

Lot A Burley Road Horsley Park Interface Area

Planning Report

DRAFT



May 2015

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Executive Summary

In 2013, the Planning Assessment Commission (PAC) determined Jacfin's concept plan at Lot A, Burley Road, Horsley Park.

The site is adjoined by a number of rural residential properties with outlooks over the existing undeveloped land and towards the Blue Mountains.

The determination recognised that Stages 3B, 4 and 5 of the concept plan proposal posed potential visual amenity issues for adjoining residents.

With this in mind, the determination deferred the approval of a portion of the site to a land use planning process to be undertaken by Jacfin and the Department of Planning & Environment (the Department), in consultation with local landholders and Councils to determine an appropriate interface between proposed employment uses and existing residential uses.

The Department, in consultation with Jacfin, Councils and landowners has undertaken additional work to explore a rural residential buffer zone within the Jacfin site.

This report proposes to rezone approximately 35 hectares of the site to permit rural residential land uses, consistent with the surrounding land uses under Penrith Local Environmental Plan 2010.

The report also recommends a minimum lot size of 2 hectares to create appropriate lots within the site, to allow for permitted uses including dual occupancy development, to retain acoustic and visual privacy for new and existing landowners and to meet minimum buffer requirements.

Jacfin is also required to meet a number of additional obligations with regard to visual amenity under the PAC determination. Once these obligations are met, Jacfin will be able to apply to the Department for determination of the final stages of the concept plan. The approval of the remaining stages of the concept plan does not form part of this report.

The Department considers that the rezoning of this land, along with restriction on minimum lot size will provide an adequate buffer between Jacfin's proposed employment lands and existing rural residential dwellings and satisfactorily mitigate amenity impacts on adjoining properties.

1 Introduction

1.1 Background

Major Project Assessment

In August 2010, Jacfin Pty Ltd (Jacfin) submitted a Part 3A Major Project Application with the Department for concept approval to establish site layout, road connections, urban design and guidelines for future development. The application was in respect of Jacfin's site at Lot A, Burley Road, Horsley Park. The proposal sought warehousing, distribution and light industrial development for the 100 hectare site.

The exhibition process revealed significant concerns from Fairfield Council and the local community in relation to potential visual impacts on nearby residents at Greenway Place. In November 2012, a Preferred Project Report (PPR) was lodged with the Department. The PPR addressed the issue of visual amenity through landscaping measures (**Figure 1**).

A 'rural residential option' was also considered which replaced 20 hectares of industrial development with rural residential lots on the southern and eastern boundaries of the site in order to create a rural residential buffer between existing housing and proposed industrial uses. The Department noted that although a rural residential option could not be considered under the Part 3A declaration, a planning proposal to rezone the south eastern portion of the site to enable rural-residential development was likely to have merit and would be supported. The Department commissioned a visual considerations report which identified a 250m interface area in which visual considerations should be taken into account and compatible land uses considered (**Figure 2**).



Figure 1: Proposed landscaping to mitigate visual amenity impacts as shown in Jacfin's PPR (2012)

In October 2013, the application was determined by the Planning Assessment Commission (PAC). The PAC considered that a better interface to the employment land area may be possible through the realignment of the land use boundaries and the consideration of compatible uses within the 250m interface area. The PAC acknowledged that this would result in some reduction to the employment area, albeit a relatively small one when considered in the context of the Broader WSEA. The PAC determined that the concept plan and project application be approved, but that stages 3B, 4 and 5 be subject to further planning. The PAC provided a mechanism in the concept plan instrument for the Proponent to seek an approval from the Department once further investigation has been undertaken and the proponent has demonstrated that a reasonable level of amenity is maintained for existing residents.

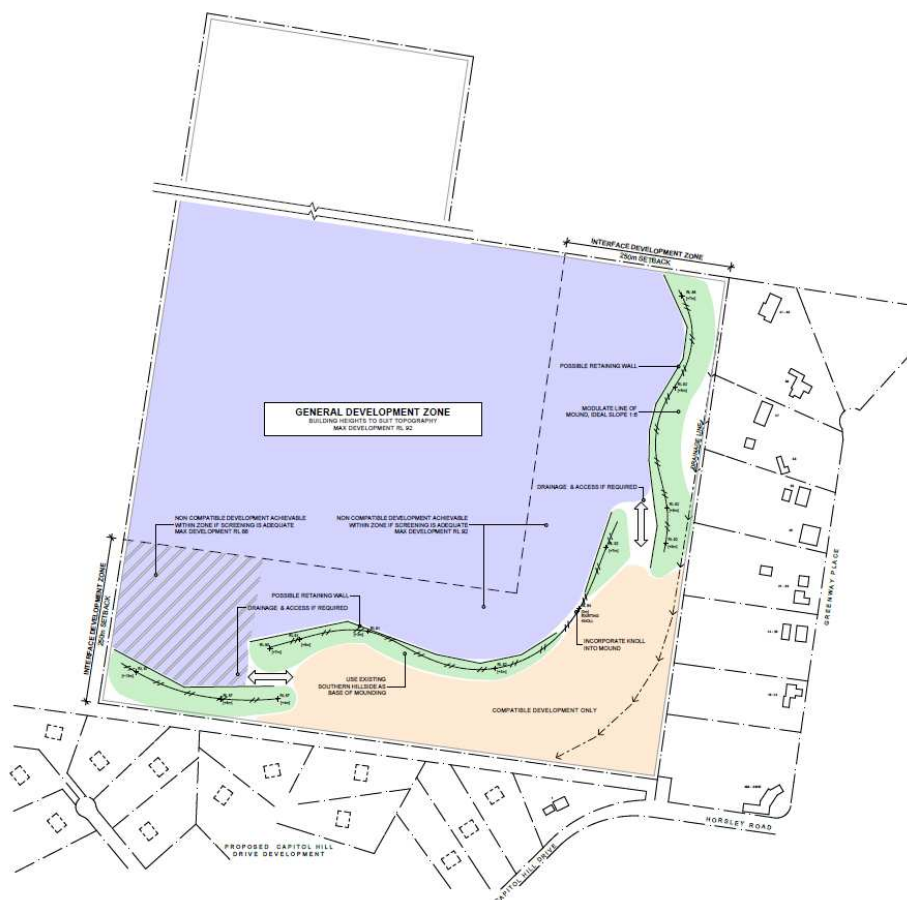


Figure 2: Interface Development Zone (O'Hanlon Design, February 2013)

Post Determination

Following the PAC determination Jacfin prepared initial designs, outlining a proposed subdivision pattern of 53 lots, at an average lot size of approximately half a hectare (**Figure 3**).

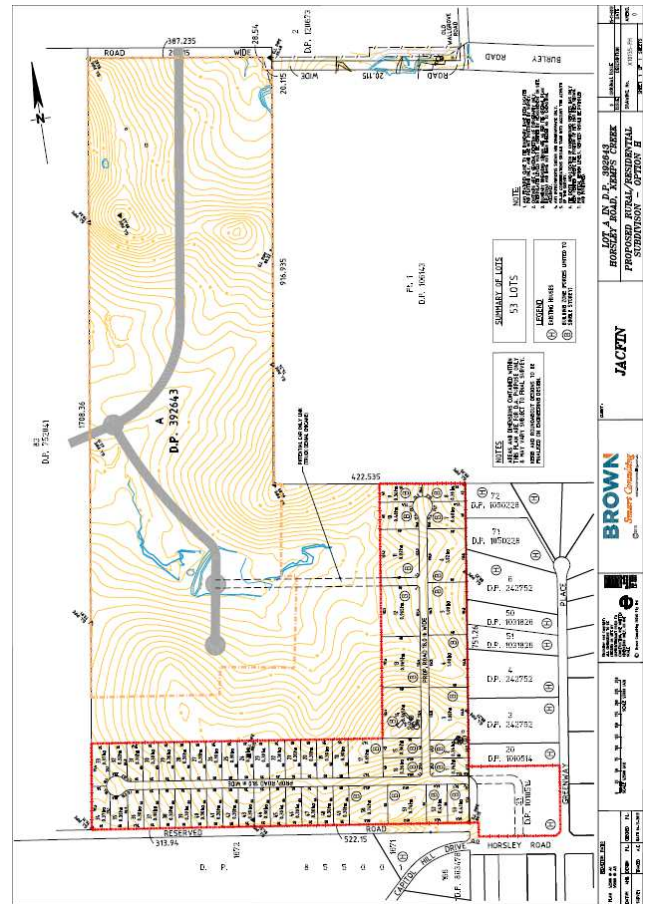
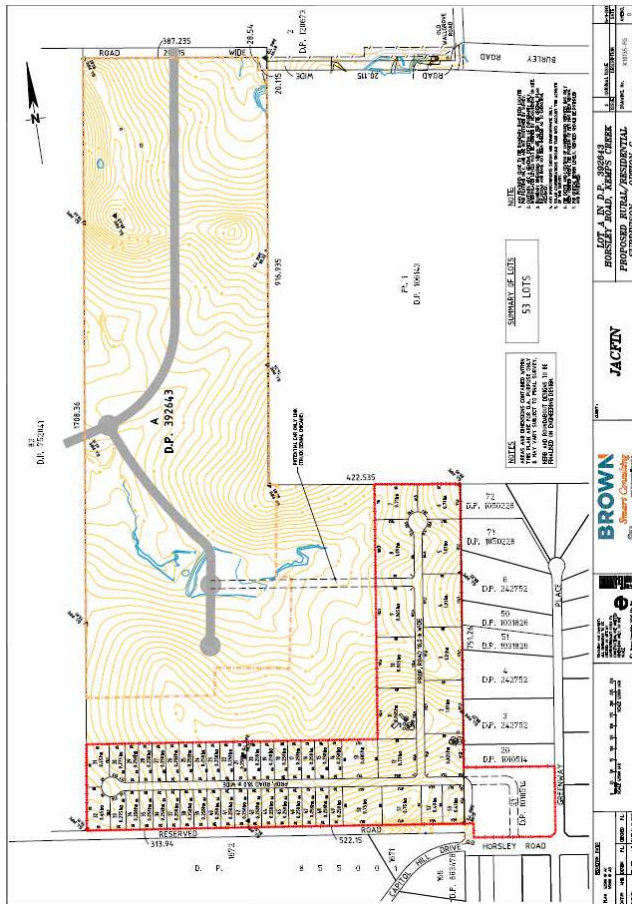


Figure 3: Jacfin's residential proposal following PAC determination (January 2014)

Further consultation with Penrith and Fairfield Councils and local residents determined that the proposed density would constitute an unacceptable outcome. In response to these concerns, Jacfin submitted an alternative subdivision arrangement (**Figure 4**). This plan represents Jacfin's final proposal to the Department, Councils and the community and supports the proposed rezoning considered within this report.



Figure 4: Jacfin's latest proposal (March 2015)

1.2 Purpose of this Report

The purpose of this report is to support and document the proposed rezoning of the 35 hectare interface area which meets the adjoining residential land uses. The interface area is based on creating an approximate 250m buffer between these existing residential land uses and future industrial uses.

This report proposes to rezone the part of the interface area, shown in red in **Figure 5**, for rural residential purposes by amending *State Environmental Planning Policy (Western Sydney Employment Area) 2009* (the WSEA SEPP) to remove the subject land from the WSEA SEPP and to rezone the land to the primary production small lot (RU4) zone under *Penrith Local Environmental Plan 2010* (Penrith LEP 2010) (**Figure 6**).

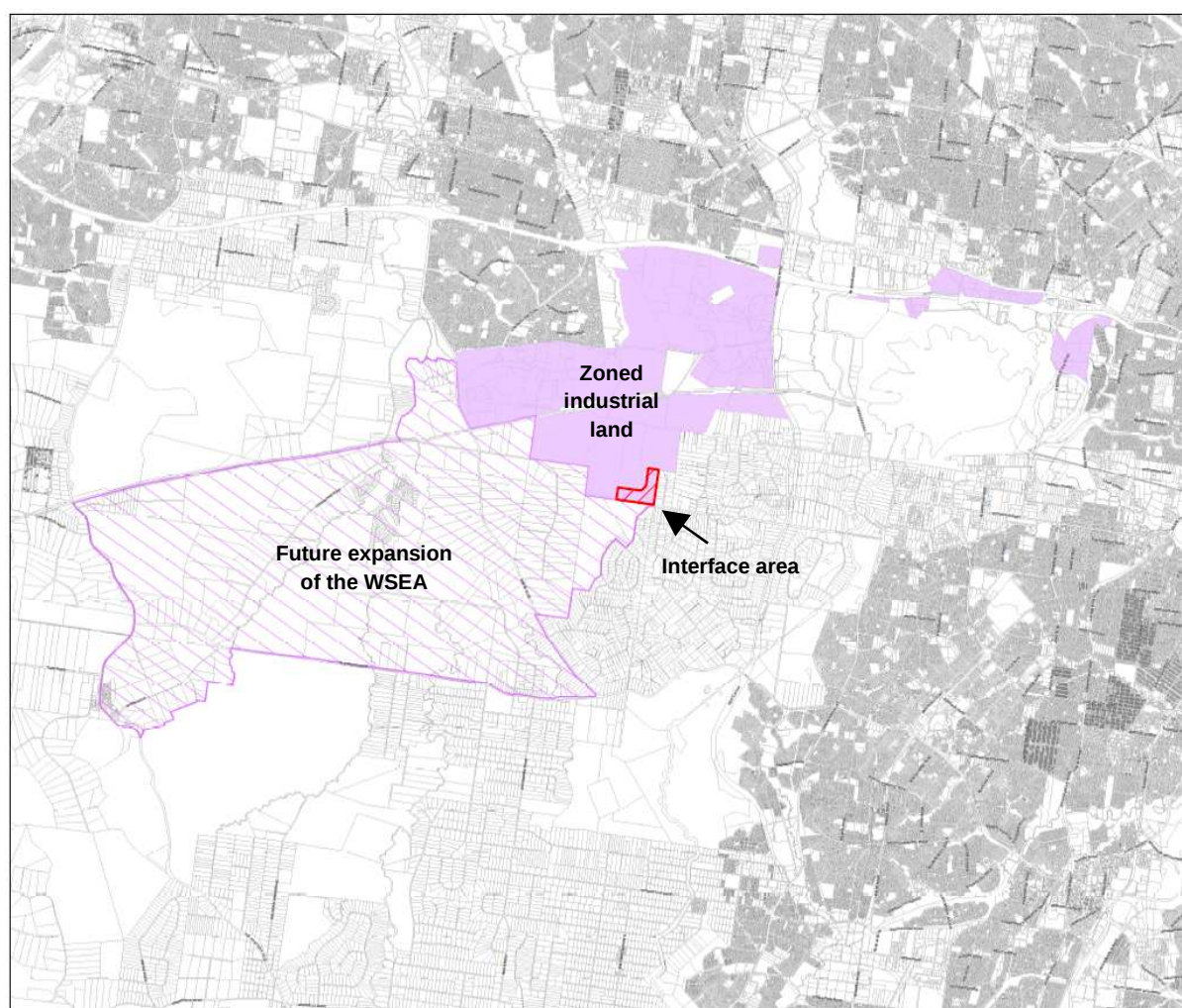


Figure 5: Interface area to be removed from the WSEA SEPP

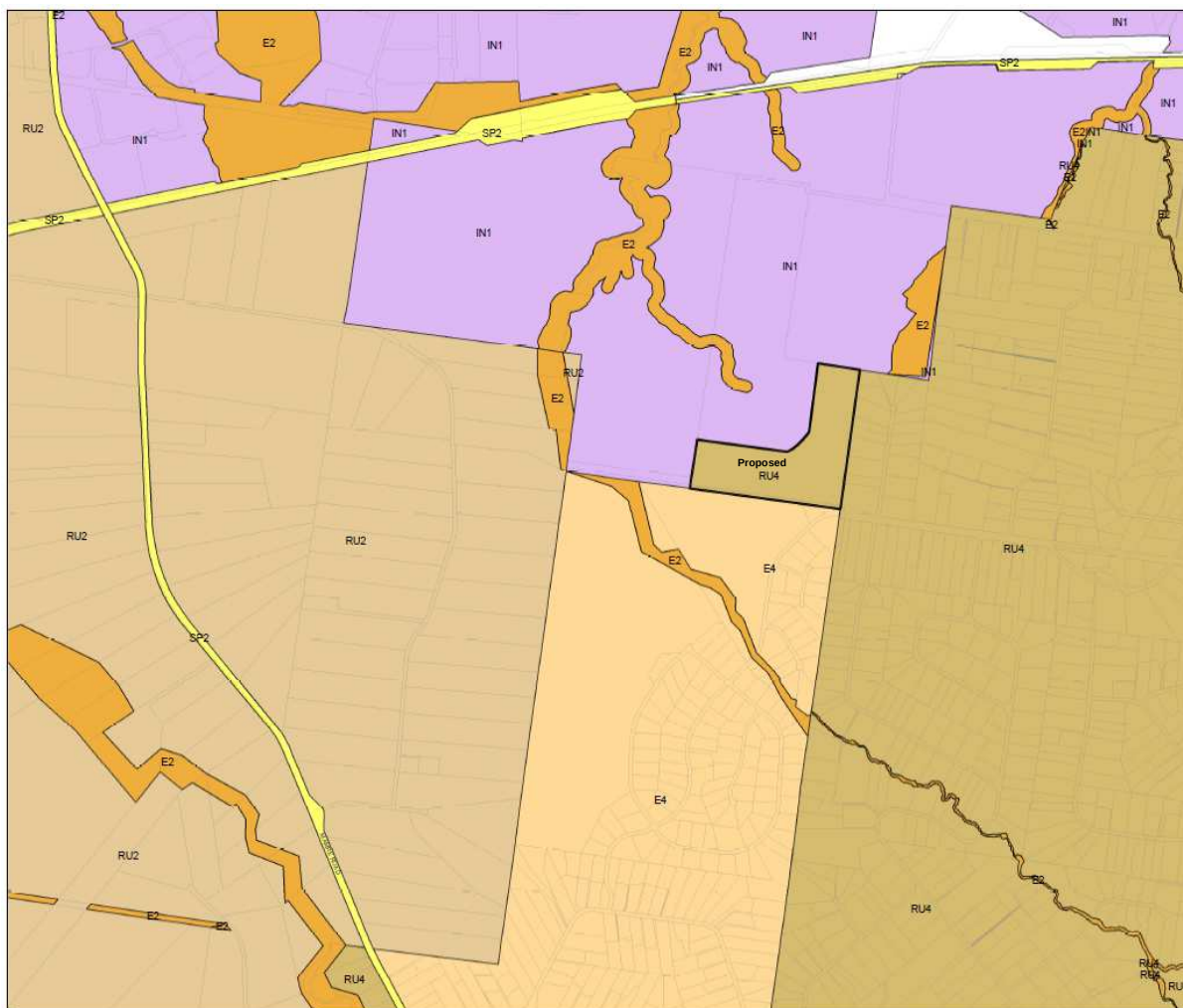


Figure 6: Proposed land uses

This report considers Jacfin's proposal (outlined previously in **Figure 4**) and documents key issues relating to the rezoning of the area including visual amenity, lot size, noise impacts, maintenance, management and staging.

As part of the PAC's determination the developer is required to provide additional information prior to any further approvals. The planning approval of stages 3B, 4 and 5 of Jacfin's concept plan does not form part of this report. Once the proposed rezoning has taken place, and the Proponent has submitted all necessary additional information to the Department's satisfaction, the Department may approve by writing stages 3B, 4 and 5 of the concept plan.

2 Planning Context

2.1 Location

In December 2005, the NSW Government announced the creation of the WSEA. The area covers approximately 2,400 hectares of land near the intersection of the M4 and M7 Motorways.

In August 2009, the WSEA SEPP was gazetted and established a series of land uses and other development controls for 10 Precincts across four local government areas, including Fairfield, Penrith, Blacktown and Holroyd.

The WSEA is developing rapidly. It is the most important new employment area in NSW and is expected to provide around 40,000 jobs to Western Sydney.

The rural residential village of Horsley Park is located to the south east of the WSEA and rural residential land uses adjoin industrial land uses in this area. Fairfield Council is seeking to undertake a rural lands study for this area in the future.

2.2 Site Description

The study area is located within Precinct 8 of the WSEA known as 'South of the Sydney Catchment Authority Warragamba Pipeline'. The area falls within Penrith LGA and borders the western boundary of Fairfield LGA. See **Figure 7**.

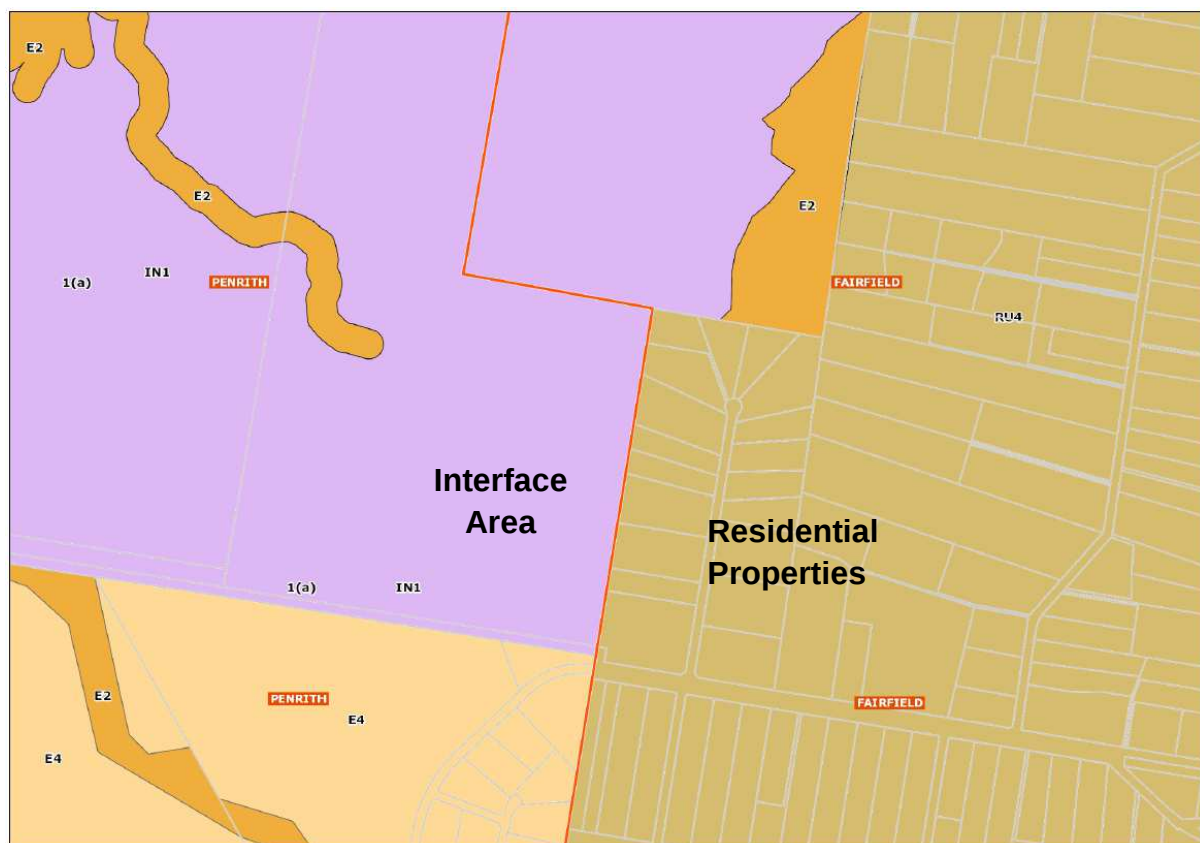


Figure 7: Local Government Area Boundary

The study area is currently zoned IN1 General Industrial allowing for industrial development such as warehousing, light industrial and distribution centres.

Land uses adjoining the study area include:

- Rural residential suburb of Horsley Park with the closest residents at Greenway Place;
- Rural residential suburbs of Capitol Hill and Mt Vernon to the south;

- CSR Bricks quarry to the north; and
- Undeveloped employment lands to the west.

Access to the site is proposed via an internal access road that will run from the existing access point to Jacfin's site at an unformed section of Burley Road. A reserved road corridor is also located on the southern boundary of the site which may provide access. Potential future access to the proposed residential component of the site is discussed later in this report.

The nearest residential dwellings to the study area are located in Greenway Place approximately 50 metres from the site boundary at RL96. The nearest existing residential dwelling on Capitol Hill Drive is situated approximately 30 metres from the site boundary.

Most of the vegetation on the study area has been cleared and the land is currently used for grazing. An aerial photograph of the study area is shown at **Figure 8**. A ridgeline runs east-west across the study area, up to RL 983 metres, on which a small demountable cottage is situated. This is the highest point of the site (**Figure 8**). Due to the topography of the site a number of houses at Greenway Place have views overlooking the natural low point on Jacfin's property. The interface area identified in is partially defined the natural topography and takes up the south eastern portion of Jacfin's site.

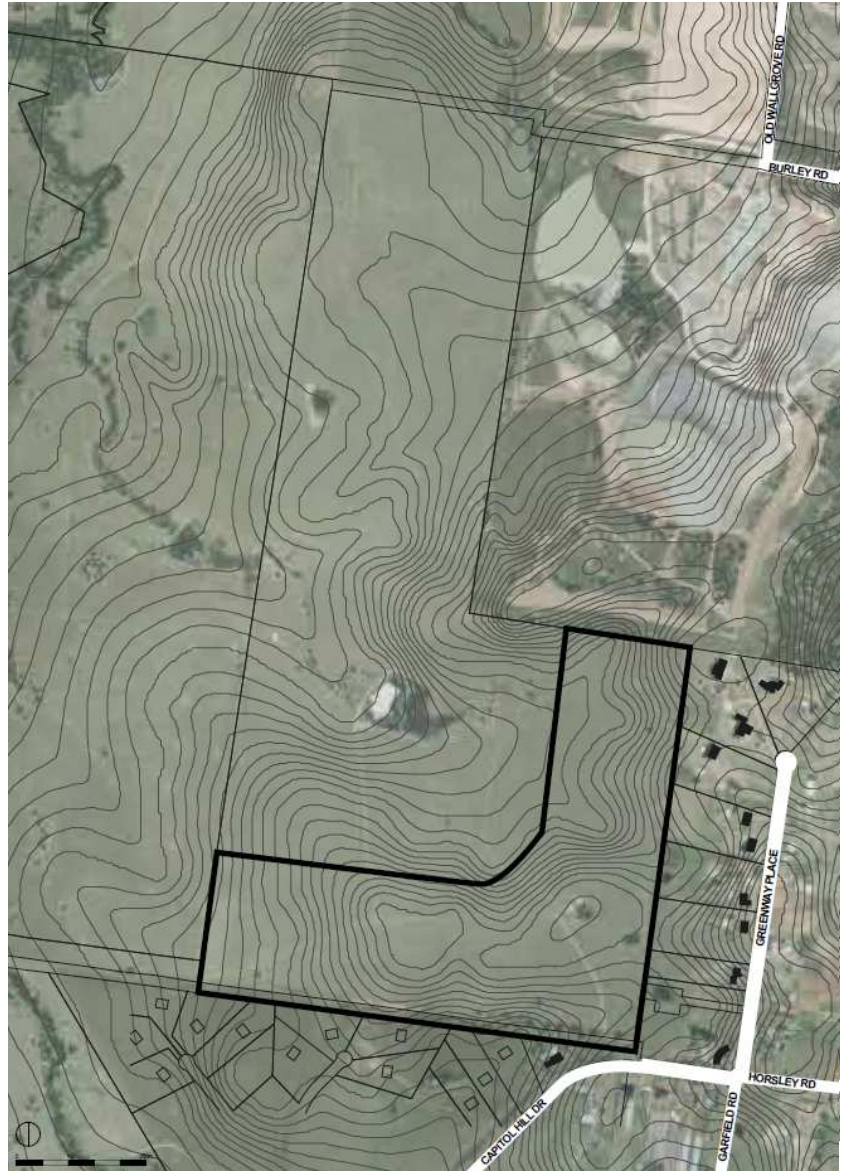


Figure 8: Aerial photograph and topography

2.3 Current Land use Zoning

The principal planning instrument affecting land uses within the study area is *State Environmental Planning Policy (Western Sydney Employment Area) 2009* (the WSEA SEPP). Under the provisions of the WSEA SEPP the site is zoned IN1 General Industrial. Adjoining land uses include E4 Environmental Living under *Penrith Local Environmental Plan 2010* (Penrith LEP) to the south and RU4 Primary Production Small Lots under *Fairfield Local Environmental Plan 2013* (Fairfield LEP) to the east.

3 Strategic and Statutory Framework

3.1 State and Regional Planning Strategies

3.1.1 A Plan for Growing Sydney

A Plan for Growing Sydney sets out a vision for Sydney, to create a strong global city, a great place to live. The plan sets out specific goals and actions to set achieve the aims of the plan. The plan identifies the WSEA and its significance in providing employment to the people of Western Sydney.

3.1.2 WSEA SEPP

The WSEA SEPP governs land use in the WSEA. It broadly aims to promote economic development and the creation of employment in the WSEA by providing for development including major warehousing, distribution, freight transport, industrial, high technology and research facilities.

In the WSEA SEPP there are specific clauses to deal with areas of interface between employment land and adjoining residential areas. The intent of these clauses is to manage potential land use conflicts including visual, bulk and scale impacts associated with industrial development on residences in interface areas. Key clauses include:

- Clause 21, which aims to ensure building heights do not adversely impact on the amenity of adjacent residential areas; and;
- Clause 23, which aims to ensure buildings are compatible with the height, scale, siting and character of existing residential buildings in the vicinity.

3.2 Statutory Planning Framework

3.2.1 NSW Environmental Planning and Assessment Act 1979

The *NSW Environmental Planning and Assessment Act, 1979 (EP&A Act)* and the *NSW Environmental Planning and Assessment Regulation 2000 (EP&A Regulation)* provide the statutory planning context for environmental planning context for environmental assessment and approval in NSW.

Under the EP&A Act the WSEA SEPP may be amended to call upon the provisions of Penrith LEP in order to rezone land.

3.2.2 Section 117

Section 117 Directions of the EP&A Act require councils to address a range of matters when seeking to rezone land. They have been addressed at Appendix B.

3.3 Local Planning Framework

As noted in Section 2.3 the principal instrument currently affecting the land is the WSEA SEPP.

The proposed SEPP amendment will ensure that the planning instrument applying to the proposed rural residential area will be the provisions of Penrith LEP, and any relevant development control plans. Subject to the EP&A Act 1979, Penrith Council will be the development consent authority once the WSEA SEPP is amended.

Concerns relating to the development of future development applications within the Jacfin site are addressed in 4.5 of this report.

4 Consultation

Between March 2011 and October 2013, the Department's and the PAC's assessment of the concept plan involved extensive consultation with Fairfield Council, Penrith Council, local residents and other stakeholders in accordance with the assessment process. The PAC determination was made in October 2013 which initiated further consultation with the developer and other stakeholders to resolve the outstanding issues identified in the determination. Further details of consultation undertaken for the determination of the concept plan can be found in the Director General's Assessment Report and the PAC Determination Report which can be found on the Department's website.

In October 2013, Following the PAC's direction to explore an alternative land use arrangement in the area, Jacfin undertook consultation with the Department to prepare an initial design solution for the interface area. Jacfin prepared an initial residential lot layout for the interface area which proposed 53 lots, at an average density of half a hectare (**Figure 3**).

Initial consultation was undertaken with Fairfield and Penrith Council based on the 53 lot design. Significant concerns were raised in relation to the proposed density of the subdivision layout relating to local impacts, visual impacts and impact on adjoining industrial uses. Following this initial consultation the Department commissioned AECOM as an independent body to undertake a visual analysis of this proposal. AECOM made a number of recommendations designed to ensure visual amenity is protected for adjoining landowners.

In December 2013, the Department held a community consultation session with adjoining landowners from Greenway Place and the surrounding local area to discuss the 53 lot proposal and the recommendations put forward by AECOM through the independent visual analysis.

Additional further consultation was undertaken with Fairfield and Penrith Council based on the results of the consultation session and AECOM analysis. Through this consultation Councils and the Department determined that the proposed density would likely form an unacceptable outcome in terms of the proposed location of dwellings and the suggested density in relation to the existing character of rural residential land uses.

In March 2015 Jacfin submitted an updated proposal outlining a potential subdivision arrangement and internal access roads (**Figure 4**). The updated proposal was considered by Fairfield Council, Penrith Council, the Department and was distributed to local landholders at Greenway Place. Consultation with Councils revealed that the proposed distance buffer created by the arrangement would provide an acceptable distance buffer between industrial and existing rural residential homes. Significant concerns were raised however in relation to the proposed density of the subdivision arrangement and it was considered that a restriction

on the minimum lot size of the site, to ensure a minimum lot size of 2 hectares, would mitigate potential impacts on the surrounding community. A minimum lot size of 2 hectares would also reduce local traffic impacts within the Horsley Park Village and would reduce the number of sensitive receivers close to proposed industrial development.

The proposal was considered simultaneously with an industrial proposal on the adjoining industrial site to the north owned by CSR Pty Ltd. The Department has worked with Fairfield Council, Penrith Council, the local community, CSR and Jacfin to coordinate visual mitigation methods in such a way that suitably protects local residents.

In April 2015 Penrith Council advised the Department that that the principal of a rural residential buffer between Jacfin's land and the existing residents of Greenway Place is acceptable and that a land use zoning of RU4 Primary Production Small Holdings is best suited for the interface area. Penrith Council also noted that a 2 hectare minimum lot size is required for a number of reasons including; actual and useable site area, permitted land uses including dual occupancy development, acoustic and visual privacy, and minimum buffer requirements.

5 Planning Issues

4.1 Visual amenity

The rezoning of the 'South of the Sydney Catchment Authority Warragamba Pipeline' Precinct of the WSEA in 2009 was undertaken based on high level strategic analysis. As detailed planning did not underpin the rezoning of the area, the WSEA SEPP relies on specific Clauses to defer detailed planning, in relation to potential impacts on adjoining landowners, to the development assessment stage.

Clauses 21 and 23 of the WSEA SEPP protect existing amenity at the residential and industrial interface areas (areas within 250m of existing residences). The Department's assessment report, based largely on consultation with the two Councils and a visual design consultant, found that Jacfin's PPR did not satisfactorily address these clauses.

A 'rural residential option' was considered by Jacfin early in the development assessment process in order to alleviate the Department's concerns in relation to visual amenity. While the concept of a rural residential buffer was generally supported the Department considered that the proposal could not be considered under the Part 3A declaration. The Department advised in the Director General's Assessment Report that a planning proposal to rezone the south eastern portion of the site to enable rural-residential development was likely to have merit and would be supported within the 250m interface area.

The PAC's determination revisited a rural residential scenario, considering that a better interface to the employment land area may be possible through the realignment of the land use boundaries and the consideration of compatible uses within the interface area.

The Department recommends that the area within the interface area, including land within 250m of the southern and eastern site boundary be rezoned to allow for rural residential

development (shown below in **Figure 9**). The proposed rezoning will create a distance buffer between existing houses and Jacfin's proposed industrial uses which combined with a minimum lot size will ensure the visual amenity of existing residents is not adversely impacted.

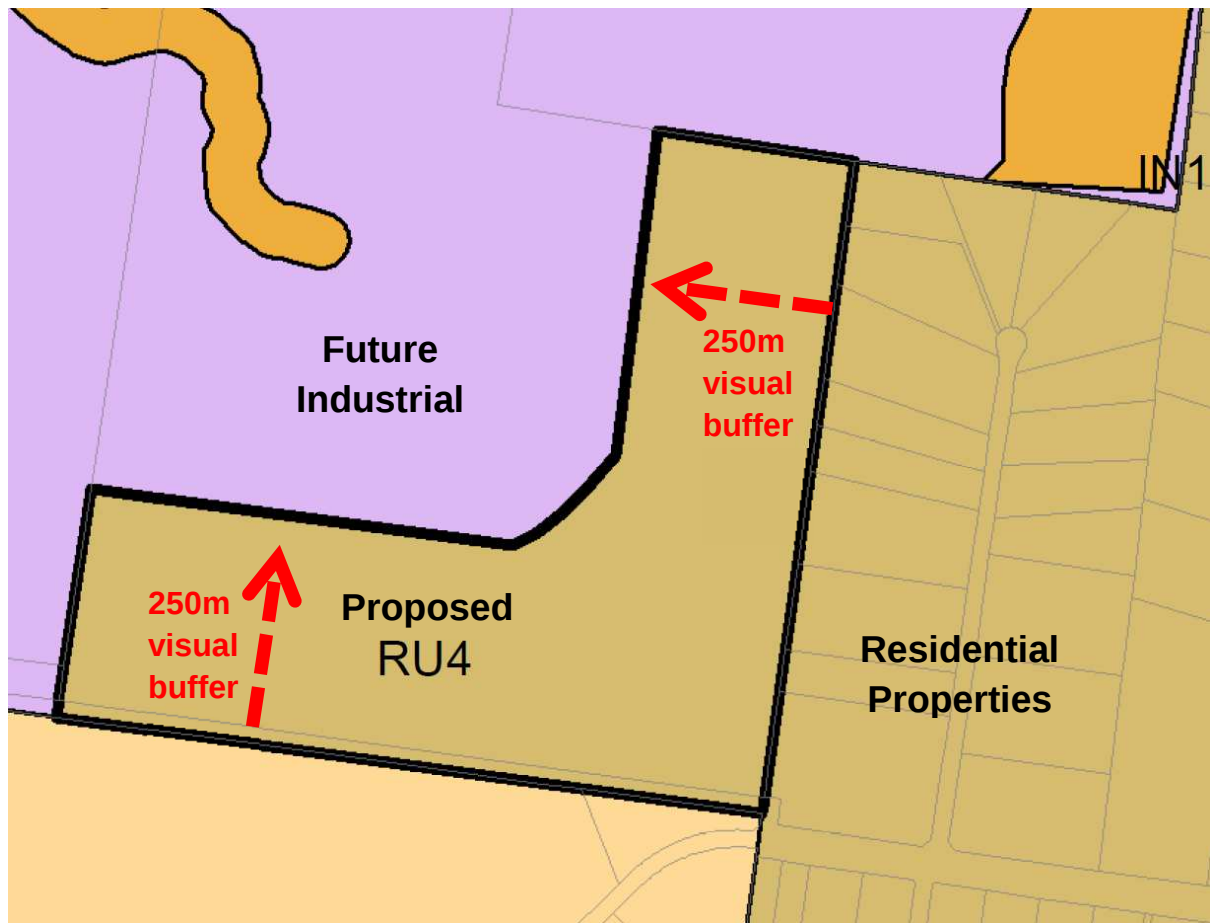


Figure 9: Proposed distance buffer between existing residential and proposed industrial

The Department considers that rural residential development would be compatible within the interface area and that these land uses would work with the topography of the site to create a reasonable distance buffer in order to protect the visual amenity of existing residents.

It is noted that the PAC determination included a number of requirements to be met by the Proponent, in consultation with adjoining landholders, in order to demonstrate that appropriate levels of amenity will be retained prior to any approval of stages 3B, 4 and 5. These requirements are further explored in Section 4.5 of this report.

4.2 Lot size

The proposed SEPP amendment will allow for rural residential land uses to occur within the compatible development area, with development consent.

Of particular consideration in determining the future built form of the interface area is the allowable lot size. The Department has consulted extensively with Penrith and Fairfield Council on the matter and recommends a minimum lot size of 2 hectares.

Jacfin's proposed subdivision layout identifies a future lot size of approximately 1 hectare, resulting in approximately 27 lots. It is noted that the introduction of rural residential land uses to this area is being considered in order to solve an existing land use problem. While it is acknowledged that new landowners moving into the interface area are likely to do so with the knowledge of adjoining industrial land uses, the Department considers that the number of potential new dwellings should be limited to ensure that future land use conflicts are not created.

The Proponent's proposed 27 lot subdivision made up of 1ha lots would be inconsistent with the surrounding rural residential character of the area. The proposed subdivision arrangement at two hectares would allow for approximately 14 dwellings in a similar land area to the adjoining 9 lots at Greenway Place. The Department considers that for this reason a 2ha minimum is required to ensure that residential development within the interface area is of a similar character as the surrounding land uses. Further, one hectare lots results in long, narrow lots which do not allow buildings to respond to the topography.

A minimum lot size of 2 hectares would additionally restrict the impact of future rural residential development on adjoining industrial operations owned by others to the north and west of Jacfin's site.

A 2 hectare minimum lot size is considered to be an appropriate measure as it would effectively halve the number of potential dwellings permissible in the interface area, have a lesser impact on the existing local community, maintain the appropriate rural residential character of the area, provide an appropriate visual outlook for adjoining residents and minimise the number of new sensitive receivers that are located immediately adjacent to an active industrial area. This is a key consideration given that the only mitigation measure proposed is distance.

4.3 Noise impacts

Industrial noise represents an issue for the proposed and adjoining residents. The proponent is required to demonstrate that a reasonable level of noise amenity is maintained for existing residents through the provision of appropriate mitigation measures under the PAC determination, further outlined in Section 4.5.

Jacfin has provided a revised noise and vibration impact assessment which updates previous work undertaken for the concept plan assessment based on the revised site layout. The report is attached at **Appendix C**. The report found that neither vibration from construction or operational activities has the potential to adversely impact on surrounding residences. It notes that the distance between existing dwellings and proposed industrial uses and construction equipment will be sufficient.

The noise assessment establishes criteria to be met during operation of the revised concept plan, recommending that each individual development (of the industrial sheds) ensure that the cumulative noise levels comply with the criteria. Compliance with the established noise

criteria is predicted based on the adoption of design measures aimed at managing noise emissions from the site. These specific noise control measures should be determined at project application stage.

Noise during construction will need to be carefully managed with particular attention to minimising the acoustic impact on surrounding properties. Any proposed development will be required to comply with Penrith Council LEP and DCP provisions.

An important consideration is that the rural residential proposal does not impact on the industrial activities owned and operated by others to the north and west. This is a key reason why the two hectare minimum lot size is needed.

4.4 Access

Jacfin's subdivision design drawings indicate that access to the residential component of the site may be achieved through the creation of a local road connection to Horsley Road running along the southern and eastern boundaries of the site. Jacfin has ownership of the southernmost adjoining land parcel on the corner of Greenway Place and Horsley Road and it is anticipated that access could be achieved via a road through this site.

The introduction of a local road along the eastern boundary of the site would provide an additional barrier between existing residents and future residents within the interface area.

It is expected that these potential future roads would have minimal impact on surrounding houses at Greenway Place and Capitol Hill Drive and on local traffic along Horsley Road due to the small number of traffic movements generated by the proposed residential development (provided a minimum lot size of 2 hectares is adopted) and the lack of a connection through to the industrial component of the site.

The approval of any subdivision or roads does not form part of this report and would be considered by Penrith Council or Fairfield Council as part of a future application.

4.5 Additional requirements under the PAC determination

The Planning Assessment Commission (PAC) determination identified a number of requirements to be met prior to the approval of the remainder of the concept plan (stages 3B to 5 of the proposal). This report seeks to amend the land use zones applying to the interface area and does not constitute an approval of the remaining concept plan.

The rezoning of the land will allow for the developer to apply for approval for the remainder of the concept plan proposal, consistent with the modifications proposed in Schedule 2 of the PAC's determination. Under the determination the developer is required to undertake a number of additional studies, plans and legally binding arrangements to the satisfaction of the Secretary of the Department (formerly the Director General).

The Department considers that outstanding issues relating to future development within the industrial and proposed rural residential areas will be satisfactorily addressed through the requirements of the determination. In particular, the determination ensures that a

management plan set in place prior to the approval of development within Stages 3B to 5. The developer must also demonstrate that a reasonable level of amenity is maintained for existing residents. Additionally, the Site Development Guidelines for the site must be modified to relate to the altered concept plan.

The determination notes the scope of approval and lists a number of requirements that must be fulfilled by the developer prior to the determination of the Concept Plan. Upon receipt of these additional requirements the Department will undertake an assessment of the additional information. The requirements are outlined below:

4. *Stages 1 to 3A are approved, subject to the modifications in this approval. Stages 3B to 5 are not approved until written approval has been received from the Director-General. In seeking the Director General's written approval, the Proponent must:*
 - (a) *Include revised plans (developed in consultation with the existing adjoining residents) and associated technical studies to demonstrate that:*
 - *A reasonable level of amenity (including visual and noise) is maintained for existing residents through the provision of appropriate mitigation measures, which could include an appropriate separation distance, building design and layout, landscaping, and/or bunding; and*
 - *Any change in ground levels have been appropriately engineered, including in relation to drainage;*
 - (b) *Include a Landscape Management Plan prepared by a suitably qualified and experienced expert which sets out the visual mitigation in detail including how they will be maintained and managed over time;*
 - (c) *Detail the legally binding arrangements to be implemented to provide for the ongoing maintenance and management of the mitigation measures in the revised plans, including associated landscaping;*
 - (d) *Demonstrate consistency with the modifications of this approval; and*
 - (e) *Provide a timetable for the implementation of the revised plans and associated legally binding arrangements, consistent with the Staging Plan required in Modification 6 below, and demonstrate the mitigation measures (that are not building works) and the legally binding arrangements will be implemented, and appropriately established, prior to any building works commencing on Stages 3B to 5.*

The terms of the determination require the developer to provide updated plans demonstrating that a reasonable level of amenity has been maintained and provide a Landscape Management Plan to that effect. Additionally, it is required that any necessary bunding or landscaping is provided prior to approval of any development within Stages 3B to 5 and that legally binding arrangements for maintenance be entered into.

The terms of the determination requires that the developer also undertake a detailed Staging Plan in consultation with Council and service providers. The relevant terms are outlined below:

6. *Unless otherwise agreed to in writing by the Director General, the Proponent shall prepare a detailed Staging Plan in consultation with Council and relevant utility and*

service providers to show how development within this area of the site is likely to be staged over the life of the Concept Plan. The Plan must be approved by the Director General prior to the lodgement of any applications for development within Stages 2 to 5.

The proposed land use changes to the area covered by Jacfin's concept plan will require updated development guidelines to reflect the proposed new land uses and consider the interface between the two uses. Term 7, Schedule 2 of the Concept Plan Modifications outlines the requirement for updated Site Development Guidelines with respect of Stages 3B to 5 and is outlined below:

- 7. The Site Development Guidelines are approved for use in relation to the development in Stages 1 to 3A.*

Unless otherwise agreed to in writing by the Director General, the Proponent shall prepare modified Site Development Guidelines to apply to Stages 3B to 5 in consultation with Council. The modified Guidelines must be approved by the Director General prior to the lodgement of any applications for development within Stages 3B to 5.

The Department considers that this requirement will ensure that site guidelines reflect the amended land uses within the site.

5 Statutory and Development Controls

5.1 Proposed Amendment to Penrith LEP 2010

The SEPP amendment proposes to amend the boundary of the WSEA as shown below in **Figure 10**.

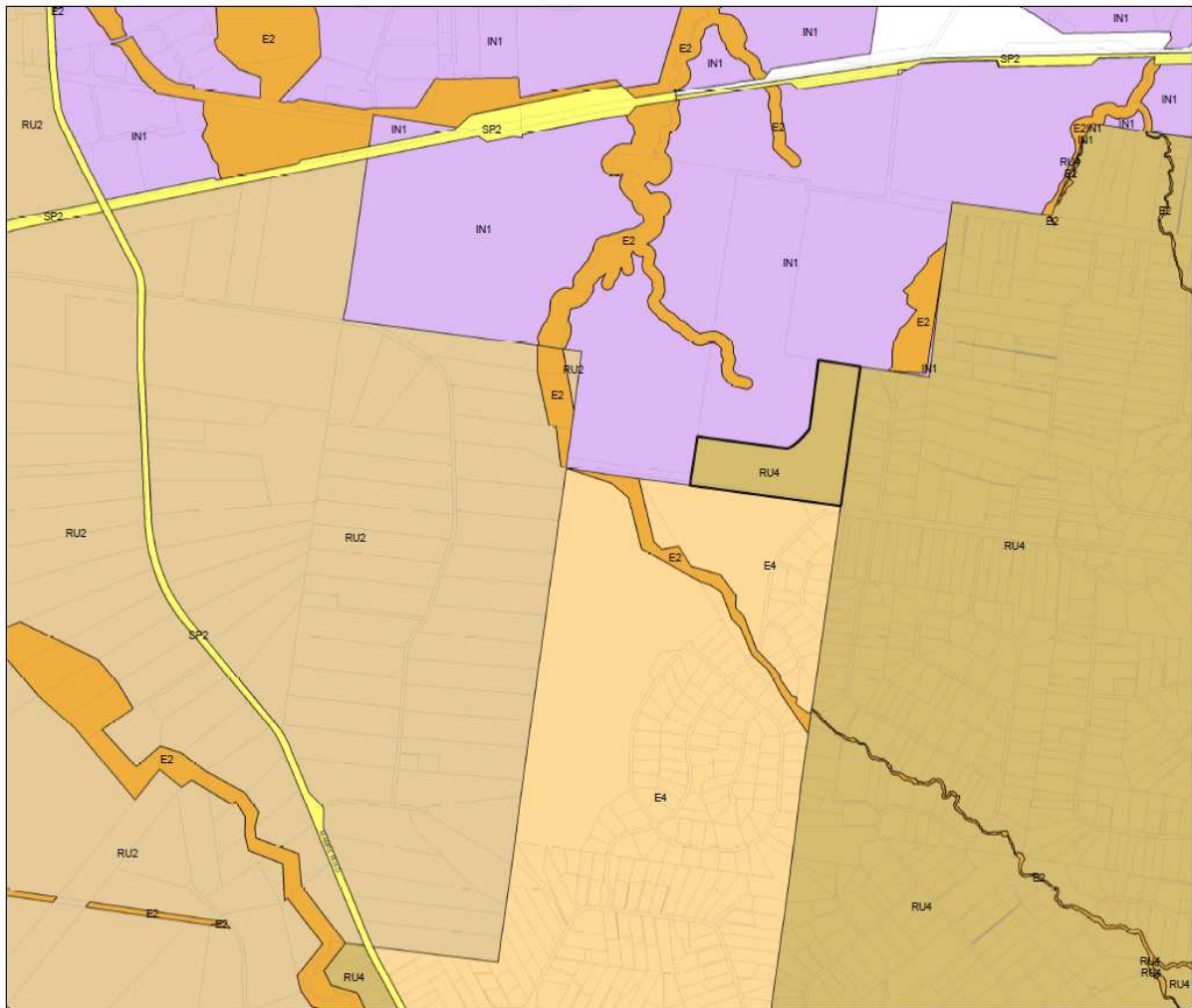


Figure 10: Proposed WSEA SEPP amendment

The SEPP amendment also proposes to amend the Zoning Map in Penrith LEP 2010.

The following zone will apply to the land identified as the compatible development area as shown on the Land Zoning Map:

- RU4 Primary Production Small Lot, to ensure that the land uses are compatible with the surround rural residential area.

The proposed land use zone is shown below in **Figure 11**.

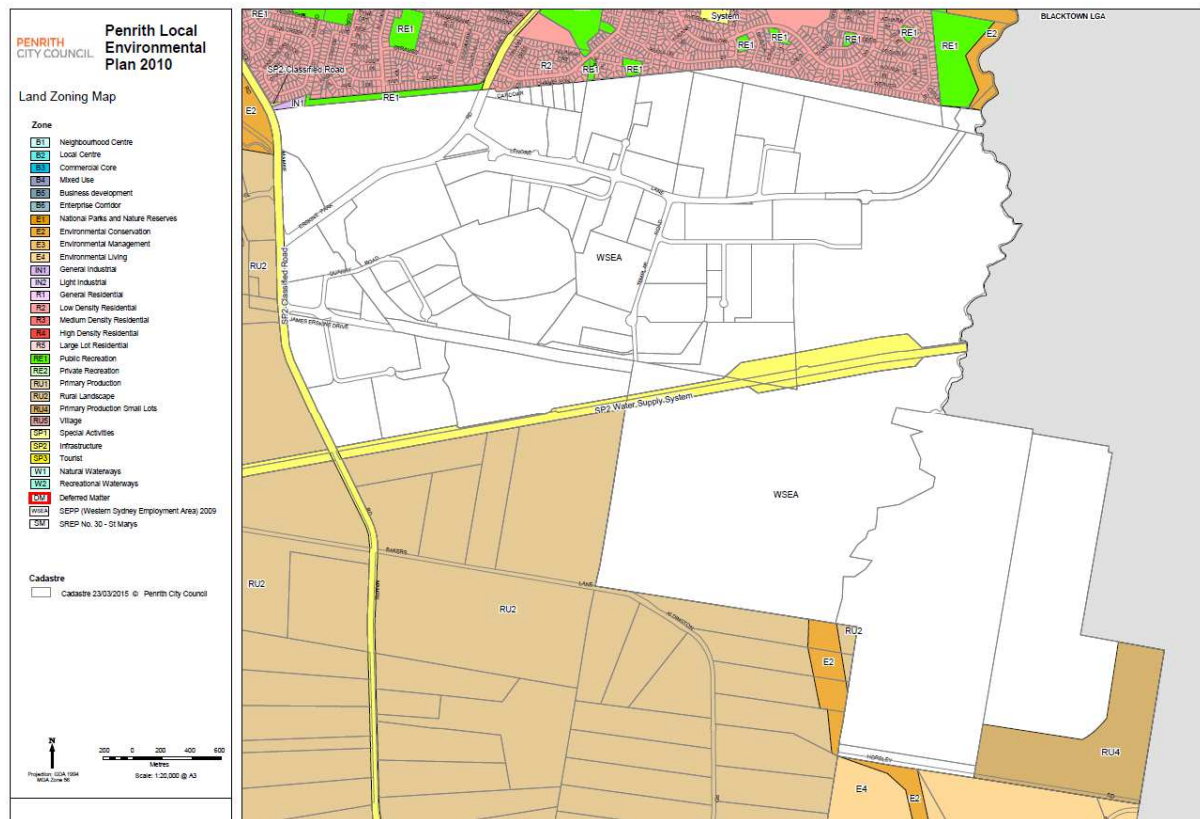


Figure 11: Extract from Penrith LEP showing the proposed rezoning for the site

Additionally, the Department proposes to apply a minimum lot size of 2 hectares to the land shown below in **Figure 12**:

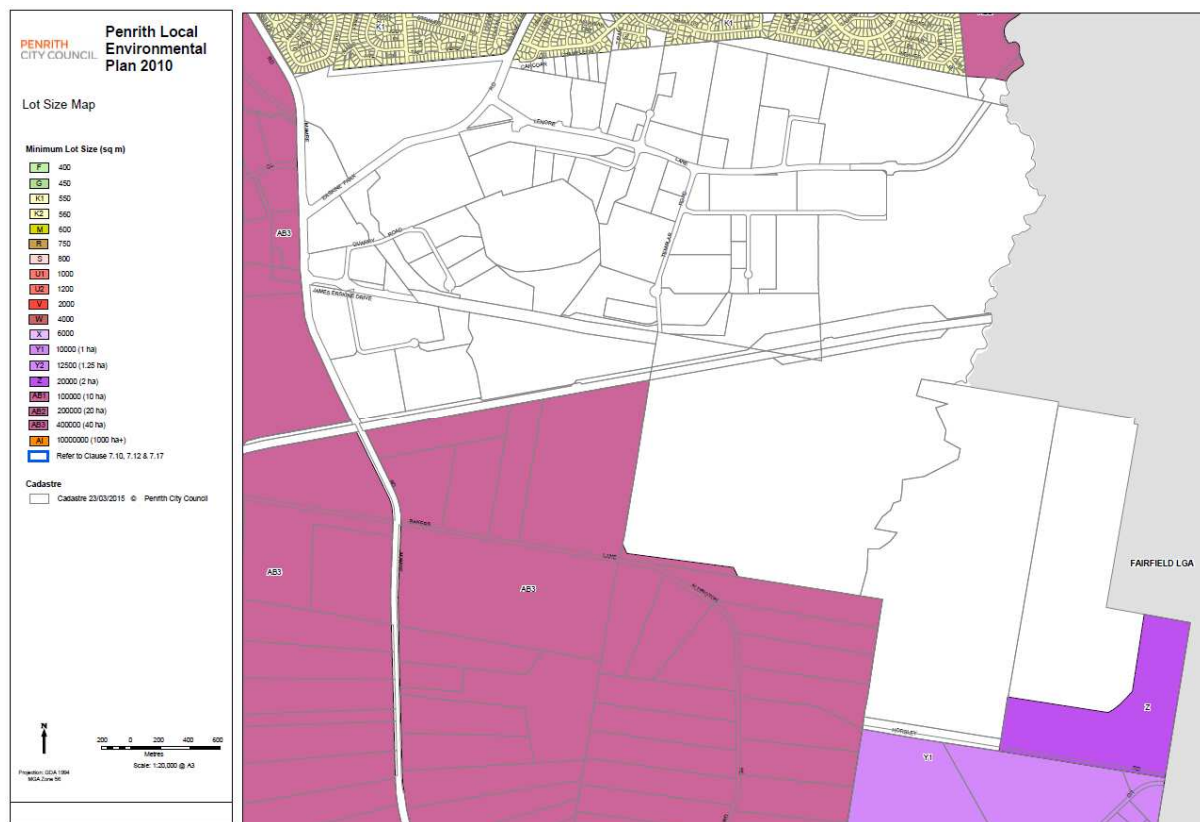


Figure 12: Extract from Penrith LEP showing the proposed minimum lot size for the site

Once the rezoning has occurred and the WSEA SEPP has been amended, the compatible development area will no longer form a part of the lands identified under the WSEA SEPP. The WSEA SEPP will no longer apply to the land and the principal planning instrument for development will be Penrith LEP 2010.

The following maps will require amendment. Draft maps indicating the proposed changes are attached in **Appendix A** and listed below:

- *Draft State Environmental Planning Policy (Western Sydney Employment Area) 2009 – Land Application Map*
- *Draft State Environmental Planning Policy (Western Sydney Employment Area) 2009 – Land Zoning Map*
- *Draft State Environmental Planning Policy (Western Sydney Employment Area) 2009 – Transport and Arterial Road Infrastructure Plan Map*
- *Draft State Environmental Planning Policy (Western Sydney Employment Area) 2009 – Industrial Release Area Map*
- *Draft State Environmental Planning Policy (Western Sydney Employment Area) 2009 – Additional Permitted Uses Map*
- *Draft Penrith Local Environmental Plan 2010 – Tile 020 – Land Zoning Map (Excerpt)*
- *Draft Penrith Local Environmental Plan 2010 – Tile 020 – Lot Size Map (Excerpt)*
- *Draft Penrith Local Environmental Plan 2010 – Tile 021 – Land Zoning Map (Excerpt)*
- *Draft Penrith Local Environmental Plan 2010 – Tile 021 – Lot Size Map (Excerpt)*

1.2 Statements of Consistency

The SEPP proposes to rezone the land uses on the sites at Horsley Park. The proposed land uses are considered to be consistent with State and Regional Planning Strategies that apply to the area.

An assessment of consistency with Section 117 Directions is included at **Appendix C**.

6 Conclusion

The Department considers that a rural residential buffer of 2 hectare allotments would be a suitable means of mitigating visual impacts for the adjacent residential properties at Greenway Place and Capitol Hill. The Department proposes to amend the WSEA SEPP to excise part of the site and call up the rural residential (RU4 Primary Production Small Lots) zone under Penrith LEP to rezone the land and allow for a suitable rural residential buffer. Additionally, in accordance with the PAC's determination, Jacfin must provide further detailed information to prove to the Department's satisfaction that suitable amenity can be maintained.

In determining this position the Department has undertaken extensive consultation with Penrith Council, Fairfield Council and the local community. The proposed land use arrangement is the most suitable means of ensuring that residential amenity is protected without significantly impacting on the existing local community and the operations of adjoining industrial sites.

The proposed rezoning and completion of the PAC's requirements will provide a suitable interface between employment and rural residential land uses and successfully mitigate amenity impacts for adjoining residents.

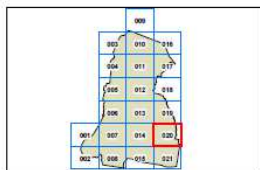
APPENDIX A – Draft Maps

Lot Size Map - Sheet LSZ_020

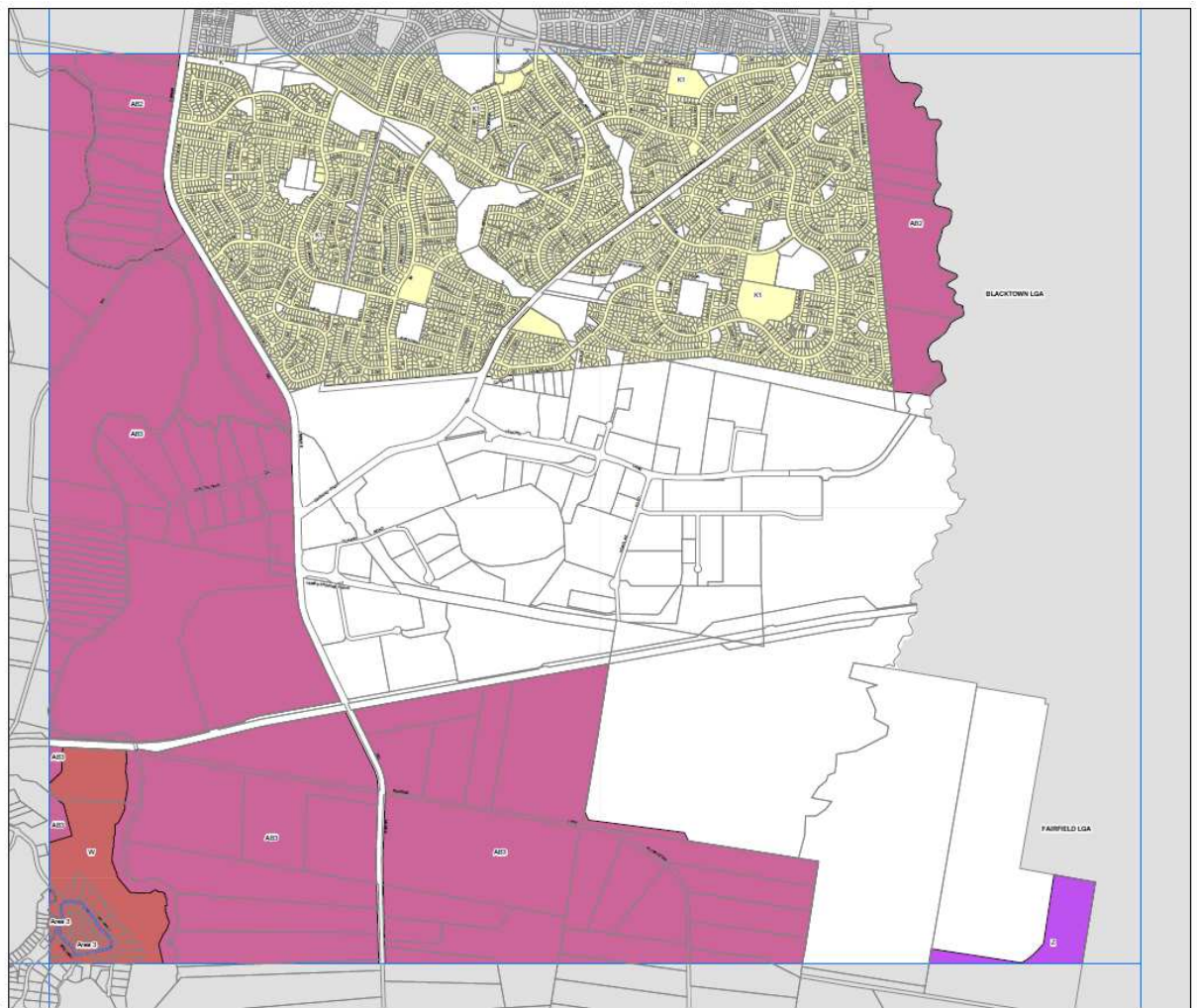
Minimum Lot Size (sq m)

F	400
S	450
K1	550
K2	560
M	600
R	750
S	800
U1	1000
U2	1200
V	2000
W	4000
X	6000
Y1	10000 (1 ha)
Y2	12500 (1.25 ha)
Z	20000 (2 ha)
AB1	100000 (10 ha)
AB2	200000 (20 ha)
AB3	400000 (40 ha)
AB4	1000000 (100 ha+)
Refer to Clause 7.10, 7.12 & 7.17	

Cadastral
 Cadastre 23/03/2015 © Penrith City Council



Projection: GDA 1984
 MGA Zone 56
 Map identification number:
 ISBN: COM_LSZ_020_020_20150401

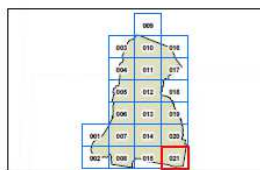


Lot Size Map - Sheet LSZ_021

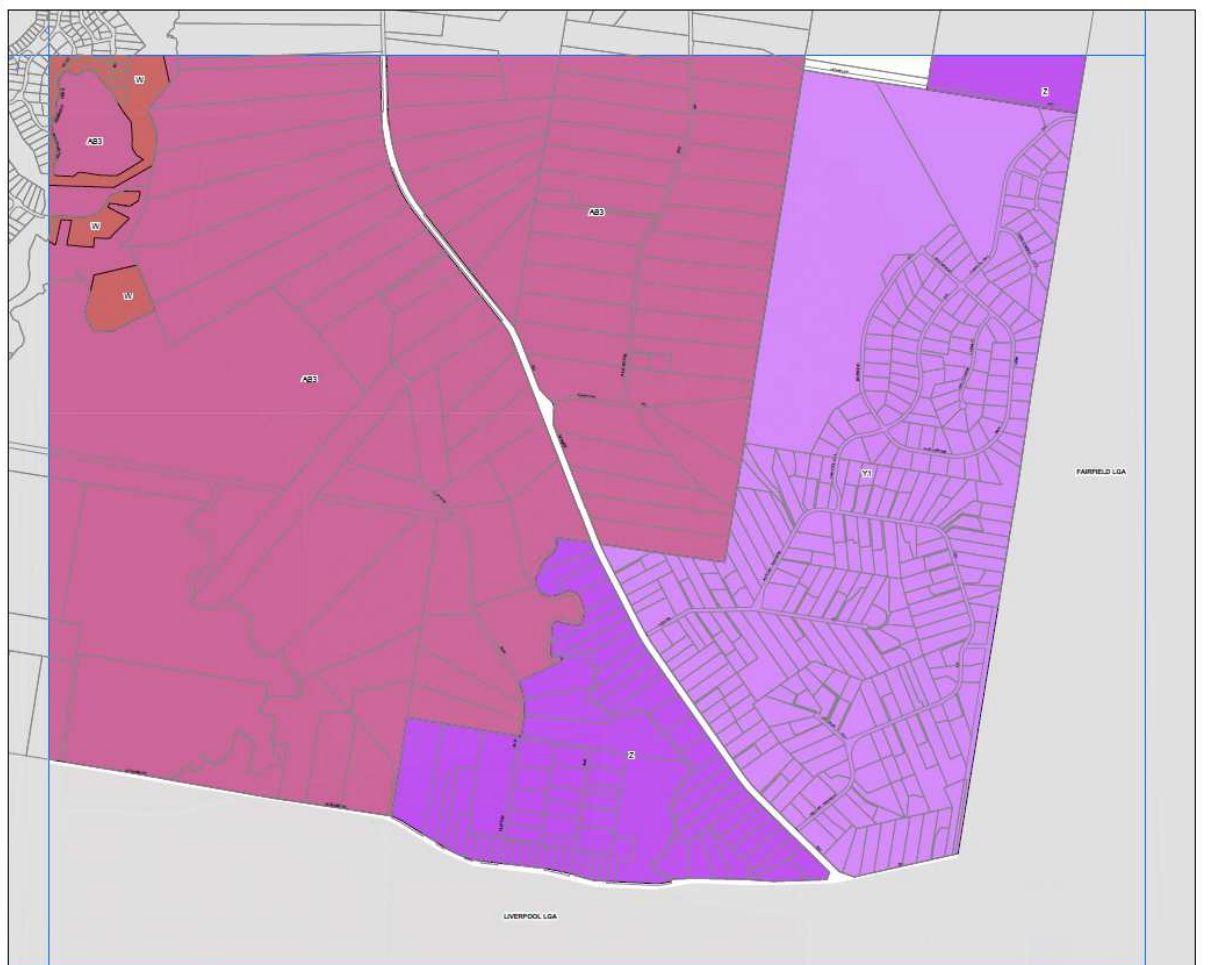
Minimum Lot Size (sq m)

F	400
S	450
K1	550
K2	560
M	600
R	750
S	800
U1	1000
U2	1200
V	2000
W	4000
X	6000
Y1	10000 (1 ha)
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Refer to Clause 7.10, 7.12 & 7.17	

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 Cadastre 23/03/2015 © Penrith City Council



Projection: GDA 1984
 MGA Zone 56
 Map identification number:
 ISBN: COM_LSZ_021_021_20150401



PENRITH CITY COUNCIL

Penrith Local Environmental Plan 2010

Land Zoning Map - Sheet LZN_020

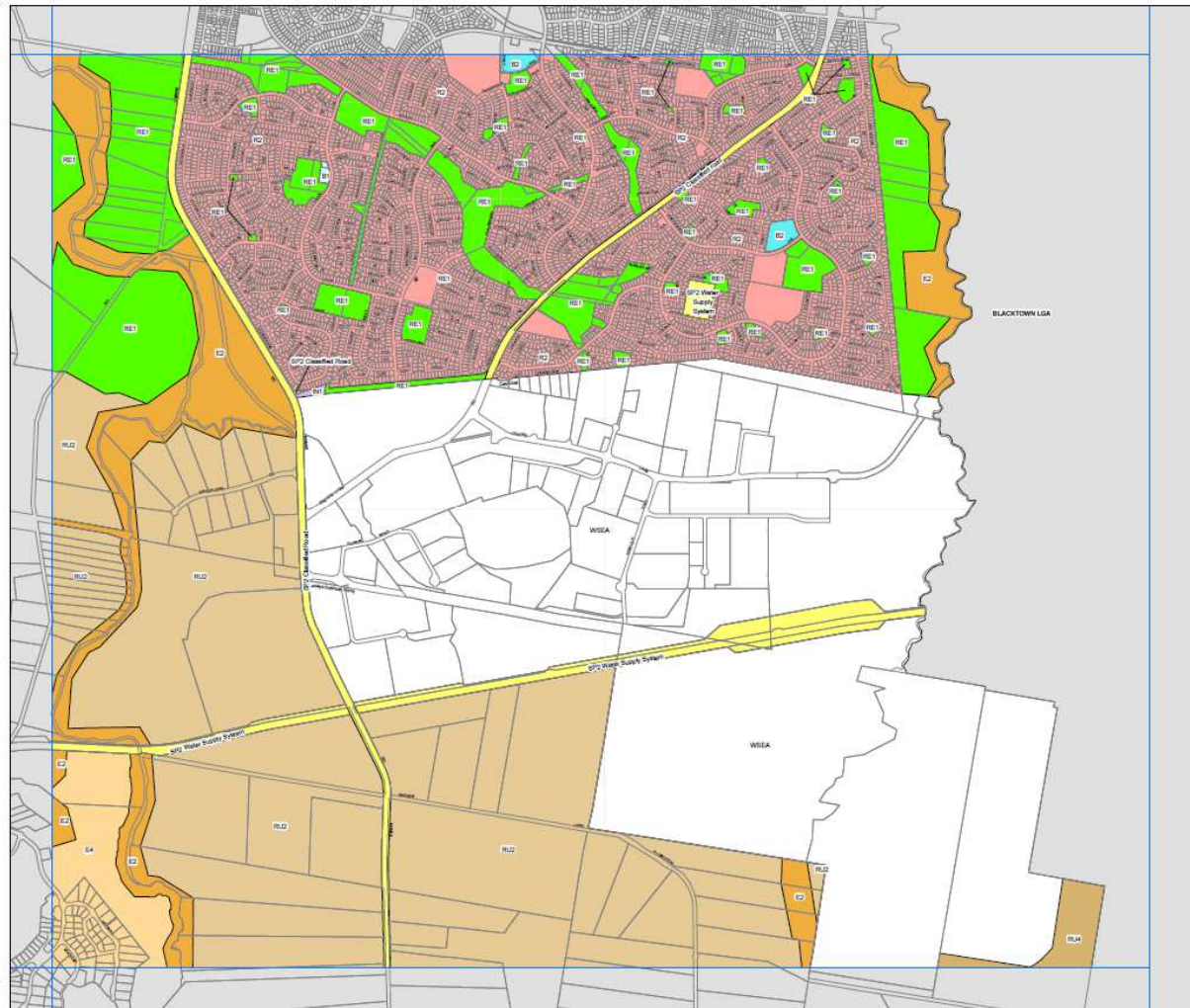
Zone

- B1 Neighbourhood Centre
- B2 Local Centre
- B3 Commercial Core
- B4 Mixed Use
- B5 Business development
- B6 Enterprise Corridor
- B7 National Parks and Nature Reserves
- B8 Environmental Conservation
- B9 Environmental Management
- B10 Environmental Living
- I1 General Industrial
- I2 Light Industrial
- R1 General Residential
- R2 Low Density Residential
- R3 Medium Density Residential
- R4 High Density Residential
- R5 Large Lot Residential
- RE1 Public Recreation
- RE2 Private Recreation
- RU1 Primary Production
- RU2 Rural Landscape
- RU3 Primary Production Small Lots
- RU4 Village
- SP1 Special Activities
- SP2 Infrastructure
- SP3 Tourist
- W1 Natural Waterways
- W2 Recreational Waterways
- DM Deferred Matter
- WSEA SEPP (Western Sydney Employment Area) 2009
- SM SREP No. 30 - St Marys

Cadastral

Cadastral 23/03/2015 © Penrith City Council

Map identification number: 65962_C001_LZN_020_020190401



PENRITH CITY COUNCIL

Penrith Local Environmental Plan 2010

Land Zoning Map - Sheet LZN_021

Zone

- B1 Neighbourhood Centre
- B2 Local Centre
- B3 Commercial Core
- B4 Mixed Use
- B5 Business development
- B6 Enterprise Corridor
- B7 National Parks and Nature Reserves
- B8 Environmental Conservation
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Cadastral

Cadastral 23/03/2015 © Penrith City Council

Map identification number: 65962_C001_LZN_021_020190401



NSW GOVERNMENT | **Planning & Environment**

State Environmental Planning Policy (Western Sydney Employment Area) 2009

Land Application Map

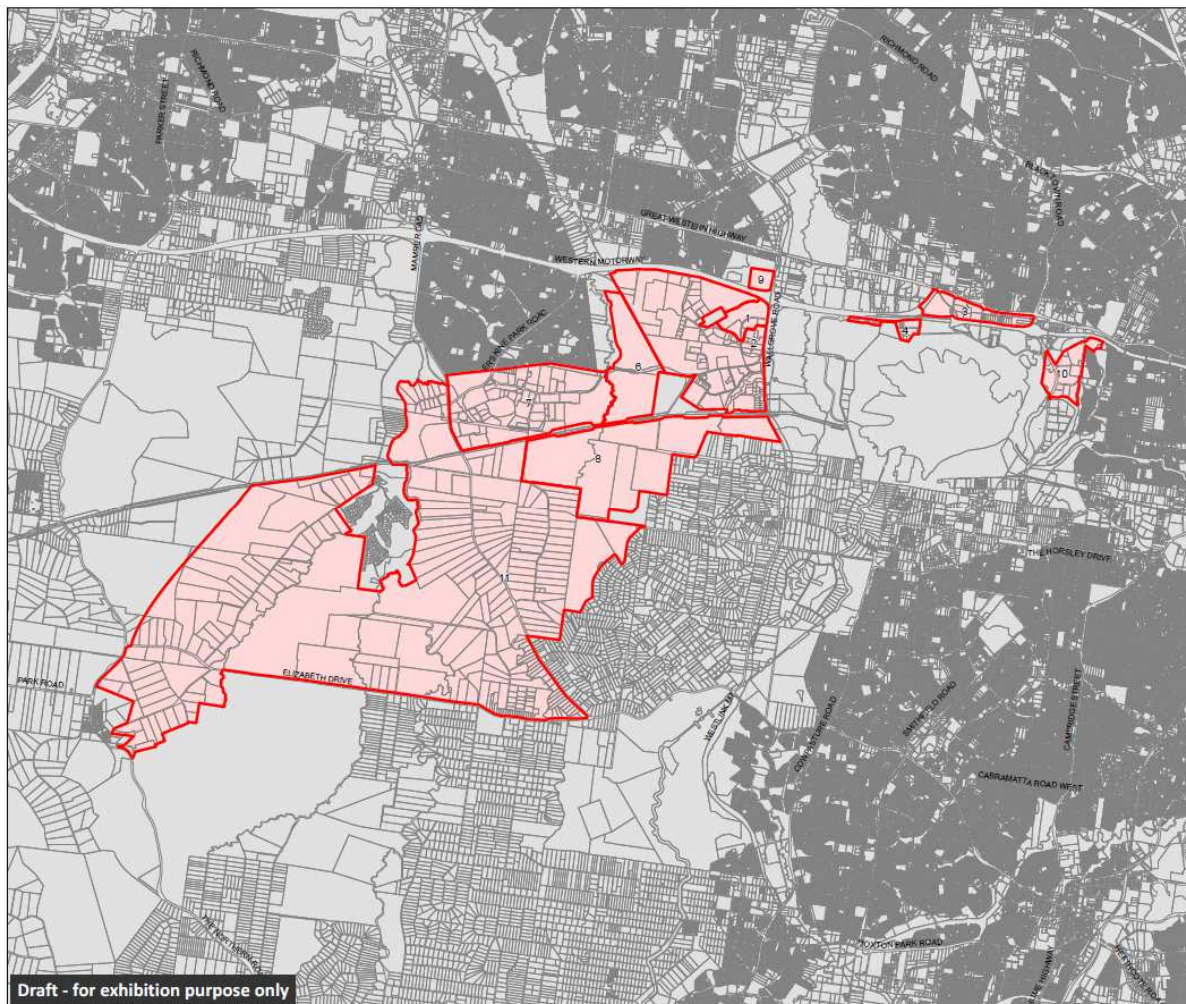
sheet LAP 001

Subject Land
 Cadastre 30/04/2015 © NSW LPI

Predict Number and Name

- 1 Former Wonderland
- 2 Eastern Creek
- 3 Huntingwood
- 4 Roseway
- 5 Ropes Creek
- 6 Enskine Park Employment Lands
- 7 South of Sydney Cabment Authority Warragamba Pipelines
- 8 Quarantine Station
- 9 Greyfriars Northern Employment Lands
- 10 Broader Western Sydney Employment Area

Projection: MGA Zone 56
 Datum: GDA84
 Scale: 1:80,000 @ A3
 Map Identification Number: SEPP_WSEPA_LAP_001_000_20150430



NSW GOVERNMENT | **Planning & Environment**

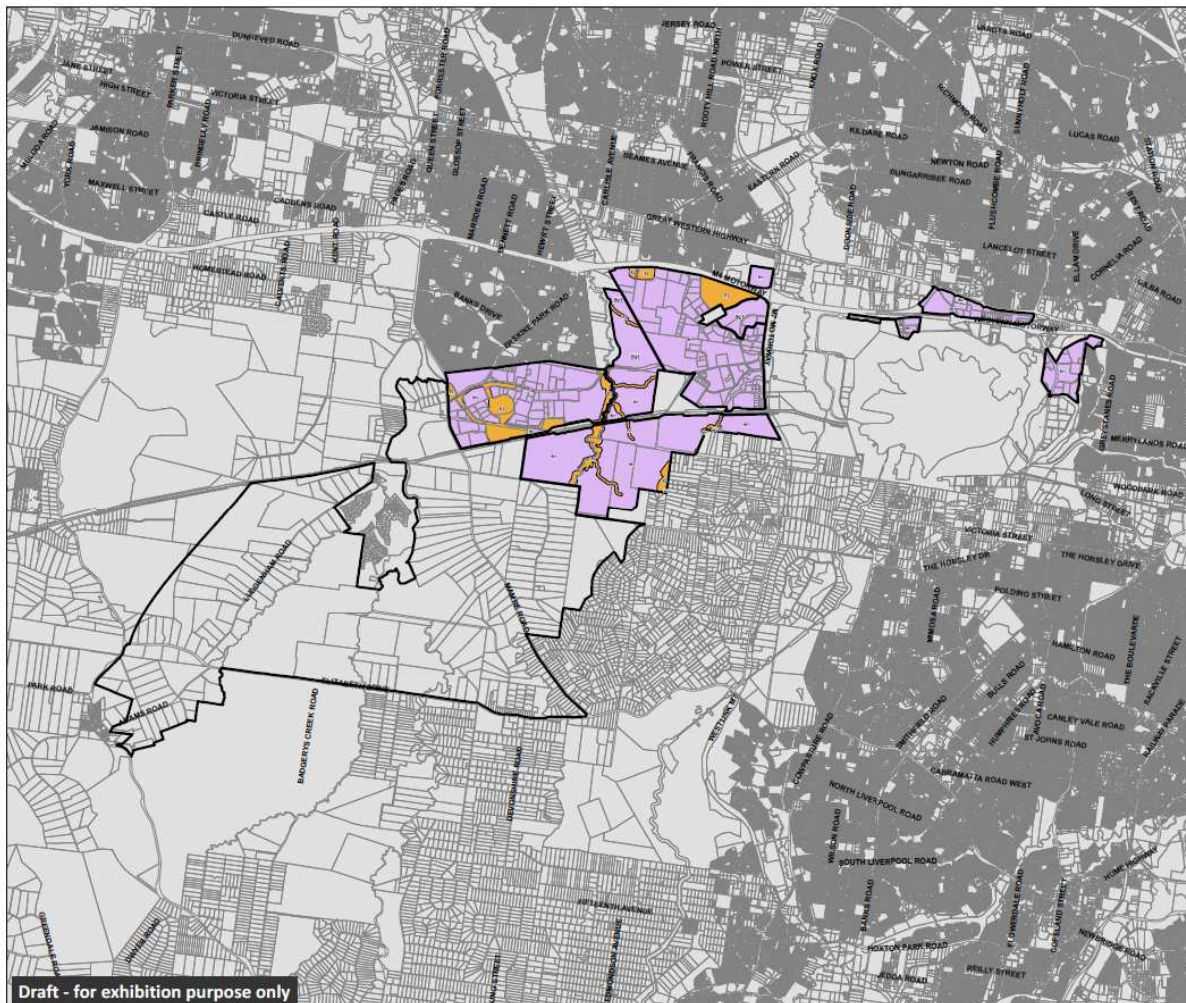
State Environmental Planning Policy (Western Sydney Employment Area) 2009

Land Zoning Map

sheet LZN 001

Subject Land
Zone
 E2 Environmental Conservation
 IN1 General Industrial
 IN2 Light Industrial
 Cadastre
 Cadastre 30/04/2015 © NSW LPI

Projection: MGA Zone 56
 Datum: GDA84
 Scale: 1:80,000 @ A3
 Map Identification Number: SEPP_WSEPA_LZN_001_000_20150430





Planning & Environment

State Environmental Planning Policy (Western Sydney Employment Area) 2009

Transport and Arterial Road Infrastructure Plan Map

Sheet TAI 001

Subject Land

Infrastructure

Proposed Road

Existing Road

Major

Motorway

Cadastre

Cadastre 30/04/2015 © NSW LPI



0 0.5 1 1.5 Km

Scale: 1:80,000 @ A3

Map Identification Number

SEPP_WSEPA_TAI_001_082_20180430



Planning & Environment

State Environmental Planning Policy (Western Sydney Employment Area) 2009

Additional Permitted Uses Map

sheet APU 001

Subject Land

Proposed Gas Pipeline alignment

Cadastre

Cadastre 30/04/2015 © NSW LPI



0 0.5 1 1.5 Km

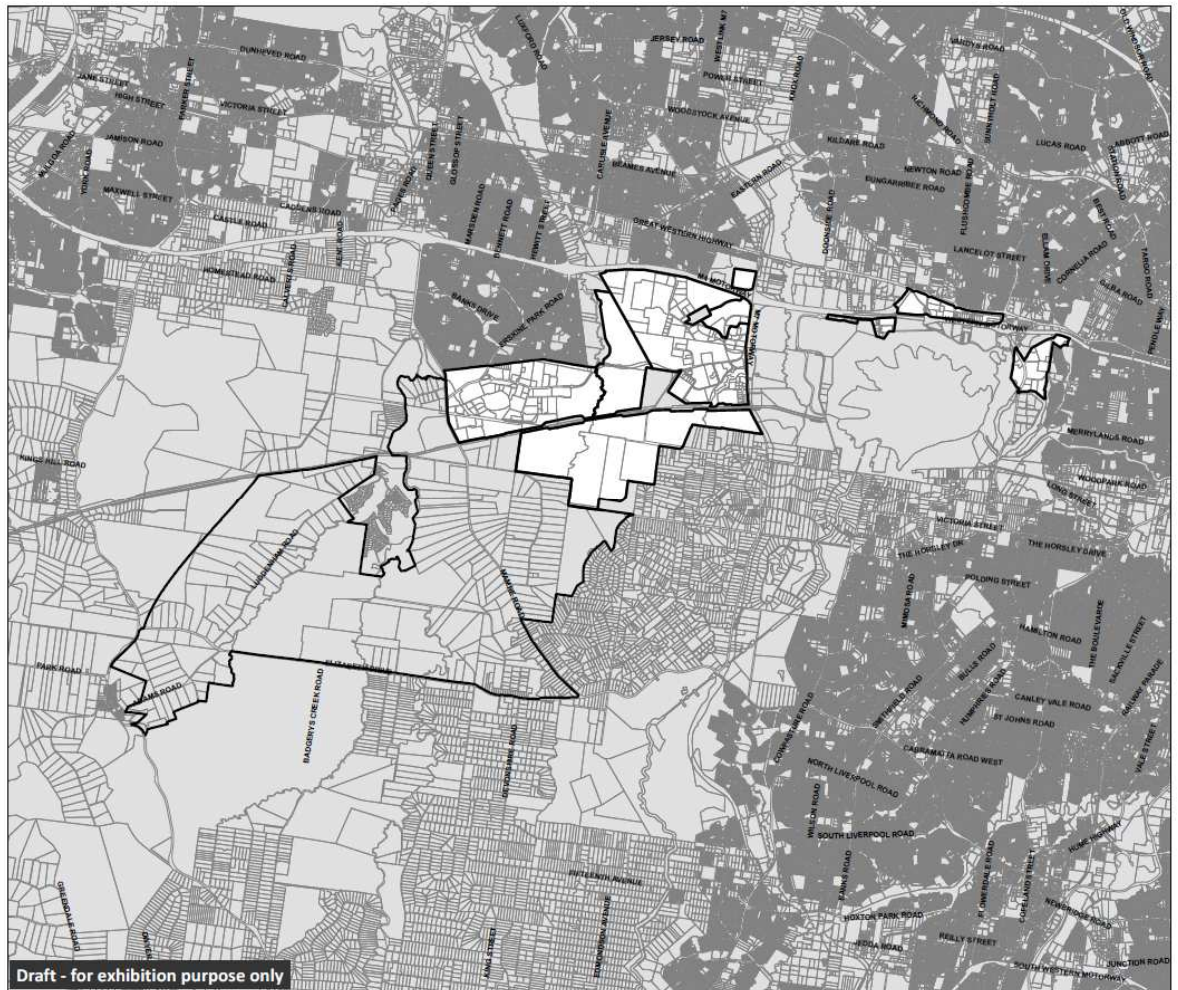
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Map Identification Number

SEPP_WSEPA_APU_001_082_20180430

Draft Planning Report – Lot A Bursley Road Horsley Park Interface Area

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APPENDIX B - Consistency with Section 117 Directions

Section 117 Direction	Compliance
1. Employment and Resources	
Direction 1.1 – Business and Industrial Zones	The proposed SEPP amendment will ameliorate an ongoing issue relating to the development of new industrial and logistics development in the Western Sydney Employment Area. Resolution of this issue will allow for the continued development of the area and enhance the area as an important employment hub.
Direction 1.2 – Rural Zones	The land is currently zoned General Industrial. The direction is not applicable to the proposal.
Direction 1.3 – Mining, Petroleum Production and Extractive Industries	The direction is not applicable to the proposed development within the study area.
Direction 1.4 – Oyster Aquaculture	The direction is not applicable to the proposed development within the study area.
Direction 1.5 – Rural Lands	The proposal is within Penrith LGA. The direction is not applicable to the proposal.
2. Environment and Heritage	
Direction 2.1 – Environmental Protection Zones	No environmentally sensitive areas are identified in the study area.
Direction 2.2 – Coastal Protection	The direction is not applicable to the proposed development within the study area.
Direction 2.3 – Heritage Conservation	The direction is not applicable as there are no items of state or local heritage significance within the vicinity of the sites
Direction 2.4 – Recreation Vehicle Areas	The direction is not applicable to the proposed development within the study area.
3. Housing, Infrastructure and Urban Development	

Direction 3.1 – Residential Zones	Proposed housing is located close to the existing village of Horsley Park. The area can be adequately serviced and is of a similar character to existing residential land uses.
Direction 3.2 – Caravan Parks and Manufactured Home Estates	The direction is not applicable to the proposal.
Direction 3.3 – Home Occupations	The plan is consistent with the direction as it permits home occupations in the E4 zone.
Direction 3.4 – Integrating Land Use and Transport	The proposal gives consideration to this direction. Access may be provide by the proponent from the north or via an existing reserve road to the south. The scale of the proposal will not cause significant additional traffic in the area.
Direction 3.5 – Development Near Licensed Aerodromes	The direction is not applicable to the proposed development within the study area.
4. Hazard and Risk	
Direction 4.1 – Acid Sulphate Soils	This direction is not applicable. The land is not subject to acid sulphate soils.
Direction 4.2 – Mine Subsidence and Unstable Land	The sites are not within a mine subsidence district. There are no significant issues with land stability in the area. The plan is consistent with the direction
Direction 4.3 – Flood Prone Land	This direction is not applicable. The site is not located in flood prone land.
Direction 4.4 – Planning for Bushfire Protection	The plan is consistent with the direction and provides for appropriate APZs and perimeter roads having regard to <i>Planning for Bushfire Protection 2006</i>
5. Regional Planning	
Direction 5.1 – Implementation of Regional Strategies	The plan supports the aims for development and employment growth as outlined in the relevant regional strategies.
Direction 5.2 – Sydney Drinking Water Catchments	The direction is not applicable to the proposed development within the study area.
Direction 5.3 – Farmland of State	The direction is not applicable to the proposed development within the study area.

and Regional Significance on the NSW Far North Coast	
Direction 5.4 – Commercial and Retail Development along the Pacific Highway, North Coast	The direction is not applicable to the proposed development within the study area.
Direction 5.5 – Development in the Vicinity of Ellalong, Paxton and Millfield	The direction was revoked in June 2010
Direction 5.6 – Sydney to Canberra Corridor	The direction was revoked in July 2008
Direction 5.7 – Central Coast	The direction is consistent with direction 5.1
Direction 5.8 – Second Sydney Airport: Badgerys Creek	The direction is not applicable to the proposed development within the study area.
6. Local Plan Making	
Direction 6.1 – Approval and Referral Requirements	The plan is consistent with the direction and does not contain provisions requiring concurrence, consultation or referral which have not been approved. The plan does not identify any development as designated development
Direction 6.2 – Reserving Land for Public Purposes	The plan does not create, amend or reduce any existing reservations without approval
Direction 6.3 – Site Specific Provisions	The plan does not include site specific provisions and development will be regulated by the provisions of Penrith LEP. The plan is consistent with the direction

APPENDIX C – Revised Noise and Vibration Impact Assessment