



# Planning Proposal

## Amendment of Building Heights and Permissible Uses

65, 73, 83, 109, 123-135 Mulgoa Road and  
Lot 1 Retreat Drive, Penrith (Penrith Panthers  
Site)

September 2017



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23. Socio-Economic Study (GHD, August 2017)
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## Documents Supporting Public Exhibition

1. Department of Planning and Environment's *Guide to Preparing Local Environmental Plans* and *Guide to Preparing Planning Proposals*  
<http://www.planning.nsw.gov.au/Plans-for-Your-Area/Local-Environmental-Plans/The-Gateway-Process>
2. A Plan for Growing Sydney  
[www.strategy.planning.nsw.gov.au/sydney/](http://www.strategy.planning.nsw.gov.au/sydney/)
3. Greater Sydney Commission's *Draft West District Plan* (November 2016)  
<https://www.greater.sydney/district-plans>
4. State Environmental Planning Policies  
[www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au)
5. Council's Community Plan  
[www.penrithcity.nsw.gov.au/Resources-and-Documents/Documents/Community-Plan/](http://www.penrithcity.nsw.gov.au/Resources-and-Documents/Documents/Community-Plan/)
6. Penrith Local Environmental Plan 2010  
[www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au)
7. Penrith Development Control Plan 2014  
[www.penrithcity.nsw.gov.au/Building-and-Development/Planning-and-Zoning/Planning-Controls/Development-Control-Plans/](http://www.penrithcity.nsw.gov.au/Building-and-Development/Planning-and-Zoning/Planning-Controls/Development-Control-Plans/)
8. Planning Agreement Road Works, 28 November 2012. Parties: Penrith City Council, Roads & Maritime Services, and Penrith Rugby League Club Limited.  
<https://www.penrithcity.nsw.gov.au/Documents/Building-and-Development/VPA-Panthers-Roadworks/>
9. Planning Agreement Outlet Centre, 28 November 2012. Parties: Penrith City Council and Penrith Rugby League Club Limited.  
<https://www.penrithcity.nsw.gov.au/Documents/Building-and-Development/VPA-Panthers-Outlet-Centre/>
10. Section 117 Directions issued by the Minister for Planning.  
[http://www.planning.nsw.gov.au/Plans-for-your-area/Local-Planning-and-Zoning/~/\\_media/36627A8C16E54FEBA3C2FF5F3E9812D9.ashx](http://www.planning.nsw.gov.au/Plans-for-your-area/Local-Planning-and-Zoning/~/_media/36627A8C16E54FEBA3C2FF5F3E9812D9.ashx)

## INTRODUCTION

This Planning Proposal recommends an amendment to some of the planning controls set by *Penrith Local Environmental Plan 2010* (LEP 2010) to enable the development of a mixed-use and residential precinct within the Penrith Panthers Site. The proposed precinct is located on 65, 73, 83, 123-135 Mulgoa Road and Lot 1 Retreat Drive, Penrith. The proposed development consists of 16 buildings containing approximately 850 apartments, with three of the buildings also providing space on the ground floor for shops, businesses and offices.

This document sets out the justification and explains the intended effect of the recommended amendment. The preparation of a Planning Proposal is the first step in the NSW Department of Planning and Environment's (the Department) Gateway Process, which is the current procedure for making changes to LEP 2010. The Gateway Process has a number of steps, set out in Table 1, that require this document to be revised as it progresses through the Gateway Process.

No.	Step	Explanation
1	Planning Proposal	Council prepares a document explaining the effect of and justification for making or amending a local environmental plan.
2	Gateway Determination	The Minister for Planning, acting as a checkpoint, determines whether a Planning Proposal should proceed.
3	Community Consultation	The Planning Proposal is publicly exhibited.
4	Assessment	Council considers any submissions it receives in response to the public exhibition, changing the Planning Proposal as necessary.
5	Drafting	Parliamentary Counsels Office prepares a draft of the local environmental plan.
6	Decision	The Minister approves the local environmental plan, making it law.

*Table 1: Gateway Process*

This Planning Proposal recommends the following changes to LEP 2010:

- Adjustment of the current height controls to ensure that any future development of the precinct is appropriate, attractive and interesting. Providing a variety of building heights across the site allows landmark buildings in appropriate locations and the control of any potential impacts on existing development.
- Place a cap on the maximum residential development capacity of the precinct so that no additional yield is generated.
- Removing the ability to develop the Penrith Panthers site with an outlet centre (a building or place, containing one or more shops, selling surplus goods, seconds, samples, discontinued stock etc.) to provide certainty about future development.
- Correcting the address and property descriptions listed in Schedule 1 Additional Permitted Uses, Clause 22 "Use of certain land at 65, 73, 83, 109 and 123-135 Mulgoa Road and Lot 1 Retreat Road, Penrith".

The remainder of this document is split into the following parts:

Part	Explanation
1	The objectives and intended outcomes of the Proposal
2	An explanation of the planning controls
3	Justification for the objectives and intended outcomes
4	Maps identifying the Precinct and explaining the planning controls
5	Details of the Community Consultation
6	Predicted timeline

*Table 2: Parts of a Planning Proposal*

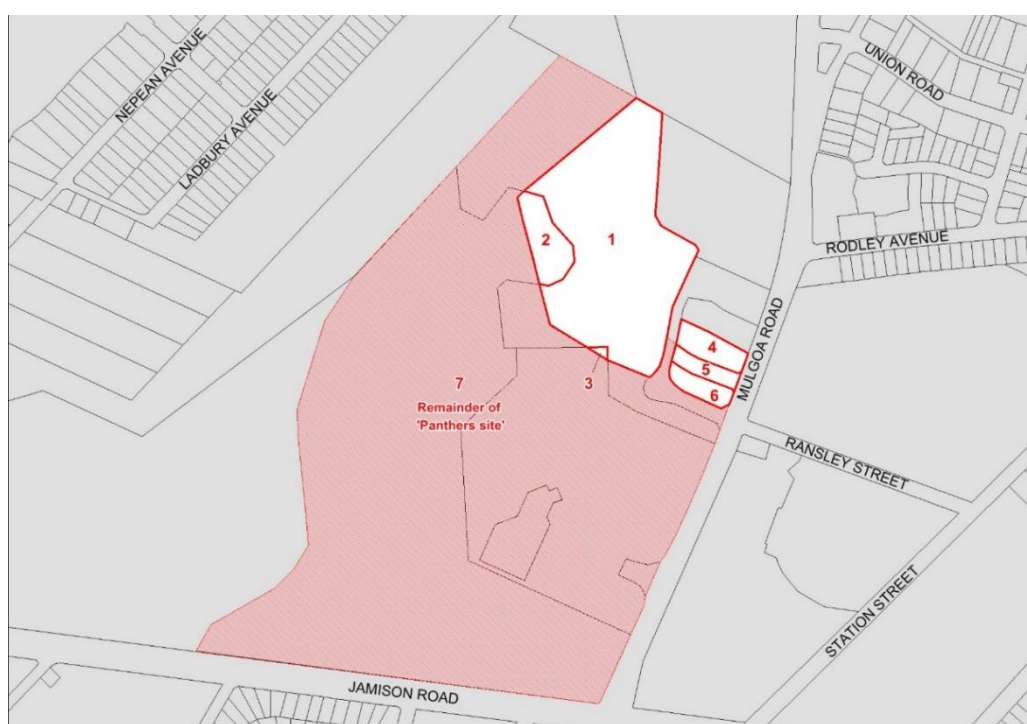
## PART 1 – OBJECTIVES AND INTENDED OUTCOMES

The objective of this Planning Proposal is to provide an alternative set of planning controls to enable the development of a mixed-use and residential precinct of approximately 66 hectares within the Penrith Panthers site. The precinct, identified as sites 1 to 6 in Table 3 and in Figures 1 and 2, is bounded by Mulgoa Road, Jamison Road, Peachtree Creek, the Mountain View Retreat Retirement Village, and the Council owned land known as the Carpenters Site (702 High Street, Penrith).

The precinct currently contains at grade car parking, a single storey pavilion, a single storey dwelling and detached garage, access roads and undeveloped land (grassed sites, formal and informal gardens, and mature and juvenile trees).

Map Ref.	Site Address	Legal Description	Owner
1	73 Mulgoa Road, Penrith	Part of Lot 1 DP 1043008	The Panthers Group
2	123-135 Mulgoa Road, Penrith	Part of Lot 13 DP 710086	The Panthers Group
3	83 Mulgoa Road, Penrith	Part of Lot 151 DP 863625	The Panthers Group
4	65 Mulgoa Road, Penrith	Lot 1021 DP 812335	The Panthers Group
5	Lot 1 Retreat Drive, Penrith	Lot 1 DP 1064526	The Panthers Group
6	73 Mulgoa Road, Penrith	Part of Lot 1 DP 1043008	The Panthers Group
7	73 Mulgoa Road, Penrith	Part of Lot 1 DP 1043008	The Panthers Group
	83 Mulgoa Road, Penrith	Part of Lot 151 DP 863625	The Panthers Group
	109 Mulgoa Road, Penrith	Lot 152 DP 863625	The Panthers Group
	123-135 Mulgoa Road, Penrith	Part of Lot 13 DP 710086	The Panthers Group

*Table 3: Land to which proposal applies*



*Figure 1: Land to which proposal applies*





*Figure 2: Land within the Precinct – December 2015 Aerial Photo*

The Penrith Panthers site, including the precinct, can currently be developed with a range of tourism related uses (including accommodation such as hotels, motels and serviced apartments), residential apartments, seniors housing, offices and shops including an outlet centre. The full range of uses is listed in the land use table for the *SP3 Tourism* zone and *Schedule 1 Additional permitted uses* in LEP 2010 (provided in *Appendix 1 Extracts of Penrith Local Environmental Plan 2010*). LEP 2010 also controls the height of buildings in the precinct limiting buildings to between 15-24 metres (or 4-7 storeys).

Council has received a proposal to develop the precinct with 16 buildings containing approximately 850 apartments, with three of the buildings also providing space (approximately 3,300m<sup>2</sup>) on the ground floor for shops, businesses and offices. Figure 3 provides an indicative diagram of the development and a full description of the development is provided in *Appendix 2 Architectural and Urban Design Statement*. It is noted that some changes have been made the original development scheme prepared for the precinct following consideration by Council's Urban Design Review Panel which are explained in Appendix 2. The development of the precinct with new apartments is considered to present a good opportunity to provide additional homes (number and type) in a location with good access to leisure and entertainment facilities, and the jobs, shops and services provided by Penrith City Centre.

The proposed development seeks to locate a number of taller buildings (up to 50 metres tall - 14 storeys) in the centre of the precinct and reduce the height of buildings in locations next to existing developments, such as the Mountain View Retreat Retirement Village. This is to ensure that any future development will be appropriate, attractive and interesting.

Allowing taller buildings in appropriate locations provides opportunities for landmark buildings, and shorter buildings next to existing development helps reduce overshadowing

and amenity impacts. The ability to develop taller buildings than currently allowed also allows for smaller building footprints, increasing the opportunity for public space and through-site links. To deliver this outcome, the current height controls need to be amended.



*Figure 3 – Indicative development viewed from south side of existing lake*

The proposed development is located on some of the land previously intended to accommodate a proposed outlet centre. This use is no longer being sought by the owners of the precinct, and needs to be removed from LEP 2010 to provide certainty about what type of development is allowed.



## PART 2 – EXPLANATION OF PROVISIONS

The proposed outcome will be achieved by making the following amendments to LEP 2010:

1. Amending Tile No. 6 of the Height of Buildings Map (in accordance with Part 4 of this Planning Proposal) to adjust maximum building heights within the precinct and delineate “Area 5” within the Penrith Panthers site where the maximum residential development capacity is capped.

Note that the Department of Planning and Environment has confirmed in correspondence to Council dated 21 February 2017 that the cap placed on maximum residential development capacity that has been prescribed by the 20 December 2016 Gateway Determination (see Appendix 21) applies only to the portion of land within the Penrith Panthers site identified as sites 1 to 6 in Table 3 and in Figures 1 and 2 of this Planning Proposal. This portion of land is commonly known as the ESQ1818 site and is subject to the proposed development scheme described in Part 1 of this Planning Proposal.

2. Update the map legend on Tile No's 5-7, 11-15, and 18-20 of the Height of Buildings Map to add new 38 and 50 metre building height categories which are introduced by this planning proposal, and include a reference to the proposed LEP 2010 clause 9.7 which caps the maximum residential development capacity at “Area 5” within the Penrith Panthers site, thereby ensuring a consistent legend on all Height of Buildings map tiles.
3. Amending Tile No. 2 of the Clause Application Map (in accordance with Part 4 of this Planning Proposal) to remove the *outlet centre* designation.
4. Amending *Part 9 Penrith Panthers Site* to:
  - a. remove references to specific types of retail premises and community title schemes and strata plan schemes (specific controls relating to the outlet centre) from *9.1 Objectives of Part*,
  - b. remove references to and controls for outlet centres from *9.3 Density of retail premises (including outlet centres)*,
  - c. repeal *9.4 Minimum lot size for outlet centres for community title schemes or strata plan schemes*, and
  - d. create *9.7 Maximum residential development capacity* which prescribes a cap on the maximum residential development capacity for “Area 5” within the Penrith Panthers site, being a maximum of 850 dwellings and 80,400 square metres of residential gross floor area.
5. Amending Schedule 1 Additional Permitted Uses, Clause 22 "Use of certain land at 65, 73, 83, 109 and 123-135 Mulgoa Road and Lot 1 Retreat Road, Penrith" to correct property descriptions.

Part 4 of this Planning Proposal explains the detailed mapping changes and Appendix 3 provides the proposed Clause Application Map and Height of Building Map.

Appendix 4 provides a copy of the proposed changes to *Part 9 Penrith Panthers Site*.

Appendix 5 provides a copy of the proposed changes to *Schedule 1 Additional Permitted Uses*, Clause 22.

All other planning controls in LEP 2010 applying to the precinct will not be changed and will continue to apply. These controls include specific controls for the Penrith Panthers site applying to campus style office developments and development control plans, and general controls relating to the subdivision of the precinct, heritage items and flood risk.

## PART 3 – JUSTIFICATION

This part of the Planning Proposal addresses the need for the recommended amendments to LEP 2010, identifies necessary background studies, and examines potential community benefits. This part is split into the following sections:

Section	Title
A	Need for the Planning Proposal
B	Consistency with Strategic Planning Framework
C	Environmental, Social and Economic Impacts
D	State and Commonwealth Interests

*Table 4: Sections in Part 3 of the Planning Proposal*

### Section A – Need For The Planning Proposal

This planning proposal is not the result of a strategic study or report prepared by Council. It has been prepared in response to a request from an applicant (via a rezoning application). The applicant wishes to redistribute the currently permissible floor space across the precinct, in taller and shorter buildings than currently allowed, to provide a better built outcome. This requires the amendment of the current height controls.

Allowing greater variation of building height across the precinct allows taller buildings in the centre of this development and reduced building heights in locations next to existing residential development. Taller buildings in appropriate locations will provide landmark buildings, helping to create an attractive and interesting development, while shorter buildings next to existing development helps reduce overshadowing and amenity impacts. The ability to develop taller buildings than currently allowed also allows for smaller building footprints, increasing the opportunity for public space and through-site links.

The development of the site with new apartments (850) presents an opportunity to provide additional housing supply and choice, supported by some limited commercial uses, in a location that has good access to leisure, entertainment facilities and the jobs, shops and services provided by Penrith City Centre (less than 2km away).

The recommended amendment of the planning controls is considered the best means of achieving the proposed outcomes as it will allow the landowner to apply for development consent, a separate process subject to the checks and balances provided by relevant legislation. The proposed outcome cannot be achieved under the current planning controls, even within the flexibility provided by *4.6 Exceptions to Development Standards* of LEP 2010.

The public exhibition of this planning proposal also allows the community, surrounding landowners, and interested stakeholders an opportunity to provide feedback on the proposed changes.

Removing the ability to develop the precinct with an outlet centre also provides certainty on the type of development that may occur in the future.

Placing a cap on the maximum residential development capacity on a part of the Penrith Panthers site (in accordance with the requirements of the 20 December 2016 Gateway

Determination) so that no additional yield is generated provides certainty to the size of development that may occur in the future.

## **Section B – Relationship To Strategic Planning Framework**

### **A Plan for Growing Sydney**

In December 2014, the NSW Government published *A Plan for Growing Sydney* setting out its vision for Sydney to be a strong global city and a great place to live. It also identifies key challenges facing Sydney, including the provision of housing for a significant population increase.

This plan also sets a number of goals for the economy, housing choice, healthy communities, a sustainable and resilient city, and the protection of the natural environment. The plan also sets directions and actions to deliver these goals; relevant directions for this Planning Proposal include:

- *Grow strategic centres – providing more jobs closer to home.*
- *Accelerating housing supply across Sydney.*
- *Improving housing choice to suit different needs and lifestyles.*

The proposed amendment of planning controls is considered to be consistent with *A Plan for Growing Sydney*, as:

- providing new residential and commercial floor space in an area supported by public transport, will support Penrith City Centre's development into a Regional City,
- increasing jobs and housing in the City Centre will help create vibrant hubs of activity and contribute to the provision of homes required by Penrith's communities, and
- improving walking and cycling connections between the City Centre and Nepean River provides opportunities for sustainable transport choices and contributes to the creation of healthier communities.

### **Draft West District Plan**

In November 2016 the Greater Sydney Commission published a *draft West District Plan* which sets out aspirations and proposals for Greater Sydney's West District, which includes the Blue Mountains, Penrith and Hawkesbury local government areas.

This plan identifies priorities and actions to realise the vision for the district in line with the vision of Greater Sydney to 2056. District planning provides a framework for coordinating planning, development, infrastructure, transport, open space networks and environmental actions across local and state government agencies. This vision is proposed to be delivered through the following priorities:

- A Production City
- A Liveable City
- A Sustainable City

Key actions of relevance to this Planning Proposal are:

- Develop infrastructure to support the growth of the visitor economy (P3)
- Coordinate activities to grow jobs in Greater Penrith (P5)

- Develop the Greater Penrith gateway corridor as a major tourism, cultural, recreational and entertainment hub (P6)
- Identify the opportunities to create the capacity to deliver 20-year strategic housing supply targets (L2)
- Council's to increase housing capacity across the district (L3)
- Encourage Housing Diversity (L4)
- Provide design led planning to support high quality urban design (L11)
- Support the development of initiatives for a sustainable low carbon future (S11)
- Address flood risk issues in the Hawksbury-Nepean Valley (S16)

The Planning Proposal supports the above key actions and the draft district plan more broadly in that it will:

- Involve significant investment in the Western Sydney economy, particularly the commercial, retail and tourism industries through the provision of retail floor space to complement the adjoining Panthers entertainment precinct and nearby Penrith Park Stadium and Penrith Raceway Function Centre.
- Assist in delivering new commercial and retail floor space to meet job targets (i.e. 44,000 to 45,000) established for the Greater Penrith District.
- Allow for the delivery of new residential development within the Panthers precinct and broader suburb of Penrith Local Government Area (LGA) to assist in achieving increasing housing diversity through the provision of apartments and adaptable housing to meet the existing and future housing market.
- Allow for the delivery of new residential development within the Panthers precinct and broader suburb of Penrith LGA to assist achieving the target of 6,600 dwellings.
- Provide for a design-led outcome that through urban design analysis will allow for a future built form outcome that more appropriately responds to existing scale of adjoining built form, integration and connectivity to surrounding open space, existing and future infrastructure.
- Deliver housing within proximity to existing services and jobs to reduce travel time and car dependency, whilst enabling active transport modes (walking and cycling).
- Be well located to support connectivity to Penrith CBD, river and surrounding sports and entertainment precinct, by way of existing public transport and active transport modes (i.e. walking and cycling).
- The planning proposal will support the development of the Greater Penrith Gateway Corridor along Mulgoa Road in that will provide entertainment and cultural offerings in the form of well-located commercial and retail space to compliment the established Panthers Entertainment precinct and surrounding sporting facilities.

#### Sustainability Action S11

Sustainability Action S11 seeks to support the development of initiatives for a sustainable low carbon future.

The Planning Proposal will support sustainability action S11 by facilitating future development that will be of a sustainable design, accommodating energy and water saving features. Future residential development on the site will accord with *State Environmental Planning Policy 65 - Design Quality of Residential Apartment Development*.

Further, the planning proposal will allow for the future development of land in a location that is well located to support existing and proposed public transport, bicycle and pedestrian networks.

### Sustainability Action S16

Sustainability Action S16 seeks to address flood risk issues in the Hawksbury-Nepean Valley.

The Planning Proposal will support sustainability action S16 by ensuring development can occur without compromising flood risk to both the site and off-site.

To demonstrate this, detailed flood and evacuation analysis has been undertaken in response to the planning proposal and potential for built form outcomes made permissible by the planning proposal. These documents assess the flood impacts and ensure that a suitable means of evacuation is provided for the future residents consistent with Action S16.

Modelling of the regional flood assessment undertaken by Worley Parsons (2008) has been undertaken to inform PMF flood levels and hazard assessment for the planning proposal. An assessment of these PMF levels across the site has determined that any minor re-distribution that may occur as an outcome of development made permissible by the planning proposal is unlikely to have any significant impact on PMF flood levels in the locality.

Further, the Planning Proposal does not seek to rezone land or increase the residential capacity of the site, rather it is seeking to transfer the height of buildings within the site. In this regard, the Proposal is not seeking to allow any additional growth within the Hawkesbury-Nepean Valley and will not increase the risk to life. This is demonstrated by the cap on the number of dwellings and gross floor area on site, which is indicative of the yield already permitted on site.

### **NSW Government's Framework – Local Planning Directions and State Environmental Planning Policies**

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.

This planning proposal is considered to be consistent with all applicable local planning directions. *Appendix 6 Consistency with local planning directions* evaluates the consistency of this planning proposal with the local planning directions.

The NSW Government also publishes *State Environmental Planning Policies* (SEPPs) and *Sydney Regional Environmental Plans* (SREPs or deemed SEPPs). These documents deal with matters of State or regional planning significance. *Appendix 7 Consistency with SEPPs* examines the consistency of this planning proposal with all relevant SEPPs. There are no SEPPs that need to be considered by this planning proposal.



## **Council's Framework – Strategic Planning**

Council's strategic planning framework consists of the following documents:

- Community Plan
- Community Engagement Strategy
- Delivery Program including the Operational Plan
- Resourcing Strategy
- City Strategy

The document of most relevance for this Planning Proposal is the Community Plan, which identifies the community's long term aspirations for Penrith City, setting outcomes and strategies. *Appendix 8 Consistency with Council's Community Plan* examines the consistency of the planning proposal with the outcomes and strategies, demonstrating that it is consistent with the Community Plan.

## **Council's Framework – Local Planning Documents**

*Penrith Local Environmental Plan 2010* (LEP 2010) applies to the precinct, setting the land use zone (SP3 Tourism) and applying a number of other planning controls, such as:

- the height of buildings in the precinct limiting buildings to between 15-24 metres (or 4-7 storeys),
- the maximum floor space of new development,
- how the heritage item (the house at 65 Mulgoa Road) is treated, and
- how flood risk should be managed

The Penrith Panthers site, including the precinct can currently be developed with a range of tourism related uses (including accommodation such as hotels, motels and serviced apartments), residential apartments, seniors housing, offices and shops including an outlet centre.

*Appendix 1 Extracts of Penrith Local Environmental Plan 2010* provides relevant parts of LEP 2010.

To enable the proposed development, this planning proposal only recommends the amendment of the height of building control, the placement of a cap on maximum residential development potential on a portion of the Penrith Panthers site, and the deletion of controls relating to the outlet centre. All other current controls will continue to apply to the precinct.

*Penrith Development Control Plan 2014* (DCP 2014) also applies to the precinct, with *Part B Penrith Panthers of Chapter E13 Riverlink Precinct*, setting detailed controls for:

- the layout and appearance of new development and associated public spaces
- how new development should connect with surrounding areas, and
- how views of the Blue Mountains should be protected.

The relevant parts of DCP 2014 need to be amended to reflect and control the different development outcome recommended by this planning proposal. The proposed amendments to DCP 2014 will be on public exhibition the same time as this planning proposal. A copy of the proposed draft amendment to Penrith Development Control Plan 2014 is provided at *Appendix 9*.

## Section C – Environmental, Social and Economic Impacts

*Note: This part of the planning proposal may be revised to reflect any updated technical studies provided by the applicants of the rezoning application or required by the department's gateway determination.*

### **Environmental Impacts – Bulk and scale of development and overshadowing**

An analysis of potential development outcomes demonstrates that a development consistent with current planning controls could have adverse amenity impacts for any future occupants of development within the precinct as well as occupants of existing, adjacent developments. A development built to respond to current controls could result in bulky buildings with minimal variation in building height or type. It could also result in increased overlooking, overshadowing and amenity impacts for existing developments. *Appendix 2* provides an *Architectural and Urban Design Statement* which discusses the design elements of the development.

The alternative approach of re-distributing floor space across the precinct allows for reduced building heights closest to existing residential properties and taller buildings in appropriate locations. This transition of building height will provide a more interesting development with greater variation in building type and opportunities for landmark buildings, and consider overshadowing impacts on neighbouring residential properties and areas of public open space. It will also provide increased opportunities for views from the development across the lake. The ability to develop taller buildings than currently allowed also allows for smaller building footprints, increasing the opportunity for public space and through-site links.

### **Environmental Impacts – Visual**

The proposed increase in building heights will alter the landscape and skyline of the precinct and surrounds. The potential development will provide a key landmark for Penrith, helping to identify the precinct as a key economic driver and recreational and leisure precinct. The significant changes are located close to other tall structures and at the edge of Penrith City Centre. The urban design analysis (*Appendix 2*) identifies that it is possible to provide a well-balanced development with an appropriate visual presence from vantage points both near and far from the precinct. It also indicates that views to the Blue Mountains from public spaces will be preserved.

The development enabled by this planning proposal provides an opportunity to provide a generous landscaped buffer to the existing residential development.

### **Environmental Impacts – Transport**

The development of the Penrith Panthers site, including the precinct, is subject to a 2014 *Masterplan Transport Strategy* that details the car parking, roads and intersections required by developments within the site. There is also a planning agreement (Planning Agreement Road Works) for the delivery of transport infrastructure required by the development of the Penrith Panthers site. The planning agreement was executed in November 2012 and the parties to this agreement are Penrith City Council, Roads & Maritime Services, and Penrith Rugby League Club Limited.

The rezoning application is supported by a Traffic Impact Statement (*Appendix 10*) that indicates that the traffic generated by the proposed development is likely to be less than that which would be generated under current planning controls and that no additional transport works are required. However, the timing of the delivery of transport infrastructure identified in the planning agreement needs to be reviewed. The Traffic Impact Statement also identifies that additional analysis is required. This additional analysis has been prepared

and is provided in the Traffic Statement (Appendix 11). At this stage the Traffic Statement has not been endorsed by Council.

Two further traffic assessments (Appendix 12 and 13) have been prepared and submitted by the applicant in response to Penrith City Council's feedback prepared on the Traffic Statement. At this stage these two further traffic assessments have not been endorsed by Council.

Penrith Rugby League Club Limited (Panthers Group) has submitted to Council a Letter of Offer to enter into a planning agreement for roadworks associated with the Penrith Panthers site (refer to Appendix 14). This process will likely involve consultation with relevant stakeholders, consideration of the updated traffic assessments, and the identification of required road works and delivery triggers.

### **Environmental Impacts – Flood Risk**

The planning proposal is supported by a Flood Assessment Report (Appendix 15 and 16) that has been endorsed by Council except for that report's appended Flood Evacuation Strategy. The report demonstrates how flood risk will be managed when the precinct is developed. It is noted that if a change is made to the proposed development scheme which influences the consideration of flood risk at the site, such as in a change to building footprints or the raising of internal roads for flood evacuation purposes, then additional flood modelling may be required to determine flood impacts to upstream and downstream properties and roads surrounding the development site. The Flood Assessment Report may need to be revised in these circumstances. The applicant has provided an Addendum to the Flood Assessment Report (Appendix 17) which explains the relationship between the Flood Assessment Report and any changes which have occurred to the original proposed development scheme.

The planning proposal is supported by flood evacuation assessments (Appendix 18 and 19) that address matters raised by the Hawkesbury-Nepean Valley Flood Management Directorate in correspondence dated 5 December 2016 (Appendix 21). These assessments have been prepared and submitted to the Directorate for consideration and endorsement in accordance with the requirements of the 20 December 2016 Gateway Determination (Appendix 21) and the 23 June 2017 altered Gateway Determination (Appendix 22). The assessments demonstrate how flood evacuation at the subject site is achievable.

Penrith City Council has prepared correspondence dated 10 May 2017 (Appendix 20) responding to the matters outlined in the Directorate's correspondence dated 5 December 2016.

Appendix 6 (Consistency with local planning directions) provides a detailed response in relation to Section 117 Direction 4.3 Flood Prone Land. The response indicates that the planning proposal is consistent with Direction 4.3.

### **Environmental Impacts – Watercourse**

The development enabled by this planning proposal provides an opportunity to rehabilitate Showground Creek.

### **Social and Economic Impacts**

The development enabled by this planning proposal will:

- Deliver a broad supply of residential accommodation, contributing to the provision of diverse housing stock and catering to a range of demographic needs,

- Provide new commercial floor space in close proximity to existing and proposed residential, business and leisure attractors including the Panthers Leagues Club and stadium, iFly Indoor Skydiving Centre and Mercure Hotel, and
- Support job creation through the delivery of retail tenancies at ground floor.

Appendix 23 provides a socio-economic study.

### Heritage Impacts

65 Mulgoa Road, Penrith (Lot 1021 DP 812335) contains the local heritage item “The Willows” (item 815). This proposal does not recommend the deletion of this listing meaning that the provisions that facilitate the conservation of heritage items and places will still apply.

## Section D – State and Commonwealth Interests

*Note: This part of the planning proposal will be updated following consultation with State Agencies.*

### Infrastructure Provision

The precinct is within an urban area and is adequately serviced by all required utilities and has access to public transport. Apart from the traffic analysis and transport infrastructure requirements which have not yet been endorsed by Council, the existing infrastructure has the capacity to accommodate the proposed development, subject to any necessary expansion at the detailed application stage. Appendix 24 provides a *Services Infrastructure Assessment* which provides a capacity assessment of existing trunk infrastructure (electricity, gas, telecommunications, water, sewer and drainage) and potential servicing strategies.

### State and Commonwealth Public Authorities

The Gateway Determination outlines the State and Commonwealth public authorities that need to be consulted on the planning proposal, being:

- Infrastructure NSW – Hawkesbury-Nepean Valley Flood Management Directorate
- Transport for NSW - Roads and Maritime Services
- Office of Environment and Heritage
- Sydney Water
- Essential Energy
- Telstra

In addition, the following public authorities will also be consulted on the planning proposal:

- **Director-General of the Department of Primary Industries** to fulfil the requirements of *Local Planning Direction 1.3 Mining, Petroleum Production and Extractive Industries*.
- **Commissioner of the NSW Rural Fire Service** to fulfil the requirements of *Local Planning Direction 4.4 Planning for Bushfire Protection*.

Further, it is proposed that the following authorities are also consulted on the planning proposal:

- NSW State Emergency Service
- NSW Department of Planning and Environment
- RailCorp
- Ausgrid

## PART 4 – MAPPING

To deliver the proposed outcomes, the height of building map (tile number 6) needs to be amended to show new maximum building heights of 15, 20, 24, 38 and 50 metres across the precinct, and delineate “Area 5” on part of the Penrith Panthers site where the maximum residential development capacity is capped in accordance with proposed clause 9.7. *Figure 4* shows an extract of the current height of building map and the proposed changes. Appendix 3 provides the proposed Height of Building Map (tile number 6).

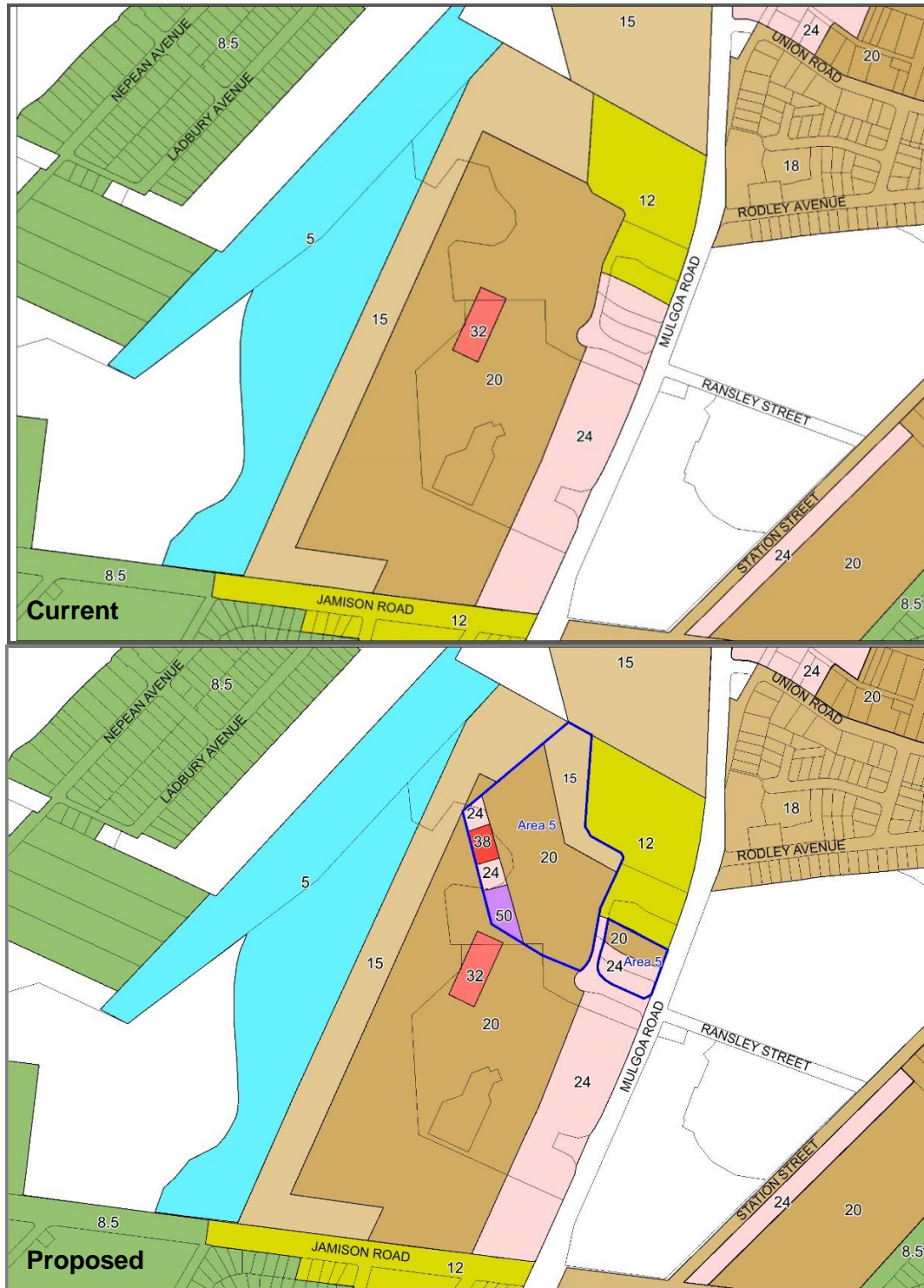


Figure 4 - Current and proposed height of building maps



The clause application map needs to be updated to remove the retail outlet designation. *Figure 5* shows the current and proposed clause application map and Appendix 3 provides the proposed *Clause Application Map*.



*Figure 5 - Current and proposed clause application maps*

The legend on Height of Buildings map Tile No's 5-7, 11-15, and 18-20 has been amended to add new 38 and 50 metre building height categories which are introduced by this planning proposal, and includes a reference to the proposed LEP 2010 clause 9.7 which caps the maximum residential development capacity at "Area 5" within the Penrith Panthers site. These changes will ensure a consistent legend on all Height of Buildings map tiles. Appendix 3 provides the proposed Height of Building Map tiles.

It is noted that the proposed Height of Buildings map tiles incorporate the changes sought to LEP 2010 under two separate planning proposals which have not yet been finalised. It is anticipated that the finalisation of these planning proposals and gazettal of the associated amendments to LEP 2010 is imminent and therefore the relevant changes have been incorporated in the proposed Height of Buildings map tiles for this planning proposal. The applicable planning proposals are:

- Planning proposal to rezone and include deferred land in Werrington and St Marys, and other amendments (PP\_2015\_PENRI\_001\_00), being the anticipated Amendment 12 to Penrith LEP 2010. The changes sought to sites under this planning proposal relate to HOB map sheets 013 and 019.
- Planning proposal to reclassify and rezone 7 sites in Erskine Park and St Clair (PP\_2016\_PENRI\_004\_00). The changes sought to sites under this planning proposal relate to HOB map sheets 019 and 020.

All other LEP 2010 maps remain the same.

## PART 5 – COMMUNITY CONSULTATION

*Note: This part of the Planning Proposal may be revised to reflect any change to the community consultation requirements specified by NSW Planning & Environment.*

The Gateway Determination outlines the community consultation to be undertaken. The planning proposal be publicly exhibited for a minimum of 28 days at the Penrith Council Civic Centre, Penrith Library, Council's St Marys Office and St Marys Library. All exhibition material will also be available on Council's website.

Notice of the public exhibition will be given in local papers and on Council's website and social media outlets. Notice of the public exhibition will also be provided by a letter to the land owners and occupiers of adjoining and affected properties (within 1 kilometre of the precinct).

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

### **Probity**

Lot 1 Retreat Drive, Penrith (Lot 1 DP 1064526) – Site 5 in Figure 1 was owned by Penrith City Council at the time of the lodgement of the rezoning application which forms the basis of this planning proposal. Ownership of this land has since been transferred to the Panthers Group. Although no changes are proposed to the height of building controls applying to this land, Council will commission a peer review of the Planning Proposal and community consultation process prior to finalising the proposal, in accordance with Penrith City Council's resolution of 23 May 2016 (Appendix 25). This is in addition to the independent oversight provided by the NSW Government's Gateway Process.



## PART 6 – INDICATIVE PROJECT TIMELINE

*Note: The project timeline will be assessed by NSW Planning and Environment and may be amended to provide the necessary level of confidence that the proposed amendments to LEP 2010 will be finalised within a reasonable time.*

No.	Action	Date/Anticipated Date
1	Council's sponsor of the Planning Proposal	May 2016
2	Submission to NSW Planning and Environment	July 2016
3	Revision to Planning Proposal and re-submission	September 2016
4	Gateway Determination issued	December 2016
5	NSW Government Agency consultation	January – August 2017
6	Altered Gateway Determination issued	June 2017
7	Completion of additional and revised technical studies	August 2017
8	Revision to Planning Proposal	September 2017
9	Public exhibition and agency consultation	September/October 2017
10	Consideration of submissions	October/November 2017
11	Peer review	October/November 2017
12	Reporting of the Planning Proposal to Council	December 2017
13	Submission to NSW Planning and Environment	December 2017
14	Publication of amended LEP 2010	February 2018