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Dear Ayva,

## PP-2024-280 | Response to Submissions

### Introduction

This Response to Submissions (**Rts**) has been prepared by Urbis on behalf of the joint proponents Toga and Urban Property Group to address and respond to submissions made by the public and relevant government agencies during the exhibition of PP-2024-280, which seeks to amend Clause 8.2 of the *Penrith Local Environmental Plan 2010* (**LEP**).

The following submissions were received during public exhibition of this Planning Proposal:

- 8 submissions from members of the public, comprising:
  - 3 submissions in support of the proposed LEP amendment
  - 5 submissions objecting to the proposed LEP amendment
- Submission from Jemena Gas Networks (**Jemena**), dated 17 October 2025
- Submission from Penrith City Council, dated 24 October 2025

### Response to Public Submissions

Matters raised in the 5 objections are summarised and responded to below.

Matter raised	Applicant response
<b>Loss of solar access to public open space</b>	Penrith City Centre and its immediate surrounds benefit from a high-quality green / public open space network, including access to natural waterbodies and large regional parks. Solar access to key public open spaces is protected by the Sun Access provisions of Part 8 of the LEP, which balance the need to develop identified key sites while protecting amenity. It is notable that, when first published in 2015, the Sun Access provisions of Part 8 of the LEP sought to protect <b>specified</b> public open spaces within the City Centre (being Allen Place Park) from additional overshadowing, while enabling increased densities on selected key sites.

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	<p>The public open space which will be affected by future development on Key Sites 3 and 10 is located immediately to the south of Key Site 3. It is a small, unnamed open space, roughly triangular in form, and is effectively 'residual' land which was created following the establishment of Mulgoa Road and the resultant extension of Union Road in the c.1970s-80s. With its longest boundary immediately abutting Mulgoa Road, it does not present as a welcoming open space, as it is not a formally planned public open space. It is instead an 'island' land parcel which, aside from a row of trees along the western alignment, does not exhibit any significant landscape qualities and demonstrates little amenity for either active or passive recreation uses.</p> <p>It has been demonstrated through the refused DAs for Key Sites 3 and 10, as well as through this Planning Proposal, that overshadowing to this open space is necessary to allow for the orderly and economic development of the key sites consistent with the densities anticipated by Clause 8.7 of the LEP.</p> <p>Notwithstanding, the overshadowing studies accompanying this Planning Proposal demonstrate that, following anticipated development of Key Sites 3 and 10 under the provisions of Clause 8.7:</p> <ul style="list-style-type: none"> <li>• The public open space to the south of the site will be only partially overshadowed between 9.30am-10.30am in mid-winter,</li> <li>• The public open space to the south of the site will be largely free from overshadowing after 12.30pm in mid-winter.</li> </ul> <p>Future Development Applications (<b>DAs</b>) for Key Sites 3 &amp; 10 will address overshadowing to this public open space in detail.</p>
<b>Loss of solar access to nearby residential dwellings</b>	<p>Solar access to nearby residential dwellings will form a matter for consideration as part of future detailed DAs relating to development on Key Sites 3 &amp; 10.</p> <p>This Planning Proposal seeks only to address and rectify an inconsistency in the LEP, whereby the incentive floor space ratio (<b>FSR</b>) for Key Sites 3 &amp; 10 can be utilised in future DAs consistent with the anticipated outcomes of the Penrith City Centre planning controls.</p>
<b>Changes to the character of the area</b>	<p>The Penrith LEP 2010 identifies 13 Key Sites within the Penrith City Centre. These Key Sites have been identified by Penrith City Council as part of earlier LEP amendments, as locations which would be appropriate for increased ('incentive') densities, subject to the provision of community infrastructure. Of the 13 Key Sites, four are eligible for a maximum incentive</p>

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	<p>floor space ratio (FSR) of 5.5:1, three (including Key Sites 3 &amp; 10, which are the subject of this Planning Proposal) are eligible for a maximum incentive FSR of 6:1, and one is eligible for a maximum incentive FSR of 6.5:1. These planning controls clearly anticipate significant increased densities in the Penrith City Centre, on identified sites.</p> <p>It is acknowledged that landowners of Key Sites are yet to utilise these incentive provisions, despite their introduction into the LEP in 2017 following a Planning Proposal put forward by Penrith City Council. However, the controls remain valid, and clearly indicate the desired future character of the Penrith City Centre as an area where increased densities are intended to be concentrated.</p>
<b>Obstruction of views to the Blue Mountains</b>	<p>As noted above, the incentive FSR controls of Part 8 of the LEP are currently in force for identified Key Sites within the Penrith City Centre, signalling anticipated increases to development densities in line with Penrith City Council's broader strategic objectives for the City Centre.</p> <p>It is acknowledged that implementation of these incentive FSRs on the 13 identified Key Sites will result in the alteration of some broader district views to the Blue Mountains. Changes to these views have been previously addressed by Penrith City Council during the finalisation of the Part 8 incentive FSR provisions. This Planning Proposal intends, simply, to rectify an inconsistency between the incentive FSR provisions and the Sun Access controls in Clause 8.2. It is highlighted that this Planning Proposal does not seek to adjust or increase the maximum incentive FSR which is permitted on Key Sites 3 &amp; 10 of 6:1 under Clause 8.7(4) of the Penrith LEP 2010.</p>
<b>Negative impacts on quality of life, including impacts on the local road network</b>	<p>A suite of State- and local-level strategic planning policies recognise Penrith City Centre as a key location to accommodate the anticipated future growth of Greater Western Sydney. A number of land use policies are in place at the State and local levels to ensure that the future growth of Penrith City Centre will not negatively affect the quality of life for current and future residents and workers.</p> <p>Future DAs will include detailed assessments of all potential impacts of development on Key Sites 3 &amp; 10, including impacts on the local road network.</p>
<b>Negative impact on property prices</b>	<p>Property prices are not a matter for consideration under the <i>Environmental Planning and Assessment Act 1979</i>.</p>

Matter raised	Applicant response
<b>Flood planning</b>	<p>Flooding considerations will be addressed as part of future detailed DAs, in accordance with relevant local flood planning controls.</p>
<b>Inconsistency with current planning controls in the Penrith LEP 2010</b>	<p>This Planning Proposal was prepared to address and amend an inconsistency in the current LEP provisions, whereby incentive floor space is able to be achieved on identified key sites subject to the provision of community infrastructure. However, pursuant to Clause 8.2(3) of the LEP, these incentive floor space yields are unable to be realised if:</p> <p><i>"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."</i></p> <p>Clause 8.7(4) of the LEP provides that Key Sites 3 &amp; 10 (which are the subject of this Planning Proposal) are permitted a maximum FSR of 6:1, subject to the provision of community infrastructure. It is noted that the maximum 'base' FSR permitted on the site, without the provision of community infrastructure, is 3:1.</p> <p>However, unlike other Key Sites in the Penrith City Centre, Key Sites 3 &amp; 10 are located directly north of public open space. In this case, the public open space in question comprises the small, unnamed area of space which is formed by the alignment of Mulgoa Road, Union Road, and John Tipping Drive. Any additional yield above the 'base' 3:1 FSR on these Key Sites would result in "a greater degree of overshadowing" to the public open space to the south and, therefore, would be inconsistent with the blunt requirement for no additional overshadowing set out in Clause 8.2(3). As a result, Key Sites 3 &amp; 10 are currently unable to achieve the maximum potential 6:1 FSR permitted by Clause 8.7(4) while also providing new community infrastructure, as anticipated by the LEP controls.</p>

It is also noted that 3 submissions were provided in support of the proposed LEP amendments. Key matters raised in these submissions include:

- The LEP amendment proposed by this Planning Proposal will facilitate the achievement of a more vibrant and high-density Penrith City Centre, in line with the anticipated outcomes of the provisions of Part 8 of the LEP.
- The proposed LEP amendment will act as a catalyst for new high-density development, such as that anticipated by the existing provisions of Part 8 of the LEP, thereby attracting increased investment in the Penrith City Centre.

- Penrith and its immediate surrounds already benefit from a significant network of high-quality open space and recreational facilities. The amendments to the LEP which are sought by this Planning Proposal will not endanger this existing context.

## **Response to Government Agency Submissions**

<b>Matter raised</b>	<b>Applicant response</b>
<b>Jemena</b>	
<b>Noted that two high-pressure gas assets are located within the applicable site areas.</b>	Potential impacts on the existing high-pressure assets will be addressed as part of future, detailed DAs. Future DAs will be referred to Jemena for comment as part of the standard assessment process.
<b>Penrith City Council</b>	
<b>Previous feedback remains relevant</b>	Council's previous comments have been addressed at relevant points during the preparation of this Planning Proposal.
<b>Adaptive Management Framework (AMF) and dwelling cap in the Penrith City Centre</b>	<p>The joint applicants acknowledge the need for residential development in the Penrith CBD and the need for Stage 2 of the AMF to be put in place as soon as possible, which will unlock the potential of the Penrith CBD. The applicants support Council's position that the AMF is a matter that requires urgent resolution.</p> <p>It is highlighted that this Planning Proposal does not anticipate or seek consent for a specific number of dwellings on Key Sites 3 and 10. The sole purpose of this Planning Proposal is to facilitate the orderly and economic development on Key Sites 3 and 10 in a manner consistent with other Key Sites identified by the Penrith LEP, which cannot occur without enabling some overshadowing to a residual parcel of open space directly south already anticipated by the Key Site incentives in Clause 8.7.</p> <p>Resolution of this Planning Proposal would provide the respective landowners of Key Sites 3 and 10 to progress detailed DAs for these sites, during which time the AMF and dwelling cap will become a relevant matter for consideration.</p>
<b>Development of sites in isolation will lead to poor urban outcomes</b>	Key Sites 3 and 10, which are the subject of this Planning Proposal, have been previously identified by Penrith City Council through amendments to Part 8 of the LEP as suitable sites for increased development densities subject to the provision of community infrastructure. The proposed amendment to the LEP sought by this

Matter raised	Applicant response
	<p>Planning Proposal seeks simply to enable Key Sites 3 and 10 to achieve the density outcomes anticipated by Clause 8.7 of the LEP.</p> <p>More broadly, it is noted that Penrith City Centre is an area in rapid transition, with landowners having commenced in recent years (since the Part 8 provisions were gazetted) to deliver intensified development outcomes commensurate with Penrith's identified nature as a Metropolitan Cluster under the <i>Greater Sydney Region Plan</i>, and also as a housing market demand area under the <i>Western City District Plan</i>.</p> <p>It is reasonable to expect that during this transitional phase, site-specific development outcomes may appear incongruous until such time that the City's physical form is more closely aligned with the density outcomes envisaged and anticipated under the area's strategic and statutory planning framework. This is typical of any emerging CBD and not a reasonable basis to not progress this PP which simply seeks to resolve a technical inconsistency between two LEP clauses.</p>

## Conclusion

Following the public exhibition of PP-2024-280 to amend Clause 8.2 of the Penrith LEP 2010, the Applicants have comprehensively reviewed and considered all submissions received from public agencies, the community, and other stakeholders. This RtS has been prepared to address the diverse feedback and matters raised during the exhibition phase.

The next steps involve submitting the RtS to the Department of Planning, Housing and Infrastructure (**DPHI**) for its consideration and assessment. DPHI will continue to carefully evaluate the Planning Proposal in consideration of the submissions and the Applicants' responses, to ensure it meets the highest standards of planning and community benefit.

We look forward to continuing to work collaboratively with DPHI on this matter.

Yours faithfully,



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