



# **Planning Proposal**

## **to amend Penrith Local Environmental Plan 2010**

**61-79 Henry Street,  
Penrith**

**October 2022**

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## Appendices

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# Introduction

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## 1. Purpose of Planning Proposal

The purpose of this Planning Proposal is to amend the planning controls for land at 61-79 Henry Street, Penrith to permit high density housing within the B3 Commercial Core, where it is not currently a permitted use. The amendments are intended to facilitate the redevelopment of the site as mixed-use development, which is anticipated to generate a diverse range of commercial, community and residential uses.

Specifically, this Planning Proposal seeks an amendment to Schedule 1 of the Penrith Local Environmental Plan 2010 (LEP 2010) to include residential accommodation as an additional permitted use on the site if a minimum Floor Space Ratio (FSR) of 2:1 is provided for non-residential purposes. A “sunset clause” is proposed where the LEP provision will cease to exist five years after the date the LEP amendment is made.

The Planning Proposal will be supported by a Draft Voluntary Planning Agreement (VPA) Letter of Offer that:

- ensures a minimum of 15% of the total number of dwellings on the site will be either housing for seniors or housing for people with a disability
- ensures at least 5% of the dwellings on the site will be affordable housing.
- commits to providing public open space that is at least 0.3 hectares in area.
- commits to delivering roadworks required for the development including roundabout works at the intersection of Lawson Street and Soper Place and mitigation measures at the intersection of Lawson Street and Henry Street.

The inclusion of residential accommodation as an additional permitted use is necessary to:

- allow a viable mix of uses necessary to facilitate the redevelopment of the site and thereby contribute to the revitalisation of the Penrith City Centre.
- encourage housing diversity and social inclusion by allowing the Australian Foundation for Disability (AFFORD), the owner of the site, to provide housing for people with a disability within a mixed-use development on the site.

## 1.2 Structure of this Report

This Planning Proposal has been prepared in accordance with the Department of Planning and Environment’s *Local Environmental Plan Making Guideline – September 2022*. The structure of this Planning Proposal and the matters which will be addressed in accordance with the Act and guidelines is summarised in the table below.

Part Summary and Description	
Part 1 Objectives or Intended Outcomes	A statement of the objectives of the proposed instrument.
Part 2 Explanation of Provisions	An explanation of the provisions that are to be included in the proposed LEP
Part 3 Justification of strategic and site-specific merit	A Justification of strategic and potential site-specific merit, outcomes, and the process for implementation
Part 4 Mapping	Maps, where relevant, to identify the intent of the planning proposal and the area to which it applies.
Part 5 Community Consultation	Details of the community consultation that is to be undertaken on the planning proposal.

### 1.3 Land to which the Proposal Applies

The Planning Proposal relates to land legally described as Lot 1 DP 771927 and known as 61-79 Henry Street Penrith or 'The Henry Lawson Centre'.

The site is an irregular shaped allotment with an area of 16,160 square metres. The site has a 140.66 metre frontage to Henry Street, a 125.39 metre frontage to Lawson Street (including the splayed boundary at the intersection of Henry and Lawson Street) and a 128.06 metre frontage to North Street.

The site is located within the Penrith CBD, approximately 600 metres from Penrith Railway Station and 600 metres from Penrith Westfield.

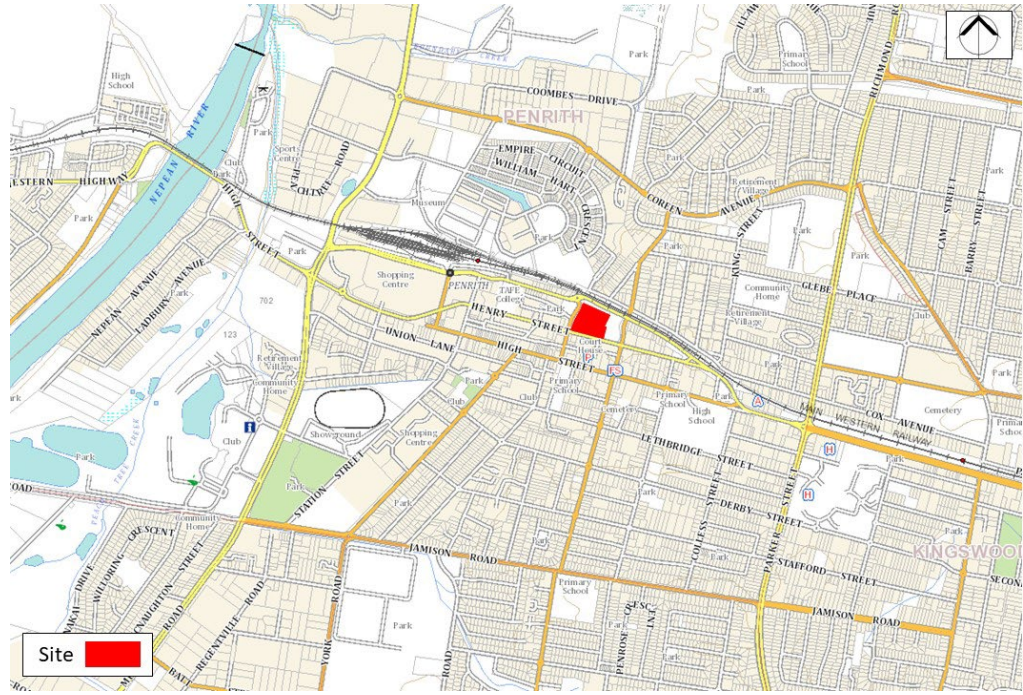
The site is currently improved by a commercial development consisting of three buildings arranged around a central, open, at-grade car park area that adjoins the southern boundary. The commercial development consists of around 8,600 square metres of lettable commercial/retail space and 190 at grade car spaces. The estimated gross floor area of the building is 10,110 square metres which equates to an FSR of 0.62:1. Currently around 2,500 square metres of net lettable area is vacant.

The largest building is a one-storey building located on the northern side of the site and setback from the northern, eastern and western boundaries to allow for vehicular circulation around the building. A two-storey building is located in the south-west corner of the site which has a nil setback to Henry Street. A two-storey building is also located in the south-east corner of the site which has a nil setback to Henry Street and is separated from the eastern boundary by a driveway.

Vehicular access to the site for delivery vehicles is provided from Lawson Street, opposite Soper Place. Access to the central car park is provided from Henry Street.



Figure 1: Aerial Image of the Subject Site (Source: Six Maps 2019)



**Figure 2:** Aerial Image of the Subject Site (Source: Six Maps 2019)





Photograph 1:

Site viewed from the southern side of Henry Street showing the eastern side of the site (right) and the central carpark



Photograph 2:

Eastern side of the site as viewed from Henry Street



Photograph 3:

Western side of the site viewed from Henry Street



Photograph 4:

Site viewed from Lawson Street (looking south-east) showing the vehicular entrance to the site on Lawson Street



Photograph 5:

Site viewed from Lawson Street looking north-east



Photograph 6:

Site viewed from North Street





Photograph 7:

View along the road reserve adjoining the northern boundary (looking west)

#### 1.4 Existing Planning Controls

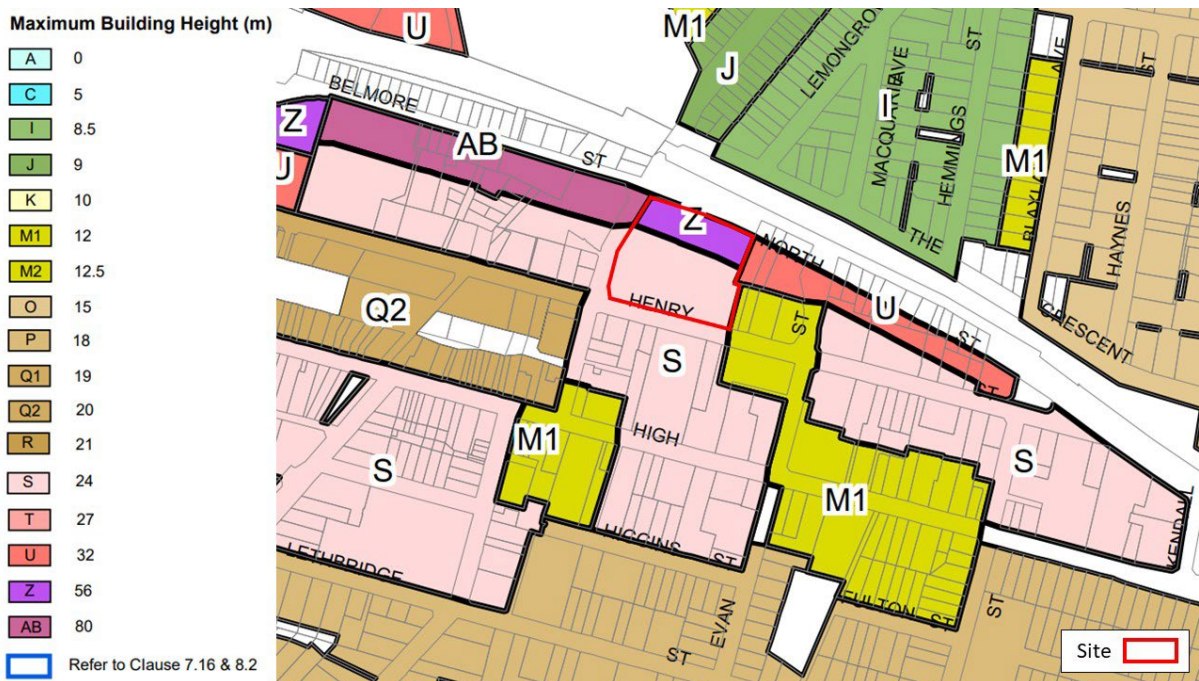
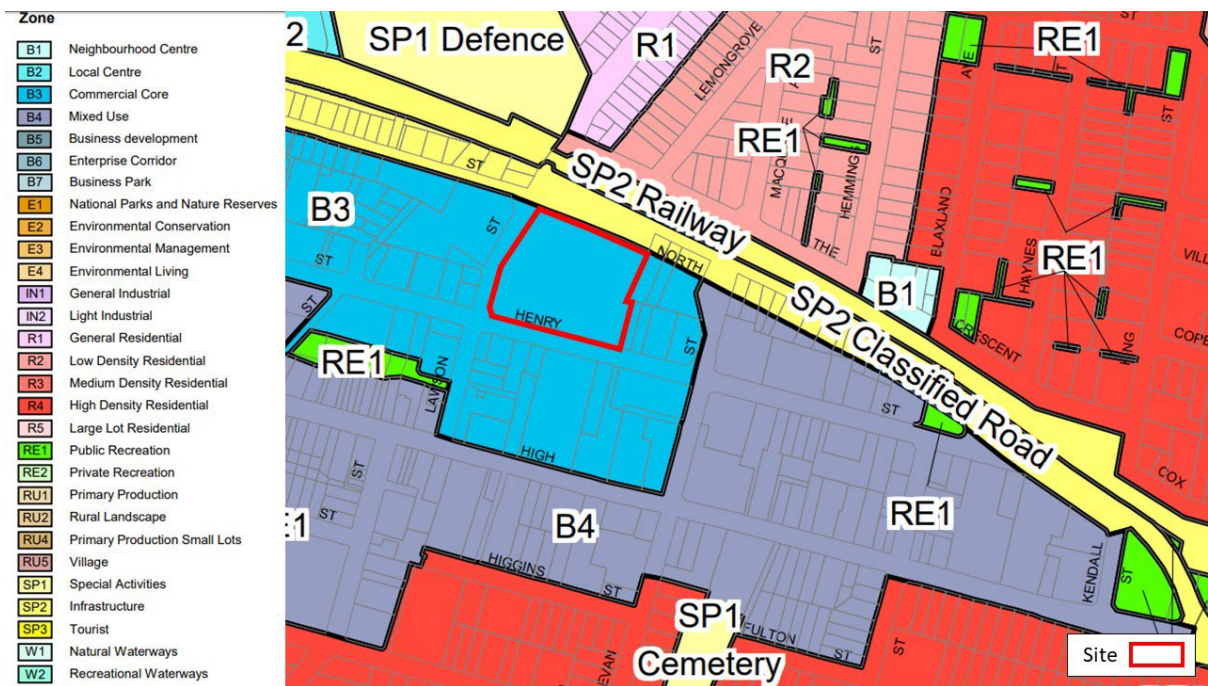
The site is located in the B3 Commercial Core zone pursuant to LEP 2010 as shown in Figure 3. The B3 zone is generally bounded by North Street, Belmore Street and Jane Street to the north, Evans Street to the east and Henry and High Street to the south. The B3 zone permits a range of employment generating uses including commercial premises, educational establishments, entertainment and recreation facilities, tourist and visitor accommodation and community uses that serve the needs of the local and wider community. No form of residential accommodation is permitted in the B3 zone.

A height of 24 metres is shown for the majority of the site on the LEP 2010 Height of Buildings Map as shown in Figure 4. A portion of land along the northern boundary has a height of 56 metres. An FSR of 4:1 is shown for the site on the LEP 2010 Floor Space Ratio Map as shown in Figure 5. The site is identified as Key Site 8 on the LEP 2010 Key Sites Map as shown in Figure 6.

Clause 8.7(3) of the LEP 2010 provides that despite clauses 4.3, 4.4 and 8.4(5) the consent authority may consent to development that exceeds the maximum height shown for the land on the Height of Buildings Map or the floor space ratio for the land shown on the Floor Space Ratio Map, or both if the proposed development includes community infrastructure.

Clause 8.7(4) of LEP 2010 permits an FSR of 5.5:1 on Key Site 8 if the development includes community infrastructure.







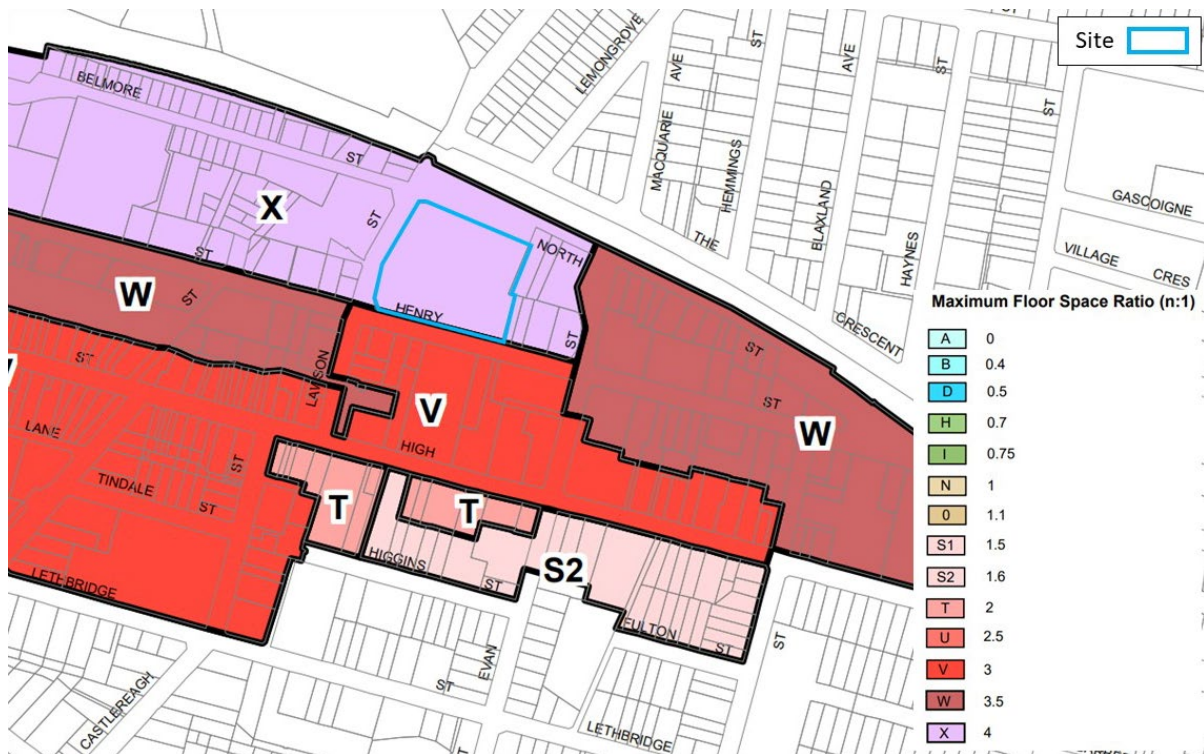


Figure 5: Extract from the LEP 2010 Floor Space Ratio Map



Figure 6: Extract from the LEP 2010 Key Sites Map

## 1.5 Surrounding Development

The adjoining site to the east is known as 57 Henry Street. 57 Henry Street is an irregular shaped parcel of land that occupies the eastern end of the street block. The site has an area of approximately 8,425 square metres. The site was used as the Department of Education Regional Office and contains vacant buildings and a local heritage item. The Penrith Infants Department (1884 building) is identified as a heritage item with local significance pursuant to Schedule 5 of LEP 2010 (Item No. 177).

An amendment to LEP 2010 will come into effect on 31 December 2022 relating to the site at 57 Henry Street, Penrith. The amendment identifies 57 Henry Street "Key Site 13" and applies clause 8.7 'Community infrastructure on certain key sites' to the site. The amendment enables the site to access a total maximum FSR of 6.5:1 and remove height restrictions in return for community infrastructure. Through an amendment to Schedule 1 of LEP 2010 the LEP will introduce residential flat building and shop top housing as an additional permitted use of the site for a period of five years if a minimum non-residential FSR of 0.75:1 is provided.

A road reserve that has a width of approximately 21-36 metres adjoins the northern boundary. The road reserve has been set aside for future road widening/upgrade works to North Street. The railway line is located on the northern side of North Street.

To the west of the site (on the southern side of Soper Place) are two allotments between Henry Street and Soper Place known as 19, 19A and 19B Lawson Street and 21-25 Lawson Street, Penrith. The property known as 19, 19A and 19B Lawson Street is improved by a three-storey commercial building with vehicular access from Soper Place. 21-25 Lawson Street, Penrith is improved by a single storey commercial building.

To the west of the site, north of (and including) Soper Place is a large area of land identified as Key Site 9 in LEP 2010. Key Site 9 extends from Lawson Street along the majority of Belmore Street to 115-119A Henry Street. The land opposite the site is currently improved by an at grade public car park at 99A Henry Street, Penrith.

In January 2021, Council exhibited a development application to revitalise the site known as the Soper Place Car Park seeking to deliver a five storey multi deck car park over a basement parking level, along with a four-storey commercial building above. The design includes a multi-use public space, a public roof top garden and a living green facade. The development application has not yet been determined.

Six allotments are located opposite the site, on the southern side of Henry Street. These allotments are:

- 64-66 Henry Street. This property is currently improved by an at-grade car park for the Penrith Police Station. Vehicular access to the car park is provided from Henry Street.
- 317-329 High Street. This property has frontage to both High Street and Henry Street. The Penrith Local Court is located on the northern side of the property and has frontage to Henry Street. The court building is a predominately two-storey building. Vehicular access is provided to the building from Henry Street.
- 74 Henry Street. This property is improved by a church building that has been converted for use as a café/restaurant. The building at 74 Henry Street (the former Methodist Church) is identified as a heritage item with local significance pursuant to Schedule 5 of LEP 2010 (Item 179).
- 76 Henry Street. This property is improved by a two-storey commercial building, with vehicular access from Lawson Lane.
- 78-80 Henry Street. The building on this property is a single storey commercial building, with vehicular access from Henry Street.
- 82 Henry Street. This property is located on the south-east corner of the intersection of Henry Street and High Street. A two-storey commercial building has been constructed on this property, with vehicle access from Lawson Street.





Photograph 8:

57 Henry Street



Photograph 9:

View along North Street looking east



Photograph 10:

View along North Street looking west



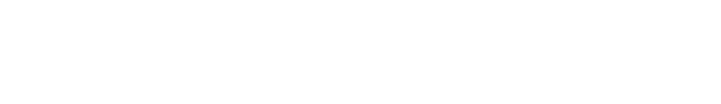
Photograph 11:

99A Henry Street (part of Key Site 9)



Photograph 12:

19, 19A and 19B Lawson Street



Photograph 13:

21-25 Lawson Street





Photograph 14:

64-66 Henry Street



Photograph 15:

The Penrith Courthouse at 317-329 High  
Street viewed from Henry Street





Photograph 16:

74 Henry Street



Photograph 17:

76 Henry Street



Photograph 18:

82 Henry Street



## Part 1 – Objectives or Intended Outcomes

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The objective of this Planning Proposal is to facilitate the redevelopment of land at 61-79 Henry Street, Penrith for residential and non-residential purposes.

Specifically, the objectives for this Planning Proposal are to:

- Support current planning objectives for the delivery of diverse and affordable housing, with access to the opportunities and services afforded by Penrith City Centre.
- Support the delivery of new employment floorspace within Penrith's commercial core, responding to the established and predicted demand for local jobs.
- Encourage timely redevelopment of the site as a Key Site, as envisaged by Council's Incentives Clause (clause 8.7 of LEP 2010).
- Respond to current market conditions and feasibility challenges of delivering large volumes of commercial floor space within Penrith City Centre by incentivising redevelopment of the site to activate and revitalise the eastern end of the Penrith City Centre.
- Maintain an appropriate quantum of floor space on the site for non-residential purposes to ensure the redevelopment of the site does not compromise the purpose of the B3 Commercial Core Zone or objectives of Council's strategic plans.



## Part 2 – Explanation of Provisions

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The following amendments are proposed to the Penrith Local Environmental Plan 2010:

**1. Amend Schedule 1 – Additional Permitted Uses to insert the following clause:**

*XX Use of certain land at 61-79 Henry Street, Penrith*

*(1) This clause applies to land at 61-79 Henry Street, Penrith being Lot 1 DP 771927 that is identified as “XX” on the Additional Permitted Uses Map.*

*(2) Development for the purposes of residential accommodation is permitted with development consent, if the development includes a minimum floor space ratio of 2:1 for non-residential purposes.*

**2. Amend the Additional Permitted Uses map to identify 61-79 Henry Street, Penrith as containing Additional Permitted Uses.**

Amend the additional permitted uses map as shown in Appendix 1.

**3. Add a “sunset clause” where the additional permitted uses clause will cease to exist five years after the date the LEP amendment is made.**

**4. Include a provision so that clause 4.6 does not apply to the minimum floor space ratio standards in the additional permitted uses clause for the site.**

## Part 3 – Justification

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This part of the Planning Proposal presents the need for the proposed amendments to LEP 2010, the relationship with the strategic planning framework, the impacts of the proposed changes, and State and Commonwealth interests.

### Section A – Need for the Planning Proposal

#### **1. Is the Planning Proposal a result of an endorsed local strategic planning statement, strategic study or report?**

The proposal is not the result of a specific strategic strategy or report, however the Planning Proposal is consistent with the Local Strategic Planning Statement.

The Penrith Local Strategic Planning Statement (LSPS) was adopted by Council on 23 March 2020. The Local Strategic Planning Statement outlines Penrith's economic, social and environmental land use needs over the next 20 years. The LSPS is based on 21 Planning Priorities. Of particular relevance to the Planning Proposal are Planning Priorities 3 and 12.

#### **Planning Priority 3**

Planning Priority 3 of the LSPS is to provide new homes to meet the diverse needs of our growing community.

The LSPS estimates there will be a demand for 7,000 homes between 2016 and 2021, 6,000 homes between 2021 and 2026 and 11,000 homes between 2026 and 2036.

The LSPS indicates new housing for the next 20 years will be delivered in part as mixed use and high-density residential development in Penrith City Centre, St Marys Town Centre and around stations on the Main Western Rail line and emerging North South Rail Link.

An on-going action to achieve Planning Priority 3 is to review and update planning and development controls to encourage the delivery of mixed-use and high-density residential development in Penrith City Centre.

The Planning Proposal will assist in meeting the demand for new housing within a mixed-use development in the Penrith City Centre. In this regard the Planning Proposal is consistent with Planning Priority 3 of the LSPS.

The Planning Proposal will also increase the diversity of housing in the local government area as it will enable AFFORD to provide dwellings on the site that can be used as shared accommodation for people with a disability, defined as a 'Group Home' in the dictionary of LEP 2010. Group homes are currently prohibited in the B3 Commercial Core zone. As noted above, to secure a diversity of housing within a future development on the site the Planning Proposal is supported by a Draft VPA Letter of Offer, which will ensure a minimum of 15% of the dwellings will be seniors housing or housing for people with a disability.

#### **Planning Priority 4**

Planning Priority 4 of the LSPS is to improve the affordability of housing. The LSPS states that a greater variety of homes are required beyond the detached homes traditionally delivered throughout Penrith. This includes compact homes that are accessible and easy to maintain, apartments close to shops and services, and moderately-sized homes for smaller families. Also, there needs to be an increase in the supply of affordable rental, delivered and managed primarily by community housing providers for very low to moderate income earners, including workers essential to a city's economic sustainability and social diversity.

The Planning Proposal seeks to contribute to housing diversity in Penrith by providing apartments with a range of type, tenure, sizes, and price points, within a mixed-use development in the City Centre.

The Draft VPA Letter of Offer will also commit to ensuring at least 5% of the dwellings on the site as affordable housing.

### **Planning Priority 7**

Planning priority 7 of the LSPS is to enrich Penrith's places. The LSPS states that as the population grows and becomes more diverse, more high-quality public places will be required in and around local community hubs and centres. Ground-level places including streets, plazas, parks and recreation spaces provide places for community events, markets and festivals and encourage social interaction and active lifestyles. New development provides opportunities to improve, expand, and connect these places.

The Concept Masterplan prepared for the Planning Proposal show provision of public open space area on the ground floor which connects the site to the surrounding public domain and provides outdoor recreation space in the city centre.

The Planning Proposal introduces residential accommodation as a permitted use that will allow people to live near where they work and walk to facilities and services they require. The increased residential population will support the viability of local business and create a lively and vibrant atmosphere in the city centre, particularly outside business hours.

### **Planning Priority 12**

Planning Priority 12 of the LSPS is to enhance and grow Penrith's economic triangle. The LSPS states that the Penrith City Centre is set to provide over 45,000 jobs by 2036 and notes that increasing the amount of residential development within the Penrith City Centre will be critical to ensuring the centre is a great place to live, play as well as work.

The Planning Proposal will facilitate the redevelopment of a Key Site in the City Centre. The current controls seek to encourage the redevelopment of the site through allowing additional height and removing the height limits however the current controls do not permit a viable mix of uses that will facilitate the redevelopment of the site.

The proposed addition of residential uses on the site is critical to the feasibility of any future development of the site under current economic conditions. The residential component of the development will also support the viability of local businesses in the centre and contribute to a vibrant and lively City Centre.

The Planning Proposal will allow for the delivery of a significant area of non-residential floor space, approximately triple that is currently provided on the site. It is intended that the ratios sought by the Planning Proposal should deliver a minimum of 32,320 m<sup>2</sup> of non-residential floorspace within the development site. This contribution will assist Penrith City Council in delivering the employment floor space increase of almost 365,000 square metres over the next 25 years to achieve a job containment ratio of 1 job per working resident.

An immediate action set out in the LSPS for Planning Priority 12 is to review and update the planning and development controls for Penrith City Centre in line with the vision identified within the Western City District Plan and the supporting Penrith Employment Lands Strategy 2021. The Planning Proposal is consistent with the vision identified in the Western City District Plan as detailed in this Planning Proposal.

## **2. Is the Planning Proposal the best means of achieving the objectives of intended outcomes or is there a better way?**

The Planning Proposal seeks to permit 'residential accommodation' as an additional permitted use if the development includes a minimum floor space ratio of 2:1 for non-residential purposes.



61-79 Henry Street, Penrith is within the B3 Commercial Core zone and is identified as Key Site 8 in the Penrith City Centre pursuant to LEP 2010. LEP 2010 permits an FSR of up to 5.5:1 on the site subject to the provision of community infrastructure. As no form of residential accommodation is currently permitted on the site a development taking advantage of the Key Site controls would provide 88,880 square metres of non-residential floor space.

The Economic Impact Assessment (EIA) prepared by HillPDA reports that the total commercial floor space demand in the Penrith Town Centre is between 62,000-112,500 square metres over the next 35 years. A future development on the site that provides 100% of the total GFA as commercial floor space would supply between 79% and 143% of the additional employment floorspace required in the Penrith Town Centre over the next 35 years. Hill PDA have predicted this would result in long term vacancies and undermine the performance of the city centre.

Enabling a specified ratio of residential development of the site will incentivise delivery of a whole of site redevelopment, which will continue to have the capacity to accommodate the current and estimated future demand for employment floor space.

Accordingly, this Planning Proposal seeks to include the group term 'residential accommodation' as the additional permitted use. Residential accommodation is defined in PLEP as follows:

***residential accommodation*** means a building or place used predominantly as a place of residence, and includes any of the following—

- (a) attached dwellings,
- (b) boarding houses,
- (c) dual occupancies,
- (d) dwelling houses,
- (e) group homes,
- (f) hostels,
- (g) multi dwelling housing,
- (h) residential flat buildings,
- (i) rural workers' dwellings,
- (j) secondary dwellings,
- (k) semi-detached dwellings,
- (l) seniors housing,
- (m) shop top housing,

*but does not include tourist and visitor accommodation or caravan parks.*

Whilst specific types of residential development could be listed as additional permitted uses, the group term of 'residential accommodation' is proposed for the diversity of housing it encompasses and therefore permits. The group term is also appropriate as it has been used in the B4 Mixed Use zone which applies to other areas within the City Centre.

The use of the term 'residential accommodation' is preferred to the alternative of specifying "residential flat buildings and shop-top housing" as it permits a broad range of residential uses to be carried out such as boarding houses, seniors housing, group homes and hostels and allows for the development of housing in the City Centre for people of all ages and abilities. This is particularly important as the site is owned by AFFORD, and the organisation intends on providing a portion of dwellings specifically for its clients.

The Planning Proposal only permits residential accommodation if a minimum quantum of commercial floor space is proposed to ensure that a reasonable and viable quantum of non-residential floor space is provided in the commercial core.

The EIA supports the introduction of residential accommodation on the site if the development includes a minimum floor space ratio of 2:1 for non-residential purposes.

The proposed FSR for non-residential purposes of 2:1 (32,320 square metres of floorspace) provides an additional 22,210 square metres of employment floorspace on the site as the current site provides around 10,110 square metres GFA of commercial floor space which equates to an FSR of 0.62:1.

For these reasons the most straightforward way of achieving the intended outcomes of stimulating the redevelopment of Key Site 8, delivering an appropriate density and scale of development on a Key Site in the centre and providing a significant, yet viable quantum of employment generating floor space is to add residential accommodation as an additional permitted use in Schedule 1 of the LEP 2010 subject to the development providing a minimum amount of non-residential floor space.

An alternative is to rezone the site to a zone that permits residential accommodation (such as the B4 Mixed Use Zone) and introduce a minimum non-residential FSR, however, rezoning the site would disrupt the consistent zoning of land in the commercial centre and result in different objectives being applied to development on the site than the surrounding B3 zoned land. With the inclusion of the "sunset clause", where this clause will cease to exist five years after the date the LEP amendment is made, if the clause is not acted upon it will allow the B3 commercial core zone to remain unaffected.

As such the Planning Proposal to amend LEP 2010 is the most appropriate amendment to the LEP to achieve the objectives and intended outcomes.

## Section B – Relationship to Strategic Planning Framework

### 3. Will the Planning Proposal give effect to the objectives and actions of the applicable regional, sub regional or district plan or strategy (including any exhibited draft plans or strategies)?

#### Greater Sydney Region Plan – A Metropolis of Three Cities

In March 2018 the *Greater Sydney Region Plan - A Metropolis of Three Cities* was released. The Plan sets a 40-year vision to 2056 and establishes a 20-year plan to manage growth and change for Greater Sydney. The Plan informs district and local plans and the assessment of planning proposals.

The Plan applies to the Greater Sydney Region and sets the planning framework for the five districts which make up the region. Penrith is within the Western City District of the Greater Sydney Region. The Plan sets out 10 Directions which set out the aspirations for the region and objectives to support the Directions.

The 10 Directions are:

- A city supported by infrastructure
- A collaborative city
- A city for people
- Housing the city
- A city of great places
- A well-connected city
- Jobs and skills for the city
- A city in its landscape
- An efficient city
- A resilient city

The relevant Directions to the Planning Proposal and a comment on the proposal's consistency with each Direction is summarised in the following table.

Directions and Objectives	Comment
<b>A city for people</b>	
Objective 7: Communities are healthy, resilient and socially connected	<p>The Planning Proposal will allow for all types of residential accommodation including shop top housing, residential flat buildings, group homes and seniors housing and housing for people with a disability.</p> <p>As AFFORD owns the site and intends on providing a portion of dwellings specifically for its clients within a larger residential development, future development on the site will support Strategy 7.1 which seeks to deliver healthy, safe and inclusive places for people of all ages and abilities that support active, resilient and socially connected communities. To secure a range of housing types within the development the Planning Proposal is supported by a Draft VPA Letter of Offer which will ensure a minimum of 15% of dwellings on the site will be either housing for seniors or housing for people with a disability. The Draft VPA Letter of Offer will also commit to ensuring at least 5% of the dwellings on the site will be affordable housing.</p> <p>The Planning Proposal will also deliver apartments in the City Centre close to employment, public transport, shopping and recreation facilities, consistent with Strategy 7.1.</p>
<b>Housing the city</b>	



<p>Objective 10: Greater Housing Supply</p>	<p>Objective 10 of the GSRP seeks to provide ongoing housing supply and a range of housing types in the right locations to create more liveable neighbourhoods and support Greater Sydney's growing population. The Plan notes that a range of housing types, tenures and price points will be needed to meet demand.</p> <p>The GSRP states that accommodating homes needs to be linked to local infrastructure and that providing new housing that aligns with infrastructure can be realised by urban renewal, local infill developments and land release areas.</p> <p>Locational criteria for urban renewal opportunities include:</p> <ul style="list-style-type: none"> <li>• Accessibility to jobs, noting that over half of Greater Sydney's jobs are generated in metropolitan and strategic centres,</li> <li>• Accessibility to regional transport</li> <li>• Catchment areas within walking distance (up to 10 minutes) of centres with rail, light rail or regional bus transport.</li> </ul> <p>The GSRP indicates that Councils are to investigate opportunities for supply and a diversity of housing particularly around centres to create more walkable neighbourhoods (p62).</p> <p>The Planning Proposal permits a range of housing types including boarding houses, seniors housing and housing for people with a disability and group homes. This provides the potential for housing for a diverse range of people in the City Centre. As such the Planning Proposal supports Objective 10 by allowing a diverse range of housing types in an appropriate location.</p> <p>The Planning Proposal is also consistent with this Direction and it will allow residents to live close to work, public transport, shopping and entertainment venues. The site is located within 600 metres walking distance of Penrith railway station.</p>
<p>Objective 11 – Housing is more diverse and affordable.</p>	<p>Objective 11 highlights the importance of providing a diversity of housing across Greater Sydney in response to the significant housing affordability challenges across Sydney.</p> <p>The Planning Proposal seeks to contribute to housing diversity in Penrith by providing apartments within a mixed-use development in the City Centre. The provision of housing in the City Centre provides an alternative to detached style housing or medium density housing in a suburban setting. The Planning Proposal will increase the number of dwellings that are close to employment, shops, entertainment venues and recreational facilities.</p> <p>The Planning Proposal will increase the diversity of housing in the local government area as it will enable AFFORD to provide dwellings on the site that can be used as shared accommodation for people with a disability, defined as a 'Group Home' in the dictionary of LEP 2010. Group homes are currently prohibited in the B3 Commercial Core zone. As noted above, to secure a diversity of housing within a future development on the site the Planning Proposal is supported by a Draft VPA Letter of Offer which will ensure a minimum of 15% of the dwellings will be seniors housing or housing for people with a disability. The Draft VPA Letter of Offer will also commit to ensuring at least 5% of the dwellings on the site as affordable housing.</p>
<p>Objective 12 – Great places that bring people together</p>	<p>Objective 12 provides that places should provide a combination of the following elements:</p>

	<ul style="list-style-type: none"> <li>• Well-designed built environments: great places are enjoyable and attractive, they are safe, clean and flexible with a mix of sizes and functions.</li> <li>• Social infrastructure and opportunity: great places are inclusive of all ages and abilities, with a range of authentic local experiences and opportunities for social interaction and connections.</li> <li>• Fine grain urban form: great places are walkable, of human scale, with a mix of land uses including social infrastructure, and local services are the heart of communities. (p73)</li> </ul> <p>The Concept Masterplan submitted with the Planning Proposal demonstrate how commercial, residential and AFFORD uses could be distributed on the site and how public open space could be provided on the site. However, this will be further explored as part of an architectural design competition process that would be required for development of this site and during the DA process.</p> <p>Strategy 12.1 under Objective 12 is: Using a place-based and collaborative approach throughout planning, design, development and management, deliver great places by:</p> <ul style="list-style-type: none"> <li>• prioritising a people-friendly public realm and open spaces as a central organising design principle.</li> <li>• recognising and balancing the dual function of streets as places for people and movement.</li> <li>• providing fine grain urban form, diverse land use mix, high amenity and walkability in and within a 10-minute walk of centres.</li> <li>• integrating social infrastructure to support social connections and provide a community hub.</li> <li>• recognising and celebrating the character of a place and its people.</li> </ul> <p>The current planning provisions require the provision of community infrastructure (such as recreation areas and recreation facilities) on the site to facilitate a floor space ratio of 5.5:1 on the site. The Concept Masterplan prepared for the Planning Proposal show provision of public open space area on the ground floor which connects the site to the surrounding public domain and provides outdoor recreation space in the city centre.</p> <p>The Planning Proposal introduces residential accommodation as a permitted use that will allow people to live near where they work and walk to facilities and services they require. The increased residential population will support the viability of local business and create a lively and vibrant atmosphere in the city centre, particularly outside business hours.</p> <p>Strategy 12.2 In Collaboration Areas, Planned Precincts and planning for centres:</p> <ul style="list-style-type: none"> <li>• investigate opportunities for precinct-based provision of adaptable car parking and infrastructure in lieu of private provision of car parking</li> <li>• ensure parking availability takes into account the level of access by public transport</li> <li>• consider the capacity for places to change and evolve, and accommodate diverse activities over time</li> <li>• incorporate facilities to encourage the use of car sharing, electric and hybrid vehicles including charging stations.</li> </ul>
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	<p>The Transport Impact Assessment prepared by Stantec demonstrates that sufficient car parking can be provided on the site for a mixed-use development on the site that includes a substantial residential component (around 455 dwellings). The number of parking spaces required under a scheme that is consistent with the Planning Proposal is significantly less than a development that complies with the current LEP provisions.</p>
Objective 13 – Environmental heritage is identified, conserved and enhanced.	<p>Strategy 13.1 is to identify, conserve and enhance environmental heritage by managing and monitoring the cumulative impact of development on the heritage values and character of places.</p> <p>The site is adjacent to two heritage items with local significance identified in Schedule 5 of LEP 2010 being the Penrith Infants Department at 57 Henry Street, Penrith (Item No 177) and the Methodist Church (former) at 74 Henry Street (Item No. 179). The site is also in the vicinity of four other heritage items as shown in Figure 7.</p> <p>A Preliminary Historical Heritage Assessment has been prepared by Coast History and Heritage that considers the potential impact of the Planning Proposal on the European and non-Indigenous heritage items in the vicinity of the site. The report concludes that the proposed amendment to the LEP 2010 will not result in historical heritage impact.</p> <p>The report indicates that future redevelopment of the site (under the current or proposed LEP provisions) may affect the setting of two adjacent heritage items, the heritage items on High Street and the Lemongrove Heritage Conservation Area. The potential for any impact on the heritage significance of the nearby items will be considered in detail for any future development application.</p> <p>A Due Diligence Aboriginal Heritage Assessment has been prepared by Coast History and Heritage. The Assessment concludes that the proposed amendment to the LEP will not have any physical effect and will not impact Aboriginal heritage. The report concludes that no further Aboriginal heritage investigations are required in relation to the current proposals within the study area.</p>
<b>A well-connected city</b>	
Objective 14: A Metropolis of Three Cities – integrated land use and transport creates walkable and 30-minute cities	<p>The GSRP encourages the co-location of activities in metropolitan, strategic and local centres and attract housing in and around centres to create walkable, cycle friendly neighbourhoods (p84).</p> <p>Strategy 14.1 is to integrate land use and transport plans to deliver the 30-minute city.</p> <p>The Planning Proposal seeks to introduce residential accommodation within the city centre. The provision of housing in the centre allows people to walk to their work, public transport and the services and facilities they require.</p>
<b>Jobs and skills for the city</b>	
Objective 20: Western Sydney Airport and Badgerys Creek Aerotropolis are economic catalysts for Western Parkland City	<p>The GSRP notes that the new Western Parkland City will be founded on the existing centres of Liverpool, Greater Penrith and Campbelltown-Macarthur and their commercial, health and education assets will support the growing communities. The Plan notes that their importance in providing a focus for commercial</p>



	<p>activities and population services over the next 20 years cannot be overstated.</p> <p>The Planning Proposal supports the redevelopment of a Key Site in the City Centre. The redevelopment of the site will significantly increase the non-residential floor space on the site and introduce a residential population that will support local businesses, contribute to the night-time economy and contribute to a vibrant and lively centre.</p>
Objective 22: Investment and business activity in centres	<p>Greater Penrith is identified as a part of a Metropolitan cluster referred to as the Western Parkland City that includes Greater Penrith, the Western Sydney Airport and Badgerys Creek Aerotropolis, Liverpool and Campbelltown-Macarthur.</p> <p>Strategy 22.1 is to provide access to jobs, goods and services in centres. The Planning Proposal supports Strategy 22.1 in that a minimum non-residential floor area of 2:1 is required on the site to ensure there is adequate non-residential floor space in the city to meet job and employment targets.</p> <p>The existing development provides around 10,110 square metres of commercial and retail space, with 2,500 square metres of NLA currently vacant. The requirement for a minimum of 32,320 square metres of floor area for non-residential purposes will significantly increase the non-residential floor area both on the site and in the City Centre and represents a considerable contribution to the employment floor space that will be required in the Penrith City Centre over the next 35 years.</p> <p>The Economic Impact Assessment prepared by Hill PDA demonstrates that the provision of residential development in the centre will not be at the expense of meeting targets for employment generating floor space in the City Centre.</p> <p>Future development on the site will contribute to the diversity of activities in the centre as required by Strategy 22.1. The introduction of a residential population on the site will support local businesses and create a lively and vibrant centre, particularly after business hours as is also encouraged by Strategy 22.1.</p>
<b>A city in its landscape</b>	
Objective 30: Urban tree canopy cover is increased.	<p>Strategy 30.1 is to expand urban tree canopy in the public realm. The Planning Proposal is consistent with this objective as it facilitates development on the site that is likely to take advantage of the floor space bonus available to Key Site 8 and in return deliver 'community infrastructure' in the form of public open space. The public open space provides the opportunity for increasing tree canopy cover on the site.</p>
<b>A resilient city</b>	
Objective 37: Exposure to natural and urban hazards is reduced.	<p>Strategy 37.1 is to avoid locating new urban development in areas exposed to natural and urban hazards and consider options to limit the intensification of development in existing urban areas most exposed to hazards.</p> <p>Strategy 37.2 is to respond to the Direction for managing flood risk in the Hawkesbury Nepean Valley.</p> <p>The Planning Proposal does not result in the intensification of development on the site, only the introduction of residential accommodation as part of a mixed-use development.</p>

	<p>The Flood Assessment and Stormwater Management report prepared by J Wyndham Prince provides the following summary of the flood hazard affecting the site:</p> <p><i>The Penrith CBD Flood Risk Management Study and Plan (Molino Stewart, 2020) indicates that the existing flood hazard at the site in the 1% AEP event is predominantly a low H1 or H2 category, with some isolated areas of H3 hazard. It is anticipated that the proposed redevelopment will reduce the flood hazard to a H1 or H2 hazard classification in the 1% AEP event.</i></p> <p><i>The Penrith CBD Flood Risk Management Study and Plan (Molino Stewart, 2020) indicates that the subject Site is not affected by Nepean River flooding (MS, 2020). However, in an extreme local PMF event the flood hazard surrounding the Subject Site is a H5 category. Notwithstanding, the scale of the proposed development lends itself to a design which could withstand the forces of floodwater and buoyancy effects, with all residential areas together with a safe haven for itinerant patrons located above the PMF level.</i></p> <p><i>The flash flood nature of a local PMF event is such that the high hazard external to the building lasts for less than one (1) hour, and with limited warning time means that evacuation of the site is unlikely to be a safe option, rather a shelter on site strategy would be more appropriate, provided that an accessible safe refuge is provided above the PMF level. Notwithstanding, flood safe access and evacuation to a flood free area in the PMF event is feasible via North Street to the Evan Street Overpass.</i></p> <p>The Flood Assessment and Stormwater Management report demonstrates that any future development on the site can be designed to be consistent with the relevant provisions of LEP 2010 and PDCP 2014 related to flooding and stormwater and these issues will be considered during the assessment of any future development application.</p>
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## Western City District Plan

In March 2018 the Greater Sydney Commission published the Western City District Plan. The Western City District includes the Blue Mountains, Camden, Campbelltown, Fairfield, Hawkesbury, Liverpool, Penrith and Wollondilly local government areas.

The Western City District Plan is a 20-year plan to manage growth in the context of economic, social and environmental matters to achieve the 40-year vision for Greater Sydney. The District Plan is a guide for implementing the Greater Sydney Region Plan at a district level and is a bridge between regional and local planning. The District Plan is to inform the assessment of planning proposals and assists councils to plan for and support growth and change. The focus of the District Plan is on identifying the Planning Priorities to achieve a liveable, productive and sustainable future for the District.

The relevant Planning Priorities to this Planning Proposal are addressed in the following table.

Planning Priority	Comment
<b>Liveability</b>	
Planning Priority W4: Fostering healthy, creative,	The WCDP notes that many educational and community facilities, social enterprises, community initiatives, clubs and sporting organisations and facilities connect people with one another.

culturally rich and socially connected communities	<p>These social connectors help foster healthy, culturally rich and networked communities that share values and trust and can develop resilience to shocks and stress. The WCDP recognises that the co-location of social infrastructure with daily needs and other services helps build connections.</p> <p>Action 11 of the Plan is to Deliver healthy, safe and inclusive places for people of all ages and abilities that support active, resilient and socially connected communities by:</p> <ol style="list-style-type: none"> <li>providing walkable places at a human scale with active street life</li> <li>prioritising opportunities for people to walk, cycle and use public transport</li> <li>co-locating schools, health, aged care, sporting and cultural facilities</li> <li>promoting local access to healthy fresh food and supporting local fresh food production</li> </ol> <p>The objective of the Planning Proposal is to facilitate the feasible redevelopment of the site to enable the owner of the site, AFFORD, to provide support services for people with a disability within a mixed-use development. The support services that may be provided by AFFORD on the site include:</p> <ul style="list-style-type: none"> <li>Supported Independent Living</li> <li>Day Programs</li> <li>Allied Health</li> <li>Multi-purpose Training</li> <li>Afford administration</li> </ul> <p>The residential accommodation provided by AFFORD is to be distributed throughout the residential component of the development rather than isolated to a single location within the development to encourage social interaction and diversity.</p>
Planning Priority W5: Providing housing supply, choice and affordability with access to jobs, services and public transport	<p>The WCDP identifies a housing target for Penrith Local Government area of 6,600 dwellings between 2016-2021. The WCDP indicates the five-year targets are minimum targets and largely reflect delivery potential under current controls. The Plan indicates that each Council is to develop 6-10 year housing targets through a housing strategy.</p> <p>The LSPS which was prepared by Council after the WCDP was released estimates there will be a demand for 7,000 homes between 2016 and 2021, 6,000 homes between 2021 and 2026 and 11,000 homes between 2026 and 2036.</p> <p>The WCDP also indicates that opportunities for the provision of housing should be in urban renewal areas including areas with accessibility to jobs and regional transport.</p> <p>The Planning Proposal facilitates the provision of approximately 455 new dwellings within the Penrith City Centre which will contribute to meeting the Penrith housing targets in a highly accessible location, close to public transport, jobs and services.</p> <p>The EIA prepared by HILL PDA demonstrates that the Planning Proposal will maintain sufficient employment floor space on the site to accommodate the additional residents within the development and the anticipated growth in the demand for</p>



	employment floor space in the Penrith CBD. Further detail is provided in this report under the discussion of the Penrith Employment Lands Study 2021.
Planning Priority W6: Creating and renewing great places and local centres and respecting the District's heritage	<p>The WDCP outlines a preference for place-based planning with high quality, community-specific and place-based outcomes.</p> <p>The Planning Proposal will facilitate the renewal of the site which is currently underutilised, improve the interface of development on the site with the public domain and provide a positive contribution to the amenity and vibrancy of the City Centre.</p>
<b>Productivity</b>	
Planning Priority W9: Growing and strengthening the metropolitan cluster	<p>The WDCP outlines a series of actions for each of the cities that form the Metropolitan City Cluster including Greater Penrith (which includes the Penrith City Centre). Relevant actions for Greater Penrith that apply to this Planning Proposal include:</p> <ul style="list-style-type: none"> <li>• Support the transformation of the City Centre to grow to its ultimate potential.</li> <li>• Support and enhance a viable commercial core.</li> <li>• Facilitate the attraction of a range of uses that contribute to an active and vibrant City Centre</li> <li>• Activate primary and secondary streets and deliver contemporary urban public spaces</li> <li>• Promote urban living by improving amenity within the City Centre and activating public spaces</li> </ul> <p>The Planning Proposal responds to these actions by:</p> <ul style="list-style-type: none"> <li>• Responding to current market conditions and feasibility challenges by providing the opportunity to redevelop, activate and revitalise the Penrith City Centre.</li> <li>• Allowing the introduction of residential accommodation on the site to respond to market demand at the same time as ensuring adequate commercial land area remains available in the Commercial Core.</li> <li>• Maintaining the incentive for the provision of 'community infrastructure' on the site.</li> </ul>

#### **4. Is the Planning Proposal consistent with a Council's LSPS that has been endorsed by the Planning Secretary or GSC, or another endorsed local strategy or strategic plan?**

##### **Penrith Local Strategic Planning Statement**

The proposal's consistency with the Penrith Local Strategic Planning Statement is addressed above under 'Section A – Need for the Planning Proposal'.

##### **Penrith Community Strategic Plan**

The Penrith 2036+ Community Strategic Plan (CSP) identifies the shared vision, aspirations and values of the community and its desired outcomes to inform long term planning and the strategies to achieve them. The Plan identifies the following five outcomes:

- Outcome 1 – We protect and enhance an ecologically sustainable environment
- Outcome 2 – We are welcoming, healthy, happy, creative and connected
- Outcome 3 – We plan and shape our growing city
- Outcome 4 – We manage and improve our built environment
- Outcome 5 – We have open and collaborative leadership

The relevant outcomes to the Planning Proposal are addressed below.

<b>Outcome 1 - We protect and enhance an ecologically sustainable environment</b>	
Strategy 1.2 Strengthen sustainability and climate resilience	A Flooding Assessment and Stormwater Management report has been undertaken by J.Wyndham Prince, which examines the impact of flooding on the residents and workers of a future development on the site. Climate change and flood risk at the site was assessed and flood evacuation requirements have been considered.
<b>Outcome 2 - We are welcoming, healthy, happy, creative and connected</b>	
2.2 Enhance community wellbeing, safety and neighbourhood amenity	The Planning Proposal will allow for AFFORD, the owner of the site, to redevelop the site and provide a range of support services for people with a disability in the City Centre.
<b>Outcome 3 – We plan and shape our growing city</b>	
3.1 Grow and support a thriving local economy	The Planning Proposal ensures that adequate non-residential floor space will be maintained in the City Centre to support job growth in Penrith and reduce the need for residents to travel out of the area for work. The Planning Proposal is consistent with the Employment Lands Study aim for a 1:1 job containment ratio for Penrith (one job for every resident worker in the LGA) as detailed further in this report under the discussion of the Employment Lands Study.
3.2 Undertake strategic planning that will ensure balanced growth and liveability	<p>The Local Housing Strategy notes that a range of housing types are needed to meet the community's needs and diverse budgets and lifestyles.</p> <p>The Planning Proposal will increase the diversity of housing in Penrith by providing housing in the form of apartments in the City Centre as an alternative to detached style housing or medium density housing in a suburban setting or in smaller centres. The Planning Proposal also permits a diverse range of housing in the city centre that includes seniors housing, boarding houses and group homes.</p>
<b>Outcome 4 – We manage and improve our built environment</b>	
4.3 Provide spaces and facilities that support opportunities for people to participate in recreational activities	A Draft VPA Letter of Offer accompanies the Planning Proposal which commits to providing 0.3 hectares of public open space on the site.

### **Penrith Delivery Program 2022-26 and Operational Plan 2022-23**

The Penrith Delivery Program 2022-26 and Operational Plan 2022-23 sets out Council's role in delivering the key outcomes identified in the Community Strategic Plan. The proposal's consistency with the relevant outcomes, strategies and actions identified in the Plan are addressed in the following table.

<b>Outcome 1 – We protect and enhance an ecologically sustainable environment</b>	
Strategy 1.2 Strengthen sustainability and climate resilience	A Flooding Assessment and Stormwater Management report has been undertaken by J.Wyndham Prince which examines the impact of flooding on the residents and workers of a future development on the site.
<b>Outcome 2 – We are welcoming, healthy, happy, creative and connected</b>	

Strategy 2.2 Enhance community wellbeing, safety and neighbourhood amenity	The Planning will deliver additional employment floor space in the centre whilst introducing a residential population that will support local businesses and contribute to a viable night-time economy. The Planning Proposal will also ensure the delivery of community infrastructure on the site (a public park). In this regard, the Planning Proposal will transform the site into a vibrant and inviting place.
<b>Outcome 3 – We plan and shape our growing city</b>	
Strategy 3.1 Grow and support a thriving local economy	The Planning Proposal seeks to facilitate a viable mix of uses on the site that will allow for redevelopment of Key Site 8 to proceed. The revitalisation of a Key Site in the City Centre will promote and stimulate further development in the centre.
<p>Strategy 3.2 Undertake strategic planning that will ensure balanced growth and liveability</p> <p>3.2.2 Facilitate appropriate land use outcomes for our city that are consistent with our Local Strategic Planning Statement</p> <p>3.2.6 Facilitate and plan for housing diversity and liveability</p>	<p>The Planning Proposal seeks to introduce residential accommodation as a permitted use on the site to allow for a viable mix of uses that will facilitate the redevelopment of Key Site 8. The Planning will deliver additional employment floor space in the centre whilst introducing a residential population that will support local businesses and contribute to a viable night-time economy. The Planning Proposal will also ensure the delivery of community infrastructure on the site (a public park). In this regard, the Planning Proposal will transform the site into a vibrant and inviting place.</p> <p>The Local Housing Strategy seeks to encourage housing diversity, particularly housing for seniors and affordable housing.</p> <p>The Planning Proposal will increase the diversity of housing in Penrith by providing housing in the form of apartments in the City Centre as an alternative to detached style housing or medium density housing in a suburban setting or in smaller centres. The Planning Proposal also permits a diverse range of housing in the city centre that includes seniors housing, boarding houses and group homes.</p> <p>The Planning Proposal is consistent with the LSPS as it relates to the Penrith City Centre, which indicates the Proposal is consistent with the desired character of the Penrith City Centre.</p>

## Local Housing Strategy

The Penrith Local Housing Strategy (LHS) was adopted by Council on 22 August 2022. The LHS guides housing change in Penrith City over a period of 20 years. In response to metropolitan strategic planning directions and targets within the Western City District Plan, the Strategy sets out an integrated, municipal-wide framework for land use planning that forms the basis for contemporary, evidence-based policy directions to manage housing change and growth up to 2036.

The LHS supports the delivery of 26,000 to 36,000 additional dwellings in Penrith LGA by 2036 to meet the needs of the rapidly growing population. The Strategy seeks to focus new housing in transit-



oriented neighbourhoods within walkable catchments of existing and planned rail stations including Penrith) in order to maximum access to jobs and services and minimise environmental impacts of housing development. (Priority A - Action 3). The LHS notes that locating housing in the Penrith City Centre will provide homes closer to jobs, allowing residents to reduce travel times and benefit from increased time for recreation, family and friends.

The Planning Proposal is entirely consistent with Priority A in that it will deliver housing in the Penrith City Centre, within walking distance of Penrith railway station.

### ***Housing diversity***

Priority B - Action 4 is the delivery of a diversity of high-quality housing types throughout the Penrith LGA to meet the needs of all households, regardless of size, age, culture, affluence and physical and mental health requirements. Action 5 is to provide housing suited to those with diverse needs including housing for people with disabilities, older people and large multi-generational households.

Consistent with the Priority B, and the specific actions identified in the LHS, the Planning Proposal is supported by a Draft VPA Letter of Offer that ensures a minimum of 15% of the total number of dwellings on the site will be either housing for seniors or housing for people with a disability.

The LHS observes that Council needs a robust infrastructure contributions framework and a program to deliver improved local infrastructure (particularly parks, streetscape improvements and community facilities) to ensure that as these centres transform to a more mixed use and higher density character, the amenities and services needed to support higher density living are delivered. In some instances, high-density developments will be able to deliver in-kind contributions as part of development proposals, such as parks, streetscape improvements, through-site links and/or community facilities. The Planning Proposal is supported by a Draft VPA Letter of Offer that ensures 0.3 hectares of public open space will be delivered on the site, to ensure that adequate open space is provided for future residents.

### ***Housing Affordability***

The LHS notes that while the median price of housing is low by Metropolitan Sydney standards, income levels are also lower on average, and highly variable, meaning that for some segments of the population and in some locations, affordability pressures are more acute. This indicates an ongoing need for affordable rental housing and improved housing affordability in the area.

Priority C - Action 6 is to deliver affordable housing to accommodate local workers and those in low to moderate income groups while also working with the NSW Government to maintain and deliver and appropriate supply of social housing.

Consistent with Priority C the Planning Proposal is supported by a Draft VPA Letter of Offer that ensures at least 5% of the dwellings on the site will be affordable housing. The Draft VPA Letter of Offer also commits to the affordable housing dwellings being a mix of 1, 2 and 3 bedroom dwellings.

### **Penrith Employment Lands Strategy**

Penrith's Employment Lands Strategy (ELS) was adopted by Council on 25 October 2021. The ELS notes that Council has made a direct investment of \$300 million in the revitalisation of Penrith CBD to 2026 to attract more knowledge intensive businesses and jobs to the centre.

Based on State Government population projections for 2019, Penrith will reach a population of 370,000 by 2041. The Employment Lands Strategy promotes a job containment ratio of 1:1 (being the ratio of jobs to working residents in the Penrith LGA) to ensure the number of local jobs keeps pace with the growth in resident workers.

As the Penrith City Centre is a key location for employment in the LGA, containing 16% of jobs in the LGA, the number of jobs in the City Centre will need to increase by 8,006 to achieve the job containment ratio.

To achieve the job containment ratio of 1:1 and meet Council's targets for the retention of employment land under the ELS, Council has calculated that a minimum of 1,095 jobs must be provided on the site as summarised in the following table.

<b>Summary of Job Target Calculations for 61-79 Henry Street, Penrith</b>		
Net Theoretical floorspace capacity in B3 zones in Penrith City Centre	381,150 m2	Difference between maximum development capacity under FSR controls and existing FSR.
Percentage of CBD net capacity in 61-79 Henry Street site	13.67%	52,114 m2 (Base FSR for the site minus existing floor space) divided by 381,150 m2
Extra jobs required in CBD to achieve job containment ratios	8,006 jobs	109,000 x 16%  (Penrith City Centre is a key employment location in the LGA containing 16% of the jobs in the LGA)
Extra jobs required in 61-79 Henry St	1,095 jobs	8,006 x 13.67%

The EIA prepared by Hill PDA indicates that the Planning Proposal will result in the potential for up to 32,310m<sup>2</sup> of employment-generating floor space and states that this may then generate up to 1,370 jobs, which exceeds the target calculated by Council by 275 jobs.

This indicates that sufficient floor space capacity will be retained to respond to Penrith's job targets within walkable distance of the Station.

It should be noted that the non-residential uses within the development that make up the employment generating floor space and will ultimately determine the number of jobs generated, and the mix of these uses, will be the subject of a future development application. Any uses identified in the Planning Proposal documentation to assist in estimating the number of jobs generated by a future development on the site (such as a supermarket, hotel and support services) are indicative uses only. As these uses are currently permissible in the zone, they are not secured through the proposed amendments.

As the site is located in the Penrith CBD and is within a walking distance of approximately 600 metres from Penrith Railway Station, the following two actions of the Penrith Employment Lands Strategy are relevant to the Planning Proposal:

- **Action 1:** Preserving commercial space in Penrith's main centres within walking distance to rail stations.

*"For Penrith City Centre, this will involve ensuring sufficient employment capacity is the commercial core is retained while balancing demand for residential development close to the centre. Greater concentration of employment within easy access to rail can help reduce car travel and traffic congestion."*

- **Action 11:** Establishing complementary roles for Penrith and St Marys as major commercial centres supporting knowledge jobs as well as population serving sectors.

*"Penrith CBD has long been a major service centre for outer western Sydney and should continue to build on its role as the major centre for civic, cultural and arts and commercial and retail services. The existing commercial area should be largely retained to allow Penrith to continue to function this way into the future."*

These two actions seek to preserve commercial floor space in the Penrith CBD to ensure sufficient employment capacity if maintained within walking distance of the railway stations.

The planning proposal, which permits residential development on the site as part of a mixed-use development, results in a theoretical reduction in the potential commercial floor space on the site.

The current controls permit an FSR of up to 5.5:1 for a non-residential development on the site which would equate to a GFA of 88,880 square metres. The Economic Impact Assessment prepared by Hill PDA estimates that the total commercial floor space demand in the Penrith City Centre would generate an additional demand of between 62,000 and 112,500 square metres GFA over the next 35 years. Based on this forecast it would be economically unjustifiable to provide 100% of the total GFA as commercial floor space as it would supply between 79% and 143% of the additional employment floorspace forecast demand for the Penrith Town Centre over the next 35 years. The EIA states that the outcome of this quantum of employment floorspace is likely to result in long term vacancies and undermine the performance of the city centre. As such, no future development of the site will provide the maximum quantum of commercial development permitted under the current controls.

The Planning Proposal therefore results in only a theoretical reduction in the potential commercial floor space on the site. In reality, it is not feasible, desirable or realistic to deliver the maximum commercial floor space permitted.

The Planning Proposal will incentivise the redevelopment of the site and the delivery of additional non-residential floor space within the centre, by permitting a viable mix of uses.

### **Penrith Cooling the City Strategy**

The objectives of the Penrith Cooling the City Strategy are:

- to maximise community awareness and understanding of the effects of heat and the importance of cooling the Penrith LGA.
- to encourage greater appreciation of green infrastructure and green spaces in the LGA and their cooling benefits.
- to implement the identified actions within the Strategy giving priority to heat vulnerable areas.
- to identify ways to adapt existing projects and activities that will work towards cooling the Penrith LGA, and identify new projects.

The Strategy sets out actions that can be taken to assist in managing urban heat including:

- Providing green infrastructure.
- Incorporating Water Sensitive Urban Design into developments
- Including urban heat island mitigation strategies in policies and regulations
- Increasing the use of reflective and light-coloured materials for roadways, walkways and roofs
- Community engagement

The actions set out in the Strategy will be largely addressed at the development application stage, following the detailed design of the development.

The Draft VPA Letter of Offer commits to providing 0.3 hectare of public open space on the site in accordance with Council's Sport and Recreation Strategy. This element of the design is provided in accordance with clause 8.7 of the LEP 2010 which provides an incentive for the provision of community infrastructure on the site.

The proposed provision of residential accommodation instead of commercial floor space does not hinder the achievement of the aims of the Cooling the City Strategy. The provision of communal open spaces for residents and smaller building footprints results in a greater area of green space on the site (at ground level and on the roof).

### **Penrith Night Time Economy Strategy**

The vision of the Penrith Night Time Economy Strategy is a night time economy which is safe, diverse and busy.

The site is not within one of the precincts identified in the plan for which the Strategy highlights specific issues, opportunities and actions.

The Planning Proposal requires a minimum of 2:1 floor space for non-residential uses which will allow for active uses to be provided at street level and provide opportunities for the provision of uses that will contribute to the night time economy.

The Planning Proposal will result in an increased residential population in the City Centre that will support the viability of businesses operating after business hours.

The additional residential population in the City Centre will also provide additional passive surveillance of the surrounding public domain to help reduce the opportunities for crime and reinforce feelings of safety (Consistent with Strategy 3 – Public domain safety and amenity).

The Strategy sets out actions related to public domain lighting, public domain safety and amenity, public domain infrastructure. These actions can be considered and complied with during the detailed design of the common areas and public open space within a future development application on the site.

### **Penrith Local Environmental Plan 2010**

The Penrith Local Environmental Plan 2010 prescribes the written provisions and mapped planning controls that are proposed to be amended by this Planning Proposal.

The proposed amendments will not result in any inconsistency with the provisions of the LEP 2010.

### **Penrith Development Control Plan 2014**

PDCP 2014 applies to the site. Section E11 of the PDCP 2014 sets out specific provisions of the Penrith City Centre.

The Site is within the Commercial Core precinct of the Penrith City Centre, as identified by Part 11.1.3 of the PDCP.

A mixed-use development on the site could be designed to comply with the relevant provisions of the DCP. As with any development, should a variation be sought to the provisions of the DCP the proposal must achieve the objectives of the standard to be varied.

## **5. Is the planning proposal consistent with any other applicable State and regional studies or strategies?**

The proposal is consistent with relevant State and regional strategies as detailed in this Planning Proposal.

## **6. Is the planning proposal consistent with applicable State Environmental Planning Policies?**

### **State Environmental Planning Policies**

The NSW Government has published a number of State Environmental Planning Policies (SEPPs) and Sydney Regional Environmental Plans (deemed SEPPs). These documents deal with matters of State or regional planning significance.

The Planning Proposal is consistent with applicable State Environmental Planning Policies (SEPPs), as demonstrated below as the proposal only seeks to add residential accommodation as a permitted use on the site.

The proposal's consistency with each applicable SEPP is summarised in the table below. Whilst some SEPPs are noted as being applicable in the following table as they apply to the site, they may not be relevant to the Planning Proposal or the type of development facilitated by the Planning Proposal.



SEPP Title	Applicable	Consistent
SEPP (Biodiversity and Conservation) 2021	Yes	Yes. The Planning Proposal does not require the removal of bushland. Any proposed removal of trees on the site or within the road reserve will be addressed in a future Development Application. The relevant provisions of the SEPP will be addressed in a future development application.
SEPP (Building Sustainability Index: BASIX) 2004	Yes	Yes. The Planning Proposal does not recommend the amendment of provisions relating to the building sustainability index. The relevant provisions of the SEPP will be addressed in a future development application.
SEPP (Exempt and Complying Development Codes) 2008	Yes	Yes. The Planning Proposal does not seek to amend the provisions of the SEPP.
SEPP (Housing) 2021	Yes	Yes. The Planning Proposal does not seek to amend the provisions of the SEPP. The relevant provisions of the SEPP will be addressed in a future development application.
SEPP (Industry and Employment) 2021	Yes	Yes. The Planning Proposal does not recommend the amendment of existing provisions relating to advertising and signage. The relevant provisions of the SEPP will be addressed in a future development application.
SEPP No 65—Design Quality of Residential Apartment Development	Yes	Yes. The Planning Proposal does not affect the application of the SEPP. The provisions of SEPP 65 and the ADG will be addressed in a future development application.
SEPP (Planning Systems) 2021	Yes	The Planning Proposal does not seek to amend the provisions of the SEPP.
SEPP (Precincts – Central River City) 2021	No	Not applicable.
SEPP (Precincts – Eastern Harbour City) 2021	No	Not applicable.
SEPP (Precincts – Regional) 2021	No	Not applicable.
SEPP (Precincts – Western Parkland City) 2021	Yes	The Planning Proposal does not seek to amend the provisions of the SEPP.
SEPP (Primary Production) 2021	No	Not applicable.

SEPP Title	Applicable	Consistent
SEPP (Resilience and Hazards) 2021	Yes	The Planning Proposal does not seek to amend the provisions of the SEPP. The relevant provisions of the SEPP will be addressed in a future development application.
SEPP (Transport and Infrastructure) 2021	Yes	The Planning Proposal does not seek to amend the provisions of the SEPP. The relevant provisions of the SEPP will be addressed in a future development application.

## 7. Is the Planning Proposal consistent with applicable Ministerial Directions?

### Section 9.1 Local Planning Directions

The Minister for Planning and Environment issues Local Planning Directions that councils must follow when preparing a planning proposal. The Directions cover the following broad categories:

- employment and resources,
- environment and heritage,
- housing, infrastructure, and urban development,
- hazard and risk,
- regional planning,
- local plan making.

It should be noted that the Local Planning Directions were updated on 1 March 2022. The new directions apply to planning proposals lodged with the Department of Planning, Industry and Environment on or after the date the particular direction issued and commenced. As this Planning Proposal was lodged with the Department prior to this date, and has received a Gateway determination, the directions addressed below are the relevant directions for this proposal.

An assessment of the Planning Proposal against the Local Planning Directions is provided in the table below.

Directions issued under Section 9.1	Comment
<b>1. Employment and Resources</b>	
<b>1.1 Business and Industrial Zones</b>	<p>This Direction applies when a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed business or industrial zone (including the alteration of any existing business or industrial zone boundary).</p> <p>The objectives of this Direction are to encourage employment growth in suitable locations, protect employment land in business and industrial zones, and support the viability of identified centres.</p> <p>The Direction provides that a planning proposal must:</p> <ul style="list-style-type: none"> <li>(a) give effect to the objectives of this Direction,</li> <li>(b) retain the areas and locations of existing business and industrial zones,</li> <li>(c) not reduce the total potential floor space area for employment uses and related public services in business zones,</li> </ul>

Directions issued under Section 9.1	Comment
	<p>(d) not reduce the total potential floor space area for industrial uses in industrial zones, and (e) ensure that proposed new employment areas are in accordance with a strategy that is approved by the Secretary of the Department of Planning and Environment</p> <p>The Direction allows for a planning proposal to be inconsistent with the terms of the Direction if the provisions of the planning proposal that are inconsistent are justified by a strategy of study that gives consideration to the objectives of the Direction or are of minor significance.</p> <p>This Direction applies to the Planning Proposal as it affects land zoned B3 Commercial Core. As no change is proposed to the zoning of the site, the proposal is consistent with consideration (b).</p> <p>Consideration (c) states that the development should not reduce the total potential floor space area of employment uses and related public services.</p> <p><i>Theoretical reduction in floor space</i></p> <p>The current controls permit an FSR of up to 5.5:1 for a non-residential development on the site which would equate to a GFA of 88,880 square metres. The Economic Impact Assessment prepared by Hill PDA estimates that the total commercial floor space demand in the Penrith City Centre would generate an additional demand of between 62,000 and 112,500 square metres GFA over the next 35 years. Based on this forecast it would be economically unjustifiable to provide 100% of the total GFA as commercial floor space as it would supply between 79% and 143% of the additional employment floorspace forecast demand for the Penrith Town Centre over the next 35 years. The EIA states that the outcome of this quantum of employment floorspace is likely to result in long term vacancies and undermine the performance of the city centre.</p> <p>The current controls allow for a quantum of commercial floor space on the site that far exceeds the demand for employment floor space in the centre over the next 35 years using one employment floor space demand forecast approach and nearly 80% of the forecast demand using a second approach. Council's own demand analysis estimates there is only a commercial floorspace deficit of 81,471 square metres which is less than is currently permitted on the site. As such, no future development of the site will provide the maximum quantum of commercial development permitted under the current controls.</p> <p>The Planning Proposal therefore results in only a theoretical reduction in the potential commercial floor space on the site. In reality, it is not feasible, desirable or realistic to deliver the maximum commercial floor space permitted. Further without the proposed amendments to the LEP, no</p>

Directions issued under Section 9.1	Comment															
	<p>additional employment floor space will be delivered on the site as it is not economically feasible to redevelop the site.</p> <p>The Planning Proposal provides for a minimum 22,210 square metre GFA net increase of non-residential floorspace which will capture 9% of the stated floor space demand until 2041 and 40% of the stated theoretical floorspace deficit based on the analysis undertaken by Council. The delivery of this would fall within the 5–10 year timeframe (subject to net absorption) and is considered an equitable distribution of commercial floor space for the eastern end of the CBD.</p> <p><i>Adequacy of employment floor space proposed</i></p> <p>The Employment Lands Strategy promotes a job containment ratio of 1:1 (being the ratio of jobs to working residents in the Penrith LGA) to ensure the number of local jobs keeps pace with the growth in resident workers.</p> <p>As the Penrith City Centre is a key location for employment in the LGA, containing 16% of jobs in the LGA, the number of jobs in the City Centre will need to increase by 8,006 to achieve the job containment ratio.</p> <p>To achieve the job containment ratio of 1:1 and meet Council's targets for the retention of employment land under the ELS, Council has calculated that a minimum of 1,095 jobs must be provided on the site as summarised in the following table.</p> <table><tr><th colspan="3">Summary of Job Target Calculations for 61-79 Henry Street, Penrith</th></tr><tr><td>Net Theoretical floorspace capacity in B3 zones in Penrith City Centre</td><td>381,150 m2</td><td>Difference between maximum development capacity under FSR controls and existing FSR.</td></tr><tr><td>Percentage of CBD net capacity in 61-79 Henry Street site</td><td>13.67%</td><td>52,114 m2 (Base FSR for the site minus existing floor space) divided by 381,150 m2</td></tr><tr><td>Extra jobs required in CBD to achieve job containment ratios</td><td>8,006 jobs</td><td>109,000 x 16%  (Penrith City Centre is a key employment location in the LGA containing 16% of the jobs in the LGA)</td></tr><tr><td>Extra jobs required in 61-79 Henry St</td><td>1,095 jobs</td><td>8,006 x 13.67%</td></tr></table> <p>The EIA prepared by Hill PDA indicates that the Planning Proposal will result in the potential for up to 32,310m<sup>2</sup> of</p>	Summary of Job Target Calculations for 61-79 Henry Street, Penrith			Net Theoretical floorspace capacity in B3 zones in Penrith City Centre	381,150 m2	Difference between maximum development capacity under FSR controls and existing FSR.	Percentage of CBD net capacity in 61-79 Henry Street site	13.67%	52,114 m2 (Base FSR for the site minus existing floor space) divided by 381,150 m2	Extra jobs required in CBD to achieve job containment ratios	8,006 jobs	109,000 x 16%  (Penrith City Centre is a key employment location in the LGA containing 16% of the jobs in the LGA)	Extra jobs required in 61-79 Henry St	1,095 jobs	8,006 x 13.67%
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Directions issued under Section 9.1	Comment
	<p>employment-generating floor space and states that this may then generate up to 1,370 jobs, which exceeds the target calculated by Council by 275 jobs.</p> <p>This indicates that sufficient floor space capacity will be retained to respond to Penrith's job targets within walkable distance of the Station.</p> <p><i>Social and Community Benefits</i></p> <p>Whilst the Planning Proposal may result in a theoretical reduction in employment floorspace, the Proposal will deliver significant social and community benefits which will be secured through a VPA. 15% of the dwellings within a future development will be housing for seniors or people with a disability. 5% of the dwellings will be affordable housing. A VPA will also secure the provision of public open space that has a minimum area of 0.3 hectares.</p> <p><i>Conclusion</i></p> <p>The Planning Proposal seeks to amend the current controls to ensure an appropriate quantum of non-residential floor space is provided on the site whilst allowing residential development which is necessary to support the redevelopment of the site by AFFORD and the delivery of additional commercial floor space. Without the proposed amendments to the LEP, no additional employment floor space will be delivered on the site.</p> <p>Overall, the development will represent a significant investment in the City Centre which can stimulate and attract further investment and provide sufficient jobs to ensure Penrith can meet the 1:1 job containment target. In this regard the Planning Proposal is consistent with the objectives of the Direction.</p>
<b>1.2 Rural Zones</b>	<p>This Direction applies when a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed rural zone (including the alteration of any existing rural zone boundary). This Direction is not applicable to the Planning Proposal as the site is not located within a rural zone.</p>
<b>1.3 Mining, Petroleum Production and Extractive Industries</b>	<p>This Direction applies when a relevant planning authority prepares a planning proposal that would have the effect of:</p> <p>(a) prohibiting the mining of coal or other minerals, production of petroleum, or winning or obtaining of extractive materials, or</p> <p>(b) restricting the potential development of resources of coal, other minerals, petroleum or extractive materials which are of State or regional significance by permitting a land use that is likely to be incompatible with such development.</p> <p>This Direction is not applicable to the Planning Proposal.</p>
<b>1.4 Oyster Aquaculture</b>	<p>This Direction applies when a relevant planning authority prepares any planning proposal that proposes a change in land use which could result in:</p>

<b>Directions issued under Section 9.1</b>	<b>Comment</b>
	<p>(a) adverse impacts on a Priority Oyster Aquaculture Area or a “current oyster aquaculture lease in the national parks estate”; or</p> <p>(b) incompatible use of land between oyster aquaculture in a Priority Oyster Aquaculture Area or a “current oyster aquaculture lease in the national parks estate” and other land uses.</p> <p>This Direction is not applicable to the Planning Proposal.</p>
<b>1.5 Rural Lands</b>	<p>This Direction applies when:</p> <p>(a) a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed rural or environment protection zone (including the alteration of any existing rural or environment protection zone boundary) or</p> <p>(b) a relevant planning authority prepares a planning proposal that changes the existing minimum lot size on land within a rural or environment protection zone.</p> <p>This Direction is not applicable to the Planning Proposal.</p>
<b>2. Environment and Heritage</b>	
<b>2.1 Environment Protection Zones</b>	<p>This Direction applies when a relevant planning authority prepares a planning proposal.</p> <p>The Planning Proposal is consistent with this Direction as the proposal will not alter existing provisions relating to environmentally sensitive lands or environmental protection zones.</p>
<b>2.2 Coastal Management</b>	<p>This Direction applies when a relevant planning authority prepares a planning proposal that applies to land in the coastal zone. This Direction is not applicable to the Planning Proposal</p>
<b>2.3 Heritage Conservation</b>	<p>This Direction applies when a relevant planning authority prepares a planning proposal.</p> <p>The objective of this Direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.</p> <p>The Planning Proposal does not seek to alter the provisions of the LEP 2010 that facilitate the conservation of items, areas, objects and places of environmental heritage significance and indigenous heritage significance.</p> <p>The Due Diligence Aboriginal Heritage Assessment prepared by Coast History and Heritage has found that the proposed LEP amendment will not have any physical effect and will not impact Aboriginal heritage.</p> <p>The Planning Proposal will not result in an adverse impact on the heritage items in the vicinity of the site as detailed in the Preliminary Historical Heritage Assessment prepared by Coast History and Heritage. This issue is addressed in detail in Part C of this report.</p>
<b>2.4 Recreation Vehicle Areas</b>	<p>The Planning Proposal is consistent with this Direction as it does not include any provisions relating to a recreation vehicle area.</p>

Directions issued under Section 9.1	Comment
<b>2.5 Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs</b>	This Direction applies to the local government areas of Ballina, Byron, Kyogle, Lismore and Tweed. This Direction is not applicable to the Planning Proposal.
<b>2.6 Remediation of contaminated land</b>	This Direction applies when residential development is proposed on land where it could have previously been used for activity that has potential to contaminate the land. The Direction requires the planning proposal authority to consider the findings of a preliminary investigation of the land carried out in accordance with the contaminated land planning guidelines prior to supporting the provision of residential development on the site. The planning proposal is supported by a Preliminary Contamination Assessment (PCA) by Geotechnique Pty Ltd that concludes the site is suitable for a mixed-use development subject to the implementation of the specific recommendations of the PCA.
<b>3. Housing, Infrastructure and Urban Development</b>	
<b>3.1 Residential Zones</b>	<p>This Direction applies when a relevant planning authority prepares a planning proposal that will affect land within:</p> <ul style="list-style-type: none"> <li>(a) an existing or proposed residential zone (including the alteration of any existing residential zone boundary),</li> <li>(b) any other zone in which significant residential development is permitted or proposed to be permitted.</li> </ul> <p>This Direction aims to encourage a variety and choice of housing types, make efficient use of existing infrastructure and services, and minimise the impact of residential development on the environment and resource lands.</p> <p>A planning proposal must include provisions that encourage the provision of housing that will:</p> <ul style="list-style-type: none"> <li>(a) broaden the choice of building types and locations available in the housing market, and</li> <li>(b) make more efficient use of existing infrastructure and services, and</li> <li>(c) reduce the consumption of land for housing and associated urban development on the urban fringe, and</li> <li>(d) be of good design.</li> </ul> <p>This Direction applies as residential accommodation is proposed as an additional permitted use on the site. The Planning Proposal is consistent with this Direction as it will increase housing diversity and choice in the Penrith LGA and provide housing in an accessible location that is serviced by existing infrastructure.</p> <p>The Planning Proposal will assist in reducing the demand for housing on the urban fringe by providing high density residential development in an established centre.</p> <p>Clause 8.4 of the LEP applies to land in the Penrith City Centre. In accordance with clause 8.4 of the PLEP future development on the site is required to exhibit design excellence and will require an architectural design competition to be held in relation to the development. The application of this clause will ensure a future mixed-use</p>

Directions issued under Section 9.1	Comment
	<p>development on the site (that includes residential accommodation) will achieve design excellence.</p> <p>The Direction also provides that a planning proposal must, in relation to land to which this direction applies:</p> <p>(a) contain a requirement that residential development is not permitted until land is adequately serviced (or arrangements satisfactory to the council, or other appropriate authority, have been made to service it), and</p> <p>(b) not contain provisions which will reduce the permissible residential density of land.</p> <p>The land can be adequately serviced as detailed in the Utilities Infrastructure Report included as Appendix 9. Further information to demonstrate adequate sewer and water services will be provided will be submitted post Gateway Determination after consultation with Sydney Water.</p> <p>The Proposal does not contain provisions that will reduce the permissible residential density of land.</p>
<b>3.2 Caravan Parks and Manufactured Home Estates</b>	The Planning Proposal is consistent with this Direction as the Planning Proposal does not affect any provisions for caravan parks or manufactured home estates.
<b>3.3 Home Occupations</b>	This Direction applies when a relevant planning authority prepares a planning proposal. The Direction states that Planning Proposals must permit home occupations to be carried out in dwellings houses without the need for development consent. It would not be feasible or consistent with the objectives of the zone to construct a dwelling house on the site as such it is not necessary to include home occupations as an additional permitted use.
<b>3.4 Integrating Land Use and Transport</b>	<p>This Direction applies when a relevant planning authority prepares a planning proposal that will create, alter or remove a zone or a provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes.</p> <p>In accordance with the direction a planning proposal must locate zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives and principles of:</p> <p>(a) <i>Improving Transport Choice – Guidelines for planning and development</i> (DUAP 2001), and</p> <p>(b) <i>The Right Place for Business and Services – Planning Policy</i> (DUAP 2001).</p> <p>The <i>Improving Transport Choice – Guidelines</i> provide advice on how the development industry, state agencies, other transport providers, and the community can:</p> <ul style="list-style-type: none"> <li>• better integrate land use and transport planning and development</li> <li>• provide transport choice and manage travel demand to improve the environment, accessibility and liveability.</li> </ul>



Directions issued under Section 9.1	Comment
	<p>Principles 1 and 2 of <i>Improving Transport Choice – Guidelines</i> for planning and development are most relevant to the Planning Proposal.</p> <p>The Planning Proposal is consistent with Principle 1 of 'Improving Transport Choice' as it seeks to develop concentrated centres containing the highest appropriate densities of housing, employment, services and public facilities within an accessible walking distance of major public transport nodes. The Planning Proposal seeks to adjust the uses that are permitted on site to meet the demand for employment and residential floor space in the Penrith City Centre.</p> <p>Principle 2 is to encourage a mix of housing, employment services, public facilities and other compatible land uses in accessible centres. The Planning Proposal will allow for a diverse range of uses to be provided on the site, which is in a highly accessible location, 600 metres from Penrith Railway Station.</p> <p><i>The Right Place for Business and Services – Planning Policy</i> plans for a better arrangement of land uses in support of centres and the transport systems which serve them.</p> <p>The Planning Proposal does not seek to alter the zoning of the site, it merely seeks to facilitate the provision of additional employment floor space on the site by permitting a viable mix of uses. The Planning Proposal requires a minimum 2:1 non-residential floor space to be provided on the site to protect employment land in the City Centre.</p> <p>The Planning Proposal is consistent with this Direction and the DUAP (now DPE) guidelines and policies as the Planning Proposal seeks to facilitate development in the City Centre that will deliver additional employment floor space in an accessible location and provide housing in a location that is close to jobs and public transport.</p>
<b>3.5 Development Near Licensed Aerodromes</b>	This Direction applies when a relevant planning authority prepares a planning proposal that will create, alter or remove a zone or a provision relating to land in the vicinity of a licensed aerodrome. This Direction is not applicable to the Planning Proposal.
<b>3.6 Shooting Ranges</b>	This Direction applies when a relevant planning authority prepares a planning proposal that will affect, create, alter or remove a zone or a provision relating to land adjacent to and/ or adjoining an existing shooting range. This Direction is not applicable to the Planning Proposal.
<b>3.7 Reduction in non-hosted short-term rental accommodation period</b>	Not applicable.
<b>4. Hazard and Risk</b>	
<b>4.1 Acid Sulfate Soils</b>	This Direction applies when a relevant planning authority prepares a planning proposal that will apply to land having a probability of containing acid sulfate soils as shown on the Acid Sulfate Soils Planning Maps.

Directions issued under Section 9.1	Comment
	<p>This Direction is not applicable to the Planning Proposal as the site is not shown on an Acid Sulfate Soils Planning Map as a site that has a probability of containing Acid Sulfate Soils.</p>
<p><b>4.2 Mine Subsidence and Unstable Land</b></p>	<p>This Direction applies when a relevant planning authority prepares a planning proposal that permits development on land that:</p> <ul style="list-style-type: none"> <li>(a) is within a mine subsidence district, or</li> <li>(b) has been identified as unstable in a study, strategy or other assessment undertaken:</li> <li>(i) by or on behalf of the relevant planning authority, or</li> <li>(ii) by or on behalf of a public authority and provided to the relevant planning authority.</li> </ul> <p>This Direction is not applicable to the Planning Proposal.</p>
<p><b>4.3 Flood Prone Land</b></p>	<p>This Direction applies when a relevant planning authority prepares a planning proposal that creates, removes or alters a zone or a provision that affects flood prone land.</p> <p>The site is not affected by the Nepean River Probable Maximum Flood. The site is affected by overland flows.</p> <p>A Flood Assessment and Stormwater Management report prepared by J Wyndham Prince accompanies the Planning Proposal (Appendix 10). The Flood Assessment and Stormwater Management report provides the following summary of the flood hazard affecting the site:</p> <p><i>The Penrith CBD Flood Risk Management Study and Plan (Molino Stewart, 2020) indicates that the existing flood hazard at the site in the 1% AEP event is predominantly a low H1 or H2 category, with some isolated areas of H3 hazard. It is anticipated that the proposed redevelopment will reduce the flood hazard to a H1 or H2 hazard classification in the 1% AEP event.</i></p> <p><i>The Penrith CBD Flood Risk Management Study and Plan (Molino Stewart, 2020) indicates that the subject Site is not affected by Nepean River flooding (MS, 2020). However, in an extreme local PMF event the flood hazard surrounding the Subject Site is a H5 category. Notwithstanding, the scale of the proposed development lends itself to a design which could withstand the forces of floodwater and buoyancy effects, with all residential areas together with a safe haven for itinerant patrons located above the PMF level.</i></p> <p><i>The flash flood nature of a local PMF event is such that the high hazard external to the building lasts for less than one (1) hour, and with limited warning time means that evacuation of the site is unlikely to be a safe option, rather a shelter on site strategy would be more appropriate, provided that an accessible safe refuge is provided above the PMF level. Notwithstanding, flood safe access and evacuation to a flood free area in the PMF event is feasible via North Street to the Evan Street Overpass.</i></p>

<b>Directions issued under Section 9.1</b>	<b>Comment</b>
	<p>The Flood Assessment and Stormwater Management report submitted with the application demonstrates that any future development on the site can be designed to be consistent with the relevant provisions of LEP 2010 and PDCP 2014 related to flooding and stormwater and these issues will be considered during the assessment of any future development application.</p> <p>The Gateway determination requires consultation with the Department of Planning Environment which will occur prior to the finalisation of the Planning Proposal.</p> <p>For these reasons the Planning Proposal is consistent with this Direction.</p>
<b>4.4 Planning for Bushfire Protection</b>	This Direction applies when a relevant planning authority prepares a planning proposal that will affect, or is in proximity to, land mapped as bushfire prone land. The site is not identified as Bushfire Prone Land on the Penrith City Council Bushfire Prone Land Map.
<b>5. Regional Planning</b>	
<b>5.1 Implementation of Regional Strategies</b>	This Direction is not applicable to the Planning Policy.
<b>5.2 Sydney Drinking Water Catchments</b>	This Direction applies when a relevant planning authority prepares a planning proposal that applies to land within the Sydney drinking water catchment. This Direction is not applicable.
<b>5.3 Farmland of State and Regional Significance on the NSW Far North Coast</b>	This Direction is not applicable to the Planning Proposal.
<b>5.4 Commercial and Retail Development along the Pacific Highway, North Coast</b>	This Direction is not applicable to the Planning Proposal.
<b>5.5 Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)</b>	Revoked 18 June 2010
<b>5.6 Sydney to Canberra Corridor</b>	Revoked 10 July 2008
<b>5.7 Central Coast</b>	Revoked 10 July 2008
<b>5.8 Second Sydney Airport: Badgerys Creek</b>	Revoked 20 August 2018
<b>5.9 North West Rail Link Corridor Strategy</b>	This Direction is not applicable to the Planning Proposal.
<b>5.10 Implementation of Regional Plans</b>	The Planning Proposal is consistent with this Direction and the Greater Sydney Region Plan as detailed in this this report.
<b>5.11 Development of Aboriginal Land Council land</b>	This Direction is not applicable to the Planning Proposal.
<b>6. Local Plan Making</b>	
<b>6.1 Approval and Referral Requirements</b>	<p>The objective of this Direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.</p> <p>In accordance with the Direction the Planning Proposal does not include provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority. Further the Proposal does not identify future development on the site as designated development.</p>

<b>Directions issued under Section 9.1</b>	<b>Comment</b>
<b>6.2 Reserving Land for Public Purposes</b>	The Planning Proposal does not create, alter or reduce existing zonings or reservations of land for public purposes.
<b>6.3 Site Specific Provisions</b>	<p>This Direction aims to discourage unnecessarily restrictive site-specific development controls. The Direction applies when a relevant planning authority prepares a Planning Proposal that will allow a particular development to be carried out.</p> <p>The Planning Proposal is consistent with this Direction as although it will introduce a site-specific clause, this clause is not restrictive. The additional permitted use clause that permits residential accommodation on the site will facilitate the redevelopment of Key Site 8. No changes are proposed to the development standards already contained in the environmental planning instrument.</p>
<b>7. Metropolitan Planning</b>	
<b>7.1 Implementation of A Plan for Growing Sydney</b>	In March 2018 the <i>Greater Sydney Region Plan - A Metropolis of Three Cities</i> was released. The Plan sets a 40-year vision to 2056 and establishes a 20-year plan to manage growth and change for Greater Sydney. The Plan informs district and local plans and the assessment of planning proposals. The Plan applies to the Greater Sydney Region and sets the planning framework for the five districts which make up the region. Penrith is within the Western City District of the Greater Sydney Region. The Planning Proposal is consistent with the Metropolitan Strategy as detailed in Section B of this report.
<b>7.2 Implementation of Greater Macarthur Land Release Investigation</b>	This Direction is not applicable to the Planning Proposal.
<b>7.3 Parramatta Road Corridor Urban Transformation Strategy</b>	This Direction is not applicable to the Planning Proposal.
<b>7.4 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan</b>	This Direction is not applicable to the Planning Proposal.
<b>7.5 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Plan</b>	This Direction is not applicable to the Planning Proposal.
<b>7.6 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan</b>	This Direction is not applicable to the Planning Proposal.
<b>7.7 Implementation of Glenfield to Macarthur Urban Renewal Corridor</b>	This Direction is not applicable to the Planning Proposal.
<b>7.8 Implementation of Western Sydney Aerotropolis Interim Land Use and Infrastructure Implementation Plan</b>	<p>This Direction applies to Penrith City Council and applies when a planning proposal is prepared for land within the Western Sydney Aerotropolis and land affected by the obstacle limitation surface and ANEF contours for Western Sydney Airport.</p> <p>The land affected by the Planning Proposal is not within the Western Sydney Aerotropolis and does not seek to change the maximum height permitted on the site.</p>
<b>7.9 Implementation of Bayside West Precincts 2036 Plan</b>	This Direction is not applicable to the Planning Proposal.
<b>7.10 Implementation of Planning Principles for the Cooks Cove Precinct</b>	This Direction is not applicable to the Planning Proposal.



## Section C – Environmental, Social and Economic Impacts

### **8. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affect as a result of the proposal?**

The Planning Proposal only seeks to modify the permitted uses on the site. No changes are proposed to the intensity of development permitted on the site. As such the Planning Proposal will not result in any adverse impact on critical habitat or threatened species, populations or ecological communities, or their habitats.

Notwithstanding this a Due Diligence Report for Flora and Fauna and Bushfire has been prepared by Abel Ecology. The report concludes that no threatened flora or fauna were recorded on the site during survey work. Some flora species known to be part of the Critically Endangered Ecological Community Cumberland Plain Woodland were recorded during the site survey, it is unknown if these plants are remnant of planted individuals.

It is not anticipated that the future redevelopment of the site will have any adverse ecological impacts however a detailed assessment of impacts will be undertaken for a future development application.

### **9. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?**

#### **Contamination**

A Preliminary Contamination Assessment (PCA) has been undertaken by Geotechnique (Appendix 12). The scope of work for the PCA included site reconnaissance, review of site history information and geological maps, limited borehole drilling, soil sampling and testing and the preparation of the report. All the laboratory test results satisfied the criteria for stating that the analytes testing are either not present or present in the sampled soil at concentrations that do not pose a risk of hazard to human health of the environment. The PCA concludes that the site is suitable for the proposed mixed-use development subject to the implementation of the recommendations of the report. The issue will also be addressed in detailed in any future development application.

#### **Traffic, Access and Parking**

A Transport Impact Assessment (TIA) has been prepared by Stantec (Appendix 3), which outlines the estimated traffic generation of a potential mixed-use development on the site that includes residential accommodation. The TIA also considers the parking requirements of such a development and potential vehicular access points to the site.

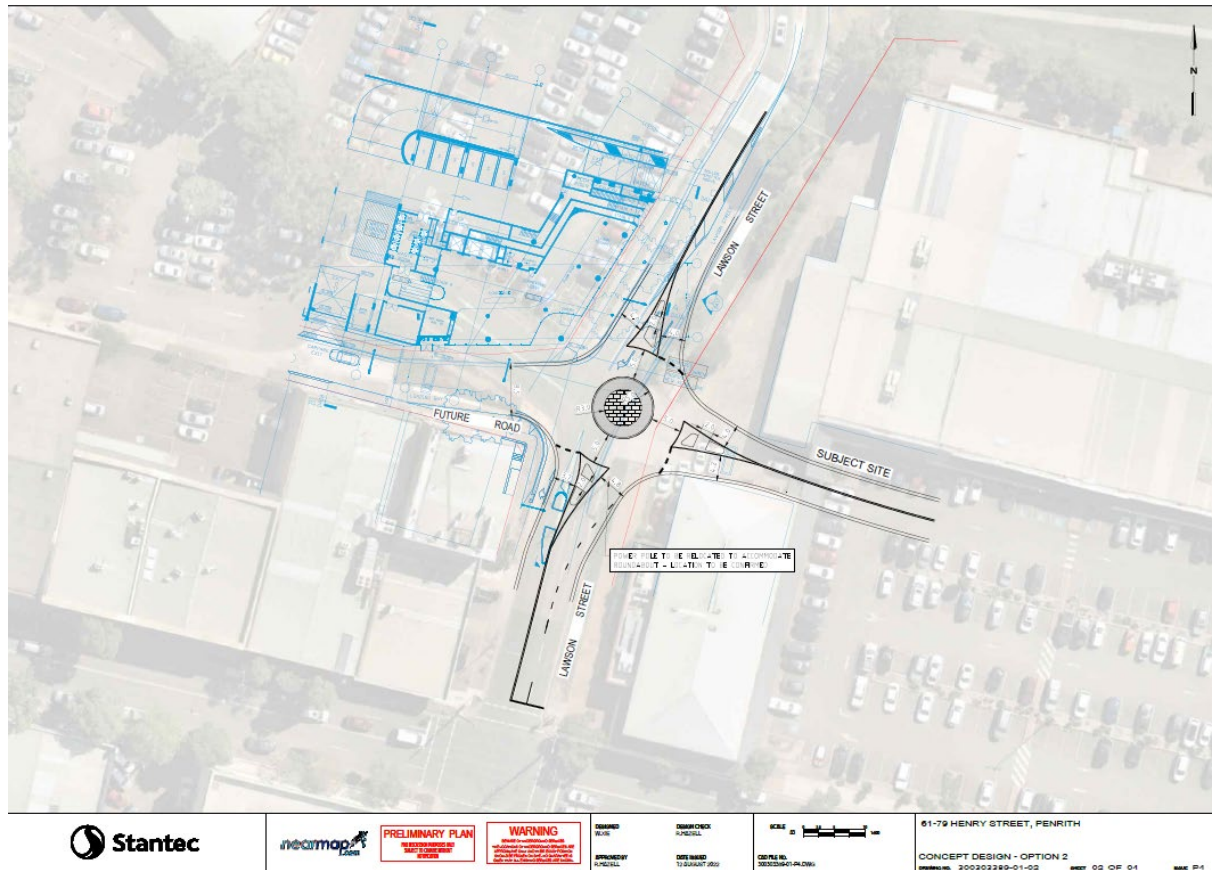
The TIA found that the concept scheme would create a demand for between 970 and 1160 parking spaces. The TIA also notes that a scheme that complies with the current LEP provisions would require at least 970 parking spaces.

The TIA found that the concept scheme is expected to result in a moderate increase in traffic generation, and when compared with the existing site uses, there is likely to be between 650 and 880 additional vehicle movements in any peak hour.

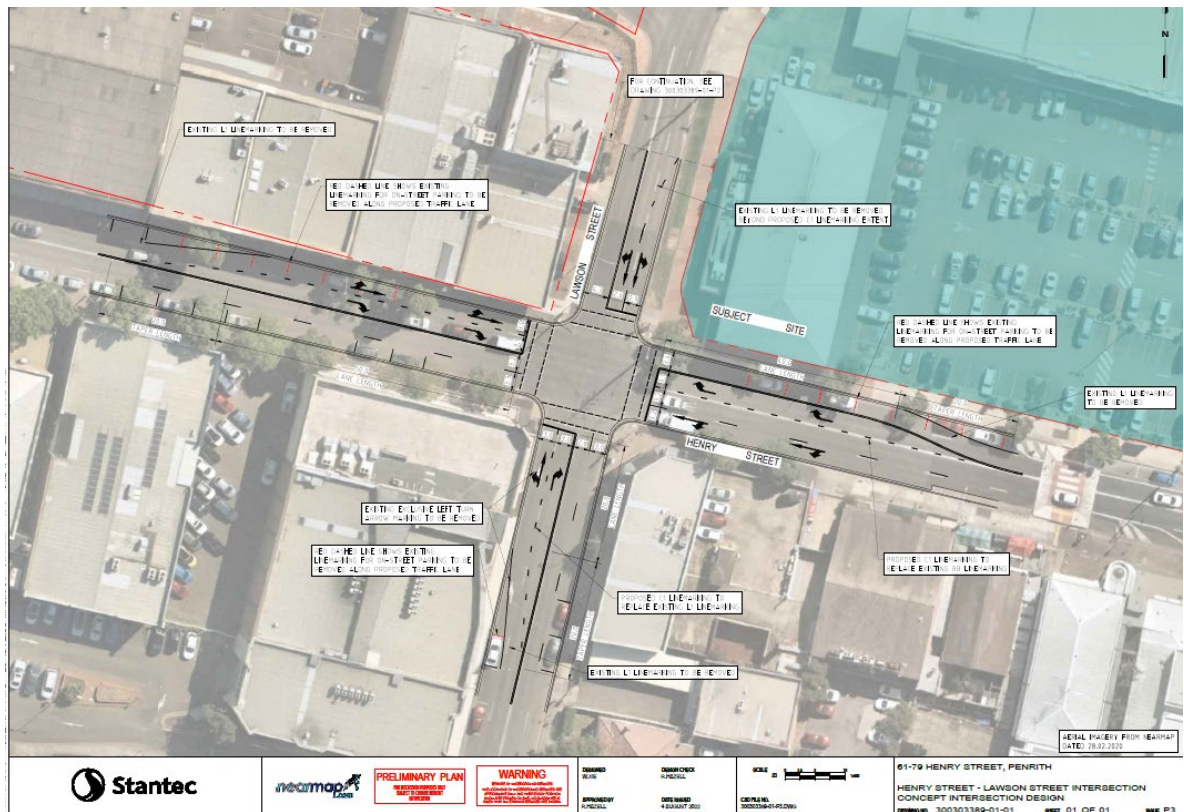
Importantly the analysis found that a scheme that complies with the current LEP provisions would result in significant increases in traffic generation when compared with a scheme facilitated by the Planning Proposal. A compliant scheme could generate between 1,500 and 1,900 vehicle movement per hour, which is almost double that of the Planning Proposal which would generate between 775 and 1,000 trips.

The TIA has found that surrounding intersections would require upgrades to ensure 2036 traffic can be accommodated. Upgrading works will be required for both a scheme that complies with the current controls and a scheme that is consistent with the planning proposal. The upgrading works include:

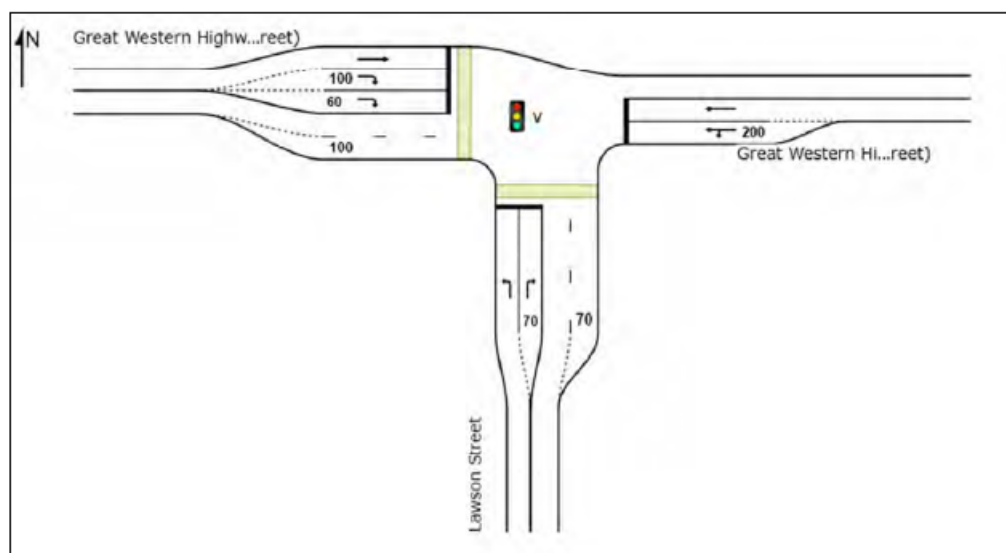
- Roundabout works at the intersection of Lawson Street and Soper Place (as shown in the Concept Plan Figure 7 below).
- Lawson Street/Henry Street mitigation measures (as shown in the indicative mitigation measures in Figure 8 below).
- Mitigation measures at the intersection of Great Western Highway/Lawson Street (as shown in potential mitigation measures in Figure 9 below).



**Figure 7:** Concept Plan for roundabout works at the intersection of Lawson Street and Soper Place



**Figure 8:** Indicative mitigation measures for the intersection of Lawson Street and Henry Street



**Figure 9:** Potential mitigation measures for the intersection of the Great Western Highway and Lawson Street

A Draft VPA Letter of Offer supports the Planning Proposal that commits to delivering roadworks required for the development as roundabout works at the intersection of Lawson Street and Soper Place and Lawson Street/Henry Street mitigation measures. The mitigation measures at the intersection of the Great Western Highway and Lawson Street have not been included in the Draft VPA Letter of Offer, as this intersection is located on land owned and managed by TfNSW.



## Heritage

The site is adjacent to two heritage items being the Penrith Infants Department at 57 Henry Street, Penrith (Item No 177) and the Methodist Church (former) at 74 Henry Street (Item No. 179). The site is also in the vicinity of four other heritage items as shown in Figure 7.

A Preliminary Historical Heritage Assessment has been prepared by Coast History and Heritage that considers the potential impact of the Planning Proposal on the European and non-Indigenous heritage items in the vicinity of the site (Appendix 6). The report concludes that the proposed amendment to the PLEP 2010 will not result in historical heritage impact.

The report indicates that future redevelopment of the site (under the current or proposed LEP provisions) may affect the setting of two adjacent heritage items, the heritage items on High Street and the Lemongrove Heritage Conservation Area. The potential for any impact on the heritage significance of the nearby items will be considered in detail for any future development application.

A Due Diligence Aboriginal Heritage Assessment has been prepared by Coast History and Heritage (Appendix 5). The Assessment concludes that the proposed amendment to the LEP will not have any physical effect and will not impact Aboriginal heritage. The report concludes that no further Aboriginal heritage investigations are required in relation to the current proposals within the study area.

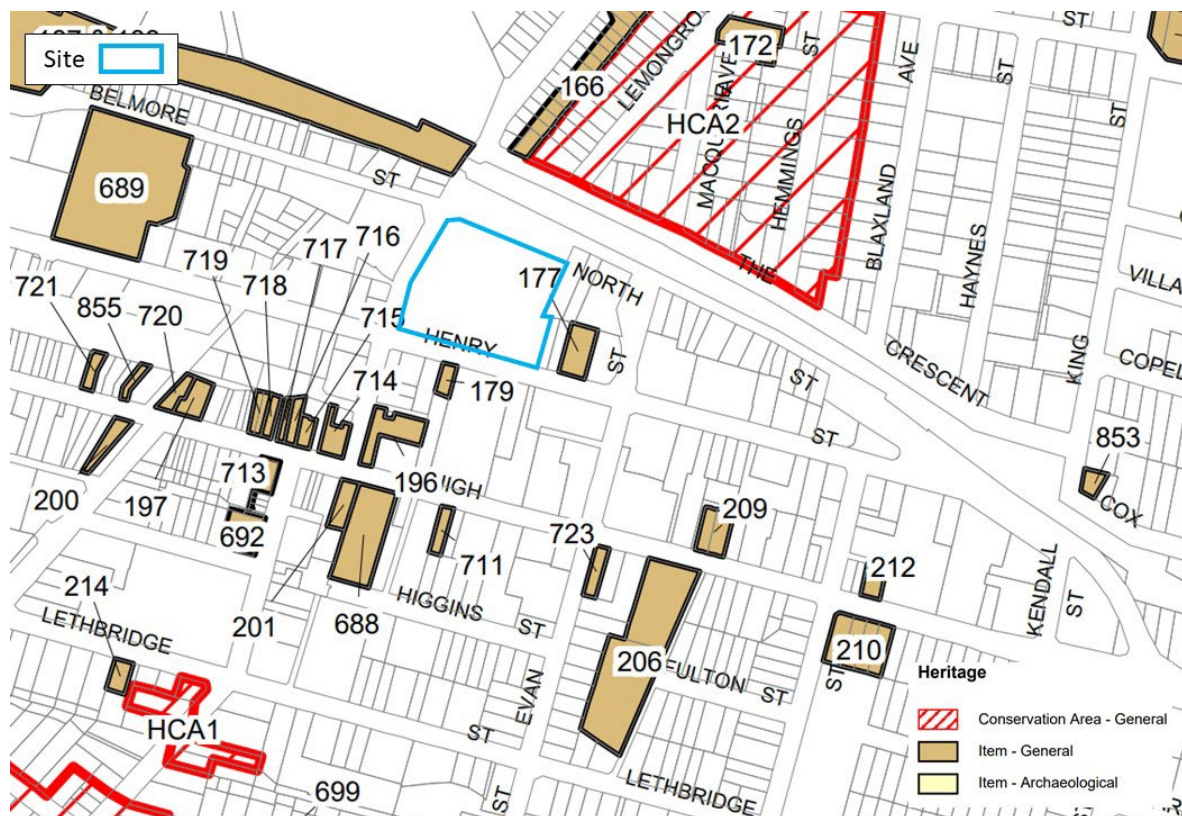


Figure 10: Extract from the LEP 2010 Heritage Map

## 10. Has the planning proposal adequately addressed any social and economic effects?

### Social

A key aim of the Planning Proposal is to facilitate an economically feasible redevelopment of the site that will enable AFFORD to provide a hub for the provision of a range of support services on the site and housing for a people with a disability. The services AFFORD would like to provide within a mixed-use development on the site include:

- Supported Independent Living

- Day Programs
- Allied Health
- Multi-purpose Training
- Administration

It is important for the supported independent living provided by AFFORD to be delivered alongside residential accommodation for the general community to avoid social isolation of their clients and to encourage social interaction and social diversity.

The Planning Proposal seeks to permit all forms of residential accommodation on the site to provide flexibility in the types of residential accommodation that could be included in a mixed-use development and to ensure that a diversity of housing can be provided within the development. Some forms of housing that could be provided on the site include:

- Boarding houses
- Group homes
- Hostels
- Residential flat buildings
- Seniors housing
- Shop top housing

## **Economic**

An Economic Impact Assessment (EIA) has been prepared by Hill PDA in support of the proposed LEP amendments.

The EIA demonstrates that sufficient employment floor space will be provided within the centre if the LEP is amended to permit residential accommodation on the site if a minimum non-residential FSR of 2:1 is provided.

The high-level employment (office/retail) forecast for the Penrith Town Centre undertaken by Hill PDA found that the total office/retail floorspace demand in the Penrith Town Centre is between 62,000 and 112,500sqm GFA over the next 35 years.

The EIA notes that if a development on the site provided 100% of the total GFA currently permitted as commercial floor space, this would equate to 88,880 square metres GFA. Based on Hill PDA's forecast, this would supply between 79% and 143% of the additional employment floorspace in the Penrith Town Centre over the next 35 years. According to Hill PDA the outcome of this quantum of employment floorspace is likely to result in long term vacancies and undermine the performance of the city centre.

A non-residential floor space ratio of 2:1 would equate to 9% of the stated additional floor space demand and provide 40% of the stated theoretical floorspace deficit. The delivery of this would fall within the 5–10 year timeframe and is considered an equitable distribution of commercial floorspace for the eastern end of the CBD.

The EIA states that the Planning Proposal meets the overarching objective/intent of LEP 2010 by providing additional employment floorspace in the town centre and a considerable contribution towards job targets in the Penrith Town Centre. The EIA also states that providing 88,800 square metres of employment floorspace on a single development site is not realistic in this market.

The EIA estimates the economic value of the Planning Proposal in terms of economic activity, additional jobs during construction and post-construction, employment floorspace, staff remuneration and gross value added to the local economy. Other economic benefits resulting from the Planning Proposal include:

- The development would provide a catalyst for further investment in the locality.



- The concept proposal will provide 32,320 square metres of employment floor space which is 22,210 square metres of employment floorspace more than is currently provided on the site.
- Approximately 1,370 jobs would be created in full, part time and casual positions (an increase of 1,190 jobs based on the jobs estimated within the existing development on the site).
- Future redevelopment would generate additional government revenue of \$113 million.
- The additional residents living in the City Centre would benefit existing local businesses.
- The introduction of a greater mix of uses will promote the active use and vibrancy of the City Centre.

The Planning Proposal will generate positive social and economic benefits for the Penrith City Centre, in that it will provide a planning framework that will secure the revitalisation of a key gateway site.

Scenario	Gross Floor Area (sqm)
Current	10,110 (2,500sqm has been vacant since 2017. Attempts to relet this space have been unsuccessful)
Total Commercial GFA permitted under existing planning controls	88,880
Total minimum non-residential GFA achievable under proposed controls	32,320 square metres

## Section D – State and Commonwealth Interests

### 11. Is there adequate public infrastructure for the planning proposal?

Details of the availability of electricity, telecommunications, gas, water and sewer services are available to the site are detailed in the Utilities Infrastructure Report (UIR) prepared by J Wyndham Prince, included as Appendix 9.

The UIR indicates that the proposed Henry Lawson Centre development can be serviced effectively with feasible capacity upgrades required for water, sewer and electricity.

The UIR is to be updated in consultation with Sydney Water after the Gateway determination to ensure there is sufficient capacity for water and wastewater servicing.

### 11. What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?

Transport for NSW (TfNSW) have reviewed the Planning Proposal documentation and have advised that they have no further comments for consideration prior to exhibition. TfNSW have indicated they will provide a formal submission during the exhibition period.

## Part 4 – Mapping

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The Planning Proposal only requires one amendment to the LEP 2010 maps. The Additional Permitted Uses Map (Tile Number APU\_013) is to be amended as detailed in Appendix 1.

## Part 5 – Community Consultation

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The Planning Proposal will be exhibited for a minimum of 28 days, as specified by the Gateway Determination.

The community consultation will be undertaken in accordance with the Community Engagement Strategy and Community Participation Plan.

The Planning Proposal will be publicly exhibited at the Penrith Council Civic Centre. All exhibition material will be available on Council's website.

Notice of the public exhibition will be given in the local newspaper and on Council's website. Notice of the public exhibition will also be provided by a letter to the landowners and occupiers of adjoining and affected properties.

Consultation with public authorities will be undertaken in accordance with the requirements of the Gateway Determination.

## Part 6 - Project Timeline

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The Project timeline will largely be determined by Penrith City Council and the Department of Planning and Environment. The relevant milestones are summarised in the following table.

Milestone	Timeframe
Public exhibition and public authority consultation	October – November 2022
Consideration of submissions	November 2022 - January 2023
Reporting of the Planning Proposal to Council	March 2023
Publication of LEP amendment	April-May 2023

## Appendices

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## APPENDIX 1

### Draft Penrith LEP 2010 Additional Permitted Uses Map

## APPENDIX 2

### Concept Master Plan

## APPENDIX 3

### Transport Impact Assessment

## APPENDIX 4

### Economic Impact Assessment

## APPENDIX 5

### Due Diligence Aboriginal Heritage Assessment



## APPENDIX 6

### Preliminary Historical Heritage Assessment

## APPENDIX 7

### Geotechnical Investigation Report

## APPENDIX 8

### Due Diligence Flora and Fauna and Bushfire

## APPENDIX 9

### Utilities Infrastructure Report

## APPENDIX 10

### Flood Assessment and Stormwater Management report



## APPENDIX 11

### Acoustic Assessment

## APPENDIX 12

### Preliminary Contamination Assessment

## APPENDIX 13

### Property Information

## APPENDIX 14

### Social Needs Analysis