

# Report to Penrith City Council

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## Proposed Reclassification and Rezoning of Public Land

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### Erskine Park & St Clair Environs

#### Report on Public Hearing and Submissions to Public Exhibition

Prepared by:

Peter Walsh FPIA PhD  
Independent Chairperson of Public Hearing

April 2017

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# Section 1 Introduction

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## 1.1 Context

Penrith City Council (Council) has a proposal before it which, if approved, would allow substantial changes to seven areas of open space in Erskine Park and St Clair (the Proposal). See Figure 1 and Table 1 for the location of individual sites. In essence, the changes would allow these areas to be sold off (divested) and used for residential purposes. As indicated later in this report, Council has a stated underlying objective of improving community and recreation opportunity in the area. The suggested strategic intent is to use earnings secured as a consequence of the divestment of the seven nominated open space areas to improve existing parks, walkways and related facilities.

The Proposal requires amendments to *Penrith Local Environmental Plan 2010* (LEP 2010). The changes include rezoning each of the sites from *RE1 Public Recreation* to *R2 Low Density Residential*, and changing classification of these seven sites from *community* land to *operational* land<sup>1</sup>. The proposed changes to LEP 2010 have been moving through the required statutory processes including a “gateway” determination at the State government level, which allowed the formal public exhibition of the LEP amendment proposal<sup>2</sup>.

## 1.2 Statutory Provisions for Public Hearings

There are inter-dependent provisions within the Environmental Planning and Assessment Act 1979 (EPA Act) and Local Government (LG) Act which set up the statutory requirements for public hearings relating to land reclassifications.

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<sup>1</sup> Under the Local Government Act, public land under the control of a council must be classified as either community or operational land. Operational land has no special restrictions other than those that may apply to any piece of land. But community land (eg local parks, community facilities areas and other land solely for public access and use) cannot be sold or leased for long periods. See Department of Local Government, Public Land Management – Practice Note 1 Revised May 2000.

<sup>2</sup> The State government is referencing this LEP modification as PP 2016\_PENRI\_004\_00. Documentation is available at <http://leptracking.planning.nsw.gov.au/PublicDetails.aspx?Id=2695> (accessed on 10/4/2017).



Figure 1 - Land subject to reclassification proposal highlighted red against a backdrop of existing community land. (source: Council website - [yoursaypenrith.com.au/erskine-park-planning-proposal](http://yoursaypenrith.com.au/erskine-park-planning-proposal). Accessed 10/4/2017)

Table 1- Subject land details

Ref	Description
1	Ashwick Reserve
2	Dilga Crescent Reserve
3	Part Pacific and Phoenix Reserve
4	Part Chameleon Reserve
5	Part Capella Street Reserve
6	Regulus Reserve
7	Part Spica Reserve

Whenever there is a proposal to reclassify community land to operational land, section (s) 29 of the LG Act provides that the council must arrange a public hearing under s57 of the EPA Act. Among other things, s 57(7) of the EPA Act provides that at the conclusion of a public hearing:

*... (a) report of any public hearing is to be furnished to the (council) and may be made publicly available by that (council).*

Section 47G(2) of the LG Act then provides as follows:

*The person presiding at a public hearing must not be:*

- a) a councillor or employee of the council holding the public hearing, or*
- b) a person who has been a councillor or employee of that council at any time during the 5 years before the date of his or her appointment.*

In accordance with the above provisions I was appointed to preside over the hearing and prepare a report. This document is intended to comprise the report of the public hearing.

### **1.3 Introductory Remarks on Hearing and This Report**

The public hearing was held on the evening of 7 April 2017 at Erskine Park Community Centre. Some ten members of the public attended the hearing. Two council officers attended as observers. The hearing commenced with some introductory commentary from the chair on the hearing process. The body of documentation behind the Proposal and available on the Council website (Planning Proposal Documentation) was also briefly introduced. Oral submissions from the public were then presented<sup>3</sup>. The chair then concluded the hearing, explaining the reporting requirements.

Council also requested that this report consider written submissions made in response to the public notification of the Proposal. There were eighteen written submissions considered. In turn, this report provides a synthesis of the views expressed at the hearing and within written submissions. It also draws conclusions, mindful of the proposal and the submissions. The overall purpose of the hearing report would be to sit as a part of the bundle of matters before Council as it makes decisions on the Proposal.

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<sup>3</sup> There was also some informal discussion which, where relevant, is also documented in this report.

The structure of the remainder of the report can then be summarised as follows:

Section 2 - Outline of submissions

Section 3 - Assessment of merits of the Proposal in light of submissions

Section 4 – Conclusions.

## Section 2 SUBMISSIONS

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### 2.1 Submissions to Hearing

The following persons made oral submissions to the hearing:

- Edward Seyfarth
- Debbie Michalek
- Vince Dabit
- Abby Dabit.

An outline of the key points from each of these submissions is provided below.

#### ***Edward Seyfarth***

Edward Seyfarth raised three key concerns. First he objected to the principle of selling off public land generally. The view was expressed that even if public open space was not well used, it still had important community value in a residential area like Erskine Park. This was in its capacity to act (“passively”) as a pleasant backdrop feature as one moved about the local neighbourhood (it was compared to living near the sea, where the amenity of this backdrop is commonly highly valued, even if you don’t go swimming so much).

The second concern was in regard to the process which Council had been following in this matter. At one level there was a concern that this public hearing had not been well advertised and this explained the attendance levels. More broadly, Mr Seyfarth’s felt that the sale of land to third parties, brought risks of corruption. Finally on process, the question of precedent was raised. That is whether this was the last of the intended changes, or whether instead, Council would soon come back with further plans to sell off open space.

Mr Seyfarth’s third concern was in regard to the particulars of the intended changes to Regulus Reserve. It was suggested that adding more activity and more cars at this location brought much too high a risk. There was already too much high speed traffic in the area, with instances of cars running off the road, especially near the eastern bend in Regulus Street (cars currently “speeding at 80km/hr” when the speed limit should be “more like 20 km/hr” given the number of children around). The danger to young people was mentioned

given the proximity to the high school. So adding more houses here was in no way in the community interest according to Mr Seyfarth.

### ***Debbie Michalek***

Debbie Michalek made both oral and written submissions which for coherence are considered together here. Ms Michalek expressed strong objections to the overall Proposal on both procedural grounds and in regard to the merits. Particular concerns were expressed in regard to the Regulus Reserve rezoning and reclassification. Ms Michalek and her husband Daniel settled in the area in 1990 and still live adjacent to Regulus Reserve. Today two other properties which back onto the park fronting Shaula Crescent are also owned. A key concern of Ms Michalek was with the form of housing which might eventuate on the Regulus Reserve site. It was indicated that during the initial consultation processes in September 2015, quite considerable public interest was generated. It was indicated that the plan shown to the community in September 2015 indicated just three house blocks on Regulus Reserve<sup>4</sup>. Ms Michalek's submission includes a copy of the document she is referring to here which clearly shows just three residential blocks along with text to that effect. This document is reproduced at Annexure A and in part reproduced below in .



*Figure 2 - Three lot plan for Regulus Reserve included in Michalek submission to hearing (a more complete and legible version of the drawing is provided at Annexure A)*

The concern being expressed is that the plans indicated in the Planning Proposal Documentation show a much higher density of housing on Regulus Reserve (“8 2-storey houses”<sup>5</sup>). The point argued here is that neighbours who attended the 2015 consultation, and

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<sup>4</sup> Referenced as part of the Clouston Masterplan Report of 5 September 2015 in Ms Michalek's written submission dated 9 March 2017.

<sup>5</sup> Ms Michalek's written submission dated 9 March 2017.



may have come away with certain assumptions (“3 extra houses”), and not overly concerned, have been misled. It is suggested that this exercise, of showing lower density plans at the major public exhibition and then increasing the housing density later in the various subsequent reports, was deliberate and “devious”:

*Why haven’t residents within a 100m ... been advised in writing that Council have changed plans for Regulus Reserve from 3 houses to 8 houses<sup>6</sup>.*

Other specific concerns suggested in regard to plans for the subdivision of Regulus Reserve include:

- Five of the eight dwelling sites would be below the minimum lot size for the R2 Low Density zone in LEP 2010.
- There is an error in the area shown for Regulus Reserve in some of the work which raises queries about lot sizes and yield expectations.
- The layout indicated in Planning Proposal Documentation would not meet the explicitly stated objective of the Proposal itself (“to permit a scale of development on the sites that is commensurate with the existing surrounding development”, when the average area of the surrounding development is 752m<sup>2</sup>).
- The subdivision layouts for the other (6) rezoning/reclassification sites do not show the density proposed for Regulus Reserve and no lots under the LEP minimum lot size are indicated in the plans for other sites.
- A recent Erskine Park subdivision (in Miner Glen) was required to meet R2 density requirements so Council’s own proposal should be required to do the same.

More generally in regard to any future housing in the Regulus Reserve area Ms Michalek was concerned that all standard controls (in particular setbacks) be maintained to ensure no unreasonable privacy and overshadowing impacts. Ms Michalek’s house at 2 Regulus Street is immediately south of the existing park is at particular risk. This risk would be mitigated somewhat if the driveway of the new dwelling was on the south, rather than the northern side of the block (as shown in the recently exhibited plans).

Ms Michalek raises concerns on four further points:

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<sup>6</sup> ibid

- Trees: Concerned about the suggested retention of unhealthy gum trees due to their risk to the public and the constraint they would impose on the future residential development and drainage.
- Bus stop and suggested future driveway off Swallow Drive in recently exhibited plans: Steep fall and sight distance problems (among other points) make it inappropriate to locate new car access onto Swallow Drive. In particular, there is a safety concern as this area is crowded with school children from nearby Erskine Park High of a morning and afternoon.
- Land subdivision: Taking the next step beyond her concerns about eight dwellings, Ms Michalek has prepared an alternative plan which she believes better meets site constraints and opportunities. The plan shows four standard lots and one battle-axe block (addressing the Swallow Drive access problem). This plan is reproduced at Annexure B (the “eight-dwelling plan” is also shown for comparative purposes). Ms Michalek has included in her submission a petition signed by 35 persons supporting her plan.
- Sale of new blocks: It was submitted that adjoining owners be given first opportunity to purchase any newly created blocks (after appropriate independent valuation). This was seen to be justified based on the potential direct impact of the new blocks on current properties, and would help in community building based on the foundations established by “first settlers” (ie children of initial residents who are part of the community fabric, and developing their own families could live there). It was argued that, if the changes proceed, that the sites should not be sold off as a block to developers and rather that parcels be sold off individually, similar to the case with the original subdivision and land sale. Developers were seen as more likely to push the boundaries on intensity and thus impact.

### ***Vince Dabit***

In his oral submission, Vince Dabit raised concerns about whether any monies raised as a consequence of sales in this local area would actually be spent in the same area. That is, to what extent had Council committed to a full allocation, rather than just a partial allocation of funds to the Erskine Park area. Ms Michalek and Mr Seyfarth joined Mr Dabit with this concern, suggesting that their understanding of Council’s plans didn’t seem to mount up to the amount of revenues that would be generated. The request was that there be an open accounting system for both the revenues and expenditures.

### ***Abby Dabit***

Abby Dabit indicated support for the proposed rezoning and reclassification of the eastern segment of Pacific and Phoenix Reserve. Ms Dabit concurred with the view that a first right of refusal for the sale of land should be given to adjoining land owners and those who have contacted Council.

## **2.2 Submissions to Public Exhibition**

There were a total of 18 written submissions considered (two people made two written submissions). A petition signed by 35 persons was included in one of the submissions. Annexure C provides a table summarising each of the individual written submissions. While there is some overlap, for the purposes of this report, written submissions can be divided into the categories listed below.

- Against the overall concept of divesting open space land for housing
- Expressions of overall support
- Site specific concerns

### ***Against the overall concept - or major concerns***

There were three written submissions expressing broad concerns in regard to the overall proposal of changing open space land to allow its sale for housing. The reasons cited for this view included: important to retain and increase green areas and trees in Erskine Park area to “clean our air”, existing areas are well used and enjoyed by local people (including for passive purposes and including by young people), “jamming more houses in” would tend to exacerbate problems like youth crime and change the area from what which many people originally bought into (“precisely for its greenery and parks”), revenues generated would not be used for local improvements, the proposal brought corruption risks. Some of the written submissions objecting to particular sites also raised objections in principle to the idea of open space loss, or concern with choices for local facilities improvements.

One submission argued that after initial good feelings that the Proposal may provide a chance for more facilities for local children (ie reference to intention to fund more facilities through revenue generated by land sales), there was now less confidence. Disappointment was expressed at the facilities built so far (the water splash park was “only suited to pre-schoolers”). The suggestion was that the area needs more, and higher quality, facilities for

older children (“not fair that our kids have nothing decent close by”). Suggests a good skate park something like Glenmore Park or Jamison Park.

***Expressions of overall support/recommendations***

Four submissions directly expressed support for the Proposal. Three of these also expressed interest in purchasing land which may be released for housing purposes. One of the submissions requested some funds be allocated towards concrete path from the Barcoo Laneway to the existing pathway in Andrew Thompson Reserve (“so that we do not have to walk in the mud or dust to get to the bus stop”). A drawing is provided indicating a rough alignment of the pathway (around 42m in length).

***Site Specific objections/expressions of support/concerns***

To save duplication these concerns are documented in the next section where the merits of individual sites are given consideration.

## Section 3    Assessment

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### 3.1    The Principle of Rezoning and Reclassifying Open Space

As outlined in Section 2 a number of submissions (oral and written) raised concern about the general principle of divesting community open space. It seems to me to be reasonable that a council, in attempting to make a positive difference in local communities, should bring an openness to unconventional initiatives, especially in times of heightened competition for public funding. Indeed the LG Act's guiding principles for local government directly suggests council land should not be immune from such exercises:

*Councils should manage lands and other assets so that current and future local community needs can be met in an affordable way.*

(Source: LG Act, Section 8A(1)(f))

A challenge for councils here is that people have all kinds of different feelings about their local area and its "needs". This is borne out in the submissions, where different priorities are raised. Some submissions do connect with the concept which is being pursued in the Proposal, and that divestment of lower value open space may free up resources to make local facilities better. But concerns are raised about such things as native vegetation loss and its wider ecological impact. They connect up with a general preference, expressed in some submissions, for parklands (whether or not well used) over more buildings and traffic. The idea of selling off open space is different and controversial and some submissions against the principle of open space loss also raised questions about the validity of Council's intentions to use the land sales as a means to bring about local improvements, including whether the funds generated would be spent locally or go to more general revenue accounts. Concerns about corruption were also raised.

#### **Comment**

An unconventional project like that embodied in the Planning Proposal would be expected to uncover competing interests (and needs) and questions on delivery prospects; in short, opposition. This Proposal's capacity to move successfully through the various approval

processes in the face of the expected opposition (like any intentions for a wider program) would be likely to be contingent on the strength of its methodologies - both in promoting initiative and building-in safeguards. So while it seems to me unreasonable to adopt an in-principle opposition to divestment of underused open space to help deliver other benefits, the public submissions questioning whether and to what extent, in the end, these benefits will be forthcoming need to be taken very seriously. They can be best countered by evidence of high quality processes in terms of public involvement, qualitative analysis and accountability in delivery. The next section examines how such matters have been addressed in the Proposal.

## **3.2 Procedural Aspects**

The submissions seem to raise three questions in regard to procedures: (1) whether the proposal is connected-up with general community needs and aspirations; (2) whether the more detailed analysis and particulars of the Proposal are methodologically sound (eg cushioning any localised impacts); and (3) whether the undertakings behind this conceptual stage of the work are well linked to implementation (in particular delivery accountability). These aspects are now considered in turn for this Proposal contextualised by the individual public submissions.

### **3.2.1 Community connection**

The Proposal Documentation outlines the project's community engagement exercises. It is apparent that there is some history of analysis of open space questions in Penrith LGA involving various degrees of community participation<sup>7</sup>. But most relevant to this Proposal are the community engagement exercises since 2015 which are reported on (briefly) at Appendix E to the Proposal Documentation. This report indicates a two stage consultation process involving letter box drops (one of which was "suburb-wide"), more concentrated engagement with more closely affected landowners (including "targeted doorknocking"), community drop-in sessions, a workshop with local high school students, and on-line as well as face to face surveys. The first stage engagement occurred in April and May 2015. It first sought a response to the general idea of:

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<sup>7</sup> A chronology of studies from 2003 to 2015 is outlined at and around p10 of the Proposal Documentation. As well, the Proposal Documentation (Appendix G) references a connection with Council's Community Plan.

*...Council funding improvements in recreation spaces, by selling some of the Council owned land that is not meeting the community's needs.*

#### Appendix E, Planning Proposal Documentation

Some 73% of respondents to a survey (121 responses) indicated that they either strongly support or somewhat support the proposition as put above. This first stage process also sought feedback on preferences on where funds should be allocated (most support was for spending in the local area, but also significant interest in funding regional and “city shaping” projects); and what type of improvements might be delivered (all ages exercise equipment ranked highest).

The second consultation stage held during August and September 2015 sought responses on the Draft Erskine Park Open Space Masterplan which identified reserves which might be sold off, as well as the types of improvements which might be delivered and in which reserves. As might be expected, this move from the more abstract concept to more concrete suggestions, drew some extra levels of opposition. A survey involving 120 responses indicated a near even split between those for, and those against the Proposal. The report on this second stage engagement includes some useful qualitative commentary. In particular it noted the following themes from supporters of the then Proposal:

- upgrades and improvements to facilities are needed and well overdue
- activation of underutilised spaces is supported - improvements would benefit the overall community
- proposal to sell underutilised spaces to upgrade others is logical.

It seems important to also note the comment that:

- many indicated that their support was reliant on only a limited percentage of open space being sold and on the condition that any land sold would be developed with respect to the surrounding properties.

The responses from those expressing opposition was generally consistent with the points raised at the hearing. The consultation report indicates that more than half of the survey respondents opposing the changes had a particular interest in the Warbler and Aquarius Reserves – each of which has subsequently been removed from the Proposal.

The Planning Proposal Documentation indicates, as far as I can ascertain, that statutory processes were followed. However, one aspect relating to broader community consultation proved quite problematic. It related to one of the background documents to the Planning Proposal. Appendix D (Draft Erskine Park Open Space Masterplan (2015)) included indicative subdivision and house block layouts for some of the parks. The problem was that layouts indicated in this background document (Appendix D), on occasion, showed higher housing density than the layouts which (according to submissions) residents had seen in the course of that 2015 consultation process itself. It should be made clear that the draft LEP which is under scrutiny in this hearing is not a development approval instrument. That is, any actual subdivision or housing development of future rezoned and reclassified lands would need to move through its own development application process, and any related consultation. Nonetheless, and as indicated in submissions, the plans in Appendix D were perceived as giving some indication of ultimate intentions on the part of Council, and caused a degree of alarm on the part of some nearby residents. This matter is considered more particularly when specific sites are considered (Section 3.3).

### ***Comment***

It is my impression that Council have endeavoured to secure a good level of community engagement with both the general idea of selling off open space for local improvements, and the types of changes that citizens would be happy with. Based on the consultation report, it does seem that interest levels were not particularly high. However, the feedback about the concept would reasonably be seen as positive. It is going too far to say that the challenge of securing good levels of community buy-in has been met. But in my view Council showed some initiative here with its decision to forward fund some aspects of the Proposal such as the water play area at Pacific and Phoenix Reserve as well as some 4km of new pathway construction (totalling \$2.65m<sup>8</sup>). It seems to me that there is sufficient evidence of community support for the Proposal in principle. However it also seems that there is a need for an ongoing effort in both securing interest in and energy in support of the Proposal from local community members if it is to reach its ambitions. There is further discussion on this in the conclusions.

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<sup>8</sup> See Planning Proposal documentation p5.



### 3.2.2 The analysis behind the current Proposal

In considering the submissions against particulars of the Proposal (including both the concept of sale of open space and the consequences for particular sites) it is useful to first query how, and why, choices were made to this point. The Planning Proposal Documentation submits that a detailed and systematic approach has been adopted. The Public Open Space Reinvestment Project Report explains an evaluation process which combines a suburb-wide analysis (natural environment, demographics, open space/recreation demand, supply, connectivity etc) followed by more detailed analysis of individual reserves.

The suburb-wide analysis includes findings such as: there is a poor walking and cycling environment in Erskine Park, existing quantum of open space substantially exceeds standards, majority of parks unembellished and uninviting, significant duplication of parks and there is demand for improved recreation choice (especially for youth). The “recreation reinvestment” which is proposed includes but is not limited to individual parks. There is an emphasis on the idea of “connecting” places up through better paths, street trees, lighting and shelters (p5). This is seen as a strength of the Proposal. It is aligned with the idea that it is good to capitalise on interdependencies as a means of providing multiple benefits. It is concerned with supporting both park use and community connectivity *through* encouraging walking/cycling (rather than just improving parks). The analysis also connects somewhat to other Council initiatives such as mitigation of summer heat through more canopy vegetation (and irrigation) and also links to ecological concerns, among other technical areas.

The localised analysis of individual reserves is indicated as involving scoring parks against a set of performance criteria based on Landcom’s well-regarded *Open Space Design Guidelines (2008)*. The Public Open Space Reinvestment Project Report indicates that the Erskine Park area was selected as a pilot to test the process. The Report indicates that (on request from Council) six randomly selected reserves within Erskine Park were assessed in detail against the evaluation criteria (p39). Distance criteria is also applied (ie proximity of homes to parks)<sup>9</sup>. The Report details the evaluation of these six reserves, with some of the reserves scoring higher, others lower (Regulus Reserve was one of the lower scoring reserves).

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<sup>9</sup> The work notes that there is a need to join up the process of relating the suburban level analysis (eg relative pedestrian accessibility levels) to the numerical evaluation table is not altogether clear.

### **Comment**

It is confusing that the Public Open Space Reinvestment Project Report then draws conclusions in regard to all 20 of the reserves within Erskine Park. That is, whether they should be retained, rationalised or disposed of for reinvestment purposes ( see Figure 7.01 and p48 “Site Specific Recommendations”), while also recommending<sup>10</sup> that further evaluation (“scoring assessment”) should be undertaken<sup>11</sup>. So for example we have the detailing of a low score for Regulus Reserve and a good score for Pacific and Phoenix Reserve, but in the documentation I have viewed at least, no details on any evaluation of Capella Reserve or the other reserves proposed for disposal (or part disposal), either in the Public Open Space Reinvestment Project Report or the accompanying (Draft<sup>12</sup>) Erskine Park Open Space Strategic Masterplan Report.

It is quite possible that this is just an editorial problem<sup>13</sup>, or I am misinterpreting the documentation. But, if part of the arguments is that a strength of the approach is its systematic nature and transparency in the selection process, then it is important that there be a readily understandable communication of how choices have been made. The current model could benefit from further work in regard to: the inter-relationship of the evaluation matrix and the other evaluation criteria (especially pedestrian connectivity) and who should complete the evaluation matrix (while not without difficulty it makes some sense to have some local residents involved in this process).

Most important here, the Public Open Space Reinvestment Project Report does make clear that this specialist analytical work is only a stepping stone. The evaluation steps are intended to underpin public consultation aspects, which have led us to the point we are today; and some considerable reduction in the areas suggested for either rationalisation or disposal as documented in the Planning Proposal Documentation. Generally, my conclusion here is that the notion of having a systematic approach is useful, but complex questions confronting the Proposal cannot be expected to be all resolved through a technical model. That has not been attempted here by Council. There is quite a degree of technical analysis involved which is very useful. There is then a model in the background, with its

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<sup>10</sup> Still under the heading Erskine Park Pilot (p48).

<sup>11</sup> It is indicated in the report (p21, 27) that it is important to use both the suburb analysis and the results of individual parcel assessments in coming to recommendations.

<sup>12</sup> The report does not refer to itself as a draft document, but the coversheet to the report indicates it as a draft only.

<sup>13</sup> For example, the evaluation criteria matrix has completed for the other reserves and just not included in the documentation.

efficacy dependent on its further development. The actual sites elected for consideration here are reasonably obvious targets and their credentials are considered later in the report.

### **3.2.3 Ongoing accountability system for delivery of local improvements**

The submissions concerned about ongoing steps were the project to move forward, might be considered on two levels. One involves the general management of finances, the other is concerned with decision making on the types of projects any future allocation of funds might be directed towards. A significant concern in submissions is whether revenues generated might be lost in the larger financial affairs facing a big council like Penrith. It should be emphasised that the Planning Proposal is quite clear in its indication that there is no option but for the revenues generated to be directed towards the local area.

*... all proceeds from the sale of these land parcels will be directed towards upgrading open space/recreational infrastructure in Erskine Park.*

Planning Proposal p33.

The Planning Proposal (p5) indicates that should all the suggested open space land be divested some 21 new dwelling sites would be available securing some \$7m in net revenue for reinvestment, of which some \$2.65m has already been committed (see above). There are then prospects for considerable further reinvestment projects into the future, should the Proposal go ahead. So a question is how these financial affairs might be efficiently and effectively managed and to how this might occur legitimately.

The further question is where these funds would be directed. One submission requested a skate park, indicating Erskine Park is badly done by now, compared to some other suburbs, and suggesting its “not fair that our kids have nothing decent close by”. There is some reference to such matters in the Planning Proposal Documentation. For example, the Draft Erskine Park Open Space Masterplan (p5) nominates as one of its “principles” for delivery:

*(That new infrastructure) addresses gaps in current provision such as the lack of district type facilities, all ages equipment and of recreation opportunities for the large youth population of the suburb*

Another referenced a new pathway to encourage the pedestrian link to the bus stop, which seems to make good sense. It is not clear how a decision on priorities here might be taken.

### **Comment**

The Planning Proposal Documentation does not so far indicate any proposed arrangements for ongoing financial management and is limited in its decision making around the allocation of the rest of any land sale revenues<sup>14</sup>. It would, in my view, address a number of concerns raised in submissions if there was further particulars released on this in Council's next decision stages about the project. The Public Open Space Reinvestment Report's commentary on next steps (p48) includes a similar recommendation. In my view it would address a number of concerns raised in submissions, if there was a documented arrangement for ongoing decision making and financial management, preferably involving local community representation. This is discussed further in the conclusions.

## **3.3 Site Specific Concerns**

### **3.3.1 Regulus Reserve**

The Proposal provides for the full divestment of Regulus Reserve and its subdivision for housing purposes. The Planning Proposal Documentation was somewhat ambiguous on the form of housing which might eventuate. Plans and text in the Draft Erskine Park Open Space Masterplan (Appendix A) indicate, at the same time, "three new north-facing residential lots" (Figure 3) and "the potential to generate six new residential lots", while also indicating what seems to be eight residences (including dual occupancies) on the Disposal Plan shown in the current version of the Draft Masterplan (Figure 4). This current Disposal Plan differs significantly from the one referred to in Ms Michalek's submission and referenced in Section 2.1 of this report. The plans also show commitment to significant improvements to the local bus stop above the site.

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<sup>14</sup> The Planning Proposal (p9) refers to the Draft Erskine Park Open Space Masterplan which has some specific recommendations in regards to certain local parks and more general commentary in regard to the larger parks (Peppertree Park and Chameleon Reserve). The processes for finalising the Erskine Park Open Space Masterplan may have potential to be part of the documented arrangement for ongoing decision making and financial management, discussed above.



Figure 3 - The "Public Domain Improvement and Lot Layout Plan" for Regulus Reserve in the Draft Erskine Park Open Space Masterplan (at Figure 13)



Figure 4 - The "Disposal Plan" for Regulus Reserve indicated in the Draft Erskine Park Open Space Masterplan (at Figure 12)

Turning to the submissions, there was an expression of overall objection (oral and written) from some of the residents living near to Regulus Reserve, along with a detailing of significant conditions should this aspect of the Proposal go ahead. As outlined in the previous section, the concerns were principally that any future housing development on Regulus Reserve not cause unreasonable disturbance to the amenity residents enjoyed in their homes and local neighbourhood at present, or cause safety problems (eg from extra traffic movements so near the High School). Residents wanted any future housing to fit in well. The petition referenced at Section 2.1, indicated a "preference" for a subdivision drawn by Debbie Michalek showing five new homes; and expressed opposition to the "Disposal Plan" showing eight dwellings and referenced above.

Submissions also were against the idea that developers should take over the land given their professional interest/expertise in optimising profits, which can sometimes occur through maximising densities, including through contesting planning controls.

### ***Comment***

The evaluation processes conducted for the Planning Proposal indicate that Regulus Reserve provides relatively low community value and perhaps some community detriment (eg maintenance costs at least). The submissions seem to be saying that if development generally consistent with that which surrounds the park today were to be developed, then there was a reasonable degree of acceptance. But the type of development which might occur on the site is hard to predict under policy settings as currently proposed in the Planning Proposal Documentation. Council's documentation indicates, correctly, that the planning controls applying to any newly available land would be the same as applying to surrounding residential land today. But the local properties were developed at a different time and have for the most part been developed at lower density levels than would be permissible now.

For me the dilemma, or policy conflict, is as follows. Existing policy controls are supportive of dual occupancy, and like development forms, as a means of meeting diverse housing demand and encouraging more affordable housing. Housing costs are a critical problem area for Sydney and policy efforts which try to keep them down warrant support, generally<sup>15</sup>. But with Council's Public Open Space Reinvestment Project, Council is involved in a very particular mission. There are significant changes occurring to community open space land, and in this case of Regulus Reserve it would comprise the loss of a fairly large park. There was some recognition of the tenor of this policy move in the community consultation exercises. For example the community support for the open space divestment concept overall was, seemingly, "on the condition that any land sold would be developed with respect to the surrounding properties"<sup>16</sup>.

A choice presenting itself here is whether to: (1) leave future development of, in this case, Regulus Reserve to the current controls and today's "business as usual" land conversion

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<sup>15</sup> These kinds of housing objectives are specifically linked to the Planning Proposal when it references the Metropolitan Strategy (Section 4 of the Planning Proposal documentation) and Council's Community Plan (Appendix G to the Planning Proposal documentation).

<sup>16</sup> Consultation Report p5 (Appendix E to the Planning Proposal documentation).

processes. This would likely maximise returns from the sale of the site(s) and therefore maximise funds for reinvestment towards other local community purposes. This move would also help with the provision of some lower cost housing (current DCP controls already try to minimise next door impact); or (2) make some additional particular efforts to bring about a built form designed purposively to fit in with the existing local character.

In my view, the circumstances of this case favour the latter approach. It seems to me important, especially as this Erskine Park project is developing-up a future pathway for this important idea of “open space reinvestment” across Penrith LGA, that any actual development that occurs in Regulus Reserve *does* fit in very well to the local setting. A benign development outcome here in Regulus Reserve, based on a replicable policy approach, may bring longer term benefits by positioning Council to assuage neighbour concerns more widely (a problem already been evidenced in Erskine Park). Adopting some kind of design-led approach for the conversion of former parkland may, in fact, lead to more housing overall, and thus also be aligned with wider housing goals for Sydney (and the NSW government’s interests in regard to wider matters of housing provision). But also important is the circumstances presenting here for local residents worried about the scale of development and local traffic problems. Should this approach be supported then the options available to Council would include:

- Introducing site specific provisions into the LEP applying to (perhaps selected) former open space sites. It would be statement on the status of certain sites as former open space land and the need for sensitive treatment in regard to neighbour impact, including perhaps a new mapping layer (eg something similar to the design excellence provisions in Blacktown LEP 2015).
- Site analysis-based DCP provisions (preferably backed by an LEP statement of intent as indicated above) which build in more applied provisions than might be available already in the DCP; nominating site specific building envelope controls or overlooking restrictions, stronger landscape requirements, other matters (as may be applicable); and exclude these sites from exceptions provisions of the current Residential DCP. Such work would benefit from the commissioning of high quality urban design advice.
- Use of restrictions on title such as easements for landscaping.
- Council participating more actively in the actual development of the land (ie holding the land into a point along the land conversion process) to ensure a form of housing which local residents are relatively comfortable with.

As discussed below some of these points are suggested to have application beyond the Regulus Reserve case.

### **3.3.2 Capella Street Reserve**

Two of the immediate neighbours expressed concern in written submissions about the intentions for Capella Street Reserve and potential direct impact on their amenity, especially: privacy (if new dwellings are elevated), loss of outlook to the park and solar access. Concerns were also expressed that the land currently formed a drainage function and there were already downstream drainage problems today, as well as some local flooding and major sewerage problems. A further concern was that new housing at the bulb of the Canopus Close cul-de-sac would block existing viewlines into the park, and thus risk increased antisocial behaviour. The Pisces Lane pedestrian/cycle link would also be more hidden and less convenient (especially for those with disabilities). It was also contested that this area of Capella Street Reserve was not well used by locals. One submission indicated this was almost the only area where children did play in the park (cricket and football). The query was raised whether the whole of the park had been considered and that a better option may be to select the area at the west of the park to future residential land and leave the existing land as is.

#### ***Comment***

It is unclear in the documentation before the hearing to what extent the land proposed for divestment serves a significant drainage function. There is physical evidence of what looks like a drainage swale or catch drain and a drainage pit (Photo 1). I have been advised by Council that there has been a recent meeting on site attended by Council's drainage experts. No doubt further information on this question will be available to Council after investigations are completed, including whether this issue can be adequately managed through easements or other land title encumbrances. Setting aside the technical questions raised on drainage and sewerage which need to be covered in Council's own technical assessment, I agree with the suggestion that this drainage swale area is not great for informal sports-oriented activities (ie cricket, kickaround etc), although I note there is some level space further towards Capella Street (Photo 2). On the question of shifting the future residential land to the west, I believe retention of the well vegetated area in this park is important for other policy reasons (urban heat mitigation and ecology) although the question might be raised whether there would be opportunity to deliver offsets through



revegetation within the large Sydney Water reservoir site next door. I should mention I don't see where this park has been subject to the evaluation matrix, which has been suggested to be part of the decision system for the project.



*Photo 1 - Drainage infrastructure in Capella Reserve*



*Photo 2 - More suitable play space nearer Capella Street*

More broadly, it seems to me that there are similar challenges for this site as for Regulus Reserve. There are very similar questions of immediate neighbour amenity, and then the particular point of the affect on the ambience of Canopus Close with a current quite pleasant viewline into the park potentially interrupted by new housing (Photo 3).



*Photo 3 - Viewline into Capella Reserve from Canopus Close (source: Google Maps)*

As for Regulus Reserve, there are also two subdivision layouts indicated in the Planning Proposal documentation, with the “Partial Disposal Plan” provided a simple block layout indicating four lots (and four dwellings) and a “Park Improvement Plan” showing three lots in plan but keeping the door open for four.



*Figure 5 - Partial Disposal Plan shows four lots (shown as Figure 8 in Draft Open Space Strategic Masterplan)*





Figure 6 - Park Improvement Plan shows 3 Lots (shown as Figure 9 in Draft Erskine Park Open Space Masterplan)

The Partial Disposal Plan shows a more abrupt relationship with Canopus Close, whereas the Park Improvement Plan designs in a splay to allow an opportunity for landscaping to cushion any adverse visual impact when viewing from Canopus Close. Each of the plans retain the pedestrian/cycle link to Pisces Lane and Erskine Park High School (Photo 4), both would result in a much longer inter-allotment pathway of a style which is no longer commonly designed into residential subdivisions in my experience. The Partial Disposal Plan involves a greater land take and narrower inter-allotment path than does the Park Improvement Plan.



Photo 4 – Existing inter-allotment pathway linking Capella Reserve and Pisces Place

I believe that before the Capella Reserve proposal were to proceed it needs considerable re-analysis into: drainage, softening the impact on viewlines from Canopus Close, cushioning potential amenity effects on neighbours and whether the doubling up of the length of the Pisces Lane inter-allotment pathway (a pedestrian connection to Erskine Park High School) can occur while still aligning with the general principle of “improving”<sup>17</sup> and encouraging local walking. There is some potential for each of these matters to be addressed appropriately, but each would likely require a competent design element and then the challenge of transferring appropriate design principles into the land divestment process. An approach to this is suggested in the discussion on Regulus Reserve above.

### 3.3.3 Spica Reserve

A submission from adjoining landowners (8 Spica Place) indicated they had suffered from the effects of persistent antisocial behaviour in the hidden away area in the eastern sector of the reserve (over the back fence). Concerns included graffiti, drugs, alcohol and privacy invasion. There was also a concern regarding an existing at risk gum tree in this eastern area. The submission put the case as follows: “strongly supportive of the measure to return (Spica Reserve) to existing landowners”. There was also a submission from within Council’s administration (*Landscape Architects - Design and Projects Team*) which suggested alternative subdivision options. Two suggestions were put, each comprising a

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<sup>17</sup> See for example, Draft Erskine Part Open Space Masterplan p7.

reduced land take from the reserve to provide more kick around space and canopy trees (Figure 7, Figure 8).

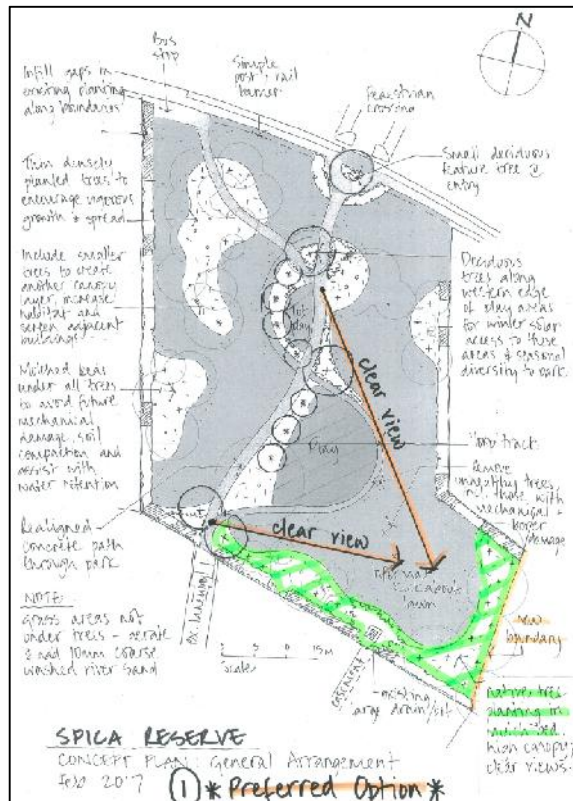


Figure 8 - Council Landscape Architects' preferred option

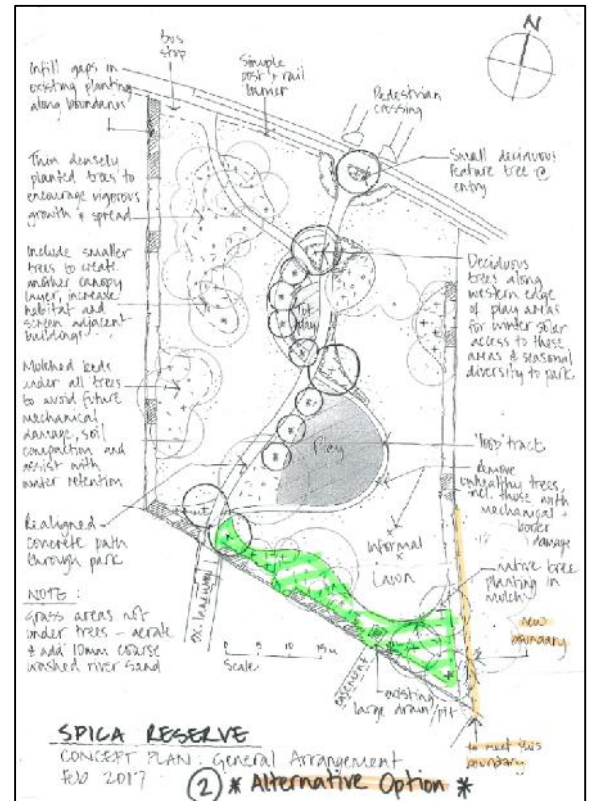


Figure 7 - Alternative option

The Partial Disposal Plan and Park Improvement Plan as currently proposed are indicated in the figures below.



Figure 9 - Partial Disposal Plan (shown as Figure 3 in Draft Open Space Masterplan)





Figure 10 - Park Improvement Plan (shown as Figure 4 in Draft Open Space Masterplan)

### Comment

The current configuration for Spica Reserve with its deep “hammerhead”, the extremity of which is not at all well connected to the more public area of the park, is inviting of the kinds of behaviours which can be very troubling for neighbours. The divestment move by Council here is very positive. At the same time, especially if the nearby Regulus Reserve disposal is to occur, there is a sense in trying to optimise future community use of the remaining part of Spica Reserve. The landscape architects’ suggestion seems to be a positive contribution, retaining a slightly larger area as a kickaround space which is well integrated with the rest of the park, while also designing in good public surveillance. The landscapers’ “preferred option” seems to allow better prospects for this “integration”. The at-risk trees (raised as concern in the neighbour submission) would not need to be retained in either of the options.

### 3.3.4 Other Reserves

The other proposed full and partial reserve divestments make sense and, in my analysis, are not significantly challenged by submissions. They are each discussed briefly below:

- Part Pacific and Phoenix Reserve: Submissions by neighbours supported this proposal (and expressed interest in land acquisition). One submission raised concern with regard to tree loss and bird habitat. The vegetation within the area proposed for divestment within this park is not ranked highly in the expert ecological study (see Planning Proposal, p49). I support the Proposal in regard to the partial divestment within this reserve.

- Dilga Crescent Reserve – the only submission received mentioning this matter directly was in favour. I support the Proposal in regard to this reserve.
- Part Chameleon Reserve: No submissions were received in regard to this reserve. I have seen nothing in the documentation that suggest disagreement with the Proposal in regard to this reserve.
- Ashwick Reserve: No submissions were received in regard to this reserve. It is notable that this reserve is not covered in all of the supportive documentation behind the Planning Proposal. It does not fall within the Erskine Park Pilot section of the Public Open Space Reinvestment Project report or the Draft Erskine Park Open Space Masterplan report<sup>18</sup>. In turn there is no documentation indicating the extent to which this reserve has worked through the evaluation strategy underpinning the Proposal. It is not as if the reserve is without analysis in that the Planning Proposal includes specific commentary to the effect that it is no longer required for drainage purposes. On the face of it, and assuming nearby neighbours were notified as per the rest of the Proposal, Ashwick Reserve presents as a good candidate for divestment (given the suggestion it is no longer required for drainage). It is hidden away and quite close to the M4 motorway, with another better located reserve only 100m away off Explorers Way, which may benefit from some extra funding.

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<sup>18</sup> The land around Ashwick Reserve is located in the suburb of St Clair, but due to the historical development patterns in the locality, falls within the same sector as Erskine Park for section 94 (developer) contribution purposes. My interpretation is that its inclusion in the Erskine Park pilot would thus make some of the financial management aspects more straightforward.

## Section 4 Conclusions

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### 4.1 Conclusions

This Proposal has important ambitions. It is concerned with increasing the attraction of outdoor activities. Erskine Park is perhaps no different to most places on that front. There might be a recognition of the benefits of outdoor activities (health, fitness, social and community development) but competition from indoors (electronic devices) can tend to dominate.

The submissions to the public hearing and public exhibition were generally thoughtful and moderate and there was some direct recognition that good could come from the Proposal, however the divestment and development of open space land, even if for the purposes of directing revenues to better quality community resources, must expect to be a controversial activity. The submissions to the hearing are analysed in the body of the report. There are two major suggestions which come forward.

#### 4.1.1 Future housing development on open space land – fitting in

The first is focused on the question of the form of residential development which might follow any divestment of open space land. In my view there was not sufficient attention paid to this matter in the consultation processes to date. It is true that these early stages are not the appropriate time to finalise future buildings on the site. But there should be a recognition that this is likely to be the key concern nearby residents will have, and nearby residents will always provide a powerful voice in a change-oriented project like this.

I have suggested in the report that there is a policy question before Council here, were it to proceed with the Proposal. On the one hand, a business-as-usual development of newly available land within the R2 Low Density zone would permit a certain development form. This form would be likely to be different and more dense than the older style housing which currently surrounds the parklands. This pathway is not without benefit in that it would likely provide for more affordable housing, and the existing DCP has provisions which would moderate impacts to an extent. On the other hand, Council could be more active in ensuring that future development (of existing open space land) is literally quite similar to the existing



surrounding development. This option, which is recommended in this report, is likely to deliver less housing on an individual site. But a policy move in that direction, in my view, would better help the open space reinvestment project reach its potential, and in so doing increase housing in the wider municipality as this program unfolds. In alignment with these points, it is suggested that adjacent residents have a first opportunity to bid against an independent valuation of sites, albeit still subject to the planning controls suggested above.

#### **4.1.2 Ongoing management accountability – involving local people**

The second issue which arises is the management of the funds that might be accrued from the sale of open space. Submissions were concerned not just about probity, but also about the funds being swamped in the accounts of a large council. For example, how might it be ensured that this funding reasonably supplements, rather than entirely replaces, general expenditures on local amenities in the Erskine Park area? The funds involved are significant at the local scale. It seems to make sense that decisions about what happens are made by those with a good knowledge about what is going on in the locality. These people might be leaders of sporting, arts or cultural groups, schools, regulars in community centres or, as expressed in submissions, citizens interested in their children's future. It is very interesting to think that these revenues might bring a deep community benefit, have a large multiplier effect, in today's time of some austerity, and connect strongly with, or act as a catalyst for, wider local community and social development efforts (eg joining up with current local school, community centre, environmental programs). The important point here is that the way to address some of the lack of delivery confidence (or cynicism) expressed in submissions may be to devolve some of the responsibility for how the funding might be allocated to local people.

#### **4.1.3 Final remarks**

None of the above suggestions would be easy to implement (more site specific controls, privileging some parties over others in a sale process, developing an innovative - and diligent – ongoing funds management system with local ownership). Each bring costs and time demands to an already busy council like Penrith, and also likely busy local community members and existing leaders. There are also risks of unintended consequences. But attention to such matters would not only help with the issues raised in the submissions to this Proposal, in my view it is likely to position Council better in regard to expected future submissions for this unconventional but important open space reinvestment project. It is

suggested that if Council has not done so already, there is a sense in at least exploring such matters now, during this early stage of the wider program.

It is recommended that:

1. Council note the submissions to the public hearing and submissions to the public exhibition of the Proposal as documented in this report, and the commentary in response.
2. Before advancing the Proposal, Council consider the inclusion of planning provisions which more actively seek to ensure future development in the land subject to reclassification and rezoning is in keeping with surrounding development (see Section 3.3 for details).
3. Before advancing the Planning Proposal, Council document guiding principles and a management regime for attending to both revenues from the divestment of open space land and expenditures towards future projects in the local community; and that local representation and participation be a key consideration (see discussion in Section 4.1 and above).
4. Council consider favourably the submission that next door properties having a first offer opportunity for adjacent properties, subject to independent valuation.

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Peter Walsh PhD  
Fellow of the Planning Institute of Australia  
**Appointed Chairperson**

27 April 2017



# Annexure A: Plan referenced in Michalek submission



## Annexure B: Plans referenced in petition

Penrith Council Subdivision Plan that will permit 8 x 2-storey dwellings to be built  
 Drawn by Clouston Associates Dated Dec 2015



### 5 x Lot Sizes under 550sqm

Lot 1	710sqm
Lot 2	655sqm
Lot 3	599sqm
Lot 4	546sqm
Lot 5	454sqm + 545sqm
Lot 6	546sqm + 501sqm

**Amended Subdivision Plan drawn by Debbie Michalek that will permit 5 x 2-storey dwellings**



### Approx Lot Sizes

Lot 1	663sqm
Lot 2	685sqm
Lot 3	985sqm
Lot 4	870sqm
Lot 5	780sqm

## Annexure C: Summary of written submissions

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### Against the Overall Proposal in Principle

Glenn Housbey	Uses the parks now for exercise and often sees others, including young people, enjoying these areas. Objects to the proposal and believes council should be increasing not decreasing green areas.
Diana Kovacs	Horried at the idea that recreation zoned land might be rezoned to residential. Believes the very concept that there might be “too much parkland” is absurd. Concerned that the revenues raised wont be used to “reinvest back into the community” and instead “higher rates” would be used for further investment in the locality. Concerned about corruption in the process. Family are long time residents and have enjoyed living here “precisely for its greenery and parks” (eg for walking and watching birds to de-stress after busy work life).
Kim Vernon	An objection to the principle of selling off green spaces in Erskine Park. Very little in the way of trees and green areas in the area and need to keep those that are available to “clean our air” (it is indicated that EPA monitoring regularly reports low air quality). A key concern here is the impact of the industrial developments to the south and especially the “recently approved Waste Transfer Station”. General concern that clean green spaces help with the feel and culture of the suburb – whereas “jamming more houses in” would tend to exacerbate increasing problem like youth crime and change the area from what which many people originally bought into.

### Supportive of the Overall Proposal in Principle

David and Shelley Parry	Supportive of the proposal, particularly with regard to Dilga Crescent Reserve. Request some funds be allocated towards concrete path from the Barcoo Laneway to the existing pathway in Andrew Thompson Reserve (“so that we do not have to walk in the mud or dust to get to the bus stop”). A drawing is provided indicating a rough alignment of the pathway (around 42m in length).
Brad Callaghan	An interest in purchasing residential land.
Abby Dabit	Supports the Proposal and expresses an interest in purchasing residential land.
Sam Dabit	A resident of Erskine Park supportive of the proposal “excited to hear”, interested in purchase.

### Regulus Reserve

Debbie and Daniel Michalek	The Michalek’s made substantive submissions and were the contacts for the petition submitted in regard to Regulus Reserve. Debbie Michalek made an oral submission at the public hearing and written submissions are considered together with this oral submission in the body of the report.
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Karen Goddard	A user of the park with her children but had not originally objected on two fronts: (1) only four new homes proposed and (2) positive about the new facilities that would be forthcoming. Objecting now because of indications of six houses and some disappointment at the facilities built so far (water splash park “only suited to pre-schoolers”). The areas needs more and higher quality facilities for older children (“not fair that our kids have nothing decent close by”). Suggests a good skate park something like Glenmore Park or Jamison Park.
Karen Goddard	Following up on previous submission. Had thought things “OK” with original proposal and good chance for more facilities for two primary school age children. Now extremely concerned that the proposed housing in existing Regulus Reserve is now up to eight houses “this is ridiculous”. Refers to concerns about parking and overall density. Request is for a high quality skate park in Chameleon Reserve. “Its not fair to the kids that they have nothing locally we can take them to without a 20 minute drive in the car”.

#### Supportive of Spica Reserve Proposal

Germain and Vasco Gil	The Gils back onto this “dogleg” area of Spica Reserve, somewhat hidden from public view. The concern is the experience of regular antisocial behaviour just over the fence (graffiti, drugs, alcohol, privacy invasion). Unreasonable to have to accept such behaviour (“my primary concern is my family’s safety, comfort and well-being”). Another concern is with what is perceived as at risk gum trees over hanging the private property 3-4m. “Strongly supportive of the measure to return (Spica Reserve) to existing landowners”.
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#### Variation on Spica Reserve Proposal

Landscape Architects - Design and Projects Team at Penrith City Council	Council’s landscape architects have been developing the concept design for improvements to Spica Reserve. An alternative configuration is submitted for consideration which basically reduces the land take, while still eliminating worst of hidden areas prone to antisocial behaviour. This is seen to be aligned with Council’s ‘Cooling the City’ strategy and important given the “paucity of street trees (and) trees generally in the area” with local parks and reserves “the only places where substantial gains in achieving cooling canopies are able to be achieved”.
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#### Capella Reserve

Andrew and Jackie Scollard	Long term resident (over 28 years) and purchased the property so as to back onto a park. Objects to both the loss of park access and the impacts that new housing would have on privacy, especially if buildings are elevated. Also concerned about drainage and local flooding implications as the subject land forms a stormwater detention basin. The Scollard’s property has itself experienced flooding problems and observed council make improvements to the functioning of the detention basin over the years. Contests the suggestion that the area is not used and sees
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	<p>“many children playing ball games” in the area. Concerned about loss of laneway access to the shops, especially for son who uses a wheelchair. Also concerned about tree loss and the diminishing habitat for local native wildlife.</p>
Cameron Haywood	<p>Agrees with the suggestion “the park offers little” in terms of play opportunities at the top or western area – but the eastern side (area to be disposed of) is the area where kids have for years played football and cricket. Queries whether other areas of the park have been looked at.</p> <p>New housing at bulb of Canopus Close cul-de-sac would block existing viewlines into the park, and thus risk increased antisocial behaviour. Makes a suggestion about an alternative option which would shift the acquisition to the west leaving a more rectangular piece of land (all the way to the Sydney Water land boundary)</p>
Sandra Glusa	<p>Concerned that loss of the park’s stormwater detention space would result in inundation for downstream properties. Local severe sewerage system problems, experienced during heavy rains, would likely be exacerbated and access for the sewer lines would be problematic.</p> <p>House was designed to look out over park and would lose this outlook and afternoon sun in winter and impact on existing solar panels with two storey development. The property was purchased and building development to enjoy the orientation over the park. Grossly unfair to expect these personal losses without compensation</p>

#### Pacific and Phoenix Reserve

Helen Tanti Pacific Road loss of trees birds.msg"	<p>Very disappointed with the Proposal. Has observed “beautiful rare birds” looking for usual nesting places. “What is going to happen to beautiful birds when that piece of land is developed”. Heartless to me and my beautiful grandchildren.</p> <p>Note that arborist says 1 tree needs review</p>
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