

## **Appendix 11:**

**Policy Review Committee Meeting and confirmed Minutes – 4 June 2018**

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### 3            **Reclassification of Council owned land at 11-13 Chesham Street, St Marys**

**Compiled by:**            Danielle Fox, Planner

**Authorised by:**        Natasha Baker, City Planning Manager

<b>Outcome</b>	<i>We plan for our future growth</i>
<b>Strategy</b>	<i>Protect the City's natural areas, heritage and character</i>
<b>Service Activity</b>	<i>Ensure our policies, strategies and plans set a clear direction for managing the growth of our City</i>

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

#### **Executive Summary**

This report seeks Council's resolution to sponsor a planning proposal that seeks to reclassify three parcels of Council owned land at 11-13 Chesham Street, St Marys (the subject land), from 'community' to 'operational'.

The subject land is currently zoned *R4 High Density Residential*. This proposal does not seek to change the zone or any other existing planning controls. Investigations by Council's Property Development Department (the applicant), has identified the subject land as underutilised. The reclassification will enable Council to consider opportunities for the future use of the land, including options to sell or develop the site. The planning proposal supports the recommendations in the *Penrith City Strategy (2013)*, that supports the use of the site for higher density residential development to maximise its proximity to the St Marys town centre.

The reclassification requires the use of *Department of Planning and Environment's* (DPE) Gateway Process (the process for making and amending local environmental plans). This process requires a Gateway Determination, the preparation and public exhibition of a planning proposal and an independently chaired public hearing. The report recommends that Council sponsor the planning proposal.

#### **Background**

Council owns the subject land that is bound by the rail corridor to the north, Glossop Street to the east, Chesham Street to the south, and, Lethbridge Street to the west (See Figure 1). The land is zoned *R4 High Density Residential* under *Penrith Local Environmental Plan 2010* (LEP), and is currently vacant with some vegetation and clumps of trees.

Adjoining the subject land to the south (and north of Chesham Street) is a public reserve for public garden and recreation space (that was dedicated as 'public highway' in 1962). It is intended that this land will undergo a road closure and reclassification process separate from this planning proposal.

Historically the subject land comprised a former road (closed in 1946), and a girl guides hall (demolished in 2011). The subject land has not been used for community purposes for approximately 10 years. Investigation by the applicant identified the site as surplus to Council's needs due to underutilisation. The applicant is pursuing the reclassification of the site to enable future options (including sale or development) to be considered. These options cannot be pursued on land classified as 'community'.

The purpose of this report is to recommend that Council sponsor the planning proposal and commence the statutory process to reclassify the land from 'community' to 'operational'.

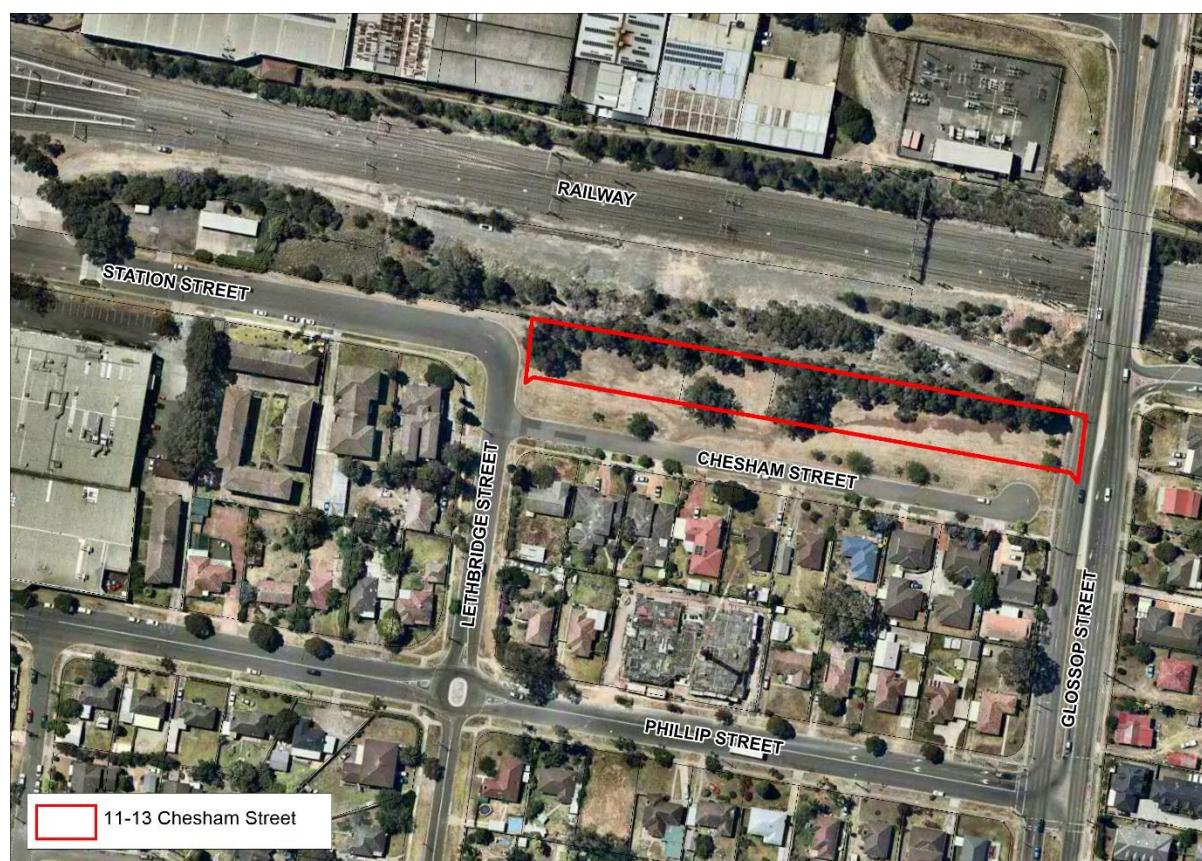


Figure 1 Aerial of subject land

### Strategic Context

A planning proposal has been prepared and was lodged with Council on 1 March 2018 (RZ18/0003). The planning proposal satisfactorily addresses all the matters required to be included in a planning proposal (as outlined in section 3.33 of the *Environmental Planning and Assessment Act 1979* and the DPE's *Guide to preparing planning proposals*). See Attachment 1.

The planning proposal has strategic merit when assessed against applicable local and regional strategic plans and studies.

The Penrith City Strategy (2013) (that incorporates the draft *Penrith Urban Strategy* (2008)) recommended that the subject area be used for higher density residential development to maximise its proximity to the St Marys town centre and public transport. The site is already zoned *R4 High Density Residential* in response to this.

The Community Plan and Delivery Program represents the community's 20-year vision for Penrith. This planning proposal supports the outcomes and strategies within the Community Plan.

The *Greater Sydney Region Plan* sets a 40-year vision and establishes a 20-year plan to manage growth and change for Greater Sydney. This plan advocates for ongoing housing supply and a range of housing types in the right locations to create more liveable neighbourhoods and support the Greater Sydney's growing population.

The *Western City District Plan* is a 20-year plan to manage growth in the context of economic, social and environmental matters to achieve the 40-year vision for Greater Sydney. This Plan advocates for housing supply, choice and affordability, with access to jobs, services and public transport. The plan also identifies St Marys as a strategic centre, noting economic growth as a core goal for planning St Marys.

The subject land is within walking distance to St Marys town centre, St Marys rail and bus interchange and local open space areas.

The reclassification of the subject area to 'operational' land allows the Council to commence dealings in the land that supports the current *R4 High Density Residential* zoning. This will enable the potential of the land to be unlocked and facilitate development in the city including the delivery of a range of housing types to suit different types of households that is close to public transport and the St Marys town centre.

### **Reclassification Process**

Public land is managed under the *Local Government Act 1993*, based on its classification. All public land must be classified as either 'community' land or 'operational' land.

- Community land – is land council makes available for use by the public, for example, parks, reserves or sports grounds.
- Operational land – is land which facilitates the functions of council, and may not be open to the public, for example, a works depot or council garage.

Community land must not be sold, exchanged or otherwise disposed of by a council. There is no special restriction on Council powers to manage, develop, dispose, or change the nature and use of operational land. The reclassification of public land does not commit Council to the sale or development of that land, nor does it alienate the land from Council's ownership or prevent the current use of the land from continuing.

The reclassification process requires the amendment of *Penrith Local Environmental Plan 2010* via a planning proposal being submitted to the DPE to commence the Gateway Process. Upon receipt of a Gateway Determination, public exhibition and agency consultation will occur, followed by an independently chaired public hearing (required for reclassification of land). The results of the community consultation will then be reported to Council.

### **Conclusion**

The reclassification of 11-13 Chesham Street, St Marys as 'operational' will enable Council to investigate future options for the site including sale or development in line with the existing *R4 High Density Residential* zone. The planning proposal supports the recommendations in the draft *Penrith Urban Strategy (2008)*. It is recommended that Council sponsor the planning proposal and commence the statutory process to reclassify the land from 'community' to 'operational'.

### **RECOMMENDATION**

That:

1. The information contained in the report on Reclassification of Council owned land at 11-13 Chesham Street, St Marys be received
2. A Planning Proposal reclassifying public land at 11-13 Chesham Street, St Marys from Community land to Operational land be submitted to the Department of Planning and Environment seeking a Gateway Determination.
3. Consultation with the community and public agencies be undertaken in accordance with any Gateway Determination issued by the Department of Planning and Environment.
4. An independently chaired public hearing be held at least 21 days after the close of the public exhibition period.
5. A planning consultant be engaged to independently chair the public hearing.
6. A report be presented to Council on the submissions received during the public exhibition and the results of the public hearing.

**ATTACHMENTS/APPENDICES**

1. Planning Proposal 11-13 Chesham Street St Marys	118 Pages	Attachments Included
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Councillor Tricia Hitchen returned to the meeting, the time being 7:29pm.

**3     Reclassification of Council owned land at 11-13 Chesham Street, St Marys**

PRC21 RESOLVED on the MOTION of Councillor Todd Carney seconded Councillor Greg Davies

That:

1. The information contained in the report on Reclassification of Council owned land at 11-13 Chesham Street, St Marys be received
2. A Planning Proposal reclassifying public land at 11-13 Chesham Street, St Marys from Community land to Operational land be submitted to the Department of Planning and Environment seeking a Gateway Determination.
3. Consultation with the community and public agencies be undertaken in accordance with any Gateway Determination issued by the Department of Planning and Environment.
4. An independently chaired public hearing be held at least 21 days after the close of the public exhibition period.
5. A planning consultant be engaged to independently chair the public hearing.
6. A report be presented to Council on the submissions received during the public exhibition and the results of the public hearing.

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

**For**

**Against**

Councillor Kath Presdee  
Councillor Robin Cook  
Councillor Greg Davies  
Councillor Todd Carney  
Councillor Aaron Duke  
Councillor Karen McKeown  
Councillor Kevin Crameri OAM  
Councillor Jim Aitken OAM  
Councillor Brian Cartwright  
Councillor Tricia Hitchen  
Councillor John Thain