



Our reference: 7832388
Contact: Krishti Akhter
Telephone: 4732 8197

8 May 2017

Catherine Van Laeren
Director, Sydney Region West
Planning Services
Department of Planning and Environment
GPO Box 39
SYDNEY NSW 2001

Attention: Tessa Parmeter

Dear Tessa,

**Request for Rezoning Review for 1147 – 1175 & 1177 – 1187 Mulgoa Road,
Mulgoa (PGR_2017_PENRI_001_00)**

Thank you for the opportunity to comment on the request for a Rezoning Review for a planning proposal at 1147 – 1175 and 1177 – 1187 Mulgoa Road, Mulgoa.

Penrith Council has reviewed the Planning Proposal and associated documentation submitted for a Rezoning Review and can confirm that this is the same Planning Proposal and associated documentation that was considered by Council previously. The proposal sought to amend *Penrith Local Environmental Plan (LEP) 2010* to rezone the land at 1147-1187 Mulgoa Road, Mulgoa from E3 Environmental Management to RU5 Village and reduce the minimum lot size from 20 hectares to 550m². The site forms the northern boundary of the existing Mulgoa Village.

The proponents have sought a Rezoning Review with the Department as the 90-day period for Council to make a decision expired on 24 January 2017.

Although Council has not resolved whether to support the Planning Proposal, a preliminary assessment of the Proposal undertaken by Council Officers has concluded that it does not have sufficient strategic or site specific merit. An assessment of the Proposal against the Department's Strategic and Site Specific Merit Test (in accordance with the Department's *A Guide to Preparing Local Environmental Plans*) is attached. However, if the proponents can satisfactorily address these issues, Council is willing to reconsider the Planning Proposal.

Should you require any further information, please do not hesitate to contact Council's Planner, Krishti Akhter on 4732 8197.

Natasha Baker
City Planning Manager

Penrith City Council
PO Box 60, Penrith
NSW 2751 Australia
T 4732 7777
F 4732 7958
penrithcity.nsw.gov.au

Description of Planning Proposal

The Planning Proposal (the Proposal) seeks to amend Penrith LEP 2010 to rezone the land at 1147-1175 and 1177-1187 Mulgoa Road, Mulgoa (Lot 1 DP 570484 and Lot 6 DP 173159) from E3 Environmental Management to RU5 Village and reduce the minimum lot size for subdivision from 20 hectares to 550m². These changes are sought to facilitate a proposed subdivision of the site to provide for 50 lots.

In support of the Proposal, the applicant has submitted:

- Bushfire Assessment (2016), prepared by GHD
- Ecology Assessment (2016), prepared by GHD
- Assessment of Social Issues (2014), prepared by Elton Consulting
- Heritage Impact Statement (2014), prepared by Paul Davies,
- Traffic Impact Assessment (2014), prepared by Mott MacDonald,
- Infrastructure Report (2014), prepared by Mott MacDonald,
- Stormwater Management Report (2014), prepared by Mott MacDonald, and
- Correspondence from the Minister for Planning (dated 5 December 2008).

Matters for Consideration

Council's assessment of the Proposal has identified the proposal does not have sufficient strategic or site specific merit to be supported by Council. In addition, the Proposal does not meet the relevant Local Planning Directions (i.e. Section 117 Directions).

Council's review of the Proposal against the Department's strategic and site specific merit test and the relevant Local Planning Directions is detailed below.

Review of Proposal – Strategic Merit Test

The Proposal is not considered to have strategic merit as it is not consistent with *A Plan for Growing Sydney*, the Draft West District Plan and relevant adopted local strategies. These are discussed below.

A Plan for Growing Sydney

The Proposal is not consistent with *A Plan for Growing Sydney* (the Metropolitan Plan). The site is situated within the Metropolitan Rural Area. The Metropolitan Rural Area is identified as areas within the Sydney Metropolitan Area that are outside the established urban area and includes rural towns, villages and communities, and contains most of Sydney's conservation areas and significant agriculture.

The Metropolitan Plan has set Actions to manage development within the Metropolitan Rural Area. In relation to the Proposal, Action 4.1.2 seeks to prepare a 'Strategic Framework' for the rural area to enhance and protect its broad range of environmental, economic and social assets. The Proposal has not addressed this Action.

The Metropolitan Plan also aims to focus housing growth within established urban areas or planned release areas. These include identified centres, planned release areas, infill development, priority precincts, growth centres and urban investigation areas. The site is not within any of these identified areas and does not address the site's environmental values. In addition, the Proposal has not provided an analysis to demonstrate the need for additional housing in a rural village location or to the type of dwellings required or desired at this location.

Draft West District Plan

The Draft West District Plan (for the Penrith, Blue Mountains and Hawkesbury councils) includes several priorities and actions centred on implementation and monitoring, productivity, liveability and sustainability. The relevant priorities seek to:

- Discourage urban development in the Metropolitan Rural Area,
- Consider environmental, social and economic values when planning for the Metropolitan Rural Area, and
- Provide for rural residential development while protecting the values of the Metropolitan Rural Area.

The Proposal is not consistent with these Priorities as it has not adequately considered the site's environmental values. This includes the site's biodiversity values (including threatened fauna), heritage values or the biobank agreement in place for the site.

As required by the Draft West District Plan, Council is currently preparing a Local Housing Strategy to determine the capacity to meet the identified housing targets. As the Proposal will facilitate the subdivision of the site to provide approximately 50 lots, it represents a substantial increase in the residential capacity in the area and pre-empts the work currently being undertaken by Council on the preparation of its Local Housing Strategy for Penrith.

Rural Lands Study 2003 and Landscape Character Strategy 2006

The relevant local strategies are the *Rural Lands Strategy 2003* and the *Landscape and Character Strategy 2006*, both of which are adopted by Council.

The *Rural Lands Strategy 2003* aims to limit north and south urban expansion. It provides for the expansion of the villages, subject to the expansion being located near services and where environmental impacts can be minimised. The *Landscape and Character Strategy 2006* aims to conserve and protect the natural features and discourage development that would dominate or degrade the site's scenic values.

The Proposal is not consistent with these strategies as the site is not situated near services and facilities, particularly strategic centres such as Penrith. Although the Mulgoa Village is adjacent to the subject site, the Proponent has not undertaken, or provided, a study to determine whether the proposed rezoning of the site to RU5 Village is the best outcome.

Review of Proposal – Site Specific Merit

The Proposal is not considered to have site specific merit as it has not adequately addressed natural environment, the existing uses or the services and infrastructure that are, or will be, available to meet the demands arising from the Proposal. These are discussed below.

Biodiversity

The Proposal would result in the removal of approximately 3.6 hectares of native vegetation, including 2.1 hectares of Cumberland Plain Woodland. The Proposal has not addressed how it will mitigate the impacts on the threatened flora and fauna.

Proximity to the biobank site and vegetation clearing

The indicative residential lots are directly adjacent to the biobank site and is proposed to be separated by a new road/fire trail. There is significant potential for the future residential development to impact on the biobanking site, including potential clearing at the rear of the site and invasion of noxious vegetation from the residential lots. In addition, the Proposal has not addressed the impacts of the clearing of vegetation.

Heritage Values

The Proposal has not addressed how the subsequent residential dwellings will maintain the view corridors from the Fernhill Homestead and how the Proposal is compatible with the surrounding area.

Site Analysis

The site analysis supporting the Proposal has not detailed the site characteristics, opportunities and constraints, site topography or a visual analysis to demonstrate how these have influenced the proposed subdivision patterns.

Open Space

The Proposal has indicated that a large portion of public open space is proposed to be dedicated to Council. Council has not undertaken a comprehensive review of the current and required open space within the Penrith Local Government Area, including associated ongoing maintenance costs. In the absence of such a review, Council is not able to accept dedications of public open space.

Technical Studies

Except for the contemporary ecology and bushfire assessments, the remainder of the submitted technical studies were prepared in support of an earlier Development Application submitted in 2014. Therefore, these studies do not reflect the indicative subdivision layouts outlined in the Proposal. Council will need have regard to the demands arising from the proposed development and infrastructure provision, as well as stormwater management, ecological, bushfire, traffic and social impacts.

Review of Proposal – Relevant Local Planning Directions

Our review of the Proposal has found that it does not meet the relevant Local Planning Directions issued by the Minister for Planning. These include:

Environment and Heritage

Direction 2.1: Environment Protection Zones

The Proposal is inconsistent with this Direction as it does not facilitate the protection and conservation of environmentally sensitive areas. The Proposal seeks to reduce the minimum lot size to facilitate the subdivision of the land to provide about 50 lots.

The Proposal has indicated that the indicative lots are directly adjacent to the biobank site and is proposed to be separated by a new road/fire trail. There is significant potential for the future residential development to impact on the biobanking site, including potential clearing at the rear of the site and invasion of noxious vegetation from

the residential lots. In addition, the Proposal has not addressed the impacts of the clearing of vegetation.

Direction 2.3: Heritage Conservation

The Proposal is inconsistent with this direction as it does not facilitate the conservation of the site's heritage values, including views and vistas from Fernhill house. As stated above, the Proposal has not addressed how subsequent residential dwellings will maintain the view corridors from the Fernhill Homestead and how the Proposal is compatible with the surrounding area.

Direction 7.1: Implementation of A Plan for Growing Sydney

The Proposal is not consistent with *A Plan for Growing Sydney*. The site is not within any of the centres identified in the Plan for additional housing growth. These include identified centres, planned release areas, infill development, priority precincts, growth centres and urban investigation areas.

In addition, the site is situated within the Metropolitan Rural Area. The Proposal has not provided an analysis to demonstrate the need for additional housing in a rural village location or to the type of dwellings needed or desired.

Conclusion

A review of the Proposal and the supporting information provided to date concludes that the Proposal does not have sufficient strategic or site specific merit to be sponsored by Council. The Proposal is inconsistent with the strategic planning framework as it proposes a residential density that is significantly in excess of that envisaged on the site, and pre-emptes the work currently being undertaken by Council to prepare its Local Housing Strategy for Penrith.