

## **APPENDIX A**

## **RESPONSE TO SCOPING REPORT FROM PENRITH CITY COUNCIL, 29 NOVEMBER 2023**



Our reference: InfoStore  
Contact: Peter Failes  
Telephone: 4732 7638

29 November 2023

Mr John Wayne  
Director  
Urbis  
Angel Place, Level 8  
123 Pitt Street  
Sydney NSW 2000

Sent by email: [jwynne@urbis.com.au](mailto:jwynne@urbis.com.au)

Dear John

**Pre-lodgement Planning Proposal to amend Clause 8.2 of Penrith  
Local Environmental Plan 2010**

I am writing to respond to the Planning Proposal Scoping Report – November 2023 (Scoping Report), emailed to Council on 14 November 2023, and your request to meet with Council Officers for Pre-lodgement Planning Proposal feedback on a proposed amendment to Clause 8.2 of Penrith Local Environmental Plan (LEP) 2010, relating to sun access controls.

Council understands that the Scoping Report proposes amendments to Clause 8.2 in general, which would more broadly affect development within the Penrith City Centre. However, the impetus for this amendment is to remove or adjust the LEP controls currently requiring sun access to the neighbouring public open space (bounded by Union Road, Mulgoa Road and John Tipping Grove), which restricts development of Key Sites 3 and 10 at 614-632 High Street, Penrith owned by UPG and at 634-638 High Street and 87-89 Union Road, Penrith owned by Toga.

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Council is already undertaking a review of potential amendments to Clause 8.7 *Community infrastructure on certain key sites* and Clause 8.2 *Sun access* of Penrith LEP 2010. This involves considering

appropriate built form, the designated development controls for land identified as a key site on the Key Sites Map within the Penrith City Centre, provision of community infrastructure associated with key sites and appropriate protection of sun access to public open space from development within the Penrith City Centre.

We will not support the amendments to Clause 8.2, as outlined in the submitted Scoping Report, in isolation from this broader review. In view of this, we ask that you to consider withdrawing your request for a Pre-lodgement Planning Proposal.

We note that a Council-initiated Planning Proposal relating to Clause 8.2 and 8.7 would also allow opportunity for your input during future Council reporting, and, if a Gateway Determination is issued, during a public exhibition of the Planning Proposal. Council will notify you about these as they arise.

If you have any questions about this matter, please contact Peter Failes at [Peter.Failes@penrith.city](mailto:Peter.Failes@penrith.city) or on 02 4732 7838.

Yours sincerely



Abdul Cheema  
A/ City Planning Manager