



# Planning Proposal

Reclassify Council owned land  
from Community to Operational  
- St Marys and Penrith

February 2019



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# Introduction

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## Executive Summary

The Planning Proposal seeks to amend the *Penrith Local Environmental Plan 2010* (PLEP 2010) to reclassify Council-owned land (the sites), from Community Land to Operational Land.

The land subject to this Planning Proposal includes:

	Address	Legal Description	Area	Existing Zoning
<b>Site 1</b>	12A Champness Crescent St Marys NSW 2760	Lot 41 DP 35970	1315m <sup>2</sup>	R4 High Density Residential
<b>Site 2</b>	32A Champness Crescent St Marys NSW 2760	Lot 51 DP 35970	1289m <sup>2</sup>	R4 High Density Residential
<b>Site 3</b>	110A Dunheved Circuit St Marys NSW 2760	Lot 211 DP 31909	2909m <sup>2</sup>	IN1 General Industrial
<b>Site 4</b>	Part Soper Place Car Park 5-7 Lawson Street Penrith NSW 2750	Lots 1-3 DP 1159119	1295m <sup>2</sup>	B3 Commercial Core

**Table 1 – Land considered as part of the Planning Proposal**

Reclassification of sites 1, 2 and 3 will enable Council to consider the future use of the land in line with the existing zoning. This may include development, disposal, or consolidation with the adjoining land.

Site 4 forms part of the Soper Place Car Park and requires reclassification for consistency with the existing car park lots, which are already classified as Operational Land. Council has committed to the delivery of a new multi deck car parking facility on the eastern portion of Soper Place Car Park. The reclassification process will not result in any loss of parking.

This Planning Proposal does not seek rezoning of the subject land, or variation to any other development standards. It does not include a proposal to develop or sell the land. A separate process would need to be undertaken for this process to occur, which would include the opportunity for community input and require a formal Council resolution ahead of any formal decision in this regard.

## Background of Planning Proposal

Council's Property Development Department has undertaken investigations into Council's community land assets to identify potential opportunities for growth in the investment portfolio and property reserve. This is part of Council's long term financial goal, to effectively manage Council's property portfolio to reduce reliance on rates income. Several sites were identified as part of this process that were considered to be of little benefit to the community in their current state.

This section of the report will provide background information on each site, including detailed description, site history and intended future uses.

### Sites 1 and 2 - 12A and 32A Champness Crescent St Marys



Figure 1: Location Map Sites 1 and 2 - 12A and 32A Champness Crescent St Marys

12A and 32A Champness Crescent St Marys comprises Lots 41 and 51 DP 35970. Refer to **Appendix 1** Deposited Plan 35970 and Certificates of Title. Both sites are zoned R4 High Density Residential under PLEP 2010. They are battle axe in shape, accessed through narrow laneways off Champness Crescent. Both sites are currently vacant and are located within 750m of St Marys Train Station.

12A and 32A Champness Crescent were dedicated to Council as recreation reserves by the Housing Commission of NSW pursuant to *Section 6(b) of the Housing Act, 1912*. Both lots were vested in the Council of the City of Penrith by notice in the NSW Government Gazette dated 16 March 1962 refer to **Appendix 2**. Both sites are considered Public Reserve as defined in the *Local Government Act 1993*. This Planning Proposal seeks to remove the Public Reserve status of the subject sites (requiring Governor's Approval of the draft LEP) and will reclassify these two (2) sites from Community Land to Operational Land.

Council records indicate that both sites were dedicated for public open space in 1962. However, neither site serves the community for recreation purposes. Their small size, irregular shape and restricted access limits the flexible use of both of these sites and render them inappropriate for recreation uses.

The proposed reclassification will allow Council to consider the future use of the sites, which may include development, disposal, or consolidation with adjoining land. It will also provide the opportunity to unlock the objectives of the existing R4 High Density zoning. This is an appropriate location for Council to facilitate such an opportunity given the close proximity to St Marys town centre and Railway Station.

At its Policy Review Committee Meeting of 8 October 2018, Penrith City Council resolved to commence a Gateway process for the consideration of this Planning Proposal, in accordance with the requirements of the Environmental Planning and Assessment Act 1979. A copy of this Council Report and Minutes relating to this resolution can be found in **Appendix 10**.



### Site 3 - 110A Dunheved Circuit St Marys



Figure 2: Location Map Site 3 – 110A Dunheved Circuit St Marys

110A Dunheved Circuit St Marys comprises Lot 211 DP 31909. (Refer to Appendix 3 Deposited Plan 31909 and Certificate of Title). Lot 211 was dedicated to Council as Public Garden and Recreation Space on the plan of subdivision and was transferred to Council in December 1967. As such, the site is considered Public Reserve as defined in the Local Government Act 1993. The proposal seeks to remove the Public Reserve status of the subject sites (requiring Governor's Approval of the draft LEP) and will reclassify the site from Community Land to Operational Land.

The site is bounded by three roads; Dunheved Circuit to the South, Vallance Street to the West and Severn Street to the North. It is bordered to the east by a privately owned industrial building. The land is relatively flat and irregular in shape, tapering to the northern street frontage. It is currently zoned IN1 General Industrial under PLEP 2010. Council records indicate the site has had no formal use other than as passive open space since it was dedicated to Council. Unauthorised vehicle parking, including large B-doubles and semi-trailers has been observed on several occasions.

The proposed reclassification will allow Council to consider the future use of the site in line with the IN1 General Industrial zoning. Although Council has no immediate plans, this may include

development or disposal in the future. The site is appropriately located within an established industrial estate with proximity to key freight routes. Long term, the site will be well serviced by the Outer Sydney Orbital Motorway and freight rail, with corridors currently identified adjacent to the industrial area. Council has limited industrial land holdings in its portfolio and self-development and retention of the asset as a rental property would be an opportunity for Council to diversify its portfolio in a key location.

#### Site 4 – Part Soper Place Car Park Penrith



Figure 3: Location Map Site 4 – Part Soper Place Car Park Penrith

Soper Place Car Park is located in the eastern portion of the Penrith City Centre. The car park has a capacity of over 350 vehicles and is primarily all-day parking, servicing commuters and local employees. It is currently zoned B3 Commercial Core.

The Soper Place Car Park site currently comprises 16 separate parcels of land. The majority of the lots were classified as Operational by Council via *Penrith City Centre LEP 2008* on 15 December 2008. Three (3) lots, being lots 1-3 DP 1159119, were not included in the reclassification as they were old system title at the time. Refer to **Appendix 4** DP 1159119 and Certificates of Title. These three (3) lots were originally classified as operational land by Council resolution in 1994. However, Council records indicate these lots were acquired for car parking (a public purpose), which means there is an implied trust over the land for community purposes. Therefore, the initial operational classification is considered invalid, and a community classification is assumed.



Council is currently exploring preliminary design options for a new multi deck car park over a portion of the existing Soper Place Car Park. An Operational classification is sought for lots 1-3 for consistency with the rest of the Soper Place Car Park. It will also enable greater design flexibility, should lots 1-3 be required for future development or business dealings. A proposal for the redevelopment of the Soper Place Car Park will be subject to the development application process and further community consultation. The proposal to reclassify lots 1-3 will not result in any net loss of parking.

## Part 1. Objectives or Intended Outcomes

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The objective of this Planning Proposal is to amend *Penrith Local Environmental Plan 2010* to:

- reclassify the four (4) subject sites (detailed in Table 1) from Community to Operational land,
- Remove public reserve status of sites 1,2 & 3, and to remove any interest or trust relating to the land being public reserve,
- Remove any interest or trust for community purposes (car parking) relating to site 4 (if any).

This will allow Council to consider the future use of all sites and to realise the objectives of the existing zones. The reclassification of site 4 will result in a consistent land classification of all lots within the Soper Place car park.

## Part 2. Explanation of Provisions

The intended outcomes will be achieved by amending Schedule 4 *Classification and Reclassification of Public Land* of *Penrith Local Environmental Plan 2010*.

Under *Part 2 Land classified or reclassified, as operational land – interests changed*, insert the following information:

Insert into Column 1 – Locality	Insert into Column 2 – Description	Insert into Column 3 – Any trusts etc not discharged
12A Champness Crescent, St Marys NSW 2760	Lot 41 DP 35970	Easement to drain water over existing line of pipes affecting the part of the land shown so burdened in DP 644218, as noted on Certificate of Title Folio Identifier 41/35970
32A Champness Crescent, St Marys NSW 2760	Lot 51 DP 35970	Nil
Lot 110A Dunheved Circuit, St Marys NSW 2760	Lot 211 DP 31909	Easement for water main affecting the part of the land shown so burdened in DP 31909 as noted on Certificate of Title Folio Identifier 9043/104
Part Soper Place Car Park, 5-7 Lawson Street Penrith NSW 2750	Lots 1-3 DP 1159119	Nil

**Table 2: Proposed amendments to Schedule 4 PLEP 2010**

In addition to the reclassification, this Planning Proposal seeks to remove the public reserve status of site 1, 2 & 3 and to remove any interest or trust relating to the land being public reserve.

The Planning Proposal also seeks to remove any interest or trust for community purposes (car parking) relating to site 4 (if any)

The proposal does not involve any change to the existing zone and/or development standards that apply to the subject sites. The Planning Proposal does not require any changes to the maps in PLEP 2010.

## Part 3. Justification

Part 3 of the Planning Proposal is divided into the following subsections:

- **Section A** – Need for the Planning Proposal
- **Section B** – Consistency with Strategic and Statutory Planning Framework
- **Section C** – Environmental, Social and Economic Impacts
- **Section D** – State and Commonwealth Interests

### Section A – Need for the Planning Proposal

*Q1 – Is the Planning Proposal the result of any strategic study or report?*

#### Sites 1 and 2 Champness Crescent, St Marys

In 2008, the Glossop Street Precinct Urban Design Study was prepared for Council by consultants Dickson Rothschild, to provide a strategic framework for the redevelopment of the Glossop Street Precinct. The aim of this study was to revitalise the precinct, deliver greater housing choice and diversity and encourage connectivity between housing, transport and commercial areas. At the time, the Champness Crescent sites were zoned 6(a) Public Recreation and Community Uses under *Penrith Local Environmental Plan 1998 (Urban Land)*. Refer to **Figure 5** below.

The study made the following recommendations about the Champness Crescent sites:

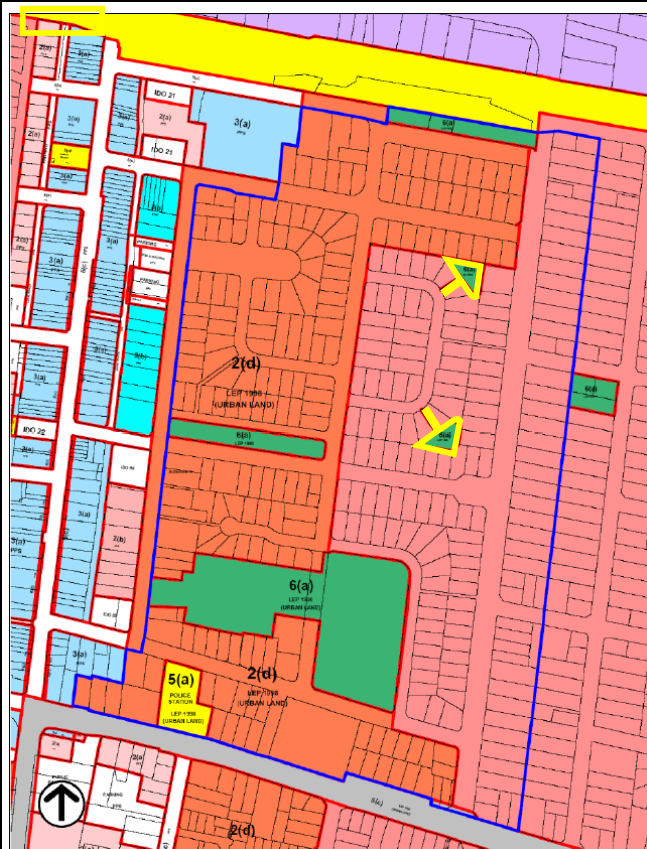
- Opportunity for Council to negotiate land swaps to develop underutilised pocket parks
- Opportunity to retain views to the west towards Blue Mountains escarpment at high points of the precinct and along view corridors

The Glossop Street Urban Design Study then informed the Penrith Urban Strategy (undertaken by Hassell Grove and Penrith City Council in 2008-2009). The Strategy recommended an increase in densities around the St Marys Town Centre, proposing the northern portion of the Glossop Street Precinct (including the Champness Crescent sites) be zoned for High Density Residential development. Refer to **Figure 6** below. The Strategy set a short-term action to develop planning controls that would increase densities within nominated centres, such as St Marys. Consequently, the Champness Crescent sites were rezoned from 6(a) Public Recreation and Community Uses to R4 High Density Residential under Penrith Local Environmental Plan 2010. Refer to **Figure 7** below.

This Planning Proposal will provide the opportunity to unlock the objectives of the R4 High Density Residential zone for Site 1 and 2.

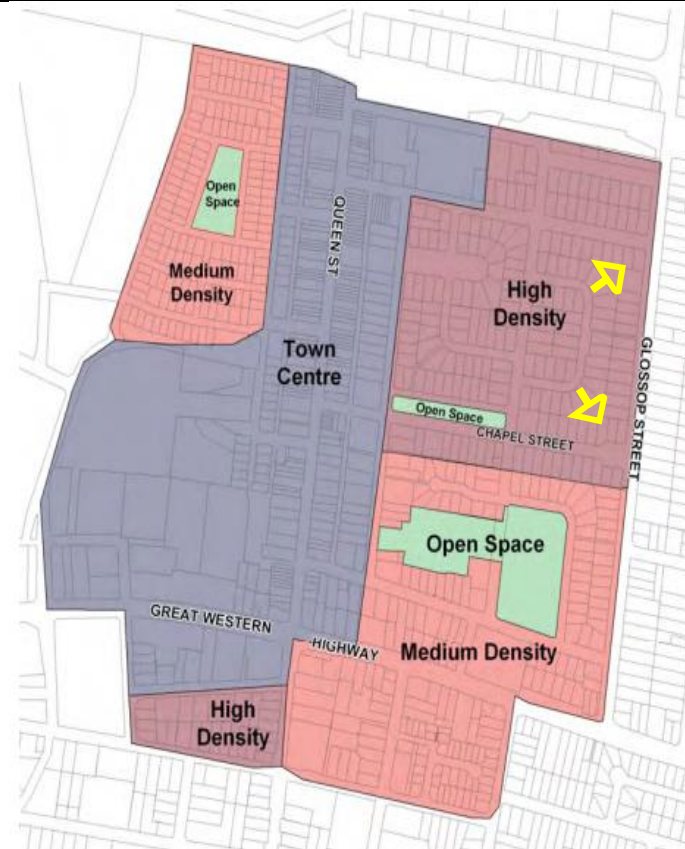


**Figure 5:** LEP 1998 Urban Land Zoning  
extracted from 2008 Glossop Street Urban Design  
Study



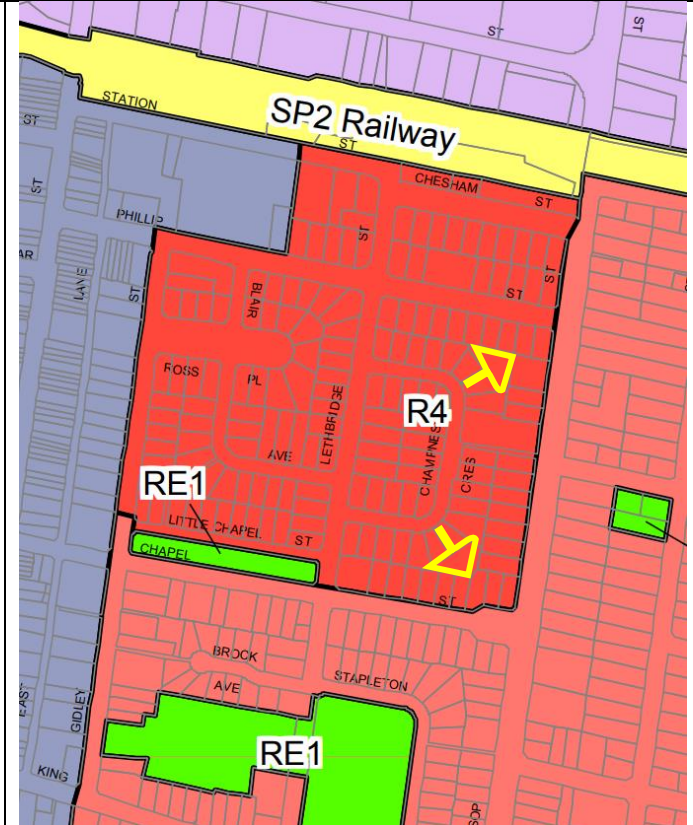
- Sites 1 and 2
  - 2(c) Residential (Low-Medium Density)
  - 2(d) Residential (Medium Density)
  - 5(a) Special Uses
  - 6(a) Public Recreation and Community
- Uses

**Figure 6:** Recommended rezoning map extracted from  
2008 Penrith Urban Strategy



- Sites 1 and 2
- High Density
- Medium Density
- Town Centre
- Open Space

**Figure 7:** Existing Zoning extracted from PLEP 2010



- Sites 1 and 2
- SP2 Railway Infrastructure
- R4 High Density Residential
- R3 Medium Density Residential
- RE1 Public Recreation
- B4 Mixed Use
- In1 General Industrial

**Site 3 – 110A Dunheved Circuit**

The reclassification of Site 3 is not the direct result of a strategic study or report, rather an initiative from Council to more effectively manage its land holdings and contribute to the strategic planning directions for Greater Sydney. The proposal is consistent with a broader strategic planning framework, outlined further in Section B.

**Site 4 – Lots 1-3 DP1159119 Part Soper Place Car Park**

The reclassification of Site 4 is required to provide for a consistent land classification across the entire Soper Place car park site.

The redevelopment of Soper Place Car Park including construction of a new multi deck car has been identified as a Council priority in a number of strategic documents. Penrith Progression – A Plan for Action is a Council strategic plan that aims to transform the city centre and deliver jobs for the future. It seeks to identify new economic, social and environmental drivers. It addresses barriers to investment and identifies catalyst projects. Action 8.4 recommends the eastern portion of the site be utilised for a multi-level car park. Council's 2018 Delivery Program also includes this as a key action for 2018/2019, to finalise the detailed design of the Soper Place development. This action item aligns with Strategy 3.3 *Provide Parking to meet the needs of the City*. Although the Planning Proposal is not a direct result of these documents, an operational classification will enable more flexibility when considering detailed concept designs and future business dealings.

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

The sites are currently classified as community land, meaning that Council is unable to sell, exchange or dispose of the land under the provisions of the *Local Government Act 1993*. The Planning Proposal is the best means of achieving the objectives and intended outcomes for all of the subject sites. It will enable Council to consider the future use of the land in line with the current zoning, allowing for more effective management of Council assets.

## **Section B – Relationship to Strategic Planning Framework**

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

The Planning Proposal is consistent with the objectives and actions of a number of key strategic planning documents as outlined below.

### **Greater Sydney Region Plan – A Metropolis of Three Cities**

In March 2018, the Greater Sydney Commission released the Greater Sydney Region Plan. The Region Plan supports a vision of a vibrant and sustainable metropolis of three cities, being the Western Parkland City, Central River City and Eastern Harbour City. The document outlines how growth and change will be managed over the next 40 years, and how the benefits of growth can be delivered more equitably to residents across Greater Sydney.

The Region Plan sets a goal to deliver an additional 725,000 dwellings by 2056, creating new communities and urban renewal areas that support new and existing centres and enhance local character. There is also a strong focus on delivering jobs in key economic corridors, and enabling a 30-minute city that connects people to employment, business, schools and services.

The Regional Plan recognises St Marys as a strategic centre within Greater Penrith to the Eastern Creek Priority Growth Area. St Marys is an appropriate location to deliver higher density residential development because of its proximity to public transport, services, employment and existing open space network. It has public transport connections in under 30 minutes to a number of key centres including Penrith, Mt Druitt, Blacktown and Parramatta. Further, NSW and Federal Governments have committed to St Marys being the interchange for a new mass transit corridor, the North South Rail Link connecting the new Western Sydney Airport to the Greater Western Parkland City.

**Figure 8: Extract from Greater Sydney Region Plan 2018**



The Planning Proposal aligns with the overarching principles of the Region Plan, by facilitating growth in a strategic centre and enabling the 30-minute city scenario. The Planning Proposal is also consistent with specific objectives identified in the Region Plan, including:

- **Objective 10 Greater housing supply**

Based on population projections, the NSW government has identified that 725,000 additional homes will be required to meet demand by 2036. Historically, dwelling completions across Greater Sydney have fallen short of supply targets for a number of decades. The Planning Proposal will facilitate urban renewal and new housing delivery in an established suburb. High density residential development is an efficient use of land located within close proximity to a proposed major transport link.

- **Objective 11 Housing is more diverse and affordable**

Across Greater Sydney, both home renters and purchasers face housing affordability challenges. St Marys has a greater portion of low income households than Greater Sydney (20.3% compared to 15.1%), so the existing population is likely to be impacted by these challenges. The delivery of diverse and affordable housing in appropriate locations can contribute to economic productivity by connecting people to employment, education and services. The provision of smaller dwellings in a well-connected transport node will contribute to affordable housing supply and cater for the growing population of smaller households.



- **Objective 14 and 15 - Integrated land use and transport creates walkable and 30-minute cities and The Western Economic Corridor**

Integrated land use planning is required around major transport infrastructure to achieve key productivity outcomes in Greater Sydney. It is anticipated the north south rail corridor, connecting the Western Sydney Airport to St Marys, will act as a catalyst for a Western Economic Corridor. There is an opportunity to take advantage of the economic activity along the corridor. Unlocking future land use of sites 1, 2 and 3 is a proactive response to this.

### **Western City District Plan**

This Western City District Plan is a 20-year plan to manage growth in the context of economic, social and environmental matters to achieve the vision for Greater Sydney. It is a guide for implementing the Greater Sydney Region Plan, A Metropolis of Three Cities, at a district level and is a bridge between regional and local planning.

Commensurate to the Region Plan, the District Plan is built around four key principles:

- Infrastructure and collaboration
- Liveability
- Productivity
- Sustainability

The Planning Proposal seeks to make a valuable contribution to the above directions and subsequent planning priorities. Enabling the redevelopment of sites 1 and 2 is a proactive decision from Local Government to realise **Planning Priority W5**; Providing housing supply, choice and affordability with access to jobs, services and public transport. The Planning Proposal will also contribute to **Planning Priority W7**; Establishing the land use and transport structure to deliver a liveable, productive and sustainable Western Parkland City. Dunheved Business Park is strategically located to leverage new freight infrastructure networks. Enabling industrial land uses on site 3 will provide community benefits through the provision of local jobs and increased economic productivity.

### **Local Strategic Planning Documents**

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

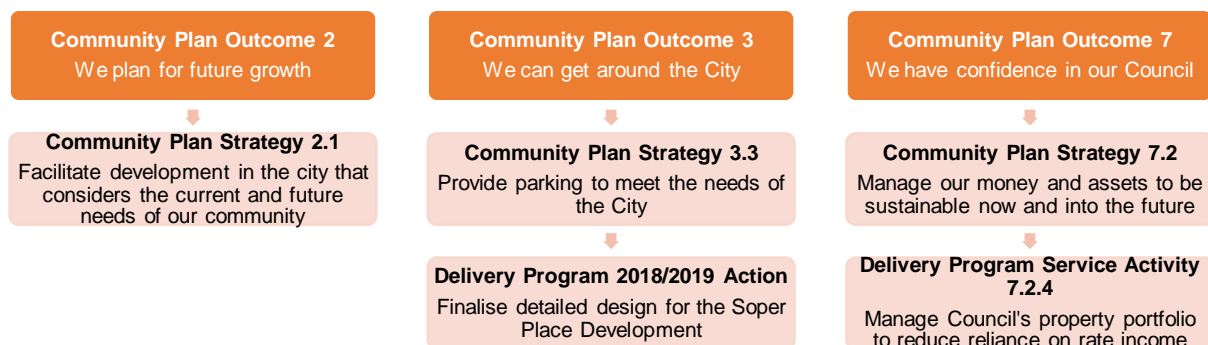
Council's strategic planning framework consists of the following documents:

- City Strategy
- Community Strategic Plan
- Delivery and Operational Plan
- Community Engagement Strategy
- Resourcing Strategy

Penrith's City Strategy helps build a sustainable future for the City and our community, by examining the key issues facing us over the next 10-20 years and outlining how Council will respond. It sets policy directions that inform the Community Strategic Plan and 4-year Delivery Program. The Planning Proposal supports the City Strategy, by:

- Contributing to diverse and affordable housing supply, by enabling infill development within a strategic centre
- Contributing to a target set for an additional 40,000 jobs between 2009 and 2031 through industrial land use appropriately located near key transport infrastructure
- Better managing Council car parks to support an integrated and well-managed local road and parking network in the City's key centres.

The Planning Proposal is also consistent with Council's Community Strategic Plan. This document identifies the community's long-term aspirations for Penrith City, with a series of preferred outcomes and strategies required to achieve this. The Delivery and Operational Plan 2017 then identify the specific service activities required to deliver this vision. This Planning Proposal is strongly aligned with the following components of the framework:



The Planning Proposal is consistent with Community Plan Outcome 2 and following Strategy 2.1. Council recognises that its residents are looking for different types of housing to suit different types of households. Enabling infill development on sites 1 and 2 in St Marys will facilitate the delivery of greater housing supply and diverse housing choices for the residents of Penrith LGA. Allowing industrial uses on a vacant site (site 3) within an existing industrial estate, is a logical way to facilitate local job creation.

The inclusion of site 4 in the Planning Proposal directly relates to Community Plan Outcome 3. The reclassification of the site 4 will ensure a consistent land classification across the entire Soper Place Car Park. This will enable flexibility when considering detailed designs and future business dealings.

As well as actively contributing to the strategic planning directions for Greater Sydney, Council is leveraging its own portfolio to ensure it is best positioned financially to manage the demands of a growing city. The decision of Council to use its own land holdings to facilitate growth is strongly aligned with Outcome 7 of the Community Strategic Plan – We have confidence in our Council. Council has committed to several strategies to deliver ongoing productivity improvements, in response to 5 year ‘Fit for the Future’ targets set by the Independent Pricing and Regulatory Tribunal (IPART). One of these strategies is to grow our own source revenue through growth of the property portfolio and property reserve holdings. How Council may benefit financially from this Planning Proposal and how this funding may be used is outlined further in **Appendix 5** Requirements of LEP Practice Note PN 16-001.

### **Penrith Progression – A Plan for Action**

Penrith Progression – A Plan for Action is a Council strategic plan that aims to transform the city centre and deliver jobs for the future. It seeks to identify new economic, social and environmental drivers. It addresses barriers to investment and identifies catalyst projects. Action 8.4 of the plan recommends the eastern portion of the Soper Place Car Park be utilised for a multi-level car park. The proposal to reclassify site 4 from community to operational land will enable more flexibility when considering detailed concept designs and future business dealings.

## Penrith Local Environmental Plan 2010 and Development Control Plan 2014

	Existing Planning Controls PLEP 2010
<b>Sites 1 and 2</b>  12A and 32A Champness Crescent St Marys	Sites 1 and 2 are zoned R4 High Density Residential Development. Both lots have a maximum building height of 15m and are not subject to a minimum lot size or floor space ratio control.
<b>Site 3</b>  110A Dunheved Circuit St Marys	Site 3 is zoned IN1 General Industrial. It has a 12m maximum building height and a minimum lot size of 1000m <sup>2</sup> . It is not subject to a floor space ratio control.
<b>Site 4</b>  Part Soper Place Car Park 5-7 Lawson Street Penrith	Site 4 is zoned B3 Commercial Core. Lot 3 has an 80m maximum building height. Lots 1 and 2 are partially affected by the 80m maximum building height and partially affected by a 24m maximum building height. They have a floor space ratio control of 4:1. All lots from part of Key Site 9 in PLEP mapping and as such, are subject to the controls of Part 8 Local Provisions of PLEP 2010.

The Planning Proposal does not seek to vary any of the existing planning controls of PLEP 2010, as outlined above. Further, any future development of the site would be subject to the existing controls in Penrith Development Control Plan 2014. This will ensure that any future development is of an appropriate scale, sensitive to the character of the area and in line with community expectations.

The Planning Proposal closely aligns with a number of the aims of PLEP 2010, outlined below.

Clause	Comment
2 (a) to provide the mechanism and planning framework for the management, orderly and economic development, and conservation of land in Penrith,	The Planning Proposal is an initiative to manage Council's property portfolio more efficiently. It will enable orderly development of land that is currently under-utilised in key locations.



2 (b) to promote development that is consistent with the Council's vision for Penrith, namely, one of a sustainable and prosperous region with harmony of urban and rural qualities and with a strong commitment to healthy and safe communities and environmental protection and enhancement,	Permitting future development of this land will assist with the creation of a prosperous and sustainable Penrith. Concentrating densities around public transport infrastructure, and the provision of jobs through industry is an efficient use of land and an appropriate way to manage future growth.
2 (c) to accommodate and support Penrith's future population growth by providing a diversity of housing types, in areas well located with regard to services, facilities and transport, that meet the current and emerging needs of Penrith's communities and safeguard residential amenity,	This Planning Proposal will enable sites 1 and 2 to realise the intentions of the existing R4 zoning, which will contribute to affordable and diverse housing supply. Any development outcome will be subject to Penrith Development Control Plan 2014 which will safeguard residential amenity.
(d) to foster viable employment, transport, education, agricultural production and future investment opportunities and recreational activities that are suitable for the needs and skills of residents, the workforce and visitors, allowing Penrith to fulfil its role as a regional city in the Sydney Metropolitan Region,	The Planning Proposal will enable more efficient land use, encouraging employment uses and housing supply suited to the needs and skills of the residents.

## State Environmental Planning Policies

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

Yes. Refer to **Appendix 6 – Relationship to SEPPs**.

## Section 9.1 Local Planning Directions

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

Yes. Refer to **Appendix 7 – Section 9.1 Local Planning Directions**

## Section C – Environmental, Social and Economic Impacts

The reclassification has the potential to deliver social and economic benefits for the community, as it enables Council to consider the future use of the land consistent with the respective zones. Long term, it is likely sites 1, 2 and 3 will be developed to their highest and best use. This may contribute to the provision of diverse and affordable housing and local employment opportunities. However, any future development enabled by this Planning Proposal, must be carefully considered to ensure it does not have any negative impacts on the environment and the broader community. This will be managed by ensuring compliance with existing planning controls in PLEP 2010 and DCP 2014.

The potential environmental, social and economic impacts of this proposal are outlined below.

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

No habitat of any description has been identified or observed on any of the four sites. There is no likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected because of the Planning Proposal. No further assessment is considered necessary.

The land is not identified on the *Natural Resources Sensitive Land Map* in PLEP 2010. The landscape significance of the existing trees is not recognised by the Scenic and Landscape Values Map and associated provisions in PLEP 2010. This Planning Proposal does not recommend amendments to any of the before-mentioned maps or provisions, which will continue to apply to the land. Development Control Plan 2014 will ensure that detailed controls for the preservation of trees and vegetation are considered for any future development.

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

The proposed reclassification does not result in any direct environmental impacts. However, it will enable a change in land use from open space to potential high density residential (sites 1 and 2) and industrial (site 3). Any development application brought forward for these uses will be subject to a thorough merit assessment to manage any potential impacts to the surrounding natural environment and neighbouring sites.

The anticipated environmental effects associated with the potential future use of the land will be outlined below.

### **Trees and vegetation**

- Sites 1 and 2 are void of any trees or significant vegetation.
- Site 3 has some trees scattered across the site, concentrated along the western and northern boundary. Council's tree management officer has inspected these trees and has provided comments on the health and retention value see **Appendix 9**. While there is no intention to remove these trees as part of this proposal, any future development of the site will be guided by the controls of Part C2 Vegetation Management in Council's Development Control Plan. Council appreciates the value of established trees in industrial areas and trees will be retained where reasonably practicable.
- Site 4 includes a number of trees in garden beds that provide shade over parked cars. It is anticipated the new multi deck car park building footprint will occupy only the eastern portion of the existing Car Park. However, lots 1-3 may be considered in the context of the masterplan of the site. While there is no intention to remove these trees as part of this proposal, any future development of the site will be guided by the controls of Part C2 Vegetation Management in Council's Development Control Plan.

### **Traffic, parking and access**

Due to the broad nature of this Planning Proposal and because there are no immediate plans for redevelopment, Council has not undertaken any formal traffic or parking assessment. The proposal will only reclassify the land, any future proposal for the use of the land will be subject to the development assessment process and further consultation. However, Council appreciates that congestion is a key issue in a growing city, and changing the use of these sites may impact the existing road and public transport networks and its users.

Sites 1, 2 and 3 are very well serviced by the existing public transport network. Sites 1 and 2 are within an 800m walk (10 minutes) of St Marys Station and within 500m of two bus stops. Site 3 is approximately 3km from St Marys Station but is less than 300m from the nearest bus stop. St Marys Station is fully accessible and is serviced by up to 10 trains per hour to Central and North Sydney during peak times. The sites will also benefit from proposed future infrastructure, including north south rail link and Outer Sydney Orbital motorway.

Sites 1 and 2 at 12A and 32A Champness Crescent have poor site access through narrow battle axe handles. It is likely high-density development would only be viable if the sites are developed with one of the neighbouring lots. Any development in this regard would require a traffic and parking impact assessment as part of the development application. The applicant would have to

demonstrate that the proposal would not unreasonably impact the surrounding network. They would also need to demonstrate safe vehicle and pedestrian access and provide adequate on-site parking and bicycle spots. Site 3 would require similar considerations as part of any development proposal, particularly around safe access and manoeuvring of vehicles around an industrial building. Site 4 will continue to operate as a car park in the short term. The redevelopment of Soper Place including construction of a new multi-level car park will increase the number of parking spaces available in the city centre.

### **Built character and overshadowing**

The Planning Proposal seeks to reclassify all four (4) sites from community to operational land. It does not propose rezoning which ensures any future development will be consistent with the surrounding locality. The proposal does not seek to amend building height controls or floor space ratio, which will restrict overdevelopment of the sites and ensure there are no significant impacts on neighbouring properties. The built form of any future development will be subject to the requirements of Council's Development Control Plan. Sites 1 and 2 will also be subject to the Department of Planning's Apartment Design Guide. Detailed consideration of impacts of future development will be considered at the development application stage.

### **Flood and water management**

Site 1 is not affected by local overland flows or mainstream flooding.

Site 2 is affected by local overland flow flood paths on the southern boundary.

- Flood Planning Area - St Marys (Byrnes Creek) Catchment Detailed Overland Flow Flood Study (2015 Cardno)
- 1% AEP Flood Map – St Marys (Byrnes Creek) Catchment Detailed Overland Flow Flood Study (2015 Cardno)
- Probable Maximum Flood Map - St Marys (Byrnes Creek) Catchment Detailed Overland Flow Flood Study (2015 Cardno)

Site 3 is not affected by local overland flows or mainstream flooding.

Site 4 is flood affected as identified in Penrith CBD Detailed Overland Flow Flood Study (2015 Cardno). The following maps are available in Part 4 of this planning proposal.

- Flood Planning Area - Penrith CBD Detailed Overland Flow Flood Study (2015 Cardno)
- 1% AEP Flood Map - Penrith CBD Detailed Overland Flow Flood Study (2015 Cardno)
- Probable Maximum Flood Map – Penrith CBD Detailed Overland Flow Flood Study (2015 Cardno)

It is to be noted the Nepean River Flood Study (2018 Advisian) has been recently adopted by Council. Site 4 is not affected by the 1% AEP Flood or flood planning levels in this study.

The planning proposal is for reclassification only and does not propose any change to land use/zoning. As such, the proposal will not directly result in any increased flood flows or detrimental flooding impacts. Further, any future development of the sites would be subject to the controls of PLEP 2010 Clause 7.2 Flood Planning and Chapter C3 Water Management in Councils Development Control Plan 2015.

Flood diagrams for the affected sites are provided in Part 4 of this Planning Proposal.

### **Contamination**

Council records indicate that:

- Sites 1, 2 and 3 have been used for open space since dedication in the 1960s
- Site 4 has operated as a car park since the 1970s

None of the four (4) sites are listed by the EPA on the NSW Register of Contaminated Sites. None of the four (4) sites indicate contamination on the Section 10.7 Certificates (previously s149). Council has not undertaken any geotechnical or contamination investigations to confirm the status of the sites as there are no immediate plans for redevelopment. Detailed investigations may be required at development application stage.

### **Energy efficiency**

Any future development proposal for this land will be subject to compliance with relevant provisions of SEPP BASIX and controls that are contained within Penrith DCP 2014. The Planning Proposal does not seek to amend any of the current provisions of the LEP or DCP that relate to energy efficiency.

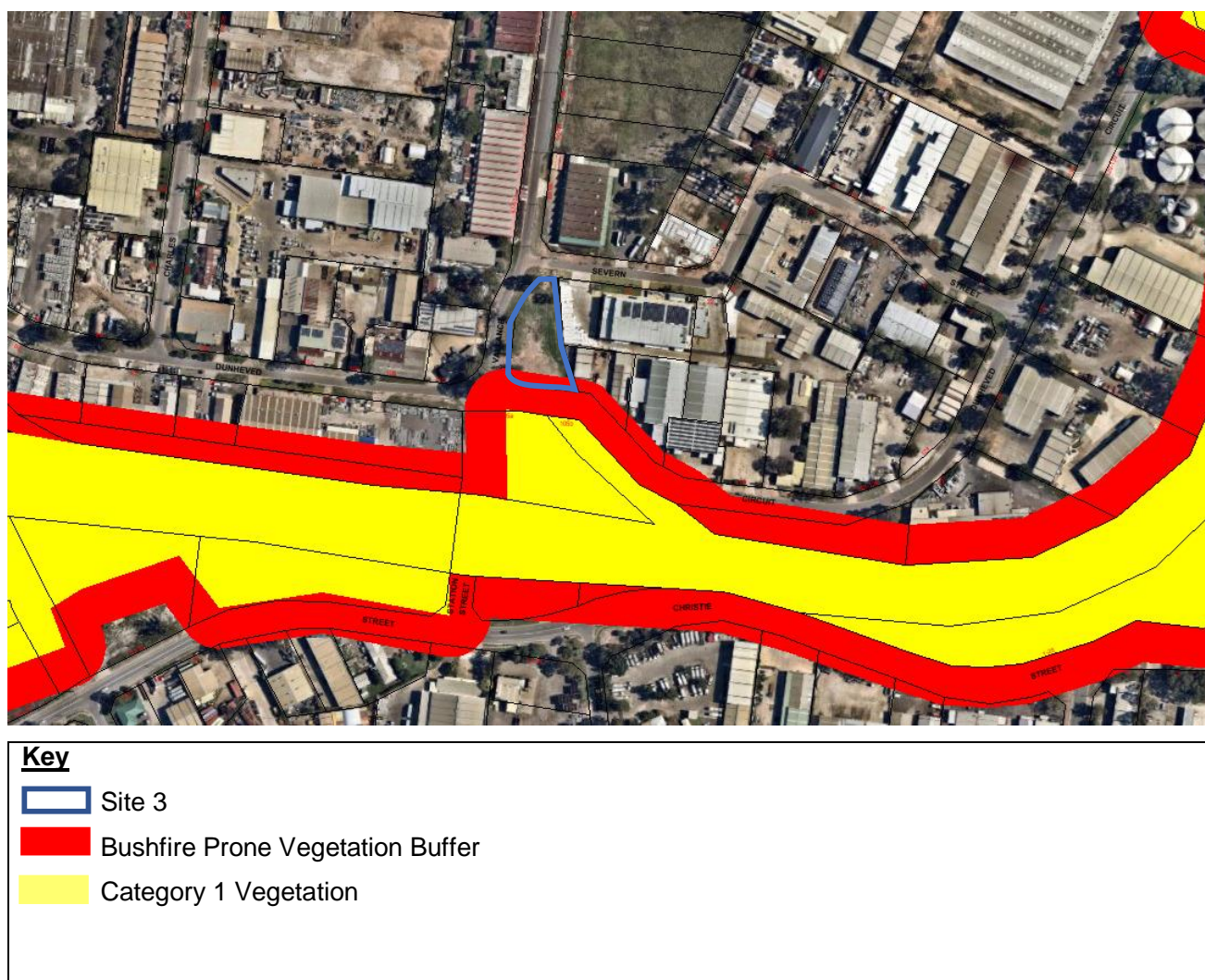
### **Bushfire**

The southern portion of site 3 at 110A Dunheved Circuit is identified as bushfire prone land. Council referred the Planning Proposal to the Commissioner of the NSW Rural Fire Service in accordance with the requirements of Section 9.1 Directions by the Minister (previously section 117) of the *Environmental Planning and Assessment Act 1979*. The NSW Rural Fire Service had no objections to the progression of the Planning Proposal.

Figure 9 below shows the partial bush fire affectation on the southern portion of site 3.



**Figure 9:** Site 3, Partial bushfire affectation



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

The social and economic effects of the Planning Proposal are most appropriately described in the context of the challenges associated with a growing population identified in the State Government strategic planning documents outlined above. Each plan reiterates a key theme; to meet the needs of a larger population and to enable economic growth, urban renewal in combination with infrastructure delivery must occur in strategic urban centres.

Council must actively manage its land holdings in strategic centres such as St Marys to contribute to the strategic planning directions for Greater Sydney. Unlocking the use of sites 1, 2 and 3 will enable Council to manage its money and assets more efficiently, to be sustainable now and into the future.



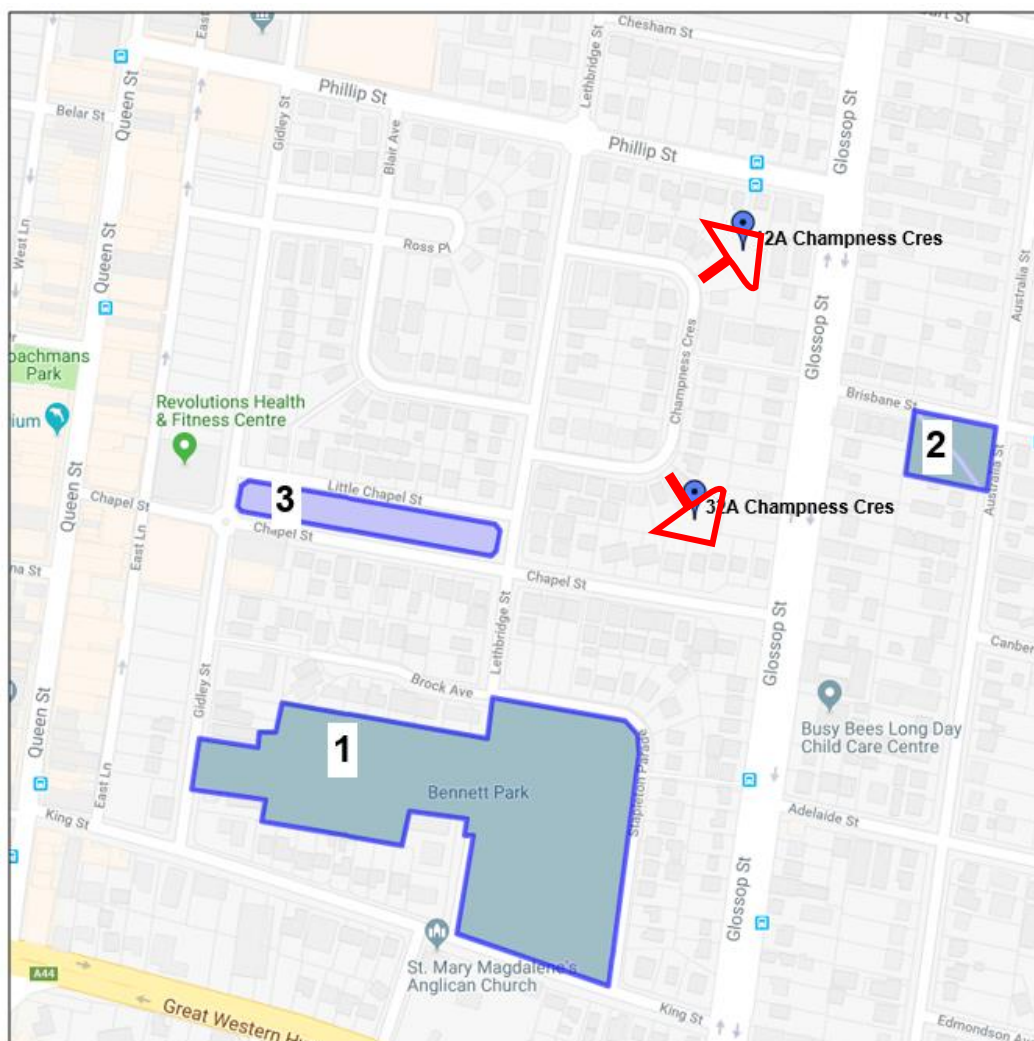
Proceeds from any potential sale or development of this property will be retained in the property reserve. Council's *Community Plan and Delivery Program / Operational Plan* outline how revenue is raised and how funds are used.

Council's long term financial plan indicates payment of a \$1.8M dividend from the property reserve into general revenue by FY21/22. General revenue is used to fund a number of operational activities including open space improvements and asset renewal.

How Council may benefit financially from this Planning Proposal and how this funding may be used is outlined further in Appendix 5, Requirements of LEP Practice Note PN 16-001.

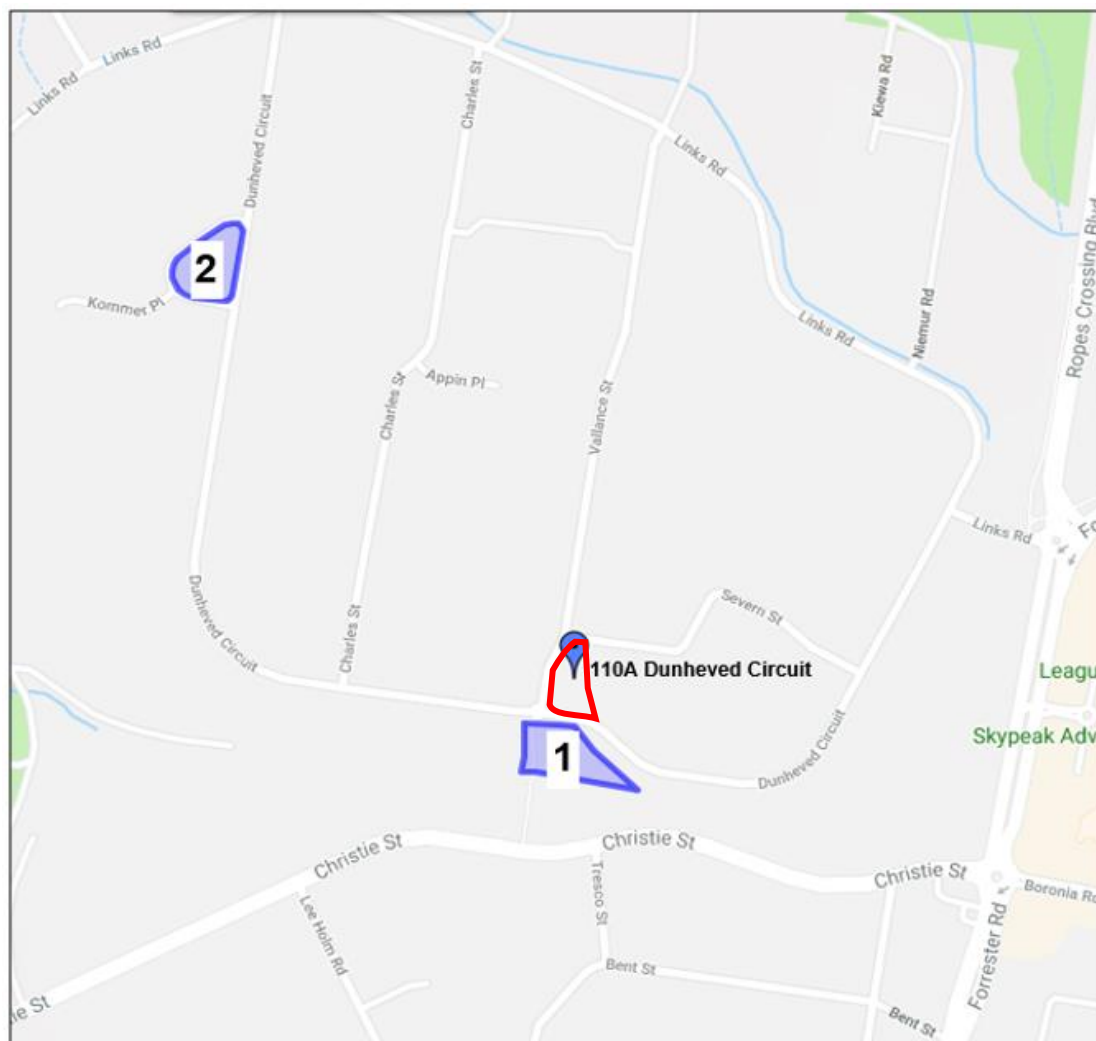
In a growing city, Council acknowledges the communities surrounding the identified sites may be concerned by the loss of open space. Sites 1, 2 and 3 were specifically selected for reclassification as they serve little to no public recreation purpose. The removal of sites 1 and 2 from the open space network should have little impact on the residents of St Marys, as there are three Council owned parks within 400m of the Champness Crescent sites. The Northern Portion of Dunheved Business Park is also well serviced by public open space, with Dunheved Estate Reserve directly adjoining Site 3 to the south of Dunheved Circuit. There is also open space with a shaded picnic table that is utilised by local employees on the corner of Kommer Place and Dunheved Circuit. These alternative open space sites are detailed in Figures 10 and 11.

**Figure 10: Alternate Open Space for Sites 1 & 2, 12A & 32A Champness Crescent St Marys**



Name and Ownership	Zone	Classification	Area (Approx.)	Description and current use
1. Bennett Park, Stapleton Pde St Marys Council owned	RE1 Public Recreation	Community	3.6HA	District open space with formal modern multi age equipment and rubber soft fall
2. Australia & Brisbane Street Reserve, St Marys Council owned	RE1 Public Recreation	Community	2600m2	Local open space with formal multi age equipment and mulch soft fall
3. Astley Park, Little Chapel Street St Marys Council owned	RE1 Public Recreation	Community	4900m2	Local open space. Unimproved for passive/ informal recreation use.

**Figure 11: Alternative Open Space for Site 3, 110A Dunheved Circuit St Marys**



Name	Zone	Classification	Area (Approx.)	Description and current use
1. Dunheved Estate Reserve Council owned	IN1 General Industrial	Operational	6700m2	Local open space improved with a formal gazebo/picnic area for local workers.
2. Dunheved Circuit/Kommer Place Reserve Council owned	IN1 General Industrial	Road	5500m2	Local open space improved with a formal gazebo/picnic area for local workers.

## Section D – State and Commonwealth Interests

*Q10. Is there adequate public infrastructure for the planning proposal?*

Not Applicable

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

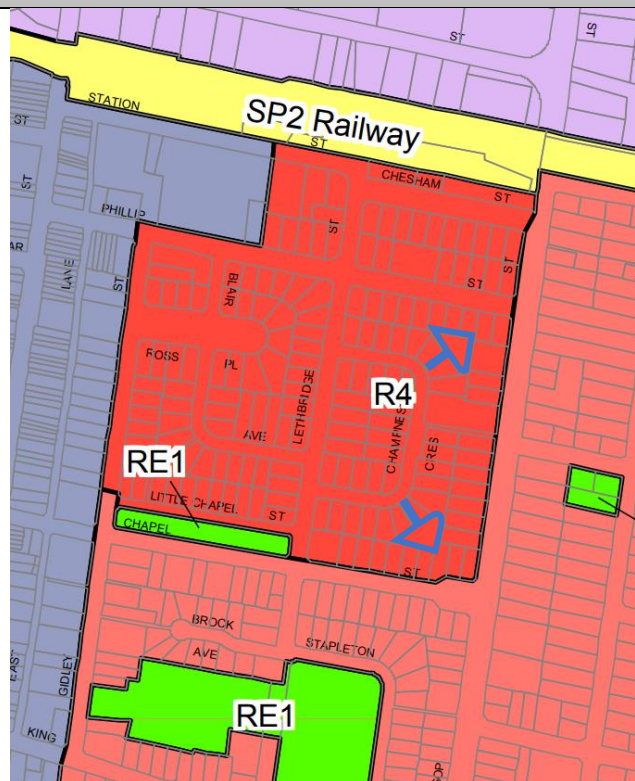
Consultation with public authorities will be undertaken as per Part 5 of this Planning Proposal and the Gateway Determination provided as **Appendix 11**.

## Part 4 – Mapping

---

This Planning Proposal requires no changes to the existing mapping and planning controls in Penrith Local Environmental Plan 2010. Figures 12 to 14 show the existing zoning of the subject sites.

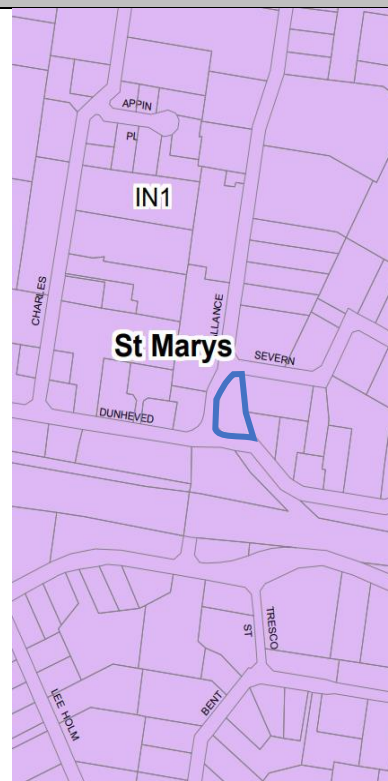
**Figure 12:** Existing zoning map extract from LEP 2010



**Key**

Sites 1 and 2	R3 Medium Density Residential
SP2 Railway Infrastructure	RE1 Public Recreation
R4 High Density Residential	B4 Mixed Use
	In1 General Industrial

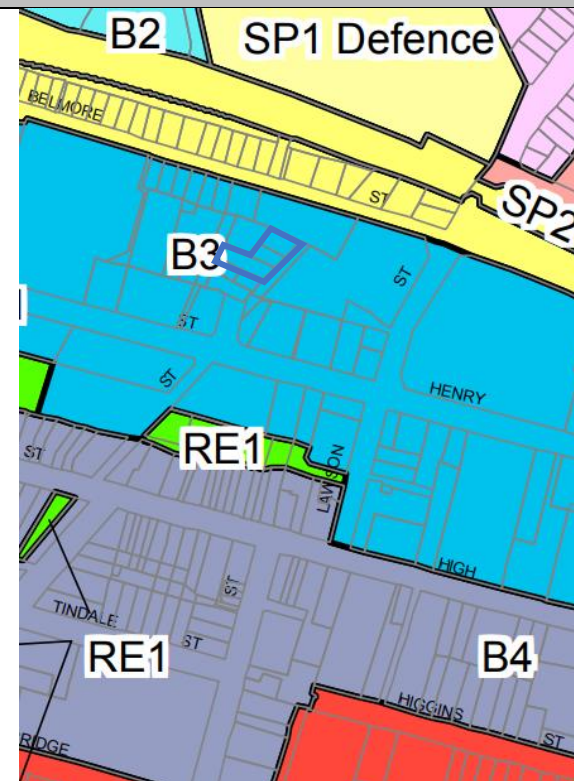
**Figure 13:** Existing zoning map extract from LEP 2010



**Key**

Site 3
In1 General Industrial

**Figure 14:** Existing zoning map extract from LEP 2010



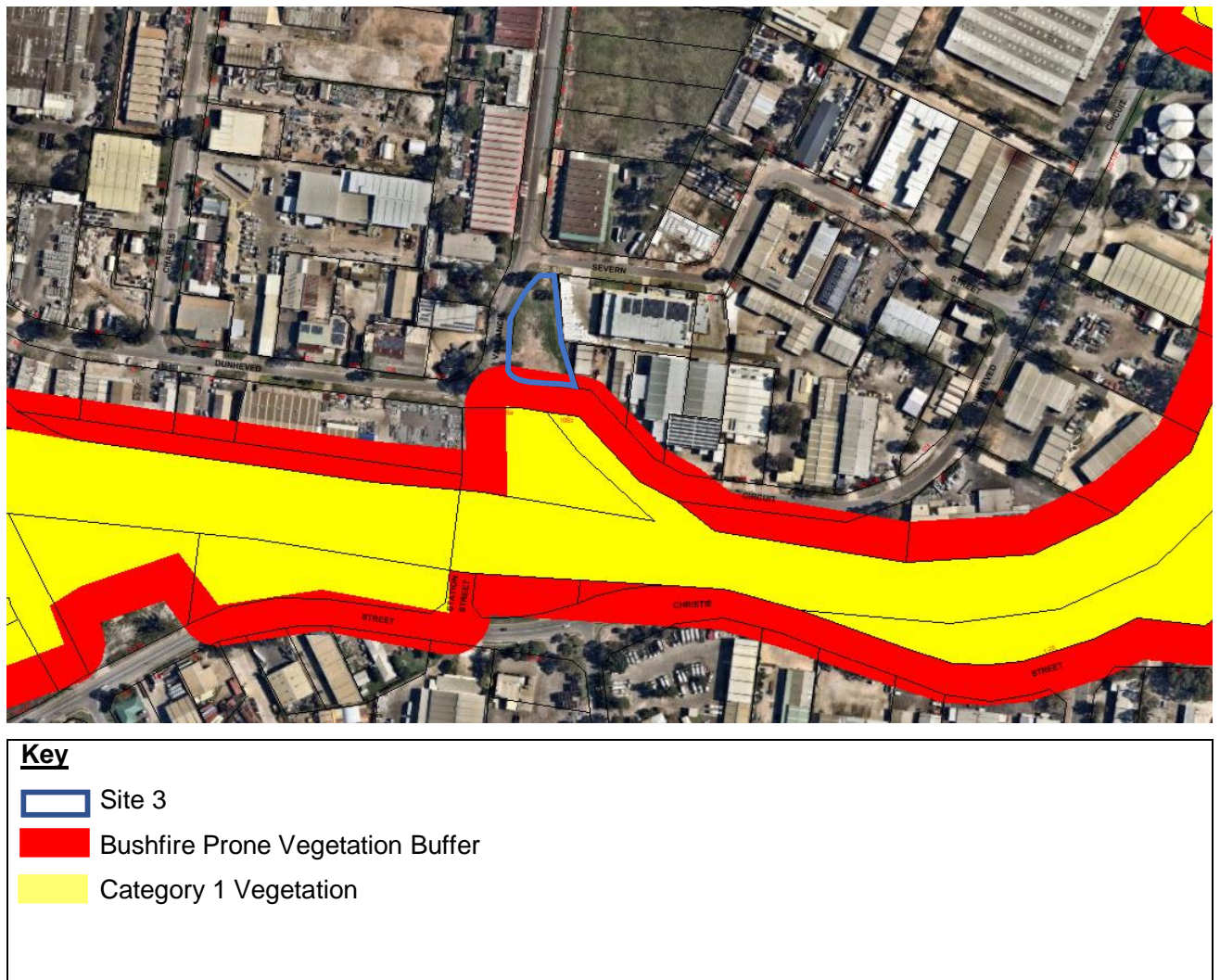
**Key**

Site 4	B3 Commercial Core
SP1 Defence Special Activities	B4 Mixed Use
SP2 Railway Infrastructure	R4 High Density Residential
B2 Local Centre	RE1 Public Recreation

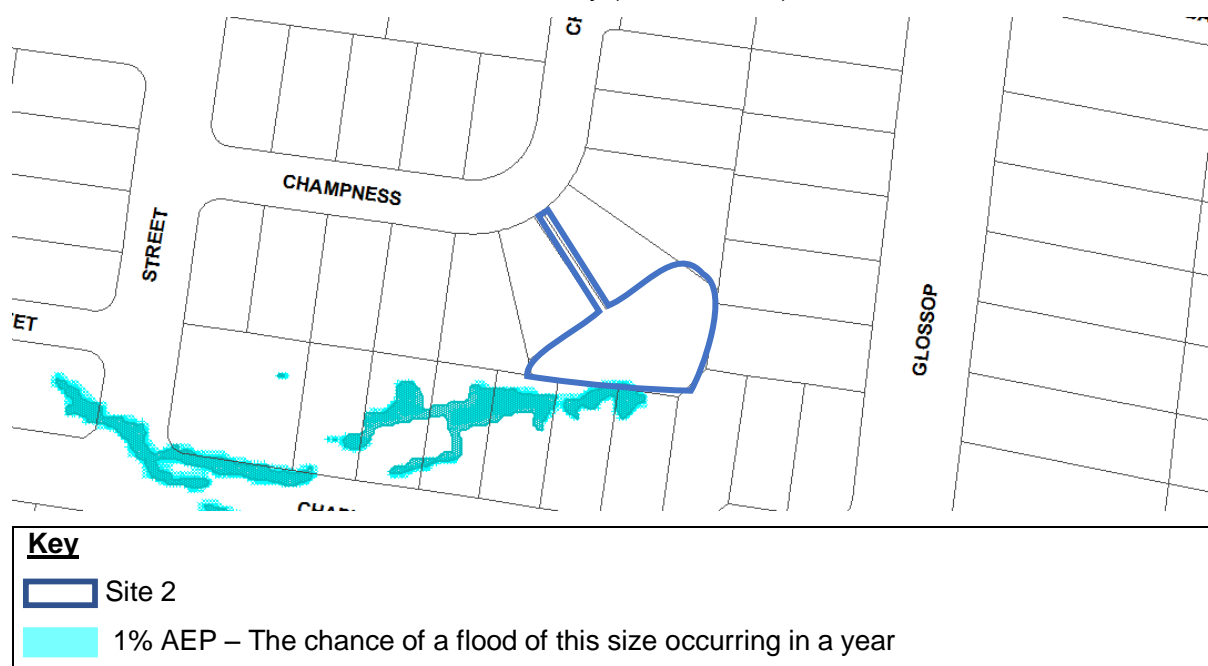


Figures 15 to 21 show bushfire and Flooding affectation on the subject sites.

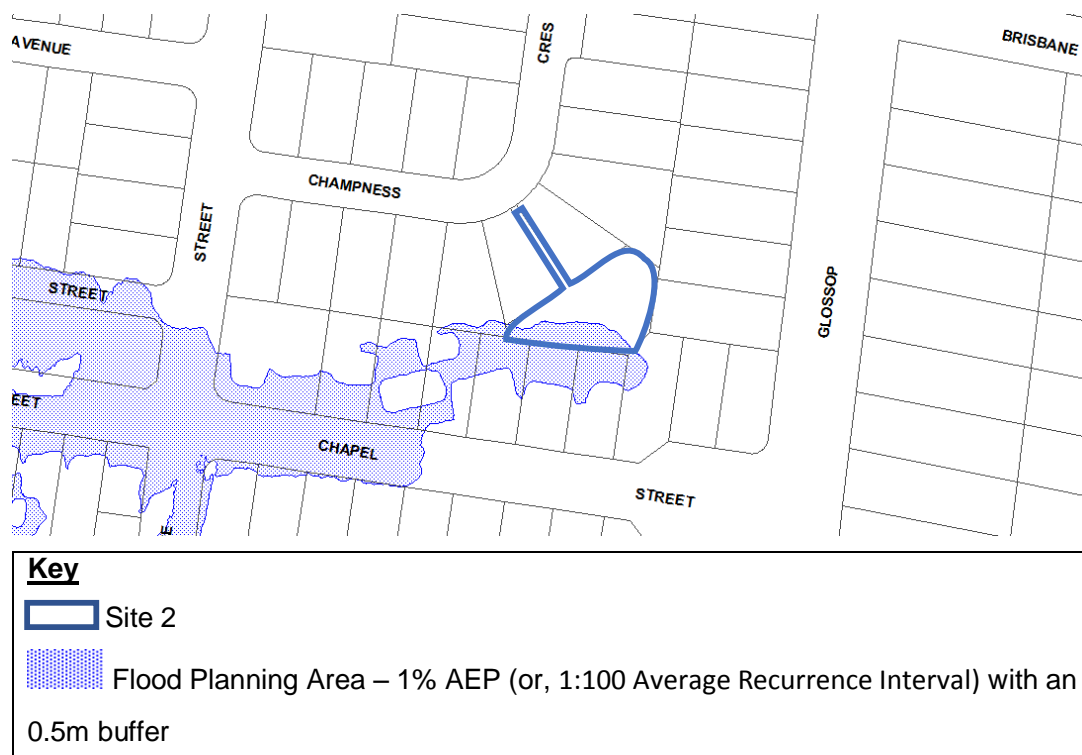
**Figure 15:** Site 3, Partial bushfire affectation



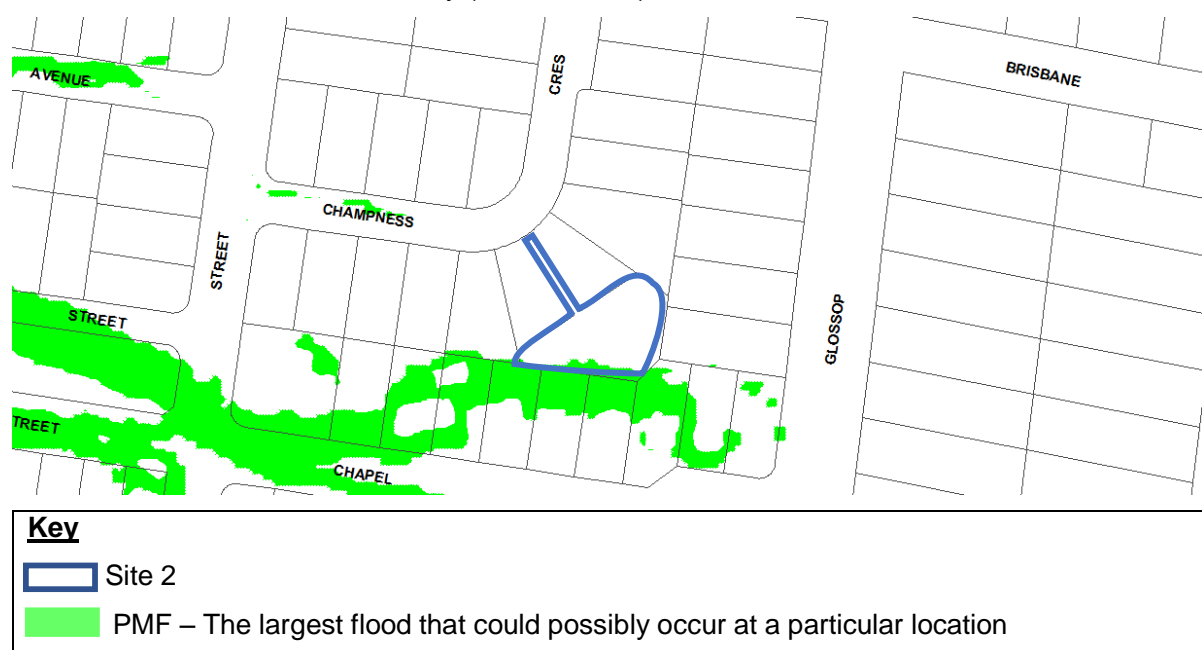
**Figure 16:** Site 2, 1% Annual Exceedance Probability (AEP) Flood Map – St Marys (Byrnes Creek) Catchment Detailed Overland Flow Flood Study (2015 Cardno)



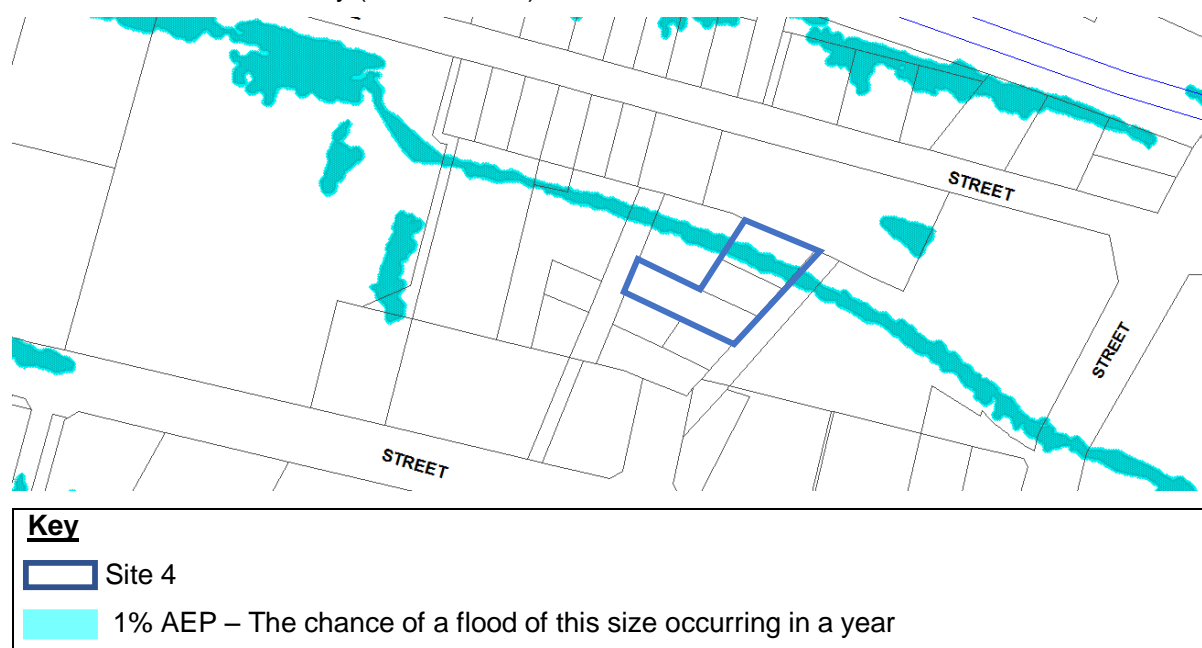
**Figure 17:** Site 2, Flood Planning Area - St Marys (Byrnes Creek) Catchment Detailed Overland Flow Flood Study (2015 Cardno)



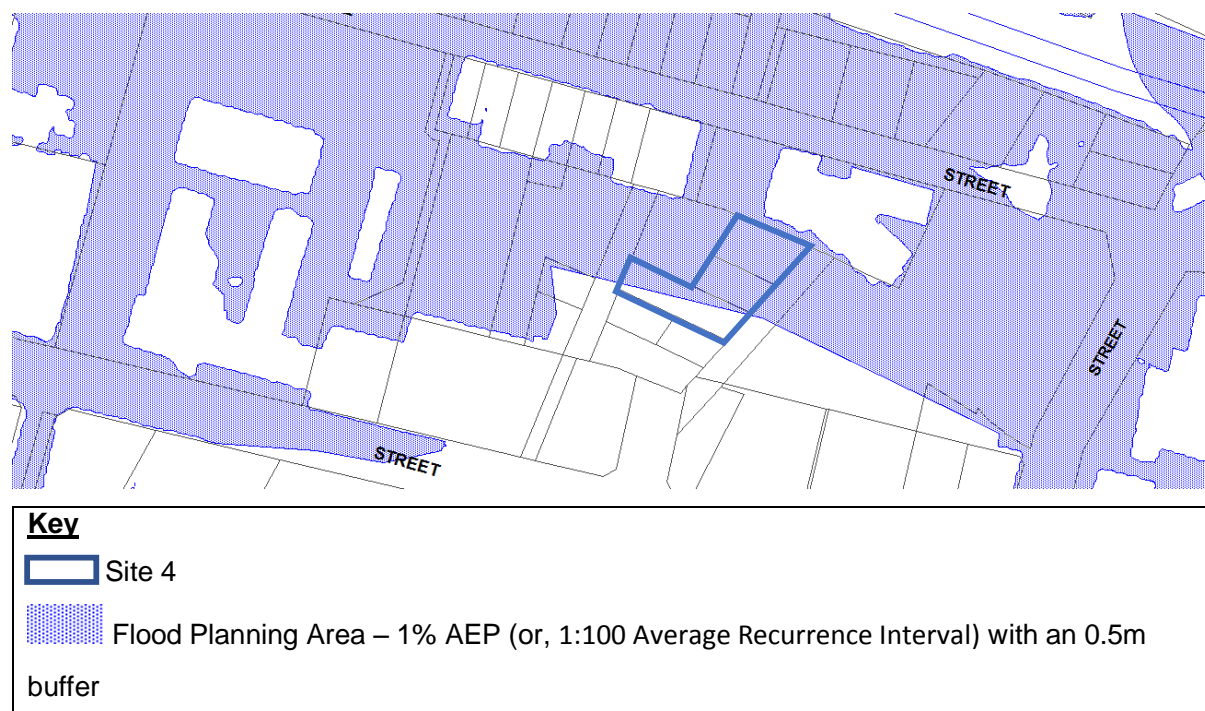
**Figure 18:** Site 2, Probable Maximum Flood (PMF) Map - St Marys (Byrnes Creek) Catchment Detailed Overland Flow Flood Study (2015 Cardno)



**Figure 19:** Site 4, 1% Annual Exceedance Probability (AEP) Flood Map - Penrith CBD Detailed Overland Flow Flood Study (2015 Cardno)



**Figure 20:** Site 4, Flood Planning Area - Penrith CBD Detailed Overland Flow Flood Study (2015 Cardno)



**Figure 21:** Site 4, Probable Maximum Flood (PMF) Map – Penrith CBD Detailed Overland Flow Flood Study (2015 Cardno)



## Part 5 – Community Consultation

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The Planning Proposal and relevant supporting material was referred to the NSW Rural Fire Services (RFS) Commissioner to satisfy the requirements of Section 9.1 Ministerial Direction 4.4 Planning for Bushfire Protection, and also in response to condition 1.(f) of the Gateway Determination. The NSW RFS did not provide any objections to the progression of the Planning Proposal. The Gateway Determination does not require consultation with other public authorities.

The Planning Proposal will be publicly exhibited for 28 days in accordance with the requirements of the Environmental Planning and Assessment Act 1979. Notice of the public exhibition will be given in the local newspaper and on Council's website. Notice of the public exhibition will also be provided by a letter to the land owners and occupiers of adjoining and affected properties. Exhibition materials will be available to view at Penrith's Civic Centre, Council's Queen Street Office, St Marys, and the Penrith and St Marys libraries. The exhibition material will also be available on Council's website.

An independently chaired public hearing will also be arranged for the Planning Proposal, approximately three weeks after the close of the public exhibition. Notice of the public hearing will be given in local papers and on Council's website. Notification letters will also be sent to any person or organisation who makes a submission during the public exhibition period.



## Part 6 - Project Timeline

Milestone	Timeframe
Council's endorsement and preparation of the Planning Proposal	October 2018
Submission to NSW Department of Planning and Environment	November 2018
Gateway Determination issued	January 2019
Public exhibition and public authority consultation	February - May 2019
Public hearing	June 2019
Consideration of submissions	June 2019
Reporting of the Planning Proposal to Council	July 2019
Submission to the NSW Department of Planning and Environment for making of the Plan	August 2019
Publication of LEP amendment	August 2019

## Appendices

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## **APPENDIX 1**

**Deposited Plan 35970 & Certificates of Title  
Lots 41 & 51 DP 35970**

Municipality of St. Marys  
Shire of

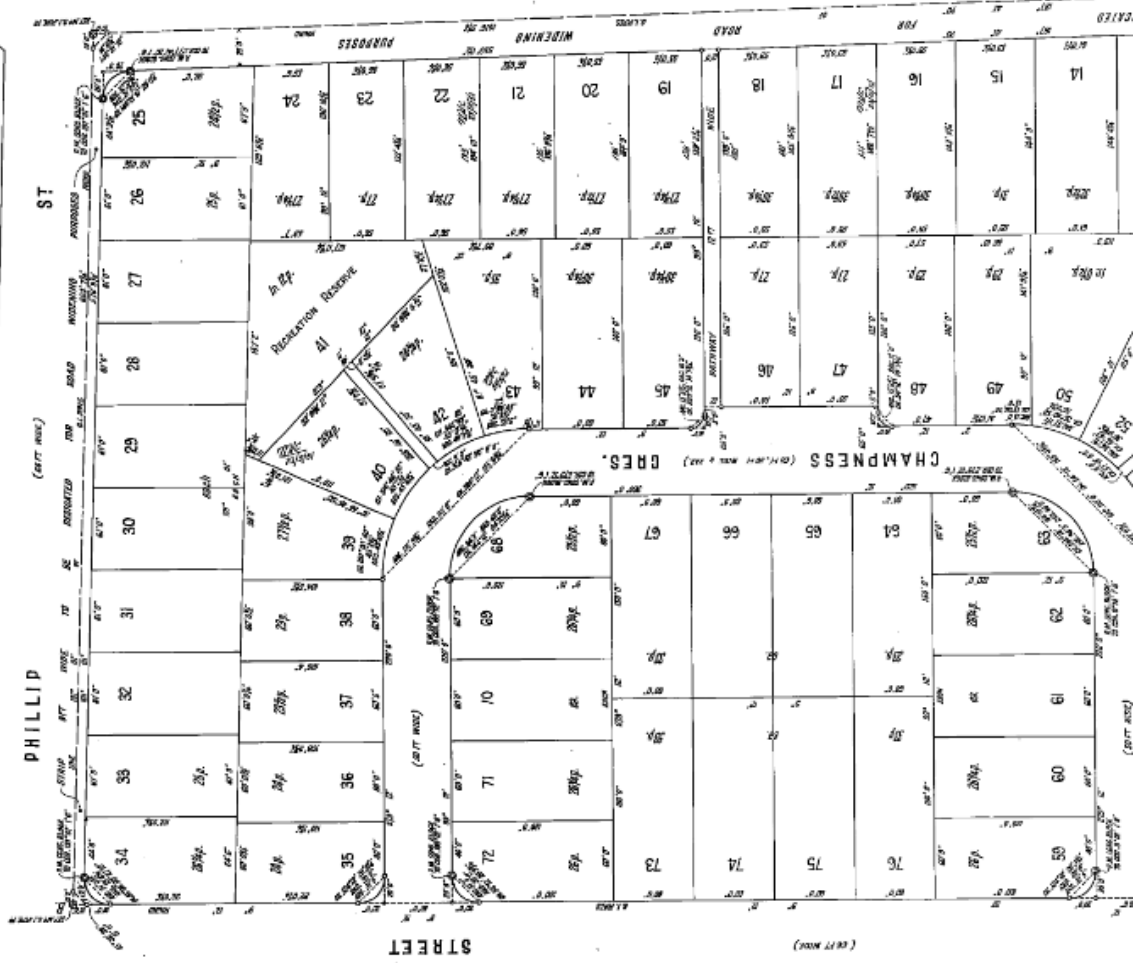
F 74835 9.9.49

# PLAN

of subdivision of lot B, lots 99-112, lots 150-174, and lots 201-216, Deposited Plan 19871.

## PARISH OF ROOTY HILL COUNTY OF CUMBERLAND

Scale 1:60 Feet to an inch







NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: 41/35970

SEARCH DATE	TIME	EDITION NO	DATE
17/4/2018	11:17 AM	2	7/8/1991

LAND

LOT 41 IN DEPOSITED PLAN 35970  
AT ST MARYS  
LOCAL GOVERNMENT AREA PENRITH  
PARISH OF ROOTY HILL COUNTY OF CUMBERLAND  
TITLE DIAGRAM DP35970

FIRST SCHEDULE

THE COUNCIL OF THE CITY OF PENRITH

SECOND SCHEDULE (3 NOTIFICATIONS)

- \* 1 THE LAND ABOVE DESCRIBED IS DEDICATED AS RESERVE FOR PUBLIC RECREATION VIDE GOVT. GAZ. DATED 16.3.1962 FOLIO 25
- 2 DP644218 EASEMENT TO DRAIN WATER OVER EXISTING LINE OF PIPES AFFECTING THE PART OF THE LAND ABOVE DESCRIBED SHOWN SO BURDENED IN THE TITLE DIAGRAM
- 3 DP644218 EASEMENT TO DRAIN WATER OVER EXISTING LINE OF PIPES APPURTENANT TO THE LAND ABOVE DESCRIBED

NOTATIONS

NOTE: THE CERTIFICATE OF TITLE FOR THIS FOLIO OF THE REGISTER DOES NOT INCLUDE SECURITY FEATURES INCLUDED ON COMPUTERISED CERTIFICATES OF TITLE ISSUED FROM 4TH JANUARY, 2004. IT IS RECOMMENDED THAT STRINGENT PROCESSES ARE ADOPTED IN VERIFYING THE IDENTITY OF THE PERSON(S) CLAIMING A RIGHT TO DEAL WITH THE LAND COMPRISED IN THIS FOLIO.

UNREGISTERED DEALINGS: NIL

\*\*\* END OF SEARCH \*\*\*

PRINTED ON 17/4/2018



LAND  
REGISTRY  
SERVICES

**EQUIFAX®**

NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH  
-----

FOLIO: 51/35970  
-----

SEARCH DATE	TIME	EDITION NO	DATE
17/4/2018	11:18 AM	2	28/10/2009

LAND  
-----

LOT 51 IN DEPOSITED PLAN 35970  
AT ST MARYS  
LOCAL GOVERNMENT AREA PENRITH  
PARISH OF ROOTY HILL COUNTY OF CUMBERLAND  
TITLE DIAGRAM DP35970

FIRST SCHEDULE  
-----

PENRITH CITY COUNCIL (R AE551920)

SECOND SCHEDULE (1 NOTIFICATION)  
-----

1 THE LAND WITHIN DESCRIBED IS PUBLIC RESERVE

NOTATIONS  
-----

UNREGISTERED DEALINGS: NIL

\*\*\* END OF SEARCH \*\*\*

PRINTED ON 17/4/2018

## **APPENDIX 2**

**Government Gazette 16 March 1962**

**NOTIFICATION OF DEDICATION AND VESTING  
PURSUANT TO SECTION 6 (b) OF THE HOUSING  
ACT, 1912, AS AMENDED**

**LAND AT ST. MARY'S**

IN pursuance of the provisions of section 6 (b) of the Housing Act, 1912, as amended, The Housing Commission of New South Wales, by this notification dedicates as reserves for public recreation all those pieces or parcels of land situate in the City of Penrith, parish of Rooty Hill and county of Cumberland, being lot 41, together with the 8 feet wide access strip between lots 40 and 42 and lot 51, together with the 8 feet wide access strip between lots 52 and 53 as shown in Housing Commission Plan No. 970, and by this notification vests such reserve in the Council of the City of Penrith. (L.A. 60-351)

Dated at Sydney, this fifth day of March, 1962.

The Common Seal of The Housing Commission of New South Wales was hereunto affixed in pursuance of a Resolution of that Commission by us and this Instrument is attested by the signatures of us who are two members of such Commission.

(L.S.)

F. W. TURNER.

PHYLLIS BURKE.

(2572)

**NOTIFICATION OF DEDICATION AND VESTING  
PURSUANT TO SECTION 6 (b) OF THE HOUSING  
ACT, 1912, AS AMENDED**

**LAND AT SEAFORTH**

IN pursuance of the provisions of section 6 (b) of the Housing Act, 1912, as amended, The Housing Commission of New South Wales, by this notification dedicates as a reserve for public recreation all that piece or parcel of land situate in the Municipality of Manly, parish of Manly Cove and county of Cumberland, being lot 170 as shown in Housing Commission Plan No. 1,304, and by this notification vests such reserve in the Council of the Municipality of Manly. (L.A. 55-538)

Dated at Sydney, this fifth day of March, 1962.

The Common Seal of The Housing Commission of New South Wales was hereunto affixed in pursuance of a Resolution of that Commission by us and this Instrument is attested by the signatures of us who are two members of such Commission.

(L.S.)

F. W. TURNER.

PHYLLIS BURKE.

(2573)

**NOTIFICATION OF DEDICATION AND VESTING  
PURSUANT TO SECTION 6 (b) OF THE HOUSING  
ACT, 1912, AS AMENDED**

**LAND AT SEVEN HILLS**

IN pursuance of the provisions of section 6 (b) of the Housing Act, 1912, as amended, The Housing Commission of New South Wales, by this notification, dedicates as a reserve for public recreation all that piece or parcel of land situate in the Municipality of Blacktown, parish of Prospect and county of Cumberland, being lot D as shown in Housing Commission Plan No. 1,060, and by this notification vests such reserve in the Council of the Municipality of Blacktown. (L.A. 60-84)

Dated at Sydney, this fifth day of March, 1962.

The Common Seal of The Housing Commission of New South Wales was hereunto affixed in pursuance of a Resolution of that Commission by us and this Instrument is attested by the signatures of us who are two members of such Commission.

(L.S.)

F. W. TURNER.

PHYLLIS BURKE.

(2575)

**NOTIFICATION OF DEDICATION AND VESTING  
PURSUANT TO SECTION 6 (b) OF THE HOUSING  
ACT, 1912, AS AMENDED**

**LAND AT SEVEN HILLS**

IN pursuance of the provisions of section 6 (b) of the Housing Act, 1912, as amended, The Housing Commission of New South Wales, by this notification, dedicates as reserves

for public recreation all those pieces or parcels of land situate in the Municipality of Blacktown, parish of Prospect and county of Cumberland, being lots G, H and 362, as shown in Housing Commission Plan No. 1,466 and by this notification vests such reserves in the Council of the Municipality of Blacktown. (L.A. 60-84)

Dated at Sydney, this fifth day of March, 1962.

The Common Seal of The Housing Commission of New South Wales was hereunto affixed in pursuance of a Resolution of that Commission by us and this Instrument is attested by the signatures of us who are two members of such Commission.

(L.S.)

F. W. TURNER.

PHYLLIS BURKE.

(2574)

**REAL PROPERTY ACT NOTICE**

APPLICATIONS have been made to bring the undermentioned lands under the Real Property Act. Plans may be inspected and caveats lodged at the Land Titles Office Sydney until:—

24th April 1962

No. 41619 George Borec and Joseph Rohozynsky 64 a. 1 r. 31½ p. situated in Maxwell St. and Londonderry Rd. Penrith.

No. 41924 The Commercial Banking Company of Sydney Limited 2 r. 9½ p. part of allots. 8 and 91 Sec. 21 George and Phillip Sts. incl. 28 George St. Parramatta.

No. 41933 Lusteroid Investments Pty. Limited 20½ per. lots 10 and 41 and part of lots 9, 11, 40 and 42 of a subdn. of lots 3 to 10 Sec. V of the Australian Agricultural Company's Subdn. Hudson St. and The Esplanade Hamilton.

No. 41960 H. P. Chambers Pty. Limited 20½ per. lot 3 Sec. M of the Australian Agricultural Company's Subdn. incl. 133, 135 and 135A Beaumont St. Hamilton.

No. 42022 John Joseph Enright and William Ramsay and Percy William Davis 18½ per. part of the land taken for the Tramway from Waverley to Randwick Cowper St. Randwick.

No. 42059 B.H.P. By Products Proprietary Limited 18 a. 1 r. 39 p. part Pors. 43 and 44 Ph. South Wagga Wagga Co. Wynyard in Copland St. and on the railway line to Tumbarumba.

No. 42105 Allen Linden King and Reginald Arthur King 35½ per. part of lots 5 to 8 incl. Thurlow's Est. Maddison Lane Redfern.

No. 42339 Oyama Gardens Pty. Limited 26 per. lot 4 Oyama Est. cnr. Addison Rd. and Oyama Av. Manly. Together with appurtenant easement (Right of Way) created by Book 2546 No. 314.

No. 42422 Ernest George Furbank and Gwendoline Furbank 38 a. 2 r. 36½ p. part of lots 1 and 2 in M.P.S. (O.S.) 6601 Bowen Mountain Rd. Grose Vale.

J. H. WATSON, Registrar-General.

16th March 1962.

(2782)

**COMPANIES ACT, 1936 (SECTION 323 (4))**

NOTICE is hereby given that at the expiration of three months from this date, the names of the companies set out below will, unless cause is shown to the contrary, be struck off the register and the company will be dissolved:—

Walworth Photographics Limited, Eric V. Garbutt Pty. Limited, Katoomba Bowling and Recreation Company Limited, K. H. Dalrymple Hay Pty. Limited, James Crockett & Company Limited, J. S. Waterson Pty. Limited, Southern Associated Constructions Pty. Limited, Mount Oxide Mines Limited, Moree Electric Light Company, J. H. L. Construction Co. Pty. Limited, Illawarra Freighters Pty. Limited, Austral-British Insurances Limited, Pennant Hills District Golf Club Limited.

J. H. WATSON, Registrar-General.

16th March, 1962.

(2820)

## **APPENDIX 3**

**Extract from Deposited Plan 31909 &  
Certificate of Title Lot 211 DP 31909**







(For Grant and title reference  
prior to first edition see  
Deposited Plan.)

Vol. 9043 Fol. 104

1st Edition issued 30-10-1961.



I certify that the person described in the First Schedule is the registered proprietor of the undermentioned estate in the land within described subject nevertheless to such exceptions encumbrances and interests as are shown in the Second Schedule.

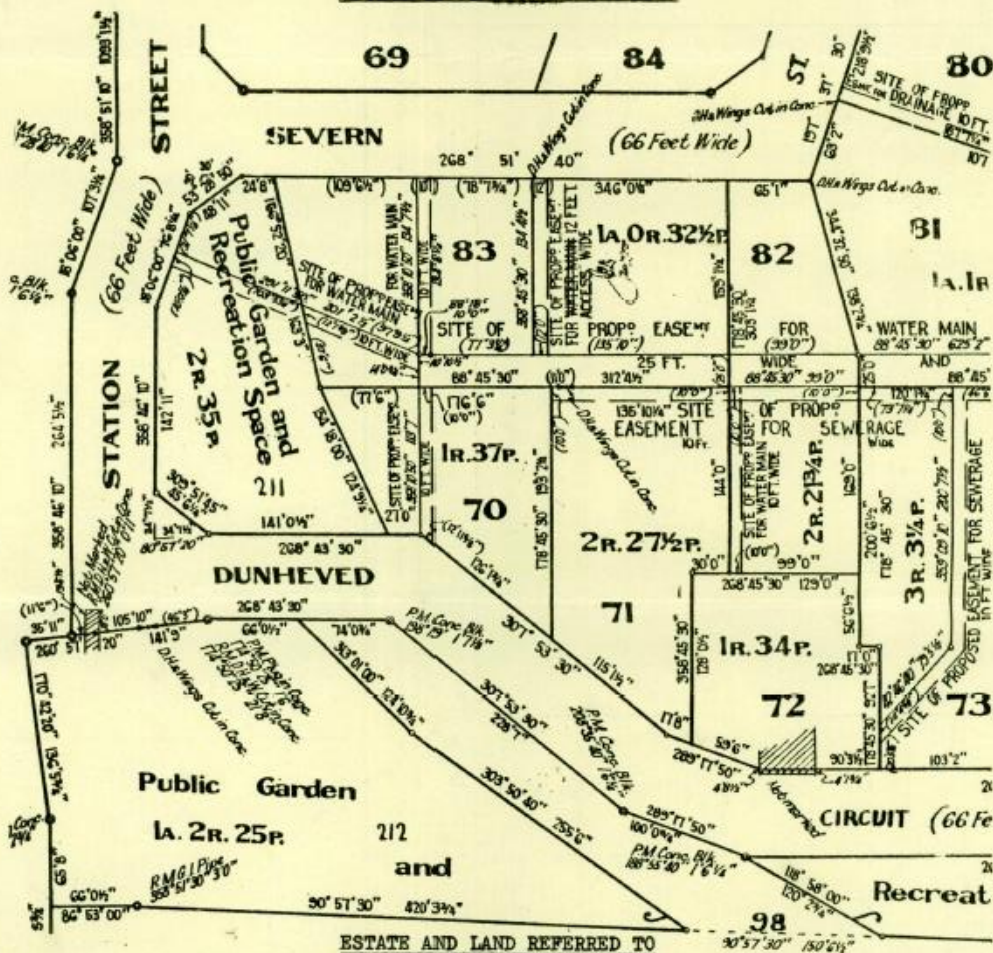
Witness  
9043

*J. J. J. J.*

*J. J. J. J.*  
Registrar-General.



PLAN SHOWING LOCATION OF LAND



Estate in Fee Simple, in Lot 211 in Deposited Plan 31909 in the City of Penrith Parish of Rooty Hill and County of Cumberland.

FIRST SCHEDULE (Continued overleaf)

THE COMMONWEALTH OF AUSTRALIA:

*J. J. J. J.*  
Registrar General.

SECOND SCHEDULE (Continued overleaf)

1. Easement No. D431274 appurtenant to the land above described affecting the site of proposed drainage easement 33 feet wide shown in the plan in Acquisition No. D431274.
2. The registered proprietor holds subject to the provisions of Section 340A Local Government Act 1919.

*J. J. J. J.*  
Registrar General.

PERSONS ARE CAUTIONED AGAINST ALTERING OR ADDING TO THIS CERTIFICATE OR ANY NOTIFICATION HEREON



**FIRST SCHEDULE (continued)**

[illegible]

### SECOND SCHEDULE (continued)

SECOND SCHEDULE (continued)						
NATURE	INSTRUMENT NUMBER	DATE	PARTICULARS	ENTERED	Signature of Registrar-General	CANCELLATION
Caveat	K200000P		by the Registrar General forbidding registration of instruments not authorised by the provisions of the Local Government Act, relating to Public Reserves.	7-12-1967	<i>James</i>	
<i>Example</i>	<i>K180038</i>	<i>12-7-1967</i>	<i>Consent for sale of land as now fully set out in the said instrument, 1/10/67, being that part of the land within divided plan as the proposed consent for sale has been withdrawn in the plan here.</i>	<i>7-12-1967</i>	<i>James</i>	

## **APPENDIX 4**

### **Deposited Plan 1159119 & Certificates of Title Lots 1, 2 & 3 DP 1159119**

DP1 159119 (E)



Registered: 10.11.2010

Title System: OLD SYSTEM

Purpose: LIMITED FOLIO CREATION

Ref. Map: U6460-623

Last Plan: \_\_\_\_\_

C.A. 156023

PLAN OF LAND COMPRISED IN  
DEED BK. 3120 NO. 459 ( LOT 1 )  
DEED BK. 2661 NO. 73 ( LOT 2 ) AND  
DEED BK. 2696 NO. 627 ( LOT 3 ) BEING  
LOTS 1, 2 & 3 LOT 14 AND LOT 17 OF  
WOODRUFF ESTATE

Lengths are in metres. Reduction Ratio - NTS

Sheet 1 of 1 sheets

L.G.A.: PENRITH

LOCALITY: PENRITH

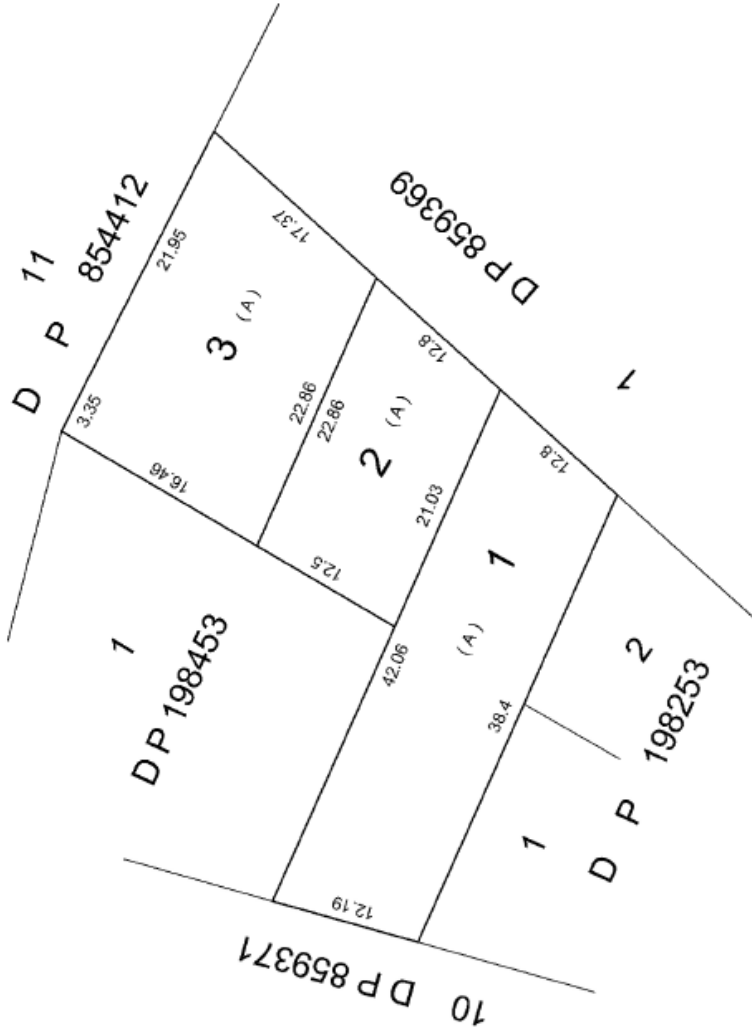
PARISH: CASTLEREAGH

COUNTY: CUMBERLAND

THIS PLAN WAS PREPARED SOLELY TO  
IDENTIFY THE LAND IN THE ABOVE DEED  
AND THE BOUNDARIES HAVE NOT BEEN  
INVESTIGATED BY THE REGISTRAR GENERAL

THIS PLAN IS NOT A CURRENT PLAN IN TERMS OF  
S.7A CONVEYANCING ACT 1919.

LPI Ref. : P77TCB50



( A ) AREA NOT AVAILABLE



BOX 1W  
(AG25920)



TORRENS TITLE REFERENCE

1/1159119

EDITION

1

DATE OF ISSUE

27/1/2011

CERTIFICATE AUTHENTICATION CODE

7CKL-KD-7MLQ



NEW SOUTH WALES  
**CERTIFICATE OF TITLE**  
REAL PROPERTY ACT, 1900

I certify that the person described in the First Schedule is the registered proprietor of an estate in fee simple (or such other estate or interest as is set forth in that Schedule) in the land within described subject to such exceptions, encumbrances, interests and entries as appear in the Second Schedule and to any additional entries in the Folio of the Register.

REGISTRAR GENERAL



LAND  
-----

LOT 1 IN DEPOSITED PLAN 1159119

AT PENRITH.

LOCAL GOVERNMENT AREA: PENRITH.

PARISH OF CASTLEREAGH COUNTY OF CUMBERLAND

TITLE DIAGRAM: DP1159119

FIRST SCHEDULE  
-----

PENRITH CITY COUNCIL

(CA156023)

SECOND SCHEDULE  
-----

1. RESERVATIONS AND CONDITIONS IN THE CROWN GRANT(S)
2. QUALIFIED TITLE. CAUTION PURSUANT TO SECTION 28J OF THE REAL PROPERTY ACT, 1900. ENTERED 10.11.2010 BK 3120 NO 459.
3. LIMITED TITLE. LIMITATION PURSUANT TO SECTION 28T(4) OF THE REAL PROPERTY ACT, 1900. THE BOUNDARIES OF THE LAND COMPRISED HEREIN HAVE NOT BEEN INVESTIGATED BY THE REGISTRAR GENERAL.

\*\*\*\*\* END OF CERTIFICATE \*\*\*\*\*

ANY ATTEMPT TO ALTER THIS CERTIFICATE COULD RESULT IN HEAVY FINES OR IMPRISONMENT (S.141 REAL PROPERTY ACT).



BOX 1W  
(AG25920)



TORRENS TITLE REFERENCE

2/1159119

EDITION

1

DATE OF ISSUE

27/1/2011

CERTIFICATE AUTHENTICATION CODE

JKKJ-WY-F534



NEW SOUTH WALES  
**CERTIFICATE OF TITLE**  
REAL PROPERTY ACT, 1900

I certify that the person described in the First Schedule is the registered proprietor of an estate in fee simple (or such other estate or interest as is set forth in that Schedule) in the land within described subject to such exceptions, encumbrances, interests and entries as appear in the Second Schedule and to any additional entries in the Folio of the Register.

REGISTRAR GENERAL



LAND

-----  
LOT 2 IN DEPOSITED PLAN 1159119  
AT PENRITH.  
LOCAL GOVERNMENT AREA: PENRITH.  
PARISH OF CASTLEREAGH COUNTY OF CUMBERLAND  
TITLE DIAGRAM: DP1159119

FIRST SCHEDULE

-----  
PENRITH CITY COUNCIL

(CA156023)

SECOND SCHEDULE

- 
1. RESERVATIONS AND CONDITIONS IN THE CROWN GRANT(S)
  2. QUALIFIED TITLE. CAUTION PURSUANT TO SECTION 28J OF THE REAL PROPERTY ACT, 1900. ENTERED 10.11.2010 BK 2661 NO 73.
  3. LIMITED TITLE. LIMITATION PURSUANT TO SECTION 28T(4) OF THE REAL PROPERTY ACT, 1900. THE BOUNDARIES OF THE LAND COMPRISED HEREIN HAVE NOT BEEN INVESTIGATED BY THE REGISTRAR GENERAL.

\*\*\*\*\* END OF CERTIFICATE \*\*\*\*\*

ANY ATTEMPT TO ALTER THIS CERTIFICATE COULD RESULT IN HEAVY FINES OR IMPRISONMENT (S.141 REAL PROPERTY ACT).



BOX 1W  
(AG25920)



TORRENS TITLE REFERENCE

3/1159119

EDITION

1

DATE OF ISSUE

27/1/2011

CERTIFICATE AUTHENTICATION CODE

4G7R-9T-NYWR



NEW SOUTH WALES  
**CERTIFICATE OF TITLE**  
REAL PROPERTY ACT, 1900

I certify that the person described in the First Schedule is the registered proprietor of an estate in fee simple (or such other estate or interest as is set forth in that Schedule) in the land within described subject to such exceptions, encumbrances, interests and entries as appear in the Second Schedule and to any additional entries in the Folio of the Register.

REGISTRAR GENERAL



LAND

LOT 3 IN DEPOSITED PLAN 1159119

AT PENRITH.

LOCAL GOVERNMENT AREA: PENRITH.

PARISH OF CASTLEREAGH COUNTY OF CUMBERLAND

TITLE DIAGRAM: DP1159119

FIRST SCHEDULE

PENRITH CITY COUNCIL

(CA156023)

SECOND SCHEDULE

1. RESERVATIONS AND CONDITIONS IN THE CROWN GRANT(S)
2. QUALIFIED TITLE. CAUTION PURSUANT TO SECTION 28J OF THE REAL PROPERTY ACT, 1900. ENTERED 10.11.2010 BK 2696 NO 627.
3. LIMITED TITLE. LIMITATION PURSUANT TO SECTION 28T(4) OF THE REAL PROPERTY ACT, 1900. THE BOUNDARIES OF THE LAND COMPRISED HEREIN HAVE NOT BEEN INVESTIGATED BY THE REGISTRAR GENERAL.

\*\*\*\*\* END OF CERTIFICATE \*\*\*\*\*

ANY ATTEMPT TO ALTER THIS CERTIFICATE COULD RESULT IN HEAVY FINES OR IMPRISONMENT (S.141 REAL PROPERTY ACT).

## **APPENDIX 5**

### **Requirements of LEP Practice Note PN 16-001**

## Classification and Reclassification of Public Land through A Local Environmental Plan

An information checklist is reproduced below. The information included in this table is required for proposals to classify or reclassify public land through an LEP.

Requirement	Provided	Comment
The current and proposed classification of the land.	Yes	The subject land is currently classified as Community land and is proposed to be reclassified to Operational Land under the provisions of the Local Government Act.
Whether the land is a 'public reserve' (defined in the LG Act).	Yes	Sites 1, 2 & 3 are currently classified as Community land and have a Public Reserve status under the Local Government Act. Site 4 is not public reserve. Site 1 & 2 – See Appendix 1 Site 3 – See Appendix 3
The strategic and site specific merits of the reclassification and evidence to support this.	Yes	Addressed throughout.
Whether the Planning Proposal is the result of a strategic study or report.	Yes	Addressed under Part 3 Justification Section A – Need for the Planning Proposal.
Whether the Planning Proposal is consistent with council's community plan or other local strategic plan.	Yes	Addressed under Part 3 Section B – Relationship to Strategic Planning Framework.

<p>A summary of council's interests in the land, including:</p> <ul style="list-style-type: none"> <li>- how and when the land was first acquired (e.g. was it dedicated, donated, provided as part of a subdivision for public open space or other purpose, or a developer contribution)</li> <li>- if council does not own the land, the land owner's consent;</li> <li>- the nature of any trusts, dedications etc.</li> </ul>	<p>Yes</p>	<p>Council's ownership of the land including the acquisition of the sites, the reasons for acquisition and the nature of any trusts are provided in Appendix 8.</p> <p>Site 1, 2 &amp; 3 – have a Public Reserve status. Site 4 – has a trust for community purposes (car parking).</p> <p>Other interests in the land can be found in Appendix 1, 2, 3 &amp; 4.</p>
<p>Whether an interest in land is proposed to be discharged, and if so, an explanation of the reasons why.</p>	<p>Yes</p>	<p>The Planning Proposal seeks to remove:</p> <ul style="list-style-type: none"> <li>• the public reserve status of sites 1, 2 &amp; 3, and,</li> <li>• the trust for community purpose (car parking) on site 4.</li> </ul> <p>An explanation of 'why' can be found in Part 1 – Objectives or Intended Outcomes</p>

The effect of the reclassification (including, the loss of public open space, the land ceases to be a public reserve or particular interests will be discharged).	Yes	<p>The Planning Proposal will result in:</p> <ul style="list-style-type: none"> <li>the removal of all trusts for community purposes (public reserve status) relating to sites 1, 2 and 3.</li> <li>the removal of all trusts for community purposes (car parking) relating to site 4.</li> </ul> <p>Reclassification of sites 1, 2 &amp; 3 will enable Council to consider the future use of the land in line with the existing zoning. This may include development, disposal, or consolidation with the adjoining land. The reclassification (to operational land) of Site 4 will provide a consistent land classification with the rest of the Soper Place Car Park.</p> <p>Part 3 Justification Section C – Environmental, Social and Economic Impacts Qu9. – discusses the effect of the removal of sites 1,2 &amp; 3 from the open space network.</p>
Evidence of public reserve status or relevant interests, or lack thereof applying to the land (e.g. electronic title searches, notice in a Government Gazette, trust documents).	Yes	<p>Refer to Appendix 8.</p> <p>Sites 1, 2 &amp; 3 – refer to Appendix 1, 2 &amp; 3.</p> <p>Site 4 – refer to Appendix 8</p> <p>Lot 1-3 DP 1159119 were acquired for car parking purposes. Therefore there is an implied trust over the land for car parking ( a public purpose).</p>
Current use(s) of the land, and whether uses are authorised or unauthorised.	Yes	Sites 1, 2 & 3 are vacant land. Site 4 operates as Soper Place Car Park.
Current or proposed lease or agreements applying to the land, together with their duration, terms and controls.	No	There are no current or proposed lease agreements on any of the sites.

Current or proposed business dealings (e.g. agreement for the sale or lease of the land, the basic details of any such agreement and if relevant, when council intends to realise its asset, either immediately after rezoning/ reclassification or at a later time).	Yes	There are no current or proposed business dealings associated with the land. Council may consider the future use of sites 1, 2 & 3 at a later date, which may include development, disposal, or consolidation with the adjoining land. Site 4 – Council's future plans for the Soper Place car park are discussed in 'Background to Planning Proposal' and 'Part 3 Justification – Section A –The Need for the Planning Proposal'
Any rezoning associated with the reclassification (if yes, need to demonstrate consistency with an endorsed Plan of Management or strategy).	Yes	No rezoning of the land is proposed.



<p>How council may or will benefit financially, and how these funds will be used.</p>	<p>Yes</p>	<p>Council's strategic planning framework includes an overarching <i>Community Plan</i> and <i>Delivery Program / Operational Plan</i> that outlines how revenue is raised and how funds are used.</p> <p>In 2015, Penrith City Council was one of seven metropolitan Councils deemed 'Fit for the Future' by the Independent Pricing and Regulatory Tribunal (IPART). This assessment was based on a set of criteria around sustainability, effective infrastructure and service management, efficiency, and scale and capacity.</p> <p>Council has committed to a number of strategies to deliver ongoing productivity improvements to meet the criteria set by IPART in 5 years. One of these strategies is to grow our own source revenue through growth of the property portfolio and property reserve holdings.</p> <p>Growth to the property reserve provides an alternate income stream and reduces the reliance on rates to fund Council's expenditure. Achievement of this target relies on a strategic approach to investing in property.</p> <p>In the short term, should any of the subject sites be divested or developed in the future, all proceeds will be retained in the property reserve.</p> <p>Council's long term financial plan is to pay an annual dividend out of the property reserve into general revenue, which would be used to fund operational activities and key community projects including open space improvements.</p> <p>Council's long term financial plan indicates payment of a \$1.8M dividend from the property reserve into general revenue by FY21/22. By</p>
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		creating a sustainable revenue stream alternate to rates income, Council can continue to fund open space improvements across the Local Government Area.
How council will ensure funds remain available to fund proposed open space sites or improvements referred to in justifying the reclassification, if relevant to the proposal.	Yes	As above, all proceeds from any potential sale or development will be retained in the property reserve. Council's long term financial plan indicates payment of a \$1.8M dividend from the property reserve into general revenue by FY21/22. General revenue is used to fund a number of operational activities including open space improvements / asset renewal. By creating a sustainable revenue stream alternate to rates income, Council can continue to fund open space improvements across the Local Government Area.
A Land Reclassification (part lots) Map, in accordance with any standard technical requirements for spatial datasets and maps, if land to be reclassified does not apply to the whole lot.	No	No part lots. No changes required to PLEP 2010 maps.
Preliminary comments by a relevant government agency, including an agency that dedicated the land to council, if applicable.	Yes	<p>Site 1 &amp; 2 were dedicated to Council by a state government agency (NSW Housing). This agency is aware of the Planning Proposal and have raised no formal objections. A formal referral will be made to this agency once a Gateway Determination is received.</p> <p>The formal consultation process has not yet commenced. Consultation is to occur throughout the standard gateway process.</p>

## **APPENDIX 6**

### **State Environmental Planning Policies**

## State Environmental Planning Policies

The NSW Government publishes State Environmental Planning Policies (SEPPs) and Sydney Regional Environmental Plans (SREPs or deemed SEPPs). These documents deal with matters of State or regional planning significance. The Planning Proposal is consistent with applicable State Environmental Planning Policies (SEPP), as demonstrated below, due to the proposed changes being of minor significance.

SEPP Title	Applicable	Consistent
SEPP No 1—Development standards	No	N/A
SEPP No 14—Coastal Wetlands	No	N/A
SEPP No 19—Bushland in Urban Areas	Yes	Yes. None of the sites contain any significant bushland areas. Any existing trees are to be retained where possible for any future development. This would be considered in detail at development application stage.
SEPP No 21—Caravan Parks	No	N/A
SEPP No 26—Littoral Rainforests	No	N/A
SEPP No 30—Intensive Agriculture	No	N/A
SEPP No 33—Hazardous and Offensive Development	No	N/A
SEPP No 36—Manufactured Home Estates	No	N/A
SEPP No 44—Koala Habitat Protection	No	N/A
SEPP No 47—Moore Park Showground	No	N/A
SEPP No 50—Canal Estate Development	No	N/A
SEPP No 52—Farm Dams and Other Works in Land and Water Management Plan Areas	No	N/A
SEPP No 55—Remediation of Land	Yes	SEPP 55 will be addressed subject to any future development applications on the site.
SEPP No 62—Sustainable Aquaculture	No	N/A

<b>SEPP Title</b>	<b>Applicable</b>	<b>Consistent</b>
SEPP No 64—Advertising and Signage	Yes	This may become relevant for future development applications but is not a consideration at this stage.
SEPP No 65—Design Quality of Residential Flat Development	Yes	The Planning Proposal seeks to facilitate high density residential development on 2 of the sites. Any future development proposal must address the provisions of SEPP 65.
SEPP No 70—Affordable Housing (Revised Schemes)	No	N/A
SEPP No 71—Coastal Protection	No	N/A
SEPP (Affordable Rental Housing) 2009	Yes	Yes
SEPP (Building Sustainability Index: BASIX) 2004	Yes	Future development must address the provisions of the BASIX SEPP.
SEPP (Coastal Management) 2018	No	N/A
SEPP (Educational Establishments and Child Care Facilities) 2017	No	N/A
SEPP (Exempt and Complying Development Codes) 2008	No	N/A
SEPP (Housing for Seniors or People with a Disability) 2004	No	N/A
SEPP (Infrastructure) 2007	No	N/A
SEPP (Integration and Repeals) 2016	No	N/A
SEPP (Kosciuszko National Park— Alpine Resorts) 2007	No	N/A
SEPP (Kurnell Peninsula) 1989	No	N/A
SEPP (State Significant Precincts) 2005	No	N/A
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	No	N/A
SEPP (Miscellaneous Consent Provisions) 2007	No	N/A

SEPP Title	Applicable	Consistent
SEPP (Penrith Lakes Scheme) 1989	No	N/A
SEPP (Rural Lands) 2008	No	N/A
SEPP (State and Regional Development) 2011	No	N/A
SEPP (Sydney Drinking Water Catchment) 2011	No	N/A
SEPP (Sydney Region Growth Centres) 2006	No	N/A
SEPP (Three Ports) 2013	No	N/A
SEPP (Urban Renewal) 2010	No	N/A
SEPP (Vegetation in Non-Rural Areas) 2017	Yes	Future development must address the provisions of the Vegetation in Non-Rural Areas SEPP.
SEPP (Western Sydney Employment Area) 2009	No	N/A
SEPP (Western Sydney Parklands) 2009	No	N/A



## **APPENDIX 7**

### **Section 9.1 Local Planning Directions**

## Section 9.1 Local Planning Directions

The Minister for Planning and Environment issues Local Planning Directions that councils must follow when preparing a Planning Proposal. The directions cover the following broad categories:

- employment and resources,
- environment and heritage,
- housing, infrastructure, and urban development,
- hazard and risk.

This Planning Proposal is considered to be consistent with all applicable Section 9.1 Directions, as demonstrated below, primarily because the proposed changes are of minor significance.

Section 117 Direction	Comment
<b>1. Employment and Resources</b>	
<b>1.1 Business and Industrial Zones</b>	The Planning Proposal seeks to enable site 3 to be used for industrial activities. The planning proposal is consistent with the requirements of this direction.
<b>1.2 Rural Zones</b>	N/A
<b>1.3 Mining, Petroleum Production and Extractive Industries</b>	N/A
<b>1.4 Oyster Aquaculture</b>	N/A
<b>1.5 Rural Lands</b>	N/A
<b>2. Environment and Heritage</b>	
<b>2.1 Environment Protection Zones</b>	N/A
<b>2.2 Coastal Protection</b>	N/A
<b>2.3 Heritage Conservation</b>	The Planning Proposal does not seek any changes to the existing heritage conservation provisions of the LEP and DCP and will not have an impact on any surrounding heritage listed items.
<b>2.4 Recreation Vehicle Areas</b>	N/A

<b>2.5 Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs</b>	N/A
<b>3. Housing, Infrastructure and Urban Development</b>	
<b>3.1 Residential Zones</b>	The Planning Proposal is consistent with the requirements of this direction as it seeks to encourage a variety and choice of housing types to provide for existing and future housing needs. It will make more efficient use of vacant land at sites 1 & 2 close to existing infrastructure and services.
<b>3.2 Caravan Parks and Manufactured Home Estates</b>	No changes to the existing provisions.
<b>3.3 Home Occupations</b>	No changes to the existing provisions
<b>3.4 Integrating Land Use and Transport</b>	The Planning Proposal is consistent with the direction. Sites 1, 2 & 3 benefit from excellent public transport services and have access to employment opportunities and services in St Marys Centre and industrial park to the north. This will be strengthened in the future through new transport infrastructure and improved links as a 30-minute city.
<b>3.5 Development Near Licensed Aerodromes</b>	N/A
<b>4. Hazard and Risk</b>	
<b>4.1 Acid Sulfate Soils</b>	N/A
<b>4.2 Mine Subsidence and Unstable Land</b>	N/A
<b>4.3 Flood Prone Land</b>	The Planning Proposal does not seek to change the existing Council controls relating to flooding. Flood impact is to be further considered in detail at development application stage.

<b>4.4 Planning for Bushfire Protection</b>	<p>Site 3 is identified as bushfire prone land. Council referred this Planning Proposal to the Commissioner of the NSW Rural Fire Service (RFS) in accordance with the requirements of this direction. The RFS confirmed that only one of the sites (site 3) is located within a buffer zone and Therefore subject to the Direction. The RFS consider the site to be low risk and is within a compatible land use surrounded by industrial lands, and any future development of the site is unlikely to impact the hazard area. As the NSW RFS have no objection to the progression of the Planning Proposal, the consistency with the Direction is considered to be satisfied.</p>
<b>5. Regional Planning</b>	
<b>5.1 Implementation of Regional Strategies</b>	N/A
<b>5.2 Sydney Drinking Water Catchments</b>	N/A
<b>5.3 Farmland of State and Regional Significance on the NSW Far North Coast</b>	N/A
<b>5.4 Commercial and Retail Development along the Pacific Highway, North Coast</b>	N/A
<b>5.8 Second Sydney Airport: Badgerys Creek</b>	N/A
<b>5.9 North West Rail Link Corridor Strategy</b>	N/A
<b>5.10 Implementation of Regional Plans</b>	<p>The Planning Proposal is consistent with the applicable Regional Plan and the provisions of this direction.</p> <p>For further detail see <i>Section B – Relationship to Strategic Planning Framework</i></p>
<b>6. Local Plan Making</b>	
<b>6.1 Approval and Referral Requirements</b>	The Planning Proposal is consistent as it does not

	recommend provisions requiring additional concurrence, consultation or referral of development applications to a Minister or a public authority.
<b>6.2 Reserving Land for Public Purposes</b>	The Planning Proposal is consistent with this direction as it seeks approval from the relevant authority to reclassify the land. The reclassification is consistent with the zoning of the sites.
<b>6.3 Site Specific Provisions</b>	N/A
<b>7. Metropolitan Planning</b>	
<b>7.1 Implementation of A Plan for Growing Sydney</b>	The Planning Proposal is consistent with the NSW Government's <i>A Metropolis of Three Cities – The Greater Sydney Region Plan</i> (published in March 2018) and the <i>Western City District Plan</i> (published in March 2018). Part 3B provides greater detail on the consistency of the Planning Proposal with these plans.
<b>7.2 Implementation of Greater Macarthur Land Release Investigation</b>	N/A
<b>7.3 Parramatta Road Corridor Urban Transformation Strategy</b>	N/A
<b>7.4 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan</b>	N/A
<b>7.5 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan</b>	N/A
<b>7.6 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan</b>	N/A
<b>7.7 Implementation of Glenfield to Macarthur Urban Renewal Corridor</b>	N/A
<b>7.8 Implementation of Western Sydney Aerotropolis Interim Land Use and Infrastructure Implementation Plan</b>	N/A
<b>7.9 Implementation of Bayside West Precincts 2036 Plan</b>	N/A
<b>7.10 Implementation of Planning Principles for the Cooks Cove Precinct</b>	N/A

## **APPENDIX 8**

### **Statement of Council's Interest in the Land**

Site	Address	Legal Description	Summary of Council's Interest
1	12A Champness Crescent St Marys NSW 2760	Lot 41 DP 35970	12A Champness Crescent, St Marys was dedicated pursuant to Section 6(b) of the Housing Act, 1912 by the Housing Commission of New South Wales as a recreation reserve and vested in the Council of the City of Penrith by notice in the NSW Government Gazette of 16 March 1962. On 6 June, 1994 Council resolved to classify 12A Champness Crescent, St Marys as community land. The site is considered Public Reserve as defined in the <i>Local Government Act 1993</i> . This Planning Proposal seeks to remove the Public Reserve status, requiring Governor's approval of the draft LEP.
2	32A Champness Crescent St Marys NSW 2760	Lot 51 DP 35970	32A Champness Crescent, St Marys was dedicated pursuant to Section 6(b) of the Housing Act, 1912 by the Housing Commission of New South Wales as a recreation reserve and vested in the Council of the City of Penrith by notice in the NSW Government Gazette of 16 March 1962. On 6 June, 1994 Council resolved to classify 32A Champness Crescent, St Marys as community land. The site is considered Public Reserve as defined in the <i>Local Government Act 1993</i> . This Planning Proposal seeks to remove the Public Reserve status, requiring Governor's approval of the draft LEP.
3	110A Dunheved Circuit St Marys NSW 2760	Lot 211 DP 31909	Lot 211 DP 31909 was transferred to the Council of the City of Penrith from The Commonwealth of Australia on 12 July 1967. It was dedicated to Council on subdivision of the industrial estate as Public Garden and Recreation Space, as shown on the deposited plan. Being dedicated for community purposes, the land is considered Public Reserve as defined in the <i>Local Government Act 1993</i> . This Planning Proposal seeks to remove the Public Reserve status, requiring Governor's approval of the draft

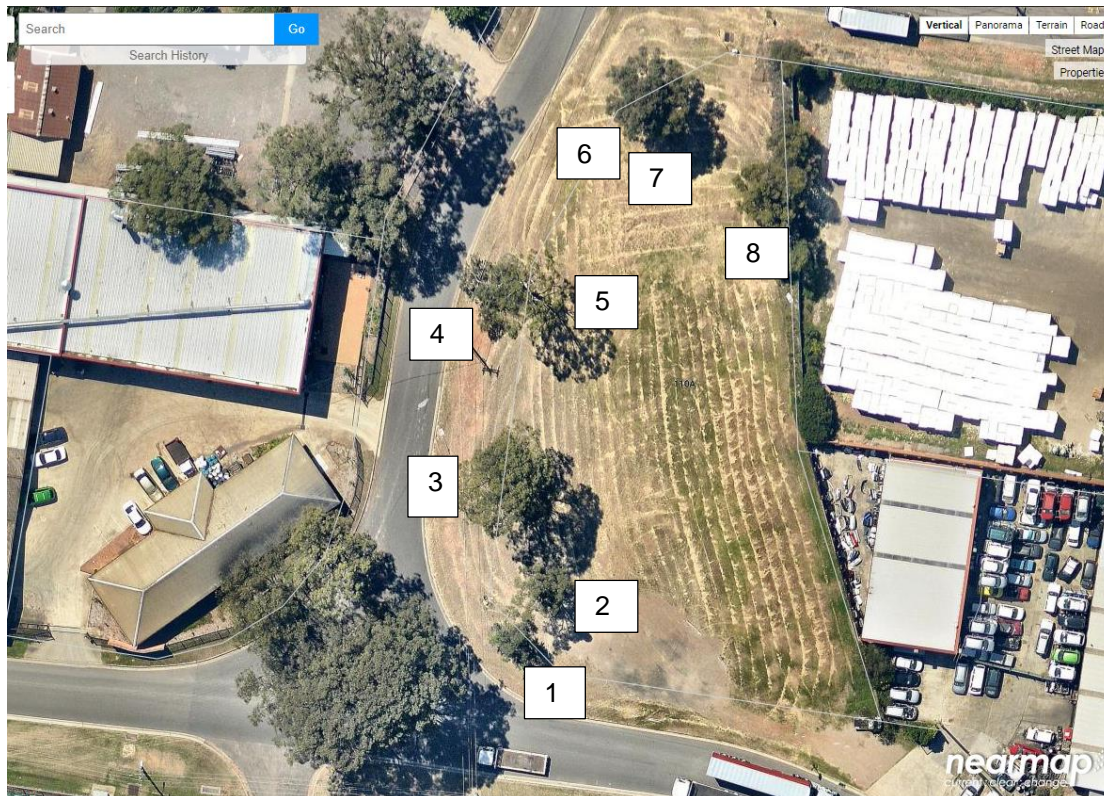


4	Part Soper Place Car Park 5-7 Lawson Street Penrith NSW 2750	Lots 1-3 DP 1159119	<p>Lot 1 was acquired 25 October 1973 from Michael John Soper and Lilian Melba Honeman, widow of Thomas Frank Soper for carparking purposes. Lot 2 was acquired 24 July 1963 from Betty Joan Maiden for carparking purposes. Lot 3 was acquired 7 May 1964 from Mary Gertrude Hetherington for carparking purposes. The majority of the Soper Place Car Park lots were classified as Operational Land by Council via <i>Penrith City Centre LEP 2008</i> on 15 December 2008. Lots 1-3 DP 1159119 were not included in the reclassification as they were old system title at the time. These three lots were originally classified as operational land by Council resolution in 1994. However, because the lots were acquired for car parking (a public purpose), a trust over the land for community purposes is implied Therefore, the initial operational classification is considered invalid, and a community classification is assumed.</p>
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## **APPENDIX 9**

### **Tree Management Advice 110A Dunheved Circuit St Marys**

110A Dunheved Circuit St Marys



Map, Valance St , Dunheved Cct and Severn St

- Tree 1, Eucalyptus fibrosa, Small. Tree under wires, Poor Condition, Fair Health. Low retention value,
- Tree 2, Eucalyptus fibrosa, Small/Medium. Damaged trunk (probable vehicle impact,) Poor Condition, Poor Health. Low retention value,
- Tree 3, Eucalyptus tereticornis, 3 trunks, Medium/Large, Fair Condition, Fair Health. Moderate retention value,
- Tree 4, Eucalyptus moluccana, Tree under wires, Poor Condition, Fair Health. Low retention value,
- Tree 5, Eucalyptus tereticornis, Medium /large, Probable decay. Poor- fair Condition, Fair Health. Low retention value,
- Tree 6, Eucalyptus fibrosa, Medium, Fair Condition, Fair Health. Moderate retention value,
- Tree 7, Eucalyptus fibrosa, Medium, Fair Condition, Fair Health. Moderate retention value,
- Tree 8, Eucalyptus fibrosa, Medium, Fair Condition, Fair Health. Moderate retention value,

## **APPENDIX 10**

### **Council Report and Meeting Minutes, 8 October 2018**

**4 RZ18/0008 - Planning Proposal to amend Penrith Local Environmental Plan 2010 - Reclassification of four (4) sites in St Marys and Penrith from Community to Operational land.**

**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>Facilitate quality development in the City that considers the current and future needs of our community</i>
<b>Service Activity</b>	<i>Plan for and facilitate development in the City</i>

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

**Owner:** Penrith City Council

**Proponent:** Penrith City Council

**Executive Summary**

Council is in receipt of a Planning Proposal to amend the *Penrith Local Environmental Plan (LEP) 2010*. The Planning Proposal relates to land at four (4) sites in St Marys and Penrith and is provided in Attachment 1.

The Planning Proposal seeks to reclassify the land from Community to Operational land and remove all trusts that relate to public reserve status for the three sites in St Marys and car parking for the Penrith site. No other zones or planning controls are proposed to be amended.

The reclassification is a statutory process that will enable Council to consider the future use of all sites and to realise the objectives of the existing zones. The Planning Proposal is aligned with local and regional plans and strategies.

Under the requirements of Section 2.19 of the *Environmental Planning and Assessment Act 1979 (EP&A Act)*, this Planning Proposal was referred to the Local Planning Panel for advice. This advice has been considered in the assessment of the Planning Proposal.

The reclassification requires the use of the Department of Planning and Environment's (DP&E) 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. This report recommends that Council sponsor the planning proposal.

**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.

Land that is classified as 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 the land. Council can still retain ownership and maintain the current use of the land.

Reclassification through an LEP (by the preparation of a planning proposal) is the mechanism with which Council can remove any public reserve status applying to land, as well as any interests affecting all or part of public land. It is critical that all trusts are identified upfront as part of any planning proposal. If public land is reclassified from Community to Operational, without relevant interests being identified and discharged, then the land will need to be reclassified back to community land.

A reclassification proposal to remove the public reserve status of land and remove trusts/interests may not necessarily result in the immediate sale or disposal of the land. The major consequence of this process is that the land in question is no longer protected under the Local Government Act from potential future sale once it has been reclassified to operational.

The intended outcome for this planning proposal is to allow Council to consider the future use of all sites and to realise the objectives of the existing zones. This will only be possible if the land is reclassified to Operational land and the removal of the abovementioned relevant trusts that apply.

### **The Planning Proposal**

The Planning Proposal seeks to reclassify four sites in Penrith and St Marys. The following discussion provides details on each of the sites, the identified trusts that are proposed to be discharged, and, a discussion on the implications of the removal of these trusts. Attachment 2 provides the aerial photographs of all sites.

#### Site 1 and 2 - (12A and 32A Champness Crescent, St Marys)

These sites are currently zoned R4 High Density Residential and have a 15m height limit. Both battle-axe shaped sites are vacant, surrounded by residential development and have restricted access via narrow access handles approximately 2.4 m wide. The St Marys town centre and public transport are within walking distance of the site.

The land has a public reserve status and a trust for community purpose (open space). This trust must be removed as a requirement for any reclassification to Operational land. As a result, the sites can be disposed of, consolidated with adjoining land or redeveloped into a residential flat building in accordance with the zoning of the land endorsed by Council in 2010.

The sites were dedicated as recreational reserves in 1962 and were later rezoned from 6(a) Public Recreation and Community Uses (under LEP 1998) to R4 High Density Residential in LEP 2010. The rezoning of these sites underwent community consultation at that time as part of the city wide LEP review in 2010. There remain three parks within a 450m radius of sites 1 and 2 as shown in Attachment 2.

#### Site 3 – (110A Dunheved Circuit, St Marys)

This site is zoned IN1 General Industrial, is currently vacant within an existing industrial estate and is used for unauthorised parking. The site is in close proximity to existing and future (Outer Sydney Orbital) freight routes. The site was dedicated to Council in 1967 as Public Garden and Recreation space.

The land has as a public reserve status and a trust for community purpose (open space). This trust must be removed as a requirement for any reclassification to Operational land. As

a result, the sites can be disposed or redeveloped for industrial use in accordance with the zoning of the land endorsed by Council in 2010.

The impact of the removal of the trust for open space and public reserve status on the community and workers in the estate would be minimal. Open space areas in the locality includes the Dunheved Estate reserve (located opposite site 3 on the southern side of Dunheved Circuit) and in the eastern portion of the estate near Kommer Place as shown in Attachment 2.

Site 4 – (Part Soper Place car park / 5-7 Lawson Street, Penrith)

The site is zoned B3 Commercial Core and is part of the Soper Place car park. The Soper Place car park is strategically located within the CBD and provides all-day parking servicing commuters and local employees. It is made up of 16 lots. Apart from Lots 1-3 DP 1159119 (site 4) all other lots in the car park are classified as Operational. This site was originally acquired for car parking (a public purpose), which means there is an implied trust over the land for community purposes.

The land has as a trust for community purpose (car parking). This trust must be removed as a requirement for any reclassification to Operational land. The removal of the trust for car parking (a public purpose) does not prevent this use from continuing. The entire Soper Place car park has been identified in Council's Community Plan, Penrith Progression and the City Centre Car Parking Strategy as providing future car parking for the city.

Council is currently exploring preliminary design options for a new multi deck car park over a portion of the Soper Place car park. This would activate car parking in the city centre and would result in additional parking. Reclassification and the removal of the trust will enable greater design flexibility should site 4 be required for future development or business dealings. This Planning Proposal seeks to provide a consistent classification over the whole car park and remove the car parking trust.

**Key considerations**

The key considerations in the assessment of this Planning Proposal are summarised below:

Alignment with local and regional plans

The Planning Proposal aligns with key plans including the Greater Sydney Region Plan, Western City District Plan, Penrith City Strategy, Community Plan and Penrith Progression (site 4 only).

For sites 1 & 2, the Planning Proposal will increase the supply of housing, close to public transport and the St Marys town centre. Site 3 is strategically located to enable the provision of local employment close to existing and future transport corridors. Site 4 provides a location that will meet the parking needs of the City and facilitate the redevelopment of the Soper Place multi-deck car park. The Planning Proposal will enable the management of Council's property portfolio to be sustainable now and into the future.

Local Planning Panel's Advice

Under the requirements of Section 2.19 of the *Environmental Planning and Assessment Act 1979*, this Planning Proposal was referred to the Local Planning Panel for advice on the 22 August 2018. The panel visited all sites and were briefed on the planning proposal by Council officers. The panel's advisory comments are provided in Attachment 3.



The panel generally supported the planning proposal. However, their advice stated that the rationalisation of site 1 and 2 should result in higher amenity through good public open space provisions. Council should provide quality public open space as part of future redevelopment of the precinct. A master planning exercise for the broader St Marys area is a future priority for this Council and will be undertaken in the next 5 years.

### **Next steps**

The reclassification process requires the amendment of *Penrith Local Environmental Plan 2010* via a planning proposal being submitted to the DP&E 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 to Operational land requires the identification and removal of relevant trusts/interests. The reclassification will enable the potential of all sites to be explored in line with the existing zones. Existing open space areas are located within walking distance of sites 1, 2 and 3. The Soper Place car park has been identified to continue to provide car parking for the city into the future. It is recommended that Council sponsor the planning proposal and commence the Gateway process to reclassify the land from 'community' to 'operational'. A Gateway Determination will enable public exhibition and agency consultation of the planning proposal.

### **RECOMMENDATION**

That:

1. The information contained in the report on RZ18/0008 - Planning Proposal to amend Penrith Local Environmental Plan 2010 - Reclassification of four (4) sites in St Marys and Penrith from Community to Operational land. be received
2. Council endorse the attached Planning Proposal, that reclassifies four (4) sites in Penrith and St Marys and submit it to the Department of Planning and Environment seeking a Gateway Determination.
3. The General Manger be granted delegation to update and finalise the Planning Proposal before submitting it to the Department of Planning and Environment seeking a Gateway Determination.
4. Consultation with the community and public agencies be undertaken in accordance with any Gateway Determination issued by the Department of Planning and Environment.
5. An independently chaired public hearing be held in accordance with the requirements of the Environmental Planning and Assessment Act and Regulations.
6. A planning consultant be engaged to independently chair the public hearing.
7. 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 RZ18/0003 | 66 Pages | Attachments Included |
| 2. | Details of sites 1 to 4     | 5 Pages  | Attachments Included |
| 3. | Local Planning Panel Advice | 2 Pages  | Attachments Included |

**CONFIRMED MINUTES  
OF THE POLICY REVIEW COMMITTEE MEETING OF PENRITH CITY COUNCIL HELD  
IN THE PASSADENA ROOM, PENRITH  
ON MONDAY 8 OCTOBER 2018 AT 7:00PM**

**PRESENT**

His Worship the Mayor, Councillor Ross Fowler OAM, Deputy Mayor, Councillor Greg Davies (arrived 7:03pm), and Councillors Jim Aitken OAM, Todd Carney, Brian Cartwright, Robin Cook, Marcus Cornish, Kevin Crameri OAM, Aaron Duke, Tricia Hitchen, Karen McKeown OAM (arrived 7:04pm), Kath Presdee and John Thain.

**LEAVE OF ABSENCE**

Leave of Absence was previously granted to Councillor Mark Davies for the period 5 October 2018 to 19 October 2018 inclusive.

**APOLOGIES**

PRC45 RESOLVED on the MOTION of Councillor Tricia Hitchen seconded Councillor Brian Cartwright that apologies be received for Councillor Bernard Bratusa.

**CONFIRMATION OF MINUTES - Policy Review Committee Meeting - 3 September 2018**

PRC46 RESOLVED on the MOTION of Councillor Todd Carney seconded Councillor Aaron Duke that the minutes of the Policy Review Committee Meeting of 3 September 2018 be confirmed.

**DECLARATIONS OF INTEREST**

There were no declarations of interest.

**DELIVERY PROGRAM REPORTS**

**OUTCOME 7 - WE HAVE CONFIDENCE IN OUR COUNCIL**

**7 Penrith Whitewater Annual Report 2017-2018**

PRC47 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Kath Presdee

That:

1. The information contained in the report on Penrith Whitewater Annual Report 2017-2018 be received
2. Council agree to underwrite the operation of the Penrith Whitewater Stadium Limited until the presentation to Council of the Penrith Whitewater Stadium Limited Annual Report for 2018-19.
3. Council note and support the appointment and re-appointment of the persons named in the report to the Board of Directors of Penrith Whitewater Stadium Ltd.

**OUTCOME 4 - WE HAVE SAFE, VIBRANT PLACES**

**6 St Marys Town Centre Annual Report 2017-2018 and Business Plan 2018-2019**

Councillor Jim Aitken OAM left the meeting, the time being 7:41pm.

Councillor Jim Aitken OAM returned to the meeting, the time being 7:42pm.

PRC48 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Marcus Cornish

That:

1. The information contained in the report on St Marys Town Centre Annual Report 2017-2018 and Business Plan 2018-2019 be received.
2. Council receive information on the Annual Report and Audited Financial Statement for 2017-2018 of the St Marys Town Centre Corporation.
3. Council endorse the St Marys Town Centre Corporation's Annual Business Plan 2018-2019.

Councillor Greg Davies left the meeting, the time being 7:48pm.

Councillor Tricia Hitchen left the meeting, the time being 7:48pm.

Councillor Greg Davies returned to the meeting, the time being 7:49pm.

Councillor Tricia Hitchen returned to the meeting, the time being 7:49pm.

**5 The Village Cafe - North St Marys and Kingswood Progress**

PRC49 RESOLVED on the MOTION of Councillor Robin Cook seconded Councillor Kevin Crameri OAM

That:

1. The information contained in the report on The Village Cafe - North St Marys and Kingswood Progress be received.
2. A further report be presented to Council regarding ongoing funding of the Village Café.

**OUTCOME 2 - WE PLAN FOR OUR FUTURE GROWTH**

**1 LEP Review Report**

PRC50 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Greg Davies

That:

1. The information contained in the report on LEP Review Report be received.
2. Council endorse the LEP Review Report – October 2018 at Attachment 1 to be sent to the Greater Sydney Commission and the Department of Planning and Environment for their consideration.

**2 Planning Proposal - 92,94 and 96 Victoria Street Werrington**

PRC51 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Marcus Cornish

That:

1. The information contained in the report on Planning Proposal - 92,94 and 96 Victoria Street Werrington be received
2. Council endorse the Planning Proposal for 92, 94 and 96 Victoria Street, Werrington provided in the separate enclosure to this report.
3. The General Manager be granted delegation to update and finalise the Planning Proposal referred to in resolution 2 prior to Council's submission of the Planning Proposal to the Minister for Planning and Parliamentary Counsel.
4. Council officers forward the Planning Proposal to the Minister for Planning and Parliamentary Counsel with a request to make the local environmental plan amendment.

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 OAM  
Councillor Kevin Crameri OAM  
Councillor Ross Fowler OAM  
Councillor Jim Aitken OAM  
Councillor Brian Cartwright  
Councillor Tricia Hitchen  
Councillor Marcus Cornish  
Councillor John Thain

**3 Australian Arms Hotel Planning Proposal, 351 - 359 High Street, Penrith**

PRC52 RESOLVED on the MOTION of Councillor Aaron Duke seconded Councillor Greg Davies

That:

1. The information contained in the report on Australian Arms Hotel Planning Proposal, 351 - 359 High Street, Penrith be received.
2. Council endorse the Planning Proposal to amend the Height of Buildings and Floor Space Ratio controls for 351 - 359 High Street, Penrith (enclosed separately for the information of Councillors and available on Council's website) and amended in accordance with this report.

3. The Planning Proposal be submitted to the Department of Planning and Environment (DP&E) with a request to issue a Gateway Determination. The submission will include a request to issue Council with delegation for plan making authority.
4. The General Manager be granted delegation to make any necessary changes to the Planning Proposal:
  - a. prior to Council's submission of the Planning Proposal to the Minister for Planning, such as minor changes and formatting;
  - b. as a result of any negotiated changes sought by DP&E in the lead up to the Gateway Determination;
  - c. prior to public exhibition in response to the conditions of the Gateway Determination or negotiations with public authorities and other stakeholders.
5. Consultation with the community and public agencies be undertaken in accordance with any Gateway Determination.
6. A further report be presented to Council on the submissions received from public agencies and the community.

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 OAM  
Councillor Kevin Crameri OAM  
Councillor Ross Fowler OAM  
Councillor Jim Aitken OAM  
Councillor Brian Cartwright  
Councillor Tricia Hitchen  
Councillor Marcus Cornish  
Councillor John Thain

**4 RZ18/0008 - Planning Proposal to amend Penrith Local Environmental Plan 2010 - Reclassification of four (4) sites in St Marys and Penrith from Community to Operational land.**

PRC53 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Jim Aitken OAM

That:

1. The information contained in the report on RZ18/0008 - Planning Proposal to amend Penrith Local Environmental Plan 2010 - Reclassification of four (4) sites in St Marys and Penrith from Community to Operational land be received.
2. Council endorse the attached Planning Proposal, that reclassifies four (4) sites in Penrith and St Marys and submit it to the Department of Planning



and Environment seeking a Gateway Determination.

3. The General Manager be granted delegation to update and finalise the Planning Proposal before submitting it to the Department of Planning and Environment seeking a Gateway Determination.
4. Consultation with the community and public agencies be undertaken in accordance with any Gateway Determination issued by the Department of Planning and Environment.
5. An independently chaired public hearing be held in accordance with the requirements of the Environmental Planning and Assessment Act and Regulations.
6. A planning consultant be engaged to independently chair the public hearing.
7. 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 OAM  
Councillor Kevin Crameri OAM  
Councillor Ross Fowler OAM  
Councillor Jim Aitken OAM  
Councillor Brian Cartwright  
Councillor Tricia Hitchen  
Councillor Marcus Cornish  
Councillor John Thain

## **REQUESTS FOR REPORTS AND MEMORANDUMS**

### **RR 1      Filling of Land**

Councillor Kevin Crameri OAM requested that a report be prepared on the policy and procedures relating to the regulation of illegal land filling.

There being no further business the Chairperson declared the meeting closed the time being 8:25pm.

I certify that these 5 pages are the Confirmed Minutes of the Policy Review Committee Meeting of Penrith City Council held on 8 October 2018.

\_\_\_\_\_  
Chairperson

\_\_\_\_\_  
Date

# APPENDIX 11

## Gateway Determination



Mr Warwick Winn  
General Manager  
Penrith City Council  
PO Box 60,  
PENRITH NSW 2751

Attention: Breannan Dent

Dear Mr Winn

**Planning proposal PP\_2018\_PENRI\_008\_00 to amend Penrith Council Local Environmental Plan 2010 – reclassification of four sites at Penrith and St Marys**

I am writing in response to Council's request for a Gateway determination under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* (the Act), and additional information provided by Council, in respect of the planning proposal to reclassify four Council owned sites from Community Land to Operational Land.

As delegate of the Minister for Planning, I have now determined that the planning proposal should proceed subject to the conditions in the enclosed Gateway determination.

I have also agreed, as delegate of the Secretary, the planning proposal's inconsistencies with section 9.1 Directions: 1.1 Business and Industrial Zones, 3.1 Residential Zone and 6.2 Reserving Land for Public Purposes, are justified in accordance with the terms of the Directions. No further approval is required in relation to these Directions.

Council may still need to obtain the agreement of the Secretary to comply with the requirements of section 9.1 Direction: 4.4 Planning for Bushfire Protection. If necessary, Council is to ensure this occurs prior to public exhibition.

The amending local environmental plan (LEP) is to be finalised within 9 months of the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request for the Department of Planning and Environment to draft and finalise the LEP should be made eight weeks prior to the projected publication date.

The state government is committed to reducing the time taken to complete LEPs by tailoring the steps in the process to the complexity of the proposal, and by providing clear and publicly available justification for each plan at an early stage. In order to meet these commitments, the Minister may take action under section 3.32(2)(d) of the Act if the time frames outlined in this determination are not met.

Should you have any further enquiries about this matter, I have arranged for Mr Amar Saini to assist you. Mr Saini can be contacted on 9373 2880.

Yours sincerely



**Ann-Maree Carruthers**  
**Director, Sydney Region West**  
**Planning Services**

23/1/19

Encl: Gateway determination

## Gateway Determination

**Planning proposal (Department Ref: PP\_2018\_PENRI\_008\_00):** to reclassify four Council owned sites in St Marys and Penrith from Community Land to Operational Land.

I, the Director, Sydney Region West at the Department of Planning and Environment, as delegate of the Minister for Planning, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Penrith Local Environmental Plan (LEP) 2010 to reclassify four sites in St Marys and Penrith from Community Land to Operational Land should proceed subject to the following conditions:

1. Prior to public exhibition, Council is to:
  - (a) amend Part 4 – Mapping, by:
    - including existing zone map extracts for the subject sites and identifying the location of these sites by lot boundary outline;
    - providing a key to each zoning extract so that these maps can be readily understood by the public;
    - where applicable, including flood diagrams for the affected sites; and
    - include a bush fire prone map indicating its relationship to site 3.
  - (b) amend Figures 6 and 7 to illustrate the location of the subject land by lot boundary outline;
  - (c) on page 20 of the proposal, replace '4.00' with '4:1'; and,
  - (d) under Q 9. *Has the Planning Proposal addressed any social and economic effects* (p. 25 of the proposal), include a description of the alternative open space sites, including ownership, property description and dimensions, zone, and current use, i.e. formal or informal usage, as well as, location diagrams to illustrate the location of these sites in relation to the subject land;
  - (e) provide further details on how funds from the divestment or development of the sites would be used to fund proposed open space or improvements to existing open space; and
  - (f) consult with the Commissioner of the NSW Rural Fire Service and, if necessary, address any issues raised by the Service.

Note: The NSW Rural Fire Service is to be provided with a copy of the planning proposal and any relevant supporting material and given at least 21 days to comment on the proposal.

2. No other consultation is required with public authorities/organisations under section 3.34(2)(d) of the Act.

3. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:
  - (a) the planning proposal is classified as low impact as described in *A guide to preparing local environmental plans* (Department of Planning and Environment 2016) and must be made publicly available for a minimum of **28 days**; and
  - (b) the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment 2016).
4. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
5. The time frame for completing the LEP is to be 9 months following the date of the Gateway determination.

Dated                      23 day of January 2019.



**Ann-Maree Carruthers**  
**Director, Sydney Region West**  
**Planning Services**  
**Department of Planning and**  
**Environment**

**Delegate of the Minister for Planning**