

**Planning Proposal for Winter Sporting Facility at 2-4 Tench Avenue, Jamisontown**

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<b>Outcome</b>	<i>We plan for our future growth</i>
<b>Strategy</b>	<i>Facilitate quality development in the City that considers the current and future needs of our community</i>
<b>Service Activity</b>	<i>Plan for and facilitate development in the City</i>

**Procedural note: Section 375A of the Local Government Act 1993 requires that a division be called in relation to this matter.**

**Executive Summary**

Council is in receipt of a Planning Proposal to amend the Height of Buildings Map under Penrith Local Environmental Plan 2010 (LEP 2010) as it relates to the land known as 2-4 Tench Avenue, Jamisontown. The purpose of the proposed changes is to facilitate development of the site for a Winter Sporting Facility which would include a 300 metre indoor ski slope and hotel.

This report seeks Council's endorsement to sponsor the Planning Proposal and forward it to the Department of Planning and Environment (DPE) with a request to issue a Gateway Determination to allow the proposal to proceed to agency and public consultation.

**Background**

On 29 June 2018, Council received a Planning Proposal lodged by Winter Sports World Pty Ltd that seeks to amend the building height control prescribed by LEP 2010 for the property known as 2-4 Tench Avenue, Jamisontown (Lot 1 DP 38950). A site location map is provided at Attachment 1.

The purpose of the proposed change is to facilitate development of the site for a Winter Sporting Facility which would include a 300m indoor ski slope, ice skating rink, ice climbing facilities, rock climbing facilities, altitude training, gymnasium and training facilities, hotel accommodation (Approximately 170 hotel rooms plus a function centre), and food and drink premises (bars, cafes and restaurants).

The key attractor or anchor which underpins the concept and viability of the 'Winter Sports World' is an indoor ski centre with a 300-metre-long ski slope. The proponent states that the proposal has been designed to be one of the top 10 High Performance Training Centre's in the world. To achieve the required length and gradient for the ski slope a range of building heights up to 54 metres at the eastern end of the site is required. An image of the proposed development may be found at Attachment 2.

**The site**

The site currently contains a dwelling at its western end and is 2.342 hectares in size. It is zoned SP3 Tourist and is prescribed with a maximum building height control of 8.5 metres under LEP 2010. The western portion of the site is identified as land with scenic landscape

values on the LEP 2010 Scenic Landscape Values Map. No Floor Space Ratio (FSR) control currently applies to the site.

To the south of the site is the Nepean Shores development which contains short and long term accommodation. To the north across Jamison Road is the “Madang Park” heritage cottage and trees, and the Cables Water Park. To the east are rural-residential properties including a place of worship. To the west across Tench Avenue is Tench Reserve and the Nepean River.

Attachment 3 provides extracts from the LEP 2010 Zoning, Height of Buildings, Scenic Landscape Values, and Heritage Maps in relation to the subject site.

### **The Planning Proposal**

The Planning Proposal application seeks to amend the LEP 2010 Height of Buildings Map by changing the building height control on the site from the current 8.5m to part 8.5m, part 24m, and part 54m. No other changes are sought to planning controls. Attachment 4 provides a map of the proposed height controls for the subject site. A copy of the Planning Proposal has been provided to Councillors under separate cover, is publicly-available on Council’s website, and has been tabled tonight.

### **Local Planning Panel advice**

Section 2.19 of the Environmental Planning and Assessment Act 1979 (EPA Act) requires Councils to refer Planning Proposals to the Local Planning Panel for advice, prior to a decision being taken by Council to submit the proposal to DPE for Gateway assessment.

On 22 August 2018, the Planning Proposal was considered by the Penrith Local Planning Panel. The Panel’s advice notes that the proposal is consistent with Council’s vision for the locality that is identified in Council policies, being to provide for tourist-oriented development and related uses in the locality. The advice raised concerns with the potential bulk and scale of the proposed development and recommended that site-specific planning controls are prepared to facilitate appropriate development outcomes. The Panel advice was sympathetic to the envisaged building form as the proposed development is a unique facility which is dependent on a specific gradient and height. The advice recommended that additional information was sought from the proponent to address information gaps identified in Council’s preliminary assessment. A copy of the Local Planning Panel advice is provided at Attachment 5.

### **Key considerations**

#### Envisaged development

The proposed development scheme for the site is consistent with one of the key aspects of Council’s vision for the locality, which is to provide for tourist-oriented development and related uses that are compatible with the promotion of tourism in Penrith reinforcing Penrith being the “adventure capital”. Council’s vision is identified in several plans and policies including LEP 2010 through the SP3 Tourist zone objectives, the Penrith Economic Development Strategy (2017), the Riverlink Precinct Plan (2008) and Penrith Development Control Plan 2014 (DCP 2014).

The primary purpose of the Planning Proposal is to facilitate development of a 300-metre indoor ski slope by increasing the maximum permitted building height control on the site. This is a unique tourist facility which is dependent on a specific gradient and height. It is noted that for other land uses the height as proposed would be not be acceptable if such

uses were stand-alone development proposals and did not offer a unique proposition. Any development of the site under the proposed height controls would need to substantially feature an indoor ski slope facility.

#### Economic impact

The proponent's submitted documentation indicates that during the operating life of the development it would generate 759 direct and indirect jobs and would add \$74.9m per annum to the local economy. Annual visitation of 200,600 people is anticipated in the base scenario.

The facility would potentially become an iconic landmark and attractor in the Penrith region with the potential to service the resident population, adventure-seeking day trippers and tourists at large. Council's Economic Development Strategy identifies Tourism as one of six identified target sectors, with a goal of creating 2,000+ jobs. The proposal would contribute towards the achievement of this goal and reinforce Penrith's goal of being the adventure capital. The proposal would also contribute to meeting demand for hotel accommodation in the locality as identified in Council's short stay accommodation strategy.

#### Visual analysis

Council officers have completed a visual assessment of the Planning Proposal. This included the undertaking of an urban design peer review by an external consultancy as well as an analysis of the proponent's electronic Sketchup file using Council's Urban Circus 3D city model.

There are several Council planning documents which identify the importance of maintaining or enhancing certain views in the area, including LEP 2010, DCP 2014, the 'Our River' Nepean River Masterplan (2013), Riverlink Precinct Urban Design Study (2009) and Riverlink Precinct Plan (2008). The important views identified to be maintained or enhanced are views to the Blue Mountains escarpment from roads and public areas, and views to and from the Nepean River.

DCP 2014 and the 'Our River' masterplan identify the area at the intersection of Jamison Road and Tench Avenue as an important gateway location, where a strong sense of arrival along Jamison Road is envisaged, and where vistas and view corridors to and from the river and to the Blue Mountains escarpment are to be enhanced. Tench Reserve in this location is planned to be developed as a significant embellished congregation area. The subject site is envisaged to contain a highly visible landmark building displaying design excellence with street activation.

There are several locations where the potential impacts on important views warrant consideration. These include locations distant and close to the proposed structure. A comprehensive visual analysis of the proposal has been provided by the proponent, which considers the way in which view corridors from major roads and other public places will be affected by the development. The proponent's visual analysis is provided as a separate enclosure to this report and will be made available on Council's website. The visual analysis indicates that the structure will be visible from several locations. The extent of the impact on views to the Blue Mountains is presented in the analysis. Council's Urban Circus 3D city model has been used to verify the proponent's visual analysis.

The additional information submitted by the proponent allows the community and Council officers to be adequately informed of the potential visual impacts of the proposal. It is recommended that the merits of the proposal in respect to visual impact be further considered throughout the future community and agency engagement, should Council wish

to proceed further with the Planning Proposal. It is recommended that the Planning Proposal be submitted to DPE with a request to issue a Gateway Determination to commence community and agency engagement through an LEP amendment process.

#### Urban design and context

The potential impacts on neighbouring properties, such as overshadowing, amenity, privacy, bulk and scale, plus the desire to deliver design excellence, will be responded to through preparation of detailed site-specific development controls to facilitate the unique development sought on this site and to provide greater certainty to development outcomes. This matter is discussed in more detail later in this report.

#### Flooding and evacuation analysis

The subject site is located within the Penrith Low Flood Island. A flood evacuation assessment and flood impact assessment will be prepared by the proponent to enable Council's consideration of these matters.

#### Traffic analysis

A revised traffic analysis will be prepared by the proponent which will enable Council's consideration of the traffic impacts of the development on the external road network, including the key intersections, and identify any upgrades that would be required to facilitate the expected increase in traffic volumes.

#### **Proposed LEP amendment**

As an alternative to the proponent's proposal to amend the LEP 2010 Height of Buildings Map for the subject site, Council officers instead propose to prepare site-specific development controls for the site to facilitate only the unique development sought and to provide greater certainty to development outcomes.

It is noted that the development proposal requires a building height control of at least 54m. The proponent has also identified that a minimum FSR control of 1.2:1 would be required to facilitate the development proposal not including a hotel component. Should a hotel component be included the proponent would require a minimum FSR control of 1.45:1. It is noted that the nearby Penrith Panthers site currently has an FSR control of 1:1.

In consideration of the above, it is recommended that Part 7 (Additional local provisions) of LEP 2010 is utilised, where a local LEP provision would be prepared relating to the subject site. The local provision would allow for a 54m high development on the site on the condition that:

- a substantial component of the development is an indoor ski slope facility, and an FSR control of 1.2:1 is not to be exceeded.
- an FSR control above 1.2:1 (up to a maximum of 1.45:1) would be considered if justified and if the development features a hotel component.
- the development is in accordance with a site-specific DCP prepared for the site which provides additional planning and design guidance for development.
- The design of the structure is prepared by way of a design competition.
- A "sunset clause" applies, where the local LEP provision will cease to exist three years after the date the LEP amendment is made. This is to enable controls specific to this proposal and ensure delivery.

Given the above, the proponent's proposed changes to the LEP 2010 Height of Buildings Map will not be required as the local provision will deliver a comparable development outcome.

DPE has provided preliminary advice in support of Council's proposal to prepare site specific planning controls for the site to ensure appropriate land use outcomes are delivered.

Council officers will work with the proponent to further consider the most appropriate FSR control for the site, which would be guided by additional urban design and architectural analysis and preparation of the site specific planning controls.

### **Next steps**

Should Council sponsor the Planning Proposal, the Planning Proposal will be amended in accordance with the changes outlined in this report and then submitted to DPE with a request to issue a Gateway Determination to allow the proposal to proceed to public exhibition and agency consultation. As part of Council's Gateway Determination request, delegation will be sought for the General Manager to update and finalise the Planning Proposal for the making of the LEP amendment.

Following receipt of the Gateway Determination, flooding and traffic technical studies will be finalised by the proponent. A site-specific DCP will also be prepared by the proponent in consultation with Council officers. Upon completion of the supporting information and DCP controls, the Planning Proposal would be publicly exhibited in accordance with the requirements of the Gateway Determination and other relevant legislation.

### **Conclusion**

Council is in receipt of a Planning Proposal to amend LEP 2010. The Planning Proposal relates to the land known as 2-4 Tench Avenue, Jamisontown. The purpose of the proposed changes is to facilitate development of the site for a Winter Sporting Facility which would include a 300 metre indoor ski slope and hotel.

The proposal is consistent with one of the key aspects of Council's development vision for the area. An analysis of visual impacts has been provided for consideration. Site-specific planning controls will be prepared to respond to various planning issues including urban design and overshadowing impacts.

It is recommended that Council endorses that the Planning Proposal be forwarded to DPE with a request to issue a Gateway Determination to allow the proposal to proceed to agency and public consultation.

### **RECOMMENDATION**

That:

1. The information contained in the report on Planning Proposal for Winter Sporting Facility at 2-4 Tench Avenue, Jamisontown be received
2. Council endorse the Planning Proposal (provided separately and tabled tonight), subject to any further changes resulting from Item 4 below.
3. Council officers forward the Planning Proposal to the Minister for Planning with a request to issue a Gateway Determination. (The submission will

include a request to issue Council with Delegation for plan making authority).

4. The General Manager be granted delegation to make any necessary changes to the Planning Proposal referred to in Item 2 above:
  - a. prior to Council’s submission of the Planning Proposal to the Minister for Planning to request a Gateway Determination.
  - b. as a result of negotiated changes sought by DPE in the lead up to the issuing of the Gateway Determination.
  - c. prior to public exhibition in response to the conditions of the Gateway Determination or negotiations with public authorities and other stakeholders.
  
5. A Development Control Plan be prepared for the subject site, to be publicly exhibited concurrently with the Planning Proposal.
  
6. Council publicly exhibit the Planning Proposal for a period to be specified in the Gateway Determination, and in accordance with the community consultation requirements of the Environmental Planning and Assessment Act 1979 and the Environmental Planning and Assessment Regulation 2000.
  
7. A further report be presented to Council following the public exhibition.

**ATTACHMENTS/APPENDICES**

1. Site Location Map	1 Page	Attachments Included
2. Image of proposed development	1 Page	Attachments Included
3. Extracts from LEP 2010 maps	1 Page	Attachments Included
4. Proposed height controls	1 Page	Attachments Included
5. Local Planning Panel advice	2 Pages	Attachments Included