

Our Ref:
Contact: Paul Grimson
Telephone: 4732 7711

7 February 2011

Michael File
Director, Strategic Assessments
Department of Planning
GPO Box 39
SYDNEY NSW 2001

Attn: Simon Bennett

Dear Sir

**North Penrith Defence Site – State Significant Site, Concept Plan and Stage 1
Project Application (MP 10_0075 & 10_0078)
Submission**

Thank you for the opportunity to comment on Landcom's proposal for development of the former North Penrith Defence site. The site is strategically significant and a unique opportunity to strengthen the role of Penrith as the Regional City for North Western Sydney.

The site was declared surplus to Federal Government needs in 1991 and our community has been waiting patiently for realisation of the site's potential. Landcom's involvement is welcomed given its particular abilities as a key government agency and its expertise and focus on providing superior development outcomes.

The NSW Government and Council have developed agreed objectives for the site which seek to promote a mixed use response comprising higher density housing with new employment opportunities for job intensive uses such as education, research and technology.

Landcom's proposal provides for a high quality urban environment with a variety of contemporary housing forms and a range of associated employment opportunities. However, it is felt that the concept does not fully realise the strategic potential for the site in terms of its opportunity to deliver high rise residential development and higher order employment opportunities, both of which would assist Penrith's evolution as a mature Regional City.

Landcom has agreed to enter a Memorandum of Understanding with Council to target high rise residential and higher order employment opportunities in future stages of the development beyond Stage 1. The NSW Government's support and assistance is requested in this endeavour.

A project of this scale and significance requires considerable investment in infrastructure. In general, Landcom intend to provide the required internal infrastructure, albeit at a level of enhancement beyond that normally provided in our city and afforded by Council. However, limited external infrastructure is proposed to address impacts beyond the site, primarily those associated with the arterial road network. Those impacts cannot be

ignored and must be addressed in progressing the project. The Department is requested to work with Council and Landcom in resolving the identification, financing, delivery and on-going maintenance issues associated with the infrastructure needs of the project.

Our detailed submission is attached. If you have any questions regarding any of the issues raised in either this letter or the attached submission, please feel free to contact me on 4732 7711.

Yours faithfully

A handwritten signature in black ink, appearing to read 'P. Grimson', with a stylized flourish at the end.

Paul Grimson
Sustainability & Planning Manager
Encl. Attachment –Penrith City Council Submission

leading
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North Penrith Urban Area

Landcom Concept Plan & Stage 1 Project
Applications

Submission to Department of Planning

7 February 2011



**PENRITH
CITY COUNCIL**
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Executive Summary

The North Penrith Urban Area comprises 40 hectares of essentially flat undeveloped land strategically located adjacent to the main Western Rail Line, Penrith Station bus/rail interchange and Penrith Regional City CBD. The site provides a unique opportunity to strengthen the role of Penrith as a Regional City.

The NSW Government's and Council's objectives for the site have been enunciated through various strategic documents developed over the past decade and recently confirmed in the Metropolitan Plan for Sydney 2036. Those strategic planning documents seek to promote a mixed use response on the site comprising higher density housing with new employment opportunities for job intensive uses such as education, research and technology.

The involvement of Landcom in the planning and development of the site is welcome given its particular abilities as a key government agency and its expertise and focus on providing superior development outcomes.

Landcom's Concept Plan provides for a high quality urban environment with a variety of contemporary housing forms and a range of associated employment opportunities. The proposal features a higher standard of public domain and open space embellishment than ordinarily seen in Penrith. However, it is felt that the concept does not fully realise the strategic potential for the site in terms of its opportunity to deliver high rise residential development and higher order employment opportunities, both of which would assist Penrith's evolution as a mature Regional City servicing North Western Sydney.

Following recent discussions, Landcom has agreed to enter a Memorandum of Understanding (MoU) with Council that would identify future stages of the North Penrith Urban Area that could be targeted for high rise residential development and appropriate high density, higher order employment opportunities that complement but do not compete with the Penrith City Centre. The MoU would also commit Landcom and Council to vigorously pursue key anchor developments and partners to catalyse the delivery of improved residential and employment outcomes for the site.

Subject to minor modification of the subdivision pattern in Stage 1, the Project Application for that stage could proceed in advance of finalisation of the MoU between Council and Landcom. It is the subsequent stages of the proposed development that offer the greatest potential for intensification of residential densities and higher order employment opportunities.

In addition to the above matters, a number of other strategic and technical issues have been identified through a detailed review of the proposal.

Introduction

Penrith has a vital role to play as the Regional City for the North West Subregion of Sydney, and as such is gaining importance as the principal centre servicing this Subregion. Council has welcomed the opportunity and responsibility and has adopted the Penrith Regional City Strategic Plan 2031 based on the 5 key themes of: a leading city, a city of opportunities, a green city, a liveable city and a vibrant city. The Strategic Plan is founded upon Penrith's Principles for a Sustainable City adopted in 2003 and is supported by a 4 Year Delivery Program and 1 Year Operational Plan. Together these plans provide a focussed direction for the City in pursuing a sustainable future consistent with the aims and objectives of the Metropolitan Plan for Sydney 2036.

It is within this context that Landcom has made application to the Minister for Planning, seeking:

- A declaration for the site to be considered as a Major Project under Part 3A and the introduction of landuse zones and development controls (DCP) to facilitate and guide development of the site.
- Approval of a Concept Plan for the site comprising a mixed use residential development, village centre with commercial, retail and community land uses, areas of open space, areas of industrial land use and conservation of European and Aboriginal heritage.
- Approval of a Project Application for Stage 1 of the site's development being subdivision, site preparation, remediation works, construction of infrastructure and road and drainage works.

It is understood that the site is yet to be transferred to Landcom by the Commonwealth Government. In this regard it is important to note that whilst much of the detail of the instrument of transfer is commercial in confidence, Landcom has indicated that a number of key elements are fundamental to the outcomes reflected in the Concept Plan. These include the setting of minimum dwelling and employment targets and, in particular, a very tight delivery timeframe for the development.

Our review of the proposal has identified the following issues need to be addressed in determination of the application(s):

<i>Strategic Context:</i>	The proposal needs to reflect adopted State Government and Council strategic objectives for the site. All government strategic planning documents seek to promote a mixed use response on the site comprising high density housing with employment opportunities for job intensive uses such as education, research and technology.
<i>Approval Process:</i>	Need for Council to be represented on the proposed Design Review Panel to be established by Landcom.
<i>Zoning:</i>	Landuse zones need to reflect the strategic objectives for the site. In particular, the proposed village centre should be zoned B2 Local Centre in lieu of B4 Mixed Uses.
<i>DCP:</i>	Need to incorporate provisions that guide the delivery of high rise residential development and higher order employment outcomes on the site.

<i>Residential:</i>	<p>The proposal should take advantage of the site's opportunity to achieve higher density through a larger component of strategically located quality high rise development. This aspect should be reflected in the zone objectives and the proposed Memorandum of Understanding (MoU) with Landcom.</p> <p>The design of high rise residential development adjacent to the railway line needs to address the negative visual impacts associated with balcony activities (clothes drying, random storage etc.).</p>
<i>Lot size:</i>	<p>The lot sizes shown on the Concept Plan need to be consistent with the proposed building height controls and reflect the outcomes available under the planning framework. This is also relevant in ensuring development compatibility with adjacent heritage housing in Lemongrove.</p>
<i>Employment:</i>	<p>The proposal needs to fully realise or recognise the employment opportunities and strategic context of the site and specifically target appropriate high order employment opportunities that will complement, and not compete with, the Penrith City Centre.</p>
<i>Infrastructure:</i>	<p>The Statements of Commitments must address internal and external infrastructure demand generated by the development, provide adequate trigger points for the provision of facilities and the timely preservation of heritage items.</p>
<i>Transport:</i>	<p>Government commitment to the provision, location and timing for delivery of a north/south bus underpass needs to be confirmed at this time.</p>
<i>Heritage:</i>	<p>Need to explore opportunities for optimum public use of Thornton Hall, ensure its visual connection with the 'Oval' and the timely delivery of heritage conservation measures with each stage of the project.</p>
<i>Flooding:</i>	<p>There is a need to ensure proposed filling will not increase flood levels on and adjoining the site due to loss of flood storage capacity.</p>
<i>Drainage:</i>	<p>The storm water management regime must accommodate the quantum and quality of stormwater generated by the proposed development, responding to its role in the proposed urban environment.</p>
<i>Open Space:</i>	<p>The cost of ongoing operation and maintenance of the open space/public domain areas needs to be accurately identified and mechanisms developed to provide the required funding.</p>
<i>Seniors Living:</i>	<p>Seniors living and aged care facilities need to be located in accessible and amenable areas of the site.</p>
<i>Other Issues:</i>	<p>There are a number of perceived gaps in the environmental assessment of the proposal.</p>

These issues are discussed in the following section of the report.

Key Issues

Strategic Context of the Site

In 2006, the State Government established the City Centre's Taskforce to work with Council to develop a vision for Penrith City Centre. The vision document identifies North Penrith Urban Area as a supporting area for the broader Penrith Regional City.

At that time Council and the Department of Planning developed a set of strategic objectives to guide development of the site. Those objectives were incorporated in the draft North West Sub Regional Strategy and seek to promote a mixed use response on the site comprising high density housing (estimated at 1200-1500 dwellings) with employment opportunities for job intensive uses such as education, research and technology. It should be noted that at that time, these dwelling yields for the North Penrith site included the Multi User Depot (MUD) site and the site of the proposed commuter car park. The strategy also recognises the potential for interim uses that could provide for major employment opportunities in the future.

The recently released Metropolitan Plan for Sydney 2036 clarifies the NSW Government's position with respect to development of the site. The Plan notes the site provides the opportunity to strengthen the role of Penrith as a Regional City through development of long term employment and high density housing opportunities.

The proposal provides for a denser living environment than that previously experienced in the City in a variety of contemporary housing forms and a quality urban environment. However, additional focus needs to be placed on better realising the strategic residential and employment outcomes sought by the Metropolitan Plan for Sydney 2036. These outcomes are necessary to assist Penrith's evolution as a mature Regional City servicing North Western Sydney.

1.1 The Minister ensure that the objectives of the Metropolitan Plan for Sydney 2036 will be met in determining the Concept Plan for the site, by requiring the delivery of high rise residential development and increased higher order employment opportunities on the site.

Approval Process

The Minister for Planning will identify:

- the statutory framework (landuse zones, development controls etc.) required to guide development of the site, the necessary services and facilities to be provided to meet the needs of the incoming population and the overall development concept for the site in the assessment and determination of the Concept Plan.; and
- the specific subdivision and road layout for each stage, site infrastructure and necessary bulk earthworks, construction and embellishment of open space areas and the particular works required to conserve Thornton Hall in the assessment and determination of a series of staged Project Applications.

All other development, primarily applications for specific buildings and associated works, will be subject to Part 4 of the Act and require Council's approval. However, a significant proportion of the

residential development on the site is likely to be classified as complying development and/or be controlled under the NSW Housing Code. In this case, it is important that Council is able to influence the built form of residential development through participation on the proposed Design Review Panel to be established by Landcom.

It is understood that Landcom has withdrawn a request for the Minister to allow private certification of subdivision certificates. It is essential that Council retains its normal role of Principal Certifying Authority for subdivision certificates. This is important because it ensures that the facilities to be handed over for Council's control, management and maintenance are of the required quality and standard.

2.1 The Minister is requested to require the establishment of, and Council representation on, a Design Review Panel to facilitate efficient processing of development applications.

Land Use Zones

Landcom proposes a B4 Mixed Use zone for the village centre. Council adopted the Interim Penrith City Centres Hierarchy in March 2007, limiting the B4 zone to the highest order centres of Penrith CBD and St Marys Town Centre and has applied the B2 Local Centre zone to villages of the scale proposed within this site.

The retail/commercial component of the development has been referred to as a 'village centre' to reflect the level and scale of retail services expected to be provided on the site. A scale normally associated with a B2 Local Centre zone. However, that zone does not permit high rise residential or employment development, a form and scale of development considered appropriate in such close proximity to the bus/rail interchange and the Penrith City Centre. In this regard, it is possible to schedule these additional uses as permissible within the B2 zone. Application of the B2 zone reinforces Council's adopted retail hierarchy and, with the scheduling of additional uses, will enable delivery of the proposed Concept Plan. The Minister is requested to adopt the B2 Local Centres zone in lieu of the proposed B4 Mixed Uses zone.

The proposed zoning regime for the site, particularly the R1 General Residential and B2 Local Centre zones (with additional scheduled uses), provides the necessary flexibility to deliver high rise residential development and higher order employment outcomes on the site. However, the likelihood of their delivery is constrained by:

- a lack of zone objectives supporting such initiatives,
- a Concept Plan underpinned by small lot subdivision which limits the flexibility to accommodate changes in the high rise development market, and
- a maximum building height of 12m in the R1 General Residential zone which precludes high rise (6+ storeys) development.

The Minister for Planning is requested to insert statutory provisions to facilitate high rise residential development and higher order employment outcomes on the site.

The Concept Plan proposes lot sizes in the order of 400m² adjoining the Lemongrove Heritage Conservation Area identified in Penrith Local Environmental Plan 1991 (Environmental Heritage Conservation). Lots fronting Lemongrove Road are predominantly 560m² or greater in area. The

Minister is requested to require the area of lots within the site located adjacent to the Lemongrove Conservation Area to be sympathetic with the predominant lot size in that area.

The Minister is requested to:

- 3.1 Insert objectives in the R1 General Residential zone requiring the delivery of high rise residential development as a component of the Concept Plan.*
- 3.2 Replace the proposed B4 Mixed Uses zone with a B2 Local Centres zone and schedule additional uses necessary to facilitate the delivery of the Concept Plan, in particular high rise residential development and higher order employment opportunities that support, but do not compete with the Penrith City Centre.*
- 3.2 Insert objectives in the B2 Local Centre zone requiring the delivery of high rise residential development and higher order employment opportunities that support, but do not compete with the Penrith City Centre.*
- 3.3 Ensure the subdivision layout and development controls facilitate high rise residential development and higher order employment outcomes on the site. In particular, the Concept Plan and Project Application for Stage 1 should be modified to remove the notional small lot subdivision pattern in key areas where higher density outcomes are to be encouraged and to facilitate the creation of "super lots" to cater for this form of development.*
- 3.4 Require the area of lots within the site located adjacent to the Lemongrove Conservation Area to be sympathetic with the predominant lot size in that area.*

Development Control Plan

The Concept Plan provides the planning and development framework for the site. It is supported by a site specific Development Control Plan (DCP) that contains particular provisions with respect to urban design, transport and accessibility, housing and community facilities, heritage conservation and environmental goals. The DCP also adopts relevant sections of Penrith Development Control Plan 2006.

The DCP does not contain any provisions to guide the delivery of high rise residential development or higher order employment outcomes at this stage. Given that these initiatives are an essential component of the NSW Government's and Council's vision for the site, it is considered that the DCP should be amended to include such provisions.

It is also noted that the DCP does not contain any provisions to guide water management. Penrith Development Control Plan 2010 contains the most contemporary provisions in this regard and the Minister should be requested to apply them to development of the site.

The development concept is specific to the site and accordingly some development controls (e.g. subdivision standards) vary from those applied elsewhere in the City. However, the DCP is generally consistent with Penrith Development Control Plan 2006 and, with the suggested inclusions, is considered capable of guiding delivery of the desired urban outcome.

The Minister is requested to:

- 4.1 Amend the proposed Development Control Plan for the site to include provisions that guide the delivery of high rise residential development and higher order employment outcomes.*
- 4.2 Apply Part C, Section C3- Water Management, of Penrith Development Control Plan 2010 to development of the site.*

Residential

Site development will provide 900 – 1,000 dwellings. Whilst the proposed zoning provisions for the site accommodate higher rise/higher density development, Landcom's proposal comprises predominantly semi-detached or attached dwelling typologies with a small proportion of detached dwellings. The Metropolitan Plan defines this development form as low rise medium density development. As stated above, the Metropolitan Plan promotes development of high density housing on the North Penrith site.

Dwelling density is a measure of the number of dwellings per hectare. Dwelling density can be increased by reducing allotment sizes or increasing the scale of development through the introduction of high rise living. The overall number of dwellings proposed in Landcom's Concept Plan is considered appropriate as a minimum baseline. However, the Concept Plan accommodates the planned number of dwellings through, predominantly, small lot housing with allotment sizes as low as 125m². This means that the majority of the development site is required to accommodate the planned number of dwellings. Providing more dwellings in higher rise apartment form would increase residential density and free up land for additional employment generating opportunities.

Our preliminary analysis suggests that higher rise residential development would be best pursued as mixed use residential development in or surrounding the village centre. Landcom have indicated, and recent analysis for the Penrith Business Alliance confirms that currently there is a limited market for higher rise (6+ storeys) mixed use residential development in or adjacent to the Penrith CBD. Under these circumstances, it is necessary to demonstrate the amenity and attractiveness of higher rise living adjacent to the city centre and the bus/rail interchange, if the NSW Government's strategic objectives for the site and Penrith's role as a Regional City are to be realised. Landcom, Government's lead development agency, is the appropriate proponent to assist in encouraging, by demonstration, a greater acceptance by the market of this form of development in the City.

This issue has been discussed with Landcom who have agreed to enter into a Memorandum of Understanding (MoU) with Council. The MoU would commit the parties to vigorous pursuit of additional opportunities in future stages for the provision of high rise (6+ storeys) residential development on the site. The Minister is requested to require such arrangements within any approval for the site.

It should be noted that, subject to recommendation 3.3 above, Stage 1 could be approved in advance of finalisation of the MoU between Council and Landcom as it is the subsequent stages of the proposed development that offer the greatest potential for intensification of residential densities and higher order employment opportunities (see commentary on employment below). Therefore Stage 1 could proceed in the proposed form subject to any other recommendations raised in this submission.

A MoU group comprising of senior officers from Council and Landcom has been established to develop the detail of the MoU. The Minister is requested to require Landcom to enter into a

Memorandum of Understanding with Council to vigorously pursue additional opportunities for the provision of high rise development (6+ storeys) in future stages of the development.

5.1 The Minister is requested to require Landcom to enter into a Memorandum of Understanding with Council to vigorously pursue additional opportunities for the provision of high rise development (6+ storeys) in future stages of the development.

Employment

The Concept Plan makes provision for 9,300m² of commercial space and 3,200m² of retail space, to be located predominantly in the proposed village centre. A further 2 hectares of the site is to be used for light industrial/warehouse activities. In combination, these uses will create 786 ongoing onsite jobs and around 664 off-site jobs, a total of 1,450 jobs. The 786 onsite jobs are projected to comprise 372 office based jobs, 90 retail jobs, 229 industrial jobs, 70 jobs associated with the proposed aged care facility and 27 home based jobs.

The scale of retail development should be limited to that required to meet the daily needs of the incoming population. The type of commercial development should be limited to that which will complement, and not compete with, the Penrith City Centre. The Minister is requested to reflect these limitations in any approval of the proposal.

Council's Sustainability Blueprint for Urban Release Areas seeks to ensure that a quantum of new jobs (both on-site and off-site) is created with each new release area to match the number of incoming resident workforce participants. That quantum is generally considered to be at least 1 job per new dwelling. At this rate, the proposal with up to 1,000 new dwellings would require up to 1,000 new jobs. In this sense the proposal, with up to 1,450 jobs, exceeds Council's normal expectation. However, this site is not a standard residential release area and is of strategic significance to the development of Penrith as the Regional City for North West Sydney. Its location adjacent to the Penrith CBD and the bus/rail interchange requires a higher employment generation than that expected of other urban release areas located in the City's suburbs. This has been recognised by the NSW Government in the Metropolitan Plan, which notes the site is "*well suited to accommodate employment growth*" and seeks to concentrate residential densities and employment opportunities around existing transit nodes, in and adjacent to centres.

Enhancing the employment opportunities on the site has been discussed with Landcom who have agreed to include this issue in the abovementioned MoU. The MoU would commit Landcom and Council to identify future stages (i.e. beyond Stage 1 of the Concept Plan forming part of Landcom's Part3A application) of the site that could be targeted for appropriate higher order employment opportunities that will complement not compete with the Penrith City Centre. This agreement has been reflected in the Statement of Commitments for the development.

The MoU will commit Landcom and Council to vigorously pursue key institutional or industry developments to locate on the North Penrith site and 'anchor' high order employment generation on the site, particularly targeting the education, research and technology sectors. In this regard, it is considered imperative that Landcom and Council be assisted in this endeavour by those Government agencies with the charter, expertise and knowledge to source and negotiate key anchor developments for the site, specifically the NSW Department of Industry and Investment, the

Department of Premier and Cabinet and, potentially the Department of Commerce and the proposed Metropolitan Development Authority. The Minister is requested to reflect these aspects of the MoU in any approval of the proposal and to seek commitment of the abovementioned Government agencies to work with Council and Landcom to achieve the delivery of additional and appropriate high order employment outcomes on the site.

The Minister is requested to:

- 6.1 Limit the scale of retail space to that nominated in the Concept Plan and the type of commercial development permissible on the site to that which will complement and not compete with the Penrith City Centre.*
- 6.2 Require the Memorandum of Understanding with Council to specifically target appropriate high order employment opportunities that will complement, and not compete with, the Penrith City Centre, and to vigorously pursue key institutional or industry developments to locate on the North Penrith site, particularly targeting the research, education and technology sectors.*
- 6.3 Seek the commitment of the NSW Department of Industry and Investment, the Department of Premier and Cabinet and, potentially the Department of Commerce and the Metropolitan Development Authority to work with Council and Landcom to source and negotiate key anchor developments for the site.*

Infrastructure Delivery

Internal allotment servicing (water, sewer, gas, electricity and telecommunications) is to be provided by Landcom. It is interesting to note that the site will be serviced by optic fibre cabling, able to support ADSL, ISDN, ATM, Frame Relay and Virtual Private Network services.

Landcom has identified the local services and facilities required to meet the additional needs of the incoming population as parks and open space, roads and traffic facilities and community facilities. It is intended to deliver and dedicate these facilities to Council with the staged rollout of the estate.

Local Open Space

Council requires the provision of 3.04 hectares of local open space per 1000 people in the delivery of new urban areas. The proposal is expected to accommodate a population of 1,800 people. On this basis, the proposal would require 5.5 hectares of local open space.

Approximately 7 hectares of local open space will be provided in 5 local parks, the largest being the oval (Smiths Paddock), 2 passive areas featuring water bodies, a number of pocket parks and a village square adjacent to the railway station. The project also includes healthy living initiatives such as cycle ways, pedestrian networks, and fitness activity stations around the open space areas. The quantum of local open space is consistent with that required by Council for new urban release areas.

The detail of local open space embellishment will be included in the project applications for each stage. In this regard the Project Application for Stage 1 provides details of the scale and embellishment of the oval (former cricket oval), to be known as Smiths Paddock and one other local park to be known as Belmore Green.

Smiths Paddock is the site of the former cricket ground on the site. Whilst the park retains the size of the former cricket ground, the 'oval' component is to be reduced in diameter from 130m to 120m. Landcom intend Smiths Paddock (1.89 hectares) to provide the local community hub for passive and active recreation including provision of a community facilities building to be known as the Pavilion. The park will include the existing eucalypt trees that define the eastern edge of the existing oval along with a mix of evergreen and deciduous trees for increased amenity.

Belmore Green is intended to provide a landscape connection with Smiths Paddock. The park's character will be in keeping with the surrounding streetscape and will incorporate large deciduous and evergreen trees.

The quantum and nature of local open space is considered appropriate.

District Open Space

Council's in-force District Open Space and Cultural Facilities Plans would ordinarily apply to applications such as this proposal. The total levy which would apply under these contributions plans would be in the order of \$4.7 million for the maximum 1,000 dwellings projected in Landcom's submission. As a consequence of instruction from the former Minister for Planning, Council reviewed both these contributions plans and in May 2010 adopted revised plans and forwarded them to the Department of Planning with a request the Minister make the revised plans. These revised Plans remain under consideration by the Department of Planning and as such are not in force. The revised versions of the District Open Space and Cultural Facilities Plans would reduce the necessary total contribution to the order of \$2.7 million.

Landcom do not propose to contribute towards District Open Space or Cultural Facilities Plans. It would be inequitable to exclude this development when other new residential development elsewhere in Penrith City is obligated to make those contributions. The Minister is requested to require a contribution towards district open space and cultural facilities in accordance with the revised, development contributions plans adopted by Council in May 2010.

Community Facilities

The proposed community facilities comprise a community centre (The Pavilion) to be located in the south western corner of Smiths Paddock. Landcom will construct the building as part of the Stage 1 works and use it as a sales centre until the first 400 dwellings are occupied, at which time it would be refitted by Landcom as a community facility.

Landcom will implement a community development program to assist with the settlement of the new population of North Penrith. The program will include a welcome kit, a community worker and funds for community activities and programs.

It is proposed that a part time worker based on salary for a full time equivalent worker for 2 years will be employed within 12 months of occupation of the first dwelling for a maximum of 3 years. A budget equivalent to 3 % of the facility building cost will be allocated for the community program activities and grants to support emerging groups and a variety of community initiatives for a period of 3 years.

The provision of this initial welcome program is an effective community building tool and will assist residents when they first move to a new area. The provision of a high quality community facility and introduction of a community development program for the North Penrith Development Project is welcome.

Access & Public Transport

The estate is intended to be permeable for pedestrians, bicycles and vehicles. The street network radiates from the village centre/railway station, with two access points to Coreen Avenue, one from The Crescent and one to Castlereagh Road. All four roads are proposed to provide vehicular access to and from the estate.

Access Road 4 provides access to and from The Crescent. Council is currently constructing a roundabout at the intersection of Macquarie Avenue and The Crescent. That roundabout will preclude vehicles entering Macquarie Street from The Crescent. Vehicles exiting the site and travelling to the City Centre via the rail overbridge to Evan Street would need to use Lemongrove Road and make a right hand turn into Macquarie Street. The Lemongrove Road/Macquarie Avenue intersection is and cannot be designed to cater for vehicular flows greater than presently exist. As such Access Road 4 should be restricted to entry only.

The Transport Mobility and Accessibility Plan (TMAP) submitted with the application identifies road improvements within and at the interface of the site with the surrounding local road network. The recommended local road layout and improvements need to be, but are not supported by a Road Safety Audit regime.

It is intended to retain the current left only turning movements at the intersection of the access road with Castlereagh Road opposite Peachtree Road. It is considered that this intersection should be upgraded to allow all turning movements. Upgrading this intersection would negate the need to upgrade the Coreen Avenue/Castlereagh Road roundabout identified in the TMAP, but not proposed to be undertaken as part of this application.

The access roads from Castlereagh Road and Coreen Avenue have been identified as collector roads. An uncontrolled four way crossing is proposed at their intersection. Given the likely volume of traffic on these roads, specific treatment such as a roundabout is required to ensure road safety and the free flow of traffic.

The TMAP also identifies that traffic generated by the proposed development requires improvements to the Coreen Avenue/Parker Street/Richmond Road intersection, the Coreen Avenue/Coombes Drive intersection and the Coreen Avenue/Castlereagh Road intersection. However, these intersection improvements are not proposed to be, but should be provided as part of this development.

Council prepared the Penrith Arterial Roads Study (PARS) in consultation with the Roads and Traffic Authority (RTA) and Department of Planning. This Study identified existing deficiencies in the road network across the Penrith LGA as well as future upgrades required to meet the planned growth of the City. An apportionment model was developed to allocate responsibility for the necessary road improvements. The Study identified that planned development of this site needs to contribute to specified improvements to the arterial road network, including improvements at the Jane Street/Castlereagh Road/ High Street, Parker Street/Coreen Avenue, Castlereagh Road/Peachtree Road and Coreen Avenue/Bel-Air Road intersections. The Minister is requested to ensure appropriate arrangements are in place to deliver the necessary arterial road improvements in a timely manner.

The TMAP acknowledges the likelihood of commuter parking within the residential street network and the proposed public car park in the village centre. The TMAP suggests 2hr and 4hr parking limits be imposed to address this issue. However, no specific streets have been nominated, nor is there any implementation plan and costing for this proposal. It is also envisaged that 'resident only' or 'resident permit' parking will be required in those streets. An on-street parking strategy should be prepared and implemented during construction of the estate.

Pedestrian footpaths will be provided along all streets to connect residential areas with recreation and open space facilities, the village centre and the railway station forecourt. An on/off road bicycle network will provide access through the estate connecting the village centre, recreation facilities and the railway station/commuter car park to the external bicycle network. However, the cycleway network does not distinguish between recreational and commuter cyclists. The Concept Plan should be supported by a clear cycleway strategy catering for both user groups.

Bicycle parking facilities will be provided within the village centre and are proposed in the decked commuter car parking facility. The bicycle parking facilities should be designed and located so that they are safe, secure and encourage their use.

The TMAP has also analysed the adequacy of the existing pedestrian rail overpass to cater for pedestrian movements generated by commuters and residents of the estate and concludes that the rail station and pedestrian overpass have sufficient capacity to accommodate future pedestrian flows. Notwithstanding the functional adequacy of the facility, its design, scale and lack of amenity do nothing to promote the development's integration and connectivity with the Penrith City Centre. Development of the site does not in itself generate the need for an enhanced facility however, commitment to its provision, location and timing for delivery need to be confirmed at this time.

Public transport initiatives include provision of a bus corridor through the site from Coreen Avenue to the village centre and railway station, with provision for a future underpass connection to the bus/rail interchange on the southern side of the railway station. Development of the site does not itself generate the need for the bus underpass however, commitment to its provision, location and timing for delivery need to be confirmed at this time.

In Stage 1 the bus route will circle Smiths Paddock (the oval) and return to Coreen Avenue. As part of Stage 2, the bus corridor will extend to the village centre and railway station.

It will be necessary to maintain safe pedestrian/cycleway access to the Station forecourt area during construction of Stage 1. These access arrangements should be co-ordinated with Council so that they can be integrated with access from the proposed commuter car park and the station forecourt area in the short term.

Council has been advocating for the construction of a bus transitway linking the St Marys development, Cranebrook, Waterside and the future urban development at Penrith Lakes and the Penrith bus/rail interchange. Whilst the proposed subdivision pattern makes for a circuitous route to the bus/rail interchange on the southern side of the rail line, it is an appropriate response to the constraints in developing the site.

The Minister is requested to address the abovementioned issues as part of any approval of the proposal.

Maintenance Costs

It is noted that the open space, community pavilion and public domain are intended to be of a higher quality than that generally dedicated to Council in other new release areas of the City. Whilst this 'above standard' level of embellishment and public domain is welcome and reflects the strategic significance of the site, it brings with it a commensurate increase in maintenance costs. The proposed water management regime will also incur higher maintenance costs due to the need for water level monitoring, pump facilities, water top up, water quality and aquatic vegetation management. These facilities are intended to be dedicated to Council, so Council will bear the ongoing cost of their maintenance. The indicative maintenance costs are not sufficiently comprehensive, and vary greatly between their lower and upper limit, to be of benefit in comprehending the exact financial commitment the development will impose on Council. The

Minister is requested to require a more comprehensive and accurate analysis of these costs. Council's consideration and acceptance of the infrastructure should be subject to separate approval at a later stage. The Minister is also requested to incorporate a mechanism to accommodate these arrangements.

The road network and water management infrastructure will be delivered by Landcom and rolled out with each stage of development. External road works are limited to connections in Coreen Avenue. These matters are discussed in the following sections of this report.

Statement of Commitments

The application is accompanied by Statements of Commitments for the Concept Plan and the Project Application for Stage 1.

Council's Legal Branch has previously confirmed that a Statement of Commitments is an enforceable mechanism for achieving delivery of the facilities described within the Statement, as they are subject to conditions of consent. However, it should be noted that as with any consent, such conditions could be varied via s96. Under these circumstances Council cannot be certain that facilities described in the Statement of Commitments will be provided and hence there is uncertainty as to whether the Statement is a desirable vehicle for infrastructure delivery. The preferred mode of ensuring delivery of facilities is via a Voluntary Planning Agreement between the parties. The Minister is requested to use voluntary planning agreements in lieu of the proposed statement of commitments. Alternatively, the Minister is requested to include safeguards within the approval that would require the engagement of Council in any request to reconsider the Statement of Commitments.

The Minister is requested to:

- 7.1 *Require full contribution towards district open space and cultural facilities in accordance with Council's adopted development contributions plans.*
- 7.2 *Implement a Road Safety Audit regime through the approvals process to ensure the local road network is designed and constructed in a safe and efficient manner.*
- 7.3 *Restrict Access Road 4 to entry only to ensure road safety and the efficient flow of traffic in the adjoining local street network.*
- 7.4 *Require upgrading of the Castlereagh Road/Peachtree Road/Road 3 intersection to provide a fully functioning 4 way intersection in lieu of the recommended improvements to the Castlereagh Road/Coreen Avenue roundabout.*
- 7.5 *Require appropriate traffic control arrangements, such as a roundabout, at the intersection of proposed Roads 3 and 6 to ensure the safe and efficient movement of vehicles.*
- 7.6 *Require the external intersection upgrades recommended in Table 29 of the TMAP accompanying the application.*
- 7.7 *Require a financial contribution towards the upgrade of the arterial road network as recommended by the Penrith Arterial Road Study.*
- 7.8 *Require the preparation and implementation of a cycleway strategy for the site that caters for both commuter and recreational cyclists.*

- 7.9 *Require the preparation of an on-street parking strategy to prevent conflict between commuter and resident parking in the local street network.*
- 7.10 *Provide a commitment to the provision, location and timing for delivery of an enhanced pedestrian rail overpass and bus underpass from the northern side of the rail line to the bus/rail interchange on the southern side.*
- 7.11 *To require a comprehensive and accurate analysis of the costs of operating and maintaining the open space, recreation, water management, community facilities and public domain and Council's capacity to meet that financial commitment, prior to determination of the Concept Plan; and*
- 7.12 *Provide the financial means for Council to meet any identified funding shortfall in maintenance and operating costs associated with the infrastructure to be dedicated to Council.*
- 7.13 *Utilise Voluntary Planning Agreements in lieu of the proposed Statement of Commitments to provide certainty that the nominated facilities will be delivered and not subject to variation/deletion pursuant to the provisions of Section 96 of the Environmental Planning & Assessment Act. Alternatively, the Minister could include safeguards within the approval that would require the engagement of Council in any request to reconsider the Statement of Commitments.*

Heritage

The site contains and is adjacent to a number of local European and Indigenous heritage items.

Archaeological artefacts of Aboriginal cultural and scientific significance (No. 45-5-2491 on the Aboriginal Heritage Information Management System Database) are known to be located in the north east corner of the site. Field assessment also noted additional artefacts within a nearby stand of trees. Landcom propose to retain the stand of trees to protect elements of item no. 45-5-2491 and potential, but as yet undiscovered artefacts.

The site contains and is adjacent to a number of items of European heritage significance. Thornton Hall and its setting, the remains of the former speedway and cricket oval and Combewood and its garden setting have been included in the Commonwealth Department of the Environment and Heritage 'Australian Heritage Database'.

Thornton Hall, Combewood and the Museum of Fire are also identified as items of environmental heritage in Council's local planning instruments. Combewood and the Museum of Fire are not located on, but are adjacent to, the site.

The Concept Plan is accompanied by an Interpretation Strategy and a Public Art Strategy which, among other things, are intended to publicly highlight the heritage aspects of the site.

Landcom intends to retain and conserve Thornton Hall in its landscape setting and provide view corridors (max 2 storeys) that reinforce the relationship of the homestead with the various activities held on the site. However, it is noted (Concept Plan - Urban Design Plan 06) that the view corridors do not extend all the way from Thornton Hall to the 'Oval'. The view corridors should extend between these two elements to connect and facilitate interpretation of the site's heritage significance.

Landcom intend that Thornton Hall will be utilised as a private residence or for an appropriate business/commercial use. However, it is not considered that opportunities for the adaptive reuse of

Thornton Hall for a public purpose, following its restoration, have been adequately investigated. The Minister is requested to require Landcom to work with Council to identify appropriate and financially sustainable opportunities in this regard. In any event, public access to Thornton Hall should be encouraged.

The Combewood residence is located to the north west of the site, however an area within the site and adjacent to the property is to be provided as a community garden, available to residents for the cultivation of vegetables and other produce. The location of the garden is intended to interpret the former agricultural use of the property.

The Museum of Fire is located to the south west of the site, visually buffered to a significant degree by the proposed decked commuter car park adjacent to the railway line. The scale, design and location of development within the site are not considered to unreasonably impact the heritage significance of this item.

The former speedway is being acknowledged and interpreted through the internal road network which has been designed to reflect the curve of the former speedway and the Public Art Strategy that incorporates 'speedway text' in the road pavement.

The former cricket oval is acknowledged and interpreted in its refurbishment as a local community hub for passive and informal active recreation. The area of land to be retained will be approximately 120m in diameter. Landcom's Public Art Strategy proposes to enclose the oval with a picket fence and identify the entries with appropriately scaled cricket bats.

The Concept Plan, Interpretation Strategy, Public Art Strategy and accompanying Statement of Commitments are considered to satisfactorily respond to, conserve and/or interpret the heritage significance of the site. However, the Minister should require that any identified restoration, interpretation and other relevant works relating to the specific heritage items on the site are undertaken in association with the stage within which they are located and not unduly deferred.

Recommendation:

The Minister be requested to:

- 8.1 Require the proposed view corridor to/from Thornton Hall to extend to the 'Oval'.*
- 8.2 Require Landcom to work with Council to identify appropriate and financially sustainable opportunities for the adaptive reuse of Thornton Hall for a public purpose, following its restoration.*
- 8.2 Require identified restoration, interpretation and other relevant works relating to specific heritage items on the site to be undertaken in association with the stage within which they are located.*

Water ManagementFlooding

It is proposed to re-contour the site to enable the site to drain adequately and raise a small portion of the site above the 1 in 100 year flood level. Filling of up to 3.5m (1.5m in the vicinity of the railway station forecourt and the proposed commuter car park) will be required. A small portion of the site will need to be filled to 0.5m above the 1 in 100 year flood level if the applicant does not want that land to be indicated on 149 Certificates as being subject to flood related development controls.

The technical reports accompanying the application do not address whether or not the proposed fill will increase flood levels, particularly with regard to the loss of flood storage and the cumulative impacts of filling, on the site and in the adjoining locality. The proposal also does not identify the local floodway through the site. These matters need to be adequately addressed and resolved in determination of the application(s).

Stormwater

Landcom has prepared a Water Cycle Management Strategy for the site. It comprises an integrated stormwater management system comprising an interconnecting system of rainwater tanks, stormwater drainage lines (including water sensitive urban design swales, WSUD), a central detention canal (the principal feature of the Waterfront Park), and an artificially constructed wetland (the principal feature of the Wetland Park).

The Water Cycle Management Strategy principles are supported. However, the technical reports accompanying the application do not confirm that post development flows at each discharge location do not exceed predevelopment flows at that location. The Minister is requested to ensure this is the case in determining the application(s).

Recommendation:

The Minister is:

- 9.1 *Advised that any land below the 1 in 100 flood level should be filled to 0.5m above the identified 1 in 100 flood level if the applicant does not want the land to be indicated on 149 Certificates as being subject to flood related development controls.*
- 9.2 *Requested to require further flood analysis to identify:*
 - (a) *whether or not the proposed fill will increase flood levels, particularly with regard to the loss of flood storage and the cumulative impacts of filling, on the site and in the adjoining locality; and*
 - (b) *the local floodway and associated hazard areas on the site.*
- 9.3 *Requested to require further stormwater analysis to confirm that post development flows do not exceed predevelopment flows at each location they enter Council's drainage system.*

Environmental Matters

Site Contamination

Potential site contamination has been addressed through a report prepared by Geotechnique Pty Ltd. This report reviewed the existing site audit statements (SAS) for the site and has provided recommendations for the on going management of factors such as unexploded ordnance, unexpected finds and further investigations after the removal of existing concrete slabs and other remnants of historical site activity. They have recommended that this issue be addressed through the Construction Environmental Management Plan. The report indicates that the site is suitable for its intended use. A testing, remediation and validation regime has been recommended and included in the Statements of Commitments.

Odour

The Penrith Sewerage Treatment Plant is located approximately 380m to the north of the site.

The application is accompanied by an Odour Impact Assessment. The analysis concludes that odour impacts are unlikely to occur more than 50m from the boundary of the Penrith Sewerage Treatment Plant.

An on-site sewage pumping station is to be located in the site. Odours from the facility will be minimal, however it is recommended that it be provided with a reasonable buffer zone to residential development.

Noise & Vibration

The main western rail line and traffic along Coreen Avenue are the principal noise and vibration sources.

The application is accompanied by a Noise & Vibration Assessment which indicates that parts of the site (those adjacent to the rail line and Coreen Avenue) are exposed to higher than acceptable noise and vibration levels. The report makes a suite of recommendations to satisfactorily ameliorate these impacts and have been included in the Statement of Commitments.

Recommendation:

10.1 The Minister is requested to ensure the recommendations, remedial measures and monitoring regimes identified by the contamination, odour and noise and vibration technical reports are adequate and included in the Statement of Commitments.

Technical Detail

The project raises a number of technical details which are outlined in Attachment A to this submission. The Minister is requested to consider and address the matters raised therein.

Conclusion

Landcom's proposal will deliver higher density living in a variety of contemporary housing forms and a reasonable quantum of jobs within a high quality urban environment. However, the North Penrith Urban Area is strategically significant to the development of Penrith as the Regional City for North Western Sydney. Its location adjacent to the rail/bus interchange and the Penrith City Centre provides a valuable opportunity to deliver components of high rise living and a greater contribution to higher order jobs in the City, than would otherwise be expected of a new urban area in the suburbs. Landcom have agreed to vigorously pursue these initiatives in partnership with Council through the proposed MoU.

Subject to recommendation 3.3 above, Stage 1 could be approved in advance of finalisation of the MoU between Council and Landcom as it is the subsequent stages of the proposed development that offer the greatest potential for intensification of residential densities and higher order employment opportunities.

Encl: Attachment A

TECHNICAL DETAIL

The Minister is requested to consider and address the following technical issues:

Land Use Conflicts

Residential development on the north and north east sides of the site is to be located directly adjacent to existing and proposed industrial development that includes a large fuel depot. There does not appear to be any buffer between the proposed residential lots and the existing and proposed industrial lots. The existing and proposed industrial development can pose a range of environment and health related impacts to residential development.

It is recommended that this issue be further investigated and a suitable buffer be provided between the proposed residential lots and the existing and proposed industrial lots.

Road Network

The typical road cross sections require minor revisions to conform with established road design in Penrith, particularly in relation to verge widths and lane/ parking configurations. Road design should comply with Section C10 Transport Access and Parking of Council's Penrith Development Control Plan 2010.

Rear laneways need to be designed and constructed to accommodate safe and efficient movement of all vehicles intended to access and manoeuvre in the laneway. This is of particular concern if garbage and other large vehicle servicing is to occur from these laneways.

Laneways also need to be of sufficient dimensions to accommodate vehicle access to/from private garages.

The priority at the T-Head on Sydney Smith Drive should be established and incorporated into the design accordingly.

There is a need to provide a garbage truck turning head in the collector road to the PTD to facilitate servicing of the Defence facility.

Proposed access lanes (Cleveland/ Cannonball) should not access Coreen Avenue to maintain road safety and the free flow of traffic in the street network, particularly within Coreen Avenue.

Consideration should be given to providing greater symmetry in deflection between the west and east-bound movements through the proposed roundabout at Coreen Avenue to improve road safety and the flow of traffic.

Stormwater Management

There is a need to ensure the temporary water management basin proposed in Stage 1 can function adequately with respect to tail water levels from the downstream system. The operation and maintenance of the temporary basin should be the sole responsibility of the developer.

The proposed drainage lines along the northern boundary within private lots and in catchment 16 through a private lot are not supported. These drainage lines will be required to be maintained by Council and as such should be located in public property to enhance accessibility and minimise disruption of private property.

Community Facility (The Pavilion)

It is recommended that this facility include:

- A separate water and electricity meter for the community facility.
- A variety of storage cupboards for use by individual user groups. These should be located within the community room or the foyer area.
- A secure cleaner's cupboard for the storage of chemicals and cleaning equipment .
- Natural light is provided to the office area.
- Timer operated controls for the air conditioning.
- All aspects of the facility to be designed to comply with AS 1428 (Part 2). This includes the location of power points, light switches, alarm panels etc plus the design of the kitchen, toilets etc.
- Provision of Security/fly screens on all operable doors and windows.
- The external bin enclosure is large enough for an industrial bin. Ongoing operational costs prohibit Council from having wheelie bins.
- Planting in the courtyard is to strongly discouraged due to the ongoing maintenance and OHS issues relating to tree roots, branches, leafs, damaged gutters, damaged paving etc.

Parks /Public Domain

- All water features need to be designed to ensure public safety.
- Appropriate shade measures are required for proposed playground areas.
- Landscaping species and location need to be cognisant of CPTED principles.
- All walls in parks/public areas should be provided with an anti-graffiti coating.
- BBQ/seating away should not be located adjacent residential property boundaries

Public Art Strategy

Box Kite Artwork

The design and construction of the artwork needs to consider wind loadings, foundation requirements, nesting birds, entrapment and injure of birds within the cables and maintenance requirements.

Cricket Bat Picket Entries

It is recommendation that additional sets of Cricket Bat Pickets be provided for replacement as required, due to damage or removal via the community.

Speedway Text in Payment

The use of textured non slip metal inlays is preferred to applying a non slip covering. This would reduce the requirement for reapplication of coverings and the ongoing maintenance cost of the feature.