

Peer Review of Submission in relation to Planning Proposal to resolve the deferred matters from Penrith LEP 2010 (Amendment 4)



Prepared by: **Think Planners Pty Ltd**
Document Date: February 2016
Consent Authority: Penrith Council



Quality Assurance

PROJECT: Peer Review
AUTHOR: Think Planners Pty Ltd
 Mays Hill Gatehouse
 Great Western Highway
 Parramatta

Date	Purpose of Issue	Rev	Reviewed	Authorised
Feb 2016	Client Review Issue	Draft	AB	AB
Feb 2016	To Client for Reporting	Final	AB	AB

<i>Integrated Development (under S91 of the EP&A Act). Does the development require approvals under any of the following legislation?</i>	
<i>Fisheries Management Act 1994</i>	<i>No</i>
<i>Heritage Act 1977</i>	<i>No</i>
<i>Mine Subsidence Act 1992</i>	<i>No</i>
<i>Mining Act 1992</i>	<i>No</i>
<i>National Parks and Wildlife Act 1974</i>	<i>No</i>
<i>Petroleum (Onshore) Act 1991</i>	<i>No</i>
<i>Protection of the Environment Operations Act 1997</i>	<i>No</i>
<i>Roads Act 1993</i>	<i>No</i>
<i>Rural Fires Act 1997</i>	<i>No</i>
<i>Water Management Act 2000</i>	<i>No</i>
<i>Concurrence</i>	
<i>SEPP Infrastructure</i>	<i>No</i>
<i>SEPP 71 – Coastal Protection</i>	<i>No</i>

Integrated Development not relevant for the purposes of this Peer Review



Contents

Quality Assurance	1
1. Executive summary	3
2. Background	4
3. The Submission.....	5
4. Peer Review	6
5. Conclusion	0



1. Executive summary

Think Planners Pty Ltd has been engaged by Penrith Council to undertake an independent peer review of a submission made, in relation to a Planning Proposal to resolve the deferred matters from Penrith LEP 2010 (Amendment 4).

The review includes an assessment of the issues raised in the submission to Council, the amendments sought in the submission, and commentary on the decision of Council.

This review has concluded –

- The Council has undertaken an appropriate analysis of the key issues that arise in any consideration of the submission; including –
 - Character of allotment sizes and building heights in the vicinity of the site
 - Attributes of the subject site, and whether there are any distinguishing features that would give rise to an alternative pattern of allotment sizes or heights to that which is established in the vicinity of the site
 - Analysis of the established pattern of allotment sizes and heights in the locality
 - Appropriateness of the introduction of a use that is not ordinarily permitted in the B7 zone.
- Think Planners concurs with the recommendations of Council officers as there has been inadequate analysis, background study or justification for the amendments sought. In the absence of any thorough analysis the recommendation of Council officers to apply controls consistent with the zone throughout the local government area is the responsible and appropriate strategic decision.
- It is the view of Think Planners that irrespective of such analysis being undertaken, that this Planning Proposal to resolve the deferred matters from Penrith LEP 2010 (Amendment 4) is not the right statutory instrument through which the amendments being sought should be undertaken. This Planning Proposal would be unnecessarily delayed in order for the required analysis and studies to be undertaken to support the proposed amendments to the one site.
- Think Planners believe that 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 stand alone Planning Proposal seeking changes to the zone and permissible uses, along with controls such as Maximum Building Height and minimum lot size.



2. Background

The Task

Think Planners Pty Ltd has been engaged by Penrith Council to undertake an independent peer review of a submission made, in relation to a Planning Proposal to resolve the deferred matters from Penrith LEP 2010 (Amendment 4).

The review includes a critical assessment of the issues raised in the submission to Council, the amendments sought in the submission, and commentary on the decision of Council.

The Director of Think Planners Pty Ltd has extensive experience in Strategic and Statutory Planning, within local government and as a proponent for rezoning applications and development applications in the private sector.

Reference Documents

In undertaking the review, Think Planners has reviewed the following documents –

- The exhibited Planning Proposal to resolve the deferred matters from Penrith LEP 2010 (Amendment 4)
- Submission prepared by “cityscape planning + projects” dated August 2015
- Council officers’ review of the submission prepared by cityscape planning + projects.
- Draft Zoning Maps

3. The Submission

In response to the public exhibition of the Planning Proposal to resolve the deferred matters from Penrith LEP 2010 (Amendment 4) “cityscape planning + projects” made a submission dated August 2015. The submission relates to a single site that fronts the Great Western Highway and French Street, Werrington. The site comprises of four lots – Lots 50, 56, 57 & 58 in DP 1069025.

The key planning issues raised in the submission are as follows –

1. Request to amend the mapping of the Environmental Conservation E2 Zone so that it correctly corresponds with the environmental values of the site. The request is for a change to the mapping to realign the Environmental Conservation E2 Zone.
2. Request to not apply a minimum lot size to the site. This is sought on the basis of other release areas not having minimum allotment sizes, including South Werrington Urban Village, Jordan Springs, Caddens, and Glenmore Park Stage 2.
3. Request to amend the maximum building height limit from 8.5m to 12.5m, to all of the land, or at a minimum on key corner sites to provide diverse housing outcome. This is sought on the basis of the adjacent B7 Business Park land having a 12.5m height limit.
4. Request the inclusion of an additional site specific permitted use of a “service station” on Lot 56, which is proposed to be zoned B7 Business Park.



4. Peer Review

Table 1 provides a summary of the Council's response to the submission request and our review of the adequacy of the response.

TABLE 1. Response Analysis

Submission Request	Council Response (summarised)	Think Planners Comment
<p>1.</p> <p>Request to amend the mapping of the Environmental Conservation E2 Zone so that it correctly corresponds with the environmental values of the site. The request is for a change to the mapping to realign the Environmental Conservation E2 Zone.</p>	<p>Amend the zone boundaries to accurately reflect the riparian corridor.</p>	<p>Think Planners relies on Penrith Council investigating and confirming that the draft mapping incorrectly identifies the riparian corridor.</p> <p>However, the proposed amendment is a logical necessity, in order to ensure the intended environmental outcomes are achieved.</p>
<p>2.</p> <p>Request to not apply a minimum lot size to the site. This is sought on the basis of other release areas not having minimum allotment sizes, including South Werrington Urban Village, Jordan Springs, Caddens, and Glenmore Park Stage 2.</p>	<p>Deleting the minimum lot size would be inconsistent with the objectives of the R3 Medium Density Residential zone and be incompatible with the desired subdivision pattern and intended dwelling densities.</p> <p>The adjacent residential development west of French Street is currently zoned R3 Medium Density Residential with a</p>	<p>Think Planners notes that though the subject site is significant in area, it is not designated as a “release area”.</p> <p>Release areas such as Glenmore Park Stage 2 and Caddens are generally the subject of significant strategic analysis in the form of masterplanning, concept planning and / or DCP preparation. These documents typically detail matters such as –</p> <ul style="list-style-type: none"> - dwelling yield and diversity



	<p>minimum lot size requirement of 400m2 under Penrith LEP 2010.</p> <p>Future development and subdivision of this land will be consistent with the character and subdivision pattern of the adjoining residential area that is west of French Street.</p> <p>A minimum lot size of 400m2 has generally been applied to other R3 Medium Density Residential areas of Penrith LGA, it would be appropriate to retain the 400m2 lot size to ensure a consistent pattern of subdivision and development outcomes.</p> <p>The Werrington Signals Site is not an urban release area. The urban releases areas such as Glenmore Park Stage 2 and Caddens, are generally zoned R1 General Residential with no minimum lot size to provide for a variety of housing types and densities.</p> <p>The land immediately north of the of the subject site does not have a minimum lot size as this land is zoned R1 General Residential under Penrith LEP 2010 to</p>	<ul style="list-style-type: none">- dwelling types- street network, hierarchy and design- road design- pedestrian and cycle networks- landscape, open space network- response to natural constraints and opportunities <p>It is the view of Think Planners that in the absence of a masterplanning exercise then the allotment size should be consistent with adjoining and nearby areas. It would be premature to remove a minimum allotment size control without a thorough analysis of the implications and some strategic planning of the precinct.</p> <p>However, it is also our view that the site has a number of characteristics such as its size, location and environmental features that would justify it being the subject of a separate Planning Proposal to reduce lot sizes and increase densities. Such a Planning Proposal would include appropriate and necessary masterplanning and analysis, that is consistent with release areas in the Penrith Local Government Area.</p>
--	---	--



	<p>benefit from a previous commitment by the NSW Government to provide a railway station north of the site for the University of Western Sydney Werrington Campus.</p>	<p>Until such time as the masterplanning exercise is undertaken for the site, as part of a Planning Proposal or otherwise, then the decision of Council to apply a minimum allotment size consistent with Medium Density Residential R3 zoned lands across the LGA is supported.</p>
<p>3. Request to amend the maximum building height limit from 8.5m to 12.5m, to all of the land, or at a minimum on key corner sites to provide diverse housing outcome. This is sought on the basis of the adjacent B7 Business Park land having a 12.5m height limit.</p>	<p>The permissible uses in the Medium Density Residential R3 zone do not warrant a greater building height especially when Residential Flat Buildings are prohibited.</p> <p>Retaining the maximum 8.5m building height for this land would ensure consistency with other areas in the vicinity and across the Penrith LGA that are zoned R3 Medium Density Residential, including the land west of the site that is zoned R3 Medium Density Residential with a maximum building height of 8.5m.</p> <p>The submission proposed an alternative for Council to allow key corner sites to be developed up to 12.5m to provide diverse</p>	<p>Consistent with the view expressed above, Think Planners believes that the site is of sufficient area, and is sufficiently detached from the adjoining land across French Street, that alternative building heights, building forms and housing choices may prove to be appropriate for the site.</p> <p>However, it is our view that this would need to occur following a thorough strategic planning analysis of appropriate built form outcomes across the site and consideration of where additional uses could be provided on the site. Such strategic analysis should inform a site specific Planning Proposal.</p>



	<p>housing outcomes in accordance with traditional urban planning principles. As the maximum building height controls are applied across the entire lot, it would not be appropriate to consider any proposed height control changes in isolation of a site specific proposal on a particular part of the lot. 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 is outside the scope of this Planning Proposal exercise. The proponent could submit a Planning Proposal following subdivision to vary heights on specific key sites which could be considered by Council.</p> <p>The amendment proposed are significant as it would permit development that is incompatible and uncharacteristic with the subdivision pattern and character of the adjoining area as well as the objectives of the R3 Medium Density Residential zone. The changes sought are significant enough to warrant a more</p>	<p>In the absence of the thorough strategic planning analysis, Think Planners supports the Council decision to adopt the 8.5m maximum building height, which is consistent with other Medium Density Residential R3 zoned land across the local government area.</p>
--	---	--



	<p>detailed analysis and further study and would need to seek the community's views.</p>	
<p>4. Request the inclusion of an additional site specific permitted use of a "service station".</p>	<p>The submission requested that service station be permitted at Lot 56, DP 1069025 and part Lot 50, DP 1069025.</p> <p>This land is proposed to be zoned B7 Business Park, which prohibits service stations.</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 4). 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. In addition, as these lots</p>	<p>Consistent with the view expressed in this paper, Think Planners are of the view that the "spot rezoning" of the site to permit a service station in the absence of any analysis of traffic movements, entry and exit points, and elements of the service station (eg does it include carwash, mechanical repairs, restaurant offering, etc) is premature.</p> <p>As discussed previously, the site is of sufficient area and enjoys significant frontage to the Great Western Highway that a proposal for a service station is worthy of consideration. However, such consideration should include at an early stage design concepts that would allow discussions with the RMS, along with preparation of the relevant technical data such as traffic reports, hazard considerations, environmental protection measures and the like.</p>



	<p>form a gateway site to the proposed Business Park, the use of this land for a service station is not desirable. It would be more appropriate for a service station to be located on a corner site, particularly if the site can be accessed from a major arterial road such as the Great Western Highway.</p> <p>Should Council decide to permit service station at Lot 56, DP 1069025 and part Lot 50, DP 1069025, the use should be included in Schedule 1 – Additional Permitted Uses of Penrith LEP 2010 rather than changing the zone of the land. This would retain the B7 Business Park zone for the site and provide Council with certainty in the type of future land uses that may be proposed. In addition, as the service station would require access via the Great Western Highway, this would require concurrent approval from the RMS.</p>	<p>In the absence of this analysis, Think Planners supports the decision of Council to retain the prohibition of service stations on the land.</p>

5. Conclusion

Think Planners Pty Ltd has been engaged by Penrith Council to undertake an independent review of a submission to the Planning Proposal to resolve the deferred matters from Penrith LEP 2010 (Amendment 4).

This review has concluded –

- The Council has undertaken an appropriate analysis of the key issues that arise in any consideration of the submission; including –
 - Character of allotment sizes and building heights in the vicinity of the site
 - Attributes of the subject site, and whether there are any distinguishing features that would give rise to an alternative pattern of allotment sizes or heights to that which is established in the vicinity of the site
 - Analysis of the established pattern of allotment sizes and heights in the locality
 - Appropriateness of the introduction of a use that is not ordinarily permitted in the B7 zone.
- Think Planners concurs with the recommendations of Council officers as there has been inadequate analysis, background study or justification for the amendments sought. In the absence of any thorough analysis the recommendation of Council officers to apply controls consistent with the zone throughout the local government area is the responsible and appropriate strategic decision.
- It is the view of Think Planners that irrespective of such analysis being undertaken, that this Planning Proposal to resolve the deferred matters from Penrith LEP 2010 (Amendment 4) is not the right statutory instrument through which the amendments being sought should be undertaken. This Planning Proposal would be unnecessarily delayed in order for the required analysis and studies to be undertaken to support the proposed amendments to the one site.
- Think Planners believe that 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 stand alone Planning Proposal seeking changes to the zone and permissible uses, along with controls such as Maximum Building Height and minimum lot size.