

5 September 2021

General Manager
Penrith City Council
P O Box 60
PENRITH NSW 2751

Attn: Peter Wood –Development Services Manager

Dear Peter,

Re: Peer Review – Development Application No. 21/0047 – Proposed Construction & Embellishment of Penrith City Park – Henry & Station Streets, St Marys

I refer to the above development application which was lodged by Penrith City Council for Construction & Embellishment of Penrith City Park at 134-144 Henry Street and 42-50 Station Street, Penrith. The site is also owned by Penrith City Council and the Sydney Western City Planning Panel is the determining authority.

The works include:

- construction of an amenities building;
- embellishment and landscaping to create the park including furniture, water features, way finding signage, public art and the like;
- drainage works;
- road works, including road closure; and
- reconfiguration of Allen Place car park, including loss of 50 car parking spaces.

I have reviewed the development application documentation and the draft Council Report prepared by your Senior Development Assessment Planner Lucy Goldstein. I concur with the findings and recommendations of the draft Council Report.

A previous Peer Review was undertaken for DA 21/0045 for Demolition Works & Land Remediation Works at 134-144 Henry Street and 42-50 Station Street, Penrith, which set up the site for the future development as a public park. The remediation works must occur prior to the works under this application. The remediation works have been identified as Stage 1 and the works under this application as Stage 2. I note that appropriate conditions have been recommended to ensure the remediation works occur first. As such, SEPP 55 – Remediation of Land is satisfied.

The development includes drainage and treatment of the stormwater prior to discharge, to the satisfaction of Council's engineers.

I note that the site is zoned RE1 Public Recreation and B4 Mixed Use under Penrith Local Environmental Plan 2010. The proposal is compatible with the RE1 zone objectives, in particular *"to enable land to be used for public open space or recreational purposes"* and *"to provide a range of recreational settings and activities"*. The B4 zone objectives are also satisfied, in particular *"to provide*



a mixture of compatible land uses” and “to create opportunities to improve public amenity”. The B4 zone objectives also encourage walking and community land uses.

The proposal is considered to be defined as ‘Recreation Area’, ‘Road’ and ‘Car Park’, which are permitted under Local Environmental Plan 2010.

The proposed amenities building does not exceed the maximum building height or maximum floor space ratio requirements under the LEP.

Heritage items are located within the vicinity of the site and a potential unlisted item on the subject site. It is noted that the subject and previous applications have been accompanied by a Heritage Impact Statement and has been considered appropriate for the improved public benefit, subject to photographic archiving of John Prices Funeral Home, retention of the ornamental fountain in place, salvage of stained glass windows and bricks and other necessary conditions to protect the adjoining heritage items.

The proposed development responds to the flooding and sustainable development controls within the LEP and the proposed drainage, including rain gardens, will improve the existing situation and treat water prior to discharge and the finished floor level of the amenities building is above the flood planning level. Further, the site is able to be serviced.

The provisions of DCP 2014 identify the site as a City Park and City Square.

Accessibility to the park and within has been considered in the design, as well as provision of accessible parking spaces near the south-east entrance and suitable amenities. An Access Statement accompanied the application.

The report notes that public art will be incorporated into the design of the park and Council’s Landscape Architect has requested minor design changes to the park design, with appropriate conditions recommended to ensure this occurs. The previous DA assessment identified a feature tree to be retained and incorporated into the design and this has occurred. Consideration has also been given to the principles of Crime Prevention through Environmental Design and conditions included regarding lighting, CCTV, graffiti and standard of outdoor furniture and fixtures.

The report outlines the loss of 50 car parking spaces from Allen Place car park, and 3 spaces from Gaymark Lane as a result of the proposal. The provision of a City Park is an important feature for people who live or work in the CBD and will improve the amenity of the area. It is noted that the site contains a number of commercial buildings which have been approved for demolition and as such, the reduction in commercial activity on the site would assist in reducing the demand for the parking being removed. Further, the site is located within walking distance of Penrith Railway Station and the City Park will have significant benefits for the community and warrants the loss of parking spaces.

Allen Place will also be converted to one way traffic movements in part and pedestrian crossings proposed. These measures will improve traffic circulation and pedestrian movements in the area and safety. Conditions of consent have been recommended regarding the road design and approval of the final design by the Local Traffic Committee prior to issue of a construction certificate, as well as the road closure plan being registered.



Council's Asset Management department reviewed the proposal as Council will be responsible for the ongoing maintenance of the asset. Conditions of consent have been recommended regarding anti-graffiti treatment on the amenities building and requirements for the water features.

Community consultation occurred and one submission in support for the proposal was received. The submission recommended an extension of the park to connect to the Nepean River. This is beyond the land to which the application relates.

I consider that the proposal is well founded and provides a site suitable for future redevelopment as a recreation area, which will provide for improved facilities for the public. The proposal will assist in the revisualisation and improvement of the public areas of Penrith, consistent with the planned location of a new city park. The associated changes to the road and public car park are also supported.

The recommended conditions of consent are appropriate, and it is noted they also include lot consolidation, remediation works, safety measures such as lighting, operational plan for the green roof, public art, as well as standard conditions regarding works.

It is concluded that the proposed works are permissible within the zone and that the assessment has suitably considered the key considerations of Section 4.15 of the Environmental Planning & Assessment Act, 1979. The recommendation and proposed conditions are considered to be appropriate.

Yours faithfully,

A handwritten signature in black ink that reads "Clarke".



Donna Clarke
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