

# Proposed New Penrith City Park

Cnr Henry & Station Streets, Penrith

## Statement of Environmental Effects



January 2021



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# Proposed Penrith City Park

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Development Application

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### Document History & Status

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This document has been prepared by Andrew Robinson Planning Services Pty Ltd solely for use by JMD Design on behalf of Penrith City Council (the client) as part of a development application submission to Penrith City Council. With the exception of its intended use to inform the development assessment process, Andrew Robinson Planning Services accepts no responsibility for its use by other parties.

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## 1 Introduction

This report has been prepared by Andrew Robinson Planning Services Pty Ltd on behalf of Penrith City Council and under instruction from lead consultant JMD Design, to accompany a development application to Penrith City Council for construction of a new City Park at the corner of Henry and Station Streets, Penrith.

The report constitutes a Statement of Environmental Effect and examines the proposed development in terms of its compliance with the heads of consideration under Section 4.15 of the *Environmental Planning and Assessment Act 1979*.

The site is located on the south-eastern corner of the intersection of Henry and Station Streets in Penrith and is currently occupied by several commercial/retail premises and at-grade car parking.

The planning merits of the proposal are discussed in the body of the Statement and it is considered that the proposed development meets the intent of both the LEP and the DCP and is worthy of Council's support.

This Statement of Environmental Effects should be read in conjunction with the architectural drawings and other associated documentation that accompanies the application, as detailed at 1.4 below.

### 1.1 Background (Strategic Planning Context and Design Rationale)

Over several years, Penrith City Council has been progressively delivering a number of significant public domain upgrades, including the High Street and Riley Street streetscape upgrades, Triangle Park and The Mondo. Council also identified the need to provide a new City Park to provide social benefits and improve the liveability of Penrith, as well as support the economic growth and viability of the City Centre and act as a catalyst for further redevelopment of the commercial core.

An approximately 7,500m<sup>2</sup> site on the corner of Henry and Station Streets was identified as a suitable location for the new City Park and although the site comprises several parcels, they are all owned by the Council.

In terms of strategic alignment, the development of a City Park has been a central part of Penrith City Council's public domain aspirations since it was first identified in 2006. Since then, the need for a City Park has been incorporated into several of Council's strategic documents. Council's Senior Development Manager provided a summary on the planning history and strategic alignment of the need for a City Park, and this has been reproduced (in part) below:

- **2006 - Urban Task Force** - a City Park was initially identified by the Urban Taskforce as a major infrastructure project for the city centre of Penrith;
- **2006 - Council adopted the Penrith City Centre Strategy** - the strategy recommended a park to give the City a civic heart. According to the Strategy, Council should "*provide an accessible central City Park (possibly in Allen Place) around which a range of activities such as cafes, restaurants, shops, bars and the like can be located.*" This was the first mention and identification of the need for a central City Park focused on the Allen Place car park;
- **2007 - The Penrith City Centre Vision** - identified the City Park as a key driver in the revitalisation of the City Centre. *A Penrith City Park is a central part of the Penrith City Centre Vision and is included as the centrepiece of the city's civic and cultural precinct.* The Vision was prepared by the NSW Cities Taskforce and was endorsed by Council. The location of a Penrith City Park was shown to be on the Allen Place car park surrounded by active building uses in the City Centre that promised to contain green public spaces to enliven the precinct, making it attractive and vibrant after hours;

- **2008 - Penrith Civic Improvement Plan** - the City Park was identified as a special City Centre project in the Plan. The Penrith Civic Improvement Plan was prepared by the NSW Cities Taskforce and was endorsed by Council. It was one of a suite of plans introduced to implement the Penrith City Vision. The new park and square are proposed at Allen Place to provide improved amenity to the City Centre. Its boundaries are confined to the existing surface car park in the interior of the block bounded by Henry Street to the north, Station Street to the west, High Street to the south and Lawson Street to the east;
- **2010 to 2011 - Macro Plan** - Penrith Business Alliance and Council received reports from Macro Plan that provided an assessment of the market and looked at opportunities for some of Council's CBD landholdings. The reports found that it could be a number of years before conditions were suitable for a market led revitalisation of the City Centre. Of particular concern was Macro Plan's finding that Penrith was not 'on the radar' of key agencies and developers. The Macro Plan report to the PBA noted the City Centre lacked a high level of amenity including a town square or central park/community facility, and they recommended priority be given to a central Civic park;
- **2010 - Penrith Local Environmental Plan 2010 Amendment 4** - In 2008 the Penrith City Centre LEP zoned the Allen Place Car Park RE1 Public Recreation but did not include any recreation zoning on land fronting High and Henry Streets. After consulting urban design experts on the size and scale of the City Park it was determined that the park should exhibit a square form;
- **2012 - 2015 - Penrith Progression** - PBA and Council undertook the Penrith Progression following the Macro Plan work the PBA engaged Kerr Partnering to map out a process that would progress the revitalisation of the City Centre. This process was later named The Penrith Progression. A City Park was identified in the community engagement Penrith Progression process time and time again by community and other stakeholders as an important missing component of Penrith City Centre;
- **2015 - Penrith City Park Review** - Hames Sharley - reviewed Penrith City Council vision for City Park together with relevant strategies (including the above documents and plans). Sharley advised on design principles and size of the Park from 1,400sqm to 7,500sqm based on objectives and benchmarking. Sharley provides framework diagrams, concepts and next steps;
- **2015 - Council Endorsement of City Park size** - *The Hames Sharley City Park Review outlining the size of City park at 7,500sqm went before Councillors as below:*
  - **Councillor Briefing - 1 June 2015** - Penrith City Park Review, Hames Sharley- (7,500sqm size of City Park);
  - **Councillor Briefing - 2 November 2015** (Briefing on planning proposal- Rezoning from B3 to B4, outlines 7,500sqm City Park);
  - **Council Ordinary Meeting - 7 December 2015** (Endorsement of Planning Proposal- Rezoning from B3 to B4, outlines 7,500sqm City Park);
  - **Policy Review Committee meeting - 11 July 2016** (Outcome of Public Exhibition - Penrith City Park Rezoning from B3 to B4, outlines 7,500sqm).

In 2016, consultants CLOUSTON Associates in collaboration with Council's Economic Initiatives team prepared the "Penrith City Park Precinct Urban Design Study". The purpose of this study was to provide a series of urban design principles to direct and inform the future development of City Park and the re-development of surrounding sites.

During 2018, significant changes in Penrith and the broader Western Sydney Parkland City took place after the 2015 Penrith City Park Review was completed. With increased certainty of Penrith's vision and role in the broader Western Sydney context, it was considered prudent to revisit some of the existing design principles. As such, an Activation Report was commissioned. This report was prepared by CLOUSTON Associates and highlighted the likely success of a City Park that could be attained through

good design, organic and programmed activation. The Report was presented to Council's Property Development Advisory Panel in December 2018.

In 2019, in collaboration with Economic Initiatives, CLOUSTON Associates prepared the "Penrith City Park Specifications and Cost Benefit Analysis" for a 7500m<sup>2</sup> City Park, with three options of embellishment being Bronze, Silver and Gold.

Council has elected to progress with the design development for Gold option containing a high level of embellishment likely to include features such as:

- An irrigated central lawn (approx. 70-80% of the park)
- Super advanced trees and mass planting
- Stone paving
- Custom designed amenities building with storage
- Public art
- Sustainable Water feature (or water features) with play elements
- Quality and durable fixtures, fittings and furniture (i.e. seating, bubblers, display banner poles, lighting)
- Sustainability and smart park elements (technology/ smart city innovation)
- Waste innovation (for properties adjacent to the park)
- Signage distinct to Penrith
- Performance space 'Urban canopy / Built and Natural Shade
- WSUD, upgrade kerb and gutters
- Construct and re-surfacing the impacted road pavement

The City Park is considered to be an important component of the transformation of the Penrith City Centre and will enhance the environmental, social and economic performance of Penrith, as well as being a catalyst project for Penrith to thrive as a Metropolitan Strategic Centre. With anticipated significant growth in the City Centre, City Park will provide residents, workers and visitors with green, open space, encouraging social connection, interaction and wellbeing.

## 1.2 Type of Development

The proposal constitutes *regionally significant development* under Part 4 of the *Environmental Planning and Assessment Act 1979* as the proposed development is Council related and has a CIV of more than \$5 million.

## 1.3 Consent Authority

As regionally significant development, the application will be assessed by Penrith City Council and then determined by the relevant Sydney Planning Panel.

## 1.4 Specialist Studies

This report has been prepared with the assistance of a number of specialist consultants, as follows:

Survey Plan	Penrith City Council	<b>Separate Attachment</b>
Landscape Analysis and Design Report	JMD Design	<b>Separate Attachment</b>
Landscape Plans	JMD Design	<b>Separate Attachment</b>
Architectural Plans (Amenities Building)	Lacoste + Stevenson Architects	<b>Separate Attachment</b>
Civil Engineering Package	Northrop	
Phase 2 Environmental Site Assessment	JBS&G Australia Pty Ltd	<b>Separate Attachment</b>
Non-Aboriginal Heritage Impact Statement	Artefact Heritage	<b>Separate Attachment</b>
Lighting & Electrical Services Concept	Northrop	<b>Separate Attachment</b>
Sustainability Report	Northrop	<b>Separate Attachment</b>
Access Statement	Funktion	<b>Separate Attachment</b>

CPTED Statement  
Traffic Management Advice  
Cost Estimate Report

JMD Design  
Ason Group  
Hollis Partners

**Separate Attachment**  
**Separate Attachment**  
**Separate Attachment**

## 1.5 Staging of Works

The land on which the City Park is to be built is currently occupied by a number of commercial buildings and public car parking, all of which will require demolition. Remediation and validation of parts of the site will also be required. As such, it is proposed that the statutory approvals and works be staged as follows:

- Stage 1: Demolition and remediation; and
- Stage 2: City Park.

Accordingly, it is proposed that two (2) separate development applications be concurrently lodged seeking consent to each of the stages indicated above. The construction of the new City Park would not commence until the completion of demolition and remediation works.

This application relates to Stage 2: City Park.

## 1.6 Pre-lodgement Consultation

Prior to lodgement, the proposed redevelopment of the site was subject to a Pre-lodgement meeting held on 27 October 2020, with a follow-up meeting held on 3 November 2020. Following these meetings, written feedback was provided by Council dated 16 November 2020.

The written advice provided by Council firstly acknowledged the staging of the proposed works into Stage 1 – Demolition and Remediation and Stage 2 – City Park, and secondly, raised a number of issues that needed to be addressed in the development applications for each stage.

This application has been prepared taking into account the issues relevant to the Stage 2 - City Park.



## 2 The Subject Site

### 2.1 Location and Site Context

The site comprises eight (8) allotments, together with part of the Allen Lane car park and is located on the south-eastern corner of the intersection of Station Street and Henry Street in Penrith. The land on which the City Park is to be built is currently occupied by a number of commercial buildings and public car parking.

The site is rectangular, having a frontage of approximately 74m to Station Street and a frontage of approximately 102m to Henry Street. The site has a total area of approximately 7,550m<sup>2</sup>.

The location of the site is shown in **Figure 1** below.

**Figure 1: Location Plan**



Source: [nearmap.com.au](http://nearmap.com.au)

The site is located in a central location within the Penrith City Centre, approximately 200m south of Penrith Railway Station, with Westfield Penrith Plaza located a short distance to the north-west. The site is surrounded by a variety of commercial and community uses, with the former Council Chambers, Australian Taxation Office, NSW Civil and Administrative Tribunal (NCAT) and NSW TAFE to the north and a mix of commercial premises along Station Street and Allen Place/High Street to the south and south-west.

In addition to its proximity to Penrith Railway Station, the site is well served by buses, with the bus stop opposite the site in Henry Street being serviced by seven (7) routes.

An aerial view of the site and surrounding area is provided in **Figure 2** below:

**Figure 2: Aerial Photo of the Site and Surrounds**



Source: [nearmap.com.au](http://nearmap.com.au)

## 2.2 Existing Condition

The site is currently occupied by low-rise commercial buildings that house a range of businesses, as well as a part of the at-grade Allen Place public carparking. Many of the businesses back onto Allen Place and this is used by several businesses for loading and unloading. The former John Price & Son funeral home is located on the south-eastern corner of the intersection of Henry and Station Streets and stands out in the commercial area as a unique post-war residential scale building in the centre of the business area, visually separated from the surrounding buildings due to a large courtyard. Although not a listed heritage item, this building is considered to have heritage potential. As an acknowledgment to the unique nature of the former funeral home, the small brick water fountain located in the western forecourt adjacent to Station Street is to be retained and preserved as part of the fabric of the City Park.

The existing condition of the site is illustrated in the following images:



**Image 1:** View of the north-western corner of the site (former John Price & Son Funeral Home) looking from Station Street.



**Image 2:** View of the northern side of the site looking east from Henry Street.



**Image 3:** View of the north-eastern corner of the site from the intersection of Henry Street and Gaymark Lane.



**Image 4:** View looking east along Allen Place from Station Street.



**Image 5:** Looking to the north-east from Station Street and across Allen Place.

## 2.3 Legal Description and Zoning

The site comprises eight (8) allotments, as well as part of the Allen Place Public Carpark. The site is known as Nos. 134-144 Henry Street and Nos. 42-50 Station Street, Penrith.

The legal description of the site is as follows:

- Lot 3, DP 1200790 – Nos. 42-44 Station Street
- Lot E, DP 163176 – No. 46 Station Street
- Lot 1, DP 526304 – Nos. 48-50 Station Street
- Lot 1, DP 164798 – Nos. 134-138 Henry Street
- Lot 1, DP 252457 – Henry Street (in front of Nos. 134-138)
- Lots 10 & 11, DP 553665 – No. 142 Henry Street
- Lot 2, DP 556075 – No. 144 Henry Street

A copy of the Survey Plan prepared by Penrith City Council is provided as part of the development application package.

The site is zoned part *RE1 Public Recreation* and part *B4 Mixed Use* under the provisions of *Penrith Local Environmental Plan 2010*. The proposed City Park falls within the definition of a *recreation area*, a land use that is permissible with the consent of Council in both the *RE1 and B4* zones.

## 2.4 Utility Services

Utility services, including water, electricity, sewer and telecommunications are currently available to the site. The applicant's services consultant has been consulting with the various utility service providers in order to establish the location of existing services and determine the likely requirements that each utility

provider might have as a consequence of the proposed City Park development. It is not anticipated that there will be any impacts to the Adjacent DN150 Sydney Water Potable Water Main. This will need to be confirmed by a Building Plan Approval with Sydney Water.

However, the following adjustments to utilities infrastructure will be required:

#### Electricity Substation

Two existing 500kVA rated substations (5859 & 1992) are currently supplying approximately 21 premises along Henry Street and High Street. However, if one of the substations is moved, then the other will NOT have sufficient capacity to cover the load for the other substation and the future City Park Amenities Building.

As such, it is proposed to remove both existing substations and install one new 1000kVA rated substation in order to restore existing supply to current connection customers. The new substation will comply with Endeavor Energy standards. An easement will need to be created with respect to the substation and is required to have a clear headroom (clear to sky). As such, a pergola or branches on top of substation won't be allowed and any structures within 3m of the substation will need to have a minimum two (2) hour fire rating.

#### Sewer Main

A DN150 Vitrified Clay Sewer Main runs in a north-south direction across the centre of the site. Due to the proposal to store contaminated materials in this location, it is proposed that the sewer main be either relocated or concrete encased to meet Sydney Water requirements.

A Water Services Coordinator will be engaged to advise on the sewer relocation or concrete encasement.

#### Gas Main

The proposed location for the Amenities Building is directly above a traversing Jemena Gas Main. As such, it is proposed to relocate the Gas Main to meet Jemena requirements, to allow the Amenities Building to be constructed in its proposed location.

## **2.5 Site Topography**

The site is relatively level, with a very minor fall in a westerly direction towards Station Street. Refer to the Survey Plan provided with the application for details on the site levels.

## **2.6 Contamination**

The site has been occupied by the existing commercial buildings and car parking area for many years and has historically been used for both residential and commercial purposes including dry-cleaning and retail fuel dispensing, as well as restaurants and a funeral parlour.

Since 2016, Penrith City Council has commissioned several contamination investigations across the site which have confirmed the presence of elevated levels of volatile organic compounds (VOCs) within the site media surrounding the former dry-cleaning business (Nos. 134-138 & 140 Henry Street). In addition, there is the potential for underground petroleum storage systems (UPSSs) associated with the former service station (Nos. 118-120 Henry Street) that have not been removed. As such, this part of the site requires remediation in order for it to be suitable for the proposed public recreational use.

Accordingly, Council commissioned JBS&G to prepare an Overarching Remedial Action Plan (RAP) for the site and this RAP, dated 5 March 2019 identifies strategies and remedial options that will address the identified environmental impact and render the site suitable for the proposed use, while ensuring the protection of human health and the surrounding environment.

In addition, a Draft Remedial Works Plan (RWP) dated 8 December 2020 has also been prepared by JBS&G. This RWP has been prepared for the site (western portion of PCPV) with consideration to the RAP (JBS&G 2019a) and the findings of a pre-remediation investigation (JBS&G 2020), in which the nature and extent of environmental impacts was further delineated by an additional soil and soil vapour sampling program.

Taking into consideration that the objectives of any remedial works and environmental management procedures set out in the RAP (JBS 2019a) are still valid, this RWP has been prepared to detail the contaminated soil remediation / management requirements during site redevelopment, consistent with the preferred scope and method of remediation documented in the RAP (JBS&G 2019a).

It is noted that this RWP will be revised upon receipt of the additional investigation results proposed to be completed prior to remediation works as outlined in JBS&G (2020). The remedial works outlined herein have been presented to facilitate remedial works planning.

As described earlier, the demolition, remediation and validation of the site is the subject of a separate development application. Notwithstanding, considered that if all the procedures are sufficiently followed in conjunction with the RAP, the site can be made suitable for the proposed development.

## 2.7 Heritage

The site is not a heritage item, nor is it located within a Heritage Conservation Area. However, there are three (3) buildings within proximity to the site that are listed as local Heritage Items under Schedule 5 of the LEP. These are:

- (Item No. 189) - The former Penrith Council Chambers – Nos. 129-133 Henry Street (15m north of the site);
- (Item No. 689) - TAFE Building – Nos. 115-119 Henry Street (15m north-east of the site); and
- (Item No. 701) - The former Prospect Electricity building (10m east of the site) – No. 59 Station Street

## 2.8 Flooding

Penrith City Centre lies within the Hawkesbury-Nepean Rivers Catchment and the entire City Centre is subject to both the local flooding (PMF) and the Nepean River Flooding (PMF). Parts of the city are also subject to the 20% AEP.

The *Penrith CBD Floodplain Risk Management Study and Draft Plan (October 2019)* identifies the site as also being affected by the 1:100 YFL and there are low lying areas on the site where water may pool.

The proposed demolition of buildings (subject to a separate application) will change the flooding patterns within this part of the catchment. However, it is considered that there will be an overall beneficial impact and the incorporation of passive irrigation, together with other water management and WSUD principles within the park will improve flooding impacts.

### 3 The Proposed Development

#### 3.1 General Description

The design concept for the creation of the City Park is based on the following aims:

- **A strong identity** – create a vibrant City Centre and celebrate the local landscape.
- **A variety of use opportunities** – flexibility for events and passive activation.
- **A variety of spaces** – respond to the aspirations and needs of a diverse community throughout the seasons.
- **Environmental Benefits** – mitigate heat island effect, permeable, incorporate WSUD and native vegetation.
- **Social Benefits** – the park as a meeting point, building the community.

The proposed City Park incorporates the following elements/zones:

- An entrance statement delineated by a Fig Tree adjacent to the brick water fountain from the former John Price & Son Funeral Home;
- A Civic area with informal stage;
- A Central lawn;
- Densely planted garden beds utilising passive irrigation and intersected by low bridges;
- Themed gardens with pergola structures and seating and incorporating sensory plantings, Cumberland Plain Grasses, informal lawn and water features;
- Shade through landscape embellishment plantings and permanent shade to be provided by a pergola surrounding the Amenities Building; and
- Potential for Market Stalls and an informal stage.

A lighting strategy to create a safe, enticing and vibrant community hub is proposed, utilising a range of lighting types including modular smart poles, custom 'tree' smart poles, recessed uplighting, RGB LED coloured strips etc is proposed. The lighting design will be compliant with *AS 4282 – Control of the obtrusive effects of outdoor lighting* and will incorporate CPTED principles to assist with minimising crime opportunities, discouraging vandalism, graffiti and anti-social behaviour.

The proposed works also include the consolidation of two (2) existing substations into a single substation, as well as the relocation of the Gas Main that traverses the site to Allen Place.

The landscape and architectural drawings prepared by JMD Design and Lacoste & Stevenson Architects, together with the Lighting and Electrical Services Concept prepared by Northrop and submitted as part of the DA package provide the design detail of the proposed City Park, including the Amenities Building and the precinct lighting concept design.

#### 3.2 Design Philosophy

Key principles that have guided the design approach include:

- Celebrate the existing tree;
- Open the corner to Station Street to allow clear views in and integrate landmark;
- Use gardens with passive irrigation to define the northern edge and protect from the street;
- Civic area on the northern edge that is protected from Henry Street;
- Maximise the scale by emphasizing the length;



- Provide permanent shade and amenities screening the southern edge;
- Gardens and trees as a place of respite for more intimate experience – include water.

The key design features of the development are summarised as follows:

- Providing green amenity to the business district of Penrith will improve pedestrian amenity and a recreational space for workers and shoppers within Penrith City.
- It is important the Park responds to the severe temperatures that Penrith is subject to. Utilising prevailing winds and providing shade will assist in mitigating the impacts.
- Provision for public art and cultural interpretation, including spaces for performance, themed gardens, murals, sculptures, lighting etc.
- Incorporation of a range of ESD initiatives in order to minimise the demand on resources and energy.

### 3.3 Landscape Treatment

The landscape concept for the proposed development is to provide a relatively low maintenance, yet engaging and attractive landscape setting for both the public and private domain of the development.

Details of the proposed landscape treatment are provided in the Landscape Drawing Package and Landscape Analysis and Design Report prepared by JMD Design that accompany the application.

### 3.4 Amenities Building

An Amenities Building providing an adult change WC, accessible WC, 2 x unisex WCs, Ambulant WC, cleaner's cupboard, storerooms and cupboards for an electrical distribution board (EDB) and Communications equipment/infrastructure is proposed for the south-eastern corner of the Park. The Amenities Building will incorporate a planted roof with skylights and will be surrounded by a pergola. This will provide the amenities with high levels of natural lighting during daylight hours and assist with passive cooling through the planted roof. Rain water is to be collected from the roof of the building via drainage cells (as well as from the southern gardens) to be stored in a rainwater tank and used for toilet flushing. It is anticipated that the fittings and fixtures for the Amenities Building will have a minimum WELS rating of 4.5 stars.

The Amenities Building is to be constructed using a combination of a salvaged double brick screen wall with hit and miss bricks for ventilation, a salvaged terracotta tile screen wall, shaped timber boards and horizontal timber cladding.

Details of the Amenities Building are provided in the Architectural Drawing Package prepared by Lacoste + Stevenson that accompanies the application.

### 3.5 Lighting

The primary vision for the lighting concept for the City Park is to enhance the design intent of the landscape architect to create an outstanding community hub in the heart of Penrith, that will be an enticing space which will increase patronage to the area.

The lighting strategy for the site is based on the following four objectives:

- *To complement the sales events and community activities at the site, providing a net economic benefit to Penrith City Council;*
- *To use light to enhance and define the architecture, landscape and uniqueness of the space;*

- To implement sustainable lighting schemes, reducing overall on-site maintenance; and
- To discourage crime and reduce fear of crime.

The lighting designers have identified three (3) specific areas where the lighting design requires special attention:

- *Market Stalls and Entrances:* Lighting design shall enhance the landscape architectural features and maintain a high degree of visibility specifically at entrances and at the vertical marker feature.
- *Central Open Space with Informal Stage:* Lighting design shall provide adequate lighting to promote a safe, secure environment as well as for events.
- *Pergola Features:* Lighting design shall allow for safe movement, create a warm, relaxed atmosphere and to complement the landscape.

The lighting design uses efficient LED's with long lifespans, in order to reduce replacement periods and minimize maintenance requirements and operational waste from the replacement of lamps. The use of modular smart poles for general lighting of the Park and LED strips along the concrete bench seats and within the Amenities building demonstrates a commitment to operational efficiency, while increasing the night time usability of the Park for the community.

The lighting design will be compliant with *Australian Standard AS 4282 – Control of the obtrusive effects of outdoor lighting*. Details of the lighting concept and design are provided in the Lighting and Electrical Services Concept report prepared by Northrop that accompanies the application.

### 3.6 Materials and Finishes

The proposed materials and finishes for the City Park have been selected having consideration of their maintenance, longevity and embodied impacts, both from material form and the impact they have on the building processes.

Consideration has also been given to the impact certain materials will have on user health, together with their broader environmental impacts. In this regard, high impact materials such as Volatile Organic Compounds (VOC's) and formaldehyde have been avoided where possible due to their volatility at room temperature and contribution to poor air quality. Instead, the design for the City Park aims to make use of materials with low levels of embodied energy. The proposed amenities building is a prime example of this through the reuse of salvaged terracotta tile on the western side of the building, as well as the use of timber boards on the exterior, used to provide natural ventilation while providing a material that sequesters carbon. Other sustainable / recycled materials are also proposed to be used, including 'green' concrete and recycled bricks. Sustainably sourced recycled bricks are to be extensively used for paved areas throughout the Park. 'Green' concrete is made from industrial by-products of coal-fired power stations, and of co-products from the steel industry., and indicates the direction of the park to make use of more sustainable materials.

### 3.7 ESD Design Initiatives

A range of design initiatives and elements have been employed to ensure the proposed new City Park optimises its sustainability. A Sustainability Report has been prepared by Northrop to accompany the development application. This report describes how the design for the proposed City Park will align with the sustainability initiatives set out in Penrith Local Environment Plan (LEP), and Development Control Plan (DCP). The report notes that *the project seeks to meet and exceed the sustainable requirements set for recreational areas, and to align itself with the Cooling the City Strategy, outlined by Penrith City Council in August 2015, to reduce the Urban Heat island effect throughout the city.*

These requirements are met through the following key design initiatives:

- *Conserving Energy and reducing Carbon Dioxide emissions through use of energy efficient equipment.*
- *Minimising energy required for lighting through the effective use of daylight.*
- *Ensuring usage of low embodied energy materials and improved building processes.*
- *The incorporation of natural ventilation to eliminate the need for auxiliary heating and cooling.*
- *The inclusion of programmable control systems for lighting ensure that lighting only activates when required.*
- *The use of efficient water fixtures and fittings.*
- *The incorporation of non-potable water supplies for irrigation through considered design of waste and storm water systems.*
- *Reducing vehicle dependence through the site's proximity to public transport and connection to footpaths and cycleways.*
- *Eliminating usage of Volatile Organic Compounds and Hydrochlorofluorocarbons for public safety.*
- *Designing for flexibility of spaces to promote reuse and repurposing in the future.*
- *Native Vegetation employed where possible to encourage the natural habitat of the Penrith area.*
- *Trees existing on site have been kept in the interests of conservation of flora and fauna.*

Refer to the Sustainability Report prepared by Northrop that accompanies the application for further details.

### **3.8 Access**

The application is accompanied by an Access & Inclusion Review prepared by Funktion that makes an assessment of the proposed design with respect to the level of accessibility and compliance with the relevant codes, standards and legislation to ensure equitable and dignified access for people with disabilities can be provided.

The Access & Inclusion Review concludes:

*Having reviewed the listed drawings, it is our opinion that at this stage of the design, the access provisions for people with physical and sensory disabilities in the proposed new City Park, Penrith, comply with the functional accessibility requirements of the Disability Discrimination Act 1992 (DDA), AS1428.1 2009, AS1428.2 1992 and AS1428.4.1 2009.*

*The provision of access for people with a disability in the proposed new work can provide continuous accessible paths of travel and the equitable provision of accessible facilities to provide inclusive design to meet the anticipated requirements of visitors to the park.*

As such it is considered that the proposed design, layout and facilities will enable the City Park to be used by all people, in a self-sufficient, equitable, dignified and amenable way.

### 3.9 Stormwater Management

Northrop has prepared a Civil Engineering Package that includes Stormwater Concept Plans for the proposed City Park. Of particular note, the design summary calculates that the post development pervious area of the site will increase from 394m<sup>2</sup> (5.24% of the site area) to 4139m<sup>2</sup> (55.06% of the site area), representing a significant improvement on the current conditions.

The Stormwater Concept Plans include:

- 383m<sup>2</sup> of raingarden to treat some road runoff from Henry Street and some internal park areas;
- 150m<sup>2</sup> of passive irrigation to treat some road runoff from Gaymark Lane, the eastern carpark and some internal park areas; and
- A rainwater tank to be reused for toilet flushing.

Remaining stormwater runoff is to be piped to the existing street stormwater drainage system via both new and existing drainage infrastructure.

Refer to the Civil Engineering Package prepared by Northrop that accompanies the application for details on the proposed stormwater drainage design.

### 3.10 Erosion & Sediment Control Management

It is anticipated that the successful construction contractor will be required to prepare an Erosion & Sediment Control Management Plan that outlines the procedures that will need to be implemented in order to manage the possible impact of erosion hazard and stormwater pollution from sediment during the construction phase for the new City Park. The erosion and sediment controls will be put in place prior to works commencing on the site and will be maintained (as necessary) throughout the course of construction. The Erosion & Sediment Control Management Plan should include, but not be limited to, the following information:

- the property boundaries;
- existing and final contours;
- existing and final overland flow drainage paths;
- the location of a stabilised entry/exit point (rumble pad);
- the location of soil and sand stockpiles;
- the location of all proposed temporary drainage control measures;
- the location of all proposed erosion control measures (alternatively, use notes to describe locations) including installation sequence and maintenance requirements; and
- a statement of who is responsible for establishing and maintaining all erosion and sediment measures.

## 4 Statutory Planning Framework and Compliance

The following Environmental Planning Instruments and Development Control Plan apply to the site:

- *Environmental Planning & Assessment Act, 1979*
- *State Environmental Planning Policy No. 55 – Remediation of Land*
- *SREP No. 20 – Hawkesbury-Nepean River (No. 2 – 1997)*
- *Draft State Environmental Planning Policy (Environment) 2017*
- *Penrith Local Environmental Plan 2010*
- *Penrith Development Control Plan 2014*
- *Draft Penrith Local Environmental Plan 2010 (Phase 1 Review of LEP 2010)*
- *Draft Housekeeping Amendment - Penrith Development Control Plan 2014*

A discussion on the relevant provisions of the Environmental Planning Instruments and Development Control Plans listed above is provided below:

### 4.1 Environmental Planning and Assessment Act 1979

The matters that are required to be considered when determining development applications are set out in Section 4.15 of the *Environmental Planning and Assessment Act 1979* (EP&A Act). An assessment of the proposal against these matters is provided below and in Section 5 of this Statement.

### 4.2 State Environmental Planning Instruments

#### 4.2.1 State Environmental Planning Policy No. 55 – Remediation of Land

The intent of *State Environmental Planning Policy No. 55 – Remediation of Land* (SEPP 55) is to provide a consistent approach to the remediation of land across the State by specifying certain matters that consent authorities must consider when determining development applications on land which is potentially contaminated.

Under the provisions of Clause 7 of SEPP 55 the consent authority must not consent to the carrying out of any development on land unless it has considered whether the land is contaminated. If the land is found to be contaminated, the consent authority must be satisfied that the land is suitable in its contaminated state or can and will be remediated in order for it to be suitable for the purpose for which the development is proposed.

The site has been occupied by the existing commercial buildings and car parking area for many years and has historically been used for both residential and commercial purposes including dry-cleaning and retail fuel dispensing, as well as restaurants and a funeral parlour.

Since 2016, Penrith City Council has commissioned several contamination investigations across the site which have confirmed the presence of elevated levels of volatile organic compounds (VOCs) within the site media surrounding the former dry-cleaning business (Nos. 134-138 & 140 Henry Street). In addition, there is the potential for underground petroleum storage systems (UPSSs) associated with the former service station (Nos. 118-120 Henry Street) that have not been removed. As such, this part of the site requires remediation in order for it to be suitable for the proposed public recreational use.

In July 2017, JBS&G prepared a Phase 2 Environmental Site Assessment that indicated that due to the presence of an operational dry cleaning business within the site area, there was the potential for contamination to exist at the site. This report identified a significant chlorinated hydrocarbon impact within the vicinity of the dry cleaning business, with the results from soil vapour analysis indicating concentrations of tetrachloroethene (PCE) and trichloroethene (TCE) at levels that represent a risk to future on-site receptors.

In addition, the report identified the potential for buried asbestos and asbestos containing material (ACM) across the site, which could potentially represent a risk to human health.

In summary, the Phase 2 Environmental Site Assessment found that:

- Soil vapour concentrations within the vicinity of the dry cleaner represent a potential risk to current and future site users which will require management prior to utilisation of the Site for the proposed land uses;
- Offsite migration of chlorinated hydrocarbons is potentially occurring, north of the dry cleaner along the inferred groundwater flow direction;
- Lead impacted fill material in the vicinity of JHA02 is required to be managed prior to the utilisation of the site for the proposed land uses;
- Asbestos and ACM may be present within surficial fill materials at the Site which has not been documented as part of this DSI. Boreholes are limited in their utility for the identification of buried asbestos and ACM. During the redevelopment stage of the works, additional asbestos may be identified which could potentially represent a risk to human health and will require management/remediation during redevelopment;
- Contaminants in soils and groundwater were generally not present at concentrations representing statistically significant exceedances of the Site assessment criteria, and therefore with the exception of the aforementioned, do not represent a risk to the current or future site users;
- No background soil concentrations or aesthetic issues were identified in this assessment;
- The Site is currently unsuitable for the proposed land uses. Subject to the implementation of an RAP which manages the identified impacts, it is considered that the Site can be made suitable for the proposed land uses; and
- The reported concentrations of chlorinated hydrocarbons in groundwater/soil vapour exceed the relevant investigation levels presented in Schedule B1 of the *National Environment Protection (Assessment of Site Contamination) Measure 1999* (NEPC 2013). As a result, there is a potential requirement for the site to be notified to the NSW EPA in accordance with the *Guidelines on the Duty to Report Contamination under the Contaminated Land Management Act 1997* (NSW EPA 2015).

Accordingly, Council commissioned JBS&G to prepare an Overarching Remedial Action Plan (RAP) for the site and this RAP, dated 5 March 2019 identifies strategies and remedial options that will address the identified environmental impact and render the site suitable for the proposed use, while ensuring the protection of human health and the surrounding environment.

The JBS&G report identifies that as the site is within the boundaries of the land to which *Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River (No. 2 – 1997)*, development consent is required for the remediation of land under Clause 11(4) of the SREP. Further, the remediation works comprise Category 1 remediation works which require consent under Clause 9(d) of SEPP 55.

In addition, a Draft Remedial Works Plan (RWP) dated 8 December 2020 has also been prepared by JBS&G. This RWP has been prepared for the site (western portion of PCPV) with consideration to the

RAP (JBS&G 2019a) and the findings of a pre-remediation investigation (JBS&G 2020), in which the nature and extent of environmental impacts was further delineated by an additional soil and soil vapour sampling program.

Taking into consideration that the objectives of any remedial works and environmental management procedures set out in the RAP (JBS 2019a) are still valid, this RWP has been prepared to detail the contaminated soil remediation / management requirements during site redevelopment, consistent with the preferred scope and method of remediation documented in the RAP (JBS&G 2019a).

It is noted that this RWP will be revised upon receipt of the additional investigation results proposed to be completed prior to remediation works as outlined in JBS&G (2020). The remedial works outlined herein have been presented to facilitate remedial works planning.

As indicated at 1.5 of this Statement, consent for the Category 1 remediation works is to be sought under a separate development application as part of the Stage 1 works. Notwithstanding, it is anticipated that following the adoption and implementation of the recommended remedial strategies and validation of the site post remediation, the site will be suitable for the proposed use.

#### **4.2.2 Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River (No. 2 – 1997)**

The site is within the boundaries of the land to which *Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River (No. 2 – 1997)* applies.

The aim of *Sydney Regional Environmental Planning Policy No. 20 – Hawkesbury Nepean River* (now a deemed SEPP) is to protect the environment of the Hawkesbury-Nepean River system by ensuring that the impacts of future land uses are considered in a regional context. The Deemed SEPP seeks to achieve this by providing a series of strategies and planning controls that all development must be considered against.

In this regard, the Policy requires the consent authority to have regard to a number of general and specific considerations, policies and strategies when assessing development applications.

It is considered that the proposed City Park development is not contrary to these general and specific considerations, policies and strategies. The site is not located within a scenic corridor of local or regional significance and the proposed City Park will not have an adverse impact on the Hawkesbury Nepean River system in either a local or regional context.

In accordance with Clause 11(4) of the SREP, the remediation works required to be undertaken in order for the site to be made suitable for the proposed recreational use will require development consent and are the subject of a separate development application.

#### **4.2.3 Draft State Environmental Planning Policy (Environment) 2018**

*Draft State Environmental Planning Policy (Environment) 2018* proposes to consolidate seven (7) existing SEPPs and simplify the planning rules for a number of water catchments, waterways, urban bushland, and Willandra Lakes World Heritage Property. These environmental policies will be accessible in one location and updated to reflect changes that have occurred since the creation of the original policies.

One of the (deemed) SEPPs to be included is *Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River (No. 2 – 1997)*, that currently applies to the subject site.

As detailed at 4.2.2 above, the proposed development is unlikely to have an adverse impact on the Hawkesbury-Nepean River Catchment and therefore, is consistent with the intent of the draft Environment SEPP.

## 4.3 Local Environmental Planning Instruments

### 4.3.1 Penrith Local Environmental Plan 2010

The principal local environmental planning instrument applying to the City of Penrith is *Penrith Local Environmental Plan 2010*, which came into force in September 2010. This LEP has been made in accordance with the standard environmental planning instrument under Section 3.20 of the *Environmental Planning & Assessment Act, 1979*.

As noted earlier, the site is zoned part RE1 Public Recreation and part B4 Mixed Use under *Penrith Local Environmental Plan 2010*.

The aims of RE1 Public Recreation zone area:

- *To enable land to be used for public open space or recreational purposes.*
- *To provide a range of recreational settings and activities and compatible land uses.*
- *To protect and enhance the natural environment for recreational purposes.*
- *To ensure that development is secondary and complementary to the use of land as public open space, and enhances public use, and access to, the open space.*
- *To provide land for the development of services and facilities by public authorities for the benefit of the community.*

**Comment:** The proposed City Park will be consistent with these zoning objectives, providing a large and centrally located public open space area that will offer a range of recreational and cultural opportunities and experiences, as well as social and environmental benefits.

The aims of the B4 Mixed Use zone are:

- *To provide for a mixture of compatible land uses.*
- *To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.*
- *To minimise conflict between land uses within the zone and land uses within adjoining zones.*
- *To create opportunities to improve public amenity.*
- *To provide a wide range of retail, business, office, residential, community and other suitable land uses.*

**Comment:** The proposed City Park is considered to be consistent with the objectives for the B4 Mixed Use zone as follows:

- The City Park will provide a recreational space that is compatible with the surrounding commercial/retail land uses and will assist in facilitating ongoing economic growth of the Penrith City Centre.
- The Park will create a significant community asset that will provide social benefits and improve the liveability of Penrith, as well as support the economic growth and viability of the City Centre and act as a catalyst for further redevelopment of the commercial core.



- The site is located within walking distance of Penrith Railway Station and a number of bus stops, giving the site excellent access to the public transport network, as well as being accessible to the services and facilities provided in the Penrith City Centre.

There are a number of clauses in the LEP that are applicable to the proposed development. These are discussed below:

**Clause 5.10** of the LEP relates to heritage conservation and states (inter alia) that Council must not grant consent to any development on land on which a heritage item is located, or is within a Heritage Conservation Area unless it has considered the effect of the proposed development on the heritage significance of the item or area concerned.

As indicated previously, the site does not contain any heritage items, nor is it located within a Heritage Conservation Area. However, there are three (3) buildings within proximity to the site that are listed as local Heritage Items under Schedule 5 of the LEP. These are:

- The former Penrith Council Chambers – Nos. 129-133 Henry Street;
- TAFE Building – Nos. 115-119 Henry Street; and
- The former Prospect Electricity building – No. 59 Station Street

The application is accompanied by a Non-Aboriginal Heritage Impact Assessment prepared by Artefact Heritage that provides an assessment of the potential for the proposed works to impact on the heritage significance of these adjoining heritage items. The assessment concludes that the proposed works are likely to have a:

- *Neutral direct (physical) impact to the Penrith Council Chambers (former) heritage item*
- *Minor indirect (visual) impact to the Penrith Council Chambers (former) heritage item*
- *Neutral direct (physical) impact to the TAFE Building heritage item*
- *Minor indirect (visual) impact to the TAFE Building heritage item*
- *Neutral direct (physical) impact to the Prospect Electricity Building (former) heritage item*
- *Minor indirect (visual) impact to the Prospect Electricity Building (former) heritage item*
- *Major direct (physical) impact (demolition) to the John Price & Son Funeral Home unlisted heritage item*
- *Major indirect (visual) impact (demolition) to the John Price & Son Funeral Home unlisted potential heritage item*
- *Potential impact to areas assessed as demonstrating potential for archaeological remains.*

In order to record and preserve the heritage potential of the unlisted John Price & Son Funeral Home, the report makes a number of recommendations, including the retention (in-situ) of the ornamental octagonal brick fountain in the curtilage of the Funeral Home as a cultural element within the Park, together with the preparation of a comprehensive photographic record of the interiors and exteriors of the Funeral Home prior to its demolition. It is also recommended that the stained glass windows and Chromatex bricks from the Funeral Home be salvaged and where feasible, the bricks reused in the Park, and opportunities be explored with respect to the provision of historical interpretive displays.

It should be noted that the water fountain is shown as being retained on the Landscape Drawing package.

**Part 7** of the LEP provides a number of additional local provisions. Those that are of relevance to the proposed development are discussed below:

**Clause 7.2** of the LEP relates to Flood Planning and applies to land identified as flood planning land on the Flood Planning Map, or land that is below the flood planning level.

**Comment:** The site is not nominated as flood planning land. However, it is affected from mainstream flooding from the Nepean River in a Probable Maximum Flood (PMF) event. However, as advised in the Pre-lodgement Advice, given the nature of the proposed development, flood related planning controls will not be applicable in this instance.

**Clause 7.4** of the LEP relates to sustainable development and states:

*In deciding whether to grant development consent for development, the consent authority must have regard to the principles of sustainable development as they relate to the development based on a “whole of building” approach by considering each of the following—*

- (a) conserving energy and reducing carbon dioxide emissions,*
- (b) embodied energy in materials and building processes,*
- (c) building design and orientation,*
- (d) passive solar design and day lighting,*
- (e) natural ventilation,*
- (f) energy efficiency and conservation,*
- (g) water conservation and water reuse,*
- (h) waste minimisation and recycling,*
- (i) reduction of vehicle dependence,*
- (j) potential for adaptive reuse.*

**Comment:** It is considered that the design drawing packages and accompanying documentation sufficiently demonstrate how the principles of sustainable development have been incorporated into the proposal. Section 3 of the Sustainability Report prepared by Northrop provides a detailed response in relation to how the proposal responds to (a) to (j) above and should be referred to for assistance in the assessment of the requirements of this clause.

**Clause 7.8** of the LEP relates to ‘active street frontages’ and aims to encourage uses that attract pedestrian traffic along certain ground floor street frontages, as nominated on the ‘Active Street Frontages’ Maps that accompany the LEP. Sheets ASF\_06 and ASF\_013 indicate that the entire perimeter of the site is nominated as an ‘active street frontage’.

However, subclause 7.8(3) stipulates that development consent must not be granted to the erection of a building, or a change of use of a building, on land to which this clause applies unless the consent authority is satisfied that the building will have an active street frontage after its erection or change of use. The only building proposed for the site is the Amenities Building in the south-eastern corner of the Park. Although the building is oriented towards the Park and therefore effectively ‘turns its back’ to the Allen Street frontage, it is considered that by its very nature, it will attract pedestrian traffic. Further, it is considered that the Park as a whole, will encourage pedestrian traffic around its perimeter, consistent with the intent of Clause 7.8.

**Part 8** of the LEP provides a number of local provisions specific to the Penrith City Centre. As indicated on the ‘Clause Application Map’ that accompanies the LEP, the site falls within the nominated boundaries of the Penrith City Centre. Those provisions that are of relevance to the proposed development are discussed below:

**Clause 8.2** of the LEP relates to sun access and aims to protect public open space within the Penrith City Centre from overshadowing.

Subclause 8.2(3) states that *despite clauses 4.3, 5.6 and 8.4, development consent may not be granted to development on land to which this Part applies if the development would result in overshadowing of public open space to a greater degree than would result from adherence to the controls indicated for the land on the Height of Buildings Map.*

**Comment:** The proposed features and landscape elements that comprise the City Park will not result in overshadowing to itself (as public open space) to a greater degree than would result from any building or structure that adhered to the 20m height of buildings development standard indicated on the Height of Buildings Map.

## 4.4 Draft Local Environmental Planning Instruments

### 4.4.1 Draft Penrith Local Environmental Plan 2010 (Phase 1 Review of LEP)

Council has prepared a Planning Proposal to amend Penrith Local Environment Plan 2010 in order to align LEP 2010 with the planning priorities set in the Greater Sydney Commission's Greater Sydney Region Plan – A Metropolis of Three Cities and Western City District Plan and draft Council-led strategies. These amendments form part of a phased approach to the review of LEP 2010.

The Phase 1 LEP Review Planning Proposal primarily responds to the immediate actions arising from the draft Local Housing Strategy, draft Rural Lands and Villages Strategy and draft St Marys Economic Development Strategy as well as addressing minor housekeeping amendments.

The Planning Proposal setting out the proposed amendments was placed on public exhibition between 1 May and 29 May 2020.

The Phase 1 Amendments to the LEP 2010 (as exhibited) aim to:

- increase the minimum lot size controls for multi-dwelling housing in R3 Medium Density Residential and R4 High Density Residential zones;
- apply a minimum lot size control for dual occupancy development in the RU5 Village zone for Londonderry and Luddenham villages;
- permit eco-tourist facilities, with consent, in the E4 Environmental Living zone
- permit a limited number of additional land uses, with consent, on certain land within Castlereagh's 'centre';
- remove the minimum lot size requirement for dwelling houses on 11 lots in Llandilo;
- include a new requirement for non-residential uses in the St Marys Town Centre B4 Mixed Use zone;
- extend the additional permitted uses provision for 164 Station Street, Penrith;
- rezone Triangle Park, Penrith to RE1 Public Recreation, and
- undertake minor housekeeping matters.

As such, the proposed amendments will not affect the proposed City Park development.

It is noted that at its Policy Review Committee Meeting of 10 August 2020, Council resolved to endorse the Planning Proposal presented in the report, which includes a change to the exhibited Planning Proposal in relation to the proposed amendment for non-residential uses in the St Marys Town Centre. Council also resolved to forward the Planning Proposal to the Minister for Planning and Public Spaces with a request to make the LEP amendments.

## 4.5 Development Control Plans

### 4.5.1 Penrith Development Control Plan 2014

Penrith Development Control Plan 2014 contains detailed provisions and controls that supplement the provisions of the LEP and came into effect on 17 April 2015. The parts of the DCP that are applicable to the proposed development are:

- A – Introduction
- B – DCP Principles
- C1 – Site Planning and Design Principles

- C2 – Vegetation Management
- C3 – Water Management
- C4 – Land Management
- C5 – Waste Management
- C6 – Landscape Design
- C7 – Culture and Heritage
- C8 – Public Domain
- C10 – Transport, Access and Parking
- E11 – Penrith (Part A – Penrith City Centre)

The site for the City Park is located within the Commercial Core character area identified in Figure E11.2 – Penrith City Centre Character Areas of the DCP, with the City Square and City Park identified in the Figure. As noted in the DCP:

*This area is the 'gateway' to Penrith on arrival by rail, and given this status, needs to be a focus for the highest quality developments.*

*and...*

*This precinct will form the northern boundary of the new City Square and City Park. Both public spaces will be located in what is currently the Allen Place parking area and are intended to be a haven for workers and residents in the City Centre. It is envisaged that the City Square and City Park will become the focus of City activities.*

The proposal has been designed having regard to the relevant objectives and controls under Penrith Development Control Plan 2014 and the more pertinent of these controls are summarised in the Compliance Table provided below:

<b>Penrith Development Control Plan 2014</b>	
<b>Part C1 – Site Planning and Design Principles</b>	
<b>Control</b>	<b>Compliance</b>
<b>1.1 Site Planning</b>	<b>Noted:</b> The site's context in terms of its local and regional context has been analysed and considered in designing the proposed City Park.
<b>1.2 Design Principles</b>	<b>Noted:</b> The design of the proposed development has had regard to the design principles, CPTED principles.
<b>Part E11 Penrith – Part A – Penrith City Centre</b>	
<b>Control</b>	<b>Compliance</b>
<b>11.1 Preliminary</b>  11.1.3 Penrith City Centre Precincts and Character Areas  Commercial Core	<b>Complies:</b> The proposed development is considered to be consistent with desired future character of the Commercial Core Precinct, providing a high community open space area in the CBD.

<p><b>11.3 Pedestrian Amenity</b></p> <p>11.3.2 Active Street Frontages &amp; Address</p> <p>11.3.6 Building Exteriors</p>	<p><b>Complies:</b> The perimeter of the Park provides the required activation and connection to the pedestrian public domain.</p> <p>Details of the proposed colours and materials are provided on the landscape and architectural drawings.</p>
<p><b>11.4 Access, Parking and Servicing</b></p> <p>11.4.1 Pedestrian Access &amp; Mobility</p> <p>11.4.3 Site Facilities and Services</p>	<p><b>Complies:</b> The main pedestrian entry points to the Park are clearly identifiable and provide barrier free access.</p> <p>All site facilities and services can be accommodated on the site.</p>
<p><b>11.5 Sustainable Development</b></p> <p>11.5.1 Reflectivity</p> <p>11.5.2 Maximising Liveability &amp; Longevity</p> <p>11.5.3 Reduce Resource Consumption</p>	<p><b>Complies:</b> The selected external materials and finishes are unlikely to generate unacceptable levels of glare or reflectivity that will cause discomfort to or threaten the safety of drivers or pedestrians. Additional tree cover across the site will also assist in reducing glare.</p> <p>The use of recycled and reused materials such as salvaged terracotta within the amenities building, and the use of recycled brick and green concrete ensure that low embodied energy materials have been selected for construction. It is also important to note that VOC's and HCFC's have been avoided in in the design and construction of the city park where possible.</p>

As can be seen from the Compliance Table, the proposed development satisfies the DCP requirements that are relevant to the site.

## 5 Section 4.15 Assessment

### 5.1 Section 4.15(1) - Matters for Consideration

In accordance with the provisions of Section 4.15(1) of the *Environmental Planning and Assessment Act 1979*, in determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

- (a) *the provisions of:*
  - (i) *any environmental planning instrument, and*
  - (ii) *any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority (unless the Director-General has notified the consent authority that the making of the draft instrument has been deferred indefinitely or has not been approved), and*
  - (iii) *any development control plan, and*
  - (iiia) *any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F, and*
  - (iv) *the regulations (to the extent that they prescribe matters for the purposes of this paragraph), that apply to the land to which the development application relates,*
- (b) *the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*
- (c) *the suitability of the site for the development,*
- (d) *any submissions made in accordance with this Act or the regulations,*
- (e) *the public interest.*

The matters for consideration listed under (a) above have been discussed in Section 4 of this Statement. The remaining matters (b) to (e) are discussed below:

### 5.2 Likely Impacts of the Development

#### 5.2.1 Context and Setting

The (approximately) 7,500m<sup>2</sup> site on the corner of Henry and Station Streets was identified as a suitable location for the new City Park and although the site comprises several parcels, they are all owned by the Council.

In terms of strategic alignment, the development of a City Park has been a central part of Penrith City Council's public domain aspirations since it was first identified in 2006. Since then, the need for a City Park has been incorporated into several of Council's strategic documents.

The City Park is considered to be an important component of the transformation of the Penrith City Centre and will enhance the environmental, social and economic performance of Penrith, as well as being a catalyst project for Penrith to thrive as a Metropolitan Strategic Centre. With anticipated significant growth in the City Centre, City Park will provide residents, workers and visitors with green, open space, encouraging social connection, interaction and wellbeing.

The site is located in a central location within the Penrith City Centre, approximately 200m south of Penrith Railway Station, with Westfield Penrith Plaza located a short distance to the north-west. The site is surrounded by a variety of commercial and community uses, with the former Council Chambers, Australian Taxation Office, NSW Civil and Administrative Tribunal (NCAT) and NSW TAFE to the north and a mix of commercial premises along Station Street and Allen Place/High Street to the south and south-west.

In addition to its proximity to Penrith Railway Station, the site is well served by buses, with the bus stop opposite the site in Henry Street being serviced by seven (7) routes, making it readily accessible to the community.

### **5.2.2 Traffic, Access and Parking**

The proposed City Park will require a number of changes to traffic and parking arrangements both at and in the vicinity of the site due to the loss of existing at grade public carparking, as well as changes to arrangements for deliveries to local businesses and collection of waste and recycling.

A Concept Design Plan for the proposed signage and linemarking changes on Gaymark Lane and Allen Place was prepared by Ason Group and was endorsed by the Local Traffic Committee at its meeting on 7 December 2020. This plan now forms part of the Civil Engineering Package that accompanies the application.

Having regard to the above, the traffic and parking implications of the proposed development are considered to be appropriate and will not result in any adverse environmental impacts or traffic implications in terms of road network capacity.

### **5.2.3 Flooding and Overland Flows**

Penrith City Centre lies within the Hawkesbury-Nepean Rivers Catchment and the entire City Centre is subject to both the local flooding (PMF) and the Nepean River Flooding (PMF). Parts of the city are also subject to the 20% AEP.

The Penrith CBD Catchment Overland Flow Flood Study has identified the south-eastern corner of the site as being affected by local overland flows. In this regard, Council has advised that the design for the City Park must not cause the overland flows to be concentrated, diverted, or have any adverse impact on adjoining properties or Council's road network.

The proposed demolition of buildings will change the flooding patterns within this part of the catchment. However, it is considered that there will be an overall beneficial impact and the incorporation of passive irrigation, together with other water management and WSUD principles within the park will improve flooding impacts. Northrop have undertaken a detailed assessment of the potential flooding impacts and advise that the proposed development will likely decrease the peak flows generated by the site due to the amount of pervious landscaped area, compared to the impervious buildings pre-development. The proposed Park design may divert flows from half of Allen Place running east of the park, to Gaymark Lane and north to Henry Street resulting in a minor increase in flows. However, if this minor diversion is not acceptable, then a 2D analysis may need to be undertaken.

In addition, Northrop have confirmed that the floor level of the Amenities Building has been set at RL28.15m to ensure it is above the 1:100 year flood level.

### **5.2.4 Social & Economic**

The proposed development will have both a short and long term positive economic impact on the locality. In the short term it will create construction jobs for a variety of trade and specialist occupations. In the longer term it will assist in the creation of a vibrant City Centre and assist in strengthening the economic diversity of the Penrith.

In terms of social impacts, the Park will be a meeting place that brings the community together, with flexibility to cater for a range of events and passive activation. It can also be a place of respite or

relaxation for workers in the City Centre during the work day, or a place that can bring the local community together during the evening through organised events or social outings etc.

As a result, it is considered that the proposed City Park will have a positive social and economic impact.

### 5.2.5 Crime Prevention

Crime Prevention through Environmental Design (CPTED) is an important inter-agency crime prevention program that reduces crime opportunity through effective planning, urban design and place management. The NSW Police Service program, known as Safer by Design is based on the principles of CPTED.

The Department of Planning & Environment (then PlanningNSW) released guidelines under (the former) Section 79C of the *Environmental Planning and Assessment Act, 1979* which have been prepared to assist councils in identifying crime risk and minimise opportunities for crime through appropriate assessment of development proposals.

The Guidelines uses Crime Prevention through Environmental Design (CPTED) which is a crime prevention strategy and focuses on reducing the opportunities for crime through the planning, design and structure of the built environment. This is achieved through:

- Maximising the risk to offenders through increasing the likelihood of detection and challenge;
- Maximising the effort require to commit an offence;
- Minimising the perceived benefits of crime; and
- Minimising the opportunity to facilitate inappropriate behaviour.

Part B of the Guidelines set out four principles to be used in the assessment of development applications to minimise the opportunity for crime, as follows:

#### **Surveillance**

Providing effective surveillance of areas within and surrounding a site can assist in reducing the attractiveness of crime targets. Surveillance of an area can be achieved through both natural and technical means.

Passive surveillance, where people can see what others are doing, creates a sense of safety within an environment and provides opportunities for interaction between individuals. This and high levels of passive surveillance, deters offenders from committing crime.

The landscape treatment for the park has been designed in cognisance of the need to maintain good levels of passive surveillance and allow safe movement of pedestrians around / across the site.

Proposed mass planting in the park is relatively low and will allow for good visibility as proposed grasses, groundcovers and shrubs grow below eye level. Typical planting to footpath surrounds is grasses and groundcovers to provide a step-back in height to maximise sightlines and channel people into target areas. Shrubs are to be located in key areas of the southern gardens where pedestrian movement is encouraged for passive surveillance. The design opens the park to Henry and Station streets, maximising views into the park. Other park edges (Allen Place and Gaymark Lane) are designed to be semi-permeable, allowing clear sight views between the park and surrounding streets/precincts. The main paths are generous in width and open to the surrounding landscape.

The main access to the amenities building faces the park and the building is articulated with the surrounding footpath system, to promote circulation and surveillance around this element.



Site lighting will be installed throughout the park to satisfy the relevant Australian Standards and provide a high degree of public domain lighting.

### **Access Control**

By clearly defining areas accessible to the public and providing physical and symbolic barriers to attract and channel the movement of people, it will be difficult for offenders to reach victims and opportunity to commit crime will be minimised.

The pedestrian entry points to the park are clearly identifiable from the surrounding streetscape and provide direct links to the path network. The footpath network within the park responds to pedestrian desire lines thus channelling pedestrians into target areas in and across the park. Signage will assist visitors to locate key elements and connections. Bands of vegetation are used on the park's northern and eastern boundaries, deterring unauthorised access and delineating the park. The southern edge creates the same effect by use of a pergola structure.

### **Territorial Reinforcement**

Defining what is public and private territory assists in determining the function of a space and the appropriate behaviour within a space. This definition enhances the informal security presence within and around the site. Territorial reinforcement is achieved through the creation of a "sphere of influence" around a building by utilizing physical designs such as pavement treatments, landscaping and signage that enable users of a building or an area to develop a sense of proprietorship over it.

The design for the City Park provides opportunities that are aimed at encouraging people to gather on the northern and southern boundaries through the provision of seating, facing the park, providing some level of passive surveillance to the site. Wayfinding signage promotes a good comprehension of the key elements in the park and their location.

### **Space Management**

Neglected and/or poorly maintained buildings and/or areas are often more susceptible to criminal activities such as vandalism.

Penrith City Council will be responsible for the management and maintenance of the public domain. To assist in reducing opportunities for vandalism, materials and finishes have been selected with consideration to their resistance to vandalism. Further, the majority of the selected plant species are appropriate for the climate and soils of Penrith and will require less maintenance than exotic species. Where vegetation that requires more frequent maintenance, these have been kept to key feature areas in order to limit the potential for lack of maintenance.

## **5.3 Suitability of the Site**

Having regard to the characteristics of the site and its location, the site for the proposed new City Park is considered appropriate in that:

- the site is zoned to accommodate this type and form of development;
- the City Park is considered to be an important component of the transformation of the Penrith City Centre;
- the City Park will enhance the environmental, social and economic performance of Penrith, as well as being a catalyst project for Penrith to thrive as a Metropolitan Strategic Centre; and

- with anticipated significant growth in the City Centre, the City Park will provide residents, workers and visitors with green, open space, encouraging social connection, interaction and wellbeing.

The proposed City Park is not expected to result in any significant adverse environmental impacts and it is therefore considered that the site is suitable to accommodate the proposal.

#### 5.4 The Public Interest

The proposed development is considered to be in the wider public interest for the following reasons:

- it is consistent with the objects of the *Environmental Planning and Assessment Act 1979*, specifically because it represents the *orderly and economic use and development of land*, it *promotes the social welfare of the community*, *promotes the sustainable management of the built environment*, and *promotes good design and amenity of the built environment*;
- the proposal satisfies the objectives and intent of *Penrith Local Environmental Plan 2010* and relevant objectives and controls of *Penrith Development Control Plan 2014*;
- the proposal provides a responsive design in terms of its relationship to adjoining development and establishes an appropriate streetscape and human scale through sound urban design principles;
- the design incorporates a number of ESD initiatives that will achieve a high standard of environmental design and sustainability;
- the proposed development provides the local and wider community with a new centrally located City Park that will provide social benefits and improve the liveability of Penrith, as well as support the economic growth and viability of the City Centre and act as a catalyst for further redevelopment of the commercial core.

#### 5.5 Any Submissions Made in Accordance with the Act or Regulations

In accordance with Council's policy, the application will be placed on public exhibition and submissions invited from any interested parties.

As part of the assessment process, Council will take into consideration any matters raised in any submissions received in response to the public exhibition period.

It is noted that an initial consultation on the Concept Design for the Park was undertaken by Penrith City Council in December 2019 to gather information on how people would like to use the park and what features they would like to see included and in August 2020 an independent firm (JOC Consulting) was engaged to undertake consultation with local businesses directly affected by the proposal in order to identify emerging stakeholder priorities and concerns and confirm any specific operational requirements for these businesses.

## 6 Conclusion

This Statement of Environmental Effects is submitted as part of the development application submission for the redevelopment of Nos. 134-144 Henry Street and Nos. 42-50 Station Street, Penrith for a new City Park.

The aim of this Statement has been to:

- describe the proposal;
- demonstrate compliance and/or planning merit of the proposal against the relevant statutory/development controls; and
- provide an assessment of the likely environmental effects of the proposal.

As noted earlier, the City Park is considered to be an important component of the transformation of the Penrith City Centre and will enhance the environmental, social and economic performance of Penrith, as well as being a catalyst project for Penrith to thrive as a Metropolitan Strategic Centre. With anticipated significant growth in the City Centre, City Park will provide residents, workers and visitors with green, open space, encouraging social connection, interaction and wellbeing.

The proposal provides a responsive design in terms of its relationship with adjoining development and establishes an appropriate human scale through sound urban design principles, whilst ensuring that environmentally sustainable principles are incorporated.

The development proposed under this application is considered to be both reasonable and appropriate in the context of the site. The development will have positive social and economic benefits in terms of creating an attractive and welcoming community open space area in the City Centre.

The proposed development is considered to be consistent with the aims and objectives of *Penrith Local Environmental Plan 2010* and is generally consistent with the applicable development controls under Penrith Development Control Plan 2014.

Having regard to the analysis and assessment contained in this Statement, it is requested that Council give favourable consideration to the application.