

Appendix 1

Reports to and Minutes of Council Meetings

**CONFIRMED MINUTES
OF THE POLICY REVIEW COMMITTEE MEETING OF PENRITH CITY COUNCIL HELD
IN THE PASSADENA ROOM, PENRITH
ON MONDAY 14 MAY 2018 AT 7:00PM**

PRESENT

His Worship the Mayor, Councillor John Thain, Deputy Mayor, Councillor Tricia Hitchen, and Councillors Jim Aitken OAM, Bernard Bratusa, Marcus Cornish, Kevin Crameri OAM, Greg Davies, Mark Davies, Aaron Duke, Ross Fowler OAM, Karen McKeown and Kath Presdee.

APOLOGIES

PRC11 RESOLVED on the MOTION of Councillor Aaron Duke seconded Councillor Karen McKeown that apologies be received for Jim Aitken OAM, Todd Carney, Mark Davies and Ross Fowler OAM.

CONFIRMATION OF MINUTES - Policy Review Committee Meeting - 16 April 2018

PRC12 RESOLVED on the MOTION of Councillor Aaron Duke seconded Councillor Kevin Crameri OAM that the minutes of the Policy Review Committee Meeting of 16 April 2018 be confirmed.

Councillors Jim Aitken OAM, Mark Davies and Ross Fowler OAM arrived at the meeting, the time being 7:03pm.

DECLARATIONS OF INTEREST

Councillor Ross Fowler OAM declared a Non-Pecuniary Conflict of Interest – Significant interest in *Item 2 – Rezoning Application RZ17/0001: 39-49 Henry Street, Penrith and Item 3 - Planning Proposal to amend Penrith Local Environmental Plan 2010 - 57 Henry Street, Penrith* as he is a director of AFFORD which owns property adjoining the properties mentioned in both reports. Councillor Fowler indicated he would leave the room when these items are considered.

DELIVERY PROGRAM REPORTS

OUTCOME 2 - WE PLAN FOR OUR FUTURE GROWTH

1 Rezoning Proposal for 33-43 Phillip Street, St Marys (Station Plaza Shopping Centre)

PRC13 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Kevin Crameri OAM

That:

1. The information contained in the report on Rezoning Proposal for 33-43 Phillip Street, St Marys (Station Plaza Shopping Centre) be received.
2. The Planning Proposal, included as Attachment 3, be sponsored for submission to the New South Wales Government's Department of Planning and Environment's Gateway Process.
3. The General Manager be granted delegation to make minor changes to the Planning Proposal.
4. The Minister be requested to delegate his authority for Council to finalise and make the proposed amendments to *Penrith Local Environmental Plan 2010*.

5. Consultation with the New South Wales Government's agencies be undertaken in accordance with any Gateway Determination.
6. The Planning Proposal be placed on public exhibition in accordance with any Gateway Determination.
7. A report be presented to Council on the submissions received during the public exhibition.

In accordance with Section 375A of the Local Government Act 1993, a DIVISION was then called with the following result:

For

Councillor John Thain
Councillor Kath Presdee
Councillor Bernard Bratusa
Councillor Kevin Crameri OAM
Councillor Karen McKeown
Councillor Greg Davies
Councillor Mark Davies
Councillor Ross Fowler OAM
Councillor Jim Aitken OAM
Councillor Tricia Hitchen
Councillor Marcus Cornish
Councillor Aaron Duke

Against

Councillor Ross Fowler OAM left the meeting, the time being 7:10pm.

2 Rezoning Application RZ17/0001: 39-49 Henry Street, Penrith

PRC14 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Marcus Cornish

That:

1. The information contained in the report on Rezoning Application RZ17/0001: 39-49 Henry Street, Penrith be received.
2. The planning proposal (provided as Attachment 3) be amended to:
 - a. Maintain the current floor space ratio for the site at 3.5:1.
 - b. Set a maximum floor space ratio in clause 8.7 *Community infrastructure on certain key sites*, of *Penrith Local Environmental Plan 2010* for Lot 10 DP 788189 at 8.5:1.
 - c. Set a maximum floor space ratio in clause 8.7 *Community infrastructure on certain key sites*, of *Penrith Local Environmental Plan 2010* for Lot 1 DP 710350 at 6.5:1.
 - d. Remove the proposed amendments concerning the types of community infrastructure and the design excellence competition.
3. The General Manager be granted delegation to update and finalise the Planning Proposal before submitting it to the Greater Sydney Commission / Department of Planning and Environment seeking a Gateway Determination.

4. In accordance with Section 3.34 of the Environmental Planning and Assessment Act 1979, Council forward the amended Planning Proposal to the Greater Sydney Commission / Department of Planning and Environment seeking a Gateway Determination.
5. The Minister for Planning be requested to delegate his authority for Council to finalise and make the proposed amendments to *Penrith Local Environmental Plan 2010*.
6. Consultation with the New South Wales Government's agencies be undertaken in accordance with any Gateway Determination.
7. The Planning Proposal be placed on public exhibition in accordance with any Gateway Determination.
8. A report be presented to Council on the submissions received from NSW Government Agencies during the public exhibition.

In accordance with Section 375A of the Local Government Act 1993, a DIVISION was then called with the following result:

For

Councillor John Thain
Councillor Kath Presdee
Councillor Bernard Bratusa
Councillor Karen McKeown
Councillor Greg Davies
Councillor Mark Davies
Councillor Jim Aitken OAM
Councillor Tricia Hitchen
Councillor Marcus Cornish
Councillor Aaron Duke

Against

Councillor Kevin Crameri OAM

3 Planning Proposal to amend Penrith Local Environmental Plan 2010 - 57 Henry Street, Penrith

Councillor Jim Aitken OAM left the meeting, the time being 7:39pm.

Councillor Jim Aitken OAM returned to the meeting, the time being 7:40pm.

PRC15 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Aaron Duke

That:

1. The information contained in the report on Planning Proposal to amend Penrith Local Environmental Plan 2010 - 57 Henry Street, Penrith be received.
2. In accordance with Section 3.34 of the Environmental Planning and Assessment Act 1979, Council forward a Planning Proposal to amend the Penrith Local Environmental Plan 2010 to the Greater Sydney Commission / Department of Planning and Environment seeking a Gateway Determination.
3. The General Manager be granted delegation to update and finalise the Planning Proposal, written instrument and associated maps before submitting it to the Greater Sydney Commission / Department of Planning and Environment seeking a Gateway Determination.

4. The Minister for Planning be requested to delegate his authority for Council to finalise and make the proposed amendment to Penrith Local Environmental Plan 2010.
5. Council undertake community consultation as outlined within any approved Gateway Determination.

In accordance with Section 375A of the Local Government Act 1993, a DIVISION was then called with the following result:

For

Councillor John Thain
Councillor Kath Presdee
Councillor Karen McKeown
Councillor Greg Davies
Councillor Mark Davies
Councillor Tricia Hitchen
Councillor Aaron Duke

Against

Councillor Jim Aitken OAM
Councillor Bernard Bratusa
Councillor Kevin Crameri OAM
Councillor Marcus Cornish

Councillor Ross Fowler OAM returned to the meeting, the time being 7:47pm.

OUTCOME 4 - WE HAVE SAFE, VIBRANT PLACES**4 Oxley Park Place Plan Progress**

Councillors Aaron Duke and Mark Davies left the meeting, the time being 7:51pm.

Councillors Aaron Duke and Mark Davies returned to the meeting, the time being 7:54pm.

PRC16 RESOLVED on the MOTION of Councillor Tricia Hitchen seconded Councillor Greg Davies

That:

1. The information contained in the report on Oxley Park Place Plan Progress be received.
2. Council congratulate Place Manager, Jeni Pollard and Community Engagement Officer, Rubie Ireson on their efforts and hard work.

There being no further business the Chairperson declared the meeting closed the time being 8:01pm.

I certify that these 4 pages are the Confirmed Minutes of the Policy Review Committee Meeting of Penrith City Council held on 14 May 2018.

Chairperson

Date

1 Rezoning Proposal for 33-43 Phillip Street, St Marys (Station Plaza Shopping Centre)**Compiled by:** Matthew Rose, Senior Planner**Authorised by:** Natasha Baker, City Planning Manager

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

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

Applicant: Haben Property Fund, represented by Elton Consulting**Owner:** The Trust Company (Australia) Ltd, care of Haben Property Fund**Executive Summary**

This report presents a rezoning application for 33-43 Phillip Street, St Marys, which is known as the Station Plaza Shopping Centre. The application seeks to maintain the current mixed-use zone but asks for an increase in the maximum permissible floor space (from 41,000 to 64,500m²) and the maximum building height (from 9-10 storeys to 19-20 storeys). These changes are sought to enable the redevelopment of the Shopping Centre into a new mixed-use development including apartments, upgraded shops, and commercial floor space. Such a development will take advantage of the site's location within the Town Centre, opposite the train and bus station.

The rezoning application is considered to have sufficient merit for Council to consider the sponsor of a planning proposal that delivers the outcomes sought in the application. The sponsor and submission of a planning proposal to the NSW's Department of Planning and Environment's Gateway process will allow Council to undertake community and agency consultation on the Planning Proposal, consider submissions received in response to such an exhibition, determine whether or not to proceed with the planning proposal and amend the planning controls. The gateway process also presents an opportunity to engage with the NSW government in enhancing the business case for the North South rail link.

Background

The site is located at the northern end of the Town Centre, opposite the train and bus station. Attachment 1 provides a location map. The site has an area of 11,740m² and has a dual frontage, addressing both Station Street to the north and Phillip Street to the south. It is separated from Queen Street, the main shopping street in the Town Centre, by a public car park and a service lane that caters for the Queen Street properties.

The existing Shopping Centre is 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 largely used to provide car parking and access arrangements for the shopping centre, with a large, blank unattractive wall. The shopping centre currently provides about 6,500m² of floor space including a Coles supermarket, 13 speciality shops, and 420m² of offices.

The site is currently zoned B4 Mixed Use and the supporting planning controls include a maximum building height of 32 metres (about 9-10 storeys) and a floor space ratio of 3.5:1 (providing a maximum permissible floor space of 41,000m²). These controls implement the adopted 2006 *St Marys Town Centre Strategy* and supporting 2007 *St Marys Town Centre Revised Masterplan*. Together, these documents provide the following vision for an important and strategic precinct located around the train and bus station:

This precinct provides a key focus to the revitalisation of St Marys; and becomes a safe and exciting place to be; it is well lit and heavily used by pedestrians; traffic flows are limited and upgrades to public infrastructure is provided and there is street art installed. New development incorporates residential uses that overlook the street – the shopping centre increases its active frontages and provides better connectivity to Queen Street. New buildings do not create overshadowing on the street.

Council's vision for the Town Centre has been in place for over a decade. Although this vision has been tested and re-examined with development proposals, it remains largely unchanged, as are many sites and precincts within the Town Centre.

More recently, the NSW Government's Western City District Plan has identified 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, similar to the Penrith City Centre review, is being programmed to understand what these and future opportunities mean for the future growth of the Town Centre.

The Rezoning Application

The application was received at the end of 2016; it sought to increase the maximum building height and permissible floor space to enable the redevelopment of the existing shopping centre into a new mixed-use development. The proposed development includes:

- 660-880 apartments (1, 2 and 3 bedrooms).
- a 3,200m² supermarket on the ground floor,
- 7,200m² of speciality retail, café and restaurant uses,
- 2,200m² of commercial floor space on the first floor, and
- car parking (basement and above ground) to service the development.

To facilitate this outcome, the application requested that the:

- current height of building control be increased from 32 metres (9-10 storeys) to 157 metres (about 50-51 storeys), and
- current floor space ratio be increased from 3.5:1 (about 41,000m²) to 8:1 (about 94,000m²).

The application is considered an exciting prospect for the Town Centre and its communities. It presents a significant opportunity to deliver elements of Council's adopted Strategy and has the potential to be a catalyst for further redevelopment and growth. It also responds to existing rail infrastructure and the proposed rail link with the airport. However, the review of the initial application identified several matters that needed further work:

- The strategic context for the scale of the proposed increases that are significantly greater than currently planned for elsewhere in the Town Centre or similar centres,
- The bulk and scale of the proposed 5-storey podium and potential impacts on the streetscape and public domain,
- The bulk and height of the proposed towers and potential overshadowing impacts on neighbouring residential properties,
- The design of the proposed towers and the level of residential amenity that would be provided noting potential noise and wind impacts and limited opportunities for appropriate ventilation and solar access.
- If the scale of the proposed development will achieve a feasible development outcome.

This additional work, including a review by Council's Urban Design Review Panel and a specialist economic consultant, indicated that the application needed several revisions. The Urban Design Review Panel identified the amendments necessary to the application to ensure that the impacts on the public domain, neighbouring properties, and residential amenity could be managed. Generally, these amendments required a reduction in the requested increases to floor space and building height.

The development feasibility information provided with the application indicated that the market risk associated with the proposal is high, with the key performance indicators falling below typical or desired levels. Council's economic consultant agreed with these findings and concluded that the requested increases to height and floor space did not achieve development feasibility. However, the consultant also examined the feasibility of Council's current controls and found that they are unlikely to stimulate redevelopment and that there is a need for a more limited increase in building height and floor space across the Town Centre.

The results of this work was used to negotiate the amendment of the application and the proposed development to ensure it had sufficient strategic and site-specific merit and that potential impacts were removed or could be managed.

The Revised Rezoning Application

The revised application, submitted in early 2018, now seeks a more-limited increase to the existing controls:

- A maximum building height of 61 metres (19-20 storeys), and
- A floor space ratio of 5.5:1, providing about 64,500m² of floor space.

The following table provides the original and revised amendments to demonstrate the revisions to the application.

	Current Controls	Original Application	Revised Application	Difference
Building height	32m (9-10 storeys)	157m (50-51 storeys)	61m (19-20 storeys)	-96m (about 30 storeys less)
Floor area	3.5:1 41,000m ²	8:1 94,000m ²	5.5:1 64,500m ²	-2.5:1 (about 29,500m ² less)

Attachment 2 provides an artist's impression of the proposed development, which includes:

- 580-600 apartments (1, 2 and 3 bedrooms).
- 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 current application is considered to:

- Help reinforce the Town Centre's role as a strategic centre.
- Create new jobs, including 835-1,026 construction jobs and 583-601 jobs in the shopping centre (306-324 more than the currently provided 277 jobs).
- Increase activity, spending and demand for new shops and services across the Town Centre because of the increased workforce and new residents.
- Deliver new homes, including more affordable options such as one and two bed apartments.
- Support and promote the use of existing and proposed public transport by locating new homes and businesses next to an existing train and bus station,
- Deliver 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.

The technical studies supporting the application demonstrate that any potential impacts can be adequately managed, including:

- The design and arrangement of the buildings to:
 - minimise overshadowing of neighbouring residential areas to the east and south,
 - avoid the deflection of wind towards the street and public areas (a frequent problem with taller buildings), and
 - deliver satisfactory residential amenity in relation to noise, access to light, natural ventilation etc.
- The ability of the existing road network to accommodate the traffic generated by the proposal.
- The provision of sufficient car parking on-site to service the proposed development.

The requested increases to the planning controls are also consistent with the findings of the commissioned development feasibility analysis. They are within the range identified to provide sufficient stimulus for the redevelopment of the site. It is highly likely that the recently announced rail link with the airport will change land values in the Town Centre and in turn development feasibility, however there is still uncertainty until the corridors are confirmed and potentially committed. An analysis of these changes will be included in the broader strategic work we are programming for the Town Centre.

Conclusion

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 that creates attractive, inviting, and safe public places.

The application has considerable strategic- and site-specific merit and the planning proposal (Attachment 3) should be sponsored through the Department of Planning & Environment's Gateway Process (for making and amending local environmental plans). This will allow Council, subject to any Gateway Determination issued by the Department, to:

1. Undertake community consultation on the planning proposal (public exhibition of 28 days),
2. Consider the community's submission on the planning proposal, and
3. Determine whether or not to amend *Penrith Local Environmental Plan 2010* (LEP 2010) to deliver the requested (or similar) outcome.

To expedite any amendment of LEP 2010, it is also recommended that Council request the Minister for Planning to delegate his plan making authority to Council.

We also intend to hold discussions with the NSW Government on the interaction of the proposal with:

- the North-South Rail Link between Western Sydney Airport and the Town Centre, and
- the investigations for the Greater Penrith to Eastern Creek Growth Area.

The proposal presents an early opportunity to work with the NSW Government under the framework of the City Deal to integrate land use and transport planning and potentially enhance the business case for the rail link. This can be undertaken at the same time as the Gateway Process.

RECOMMENDATION

That:

1. The information contained in the report on Rezoning Proposal for 33-43 Phillip Street, St Marys (Station Plaza Shopping Centre) be received
2. The Planning Proposal, included as Attachment 3, be sponsored for submission to the New South Wales Government's Department of Planning and Environment's Gateway Process.
3. The General Manager be granted delegation to make minor changes to the Planning Proposal.
4. The Minister be requested to delegate his authority for Council to finalise and make the proposed amendments to *Penrith Local Environmental Plan 2010*.
5. Consultation with the New South Wales Government's agencies be undertaken in accordance with any Gateway Determination.
6. The Planning Proposal be placed on public exhibition in accordance with any Gateway Determination.
7. A report be presented to Council on the submissions received during the public exhibition.

ATTACHMENTS/APPENDICES

- | | | |
|-------------------------|----------|----------------------|
| 1. Location Map | 1 Page | Attachments Included |
| 2. Artist's Impressions | 1 Page | Attachments Included |
| 3. Planning Proposal | 58 Pages | Attachments Included |