

Penrith Planning Proposal - Mulgoa Road and Retreat Drive, Penrith - 'Panthers site'

Proposal Title : **Penrith Planning Proposal - Mulgoa Road and Retreat Drive, Penrith - 'Panthers site'**

Proposal Summary : **The proposal seeks to:**
- remove the ability to develop an 'outlet centre' on the Panthers site;
- adjust the height controls across (part of) the Penrith Panthers site; and
- correct the address and property descriptions listed in Schedule 1 of Penrith LEP 2010.

PP Number : **PP_2016_PENRI_005_00**

Dop File No : **qA398082**

Proposal Details

Date Planning
Proposal Received : **08-Dec-2016**

LGA covered : **Penrith**

Region : **Metro(Parra)**

RPA : **Penrith City Council**

State Electorate : **PENRITH**

Section of the Act : **55 - Planning Proposal**

LEP Type : **Spot Rezoning**

Location Details

Street : **Part Lot 1 DP 1043008**

Suburb : City : Postcode :

Land Parcel : **73 Mulgoa Road, Penrith**

Street : **Part Lot 13 DP 710086**

Suburb : City : Postcode :

Land Parcel : **123-135 Mulgoa Road, Penrith**

Street : **Part Lot 151 DP 863625**

Suburb : City : Postcode :

Land Parcel : **83 Mulgoa Road, Penrith**

Street : **Lot 1021 DP 812335**

Suburb : City : Postcode :

Land Parcel : **65 Mulgoa Road, Penrith**

Street : **Lot 1 DP 10654526**

Suburb : City : Postcode :

Land Parcel : **Lot 1 Retreat Drive, Penrith**

Street : **Part Lot 1 DP 1043008**

Suburb : City : Postcode :

Land Parcel : **73 Mulgoa Road, Penrith**

Penrith Planning Proposal - Mulgoa Road and Retreat Drive, Penrith - 'Panthers site'

Street : **Part Lot 152 DP 863625**
Suburb : City : Postcode :
Land Parcel : **109 Mulgoa Road, Penrith**

DoP Planning Officer Contact Details

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RPA Contact Details

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DoP Project Manager Contact Details

Contact Name : **Terry Doran**
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Land Release Data

Growth Centre :	N/A	Release Area Name :	
Regional / Sub Regional Strategy :	Metro North West subregion	Consistent with Strategy :	Yes
MDP Number :		Date of Release :	
Area of Release (Ha) :		Type of Release (eg Residential / Employment land) :	N/A
No. of Lots :	0	No. of Dwellings (where relevant) :	0
Gross Floor Area :	0	No of Jobs Created :	0

The NSW Government **Yes**
Lobbyists Code of
Conduct has been
complied with :

If No, comment : .

Have there been **No**
meetings or
communications with
registered lobbyists? :

If Yes, comment : .

Supporting notes

Internal Supporting **PLANNING PROPOSAL**
Notes : **The planning proposal, as submitted by council to the Department, in part sought to increase the dwelling yield on site by approximately 50 dwellings.**

Given its location within the probable maximum flood area, the proposed was referred to the Hawkesbury Nepean Taskforce for review, based on the proposed density and yield

increases in residential development.

However, confirmation was subsequently received from the proponent that the proposal will not exceed the current Gross Floor Area potential on the site of 80,400sqm. The proponent has also confirmed that the proposal will result in 850 dwellings, which is less than could be currently achieved under existing controls.

While this is the case, the Taskforce provided advice that the flood study does not adequately address the flood risk of the proposed development.

It is now acknowledged that the proposal does not seek to increase permissible housing density and commercial gross floor area under the current controls. It is considered however, that to comply with section 117 Direction 4.3 Flood Prone Land, the work recommended by the taskforce should be carried out.

As recommended Gateway conditions, it is proposed to cap dwelling numbers and gross floor area and require Council to complete the work recommended by the Taskforce.

POLITICAL DONATIONS DISCLOSURE STATEMENT

Political donations disclosure laws commenced on 1 October 2008. The legislation requires the public disclosure of donations or gifts for certain circumstances relating to the planning system.

"The disclosure requirements under new legislation are triggered by the making of relevant planning applications and relevant public submissions on such applications".

The term relevant planning authority means:

" A formal request to the Minister, a council or the Secretary to initiate the making of an environmental planning instrument..."

Planning Circular PS08-009 specifies that a person who makes a public submission to the Minister or the Secretary is required to disclose all reportable political donations (if any).

The Department has not received any disclosure statements for this planning proposal from the relevant planning authority.

PROBITY AND DELEGATION OF PLAN MAKING FUNCTIONS

Although no changes are proposed to the height of building controls applying to Council owned land, Council has resolved to commission a peer review of the planning proposal and community consultation process. Council has amended Part 5 of the proposal with this information.

Council has requested the delegations of the Minister's plan making functions for this planning proposal. The delegation of the Minister's plan making function is not considered appropriate in this instance.

ADDITIONAL INFORMATION AND AMENDED PROPOSAL

Council submitted additional information and corrected some matters in the planning proposal (and returned the information on 13 September 2016 and the flood study was received by the Department on 22 September 2016.

To clarify current and potential yields resulting from the proposal, additional information was provided by SJB planning on 29/11 and 8/12.

SITE INSPECTION

A site inspection was carried out on Thursday 10 November 2016. Relevant planning matters are addressed within this report.

External Supporting Notes : The submitted planning proposal is the result of an application received by Council.

 The proposal does not seek to increase commercial or retail uses on the site, and will remove the additional use of Brand Outlet Centre from the local environmental plan.

 The proposal does seeks to reconfigure the building heights on the site.

 The proponent has indicated a willingness to cap the Gross Floor Area available on the site to that achievable under the current planning controls i.e. 80,400sqm, under the LEP provisions.

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment : The main objectives of the planning proposal is to facilitate the proposed development of 11 buildings containing approximately 850 dwellings (apartments) with three building offering a mixed use and providing shops, business and office premises.

 The proposed development would seek to locate a number of taller buildings of 14 storeys 50 metres) in the centre of the precinct, and reduce the height of buildings next to the existing development fronting Mulgoa road.

 It is noted that the proposal also seeks to amend the map legend of map sheets that apply beyond the land that is the subject of this proposal. Given the minor nature of these amendments (i.e.to the legend only) these changes, as outlined in detail below, can be approximately considered as part of this proposal.

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment : The planning proposal seeks to amend Penrith Local Environmental Plan 2010 by:

 1. Amending the Height of Buildings Map sheet 6 [6350_COM_HOB_006].

 2. Updating Height of Buildings Maps (sheets 5-7, 11-13, 18-20) to ensure a consistent mapping legend is applied on all maps, as follows:

- 6350_COM_HOB_005,
- 6350_COM_HOB_006,
- 6350_COM_HOB_007,
- 6350_COM_HOB_011,
- 6350_COM_HOB_012,
- 6350_COM_HOB_013,
- 6350_COM_HOB_018,
- 6350_COM_HOB_019,and,
- 6350_COM_HOB_020.

 3. Amending the Clause Application Map sheet 2 [6350_COM_CAP_002] and removing reference to 'outlet centre';

 4. Amending Clause 9 Penrith Panthers Site by:

- removing reference to outlet centre from clause 9.1;
- removing reference to and controls applying to outlet centre in clause 9.3;
- deleting clause 9.4 minimum lot size for outlet centres for community title schemes or strata plan schemes; and,
- updating the clause numbers;

 5. Amending Schedule 1 Additional Permitted Use Clause 22 to correct the

property descriptions.

As outlined further in this report, the relevant planning authority will be required to cap the maximum development yield of the site, to 80,400sqm and no more than 850 dwellings.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **No**

b) S.117 directions identified by RPA :

* May need the Director General's agreement

1.3 Mining, Petroleum Production and Extractive Industries
2.1 Environment Protection Zones
2.3 Heritage Conservation
2.4 Recreation Vehicle Areas
3.1 Residential Zones
3.2 Caravan Parks and Manufactured Home Estates
3.3 Home Occupations
3.4 Integrating Land Use and Transport
4.3 Flood Prone Land
4.4 Planning for Bushfire Protection
6.1 Approval and Referral Requirements
6.2 Reserving Land for Public Purposes
6.3 Site Specific Provisions

Is the Director General's agreement required? **No**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified?

SEPP No 19—Bushland in Urban Areas
SEPP No 21—Caravan Parks
SEPP No 30—Intensive Agriculture
SEPP No 32—Urban Consolidation (Redevelopment of Urban Land)
SEPP No 33—Hazardous and Offensive Development
SEPP No 50—Canal Estate Development
SEPP No 55—Remediation of Land
SEPP No 62—Sustainable Aquaculture
SEPP No 64—Advertising and Signage
SEPP No 65—Design Quality of Residential Flat Development
SEPP No 70—Affordable Housing (Revised Schemes)
SEPP (Building Sustainability Index: BASIX) 2004
SEPP (Exempt and Complying Development Codes) 2008
SEPP (Housing for Seniors or People with a Disability) 2004
SEPP (Infrastructure) 2007
SEPP (Major Projects) 2005
SEPP (Mining, Petroleum Production and Extractive Industries) 2007

e) List any other matters that need to be considered :

Have inconsistencies with items a), b) and d) being adequately justified? **N/A**

If No, explain :

The proposal is consistent with the s.117 Directions, except for the following:

SECTION 117 DIRECTION 2.3 – HERITAGE CONSERVATION

It is noted that there is a local heritage item located on the site. Council has amended the planning proposal to indicate the location of this local heritage item.

SECTION 117 DIRECTION 4.3 - FLOOD PRONE LAND

Direction 4.3 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. The proposal is inconsistent with this Direction.

Council advises that the proposal does not seek to amend the existing provisions relating to flood prone land, and is supported by a flood study that identifies how the flood risk will be managed when the precinct is developed.

Land subject to the planning proposal can be situated above the Flood Planning Level, with further works, as demonstrated in the Flood Study. However, the subject land is currently situated below the 1:100 Average Recurrence Interval (ARI) year flood event. The subject land and surrounding area is also affected by the Probable Maximum Flood (PMF).

Direction 4.3 subclause (6)(d) requires that planning proposal must not contain provisions that apply to the flood planning areas which are likely to result in a substantially increased requirement for government spending on flood mitigation measures, infrastructure or services. Should the planning proposal proceed, the resulting increase in residential development that is accessed by roads which are below the Flood Planning Level may result in an increased requirement for government spending.

In this regard, the proposal is inconsistent with subclause 6(d) of the Direction as the land is below the Probable Maximum Flood level identified within the study area of the NSW Hawkesbury Nepean Flood Management Taskforce. The evacuation risks for properties within the PMF area will not be known until the Taskforce's findings are released. Consequently the Taskforce has recommended against any increase in residential density within the study area for recent planning proposals. In relation to this proposal, the matters raised by the Flood Advisory Group of the Directorate - Hawkesbury Nepean Valley Flood Management Directorate are outlined in the assessment section of this report.

The Department has consistently applied the Taskforce's recommendations by refusing the following planning proposals:

- 35 Chapel St, Richmond. Refused 15/02/2016;
- Various Properties at Mitchell Rd, Pitt Town. Refused 31/03/2016; and
- reduce the minimum lot size at 280 Castlereagh Rd, Agnes Banks, which was refused on 15/08/16.

The proposal is considered to be inconsistent with this Direction, but the extent of such an inconsistency cannot be established until a further study is provided addressing the concerns and issues raised by the Taskforce.

The current inconsistencies with S.117 Direction 4.3 Flood Prone Land, combined with the advice of the Taskforce support the need for Council to undertake further detailed assessment addressing the issues raised by the Taskforce.

SEPPs AND DEEMED SEPPS

The proposal is generally consistent with all relevant SEPPs.

Sydney Regional Environmental Plan No. 20 - Hawkesbury Nepean River (No 2-1997)

The aim of SREP 20 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. Should the proposal receive a Gateway determination, further detailed consideration of the specific requirements of Sydney Regional Environmental Plan No. 20 - Hawkesbury Nepean River (No 2-1997) would be required at the development application stage.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : Mapping has been provided in Part 4 of the the proposal showing the existing and proposed height of buildings and the change required to the Clause application Map. A proposed Height of Building Map and proposed Clause Application Map is provided separately as appendix 3.

The proposed requires amendments to:

- 6350_COM_HOB_006; and
- 6350_COM_CAP_002.

However, as noted above, Part 2 of the proposal also indicates proposed changes to the Height of Buildings Map legend for (sheets 5-7, 11-13, 18-20) to ensure a consistent mapping legend is applied. Maps include:

- 6350_COM_HOB_005;
- 6350_COM_HOB_006;
- 6350_COM_HOB_007;
- 6350_COM_HOB_011;
- 6350_COM_HOB_012;
- 6350_COM_HOB_013;
- 6350_COM_HOB_018;
- 6350_COM_HOB_019;and,
- 6350_COM_HOB_020.

On 5 September 2016, Council was requested to:

- amend the 'current zoning' map on page 15 to correct an inconsistency;
- update Figure 1 in the proposal to clearly describe the land subject to the proposal; and,
- ensure that all maps from appendix 3 are contained within the proposal itself.

Council submitted an amended proposal and maps on 13 September 2016.

The Determination should require Council to amend the proposal to include all amendments as referred to above, including a description of the changes required to the map legend.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : The proposal nominates a time frame of 28 days for community consultation. Given the circumstances of the site and proposal, the time frame is considered appropriate.

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

Proposal Assessment

Principal LEP:

Due Date : **September 2010**

Comments in relation to Principal LEP : **The Penrith Local Environmental Plan 2010 was notified on 22 September 2010. The site was also subject to a previous amendment, Penrith Local Environmental Plan 2010 (Amendment No 2), notified on 21 June 2013.**

The subject planning proposal intends to amend Penrith Local Environmental Plan 2010. The area of land subject to this amendment is a smaller segment of the larger Panthers site, rezoned under amendment 2 to Penrith Local Environmental Plan 2010.

This proposal is consistent with the standard instrument, and Penrith Local Environmental Plan 2010.

Assessment Criteria

Need for planning proposal :

Penrith Council has received a an application to develop the precinct with 11 buildings containing approximately 850 apartments with three of the building providing 3,300sqm of shops, businesses and offices on the ground floor.

The application proposes to facilitate the construction of buildings to a height of 90 metres (14 storeys) and will remove the permissibility of a proposed outlet centre.

The planning proposal seeks to amend the heights in the LEP, but does not need to amend the permissible land uses on the site, with the exception of removing the outlet centre use.

The planning proposal is the best means of achieving the proposed outcomes of the application.

Consistency with
strategic planning
framework :

STRATEGIC PLANNING FRAMEWORK

A PLAN FOR GROWING SYDNEY

Section 75A1 (Implementation of strategic plans) of the Environmental Planning and Assessment Act 1979 states that, in preparing a planning proposal under section 55, the relevant planning authority is to give effect:

- (a) to any district plan applying to the local government area to which the planning proposal relates (including any adjoining local government area), or
- (b) if there is no district plan applying to the local government area - to any regional plan applying to the region in respect of which the local government area is part.

On 21 November 2016, the Greater Sydney Commission released draft District Plans for consultation. Given that the plans are draft, pursuant to Section 75AE(3), A Plan for Growing Sydney is taken to be the regional plan for the Greater Sydney Region and will be considered in addition to the draft West District Plan.

A Plan for Growing Sydney Provides directions for Sydney's productivity, environmental management and livability; and for the location of housing, employment, infrastructure and open space.

In particular, A Plan for Growing Sydney, promotes the continued growth Penrith, Liverpool and Campbelltown-Macarthur as regional city centres supporting their surrounding communities.

The Planning Proposal is consistent with A Plan for Growing Sydney.

Specifically, the planning proposal is consistent with:

- Action 1.7.1 - Invest in strategic centres across Sydney to grow jobs and housing and create vibrant hubs of activity; and
- Action 1.7.4 - Continue to grow Penrith, Liverpool and Campbelltown-Macarthur as Regional City Centres supporting their surrounding communities.

DRAFT WEST DISTRICT PLAN

The proposal is consistent with the Vision for the West District, adding to the strategic dynamic city of Greater Penrith.

The proposal will provide opportunity for housing and access to local jobs and services within 30 minutes travel, and is generally consistent with priorities and actions of the plan including implementation and monitoring priorities (Chapter 1) and productivity, liveability and sustainability priorities (Chapters 3, 4 and 5 respectively). In particular, the proposal is supported by Productivity Action P6.

Given the flooding constraints the proposal is not consistent with Sustainability Action S11 and S16: Integrate land use and transport planning to consider emergency and evacuation needs addressing flood risk issues in the Hawkesbury-Nepean Valley.

It is noted that the proposal was submitted prior to the release of the draft District Plan, however, the flood risk issues have been ongoing.

The action requires the relevant planning authority to coordinate with Transport for NSW and the State Emergency Service to consider land use and local road planning, so that it is integrated with emergency evacuation planning and takes into account the cumulative impact of growth on road evacuation capacity.

As a condition of determination, it is recommended that Council consult with these authorities.

Environmental social
economic impacts :

ECONOMIC IMPACTS

Previous economic and retail studies have been undertaken in relation to land uses on this site. As the proposal is not seeking to increase commercial or retail floor space, and that it is removing the Brand Outlet use, no further studies are required by the Department.

TRAFFIC

Under the previous amendment for this site, traffic modelling indicated that that proposal could result in a noticeable impact on Mulgoa Road and at key intersections.

Council, the landowner and RMS entered in to an agreement for intersection improvements to Mulgoa Road and two new access points pedestrian/cycling facilities and parking.

Providing the potential development yield is capped, there is not expected to be a significant impact on the existing voluntary planning agreement between the developer, Roads and Maritime Services and the Council. However as a recommended condition, Council is to consult with Transport for NSW - Roads and Maritime Services to consider the impacts in relation to the existing voluntary planning agreement.

FLOODING AND EVACUATION

The NSW Government has identified Hawkesbury-Nepean Valley as having the greatest single flood exposure in NSW, posing a significant danger to life and property in Western Sydney.

As identified in the draft West District Plan, up to 134,000 people currently live and work on the floodplain and could require evacuation during a flood.

In 2016, the NSW Government released a Hawkesbury-Nepean Valley Floodplain Management Strategy. As part of this Strategy, the NSW Government commenced detailed concept designs, environmental assessments and business case planning for the raising of Warragamba Dam wall for flood mitigation.

Until the next stage of the of the review is completed, planning proposals are referred to the Hawkesbury Nepean Valley Flood Management Directorate.

The Directorate provided the following advice (in summary):

- the Taskforce found that any proposed increase in development in the Hawkesbury-Nepean Valley needs to be considered in a regional context to adequately assess cumulative and interdependent impacts on flood risk;
- in light of the existing flood risk at the site, the proposed development should be based on sufficient evacuation road capacity being identified to allow for the timely evacuation of the proposed development and ensure no net negative effect of the proposed development on the regional evacuation road capacity; and
- a detailed assessment of the cumulative impact of proposed development, internal road layout and the proposed evacuation route options on current and future evacuation capacity in the Hawkesbury-Nepean Valley is required.

Further, the following comments were made in relation to the flood study:

Flood Modelling:

- it did not assess the flood risk from the full range of flood events up to the probable maximum flood event (PMF) as required under the NSW Floodplain Development Manual;
- it did not identify the critical timeline(s) for evacuating the proposed development during flood events; and
- it does not show in the supporting hydrological modelling any overtopping of the

southeast bank of the Nepean River in a 1 in 100 chance per year regional flood event. This contrasts to the flood study by Lyall and Associates in Appendix J, Nepean River Green Bridge Project Review of Environmental Factors; which modeled significant overtopping of the southeast bank near Memorial Avenue in a 1 in 100 chance per year regional flood event. This inconsistency in flood models in the same area needs to be examined;

Flood Evacuation:

- it did not consider the potential impact on the residents evacuating from the proposed development on residents evacuating from surrounding areas and other areas of the Hawkesbury Nepean Valley that would occur during flood emergency events;
- there must be no deterioration in evacuation performance in terms of added isolated vehicles and duration of evacuation;
- it did not consider the potential impact on the residents evacuating from the proposed development on residents evacuating from other areas of the Hawkesbury Nepean Valley that would occur during flood emergency events; and
- it lacks understanding of the approved flood emergency management arrangements in NSW or the Hawkesbury Nepean Valley. In particular Appendix F – Flood Evacuation Strategy of the report does not recognise the existing Hawkesbury Nepean Flood Emergency Sub-Plan

Development Controls:

- private vehicles at the site are proposed to be garaged in an underground car park that has only 0.3 metres of freeboard above 1 in 100 chance per year flood, and that floodwaters could rise faster than the assumed 0.5 metres per hour; and
- combinations of regional and local flood events, including events larger than 1 in 100 chance per year and of different durations, should be assessed in combination with the potential flood evacuation traffic generated in accordance with the Hawkesbury-Nepean Flood Emergency Sub-Plan; to identify the critical evacuation timeline for the proposed development;

Recommendation:

It is recommended that this proposal should be supported by a detailed assessment addressing the above issues which includes evacuation plans approved by the NSW State Emergency Service in consultation with Roads & Maritime Services and the Office of Environment & Heritage.

ADVICE FROM SJB PLANNING AND PENRITH COUNCIL

The advice provided by the taskforce is contingent on additional information and earlier confirmation provided by SJB planning. SJB planning has confirmed that it is willing to support capping the maximum potential Gross Floor Area (GFA) on the site.

The SJB analysis provides

"a GFA of 80,400sqm for a scenario based on the existing planning controls and a GFA of 80,235sqm under the planning proposal controls. Whilst the proposed scheme will achieve a slightly reduced GFA to that of a complying scheme, it demonstrates the intent of the planning proposal - the re-distribution of GFA across the site in order to provide a better urban design and architectural outcome."

It is further noted that SJB declare that there is a variability with dwelling yields due to apartment size and mix, and that it deems a more accurate, and appropriate, to discuss the development opportunity in terms of GFA.

Department Comment

This view is not supported. It is noted that the maximum dwelling yield capacity can be

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calculated on existing planning controls i.e. the minimum and maximum development standards that apply. Therefore, and as noted in the supporting information provided by Council and SJB Planning, it is proposed to cap the dwelling yield at the current maximum capacity of 850 dwellings, as well as the maximum gross floor area of 80,400sqm.

Assessment Process

Proposal type : **Routine** Community Consultation Period : **28 Days**

Timeframe to make LEP : **12 months** Delegation : **Nil**

Public Authority : **Office of Environment and Heritage**
 Consultation - 56(2)(d) : **Transport for NSW - Roads and Maritime Services**
 : **State Emergency Service**
 : **Other**

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons : **The matter should proceed to address the matters raised by the Hawkesbury-Nepean Valley Flood Management Directorate.**

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

Flooding

If Other, provide reasons :

As discussed above.

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **Yes**

If Yes, reasons : **It is noted that Council entered into two planning agreements during the finalisation of Penrith Local Environmental Plan 2010 (Amendment No 2).**

It is noted that one agreement relates to road works associated with this site and was entered in to by Penrith Rugby Leagues Club, Penrith City Council and the Roads and Maritime Services (RMS).

Given the proposed changes to the land use (i.e. removal of the Brand Outlet Centre), it is recommended that Council consult closely with RMS with regard to that agreement, and whether any changes may be required.

Documents

Document File Name	DocumentType Name	Is Public
Submission Letter.pdf	Proposal Covering Letter	Yes
Original July Planning Proposal - 25072016.pdf	Proposal	Yes
Appendix 1 - Extracts of LEP 2010.pdf	Study	Yes
Appendix 2 - Details of Proposed Development (1).pdf	Study	Yes
Appendix 3 - Proposed Maps.pdf	Map	Yes
Appendix 4 - Proposed LEP 2010 Part 9 (2).pdf	Study	Yes

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Appendix 5 - Consistency with local planning directions.pdf	Study	Yes
Appendix 6 - Consistency with SEPPs.pdf	Study	Yes
Appendix 7 - Consistency with Council's Community Plan.pdf	Study	Yes
REDUCED - Appendix 8 Urban Design Analysis#5.pdf	Study	Yes
REDUCED - Appendix 8 Urban Design Analysis (2)#5.pdf	Study	Yes
Appendix 9 - Traffic Impact Statement.pdf	Study	Yes
Appendix 10 - Socio-Economic Study.pdf	Study	Yes
REDUCED - Appendix 11 - Services Infrastructure Assessment#4.pdf	Study	Yes
Appendix 12 - Council Reports & Confirmed Minutes.pdf	Proposal Covering Letter	Yes
September Planning Proposal - 13092016.pdf	Proposal	Yes
September - Table of proposed changes to building height.docx	Proposal	Yes
September - Appendix 4 - Proposed LEP 2010 Part 9.pdf	Study	Yes
September - Appendix 5 - Proposed Schedule 1 Clause 22.pdf	Study	Yes

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Resubmit**

S.117 directions:

- 1.3 Mining, Petroleum Production and Extractive Industries
- 2.1 Environment Protection Zones
- 2.3 Heritage Conservation
- 2.4 Recreation Vehicle Areas
- 3.1 Residential Zones
- 3.2 Caravan Parks and Manufactured Home Estates
- 3.3 Home Occupations
- 3.4 Integrating Land Use and Transport
- 4.3 Flood Prone Land
- 4.4 Planning for Bushfire Protection
- 6.1 Approval and Referral Requirements
- 6.2 Reserving Land for Public Purposes
- 6.3 Site Specific Provisions

Additional Information : **RECOMMENDATION**

It is recommended that the planning proposal proceed subject to the following conditions:

1. Prior to public exhibition, Council is to amend the proposal:
 - a. to address the draft West District Plan including Sustainability Actions S11 and S16;
 - b. to cap the development capacity potential to:
 - i. a maximum of 850 dwellings on the site, and
 - ii. a maximum of 80,400sqm on the site, so that no additional yield is generated as a result of the proposal;
 - c. to include a description of the changes required to the map legend for the following Height of Buildings Maps (sheets 5-7, 11-13, 18-20) as follows:
 - i. 6350_COM_HOB_005;
 - ii. 6350_COM_HOB_006;
 - iii. 6350_COM_HOB_007;
 - iv. 6350_COM_HOB_011;
 - v. 6350_COM_HOB_012;
 - vi. 6350_COM_HOB_013;
 - vii. 6350_COM_HOB_018;
 - viii. 6350_COM_HOB_019; and,
 - ix. 6350_COM_HOB_020.

2. Prior to exhibition a detailed assessment addressing the issues outlined

in the letter from the Hawkesbury- Nepean Valley Flood Management Directorate dated 5 December 2016 is required to be prepared, which includes evacuation plans approved by the NSW State Emergency Service in consultation with Roads & Maritime Services and the Office of Environment & Heritage. The proposal must be amended to address section 117 Direction 4.3 - Flood Prone Land.

A copy of this assessment with the planning proposal must be referred to the Hawkesbury-Nepean Valley Flood Management Directorate for approval. A copy of the proposal and assessment must also be provided to the Department's Regional Team for information.

3. Community consultation is required under sections 56(2)(c) and 57 of the Act as follows:

- (a) the planning proposal must be made publicly available for a minimum of 28 days; and
- (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of A Guide to Preparing Local Environmental Plans (Department of Planning and Environment 2016).

4. Consultation is required with the following public authorities under section 56(2)(d) of the Act and/or to comply with the requirements of relevant S117 Directions:

- Infrastructure NSW - Hawkesbury-Nepean Valley Flood Management Directorate;
- Transport for NSW – Roads and Maritime Services (including advice on the existing planning agreement in place);
- Office of Environment and Heritage;
- Sydney Water;
- Essential Energy; and
- Telstra.

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.

Notwithstanding this condition, advice is required under Condition 2 from the Hawkesbury-Nepean Valley Flood Management Directorate regardless of any time limitation

5. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission).
6. The timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway determination.

DELEGATION OF THE GREATER SYDNEY COMMISSION'S PLAN MAKING FUNCTIONS

Council has requested delegation of the Commission's plan making functions for this

Penrith Planning Proposal - Mulgoa Road and Retreat Drive, Penrith - 'Panthers site'

planning proposal. As Council owns land within the subject area in the planning proposal, it is recommended that the plan making function not be delegated to Council for this planning proposal.

Supporting Reasons :

The Planning Proposal is supported at this initial stage, proposing to remove the previous Brand Outlet Centre from the local environmental plan and re-configuring the building heights on the site.

The initial support is contingent on the proponents willingness to cap the Gross Floor Area available on the site to that achievable under a current compliant scheme of 80,400sqm. In addition, to remove any uncertainty, the proposal is also supported by capping the maximum development yield to 850 dwellings.

Signature:



Printed Name:

20/12/16

Date:

T. DORAN

