

20 December 2010

Sam Haddad
Director General
Department of Planning
23 – 33 Bridge Street
Sydney NSW 2000

Attention: Peter Goth

Dear Mr Haddad,

Re: Request for New of Seniors Living Site Compatibility Certificate – NERGL site

I am writing to you on behalf of NERGL Developments Pty Ltd (NERGL) in regard to the Site Compatibility Certificate (SCC) issued by the Department of Planning on 3 April 2009 (refer to **Attachment A**), in accordance with *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* (Seniors SEPP). The SCC is due to expire on 3 April 2011. We are aware that in order for a Development Application (DA) to be determined in accordance with the Seniors SEPP and the *Environmental Planning and Assessment Act 1979* (the Act) that the Certificate must be current for the duration of the DA assessment period. It is NERGL intent on lodging a development application in early 2010.

We respectfully request the Department extend the application of the Seniors SEPP by way of issuing a new certificate for a further 2 year period. As discussed with Department officers we also request a waiver of fees for the application. In our view the supporting material to the previous application remains up to date and relevant for this application. We include the following documentation in support of this application:

- Site Compatibility Certificate Application to the Department of Planning Glenmore Park, Penrith by MacroPlan Australia (refer to **Attachment B**). We note that in this report the E4 zone is identified as the zone identified under draft *Penrith Local Environmental Plan 2008*. This zone was deferred on the NERGL site under *Penrith Local Environmental Plan 2010*.
- Urban Design Principles And Design Guidelines by GMU Design and Architecture (within **Attachment B** as Appendix A to the MacroPlan report including letter outlining that report remains current)
- Landscape Character Analysis and Visual Assessment Report in Relation to “Gateway” Concept for The Northern Road, Glenmore Park (refer to **Attachment C**) by Richard Lamb and Associates.
- Letter to Council from BBC Planning in regard to the need for a detailed visual assessment to inform the development of LEP controls applying to the site (refer to **Attachment D**).

While it was the intent of NERGL to gain development approval for a seniors living development during the period of the current certificate this has not been possible for a number of reasons. These are outlined as follows:

Proposed zoning of the land as E4 Environmental Living and Scenic lands

As you may be aware, despite the existence of the Certificate and Councils involvement in the issuance process, in late 2009 Council officers proposed to:

1. Include the land within Draft Stage 1 (Rural lands) *Penrith Local Environmental Plan 2010* (LEP 2010)
2. Zone the land for E4 "Environmental Living", and
3. Apply a "Scenic" value to the land.

The effect of zoning the land "E4 Environmental Living" which applies a "Scenic" value would have been to exclude the land from the application of the Seniors SEPP, in effect extinguishing the SCC. Under Schedule 1 of the Seniors SEPP any site with an "Environment protection Zone" or land with "scenic and landscape values" are excluded from the application of the SEPP.

Significant time and effort was expended seeking to ensure the zoning was not put in place.

Highlighted below is an extract from the Richard Lamb report (refer to **Attachment C**) requested by Council's Director of Planning during the LEP process:

Landscape Character Analysis and Visual Assessment Report in Relation to "Gateway" Concept for The Northern Road, Glenmore Park

Prepared by Dr Richard Lamb

18 November 2009

Overall, we are of the opinion that the proposed rezoning of the subject land does not reflect the proper recognition of processes that are affecting or can change the existing or future character of the site and its surroundings. The Penrith "Gateway" is no longer in the immediate vicinity of the site but will increasingly be perceived as having shifted further south as a more urban form of development; views of Glenmore Park Stage 2 and rural residential development extends in this direction, either along/ or adjacent to The Northern Road corridor.

We have carried out a detailed investigation of the basis of the gateway concept and the foreshadowed zoning of the subject land to E4. We have been unable to find the kind of logical, systematic and orderly process that should precede and justify the objectives in the DCP and the foreshadowed zoning. It follows that the earlier down-zonings of the land are also not justified in our opinion and that there should be no action to re-zone the land until a full and transparent strategic planning study with appropriate public participation in the outcomes is carried out. I urge the Council to set this process in train as a matter of urgency.

The draft LEP was not gazetted until 2 September 2010 in which the land is now shown as a deferred matter. We understand from correspondence recently received Council officers may move to lift this deferral when the Urban Land Local Environmental Plan is gazetted.

Given the uncertainty it was not possible to lodge a development application until this issue was clarified. Furthermore the LEP's transitional provisions would not have permitted a Staged DA approach which is necessary with a 10 year plus (\$70 - \$100million) development of this nature.

We remain concerned that notwithstanding the above; the recent substantial commencement of upgrade works to Bradley Street by Glenmore Park Stage 2 Landowners; and the finalisation of design of the major The Northern Road/Bradley Street intersection which forms the southern most boundary of NERGL site, Council still plans on placing the E4 zoning on the subject lands during the Urban Lands LEP process. We refer to the LEP 'planning proposal' now lodged with to the Department of Planning.

Global financial crisis and project finance

The period since the Department issued the SCC has seen very poor lending conditions due to the Global Financial Crisis (GFC). The GFC made it very difficult to secure project finance with the proposed E4 rezoning effect of extinguishing the SCC.



The recent resurgence in the financial markets (coupled with the 'deferral') has led to an opportunity to progress the development of the site. As such, NERGL aim to lodge a DA for the site in the near future but it is unlikely this would allow time for the approval of an application prior to 3 April 2011.

Further SCC clarifications sought

We are also seeking to clarify some ambiguities within a new SCC as follows:

Property description

We wrote to the Department on 14 July 2010 seeking a correction of the property description in the SCC. The address referred to in the SCC is 2075 – 2113 The Northern Road and 1-29 Bradley Street, Penrith. This is incorrect, the certificate includes Lot 6 which is known as 2065 – 2071 The Northern Road. Therefore, the correct address on the SCC should be 2065 - 2113 The Northern Road and 1-29 Bradley Street, Glenmore Park.

Residential care facility

Schedule 2 of the SCC lists the uses permitted under the SCC. Macroplan's market research and further discussions with potential joint venture partners indicate a high level of need for residential care facilities in Penrith, particularly southern areas as there are presently none with very high waiting lists elsewhere in the locality. These allow residents to age in place and not move when their residential care needs change and additionally provides necessary infrastructure to supply age in place services to the surrounding community. A residential care facility could be provided within and would be entirely consistent with the framework established by GMU Design in its *Urban Design Principles and Guidelines* document supporting the original application. We therefore seek the addition of a Residential care facility in schedule 2 of the new certificate.

We do not seek to amend any other aspect of the certificate in regard to this request.

I trust this letter provides a sufficient basis for a new certificate to be issued. Please do not hesitate to contact me on 0414 236174 or at bhendriks@mecone.com.au if you require further information to this request.

Yours sincerely,



Ben Hendriks

Encl.:

Attachment A - Current Site Compatibility Certificate

Attachment B - Site Compatibility Certificate Application to the Department of Planning Glenmore Park, Penrith by MacroPlan Australia including Urban Design Principles And Design Guidelines by GMU Design and Architecture

Attachment C - Landscape Character Analysis and Visual Assessment Report in Relation to "Gateway" - Concept for The Northern Road, Glenmore Park by Richard Lamb and Associates.

Attachment D - Letter to Council from BBC Planning in regard to the need for a detailed visual assessment to inform the development of LEP controls applying to the site



ATTACHMEMNT A

Current Site Compatibility Certificate



Seniors Housing Determination of Certificate of Site Compatibility

Part 1A of *State Environmental Planning Policy* (Housing for Seniors or People with a Disability) 2004

I, the Director-General of the Department of Planning, pursuant to clause 25(4)(a) of the *State Environmental Planning Policy* (Housing for Seniors or People with a Disability) 2004, determine the application made by NERGL Development Pty Ltd ~~care/of~~ Macroplan Australia on the 4th February 2009 by issuing this certificate.

I certify that in my opinion:

- the site described in Schedule 1 is suitable for more intensive development; and
- the development described in Schedule 2 is compatible with the surrounding environment, having had regard to the criteria specified in clause 25(5)(b).

SHaddad

Sam Haddad
Director-General
Department of Planning

Date certificate issued: *3rd April 2009*

Please note: This certificate will remain current for 24 months from the date of issue.

SCHEDULE 1

Site Description:

Land at No's 2075 - 2113 The Northern Road and No's 1 - 29 Bradley Street, Penrith

Lot 1 and 2 of DP1067082; Lot 1 of DP551558; Lot 103 of DP1050042; Lot 101 of DP597243; Lot 3 of DP1067073; and Lots 3, 4, 5 and 6 of DP26658

Penrith City Council Local Government Area.

SCHEDULE 2

Application made by:

NERGL Developments Pty Ltd ~~care/of~~ Macroplan Australia

Project Description:

The construction of a Seniors Housing development consisting of farmlets, villas, townhouses and houses and associated development (community facilities).

ATTACHMENT B

Site Compatibility Certificate Application to the Department of Planning Glenmore Park, Penrith by MacroPlan Australia including Urban Design Principles And Design Guidelines by GMU Design and Architecture





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Mr Ben Hendriks
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Sydney NSW 2000

22 December 2010

Dear Mr Hendriks

We consider that the Masterplan prepared for NERGL for the site at 2075-2113 The Northern Road and 1-29 Bradley Street, Glenmore Park in 2009 remains up to date and relevant to the sites future development for a Seniors Living Development.

We understand the current application includes the addition of a Residential Care Facility. This type of facility would be entirely consistent with the concept proposed in the 2009 report.

If you have any further queries please do not hesitate to contact the office on 9460 6088.

Yours Sincerely,

A handwritten signature in black ink, appearing to read "Gmorrish", written over a light blue rectangular background.

Gabrielle Morrish
Principal
GM Urban Design & Architecture Pty Ltd



Site Compatibility Certificate
Application to the Department of Planning
Glenmore Park, Penrith

SUBMISSION

January 2009

PREPARED FOR NERGL DEVELOPMENTS PTY LTD

MACROPLAN AUSTRALIA PTY LTD
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Signed⁺

.....
Dated

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⁺ This document has been reviewed by the Director Government Relations, MacroPlan Australia.
This document is for discussion purposes only unless signed and dated by the person(s) identified.

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Appendix A – Urban Design Analysis and Principles Report

Appendix B – Flooding Assessment

Appendix C – Zoning Controls



'A sensitive development that balances landscape character with built form to ensure the semi-rural character of the precinct is respected, retaining the key landscape features such as the landscaped mound, landscaped ridgeline against the sky as well as key views and vistas from The Northern Road to the farthest views to the ridge and Blue Mountains. Development will be low scale, with vegetation dominating buildings. Architectural character should respond to the architecture of traditional farm houses with a paddock and landscape setting. Streets have a rural appeal and reinforce ridgeline and Blue Mountains vistas through tree planting and alignment.'



Executive Summary

Introduction

MacroPlan has been commissioned by NERGL Developments Pty Ltd as landowners of Lot 1 and 2 DP1067082, Lot 1 DP551558, Lot 103 DP1050042, Lot 101 DP597243, Lot 3 DP1067073, and Lots 3,4,5,6 DP26658, as part of an application to the Department of Planning for a Site Compatibility Certificate under *SEPP (Housing for Seniors or People with a Disability) 2004*.

Previous planning issues raised by Penrith Council for the site include maintaining view corridors and the semi-rural character of the area. GM Urban Design was engaged to develop urban design and design principles that respond to these issues. These urban design principles supported the preparation of an indicative concept plan for the site by Antoniades Architects.

Site Context and Assessment

The site is located within a semi-rural area, approximately 5km south of the Penrith CBD and 14km west of the M7/M4 Interchange in the Penrith LGA. The site is predominantly zoned 2(r) Rural Residential under *Penrith Local Environmental Plan 1998*.

The site has views towards the surrounding rural lands and the Blue Mountains, as well as pockets of existing vegetation which include a landscaped mound. Gradients vary over the site between 1 in 11, 1 in 20, and 1 in 10. The site is able to be serviced by utilities, and contains no known heritage items.

Urban Design and Development Principles

GM Urban Design was engaged to develop urban design and design principles, taking into account the key issues and concerns raised by Council. A vision was developed for the seniors living development on the site:

'A sensitive development that balances landscape character with built form to ensure the semi-rural character of the precinct is respected, retaining the key landscape features such as the landscaped mound, landscaped ridgeline against the sky as well as key views and vistas from The Northern Road to the farthest views to the ridge and Blue Mountains. Development will be low scale, with vegetation dominating buildings. Architectural character should respond to the architecture of traditional farm houses with a paddock and landscape setting. Streets have a rural appeal and reinforce ridgeline and Blue Mountains vistas through tree planting and alignment.'

Proposal

An indicative concept plan has been prepared for the subject site by Antoniades Architects. The development site will provide a range of seniors living housing types, including farmlets, villas, townhouses, and houses, in addition to the provision of community facilities. These will include a mix of 1 and 2 storey seniors living villas located between Jilondalee Way and Saddlers Way; a pond, park/special place, and a bus stop that are located adjacent to the community facilities; 1 and 2 storey townhouses that front Saddlers Way; and an extensive stretch of open space within the view corridor that was identified in the court case.

The site will be accessed from three points – two at Saddlers Way, and one at Bradley Street which forms Jilondalee Way. These access points form the structure of the internal road system, providing access to each lot on the site. The internal roads will all provide for extensive landscaping and buffering.



Strategic Justification

The proposed development is consistent with the relevant directions relating to seniors housing in the Sydney Metropolitan Strategy and draft North West Subregional Strategy, whilst the proposal will be permissible within the 2(r) zone should the Minister issue a site compatibility certificate. The proposed development is also consistent with the findings of the retirement market assessment undertaken by MacroPlan, which revealed a significant demand for premium retirement products within the Glenmore Park area. The site is also able to be fully serviced by essential utilities, and will be within walking distance of existing and proposed public transport services.

SEPP Compatibility Criteria

As required by *SEPP (Housing for Seniors or People with a Disability) 2004*, the proposal addresses each of the five site compatibility criterion. The proposed development is compatible with the natural environment and existing and proposed uses of the land; the proposed seniors living land use is consistent with surrounding residential development and future residential uses on the portion of the site fronting The Northern Road; the site is able to be serviced by essential utilities, and will provide on-site community facilities as well as be within close proximity to the proposed Glenmore Park community facilities; the proposal will provide for a significant amount of open space, focused along a view corridor to the Blue Mountains; and it is considered that the bulk, scale and form of the proposed seniors living dwellings will be compatible with adjoining residential development.

Conclusion

The proposed seniors living development will be consistent with local and state planning directions, and will provide for much needed seniors living accommodation for the Glenmore Park and Penrith areas. The proposal will address key issues raised by Council relating to maintaining view corridors and the semi-rural character of the area. The proposal is entirely consistent against the SEPP Compatibility Criteria and consequently we request that the Minister issue a site compatibility certificate for the proposed development.



1 Introduction

1.1 Purpose

MacroPlan has been commissioned by NERGL Developments Pty Ltd to prepare and lodge an application to the Department of Planning for a Site Compatibility Certificate under *SEPP (Housing for Seniors or People with a Disability) 2004*. In support of the application, GM Urban Design (GMU) and Antoniades Architects have prepared expert advice in the fields of urban design and architecture.

The project addresses the key objectives of the *SEPP (Housing for Seniors or People with a Disability) 2004*, namely to ensure that new seniors housing development occurs in appropriate places and is compatible with the local environment.

1.2 Background

The site's planning history over the past decade has influenced the decision for seniors living to be developed. The site was placed on the Urban Development Program (UDP) in 1986 and rezoned for urban uses as part of the Glenmore Park Estate. However a subsequent residential subdivision application was refused by Penrith Council in 1993 and the site was rezoned for rural uses in 1994. Another residential subdivision application (11 lots) on the site was refused in 2004 by Council. An appeal was lodged with the Land and Environment Court in 2006 and the application was subsequently approved.

Two issues which Council have had throughout the planning history of the site relate to views and rural amenity. GMU have been approached to provide expert evidence illustrating that the proposed development of the site will not impede on views towards the Blue Mountains and surrounding areas. Antoniades Architects have also been commissioned to provide suitable building designs that will ensure the semi-rural character of the locality is maintained. This report addressed these two issues in detail.



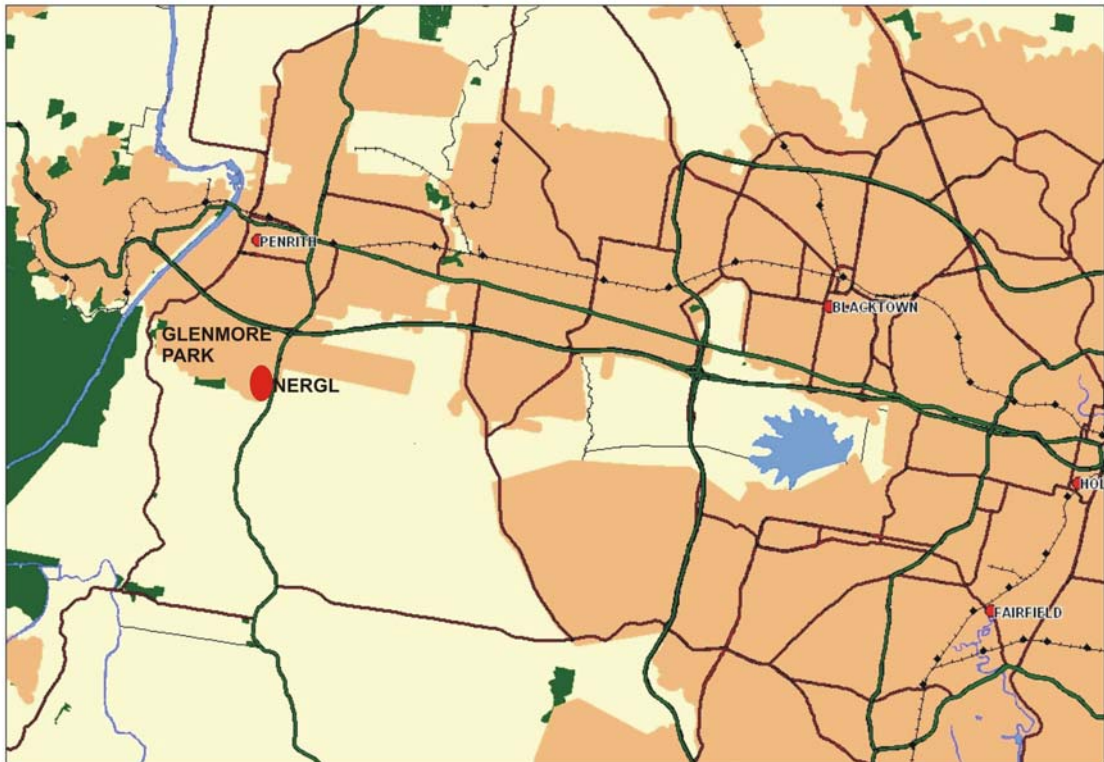
2 Site Context and Assessment

2.1 Site Locality

The subject site, within which the proposed seniors living development will occur (refer to Figure 2), forms part of land owned by NERGL Developments Pty Ltd referred to as Lot 1 and 2 DP1067082, Lot 1 DP551558, Lot 103 DP1050042, Lot 101 DP597243, Lot 3 DP1067073, and Lots 3,4,5,6 DP26658. It must be noted that the subject site does not form part of the previously approved residential subdivision that fronts The Northern Road.

The site is located approximately 5km south of the Penrith CBD and 14km west of the M7/M4 Interchange in the Penrith LGA. It is predominantly zoned 2(r) Rural Residential under *Penrith Local Environmental Plan 1998*.

Figure 1. The Subject Site in its Regional Context



Source: MacroPlan 2007

The site is located within semi-rural area and is adjacent to an urban area – Glenmore Park to the west. The area to the east is a Defence Force Base, to the north rural residential and a golf course and to the south general rural in nature. The site is generally free of constraints and has a gentle gradient leading down on The Northern Road. The site has a rolling gradient across it falling from the ridgeline on the west towards The Northern Road on the east.



Figure 2. The Subject Site and Existing Surrounding Development



Source: GMU Design (2008)

2.2 Site Assessment

A detailed site analysis and diagrams have been prepared (refer to Appendix A). The following are the key elements of the site:

Views

There are significant views in and out of the site, towards Penrith and the surrounding area. It should be noted that although Council identify a significant view line towards the Blue Mountains, an independent assessment has revealed that too much emphasis may have been given on this view corridor. Relating to the site and surrounding area, the independent assessment suggests that it is more important to focus on maintaining the landscape, vegetation, and ridgelines of the site. Notwithstanding the independent expert's opinion, the proposal will address the view corridor identified in the court case. Further, views to the existing ridgeline vegetation along the west act as windbreak.

Vegetation

Although the site is generally cleared of vegetation, there are pockets where existing trees and vegetation remain, particularly on the site boundaries. The site also has a landscaped mound which provides a barrier with adjacent residential development.

Gradients

The site has varying gradients ranging from 1 in 11 to 1 in 20 and 1 in 10.



Services

Trunk servicing of the site with water and sewer can be achieved. Electricity augmentation will enable the site to be serviced with electricity. The site is in close proximity to the 798 and 789 bus routes, as well as the proposed high frequency bus route that will run along The Northern Road and Bradley Street.

Flooding

A previous assessment of the site indicates that flooding is not an issue for the proposed seniors living development (refer to Appendix B).

Heritage

A desktop search of the *Penrith LEP* and State Heritage Register have revealed that no heritage items exist on the subject site.

Contamination

There are no known contamination issues resulting from past land uses on the site. Past land uses of the site have been consistent with those of the Glenmore Park area, where no contamination of those lands has affected development. Further investigations will be undertaken, as required, at the DA stage. In addition, MacroPlan is able to provide more detailed information regarding previous land uses and contamination of the site if required by the Department of Planning.

Figure 3. **Photos of existing site**





3 Urban Design and Development Principles

GMU were engaged to develop urban design and design principles, taking into account the key issues and concerns raised by Council. This Urban Design Analysis and Principles Report (refer to Appendix A) sets out development control principles that can be used to guide the future development of the site. The vision for the Seniors Living Development shall be:

'A sensitive development that balances landscape character with built form to ensure the semi-rural character of the precinct is respected, retaining the key landscape features such as the landscaped mound, landscaped ridgeline against the sky as well as key views and vistas from The Northern Road to the farthest views to the ridge and Blue Mountains. Development will be low scale, with vegetation dominating buildings. Architectural character should respond to the architecture of traditional farm houses with a paddock and landscape setting. Streets have a rural appeal and reinforce ridgeline and Blue Mountains vistas through tree planting and alignment.'

The key design principles that would guide development scenarios shall be:

- Maintain the view corridor to the Blue Mountains as a open vista clear of built form
- Maintain the view to the landscaped mound
- Locate streets to maintain views between approved development footprints
- Vegetate all streets to minimise impact of roof lines
- Minimise development on areas of high visual impact from the public domain
- Development in visually prominent areas should maintain a semi-rural setting
- Maintain the existing green vegetated ridgeline along the western boundary
- Create a pedestrian friendly, park like environment around the landscaped mound by providing walking/jogging tracks, etc.
- Steeper parts (1 in 10 or steeper) are for low density Seniors Living and 1 in 11 to 1 in 20 for more intense Seniors Living Development
- Retain the existing significant vegetation and integrate in to the lots and public domain
- Create 'special place/park' with amenities attached to it around the existing water body
- Generally, building heights should minimise the visual impact of development from Northern Road.

Figure 3 below illustrates how the key design principles have been incorporated into the proposal:

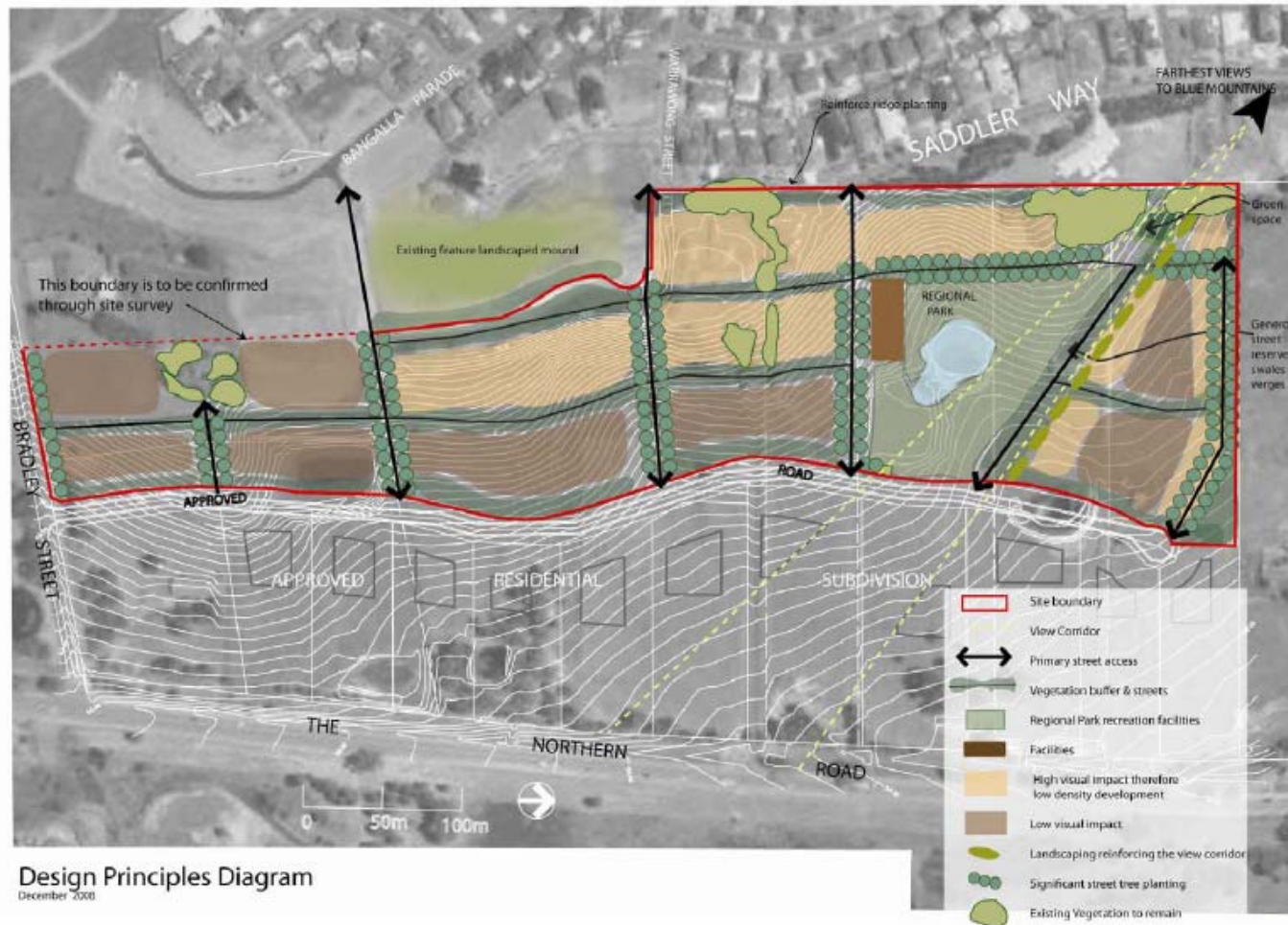
- The proposed street and open space provides a view line to the Blue Mountains, and is in accordance with the Court-approved view corridor
- Low-density development ensures that views to the landscaped mound are maintained
- The internal street layout ensures that views are maintained between buildings



- Vegetation buffers, tree planting, and landscaping will be provided on all streets within the site
- The predominately low density development and provision for open space and landscaping ensures the maintenance of the semi-rural amenity of the locality
- The provision of open space will ensure the landscape mound is highly accessible and desirable for recreation and the public benefit
- The heights of the proposed buildings respond to the varying gradients of the site
- The existing vegetation throughout the site is maintained and integrated within the proposed landscaping
- Community facilities, a bus stop and open space will be created around the pond, creating a 'special place park'.



Figure 4. Design Principles Diagram





4 Proposal

An indicative concept plan has been prepared for the subject site by Antoniades Architects. This indicative concept plan has been guided by the demand and supply findings of a Retirement Market Assessment report for NERGL Developments Pty Ltd, as well as the analysis and characteristics of the site.

The development site will provide a range of seniors living housing types, including farmlets, villas, townhouses, and houses, in addition to the provision of community facilities. The following table provides a breakdown of building types:

Table 1. Proposed Yield Table

Type	Dimension	Quantity
Farmlets	Min. 1,000sqm	24
Residential – Large Lot	Min. 750sqm	8
Residential – Small Lot	Min. 450sqm	10
Villas – 3 bedroom	Min. 276sqm	31
Villas – 2 bedroom	Min. 207sqm	64
Townhouses	100sqm	30
Community Facilities	1,200sqm	-
Total	-	167

The site will be accessed from three points – two at Saddlers Way, and one at Bradley Street which forms Jilondalee Way. These access points form the structure of the internal road system, providing access to each lot on the site. The internal roads will all provide for extensive landscaping and buffering.

As indicated on Figure 4, the proposed development will provide for:

- A mix of 1 and 2 storey seniors living villas located between Jilondalee Way and Saddlers Way;
- A pond, park/special place, and a bus stop that are located adjacent to the community facilities;
- 1 and 2 storey townhouses that front Saddlers Way;
- Residents' caravan and RV parking.

In addition to the above, the proposed development will provide a high level of amenity for its residents:

- The proposed heights and density, together with the landscaping and maintenance of views lines and corridors will ensure the semi-rural character of the locality is maintained.
- Extensive landscaping, buffering and open space along all streets will create a green environment, encouraging pedestrian activity and use of the public domain.



- Views towards Penrith, the Blue Mountains, and the surrounding area will be maintained.
- The site is within walking distance to public transport which will encourage usage of these services.
- There will be three key street access points into the site, as well as several pedestrian linkages.
- The site, being in close proximity to the proposed Glenmore Park Stage 2, will ensure residents have access to a wide array of services and facilities.
- On-site recreational community facilities and services will be provided.



Figure 5. Concept Plan





5 Strategic Justification

5.1 Strategic Planning

Sydney Metropolitan Strategy

The Sydney Metropolitan Strategy provides details of how to accommodate the expected population increase of 1.1 million people by 2031. In addition to the increasing population rates are changes to demographic trends, namely declining household numbers and an aging population. Therefore there will be a greater demand for accommodation for seniors living. The Metropolitan strategy set out policies and guidelines for local government, mainly through the development of the *SEPP (Housing for Seniors or People with a Disability) 2004*.

The proposal is consistent with the Metropolitan Strategy in that it seeks to provide affordable, seniors living housing, assisting in meeting the increasing demands for this housing type in Sydney. As described in Section 5.3, MacroPlan undertook a Retirement Needs Assessment which identified a significant demand for retirement product in the Glenmore Park area. It also identified an under supply of retirement dwellings in the short, medium and long term. Consequently, there is an opportunity for a mid range to premium development that provides a number of facilities and services to residents.

Draft North West Subregional Strategy

The North West Subregion currently has the highest population of all of Sydney's Subregions. It is estimated that the population over the age of 65 will increase by 96,000 people by 2031 within this subregion, resulting in a higher demand for senior living accommodation. The Strategy states that housing for seniors and people with a disability should be provided in areas with good access to services and public transport. The development of major transport infrastructure within the North West region presents greater opportunities for the development of housing for seniors and people with a disability.

The proposal is consistent with the Draft North West Subregional Strategy in that it will provide much needed seniors living accommodation that is well accessed by roads, public transport, and services. It will also assist in meeting the increasing demand for smaller seniors living dwellings in a variety of forms, as identified by the Strategy.

Penrith Rural Lands Strategy

The Penrith Rural Lands Strategy (2003) sets out a growth management philosophy for the management of rural lands within Penrith LGA. Specifically, it provides for 'limited amount of new rural residential development only where located near to services and where environmental impacts can be minimised'. Principles have been established by the Strategy to ensure that development is consistent with the land capability. These include issues relating to native vegetation; slope of the land; providing a choice of living opportunities and types of settlement; have regard to the natural features and values of Penrith; and provide for the continued and improved social and economic well-being of the community.

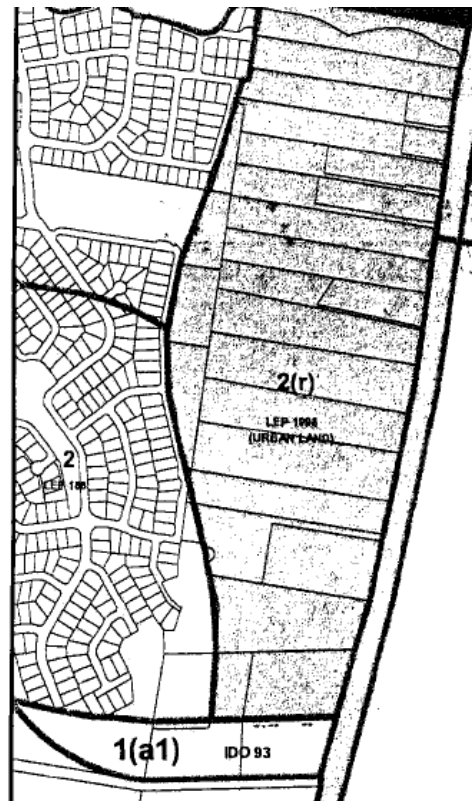
The proposal will maintain the existing semi-rural character of the area, without impacting on the environment. It will also support the development principles by keeping existing vegetation; developing areas of the site that have accessible slopes; provide a choice of seniors living dwellings; represent a design that reflects the semi-rural setting of the locality; and provide community services and seniors living accommodation that will benefit the community as a whole.



5.2 Statutory Planning

The main legislative planning document currently governing the site is the *Penrith Local Environmental Plan Urban Land 1998 (Penrith LEP 1998)*. The site is predominantly zoned 2(r) Rural Residential with smaller areas zoned Rural (a1) and 2 (Urban), pursuant to IDO 1993 and *Penrith LEP 188* respectively. Refer to Appendix C for copies of the zoning controls.

Figure 6. Zoning map for the subject site



Penrith Local Environmental Plan Urban Land 1998

The primary objectives of the 2(r) Rural-Residential Zone relate to the preservation of the semi-rural character of the M4 Motorway, The Northern Road and Mulgoa Road frontages of Glenmore Park and the part of the Cranebrook escarpment between Nepean Street and Laycock Street. This is to be achieved through a low density settlement pattern and prohibition of retail and commercial activities along the mentioned roads.

The following uses are permitted without development consent: bed and breakfast establishments; bushfire hazard reduction; family day-care homes; home activities.

The following uses are permitted with development consent: agriculture; buildings or other structures ordinarily associated with dwelling houses; changes of building use (as defined in the Act); demolition of buildings or other structures; drains; dual occupancies; dwelling houses; home businesses; roads; structural or internal alterations to bed and breakfast establishments; utility installations; utility undertaking.

Section 10 of the *Penrith LEP 1998* outlines subdivision controls relating to development within Zone No. 2(r). Development consent will be granted unless:



(a) each allotment to be created will have an area of not less than 4,000 square metres and the total number of allotments will not exceed one for each hectare of land being subdivided; and

(b) it is satisfied that the size of each of those allotments is adequate, after having regard to the requirements of the Department of Health and to any development control plan relating to stormwater and waste water management; and

(c) the subdivision maintains the semi-rural character of the locality.

The proposed development is permissible with consent within the 2(r) zone if the Director General has issued a site compatibility certificate. The proposal will provide for semi-rural development that responds to the surrounding landscape and existing residential development, ensuring that the maintenance of the rural character of the area.

Interim Development Order 93

A portion of the subject site, as indicated in Figure 6, is zoned Rural 1(a1) pursuant to IDO 93. The development of a dwelling house or dual occupancy (up to a maximum of two dwellings) on an allotment within the Rural 1(a1) zone is permitted. A setback of 30m is required for development fronting a designated road.

Penrith Local Environmental Plan 188

A portion of the subject site, as indicated in Figure 6, is zoned 2 (Urban) under the *Penrith LEP 188*. The development of dwellings or seniors living housing is permitted within the 2 (Urban Zone), subject to consent from Council. A rear setback of 4m is required for a single dwelling, whilst a rear setback of 6m is required for a two-storey dwelling.

Draft Penrith Local Environmental Plan 2008

As part of State Government requirements, Penrith City Council is currently preparing a LGA-wide comprehensive LEP. Council are in the process of undertaking necessary studies in order to compile their comprehensive LEP for completion within the next few years. Stage 1 of the LEP (comprising of rural lands, industrial lands and the city centre) was recently considered by Council and the draft LEP was submitted to Department of Planning in order to obtain approval to exhibit (commonly referred to as the Section 54 Certificate). The draft LEP is currently on exhibition until 30 January 2009. Stage 2 of the comprehensive LEP will then consider residential lands across the LGA.

Under the draft LEP (Stage 1), the site is proposed to be zoned E4 Environmental Living. The following objectives apply to this zone:

- To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values.
- To ensure that residential development does not have an adverse effect on those values.
- To ensure land uses do not adversely affect the residential amenity of the locality or the amenity of existing residents.
- To minimise conflict between land uses within the zone and adjoining zones.
- To ensure the form, siting, colour and material of buildings and landscaping complement the scenic quality of the landscape.
- To ensure land uses are compatible with the environmental capabilities of the land, and preserve and improve natural resources through appropriate land management practices.



- To ensure traffic generating land uses are suitably located so as not to adversely affect the safety and efficiency of roads.
- To ensure development does not unreasonably increase the demand for public services, public infrastructure or public facilities.

The following uses are permissible with consent:

Bed and breakfast accommodation; Buildings; Building identification signs; Business identification signs; Child care centres; Community facilities; Drainage; Dual occupancies; Dwelling houses; Earthworks; Environmental facilities; Environmental protection works; Flood mitigation works; Group homes; Home-based child care or family day care homes; Home businesses; Home industries; Home occupations; Information and education facilities; Moveable dwellings; Public utility undertakings; Rainwater tanks; Recreation areas; Roads; Spa pools, Swimming pools; Telecommunication facilities; Temporary structures; Utility installations.

The minimum lot size for subdivisions within the E4 zone is 1 hectare.

The proposed development will provide for appropriately designed seniors living residential development that will respond to the semi-rural nature of the area. The proposed development will be compatible with adjacent residential land uses, whilst providing for significant landscaping and open space to ensure the scenic quality of the landscape is maintained.

NERGL Pty Ltd will be making a submission on the Draft LEP, questioning the proposed zoning of the land as E4, as well as the view corridor delineation.

5.3 State Environmental Planning Policies

The proposal can be developed in consistency with the following relevant state environmental planning policies (SEPPs):

- SEPP No. 55 – Remediation of Land;
- SEPP (Housing for Seniors or People with a Disability) 2004;
- SEPP (Building Sustainability Index: BASIX) 2004;
- SEPP (Infrastructure) 2007;
- Draft SEPP No. 66 – Integration of Land Use and Transport.

SEPP (Housing for Seniors or People with a Disability) 2004 is discussed in detail in Section 6 of this report.

5.4 Retirement Market Assessment

MacroPlan undertook a retirement market assessment to test the potential for an independent living unit development on the subject site. The key objectives of the assessment were to understand the current and future population drivers of demand for facilities and products (retirement living), identify key economic drivers (which may impact price / product requirements) and analyse the competing developments, which will assist in analysing and defining a feasible development scenario.



The ageing trends across the population will continue to intensify demand for retirement living options, especially in locations with strong ageing fundamentals and access to appropriate facilities, such as Glenmore Park. It is important to plan and build a retirement village environment that responds to market needs, whilst offering a unique concept that ensures the product has a point of difference within the competitive environment.

Based on the analysis provided in the retirement market assessment report, there is a significant demand for retirement product in the Glenmore Park area, as well as a shortage of incoming retirement supply in the region, which highlights a great potential for premium and traditional retirement product to be taken up in the market. Given the under supply of retirement dwellings in the short, medium and long term, there is an opportunity for a mid range to premium development that provides a number of facilities and services to residents.

The proposed seniors living development on the subject site offers a unique product in the current market, not only in terms of products and services but an integrated facility within a proposed major town centre redevelopment. It provides for a premium development which is well serviced by community facilities and public transport, and assists in meeting the demand for this type of product within the region.

Further, with a potential pricing structure for the retirement development ranging from \$290,000 to \$310,000, there are no competing developments within 10kms of the site operating in the same price range. This suggests that there is sufficient depth within the residential property market for people within the target market to be able to cash out of their existing dwelling and purchase a product within the subject site.

5.5 Adequacy of Services

Water and Sewer

A number of meetings have been held with Sydney Water regarding trunk servicing of the site with water and sewer. In particular information on the capacity of the Orchard Hills reservoir (water) and the Penrith STP were sought. Sydney Water was unable to release this information until permission from the Department of Planning was given.

Electricity

Integral have advised that the electricity supply to the area would need to be upgraded.

Roads

The proposed development of the subject site would ultimately contain three access points, these being:

- Access off Bradley Street;
- Access off the Glenmore Parkway;
- Access into Glenmore Park via Saddlers Way and Warrawong Street.

The intersections required to support these access points are yet to be determined and will be discussed and assessed in more detail after a site compatibility certificate has been issued.



Public Transport

The subject site lies in close proximity to the 798 and 789 bus routes (see Figure 6 below). It is envisaged that the development could be wholly serviced by these routes. There may be the opportunity for the 798 bus route to be slightly amended to allow buses to travel through the site however discussion with the Department of Transport in this regard are yet to take place.

- 789 – A low frequency peak services that links the Orchard Hills Area to Penrith Station;
- 798 – A high frequency service between Glenmore Park and Penrith Station.

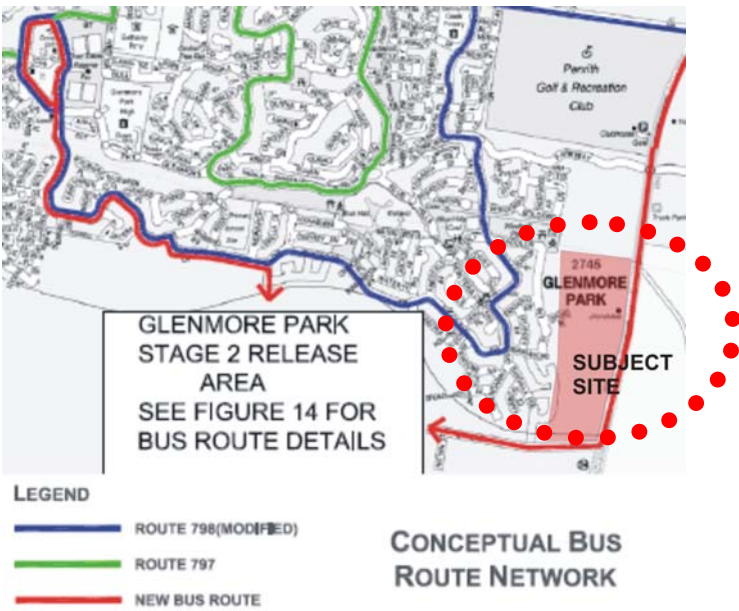
New Bus Service – A new high frequency bus service is planned to service the Glenmore Park Stage 2 Development running along The Northern Road and Bradley Street (refer to Figure 7 below). This would provide additional bus services to the subject site, with the opportunity to provide a bus stop within the site.

Figure 7. Subject Site and Existing Bus Routes





Figure 8. Subject Site and Proposed Bus Routes



Source: Glenmore Park Stage 2 Transport Management and Accessibility Plan (2005)



6 SEPP (Housing for Seniors or People with a Disability) 2004

SEPP (Housing for Seniors or People with a Disability) 2004 encourages the development of high quality accommodation for the State's ageing population and for people who have disabilities. In addition, it encourages housing that is in keeping with the local neighbourhood. Any potential aged housing development is to consider specific requirements, relating to whether the land is bushfire prone, is accessible to shops and services, and has connections to water and sewage systems.

As specified in Clause 24(1)(a)(i), there is a requirement for a site compatibility certificate to accompany development that adjoins land zoned primarily for urban purposes.

Before issuing a certificate, the Department of Planning will carry out a site compatibility assessment and must be satisfied that the proposed development is suitable for more intensive development. In addition, the proposed seniors housing development must be compatible with the surrounding environment. This is addressed in Section 6.1 below.

6.1 Clause 25(5) - SEPP Compatibility Criteria

Criteria 1 – Natural Environment, Existing and Approved Uses of Land in the Vicinity

There is an approved development application (02/1186) on the land adjacent to the proposed seniors living site for an 11 lot rural/residential subdivision which was approved by the Land and Environment Court on 10 October 2006. This approval addressed the concerns raised by Council with respect to maintaining view corridors and semi-rural character of the area.

The proposal focuses on developing the portion of the site between Jilondalee Way and Saddlers Way. As discussed previously in this report, the proposal will retain a significant amount of existing vegetation along the boundaries and within the site (as shown in Figure 4). View corridors will be maintained (as shown in Figure 4), particularly the view corridor which was considered within the court case.

The proposed development will have three primary access points onto local streets which have the capacity to handle the expected increase in traffic movements. The proposed development will be compatible with the adjacent existing residential development to the west of Glenmore Park, forming a logical extension of the area and thereby maintaining the existing character of the locality.

Criteria 2 – Impact on Future Uses

The approved DA on the site for semi-rural development and the existing residential development to the west means that similar land uses (i.e. residential) are most appropriate for the site. The proposed seniors living development is considered to be consistent with surrounding residential development. The proposal will therefore not have any impact on future uses on the land.

Criteria 3 – Services and Infrastructure Provision

The site is within close proximity to local services and facilities, and will be within 1.5km to the proposed retail and community services at Glenmore Park Stage 2. The proposal will provide on-site community facilities which may include small shops and/or community/recreational uses (refer to Figure 4). These will be focused within the 'community hub', which will also comprise a bus stop, open space, and a pond.



A number of meetings have been held with Sydney Water regarding trunk servicing of the site with water and sewer. In particular information on the capacity of the Orchard Hills reservoir (water) and the Penrith STP were sought. Sydney Water was unable to release this information until permission from the Department of Planning was given. In terms of electricity, Integral has advised that the electricity supply to the area would need to be augmented.

Relating to public transport, the site lies in close proximity to the 798 and 789 bus routes. It is envisaged that the development could be wholly serviced by these routes. A meeting with the Department of Transport to discuss the opportunity for the 798 bus route to be slightly amended to allow buses to travel through the site are proposed.

Criteria 4 – Impact on Open Space

The land is not zoned open space or special uses, however the proposal will include a significant amount of open space within the development site that will compliment surrounding open space areas (refer to Figure 4). This will be enhanced by vegetation buffering along streets and site boundaries. An extensive amount of open space will be provided along the view corridor, ensuring that this area can be used by residents and visitors whilst enjoying the views towards the Blue Mountains.

The existing feature landscaped mound will be retained and will provide a substantial buffer to adjoining residential development. The pedestrian footpaths along the proposed streets will provide for improved access to community facilities and public transport services. The proposed development will also include a pond and park for residents.

Criteria 5 – Impact of Bulk, Scale and Form of Development

It is considered that the proposed development will be consistent with the bulk, scale and form of development of the surrounding area. The majority of proposed dwellings will be single storey, ensuring that building heights will be compatible with nearby residential development, thus maintaining the existing semi-rural character of the locality. Only single storey dwellings will be located in the high visual impact (sensitive) areas with generous separation between dwellings. The proposed dwellings will be aligned with the site contours, ensuring the built form responds to the natural topography of the site.

Locations that are particularly visible from The Northern Road will be free of development, such as the mound and ridgeline, ensuring that the development will provide for a transition in height and form with surrounding development. The proposed development will provide for a high quality built form that enhances the semi-rural character of the area. The proposed dwellings will also contain design façade treatments, natural building materials and external finishes, and appropriate paint colours which will blend in with the semi-rural landscape.

As discussed in Section 5.3 of the report, the proposed development will provide for much-needed seniors living accommodation within the Glenmore Park and Penrith areas. The proposed heights and building footprints of dwellings are in keeping with the form and scale of existing residential development to the east. The majority of dwellings will be single storey with adequate vegetation buffers along the streets and boundaries of the site.



7

Conclusion

The proposed development will provide for much needed seniors living accommodation for the Glenmore Park and Penrith areas, both now and into the future. The proposal provides for a high level of residential amenity that will ensure that the proposed community will be a place of choice to live in.

The proposal will have significant benefits to the local and wider community by providing:

- A range of high quality, seniors living housing types that will address the need for this type of accommodation within the Penrith and Glenmore Park areas;
- Community facilities and public open space which can be accessed by pedestrians;
- Increased demand for public transport which will assist in bus usage and frequencies;
- Local job opportunities, both during construction and on-going phases;
- Revenue for Council through developer contributions and rates; and
- Maintenance of the semi-rural amenity and landscape.

This report illustrates that the proposed development is consistent with relevant local and state strategies, as well as local planning controls. The proposal addresses key Council issues including maintaining a view corridor and the semi- rural character of the area. The proposal is entirely consistent against the SEPP Compatibility Criteria and consequently we request that the Minister issue a site compatibility certificate for the proposed development.



Appendix A – Urban Design Analysis and Principles Report

URBAN DESIGN PRINCIPLES AND DESIGN GUIDELINES

FOR MACROPLAN PTY LTD ON BEHALF
OF NERGL DEVELOPMENTS

No. 2075 – 2113 The Northern Road and
1–29 Bradley Street, Glenmore Park

GM URBAN DESIGN & ARCHITECTURE P/L
DECEMBER 2008



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1. Introduction

GM Urban Design has been appointed by MacroPlan Australia Pty Ltd on behalf of NERGL Developments to undertake an urban design analysis and prepare key Urban Design Principles for the potential development of the above site No. 2075 – 2113 The Northern Road and 1 – 29 Bradley Street, Glenmore Park.

In arriving at the Urban Design Principles expressed in this report GMU has undertaken the following:

- A site visit on Thursday, 11th Sept 2008 that involved -
 - A site walk.
 - Identification of key views and vistas.
 - Identification of existing landscape character and key features.
 - Identification of the points of future connections to the site.
 - Photographic record of the site.
- Review of Land and Environment Court Judgment: Ingham Planning Pty Limited v Penrith City Council (2006) NSW LEC 666.
- Review of Council's controls, MacroPlan report and previous GMU report in relation to key views and vistas
- Review of Council's draft LEP, current LEP and DCP's relating to residential development and the site.
- Seniors Living Policy: Urban Design Guidelines – infill development
- SEPP Housing for Seniors or People with a Disability 2004

Development of the guidelines and principles in this report has been based on consideration of the Council objectives regarding the site, the unique characteristics of the site and its context with the goal of achieving good urban design outcomes.

2. Council aims and Context

2.1 Council objectives for the site/locality

Penrith LEP 1998 Urban Land

The LEP contains objectives relating to the area: zoning of the land. Most of the land is zoned 2(r) Rural Residential.



The NERGL Development site in its Regional Context

Objectives of the 2(r) Rural Residential zone

- To conserve the open, semi-rural character of the M4 Motorway, The Northern Road and Mulgoa Road frontages of Glenmore Park and that part of the Cranebrook escarpment between Nepean Street and Laycock Street
- To protect and promote a low density settlement pattern which:
 - Recognises the importance of conserving the semi-rural land use pattern and the appearance of the approaches to the urban areas of the City of Penrith when viewed from major roads and adjoining and nearby areas.
 - Provides sufficient flexibility for dwelling siting and orientation of allotments to minimise the visual impact of development and overcome noise constraints.
 - Prohibit the establishment of activities of a retail or commercial nature along the M4 motorway, The Northern Road and Mulgoa Road frontages of Glenmore Park.

Draft Penrith LEP 2008

Penrith Council has exhibited a draft LEP affecting the land. Under the Draft 2008 LEP it is proposed to change the zoning of the site to E4 Environmental Living. The objectives of this zone are to:

- Provide for low impact residential development in areas with special ecological, scientific or aesthetic values.
- To ensure that residential development does not have an adverse effect on those values.
- To minimise conflict between land uses within the zone and land uses within adjoining zones.
- To ensure land uses are compatible with the available infrastructure, services and facilities with the environmental capabilities of the land.
- To preserve and improve natural resources through appropriate land management practices.

Conclusion

The current zoning and draft zoning all put emphasise on the semi-rural character of the zone. This, in combination with the views to the Blue Mountains discussed in the Court Case indicate the visual impact is significant. However the Land and Environment Court did find as follows in relation to the identified view corridor '*LEP 1988 and the DCP do not require that the identified view corridors should be largely free of dwellings but only that a semi-rural character is achieved and visual impact is minimised.*'

2.2 Gateway Character

Council's controls and the Court Case consider the role of this site as part of the rural and scenic gateway to Penrith. Gateways are created by the experience of approaching Penrith from the south and the perception of a changing visual environment from open rural countryside, to low density semi-rural development and then to an urban environment. Therefore the position of this site towards the developed edge of Penrith is important in understanding what part the site plays in the creation of the gateway.

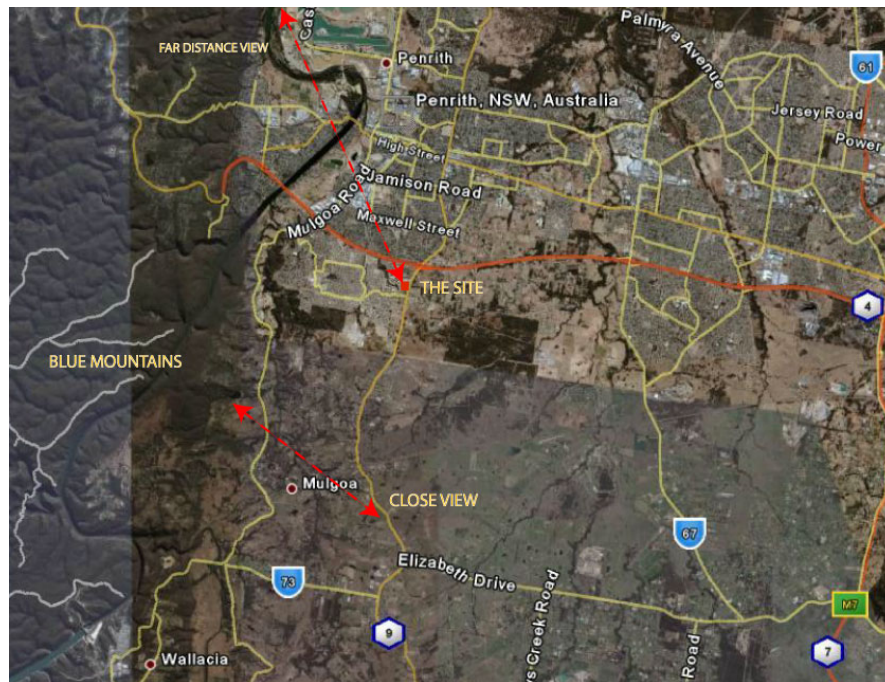
The approaches to Penrith comprise a combination of rolling farm land interspersed with sporadic tree planting, windbreaks, farm houses and rural fences. The most dramatic aspect of the approach is the views to the Blue Mountains that form part of the scenic rural landscape. The views that contribute most to the sense of arrival towards Penrith, combined with the rural setting is some distance from the site, approximately 6.2km, as shown in the following diagram.



Photograph of the Blue Mountains view further south than the site

This view is far more dramatic than the view glimpse of the Blue Mountains experienced through the site. The reason for the difference in the visual value of the views is that the view across the site is affected by existing vegetation, development and is more remote. The views further south benefit from:

- The raised elevation of the road relative to the surrounding land.
- The closer proximity of the view relative to the road itself.
- The lack of tall trees obscuring the view.
- The lack of dwellings interrupting the view as they are at a lower relative elevation or do not intrude into the views at all.



Aerial courtesy Google showing the proximity of views along The Northern Road approaching Penrith

Therefore the view glimpse across the site identified as part of the Court Case is of lesser significance in creating the scenic arrival experience into Penrith.

The landscape character creating the transition from rural to semi-rural and urban is also part of the 'gateway' perception. The land further south of the site is rural on both sides of the road. The awareness of development occurs upon approach to the site from the south. Rural residential development is visible through the tree boundary planting.

The site offers the opportunity to provide an appropriate transition from the rural character seen to the south of the site to the more suburban character seen to the north of the site, approaching Penrith.

The transitional experience is created by a mixture of landscape elements (windbreaks, stands of trees), semi-rural open views across pasture land, the roadway itself and vistas to the mountains beyond.

The strongest element of the experience is actually the boundary landscape provided by:

- Windbreak planting along fence lines to the roadway.
- Side boundary planting to paddocks and property holdings.
- Tree groupings within the landscape setback from the road.

Council's goal of maintaining a semi-rural gateway arrival experience whilst also allowing some development requires the reinforcement of all these aspects within any development on this site.



Examples of trees adjacent to The Northern Road and rural fencing

3. Site Analysis

The subject site is located approximately 5km south of the Penrith CBD and 14km west of the M7/M4 Interchange in the Penrith LGA. The site is predominantly zoned 2(r) Rural Residential under Penrith LEP 1998 (Urban Land) with smaller areas zoned Rural (a1) under IDO 93 and 2 (Urban) under LEP 188. The site has an area of 24.1 Ha and is of a rectangular shape with a frontage of approximately 730 metres to The Northern Road.

The site is located within a semi-rural residential area and is adjacent to an urban land release area – Glenmore Park to the west. The area to the east is a Defence Force Base, to the north semi-rural residential and a golf course and to the south semi-rural farm land. The site is relatively free of natural constraints typical of grazing land and has only perimeter tree cover remaining.

3.1 Topography and Connectivity

The site forms the western slope of a ridge line that runs roughly north south. The Northern Road is located as this slope flattens out across the plain and then the land rises again further to the east across the defence lands. (Refer adjacent diagram)

To the east beyond the ridge is 'Glenmore Park.' This urban development is not visible from The Northern Road due to the ridge, mounds and vegetation.

The Slope Analysis Diagram on the following page shows the different gradients across the site which range from 1 in 11 to 1 in 20 and 1 in 10 and steeper.

The diagram also shows the locations most appropriate for future connections to the adjoining development. Existing water bodies are shown however these are generally man made dam structures.

The future links indicated on the diagram will enable the continuation of the existing bus route from Saddler Way and pedestrian/cycle routes through the site to The Northern Road. The slope across the site and the lower elevation of The Northern Road means that higher areas of the site are more visually sensitive than the lower elevations,



Diagram showing relationship between site and surrounding topography



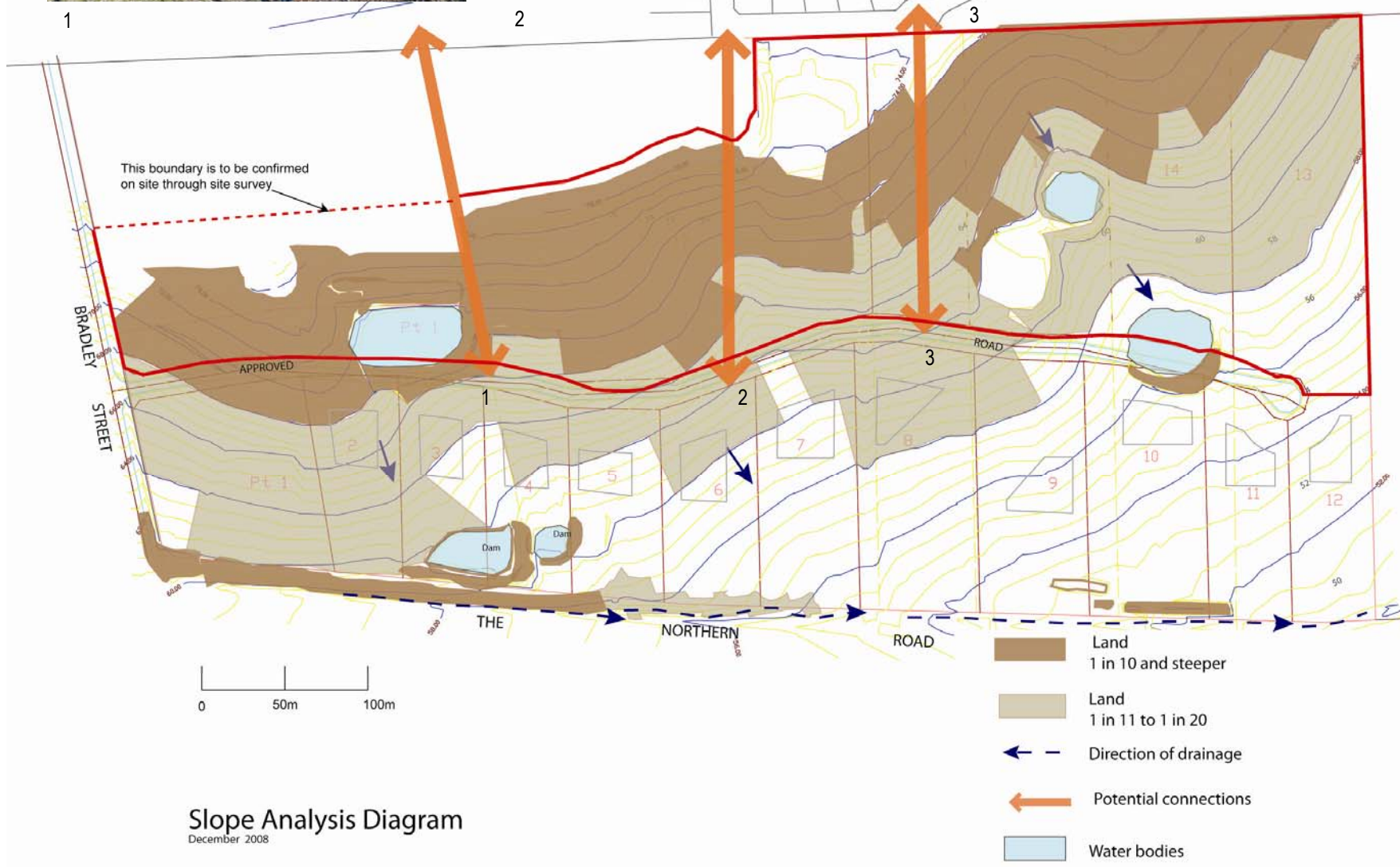
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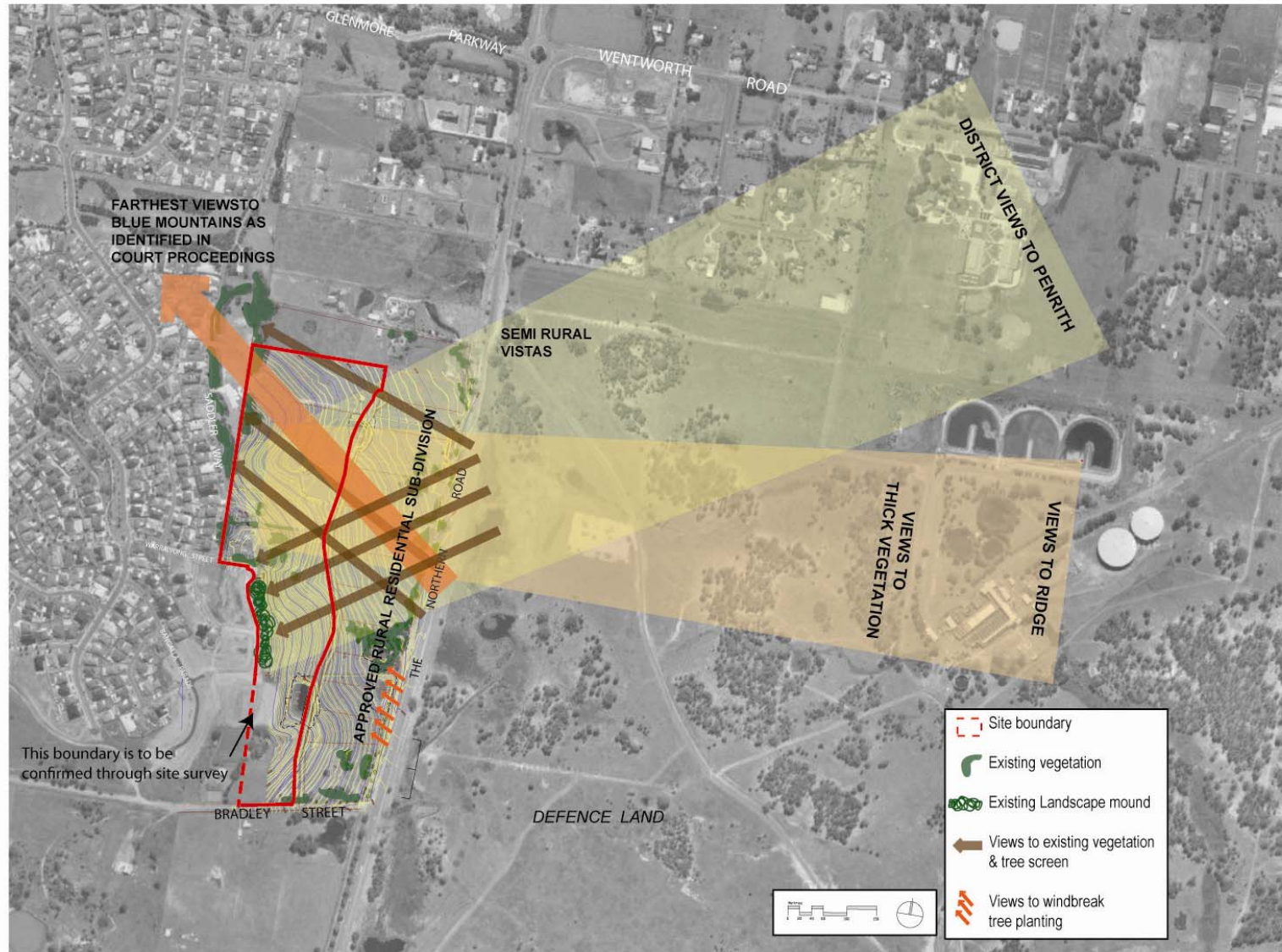


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3





Views and Vistas Analysis

December 2008

3.2 Views and Vistas

The previous diagram shows the location of views and vistas in to and out of the subject site. Views into the site occur from The Northern Road mainly travelling south out of Penrith. The dominant features are the existing vegetated ridgeline, the landscaped mound screening the development in Glenmore Park and the court case view towards the Blue Mountains. Views from the site occur mainly to the east and north district views to Penrith and to the vegetation on the eastern slopes and eastern ridgeline.

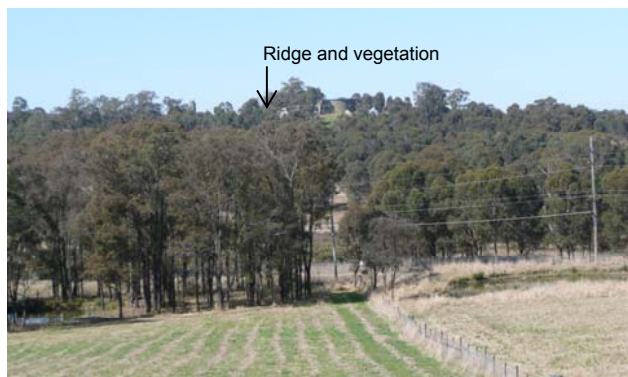


Photo 1 - Views to the ridge and thick vegetation towards the east



Photo 2 - Views to the feature landscaped mound from The Northern Road



Photo 3 - Adjoining residential development along the west hidden behind the mound

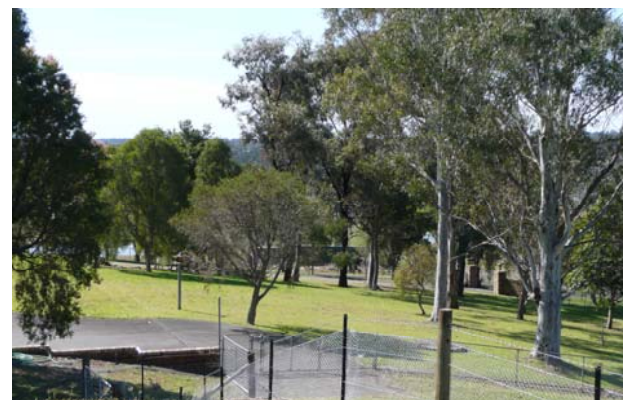


Photo 4 - Existing thick vegetation within the site opposite the dwelling on Lot 17



Photo 5 - Existing thick vegetation opposite the dwelling on Lot 17 to be retained



Photo 7 - Views to the existing ridgeline vegetation along the west acting as windbreak



Photo 6 - District views towards Penrith



Photo 8 - View to the Blue Mountains



The Northern Road



The corner of The Northern Road and Bradley St

3.3 Existing Streets and Built Form

The Street Network Diagram shows the site in context with the proposed and existing street network. These include The Northern Road, Bradley Street, the court approved new subdivision road and the existing streets of the adjoining residential neighbourhood. The primary access route for the locality is The Northern Road which links Penrith and the M4 with the western rural lands. This is an 80km/hr road so the visual experience of the site is seen at speed rather than by pedestrians.

The connecting street for the site to The Northern Road will be via Bradley Street. It is understood that Council are proposing a major upgrade to this road with significant widening of the intersection. This will change the character of this 'semi-rural street' to a much more urban character.

The streets to which the site can connect within Glenmore Park (beyond the ridge line) are urban in character. As these roads extend into the site they will need to transition to a street type that is semi-rural in appearance.

The diagram also shows the existing single storey buildings on the site. Glenmore Park contains a combination of single and double storey dwellings which are well hidden behind the landscaped mound and the ridge along the western boundary. Buildings to the north of the site are generally single storey.



Existing Street Network and Built Form

4. Vision and Design Principles

The previous analysis shows that the existing site character is created by the rolling slopes with perimeter tree planting and strong visual ridge lines. The Court Case approval creates a built form character to The Northern Road which begins the transition from semi-rural pasture land to semi-rural residential and then beyond the site to a more urban setting.

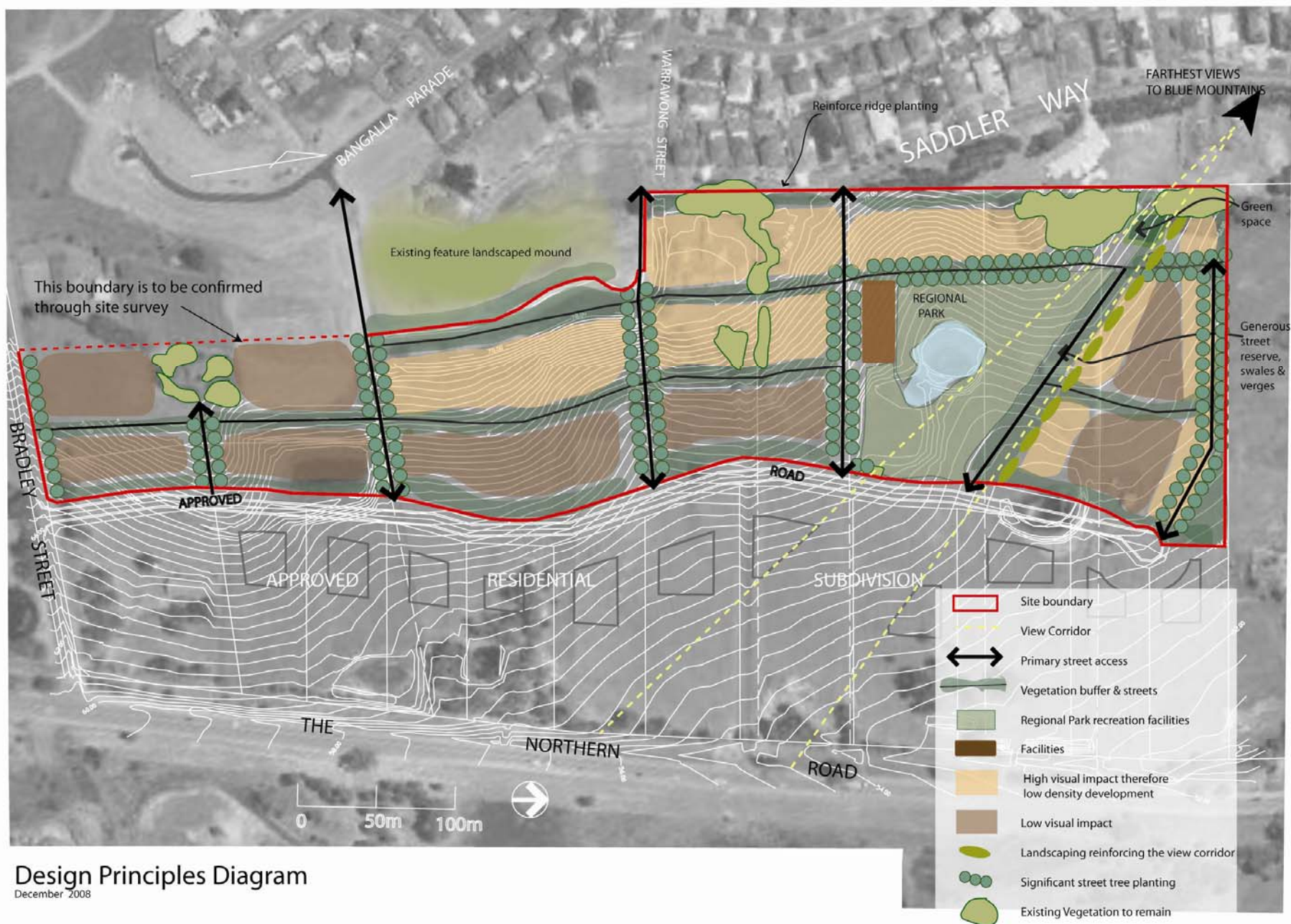
Notwithstanding that the rural scenic gateway is in fact further south than the site there is still a role for the site as part of the transition from semi-rural character to the urban character of Penrith.

There is potential for additional development on the land behind the court approved site if it achieves a density and scale that gives effect to the following vision.

‘A sensitive development that balances landscape with built form to ensure the semi-rural character of the precinct is respected, retaining the key landscape features such as the landscaped mound, landscaped ridgeline, views and vistas. Development will generally be low scale, with vegetation dominating buildings. Architectural character will reinterpret the form of traditional farm houses within a paddock and landscape setting: in areas of high visual impact. Development will have a semi-rural appeal, reveal the topography, reinforce ridgeline and Blue Mountains vistas through the location of streets, open space, special places and landscaping.’

The key design principles that will guide development are –

- Maintain the existing green vegetated ridgeline along the western boundary.
- Maintain the view corridor to the Blue Mountains as an open vista clear of built form.
- Maintain views to the landscaped mound.
- Locate streets to provide vistas to the ridge between approved development footprints. (Court decision)
- Vegetate all streets to minimise impact of roof lines and create a strong landscape setting.
- Create a pedestrian friendly, park like environment around the existing landscaped mound with walking/jogging tracks, etc.
- Retain the existing significant vegetation and integrate within the lots and public domain.
- Create a focal point for the development, with amenities adjacent to existing water body.
- Limit building heights to minimise the visual impact from The Northern Road.
- Development located within areas of high visual impact is to be dominated by landscape and designed to minimise its visibility.



5. Design Guidelines

To ensure that the desired future character for the site is achieved, the following design guidelines are suggested for future development on this site.

5.1 Topography

The design of any development on the site should reveal and celebrate the topography of the site and reinforce the view lines to the ridgeline and Blue Mountains glimpses.

Strategies:

- Minimise disturbance to the site.
- Maintain and enhance the semi-rural landscaped setting and sloping topography through the master plan layout.
- Maintain and reinforce key views and vistas to the existing landscaped mound and other key landscape and topographic features.
- Maintain and enhance views from The Northern Road to the higher points on the site taking into account the impact of the building envelopes approved in the Court Case.
- Design the development to extend and respect the view corridor identified in Court proceedings.
- Create visual interest within the development by locating special places around existing landscape features or elements such as locations with high quality outlooks, existing vegetation and water bodies.
- Locate development and landscaping to minimise its visual intrusion into areas identified as high visual impact.
- Maintain and enhance existing landscape pockets to minimise the impact of development.
- Ensure key landscape and topographic elements are kept clear of development.

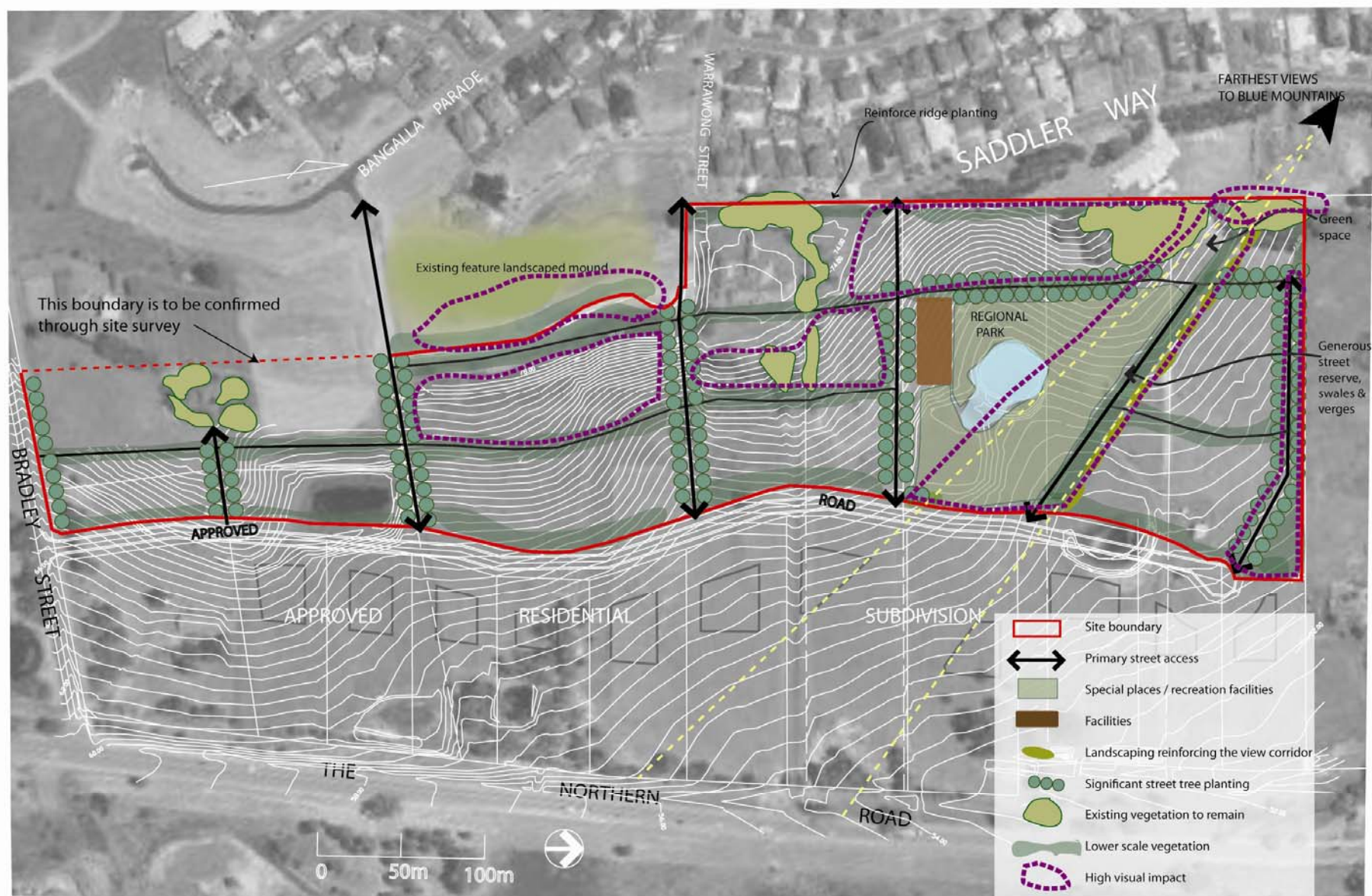
Guidelines:

- Extend and focus the view corridor identified in Court Case within this site by strategic location of open space.
- Reinforce this view corridor with street trees and planting to focus the view.

- New development should generally be located behind the court case approved building envelopes wherever possible to minimise visual impact.
- Buildings should be set below the ridgeline and behind vegetation to reduce visual impact and enhance privacy.
- Provide ridgeline vistas through the location of streets between approved development perpendicular to the ridge.
- Enhance and extend the existing ridge line vegetation onto the mound to create a continuous 'green' skyline against which development is seen.
- Landscape all streets and laneways with native vegetation and street trees to enhance the landscape character of the site and locality.
- Within areas of high visibility to The Northern Road ensure dwellings are dominated by the landscape or paddock setting to create a semi rural ambiance from distance views.
- Development is to be designed to create visually pleasing roofscapes when viewed from the existing development in Glenmore Park down towards The Northern Road.
- Design development to respond sensitively to the slope and minimise cut and fill.



Dwellings are to be dominated by landscape in areas of high visual impact



High visual impact Diagram

5.2 Urban Structure

Connections are to be provided to create permeability from the existing urban development into and through the site to Bradley Street. The remaining street pattern is to recognize and reveal view corridors from The Northern Road towards the ridge and to the Blue Mountains whilst also providing an on grade pedestrian network linking public transport and facilities.

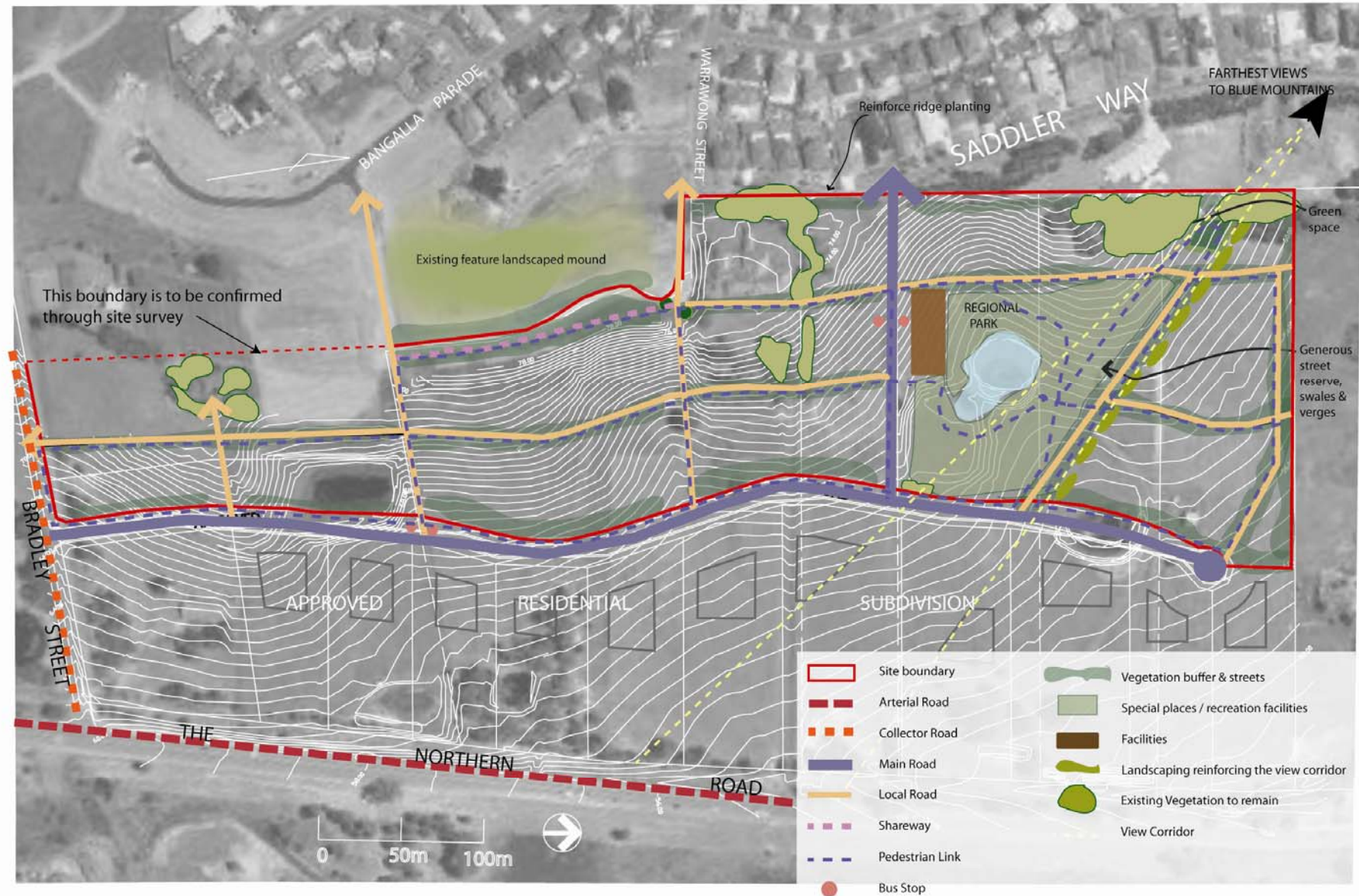
Pedestrian networks are generally to be via footpaths within streets, with the potential for additional links along contours, if required to deal with the areas of steeper grade.

Strategies:

- Design of the subdivision layout is to respond to the landscape character of the area.
- Provide an attractive public interface along the ridge line between any development on this site and existing urban zones.
- Create safe pedestrian links within and beyond the site that provide access to public transport, facilities and recreational areas.
- Ensure that the traffic and parking demand created by new activity and development does not detract from the semi-rural quality of the public domain.
- Create a high quality interconnected and permeable street network for vehicles, pedestrians and cyclists that enhances the semi-rural character of the site.
- Integrate public transport and encourage greater patronage through the location of bus stops and the bus route through the site.
- Reduce traffic speeds by the design of streets that prioritises pedestrian movement.
- Design streets to integrate sustainable practices.



Image of a street with a semi-rural character



Street Hierarchy Diagram

Guidelines:

- The street hierarchy and movement network is to generally conform to the Street Hierarchy Diagram.
- Connections to Glenmore Park should be provided along Saddler Way and Warrawong Street as well as to Bangalla Parade.
- Safe crossings for footpaths / cycleways to be provided at suitable points along access streets and collector roads.
- Provide bus stops within 200-400m of all dwellings and locate bus stops to both sides of Jilondalee Way along the new main street that runs east-west and connects Saddler Way.
- Locate pedestrian paths to provide safe and direct access to any new facilities generally within the street network verge or along contours and streets where they are not within the street network.
- Ensure footpaths benefit from a high level of passive surveillance from surrounding dwellings.
- For parking requirements refer to Councils DCP Part C- Transport Access and Parking – for appropriate uses.
- Provide adequate on street parking for residents and visitors that is integrated into the street design to reinforce the semi-rural character.
- Provide safe and convenient pedestrian crossing points adjacent to bus stops and facilities.
- The design of the streets and special places are to include high quality materials and detailing the semi-rural setting including landscaping, street trees, verge treatments, footpath and driveway materials, fences, kerbs, parking areas and street furniture.
- Provide a pedestrian path/cycleway along the ridge line and mound to provide public access.
- Shared footpath/cycleways shall be a minimum of 2.5 metres wide.
- Footpaths are to be a minimum of 1.5m in width.
- Cycle routes are to be provided using the local road system rather than separately designated on road routes or shareways.
- Integrate water sensitive urban design into streets and open spaces.



Street character created by strong native planting



Street design is to integrate sustainable water management

5.3 Open Space and Landscape

Open space is to be provided within the site to offer positive recreation opportunities for future residents. It also has an important role in facilitating the expansion of the view corridor to the Blue Mountains, retaining existing landscape elements i.e. the dam, providing a special place as a focus for the new community and in maintaining a balance between built form and open areas to achieve the semi-rural character.

Strategies:

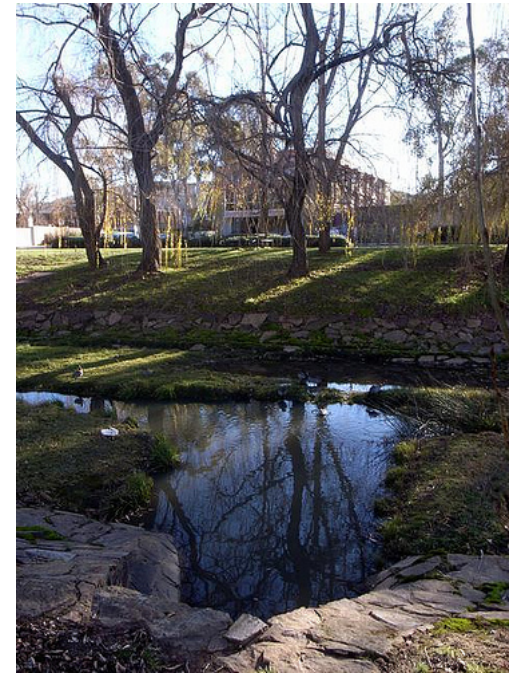
- Provide open space and recreation facilities to suit user requirements.
- Provide open spaces which are accessible.
- Integrate open spaces with the surface water drainage network.
- Link open spaces with community and recreation facilities in a continuous network that creates a series of interesting destinations.
- Locate open space to enhance natural and unique site features.
- To provide open spaces which area safe and inviting to use.
- To provide open spaces which offer a variety of recreation opportunities.
- Retain any significant stands of native vegetation that form a key part of the semi-rural character of the area.



Suitable park character

Guidelines:

- Open space should incorporate footpaths / cycleways that connect with other focal activity areas, community facilities and areas external to the site.
- Significant vegetation and landscape features should be located within open spaces and preserved.
- The total minimum area of open spaces shall be 0.5ha.
- Native species to the area should predominate within open space areas.
- Select street trees suitable to create windbreaks around open space areas and along streets to reinterpret the grazing fence pattern across the site.
- Design open spaces to be easily accessible and provide views to the surrounding countryside.
- Landscaping between properties should include hedging plants with a minimum height of 1.5m to provide screening and privacy over time
- Vegetate front, site and rear setbacks of development to provide a strong landscape character.
- The final height of the planting should be selected to ensure it does not substantially overshadow adjoining lots.



Examples of possible treatment to existing dam on site

5.4 Facilities

Development on the site is to cater for the immediate needs of any residents by providing recreational facilities.

Strategies:

- Facilities should be in character with the semi-rural vision for the site.
- Co-locate facilities with major open space areas.
- Centrally locate facilities and services to ensure convenient access from residents.
- The design of buildings shall be of a high quality reflecting the importance of the centre as a community resource and its visibility as a landmark.

Guidelines:

- Facilities within the development should be located at the confluence of a number of pedestrian and vehicle routes and should be comfortably accessible to all members of the community.
- Links to the facilities should allow for disabled access from the majority of dwellings within the development.
- Facilities buildings should sit lightly on the site and minimise disturbance of the existing topography.
- The design of the building should provide a strong indoor/outdoor relationship and be positioned to capture views and vistas of the surroundings without resulting in poor visual impacts from The Northern Road.
- Facilities should be located close to the bus route for easy access.
- The facilities should be designed to provide good passive surveillance to the adjoining open spaces and streets.



Architectural character of facility buildings

5.5 Height and Density

The design of development on the site must respect the visual amenity of the site and seek to minimise its visual impact on view corridors, the green ridge and vistas from The Northern Road.

Strategies:

- Ensure that new development does not dominate the natural setting.
- Respond to topography to ensure accessibility to the dwellings.
- Minimise the amount of development located within areas of high visual impact.
- Built form should respond to the natural topography by:
 - Avoiding steep slopes for buildings.
 - Aligning the built form with the contours.
 - Utilising split level design on gentler slope.
- Ensure that future development responds to the desired scale and character of the streets and local area.
- Provide reasonable daylight access to all developments and the public domain.

Guidelines:

- Locations that are particularly visible from The Northern Road should be free of development i.e. the mound, against the ridgeline and the court identified view.
- Dwellings are to be generally single storey with a maximum height of 5.0 metres other than where the sloping topography enables one additional storey without increasing the overall height of the dwelling. In such circumstances the max height above ground is 8 metres or 2 storeys.
- Dwellings located in the high visual impact (sensitive) areas must have generous separation to allow landscape buffers.
- Habitable space within the dwelling roof form is allowable only if it is wholly contained within the roof pitch such an attic bedroom and bathroom with dormer or similar windows.

- The minimum floor to ceiling height within habitable rooms is to be 2.4m with 2.7m preferred for living areas to maximize light penetration.
- The floor level of dwellings is not to exceed 0.9m above the natural ground level.
- Dwellings shall have a maximum ground floor footprint of 300sqm.
- The maximum floor space of rooms within roof spaces is 50% of the floor space of the lower storey of the dwelling.
- No more than one dwelling house is permitted on each lot.

5.6 Streetscape Character

Strategies:

- Streetscapes are to reflect a semi-rural character.
- Maintain visual and acoustic amenity for dwellings by requiring setbacks from public roads, dwellings and other buildings on adjacent allotments.
- Streets are to be high quality public areas that encourage walking and resident interaction.

Guidelines:

- Front fences are to be provided as simple post, rail and wire fencing with a maximum height of 1m. This fencing is to return and abut the side fencing past the front elevation of the dwelling.
- For lots in areas of high visual impact all fencing is to be simple post and rail fences max 1 metre in height.
- Fencing should be darker in colour.
- Hedging and landscaping along side fence lines is encouraged to develop a strong landscape character to the neighbourhood over time.
- Windbreak planting is encouraged along rear fences using suitable native species.
- Retaining walls are to be integrated into the side fencing design.
- Dwelling should front the street and display a traditional configuration with living rooms and entrances facing the street rather than neighbouring properties.
- Verandas and pergolas are permitted to encroach 1.5 metres beyond the adopted setback.



Semi-rural character of streets

- Retaining walls are to be planted with climbers and other landscaping to screen them where visible to the street or public open space.
- The buildings shall present an attractive facade to streets and open space.
- Footpaths within street verges should use materials in keeping with semi-rural streets.
- Provide street trees at appropriate spacings to eventually create a linked overhead canopy.
- Gates to larger lots should continue the semi-rural character.
- A variety of setbacks will be encouraged to prevent rigidity in the streetscape.



Setbacks assist in creating an appropriate streetscape to areas of high visual impact



Examples of streetscapes

5.7 Sustainability and Water Sensitive Urban Design (WSUD)

Strategies:

- Ensure that development is sustainable.
- Minimise greenhouse gas emissions, energy and water usage.

Guidelines:

- Provide natural ventilation and passive solar design to all development.
- Orient development to provide a minimum of 3 hours sunlight between 9am and 3pm on 21 June, to the living zones and 50% of the private open space of each dwelling.
- A BASIX certificate is to be provided indicating compliance with the minimum requirements for all dwellings.
- Locate dwellings to ensure the living areas and 50% of the private open space of adjacent development maintains a minimum of 3 hours solar access between 9am and 3pm on 21 June.



Tank attached to dwellings to capture rain water and roof runoff

5.8 Built form and Architectural Character

Strategies:

- Create a contemporary reinterpretation of traditional farm buildings and country houses for dwellings.
- Ensure the design of dwellings and associated structures is sympathetic to the semi-rural character of the area.
- Buildings sited in locations of high visual impact are to be designed to reduce their visibility.
- Celebrate the semi-rural character in the design of fencing, outbuildings and driveways.
- External finishes should blend into the landscape colouring of the site.
- The design of dwellings should minimise their bulk with roof forms dominating elevations.

Guidelines:

- House frontages shall be orientated towards open spaces, footpaths and cycleways.
- Entrances and at least one window to principle living rooms are to face the street.
- Dwellings can be designed as either a single pavilion or for larger houses a series of linked pavilions.
- Dwellings are to relate to the street level.
- Development is to maintain a 'green corridor' of trees and shrubs along rear and side boundaries.
- In areas of high visual impact dwellings should be clustered to improve the visual appearance of the development.



Images showing appropriate architectural character for the site

- Step buildings in both plan and section to reduce their apparent scale and bulk.
- Dwellings are to have simple pitched roofs with deep eaves to all elevations to provide sun shading.
- Eaves are to be a minimum of 450mm other than where verandas are provided.
- Timber pergolas and verandas are encouraged.
- Roofing materials must be pre-finished concrete tile or non reflective coated metal – terracotta tiles are not preferred. Roof colours are to be muted colours such as silver, greys or charcoal. Red, blue or green roofs are prohibited.
- Design facades to reflect the orientation of the site using elements such as sun shading, light shelves and appropriate glazing as environmental controls.
- Colours of external finishes should be in keeping with the natural surroundings, be non-reflective and utilise earth tones, unless it can be demonstrated that the proposed colours and finishes with either have no visual impact or will complement the semi-rural character.
- Development should capture and reuse water from roof structures and the public domain for irrigation and toilet flushing.
- All dwellings should be designed in accordance with the requirements of SEPP (Seniors) 2004 Policy.
- Solar collectors are encouraged and are to be designed to be integrated with the design of the roof form to minimize their visual impact from streets or public spaces.
- Aerials are to be located so they are not visible from the street.



Suitable scale, massing and architectural elements



Images showing appropriate architectural character

5.9 Garages and Parking

Strategies:

- Minimise the visual impact of garages and carports.
- Provide on street parking integrated into the streetscape.

Guidelines:

- Triple garages are prohibited.
- For development in low visual impact areas garages are to be integrated with the design of buildings and front gardens.
- For development in high visual impact areas garages are to be located so they are not visible to the street (or The Northern Road).
- The width of driveways is to be minimised, (max 3 metres at the street boundary) retaining sufficient area for attractive front gardens and entry pathways.
- Driveway materials are to enhance the semi-rural character.
- Stencilled driveways are prohibited.



Examples of appropriate driveway treatments

No. 2075 – 2113 The Northern Road and
1–29 Bradley Street, Glenmore Park

GM URBAN DESIGN & ARCHITECTURE P/L
DECEMBER 2008





Appendix B – Flooding Assessment

As part of a previous submission to the Department of Planning, MacroPlan undertook a waterway/flooding assessment. There is a tributary running along the Eastern Boundary of the site and through lands to the north of the site. While there is flooding along the Creek this is limited to areas within the 20m buffer.

Discussions with the Department of Environment and Climate Change reveal that the waterway that traverses the site is classified as a category 2 waterway in some locations and category 3 in others. These require 20m and 10m setbacks respectively. Planning undertaken on the site allows for a 20m setback along the length of the creek line.

Given that the creek buffer is not within the seniors living development site, flooding will not be an issue.

Figure 9. Classification of Waterways through the site





Appendix C – Zoning Controls

Zone No. 2(r) Rural-Residential (1 Dwelling/Hectare)

(a) Objectives of the zone

- (i) to conserve the open, semi-rural character of the M4 Motorway, The Northern Road and Mulgoa Road frontages of Glenmore Park and that part of the Cranebrook escarpment between Nepean Street and Laycock Street; and
- (ii) to protect and promote a low density settlement pattern which:
 - (A) recognises the importance of conserving the semi-rural land use pattern and the appearance of the approaches to the urban areas of the City of Penrith when viewed from major roads and adjoining and nearby areas; and
 - (B) provides sufficient flexibility for dwelling siting and orientation of allotments to minimise the visual impact of development and overcome noise constraints; and
- (iii) to prohibit the establishment of activities of a retail or commercial nature along the M4 Motorway, The Northern Road and Mulgoa Road frontages of Glenmore Park.

(b)(i) Without development consent

- ◇ bed and breakfast establishments
- ◇ family day-care homes
- ◇ bushfire hazard reduction
- ◇ home activities

(b)(ii) Only with development consent

- ◇ agriculture
- ◇ dwelling houses
- ◇ buildings or other structures ordinarily associated with dwelling houses
- ◇ home businesses
- ◇ changes of building use (as defined in the Act)
- ◇ roads
- ◇ demolition of buildings or other structures
- ◇ structural or internal alterations to bed and breakfast establishments
- ◇ utility installations
- ◇ utility undertakings
- ◇ drains
- ◇ dual occupancies

(b)(iii) Prohibited

Any land use other than those included in items (b)(i) and (b)(ii).

TABLE

Column I	Column II	Column III
Zone and colour or indication on I.D.C. Map	Purposes for which interim development may be carried out without the consent of the council	Purposes for which interim development may be carried out only with the consent of the council
1. RURAL: (a1) Rural "A1". Light brown	Agriculture (other than pig keeping or poultry farming establishments); forestry.	Advertising structures; amusement parks; animal boarding, breeding and training establishments; car repair stations; caravan parks; cemeteries; clubs; development referred to in Schedule 3; drive-in theatres; dwelling-houses; educational establishments; extractive industries; home industries; home occupations; institutions; offensive or hazardous industries; open space; places of assembly; places of public worship; pig keeping establishments; plant nurseries; poultry farming establishments; recreation establishments; research establishments; roads; rural industries; stables; stock and saleyards; utility installations; veterinary establishments; waste disposal.
(a2) Rural "A2". Light brown with dark red edging and lettered 1 (a2).	Agriculture (other than pig keeping or poultry farming establishments).	Advertising structures; dwelling-houses; educational establishments; extractive industries; home occupations; open space; roads; sand and gravel processing; utility installations.
(d) Rural "D". (Future Urban). Light brown with dark red edging and lettered 1 (d).	-----	Agriculture (other than pig keeping or poultry farming establishments); advertising structures; dwelling-houses; educational establishments; home occupations; open space; roads; utility installations.

Zone E4 Environmental Living

1 Objectives of zone

- To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values.
- To ensure that residential development does not have an adverse effect on those values.
- To minimise conflict between land uses within the zone and land uses within adjoining zones.
- To ensure land uses are compatible with the available infrastructure, services and facilities and with the environmental capabilities of the land.
- To preserve and improve natural resources through appropriate land management practices.

2 Permitted without consent

Home occupations

3 Permitted with consent

Bed and breakfast accommodation; Building identification signs; Business identification signs; Child care centres; Community facilities; Drainage; Dual occupancies; Dwelling houses; Earthworks; Environmental facilities; Environmental protection works; Flood mitigation works; Group homes; Home-based child care; Home businesses; Home industries; Information and education facilities; Moveable dwellings; Places of public worship; Public utility undertakings; Recreation areas; Roads; Schools; Secondary dwellings

4 Prohibited

Industries; Service stations; Warehouse or distribution centres; Any other development not specified in item 2 or 3

Zone W1 Natural Waterways

1 Objectives of zone

- To protect the ecological and scenic values of natural waterways.
- To prevent development that would have an adverse effect on the natural values of waterways in this zone.
- To provide for sustainable fishing industries and recreational fishing.

9. (1) The objectives of a zone are set out in the Table to this clause under the heading "Objectives of zone" appearing in the matter relating to the zone.

(2) Except as otherwise provided by this plan, in relation to land within a zone specified in the Table to this clause, the purposes (if any) for which -

- (a) development may be carried out without development consent;
- (b) development may be carried out only with development consent; and
- (c) development is prohibited,

are specified under the headings "Without development consent", "Only with development consent" and "Prohibited", respectively, appearing in the matter relating to the zone.

(3) Except as otherwise provided by this plan, the council shall not grant consent to the carrying out of development on land to which this plan applies unless the council is of the opinion that the carrying out of the development is consistent with the objectives of the zone within which the development is proposed to be carried out.

TABLE

ZONE NO. 2 (URBAN ZONE)

1. Objectives of zone

The objectives of this zone are –

- (a) to provide a flexible framework for the promotion of growth and development in the South Penrith Urban Release Area;
- (b) to enable the council to provide more detailed guidelines about preferred land use distribution and development issues in a development control plan; and

- (c) to ensure that development is carried out in a manner which achieves appropriate provision of or funding for major infrastructure works that are a necessary prerequisite for urban development generally in the area.

2. Without development consent

Dwelling-houses on allotments of land (being allotments of not less than 400m²) created by a subdivision for that purpose, where development consent in respect of that subdivision has been given under this plan.

3. Only with development consent

Any purpose other than a purpose included in Item 2 or 4.

4. Prohibited

Extractive industries, industries other than home industries or light industries; institutions; intensive livestock keeping; junk yards; mines.

Zone No. 2 (URBAN ZONE) amended G.G. No. 41 of 30/4/93 (LEP 188 Amendment No. 2)

ZONE No. 2r (RURAL RESIDENTIAL ZONE)

1. Objectives of zone

The objectives of this zone are:

- (a) to conserve the open, semi-rural character of The Northern Road and Mulgoa Road frontages of Glenmore Park; and
- (b) to protect and promote a low density settlement pattern which:
 - (i) recognises the importance of conserving the semi-rural land use pattern and the appearance of the approaches to the urban areas of the City of Penrith when viewed from major roads; and