



Planning Proposal to amend Penrith Local Environmental Plan 2010

Penrith City Park

December 2015

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INTRODUCTION

This Planning Proposal recommends an amendment to Penrith Local Environmental Plan 2010 (LEP 2010) to rezone land on the corner of Station and Henry Street as shown in Figure 1 from RE1 Public Recreation and B3 Commercial Core to B4 Mixed Use to allow for the development of a central park within the Penrith CBD. This document sets out the justification for, and explains the intended effect of, the recommended amendment.

The preparation of a Planning Proposal is the first step in the NSW Department of Planning and Environment's Gateway Process for amending LEP 2010. The Gateway Process is the current process for making or amending local environmental plans. It has a number of steps (set out in Table 1) that may require this document to be revised as it progresses through the Gateway Process.

No.	Step	Explanation
1	Planning Proposal	Council prepares a document explaining the effect of and justification for the making or amending of a local environmental plan
2	Gateway	The Minister for Planning and Environment, acting as a checkpoint, determines whether a Planning Proposal should proceed.
3	Community Consultation	The Planning Proposal is publicly exhibited.
4	Assessment	Council considers the submissions received in response to the public exhibition, varying the Planning Proposal as necessary.
5	Drafting	Parliamentary Counsel prepares a draft local environmental plan.
6	Decision	The Minister approves the local environmental plan, making it law.

Table 1: The Gateway Process

This Planning Proposal has been prepared in accordance with the Department of Planning and Environment's *'A guide to preparing planning proposals'* (October 2012) and includes the following:

Part	Explanation
1	The objectives and intended outcomes of the proposal
2	An explanation of the provisions to be included in LEP 2010
3	Justification for the objectives and intended outcomes
4	Maps identifying the area to which this Planning Proposal applies
5	Details of the community consultation

6	Project timeline
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Table 2: Parts of the Planning Proposal

The Planning Proposal also addresses the matters that must be addressed as set out in section 55(2) of the *Environmental Planning and Assessment Act 1979*.

SITE AND CONTEXT

SITE DETAILS

The subject site is bound by Station Street to the west, Henry Street to the north, Allen Place to the south and Woodriff Street North to the east. The site is rectangular in shape and has an overall area of approximately 22,280m².

Retail developments currently occupy the Station and Henry Street frontages of the site. The Allen Place Carpark makes up the southern half of the site.



Figure 1: The Subject Site

SITE CONTEXT

The site is located on the southern edge of the “Commercial Core” of the Penrith City Centre, which extends from Mulgoa Road to the west, Evan Street to the east and north of the subject site to the railway line. The land immediately joining the site to the south is zoned B4 Mixed Use.

Development in the area generally reflects the zoning of the land, primarily consisting of small scale retail and commercial land uses. The B3 Commercial Core zone contains only two large scale commercial office buildings, being the Tax Office building located at 121-127 Henry Street and the State Government office building at 2-6 Station Street.

The site is located approximately 200m south of Penrith Railway Station and is readily accessible by regular bus services.

CURRENT ZONING

Penrith Local Environmental Plan (LEP) 2010 is the principle planning instrument applying to the subject land. The site is currently zoned part RE1 Public Recreation and part B3 Commercial Core.

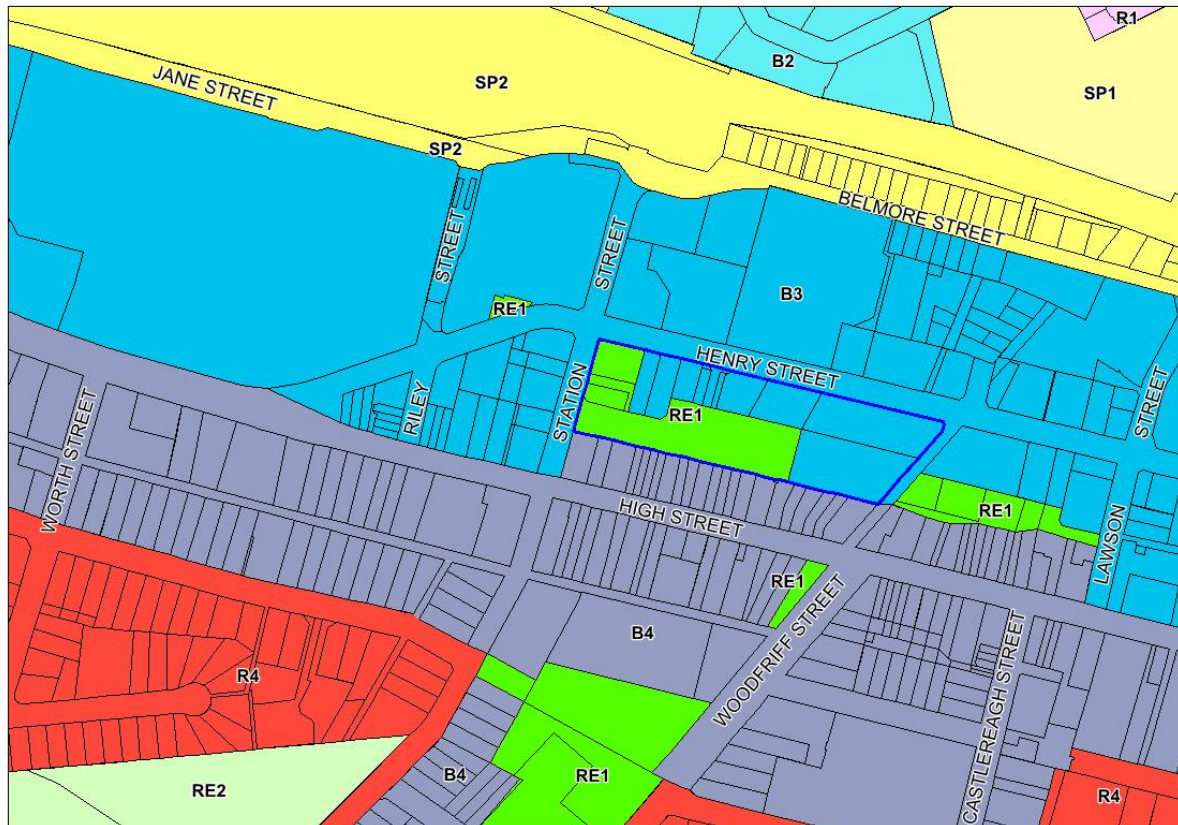


Figure 2: Current land zoning of the site

The land use table for RE1 and B3 zones are included below:

Zone RE1 Public Recreation

Objectives of zone

- To enable land to be used for public open space or recreational purposes.
- To provide a range of recreational settings and activities and compatible land uses.
- To protect and enhance the natural environment for recreational purposes.
- To ensure that development is secondary and complementary to the use of land as public open space, and enhances public use, and access to, the open space.
- To provide land for the development of services and facilities by public authorities for the benefit of the community.

Permitted without consent

Nil

Permitted with consent

Boat launching ramps; Boat sheds; Building identification signs; Business identification signs; Car parks; Charter and tourism boating facilities; Child care centres; Community facilities; Environmental facilities; Environmental protection works; Flood mitigation works; Function centres; Information and education facilities; Jetties; Kiosks; Markets; Moorings; Public administration buildings; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Respite day care centres; Restaurants or cafes; Roads; Water recreation structures; Water storage facilities

Prohibited

Any other development not specified in item 2 or 3

Zone B3 Commercial Core

Objectives of zone

- *To provide a wide range of retail, business, office, entertainment, community and other suitable land uses that serve the needs of the local and wider community.*
- *To encourage appropriate employment opportunities in accessible locations.*
- *To maximise public transport patronage and encourage walking and cycling.*
- *To strengthen the role of Penrith City Centre as the business, retail and cultural centre of the region.*

Permitted without consent

Nil

Permitted with consent

Amusement centres; Car parks; Child care centres; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Environmental facilities; Environmental protection works; Flood mitigation works; Function centres; Helipads; Hotel or motel accommodation; Information and education facilities; Medical centres; Mortuaries; Passenger transport facilities; Places of public worship; Recreation areas; Recreation facilities (indoor); Registered clubs; Respite day care centres; Restricted premises; Roads; Sex services premises; Signage; Tourist and visitor accommodation; Veterinary hospitals

Prohibited

Bed and breakfast accommodation; Farm stay accommodation; Any other development not specified in item 2 or 3

BACKGROUND

High quality urban spaces have a significant impact on the overall liveability of cities. They help local businesses thrive and attract people to live, visit and work in a location. As cities increasingly compete with one another to attract investment, the presence of good civic spaces and public parks becomes a vital economic lever to first attract and then retain new businesses.

The development of a City Park has been considered an important component in the transformation of the Penrith City Centre since 2006, and was recently identified as one of the first priorities of the Penrith Progression, a process seeking to revitalise the City Centre through economic investment. When delivered, the City Park will represent a significant infrastructure investment by Council for the benefit of the Penrith community.

Worldwide, successful city parks integrate urban elements such as cafes, alfresco dining areas, galleries, art installations, programmed events and active recreation including water play. Each of these urban elements do not, by themselves activate the spaces – thriving open spaces are surrounded by activated adjacent uses that complement one another and the civic space to increase vibrancy.

The current B3 Commercial Core zone applying to most of the site does not support the range of activities required to attract viable development. To enable the types of land uses needed to stimulate economic activity around the City Park, a Planning Proposal to apply a B4 Mixed Use zone for the land surrounding the park site must be prepared.

THE PLANNING PROPOSAL

PART 1 – OBJECTIVES OR INTENDED OUTCOMES

To rezone land to enable development of a City Park and expand the range of adjacent land uses to attract development within the vicinity of the City Park.

PART 2 – EXPLANATION OF PROVISIONS

The proposed outcome will be achieved by:

- Amending the Penrith LEP 2010 Land Zoning Map on the Allen Place Carpark in accordance with the proposed zoning shown as Figure 3.
- Amending Clause 8.2 Sun access of Penrith LEP 2010.
- Amending the following maps:
 - Land Zoning Map Sheet LZN_006
 - Land Zoning Map Sheet LZN_013
 - Height of Buildings Map Sheet HOB_006
 - Height of Buildings Map Sheet HOB_013
 - Active Street Frontages Map Sheet ASF_006
 - Active Street Frontages Map Sheet ASF_013

The proposed amendments are discussed in greater detail below.

B4 Mixed Use Zone

It is proposed to rezone part of the site from B3 Commercial Core and RE1 Public Recreation to B4 Mixed Use. The current RE1 Public Recreation zone would be retained on the corner of Station and Henry Street, responding to the principles outlined in the City Park Review (Appendix B) and include the land that has already been acquired by Council, as well as other parcels yet to be acquired.

The proposed rezoning of the site from B3 – Commercial Core to B4 Mixed Use would expand the permissible uses of the site, specifically by making residential uses permissible.

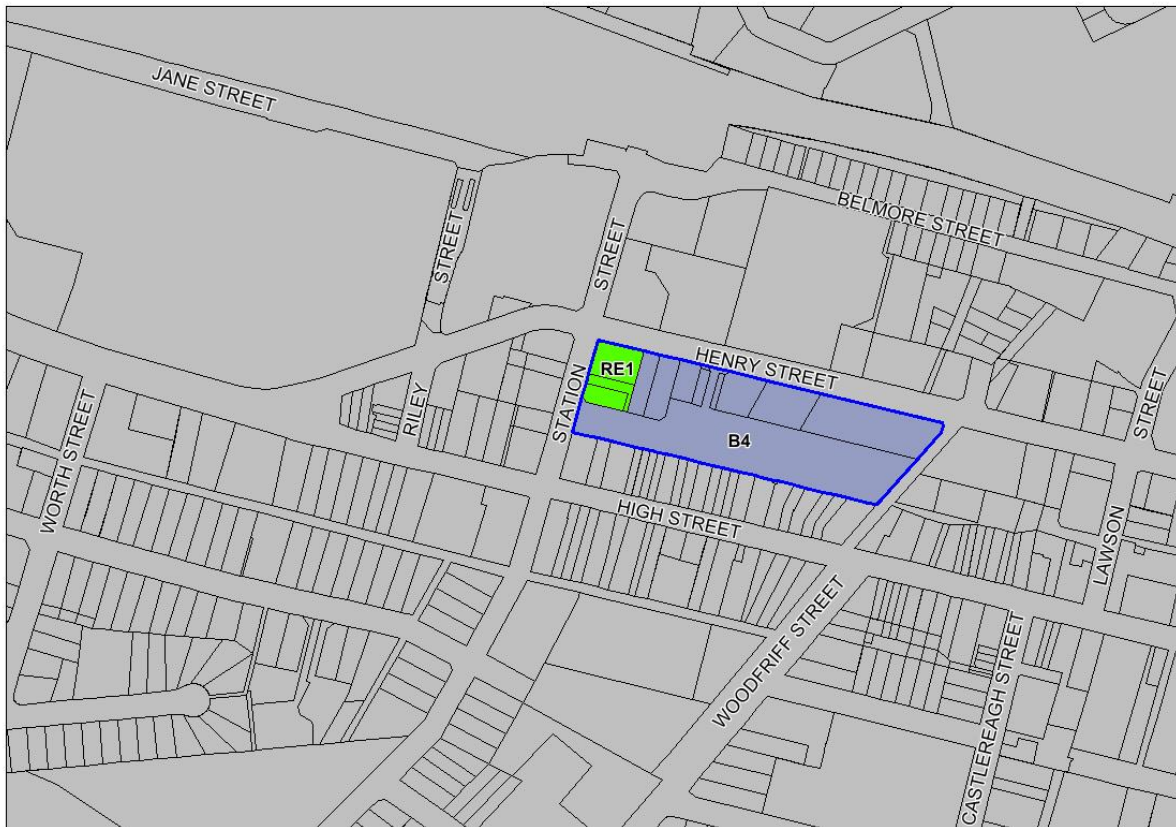


Figure 3: Proposed land zoning of the site

A number of strategic planning and place making studies have been undertaken for the Penrith City Centre, which have highlighted the importance of an activated, central hub to revitalise the City Centre.

The rezoning would enable the development of apartment style dwellings on a site that has excellent access to transport, health and recreation facilities and Penrith's retail centre. The addition of residential would also support Council's aim of activating the city centre on a 24/7 basis and would encourage the development of a more sustainable night-time economy for the Penrith City Centre.

Further detail regarding the proposed rezoning is included at Part 3 of this Planning Proposal.

Clause 8.2 Sun Access

The objective of clause 8.2 is to protect specified public space from overshadowing impacts caused by development on adjoining land that wish to exceed the maximum building height. This clause currently applies only to land identified as "Area 4" on the Height of Buildings Map, which is located around the land currently zoned RE1, being the Allen Place Carpark. As a result of the proposed rezoning, the land to which this clause applies must be reassessed.

There is merit in describing the outcome that the control should achieve rather than identifying a fixed area on a map to which this clause applies. In doing so, all public open space in the Penrith City Centre will be protected from overshadowing. Furthermore this allows the park to expand in the future and still be protected from overshadowing.

The following amendments are proposed to Clause 8.2 Sun Access of Penrith LEP 2010:

8.2 Sun access

- 1) *The objective of this clause is to protect ~~specified~~ public **open** space from overshadowing.*
- ~~2) This clause applies to land in the vicinity of Allen Place, Memory Park and Judges Park and to High Street between Station Street and Lawson Street, identified as "Area 4" on the Height of Buildings Map, being part of the land to which this Part applies.~~
- 2) *Despite clauses 4.3, 5.6 and 8.4, development consent may not be granted to development on land **to which this Part applies** ~~adjacent to land to which this clause applies~~ if the development would result in overshadowing **of public open space** to a greater degree than would result from adherence to the controls indicated for the land on the Height of Buildings Map.*
- 3) *This clause does not prohibit development that does not alter the exterior of any existing building.*

The proposed mapping amendments are included at Part 4 of this Planning Proposal.

PART 3 – JUSTIFICATION

SECTION A – NEED FOR THE PLANNING PROPOSAL

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

The development of a Penrith City park has been a central part of Penrith's public domain aspirations since it was first identified in 2006. It has since been incorporated into the following strategic documents:

- *Penrith City Centre Strategy (2006)* – According to the Strategy, Council should "provide an accessible central City Park (possibly in Allen Place) around which a range of activities such as cafes, restaurants, shops, bars and the like can be located." This is the first mention and identification of the need for a central City Park focused on the Allen Place car park.
- *Penrith City Centre Vision (2007)* – A Penrith City Park is a central part of the Penrith City Centre Vision and is included as the centrepiece of the city's civic and cultural precinct. The Vision was prepared by the NSW Cities Taskforce and was endorsed by Council. The location of a Penrith City Park is shown to be on the Allen Place car park surrounded by active building uses in the City Centre. This promises to contain green public spaces to enliven the precinct, making it attractive and vibrant after hours.
- *Penrith Civic Improvement Plan (2008)* – The Penrith Civic Improvement Plan was prepared by the NSW Cities Taskforce and was endorsed by Council. It is one of a suite of plans introduced to implement the Penrith City Vision. The new park and square are proposed at Allen Place to provide improved amenity to the City Centre. Its boundaries are confined to the existing surface car park in the interior of the block bounded by Henry Street to the north, Station Street to the west, High Street to the south and Lawson Street to the east.
- *Penrith Local Environmental Plan 2010 Amendment 4 (2010)* – In 2008 the Penrith City Centre LEP zoned the Allen Place Car Park RE1 Public Recreation, but did not include any recreation zoning on land fronting High and Henry Streets. After consulting urban design experts on the size and scale of the City Park it was determined that the park should exhibit a square form. The LEP amendment changed the zone at the corner of

Henry and Station Streets to RE1 Public Recreation, and included an acquisition clause. The amendment also changed the zoning of the eastern end of the Allen Place Car Park from RE1 to B3 Commercial Core, to recognise future incorporation of Council's buildings along Henry Street into the park area.

- *Penrith Progression: A Plan for Action (2014)* – This document locates the Penrith City Park as the central civic place of Penrith linked to the city's identity as a Regional City. In order for it to succeed, the Penrith City Park must be grounded by economic drivers in and around the park to ensure its long term success as a true place within the Penrith CBD. This Planning Proposal is a key step in realising one of the key actions identified within the Penrith Progression, as discussed below.

Penrith Progression: A Plan for Action

The Penrith Progression – A Plan for Action outlines Council's vision for the City Centre by identifying key projects, attracting investors and creating thousands of local jobs to support the current and potential needs of our growing community. The Action plan outlines 100 actions to transform the City Centre and deliver jobs of the future around the opportunity precincts and catalyst projects.

The Planning Proposal responds to the following actions of the Penrith Progression:

Action 3.2 Review planning controls for the signature sites to encourage quality sustainable development of a mature Regional City scale.

Action 6.1 Landscape and upgrade public squares, parks and spaces to 'cool down' the City Centre

Action 6.3 Encourage public spaces and permeability in and around new developments

The Penrith Progression also identifies a centrally located City Park as a significant catalyst to stimulate investment in the Penrith City Centre. The City Park will create an uplift in property values for surrounding properties and improve public amenities. Throughout the engagement process for the Penrith Progression, a wide range of stakeholders spoke of the importance of a centrally located 'city park' for Penrith.

In response to this feedback, the Plan identifies the 'Central Park Village Opportunity Precinct'. The Plan outlines the vision for the Central Park Village as a contemporary public space, surrounded by a mix of housing and specialist retail opportunities. Housing close to the park should be compact, contributing to a walkable City Centre attractive to young professionals seeking inner city apartment living. A City Park Review was undertaken to establish what form the future Park may take, which is discussed below.

The Plan specifically identifies the Central Park Village Opportunity Precinct as the first priority for the Penrith Progression delivery framework, with the first short term actions being to design and deliver Stage 1 of the City Park, and to work with providers of apartment buildings and mixed use development to deliver housing density in the precinct.

A copy of Penrith Progression: A Plan for Action is provided as **Appendix A**.

The Penrith City Park Review

The Penrith City Park Review (**Appendix B**) was undertaken by consultants Hames Sharley Pty Ltd, as part of the Penrith Progression process. This review established the context for the development of a new city space that will enhance the public realm of the Penrith City Centre and foster redevelopment of private land within its precinct.

Through research, analysis and benchmarking, the consultants determined that the City Park in Penrith should be around 7,500m². The study also confirmed that the City Park should address Station and Henry Street and receive adequate activation from adjacent and adjoining land uses. The importance of a mix of hard and soft surfacing was highlighted as a common feature of exemplar open spaces, offering the flexibility of shared spaces for community events while also incorporating leisure recreation in an attractively landscaped setting.

Further investigation and detailed design work for the City Park itself is currently being undertaken. To fully achieve the vision and development of a broader Central Park Village Precinct as described in the Penrith Progression Action Plan, the next step in the process is rezoning the land in and around the City Park site. The rezoning will accommodate mixed use development and introduce opportunities for housing density in the precinct.

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

The current B3 Commercial Core zone applying to most of the site does not support the range of activities required to attract viable development to the Penrith City Centre. To enable the types of land uses needed to stimulate economic activity around the City Park, a Planning Proposal to rezone land surrounding the park to B4 Mixed Use must be prepared.

SECTION B – RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK

Q.3 *Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?*

A Plan for Growing Sydney

A Plan for Growing Sydney (the Sydney Metropolitan Strategy) was released in December 2014 and is the NSW Government's 20-year plan for the Sydney Metropolitan Area.

The Plan consists of a number of directions and actions focused around four goals:

- **ECONOMY**; a competitive economy with world class services and transport;
- **HOUSING**; a city of housing choice with homes that meet our needs and lifestyles;
- **LIFESTYLE**; a great place to live with communities that are strong, healthy and well connected; and
- **ENVIRONMENT**; a sustainable and resilient city that protects the natural environment and has a balanced approach to the use of land and resources.

Penrith is identified as a Regional City within the Plan and falls within the West subregion. The priorities of the Plan for the West subregion is a competitive economy, accelerated housing supply, choice and affordability, and the protection of the natural environment.

Relevant directions from *A Plan for Growing Sydney* are addressed below:

Goal 1: A competitive economy with world-class services and transport	
Direction 1.4 Transform the productivity of Western Sydney through growth and investment	The key objective of this Planning Proposal is to attract economic investment. This will help to transform and revitalise the City Centre, reflecting Penrith's role as a Regional City.

Direction 1.7 Grow strategic centres – providing more jobs closer to home	The site is located within proximity to the Penrith Health and Education Precinct, which is identified as a Strategic Centre in the Plan. The Planning Proposal seeks to introduce residential accommodation options into the City Centre, providing housing close to an existing employment catchment.
Goal 2: A city of housing choice, with homes that meet our needs and lifestyles	
Direction 2.1 Accelerate housing supply across Sydney	The Planning Proposal will introduce residential accommodation into the heart of the Penrith City Centre. Penrith has traditionally provided detached housing in the form of greenfield development and this Planning Proposal seeks to encourage development of higher densities, offering more affordable and diverse housing types and in an area close to public transport, jobs and services.
Direction 2.2 Accelerate urban renewal across Sydney – providing homes closer to jobs	Penrith's City Centre is located adjacent to the Penrith Health and Education Precinct, an identified Strategic Centre within <i>A Plan for Growing Sydney</i>. This Planning Proposal will provide for residential development opportunities close to an existing workforce population. The Penrith City Centre is well serviced by public transport and this Planning Proposal recognises the benefits of providing high densities close to jobs, transport and services. The Planning Proposal is aimed at revitalising the City Centre to truly reflect Penrith's role as a Regional City.
Direction 2.3 Improve housing choice to suit different needs and lifestyles	The Planning Proposal will improve housing choice through introducing apartment style development to the City Centre, targeting a different demographic to those traditionally catered for within the Penrith market.
Goal 3: A great place to live with communities that are strong, healthy and well connected	
Direction 3.3 Create healthy built environments	The Planning Proposal will facilitate the development of an activated, vibrant City Park Precinct for the Penrith community. It will allow a flexible space that meets the daily needs of residents, workers and visitors.
West Subregion	

Accelerate housing supply, choice and affordability and build great places to live	This Planning Proposal is consistent with this action, as discussed for Direction 2.1, above.
Retain a commercial core as required for long term employment growth	This Planning Proposal reduces the extent of the City Centre's commercial core zone by approximately 4%. The reduction in the extent of the B3 zone is considered appropriate, as retention of the existing zone would fetter the near term potential of the land so that it could not likely be developed concurrently with the Park. This would not be in the broader public interest, which achieves benefit from the Park and surrounding active uses. Since the land use zonings were applied to the Penrith City Centre by the NSW Government's Cities Taskforce, it has been recognised that the extent of the B3 Commercial Core zone, comprising approximately 30 hectares, is excessive for any future needs. This has had the effect of stifling legitimate land uses needed to revitalise the City, which are available in the B4 Mixed Use zone.
Provide capacity for additional mixed-use development in Penrith including offices, retail, services and housing	The rezoning will provide capacity for additional mixed use development in the Penrith City Centre.

Table 3: Consistency with A Plan for Growing Sydney

Subregional Strategy

A Plan for Growing Sydney states the following:

“Subregional plans will build on the actions set out in A Plan for Growing Sydney. Councils, the community, the Greater Sydney Commission and the NSW Government will work together to finalise and implement these plans.”

A Plan for Growing Sydney has displaced the draft sub-regional strategies, and specific targets remain under consideration. This Planning Proposal has therefore not been assessed for consistency against any subregional plan.

Q.4 Is the planning proposal consistent with a council's local strategy or other local strategic plan?

The Planning Proposal's consistency with *Penrith Progression: A Plan for Action* is discussed in Section A.

The Planning Proposal is also consistent with the *Penrith Community Plan* and the *Penrith City Strategy*, as demonstrated below.

Penrith Community Plan

The Penrith Community Plan was adopted by Council on 24 June 2013 and represents the community's vision for the Penrith LGA over the next 20 years. It establishes the strategies that will need to be prioritised by a range of agencies, groups and government departments in order to achieve this vision.

The following table identifies the relevant outcomes for consideration and demonstrates how this Planning Proposal is consistent with those outcomes.

Outcome 1 – We can work close to home	
Strategy 1.1 Diversify the region's economy and attract investment, particularly targeting new and emerging employment sectors	A key message that was communicated through the Penrith Progression was that Penrith requires an "anchor" to attract commercial investment into the City Centre. The development of the City Park aims to increase the amenity in the centre and act as a catalyst to attract a diverse range of uses.
Strategy 1.2 Secure infrastructure that improves economic opportunities for existing and new businesses	As mentioned above, the inclusion of high quality public spaces close to businesses ultimately adds value to development. Tenants pay a premium to be located within close proximity to areas that offer high amenity, such as parks.
Outcome 2 – We plan for our future growth	
Strategy 2.1 Facilitate quality development that encourages a range of housing types, employment, recreation and lifestyle opportunities	The Planning Proposal will introduce residential development, in the form of apartments, into the City Centre. Future residents will have easy access to employment, recreation and lifestyle opportunities located within the Penrith City Centre.
Strategy 2.3 Ensure services, facilities and infrastructure meet the needs of a growing population	The intent of the Planning Proposal is to provide greater flexibility to the planning controls within the City Centre that will allow a diverse range of services and facilities for the growing Penrith population.
Outcome 4 – We have safe, vibrant places	
Strategy 4.1 Improve our public spaces and places	There is a notable absence of quality public open space within the Penrith City Centre. The main objective of the Planning Proposal is to provide a contemporary City Park that can accommodate a range of community uses such as markets and community festivals.
Strategy 4.2 Grow and revitalise our centres and neighbourhoods	Introducing a mixed use zone to the land surrounding the Park will act to revitalise the Penrith City Centre through attracting investment, and drawing pedestrian activity into the heart of the Centre.
Outcome 6 – We are healthy and share strong community spirit	

Strategy 6.1 Provide opportunities for our community to be healthy and active	There is currently an absence of high quality open space within the Penrith City Centre. The development of a City Park will provide leisure opportunities for residents, workers and visitors.
Strategy 6.2 Encourage social connections and promote inclusion in our community	The City Park will provide a flexible space capable of accommodating a range of community and cultural events, encouraging social connections within the community.
Strategy 6.3 Support cultural development, activating places and creativity	The Planning Proposal seeks to activate the City Park precinct to create a vibrant space that encourages creativity.

Table 4: Penrith Community Plan Review

Penrith City Strategy

The Penrith City Strategy provides directions for the City's futures over the next 20 years and beyond and informs the Community Strategic Plan.

The City Strategy addresses the seven themes of housing, jobs and economy, transport and access, infrastructure delivery, community wellbeing, the environment and places.

Table 2 below identifies the relevant outcomes for consideration and demonstrates how this Planning Proposal is consistent with those outcomes.

Outcome	Consistency
Housing Plan for housing that meets community needs with regard to supply, choice, design quality, sustainability and affordability	There is an undersupply of inner city living opportunities in the Penrith City Centre. Residential development has traditionally taken the form of single dwellings in traditional residential subdivisions. The introduction of mixed use development will provide a different style of housing product in an extremely accessible location which provides a high level of amenity.
Jobs and Economy Attract strategic investment, facilitate employment diversity and growth, promote job clusters and encourage local workforce skills and training	The intent of the Planning Proposal is to activate the City Park Precinct in order to attract private investment into the Penrith City Centre. This investment will encourage employment growth and diversity and encourage a local work force.
Infrastructure Delivery Facilitate the infrastructure necessary to sustain past and planned growth in the City	The Planning Proposal will facilitate the delivery of a significant infrastructure investment by Council for the benefit of the Penrith community.
Community Wellbeing	The development of the City Park will promote and encourage the wellbeing of

Promote and encourage the wellbeing of our communities Provide leadership in achieving a vibrant and creative City Provide recreation facilities and programs to support community health and wellbeing	the Penrith community through providing a vibrant, shared space that will allow for community events while incorporating leisure recreation in an attractive setting.
Places Revitalise our major centres to create vibrant places and offer quality living, working and leisure experiences	A key objective of the rezoning proposal is to revitalise the Penrith City Centre through allowing a diverse range of residential development, employment and leisure experiences that will attract pedestrian traffic into the heart of the City.

Table 5: Penrith City Strategy Review

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

The following State Environmental Planning Policies (SEPPs) are applicable to the Planning Proposal:

SEPP	Comment
State Environmental Planning Policy No. 32 – Urban Consolidation (Redevelopment of Urban Land)	This Planning Proposal satisfies the objectives of this SEPP through enabling suitable residential development in close proximity to existing public transport and services. The subject site is ideally placed to utilise existing public infrastructure, transport and community facilities. The Planning Proposal will enable the revitalisation of a significant land holding within the Penrith CBD and provide appropriate commercial and retail services in keeping with the changing needs of the community.
State Environmental Planning Policy No. 55 – Remediation of Land	Clause 6 of the SEPP states that all planning proposals to rezone land are to consider whether the subject land is contaminated and if remediation is required. The site is currently used for commercial purposes and proposed changes are not expected to present contamination issues.
State Environmental Planning Policy No.64 – Advertising and Signage	Consistent. The Planning Proposal does not affect the application of this SEPP.

State Environmental Planning Policy No.65 – Design Quality of Residential Apartment Development	Consistent. The Planning Proposal does not affect the application of this SEPP. Future development applications for apartment buildings would be required to demonstrate consistency with this SEPP and satisfy the key controls for apartment development in the associated Apartment Design Guidelines.
State Environmental Planning Policy (Affordable Rental Housing) 2009	Consistent. The Planning Proposal does not affect the application of this SEPP.
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004	Consistent. The Planning Proposal does not affect the application of this SEPP.
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008	Consistent. The Planning Proposal does not affect the application of this SEPP.
State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004	Consistent. The Planning Proposal does not affect the application of this SEPP.
State Environmental Planning Policy (Infrastructure) 2007	Consistent. The Planning Proposal does not affect the application of this SEPP.
State Environmental Planning Policy (Major Development) 2005	Consistent. The Planning Proposal does not affect the application of this SEPP.
State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007	Consistent. The Planning Proposal does not affect the application of this SEPP.
State Environmental Planning Policy (Miscellaneous Consent Provisions) 2007	Consistent. The Planning Proposal does not affect the application of this SEPP.
State Environmental Planning Policy (State and Regional Development) 2011	Consistent. The Planning Proposal does not affect the application of this SEPP.
Sydney Regional Environmental Plans (deemed SEPPs)	
Sydney Regional Environmental Plan No. 20 – Hawkesbury Nepean River	The Planning Proposal is not expected to impact upon any environmentally sensitive areas associated with the River catchment. Appropriate consideration of water management from the site will form part of future development applications.

Table 6: Consistency with applicable SEPPs

Q.6 *Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?*

The Planning Proposal is consistent with the majority of applicable Ministerial Directions, as demonstrated below.

The Planning Proposal is partly inconsistent with the following Ministerial Directions:

- 1.1 Business and Industrial Zones

This inconsistency is discussed further in the following table.

S117 Direction	Comment
1. Employment and Resources	
1.1 Business and Industrial Zones The objective of this direction is to encourage employment growth in suitable locations, protect employment land in business and industrial zones, and support the viability of identified strategic centres.	The Planning Proposal is partly consistent with the objectives of this Direction in that it seeks to encourage economic investment and growth within the Penrith City Centre, and to support the viability of the Penrith Health and Education Precinct. The Planning Proposal is inconsistent with this Direction in that it reduces the extent of the Commercial Core by approximately 4%. Since the land use zonings were applied to the Penrith City Centre by the NSW Government's Cities Taskforce, it has been recognised that the extent of the B3 Commercial Core zone, currently comprising approximately 30 hectares, is excessive for any future needs. This has had the effect of stifling legitimate land uses needed to revitalise the City, which are available in the B4 Mixed Use zone. The intent of the Planning Proposal is to use the activation of the City Park Precinct as an economic lever to ultimately attract private investment into the heart of the City Centre. There is still a significant portion of land within the City Centre zoned B3 Commercial Core even with the proposed rezoning. Additionally, it is intended that Council will undertake investigations in the near future to identify additional ways in which the B3 Commercial Core zone may operate at its full potential. It is considered that on balance, the Planning Proposal is consistent with the overall objective of this Direction.
2. Environment and Heritage	
2.3 Heritage Conservation	This Planning Proposal does not prevent the ongoing conservation of items of local

The objective of this direction is to conserve items, areas, objects and places of heritage significance.	heritage significance within the vicinity of the site. The Planning Proposal is consistent with this direction.
3. Housing, Infrastructure and Urban Development	
3.1 Residential Zones The objectives of this direction are: a) to encourage a variety and choice of housing types to provide for existing and future housing needs b) to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services c) to minimise the impact of residential development on the environment and resource lands	The Planning Proposal would introduce residential land uses into the Penrith City Centre, providing the potential for apartment style dwellings and inner city living opportunities. The site is well serviced by existing infrastructure and services due to its urban location. Providing apartment style development within the Penrith City Centre would ease pressure on Penrith's rural land by providing housing in an established urban area, forestalling the need to develop greenfield sites. The Planning Proposal is consistent with this direction.
3.3 Home Occupations The objective of this direction is to encourage the carrying out of low-impact small businesses in dwelling houses.	This Planning Proposal is consistent with the direction as it will permit Home Occupations.
3.4 Integrating Land Use and Transport The objective of this direction is to ensure that urban development achieves the following planning objectives: a) improving access to housing, jobs and services by walking, cycling and public transport b) increasing the choice of available transport and reducing dependence on cars c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car d) providing for efficient movement of freight	The Planning Proposal will permit mixed use development within the Penrith City Centre in a highly central and well serviced location close to amenities and public transport. The Planning Proposal is consistent with this direction.
6. Local Plan Making	

6.3 Site Specific Provisions The objective of this direction is to discourage unnecessarily restrictive site specific planning controls	The Planning Proposal is consistent with this direction in that it does not introduce any additional permitted land uses or development controls for the site.
7. Metropolitan Planning	
7.1 Implementation of A Plan for Growing Sydney The objective of this direction is to give legal effect to the planning principles; directions; and priorities for subregions, strategic centres and transport gateways contained in A Plan for Growing Sydney.	Consistency with <i>A Plan for Growing Sydney</i> is demonstrated in Table 3 above.

Table 7: Consistency with s.117 Directions

SECTION C – ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACT

Q.7 *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?*

It is unlikely that the Planning Proposal will result in any impact on critical habitat or threatened species, or their habitats, given the site's urban location.

Q.8 *Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?*

There are no other likely environmental impacts that will result from the Planning Proposal.

The Planning Proposal seeks to rezone land only. Further detailed environmental review will be undertaken on site as part of the preparation and assessment of future development applications.

Q.9 *Has the planning proposal adequately addressed any social and economic effects?*

The growth and evolution of Penrith as a Regional City is important for existing stakeholders as well as the broader residential population that relies on the City Centre for essential services.

As demonstrated in this Planning Proposal, there is considerable public benefit in creating urban renewal opportunities within the Penrith City Centre. The vision for the City Park Precinct is to create a vibrant mixed use area that contributes to the overall liveability and productivity of the City Centre.

The introduction of a more diverse range of land uses, including residential accommodation, will support existing City Centre functions. The ultimate development of a City Park Precinct will not only provide the activation required of Penrith as a Regional City, but also create alternative housing options in close proximity to existing services, jobs and transport.

The provision of residential land uses within the City Park Precinct is intended to provide social and economic benefits through the delivery of housing in a location close to public transport, community facilities and jobs. Further, the introduction of a residential population will assist in activating the City Centre after hours, contributing to the economic growth of existing commercial premises within the City Centre.

It is considered that the Planning Proposal will have positive social and economic benefits for the Penrith City Centre, in that it will establish a planning framework for the ultimate revitalisation of an important site within the City.

SECTION D – STATE AND COMMONWEALTH INTERESTS

Q.10 *Is there adequate public infrastructure for the planning proposal?*

The City Centre is well serviced by a range of public transport options including rail and regular bus services and is also accessible to cyclists.

Whilst the proposal seeks to rezone part of the Allen Place Carpark, any future development proposal for the site would need to account for the current parking through retention, or relocation and replacement. This would be addressed at the development application stage.

Q.11 *What are the views of state and Commonwealth public authorities consulted in accordance with the Gateway determination?*

Relevant State and Commonwealth public authorities will be consulted with regard to the proposed LEP amendment in accordance with the Gateway determination issued by the Department of Planning and Environment.

There has been no preliminary consultation with State and Commonwealth public authorities.

The Planning Proposal will require amendment of the following maps under Penrith Local Environmental Plan 2010:

- The site is identified on the Height of Buildings Map (LZN_006 and LZN_013) as “Area 4”, to which clause 8.2 applies. This clause specifies special provisions regarding solar access requirements. As discussed in Part 2, it is proposed to remove “Area 4” from the Height of Buildings Map and instead amend clause 8.2 to ensure solar access is a consideration for all public open space in the Penrith City Centre, not just the City Park site.

The Active Street Frontages Map (ASF_006 and ASF_013) align to the current RE1 zoned land along Allen Place. It is proposed to amend the Active Street Frontages around the Park site to reflect the pedestrian movement concepts identified within the City Park Review, as shown below.



PART 5 – COMMUNITY CONSULTATION

In accordance with the Department of Planning and Infrastructure's (now the Department of Planning and Environment) '*A Guide to preparing local environmental plans*', an indication of the proposed community consultation strategy is outlined below:

- Letters to individual land owners, residents and tenants advising of the exhibition and how to make a submission.
- 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.
- Fact sheets available at exhibition points highlighting key features of the Planning Proposal, the closing date for the exhibition and how to make a submission.
- Targeted consultation with relevant public authorities.
- Staff available to answer enquiries.

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 full list of the relevant State Government policies, plans and directions, which have been taken into account when developing the Planning Proposal.
- Fact sheets, as described above.
- Technical studies and supporting documentation.

In accordance with the practice guidelines, it is expected that the Planning Proposal will be publicly exhibited for 28 days. Notwithstanding, the required exhibition timeframe will be confirmed within the Gateway determination.

PART 6 – PROJECT TIMELINE

Pending any time limit that would be provided by the Gateway determination, the draft project timetable is presented below:

Milestone	Timeframe
Date of gateway determination	March 2016
Timeframe for government agency consultation (pre and post exhibition as required by Gateway)	April 2016
Commencement and completion dates for public exhibition period	May – June 2016
Timeframe for consideration of submissions	June – July 2016
Timeframe for consideration of a proposal post – exhibition	July-August 2016 (if changes are proposed to the original Planning Proposal)
Date of submission to the department to finalise the LEP	September 2016
Anticipated date relevant planning authority (RPA) will make the Plan	November 2016

Table 8: Project Timeline

APPENDICES

Appendix A – *Penrith Progression: A Plan for Action*

Appendix B – Penrith City Park Review (Hames Sharley Pty Ltd)

Appendix C – Proposed Mapping Amendments