



# Planning Proposal

**To facilitate a Winter Sporting  
Facility at 2 Tench Avenue,  
Jamisontown**

**October 2020**



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## Appendices

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# Introduction

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## 1.1 Purpose of the Planning Proposal

This Planning Proposal seeks to amend the Penrith Local Environmental Plan 2010 (LEP 2010) to facilitate the development of a Winter Sporting Facility at 2 Tench Avenue, Jamisontown (Lot 1 DP 38950). Specifically, the Planning Proposal proposes an amendment to Part 7 (Additional local provisions) of LEP 2010 to allow for the unique development sought on the subject site.

The Winter Sporting Facility is envisaged to include the following elements:

- A 300 metre 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 key attractor or anchor which underpins the concept and viability of the Winter Sporting Facility is an indoor ski centre with a 300-metre-long ski slope that has been designed to be one of the top 10 High Performance Training Centre's in the world.

To achieve the required length and gradient for the ski slope a building height of 54 metres is required. The proponent of the development has indicated that a minimum Floor Space Ratio (FSR) control of 1.2:1 would be required to facilitate the development proposal not including a hotel component. Should a hotel component be included the proponent would require a minimum FSR control of 1.45:1 for the site.

The land is currently zoned SP3 Tourist pursuant to LEP 2010. The proposed development is permitted with consent in the SP3 Tourist zone and is consistent with the objectives of the zone. A height limit of 8.5 metres applies to the site. The height limit prevents an indoor ski centre to be constructed on the site, despite the permissibility of the facility in the zone.

The proponent has stated that there is currently no appropriately zoned land in the Penrith local government area that has a height limit capable of accommodating an indoor ski centre, despite the permissibility of the use in the SP3 zone and the consistency of the proposal with the strategic direction for tourism and recreation in Penrith. As such, an amendment to LEP 2010 can be considered to facilitate the development of the Winter Sporting Facility.

The amendment to LEP 2010 is required to enable the significant economic benefits of the Winter Sporting Facility to be realised and to strengthen Penrith's claim for the title of 'The Adventure Capital of NSW'. It is estimated that the Winter Sporting Facility would generate approximately 896 direct and indirect jobs during construction and 759 direct and indirect jobs once complete. It would contribute approximately \$74.9 million to the NSW economy each year. By 2025 the centre is forecast to achieve annual visitation of 231,000 persons.

This document sets out the justification for the Planning Proposal and explains the intended effect of the recommended amendment. The preparation of a Planning Proposal is the first step in the NSW Department of Planning, Industry and Environment's (DPIE) Gateway Process, which is the current procedure for making changes to LEP 2010.

## 1.2 Structure of this Report

This Planning Proposal has been prepared in accordance with DPIE's *Planning Proposals - A guide to preparing planning proposals*. The structure of this Planning Proposal and the matters which will be addressed in accordance with the Act and guidelines is summarised in the table below.

Part Summary and Description	
Part 1 Objectives or Intended Outcomes	A statement of the objectives and intended outcomes of the proposed instrument.
Part 2 Explanation of Provisions	An explanation of the provisions that are to be included in the proposed instrument
Part 3 Justification	The justification for those objectives, outcomes and the process for their implementation
Part 4 Mapping	Maps, where relevant, to identify the intent of the planning proposal and the area to which it applies.
Part 5 Community Consultation	Details of the community consultation that is to be undertaken on the planning proposal.
Part 6 Project Timeline	Predicted timeline

### 1.3 Land to which the Proposal Applies

The Planning Proposal relates to land legally described as Lot 1 in DP 38950 and is known as 2 Tench Avenue, Jamisontown. The site is located on the south-east corner of the intersection of Jamison Road and Tench Avenue.

The site is of an irregular shape and has an area of 2.342 hectares. The site has a 50.925 metre frontage to Tench Avenue to the west and a 333.91 metre frontage to Jamison Road to the north. The boundary forms a 19.925 metre arc at the north-west corner which reflects the road alignment where Tench Avenue and Jamison Road meet. The site has a 93.575 metre frontage to Wilson Lane (an unformed road) along the eastern boundary. The southern boundary has a length of 30.645 metres.



Figure 1: Aerial Image of the Subject Site (Source: Six Maps 2018)

The site is improved by a dwelling and a swimming pool that is located on the western side of the property. The remainder of the property is an open, grass field which is currently used for the keeping of horses.

The site generally falls in an easterly direction and has a localised depression at RL24.5 draining to Jamison Road. The site does not support any significant vegetation however mature trees are have been planted along the southern boundary of the site on the adjoining property. There are also several trees located in the road reserve of Jamison Road.

The site is within the SP3 Tourism zone pursuant to LEP 2010 as shown in Figure 2. The SP3 zone extends along the eastern side of Teneh Avenue, from the M4 Motorway to Jamison Road. The SP3 zone includes 'Madang Park' and a portion of the Cables Wake Park. The SP3 zone permits a range of tourism related land uses such as amusement centres, recreation facilities (indoor and outdoor), water recreation structures and tourist and visitor accommodation. LEP 2010 limits the height of buildings within the SP3 zone (and the adjoining RU4 land) to 8.5 metres as shown in Figure 3. The Floor Space Ratio (FSR) development standard does not apply to the site or the surrounding land.

The site is located within the Riverlink Precinct which is bounded by the Nepean River to the north-west, the M4 motorway to the south-west, Mulgoa Road to the south-east and the railway line to the north. The area along Teneh Avenue is identified as an entertainment, tourism, leisure and lifestyle precinct in the Riverlink Precinct Plan 2008.

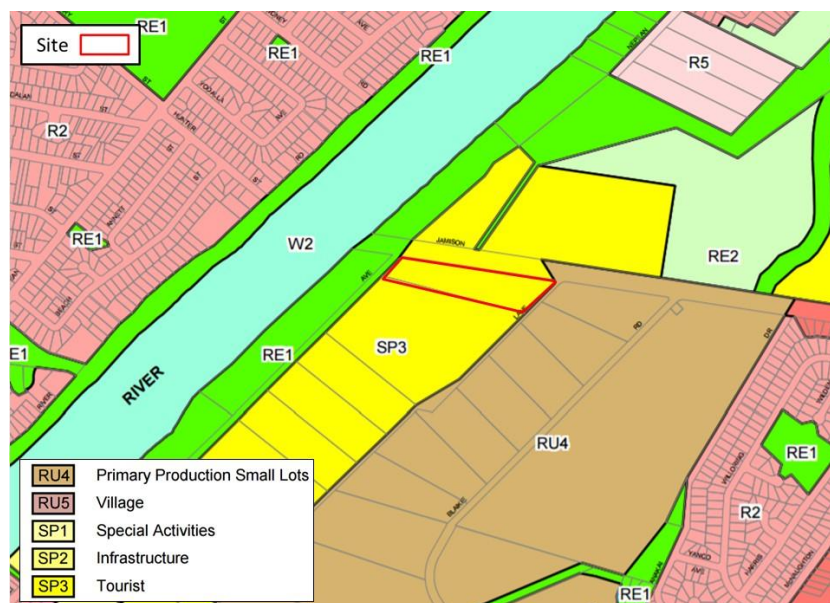


Figure 2: Extract from the LEP 2010 Land Zoning Map



Figure 3: Extract from the LEP 2010 Height of Buildings Map





Photograph 1:

Site viewed from Tench Avenue



Photograph 2:

Intersection of Tench Avenue and  
Jamison Road showing the existing  
dwelling on the site (left)



Photograph 3:

View of the site from the north-west  
side of Jamison Road





Photograph 4:

Wilson Lane (unmade) adjoining the eastern boundary of the site viewed from the north



Photograph 5:

View of the site from the eastern boundary (looking west)



Photograph 6:

View of the northern boundary of the site from midway along the southern boundary

### 1.3.1 Surrounding Development

To the west of the site, on the western side of Tench Avenue is Tench Reserve and the Nepean River.

The site adjoins 6-22 Tench Avenue to the south. The development on this property is known as 'Nepean Shores' and is operated by Gateway Lifestyle. The property is improved by a number of single storey cabins which are used for a mix of short stay rentals and long-term tenants. The development includes communal outdoor spaces, a tennis court, swimming pool, community library and community centre.

Wilson Lane adjoins the eastern boundary. Wilson Lane is an unmade road that extends from Jamison Road, along the rear boundary of the allotments with frontage to the eastern side of Tench Avenue, almost to the M4 Motorway. To the east of Wilson Lane are large allotments which appear to be used for rural-residential purposes.

North of the eastern side of the site is Cables Wake Park which is part of the Panthers World of Entertainment Complex. Panthers offers a range of recreational activities including: Aqua Golf, IFLY Indoor Skydiving and Playtime Arcade.

The property to the north of the western side of the site at 475-487 Jamison Road, Penrith is known as "Madang Park" and is identified as a heritage item with local significance pursuant to Schedule 5 of the Penrith Local Environmental Plan 2010. The significance of the item is described in the heritage inventory as follows:

*Significant as the type of houses built by the prosperous farmers of the district during the various phases of rural development and is an important feature of the remaining rural landscape along this section of the river.*

The Madang Park homestead is located approximately 200 metres north of the subject site.





Photograph 7:

View to the south along Tench Avenue  
from the western side of Tench  
Avenue, opposite the site



Photograph 8:

Entrance of the 'Nepean Shores'  
Gateway Lifestyle complex



Photograph 9:

View of the development along the  
southern boundary of the site (looking  
south-east)





Photograph 10:

View of the development along the southern boundary of the site (looking south-west)



Photograph 11:

Cables Wake Park north of the site



Photograph 12:

Madang Park opposite the north-west side of the site

## Part 1 – Objectives or Intended Outcomes

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The objective of this Planning Proposal is to amend LEP 2010 to facilitate the development of a Winter Sporting Facility at 2 Tench Avenue, Jamisontown.

The Winter Sporting Facility is envisaged to include the following facilities:

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

The key attractor or anchor which underpins the concept and viability of the Winter Sporting Facility is an indoor ski centre which has been designed to be one of the top 10 High Performance Training Centres in the world. To achieve the required length and gradient for an intermediate and advanced slope the building increases in height from 8.5 metres to 54 metres over a length of approximately 300 metres. The proponent of the development has indicated that a minimum Floor Space Ratio (FSR) control of 1.2:1 would be required to facilitate the development proposal not including a hotel component. Should a hotel component be included the proponent would require a minimum FSR control of 1.45:1 for the site. The proposal is illustrated in the concept plans for potential development on the site prepared by Environa Studio. These plans are included as Appendix 1.

The intended outcome of the Planning Proposal is to facilitate a development that will provide a significant contribution towards the attainment of Penrith's Economic Development Strategy's goal of creating 2,000 new jobs in the tourism sector by 2031 and doubling the number of visitors to Penrith by 2025. The Planning Proposal will also facilitate a development that will strengthen Penrith's claim for the title of the 'Adventure Capital of NSW'. The proposal would also contribute to meeting demand for hotel accommodation in the locality as identified in Council's short stay accommodation strategy.

The development will support and stimulate development in the SP3 Tourist zone in which the site is located and provide a significant contribution to the local economy. It is estimated that 896 direct and indirect jobs will be created during the development of the facility and that \$145 million will be added to the local economy. During the operating life of the facility, the centre will directly and indirectly support 759 jobs and will add \$74.9 million to the economy per annum. The Economic Assessment included as Appendix 5 forecasts 200,600 visitors to the facility under a Base Case scenario. By 2025 the centre is forecast to achieve annual visitation of 231,000 persons. The proposed amendment to LEP 2010 will allow for these economic benefits to be realised.





Figure 4: 3D view of a potential development outcome on the site (viewed from the north)



Figure 5: 3D view of a potential development outcome on the site



Figure 6: 3D view of a potential development outcome on the site (viewed from the Tench Reserve)

## Part 2 – Explanation of Provisions

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The objectives and intended outcomes of the Planning Proposal will be achieved by inserting a local provision in Part 7 (Additional local provisions) of LEP 2010. Site-specific development controls will apply to the subject land to facilitate only the unique development sought and to provide greater certainty to development outcomes.

The primary purpose of the Planning Proposal is to facilitate development of a 300-metre indoor ski slope. This is a unique tourist facility which is dependent on a specific gradient and height. It is noted that for other land uses the height as proposed would not be acceptable if such uses were stand-alone development proposals and did not offer a unique proposition. Any development of the site under the proposed controls would need to substantially feature an indoor ski slope facility.

The proposed local provision in Part 7 of LEP 2010 would increase the maximum permitted building height on the subject land (2 Tench Avenue, Jamisontown) from 8.5 metres to 54 metres on the condition that:

- A substantial component of the development is an indoor ski slope facility, and an 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 Development Control Plan (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.

No other changes are sought to LEP 2010.

In respect to the “sunset clause” described above, the intention is that a Development Application that utilises the proposed Part 7 local provision would need to be lodged within 3 years of the LEP amendment being made.

In respect to the design competition described above, 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. Given the size and visual prominence of the proposed development, it is considered that a design excellence competition is essential.

Early engagement with the Government Architects Office by the proponent and advised to Council officers indicates 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.

It is noted that the manner in which LEP 2010 will be amended to achieve the intent of the Planning Proposal will be subject to legal drafting.

## Part 3 – Justification

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This part of the Planning Proposal outlines the need for the proposed amendment to LEP 2010, the relationship with the strategic planning framework, the impacts of the proposed changes, and State and Commonwealth interests.

### Section A – Need for the Planning Proposal

#### 1. Is the Planning Proposal the result of any strategic study of report?

The subject site is located within the Riverlink Precinct which is bounded by the eastern bank of the Nepean River to the west, Mulgoa Road to the east, the M4 Motorway to the south and the Western Railway line to the north.

The Riverlink Precinct Plan was adopted in 2008 to create a living, entertainment and working hub to link the Penrith City Centre to the Nepean River. The Precinct comprises a mix of uses including: residential, bulky goods retail/warehousing, leisure/entertainment, hotels/motels and open space. The Precinct Plan identified the land between Tench Avenue and Wilson Road as an entertainment, tourism, leisure and lifestyle precinct.

The strategic direction identified for the Riverlink Precinct in the Riverlink Precinct Plan is reflected in the SP3 Tourist zone of the site which applies pursuant to the Penrith Local Environmental Plan 2010 (LEP 2010). The provisions for the Riverlink Precinct in Part E13 of the Penrith Development Control Plan 2014 support the zoning of the site and implement the direction of the Riverlink Precinct Plan 2008.

The Winter Sporting Facility falls under the definition of a 'recreation facility (indoor)' and includes 'tourist and visitor accommodation', 'food and drink premises' and a 'function centre'. These uses are permitted with consent in the SP3 zone.

The proponent has stated that there is currently no appropriately zoned land in the Penrith local government area that has a height limit capable of accommodating an indoor ski centre, despite the permissibility of the use in the SP3 zone and the consistency of the proposal with the strategic direction for the Precinct. As such an amendment to the LEP 2010 is to be considered to facilitate the development of the Winter Sporting Facility.

The zoning of the site and provisions of Penrith Development Controls Plan 2014 (DCP 2014) are consistent with and support the Economic Development Strategy (EDS) for Penrith. The EDS sets a goal for Penrith of an increase in total local jobs of up to 55,000 by 2031. At least 2,000 of these jobs are expected to come from the tourism sector. The Economic Development Strategy notes that there is significant potential to grow the visitor economy in Penrith. At the time of writing the Strategy Penrith had 1.3 million annual visitors who inject \$231 million into the local economy annually. The target is to double this figure by 2025.

The amendment to LEP 2010 is required to enable significant economic benefits of the Winter Sporting Facility to be realised. The Economic Assessment prepared by Urbis which accompanies this Planning Proposal, demonstrates the Winter Sporting Facility development will generate approximately 896 direct and indirect jobs during construction and 759 direct and indirect jobs once complete. The Winter Sporting Facility would contribute approximately \$74.9 million to the NSW economy each year.

If the LEP 2010 provisions are not amended, the facility will not be able to proceed. This will compromise the attainment of the objectives of the zone and be inconsistent with the strategic direction for the Riverlink Precinct and the EDS objectives for the growth of tourism in Penrith.

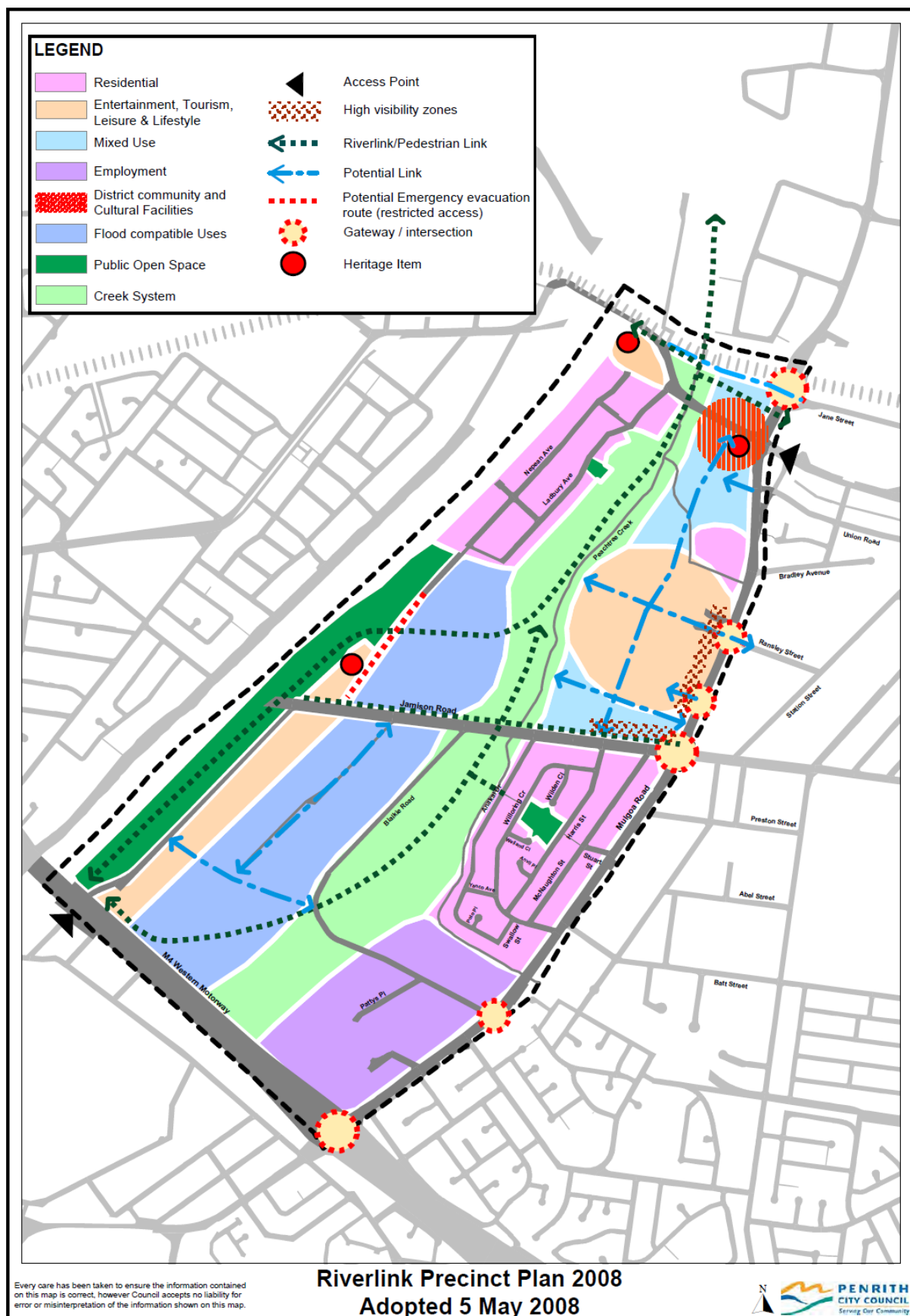


Figure 7: Riverlink Precinct

**2. Is the Planning Proposal the best means of achieving the objectives of intended outcomes, or is there a better way?**

The Planning Proposal seeks to amend LEP 2010 for the land at 2 Tench Avenue, Jamisontown in order to facilitate the development of a Winter Sporting Facility on the site which includes an indoor ski slope. The indoor ski centre is the anchor facility for the development. As the indoor ski slope requires a certain height and gradient, the LEP amendment is the best means to achieving the intended outcome of the Planning Proposal.

**Section B – Relationship to Strategic Planning Framework**

**3. Is the Planning Proposal consistent with the objectives and actions of the applicable regional, sub regional or district plan or strategy (including any exhibited draft plans or strategies)?**

**Greater Sydney Region Plan – A Metropolis of Three Cities**

In March 2018 the *Greater Sydney Region Plan - A Metropolis of Three Cities* was released. The Plan sets a 40-year vision to 2056 and establishes a 20-year plan to manage growth and change for Greater Sydney. The Plan informs district and local plans and the assessment of planning proposals. The Plan applies to the Greater Sydney Region and sets the planning framework for the five districts which make up the region. Penrith is within the Western City District of the Greater Sydney Region.

The Plan sets out 10 Directions which set out the aspirations for the region and objectives to support the Directions. The 10 Directions are:

- A City supported by infrastructure
- A collaborative city
- A city for people
- Housing the city
- A city of great places
- A well-connected city
- Jobs and skills for the city
- A city in its landscape
- An efficient city
- A resilient city

The relevant Directions to the Planning Proposal are 'Jobs and skills for the city' and 'A resilient city'.

Objective 24 under the Direction for 'Jobs and skills for the city' is that economic sectors are targeted for success. Tourism is identified in the Plan as a key economic sector which is to be supported and developed.

The Plan notes that Destination NSW has developed the Western Sydney Visitor Economy Strategy and will continue to secure and grow events in Western Sydney. The Plan also recognises that the Western Sydney Airport creates opportunities for the Western Parkland City to become an alternative to the Eastern Harbour City for international tourists. Alliances between councils and key industry stakeholders are encouraged to create opportunities to cross-promote events, develop and support a wider range of activities and importantly, realise the opportunities as the Western Sydney Airport and Badgerys Creek Aerotropolis develops. (p140)

Strategy 24.2 of the Plan relates to Tourism. Strategy 24.2 is to consider the following issues when preparing plans for tourism and visitation:

- Encouraging the development of a range of well-designed and located facilities
- Enhancing the amenity, vibrancy and safety of centres and township precincts,
- Supporting the development of places for artistic and cultural activities
- Improving public facilities and access
- Protection heritage and biodiversity to enhance cultural and eco-tourism,



- Supporting appropriate growth of the night-time economy/
- Developing industry skills critical to growing visitor economy
- Incorporating transport planning to service the transport access needs of tourists.

The Planning Proposal will facilitate the development of a use that supports the Greater Sydney Region Plan's strategy for Tourism as follows:

- The proposed Winter Sporting Facility is located on land that is already zoned for tourist-oriented development and related uses. The proposed use is therefore in an appropriate location.
- The Winter Sporting Facility will stimulate and support tourism related development in the Riverlink Precinct .
- The Western Sydney Airport is located approximately 20 kilometres driving distance from the site. The recreation facility is therefore ideally located to take advantage of improved access to domestic and international visitor markets and the population growth in Western Sydney that will be driven by the new airport.

Objective 37 under the Direction 'A Resilient City' is for exposure to natural and urban hazards to be reduced. Of relevance to the Planning Proposal is that the Plan notes that the Hawkesbury-Nepean Valley has a high flood risk and climate change may increase the severity and frequency of floods in the future.

The Resilient Valley, Resilient Communities – Hawkesbury-Nepean Valley Flood Risk Management Strategy aims to reduce the potential risk to life, the economy and communities. This strategy highlights the importance of strategic and integrated land use and road planning and adequate roads for evacuation. Given the severity and regional scale of the flood risk, the strategy looks at areas affected by the probably maximum flood as well as the 1 in 100 chance per year flood.

Strategy 37.2 is to respond to the direction for managing flood risk in the Hawkesbury-Nepean Valley as set out in Resilient Valley, Resilient Communities – Hawkesbury-Nepean Valley Flood Risk Management Strategy.

The proposed amendment to the maximum height of buildings permitted on the site does not increase the flood risk for future development on the site. The additional height in fact provides greater flexibility in designing a building that minimises the risk. Notwithstanding this a Concept Flood Risk Management and Stormwater Management Report prepared by ACOR Consultants is included as Appendix 7 to demonstrate that the proposed development can satisfy current flood management requirements and that an adequate flood evacuation route and appropriate evacuation procedures can be implemented.

### **Western City District Plan**

In March 2018 the Greater Sydney Commission published the Western City District Plan. The Western City District includes the Blue Mountains, Camden, Campbelltown, Fairfield, Hawkesbury, Liverpool, Penrith and Wollondilly local government areas.

The Western City District Plan is a 20-year plan to manage growth in the context of economic, social and environmental matters to achieve the 40-year vision for Greater Sydney. The District Plan is a guide for implementing the Greater Sydney Region Plan at a district level and is a bridge between regional and local planning. The District Plan is to inform the assessment of planning proposals and assists councils to plan for and support growth and change. The focus of the District Plan is on identifying the Planning Priorities to achieve a liveable, productive and sustainable future for the District.

The relevant Planning Priorities to this Planning Proposal are:

- W8 – Leveraging industry opportunities from the Western Sydney Airport and Badgerys Creek Aerotropolis
- W20 – Adapting to the impacts of urban and natural hazards and climate change.

The Western City District Plan recognises that the District's visitor economy has grown from 7.5 million visitors in 2006 to 12.4 million visitors each year. The Plan acknowledges that sporting venues and recreational assets (including adventure tourism) contribute to the diversity of tourist attractions in the District. Planning Priority W8 seeks to further grow the visitor economy by capitalising on the significant opportunities created by the Western Sydney Airport.

The proposed development will provide a new and unique addition to the adventure tourism market that will attract around 231,000 visitors per year. There are no similar facilities in Australia. The facility is expected to attract a range of visitors including residents, daytrip visitors, domestic visitors and international visitors.

The facility will be located approximately 20 kilometres drive from the new Western Sydney Airport. The facility is therefore ideally located to take advantage of improved access to domestic and international visitor markets and the population growth in Western Sydney that will be driven by the new airport.

Planning Priority W20 includes specific guidance to manage the impacts of flooding in the Hawkesbury-Nepean Valley. The Plan notes that given the scale of the severity and regional scale of the risk, more stringent consideration is warranted for areas affected by the probable maximum flood (PMF) as well as the 100 year flood. While the NSW Department of Environment and Planning develops a planning framework to address flood risk in the Hawkesbury-Nepean Valley, the following planning principles are to be applied to local strategic planning and development decisions:

- Avoiding intensification and new development on land below the current 1 in 100 chance per year flood event (1 % annual exceedance probability flood event).
- Applying flood related development controls on land between the 1 in 100 chance per year flood level and the PMF level.
- Providing for less intensive development of avoiding certain urban uses in areas of higher risk and allowing more intensive development in areas of lower flood risk, subject to an assessment of the cumulative impact of urban growth on regional evacuation road capacity and operational complexity of emergency management.
- Balancing desired development outcomes in strategic centres with appropriate flood risk management outcomes.
- Avoiding alterations to flood storage capacity of the floodplain and flood behaviour through filling and evacuation or other earthworks
- Applying more flood compatible building techniques and subdivision design for greater resilience to flooding.

The Planning Proposal does not seek to change the permitted uses on the site. The Planning Proposal seeks to amend LEP 2010 to permit a specific non-residential use of the site. Given the proposed development is for day visitors to the site and short stay accommodation, the evacuation of the facility can be managed.

The Concept Flood Risk Management Report prepared by ACOR indicates that 1% AEP overland floodwaters impact the site at elevation RL26 AHD. The 1% AEP overland floodwaters cause partial inundation over the eastern half of the subject site to depths within the 0-1.5m. The western portion of the site is not inundated by 1% AEP floodwaters. The Concept Flood Risk Report assesses the impact of the proposed development and sets out the flood risk management measures that would be required for the development.

#### **4. Is the Planning Proposal consistent with a Council's local strategy or other local strategic plan?**

##### **Penrith Community Plan**

The Penrith Community Plan was adopted by Council on 26 June 2017 and represents the community's vision for the Penrith LGA over the next 20 years.

The Plan outlines the priorities for the community and includes the following outcomes:

1. We can work close to home.
2. We plan for our future growth.
3. We can get around the city
4. We have safe, vibrant places.
5. We care for our environment.
6. We are healthy and share strong community spirit.
7. We have confidence in our Council.

The relevant outcomes to the Planning Proposal are addressed below.

#### *Outcome 1 – We can work close to home*

Strategy 1.1 is to attract investment to grow the economy and increase the range of businesses operating in the region. The Community plan notes that over half the workforce travels outside the LGA to work. More travel time means less time for leisure, family and community activities and a greater environmental impact. The Community Plan notes that increasing the number of local jobs will significantly improve community wellbeing, by reducing travel time and traffic congestion. Increasing the range of jobs available locally will give Penrith's workforce more choice and more opportunity. While many factors will influence job creation, Council will actively work to support economic growth, encourage investment and target jobs in areas that are currently underrepresented.

The Planning Proposal supports Outcome 1 in that it will facilitate the development of a facility which is estimated to create 765 direct and indirect jobs during the development phase and 822 direct and indirect ongoing jobs.

#### *Outcome 2 – We plan for our future growth*

The Planning Proposal is consistent with outcome 2 as it will facilitate the development of a recreation facility in an appropriate location. As the site has previously been cleared, a comprehensive landscape strategy will be developed for the site and the site is adequately separated from the nearby heritage item at 'Madang Park', the proposal will not result in any unreasonable impacts on the natural environment, history or character of Penrith.

### **Economic Development Strategy**

The Economic Development Strategy (EDS) was endorsed by Penrith Council in 2016. The EDS provides a strategic framework to assist Council in supporting economic development, fostering greater investment and growing jobs in Penrith. It provides Council with target sectors for jobs growth and areas of focus to stimulate economic development across the Local Government Area (LGA).

The EDS sets a goal for Penrith of an increase in total local jobs of up to 55,000 by 2031. At least 2,000 of these jobs are expected to come from the tourism sector.

The EDS notes that there is significant potential to grow the visitor economy in Penrith. At the time of writing the Strategy Penrith had 1.3 million annual visitors who inject \$231 million into the local economy annually. The target is to double this figure by 2025.

Penrith tourism industry's unique point of difference was identified in 2015 and as a result is now being marketed as the Adventure Capital of NSW due to the wide range of adventure activities and adrenaline-based attractions.

The Planning Proposal will facilitate the development of a Winter Sporting Facility on the subject site. The uses within the Winter Sporting Facility include an indoor ski centre, ice climbing facilities, rock climbing facilities and altitude training. These uses are entirely consistent with the strategic direction for tourism in Penrith and will strengthen Penrith's claim for the title of 'The Adventure Capital of NSW'.

The Economic Assessment included as Appendix 5 forecasts 200,600 visitors under a Base Case scenario. By 2025 the centre is forecast to achieve annual visitation of 231,000 persons.

	Development Phase	Ongoing
<b>Employment Benefits</b>		
- Direct Jobs	230	499
- Indirect Jobs	666	260
- Total Jobs	896	759
<b>Value-Added Benefits</b>		
- Direct Value-Added	\$45.9 million	\$36.9 million per annum
- Indirect Value Added	\$99.1 million	\$38 million per annum
- Total Value-Added	\$145 million	\$74.9 million per annum

An additional 896 direct and indirect jobs are estimated to be supported during the development period. This will contribute a total of \$145 million in value to the NSW economy. Once complete the development is estimated to support a total of 759 direct and indirect jobs across the local region and state and contribute \$74.9 million to the NSW economy each year.

The proposed development will therefore provide a significant contribution towards the attainment of the EDS' goal of creating 2,000 new jobs in the tourism sector by 2031 and doubling the number of visitors to Penrith by 2025.

### **Penrith Local Environment Plan 2010**

The Penrith Local Environmental Plan 2010 prescribes the written provisions and mapped planning controls that are proposed to be amended by this Planning Proposal.

### **Penrith Development Control Plan 2014**

Penrith Development Control Plan 2014 (DCP 2014) applies to the area proposed to be amended by this Planning Proposal. A draft site-specific DCP has been prepared by the proponent, to provide further planning and design guidance to the development of the site for a Winter Sporting Facility. This draft DCP is to be publicly exhibited with the Planning Proposal.

## **5. Is the Planning Proposal consistent with applicable State Environmental Planning Policies?**

### **State Environmental Planning Policies**

The NSW Government has published a number of State Environmental Planning Policies (SEPPs) and Sydney Regional Environmental Plans (deemed SEPPs). These documents deal with matters of State or regional planning significance.

The Planning Proposal is consistent with applicable State Environmental Planning Policies (SEPPs), as demonstrated below as the proposal only involves a change to the height of buildings standard. No change is proposed to the uses that are permitted with consent on the site.

The proposal's consistency with each applicable SEPP is summarised in the table below. Whilst some SEPPs are noted as being applicable in the following table as they apply to the site, they may not be relevant to the Planning Proposal or the type of development facilitated by the Planning Proposal.

SEPP Title	Applicable	Consistent
SEPP No 1—Development standards	Yes	Yes  The Planning Proposal does not seek to amend the provisions of SEPP 1. Clause 4.6 of the LEP 2010 contains the relevant provisions that would be relied

SEPP Title	Applicable	Consistent
		on for any proposed variation of the modified height standard.
SEPP No 19—Bushland in Urban Areas	Yes	Yes  The Planning Proposal relates to SP3 zoned land and the Planning Proposal does not require the removal of bushland.
SEPP No 21—Caravan Parks	Yes	Yes  The Planning Proposal does not relate to the development of a caravan park.
SEPP No 30—Intensive Agriculture	Yes	Yes  The Planning Proposal does not facilitate the type of development to which the SEPP relates.
SEPP No 33—Hazardous and Offensive Development	Yes	Yes  The Planning Proposal does not facilitate the type of development to which the SEPP relates.
SEPP No 36—Manufactured Home Estates	No	N/A
SEPP No 44—Koala Habitat Protection	No	N/A
SEPP No 47—Moore Park Showground	No	N/A
SEPP No 50—Canal Estate Development	Yes	Yes  The Planning Proposal does not seek to make canal estate development permissible on the site.
SEPP No 52—Farm Dams and Other Works in Land and Water Management Plan Areas	No	N/A
SEPP No 55—Remediation of Land	Yes	Yes  The site is currently used for a rural/residential purpose and is unlikely to be contaminated. The future Winter Sporting Facility use is a less sensitive use which is permitted with consent in the SP3 zone. The provisions of SEPP 55 will be addressed in any future development application.
SEPP No 62—Sustainable Aquaculture	Yes	Yes



SEPP Title	Applicable	Consistent
		The Planning Proposal does not relate to sustainable aquaculture.
SEPP No 64—Advertising and Signage	Yes	Yes  The Planning Proposal does not recommend the amendment of existing provisions relating to advertising and signage.
SEPP No 65—Design Quality of Residential Apartment Development	Yes	Yes  The Planning Proposal does not relate to Residential Apartment Development.
SEPP No 70—Affordable Housing (Revised Schemes)	Yes	Yes  The Planning Proposal does not seek to alter the provisions of SEPP 70.
SEPP (Affordable Rental Housing) 2009	Yes	Yes  The Planning Proposal does not seek to alter the provisions of this SEPP. The Planning Proposal does not relate to the provision of Affordable Housing.
SEPP (Building Sustainability Index: BASIX) 2004	Yes	Yes  The Planning Proposal does not recommend the amendment of provisions relating to the building sustainability index. BASIX does not currently apply to the type of development proposed.
SEPP (Coastal Management) 2018	No	N/A
SEPP (Educational Establishments and Child Care Facilities) 2017	Yes	Yes  The Planning Proposal does not seek to amend the provisions of the SEPP.
SEPP (Exempt and Complying Development Codes) 2008	Yes	Yes  The Planning Proposal does not seek to amend the provisions of the SEPP.
SEPP (Housing for Seniors or People with a Disability) 2004	Yes	Yes  The Planning Proposal does not seek to amend the provisions of the SEPP.
SEPP (Infrastructure) 2007	Yes	Yes  The Planning Proposal does not seek to amend the provisions of the SEPP.

SEPP Title	Applicable	Consistent
SEPP (Integration and Repeals) 2016	Yes	Yes  The Planning Proposal does not seek to amend the provisions of the SEPP.
SEPP (Kosciuszko National Park—Alpine Resorts) 2007	No	N/A
SEPP (Kurnell Peninsula) 1989	No	N/A
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	Yes	Yes  The Planning Proposal does not recommend the amendment of existing provisions relating to mining, petroleum production and extractive industries.
State Environmental Planning Policy (Miscellaneous Consent Provisions) 2007	Yes	Yes
State Environmental Planning Policy (Penrith Lakes Scheme) 1989	No	N/A
SEPP (Rural Lands) 2008	No	N/A
State Environmental Planning Policy (State and Regional Development) 2011	Yes	Yes  The purpose of the Planning Proposal is to facilitate the development of a Winter Sporting Facility on the site. The CIV of the Winter Sporting Facility currently meets the threshold for 'Cultural, recreation and tourist facilities' under clause 13 of Schedule 1 of the SEPP. As such the future development is likely to be State Significant development.
SEPP (State Significant Precincts) 2005	Yes	Yes  The Planning Proposal does not relate to a State Significant precinct.
State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011	No	N/A
SEPP (Sydney Region Growth Centres) 2006	No	N/A
State Environmental Planning Policy (Three Ports) 2013	No	N/A
State Environmental Planning Policy (Urban Renewal) 2010	No	N/A

SEPP Title	Applicable	Consistent
SEPP (Vegetation in Non-Rural Areas) 2017	Yes	Yes  The Planning Proposal does not relate to the removal of vegetation. Any proposed removal of trees on the site or within the road reserve will be addressed in a future Development Application. The provisions of the SEPP will be addressed in the DA documentation.
SEPP (Western Sydney Employment Area) 2009	No	N/A
SEPP (Western Sydney Parklands) 2009	No	N/A

Deemed SEPP Title	Applicable	Consistent
SREP No 8 (Central Coast Plateau Areas)	No	N/A
SREP No 9 – Extractive Industry (No 2 – 1995)	No	N/A
SREP No 16 – Walsh Bay	No	N/A
SREP No 20 – Hawkesbury- Nepean River (No 2 – 1997)	Yes	Yes.  The considerations, policies and strategies of this SREP should be taken into consideration in the preparation of each environmental planning instrument and development control plan that applies to land.  The aim of this SREP is to protect the environment of the Hawkesbury-Nepean River system by ensuring that the impacts of future land uses are considered in a regional context.  To this end the Planning Proposal has undertaken a flooding and stormwater assessment, and a flood evacuation assessment which has considered flooding and evacuation matters in a regional context, and has developed a strategy in which the development will respond to flood events.  The proposed land use on the site is already a permissible land use on the site under the land use zoning prescribed by LEP 2010. Therefore the potential impacts from that land use are already anticipated. The Planning

Deemed SEPP Title	Applicable	Consistent
		<p>Proposal seeks only to amend the height and FSR controls for the site to enable for the unique development sought.</p> <p>The DCP prepared for the subject site includes several development controls to guide the development design and manage potential impacts, including:</p> <ul style="list-style-type: none"> <li>▪ Indicative building envelope, height limits and setbacks</li> <li>▪ Views and visual impact</li> <li>▪ Amenity impacts, such as solar impacts, privacy, acoustic</li> <li>▪ Building design and design excellence</li> <li>▪ Public domain and landscaping</li> <li>▪ Traffic and parking management</li> <li>▪ Sustainability</li> <li>▪ Flooding and drainage</li> </ul> <p>The DCP for the site includes flooding related development controls and requires preparation of a detailed flood assessment as part of any future Development Application for the site.</p> <p>The potential impacts of the development on the Hawkesbury-Nepean River system will be addressed in detail through a future Development Application assessment and determination process.</p>
SREP No 24 – Homebush Bay Area	No	N/A
SREP No 26 – City West	No	N/A
SREP No 30 - St Marys	No	N/A
SREP No 33 – Cooks Cove	No	N/A
SREP (Sydney Harbour Catchment) 2005	No	N/A

## 6. Is the Planning Proposal consistent with applicable Ministerial Directions?

### Section 9.1 Local Planning Directions (Previously Section 117)

The Minister for Planning and Environment issues Local Planning Directions that councils must follow when preparing a planning proposal. The directions cover the following broad categories:

- employment and resources,
- environment and heritage,
- housing, infrastructure, and urban development,
- hazard and risk,
- regional planning,
- local plan making.

This planning proposal is considered to be consistent with all applicable Section 9.1 Directions, as demonstrated below, primarily because the proposed changes are of minor significance.

Directions issued under Section 117 (Now Section 9.1)	Comment
<b>1. Employment and Resources</b>	
<b>1.1 Business and Industrial Zones</b> This direction applies when a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed business or industrial zone (including the alteration of any existing business or industrial zone boundary).	This direction is not applicable to the Planning Proposal as the site is not located within a Business or Industrial zone. No change is proposed to the zoning of the site.
<b>1.2 Rural Zones</b> This direction applies when a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed rural zone (including the alteration of any existing rural zone boundary).	This Direction is not applicable to the Planning Proposal. This site is not located within a rural zone.
<b>1.3 Mining, Petroleum Production and Extractive Industries</b> This direction applies when a relevant planning authority prepares a planning proposal that would have the effect of: (a) prohibiting the mining of coal or other minerals, production of petroleum, or winning or obtaining of extractive materials, or (b) restricting the potential development of resources of coal, other minerals, petroleum or extractive materials which are of State or regional significance by permitting a land use that is likely to be incompatible with such development.	This Direction is not applicable to the Planning Proposal.
<b>1.4 Oyster Aquaculture</b> This direction applies when a relevant planning authority prepares any planning proposal that proposes a change in land use which could result in: (a) adverse impacts on a Priority Oyster Aquaculture Area or a "current oyster aquaculture lease in the national parks estate"; or (b) incompatible use of land between oyster aquaculture in a Priority Oyster Aquaculture Area or a "current oyster aquaculture lease in the national parks estate" and other land uses.	This Direction is not applicable to the Planning Proposal.
<b>1.5 Rural Lands</b> This direction applies when: (a) a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed rural or environment protection zone (including the alteration of any existing rural or environment protection zone boundary) or (b) a relevant planning authority prepares a planning proposal that changes the existing minimum lot size on land within a rural or environment protection zone.	This Direction is not applicable to the Planning Proposal.
<b>2. Environment and Heritage</b>	
<b>2.1 Environment Protection Zones</b> This direction applies when a relevant planning authority prepares a planning proposal.	This Direction is not applicable to the Planning Proposal.
<b>2.2 Coastal Management</b>	This Direction is not applicable to the Planning Proposal



<b>Directions issued under Section 117 (Now Section 9.1)</b>	<b>Comment</b>
This direction applies when a relevant planning authority prepares a planning proposal that applies to land in the coastal zone.	
<b>2.3 Heritage Conservation</b> This direction applies when a relevant planning authority prepares a planning proposal.  The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.	The Planning Proposal does not seek to alter the provisions of the PLEP that facilitate the conservation of items, areas, objects and places of environmental heritage significance and indigenous heritage significance. The Planning Proposal will not result in an adverse impact on the heritage item at 475-487 Jamison Road (Madang Park) due to the considerable distance from the farmhouse to the site, the generous setbacks proposed, the gradual increase in building height to the east and the voids within the building to reduce the bulk of the building.
<b>2.4 Recreation Vehicle Areas</b> This direction applies when a relevant planning authority prepares a planning proposal.	This Direction is not applicable to the Planning Proposal
<b>2.5 Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs</b> This direction applies to the local government areas of Ballina, Byron, Kyogle, Lismore and Tweed.	This Direction is not applicable to the Planning Proposal
<b>3 Housing, Infrastructure and Urban Development</b>	
<b>3.1 Residential Zones</b> This direction applies when a relevant planning authority prepares a planning proposal that will affect land within: (a) an existing or proposed residential zone (including the alteration of any existing residential zone boundary), (b) any other zone in which significant residential development is permitted or proposed to be permitted.	This Direction is not applicable to the Planning Proposal
<b>3.2 Caravan Parks and Manufactured Home Estates</b> This direction applies when a relevant planning authority prepares a planning proposal.	This Direction is not applicable to the Planning Proposal.
<b>3.3 Home Occupations</b> This direction applies when a relevant planning authority prepares a planning proposal.	This Direction is not applicable to the Planning Proposal.
<b>3.4 Integrating Land Use and Transport</b> This direction applies when a relevant planning authority prepares a planning proposal that will create, alter or remove a zone or a provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes.	This Direction applies to the Planning Proposal as the Planning Proposal seeks to alter a provision related to land zoned for tourist purposes.  The Direction requires the relevant planning authority to locate zones for urban purposes and includes provisions that give effect to and are consistent with the aims, objectives and principles of: (a) Improving Transport Choice – Guidelines for planning and development (DUAP 2001), and (b) The Right Place of Business and Services – Planning Policy (DUAP 2001)

Directions issued under Section 117 (Now Section 9.1)	Comment
	<p>The Planning Proposal does not seek to alter the zoning of the site.</p> <p>The Planning Proposal facilitates the development of an indoor recreation facility in an appropriately zoned location. The co-location of recreation facilities in the Riverlink Precinct and the provision of hotel and motel accommodation on the site to cater for tourists will assist in minimising the number and length of private car journeys. The use is also likely to attract groups that will travel to the site by bus. In this regard the proposal is consistent with the DUAP guidelines that seek to reduce the number and length of private car journeys.</p> <p>The location of the facility in this location also frees up land near public transport nodes to be used for commercial and residential uses. Commercial and residential uses are ideally concentrated around transport nodes in order to maximise the use of public transport and sustainable modes of transport.</p>
<p><b>3.5 Development Near Licensed Aerodromes</b> This direction applies when a relevant planning authority prepares a planning proposal that will create, alter or remove a zone or a provision relating to land in the vicinity of a licensed aerodrome.</p>	<p>This Direction is not applicable to the Planning Proposal.</p>
<p><b>3.6 Shooting Ranges</b> This direction applies when a relevant planning authority prepares a planning proposal that will affect, create, alter or remove a zone or a provision relating to land adjacent to and/ or adjoining an existing shooting range.</p>	<p>This Direction is not applicable to the Planning Proposal.</p>
<p><b>4. Hazard and Rise</b></p>	
<p><b>4.1 Acid Sulfate Soils</b> This direction applies when a relevant planning authority prepares a planning proposal that will apply to land having a probability of containing acid sulfate soils as shown on the Acid Sulfate Soils Planning Maps.</p>	<p>This Direction is not applicable to the Planning Proposal as the site is not shown on an Acid Sulfate Soils Planning Map as a site that has a probability of containing Acid Sulfate Soils.</p>
<p><b>4.2 Mine Subsidence and Unstable Land</b> This direction applies when a relevant planning authority prepares a planning proposal that permits development on land that: (a) is within a mine subsidence district, or (b) has been identified as unstable in a study, strategy or other assessment undertaken: (i) by or on behalf of the relevant planning authority, or (ii) by or on behalf of a public authority and provided to the relevant planning authority.</p>	<p>This Direction is not applicable to the Planning Proposal.</p>
<p><b>4.3 Flood Prone Land</b> This direction applies when a relevant planning authority prepares a planning proposal that creates, removes or alters a zone or a provision that affects flood prone land.</p>	<p>This direction is addressed in detail below this table.</p>

<b>Directions issued under Section 117 (Now Section 9.1)</b>	<b>Comment</b>
<b>4.4 Planning for Bushfire Protection</b> This direction applies when a relevant planning authority prepares a planning proposal that will affect, or is in proximity to land mapped as bushfire prone land.	Part of the eastern side of the site is identified as Bushfire Prone Land on the Penrith City Council Bushfire Prone Land Map. The Planning Proposal does not seek to alter the permitted uses on the site. Future development on the site will be design in accordance with Planning for Bushfire Protection 2006.
<b>5. Housing, Infrastructure and Urban Development</b>	
<b>5.1 Implementation of Regional Strategies</b> This direction applies when a relevant planning authority prepares a planning proposal.	Revoked 17 October 2017
<b>5.2 Sydney Drinking Water Catchments</b> This Direction applies when a relevant planning authority prepares a planning proposal that applies to land within the Sydney drinking water catchment.	This Direction is not applicable.
<b>5.3 Farmland of State and Regional Significance on the NSW Far North Coast</b>	This Direction is not applicable to the Planning Proposal.
<b>5.4 Commercial and Retail Development along the Pacific Highway, North Coast</b>	This Direction is not applicable to the Planning Proposal.
<b>5.5 Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)</b>	Revoked 18 June 2010
<b>5.6 Sydney to Canberra Corridor</b>	Revoked 10 July 2008
<b>5.7 Central Coast</b>	Revoked 10 July 2008
<b>5.8 Second Sydney Airport: Badgerys Creek</b> Planning proposals must not contain provisions that enable the carrying out of development, either with or without development consent, which at the date of this direction, could hinder the potential for development of a Second Sydney Airport.	The Planning Proposal does not hinder the potential for development of the Second Sydney Airport.
<b>5.9 North West Rail Link Corridor Strategy</b>	This Direction is not applicable to the Planning Proposal.
<b>5.10 Implementation of Regional Plans</b> This direction applies when a relevant planning authority prepares a planning proposal.	This Direction is not applicable to the Planning Proposal.
<b>6. Local Plan Making</b>	
<b>6.1 Approval and Referral Requirements</b>	The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.  In accordance with the direction the Proposal does not include provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority. Further the Proposal does not identify future development on the site as designated development.
<b>6.2 Reserving Land for Public Purposes</b>	The Planning Proposal does not create, alter or reduce existing zonings or reservations of land for public purposes.
<b>6.3 Site Specific Provisions</b>	The Planning Proposal only seeks to amend the Height of Buildings Map to

<b>Directions issued under Section 117 (Now Section 9.1)</b>	<b>Comment</b>
The objective of this direction is to discourage unnecessarily restrictive site-specific planning controls. The direction applies when a relevant planning authority prepares a Planning Proposal that will allow a particular development to be carried out.	allow for a maximum height of 54 metres. An additional provision may be necessary to ensure that the additional height is only permitted to allow for an indoor ski facility and associated Winter Sporting Facility activities.
<b>7. Metropolitan Planning</b>	
<b>7.1 Implementation of the Metropolitan Strategy</b>	In March 2018 the <i>Greater Sydney Region Plan - A Metropolis of Three Cities</i> . The Plan sets a 40-year vision to 2056 and establishes a 20-year plan to manage growth and change for Greater Sydney. The Plan informs district and local plans and the assessment of planning proposals. The Plan applies to the Greater Sydney Region and sets the planning framework for the five districts which make up the region. Penrith is within the Western City District of the Greater Sydney Region. The Planning Proposal is consistent with the Metropolitan Strategy as detailed in Section B of this report.
<b>7.2 Implementation of Greater Macarthur Land Release Investigation</b>	This Direction is not applicable to the Planning Proposal.
<b>7.3 Parramatta Road Corridor Urban Transformation Strategy</b>	This Direction is not applicable to the Planning Proposal.
<b>7.4 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan</b>	This Direction is not applicable to the Planning Proposal.
<b>7.5 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Plan</b>	This Direction is not applicable to the Planning Proposal.
<b>7.6 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan</b>	This Direction is not applicable to the Planning Proposal.
<b>7.7 Implementation of Glenfield to Macarthur Urban Renewal Corridor</b>	This Direction is not applicable to the Planning Proposal.

#### Consistency with Direction 4.3 Flood Prone Land

<b>Direction 4.3 Flood Prone Lane</b>	<b>Consistency of Planning Proposal</b>
<b>Objectives</b>  The objectives of this direction are: (a) to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005, and (b) to ensure that the provisions of an LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.	The Planning Proposal is consistent with the objectives of the Direction.  A Concept Flood Risk Assessment forms part of the technical studies included in this Planning Proposal. The report considers the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005.

<p><b>Where this direction applies</b></p> <p>This direction applies to all relevant planning authorities that are responsible for flood prone land within their LGA.</p>	<p>This Direction is applicable to the relevant planning authority.</p>
<p><b>When this direction applies</b></p> <p>This direction applies when a relevant planning authority prepares a planning proposal that creates, removes or alters a zone or a provision that affects flood prone land.</p>	<p>The Direction is application as the Planning Proposal alters a provision that affects flood prone land.</p>
<p><b>What a relevant planning authority must do if this direction applies</b></p> <p>(4) A planning proposal must include provisions that give effect to and are consistent with the NSW Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005 (including the Guideline on Development Controls on Low Flood Risk Areas).</p>	<p>The Planning Proposal will facilitate a development that is consistent with the NSW Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005 as detailed in the Concept Flood Risk Report included as Appendix 7.</p> <p>A flood evacuation strategy has been prepared and is provided at Appendix 8. The strategy 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.</p>
<p>(5) A planning proposal must not rezone land within the flood planning areas from Special Use, Special Purpose, Recreation, Rural or Environmental Protection Zones to a Residential, Business, Industrial, Special Use or Special Purpose Zone.</p>	<p>The Planning Proposal does not seek to rezone land within the Flood Planning Area.</p>
<p>(6) A planning proposal must not contain provisions that apply to the flood planning areas which:</p> <ul style="list-style-type: none"> <li>(a) permit development in floodway areas,</li> <li>(b) permit development that will result in significant flood impacts to other properties,</li> <li>(c) permit a significant increase in the development of that land,</li> <li>(d) are likely to result in a substantially increased requirement for government spending on flood mitigation measures, infrastructure or services, or</li> <li>(e) permit development to be carried out without development consent except for the purposes of agriculture (not including dams, drainage canals, levees, buildings or structures in floodways or high hazard areas), roads or exempt development.</li> </ul>	<p>The Planning Proposal does not permit development in a floodway.</p> <p>The Planning Proposal allows for the redistribution of the floor space on the site to allow for a unique and specific use. The Planning Proposal allows for a higher building than currently permitted but the building footprint is smaller than is permitted by the current DCP controls. In this regard the Planning Proposal does not permit a significant increase in the development of the land.</p> <p>The Planning Proposal will not result in an increased requirement for government spending on flood mitigation measures, infrastructure or services.</p>

(7) A planning proposal must not impose flood related development controls above the residential flood planning level for residential development on land, unless a relevant planning authority provides adequate justification for those controls to the satisfaction of the Director-General (or an officer of the Department nominated by the Director-General).	The Planning Proposal does not relate to residential development.
(8) For the purposes of a planning proposal, a relevant planning authority must not determine a flood planning level that is inconsistent with the Floodplain Development Manual 2005 (including the Guideline on Development Controls on Low Flood Risk Areas) unless a relevant planning authority provides adequate justification for the proposed departure from that Manual to the satisfaction of the Director-General (or an officer of the Department nominated by the Director-General).	The Planning Proposal does not determine a flood planning level that is inconsistent with the Floodplain Development Manual 2005.

## Section C – Environmental, Social and Economic Impacts

### **7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the Proposal?**

No threatened species, populations or ecological communities have been observed on the site. It is unlikely due to the urban context, history of the site and the surrounding area that there are any threatened species populations or communities that are at the limit of their known distribution with regard to this site. It is not anticipated that the future redevelopment of the site will have any adverse ecological impacts.

### **8. Are there any other likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?**

#### **Bulk and scale of development and overshadowing**

The accompanying plans prepared by Enviro Studio included as Appendix 1 show a potential development outcome resulting from the Planning Proposal.

A draft site-specific DCP has been prepared by the proponent, which is 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 proposed local LEP provision sought by this 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. Given the size and visual prominence of the proposal, it is considered that a Design Excellence Competition is essential.



Early engagement with the Government Architects Office by the proponent and advised to Council officers indicates 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.

### **Traffic and Parking**

The Planning Proposal is accompanied by a Traffic and Parking Assessment (see Appendix 6). The Traffic and Parking assessment estimates the traffic generated by the proposed facility during peak and typical periods. Traffic modelling has been completed and has identified a need to make improvements to the Jamison Road / Blaikie Road intersection to address road network congestion as a result of the proposed development.

The proponent has submitted a Voluntary Planning Agreement (VPA) offer, which is to be exhibited concurrently with the Planning Proposal. In the 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 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.

### **Flood Management**

A Concept Flood Risk Report prepared by ACOR Consultants accompanies this Planning Proposal (see Appendix 7). The Report demonstrates how flood risk will be managed in accordance with the requirements of the Penrith Development Control Plan 2014, LEP 2010 and the Floodplain Development Manual.

A flood evacuation strategy has been prepared and is provided at Appendix 8. The strategy 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 requirements of condition 1(c) of the Gateway determination have been addressed in the flood evacuation strategy.

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.

### **Bushfire**

Part of the eastern side of the site is identified as Bushfire Prone Land on the Penrith City Council Bushfire Prone Land Map. The Planning Proposal does not seek to alter the permitted uses on the site. Future development on the site will be design in accordance with Planning for Bushfire Protection 2006.

In accordance with condition 4 of the Gateway determination, the NSW Rural Fire Service (RFS) was consulted prior to public exhibition in terms of section 9.1 Direction 4.4 Planning for Bushfire Protection. A copy of the NSW RFS submission is provided at Appendix 11.

In response to the NSW RFS submission the proponent prepared a bushfire assessment report, which is provided at Appendix 12.

The NSW RFS will be formally consulted formally during public exhibition.

## **Contamination**

The site has not recently been the subject of environmental site assessment regarding potential contamination, however, due to the historical use of the site for a rural/residential use it is considered unlikely that there are any contamination issues with the site. This issue can be addressed in detail in a future development application.

### **9. Has the Planning Proposal adequately addressed any social and economic effects?**

An Economic Assessment of the proposed development is included as Appendix 5. The Assessment is based on detailed case studies of six snow centres which are considered to be the most comparable to the proposed Winter Sporting Facility. The Economic Assessment notes that the indoor ski slope is a key attractor or anchor which underpins the concept and viability of the Winter Sporting Facility.

The economic assessment observes that one of the key drivers for tourist attractions is the local resident population. Strong population growth will drive increased demand for tourist attractions in the surrounding region. The Assessment notes that Western Sydney is forecast to grow at 2.1% per annum between 2016 and 2026, well above Greater Sydney's overall rate of 1.7%. The increasing population growth in Western Sydney will drive increased demand for tourist attractions in the region.

The substantial number of visitors coming to Sydney for a holiday or to visit friends and relatives will also drive strong demand for tourist attractions such as the Winter Sporting Facility.

The Economic Assessment conservatively forecasts the Winter Sporting Facility will attract 200,600 visitors in its first year of operation. By 2025 the centre is forecast to achieve annual visitation of 231,000 persons.

The Winter Sporting Facility will create approximately 896 direct and indirect jobs during the development period, contributing a total of \$145 million in value to the NSW economy. Once complete the development is estimated to support a total of 759 direct and indirect jobs and contribute \$74.9 million in value-added to the NSW economy each year.

## **Section D – State and Commonwealth Interests**

### **10. Is there adequate public infrastructure for the Planning Proposal?**

Details of the availability of electricity, telecommunication, gas, water and sewer services are available to the site are detailed in Appendix 9.

### **11. What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?**

Relevant public authorities will be consulted during public exhibition in accordance with the Gateway determination. The public authorities to be consulted are:

- Roads and Maritime Services
- Transport for NSW
- Government Architects Office
- Office of Environment and Heritage
- State Emergency Services
- NSW Rural Fire Service
- Sydney Water
- Telstra
- Endeavour Energy

## Part 4 – Mapping

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No map tiles are proposed to be amended as part of the Planning Proposal.

## Part 5 – Community Consultation

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The Gateway Determination outlines the community consultation to be undertaken.

The planning proposal will be publicly exhibited on Council's website.

Notice of the public exhibition will be given in the local newspaper and on Council's website. Notice of the public exhibition will also be provided by a letter to the land owners of adjoining and affected properties.

## Part 6 - Project Timeline

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The Project timeline will largely be determined by Penrith City Council and the Department of Planning, Industry and Environment. The relevant milestones are summarised in the following table.

Milestone	Timeframe
Council's sponsor of the Planning Proposal	November 2018
Submission to NSW Planning, Industry and Environment	December 2018
Gateway Determination issued	May 2019
Public exhibition and public authority consultation	October/November 2020
Consideration of submissions	December 2020 to February 2021
Reporting of the Planning Proposal to Council for decision	April 2021
Notification of Voluntary Planning Agreement	May 2021
Submission to NSW Planning, Industry and Environment	June 2021
Publication of LEP amendment	July 2021
DCP amendment takes effect	July 2021
Voluntary Planning Agreement takes effect	July 2021



## Appendices

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## APPENDIX 1

### Concept Plans and Area Schedule

## APPENDIX 2

### Urban Design Report

## APPENDIX 3

### Southern elevation and sections

## APPENDIX 4

### Visual Analysis



## APPENDIX 5

### Economic Assessment

## APPENDIX 6

### Traffic and Parking Assessment

## APPENDIX 7

### Concept Flood Risk Management and Stormwater Management Report

## APPENDIX 8

### Flood evacuation statement

## APPENDIX 9

### Infrastructure and Utilities Assessment



## APPENDIX 10

### Council report and minutes 26 November 2018

## APPENDIX 11

### Rural Fire Service pre-exhibition advice

## APPENDIX 12

### Bushfire assessment report

## APPENDIX 13

### Local Planning Panel advice

## APPENDIX 14

### Gateway Determination 2 May 2019



APPENDIX 15  
Council report and unconfirmed minutes 28  
September 2020