

## 1 Outcomes of Public Exhibition - Penrith City Park

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<b>Outcome</b>	<i>We plan for our future growth</i>
<b>Strategy</b>	<i>Ensure services, facilities and infrastructure meet the needs of a growing population</i>
<b>Service Activity</b>	<i>Maintain a contemporary framework of land use and contribution policies, strategies and statutory plans</i>

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

### Executive Summary

The Planning Proposal for the Penrith City Park (the Planning Proposal) seeks to rezone the land bound by Station Street, Henry Street, Allen Place and Woodriff Street from B3 Commercial Core to B4 Mixed Use. The proposed rezoning of this land will make residential uses permissible. The RE1 Public Recreation zone at the corner of Station Street and Henry Street will be retained.

The Planning Proposal was placed on public exhibition from 2 May 2016 to 30 May 2016. Public authorities identified in the Gateway Determination were consulted concurrently. In response to the public exhibition, Council received a total of 17 submissions which included 13 community submissions and 4 public authority submissions.

This report identifies and addresses the main issues raised in the submissions and recommends changes to the Planning Proposal. This report also seeks Council's endorsement for the Planning Proposal to proceed to the next stage of the Gateway Process by sending the Planning Proposal to the Minister for Planning with a request that he makes the necessary amendments to *Penrith Local Environmental Plan (LEP) 2010*.

### Background

At its Ordinary Meeting of 7 December 2015, Council resolved to endorse the Planning Proposal for the Penrith City Park (the Planning Proposal). The Planning Proposal seeks to rezone the land bound by Station Street, Henry Street, Woodriff Street and the Allen Place Carpark from B3 Commercial to B4 Mixed Use. The current RE1 Public Recreation zone at the corner of Station Street and Henry Street would be retained, responding to the principles outlined in the City Park Review undertaken by Hames Sharley.

### Gateway Determination

The Department of Planning and Environment (DP&E) issued a Gateway Determination on 7 April 2016. Council was not delegated the Minister's plan making powers, as Council owns a number of parcels within the City Park Precinct.

The Gateway Determination required Council to address the Planning Proposal's consistency with Ministerial Direction 6.2 *Reserving Land for Public Purposes* under Section 117 of the *Environmental Planning and Assessment Act 1979* (Section 117 Directions) and undertake a Phase One Assessment report for the site in accordance with Clause 6 of *State*

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*Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55)*. These are briefly discussed below.

#### Reserving Land for Public Purposes

Section 117 Direction 6.2 Reserving Land for Public Purposes requires planning proposals not to create, alter or reduce existing zonings or reservations of land for public purposes. However, a planning proposal may be inconsistent with the direction if the inconsistent provisions of the planning proposal are of minor significance.

Prior to public exhibition, the Planning Proposal was amended to address this direction. The Allen Place car park, which is proposed to be rezoned from RE1 Public Recreation to B4 Mixed Use, is currently used as a service road and car park. The loss of car parking at Allen Place will be offset largely by the delivery of decked car parks in the City Centre, including the Union Road site as part of the recent Expressions of Interest (EOI) process.

#### Preliminary Contamination Study:

Shop 3 of 134-138 Henry Street, Penrith is currently used as a dry cleaning business. “Dry cleaning establishments” are identified as a potentially contaminating activity in Table 1 of the *Managing Land Contamination: Planning Guidelines*, which have been produced under *State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55)*. In turn, as part of the rezoning process, contamination investigations are required to be undertaken.

To satisfy the requirements of SEPP 55, Council engaged Geo-Logix to undertake a Preliminary Site Investigation to determine whether contaminating activities have occurred on the site, provide a preliminary assessment of site contamination and assess the need for further investigations. The Preliminary Site Investigation is currently being undertaken. Should the Preliminary Site Investigation report find that contaminating activities have occurred on the site, and that significant remediation is to be undertaken, a further report will be presented to Council to address the site contamination and make appropriate recommendations.

#### **Public Exhibition**

The Gateway Determination required community consultation for a minimum period of 28 days. It also required Council to consult with the following public authorities:

- Family and Community Services – Housing NSW
- Transport for NSW
- Transport for NSW – Roads and Maritime Services
- NSW Police Force
- Department of Education and Communities
- Sydney Water, and
- Telstra.

Council consulted with the public authorities concurrently with the community consultation. The Planning Proposal was exhibited for 28 days, from 2 May 2016 until 28 May 2016. To support the public exhibition, a range of tasks were carried out during this time, including:

1. weekly advertisements in relevant newspapers
2. placement of the exhibition material on Council’s website, Civic Centre, St Marys Office and Council’s libraries at Penrith and St Marys
3. a Media Release and Frequently Asked Questions were available on Council’s website, and Council staff were available to answer community enquiries
4. notification letters were sent out to property owners and occupiers in the Penrith City Centre, and the relevant public authorities.

## Submissions

A total of 17 community and public authority submissions were received in response to the public exhibition of the Planning Proposal. Table 1 provides a breakdown of the submissions.

Issue	Number of Submissions
traffic and parking	7
inconsistency with Section 117 Directions	1
urban design comments	1
general comments	4
public authority	4

Table 1: Breakdown of submissions

This report provides a summary of, and a response to, the key issues raised in the submissions. A detailed consideration of each of these issues is provided in Attachment 1.

### 1. *Traffic and Parking*

Seven of the submissions raised concerns about the impact of the loss of car parking at Allen Place. Concerns are raised that the loss of car parking will negatively impact on their business, particularly if future car parks are not identified and built. The submissions argue that the Planning Proposal should address the loss of car parking spaces that are currently available in Allen Place. They also argue that infrastructure should be provided concurrently with high density residential developments.

#### *Response*

There is significant concern from residents and businesses about parking in the City Centre. Council's Parking Strategy looks at short, medium and longer term actions to manage parking into the future. Critically, it is about balancing the needs of commuters who need long-day parking close to the station; workers who need parking close to the City Centre; and shoppers who need convenient access to businesses and services in the City Centre. As Penrith grows, the number of parking spaces will increase, and will be located in a number of multi-storey structures in Union Road, Soper Place and Judges Carpark.

Right now, the focus is on making the most of the existing spaces by increasing the turnover of short term spaces; encouraging long stay parking on the edge of the City Centre; introducing technology that can improve parking usage; and asking the state government to provide more commuter parking sooner.

In November 2015, Council sought an EOI for the Union Road precinct to facilitate mixed use development and public parking. This process aims to deliver an additional 1,000 public parking spaces in a multi-storey carpark to enable the relocation of existing car parking spaces in Allen Place and other development sites in the City Centre. The Union Road site is in walking distance of the City Park Precinct. Future mixed use development on the Union Road site will also deliver parking to meet its own requirements.

In relation to infrastructure provision, the City Park Precinct is located within walking distance to Penrith Station, High Street, Westfield and the future mixed use development. The development of this area will contribute to a more walkable City Centre. This helps to deliver the vision for this Precinct that has been identified through recent community engagement.

It is intended to pursue an EOI process shortly for the concurrent delivery of the City Park and an adjoining mixed use development. This scenario involves using Council's land as a

catalyst to achieve the planned outcomes for the Central Park Village. The EOI process will determine possible future uses for the site. The additional infrastructure required as a result of these uses will be delivered as a part of the development application process.

## 2. Inconsistency with Section 117 Directions

One submission argues that the Planning Proposal is inconsistent with Direction 3.4: Integrating Land Use and Transport as it does not improve access to services and reduces the transport choices without providing suitable alternatives. The submission also argues that the Planning Proposal is inconsistent with Direction 6.2: Reserving Land for Public Purposes as the proposal to rezone the Allen Place Car Park contravenes the direction, and all existing car parking spaces must be included in the design for the site.

### *Response*

The Planning Proposal complies with Direction 3.4 as it will see the City Park Precinct developed into a mixed use development. Onsite parking will be required to support any future development on the land. Any car parking that is on the site of the City Park will be provided onsite, or relocated in the vicinity, as discussed above. The land is also located in close walking distance of Penrith Station, local bus services and the City Centre's retail opportunities, so car travel can be minimised.

## 3. Urban Design Comments

One submission commented on the urban design aspects of the Planning Proposal. The submission argues that there is too much emphasis on development and economics, and that more emphasis is required on the relevance and importance of public open space to the community. The submission also argues that the City Park site has a relatively low height limit of 4-6 storeys when compared to the heights proposed in the Incentives Clause Planning Proposal, suggesting that the City Park development should be included as a Key Site. It was also suggested that the commercial opportunities on the site (for example market hall, kiosk, cafes) could be emphasised to help activate the park.

### *Response*

A mixed use development will stimulate economic activity around the City Park by delivering housing and a wide range of activating uses including retail and dining. This will contribute to an active park during the day and night.

The Key Sites within Penrith LEP 2010 were identified by the Regional Cities Taskforce in 2007 as sites that were strategically located with special attributes and warranted design excellence. It would not be appropriate to list the City Park site as a 'Key Site' or increase the building height (currently 20m) at this time as the impacts on sun access and overshadowing in the park and on High Street should be considered as part of any proposal. Opportunities for the City Park site to be used for commercial uses would be explored as part of the future EOI for the City Park and/or at the Development Application (DA) stage. At that time, a range of development possibilities can be explored and, if some adjustments to building heights are seen to contribute positively to the precinct without reducing amenity for the City Park, they can then be considered.

## 4. General Comments

A number of submissions raised general comments. These concerns included the underutilisation of both Memory Park and the Pop up Park in the City Centre, suggesting that they should be considered before determining whether a City Park is necessary. The submissions also suggested that the objectives for the City Park Precinct can be achieved through a master plan that includes infrastructure planning for the Precinct. The Park's

requirements, funding and its delivery can be addressed in the Section 94 process or by a developer agreement. The submissions also argue that the Hames Sharley review does not optimise the location of the Park and the whole site should be zoned as B4 rather than retaining the RE1 Public Recreation zone at the corner of Station Street and Henry Street. The City Park Precinct is an opportunity to capture the benefits and should not be constrained by height and scale limitations.

#### *Response*

The City Park will serve a different purpose to the Memory Park and Pop up Park. The City Park is in a central location, close to Penrith Station, High Street, Westfield and the existing commercial core. The park will also be surrounded by a mix of housing and specialist retail opportunities that the other parks do not provide.

The overall site grading, overland stormwater and flood management could also be addressed at the detailed design stage. Part funding for the City Park is included in the Penrith City Centre Civic Improvement Plan (CIP). The balance of funding for the City Park will be provided through a future EOI process or possibly as a public benefit through the application of incentives clause on the key sites.

The infrastructure needed for this site will be negotiated through a future VPA to be entered into between Council and the proponents of future development.

The B4 Mixed Use zone responds to the principles outlined in the Hames Sharley City Park Review by permitting mixed use development to occur around the City Park. This will deliver housing densities that will activate the Park. No changes to the current height limit (20m) are recommended as building heights will be considered as part of any future proposal.

#### *5. Public Authorities*

Submissions were received from the Roads and Maritime Services (RMS), Endeavour Energy, Sydney Water and Transport for NSW (TfNSW). Their comments are summarised in Attachment 1, with one matter addressed below.

Both the Roads and Maritime Services and Transport for NSW requested that a Transport Study is undertaken to demonstrate the proposal integrates with existing and planned future walking, cycling and transport networks (i.e. buses and rail) and identify transport facilities and measures required to support future developments. The Study should consider the cumulative impacts of surrounding development proposals and be placed on public exhibition accordingly.

#### *Response*

Penrith is transitioning from an urbanised centre into a thriving Regional City, with a vision to make the City Centre an active and vibrant place, providing for inner city living and a 24 hour economy. It is recognised that Council's current traffic model needs revision, to ensure an understanding of localised traffic conditions as well as impacts on the broader network.

It is considered more appropriate to update the Transport Study in line with the planned review of the existing controls for the whole of the City Centre. This broader review (to commence in 2016-2017) will analyse the City Centre's current zones, heights, FSRs, accessibility, the need for additional key sites etc. and is likely to further amend the Penrith LEP 2010. It will allow a much more comprehensive understanding of the implications for traffic management and related infrastructure requirements.

This approach will allow the current Planning Proposal to proceed, development applications to be assessed on their merits (with traffic studies in response to site-specific development proposals), and avoid duplication of costs and funding for two separate studies by preparing one comprehensive analysis of broader changes to the City Centre. Council will also continue to advocate strongly for more reliable and frequent public transport and other infrastructure, to encourage modal shift away from car dependency towards more sustainable options.

The infrastructure identified by the traffic study will, in part and where appropriate, be negotiated through a future VPA to be entered into between Council and the proponents of future development.

Council will also continue to advocate strongly for more reliable and frequent public transport and other infrastructure, to encourage modal shift away from car dependency towards more sustainable options.

### **Peer Review**

With the exception of two parcels of land yet to be acquired (46 and 48 Station Street), Council owns all the land subject to this Planning Proposal. To ensure that the assessment of the Planning Proposal is both accountable and transparent, it is recommended that an independent peer review of the assessment is carried out.

### **Conclusion**

A review of submissions made in response to the public exhibition of the Planning Proposal has been undertaken. The review concludes that the issues identified in the submissions, which primarily relate to traffic and parking, can be adequately managed through the planning and delivery of multi-storey car parks in the vicinity of the City Park and in identified locations in the City Centre. In addition, the future mixed use development will provide the required onsite parking. A detailed analysis of transport and traffic impacts will be undertaken during the comprehensive review of the City Centre.

It is recommended that the Planning Proposal is progressed to the next stage of the Gateway Process. As Council was not delegated the Minister's plan making powers, the Planning Proposal must now be sent to the Minister for Planning for his consideration. The Planning Proposal is included in Attachment 2.

Should Council decide to endorse the amended Planning Proposal, it will be amended to include the results of the Preliminary Site Investigation undertaken by Geo-Logix, and a peer review will be undertaken. The Planning Proposal will then be sent to the Minister for Planning with a request that he makes the proposed amendments to LEP 2010.

### **RECOMMENDATION**

That:

1. The information contained in the report on Outcomes of Public Exhibition - Penrith City Park be received.
2. Council endorse the Planning Proposal for the Penrith City Park, as attached (Attachment 2).
3. Council seek an independent peer review of the Penrith City Park Planning Proposal to ensure transparency and probity is maintained.
4. The General Manager be granted delegation to make necessary changes

required to the Planning Proposal for the Penrith City Park prior to its submission to the Minister for Planning.

5. The Minister for Planning be requested to make the Plan in accordance with the *Environmental Planning and Assessment Act 1979*.

**ATTACHMENTS/APPENDICES**

1. Discussion Paper - City Park 7 Pages Attachments Included
2. Planning Proposal City Park 214 Pages Attachments Included  
*Under Separate Cover (Website)*