

Incentive clause for key sites in Penrith City Centre

Proposal Title : Incentive clause for key sites in Penrith City Centre

Proposal Summary : The planning proposal is to:
 - insert an incentive clause into Part 8 of Penrith Local Environmental Plan 2010 applying to identified key sites, providing a bonus floor space ratio in return for a public benefit; and
 - include an additional site at Lord Sheffield Circuit (Thornton site) into the Key Sites Map.

PP Number : PP_2016_PENRI_002_00 Dop File No : 16/02705

Proposal Details

Date Planning Proposal Received : 14-Apr-2016 LGA covered : Penrith

Region : Metro(Parra) RPA : Penrith City Council

State Electorate : PENRITH Section of the Act : 55 - Planning Proposal

LEP Type : Precinct

Location Details

Street :

Suburb : City : Postcode :

Land Parcel : various sites in Penrith city centre in Penrith local government area.

DoP Planning Officer Contact Details

Contact Name : Tessa Parmeter

Contact Number : 0298601555

Contact Email : tessa.parmeter@planning.nsw.gov.au

RPA Contact Details

Contact Name : Nicole Dukinfield

Contact Number : 0247328511

Contact Email : nicole.dukinfield@penrithcity.nsw.gov.au

DoP Project Manager Contact Details

Contact Name : Terry Doran

Contact Number : 0298601579

Contact Email : terry.doran@planning.nsw.gov.au

Land Release Data

Growth Centre : N/A Release Area Name : N/A

Regional / Sub Regional Strategy : Metro North West subregion Consistent with Strategy : Yes

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MDP Number :		Date of Release :	
Area of Release (Ha) :		Type of Release (eg Residential / Employment land) :	Both
No. of Lots :	0	No. of Dwellings (where relevant) :	4,000
Gross Floor Area :	0	No of Jobs Created :	0

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

If No, comment :

Have there been meetings or communications with registered lobbyists? :

If Yes, comment :

Supporting notes

Internal Supporting Notes : **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 the new legislation are triggered by the making of relevant planning applications and relevant public submissions on such applications.

The term relevant planning application means:

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

Planning Circular PS 08-009 specifies that a person who makes a public submission to the Minister or Director General is required to disclose all reportable political donations (if any).

The Department has not received any disclosure statements for this Planning Proposal.

REVISED SUBMISSION DATE

22 March 2016 - Council advised that it has completed its independent review of the proposed FSR controls in the planning proposal. The planning proposal does not need to be amended as a result of this review.

13 APRIL 2016 - Council provided the Department with a copy of the Urban Design Analysis.

14 APRIL 2016 - Council provided the Department with a copy of the principles of public benefit.

External Supporting Notes :

Adequacy Assessment

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

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

Comment : **A statement of objectives has been provided. The objectives of the planning proposal are to:**

- * encourage investment in Penrith City Centre;**
- * activate the City Centre by providing residential development at a higher density than is currently permissible;**
- * increase the permissible development capacity of key sites whilst protecting the development of potential of adjoining sites;**
- * provide additional development capacity, where appropriate supported by an urban design analysis;**
- * avoid wide-scale uplift across the City Centre which can impact on development feasibility and market expectation;**
- * provide an opportunity for proponents to access bonus FSR in return for a public benefit, to deliver improvements to the City Centre and across Penrith more broadly;**
- * provide more balanced and equitable approach to growth and uplift in the City Centre and across Penrith more broadly;**
- * respond to demand for residential development in key locations and provide fast-track process for current proponents and future proponents;**
- * respond to the initiatives of the Penrith Progression Action Plan; and**
- * insert an incentives based clause into the Penrith Local Environmental Plan 2010 which will provide certainty to Council, investors and proponents.**

The objective of the planning proposal is to:

- * include an additional site as a key site in Penrith City Centre; and**
- * include an incentive clause in the Penrith Local Environmental Plan 2010 which would enable access to additional floor space ratio provisions above currently permissible controls in the instrument, and exemptions from other planning controls, provided it is demonstrated that a proposal meets a design excellence provisions and provides a public benefit to the satisfaction of Council.**

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

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

Comment : **It is proposed to achieve the intended outcome by:**

- * Inserting a key sites map sheet (KYS_005 and KYS_012) to include land at Lots 3003, 3004 and 3005 DP 1184498 (41, 184 and 192 Lord Sheffield Circuit, Penrith (Thornton)) as an 11th key site;**
- * Amending Penrith Local Environmental Plan 2010 to include an additional clause in Part 8 - Penrith City Centre, which would enable incentive based consideration of development on the key sites, providing the opportunity to exceed the current maximum floor space ratio controls if certain requirements are met, including the development providing a public benefit, and meeting the requirements of the design excellence provisions in clause 8.4 Design Excellence.**

The explanation of provisions identifies the proposed bonus floor space ratio standards as:

At Key Site 1 - 5.5:1
At Key Site 2 - 5.5:1
At Key Site 3 - 6:1
At Key Site 4 - 5:1
At Key Site 5 - 2:1
At Key Site 6 - 2.5:1
At key Site 7 - 5:1
At Key Site 8 - 5.5:1
At Key Site 9 - 5.5:1
At Key Site 10 - 6:1
At Key Site 11 - 5:1

Key sites 1-10 are currently identified on the Penrith Local Environmental Plan 2010 Key Site Map Sheets KYS_006 and KYS_013.

Council has included a draft clause in the planning proposal, which identified Council's preferred drafting of the proposed provision. This clause has not been agreed to by Parliamentary Counsel.

It is recommended that the planning proposal be amended prior to public exhibition to include a prose explanation, as well as Council's proposed clause, and an explanation that the 'drafted clause' identified in the planning proposal, that reflects the intent of the clause but not necessary the final drafting of the clause, which is subject to legal drafting change by Parliamentary Counsel.

The development and proposed standards of the key sites are identified as follows:

Key Site 1:

Zone - B3 Commercial Core

Current Maximum Height of Buildings - 56 metres

Current Maximum Floor Space Ratio - 4:1

Proposed Bonus Floor Space Ratio - 5.5:1

Key Site 2

Current zone - B3 Commercial Core

Current Maximum Height of Building - 32 metres

Current Maximum Floor Space Ratio - 4:1

Proposed Bonus Floor Space Ratio - 5.5:1

Key Site 3

Current zone - B4 Mixed Use

Current Maximum Height of Building - 24 metres

Current Maximum Floor Space Ratio - 3:1

Proposed Bonus Floor Space Ratio - 6:1

Key Site 4

Current zone - B4 Mixed Use

Current Maximum Height of Building - 24 metres

Current Maximum Floor Space Ratio - 3:1

Proposed Bonus Floor Space Ratio - 6:1

Key Site 5

Current zone - B4 Mixed Use

Current Maximum Height of Building - 20 metres

Current Maximum Floor Space Ratio - 1.5:1

Proposed Bonus Floor Space Ratio - 2:1

Key Site 6

Current zone - R4 High Density Residential

Current Maximum Height of Building - 20 - 24 metres (Majority of site 20 metres)

Current Maximum Floor Space Ratio - 2:1

Proposed Bonus Floor Space Ratio - 2.5:1

Key Site 7

Current zone - B4 Mixed Use

Current Maximum Height of Building - 24-32 metres (northern side 32 metres)

Current Maximum Floor Space Ratio - 3.5:1

Proposed Bonus Floor Space Ratio - 5:1

Key Site 8

Current zone - B3 Commercial Core

Current Maximum Height of Building - 24 - 56 metres (northern side 56 metres)

Current Maximum Floor Space Ratio - 4:1

Proposed Bonus Floor Space Ratio - 5.5:1

Key Site 9

Current zone - B3 Commercial Core

Current Maximum Height of Building - 24-80 metres (northern side 80 metres)

Current Maximum Floor Space Ratio - 4:1

Proposed Bonus Floor Space Ratio - 5.5:1

Key Site 10

Current zone - B4 Mixed Use

Current Maximum Height of Building - 24 metres

Current Maximum Floor Space Ratio - 3:1

Proposed Bonus Floor Space Ratio - 6:1

Proposed Key Site 11

Current zone - B2 Local Centre

Current Maximum Height of Building - 32 metres

Current Maximum Floor Space Ratio - No Floor Space Ratio Control

Proposed Bonus Floor Space Ratio - 5:1

The proposed clause would create an exemption to the maximum building heights for each of the sites identified on the height of buildings map, enabling a merit based assessment.

Previously, Council has received three separate planning proposals which are included as attachments to this planning proposal (PP_2016_PENRI_002_00). These planning proposals seek to amend the planning controls applying to:

- 164 Station Street, Penrith;

- 41, 184 & 192 Lord Scheffield Circuit (Thornton site), Penrith; and

- 614-652 High Street & 87-91 Union Street (Sinclair Hyundai site), Penrith.

These planning proposals include indicative design layout and intended outcomes from the amendments to Penrith Local Environmental Plan 2010.

Council also intends to prepare a Public Benefit Analysis and Public Benefit Policy to inform the intent of the planning proposal once a Gateway determination has been issued. As the public benefit is a key component of the incentive clause. It is recommended that Council exhibit principles of benefit with the planning proposal to provide some transparency and certainty.

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

1.1 Business and Industrial Zones

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

3.5 Development Near Licensed Aerodromes

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

7.1 Implementation of A Plan for Growing Sydney

Is the Director General's agreement required? **Yes**

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

d) Which SEPPs have the RPA identified?

SEPP No 21—Caravan Parks

SEPP No 32—Urban Consolidation (Redevelopment of Urban Land)

SEPP No 55—Remediation of Land

SEPP No 65—Design Quality of Residential Flat Development

SEPP (Exempt and Complying Development Codes) 2008

SEPP (Infrastructure) 2007

SEPP (Affordable Rental Housing) 2009

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

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain :

The relevant Section 117 Directions that apply to the planning proposal are:

Section 117 Direction 1.1 - Business and Industrial zones: The Direction applies as the planning proposal affects land within existing business zones.

The planning proposal is consistent with this Direction, as it creates the potential to increase the total employment floor area for employment uses, with the proposed incentive clause.

Section 117 Direction 2.1 - Environmental Protection Zones

The Section 117 Direction requires the inclusion of provisions that facilitate the protection and conservation of environmentally sensitive areas.

The planning proposal is consistent with this Direction.

Section 117 Direction 2.3 - Heritage Conservation

This Direction does apply to the planning proposal as it affects items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance.

While heritage items are located within the area of the planning proposal, the existing provisions of the LEP will continue to apply. The planning proposal is consistent with this Direction.

Section 117 Direction 3.1 - Residential Zones

This Direction does apply to the planning proposal as it will affect land within an existing or proposed residential zone or any other zone in which significant residential development is permitted or proposed to be permitted.

The planning proposal applies to land zoned R4 High Density Residential and seeks to provide for increased densities in the form of multi-unit housing, by a proposed incentive clause.

The planning proposal is consistent with this Direction.

Section 117 Direction 3.3 Home occupations

The Direction applies to the planning proposal.

The planning proposal is consistent with this Direction as the planning proposal does not alter existing provisions which currently permit home occupations.

Section 117 Direction 3.4 - Integrating Land Use and Transport

This direction applies when a planning proposal will create, alter or remove a zone or provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes.

A planning proposal must locate zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives and principles of:
(a) Improving Transport Choice - Guidelines for planning and development (DUAP 2001), and
(b) The Right Place for Business and Services - Planning Policy (DUAP 2001).

The planning proposal is consistent with both the guidelines as the planning proposal seeks to encourage development in the city centre, providing for jobs, services and housing in a central location well serviced by public transport.

The planning proposal is consistent with this Direction.

Section 117 Direction 3.5 - Development Near Licensed Aerodromes

The subject land has not been identified in any current ANEF mapping and is not inconsistent with this Direction. However, with the future development of Badgerys Creek Airport, it is recommended that the Commonwealth Department of Infrastructure and Regional Development be consulted during the public exhibition period.

Section 117 Direction 4.3 - Flood Prone Land

The Section 117 Directions applies when a relevant planning authority prepares a planning proposal that creates, removes or alters a zone or provision that affects flood prone land.

A planning proposal must not contain provisions that apply to flood planning areas which permit a significant increase of development of that land.

Council has identified that the sites included within the planning proposal are subject to overland or stormwater flood affectation, however, the sites are not affected by the 1:100 flood planning level. Any overland or stormwater flooding can be managed at the development assessment stage.

It is considered that the planning proposal is consistent with this Direction.

Section 117 Direction 4.4 - Planning for Bushfire Protection

The Direction does not apply as the subject land is not identified as bushfire prone.

Section 117 Direction 6.1 - Approvals and referrals requirements

The Direction applies to all planning proposals. The direction requires that all planning proposals must minimise the inclusion of provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority.

The provision identified in the planning proposal is not intended to require concurrence, consultation or referral of a development application to a Minister or public authority.

The planning proposal is consistent with this Direction.

Section 117 Direction 6.2 - Reserving Land for Public Purposes

The planning proposal does not intend to affect land reserved for public purposes.

The planning proposal is consistent with this Direction.

Section 117 Direction 6.3 - Site Specific Provisions

Council has not addressed the consistency of the planning proposal with this Section 117 Direction. It is recommended that the planning proposal be amended, prior to public exhibition to address the consistency of the planning proposal with this Section 117 Direction.

If the planning proposal is inconsistent with this Section 117 Direction, the Secretary's agreement is to be sought by Council prior to the Plan being made.

STATE ENVIRONMENTAL PLANNING POLICIES

State Environmental Planning Policy No. 55 - Remediation of Land

The planning proposal does not intend to enable a change of zone or land use permissibility on the subject land. As such, further consideration of the SEPP will occur in any future development assessment process.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : Council has included a draft Key Site Map Sheet KYS_005 and KYS_012 which would need to be prepared to include a new site into the key sites map set.

No other mapping changes are proposed with this amendment.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : A time frame to exhibit the planning proposal has not be included.

It is recommended the planning proposal be exhibited for 28 days.

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 : There is adequate information to assess the planning proposal.

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 and amended on 28 January 2015 to include the Penrith City Centre.

The planning proposal intends to amend the Penrith Local Environmental Plan 2010, principally by inserting an incentive based clause. While the Standard Instrument Local Environmental Plans are intended to be map based planning instruments, the inclusion of incentive clauses is not uncommon in standard instrument Local Environmental Plans.

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

Assessment Criteria

Need for planning proposal : The planning proposal was prepared in response to three planning proposals across the Penrith City Centre submitted to Penrith Council to enable additional development potential. These planning proposals included supporting Urban Design Studies for a proposed increase in development potential.

Instead of a piecemeal approach, Council resolved to engage consultants to review the proposed standards in the three submitted planning proposals, and to recommend an appropriate level of bonus FSR for the remaining key sites in Penrith City Centre.

The Urban Design Analysis was submitted to the Department on 13 April 2016. Council is not dissatisfied with the recommendations in this report, and no changes to the planning proposal as a result of this analysis are proposed.

It is noted that the Urban Design Analysis states that some of the bonus FSRs may not be realised. However, Council staff have advised that this matter can be addressed at the development application stage for each site.

This is the best means to achieve the intended outcome. Instead of a piecemeal approach or providing uplift across the entire Penrith City Centre, Council has chosen specific sites identified as key sites in the City Centre.

The Key Sites were identified in the Penrith City Centre Local Environmental Plan 2008, and have been translated into Penrith Local Environmental Plan 2010.

Other options included the use of clause 6.4 - Exceptions to Development Standards, amending the LEP maps or broad uplift across the City Centre. These approaches were not supported for the following reasons:

- Variation of development standard through the use of clause 6.4.

As these proposals require a significant variation to the existing standards, it was considered that this was not an appropriate use of this provision.

- Amending LEP maps.

Council considered responding to the planning controls identified in the three submitted planning proposals. Council was concerned that this site by site approach would result in inconsistent application of controls and could impact upon the development potential of adjoining sites. For this reason, Council engaged consultants to carry out an Urban Design and Public Benefit Analysis to identify an equitable distribution of heights and floor space for key sites across the City Centre.

- Broad uplift across all of the City Centre.

This approach was not supported as it may entail implications for development feasibility and unreasonable expectation on property values; hindering investment and revitalisation of the City Centre.

As such, it was considered that an incentive based clause for an uplift of floor space ratio, if a public benefit was met, was the best means of achieving intended outcomes.

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Consistency with strategic planning framework :

STATE STRATEGIC PLANNING FRAMEWORK

A PLAN FOR GROWING SYDNEY

Section 75A1 (Implementation of strategic plans) of the EP&A Act 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.

There is no district plan currently applicable to the subject land and, under Section 75AE(3), A Plan for Growing Sydney is taken to be the regional plan for the Greater Sydney Region.

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.

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;
- Action 1.7.4 - Continue to grow Penrith, Liverpool and Campbelltown-Macarthur as Regional City Centres supporting their surrounding communities;
- Action 2.1.1 - Accelerate housing supply and local housing choices; and
- Action 2.2.2 - Undertake urban renewal in transport corridors which are being transformed by investment, around strategic centres.

LOCAL STRATEGIC PLANNING FRAMEWORK

The planning proposal is consistent with the local strategic planning framework including:

Penrith Community Strategic Plan 2013

The planning proposal is consistent with objectives of the Community Plan, specifically, that it will facilitate development that encourages a range of housing types, and encourages new housing in the city centre, which is close to existing jobs, services and public transport.

Penrith City Strategy

The planning proposal is consistent with the Penrith City Strategy, particularly as the proposal has the potential to fast track 4,000 dwellings in the City Centre, increasing supply and housing choice in an appropriate location.

Penrith Progression

The planning proposal is consistent the Penrith Progression Plan. The proposal to insert an incentive clause for development and bonus FSR is in direct response to actions in the Progression Plan, including:

- Action 3.1: Review incentive clauses in the LEP to support increased heights in appropriate city centre locations, based on community benefit outcomes;
- Action 3.2: Review planning controls for signature sites to encourage quality sustainable development of a mature Regional City Scale; and
- Action 3.3: Review the floor space ratio to achieve better urban design outcomes and scale of development for the City Centre.

Environmental social economic impacts :

ENVIRONMENTAL

There are no known critical habitats or threatened species that will be affected by the planning proposal.

The subject sites are not identified as bushfire prone or affected by the 1:100 ARI.

Some of the sites are affected by overland or drainage flooding. This can be addressed

through any future development assessment process.

SOCIAL

Urban design reports have been submitted with the three planning proposals. The urban design analysis identifies potential impacts including overshadowing, solar access and view loss.

These matters would be further assessed as part of any future development application process.

Heritage

The planning proposal includes a number of sites which are heritage listed. No changes are proposed to the heritage listing on these sites. Consideration of heritage impacts will be further addressed as part of any future development application.

It is recommended that the Office of Environment and Heritage - Heritage Division, be consulted during the public exhibition process.

Traffic

The proposed bonus floor space ratios will enable greater development on these sites, for example, on the 'Parkview' site, is intended to enable 2,000 dwellings, and across all the sites there is the potential to enable up to 4,000 dwellings overall.

This has the potential to create additional traffic impacts which have not been considered or addressed in this planning proposal.

It is recommended that Transport for NSW and Transport for NSW - Roads and Maritime Services are consulted as part of the public exhibition period.

Infrastructure

The increased development potential will also increase the population, and number of people accessing services in the Penrith City Centre.

Accordingly, it is recommended that the relevant public agencies be consulted during the public exhibition period.

ECONOMIC

The planning proposal has the potential to enable the revitalisation of a number of key sites across Penrith City Centre, encouraging growth, jobs and houses with access to public services and public transport.

The urban design design analysis will ensure that development potential of adjoining sites will not be unduly affected by this proposal.

Assessment Process

Proposal type :	Precinct	Community Consultation Period :	28 Days
Timeframe to make LEP :	12 months	Delegation :	DDG
Public Authority Consultation - 56(2)(d) :	Essential Energy Department of Education and Communities Office of Environment and Heritage Family and Community Services - Housing NSW Transport for NSW Fire and Rescue NSW Department of Health NSW Police Force Transport for NSW		

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Transport for NSW - Sydney Trains
 Transport for NSW - Roads and Maritime Services
 Sydney Water
 Telstra
 Adjoining LGAs
 Other

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

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

If no, provide reasons :

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

If Yes, reasons :

Identify any additional studies, if required. :

Other - provide details below

If Other, provide reasons :

Council has prepared an Urban Design Analysis and intends to prepare a Public Benefit Analysis and Public Benefit Policy. It is recommended that these form part of the exhibition process.

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
Planning Proposal Report_Final.pdf	Proposal	Yes
Planning Proposal to amend Penrith LEP 2010 - Incentives clause for key sites.pdf	Proposal	Yes
PCC letter to DP&E requesting Gateway Determination December 2015.pdf	Proposal Covering Letter	Yes
Appendix A - Design Report.pdf	Study	Yes
Urban Design and Masterplan Report_20151102.pdf	Study	Yes
Coloured Final Masterplan_20151104.pdf	Study	Yes
1.Oct 15- Preliminary Planning Proposal.pdf	Proposal	Yes
3. Penrith Vision Presentation.pdf	Proposal	Yes
4. Apartment Supply and Demand Study - 10 September 2015.pdf	Proposal	Yes
4. Feasibility Summary.pdf	Proposal	Yes
5. DD Report.pdf	Proposal	Yes
6. Preliminary Traffic Advice - 18 June 2015.pdf	Proposal	Yes
Planning Proposal FINAL - 164 Station St.pdf	Proposal	Yes
Attachment - Planning Proposal Report_Final - Thornton.pdf	Proposal	Yes
Coloured Final Masterplan_20151104.pdf	Proposal	Yes
Signed letter of consent.pdf	Proposal	Yes
2. Oct 15 -UrbanDesignReport_Part 1.pdf	Study	Yes
2. Oct 15 -UrbanDesignReport_Part 3.pdf	Study	Yes
2. Oct 15 -UrbanDesignReport_Part 2.pdf	Study	Yes

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions:

- 1.1 Business and Industrial Zones
- 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
- 3.5 Development Near Licensed Aerodromes
- 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
- 7.1 Implementation of A Plan for Growing Sydney

Additional Information :

DELEGATION OF THE COMMISSION'S PLAN MAKING FUNCTIONS

Council has requested delegation of the Commission's Plan Making Functions. Given the policy implications, and as there are a number of studies that have not been finalised at this time, it is recommended that delegation of plan making functions not be issued in this instance.

RECOMMENDATION

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

1. Prior to public exhibition, Council is to:

1.1. amend Part 2 – Explanation of Provisions, of the planning proposal to include a plain English explanation of the clause and include a note that the clause may be amended following legal drafting.

1.2. amend the planning proposal to assess the planning proposal against Section 117 Direction 6.3 – Site Specific Provisions.

Council is to advise the Sydney Region West office of the Department prior to the Plan being finalised should the Secretary's agreement be required for any inconsistency with Section 117 Directions.

2. Council is to exhibit an explanation of the public benefit principles that will inform the Public Benefit Policy. Council is to provide a copy of the Public Benefit Policy and Public Benefit Analysis when the Plan is submitted for finalisation. The Urban Design Analysis is to be included with the public exhibition material.

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 LEPs (Department of Planning and Infrastructure 2013).

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:

- Department of Infrastructure and Regional Development;
- Transport for NSW;
- Transport for NSW – Sydney Trains;
- Transport for NSW – Roads and Maritime Services;
- Office of Environment and Heritage;
- NSW Office of Environment and Heritage – Heritage Division;

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- Department of Education and Communities;
- Family and Community Services – Housing NSW;
- Department of Health;
- NSW Police Force;
- Sydney Water;
- Essential Energy;
- Telstra; and
- Adjoining LGAs.

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.

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 or if reclassifying land).

6. The timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway determination.

Supporting Reasons :

The planning proposal has the potential to enable the revitalisation of key sites in Penrith City Centre and encourage the development of additional residential development in the City Centre.

The proposed incentive clause will ensure that the development of these sites will exhibit design excellence and provide the opportunity for additional floor space provided a public benefit is realised.

Signature:



Printed Name:

T DORAN

Date:

14/4/16