

Winter Sporting Facility proposed DCP and VPA

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| Outcome | <i>We plan for our future growth</i> |
| Strategy | <i>Facilitate development in the City that considers the current and future needs of our community</i> |
| Service Activity | <i>Plan for and facilitate development in the City</i> |

Procedural note: Section 375A of the Local Government Act 1993 requires that a division be called in relation to this matter.

Executive Summary

At its meeting of 26 November 2018 Council endorsed a Planning Proposal which seeks an amendment to Penrith Local Environmental Plan 2010 (LEP 2010) to enable development of 2 Tench Avenue, Jamisontown for a Winter Sporting Facility. One of the resolutions of Council requires that a site-specific Development Control Plan (DCP) be prepared for the subject site, and that the draft DCP be publicly exhibited concurrently with the public exhibition of the endorsed Planning Proposal.

The purpose of this report is to seek Council's endorsement to publicly exhibit a proposed draft DCP and Voluntary Planning Agreement (VPA) offer associated with a proposed Winter Sporting Facility development at 2 Tench Avenue, Jamisontown.

The draft DCP and VPA have been prepared by the proponent, Winter Sports World, to support the Planning Proposal endorsed by Council to be publicly exhibited.

Background

At its meeting of 26 November 2018 Council endorsed a Planning Proposal which seeks an amendment to Penrith Local Environmental Plan 2010 (LEP 2010) to enable development of 2 Tench Avenue, Jamisontown for a Winter Sporting Facility. Council subsequently submitted the Planning Proposal to the Department of Planning, Industry and Environment (DPIE) to request a Gateway Determination.

A Gateway Determination was received on 2 May 2019 and enables the proposal to proceed to public exhibition following completion of certain matters specified in the Gateway conditions. Council officers have been working with the proponent to date to satisfy the Gateway conditions to enable public exhibition.

It is envisaged that the proposed Winter Sporting Facility development would consist of:

- An indoor ski slope
- Ice skating rink
- Ice climbing facilities
- Rock climbing facilities
- Altitude training
- Gymnasium and training facilities
- Hotel accommodation (Approximately 170 hotel rooms plus a function centre)
- Food and drink premises (bars, cafes and restaurants)

The proposed development scheme for the site is consistent with one of the key aspects of Council's vision for that part of the Riverlink Precinct, which is to provide for tourist-oriented development and related uses that are compatible with the promotion of tourism in Penrith. The proposed development is also a unique facility which is dependent on a specific gradient and height (54 metres).

The proposed LEP amendment seeks to create an additional local provision under Part 7 of LEP 2010 for the subject site, allowing for a 54m high development on the site on the condition that:

- a substantial component of the development is an indoor ski slope facility, and a Floor Space Ratio (FSR) control of 1.2:1 is not to be exceeded.
- an FSR control above 1.2:1 (up to a maximum of 1.45:1) would be considered if justified and if the development features a hotel component.
- the development is in accordance with a site-specific DCP prepared for the site which provides additional planning and design guidance for development.
- The design of the structure is prepared by way of a design competition.
- A "sunset clause" applies, where the local LEP provision will cease to exist three years after the date the LEP amendment is made. This is to enable controls specific to this proposal and ensure delivery. The sunset clause would require lodgement of a Development Application within 3 years of the LEP amendment being made. After 3 years, the additional local provision would expire.

The purpose of allowing for an additional FSR (from 1.2:1 to 1.45:1) is to provide incentive to the proponent to secure a hotel component in the development. The additional FSR would be allowed only if a hotel component is included in the development. There are no guarantees in place that a hotel component will be delivered as part of the development, however additional FSR will not be permitted if this is case.

Since the issuing of the Gateway Determination, the applicant has prepared several items of work in consultation with Council, including completion of a traffic analysis, flooding and evacuation strategy, bushfire assessment, and draft DCP controls. The NSW Rural Fire Service has also been consulted. The Gateway conditions have been sufficiently addressed and the Planning Proposal is in a position to proceed to a public exhibition.

Council's resolution of 26 November 2018 requires that a DCP be prepared for the subject site, to be publicly exhibited concurrently with the Planning Proposal. It is intended that the DCP would facilitate the unique development sought on this site, provide greater certainty to development outcomes, and address potential impacts on neighbouring properties, such as overshadowing, amenity, privacy, bulk and scale, plus the desire to deliver design excellence. Given the size, location and visual prominence of the proposed development, this is a sensitive site where the achievement of an acceptable design outcome is critical.

The proponent has also submitted an offer to enter into a VPA with Council, where the proponent would undertake certain road improvements to address traffic issues that would arise as a result of the development.

Draft DCP

The proponent has prepared a draft DCP for the subject site in consultation with Council officers. During Council's input into the preparation process, Council officers engaged an urban design consultant, Architectus, to review the draft documentation and provide advice on the appropriateness of the proponent's proposed controls.

Council's overall approach in the preparation of the draft DCP controls is to employ development controls that do not "lock in" a specific development scheme. Rather, principles

and targets have been employed that any future development of the site would need to achieve. The detailed elements of the development proposal would be determined as part of a future Development Application (DA) process and most importantly a design competition, which will consider the DCP and LEP controls as part of that process. In line with the proposed LEP control, a design competition is essential, given the uniqueness of the development type, its potential impacts and its prominent location.

The draft DCP includes development controls addressing several key elements including:

- Indicative building envelope, height limits and setbacks
- Views and visual impact
- Amenity impacts, such as solar impacts, privacy, acoustic
- Building design and design excellence
- Public domain and landscaping
- Traffic and parking management
- Sustainability
- Flooding and drainage

A copy of the draft DCP is provided as Attachment 1.

VPA offer

The proponent seeks to undertake road improvements to the Jamison Road / Blaikie Road intersection to incorporate a channelised right-turn treatment east-bound on Jamison Road. The works are required as a result of increased traffic volumes from the proposed Winter Sporting Facility development, as identified in the traffic analysis completed to support the proposal. The improvements would ensure that the intersection operates satisfactorily. The proponent seeks to complete these works prior to the issuing of an occupation certificate for the Winter Sporting Facility.

It is noted that the flooding and evacuation strategy completed by the applicant concludes that the strategy of early evacuation is adequate and enables sufficient warning time for the development to be evacuated without the need to alter road levels or carry out other infrastructure upgrades in the locality. As such, there is no requirement to upgrade any roads or infrastructure due to flooding and evacuation considerations associated with the development.

The NSW State Emergency Service (SES) has been informally consulted by Council officers, DPIE, and the proponent during preparation of the flooding and evacuation assessments to support the Planning Proposal. The SES will be formally consulted during the public exhibition of the Planning Proposal and draft DCP.

A copy of the VPA offer is provided as Attachment 2.

Design competition

As noted earlier in this report, the proposed local LEP provision sought by the Planning Proposal for the subject site seeks to enable development of the site for an indoor ski slope on the condition that the design of the structure is prepared by way of a design competition.

The urban design consultant, Architectus, who was engaged by Council to review the proponent's draft DCP controls provided advice to Council officers which state that, given the size and visual prominence of the proposal, Architectus considers a Design Excellence Competition to be essential.

Also, early engagement with the Government Architects Office by the proponent and advised to Council officers indicate that given the scale and potential impacts of the proposed development a design competition is supported.

In accordance with the requirements of the Gateway Determination, the NSW Government Architect's Office will be formally consulted during public exhibition of the Planning Proposal and draft DCP, where advice will be sought in respect to the requirements around a design competition.

Next steps

The proposed draft DCP and VPA offer prepared by the proponent are now suitable to proceed to public exhibition. Should Council endorse the attached draft documentation, the Planning Proposal, draft DCP and VPA offer will then be publicly exhibited concurrently.

Following the completion of the public exhibition, the outcomes of the exhibition will be reported to Council for consideration.

Financial Implications

Through the VPA offer, the proponent seeks to deliver certain road improvements that would be required to support the proposed development scheme. These improvements would be delivered wholly by the proponent as works in kind and would be delivered prior to occupation of the development. The strategic concept design for these works that is enclosed with the VPA offer would undergo detailed design at a future stage to determine detailed design elements and any requirements to changes to existing utilities, land acquisition etc. These costs would be carried by the proponent.

Risk Implications

As per Council previous resolution, the Planning Proposal must be publicly exhibited concurrently with a draft DCP for the subject site. Should Council not endorse the recommendation of this report to proceed to public exhibition of the draft DCP and VPA offer, the exhibition of the Planning Proposal would also not proceed.

Conclusion

A Planning Proposal for a Winter Sporting Facility was endorsed by Council for exhibition with the additional resolution that the proposal was to be exhibited with an associated site specific DCP.

A draft DCP and VPA offer have been prepared by the proponent, Winter Sports World, to support a Planning Proposal for a Winter Sporting Facility at 2 Tench Avenue, Jamisontown. The proposed draft DCP and VPA offer prepared by the proponent are now suitable to proceed to public exhibition concurrently with the Planning Proposal.

A site specific DCP would facilitate the unique development sought on this site, provide greater certainty to development outcomes, and address potential impacts on neighbouring properties.

Given the size, location and visual prominence of the proposed development, this is a sensitive site where the achievement of an acceptable design outcome is critical. In line with the proposed LEP control, a design competition is essential, given the uniqueness of the development type, its potential impacts and its prominent location.

RECOMMENDATION

That:

1. The information contained in the report on Winter Sporting Facility proposed DCP and VPA be received.
2. Council endorse the draft DCP for the Winter Sporting Facility for public exhibition, as provided at Attachment 1.
3. Council endorse the VPA offer for the Winter Sporting Facility for public exhibition, as provided at Attachment 2.
4. Council publicly exhibit the draft DCP and VPA offer concurrently with Planning Proposal for the Winter Sporting Facility.
5. A report be presented to Council following completion of the public exhibition of the draft DCP, VPA offer and Planning Proposal.
6. The General Manager be granted delegation to make any necessary changes to the draft DCP and VPA offer prior to public exhibition.

ATTACHMENTS/APPENDICES

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| 1. Draft DCP for Winter Sporting Facility | 30 Pages | Attachments Included |
| 2. VPA offer 26 August 2020 for Winter Sporting Facility | 4 Pages | Attachments Included |

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197 RESOLVED on the MOTION of Councillor Marcus Cornish seconded Councillor Kevin Crameri OAM

That:

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2. Council endorse the draft DCP for the Winter Sporting Facility for public exhibition, as provided at Attachment 1.
3. Council endorse the VPA offer for the Winter Sporting Facility for public exhibition, as provided at Attachment 2.
4. Council publicly exhibit the draft DCP and VPA offer concurrently with Planning Proposal for the Winter Sporting Facility.
5. A report be presented to Council following completion of the public exhibition of the draft DCP, VPA offer and Planning Proposal.
6. The General Manager be granted delegation to make minor changes to the draft DCP and VPA offer prior to public exhibition.

In accordance with Section 375A of the Local Government Act 1993, a DIVISION was then called with the following result:

For**Against**

Councillor Kath Presdee
Councillor Robin Cook
Councillor Greg Davies
Councillor Todd Carney
Councillor Aaron Duke
Councillor Karen McKeown OAM
Councillor John Thain
Councillor Kevin Crameri OAM
Councillor Jim Aitken OAM
Councillor Mark Davies
Councillor Brian Cartwright
Councillor Tricia Hitchen
Councillor Bernard Bratusa
Councillor Marcus Cornish
Councillor Ross Fowler OAM

For Action: Borgia, Natasha - City Planning Manager

Completion Date: 12 October 2020

ADOPTED AT ORDINARY MEETING

Monday 28 September 2020

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| <p>THE TIMELY ACTIONING OF COUNCIL DECISIONS IS PARAMOUNT. SIGN OFF COMPLETED ACTIONS AND RETURN TO RECORDS</p> |
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