

Record of Briefing

Sydney Western City Planning Panel

BRIEFING DETAILS

BRIEFING DATE / TIME	Monday, 11 November 2024
LOCATION	MS teams

BRIEFING MATTER(S)

PPSSWC-375 – Penrith – DA23/0955 - 35-53 Chain-O-Ponds Mulgoa

Staged Torrens Title Subdivision into 235 Lots including Public Roads including Demolition Works, Land Remediation, Civil Works and Landscaping (Stages 1 & 2, Glenmore Park Stage 3).

PANEL MEMBERS

IN ATTENDANCE	Justin Doyle (Chair), David Kitto, Susan Budd
APOLOGIES	NIL
DECLARATIONS OF INTEREST	NIL

OTHER ATTENDEES

COUNCIL ASSESSMENT STAFF	Jacqueline Klincke, Robert Craig, Lucy Goldstein and Natalie Stanowski
APPLICANT	Ian Brown, Peter Lawrence, William Hodgkinson, Aaron Baker, William Donnelley
PLANNING PANELS	Renah Givney

KEY ISSUES DISCUSSED

- The Panel noted the slow progress with the assessment of this DA, where commitments to provision for civil infrastructure and services should have always been a central focus of both the design of and planning for the subdivision, and the planning assessment. No interim briefing note reporting on progress was available.
- Both the Council and the Applicant advised that they ought to be able to complete an exchange of their respective positions concerning the structure plan, contributions and associated planning issues before Christmas. That is necessary for the Council to be able to complete a determination assessment report by the end of February.
- The Panel is advised that IPART has completed its review of the Contributions Plan. The Panel understands that the Plan is now with the Department of Planning and that the Plan is expected to be finalised in November. The Secretariat is to contact the relevant officer at the Department to ensure that the final Contributions Plan and satisfactory arrangements certification are on track to allow Council to report on the DA by February.
- The Panel was informed that the significant merit considerations including ecological impact, contamination and water management issues were largely resolved, and no significant merit issue was identified in the discussion.
- In those circumstances, the persons attending the meeting agreed to the following timeline moving forward:
 1. The Applicant is to submit its response to Council's last RFI request including addressing any outstanding matter relating to the issues discussed above by 29 November 2024.
 2. The Council is to submit to the Applicant its response to any matter seen as unresolved before the Christmas break.
 3. Relevant consultants from the Applicant and corresponding officers of the Council are to meet if there remains any unresolved issue in the new year to allow considered report on any outstanding issue to be prepared by 7 February 2025 for a briefing to be convened in mid-February. That ought to allow for this long-standing DA to be finally determined by March 2025.

PRELIMINARY BRIEFING – 29 JANUARY 2024

KEY ISSUES DISCUSSED

Chair reviewed attendance and introduced Preliminary Briefing purpose and process.

Council

- Council provided an overview of the proposal, advising this is the first proposed subdivision for the Glenmore Park Stage 3 – urban release area.
- Council outlined its key assessment issues and considerations including:
 - Subdivision design
 - Level of access and embellishment to linear park/riparian corridor
 - Planning Secretary's concurrence is required under Clause 6.3A of the Penrith LEP
 - Design of upgrade works to Chain-O-Ponds Road.
 - Clarification likely to arise from internal referrals in response to technical assessment reports

- Referrals to DCCEEW and RFS remain outstanding.
- RFI is to be issued mid-February, applicants response required by mid-March. Tentative assessment report to be provided to Panel for determination in June 2024.
- Response from TfNSW raised issues with the adequacy of the proposal to deal with proposed population including:
 - Intersections
 - Single laned roads
- Council's biodiversity officer has queries regarding proposed development outside of the approved conservation zones. These are to be articulated through the pending RFI.
- Notification concluded - one submission received.

Applicant

- The applicant outlined the rezoning undertaken creating the Glenmore Park Stage 3 – Urban Release area. The associated conservation plan is still awaiting sign off at the Commonwealth level.
- The applicant provided descriptions of site context and existing condition, and proposed bulk earthworks and subdivision of Stage 1, including roads, landscaping and stormwater infrastructure.
- The applicant advised that rehabilitation of the environmental corridor which traverses the site is proposed, including revegetation and the provision of passive recreation opportunities in the future. The applicant confirmed that public access to this space is proposed as part of this application.
- With respect to the TfNSW response, the applicant advised that a TIA was prepared as part of the rezoning proposal which addresses adequacy of proposed roads. Referral to TfNSW has been as a traffic generating development and not integrated as works are not proposed at the classified road. Proposed street and road typology is consistent with the DCP developed for the release area.
- The applicant advised that the application has not been referred to the Commonwealth as proposed vegetation impacts outside of the conservation plan will not trigger the Commonwealth legislation.
- The Applicant's ecologist David Robertson advised that the ecology was of low grade and the impacts could be managed.
- With respect to contamination, the applicant has prepared a dam dewatering assessment and significant concerns were not raised.

Panel

- The Panel noted that TfNSW response raises concerns with:
 - (a) the adequacy of Chain-O-Ponds to efficiently cater for the future traffic demands of the 1,250 residential lots that will use this intersection post development, given that the submitted concept plan indicates that Chain-O-Ponds Road will have a road configuration that consists of a single through lane and a parking lane in each direction.
 - (b) potential queuing and congestion in relation to the efficiency of traffic signals at the intersection of Mulgoa Road/Chain-O-Ponds which may require provision of dual right turn lanes in the future,
- TfNSW has suggested that Chain-O-Ponds Road be designed with two traffic lanes in each direction from Mulgoa Road to the proposed roundabout, with the merge to one lane located to the west of the proposed roundabout.

- The Panel discussed onsite ecology, and specifically the requirements for Commonwealth approvals noting applicable provisions of the Bilateral Agreement if triggered.
- The Panel noted that contamination exists onsite and sought clarification of the extent of contamination and proposed remediation and certification of measures proposed.
- The Panel sought clarity as to public access to be facilitated to the environmental corridor. The applicant advised it would be publicly accessible.