



PENRITH

# PLANNING PROPOSAL

DEFERRED MATTERS FROM PENRITH LOCAL ENVIRONMENTAL PLAN 2010

**PENRITH**  
CITY COUNCIL

[www.penrithcity.nsw.gov.au](http://www.penrithcity.nsw.gov.au)



## Table of Contents

---

Executive Summary .....	3
Introduction .....	4
Part 1 – Objectives or Intended Outcomes.....	8
Part 2 – Explanation of Provisions.....	9
Part 3 – Justification.....	19
Section A – Need for the Planning Proposal .....	19
(1) Is the planning proposal the result of any strategic study or report?.....	19
(2) Is the planning proposal the best way of achieving the objectives or intended outcomes, or is there a better way? .....	19
Section B – Relationship to Strategic Planning Framework .....	19
(3) Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft Strategies)? .....	19
(4) Is the Planning Proposal consistent with the local council’s Community Strategic Plan, or other local strategic plan? .....	26
(5) Is the planning proposal consistent with applicable state environmental planning policies?.....	29
(6) Is the planning proposal consistent with applicable Ministerial Directions (S.117 Directions)? .....	32
Section C – Environmental, Social and Economic Impact.....	42
(7) Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?.....	42
(8) Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed? .....	42
(9) Has the planning proposal adequately addressed any social and economic effects? ...	43
Section D – State and Commonwealth Interests .....	43
(10) Is there adequate public infrastructure for the planning proposal? .....	43
(11) What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination? .....	43
Part 4 – Mapping.....	44
Part 5 – Community Consultation .....	45
Part 6 – Project Timeline.....	47
Conclusion.....	48
Appendix 1 – Gateway Determination .....	49
Appendix 2 – Maps .....	50
Appendix 3 – Discussion Paper .....	51

## Executive Summary

---

Amendment 4 to *Penrith Local Environmental Plan (LEP) 2010* became law on 28 January 2015 and commenced on 25 February 2015. This LEP sets out the land use and planning controls for most of the City, including the City's residential and commercial areas. 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 Werrington Business Park and French Street, Werrington;
- Land in Glossop Street and Chapel Street, St Marys;
- Additional lands identified in the Hornseywood Heritage Conservation Area; and
- Additional lands required by the Roads and Maritime Services for road widening.

This Planning Proposal has been prepared to enable further community consultation on the deferred matters and subsequent inclusion of these areas into Penrith LEP 2010.

The Planning Proposal will also enable the development of a business park at Werrington. The business park will be within the catchments of key transport infrastructure, major institutions such as the University of Western Sydney and the Western Sydney Institute of TAFE, as well as the catchments of Penrith City Centre and Kingswood.

## Introduction

---

### A. Background

Amendment 4 to *Penrith Local Environmental Plan (LEP) 2010* became law on 28 January 2015 and commenced on 25 February 2015. This LEP sets out the land use and planning controls for most of the City. However, in making the LEP, certain matters were deferred by the Minister for Planning to enable further community consultation to occur.

A Gateway Determination was issued by the Department of Planning and Environment (DP&E) on 18 May 2015 under Section 56 of the *Environmental Planning and Assessment Act 1979* (the Act) which determined that the Planning Proposal should proceed to public exhibition subject to the conditions of the Gateway Determination. The Gateway Determination is included in **Appendix 1**.

### B. Purpose of the Planning Proposal

The purpose of this Planning Proposal is to enable the inclusion of the deferred areas into Penrith LEP 2010 so that a single LEP applies to the City. In order for this to occur, an amendment to Penrith LEP 2010 is necessary.

This Planning Proposal has been prepared in accordance with Section 55 of the Act and relevant DP&E guidelines, including *A guide to preparing local environmental plans* and *A guide to preparing planning proposals*.

### C. Deferred Matters of Planning Proposal

The deferred matters generally apply to the following lands:

- Land in Werrington Business Park, Werrington;
- Land in French Street, Werrington, known as the Werrington Signals Site;
- Land in Glossop Street, St Marys (east of Glossop Street and south of Chapel Street);
- Land in Castlereagh Street, Penrith in the Hornseywood Heritage Conservation Area; and
- Land in Claremont Meadows and Orchard Hills required by the Roads and Maritime Services (RMS) for road widening.

Specifically, the deferred matters apply to the following properties:

Precinct	Properties
Werrington Business Park	<ul style="list-style-type: none"><li>▪ Part Lot 100, DP 1194481, Great Western Highway, Werrington.</li><li>▪ Part Lot 56, DP 1069025, 731-739 Great Western Highway, Werrington.</li><li>▪ Part Lot 101, DP 1140594, 653-729 Great Western Highway, Werrington.</li><li>▪ Part Lot 50, DP 1069025, French Street, Werrington.</li></ul>
Werrington Signals Site	<ul style="list-style-type: none"><li>▪ Lots 57 and 58, DP 1069025, 741-753 and 755-769 Great Western Highway, Werrington.</li><li>▪ Part Lot 50, DP 1069025, French Street, Werrington.</li></ul>
Glossop Street Precinct, St Marys	<ul style="list-style-type: none"><li>▪ Lot 1B, DP 396619, 83 Hobart Street, St Marys.</li><li>▪ Lot 1A, DP 396619, 96 Glossop Street, St Marys.</li></ul>



Precinct	Properties
	<ul style="list-style-type: none"> <li>▪ Lots 2 and 3, DP 9969, 98 and 100 Glossop Street, St Marys.</li> <li>▪ SP40701 and SP633347, 102a Glossop Street, St Marys</li> <li>▪ Lots 5 and 6, DP 9969, 104 and 106 Glossop Street, St Marys</li> <li>▪ Part SP 82152, 13 Australia Street, St Marys</li> <li>▪ Part Lot 877, DP 1119527, 15 Australia Street, St Marys</li> <li>▪ Part SP 86744, 17 Australia Street, St Marys</li> <li>▪ Lots 100, 101 and 102 DP 1181750, 114, 116 and 118 Glossop Street, St Marys</li> <li>▪ Lot 13, DP 9969, 120 Glossop Street, St Marys</li> <li>▪ SP 84253, 171 – 173 Brisbane Street, St Marys</li> <li>▪ Lot 14B, DP 407719, 169 Brisbane Street, St Marys</li> <li>▪ Lot 150, DP 1156890, 124 Glossop Street, St Marys</li> <li>▪ Lots 16 - 19, DP 9969, 126, 128, 130 and 132 Glossop Street, St Marys</li> <li>▪ SP 72950, 134 Glossop Street, St Marys</li> <li>▪ Lots 21 – 23, DP 9969, 136, 138 and 140 Glossop Street, St Marys</li> <li>▪ SP 83512, 142-144 Glossop Street, St Marys</li> <li>▪ Lot 87, DP 35970, 2 Chapel Street, St Marys</li> <li>▪ Lot 86, DP 35970, 4 Chapel Street, St Marys</li> <li>▪ Lot 85, DP 35970, 6 Chapel Street, St Marys</li> <li>▪ Lot 84, DP 35970, 8 Chapel Street, St Marys</li> <li>▪ Lot 83, DP 35970, 10 Chapel Street, St Marys</li> <li>▪ Lot 82, DP 35970, 12 Chapel Street, St Marys</li> <li>▪ Lot 81, DP 35970, 14 Chapel Street, St Marys</li> <li>▪ Lot 80, DP 35970, 16 Chapel Street, St Marys</li> <li>▪ Lot 79, DP 35970, 18 Chapel Street, St Marys</li> <li>▪ Lot 78, DP 35970, 20 Chapel Street, St Marys</li> <li>▪ Lot 77, DP 35970, 22 Chapel Street, St Marys</li> <li>▪ Lot 132, DP 872756, 31 Lethbridge Street, St Marys</li> <li>▪ Lot 131, DP 872756, 24 Chapel Street, St Marys</li> <li>▪ Lot L, DP 90858, 26 Chapel Street, St Marys</li> <li>▪ Lot K, DP 37987, 28 Chapel Street, St Marys</li> <li>▪ Lot J, DP 37987, 30 Chapel Street, St Marys</li> <li>▪ Lot 1, DP 1203872, 32 Chapel Street, St Marys</li> <li>▪ Lot F, DP 37987, 36 Chapel Street, St Marys</li> <li>▪ SP 67052, 38-40 Chapel Street, St Marys</li> <li>▪ Lot 3, DP 157408, 42 Chapel Street, St Marys</li> <li>▪ Lot 2, DP 157408, 26 Gidley Street, St Marys</li> <li>▪ Lot 1, DP 157408, 28 Gidley Street, St Marys</li> </ul>
Additional lands in Hornseywood Heritage Conservation Area	<ul style="list-style-type: none"> <li>▪ Lot 41, DP 809919, 34 Castlereagh Street, Penrith.</li> <li>▪ Lot 1, DP 929966, 32 Castlereagh Street, Penrith.</li> <li>▪ Lot B, DP 408431, 13 Castlereagh Street, Penrith.</li> <li>▪ Lot 910, DP 771823, 15-17 Castlereagh Street, Penrith.</li> </ul>
Additional lands required by the Roads and Maritime Services (RMS)	<p>Land adjacent to:</p> <ul style="list-style-type: none"> <li>▪ 34 – 102 Gipps Street, Claremont Meadows (Lot 11, DP 1194036)</li> </ul>

Precinct	Properties
	<ul style="list-style-type: none"> <li>▪ 61-69 Blackwood Street, Claremont Meadows (Lots 208, 207, 206, 205 and 204, DP DP 1192955).</li> <li>▪ 332-338 Caddens Road, Orchard Hills (Lot 40, DP 1195683).</li> <li>▪ 52-56 Kent Road, Orchard Hills (Lot 10, DP 1195473).</li> </ul> <p><b>Note:</b> The above property description reflects that the lands required by the RMS have now been acquired and are part of Gipps Street.</p>

#### **D. Current Planning Controls**

The deferred areas in Werrington and St Marys are currently subject to the provisions of *Penrith LEP 1998 (Urban Land)* and *Penrith LEP 1991 (Environmental Heritage Conservation)*.

The Hornseywood Heritage Conservation Area and the additional lands required by the RMS for road widening are subject to the provisions of Penrith LEP 2010.

Penrith Development Control Plan (DCP) 2014, which took effect on 17 April 2015, provides additional planning and design guidelines for development across the City, including the deferred areas. Penrith DCP 2014 will continue to apply to these areas once they have been incorporated into Penrith LEP 2010.

#### **E. Planning Controls Previously Exhibited**

The deferred areas in Werrington and St Marys were 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 (UWS) 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 Part 3 of this document.

The land east of Glossop Street and south of Chapel Street in St Marys (that is subject to this Planning Proposal) was exhibited as R4 High Density Residential with maximum building heights of 12m and 15m. During the exhibition period, Council received a number of submissions from the community opposing high density housing in St Marys, concerned about the negative impact on the area's character, the lack of sufficient infrastructure and the impact on property values. A number of submissions also requested that the maximum building height in Brock Avenue, St Marys (south of Chapel Street) be reduced to 8.5m. Subsequently, 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. Amending the exhibited zone boundaries so that the land east of Glossop Street and south of Chapel Street is zoned R3 Medium Density Residential will only result in a small reduction of the area exhibited as R4 High Density Residential, and remains consistent with Council's centres based strategy of providing high density housing close to St Marys Town Centre and Railway Station.

Further, amending the boundaries so the area zoned R4 High Density Residential is west of Glossop Street and north of Chapel Street will result in zone boundaries that align with existing roads. This will provide a better urban design outcome when this area is developed for high density housing in the future. Further justification of this decision is also discussed in Part 3 of this document.



## Part 1 – Objectives or Intended Outcomes

---

The objectives of this Planning Proposal are to:

- a) undertake further community consultation on the matters deferred from Penrith LEP 2010;  
and
- b) rezone the deferred areas or amend some of the provisions relating to them for inclusion in Penrith LEP 2010.

## Part 2 – Explanation of Provisions

---

The intended outcome is to amend Penrith LEP 2010 to include the deferred matters in Penrith LEP 2010. This involves rezoning or amending some of the provisions relating to the deferred areas.

Amendments are proposed to the following maps of Penrith LEP 2010:

- Land Application Map
- Clause Application Map
- Land Zoning Map
- Height of Buildings Map
- Lot Size Map
- Heritage Map
- Land Reservation Acquisition Map

The amending LEP maps are included in **Appendix 2**.

A new clause is also proposed in Part 7 of Penrith LEP 2010.

### 2.1 Land Application Map

The Land Application Map (as published) excludes the deferred areas at Werrington and St Marys. Therefore, this map is proposed to be amended to include the deferred areas, which are subject to this Planning Proposal.

### 2.2 Clause Application Map

The Penrith Health and Education Precinct (PHEP), as currently shown on the Clause Application Map, only applies to the land in and around the Nepean Hospital.

The Clause Application Map is proposed to be amended to also include the following additional land to the area marked as “Penrith Health and Education Precinct”:

- Part Lot 56, DP 1069025, 731-739 Great Western Highway, Werrington.
- Part Lot 50, DP 1069025, French Street, Werrington.
- Lot 101, DP 1140594, 653-729 Great Western Highway, Werrington.
- Part Lot 100, DP 1194481, Great Western Highway, Werrington.

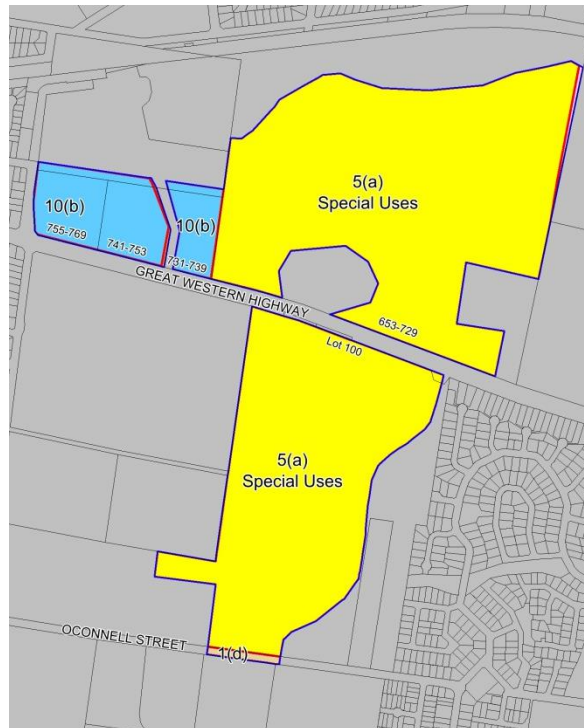
### 2.3 Land Zoning Map

#### 2.3.1 Current zoning of deferred areas in Werrington and St Marys

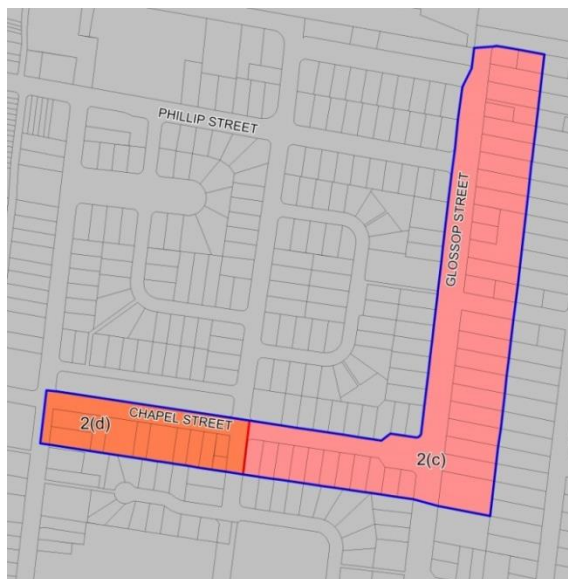
The deferred areas in Werrington and St Marys are currently zoned under the provisions of *Penrith LEP 1998 (Urban Land)*. The current zones that apply are:

- **Werrington** 5(a) Special Uses and 10(b) Mixed Use – Employment (refer to **Figure 1**).
- **St Marys:** 2(c) Residential (Low – Medium Density) and 2(d) Residential (Medium Density) (refer to **Figure 2**).

**Figure 1: Current zoning of deferred area at Werrington**



**Figure 2: Current zoning of deferred area at St Marys**



### 2.3.2 Proposed Zoning

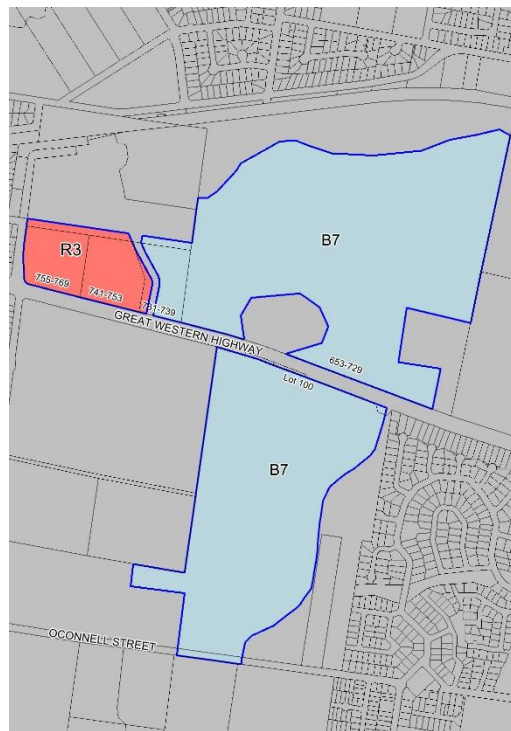
The land use zones proposed for the deferred areas at Werrington and St Marys are:

- B7 Business Park and R3 Medium Density Residential at Werrington (refer to **Figure 3**).
- R3 Medium Density Residential at St Marys (refer to **Figure 4**).

Tiles LZN\_013 and LZN\_019 are proposed to be amended.



**Figure 3: Proposed zoning to deferred lands in Werrington**



**Figure 4: Proposed zoning of deferred lands in St Marys**



The additional properties identified for the Hornseywood Heritage Conservation Area and those lands required by the RMS are already zoned under Penrith LEP 2010. Therefore, no zoning changes are proposed for these properties.

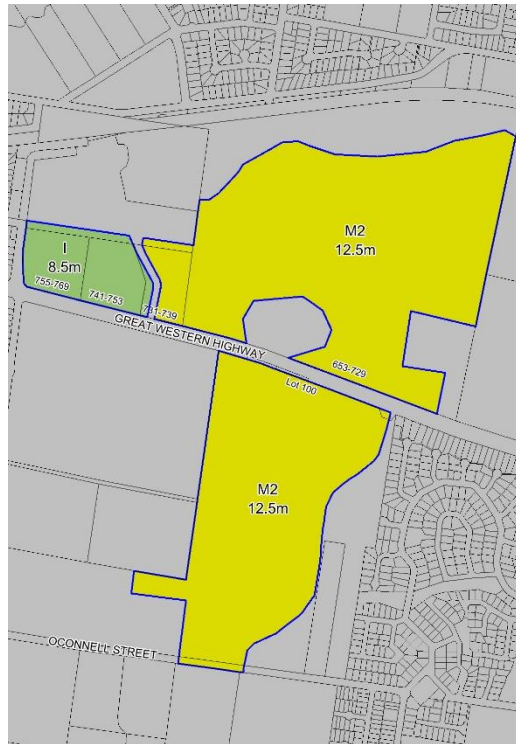
#### **2.4 Height of Buildings Map**

The following building heights are proposed for the deferred areas at Werrington and St Marys:

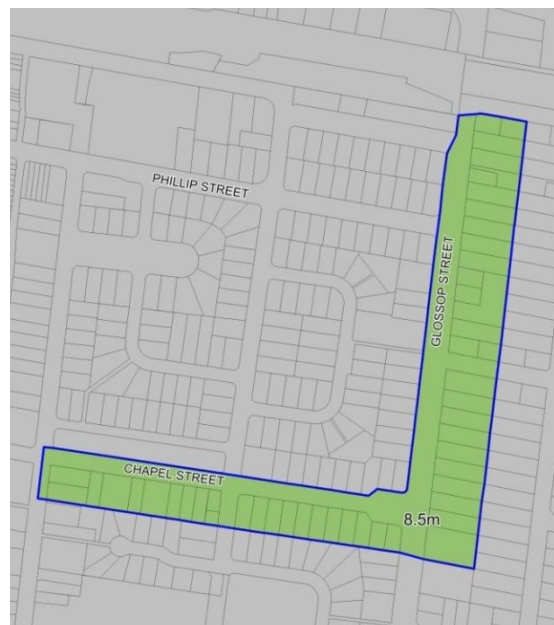
- 12.5m for the land proposed as B7 Business Park.
- 8.5m for the land proposed as R3 Medium Density Residential.

Refer to **Figures 5 and 6**. Tiles HOB\_013 and HOB\_019 are proposed to be amended.

**Figure 5: Proposed building heights for deferred area of Werrington**



**Figure 6: Proposed building height in deferred area of St Marys**



As there is no proposal to rezone the additional properties identified for the Hornseywood Heritage Conservation Area or the additional lands required by the RMS, no changes are proposed for the height of buildings for these properties.

## 2.5 Lot Size Map

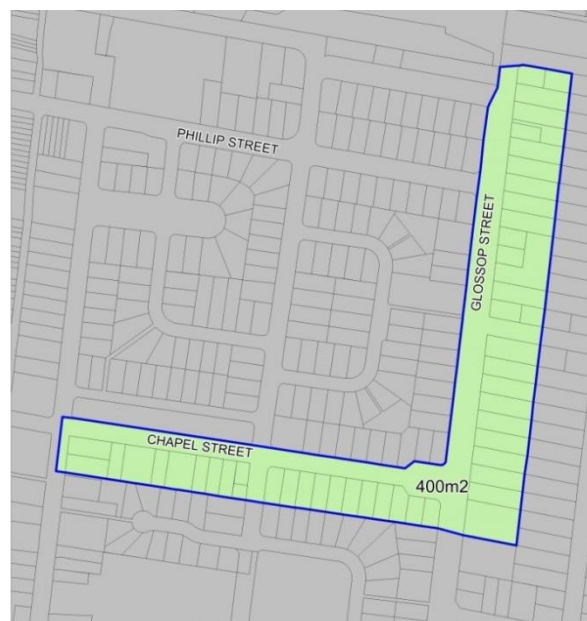
No minimum lot size is proposed for the deferred area at Werrington proposed as B7 Business Park. A minimum lot size of 400m<sup>2</sup> is proposed for the deferred areas at Werrington and St Marys that are proposed to be zoned R3 Medium Density Residential.

Refer to **Figures 7 and 8**. Tiles LSZ\_013 and LSZ\_019 are proposed to be amended.

**Figure 7: Proposed lot size for deferred area of Werrington**



**Figure 8: Proposed lot size for deferred area of St Marys**



As there is no proposal to rezone the additional properties identified for the Hornseywood Heritage Conservation Area or the additional lands required by the RMS, no changes are proposed for the Lot Size Map for these properties.



## 2.6 Heritage Map

The Heritage Map is proposed to be amended to incorporate the entire property at Lot 101, DP 1140594, 653-729 Great Western Highway, Werrington (Werrington Park House) as heritage item '315'. The Heritage Map is also proposed to be amended to include the additional properties in the Hornseywood Heritage Conservation Area.

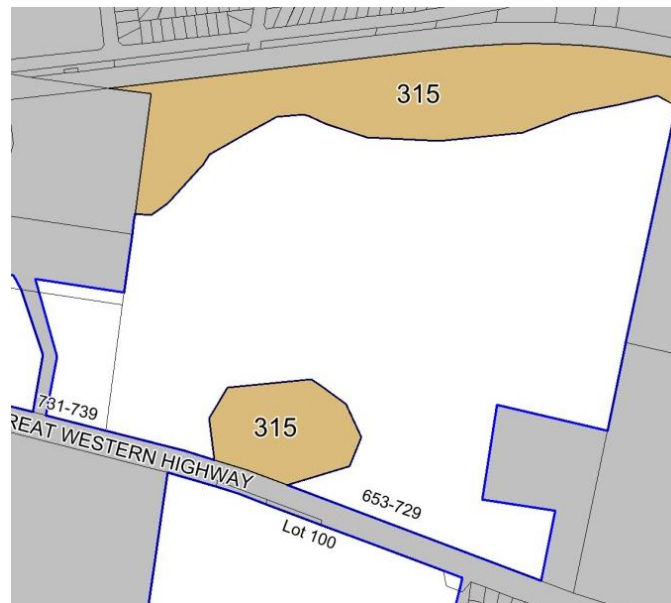
### Werrington Park House

The Werrington Park House, garden and poplar avenue is currently listed as item 315 within Schedule 5 of Penrith LEP 2010. The listing refers to the entire property at 653 – 729, Great Western Highway, Werrington but is only mapped to reflect that part of the property currently zoned under Penrith LEP 2010. The property is also identified as a heritage item under *Penrith LEP 1991 (Environmental Heritage Conservation)*. This LEP currently applies to that part of the property deferred under Penrith LEP 2010.

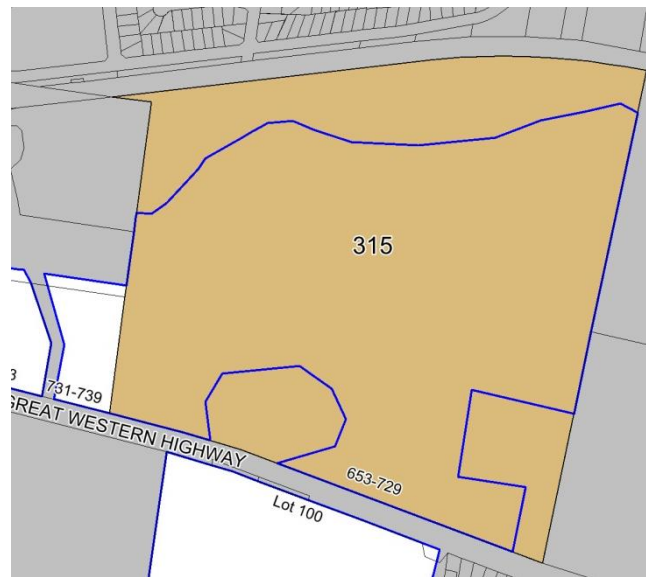
This Planning Proposal proposes to consolidate all of the property into Penrith LEP 2010, as heritage item 315. No amendment to Schedule 5 of Penrith LEP 2010 is required as the current description is adequate.

Refer to **Figures 9 and 10** for the current and proposed heritage mapping of Item 315.

**Figure 9: Current Heritage Map for Item 315**



**Figure 10: Proposed heritage listing of entire property as Item 315.**



#### 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.

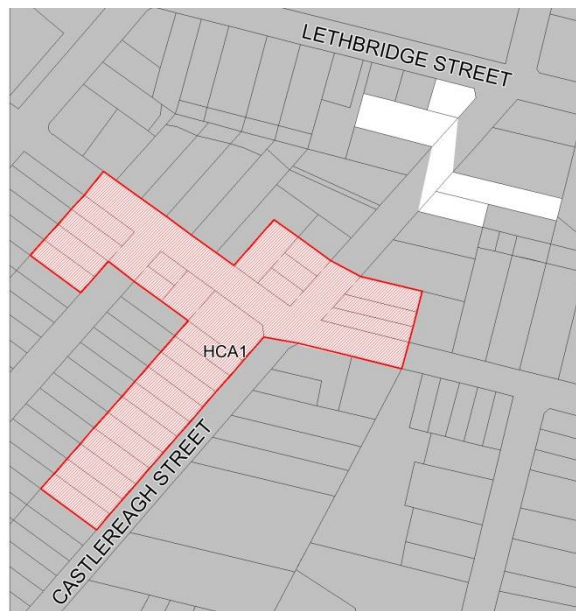
These additions will ensure consistency with Council's *Heritage Study (2007)*.

The Hornseywood Heritage Conservation Area is currently mapped as "HCA1" and crosses Tiles HER\_006 and HER\_013. However, the proposed additional properties to be included in the Hornseywood Heritage Conservation Area are located entirely within Tile HER\_013. Therefore, only Tile HER\_013 is proposed to be amended.

An amendment to Schedule 5 of Penrith LEP 2010 is not proposed as the description of the Hornseywood Heritage Conservation Area refers to the Heritage Map.

The current and proposed Hornseywood Heritage Conservation Area is shown on **Figures 11 and 12**.

**Figure 11: Current Hornseywood Heritage Conservation Area**



**Figure 12: Proposed Hornseywood Heritage Conservation Area**



## 2.6 Land Reservation Acquisition Map

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 mapped in **Figure 13**.

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 have now acquired the relevant land. The land had been included in the exhibited Planning Proposal to satisfy the requirements of the Gateway Determination. It is now proposed to remove the land, shown in Figure 13, from the exhibited Land Reservation Acquisition Map.

Tile 13 (LRA\_013) is proposed to be amended.

**Figure 13: Additional land required by the RMS**



## 2.8 Additional Local Provisions

It is proposed to add a new local clause in Part 7 of Penrith LEP 2010 to manage the development of warehouse and distribution centre on the land proposed as B7 Business Park within the Werrington Business Park.

The following clause is proposed:

**7.24 Warehouses and Distribution Centres on land zoned B7 Business Park**

- (1) The objective of this clause is to promote business activity within land zoned B7 Business Park that comprises higher order health, cultural and high technology industries.*
- (2) This clause applies to all land zoned B7 Business Park on the [Land Zoning Map](#).*
- (3) Development consent must not be granted to development for the purposes of warehouse or distribution centres unless they are ancillary to higher order health, cultural and technology industries and occupy no more than 50% of the gross floor area of the development.*

Warehouse and distribution centres need to be managed because these types of development generally have low employment densities. Council's intent, consistent with the objectives of the B7 zone, is to encourage and maximise employment opportunities within the Business Park. It is also important that these types of development do not compete with the higher order health, cultural and high technology uses that this Business Park aims to promote.



## Part 3 – Justification

---

### SECTION A – NEED FOR THE PLANNING PROPOSAL

#### (1) Is the planning proposal the result of any strategic study or report?

The Planning Proposal is not the result of any strategic study or report. The amendments included in this Planning Proposal are those matters which were deferred from Penrith LEP 2010 (Amendment 4) by the Minister for Planning for further community consultation. The community consultation is now complete.

#### (2) Is the planning proposal the best way of achieving the objectives or intended outcomes, or is there a better way?

A planning proposal is the best means of achieving the objectives and intended outcomes. The proposed changes will result in the inclusion of the deferred matters in Penrith LEP 2010 (Amendment 4) following the completion of the additional community consultation.

In addition, the Planning Proposal will enable the deferred matters to be included in an LEP prepared in accordance with the NSW Standard LEP Instrument. The deferred areas in Werrington and St Marys are currently subject to *Penrith LEP 1998 (Urban Land)* and *Penrith LEP 1991 (Environmental Heritage Conservation)*. These LEPs were prepared well before the Standard LEP Instrument was introduced in 2006. Therefore, this land is currently subject to planning controls which are not consistent with the Standard LEP Instrument.

Unless the changes are initiated through a planning proposal, these areas will continue to be subject to the provisions of *Penrith LEP 1998 (Urban Land)* and *Penrith LEP 1991 (Environmental Heritage Conservation)*, which are inconsistent with the Standard LEP Instrument. The Planning Proposal will enable a single, City-wide LEP to apply to most of the land in Penrith City.

### SECTION B – RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK

#### (3) Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft Strategies)?

The following regional and subregional strategies are applicable:

- A Plan for Growing Sydney
- Draft North West Subregional Strategy

#### **A Plan for Growing Sydney (December 2014)**

In December 2014, the NSW Government released *A Plan for Growing Sydney* (the Metropolitan Strategy) which is the NSW Government's 20-year plan for the Sydney Metropolitan Area. Penrith is identified as a Regional City in the Metropolitan Strategy.

The Plan consists of a number of directions and actions focused around four goals:

- **Economy:** A competitive economy with world class services and transport.
- **Housing:** A city of housing choice with homes that meet our needs and lifestyles.
- **Liveability:** A great place to live with communities that are strong, healthy and well connected.

- **Environment:** A sustainable and resilient city that protects the natural environment and has a balanced approach to the use of land and resources.

The Planning Proposal is broadly consistent with the intended outcomes and actions of the Metropolitan Strategy. The Planning Proposal's consistency with the applicable directions are detailed below.

Goal 1: A competitive economy with world-class services and transport

The Planning Proposal is consistent with the objectives of **Goal 1**, which aims to sustain strong growth for Sydney, improve its productivity and foster higher living standards.

Applicable directions and the Planning Proposal's consistency with these directions are:

- **Direction 1.7: Grow Strategic Centres – providing more jobs closer to home.**

This direction aims to concentrate office development in strategic centres that are easy to get to, benefit businesses and provide the opportunity for workers to access specialist jobs.

The PHEP has been identified as a 'strategic centre' in the Metropolitan Strategy. The Planning Proposal will zone approximately 73.21 hectares of land in Werrington to B7 Business Park to provide higher order employment opportunities that contribute to, and benefit from, its proximity to the University of Western Sydney (UWS) campus at Kingswood/Werrington, the Western Sydney Institute of TAFE and the Nepean River.

The B7 Business Park zone permits a range of land uses to create higher order employment opportunities in health, cultural and creative enterprises that will contribute to meeting the State Government's target of 689,000 new jobs by 2031.

The previous metropolitan plan for Sydney, *Metropolitan Plan for Sydney 2036* (released in 2010), provided criteria for business park locations, which are relevant. These criteria include:

- access to public transport corridors (preferably rail);
- links to freight corridors and major transport nodes;
- a land area of 50 – 180 hectares to allow expansion to accommodate 8,000 – 40,000 employees;
- proximity to workforce (within 30 minutes commute); and
- have a relationship to adjoining economic infrastructure, such as hospitals, universities, educational facilities, research institutes or clusters of knowledge-based activity.

The proposed B7 Business Park zone for the UWS campus satisfies the above criteria as it has:

- access to the Western Railway Line and can be accessed by Werrington Railway Station;
- links to nearby freight corridors and transport nodes such as the Great Western Highway and the M4 Motorway;
- an area of over 70 hectares;
- access to a large workforce within a 30 minute commute; and
- a relationship to the UWS, TAFE and Nepean Hospital.

The proposed R3 Medium Density Residential zone of part of the Werrington Signals Site will enable increased housing capacity adjacent to the Business Park to provide diverse housing opportunities in the area and co-locate housing and employment. It is proposed to realign the exhibited zone boundaries of the Werrington Signals Site 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 land 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 business park will be capable of generating substantial employment opportunities by permitting a range of uses relating to the health, cultural and high technology industries with large floor spaces. The 0.27 hectare reduction in the area exhibited as B7 Business Park zone will not significantly impact on the total potential employment yield of the business park. The proposed clause to manage warehouse and distribution centres will also contribute to maximising employment opportunities within the business park.

- **Direction 1.9: Support Priority Economic Sectors.**

This direction aims to create a setting for sufficient well-located and well-serviced land to be available to meet the needs of identified priority economic sectors including creative industries, digital economy (such as information technology and communications technology), professional services and international education and research.

This Planning Proposal is consistent with this direction as it promotes health, cultural and high technology industries in the Werrington Business Park supported by a range of development that relates to university activities, creative and cultural industries, and business incubators.

- **Direction 1.10: Plan for education and health services to meet Sydney's growing needs.**

The aim of this direction is to identify future land use needs and supporting infrastructure for new or expanded services. In particular, schools, tertiary education facilities and health facilities will be required to meet the needs of Sydney's growing and changing population.

This Planning Proposal is consistent with this direction as it supports the growth of complementary health and tertiary education activities in the strategic centre of the PHEP. The proposed B7 Business Park zone in Werrington will implement the results of Council's planning exercises for the Werrington Enterprise Living and Learning (WELL) Precinct and the 2011 Strategic Vision for the PHEP. The zone permits a range of land uses that support the creation of higher order employment opportunities in health, cultural and creative enterprises that encourage and promote clusters of related activity around the UWS.

#### Goal 2: A city of housing choice, with homes that meet our needs and lifestyles

The Planning Proposal is consistent with the objectives of **Goal 2**, which aims to remove barriers which impede the delivery of more housing, to stimulate competition among developers and to influence the location and type of new homes being built.

Applicable directions and the Planning Proposal's consistency with these directions are:

- **Direction 2.1: Accelerate housing supply across Sydney**

This direction aims to facilitate the provision of additional housing. Projections indicate that an additional 664,000 dwellings will be required in Sydney over the next 20 years, which forms the basis for planning for new housing in Sydney.

This Planning Proposal is consistent with this direction as it will enable the development of medium density housing in and around the existing and planned centres of the St Marys Town Centre and the planned Werrington Business Park within the PHEP.

The proposed R3 Medium Density Residential zone in these areas reflects their good access to public transport, local services and schools, and strong employment provision (the UWS, planned business park and St Marys Town Centre). These areas also have the capacity to accommodate additional growth.

The proposed rezoning of part of the Werrington Signals Site to R3 Medium Density Residential will provide additional housing capacity close to the planned business park, with access to good transport infrastructure. The removal of the minimum lot size for this land will also provide opportunities for small lot housing close to existing and planned employment centres, and will contribute to affordable and diverse housing opportunities.

- **Direction 2.3: Improve housing choice to suit different needs and lifestyles**

This direction requires local housing strategies to plan for a range of housing types, enable the subdivision of existing homes and lots in areas suited to medium density housing and deliver more opportunities for affordable housing.

The Planning Proposal is consistent with this direction as the proposed R3 Medium Density Residential zone in the Glossop Street Precinct, St Marys and part of the Werrington Signals Site, Werrington will enable a variety of housing types close to existing centres, public transport and jobs. The R3 Medium Density Residential zone permits a range of housing types including dwellings, dual occupancies and multi-dwelling housing. T

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

The Planning Proposal is consistent with the objectives of **Goal 3**, which aims to create more vibrant places and revitalised suburbs.

Applicable directions and the Planning Proposal's consistency with these directions are:

- **Direction 3.1: Revitalise existing suburbs**

The Planning Proposal is consistent with this direction as it enables the development of medium density housing close to jobs, centres and public transport. The proposed R3 Medium Density Residential zone in French Street, Werrington is close to the planned business park at Werrington and the proposed R3 Medium Density Residential zone in Chapel Street and Glossop Street, St Marys is adjacent to the St Marys Town Centre and Railway Station. These areas are also well-serviced by road infrastructure.

The additional medium density housing will support these centres and allow more people to live close to work and existing services, as well as making best use of existing infrastructure.

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

The Planning Proposal is consistent with the objectives of **Goal 4**, which seeks to build a more sustainable, resilient city that responds to the potential threat of natural hazards such as flooding and bushfires.

Applicable directions and the Planning Proposal's consistency with these directions are:

▪ **Direction 4.1: Protect our natural environment and biodiversity**

This direction is not directly relevant to the Planning Proposal as the ‘actions’ under this direction do not directly relate to the intended outcomes of this Planning Proposal. Nonetheless, the Planning Proposal will allow the natural environment and biodiversity to be protected by focusing the development of medium density housing and higher order employment opportunities in and around existing centres. The Planning Proposal does not seek to rezone land on the urban fringe or land currently that has high environmental value.

▪ **Direction 4.2: Build Sydney’s resilience to natural hazards**

The Architectus Report *WELL Precinct Refined Concept Plan* (October 2006) has assessed that the land proposed as B7 Business Park and R3 Medium Density Residential is not within the 100 year ARI flood extent. This has also been confirmed by the Cardno Report *WELL Precinct Hydrology and Catchment Management Study* (August 2006).

Some land along French Street, Werrington and within the planned business park at Werrington are classified as “bushfire prone”. Under Section 117 of the Act, planning proposals are required to address a number of directions as part of the preparation of new LEPs. Direction 4.4: Planning for Bushfire Protection has been addressed in Section B – Relationship to Strategic Planning Framework of this document, in particular in item 6 *Is the planning proposal consistent with applicable Ministerial Directions (S. 117 Directions)?*

The bushfire risk can also be managed at the development application (DA) stage. Penrith DCP 2014 contains provisions to manage development on land identified as bushfire prone, including submission of a bushfire assessment report and a requirement to address the NSW Rural Fire Service’s (RFS) document *Planning for Bushfire Protection 2006*.

▪ **West District**

The Penrith Local Government Area (LGA) is situated in the West District (formerly known as the ‘West Subregion’), along with the Hawkesbury and Blue Mountains LGAs. The focus for the West District is a competitive economy, accelerated housing supply, choice and affordability, and the protection of the natural environment.

The Planning Proposal is consistent with the priorities outlined in the West District section of the Metropolitan Strategy. The Planning Proposal will:

- Support education-related uses around the UWS campuses at Kingswood and Werrington by proposing the B7 Business Park zone, which permits educational establishments as well as information and education facilities.
- Provide capacity for additional mixed-use development in the PHEP. Whilst the B4 Mixed Use zone is not proposed, the proposed R3 Medium Density Residential zone over part of the Werrington Signals Site (at the corner of French Street and Great Western Highway, Werrington) will enable the co-location of housing and employment opportunities.
- Provide additional housing supply to meet housing projections, which are close to the regional and strategic centres of Penrith and the PHEP, as well as transport infrastructure through the zoning of 6.39 hectares of land within the Werrington Signals Site to R3 Medium Density Residential.
- Accelerate housing supply by enabling the owners of the Werrington Signals Site to develop the land for residential uses. The owners have indicated a commitment to expediting the delivery of housing on the site.



- Present an integrated approach to the delivery of housing given the location of the Werrington Signals Site adjacent to other residential areas, which are to its west, south west and north. In the broader context, the additional land within the Werrington Signals Site which is proposed to be zoned as R3 Medium Density Residential, is in close proximity to both infill and greenfield housing, such as Claremont Meadows and the Caddens Release Area, which are situated to the south.
- Support the proposed business park by providing housing opportunities for future workers.

### **North West Subregion – Draft Subregional Strategy**

Subregional plans, which articulate the intentions of the Metropolitan Strategy at the subregional level, have not yet been completed for the current Metropolitan Strategy. The NSW Government is currently working with local councils and government agencies to prepare these plans.

In the absence of a District Plan for the current Metropolitan Strategy, this Planning Proposal addresses the *North West Subregion – Draft Subregional Strategy* (Draft North West Subregional Strategy), which was released by the State Government in December 2007 to support the 2005 Metropolitan Strategy, *City of Cities: A Plan for Sydney's Future*. The Draft North West Subregional Strategy consists of a number of actions and directions focused around 7 strategies:

- Economy and Employment
- Centres and Corridors
- Housing
- Transport
- Environment, Heritage and Resources
- Parks, public places and culture
- Implementation and governance

The Planning Proposal's consistency with the applicable directions and actions of the Draft North West Subregional Strategy are detailed below.

#### **A. Economy and Employment**

The Planning Proposal is consistent with this direction as it protects and enhances employment lands of state significance and establish a framework for the development of business parks.

The proposed business park at Werrington will also support existing centres, such as Penrith City Centre and St Marys Town Centre, rather than compete with these centres by permitting a range of employment uses in the areas of health, cultural and creative enterprises to encourage learning and innovation. These uses are typically larger scale businesses which are not suited to a CBD location and wish to locate to a campus style environment.

The Planning Proposal will improve access to jobs by allowing medium density housing to be developed close to the St Marys Town Centre and the proposed business park. The proposed R3 Medium Density Residential zone over part of the Werrington Signals Site will also facilitate the co-location of housing and employment.

#### **B. Centres and Corridors**

The Planning Proposal is consistent with this direction as it concentrates a range of activities close to one another, particularly locating housing close to centres. The Planning Proposal provides a minor increase in densities around the St Marys Town Centre by proposing a R3 Medium Density Residential zone within close proximity to the Town Centre and Railway Station.

The R3 Medium Density Residential zone also improves liveability by serving as a “buffer” between the adjacent R4 High Density Residential and R2 Low Density Residential zones.

The proposed R3 Medium Density Residential zone for part of the Werrington Signals Site will also provide housing opportunities close to the planned business park and UWS to ensure that housing is accessible to employment lands.

The proposed B7 Business Park zone will provide opportunities for additional commercial office space in the strategic centre of the PHEP. Additionally, the rezoning of part of the Werrington Signals Site to R3 Medium Density Residential will not compromise the ability of the proposed business park to provide employment as the proposed B7 Business Park zone retains the existing employment lands (the UWS Campuses) and will increase the total potential floor space for employment in the area. The B7 Business Park zone will also enable an expanded range of employment-generating uses than what is currently permitted in the 5(a) Special Uses zone.

### **C. Housing**

The Planning Proposal is consistent with this direction as it will enable increased housing capacity in existing areas.

#### **Glossop Street Precinct, St Marys:**

The proposed R3 Medium Density Residential zone in St Marys provides some greater housing capacity as it allows the development of multi dwelling housing up to a maximum height of 8.5m.

The deferred area proposed to be rezoned in St Marys is currently zoned 2(c) Residential (Low-Medium Density Residential) and 2(d) Residential (Medium Density) under *Penrith LEP 1998 (Urban Land)*. Whilst the 2(d) Residential zone allows multi-unit housing to be developed with a two-storey appearance, the 2(c) Residential zone only permits multi-unit housing with a single storey appearance. Applying a maximum building height of 8.5m across the deferred area will enable some increased housing capacity close to the St Marys Town Centre, whilst maintaining the amenity of the area. The proposed R3 Medium Density Residential zone in St Marys will also assist in renewing the St Marys Town Centre by allowing opportunities for medium density housing close to the Town Centre within a walkable catchment. The R3 zone will permit a mix of housing types, including dual occupancies, dwelling houses and multi-unit housing.

Most of the area in the Glossop Street Precinct which was exhibited as R4 High Density Residential has been retained. Amending the zone boundaries so that the land east of Glossop Street and south of Chapel Street is zoned to R3 Medium Density Residential will only result in a small reduction of the area exhibited as R4 High Density Residential, and remains consistent with Council’s centres based strategy of providing high density housing close to St Marys Town Centre and St Marys Railway Station.

In addition, amending the zone boundaries so the area zoned R4 High Density Residential is west of Glossop Street and north of Chapel Street will result in zone boundaries that align with existing roads. This will provide a more desirable design outcome when the area is redeveloped for high density housing in the future.

#### **Werrington Signals Site:**

The Planning Proposal focuses residential development around centres by proposing an R3 Medium Density Residential zone on part of the Werrington Signals Site. This will provide additional housing capacity in the WELL Precinct, which has good access to health and

education facilities as well as road and rail infrastructure. The R3 Medium Density zone also permits a diverse range of housing opportunities including dwelling houses, dual occupancies and multi dwelling housing and may assist in improving housing affordability. It also presents an integrated approach to the delivery of housing given the Werrington Signals Site is adjacent to other residential areas to its west, south west and north. The removal of the minimum lot size for this land will also provide opportunities to develop small lot housing which can deliver more affordable housing opportunities and integrate with the surrounding two-storey residential development.

#### **D. Transport**

This direction is not relevant to this Planning Proposal. The actions in this direction generally relate to State Government initiatives to improve transport infrastructure and travel modes.

#### **E. Environment, Heritage and Resources**

The Planning Proposal is consistent with this direction as the Planning Proposal does not propose to rezone land in the City's rural or resource areas, or land which has environmental or heritage significance.

The Planning Proposal also seeks to map the entire site at 653 – 729 Great Western Highway, Werrington as a heritage item under Penrith LEP 2010 to recognise the site's heritage value. The site is an existing heritage item under Penrith LEP 2010. However, as part of the lot is within the deferred area, it is not entirely identified in Penrith LEP 2010. (It is instead captured by *Penrith LEP 1991 (Environmental Heritage Conservation)*). The Planning Proposal will consolidate the heritage listing of the item into the one LEP. This proposed inclusion, as well as the proposed inclusion of four additional properties within the Hornseywood Heritage Conservation Area in Penrith, will help to conserve the City's cultural heritage.

#### **F. Parks, Public Places and Culture**

This direction is not relevant to this Planning Proposal. The actions in this direction generally relate to the need to plan for the cultural, social and recreation needs of the community. The needs of new residents in the proposed R3 Medium Density Residential zones are proposed to be met by existing facilities given their proximity to existing centres.

#### **G. Implementation and Governance**

The Planning Proposal is consistent with this direction. Penrith has been nominated as a Regional City. Council has been working with the NSW Government, through the DP&E, to plan for the future growth of Penrith Regional City. The aims and objectives of the Planning Proposal will enable the development of housing and employment to ensure Penrith continues to be of regional significance in Western Sydney.

### **(4) Is the Planning Proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?**

#### ***Penrith Community Plan 2013***

The *Penrith Community Plan* was adopted by Council on 24 June 2013 and represents the community's vision for the Penrith LGA over the next 20 years. It establishes the strategies that will need to be prioritised by a range of agencies, groups and government departments in order to achieve this vision.

The key messages from the community, presented as seven 'community outcomes', are:

- Outcome 1 – we can work close to home;
- Outcome 2 – we plan for our future growth;
- Outcome 3 – we can get around the city;
- Outcome 4 – we have safe, vibrant places;
- Outcome 5 - we care for our environment;
- Outcome 6 – we are healthy and share strong community spirit; and
- Outcome 7 – we have confidence in our Council.

Table 1 below identifies relevant outcomes for consideration and demonstrates how this Planning Proposal is consistent with those outcomes.

**Table 1: Penrith Community Strategic Plan 2013 Review**

<b>Outcome</b>	<b>Consistency</b>
<p><b>Strategy 2.1 Facilitate development that encourages a range of housing types –</b> <i>Council develops and enforces zoning and building controls to encourage a range of housing types. Council also works with developers in delivering new communities.</i></p>	<p>The Planning Proposal will facilitate a greater variety of housing by proposing an R3 Medium Density Residential zone in the deferred area in St Marys (Glossop &amp; Chapel Street) as well as in Werrington (741 – 753 and 755 – 769 Great Western Highway, Werrington and Part Lot 50, DP 1069025, French Street, Werrington).</p>
<p><b>Strategy 2.2 Protect the City’s natural areas, heritage and character –</b> <i>Council has defined the urban and rural boundaries of the City through land use zonings. Important built heritage assets are protected as heritage items or form part of heritage conservation areas.</i></p> <p><i>Council is the owner of several heritage properties, buildings and items, and is responsible for protecting and maintaining those places.</i></p>	<p>The Planning Proposal does not seek to rezone any rural or natural areas for urban purposes.</p> <p>The Planning Proposal seeks to include four additional properties in the existing Hornseywood heritage conservation area and to consolidate the heritage listing of Werrington Park House in Penrith LEP 2010.</p>
<p><b>Strategy 2.3 Ensure services, facilities and infrastructure meet the needs of a growing population –</b> <i>Council has defined the urban and rural boundaries of the City through land use zonings. Important built heritage assets are protected as heritage items or form part of heritage conservation areas.</i></p>	<p>The Planning Proposal will allow for a more efficient use of existing infrastructure. The Planning Proposal seeks to rezone land in existing areas so there will be a better utilisation of existing infrastructure.</p>

**Penrith City Strategy**

The *Penrith City Strategy* provides directions for the City’s future over the next 20 years and beyond and informs the *Community Strategic Plan*. It addresses the seven themes of housing, jobs and economy, transport and access, infrastructure delivery, community wellbeing, the environment and places.

Table 2 below identifies the relevant outcomes for consideration and demonstrates how this Planning Proposal is consistent with those outcomes.

**Table 2: Penrith City Strategy Review**

Outcome	Consistency
<p><b>1. Housing</b> In planning for the future of Sydney’s metropolitan area, Penrith City needs to accommodate population growth of an additional 40,000 people and 25,000 more dwellings by 2031. Council has planned to accommodate the additional 25,000 dwellings with around 50% of new housing development in centres and established areas, and 50% in planned new housing estates.</p>	<p>The Planning Proposal provides additional housing opportunities by permitting medium density housing close to existing and proposed centres (in St Marys and Werrington). The proposed zoning of 6.39 hectares of land in the Werrington Signals Site will also provide additional housing supply to meet the housing projections in established areas.</p>
<p><b>2. Jobs and Economy</b> In the future, as a Regional City, Penrith is expected to be a focal point for regional transport, jobs and services.  Council has set a target of an additional 40,000 jobs by 2031. This includes around 18,000 jobs in new housing areas – 11,150 in the Penrith City Centre and St Marys Town Centre, and 8,600 in the Western Sydney Employment Hub.</p>	<p>The Planning Proposal will enable the development of a business park at Werrington similar to Macquarie Park and Norwest. The business park will be within the catchments of key transport infrastructure, major institutions such as UWS and TAFE, as well as within the catchments of Penrith City Centre and Kingswood.</p> <p>A range of land uses are permitted in the B7 Business Park zone to support the creation of higher order employment opportunities in health, cultural and creative enterprises. This will enable planning controls which encourage and promote clusters of related activity around UWS.</p>
<p><b>3. Transport and Access</b> This theme focuses on providing an improved transport network.</p>	<p>This theme does not directly apply to this Planning Proposal, other than to allow for the acquisition of lands required by the RMS for the Werrington Arterial.</p>
<p><b>4. Infrastructure Delivery</b></p>	<p>This theme does not directly apply to this Planning Proposal since no infrastructure is being proposed.</p>
<p><b>5. Community Wellbeing</b></p>	<p>This theme does not directly apply to this Planning Proposal.</p>
<p><b>6. Environment</b> This theme focuses on protecting the City’s natural heritage by ensuring that development has a minimal impact on the natural environment, and the City’s iconic landscapes and natural features are protected. It is important that the protection of existing biodiversity, remnant Cumberland Plain Woodland, and areas of natural significance are managed as the City grows.</p>	<p>This Planning Proposal is consistent with this theme. Areas with high vegetation value are not proposed to be rezoned for urban development.</p> <p>The areas proposed to be rezoned are already zoned for urban development under current planning controls.</p>



Outcome	Consistency
<p><b>7. Places</b></p> <p>This theme focuses on ensuring that new development respects the scenic and cultural landscapes of Penrith, and that urban growth is managed to retain our identity and sense of place.</p>	<p>The Planning Proposal does not propose to rezone rural land. The Planning Proposal focuses employment and housing around key transport nodes.</p>

**(5) Is the planning proposal consistent with applicable state environmental planning policies?**

The Planning Proposal is consistent with the applicable state environmental planning policies (SEPPs). Many of the SEPPs do not apply to this Planning Proposal, whilst a number of SEPPs can be addressed at the DA stage. These include SEPP (Building Sustainability Index) 2004 and SEPP (Exempt and Complying Development Codes) 2008. The applicable SEPPs and the Planning Proposal's consistency with these SEPPs are addressed in Table 3 below:

**Table 3: Consistency with applicable State Environmental Planning Policies**

SEPP	Comment
SEPP No. 1 – Development Standards.	SEPP 1 does not apply. Exceptions to development standards are considered under Clause 4.6 of Penrith LEP 2010.
SEPP No. 14 – Coastal Wetlands	N/A. The area is not within an identified coastal wetland area.
SEPP No. 15 – Rural Land Sharing Communities	N/A. The Planning Proposal does not apply to rural land.
SEPP No. 19 – Bushland in Urban Areas	N/A. There are no identified areas of urban bushland within the deferred areas.
SEPP No. 21 – Caravan Parks	N/A. The Planning Proposal does not affect the development of caravan parks.
SEPP No. 26 – Littoral Rainforests	N/A. There are no littoral rainforests within the deferred areas.
SEPP No. 29 – Western Sydney Recreation Area	N/A. The deferred areas are not within the Western Sydney Recreation Area.
SEPP No 30. – Intensive Agriculture	N/A. The Planning Proposal does not seek to convert any land from rural to urban use.
SEPP No. 32 – Urban Consolidation (Redevelopment of Urban Land)	This Planning Proposal promotes the orderly and economic use of land by permitting medium density housing in areas where there are existing public infrastructure, transport and community facilities and provides increased opportunities for people to live close to employment opportunities. The Planning Proposal is proposing to zone certain land in Werrington and St Marys to R3 Medium Density Residential. The proposed R3 Medium Density Residential zone in Werrington and St Marys will also facilitate increased housing availability and diversity in these areas. The Planning Proposal is

SEPP	Comment
	not proposing to zone for development on the fringe of existing urban areas.
SEPP No. 33—Hazardous and Offensive Development	N/A. The Planning Proposal does not affect the application of this SEPP.
SEPP No. 36—Manufactured Home Estates	N/A. The SEPP does not apply to the deferred areas.
SEPP No. 39—Spit Island Bird Habitat	N/A. The SEPP does not apply to the deferred areas.
SEPP No. 44—Koala Habitat Protection	N/A. The SEPP does not apply to the deferred areas.
SEPP No. 47—Moore Park Showground	N/A. The SEPP does not apply to the deferred areas.
SEPP No. 50—Canal Estate Development	N/A. The Planning Proposal does not incorporate a Canal Estate.
SEPP No. 52—Farm Dams and Other Works in Land and Water Management Plan Areas	N/A. The SEPP does not apply to the deferred areas.
SEPP No. 55 – Remediation of Land	Clause 6 of the SEPP states that all planning proposals to rezone land are to consider whether the subject land is contaminated and if remediation is required. All land subject to rezoning in this Planning Proposal is either a current residential or business/ employment use and proposed changes are not expected to present contamination issues.
SEPP No. 59—Central Western Sydney Regional Open Space and Residential	N/A. The SEPP does not apply to the deferred areas.
SEPP No. 62—Sustainable Aquaculture	N/A. The SEPP does not apply to the deferred areas.
SEPP No. 64—Advertising and Signage	The Planning Proposal is consistent with SEPP 64 as no additional provisions relating to signage are proposed. SEPP 64 will continue to apply to the deferred areas.
SEPP No. 65—Design Quality of Residential Flat Development	N/A. The Planning Proposal does not propose to permit residential flat buildings. There are no additional provisions relating to residential flat buildings.
SEPP No. 70—Affordable Housing (Revised Schemes)	Consistent. The Planning Proposal will facilitate a greater number of affordable housing options than is currently possible.
SEPP No. 71—Coastal Protection	N/A. The deferred areas are not within a coastal zone.
SEPP (Affordable Rental Housing) 2009	Consistent. The Planning Proposal does not affect the application of this SEPP.
SEPP (Building Sustainability Index: BASIX) 2004	Consistent. The Planning Proposal does not affect the application of this SEPP.
SEPP (Exempt and Complying Development Codes) 2008	Exempt and complying development under this SEPP will continue apply to the deferred areas.

SEPP	Comment
SEPP (Housing for Seniors or People with a Disability) 2004	The Planning Proposal does not affect the application of this SEPP.
SEPP (Infrastructure) 2007	The Planning Proposal does not affect the application of this SEPP.
SEPP (Kosciuszko National Park — Alpine Resorts) 2007	N/A. The SEPP does not apply to the deferred areas.
SEPP (Kurnell Peninsula) 1989	N/A. The SEPP does not apply to the deferred areas.
SEPP (Major Development) 2005	Consistent. The Planning Proposal does not affect the application of this SEPP.
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	N/A. The Planning Proposal does not affect the application of this SEPP.
SEPP (Miscellaneous Consent Provisions) 2007	Consistent. The Planning Proposal does not include any provisions which impede operation of this SEPP over the deferred areas.
SEPP (Penrith Lakes Scheme) 1989	N/A. The SEPP does not apply to the deferred areas.
SEPP (Port Botany and Port Kembla) 2013	N/A. The SEPP does not apply to the deferred areas.
SEPP (Rural Lands) 2008	N/A. The SEPP does not apply to the deferred areas.
SEPP (SEPP 53 Transitional Provisions) 2011	N/A. This SEPP does not apply to the deferred areas.
SEPP (State and Regional Development) 2011	N/A. The Planning Proposal does not affect the application of this SEPP.
SEPP (Sydney Drinking Water Catchment) 2011	N/A. The SEPP does not apply to the deferred areas.
SEPP (Sydney Region Growth Centres) 2006	N/A. The SEPP does not apply to the deferred areas.
SEPP (Three Ports) 2013	N/A. The SEPP does not apply to the deferred areas.
SEPP (Urban Renewal) 2010	N/A. There are no Urban Renewal Precincts in the deferred areas.
SEPP (Western Sydney Employment Area) 2009	N/A. The deferred areas are not within the Western Sydney Employment Area.
SEPP (Western Sydney Parklands) 2009	N/A. The SEPP does not apply to the deferred areas.
<b>Regional Environmental Plans (REPs) – deemed SEPPs</b>	
SREP No. 8 (Central Coast Plateau Areas)	N/A. The SEPP does not apply to the deferred areas.
SREP No. 9—Extractive Industry (No 2—1995)	Consistent. The Planning Proposal does not affect the application of this SEPP.
SREP No. 16—Walsh Bay	N/A. The SEPP does not apply to the deferred areas.
SREP No. 18—Public Transport Corridors	N/A. This SEPP does not apply to the deferred areas.
SREP No. 19—Rouse Hill Development Area	N/A. The SEPP does not apply to the deferred areas.
SREP No. 20 – Hawkesbury Nepean River (No. 2 – 1997)	Consistent. Future development is able to occur in a manner which is in keeping with the requirements of the REP.
SREP No. 24—Homebush Bay Area	N/A. The SEPP does not apply to the deferred areas.
SREP No. 26—City West	N/A. The SEPP does not apply to the deferred areas.

SEPP	Comment
SREP No. 30—St Marys	N/A. The SEPP does not apply to the deferred areas.
SREP No. 33—Cooks Cove	N/A. The SEPP does not apply to the deferred areas.
SREP (Sydney Harbour Catchment) 2005	N/A. The SEPP does not apply to the deferred areas.

**(6) Is the planning proposal consistent with applicable Ministerial Directions (S.117 Directions)?**

The Planning Proposal is consistent with the following applicable Ministerial Directions (S.117 Directions).

**1. EMPLOYMENT AND RESOURCES**

**DIRECTION 1.1 BUSINESS AND INDUSTRIAL ZONES**

The objectives of this direction are to:

- Encourage employment growth in suitable locations;
- Protect employment land in business and industrial zones; and
- Support the viability of identified strategic centres.

Where this direction applies, a planning proposal must:

- a) Give effect to the objectives of this direction,
- b) Retain the areas and locations of existing business and industrial zones,
- c) Not reduce the total potential floor space area for employment uses and related public services in business zones,
- d) Not reduce total potential floor space area for industrial uses in industrial zones, and
- e) Ensure that proposed new employment areas are in accordance with a strategy that is approved by the Director-General of the Department of Planning.

**Werrington Business Park**

The proposed rezoning of the Werrington Business Park to B7 Business Park is **consistent** with this Direction.

The proposed B7 Business Park zone will increase the total potential floor space for employment uses in business zones. The proposed zoning of approximately 73.21 hectares of land from 5(a) Special Uses to B7 Business Park expands on the type of employment uses permitted. The 5(a) Special Uses zone only permits the site to be used as a University/educational establishment as well as some public infrastructure uses including roads and drains. The proposed B7 Business Park zone will enable the site to be developed for an expanded range of employment generating uses which will support the University and Hospital, including business premises, educational establishments and health services facilities.

The Metropolitan Strategy has identified the PHEP as a “strategic centre”. The B7 Business Park zone adequately supports the Department’s goal of developing the PHEP as a strategic centre and supports Action 1.7.1, which is “invest in strategic centres across Sydney to grow jobs and housing and create vibrant hubs of activity”. The proposed zones will enable employment creation in the PHEP in areas including business and office premises, information and education facilities as well as health services facilities. These uses will provide a large number of jobs and increase jobs close to where people live as well as provide a range of services in the LGA.

### **Werrington Signals Site:**

The proposed rezoning of part of the Werrington Signals Site to R3 Medium Density Residential is **justifiably inconsistent** with this direction.

The inconsistency relates to the proposed rezoning of approximately 6.39 hectares of land over part of the Werrington Signals Site from an employment zone to a residential zone (i.e. from the current 10(b) Mixed Use – Employment zone under *Penrith LEP 1998 (Urban Land)* and the previously exhibited B7 Business Park zone when Stage 2 of Penrith LEP 2010 was exhibited as a draft in 2013, to the proposed R3 Medium Density Residential zone). The Direction states that a planning proposal must “not reduce the total potential floor space for employment uses and related public services in business zones”. This makes the Planning Proposal inconsistent with this direction, as it appears to reduce the total potential floor space area for employment uses.

The Direction also states that a planning proposal can be inconsistent with the Direction if the planning proposal can be justified by a strategy, a study prepared in support of the planning proposal, is in accordance with the relevant Regional Strategy or Subregional Strategy prepared by the (then) Department of Planning which gives consideration to the objective of this Direction, or is of minor significance.

The inconsistency can be justified in accordance with the Direction as the land which is proposed to be rezoned to R3 Medium Density Residential zone is within a “strategic centre” identified in the Metropolitan Strategy (2014) as well as the draft North West Subregional Strategy (2007). That strategic centre is the PHEP. The consistency of the proposed R3 Medium Density Residential zone for Werrington with the Metropolitan Strategy and draft North West Subregional Strategy has been addressed in Section B – Relationship to Strategic Planning Framework, in particular, in item 3 *Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft Strategies?*

In addition, that part of the Werrington Signals Site that is proposed to be zoned R3 Medium Density Residential is not suitable for the development of a well-designed business park for a number of reasons. Firstly, the land is separated from the majority of the land proposed to be zoned B7 Business Park by a E2 Environmental Conservation corridor which runs through the site. This will result in the isolation of 6.39 hectares of land west of the E2 Environmental Conservation corridor that will restrict the development of a well-designed business park, given business parks typically require large floor plates with opportunities for expansion.

Secondly, should the Werrington Signals Site be zoned entirely as B7 Business Park, there is a potential for land use conflicts between the business park and the residential land immediately to the west of the site. The proposed zoning of the western portion of the Werrington Signals Site to R3 Medium Density Residential would have a natural buffer (the E2 Environmental Conservation corridor) separating it from the proposed business park to the east.

Additionally, the proposed rezoning of part of the Werrington Signals Site to R3 Medium Density Residential will not compromise the ability of the proposed business park to provide employment opportunities and contribute to overall employment targets. This is because the Planning Proposal proposes a local clause to manage the development of warehouse and distribution centres because these types of development generally have low employment densities. Council’s intent, consistent with the objectives of the B7 zone, is to encourage and maximise employment opportunities within the business park.



The R3 Medium Density Residential zone will also implement and support Action 1.7.1 of the Metropolitan Strategy as it will enable the development of diverse housing opportunities (from dwelling houses to multi-dwelling housing) to support the adjoining employment uses. The E2 Environmental Conservation zone along the riparian corridor also provides a barrier between the R3 Medium Density Residential zone and B7 Business Park zone.

The rezoning of 6.39 hectares of land to R3 Medium Density Residential, previously exhibited as B7 Business Park, will not affect the benchmark for land area for a proposed business park. The business park will still have an area of over 70 hectares, which meets the 50 hectare benchmark identified by the DP&E for a formal and viable business park. The business park will be capable of generating substantial employment opportunities by permitting a range of uses relating to the health, cultural and high technology industries with large floor spaces. The proposed reduction in the B7 Business Park zone will not significantly impact on the total potential employment yield of the business park. The proposed clause to manage warehouse and distribution centres will also contribute to maximising employment opportunities within the business park.

For the reasons outlined above, it is considered appropriate to zone the Werrington Signals Site to R3 Medium Density Residential.

The following directions do not apply to this Planning Proposal (and, therefore, have not been addressed):

- 1.2 Rural Zones,
- 1.3 Mining, Petroleum Production and Extractive Industries
- 1.4 Oyster Aquaculture
- 1.5 Rural Lands

## **2. ENVIRONMENT AND HERITAGE**

### **DIRECTION 2.1 ENVIRONMENT PROTECTION ZONES**

The objective of this direction is to protect and conserve environmentally sensitive areas.

Where this direction applies, a planning proposal must:

- Include provisions that facilitate the protection and conservation of environmentally sensitive areas.
- A planning proposal that applies to land within an environmentally sensitive zone or land otherwise identified for environmental protection purposes in a LEP must not reduce the environmental standards that apply to the land (including by modifying development standards for minimum lot size for a dwelling in accordance with Clause 5 of direction 1.5 'Rural Lands').

The Planning Proposal is **consistent** with this direction as it does not reduce the environmental protection purposes that apply to the land.

The Planning Proposal also does not relate to any environmentally sensitive areas. The northern bushland area extending along the Main Western Railway Line, which is situated north of the boundary to the Werrington Business Park and land in French Street, has been identified as having high conservation values, has already been zoned E2 Environmental Conservation and is not subject to this Planning Proposal.

### DIRECTION 2.3 HERITAGE CONSERVATION

The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous significance.

Where this direction applies, a planning proposal must contain provisions that facilitate the conservation of:

- Items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to the area, in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of an item, area, object or place, identified in a study of the environmental heritage of the area,
- Aboriginal objects or Aboriginal places that are protected under *National Parks and Wildlife Act 1974*, and
- Aboriginal Areas, Aboriginal objects, Aboriginal places or landscapes identified by an Aboriginal heritage survey prepared by or on behalf of an Aboriginal Land Council, Aboriginal body or public authority and provided to the relevant public authority, which identifies the area, object, place or landscape as being of heritage significance to Aboriginal culture and people.

The Planning Proposal is consistent with this direction as it proposes to amend the Heritage Map in Penrith LEP 2010 to identify the entire site at 653-729 Great Western Highway as a heritage item (item number “315” in Schedule 5 of Penrith LEP 2010).

The Planning Proposal also proposes to expand the Hornseywood Heritage Conservation Area in Penrith to include four additional properties. These are 13, 15-17, 32 and 34 Castlereagh Street, Penrith. This will ensure consistency with Council's *Heritage Study (2007)*. The Heritage Study identified the four properties (situated north of Derby Street) as part of the Hornseywood Conservation Area, however, these properties were not identified on the Heritage Map at the time Penrith LEP 2010 was exhibited. The Hornseywood Heritage Conservation Area consists of a small group of buildings along Castlereagh Street, Derby Street and Brown Street, Penrith, as shown in Figure 14.

**Figure 14: Map showing boundary of the Hornseywood Conservation Area. Source: Penrith Heritage Study 2007**



The Hornseywood Area is significant because Derby, Brown and Castlereagh Streets have a large group of weatherboard and brick cottages in the Victorian, Federation and California Bungalow styles which provide interesting representative examples of the period and collectively provide a sense of historic streetscape at the elevated eastern edge of town. These are generally well maintained and display their historical design.

The following directions do not apply to this Planning Proposal (and, therefore, have not been addressed):

- 2.2 Coastal Protection
- 2.4 Recreation Vehicle Access

### **3. HOUSING, INFRASTRUCTURE AND URBAN DEVELOPMENT**

#### **DIRECTION 3.1 RESIDENTIAL ZONES**

The objectives of this direction are:

- To encourage a variety of housing types to provide for existing and future housing needs,
- To make efficient use of existing infrastructure and services and ensure that new housing as appropriate access to infrastructure services, and
- To minimise the impact of residential development on the environment and resource lands.

Where this direction applies, a planning proposal must include provisions that will:

- a) broaden the choice of building types and locations available in the housing market, and
- b) make more efficient use of existing infrastructure and services, and
- c) reduce the consumption of land for housing and associated urban development on the urban fringe, and
- d) be of good design.

This Planning Proposal is **consistent** with this direction as it will enable the development of medium density housing in French Street, Werrington and Chapel Street and Glossop Street, St Marys. The R3 Medium Density zone in Penrith LEP 2010 provides for a range of housing types including attached dwellings, dwelling houses and multi-dwelling housing.

The locations where the R3 Medium Density Residential zone is proposed are within close proximity to existing services and facilities as they are within established areas. These areas will be able to utilise existing services and infrastructure.

The proposed R3 Medium Density Residential zone in Glossop Street and Chapel Street in St Marys is also situated within 800m-1km of St Marys Railway Station and within walking distance to St Marys Town Centre. The proposed rezoning of part of the Werrington Signals Site to R3 Medium Density Residential is also consistent with this Direction as it will:

- Provide opportunities for additional housing to support the housing needs of the community and needs of major institutes in the WELL Precinct;
- Broaden the choice of housing in the area by permitting a range of housing types including dwelling houses, dual occupancies and multi –dwelling housing;
- Make more efficient use of existing infrastructure and services by permitting medium density housing close to existing road and rail infrastructure as well as health and education facilities;

- Provide an opportunity for a good design outcome given the site has not yet been developed;
- Accelerate the supply of housing close to a strategic centre by enabling the owners of the site to develop the land for residential uses. The owners have indicated a commitment to expediting the delivery of housing on the site;
- Consolidate the provision of housing at the eastern end of the PHEP;
- Provide a transition between the proposed business park to the site's east and the residential area to the site's south, south west and north;
- Present an integrated approach to the provision of housing given the location of the Werrington Signals Site adjacent to other residential areas to the west, south west and north. In the broader context, the additional land within the Werrington Signals Site, which is proposed to be zoned as R3 Medium Density Residential, is in close proximity to both infill and greenfield housing, such as Claremont Meadows and the Caddens Release Area, which are situated to the south; and
- Support the proposed business park by providing housing opportunities for future workers.

### **DIRECTION 3.2: CARAVAN PARKS AND MANUFACTURED HOME ESTATES**

The objectives of this direction are to:

- Provide a variety of housing types; and
- Provide opportunities for caravan parks and manufactured home estates.

The Planning Proposal does not alter any provision relating to caravan parks and manufactured home estates and is therefore consistent with this direction.

### **DIRECTION 3.3: HOME OCCUPATIONS**

The objective of this direction is to encourage carrying out low-impact small business in dwelling houses. Where this direction applies, a planning proposal must permit home occupations to be carried out in dwelling houses without the need for development consent.

The Planning Proposal is **consistent** with this direction as it does not alter any provisions relating to home occupations.

### **DIRECTION 3.4: INTEGRATING LAND USE AND TRANSPORT**

The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:

- Improving access to housing, jobs and services by walking, cycling and public transport, and
- Increasing the choice of available transport, and
- Reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and
- Supporting the efficient and viable operation of public transport services, and
- Providing for the efficient movement of freight.

Where this direction applies, a planning proposal must locate zones for urban purposes and include provisions that give effect to, and are consistent with the aims, objectives and principles of *Improving Transport Choice – Guidelines for planning and development (DUAP, 2001)*, and *The Right Place for Business and Services – Planning Policy (DUAP, 2001)*.

The Planning Proposal is **consistent** with this direction. It will enable the provision of greater housing choice close to the centres of the PHEP and St Marys that have good access to public transport links.

The areas where the R3 Medium Density Residential zone is proposed in St Marys is within walking distance to St Marys Railway Station and the Town Centre. By permitting a range of housing types close to St Marys Railway Station, it will support the operation of public transport services and reduce travel demand, especially by car.

The proposed R3 Medium Density Residential zone for part of the Werrington Signals Site will support the WELL Precinct's objectives by facilitating the development of diverse housing opportunities to support the needs of major institutes and the local community in an area with good access to public transport options. The location of the proposed R3 Medium Density Residential zone adjacent to the proposed B7 Business Park zone in Werrington will also improve local access to both housing and jobs.

With regards to *Improving Transport Choice – Guidelines for planning and development* (DUAP, 2001), the Planning Proposal is consistent with the following applicable principles:

- **Principle 1: Concentrate in centres:** The Planning Proposal provides a mix of housing and employment opportunities within walking distance of public transport nodes. The size of the activity centres is also consistent with the existing levels of public transport.
- **Principle 2: Mix Use in Centres:** The Planning Proposal co-locates compatible land uses (e.g. medium density residential adjacent to the proposed business park). Higher densities of housing are also permitted within walking distance of public transport.
- **Principle 3: Align Centres with Corridors:** The proposed business park at Werrington is well-served by road and rail corridors/infrastructure, such as the M4 Motorway, Great Western Highway and the Western Railway Line.

The Planning Proposal is also consistent with *The Right Place for Business and Services – Planning Policy* (DUAP, 2001) as it:

- Concentrates employment and housing in centres well serviced by road and rail infrastructure,
- Encourages continuing private and public investment in centres, and
- Fosters growth, competition, innovation and investment confidence in centres.

The following directions do not apply to this Planning Proposal (and, therefore, have not been addressed):

- 3.5 Development near licensed aerodromes
- 3.6 Shooting Ranges

#### **4. HAZARD AND RISK**

##### **DIRECTION 4.3 FLOOD PRONE LAND**

The objectives of this direction are:

- To ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the *Floodplain Development Manual 2005*, and
- To ensure that the provisions of an LEP is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.

The Architectus Report *WELL Precinct Refined Concept Plan* (October 2006) has assessed that the area proposed as B7 Business Park and R3 Medium Density Residential is not within the 100 year ARI flood extent. This has also been confirmed by the Cardno Report *WELL Precinct Hydrology and Catchment Management Study* (August 2006).

#### **DIRECTION 4.4: PLANNING FOR BUSHFIRE PROTECTION**

The objectives of this direction are:

- To protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, and
- To encourage sound management of bush fire prone areas.

This direction requires Council to consult with the Commissioner of the NSW RFS following receipt of a Gateway Determination (Section 56) and prior to undertaking community consultation (Section 57). It also requires Council to take into account the comments of the RFS and to have regard to the document *Planning for Bushfire Protection 2006*.

The RFS's *Planning for Bushfire Protection 2006* provides a number of considerations in planning for bushfire protection. LEP amendments that affect bushfire prone areas need to address the planning principles in the document. The planning principles for rezoning land for residential purposes are:

- a) Provision of a perimeter road with two way access which delineates the extent of the intended development.
- b) Provision, at the urban bushland interface, for the establishment of adequate establishment of asset protection zones for future housing;
- c) Specifying the minimum residential lot depths to accommodate asset protection zones for lots on perimeter roads;
- d) Minimising the perimeter of the area of the land, interfacing the hazard, which may be developed;
- e) Introducing the controls which avoid placing inappropriate developments in hazardous areas; and
- f) Introduction of controls on the placement of combustible materials in asset protection zones.

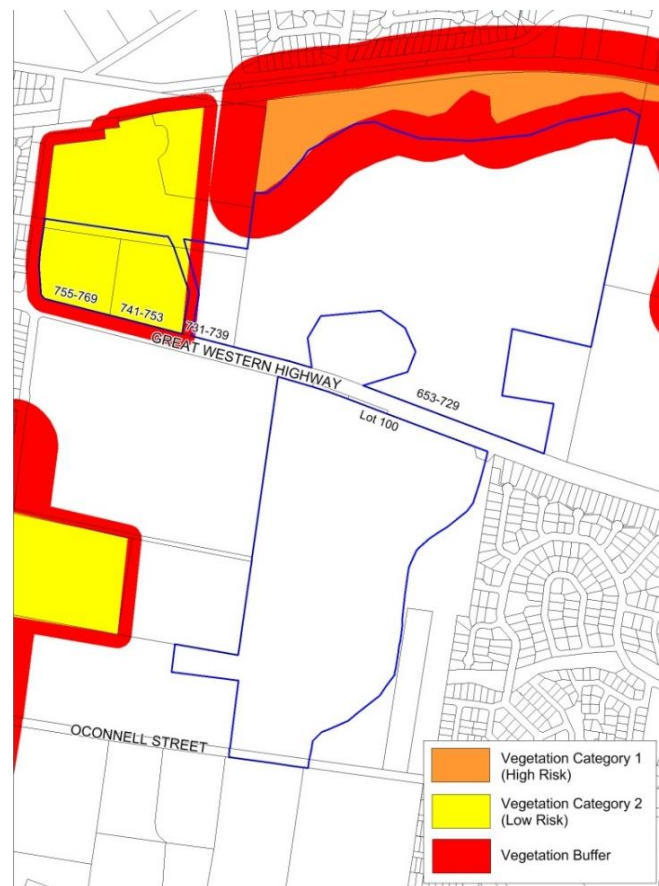
The Planning Proposal is **justifiably inconsistent** with this direction.

While the deferred area in St Marys and the additional properties in the Hornseywood Heritage Conservation Area are not identified as being bushfire prone land, part of the deferred area in Werrington is identified as bushfire prone.

Under Council's Bushfire Prone Land Map (2014), the northern part of 653-729 Great Western Highway is within Vegetation Category 1 (the most hazardous vegetation category) and is zoned E2 Environmental Conservation under Penrith LEP 2010. The properties on the corner of French Street and the Great Western Highway, which are proposed to be rezoned R3 Medium Density Residential, are within Vegetation Category 2 (a lesser hazard than Category 1)..

The bushfire prone areas in Werrington are shown in **Figure 15** below.

**Figure 15: Bushfire Prone land in Werrington**



Consultation with the RFS has been undertaken by Council concurrently with the public exhibition of the Planning Proposal. During the exhibition of the Planning Proposal, the RFS made a submission which raised no objection to the proposed changes, however their submission highlighted the need for future planning for the site to have regard to the requirements of *Planning for Bushfire Protection* (2006) including the provision of Asset Protection Zones (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.

The following directions do not apply to this Planning Proposal (and, therefore, have not been addressed):

- 4.1 Acid Sulfate Soils
- 4.2 Mine Subsidence and Unstable Land

## **5. Regional Planning**

### Direction 5.8 Second Sydney Airport: Badgerys Creek

The objective of this direction is to avoid incompatible development in the vicinity of any future second Sydney Airport at Badgerys Creek.

The deferred areas are not in the vicinity of the site of the Second Sydney Airport or within the 20 ANEF contour as shown on the map entitled "Badgerys Creek – Australian Noise Exposure



Forecast – Proposed Alignment – Worst Case Assumptions”. Therefore this direction does not apply.

The following directions also do not apply to this Planning Proposal (and, therefore, have not been addressed):

- 5.1 Implementation of Regional Strategies
- 5.2 Sydney Water Drinking Catchments
- 5.3 Farmland of State and Regional Significance on the NSW Far North Coast
- 5.4 Commercial and Retail Development along the Pacific Highway, North Coast
- 5.5 Development in the Vicinity of Ellalong, Paxton and Millfield (Cessnock LGA) (Revoked 18 June 2010)
- 5.6 Sydney to Canberra Corridor (Revoked 10 July 2008)
- 5.7 Central Coast (Revoked 10 July 2008)
- 5.9 North West Rail Link Corridor Strategy

## **6. Local Plan Making**

### Direction 6.1 Approval and Referral Requirements

The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.

The Planning Proposal is consistent with this direction as it does not alter any concurrence, consultation or referral requirements.

### Direction 6.2: Reserving Land for Public Purposes

The objectives of this direction are:

- To facilitate the provision of public services and facilities by reserving land for public services, and
- To facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition.

The Planning Proposal is consistent with this direction. 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.
- 61-69 Blackwood Street, Claremont Meadows.
- 332 – 338 Caddens Road, Claremont Meadows.
- 52-56 Kent Road, Orchard Hills.

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 Stage 2 of 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. It is now proposed to remove the land from the exhibited Land Reservation Acquisition Map.

The following directions do not apply to this Planning Proposal (and, therefore, have not been addressed):

- 6.3 Site Specific Provisions

## **7. Metropolitan Planning**

### Direction 7.1: Implementation of a Plan for Growing Sydney

The objective of this direction is to give legal effect to the planning principles; directions; and priorities for subregions, strategic centres and transport gateways contained in A Plan for Growing Sydney. Planning proposals are required to be consistent with the NSW Government's *A Plan for Growing Sydney*, published in December 2014.

The Planning Proposal's consistency with the Metropolitan Strategy has been addressed in Section B – Relationship to Strategic Planning Framework, in particular, item 3 *Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft Strategies?*

## **SECTION C – ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACT**

### **(7) Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?**

The Planning Proposal is unlikely to affect critical habitat or threatened species as the deferred areas are within established areas and already zoned for urban purposes.

In addition, the Planning Proposal will not alter the provisions of Penrith LEP 2010 relating to the 'preservation of trees or vegetation' or 'development on natural resources sensitive land'.

The Office of Environment and Heritage was been consulted during exhibition and community consultation of the Planning Proposal. They have provided general support for the Planning Proposal, including amending the heritage map to include the entire property for Werrington Park House as a heritage item. They noted that Council must be satisfied that the rezoning does not affect the significance of any heritage items or conservation areas in the vicinity.

### **(8) Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?**

No significant environmental effects are anticipated as a result of the Planning Proposal. The Planning Proposal seeks to rezone or amend some of the provisions relating to the deferred areas which are already zoned for urban purposes. The Planning Proposal does not propose to amend any of the provisions of Penrith LEP 2010 that aim to minimise the likely environmental impacts of future development. These provisions include:

- Clause 7.2 Flood Planning Land
- Clause 7.3 Development on natural resources sensitive land.
- Clause 7.4 Sustainable Development
- Clause 7.5 Protection of scenic character and landscape values
- Clause 7.3 Salinity.

Penrith LEP 2010 is supported by Penrith DCP 2014 which provide additional controls to minimise and manage the environmental effects of development.

**(9) Has the planning proposal adequately addressed any social and economic effects?**

It is considered that the Planning Proposal will have a positive social and economic effect on the community and other stakeholders.

The changes proposed by the Planning Proposal will enable the development of additional housing and employment close to existing centres and transport infrastructure. The proposed B7 Business Park zone, as part of a broader aim of developing a business park, will promote health, cultural and high technology industries supported by a range of development that relates to university activities, creative and cultural industries, and business incubators. This will provide economic benefits such as the creation of additional higher employment opportunities.

The proposed R3 Medium Density Residential zone in St Marys and Werrington will also provide a social benefit by providing additional diverse housing opportunities close to centres and employment to cater for a range of households.

The proposed controls relating to height of buildings in the proposed R3 Medium Density Residential area (maximum height of 8.5m) and proposed business park (maximum height of 12.5m) will also ensure that the amenity of the surrounding residential areas is not compromised.

**SECTION D – STATE AND COMMONWEALTH INTERESTS**

**(10) Is there adequate public infrastructure for the planning proposal?**

The deferred areas in this Planning Proposal are located in established areas which are already serviced by infrastructure and services.

The lands in Glossop Street and Chapel Street in St Marys which are proposed to be zoned R3 Medium Density Residential are within walking distance (800m-1km) of St Marys Railway Station and St Marys Town Centre. The proposed B7 Business Park zone in Werrington is well serviced by road and rail infrastructure, notably the Great Western Highway, M4 Motorway and Werrington Railway Station.

The proposed additional properties within the Hornseywood Heritage Conservation Area do not generate the need for additional infrastructure.

**(11) What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?**

As part of the preparation of a City-wide LEP for Penrith, public authority consultation was undertaken in in December 2011 and as part of the public exhibition of Stage 2 of Penrith LEP 2010 in May-July 2013.

Agencies and other authorities were further consulted as part of the exhibition of this Planning Proposal and included:

- Liverpool, Blacktown, Hawkesbury, Fairfield, Camden, Wollondilly & Blue Mountains Councils
- Roads and Maritime Services
- Transport for NSW
- State Transit Authority
- ComfortDelgro Cabcharge Pty Ltd (Westbus)
- Blue Mountains Bus Co
- Department of Infrastructure and Regional Development

- Sydney Trains
- Office of Water within the Office of Primary Industries
- NSW Office of Water – Penrith Office
- Hawkesbury River County Council
- Environment and Spatial Information, NSW Maritime
- Department of Trade and Investment, Regional Infrastructure and Services
- Corrective Services NSW
- Waste Assets Management Corporation
- Sydney Water
- Energy Australia
- Origin Energy
- Endeavour Energy
- Strategic Forecasting Manager Telstra Operations
- Optus
- AGL
- Department of Education & Communities
- Deerubbin Local Aboriginal Land Council
- Ms Fiona Scott MP, Member for Lindsay
- Ms Michelle Rowland MP, Member for Greenway
- Mr Chris Hayes MP, Member for Fowler,
- Mrs Tanya Davies MP, Member for Mulgoa
- The Hon Stuart Ayres MP, Member for Penrith
- Ms Prue Ann Carr MP, Member for Londonderry
- Mr Kevin Connolly MP, Member for Riverstone
- Ms Trish Doyle MP, Member for Blue Mountains.
- Office of Environment and Heritage, NSW Heritage (Head Office)
- Office of Environment and Heritage, Heritage Branch
- Sydney Catchment Authority
- Western Sydney Parklands Trust
- SITA Environmental Solutions
- NSW Land and Property Information
- UrbanGrowth NSW
- Department of Ageing, Disability and Home Care
- NSW Department of Health
- The Hon Jillian Skinner MP, Minister for Health
- Wentworth Area Health Service
- Western Sydney Local Health District
- Nepean Blue Mountains Local Health District
- NSW Aboriginal Land Council
- Office of Strategic Lands
- Department of Premier and Cabinet
- Fire and Rescue NSW
- NSW Rural Fire Service
- NSW State Emergency Service
- The Hon Chris Bowen MP, Member for McMahon
- Hon Ed Husic MP, Member for Chifley
- Mrs Louise Markus MP, Member for Macquarie
- Mr Chris Patterson MP, Member for Camden
- Dr High McDermott MP, Member for Prospect

The views of the State and Commonwealth Public Authorities consulted are detailed in the Discussion Paper, and attached as Appendix 3 to this Planning Proposal.

## Part 4 – Mapping

---

This Planning Proposal is seeking to amend a number of the Penrith LEP 2010 maps and include:

- Land Application Map
- Clause Application Map
- Land Zoning Map
- Height of Buildings Map
- Lot Size Map
- Heritage Map
- Land Reservation Acquisition Map

The proposed maps are included in **Appendix 2: Maps** to this Planning Proposal.

## Part 5 – Community Consultation

---

Council took an extensive program of consultation during the 4 week exhibition period of the Planning Proposal, which took place from Monday 27 July 2015 until Monday 24 August 2015. The exhibition provided an opportunity for property owners, tenants and public authorities to have their say on the Planning Proposal.

A variety of methods were used to engage and invite feedback from as many affected people in the community as possible. Methods used included:

- a) Advertisements in relevant newspapers;
- b) Weekly advertisements in the Western Weekender;
- c) On the Penrith City Council website;
- d) In writing to adjoining landowners advising of the exhibition and how to make a submission;
- e) Fact sheets available at exhibition venues highlighting the key features of the Planning Proposal, the closing date for the exhibition and how to make a submission; and
- f) In writing to the relevant public authorities.

A number of supporting documents were also exhibited with the Planning Proposal to assist in understanding the planning documents. The supporting documents include:

- Gateway Determination.
- Penrith LEP 2010 (written instrument and accompanying maps).
- Penrith Development Control Plan 2014.
- A full list of relevant State Government policies, plans and directions, which have been taken into account when developing the Planning Proposal.
- Penrith Heritage Study (2007).
- WELL Precinct Strategy (2004) and supporting WELL Precinct studies.

Council staff were available to answer queries during the exhibition period. In addition, a dedicated email ([cityplanningteam@penrithcity.nsw.gov.au](mailto:cityplanningteam@penrithcity.nsw.gov.au)) was also used for community enquiries.

### ***Newspaper Notification***

Weekly notification articles were placed in the Western Weekender to notify residents of the exhibition of the Planning Proposal, where to find information, how to lodge a submission and Council's contact details.

### ***Notification Letters***

Notification letters were mailed to property owners, tenants and public authorities. In total, letters were sent to 62 public authorities, approximately 1,600 adjoining landowners and tenants, as well as approximately 180 affected landowners and tenants inviting them to participate in the exhibition of the Planning Proposal and have their say. The notification letters included information on where to find additional information and how to lodge a submission.

### ***Online Information***

The Planning Proposal was exhibited in Council's website. The exhibition page provided the opportunity for people to access information online at their convenience and included the Planning Proposal, applicable LEP maps, a fact sheet and supporting information.

### **Information Posts**

The Planning Proposal, maps, the fact sheet and supporting information were available to view at the following locations:

- **Penrith Civic Centre**, Penrith: 601 High Street, Penrith (Monday to Friday, 8.30am – 4pm);
- **St Marys Office**, Queen Street Centre, St Marys: 207-209 Queen Street, St Marys (Monday – Friday, 8.30am – 4pm);
- **Penrith City Library**, 601 High Street, Penrith (Monday – Friday, 9am – 8pm; Saturday 9am – 5pm; and Sunday 10am – 5pm).
- **St Marys Library**, 207-209 Queen Street, St Marys (Monday – Thursday 9am – 8pm; Friday 9am – 5.30pm; Saturday 9am – 5pm and Sunday 10am – 5pm).

Planning Officers were available for face to face community consultation at Penrith Civic Centre during the exhibition period.

### **Consultation Outcomes**

The consultation program for the Planning Proposal was successful with many enquiries and submissions made through the opportunities provided. Table 4 below provides a summary of the submissions received:

**Table 4: Submission Summary**

<b>Submission Summary</b>	
<b>Type of Submission</b>	<b>Number</b>
Glossop Street Precinct, St Marys	13
Werrington Business Park and Werrington Signals Site	3
Hornseywood Conservation Area	0
Road widening	0
Other	0
<b>Community Submissions</b>	<b>16</b>
Public Authority Submissions	13
<b>Total</b>	<b>29</b>

Detailed information on each submission in the discussion paper which has been included in **Appendix 3**.

## Part 6 – Project Timeline

---

The following timeline is proposed and is based on the estimated timeframe in which the Planning Proposal is expected to be finalised. It should be noted that the timeframe is also reliant on the State Government's commitment to publish the Plan within their timeframes.

Milestone	Timeframe
Date of Gateway Determination	18 May 2015
Anticipated timeframe for completion of required technical information	N/A
Timeframe for government agency consultation (pre and post exhibition as required by Gateway)	27 July 2015 to 24 August 2015 <i>Concurrent with public exhibition</i>
Commencement and completion dates for public exhibition period	27 July 2015 to 24 August 2015
Timeframe for consideration of submissions	August 2015 – January 2016
Timeframe for consideration of a proposal post – exhibition	August 2015 – May 2016
Council Report to seek Council's endorsement	May & July 2016
Date of submission to the DP&E to finalise the LEP	August 2016
Anticipated date relevant planning authority (RPA) will forward to the Department for notification	September 2016



## Conclusion

---

This Planning Proposal has been prepared to enable further community consultation on the deferred matters from Penrith LEP 2010 and their subsequent inclusion into the LEP.

The Planning Proposal has been prepared in accordance with Section 55 of the Act and relevant DP&E guidelines, including “*A guide to preparing local environmental plans*” and “*A guide to preparing planning proposals*”.

The Planning Proposal is consistent with the current strategic planning framework, including:

- Regional and subregional strategies
- Council’s community strategic plan
- Applicable State Environmental Planning Policies (including deemed SEPPs)
- Applicable Ministerial Directions (S.117 Directions).

The Planning Proposal also demonstrates that the proposed changes will not result in any significant adverse environmental, social or economic impacts. The deferred areas in Werrington and St Marys are within established areas in the City which have already been zoned for urban purposes. Therefore, the impacts are considered minimal.

There is also adequate public infrastructure to cater for the additional development which is likely to result from the proposed changes, particularly in St Marys and Werrington. The areas are well serviced by public transport, roads, and other services as well as health and education facilities.

## Appendix 1 – Gateway Determination

---



Mr Alan Stoneham  
General Manager  
Penrith City Council  
PO Box 60  
Penrith NSW 2751

Attention: Mr Craig Butler

Dear Mr Stoneham

**Planning Proposal to resolve deferred matters from Penrith Local Environmental Plan 2010 (Amendment 4).**

I am writing in response to Council's request for a Gateway Determination under section 56 of the *Environmental Planning and Assessment Act 1979* ("EP&A Act") to amend the Penrith Local Environmental Plan 2010 and resolve a number of deferred matters. The deferred matters include:

- insertion of additional properties in Hornseywood Heritage Conservation Area;
- identifying land for acquisition by Roads and Maritime Services;
- rezoning of part of the Glossop Street, St Marys Precinct;
- rezoning of the Werrington Business Park and insertion of a local clause to manage warehouse and distribution centres in the B7 Business Park zoned land in Werrington; and
- proposed change of zone in the 'Werrington Signals Site' to R3 Medium Density Residential.

As delegate of the Minister for Planning, I have now determined that the planning proposal should proceed subject to the conditions in the attached Gateway Determination. The proposed rezoning of the 'Werrington Signals Site' should proceed concurrently subject to further assessment and justification against relevant Section 117 Directions and *A Plan for Growing Sydney*.

Council is to be aware the proposed local clause to manage warehouse and distribution centres in the B7 Business Park zoned land in Werrington has not been agreed to by Legal Services Branch or Parliamentary Counsel. The wording of this proposed clause may change through the drafting process.

Council is to ensure that the exhibition material clearly identifies the intended planning outcomes, and means to achieve the intended planning outcomes, including Local Environmental Plan maps suitable for exhibition, if necessary.

The Gateway Determination requires that the planning proposal be made publicly available for a minimum period of 28 days. Under section 57(2) of the Act, I am satisfied that the planning proposal, when amended as required by the Gateway Determination, is in a form that can be made available for community consultation.

The amending Local Environmental Plan (LEP) is to be finalised within nine (9) months of the week following the date of the Gateway Determination. Council should aim to commence the exhibition of the Planning Proposal within four (4) weeks from the week following this determination. Council's request for the Department to draft and finalise the LEP should be made six (6) weeks prior to the projected publication date.

The State Government is committed to reducing the time taken to complete LEPs by tailoring the steps in the process to the complexity of the proposal, and by providing clear and publicly available justification for each plan at an early stage. In order to meet these commitments, the Minister may take action under s54(2)(d) of the EP&A Act if the time frames outlined in this determination are not met.

Should you have any queries in regard to this matter, please contact Tessa Parmeter, of the Metropolitan (Parramatta) Office of the Department of Planning and Environment on 9860 1555.

Yours sincerely



Simon Manoski  
Acting General Manager, Metropolitan  
Planning Services



## Gateway Determination

**Planning Proposal (Department Ref: PP\_2015\_PENRI\_001\_00):** to resolve deferred matters from Penrith Local Environmental Plan (Amendment 4) including insertion of additional properties in Hornseywood Heritage Conservation Area, identifying land for acquisition by Roads and Maritime Services, rezoning of part of the Glossop Street, St Marys Precinct, rezoning of the Werrington Business Park to B7 Business Park zone and insertion of a local clause to manage warehouse and distribution centres in the B7 Business Park zoned land in Werrington, and the proposed zoning of the 'Werrington Signals Site' to zone R3 Medium Density Residential.

I, the Acting General Manager, Metropolitan, Planning Services, as delegate of the Minister for Planning, have determined under section 56(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the *Penrith Local Environmental Plan 2010* should proceed subject to the following conditions:

1. Prior to exhibition of the proposed rezoning of the Werrington Signals Site to R3 Medium Density Residential, the proposal be assessed against the following:
  - a. Section 117 Direction 1.1 – Business and Industrial Zones;
  - b. Section 117 Direction 3.1 – Residential Zones;
  - c. Section 117 Direction 7.1 – A Plan for Growing Sydney; and
  - d. *A Plan for Growing Sydney*
2. Community consultation is required under sections 56(2)(c) and 57 of the Act as follows:
  - (a) the planning proposal must be made publicly available for a minimum of **28 days**; and
  - (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in Section 5.5.2 of *A Guide to Preparing Local Environmental Plans* (Department of Planning & Infrastructure 2013).
3. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
4. The timeframe for completing the LEP is to be **9 months** from the week following the date of the Gateway determination.

Dated 18<sup>th</sup> day of May 2015.

**Simon Manoski**  
Acting General Manager  
Metropolitan, Planning Services

**Delegate of the Minister for Planning**

## Appendix 2 – Maps





---

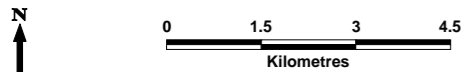
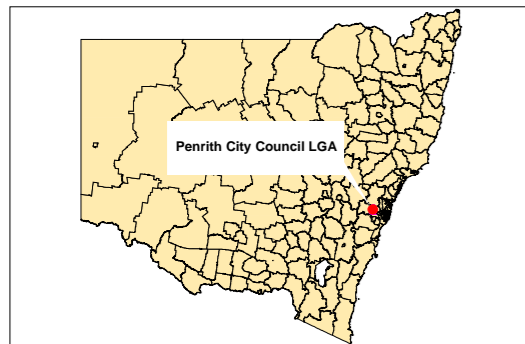
The following maps are proposed to be amended by this Planning Proposal:

- Land Application Map
- Clause Application Map
- Land Zoning Map
- Height of Buildings Map
- Lot Size Map
- Heritage Map
- Land Reservation Acquisition Map



## Land Application Map - Sheet LAP\_001

-  LGA Boundary
- LEP Land Application**
  -  Included
  -  Deferred Matter
- Cadastre**
  -  Cadastre 25/05/2015 @ Penrith City Council

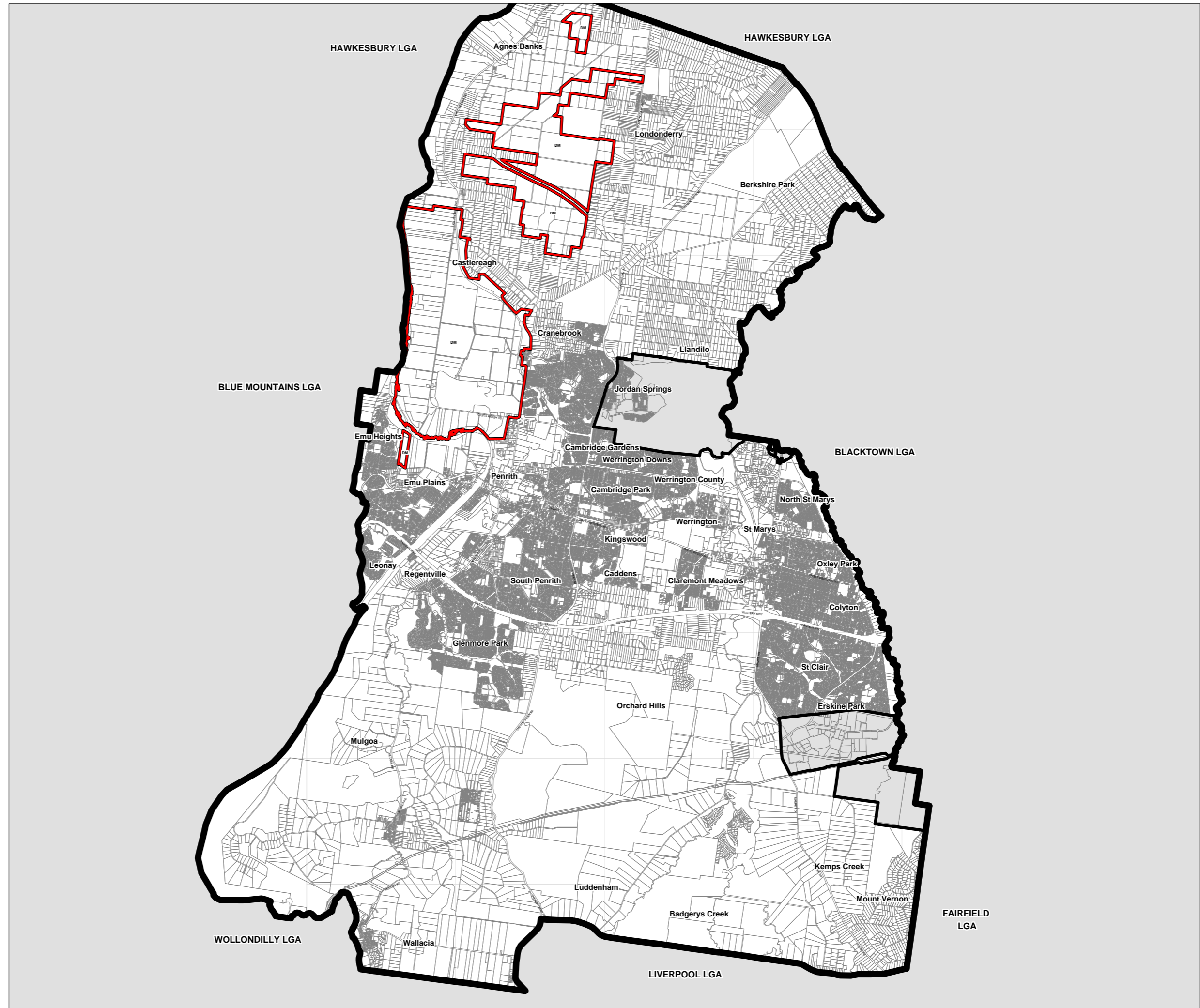


Projection: GDA 1994  
MGA Zone 56

Scale: 1:120,000 @ A3

File Number:

6350\_COM\_LAP\_001\_120\_20150527



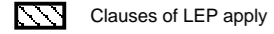


Clause Application Map -  
Sheet CAP\_002

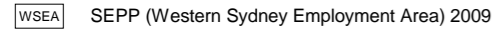


LGA Boundary

**LEP Land Application**



Clauses of LEP apply

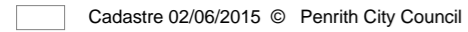


SEPP (Western Sydney Employment Area) 2009

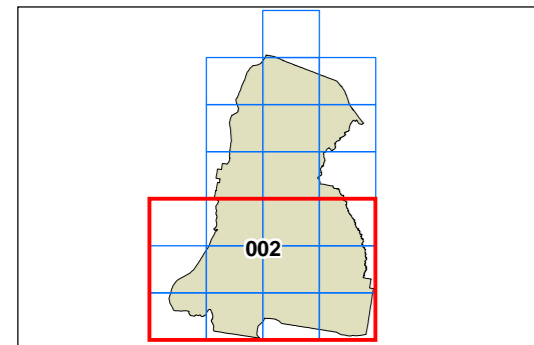


SREP No. 30 - St Marys

**Cadastre**

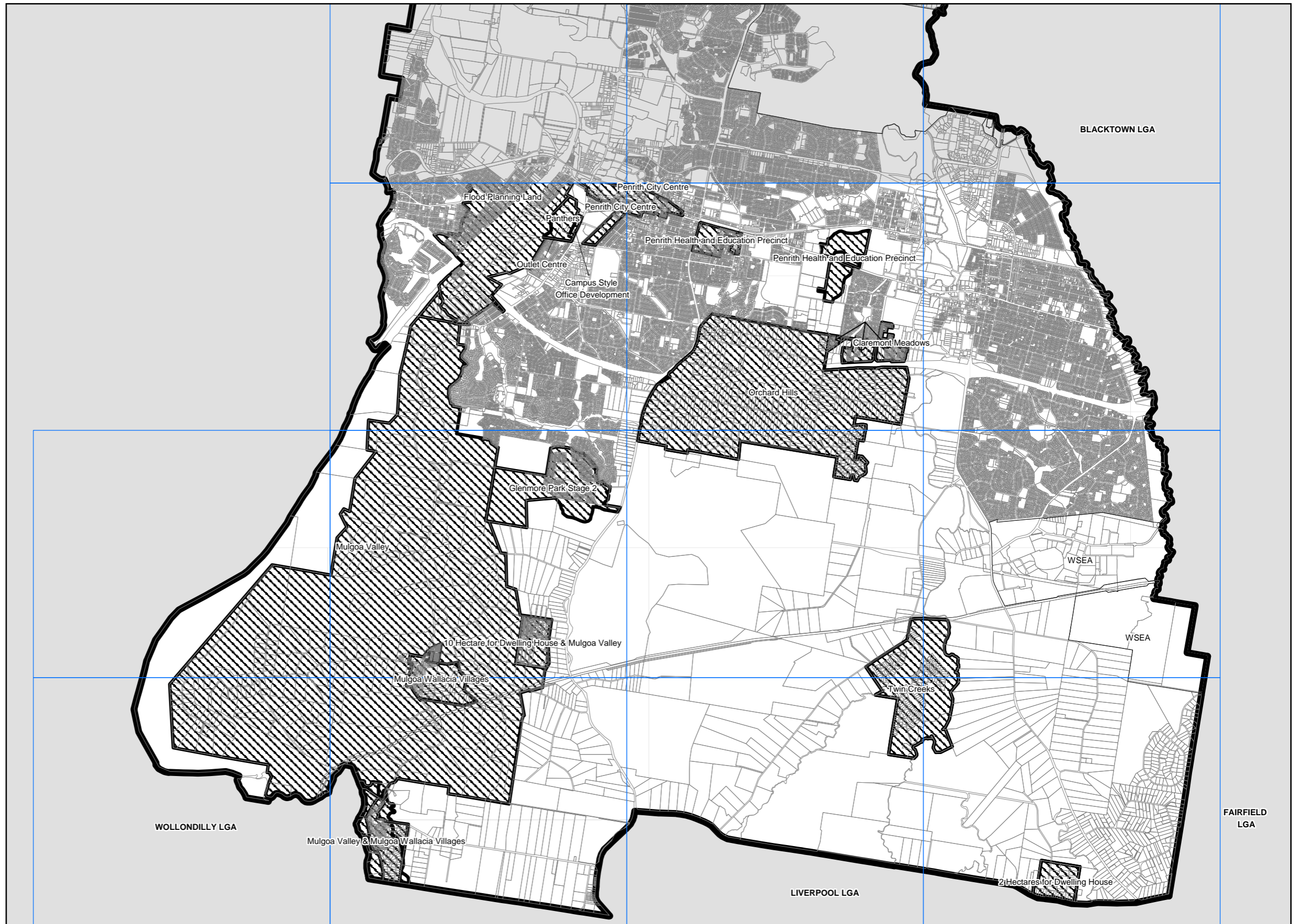


Cadastre 02/06/2015 © Penrith City Council



Projection: GDA 1994  
MGA Zone 56

Scale: 1:80,000 @ A3



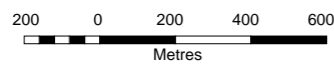
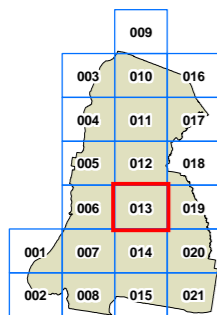


**Zone**

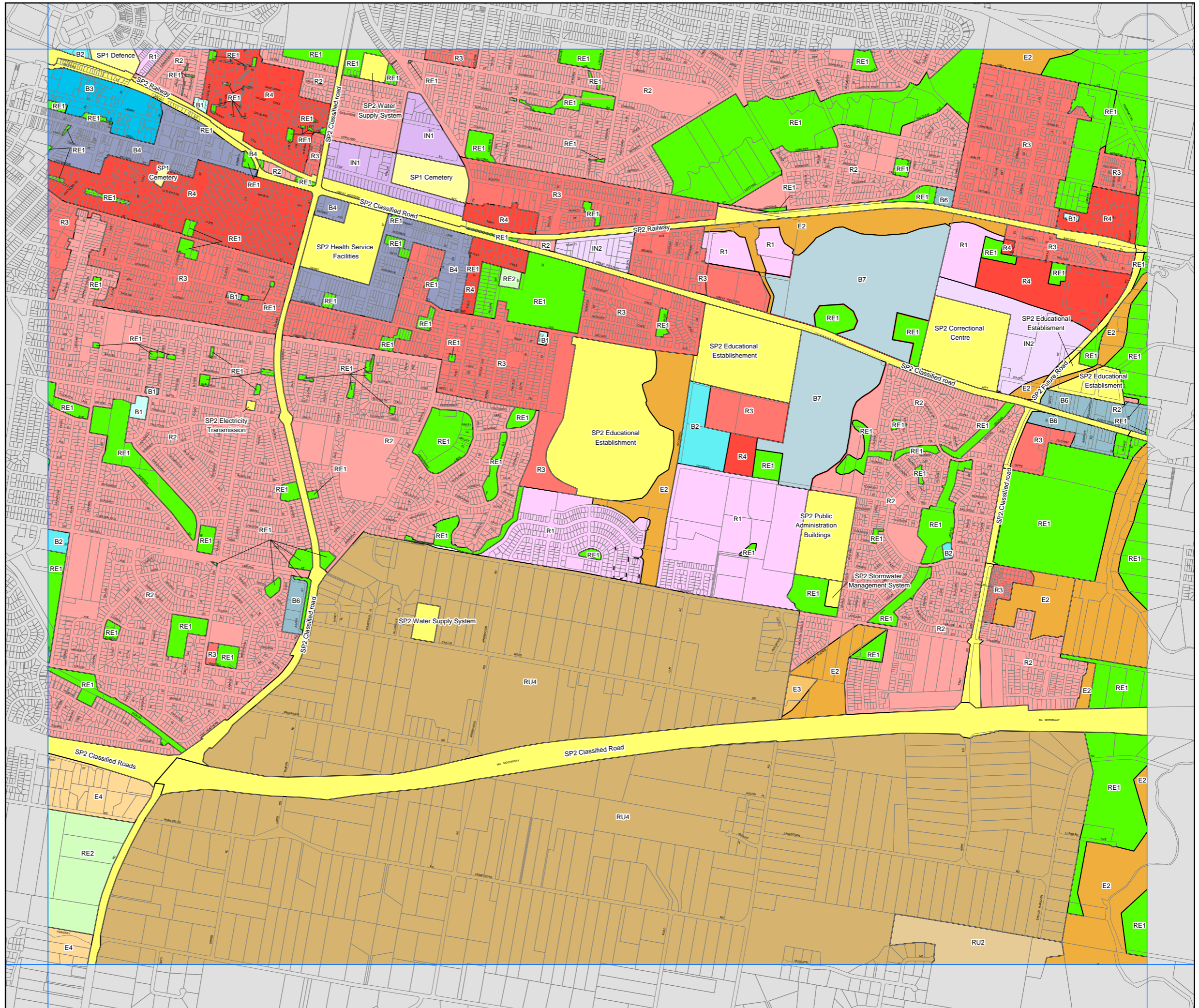
- B1 Neighbourhood Centre
- B2 Local Centre
- B3 Commercial Core
- B4 Mixed Use
- B5 Business development
- B6 Enterprise Corridor
- B7 Business Park
- E1 National Parks and Nature Reserves
- E2 Environmental Conservation
- E3 Environmental Management
- E4 Environmental Living
- IN1 General Industrial
- IN2 Light Industrial
- R1 General Residential
- R2 Low Density Residential
- R3 Medium Density Residential
- R4 High Density Residential
- R5 Large Lot Residential
- RE1 Public Recreation
- RE2 Private Recreation
- RU1 Primary Production
- RU2 Rural Landscape
- RU4 Primary Production Small Lots
- RU5 Village
- SP1 Special Activities
- SP2 Infrastructure
- SP3 Tourist
- W1 Natural Waterways
- W2 Recreational Waterways
- DM Deferred Matter
- WSEA SEPP (Western Sydney Employment Area) 2009
- SM SREP No. 30 - St Marys

**Cadastre**

Cadastre 21/06/2016 © Penrith City Council



Projection: GDA 1994  
MGA Zone 56  
Scale: 1:20,000 @ A3





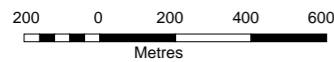
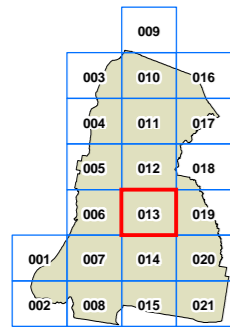
**Height of Buildings Map -  
Sheet HOB\_013**

**Maximum Building Height (m)**

- A 0
  - C 5
  - I 8.5
  - J 9
  - K 10
  - M1 12
  - M2 12.5
  - O 15
  - P 18
  - Q1 19
  - Q2 20
  - R 21
  - S 24
  - T 27
  - U 32
  - Z 56
  - AB 80
- Refer to Clause 7.17 and 7.19

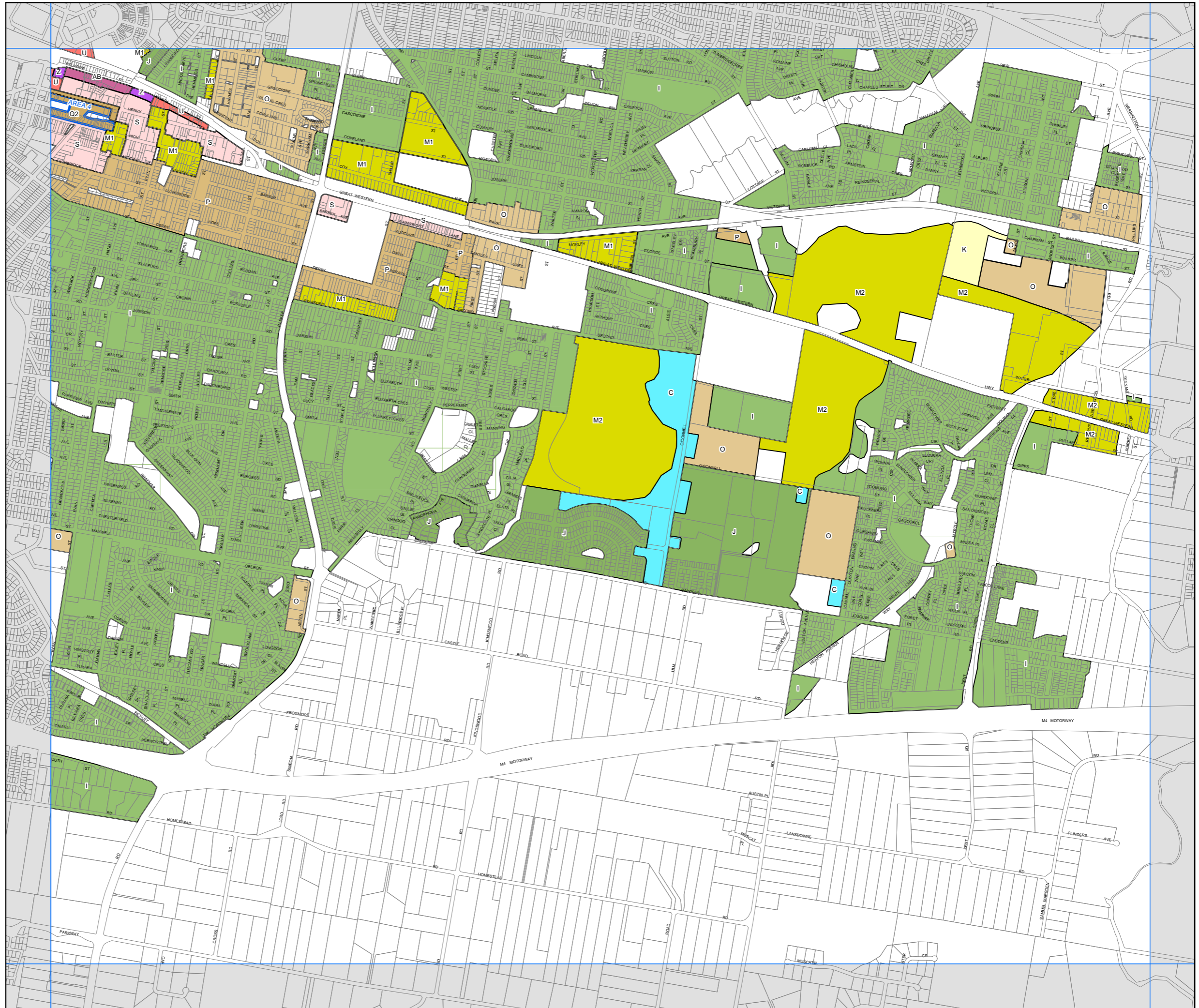
**Cadastre**

Cadastre 21/06/2016 © Penrith City Council







Projection: GDA 1994  
MGA Zone 56


Scale: 1:20,000 @ A3

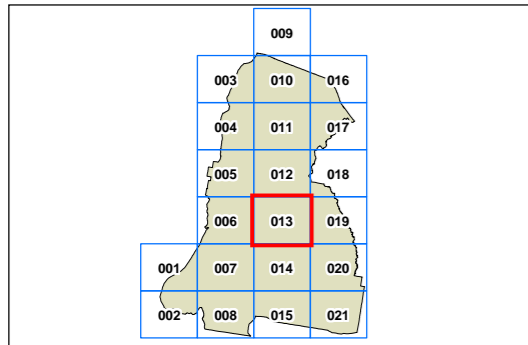
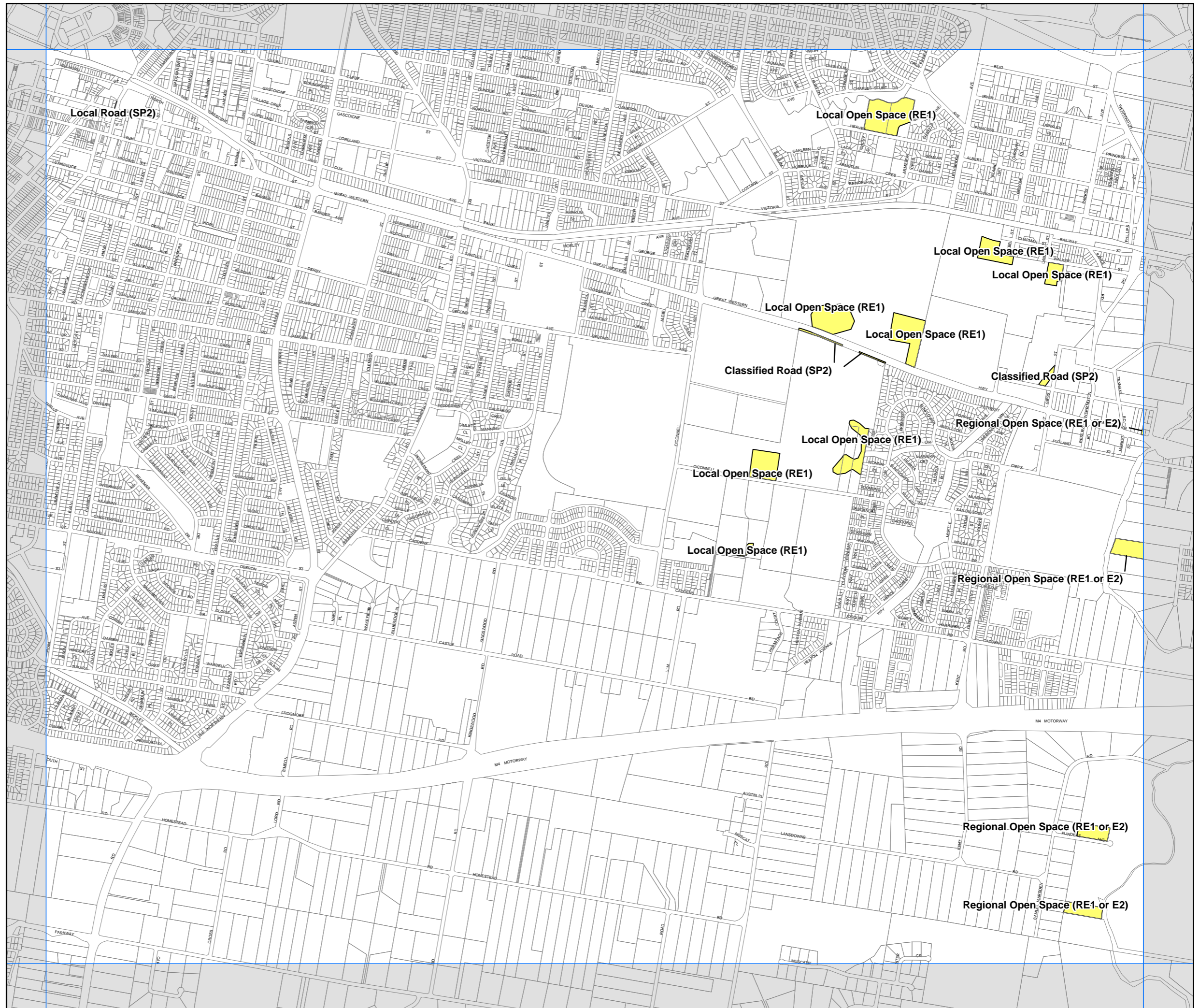




**Land Reservation  
Acquisition Map - Sheet LRA\_013**

-  Classified road (SP2)
-  Local road (SP2)
-  Regional open space (RE1) or (E2)
-  Local open space (RE1)

**Cadastre**  
 Cadastre 16/09/2015 © Penrith City Council



200 0 200 400 600  
Metres




Scale: 1:20,000 @ A3

Projection: GDA 1994  
MGA Zone 56




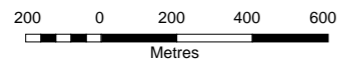
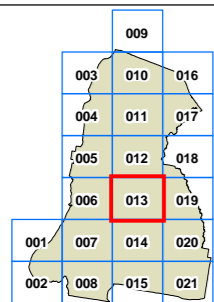
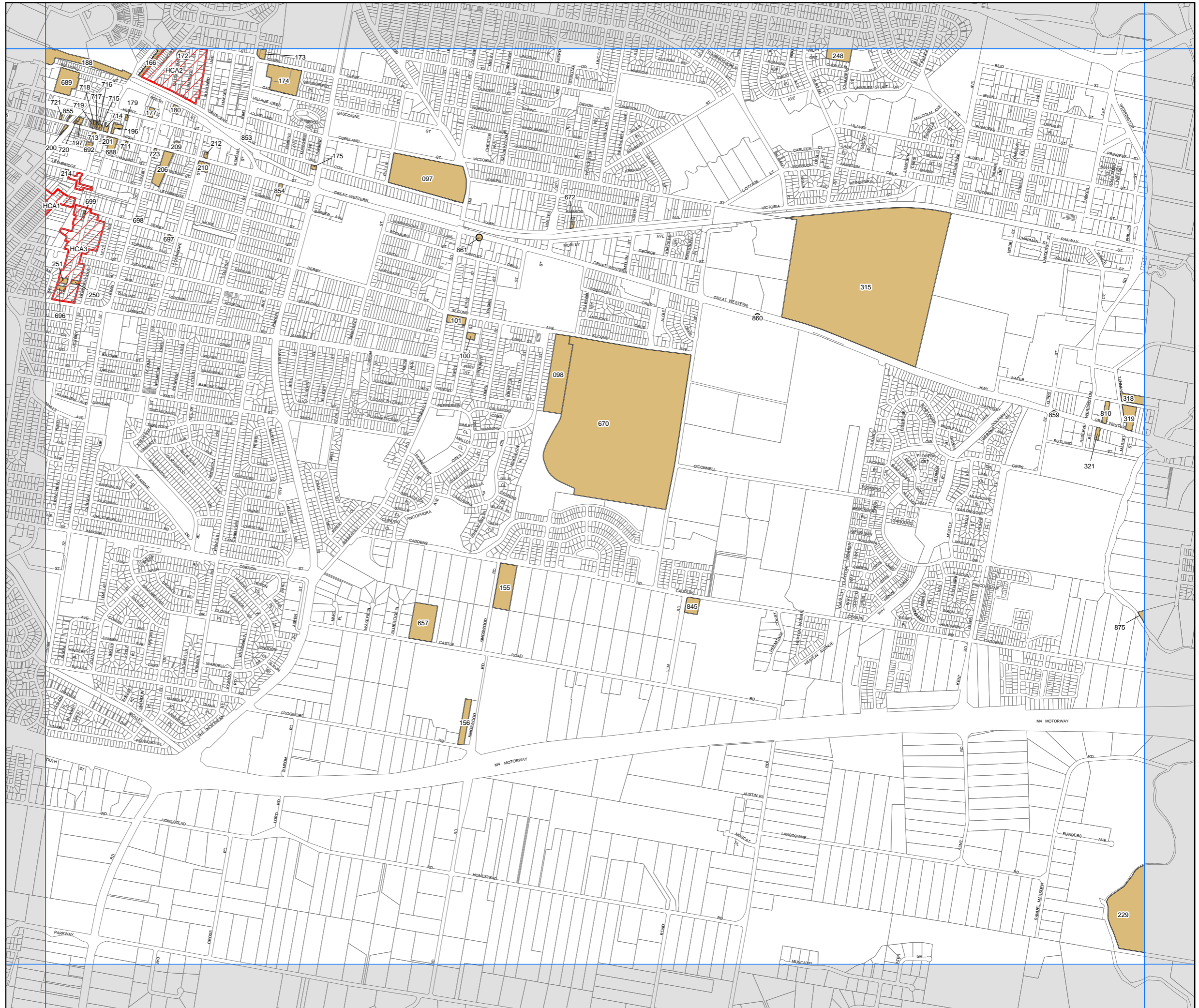
Heritage Map - Sheet HER\_013

**Heritage**

-  Conservation Area - General
-  Item - General
-  Item - Archaeological

**Cadastre**

-  Cadastre 25/05/2015 © Penrith City Council



Projection: GDA 1994 MGA Zone 56 Scale: 1:20,000 @ A3

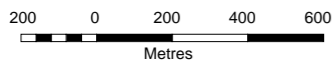
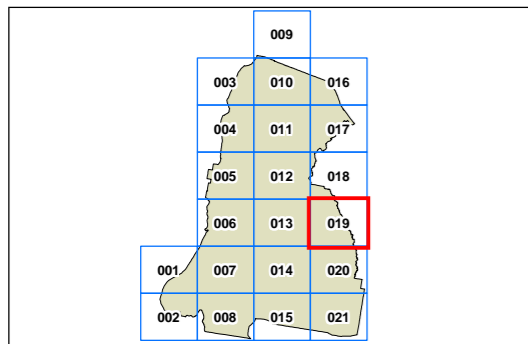


**Zone**

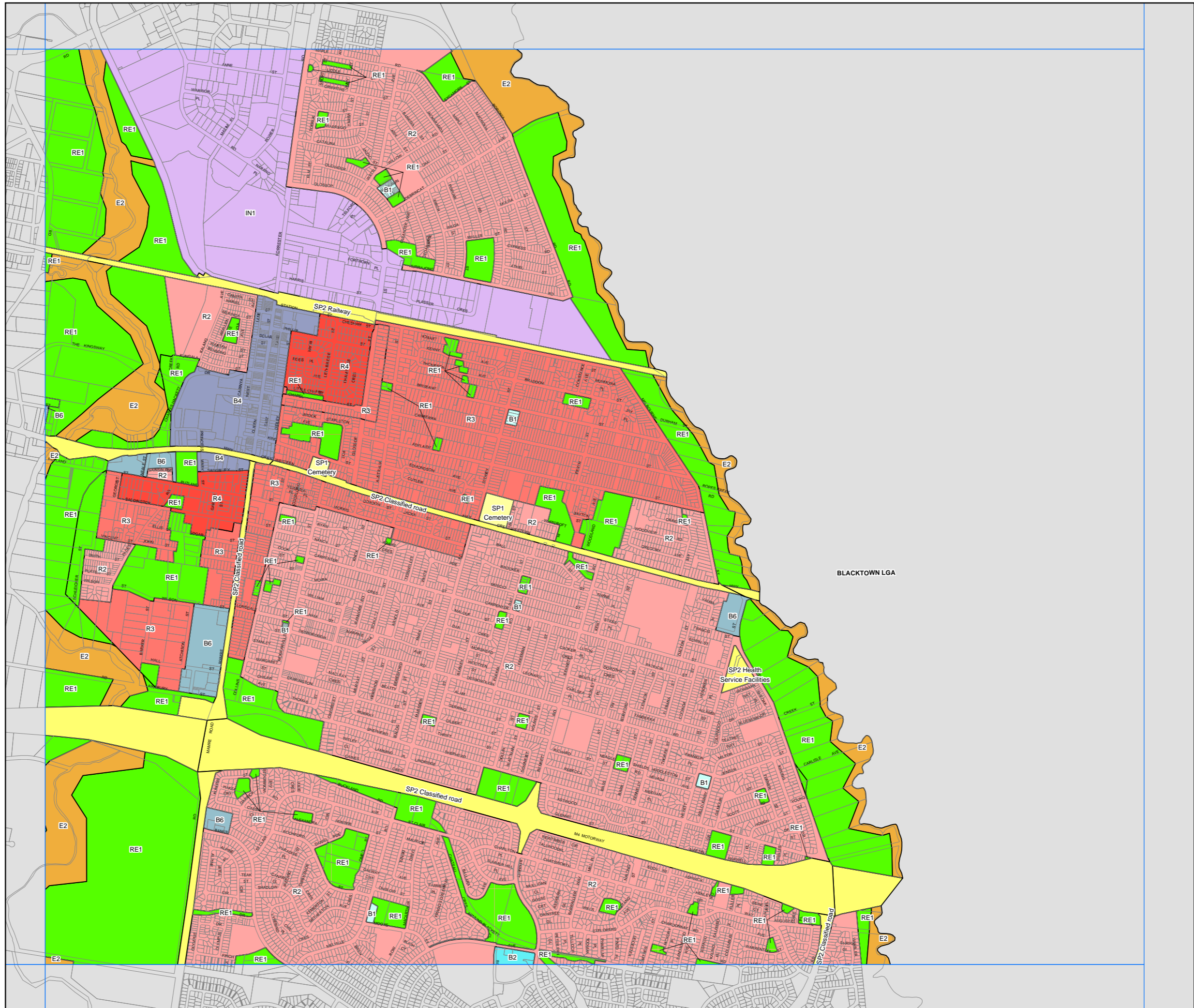
- B1 Neighbourhood Centre
- B2 Local Centre
- B3 Commercial Core
- B4 Mixed Use
- B5 Business development
- B6 Enterprise Corridor
- B7 Business Park
- E1 National Parks and Nature Reserves
- E2 Environmental Conservation
- E3 Environmental Management
- E4 Environmental Living
- IN1 General Industrial
- IN2 Light Industrial
- R1 General Residential
- R2 Low Density Residential
- R3 Medium Density Residential
- R4 High Density Residential
- R5 Large Lot Residential
- RE1 Public Recreation
- RE2 Private Recreation
- RU1 Primary Production
- RU2 Rural Landscape
- RU4 Primary Production Small Lots
- RU5 Village
- SP1 Special Activities
- SP2 Infrastructure
- SP3 Tourist
- W1 Natural Waterways
- W2 Recreational Waterways
- DM Deferred Matter
- WSEA SEPP (Western Sydney Employment Area) 2009
- SM SREP No. 30 - St Marys

**Cadastre**

- Cadastre 25/05/2015 © Penrith City Council



Scale: 1:20,000 @ A3





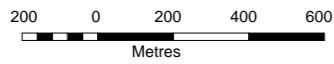
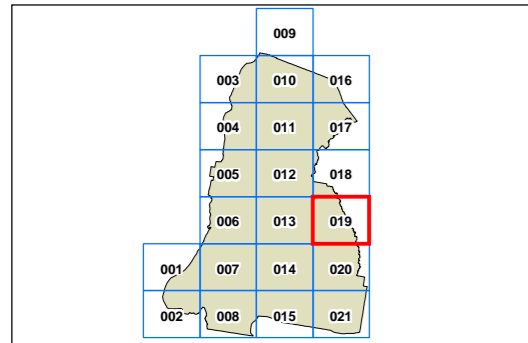
## Lot Size Map - Sheet LSZ\_019

### Minimum Lot Size (sq m)

F	400
G	450
K1	550
K2	560
M	600
R	750
S	800
U1	1000
U2	1200
V	2000
W	4000
X	6000
Y1	10000 (1 ha)
Y2	12500 (1.25 ha)
Z	20000 (2 ha)
AB1	100000 (10 ha)
AB2	200000 (20 ha)
AB3	400000 (40 ha)
AI	1000000 (1000 ha+)
Blue box	Refer to Clause 7.10, 7.12 & 7.17

### Cadastral

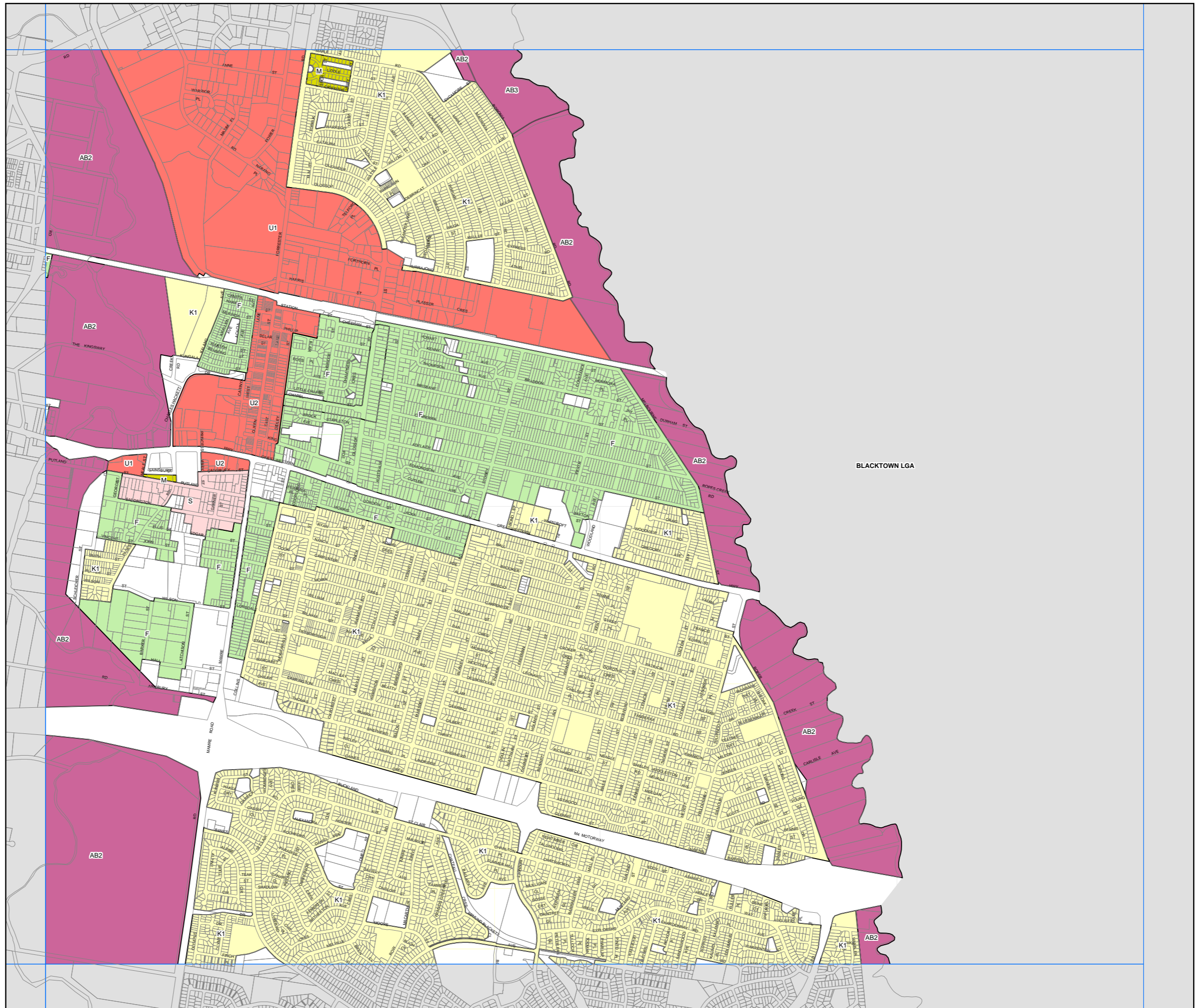
White box: Cadastral 25/05/2015 © Penrith City Council



Scale: 1:20,000 @ A3

Projection: GDA 1994  
MGA Zone 56

Map identification number:  
6350\_COM\_LSZ\_019\_020\_20150527



BLACKTOWN LGA



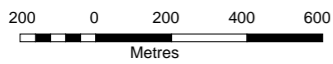
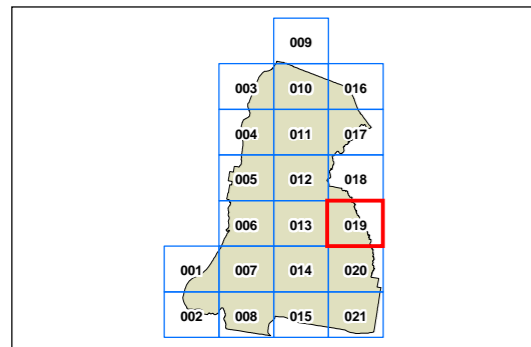
**Height of Buildings Map - Sheet HOB\_019**

**Maximum Building Height (m)**

- A 0
  - C 5
  - I 8.5
  - J 9
  - K 10
  - M1 12
  - M2 12.5
  - O 15
  - P 18
  - Q1 19
  - Q2 20
  - R 21
  - S 24
  - T 27
  - U 32
  - Z 56
  - AB 80
- Refer to Clause 7.17 and 7.19

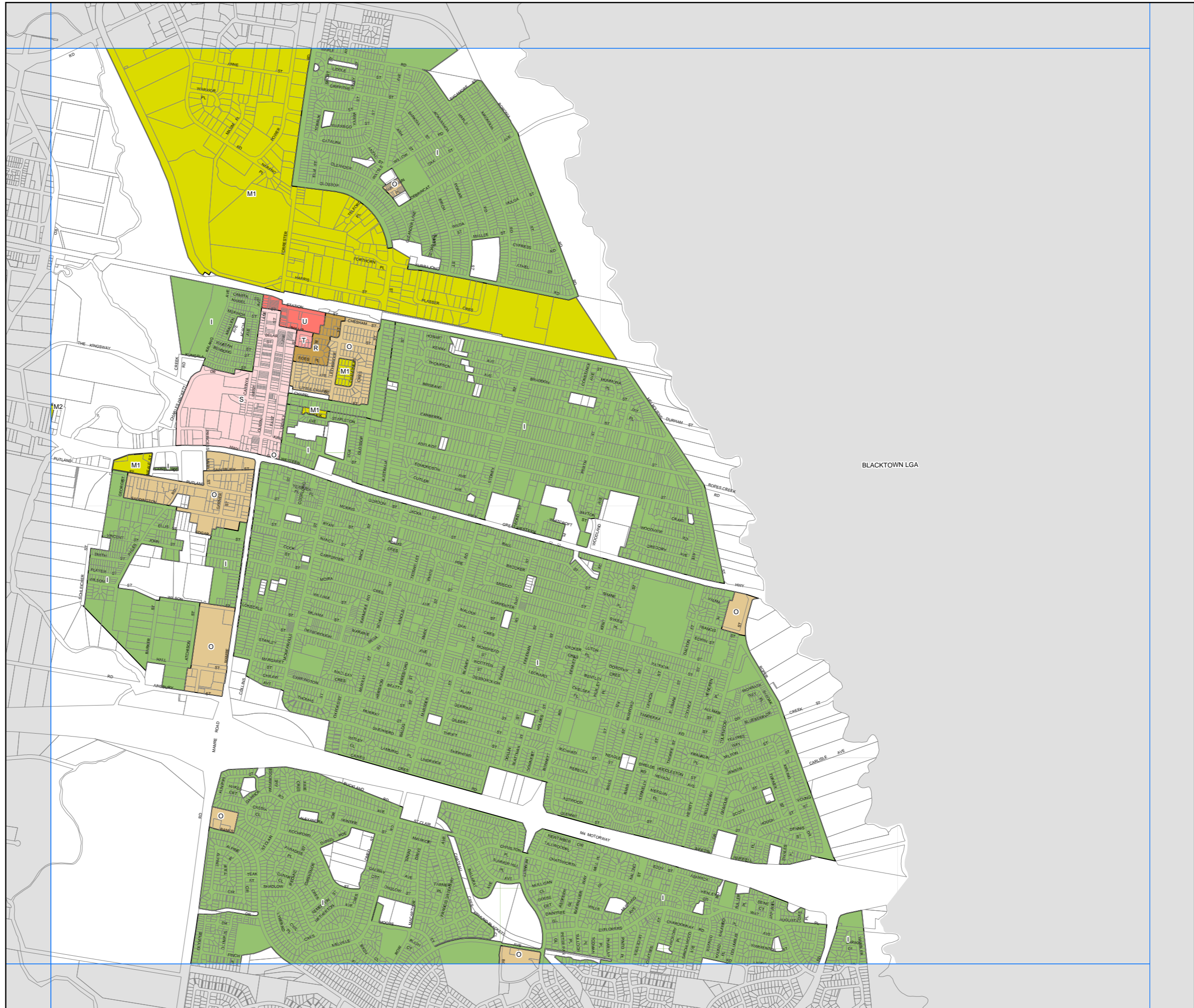
**Cadastre**

Cadastre 25/05/2015 © Penrith City Council



Projection: GDA 1994  
MGA Zone 56

Scale: 1:20,000 @ A3



BLACKTOWN LGA

## Appendix 3 – Discussion Paper

---



PENRITH



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

Discussion Paper

**PENRITH**  
CITY COUNCIL

August 2016

[penrithcity.nsw.gov.au](http://penrithcity.nsw.gov.au)

## Table of Contents

Introduction .....	2
Chapter 1 – Glossop Street Precinct, St Marys .....	3
Submissions – Public Authorities .....	4
Submission No. 26 – Heritage Division, Office of Environment and Heritage .....	4
Submissions – Community .....	4
Submission No. 10, 11, 12, 13, 17, 23 and 24 .....	4
Submission No. 14 .....	5
Submission No. 15 .....	6
Submission No. 18 .....	6
Submission No. 19 .....	8
Submission No. 28 .....	10
Submission No. 29 .....	10
Options .....	11
Recommendations .....	11
Chapter 2 – Werrington Business Park and Werrington Signals Site .....	12
Submissions – Public Authorities .....	13
Submission No. 5 – Department of Primary Industries .....	13
Submission No. 7 – Blue Mountains City Council .....	13
Submission No. 2 and 21 – NSW Rural Fire Service .....	14
Submission No. 26 – Heritage Division, Office of Environment and Heritage .....	14
Submission No. 27 – Transport for NSW .....	14
Submissions – Community .....	15
Submission No. 16 .....	15
Submission No. 20 .....	16
Submission No. 22 .....	22
Options .....	24
Recommendations .....	26
Chapter 3 – Hornseywood Heritage Conservation Area .....	27
Submissions – Public Authorities .....	28
Submission No. 26 - Heritage Division, Office of Environment and Heritage .....	28
Option: .....	28
Recommendation: .....	28
Submissions – Community .....	28
Chapter 4 – Additional Lands required by the Roads and Maritime Services .....	29
Submissions – Public Authorities .....	29

Submissions – Community.....	30
Discussion .....	30
Option: .....	30
Recommendation: .....	30
Chapter 5 – Other Submissions.....	31
Submissions – Public Authorities.....	31
Submission No. 1 – Water NSW .....	31
Submission No. 3 – State Emergency Services (NSW) .....	31
Submission No. 4 – Camden Council .....	31
Submission No. 6 – Department of Industry .....	31
Submission No. 8 – Wollondilly Council.....	31
Submission No. 9 – Fairfield Council .....	31
Submission No. 25 – NSW Health, Nepean Blue Mountains Local Health District.....	31
Submissions – Community .....	32
Options: .....	32
Recommendation: .....	32
Conclusion.....	33



## 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:

- The 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**



## 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.

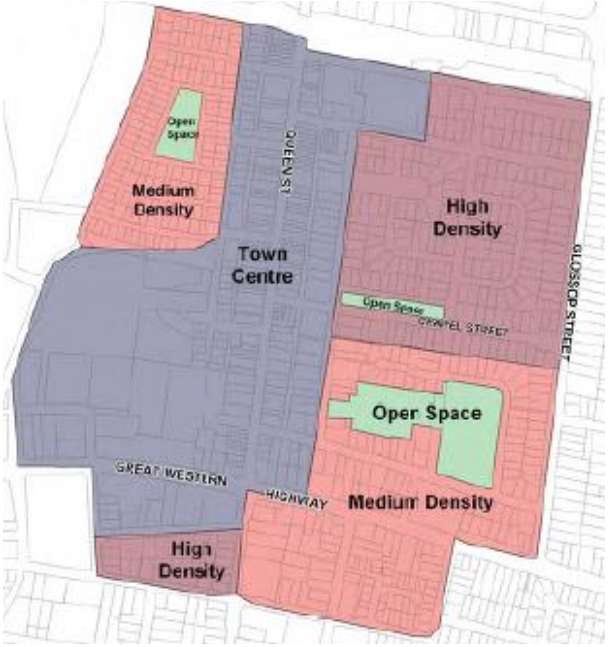
## Submissions – Community

Issue	Discussion
Submission No. 10, 11, 12, 13, 17, 23 and 24	
<ol style="list-style-type: none"> <li>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.</li> <li>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.</li> <li>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</li> </ol>	<ol style="list-style-type: none"> <li>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.</li> <li>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.</li> </ol>



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>
<b>Submission No. 15</b>	
<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>
<b>Submission No. 18</b>	
<p>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.</p> <p>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.</p> <p>3. The property at 25 Australia Street is a large special needs house; it is new and the residents would have their properties overlooked.</p> <p>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</p>	<p>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.</p> <p>2. Overshadowing impacts of future development on 25 Australia Street can be managed at the DA stage.</p> <p>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.</p> <p>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.</p>

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> <ol style="list-style-type: none"> <li>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.</li> <li>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.</li> <li>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.</li> </ol>	<ol style="list-style-type: none"> <li>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.</li> <li>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.</li> </ol> <p><b>Figure 2: Extract from Penrith Urban Study – St Marys Town Centre Precinct</b></p> 

Issue	Discussion
Submission No. 19	
<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>	
<ol style="list-style-type: none"> <li>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.</li> <li>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: <ol 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> </ol> </li> </ol>	<ol style="list-style-type: none"> <li>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).</li> <li>2. The R3 Medium Density Residential zone is appropriate for the site as: <ol 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> </ol> </li> </ol>

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> <p>(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.</p> <p>(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</p>	<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> <p>(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.</p> <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.

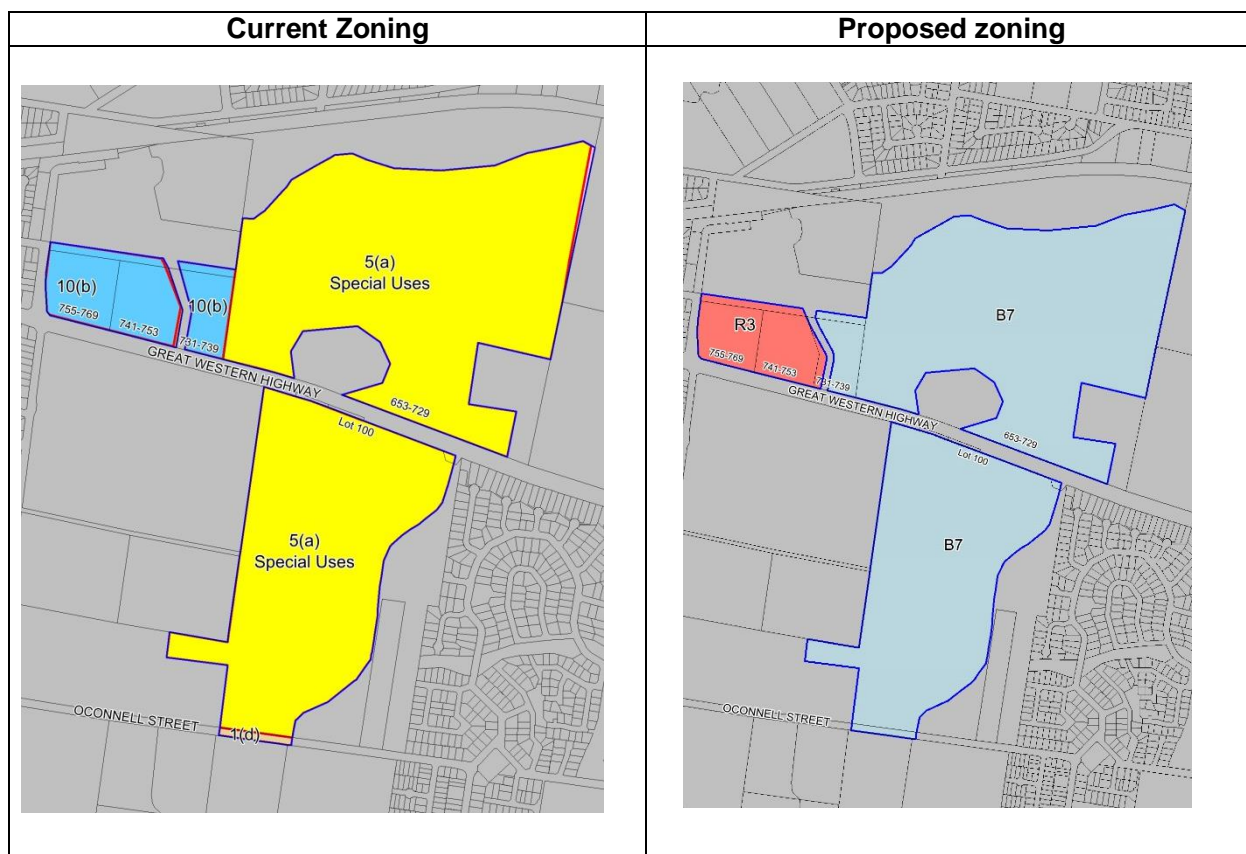
However, Council, at its Ordinary Meeting of 25 November 2013, resolved to delay its decision on the land proposed to be zoned B7 Business Park and to organise a stakeholder meeting involving Council, relevant landowners, the Penrith Business Alliance and representatives from the (then) Department of 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**





## Submissions – Public Authorities

Issue	Discussion
Submission No. 5 – Department of Primary Industries	
<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>
Submission No. 7 – Blue Mountains City Council	
<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
<b>Submission No. 2 and 21 – NSW Rural Fire Service</b>	
<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>
<b>Submission No. 26 – Heritage Division, Office of Environment and Heritage</b>	
<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>
<b>Submission No. 27 – Transport for NSW</b>	
<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 Western Sydney Infrastructure Plan 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 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	
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>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> <ol style="list-style-type: none"> <li>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.</li> <li>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.</li> <li>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.</li> </ol>	<ol style="list-style-type: none"> <li>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.</li> <li>3. The need for a northern sports field and passive recreation opportunities is noted. However, this is outside the scope of this Planning Proposal.</li> <li>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.</li> </ol>

#### Submission No. 20

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. The submission has suggested the following changes be made through the Planning Proposal:

#### Issue:

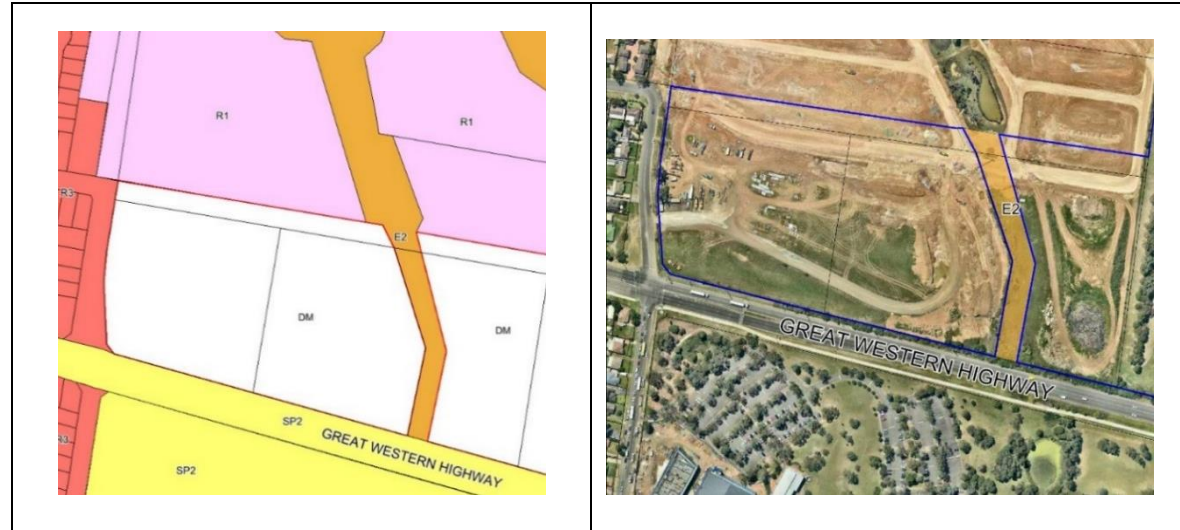
1. **Amend the zone boundaries to realign the E2 Environmental Conservation Corridor:** The submission has stated that there is a misalignment between the existing watercourse and the E2 Environmental Conservation zone along the southern part of the site which diverts to the west whilst the drainage 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.

#### Discussion:

**Issue****Discussion**

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&E. The misalignment of the E2 Environmental Conservation corridor is illustrated in Figure 4.

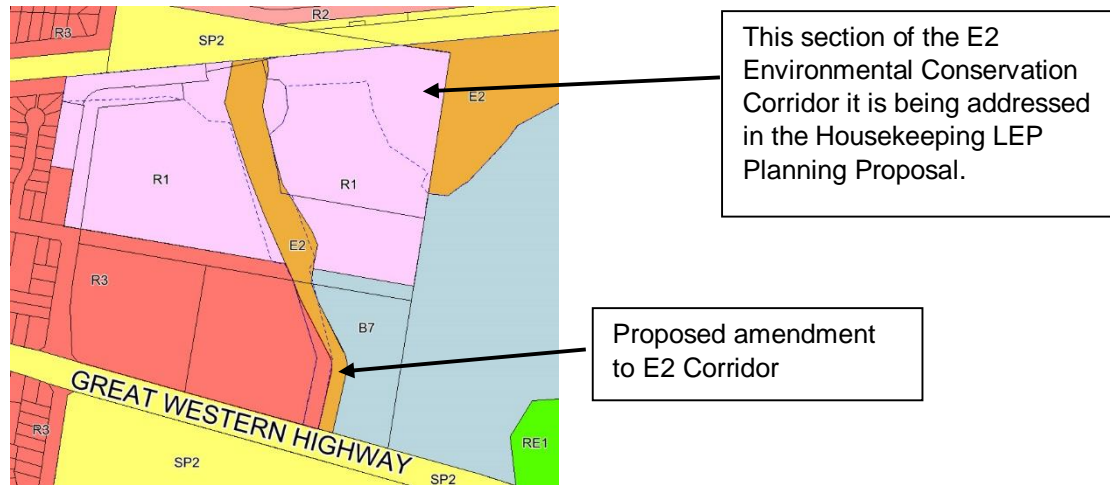
**Figure 4: Misalignment of the E2 Environmental Conservation zone**



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
-------	------------

**Figure 5: Proposed zoning of the Werrington Signals Site showing the amended E2 Environmental Conservation Corridor**



- 2. Delete the 400m<sup>2</sup> Minimum Lot Size:** 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.

**Discussion:**

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.

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.

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



Issue	Discussion
-------	------------

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.

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.

- 3. Increase the maximum building height to 12.5m:** 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.

**Figure 6: Suggested location for an increased building height opportunity**



**Discussion:**

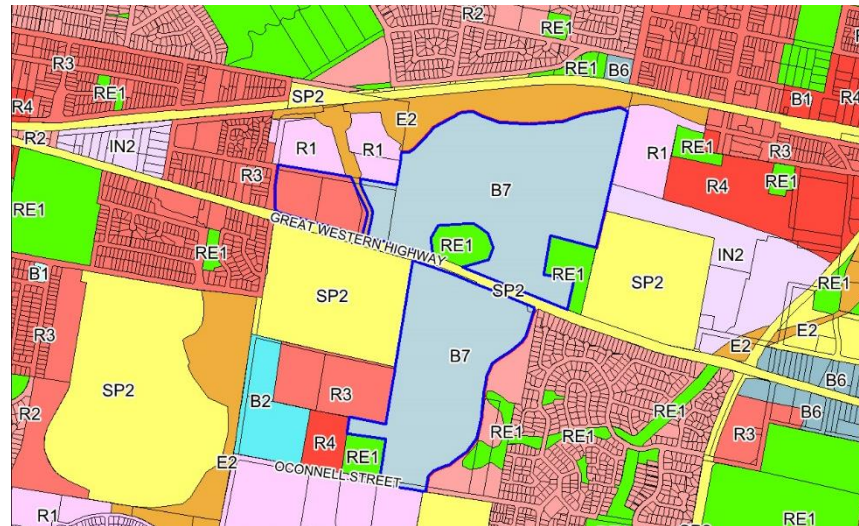
To achieve the objectives of the R3 Medium Density Residential zone, a maximum building height of 8.5m has been applied. The types of residential accommodation permitted in the zone include dwelling houses, multi dwelling housing (i.e. townhouses) and seniors housing. These uses do not warrant a greater 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.



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></p> <p>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
-------	------------

**Figure 7: Surrounding zones**



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.

**Peer Review**

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:

- Council Officers have undertaken an appropriate analysis of the key issues raised in the submission, including the:
  - character of the allotment sizes and building heights in vicinity of the site,
  - attributes of the subject site,
  - analysis of the established pattern of allotment sizes and heights in the locality; and
  - Appropriateness of the introduction of a use (service station) that is ordinarily prohibited in the B7 Business Park zone.

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> <p><b><u>Stakeholder Meeting</u></b></p> <p>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.</p> <p>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.</p>	
<b>Submission No. 22</b>	
<ol style="list-style-type: none"> <li>1. 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>2. 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>1. 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>2. 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**



## 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 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.