

PENRITH



## PLANNING PROPOSAL TO RESOLVE DEFERRED MATTERS FROM PENRITH LOCAL ENVIRONMENTAL PLAN 2010 (AMENDMENT 4)

### Discussion Paper

**PENRITH  
CITY COUNCIL**

August 2016

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## INTRODUCTION

This Discussion Paper has been prepared to provide Councillors, the community and those who have made a submission on the Planning Proposal with an understanding of the issues raised in response to the exhibition of the Planning Proposal to resolve the deferred matters from *Penrith Local Environmental Plan 2010* (Amendment 4). The Discussion Paper will also document the response to the issues raised in submissions and assist in Council's assessment of the submissions.

On 28 January 2015, Amendment 4 to *Penrith Local Environmental Plan (LEP) 2010* was made, and commenced on 25 February 2015. This LEP sets out the land use and planning controls for most of the City. However, certain areas were deferred from the LEP by the Minister for Planning to enable further community consultation to occur. These areas are broadly:

- Land in Glossop Street and Chapel Street, St Marys,
- Land in the Werrington Business Park and French Street, Werrington,
- Additional lands required by the Hornseywood Heritage Conservation Area, and
- Additional lands required by the Roads and Maritime Services (RMS) for road widening.

A Planning Proposal was prepared to enable further community consultation to occur and was exhibited from Monday 27 July 2015 until Monday 24 August 2015, for a period of four weeks. During the public exhibition period, a total of 29 submissions were received, comprising of 16 submissions from the community and 13 submissions from public authorities.

The main issues raised in the submissions relate to the proposed zoning of the Glossop Street Precinct to R3 Medium Density Residential, and the rezoning of the Werrington Business Park and Werrington Signals Site to B7 Business Park and R3 Medium Density Residential.

This Discussion Paper provides details on community and public authority submissions and, where appropriate, recommends changes to the relevant planning documents.

The report:

- Outlines the issues raised in the submission(s).
- Provides a discussion on the issues raised, including whether or not a change to the relevant planning document should be supported.
- Provides the available options after the issue has been considered, and
- Proposes a recommendation in relation to the submission.

Generally, variations to Council's adopted policy position have not been recommended. It is important that the provisions adopted as part of the Planning Proposal accurately reflect Council's adopted policy position and strategic directions. Whilst some issues raised in the submissions can be addressed through the planning process (for example, reasonable requests to changes in zone boundaries), other issues raised requested significant changes, such as requests to increase the building height in a residential zone or to delete minimum lot sizes. All of the submissions have been carefully considered before a recommendation is made, based on Council's adopted policy provisions and strategic directions.

## CHAPTER 1 – GLOSSOP STREET PRECINCT, ST MARYS

The land east of Glossop Street and south of Chapel Street in St Marys (that is subject to this Planning Proposal) was previously exhibited as R4 High Density Residential with maximum building heights of 12m and 15m as part of Stage 2 of Penrith LEP 2010 from 13 May 2013 until 5 July 2013. Due to significant community opposition on the zoning of this land to R4 High Density Residential, Council, at its Ordinary Meeting of 25 November 2013, resolved that the land east of Glossop Street and south of Chapel Street be rezoned to R3 Medium Density Residential with a maximum building height of 8.5m. This land is on the fringes of a larger area generally bounded by Gidley, Chapel and Glossop Streets and the Western Railway Line, which was exhibited and is now zoned as R4 High Density Residential in Penrith LEP 2010.

This Planning Proposal has retained the R3 Medium Density Residential zoning endorsed by Council at its Ordinary meeting of 25 November 2013.

The current and proposed zoning of the land is shown in Figure 1 below:

**Figure 1: Current and proposed zoning for Glossop Street Precinct**

Current zoning	Proposed zoning
	

## Submissions – Public Authorities

Submission No. 26 – Heritage Division, Office of Environment and Heritage	
Issue	Discussion
The Heritage Division of the Office of Environment and Heritage (OEH) have raised no objection to the proposed rezoning of lands within the Glossop Street Precinct, St Marys. Whilst no heritage items are affected, Council must be satisfied that the rezoning does not affect the significance of any heritage items or conservation areas in the vicinity.	Council will assess each Development Application (DA) in terms of its likely impacts of the development on both the natural and built environments, including any heritage items and heritage conservation areas that are in the vicinity of the proposed development in the Glossop Street Precinct. The submission of Heritage Impact Statement may be required to address the impact of the proposed development on the heritage item and/or conservation area.

## Submissions – Community

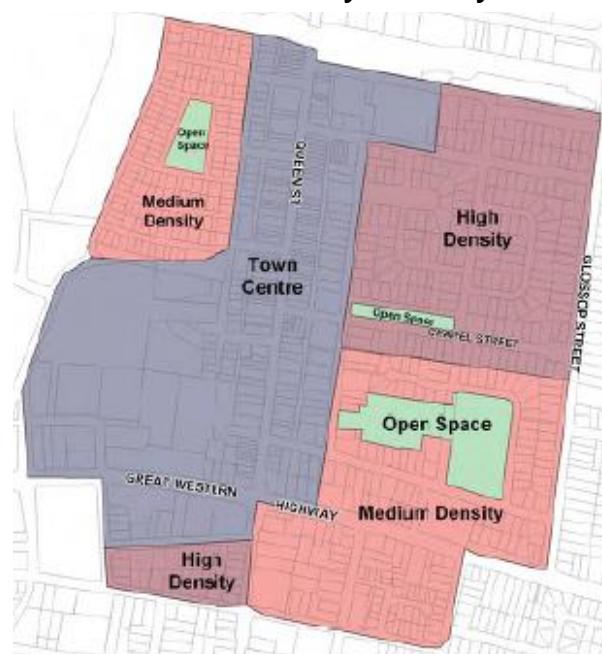
Issue	Discussion
Submission No. 10, 11, 12, 13, 17, 23 and 24	
<p>1. Opposed to the zoning of the eastern side of the Glossop Street Precinct to R4 High Density. The submission expressed concerned about the changes being extreme and unsympathetic. High density living does not work as it will result in increased crime, traffic, devaluation of each property and more noise pollution.</p> <p>2. The R3 Medium Density zone is appropriate as it takes into account the permanent traffic problems of Glossop Street and surrounding streets. The population would also be spread evenly across St Marys and meet the housing requirements of 2031.</p> <p>3. The high density units will place more traffic on Australia Street, which has become a major thoroughfare. This has already happened due to the 'no right turn' out of Brisbane Street and the many townhouses and villas. Glossop Street already has</p>	<p>1. The land along Glossop Street and Chapel Street as subject to this Planning Proposal is not proposed to be zoned as R4 High Density Residential. The Planning Proposal is seeking to zone the land to R3 Medium Density Residential zone, which was endorsed by Council on 25 November 2013. The R3 Medium Density Residential zone is consistent with what the submissions have requested.</p> <p>2. The submission's concern on the additional traffic are noted. Some level of traffic congestion is unavoidable on most streets accessing busy roads around St Marys, particularly during the morning and afternoon peak periods. However, by locating medium density housing around the town centre and railway station will help to promote and encourage use of public transport and contribute to a reduction in distances travelled by car overtime.</p>

Issue	Discussion
<p>heavy traffic flows. The area cannot take more cars and delivery traffic as it is already congested, especially in main streets.</p> <p>4. The planned zoning of the eastern side of Glossop Street between 96 and 144 Glossop Street has not considered residents' lifestyle.</p> <p>5. Council cannot provide a much needed shopping centre in St Marys because of stormwater off flow, but allowing six storey units to be built would have more stormwater off flow. Oxley Park is already congested and it is dangerous to drive there.</p>	<p>3. Stormwater flow for the shopping centre is outside the scope of this Planning Proposal. It should be noted that Council is proposing to reclassify the public land adjacent to the existing shopping centres in St Marys Town Centre to allow Council to consider the sale and redevelopment of this land to implement the adopted St Marys Town Centre Strategy (2006). This Strategy sets desired outcomes to improve the Town Centre, and includes the expansion of the shopping centres towards Queen Street. The stormwater report prepared in support of this proposal indicates that stormwater can be appropriately managed and will not restrict development.</p>
<b>Submission No. 14</b>	
<p>1. Some properties south of Chapel Street and west of Lethbridge Street will be affected by overshadowing with properties to the rear in Brock Avenue. Seven properties in Brock Avenue have a building height of 12m under Penrith LEP 2010 while the proposed building height in Chapel Street is 8.5m. The topography of Brock Avenue sits higher than Chapel Street, which shows an inconsistency in building heights for this area.</p> <p>2. Overshadowing can be resolved by extending the R4 High Density Residential zone to Brock Avenue and Stapleton Parade, or to King Street. These zone boundaries would align with existing roads.</p> <p>3. The land south of Chapel Street and east of Glossop Street should remain zoned as R4 High Density Residential as this area is within 800m of St Marys train station and is within walking distance to St Marys Town Centre. High density residential development would benefit St Marys at present and in the future.</p> <p>4. The large open space between Brock Avenue, Stapleton Parade and King Street is old, lacklustre, and a thoroughfare to these streets. Revitalising this open space would benefit the</p>	<p>1. The inconsistency in building heights for Brock Avenue and Chapel Street is acknowledged. The seven properties in Brock Avenue that have a maximum building height of 12m is being amended in the Housekeeping LEP Planning Proposal, where an 8.5m height limit is proposed, to ensure consistency in the building heights applied.</p> <p>2. The zone boundaries between the existing B4 Mixed Use, R4 High Density Residential and proposed R3 Medium Density Residential areas already align with existing roads. Overshadowing can also be addressed at the DA stage.</p> <p>3. Although the land south of Chapel Street and east of Glossop Street was previously been exhibited as R4 High Density Residential, Council resolved to zone the land east of Glossop Street and south of Chapel Street is zoned R3 Medium Density Residential with a maximum building height of 8.5m due to significant community concern. There are opportunities for high density development to occur in the existing Glossop Street Precinct and adjoining St Marys Town Centre.</p> <p>4. The suggested upgrades to existing facilities for the park between Brock Avenue and King Street is noted, however the embellishment of open space areas is outside the scope of the Planning Proposal.</p>

Issue	Discussion
<p>immediate residents and the St Marys community and discourage anti-social behaviour.</p> <p>5. The R3 Medium Density Residential zone limit's the area's development potential. The proposed corridor for the South West Rail Link extension would see St Marys as a key interchange between the Western Railway Line and the North West and South West Rail Lines.</p>	<p>5. The proposed R3 Medium Density Residential zone would promote St Marys Railway Station as a key interchange by encourage medium density housing around the town centre and railway station.</p>
<p><b>Submission No. 15</b></p> <p>The submission raised concern about Council's intention to allow high density housing along Glossop Street. Parking has become a problem in Australia Street since the large number of townhouses that have recently been built. Most rental properties are shared and there are four or five vehicles per townhouse. The change in zone has resulted in a loss of sunlight, privacy and quietness.</p>	<p>The required off-street parking spaces, the impacts of overshadowing and privacy are addressed at the DA stage.</p> <p>The submission's concerns on additional noise are noted. The additional noise resulting from medium and higher density development is likely to be minimal in St Marys.</p>
<p><b>Submission No. 18</b></p> <ol style="list-style-type: none"> <li>1. The submission objects to the rezoning of the eastern side of Glossop Street. The DA for affordable rental housing (apartments) at 114 – 118 Glossop Street was refused because of its potential to overlook and overshadow the properties in Australia Street that it backed onto.</li> <li>2. Allowing villas along Australia Street could result in overshadowing. This property was listed for sale and the advertisement stated "Council have indicated that they will reconsider an application for units within R4 zoning" in February 2015.</li> <li>3. The property at 25 Australia Street is a large special needs house; it is new and the residents would have their properties overlooked.</li> <li>4. Even though Glossop Street is near the train station, the facilities people require regularly are far apart in Western Sydney. A train station does not guarantee a reduction in car ownership and there</li> </ol>	<ol style="list-style-type: none"> <li>1. The DA at 114-118 Glossop Street, St Marys (DA11/0448) for the development of 28 apartments was refused due to the proposal's inconsistency with the zone objectives of <i>Penrith LEP 1998 (Urban Land)</i> and due to its unacceptable impact on the privacy of surrounding single-storey development.</li> <li>2. Overshadowing impacts of future development on 25 Australia Street can be managed at the DA stage.</li> <li>3. Locating medium to high density housing where transport, employment and retail infrastructure exists will promote sustainable development, contribute to less reliance on private car travel and encourage greater use of public transport. Car parking is addressed at the DA stage.</li> <li>4. The issues relating to the limited parking availability during weekend track work are noted. These issues are outside the scope of this Planning Proposal.</li> </ol>

Issue	Discussion
<p>is no room for extra parking for residents or visitors of units. The traffic in Australia Street is difficult, and two cars can't pass when other cars are parked on both sides of the street.</p> <p>5. The new community car park at the intersection of Hobart Street and Glossop Street has resulted in cars parked from 6am until 8pm. It is also used by the workers from the industrial site in North St Marys. During track work, residents are asked not to park in Hobart or Australia Streets as surrounding streets are required for vehicles and equipment.</p> <p>6. The <i>Penrith Urban Strategy – Managing Growth to 2031</i> document shows that the eastern side of Glossop Street was not included in the area of high density.</p> <p>7. The submitter was informed in February 2015 that Glossop and Chapel Streets were going to be reviewed, but with no timeframe and no letter was received asking for submissions.</p>	<p>5. The proposed R3 Medium Density Residential zone is consistent with the <i>Penrith Urban Strategy – Managing Growth to 2031</i> as it shows that the eastern side of Glossop Street is not zoned for high density housing (refer to Figure 2). Although the Penrith Urban Strategy has not identified land use opportunities for the land east of Glossop Street, the R3 Medium Density Residential zone will ensure that zone boundaries align with existing roads.</p> <p>6. Council sent out letters notifying affected landowners and occupiers of the public exhibition of this Planning Proposal in the week prior to the public exhibition which outlined the period of public exhibition, where to view the exhibition material and how to make a submission.</p>

**Figure 2: Extract from Penrith Urban Study – St Marys Town Centre Precinct**



Issue	Discussion
<p><b>Submission No. 19</b></p> <p>The submission relates to 26, 28 Gidley Street and 42 Chapel Street, St Marys (the site) which is currently zoned as 2(d) Residential (Medium Density) under <i>Penrith LEP 1998 (Urban Land)</i>. Schedule 3 of <i>Penrith LEP 1998 (Urban Land)</i> lists office premises is listed as an additional permitted use at 26-28 Gidley Street, which is currently occupied by the NSW Government St Marys Health Facility and the Nepean Area Disability organisation. 42 Chapel Street is occupied by a single storey residential dwelling.</p> <p>1. The R4 High Density Residential zone is appropriate for the site as it allows increased housing and employment around transport centres and be consistent with the Urban Study and Strategy.</p> <p>2. The submission objects to the proposed R3 Medium Density Residential zone and the 8.5m height limit for the site. The following reasons have been provided:</p> <ul style="list-style-type: none"> <li>(a) The R3 Medium Density Residential zone and the 8.5m height limit is inconsistent with Council's original views for the Glossop Street Precinct and will compromise Council's ability to meet housing targets, particularly in areas adjacent to the Town Centre.</li> <li>(b) High density development on the site aligns with the direction of <i>A Plan for Growing Sydney</i> where shop top housing would contribute to the mix, choice and diversity for housing in this area. High density housing will also support Council's key principles identified in its submission on the proposed corridor for the South West Rail Link Extension Corridor Protection that identified St Marys station as a key interchange.</li> <li>(c) The properties to the south east of the site are zoned R3 Medium Density Residential zone with a 12m height limit. Allowing higher density development at this location is an efficient use of the land as the site is adjacent to St Marys</li> </ul>	<p>1. The proposed R3 Medium density Residential zone will not significantly reduce the dwelling potential for the Glossop Street Precinct (approximately 1,000 new dwellings). The R3 Medium Density Residential zone is consistent with Penrith Urban Strategy as it zones the land for medium density housing (refer to Figure 2 above).</p> <p>2. The R3 Medium Density Residential zone is appropriate for the site as:</p> <ul style="list-style-type: none"> <li>(a) The zone is consistent with the Penrith Urban Strategy which identified the southern side of Chapel Street as medium density housing (refer to Figure 2). The R3 Medium Density Residential zone will allow for additional medium density housing opportunities.</li> <li>(b) <i>A Plan for Growing Sydney</i> includes a number of directions and actions for councils to use in planning for additional housing supply and diversity. For example, the proposed R3 Medium Density Residential zone is consistent with Action 2.3.2 <i>Enable the subdivision of existing homes and lots in areas suited to medium density housing</i> as the zone will allow future development to integrate with the land that immediately adjoins the site which are zoned R3 Medium Density Residential.</li> <li>(c) The inconsistency between building heights for Brock Avenue and Chapel Street is acknowledged and is being addressed in the Housekeeping LEP Planning Proposal. The St Marys Town Centre (zoned B4 Mixed Use) and the adjoining Glossop Street Precinct (zoned R4 High Density Residential) is the preferred location for high density development.</li> </ul>

Issue	Discussion
<p>Town Centre and is within walking distance to the railway station, schools, and community/recreation facilities.</p> <p>(d) The site is well placed to continue Council's active street frontages with opportunities for passive surveillance of open space areas and improved amenity in the area.</p> <p>(e) The issues raised during Stage 2 of Penrith LEP 2010, such as traffic, parking, overshadowing, privacy and the social impacts resulting from high density housing can be considered as part of a DA. Penrith LEP 2010, Penrith DCP 2014, the <i>State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development</i> and the principles of Crime Prevention through Environmental Design (CPTED) can address these concerns.</p> <p>3. The submission objects to Council not continuing the additional permitted use for 26-28 Gidley Street. The site currently has an office premises on the site and it was intended to use the higher density provisions to continue the commercial use of the site for offices with the inclusion of shop top housing.</p> <p>4. The following options were recommended for the site:</p> <ul style="list-style-type: none"> <li>(a) Retain the proposed R3 Medium Density Residential zone, list office premises as an additional permitted use, and increase the maximum height limit to 15m and extend any additional permitted use for office premises be to 42 Chapel Street, St Marys.</li> <li>(b) Rezone the site to R4 High Density Residential, list office premises as an additional permitted use, and increase the height to 15m. It is also requested that any additional</li> </ul>	<p>(d) Active Street Frontages will not apply to the site as they only apply to certain land zoned B4 Mixed Use and B3 Commercial Core under Clause 7.8 of Penrith LEP 2010.</p> <p>(e) The proposed R3 Medium Density Residential zone and current R4 High Density Residential zone align with existing roads which will result in a better urban design outcome when this area is developed in the future. This is a key CPTED principle as it provides a clear transition in zone boundaries and provides an appropriate transition in built form high density housing to medium density housing.</p> <p>3. Council is unable to carry over the additional permitted use for office premises in Schedule 1 of Penrith LEP 2010 as the use is already operating on the site. The Department of Planning &amp; Environment (DP&amp;E) aims to minimise listing of land uses in Schedule 1 of a Standard Instrument LEP, and is detailed in their Practice Note PN 11-001 <i>Preparing LEPs using the Standard Instrument: standard clauses</i> (PN 11-011) which states that listings in the LEP Schedule 1 should be minimised and appropriate justification provided to the DP&amp;E for any inclusions. As office premises is already operating at 26 and 28 Gidley Street, the use can continue to operate subject to existing use rights.</p> <p>4. An assessment of the submission's suggestions are provided below:</p> <ul style="list-style-type: none"> <li>(a) It is recommended that the prohibition of office premises on the site be retained. The use, as it has already commenced, can continue to operate under existing use rights. The B4 Mixed Use zone in the adjacent St Marys Town Centre is the preferred location for office premises to operate.</li> </ul> <p>An increased building height of 15m on the site is not supported as it could allow development up to 4 storeys. The range of land uses</p>

Issue	Discussion
<p>permitted use for office premises be extended to 42 Chapel Street, St Marys.</p> <p>(c) Rezone the site to a B4 Mixed use zone to allow mixed use development (office premises/shop top housing) and increase the maximum height to 15m.</p>	<p>in the R3 Medium Density Residential zone is not suitable for a greater building height, which include dwelling houses and multi dwelling housing. The only form of residential development that is considered suitable for this height are residential flat buildings, which is prohibited in the R3 Medium Density Residential zone.</p> <p>(b) The R3 Medium Density Residential zone and the 8.5m building height over 26 and 28 Gidley Street be retained. A change in zone and building height is considered significant enough to warrant further analysis and Council would need to seek the community's views on these changes. In addition, office premises can continue to operate subject to existing use rights. The B4 Mixed Use zone in the adjacent St Marys Town Centre is the preferred location for office premises to operate. On this basis, the R3 Medium Density Residential zone and the 8.5m building height over 42 Chapel Street should also be retained.</p> <p>(c) A B4 Mixed Use zoning over 26-28 Gidley Street and 42 Chapel Street with a building height of 15m are considered significant enough to warrant further analysis and would need to seek the community's views on these changes. The St Marys Town Centre situated immediately to the west of the site is the preferred location for office premises and mixed use development.</p>
<b>Submission No. 28</b>	
The submission supported the proposal to amend the zone in Chapel Street to R3 Medium Density Residential.	Noted.
<b>Submission No. 29</b>	
The submission supported the proposal and expressed that the changes will bring more prosperity and business to the area to make the area more vibrant.	Noted.

## Options

### Submission No. 10, 11, 12, 13, 14, 15, 17, 23, 24, 26, 28 & 29

There are no appropriate options for these submissions.

**Comment:** Retaining the Plan as exhibited is consistent with what the submissions have sought as well as Council's resolution on 25 November 2013. Furthermore, many of the concerns raised in the submissions (e.g. relating to sunlight, privacy and noise) can be addressed at the DA stage. The concerns relating to the lack of parking during track work is outside the scope of this Planning Proposal.

### Submission No. 19

- 1.1 That the submission be noted and Council endorse the Planning Proposal as exhibited.
- 1.2 That Council resolve to retain the proposed R3 Medium Density Residential zone, increase the maximum height to 15m and list office premises as an additional permitted use in Schedule 1 of Penrith LEP 2010 for 26 and 28 Gidley Street and 42 Chapel Street, St Marys.
- 1.3 That Council resolve to rezone 26 and 28 Gidley Street and 42 Chapel Street, St Marys to R4 High Density Residential, increase the maximum height to 15m and list office premises as an additional permitted use at these properties in Schedule 1 of Penrith LEP 2010.
- 1.4 That Council resolve to rezone 26 and 28 Gidley Street and 42 Chapel Street, St Marys to B4 Mixed Use and increase the maximum building height to 15m.

**Comment:** The changes sought in Options 1.2 – 1.4 which seek to zone the site to R4 High Density Residential or B4 Mixed Use and to increase the height to 15m should be supported by further analysis. However, this is outside the scope of this Planning Proposal. In addition, as the commercial use has already commenced, the use can continue to operate subject to existing use rights.

## Recommendations

### Submission No. 10, 11, 12, 13, 14, 15, 17, 23, 24, 26, 28 & 29

That the submissions be noted and Council endorse the Planning Proposal as exhibited.

### Submission No. 19

- 1.1 That the submission be noted and Council endorse the Planning Proposal as exhibited.

## CHAPTER 2 – WERRINGTON BUSINESS PARK AND WERRINGTON SIGNALS SITE

The deferred areas in Werrington which comprises of the University of Western Sydney (UWS) campuses at Werrington and the southern portion of the Werrington Signals Site was previously exhibited as part of Stage 2 of Penrith LEP 2010 from 13 May 2013 until 5 July 2013. At that time, the Werrington Signals Site and the University of Western Sydney campuses at Kingswood and Werrington were exhibited entirely as B7 Business Park.

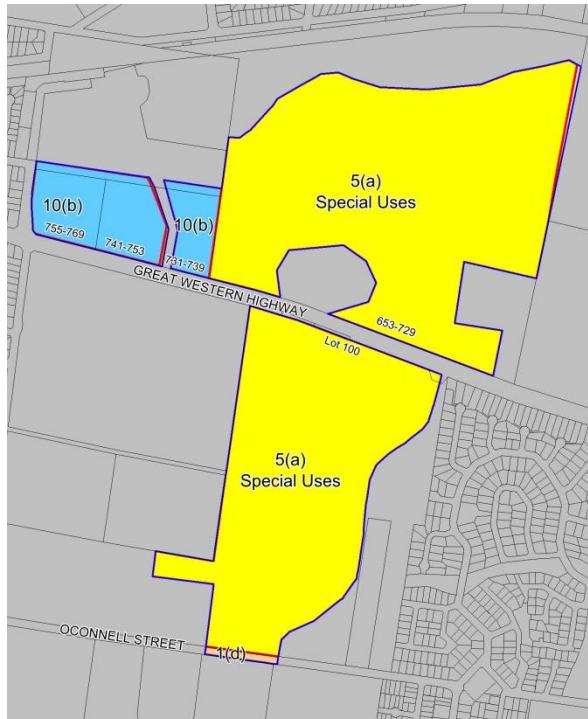
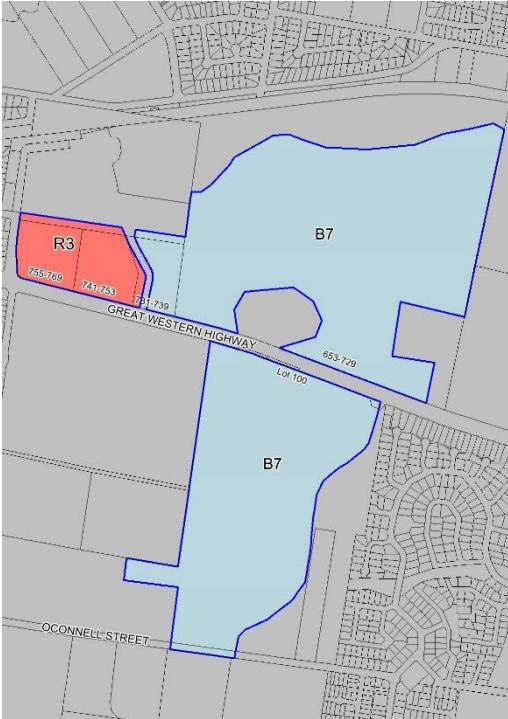
However, Council, at its Ordinary Meeting of 25 November 2013, resolved to delay its decision on the land proposed to be zoned B7 Business Park and to organise a stakeholder meeting involving Council, relevant landowners, the Penrith Business Alliance and representatives from the (then) Department of Planning and Infrastructure to investigate and test an alternative selection of appropriate land use zones.

Following the completion of this analysis, Council, at its Ordinary Meeting of 28 April 2014, resolved to zone the Werrington Signals Site to R3 Medium Density Residential, E2 Environmental Conservation and B7 Business Park. Justification of this decision is discussed in the Planning Proposal.

This Planning Proposal has retained the R3 Medium Density Residential, E2 Environmental Conservation and B7 Business Park zones endorsed by Council at its Ordinary meeting of 25 November 2013. The E2 Environmental Conservation zone was gazetted as part of Amendment 4 to Penrith LEP 2010.

The current and proposed zoning is shown in Figure 3.

**Figure 3: Current and proposed zoning of the Werrington Business Park and Werrington Signals Site**

Current Zoning	Proposed zoning
	

## Submissions – Public Authorities

Issue	Discussion
<p><b>Submission No. 5 – Department of Primary Industries</b></p> <p><u>Environmental Conservation Area, Werrington</u></p> <ol style="list-style-type: none"> <li>The Planning Proposal notes the rezoning does not relate to any environmentally sensitive areas and that the E2 Environmental Conservation zone has been applied over riparian land.</li> <li>The Department of Primary Industries, Water (DPI Water) supports the zoning of the riparian corridor as E2 Environmental Conservation and connecting the riparian corridor by the E2 Environmental Conservation zoning to the remnant northern bushland.</li> </ol> <p><u>Rehabilitation of riparian corridor – Bushfire Prone Land Map</u></p> <ol style="list-style-type: none"> <li>It is unclear if any future rehabilitation of the riparian corridor would modify the Vegetation Category 2 under Council's Bushfire Prone Land Map.</li> <li>It is recommended that the riparian corridor is fully vegetated with native trees, shrubs and groundcover species from the local vegetation community.</li> <li>The Planning Proposal indicates bushfire affectation will need to be addressed as part of any development proposal. It is suggested Council consider whether the proposed rezoning to R3 Medium Density Residential zone will affect the establishment and long term protection of a fully vegetated riparian corridor.</li> </ol>	<p><u>Environmental Conservation Area, Werrington</u></p> <p>The DPI Water's comments are noted.</p> <p><u>Rehabilitation of riparian corridor – Bushfire Prone Land Map</u></p> <ol style="list-style-type: none"> <li>If any future rehabilitation of the riparian corridor is to occur over the riparian corridor, Council will review the bushfire prone vegetation and update the map (if required) and forward the map to the NSW Rural Fire Service (RFS) for re-certification.</li> <li>The suggested vegetation of the riparian corridor with native trees, shrubs and groundcover species is outside the scope of this Planning Proposal.</li> <li>The RFS have made a submission on the Planning Proposal and have raised no objection to the proposal. The RFS have advised that future planning for the site should have regard to the requirements of <i>Planning for Bushfire Protection 2006</i> (PBP 2006), including the provision of asset protection zones (APZ) within proposed lots for residential subdivision in accordance with PBP 2006. In addition, development applications (DAs) on land identified as bushfire prone are also required to be accompanied by a Bushfire Assessment Report prepared in accordance with the PBP 2006.</li> </ol>
<p><b>Submission No. 7 – Blue Mountains City Council</b></p> <p>In-principle support is provided to the rezoning of the land for the redevelopment of an education-related business park and housing. The development of the site will help to enhance the Sydney West District's (formerly subregion) economy and facilitate employment opportunities within commuting distance of Blue Mountains residents.</p>	<p>Noted.</p>

Issue	Discussion
Submission No. 2 and 21 – NSW Rural Fire Service	
<p>Whilst no objection is raised to the Planning Proposal, the submission highlighted that future planning for the site should have regard to the requirements of PBP 2006 which includes:</p> <ol style="list-style-type: none"> <li>1. Provision of APZs within the proposed lots in accordance with Table A2.4 for residential subdivision and Table A2.6 for special fire protection purpose developments.</li> <li>2. Access to be provided in accordance with section 4.1.3 and 4.2.7;</li> <li>3. Evacuation and Emergency Management for special fire protection purpose developments to be in accordance with Section 4.2.7; and</li> <li>4. Landscaping in accordance with Appendix 5.</li> </ol>	<p>The submission raised no objection to the Planning Proposal and highlighted the need for future planning for the site to have regard to the requirements of PBP 2006 including provision of APZs within the proposed lots, evacuation and emergency management for special protection purpose developments and landscaping. These can be addressed during the assessment of a DA.</p>
Submission No. 26 – Heritage Division, Office of Environment and Heritage	
<p>The Heritage Division of the Office of Environment and Heritage (OEH) have raised no objection to the proposed amendments that will correct the mapping of Werrington Park House as it will provide places of heritage significance with statutory protection to assist with their conservation and management. Council must be satisfied that the rezoning does not affect the significance of any heritage items or conservation areas in the vicinity.</p>	<p>The OEH's comments are noted. In addition to having statutory protection under Penrith LEP 2010, heritage items and heritage conservation areas are supported by additional controls in the Penrith DCP 2014, such as the submission of a Heritage Impact Statement for development that may impact on a heritage item or heritage conservation area.</p>
Submission No. 27 – Transport for NSW	
<ol style="list-style-type: none"> <li>1. The Transport Management and Accessibility Plan (TMAP) supporting the rezoning is over 8 years old. Since the time the TMAP was published there have been changes in infrastructure commitments by the NSW Government including the <i>Western Sydney Infrastructure Plan</i> which outlines a number of significant regional road improvements in Western Sydney within and beside the Penrith Local Government Area (LGA).</li> <li>2. Some of the road infrastructure actions and commitments undertaken by the NSW Government since 2008 in and around the Penrith LGA include the Jane Street and Mulgoa Road upgrade, the Northern</li> </ol>	<ol style="list-style-type: none"> <li>1. It is acknowledged that the TMAP supporting the rezoning does not consider the recent infrastructure commitments by the NSW Government, including the <i>Western Sydney Infrastructure Plan</i> which outlines a number of significant regional road improvements in Penrith and Greater Western Sydney.</li> <li>2. The TMAP was prepared to support planning of the Werrington Enterprise Living and Learning (WELL) Precinct Strategy (2004-2007). The proposed B7 Business Park zone for the UWS Werrington campuses is considered the most appropriate zone to implement the objectives and recommendations of the WELL Precinct Strategy and</li> </ol>

Issue	Discussion
<p>Road upgrade, the Werrington Arterial Road and the M12 Motorway investigations from the Northern Road to the M7 Motorway via the Badgerys Creek Airport.</p> <p>3. The TMAP also pre-dates the four goals and 22 directions outlined in <i>A Plan for Growing Sydney</i> (2014) as it was referenced against the 2005 Metropolitan Plan.</p> <p>4. Transport for NSW, Penrith City Council and the Roads and Maritime Services (RMS) have established a working group (the Working Group) to improve coordination, ensure alignment and promote integration on transport issues and projects in and around Penrith. It is suggested that the Working Group, together with a representative from the Department of Planning and Environment (DP&amp;E), form a steering committee to guide the development of the updated TMAP proposal for the subject development.</p>	<p>provide higher order employment opportunities that will contribute to the development of a strategic centre.</p> <p>3. The relevant goals and actions of <i>A Plan for Growing Sydney</i> have been addressed in this Planning Proposal. The TMAP can be required at the DA stage for major developments and referred to the RMS for comment.</p> <p>4. Penrith DCP 2014 requires the submission of a Concept Plan that is required to address the proposed site layout including an indicative road layout, an infrastructure strategy and vehicular and cycle road access and circulation networks to address transport issues.</p> <p>5. A Traffic Report may also be required to be submitted at the DA stage for development proposals of a size or capacity that is detailed in Column 2 of Schedule 3 of <i>State Environmental Planning Policy (Infrastructure) 2007</i> (Infrastructure SEPP).</p> <p>It is considered that these requirements outweigh the need for a TMAP to be updated.</p>

## Submissions – Community

Issue	Discussion
Submission No. 16	
<p>The submission relates to the UWS Werrington Campuses known as Lot 101, DP 1140594, 653-729 Great Western Highway, Werrington and Lot 100, DP 1194481, Great Western Highway, Werrington.</p> <p>The submission objects to the proposed building height of 12.5m for the land proposed as B7 Business Park. The height of the Werrington Corporate Centre is very high and the site should be zoned for open space because:</p> <p>1. The use is more compatible with the proposed heritage listing in the Planning Proposal. It will provide some natural habitat for the birdlife that</p>	<p>1. The heritage item, known as "Werrington Park House", has statutory protection within Penrith LEP 2010. Development controls under Penrith DCP 2014 will ensure that the heritage item is protected whilst enabling the business park to be developed. An open space zoning over the whole site will compromise employment opportunities to be provided at a key strategic location.</p>

Issue	Discussion
<p>currently live there and there are cost savings in leaving the trees that align the Great Western Highway in the north.</p> <p>2. There is a lack of green space in the Penrith Health and Education Precinct due to development at the former Signals Site and the Caddens Release Area. The open space would be available for people to enjoy, provide a more aesthetically pleasing view and provide some compensation for the noise and congestion caused by the Werrington Corporate Centre and the noise and congestion that will be created by the future business park.</p> <p>3. The WELL Refined Concept Plan acknowledged that there should be a northern sports field and passive recreation. The open space would be a good use of the land as living or working in the South Werrington Urban Village (SWUV), provide a distinct change from the SWUV to the Business Precinct and provide a place for relaxation for workers.</p> <p>4. The green space should be visible on the eastern slope of the UWS Werrington North Campus entrance. The top of the hill should be kept to enhance views.</p>	<p>2. The submission's request for more open space is noted. However, planning for infrastructure requires a 'whole of Council' approach, particularly in relation to funding acquisitions for open space and requires careful consideration. Periodic review of the City-wide LEP will assess the need for further growth and infrastructure required to support that growth. However this exercise is outside the scope of this Planning Proposal.</p> <p>3. The need for a northern sports field and passive recreation opportunities is noted. However, this is outside the scope of this Planning Proposal.</p> <p>4. Protection of existing significant views (such as hilltop views from the UWS Werrington North Campus) can be addressed and provided at the DA stage when Council can assess the proposed detailed designs.</p>
<b>Submission No. 20</b>	
<p>The submission relates to four properties (the site) known as Part Lot 50, DP 1069025, French Street, Werrington and Lots 56 – 58, DP 1069025, Great Western Highway, 731-769 Great Western Highway, Werrington. This land is proposed to be zoned B7 Business Park and R3 Medium Density Residential.</p> <p>The submission has suggested the following changes be made through the Planning Proposal:</p>	
<b>Issue:</b>	
<p><b>1. Amend the zone boundaries to realign the E2 Environmental Conservation Corridor:</b> The submission has stated that there is a misalignment between the existing watercourse and the E2 Environmental Conservation zone along the southern part of the site which diverts to the west whilst the drainage line extends along the same alignment through to the Great Western Highway. The submission seeks to realign the E2 Environmental Conservation to ensure that subsequent development corresponds with the site's environmental values. The submission also indicated a misalignment in the land zoned E2 Environmental Conservation at the north-eastern section of the Werrington Signals Site which the landowner has sought to fix.</p>	
<b>Discussion:</b>	

Issue	Discussion
<p>The E2 Environmental Conservation was gazetted as part of Amendment 4 to Penrith LEP 2010. The extent of the land zoned as E2 Environmental Conservation was incorrectly gazetted due to misinterpretation of Council's mapping data by the DP&amp;E. The misalignment of the E2 Environmental Conservation corridor is illustrated in Figure 4.</p>	

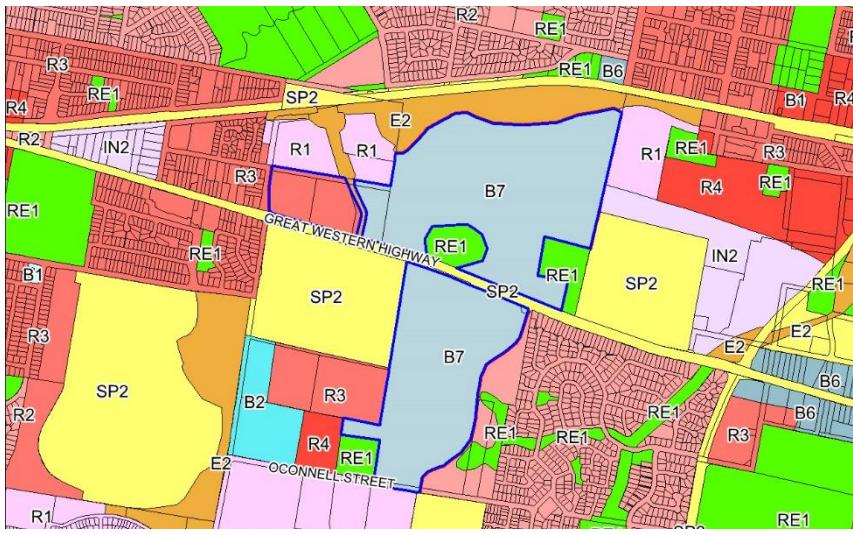
**Figure 4: Misalignment of the E2 Environmental Conservation zone**

To correct this error, it is recommended that the zone boundaries of the site be amended in accordance with Figure 3 to accurately reflect the riparian corridor. The realigned zone boundaries will result in an increase of 0.29 hectares of land exhibited as R3 Medium Density Residential and a reduction of 0.27 hectares of the area exhibited as B7 Business Park. The Business Park will have a revised area of 73.21 hectares which still meets the 50 hectare benchmark identified by the DP&E for a formal and viable Business Park. The misalignment of the E2 Environmental Conservation corridor at the north-eastern section of the Werrington Signals Site (refer to Figure 5) is being addressed through the Housekeeping amendment to Penrith LEP 2010.

Issue	Discussion
<b>Figure 5: Proposed zoning of the Werrington Signals Site showing the amended E2 Environmental Conservation Corridor</b>	
	<p>This section of the E2 Environmental Conservation Corridor is being addressed in the Housekeeping LEP Planning Proposal.</p> <p>Proposed amendment to E2 Corridor</p>
<p><b>2. Delete the 400m<sup>2</sup> Minimum Lot Size:</b> The submission has requested that the minimum lot size for the land proposed to be zoned R3 Medium Density Residential be deleted to allow for diverse and flexible housing outcomes to be achieved in a manner consistent with other urban release areas in Penrith. The submission also states that the land to the immediate north of the subject site does not have a minimum lot size under Penrith LEP 2010.</p>	<p><b>Discussion:</b> To achieve the objectives of the R3 Medium Density Residential zone, a 400m<sup>2</sup> minimum lot size requirement has been applied to lands that are zoned R3 Medium Density Residential across the Penrith LGA. Therefore, deleting the minimum lot size would be inconsistent with the objectives of the R3 Medium Density Residential zone and be incompatible with the desired subdivision pattern and intended dwelling densities.</p> <p>However, the Werrington Signals Site is unique given that the land to the north of the site is zoned R1 General Residential with no minimum lot size. Whilst the R1 General Residential zone would be the most appropriate zone for the site (as it allows for a continuation in the R1 zone that applies to the north), this may trigger re-exhibition. Amending exhibited zones as a post exhibition amendment is generally considered as a significant change as it would permit a wider range of land uses.</p> <p>Retaining the R3 Medium Density Residential zone and the minimum lot size requirement (400m<sup>2</sup>) removed would provide opportunities to develop small lot housing, which are single dwelling houses on lots ranging from 200m<sup>2</sup> to 450m<sup>2</sup> with varying frontages between 6 – 12 metres. Allowing small lot housing on the site would provide opportunities to deliver more affordable housing, would integrate with the surrounding two-storey residential development and is</p>

Issue	Discussion
<p>consistent with Council's strategy of providing greater housing densities close to existing and planned employment centres. There is also a growing demand for residential housing in Penrith. The Penrith Housing Demand Analysis (prepared by SGS Economics in 2015) found that there is greater preference for residential housing across Penrith.</p>	
<p>On this basis, it is recommended that the R3 Medium Density Residential zone for the site should be retained and the minimum lot size removed.</p>	
<p><b>3. Increase the maximum building height to 12.5m:</b> The submission requested that the maximum building height of 8.5m be increased to 12.5m for the land proposed to be zoned R3 Medium Density Residential to provide a consistent built form outcome with the land proposed to be zoned B7 Business Park and allow opportunities for more diverse housing forms. Alternatively, the submission suggested that Council consider allowing selected areas of the site, identified in Figure 6, to be developed to an increased building height.</p>	
<p><b>Figure 6: Suggested location for an increased building height opportunity</b></p> 	
<p><b>Discussion:</b></p> <p>To achieve the objectives of the R3 Medium Density Residential zone, a maximum building height of 8.5m has been applied. The types of residential accommodation permitted in the zone include dwelling houses, multi dwelling housing (i.e. townhouses) and seniors housing. These uses do not warrant a greater building height, particularly when Residential Flat Buildings are prohibited. The range of non-residential land uses permitted in the zone, such as child care centres, places of public worship, neighbourhood shops and shop top housing, aim to provide facilities or services that meet the day to day needs of residents and, therefore, a greater building height for these uses is not justified. Clause 5.4 of Penrith LEP 2010 further restricts the retail floor area for neighbourhood shops to 200m<sup>2</sup>. Given the limited retail floor space permitted for this use, a greater building height would not be appropriate even though shop top housing is permitted.</p>	

Issue	Discussion
<p>Given that the adjoining residential areas to the immediate north and west of the site have a maximum building height of 8.5 metres, increasing the building height of the site would permit development outcomes that are significantly different from the characteristics of the adjoining residential areas. In addition, the submission did not provide a thorough strategic planning analysis of the appropriate built form outcomes across the site that adequately justifies a 12.5m height limit or any consideration of where additional uses could be provided on the site. In the absence of such analysis, the 8.5m building height should be retained. The 8.5m building height for this land would also ensure consistent development outcomes across the R3 Medium Density Residential zone, including the land west of the site that is zoned R3 Medium Density Residential.</p>	
<p>Increasing the building height at key corner sites to 12.5m (as shown in Figure 6) is not supported as maximum building heights are typically applied across the entire lot. It would be inappropriate to consider any proposed height control changes in isolation of a site specific proposal on a particular part of the lot, given the submission did not detail the intended built form outcome. A site specific approach to increased building heights would need to be considered in the context of the character of the surrounding area and would need to seek the community's acceptance of a greater building height at this location.</p>	
<p>This proposed increase in height, either across the site or in key corner locations within the site, is outside the scope of this Planning Proposal exercise. The proponent could submit a site specific Planning Proposal to vary heights on specific key sites which could be considered by Council. Retaining the exhibited building height of 8.5 metres would not prevent the owners from pursuing a site specific planning proposal to amend the building height controls.</p>	
<p><b>4. Permit service station as an additional permitted use:</b> The submission has requested that service stations be made permissible as an additional permitted use on Lot 56, DP 1069025, 731-739 Great Western Highway and Part Lot 50, DP 1069025, French Street, Werrington. This land is proposed to be zoned B7 Business Park, which prohibits service stations. The submission stated that a service station could benefit the Business Park by providing an initial catalyst for economic activity and provide an important service and retail contribution for residents and businesses.</p>	
<p><b>Discussion:</b> Service stations are currently only permitted in the B2 Local Centre, SP3 Tourist, B6 Enterprise Corridor and IN2 Light Industrial zones. A review of the surrounding zones shows that the IN2 Light Industrial zone is situated approximately 780m to the west of the site and the B6 Enterprise Corridor zone is situated approximately 1.5km to the east of the site (refer to Figure 7). These locations are able to provide service stations that also front the Great Western Highway and would provide a comparable benefit for the Werrington Business Park.</p>	

Issue	Discussion
<b>Figure 7: Surrounding zones</b>	
	
<p>In addition, the submission did not provide the required justification for Council to consider permitting a service station on the site. This includes consideration of traffic movements, entry and exit points and elements of the service station, including whether it includes ancillary uses such as a car wash, restaurant, convenience store, etc. The submission also lacked early design concepts that would allow for discussions with the RMS and the preparation of relevant technical considerations such as traffic reports, considering the site is accessed via the Great Western Highway. In the absence of such analysis, the prohibition of a service station on the site should be retained.</p>	
<b><u>Peer Review</u></b>	
<p>It is recognised that the site has had a contentious history. To ensure transparency in the documents informing Council's consideration of the matters raised by the submission, Think Planners were engaged by Council to undertake a peer review of both the submission and the discussion paper. A full copy of the peer review is attached. The peer review has concluded that:</p>	
<ul style="list-style-type: none"> <li>• Council Officers have undertaken an appropriate analysis of the key issues raised in the submission, including the:       <ul style="list-style-type: none"> <li>◦ character of the allotment sizes and building heights in vicinity of the site,</li> <li>◦ attributes of the subject site,</li> <li>◦ analysis of the established pattern of allotment sizes and heights in the locality; and</li> <li>◦ Appropriateness of the introduction of a use (service station) that is ordinarily prohibited in the B7 Business Park zone.</li> </ul> </li> </ul>	

Issue	Discussion
<ul style="list-style-type: none"> <li>The recommendations of Council Officers is concurred with as there has been an inadequate analysis, background study or justification for the amendments sought. In the absence of such analysis being undertaken, the recommendation of Council officers to apply controls consistent with the zone through the LGA is appropriate.</li> <li>Irrespective of such analysis being undertaken, this Planning Proposal is not the right statutory instrument through which the amendments being sought should be undertaken. The Planning Proposal would be unnecessarily delayed to support the proposed amendments on one site.</li> <li>The site has characteristics and unique circumstances (such as size, location and environmental features) that would warrant investigations and possibly the preparation of a separate standalone Planning Proposal seeking changes to the zone and permissible uses, along with controls such as maximum building height and minimum lot size.</li> </ul>	

### **Stakeholder Meeting**

Council Officers met with the owner of the Werrington Signals Site and the planning consultants representing the landowners to discuss the changes proposed in the submission. At this meeting, Council Officers highlighted that the changes sought in the submission are too significant to make through this Planning Proposal in response to a submission and that the submission's request to delete the minimum lot size, increase the height of buildings and request to permit a service station requires additional justification. Council Officers also highlighted that the Greater Sydney Commission would likely require the Planning Proposal to be re-exhibited if the proposed changes are deemed to be material to the operation and outcomes of the LEP. However, a further review of the minimum lot sizes for the Werrington Signals Site has concluded that there may be merit in removing the minimum lot size for the R3 Medium Density Residential component of the site for the reasons outlined above.

As such, Council Officers are recommending that the E2 Environmental Conservation zone be amended to accurately reflect the riparian corridor, and that the minimum lot size of the Werrington Signals Site be removed. However, it is recommended that the 8.5 metre building height and the prohibition of service station on the site be retained. This would not prevent the owners from pursuing a site specific planning proposal to amend the planning controls.

Submission No. 22	
<ol style="list-style-type: none"> <li>The proposed B7 Business Park zoning is supported as it recognises that educational uses are permissible. Zoning adjustments may be sought based on concept plans for the site, which is the next stage of master planning.</li> <li>The submission objects to the listing of the entire lot (Lot 101, DP 1140594, 653-729 Great Western Highway, Werrington) as a heritage item. The preference is to maintain the listing for the item rather than the whole lot. The map included in the Planning Proposal denoting the current heritage</li> </ol>	<ol style="list-style-type: none"> <li>LEP maps are required to comply with the DP&amp;E's requirements that are specified in the <i>Standard technical requirements for LEP maps</i> (November 2012) which states the "land (lot, lots) on which the heritage item is situated will be coloured <b>brown</b> and labelled with a number corresponding to the description of the item in Schedule 5 of council's LEP". For this reason, the entire lot is mapped as a heritage item.</li> <li>Although the item is already listed in Schedule 5 of Penrith LEP 2010, the corresponding heritage map is only mapped to reflect that part of</li> </ol>

Issue	Discussion
<p>item on the UWS land is incorrect as the land is zoned as RE1 Public Recreation and E2 Environmental Conservation.</p> <p>3. The additional clause to manage the development of warehouse and distribution centres is supported in order to promote business activity within the land zoned as B7 Business Park. However, the 50% maximum gross floor area (GFA) for the purpose of warehouse and distribution centres may be too restrictive. It is recommended that Council consider a metric-based standard based on the number of jobs rather than the percentage of GFA.</p> <p>4. The justification on ‘economy and employment’ and ‘centres and corridors’ in the <i>North West Subregion – Draft Subregional Strategy</i> section is supported as it elaborates on the Business Park as a major employment precinct.</p> <p>5. The submission recognises that the northern section of Lot 101, DP 1140594, 653-729 Great Western Highway is bushfire prone and will be considered by UWS in the concept plan for the Business Park.</p>	<p>the property currently zoned under Penrith LEP 2010, i.e. land zoned RE1 Public Recreation and E2 Environmental Conservation. The Planning Proposal is seeking to amend the heritage map to incorporate the deferred portion of the Lot to satisfy the DP&amp;E LEP mapping requirements.</p> <p>3. Warehouse and distribution centres generally have low employment densities that would not align with the higher order and higher density employment opportunities sought for the Werrington Business Park. As the Standard Instrument LEP mandates the permissibility of warehouse and distribution centres in the B7 Business Park zone, Council does not have the ability to prohibit this particular use in the Werrington Business Park. As Council generally does not require developments in business zones to provide a minimum number of jobs as a condition of consent for development on business zones, Council considers limiting the development of warehouse and distribution centres to 50% of the GFA a balanced approach in the delivery of higher order employment in the Business Park to be a balanced approach in the delivery of higher order employment uses.</p>

## Options

### Submissions No. 5, 7, 16, 21, & 26

There are no appropriate options for these submissions.

### Submission No. 20

#### Zone Boundaries – Location of the E2 Environmental Conservation Zone

- 2.1 Retain the publicly exhibited zones applying to the Werrington Signals Site (i.e. E2 Environmental Conservation, R3 Medium Density Residential and B7 Business Park).

**Comment:** Retaining the E2 Environmental Conservation Corridor will result in an inconsistency between the gazetted E2 Environmental Conservation and the actual riparian corridor and may result in the potential for development consent to be issued over riparian lands.

- 2.2 Amend the publicly exhibited zone boundaries of the site (i.e. E2 Environmental Conservation, R3 Medium Density Residential and B7 Business Park) in accordance with Figure 3 of the Discussion Paper to accurately reflect the riparian corridor.

**Comment:** Amending the zone boundaries will ensure that the E2 Environmental Conservation zone accurately reflects the alignment of the riparian corridor and that subsequent development corresponds with the site's environmental values.

#### Request to Delete the Minimum Lot Size

- 2.3 Retain the R3 Medium Density Residential zone and the 400m<sup>2</sup> lot size as exhibited.

**Comment:** Retaining the 400m<sup>2</sup> minimum lot size will ensure future development and subdivision within the Werrington Signals Site integrates with adjoining development west of the site and is consistent with other areas zoned R3 Medium Density Residential zone across the Penrith LGA.

- 2.4 Retain the R3 Medium Density Residential Zone and remove the 400m<sup>2</sup> minimum lot size for the land proposed to be zoned R3 Medium Density Residential.

**Comment:** Deleting the minimum lot size would enable the development of small lot housing, which will provide greater housing diversity in the area.

#### Request to Increase the building height to 12.5m

- 2.5 Retain the 8.5m building height for the land proposed to be zoned R3 Medium Density Residential within the Werrington Signals Site.

**Comment:** Retaining the 8.5m building height will ensure that subsequent development integrates with adjoining development west of the site and is consistent with other areas zoned R3 Medium Density Residential zone across the Penrith LGA.

- 2.6 Increase the maximum building height for the land proposed to be zoned R3 Medium Density Residential of the Werrington Signals Site from 8.5m to 12.5m.

**Comment:** A greater building height would result in development that is inconsistent with the objectives of the R3 Medium Density Residential zone and the range of land uses permitted in the zone do not warrant a greater building height.

- 2.7 Increase the publicly exhibited 8.5m building height to 12.5m for key corner sites in accordance with Figure 2 of the Discussion Paper.

**Comment:** It would not be appropriate to consider any proposed height control changes in isolation. A site specific approach to increased building heights would need to be considered in the context of the character of the surrounding area and the community's acceptance of a greater building height at this location.

Service station as an additional permitted land use

- 2.8 Retain the prohibition of service stations within the B7 Business Park zone and not permit a service station on the subject site.
- 2.9 List *service station* as an additional permitted use for the land at Lot 56, DP 1069025 and Part Lot 50, DP 1069025 in Schedule 1 Additional Permitted Uses of Penrith LEP 2010.

**Comment:** The submission lacked the required justification for Council to consider permitting a service station on the site, including consideration of traffic movements, entry and exit points, elements of the service station (including whether it includes ancillary uses such as a car wash, restaurant, convenience store, etc.) and early design concepts that would allow for discussions with the RMS and the preparation of relevant technical considerations such as a traffic report.

Submission No. 22

- 2.10 Retain the additional local clause to require warehouse and distribution centres to be ancillary to a higher order employment use and limit the size of the warehouse and distribution centre component of a development to 50% of the gross floor area of the development be retained.
- Comment:** Retaining the local clause to require warehouse and distribution centres to be ancillary to a higher order employment use and limit the size of the warehouse and distribution centre component of a development to 50% of the GFA is considered to be a balanced approach in the supporting higher order employment uses envisaged for the Werrington Business Park.

- 2.11 Amend the additional local clause to apply a metric based standard based on the number of jobs in the development of warehouse and distribution centres in the land zoned B7 Business Park.

**Comment:** Council generally does not require developments in business zones to provide a minimum number of jobs as a condition of consent for development in business zones.

Submission No. 27

- 2.12 That the submission be noted and Council endorse the Planning Proposal and exhibited.

- 2.13 Council form a steering committee with Transport for NSW, the RMS, and a representative from the DP&E, to guide the development of the updated TMAP for the subject development.

**Comment:** There are opportunities for an updated TMAP to be submitted at the DA stage for major developments and be referred to the RMS or Transport for NSW for comment. Requiring an updated TMAP would unnecessarily delay the Planning Proposal.

## Recommendations

### Submissions No. 5, 7, 16, 21, & 26

That the submission be noted and Council endorse the Planning Proposal as exhibited

#### Submission No. 20

##### Location of the E2 Environmental Conservation Zone

2.2 Amend the extent of the E2 Environmental Conservation, R3 Medium Density Residential and B7 Business Park zones applying to the Werrington Signals Site in accordance with Figure 3 of the Discussion Paper to accurately reflect the riparian corridor.

##### Deletion of 400m<sup>2</sup> Minimum Lot Size

2.4 Remove the 400m<sup>2</sup> lot size for the land proposed to be zoned R3 Medium Density Residential within the Werrington Signals Site.

##### Increase the building height to 12.5m

2.5 Retain the 8.5m building height for the land proposed to be zoned R3 Medium Density Residential within the Werrington Signals Site.

##### Service station as an additional permitted land use

2.8 Retain the prohibition of service stations within the B7 Business Park zone and not permit a service station on the subject site.

#### Submission No. 22

2.10 Retain the additional local clause to require warehouse and distribution centres to be ancillary to a higher order employment use and limit the size of the warehouse and distribution centre component of a development to 50% of the gross floor area of the development be retained.

#### Submission No. 27

2.12 That the submission be noted and Council endorse the Planning Proposal as exhibited.

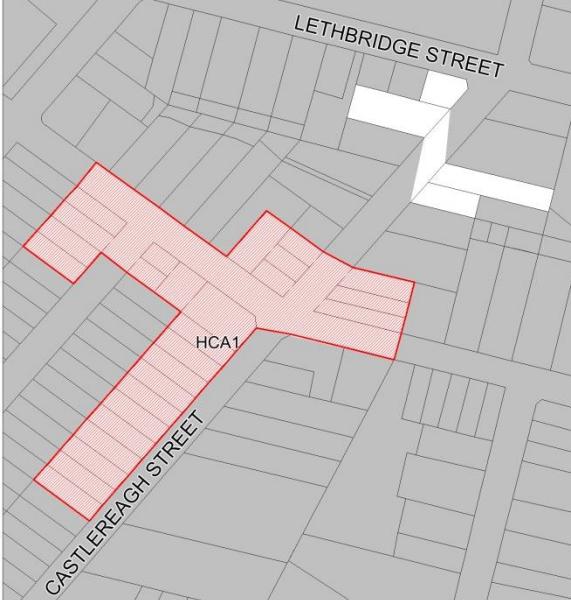
## CHAPTER 3 – HORNSEYWOOD HERITAGE CONSERVATION AREA

The Planning Proposal proposes to expand the Hornseywood Heritage Conservation Area in Penrith by including the following properties in the heritage conservation area:

- 13 Castlereagh Street, Penrith.
- 15 – 17 Castlereagh Street, Penrith.
- 32 Castlereagh Street, Penrith.
- 34 Castlereagh Street, Penrith.

These additions will ensure consistency with Council's *Heritage Study (2007)*. The current and proposed extent of the Hornseywood Heritage Conservation Area is shown below:

**Figure 8: Current and Proposed Hornseywood Heritage Conservation Area**

Current Heritage Conservation Area	Proposed Heritage Conservation Area
	

## Submissions – Public Authorities

Issue	Discussion
Submission No. 26 - Heritage Division, Office of Environment and Heritage	
<ol style="list-style-type: none"><li>1. The Office of Environment and Heritage (OEH) have raised no objection to the proposed amendments that will amend the mapping to include four properties in the Hornseywood Conservation Area, provided that it is supported by a robust heritage assessment.</li><li>2. Listing of heritage items and conservation areas in Schedule 5 of <i>Penrith Local Environmental Plan (LEP) 2010</i> and associated maps will provide places of heritage significance with statutory protection to assist with their conservation and management</li></ol>	<ol style="list-style-type: none"><li>1. In addition to having statutory protection under Penrith LEP 2010, the Hornseywood Heritage Conservation Area is supported by additional controls in the Penrith Development Control Plan 2014 which requires development that may impact on a heritage conservation area to be supported by a Heritage Impact Statement.</li><li>2. The Penrith Heritage Study characterised the Hornseywood Conservation Area as consisting of a group of buildings in Derby, Brown and Castlereagh Streets which represent examples of Victorian, Federation and California Bungalow styles and collectively provide a sense of historic streetscape at the elevated eastern end of Penrith. The addition of four properties to the Hornseywood Conservation Area will ensure consistency with the Heritage Study.</li></ol>

### Option:

There are no appropriate options for this submission.

### Recommendation:

3.1 That the submission be noted and Council endorse the Planning Proposal as exhibited.

## SUBMISSIONS – COMMUNITY

No submissions received from the community on this matter.

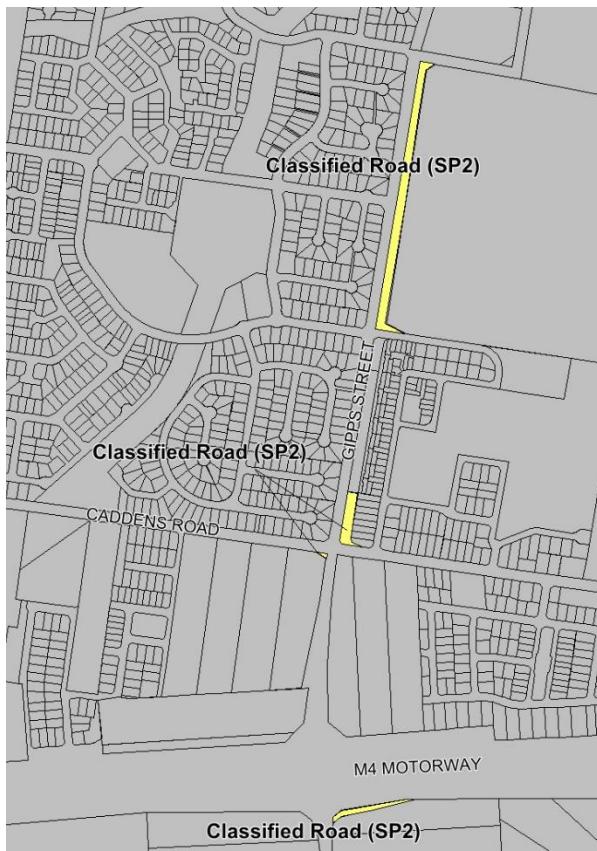
## CHAPTER 4 – ADDITIONAL LANDS REQUIRED BY THE ROADS AND MARITIME SERVICES

Following the exhibition of Stage 2 of Penrith LEP 2010 in 2013, the RMS identified additional lands for acquisition, which are required to be identified on the Land Reservation Acquisition Map. These lands are adjacent to the following properties:

- 34 – 102 Gipps Street, Claremont Meadows (Lot 11, DP 1194036)
- 61-69 Blackwood Street, Claremont Meadows (Lots 208, 207, 206, 205 and 204, DP 1192955).
- 332-338 Caddens Road, Orchard Hills (Lot 40, DP 1195683)
- 52-56 Kent Road, Orchard Hills (Lot 10, DP 1195473)

The land for acquisition is shown in Figure 9.

**Figure 9: Additional land required by the RMS.**



As this request was made after the conclusion of the LEP exhibition, the Minister for Planning determined that the owners of the (then) affected properties needed to be re-notified, and subsequently, deferred the identification of the land for acquisition from the publication of Amendment 4 to Penrith LEP 2010. This requirement is included in the Gateway Determination issued by the DP&E on 18 May 2015.

The RMS has now acquired the relevant land. The land, however, has been included in the Planning Proposal to satisfy the requirements of the Gateway Determination.

### Submissions – Public Authorities

No submissions received from public authorities on this matter.

## Submissions – Community

No submissions received from the community on this matter.

## Discussion

Following the exhibition of Stage 2 of Penrith LEP 2010 from 13 May 2013 until 5 July 2013, the Roads and Maritime Services (RMS) identified additional lands for acquisition and be identified on the Land Reservation Acquisition Map. These lands are adjacent to the following properties:

- 34-102 Gipps Street, Claremont Meadows (Lot 11, DP 1194036)
- 61-69 Blackwood Street, Claremont Meadows (Lots 208, 207, 206, 204 and 204, DP 1192955)
- 332-338 Caddens Road, Orchard Hills (Lot 40, DP 1195683),
- 52-56 Kent Road, Orchard Hills (Lot 10, DP 1195473).

These properties are mapped in Figure 9.

As this request was made after the exhibition period had ended, the Minister for Planning determined that the owners of the (then) affected properties needed to be re-notified and, subsequently, deferred this land from the publication of Amendment 4 to Penrith LEP 2010. The has been included in the Gateway Determination issued by the Department of Planning and Environment on 18 May 2015.

However, the RMS have now acquired the relevant land. The land had been included in the exhibited Planning Proposal to satisfy the requirements of the Gateway Determination.

Therefore, it is recommended that Council resolve to remove the additional land required by the RMS from the Land Reservation Acquisition Map.

## Option:

4.1 That Council resolve to remove the land adjacent to the following properties from the Land Reservation Acquisition Map:

- 34-102 Gipps Street, Claremont Meadows (Lot 11, DP 1194036)
- 61-69 Blackwood Street, Claremont Meadows (Lots 208, 207, 206, 204 and 204, DP 1192955)
- 332-338 Caddens Road, Orchard Hills (Lot 40, DP 1195683),
- 52-56 Kent Road, Orchard Hills (Lot 10, DP 1195473).

**Comment:** Land identified on the Land Reservation Acquisition Map that has been acquired by the RMS or is no longer required should be removed from the Land Reservation Acquisition Map.

## Recommendation:

4.1 Remove the land adjacent to the following properties from the Land Reservation Acquisition Map:

- 34-102 Gipps Street, Claremont Meadows (Lot 11, DP 1194036)
- 61-69 Blackwood Street, Claremont Meadows (Lots 208, 207, 206, 204 and 204, DP 1192955)
- 332-338 Caddens Road, Orchard Hills (Lot 40, DP 1195683),
- 52-56 Kent Road, Orchard Hills (Lot 10, DP 1195473).

## CHAPTER 5 – OTHER SUBMISSIONS

These are submissions received by public authorities who have generally raised no objection to the Planning Proposal.

### Submissions – Public Authorities

Issue	Discussion
<b>Submission No. 1 – Water NSW</b>	
Water NSW have no comments on the Planning Proposal.	Noted.
<b>Submission No. 3 – State Emergency Services (NSW)</b>	
The State Emergency Services (SES) have notified Council that it would like to provide comment on the Planning Proposal to resolve the deferred matters from Penrith LEP 2010 (Amendment 4) but may not be able to provide it by the required date. However, no further correspondence from the SES was received in relation to the Planning Proposal.	As no further correspondence has been received by Council from the SES in relation to the Planning Proposal, no further discussion is required.
<b>Submission No. 4 – Camden Council</b>	
Camden Council have raised no objection to the Planning Proposal.	Noted.
<b>Submission No. 6 – Department of Industry</b>	
The NSW Department of Industry have no resource issues to raise in regard to the Planning Proposal.	Noted.
<b>Submission No. 8 – Wollondilly Council</b>	
Wollondilly Shire Council have reviewed the Planning Proposal and have no concern with the proposed amendments.	Noted.
<b>Submission No. 9 – Fairfield Council</b>	
Fairfield Council have raised no objection to the proposal.	Noted.
<b>Submission No. 25 – NSW Health, Nepean Blue Mountains Local Health District</b>	
Some concerns were raised on the surrounding transport flows whilst widening of the Northern Road is underway. The Northern Road is a major arterial road within the region and is utilised by Ambulance services bringing emergency cases to Nepean Hospital. It is imperative that appropriate arrangements are planned for ease of access to Nepean Hospital by both Ambulances and patients during the road upgrade and redevelopment period.	The comment by the Nepean Blue Mountains Local Health District are noted. As the RMS are undertaking the upgrade works along The Northern Road over a number of years, it is suggested that the Nepean Blue Mountains LHA make their own representations to the RMS to ensure access for emergency vehicles during construction.

## **SUBMISSIONS – COMMUNITY**

No submissions received from the community which did not relate to the Planning Proposal.

### **Options:**

5.1 There are no appropriate options for these submissions.

### **Recommendation:**

5.1 That these submissions be noted and Council endorse the plan as exhibited.

## **CONCLUSION**

A Planning Proposal has been prepared and exhibited to progress and subsequently include the deferred matters from Penrith LEP 2010 (Amendment 4) into the LEP. During the exhibition of the Planning Proposal, Council received 29 submissions, including 16 submissions from the community and 13 submission from public authorities.

This report addresses the issues raised from submissions during the public exhibition period. The main issues raised relate to the proposed zoning of the Glossop Street Precinct to R3 Medium Density Residential, and the rezoning of the Werrington Business Park and Werrington Signals Site to B7 Business Park and R3 Medium Density Residential.

This Discussion Paper provides details on community and public authority submissions and, where appropriate, recommends changes to the relevant planning documents.

Generally, variations to Council's adopted policy position have not been recommended. It is important that the provisions adopted as part of the Planning Proposal accurately reflect Council's adopted policy position and strategic directions. Whilst some issues raised in the submissions can be addressed through the planning process (for example, reasonable requests to changes in zone boundaries), other issues raised requested significant changes, such as requests to increase the building height in a residential zone or to delete minimum lot sizes. These issues are considered best addressed as a standalone planning proposal.