

DEPARTMENT OF PLANNING & INFRASTRUCTURE
Development Assessment

SUBJECT: NORTH PENRITH DEVELOPMENT SITE
S75W MODIFICATION TO CONCEPT PLAN (MP10_0075 MOD 2)

PURPOSE

To determine a modification requested by JBA Planning, on behalf of Landcom for minor design modifications to the approved Concept Plan in accordance with section 75W of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

BACKGROUND

The subject site is known as the North Penrith Development Site (formerly the North Penrith Defence Site), and legally described as Lots 1, 2, 4, 5, and 6 in DP 1020994, Lots 3 and 4 in DP 1017480, Lot 11 in DP 1159973, Lot 1 in DP 33753 and Lot 1 in DP 532379 and is owned by Landcom. The North Penrith Development Site is bounded to the north by Coreen Avenue, to the south by the Great Western Railway which is adjacent to the Penrith CBD (see Figure 1).



Figure 1: North Penrith Development Site – Approved Illustrative Concept Plan

The Concept Plan MP10_0075 for the North Penrith development site was approved on 9 November 2011 by the Minister for Planning and Infrastructure. The approved Concept Plan will provide for approximately 1000 dwellings, 4,500m² of retail floor space, 10,625m² of commercial floor space, 7,000m² of light industrial floor space, 7.2 ha of open space and involves the provision of infrastructure and subdivision of the North Penrith development site.

A project application for Stage 1 was approved concurrently with the Concept Plan and Stage 1 is presently under construction.

A modification request (MOD 1) was submitted to the department in February 2012, seeking to clarify the intent of some of the conditions of approval and modify the development contributions requirement. To date MOD 1 has not been determined.

State significant development (SSD) applications for Stages 2A (SSD 5243), 2B and 2C (SSD 5346), 2D (SSD 5347) and 3B (SSD 5349) have also been submitted to the department for consideration. Stage 2A is currently under assessment and exhibition of the remaining stages was completed on 21 December 2012. The Stage 3A application is yet to be lodged.

PROPOSED MODIFICATION 2

A request to modify the Concept Plan (MOD 2) was submitted to the department on 15 November 2012. The proponent's application seeks to modify the approved subdivision plan and other plans within the approval documents as follows:

- revise the subdivision and road layout within Stage 2D of the North Penrith Development by reconfiguring approved Development Blocks B5 and B6;
- amend the approved Design Guidelines to reflect the revised subdivision and road layout for stage 2D; and
- revise the staging plan.

Specifically the modification is requesting the Minister to:

- modify condition A2 of the Modifications to the approved Concept Plan by replacing the subdivision plan of approval (see figure 2A) with a new block subdivision plan (see figure 2B).
- modify the approved staging plan as it applies to the entire North Penrith site (see figure 3A) with the new staging plan (see figure 3B).
- replace a range of plans, which reflect the revised subdivision and road layout within Stage 2D, within the Design Guidelines as follows:
 - 'minimum dwelling target plan' with the 'block subdivision plan with precinct boundaries' (see Appendix A figures 1A and 1B)
 - proposed building height in storeys (see Appendix A figures 2A and 2B)
 - key sites plan (see Appendix A figures 3A and 3B)
 - ancillary dwellings plan (compare figures 4A and 4B below)
 - integrated housing development plan (compare figures 5A and 5B below) and
 - apartment sites plan (compare figures 6A and 6B below).

CONTINUING OPERATION OF PART 3A

In accordance with clause 3 of Schedule 6A of the EP&A Act, section 75W of the EP&A Act as in force immediately before its repeal on 1 October 2011 and as modified by Schedule 6A, continues to apply to transitional Part 3A projects. Consequently, this report has been prepared in accordance with the requirements of Part 3A and Regulations, and the Minister (or his delegate) may approve or disapprove of the carrying out of the project under section 75W of the Act.

CONSULTATION

In accordance with section 75X of the EP&A Act and clause 8G of the EP&A Regulation 2000, the request for modification was made available on the department's website. Due to the minor nature of the practical impacts of the proposal on adjoining development, the modification request was not publically exhibited.

The proposed modification was referred to Penrith City Council and public agencies for consideration. Submissions were received from Council, Office of Environment and Water, Department of Primary Industries, Environment Protection Authority, Roads and Maritime Services and Sydney Water. No submission was received by the Department objecting to the proposed modifications to the Concept Plan.

The department requested the proponent address a range of issues to correct or clarify the replacement plans. Revised plans were submitted to the department on 6 December 2012.

DELEGATED AUTHORITY

On 23 February 2012, the Minister delegated his powers and functions under section 75W of the EP&A Act to Directors in the Major Projects Assessment Division in cases where the relevant local council has not made an objection, a political disclosure statement has not been made and there are less than 10 public submissions in the nature of objections.

As no objection was received from the council or any agency and a political disclosure statement has not been made, the Director, Metropolitan and Regional Projects North may determine the modification request under delegated authority.

KEY ISSUES

The Design Guidelines are an integral part of the approved Concept Plan for the North Penrith site. The Guidelines underpin the layout, land use and future subdivision of the site.

During the design development process for the individual stages of development, modifications have been made to a range of plans including the staging and layout of the approved proposal. These modifications impact on the block orientation, pattern of roads and types of dwellings proposed within the Design Guidelines.

Subdivision Plan

The proponent seeks to replace the approved subdivision plan in Schedule 1 of the Concept Plan approval (see figure 2A) with a new Block Subdivision Plan (see figure 2B).

The proposed modifications to stage 2D are illustrated in an overlay of the approved subdivision plan with the proposed block subdivision plan (see figure 2C below). Three new roads are proposed and two lanes removed. The new roads facilitate the re-orientation of many of the lots within stage 2D and provides the potential for the development of a higher proportion of east-west orientated dwellings.

The modification application states that this realignment of lots improves amenity due to the reduction in south facing lots, better permeability and a more direct dwelling exposure to roads.

The modified road pattern will impact the earthworks and provision of infrastructure and utilities however the overall pattern of development of the North Penrith site remains consistent with the approval. The dwelling yield and density is maintained and residential amenity improved. The department considers that the modification to the layout is acceptable.

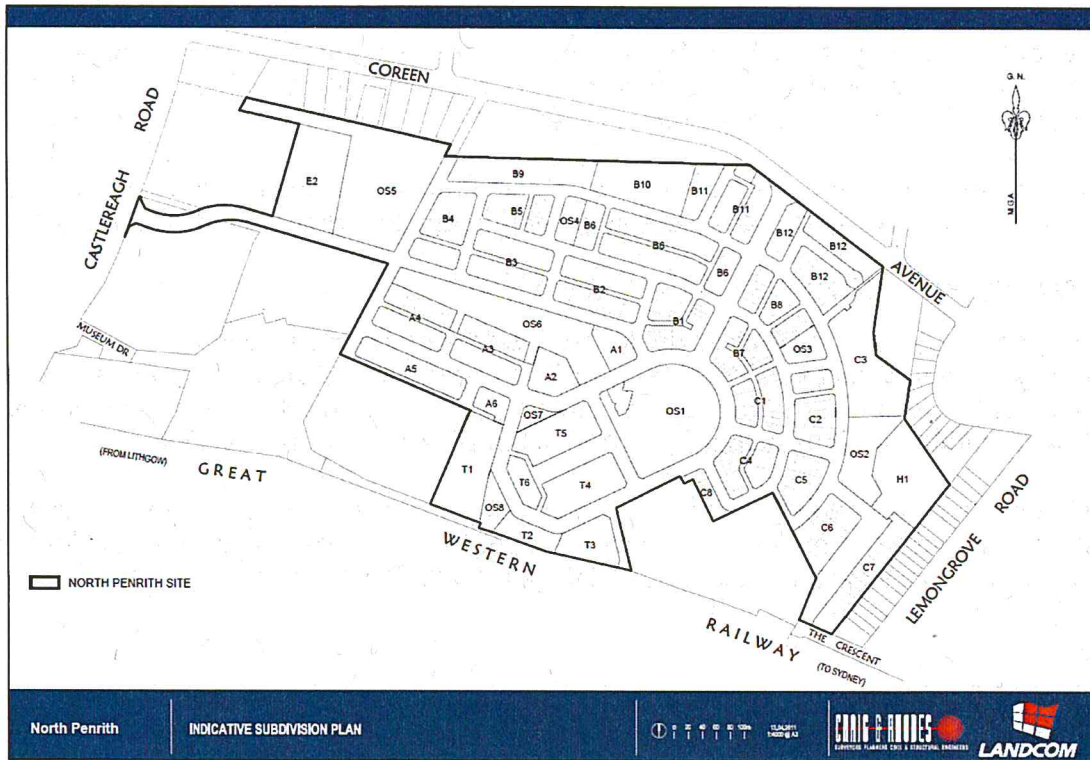
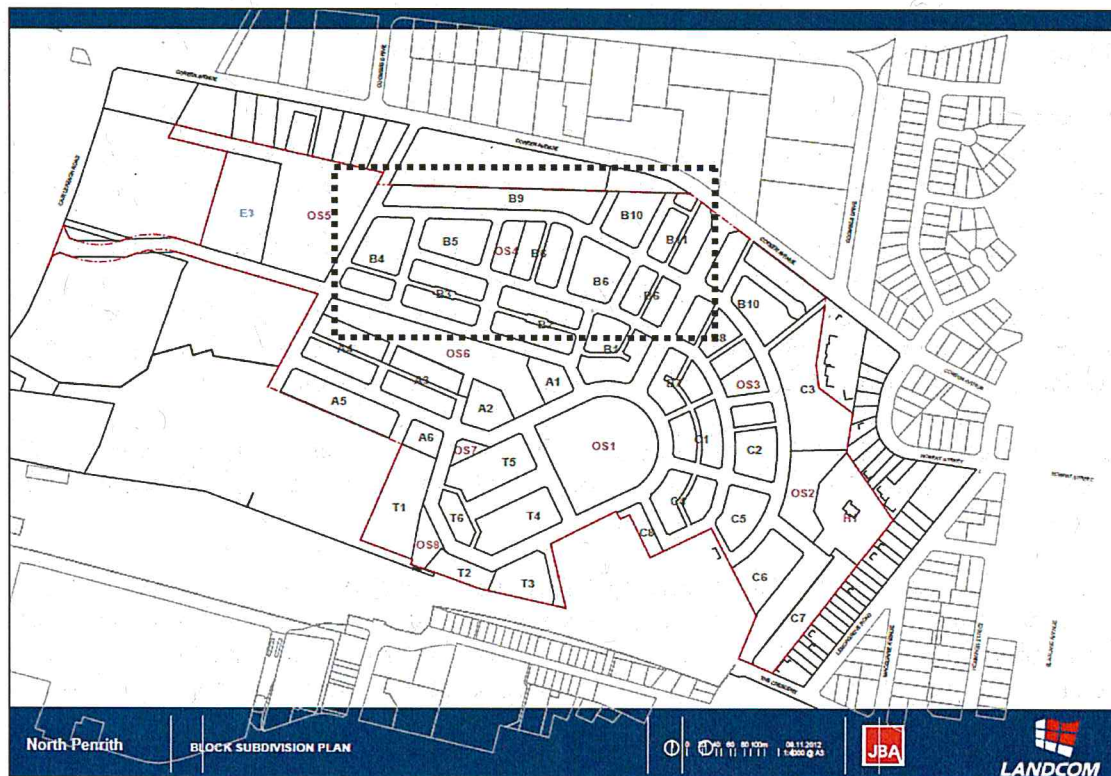


Figure 2A: Approved Subdivision plan



Location of key changes

Figure 2B: Proposed 'Block Subdivision Plan'

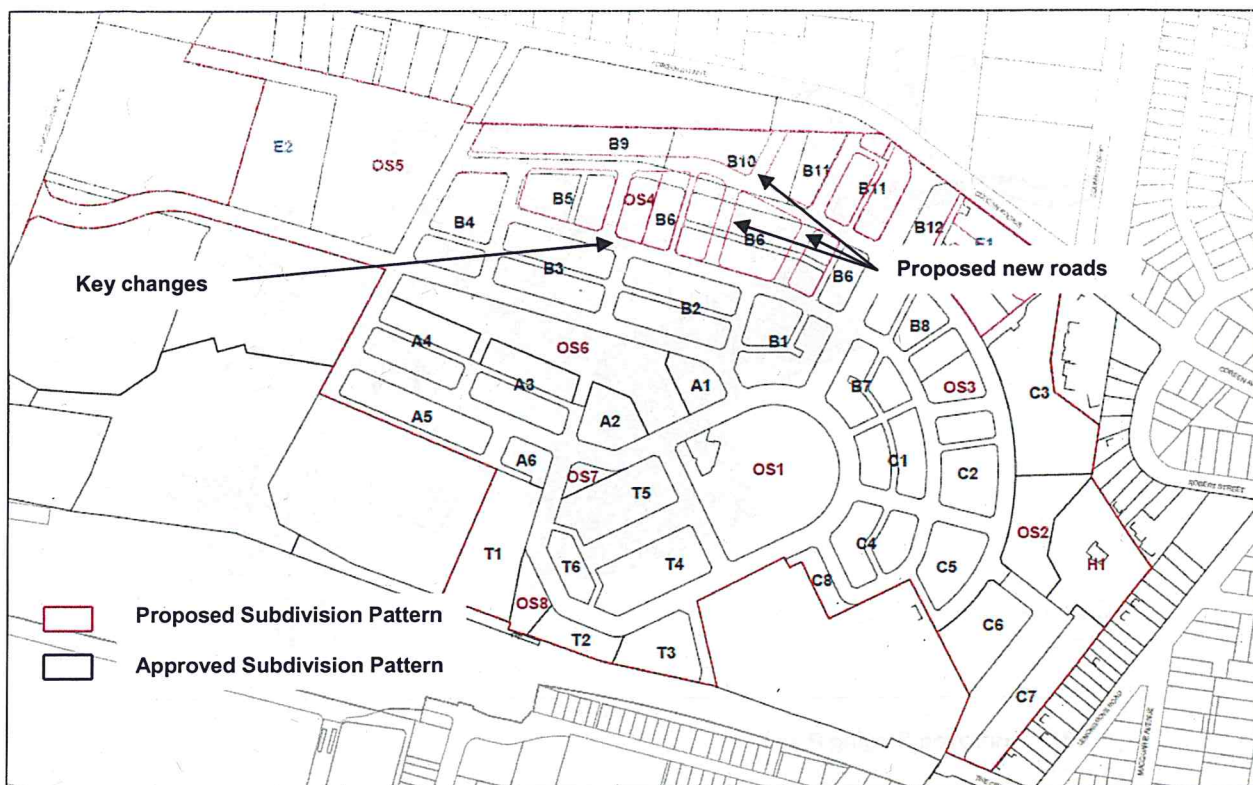


Figure 2C: Approved vs. Proposed Subdivision Plan

Staging Plan

The staging plan illustrates the divisions of the site which form the basis for the subsequent subdivision applications.

In response to an instruction to Landcom from the State government to increase overall lot production by 25% over the next 4 years, the proponent reviewed the approved staging plan for the North Penrith site as a means of increasing the housing supply released to the market.

The proposed staging plan has refined the divisions of the site to isolate areas with particular constraints. For example the approved stage 2B is proposed to be divided into three stages being stages 2B, 2C and 2D. This more refined division of the site includes all the water features, wetlands and site drainage within the proposed 2B permitting development within stages 2C and 2D to be advanced independently of issues which may arise within stage 2B. The break down of the stages will expedite delivery of residential lots to the market by providing flexibility in the roll out of development.

The proposed staging plan does not provide any adverse outcomes and will assist in fast tracking the development of this site. The replacement of the approved staging plan is supported.

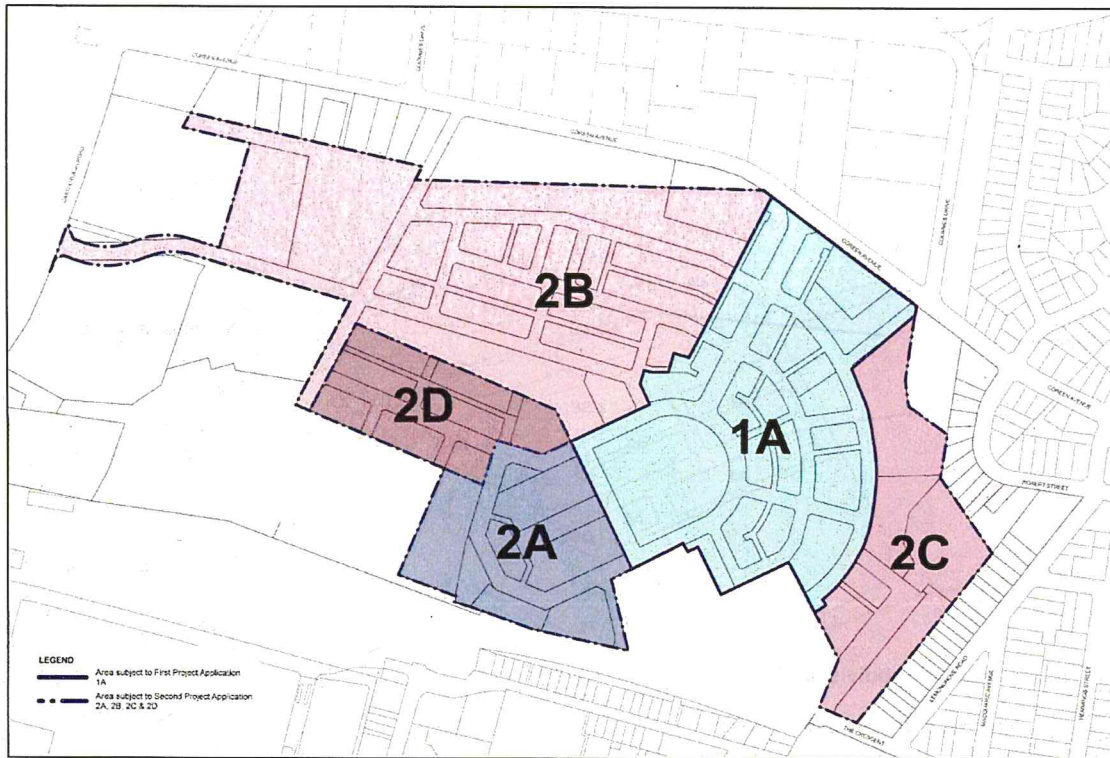


Figure 3A: Approved Staging Plan

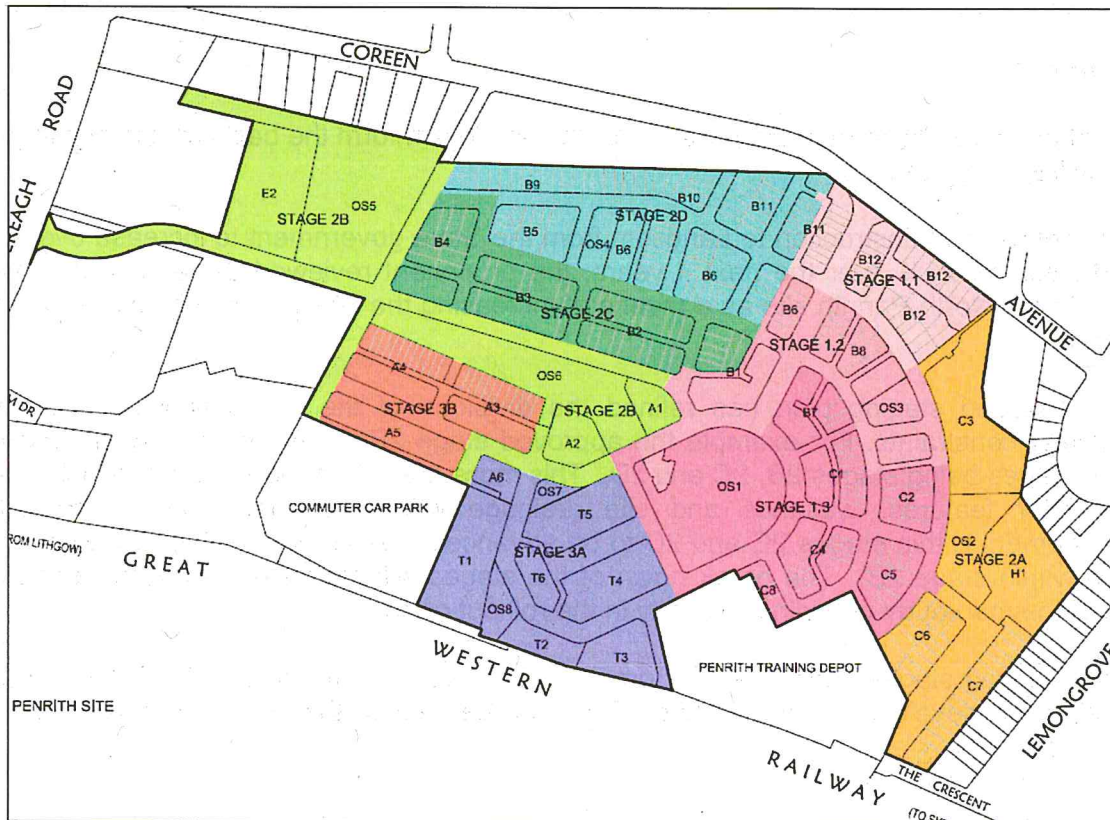


Figure 3B: Proposed Staging Plan

Design Guidelines

The reorientation of the blocks and modified pattern of roads within stage 2D, as illustrated in the proposed Block Subdivision Plan, impacts a range of plans within the Design Guidelines which are an integral part of the Concept Plan.

Many of the plans are changing only as a consequence of the amended subdivision layout however there are some impacts to the range of development type due to the amended layout as follows:

- Figure 4B indicates an amended distribution of ancillary dwellings not only in stage 2D but throughout the site compared to the approved plan at figure 4A. Ancillary dwellings include secondary dwellings and are to encourage a diversity of affordable housing;
- A comparison of figures 5A and 5B show that the proposed location and distribution of integrated housing has been modified due to the changes in the subdivision layout. Integrated housing will provide higher density housing within the provisions of the Design Guidelines.
- Figures 6B indicate the proposed apartment site to the north of stage 2D, as shown in figure 6A, has been removed due to a reduction of the lot sizes in this location. This will impact the number of apartment units however other forms of residential development have been increased.

A comparison of the plans indicates that although there have been some changes to the location of sites dedicated for particular dwelling types or densities, generally the diversity of dwellings types is maintained. Targets for dwelling yield across the entire site are provided in the Design Guidelines and the proposed amendments remain within the required targets. In consideration of the dwelling yield and density target remaining unchanged this proposal is acceptable.

It is recommended that the Design Guidelines be updated to incorporate the modified plans and that the terms of approval be modified to require the submission of the modified document in order to consolidate and clarify the Guidelines.

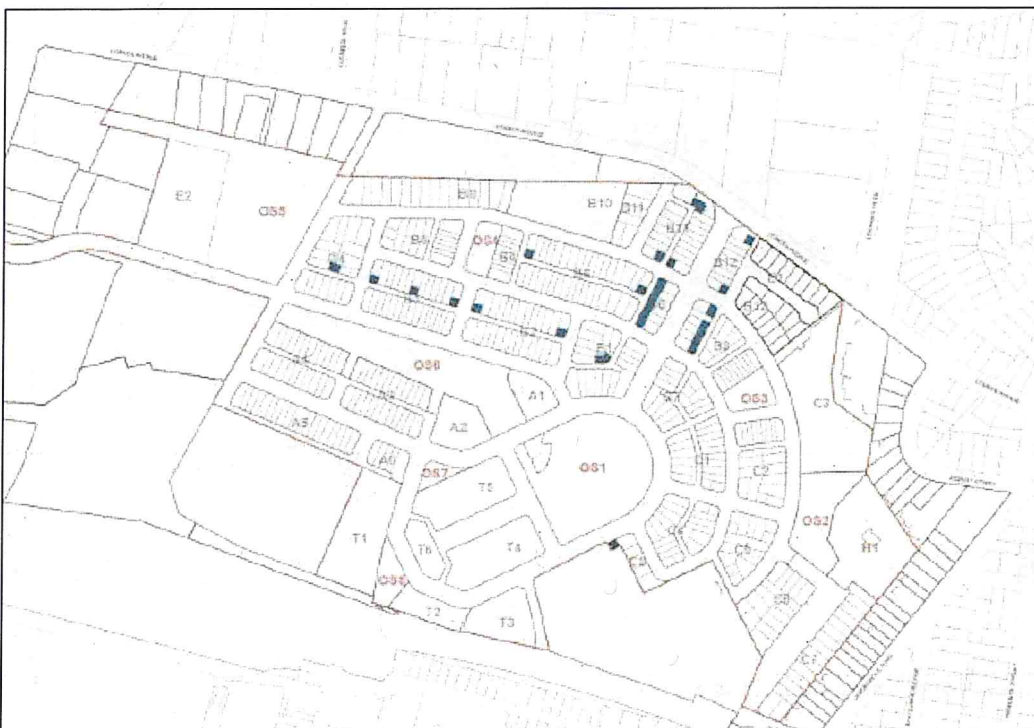
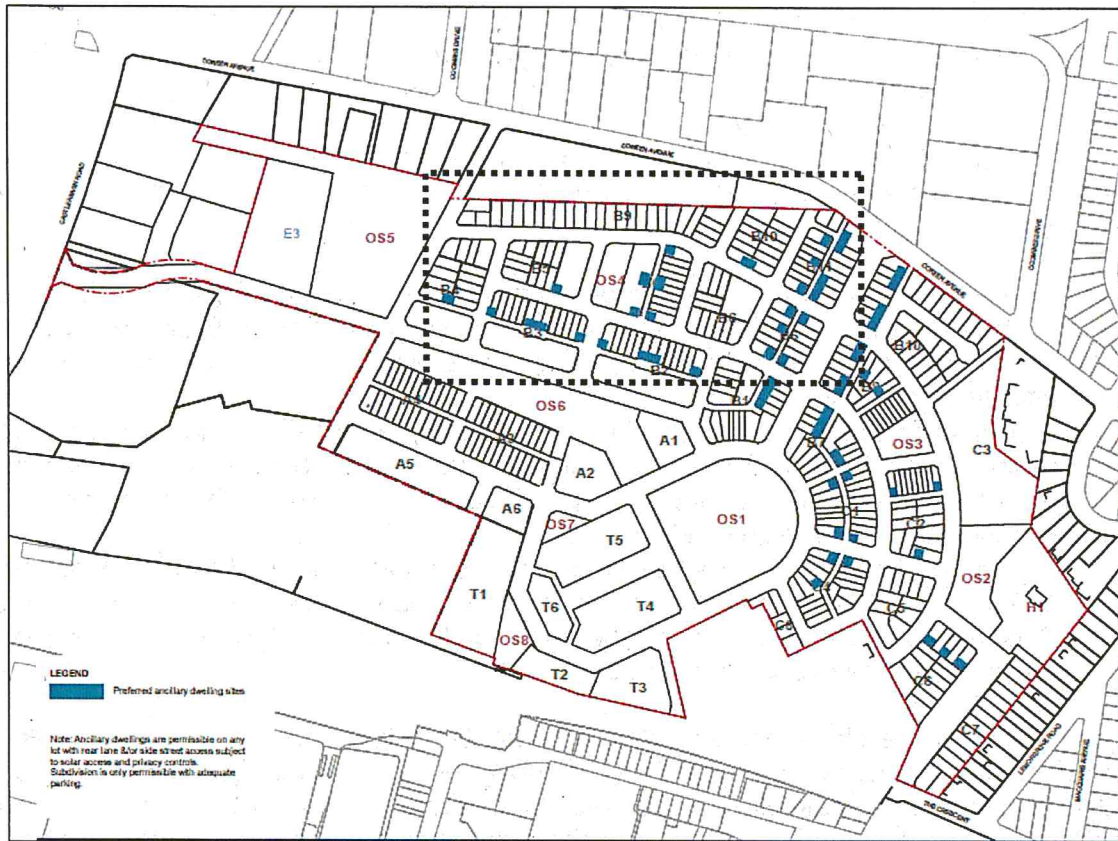


Figure 4A: Approved ancillary dwellings location plan



Location of key changes

Figure 4B: Proposed Ancillary Dwellings Plan

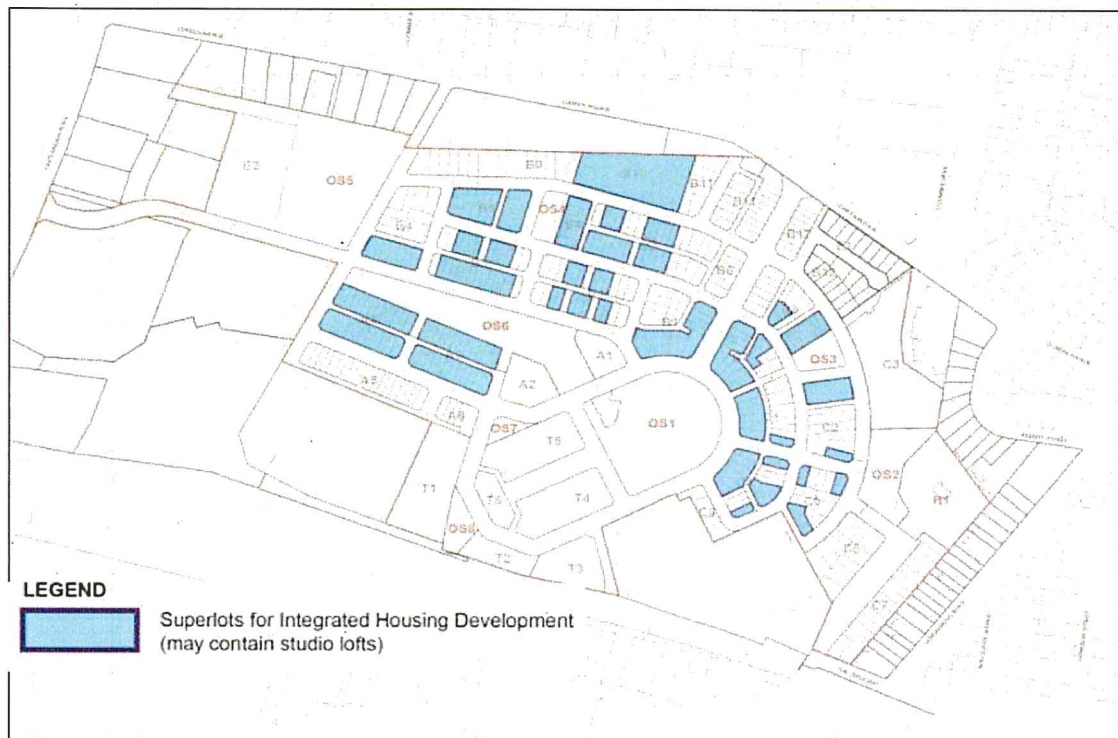


Figure 5A: Approved integrated housing plan

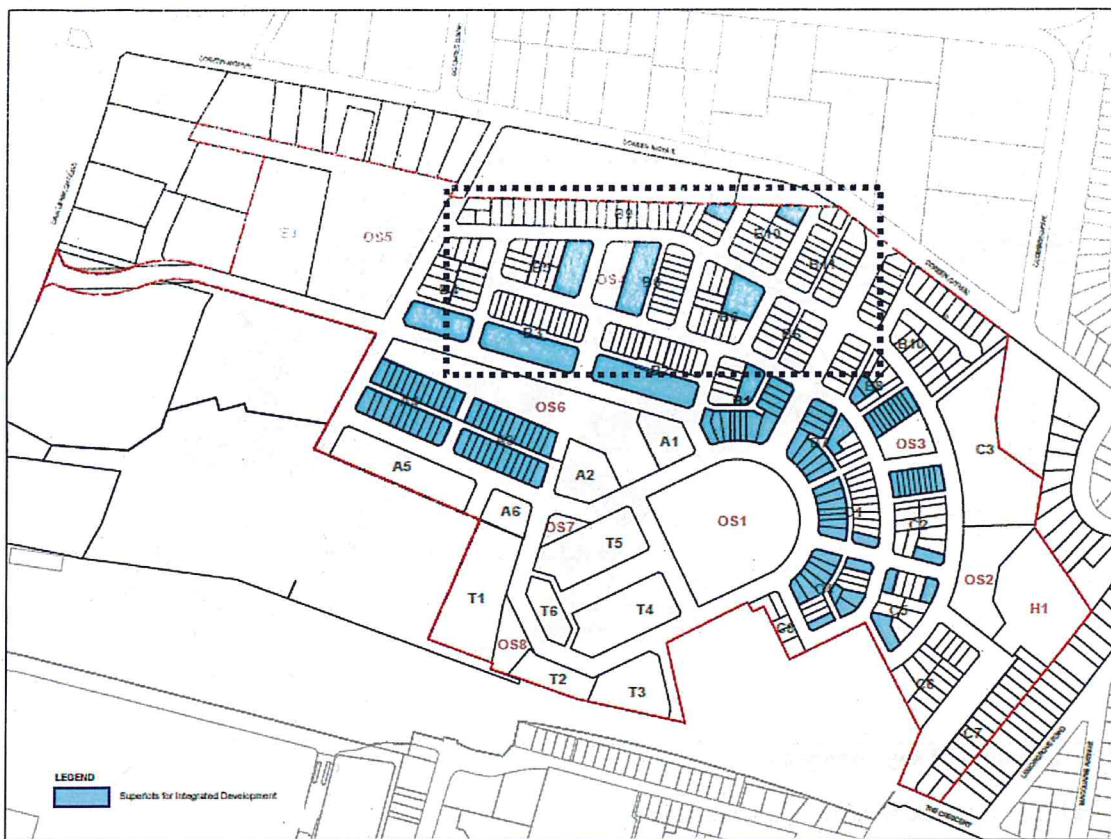


Figure 5B: Proposed integrated housing plan

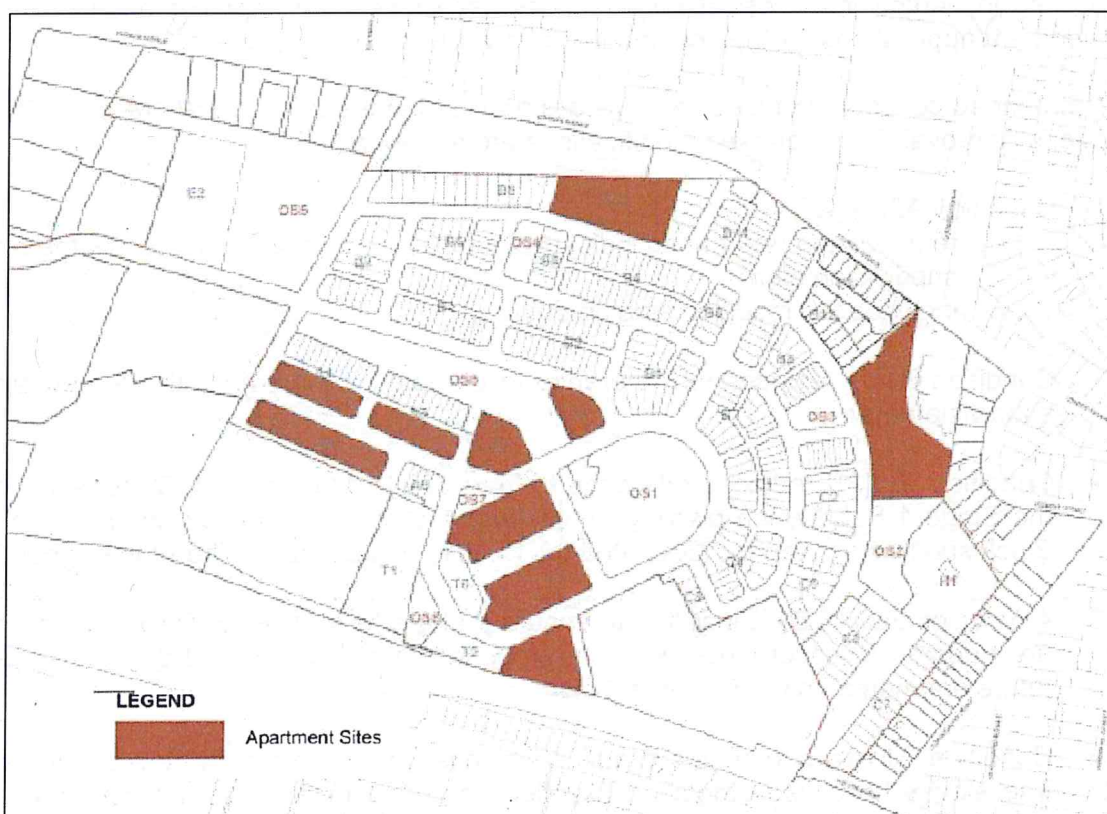


Figure 6A: Approved apartments sites plan

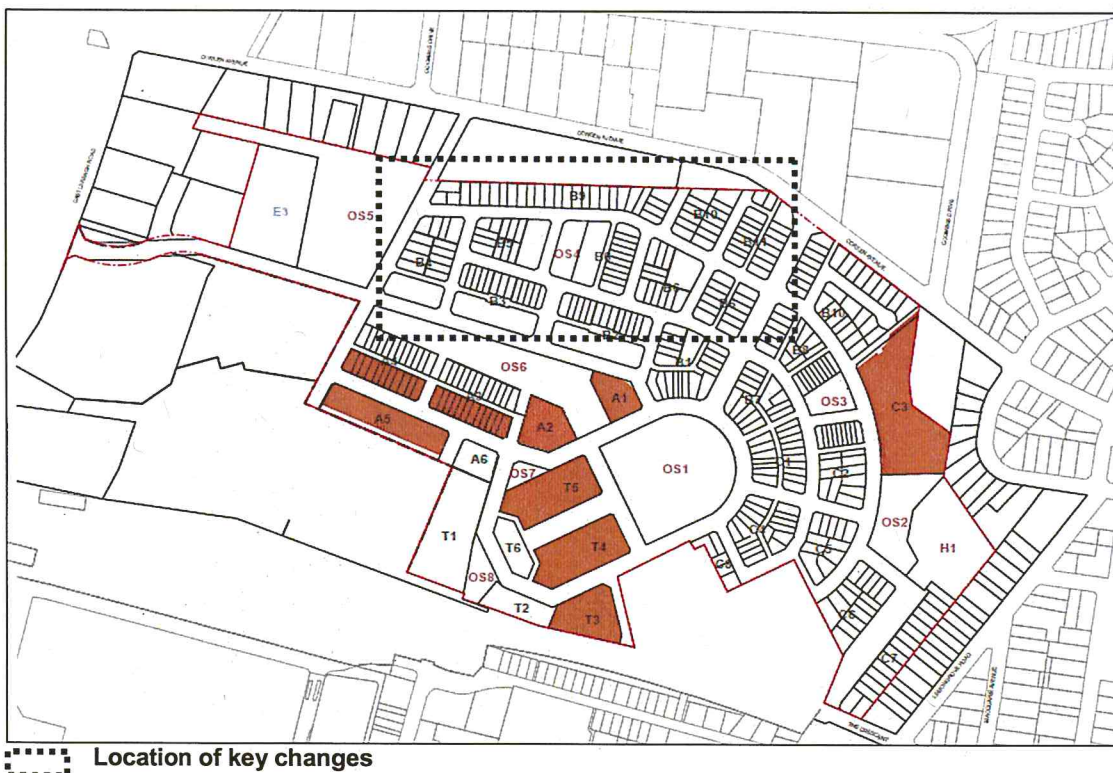


Figure 6B: Proposed apartments sites plan

Other Matters

In order to provide clarity and consistency of documentation associated with the approved concept plan, a number of the approved plans and documents that apply to the North Penrith site require replacement. Consolidation of documentation and of the Design Guidelines in particular will assist council in its assessment and consideration of future development applications for the construction of dwellings.

Recommended concept plan modifications are provided in the section 75W Modification of Minister's Approval. The proposed modifications are as follows:

- Condition A2(1) -
 - removes the referenced indicative subdivision plan and substitutes the block subdivision plan
 - includes the modified staging plan.
- Condition B1(1) replaces the reference to the subdivision plan with the new block subdivision plan.
- Condition B1(2) replaces reference to 'part of lots 1112 and 1113 (as labelled in the Stage 1 Subdivision plan)' with 'lots within Blocks C1 and C4 as shown in the Block subdivision plan by JBA dated 09.11.2012, which adjoin Thornton Avenue.'
- A new condition B2A is inserted to ensure that the North Penrith Design Guidelines are updated in accordance with the proposed modifications and any subsequent future amendments to the concept plan.
- Condition C1 refers to stages in a plan which is superseded in the new staging plan. The stages have been modified to reflect the relevant stage in the new Indicative staging plan.

- Condition C9 and C10 refer to a stage which is superseded in the new staging plan. The stage has been modified to reflect the relevant stage in the new Indicative staging plan.

CONCLUSION

The proposed modifications to the concept plan are proposed as a consequence of detailed design development of the individual stages of the North Penrith site. The modification will provide clarity and consistency between the approved reference documentation, the works being assessed for approval and the works undertaken on site.

Having regard to unchanged yield or mix of dwelling types and that no new or additional impacts are generated by the proposed modification request, the department recommends the proposal to modify the concept plan be approved.

RECOMMENDATION

It is **RECOMMENDED** that the Director, Metropolitan and Regional Projects North:

- note the information provided in this report
- approve the modification request, subject to conditions
- sign the attached modifying instrument (**Tag A**).

Endorsed by:



Denise Robertson
Planner

Metropolitan and Regional Projects North



Peter McManus
A/Team Leader

Metropolitan and Regional Projects North

11/1/13

Approved by:



Heather Warton
Director

Metropolitan and Regional Projects North

13/1/13

APPENDIX A - North Penrith Development Site
Section 75W Modification to Concept Plan (MP10_0075 MOD 2)

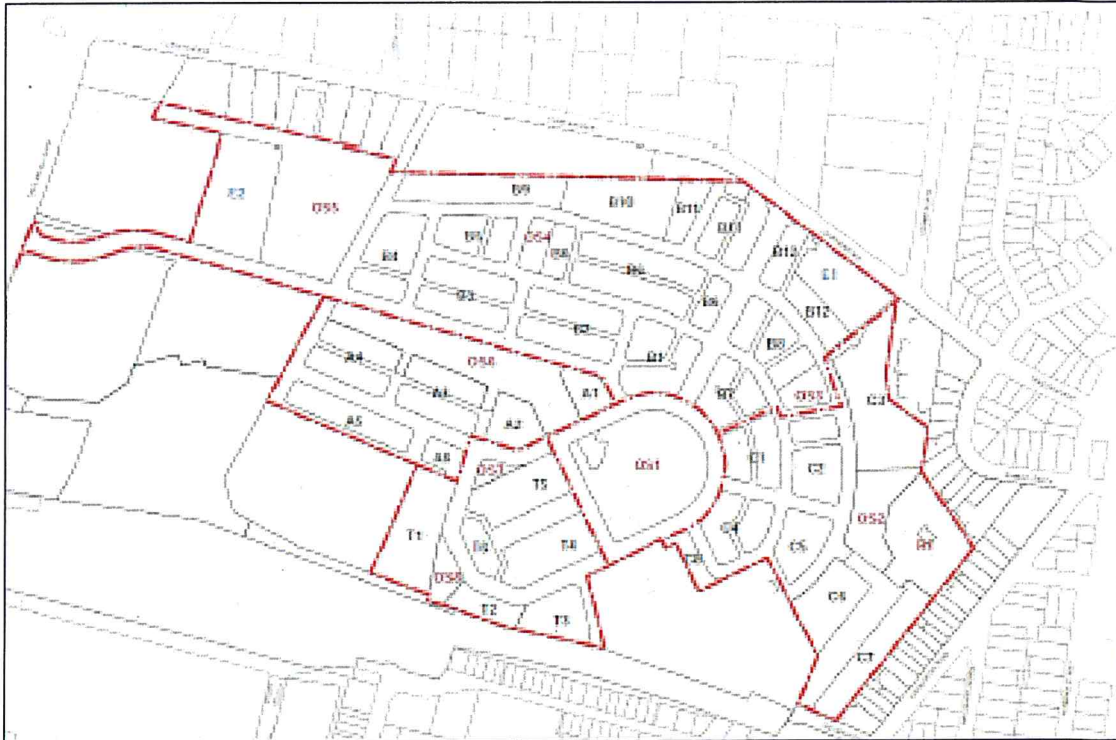
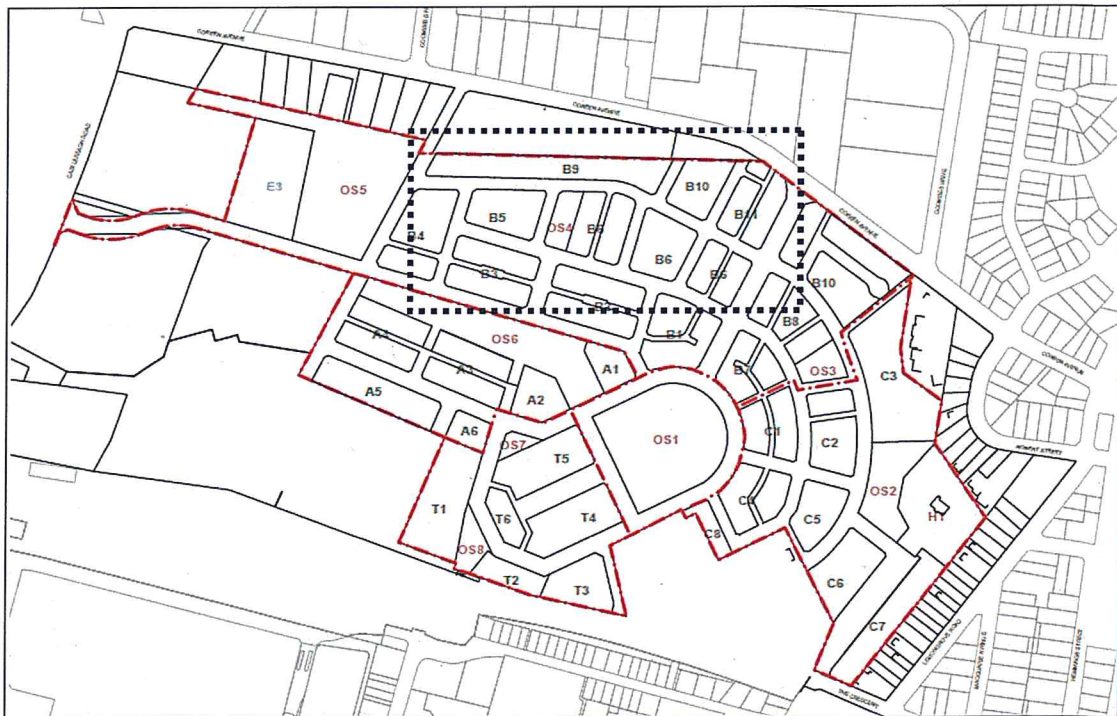


Figure 1A: Approved block subdivision plan showing precinct boundaries



 Location of key changes

Figure 1B: Proposed block subdivision plan with precinct boundaries

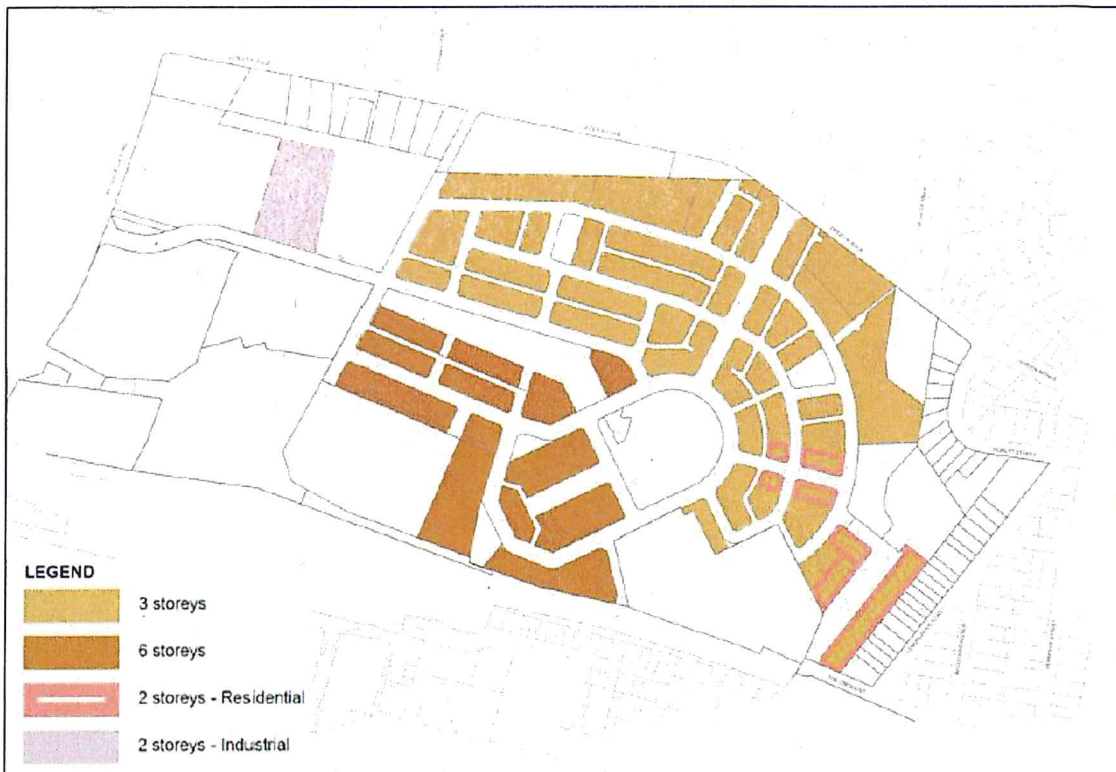


Figure 2A: Approved building height plan

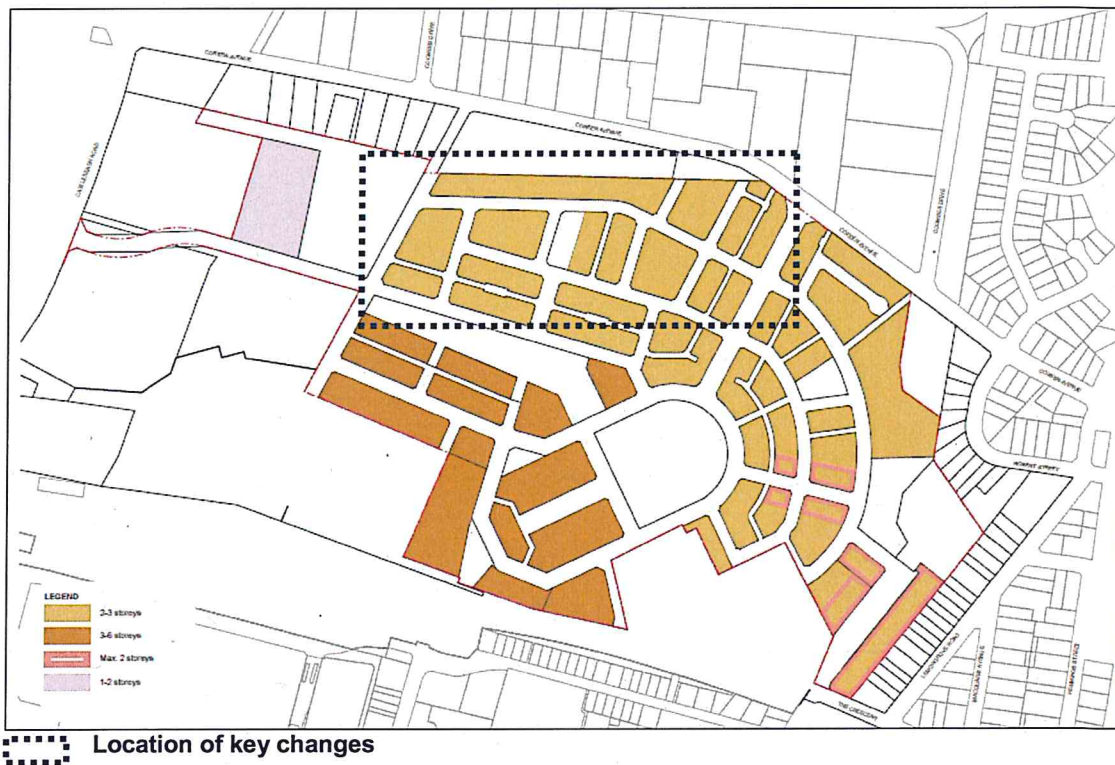


Figure 2B: Proposed building height plan

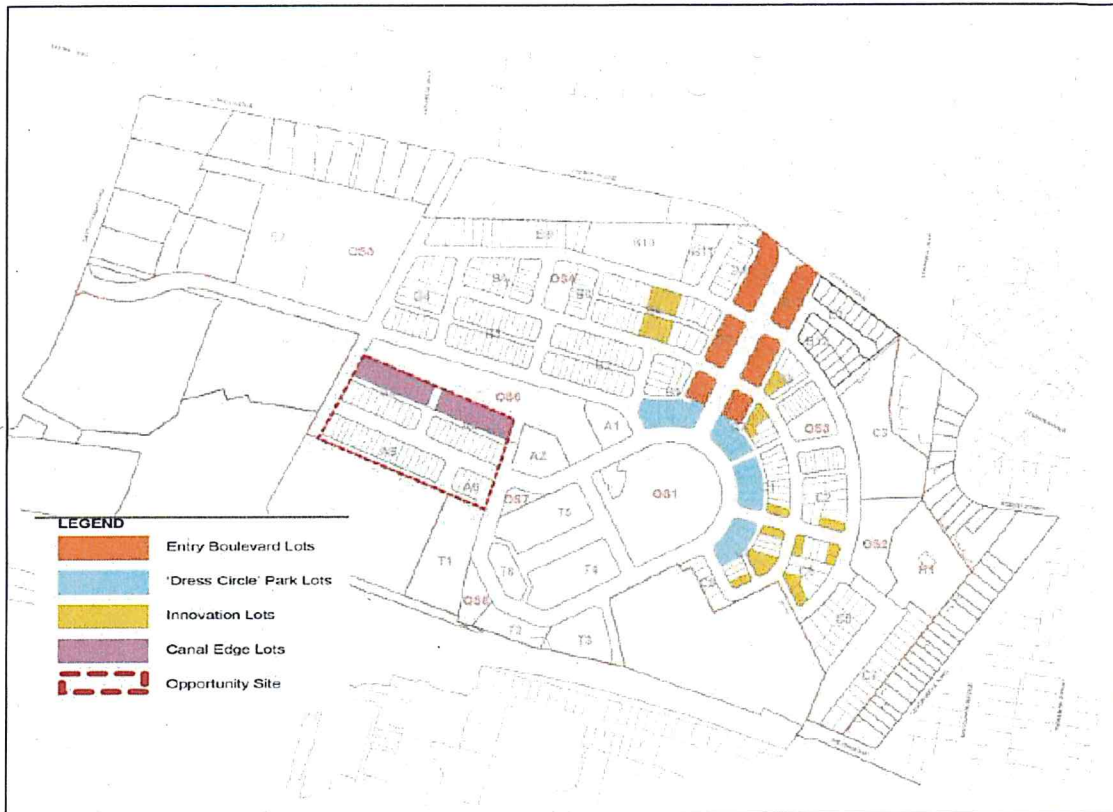
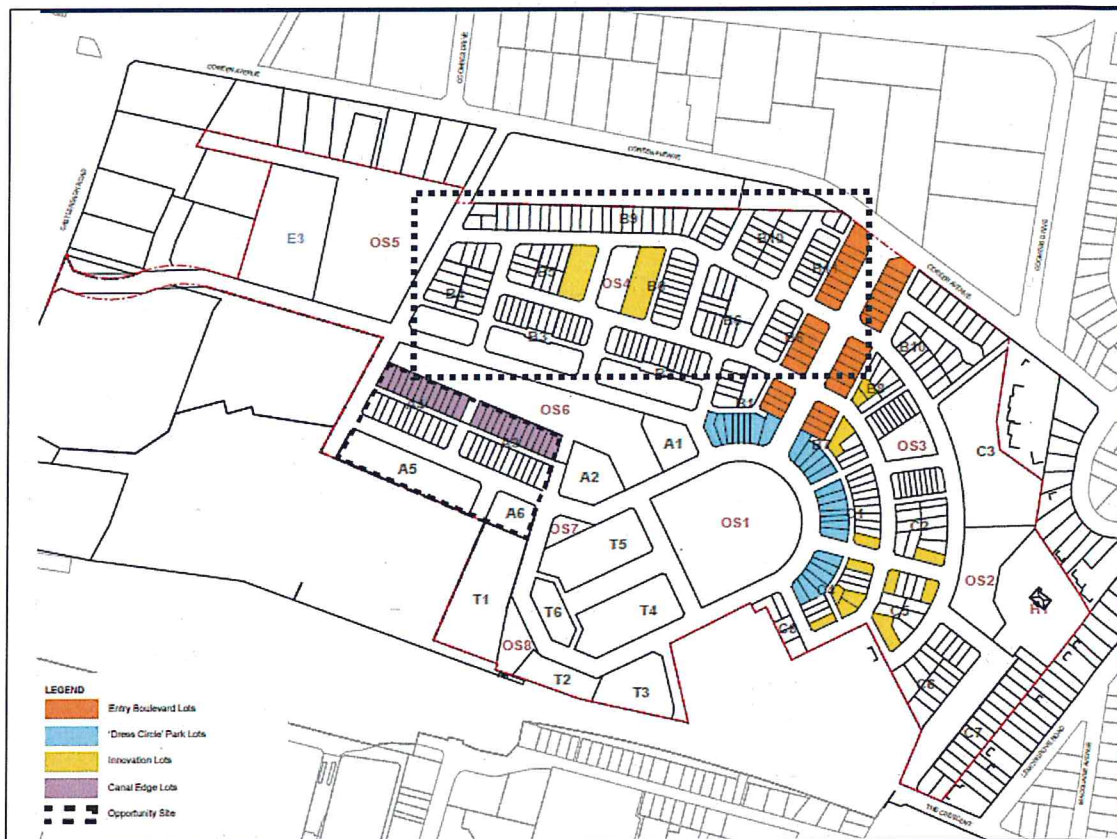


Figure 3A: Approved key sites plan



Location of key changes

Figure 3B: Proposed key sites plan

