

Panel Advice provided pursuant to Section 2.19 of the EP&A Act 1979

The Panel has considered the Planning Proposal and the preliminary assessment prepared by Council officers and provides the following advice:

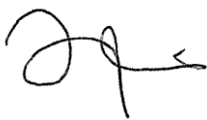


1. The Planning Proposal for 61-79 Henry Street, Penrith is generally supported, subject to consideration of the following matters:
 - a) The Local Planning Panel supports securing jobs in Penrith City Centre ahead of residential development. However, the Panel understand the Council has undertaken a strategic review of likely demand in the next 20 years. Assumptions may be incorrect as the State and Council efforts to attract investment to Western Sydney, and the Western Sydney Airport come to fruition in coming years. The site is large and proximate to services and transport nodes, suited to jobs creation. These factors warrant a further review of the proposed 1:1 ratio for commercial premises where residential accommodation is provided, and the 0.5:1 ratio for hotel development. The hotel development will not secure many jobs relative to floorspace. This review should consider the findings of the strategic investigations Council is currently completing. These investigations are understood to analyse the demand for commercial and residential floor space in Penrith City Centre and set targets for affordable housing. This is important work for the long term and decisions for the site need to consider the precedent that will be set for the B2 zoning, especially given land economics favour residential development and once land is developed and strata subdivided its potential for providing jobs is lost.

It is recommended that this planning proposal review provides:

- i) Predicted demand for Commercial Premises and Residential Accommodation in the Penrith City Centre to 2056. This information is to be represented in a manner that is clear, direct and logical, and include:
 - a) an analysis of the demand and supply of commercial and residential floor space across the Penrith City Centre. This needs to consider future demand generated by the Aerotropolis and other planned regional growth.
 - b) a calculation of floor space for community infrastructure, residential accommodation, affordable housing, seniors living, supported housing and provision of open space.
- ii) an analysis representing equitable distribution of commercial capacity across the Penrith City Centre. The minimum commercial floor space of the subject site should accommodate an equitable proportion of this commercial capacity.
- iii) The above should be peer reviewed by Council, if commissioned by the applicant.
- b) To secure the outcomes of the planning proposal within an appropriate timeframe, and should ownership of the site change, the planning proposal should include a sunset clause. This sunset clause could consider mechanisms like stipulating that a Construction Certificate is to be approved

within a specified number of years from the commencement of the proposed amendments. Approval of a DA will not ensure development, only potential land speculation.

- c) To secure adequate public benefits, the planning proposal should be supported by an appropriate mechanism to ensure delivery of:
 - i) At least 20% affordable, accessible and supported housing
 - ii) public open space of a type, size and shape in accordance with council policy, and
 - iii) community infrastructure. The additional permitted use of residential accommodation provides an uplift in the value of the land and as such any community infrastructure calculation in accordance with clause 8.7 of Penrith LEP 2010 should factor in the uplift as a result of the additional permitted residential use, irrespective of the currently permissible FSR and height.
- d) To ensure development outcomes are consistent with the intention of the planning proposal, the proposed Additional Permitted Use clause should specify that Clause 4.6 doesn't apply, so that the minimum non-residential floorspace or affordable housing is not eroded further.
- e) Any additional resident working population should be supported by an equivalent job provision in accordance with council's policy. This should be in addition to the jobs generated by the amended minimum commercial floor space required.
- f) To ensure views to the Blue Mountains are maintained, the planning proposal is to demonstrate consistency with council's objectives for building heights in the context of the city centre skyline.
- g) The design of the residential buildings should be carried out in accordance with State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development. This needs to be considered in formulating controls for building envelopes that include both commercial and residential accommodation within the Penrith City Centre.
- h) The applicant should submit a stormwater management strategy to establish that stormwater can be managed without inundation of the basement, given the potential for heavy stormwater runoff at times of mainstream flooding.

Jason Perica - Chair Person 	John Brunton – Expert 
Stephen Welsh – Community Representative 	Mary-Lynne Taylor - Expert 