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Camilla Firman  
Consultant Planner  
GYDE C/-  
Gavin Cherry  
Penrith City Council  
Via email

Dear Camilla,

## **184 LORD SHEFFIELD CIRCUIT, PENRITH: 8.2 REVIEW – RESPONSE TO CI PANEL REFERRAL COMMENTS (DATED 6 MARCH 2024)**

Further to your recent letter dated 7 March 2024, the applicant is in receipt of comments from Council's Community Infrastructure Panel (issued on 6 March 2024).

While GYDE's letter does not specifically refer to these comments, the applicant has sought to provide a detailed summary response to assist GYDE with their assessment of the community infrastructure component of the applications.

This letter should be read in conjunction with the following supporting documents:

- Thornton Central Village – Delivering Community Infrastructure: DA1 & DA2 Supporting Submission (Hoyne)
- PCYC Indicative Layout Plan (PCYC/Crone)
- PCYC Plan of Management
- Amended Community Infrastructure & Landscape Plan (Urbis Landscape Architecture)
- Community Infrastructure Strategic Alignment Document (Urbis Planning)
- Amended VPA Letter of Offer (The applicant) including various detailed QS costings and independent valuation.

We are of the view that this provides a comprehensive response to the various CI matters identified by PCCs CI Panel.

Should you have any questions please do not hesitate to contact the undersigned on 8233 7606.

Yours sincerely,

A handwritten signature in black ink, appearing to read "A. Harvey", with a stylized flourish at the end.

Andrew Harvey  
Director  
Urbis

| Issue  | Comment  | Response  |
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| Proposal 1 – On Site Level 1 Tenancy – Construction, Fit Out and Dedication of Public Recreation Facilities (Indoor) | <p>1) Does the proposal demonstrate that it is ‘Community Infrastructure.’?</p> <p>The proposal is required to demonstrate that it can be defined as community infrastructure and that the proposal is fit for purpose for the defined community infrastructure use.</p> | <ul style="list-style-type: none"> <li>- Noted.</li> </ul>  |
|  | <p><i>Summary: The application has not demonstrated that the proposed use of the nominated space can be categorised as a recreation facility (Indoor). Based on the provided information, the Panel are unable to support the proposal.</i></p>                          | <ul style="list-style-type: none"> <li>- As demonstrated below, the proposal demonstrates that the definition of Community Infrastructure in Clause 8.7 of PLEP 2010 is satisfied.</li> <li>- We also note that the previous Planning Panel were satisfied with the definitions of use, and the ‘nature and value’ of the proposed CI.</li> <li>- The site is identified as a ‘Key Site’ which <u>includes</u> community infrastructure as part of each development application. While previous senior planning officers (and the then General Manager) suggested to the applicant to explore CI works at Penrith City Park and Penrith High Street, the previous Panel (and Council Officers) were not supportive of this approach. Therefore, the proposed CI is located fully within the site the subject of these development applications. Further, the proposed CI offer is not a ‘cash’ contribution, and proposes physical works included in the development applications.</li> <li>- With reference to Clause 8.7(6) we note that the proposed PCYC tenancy in DA1 is defined as a ‘Recreation Facility (Indoor)’ which means a “building or place used <b><u>predominantly for indoor recreation, whether or not operated for the purposes of gain</u></b> including a squash court, indoor swimming pool, gymnasium, table tennis</li> </ul> |

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|  |  | <p>centre, health studio, bowling alley, ice rink or any other building <u>or place of a like character used for indoor recreation</u>, but does not include an entertainment facility, a recreation facility (major) or a registered club”.</p> <ul style="list-style-type: none"> <li>- It is important to note that PCYC <b>is not a ‘gymnasium’</b>. It offers a range of indoor recreation uses (of which a gymnastics gymnasium is one activity). However, contrary to the views of the CI Panel it is not a gymnasium akin to other private operators in the local area and will be operated in a very different manner. Further work has been undertaken in relation to the use of PCYC (see attached).</li> </ul>  |
|  | <p><i>The proponent has not demonstrated that the proposed works and use represent a recreation facility (Indoor) and that it is ‘fit for purpose’. The suitability of the facility and its proposed use are critical to assessing the applicability of Clause 8.7 and the nature of the proposal.</i></p> | <ul style="list-style-type: none"> <li>- Please refer to the Hoyne document.</li> <li>- Please refer to the PCYC fitout test plans and the PCYC Plan of Management</li> <li>- PCYC programs aim to give young people practical, real-life skills that they can apply to work, family and their community with the specific recreation uses they provide. Refer to the Hoyne document which provides further detail on this.</li> <li>- The proposed tenancy is not intended for large recreational uses such as basketball, tennis and the like – but responds to the needs of the local community in Penrith including: <ul style="list-style-type: none"> <li>- <b>Mini Movers:</b> Physical exercises for children aged 1-5 years intended to teach them essential motor skills.</li> <li>- <b>Gymnastics studio:</b> Activities for 5–18-year-olds focused on strength, coordination, flexibility and balance as well as developing confidence with motor skills.</li> <li>- <b>Community Recreation Space &amp; School Holiday Programs:</b> Supporting working parents during school holidays for a variety of</li> </ul> </li> </ul> |

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|  |   | <p>safe, fun, creative and inclusive recreation activities.</p> <ul style="list-style-type: none"> <li>- <b>Monthly U-Nites:</b> Specifically designed to meet social and physical well-being recreation activities within the local community.</li> <li>- <b>Health and Fitness:</b> Boxing, yoga, Pilates and high intensity interval training.</li> </ul>  |
|  | <p><i>The design appears to be compromised by pillars, which will affect functionality of the proposed facility.</i></p>  | <ul style="list-style-type: none"> <li>- The PCYC fitout test fit demonstrates the facility can comfortably operate within the space and the columns do not compromise the opportunity. All facilities of this nature require circulation zones and the columns provide obvious relief in this sense assisting divide the space between recreation zones, observation zones and circulation zones.</li> <li>- In such a large, cavernous space surrounded floor to ceiling glazing, the columns provide opportunities for: <ul style="list-style-type: none"> <li>- mirrors</li> <li>- TV screens</li> <li>- Anchor points for equipment.</li> <li>- compliance signage</li> <li>- art</li> <li>- what's on notices.</li> </ul> </li> </ul> |
|  | <p><i>There is an irregular floor shape for a recreation facility, which in Councils experience, may compromise programming and longevity of the space.</i></p> | <ul style="list-style-type: none"> <li>- The PCYC indicative layout plan demonstrates the facility can comfortably operate within the space and the shape does not compromise the opportunity.</li> <li>- On the contrary the shape allows for more obvious zoning of the facility to align with the three zones nominated within the PCYC Operational Plan: <ul style="list-style-type: none"> <li>- Reception Zone</li> <li>- Teenage Lounge Zone</li> <li>- Gymnastics Zone</li> </ul> </li> </ul>   |
|  | <p><i>The submitted plans do not show the layout and capacity of the space in</i></p>   | <ul style="list-style-type: none"> <li>- An indicative layout plan for PCYC prepared by Crone has now been provided. This</li> </ul>  |

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|  | <i>relation to any proposed equipment, courts, boxing rings or the like.</i>  | <p>provides an indication of layout and capacity of the space.</p> <ul style="list-style-type: none"> <li>- This provides an indication of layout and capacity of the space. However, to be clear, the proposed tenancy is not seeking to operate large court-based activities such as tennis or basketball. We note that Council has specifically demanded basketball as a clear need from a recreation perspective, however this is not possible in the space that is being provided, as it would require 8m of internal floor to ceiling height, which cannot be delivered in this space.</li> </ul> |
|  | <i>The submitted plans do not provide allowances for toilets, showers, office spaces, entrance/foyer etc., which will reduce the activity space.</i>  | <ul style="list-style-type: none"> <li>- An indicative layout plan for PCYC prepared by Crone has now been provided with allowances for toilets, showers, office spaces, entrances/foyers. This demonstrates that these items only take up a limited quantum of the space, and PCYC are fully comfortable with this arrangement for a variety of recreation purposes.</li> </ul>  |
|  | <i>Whilst the submitted documentation indicates that the proposal is 'purpose fit in collaboration with PCYC' and a that a 'new bespoke fit out included', details of the fit out have not been provided in the application for assessment.</i> | <ul style="list-style-type: none"> <li>- Refer to indicative layout plan for PCYC prepared by Crone.</li> </ul>   |
|  | <b>2) Is the value of the proposal consistent with the required contribution rate and has the proposed community infrastructure been appropriately valued.</b>  |   |
|  | <i>Summary: Further information is required to determine if the valuation method of the works and use is suitable.</i>  | <ul style="list-style-type: none"> <li>- Noted. See below.</li> </ul>   |
|  | <i>A valuation for the tenancy has been provided by the proponent and is currently under internal review.</i>   | <ul style="list-style-type: none"> <li>- Noted.</li> <li>- The valuation provided is independent and was issued to Council on 26 February 2024. To date, no comments have been received.</li> </ul>   |

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|  | <p><i>A revised Community infrastructure contribution value for the community infrastructure proposal (Recreation Facility (Indoor)) has been provided at \$8,555,582. This has been reduced from the initial submitted offer of \$9,643,288</i></p>  | <ul style="list-style-type: none"> <li>- At the request of Council, an independent valuation was prepared, which has resulted in an amendment to the value of the tenancy in DA1.</li> <li>- However, it is important to highlight the value of DA2 has increased significantly, and overall, the value of both DAs is at \$13.06m which significantly exceeds Council's CI Policy by over approx. \$10 million.</li> </ul>  |
|  | <p><i>The value of the proposal has been calculated by the proponent based on the tenancy rental value, outgoings, utilities, parking spaces and fit out. Justification for this method of valuation has not been provided by the proponent. The suitability of this method of valuing the proposal is questioned. This is compared to where a facility was being dedicated to Council, where just the land value and building costs would be considered. At the least, the inclusion of the costs of parking spaces, outgoings and utilities should be reconsidered.</i></p> | <ul style="list-style-type: none"> <li>- An independent valuation has been prepared and has been submitted on the NSW Planning Portal in response to this comment. This provides a method of valuation.</li> <li>- Previous discussions with Council have indicated that Council would not want dedication of maintenance of such a tenancy, hence why PCYC have been operated as a not-for-profit operator (with maintenance by the applicant which has separately been costed also).</li> </ul>  |
|  | <p><i>The cost to the community to use the proposed space has not been included nor the value to the City Centre with regard to other Recreation Facilities (Indoor).</i></p>   | <ul style="list-style-type: none"> <li>- PCYC are a not-for-profit and only charge a very limited fee for memberships which is heavily discounted compared to other indoor recreation facilities. However, PCYC also provide support and assistance where the community are financially vulnerable and will cover membership fees and/or provide discounts where possible.</li> <li>- In this regard the Strategy recognises the community benefits of entities such as PCYC:</li> <li>- <i>'Council acknowledges the positive benefits recreation brings to the community and actively supports provision and not for profit agencies that provide low or no cost opportunities to the community.'</i></li> </ul> |
|  | <p><b>3) The nature of the proposal community infrastructure to the City</b></p>  |  |

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|  | <b>Centre. Does the proposal achieve the principles outlined in Clause 3.2 of the CI Policy?</b>   |   |
|  | <i>The application does not demonstrate that: a) The facility is in the interest of the general public, and b) contributes to the City Centre, and c) the proposal demonstrates long-term economic viability and that ongoing maintenance costs can be managed in an economically viable and socially responsible manner.</i>  | <ul style="list-style-type: none"> <li>- See comments below.</li> </ul>   |
|  | <i>Based on the information provided, the Panel is not satisfied that the nature of the proposal is in the public interest and contributes to the City Centre.</i>   | <ul style="list-style-type: none"> <li>- We disagree and are of the view that the nature of the proposal is directly in the public interest and contributes positively to the City Centre.</li> <li>- This view was shared by the previous Planning Panel in their determination of the DA(s).</li> <li>- A supporting statement has been prepared by Hoyne which responds to these comments.</li> </ul>  |
|  | <i>Justification provided by the proponent that the delivery of the proposed facility aligns strongly with the Penrith Sport and Recreation Strategy 2020 is not accepted. The strategy identifies that there is a low provision of public indoor recreation centres, but a good supply of health and fitness centres. Indoor recreation centres in the strategy references facilities with indoor court space. The strategy recognises that there is a large gap in indoor court space. The Strategy does not state that there is a particular need for facilities for 'unstructured activities', rather it states that social recreation is an emerging trend. 'Unstructured activities' currently operate at a number of community and commercial facilities across Penrith LGA. A demand</i> | <ul style="list-style-type: none"> <li>- A detailed summary has been prepared separately by Urbis which responds to the Penrith Sport and Recreation Strategy 2020.</li> <li>- The Recreation Strategy identifies low provision of indoor recreation centres. It does not provide any reference/limitation this being indoor courts a suggested in the council letter. On the contrary the definitions section of the strategy defines Indoor Recreation, and Indoor Courts as separate uses.</li> <li>- Whilst the strategy does identify a large gap for indoor court facilities of 10 courts. This gap is being filled by the recently announced Multisport Claremont Meadows facility which is fulfilling the demand for the 10 courts required by the strategy. This new facility</li> </ul> |

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|  | <p><i>assessment has not been submitted to demonstrate that the proposal is going to contribute to the city centre and be in the public interest.</i></p>   | <p>however does not fulfil the need for indoor recreation facilities within 20 minutes safe walk of Penrith North as required by the strategy.</p> <p>The PCYC statement of impact 2022 identifies that PCYC patronage of Gymnastics facilities is its highest usage of any sport, and 143% greater than patronage of its second highest usage being basketball. Whilst Councils strategy has specifically called out the need for more courts, NSW 4<sup>th</sup> most popular sport for children being gymnastic (see Gymnastic NSW official statistic) is lagging for adequate facilities. Importantly, PCYC Penrith facility is at complete capacity for not only gymnastics, but also youth activities as described within the Hoyne report and needs more space which the CI offer provides in a highly visible, safe, central location adjoining Penrith trains station.</p> |
|  | <p><i>The proponent has not provided sufficient information for the panel to determine the availability and accessibility of the facility to the general public. The Policy requires that the infrastructure is to be able to be interpreted as public rather than private. The inherent nature of the location of the facility on the first floor and the leasing arrangements may be perceived by the public as a private facility.</i></p> | <ul style="list-style-type: none"> <li>- PCYC have noted the difficulty in securing locations in central areas close to public transport and adequate parking. The typical PCYC facilities are located out of centres, away from transport nodes away from the public eye completely.</li> <li>- The proposed facility is in a high value location on level 1, surrounded in high density residential apartment living. Highly visible in the public domain through large glazing details, with an open and welcoming entrance lobby adjoining the supermarket in what will no doubt be the highest foot traffic location in all of Penrith North. In addition to the visibility through the glazing, prominent way finding signage will be located throughout the public domain and within the entrance lobby to ensure maximum exposure and awareness.</li> </ul>                 |



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|  |   | <ul style="list-style-type: none"> <li>- To provide further confidence PCYC have prepared a DRAFT Plan of Management to describe the minimum practices and procedures on usage, and this includes interaction with the ground plane.</li> </ul>   |
|  | <p><i>The panel notes that a restrictive covenant is proposed in favour of Council to prevent the lot being used for any other purpose. This places the onus on Council to be responsible for the ongoing monitoring of a private facility, which is not supported.</i></p>         | <ul style="list-style-type: none"> <li>- The intention of the restrictive covenant was to provide a level of guarantee to the Council that the recreation facility will remain in its current use in perpetuity. Council is well aware that it implies no obligations onto the Council for ongoing management or maintenance.</li> <li>- If the Council would prefer to remove the suggestion, then there is no objection from the applicant.</li> </ul>  |
| <p><b>Proposal 2 – Enhanced embellishment of Thornton Pedestrian Through-Site Link</b></p> | <p><b>1) Does the proposal demonstrate that it is ‘Community Infrastructure’?</b><br/> <b>The proposal is required to demonstrate that it can be defined as community infrastructure and that the proposal is fit for purpose for the defined community infrastructure use.</b></p> |   |
|  | <p><i>Summary: The panel are not satisfied that the proposal can be defined as a Recreation Area through enhanced embellishment of a through site link and are unable to support the proposal as community infrastructure.</i></p>  | <ul style="list-style-type: none"> <li>- The community infrastructure proposed in DA2 includes the provision of a ‘Childrens Playground’ and a range of outdoor play activities within the pedestrian through-site link. The ‘vision’ for this space is further articulated in the Hoyne document provided separately.</li> <li>- A Childrens Playground is identified as a type of ‘Recreation Area’ as defined in PLEP 2010.</li> <li>- As requested separately by GYDE, more detail in relation to the specifications/dimensions of play equipment, water-play and other works has been provided separately to assist with understanding this space in better detail.</li> </ul> |

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|  | <i>The proponent has provided additional information in support of defining the proposal as a 'recreation area', specifically a children's playground. It is noted that the proponent has submitted conflicting advice, defining the proposal as a 'public road'.</i>  | <ul style="list-style-type: none"> <li>- Noted</li> <li>- The through-site link is not intended to be dedicated as a 'public road' but is a pedestrian link which will include a 'Recreation Area' with the inclusion of a Children's Playground.</li> </ul>   |
|  | <i>The panel does not support the characterisation of the proposal as a children's playground for a number of reasons, including:</i>  | <ul style="list-style-type: none"> <li>- We provide a response to each of these items in further detail below.</li> </ul>  |
|  | <i>It does not comply with the definition of Childrens play space under Penrith Sport &amp; Recreation Strategy 'A local play space should ideally be located within 500m of all residents, offer a range of opportunity for 4-12 years but also include equipment for toddlers, include a minimum of 5 pieces of equipment, and also offer a level of imaginative and non-structured play areas.'</i> | <ul style="list-style-type: none"> <li>- A Children's Playground is not defined within PLEP 2010.</li> <li>- Applying a rigid view to the number of items and discounting the space as a playground because of the quantum of play equipment as opposed to the quality of the space is a highly unreasonable position.</li> <li>- However, if we put aside the number of pieces of equipment, the proposed play area is directly aligned with the description here – it is within 500m of new residents, offers a range of opportunities for differing ages (4-12 years) and offers a high level of imaginative and non-structured play areas.</li> <li>- We strongly disagree with this position, and the aim is to create a high usable children's play area that becomes a focal point for the local community aligned with Clause 8.7 of PLEP 2010.</li> </ul> |
|  | <i>It is unlikely to meet the spatial requirements under the Penrith Sport &amp; Recreation Strategy of 0.3ha-0.5ha.</i>   | <ul style="list-style-type: none"> <li>- The site and future residents are well serviced by parks of varying scales.</li> <li>- The surrounding public space, including the train plaza, cricket oval and canal precinct whilst cumulatively grand in scale are largely monofunctional, and therefore fail to adequately accommodate the range of</li> </ul>   |

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|  |  | <p>recreation activities and needs desired by the strategy and community generally.</p> <ul style="list-style-type: none"> <li>- The proposed CI offer fills this void through the provision of a highly programmed, well curated multifunctional space that connects the local, district and linear parks within the immediate vicinity with a truly active heart of indoor and outdoor recreational facilities directly adjoining the train station.</li> <li>- A comprehensive alignment of the through site link to Councils DCP 2024, Sport and Recreation Strategy 2022 and GANSW Greener places strategy is attached and strongly supports the role of the through site link.</li> </ul> |
|  | <i>The plans submitted with the DA do not indicate a children's playground, rather the landscape strategy focuses on the pedestrian throughfare role of the space.</i>   | <ul style="list-style-type: none"> <li>- An amended landscape plan of the Community Infrastructure for the Recreation Area and pedestrian through-site link have been provided in response to this comment.</li> </ul>  |
|  | <i>2) Is the value of the proposal consistent with the required contribution rate and has the proposed community infrastructure been appropriately valued</i>  | <ul style="list-style-type: none"> <li>- Yes, we are of the strong view the proposal responds positively in its contribution to the City Centre.</li> <li>- Refer to Hoyne document on Nature and Value attached separately.</li> </ul>   |
|  | <i>Summary: The application includes elements that are not supported as community infrastructure, and further the application does not provide sufficient information to assess and determine whether the proposed community infrastructure has been appropriately valued. The Panel are unable to be satisfied that the value of the proposal is in accordance with Councils CI Policy.</i> | <ul style="list-style-type: none"> <li>- We provide a response to each of these comments below.</li> </ul>  |
|  | <i>The proponent has not provided Council a QS report to support the valuation of the embellishments proposed.</i>   | <ul style="list-style-type: none"> <li>- A QS Report has been provided to Council on 27 February 2024.</li> </ul>   |
|  | <i>Initial submitted documents valued the embellishment works at \$609,880. A</i>  | <ul style="list-style-type: none"> <li>- Noted.</li> </ul>  |

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|  | <i>revised value was provided to Council at \$3,782,108.</i>  |  |
|  | <i>The panel does not support inclusion of operational expenses in the consideration of the value of community infrastructure, and no supporting information has been provided to justify the proposed operational costs.</i> | <ul style="list-style-type: none"> <li>- Utilising REIT style outgoings model the community infrastructures ongoing maintenance, and outgoings will be born through precinct outgoings at no cost to council or the community.</li> <li>- We are unclear why Council is unsupportive of maintenance costs being included in the CI Offer as this is a practical and operational matter that will bear significant cost on the applicant in providing this community benefit.</li> <li>- Unhelpfully there is no explanation as to why Council holds this view.</li> <li>- Notwithstanding, a full breakdown of the operational costs has been provided by the applicant as requested.</li> </ul> |
|  | <i>Further, the inclusion of certain embellishment items such as feature trees, seating pods and lighting are considered general requirements for such a space and are not accepted as community infrastructure.</i>          | <ul style="list-style-type: none"> <li>- The applicant has simply provided a 'base' position with respect to what would be provided in the pedestrian link in a 'compliant' scenario – but also costed the additional embellishments that are above and beyond what has been accepted to date in this area.</li> </ul>   |
|  | <i>The value of the CI proposal for this DA is unlikely to be sufficient to satisfy the CI Policy and Clause 8.7.</i>   | <ul style="list-style-type: none"> <li>- We strongly disagree. Conversely, the value of the CI proposal is significantly in excess of the CI Policy's requirement (by approximately \$10 million).</li> </ul>  |
|  | <b>3) The nature of the proposal community infrastructure to the city centre. Does the proposal achieve the principles outlined in Clause 3.2 of the CI Policy?</b>   |  |
|  | <i>Summary: The panel are unable to be satisfied that the nature of the proposal is acceptable and contributes to the city centre and provides a high amenity and viable facility.</i>  | <ul style="list-style-type: none"> <li>- As discussed above, we want to reiterate that as the consent authority, the previous Planning Panel were of the view that the 'nature and value' of the proposed CI was supportable.</li> </ul>   |

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|  |   | <ul style="list-style-type: none"> <li>- Refer to the Hoyne document for a further summary of how the proposed CI responds positively to the City Centre.</li> <li>- Refer to the comprehensive alignment review prepared by Urbis of CI offer Councils DCP 2024, Sport and Recreation Strategy 2022 and GANSW Greener places strategy is attached and strongly supports the role of the through site link.</li> </ul>   |
|  | <p><i>The proponent has not provided sufficiently detailed plans for Council (i.e. dimensioned) to clearly establish the functionality of the space and the suitability of play equipment within the space. The panel are concerned that the function of the space, primarily as a site through link, conflicts with the proposed play equipment and safe use of the space.</i></p> | <ul style="list-style-type: none"> <li>- A truly ground plane orientated design has been realised in the design, and the resulting CI offer provides for an urban heart of publicly accessible indoor and outdoor recreational infrastructure which will significantly contribute to the success of the site itself, and provide a conduit to the surrounding community facilities, transport nodes and parklands. More specifically, the CI offer aligns directly with the 'integration' aims of strategic item 1.6 of Councils recreational strategy which states:</li> <li>- <i>The Open Space network is to have quality public realm at the centre including squares, plazas and active streets creating opportunities for social interaction.</i></li> <li>-</li> <li>- The applicant has provided further detailed information including dimensioned landscape plans, specifications of water/play equipment, and technical information to assist in this regard.</li> <li>- The applicant has designed the pedestrian through site link in a manner that ensures adequate paths of travel, DDA and accessibility is resolved. The play area has been designed in accordance with the BCA/DDA requirements and we are confident can work comfortably together.</li> </ul> |

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|  |  | <ul style="list-style-type: none"> <li>- There are number pedestrian links which work seamlessly with children's play areas.</li> </ul>  |
|  | <p><i>Accessibility of the space, with play equipment, has not been assessed by Councils Access Committee. The panel raise concerns with the likelihood of conflicts between the access requirements of the community and the inclusion of play equipment in the space.</i></p>  | <ul style="list-style-type: none"> <li>- A DDA report has been submitted with the DA and the entire precinct has been designed with safer by design and equitable access principles at its core.</li> <li>- It is unclear why Council has not chosen to include the Access Committee in its assessment to date.</li> </ul>   |
|  | <p><i>Supporting information demonstrates limited solar access to the children's playground during mid-winter, which does not support a high amenity environment.</i></p>  | <ul style="list-style-type: none"> <li>- The pedestrian through-site link sits to the south of an activated podium which creates some self-shading of this area. However, we are of the view that this is acceptable based on the proposed composition of play area for this space.</li> <li>- However, consideration for solar access has been incorporated into the thinking for the placement and shading of playground and public realm spaces within the recreation area. A completed solar study provides aggregate values for the first stage (DA1) and completed stage (DA1 + DA2) of the development. The summary of shadow comparisons at 12pm at different solstices highlights the need for shade structures particularly in spring and summer.</li> </ul> |
|  | <p><i>The applicant has not provided sufficient supporting documentation to Council in respect to the how the playground contributes to the city centre and if it is in the public interest. An existing children's playground is located within 300m of the subject site, which includes a range of play equipment including waterplay. The proponent has not demonstrated how this proposal would not just primarily benefit occupants of the buildings or commercial tenants.</i></p> | <ul style="list-style-type: none"> <li>- Refer to the Hoyne document for a further summary of how the proposed CI responds positively to the City Centre.</li> <li>- The outdoor recreation space has been designed as a multipurpose public space, activated through the inclusion of event infrastructure, waterplay facilities, fixed play facilities and an indoor recreation facility anchoring the precinct (terms agreed with PCYC).</li> <li>- However, one of the most important elements of a successful public space (in terms of visitation) is the inclusion of commercial uses to fulfil a destination offer. Whether that be the café to grab a coffee while the kids play at</li> </ul>  |

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|  |   | <p>the park, the gelato shop to supply the ice cream whilst the busker performs, or a grocery store to shop at whilst gymnastic lessons are on. As it currently stands, high quality well curated commercial elements are missing from all of the parks and public spaces within the Thorton precinct.</p> <ul style="list-style-type: none"> <li>- To remedy this, the proposal includes a highly curated retail and f&amp;b precinct that will ensure the success of not only the community infrastructure proposed within the scheme, but also increase the desirability, and visitation of existing public facilities surrounding which are currently underutilised.</li> <li>- Further, the outdoor CI offer, includes the provision of in-built events infrastructure including power and data to ensure ad hoc performances, markets and community gatherings can take place more regularly and embedding the recreational role of the space.</li> </ul> |
|  | <p><i>The proponent has not satisfactorily demonstrated the long-term economic viability and ongoing maintenance costs can be managed in an economically viable and socially responsible manner. The inclusion of operational costs as community infrastructure is not supported. Ongoing costs will therefore be the responsibility of the strata.</i></p> | <ul style="list-style-type: none"> <li>- Utilising REIT style outgoings model the community infrastructures ongoing maintenance, and outgoings will be born through precinct outgoings at no cost to council or the community.</li> <li>- This includes provisions for a precinct manager to 'walk the beat daily', establishing relationships with the operators, keeping an eye out for spills &amp; graffiti and controlling the programme of events to ensure the proposed CI offer becomes a sticky precinct attracting visitors and the community across the 18-hour day.</li> </ul>  |
|  | <p><i>The proponent has not provided evidence of security that Council has certainty that the space will continue to operate with the additional embellishment into the future.</i></p>   | <ul style="list-style-type: none"> <li>-</li> <li>- This has been adequately responded above</li> </ul>   |
|  | <p><i>The inclusion of certain embellishment items such as feature trees, seating pods and lighting are considered general requirements for such a space,</i></p>   | <ul style="list-style-type: none"> <li>- DCP contains Part E - Key Precincts outlines a series of controls and guidance specific to particular precincts throughout the LGA. Part</li> </ul>  |

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|  | <p><i>at least in the context of design excellence, and are not accepted as community infrastructure.</i></p> | <p>E-11 is specific to Penrith North and provides dedicated guidance pertaining to the site the subject of this application. In the absence of site-specific Community Infrastructure criterium within the CI policy, site specific guidance within other EPI's or site specific guidance from the Community Infrastructure Panel directly, the position has been taken that the 'type and standard of development' outlined in Part E-11 'is what Council would like to see in Penrith' North.</p> <ul style="list-style-type: none"> <li>- On this basis it is considered strategic alignment with Part E11, Penrith North is a critical factor in determining the suitability of the Community Infrastructure offer proposed being the only available information as to Council and the communities expectations pertaining specifically to the site and its role in the success of Penrith North.</li> <li>- The majority of key precincts within the DCP contain a section specific to 'Public Open Space and Landscape Network'. The North Penrith Precinct does not contain such provisions. Whilst it does provide pointed guidance on the need for a new oval with outdoor recreational facilities, canal edge boardwalk (which have both been delivered), beyond this the section is silent on any particular further recreational amenity specifics.</li> <li>- The outcomes desired by Penrith Council for Penrith North within the DCP are for more commensurate, as one would expect, with dense, urban outcomes like social interaction, activation, economic viability and accessibility. In this regard the community infrastructure specified for the site within the DCP is an active through site link.</li> <li>- The through site connection is therefore the critical piece of community infrastructure identified by Council within the DCP for the</li> </ul> |
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|  |   | <p>site and has manifested itself in the scheme as a high quality, multifunctional, urban recreation zone setting a new benchmark for public space in Penrith North.</p> <ul style="list-style-type: none"> <li>- Notwithstanding the above, the proponents monetary offer clearly spells out that the 'base cost' for the Thru Site Link is NOT included in the CI offer. Only the 'embellished' component of the works are included in the calculation. Additionally, Trees and other embellishments outside of the through site link, have also not been included.</li> <li>- By way of example, the existing station plaza is considered the 'base case' of the thru site link prior to the embellishment overlay.</li> </ul> |
|  | <p><b><i>Development Contribution Credits</i></b><br/> <i>Council does not support the crediting of 'additional' CI contributions towards Development Contribution obligations of the proposal. Any contributions made under Clause 8.7 of Penrith LEP 2010 have no relationship to Councils contribution plan. Development Contributions made under 7.11 of the Environmental Planning and Assessment Act.</i></p> | <ul style="list-style-type: none"> <li>- Noted</li> </ul>   |

