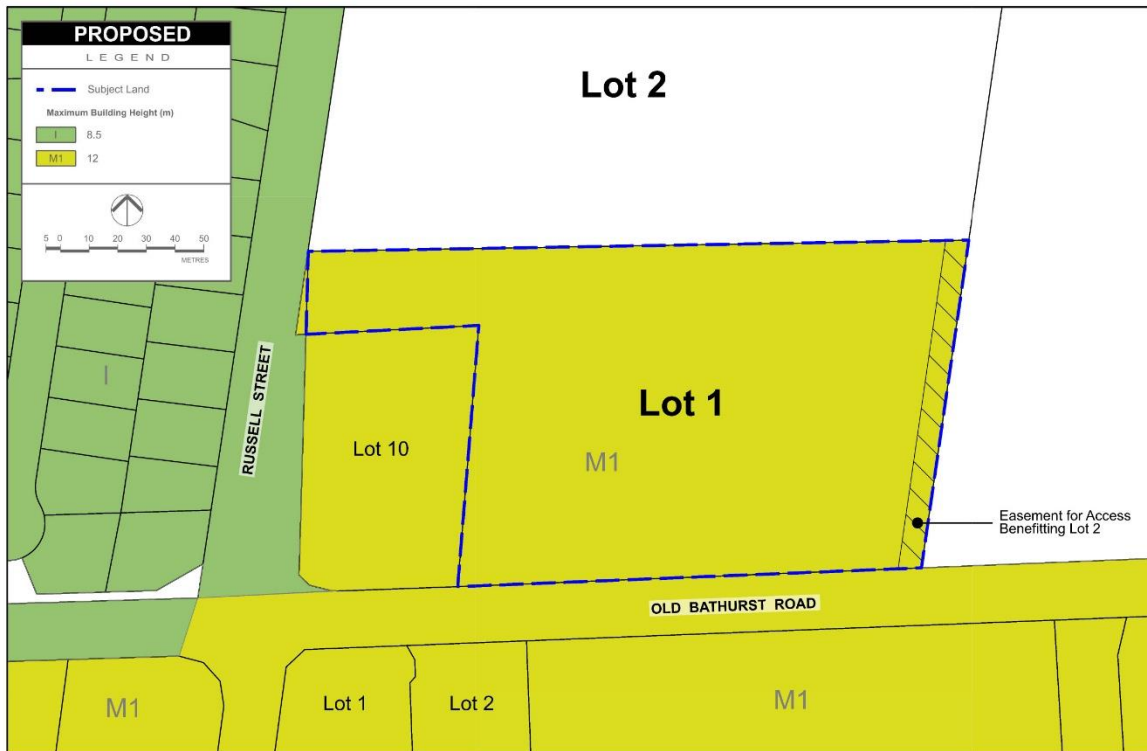
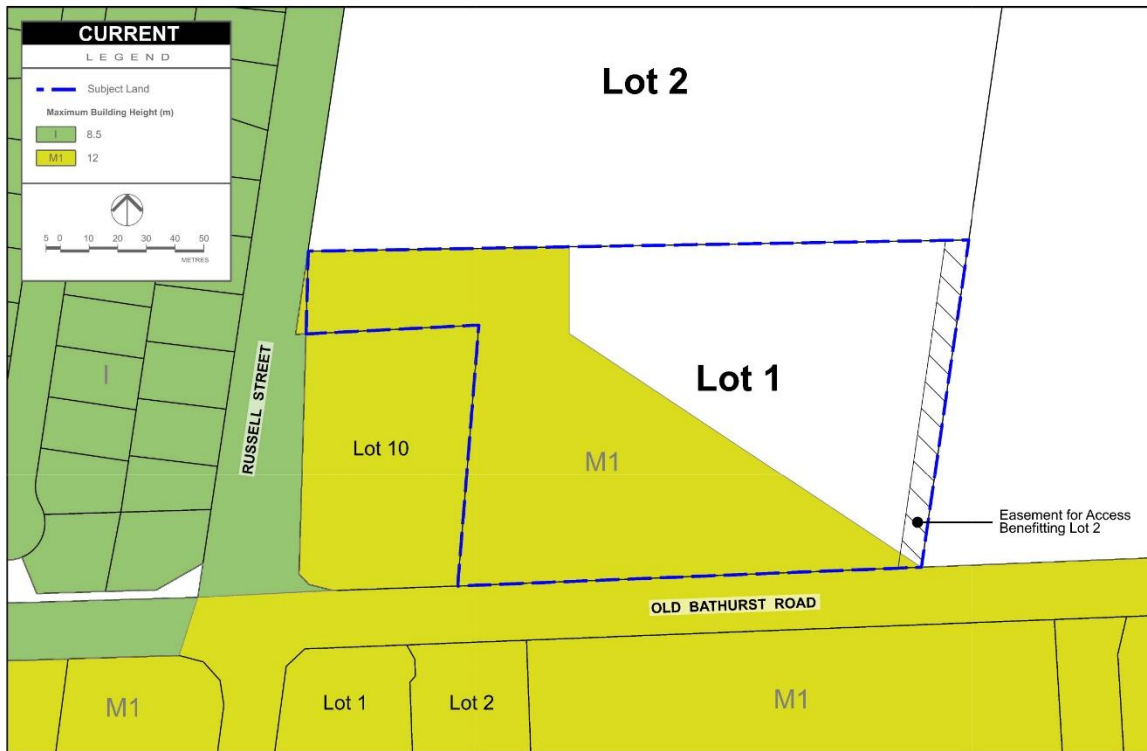
**MINIMUM LOT SIZE**  
 170 RUSSELL STREET  
 EMU PLAINS

**NOTES**  
 Base data supplied by NSW LPI  
 Projection MGA Zone 56  
 Areas and dimensions shown are subject to final survey calculations.  
 All cartography are shown for illustrative purposes only and are subject to detailed engineering design.  
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CLIENT : Le Bursicot  
 SCALE : A2 @ 1:1,000  
 DATE : 18/07/2022  
 PLAN No : 056.EP.014  
 REVISION : 03

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**Figure 18 – Proposed Building Heights Mapping**



**HEIGHT OF BUILDINGS**  
170 RUSSELL STREET  
EMU PLAINS

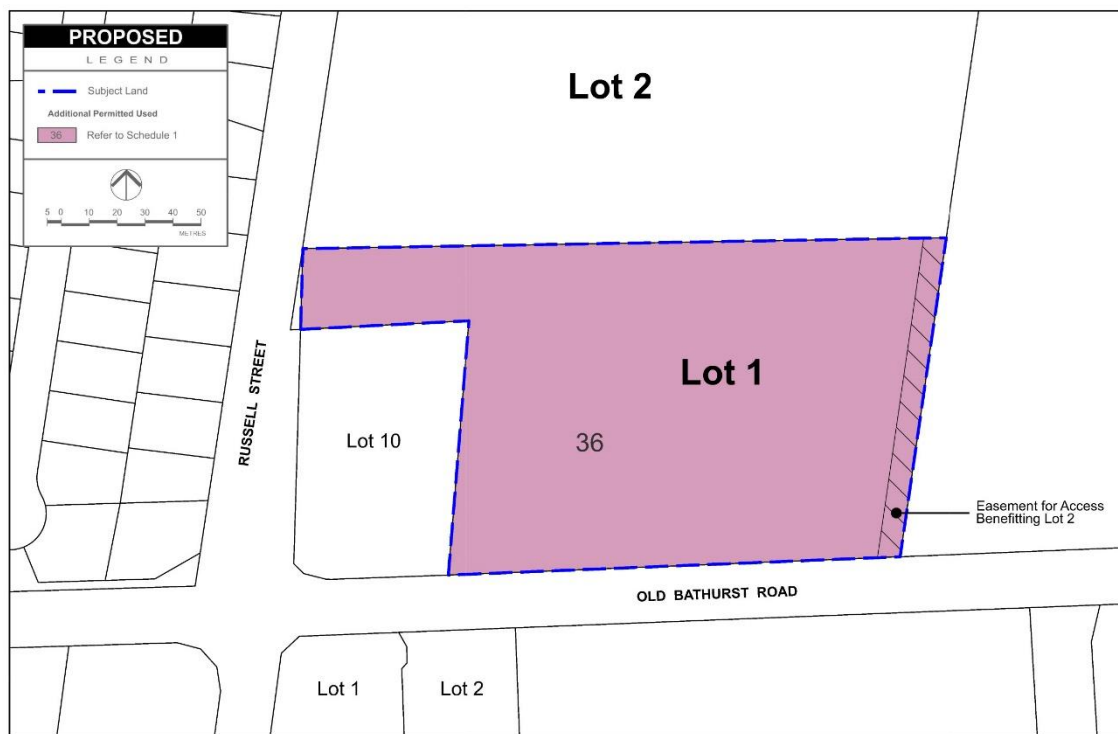
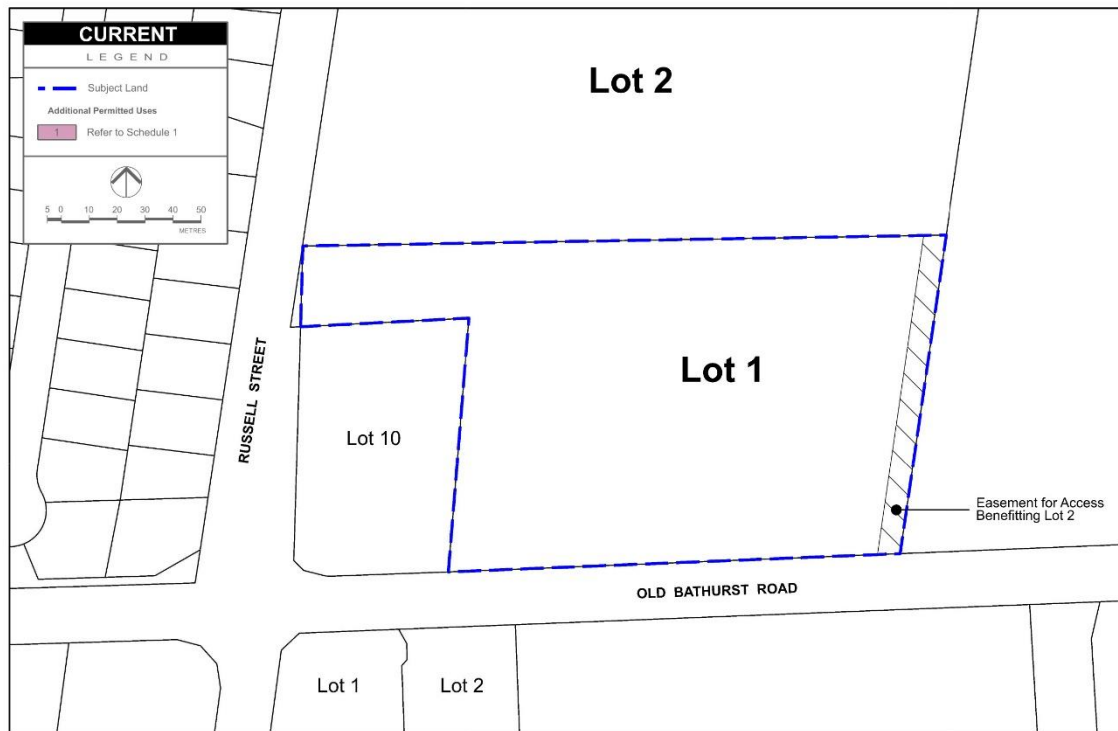
**NOTES**  
Base data supplied by NSW LPI  
Projection MGA Zone 56  
Areas and dimensions shown are subject to final survey calculations.  
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**Figure 19 – Proposed Additional Permitted Use Mapping**



**ADDITIONAL PERMITTED USES**  
**170 RUSSELL STREET**  
**EMU PLAINS**

**NOTES**  
 Base data supplied by NSW LPI  
 Projection: MGA Zone 56  
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**Figure 20 – Proposed Scenic and Landscape Values Mapping**



**SCENIC AND LANDSCAPE VALUES**  
170 RUSSELL STREET  
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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## b) Local Clauses and Land Use Provisions

### ***Additional Permitted Use Clause***

As required under the Employment Land zoning reforms, IN2 zoned land within the Penrith LGA area primarily being translated to the E4 General Industrial zone.

The IN2 zone will no longer exist.

As the new E4 zone will be a direct translation of the existing IN1 zone, Additional Permitted Uses will need to be added to Schedule 1 for the subject land to ensure existing permissible land uses are retained.

This will ensure a direct translation that provides continuity and certainty of permissibility for the land.

The Additional Permitted Use clause will read as follows:

- 1. This clause applies to land at 170 Russell Street, Emu Plains, being Lot 1, DP1273251, that is identified as "36" on the Additional Permitted Uses Map.*
- 2. Development for the purposes of amusement centres, centre-based child care facilities, community facilities, crematoria, educational establishments, electricity generating works, function centres, hotel or motel accommodation, medical centres, recreation facilities (indoor), resource recovery facilities, respite day care centres, service stations, vehicle sales or hire premises, veterinary hospitals and waste or resource transfer stations is permitted with development consent*

*(Refer to Figure 19 – Proposed Additional Permitted Use above for associated map)*

### ***Local Provisions Clause***

Council has required that an Additional LEP Local Provision be introduced in relation to filling of the site.

In Part 7 (Additional local provisions), a provision is to be introduced, being sub-clause 7.30 to read as follows:

*7.30 Development on land at 170 Russell Street, Emu Plains (Lot 1 DP 1273251)*

*Prior to the erection of buildings on the site, flood mitigation and filling works consistent with the endorsed flood impact assessment report and filling strategy, which support Planning Proposal PP-2021-4118, are to be completed to Council's satisfaction.*

## 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 industrial land within Emu Plains. There is a recognised shortage of industrial land which provides for the permissible land uses on site.



*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**

<b>SEPP Title</b>	<b>Applicable</b>	<b>Consistent</b>
<b>State Environmental Planning Policy (Biodiversity and Conservation) 2021</b>		
Chapter 2 Vegetation in non-rural areas	Not Applicable	The proposal does not seek any clearing of vegetation under this SEPP.
Chapter 3 Koala habitat protection 2020	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.
Chapter 4 Koala habitat protection 2021		

<b>SEPP Title</b>	<b>Applicable</b>	<b>Consistent</b>
Chapter 5 River Murray lands	Not Applicable	The proposal does not incorporate any land to which this chapter Applies.
Chapter 6 Bushland in urban areas	Not Applicable	The subject site does not incorporate any land zoned or identified as urban bushland.
Chapter 7 Canal estate development	Not Applicable	The Proposal is not classified as a Canal Estate.
Chapter 8 Sydney drinking water catchment	Not Applicable	The Planning Proposal does not affect land within the Sydney Water Drinking Catchment.
Chapter 9 Hawkesbury-Nepean River	Yes Applicable.	The site is within the Hawkesbury-Nepean River Catchment.  A preliminary drainage report has been provided which demonstrates how future development of the site may address water quality targets.  Any future DA will need to consider the environmental and heritage requirements of Chapter 9.
Chapter 10 Sydney Harbour Catchment	Not Applicable	The proposal does not incorporate any land to which this chapter Applies.
Chapter 11 Georges Rivers Catchment	Not Applicable	The proposal does not incorporate any land to which this chapter Applies.
Chapter 12 Willandra Lakes Region World Heritage Property	Not Applicable	The proposal does not incorporate any land to which this chapter Applies.
<b>State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</b>	Not Applicable	The proposal does not relate to residential development.
<b>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</b>	Applicable	The proposal will not alter exempt or complying provisions.
<b>State Environmental Planning Policy (Housing) 2021</b>		
Chapter 2 Affordable housing	Not Applicable	The proposal does not relate to residential development or affordable housing.
Chapter 3 Diverse housing	Not Applicable	This SEPP is not applicable to industrial or rural land.

<b>SEPP Title</b>	<b>Applicable</b>	<b>Consistent</b>
<b>State Environmental Planning Policy (Industry and Employment) 2021</b>		
Chapter 2 Western Sydney employment area	Not Applicable	The subject site is not located within the Western Sydney Employment Area.
Chapter 3 Advertising and signage	Not Applicable	The proposal will not impede the ongoing assessment of signage applications under SEPP 64.
<b>State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development</b>	Not Applicable	The proposal will not impact delivery of Residential Flat Buildings.
<b>State Environmental Planning Policy (Planning Systems) 2021</b>		
Chapter 2 State and regional development	Applicable	The subject site does not incorporate State or Regionally significant development. 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.
Chapter 3 Aboriginal land	Not Applicable	The proposal does not incorporate any land to which this SEPP Applies.
Chapter 4 Concurrences and consents	Not Applicable	The Planning Proposal does not affect implementation of Chapter 4.
<b>State Environmental Planning Policy (Precincts—Central River City) 2021</b>	Not Applicable	The proposal does not incorporate any land to which this SEPP Applies.
<b>State Environmental Planning Policy (Precincts—Eastern Harbour City) 2021</b>	Not Applicable	The proposal does not incorporate any land to which this SEPP Applies.
<b>State Environmental Planning Policy (Precincts—Regional) 2021</b>	Not Applicable	The proposal does not incorporate any land to which this SEPP Applies.

<b>SEPP Title</b>	<b>Applicable</b>	<b>Consistent</b>
<b>State Environmental Planning Policy (Precincts—Western Parkland City) 2021</b>	Yes Applicable	Refer to detailed discussion in the report above.  The Planning Proposal is consistent with the planning principles and objectives of the SEPP.
Chapter 2 State significant precincts	Not Applicable	The subject site does not incorporate land to which this SEPP applies.
Chapter 3 Sydney region growth centres	Not Applicable	The proposal does not incorporate any land to which this SEPP Applies.
Chapter 4 Western Sydney Aerotropolis	Not Applicable	The proposal does not incorporate any land to which this SEPP Applies.
Chapter 5 Penrith Lakes Scheme	Not Applicable	The subject site is not located within the Penrith Lakes Scheme.
Chapter 6 St Marys	Not Applicable	The proposal does not incorporate any land to which this chapter Applies.
Chapter 7 Western Sydney Parklands	Not Applicable	The subject site is not located within the Western Sydney Parklands.
<b>State Environmental Planning Policy (Primary Production) 2021</b>	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.
<b>State Environmental Planning Policy (Resilience and Hazards) 2021</b>		
Chapter 2 Coastal management	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.
Chapter 3 Hazardous and offensive development	Not Applicable	The proposal does not seek approval for land uses classified as hazardous or offensive development.
Chapter 4 Remediation of land	Applicable	A Stage 1 Preliminary Site Investigation (PSI) has been prepared for the site.



SEPP Title	Applicable	Consistent
		<p>The PSI concludes that the site is considered suitable or capable of being made suitable for the proposed development as per SEPP 55.</p> <p>The Proposal is consistent with the provisions and intent of the SEPP.</p>
<b>State Environmental Planning Policy (Resources and Energy) 2021</b>	Applicable	<p>The subject site does not incorporate any mining or petroleum industries or identified resources.</p> <p>Notwithstanding, the proposal will not impede the assessment or delivery of development under this SEPP.</p>
<b>State Environmental Planning Policy (Transport and Infrastructure) 2021</b>		
Chapter 2 Infrastructure	Applicable	<p>The subject site does not incorporate any identified infrastructure projects.</p> <p>Notwithstanding, the proposal will not impede the assessment or delivery of development under this SEPP.</p>
Chapter 3 Educational establishments and child care facilities	Applicable	The Planning Proposal will not affect implementation of this SEPP.
Chapter 4 Major infrastructure corridors	Not Applicable	The proposal does not incorporate any land to which this SEPP Applies or land which is identified as a transport corridor.
Chapter 5 Three ports—Port Botany, Port Kembla and Newcastle	Not Applicable	The subject site does not incorporate land to which this SEPP applies.

**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
<b>1 Employment and Resources</b>			
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.

<b>Direction</b>	<b>Applicable</b>	<b>Consistent</b>	<b>Comment</b>
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.
<b>2 Environment and Heritage</b>			
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>

Direction	Applicable	Consistent	Comment
<b>3 Housing, Infrastructure and Urban Development</b>			
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.
<b>4 Hazard and Risk</b>			
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.



<b>Direction</b>	<b>Applicable</b>	<b>Consistent</b>	<b>Comment</b>
4.3 Flood Prone Land	Applicable	Inconsistent	The proposal seeks to rezone a small portion of land within the Flood Planning Area.  A detailed flood study has been provided with this application addressing this direction and is further discussed below.
4.4 Planning for Bushfire Protection	Not Applicable		No land is proposed to be rezoned which is mapped as having bushfire affectation.
<b>5. Regional Planning</b>			
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.

Direction	Applicable	Consistent	Comment
<b>6. Local Plan Making</b>			
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.
<b>7. Metropolitan Planning</b>			
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.

Direction	Applicable	Consistent	Comment
7.8 Implementation of the Western Sydney Aerotropolis Interim Land Use and Infrastructure Implementation Plan	Not Applicable.		The site is not located within the Western Sydney Aerotropolis LUIP area.
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 9,840m<sup>2</sup>, 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.*

Notwithstanding, the proposal achieves consistency with Clause 6 of the Ministerial Direction as follows:

- There will be no development within the floodway based on the cut / fill plans.
- Development will not result in significant flood impacts to other properties.
- No development for the purposes of residential accommodation in high hazard areas
- No development for the purpose of centre-based childcare facilities, hostels, boarding houses, group homes, hospitals, residential care facilities, respite day care centres and seniors housing in areas where the occupants of the development cannot effectively evacuate
- No development to be carried out without development consent.
- No development which will result in a substantially increased requirement for government spending on flood mitigation measures, infrastructure or services.

- No development where hazardous industries or hazardous storage establishments where hazardous materials cannot be effectively contained during the occurrence of a flood event.

The Direction states that the proposal is able to be supported where it addresses / satisfies Clause 9 of the Direction.

*(a) the planning proposal is in accordance with a floodplain risk management study or plan adopted by the relevant Council in accordance with the principles and guidelines of the Floodplain Development Manual 2005, or*

*(b) where there is no council adopted floodplain risk management study or plan, the planning proposal is consistent with the flood study adopted by the council prepared in accordance with the principles of the Floodplain Development Manual 2005 or*

*(c) the planning proposal is supported by a flood and risk impact assessment accepted by the relevant planning authority and is prepared in accordance with the principles of the Floodplain Development Manual 2005 and consistent with the relevant planning authorities' requirements, or*

*(d) the provisions of the planning proposal that are inconsistent are of minor significance as determined by the relevant planning authority.*

The flood study notes that:

- The Penrith City Council has not adopted a Floodplain Risk Management Study or Plan for the Nepean River.
- The Planning Proposal is supported by this report, which has been prepared in accordance with the principles of the Floodplain Development Manual 2005 and consistent with the relevant planning authorities' requirements.
- The flood study has adequately demonstrated that the development that will not result in significant flood impacts to other properties and are of minor significance.

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 550m<sup>3</sup> through the removal of the stockpile, with a corresponding decrease in flood storage of 500m<sup>3</sup> through filling of Lot 1.

This results in an increase of 50m<sup>3</sup> 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 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

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

<b>Map</b>	<b>Tile Number</b>
<b>Land Application Map</b>	Sheet LAP_001
<b>Land Zoning</b>	Sheet LZN_005
<b>Lot Size</b>	Lot Size Map: Sheet LSZ_005
<b>Height of Buildings</b>	Height of Building Map: Sheet HOB_005
<b>Scenic and Landscape Values</b>	Scenic and Landscape Values Map: Sheet SLV_005
<b>Additional Permitted Uses</b>	Additional Permitted Uses Map: Sheet APU_005

The proposed Penrith LEP 2010 map amendments are provided at Appendix 1.

## Part 5 – Community Consultation

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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

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<b>Milestone</b>	<b>Timeframe</b>
Council Assessment of Planning Proposal	October 2021 to March 2022
Local Planning Panel	December 2021
Council's sponsor of the Planning Proposal	September 2022
Submission to NSW Department of Planning, Industry and Environment	October 2022
Gateway Determination issued	October 2022
Public exhibition and public authority consultation	November 2022
Consideration of submissions	January 2023
Reporting of the Planning Proposal to Council	March 2023
Submission to NSW Department of Planning, Industry and Environment and Parliamentary Counsel Office	April 2023
Publication of LEP amendment	May 2023



# Appendices

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# APPENDIX 1

## Proposed Penrith LEP 2010 Maps

APPENDIX 2  
Proposed Penrith LEP 2010

Additional Permitted Use Clause Amendments

# APPENDIX 3

## Penrith DCP 2010 – Table of Amendments

# APPENDIX 4

## Engineering Review



# APPENDIX 5

## Traffic Report

# APPENDIX 6

## Aboriginal Heritage Report

# APPENDIX 7

## European Heritage Report

# APPENDIX 8

## Flood Study

# APPENDIX 9

## Servicing Review



# APPENDIX 10

## Drainage Review