

Updated Preliminary Planning Proposal to Amend Penrith LEP 2010



Penrith High Street, Penrith

Mixed Use Development

Submitted to Penrith City Council
On Behalf of Urban Apartments

October 2015 ■ 15073

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BG & E

E Traffic and Parking Assessment Report

McLaren Traffic

1.0 Introduction

This Planning Proposal report has been prepared by JBA on behalf of Urban Apartments to amend *Penrith Local Environmental Plan 2010* (LEP 2010) to introduce a 'key site clause' which allows additional height and floor space to be developed on the key site at 614 - 652 High Street and 87-91 Union Street, Penrith (the site) provided a number of design criteria are satisfied. This will allow for the redevelopment of this key site at the western gateway entrance to the Penrith CBD for a high density mixed use development consistent with Penrith City Council's vision for the CBD.

This report has been prepared in accordance with the Department of Planning Environment's (*Departments Guide to Preparing a Planning Proposal* (October 2012)) and should be read in conjunction with the indicative Urban Design Concept prepared by JBA at **Appendix A** and specialist consultant reports appended to this proposal (refer Table of Contents).

The subject site is identified as a 'key site' under LEP 2010. A maximum height control of 24 metres and a maximum floor space ratio (FSR) control of 3:1 applies to the site under the LEP. This Planning Proposal seeks to amend the LEP to allow the site to be developed to a height and FSR of 82 metres and 6.0:1 provided a number of design excellence criteria are met and the development results in no unacceptable adverse impacts on existing or potential future development on surrounding land.

The proposed LEP amendment is intended to be generally consistent with similar amendments that Council is considering for other key sites within the Penrith CBD.

The Planning Proposal considers the LEP amendment against relevant strategic and statutory planning policies, as well as key environmental, economic and social aspects. It is considered that the potential to increase in height and FSR on the site will facilitate a development that provides a positive contribution to the urban fabric within this part of the Penrith CBD and which will deliver positive social, economic and environmental outcomes.

It is requested that Council consider the Planning Proposal and resolve to send the proposal to a Gateway Determination, in accordance with Section 55 of the *Environmental Planning and Assessment Act, 1979* (EP&A Act).

2.0 Background

On 16 February 2015, an initial meeting was held with Council officers to discuss the potential for increased densities and height to facilitate a mixed use development on the site. A Vision Document (**Appendix B**) was presented to Council officers at this meeting which considered the site's development potential having regard to best-practice urban development outcomes in other centres.

Council officers provided the following feedback in relation to key principles for the site redevelopment:

- the importance of continuing activity (eg. via an 'eat street') along the western part of High Street;
- the intention to relocate John Tipping Grove so that it better relates to the existing traffic circle on High Street, which may be upgraded to a signalised intersection in the future;
- the desire to create linkages to the river to the east;
- the importance of retaining retail and commercial activity within the established town centre.

The Urban Design Concept (**Appendix A**) responds to these principles by relocating John Tipping Grove, as well as limiting the non-residential component to ground floor food and drink premises; small neighbourhood retail premises; office and business premises and a showroom at the Mulgoa Road frontage of the site to the west. It is envisaged that the majority of the site will be developed for residential apartments above ground level to take advantage of the site's excellent access to existing transport, amenity and services.

A follow up meeting was held with Council officers on 9 April 2015 at which Council indicated its 'in principle' support for the proposal and requested that a Planning Proposal be lodged to amend the relevant controls in the LEP.

A preliminary Planning Proposal was submitted to Council in early July 2015. The Planning Proposal sought to:

- amend the LEP height maps to allow a height of 82 metres across the site; and
- amend the LEP FSR maps to allow a maximum FSR of 6.0:1 across the site

in accordance with the Urban Design Concept that has been prepared for the site.

On 30 July 2015 Council officers requested a number of amendments and additional information in relation to the Planning Proposal. **Table 1** below provides a summary of the Council comments, along with how the updated Planning Proposal addresses these concerns.

A further meeting was held with Council officers on 17 August 2015 to discuss the key concepts within the Planning Proposal in greater detail. Council officers suggested that the Planning Proposal be amended to apply a key site clause which permitted additional height and floor space on the site subject to a number of design criteria being satisfied. This is understood to be consistent with similar provisions being applied to other key sites in the Penrith CBD.

This updated Planning Proposal has been amended in response to the recommendations made by Council officers at the meeting on 17 August 2015, and to respond to the requests for additional information made by Council officers on 30 July 2015.

Table 1 – Response to Council Comments

Council Comment	JBA Response
Justification	
The Planning Proposal does not include an assessment of the current controls to demonstrate why they are not appropriate.	Refer Section 7.2.1
No justification has been provided as to why the building height and FSR proposed is more suitable, or rationale as to how these have been developed (i.e. why is 82m the right height to facilitate development of the site?).	Refer Section 7.2.2 and 7.2.3
The proposal states that “the development potential of the site has not been recognised as a result of a number of factors” (page 27). Further explanation of these factors is required.	Refer Section 7.2.1
The proposal states that there will be a mix of building heights and densities across the site, yet the proposed maps indicate that the building height/ FSR will apply to the whole site. This should be explained further or alternatively, another approach taken. It is appreciated that at this stage of the process a certain degree of flexibility is preferred as to the final location of towers, however our preference is not to have the maximum proposed height and FSR apply to the whole of the site. We can discuss this further.	A differing approach is now proposed, refer Section 5.1
Existing Site Context	
Greater consideration is required with regard to the adjoining land uses and analysis of how the proposed building heights respond to the current, emerging and future development character of the area.	Refer Section 3 and Section 7.2.4 and Appendix A.
Whilst the proposal has addressed the transition of height and scale <u>within</u> the site, it does not address how these heights transition to the surrounding building heights. These surrounding sites have maximum heights of 18-20m.	Refer Section 4.2 and Appendix A
The planning proposal must provide greater consideration of the impact of the proposed heights on the existing character of the locality, in addition to the desired future character, in order to demonstrate consistency with the LEP.	Refer Section 4.0 and Section 7.0 in relation to environmental impacts.
There is no visual analysis or discussion around how the proposed building heights impact the future skyline of the city centre as a whole. What does it mean for the future scale of the city centre to have an 82m tower on the outer corner of a gateway site?	Refer Section 7.5. and Appendix A
Overshadowing/Views	
Based on the current proposal, the shadow diagrams indicate overshadowing of both existing development and proposed public areas within the site. While it is acknowledged that there will be shadow impacts associated with development of the site, it would be helpful to have some discussion around how the site has been planned to try and limit these impacts as much as possible.	Refer Section 7.3.2 and Appendix A
Similarly, while the DCP acknowledges that some views will be lost as a result of development of the site, it does mention that views down High Street should be maintained. Similar to the above, it would help to understand how the location of future development will respond to these view corridors, and if not, why this can't be achieved.	Refer Section 7.4 and Appendix A
Economic Analysis	
Greater economic analysis is required with regard to the residential component of the development (i.e. supply/demand within the city centre).	Refer Section 7.8 and Appendix C
There is no mention of feasibility within the proposal. Although not technically a “head of consideration” for a planning proposal, in the local context of Penrith where we are increasingly hearing that the current development controls are stifling development potential, it would be beneficial to have an understanding of how this has impacted the development potential of the site.	Refer Section 7.8 and Appendix C.
Servicing and Infrastructure	
Part 8 of the Planning Proposal must address whether existing infrastructure is adequate to serve or meet the needs of the proposal, as well as addressing how any shortfall in infrastructure provision is to be met. The Planning Proposal should identify that there may be an expected shortfall in service provision, that studies may be required to identify the	Refer Section 7.7 and Appendix D

extent of that shortfall, and the potential mechanism to address potential shortfalls.	
Public Benefit	
There should be greater discussion around the tangible public benefit resulting from the development. For example, the proposal includes the delivery of the new road. It would be helpful to have some more detail around this and any other potential public benefit as a result of the proposal.	Refer Section 7.9.

3.0 Site Context

The site is located in the western part of the Penrith CBD opposite the Council Chambers and administrative building and the Joan Sutherland Performing Arts Centre. It is approximately 200m to the south-west of the Westfield Shopping Centre and 500m from the Penrith Train Station in the north-east. The Nepean River is located approximately 400m to the site's west.

The site's primary frontage is High Street to the north, which is the main east-west activity strip of the Penrith CBD. The site is located at the western junction of this activity strip and is ideally located to provide linkages between the CBD centre to the east and the river to the west. It has secondary street frontages to Mulgoa Road (a major arterial road with high traffic volumes) to the west and Union Street (a local road) to the south.

The site is located in close proximity to a range of essential services including Penrith High School and Nepean Hospital, and both passive and active outdoor recreational areas including Penrith Showgrounds to the south and Woodriff Gardens to the north-west, which contains a tennis complex and gardens. To the west is a large parcel of vacant land zoned SP3 – Tourist. While this land is currently vacant, it does present the opportunity for a future intensification of tourist related land uses in close proximity to the subject site. Further details on the site and surrounding uses are provided below and are discussed in greater detail in the remainder of this Report. A site context map is provided at **Figure 1** below.



- The Site
- ① Penrith Railway Station
- ② Penrith City Council Chambers
- ③ Westfield Shopping Centre
- ④ Joan Sutherland Performing Arts Centre

Figure 1 – Site Context
Source: Nearmap

3.1 Site Details

The site is located at 614 – 652 High Street and 87-91 Union Street, Penrith and is formally described as:

- Lot 10, DP 1162271;
- Lot 1, DP 544302;
- Lot 1-2, DP 1203210;
- Lot 3, DP 242506;
- Lot 12-13, DP717196; and
- Lot 36, DP 731213.

The combined site area is approximately 17,300m². The site is irregular in shape and has a frontage of 230 metres to High Street to the north, 120 metres to Mulgoa Road to the west and 60 metres to Union Road to the South. John Tipping Grove runs north-south through the centre of the site. The eastern boundary of the site adjoins existing commercial and retail uses.

Vehicular access into the site is currently available from High Street, Union Lane and Union Road. The site currently contain a number of isolated buildings, catering to auto retailing and car sales businesses. The remainder of the land is utilised for car parking.

3.2 Key Planning Controls

3.2.1 Penrith LEP 2010

The Penrith LEP 2010 is the primary environmental planning instrument (EPI) applying to the site and surroundings. The key planning controls that apply under the LEP are as follows:

Table 2 – Key LEP Controls

LEP Controls	
Zoning and Permissible Uses	The site is located within a strip of B4 Mixed Use land along High Street in which the following key uses are permitted with consent: ▪ Commercial premises (includes retail and business premises); and ▪ Residential accommodation.
Surrounding Zones	Land on the northern side of High Street is zoned B3 Commercial Core, in which residential uses are not permitted. Land to the south on the opposite side of Union Street is zoned R4 High Density Residential. Land to the west is zoned SP3 Tourist. This zone allows a range of tourist related land uses including recreational facilities, tourist and visitor accommodation and entertainment facilities (see zoning map at Figure 2 below).
Building Height	24 metres (see zoning map extract at Figure 3 below) The land to the north on the opposite side of High Street has a permissible height of 20 metres and the land to the south and east has a permissible height of 18 metres.
FSR	3:1 (see FSR map extract at Figure 4 below)
Relevant Acquisition Authority	Land to the south of Union Lane has been earmarked for local road widening (SP2), with Council nominated as the acquisition authority. This land forms part of the subject site and will be utilised to provide access into the development.
Active Street Frontages	High Street is required to have an active street frontage. A building is considered to have an active street frontage, <i>'if all premises on the ground floor of the building facing the street are used for the purposes of business premises or retail premises.'</i>

Design Excellence

The subject site is identified as a key site. An Architectural Design Competition may be required to be held prior to the approval of any Development Application, unless an exemption is obtained.

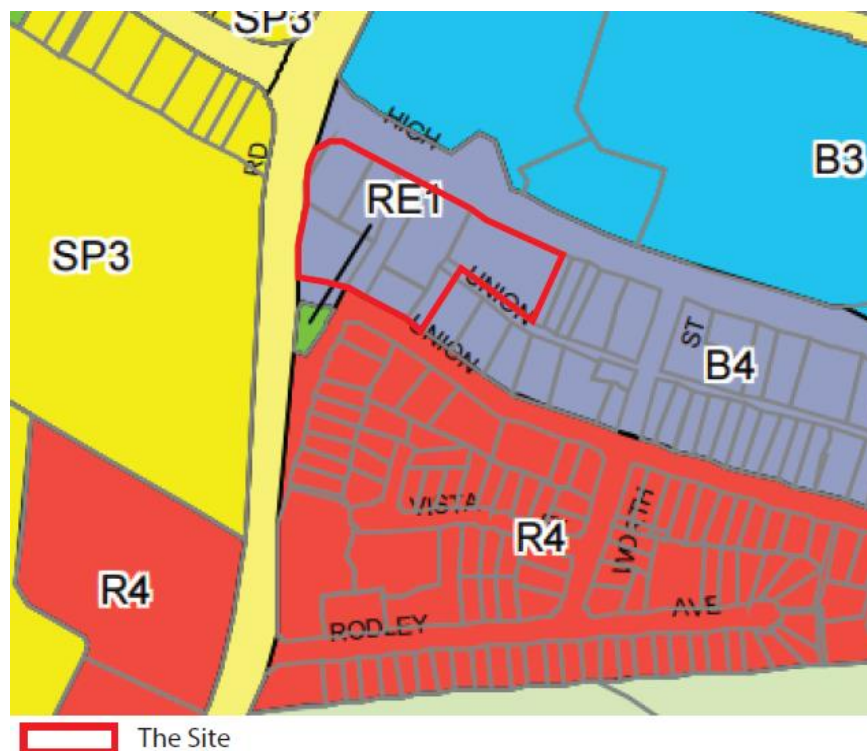


Figure 2 – Zoning Map Extract
Source: Penrith LEP 2010

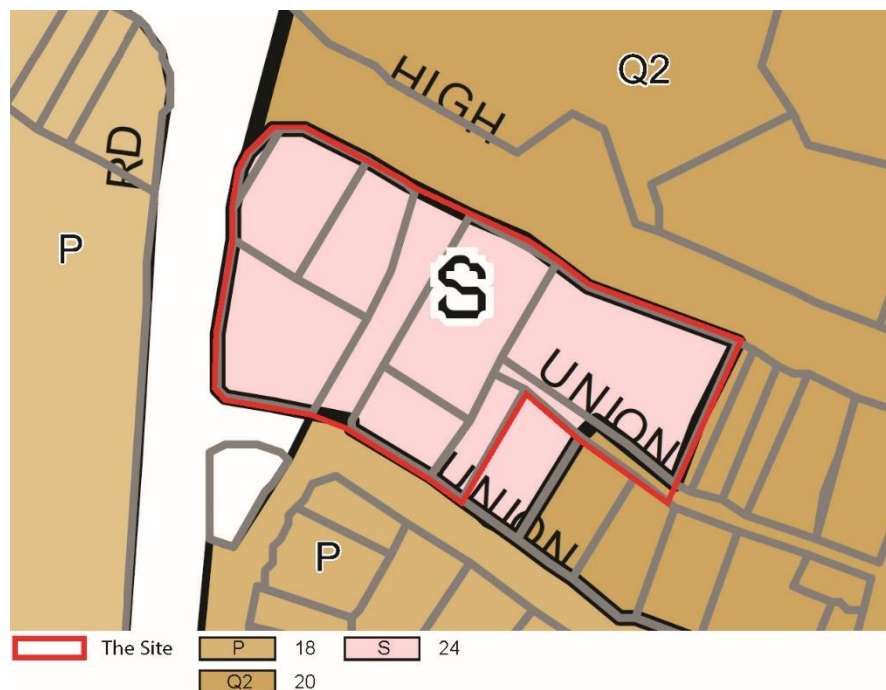


Figure 3 – Height Map Extract
Source: Penrith LEP 2010

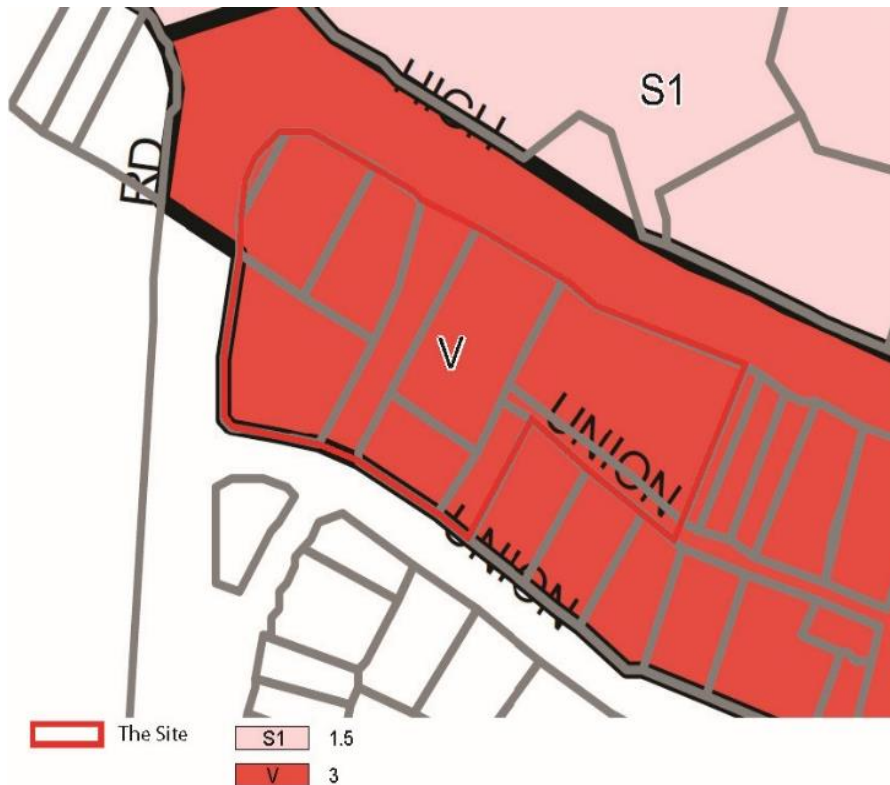


Figure 4 – FSR Map Extract
Source: Penrith LEP 2010

3.2.2 Penrith Development Control Plan 2014

City Centre Vision

The Penrith Development Control Plan 2014 (DCP) contains general controls for the whole Penrith local government area (LGA), as well as site-specific controls for the Penrith City Centre in Part E. The site occupies a significant portion of the City West character precinct, which has been designated for mixed use development as detailed in the DCP extract below:

“This area should be redeveloped, primarily as a high density residential precinct that will complement and bring additional activity to the adjoining civic and cultural precinct. It is envisaged that this area develop a live-work environment, which is promoted through the design and layout of residential buildings, and the location of compatible commercial and retail uses at the street level of such buildings.

This precinct currently enjoys unobstructed views of the Blue Mountains escarpment. It is acknowledged that redevelopment will result in loss of such views however, where view corridors can be reasonably maintained from High Street, then the views should be retained.

There is an opportunity to locate an urban space in this precinct that affords an “eat street” environment with connection to the adjoining civic and cultural precinct.”

The DCP clearly envisages the redevelopment of the subject site to enable urban renewal and growth. The purpose of this Planning Proposal is to amend the underlying planning controls which apply to the site to enable the creation of landmark development that signifies the importance of the Penrith CBD in Sydney’s regional hierarchy.

The subject site is also identified as a ‘Special Area’. The Precinct 1 Special Area, of which the subject site forms part of, establishes a number of principles and outcomes

for the locality. In particular, the development of the site must adhere to the following design principles:

- '1) Rationalise the existing pattern of land ownership.*
- 2) Relocate redundant public street to provide north-south connectivity and active 'eat street' adjoining the Civic and Cultural Precinct.*
- 3) Provide high quality and activity public domain interface with new and existing public streets.'*

The development of the subject site in the manner proposed seeks to achieve these objectives by providing a co-ordinated approach to the planning of a significant number of individual allotments and providing a new north-south 'eat street'. The intent of the urban design concept to improve the public domain interface is also clearly documented in the urban design concepts for the site.

The DCP also contains a number of clearly articulated desired outcomes. It is considered that the Planning Proposal will allow these outcomes to be achieved through:

- Closing John Tipping Grove between High Street and Union Road;
- Creating a new public street providing a direct connection from the existing intersections to the north on High Street;
- Extending Union Lane to provide additional connectivity through the site;
- Consolidating land titles to allow the co-ordinated and orderly development of land;
- Allowing the activation of High Street and the new 'eat street'; and
- Building to the street alignment to contribute to the activation of the City Centre.

It is noted that the DCP also calls for a new signalised intersection controls on the corner of High Street and the new eat street. This can be discussed with Council as part of the development outcomes for the site and the attributed public benefit of these works.

It is considered that the Planning Proposal will contribute to achieving the broad principles and desired outcomes for the City Centre within the DCP.

Riverlink Precinct

Land to the west of the subject site on the opposite side of Mulgoa Road is nominated within the Riverlink Precinct in the DCP. Understanding the future vision for this land is important in the context of the future development of the subject site and the surrounding locality. The Riverlink Precinct nominates the site opposite the subject land as the 'River Gateway Sub-precinct' and demonstrates how the site can contribute to reconnecting the City Centre with the River. The amenity generated by proximity to the River cannot be underestimated in the context of the future development of the subject site.

In this respect, the 'River Gateway Sub-precinct' in the DCP, 'proposes the re-visioning of public transport, stronger pedestrian and cycling networks, green spaces and a pedestrian bridge. In addition, there has been identified a community desire for an activated river frontage, as well as a strategic mix of indoor and outdoor areas which encourage people of all ages to come together to build a sense of community.'

We note that some of the key controls for this Precinct are to:

- Provide a transition from the City Centre to the Nepean River;
- Provide an active edge to high street and continue High Street to the water;
- Ensure landmark and gateway locations have buildings that demonstrate architectural excellence; and

- Mass development to the High Street corners at Mulgoa Road to mark the City Centre Western Gateway.

The subject site has the ability to contribute to the activation of the High Street frontage as well as the development of the City Centre western gateway.

3.3 Surrounding Development

Land uses and development surrounding the site comprises a mix of residential, commercial and retail uses, and open space and include:

- Penrith Westfield Shopping Centre is located some 200m to the north-east and contains a Department Store, Mini Majors, Supermarkets and specialty retail;
- Retail and commercial premises are located along the length of High Street (between Mulgoa Road in the west and Colless Street to the east) forming the traditional retail street of Penrith;
- Community and civic uses associated with the Joan Sutherland Performing Arts Centre and Council offices on the northern side of High Street;
- Significant at grade parking areas along the rear of the main retail precincts, particularly along Union Lane and the railway line;
- Land on the southern side of Union Road has been zoned for high density residential housing. A number of 3-4 storey residential flat buildings and villas have been constructed which are below the LEP height limit in this location (18 metres);
- The site immediately adjoining the subject site on Union Road is currently being developed for the purpose of a residential flat building; and
- Land to the west is zoned for Tourist related purposes and is to act as a transitional area between the City Centre and the River and improve pedestrian connectivity. The land has been identified as being suitable to accommodate heights up to 15 storeys.

Photographs of the site and surrounds are provided as **Figures 5 to 8** below.



Figure 5 – High Street looking east
Source: Google Images



Figure 6 – High Street looking west
Source: JBA



Figure 7 – Mulgoa Road looking north
Source: JBA



Figure 8 – Union Road looking east
Source: JBA

3.4 Surrounding Transport Network

The Planning Proposal aims to capitalise on the site's proximity to excellent transport networks. Penrith Railway Station enables connectivity to key employment destinations within Sydney along the City Rail network.

Notably, Penrith is connected via the heavy rail network with express services to the following employment centres:

- Blacktown City Centre – approximately 20 minutes;
- Parramatta CBD – approximately 30 minutes; and
- Sydney CBD - approximately 50 minutes.

While the employment opportunities within Penrith City Centre are recognised, the ability for future residents to access nearby employment Centres is an important consideration. Increasing the residential density in close proximity to the railway station aims to reduce reliance on vehicles and provide further opportunities to strengthen the commercial and retail core of the Penrith City Centre.

Mulgoa Road provides direct access to the M4 Motorway and Great Western Highway. It is noted that plans to widen Mulgoa Road have been mooted by Council as a mechanism to improve access into the City Centre, although it is understood that no funding for this project has been allocated.

3.5 Constraints and Opportunities

The site benefits from the following opportunities:

- The site is ideally located at the western gateway entrance to the Penrith CBD and is therefore suitable for a landmark high density development;
- The site is ideally located within walking distance of existing retail shops, community facilities, open space and public transport. The delivery of additional housing and employment-generating floor space in this location is consistent with Council and State-government objectives to deliver these uses in close proximity to existing transport infrastructure and services;
- The site is well-positioned to activate the western end of the CBD and complete the lineal frontage of High Street to provide a desirable connection between Penrith CBD and the recreational areas and Nepean River to the west; and

- The redevelopment of the site provides an opportunity for re-alignment of John Tipping Grove and the creation of an 'eat street', consistent with Council's vision for the area.

The site is considered to have the following constraints:

- Mulgoa Road presents a potential constraint to the site's redevelopment for mixed use purposes due to the high volume of traffic along this road. However, the proposal to locate a showroom facility at this frontage appropriate addresses this constraint and provides a buffer to residential uses above and behind the Mulgoa Road ground floor frontage.
- The need to retain the alignment of John Tipping Grove and not develop within this area due to the extent of existing services in this location.

The development potential of surrounding land is discussed further in **Section 7** of this Report.

4.0 Indicative Scheme

The Urban Design Concept at **Appendix A** provides an indicative mixed use scheme consistent with the vision for the site which proposes an increase in FSR and height. This indicative scheme is described below. It reflects the desired built form outcome for the site having regard to the particular site constraints and opportunities. However, some elements are likely to be varied and improved as part of a development application which will be lodged after the Planning Proposal and as part of the proposed Design Excellence process.

The following sections of this report outline the key principles and development standards that are envisaged for the site. In presenting this indicative scheme, it is anticipated that the design excellence process may result in a differing built form outcome, however, it is recognised that the Urban Design principles, which have been derived as a result of a robust urban design analysis, remain sound.

4.1 Urban Design Principles

The indicative scheme for the site seeks to:

- Deliver additional residential accommodation and appropriate non-residential uses in close proximity to existing services and transport;
- Continue activity along High Street from the east;
- Complete an important component of the Penrith CBD through the development of a highly underutilised, but visually prominent site;
- Take advantage of the prominent location and provide a gateway into the CBD through reinforcement of major road intersections;
- Create a development that responds to the importance of the Penrith CBD on a regional scale;
- Provide a mixed use development that does not affect the viability of existing retail and commercial functions within the CBD;
- Provide an appropriate buffer to Mulgoa Road to the west;
- Provide the opportunity for future pedestrian connections to the open space and the Nepean River to the west;
- Increase permeability through the site through the creation of both pedestrian and vehicular through site links;
- Relocate John Tipping Grove consistent with Council's vision for this area; and
- Create an Eat Street to activate the precinct.

Based on the above design intent, the urban design analysis has identified the following Master plan principles for the site:

1. *Separate the buildings in a North-South direction using eat street and The Grove.*
2. *Separate the Site in an East-West direction from Union Square and public space extensions from it.*
3. *Define the character of The Grove as a gardenesque place of repose.*
4. *Define the character of Eat Street as a vibrant pedestrian street.*
5. *Create active street frontages.*
6. *Locate high-rise buildings in pairs; define their architecture as similar and complimentary but aesthetically different' (JBA, 2015)*

4.2 Building Heights

A mix of building heights are proposed within the indicative scheme, ranging from 4 storeys to 25 storeys and characterised by a 2 storey commercial podium with residential land uses above (see **Figure 9**).

It is proposed that the towers along the southern boundary are tiered, with heights increasing from 2, through to 4, 8 and 16 storeys to create an appropriate interface with the R4 High Density Residential zone and reduce shadow impacts. Heights are proposed to increase up to 20 storeys to frame the frontages to Mulgoa Road and High Street along this southern boundary. The highest point – 25 storeys – is proposed at the gateway intersection of Mulgoa Road and High Street.

Along the High Street frontage a mix of building heights are again suggested, with a strong 2 storey podium designed to frame the key pedestrian link between the City Centre and the River and activate the street edge, as discussed in **Section 4.4** below.

Heights cascade along the High Street frontage from 25 storeys at the corner of Mulgoa Road and High Street, with 5 individual residential flat buildings stepping across the site to create an appropriate interface with the adjoining site of 16 storeys and a further reduction in height at the eastern interface of a 2 storey podium with increased setbacks to the tower form.

The building heights are intended to reinforce the importance of Penrith City Centre in a regional context, enabling the creation of mixed use precinct to boost the residential population and aid in the activation of the City and public domain.

The building form is proposed to capitalise on the unique setting of the site with excellent proximity to both the natural environment (encapsulating views and proximity to the Nepean River and views to the Blue Mountains) and built environment (Penrith City Centre and access to amenities and services).

The achievement of the proposed maximum building height of 82 metres will be subject to the demonstration of design excellence and will not be achieved across the whole site, rather, this is a maximum height limit proposed to achieve an urban design outcome, which must be assessed in the context of the potential for growth in Penrith.

While it is recognised that there is a significant difference between the existing height control of 24 metres and the proposed height limit of 82 metres, it is considered that within this key site, there is significant urban design justification to warrant consideration of the additional height.



Figure 9 – Indicative Scheme with Building Heights
Source: JBA

4.3 Floor Space Ratio

In order to facilitate the proposed building heights, and generate a density that is relevant and suitable for the City Centre location, an FSR cap of 6.0:1 is proposed within the site, subject to achievement of the criteria set out in the new key site clause within the LEP. This FSR will enable the achievement of the proposed building heights and the achievement of the urban design principles.

The FSR is greater than that found in the remainder of the City Centre in order to realise the vision to create a mixed use precinct that establishes an important entry into the City Centre. Further, the proposed FSR is required to ensure the economic feasibility of the proposed development, as will be discussed in this Report.

The existing John Tipping Grove is excluded from the FSR calculation as it is not part of the site area, however, this is offset through the inclusion of Eat Street in the FSR calculation.

Figure 10 demonstrates a perspective view of the proposed development from the south-west. Further views and perspectives are provided in the Urban Design Report at **Appendix A**. This perspective demonstrates a possible built form outcome and the distribution and massing of floor space across the site. It is noted that the building envelopes provided are 20% larger than what the built form outcome would represent to allow for building articulation and detailed design at the DA stage.

Further discussion with regard to the relationship of this development outcome with the surrounding land uses is provided in later sections of this Report.



Figure 10 – Indicative envelope massing North-east view
Source: JBA

4.4 Ground Floor Uses & Activation

An important element of the urban design concept is the introduction of ground floor uses at the street level throughout the site, as envisaged under the existing planning controls. The concept plan introduces a new street network which addresses High Street, as required by the LEP, but also introduces activation along the new Eat Street and the new pedestrian plaza referred to as 'The Grove'. Eat Street and The Grove are proposed to be linked by an appropriately scaled public plaza, referred to as 'Union Square.' The ground floor uses and intended street activation are demonstrated in **Figure 11** and **12** respectively.

The ground floor uses include the provision of showroom/retail uses along the Mulgoa Road frontage, which also wraps around the High Street and Union Street frontage to the interface with The Grove. These retail and showroom uses will have a larger retail floorplate which is appropriate for the main road interface.

It is intended that the scale and functionality of the retail floorspaces along The Grove and Eat Street will be more pedestrian orientated, with a finer grain of retail opportunities to further activate the adjoining spaces and provide opportunities for restaurants and cafes to develop. The Grove is also designed to have a frontage of residences to transition this precinct into a more subdued and residentially orientated environment. **Figure 13** demonstrates a montage of a potential development outcome for Eat Street, showing a highly pedestrianised thoroughfare with wide footpaths (refer section at **Figure 14**).

Commercial uses are proposed along the High Street frontage between Eat Street and the adjoining land to the east. Again, these commercial premises are intended to provide a fine network of street frontages to activate the adjoining spaces and create a link between the traditional retail offering within the retail core of Penrith and the subject land.

Activation of the street frontages and the public domain within the site will create opportunities to connect the site with the adjoining landuses and create a further hub of activity within the City Centre. While the dominant land use within the site will be residential, the activation of the street frontage through the provision of ground floor commercial uses is seen as an important component of the urban design concept as it will:

- Provide opportunity to enhance the night-time economy of Penrith;

- Provide an important connection to the adjoining cultural precincts;
- Support the residential land uses within the site; and
- Create pedestrian friendly spaces for residents and visitors of the City Centre to enjoy.

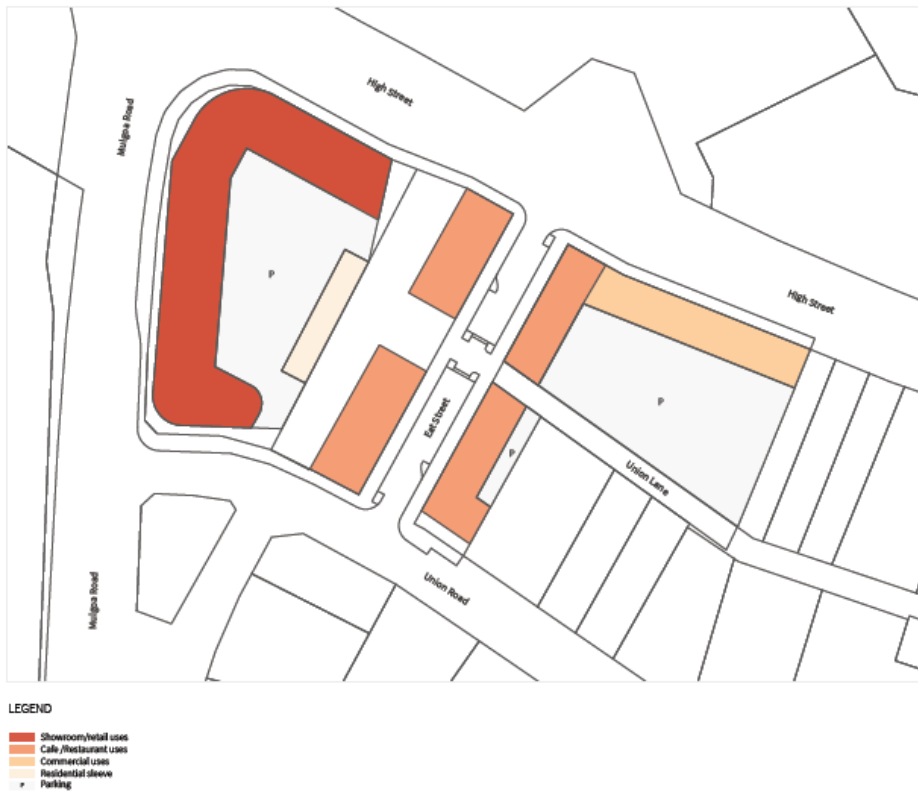


Figure 11 – Ground Floor Uses
Source: JBA



Figure 12 – Street Activation – Proposed Active Frontages, awnings and access
Source: JBA



Figure 13 – Visualisation of Eat Street, looking north
Source: JBA



Figure 14 – Indicative Eat Street Cross Section
Source: JBA

4.5 Public Domain & Landscaping

The urban design concept proposes a number of public domain elements which reflect the diverse range of ground floor uses proposed within the site (see **Figure 13** below). As previously discussed, the creation of Eat Street, Union Square and The Grove will provide a variety of public domain elements within the site.

Union Lane is proposed to be extended to connect with Eat Street to further improve connectivity within the City Centre.

Setbacks have been nominated for the site which reflect the intended land uses (refer **Figure 15**). A landscaped edge is provided to Mulgoa Road, while still enabling activation of the street frontage.

The setbacks to the remainder of the site reflect the intent to activate the street frontage. Upper level setbacks have been design to create a ground floor podium and an appropriate interface with adjoining buildings.

The creation of public domain and appropriate setbacks within the site is key to the achievement of the master plan principles provided in the Indicative Scheme.



Figure 15 – Public Domain
Source: JBA



Figure 16 – Indicative Setbacks
Source: JBA

5.0 Proposed LEP Amendments

5.1 Key Site Clause

It is proposed to insert a new clause into Penrith LEP 2010 to facilitate a design excellence process for the subject site. The proposed new clause is provided below.

8.4B Exceptions to Development Standards on Certain Key Sites

- (1) *The objective of this clause is to encourage the development of key sites to facilitate better built form and urban design.*
- (2) *This clause applies to Key Site 3 and Key Site 10 identified on the Key Sites Map.*
- (3) *Despite clauses 4.3 and 4.4, development consent may be granted on land to which this clause applies that results in a floor space ratio that does not exceed 6.0:1 and a building height that does not exceed 82m if:*
 - (a) *the consent authority is satisfied that the development to which this clause applies exhibits design excellence, having regard to the matters set out in subclause 8.4(2) of this Plan; and*
 - (b) *an architectural design competition has been held for the development in accordance with subclause 8.4(3) of this Plan, or the Director-General has certified in writing that the development is one for which an architectural design competition is not required in accordance with subclause 8.4(4) of this Plan.*
- (4) *Development consent must not be granted to development on land to which this clause applies, unless the consent authority is satisfied:*
 - (a) *the building form and scale at property boundaries achieve acceptable amenity outcomes, to adjoining land and buildings,*
 - (b) *the building form provides adequate landscape setback to lower scale built forms,*
 - (c) *a transition in building scale is achieved at property boundaries, and zone interface,*
 - (d) *the development has regard to the existing and desired future character of the area in terms of bulk and scale, and*
 - (e) *the objectives of clause 8.4B have been met.*
- (5) *Subclause 8.4(5) of this Plan does not apply to development to which this clause applies.*

The purpose of this Clause is to facilitate a design excellence process for the subject site. The proposed FSR and Height limit are discussed in greater detail below.

6.0 Strategic and Statutory Planning Framework

This chapter outlines the strategic and statutory planning framework within which the development outcomes for the land have been considered.

6.1 Strategic Planning Policies

The following strategic planning documents are relevant to the Planning Proposal.

6.1.1 A Plan for Growing Sydney

'A Plan for Growing Sydney' (the Metropolitan Plan) was released in December 2014 and is the current strategic plan for the Sydney metropolitan area and is intended to guide land use development in Sydney over the next 20 years.

The Plan recognises the need to enable the future population to move more easily between home and their place of work, and make a wider variety of housing available to suit the changing demographics of the population. It highlights the importance of ensuring Penrith continues to grow as a Regional City Centre.

Table 3 below provides an assessment of the relevant components of 'A Plan for Growing Sydney' as it relates to the subject Planning Proposal. It is considered that the Planning Proposal is consistent with the broad objectives of the Plan.

Table 3 – Consistency of Planning Proposal with A Plan for Growing Sydney

Goal/ Direction/Action	Comment
Goal 1: Sydney's Competitive Economy	The development of a significant, underutilised portion of the Penrith City Centre in a manner which showcases Penrith as a Regional Centre and complements the existing retail and commercial functions of the CBD, is consistent with this Goal.
Direction 1.4 – Transform the productivity of Western Sydney through growth and investment.	Penrith CBD is identified as a 'Regional City Centre' in the Plan. The Metropolitan Plan recognises the need to create jobs close to centres and transport and reduce commuting times. The aim of this Planning Proposal is to enable the creation of a landmark development within the CBD which showcases Penrith as a Regional City Centre.
Direction 1.7: Grow strategic centres – providing more jobs close to home	Penrith is also recognised as a 'Strategic Centre' in the Plan – the largest and most important hubs for business and employment. The site presents a unique opportunity to develop over 17,000m ² of strategically located land within the Penrith Strategic Centre to create jobs and housing opportunities for a future population, which can also provide support existing retail and commercial functions, as well as proposed tourist facilities on the western side of Mulgoa Road. The Metropolitan Plan recognises the benefits of proximity in generating 'economic density', which is important for productivity as it, 'fosters innovation, improves efficiency and economies of scale and supports faster growth than if economic activity is dispersed across a wider area.' This is considered to be particularly important in Penrith due to the relatively isolated nature of this Regional Centre (as opposed to strategic centres in the eastern part of Metropolitan Sydney, which occur more regularly across the landscape) and the growing population that Penrith is required to service.
Action 1.7.1 Invest in strategic centres across Sydney to grow jobs and housing and create vibrant hubs of activity	The Planning Proposal seeks to achieve this action through the creation of activated street frontages, increased population and increased employment opportunities. It is considered that the proposed investment in the site will contribute to the achievement of this Action.
Action 1.7.4 Continue to grow Penrith, Liverpool and Campbelltown-Macarthur as Regional City Centres supporting their surrounding communities	The opportunity to develop a significant portion of the Penrith CBD is considered an important element in achieving this Action. A holistically designed development that looks to reshape the traditional development outcomes within the Penrith CBD and provide a landmark which is consistent with the aims of the Metropolitan Strategy through the creation of jobs and housing is considered appropriate for the site and the significance of Penrith in the regional hierarchy of centres.

Action 1.8 Enhance linkages to regional NSW	Penrith has traditionally served as an important link between Sydney and the Blue Mountains and beyond. The Metropolitan Strategy also recognises the importance of the regional connection between Penrith and Lithgow (and beyond).
Goal 2: Sydney's housing choices	Sydney is currently facing a housing supply crisis unless more homes are provided in both greenfield locations and established urban areas. Localities surrounding Penrith CBD are undergoing significant greenfield development and in this regard, the Penrith CBD is vital to supporting this growing population. The Study prepared by JBA at Appendix C demonstrates a need to increase supply of apartment dwelling typologies within the Penrith CBD. There is also opportunity to grow the residential population to support the commercial and retail core and reduce pressure on greenfield locations. The Planning Proposal seeks to improve the commercial and food related retail functions within the site, as well as provide opportunity for residential development in a mixed use setting. This is considered appropriate for the site.
Direction 2.1 – Accelerate housing supply across Sydney	The Planning Proposal increase the development potential on the site and allow for the delivery of more residential accommodation with a mix of apartment sizes in close proximity to transport and services. This is considered to be consistent with the Goal of accelerating housing supply across Sydney, along with the variety of housing offered, to promote choice.
Action 2.1.1: Accelerate housing supply and local housing choices	The site is suitable for urban renewal as Penrith is a Strategic Centre that is close to jobs and public transport.
Direction 2.2 – Accelerate urban renewal across Sydney – providing homes closer to jobs	The subject site enjoys connections to the Parramatta and Sydney CBD through the heavy rail network. This Direction recognises that additional housing can stimulate new communities and the subject Planning Proposal is intended to allow residential land uses on a site that is highly suitable for renewal and will improve the overall attractiveness and viability of Penrith as a Regional CBD.
Direction 2.3: Improve housing choice to suite different needs and lifestyles	This Direction recognises that Sydney's population is changing. Penrith is traditionally recognised as a locality dominated by detached housing, however, there are a number of residential flat buildings in close proximity to the City Centre. The development of the site consistent with the vision set out in this Planning Proposal will further contribute to the availability of housing choice.
Goal 3: Sydney's great places to live	The introduction of an 'eat street', and commercial functions to the site will diversify and enhance the service offering within the Penrith CBD. The introduction of a mix of public and private spaces, supporting land uses that will function day and night, is considered suitable for the site and will revitalise a significant area within the CBD.
Goal 4: Sydney's sustainable and resilient environment	The Planning Proposal will deliver additional housing and employment-generating floor space in close proximity to existing transport and services. It will also provide for the revitalisation and appropriate development of a currently under-utilised site. This is a sustainable development outcome. Detail design will be provided at the Development Application stage, which will demonstrate how the proposal will satisfy sustainability objectives and requirements.
Sydney's Subregions	Subregional strategies have not yet been released to demonstrate how the targets within the Plan for Growing Sydney will be achieved. The subject site lies within the West Subregion. The priorities for this sub-region are addressed below: ■ The identification of suitable locations for housing and employment around established centres and key public transport corridors. The site is ideally placed for renewal based on these criteria; and ■ revitalise the existing centre of Penrith and promote housing supply, and affordability. The priorities for Penrith are to work with the Council to: ■ Retain a commercial core in Penrith as required for long-term employment growth; ■ Provide capacity for additional mixed use development in Penrith including offices, retail, services and housing; and ■ Improve walking and cycling connections between Penrith and the Nepean River.' The Planning Proposal will enable the achievement of these priorities for Penrith.

6.1.2 Penrith Progression – A Plan for Action

The Penrith Progression Plan for Action was launched on 26 February 2015. Penrith Progression is an initiative of Penrith City Council and the Penrith Business Alliance which aims to transform the Penrith City Centre. Penrith Progression establishes a Vision for the City Centre which is:

- *'Building a bustling City Centre that's a pleasure to walk and get around;*
- *Making inner city living a reality and business in the City Centre easy;*
- *Connecting our River to the City Centre;*
- *Creating a vibrant colourful outdoor life;*
- *Adopting fresh ideas, projects and partnerships, helping us grow and prosper; and*
- *Delivering jobs for the future.'* (Penrith Progressions Plan for Action 2015)

The Planning Proposal aims to help achieve this Vision for the Penrith City Centre through the revitalisation of a key site within the City Centre that will deliver jobs, create active and vibrant pedestrian orientated spaces and increase the City Centre residential population. The Plan for Action calls for the City Centre to have a population of 10,000 to support traditional City Centre functions, create housing diversity and contribute to the development of a safe and vibrant night time economy.

The Plan for Action contains five outcomes for the City Centre. Each of these are addressed below, along with a brief description:

1. Economy – to create jobs of the future, attract strategic investment and understand local talent to create local jobs for the entertainment, leisure and retail sectors.
2. Green spaces – to capitalise on the natural beauty of Penrith and create new green spaces within the City Centre to make Penrith a destination of choice to live, work, play and invest.
3. Social and cultural – Foster diversity and value family and community. Be open to new ideas, new people and new cultural expression.
4. Built form – Penrith is branding itself as the New West. Ensure the City Centre becomes more compact and smarter in its design and use of space as it grows. Encourage green buildings, green walls and green streets.
5. Transport – Ensure the City Centre is permeable and pedestrian friendly. Connect the City Centre to the river. Parking should not dominate the City Centre.

The Planning Proposal enables the creation of an 'eat street' in the CBD as well as a range of other suitable non-residential uses that are not intended to impact on the viability of the established Penrith commercial core. In this regard, it will contribute to the vibrant economy of Penrith and create spaces to gather and connect. In addition, the increased capacity for the site to deliver of residential accommodation will support City Centre functions and importantly, significantly contribute to boosting the population, in line with the Actions in this Plan.

Underpinning the Vision and desired outcomes for the City Centre are a series of delivery actions that establish 6 targeted city places, 6 opportunity precincts and 9 City shaping elements that will drive the Plan for Action. Penrith City Centre has been broken down into layers and places, with the subject site being located within the 'Culture + Community' place and on the edge of the 'Civic + Retail' place as shown in **Figure 17**.



Figure 17 – Extract from Progressive Penrith
Source: *Progressive Penrith A Plan for Action*

The Culture + Community City Place is intended to form a link from the Nepean River to the Penrith City Centre. The intersection of Mulgoa Road and the Great Western Highway (High Street) is identified as a 'Gateway' into the City Centre. The Plan for Action recognises the *'opportunities to develop high quality housing options, including resort style living, as well as commercial uses.'* The ability to develop tourist related land uses within this locality, to connect the CBD and the River, is also recognised.

The Civic + Retail City Place is intended to complement the Central Hub and Westfield Penrith and Nepean Shopping Centres with, *'opportunities for housing, retail and dining (daytime and evening).'* It is considered that the Planning Proposal embodies this objective through the creation of an 'eat street', the activation of City streets and the increased capacity to deliver residential accommodation.

The subject site is located within an 'opportunity precinct' known as 'Community, Culture + Civic.' While these opportunity precincts focus on government owned land, the subject site represents a significant land holding within the City Centre, the redevelopment of which will facilitate achieving the vision for Penrith City Centre. The purpose of this Planning Proposal is to ensure that the underlying land use controls reflect the importance of this site in the context of the City Centre and encourage a development outcome that will achieve the Vision.

The 9 City Shaping elements exist throughout the City Centre and are referred to as, *'themes to be applied to all growth and development to maintain consistency and unification of the City landscape.'* Each of the 9 elements are supported by a series of actions. Actions that are considered relevant to the Planning Proposal are addressed in **Table 4**.

Table 4 – Consistency of Planning Proposal with Penrith Progression City Shaping Elements

Element and Actions	Comment
Creative Economy - The balance of key urban influences such as culture, economic and social growth is crucial in developing a 'globalised knowledge economy.' - Target the 15-35 year old demographic through the provision of vibrant urban living and adventure options.	The proposed development will target the 18-35 demographic through the creation of an 'eat street' and new housing opportunities in close proximity to transport, sporting facilities and retail amenities.
Active City - Create employment opportunities through active 24/7 food and entertainment activities. - A safe city centre promotes walkability, benefiting mixed use development. - As the city centre grows, capacity will emerge to host outdoor festivals and events.	The proposed development will contribute to the activation of the City streets with ground floor retail. Further, additional population will support the night time economy. The urban design concept promotes the creation of spaces that are capable of supporting community events.

Retain Urban Growth in the City Centre by identifying the next site for it to develop another City-shaping living village	The subject site has the potential to be a City-shaping living village.
Create 'eat street' sectors along High and Riley Streets, and encourage development of 'eat street' sectors in other Precincts	The Planning Proposal will facilitate the development of an 'eat street' within the subject site.
Promote high-density development on accessible sites that support sustainable travel options (walk, cycle, public transport)	It is considered that the site is highly suitable for high-density development.
Build the identity of the City Centre as a liveable and desirable place	The site is currently underutilised and does not contribute positively to the creation of a liveable City. The regeneration of the site in the manner proposed will create opportunities for the enhancement of the City Centre and enhance an important link between the CBD, the Hawkesbury River and potential development to the west.
'Bring the River' into the City Centre public spaces and buildings (including lighting, design elements, water play, water features etc)	This concept can be integrated into the detail design of the site. The site provides a good opportunity for a development with linkages to the River to the west.
Smart Growth & Green Buildings ▪ New developments will have opportunities to implement 'smart growth' mechanisms actively increasing sustainability and liability of the area. ▪ Demand has grown for green buildings from commercial tenants given the potential return on this investment.	The detailed design of the subject site will incorporate mechanisms to promote green buildings.
Review planning controls for the signature sites to encourage quality sustainable development of a mature Regional City scale	It is considered the subject site is a signature site within the City Centre. Urban consolidation and increasing residential populations in City Centres is a positive outcome for the Regional City. This Planning Proposal aims to increase the height and FSR through a design excellence process to enable development of a scale that is suited to the City Centre location.
Review the Floor Space Ratio (FSR) to achieve better urban design outcomes and scale of development for the City Centre	The subject Planning Proposal seeks an increase to the FSR through a design excellence process to achieve a better urban design outcome for the site.
Encourage new and refurbished buildings to contribute to a landscaped, cooler and more sustainable City Centre through design responses including shade trees, water features, rooftop and vertical gardens	There is scope and potential within the proposed urban design concept to realise this outcome for the site.
Bridges, Boulevards & Gateway ▪ Investment in public infrastructure increases accessibility to the city centre. A new pedestrian and cycle bridge is proposed to cross the Nepean River and link through to Main Street and the subject site.	The subject site has a primary frontage to High Street which links the Penrith Retail Core and the River. The street frontage must therefore be activated and interesting, which is proposed to be achieved through the Planning Proposal and the subsequent Design Excellence process.
Define the City Centre's eastern and western High Street gateways with distinctive and innovative buildings or places	The intent of this Planning Proposal is to recognise the importance of this Gateway site and establish a Planning Framework to realise the contribution the site can make towards the growth of Penrith City Centre.
Create High and Station Streets as landscaped and cool 'completed streets'	The development of the subject site consistent with the Planning Proposal will enable the completion of the western segment of High Street with appropriately tall buildings framing the street. The street will be landscaped in accordance with its urban setting as part of any future development.

River Activation Promoting Penrith's built and natural assets will enhance both economic and social activity.	The site has excellent access to the River, providing a high level of amenity for future residents.
Connect and activate the Great River Walk, and the pathway along High Street, into the City Centre	The proposed development of the site will activate the pedestrian pathway along High Street, into the City Centre.
Green Grid The aesthetic quality of the City Centre influences the likelihood of interaction and activity within the space.	The Urban Design Concept for the site includes the development of green spaces within the public domain to encourage interaction and activity.
Strengthen and landscape pathway links between the City Centre's public squares, parks and spaces.	The development of the site will contribute to the landscaped pathway links within the City Centre.
Encourage public spaces and permeability in and around new developments	The proposed development of the site will increase permeability through the subject site through the creation of new roads and pedestrian pathways.
City Transit - Connectivity to the area will promote mixed-use investment opportunity as the City Centre will have the resources to support and sustain future growth. - Increased access will provide greater employment opportunities as commercial and retail space emerges.	The subject site enjoys excellent access to Penrith Station.
Plan new roads and pathways to improve legibility and permeability, and strengthen the pedestrian network	New roads and pathways are incorporated into the Planning Proposal which will improve connectivity within the City Centre and provide new pedestrian and vehicular links.
Manage and prioritise central parking to balance the needs of shoppers, workers, and commuters	The Traffic and Transport Report submitted with the Planning Proposal recommends parking levels that are appropriate for the site.
Infrastructure Additional roads and laneways will improve pedestrian and traffic access	The creation of new roads and pedestrian pathways will contribute towards the creation of new infrastructure for the City Centre. Importantly, the mixed use development is intended to reduce reliance on vehicles and encourage the use of public transport, and local amenities by residents. An infrastructure report has been provided at Appendix D .
City Economy - Potential agglomerated economies as technological, manufacturing and construction services look to co-locate with partnering businesses. - Mixed use development becomes a feasible option as the Western Sydney Airport plans come to fruition	The proposed mixed use development is appropriate for the subject site as it will support the growth of existing retail and commercial sectors within Penrith, while also creating new opportunities for growth. Documentation of the feasibility of the existing development controls has been provided at Appendix C and it has been demonstrated that without uplift on the site, it is likely that the site will remain dormant due to economic constraints.

The delivery of the Penrith Progression Action Plan will occur over time. The development of the subject site consistent with the Planning Proposal can contribute significantly to the Penrith Progression framework through the creation of a new place within the Penrith City Centre, and supporting the 9 key City Shaping elements.

It is considered that the proposed heights and FSR are consistent with the strategic direction within the Action Plan, particularly with regard to ensuring that the site recognises the ability to create an appropriate Gateway into the western end of the City Centre and promote design excellence.

6.1.3 Penrith City Centre Plan 2007

The Penrith City Centre Vision is a Plan to create 10,000 new jobs and deliver 10,000 new residents to the City Centre over 25 years. The key strategic objectives for Council's vision are:

- ‘A regional business and commercial city centre;
- A living centre;

- *A safe and attractive centre;*
- *An accessible centre; and*
- *A social and culturally vibrant city centre.'*

The site has for a long time been significantly underutilised. The development potential of the site has not been recognised as a result of a number of factors, which have been outlined in this Report and the accompanying Feasibility Study at **Appendix C**. The Penrith City Centre Vision has been used to inform the preparation of the Penrith LEP 2010 and DCP 2014 in relation to the desired development outcomes for the Penrith CBD.

While this Vision remains valid, since 2007 there has been a significant shift across the whole of Sydney which recognises the need to concentrate growth in employment and dwellings in and around strategic centres with excellent access to public transport and other essential amenities.

The purpose of this Planning Proposal is to revisit the planning that has occurred for the Penrith City Centre and address the potential for the site to become a landmark development that not only aids in the implementation of the new Metropolitan Strategy, but also draws on the original Vision for Penrith to create vibrant and living City Centre.

6.2 Statutory Planning Policies

The following statutory planning policies are relevant to the Planning Proposal.

6.2.1 Environmental Planning & Assessment Act 1979

Ministerial Directions under Section 117 of the EP&A Act set out a range of matters to be considered when preparing an amendment to an LEP. Relevant Section 117 Directions which apply to the subject site are identified and addressed in **Table 5** below.

Table 5 – Section 117 Directions – Statement of Consistency

Ministerial Direction (S.117 Direction)	Consistency
Employment and Resources	
1.1 Business and Industrial Zones	The Planning Proposal is consistent with this Direction, in that it: ▪ seeks to provide an appropriate amount of commercial floor space within the site without adversely impacting on the existing commercial and retail core of Penrith. This is envisaged in the existing planning framework. The proposal does not reduce the land available for business uses; ▪ provides retail activities to accommodate the changing needs of the community; and ▪ improves the viability of the existing local centre and retains the business zone, while enabling increased capacity for the development of already permitted land uses (residential), which will support the existing and proposed commercial functions.
Housing, Infrastructure and Urban Development	
3.1 Residential Zones	This Planning Proposal is consistent with this Direction, in that it: ▪ Facilitates the delivery additional housing in the Penrith CBD; ▪ Provides residential development in an existing urban area that will be fully serviced by existing infrastructure; ▪ Does not reduce the permissible residential density of land; and ▪ Will facilitate a high level of residential amenity and enables a high quality design in a mixed use environment through the requirement for a design excellence process to be undertaken to facilitate a variation to the existing height and FSR controls.
3.4 Integrated Land Use and Transport	The Planning Proposal is consistent with this Direction, in that it: ▪ Will provide new dwellings in close proximity to existing public transport links;

	▪ Makes more efficient use of space and infrastructure by increasing densities on an underutilised site; and ▪ Generally complies with the 10 key principles in the Policy “<i>Improving Transport Choice – Guidelines for planning and development</i>” (DUAP 2001) to ensure that walking, cycling and public transport are viable alternatives to car usage, through appropriate provision of mixed use land use typologies and the proximity of the site to the public transport network, noting that this Policy was abandoned as a matter for consideration in the assessment of DA’s in accordance with Planning Circular 08-103.
Hazard and Risk	
4.1 Acid Sulphate Soils	Acid Sulphate Soils are not mapped in the Penrith LEP, however, suitable site testing will be submitted with any Development Application to ensure that the development of the site provides appropriate solutions for acid sulphate soils, if relevant.
Regional Planning	
5.8 Second Sydney Airport: Badgerys Creek	The subject site is not within the identified ANEF corridor for the Badgerys Creek Airport.
Local Plan Making	
6.1 Approval and Referral Requirements	Consistent – The Planning Proposal does not introduce any provisions which require any additional concurrence, consultation or referral. Under the existing LEP controls, a design excellence process was required to be undertaken, which provided a 10% bonus on height or FSR. The parameters of the design excellence clause mean that any new development was likely to trigger the need for an architectural design excellence competition. In introducing the proposed new clause, this architectural design excellence has been expanded to allow a non-compliance with the height and FSR controls. Therefore, while a new clause is proposed to be introduced, it does not impose any more onerous requirements on developers over and above what is already in place.
6.2 Reserving Land for Public Purposes	Consistent – the Planning Proposal does not seek to reduce the amount of land zoned for a public purpose. A small portion of Union Lane has been earmarked for road widening. The development of the site consistent with the Planning Proposal will not impact on the delivery of this road widening, details of which can be finalised at the DA stage.
6.3 Site Specific Provisions	Consistent – No additional uses are proposed and no new development standards are proposed which will limit the ability to carry out uses already permitted on the site.
Metropolitan Planning	
7.1 Implementation of the Metropolitan Strategy	Consistent – refer Section 6.1.1 of this Report.

6.2.2 State Environmental Planning Policies

The Planning Proposal is consistent with applicable State Environmental Planning Policies (SEPPs). **Table 6** provides a summary of the consistency of the planning proposal with each applicable SEPP.

Table 6 – Consistency of Planning Proposal with Relevant SEPPs

SEPP	Comment
SEPP 32 – Urban Consolidation (Redevelopment of Urban Land)	The Planning Proposal satisfies the objectives of this Policy through enabling suitable residential development, in the form of shop top housing and residential flat buildings, in close proximity to existing transport and services. The subject site is ideally placed in a location with existing public infrastructure, transport and community facilities. The Planning Proposal will enable the revitalisation of a significant site within the Penrith CBD and provide appropriate commercial and retail services in keeping with the changing needs of the community.
SEPP 55 – Remediation of Land	The site is already zoned for mixed use purposes, which permits all proposed land uses within the site. No major polluting activity is known to have occurred on the site. A Preliminary Site Investigation will be required to be prepared to accompany any future Development Application.

SEPP 65 – Design Quality of Residential Flat Buildings	The urban design concept at Appendix A , provides an indicative urban design outcome for the site, which has been prepared in accordance with the key principles and guidelines within this SEPP. Any future DA would be required to demonstrate consistency with this SEPP and be tested through a design excellence process. Development on the site will be required to satisfy the key controls for residential flat buildings in the associated Apartment Design Guidelines, including the required privacy separation and solar access and ventilation requirements.
SEPP (Affordable Rental Housing) 2009	No affordable housing component is proposed. However, the provision of additional residential accommodation within an existing City Centre will enable the delivery of a wider choice of affordable accommodation alternatives to the market.
SEPP (Infrastructure) 2007	A Traffic and Parking report is provided at Appendix E and demonstrates that traffic and parking can be appropriately managed as a result of the proposed increased density on the site. Any future DA will be required to further address the requirements of this Policy. Further, the proposed development would be considered as Traffic Generating Development and therefore, any DA would be required to be referred to the Roads and Maritime Service. It is expected that the Planning Proposal will be referred to the RMS for comment.
SEPP (Building Sustainability Index: BASIX) 2004	The residential component of any future DA will be required to comply with this Policy.
Sydney Regional Environmental Plan No. 20 – Hawkesbury Nepean River	The site is zoned for mixed use purposes. Increasing the height will enable views to the Nepean River to be captured, however, the proposal is not expected to impact upon any environmentally sensitive areas associated with the River catchment. There is a significant expanse of open space that acts as a buffer between the site and the River and its associated tributaries, which is also proposed to be developed for Tourist related activities in the future. The site is not identified within a scenic corridor. The Planning Proposal will provide opportunities for residents to enjoy the unique benefits relating to proximity to the River, without compromising the quality of the River. Appropriate consideration of water management from the site will form part of the detail in the DA.
Draft Competition SEPP (2010)	The draft Competition SEPP 2010 was publically exhibited, but never finalised. It is no longer a matter for consideration in the assessment of DAs. The broad objectives of the SEPP were to ensure appropriate competition, responding to market forces, and stated that an EPI should not restrict the number of retail premises within a certain area. The Planning Proposal seeks to enable the revitalisation of an existing commercial centre. Given the increase in population that is occurring in the locality, it is considered appropriate to provide commercial and retail floor space within the site and enable an appropriate response to market demand. However, no major retail uses are proposed on the site and no supermarket is envisaged. Therefore, the Planning Proposal will not impact on the viability of existing retail and business uses within the Penrith CBD.

6.2.3 Penrith LEP 2010

LEP Objectives

It is considered that the Planning Proposal is consistent with the overall aims and objectives of the Penrith LEP 2010, as demonstrated in **Table 7**.

Table 7 – Consistency with the aims of Penrith LEP 2010

Aim	Comment
(a) to provide the mechanism and planning framework for the management, orderly and economic development, and conservation of land in Penrith,	The Planning Proposal seeks to insert a new design excellence clause for this key site to allow development in a manner that will contribute to the orderly and economic development of land. The maximum FSR and heights proposed will not be able to be achieved unless the design excellence process clearly

	demonstrates that the Aims of the LEP can be achieved.
(b) to promote development that is consistent with the Council's vision for Penrith, namely, one of a sustainable and prosperous region with harmony of urban and rural qualities and with a strong commitment to healthy and safe communities and environmental protection and enhancement,	The Planning Proposal seeks to develop the site in a manner that befits the prominent CBD location of the site. It is intended that the proposal will support the urban functions within the CBD and contribute to the quality of the built environment.
(c) to accommodate and support Penrith's future population growth by providing a diversity of housing types, in areas well located with regard to services, facilities and transport, that meet the current and emerging needs of Penrith's communities and safeguard residential amenity,	The subject site occupies a dominant location within Penrith CBD, yet has low street appeal. The planning proposal will enable the redevelopment of the site as a mixed use development which will be fiscally responsible, display appropriate environmental building outcomes and provide a public benefit through the creation of retail (food and beverage) driven community spaces and the activation of streets.
(d) to foster viable employment, transport, education, agricultural production and future investment opportunities and recreational activities that are suitable for the needs and skills of residents, the workforce and visitors, allowing Penrith to fulfil its role as a regional city in the Sydney Metropolitan Region,	The Planning Proposal seeks to aid in the revitalisation of the City Centre and create opportunities for a landmark development which will further entrench the importance of Penrith as a regional city.
(e) to reinforce Penrith's urban growth limits by allowing rural living opportunities where they will promote the intrinsic rural values and functions of Penrith's rural lands and the social well-being of its rural communities	Focusing growth in locations that are already zoned for urban development aids in reducing growth pressures on rural land.
(f) to protect and enhance the environmental values and heritage of Penrith, including places of historical, aesthetic, architectural, natural, cultural, visual and Aboriginal significance,	There are no places of environmental heritage within the subject site. The Planning Proposal seeks to reinforce the traditional road pattern within the CBD and respect the importance of the traditional high street retail area.
(g) to minimise the risk to the community in areas subject to environmental hazards, particularly flooding and bushfire, by managing development in sensitive areas,	The site is not prone to environmental hazards, nor is it a sensitive area.
(h) to ensure that development incorporates the principles of sustainable development through the delivery of balanced social, economic and environmental outcomes, and that development is designed in a way that assists in reducing and adapting to the likely impacts of climate change.	Principles of ecologically sustainable development will be required to be addressed as part of the design excellence process and any future DA.

Height Control Objectives

It is appropriate that the building heights within the subject site reflect the underlying mixed use zoning and strengthen the Penrith CBD. Further, the site occupies a prominent gateway location and will define the entry into the Penrith City Centre from the west.

This Planning Proposal seeks to demonstrate that the site is capable of accommodating additional building heights over and above what has already been made permissible, taking into account the established development standards for building height and land use on surrounding land, the suitability of the site for the development and the ability to appropriately address any new environmental impacts.

From an urban design perspective, the proposed building heights are considered appropriate and respond to the commercial nature of the site, strengthening the Penrith CBD and highlighting the prominent corner location.

It is considered that the Planning Proposal to increase the height control for the site through a design excellence process is consistent with the relevant objectives of the Penrith LEP 2010 for this development standard as set out in **Tables 8** below.

Table 8 – Consistency with the Height Objectives in Penrith LEP

Objective	Comment
(a) to ensure that buildings are compatible with the height, bulk and scale of the existing and desired future character of the locality,	The proposed building heights are significant compared to the surrounding land uses, however, it is considered that the proposed building heights are an appropriate reflection of the potential to accommodate tall buildings within the CBD location and therefore demonstrate a desired future character, particularly at this important gateway to the CBD. It also recognises the growing prominence as Penrith as a major regional centre.
(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,	The DCP recognises that in order to facilitate appropriate growth at the western end of the CBD that views will be lost as a result of any development on the site. The building heights are proposed to be staggered across the site, particularly at the interface with adjoining development, to minimise adverse environmental impacts.
(c) to minimise the adverse impact of development on heritage items, heritage conservation areas and areas of scenic or visual importance,	It is not anticipated that there will be an impact on nearby heritage items. The site is not within a nominated area of scenic or visual importance.
(d) to nominate heights that will provide a quality urban form for all buildings and a transition in built form and land use intensity	It is considered that the proposed built form outcomes will achieve this objective. The height and scale of the built form transitions across the site, recognising the importance of the gateway location on the corner of Mulgoa Road and High Street. The nominated building heights,

FSR Control Objectives

This Planning Proposal seeks to increase the FSR to accommodate the proposed building heights across the site through a design excellence process. The FSR is required to be increased to accommodate an appropriate scale and density that reflects the importance of this City Centre location.

It is considered that the Planning Proposal to increase the FSR control for the site is consistent with the relevant objectives of the Penrith LEP 2010 for this development standard as set out in **Tables 9** below.

Table 9 – Consistency with the FSR objectives in the Penrith LEP

Objective	Comment
(a) to ensure that buildings are compatible with the bulk and scale of the existing and desired future character of the locality,	It is considered that the proposed FSR, and overall building density is appropriate for the site given the mixed use zoning and prominent CBD location. The scale of the site (in terms of total site area) means that heights can be efficiently staggered across the site to reflect adjoining development patterns. The proposed FSR builds in an appropriate level of flexibility to ensure design excellence can be achieved across the site.
(b) to minimise the adverse impact of development on heritage conservation areas and heritage items	The Planning Proposal will not have an adverse impact on heritage conservation areas.
(c) to regulate density of development and generation of vehicular and pedestrian traffic,	A Traffic and Parking report has been prepared and is provided at Appendix E which demonstrates that the site is capable of accommodating the scale of development facilitated by the Planning Proposal without adverse traffic or parking impacts. A further Traffic and Parking Report would be required to be prepared in support of any future Development Application.
(d) to provide sufficient floor space for high quality development.	The subject site is zoned for mixed use purposes. It is considered that the proposed FSR is appropriate to ensure the commercial viability of the site in a CBD context.

7.0 Environmental, Economic & Social Analysis

This section of the report considers the potential economic, social and environmental impacts and benefits of the new mixed use development facilitated by the planning proposal.

7.1 Amenity

The indicative development scheme provided at **Appendix A** has been designed to respond to the site's prominent gateway location; to ensure that the site emerges as an important landholding within the Penrith CBD in the future; and recognise the importance of Penrith as a Regional City.

There are two key elements to amenity, the first is to ensure that the proposed development promotes a high level of internal amenity, and the second is that the proposed development does not have an adverse or unreasonable impact on the amenity of the adjoining properties.

While internal site amenity is important to consider in this context, the detailed residential amenity issues associated with this site are more appropriately dealt with in detail at the Design Excellence stage. The indicative development scheme indicates that:

- The proposed residential towers have been designed in accordance with the principles of SEPP 65, thereby minimising opportunities for overlooking and establishing privacy between residential buildings;
- Residential apartments will receive appropriate levels of solar access and natural ventilation;
- An appropriate dwelling mix can be accommodated within the residential towers;
- Future residents will enjoy district views from within the site and detailed design can generate the creation of view corridors within the site;
- The proposed 'eat street' will enable the creation of a strong sense of community within the site and enable residents to capitalise on the benefits of living within a mixed use development;
- The Grove and Union Square will create a place for residents and visitors to interact, as well as improving connectivity through the site; and
- The commercial levels within the development will provide services that are ancillary to the existing retail functions within the CBD. It is envisaged that the proposed commercial/showroom floor space will be utilised by furniture stores, high end motor showrooms, small commercial offices, café and restaurants and neighbourhood retail premises. The provision of commercial floor space within the site is already envisaged in the LEP controls.

As such, the internal amenity of the site is considered to be generally capable of complying with Council's requirements, particularly when the provisions of Clause 8.4(2) of the LEP are taken into account, which establish the criteria for deciding whether a proposal displays design excellence. These controls are required to be considered in proposed Clause 8.4B. In particular, Clause 8.4(2) states:

(2) In deciding whether development to which this clause applies exhibits design excellence, the consent authority must have regard to the following matters:

- (a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,*

- (b) *whether the form and external appearance of the development will improve the quality and amenity of the public domain,*
 - (c) *whether the development will detrimentally impact on view corridors,*
 - (d) *whether the development will detrimentally impact on any land identified as “Area 4” on the Height of Buildings Map,*
 - (e) *how the development will address the following matters:*
 - (i) *the suitability of the land for development,*
 - (ii) *existing and proposed uses and use mix,*
 - (iii) *heritage issues and streetscape constraints,*
 - (iv) *the relationship of the development with other buildings (existing or proposed) on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form,*
 - (v) *bulk, massing and modulation of buildings,*
 - (vi) *street frontage heights,*
 - (vii) *environmental impacts such as sustainable design, overshadowing, wind and reflectivity,*
 - (viii) *the achievement of the principles of ecologically sustainable development,*
 - (ix) *pedestrian, cycle, vehicular and service access, circulation and requirements,*
 - (x) *the impact on, and any proposed improvements to, the public domain.’*
- (source: NSW legislation)

Coupled with the provisions in proposed Clause 8.4B, it is considered that there is a robust statutory framework to ensure that any future development of the site achieves design excellence and takes account of amenity issues. Further issues, associated with amenity, such as overshadowing, are discussed in the following sections of this report.

7.2 Consideration of Planning Controls

7.2.1 Feasibility of Existing Controls

The existing LEP and DCP provide a framework for the development of the site. It is considered that the existing controls do not adequately represent the urban capability of the site and do not allow an appropriate intensity of development to reflect the market demand for residential apartments within the CBD.

JBA has prepared a Housing Demand, Supply and Feasibility Study for the subject site, provided at **Appendix C**. This Study provides additional information with regard to:

- Demand and supply of residential development within the city centre; and
- Feasibility analysis of the existing and proposed planning controls to explain the relationship between the development yield and the ability to provide new open space and publically accessible through-site links within the site.

The report found in relation to the demographic analysis that there is, *‘is a clear gap in the existing housing market for the supply of smaller dwelling typologies. Such a product may be able to capitalise on first home buyers and empty-nesters seeking housing options that are more appropriate for their everyday needs and financial position. Given the predominance of detached dwelling houses it is likely that there will also be a need to educate the local market about the benefits of apartment-living.’* (JBA)

The ability to develop the subject site for residential flat buildings under the existing controls goes some way in recognising this gap or shortfall in providing a diversity of

housing typologies, particularly in City Centre locations with excellent access to public transport and essential infrastructure and services. The Study recognises that the zoning of the subject site in the manner proposed is consistent with the broader Strategic planning objectives of providing high density housing and a mix of uses is suitable for the site.

There is also a need to understand the projected apartment demand for the Penrith City Centre as western Sydney's population continues to grow. City Centre locations are the most suitable for the provision of high density residential flat buildings and it is recognised that within the Penrith LGA, the Penrith City Centre, and to a lesser extent, St Marys, Werrington and Kingswood, are the locations that are most suitable to accommodate the growth and demand for apartment living. The Study summarises as follows in relation to apartment demand for the Penrith LGA:

'Based on our assumptions, we estimate that there will be a future demand in the Penrith LGA for approximately 9,201 additional apartments by 2031 (from 2011).

This equates to a total demand for approximately 461 apartments per year across the Penrith LGA. However, we note that 461 apartments were not provided annually between 2011 and 2015, which will increase the actual annual requirement over the remaining period to 2031.' (JBA, 2015)

In terms of projected dwelling supply, the JBA analysis has found that, *'the existing development pipeline provides for somewhere between 270 and 383 apartments per year over the next five years'*, this is clearly well short of the predicted demand for these types of dwellings.

The requirement to create a new eat street is well documented in Council's DCP. The urban design benefits of this are noted, however, Council have also advised that it is not possible to build within the existing alignment of John Tipping Grove due to the extent of services within this Road Reserve. This is a significant constraint to the development of the subject land from a site area perspective. A Feasibility Analysis was therefore prepared by Davis and Langdon and is appended to the JBA Study at **Appendix C** to understand the impact of this on development feasibility.

Under the existing planning controls, the site is able to accommodate 496 dwellings. The provision of an additional 496 dwellings within this site will certainly aid in meeting the apartment supply for approximately 1 year. If a built form outcome based purely on FSR was enabled, the site would be able to accommodate 879 apartments, which represents a net increase of approximately 350 dwellings over the subject site. The apartment yield utilised in the Feasibility Assessment varies from the outcomes in the Urban Design Indicative Scheme as the Feasibility Assessment calculations are a direct reflection of a proposed FSR of 6.0:1.

The Feasibility Analysis compares the development feasibility of the existing controls versus the proposed development controls from an economic viability perspective. In preparing this feasibility analysis it is recognised that if the underlying development standards are not suitable for the site, it is highly unlikely that any development will occur and further, there will be a lack of interest from developers to facilitate development. The Feasibility Analysis takes into account the cost of the public domain works and the construction of the Eat Street, as public benefit outcomes, the cost of which would be borne by the Developer.

In summary, the Feasibility Analysis concludes:

'The existing controls do not produce a commercially viable outcome. The total cost of delivering the project is \$208m against a net sales income of \$207m.' (Davis & Langdon 2015).

The JBA Study concludes:

'On this basis, it can be concluded that the proposed uplift in the planning controls is required to ensure that a viable redevelopment of the site can be achieved whilst continuing to deliver the public benefits desired (through-site link and publicly accessible open space). Without the proposed amendments to the floor space ratio

and building height controls, it would not be commercially viable to redevelop the site whilst providing these amenities.’ (JBA 2015)

Importantly, the Study recognises that the proposed uplift is required to facilitate development within the site and renew this under-utilised precinct within the CBD. The Study supports the proposed uplift by:

- Identifying a demand for apartment dwelling typologies within Penrith LGA;
- Recognising that Penrith CBD is the most suitable location for the provision of apartments;
- Identifying a shortage in apartment supply over the next 5 years;
- Recognising the ability for this site to contribute to apartment supply in the short term;
- Identifying an economic constraint to the development to the subject site under the existing controls, which shows that there is a direct financial disincentive to develop the site; and
- The cost of the requirement to construct a new eat street and public open space, coupled with the existing FSR and height controls, contribute to the inability to renew the site.

7.2.2 FSR Limit Justification

An upper limit FSR of 6.0:1 is proposed for the site as this represents an FSR which is considered to be economically feasible, while providing opportunities for design excellence. Key to the achievement of an FSR of 6.0:1 will be the ability to demonstrate that environmental and amenity impacts within and external to the site can be appropriately mitigated.

The Urban Design Indicative Scheme demonstrates a scenario where a total development outcome of 5.4:1 is achieved, however, this is an averaged FSR and it is noted that depending on how the site is developed, the FSR calculation will vary. For example, within the Urban Design Indicative Scheme the subject land has been broken down into three distinct Sites, being Site A, B and C (refer **Figure 18**). The range of FSR's achieved across these three sites ranges from an FSR of 3.2:1 at Site C to 6.9:1 at Site A.

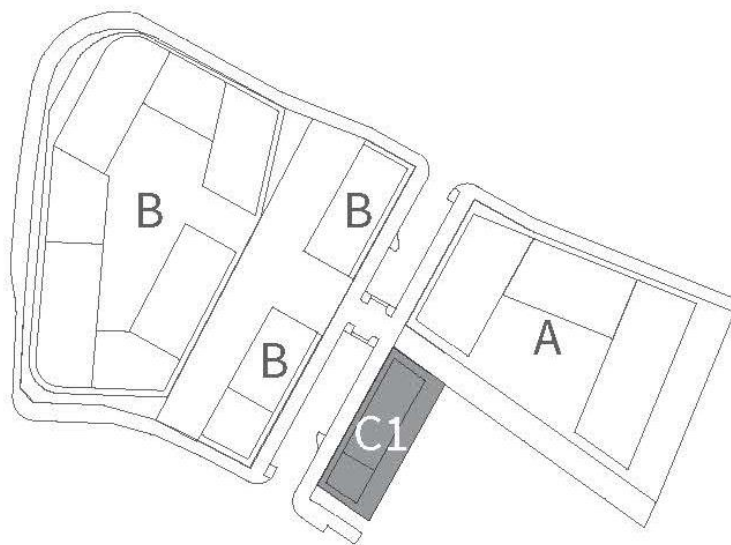


Figure 18 – Development Sites for the calculation of FSR
Source: JBA

The design excellence and DA process could distribute floor space differently throughout the site, and break down the site areas in greater detail. For the purpose of establishing a maximum FSR within the context of the design excellence process it is considered that an FSR of 6.0:1 allows appropriate flexibility.

7.2.3 Height Limit Justification

The Indicative Scheme proposes a mix of heights across the site that appropriately addresses environmental considerations and the principles of *State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Buildings* (SEPP 65). The possible distribution of heights across the site are demonstrated in **Figure 19** below.



Figure 19 – Indicative Building Height distribution
Source: JBA

The proposed heights reflect one urban design outcome for the site. A maximum building height of 82 metres is suitable for the site and it is proposed that this height is only likely to be achieved in the north-western corner of the site which will accommodate an iconic building that marks the gateway entry into the CBD. It is recognised that this will be subject to a design excellence process and not all of the buildings within the site will be built to this height, as foreshadowed in the Urban Design Report. Importantly, the design excellence process will enable the further refinement of the urban design concepts, noting that the Urban Design Report provides a building envelope solution and not the final built form outcome.

7.2.4 Consideration of Surrounding Development Potential

In demonstrating the appropriateness of the 82 metre height limit, the Urban Design Concept has assessed the proposal in the context of the existing surrounding development, and an indicative scenario for future surrounding land uses within the city centre. The urban character and future uses are identified in **Figure 20** below. This figure considers the site in the context of the city centre, and the existing policy framework. **Figure 21** then demonstrates the site in the context of the existing surrounding development and **Figure 22** demonstrates the site in the context of surrounding potential development.

In order to realise the development potential illustrated in **Figure 20** a significant reform of the city centre planning controls would be required. This is considered to be an appropriate representation of the development potential within the emerging Regional Centre and one in which the proposed height of 82 metres within the subject site would comfortably sit.

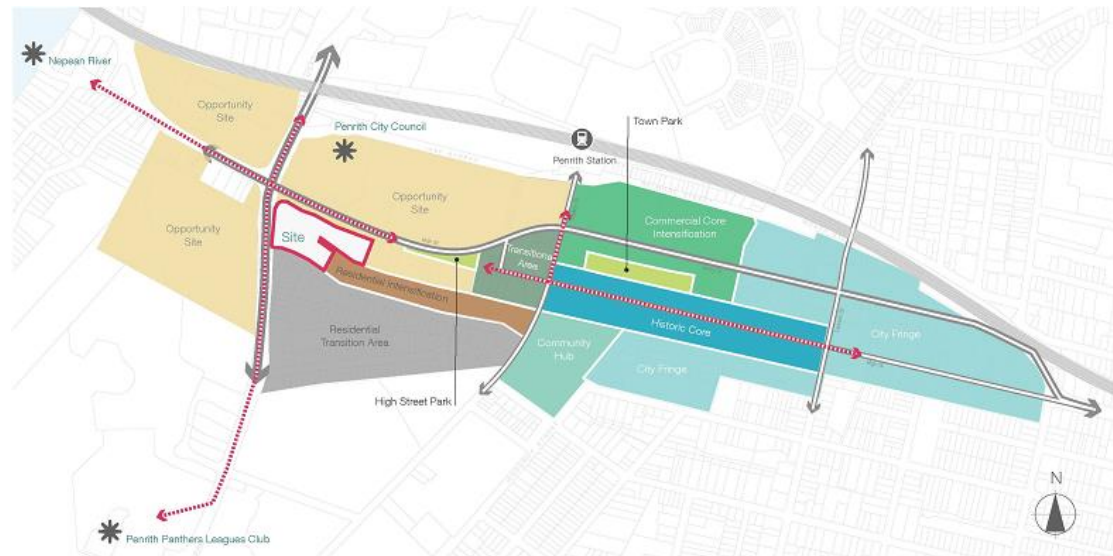


Figure 20 – City Centre Context
Source: JBA



Figure 21 – The subject site in the context of existing development
Source: JBA

It is noted that **Figure 21** displays the subject site in the context of the existing surrounding development, noting that the surrounding development is generally not developed to the maximum potential under the Penrith LEP. For example, the buildings to the south are able to be developed to a height of 18 metres, or 5 storeys, however, the dominant building height is between 2 and 4 storeys.

Further, the adjoining commercial development to the east along High Street are able to be developed to a height of 20 metres, or approximately 6 storeys, however, this land has not been developed to its maximum potential. The proposed building heights within the subject site have been designed to reflect an appropriate relationship with the existing height controls, and a plausible development scenario as shown in **Figure 22**.

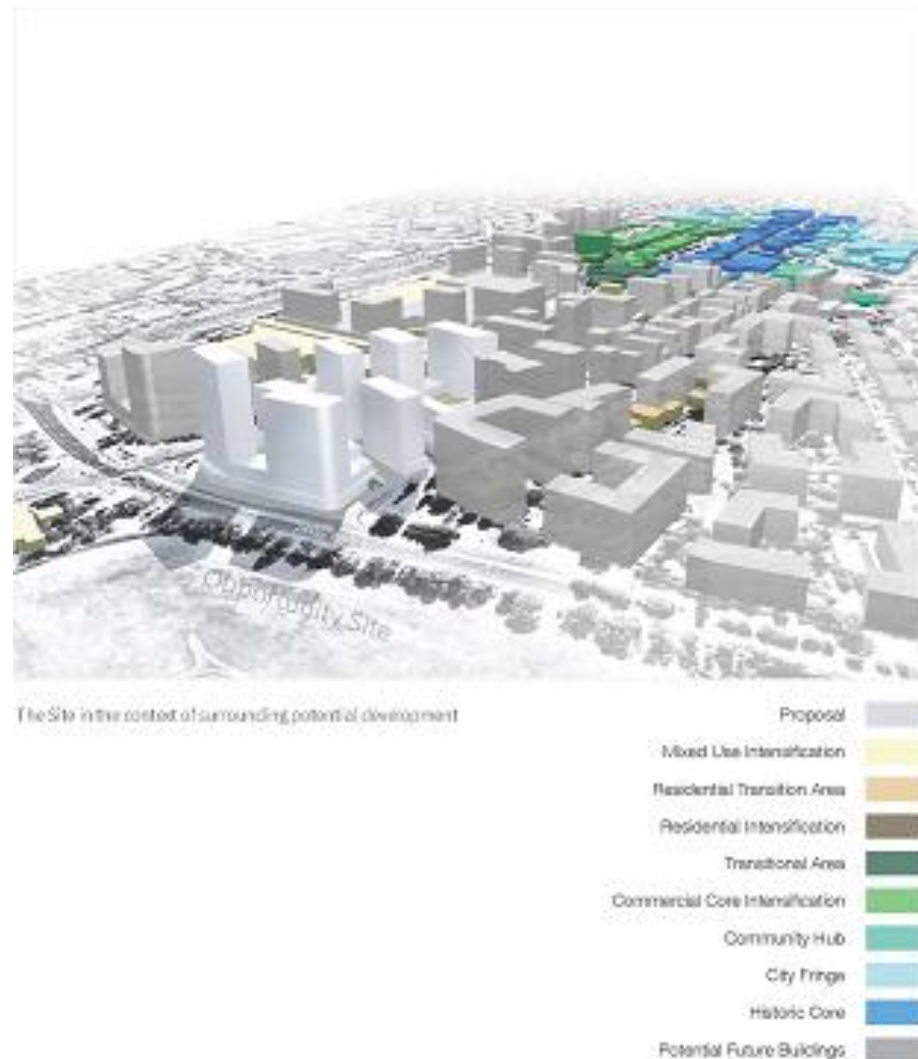


Figure 22 – The site in the context of surrounding potential development
Source: JBA

Figure 22 clearly demonstrates that it is at the western end of the CBD that the greatest potential for urban development may occur. It is considered that the development potential within the Historic Core of Penrith is limited and therefore, higher density and built form outcomes at the western gateway is appropriate. In this context, an iconic landmark or gateway building on the corner of Mulgoa Road and High Street, which marks the entry into the Penrith CBD is considered warranted, and appropriate.

A maximum building height of 82 metres is consistent with other Strategic Centres of Sydney located near heavy rail, including Liverpool, Hornsby and Epping.

7.3 Overshadowing

7.3.1 Proposed Open Space

Detailed shadow diagrams have been prepared for the indicative scheme and are included within the Urban Design Report at **Appendix A**. The shadow diagrams have been provided at half an hour intervals between 9am and 3pm in midwinter and equinox. It is important to note that the shadow impacts that are demonstrated in the Urban Design Report are based on building envelopes and as such, are generally 25% larger than the final built form outcomes.

These shadow diagrams should be considered in the context of the Penrith microclimate which is relatively warm, particularly in the summer months. Therefore, it is important that public spaces not only provide areas that receive good solar access, but also the opportunity for areas of shade.

The current design ensures that Union Square and Eat Street (particularly the northern part which will be closest to the activated end of High Street) receives good solar access during lunchtime hours in midwinter and at equinox.

The eastern communal open space area bound generally by High Street, Eat Street and Union Lane receives good levels of solar access during the morning and lunchtime periods in midwinter and at equinox.

The western communal open space is proposed to function as a mix of passive and active recreational space and it envisaged that not all of this space will be provided as grassed area. This space will receive less solar access in winter than other open space areas proposed on the site. This is largely due to its location in close proximity to the gateway entrance tower which is intended to be the highest building on the site and an important built form element. In this context it is considered appropriate to provide a shaded open space area in this location.

Refinements to the built form and articulation of the building elements at the design excellence stage will improve solar access to this area. A key component of the proposed new clause to be inserted into the LEP are the establishment of matters which the consent authority must take into consideration in the assessment of design excellence and as previously discussed, these are considered to be suitably robust to ensure overshadowing impacts are managed appropriately.

7.3.2 Surrounding Residential Buildings

While the shadowing impacts will be required to be carefully considered as part of the design excellence process, the purpose of the Planning Proposal is to demonstrate that the site is suitable for the development and that any potential adverse impacts can be mitigated.

It is important to understand the potential impacts on existing built form caused by the proposed building heights and FSR. The stepping of the built form from 2 storeys, to 4 storeys along the Union Road frontage aids in reducing the shadow impacts to adjoining properties along Union Road.

There are a number of low to medium density residential buildings located to the south of the site on the opposite side of Union Road. The majority of these are set well back from the frontage to Union Road and only a limited number of these buildings and associated private open spaces orientate directly to the north.

The western-most residential building on Union Road (86 Union Road) has north-facing balconies (see **Figure 23**) below. Whilst this façade will be partially overshadowed between 9am and 3pm in midwinter, the shadows do move across the façade, allowing solar access during the day. The apartments will retain good solar access at most other times during the year. Other residential buildings along Union Road, that are located within the shadow of the proposed development, do not have north-facing private open space. Further articulation of the built form at the detailed design phase is likely to improve solar access to the adjoining properties. Again, the design excellence process is required to consider the impacts on adjoining properties and under the proposed amendments to the LEP, additional height and FSR will only be granted if it can be demonstrated that the overshadowing impacts are appropriately mitigated.

It is considered that the overshadowing impacts of the proposed are acceptable within the context of the Penrith microclimate, particularly has further changes to the design will be made as part of the design excellence process.



Figure 23 – Northern façade of 86 Union Road

Source: Google Images

As demonstrated in the Urban Design Report and at **Figure 22**, it is considered that the locality south of Union Road is suitable for consideration as a residential transition area in the future, with the potential for significantly greater densities within this locality. As a result, the potential shadow impacts have been investigated based on the existing built form and the potential built form outcomes envisaged in **Figure 22**.

Section 12 of the Urban Design Concept investigates the shadows on these future uses and demonstrates an appropriate level of solar access to the properties to the south (based on a future development scenario). We also note that the design excellence process will further refine the built form and recognise that the shadow diagrams presented in the Urban Design Report are indicative only as they represent the building envelope, which is generally 25% larger than the built form.

7.4 Views

The north-west view along High Street from the intersection of Mulgoa Road is demonstrated at **Figure 24**, while the view along Mulgoa Road looking north is demonstrated in **Figure 25** below. Both of these views represent the building envelope outcome, not the built form outcome, which will demonstrate significantly greater articulation and reduced building massing. These views indicate how the proposed development will frame the site, and provide a highly urbanised edge to the City Centre. Further views are provided within the Urban Design Report.



Figure 24 – View along High Street to the east and Mulgoa Road to the south

Source: JBA

It is important in the context of the subject site to recognise that the proposed development will increase permeability through the site through the creation of east street and The Grove. The DCP recognises that views across the site will be difficult to retain under the existing planning controls. In the context of the proposed development of the site, it is considered that the built form outcomes are acceptable, however, further investigation of views will be required to be undertaken as part of the design excellence process to demonstrate an appropriate development outcome.



Figure 25 – View North along Mulgoa Road
Source: JBA

7.5 Skyscape

Section 8.0 of the Urban Design Report demonstrates a potential skyscape outcome for the Penrith CBD, with the greatest heights at the corner of Mulgoa Road and High Street, which then cascades down in height to the Historic Core, with some variation for the potential uplift in building heights within the Commercial Core.

The general cascading nature of the High Street cross-section is considered appropriate in the context of preserving the City centre historic core and allowing an intensification of uses, and building heights at the important western gateway into the City Centre. The provision of a 25 storey tower at the corner of the site proposes an iconic building that will clearly articulate the entry into Penrith City Centre from Mulgoa Road. The proposed built form responds to cascading effect along High Street by proposing five residential towers of 25, 14, 20, 20 and 16 storeys. This will provide an interesting skyscape and respond to the existing and emerging character of High Street with regard to building heights.

7.6 Traffic and Parking

A Traffic and Parking Assessment Report has been prepared by McLaren Traffic and is provided at **Appendix E** to this Report. The report addresses the potential vehicle trips generated by the proposed development, car parking requirements, and future road networks required to service the development.

The Traffic and Parking Assessment recommended a parking supply of approximately 1480 spaces to cater for the proposed development. The projected peak hour traffic generation is as follows:

- Morning Peak – 317 trips;

- Afternoon Peak – 477 trips; and
- Weekend - 511 trips.

In order to ameliorate the impacts of the proposed development a number of mitigation measures have been identified to enable appropriate traffic management. These are:

- *‘Signals to replace the roundabout serving Penrith City Council carpark on High Street, 150m east of Mulgoa Road*
- *Southern approach to new signals introduced (Eat Street), including extension south to Union Lane and Union Road*
- *Full closure of John Tipping Grove north of Union road and replaced with pedestrian arcade*
- *Priority controlled intersection of Eat Street/Union lane and Eat Street/Union Road*
- *One- way westbound traffic only on Union Lane*
- *New auxiliary left turn lane from Mulgoa Road into Union road*
- *Parallel parking and loading zones on eat street.’ (McLaren Traffic Engineering)*

The traffic report recommends that the concept Master Plan be referred to both the Roads and Maritime Service (RMS) and Penrith City Council (PCC) for comment and further input. Further intersection modelling will be required to be undertaken following this consultation period.

7.7 Essential Infrastructure and Servicing

A Due Diligence Services Report has been prepared by B G & E to understand the demand that the proposed development will place on essential infrastructure. This Report is provided at **Appendix D** and demonstrates that services and infrastructure are available to the site and provides an indication of the augmentation required to facilitate the proposed development.

7.8 Economic and Social Impacts

The economic and social benefits of the proposal are inter-related, as with economic prosperity comes social cohesion.

The significant expansion of the residential population in the area will generate increased demand for retail facilities and support existing High Street retail functions.

The commercial and retail component within the site is embedded within the existing LEP land use controls, reflecting the intended mixed use nature of the site.

The indicative plans for the commercial component demonstrate an important community focus, with the establishment of retail uses around an ‘eat street.’ The renewed commercial components of the development will contribute to employment and commerce in the area by providing better spaces for local businesses, in an appropriate location, while not detracting from the existing commercial core. They will also provide increased employment-generating floor space and create additional local jobs.

At the same, no significant component of traditional retailing (eg. supermarket) is proposed on the site to ensure that the Planning Proposal will not have an adverse impact on the economic viability of existing retail and commercial uses in the Penrith CBD.

The provision of additional residential land uses within the site is intended to activate the centre which will provide economic and social benefits through the delivery of valuable housing in a location close to public transport, community facilities and jobs.

Further, the increase in residential population will contribute to the economic growth of existing retail premises within the City Centre.

The feasibility analysis prepared by Davis & Langdon (**Appendix C**), demonstrates that, *'uplift is required to ensure a viable redevelopment of the site can be achieved whilst continuing to deliver the public benefits desired (through site-link and publically accessible open space). Without the proposed amendments to the floor space ratio and building height controls, it would not be commercially viable to redevelop the site whilst providing these amenities.'* (JBA)

As such, there is an economic incentive to incorporate the proposed new clause into the LEP to allow a significant variation to the height and FSR controls, provided design excellence can be achieved, as without this, the development of the site would be unlikely to occur in the foreseeable future, which jeopardises the ability to implement the underlying Vision for the site as expressed in Penrith Progression and the DCP.

It is considered that the proposed development will have positive economic and social benefits for the Penrith City Centre, and in this regard, the redevelopment should be supported.

7.9 Public Benefit

There is considerable public benefit in creating urban renewal opportunities within the Penrith City Centre. The Vision for the site is to create a vibrant mixed use neighbourhood that contributes positively to the City Centre.

As demonstrated in this Report, the introduction of residential and commercial land uses, along with important public domain elements such as Eat Street, The Grove and Union Square will significantly contribute to the vitality of the City Centre. The Feasibility Analysis has demonstrated that without the proposed uplift, it would not be economically feasible to implement the public domain features inherent within both the existing planning framework and translated into the Urban Design Concept.

It is intended that the proposed development will inject new resources and infrastructure into the City Centre that will not only create a landmark development to highlight the importance of Penrith, as a Regional City Centre, but also create alternative housing opportunities in close proximity to excellent amenities, services, jobs and transport.

All these elements will contribute positively to the City Centre and create a public benefit. The continued growth and evolution of Penrith City is important for the existing stakeholders within the City Centre, and also for the broader residential population that relies on Penrith City for essential services.

The need for growth and renewal of Penrith City is recognised in both *A Plan for Growing Sydney* and *Penrith Progression – A Plan for Action*. This Planning Proposal seeks to incorporate a design excellence provision into the Penrith LEP that enables a variation to the building height and FSR controls that currently apply to the site to more appropriately reflect the strategic direction within these documents. It is acknowledged that through this design excellence process and subsequent development application that consideration of additional public benefit may be required, which could be facilitated through a Voluntary Planning Agreement (VPA). This VPA would, however, need to be considered against the significant cost associated with the provision of the new eat street and associated public open space within the development site, and Council's existing Section 94 Contributions Plan.

In this respect, it is considered that the Planning Proposal has significant public benefit as it will establish a planning framework for the urban renewal of an important gateway and landmark site within the City, funded by private investment. Significantly, the Planning Proposal identifies the creation of public domain elements that will create new public spaces within the City Centre and contribute to the overall growth of Penrith as a Regional City.

8.0 Assessment of the Planning Proposal against NSW Department of Planning and Infrastructure Guidelines

The following section includes an assessment against the requirements in *A guide to preparing planning proposals* published by the Department in October 2012.

8.1 Part 1 – Objectives and Intended outcomes

The objective of the planning proposal is to increase the permissible density of development on the site through the insertion of a new Clause into the LEP to facilitate variations to the existing height and FSR controls through a design excellence process, as outlined in **Section 5.0** of this Report.

8.2 Part 2 – Explanation of Provisions

The proposed outcome will be achieved through the inclusion of a new clause 8.4B into Penrith LEP 2010, as described in **Section 5.0**. **Section 6.0** of this report demonstrates the ability of the proposal to comply with the existing aims and objectives of the height and FSR provisions.

8.3 Part 3 – Justification

8.3.1 Need for a Planning Proposal

Q1 – Is the planning proposal a result of any strategic study or report?

The Planning Proposal is not the result of any strategic study or report, but rather aims to take advantage of the latent development potential of the site. The strategic direction for the Planning Proposal comes from the Metropolitan Plan, 'A Plan for Growing Sydney', which recognises that additional housing can stimulate new communities. Action 2.2.2 of the Plan states, "*Undertake urban renewal in transport corridors which are being transformed by investment, and around Strategic centres.*"

In the Metropolitan Plan, the Government is supportive of, '*local efforts to lift housing production around local centres, transport corridors and public access points.*' (Action 2.2.1: *Use the greater Sydney Commission to support Council-led urban infill projects*). Further, in Action 1.6.1, the Government recognises the need to, '*grow high-skilled jobs in the global economic corridor by expanding employment opportunities and mixed use activities.*'

In this respect, there is a recognition in Council's DCP that the site is suitable for redevelopment as discussed in **Section 3.2.2** of this Report. The DCP specifically recognises the potential for mixed use opportunities within the Subject Site. Indeed, the LEP recognises the site as a key site within the context of the City Centre.

This Planning Proposal seeks to insert a new design excellence clause into Penrith LEP with the aim of allowing development which responds to the opportunities and constraints, provides a public benefit and is fiscally responsible.

Q2 – Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The Planning Proposal is the best means of achieving the intended outcome of the development, which is to facilitate the redevelopment of the subject site. The current FSR and height controls do not respond to the inherent opportunities within the site or represent an economically feasible development opportunity. The Planning Proposal will enable a design excellence process to be undertaken which has regard to the site context, and provide opportunities for the renewal of the city centre in a mixed use setting.

8.3.2 Relationship to the 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)?

Consistency with the strategic planning framework has been addressed in **Section 6.0** of this Report.

Q4 – Is the planning proposal consistent with a council's local strategy or other local strategic plan?

Consistency with Penrith City Council's vision for the Penrith City Centre, has been addressed in **Section 6.0** of this Report.

Q 5 – Is the planning proposal consistent with applicable State Environmental Planning Policies?

Consistency with applicable SEPPs has been addressed in **Section 6.0** of this Report.

Q6 – Is the planning proposal consistent with applicable Ministerial Directions (s. 117 directions)?

Consistency with the applicable Ministerial Directions has been addressed in **Section 6.0** of this Report.

8.3.3 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 by the proposal?

The Planning Proposal will not result in any impact on critical habitat or threatened species, populations or ecological communities or their habitats, given the site's urban location.

Q8 – Are there any other likely environmental impacts as a result of the planning proposal and how are they proposed to be managed?

A detailed assessment of the environmental impacts of the planning proposal is provided in **Section 7.0**. No unacceptable impacts will result from the proposal.

Q9 – Has the planning proposal adequately addressed any social and economic effects?

The proposed development facilitated by the Planning Proposal will result in positive economic and social flow-on effects for the local area. This is discussed further in **Section 7.0** of this Report.

Q10 – What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?

State and Commonwealth authorities will have the opportunity to provide comment on the planning proposal as part of its formal exhibition. Any future DA will be referred to relevant authorities as required.

8.4 Part 4 - Mapping

No mapping amendments are proposed in the Planning Proposal.

8.5 Part 5 – Community Consultation

Confirmation of the public exhibition period and requirements for the Planning Proposal will be given by the Minister as part of the LEP Gateway determination.

Any future DA for the site would also be exhibited in accordance with Council requirements, at which point the public and any authorities would have the opportunity to make further comment on the proposal.

9.0 Conclusion

There is significant potential to revitalise and modernise the existing commercial offering within the site and introduce residential accommodation. In many respects, the existing site does not present an appropriate interface with surrounding land uses and respond to its prominent CBD location. It is intended to unlock the latent development potential of the site through this Planning Proposal.

In order to provide an appropriate built form and residential amenity outcome for the site, and highlight the prominent location as a gateway into the Penrith City Centre, an amendment to Penrith LEP 2010 to introduce the ability to vary the height and FSR controls, subject to a rigorous design excellence process, is proposed.

The Planning Proposal will enable the development of a modern, cohesive mixed use development which provides a food-orientated retail offering within the site and provides community spaces to cater for the growing residential population in the locality. This is clearly envisaged in the existing planning framework for the site and the potentially important role of the site is acknowledged with regard to the provision of public benefit.

It is proposed to enable the construction of a mixed use development, ranging in height from 4 to 25 storeys, over a commercial podium. Importantly, the redevelopment will focus building height along the High Street, Mulgoa Road and 'eat street' frontages to generate street activation and appropriately scale the built form across the site.

The proposed scheme has urban design and amenity benefits in improving the existing interface with surrounding development, and responding to the emerging development trends in the broader locality. The scheme will reinforce the site as an important mixed use precinct within Penrith and support the existing City Centre functions.

The Planning Proposal is consistent with relevant strategic and statutory planning documents and will deliver a number of public benefits, including revitalising an underutilised site and increase housing and employment opportunities. An environmental assessment of the impacts of the proposed built form facilitated by the Planning Proposal has been undertaken, and it is concluded that the Planning Proposal will not result in any unacceptable environmental impact. Further, the Design Excellence process proposed will ensure that any future development demonstrates appropriate consideration of environmental, social and economic impacts.

In conclusion, it is considered that the Planning Proposal is suitable for the site and it is requested that Council resolve to forward the proposal to the Department for a Gateway determination.