

1147 – 1175 and 1177- 1187 Mulgoa Road

MULGOA

Planning Proposal

October 2016



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Project:			
Document:	Planning Proposal		
Revision:	Date:	Authored By:	Approved By:
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Executive Summary

This Planning Proposal seeks amendment of the Land Use Zone and Minimum Lot Size controls applying to 1177-1187 and 1147-1175 Mulgoa Road, Mulgoa (otherwise known as Allotments 6 in DP 173159 and 1 in DP 570484) under the Penrith Local Environmental Plan 2010.

At present both allotments have:

- Land Use Zoning: E3 Environmental Management.
- Minimum Lot Size: AB2 – 20 hectares.

It is proposed that:

- Land Use Zoning be amended to: RU5 Village.
- Minimum Lot Size be amended to: K1 – 550m².

The proposed amendment is supported, provided a number of issues are addressed, by a letter issued November 2008 to the Penrith City Council General Manager by the Minister for Planning (appended). This was reiterated in a more recent meeting with Department of Planning and Environment on 11th November 2015.

Whilst these issues have been addressed in detail later in this report, a summary is provided below:

- Conservation Management Plan prepared by Paul Davies Pty Ltd was endorsed by the Heritage Council of NSW. It states that: *“There is no particular constraint on the retention of lands outside the core state listed heritage site in relation to retaining heritage value”* (p 211, underline added).
- Satisfactory arrangements for site servicing and stormwater management were found to be capable of being achieved at DA stage.
- Due to in-place BioBanking agreements, substantial bushland within the subject site is protected in perpetuity. As such, any proposed development within the site is capable of achieving a “maintain or improve” outcome for vegetation, notwithstanding bushfire clearing requirements.
- One of the two subdivision options prepared as part of the Planning Proposal has been designed to better integrate with Mulgoa Village through retention of the existing rectilinear street pattern. Neither subdivision option involves development in Fairlight.

The Planning Proposal is recommended for approval on the grounds that it enables development consistent with the Desired Future Character:

- (1) *Retains, enhances and improves links between existing dense vegetation/regrowth.*
- (2) *Is consistent with the existing pattern of development: within cleared, flat ground between riparian corridors with substantial street setbacks transitioning to suburban conditions in Mulgoa Village.*
- (3) *Is consistent with the existing pattern of development:*
 - a. *Detached dwellings within lots no less than 500m² transitioning to rural uses beyond.*
 - b. *Retaining the existing rectilinear road pattern.*
- (4) *Does not impact items of archaeological and heritage significance in the broader locality.*
- (5) *Is consistent with existing Village Character.*
- (6) *Addresses the issues raised by the Minister for Planning.*
- (7) *Incorporates subdivision concept identical to that which was proposed and supported by technical consultants under IDA14/0966.*
- (8) *Is located within the developable portion of the subject site, predominantly west of the ridgeline to minimise visual impact from Mulgoa Road.*
- (9) *Has no impact on the archaeologically significant slab hut.*

1.0 Introduction

This Planning Proposal, prepared by ae design partnership on behalf of Angas Securities, explains the intended effect of, and justification for, the proposed amendment to the *Penrith Local Environmental Plan (LEP) 2010*. It has been prepared in accordance with Section 55 of the *Environmental Planning and Assessment Act 1979* and the relevant NSW Department of Planning and Environment guides, including *A Guide to Preparing Local Environmental Plans* and *A Guide to Preparing Planning Proposals*.

The land to which amendment of planning controls is applicable (hereafter referred to as 'the subject site') is tabled on right.

The Planning Proposal is structured as follows:

- Sections 2.0 and 3.0 consider the Planning Background and the Strategic, Local and Site Context applying to the locality and the subject site.
- The analysis yields opportunities which form the Desired Future Character, summarised in Section 4.0.
- In Section 5.0, subdivision concept options enabled by the proposed amendments to planning controls are described and then assessed against the Desired Future Character, as well as a range of other environmental considerations, in Section 6.0.
- The Planning Proposal is formalised in Section 7.0.

Table 1

Allotment No/Deposited Plan	Address:	Area (ha):
6/173159	1177 – 1187 Mulgoa Road, Mulgoa	10.15
1/570484	1147 – 1175 Mulgoa Road, Mulgoa	15.61

Existing controls and proposed amendments are tabled below:

Table 2

	Existing:	Proposed:
Land Use Zoning:	E3 Environmental Management	RU5 Village
Minimum Lot Size:	AB2 – 20 hectares	K1 – 550m ²

2.0 Planning Background

In a letter issued November 2008 by the Minister for Planning to the Penrith City Council General Manager (see Appendix A), it is found that amendment to the LEP would enable development of the periphery of the Fernhill Estate provided the issues listed on right were addressed. This was reiterated in a meeting with Department of Planning and Environment on 11th November 2015.

- *Finalisation of the Conservation Management Plan being to the satisfaction of the Heritage Council;*
- *Development adjoining the heritage property should not have any impact on the heritage significance of the Fernhill property and is to be consistent with the outcomes of the Conservation Management Plan;*
- *In negotiating the rezoning, Council should liaise with the Heritage Council to ensure consistency between the outcomes in the Conservation management Plan and the proposed amendments to the Penrith Principal LEP;*
- *Satisfactory arrangements are made for the provision of all utility services and the management of stormwater;*
- *Plans in relation to the removal (in some areas) and regeneration (in others) of vegetation are capable of meeting a "maintain or improve" outcome and relevant fire hazard criteria;*
- *Rural/residential lots to be created in Fairlight are of a nature that is consistent with the existing rural/residential allotments in this area; and*
- *Urban lots adjoining Mulgoa Village are integrated into and, and enhance, the existing village structure.*

Notwithstanding the recommendation for amendment of the LEP, a DA for subdivision, as well as construction of roads and associated works was lodged 4th August 2014 (IDA14/0966). It was later withdrawn. Nevertheless:

- The Conservation Management Plan (CMP) forming part of the application, prepared by Paul Davies Pty Ltd, was endorsed by the Heritage Council of NSW and the Heritage Impact Statement was supportive of the proposal (see Section 6.2).
- The Infrastructure Services and Stormwater Management Reports were supportive of the proposal (see Sections 6.5 and 6.6);
- A 100B Certificate under the Rural Fires Act 1997 was procured.
- The Social Impact Assessment (SIA) was supportive of the proposal (see Section 6.9).
- BioBanking Agreement 112 was finalised, protecting dense vegetation within the subject site in perpetuity.

Therefore, an opportunity exists to lodge a planning proposal which:

- Addresses the issues raised by the Minister for Planning.
- Incorporates subdivision concept identical to that which was proposed and supported by technical consultants under IDA14/0966.

3.0 Context

3.1 Sydney's Outer West

As shown in Figure 1, the rural areas within Sydney's West and South West Subregions are being transformed by major infrastructure investment, including:

- Western Sydney Airport and associated road upgrades (Northern Road, Elizabeth Drive and Bringelly Road underway).
- Land release creating residential living and employment opportunity in the South West Growth Centre and Western Sydney Employment area.
- Investigations into M9 Outer Sydney Orbital and extension of the South West Rail Link to the future airport.

These improvements have resulted in reduced opportunities for rural residential living opportunities in the Sydney basin. As such, there is an opportunity to provide a moderate increase in residential living opportunities in the villages at the foothills of the Blue Mountains (e.g. Mulgoa, Wallacia, Luddenham, etc.), providing a rural edge to Metropolitan Sydney.

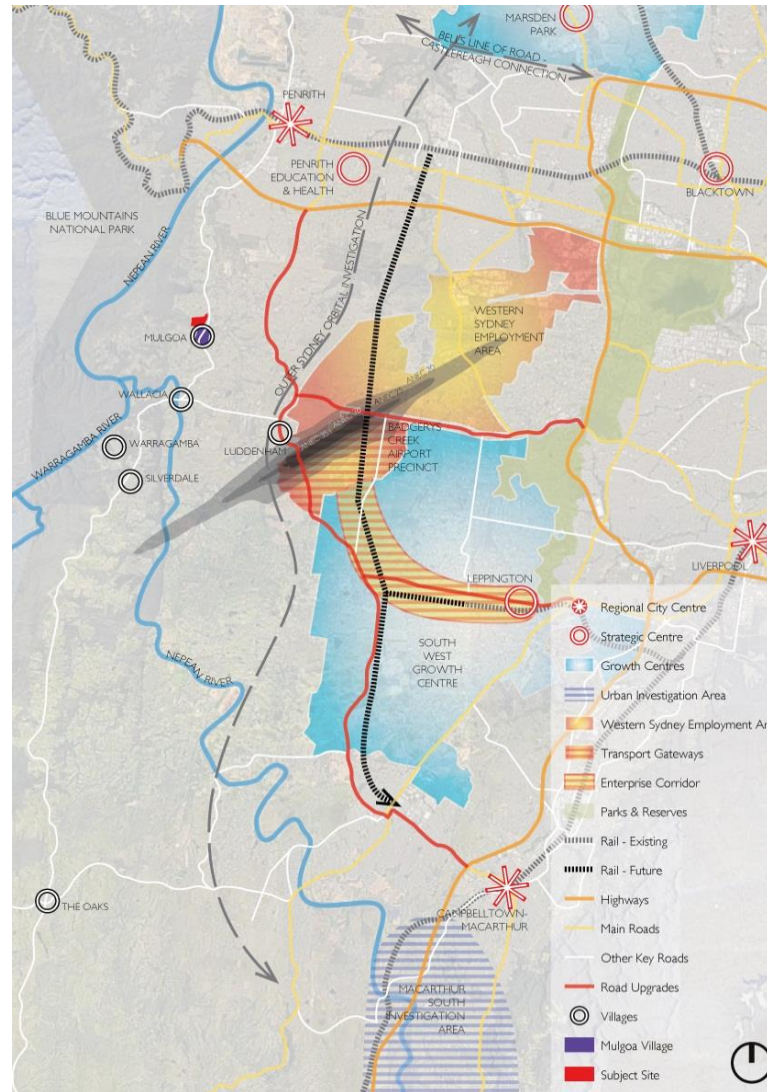


Figure 1: Western/South Western Sydney (A Plan for Growing Sydney 2015)

3.2 Mulgoa Valley

Per the Landscape Character Strategy (2006), the majority of Mulgoa Valley (see Figure 2) is identified as having Scenic and Landscape Value under the Penrith LEP 2010. Our analysis of the scenic qualities associated with the Valley finds that it comprises:

- Landscape elements: dense, contiguous vegetation/regrowth along Mulgoa Road (see Figure 3) and Mulgoa Creek, linking to the Blue Mountains National Park via tributaries of Mulgoa Creek and the Nepean River (see Figure 4).
- Settlement pattern: flat areas cleared for agricultural purposes (see Figure 5) and clusters of built form with substantial street setbacks, transitioning to Mulgoa Village which has suburban character (further analysis provided in Section 3.3).

In summary, the opportunity to provide a moderate increase in residential living opportunities in the villages at the foothills of the Blue Mountains to provide a rural edge to Metropolitan Sydney can be realised in Mulgoa Valley, provided it:

- Retains, enhances and improves links between existing dense vegetation/regrowth.
- Is consistent with the existing pattern of development: within cleared, flat ground between riparian corridors with substantial street setbacks transitioning to suburban conditions in Mulgoa Village.

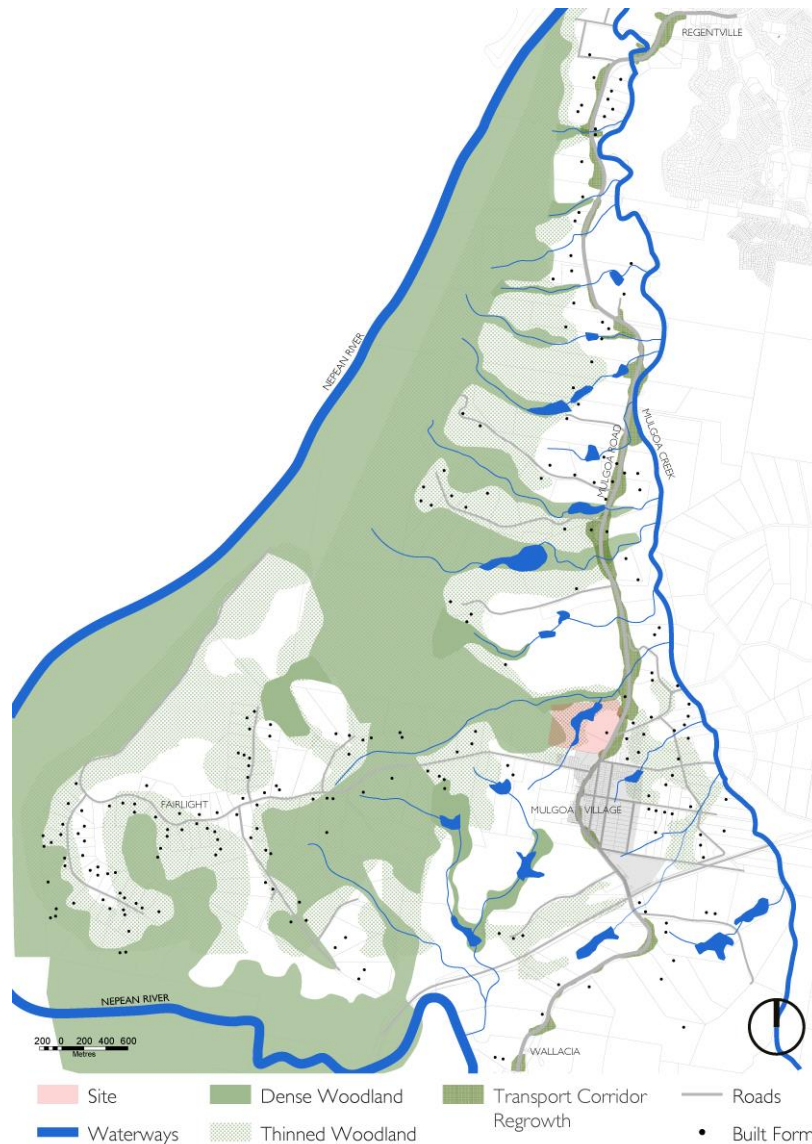


Figure 2: Mulgoa Valley



Figure 3: regrowth along Mulgoa Road



Figure 4: dense vegetation along the Nepean River



Figure 5: cleared land for agricultural activities

3.3 Mulgoa Village

3.3.1 Village Structure

As shown in Figure 6:

- Mulgoa Village is defined by the combined RU5 Village, R5 Large Lot Residential and RE1 Public Recreation land use zonings under the Penrith LEP 2010.
- The dominant built form within the locality is the detached dwelling, with greatest concentration between Winbourne and Mulgoa Roads where lot sizes are as small as 500m². Built form transitions to rural uses beyond.
- Unlike Wallacia, Warragamba-Silverdale and Luddenham, Mulgoa has a rectilinear road pattern unfolding along Mulgoa Road with Mulgoa Shopping Village at its centre.



Figure 6: Mulgoa Village structure

3.3.2 Village Heritage

As shown in Figure 7, there are a number of heritage listed items within Mulgoa Village and its surrounds, including the locally heritage listed curtilage of the state heritage listed Fernhill Estate, archaeologically significant slab hut, Mulgoa Public School, etc.

The CMP endorsed by the Heritage Council of NSW finds that: *"Unlike many historic villages, Mulgoa does not have an historic core, or a real focus point as a village, rather it is spread with the heritage buildings extending over several kilometres. Consequently the township does not have a heritage character but does contain several heritage buildings"* (p 154, underline added).

It continues: *"Most of the town dates from the later twentieth century period with a few earlier buildings spread across the township"*.

This is supported by analysis of aerial photographs from: 1947, 1961 and 2016 (see overleaf).



Figure 7: Mulgoa Village heritage context



Figure 8: Mulgoa Village 1947

As shown in Figure 8, in 1947 the locality was predominantly occupied by rural allotments with small-scale agricultural activities at Village centre transitioning to larger-scale agricultural uses outside of the Village.



Figure 9: Mulgoa Village 1961

As shown in 9, by 1961 there was a minor increase in residential dwellings within the Village. Mulgoa Road was realigned as part of the Warragamba Dam construction (Paul Davies Pty Ltd 2014 CMP, p 109) and an easement installed by the Water Board in July 1953 *"across the western portion of Fernhill for overhead ropeway used in Warragamba Dam construction"* (Paul Davies Pty Ltd 2014 CMP, p 30) replaced by an easement containing electricity transmission line in April 1961.



Figure 10: Mulgoa Village 2016

As shown in Figure 10, substantial development occurred between 1961 and 2016, including several hundred detached dwellings.

3.3.3 Environmental Considerations

As shown in Figure 14, portions of the locality are:

- Under BioBanking agreement, ensuring retention of vegetation in perpetuity.
- Identified as having 'Vistas of Heritage Items' under the PLEP 2010. The CMP submitted as part of IDA14/0966 endorsed by the Heritage Council of NSW finds that the view corridor is limited as shown.



Figure 11: environmental considerations

3.3.4 Village Character

Through analysis of typical streetscapes within Mulgoa Village, as shown in Figures 12 and 13, the Village Character is defined as follows:

- Lot sizes as small as 500m², transitioning to rural uses at Village boundaries.
- One – two storey, low density detached dwellings.
- Landscaped setbacks.
- Nil or minimal fencing at front setback.

3.3.5 Summary

In summary, the opportunity to provide a moderate increase in residential living opportunities in the villages at the foothills of the Blue Mountains to provide a rural edge to Metropolitan Sydney can be realised in Mulgoa Village, provided it:

- Is consistent with the existing pattern of development:
 - Detached dwellings within lots no less than 500m² transitioning to rural uses beyond.
 - Retaining the existing rectilinear road pattern.
- Does not impact items of archaeological and heritage significance on-site and in the broader locality.
- Retains view corridors to heritage items.
- Is consistent with existing Village Character.



Figure 12: view south along the Straight Road, south of intersection with Allan Road



Figure 13: view west to dwellings along Winbourne Road, south of intersection with Allan Road

3.4 Site Analysis

As shown in Figure 15:

- The archeologically significant slab hut identified in Figure 7 is located in the south-eastern corner of the site. The heritage listed Mulgoa Public School adjoins the site to the south.
- A large portion of the site is under BioBanking agreement, ensuring retention of vegetation in perpetuity.
- Bushfire Assessment by GHD requires the provision of APZs as shown.
- View corridors identified in Figure 14 apply as shown.
- There are two dams located within the centre of the site.
- A topographic ridgeline runs north-south across the site.

Therefore, the opportunity to provide a moderate increase in residential living opportunities in the villages at the foothills of the Blue Mountains to provide a rural edge to Metropolitan Sydney (see Section 3.1) can be realised with the subject site, provided it:

- Is located within the developable portion of the subject site.
- It has no impact on the archaeologically significant slab hut and heritage significant school buildings.
- Development is located predominantly west of the ridgeline to minimise visual impact from Mulgoa Road.

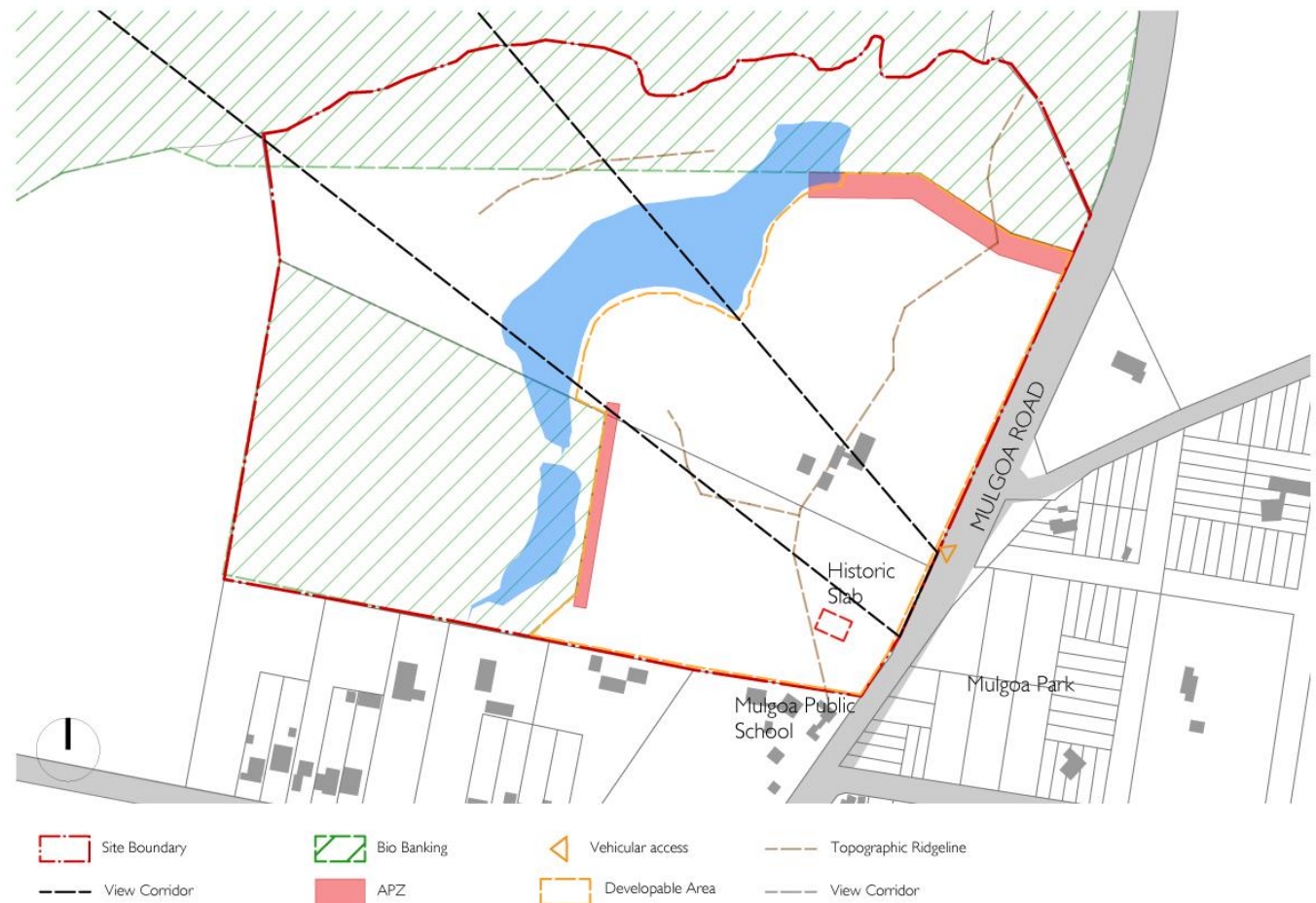


Figure 14: site analysis

4.0 Desired Future Character

The following Desired Future Character, derived from analysis of the Planning Background and Strategic, Local and Site Context Analysis, is to guide future development within the locality and subject site:

Provide a moderate increase in residential living opportunities in the villages at the foothills of the Blue Mountains (e.g. Mulgoa, Wallacia, Luddenham, etc.), providing a rural edge to Metropolitan Sydney, provided it:

Within the locality:

- (1) Retains, enhances and improves links between existing dense vegetation/regrowth.*
- (2) Is consistent with the existing pattern of development: within cleared, flat ground between riparian corridors with substantial street setbacks transitioning to suburban conditions in Mulgoa Village.*
- (3) Is consistent with the existing pattern of development:*
 - a. Detached dwellings within lots no less than 500m² transitioning to rural uses beyond.*
 - b. Retaining the existing rectilinear road pattern.*
- (4) Does not impact items of archaeological and heritage significance in the broader locality.*
- (5) Is consistent with existing Village Character.*

Within the subject site:

- (6) Addresses the issues raised by the Minister for Planning.*
- (7) Incorporates subdivision concept identical to that which was proposed and supported by technical consultants under IDA I 4/0966.*
- (8) Is located within the developable portion of the subject site, predominantly west of the ridgeline to minimise visual impact from Mulgoa Road.*
- (9) Has no impact on the archaeologically significant slab hut.*

5.0 Proposed Subdivision Concept

5.1 Vision

Our vision is for low density, detached dwellings in a village environment. Dwellings will include generous backyards, with abundant space for recreation, entertainment and dining. Dwellings will be situated in a landscaped, publicly accessible setting including sport, BBQ and picnic facilities, playground and views to hills and heritage Fernhill Estate beyond.

As part of this Planning Proposal, we have prepared two subdivision concepts consistent with this vision:

- Option 1 is identical to that which was proposed and supported by technical consultants under IDA 14/0966.
- Option 2 responds to the rectilinear road pattern of development within Mulgoa Village.

On the grounds that it better responds to the Desired Future Character (see Section 6.1), Option 2 is preferred.



Figure 15: Vision^{1,2,3,4}

1: Lipman, R 2014, 'Top ten Australian suburbs where you can actually MAKE money if you buy a house', *Daily Mail*, 29 July 2014, viewed 11 October 2016, <<http://www.dailymail.co.uk/news/article-2709333/Report-names-ten-suburbs-Australia-invest.html>>

2: hg2 2015, *Centennial Park*, viewed 11 October 2016, <<http://hg2.com/venue/centennial-park/>>

3: habin 2007, *BBQ Picnic @ Minnehaha Falls Park*, flickr, viewed 11 October 2016, <<https://www.flickr.com/photos/habin0421/543195501/>>

4: Bathurst Real Estate 2016, 'Is this the end of backyards?', *Bathurst Real Estate*, 27 January 2015, viewed 11 October 2016, <<http://www.bathurstrealestate.com.au/2015/01/end-backyards/>>

5.2 Option 1

Figure 16 illustrates subdivision concept Option 1, same as that which was proposed and supported by technical consultants under IDA14/0966. It incorporates 50 residential allotments:

- Allotment size ranging between 782m² and 1,804m².
- Accessible via a loop road (to be dedicated to Council) with singular link to Mulgoa Road.
- Setback between 48 and 90 metres from Mulgoa Road.
- In a landscaped setting to be dedicated to Council for the purpose of public open space.



Figure 16: Subdivision concept 1

5.3 Option 2

Figure 17 illustrates an alternative subdivision concept Option 2 which responds to the rectilinear pattern of development within Mulgoa Village. It incorporates 52 residential allotments:

- Allotment size ranging between 555m² and 3,557m².
- Accessible via a two loop roads along a central north-south spine linking to Mulgoa Road (to be dedicated to Council).
- Setback between 43 and 153 metres from Mulgoa Road.
- In a landscaped setting to be dedicated to Council for the purpose of public open space.



Figure 17: Subdivision concept 2

6.0 Assessment

6.1 Desired Future Character

Each subdivision option is assessed against the Desired Future Character summarised in Section 4.0.

Provide a moderate increase in residential living opportunities in the villages at the foothills of the Blue Mountains (e.g. Mulgoa, Wallacia, Luddenham, etc.), providing a rural edge to Metropolitan Sydney, provided it:

Within the locality:

- (1) Retains, enhances and improves links between existing dense vegetation/regrowth.

Option 1: enables retention and enhancement (subject to Landscape Plan at DA stage) of existing regrowth along Mulgoa Road through setback between 48 and 90 metres from Mulgoa Road.

Option 2: as above (setback between 43 and 153 metres from Mulgoa Road).

- (2) Is consistent with the existing pattern of development: within cleared, flat ground between riparian corridors with substantial street setbacks transitioning to suburban conditions in Mulgoa Village.

Option 1: is located adjoining Mulgoa Village, a cluster of built form within cleared, relatively flat ground between riparian corridors associated with tributaries of Mulgoa Creek.

Option 2: as above.

- (3) Is consistent with the existing pattern of development:

- a. Detached dwellings within lots no less than 500m² transitioning to rural uses beyond.

Option 1: complies. Ensures transition to rural uses through lot size no less than 782m² and setback to Mulgoa Road between 48 and 90 metres.

Option 2: complies. Ensures transition to rural uses through lot size no less than 555m² and increased setback to Mulgoa Road between 43 and 153 metres.

- b. Retaining the existing rectilinear road pattern.

Option 1: does not retain the existing rectilinear road pattern (see Figure 18 overleaf).

Option 2: complies (see Figure 19 overleaf).



Figure 18: subdivision option 1 in relation to Mulgoa Village



Figure 19: subdivision option 2 in relation to Mulgoa Village

- (4) Does not impact items of archaeological and heritage significance in the broader locality.

Option 1:

- Provides sufficient setback to Mulgoa Road to enable views to locally heritage listed Mulgoa Public School.
- Retains view corridor to heritage items identified in CMP endorsed by Heritage Council of NSW.

Option 2: as above.

- (5) Is consistent with existing Village Character.

Option 1: is consistent with existing Village Character in that it enables transition from suburban character within the Village to rural beyond through allotment size no less than 782m² and setback between 48 and 90 metres from Mulgoa Road.

Option 2: is consistent with existing Village Character in that:

- Has rectilinear road pattern consistent with the Village.
- It enables transition from suburban character within the Village to rural beyond through allotment size no less than 555m² and increased setback between 43 and 153 metres.

Further social and economic impact assessment conducted by Elton Consulting as part of IDA14-0966 (see Section 6.9).

Within the subject site:

- (6) Addresses the issues raised by the Minister for Planning.

(1) Finalisation of the Conservation Management Plan being to the satisfaction of the Heritage Council:

Option 1: A CMP was prepared by Paul Davies Pty Ltd as part of IDA14/0966 lodged 4 August 2014. It was endorsed by the Heritage Council of NSW.

Option 2: As per Option 1.

(2) Development adjoining the heritage property should not have any impact on the heritage significance of the Fernhill property and is to be consistent with the outcomes of the Conservation Management Plan;

Option 1: See Section 6.2.

Option 2: See Section 6.2.

- (3) *In negotiating the rezoning, Council should liaise with the Heritage Council to ensure consistency between the outcomes in the Conservation Management Plan and the proposed amendments to the Penrith Principal LEP:*

Option 1: The CMP has received endorsement by the Heritage Council. We are of the opinion that no further liaison between Council and the Heritage Council is required.

Option 2: As per Option 1.

- (4) *Satisfactory arrangements are made for the provision of all utility services and the management of stormwater:*

Option 1: As Option 1 is identical to that which was proposed and supported by Infrastructure Services and Stormwater Managements Reports prepared by Mott MacDonald as part of withdrawn IDA14/0966, recommendations and conclusions contained within them are applicable to Option 1 (see Section 6.5 and 6.6).

Option 2: Option 2 would require servicing and stormwater assessment at DA stage. However, it is likely that it would be serviceable on the grounds that it has dwelling yield less than Option 1.

- (5) *Plans in relation to the removal (in some areas) and regeneration (in others) of vegetation are capable of meeting a "maintain or improve" outcome and relevant fire hazard criteria:*

Option 1: see Sections 6.7 and 6.8.

Option 2: as above.

- (6) *Rural/residential lots to be created in Fairlight are of a nature that is consistent with the existing rural/residential allotments in this area; and*

Option 1: does not involve creation of lots in Fairlight.

Option 2: as above.

- (7) *Urban lots adjoining Mulgoa Village are integrated into and, and enhance, the existing village structure:*

Option 1: has been designed to minimise visual impact from Mulgoa Road through setback between 65 and 95 metres from the road and location predominantly west of the prominent ridgeline.

Option 2: has been designed to integrate into Mulgoa Village by responding to its rectilinear road pattern (see Figure 18).

- (7) Incorporates subdivision concept identical to that which was proposed and supported by technical consultants under IDA14/0966.

Option 1: is identical to that which was proposed and supported by technical consultants under withdrawn IDA14/0966. As such, recommendations and conclusions made by technical consultants in relation to that application are applicable to Option 1.

Option 2: is an alternative subdivision concept which would require further assessment at DA stage.

- (8) Is located within the developable portion of the subject site, predominantly west of the ridgeline to minimise visual impact from Mulgoa Road.

Option 1: Complies. In order to ensure that development occurs entirely within the developable portion of the site, proposed amendments to planning controls only apply to the developable portion of the site (see Section 7.4).

Option 2: Complies. In order to ensure that development occurs entirely within the developable portion of the site, proposed amendments to planning controls only apply to the developable portion of the site (see Section 7.4).

- (9) It has no impact on the archaeologically significant slab hut.

Option 1: complies. The slab hut is retained.

Option 2: as above.

6.2 Heritage

The Conservation Management Plan submitted as part of IDA14/0966 and endorsed by the Heritage Council of NSW states: *“There is no particular constraint on the retention of lands outside the core state listed heritage site in relation to retaining heritage value”* (p 211, underline added). As such, proposed amendments to planning controls to enable the development of either Option 1 or 2 would be consistent with the CMP.

The Heritage Impact Statement prepared by Paul Davies Pty Ltd forming part of the withdrawn IDA14/0966 found that:

- *“The proposed subdivision has minimal impact on the Fernhill Estate or on heritage items in the vicinity*
- *“The careful design of the eastern subdivision ensures no adverse impact on the Fernhill Estate or on heritage items in the vicinity including Mulgoa Public School*
- *“Due to the careful design of the eastern subdivision, including setback of houses in the northern section of the subdivision from Mulgoa Road by 65-90 metres behind a parkland setting, it is considered there are no adverse heritage impacts arising from this subdivision”.*

As Option 1 is identical to that which was proposed as part of IDA14/0966, the above conclusions are applicable to Option 1. Further assessment of Option 2 would be required at DA stage.

6.3 Traffic

The Traffic Impact Assessment prepared by Mott MacDonald forming part of the withdrawn IDA14/0966 made the following recommendations:

- *“A new western approach to be introduced at the intersection with St Thomas Road and Mulgoa Road to form a four way signposted intersection arrangement.*
- *“The western approach will serve as a new consolidated access road for the proposed Eastern Precinct development and is appropriately located from a network planning perspective.*
- *“Traffic movement from Mulgoa Road northern approach is controlled through the introduction of a CHR treatment to allow traffic to turn right safely into the site.*
- *“That road safety audits are carried during the design development stages for the proposed four way intersection at St Thomas Road with Mulgoa Road.*
- *“In order to manage potential motorist sightlines issues along the internal circular local road that serves the proposed rural residential properties it is proposed to adopt the following road design standards:*
 - *road reserve width of 12m or higher combined with a sealed carriageway width of 6m or more situated closer to the outside curve;*
 - *the provision of on-street parking bays on horizontal curves to be restricted to*

the outside curve of the road carriageway only;

- *the low signposted travel speed, and*
- *restrict vegetation landscaping on the inner curve of the road reserve.*
- *“That a footpath be provided to ensure that residents of the Fernhill Estate Eastern Precinct can walk between the new proposed access road on Mulgoa Road and the south-eastern corner of the site (and connect with the existing Mulgoa Road western footpath). That all internal roads within the Eastern Precinct development allow for the provision of footpaths” (p 39).*

As Option 1 is identical to that which was proposed as part of IDA14/0966, the above recommendations are applicable to Option 1. Further assessment of Option 2 would be required at DA stage.

6.4 Views

The CMP submitted as part of IDA I 4/0966 and endorsed by the Heritage Council of NSW states: *"If driving past the property [along Mulgoa Road], there are glimpses into paddocks [associated with Fernhill Estate] only. If the viewer stops at an entry point and looks past the fence there is a slightly fuller view into the first paddocks but the view is terminated by mature trees and rising landform. There are no possible views to the house or house garden area from these locations".*

As shown in Figure 20, *"These glimpses onto the property are similar to other frontages along Mulgoa Road where there are large estates and the viewer is able to see the start of a rural setting. These glimpses are not particularly historically significant"* (p 143).



Figure 20: View corridor to Fernhill Estate

6.5 Servicing

The Infrastructure Services Report prepared by Mott MacDonald forming part of the withdrawn IDA14/0966 found that (p 5):

- In relation to potable water: *"The [Warragamba Water Supply] scheme has limited capacity and will need to be augmented to serve the proposed development. It is understood that the supply to Mulgoa is at or nearing capacity and augmentation will be required to allow the extension of the system to serve the site".*
- In relation to fire services: *"Water for firefighting for the proposed development will be provided from the town mains via hydrants spaced at 80 metre intervals".*
- In relation to sewer: *"Previous Sydney Water advice indicates that the existing MWS Sewerage System has capacity for approximately 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".*
- In relation to electrical: *"Endeavour Energy has previously advised that there is sufficient capacity in the existing network to cater for the additional lots".*
- In relation to telecommunications: *"Telecommunication services are currently*

available to the Fernhill Estate ... Telstra has previously advised that these services can be upgraded and extended to the proposed development".

- In relation to gas, the cost of provision is considered to be prohibitive.

As Option 1 is identical to that which was proposed as part of IDA14/0966, the above conclusions are applicable to Option 1. Further assessment of Option 2 would be required at DA stage.

6.6 Stormwater

As part of withdrawn IDA14/0966, Mott MacDonald prepared a WSUD Strategy. As part of its Stormwater Management Report, Mott MacDonald found that the strategy *"has demonstrated that the future development on the site can proceed without an increase in stormwater impacts on either the Hawkesbury-Nepean Catchment or the surrounding areas"* (p 29).

As Option 1 is identical to that which was proposed part of IDA14/0966, the above conclusions are applicable to Option 1. Further assessment of Option 2 would be required at DA stage.

6.7 Ecological

An Ecology Assessment of Option 1 was prepared as part of this assessment. It found that *“the proposal is not likely to have a significant impact on the local populations of any threatened biota given:*

- *“That potential impacts of the proposal would be restricted to a maximum 8.76 hectare subject site containing 3.66 hectares of native vegetation and habitat for threatened biota, which would affect a very small proportion of local populations and their habitat.*
- That given the small scale of the proposal and proposed mitigation measures it would be unlikely to result in any substantial indirect impacts on any habitat beyond the immediate disturbance footprint within the subject site.
- *“A maximum of 8.76 hectares of habitat for these threatened biota would be removed, the proposal would not isolate or fragment any significant areas of habitat, and the habitat to be removed has very low value given its attributes, condition and context.*
- *“The proposal would not result in a significant increase in the operation of any KTPs nor have any effects that would substantially interfere with the maintenance or recovery of local populations of these wetland species” (p 58).*

Further assessment of Option 2 would be required at DA stage.

6.8 Bushfire

The subdivision proposed as part of withdrawn IDA14/0966, identical to Option 1 in this Planning Proposal, received a 100B Certificate under the Rural Fires Act 1997. Nevertheless, a Bushfire Assessment of Option 1 prepared by GHD forms part of this application. It finds that the subdivision concept layout, enabled by the proposed amendment to planning controls, can be developed *“in accordance with the aims, objectives and incorporate the bushfire protection measures required by PBP”* (p 15).

Further assessment of Option 2 would be required at DA stage.

6.9 Social & Economic

The Social Impact Assessment prepared by Elton Consulting forming part of the withdrawn IDA14/0966 found that the “key benefits of the proposal include:

- *“Benefits of additional housing – There is a strong demand for additional housing across Sydney, including western Sydney. This proposal will support a small increase in the stock of housing and will add to housing diversity within the Penrith LGA through provision of a style of housing that is not currently being provided within many of the estate developments at present.*
- *“Small scale and manageable increase in local population – The proposed scale of the Precinct (50 lots), represents an increase of around 150 residents in the Mulgoa area when fully developed. While this is a relatively large proportional increase, the size of the incoming population will not contribute to any significant demands for new social infrastructure. In addition, the characteristics of new residents are likely to be broadly similar to those already living in the area. As such, no adverse impacts to community cohesion or integration are expected.*
- *“Protection of valued lifestyle, natural environment and heritage values – The proposal attempts to ensure the area’s unique heritage and landscape features are preserved and made available for the benefit of the local community.*
- *“Support for local economic activity – The proposal would generate local economic activity*

and employment during construction and provide support for existing services and facilities within Mulgoa village. The additional population moving to the new subdivisions would provide additional support to existing facilities, such as the local school and pre-school and the viability of the existing shopping area.

- *“Protection of heritage and conservation values – The proposal will also provide valuable benefits to the wider community by enabling a separate plan for the majority of Fernhill Estate’s Central Precinct to proceed. This separate plan will consolidate Estate lands in order to protect its heritage values, its integrity as a large and unique rural estate and significant landscape and environmental values for the community”.*

As Option 1 is identical to that which was proposed as part of IDA14/0966, the above conclusions apply to Option 1. Further assessment of Option 2 would be required at DA stage. However, as Option 2 incorporates only two lots more than Option 1, it is anticipated that similar conclusions would be reached.

7.0 Planning Proposal

The Planning Proposal is formalised in this section of the report, structured in accordance with the NSW Department of Planning and Environment's *A Guide to Preparing Planning Proposals*.

7.1 Part 1 – Objectives or Intended Outcomes

The intended outcome of this Planning Proposal is to enable the extension of Mulgoa Village through amendment of the land use zoning and minimum lot size pertaining to the subject site as follows:

- Land Use Zoning: RU5 Village
- Minimum Lot Size: 550m²

7.2 Part 2 – Explanation of Provisions

The proposed outcomes will be achieved through amendment of the Penrith Local Environmental Plan 2010 as follows:

- 1) Allotment 6 in DP 173159 and Allotment 1 in DP 570484 in *Land Zoning Map – Sheet LZN_007* rezoned RU5 Village; and
- 2) Allotment 6 in DP 173159 and Allotment 1 in DP 570484 in *Lot Size Map – Sheet LSZ_007* rezoned K1 – 550m².

These amendments are illustrated in Section 7.4.

No amendments are proposed to the written Environmental Planning Instrument.

7.3 Part 3 – Justification

4.3.1 Section A – Need for the Planning Proposal

Q1. Is the planning proposal a result of any strategic study or report?

The Planning Proposal is the result of correspondence between the Minister for Planning and Penrith City Council in 2008 (see Appendix A). Issues raised in the correspondence are addressed in Section 6.1.

Q2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Correspondence between the Minister for Planning and Penrith City Council in 2008 (see Appendix A) states that amendment to the LEP would enable development of the periphery of the Fernhill Estate, provided a number of issues are addressed. These are addressed in Section 6.1.

7.3.2 Section B – Relationship to Strategic Planning Framework

Q3. Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

GOAL 2: A city of housing choice, with homes that meet our needs and lifestyles
Accelerate housing supply across Sydney:

Existing minimum lot size controls preclude the provision of increased housing supply in Mulgoa. The proposed amendments to minimum lot size enable low density residential development, generating a modest increase in housing supply in Mulgoa.

Improve housing choice to suit different needs and lifestyles:

Existing minimum lot size controls preclude the provision of increased housing choice in Mulgoa. The proposed amendments to minimum lot size enable low density residential development, generating a modest increase in housing choice in Mulgoa.

Deliver timely and well planned greenfield precincts and housing:

Existing minimum lot size controls preclude the provision of greenfield housing. The proposed amendments to minimum lot size enable low density residential development which can be delivered in a timely manner (see Section 6.5) and is well planned in that it either minimises visual impact from Mulgoa Road and retains its rural character (Option 1) or integrates into Mulgoa Village by responding to its rectilinear road pattern (Option 2).

GOAL 3: A great place to live with communities that are strong, healthy and well connected

Revitalise existing suburbs:

Existing minimum lot size controls restrict the expansion of Mulgoa Village. The proposed amendments to planning controls enables the expansion of Mulgoa Village to the north to create increased rural living opportunities whilst contributing high quality, landscaped public open space dedicated to Council for the benefit of all members of the community.

Create a network of interlinked, multipurpose open and green spaces across Sydney:

A large portion of the subject site is protected by BioBanking Agreement, ensuring a densely vegetated link between the Blue Mountains National Park and regrowth along Mulgoa Road. Regrowth may be enhanced (subject to Landscape Plan at DA stage) through shrub and tree planting.

Create healthy built environments:

The concept subdivision layout enabled by the proposed controls enables a healthy built environment through:

- Incorporation of landscaped public open space, previously inaccessible to the public; and
- Located adjacent to an existing village (and is therefore an expansion of the village), within 800 metres (10 minutes walking distance) of the Mulgoa Shops (see Figure 6).

Promote Sydney's heritage, arts and culture:

See Section 6.2.

GOAL 4: A sustainable and resilient city that protects the natural environment and has a balanced approach to the use of land and resources

Protect our natural environment and biodiversity:

A large portion of the site is protected under an approved BioBanking Agreement. The proposed subdivision concept layout incorporates landscaped public open space, subject to Landscape Plan at DA stage.

The Planning Proposal is supported by an Ecological Assessment prepared by GHD, summarised in Section 6.7.

Build Sydney's resilience to natural hazards:

See Section 6.8.

Manage the impacts of development on the environment:

A large portion of the site is protected under an approved BioBanking Agreement. The proposed subdivision concept layout incorporates landscaped public open space, subject to Landscape Plan at DA stage.

The Planning Proposal is supported by an Ecological Assessment prepared by GHD, summarised in Section 6.7.

Q4. Is the planning proposal consistent with a council's local strategy or other local strategic plan?

No local strategic plans apply to the subject site.

Q5. Is the planning proposal consistent with applicable State Environmental Planning Policies?

Table 3

No.:	Title:	Consistent with Planning Proposal:
1	Development Standards	N/A
14	Coastal Wetlands	N/A
15	Rural Landsharing Communities	N/A
19	Bushland in Urban Areas	See Section 6.7.
21	Caravan Parks	N/A
26	Littoral Rainforests	N/A
29	Western Sydney Recreation Area	N/A
30	Intensive Agriculture	N/A
32	Urban Consolidation (Redevelopment of Urban Land)	N/A
33	Hazardous & Offensive Development	N/A
36	Manufactured Home Estates	N/A
39	Spit Island Bird Habitat	N/A
44	Koala Habitat Protection	N/A
47	Moore Park Showground	N/A
50	Canal Estate Development	N/A
52	Farm Dams & Other Works Land/Water Management Plan Areas	N/A
55	Remediation of Land	To be addressed at DA stage.
59	Central Western Sydney Regional Open Space & Residential	N/A
60	Exempt & Complying Development	N/A
62	Sustainable Aquaculture	N/A
64	Advertising & Signage	N/A
65	Design Quality of Residential Flat Development	N/A
70	Affordable Housing (Revised Schemes)	N/A
71	Coastal Protection	N/A
-	(Affordable Rental Housing) 2009	N/A
-	(Building Sustainability Index: BASIX) 2004	N/A

- (Exempt & Complying Development Codes) 2008	N/A
- (Housing for Seniors or People with a Disability) 2004	N/A
- (Infrastructure) 2007	To be addressed at DA stage.
- (Kosciuszko National Park-Alpine Resorts) 2007	N/A
- (Kurnell Peninsula) 1989	N/A
- (Major Development) 2005	N/A
- (Mining, Petroleum Production & Extractive Industries) 2007	N/A
- (Penrith Lakes Scheme) 1989	N/A
- (Port Botany and Port Kembla) 2013	N/A
- (Rural Lands) 2008	N/A
- (SEPP 53 Transitional Provisions) 2011	N/A
- (State & Regional Development) 2011	N/A
- (Sydney Drinking Water Catchment) 2011	N/A
- (Sydney Region Growth Centres) 2006	N/A
- (Temporary Structures) 2007	N/A
- (Urban Renewal) 2010	N/A
- (Western Sydney Employment Area) 2009	N/A
- (Western Sydney Parklands) 2009	N/A

Q6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

Directions:	Comments:
1. Employment and Resources	
1.2 Rural Zones	
(1) The objective of this direction is to protect the agricultural production value of rural land.	There is no evidence of the site having ever been used for agricultural purposes other than pastoral land. Development of the subject site enabled by the proposed amendments

	to planning controls enables extension of Mulgoa Village, creating increased rural residential living opportunities whilst offering landscaped public open space for the benefit of existing and future residents of the community.
2 Environment and Heritage	
2.1 Environment Protection Zones	
(1) The objective of this direction is to protect and conserve environmentally sensitive areas.	See Section 6.7.
2.3 Heritage Conservation	
(1) The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.	See Section 6.2.
3. Housing, Infrastructure and Urban Development	
3.1 Residential Zones	
(1) The objectives of the direction are:	
(a) to encourage a variety and choice of housing types to provide for existing and future housing needs,	Existing minimum lot size controls preclude the provision of increased housing supply and choice in Mulgoa. The proposed amendments to minimum lot size enable low density residential development, generating a

	modest increase in housing supply and choice in Mulgoa.
(b) to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and	See Section 6.5.
(c) to minimise the impact of residential development on the environment and resource lands.	See Section 6.7.
4. Hazard and Risk	
4.4 Planning for Bushfire Protection	
(1) The objectives of this direction are:	
(a) to protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, and	See Section 6.8.
(b) to encourage sound management of bush fire prone areas.	See Section 6.8.

7.3.3 Section C – Environmental, Social and Economic Impact

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?

See Section 6.7.

Q8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

All environmental effects as a result of this Planning Proposal are adequately addressed within Section 6.0.

Q9. Has the planning proposal adequately addressed any social and economic effects?

See Section 6.9.

7.3.4 Section D – State and Commonwealth Interests

Q10. Is there adequate public infrastructure for the planning proposal?

See Section 6.5.

Q11. What are the views of state and Commonwealth public authorities consulted in accordance with the Gateway determination?

Correspondence between the Minister for Planning and Penrith City Council in 2008 (see Appendix A) states that amendment to the LEP would enable development of the periphery of the Fernhill Estate, provided a number of issues are addressed. These are addressed in Section 6.1.

7.4 Part 4 – Mapping

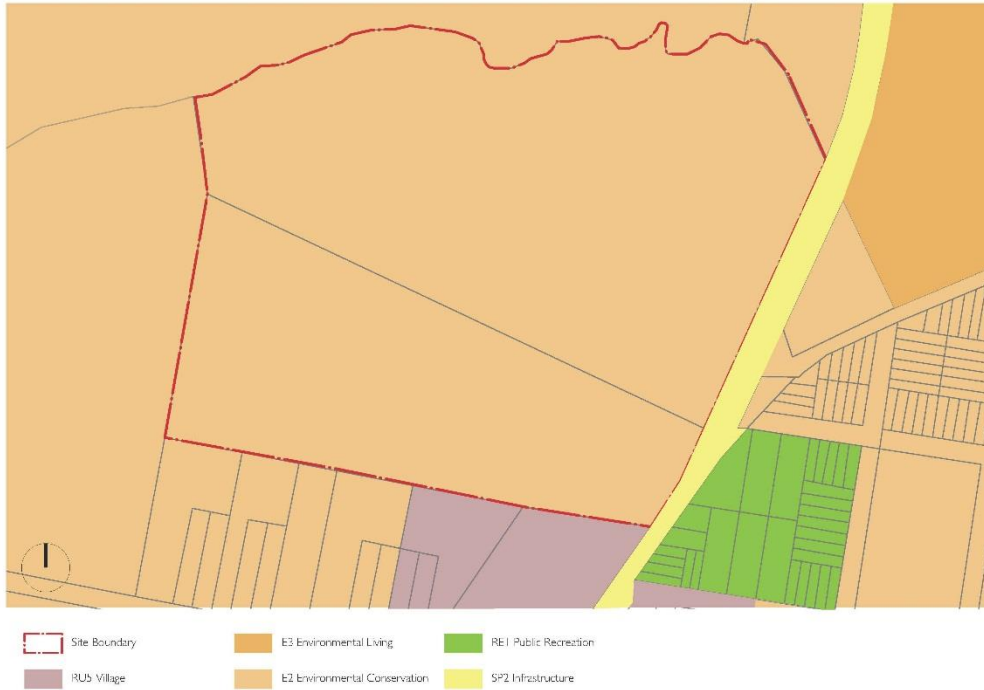


Figure 21: Existing LZN map

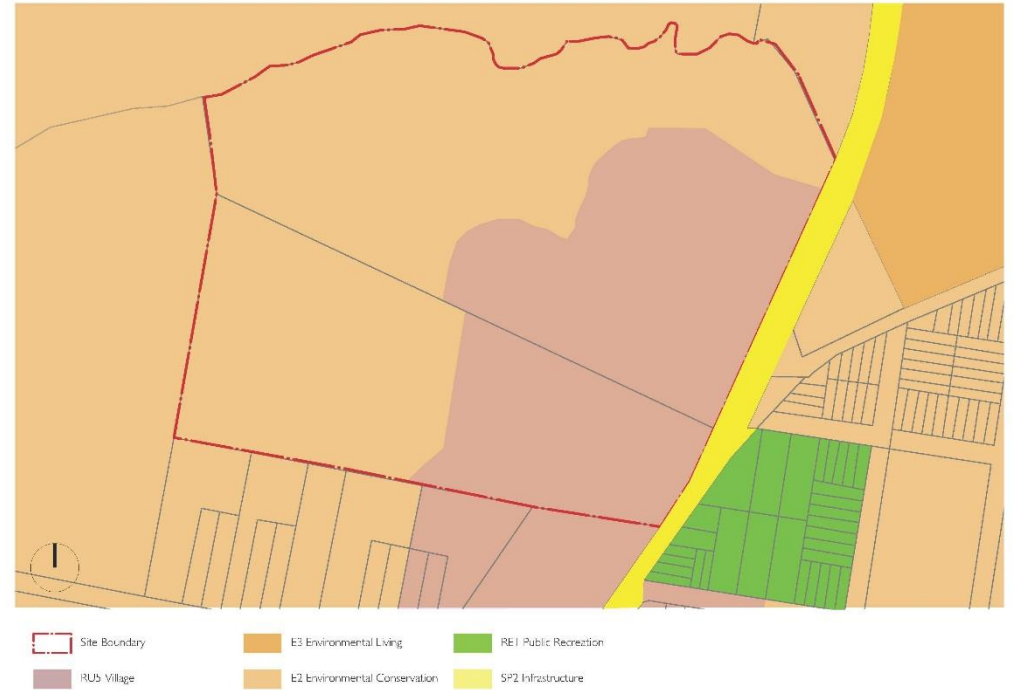


Figure 22: Proposed LZN map

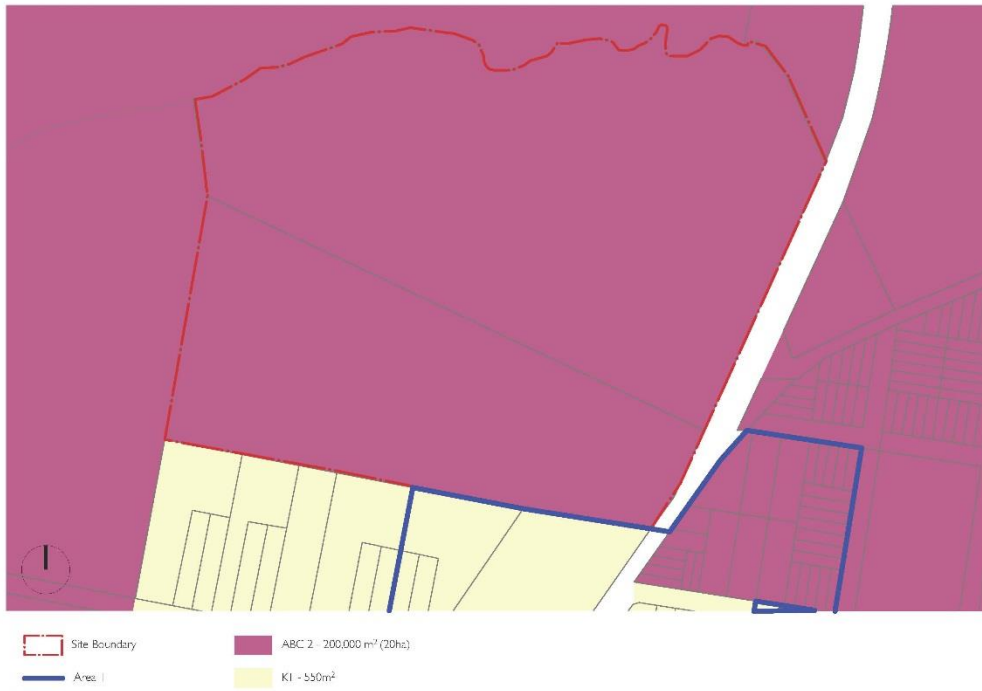


Figure 23: Existing LSZ Map

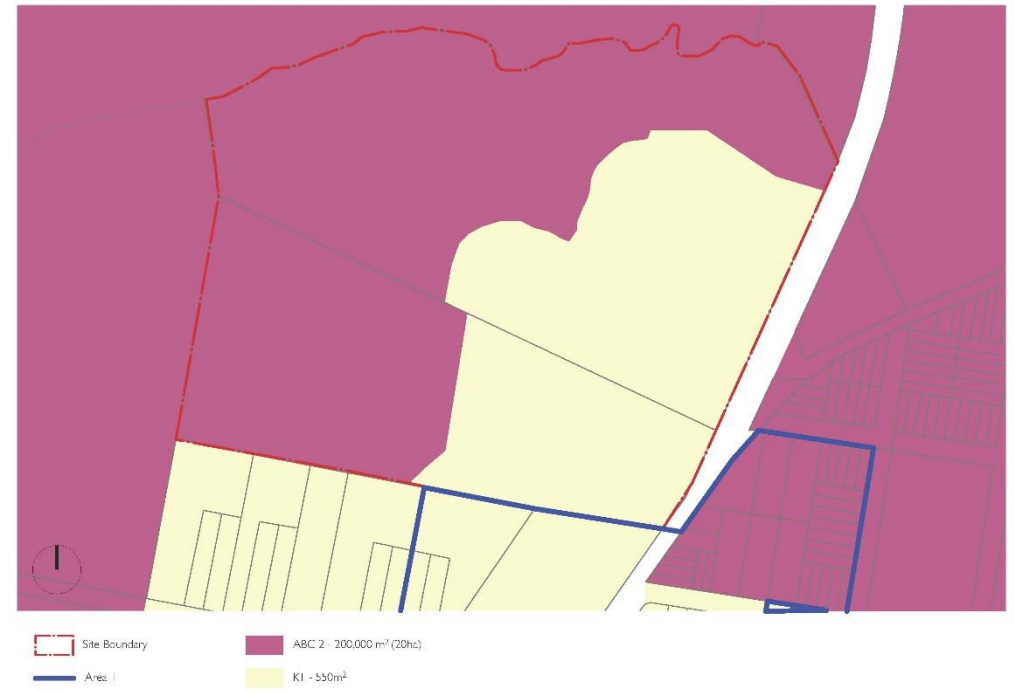


Figure 24: Proposed LSZ Map

7.5 Part 5 – Community Consultation

Community consultation would occur in accordance with legislative and Council requirements.

7.6 Part 6 – Timeframe

The table below provides a proposed timeframe for the project:

Task	Timing
Date of Gateway determination:	4-6 weeks after submission to DP&E
Anticipated timeframe for the completion of required technical information:	Completed
Timeframe for government agency consultation (pre and post exhibition as required by Gateway determination):	21 days – to run concurrently with public exhibition period
Commencement and completion dates for public exhibition period:	TBA
Dates for public hearing (if required):	Not expected to be required.
Timeframe for consideration of submissions:	4 weeks
Time frame for the consideration of a PP following exhibition:	6 weeks
Consideration of PP by Council (Council Meeting):	TBA
Date of submission to the Department to finalise the LEP:	TBA
Anticipated date RPA will make the plan (if delegated) or anticipated date RPA will forward to the Department for notification:	TBA
Anticipated publication date:	TBA

Appendix A – Letter from Minister