



Planning Proposal

To increase the maximum
permissible building height and floor
space for development on 33-43
Phillip Street, St Marys

July 2020

Document prepared for public exhibition.

Penrith City Council

601 High Street

Penrith NSW 2750

[Penrith City Council's website: www.penrithcity.nsw.gov.au](http://www.penrithcity.nsw.gov.au)

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Documents Supporting the Public Exhibition

Department of Planning and Environment's *Guide to Preparing Local Environmental Plans* and *Guide to Preparing Planning Proposals*

Greater Sydney Region Plan - *A Metropolis of Three Cities*

Western City District Plan

Local Planning Directions

State Environmental Planning Policies

Penrith Local Environmental Plan 2010

Penrith Development Control Plan 2014

Council's Strategic Documents

Community Plan

Community Engagement Strategy

Delivery Program 2017-21

2019-20 Operational Plan

Resourcing Strategy

City Strategy

St Marys Town Centre Strategy

St Marys Town Centre Masterplan

Introduction

This Planning Proposal recommends an amendment to *Penrith Local Environmental Plan 2010* (LEP 2010) to increase the maximum permissible building height and floor space for development at 33-43 Phillip Street, St Marys – the site of the Station Plaza Shopping Centre. The increased building height and additional floor space is intended to provide an incentive for the redevelopment of the shopping centre into a new mixed-use development including apartments, upgraded shops, and commercial premises. The redevelopment of the site also provides opportunities to activate local streets and improve the pedestrian environment.

The location of the site, also known as Lot 7 DP 734738, is identified in Figure 1.



Figure 1 – Site Location

The site is directly opposite the train and bus station at the northern end of the Town Centre and is located about 120 metres east of Queen Street, the main shopping street in the Town Centre. It is separated from Queen Street by a public car park and a service lane that provides loading access for Queen Street properties. It also has a

dual frontage, addressing both Station Street to the north and Phillip Street to the south.

The site is occupied by the Station Plaza Shopping Centre, a single-storey, large box-style, stand-alone shopping centre. The main entry to the centre is on Phillip Street. The Station Street frontage is used to provide car parking and access to the shopping centre, with a large, blank unattractive wall. The shopping centre currently provides about 6,500m² of floor space including a supermarket (3,460m²), 13 smaller or speciality shops, and 420m² of offices. Street-level parking is also provided.

A Planning Proposal is the key document in the NSW Department of Planning, Industry and Environment's process, known as the *Gateway Process*, for making and amending local environmental plans such as LEP 2010. It explains the intended effect of the changes and sets out the justification for the recommended amendments. The Gateway Process has several steps (set out in Table 1) that may require this document to be revised as it progresses through the process.

No.	Step	Explanation
1	Planning Proposal	Council prepares a document explaining the intended effect of and justification for the making or amending of 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 the submissions received in response to the public exhibition, varying the Planning Proposal as necessary. It can also determine not to proceed with the Planning Proposal.
5	Drafting	Parliamentary Counsel prepares a draft local environmental plan.
6	Decision	The Minister for Planning approves the local environmental plan, making it law.

Table 1 – Gateway Process

The Department's *Guide to Preparing Local Environmental Plans* and *Guide to Preparing Planning Proposals* provide more detailed information on the Gateway Process. These guides are available on the Department's website. The remainder of this document is split into the following parts:

Part	Description
1	The objectives and intended outcomes of the Planning Proposal
2	An explanation of the provisions to be included in LEP 2010
3	Justification for the objectives and intended outcomes
4	Maps identifying the area to which this Planning Proposal applies
5	Details of the intended community consultation
6	Projected timeline

Table 2 – Parts of a Planning Proposal

Council considered and sponsored this Planning Proposal at its 14 May 2018 Policy Review Committee Meeting. A copy of the report to and the minutes of this meeting are provided in Appendix 1.

On 27 August 2018, the Department issued Council with a Gateway Determination, allowing us to consult community on the proposed changes. The Determination also required Council to make a number of amendments to the Planning Proposal prior to its public exhibition. A copy of the Gateway Determination is provided in Appendix 2.

Council received an extension to the Gateway Determination from the Department on 22 May 2020. The time frame for completing the LEP is by 27 November 2020.

Part 1 – Objectives and Intended Outcomes

The objective of this Planning Proposal is to provide an incentive for the redevelopment of the site with a new mixed-use building or buildings. The redevelopment of the site will:

- Contribute to the Town Centre's role as a strategic centre.
- Provide a range of housing with good access to:
 - the Town Centre and the jobs, shops and services it provides, and
 - existing and proposed public transport, including the Main Western Rail Line and the proposed rail line to the Western Sydney Airport.
- Stimulate the northern part of the Town Centre, including the night-time economy.
- Generate new jobs.
- Enhance the Town Centre's appearance, especially when arriving by train.
- Improve pedestrian connectivity and encourage greater street-level activity.
- Serve as a catalyst for further investment and development in the Town Centre.

The objective, or incentive for redevelopment of the site, can be achieved by increasing the maximum permissible building height and floor space allowed on the site. The current planning controls limit the height of buildings to 32 metres, or about 10-11 storeys. The site has an area of 11,740m² and the current planning controls permit a gross floor space of about 41,000m², or 3.5 times the size of the site.

The intended outcome of this proposal is to increase the height limit to 61 metres (or 19-20 storeys) and the gross floor area to about 64,500m² (or 5.5 times the size of the site) by amending relevant planning controls.

Part 2 – Explanation of Provisions

The intended outcome can be delivered by changing the planning controls that set the maximum height of buildings and permissible floor area of development on the site. LEP 2010 contains two controls that do this:

- 4.3 Height of buildings, and the Height of Buildings Map.
- 4.4 Floor space ratio, and the Floor Space Ratio Map, and

Clause 4.3 *Height of buildings*, and the associated map function by setting a limit, or development standard, for the height (in metres) of new buildings for each property in the Town Centre. The current development standard is set at 32 metres or about 10-11 storeys.

Clause 4.4 *Floor space ratio*, and the associated map function in the same way. They set a development standard for the total (or gross) floor area of new buildings for each property in the Town Centre. This is known as the floor space ratio, or the ratio of the building relative to the size of the piece of land upon which it is built. In this instance, the site has an area of 11,740m² and the current controls set a floor space ratio of 3.5:1, permitting a gross floor area of about 41,000m².

To achieve the intended outcome, this Planning Proposal recommends amending both development standards to increase:

- The height of buildings from 32 (10-11 storeys) to 61 metres (19-20 storeys), and
- The maximum permissible floor space ratio from 3.5:1 (41,000m²) to 5.5:1 (64,500m²).

Please refer to Part 4 Mapping for the proposed changes to the associated maps.

All other planning controls applying to the site will remain unchanged.

Part 3 – Justification

This part of the Planning Proposal is split into the following sections:

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

Table 3 – Sections in Part 3 of the Planning Proposal

Section A – Need for the Planning Proposal

The 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 the landowner via a rezoning application. The owner wishes to take advantage of the opportunities of the planned growth in Penrith and Western Sydney more generally and redevelop the site with a mixed-use building or buildings up to 19-20-storeys in height and containing:

- between 580 and 600 apartments,
- a 4,500m² supermarket on the ground floor,
- 1,600m² of speciality retail, café and restaurant uses addressing the street,
- 2,200m² of commercial floor space on the first floor, and
- Car parking (including a basement car park) to service the development.

The site is zoned B4 Mixed Use in LEP 2010 and the potential uses are all permitted with Council's development consent. The supporting planning controls include a maximum building height of 32 metres (10-11 storeys) and a floor space ratio of 3.5:1. The proposed development is not consistent with the current controls because the proposed building heights and the amount of floor space is greater than what the current planning controls permit.

The current controls have been in place for about 8 years and implement Council's adopted *St Marys Town Centre Strategy 2006* and associated *2007 Masterplan*.

Although the vision set by these documents has been tested and re-examined during the consideration of various development proposals, it remains largely unchanged, as are many sites and precincts within the Town Centre. A recent examination of the feasibility of the current controls found that they are unlikely to stimulate redevelopment at this time and that there is a need for a limited increase in building height and floor space across the Town Centre.

The NSW Government's Western City District Plan also identifies the importance of the Town Centre to contribute to the growth of Western Sydney. There are also significant opportunities associated with the Western Sydney Airport, associated Growth Area, and infrastructure delivery, including the recently announced rail link with the airport. In recognition of these opportunities, a comprehensive, strategic exercise, to understand what these and future opportunities mean for the future growth of the Town Centre has commenced and is due for completion later in 2019. This work will also examine the future of the land adjoining this site.

Although this proposal pre-empts this broader body of work, it still aligns with the vision for the Town Centre and will help reinforce the Town Centre's role as a strategic centre by:

- Delivering new homes, including more affordable options such as one and two bed apartments, close to jobs, shops and services.
- Supporting and promoting the use of existing and proposed public transport by locating new homes and businesses next to an existing train and bus station.
- Creating new jobs, including upwards of 835 construction jobs and 583 jobs in the shopping centre, about 320 more jobs than currently provided.
- Increasing activity, spending and the demand for new shops and services across the Town Centre (because of the increased workforce and new residents).
- Delivering a better designed development than the current shopping centre, that addresses and activates local streets and improves the public domain. It would also signal arrival in the Town Centre when travelling by train.

Considering the potential benefits of the proposed development and the recent examination of the feasibility of the current controls which supports a limited increase in building height and floor space across the Town Centre, this proposal recommends increasing:

- The height of buildings from 32 (10-11 storeys) to 61 metres (19-20 storeys), and
- The maximum permissible floor space ratio from 3.5:1 (41,000m²) to 5.5:1 (64,500m²).

The scale of the proposed increase in building height and floor space means that it could not be considered an acceptable exception to the current planning controls (if a development application were lodged without the proposed amendments set out in this document).

Section B – Relationship to Strategic Planning Framework

The Greater Sydney Region Plan and Western City District Plan

This Planning Proposal is consistent with the Greater Sydney Commission's Greater Sydney Region Plan *A Metropolis of Three Cities* and the Western City District Plan.

The Greater Sydney Region Plan is “[...] *built on a vision of three cities where most residents live within 30 minutes of their jobs, education and health facilities, services and great places*”. One of these cities is the Western Parkland City, a polycentric city containing a number of “Metropolitan Clusters”, such as the Greater Penrith area, which in turn contain a number of “Strategic Centres” including the St Marys Town Centre.

The Greater Sydney Region Plan identifies that Greater Penrith is a critical location “*for commercial and retail businesses and health, education and other services as the city grows*” and that it will need to “*contribute to a connected, vibrant Western Parkland City with more homes, jobs, services and open space*”.

The Western City District Plan implements the Greater Sydney Region Plan by setting planning priorities to ensure that the Western Parkland City meets

infrastructure, liveability, productivity, and sustainability objectives. It identifies that the expansion of strategic centres will need to be considered, either through increased building heights or through outward growth. It also states that these centres will be the focus of public transport investments that seek to deliver a 30-minute city.

The Western City District Plan sets the following actions to strengthen St Marys:

- a) Review and maximise opportunities from its location at the intersection of the north-south and east-west corridors,
- b) Support the role of St Marys as a centre by enabling a mix of land uses to encourage a diverse and active night-time economy.
- c) Facilitate the attraction of a range of uses that contribute to an active and vibrant place.
- d) Improve transport connectivity and walkability within and to St Marys.
- e) Support greater housing diversity and densities.
- f) Activate primary and secondary streets and deliver contemporary urban public spaces.
- g) Support and demonstrate innovation.

These strategic planning documents and the actions they set have elevated the importance of the Town Centre. The proposed development and the benefits it will bring to the Town Centre are considered to help the Town Centre respond to its new role. These benefits include:

- Significant investment in a site close to existing and proposed rail infrastructure.
- Commercial and retail floor space to help meet job targets and contribute to increasing street-level activity.
- Residential development that assists in meeting the current demand for dwellings and provides increased housing diversity with apartments.
- Housing close to existing services and jobs helping to reduce travel times and car dependency, whilst enabling more walking and cycling.

- Improved pedestrian amenity and connectivity within a precinct around the train station, including the activation of Station and Phillip Streets.

The proposed increase in floor space also aligns the site with comparable sites in other established centres within the Western City.

An assessment of consistency of the Planning Proposal against the objectives and planning priorities set by the Western City District Plan is provided in Appendix 3.

Local Planning Directions and State Environmental Planning Policies

This Planning Proposal is consistent with all applicable Local Planning Directions and State Environmental Planning Policies.

The Minister for Planning has issued *Local Planning Directions* (also known as 9.1 Directions) that Council must follow when preparing a Planning Proposal. These directions cover:

- Employment and resources.
- Environment and heritage.
- Housing, Infrastructure and urban development.
- Hazard and risk.
- Regional planning.
- Local plan making.

An assessment of the consistency of this Planning Proposal with these Local Planning Directions is provided in Appendix 4.

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. An assessment of the consistency of this Planning Proposal with SEPPs is provided in Appendix 5.

Council's Framework – Strategic Planning

This Planning Proposal is consistent with Council's strategic planning framework.

This framework consists of the following documents:

- Community Plan.
- Community Engagement Strategy.
- Delivery Program 2017-21.
- 2019-20 Operational Plan.
- Resourcing Strategy.
- City Strategy (incorporating the *2006 St Marys Strategy* and supporting *2007 Masterplan*).

The two key documents that this planning proposal need to consider are Council's Community Plan and City Strategy.

Council's Community Plan is a "big picture" plan based around the communities' long-term aspirations to improve Penrith as a place to live, work and visit. These aspirations have been themed into seven outcomes (identified in Table 4), each with a subsequent set of strategies identifying the ways in which Council can deliver the outcomes.

Community Plan Outcomes
1. We can work close to home
2. We plan for our future growth
3. We can get around the City
4. We have safe, vibrant places
5. We care about our environment
6. We are healthy and share strong community spirit
7. We have confidence in our Council.

Table 4 – Outcomes set by Council's Community Plan

The changes to the planning controls recommended by the Planning Proposal will principally assist in achieving the outcomes of providing work closer to home, planning for our future growth, and creating safe, vibrant places.

The recommended changes will encourage investment and create new jobs in the Town Centre, primarily with the development of the site with new mixed-use development. New residents will also support existing shops and services and create demand for new shops and services. New residential development will assist in meeting the current demand for dwellings and the form of the housing, apartments, will provide increased housing diversity. Any new homes will also be close to existing services and jobs helping to reduce travel times and car dependency, whilst enabling more walking and cycling.

The future built form outcome on the site will be settled through the development consent process and will ensure it responds to the site's significant location and enhances the Town Centre's appearance. New development will also stimulate the northern part of the Town Centre, including the night-time economy, with new residents and the activity generated by the commercial uses.

An assessment of the consistency of this Planning Proposal with Council's Community Plan is provided in Appendix 6.

The City Strategy helps build a sustainable future for Penrith and its communities by examining the key issues facing us over the next 10-20 years and outlining how Council will respond. The City Strategy incorporates an earlier body of work planning the future of the Town Centre – the *St Marys Town Centre Strategy* (adopted in 2006) and supporting *Masterplan* (published in 2007). It also incorporates the City-wide Landscape Character Strategy adopted in 2006.

The City Strategy contains a number of policy responses concerning, amongst other things, housing, jobs and the City's economy. The recommended changes to the planning controls are consistent with the following policy responses:

- Plan for housing that meets community needs with regard to supply, choice, design quality, sustainability and affordability.
- Attract strategic investment, facilitate employment diversity and growth, promote job clusters and encourage local workforce skills and training.
- Revitalise our major centres to create vibrant places and offer quality living, working and leisure experiences.

Town Centre Documents

The St Marys Town Centre Strategy identifies the key steps to achieve the long-term vision of a sustainable and vital town centre. It provides a statement of the policies and a list of actions to create friendly and attractive places to encourage new development, which in turn, will help create activity in the Town Centre, attract new businesses and generate jobs. This Strategy also identifies the need to improve cultural and entertainment facilities in the Town Centre, as well as the cycling and pedestrian network. The supporting Masterplan (2007) supports the Strategy, making recommendations to implement it. These recommendations include a central town square, a new east west street, and the integration of the existing shopping centres into the Town Centre.

The application responds to Council's aim to encourage new-mixed use and high-density residential development in the Town Centre, especially on sites close to the train and bus station. It also responds to the changing role of the Town Centre and Western Sydney as new infrastructure is delivered and the anticipated growth occurs. The application will also facilitate the redevelopment of an ageing shopping centre into a well-designed development helping to create attractive, inviting, and safe public places.

Landscape Character Strategy

This strategy presents statements of desired character for various precincts or areas across Greater Penrith to protect and enhance the visual amenity or look of Penrith. The strategy guides Council's work in a number of disciplines, including strategic planning.

In St Marys Town Centre, the Strategy aims to:

- Emphasise the civic, social and economic identity and role.
- Achieve the highest standards for building design and landscaping of public spaces.
- Coordinate the planning and design of buildings with open space.

Whilst the design of the proposal and how it relates to nearby public spaces, are matters normally considered during the development application process, the proposal is considered to help highlight the role of the Town centre as a commercial centre providing jobs, shops and services. The proposal will promote a vibrant street life by maximising pedestrian activity and diversifying street front retailers. It also consolidates building heights to create a landmark in the town Centre.

Council's Framework – Local Planning Documents

Penrith Local Environmental Plan 2010 (LEP 2010) implements Council's strategic plans and policies by setting the land use zone for the site (B4 Mixed Use), and applying a number of other planning controls such as height of building and floor space ratio. The potential uses – residential development, and retail and commercial premises – are all permitted with Council's development consent.

An extract of applicable parts of LEP 2010 are provided in Appendix 7.

Penrith Development Control Plan 2014 (DCP 2014) also applies to the site, with *Chapter E15 St Marys/North St Marys*, setting detailed development controls for:

- The bulk, scale, and design of new buildings,
- Pedestrian amenity,
- Access, parking and services, and
- Sustainable development.

No changes are proposed to DCP 2014.

Section C – Environmental, Social and Economic Impacts

This section reviews the challenges and opportunities presented by the site and how any impacts of the proposed development might be managed. There are a number of technical studies and assessments supporting this proposal, a number of which have been amended and updated as the planning proposal progresses through the Gateway Process. These include:

- Urban Design Report (January 2018), supported with updated shadow diagrams (dated December 2018).
- Traffic Impact Assessment (August 2018).
- Economic Impact Assessment (September 2016) updated with an addendum report (dated December 2018).
- Community, Sport and Recreation Facilities, and Open Space Study (September 2016), updated with an addendum report (dated November 2018).

Bulk and scale of development and overshadowing

The Urban Design Report and supporting shadow diagrams identify that the bulk and scale of a future development using the proposed controls can be designed and arranged to:

- Minimise overshadowing of neighbouring residential areas to the east and south through the stepping down in the height of towers from the north to the south of the site. The analysis indicates that the shadow impacts will allow all buildings to the south to achieve in excess of the minimum 2 hours solar access in mid-winter.
- Provide a suitable scaled podium for the towers that reflects the width of Station and Phillip Street.
- Avoid the deflection of winds towards the street and public areas (something that can occur with taller buildings).
- Deliver satisfactory residential amenity in relation to noise, access to light, natural ventilation etc.

Any future development application(s) will have to address these matters in more detail and will need to examine ways to manage potential impacts.

A copy of the Urban Design Report is provided in Appendix 10.

Scenic & Landscape Values

The site is located within an area considered to have particular scenic value when viewed from major roads, identified heritage items, and public places (such as the

train station). These controls implement the recommendations of the Landscape Character Strategy and St Marys Town Centre Masterplan and protect the east to west views across the Town Centre to the Blue Mountains.

The proposal does not seek to change these controls which will align and shape any future development to maintain these iconic views towards the Blue Mountains. The principle views to the Blue Mountains in this location will remain along Phillip Street.

Traffic and transport

The site is opposite St Marys Train and Bus Station and is serviced by the main Western Rail Line (connecting the Blue Mountains to Parramatta and the Sydney CBD) and numerous bus services to other centres, including, Castle Hill, Mt Druitt, and Penrith.

A Traffic Impact Assessment has been undertaken to assess the traffic implications of the proposal and identify any potential impact to local traffic and transport. As required by the gateway determination, the proposal has been updated to ensure it fully considers planned growth in the Centre, the recommendations of the Western City District Plan, and reviews the influence of the north-south rail-line and other infrastructure corridors. A copy of the Traffic Impact Assessment is provided in Appendix 11.

Working with Transport for NSW (TfNSW), SIDRA network modelling of future growth scenarios on key intersections in the town centre was undertaken based on TfNSW traffic volumes, and Councils existing land use plan. A number of future traffic works, including intersection upgrades to both local and state roads have been recommended to accommodate future traffic volumes for the St Marys Town Centre Precinct.

Further SIDRA modelling for future growth scenarios, plus vehicle movements from the planning proposal was undertaken to assess the impact of the planning proposal in the town centre. The Study identifies that while the existing road network generally has the ability to accommodate the traffic generated by the proposal, some new infrastructure will be required at key locations to support the development.

As a result, the applicant has submitted a letter to enter into a Voluntary Planning Agreement (VPA) with Council to secure required infrastructure works, amongst other public benefits to support the development including:

- Signalised intersection and site access at Phillip Street/Blair Avenue.
- Capacity improvements at the Chapel Street/Glossop Street intersection to accommodate the creation of an additional right-hand turn lane.

Letter of Offer is provided in Appendix 9.

Public Benefits

Further to the above traffic infrastructure works and affordable housing proposed to be delivered under a VPA, the proponent has offered to deliver and contribute towards other public purposes in respect to the provision and embellishment of public open space and include:

- Dedication of Public Plaza of 1,316sqm at no cost to Council;
- Embellishment of the Public Plaza to Councils' specifications and standards;
- A 5-year maintenance period of the Public Plaza; and
- A \$655k cash contribution towards the upgrade of open space facilities at the nearby Bennett Park.

A map of the public plaza is identified in Figure 2.



Figure 2 – Public Plaza

The dedication and embellishment of a public plaza will provide a publicly accessible link between Phillip Street and St Marys transport interchange, which is required under Penrith DCP 2014. The contribution towards works at Bennett Park will deliver several planned upgrade works identified under the draft Penrith Sport and Recreation Strategy and will support facilities for a growing St Marys population. It also recognises the need for public space and pedestrian connections to the St Marys Interchange, a significant precinct, to be further built upon by the North/South rail link.

It is noted that section 7.11 contributions towards cultural facilities, local and district open space will be requested in addition to the VPA offer.

Affordable Housing

The provision of affordable housing is a key priority within the District Plan and Councils Local Strategic Planning Statement (LSPS). Both documents seek to increase the provision of affordable rental housing in suitable locations in Penrith

LGA. St Marys town centre is an ideal precinct for the location of affordable rental housing, due to its current proximity to transport and services and future connection of the North/South rail link.

Council does not have an affordable housing policy specific to our town centres at this time, however we have established affordable housing requirements within our sustainability blueprint for release areas. The blueprint requires a minimum of 3% of dwellings to be provided for the purposes of affordable housing.

Consistent with the Blueprint, the proponent has offered to provide 9 units for affordable housing in perpetuity. This equates to 3% of units that are a result of the uplift of planning controls. The housing will be secured through a VPA.

Economics

The Economic Impact Assessment (and Addendum) identifies that the residential, retail and employment uses would all contribute to the growth of the Town Centre and provide impetus for further investment. These documents found that the additional population living in the proposed development would increase employment opportunities for local residents and increase retail expenditure, with some of this expenditure captured within the Town Centre and Penrith City Centre. These documents also concluded that the undersupply of retail floor space in the Town Centre and the minor increase in retail floor space proposed, that the proposal will not redirect expenditure away from existing shops and businesses either within the Town Centre or surrounding centres. A copy of the Economic Impact Assessment is provided in Appendix 12.

Contamination

The site is already zoned B4 Mixed Use and the planning proposal does not seek to introduce any more sensitive land uses than currently permitted. Detailed investigations would need to occur in support of any future development application(s).

Biodiversity

The site does not contain any existing vegetation and so there is no likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal.

Heritage

The St Marys Railway Station is a state significant heritage item as an example of an early station opened in the 1860s when the Great Western Railway was extended from Parramatta. It is also recognised for the role it played in handling the increased traffic for the American ammunition and general store built at Ropes Creek during World War II. The station contains a range of buildings and structures dating from the 1880s and World War II period to the present day including the station building, goods shed, signal box, crane and footbridge substructure.

The station has research and technical potential for its ability to provide evidence on the construction techniques and operational system of the NSW Railways in the 1880s and during the World War II period.

The structures and buildings that belong to the station are approximately 60 metres from the site and are separated by Station Street and the bus station. It is not anticipated that the proposed development of the site will impact on the continued management and interpretation of this heritage item, especially considering the highly urban nature of the Town Centre.

Any future development application will be required to identify and manage any potential impacts on this heritage item.

Community, Sport and Recreation and Open Space

The supporting studies identifies that the proposal and the anticipated residential population is not large enough to generate the need for a new community facility, such as a community centre, library, or sporting facility. However, the proposal, while not generating the need for new facilities, will place additional pressure on existing facilities. Therefore, any future development will need to make development contributions towards existing and planned facilities in accordance with Council's

existing Development Contributions Plans. A copy of the Community, Sport and Recreation Facilities, and Open Space Study is provided in Appendix 13. An increase in population will require an update in facilities, as a result, the proponent has offered a cash contribution towards the upgrade of open space facilities at the nearby Bennett Park.

Urban renewal opportunities in the Town Centre can create considerable social and economic benefits. The future development of the site with a mix of different uses will contribute to the overall liveability and productivity of the Town Centre. The introduction of a greater mix of uses, including residential, will:

- support the Town Centre's existing functions,
- deliver alternative housing options in proximity to existing services, jobs and transport,
- increase and diversify the range of businesses and employment opportunities in the Town Centre, and
- increase the activity and vibrancy of the site and the northern end of the Town Centre, including its night-time economy.

Section D – State and Commonwealth Interests

State and Commonwealth Public Authorities

Consultation with the following public authorities has been undertaken in accordance with the requirements of the Gateway Determination provided in Appendix 2:

- Transport for NSW – Sydney Trains
- Previously Roads and Maritime Services, now Transport for NSW
- Office of Environment and Heritage
- Sydney Water
- Telstra
- Jemena
- Endeavour Energy

Agency consultation took place from 19 September 2019 to 18 October 2019, for a period longer than 21 days minimum required by the Gateway Determination. Public authority recommendations are addressed below:

Issue	Response
Underground main easements	<p>Endeavour Energy has provided comment with no objection to the Planning Proposal, although any future development application will require further investigation with Endeavour Energy.</p> <p>In addition, Jemena has indicated the existing main has sufficient capacity to support future development at this site.</p>
St Marys Railway station State Heritage item	<p>Office of Environment and Heritage (OEH) requested further consideration of the impact of the proposal on the State Heritage item at St Marys Railway Station.</p> <p>Heritage Impacts have been addressed in the Planning Proposal. The subject site is located over 60m from the Station, separated by bus transport infrastructure and will not have a physical impact on the station. Considering the highly urban nature of the town centre, it is not anticipated that the development will have an impact on the heritage significance of the station.</p> <p>The urban form of St Marys City Centre around the train station is likely to change, with the location of the future Metro Interchange. It is our understanding that any heritage impacts to the existing train station will be investigated as part of the planning for the Metro Interchange, and therefore not necessary to be undertaken for this planning proposal at this time.</p>

<p>Bus Services to/from and surrounding St Marys</p>	<p>Transport for New South Wales (TFNSW) commented on the importance of bus services in this area and their frequency and efficiency. They highlight the traffic impacts on the Glossop and Phillip Street intersection and the risk of future bus services being impacted in terms of reliability, travel time and cost.</p> <p>TFNSW has recommended Council clarify any further improvements to the Phillip/Glossop St intersection and/or consider the need to review the wider traffic management and access principles for the St Marys town centre.</p> <p>A traffic assessment is provided in the Planning Proposal. This report assessed the traffic implications of the proposal and identified any potential impact to local traffic and transport. The report concluded that additional upgrades at the signalised intersection of Phillip/Glossop Streets, including an additional short right turn lane and parking restrictions on the Phillip Street approach has been demonstrated to address intersection performance. The applicant has submitted a letter of offer to enter into a Voluntary Planning Agreement (VPA) with Council to secure these infrastructure works.</p> <p>It is noted that such a change may necessitate localised road carriageway widening to implement and may not be achievable as part of this planning proposal, due to limited available road reservation at the intersection.</p> <p>An alternative upgrade option at the existing signalised intersection of Chapel Street / Glossop Street, where additional road reserve exists. This has been instead pursued as part of the package of works within a future VPA to secure required infrastructure works to support the development. These works include signalised intersection</p>
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	<p>and site access at Phillip Street/Blair Avenue and improvements at the Chapel Street/Glossop Street intersection to accommodate the creation of an additional right-hand turn lane.</p> <p>In addition, Council is currently undertaking scoping for a traffic and transport study for the St Marys Town Centre, which will address the Phillip/Glossop Street intersection.</p>
Active Street Frontage	<p>TFNSW has suggested that Council introduce development controls for the full activation of all street frontages for the subject site.</p> <p>The Planning Proposal site has been identified as having an Active Street Frontage on Station Street under Penrith's LEP 2010. This clause promotes uses that attract pedestrian traffic along certain ground flood street frontages, essential for the activation of the St Marys station precinct. This clause will be considered at the development application stage for future development.</p>
Minimum Retail/Commercial floor space	<p>TFNSW has suggested defining minimum requirements for retail/commercial floor space for the site, in order to preserve commercial development opportunities.</p> <p>Council's LEP Review, currently seeking a gateway determination with DPIE, provides for a minimum provision of non-residential floor space within St Marys Town Centre.</p>
Maximum parking rates for the site	<p>TFNSW has suggested Council consider the transit-oriented development context of the proposal and leverage the current and future levels of public transport connectivity by minimising parking provision on the site.</p>

	<p>Penrith DCP 2014 is applicable to the site and provides for minimum parking requirements. Any future changes to parking rates may be considered during the review of Penrith DCP 2014 and would be informed by a comprehensive traffic and transport study of the Centre.</p>
Telecommunication infrastructure	<p>Telstra provided comment with no objection to the Planning Proposal, although any future development would require an upgrade to the existing telecommunications network throughout the site. Telstra requires the protection and relocation of the telecommunication infrastructure that may be impacted by future development and is recommended the Telstra 1100 (Dial before you dig) inquiry number should be contacted to obtain location of Telstra plant before commencement of construction work.</p> <p>Any infrastructure and services provided would be further investigated when a development application is submitted.</p>

The referral responses are provided in Appendix 15.

No amendments are proposed to the Planning Proposal in response to public authority referral responses.

Part 4 – Mapping

To achieve the intended outcome, this Planning Proposal recommends amending the development standards for height of buildings and floor space ratio to increase:

- The maximum height of buildings from 32 (10-11 storeys) to 61 metres (19-20 storeys), and
- The maximum permissible floor space ratio from 3.5:1 (41,000m²) to 5.5:1 (64,500m²).

These changes are identified in Figures 3 - 6.

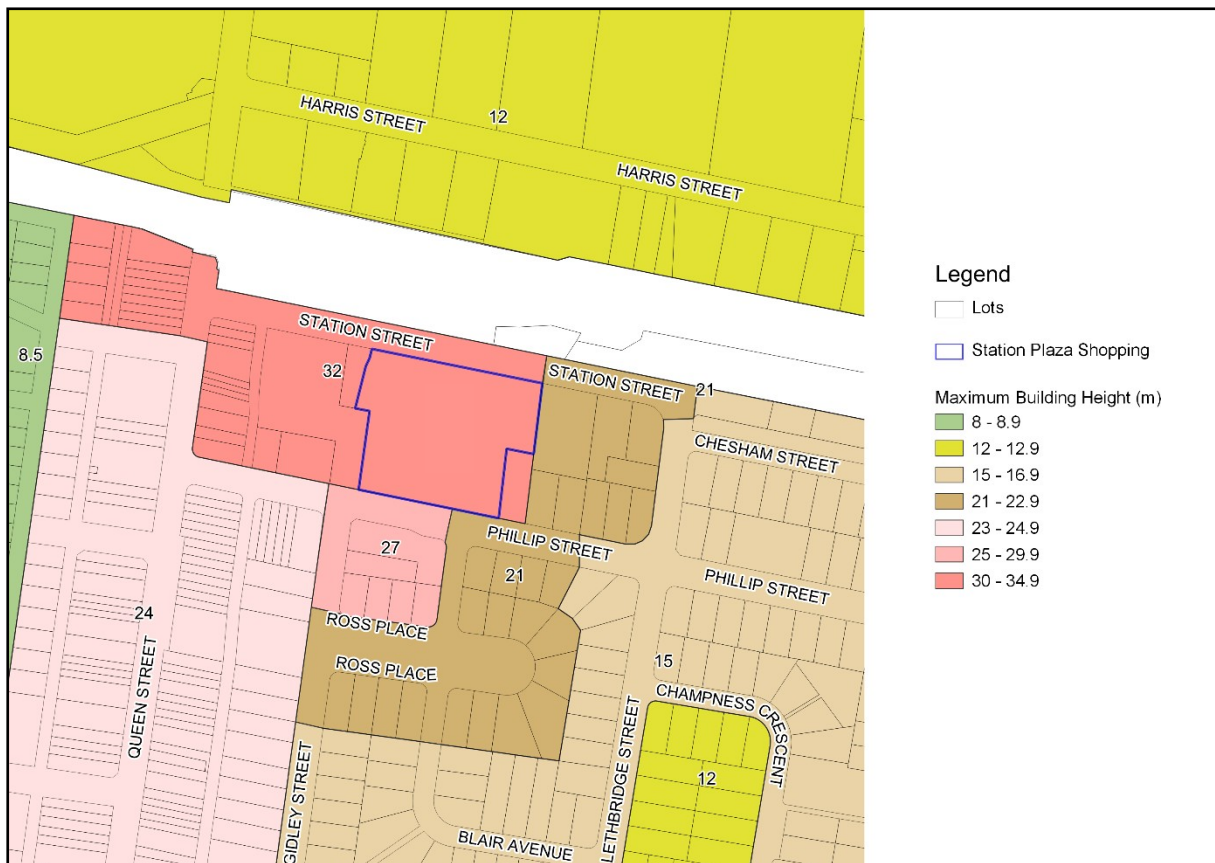


Figure 3 - Current height of buildings

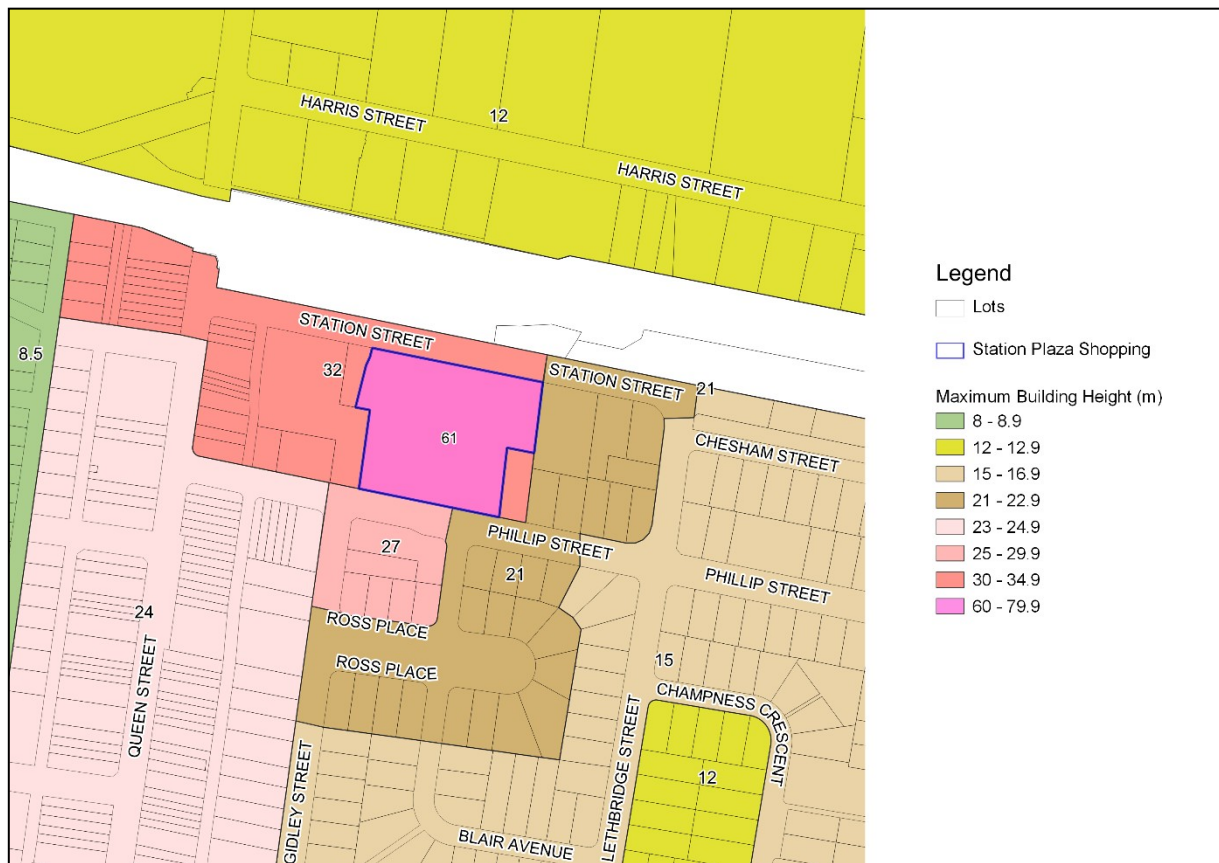


Figure 4 - Proposed changes to height of buildings

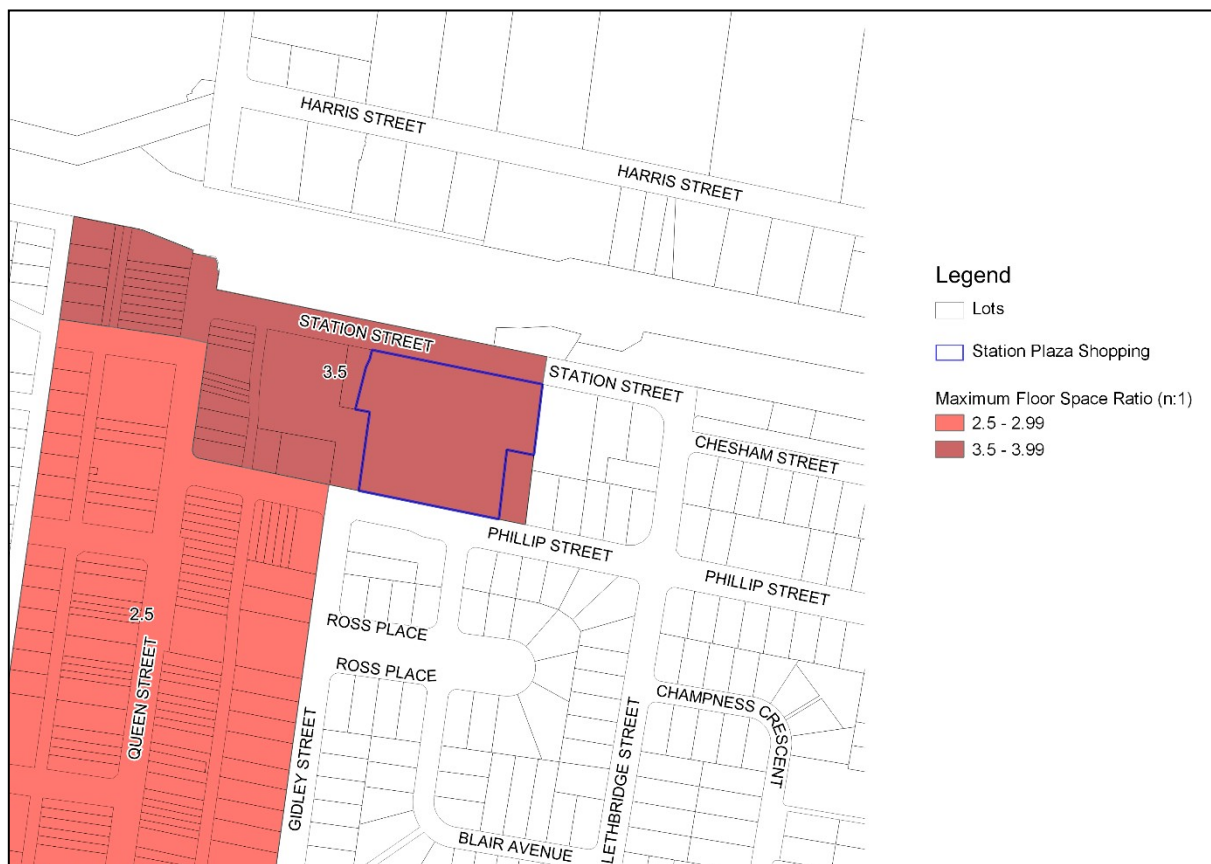


Figure 5 - Current floor space ratio

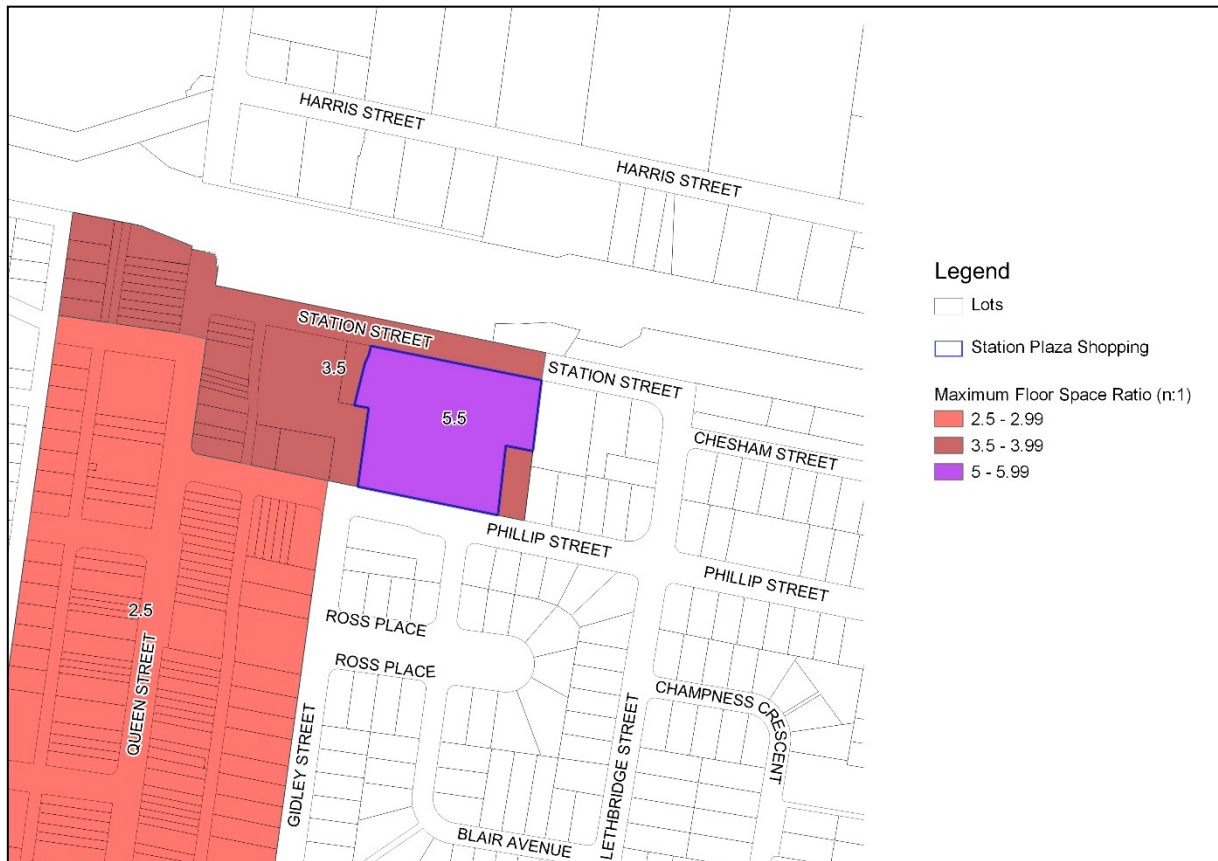


Figure 6 - Proposed changes to floor space ratio

This recommendation requires the amendment of the following map tiles in LEP 2010 (current and draft maps provided in Appendix 8):

- Height of buildings map – Tile No. 19, and
- Floor space ratio map – Tile No. 19.

Part 5 – Community Consultation

Community consultation has been undertaken in accordance with the requirements prescribed by the Gateway Determination provided in Appendix 2.

The Planning Proposal was placed on public exhibition from 19 September 2019 to 18 October 2019. All exhibition material was available at Penrith's Civic centre, Penrith Library, Council's St Marys Office and St Marys Library, and through Council's website and your say page.

Notice of the public exhibition was given in the local paper The Western Weekender on 19 September, 26 September, 10 October and 17 October 2019 and on Council's website and social media pages. A notification letter was also sent to the owners and occupiers of the properties identified on the map (Figure 7).

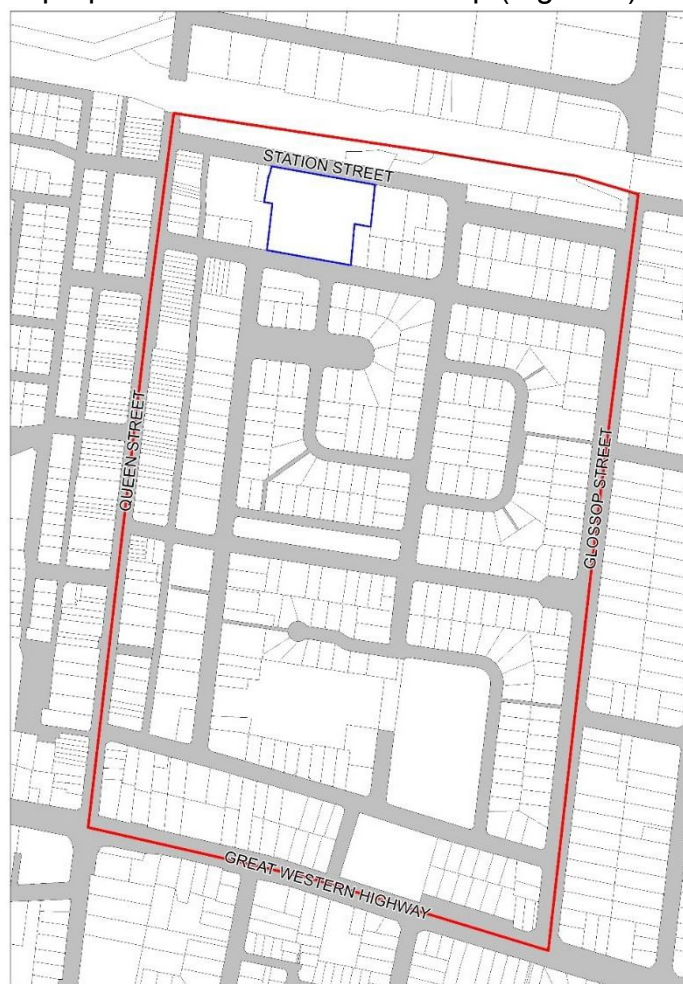


Figure 7 - Proposed notification area

Council received a total of three community submissions during the consultation process. The submissions objected to the proposed amendments and were tabled in a report to Council's Ordinary Meeting on 23 March 2020. This report responded to issues raised by the community submissions. This report is provided in Appendix 16. No amendments to the Planning Proposal were required in response to issues raised in the submissions.

Local Planning Panel Advice

A report on this Planning Proposal was not required to be presented to the Local Planning Panel, as the Planning Proposal was endorsed by Council ahead of the new requirements to seek advice from the Panel from 1 June 2018.

Part 6 – Project Timeline

Note: The project timeline will be updated as the Planning Proposal progresses through the Gateway Process.

No	Action	Anticipated Date
1	Council sponsors the Planning Proposal	May 2018
2	Submission to NSW Planning & Environment	June 2018
3	Gateway Determination Issued	August 2018
4	Initial consultation with public authorities regarding traffic	October 2018
5	Public Exhibition	September-October 2019
5	Consideration of Submissions	November-December 2019
6	Reporting of the Planning Proposal to Council	March 2020
7	Submission to NSW Department of Planning, Industry and Environment and Parliamentary Counsel Office	July 2020
8	Notification of VPA	August 2020
9	Consideration of submissions and execution of VPA	October 2020
10	Publication of Amendments to LEP 2010	November 2020

Table 4: Indicative Project Timeline