

**DRAFT
PLANNING PROPOSAL
FOR
PANTHERS PENRITH SITE**



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Introduction

The preparation of a local environmental plan now starts with a Planning Proposal. The Planning Proposal is a document which explains the objectives, intended effect of, and justification of a rezoning proposal. It has been prepared in accordance with section 55 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and the relevant Department of Planning Guidelines including “*A Guide to Preparing Local Environmental Plans*” and “*A Guide to Preparing Planning Proposals*”.

This Planning Proposal addresses the matters that are required to deliver a stand alone Local Environmental Plan (LEP) under the Standard Template for the Panthers Penrith site. More detailed planning matters will also be guided by a future Development Control Plan for the site.

The Site

The Planning Proposal covers land known as the Panthers Penrith Site (Figure 1) occupying 50 ha of land. The site is bounded by Council owned land (Carpenters Site) to the north, Mulgoa Road to the east, residential and rural residential with river frontage to the west and Jamison Road to the south.



Figure 1: Aerial of Panthers Penrith Site

The following properties apply to this planning proposal:

- (a) Panthers Ownership (35ha)
 - Lot 151 DP863625, 83 Mulgoa Road, Penrith
 - Lot 13 DP710086 (part), 123-135 Mulgoa Road, Penrith

- Lot 1 DP1043008, 73 Mulgoa Road, Penrith
- Lot 1021 DP812335, 63 Mulgoa Road, Penrith

(b) Other

- Lot 1 DP1064526 – Lot 1 Retreat Road, Penrith (Penrith City Council- road)
- Lot 12 DP DP7100086 – (Penrith City Council - open space)
- Lot 152 DP863625 – 109 Mulgoa Road, Penrith (Lend Lease Funds Management- Chifley Hotel)

What is the purpose of this planning proposal?

The purpose of this planning proposal is to describe the changes Penrith City Council proposes to make for the zones and development controls (including type and scale of development) which will apply to the Panthers Penrith site to deliver an entertainment, leisure and lifestyle precinct.

The planning proposal describes:

- the land to which it applies
- the justification for the proposed planning controls
- the impacts of the new plan (including public benefits)
- the relationship of the proposed plan to wider State and regional plans, and
- how the community will be consulted regarding the proposed plan.

Background - the Panthers site located in the Riverlink Precinct

In April 2008, Council adopted the Riverlink Precinct Plan (Figure 2) as a broad set of principles to guide future, more detailed planning for this locality. The plan identified areas that could potentially support a range of future leisure, entertainment and tourism activities in the Precinct. The Riverlink Precinct is generally bounded by the Main Western Railway in the north, the Nepean River to the west, the M4 to the south, and Mulgoa Road to the east. The Riverlink Precinct Plan was prompted in part by the joint venture between Panthers Group and ING Real Estate Development Australia (Panthers Partnership) to develop its holdings within the precinct as a mixed leisure, entertainment, retail, commercial and residential project and which now forms part of this Planning Proposal (Panthers Partnership Vision Document – Appendix A).

The Panthers Partnership is advanced in planning its site within the Riverlink Precinct (Figure 3 identifies the Panthers Penrith site within the Riverlink precinct boundary). To enable a rezoning to proceed, Panthers Partnership has requested a site specific planning proposal be considered ahead of Council's Comprehensive Plan (LEP Stage 2) process. This request has resulted in this Planning Proposal which Council officers have worked collaboratively with Panthers Partnership to prepare.

The Panthers Partnership seeks to develop and expand on the Panthers entertainment complex. The proposal includes the Panthers Club, tourist and visitor accommodation,

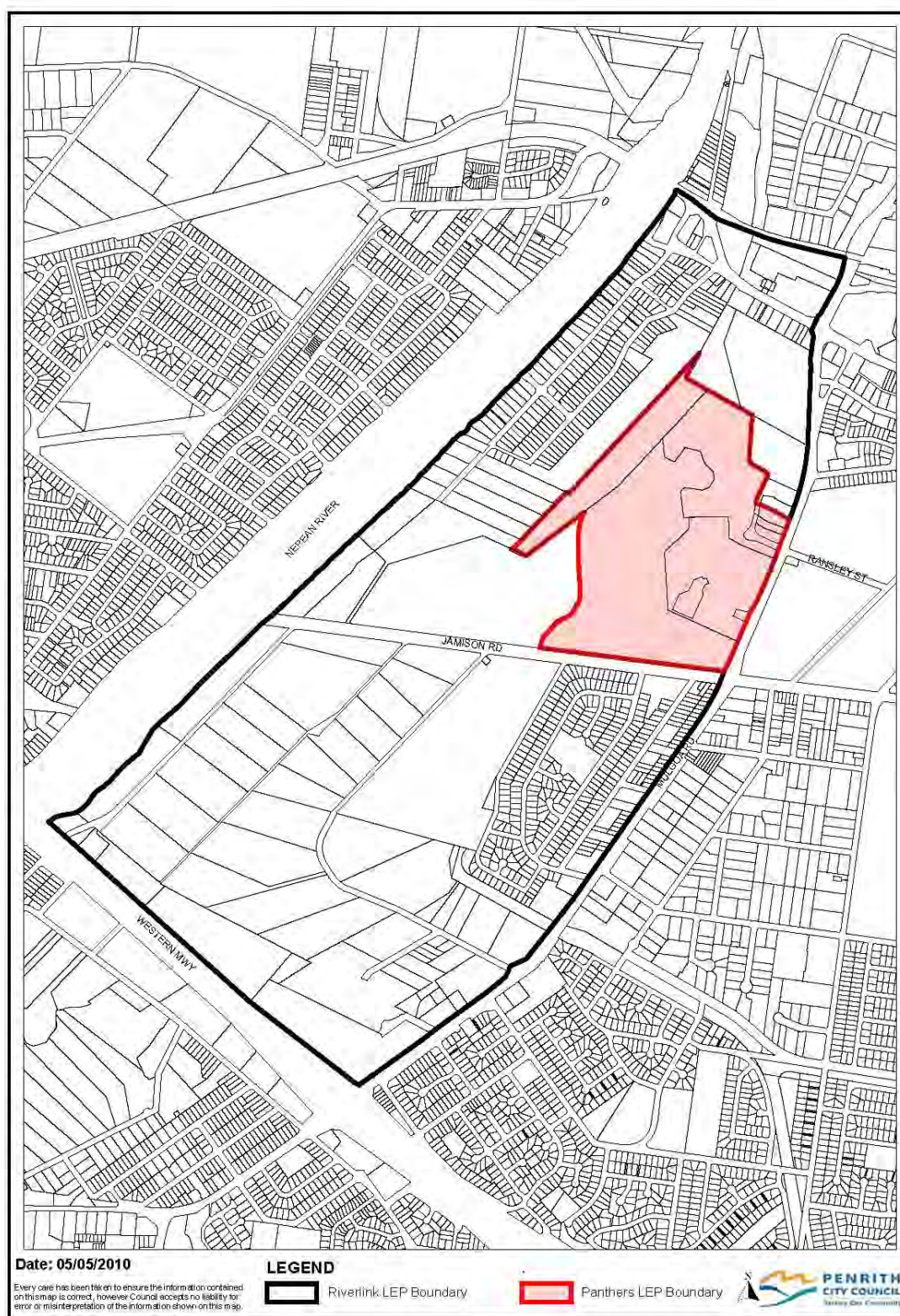


Figure 3: Panthers site within the Riverlink boundary

The Panthers Penrith Planning proposal is being considered separately to Council's LEP Stage 2 process for the following reasons. Firstly, a separate planning proposal for the Panthers site permits independent assessment consistent with the Riverlink Probity Plan. The Probity Plan was developed as Council has multiple functions and interest in respect to the Riverlink Precinct. Council is the statutory planning authority, a major landowner (Woodriff / Carpenter sites) and has historical and contractual relationships with Panthers. In recognition of the potential for perceived conflict of interest in these circumstances, Council engaged an independent consultant, Deloitte, to prepare a Probity Plan in relation to its dealings with the Riverlink Precinct. The Probity Plan is intended to provide clear guidance for Councillors and Council staff in the assessment of future planning and development options for the Precinct.



Figure 4: Panthers site relationship to the Penrith City Centre Source: Panthers Partnership

Secondly, the Panthers site has been specifically referenced in the State Government's draft North West Subregional Strategy and the Penrith City Centre Vision as having a future role for Penrith by providing complementary and supportive land uses to the Penrith City Centre. (Figure 4 identifies the Panthers site and its relationship to the City Centre). In light of this status, a separate planning proposal for the site will allow a more specific focus and greater depth of consideration than might be available if included in the larger and more complex work program for Council's LEP Stage 2.

Part 1 - Objectives or intended outcomes

This section provides a concise statement setting out the objectives or intended outcomes of this planning proposal. It is a statement of what is planned to be achieved.

It is intended to develop a stand alone LEP for the Panthers Penrith site that will facilitate the development of a unique regional entertainment, leisure and lifestyle precinct around the existing Panthers Club. Council has developed stand alone LEPs (referred to as “look-a-like” LEPs by the Department of Planning) for other major new urban areas within the City such as Glenmore Park Stage 2, South Werrington Urban Village and Caddens.

The Panthers Planning Proposal proposes an entertainment and leisure precinct that includes:

- club expansion
- conference facilities
- Brand Outlet Centre (25,000m²)
- general retail (12,500m²)
- restaurants and cafes
- commercial (campus style office development)
- entertainment (bowling, cinema etc.)
- multi-use arena
- tourist and visitor accommodation (serviced apartments and hotel)
- aquatic, health and wellbeing, and
- residential (medium and high density development of approximately 650 units)
- seniors living (250-350 independent living units plus 80 bed aged care facility)
- recreational opportunities such as parks, open spaces, walking and cycle ways.

The objectives of the Planning Proposal are to:

- contribute to the Regional City status of Penrith
- rationalise the range of zones that apply across the Precinct to simplify understanding future planning for the locality
- enable redevelopment of the site so that it becomes a focus for recreation, leisure and entertainment opportunities for the City of Penrith and the wider north western region of Sydney
- permit a limited range of local convenience retailing and specialised ‘brand outlet’ retail to support local residents, tourists and visitors to the precinct that does not compete with the Penrith’s City Centre
- permit ‘campus style’ office development along Mulgoa Road to provide office accommodation not offered elsewhere in the City of Penrith

- confirm the range of land uses that will be permitted in flood prone areas of the precinct
- encourage views of the mountains from public domain areas, and
- improve connections to the City Centre and the River.

Part 2 - Explanation of Provisions

The explanation of provisions is an explicit statement of how the objectives and intended outcomes are to be achieved by means of new controls on development imposed via a local environmental plan.

It is proposed to achieve the objectives described by excluding the land from the current planning instruments that apply to the land, and including the land in a new local environmental plan consistent with the Standard Instrument (SI) LEP template. It is proposed that any new LEP will be inserted into Council's LEP Stage 2 at a later stage.

This planning proposal recommends the new LEP comprise a:

- Written instrument
- Land application map
- Zoning map
- Height of Buildings Map
- Floor space ratio controls map
- Land Acquisition Map
- Urban Release Area Map, and
- Flood Planning Map.

The table below outlines how the Panthers Penrith LEP is likely to be structured in accordance with the parts within the SI template. Appendix B provides the maps that have been prepared to include in the LEP. The table below offers suggested drafting of the LEP. It is noted that the LEP will ultimately be drafted by the Department of Planning (DoP).

Part 1:	
Name and aims of plan:	To reflect the aims and objectives described above with the addition of those relevant aims included in the Stage 1 Penrith LEP when gazetted.
Repeal of other local environmental planning instruments:	Subject to subclause (2)

Part 2:	
Zone objectives and land use zones:	The Panthers Penrith LEP will include the following zones: <i>SP3 – Tourist</i> Additional objectives are to include those relevant to the zone and detailed in Part 1 of this Planning Proposal. Permitting land uses such as building identification signs, business identification signs, childcare centres, community facilities, entertainment facilities, food and drink premises, function centres, health consulting rooms, helipads, information and education facilities, markets, places of public entertainment, recreation facilities (indoor), recreation facilities (outdoor), recreational facilities (major), registered clubs, and tourist and visitor accommodation.

	B7 – Business Park Permitting land uses such as building identification signs, business identification signs, food and drink premises, industrial retail outlets, light industries, office premises (campus style only), recreation facilities (indoor), tourist and visitor accommodation, warehouse and distribution centres. RE1 – Public Recreation Permitting land uses such as building identification signs, business identification signs, community facilities, environmental facilities, function centres, information and education facilities, kiosks, markets, recreation areas, recreation facilities (indoor), recreation facilities (outdoor) and water recreation structures.
Additional permitted uses:	Brand Outlet Centre (25,000m²), General Retail (12,500m²) and Residential within the SP3 Tourist zone. The Panthers Penrith site within the Riverlink Precinct is a unique offering for the City and the region, so it is important to use a zone not offered elsewhere in the City. The limitation on the retail and residential is guided by supporting studies and is described in more detail below in Part 3 Justification. Campus style office development – to enable a commercial development that is not able to be offered in the City Centre. Campus style office development (being single purpose commercial development on large floor plates, as found at North Ryde and Norwest) would be difficult to locate in the City Centre due to the lack of suitable large sites and the difficulty in consolidating small sites for such purposes.

Part 3:

Exempt and complying development:	No change
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Part 4:

Subdivision:	No change
Building Height:	A maximum building height is provided for the site. Appendix B has an accompanying map.
FSR and calculation of FSR:	A FSR is provided for the site. Appendix B has an accompanying map.

Part 5:

Classification and reclassification of public land:	No change
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Part 6:

Part 6 Urban release areas	It is proposed to adopt the Department of Planning's model Local Provision for Urban Release Areas. Part 6 appears in the gazetted 'look alike' SI LEPs for Glenmore Park Stage 2, South Werrington Urban Village and Caddens. It is proposed to apply these provisions to the Panthers site to ensure public infrastructure and development controls are in place prior to consent being issued on the site. It is suggested that there are provisions included in this part that relate to ensuring that arrangements have been made for the delivery of local infrastructure as a result of any development on the site.
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It is considered that the Panthers Penrith LEP could apply the DoP's model clauses as contained in Part 6 for Urban Release Areas. This is due to the site being largely undeveloped which is comparable with other release areas within the LGA (i.e. the WELL Precinct). Part 6 also contains certain controls that are required to be addressed prior to consent being issued on the site such as a Development Control Plan and the provisions of adequate infrastructure both locally and state required, and that it is delivered in a timely manner. These elements are critical to such a large proposal.

Part 7:

Proposed Clauses	
Sustainable development	Adopt the local clause used in Stage 1 and will be incorporated into Stage 2.
Flood Planning Land	Adopt the local clause used in Stage 1 and will be incorporated into Stage 2. Accompanying map in Appendix B.
Design Excellence	To include similar provisions as the Penrith City Centre Plan to encourage community participation in the design process and ensure the delivery of exceptional design.
Servicing	Adopt the local clause used in Stage 1 and will be incorporated into Stage 2. Accompanying map in Appendix B.
Zone SP3 – retail type, floor area and residential limitations	Similar to Clause 7.3 in Penrith LEP (Caddens) 2009 in relation to the B2 zone. The objective of this clause is to retain the existing hierarchy of local centres by imposing size limitations on retail. For this proposal, the clause provides that the gross floor area of all general retail premises must not exceed 12,500m², Brand Outlet Centre must not exceed 25,000m² in total and residential is limited to land to the

	east of the site not affected by flood within the SP3 Tourist zone. This limitation is guided by supporting studies and is described in more detail below in Part 3 Justification.
Specialised Retail Development	Seeking a separate definition of a Brand Outlet Centre to support the clause above and the unique retail offering of the proposal and ensuring that it does not compromise the integrity and vitality of the City Centre. This is supported by studies which are described in more detail below. The separate definition for a Brand Outlet Centre is critical for the proposal as Council will not support general retail of this scale outside the City Centre. Without the definition the proposal will not be able to be delivered on the site.

Schedules:

Schedule 1	Refer to Part 2 of LEP.
Schedule 2	State Environmental Planning Policy (SEPP) Exempt and Complying Development Codes 2008
Schedule 3	State Environmental Planning Policy (SEPP) Exempt and Complying Development Codes 2008
Schedule 4	No change
Schedule 5	No heritage items

More detailed development controls to guide future development of the site will be incorporated in a specific chapter of the Penrith City Development Control Plan (DCP), which will also describe over-arching controls common to all development types. The DCP is a separate process to this planning proposal.

Part 3 - Justification

This section sets out the reasons for the proposed outcomes and development controls in the Planning Proposal. The following questions are set out in the Department of Planning's *A Guide to Preparing Planning Proposals* and address the need for the planning proposal, its strategic planning context, the environmental and social impacts and the implications for State and Commonwealth agencies.

The following sections examine the justification for the planning proposal in more detail.

Section A – Need for the planning proposal

1. Is the planning proposal a result of any strategic study or report?

Yes, the Riverlink Precinct Plan is a key strategic plan for the site. Panthers Partnership have major landholdings within the Riverlink Precinct (Refer Figure 2 and Figure 3).

The background to contemporary studies and planning for the Riverlink Precinct commenced in October 2000 with the examination of a significant Council owned site (the Carpenter site in the north of the Precinct). A Rural Land Study in 2003 identified the Blaikie Road sector of the Precinct as appropriate for Rural Conservation. In 2006 Landcom undertook further studies on Council sites and Panthers landholdings to determine opportunities, constraints and a range of potential future land uses. In 2007 Council exhibited a draft Precinct Plan for land north of Jamison Road within Riverlink. This Plan was subsequently extended to incorporate land south of Jamison Road and following community consultation, was adopted as an interim Planning Position pending completion of more detailed studies. The Precinct Plan (Figure 2) envisaged a future for the Precinct based on the themes of recreation, leisure and entertainment - where suitable - and continuation of existing residential, semi-rural and bulky goods retailing elsewhere.

In addition to analysis of the Riverlink Precinct by Council, the DoP's Penrith City Centres Taskforce also examined the future of the Precinct and its relationship to the City Centre. The Task Force determined that "the Riverlink Precinct will become a recreational, leisure and entertainment destination for locals and visitors and that the river frontage will become the focus of local restaurants, clubs and recreation uses". The impact of the scale and range of land uses within the Precinct upon the City Centre and the need for these to be complementary rather than competitive are considered critical in examining future scenarios.

Three independent studies were undertaken to understand the Riverlink Precinct, its key attributes and opportunities and its relationships with its surrounds. The purpose of these studies was intended to ensure that planning guidelines for the Precinct will respond appropriately to the locality and its setting within the City of Penrith. In addition to baseline studies other background analysis was undertaken for flooding, waterways and specific economic impacts. The studies underpinning the Riverlink Precinct Plan include:

- A. Nepean River Flood Modelling 2008
- B. Peachtree Creek Waterways Assessment Initiative, AECOM December 2008

- C. Visual Character and Urban Design Study, HBO+EMTB September 2009
- D. Traffic, Transport and Access, GHD June 2009
- E. Land Use and Economic Impact, Hill PDA February 2010
- F. Retail Impact Assessment of Development Proposals of Panthers Penrith Site and Parkview Site, Hill PDA February 2010.

A. Nepean River Flood Modelling

For many decades flooding associated with the Nepean River has been a serious constraint on the nature of development that can occur in the Riverlink Precinct. In order to understand the implications of flooding on the future development of the Precinct Council engaged consultants to independently prepare the Nepean River Flood Modelling Study. The study reveals significant limitations upon the extent of land which may be redeveloped and the nature of land uses for those areas suitable for development.

The Flood Modelling has been independently reviewed by the Department of Environment, Climate Change and Water (DECCW), which has verified the Study findings.

Direction from the State Emergency Services (SES) revealed evacuation implications arising from the flood modelling findings, limiting the scale and nature of development that may occur. The SES Directions has confirmed, for example, that future residential development is limited and that a narrow range of flood compatible "itinerant" land uses (such as recreation and entertainment) where structures do not affect the extent or velocity of flood events. There is sufficient flood free land on the Panthers East site to allow residential development. Flooding impacts are discussed in Section C where Figure 8 shows the results of the flood model.

Based on this analysis Council is seeking residential development as an additional permitted land use within the SP3 Tourist zone in the LEP on land that is not constrained by flooding and can ensure safe flood evacuation.

B. Peachtree Creek Waterways Assessment Initiative

Peachtree Creek is a major east bank tributary of the Nepean River and extends in part through the Riverlink Precinct. Peachtree Creek catchment is a major sub-catchment (approximately 22km²) in the Penrith area, conveying up to 40% of the urban runoff from Penrith LGA. The Peachtree Creek study involved conducting a condition assessment and providing improvement recommendations for a 4 km reach of Peachtree Creek (the Project Reach). The project reach runs through the Panthers site.

The assessment identified certain reaches and prioritised them for initiatives to improve geomorphic condition. The subject reaches requiring additional work are likely to be included in an RE1 zone to ensure future riparian protection.

C. Visual Character and Urban Design Study

The key outcomes of this study (insofar as a draft LEP is concerned) were the recommended urban design framework (Figure 5) and the suggested height and floor space ratio controls. The study also describes the rationale behind arriving at these recommendations.

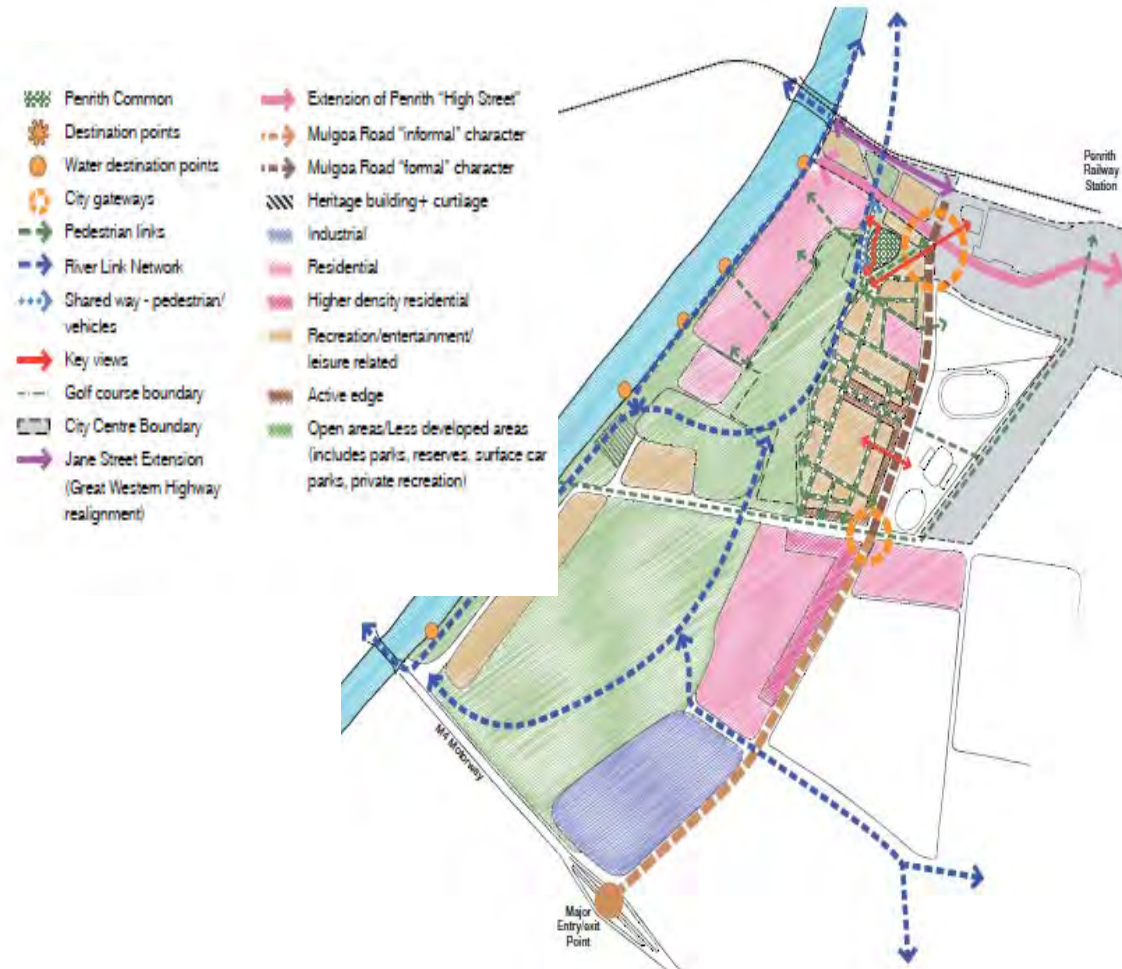


Figure 5: Urban Design Framework (Urban Design Study)

The urban design framework also identifies appropriate links through the precinct. Specifically, development of the Panthers site will open up opportunities for future connections through to the river (Figure 6). Elements of the urban design framework such as suggested street networks, cycle/pedestrian connections and city gateways will be achieved by way of DCP controls.



Figure 6: "Riverlink through Panthers site (Panthers Partnership, 2010)

Council officers have also been working collaboratively with the Panthers Partnership to develop a more specific and detailed analysis of the Panthers site and its masterplan (Appendix A). This has resulted in some changes in the suggested heights on the Panthers site which now range from 16m to 24m with a landmark building site of 32m behind the existing club (as detailed on the height map in Appendix B). These heights represent the maximums to be permitted across the site.

Panthers Partnership is seeking maximum heights on key sites to achieve the following:

1. reinforcement of important corners
2. reinforcement and emphasis of significant view corridors
3. visual emphasis and landmark status without undue overshadowing, especially of open space and residential development
4. high level of activity and density required to activate and enliven streets and the public domain, and
5. be iconic in form.

Council is also seeking the inclusion of the design excellence clause (as used in the Penrith City Centre Plan) in the future LEP, which will invite community involvement in the design process.

The FSRs as recommended in the Urban Design Study are reflected in the FSR map found in Appendix B.



An artist impression of Ransley Street looking west, indicating the type of built form over a portion of the site (provided by Panthers Partnership).

D. Riverlink Traffic, Transport and Access Study

This study sought to investigate potential impacts on traffic, transport and access, resulting from the proposed development of the Riverlink precinct. The proposed land uses assumed for modelling purposes included additional development in the Panthers Penrith Entertainment Precinct and cultural and civic developments in the Carpenter and Woodriff Gardens Site along the Great Western Highway (west of its intersection with Mulgoa Road/Castlereagh Road).

The regional traffic modelling has identified that due to the layout of the existing road network, the noticeable impact from development in the Precinct will be on Mulgoa Road, and at key intersections providing access to the Riverlink Precinct.

The modelling suggests that with localised intersection improvements, Mulgoa Road will be capable of sustaining the development growth within the Penrith LGA until Year 2026, including

the traffic generated from the proposed Riverlink Precinct development. The model highlights the need for intersection improvements at the following intersections:

- Mulgoa Road/Jamison Road – optimised traffic signal settings (currently under construction)
- Mulgoa Road/ Blaikie Road – dual right turn from Blaikie Road, and
- Mulgoa Road/Glenbrook Street – left turn slip lane from Mulgoa south bound.

In addition, two new access points are proposed for the Riverlink Precinct site:

- A proposed traffic signal controlled intersection on Great Western Highway at the Riverlink Access Road; and
- A proposed left-in/left-out arrangement on Mulgoa Road at Union Street.

A 10% modal shift to public and active transport use (from the private car) is sought. To achieve this a number of transport measures would have to be implemented. These measures include:

- Improving pedestrian and cycle facilities
- Restricting car parking provision to the levels adopted for the Penrith City Centre, and
- Liaising with the Ministry of Transport for high frequency bus services to the Precinct.

Given the nature of the development assumed for the modelling purposes of the study, it can be concluded that subject to the implementation of the recommendations of the Traffic, Transport and Access Study, the traffic impact of possible additional development in the Riverlink Precinct can be mitigated. Further traffic analysis will be undertaken at the detailed development application stages.

E. Riverlink Economic Impact and Land Use Study

The Economic and Land Use study sought to identify the:

- most appropriate range of economically viable land uses
- preferable location of those land uses
- appropriate scale (in terms of floorspace) for those land uses, and
- The economic impact on the city of developing those land uses.

These conclusions were based on demand analysis, comparisons with similar, competing land uses (within the Sydney basin and nationally) and achieving land uses which would complement the city centre rather than undermine it. The study also recognised the land use limitations of the precinct based on flood constraints, infrastructure provision and relationships with surrounds.

The key findings of the study are best summarised in the recommended preferred land use table (Table 1) and associated mapped locations (Figure 7) for such land uses below:



Figure 7: Map detailing location of sub-precincts within Riverlink, relating to table of preferred land uses described below.

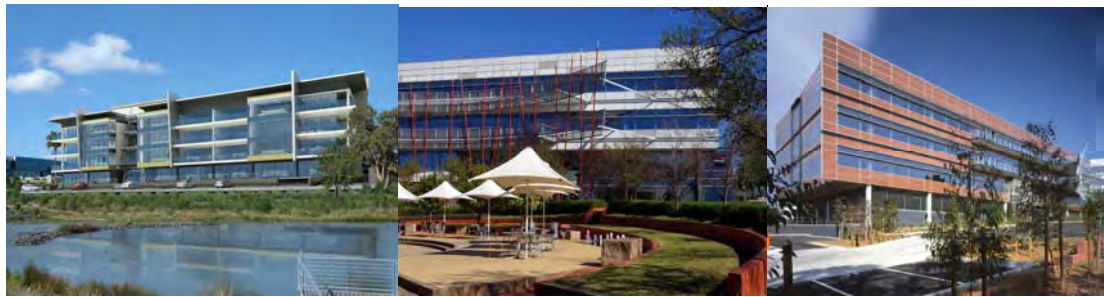
Table 1 - Riverlink Precinct Preferred Land Use Plan			
Precinct Land Uses	GFA Existing	GFA Proposed	Stage
North*			
Sports Stadium		2,000	Medium term
Indoor / Outdoor Sports Centre		5,000	Medium term
Integrated Visitor Centre / museum / gallery		2,000	Short term
Sports Academy / Management School		4,000	Short term
Art / Cultural / Business Incubator		3,000	Short term
General Retail ground floor		5,000	Short term
Fresh Food Markets		4,000	Short term
Private High School		10,000	Medium term
TOTAL		35,000	
Penrith Panthers Stages 1 & 2			
Club	27,200	27,200	
Conferences / Conventions	21,000	48,200	Short term
Aquatic health wellness centre		4,000	Short term
Hotel	11,500	41,700	Short term
Serviced Apartments		9,000	Short term
Cinemas & bowling		8,500	Short term
General Retail		9,000	Short-Med term
Restaurants	3,050	3,500	Short-Med term
Commercial Suites		6,000	Short-Med term
Business Park		25,000	Short-Med term
Multi-use Arena		30,000	Short term
Seniors Living Residential		50,000	Short-Med term
Residential Medium Density		54,000	Short-Med term
Residential High Density		30,000	Short-Med term
TOTAL	62,750	346,100	
Panthers Stage 3			
Restaurants, Hotel/Tavern, Functions, Conference Facilities and River Rec. Uses		15,000	Long Term
TOTAL		15,000	
Southwest			
Restaurants		1,200	Medium term
Tavern		1,500	Medium term
Functions / receptions		1,500	Medium term
River recreational uses		1,500	Medium term
TOTAL		5,700	
Southeast			
Bulky Goods		15,000	Medium term
TOTAL		15,000	
Flood Liable Land**			
Water Theme Park		20,000	Short-Med term
Golf Course (18 Holes)		1,000	Medium term
Camping Grounds			Medium term
Eco tourism resort		7,500	Medium term
Market Gardens			Short-Med term
City Garden			Short-Med term
TOTAL		28,500	
TOTAL	62,750	445,300	

Table 1: Riverlink Precinct Preferred Land Use Plan

The above table details the recommended list of preferred land uses, suggested floorspace and suggested timeframe/staging of development as identified from the study. Panthers Stage 1 and 2 are subject to this planning proposal. It is important to note that the Brand Outlet Centre was not included as a preferred land use as it was considered that the preferred location for such a land use was the Penrith City Centre. The study also recognises that excluding a Brand Outlet Centre from the preferred land uses does not preclude this option and that in recognition of alternatives a full detailed assessment should be carried out. These considerations are consistent with the recommendations of the "Promoting Economic Growth and Competition through the Planning Process Review Report" April 2010. The impacts of the Panthers Penrith proposal (general retail and Brand Outlet Centre) and other retail such as that proposed on the Parkview Site, and the impact this combined level of retail would have on the City Centre is discussed below.

This study generally supports a retail component on the site between 12,000-13,000m² to service the precinct. This level of retail represents the least economic impact on the City Centre. As a result of this, Council is seeking that the retail floorspace on Panthers site in the future local environmental plan (LEP) be capped at approximately 12,500m² through a specific LEP clause.

Similarly, in the case of commercial floorspace, the business park has the potential to undermine commercial floorspace in the Penrith City Centre. However, if this commercial floorspace is developed in a “campus style” arrangement, with large floor plates being for single purpose commercial development (as found at North Ryde and Norwest) it would complement rather than compete with the City Centre. Campus style office development would be difficult to locate in the City Centre due to the lack of suitable large sites and the difficulty in consolidating small sites for such purposes. Council will be also requesting the DoP to consider this specific type of commercial land use and for this to be scheduled in the future LEP.



Examples of Campus Style Office Development (Panthers Partnership, 2010)

This study also recognised that brand outlet retailing is a growing trend, however would require further detailed retail impact analysis. This concern was also raised by the DoP, which supports the 12,000-13,000m² range of retail for local conveniences on the Panthers site, however any additional retail above this amount (such as the Brand Outlet Centre) would need to be assessed against the Net Community Benefit Test to determine if the site is appropriate as a focus for retail activity servicing a broader region. The Net Community Benefit test is discussed below.

Panthers Partnership indicate that the key component for the delivery of an entertainment, leisure and lifestyle precinct is the brand outlet centre and provide the following information and comparison of this proposal with other existing entertainment precincts adjacent to City Centres:

“A retail offer that is complementary to the entertainment/leisure uses is critical to the success of an entertainment precinct. It will assist in capturing expenditure which presently ‘leaks’ out of the Penrith LGA. A part of the particular type of retail anticipated at the site is brand outlet retailing. This type of use typically is not suited to a main street configuration and is, presently not found in the Penrith area. Homebush and Parramatta provide the closest such facility. Brand outlet centres draw from extensive trade catchments, with precedents at Melbourne, the Gold Coast and Adelaide indicating a complementary increase in other shopping offers.

As part of the investigation, research and analysis process, MacroPlan Australia and Hill PDA have looked at several entertainment precinct benchmarks across Australia. These benchmarks include Southbank Brisbane, Darling Harbour Sydney and Melbourne's Southbank precinct. The size, distance and location were compared with Penrith."



Southbank
Brisbane
CBD is 78.4ha
Entertainment
Precinct is 31.4ha
Walking distance
between CBD &
Entertainment
Precinct is 1.34km



Sydney
CBD is 161ha
Entertainment
Precinct is
37.6ha
Walking distance
between CBD &
Entertainment
Precinct is 1.2km



Southbank
Melbourne
CBD is 174.9ha
Entertainment
Precinct is 33.7ha
Walking distance
between CBD &
Entertainment
Precinct is 1.5km



Penrith
CBD is 106ha
Entertainment
Precinct is 22ha
Walking distance
between CBD &
Entertainment
Precinct is 1.5km

(Panthers Partnership, 2010)

D. Retail Impact Assessment of development proposals of Penrith Panthers site and the Parkview Site

In response to the Economic study and the DoP views, a consultant was engaged to prepare an independent Retail Impact Assessment of the Panthers Penrith site (namely the additional retail in the form of a Brand Outlet Centre) and the Parkview site (based on retail proposals initially discussed with the DoP in relation to a Major Project application).

The Hill PDA assessment identified 8 retail scenarios for the City comprising the following:

1. No Parkview and 12,000m² general retail on Panthers.
2. No Parkview and 23,000 m² general retail on Panthers.
3. No Parkview and 12,000m² general retail on Panthers and 25,000m² Brand Outlet Centre.
4. No Parkview and 23,000m² general retail on Panthers and 25,000m² Brand Outlet Centre.
5. Parkview (13,500m²) and 12,000m² general retail on Panthers.
6. Parkview (13,500m²) and 23,000m² general retail on Panthers.

7. Parkview (13,500m²) and 12,000m² general retail on Panthers and 25,000m² Brand Outlet Centre.
8. Parkview (13,500m²) and 23,000m² of general retail on Panthers and 25,000m² Brand Outlet Centre.

The assessment's supply and demand modelling indicates that if all proposals were to proceed (13,500m² Parkview, 23,000m² Panthers and 25,000m² Brand Outlet Centre) it would result in considerable oversupply of retail floor space that most likely would take until year 2024 before the existing precincts of Westfield, High Street and Centro return to their 2009 retail sales trading levels.

The assessment indicates that Scenario 1 (No Parkview and 12,000m² general retail on Panthers), apart from do nothing would have the lowest impacts on the existing centres. However, overtime Scenario 1 fails to meet the objectives of the draft Centres Policy and the principles of increasing supply to keep up with demand.

Overall the assessment concludes that Scenario 3 (No additional retail on Parkview, 12,000m² general retail on Panthers and a 25,000m² Brand Outlet Centre) is the preferred scenario for the following reasons:

- a. *"The type of retail (in particular the Brand Outlet Centre) is different for Penrith and is a new type of retail offer"*
- b. *The immediate impacts on the CBD components averaging 12.4% are considered to be moderate (moderate to high) but not high (being below 15%)*
- c. *The loss in turnover from 2009 to 2014 on the CBD components (resulting from Scenario 3) will be less than 5% which is considered minor*
- d. *High Street, Westfield and Centro would take 5,7 and 6 years respectively to absorb the impacts from their 2014 turnover levels – which is considered to be moderate, but not significant level of time*
- e. *The most significant impacts are on apparel stores, which on average would take around 11 years to recover – however it's likely that some apparel stores will be relet to other store types*
- f. *The impacts on the majors (department stores and supermarkets) is less severe – these store types taking around 4 to 5 years to absorb the impacts which are not considered threatening*
- g. *The type of retail on Panthers has the potential to enlarge the Penrith trade area and arrest some escape expenditure, and*
- h. *If a Brand Outlet Centre did not proceed in Penrith there is the possible scenario that it could locate outside Penrith still with some impacts on the CBD".*

(Retail Impact Assessment, Hill PDA, 2010)

The most retail impact will be on Centro, however this centre is currently overtrading at around 29% above the median and can theoretically sustain an immediate loss in retail sales of up to 25%. Westfield is also overtrading at 9% above the median, however can continue to trade above a sustainable level even under the worst case scenario. High Street traders will be more sensitive to the shifts in turnover due to higher vacancy rates and lower performance in relation to turnover per square metre. Any of the scenarios that result in a loss in trade greater than 5% in High Street needs to be given careful consideration. It is important to note that High Street

performs no worse than may other strip retail centres in the western suburbs such as Fairfield, Liverpool and Campbelltown.

As a result of discussions, Panthers Partnership has now proposed to develop its site with 12,500m² (Riverlink Economic Study recommends range 12,000m² – 13,000m²) general retail and a 25,000m² Brand Outlet Centre. This level of retail together with the other employment opportunities will likely generate 2,100 full time equivalent jobs on the site post-construction which equates to 76% of the estimated workers expected within the Riverlink Precinct.

The Planning Proposal for Panthers will propose a general retail floorspace cap on the site at 12,500 sqm through a specific LEP clause to cater for the local convenience retail. This rate of retail provision for local convenience is consistent with proposed local centres in other new urban areas in the City such as Caddens and Glenmore Park Stage 2. This quantum of retail is also comparable in size to St Clair Shopping Centre which is approximately 13,000m². The local convenience retail proposed by Panthers Partnership is of a form that will be distributed across the site to activate street frontages.

The retail assessment identifies that the most desirable location for a Brand Outlet Centre is the City Centre, however a Brand Outlet Centre requires a site area of a size that is not currently available in the City Centre. In the absence of any other proposal for a Brand Outlet Centre in the City Centre there is an opportunity to develop this retail form on the Panthers site drawing on the synergies with the Panthers Club facilities to create a regional entertainment destination. A Brand Outlet Centre in Penrith will potentially strengthen Penrith as a regional trade area and arrest escape expenditure. A Brand Outlet Centre is considered to have a different retail offer to that of the retail in the City centre, so is considered to be a complementary form of retail offering. The net community benefit test further assesses the merits of a Brand Outlet Centre on the Panthers site.

Due to the specialised nature of this form of retailing Council staff have requested that the DoP considers a specific definition for a Brand Outlet Centre in the future LEP for this site, and in fact, for all LEPs. Currently, the template definition does not distinguish between types of retail, so a Brand Outlet Centre and general retail are both interpreted as “retail”. To include retail as a permissible land use on the site without a specific definition could open the site up to unspecified retail activity, if a Brand Outlet Centre is not successful. A specific Brand Outlet Centre definition is therefore critical to ensure economic impacts are managed and if the DoP does not allow this use to be separately defined in the LEP, then the Panthers Penrith Planning Proposal will be amended to only include the 12,500m² (local convenience) maximum retail on the site.

A recent announcement by the Minister has indicated that in the future, LEPs will be limited in their ability to control the number, type and location of retail proposals. This arose from the State Government’s recent discussion paper “Promoting Economic Growth through the Planning System”. A “Competition SEPP” is currently being drafted for comments, which is a key recommendation from the discussion paper review.

We have discussed the implications of the draft SEPP with the DoP which has indicated that given our investigations into the retail impacts, consideration will be given to the planning proposal’s specific limits for the retail elements on the site during the gateway process.

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

Yes, the planning proposal is the best means of achieving the objectives for the Panthers site which is currently subject to a patchwork of zones under a myriad of planning instruments, including LEPs and Interim Development Orders (IDOs), some of which are up to 30 years old.

The current range of planning instruments pre-date the recently concluded Riverlink-specific studies described above and as a result:

- do not accurately reflect the opportunities and constraints affecting the Precinct
- do not reflect the adopted interim Riverlink Precinct Plan and DoP City Centres Taskforce Vision for the locality
- do not achieve sensitive management of the setting, and
- do not permit appropriate response to changed community expectations regarding access to the Nepean River and rehabilitation of natural waterways such as Peachtree Creek.

Current and future land use and public access within the site is thus limited by outdated planning instruments. The planning proposal provides an opportunity to integrate planning for the site maximise opportunities and recognise constraints through suitably tailored land use zones, height and floorspace controls and identification of opportunities to enhance public access. It also provides an opportunity to prepare new controls under the SI LEP template so the Panthers LEP can be easily inserted into Council's Stage 2 LEP.

Without rescinding the current planning instruments for the site and providing a statutory planning alternative, there will be no legal mechanism to enable enhancement of the site to occur. There is no other alternative to the planning proposal which can overcome the legal constraint to redevelopment without preparation of a new planning instrument.

3. Is there a net community benefit?

Panthers Partnership identified the following key community benefits they consider the proposal will bring:

"A unique offer, a destination"

- *Delivering an entertainment, leisure and lifestyle precinct together with expanding the night time economy for Penrith and Greater Western Sydney.*
- *The proposed development will have a positive contribution to the sense of place, identity, amenity and security for Panthers and the surrounding community.*
- *Creating a regional example of triple bottom line sustainable development.*

Economic prosperity

- *Increase economic prosperity & stimulus for the local Penrith economy.*
- *Capturing escape expenditure and contributing to the economic growth of Penrith and the region.*

- *Providing a catalyst for further development in Penrith city centre and surrounds.*
- *Boosting the tourist trade for Penrith.*

Integrating and Complementing the Penrith Regional City

- *connectivity to Penrith city centre and the Nepean River;*
- *providing the continuation of the Riverlink within a quality landscape setting;*
- *new public spaces as well as pedestrian and dedicated cycle pathways;*
- *new local streets to improve the integration of public transport;*
- *quality public domain and new community benefits;*
- *crime prevention measures through design, surveillance and space management.*

Employment

- *Creating jobs, the proposed development will create: 5,000 construction jobs; and 5,700 ongoing jobs (source: MacroPlan)*

Entertainment and Retail Offer

- *The provision of the entertainment and retail uses is supported by the catchment population and those visiting or passing through the area, it is not a redistribution of market share.*
- *Ample retail demand is available, thus minimal effects on average sales levels to existing retail facilities and any effect can be absorbed through positive responses of the retail marketplace in the context of normal retail competition. Both Panthers Partnership and Council's economic studies concluded that there is a retail demand undersupply in 2016 (83,700sqm source: MacroPlan and 72,600sqm source: Hill PDA/Council).*
- *Retail is required to underpin the entertainment uses in order to help support the commercial viability of the development in line with our objective to deliver a successful precinct.*

Residential Offer

- *A range of high, medium and low density residential and seniors living opportunities (up to 900 dwellings) will ensure a diverse range of housing types.*

Business Park Offer

- *A campus-style business park will provide for the large floor-plate commercial users.*

Sustaining the Panthers Club Business

- *The existing Panthers Club is a key meeting place within the community, it has entertainment ranging from restaurants to bars to the Evan Theatre and employs some 500 people through a mix of permanent, part time and casual jobs with training and apprentice programs."*

Council engaged a consultant to conduct an independent Net Community Benefit Test (NCBT) (Refer Attachment G) to assist in its assessment of the merits of the Planning Proposal prepared by Panthers Partnership. The NCBT was carried out in accordance with the DoP's "Guide to Preparing Planning Proposals" and "Draft Centres Policy (April 2009)"

A NCBT should be used to assess the merits of a rezoning of a proposal to develop outside an existing centre where the current zoning does not permit the use. For the Panthers site most of the land uses are currently permissible on the site with the exception of some forms of residential development, commercial floor space and retail. The Planning proposal seeks to integrate these new land uses with the current permissible land uses to create an entertainment, leisure and lifestyle precinct.

The NCBT concludes that the site has qualities that make it suitable for the development contemplated in the Planning Proposal including:

- *“Good road access via the existing arterial road network and relatively good access to public transport. Importantly, the proximity of the site to the city centre and its location within the regional city will mean that improvements to public transport accessibility can be provided efficiently and effectively. The proximity to the arterial road network and the freeway system will facilitate freight access and road access from a wider trade area. Improvements will be required to the road network consistent with its arterial road function including improvements to intersections and potential lane widening as envisaged in the investigations undertaken as part of the Riverlink Precinct Plan.*
- *The site has potential for improvements to pedestrian access linking eventually with the river and the city centre.*
- *The site has characteristics of an urban infill site and is readily accessible to a wide labour market.*
- *The site is large and capable of accommodating development that achieves high quality urban and architectural design and that integrates with the surrounding built form.*
- *There is the capacity to improve the amenity of the area by making more effective use of an underutilised site.*
- *Environmental constraints such as flooding can be managed.*
- *There will be some impact on supply of residential zoned land although this impact is not considered significant in view of the residential elements of the Planning Proposal.*
- *The proposal will provide additional employment opportunities and broaden the economic base of the region by providing uses that currently are not present in the area”*

It also concludes that it is important to protect the public interest by developing planning policies, controls and funding mechanisms that:

1. *“Facilitates the implementation of an integrated project – The successful implementation of the project requires the delivery of a range of synergistic uses and relies on the interaction between land uses, creating a diverse, attractive, day and night activity hub and a regional destination. Consequently each component would not function as effectively as when considered as a whole. Further the proponent submits that the retail offer is required to underpin the entertainment uses in order to help support the commercial viability of the development and deliver a successful precinct. Elements of the development are complementary to each other and to the existing club and its functions. Thus in its entirety, the development would complement the activities in the city centre. It is important to ensure that there is a balance in the provision of the retail uses that are said to underpin the proposal and the elements that are so supported.*
2. *Funds the necessary infrastructure – The successful implementation of the proposal requires infrastructure investment in public domain works to provide the pedestrian and cycleway connections with the surrounding areas and to provide public open spaces. It also requires investment in road and public transport infrastructure to provide adequate access, to integrate with the city centre and the railway station and reduce car travel.*
3. *Includes specific development controls and guidelines – the proposal seeks a change to planning controls to achieve a specific vision which includes developments of a particular*

kind. It seeks a specific type of retailing in the form of a Brand Outlet Centre and other retailing complimentary to the entertainment and recreational visions. General retailing is limited. Bulky goods retailing, if it is to form part of the proposal, is of a restricted kind complimentary to the entertainment leisure uses. Council does not support bulky goods retailing on the Panthers Penrith site with the Precinct Plan identifying other areas for such uses.

4. *The vision includes a particular urban design and building design with high quality, varied and attractive building facades consistent with the entertainment and leisure theme. Consideration should also be given to the amount, location and design of car parking."*

It is considered that Item 1 above is critical because overall the net community benefit arrives from the development of all the entertainment, leisure and lifestyle land uses as put forward in the planning proposal.

The DoP Regional Office have indicated that the planning proposal should also address the draft Activity Centres Policy (not yet released) Sequential Test and Rezoning Site Suitability Criteria. The Sequential Test is used when examining rezoning proposals on the edge of the Centre or out of centre proposals. The Sequential Test comprises:

1. Can the development be accommodated in the existing centre?

From the NCBT: "Consideration has been given to whether the proposal could be accommodated within the existing centre. It is considered that elements of the proposal could be accommodated within the existing town centre including the brand retail outlet, other forms of retailing, hotel and serviced apartment uses and commercial premises. This is dependent on suitable sites available.

However the site is of a significant size which would not be available within the existing city centre. Furthermore the site offers the potential for a regional entertainment precinct around the existing Panthers Club with complimentary destination retail. Such potential is not available in the city centre."

2. Can the development be accommodated on land adjacent to an existing centre?

There is not suitable zoned land adjacent to the City Centre. There is open space/recreation areas and residential on the edge of the City Centre to support the commercial core. This open space also provides opportunities for connection of the City Centre to the Nepean River. The development also relies on the location and identity of the Panthers Club to act as a catalyst to further develop the site as an entertainment, leisure and lifestyle precinct.

3. Is the site suitable for development of a new centre or cluster of similar type of development?

Panthers is within the 2km radius, and identified criterion for a Regional City (refer Figure 4). Panthers is a precinct that forms part of the broader Regional City and is referred to as a supporting character area in the Penrith City Centre Vision Document and the NW Subregional Strategy. The site has opportunities to create an activity centre that supports and compliments the City Centre.

On further investigation, the site suitability criteria contained in the draft Activity Centres policy is not too dissimilar to the questions put forward in the current Net Community Benefit Test (Attachment G). On this basis, it is considered that the Site Suitability Criteria has been adequately addressed.

Section B – Relationship to strategic planning framework

4. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

The State Government's Draft North West Subregional Strategy sets directions and actions for the implementation of the 2005 City of Cities: A Plan for Sydney's Future (Metropolitan Strategy), at a more detailed local level. The Metropolitan Strategy identifies Penrith as a Regional City.

The draft NW Subregional Strategy reinforces Penrith City as a Regional City for the subregion. Panthers Entertainment Complex and the Nepean River are important assets of Penrith Regional City. This is detailed in the Strategy where it states "opportunities exist to capitalise on existing assets in areas which are peripheral to Penrith's central area, and can support and complement it". Those assets include the Panthers Penrith entertainment complex.

The Planning Proposal is broadly consistent with relevant intended outcomes and actions of the Metropolitan Strategy and Draft North West Subregional Strategy. Appendix C provides a table that identifies the planning proposal's consistency to the actions as set out in the strategy.

5. Is the planning proposal consistent with the Council's Community Strategic Plan, or other local strategic plan?

The Vision for Penrith outlined in Council's Community Strategic Plan 2031 is of "a sustainable and prosperous region with a harmony of urban and rural qualities with a strong commitment to environmental protection and enhancement. The City would offer both the cosmopolitan and cultural lifestyles of a mature city and the casual character of a rural community."

Five key themes are identified in the Strategic Plan to prioritise action over the next ten years:

- a leading City
- a City of opportunities
- a green City
- a liveable City
- a vibrant City

This Planning Proposal's responses to the Community Strategic Plan are detailed in Appendix D.

6. Is the planning proposal consistent with applicable state environmental planning policies?

The planning proposal is consistent with all relevant State Planning Policies as described in Appendix E.

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

The planning proposal has been assessed for its consistency with all applicable Ministerial Directions as detailed in Appendix F. The Planning Proposal is consistent or justifiably inconsistent with all relevant Ministerial Directions.

Justification is provided below for those s.117 Directions where the planning proposal is inconsistent:

1.2 Rural Zones

The planning proposal is justifiably inconsistent with this Direction as it is rezoning land from a rural zone to a tourist zone. The majority of the rural land on the site will be zoned SP3 Tourist. This land is currently not used for rural purposes (it is large lot residential or private recreation).

Justification for inconsistency

Rezoning will enable achievement of the DoP City Centres Taskforce objectives for the Precinct and Council's adopted Riverlink Precinct Plan as a recreation, leisure and entertainment precinct. Surrounding flood prone rural land will be retained.

4.3 Flood Prone Land

The planning proposal is justifiably inconsistent with this Direction as it is rezoning land within a flood planning area from a rural zone to a special purposes zone (SP3 Tourist).

Justification for inconsistency

Council will be requiring the DoP Flood Planning model clause be used and apply to the land below the 1% AEP flood extent and ensure consistency with this direction and particularly Clause 4.3(6).

Rezoning will enable achievement of the DoP City Centres Taskforce objectives for the Precinct and Council's adopted Riverlink Precinct Plan as a recreation, leisure and entertainment precinct.

6.3 Site Specific Provisions

Council is proposing site specific provisions within a stand alone Panthers LEP. It is considered that this Direction is not relevant as the planning proposal is not seeking to amend an existing LEP to allow the use but introduce a stand alone LEP so it can be easily inserted into Council's Stage 2 LEP when gazetted.

The SP3 Tourist zone is being limited to the Riverlink Precinct with the majority of this zoning over the Panthers Penrith site. The unique offering on the Panthers site distinguishes it from other land uses in the City so the site specific provisions will assist with this distinction by identifying the characteristics of the site as an entertainment, leisure and lifestyle precinct and responding to the site attributes.

Council is seeking specific provisions under the SP3 Tourist zone limited to the Panthers East site to allow and limit general retail to 12,500m², a Brand Outlet Centre at 25,000m² and residential considering the flood planning level. With the SP3 Tourist zone being limited to the Riverlink Precinct it will not have an impact on the effective planning for the remainder of Penrith City.

Section C – Environmental, social and economic impact

8. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

The Peachtree Creek environmental study undertaken in 2008 did not identify any critical habitat or threatened species, populations or ecological communities or their habitats within the Riverlink Precinct. As a consequence of the above, there is believed to be no threat to habitat, species or communities within the site associated with this planning proposal.

It is proposed to include local provisions to assist in the consideration of these matters when DAs are assessed.

An RE1 zone is proposed over the Peachtree Creek riparian corridor to assist in its future protection and management.

9. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

The primary environmental issue confronting the Riverlink Precinct relates to the subject of flooding. Flooding has proved to be the primary constraint to more intense/urban development of the Precinct since European settlement, in spite of its proximity to the Penrith City Centre, the M4 Motorway and Penrith Railway Station.

The extent of flooding is shown in Figure 8 and is extracted from the 2008 Nepean River Presentation RMA Model. The primary implication of this flood affectation is that land within the 1:100 year or above flood zone cannot be developed:

- for residential purposes
- for land uses/development forms that would extend the area of land affected by flooding
- such that it would increase the velocity of flood flow.

As a consequence of these flood-related constraints, future land uses on flood prone land must be flood compatible, with respect to both development form and land use. With respect to development form, the development would need to have a minimal building footprint (e.g. be able to be accommodated on limited piling, being development such as lightweight stadia, recreation structures etc). With respect to flood compatible land uses, these are also known as "itinerant" land uses, being land uses where the occupants of the development can be evacuated readily and predictably, leaving little in the way of assets on the site.

This planning proposal zones the 1:100 year and greater flood prone areas Public Recreation and SP3 Tourist, where a significant and practical proportion of the site could be used for tourist uses and enables the occupants to remain above flood levels.

The State Emergency Service has also advised that in order to achieve practical evacuation of the Precinct and the wider surrounds, no further residential development should occur within the bulk of the Precinct, however it is appropriate along the edges (e.g. Mulgoa Road).



Figure 8: Nepean River Flood study findings indicating the extent of flooding affecting the Riverlink Precinct and immediate surrounds

It is proposed to include local provisions to assist in the consideration of these matters when DAs are assessed.

10. How has the planning proposal adequately addressed any social and economic effects?

Economic effects

The economic effects of the planning proposal have been examined through the Riverlink Economic Impact and Land Use Study and Economic Impact Assessment referred to above.

It is also important to note that development on the Panthers site will likely generate 2,100 full-time equivalent jobs post construction. During construction the job creation is equivalent to 5,000 jobs. The Panthers site will provide 76% of the employment offered within the Riverlink Precinct.

Social effects

From a social perspective, the planning proposal is likely to complement the civic/retail/commercial emphasis of the Penrith City Centre by providing a social focal point for the region, with a much enhanced range of entertainment, leisure and lifestyle options.

Council's Riverlink Precinct Plan provides a mix of activity nodes, whereby a diverse range of land uses and services are provided. A substantial recreation and leisure-based focus was foreseen in the Precinct, with a range of entertainment activities. These activities were envisaged to attract visitors from an extensive catchment in addition to servicing the local community. By broadening the range of leisure, entertainment, recreation and employment opportunities available within the Precinct, the planning proposal is likely to create substantial social benefits for not only the Penrith City community, but also for the wider north-western region of Sydney.

In 2008 Panthers Partnership and the Museum of Contemporary Art engaged French urban renewal artists and architects *Campement Urbain*. This group reviewed the relationship between Panthers and the Penrith City Centre from a human perspective and identified opportunities to enhance this relationship in a more creative and innovative manner than typically occurs with urban redevelopment. The group also identified the relatively limited non-commercial entertainment and "community-connecting" opportunities available to Penrith City residents. The passive, non-commercial, recreation opportunities proposed on the site will help address these limitations.

Section D - State and Commonwealth interests

11. Is there adequate public infrastructure for the planning proposal?

The planning proposal is considered to be classified as “substantial urban renewal, or infill development”, as described in the DoP’s *Guide to Preparing Planning Proposals*. As such, referral of the proposal to relevant agencies (particularly those managing public transport, roads and emergency services) is appropriate.

This planning proposal’s analysis of public infrastructure within the site has involved:

Infrastructure	Availability	Comment
Public Transport		A 10% modal shift to public and active transport target use (from private car use) is sought within the Riverlink Precinct with future development on the Panthers site being a major contributor. To achieve this modal split a number of infrastructure transport measures would have to be implemented. These measures include: • Provision of improved pedestrian and cycle facilities as identified in the Study; and • Liaison with the Ministry of transport for provision of high frequency bus services through the Precinct. • Consideration of other methods of public transport (i.e. Shuttle Bus Service) There is an existing regular bus service that operates along Mulgoa Road south of Jamison Road. Further discussions are required with Ministry of Transport regarding the extension of this route to include the Panthers site.
Utilities		Consultation during the preparation of the Riverlink Precinct involved Telstra, Sydney Water, Transgrid and Integral Energy reveals that these services are available to the site with amplification or extensions required.
Roads		The traffic, transport and access study (Riverlink Precinct) revealed that until Year 2026, Mulgoa Road, with localised intersection improvements, will be capable of sustaining the development growth within the Penrith LGA, including traffic generation from the proposed Riverlink Precinct development. The model highlights the need for intersection improvements at the following intersections: • Mulgoa Road/Jamison Road – optimised traffic signal settings (currently being converted to a signalised intersection); Infrastructure implications associated with development of Riverlink, were discussed with the RTA prior to arriving at the study conclusions described above.
Essential Services		State Emergency Services - Emergency evacuation associated with flood inundation of the Riverlink Precinct will limit the nature of development within the area of the planning proposal. Emergency evacuation may also necessitate additional infrastructure as development of the Precinct occurs. Council has been liaising with the State Emergency Services regarding this matter and will continue consultations as part of planning for the Precinct. Health and Education are well serviced in the area, however further

		investigations as to its capacity is required.
Waste Management		Waste management and recycling will be available through Council or private contractors for commercial/tourist activities.
Waterways		With respect to Peachtree Creek, the Waterways Assessment Initiative identifies selected lengths of the waterway (described earlier) for initiatives to improve geomorphic condition. A small proportion of the works required are within the planning proposal boundary.

Insofar as State Agency infrastructure requirements (ordinarily associated with State Infrastructure Contributions or provision by the State at its own expense), this planning proposal suggests that an Infrastructure Delivery Plan be co-ordinated by the State agencies. It is also suggested that the DoP prepared LEP for Panthers Penrith require proponents to submit an Infrastructure Delivery Plan with their Development Applications. This will be facilitated through Part 6 of the LEP (as described in Part 2 of this planning proposal).

With respect to other physical and social infrastructure within the site, it is proposed to prepare a Development Contributions Plan concurrently with preparation of the LEP and DCP associated with this planning proposal. The Contributions Plan will identify the adequacy of existing infrastructure for the proposal. This will also include identifying land and works related to the new recreation links.

12. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

Following the initial gateway determination, Council will consult with relevant State and Commonwealth public authorities to determine their views. This planning proposal will be amended following those consultations and where relevant, incorporate into the planning proposal for exhibition. It is suggested that, at the least, consultation be undertaken with the Department of Environment, Climate Change and Water, State Emergency Services, Roads and Traffic Authority and Ministry of Transport.

Consultation with service and state agencies were carried out during the exhibition of the Riverlink Precinct Plan in 2007/08. Responses were received from:

1. Department of Water and Energy
2. Sydney West Area Health Service
3. Department of Planning – Heritage Branch
4. NSW Rural Fire Service
5. NSW Department of State and Regional Development
6. Integral Energy
7. Telstra
8. Sydney Water
9. Roads and Traffic Authority
10. Department of Environment, Climate Change and Water
11. Ministry of Transport

Council also liaised with the State Emergency Services (SES) particularly during the flood modelling. No written feedback has been received from the SES to date.

Part 4 - Community Consultation

This part outlines the community consultation that is to be undertaken in respect of the proposal, having regard to the requirements set out in the Department of Planning's guide for preparing planning proposals.

In accordance with the Department of Planning Guideline '*A Guide to preparing local environmental plans*' the Planning Proposal type is 'all other planning proposal, requiring an exhibition period of 28 days.

The consultation program will include:

- Newspaper Advertising through local media to inform the community that the exhibition has started, how long it will run, how information can be obtained and how to make a submission.
- Website - Availability of information through the internet, including copies of the Planning Proposal which can be downloaded.
- Brochures available at exhibition points highlighting key features of the draft Planning Proposal, closing date for the exhibition and how to make a submission.
- Letters to individual land owners and those in the surrounding area advising of the exhibition of the Planning Proposal and where it can be viewed.

A number of supporting documents will be exhibited with the Planning Proposal to assist in understanding the planning documents. The supporting documents will include:

- A copy of the Standard Instrument Order
- A full list of the relevant State Government policies, plans and directions, which have been taken into account when developing the Planning Proposal
- Technical studies and supporting documentation as discussed in this planning proposal.

Public consultation was carried out during the exhibition of the Riverlink Precinct Plan in 2007/08.

APPENDICES

APPENDIX A – Panthers Partnership Vision and Masterplan

May 2010

Panthers Penrith
Entertainment, Leisure & Lifestyle Precinct

DEVELOPMENT
VISION



Club | Hotel | Events | Shopping | Entertainment | Living | Lifestyle | Community

ING
PANTHERS
GROUP

Commercial In Confidence

Panthers Penrith

Vision



At Penrith the Panthers Partnership will develop an Entertainment, Leisure & Lifestyle Precinct serving Penrith, Greater Western Sydney & beyond

The precinct will operate as a destination attraction with nationwide appeal.

The precinct will provide contemporary work, live, play & tourism facilities.

The concept is to develop Panthers Penrith as an extension of the Penrith City Centre allowing connections, integration and consolidation of the Riverlink Precinct and Regional City.

The development provides a unique opportunity for Penrith Regional City to engage the Nepean River in a manner that enhances it's regional function and attractiveness.

Club | Hotel | Events | Shopping | Entertainment | Living | Lifestyle | Community



Commercial in Confidence

PANTHERS PARTNERSHIP

Creating our future

Panthers Penrith

Regional City Integration

Commercial In Confidence

May 2010

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Panthers Penrith Entertainment & Lifestyle



The Panthers Penrith site already includes a range of entertainment & tourist facilities, including:

- ▶ Licensed Club with restaurants, bars, lounges, etc
- ▶ Events & function space
- ▶ Hotel accommodation
- ▶ Golf, Aqua Golf, Cables Wake Park

The masterplan builds upon this existing offer, with:

- ▶ Restaurants, cafes
- ▶ A mix of retail offerings
- ▶ Entertainment facilities, cinemas, bowling, etc
- ▶ Hotel & serviced apartment accommodation
- ▶ A multi-use exhibition centre
- ▶ Residential & seniors living
- ▶ Business Park

The new Panthers Penrith will operate as an entertainment, leisure & lifestyle precinct of regional attraction, similar to:

- ▶ Darling Harbour
- ▶ Fox Studios
- ▶ Harbour Town on the Gold Coast



Commercial In Confidence

Panthers Penrith

Commercial Success



- ▶ To secure the commercial success of this substantial entertainment & tourism investment and to provide for a more meaningful integration to the Penrith City Centre, the site's development will be underpinned by:
 - Specialised retail (brand outlet centre)
 - Other ancillary retail
 - Business Park
 - Residential
 - Seniors Living

- ▶ These uses will enhance the day, night & weekend economies of the City.

- ▶ Economists have independently agreed that:

- Undersupply of retail in Penrith from 2011
- Undersupply of residential now, housing shortage
- Undersupply of seniors living now, an aging population

- ▶ It is proposed that Panthers Penrith will take up a portion of this identified need over the life of the project.

Indicative Uses:

- registered club
- entertainment facilities
- cinemas, bowling alley
- restaurants, cafes
- micro brewery
- mix of retail offerings
- multi-use convention centre
- hotel, conferencing
- golf course & facilities
- health & wellbeing centre
- gymnasium
- childcare
- information centre
- medical suites
- aquatics centre
- community/cultural facilities
- education facilities
- serviced apartments
- business park
- residential
- seniors living
- car parking



Panthers Penrith

Development Opportunities within the Illustrative Masterplan



Specialised retail

Destinational / tourism - a Brand Outlet Centre



Hotel

Multi Use Events & Exhibition Centre



Seniors Living



Ransley Street Extension

Alfresco lifestyle offer, ie Norton St Leichardt



Serviced Apartments



Campus Style Office



Commercial in Confidence

Panthers Penrith

A Significant Site



A significant site for both the Region & State

NSW State Plan

Business Investment (P1)
Jobs closer to home (E5)

NSW North West Subregional Strategy

Encourages the development of Panthers Entertainment Complex

Part of the Regional City of Penrith

(referred to in Penrith City Centre Plan as part of the Metropolitan Strategies implementation project)

Urban Infill within a Regional City - Regeneration

Site is currently serviced by infrastructure to support the proposed development

Employment & local economy

5,000 construction & 5,700 ongoing jobs
Over \$850M in construction costs

Extra \$400M pa in entertainment expenditure to be captured by the local economy

This proposal represents a unique opportunity for Penrith as a Regional City

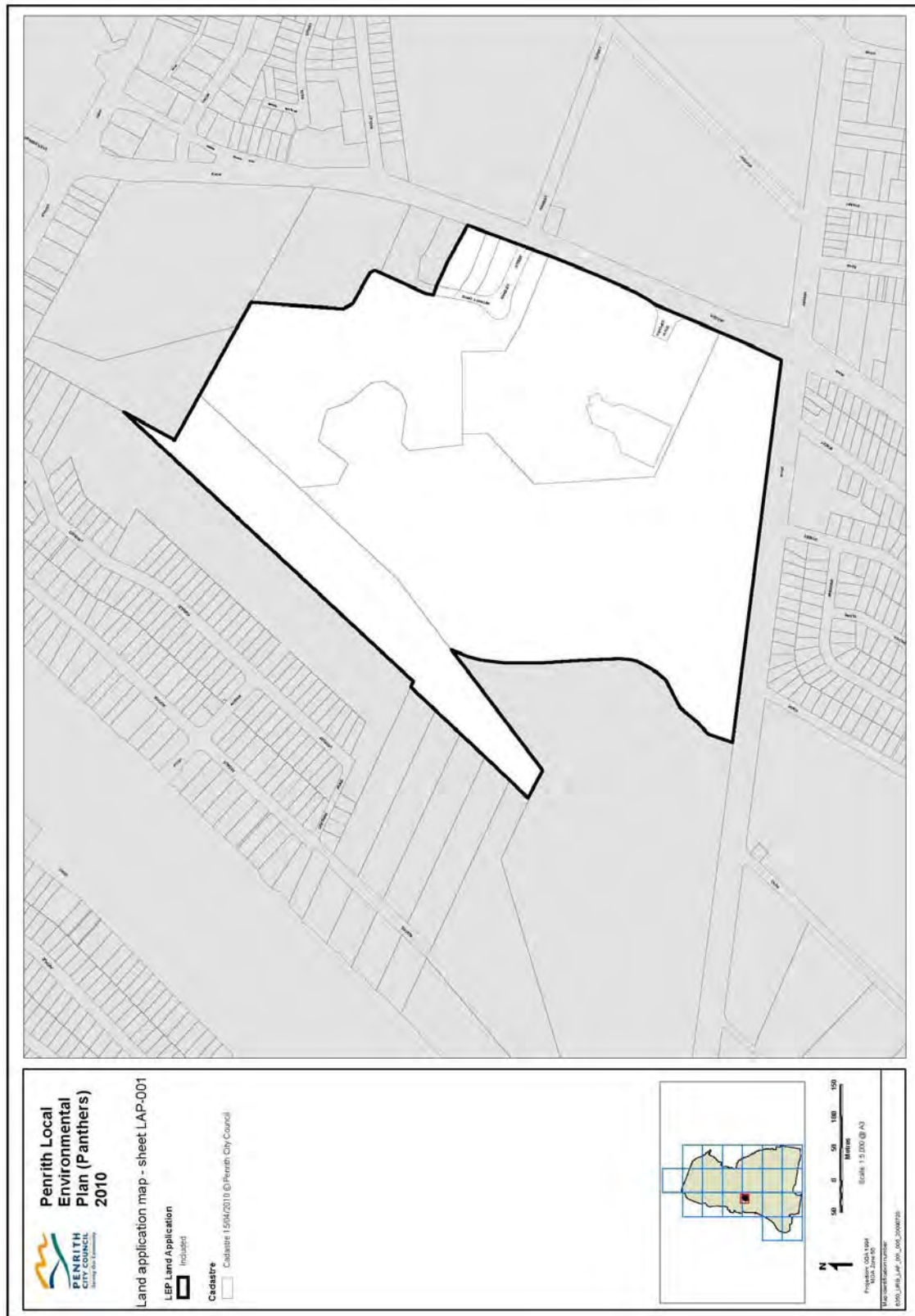
Penrith - A city of sport, entertainment & culture



Commercial in Confidence

APPENDIX B – Draft LEP Maps

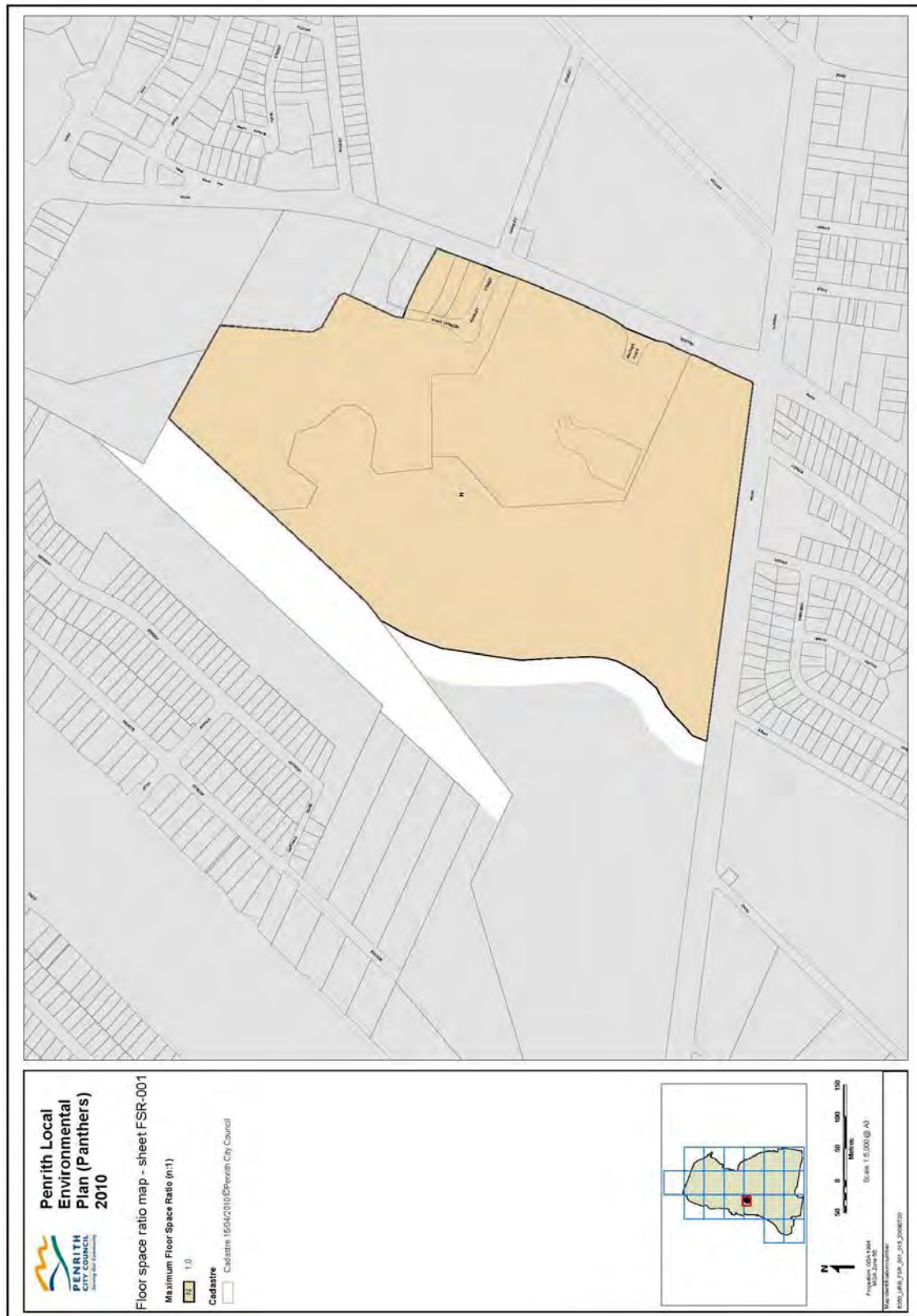
Land Application Map



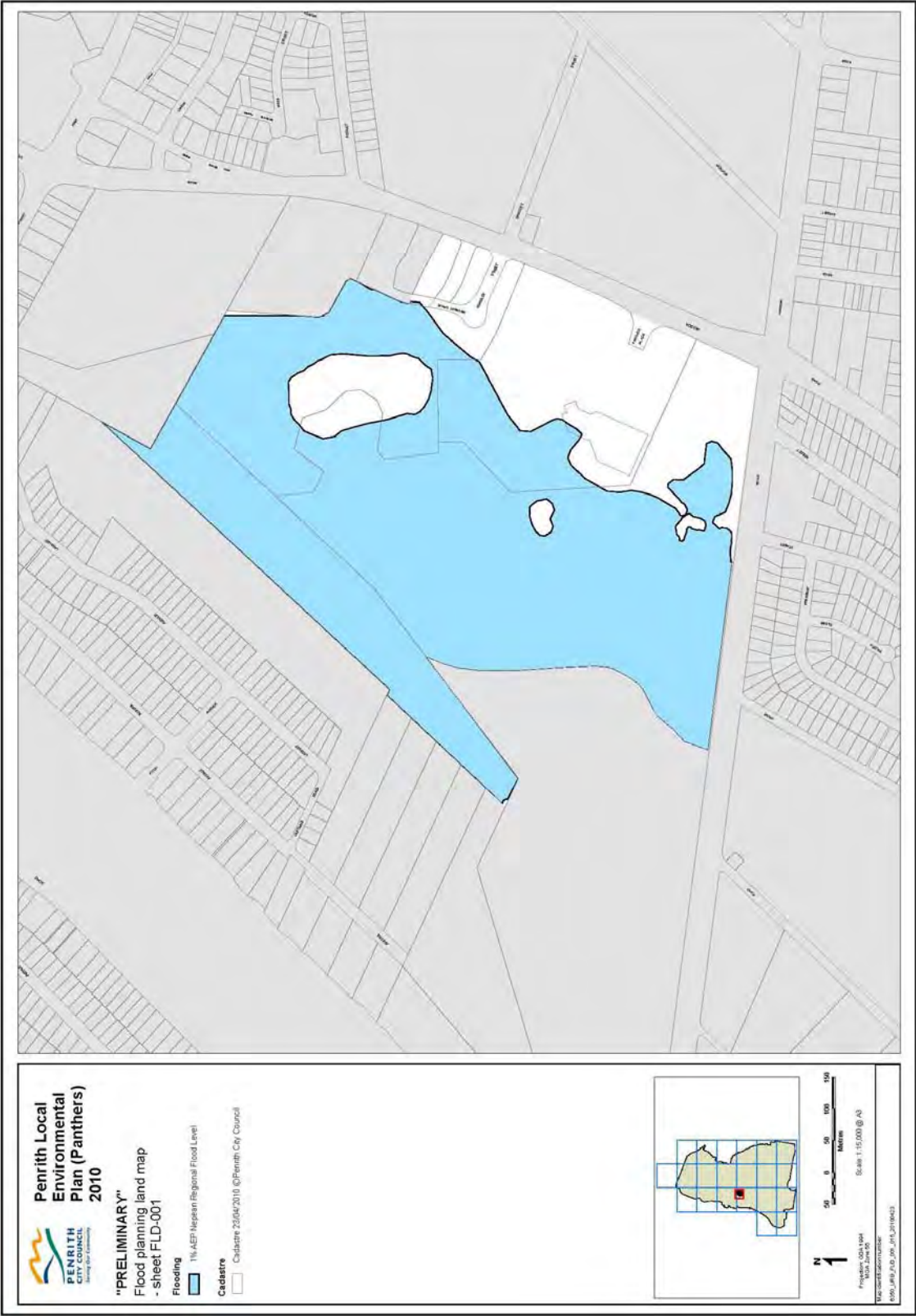
Land Zoning Map



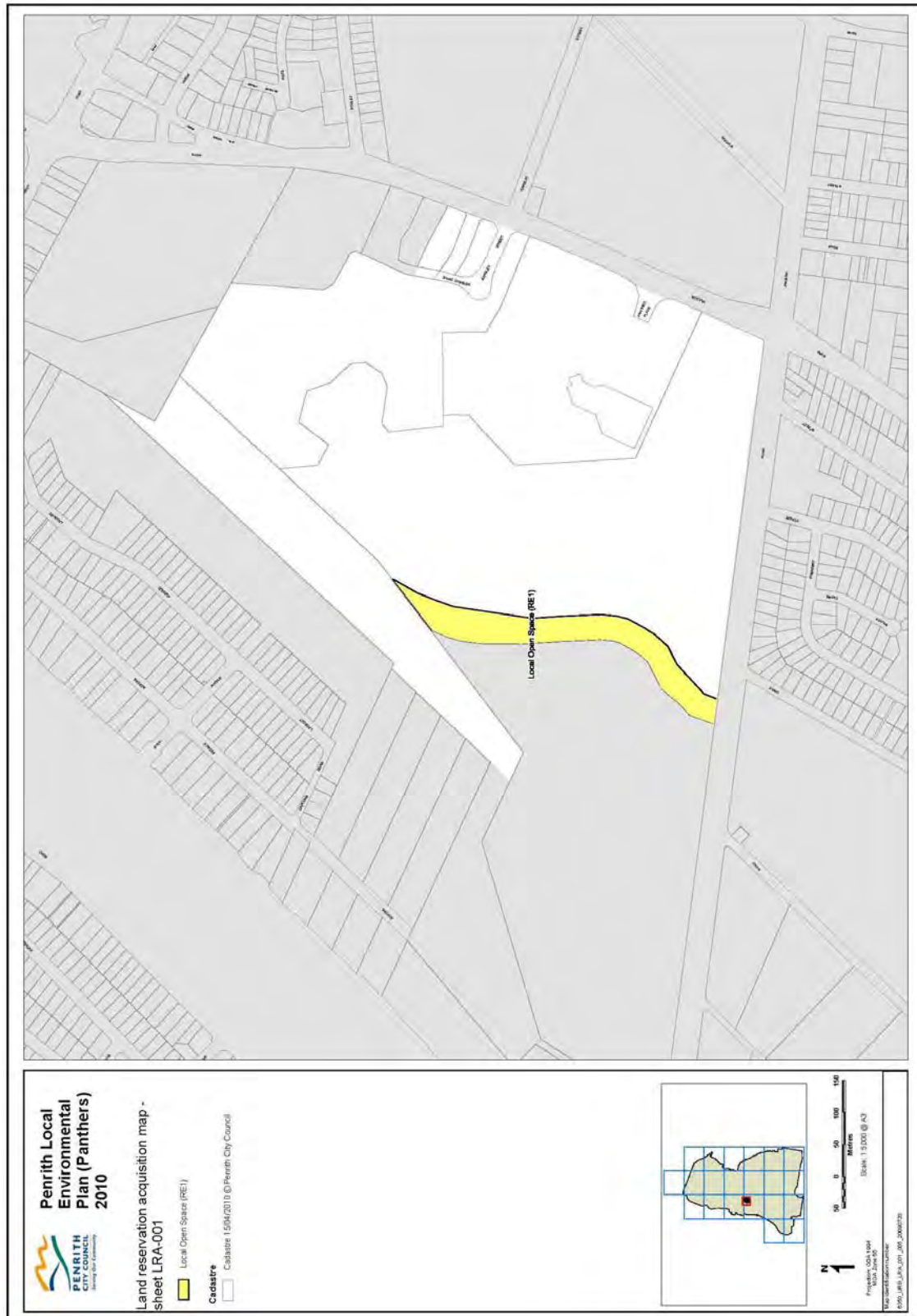
Floor Space Ratio Map



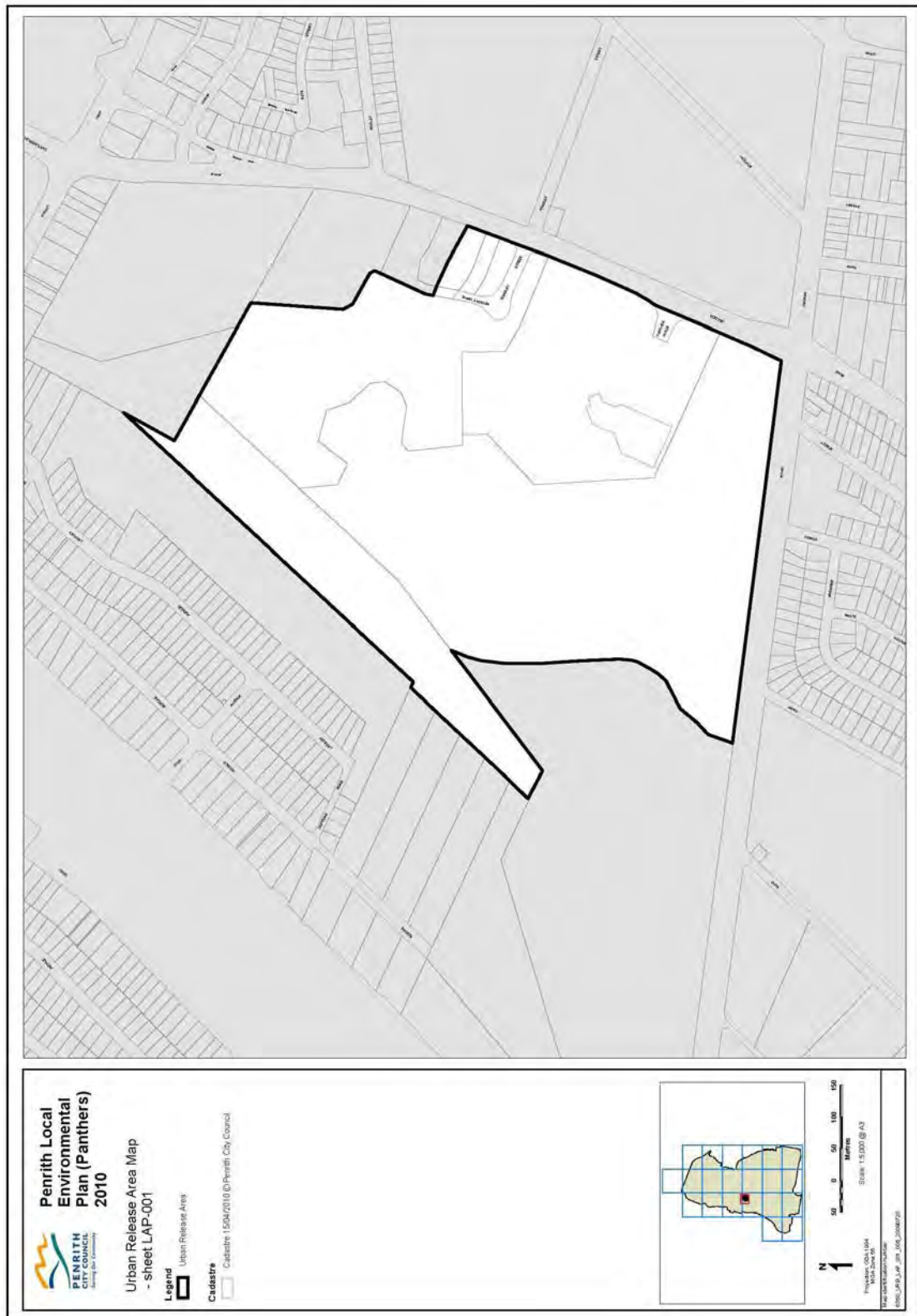
Flood Planning Map



Land Reservation Acquisition Map



Urban Release Area Map



APPENDIX C – Consistency with Regional and subregional Strategies

Actions		Consistency	Response
A. Economy and Employment			
A1	Provide suitable commercial sites and employment lands in strategic locations	Y	The Planning Proposal identifies land along Mulgoa Road for future large floor plate/campus style office development and other employment land within the SP3 Tourist zone.
A2	Increase innovation and skills development	N/A	
A3	Improve opportunities and access to jobs for disadvantaged communities	Y	The Planning Proposal includes zones for eventual development of up to 2,100 equivalent full time jobs, which will provide employment opportunities for all communities, including the disadvantaged. Construction jobs will also be available.
B. Centres and Corridors			
B1	Provide places and locations for all types of economic activity and employment across the Sydney Region	Y	Recreation, leisure, entertainment, retail, commercial office related employment are included amongst the additional jobs which will be created within the site, as described in the planning proposal.
B2	Increase densities in centres whilst improving liveability	Y	Due to flooding impacts there is limited scope for additional residential development within the South western portion of the site, however there will be capacity for additional housing including Seniors housing, serviced apartments, medium and high density for the remainder of the site not constrained by flooding.
B3	Cluster businesses and knowledge-based activities in strategic centres	Y	Scope for campus style/knowledge industries and education facilities will be possible on the site.
B4	Concentrate activities near public transport	Y	In recognition of the inadequacy of existing public transport infrastructure and the Precinct's distance from Penrith station, retail floorspace has been limited.
B5	Protect and strengthen the primary role of economic corridors	Y	Due to the potential for excessive additional retail floorspace to undermine the primary role of the Penrith City Centre rather than complement it, a floorspace cap of 12,500m ² has been applied to retail development in the Riverlink Precinct. In addition, specialised retailing in the form of a Brand Outlet

			Centre is proposed to complement the Penrith City Centre and act as a regional attractor of the leisure, lifestyle and entertainment precinct. Its limitation on floor space and retail type reduces the ability for retail to undermine the viability of the City Centre. Campus Style Office Development is encouraged in B7 zone as smaller scale commercial floorspace would be better located in the City Centre.
B6	Focus development in renewal corridors to maximise infrastructure use where demand and opportunities exist	NA	
B7	Recognise the role of enterprise corridors as locations for local employment	NA	
C. Housing			
C1	Ensure adequate supply of land and sites for residential development	Y	Scope for additional housing is accommodated on the site. Further scope for housing growth and variety is achieved via seniors housing and serviced apartments on Panthers landholding in the SP3 zone. Due to flooding constraints, additional housing cannot be accommodated in established residential neighbourhoods.
C2	Plan for a housing mix near jobs, transport and services	Y	The additional housing mix described in C1 above will be within walking distance of a variety of office, entertainment, leisure, recreation and retail jobs, bus services and recreation options within the Precinct and within walking distance of Penrith City Centre.
C3	Renew local centres	NA	
C4	Improve housing affordability	Y	The provision of additional, higher density dwellings along Mulgoa Road will, by virtue of the scale of dwelling, offer more affordable housing choice than traditional larger lots with detached dwellings typically offered in the suburbs of Penrith and Jamisontown.
C5	Improve the quality of new development and urban renewal	Y	The development standards proposed in the Planning Proposal were based on a detailed Visual Character and Urban Design Study, the vision for which includes "a treed and green area, revealing views to the Blue Mountains and waterways... a series of open space linkages... a permeable and connected public domain featuring design excellence... Gateways for entering the site... Mulgoa Road as a high quality, urban entry to the Penrith CBD environs... built form development

			in the Precinct will be of a high quality, providing visual and landscape amenity...incorporation of best practice in terms of sustainability and urban design outcomes...recognition of the significance of all heritage items and natural landscape features". These elements will be included in the LEP.
D. Transport			
D1	Improve transport between Sydney's centres	N/A	Action is not directly relevant to the Planning Proposal.
D2	Improve the existing transport system	N/A	Although the Planning Proposal itself cannot affect most decisions applying to the transport system, the Riverlink Precinct Transport study seeks a 10% mode shift to public and active transport target use (from private car). To achieve this modal split a number of transport measures would have to be implemented. These measures include: • Provision of improved pedestrian and cycle facilities as identified in the Riverlink Transport Study • Restricted car parking provision to the levels adopted for the Penrith City Centre • Liaison with the Ministry of transport for high bus frequency to service the Precinct.
D3	Influence travel choices to encourage more sustainable travel	N/A	Limiting the range and scale of land uses within the Precinct (e.g. retail limited to 12,500m² general retail and 25,000m² Brand Outlet Centre), the Planning Proposal seeks to ensure any unsustainable travel is minimised within the precinct. Moreover, creating attractive pedestrian and cycle links through the precinct (through recreation corridors) further minimises vehicle use. Enhancing access by modified bus routes and timetables - through lobbying of the Ministry of Transport – will also encourage more sustainable travel.
D4	Improve transport decision making, planning, evaluation and funding	N/A	This action is not directly relevant to the Planning Proposal, although the background studies prepared for the Riverlink Precinct will provide an enhanced lobbying tool for discussions with the State government to justify modification of State policies on transport in the locality.
D5	Ensure sufficient port capacity is available to serve Sydney	N/A	Action is not directly relevant to the Planning Proposal.
D6	Improve efficiency of all types of freight movements in Sydney	N/A	Action is not directly relevant to the Planning Proposal.

D7	Connect the regions and economic gateways within the greater metropolitan region	N/A	Action is not directly relevant to the Planning Proposal.
D8	Minimise the adverse impacts from freight movements	N/A	Action is not directly relevant to the Planning Proposal.
E. Environment, Heritage and Resources			
E1	Establish targets for sustainable growth	N/A	Action is not directly relevant to the Planning Proposal.
E2	Protect Sydney's natural environment	Y	The Planning Proposal suggests land for acquisition along parts of Peachtree and Surveyors Creek for use as a pedestrian and cycle link (and by association, upgrade the edge of the creeks along these routes). This will protect and enhance this natural feature. These routes will be linked to the wider network of open space within Riverlink, all of which will desirably be embellished and revegetated.
E3	Achieve sustainable use of natural resources	Y	Holistic planning for the site (within Riverlink and which the Panthers site is part of) seeks to achieve integration of land use and transport to maximise sustainable use of natural resources within the physical limits associated with the Precinct's location and its reliance on government agency decisions with respect to major infrastructure.
E4	Protect valuable rural activities and resource lands	Y	This land is currently not used for rural purposes (it is large lot residential or private recreation). The DoP's City Centres Taskforce and Council's adopted Riverlink Precinct Plan identifies the areas as a recreation, leisure and entertainment precinct. Surrounding flood prone rural land will be retained.
E5	Adapting to climate change	Y	The Planning Proposal will identify land that poses risks associated with natural hazards including flooding and bushfire. The impacts of these hazards will be minimised through land use planning by precluding high hazard areas from high density development and applying development controls to manage risks in other areas.
E6	Conserve Sydney's cultural heritage	Y	There are no heritage items within the site subject to the planning proposal. Consideration is being given to Madang Park (a listed heritage item) which adjoins the site to the south west.

F. Parks, Public Places and Culture			
F1	Increase access to quality parks and public places;	Y	The Planning Proposal suggests the draft LEP to encourage routes that link to the wider network of open space within the site and broader Precinct, all of which will ultimately be embellished and revegetated.
F2	Provide a diverse mix of parks and public places;	Y	The Planning Proposal will zone land for public and private recreation in various sized parks. Parks and open space will accommodate golf courses, passive parks, walking and cycling trails.
F3	Improve Sydney's major sporting and cultural event facilities; and	Y	Penrith Panthers concept plan for their land holdings propose the development of a major multi-use arena to accommodate major sporting and cultural events. Panthers private sporting and cultural facilities are proposed to be enhanced and links to the major stadium on Mulgoa Road opposite the stadium are proposed to be maintained. Connections will be included to cultural activities likely to continue to occur in Tench Reserve along the edge of the Nepean River.
F4	Enhance cultural life and tourism precincts.	Y	Consistent with the DoP's Regional Cities Taskforce and the adopted Precinct Plan, the Planning Proposal seeks development the site as a major entertainment, recreation and leisure precinct for the north western region. The proposed SP3 Tourist zone permits a range of cultural life and tourism land uses such as cafes, bars, hotels, function centres, etc.
G. Implementation and Governance			
G1	Align sub-regional and local planning with strategy aims	Y	The Metropolitan strategic directions flow into the Planning Proposal as discussed in the relevant actions.
G2	Improve state involvement in strategic places and projects	Y	Penrith has been nominated as a Regional City. The NSW Government, through the Department of Planning's regional office, has been working with Penrith Council to plan for future growth of Penrith Regional City and this Planning Proposal has been prepared accordingly. Council has met with the DoP regarding the process and approach to advancing the Planning Proposal.
G3	Inform state investment priorities	N/A	Action is not directly relevant to the Planning Proposal.
G4	Consider funding, pricing and project delivery	N/A	Action is not directly relevant to the Planning Proposal.
G5	Keep the Strategy current	N/A	Action is not directly relevant to the Planning Proposal.
G6	Ensure stakeholder	Y	Major landowners within Riverlink (such as the Blaikie

	involvement		Road residents group, Panthers Penrith and Council's Property Department) along with key agencies (such as DECC and the SES regarding flooding constraints) have been involved at relevant stages throughout preparation of the Riverlink Precinct Plan. Relevant documents will be placed on public exhibition to ensure continuing stakeholder involvement, particularly with adjoining landowners and relevant state agencies.
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APPENDIX D – Consistency with Council's Strategic Plan

A Leading City

Objectives	Consistency	Response
We demonstrate leadership, and plan responsibly for now and the future	Y	Through preparation of detailed Riverlink Precinct baseline studies (covering Flooding, Peachtree Creek, Visual Character and Urban Design, Traffic Transport and Access and Land Use and Economic Impact) and analysis of their conclusions, this Planning Proposal addresses the holistic vision for the future of the Precinct (which includes the Panthers site).
We have a say in our future	Y	Community consultation occurred in developing the Riverlink Precinct Plan as an interim planning position for the locality. Further community consultation for this planning proposal will be undertaken.
We demonstrate accountability, transparency and ethical conduct	Y	Public consultation and overview guided preparation of the Riverlink Precinct Plan. The Riverlink planning process was guided by a Probity Plan which described how Council would interact with relevant stakeholders both internally and externally and ensure transparency and ethical conduct. All baseline studies and subsequent Economic Impact Assessment were prepared independently by external consultants. Having a separate planning process for Panthers and an independent consultant prepare the Net Community Benefit Test also underpinned a transparent planning process.

A City of Opportunities

Objectives	Consistency	Response
We have access to what we need	Y	The planning proposal seeks to ensure the creation of enhanced recreation, leisure and entertainment opportunities consistent with the needs of a regional city. The proposal also seeks to maximise resident and visitor links/access to the Nepean River and foreshore and views to the Blue Mountains. Employment needs are addressed through the creation of full time jobs. Additional housing in a variety of forms is provided through increased densities along Mulgoa Road and in Panthers Seniors Living Concepts.

We play an active role in our communities	NA	The proposal will offer a range of housing, employment and lifestyle choices for all stages of life.

A Green City

Objectives	Consistency	Response
Our natural habitats are healthy	Y	Embellishment of selected land for links along Peachtree and Surveyors Creeks will achieve partial restoration of local waterways and hence the health of the catchment.
We use our resources wisely, and take responsibility for our levels of consumption	Y	New development will be designed with a view to achieving best practice sustainability standards, as per the city-wide DCP requirements. Resource use is to be minimised through the encouragement of active transport and 10% vehicle mode shifting and limiting land uses (such as retailing) that are best located near public transport. Maintaining rural land uses will provide scope to limit the City's ecological footprint.

A Liveable City

Objectives	Consistency	Response
Our physical infrastructure is adaptable, and responds to changing needs	Y	The baseline Traffic, Transport and Access study reveals adequate transport infrastructure to accommodate projected growth in the Precinct. RTA is currently upgrading the key intersection (corner Mulgoa Road and Jamison Road). The planning proposal identifies land for active transport and recreation facilities to create links through the Precinct. Contributions for development (Contributions Plan or Voluntary Planning Agreement) will be prepared in conjunction with Panthers Partnership in parallel with the development of the LEP and DCP for the Precinct to ensure adequate infrastructure provision. Further infrastructure to be provided by way of development proposals.
Our public spaces encourage safe and healthy communities	Y	The planning proposal suggests creating additional links (primarily between existing recreation areas along Surveyors and Peachtree Creek) which will also provide opportunities for active recreation

(walking/cycling). Public streets will be designed to encourage use by pedestrians and be lively, appealing/attractive and hence safer.

A Vibrant City

Objectives	Consistency	Response
We build on our strengths	Y	Panthers entertainment/community role will be supplemented by a broader variety of leisure and recreation land uses. Existing open space networks will be linked with new additions. The role of the Penrith City Centre will be complemented by the leisure/entertainment land uses within Panthers. Existing low density dwellings will be complemented by a broader range of multi unit accommodation.
We encourage sustainable production and technologies		Providing certainty regarding future possible development outcomes will give clear guidance for investment decisions and provide the residential community with certainty as to likely amenity and opportunities.

APPENDIX E – Consistency with State Environmental Planning Policies (SEPPs)

SEPP Title	Consistency	Comments
State Environmental Planning Policy (Western Sydney Employment Area) 2009	Y	
SEPP (Affordable Rental Housing) 2009	Y	
SEPP (Western Sydney Parklands) 2009	NA	
SEPP (Exempt and Complying Development Codes) 2008	Y	
SEPP (Rural Lands) 2008	Y	
SEPP (Kosciuszko National Park - Alpine Resorts) 2007	N/A	
SEPP (Infrastructure) 2007	Y	
SEPP (Temporary Structures and Places of Public Entertainment) 2007	Y	
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	Y	
SEPP (Sydney Region Growth Centres) 2006	N/A	
SEPP (Major Development) 2005	Y	
SEPP (Development on Kurnell Peninsula) 2005	N/A	
SEPP (Building Sustainability Index: BASIX) 2004	Y	
SEPP (Housing for Seniors or People with a Disability) 2004	Y	
SEPP No. 71 - Coastal Protection	N/A	
SEPP 70 - Affordable Housing (Revised Schemes)	Y	

SEPP No. 67 - Macquarie Generation Industrial Development Strategy	N/A	
SEPP No. 65 - Design Quality of Residential Flat Development	Y	
SEPP No. 64 - Advertising and Signage	Y	
SEPP No. 62 - Sustainable Aquaculture	Y	
SEPP No. 60 - Exempt and Complying Development	NA	
SEPP No. 59 - Central Western Sydney Regional Open Space & Residential	N/A	
SEPP No. 55 - Remediation of Land	Y	
SEPP No. 50 - Canal Estates	Y	
SEPP No. 53 - Metropolitan Residential Development	Y	
SEPP No. 47 - Moore Park Showground	N/A	
SEPP No. 44 - Koala Habitat Protection	N/A	
SEPP No. 41 - Casino/Entertainment Complex	N/A	
SEPP No. 39 - Spit Island Bird Habitat	N/A	
SEPP No. 36 - Manufactured Home Estates	Y	
SEPP No. 33 - Hazardous and Offensive Development	Y	
SEPP No. 32 - Urban Consolidation (Redevelopment of Urban Land)	Y	
SEPP No. 30 - Intensive Agriculture	Y	
SEPP No. 29 - Western Sydney Recreation Area	N/A	
SEPP No. 26 - Littoral Rainforests	N/A	

SEPP No. 22 - Shops and Commercial Premises	Y	Limits on the total retail floorspace (12,500 sqm) and the nature of that floorspace (i.e. it needs to be local convenience retailing not competing with Penrith City Centre retailing) need to be noted in the LEP and this may have bearings on consistency.
SEPP No. 21 - Caravan Parks	Y	
SEPP No. 19 - Bushland in Urban Areas	Y	
SEPP No. 15 - Rural Land-Sharing Communities	N/A	
SEPP No. 14 - Coastal Wetlands	N/A	
SEPP No. 6 - Number of Storeys in a Building	Y	
SEPP No. 4 - Development without Consent and Miscellaneous Complying Development	Y	Limits on the total retail floorspace (12,500 sqm) and the nature of that floorspace (i.e. it needs to be local convenience retailing not competing with Penrith City Centre retailing) need to be noted in the LEP and this may have bearings on consistency.
SEPP No. 1 - Development Standards	Y	Consistent. The Standard Instrument Clause 4.6 will supersede the SEPP.

APPENDIX F – Consistency with Ministerial Directions

Directions under Section 117(2)		Consistency	Justification (where inconsistent)
1. Employment and Resources			
1.1	Business and Industrial Zones	Y	
1.2	Rural Zones	N	This land is currently not used for rural purposes (it is large lot residential or vacant or private recreation). Rezoning will enable achievement of the DoP City Centres Taskforce objectives for the Precinct as a recreation, leisure and entertainment precinct.
1.3	Mining, Petroleum Production and Extractive Industries	N/A	N/A
1.4	Oyster Aquaculture	N/A	N/A
1.5	Rural Lands	Y	
2. Environment and Heritage			
2.1	Environment Protection Zones	Y	No environmentally sensitive areas located within Riverlink Precinct
2.2	Coastal Protection	N/A	N/A
2.3	Heritage Conservation	Y	There are no heritage items within the Planning Proposal boundary. Madang Park adjoins the South West boundary.
2.4	Recreation Vehicle Areas	N/A	N/A
3. Housing, Infrastructure and Urban Development			
3.1	Residential Zones	Y	Residential density and variety will be increased along Mulgoa Road and on Panthers site. This planning proposal suggests the gateway process mandate that the associated LEP contain a requirement for adequate infrastructure provision.
3.2	Caravan Parks and Manufactured Home Estates	N/A	N/A
3.3	Home Occupations	Y	
3.4	Integrating Land Use and Transport	Y	
3.5	Development Near Licensed Aerodromes	N/A	N/A
4. Hazard and Risk			

4.1	Acid Sulphate Soils	N/A	N/A
4.2	Mine Subsidence and Unstable Land	N/A	N/A
4.3	Flood Prone Land	N	Council will be requiring the DoP Flood Planning model clause be used and apply to the land below the 1% AEP flood level and ensure consistency with this direction and particularly Clause 4.3(6). Rezoning will enable achievement of the DoP City Centres Taskforce objectives for the Precinct and Council's adopted Riverlink Precinct Plan as a recreation, leisure and entertainment precinct. Surrounding flood prone rural land will be retained.
4.4	Planning for Bushfire Protection	N/A	N/A
5. Regional Planning			
5.1	Implementation of Regional Strategies	N/A	N/A
5.2	Sydney Drinking Water Catchments	N/A	N/A
5.3	Farmland of State and Regional Significance on the NSW Far North Coast	N/A	N/A
5.4	Commercial and Retail Development along the Pacific Highway, North Coast	N/A	N/A
5.5	Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)	N/A	N/A
5.6	Second Sydney Airport: Badgerys Creek	N/A	N/A
6. Local Plan Making			
6.1	Approval and Referral Requirements	Y	
6.2	Reserving Land for Public Purposes	Y	
6.3	Site Specific Provisions	Y	Council is proposing site specific provisions within the Panthers LEP. It is also recommended that the LEP be a stand alone LEP. It is considered that this Direction is not relevant as the planning proposal is not seeking to amend an existing LEP to allow the use but a stand alone LEP so it can be easily inserted into Council's Stage 2 LEP.
7. Metropolitan Planning			
7.1	Implementation of the Metropolitan Strategy	Y	

APPENDIX G – Net Community Benefit Test



Panthers Penrith Planning Proposal Net Community Benefit Test

**Prepared for
Penrith City Council**

**By
BBC Consulting Planners**

Job No. 10063
Penrith Panthers Planning Proposal Net Community Benefit Test.doc
April 2010



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1. Introduction

1.1 Background

Panthers Partnership (Panthers Group and ING Real Estate Development Australia) has submitted a Planning Proposal to Penrith City Council ("Council") in support of a request to Council to exercise its functions under Division 4 of Part 3 of the Environmental Planning and Assessment Act 1979 ("the Act") and prepare a planning proposal under Section 55 of the Act. This commences the process of preparing a local environmental plan.

A planning proposal is a document which explains the intended effect of a proposed Local Environmental plan (LEP) and sets out the justification for making that plan. Section 55 sets out the matters to be included in a planning proposal. It states:

55 Relevant planning authority to prepare explanation of and justification for proposed instrument—the planning proposal

(1) *Before an environmental planning instrument is made under this Division, the relevant planning authority is required to prepare a document that explains the intended effect of the proposed instrument and sets out the justification for making the proposed instrument (the planning proposal).*

(2) *The planning proposal is to include the following:*

- (a) *a statement of the objectives or intended outcomes of the proposed instrument,*
- (b) *an explanation of the provisions that are to be included in the proposed instrument,*
- (c) *the justification for those objectives, outcomes and provisions and the process for their implementation (including whether the proposed instrument will comply with relevant directions under section 117),*
- (d) *if maps are to be adopted by the proposed instrument, such as maps for proposed land use zones; heritage areas; flood prone land—a version of the maps containing sufficient detail to indicate the substantive effect of the proposed instrument,*
- (e) *details of the community consultation that is to be undertaken before consideration is given to the making of the proposed instrument.*

(3) *The Director-General may issue requirements with respect to the preparation of a planning proposal.*

Planning Circular PS 09-015 states that Director-General's requirements regarding the specific matters that must be addressed in the justification of a planning proposal have been issued in accordance with Section 55(3) of the Act and are to be found in figures 3 and 4 of the DOP publication *A guide to preparing local environmental plans*. Paragraph 3.A.3 of Figure 3 of this guide identifies the following matter to be addressed in a planning proposal:

Is there a net community benefit?

This report addresses this question in relation to the Panthers Planning Proposal.

1.2 The Net Community Benefit Test

More general guidance on the preparation of planning proposals can be found in the DOP publication *A guide to preparing a planning proposal* (July 2009). This provides additional information on the net community benefit test. It states in part:

3. Is there a net community benefit?

The Draft Centres Policy includes guidance on conducting a Net Community Benefit Test that should be followed when assessing the net community benefit of a planning proposal. This guidance has been reproduced below but adapted to suit all types of planning proposals.

Because of the difficulty in assigning values to certain costs and benefits associated with planning proposals, the Net Community Benefit Test will not be a purely quantitative test. Nevertheless, carried out diligently and in a manner proportionate to the likely impact of the planning proposal, it is an extremely useful tool to inform debate and help decision making on planning proposals.

Conducting a Net Community Benefit Test (adapted from draft Centres Policy)

The Net Community Benefit Test should be used to help assess the merits of a planning proposal.

The assessment should be prepared by the proponent in conjunction with the relevant planning authority to be submitted to council for endorsement prior to submitting to the Department of Planning as part of the Gateway test. The level of detail and analysis should be proportionate to the size and likely impact of the rezoning.

The assessment should only evaluate the external costs and benefits of the proposal (i.e. the externalities). The assessment should generally assume that any private costs will be cancelled out by any private benefits.

However, consideration must be given to changes that reflect a higher community benefit that result from changes in private costs such as a resultant change in rents caused by a proposal that has created a change in the value the community places on a land use.

The assessment should only include costs and benefits that have a net impact on community welfare (i.e. welfare effects). Impacts that simply transfer benefits and costs between individuals and businesses in the community (i.e. transfer effects) should not be included, since they result in no net change in community benefits.

The proposal should be assessed against the matters specified in the justification. The assessment should evaluate the proposal against a base case, or base cases, including retaining the existing zoning on the land.

For larger and more complex proposals, the proponent should consider the use of more formal cost benefit analysis techniques. Such analysis should be carried out objectively taking into consideration matters such as the number and type of jobs generated, the local or regional economy multiplier effects and any infrastructure and likely travel cost implications.

The above refers to the *draft Centres Policy* released for consultation in April 2009. This draft policy is not government policy.

The concept of net community benefit test was raised in the suite of documents released with Draft SEPP No 66 Integration of Land Use and Transport including *Right Place for Business and Services – Planning Policy* prepared by the then DUAP in 2001. This document placed an emphasis on integrating land use and transport planning in strategic land use planning and development assessment.

Although supposedly superseded by the draft Centres Policy this publication is enshrined in the rezoning process through S117 Direction 3.4 under the heading of Housing, Infrastructure and Urban Development:

3.4 Integrating Land Use and Transport

Objective

(1) *The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:*

- (a) improving access to housing, jobs and services by walking, cycling and public transport, and*
- (b) increasing the choice of available transport and reducing dependence on cars, and*
- (c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and*
- (d) supporting the efficient and viable operation of public transport services, and*
- (e) providing for the efficient movement of freight.*

Where this direction applies

(2) *This direction applies to all relevant planning authorities.*

When this direction applies

(3) *This direction applies when a relevant planning authority prepares a planning proposal that will create, alter or remove a zone or a provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes.*

What a relevant planning authority must do if this direction applies

(4) *A planning proposal must locate zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives and principles of:*

- (a) Improving Transport Choice – Guidelines for planning and development (DUAP 2001), and*
- (b) The Right Place for Business and Services – Planning Policy (DUAP 2001).*

Consistency

(5) *A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are:*

- (a) justified by a strategy which:*
 - (i) gives consideration to the objective of this direction, and*
 - (ii) identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and*
 - (iii) is approved by the Director-General of the Department of Planning, or*
- (b) justified by a study prepared in support of the planning proposal which gives consideration to the objective of this direction, or*

(c) in accordance with the relevant Regional Strategy or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction, or

(d) of minor significance.

The *draft Centres Policy* and the *Right Place for Business and Services – Planning Policy* were prepared with retail and commercial centres in mind. They include a methodology for applying the net community benefit test to proposals to rezone sites for retail and commercial development. The guidelines for preparing local environmental plans extend the application of the net community benefits test to all rezoning proposals.

The *Right Place for Business and Services – Planning Policy* defines net community benefit to mean *development which has no detrimental effect on public or private investment in centres and which addresses the assessment criteria in this policy.*

The *draft Centres Policy* provides more detail. It says, in part:

The Net Community Benefit Test should be used to assess the merits of rezoning in the following circumstances:

- proposals to develop within an existing centre where the current zoning does not permit the use*
- proposals to develop outside an existing centre where the current zoning does not permit the use*
- proposals to create a new centre.*

The assessment should be prepared by the proponent in conjunction with the relevant planning authority to be submitted to council for endorsement prior to submitting to the Department of Planning as part of the Gateway test. The level of detail and analysis should be proportionate to the size and likely impact of the rezoning.

The assessment should only evaluate the external costs and benefits of the proposal (i.e. the externalities). The assessment should generally assume that any private costs will be cancelled out by any private benefits. However, consideration must be given to changes that reflect a higher community benefit that results from changes in private costs such as a resultant change in rents caused by a proposal that has created a change in the value the community places on a land use.

The assessment should only include costs and benefits that have a net impact on community welfare (i.e. welfare effects). Impacts that simply transfer benefits and costs between individuals and businesses in the community (i.e. transfer effects) should not be included, since they result in no net change in community benefits. The proposal should be assessed using the questions set out below. The assessment should evaluate the proposal against a base case, or base cases, including retaining the existing zoning on the land and or locating the development on appropriately zoned land in a centre.

The base case should be informed by an understanding of what existing floorspace is available (or potentially available) in existing centres and, if any, why it cannot be used for the purposes proposed in the rezoning proposal.

The assessment should quantify costs and benefits where possible, although this may not always be achievable or practical. For larger and more complex proposals, the proponent should consider the use of more formal cost benefit analysis techniques. Such analysis should be carried

out objectively taking into consideration matters such as the number and type of jobs generated, the local or regional economy multiplier effects and any infrastructure and likely travel cost implications.

For rezoning proposals for retail and commercial developments, the following key criteria should be examined when assessing the merits of the proposal against the base case:

- Will the LEP be compatible with agreed State and regional strategic direction for development in the area (eg land release, strategic corridors, development within 800 metres of a transit node)?
- Is the LEP located in a global/regional city, strategic centre or corridor nominated within the Metropolitan Strategy or other regional/subregional strategy?
- Is the LEP likely to create a precedent or create or change the expectations of the landowner or other landholders?
- Have the cumulative effects of other spot rezoning proposals in the locality been considered? What was the outcome of these considerations?
- Will the LEP facilitate a permanent employment generating activity or result in a loss of employment lands?
- Will the LEP impact upon the supply of residential land and therefore housing supply and affordability?
- Is the existing public infrastructure (roads, rail, utilities) capable of servicing the proposed site? Is there good pedestrian and cycling access? Is public transport currently available or is there infrastructure capacity to support future public transport?
- Will the proposal result in changes to the car distances travelled by customers, employees and suppliers? If so, what are the likely impacts in terms of greenhouse gas emissions, operating costs and road safety?
- Are there significant Government investments in infrastructure or services in the area whose patronage will be affected by the proposal? If so, what is the expected impact?
- Will the proposal impact on land that the Government has identified a need to protect (e.g. land with high biodiversity values) or have other environmental impacts? Is the land constrained by environmental factors such as flooding?
- Will the LEP be compatible/complementary with surrounding land uses? What is the impact on amenity in the location and wider community? Will the public domain improve?
- Will the proposal increase choice and competition by increasing the number of retail and commercial premises operating in the area?
- If a stand-alone proposal and not a centre, does the proposal have the potential to develop into a centre in the future?
- What are the public interest reasons for preparing the draft plan? What are the implications of not proceeding at that time?

1.3 Approach

In satisfaction of the Directors guidelines, this report addressed these criteria. It is noted that these criteria are to be used to assess rezoning proposals for retail and commercial developments and are heavily influenced by the *draft Centres Policy*, which is not government policy and is currently under review with a revised draft centres policy expected in the near future.

The DOP publication *A guide to preparing a planning proposal* (July 2009) and the *draft Centres Policy* advise that, for larger and more complex proposals, the proponent should consider the use of more formal cost benefit analysis techniques. Such analysis should be carried out objectively taking into consideration matters such as the number and type of jobs generated, the local or regional economy multiplier effects and any infrastructure and likely travel cost implications. The proponent has not submitted a cost benefit analysis.

Consideration has been given to the use of cost benefit analysis for this proposal. A cost benefit analysis has not been undertaken at this stage for the following reasons:

- There is no specific project to evaluate using cost benefit techniques. The Planning Proposal seeks to commence the rezoning process. Although there are a number of documents that have been prepared by the proponent and by Council assessing implications of a development concept for the site, nothing has been formalised into a project with timeframes for individual elements and specifics on the uses over time and thus their benefit and cost streams.
- A key element of cost benefit analysis is to value cost and benefit streams over time and discount these to a present day value. Lack of detail on the timing of development and the specifics of the development make it difficult to identify and quantify costs and benefits.
- Cost benefit analysis takes a global perspective and costs and benefits are valued in terms of the claims they make on, and the gains they provide to, the community as a whole rather than consider any particular individual or interest group or location.
- Investigations undertaken by the proponent and by Council provide information on the employment created by the proposal and have considered multiplier effects. The employment implications and travel cost implications of the proposal are discussed in this report.
- It is considered that there are more practical ways of identifying the incidence of costs and benefits of the proposal based on the information that is available.

The Department of Planning, in its gateway determination, may give further consideration to the need for a cost benefit analysis in the light of the review to the centres policy.

In undertaking the net community benefit test, reference has been made to a number of documents included in the list of references at the end of this report.

2. The Panthers Planning Proposal

The Panthers Planning Proposal¹, as submitted by the proponent, is described as the Panthers Penrith Entertainment, Leisure & Lifestyle Development. It is an entertainment and leisure precinct that includes short term accommodation, conferencing and exhibition facilities, cinemas, bowling, restaurants, café, retail, health, wellness and aquatic facilities and a multi-use events and exhibition centre. Also, there is residential development and

¹ Planning Proposal - Panthers Penrith Entertainment, Leisure and Lifestyle Development, Mulgoa Road, Penrith.



campus style office accommodation with recreational opportunities such as parks, open spaces, walking and cycle ways.

The proposal states:

The vision is to develop the Panthers entertainment and lifestyle precinct for Greater Western Sydney and beyond - mixed use development which offers the Panthers Club, hotel accommodation, conferencing, shopping, entertainment, work spaces, and a variety of living options, all integrated within the urban framework of a regional city.

Retail is an essential component of any sustainable destinational entertainment precinct – shopping is a key leisure activity and is integral to attracting a diverse mix of locals together with intrastate, interstate and international visitors. Developing an entertainment precinct that integrates with and complements the existing city offer will:

- *boost the local night-time and weekend economies and*
- *help to capture the significant escape expenditure that is currently leaving Penrith.*

A retail offer that is complementary to and which underpins the entertainment and leisure uses is critical to the success and viability of the entertainment precinct.

An important part of the particular type of retail anticipated at Panthers Penrith is brand outlet retailing, which tends to be regionally specific in terms of its location (i.e. not every centre has one or needs one) and which is not typically located in downtown locations. Brand outlet retailing is presently not found in the outer-western Sydney area. Other outlets are located at Homebush, Parramatta and, more recently, Campbelltown.

Brand outlet centres draw from extensive trade catchments and thus have synergies with the other proposed uses within the entertainment precinct.

The objective or intended outcome of the Planning Proposal is:

To enable the redevelopment of the Panthers site at Mulgoa Road Penrith to allow a mixed use entertainment, leisure and lifestyle development as described in this Planning Proposal, specifically permitting destinational retail.

The Planning Proposal will facilitate the development of a unique regional entertainment precinct around the existing Panthers Club with other possible uses including serviced apartments, hotels, conferencing & exhibition facilities, cinemas, bowling, restaurants, cafes, retail, green parks with open spaces, as well as walking and cycling tracks.

These core uses would be supported by health wellness and aquatic facilities, a mix of residential offerings, seniors living, and campus style office accommodation along Mulgoa Road.

Proposed land uses include:

In order to achieve the vision for the Panthers Penrith entertainment precinct, a variety of uses are required. A key element is to provide contemporary entertainment, leisure, work and living opportunities for the community, visitors and tourists, reinforcing Penrith's status as a regional city and a major service centre for the population of Greater Western Sydney. The lively new entertainment, leisure and lifestyle precinct will reinforce the gateway to the city centre.



The following land uses are envisaged at Panthers Penrith:

Entertainment and Leisure

- *Expansion of the current Licensed Club;*
- *Restaurants, cafes, micro-brewery, cinemas, bowling, retail, indoor play centres, etc;*
- *A specialised retail offer that is a complementary part of the entertainment/leisure uses, such as:*
 - o *Brand outlet shopping to assist in capturing expenditure which presently 'leaks' out of the Penrith area – 25,000sqm GLA*
 - o *General retail to support workers, local residence & visitors – 12,500sqm GLA*
 - o *Bulky goods which is complementary to the entertainment/leisure uses (Refer p.80 Hill PDA report: Economic Impact & Land Use Analysis)*

Note: Critical mass of the specialised retail is essential in order to support the economic viability and sustainability of the entertainment precinct;

- *Markets;*
- *Serviced apartments, hotels; motels;*
- *Conference, events and exhibition facilities;*
- *Health and wellbeing facilities, gymnasium, aquatic facility;*
- *Sport - golf course, driving range, putt putt golf, aqua golf, cable water ski lakes;*
- *A helipad is planned for the rapid transit of entertainers, VIP visitors to the club and city;*
- *Car parking to support the above range of uses and users;*

Business

- *A campus-style business park will provide for the large floor-plate commercial uses;*
- *Food and drink premises, shops;*
- *Community and service uses, child care facilities;*
- *Medical centres;*
- *Business suites;*
- *Telecommunication facilities;*
- *Information and education facilities complementary to Penrith's formal education institutes;*

Living - Panthers East will include a diverse range of housing types

- *High and medium density residential;*
- *Seniors living homes including aged care.*
- *Educational establishments;*

Public Recreation

- *Recreation – both active and passive uses will include the golf course along Peachtree Creek as well as providing for the continuation of the Riverlink pedestrian and cycle connection between the Nepean River, the city centre and civic areas;*
- *Open space opportunities that are flood compatible will be investigated, as well as initiatives such as Council's city gardens policy which aims to enhance the amenity of the city;*
- *Building identification signs; Business identification signs;*
- *Community facilities;*
- *Information and education facilities;*
- *Kiosks; Markets; Recreation areas;*
- *Recreation facilities (indoor); Recreation facilities (outdoor); Roads;*
- *Water recreation structures.*

Private Recreation

- *Recreation – both active and passive uses will include the golf course along Peachtree Creek as well as providing for the continuation of the Riverlink pedestrian and cycle connection between the Nepean River, the city centre and civic areas;*
- *Building identification signs; roads;*
- *Community facilities;*
- *Restaurants; Kiosks; Recreation areas;*
- *Recreation facilities (indoor); Recreation facilities (outdoor).*

These uses are to be contained in buildings with a proposed *maximum building height of 10m on Panthers South West and 16m – 24m on Panthers East with a key site height of 32m*. A range of density controls is proposed with a gross floor space ratio (FSR) of 1:1 proposed for Panthers East and 0.5:1 for Panthers south west. The Planning Proposal refers to these controls as gross FSR. FSR is defined in the standard instrument LEP (on which the proposed zonings in the Planning Proposal are based). There is no definition of gross FSR.

It is important to note that the Panthers Planning Proposal prepared by the Panthers Partnership is in draft form and still needs to be assessed and, if appropriate, sponsored by Council. There may be elements of the proposal such as the objectives and the land uses that may be modified in the final Planning Proposal.

3. Net Community Benefit Test

3.1 Will the LEP be compatible with agreed State and regional strategic direction for development in the area (eg land release, strategic corridors, development within 800 metres of a transit node)?

State and regional strategic direction is reflected in the Metropolitan Planning Strategy - *City of Cities - A Plan for Sydney's Future* (including the recently released *Metropolitan Strategy Review – Sydney Towards 2036 Discussion Paper*) and, at the regional level, in the *draft North West Subregional Strategy*.

The Metropolitan Planning Strategy seeks stronger regional cities including Sydney City, North Sydney, Parramatta, Liverpool and Penrith. The river regional cities of Parramatta, Liverpool and Penrith are to *provide a focus for innovative business environments, jobs and more lifestyle and work opportunities closer to growing parts of Sydney*. Regional cities *provide a full range of business, government, retail, cultural, entertainment and recreational activities. They are the focal point of transport and jobs*. The 2031 employment capacity target for Penrith regional city is 30,000 jobs, an increase of 57% on 2001 level of 19,000 jobs. These projections are reflected in the *draft North West Subregional Strategy*.

The State government recently announced a Metropolitan Strategy review. The review further emphasises integrated land use and transport planning to get the best value from investment in transport infrastructure. Renewal is also mentioned as a means of building communities through redevelopment and improving capacity to accommodate most of its

population growth in existing urban areas. By 2036 the review document plans for radial rail connections from Penrith. Planning for growth in the west includes strengthening Penrith regional city as a major employment destination and as *a focus for services, entertainment, retail and offices as well as high density housing*.

The *draft North West Subregional Strategy* translates objectives of the NSW Government's Metropolitan Strategy and State Plan to the local level. When finalised, the Subregional Strategy will continue to guide land-use planning until 2031. Subregional strategies will remain a key planning tool for councils to implement the metropolitan strategy.

The Subregional Strategy defines the regional city as having a radius of 2 kilometres with a role as *Providing a full range of business, government, retail, cultural, entertainment and recreational activities, they are a focal point where large, growing regions can access good jobs, shopping, health, education, recreation and other services and not have to travel more than one hour per day*.

Relevantly, the strategy states:

The Regional City designation is not only aimed at attracting more jobs and housing to the city centre. It will be planned so that development can occur for a full range of activities which attract people, including retail, government, educational, health, cultural, entertainment and recreational functions. The NSW Government has established the Cities Taskforce to work with relevant councils to plan for growth in Regional Cities, including Penrith. The Cities Taskforce has prepared a draft Penrith City Centre Plan (see page 71). Under the plan the Penrith Regional City has significant potential for further development as it matures as a vibrant, liveable and cosmopolitan city in its own right.

In relation to the Panthers site, the Strategy states:

Opportunities also exist to capitalize on existing assets in areas which are peripheral to Penrith's central area, and which can support and complement it. Such assets include the Nepean River, Penrith Panthers entertainment complex, Penrith Lakes residential development and recreation area and the Mulgoa Road bulky goods precinct.

Penrith regional city includes the City Centre and surrounding lands. The Planning Proposal relates to part of the surrounding lands. Planning for the city centre has progressed as a Cities Taskforce project under the metropolitan strategy planning framework. This includes:

- Penrith City Centre Vision;
- Penrith City Centre Local Environmental Plan 2008;
- Penrith city Centre DCP 2008; and
- Penrith City Centre Civic Improvement Plan.

These documents consist of the State government's 25-year plan for the Penrith City Centre which is designed to support 10,000 new jobs, thousands of new homes and a new town square. This is approximately the number of additional jobs identified for the Penrith regional

city in the Metropolitan strategy and the subregional strategy. Key elements of the city centre plan (where relevant) include²:

- 10,000 new jobs by 2031 with a focus on high growth industries such as business services, health, education, retail, tourism and cultural activities;
- 10,000 new residents in the city centre by 2031;
- A new town square and park between Henry and High Streets;
- Reconnecting Penrith to the Nepean River to create a riverfront leisure and entertainment precinct;
- Increased residential and commercial floor space in the city centre;
- Reconnecting the city to the Nepean River through an extension of public space through Woodriff Gardens; and
- Building design to preserve views to the Blue Mountains from the city centre.

The Penrith City Centre Local Environmental Plan 2008 aims are:

- (a) to strengthen the regional position of the Penrith city centre as a multifunctional and innovative centre that encourages employment and economic growth,
- (b) to provide a planning framework for Penrith to fulfil its role as a regional city in the Sydney Metropolitan Region,
- (c) to promote employment, residential, recreational and leisure, cultural, social and tourism opportunities within the Penrith city centre,
- (d) to respond to the economic and social needs of the region by providing centrally located services and facilities,
- (e) to facilitate new commercial and residential development in the Penrith city centre that is consistent with the desired future character of the area as described in the Penrith City Centre Development Control Plan 2007,
- (f) to protect and enhance the cultural identity and diversity of the Penrith city centre,
- (g) to encourage development that contributes to the provision of alternative and sustainable access to the city centre,
- (h) to enhance access to the city centre, particularly by public transport, walking and cycling,
- (i) to facilitate the development of building design excellence appropriate for a regional city and improve the quality of urban design and ensure the public domain is safe and attractive,
- (j) to encourage responsible management, development and conservation of resources and to ensure that the Penrith city centre achieves sustainable social, economic and environmental outcomes,
- (k) to protect and enhance environmentally sensitive areas, and the natural and cultural heritage, of Penrith city centre for the benefit of present and future generations.

The Cities Taskforce Vision document states as follows in relation to employment development:

While the objective should be to concentrate the highest density employment activity in the city centre, the other nodes have different assets and prospects which should be encouraged as appropriate. P42

and

² Ministerial press release.

There are a number of proposed and existing developments located outside the city centre that could compete for employment and retail. The expansion of Penrith Panthers threatens to shift some trade out of the city centre as it will incorporate additional retail, restaurants and entertainment uses. These nodes are relatively close to the city centre and can be developed to complement the city heart over the long term. This will require clear thinking about what the role of the different precincts will be and strategies to ensure development is consistent with these. P42

The Panthers Planning Proposal, as submitted by the proponent, is described as the Panthers Penrith Entertainment, Leisure & Lifestyle Development. It is an entertainment and leisure precinct that includes short term accommodation, conferencing and exhibition facilities, cinemas, bowling, restaurants, café, retail, health, wellness and aquatic facilities and a multi-use events and exhibition centre. Also, there is residential and campus style office accommodation with recreational opportunities such as parks, open spaces, walking and cycle ways.

The retail offer forming part of the Panthers Penrith Entertainment, Leisure & Lifestyle Development is described as being complementary to the entertainment/leisure uses and is stated by the proponent to be critical to the success of an entertainment precinct.

The Planning Proposal is considered to be compatible with agreed State and regional strategic direction for development in the area in that:

- It is located substantially within the regional city of Penrith as identified in the Metropolitan Planning Strategy - *City of Cities - A Plan for Sydney's Future* State Metropolitan Strategy and the *draft North West Subregional Strategy*;
- It is consistent with the *draft North West Subregional Strategy* in that it provides an opportunity to capitalize on existing assets in areas which are peripheral to Penrith's central area, and which can support and complement it.
- It is consistent with the city centre planning regime in that it is located within an activity centre close to the city centre and can be developed to complement the city centre because of its different assets and prospects.

Compatibility with agreed State and regional strategic direction for development in the area is dependent on the retail and business park aspects of the proposal supporting and complementing the role of the city centre. As stated in the City Centre vision statement, this requires clear thinking about the role of the precinct and ensuring that planning controls result in a development that is consistent with this role. This is dependent on the retail offer being part of and complementary to the entertainment/leisure uses with the main role of the precinct being a regional destination for recreation and entertainment.

3.2 Is the LEP located in a global/regional city, strategic centre or corridor nominated within the Metropolitan Strategy or other regional/subregional strategy?

As discussed above, the proposal is located within a regional city as nominated within the Metropolitan Strategy and *draft North West Subregional Strategy*.

3.3 Is the LEP likely to create a precedent or create or change the expectations of the landowner or other landholders?

The Planning Proposal achieves general consistency with the State metropolitan strategy, the draft subregional strategy and the Riverlink Precinct Plan. These strategic planning documents set the direction for change to land use planning controls. It is considered unlikely that the LEP would create a precedent or a change in expectation of landowners beyond that reasonably expected from the directions given in the adopted strategic planning documents.

3.4 Have the cumulative effects of other spot rezoning proposals in the locality been considered? What was the outcome of these considerations?

Following representations by the major landholders for rezoning to permit additional development, in May 2008 Council adopted the Riverlink Precinct Plan as a preliminary guide for rezoning and additional development. The Planning Proposal is set in the context of this precinct plan. This forms a basis for Council to proceed with this and other rezoning proposal where appropriate.

Other spot rezoning proposals are being considered in the context of delivering an integrated comprehensive LEP (known as LEP 2012 (Stage 2)). Consideration has been given to the Panthers Penrith Planning Proposal in the context of additional retail on the Parkview site located at 164 Station Street Penrith and the cumulative impacts of these developments.

Hill PDA prepared a report for Council entitled *Retail Impact Assessment of development proposals on the Penrith Panthers site and the Parkview site* in January 2010. The outcomes of this report are discussed in Section 3.12.

3.5 Will the LEP facilitate a permanent employment generating activity or result in a loss of employment lands?

The LEP will facilitate permanent employment generating activity. It will not result in a loss of employment generating lands.

The Planning Proposal reports that the proposed development (presumed to be the Panthers Penrith Entertainment, Leisure & Lifestyle Development) will create 5,700 on-going jobs.

Panthers Penrith Economic Impact Assessment prepared by MacroPlan Australia prepared in September 2008 on behalf of the proponent estimates the additional long term jobs as a consequence of a larger development concept as being 5,800.

Hill PDA³, on behalf of Council, estimates the additional full time equivalent employment potential of the Panthers Penrith element of the Riverlink proposal as being approximately 2,100 jobs.

Hill PDA³ have estimated the net increase in employment in retail (excluding bulky goods) as a consequence of the various scenarios under consideration (discussed further in Section 3.12). Scenario 3, the Hill PDA preferred scenario, results in a net increase of 1,132 full time and part time jobs due to the expansion of retail space and growth in trade. This can be compared with an additional 500 jobs in the case of the do-nothing scenario.

These estimates do not consider reduction in employment in other centres as a consequence of transferring expenditure and do not consider the net increase in expenditure as a consequence of the additional expenditure generated for the city region through growth and retained expenditure. The Planning Proposal seeks to achieve a rezoning to allow a development of a kind not presently available in the area in terms of a large destination and entertainment focused development comprising a range of synergistic uses complementary to the city centre. Because the Planning Proposal is based on allowing a project that has a point of difference to other retail facilities, it can be expected that employment generation will be positive and additional expenditure will be drawn to the area from other locations to be benefit of the local economy.

3.6 Will the LEP impact upon the supply of residential land and therefore housing supply and affordability?

The Planning Proposal includes a mix of residential uses described as high and medium density residential and seniors housing (including aged care). This will broaden the choice of accommodation in an appropriate location close to activity centres and existing and future public transport. Residential development peripheral to the city centre is consistent with State metropolitan and regional strategies. The Concept Plan prepared by MacroPlan Australia identifies approximately 2,000 proposed dwellings (including serviced apartments) and 250 to 500 self care housing for seniors. The Planning Proposal reduces this to 900 dwelling units.

Part of the site is currently zoned for residential uses being within Zone No. 2(d) under Penrith LEP No 43. Residential development in this zone is subject to a development standard limiting density to 30 dwellings per hectare with a maximum of 60% of dwellings in any development being in residential flat buildings.

The Hill PDA report to Council *Riverlink Economic Impact and Land Use Analysis* February 2010 identifies the following residential components as appropriate for the Panthers site:

- 641 medium – high density residential;
- 250 seniors housing;
- 699 serviced apartments/hotel rooms.

³ *Riverlink Precinct Economic Impact & Land Use Analysis* by Hill PDA, February 2010 prepared for Penrith City Council

Council does not support additional residential development on the Panthers South West site at this time due to flooding or constraints on safe evacuation during floods, so there is a reduction of 600 dwellings from what was proposed in the original Panthers Concept Plan. The South West site is identified for tourist related 'flood compatible land uses'.

It is unclear if there will be more dwellings under the Planning Proposal than would be achieved if the planning controls do not change from the largely redundant LEP No 43. However it is not envisaged that there would be any significant negative impact on housing supply or affordability. Additional residential development will have a positive impact on availability and affordability by facilitating an increase in supply of housing in a relatively accessible location. Additional investment in the area as proposed under the Planning Proposal and the associated improvement in public transport and public domain will encourage further residential development in and adjoining the Riverlink Precinct.

3.7 Is the existing public infrastructure (roads, rail, utilities) capable of servicing the proposed site? Is there good pedestrian and cycling access? Is public transport currently available or is there infrastructure capacity to support future public transport?

Council has investigated the Planning Proposal in the context of the wider Riverlink Precinct Plan. This includes *Penrith Riverlink Precinct Traffic, Transport and Access Impact Assessment* undertaken by GHD in June 2009.

Regional traffic modelling undertaken as part of this study indicated that the noticeable impact from development in the Precinct will be on Mulgoa Road, and at key intersections providing access to the Precinct. The report finds that:

The modelling suggests that till Year 2026, deemed 'End State', Mulgoa Road, with localised intersection improvements, will be capable of sustaining the development growth within the Penrith LGA, including the generation from the proposed Riverlink Precinct development. The model identifies no spare capacity along the Mulgoa Road corridor, between High Street and the M4 Motorway, and highlights the need for intersection improvements...

Beyond 2026, sensitivity modelling for an increase of 10% in through traffic volumes along the Mulgoa Road corridor indicates significant potential degradation of a number of intersections on Mulgoa Road.

A 10% modal shift to public and active transport target use (from private car) has been agreed with Council. To achieve this modal split and moderate traffic growth in the local area as a result of the proposed additional development or other land use options that may be adopted by Council, a number of transport measures would have to be implemented. These measures include:

- *Provision of improved pedestrian and cycle facilities as identified in the Study;*
- *Restricted car parking provision to the levels adopted for the Penrith City Centre;*
- *and*
- *Liaison with the Ministry of transport for high bus frequency to service the Precinct,*



The level of the development in the Panthers site, in particular, will require a frequent bus service or a Penrith City Centre Shuttle bus service, as has recently been implemented in the Parramatta City Centre. Service frequency will need to be determined from more detailed demand studies. Council should discuss the cost implications with the Ministry of Transport and the cost could be shared with the developers.

Planning for Penrith City Centre recognised that the highest concentration of jobs should be in the city centre with access to public transport. The Planning Proposal envisages a development that will result in significant employment opportunities in absolute terms and significant visitation by tourists and residents. Consequently there will be a need to enhance public transport to the site. More investigation is required as to the capacity of the site to support future public transport and options for improved public transport accessibility including those suggested by GHD in their transport assessment.

The GHD study identified opportunities to improve pedestrian and cycle access to and through the Riverlink Precinct. Such measures need to be formalised in the planning process. This could be achieved through the preparation of a development plan.

The study concluded that subject to the implementation of the study's recommendations, the traffic impact of possible additional development in the Riverlink Precinct can be mitigated.

The Riverlink Precinct Plan identifies opportunities to create pedestrian links throughout the precinct connecting the City Centre to the river. These are mainly on Council owned land. Potential links have been identified over private property including Panthers. There are opportunities to enhance these connections through future funding agreements and to reinforce the necessary links through development controls.

The implementation of the development envisaged under the Planning Proposal requires works to be undertaken to increase the capacity of the movement systems, including public transport, road and pedestrian and cycle movements. Modal shift targets require some restriction on parking provision (to the levels adopted in the CBD) and high frequency bus services. The implications of such bus services on the capacity of the road network needs to be considered and means of funding the works required by the development of the precinct identified as part of the rezoning process.

The site is within an established urban area and it is expected that all urban services are available or can be readily augmented to meet the needs of the development envisaged under the Planning Proposal and the Riverlink Precinct Plan.

3.8 Will the proposal result in changes to the car distances travelled by customers, employees and suppliers? If so, what are the likely impacts in terms of greenhouse gas emissions, operating costs and road safety?

As discussed above, the site is located within the Penrith regional city with good access to the arterial road network and close to the existing town centre. Public transport services are available along Mulgoa Road and elsewhere in the area and can be improved and linked with the rail network. Pedestrian and cycle access integrating with the riverfront can also be

improved. It is understood that Council has identified a mode share target for public transport and the *Penrith Riverlink Precinct Traffic, Transport and Access Impact Assessment* undertaken by GHD in June 2009 has recommended measures such as parking supply restrictions to achieve greater public transport use.

The location is considered appropriate for trip generating developments because of the potential to moderate the demand for car travel, encourage multi-purpose trips and encourage trips by public transport. The proximity of the site to the city centre, its access to the arterial road network and the undeveloped nature of the site make it suitable for infill development and provide the opportunity for feasible and realistic improvements on public transport accessibility and connectivity to the city centre and rail network such that travel demand can be managed and trip length moderated.

The provision of an integrated mixed use entertainment precinct will be a facility not currently available in the area and will result in a reduction in trips and associated vehicle kilometres travelled by those who currently leave the area to access similar facilities.

The proximity of activity to the city centre will enable maximum use to be made of existing infrastructure and future investment in road and public transport improvements to be focussed in areas of need. This should result in a beneficial impact on greenhouse gas emissions, vehicle operating costs and road safety compared to similar development in less accessible locations.

3.9 Are there significant Government investments in infrastructure or services in the area whose patronage will be affected by the proposal? If so, what is the expected impact?

There is significant government investment in the area in the form of transport services, utility services and a range of human services. This includes improvements to Mulgoa Road such as improvements to the intersection of Jamieson Road and Mulgoa Road.

Government funding has been provided to assist in the development of the Great River Walk through the Riverlink Precinct.

Council and subregional planning strategies have been developed to guide public sector investment and the efficient allocation of public funding across the metropolitan region. Additional residents and additional visitors to the area will place additional demand on utilities and human services. In view of the location of the site within an established urban area, it is not expected that the development will place an unreasonable demand on existing facilities and services.

3.10 Will the proposal impact on land that the Government has identified a need to protect (e.g. land with high biodiversity values) or have other environmental impacts? Is the land constrained by environmental factors such as flooding?

Background investigations for the Planning Proposal and the Riverlink Precinct Plan have been undertaken. No areas of significant biological values have been identified. Existing green areas of public open space have been identified with proposals to enhance such areas. Linear vegetated corridors are found along Mulgoa Road and the river edge.

Peachtree Creek runs through the site. It is proposed that this creek and its banks are zoned to protect the creek and provide a riparian corridor.

Flooding is an important key technical issue for the site and the Riverlink Precinct. A Flood Study has been undertaken and extensive work has been carried out between the proponents and Council on the flooding issues.

The Riverlink area including the Panthers Penrith site is affected by major flood events, primarily influenced by the Nepean River. The flood affectation is limited to the western and south western sections of the Panthers Penrith site.

The river flood level is contained by the high bank which is only marginally above the 1% design flood level. This is of particular concern as a marginally higher flood in the river will break the east bank and flow through the Riverlink area. At this point the levels and velocities will dramatically increase and place the majority of the area in a High Hazard flood category.

The ability to mitigate the overbank-flooding situation is severely limited. Any development (including buildings, landform changes and vegetation) or mitigation works that obstructs or redistributes flows could direct additional flood waters through the Emu Plains area or through other established residential areas e.g. Anakai Drive. This situation would be applicable for the 1% event and higher order floods.

The existing evacuation routes from the land on the east bank of the river are via Jamison Road or Factory Road. Both of these routes are cut by lower order flood events. This would be of particular concern to the SES if residential type developments in this area were proposed creating a low flood island as identified in the Hawkesbury Nepean Flood Emergency Site Plan.

Notwithstanding the above, the Penrith Panthers site has development potential and, to realise this potential, uses that are compatible with the flooding situation or have limited losses should be considered. Any additional residential opportunities should not be supported on Panthers South West at this time because of the flood issues. Consideration could be given to suitable tourist "flood compatible" land uses on the Panthers South West site. Further flood investigations are being undertaken to fully understand the nature of the constraint and to develop appropriate management strategies.

3.11 Will the LEP be compatible/complementary with surrounding land uses? What is the impact on amenity in the location and wider community? Will the public domain improve?

The Planning Proposal includes improvements to the public domain through additional public open space and pedestrian and cycleway links. New streets will be established with the potential to provide attractive streetscapes. The Planning Proposal site is adjacent to a number of established urban areas including residential development to the south and north east and to the north west. There are potential impacts on these areas from additional traffic and noise associated with activities, including night time activities. Issues that may arise include noise from events and entertainment, event overflow parking, additional traffic on residential streets made more accessible by additions to the road network and the like. These issues were considered in the preparation of the Riverlink Precinct Plan.

It is considered that such amenity impacts can be managed during the more detailed planning process including the preparation of a DCP or master plan at the development assessment stage. Consideration needs to be given to the mixed use nature of the proposal and the locality and its location within a planned regional city. Amenity impacts will need to be managed in this context.

3.12 Will the proposal increase choice and competition by increasing the number of retail and commercial premises operating in the area?

The Planning Proposal is not for a retail or commercial premises in isolation. These are elements of an integrated development where retail and commercial premises of a specific kind and with a specific design and operating theme are proposed as part of an overall integrated activity centre. The Planning Proposal states that:

A retail offer that is complementary to and which underpins the entertainment and leisure uses is critical to the success and viability of the entertainment precinct.

and

Retail is required to underpin the entertainment uses in order to help support the commercial viability of the development in line with our objective to deliver a successful precinct.

The proponent is keen to characterise the site as different from, and complementary to, any retail offer in the city centre. Notwithstanding this there will be additional competition and resulting loss of trade to existing retailers. The economic modelling⁴ undertaken suggests that there will be some impact on the city centre and other centres as a consequence of the development as envisaged under the proposal with the extent of impact, and the assumptions on which estimates of impact are based, being subject to debate. The impacts on retail expenditure at other centres are short to medium. There would appear to be consensus that such impacts would be short to medium term (as discussed below in relation to Scenario 3) with growth in retail expenditure such that there would be no threat on the

⁴ Hill PDA, *Retail Impact Assessment of development proposals on Penrith Panthers site and the Parkview site*, prepared for Penrith City Council, January 2010.

overall viability of any other centre. Thus the added competition in terms of price, goods supplied and retail performance and service delivery is seen as positive and an important net community benefit consideration.

There will be an initial transfer of retail expenditure and possibly jobs from existing centres which will be considerably less than the overall increase in expenditure and jobs from an integrated and synergistic development as proposed.

Council engaged Hill PDA to undertake an independent economic assessment of the impact of the retail proposals on the Penrith Panthers site and the Parkview site (the latter located at 164 Station Street)⁵. The consultants investigated a range of scenarios for the provision of additional retail floor space and found that:

Scenario 3 (12,000sqm general retail on Panthers and a brand outlet centre) is the preferred scenario for the following reasons:

- 1. The type of retail (in particular the brand outlet centre) is different for Penrith and is a new type of retail offer;*
- 2. The immediate impacts on the CBD components averaging 12.4% are considered to be moderate (or moderate to high) but not high (being below 15%);*
- 3. The loss in turnover from 2009 to 2014 on the CBD components (resulting from Scenario 3) will be less than 5% which is considered minor;*
- 4. High Street precinct, Westfield and Centro would take 5, 7 and 6 years respectively to absorb the impacts from their 2014 turnover levels – which is considered to be a moderate, but not significant level of time;*
- 5. The most significant impacts are on apparel stores, which on average would take around 11 years to recover – however it's likely that some apparel stores will be relet to alternative store types;*
- 6. The impacts on the majors (department stores and supermarkets) is less severe – these store types taking around 4 to 5 years to absorb the impacts which is not considered threatening;*
- 7. The type of retail on Panthers has potential to enlarge the Penrith trade area and arrest some escape expenditure; and*
- 8. If a brand outlet centre did not proceed in Penrith there is the possible scenario that it could locate outside Penrith still with some impacts on Penrith CBD.*

Hill PDA found that a brand outlet centre of 25,000 square metres would be desirable in the CBD. If this is not possible, it could proceed elsewhere within the City. Hill PDA estimates that *The combination of 12,000sqm general retail and 25,000 brand outlet centre on Panthers (Scenario 3) results in minor adverse impacts (less than 5% loss in trade from 2009 to 2014) on the CBD precincts.*

Overall it is expected that there will be an increase in the number and variety of retail establishments and a wider choice for consumers. Hill PDA state:

⁵ Hill PDA, *Retail Impact Assessment of development proposals on Penrith Panthers site and the Parkview site*, prepared for Penrith City Council, January 2010.

The proposal may impact in the short term upon existing retailers in the locality. Nevertheless there is sufficient expenditure available within the locality to support the additional facilities and the impacts are will not threaten the viability of any other centre or supermarket. Accordingly, added price competition should be viewed positively in this case.

The impacts on turnover in the city centre would be experienced the most in department stores and apparel stores which would be affected by the brand outlet centre. Hill PDA found that these impacts would be generally medium term with impacts strongest after opening and reducing with growth in spending. Department stores are expected to fully recover any losses over the next 10 years. Apparel stores will take longer to fully recover, all other things being equal.

Similarly specialty food stores and restaurants will be impacted from the proposal. Some such stores are in centres that trade well and will adjust to the changed conditions. Some closures may result. However Hill PDA are of the view that they can be absorbed by non-food specialties which are showing some positive growth over the next 10 years.

The campus style business park is intended to serve a different market and would not be in direct competition to the city centre. Such a market would generally require larger floor plates and perhaps seek space for a variety of uses such as storage space or ground floor retail or display space with related offices above. In relation to the business park element of the Planning Proposal Hill PDA found that:⁶

The Panther's proposal includes commercial suites and a business park with a combined floor space of around 30,000sqm. The market could absorb this space over a period of 10 to 15 years. It's further possible that additional space could be catalysed given the current shortfall of jobs to working residents in the LGA (refer to Section 4.6 above). Likewise population growth can be stimulated by local job opportunities.

3.13 If a stand-alone proposal and not a centre, does the proposal have the potential to develop into a centre in the future?

The proposal is mostly within the Penrith regional centre and is in close proximity to the Penrith City Centre. The proposal is intended to allow a development that complements the range of facilities and services in the city centre. It does this in the following ways:

- It proposes a number of recreational, entertainment and leisure activities that build in the role, reputation and community services of the Panthers Club. These include:
 - o conferencing and exhibition facilities, cinemas, indoor bowling, health wellness and aquatic facilities, gymnasium;
 - o sports facilities – golf course, driving range, putt putt golf, aqua golf, cable water ski lakes; and
 - o a helipad.

⁶ Hill PDA, *Riverlink Precinct Economic Impact & Land Use Analysis*, prepared for Penrith City Council, February 2010.

- It proposes primarily destination retailing not currently available in the region in the form of a brand outlet shopping facility. Other complementary uses such as a micro brewery, cafes, restaurants, indoor play centres, markets and temporary accommodation in the form of hotels and serviced apartments are proposed.
- It provides residential accommodation at higher densities than currently is allowed in the form of apartments and including seniors housing (self care and assisted living);
- It provides for commercial and business premises 4 to 5 storey buildings in a campus setting not readily available in the city centre.

In essence it will provide an activity precinct separate from but compatible with the city centre and will form one of a number of activity precincts around the city centre as envisaged in the subregional strategy.

3.14 What are the public interest reasons for preparing the draft plan? What are the implications of not proceeding at that time?

It is considered that the public interest is best served by development that occurs in an orderly and efficient manner in accordance with existing strategic land use plans and public sector investment strategies. The State government and Council have prepared strategic planning documents that indicate land use intentions for the area. These documents become the basis for private sector and public infrastructure investment decisions to provide the opportunity for the market to respond to consumer needs in an orderly and efficient manner. This enables benefits of the agglomeration of activity and investment to be realised and public domain and movement system investment by public and private bodies to be planned and implemented.

It is considered that there is public interest in proceeding with this Planning Proposal. This public interest can be realised by progressing the planning of this site, and the other land within the Riverlink Precinct, in a manner that reflects the key intentions of the proposal as consistent with the State and local government planning strategies. It is considered that there is net community benefit in an integrated development proposal that relies on the successful agglomeration of the entertainment, leisure and lifestyle uses proposed rather than the individual elements being stand alone and not interacting and complementing each other. Therefore it is important to develop planning policies, controls and funding mechanisms that:

1. Facilitates the implementation of an integrated project - The successful implementation of the project requires the delivery of a range of synergistic uses and relies on the interaction between land uses, creating a diverse, attractive, day and night activity hub and a regional destination. Consequently each component would not function as effectively as when considered as a whole. Further the proponent submits that the retail offer is required to underpin the entertainment uses in order to help support the commercial viability of the development and deliver a successful precinct. Elements of the development are complementary to each other and to the existing club and its functions. Thus in its entirety, the development would complement the activities in the city centre. It is important to ensure that there is a

balance in the provision of the retail uses that are said to underpin the proposal and the elements that are so supported.

2. Funds the necessary infrastructure - The successful implementation of the proposal requires infrastructure investment in public domain works to provide the pedestrian and cycleway connections with the surrounding areas and to provide public open spaces. It also required investment in road and public transport infrastructure to provide adequate access, to integrate with the city centre and the railway station and to reduce car travel.
3. Includes specific development controls and guidelines – the proposal seeks a change to planning controls to achieve a specific vision which includes developments of a particular kind. It seeks a specific type of retailing in the form of a brand outlet centre and other retailing complementary to the entertainment and recreational vision. General retailing is limited. Bulky goods retailing, if it to form part of the proposal, is of a restricted kind complementary to the entertainment leisure uses. Council does not support bulky goods retailing on the Panthers Penrith site with the Precinct Plan identifying other areas for such uses.
4. The vision includes a particular urban design and building design with high quality, varied and attractive building facades consistent with the entertainment and leisure theme. Consideration should also be given to the amount, location and design of car parking.

The implications of not preparing the LEP at this time is that a significant site in close proximity to the city centre would remain as a land bank and in an underdeveloped form. Alternatively the site would develop in accordance with the current zoning of the site. It is understood that the present zoning is often contradictory and is not consistent with Council's vision for the area. Existing planning controls are outdated and confusing and there is a community benefit in preparing clear controls reflecting the strategic planning intentions of the Council and the State government.

The site is the largest single site within the Riverlink Precinct and thus can act as a catalyst for development in the area in keeping with Council's planning intentions and the State government subregional planning strategy.

4. Conclusion

It is considered that the site has qualities that make it suitable for the development contemplated by the Planning Proposal including:

- Good road access via the existing arterial road network and relatively good access to public transport. Importantly, the proximity of the site to the city centre and its location within the regional city will mean that improvements to public transport accessibility can be provided efficiently and effectively. The proximity to the arterial road network and the freeway system will facilitate freight access and road access from a wider trade area. Improvements will be required to the road network consistent with its arterial road function including improvements to intersections and potential lane widening as envisaged in the investigations undertaken as part of the Riverlink Precinct Plan.

- The site has potential for improvements to pedestrian access linking eventually with the river and the city centre;
- The site has characteristics of an urban infill site and is readily accessible to a wide labour market;
- The site is large and capable of accommodating development that achieves high quality urban and architectural design and that integrates with the surrounding built form;
- There is the capacity to improve the amenity of the area by making more effective use of an underutilised site;
- Environmental constraints such as flooding can be managed;
- There will be some impact on supply of residential zoned land although this impact is not considered significant in view of the residential elements of the Planning Proposal.
- The proposal will provide additional employment opportunities and broaden the economic base of the region by providing uses that currently are not present in the area.

Consideration has been given to whether the development could be accommodated within the existing centre. It is considered that elements of the proposal could be accommodated within the existing town centre including the brand retail outlet, other forms of retailing, hotel and serviced apartment uses and commercial premises. This is dependent on suitable sites being available. However the site is off a significant size which would not be available within the existing city centre. Furthermore the site offers the potential for a regional entertainment precinct around the existing Panthers Club with complementary destination retail. Such potential is not available in the city centre.

The Planning Proposal would not threaten the role of the city centre which would remain the highest concentration of jobs with access to public transport.

It is considered that there is public interest in proceeding with this Planning Proposal. This public interest can be realised by progressing the planning of this site, and the other land within the Riverlink Precinct, in a manner that reflects the key intentions of the proposal as consistent with the State and local government planning strategies. Important to protecting the public interest is to develop planning policies, controls and funding mechanisms that:

1. Facilitates the implementation of an integrated project - The successful implementation of the project requires the delivery of a range of synergistic uses and relies on the interaction between land uses, creating a diverse, attractive, day and night activity hub and a regional destination. Consequently each component would not function as effectively as when considered as a whole. Further the proponent submits that the retail offer is required to underpin the entertainment uses in order to help support the commercial viability of the development and deliver a successful precinct. Elements of the development are complementary to each other and to the existing club and its functions. Thus in its entirety, the development would complement the activities in the city centre. It is important to ensure that there is a balance in the provision of the retail uses that are said to underpin the proposal and the elements that are so supported.
2. Funds the necessary infrastructure - The successful implementation of the proposal requires infrastructure investment in public domain works to provide the pedestrian



and cycleway connections with the surrounding areas and to provide public open spaces. It also required investment in road and public transport infrastructure to provide adequate access, to integrate with the city centre and the railway station and to reduce car travel.

3. Includes specific development controls and guidelines – the proposal seeks a change to planning controls to achieve a specific vision which includes developments of a particular kind. It seeks a specific type of retailing in the form of a brand outlet centre and other retailing complementary to the entertainment and recreational vision. General retailing is limited. Bulky goods retailing, if it to form part of the proposal, is of a restricted kind complementary to the entertainment leisure uses. Council does not support bulky goods retailing on the Panthers Penrith site with the Precinct Plan identifying other areas for such uses.
4. The vision includes a particular urban design and building design with high quality, varied and attractive building facades consistent with the entertainment and leisure theme. Consideration should also be given to the amount, location and design of car parking.



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