

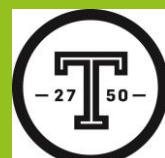


Image: DKO Architects

Planning Justification Report

Thornton 'Signature Tower'

November 2015



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1 Introduction

This Planning Proposal has been prepared by Urbis on behalf of Thornton North Pty Ltd. It seeks to amend *Penrith Local Environmental Plan 2010* (the LEP) as it applies to Lot 3003, Lot 3004 and Lot 3005 in DP1184498 (the subject site). The subject site is located within the Thornton North Estate, North Penrith.

Specifically, this Planning Proposal seeks to increase the maximum building height that applies to the site from 32 metres to 130 metres. This will enable the development of a landmark tower that acknowledges the strategic importance of the site and seeks to assist Penrith in fulfilling its potential and vital role as one of Sydney's regional city centres.

The purpose of this report and supporting documentation is to justify the increase of the height control to enable the development of a landmark tower within the North Penrith Precinct. Further, it is understood that Council are currently undertaking a Planning Proposal process to insert an incentive clause in the LEP to key strategic sites in Penrith LGA in order to stimulate development. This Planning Proposal will supplement Council's, provide justification to apply the incentive clause to the subject site and identify what quantum of development is acceptable for the site. Refer to **Section 1.2** below for further discussion on this matter.

The Planning Proposal has been prepared in accordance with Section 55 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and the relevant guidelines prepared by the NSW Department of Planning and Infrastructure including "*A Guide to Preparing Local Environmental Plans*" and "*A Guide to Preparing Planning Proposals*". It includes:

- A description of the subject site and its context,
- An indicative design concept showing sufficient detail to indicate the effect of the proposal,
- An analysis of the proposal with regard to the strategic planning context,
- Statement of the objectives and intended outcome of the proposal,
- Explanation of the provisions of the proposal,
- Summary of the justification of the proposal, and
- Description of the community consultation process that would be undertaken by the proponent.

This Planning Proposal should be read in conjunction with the following documentation:

- Design Report prepared by DKO Architects | **Appendix A** (under separate cover).

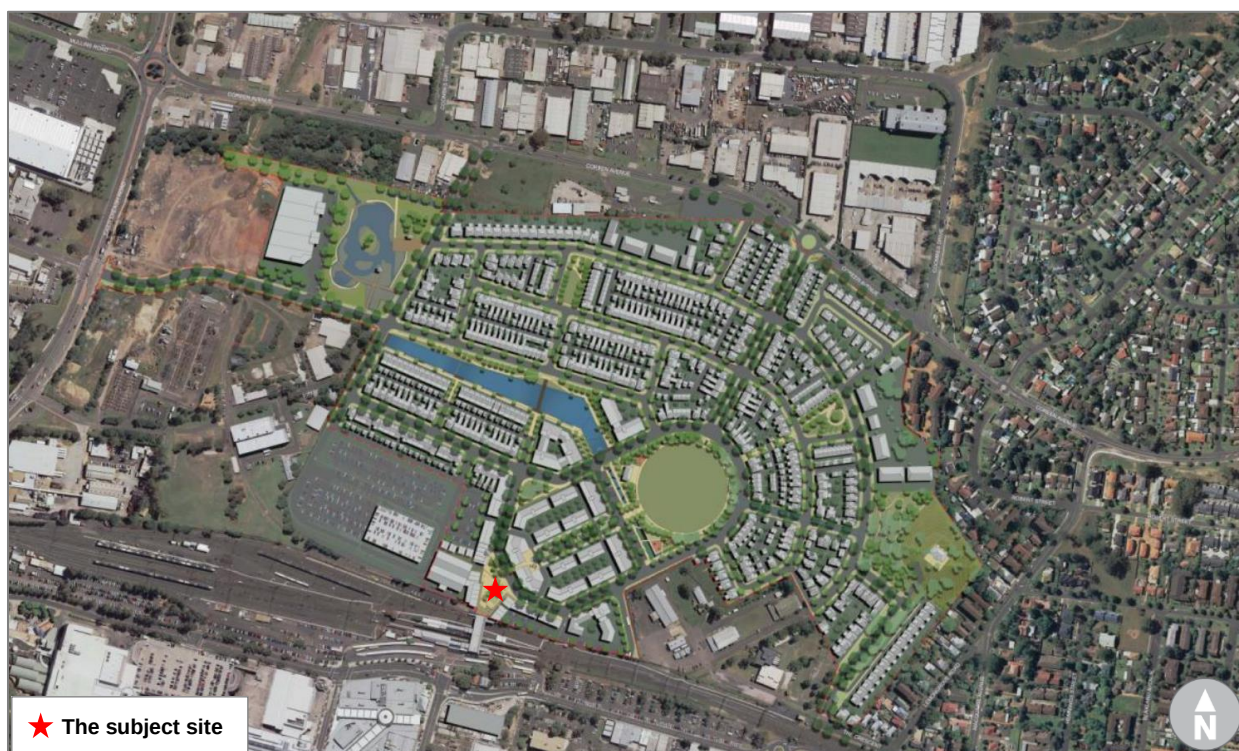
This report supports the amendment to the height control through an architectural and design study, including an analysis of comparable centres; site analysis; analysis of key views and vistas, and overshadowing impacts; and an investigation of concept design options to demonstrate the proposed LEP amendment can result in an acceptable development.

1.1 THORNTON CONCEPT PLAN AND RECENT DEVELOPMENTS

An approved Concept Plan (issued on 9 November 2011) for the Thornton site provides for a transit-oriented mixed uses development, employment generating uses, open space and associated infrastructure and facilities. The development was divided into stages. These stages have all been approved and development has already commenced in some (some dwellings already occupied).

Figure 1 shows the overall layout of the Thornton Estate (North Penrith) and identifies the subject site.

FIGURE 1 – THORNTON CONCEPT PLAN



Source: Penrith DCP 2014

The Joint Venture (JV) between First Point Project Management and St Hilliers (the applicant) are the developer of the Thornton apartment precinct, located to the east of the site subject to this Planning Proposal. The following provides a brief overview of the apartment precinct:

- **Stage 1** comprised an eight storey and a four storey residential flat building with 83 apartments (DA14/1181), and a seven storey and a four storey residential flat building with 68 apartments (DA14/1182).
- **Stage 2** comprised a five storey residential flat building with 30 dwellings (DA15/0419), a nine storey residential flat building with 89 dwellings (DA15/0420), and a nine storey residential flat building with 72 dwellings (DA15/0418).
- **Stage 3** comprised two 11 storey residential flat buildings with a total of 204 dwellings (DA15/1313 and DA15/1314).

1.2 PROJECT BACKGROUND

The subject site has a modest height control and one that is uniform across much of the town centre precinct. It does not reflect the development potential that can be achieved on site and also does not take advantage of the strategic opportunities for such a prominent, city centre site with excellent accessibility.

The JV provided a briefing to the PCC Councillors and identified the development opportunity that exists on the site in the form of a tall landmark residential tower sitting upon a retail/commercial podium. The briefing session with the Councillors was positive and subsequently the JV engaged DKO Architects to undertake a study of the site and surrounds to inform what height could be achieved on site to realise the development potential whilst creating a signature landmark building for the Penrith City Centre and protecting ground plane amenity.

In discussions with Senior Council Officers the applicant is aware that Council are currently preparing a Planning Proposal to include an incentive clause to key strategic sites in the LGA. It is our understanding that the incentive clause will remove the height control applied to identified sites and apply a maximum floor space ratio (FSR) if design excellence is achieved pursuant to the current design excellence provisions in the LEP. Council have advised that the subject site is being considered as a 'key site' and as such subject to the proposed incentive clause. It is understood this Planning Proposal will be considered as part of Council's broader Planning Proposal.

2 Site Analysis

2.1 SITE DESCRIPTION

The subject site:

- Is located in the south-west corner of the Thornton North Estate, at 184 Lord Sheffield Circuit, Penrith and is legally described as Lot 3003, Lot 3004 and Lot 3005 in DP1184498.
- Has the following approximate frontage distances:
 - 182m frontage to Dunshea Street in the west;
 - 76m frontage to the rail corridor and Penrith station;
 - 182m frontage to eastern boundary; and
 - 48m frontage to northern boundary.
- Contains three lots, each with the following approximate areas subject to survey:

LOT	AREA (APPROX.)
Lot 3003	6,303sqm
Lot 3004	3,233sqm
Lot 3005	1,488sqm
Total	11,024sqm

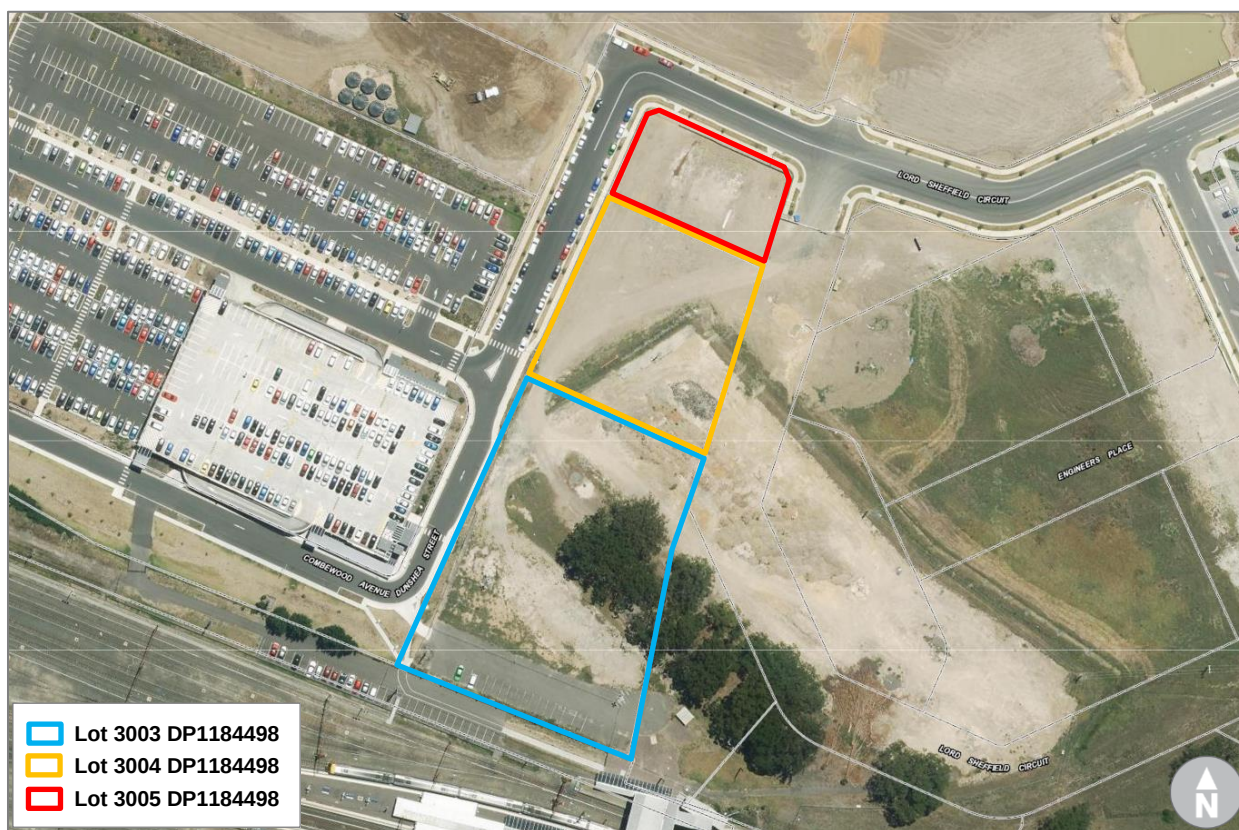
- Is currently vacant and cleared of all vegetation, hard stand surfaces and structures.

FIGURE 2 – THE SITE



Source: Nearmap

FIGURE 3 – LOT IDENTIFICATION

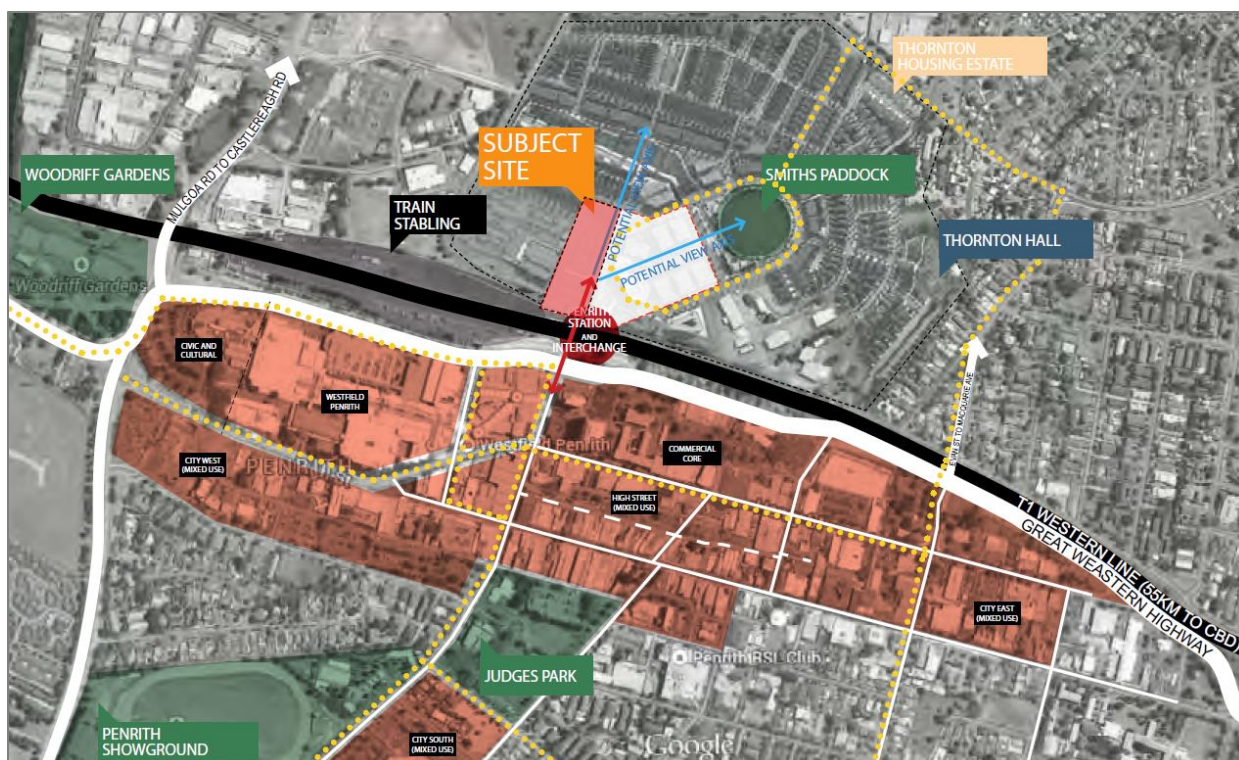


Source: Six Maps

2.2 SURROUNDING CONTEXT

The surrounding context is illustrated at **Figure 4** and summarised at **Table 1**.

FIGURE 4 – SURROUNDING CONTEXT



Source: DKO Architects

TABLE 1 – SURROUNDING LAND USES

DIRECTION	PREDOMINATE LAND USE
North	Immediately north are cleared land and recently constructed canal, with an access bridge and pathways. Located further beyond is the residential suburb of Thornton with constructed roads, verges and footpaths, partially constructed residential dwellings, and small amounts of cleared land.
South	Immediately south is Penrith train station and Penrith Town Centre, characterised with a large Westfield shopping centre and low rise commercial buildings.
East	Immediately east is the development site for a range of residential flat buildings. Further east is a public oval and a recreational centre and recently developed residential neighbourhoods.
West	Immediately west is an existing public car park and beyond is the Museum of Fire

The following photos illustrate the surrounding context of the site.

FIGURE 5 – SURROUNDING DEVELOPMENT



PICTURE 1 – PENRITH STATION TO THE SOUTH OF SITE



PICTURE 2 – MUSEUM OF FIRE TO THE WEST OF SITE



PICTURE 3 – STATION PLAZA ADJACENT TO SITE



PICTURE 4 – SMITHS PADDOCK TO THE EAST OF SITE

2.3 TRANSPORT AND ACCESSIBILITY

The site is highly accessible by public transport, including:

- 20m (approx.) walk to the Penrith Station which is serviced by the Blue Mountains Line (Bathurst to Central) and the North Shore Line (Emu Plains to City and Richmond to City).
- 70m (approx.) walk to Penrith bus exchange which is serviced by the following bus routes:
 - Route 673 (Penrith to Windsor).
 - Route 677/678 (Penrith to Richmond).
 - Route 689 (Penrith to Leonay Loop).
 - Route 690P (Penrith to Springwood).
 - Route 691 (Penrith to Blaxland).
 - Route 780 (Penrith to Mt Druitt).
 - Route 781/782 (Penrith to St Marys).
 - Route 785 (Penrith to Werrington).
 - Route 786 (Penrith Loop via North Penrith).
 - Route 789 (Penrith to Luddenham).
 - Route 794 (Penrith to Mulgoa Rise).
 - Route 795 (Penrith to Warragambe).
 - Route 797 (Penrith to Glenmore Park).

3 Strategic Planning Context

The key strategic planning consideration that applies to the site is described below.

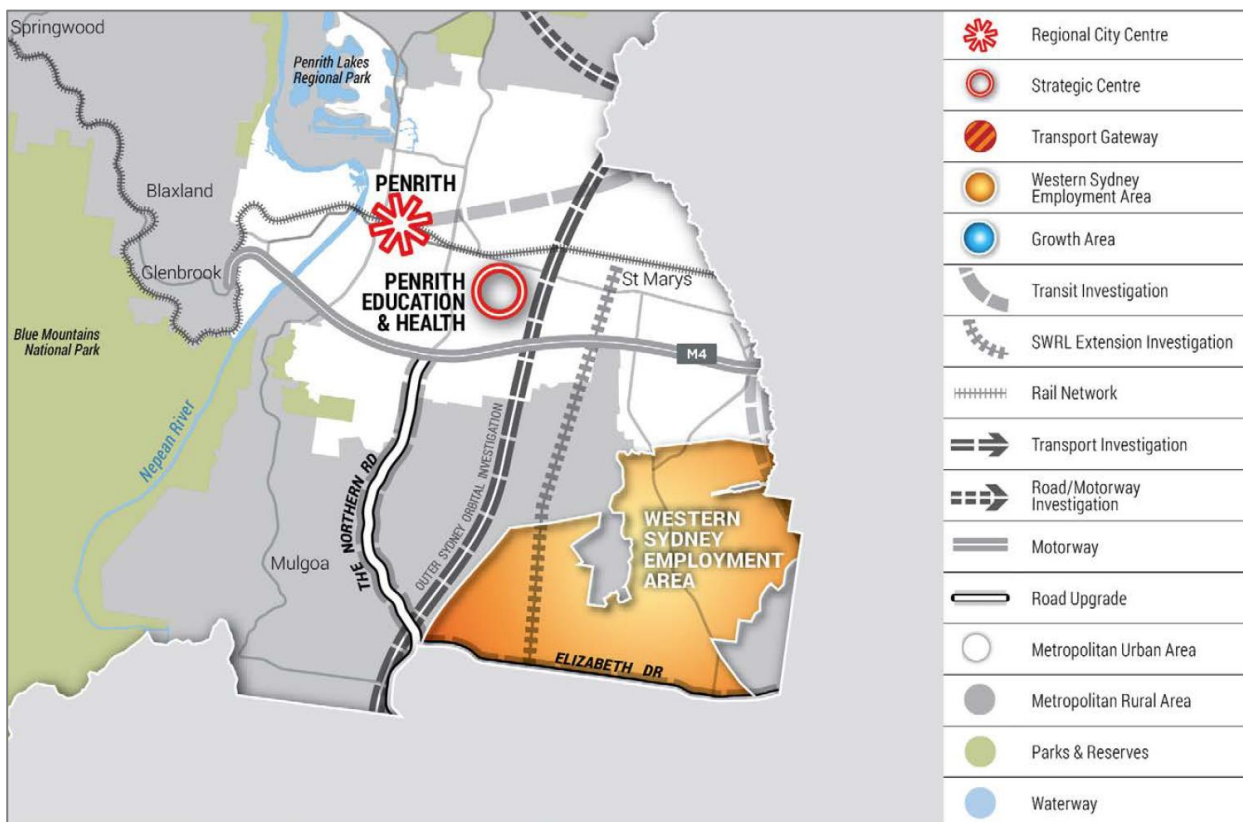
3.1 A PLAN FOR GROWING SYDNEY

In December 2014, the State Government released 'A Plan for Growing Sydney' (the Plan) which is the primary strategic planning document guiding land use decisions in Sydney.

- The Plan identifies building new housing in transport corridors as a key tenant to the success of Western Sydney. Specifically, the Plan sets a target of an additional 664,000 new dwellings across Sydney by 2031.
- Penrith is identified as a Regional City Centre within the Plan for Growing Sydney.
- Penrith is located within the West Subregion, which also incorporates Blue Mountains and Hawkesbury local government areas. The Plan identifies the following priorities for the Penrith area:
 - Work with Council to identify suitable locations for housing intensification and urban renewal, including employment agglomerations – particularly around established and new centres and along key public transport corridors including the Western Line and the Blue Mountains Line.
 - Work with Council to provide capacity for additional mixed-use development in Penrith including offices, retail, services and housing.

The Planning Proposal will contribute to the achievement of these priorities, as discussed in greater detail at **Section 9.2** of this report.

FIGURE 6 – REGIONAL CITY CENTRE AT PENRITH WITHIN THE WEST SUBREGION



3.2 NSW STATE PLAN

The NSW State Plan 2010 presents new targets for service improvements across a range of areas including (amongst other matters) objectives for creating 'better transport and liveable cities' and 'support for business and jobs' which include:

- Increase the number of jobs closer to home – increase the percentage of population living within 30 minutes by public transport of a city or major centre; and
- Grow cities and centres as functional and attractive places to live, work and visit.

3.3 NSW LONG TERM TRANSPORT MASTER PLAN

The NSW Metropolitan Transport Plan aims to deliver a 25 year vision for land use planning for Sydney, and a 10–year fully funded package of transport infrastructure to support it. The need to focus on connecting our regional city centres (including Penrith) to drive economic growth and productivity and ensuring more people live closer to services and to where they work is identified.

3.4 NORTH WEST SUBREGIONAL STRATEGY

The subject site is located within the North West Subregion under the superseded NSW Government's Metropolitan Strategy. Nevertheless, Penrith is identified as a regional city 'providing a full range of business, government, retail, cultural, entertainment and recreational activities, they are a focal point where large, growing regions can access good jobs, shopping, health, education, recreation and other services and not have to travel more than one hour per day'.

Specifically, the subregional strategy sets a target of:

- An additional 25,000 dwellings to 2031 for Penrith LGA, and
- 60–70% of new housing will be accommodated in existing urban areas, focused around centres and corridors. This will take advantage of existing services such as shops and public transport and reduce development pressures in other parts of Sydney.

3.5 PENRITH CITY CENTRE STRATEGY

The Penrith City Centre Strategy aims to guide future planning directions and to establish a set of strategies for the development of revised planning controls for Penrith City Centre. Although the strategy excludes the subject site from the land in which the strategy applies, given the proximate location of the site in relation to the city centre, the site should be considered as part of the CBD. Relevant directions include:

- Achieving an ecologically sustainable centre.
- Creating attractive places and spaces.
- Making housing and mixed use a priority.
- Achieving a quality built environment.

4 Statutory Planning Context

4.1 PENRITH LOCAL ENVIRONMENTAL PLAN 2010

The *Penrith Local Environmental Plan 2010* (the LEP) is the principle environmental planning instrument applying to the site. The site is also located within the Penrith City Centre under Part 8 of the LEP.

4.1.1 LAND USE ZONING

The site is zoned B2 Local Centre and is located at the perimeter of the B2 Local Centre zone, adjacent to RE1 Public Recreation zoned land to the east. Under the LEP 'shop top housing' and 'commercial premises' are permissible with consent in the B2 Local Centre zone. 'Residential flat buildings' are specified as an additional permitted use under Schedule 1.

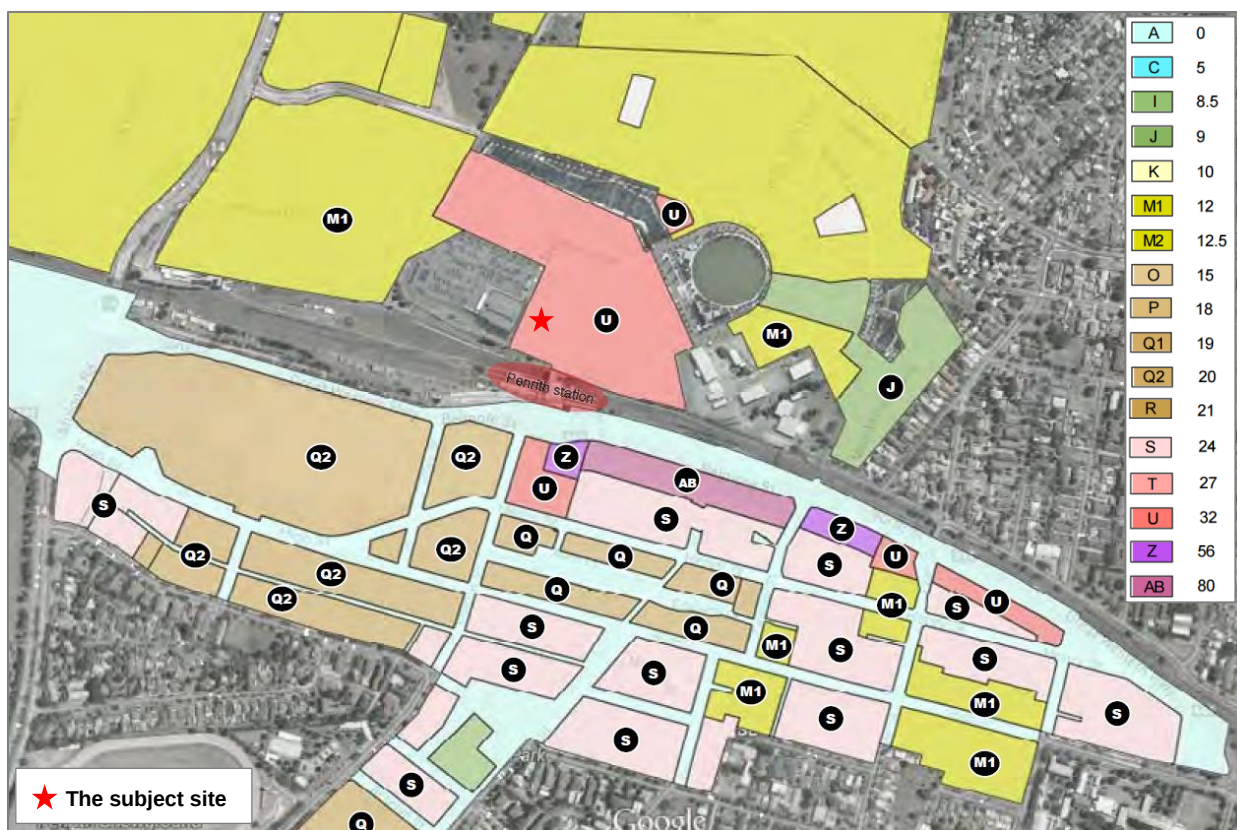
B2 LOCAL CENTRE ZONE OBJECTIVES AND LAND USE TABLE	
Zone objectives	- To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area. - To encourage employment opportunities in accessible locations. - To maximise public transport patronage and encourage walking and cycling. - To provide retail facilities for the local community commensurate with the centre's role in the local and regional retail hierarchy. - To ensure that future housing does not detract from the economic and employment functions of a centre. - To ensure that development reflects the desired future character and dwelling densities of the area.
Permitted without consent	Home occupations
Permitted with consent	Boarding houses; Building identification signs; Business identification signs; Car parks; Child care centres; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Flood mitigation works; Function centres; Home businesses; Home industries; Information and education facilities; Medical centres; Passenger transport facilities; Places of public worship; Public administration buildings; Recreation areas; Recreation facilities (indoor); Registered clubs; Respite day care centres; Restricted premises; Roads; Service stations; Shop top housing; Tourist and visitor accommodation.
Prohibited	Any development not specified above.
Schedule 1 Additional permitted uses Division 23	Use of certain land at The Crescent, Penrith (1) This clause applies to land at The Crescent, Penrith, being Lot 1196 and Part Lots 1194 and 1198, DP 1171491, that is identified as "22" on the Additional Permitted Uses Map. (2) Development for the purposes of exhibition villages, high technology industries, multi dwelling housing, residential flat buildings and seniors housing are permitted with development consent.

4.1.2 HEIGHT OF BUILDINGS

Clause 4.3 of the LEP applies a maximum building height control on the site of 32m, as shown in **Figure 7**.

The lots to the east and north of the subject site also have a 32m height control. The site located on the southern side of Penrith Station identified as Penrith's Commercial Core has an 80m height control. This steps down to 56m in the east and west.

FIGURE 7 – PENRITH LEP 2010 – HEIGHT MAP



Source: Penrith LEP 2010; DKO Architects

4.1.3 FLOOR SPACE RATIO

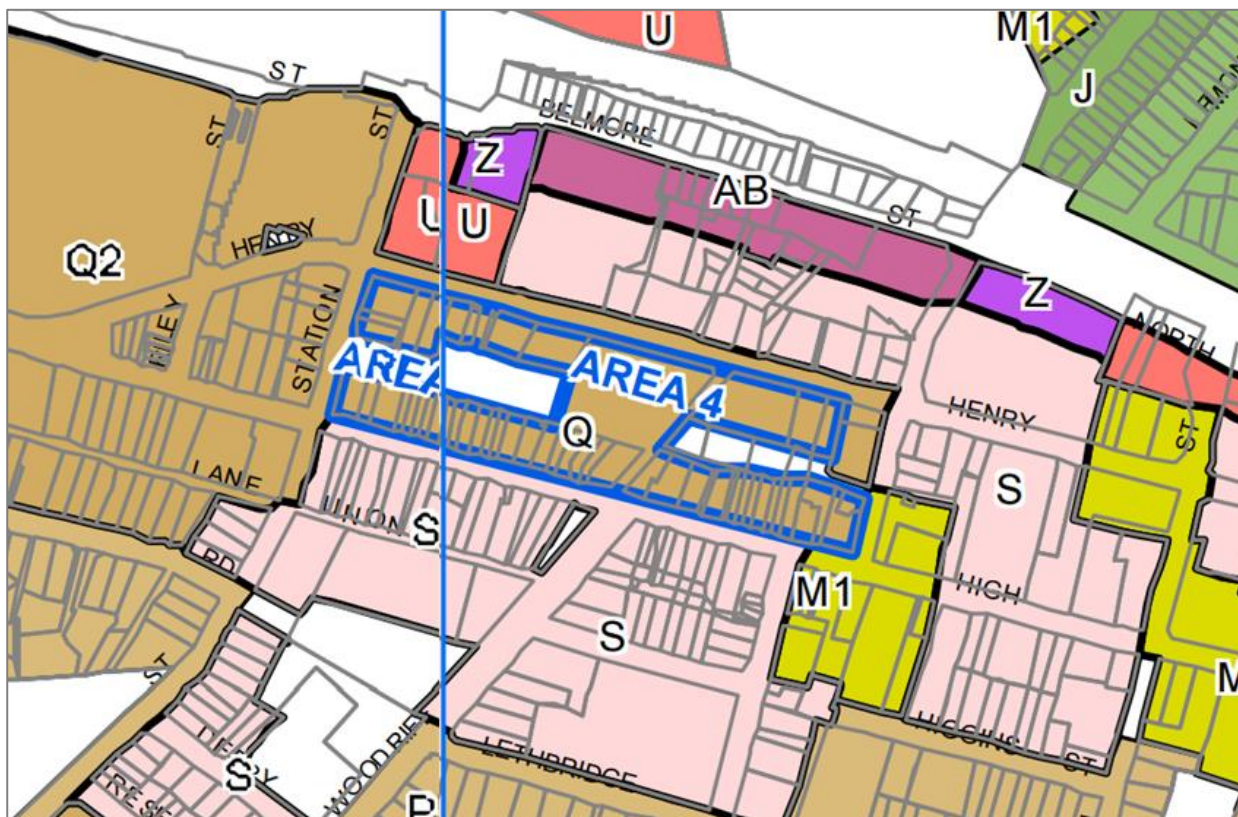
No floor space ratio (FSR) applies to the site.

However, Council are currently preparing a Planning Proposal to include an incentive clause to key strategic sites in the LGA (including the subject site), which will remove the height control and apply a maximum floor space ratio (FSR) if design excellence is achieved. Although the objective and intended outcome of this Planning Proposal is to only amend the height control, the Design Report at **Appendix A** and discussion at **Section 7.2** includes the FSR that would result should the desired height amendment be achieved.

4.1.4 SUN ACCESS

The objective Clause 8.2 of the LEP is to protect specified public space from overshadowing, in particular the area of land identified as 'Area 4', as shown in **Figure 8** below. **Section 9.3** of this report shows the proposal does not cast shadow on 'Area 4'.

FIGURE 8 – SUN ACCESS CLAUSE IN LEP



4.2 PENRITH DEVELOPMENT CONTROL PLAN 2014

The Penrith Development Control Plan 2014 (the DCP) was adopted by Penrith City Council on 23 March 2015 and came into effect on 17 April 2015.

Within the DCP, the Thornton Precinct has its own section (Part E11, Part B North Penrith) and specific controls that govern housing density, built form, materials and finishes and car parking requirements.

Any development application that results from this proposal will need to consider the DCP and its relevant sections. We would envisage that a change to the LEP's height controls of the scale sought in this Planning Proposal may necessitate consequential amendments to the DCP as it relates to this site. However, **Section 9.3** of this report assesses that relevant objectives and vision of the DCP against the proposal.

5 Indicative Design Concept

5.1 OVERVIEW

The landmark tower that forms the intended outcome of this proposal has been developed in response to:

- The strategic importance of the site's location,
- Consideration of comparable centres, such as Liverpool and Parramatta,
- Proximity to Penrith Train Station and other public transport options,
- The existing constraints and opportunities of the site, and
- A methodology of protecting and ensuring the environmental amenity enjoyed by existing and future residents and visitors of the Thornton Precinct and Penrith City Centre.

The above considerations informed the scale and quantum of the buildings enabled by this Planning Proposal, as well as their orientation and siting. Details of the design approach and justification is provided in the Design Study undertaken by DKO Architects at **Appendix A**. The Design Report includes four building concept options that were investigated to determine the most appropriate form, building placement and configuration.

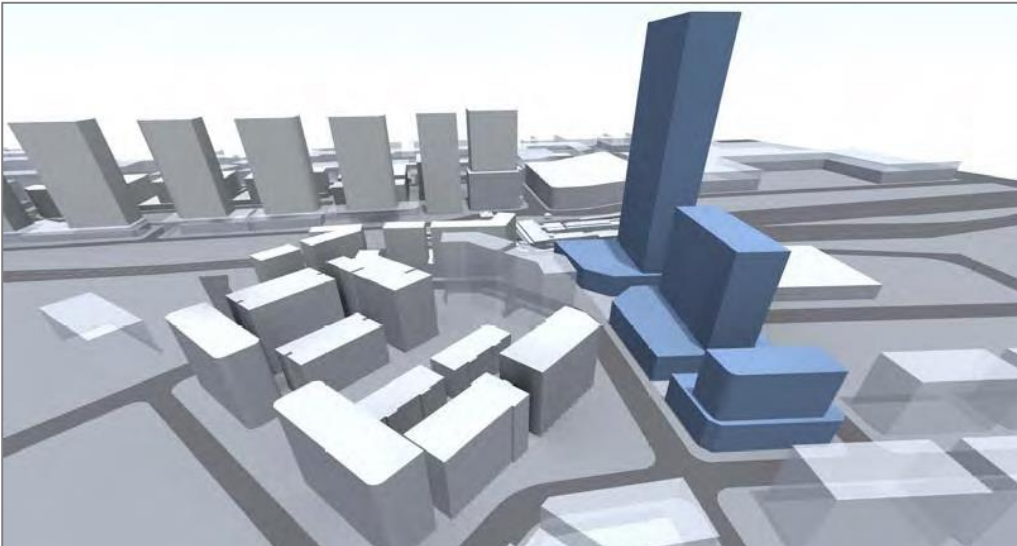
Figure 9 below provides an artistic impression of the preferred option and intended outcome (Option 4) of this Planning Proposal. While **Figure 10** shows the concept design options that were considered for the site. Option 1-3 were not progressed as they resulted in a bulky built form or adversely impacted on surrounding environmental amenity. **Figure 11** illustrates the preferred design concept (Option 4). This design option is preferred as it meets the approach of maximising development potential whilst ensuring impacts are or can be ameliorated, specifically protecting the solar access in the surrounding public domain and the immediate ground plane. What Option 4 demonstrates is that the proposed height and quantum of development can occur on site with minimal adverse impacts. However there are many other concept designs that can achieve a similar result in terms of creating a landmark tower with acceptable impacts. These can be explored at future stages of development.

FIGURE 9 – PERSPECTIVE OF LANDMARK TOWER

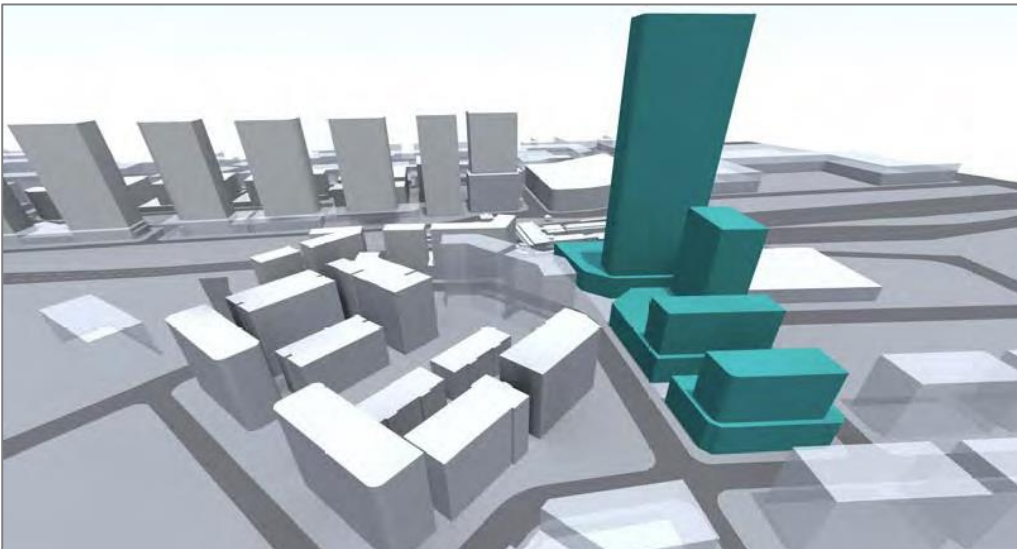


Source: DKO Architects

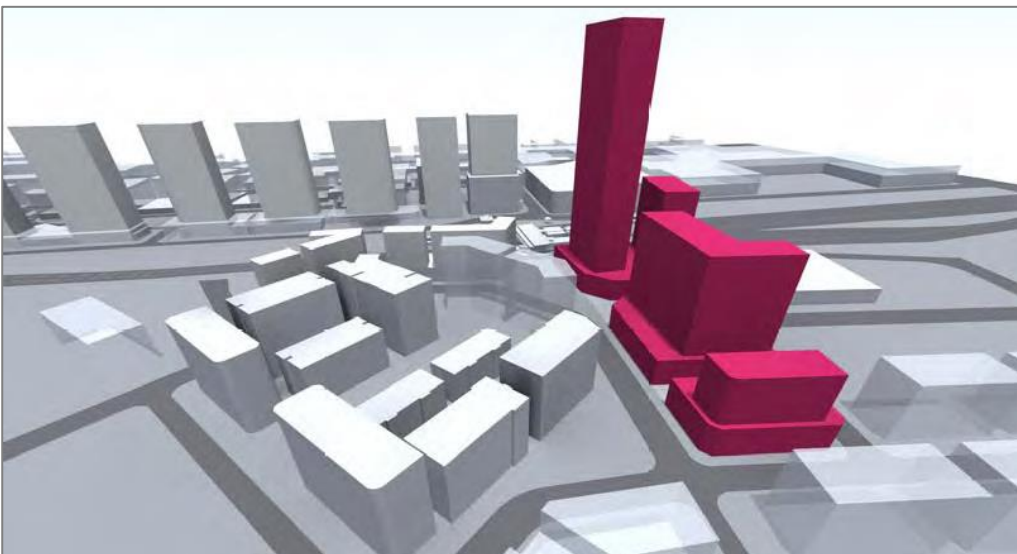
FIGURE 10 – DESIGN OPTIONS CONSIDERED



PICTURE 5 – OPTION 1



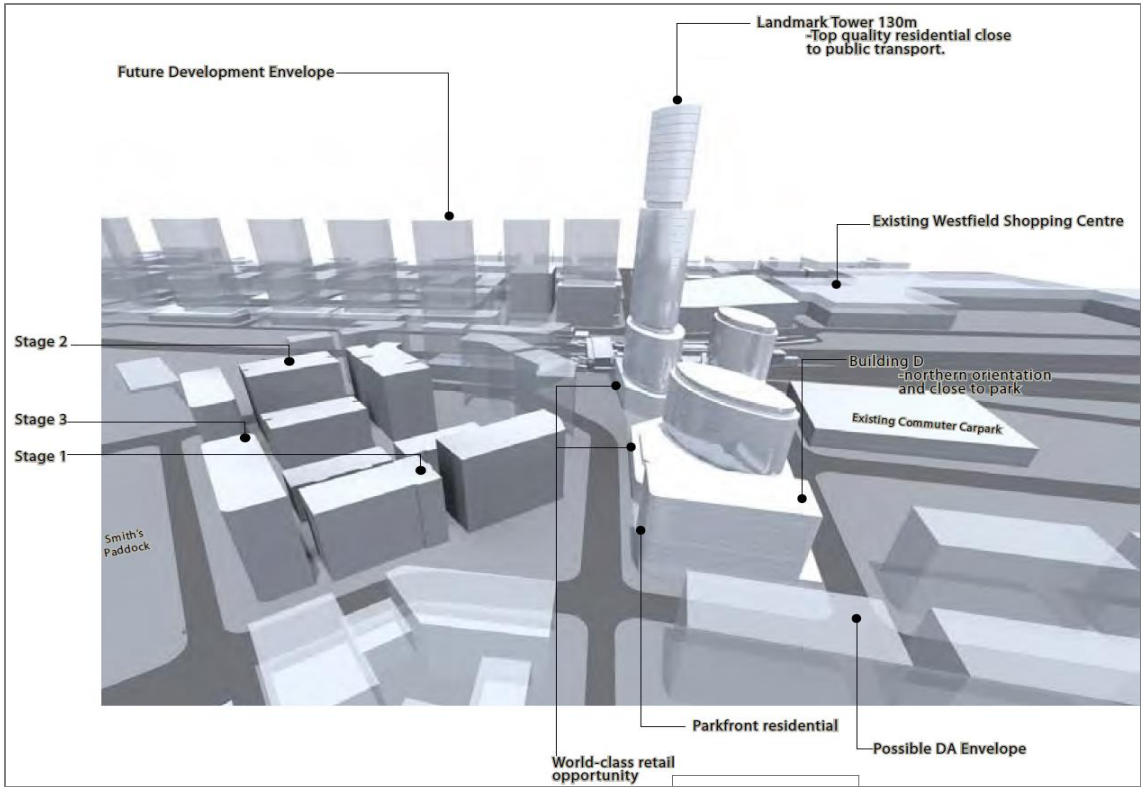
PICTURE 6 – OPTION 2



PICTURE 7 – OPTION 3

Source: DKO Architects

FIGURE 11 – DESIRED OPTION 4



Source: DKO Architects

5.2 KEY DEVELOPMENT INFORMATION

This Planning Proposal will principally facilitate the development of the landmark 130m residential tower at Lot 3003. As part of an integrated approach across all three lots, it will also accommodate three other building forms and range of land uses, as outlined in the table below. Please note these figures are for indicative purposes only but have been the subject of a masterplan analysis to find metrics and forms that would be the outcome of a design competition should this Planning proposal be absorbed with Council's 'key sites' Planning Proposal.

TABLE 2 – KEY DEVELOPMENT INFORMATION

COMPONENT	NUMERIC INFORMATION
Site area	- Lot 3003: 6,303sqm - Lot 3004: 3,233sqm - Lot 3005: 1,488sqm Total: 11,024sqm
Building heights	- Landmark Tower: 130m - Lot 3003 building: 32m - Lot 3004 building: 41m - Lot 3005 building: 30m

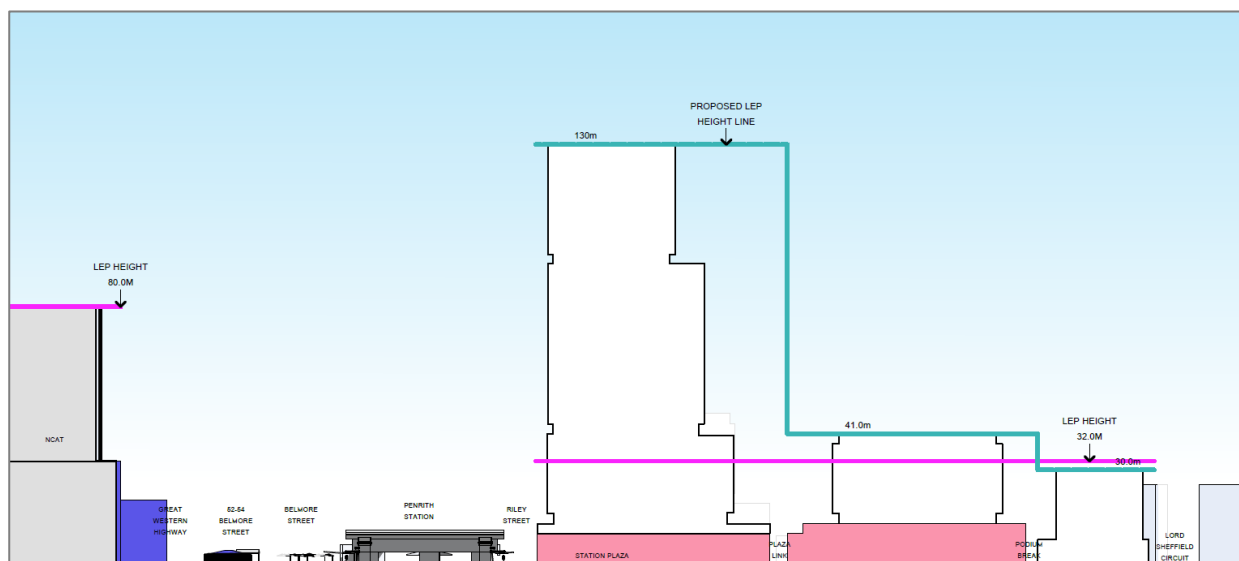
COMPONENT	NUMERIC INFORMATION		
Floor space ratio (FSR)	The indicative proposal includes above ground car parking that will be sleeved by commercial uses. There is some uncertainty around how Council defines GFA for floor space used for car parking when it is located above ground. The quantum of above ground car parking has an impact on the maximum GFA generated by the proposal if it was included in the GFA definition. As such, following provides FSR calculations for two scenarios, in terms of the additional floor space for the above ground car parking: 1) Above ground car parking floor space <u>excluded</u> from GFA calculations; and 2) Above ground car parking floor space <u>included</u> from GFA calculations <table> <tr> <td>1) Above ground car parking excluded from GFA: Total: 5.1:1</td><td>2) Above ground car parking included from GFA: Total: 6.6:1</td></tr> </table>	1) Above ground car parking excluded from GFA: Total: 5.1:1	2) Above ground car parking included from GFA: Total: 6.6:1
1) Above ground car parking excluded from GFA: Total: 5.1:1	2) Above ground car parking included from GFA: Total: 6.6:1		
Gross floor area (GFA)	As discussed above, the following GFA calculations are provided under two scenarios, in terms of the floor area used for car parking when located above ground. <table> <tr> <td>1) Above ground car parking excluded from GFA: Total: 56,293sqm</td><td>2) Above ground car parking included from GFA: Total: 72,643sqm</td></tr> </table>	1) Above ground car parking excluded from GFA: Total: 56,293sqm	2) Above ground car parking included from GFA: Total: 72,643sqm
1) Above ground car parking excluded from GFA: Total: 56,293sqm	2) Above ground car parking included from GFA: Total: 72,643sqm		
Residential yield	586 dwellings		
Retail/commercial	6,500sqm		

Source: DKO Architects

5.3 BUILDING HEIGHT

The proposal includes four buildings ranging in heights from 30m to 130m, which is illustrated in the site section at **Figure 12** below. The second building on Lot 3003 is located behind the landmark tower in the image below and has a building height of 32m.

FIGURE 12 – SITE SECTION ILLUSTRATING BUILDING HEIGHTS



Source: DKO Architects

6 Planning Proposal Overview

6.1 OVERVIEW

This submission requesting a Planning Proposal has been prepared in accordance with Section 55 of the *Environmental Planning and Assessment Act 1979* with consideration of the Department of Planning and Environment's (formerly known as Department of Planning and Infrastructure) 'A guide to preparing Planning Proposals' dated October 2012.

Accordingly, this submission addresses in the following four parts:

- **Part 1:** A statement of the objectives or intended outcomes of the proposed amendment;
- **Part 2:** An explanation of the provisions that are to be included in the proposed amendment;
- **Part 3:** The justification for those objectives, outcomes and the process for their implementation; and
- **Part 4:** Details of community consultation that is to be undertaken for the Planning Proposal.

Discussion for each of the above parts is outlined in the following chapters.

7 Part 1 – Objectives and Intended Outcomes

7.1 OBJECTIVE

The key objective of the Planning Proposal is to increase the maximum building height of the subject site:

- To allow for a signature landmark tower element on the southern portion (of some 130m).
- To allow for other variations in height across the site to achieve flexibility in design and to punctuate and reinforce the subject site as a key site within the Thornton Estate and more broadly the Penrith CBD.
- To allow for an integrated design concept that transitions in height to ensure the signature tower fits within the surrounding built context of the Thornton Estate and Penrith CBD.

7.2 INTENDED OUTCOME

The intended outcome of this Planning Proposal is to increase the height applicable to the site in order to enable a signature landmark tower in North Penrith that acknowledges the strategic importance of the site and seeks to assist Penrith in fulfilling its potential and vital role as one of Sydney's regional city centres. To achieve this outcome it is necessary to amend the height control to 130 metres. Further, the intended outcome of this proposal is to ensure that the ground plane of the site, particularly Station Plaza, is activated and results in high amenity.

In discussions with senior Council officers the applicant is aware that Council are currently preparing a Planning Proposal to amend the LEP to insert an incentive clause to key strategic sites in the LGA. It is our understanding that the incentive clause will remove the height control on identified 'key sites', and apply a maximum floor space ratio (FSR) that can only be achieved if design excellence is demonstrated pursuant to the current design excellence provisions in the LEP. Council have advised that the subject site is included as a 'key site' and as such will be subject to the proposed incentive clause.

Although Council's proposed LEP amendment seeks to remove the height control applicable to the site, Council advised on 12 November 2015 that this Planning Proposal should still proceed seeking to only amend the height control. Further, at the date of this report the applicant has not viewed the wording of the incentive clause or the quantum of the maximum FSR that will be applied to the site.

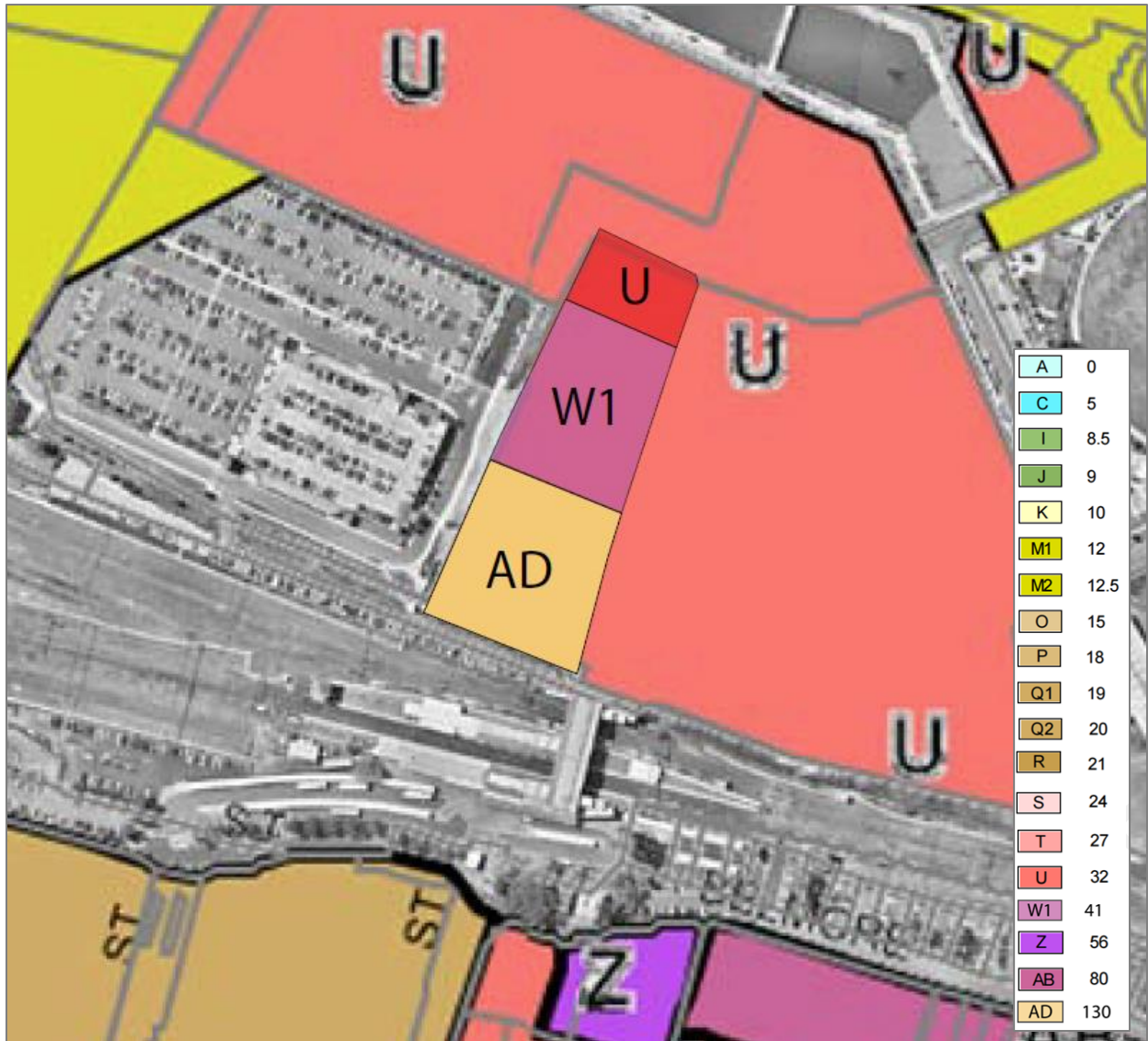
Although this Planning Proposal does not seek to amend the LEP to include a FSR control on the site, following the above discussions with Council a FSR control of 5.1:1 (excluding above ground car parking from GFA) or 6.6:1 (including above ground car parking from GFA) for the entire subject site will enable the intended outcome of this proposal. Given the proposal should be considered as an integrated design concept that needs to transition in height across all three lots in order for an orderly and quality built form outcome to occur and design excellence to be achieved, any FSR control that may be contemplated by Council in its assessment of this matter should apply over the broader site area (ie Lots 3003, 3004 and 3005). Specific 'component' FSRs on each lot could potentially stifle design flexibility and the attainment of design excellence, and could result in a tower that is out of context with the surrounding built environment.

8 Part 2 – Explanation of Provisions

The objectives of this Planning Proposal can be achieved by amending the maximum building height map of *Penrith Local Environmental Plan 2010* as it applies to the site.

The proposed amendment to the LEP height of buildings map is provided at **Figure 13**.

FIGURE 13 – PROPOSED ALTERNATIVE PENRITH LEP 2010 BUILDING HEIGHT MAP – SHEET HOB_012



Source: DKO Architects

9 Part 3 – Justification for the Planning Proposal

9.1 NEED FOR A PLANNING PROPOSAL

Q1. IS THE PLANNING PROPOSAL A RESULT OF ANY STRATEGIC STUDY OR REPORT?

No, however the Planning Proposal can be considered to align with the priorities for Penrith in NSW overarching strategic planning document, A Plan for Growing Sydney, in particular:

- Work with Council to identify suitable locations for housing intensification and urban renewal, including employment agglomerations – particularly around established and new centres and along key public transport corridors including the Western Line and the Blue Mountains Line.
- Work with Council to provide capacity for additional mixed-use development in Penrith including offices, retail, services and housing.

As discussed, the site is suitable for housing intensification given the very close proximity and excellence access to Penrith Train Station and the Western Line. As such, the proposal is considered to directly satisfy the State government's priority to increase housing supply in the area. Further, the increased housing supply is expected to stimulate the retail floor space proposed on the podium levels of the development.

Q2. IS THE PLANNING PROPOSAL THE BEST MEANS OF ACHIEVING THE OBJECTIVES OR INTENDED OUTCOMES, OR IS THERE A BETTER WAY?

As discussed earlier, Council are currently preparing a Planning Proposal to include an incentive clause to key strategic sites in the LGA. It is our understanding that the incentive clause will remove the height control applied to identified sites and mandate a maximum floor space ratio (FSR) if design excellence is achieved pursuant to the current design excellence provisions in the LEP. Council have advised that the subject site is included as a 'key site' and subject to the proposed incentive clause.

Council's proposed incentive clause seeks to remove the height control applicable to the site. As such, Council's proposal could result in a similar outcome in terms of developing a landmark 130 metre tower. Although this shows that there are two options to achieve the objectives and intended outcomes of this Planning Proposal, Council Officers advised on 12 November 2015 that this Planning Proposal should still proceed seeking to amend the height control. It is understood that this Planning Proposal will be appended to Council's proposal.

Notwithstanding above, the Planning Proposal is the best way of achieving the objectives of the concept design. Alternative planning approaches are considered inadequate for the following reasons:

- **Adopting the existing controls:** Adopting the existing building height control would result in a 10 to 11 storey development on the site. This outcome does not align with the objective to create a landmark tower in North Penrith that acknowledges the strategic importance of the site and seeks to assist Penrith in fulfilling its potential and vital role as one of Sydney's regional city centres. Therefore in this respect, amending the height control in the LEP is the best means to achieve the outcome.
- **Seeking variation to the development standards:** The scale of the proposed noncompliance with the existing building height development standard in the LEP is considered too great to be considered reasonable via a Clause 4.6 objection.

Without amendments to LEP, through this or Council's Planning Proposal, the signature tower would not be achieved on site.

9.2 RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK

Q3. IS THE PLANNING PROPOSAL CONSISTENT WITH THE OBJECTIVES AND ACTIONS OF THE APPLICABLE REGIONAL OR SUB-REGIONAL STRATEGY (INCLUDING THE SYDNEY METROPOLITAN STRATEGY AND EXHIBITED DRAFT STRATEGIES)?

The following discusses the proposal against relevant State strategies.

A PLAN FOR GROWING SYDNEY

A Plan for Growing Sydney identifies Penrith as a Regional City Centre and indicates that housing should be intensified near key public transport corridors including the Western Line. **Table 3** assesses the Planning Proposal against the relevant directions of A Plan for Growing Sydney.

TABLE 3 – ASSESSMENT OF THE PLANNING PROPOSAL AGAINST THE RELEVANT DIRECTIONS OF 'A PLAN FOR GROWING SYDNEY'

A PLAN FOR GROWING SYDNEY DIRECTION / ACTION	PLANNING PROPOSAL
Direction 1.7 Grow strategic centres – providing more jobs closer to home	
Action 1.7.4 Continue to grow Penrith, Liverpool and Campbelltown-Macarthur as regional city centres supporting their surrounding communities.	- The signature tower enabled by the Planning Proposal will strengthen Penrith as a regional city centre by facilitating density more commensurate with the strategic location of the site. - The function of the tower as a landmark aligns with the desire to position Penrith as a region city centre.
Direction 2.1 Accelerate housing supply across Sydney	
Action 2.1.1 Accelerate housing supply and local housing choices.	The Planning Proposal will increase the supply and choice of housing in Penrith by providing an indicative residential yield of 577 dwellings.
Direction 2.2 Accelerate urban renewal across Sydney – providing homes closer to jobs	
Action 2.2.2 Undertake urban renewal in transport corridors which are being transformed by investment, and around strategic centres.	- The proposal forms part of an urban renewal precinct at North Penrith. The proposal will facilitate the redevelopment of former industrial land for mixed use development. The Planning Proposal facilitates the highest and best use of the land which is well serviced by public transport. - The subject site is strategically located in close proximity to Penrith station, enabling future resident's greater access to a major transport hub and thus allowing for homes to be closer to jobs.
West Subregion – Priorities	
Accelerate housing supply, choice and affordability and build great places to live.	The Planning Proposal will increase the supply and choice of housing in Penrith by providing an indicative residential yield of 577 dwellings.
Provide capacity for additional mixed-use development in Penrith including offices, retail, services and housing.	As above.

NSW STATE PLAN

With the site located within close proximity to Penrith train station the opportunity to provide employment and housing within 30 minutes by public transport can be realised.

The proposal will assist in ensuring Penrith remains an employment destination, by facilitating and supporting the necessary increase in non-residential floor space in the Penrith area. Positive investment in built form located in a prominent location within the public domain has the potential to contribute to improving the attractiveness of the Penrith city centre.

NSW LONG TERM TRANSPORT MASTER PLAN

The Planning Proposal is consistent with the NSW Long Term Transport Master Plan as it will allow for increased residential densities in a locality that is highly connected. Furthermore, the planning proposal will allow for more people to live closer to services and to where they work.

NORTH WEST SUBREGIONAL STRATEGY

Although the strategy has been superseded by A Plan for Growing Sydney and the impending subregional strategies, the proposal will contribute to the target of achieving an additional 25,000 dwellings in Penrith LGA by 2031. Further, the proposal will focus housing in a centre and on a key transport corridor, align directly aligns with targets set by the subregional strategy.

Q4. IS THE PLANNING PROPOSAL CONSISTENT WITH A COUNCIL'S LOCAL STRATEGY OR OTHER LOCAL STRATEGIC PLAN?

The following discusses the proposal against relevant local strategies.

PENRITH COMMUNITY PLAN 2013

The Penrith Community Plan was adopted by Council on 24 June 2013 and outlines the priorities 'to ensure sufficient jobs, services, facilities and infrastructure are provided in time to meet the needs of a growing population'.

As demonstrated in the table below, the Planning Proposal is consistent with Council's overarching local strategic plan.

TABLE 4 – ASSESSMENT OF PLANNING PROPOSAL AGAINST THE RELEVANT STRATEGIES OF THE PENRITH COMMUNITY PLAN

STRATEGY	PLANNING PROPOSAL
Strategy 2.1 Facilitate quality development that encourages a range of housing types, employment, recreation and lifestyle opportunities	▪ The proposal seeks to facilitate the provision of quality housing supply and choice in an area with a high degree of amenity, recreational opportunities and good access to public transport. ▪ As discussed in this report, the proposal includes a range of employment generating land uses, including floor space for a supermarket, speciality retail, a medical centre, childcare centre and a gymnasium.
Strategy 2.2 Protect the City's natural areas, heritage and character	▪ As demonstrated in the Design Study at Appendix A, the proposal does not result in any adverse impact on the heritage items in the Penrith CBD.

PENRITH CITY CENTRE STRATEGY 2006

Table 5 assesses the proposal against the relevant strategies.

TABLE 5 – ASSESSMENT OF THE PLANNING PROPOSAL AGAINST PENRITH CITY CENTRE STRATEGY

STRATEGY	PROPOSAL
Achieving an ecologically sustainable centre	Increasing residential densities near train stations reduces the reliance upon private vehicle usage. As such, the proposal will improve the cities potential in achieving the goal to create an ecologically sustainable centre.
Creating attractive places and spaces	As demonstrated in the Design Report, the height amendment will create a landmark signature tower that will create vibrancy and interest in the places that compose Penrith City Centre.
Making housing and mixed use a priority	The increase in residential and non-residential floor space on site assists the city in achieving this strategy.
Achieving a quality built environment	The proposal demonstrates that the height amendment can enable a built form that can assist in creating a landmark signature tower whilst protecting environmental amenity at the immediate ground plane and in the surrounding public domain.

Q5. IS THE PLANNING PROPOSAL CONSISTENT WITH APPLICABLE STATE ENVIRONMENTAL PLANNING POLICIES?

The Planning Proposal is consistent with all relevant state environmental planning policies (SEPPs) as assessed in the Table below.

TABLE 6 – ASSESSMENT OF THE PLANNING PROPOSAL AGAINST RELEVANT STATE ENVIRONMENT PLANNING POLICIES

SEPP	ASSESSMENT
<i>State Environmental Planning Policy No 55—Remediation of Land</i>	Clause 6 of SEPP 55 requires a Planning Proposal to consider potential contamination of a site. SEPP 55 aims to promote the remediation of contaminated land for the purpose of reducing the risks of harm to human health or any other aspect of the environment by identifying what remediation work requires consent, and requiring that remediation work meets certain standards for the proposed use. As part of the Concept Plan process and subsequent approval for subdivision and infrastructure works, relevant testing and remediation was carried out to ensure the land was fit for residential purposes. As part of purchasing the land from Urban Growth further analysis and reporting was undertaken confirming this.
<i>State Environmental Planning Policy No 65—Design Quality of Residential Flat Development</i>	<i>State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development</i> (SEPP 65) aims to improve the design quality of residential flat development in New South Wales, having regard to its economic, environmental, cultural and social benefits, including sustainability, the public domain, amenity and the changing needs of the population. In order to demonstrate the proposal can result in a scheme that achieves compliance with SEPP 65, in particular the Apartment Design Guide (ADG) provisions, DKO Architects have prepared a high level compliance assessment of the preferred option against solar access and building separation controls in

SEPP	ASSESSMENT
	the ADG. Although this is not a statutory requirement at the Planning Proposal stage, the assessment establishes that a building facilitated by this proposal can achieve adequate solar access and building separation. This allows comfort that the Planning Proposal can proceed. A summary of the proposals compliance with SEPP is discussed in greater detail at Section 9.2 of this report. Refer to Appendix A for DKO Architect's assessment.
<i>State Environmental Planning Policy (Infrastructure) 2007</i>	The Infrastructure SEPP is the primary planning instrument addressing the provision and operation of infrastructure across NSW. The following provisions of the Infrastructure SEPP would be relevant to a development application made in accordance with this Planning Proposal: ▪ The site has all required services and facilities (water, sewer, electricity, and telecommunications) required for urban development. ▪ The resultant proposal may require the upgrading of service facilities such as water, electricity or sewer to cater for the increased residential population and commercial activity. Any such works would be undertaken in accordance with the Infrastructure SEPP and detailed in a subsequent DA.
<i>State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</i>	Building orientation, massing and depth will assist to facilitate compliance with the requirements of the BASIX SEPP at the development application stage.

Q.6 IS THE PLANNING PROPOSAL CONSISTENT WITH APPLICABLE MINISTERIAL DIRECTIONS (S.117 DIRECTIONS)?

The Planning Proposal is consistent with all relevant Section 117(2) ministerial directions as assessed in the table below.

TABLE 7 – ASSESSMENT OF THE PLANNING PROPOSAL AGAINST RELEVANT SECTION 117 DIRECTIONS

S.117 DIRECTION	ASSESSMENT
1.1 Business and Industrial Zones	▪ The additional building height facilitated by the Planning Proposal will not impede of the employment opportunities of the local centre. ▪ The construction stage will provide significant employment opportunities to local industry and trade. ▪ The increase of residential capacity will support the viability and vibrancy of Thornton and Penrith City Centre.
2.3 Heritage Conservation	As demonstrated in the Design Report at Appendix A , the heritage significance of local and state heritage items that surround the site will not be adversely impacted.
3.1 Residential Zones	The proposal will enable development that will significantly contribute to housing supply in the Penrith

S.117 DIRECTION	ASSESSMENT
	Local Government Area. The scale of development will allow for a design which incorporates variation of dwelling mix and scales, and provides for high quality design outcomes. All future development application on the subject site would be subject to the provisions of SEPP 65 and the ADG to ensure high design and amenity standards.
3.4 Integrating Land Use and Transport	The Planning Proposal is consistent with the principles of 'Improving Transport Choice – Guidelines for Planning and Development' for the following reasons: ▪ The site is in proximity to Penrith station, a major transport hub with connections to Blacktown, Parramatta and Sydney CBD. It is anticipated that the Planning Proposal will improve access to jobs and public transport for future residents. ▪ The provision of onsite car parking in any future development application would be considered with full regard to these public transport links.
4.3 Flood Prone Land	The subject site is not identified as flood prone land.
6.1 Approval and Referral Requirements	The Planning Proposal does not include provisions for referrals or concurrences of future development applications.
6.3 Site Specific Provisions	This Planning Proposal is prepared for the amendment of the height control that applies to the site. No additional land uses are proposed for the site, as such this direction does not apply.
7.1 Implementation of A Plan for Growing Sydney	The Planning Proposal is directly consistent with the directions and actions of The Plan for Growing Sydney, as outlined earlier in this report.

9.3 ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACT

Q7. 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. As discussed at **Section 2.1**, the site is cleared of natural vegetation and given the current vacant nature of the site means the Planning Proposal would result in no effect on critical habitat or threatened species, populations or communities.

Q8. ARE THERE ANY OTHER LIKELY ENVIRONMENTAL EFFECTS AS A RESULT OF THE PLANNING PROPOSAL AND HOW ARE THEY PROPOSED TO BE MANAGED?

Potential environmental effects of this Planning Proposal are considered below.

The Design Study (**Appendix A**) addresses key planning and urban design concerns, which provides strong and supportable strategic planning justification for the proposal, including:

HEIGHT

The proposal's consistency with the objectives for building heights under the LEP is demonstrated in the table below.

TABLE 8 – CONSISTENCY WITH HEIGHT OBJECTIVES IN PENRITH LEP 2010

OBJECTIVE	PROPOSAL
<i>(a) to ensure that buildings are compatible with the height, bulk and scale of the existing and desired future character of the locality.</i>	As demonstrated in the Design Report, the proposed heights have been modelled to create a central focus (the landmark tower) with the height of proposed buildings at Lot 3004 and Lot 3005 in the north stepping down. This approach is also reflective of the approach in the commercial core of Penrith City Centre where heights transition or are stepped down to focus building mass in a strategic location. As mentioned earlier, Penrith City Councillors have expressed their support for a landmark tower on the site. In lieu of any written local policy direction, this Planning Proposal is aligned with the desired future character of the area.
<i>(b) to minimise visual impact, disruption of views, loss of privacy and loss of solar access to existing development and to public areas, including parks, streets and lanes.</i>	Although the increase of building height will have inevitable impacts on views and solar access, the design, placement and orientation of buildings arising from the preferred option demonstrates that the proposed heights can achieve an urban design outcome, in terms of views, privacy and overshadowing. Further, the images at Figure 15 show the tower forms maintain the solar access to Station Plaza (which immediately adjoins the site) when compared with the current heights allowed by the LEP.
<i>(c) to minimise the adverse impact of development on heritage items, heritage conservation areas and areas of scenic or visual importance.</i>	The proposed height amendment will have negligible impacts on surrounding heritage items. The key views to and from Thornton Hall will be maintained.
<i>(d) to nominate heights that will provide a high quality urban form for all buildings and a transition in built form and land use intensity.</i>	As discussed earlier, the proposed heights have been modelled to create a central focus (the landmark tower) with the height of proposed buildings at Lot 3004 and Lot 3005 in the north stepping down. This approach is also reflective of the approach in the commercial core of Penrith City Centre where heights transition or are stepped down to focus building mass in a strategic location.

OVERSHADOWING

A Shadow Analysis has been prepared and is attached at **Appendix A**. This demonstrates that the proposal will not result in unreasonable overshadowing impacts to the public domain surrounding the site.

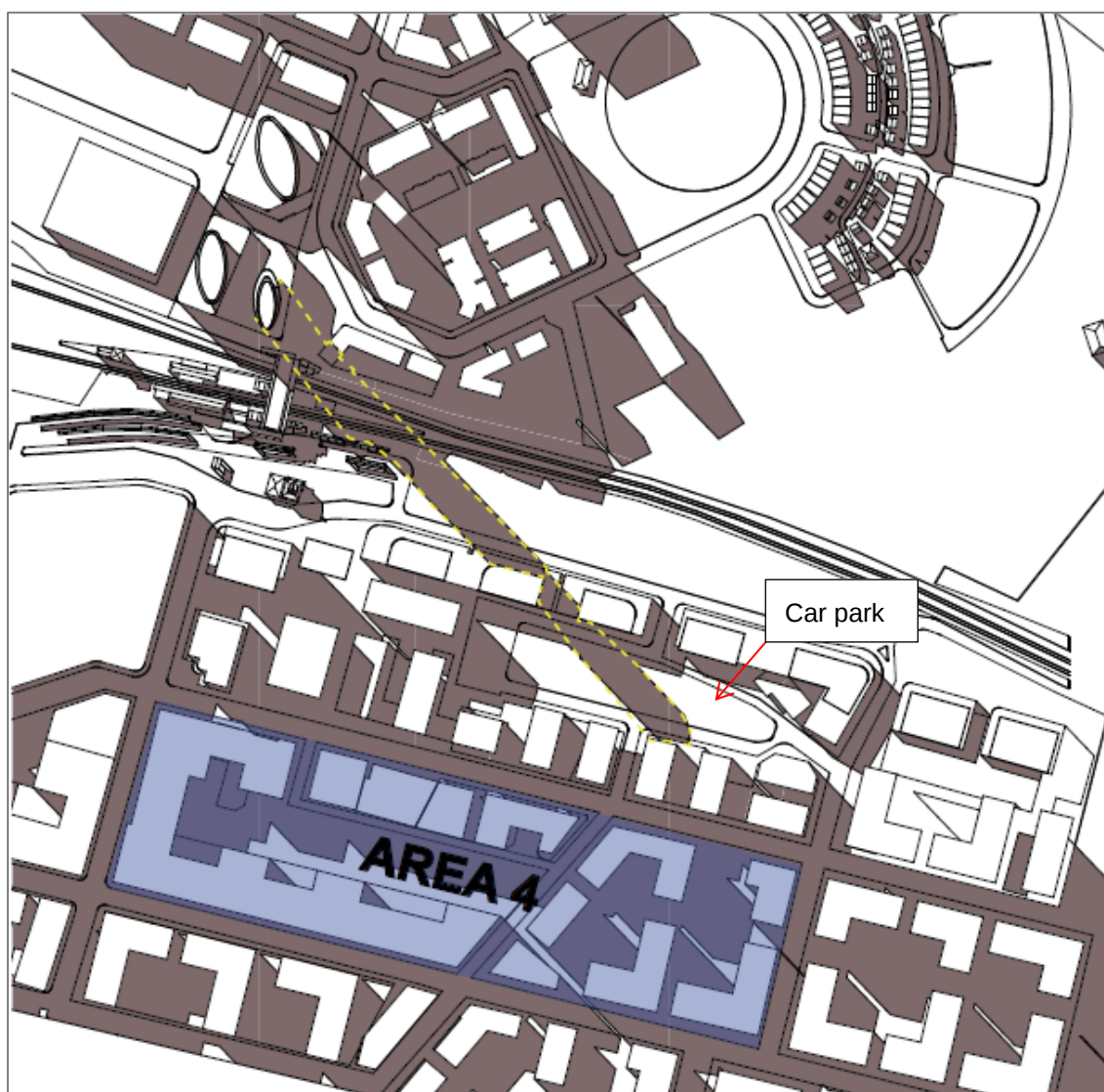
The proposed height (130m) amendment departs from the planned height for the site under the LEP (32m). As such the shadow impacts of increasing the height have been given careful consideration in the

evolution of the proposal's design. Maintaining solar access to the public domain was a key consideration when determining the most appropriate height.

The increased height has little additional overshadowing impact to Station Plaza when compared against the potential building massing of the LEP height control of 32m. This is shown in greater detail at **Appendix A**, whilst **Figure 15** overleaf compares the massing anticipated by the current control with the proposed tower mass at 9am, 12pm and 3pm at the winter solstice. Both of the diagrams indicate that a tower on top of a lower podium (as per Option 4) is a better solar access outcome than a 32m height with a larger podium across the entire site.

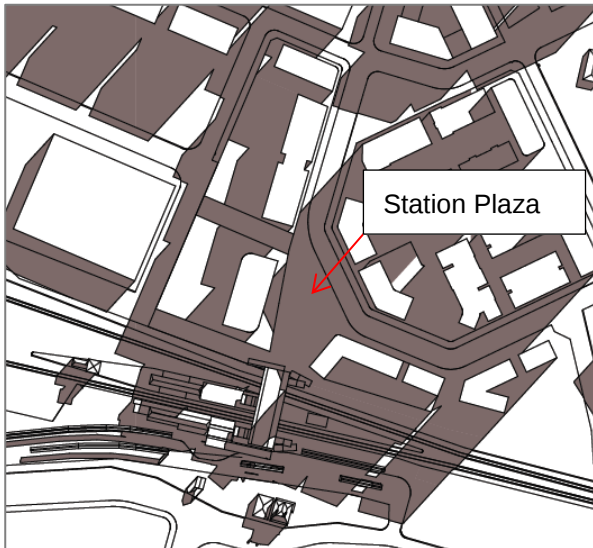
Further, the land identified as 'Area 4' in the LEP (Allen Place, Memory Park and Judges Park and to High Street between Station Street and Lawson Street) will not be impacted by the proposed height amendment. The image below shows the 2pm winter shadow, which is considered to cast the longest shadow. As demonstrated Area 4 will not be cast in shadow by the proposed tower.

FIGURE 14 – OVER SHADOWING AT 2PM IN WINTER

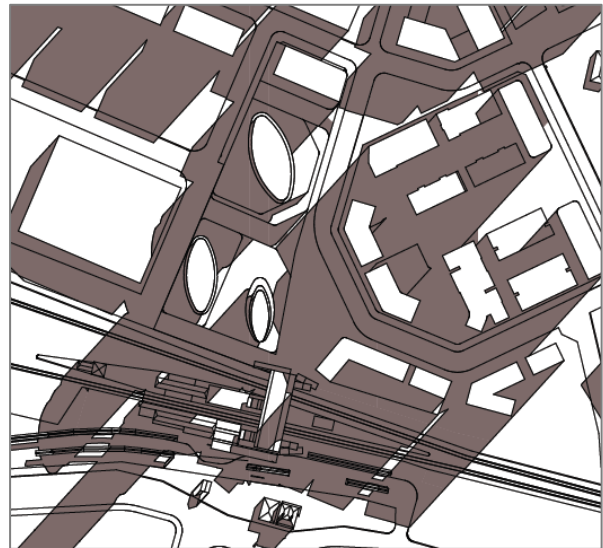


Source: DKO Architects

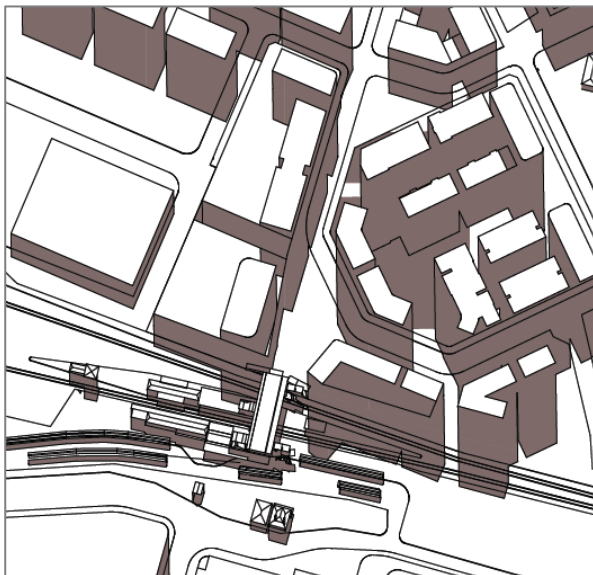
FIGURE 15 – OVERSHADOWING COMPARISON BETWEEN LEP AND PROPOSED MASSING



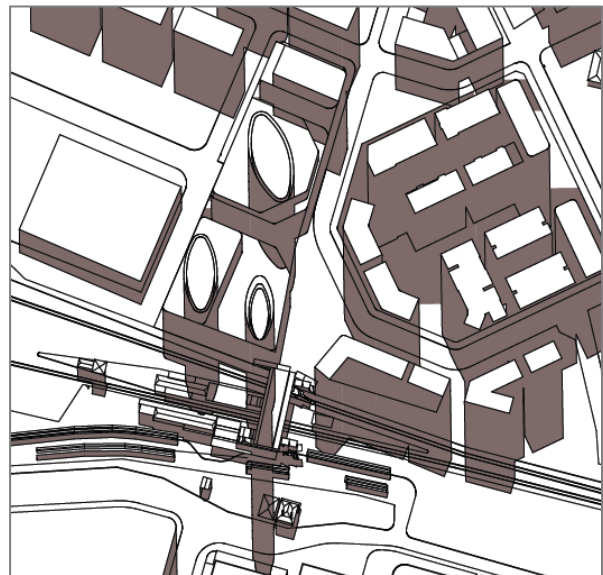
PICTURE 8 – LEP MASSING AT 9AM WINTER



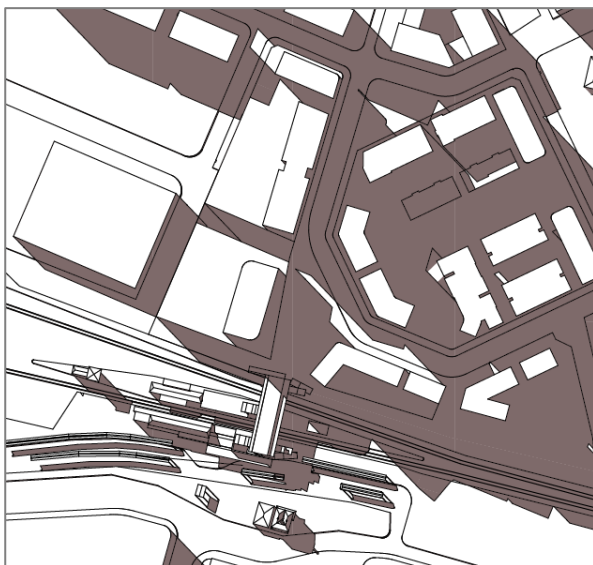
PICTURE 9 – PROPOSED MASSING AT 9AM WINTER



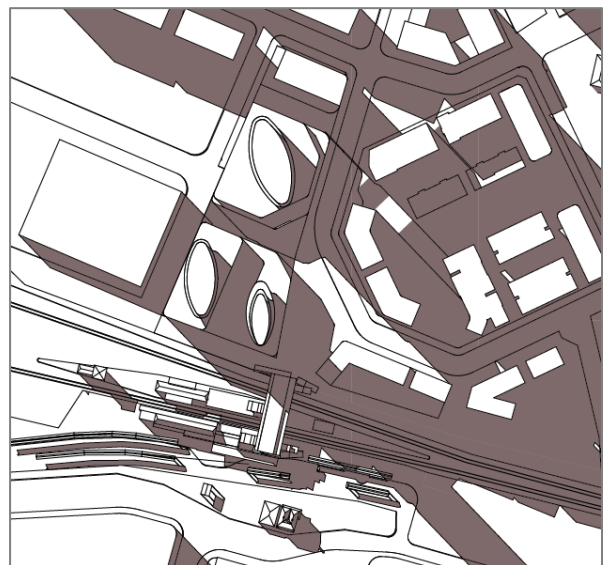
PICTURE 10 – LEP MASSING AT 12PM WINTER



PICTURE 11 – PROPOSED MASSING AT 12PM WINTER



PICTURE 12 – LEP MASSING AT 3PM WINTER



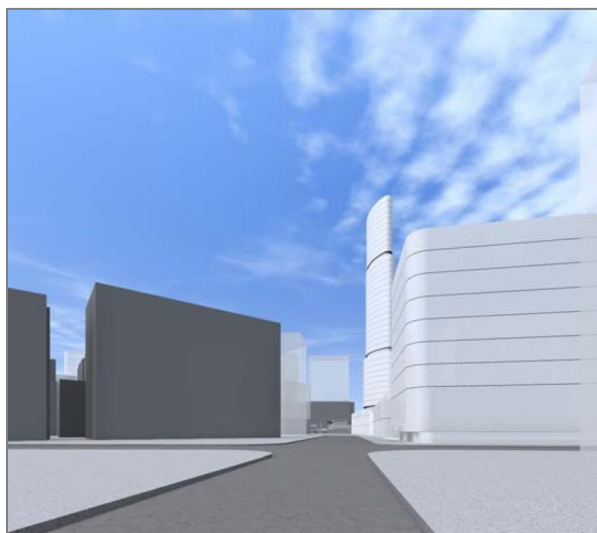
PICTURE 13 – PROPOSED MASSING AT 3PM WINTER

Source: DKO Architects

VIEWS AND VISTAS

DKO Architects have undertaken an analysis of the proposal's impact on the views and vistas enjoyed from key locations surrounding the site. This finds the tower will achieve the intended outcome to create a landmark in the cityscape of Penrith, whilst not creating visual impacts that impede on the enjoyment of key view corridors in and around the site. **Figure 16** shows some of the key views that include the proposed tower form.

FIGURE 16 – 3D VIEWS



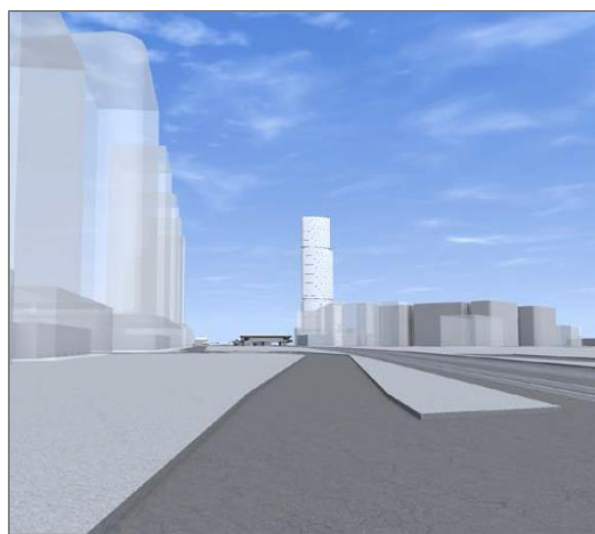
PICTURE 14 – VIEW FROM STATION STREET LOOKING SOUTH



PICTURE 15 – VIEW FROM GREAT WESTERN HIGHWAY LOOKING WEST



PICTURE 16 – VIEW FROM STATION STREET LOOKING SOUTH



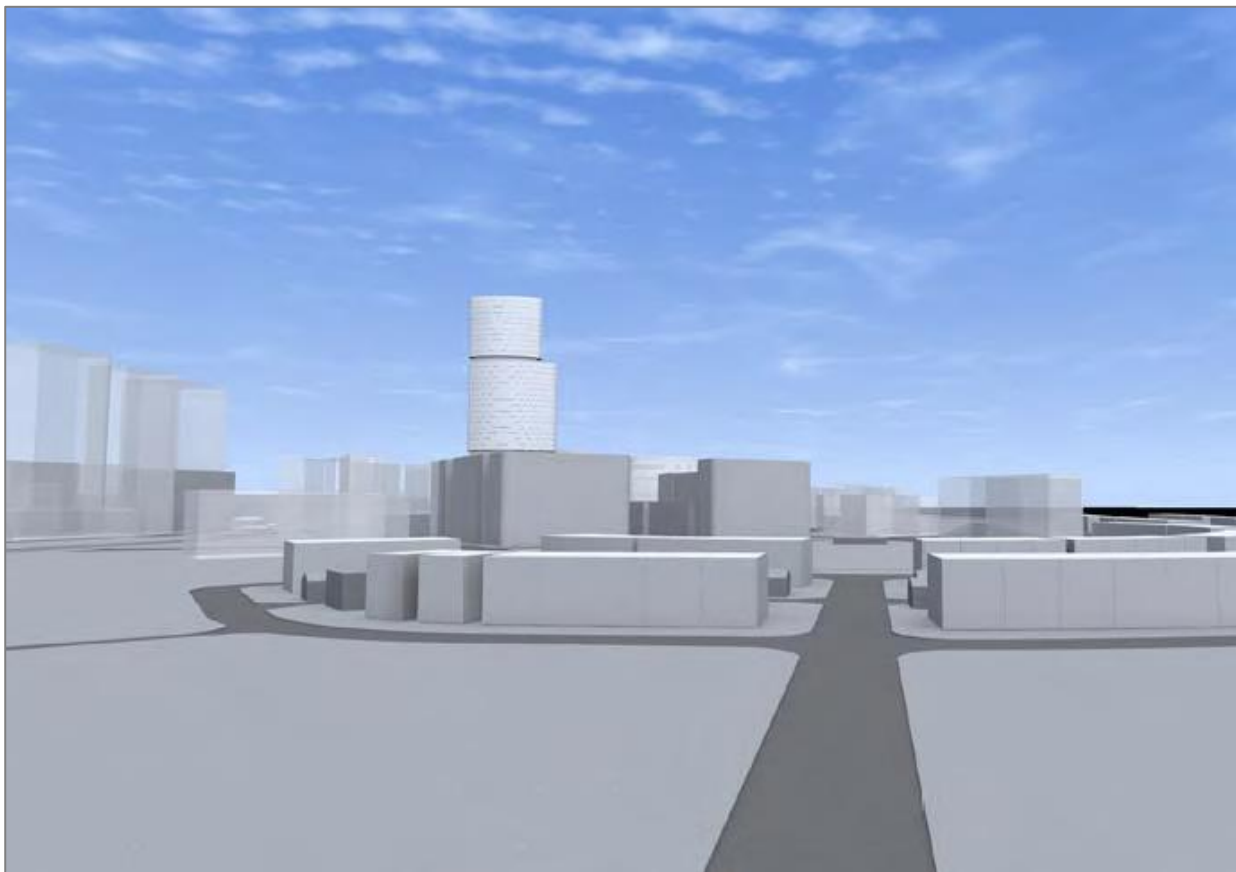
PICTURE 17 – VIEW FROM CORNER OF GREAT WESTERN HWY AND EVAN STREET LOOKING WEST

Source: DKO Architects

Heritage view

The DCP requires the views to and from Thornton Hall to be protected. Figure 17 – View from Thornton Hall **Figure 17** shows the view from Thornton Hall with the inclusion of the proposed tower form enabled by the height amendment. What this demonstrates is the important view through Smiths Paddock is maintained and the tower mass is visually integrated into the building mass of the apartment buildings approved and currently under assessment by Council.

FIGURE 17 – VIEW FROM THORNTON HALL



Source: DKO Architects

COMPLIANCE WITH KEY OBJECTIVES OF THE APARTMENT DESIGN GUIDE

Although compliance with the Apartment Design Guide (ADG) is only applied in a development application and the internal layout and configuration of the residential buildings is not yet designed, the following illustrates the proposal results in a design solution that could achieve compliance with the solar access and building separation controls contained within the policy.

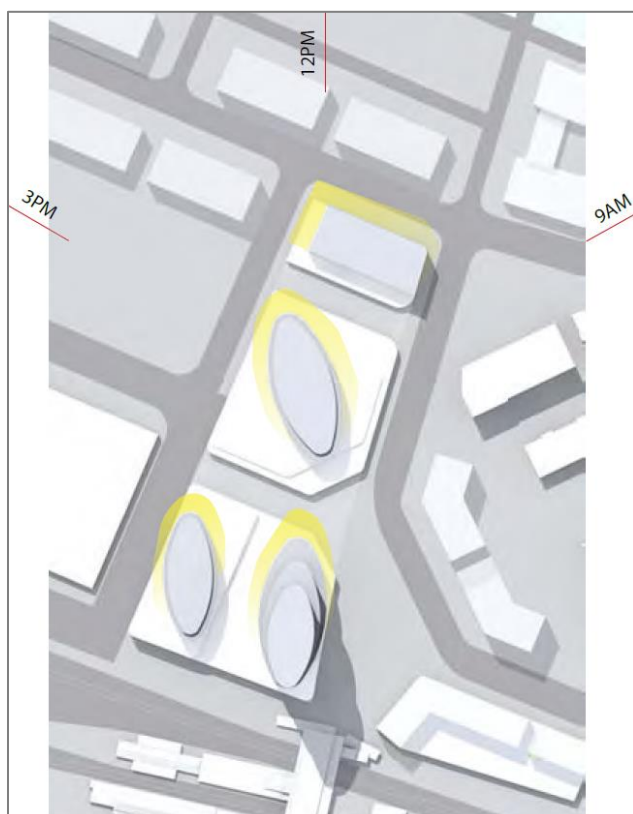
Solar access

The ADG requires at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9am and 3pm. **Figure 18** shows the placement and orientation of the buildings associated with the preferred option assist with achieving solar access. Detailed solar access calculations will be included in any development application that results from this proposal.

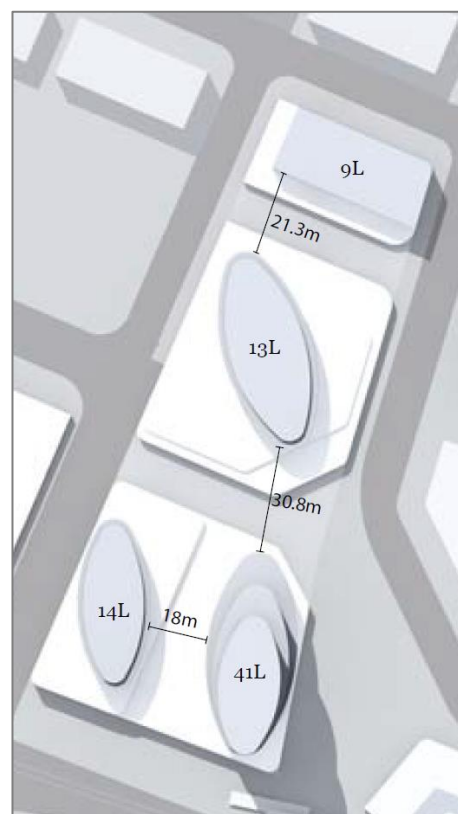
Building separation

The ADG requires all buildings 9 storeys and over (over 25m) to provide a minimum building separation of 18m (between habitable and non-habitable rooms) and 24m (between habitable and habitable rooms). In lieu of detailed internal apartment layouts, **Figure 18** shows the preferred option has adequate separation in terms of the building separation required for habitable to non-habitable rooms. The sections of the preferred building option which have a 18m building separation will most likely be contain building services or lift lobby space given the slender curved built form. Any future development application will need to address building separation.

FIGURE 18 – KEY ADG COMPLIANCE



PICTURE 18 – SOLAR ACCESS



PICTURE 19 – BUILDING SEPARATION

Source: DKO Architects

TRAFFIC AND TRANSPORT

Further detailed traffic modelling needs to occur to ascertain what local road improvements and/or intersection upgrades may need to occur. As a result of the increased residential density associated with the increased building height specified with this Planning Proposal, we would anticipated that a Gateway determination will require such traffic analysis and will prepare this analysis at that stage of the process.

In particular we note that such an analysis should properly quantify and differentiate that additional traffic generated as a result of the increased density arising from this Planning Proposal, as distinct from additional traffic generated by other projects within the area that may have enjoyed greater uplift over the prevailing controls.

Q9. HAS THE PLANNING PROPOSAL ADEQUATELY ADDRESSED ANY SOCIAL AND ECONOMIC EFFECTS?

This proposal will provide significant positive social, economic and environmental impacts associated with the efficient residential densification. The implementation of this Planning Proposal will facilitate a development that aligns with the strategic planning objectives of residential intensification within strategic location in close proximity to a major transport hub.

The proposal will result in positive economic and social flow-on effects for the local area. The commercial components of the proposal will contribute to employment and commerce in the area by providing new spaces for local businesses in an appropriate location.

The residential component will deliver valuable housing in a location close to public transport, community facilities and jobs. This will improve the vibrancy, surveillance, public transport patronage and activate Station Plaza. Further, the signature tower is expected to create a sense of interest in Penrith with potential economic spill over effect to the CBD to the south of the Western Line. Overall, the proposal will support the viability of Penrith as a regional city centre.

9.4 STATE AND COMMONWEALTH INTERESTS

Q10. IS THERE ADEQUATE PUBLIC INFRASTRUCTURE FOR THE PLANNING PROPOSAL?

The site is served by all urban utility infrastructure and is located to allow incoming residents and employees to capitalise on the wide range of infrastructure and services existing within the locality. Existing infrastructure will be modified and / or extended to accommodate the needs of future development.

Q11. WHAT ARE THE VIEWS OF STATE AND COMMONWEALTH PUBLIC AUTHORITIES CONSULTED IN ACCORDANCE WITH GATEWAY DETERMINATION?

Concurrent with the public exhibition of the Planning Proposal, consultation will be undertaken with the relevant public authorities.

10 Part 4 – Community Consultation

The gateway determination will establish the relevant community consultation requirements. Should this Planning Proposal be absorbed with Council's broader Planning Proposal dealing with various key sites within the Penrith CBD, then we assume Council will lead the community consultation process as established by the gateway determination and through its own policy requirements.

In the event this Planning Proposal progresses in isolation, the applicant can (and will) discuss with Council the most appropriate measures of community consultation in additional to any statutory requirements.

11 Conclusion

This Planning Proposal has been prepared to initiate an amendment to the *Penrith Local Environmental Plan 2010* as it relates to the land at Lot 3003, Lot 3004 and Lot 3005 in DPDP1184498 in Thornton, North Penrith.

The site is positioned immediately to the north of Penrith Station and existing Penrith City Centre. However, the development of the Thornton Estate, inclusive of the retail/commercial component nearest the station and also Station Plaza means the site is effectively now part of the Penrith CBD.

The site has the potential to accommodate a significant landmark development that will revitalise and create interest in Penrith City Centre by creating a central focus in the cityscape. As such, the proposal will facilitate the development of a landmark tower in North Penrith that acknowledges the strategic importance of the site and seeks to assist Penrith in fulfilling its potential and vital role as one of Sydney's regional city centres.

Specifically, this planning proposal seeks to increase the maximum building height that applies to the site from 32 metres to 130 metres.

Although this Planning Proposal does not seek to amend the LEP to include a FSR control to the site, following discussions with Council regarding the insertion of an incentive clause that will remove height controls and apply a maximum FSR to 'key sites' if design excellence is achieved, a FSR control of 5.1:1 (excluding above ground car parking from GFA) or 6.6:1 (including above ground car parking from GFA) for the subject site could also facilitate the proposed landmark tower. Given the proposal should be considered as an integrated design concept that needs to transition in height across all three lots in order for an orderly and quality built form outcome to occur and design excellence to be achieved, any FSR control that may be contemplated by Council in its assessment of this matter should apply over the broader site area (ie Lots 3003, 3004 and 3005). Specific 'component' FSRs on each lot could potentially stifle design flexibility and the attainment of design excellence, and could result in a tower that is out of context with the surrounding built environment.

The proposed height has been informed by an extensive urban design study that aimed to determine the maximum development potential of the site, with an understanding of protecting and ensuring the environmental amenity enjoyed by existing and future residents and visitors of the Thornton Precinct and Penrith City Centre. This methodology informed the scale and quantum of the tower building, as well as how the other buildings on the site are best orientated and placed to support this larger building. Analysis prepared by DKO at **Appendix A** demonstrates this height is best positioned on the southern portion of the site with building height stepping down toward the north.

This planning proposal has thoroughly considered the amendment of the height control in terms of the immediate built context and the broader local and metropolitan strategic and statutory planning context. The planning proposal has significant planning merit for the following reasons:

- The proposal will enhance and ensure the long-term vision and future of Penrith as a regional city centre through the provision of a landmark tower with a dynamic mix of residential floor space and commercial/retail offerings. This will drive success of the Thornton commercial precinct, which in turn is expected to benefit the existing Penrith CBD.
- The proposal will deliver residential housing in close proximity to a key public transport corridor in response to the identified need outlined by NSW overarching strategic planning document, A Plan for Growing Sydney. The proposal also aligns with the objectives of other State and local strategies.
- The proposal reflects the strategic, development and locational opportunities of the unconstrained site, and will create interest and vibrancy in the Penrith skyline, punctuate the CBD and provide a marker to define the Thornton Estate and Penrith CBD.
- The proposed height amendment is the best way of achieving a landmark tower on the site. Alternative planning approaches, including adopting the existing controls or seeking a variation to the controls in the LEP are considered inadequate and will not allow for the realisation of this important addition to the Penrith skyline.

- This report and the appended Design Study has demonstrated that future development applications for the site can be designed to maintain and protect the environmental amenity enjoyed at public domains surrounding the site and can achieve design excellence.

For these reasons it is recommended that the Planning Proposal is endorsed by Council to enable a gateway determination by the Department of Planning and Environment.

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This report has been prepared with due care and diligence by Urbis and the statements and opinions given by Urbis in this report are given in good faith and in the reasonable belief that they are correct and not misleading, subject to the limitations above.

Appendix A

Design Study prepared by DKO Architects

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