



Planning Proposal

For an amendment to Height of Building
Map and amendment to Floor Space
Ratio Map in Penrith Local Environmental
Plan 2010

Australian Arms Hotel
351 and 359 High Street, Penrith

May 2019

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Appendices

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Introduction

1. Purpose of Planning Proposal

An amendment to *Penrith Local Environmental Plan 2010* (LEP 2010) is proposed for land at 351 High Street, Penrith (Lot 9 DP 28199) and 359 High Street, Penrith (Lot 2 DP 513015) as provided in Figure 1.

The Planning Proposal is intended to amend the LEP 2010 as follows:

1. Amend the Height of Building (height) control for land at 351 High Street, Penrith (Lot 9 DP 28199) and 359 High Street, Penrith (Lot 2 DP 513015) from 12m to a split height control of 12m over the Australian Arms Hotel heritage item and 24m over the remainder of the site.
2. It is proposed to amend the Floor Space Ratio control (FSR) for land at 351 High Street, Penrith (Lot 9 DP 28199) and 359 High Street, Penrith (Lot 2 DP 513015) from 3:1 to 3.5:1.



Figure 1 - Site aerial photo including 351 and 359 High Street.

2. Background

The site is known as 351 and 359 High Street, Penrith which comprises the following lots as provided in Figure 2:

- The Site: Lot 2 DP 513015, 359 High Street, Penrith and;
Lot 9 DP 28199, 351 High Street, Penrith.



Figure 2 - Site aerial photo with lot boundaries, addresses and the Australian Arms Hotel marked

The site contains the Australian Arms Hotel, which has a frontage to both High Street and Lawson Street and is a local heritage item under LEP 2010. It is not proposed to make additions to the heritage item. To the north of the existing hotel is a beer garden and an extensive asphalted car park.

The site is currently zoned B3 Commercial Core and has a FSR of 3:1 and a Building Height of 12m under the provisions of LEP 2010.

It is proposed to amend the planning controls to facilitate the demolition of the beer garden and asphalted car park to further improve this relationship and the outlook from the site and to consolidate development potential in the form of a new hotel.

At present the Australian Arms Hotel offers limited accommodation within the upper level of the heritage item. It is proposed to develop a 120 room, four star hotel with conference and function facilities which will complement the existing Australian Arms Hotel using its bar, restaurant and front of house services. The proposed hotel will include basement parking for approximately 62 cars to serve the consolidated hotel functions. This will continue the existing hotel use and reinvigorate its function while also providing short term accommodation as well as function and conference facilities within the Penrith Commercial Core.

A Conservation Management Plan (CMP) for the heritage listed Australian Arms Hotel is provided in Appendix 1. In Section 5.1, the CMP states that “Although the site as a whole is identified as a heritage item, the car park and beer garden area have no heritage significance and provide opportunities for further development without necessarily detracting from the hotel’s significance.”

An Urban Design Study (UDS) is provided in Appendix 2. The UDS explores a variety of development options for the site and recommends the retention of the heritage item and the construction of the proposed hotel on the beer garden and asphalted car park to the rear where it will complement the form and scale of surrounding Commercial Core development.

The UDS demonstrates that massing the proposed building on the site provides a significant public benefit consistent with the intent of Penrith City Councils planning framework and desired future character.

To realise these outcomes, an amendment to LEP 2010 will be required to increase the height from 12m to a split height control of 12m over the heritage item and 24m over the remainder of the site. It is also proposed to increase the FSR from 3:1 to 3.5:1 to facilitate the development of the new hotel.

The proposed development presents a unique redevelopment of an existing hotel precinct by retaining and upgrading facilities and buildings of architectural and social significance to satisfy contemporary access, fire safety and amenity standards, and integrate them into a larger site redevelopment, creating pedestrian linkages and dealing with traffic and parking demands on site.

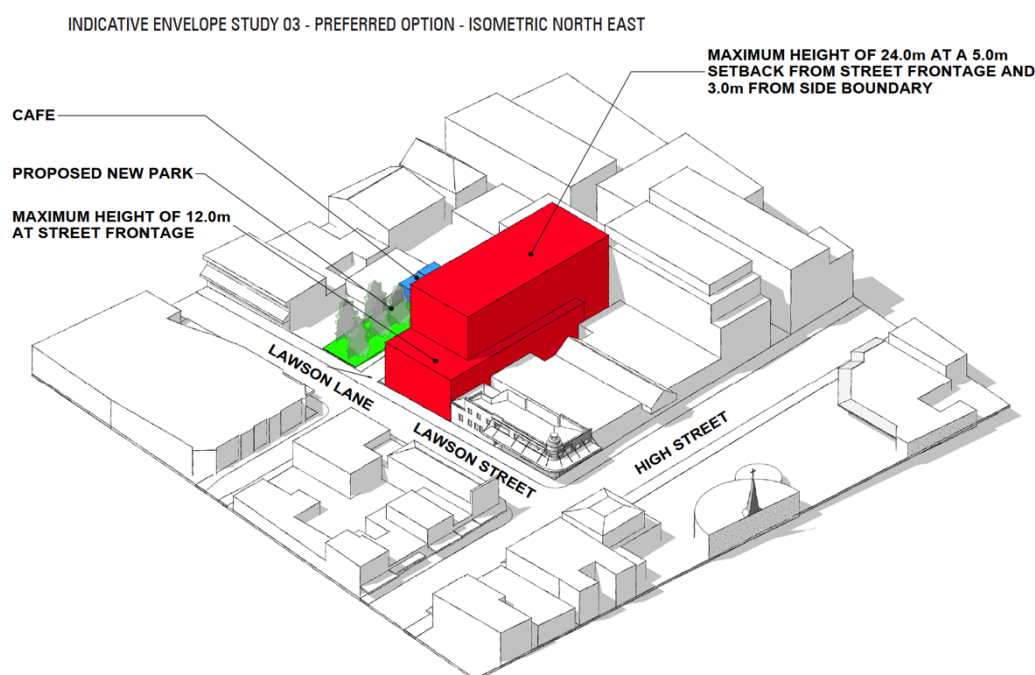
This would result in benefits for the adjoining and surrounding area in providing employment, hotel accommodation, function and conference facilities, pedestrian linkages, extended semi-public open spaces but more importantly providing a transitional buffer between the Australian Arms local heritage item and the adjoining commercial uses. The proposed future development may also result in benefits for the occupants and users of the Commercial Core consistent with the good planning practice.

Part 1 – Objectives or Intended Outcomes

The objective of this Planning Proposal is to amend the LEP 2010 as follows:

1. Amend the height control for land at 351 and 359 High Street, Penrith (Lot 9 DP 28199 and Lot 2 DP 513015) from 12m to a split height control of 12m over the heritage item and 24m over the remainder of the site.
2. Amend the floor space ratio control for land at 351 and 359 High Street, Penrith (Lot 9 DP 28199 and Lot 2 DP 513015) from 3:1 to 3.5:1.

Figures 3, 4 and 5 provide indicative visualisations of what the development outcome would be pursuant to the amendments proposed in this Planning Proposal.



Per

Figure 3 - Indicative envelope study. Source: NRA-Co-Lab Design Report 2017 p26.

The neighbouring property depicted in green across Lawson Lane is not proposed to be part of this amendment.

DESIGN CONCEPT - NORTH EAST

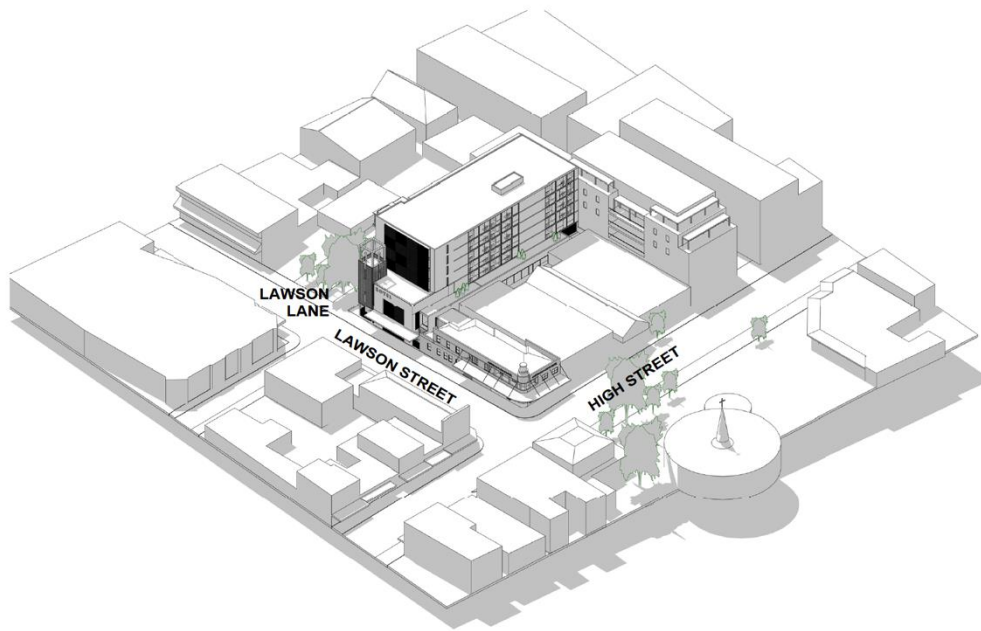


Figure 4 – Design Concept North East. Source: NRA-Co-Lab Design Report 2017 p36

DESIGN CONCEPT - SOUTH EAST

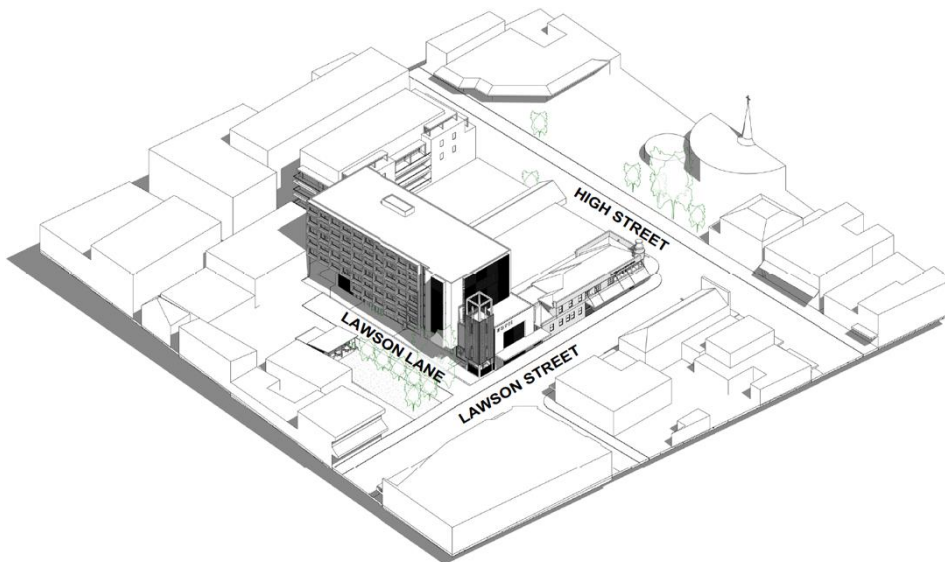


Figure 5 – Design concept South East. Source: NRA-Co-Lab Design Report 2017 p37

In addition to the amended FSR control and height control, the intended outcome for the site is a built form consistent with the intention of providing a more appropriate edge development, which retains and improves amenity while providing access through the site for occupants of surrounding buildings and broader locality.

Preliminary concept designs indicate that the proposed amendments could facilitate up to 57 new Hospitality jobs in Penrith City Centre.

The development yield analysis in Figure 6 demonstrates that a redistribution of the Gross Floor Area (GFA) across the sites is consistent with the density anticipated by LEP 2010. The GFA of the site currently under the LEP 2010 is 5,064m². The Planning Proposal results in a slight increase to facilitate the development but retains an overall yield of 5,908m² which is consistent with the B3 Zone.

Site	Site Area	Height	FSR	TOTAL GFA
Existing Controls	1,688	12	3	5,064
		12 Over 420 (Australian Arms Hotel)		
Proposed Controls	1,688	24 Over 1268 (Remainder of site)	3.5	5,908
Total Increase				844

Figure 6 – Development yield analysis

Part 2 – Explanation of Provisions

The proposed amendments as part of this Planning Proposal are:

1. Amend the height control for land at 351 and 359 High Street, Penrith (Lot 9 DP 28199 and Lot 2 DP 513015) from 12m to a split height control of 12m over the heritage item and 24m over the remainder of the site.
2. Amend the floor space ratio control for land at 351 and 359 High Street, Penrith (Lot 9 DP 28199 and Lot 2 DP 513015) from 3:1 to 3.5:1.

The Planning Proposal does not involve any change to the existing zone which applies to the site. The Planning Proposal seeks a change to LEP 2010 maps as indicated in Figures 7 - 10.

Figure 7 - Current LEP 2010 Map 13 Floor Space Ratio extract



Key:

	Subject Site
	W – 3.5:1
	V – 3:1
	T – 2:1
	S2 – 1.6:1

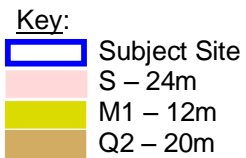
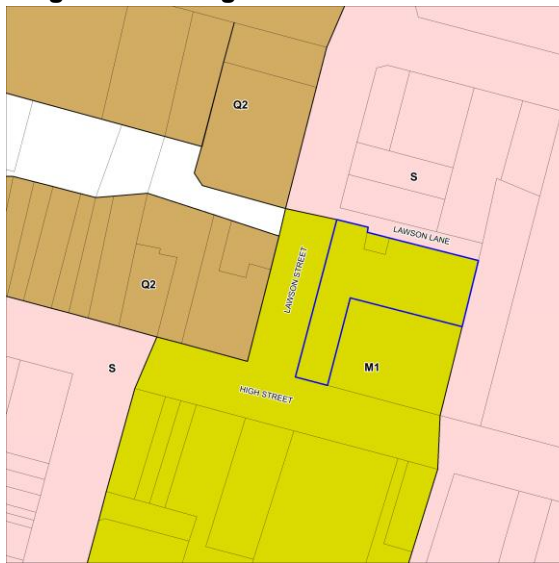
Figure 8 - Proposed LEP 2010 Map 13 Floor Space Ratio amendment extract



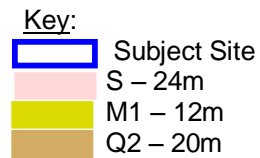
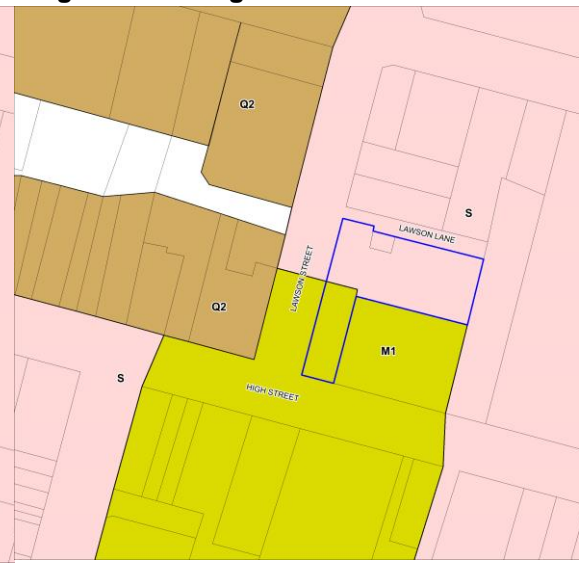
Key:

	Subject Site
	W – 3.5:1
	V – 3:1
	T – 2:1
	S2 – 1.6:1

**Figure 9 - Current LEP 2010 Map 13
Height of Building extract**



**Figure 10 - Proposed LEP 2010 Map 13
Height of Building amendment extract**



Part 3 – Justification

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

Section A – Need for the Planning Proposal

Q1. Is the Planning Proposal a result of any strategic study or report?

The Planning Proposal is a result of the Urban Design Study and Conservation Management Plan.

It is considered reasonable to amend the controls in LEP 2010 where the local heritage item is maintained in its existing form to address High Street. The open car park and beer garden to the rear can accommodate a building form and scale consistent with that proposed. The proposed future development of hotel accommodation, conference and function facilities may assist with reinvigorating the night-time economy and increase employment and economic opportunities in the City Centre.

The Planning Proposal is consistent with the Urban Design Study where it identified the following preferred built form option in the surrounds:

- Height 12 and 24 metres;
- FSR 3.5:1,

To achieve the preferred built form option, it is necessary to amend the LEP 2010 through a Planning Proposal. The preferred built form option is consistent with surrounding development.

The proposed FSR increase is compatible with the bulk and scale of the existing and desired future character of the locality. Amending this control will provide sufficient floor space for appropriate, high quality development.

The introduction of a split height control will protect the heritage item and allow complimentary development on appropriate parts of the site. The amended FSR control applied across the site will facilitate the proposed development. The amendments proposed reasonably contribute to realising public benefits of the future development.

The proposed amendments are consistent with the desired future character for the Penrith Commercial Core. They are sensitive to the heritage building on the site, and have been based on a preferred design option from the Urban Design Study which has been reviewed by Penrith's Urban Design Review Panel.

Q2. Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The Planning Proposal is seen as the best means of achieving the objectives and intended outcomes because the justification to proceed with the amending LEP 2010 is the only means available to provide a complimentary development of the hotel which will retain and conserve the heritage item while providing for the proposed development.

Section B – Relationship to Strategic Planning Framework

Q3. Is the Planning Proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy or district plan or strategy (including any exhibited draft plans or strategies)?

Yes. The Planning Proposal is consistent with the applicable plans and/or strategies as detailed below.

Greater Sydney Region Plan – A Metropolis of Three Cities

In March 2018, the Greater Sydney Commission published the Greater Sydney Region Plan – A Metropolis of Three Cities. The Plan sets a 40-year vision (to 2056) and establishes a 20-year plan to manage growth and change for Greater Sydney in the context of social, economic and environmental matters, and, guides the delivery of infrastructure. The 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.

The Planning Proposal is consistent with the Greater Sydney Region Plan. Relevant directions have been considered below.

Liveability – A city of great places

The Plan provides strategies to deliver healthy, safe and inclusive places for people of all ages and abilities that support active, resilient and socially connected communities.

Objective 12 - Great places that bring people together

Consistent. The site is currently B3 Commercial Core zoned land, close to the Penrith Commercial Core and within walking distance to public transport. The Planning Proposal will allow the potential of this underutilised site in close proximity to services and infrastructure to be explored by the proponent. The amendment will allow consideration of opportunities for the future use of the land that may

include redevelopment with needed hotel facilities. A hotel development on the site will prioritise opportunities for complimentary uses which are close to and use public transport.

Productivity – Jobs and Skills for the City

The Plan advocates for investment and business activity in centres supporting Greater Sydney's growing population. The Plan advocates for well-connected and diverse centres. Attracting investment, business activity and jobs in strategic centres across Greater Sydney increases access to a wide range of jobs, goods and services close to people's homes and supports the 30-minute city.

Objective 22 – Investment and business activity in centres.

Consistent. The Planning Proposal will allow the site to be redeveloped for a 120 room, four star hotel with conference and function facilities which will bring business activity, investment and jobs in the Penrith City Centre consistent with the objective of supporting business development in the 'Greater Penrith Metropolitan Cluster'. The proposed amendments will also provide opportunities to conserve and interpret the heritage significance of the site, and the future development proposed will provide for a diverse and vibrant night-time economy in a way that responds to potential negative impacts.

Western City District Plan

In March 2018, the Greater Sydney Commission published the Western City District Plan.

It is a 20-year plan to manage growth in the context of economic, social and environmental matters to achieve the 40-year vision for Greater Sydney. The Western City District Plan informs the assessment of Planning Proposals and provides the link between regional and local planning.

The Planning Proposal is consistent with the Western City District Plan.

A brief description of the relevant actions and the reasons why the proposal is consistent with these actions is provided below.

A city for people

Planning Priority W4 - Fostering healthy, creative, culturally rich and socially connected communities.

Action 11. Deliver healthy, safe and inclusive places for people of all ages and abilities that support active, resilient and socially connected communities by prioritising opportunities for people to walk, cycle and use public transport.

Consistent. The Planning Proposal seeks to facilitate hotel development options to be considered. The site is zoned B3 Commercial Core. Development of this type will result in commercial development in close proximity to existing rail infrastructure, creating opportunities for people to use public transport.

A city of great places

Planning Priority W6 - Creating and renewing great places and local centres, and respecting the District's heritage.

Consistent. This Planning Proposal offers the opportunity for future development of this site which is sensitive to the local heritage listed Australian Arms Hotel, a gathering place that contributes to local character and the High Street heritage precinct. The Conservation Management Plan highlights the features and contributions of this important building, and outlines a framework for sensitive future development on the remainder of the property.

Flooding in the Hawkesbury – Nepean Valley

Consistent. The site is considered to be of lower flood risk, given that there is no direct affectation by the 1 in 100 chance per year flood level or the PMF level. A Flood Risk Management Report is provided in Appendix 3. The increase in gross floor area that would result from the proposed Height and FSR amendments is considered to be consistent with development permissible on surrounding sites.

The District Plan identifies a range of specific matters for consideration in place- based planning for Metropolitan Clusters. They include increased development in, or within a walkable distance of the centre. This is considered to be an important part of a 30-Minute City, which is an aspiration of the Plan.

The 30-Minute City aspiration will guide decision making on locations for transport, housing, jobs, tertiary education, hospitals, and other amenities.

Productivity

Planning Priority W9 - Growing and strengthening the metropolitan cluster

Action 43 - Requires that Council, the GSC and other planning authorities carry out the following:

- a. support the transformation of the City Centre to grow to its ultimate potential
- d. facilitate the attraction of a range of uses that contribute to an active and vibrant City Centre
- e. facilitate opportunities for a diverse economy that delivers jobs of the future, strong employment sectors and improves access to education and training
- f. capitalise on opportunities associated with the Western Sydney Airport including Western Sydney City Deal initiatives
- g. encourage new lifestyle, tourist and cultural uses to activate streets and grow the tourism and nighttime economies
- h. activate primary and secondary streets and deliver contemporary urban public spaces

Consistent. The Planning Proposal offers the opportunity for development of the site consistent with the potential the existing zoning. The site also has the potential to offer an improved night time economy for the area through tourism uses which compliment, but do not replicate the existing use of the Australian Arms Hotel. These uses may facilitate the provision of additional jobs in the hospitality sector and allow Penrith to capitalize on tourism opportunities created by the Western Sydney Airport. Appropriate development on this site of this site will set the standard for future development of sites along Lawson Street and along connecting roads into the Penrith City Centre.

Jobs and skills for the city

Planning Priority W11 - Growing investment, business opportunities and jobs in strategic centres. The District Plan identifies that the growth, innovation and evolution of centres will underpin the economy of the Western City District. Centres continue to be a key organising element of the urban structure of Greater Sydney and provide an important role in providing access to jobs, goods and services. Well-planned centres help to stimulate economic activity and innovation through the co-location of activities, provide jobs closer to where people live and use infrastructure more efficiently.

Consistent. The Planning Proposal seeks to facilitate hotel development in the Penrith Commercial Core. Development of this type will result in commercial development which will stimulate economic activity and innovation through the co-location of activities, provide jobs closer to where people live and use infrastructure more efficiently.

Q4. Is the Planning Proposal consistent with Council's local strategy or other local strategic plans?

Yes, the Planning Proposal is consistent with Council's strategic planning frameworks, which consist of the following documents:

- Community Plan;
- Community Engagement Strategy;
- Delivery Program and Operational Plan;
- Resourcing Strategy;
- City Strategy; and
- Cooling the City Strategy.

Community Plan

The document of most relevance to this Planning Proposal is the Community Plan, which identifies the community's long term aspirations for Penrith City, with outcomes and strategies to achieve this.

Outcome 2 - Planning for future growth.

Strategy 2.1

Seeks to facilitate development in the City that considers the current and future needs of the community Facilitate quality development that encourages a range of housing types, employment, recreation and lifestyle opportunities.

- The Planning Proposal seeks to facilitate the provision of improved employment and services in an area with a high degree of amenity, recreational opportunities and good access to public transport.
- The Planning Proposal includes a range of employment generating land uses, including floor space for a hotel, function and conference facilities.

Strategy 2.2

Protect the City's natural areas, heritage and character

- As demonstrated in the Urban Design Study at Appendix 4, the proposal does not result in any adverse impact on the heritage items in the Penrith CBD.

The Planning Proposal is consistent with the Community Plan, and aligns with the intended outcomes and strategies to accommodate future growth and facilitate development to meet the needs of the community. The hotel development will support this outcome.

Penrith City Strategy

The Penrith City Strategy seeks to help build a sustainable future for the Penrith community. It does this by summarising the key issues facing the LGA over the next 10-20 years, and outlining how Council will respond. The issues and policy responses in the Penrith City Strategy inform the Community Plan and Council's 4-year Delivery Program.

The Penrith City Strategy aims to guide future planning directions and to establish a set of strategies for the development of revised planning controls for Penrith City Centre. The site is in the area to which the strategy applies. The proximate location of the site in relation to the City Centre and as part of the CBD. Relevant directions and goals include:

Businesses that adapt to emerging needs and opportunities

- Allows Penrith to respond to the business and employment opportunities created by the development of the Western Sydney Airport

Maintain a contemporary framework of land use and contribution policies, strategies and statutory plans.

- The Planning Proposal gives Council the opportunity to adapt LEP 2010 to the changing needs and context of development in Penrith City Centre.

Support the revitalisation of Penrith City Centre

- The Planning Proposal will, through supporting the night time economy in the City Centre and providing short-term accommodation necessary for growth in the tourism market.
- As demonstrated in the Urban Design Report, the height amendment will create an appropriate built form that will create vibrancy and interest in Penrith City Centre.

Achieving an ecologically sustainable City Centre

- Increasing employment near train stations reduces reliance on private vehicle usage. As such, the proposal will improve the cities potential to achieve the goal of creating an ecologically sustainable City Centre.
- The proposal demonstrates that the height amendment can assist in creating an appropriate built form whilst protecting environmental amenity at the immediate ground plane and in the surrounding public domain.

Residents have access to employment and training opportunities

- The Planning Proposal will enable more diverse options for the future development of the site, thus increasing the potential of the site to supply employment.

In summary, the Planning Proposal has strategic merit. It is consistent with the strategic planning framework that applies to the site. The proposal has site specific merit, and there is sufficient infrastructure and services in place to enable the site to be developed in the future.

Q5. Is the Planning Proposal consistent with applicable State Environmental Planning Policies?

The NSW Government 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. The Planning Proposal is consistent with applicable State Environmental Planning Policies (SEPPs), as demonstrated below, due to the proposed changes being of minor significance.

State Environmental Planning Policies

SEPP Title	Applicable	Consistent
SEPP No 1—Development standards	No	N/A
SEPP No 14—Coastal Wetlands	No	N/A
SEPP No 19—Bushland in Urban Areas	No	N/A
SEPP No 21—Caravan Parks	No	N/A
SEPP No 26—Littoral Rainforests	No	N/A
SEPP No 30—Intensive Agriculture	No	N/A
SEPP No 33—Hazardous and Offensive Development	Yes	Yes. Nothing in this Planning Proposal prevents the application of this SEPP
SEPP No 36—Manufactured Home Estates	No	N/A
SEPP No 44—Koala Habitat Protection	No	N/A
SEPP No 47—Moore Park Showground	No	N/A
SEPP No 50—Canal Estate Development	No	N/A
SEPP No 52—Farm Dams and Other Works in Land and Water Management Plan Areas	No	N/A
SEPP No 55—Remediation of Land	Yes	Yes. No rezoning of land is proposed, therefore no contamination report is required.
SEPP No 62—Sustainable Aquaculture	No	N/A

SEPP Title	Applicable	Consistent
SEPP No 64—Advertising and Signage	Yes	Yes. Nothing in this Planning Proposal prevents the application of this SEPP
SEPP No 65—Design Quality of Residential Flat Development	No	N/A
SEPP No 70—Affordable Housing (Revised Schemes)	No	N/A
SEPP No 71—Coastal Protection	No	N/A
SEPP (Affordable Rental Housing) 2009	Yes	Yes. Nothing in this Planning Proposal prevents the application of this SEPP
SEPP (Building Sustainability Index: BASIX) 2004	Yes	Yes. Nothing in this Planning Proposal prevents the application of this SEPP
SEPP (Exempt and Complying Development Codes) 2008	Yes	Yes. Nothing in this Planning Proposal prevents the application of this SEPP
SEPP (Housing for Seniors or People with a Disability) 2004	No	N/A
SEPP (Infrastructure) 2007	Yes	Yes. Nothing in this Planning Proposal prevents the application of this SEPP
SEPP (Integration and Repeals) 2016	No	N/A
SEPP (Kosciuszko National Park—Alpine Resorts) 2007	No	N/A
SEPP (Kurnell Peninsula) 1989	No	N/A
SEPP (State Significant Precincts) 2005	No	N/A
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	No	N/A

SEPP Title	Applicable	Consistent
State Environmental Planning Policy (Miscellaneous Consent Provisions) 2007	No	N/A
State Environmental Planning Policy (Penrith Lakes Scheme) 1989	No	N/A
SEPP (Rural Lands) 2008	No	N/A
State Environmental Planning Policy (State and Regional Development) 2011	No	N/A
State Environmental Planning Policy (State Significant Precincts) 2005	No	N/A
State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011	No	N/A
SEPP (Sydney Region Growth Centres) 2006	No	N/A
State Environmental Planning Policy (Three Ports) 2013	No	N/A
State Environmental Planning Policy (Urban Renewal) 2010	No	N/A
State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017	Yes	Yes. Nothing in this Planning Proposal prevents the application of this SEPP
SEPP (Western Sydney Employment Area) 2009	No	N/A
SEPP (Western Sydney Parklands) 2009	No	N/A

Q6. Is the Planning Proposal consistent with applicable Ministerial Directions (s.9.1directions)?

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 Section 9.1 Directions, as demonstrated below, primarily because the proposed changes are of minor significance.

Section 9.1 Ministerial Directions - Local Planning Directions

Direction	Applicable	Consistent	Comment
1 Employment and Resources			
1.1 Business and Industrial Zones	Yes	Yes	<p>The Planning Proposal does not recommend any amendment of the current B3 – Commercial Core zone (a business zone) and increases the floor space area and height of buildings.</p> <p>The Planning Proposal will provide for a mix of employment uses will not result in the loss of industrial lands.</p> <p>The Planning Proposal will facilitate the renewal of underutilised employment land. The Planning Proposal aims to facilitate an increase in employment in the precinct.</p> <p>The Planning Proposal is consistent with the objectives of the direction because it may provide employment and improve the servicing and facilities for those uses.</p>

Direction	Applicable	Consistent	Comment
1.2 Rural	No	-	-
1.3 Mining, Petroleum Production and Extractive Industries	No	-	-
1.4 Oyster Aquaculture	No	-	-
1.5 Rural Lands	No	-	-
2 Environment and Heritage			
2.1 Environment Protection Zones	Yes	Yes	The Planning Proposal retains existing planning controls that facilitate the protection and conservation of environmentally sensitive areas or reduce the environmental protection standards that apply to the site.
2.2 Coastal Management	No	-	-
2.3 Heritage Conservation	Yes	Yes	The Planning Proposal retains and enhances the local heritage item. A CMP has been prepared to highlight key features of the heritage item and outline conservation considerations for the Planning Proposal and any future development on the site.
2.4 Recreation Vehicle Areas	Yes	Yes	The Planning Proposal does not recommend amendments that would enable the site to be developed for the purpose of a recreation vehicle area.
2.5 Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs	No	-	-
3 Housing, Infrastructure and Urban Development			
3.1 Residential Zones	No	-	

Direction	Applicable	Consistent	Comment
3.2 Caravan Parks and Manufactured Home Estates	Yes	Yes	The Planning Proposal does not alter existing provisions relating to caravan parks and manufactured home estates.
3.3 Home Occupations	Yes	Yes	The Planning Proposal does not alter existing provisions permitting home occupations to be carried out in dwelling houses without the need for development consent. Dwelling houses are not permitted in the zone to which this Planning Proposal applies.
3.4 Integrating Land Use and Transport	Yes	Yes	The Planning Proposal recommends amendments that will enable the delivery of new business and employment opportunities close to public transport. The Planning Proposal is consistent with the objectives of the direction as it provides for business and employment in close proximity to established public transport, reducing travel demand and improving walkability.
3.5 Development Near Licensed Aerodromes	No	-	-
3.6 Shooting Ranges	No	-	-
4 Hazard and Risk			
4.1 Acid Sulfate Soils	No	-	-
4.2 Mine Subsidence and Unstable Land	No	-	-
4.3 Flood Prone Land	No	-	The site is not within flood planning or overland flooding areas. The Flood Risk Management report supporting the Planning Proposal demonstrates

Direction	Applicable	Consistent	Comment
			that effects of nearby flooding can be adequately managed in any future Development Application.
4.4 Planning for Bushfire Protection	No	-	-
5. Regional Planning			
5.1 Implementation of Regional Strategies	No	-	-
5.2 Sydney Drinking Water Catchments	No	-	-
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	No	-	-
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	No	-	-
5.9 North West Rail Link Corridor Strategy	No	-	-
5.10 Implementation of Regional Plans	Yes	Yes	The Planning Proposal is shown to be consistent with the NSW Government's Greater Sydney Region Plan – A Metropolis of Three Cities, as well as the District Plan, as outlined in Part 3 Section B of this report.
6. Local Plan Making			
6.1 Approval and Referral Requirements	Yes	Yes	The Planning Proposal does not recommend provisions requiring additional concurrence, consultation or referral of Development Applications to a Minister or a public authority.

Direction	Applicable	Consistent	Comment
6.2 Reserving Land for Public Purposes	Yes	Yes	The Planning Proposal does not recommend amendments that create, alter or reduce existing zonings or reservations of land for public purposes.
6.3 Site Specific Provisions	Yes	Yes	The Planning Proposal does not recommend additional, site specific planning controls.
7. Metropolitan Planning			
7.1 Implementation of A Plan for Growing Sydney	Yes	Yes	The Planning Proposal is consistent with the NSW Government's A Plan for Growing Sydney published in December 2014 and subsequent documents, namely, A Metropolis of Three Cities – The Greater Sydney Region Plan (published in March 2018) and the Western City District Plan (published in March 2018). Part 3B provides greater detail on the consistency of the Planning Proposal with these plans.
7.2 Implementation of Greater Macarthur Land Release Investigation	No	-	-
7.3 Parramatta Road Corridor Urban Transformation Strategy	No	-	-
7.4 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	No	-	-
7.5 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	No	-	-

Direction	Applicable	Consistent	Comment
7.6 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	No	-	-
7.7 Implementation of Glenfield to Macarthur Urban Renewal Corridor	No	-	-
7.8 Implementation of the Western Sydney Aerotropolis Interim Land Use and Infrastructure Implementation Plan	Yes	Yes	Land not affected by obstacle limitation surface or ANEF contours of the Western Sydney Airport

Section C – Environmental, Social and Economic Impacts

Q7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the Planning Proposal?

The Planning Proposal will not affect any critical habitat or threatened species, populations or ecological communities, or their habitats.

In addition, this Planning Proposal does not recommend changing the application or intent of the provisions in LEP 2010 that require new development to identify and manage its environmental impacts, such as the preservation of trees and vegetation and the management of stormwater. These provisions will continue to apply to the site.

Q8. Are there any other likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?

The Planning Proposal does not result in any direct environmental impacts. It will, however, enable development of the land in accordance with the current B3 Commercial Core zoning. Any environmental impacts likely to arise as a result of any future development proposal will be assessed as part of the Development Application process.

This Planning Proposal does not seek to amend any of the provisions in LEP 2010 that require new development to identify and manage its environmental impacts.

Heat Migration

The site is located within one (1) of the five (5) areas already identified as a priority for heat migration. Council's Cooling the City Strategy was developed to respond to the issue of heat with an adopted goal to "increase green cover, shade and landscaping to 'cool down' Penrith". As such, any future development proposal will need to demonstrate consistency with the abovementioned strategy.

Any future redevelopment undertaken in line with the current zoning will need to incorporate measures to address the impacts of urban heat (i.e. include reflective surfaces, porous pavements, Water Sensitive Urban Design, open/green space, etc.).

Flood Risk

The site is considered to be of lower flood risk, given that there is no direct affectation by the 1 in 100 chance per year flood level or the PMF level, as the Flood Risk Management Report has identified. The minimal Gross Floor Area increases that would result from the proposed Height and FSR increases are also considered to not represent significant numbers of additional occupants beyond what the site is capable of accommodating without the proposed amendments being made.

Q9. Has the Planning Proposal adequately addressed any social and economic effects?

The amendment and subsequent redevelopment of the hotel site has the potential to have positive social and economic benefits for the community, in that it enables consideration of the potential future redevelopment of land for uses consistent with the B3 Commercial Core zoning under LEP 2010 (i.e. opportunity for additional hotel development, employment and services to meet the needs of the community close to services and transport).

Development enabled by this Planning Proposal may assist in the delivery of hotel accommodation and facilities (likely the highest and best use), contributing to the provision of additional service and employment to cater to a range of needs in the Commercial Core. The future proposed development has the potential to provide new employment, closer to compatible uses and transport, improving the prospect of reducing commute times, with consequent social benefits.

It is considered that the Planning Proposal will make a positive contribution to night time economy by increasing occupancy within the Commercial Core with an additional 120 rooms and the services and activities related to that occupancy but available for all occupants and users of the Commercial Core during night hours.

The Planning Proposal will make a positive contribution towards diversifying the economy within the Commercial Core and increase job offerings in the City Centre within the hotel and support uses. The Penrith Night Time Economy Strategy 2015 identified the following as desirable improvements;

The Penrith Night Time Economy Strategy 2015 also identified that “activity is currently concentrated around Riley Street, the Australian Arms Hotel and Memory Park”. The proposed redevelopment would appear to provide an excellent opportunity to realize these aspirations in a location which already benefits from night time activity concentrated in this area.

Penrith Economic Development Strategy 2017 identifies Sectorial strengths for Penrith “across the education, health, professional services, construction, arts and recreation (tourism), transport and logistics, advanced manufacturing and agriculture sectors.” (p39) and notes that there is “significant potential to grow the visitor economy in Penrith. Natural assets such as the Nepean River and the Penrith Lakes Scheme, as well as the revitalisation of the City Centre will support this growth. Penrith currently has 1.3 million annual visitors, who inject \$231 million into the local economy annually. The growth of tourism infrastructure is required to increase visitation. Council’s Short-term Accommodation Study has identified “a market for a quality hotel” (p20). The Planning Proposal seeks to meet this market.

The Planning Proposal provides an opportunity for consideration of the redevelopment of an Under-utilised site, integrating permissible land uses to improve economic and social vitality of the area, and strengthen the economic performance of the Penrith City Centre. The Planning Proposal will unlock the development potential of the site and enable consideration of the provision of not only high quality hotel accommodation, but open space and public domain improvements. In doing so, the Planning Proposal presents opportunities for local employment and provision of services. As such, the Planning Proposal, and resultant development opportunity created, aligns with Council’s strategic direction to stimulate growth and development opportunities within the Penrith City Centre.

Section D – State and Commonwealth Interests

Q10. Is there adequate public infrastructure for the Planning Proposal?

The Planning Proposal allows consideration of the redevelopment of the site, which may result in a minor increase in demand for services in an existing urban area.

A preliminary traffic and parking assessment based on the concept hotel development outcome is provided in Appendix 4.

The report indicates there is adequate capacity in the surrounding road network to cater for the traffic generated by a hotel development proposal, including the intersection of High Street/Lawson Street, which provides the main connection to the surrounding arterial network. The report highlights the site is well serviced by public transport networks including rail and several bus routes. Pedestrian and

cyclist infrastructure provide a good level of connectivity to the surrounding area. Council's traffic engineers have assessed the report and believe that it provides sufficient detail to analyse the effect of the proposed density increase, though further detailed work will be needed on submission of any Development Application.

It is recommended to provide site access from the north of the site via Lawson Lane.

Lawson Lane is a low traffic volume, local street with a cul-de-sac at its eastern end and a carriageway width of approximately 6 metres.

Access, including required vehicle turning paths will be addressed at detailed design stage to minimise the impact on existing on street parking and to meet the requirements of Council's planning controls. Pedestrian activity around the proposed access will also be addressed. Council may consider road upgrades, if required, at detailed design stage.

Further, public infrastructure requirements associated with any future development on the land would be assessed in detail as part of any Development Applications submitted for the site.

Q11. What are the views of state and Commonwealth public authorities consulted in accordance with the Gateway determination?

Consultation with State and Commonwealth agencies will be undertaken in accordance with Part 5 of this Planning Proposal and the Gateway Determination provided in Appendix 5.

Part 4 – Mapping

The following map tiles are proposed to be amended as part of the Planning Proposal.

Map	Tile Number
Height of Buildings	Sheet HOB_013
Floor Space Ratio	Sheet FSR _013

The proposed LEP 2010 map tiles are provided in Appendix 6.

Part 5 – Community Consultation

Community consultation will be undertaken in accordance with the requirements prescribed by the Gateway Determination provided as Appendix 5.

It is anticipated that the Planning Proposal will be exhibited for a period of at least 28 days at the Penrith's Civic Centre, Penrith Library, Council's St Marys Office and St Marys Library. All exhibition materials will be available on Council's website.

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

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

- Roads and Maritime Services
- Transport for NSW
- Sydney Water
- Telstra
- Endeavour Energy

Part 6 - Project Timeline

Key steps in the plan making process are outlined in the project timeline, as shown in Table 4 below.

Milestone	Timeframe
Council endorsement to adopt the Planning Proposal and submit to the NSW Department of Planning and Environment for a Gateway Determination	September 2018
Submission to NSW Department of Planning and Environment	November 2018
Local Planning Panel	April 2019
Gateway Determination issued	May 2019
Public exhibition and public authority consultation	June 2019
Consideration of submissions	July – August 2019
Reporting of the Planning Proposal to Council	–August - September 2019
Submission to NSW Department of Planning and Environment	–October 2019
Publication of LEP amendment	December 2019

Appendices
