

31 January 2017

Krishti Akhter
Planner
Penrith City Council
Via email: Krishti.Akhter@penrith.city

RZ16/0009

1147-1175 and 1177-1187 Mulgoa Road, Mulgoa (Fernhill Estate – Eastern Precinct)

Dear Krishti,

Thank you for your 20th December 2016 letter inviting us to discuss the consistency of the above Planning Proposal with the Greater Sydney Commission's Draft West District Plan.

Brief overview of proposal

The above Planning Proposal seeks the amendment of Land Use Zoning and Minimum Lot Size controls under the Penrith Local Environmental Plan 2010 to enable modest low density residential development within the above site. As part of the Planning Proposal, two Options are offered:

- Option 1: Incorporates 50 residential allotments ranging between 782m² and 1,804m² setback between 48 and 90 metres from Mulgoa Road with layout identical to that which was proposed and supported by technical consultants under withdrawn IDA 14/0966.
- Option 2: Incorporates 52 residential allotments ranging between 555m² and 3,557m² with setback between 43 and 153 metres from Mulgoa Road with layout better responding to the Desired Future Character (as outlined in the Planning Proposal) through retention of existing rectilinear road pattern of existing streets within Mulgoa Village.

Greater Sydney Commission Draft District Plans (2016)

The Draft District Plans for the first time establish Sydney as a Metropolis of Three Cities: East, Central and West. The primary catalyst for the establishment of the Western City is the construction of the Western Sydney Airport which, by 2063, will “enable 60,000 direct jobs” (AUS DoI&RD 2016). Substantial public infrastructure and private investment is underway to support the new airport, including (see Appendix A):

- Airport public transport link options under investigation (indicated with numbered arrows).
- The M9 Outer Sydney Orbital (currently under investigation) M12 Motorway (preferred corridor route identified) which will link the upgraded Northern Road and Westlink M7 via the Western Sydney Airport.
- The Western Sydney Employment Area which over the next 30 years, is to provide more than 57,000 jobs with 212,000 forecasted for the longer term (NSW DoPE 2016). It includes the Sydney Science Park, a multi-stage development enabled by recently gazetted Planning Proposal, which is to “create more than 12,000 knowledge based jobs, cater to over 10,000 students and be home to over 10,000 residents” (celestino 2016).
- The Greater Penrith Strategic Centre, “the gateway to Greater Sydney” which “provides regional transport connections into Greater Sydney. The centre comprises Western Sydney University Werrington Campus, Western Sydney TAFE, Nepean Hospital and major retail activity. Significant growth potential is associated with the concentration of health and education within this centre” (GSC 2016, p. 34).

Whilst Mulgoa does not form part of the peripheral area of the Western City, it is far closer to its core than Greater Penrith Strategic Centre (which is within the peripheral area). Therefore, it is not immune to the opportunity to provide modest increase in residential living opportunities as afforded by the aforementioned substantial public infrastructure and private investment underway within driving distance.

Development enabled by the Planning Proposal allows modest increase in residential living opportunities that differ to that which is offered in the release areas in the North West and South West Growth Centres by facilitating semi-rural lifestyle within a landscaped setting, clustered around an existing Village. This is achieved through a range of allotment sizes to ensure diversity and affordability, as well as sufficient lot size to accommodate homes with generous backyards and parking for several vehicles and/or watercraft for recreational purposes, as well as for commuting in privacy and comfort to employment in the Western Sydney Airport and Employment Area.

The Vision Towards our Greater Sydney 2056 for the Metropolis of Three Cities incorporates a Productive City, a Liveable City and a Sustainable City, each being supported by multiple Priorities. The Planning Proposal is assessed in detail against these priorities in Appendix B.

Sincerely,
ae design partnership Pty Ltd

A handwritten signature in black ink, appearing to be 'Rohan Dickson', with a long horizontal flourish extending to the right.

Rohan Dickson
Director

Appendix A – Greater Sydney's Western City and surrounds

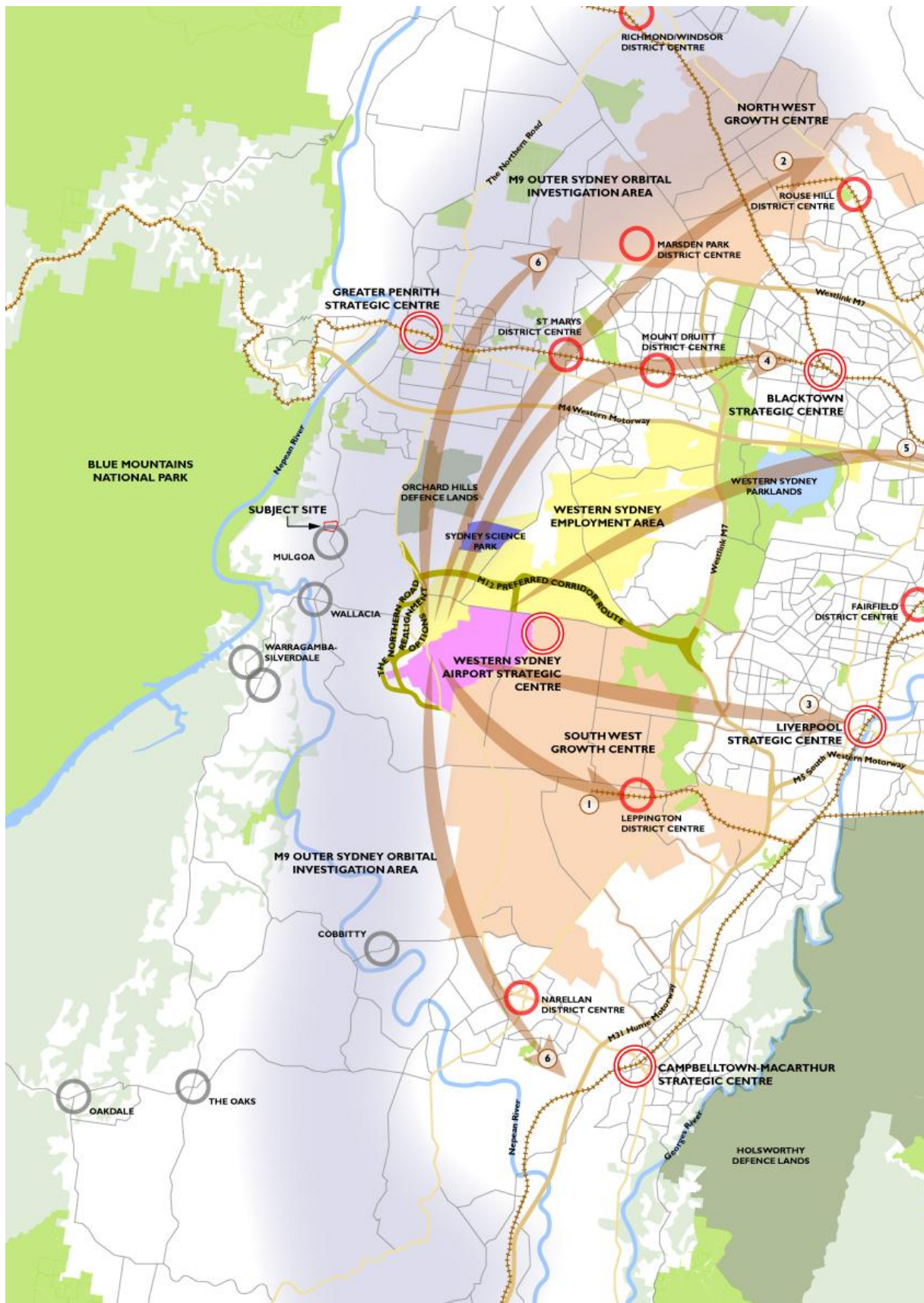


Figure 1: Summary strategic context including Western Sydney Airport, planned growth areas, existing and planned transport infrastructure and key centres

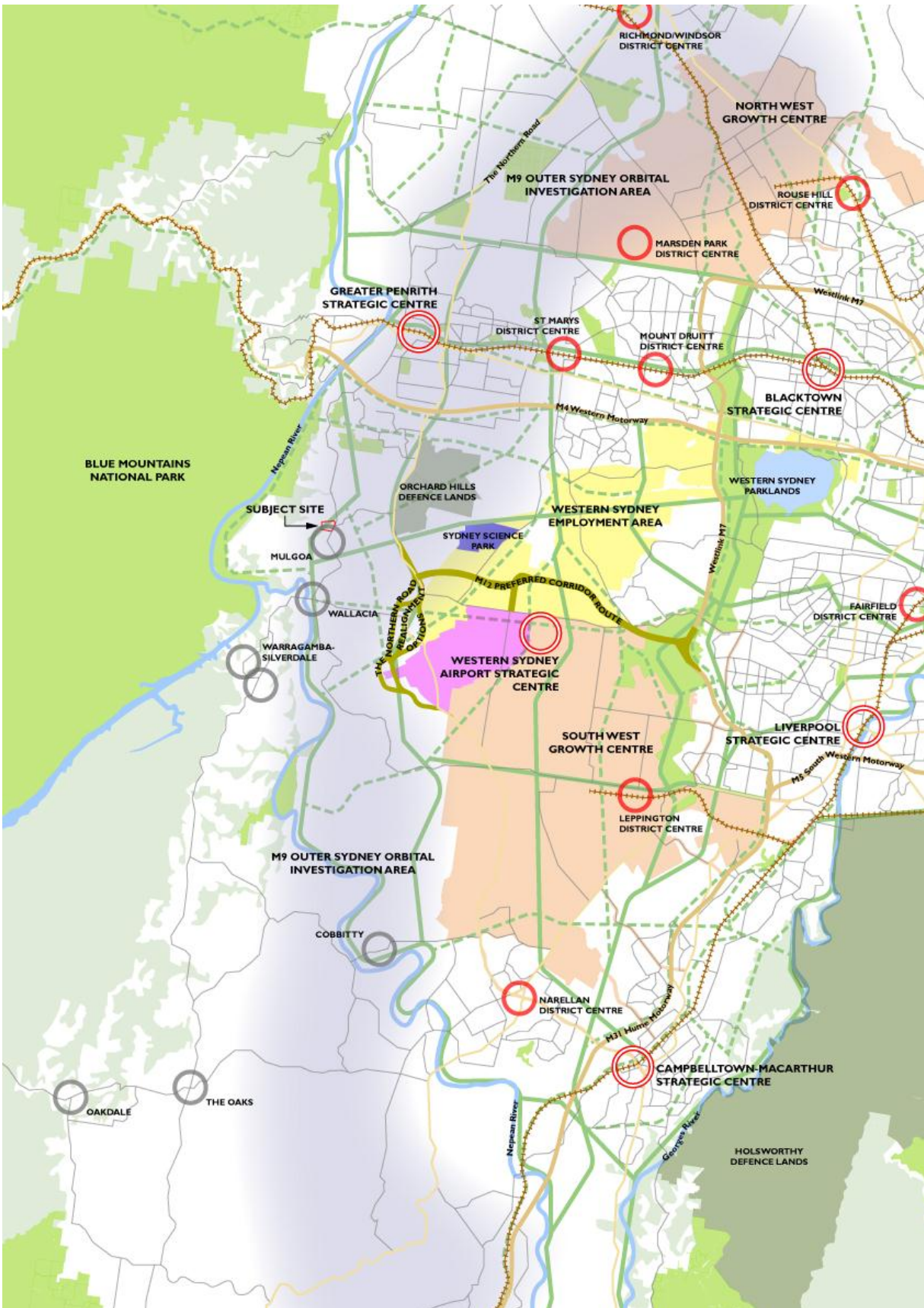


Figure 2: Greater Sydney Commission Draft District Plan Green Grid

Appendix B – Consistency with Greater Sydney Commission's Draft West District Plan

Productivity Priorities:	Comments:
1. <i>Create high quality urban amenity across the Western City</i>	As discussed in the preamble to this letter, two development options are proposed as part of the Planning Proposal. Both options are capable of achieving high quality urban amenity by providing transition from rural setting to village through: • Varied setback with built form predominantly located west of ridgeline; and • Retention of view corridors to Fernhill Estate beyond.
2. <i>Support the visitor economy</i>	Development enabled by the Planning Proposal will support the visitor economy: • In the local context (Mulgoa): making land previously locked away in private ownership publicly accessible through dedication to Council for the purpose of public open space, offering views to the State Heritage listed Fernhill Estate and creating opportunities to interact with the locally heritage listed slab hut. • In the broader context: creating residential opportunities for those who wish to maintain a semi-rural lifestyle whilst employed in the key contributor to the visitor economy in Western Sydney, the Western Sydney Airport.
3. <i>Manage growth and change in strategic and district centres, and, as relevant, local centres</i>	Mulgoa is not identified as a Strategic, District or Local centre under the Greater Sydney Commission's Draft West District Plan. Nevertheless, Mulgoa Village incorporates a number of services that serve the needs of local residents, including Mulgoa Public School, Mulgoa Shopping Centre (including supermarket, bakery, hair and beauty, green grocer, butcher, pharmacy, newsagent and restaurants) and general practitioner. Development enabled by the Planning Proposal will allow modest increase in population, supporting existing businesses whilst creating new employment opportunities.
4. <i>Prioritise the provision of retail floor space in centres</i>	Development enabled by the Planning Proposal will allow modest increase in population, supporting existing businesses whilst creating new employment opportunities.
5. <i>Protect and support employment and urban services land</i>	The subject site is currently vacant. It is not occupied employment or urban services.

Liveability Priorities:	Comments:
1. <i>Deliver West District's five-year housing targets</i>	Development enabled by the Planning Proposal will allow modest increase in housing supply in Mulgoa through the provision of 50-52 allotments.
2. <i>Deliver housing diversity</i>	Development enabled by the Planning Proposal allows modest increase in residential living opportunities that differ to that which is offered in the release areas in the North West and South West Growth Centres by facilitating semi-rural lifestyle within a landscaped setting, clustered around an existing Village. This is achieved through a range of allotment sizes to ensure diversity and affordability, as well as sufficient lot size to accommodate homes with generous backyards and parking for several vehicles and/or watercraft for recreational purposes, as well as for commuting in privacy and comfort to employment in the Western Sydney Airport and Employment Area.
3. <i>Implement the Affordable Rental Housing Target</i>	Development enabled by the Planning Proposal does not incorporate Affordable Rental Housing.
4. <i>Increase social housing provision</i>	Development enabled by the Planning Proposal does not incorporate social housing.
5. <i>Develop guidelines for safe and healthy built environments</i>	Development enabled by the Planning Proposal facilitates a safe and healthy built environment by making land previously locked in private ownership publicly accessible through dedication to Council for the purposes of public open space. The public open space incorporates views to the state heritage listed Fernhill Estate and creates opportunities to interact with the locally heritage listed slab hut, as well as the dam to the west.
6. <i>Facilitate enhanced walking and cycling connections</i>	As above.
7. <i>Conserve heritage and unique local characteristics</i>	As above.
8. <i>Foster the creative arts and culture</i>	As above.
9. <i>Share resources and spaces</i> <i>Relevant planning authorities should consider the delivery of shared local facilities such as community hubs, cultural facilities and public libraries as multifunctional shared spaces.</i>	As above.
10. <i>Support innovative school planning and delivery</i>	Primary education opportunities are available in Mulgoa (adjacent Mulgoa Public School), Wallacia and Warragamba. Abundant primary, secondary and tertiary education opportunities are available in the Penrith urban area to the north.

<i>11. Provide socially and culturally appropriate infrastructure and services</i>	As discussed in the preamble to this letter, Option 1 is identical to that which was proposed and supported by technical reports under IDA 14/0966, including Social Impact Assessment. The Social Impact Assessment did not identify a need to provide additional infrastructure and services. As Option 2 proposes only two more lots than does Option 1, it is anticipated that a similar assessment would be made.
<i>12. Support planning for health infrastructure</i>	In November 2016, the NSW Government announced "A \$550 million redevelopment [which] will transform Nepean Hospital and bring a state-of-the-art healthcare facility one of the state's fastest-growing areas", in addition to a recent "\$146 million upgrade of the hospital, which included a mental health facility, the third largest oral health unit in NSW and a 650-space car park". The latest upgrades include: • A new clinical services block • Expanded and upgraded medical imaging • At least 12 new operating theatres • 18 birthing suites in new accommodation • A new Neonatal Intensive Care Unit • More than 200 overnight beds in new accommodation • A new helipad • New community health services
<i>13. Support planning for emergency services</i>	In addition to the emergency medical services available in Penrith, fire station and police station are located in Warragamba 8.7 kilometres (12 minutes' drive) to the south. As discussed in the preamble to this letter, Option 1 is identical to that which was proposed and supported by technical reports under IDA 14/0966, including Bushfire Report. Identical APZs were factored into the design of Option 2.
<i>14. Support planning for cemeteries and crematoria</i>	The Desired Future Character for the subject site, derived from urban design analysis conducted as part of the Planning Proposal, is for low density residential development consistent with the existing pattern of development within Mulgoa Village and broader locality.

Sustainability Priorities:

Comments:

1. <i>Maintain and improve water quality and waterway health</i>	As discussed in the preamble to this letter, Option 1 is identical to that which was proposed and supported by technical reports under IDA 14/0966, including Stormwater Management Report. Whilst further assessment of Option 2 would be required at DA stage, we are of the opinion that development will not have greater impact than does Option 1 as it is located largely within the same area and results in only two additional allotments (52 as compared to 50).
2. <i>Avoid and minimise impacts on biodiversity</i>	As discussed in the preamble to this letter, Option 1 is identical to that which was proposed and supported by technical reports under IDA 14/0966, including Ecology Report. Whilst further assessment of Option 2 would be required at DA stage, we are of the opinion that development will not have greater impact than does Option 1 as it is located largely within the same area and results in only two additional allotments (52 as compared to 50).
3. <i>Align strategic planning to the vision for the Green Grid</i>	Through dedication of residual land for the purpose of public open space, development enabled by the Planning Proposal facilitates enable access to the Green Grid, of which the subject site forms a part as shown in Figure 2 in Appendix A.
4. <i>Protect, enhance and extend the urban canopy</i>	A large portion of the subject site is protected in perpetuity under BioBanking agreement, as shown in Figure 14 of the Planning Proposal. As discussed in the preamble to this letter, Option 1 is identical to that which was proposed and supported by technical report under IDA 14/0966, including Ecology Report. Whilst further assessment of Option 2 would be required at DA stage, we are of the opinion that development will not have greater impact than does Option 1 as it is located largely within the same area and results in only two additional allotments (52 as compared to 50).
5. <i>Improve protection of ridgelines and scenic areas</i>	Both Options 1 and 2: • Incorporate varied setback with built form predominantly located west of ridgeline; and • Retain view corridors to Fernhill Estate beyond.
6. <i>Discourage urban development in the Metropolitan Rural Area</i> <i>Urban development in the Metropolitan Rural Area is not consistent with the protection of the Area's existing values. Conversion of land to urban residential development is not necessary in the short to medium term given the supply of land for housing in other parts of Greater Sydney, and conversion of rural land</i>	The subject site: • Under the Greater Sydney Commission's Draft West District Plan: forms part of the Metropolitan Rural Area. • Under the Penrith Local Environmental Plan 2010: has land use zoning E3 Environmental Management.

to suburban development does not form part of the housing targets that have been defined for the District or individual local government areas.

In general, urban development in the Metropolitan Rural Area will not be supported unless the relevant planning authority has undertaken strategic planning in accordance with Sustainability Priorities 7 and 8.

Relevant planning authorities should not support planning proposals affecting land currently within a RU (rural) or E (environmental) zone unless:

- *These are in areas identified in a regional plan or a district plan as urban investigation areas*
- *These also form part of, or are identified as a result of, strategic planning in accordance with Sustainability Priorities 7 and 8*

- Does not form part of an urban investigation area identified in a regional or district plan.

Notwithstanding the above, we are of the opinion that development enabled by the Planning Proposal is appropriate on the grounds that:

Metropolitan Rural Area:

Mulgoa is not immune to the opportunity to provide modest increase in residential living opportunities as afforded by the substantial public infrastructure and private investment underway within driving distance, as discussed in the preamble to this letter.

Development enabled by the Planning Proposal has rural residential character derived from clustering around the existing village and provision of publicly accessible open space with landscaped treatment and retained rural and heritage vistas.

Heritage:

Development enabled by the Planning Proposal is sited and designed to retain views to Fernhill Estate, as identified in the Conservation Management Plan submitted as part of withdrawn IDA 14/0966 and endorsed by the Heritage Council of NSW. It additionally creates opportunities to interact with the locally heritage listed slab hut.

7. Consider environmental, social and economic values when planning for the Metropolitan Rural Area

Agriculture and primary industries are essential to Greater Sydney and to the West District's economy. They need to be planned and protected to avoid their transition to higher and better uses (in financial terms) such as suburban residential development.

In planning for the Metropolitan Rural Area, the relevant planning authority should undertake its own review of land use activities in the context of environmental, economic and social values, and consider our research regarding the multiple values and activities in their District to better understand how they are operating, the range of uses operating within them, their interdependencies, key constraints and opportunities to their effective operation and evolution.

On this bases, when planning for the Metropolitan Rural Area in the West District,

Under existing conditions, the subject site is occupied by a single dwelling. There is no history of extensive primary production, with the exception of light grazing. Future primary production within the subject site is unlikely due to:

- Accessibility: Only available from Mulgoa Road with access from the rear precluded by dam and vegetation protected under BioBanking agreement.
- Lot size: Insufficient size to accommodate high intensity primary production.

relevant planning authority should consider how to:

- *Provide greater certainty with regards to built form outcomes in and around villages*
- *Articulate the different landscapes and heritage values and character of rural areas, with different planning and development controls*
- *Clarify what the future should be for rural lands to prevent speculation and protect against encroachment*
- *Conserve Aboriginal cultural heritage*
- *Maximise opportunities from the agriculture industry's proximity to Western Sydney Airport.*

The resolution of a preferred alignment for the Outer Sydney Orbital will change the structure of major transport corridors in the West District, and flowing from this, the relationship between transport and land use boundaries. These relationships will be considered as part of the review of A Plan for Growing Sydney.

8. *Provide for rural residential development while protecting the values of the Metropolitan Rural Area*

Rural landscapes provide opportunities for housing in rural towns and villages, as well as rural residential living that is already dispersed throughout the Metropolitan Rural Area. Any plans to expand rural towns and villages must first consider how these places in the landscape and how their valued characteristics can be protected and extended sympathetically in order to optimise their cultural and economic potential. This will involve analysis of the key characteristics of these towns and villages as part of a design-led approach.

Consideration of further subdivision for rural residential development should be approached in a similar way, with careful consideration of siting, impacts and potential to improve and ensure ongoing maintenance of biodiversity, ecological, scenic and productive values.

The subject site:

- Under the Greater Sydney Commission's Draft West District Plan: forms part of the Metropolitan Rural Area.
- Adjoins Mulgoa Village to the north.
- Under the Penrith Local Environmental Plan 2010:
 - Identified as 'Land with Scenic and Landscape Values'; and
 - Forms part of 'Vistas of heritage items' (Fernhill Estate).
- Includes locally heritage listed slab hut.
- Includes vegetation protected in perpetuity under BioBanking agreement.

The design options discussed in the preamble to this letter were prepared in consideration of the above:

Metropolitan Rural Area:

Mulgoa is not immune to the opportunity to provide modest increase in residential living opportunities as afforded by the substantial public infrastructure and private investment underway within driving distance, as discussed in the preamble to this letter.

Relevant planning authorities should adopt a design-led approach to planning for localities that:

- *Considers siting and design principles for rural residential development that conserves the values identified in the report on considerations for district planning in the Metropolitan Rural Area*
- *Considers restrictions on additional rural residential development that may be affected by existing or future rural and agricultural activity*
- *Considers setbacks and defines appropriate buffers for rural activities*
- *Investigates and develops innovative approaches to conserve and manage biodiversity, habitat and scenic landscapes.*

Councils should liaise with the Commission to develop design-led approaches for the Metropolitan Rural Area and in the first instance, use the design approaches outlined in the NSW Government's draft Architecture and Urban Design Policy, Better Placed (October 2016).

How these matters have been taken into account is to be demonstrated in any relevant planning proposal.

Development enabled by the Planning Proposal has rural residential character derived from clustering around the existing village and provision of publicly accessible open space with landscaped treatment and retained rural and heritage vistas.

Mulgoa Village:

Development enabled by the Planning Proposal responds to the Village through:

- Clustering around existing Village.
- Varied setback to Mulgoa Road with built form predominantly located west of the ridgeline, ensuring transition from rural to village character.
- Retains rectilinear pattern of development (Option 2).

Heritage:

Development enabled by the Planning Proposal is sited and designed to retain views to Fernhill Estate, as identified in the Conservation Management Plan submitted as part of withdrawn IDA 14/0966 and endorsed by the Heritage Council of NSW. It additionally creates opportunities to interact with the locally heritage listed slab hut.

Biodiversity:

High value vegetation protected under BioBanking agreement is retained. Development enabled by the Planning Proposal is capable of achieving net gain in vegetation, as proven by Landscape Plan forming part of withdrawn IDA 14/0966.

9. Support opportunities for District waste management

As discussed in the preamble to this letter, Option 1 is identical to that which was proposed and supported by technical report under IDA 14/0966, including Infrastructure Report. The report stated the following in relation to sewer (p. 5): "Previous Sydney Water advice indicates that the existing MWS Sewerage System has capacity for 80 additional lots. As the proposed development consists of 50 lots it is proposed to provide a conventional sewerage system for this area which would be taken over by Sydney Water. The sewer from each property would drain via gravity to a pumping station located on the site which would then discharge to the Mulgoa sewerage system via a rising main".

Whilst further assessment of Option 2 would be required at DA stage, we are of the opinion that development will not have greater impact than does Option 1 as it is located largely within the same area

	and results in only two additional allotments (52 as compared to 50).
<i>10. Mitigate the urban heat island effect</i>	The subject site is located in the Metropolitan Rural Area where the effects of the urban heat island are minimal.
<i>11. Integrate land use and transport planning to consider emergency evacuation needs</i>	As discussed in the preamble to this letter, Option 1 is identical to that which was proposed and supported by technical reports under IDA 14/0966, including Bushfire Report. Identical APZs were factored into the design of Option 2.
<i>12. Use buffers to manage the impacts of rural activities on noise, odour and air quality</i>	Noise, odour and air quality issues do not impact the subject site.
<i>13. Assist local communities develop a coordinated understanding of natural hazards and responses that reduce risk</i>	As discussed in the preamble to this letter, Option 1 is identical to that which was proposed and supported by technical reports under IDA 14/0966, including Bushfire Report. Identical APZs were factored into the design of Option 2.