

Paul Shaw  
Executive General Manager – Developer  
TOGA Development and Construction  
PO Box 1745  
STRAWBERRY HILLS NSW 2012

Dear Mr Shaw

**Resolution of Penrith Key sites LEP for TOGA Properties at Penrith (Sites 3 & 10)**

Thank you for your letter dated 1 June 2018 regarding resolution of Key Sites LEP for TOGA Sites 3 & 10 – 640-652 High Street Penrith Flood Assessment and Flood Resilience Plan.

As noted in previous correspondence, the Department wants greater certainty the impact of extreme flood events on the site, particularly the structural integrity of the buildings being located in H6 and H5 flood hazard and the ability to manage safe evacuation in a Probable Maximum Flood event, can be addressed.

The Department has considered the information contained in your letter and the subsequent information supplied on the 19 June 2018 that outlines engineering and design responses to the flood conditions on these sites.

The Department acknowledges the flood resilience plan outlined for the sites and the additional detail on building design structural capacity in relation to a Probable Maximum Flood Event. During detailed design and assessment there is an expectation issues will need to be addressed. These include concepts such as the basement level being allowed to flood and the potential risk to life this imposes on the development, as well as the acknowledgment that the ground floor glazing will be expected to break.

Noting these concerns, it appears the development can address flood resilient building design and the ability to manage safe evacuation. This conclusion is reached on the understanding that all recommendations contained in the report by *BMT WBM High Street Development Penrith – Flood Resilience Plan dated May 2018*, including those in Appendix D Building Services Response need to be integrated into the final design and construction of the sites.

The Department is satisfied that this development can proceed through the plan making process.

The Department will be progressing the amendments to the Local Environmental Plan as a matter of priority and consistent with the work undertaken to address the Departments letter of the 21 June 2017.

Should you have any questions regarding the planning proposal, I have arranged for Ann-Maree Carruthers, Director, Sydney Region West of the Department to assist you. Mrs Carruthers can be contacted on 9274 6270.

I would be happy to meet with you, with the Council in attendance to discuss this issue further. I can be contracted on 0437 868 167.

Yours sincerely



Brett Whitworth

**Executive Director**

**Western Sydney and Aerotropolis Activation**

11 July 2018

CC: Ms Kylie Powell, Executive Manager, City Economy and Planning, Penrith City Council  
Encl: Approval Letter from Department and deferred sites 21 June 2017



## Planning & Environment

Mr Alan Stoneham  
General Manager  
Penrith City Council  
PO Box 60  
PENRITH NSW 2751

Our ref: 18/02705  
Your ref: ECM 7340451

Dear Mr Stoneham *Alan*

### **Penrith Local Environmental Plan 2010 (Amendment No. 14)**

I refer to Council's submission under the *Environmental Planning and Assessment Act 1979* (the Act), requesting the Greater Sydney Commission make Penrith Local Environmental Plan (LEP) 2010 (Amendment No. 14).

I am writing to notify you that as the Greater Sydney Commission's delegate, I have made the LEP Amendment under section 59(2) of the Act, and under section 34(5) it will take effect when published on the NSW Legislation website.

As a result of the preliminary investigation into the Penrith CBD Flood Evacuation, sites 1, 2, 3, 5, 9 and 10 have been deferred from the plan due the potential flood and evacuation risks. To progress these sites, it will be necessary for Council, in conjunction with the State Emergency Services, to adequately address the flood risk and evacuation. You are advised that further community consultation to progress these sites will not be required by the Department unless there are substantial changes to proposed planning controls as outlined in the Gateway determination issued on the 14 April 2016.

In making the Plan, the definition of 'community infrastructure' has been amended to be consistent with the requirements of the Act by removing the requirement for public use of the facility.

Further increases in residential density in the CBD will require resolution of evacuation planning. I encourage Council to continue to work with Hawkesbury-Nepean Taskforce, Roads and Maritime Services, and State Emergency Services on this matter.

Further, I note that Council intends to undertake a review of development controls within the Penrith City Centre. As part of this review, I advise that Council should consult RMS with a view to undertaking a traffic and capacity study of the road network within the City centre in this review.

Should you have any questions regarding this matter, I have arranged for Catherine Van Laeren, Director, Sydney Region West of the Department to assist you. Mrs Van Laeren may be contacted on telephone number (02) 9860 1520.

Yours sincerely

**Marcus Ray**  
**Acting Deputy Secretary**  
Growth Design and Programs

*21/06/2017*