PENRITH

Planning Proposal

Reclassify Council-Owned Land (Community Land to Operational Land)

11-13 Chesham Street, St Marys

August 2018

PENRITH CITY COUNCIL

Penrith City Council, 601 High Street, Penrith NSW 2751 Phone: 02 4732 7777, Fax: 02 47327958
E-mail: council@penrith.city, Address: P.O. Box 60, Penrith NSW 2751

Contents

Introduction 2
Purpose of Planning Proposal 2
Background 3
Historical Site Use 4
Gateway Process 4
Part 1 – Objectives or Intended Outcomes 6
Part 2 – Explanation of Provisions 6
Part 3 – Justification 7
Section A – Need for the Planning Proposal 7
Section B – Relationship to Strategic Planning Framework 8
Section C – Environmental, Social and Economic Impacts 15
Section D – State and Commonwealth Interests 16
Part 4 – Mapping 18
Part 5 – Community Consultation 18
Part 6 – Project Timeline 19
Appendices 20

Appendices

1	Certificate of Title for Lot 1 Lot 2 and Lot 3 in DP542707
2	Deposited Plan 36191
3	Crown Grant Volume 11048 Folio 49
4	Deposited Plan 542707
5	Ordinary Council Meeting Report and Minutes - 6 June 1994
6	Government Gazette Notice 26 January 1962 Folio 183
7	Requirements of LEP Practice Note PN 16-001
8	Summary of Council's interest in the land – Lot 1 DP 542707
9	Summary of Council's interest in the land – Lot 2 DP 542707
10	Summary of Council's interest in the land – Lot 3 DP 542707
11	Policy Review Committee Meeting and Confirmed Minutes – 4 June 2018
12	Consistency of Proposal with relevant State Environmental Planning Policies (SEPPs)
13	Consistency of Proposal with Section 9.1 Directions
14	Transport Impact Assessment
15	Penrith Local Environmental Plan (LEP) 2010 Maps
16	Gateway Determination and cover letter (dated 17 July 2018)

Introduction

Purpose of Planning Proposal

SJB Planning has been engaged by Penrith City Council's Property Development Department (PDD) to prepare this Planning Proposal.

The Planning Proposal seeks to amend the Penrith Local Environmental Plan (LEP) 2010 to reclassify Council-owned land at 11-13 Chesham Street, St Marys ('the site'), from Community Land to Operational land.

The site comprises Lots 1, 2, and 3 in DP 542707. The land is currently vacant, and is situated less than 400m from St Marys Railway Station and town centre.

The site is a narrow, rectangular shape, with an area of approximately 3,920m², bounded by the rail corridor to the north, Glossop Street to the east, Chesham Street to the south, and Lethbridge Street to the west, as indicated in Figure 1 below.

Figure 1 – Aerial photograph of the site and surrounds (Source: SIX Maps)

The land is not a 'public reserve' as defined under the *Local Government Act 1993* and as such, there are no restrictions on the title in relation to this. A copy of the Certificate of Title for Lots 1, 2 and 3 at **Appendix 1**.

The land is zoned R4 High Density Residential under LEP 2010, and has been identified as surplus to Council and the community's needs. The reclassification does not include a proposal to develop or sell the land. This would need to be pursued as a separate process, with opportunity for community input on any Council decision in this regard.

The proposed reclassification will, however, enable Council to consider opportunities for the future use of the land, and this may include options for the development or sale of the site.

Therefore, the proposed reclassification will provide the opportunity to unlock the existing development potential, to stimulate growth and development within the local government area (LGA), in an appropriate location close to St Marys Railway Station and town centre.

Background

Council's PDD has undertaken investigations into Council's community land assets to identify potential opportunities for growth in the Investment Portfolio and Property Reserve. A number of sites were identified as part of this project, as an initiative to develop or dispose of underutilised community land holdings.

The subject site of this Planning Proposal comprises Lots 1, 2, and 3 in DP 542707 (see Figure 2).

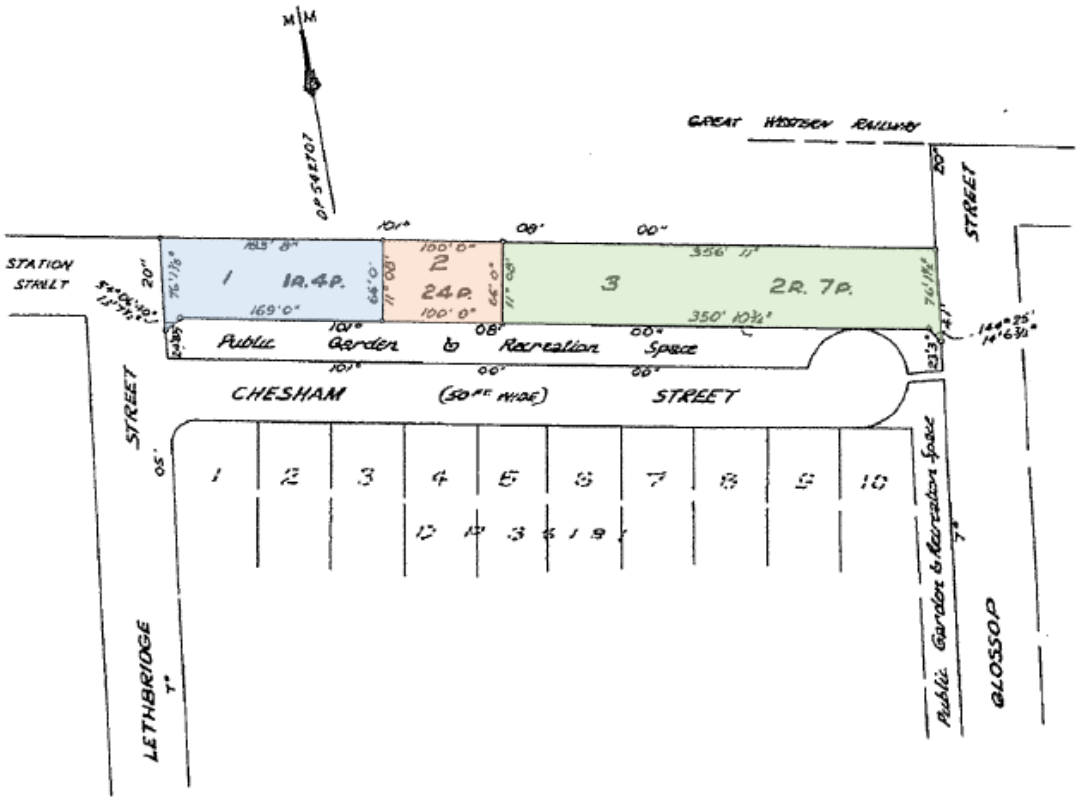


Figure 2 – Site showing Lots 1 (blue), 2 (orange) and 3 (green) in DP542707

Historically, the land to which this Planning Proposal relates comprises a former road known as Station Street. Station Street was closed under the provisions of the *Public Roads Act 1902-1968*. Refer to Deposited Plan 36191, dated 12 July 1946 at **Appendix 2**.

On 9 May 1969 under Section 20 of the *Public Roads Act 1902-1968*, the land known as Deposited Plan 36191 was vested in the Council of the City of Penrith. Refer to Crown Grant Volume 11048 Folio 49 at **Appendix 3**. The land was later subdivided into its current subdivision pattern, this being Lots 1, 2 and 3 in DP542707 (see **Appendix 4**). Title volume 11393 folios 198-200 were issued to the Council of the City of Penrith on 21 August 1970 (see **Appendix 1**). At its meeting of 6 June 1994, Council resolved to classify Lots 1, 2 and 3 in DP 542707as Community Land. Refer to Council report and minutes at **Appendix 5**.

Adjoining Lots 1 to 3 is a strip of public reserve for garden and recreation space, known as Lot 21 in DP36191. Refer to **Appendix 2**. Lot 21 DP36191 was dedicated as Public Highway by notification in Government Gazette dated 26th January 1962 folio 183 – pursuant to Section 81 of the Public Works Act of 1912. Refer to **Appendix 6**.

Being Council owned road, Lot 21 does not form part of the Planning Proposal for reclassification. Council's PDD intends to undertake a road closure process under the provision of the *Roads Act 1993*. This process is independent to the Planning Proposal and will require

additional public consultation. On closure of road, a Council resolution will be required to classify the lot as Operational Land under the *Local Government Act 1993*.

Historical Site Use

A Girl Guides Hall was constructed on Lot 2 DP 542707 by Guides Australia in the early 1970s as part of a 21-year licence agreement from 1970-1991. Girl Guides Australia entered into another 21-year licence in 1991 but relinquished this agreement in 2007 due to poor membership numbers. Girl Guides vacated the premises in early 2008. On termination of the license, the building was in a state of disrepair and in 2011 Council organised for the demolition of the hall. As such, the site has not been used for community purposes for close to 10 years.

The site has since been identified as surplus to Council's needs, and therefore it is appropriate to consider potential future options in line with the current zoning.

The proposal to reclassify the land aligns with Council's strategic direction to utilise Council's property portfolio to stimulate growth and development opportunities in Penrith City. As well as economic benefits of the project, community benefits may include:

Provision of high quality, diverse housing;

- Provision of public open space improvements and public domain improvements;
- Local employment opportunities and provision of services.

Gateway Process

The preparation of a Planning Proposal is the first step in the NSW Planning and Environment's Gateway Process, the process for making or amending local environmental plans. It has a number of steps, set out in Table 1, that require this document to be revised as it progresses through the Gateway Process. The Planning Proposal is currently at the community consultation stage of the Gateway process.

No.	Step	Explanation
1	Planning Proposal	Council prepares a document explaining the effect of and justification for making or amending a local environmental plan.
2	Gateway Determination	The Greater Sydney Commission, acting as a checkpoint, determines whether a Planning Proposal should proceed.
3	Community Consultation	The Planning Proposal is publicly exhibited.
4	Assessment	Council considers any submissions it receives in response to the public exhibition, changing the Planning Proposal as necessary.
5	Drafting	Parliamentary Counsels Office prepares a draft of the local environmental plan.
6	Decision	The Minister (or delegated plan making authority) approves the local environmental plan, making it law.

Table 1: Gateway Process

All planning proposals reclassifying public land must address matters outlined in NSW Planning and Environment's LEP Practice Note 16-001 *Classification and reclassification of public land through a local environmental plan.* **Appendix 7, 8, 9, 10** provides responses to these matters.

At its Policy Review Committee Meeting of 4 June 2018, Penrith City Council resolved to commence a Gateway process for the consideration of this Planning Proposal relating to 11-13 Chesham Street, St Marys, in accordance with the requirements of the Environmental Planning and Assessment Act 1979. A copy of the Council Report and confirmed minutes relating to this resolution can be found in **Appendix 11.**

Part 1 – Objectives or Intended Outcomes

The objective of this Planning Proposal is to amend LEP 2010 to reclassify the site from Community Land to Operational Land, as the property has been identified as underutilised community land that is surplus to Council and the community's needs.

This will enable Council to consider opportunities for the future use of the land.

Part 2 – Explanation of Provisions

The objectives and intended outcomes of the Planning Proposal will be achieved by amending Schedule 4 of LEP 2010, Classification and Reclassification of Public Land, in the following manner:

- To insert the locality and property description under Columns 1 and 2 of Part 1 (Land Classified, or reclassified, as operational land - no interests changed) as shown in Table 2 below:

Insert into Column 1 - Locality	Insert into Column 2 - Description
Chesham Street, St Marys	Lots 1, 2, and 3 of DP 542707

Table 2 - Proposed amendments to Schedule 4 of LEP 2010

The proposal does not involve any change to the existing zone and/or development standards that apply to the subject site. There are no interests in the land that Council is seeking to discharge. The Planning Proposal does not recommend any changes to the maps in LEP 2010.

Part 3 – Justification

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

Section A – Need for the Planning Proposal

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

Yes. The Glossop Street Precinct Urban Design Study was prepared by consultants in 2008. The study aimed to provide a strategic framework for the redevelopment of the Glossop Street Precinct, St Marys with the aim of delivering greater housing choice and diversity. At the time of this study, the Chesham Street site was zoned 6(a) Public Recreation and Community Uses under Penrith Local Environmental Plan 1998 (Urban Land).

The study identified Chesham Street as a key site for redevelopment due to its proximity to St Marys station. The opportunity to provide public domain upgrades and pedestrian amenity by providing benches, street lights and street planting on this site was also recommended.

The Glossop Street Precinct Urban Design Study informed the Penrith Urban Strategy (developed by Hassell 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 Chesham Street site) be zoned for High Density Residential development.

The Strategy set a short-term action to develop planning controls that increase densities within nominated centres such as St Marys. Consequently, the Chesham Street site was identified as an appropriate location for high density development and zoned R4 High Density Residential under Penrith Local Environmental Plan 2010.

The intended use of the subject site was enacted in the Penrith Local Environmental Plan 2010 where the site was rezoned from 6 (a) Public Recreation and Community Uses to R4 High Density Residential.

The Planning Proposal to reclassify land at 11-13 Chesham Street, St Marys is a statutory process required to unlock the potential of the intended R4 zoning, as per the recommendations of the above strategic documents.

Further to the Glossop Street Precinct Urban Design Study and Penrith Urban Strategy, Penrith City Council's PDD have undertaken investigations into Council's community land assets to identify potential opportunities for growth in Council's Investment Portfolio and Property Reserve. Accordingly, the site has been identified as being suitable for consideration of future options in line with the current zoning.

The land is located less than 400m from St Marys Railway Station, bus interchange and town centre. It is located in a residential area that is transitioning from existing, older style, low density housing stock, to higher density townhouses and apartments.

The site is vacant, and has a consolidated area of 3920m^2. It contains a number of large trees along the rear boundary (adjoining the rail corridor), and in the centre of the site.

The land is not required for public recreation due to the proximity of other public recreation spaces within the locality.

The Planning Proposal does not involve the extinguishment of any interests in the land. There are no easements, covenants and/or restrictions affecting the land.

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

The site is currently classified as Community land, meaning that Council is not able to develop, sell, exchange, or dispose of community land under the provisions of the *Local Government Act 1993*. The reclassification sought as part of this proposal is the only means available to achieve the objectives and intended outcome of this Planning Proposal, and enable Council to consider opportunities for the future use of the land that reflect the current R4 High Density Residential zoning. It will allow for the 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)?

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

A Plan for Growing Sydney

In December 2014, the NSW Government released A Plan for Growing Sydney. The Plan provides a framework to guide land use planning over the next 20 years. It also contains key directions and actions to guide Sydney's productivity, liveability, and environmental management, which includes the delivery of housing, employment, infrastructure, and open space.

The Plan is built around four (4) key goals:

1. A competitive economy with world class services and transport;
2. A city of housing choice with homes that meet our needs and lifestyle;
3. A great place to live with communities that are strong, healthy, and well connected; and
4. A sustainable and resilient city that protects the natural environment, and has a balanced approach to the use of land and resources.

The Planning Proposal would allow for the reclassification of the site, and enable Council to consider future land use options that reflect the current R4 High Density Residential zoning of the land, including the highest and best use.

In this regard, Goal 2 is relevant to the Planning Proposal, as future potential development outcomes are likely to include residential development options that will provide housing choice to meet the needs of the community.

The Plan's focus is on providing more housing, with a greater choice of dwelling types in well serviced locations. Relevant directions include:

- Direction 2.1: Accelerate housing supply across Sydney; and
- Direction 2.2: Accelerate urban renewal across Sydney - providing homes closer to jobs.

The Planning Proposal aligns with the aforementioned directions, and would support the provision of additional housing supply in an area that is well serviced by public transport.

Greater Sydney Region Plan – A Metropolis of Three Cities
In March 2018, the Greater Sydney Commission published the *Greater Sydney Region Plan – A Metropolis of Three Cities.* The Plan sets a 40-year vision (to 2056) and establishes a 20-year plan to manage growth and change for Greater Sydney in the context of social, economic and environmental matters, and, guides the delivery of infrastructure. The Plan is built on a vision of three cities where most residents live within 30 minutes of their jobs, education and health facilities, services and great places.
The Planning Proposal is consistent with the Greater Sydney Region Plan. Relevant directions have been considered below.

- A city for people

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

Consistent. The site is currently vacant, *R4 High Density Residential* zoned land, close to the St Marys town centre and within walking distance to public transport. The Planning Proposal will allow the potential of this underutilised site in close proximity to services and infrastructure to be explored by Council. Reclassification will allow Council to consider opportunities for the future use of the land that may include redevelopment. A high density residential development on the site will prioritise opportunities for more people to live close to and use public transport.

- Housing the city

The Plan advocates for ongoing housing supply and a range of housing types in the right locations to create more liveable neighbourhoods and support Greater Sydney's growing population. The Plan advocates for housing that is diverse and affordable. Communities require housing that meets changing demographic needs over time. Limited availability of smaller dwellings to meet the growing proportion of smaller households presents affordability challenges.

Consistent. The Planning Proposal will allow the site to be reclassified to Operational Land and allow Council to consider opportunities that may include redevelopment. Redevelopment of the site will contribute to housing supply and local housing choices within an established locality, in close proximity to public transport and local centres. The Planning Proposal will allow the delivery of high density residential dwellings in a desirable location.

The Plan seeks to increase housing supply, along with the percentage of dwellings located within 30 minutes by public transport of a metropolitan city centre/cluster, and/or a strategic centre. The plan identifies St Marys as a strategic centre, and the Planning Proposal supports the delivery of additional housing supply in a walkable, mixed use area.

Investigation into a new Greater Penrith to St Marys Priority Growth Area is nominated within the Plan. The corridor is a hub of economic activity that links the Penrith City Centre, and the Penrith Health and Education Precinct, to the development opportunities around St Marys.

A Greater Penrith to St Marys corridor growth area would provide for an integration of land use and transport planning to plan for a connected, vibrant Western Parkland City, with more homes, jobs, and services, all with open space opportunities. It will guide redevelopment opportunities, and identify the infrastructure required to support continued growth.

Western City District Plan
In March 2018, the Greater Sydney Commission published the *Western City District Plan* (WCDP). It is a 20-year plan to manage growth in the context of economic, social and environmental matters to achieve the 40-year vision for Greater Sydney. The WCDP informs the assessment of Planning Proposals and provides the link between regional and local planning.

The Planning Proposal is consistent with the Western City District Plan.
A brief description of the relevant actions and the reasons why the proposal is consistent with these actions is provided below.

- A city for people

Planning Priority W4 Fostering healthy, creative, culturally rich and socially connected communities.
Action 11. Deliver healthy, safe and inclusive places for people of all ages and abilities that support active, resilient and socially connected communities by prioritising opportunities for people to walk, cycle and use public transport.

Consistent. The Planning Proposal seeks to reclassify the land that will allow development options to be considered. The site is zoned R4 High Density Residential. Development of this type will result in high density residential development in close proximity to existing rail infrastructure, creating opportunities for people to use public transport.

- Housing the city

Planning Priority W5 Providing housing supply, choice and affordability, with access to jobs, services and public transport
Action 17. Prepare local or district housing strategies that address the following:
a. the delivery of five-year housing supply targets for each local government area
b. the delivery of 6-10 year (when agreed) housing supply targets for each local government area
c. capacity to contribute to the longer term 20-year strategic housing target for the District
d. the housing strategy requirements outlined in Objective 10 of the 'A Metropolis of Three cities' that include:

i. creating capacity for more housing in the right locations
ii. supporting planning and delivery of growth areas and planned precincts as relevant to each local government area
iii. supporting investigation of opportunities for alignment with investment in regional and district infrastructure
iv. supporting the role of centres.

Action 18. Prepare Affordable Rental Housing Target Schemes following development of implementation arrangements.

Consistent. The Planning Proposal seeks to reclassify the land to Operational. An Operational land classification will allow Council to consider opportunities to sell or develop the land. Development of the land will allow the potential of the site to be realised including the opportunity to increase residential densities directly next to a railway station and local centre. The reclassification would enable increased residential supply and the delivery of additional housing choice and diversity.

The proposed reclassification aligns with this objective, and will enable Council to consider the future redevelopment of the site which would support the provision of additional housing supply and choice, close to jobs and services. There are five (5) housing market demand areas in the Western City District, with St Marys identified in the North West.

Urban renewal is best investigated in key nodes along transit corridors. The commission proposes locational criteria for urban renewal investigation opportunities and proposes to declare the Greater Penrith to St Marys corridor as a growth area.

- A city of great places

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

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

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

supermarkets greater than 1,000m2 is depicted in Figures 13 of the District Plan. St Marys is identified as a local centre with an 800m walking catchment.

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

Yes, the Planning Proposal is consistent with the following Council strategic planning framework.

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

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

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

A relevant outcome identified within the plan is Outcome 2 - Planning for future growth. Strategy 2.1 seeks to facilitate development in the City that considers the current and future needs of the community.

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

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

Notably, the proposal will assist in achieving the delivery of Council's policy response for housing which seeks to plan for housing that meets the community needs with regards to supply, choice, design quality, sustainability and affordability. This policy response aligns with the current R4 High Density zone applying to the site.

Council's strategic planning framework, including the Community Plan, Delivery Program and Operational Plan, outlines how revenue is raised and how funds are used. Table 3 below outlines this strategic framework and details the relevant components of these documents that demonstrates how Council will achieve this.

Outcome	We have confidence in our council	Community Plan 2017 - Outcome 7
Strategy	Manage our money and our assets to be sustainable now and into the future	Community Plan 2017 - Strategy 7.2
Service Activity	Manage Council's property portfolio to reduce reliance on rate income	Delivery Program Activity 7.2.4

Table 3 - Council strategic framework for revenue raising and use of funds

In 2015, Penrith City Council was one of seven (7) 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.

In order to meet the criteria, set by IPART in 5 years, Council has committed to a number of strategies to deliver ongoing productivity improvements. One of these strategies is to grow our own source revenue through growth of the property portfolio and property reserve holdings.

Should the site be divested or developed in future, all proceedings will be retained in the property reserve. Growth in the property reserve is an initiative to be less dependent on rate income, building financial strength that is not a burden on the community.

Council's long term financial plan is to pay an annual dividend out of the property reserve into general revenue to be used on operational activities and key community projects. Council's long term financial plan indicates payment of a $1.8M dividend from the property reserve into general revenue by FY21/22.

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

Penrith Local Environment Plan (LEP) 2010

The site is currently zoned R4 High Density Residential under LEP 2010, as shown in Figure 3. Residential flat buildings are permitted in the zone.

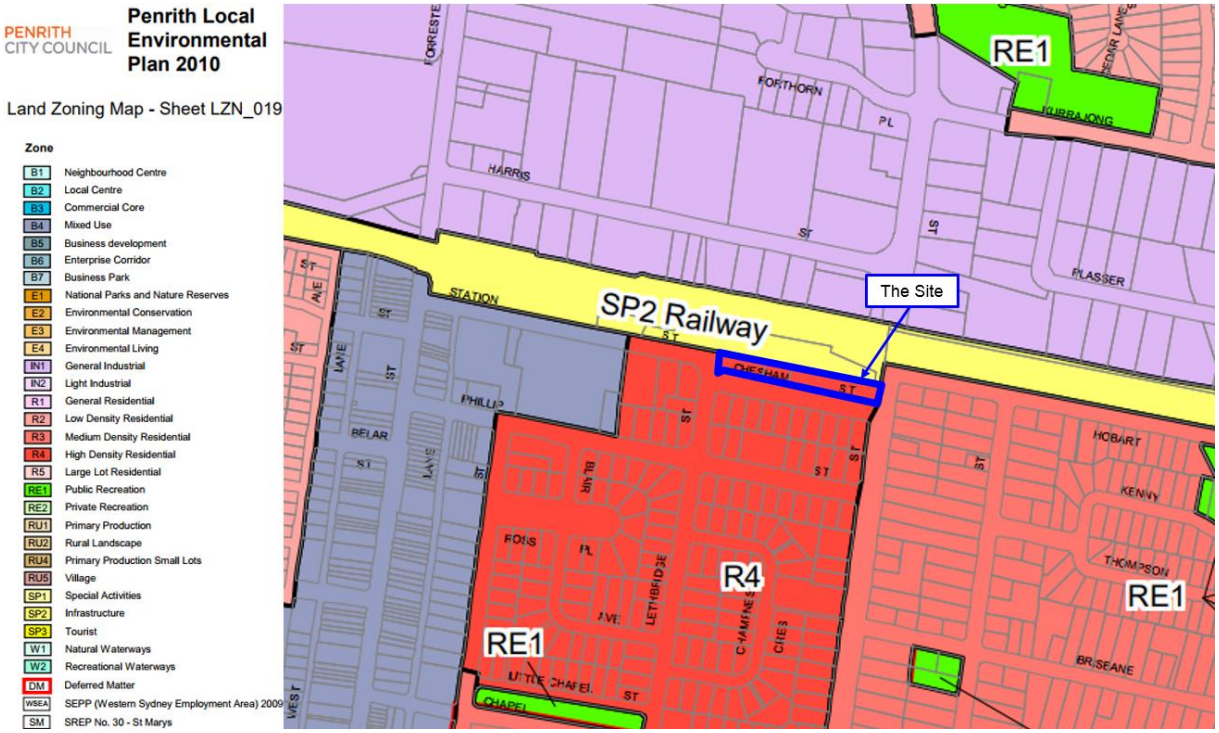


Figure 3 – Extract from PLEP 2010 Land Zoning Map

The site has a maximum building height requirement of 15m, as shown in Figure 4 below.

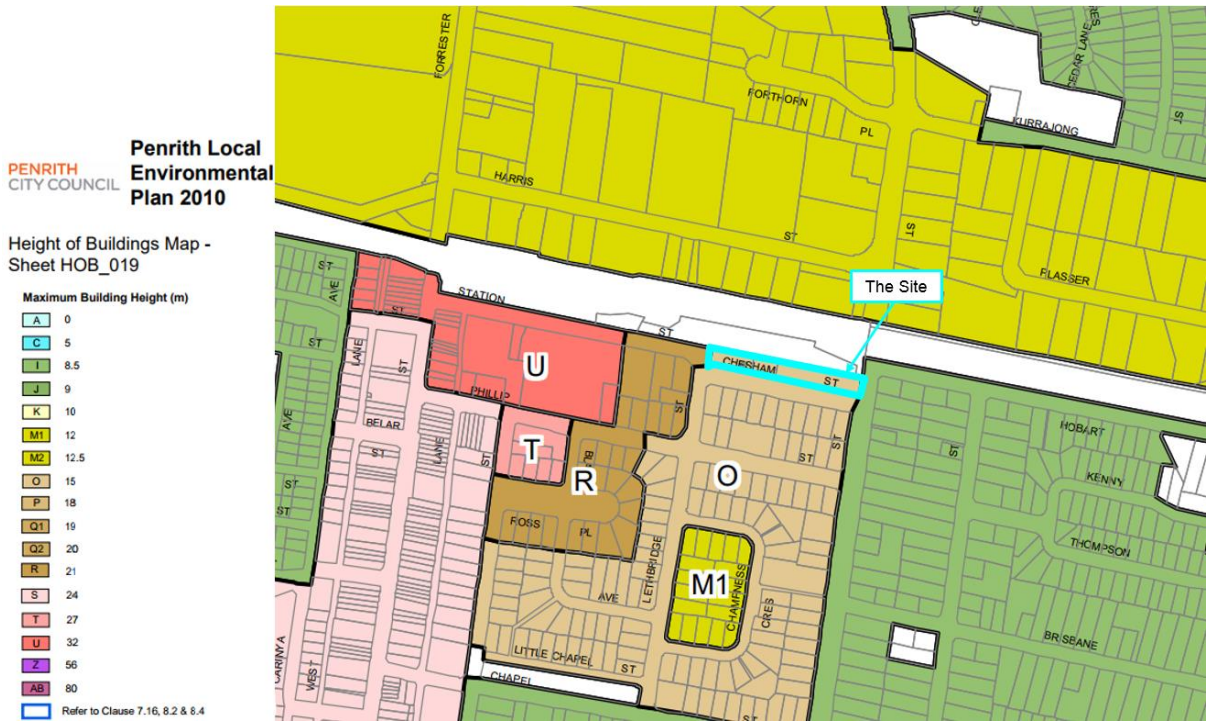


Figure 4 – Extract from PLEP 2010 Height of Buildings Map

There is no minimum lot size requirement applicable to the site. Furthermore, there is no maximum Floor Space Ratio (FSR) requirement that applies to the land.

The site is located in proximity to St Marys Railway Station, which is listed as a heritage item in both Schedule 5 of LEP 2010, and also on the State Heritage Register.

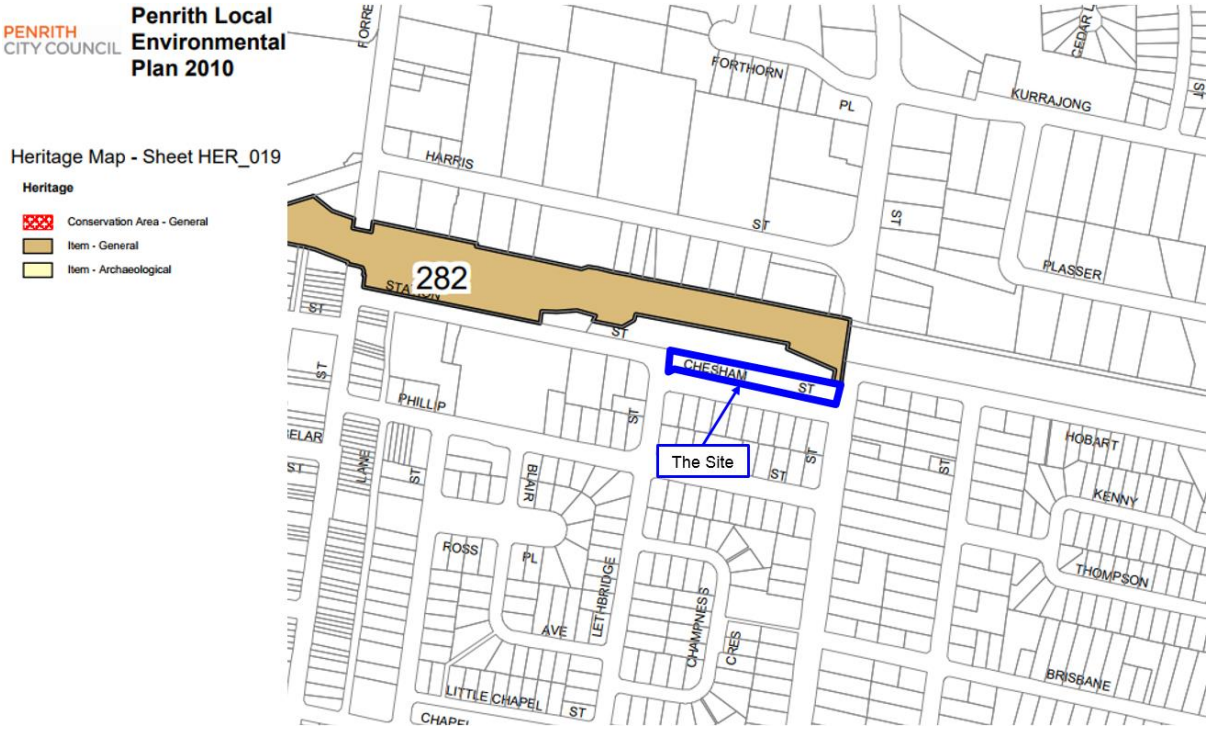


Figure 5 – Extract from LEP 2010 Heritage Map

The site adjoins land with Scenic and Landscape Values, as shown in Figure 6 below.

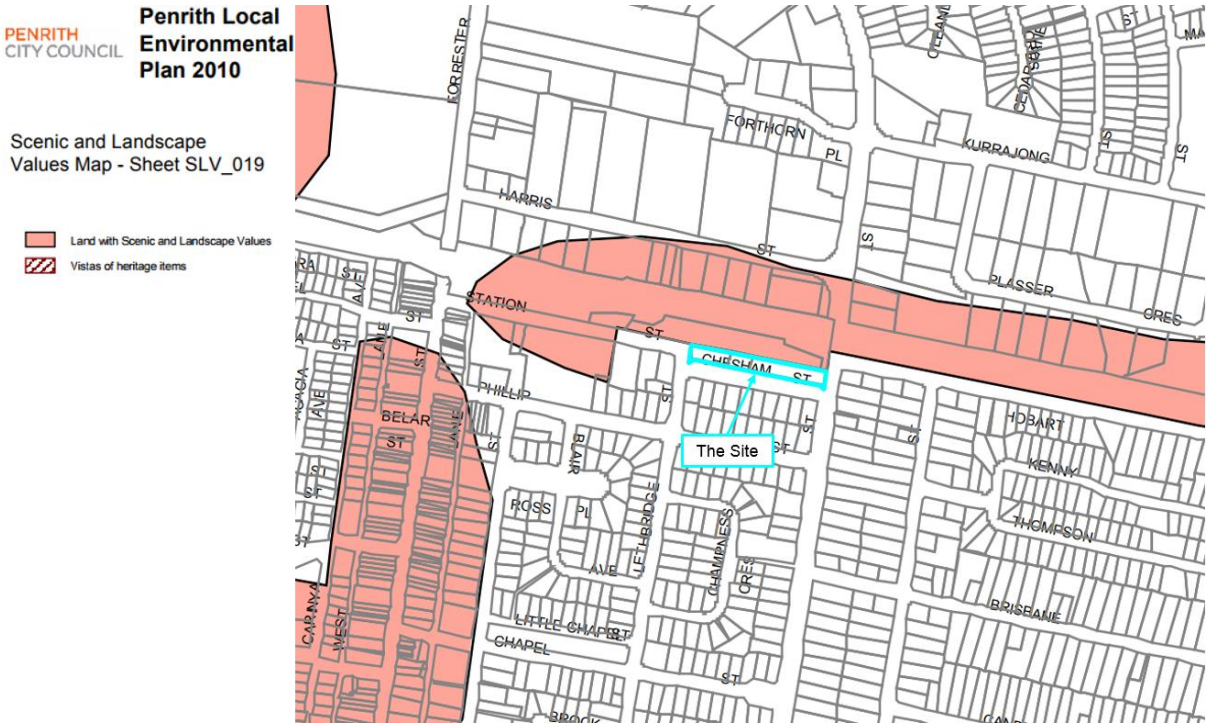


Figure 6 – Extract from LEP 2010 Scenic and Landscape Values Map

The Planning Proposal does not seek to vary any of the existing controls outlined above.

Penrith Development Control Plan (PDCP) 2014

PDCP 2014 applies to the area proposed to be amended by this Planning Proposal. Some of the changes proposed are intended to provide consistency between the PDCP 2014 and LEP 2010 planning controls.

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

The Planning Proposal is consistent with the relevant State Environmental Planning Policies (SEPPs), as demonstrated in the table provided at **Appendix 12**.

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

The Planning Proposal is consistent with the applicable Ministerial Directions (issued under Section 9.1 of the *Environmental Planning and Assessment (EP&A) Act 1979*), as demonstrated in the table provided at **Appendix 13**.

Section C – Environmental, Social and Economic Impacts

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

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

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

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. It will, however, enable development of the land in accordance the current R4 High Density Residential zoning. Any environmental impacts likely to arise as a result of any future development proposal will be assessed as part of the Development Application (DA) process.

This Planning Proposal does not seek to amend any of the provisions in LEP 2010 that require new development to identify and manage its environmental impacts, such as the preservation of trees and vegetation, as well as the management of stormwater. These provisions will continue to apply to the subject land.

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

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

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

The reclassification has the potential to have positive social and economic benefits for the community, in that it enables Council to consider the potential future development of land for uses consistent with the R4 High Density Residential zoning under LEP 2010 (i.e. opportunity for additional housing supply to meet the needs of the community close to services and transport).

Development enabled by this Planning Proposal may assist in the delivery of residential accommodation (likely the highest and best use), contributing to the provision of diverse housing stock to cater to a range of demographic needs. The proposal has the potential to provide new housing, closer to jobs and transport, improving the prospect of reducing commute times, with consequent social benefits.

The Planning Proposal provides an opportunity for Council to consider the redevelopment of an underutilised site, integrating permissible land uses to improve economic and social vitality of the area, and strengthen the economic performance of the St Marys town centre. The Planning Proposal will unlock the development potential of the site, and enable Council to consider the provision of not only high quality housing stock, but open space and public domain improvements. In doing so, the Planning Proposal presents opportunities for local employment and provision of services. As such, the Planning Proposal, and resultant development opportunity created, aligns with Council's strategic direction to utilise Council's property portfolio to stimulate growth and development opportunities within the Penrith LGA.

Section D – State and Commonwealth Interests

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

The proposed reclassification allows Council to consider the redevelopment of the site, which may result in a minor increase in demand for services in an existing urban area.

Council has commissioned GTA consultants to undertake a preliminary traffic and parking assessment based on a concept R4 development outcome. Refer to **Appendix 14** Traffic Impact Assessment.

The report indicates there is adequate capacity in the surrounding road network to cater for the traffic generated by a R4 development proposal, including the intersection of Glossop Street/Phillip Street, which provides the main connection to the surrounding arterial network. The report highlights the site is well serviced by public transport networks including rail and several bus routes. Pedestrian and cyclist infrastructure provide a good level of connectivity to the surrounding area.

It is recommended to provide site access from the south of the site via Chesham Street. This is likely to result in the loss of some existing on-street parking spaces on the northern side of Chesham Street to accommodate the driveway. Chesham Street is a low traffic volume, local street with a cul-de-sac at its eastern end and a carriageway width of approximately 7.5 metres. If emergency and waste vehicles are unable to turn right out of any future development due to vehicles being parked on the southern kerbside of Chesham Street and the existing narrow carriageway, the cul-de-sac may potentially be used by the larger vehicles to perform a U-turn movement to access Lethbridge Street. Access, including required vehicle turning paths will be addressed at detailed design stage to minimise the impact on existing on street parking and to meet the requirements of Council Planning Controls. Pedestrian activity around the proposed access will also be addressed. Council may consider road upgrades if required, at detailed design stage.

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

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

Consultation with State and Commonwealth agencies will be undertaken in accordance with Part 5 of this Planning Proposal.

Part 4 – Mapping

This Planning Proposal does not recommend any changes to the maps in LEP 2010. Copies of the current LEP 2010 maps are provided at **Appendix 15**. Alternatively, the maps can be viewed online on the NSW Legislation website: www.legislation.nsw.gov.au.

Part 5 – Community Consultation

It is recommended that this Planning Proposal be publicly exhibited for a minimum of 28 days in accordance with the Gateway Determination (Appendix 16) and the Department of Planning and Environment's (DP&E's) A Guide to Preparing Local Environmental Plans, and Practice Note PN16-001.

Exhibition material will be available at Penrith Council Civic Centre, Penrith Library, Council's St Marys Office, St Marys Library, and on Council's community engagement website, yoursaypenrith.com.au

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

The Gateway Determination does not require consultation with public authorities/organisations.

An independently chaired public hearing will be held (as required under the *Local Government Act 1993*) approximately three (3) 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 in response to the public exhibition.

Condition 2 of the Gateway determination states that no consultation is required with public authorities / organisation under the Act.

Part 6 – Project Timeline

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

Milestone	Timeframe
Council's sponsor of the Planning Proposal	June 2018
Submission to NSW Planning and Environment	June 2018
Gateway Determination issued	July - August 2018
Public hearing (21 days public notice), public exhibition (28 days) and public authority consultation	September – October 2018
Consideration of submissions	November 2018
Reporting of the Planning Proposal to Council	November - December 2018
Submission to NSW Planning and Environment	December 2018 - February 2019
Publication of LEP amendment	February - March 2019

Table 4 - Project timeline

The project timeline will be assessed by the DP&E and may be amended by the Gateway to provide the necessary level of confidence that the LEP will be finalised within a reasonable time.

Appendices

Appendices

Appendix 1:

Certificate of Title for Lot 1, Lot 2 and Lot 3 in DP 542707

NEW SOUTH WALES

CERTIFICATE OF TITLE

REAL PROPERTY ACT, 1900, as amended.

TORRENS TITLE
Register Book

Prior Title (Crown Grant)
Vol.11048 Fol.49

Vol. 11393 Fol. 198

Edition issued 21-8-1970

Fol. 198

11393

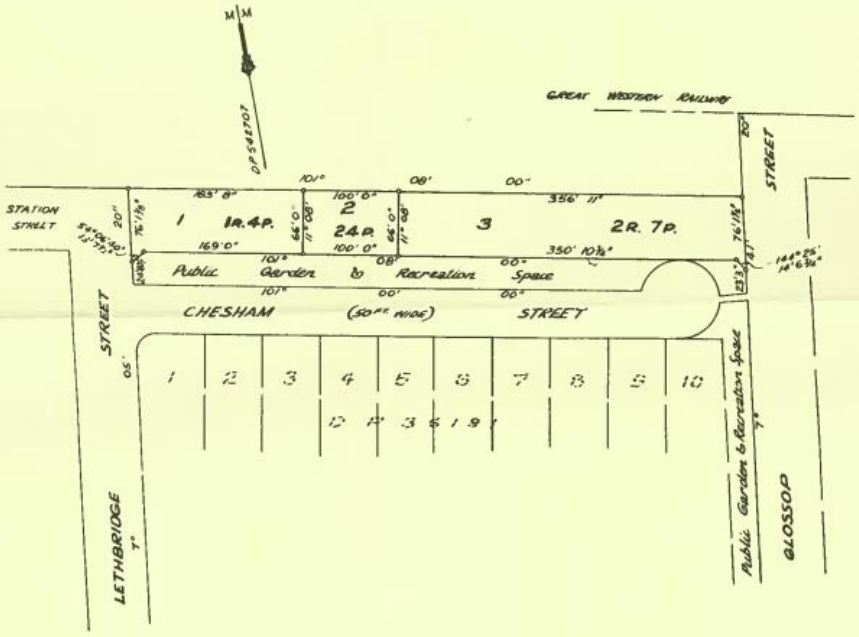
(Page 1) Vol.

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

Registrar General.

PLAN SHOWING LOCATION OF LAND



ESTATE AND LAND REFERRED TO

Estate in Fee Simple in Lot 1 in Deposited Plan 542707 at St.Marys in the City of Penrith Parish of Rooty Hill and County of Cumberland. EXCEPTING THEREOUT the minerals reserved by the Crown Grant.

FIRST SCHEDULE

THE COUNCIL OF THE CITY OF PENRITH.

SECOND SCHEDULE

1. Reservations and conditions, if any, contained in the Crown Grant above referred to.

Registrar General

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

NEW SOUTH WALES

CERTIFICATE OF TITLE

REAL PROPERTY ACT, 1900, as amended.

TORRENS TITLE
Register Book

Prior Title (Crown Grant)
Vol.11048 Fol.49

Vol. 11393 Fol. 199

Edition issued 21-8-1970

(Page 1) Vol. 11393 Fol. 199

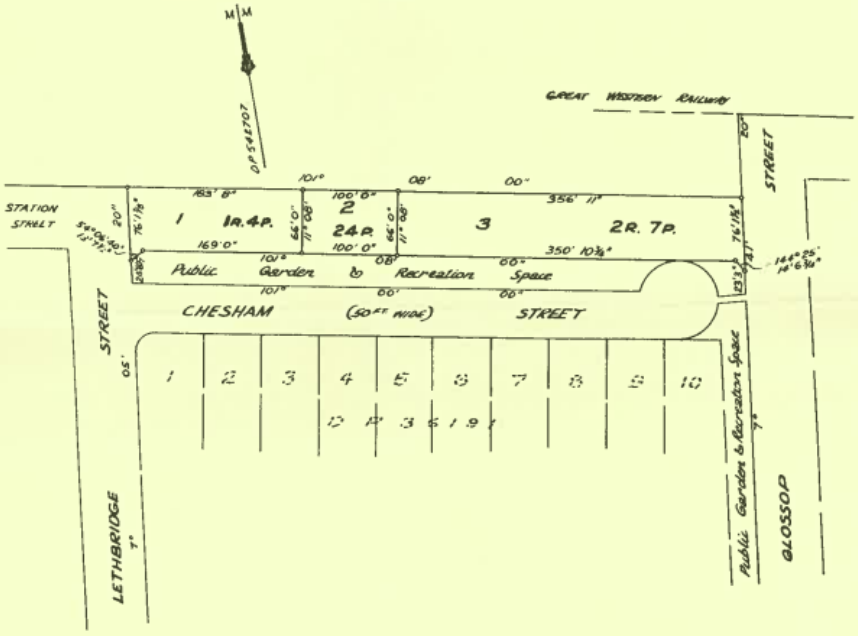
PERSONS ARE CAUTIONED AGAINST ALTERING OR ADDING TO THIS CERTIFICATE OR ANY NOTIFICATION HEREON

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 G Barnes

Registrar General.

PLAN SHOWING LOCATION OF LAND



ESTATE AND LAND REFERRED TO

Estate in Fee Simple in Lot 2 in Deposited Plan 542707 at St.Marys in the City of Penrith Parish of Rooty Hill and County of Cumberland. EXCEPTING THEREOUT the minerals reserved by the Crown Grant.

FIRST SCHEDULE

THE COUNCIL OF THE CITY OF PENRITH.

SECOND SCHEDULE

1. Reservations and conditions, if any, contained in the Crown Grant above referred to.

Registrar General

NEW SOUTH WALES

CERTIFICATE OF TITLE

REAL PROPERTY ACT, 1900, as amended.

TORRENS TITLE
Register Book

Prior Title (Crown Grant)
Vol.11048 Fol.49

Vol. 11393 Fol. 200

Edition issued 21-8-1970

Fol. 200 (Page 1) Vol. 11393

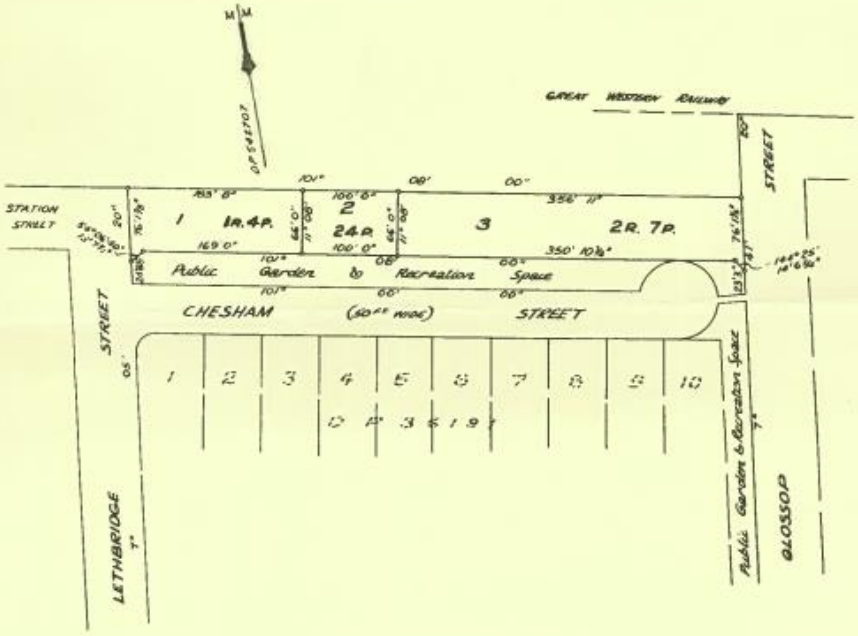
PERSONS ARE CAUTIONED AGAINST ALTERING OR ADDING TO THIS CERTIFICATE OR ANY NOTIFICATION HEREON

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

Registrar General.

PLAN SHOWING LOCATION OF LAND



ESTATE AND LAND REFERRED TO

Estate in Fee Simple in Lot 3 in Deposited Plan 542707 at St.Marys in the City of Penrith Parish of Rooty Hill and County of Cumberland. EXCEPTING THEREOUT the minerals reserved by the Crown Grant.

FIRST SCHEDULE

THE COUNCIL OF THE CITY OF PENRITH.

SECOND SCHEDULE

1. Reservations and conditions, if any, contained in the Crown Grant above referred to.

Registrar General

Appendix 2:

Deposited Plan 36191

Box:e-IDS /Doc:DP 0036191 P /Rev:20-Aug-2008 /Sts:OK.OK /Prt:21-Aug-2008 02:09 /Pgs:ALL /Seq:1 of 2
WARNING : Electronic Document Supplied by LPI NSW for Your Internal Use Only.

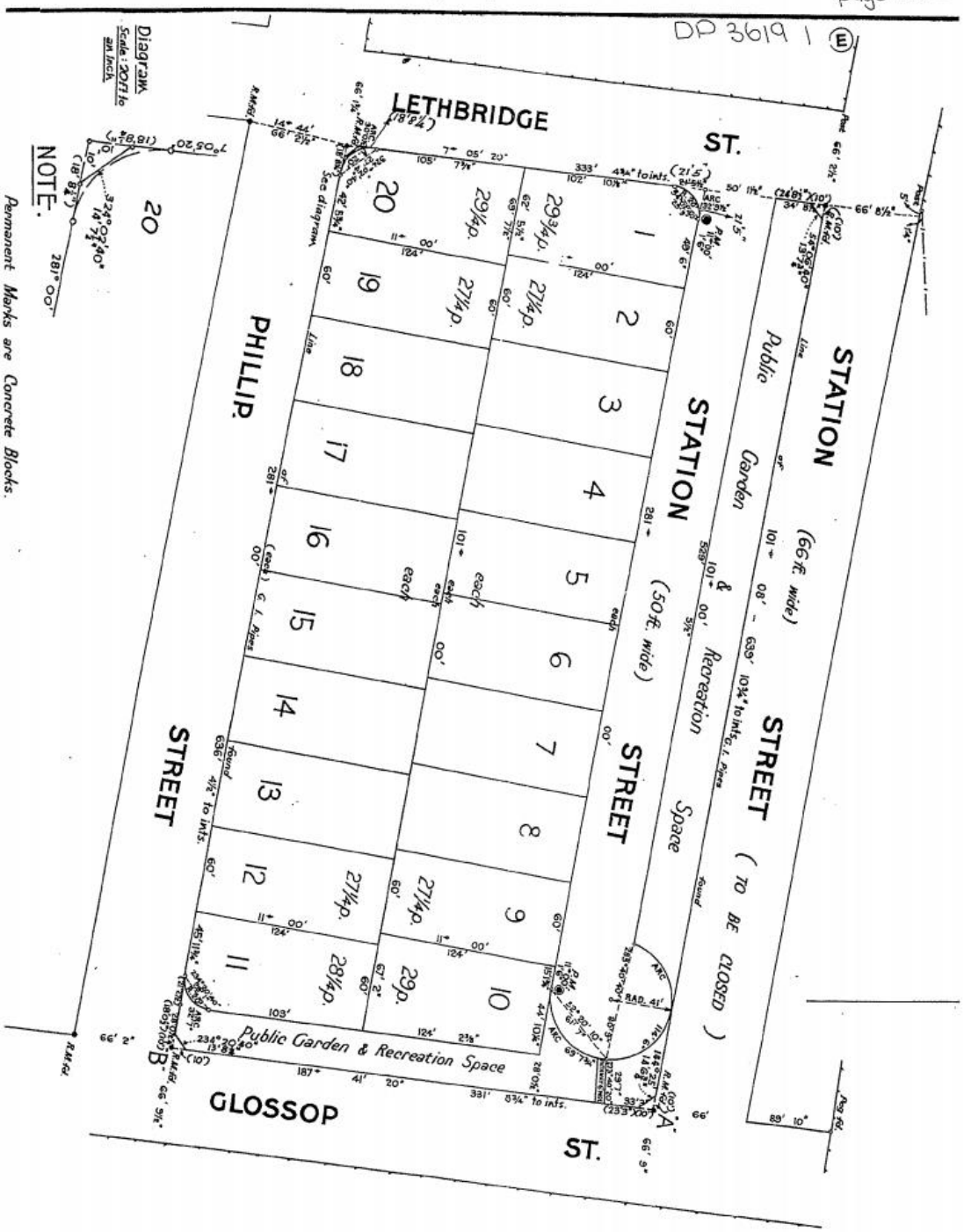
CONVERSION TABLE ADDED IN REGISTRAR GENERAL'S DEPARTMENT

DP 36191

FEET	INCHES	METRES	AC	RD	P	SQ M
1	6	0.152				
1	1	0.305				
1	4	0.406				
1	6	0.457				
1	8	0.508				
1	9	0.559				
1	10	0.610				
2		0.610				
2	1	0.635				
2	2	0.660				
2	3	0.686				
2	4	0.711				
2	5	0.737				
2	6	0.762				
2	7	0.787				
2	8	0.813				
2	9	0.838				
2	10	0.864				
3		0.914				
3	1	0.940				
3	2	0.965				
3	3	0.991				
3	4	1.016				
3	5	1.041				
3	6	1.067				
3	7	1.092				
3	8	1.118				
3	9	1.143				
3	10	1.168				
4		1.219				
4	1	1.245				
4	2	1.270				
4	3	1.295				
4	4	1.321				
4	5	1.346				
4	6	1.372				
4	7	1.397				
4	8	1.422				
4	9	1.448				
4	10	1.473				
5		1.524				
5	1	1.549				
5	2	1.575				
5	3	1.600				
5	4	1.626				
5	5	1.651				
5	6	1.676				
5	7	1.702				
5	8	1.727				
5	9	1.753				
5	10	1.778				
6		1.829				
6	1	1.854				
6	2	1.880				
6	3	1.905				
6	4	1.930				
6	5	1.956				
6	6	1.981				
6	7	2.007				
6	8	2.032				
6	9	2.057				
6	10	2.083				
7		2.134				
7	1	2.159				
7	2	2.184				
7	3	2.210				
7	4	2.235				
7	5	2.260				
7	6	2.286				
7	7	2.311				
7	8	2.337				
7	9	2.362				
7	10	2.387				
8		2.438				
8	1	2.464				
8	2	2.489				
8	3	2.514				
8	4	2.540				
8	5	2.565				
8	6	2.591				
8	7	2.616				
8	8	2.641				
8	9	2.667				
8	10	2.692				
9		2.743				
9	1	2.768				
9	2	2.794				
9	3	2.819				
9	4	2.844				
9	5	2.870				
9	6	2.895				
9	7	2.921				
9	8	2.946				
9	9	2.971				
9	10	2.997				
10		3.048				
10	1	3.073				
10	2	3.099				
10	3	3.124				
10	4	3.149				
10	5	3.175				
10	6	3.200				
10	7	3.226				
10	8	3.251				
10	9	3.276				
10	10	3.302				
11		3.353				
11	1	3.378				
11	2	3.404				
11	3	3.429				
11	4	3.454				
11	5	3.480				
11	6	3.505				
11	7	3.531				
11	8	3.556				
11	9	3.581				
11	10	3.607				
12		3.658				
12	1	3.683				
12	2	3.708				
12	3	3.734				
12	4	3.759				
12	5	3.785				
12	6	3.810				
12	7	3.835				
12	8	3.861				
12	9	3.886				
12	10	3.911				
13		3.962				
13	1	3.988				
13	2	4.013				
13	3	4.038				
13	4	4.064				
13	5	4.089				
13	6	4.115				
13	7	4.140				
13	8	4.165				
13	9	4.191				
13	10	4.216				
14		4.267				
14	1	4.292				
14	2	4.318				
14	3	4.343				
14	4	4.368				
14	5	4.394				
14	6	4.419				
14	7	4.445				
14	8	4.470				
14	9	4.495				
14	10	4.521				
15		4.572				
15	1	4.597				
15	2	4.623				
15	3	4.648				
15	4	4.673				
15	5	4.699				
15	6	4.724				
15	7	4.750				
15	8	4.775				
15	9	4.800				
15	10	4.826				
16		4.877				
16	1	4.902				
16	2	4.927				
16	3	4.953				
16	4	4.978				
16	5	5.003				
16	6	5.029				
16	7	5.054				
16	8	5.080				
16	9	5.105				
16	10	5.130				
17		5.182				
17	1	5.207				
17	2	5.232				
17	3	5.258				
17	4	5.283				
17	5	5.308				
17	6	5.334				
17	7	5.359				
17	8	5.384				
17	9	5.410				
17	10	5.435				
18		5.486				
18	1	5.511				
18	2	5.537				
18	3	5.562				
18	4	5.587				
18	5	5.613				
18	6	5.638				
18	7	5.664				
18	8	5.689				
18	9	5.714				
18	10	5.740				
19		5.791				
19	1	5.816				
19	2	5.842				
19	3	5.867				
19	4	5.892				
19	5	5.918				
19	6	5.943				
19	7	5.969				
19	8	5.994				
19	9	6.019				
19	10	6.045				
20		6.096				
20	1	6.121				
20	2	6.147				
20	3	6.172				
20	4	6.197				
20	5	6.223				
20	6	6.248				
20	7	6.274				
20	8	6.299				
20	9	6.324				
20	10	6.350				
21		6.401				
21	1	6.426				
21	2	6.452				
21	3	6.477				
21	4	6.502				
21	5	6.528				
21	6	6.553				
21	7	6.578				
21	8	6.604				
21	9	6.629				
21	10	6.655				
22		6.706				
22	1	6.731				
22	2	6.756				
22	3	6.782				
22	4	6.807				
22	5	6.832				
22	6	6.858				
22	7	6.883				
22	8	6.908				
22	9	6.934				
22	10	6.959				
23		7.010				
23	1	7.035				
23	2	7.061				
23	3	7.086				
23	4	7.111				
23	5	7.137				
23	6	7.162				
23	7	7.188				
23	8	7.213				
23	9	7.238				
23	10	7.264				
24		7.315				
24	1	7.340				
24	2	7.366				
24	3	7.391				
24	4	7.416				
24	5	7.442				
24	6	7.467				
24	7	7.493				
24	8	7.518				
24	9	7.543				
24	10	7.569				
25		7.620				
25	1	7.645				
25	2	7.671				
25	3	7.696				
25	4	7.721				
25	5	7.747				
25	6	7.772				
25	7	7.798				
25	8	7.823				
25	9	7.848				
25	10	7.874				
26		7.925				
26	1	7.950				
26	2	7.976				
26	3	8.001				
26	4	8.026				
26	5	8.052				
26	6	8.077				
26	7	8.103				
26	8	8.128				
26	9	8.153				
26	10	8.179				
27		8.230				
27	1	8.255				
27	2	8.281				
27	3	8.306				
27	4	8.331				
27	5	8.357				
27	6	8.382				
27	7	8.407				
27	8	8.433				
27	9	8.458				
27	10	8.484				
28		8.535				
28	1	8.560				
28	2	8.585				
28	3	8.611				
28	4	8.636				
28	5	8.661				
28	6	8.687				
28	7	8.712				
28	8	8.737				
28	9	8.763				
28	10	8.788				
29		8.839				
29	1	8.864				
29	2	8.890				
29	3	8.915				
29	4	8.940				
29	5	8.966				
29	6	8.991				
29	7	9.017				
29	8	9.042				
29	9	9.067				
29	10	9.093				
30		9.144				
30	1	9.169				
30	2	9.195				
30	3	9.220				
30	4	9.245				
30	5	9.271				
30	6	9.296				
30	7	9.321				
30	8	9.347				
30	9	9.372				
30	10	9.398				
31		9.449				
31	1	9.474				
31	2	9.500				
31	3	9.525				
31	4	9.550				
31	5	9.576				
31	6	9.601				
31	7	9.627				
31	8	9.652				
31	9	9.677				
31	10	9.703				
32		9.754				
32	1	9.779				
32	2	9.805				
32	3	9.830				
32	4	9.855				
32	5	9.881				
32	6	9.906				
32	7	9.931				
32	8	9.957				
32	9	9.982				
32	10	10.008				
33		10.058				
33	1	10.084				
33	2	10.109				
33	3	10.134				
33	4	10.160				
33	5	10.185				
33	6	10.211				
33	7	10.236				
33	8	10.261				
33	9	10.287				
33	10	10.312				
34		10.363				
34	1	10.388				
34	2	10.414				
34	3	10.439				
34	4	10.464				
34	5	10.490				
34	6	10.515				
34	7	10.541				
34	8	10.566				
34	9	10.591				
34	10	10.617				
35		10.668				
35	1	10.693				
35	2	10.719				
35	3	10.744				
35	4	10.769				
35	5	10.795				
35	6	10.820				
35	7	10.846				
35	8	10.871				
35	9	10.896				
35	10	10.922				
36		10.973				
36	1	10.998				
36	2	11.024				
36	3	11.049				
36	4	11.074				
36	5	11.100				
36	6	11.125				
36	7	11.151				
36	8	11.176				
36	9	11.201				
36	10	11.227				
37		11.278				
37	1	11.303				
37	2	11.329				
37	3	11.354				
37	4	11.379				
37	5	11.405				
37	6	11.430				
37	7	11.455				
37	8	11.481				
37	9	11.506				
37	10	11.532				
38		11.583				
38	1	11.608				
38	2	11.633				
38	3	11.659				
38	4	11.684				
38	5	11.709				
38	6	11.735				
38	7	11.760				
38	8	11.786				
38	9	11.811				
38	10	11.836				
39		11.887				
39	1	11.912				
39	2	11.938				
39	3	11.963				
39	4	11.988				
39	5	12.014				
39	6	12.039				
39	7	12.065				
39	8	12.090				
39	9	12.115				
39	10	12.141				
40		12.192				
40	1	12.217				
40	2	12.243				
40	3	12.268				
40	4	12.293				
40	5	12.319				
40	6	12.344				
40	7	12.370				
40	8	12.395				
40	9	12.420				
40	10	12.446				
41		12.497				
41	1	12.522				
41	2	12.547				
41	3	12.573				
41	4	12.598				
41	5	12.624				
41	6	12.649				
41	7	12.674				
41	8	12.700				
41	9	12.725				
41	10	12.751				
42		12.802				
42	1	12.827				
42	2	12.852				
42	3	12.878				
42	4	12.903				
42	5	12.928				
42	6	12.954				
42	7	12.979				
42	8	13.005				
42	9	13.030				
42	10	13.055				
43		13.106				
43	1	13.131				
43	2	13.157				
43	3	13.182				
43	4	13.208				
43	5	13.233				
43	6	13.258				
43	7	13.284				
43	8	13.309				
43	9	13.335				
43	10	13.360				
44		13.411				
44	1	13.436				
44	2	13.462				
44	3	13.487				
44	4	13.512				
44	5	13.538				
44	6	13.563				
44	7	13.589				
44	8	13.614				
44	9	13.639				
44	10	13.665				
45		13.716				
45	1	13.741				
45	2	13.767				
45	3	13.792				
45	4	13.817				
45	5	13.843				
45	6	13.868				
45	7	13.894				
45	8	13.919				
45	9	13.944				
45	10	13.970				
46		14.021				
46	1	14.046				
46	2	14.072				
46	3	14.097				
46	4	14.122				
46	5	14.148				
46	6	14.173				
46	7	14.199				
46	8	14.224				
46	9	14.249				
46	10	14.275				
47		14.326				
47	1	14.351				
47	2	14.376				
47	3	14.402				
47	4	14.427				
47	5	14.453				
47	6	14.478				
47	7	14.503				
47	8	14.529				
47	9	14.554				
47	10	14.580				
48		14.631				
48	1	14.656				
48	2	14.681				
48	3	14.707				
48	4	14.732				
48	5	14.758				
48	6	14.783				
48	7	14.808				
48	8	14.834				
48	9	14.859				
48	10	14.884				
49		14.935				
49	1	14.961				
49	2	14.986				
49	3	15.011				
49	4	15.037				
49	5	15.062				
49	6	15.088				
49	7	15.113				
49	8	15.138				
49	9	15.164				
49	10	15.189				
50		15.240				
50	1	15.265				
50	2	15.291				
50	3	15.316				
50	4	15.341				
50	5	15.367				
50	6	15.392				
50	7	15.418				
50	8	15.443				
50	9	15.468				
50	10	15.494				
51		15.545				
51	1	15.570				
51	2	15.596				
51	3	15.621				
51	4	15.646				
51	5	15.672				
51	6	15.697				
51	7	15.723				
51	8	15.748				
51	9	15.773				
51	10	15.799				
52		15.850				
52	1	15.875				
52	2	15.901				
52	3	15.926				
52	4	15.951				
52	5	15.977				
52	6	16.002				
52	7	16.027				
52	8	16.053				
52	9	16.078				
52	10	16.104				
53		16.155				
53	1	16.180				
53	2	16.206				
53	3	16.231				
53	4	16.256				
53	5	16.282				
53	6	16.307				
53	7	16.332				
53	8	16.358				
53	9	16.383				
53	10	16.408				
54		16.459				
54	1	16.485				
54	2	16.510				
54	3	16.535				
54	4	16.561				
54	5	16.586				
54	6	16.611				
54	7	16.637				
54	8	16.662				
54	9	16.687				
54	10	16.713				
55		16.764				
55	1	16.789				
55	2	16.815				
55	3	16.840				
55	4	16.865				
55	5	16.891				
55	6	16.916				
55	7	16.941				
55	8	16.967				
55	9	16.992				
55	10	17.018				
56		17.069				
56	1	17.094				
56	2	17.120				
56	3	17.145				
56	4	17.170				
56	5	17.196				
56	6	17.221				
56	7	17.246				
56	8	17.272				
56	9	17.297				
56	10	17.323				
57		17.374				
57	1	17.399				
57	2	17.424				
57	3	17.450				
57	4	17.475				
57	5	17.501				
57	6	17.526				
57	7	17.551				
57	8	17.577				
57	9	17.602				
57	10	17.628				
58		17.678				
58	1	17.704				
58	2	17.729				
58	3	17.754				
58	4	17.780				
58	5	17.805				
58	6	17.830				
58	7	17.856				
58	8	17.881				
58	9	17.906				
58	10	17.932				
59		17.983				
59	1	18.008				
59	2	18.034				
59	3	18.059				
59	4	18.084				
59	5	18.110				
59	6	18.135				
59	7	18.161				
59	8	18.186				
59	9	18.211				
59	10	18.237				
60		18.288				
60	1	18.313				
60	2	18.338				
60	3	18.364				
60	4	18.389				
60	5	18.414				
60	6	18.440				
60	7	18.465				
60	8	18.490				
60	9	18.516				
60	10	18.541				
61		18.592				
61	1	18.618				
61	2	18.643				
61	3	18.668				
61	4	18.694				
61	5	18.719				
61	6	18.745				
61	7	18.770				
61	8	18.795				
61	9	18.821				
61	10	18.846				
62		18.897				
62	1	18.922				
62	2	18.948				
62	3	18.973				
62	4	18.998				
62	5	19.024				
62	6	19.049				
62	7	19.075				
62	8	19.100				
62	9	19.125				
62	10	19.151				
63		19.202				
63	1	19.227				
63	2	19.253				
63	3	19.278				
63	4	19.303				
63	5	19.329				
63	6	19.354				
63	7	19.380				
63	8	19.405				
63	9	19.430				
63	10	19.456				
64		19.507				
64	1	19.532				
64	2	19.558				
64	3	19.583				
64	4	19.608				
64	5	19.634				
64	6	19.659				
64	7	19.685				
64	8	19.710				
64	9	19.735				
64	10	19.761				
65		19.812				
65	1	19.837				
65	2	19.862				
65	3	19.888				
65	4	19.913				
65	5	19.938				
65	6	19.964				
65	7	19.989				
65	8	20.015				
65	9	20.040				
65	10	20.065				
66		20.117				
66	1	20.142				
66	2	20.168				
66	3	20.193				
66	4	20.218				
66	5	20.244				
66	6	20.269				
66	7	20.295				
66	8	20.320				
66	9	20.345				
66	10	20.371				
67		20.422				
67	1	20.447				
67	2	20.472				
67	3	20.498				
67	4	20.523				
67	5	20.548				
67	6	20.574				
67	7	20.599				
67	8	20.624				
67	9	20.650				
67	10	20.675				
68		20.726				
68	1	20.751				
68	2	20.777				
68	3	20.802				
68	4	20.827				
68	5	20.853				
68	6	20.878				
68	7	20.904				
68	8	20.929				
68	9	20.954				
68	10	20.980				
69		21.031				
69	1	21.056				
69	2	21.082				
69	3	21.107				
69	4	21.132				
69	5	21.158				
69	6	21.183				
69	7	21.209				
69	8	21.234				
69	9	21.259				
69	10	21.285				
70		21.336				
70	1	21.361				
70	2	21.386				
70	3	21.412				
70	4	21.437				
70	5	21.463				
70	6	21.488				
70	7	21.513				
70	8	21.539				
70	9	21.564				
70	10	21.590				
71		21.641				
71	1	21.666				
71	2	21.691				
71	3	21.717				
71	4	21.742				
71	5	21.767				
71	6	21.793				
71	7	21.818				
71	8	21.844				
71	9	21.869				
71	10	21.894				
72		21.945				
72	1	21.971				
72	2	22.996				
72	3	22.022				
72	4	22.047				
72	5	22.073				
72	6	22.098				
72	7	22.123				
72	8	22.149				
72	9	22.174				
72	10	22.200				
73		22.250				
73	1	22.276				
73	2	22.301				
73	3	22.326				
73	4	22.352				
73	5	22.377				
73	6	22.402				
73	7	22.428				
73	8	22.453				
73	9	22.478				
73	10	22.504

Box:e-IDS /Doc:DP 0036191 P /Rev:20-Aug-2008 /Sts:OK.OK /Prt:21-Aug-2008 02:09 /Pgs:ALL /Seq:2 of 2
WARNING : Electronic Document Supplied by LPI NSW for Your Internal Use Only.

DP 3619 1 (E)



Appendix 3:

Crown Grant Volume 11048 Folio 49

Req:R959539 /Doc:CT 11048-049 CT /Rev:12-Jan-2011 /Sts:OK.SC /Pgs:ALL /Prt:19-Dec-2016 10:43 /Seq:1 of 2
Ref: /Src:A

(1)

New South Wales

No. 1969/316

Vol. 11048 Fol. 49
Registered 19-5-1969
Registrar General.

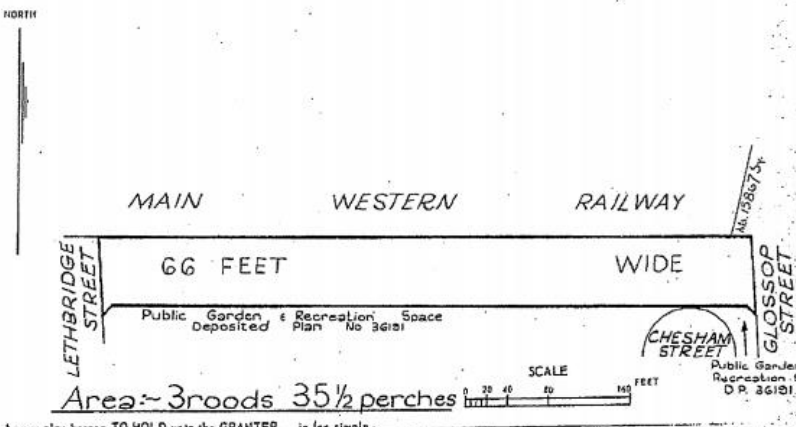
CANCELLED

GRANT OF LAND

(UNDER THE PUBLIC ROADS ACT, 1902-1960)

ELIZABETH the SECOND, by the Grace of God of the United Kingdom, Australia and her other Realms and Territories Queen, Head of the Commonwealth, Defender of the Faith:—
To All to whom these Presents shall come, Greeting:—

Whereas a certain road comprising the parcel of land hereinafter described and intended to be hereby granted was in accordance with the provisions of the Public Roads Act, 1902-1968 duly closed and it has been agreed under the provisions of Section 20 of the aforesaid Act to grant the said land to THE COUNCIL OF THE CITY OF PENRITH (hereinafter called the GRANTEE) upon payment of the value thereof as duly determined AND WHEREAS such value has been duly paid and all things required by law to be done to entitle the GRANTEE to a Grant of the fee simple of the said land Subject to the Reservations and Exceptions hereinafter contained have been done and performed NOW THESE PRESENTS WITNESS That in consideration of the premises WE DO HEREBY GRANT unto the GRANTEE Subject to the Reservations and Exceptions hereinafter contained ALL THAT parcel of land in Our State of New South Wales containing by admeasurement three roods thirty five perches and one half of a perch be the same more or less situated in the County of Cumberland Parish of Rooty Hill at St. Marys Being the closed road shown in plan catalogued No. Ms. 21627 Sy. in the Department of Lands



As per plan hereon TO HOLD unto the GRANTEE in fee simple
Provided Nevertheless and WE DO HEREBY RESERVE AND EXCEPT unto Us Our Heirs and Successors all minerals which the said Land contains with full power and authority for Us Our Heirs and Successors and such person or persons as shall from time to time be authorised by Us or Them to enter upon the said Land and to search for mine dig and remove the said minerals AND also all such parts and so much of the said Land as may hereafter be required for public ways in over and through the same to be set out by Our Governor for the time being of Our said State or some person by him authorised in that respect with full power for Us Our Heirs and Successors and for Our Governor as aforesaid by such person or persons as shall be by Us Them or him authorised in that behalf to make and conduct all such public ways And the right of full and free ingress egress and regress into out of and upon the said Land for the several purposes aforesaid or any of them IN TESTIMONY WHEREOF We have caused this Our Grant to be Sealed with the Seal of Our said State.

Witness Our Governor of Our State of New South Wales and its Dependencies in the Commonwealth of Australia, at Sydney in Our said State, this ninth day of May in the eighteenth year of Our Reign and in the year of Our Lord one Thousand nine hundred and sixty nine

A. R. Butler
Governor

FOR ENDORSEMENTS SEE PAGE 2

PERSONS ARE CAUTIONED AGAINST ALTERING OR ADDING TO THIS CERTIFICATE OR ANY NOTIFICATION HEREON
(Page 1) Vol. 11048 Fol. 49
WARNING: THIS DOCUMENT MUST NOT BE REMOVED FROM THE LAND TITLES OFFICE
P 173

Req:R959539 /Doc:CT 11048-049 CT /Rev:12-Jan-2011 /Sts:OK.SC /Pgs:ALL /Prt:19-Dec-2016 10:43 /Seq:2 of 2
Ref: /Src:A

Vol. 11048 Fol 49

(Page 2 of 2 pages)

St 1609 V. C. N. Blight, Government Printer

SCHEDULE OF REGISTERED PROPRIETORS

REGISTERED PROPRIETOR	INSTRUMENT NATURE	INSTRUMENT NUMBER	INSTRUMENT DATE	ENTERED	Signature of Registrar General
New CT issued on DP 542707 No [illegible] [illegible] without [illegible] to SDGS This deed is cancelled as to whole New Certificates of Title have issued on 21.5.1970 for lots in Deposited Plan No. 542707 as follows:- Lots 1 to 3 Vol. 11393 Fols 198 to 200 respectively. REGISTRAR GENERAL					

DP 542707

SCHEDULE OF ENCUMBRANCES ETC.

INSTRUMENT NATURE	INSTRUMENT NUMBER	INSTRUMENT DATE	PARTICULARS	ENTERED	Signature of Registrar General	CANCELLATION		

NOTE: ENTRIES RULED THROUGH AND AUTHENTICATED BY THE SEAL OF THE REGISTRAR GENERAL ARE CANCELLED

Appendix 4:

Deposited Plan 542707

Box:PENR /Doc:DP 0542707 P /Rev:29-Oct-1992 /Sts:OK.OK /Prt:20-Jun-2014 13:04 /Pgs:ALL /Seq:1 of 1
WARNING : Electronic Document Supplied by LPI NSW for Your Internal Use Only.

2

Plan Form 1

D.P. 542707

PLAN OF SUBDIVISION OF THE LAND IN CROWN GRANT CERTIFICATE Vol. 10449 Folio 43 BEING CLOSED ROAD.

D.P. 542707.

Registered: 16-8-1976

Date: 2566 of 22-4-1970

Title System: Torrens

Purpose: Subdivision

Ref. Map: C.C.C. 322

Last Plan: 6666 (L)

Municipality/City: Penrith

Town or Locality: St Marys

Parish: Rooty Hill

County: Cumberland

Scale: 100 feet to an inch

MODIFIED

OFFICE USE ONLY

NORTH

1 1a.4R. 2 2a.4R. 3 2R. 7P.

Public Garden & Recreation Space

CHESHAM STREET (20m wide)

STRATHAM STREET

LETHBRIDGE STREET

GLOSSOP STREET

1 2 3 4 5 6 7 8 9 10

D.P. 542707

WARNING: This drawing not to appear in title space.

Signatures, Seals and Statements of Intention to dedicate public roads or public reserves or create drainage reserves, easements, or restrictions as to user.

I, Lawrence John Stapleton of St Marys, a surveyor registered under the Surveyors Act, 1929, as amended, hereby certify that this survey was executed by me or under my supervision and that the survey and the plan of subdivision (if any) are accurate and the lines of the streets (if any) are correctly delineated in accordance with the Survey Practice Regulation, 1961, and was completed on 1-

Surveyor Registered

Date: 22-4-70

Council Clerk's Certificate 54/70

I hereby certify that:-

(a) the requirements of the Local Government Act, 1919 (so far as the requirements for the registration of plans), and

(b) the requirements of section 342 of the Metropolitan Water, Sewerage, and Drainage Act, 1925, as amended, (Hunter District Water, Sewerage, and Drainage Act, 1938, as amended,

have been complied with by the applicant in relation to the proposed SUBDIVISION (insert "new road" or "subdivision") of old lands.

Subdivision No. 2566

Date 22.5.70

(Signature) Council Clerk.

*This part of certificate to be struck out if the application is only for the opening of a new road or the creation of the drainage or Water Supply reserves, or the creation of the Metropolitan Water, Sewerage and Drainage Board and the Hunter District Water Board.

†Delete if inapplicable.

SURVEYOR'S REFERENCE: 2528

MP Rolls Corp.

CONVERSION TABLE ADDED IN REGISTRAR GENERAL'S DEPARTMENT

DP 542707

FEET	INCHES	METRES
15	7 1/2	4.153
14	6 3/4	4.489
25	8	7.687
24	6 1/2	7.531
50	-	15.240
66	-	20.117
76	1 1/2	23.203
76	1 7/8	23.216
150	-	30.480
169	-	51.511
153	8	55.982
350	10 3/4	106.553
336	11	105.766

AC	RD	P	SQ M
-	-	24	607
-	1	4	1113
-	2	7	8200

I, Jack Hayward Watson, Registrar General for New South Wales, certify that this negative is a photograph made as a permanent record of a document in my custody this 27th day of July, 1976.

Appendix 5:

Ordinary Council Meeting - Report and Minutes - 6 June 1994

MINUTES OF THE ORDINARY MEETING OF

PENRITH CITY COUNCIL HELD IN THE COUNCIL

CHAMBERS, PENRITH ON MONDAY, 6TH JUNE, 1994 AT 7.05 PM

PRAYER

The meeting opened with the National Anthem and the Prayer read by Pastor Rob Thornton.

PRESENT

Her Worship the Mayor Councillor D Beamer, Councillors M. Borland, T Brown, D Chamberlain, K Crameri, K Dwyer, G Evans, W Forno, R Fowler, F Lo Po', J Reed, P Sheehy and R Wiles.

LEAVE OF ABSENCE

Councillor Gayed.

APOLOGIES

208 RESOLVED on the MOTION of Councillor Crameri seconded Councillor Sheehy that apologies be received and accepted from Councillor Aquilina.

Councillor Aquilina arrived at 7.15 pm.
Councillor Forno left at 8.45 pm.
Councillor Forno returned at 8.47 pm.
Councillor Crameri left at 9.06 pm.
Councillor Crameri returned at 9.10 pm.

MINUTES

209 RESOLVED on the MOTION of Councillor Sheehy seconded Councillor Brown that the Minutes of the Ordinary Meeting of Penrith City Council held on Monday, 2 May, 1994 be confirmed.

210 RESOLVED on the MOTION of Councillor Crameri seconded Councillor Brown that the Minutes of the Extraordinary Meeting of Penrith City Council held on Monday, 9 May, 1994 be confirmed.

NOTICE OF RESCISSION

The Notice of Rescission was withdrawn.

Her Worship the Mayor ruled that the Motion was of great urgency and be dealt with now.

General Manager Mayor

MINUTES OF THE ORDINARY MEETING OF

PENRITH CITY COUNCIL HELD IN THE COUNCIL

CHAMBERS, PENRITH ON MONDAY, 6TH JUNE, 1994 AT 7.05 PM

PRAYER

The meeting opened with the National Anthem and the Prayer read by Pastor Rob Thornton.

PRESENT

Her Worship the Mayor Councillor D Beamer, Councillors M. Borland, T Brown, D Chamberlain, K Crameri, K Dwyer, G Evans, W Forno, R Fowler, F Lo Po', J Reed, P Sheehy and R Wiles.

LEAVE OF ABSENCE

Councillor Gayed.

APOLOGIES

208 RESOLVED on the MOTION of Councillor Crameri seconded Councillor Sheehy that apologies be received and accepted from Councillor Aquilina.

Councillor Aquilina arrived at 7.15 pm.
Councillor Forno left at 8.45 pm.
Councillor Forno returned at 8.47 pm.
Councillor Crameri left at 9.06 pm.
Councillor Crameri returned at 9.10 pm.

MINUTES

209 RESOLVED on the MOTION of Councillor Sheehy seconded Councillor Brown that the Minutes of the Ordinary Meeting of Penrith City Council held on Monday, 2 May, 1994 be confirmed.

210 RESOLVED on the MOTION of Councillor Crameri seconded Councillor Brown that the Minutes of the Extraordinary Meeting of Penrith City Council held on Monday, 9 May, 1994 be confirmed.

NOTICE OF RESCISSION

The Notice of Rescission was withdrawn.

Her Worship the Mayor ruled that the Motion was of great urgency and be dealt with now.

This is Page No 1 of the Ordinary Meeting of Penrith City Council held on Monday, 6 June, 1994

General Manager Mayor

Economic Development and Employment Committee - 17 May, 1994

218 RESOLVED on the MOTION of Councillor Fowler seconded Councillor Reed that the recommendations EE1 to EE6 contained in the Report to the Economic Development and Employment Committee held on 17 May, 1994 be adopted.

Review Committee Meeting - 23 May, 1994

219 RESOLVED on the MOTION of Councillor Sheehy seconded Councillor Crameri that the recommendations R1 to R5 contained in the Report to the Review Committee Meeting held on 23 May, 1994 be adopted.

Steering Committee Civic Centre Precinct Meeting - 23 May, 1994

220 RESOLVED on the MOTION of Councillor Fowler seconded Councillor Brown that the recommendations CC1 to CC6 contained in the Report to the Steering Committee Civic Centre Precinct Meeting held on 23 May, 1994 be adopted.

GENERAL MANAGER'S REPORT

1. 1994 Institute of Municipal Management National Congress

221 RESOLVED on the MOTION of Councillor Wiles seconded Councillor Dwyer that the information contained in the 1994 National Congress report be received.

DIRECTORATE OF FINANCE AND ADMINISTRATION

1. Classification of Council land (950-49)

222 RESOLVED on the MOTION of Councillor Crameri seconded Councillor Reed that Council formally classify all the land as previously advertised as Community and Operational land in accordance with the plans and computer print out list dated 6th June, 1994.

2. Old Emu Plains Post Office (4126/3)

223 RESOLVED on the MOTION of Councillor Aquilina seconded Councillor Fowler that the information contained in the Property Development Manager's report be noted.

DIRECTORATE OF CONSTRUCTION AND MAINTENANCE

1. Concrete Footpaths (116/14 & 9008/8)

224 RESOLVED on the MOTION of Councillor Forno seconded Councillor Sheehy that the present footpaving standards of : cont

Appendix 6:

Government Gazette Notice 26 January 1962 Folio 183

Government Gazette of the State of New South Wales (Sydney, NSW : 1901 - 2001), Friday 26 January 1962 (No.8), page 183

PUBLIC WORKS ACT, 1912, AS AMENDED

DEDICATION OF LAND AT ST. MARY'S AS A PUBLIC HIGHWAY

and Additions to Existing Highways

IT is hereby notified for the information of the public that the land described in the Schedule hereto is, with the consent of His Excellency the Governor (on the advice of the Executive Council), dedicated under section 81 of the Public Works Act, 1912, as amended, as a public highway and additions to existing highways. (L.A. 60-351)

Schedule

Station-street, the Public Garden and Recreation Spaces, the pathway 6 feet wide and the splayed corner of lot 20 shown on the plan of land in the Municipality of Penrith, parish of Rooty Hill and county of Cumberland, catalogued in the Office of the Registrar-General as Housing Commission Plan No. 1,191.

The Common Seal of The Housing Commission of New

South Wales was hereunto / (l.s.) affixed this fifteenth day of

January, 1962, in pursuance of \ F. W. TURNER

a resolution of that Commis

sion by us and this Instrument (H. N. BARTON is attested by the signatures of us who are two members of such Commission.

Constructing Authority duly constituted by the Housing Act, 1912, as amended, and the Housing Act, 1941, as amended, within the meaning of the Public Works Act, 1912, as amended.

(1747)

MINUTES OF THE ORDINARY MEETING OF PENRITH CITY COUNCIL HELD IN THE COUNCIL CHAMBERS, PENRITH ON MONDAY, 6TH JUNE, 1994 AT 7.05 PM

PRAYER

The meeting opened with the National Anthem and the Prayer read by Pastor Rob Thornton.

PRESENT

Her Worship the Mayor Councillor D Beamer, Councillors M. Borland, T Brown, D Chamberlain, K Crameri, K Dwyer, G Evans, W Forno, R Fowler, F Lo Po', J Reed, P Sheehy and R Wiles.

LEAVE OF ABSENCE

Councillor Gayed.

APOLOGIES

208 RESOLVED on the MOTION of Councillor Crameri seconded Councillor Sheehy that apologies be received and accepted from Councillor Aquilina.

Councillor Aquilina arrived at 7.15 pm.
Councillor Forno left at 8.45 pm.
Councillor Forno returned at 8.47 pm.
Councillor Crameri left at 9.06 pm.
Councillor Crameri returned at 9.10 pm.

MINUTES

209 RESOLVED on the MOTION of Councillor Sheehy seconded Councillor Brown that the Minutes of the Ordinary Meeting of Penrith City Council held on Monday, 2 May, 1994 be confirmed.

210 RESOLVED on the MOTION of Councillor Crameri seconded Councillor Brown that the Minutes of the Extraordinary Meeting of Penrith City Council held on Monday, 9 May, 1994 be confirmed.

NOTICE OF RESCISSION

The Notice of Rescission was withdrawn.

Her Worship the Mayor ruled that the Motion was of great urgency and be dealt with now.

General Manager _____ Mayor _____

Economic Development and Employment Committee - 17 May, 1994

218 RESOLVED on the MOTION of Councillor Fowler seconded Councillor Reed that the recommendations EE1 to EE6 contained in the Report to the Economic Development and Employment Committee held on 17 May, 1994 be adopted.

Review Committee Meeting - 23 May, 1994

219 RESOLVED on the MOTION of Councillor Sheehy seconded Councillor Crameri that the recommendations R1 to R5 contained in the Report to the Review Committee Meeting held on 23 May, 1994 be adopted.

Steering Committee Civic Centre Precinct Meeting - 23 May, 1994

220 RESOLVED on the MOTION of Councillor Fowler seconded Councillor Brown that the recommendations CC1 to CC6 contained in the Report to the Steering Committee Civic Centre Precinct Meeting held on 23 May, 1994 be adopted.

GENERAL MANAGER'S REPORT

1. 1994 Institute of Municipal Management National Congress

221 RESOLVED on the MOTION of Councillor Wiles seconded Councillor Dwyer that the information contained in the 1994 National Congress report be received.

DIRECTORATE OF FINANCE AND ADMINISTRATION

1. Classification of Council land (950-49)

222 RESOLVED on the MOTION of Councillor Crameri seconded Councillor Reed that Council formally classify all the land as previously advertised as Community and Operational land in accordance with the plans and computer print out list dated 6th June, 1994.

2. Old Emu Plains Post Office (4126/3)

223 RESOLVED on the MOTION of Councillor Aquilina seconded Councillor Fowler that the information contained in the Property Development Manager's report be noted.

DIRECTORATE OF CONSTRUCTION AND MAINTENANCE

1. Concrete Footpaths (116/14 & 9008/8)

224 RESOLVED on the MOTION of Councillor Forno seconded Councillor Sheehy that the present footpaving standards of : cont

Appendix 7:

Requirements of LEP Practice Note PN 16-001

Classification and reclassification of public land through a Local Environmental Plan

Checklist Planning Proposal to reclassify from Community Land to Operational Land properties known as 11-13 Chesham Street, St Marys

LEP Practice Note: PN 16-001 **Classification and reclassification of public land through a local environmental plan**	
Requirement	**Response**
The current and proposed classification of the land;	The land is currently classified and Community Land. It is proposed to reclassify the site to Operational Land. Refer to Part 1 – Objectives or Intended Outcomes (page 4)
Whether the land is a 'public reserve' (defined in the LG Act);	The land is not a Public Reserve under the *Local Government Act 1993*. Refer to Background (page 2)
The strategic and site specific merits of the reclassification and evidence to support this;	Refer to Part 3 – Justification (pages 5-13)
Whether the planning proposal is the result of a strategic study or report;	Refer to Part 3 – Justification (pages 5-6)
Whether the planning proposal is consistent with council's community plan or other local strategic plan;	Refer to Part 3 – Justification (page 8)
A summary of council's interests in the land, including: - 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) - if council does not own the land, the land owner's consent; - the nature of any trusts, dedications etc;	Refer to Background (page 2)
Whether an interest in land is proposed to be discharged, and if so, an explanation of the reasons why;	Refer to Part 2 – Explanation of Provisions (page 4)

LEP Practice Note: PN 16-001 Classification and reclassification of public land through a local environmental plan	
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);	Refer to Part 3 – Justification (page 8)
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);	Refer to Background (page 2)
Current use(s) of the land, and whether uses are authorised or unauthorised;	Refer to Background (page 2)
Current or proposed lease or agreements applying to the land, together with their duration, terms and controls;	There are no current or proposed leases or agreements applying to the land.
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);	There are no current or proposed business dealings associated with the land.
Any rezoning associated with the reclassification (if yes, need to demonstrate consistency with an endorsed Plan of Management or strategy);	No rezoning of the land is proposed.
How council may or will benefit financially, and how these funds will be used;	This information is also found in Part 3, Section A of the Planning Proposal. The Planning Proposal will enable Council to sell, exchange, or otherwise divest or deal with the three (3) parcels of land to assist in facilitating the redevelopment of the land, whilst capitalising on the returns to Council and the potential community benefits including public domain upgrades. Council's strategic planning framework, including the Community Plan, Delivery Program and Operational Plan, outlines how revenue is raised and how funds are

<table>
<tr><th colspan="2">LEP Practice Note: PN 16-001
Classification and reclassification of public land through a local environmental plan</th></tr>
<tr><td></td><td>used. The table below outlines this strategic framework and details the relevant components of these documents that demonstrates how Council will achieve this.

<table>
<tr><td>Outcome</td><td>We have confidence in our council</td><td>Community Plan 2017 - Outcome 7</td></tr>
<tr><td>Strategy</td><td>Manage our money and our assets to be sustainable now and into the future</td><td>Community Plan 2017 Strategy 7.2</td></tr>
<tr><td>Service Activity</td><td>Manage Council’s property portfolio to reduce reliance on rate income</td><td>Delivery Program Activity 7.2.4</td></tr>
</table>

In 2015, Penrith City Council was one of seven (7) 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. In order to meet the criteria set by IPART in 5 years, Council has committed to a number strategies to deliver ongoing productivity improvements. One of these strategies is to grow our own source revenue through growth of the property portfolio and property reserve holdings.

Should the site be divested or developed in future, all proceedings will be retained in the property reserve. Growth in the property reserve is an initiative to be less dependent on rate income, building financial strength that is not a burden on the community. Council’s long term financial plan is to pay an annual dividend out of the property reserve into general revenue to be used on operational activities and key community projects. Council’s long term financial plan indicates payment of a $1.8M dividend from the property reserve into general revenue by FY21/22.</td></tr>
<tr><td>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;</td><td>The Planning Proposal will enable a positive public economic impact in facilitating the orderly and economic development of a Council asset and consequential improvements to the public domain.</td></tr>
</table>

LEP Practice Note: PN 16-001 Classification and reclassification of public land through a local environmental plan	
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; and	N/A
Preliminary comments by a relevant government agency, including an agency that dedicated the land to council, if applicable.	N/A

Planning & Environment

LEP practice note

LOCAL PLANNING

Ref No.	PN 16-001
Issued	5 October 2016
Related	Supersedes PN 09-003

Classification and reclassification of public land through a local environmental plan

The purpose of this practice note is to update guidance on classifying and reclassifying public land through a local environmental plan (LEP). This practice note emphasises the need for councils to demonstrate strategic and site specific merit, includes a comprehensive information checklist and clarifies issues arising for public reserves and interests in land. It should be read in conjunction with *A guide to preparing local environmental plans* and *A guide to preparing planning proposals*.

Classification of public land

Public land is managed under the *Local Government Act 1993* (LG Act) based on its classification. All public land must be classified as either community land or operational land (LG Act ss.25, 26).

- *Community* land – is land council makes available for use by the general 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 general public, for example, a works depot or council garage.

What is public land?
Public land is defined in the LG Act as any land (including a *public reserve*) vested in, or under council control. Exceptions include a public road, land to which the *Crown Lands Act 1989* applies, a common, land subject to the *Trustees of Schools of Arts Enabling Act 1902* or a regional park under the *National Parks and Wildlife Act 1974*.

Why classify public land?

The purpose of classification is to identify clearly that land made available for use by the general public (community) and that land which need not (operational). How public land is classified determines the ease or difficulty a council can have dealings in public land, including its sale, leasing or licensing. It also provides for transparency in council's strategic asset management or disposal of public land.

Community land must not be sold, exchanged or otherwise disposed of by a council. It can be leased, but there are restrictions on the grant of leases and licences, and also on the way community land can be used. A plan of management (PoM), adopted by council, is required for all community land, and details the specific uses and management of the land.

There are no special restrictions on council powers to manage, develop, dispose, or change the nature and use of operational land.

How is public land classified or reclassified?

Depending on circumstances, this is undertaken by either:

- council resolution under ss.31, 32, or 33 (through LG Act s.27(2)), or
- an LEP under the *Environmental Planning and Assessment Act* (through LG Act s.27(1)).

Councils are encouraged to classify or reclassify land by council resolution where suitable.

Classification of public land occurs when it is first acquired by a council and classified as either community or operational.

Reclassification of public land occurs when its classification is changed from community to operational, or from operational to community.

Reclassification through an LEP

Classification and reclassification of public land through an LEP is subject to both the local plan-making process in the EP&A Act and the public land management requirements of the LG Act.

A planning proposal to classify or reclassify public land, will need to be prepared in accordance with this practice note and the additional matters specified in Attachment 1 to this practice note.

Reclassification through an LEP 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 (LG Act s.30).

It is critical that all interests 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 (usually by council resolution under LG Act s.33[1]) before being reclassified in a new planning proposal to operational, to explicitly discharge any interests.

While a reclassification proposal to remove the public reserve status of land and/or discharge interests may not necessarily result in the immediate sale or disposal of the land, the community should be aware the public land in question is no longer protected under the LG Act from potential future sale once it has been reclassified to operational.

Councils should obtain their own advice when proposing to discharge any interests and be aware that this may attract a claim for compensation under the *Land Acquisition (Just Terms Compensation) Act 1991*.

Where land has been dedicated to council by a State agency for a particular purpose and a trust exists, it is advisable for council to seek the views of that agency prior to council commencing any planning proposal affecting the land.

Public reserve is defined in the LG Act and includes a public park and land declared or dedicated as a public reserve.

Land can be dedicated as a public reserve by either:

- registering a deposited plan with a statement creating a lot(s) as 'public reserve', or
- publishing a notification in the Government Gazette for an existing parcel.

Interests in land refers to property ownership as well as rights and privileges affecting land, such as leasehold, easements, covenants and mortgages.

For the purpose of reclassification through an LEP, 'interests' means trusts, estates, dedications, conditions, restrictions and covenants affecting the land.

A legal owner of land may not be the only person with an interest in the land. For example, one person may have the benefit of an easement for services, such as water, electricity or sewerage over someone else's land.

Certain interests are registered on title to ensure they are on record and cannot be disregarded if sold to a new owner. An electronic title search is generally conducted to determine the land owner, correct land description and the type of interests which may affect the land.

Standard Instrument LEP requirements

Clause 5.2—Classification and reclassification of public land in Standard Instrument LEPs enables councils to classify or reclassify public land as operational land or community land in accordance with the LG Act. The land to be reclassified or classified is described in Schedule 4 of the LEP.

Schedule 4 is not to refer to any land already classified or reclassified.

Where there is no public land to be classified, or reclassified, through a principal LEP (i.e. the LEP applies to the whole of a local government area), Schedule 4 will appear blank.

Note: At a later stage council may lodge a planning proposal to remove previous listings in Schedule 4. This will not affect the classification status of these parcels of land.

Department assessment

A proposal to classify or reclassify public land through an LEP must have planning merit. The Department will undertake an assessment to determine whether the proposal demonstrates strategic and site specific merit.

Community consultation

Planning proposals to reclassify public land are to be publicly exhibited for at least 28 days.

A copy of this practice note is to be included in the public exhibition materials.

[1] Note: Council is required to give public notice of the proposed resolution and provide a period of at least 28 days during which submissions may be made (LG Act s.34).

Public hearings

Councils must hold a public hearing when reclassifying public land from community to operational (EP&A Act s.57 & LG Act s.29). This gives the community an opportunity to expand on written submissions and discuss issues with an independent person in a public forum.

After the exhibition period has ended, at least 21 days public notice is to be given before the hearing. This allows the person chairing the hearing sufficient time to consider written submissions and all issues raised.

There are specific requirements for the independence of the person chairing the hearing, their preparation of a public hearing report and council making the report publicly available (LG Act s.47G).

Governor's approval

The Governor's approval is required when a reclassification proposal seeks to remove any public reserve status and/or discharge any interests affecting public land (s.30).

When a council reports back to the Department on the community consultation undertaken and requests the Department make the LEP, the Department will arrange legal drafting of the LEP, including recommending the Governor approve the provisions before the LEP can be legally made.

Where the Governor's approval is required, the council's report accompanying the final planning proposal must address:

- council's interests in the land;
- whether the land is a 'public reserve';
- the effect of the reclassification, including loss of open space, any discharge of interests, and/or removal of public reserve status;
- the strategic and site specific merits of the reclassification and evidence to support this;
- any current use of the land, and whether uses are authorised or unauthorised;
- how funds obtained from any future sale of the land will be used;
- the dates the planning proposal was publicly exhibited and when the public hearing was held;
- issues raised in any relevant submissions made by public authorities and the community;
- an explanation of how written and verbal submissions were addressed or resolved; and
- the public hearing report and council resolution.

Authorisation of delegation

Local plan making functions are now largely delegated to councils.

A Written Authorisation to Exercise Delegation is issued to a council as part of the Gateway determination. However, where an LEP requires the Governor's approval, this council delegation cannot be issued. In this instance, the council must request the Department make the LEP.

A decision to classify or reclassify public land cannot be sub-delegated by council to the general manager or any other person or body (LG Act s.377(1)(l)).

Background

On July 1, 1993 when the LG Act commenced, the following land under council ownership or control, was automatically classified as *community* land:

- land comprising a public reserve,
- land subject to a trust for a public purpose,
- land dedicated as a condition of consent under s.94 of the EP&A Act,
- land reserved, zoned or otherwise designated for use under an environmental planning instrument as open space,
- land controlled by council and vested in Corporation Sole - Minister administering the EP&A Act.

Councils must keep a register of land under their ownership or control (LG Act s.53) and anybody can apply to a council to obtain a certificate of classification (LG Act s.54).

Further information

A copy of this practice note, *A guide to preparing planning proposals* and *A guide to preparing local environmental plans* is available at: http://www.planning.nsw.gov.au

For further information, please contact the Department of Planning and Environment's Information Centre by one of the following:

Post: GPO Box 39, Sydney NSW 2001.
Tel: 1300 305 695
Email: information@planning.nsw.gov.au

Authorised by:
Carolyn McNally
Secretary

Important note: This practice note does not constitute legal advice. Users are advised to seek professional advice and refer to the relevant legislation, as necessary, before taking action in relation to any matters covered by this practice note.

© State of New South Wales through the Department of Planning and Environment
www.planning.nsw.gov.au

Disclaimer: While every reasonable effort has been made to ensure that this document is correct at the time of publication, the State of New South Wales, its agencies and employees, disclaim any and all liability to any person in respect of anything or the consequences of anything done or omitted to be done in reliance upon the whole or any part of this document.

ATTACHMENT 1 – INFORMATION CHECKLIST FOR PROPOSALS TO CLASSIFY OR RECLASSIFY PUBLIC LAND THROUGH AN LEP

The process for plan-making under the EP&A Act is detailed in *A guide to preparing planning proposals* and *A guide to preparing local environmental plans*.

Importantly, *A guide to preparing local environmental plans* contains the Secretary's requirements for matters that must be addressed in the justification of all planning proposals to reclassify public land. Councils must ensure the Secretary's requirements are addressed.

Councils must also comply with any obligations under the LG Act when classifying or reclassifying public land. More information on this can be found in *Practice Note No. 1 - Public Land Management* (Department of Local Government, 2000).

All planning proposals classifying or reclassifying public land must address the following matters for Gateway consideration. These are in addition to the requirements for all planning proposals under section 55(a) – (e) of the EP&A Act (and further explained in *A guide to preparing planning proposals* and *A guide to preparing local environmental plans*).

- ❑ the current and proposed classification of the land;
- ❑ whether the land is a 'public reserve' (defined in the LG Act);
- ❑ the strategic and site specific merits of the reclassification and evidence to support this;
- ❑ whether the planning proposal is the result of a strategic study or report;
- ❑ whether the planning proposal is consistent with council's community plan or other local strategic plan;
- ❑ a summary of council's interests in the land, including:
  - 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)
  - if council does not own the land, the land owner's consent;
  - the nature of any trusts, dedications etc;
- ❑ whether an interest in land is proposed to be discharged, and if so, an explanation of the reasons why;
- ❑ 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);
- ❑ 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);
- ❑ current use(s) of the land, and whether uses are authorised or unauthorised;
- ❑ current or proposed lease or agreements applying to the land, together with their duration, terms and controls;
- ❑ 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);
- ❑ any rezoning associated with the reclassification (if yes, need to demonstrate consistency with an endorsed Plan of Management or strategy);
- ❑ how council may or will benefit financially, and how these funds will be used;
- ❑ 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;
- ❑ 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; and
- ❑ preliminary comments by a relevant government agency, including an agency that dedicated the land to council, if applicable.

Appendix 8:

Summary of Council's interest in the land – Lot 1 DP 542707

Classification and reclassification of public land through a Local Environmental Plan

Requirement of LEP Practice Note PN 16-001

LEP Practice Note: PN 16-001 **Classification and reclassification of public land through a local environmental plan**	
Requirement	**Response**
A summary of council's interests in the land, including: - 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)	This information is also found in Background section of the Planning Proposal. • Historically, Lot 1 in DP 542707, and adjoining Lots 2 and 3, comprised of a former road known as Station Street. • Station Street was closed under the provisions of the *Public Roads Act 1902-1968*. Refer to Deposited Plan 36191, dated 12 July 1946 at **Appendix 6**. • On 9 May 1969 under Section 20 of the *Public Roads Act 1902-1968*, the land known as Deposited Plan 36191 was vested in the Council of the City of Penrith. Refer to Crown Grant Volume 11048 Folio 49 at **Appendix 7**. • The land was later subdivided into its current subdivision pattern, this being Lots 1, 2 and 3 in DP542707 (see **Appendix 8**). • Title volume 11393 folios 198-200 were issued to the Council of the City of Penrith on 21 August 1970 (see **Appendix 4**). • At its meeting of 6 June 1994, Council resolved to classify Lot 1in DP 542707as Community Land. Refer to Council report and minutes at **Appendix 9**.
- if council does not own the land, the land owner's consent;	Council is the land owner, refer to Certificate of Title at **Appendix 4**.
- the nature of any trusts, dedications etc;	Nil.

Planning & Environment

LEP practice note

LOCAL PLANNING

Ref No.	PN 16-001
Issued	5 October 2016
Related	Supersedes PN 09-003

Classification and reclassification of public land through a local environmental plan

The purpose of this practice note is to update guidance on classifying and reclassifying public land through a local environmental plan (LEP). This practice note emphasises the need for councils to demonstrate strategic and site specific merit, includes a comprehensive information checklist and clarifies issues arising for public reserves and interests in land. It should be read in conjunction with *A guide to preparing local environmental plans* and *A guide to preparing planning proposals*.

Classification of public land

Public land is managed under the *Local Government Act 1993* (LG Act) based on its classification. All public land must be classified as either community land or operational land (LG Act ss.25, 26).

- *Community* land – is land council makes available for use by the general 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 general public, for example, a works depot or council garage.

What is public land?

Public land is defined in the LG Act as any land (including a *public reserve*) vested in, or under council control. Exceptions include a public road, land to which the *Crown Lands Act 1989* applies, a common, land subject to the *Trustees of Schools of Arts Enabling Act 1902* or a regional park under the *National Parks and Wildlife Act 1974*.

Why classify public land?

The purpose of classification is to identify clearly that land made available for use by the general public (community) and that land which need not (operational). How public land is classified determines the ease or difficulty a council can have dealings in public land, including its sale, leasing or licensing. It also provides for transparency in council's strategic asset management or disposal of public land.

Community land must not be sold, exchanged or otherwise disposed of by a council. It can be leased, but there are restrictions on the grant of leases and licences, and also on the way community land can be used. A plan of management (PoM), adopted by council, is required for all community land, and details the specific uses and management of the land.

There are no special restrictions on council powers to manage, develop, dispose, or change the nature and use of operational land.

How is public land classified or reclassified?

Depending on circumstances, this is undertaken by either:

- council resolution under ss.31, 32, or 33 (through LG Act s.27(2)), or
- an LEP under the *Environmental Planning and Assessment Act* (through LG Act s.27(1)).

Councils are encouraged to classify or reclassify land by council resolution where suitable.

Classification of public land occurs when it is first acquired by a council and classified as either community or operational.

Reclassification of public land occurs when its classification is changed from community to operational, or from operational to community.

Reclassification through an LEP

Classification and reclassification of public land through an LEP is subject to both the local plan-making process in the EP&A Act and the public land management requirements of the LG Act.

A planning proposal to classify or reclassify public land, will need to be prepared in accordance with this practice note and the additional matters specified in Attachment 1 to this practice note.

Reclassification through an LEP 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 (LG Act s.30).

It is critical that all interests 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 (usually by council resolution under LG Act s.33[1]) before being reclassified in a new planning proposal to operational, to explicitly discharge any interests.

While a reclassification proposal to remove the public reserve status of land and/or discharge interests may not necessarily result in the immediate sale or disposal of the land, the community should be aware the public land in question is no longer protected under the LG Act from potential future sale once it has been reclassified to operational.

Councils should obtain their own advice when proposing to discharge any interests and be aware that this may attract a claim for compensation under the *Land Acquisition (Just Terms Compensation) Act 1991*.

Where land has been dedicated to council by a State agency for a particular purpose and a trust exists, it is advisable for council to seek the views of that agency prior to council commencing any planning proposal affecting the land.

Public reserve is defined in the LG Act and includes a public park and land declared or dedicated as a public reserve.

Land can be dedicated as a public reserve by either:

- registering a deposited plan with a statement creating a lot(s) as 'public reserve', or
- publishing a notification in the Government Gazette for an existing parcel.

Interests in land refers to property ownership as well as rights and privileges affecting land, such as leasehold, easements, covenants and mortgages.

For the purpose of reclassification through an LEP, 'interests' means trusts, estates, dedications, conditions, restrictions and covenants affecting the land.

A legal owner of land may not be the only person with an interest in the land. For example, one person may have the benefit of an easement for services, such as water, electricity or sewerage over someone else's land.

Certain interests are registered on title to ensure they are on record and cannot be disregarded if sold to a new owner. An electronic title search is generally conducted to determine the land owner, correct land description and the type of interests which may affect the land.

Standard Instrument LEP requirements

Clause 5.2—Classification and reclassification of public land in Standard Instrument LEPs enables councils to classify or reclassify public land as operational land or community land in accordance with the LG Act. The land to be reclassified or classified is described in Schedule 4 of the LEP.

Schedule 4 is not to refer to any land already classified or reclassified.

Where there is no public land to be classified, or reclassified, through a principal LEP (i.e. the LEP applies to the whole of a local government area), Schedule 4 will appear blank.

Note: At a later stage council may lodge a planning proposal to remove previous listings in Schedule 4. This will not affect the classification status of these parcels of land.

Department assessment

A proposal to classify or reclassify public land through an LEP must have planning merit. The Department will undertake an assessment to determine whether the proposal demonstrates strategic and site specific merit.

Community consultation

Planning proposals to reclassify public land are to be publicly exhibited for at least 28 days.

A copy of this practice note is to be included in the public exhibition materials.

[1] Note: Council is required to give public notice of the proposed resolution and provide a period of at least 28 days during which submissions may be made (LG Act s.34).

Public hearings

Councils must hold a public hearing when reclassifying public land from community to operational (EP&A Act s.57 & LG Act s.29). This gives the community an opportunity to expand on written submissions and discuss issues with an independent person in a public forum.

After the exhibition period has ended, at least 21 days public notice is to be given before the hearing. This allows the person chairing the hearing sufficient time to consider written submissions and all issues raised.

There are specific requirements for the independence of the person chairing the hearing, their preparation of a public hearing report and council making the report publicly available (LG Act s.47G).

Governor's approval

The Governor's approval is required when a reclassification proposal seeks to remove any public reserve status and/or discharge any interests affecting public land (s.30).

When a council reports back to the Department on the community consultation undertaken and requests the Department make the LEP, the Department will arrange legal drafting of the LEP, including recommending the Governor approve the provisions before the LEP can be legally made.

Where the Governor's approval is required, the council's report accompanying the final planning proposal must address:

- council's interests in the land;
- whether the land is a 'public reserve';
- the effect of the reclassification, including loss of open space, any discharge of interests, and/or removal of public reserve status;
- the strategic and site specific merits of the reclassification and evidence to support this;
- any current use of the land, and whether uses are authorised or unauthorised;
- how funds obtained from any future sale of the land will be used;
- the dates the planning proposal was publicly exhibited and when the public hearing was held;
- issues raised in any relevant submissions made by public authorities and the community;
- an explanation of how written and verbal submissions were addressed or resolved; and
- the public hearing report and council resolution.

Authorisation of delegation

Local plan making functions are now largely delegated to councils.

A Written Authorisation to Exercise Delegation is issued to a council as part of the Gateway determination. However, where an LEP requires the Governor's approval, this council delegation cannot be issued. In this instance, the council must request the Department make the LEP.

A decision to classify or reclassify public land cannot be sub-delegated by council to the general manager or any other person or body (LG Act s.377(1)(l)).

Background

On July 1, 1993 when the LG Act commenced, the following land under council ownership or control, was automatically classified as *community* land:

- land comprising a public reserve,
- land subject to a trust for a public purpose,
- land dedicated as a condition of consent under s.94 of the EP&A Act,
- land reserved, zoned or otherwise designated for use under an environmental planning instrument as open space,
- land controlled by council and vested in Corporation Sole - Minister administering the EP&A Act.

Councils must keep a register of land under their ownership or control (LG Act s.53) and anybody can apply to a council to obtain a certificate of classification (LG Act s.54).

Further information

A copy of this practice note, *A guide to preparing planning proposals* and *A guide to preparing local environmental plans* is available at: http://www.planning.nsw.gov.au

For further information, please contact the Department of Planning and Environment's Information Centre by one of the following:

Post: GPO Box 39, Sydney NSW 2001.
Tel: 1300 305 695
Email: information@planning.nsw.gov.au

Authorised by:
Carolyn McNally
Secretary

Important note: This practice note does not constitute legal advice. Users are advised to seek professional advice and refer to the relevant legislation, as necessary, before taking action in relation to any matters covered by this practice note.

© State of New South Wales through the Department of Planning and Environment
www.planning.nsw.gov.au

Disclaimer: While every reasonable effort has been made to ensure that this document is correct at the time of publication, the State of New South Wales, its agencies and employees, disclaim any and all liability to any person in respect of anything or the consequences of anything done or omitted to be done in reliance upon the whole or any part of this document.

ATTACHMENT 1 – INFORMATION CHECKLIST FOR PROPOSALS TO CLASSIFY OR RECLASSIFY PUBLIC LAND THROUGH AN LEP

The process for plan-making under the EP&A Act is detailed in *A guide to preparing planning proposals* and *A guide to preparing local environmental plans.*

Importantly, *A guide to preparing local environmental plans* contains the Secretary's requirements for matters that must be addressed in the justification of all planning proposals to reclassify public land. Councils must ensure the Secretary's requirements are addressed.

Councils must also comply with any obligations under the LG Act when classifying or reclassifying public land. More information on this can be found in *Practice Note No. 1 - Public Land Management* (Department of Local Government, 2000).

All planning proposals classifying or reclassifying public land must address the following matters for Gateway consideration. These are in addition to the requirements for all planning proposals under section 55(a) – (e) of the EP&A Act (and further explained in *A guide to preparing planning proposals* and *A guide to preparing local environmental plans*).

- ❑ the current and proposed classification of the land;
- ❑ whether the land is a 'public reserve' (defined in the LG Act);
- ❑ the strategic and site specific merits of the reclassification and evidence to support this;
- ❑ whether the planning proposal is the result of a strategic study or report;
- ❑ whether the planning proposal is consistent with council's community plan or other local strategic plan;
- ❑ a summary of council's interests in the land, including:
  - 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)
  - if council does not own the land, the land owner's consent;
  - the nature of any trusts, dedications etc;
- ❑ whether an interest in land is proposed to be discharged, and if so, an explanation of the reasons why;
- ❑ 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);
- ❑ 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);
- ❑ current use(s) of the land, and whether uses are authorised or unauthorised;
- ❑ current or proposed lease or agreements applying to the land, together with their duration, terms and controls;
- ❑ 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);
- ❑ any rezoning associated with the reclassification (if yes, need to demonstrate consistency with an endorsed Plan of Management or strategy);
- ❑ how council may or will benefit financially, and how these funds will be used;
- ❑ 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;
- ❑ 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; and
- ❑ preliminary comments by a relevant government agency, including an agency that dedicated the land to council, if applicable.

Appendix 9:

Summary of Council's interest in the land – Lot 2 DP 542707

Classification and reclassification of public land through a Local Environmental Plan

Requirement of LEP Practice Note PN 16-001

LEP Practice Note: PN 16-001 **Classification and reclassification of public land through a local environmental plan**	
Requirement	**Response**
A summary of council's interests in the land, including: - 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)	This information is also found in Background section of the Planning Proposal. • Historically, Lot 2 DP 542707, and adjoining Lots 1 and 3, comprised of a former road known as Station Street. • Station Street was closed under the provisions of the *Public Roads Act 1902-1968*. Refer to Deposited Plan 36191, dated 12 July 1946 at **Appendix 6**. • On 9 May 1969 under Section 20 of the *Public Roads Act 1902-1968*, the land known as Deposited Plan 36191 was vested in the Council of the City of Penrith. Refer to Crown Grant Volume 11048 Folio 49 at **Appendix 7**. • The land was later subdivided into its current subdivision pattern, this being Lots 1, 2 and 3 in DP542707 (see **Appendix 8**). • Title volume 11393 folios 198-200 were issued to the Council of the City of Penrith on 21 August 1970 (see **Appendix 4**). • At its meeting of 6 June 1994, Council resolved to classify Lot 2 in DP 542707as Community Land. Refer to Council report and minutes at **Appendix 9**.
- if council does not own the land, the land owner's consent;	Council is the land owner, refer to Certificate of Title at **Appendix 4**.
- the nature of any trusts, dedications etc;	Nil.

Planning & Environment

LEP practice note

LOCAL PLANNING

Ref No.	PN 16-001
Issued	5 October 2016
Related	Supersedes PN 09-003

Classification and reclassification of public land through a local environmental plan

The purpose of this practice note is to update guidance on classifying and reclassifying public land through a local environmental plan (LEP). This practice note emphasises the need for councils to demonstrate strategic and site specific merit, includes a comprehensive information checklist and clarifies issues arising for public reserves and interests in land. It should be read in conjunction with *A guide to preparing local environmental plans* and *A guide to preparing planning proposals*.

Classification of public land

Public land is managed under the *Local Government Act 1993* (LG Act) based on its classification. All public land must be classified as either community land or operational land (LG Act ss.25, 26).

- *Community* land – is land council makes available for use by the general 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 general public, for example, a works depot or council garage.

What is public land?

Public land is defined in the LG Act as any land (including a *public reserve*) vested in, or under council control. Exceptions include a public road, land to which the *Crown Lands Act 1989* applies, a common, land subject to the *Trustees of Schools of Arts Enabling Act 1902* or a regional park under the *National Parks and Wildlife Act 1974*.

Why classify public land?

The purpose of classification is to identify clearly that land made available for use by the general public (community) and that land which need not (operational). How public land is classified determines the ease or difficulty a council can have dealings in public land, including its sale, leasing or licensing. It also provides for transparency in council's strategic asset management or disposal of public land.

Community land must not be sold, exchanged or otherwise disposed of by a council. It can be leased, but there are restrictions on the grant of leases and licences, and also on the way community land can be used. A plan of management (PoM), adopted by council, is required for all community land, and details the specific uses and management of the land.

There are no special restrictions on council powers to manage, develop, dispose, or change the nature and use of operational land.

How is public land classified or reclassified?

Depending on circumstances, this is undertaken by either:

- council resolution under ss.31, 32, or 33 (through LG Act s.27(2)), or
- an LEP under the *Environmental Planning and Assessment Act* (through LG Act s.27(1)).

Councils are encouraged to classify or reclassify land by council resolution where suitable.

Classification of public land occurs when it is first acquired by a council and classified as either community or operational.

Reclassification of public land occurs when its classification is changed from community to operational, or from operational to community.

Reclassification through an LEP

Classification and reclassification of public land through an LEP is subject to both the local plan-making process in the EP&A Act and the public land management requirements of the LG Act.

A planning proposal to classify or reclassify public land, will need to be prepared in accordance with this practice note and the additional matters specified in Attachment 1 to this practice note.

Reclassification through an LEP 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 (LG Act s.30).

It is critical that all interests 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 (usually by council resolution under LG Act s.33[1]) before being reclassified in a new planning proposal to operational, to explicitly discharge any interests.

While a reclassification proposal to remove the public reserve status of land and/or discharge interests may not necessarily result in the immediate sale or disposal of the land, the community should be aware the public land in question is no longer protected under the LG Act from potential future sale once it has been reclassified to operational.

Councils should obtain their own advice when proposing to discharge any interests and be aware that this may attract a claim for compensation under the *Land Acquisition (Just Terms Compensation) Act 1991*.

Where land has been dedicated to council by a State agency for a particular purpose and a trust exists, it is advisable for council to seek the views of that agency prior to council commencing any planning proposal affecting the land.

Public reserve is defined in the LG Act and includes a public park and land declared or dedicated as a public reserve.

Land can be dedicated as a public reserve by either:

- registering a deposited plan with a statement creating a lot(s) as 'public reserve', or
- publishing a notification in the Government Gazette for an existing parcel.

Interests in land refers to property ownership as well as rights and privileges affecting land, such as leasehold, easements, covenants and mortgages.

For the purpose of reclassification through an LEP, 'interests' means trusts, estates, dedications, conditions, restrictions and covenants affecting the land.

A legal owner of land may not be the only person with an interest in the land. For example, one person may have the benefit of an easement for services, such as water, electricity or sewerage over someone else's land.

Certain interests are registered on title to ensure they are on record and cannot be disregarded if sold to a new owner. An electronic title search is generally conducted to determine the land owner, correct land description and the type of interests which may affect the land.

Standard Instrument LEP requirements

Clause 5.2—Classification and reclassification of public land in Standard Instrument LEPs enables councils to classify or reclassify public land as operational land or community land in accordance with the LG Act. The land to be reclassified or classified is described in Schedule 4 of the LEP.

Schedule 4 is not to refer to any land already classified or reclassified.

Where there is no public land to be classified, or reclassified, through a principal LEP (i.e. the LEP applies to the whole of a local government area), Schedule 4 will appear blank.

Note: At a later stage council may lodge a planning proposal to remove previous listings in Schedule 4. This will not affect the classification status of these parcels of land.

Department assessment

A proposal to classify or reclassify public land through an LEP must have planning merit. The Department will undertake an assessment to determine whether the proposal demonstrates strategic and site specific merit.

Community consultation

Planning proposals to reclassify public land are to be publicly exhibited for at least 28 days.

A copy of this practice note is to be included in the public exhibition materials.

[1] Note: Council is required to give public notice of the proposed resolution and provide a period of at least 28 days during which submissions may be made (LG Act s.34).

Public hearings

Councils must hold a public hearing when reclassifying public land from community to operational (EP&A Act s.57 & LG Act s.29). This gives the community an opportunity to expand on written submissions and discuss issues with an independent person in a public forum.

After the exhibition period has ended, at least 21 days public notice is to be given before the hearing. This allows the person chairing the hearing sufficient time to consider written submissions and all issues raised.

There are specific requirements for the independence of the person chairing the hearing, their preparation of a public hearing report and council making the report publicly available (LG Act s.47G).

Governor's approval

The Governor's approval is required when a reclassification proposal seeks to remove any public reserve status and/or discharge any interests affecting public land (s.30).

When a council reports back to the Department on the community consultation undertaken and requests the Department make the LEP, the Department will arrange legal drafting of the LEP, including recommending the Governor approve the provisions before the LEP can be legally made.

Where the Governor's approval is required, the council's report accompanying the final planning proposal must address:

- council's interests in the land;
- whether the land is a 'public reserve';
- the effect of the reclassification, including loss of open space, any discharge of interests, and/or removal of public reserve status;
- the strategic and site specific merits of the reclassification and evidence to support this;
- any current use of the land, and whether uses are authorised or unauthorised;
- how funds obtained from any future sale of the land will be used;
- the dates the planning proposal was publicly exhibited and when the public hearing was held;
- issues raised in any relevant submissions made by public authorities and the community;
- an explanation of how written and verbal submissions were addressed or resolved; and
- the public hearing report and council resolution.

Authorisation of delegation

Local plan making functions are now largely delegated to councils.

A Written Authorisation to Exercise Delegation is issued to a council as part of the Gateway determination. However, where an LEP requires the Governor's approval, this council delegation cannot be issued. In this instance, the council must request the Department make the LEP.

A decision to classify or reclassify public land cannot be sub-delegated by council to the general manager or any other person or body (LG Act s.377(1)(l)).

Background

On July 1, 1993 when the LG Act commenced, the following land under council ownership or control, was automatically classified as *community* land:

- land comprising a public reserve,
- land subject to a trust for a public purpose,
- land dedicated as a condition of consent under s.94 of the EP&A Act,
- land reserved, zoned or otherwise designated for use under an environmental planning instrument as open space,
- land controlled by council and vested in Corporation Sole - Minister administering the EP&A Act.

Councils must keep a register of land under their ownership or control (LG Act s.53) and anybody can apply to a council to obtain a certificate of classification (LG Act s.54).

Further information

A copy of this practice note, *A guide to preparing planning proposals* and *A guide to preparing local environmental plans* is available at: http://www.planning.nsw.gov.au

For further information, please contact the Department of Planning and Environment's Information Centre by one of the following:

Post: GPO Box 39, Sydney NSW 2001.
Tel: 1300 305 695
Email: information@planning.nsw.gov.au

Authorised by:
Carolyn McNally
Secretary

Important note: This practice note does not constitute legal advice. Users are advised to seek professional advice and refer to the relevant legislation, as necessary, before taking action in relation to any matters covered by this practice note.

© State of New South Wales through the Department of Planning and Environment
www.planning.nsw.gov.au

Disclaimer: While every reasonable effort has been made to ensure that this document is correct at the time of publication, the State of New South Wales, its agencies and employees, disclaim any and all liability to any person in respect of anything or the consequences of anything done or omitted to be done in reliance upon the whole or any part of this document.

ATTACHMENT 1 – INFORMATION CHECKLIST FOR PROPOSALS TO CLASSIFY OR RECLASSIFY PUBLIC LAND THROUGH AN LEP

The process for plan-making under the EP&A Act is detailed in *A guide to preparing planning proposals* and *A guide to preparing local environmental plans.*

Importantly, *A guide to preparing local environmental plans* contains the Secretary's requirements for matters that must be addressed in the justification of all planning proposals to reclassify public land. Councils must ensure the Secretary's requirements are addressed.

Councils must also comply with any obligations under the LG Act when classifying or reclassifying public land. More information on this can be found in *Practice Note No. 1 - Public Land Management* (Department of Local Government, 2000).

All planning proposals classifying or reclassifying public land must address the following matters for Gateway consideration. These are in addition to the requirements for all planning proposals under section 55(a) – (e) of the EP&A Act (and further explained in *A guide to preparing planning proposals* and *A guide to preparing local environmental plans*).

- ❑ the current and proposed classification of the land;
- ❑ whether the land is a 'public reserve' (defined in the LG Act);
- ❑ the strategic and site specific merits of the reclassification and evidence to support this;
- ❑ whether the planning proposal is the result of a strategic study or report;
- ❑ whether the planning proposal is consistent with council's community plan or other local strategic plan;
- ❑ a summary of council's interests in the land, including:
  - 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)
  - if council does not own the land, the land owner's consent;
  - the nature of any trusts, dedications etc;
- ❑ whether an interest in land is proposed to be discharged, and if so, an explanation of the reasons why;
- ❑ 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);
- ❑ 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);
- ❑ current use(s) of the land, and whether uses are authorised or unauthorised;
- ❑ current or proposed lease or agreements applying to the land, together with their duration, terms and controls;
- ❑ 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);
- ❑ any rezoning associated with the reclassification (if yes, need to demonstrate consistency with an endorsed Plan of Management or strategy);
- ❑ how council may or will benefit financially, and how these funds will be used;
- ❑ 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;
- ❑ 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; and
- ❑ preliminary comments by a relevant government agency, including an agency that dedicated the land to council, if applicable.

Appendix 10:

Summary of Council's interest in the land – Lot 3 DP 542707

Classification and reclassification of public land through a Local Environmental Plan

Requirement of LEP Practice Note PN 16-001

LEP Practice Note: PN 16-001 **Classification and reclassification of public land through a local environmental plan**	
Requirement	**Response**
A summary of council's interests in the land, including: - 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)	This information is also found in Background section of the Planning Proposal. • Historically, Lot 3 DP 542707, and adjoining Lots 1 and 2, comprised of a former road known as Station Street. • Station Street was closed under the provisions of the *Public Roads Act 1902-1968*. Refer to Deposited Plan 36191, dated 12 July 1946 at **Appendix 6**. • On 9 May 1969 under Section 20 of the *Public Roads Act 1902-1968*, the land known as Deposited Plan 36191 was vested in the Council of the City of Penrith. Refer to Crown Grant Volume 11048 Folio 49 at **Appendix 7**. • The land was later subdivided into its current subdivision pattern, this being Lots 1, 2 and 3 in DP542707 (see **Appendix 8**). • Title volume 11393 folios 198-200 were issued to the Council of the City of Penrith on 21 August 1970 (see **Appendix 4**). • At its meeting of 6 June 1994, Council resolved to classify Lot 3 in DP 542707as Community Land. Refer to Council report and minutes at **Appendix 9**
- if council does not own the land, the land owner's consent;	Council is the land owner, refer to Certificate of Title at **Appendix 4**.
- the nature of any trusts, dedications etc;	Nil.

Planning & Environment

LEP practice note

LOCAL PLANNING

Ref No.	PN 16-001
Issued	5 October 2016
Related	Supersedes PN 09-003

Classification and reclassification of public land through a local environmental plan

The purpose of this practice note is to update guidance on classifying and reclassifying public land through a local environmental plan (LEP). This practice note emphasises the need for councils to demonstrate strategic and site specific merit, includes a comprehensive information checklist and clarifies issues arising for public reserves and interests in land. It should be read in conjunction with *A guide to preparing local environmental plans* and *A guide to preparing planning proposals*.

Classification of public land

Public land is managed under the *Local Government Act 1993* (LG Act) based on its classification. All public land must be classified as either community land or operational land (LG Act ss.25, 26).

- *Community* land – is land council makes available for use by the general 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 general public, for example, a works depot or council garage.

What is public land?

Public land is defined in the LG Act as any land (including a *public reserve*) vested in, or under council control. Exceptions include a public road, land to which the *Crown Lands Act 1989* applies, a common, land subject to the *Trustees of Schools of Arts Enabling Act 1902* or a regional park under the *National Parks and Wildlife Act 1974*.

Why classify public land?

The purpose of classification is to identify clearly that land made available for use by the general public (community) and that land which need not (operational). How public land is classified determines the ease or difficulty a council can have dealings in public land, including its sale, leasing or licensing. It also provides for transparency in council's strategic asset management or disposal of public land.

Community land must not be sold, exchanged or otherwise disposed of by a council. It can be leased, but there are restrictions on the grant of leases and licences, and also on the way community land can be used. A plan of management (PoM), adopted by council, is required for all community land, and details the specific uses and management of the land.

There are no special restrictions on council powers to manage, develop, dispose, or change the nature and use of operational land.

How is public land classified or reclassified?

Depending on circumstances, this is undertaken by either:

- council resolution under ss.31, 32, or 33 (through LG Act s.27(2)), or
- an LEP under the *Environmental Planning and Assessment Act* (through LG Act s.27(1)).

Councils are encouraged to classify or reclassify land by council resolution where suitable.

Classification of public land occurs when it is first acquired by a council and classified as either community or operational.

Reclassification of public land occurs when its classification is changed from community to operational, or from operational to community.

Reclassification through an LEP

Classification and reclassification of public land through an LEP is subject to both the local plan-making process in the EP&A Act and the public land management requirements of the LG Act.

A planning proposal to classify or reclassify public land, will need to be prepared in accordance with this practice note and the additional matters specified in Attachment 1 to this practice note.

Reclassification through an LEP 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 (LG Act s.30).

It is critical that all interests 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 (usually by council resolution under LG Act s.33[1]) before being reclassified in a new planning proposal to operational, to explicitly discharge any interests.

While a reclassification proposal to remove the public reserve status of land and/or discharge interests may not necessarily result in the immediate sale or disposal of the land, the community should be aware the public land in question is no longer protected under the LG Act from potential future sale once it has been reclassified to operational.

Councils should obtain their own advice when proposing to discharge any interests and be aware that this may attract a claim for compensation under the *Land Acquisition (Just Terms Compensation) Act 1991*.

Where land has been dedicated to council by a State agency for a particular purpose and a trust exists, it is advisable for council to seek the views of that agency prior to council commencing any planning proposal affecting the land.

Public reserve is defined in the LG Act and includes a public park and land declared or dedicated as a public reserve.

Land can be dedicated as a public reserve by either:

- registering a deposited plan with a statement creating a lot(s) as 'public reserve', or
- publishing a notification in the Government Gazette for an existing parcel.

Interests in land refers to property ownership as well as rights and privileges affecting land, such as leasehold, easements, covenants and mortgages.

For the purpose of reclassification through an LEP, 'interests' means trusts, estates, dedications, conditions, restrictions and covenants affecting the land.

A legal owner of land may not be the only person with an interest in the land. For example, one person may have the benefit of an easement for services, such as water, electricity or sewerage over someone else's land.

Certain interests are registered on title to ensure they are on record and cannot be disregarded if sold to a new owner. An electronic title search is generally conducted to determine the land owner, correct land description and the type of interests which may affect the land.

Standard Instrument LEP requirements

Clause 5.2—Classification and reclassification of public land in Standard Instrument LEPs enables councils to classify or reclassify public land as operational land or community land in accordance with the LG Act. The land to be reclassified or classified is described in Schedule 4 of the LEP.

Schedule 4 is not to refer to any land already classified or reclassified.

Where there is no public land to be classified, or reclassified, through a principal LEP (i.e. the LEP applies to the whole of a local government area), Schedule 4 will appear blank.

Note: At a later stage council may lodge a planning proposal to remove previous listings in Schedule 4. This will not affect the classification status of these parcels of land.

Department assessment

A proposal to classify or reclassify public land through an LEP must have planning merit. The Department will undertake an assessment to determine whether the proposal demonstrates strategic and site specific merit.

Community consultation

Planning proposals to reclassify public land are to be publicly exhibited for at least 28 days.

A copy of this practice note is to be included in the public exhibition materials.

[1] Note: Council is required to give public notice of the proposed resolution and provide a period of at least 28 days during which submissions may be made (LG Act s.34).

Public hearings

Councils must hold a public hearing when reclassifying public land from community to operational (EP&A Act s.57 & LG Act s.29). This gives the community an opportunity to expand on written submissions and discuss issues with an independent person in a public forum.

After the exhibition period has ended, at least 21 days public notice is to be given before the hearing. This allows the person chairing the hearing sufficient time to consider written submissions and all issues raised.

There are specific requirements for the independence of the person chairing the hearing, their preparation of a public hearing report and council making the report publicly available (LG Act s.47G).

Governor's approval

The Governor's approval is required when a reclassification proposal seeks to remove any public reserve status and/or discharge any interests affecting public land (s.30).

When a council reports back to the Department on the community consultation undertaken and requests the Department make the LEP, the Department will arrange legal drafting of the LEP, including recommending the Governor approve the provisions before the LEP can be legally made.

Where the Governor's approval is required, the council's report accompanying the final planning proposal must address:

- council's interests in the land;
- whether the land is a 'public reserve';
- the effect of the reclassification, including loss of open space, any discharge of interests, and/or removal of public reserve status;
- the strategic and site specific merits of the reclassification and evidence to support this;
- any current use of the land, and whether uses are authorised or unauthorised;
- how funds obtained from any future sale of the land will be used;
- the dates the planning proposal was publicly exhibited and when the public hearing was held;
- issues raised in any relevant submissions made by public authorities and the community;
- an explanation of how written and verbal submissions were addressed or resolved; and
- the public hearing report and council resolution.

Authorisation of delegation

Local plan making functions are now largely delegated to councils.

A Written Authorisation to Exercise Delegation is issued to a council as part of the Gateway determination. However, where an LEP requires the Governor's approval, this council delegation cannot be issued. In this instance, the council must request the Department make the LEP.

A decision to classify or reclassify public land cannot be sub-delegated by council to the general manager or any other person or body (LG Act s.377(1)(l)).

Background

On July 1, 1993 when the LG Act commenced, the following land under council ownership or control, was automatically classified as *community* land:

- land comprising a public reserve,
- land subject to a trust for a public purpose,
- land dedicated as a condition of consent under s.94 of the EP&A Act,
- land reserved, zoned or otherwise designated for use under an environmental planning instrument as open space,
- land controlled by council and vested in Corporation Sole - Minister administering the EP&A Act.

Councils must keep a register of land under their ownership or control (LG Act s.53) and anybody can apply to a council to obtain a certificate of classification (LG Act s.54).

Further information

A copy of this practice note, *A guide to preparing planning proposals* and *A guide to preparing local environmental plans* is available at: http://www.planning.nsw.gov.au

For further information, please contact the Department of Planning and Environment's Information Centre by one of the following:

Post: GPO Box 39, Sydney NSW 2001.
Tel: 1300 305 695
Email: information@planning.nsw.gov.au

Authorised by:
Carolyn McNally
Secretary

Important note: This practice note does not constitute legal advice. Users are advised to seek professional advice and refer to the relevant legislation, as necessary, before taking action in relation to any matters covered by this practice note.

© State of New South Wales through the Department of Planning and Environment
www.planning.nsw.gov.au

Disclaimer: While every reasonable effort has been made to ensure that this document is correct at the time of publication, the State of New South Wales, its agencies and employees, disclaim any and all liability to any person in respect of anything or the consequences of anything done or omitted to be done in reliance upon the whole or any part of this document.

ATTACHMENT 1 – INFORMATION CHECKLIST FOR PROPOSALS TO CLASSIFY OR RECLASSIFY PUBLIC LAND THROUGH AN LEP

The process for plan-making under the EP&A Act is detailed in *A guide to preparing planning proposals* and *A guide to preparing local environmental plans.*

Importantly, *A guide to preparing local environmental plans* contains the Secretary's requirements for matters that must be addressed in the justification of all planning proposals to reclassify public land. Councils must ensure the Secretary's requirements are addressed.

Councils must also comply with any obligations under the LG Act when classifying or reclassifying public land. More information on this can be found in *Practice Note No. 1 - Public Land Management* (Department of Local Government, 2000).

All planning proposals classifying or reclassifying public land must address the following matters for Gateway consideration. These are in addition to the requirements for all planning proposals under section 55(a) – (e) of the EP&A Act (and further explained in *A guide to preparing planning proposals* and *A guide to preparing local environmental plans*).

- ❑ the current and proposed classification of the land;
- ❑ whether the land is a 'public reserve' (defined in the LG Act);
- ❑ the strategic and site specific merits of the reclassification and evidence to support this;
- ❑ whether the planning proposal is the result of a strategic study or report;
- ❑ whether the planning proposal is consistent with council's community plan or other local strategic plan;
- ❑ a summary of council's interests in the land, including:
  - 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)
  - if council does not own the land, the land owner's consent;
  - the nature of any trusts, dedications etc;
- ❑ whether an interest in land is proposed to be discharged, and if so, an explanation of the reasons why;
- ❑ 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);
- ❑ 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);
- ❑ current use(s) of the land, and whether uses are authorised or unauthorised;
- ❑ current or proposed lease or agreements applying to the land, together with their duration, terms and controls;
- ❑ 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);
- ❑ any rezoning associated with the reclassification (if yes, need to demonstrate consistency with an endorsed Plan of Management or strategy);
- ❑ how council may or will benefit financially, and how these funds will be used;
- ❑ 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;
- ❑ 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; and
- ❑ preliminary comments by a relevant government agency, including an agency that dedicated the land to council, if applicable.

Appendix 11:

Policy Review Committee Meeting and confirmed Minutes – 4 June 2018

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

Compiled by: **Danielle Fox, Planner**

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

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

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

Executive Summary

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

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

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

Background

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

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

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

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

Figure 1 Aerial of subject land

Strategic Context

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

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

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

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

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

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

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

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

Reclassification Process

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

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

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

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

Conclusion

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

RECOMMENDATION

That:

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

ATTACHMENTS/APPENDICES

1.	Planning Proposal 11-13 Chesham Street St Marys	118 Pages	Attachments Included

Councillor Tricia Hitchen returned to the meeting, the time being 7:29pm.

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

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

That:

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

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

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

Appendix 12:

Consistency of Planning Proposal with State Environmental Planning Policies

SEPP Title	Applicable	Consistent
SEPP No 1 — Development standards	N/A	
SEPP No 14 — Coastal Wetlands	N/A	
SEPP No 19 — Bushland in Urban Areas	Yes	Yes
SEPP No 21 — Caravan Parks	N/A	
SEPP No 26 — Littoral Rainforests	N/A	
SEPP No 30 — Intensive Agriculture	N/A	
SEPP No 33 — Hazardous and Offensive Development	N/A	
SEPP No 36 — Manufactured Home Estates	N/A	
SEPP No 44 — Koala Habitat Protection	N/A	
SEPP No 47 — Moore Park Showground	N/A	
SEPP No 50 — Canal Estate Development	N/A	
SEPP No 52 — Farm Dams and Other Works in Land and Water Management Plan Areas	N/A	
SEPP No 55 — Remediation of Land	Yes	SEPP 55 will need to be addressed as part of any future DA on the site
SEPP No 62 — Sustainable Aquaculture	N/A	
SEPP No 64 — Advertising and Signage	N/A	
SEPP No 65 — Design Quality of Residential Flat Development	N/A	
SEPP No 70 — Affordable Housing (Revised Schemes)	Yes	Yes
SEPP No 71 — Coastal Protection	N/A	
SEPP (Educational Establishments and Child Care Facilities)	N/A	
SEPP (Affordable Rental Housing) 2009	Yes	Yes
SEPP (Building Sustainability Index: BASIX) 2004	Yes	Yes
SEPP (Exempt and Complying Development Codes) 2008	Yes	This PP is not inconsistent with the Codes SEPP
SEPP (Housing for Seniors or People with a Disability) 2004	Yes	Yes

SEPP Title	Applicable	Consistent
SEPP (Infrastructure) 2007	Yes	This PP is not inconsistent with the ISEPP
SEPP (Integration and Repeals) 2016	N/A	
SEPP (Kosciuszko National Park— Alpine Resorts) 2007	N/A	
SEPP (Kurnell Peninsula) 1989	N/A	
SEPP (State Significant Precincts) 2005	Yes	Yes
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	N/A	
State Environmental Planning Policy (Miscellaneous Consent Provisions) 2007	N/A	
State Environmental Planning Policy (Penrith Lakes Scheme) 1989	N/A	
SEPP (Rural Lands) 2008	N/A	
State Environmental Planning Policy (State and Regional Development) 2011	Yes	Yes
State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011	N/A	
SEPP (Sydney Region Growth Centres) 2006	N/A	
State Environmental Planning Policy (Three Ports) 2013	N/A	
State Environmental Planning Policy (Urban Renewal) 2010	Yes	Yes
SEPP (Vegetation in Non-Rural Areas) 2017		
SEPP (Western Sydney Employment Area) 2009	N/A	
SEPP (Western Sydney Parklands) 2009	N/A	

Appendix 13:

Consistency of Planning Proposal with Section 9.1 Directions

Section 9.1 Direction	Consistency
1. Employment and Resources	
1.1 <u>Business and Industrial Zones</u> This direction applies when a relevant planning authority prepares a Planning Proposal that will affect land within an existing or proposed business or industrial zone (including the alteration of any existing business or industrial zone boundary).	N/A
1.2 <u>Rural Zones</u> This direction applies when a relevant planning authority prepares a Planning Proposal that will affect land within an existing or proposed rural zone (including the alteration of any existing rural zone boundary).	N/A
1.3 <u>Mining, Petroleum Production and Extractive Industries</u> This direction applies when a relevant planning authority prepares a Planning Proposal that would have the effect of: (a) prohibiting the mining of coal or other minerals, production of petroleum, or winning or obtaining of extractive materials, or (b) restricting the potential development of resources of coal, other minerals, petroleum or extractive materials which are of State or regional significance by permitting a land use that is likely to be incompatible with such development.	N/A
1.4 <u>Oyster Aquaculture</u> This direction applies when a relevant planning authority prepares any Planning Proposal that proposes a change in land use which could result in: (a) adverse impacts on a Priority Oyster Aquaculture Area or a “current oyster aquaculture lease in the national parks estate”; or (b) incompatible use of land between oyster aquaculture in a Priority Oyster Aquaculture Area or a “current oyster aquaculture lease in the national parks estate” and other land uses.	N/A
1.5 <u>Rural Lands</u> This direction applies when: (a) a relevant planning authority prepares a Planning Proposal that will affect land within an existing or proposed rural or environment protection zone (including the alteration of any existing rural or environment protection zone boundary) or	N/A

Section 9.1 Direction	Consistency
(b) a relevant planning authority prepares a Planning Proposal that changes the existing minimum lot size on land within a rural or environment protection zone.	
2. Environment and Heritage	
2.1 Environment Protection Zones This direction applies when a relevant planning authority prepares a Planning Proposal.	Yes. There are no environmentally sensitive areas that need to be protected and/or conserved as part of the PP. The PP does not reduce the environmental protection standards that apply to the land.
2.2 Coastal Protection This direction applies when a relevant planning authority prepares a Planning Proposal that applies to land in the coastal zone.	N/A
2.3 Heritage Conservation This direction applies when a relevant planning authority prepares a Planning Proposal. The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.	Yes. The proposed reclassification does not reduce the heritage value of nearby heritage items or land, namely St Marys Railway Station, which is listed on the State Heritage Register. The impact of any future development will be assessed as part of a DA in light of the existing heritage conservation provisions within the PLEP 2010.
2.4 Recreation Vehicle Areas This direction applies when a relevant planning authority prepares a Planning Proposal.	Yes. The PP does not enable land to be developed for the purpose of a recreation vehicle area.
2.5 Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs This direction applies to the local government areas of Ballina, Byron, Kyogle, Lismore and Tweed.	N/A
3. Housing, Infrastructure and Urban Development	
3.1 Residential Zones This direction applies when a relevant planning authority prepares a Planning Proposal that will affect land within:	Yes The land is situated within an existing residential zone and the PP is consistent with this direction. No specific provisions in this regard are required.

Section 9.1 Direction	Consistency
(a) an existing or proposed residential zone (including the alteration of any existing residential zone boundary), (b) any other zone in which significant residential development is permitted or proposed to be permitted.	
3.2 Caravan Parks and Manufactured Home Estates This direction applies when a relevant planning authority prepares a Planning Proposal.	Yes. The PP does not contain provisions that restrict development for the purpose of a caravan park.
3.3 Home Occupations This direction applies when a relevant planning authority prepares a Planning Proposal.	Yes. Home occupations will continue to be permitted to be carried out in dwelling houses, without the need for development consent.
3.4 Integrating Land Use and Transport This direction applies when a relevant planning authority prepares a Planning Proposal that will create, alter or remove a zone or a provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes.	N/A
3.5 Development Near Licensed Aerodromes This direction applies when a relevant planning authority prepares a Planning Proposal that will create, alter or remove a zone or a provision relating to land in the vicinity of a licensed aerodrome.	N/A
3.6 Shooting Ranges This direction applies when a relevant planning authority prepares a Planning Proposal that will affect, create, alter or remove a zone or a provision relating to land adjacent to and/ or adjoining an existing shooting range.	N/A
4. Hazard and Rise	
4.1 Acid Sulfate Soils This direction applies when a relevant planning authority prepares a Planning Proposal that will apply to land having a probability of containing acid sulfate soils as shown on the Acid Sulfate Soils Planning Maps.	N/A
4.2 Mine Subsidence and Unstable Land This direction applies when a relevant planning authority prepares a Planning Proposal that permits development on land that:	N/A

Section 9.1 Direction	Consistency
(a) is within a mine subsidence district, or (b) has been identified as unstable in a study, strategy or other assessment undertaken: (i) by or on behalf of the relevant planning authority, or (ii) by or on behalf of a public authority and provided to the relevant planning authority.	
4.3 Flood Prone Land This direction applies when a relevant planning authority prepares a Planning Proposal that creates, removes or alters a zone or a provision that affects flood prone land.	N/A
4.4 Planning for Bushfire Protection This direction applies when a relevant planning authority prepares a Planning Proposal that will affect, or is in proximity to land mapped as bushfire prone land.	N/A
5. Regional Planning	
5.1 Implementation of Regional Strategies This direction applies when a relevant planning authority prepares a Planning Proposal.	Revoked October 2017
5.2 Sydney Drinking Water Catchments This Direction applies when a relevant planning authority prepares a Planning Proposal that applies to land within the Sydney drinking water catchment.	N/A
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	N/A
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	N/A
5.5 Second Sydney Airport: Badgerys Creek Planning Proposals must not contain provisions that enable the carrying out of development, either with or without development consent, which at the date of this direction, could hinder the potential for development of a Second Sydney Airport.	N/A
5.6 North West Rail Link Corridor Strategy	N/A
5.7 Implementation of Regional Plans This direction applies when a relevant planning authority prepares a Planning Proposal.	Yes. The PP provides opportunity for the site to be developed in accordance with the vision,

Section 9.1 Direction	Consistency
	strategy, goals and directions contained in the Regional Plan

Appendix 14:

Transport Impact Assessment prepared by GTA January 2018

GTAconsultants

11-13 Chesham Street, St Marys
Planning Proposal
Transport Impact Assessment

Client //	Penrith City Council
Office //	NSW
Reference //	N139510
Date //	22/01/18

11-13 Chesham Street, St Marys

Planning Proposal

Transport Impact Assessment

Issue: A 22/01/18

Client: Penrith City Council
Reference: N139510
GTA Consultants Office: NSW

Quality Record

Issue	Date	Description	Prepared By	Checked By	Approved By	Signed
A	22/01/18	Final	Ghizlane Chergaoui Syed Ali	Nicole Vukic	Nicole Vukic	N.Vukic

TIA Report - NSW (160805 v1.12)

© GTA Consultants (GTA Consultants (NSW) Pty Ltd) 2017
The information contained in this document is confidential and intended solely for the use of the client for the purpose for which it has been prepared and no representation is made or is to be implied as being made to any third party. Use or copying of this document in whole or in part without the written permission of GTA Consultants constitutes an infringement of copyright. The intellectual property contained in this document remains the property of GTA Consultants.

GTAconsultants

Melbourne | Sydney | Brisbane
Canberra | Adelaide | Perth

Table of Contents

1. Introduction 1

1.1 Background 1

1.2 Purpose of this Report 1

1.3 References 1

2. Existing Conditions 2

2.1 Site Location 2

2.2 Road Network 2

2.3 Traffic Volumes 4

2.4 Intersection Operation 5

2.5 Car Parking 6

2.6 Public Transport 7

2.7 Pedestrian Infrastructure 8

2.8 Cyclist Infrastructure 8

2.9 Transport Studies 9

3. Development Proposal 11

3.1 Land Uses 11

3.2 Vehicle Access 11

3.3 Pedestrian Facilities 12

3.4 Bicycle Facilities 12

3.5 Loading Areas 13

3.6 Refuse Collection 13

4. Car Parking 14

4.1 Car Parking Requirements 14

5. Traffic Impact Assessment 16

5.1 Traffic Generation 16

5.2 Distribution and Assignment 16

5.3 Traffic Growth for this study 17

5.4 Traffic Impact 17

6. Conclusion 19

Appendices

A: SIDRA Intersection Results

Figures

Figure 2.1:	Subject site and its environs	2
Figure 2.2:	Glossop Street (looking south)	3
Figure 2.3:	Chesham Street (looking east)	3
Figure 2.4:	Chesham Street (looking west)	3
Figure 2.5:	Lethbridge Street (looking south)	4
Figure 2.6:	Existing AM/ PM peak hour traffic volumes	5
Figure 2.7:	Chesham Street parking demand	7
Figure 2.8:	Station Street parking demand	7
Figure 2.9:	Bus network map	7
Figure 2.10:	Glossop Street footpath (west side)	8
Figure 2.11:	Station Street footpath (south side)	8
Figure 2.12:	Existing and proposed bicycle network around the site	9
Figure 2.13:	Route options for the South West Rail Link Extension Corridor project	10
Figure 3.1:	Proposed concept layout	11
Figure 5.1:	Proposed development traffic at the Glossop Street/ Phillip Street	17

Tables

Table 2.1:	SIDRA Intersection level of service criteria	6
Table 2.2:	Existing operating conditions	6
Table 2.3:	Public transport provision	8
Table 3.1:	Development schedule	11
Table 3.2:	DCP 2014 bicycle parking requirements	12
Table 4.1:	DCP car parking requirements	14
Table 4.2:	Roads and Maritime car parking requirements	14
Table 5.1:	Council's localised high density flat building traffic generation rate	16
Table 5.2:	2027 intersection operating conditions	18

1. Introduction

1.1 Background

Penrith City Council (Council) is lodging a planning proposal to reclassify 5,758 square metre of land located at 11-13 Chesham Street, St Marys from community land R4 High Density Residential to operational land. The reclassification would allow the site to be developed, with an expected yield of approximately 100 apartments.

Council engaged GTA Consultants (GTA) in November 2017 to complete a transport impact assessment which assesses the impacts of the planning proposal.

1.2 Purpose of this Report

This report sets out an assessment of the anticipated transport implications of the proposed development, including consideration of the following:

i Existing traffic and parking conditions surrounding the site
ii Parking requirements for the development
iii Service vehicle requirements
iv Pedestrian and bicycle requirements
v The traffic generating characteristics of the proposed development
vi Suitability of the proposed access arrangements for the site
vii The transport impact of the development proposal on the surrounding road network.

1.3 References

In preparing this report, reference has been made to the following:

- An inspection of the site and its surrounds in November 2017
- Penrith City Council Development Control Plan (DCP) 2014
- Australian Standard/ New Zealand Standard, Parking Facilities, Part 1: Off-Street Car Parking AS/NZS 2890.1:2004
- Traffic and car parking surveys completed by Matrix Traffic and Transport Data in November 2017, as referenced in the context of this report
- Concept design plans for the proposed development prepared by Group GSA, dated March 2017
- Other documents and data as referenced in this report.

2. Existing Conditions

2.1 Site Location

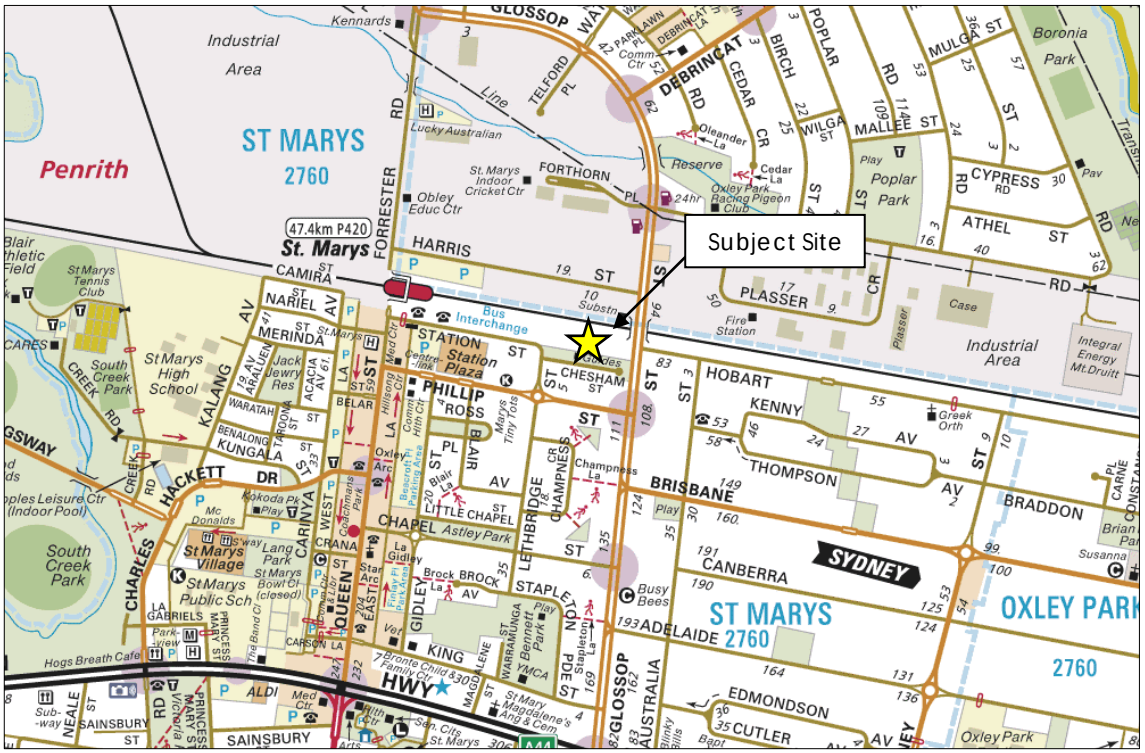
The subject site is located at 11-13 Chesham Street, St Marys (Lot 3 of DP542707 and Lot 21 of DP36191) and is currently classified as R4 High Density Residential.

The site is located approximately 350 metres east of St Marys Railway Station and less than one kilometre north of the Great Western Highway. The site is currently used as community open space. It is bounded by the railway line to the north, Glossop Street to the east, Chesham Street to the south and Lethbridge Street to the west.

Land uses surrounding the site include medium and low density residential properties, as well as the St Marys Station Plaza and other retail and community land uses located to the west of the site.

The location of the subject site and its surrounding environs is shown in Figure 2.1.

Figure 2.1: Subject site and its environs



Basemap source: Sydway

2.2 Road Network

2.2.1 Adjoining Roads

Glossop Street

Glossop Street is classified as a regional road and is generally aligned in the north-south direction and aligning the eastern boundary of the site. It has a 20-metre-wide separated carriageway with two lanes of traffic in each direction.

Glossop Street has a speed limit of 60 kilometres per hour with no kerbside parking permitted on either side.

Glossop Street is shown in Figure 2.2.

Figure 2.2: Glossop Street (looking south)

Chesham Street

Chesham Street is a local road aligned in an east-west direction and is located south of the site and has a cul-de-sac at its eastern end. It has a seven-metre wide, two-lane carriageway with kerbside parking permitted on both sides.

Chesham Street has a speed limit of 50 kilometres per hour and is shown in Figure 2.3 and Figure 2.4.

Figure 2.3: Chesham Street (looking east)

Figure 2.4: Chesham Street (looking west)

Lethbridge Street

Lethbridge Street is a local road aligned in a north-south direction and located west of the site. It has a nine-metre wide, two-lane carriageway with kerbside parking generally permitted on both sides. Lethbridge intersects with Station Street adjacent to the site.

Lethbridge Street has a speed limit of 50 kilometres per hour and is shown in Figure 2.5.

Figure 2.5: Lethbridge Street (looking south)

Station Street

Station Street is a local road aligned in an east-west direction located west of the site. It is a 13-metre-wide, two-lane carriageway with kerbside parking generally permitted on both sides. Station Street has a speed limit of 40 kilometres per hour and provides access to the St Marys Railway Station.

Phillip Street

Phillip Street is a local road aligned in an east-west direction located south of the site. It is a 12-metre wide, two-lane carriageway with kerbside parking permitted on both sides. Station Street has a speed limit of 50 kilometres per hour and provides a connection to Glossop Street.

2.2.2 Surrounding Intersections

The following intersections currently exist near the site:

- Chesham Street/ Lethbridge Street (priority controlled)
- Lethbridge Street/ Station Street (bend/ priority controlled)
- Lethbridge Street/ Phillip Street (roundabout)
- Glossop Street/ Phillip Street (signalised).

2.3 Traffic Volumes

The majority of the intersections located near the site are priority controlled and carry reasonably low traffic volumes, given the local road network context.

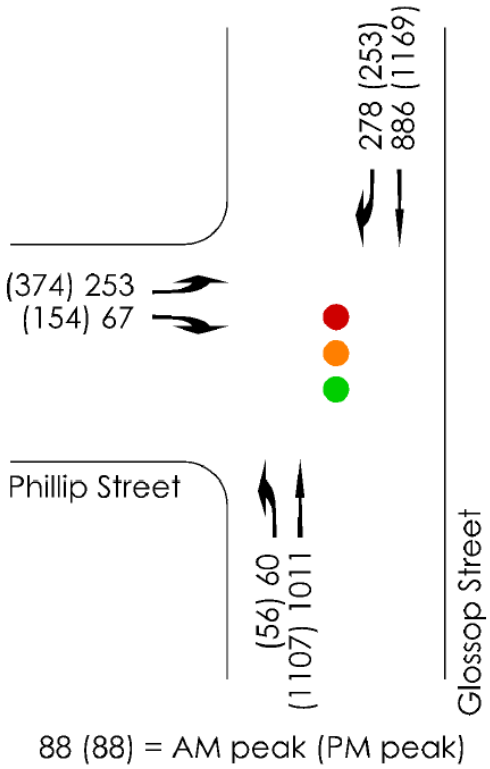
The intersection of Glossop Street/ Phillip Street is considered a key intersection within the surrounding road network, as it provides a key connection to the arterial road network including the Great Western Highway to the south and Forrester Road to the north-west.

The Glossop Street/ Phillip Street intersection is a three-leg signalised intersection and has pedestrian crossings on the west and south legs. Turning movement counts were completed at the intersection on Tuesday 9 November 2017 during the AM (6am to 9am) and PM (4pm to 6pm) peak periods.

The AM and PM peak hour traffic volumes are summarised in Figure 2.6 for the following surveyed peak hours:

- AM peak hour: 8am to 9am
- PM peak hour: 3:15pm to 4:15pm.

Figure 2.6: Existing AM/ PM peak hour traffic volumes



2.4 Intersection Operation

The operation of the Glossop Street/ Phillip Street intersection has been assessed using SIDRA Intersection[1], a computer based modelling package which calculates intersection performance.

The commonly used measure of intersection performance, as defined by the Roads and Maritime Services (Roads and Maritime), is vehicle delay. SIDRA Intersection determines the average delay that vehicles encounter and provides a measure of the level of service. A level of service of D or better is generally considered acceptable operation.

Table 2.1 shows the criteria that SIDRA Intersection adopts in assessing the level of service.

[1] Program used under license from Akcelik & Associates Pty Ltd.

Table 2.1: SIDRA Intersection level of service criteria

Level of service	Average delay per vehicle (secs/veh)	Traffic signals, roundabout	Give way and stop sign
A	Less than 14	Good operation	Good operation
B	15 to 28	Good with acceptable delays and spare capacity	Acceptable delays and spare capacity
C	29 to 42	Satisfactory	Satisfactory, but accident study required
D	43 to 56	Near capacity	Near capacity, accident study required
E	57 to 70	At capacity, at signals incidents will cause excessive delays	At capacity, requires other control mode
F	Greater than 70	Extra capacity required	Extreme delay, major treatment required

Table 2.2 presents a summary of the existing operation of the intersection, with full results presented in Appendix A of this report.

Table 2.2: Existing operating conditions

Intersection	Peak	Leg	Degree of saturation	Average delay (sec)	95th percentile queue (m)	Level of service
Glossop Street/ Phillip Street	AM	South	0.55	15	132	B
		North	0.54	8	83	A
		West	0.51	38	75	C
		Overall	**0.55**	**15**	**132**	**B**
	PM	South	0.71	22	183	B
		North	0.70	12	90	A
		West	0.69	36	106	C
		Overall	**0.71**	**20**	**183**	**B**

Based on the above assessment, the intersection of Glossop Street/ Phillip Street currently operates well with spare capacity in the AM and PM peaks. However, all approaches experience some vehicle queuing during the AM and PM peak periods.

In general, the vehicle queues were observed to clear during each signal cycle, except for the right turn on the northern approach, which does not always clear during the PM peak. In this regard, it should be noted that the right turn filter on the north leg was generally not permitted during the PM peak.

2.5 Car Parking

Unrestricted kerbside parking is available on both sides of the following roads near the site:

- Chesham Street
- Lethbridge Street
- Station Street (limited to the eastern end).

At the time of the site visit, the available on-street parking was highly utilised. It is likely that the high parking demand is associated with commuters using St Marys Railway Station, with a small proportion associated with workers of local retail precinct and local residential parking.

Parking demand along Chesham Street and Station Street is shown in Figure 2.7 and Figure 2.8.

Figure 2.7: Chesham Street parking demand

Figure 2.8: Station Street parking demand

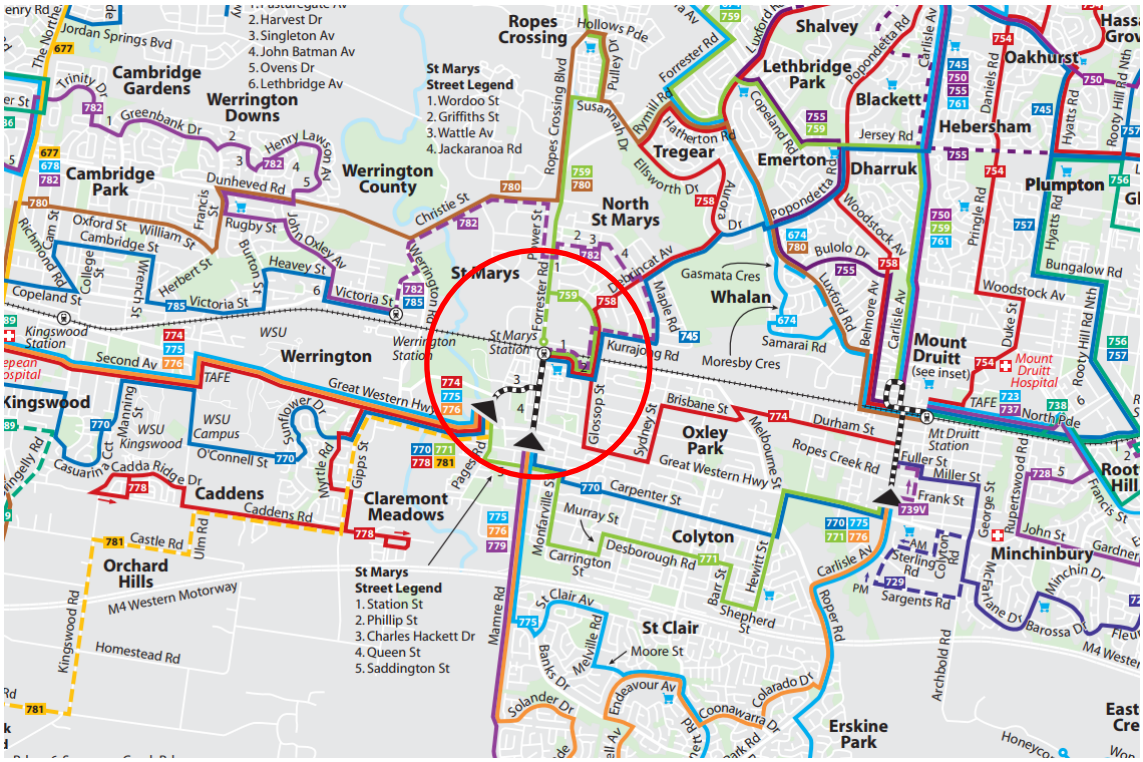
2.6 Public Transport

The site is located about 350 metres east of the St Marys Railway Station. The station services the T1 North Shore, Northern and Western Line, connecting to Blacktown, Parramatta and Sydney CBD to the east and Penrith to the west.

The subject site is also located 200 metres east of the St Marys interchange, which provides access to various bus routes, servicing a broad network, with reasonably high frequency.

The Busways network map is shown in Figure 2.9. The Interchange also accommodates route 835 linking Prairiewood to Western Sydney University in Penrith, during weekday peak periods.

Figure 2.9: Bus network map



Basemap source: http://www.busways.com.au/sites/default/files/network_maps/R1TimetableNetworkMap280517.pdf, visited 20 December 2017

A review of the public transport available near the site is summarised in Table 2.3.

Table 2.3: Public transport provision

Service	Route number	Route description
Train	T1	North Shore, Northern and Western Line
Bus	745, 758, 759, 770, 771, 774, 775, 776, 778, 779, 781, 782, S11 and 835	St Marys to Castle Hill, to Mount Druitt, to Penrith, St Marys School to Blacksmiths, St Clair to St Marys

2.7 Pedestrian Infrastructure

Footpaths are generally provided along one side or both sides of the roads near the site, providing a good level of pedestrian connectivity to key transport facilities around the site, as well as the local retail centre.

Figure 2.10 and Figure 2.11 show the footpaths along Glossop Street and Station Street, respectively. These footpaths and are generally representative of footpaths along other roads across the local area.

Figure 2.10: Glossop Street footpath (west side)

Figure 2.11: Station Street footpath (south side)

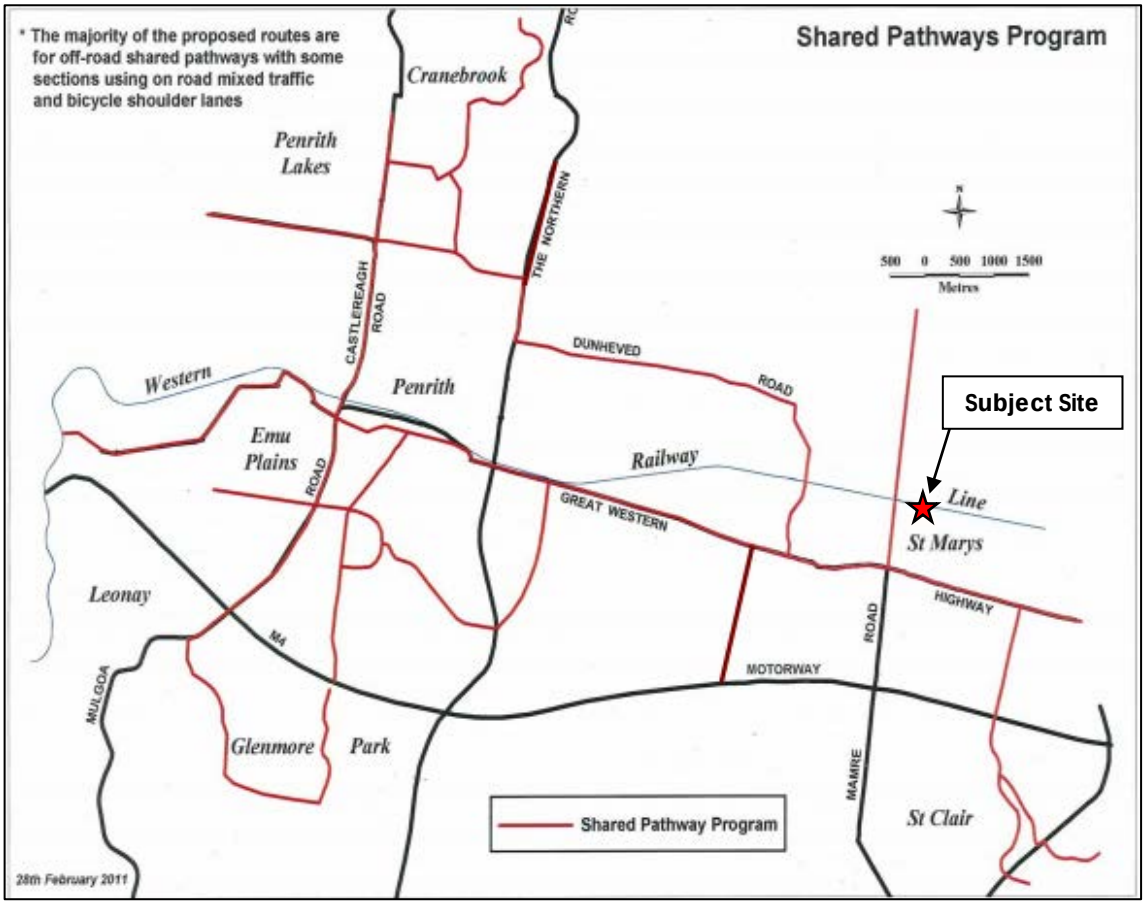
2.8 Cyclist Infrastructure

A range of cycleways and bicycle friendly roads are available in the area surrounding the site. Separate dedicated cycleways are available on the Great Western Highway, south west of the site, while dedicated cycling lanes are available along the M4 Western Motorway, located south of the site.

Council has proposed new cycling paths as part of the Penrith Accessible Trails Hierarchy Strategy (PATHS) to provide quality public infrastructure and promoting sustainable personal mobility choices. The proposed key routes provide major north-south and east-west trails along key transport and open space corridors.

Council's proposed priority routes for the shared pathways network around the site is illustrated in Figure 2.12.

Figure 2.12: Existing and proposed bicycle network around the site



Source: Penrith City Council, https://www.penrithcity.nsw.gov.au/Documents/Building-and-Development/PATHS-Strategy/, visited 15 December 2017

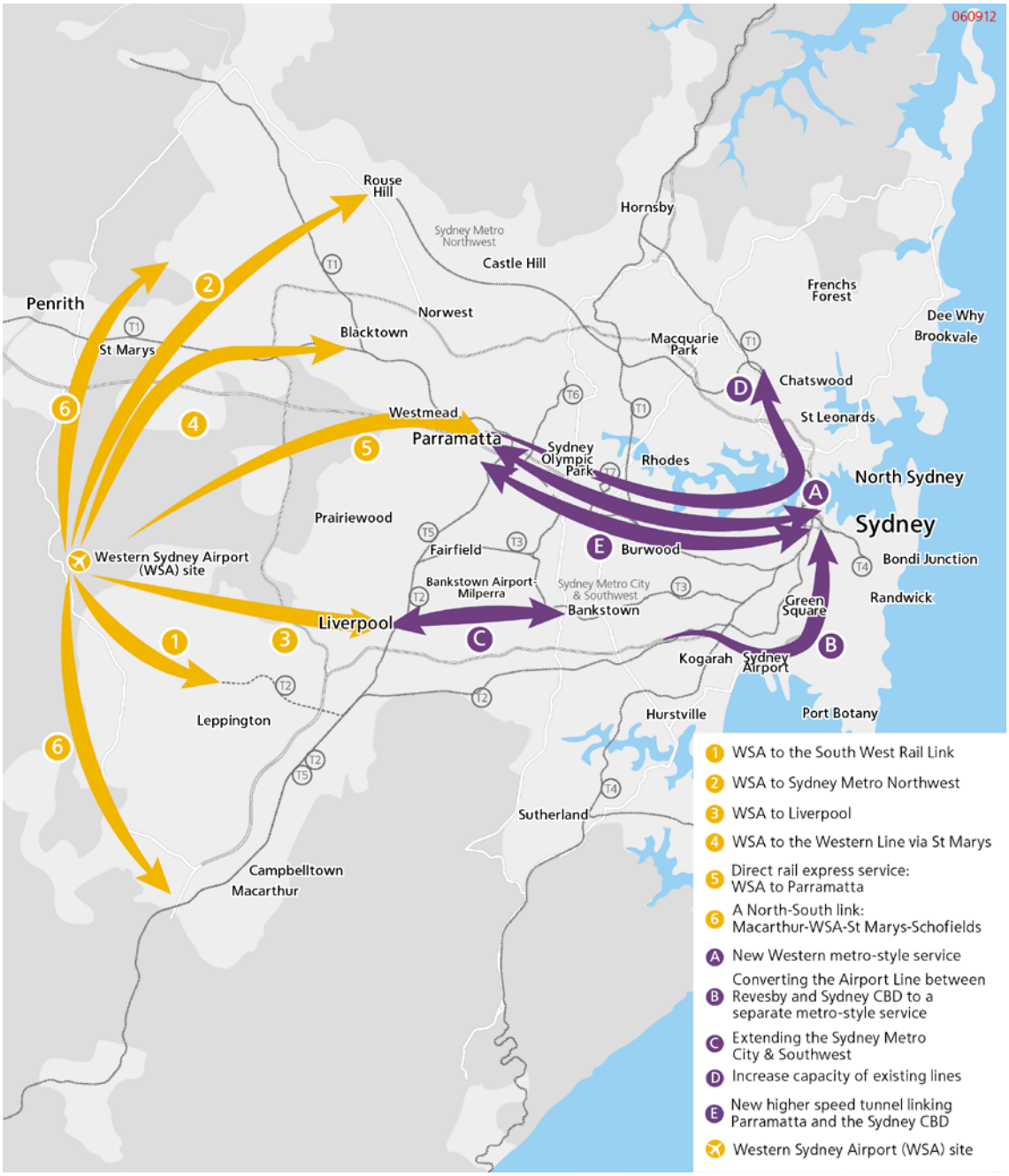
2.9 Transport Studies

The South West Rail Link Extension Corridor project is a joint initiative between the Australian Government and the NSW Government. The project aims to investigate transport infrastructure upgrades expected to be required to support the proposed Western Sydney Airport, forming part of the growing Western Sydney transport infrastructure.

Initial plans include north-south link option, connecting the Western Sydney Airport to St Marys, as shown in Figure 2.13. Consequently, the South West Rail Link Extension would promote population growth in the St Marys area.

The final report for the South West Rail Link Extension Corridor is currently under investigation and review.

Figure 2.13: Route options for the South West Rail Link Extension Corridor project



Source: https://www.westernsydneyrail.transport.nsw.gov.au/route-options/photos/28547, visited 15 December 2017

3. Development Proposal

3.1 Land Uses

The proposal includes 102 apartments over three residential flat buildings, as well as a basement car park and landscaping across the site, with the expected breakdown of unit sizes summarised in Table 3.1.

Table 3.1: Development schedule

Number of bedrooms	Number of apartments
1-bedroom	63
2-bedroom	33
3-bedroom	4
4-bedroom	2
TOTAL	**102**

The proposed concept layout for the site is shown in Figure 3.1.

Figure 3.1: Proposed concept layout

Source: Penrith City Council – Preliminary Concept Design, dated October 2017

3.2 Vehicle Access

The site concept layout (see Figure 3.1) identifies a single two-way basement car park access via Lethbridge Street, along the western boundary of the site to clearly separate vehicle access from pedestrian access along Chesham Street.

The proposed site access location is considered undesirable, as it may cause driver confusion with regards to vehicle priority at the Station Street and Lethbridge Street intersection (bend). Therefore, it is recommended to provide site access from south via Chesham Street. This is likely to result in the loss of some existing on-street parking spaces on the northern side of Chesham Street to accommodate the driveway.

Chesham Street is a low traffic volume, local street with a cul-de-sac at its eastern end and a carriageway width of approximately 7.5 metres. If emergency and waste vehicles are unable to turn right out of the proposed development due to vehicles being parked on the southern kerbside of Chesham Street and the existing narrow carriageway, the cul-de-sac can be used by the larger vehicles to perform a U-turn movement to access Lethbridge Street. However, the design of the access to the proposed development will consider the turning movements of vehicles turning into and out of Chesham Street to minimise impact to existing on-street parking provisions.

Considering the above and with low traffic movements on Chesham Street as observed during site visit, it is recommended to provide access for the proposed development via Chesham Street. It is noted that detailed topographic surveys and architectural plans are required to identify the exact location of the proposed access, which is not generally provided at the planning proposal phase. Therefore, further consideration for an alternative site access via Chesham Street and its exact location will be investigated during Development Application (DA) and detailed design stages. During the detailed design stage, it is also recommended to consider the pedestrian activity along the proposed access, to avoid conflicts with vehicle movements from the proposed development.

3.3 Pedestrian Facilities

It is proposed that a pedestrian access point would be provided for each residential flat building along the southern boundary of the site on Chesham Street. As such, it is recommended that a footpath be provided along the frontage of the site on Chesham Street and linking with the surrounding footpaths along Lethbridge Street.

To accommodate mobility impaired people, it is recommended to ensure appropriate accessible paths from all pedestrian access points and accessible parking spaces with all supporting facilities linking common areas and dwellings. It is noted that further opportunities to facilitate movement of mobility impaired people, would be investigated during the DA and detailed design stages of the proposed development.

3.4 Bicycle Facilities

Council's DCP 2014 recommends that bicycle parking be provided in accordance with the Planning Guidelines for Walking and Cycling (NSW Government, 2004). The relevant rates for the proposed residential development result in the bicycle parking provisions presented in Table 3.2.

Table 3.2: DCP 2014 bicycle parking requirements

Use	Quantity	User	Bicycle parking rate	Parking requirement
1-bedroom units	63	Resident	20-30% per unit	13-19
		Visitor	5-10% per unit	4-7
2-bedroom units or more	39	Resident	20-30% per unit	8-12
		Visitor	5-10% per unit	2-4
Total spaces				**27-42**

Based on the proposed number of apartments, the development would be required to provide a minimum of 27 bicycle spaces. It is recommended that the resident bicycle parking be provided within the basement car park, while visitor parking could be provided at-grade and near main building entries.

3.5 Loading Areas

DCP 2014 requires one space per 40 units for service vehicles. This results in a requirement for three service vehicle bays.

3.6 Refuse Collection

The site concept layout does not ascertain any location for on-site waste collection. However, it is proposed to provide an on-site waste collection point, which should be accessible for Council's standard waste collection vehicles.

Council's standard waste collection vehicles available for refuse collection comprise of:

- 10.5 metres heavy rigid rear-loading vehicle
- 9.1 metres hook lift vehicle
- 8.3 metres hook lift vehicle
- 7 metres hook lift vehicle.

The waste management policy for residential flat building developments as outlined in DCP 2014, requires safe access for the Council's standard waste collection vehicles to enter and leave the site in a forward direction and service the development efficiently with little or no need to reverse. The access ramp to the site and on-site manoeuvring of waste vehicles should comply with Australian Standard 2890.2 Parking Facilities Part 2: Off Street Commercial Vehicle Facilities. Therefore, it is also recommended to consider the manoeuvring requirements of the standard waste collection vehicles, during the DA and detailed design stages of the development as per the requirement of DCP 2014.

4. Car Parking

4.1 Car Parking Requirements

4.1.1 DCP Parking Requirements

The car parking provision requirements for different development types are set out in Council's DCP 2014.

A review of the car parking requirement rates and the number of proposed units results in a DCP minimum parking requirement for the proposed development as summarised in Table 4.1.

Table 4.1: DCP car parking requirements

Description	Parking breakdown	Number of apartments	DCP parking rate	DCP parking requirement
Residential flat buildings	1 and 2 bedrooms	96	1 space per unit	96
	3 and 4 bedrooms	6	2 spaces per unit	12
	Visitor parking	102	1 space per 5 units or part thereof	21
	Car wash bay	102	1 space for car washing for every 50 units up to a maximum of 4 spaces per building	3
Total				**132 spaces (minimum)**

Table 4.1 indicates that the proposed development as per the DCP parking criteria requires a minimum 132 parking spaces, with 108 residential parking spaces, 21 visitor parking spaces and three spaces as car wash bays.

4.1.2 Alternative Parking Requirements

The State Environmental Planning Policy (SEPP) No. 65 for Apartment Design Guide states that car parking provisions for developments within 800 metres of a railway station in the Sydney Metropolitan Area should follow the minimum car parking requirement for residents and visitors set out in the Guide to Traffic Generating Developments (Roads and Maritime, 2002), or the car parking requirement prescribed by the relevant council, whichever is less.

Adopting the parking requirements set out in the Guide to Traffic Generating Developments (the Guide) for high density residential flat buildings in a Metropolitan Sub-Regional Centre, a minimum of 97 off-street residential parking spaces for high density residential flat buildings in metropolitan sub-regional centres, as summarised in Table 4.2.

Table 4.2: Roads and Maritime car parking requirements

Description	Parking breakdown	Number of apartments	Parking rate	Parking requirement
High density residential flat buildings (Metropolitan Sub-Regional Centre)	1 bedroom	63	0.6 spaces per unit	38
	2 bedrooms	33	0.9 spaces per unit	30
	3 and 4 bedrooms	6	1.4 spaces per unit	8
	Visitor parking	-	1 space per 5 units or part thereof	21
Total				**97 spaces**

4.1.3 Recommended Parking Provision

It is recommended that parking provision for the site is based on the minimum requirements of DCP 2014. This higher off-street parking rate would better align with likely market expectations and demographics of the site and its surrounds. Particularly given the limited amount of higher density residential developments in the area.

4.1.4 Disabled Car Parking Requirements

DCP 2014 recommends disabled parking for residential uses should be in accordance with the Access to Premises Standards, Building Code of Australia (BCA). Therefore, the BCA requirements have been referenced to determine the disabled car parking requirements. The BCA outlines requirements for the provision of car parking for people with disabilities. The disabled car parking spaces must also comply with AS2890.6:2009.

Section D3.5 of the BCA specifies the accessible parking provision requirements for various classes of buildings. Typically, the level of accessible parking provision for residential development is determined based on the number of accessible sole-occupancy units, subject to final confirmation by the building surveyor.

5. Traffic Impact Assessment

5.1 Traffic Generation

5.1.1 Design Rates

The Council's localised traffic generation rates for high density residential flat building developments within 800 metres from a railway station or sites within 400 metres of land zoned, B3 Commercial Core and B4 Mixed Use, recommends average peak trip generation rates as shown in Table 5.1.

Table 5.1: Council's localised high density flat building traffic generation rate

Year	Average peak trip per unit
2026	0.33
2031	0.30
2036	0.26

As such the site is a high density residential apartment with its peak operational year as 2026, the traffic generation rates suggest 0.33 vehicle trips per unit for the weekday AM and PM peak hours would be expected. On this basis, the proposed development is expected to generate a total of 34 vehicle trips per hour during peak periods.

5.2 Distribution and Assignment

The directional distribution and assignment of traffic generated by the proposed development will be influenced by a number of factors, including the:

i Configuration of the arterial road network in the immediate vicinity of the site
ii Existing operation of intersections providing access between the local and arterial road network
iii Distribution of households near the site
iv Surrounding employment centres, retail centres and schools in relation to the site
v Configuration of access points to the site.

It is expected that the proposed development would attract users relatively evenly throughout the surrounding local and regional area. Notwithstanding this, for this assessment, it has been assumed that all traffic generated by the site would use the Glossop Street/ Phillip Street intersection to access the surrounding road network. This is considered a worst-case scenario, given that some of this traffic may use alternative routes including Lethbridge Street and Chapel Street.

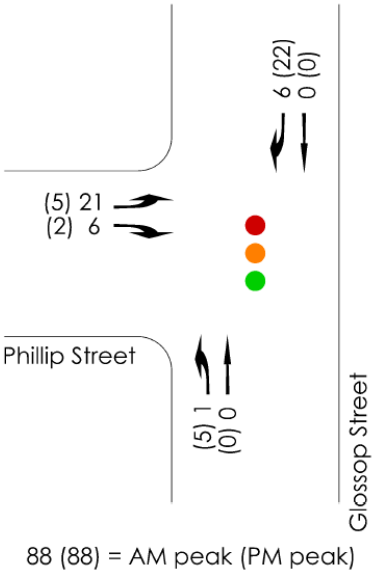
The traffic generation estimates have been apportioned to individual turning movements at the Glossop Street/ Phillip Street intersection, based on the existing survey data.

The directional split of traffic (i.e. the ratio between the inbound and outbound traffic movements) during the peak hours is expected to be as follows:

- AM peak hour: 20% inbound and 80% outbound
- PM peak hour: 80% inbound and 20% outbound.

Based on the above, the development traffic volumes expected at the intersection of Glossop Street/ Phillip Street during the AM and PM peak hours are shown in Figure 5.1.

Figure 5.1: Proposed development traffic at the Glossop Street/ Phillip Street



5.3 Traffic Growth for this study

To account for growth in the surrounding network traffic, a two per cent annual growth rate has been used for the extrapolating the traffic volumes at Glossop Street/ Phillip Street intersection. This growth factor will allow to assess the traffic impact of the proposed development on the Glossop Street/ Phillip Street intersection during the horizon year 2027.

5.4 Traffic Impact

Table 5.2 presents a summary of the operation during peak periods for the 2027 growth scenarios, with and without the development. Detailed results are presented in Appendix A of this report.

Table 5.2: 2027 intersection operating conditions

Intersection	Peak	Leg	Degree of saturation	Average delay (sec)	95th percentile queue (m)	Level of service
Glossop Street/ Phillip Street (without development)	AM	South	0.77	23	210	B
		North	0.60	10	95	A
		West	0.70	35	84	C
		Overall	**0.77**	**19**	**210**	**B**
	PM	South	0.86	32	289	C
		North	0.85	14	125	A
		West	0.84	42	150	C
		Overall	**0.86**	**26**	**289**	**B**
Glossop Street/ Phillip Street (with development)	AM	South	0.77	23	210	B
		North	0.61	11	97	B
		West	0.75	36	91	C
		Overall	**0.77**	**19**	**210**	**B**
	PM	South	0.89	37	309	C
		North	0.87	15	137	B
		West	0.85	42	149	C
		Overall	**0.89**	**28**	**309**	**B**

The results in Table 5.2 show that with the expected background growth traffic and additional trips generated by the proposed development, the intersection of Glossop Street/ Phillip Street would operate at an acceptable level of service. The proposed development would generally have limited impact on the overall intersection operation and the intersection would continue to operate with a satisfactory level of service of B.

The traffic volumes on the eastbound approach of the intersection of Glossop Street/ Phillip Street was surveyed to be less than 1,000 vehicles per hour. Based on site observations, the total traffic volume entering and exiting the westbound approach of the roundabout intersection of Lethbridge Street/ Phillip street would also be less than 1,000 vehicles per hour. Considering this low traffic volume, it is expected that the roundabout intersection of Lethbridge Street/ Phillip Street will not experience any significant capacity issues with the addition of proposed development traffic.

6. Conclusion

Based on the analysis and discussions presented within this report, the following conclusions are made:

i The proposed includes the reclassification of the land at 11-13 Chesham Street, St Marys for construction of approximately 100 high density residential apartments.

ii The proposed site access would be located along Lethbridge Street. Although it is recommended that consideration for a more suitable access via Chesham Street be considered during design development.

iii The proposed development generates a DCP 2014 minimum parking requirement of 132 spaces and a Roads and Maritime parking requirement of 97 spaces.

iv It is recommended that the development includes 132 off-street parking to spaces, including resident and visitor parking.

v The proposed development requires a minimum of 27 bicycle parking spaces for use by residents and visitors.

vi The proposed development requires three service vehicle bays for waste removal, loading, removalists etc.

vii The site is expected to generate an additional 30 vehicle trips during peak hour respectively.

viii There is adequate capacity in the surrounding road network to cater for the traffic generated by the proposed development, including the intersection of Glossop Street/ Phillip Street, which provides the main connection to the surrounding arterial network.

Overall, the traffic and parking implications associated with the proposed residential redevelopment is considered acceptable.

Appendix A

SIDRA Intersection Results

MOVEMENT SUMMARY

Site: [Phillip Street/ Glossop Street EX_AM]

Signals - Fixed Time Isolated Cycle Time = 100 seconds (User-Given Cycle Time)

Movement Performance - Vehicles

Mov ID	OD Mov	Demand Flows Total veh/h	HV %	Deg. Satn v/c	Average Delay sec	Level of Service	95% Back of Queue Vehicles veh	Distance m	Prop. Queued	Effective Stop Rate per veh	Average Speed km/h
South: Glossop Street											
1	L2	63	11.7	0.551	20.1	LOS B	16.7	127.3	0.67	0.62	37.4
2	T1	1064	9.9	0.551	14.7	LOS B	17.4	132.3	0.68	0.62	45.4
Approach		1127	10.0	0.551	15.0	LOS B	17.4	132.3	0.68	0.62	45.0
North: Glossop Street											
8	T1	933	14.6	0.327	2.9	LOS A	6.0	47.6	0.29	0.26	56.5
9	R2	293	2.9	0.542	23.9	LOS B	11.6	83.4	0.90	0.87	35.6
Approach		1225	11.8	0.542	7.9	LOS A	11.6	83.4	0.44	0.41	50.4
West: Phillip Street											
10	L2	266	2.8	0.457	33.9	LOS C	10.4	74.6	0.85	0.80	30.3
12	R2	71	9.0	0.505	55.2	LOS D	3.5	26.5	1.00	0.76	20.2
Approach		337	4.1	0.505	38.4	LOS C	10.4	74.6	0.88	0.79	27.9
All Vehicles		2689	10.1	0.551	14.7	LOS B	17.4	132.3	0.59	0.54	44.3

Site Level of Service (LOS) Method: Delay (RTA NSW). Site LOS Method is specified in the Parameter Settings dialog (Site tab).
Vehicle movement LOS values are based on average delay per movement.
Intersection and Approach LOS values are based on average delay for all vehicle movements.
SIDRA Standard Delay Model is used. Control Delay includes Geometric Delay.
Gap-Acceptance Capacity: SIDRA Standard (Akçelik M3D).
HV (%) values are calculated for All Movement Classes of All Heavy Vehicle Model Designation.

Movement Performance - Pedestrians

Mov ID	Description	Demand Flow ped/h	Average Delay sec	Level of Service	Average Back of Queue Pedestrian ped	Distance m	Prop. Queued	Effective Stop Rate per ped
P1	South Full Crossing	53	44.3	LOS E	0.1	0.1	0.94	0.94
P4	West Full Crossing	53	13.0	LOS B	0.1	0.1	0.51	0.51
All Pedestrians		105	28.7	LOS C			0.73	0.73

Level of Service (LOS) Method: SIDRA Pedestrian LOS Method (Based on Average Delay)
Pedestrian movement LOS values are based on average delay per pedestrian movement.
Intersection LOS value for Pedestrians is based on average delay for all pedestrian movements.

MOVEMENT SUMMARY

Site: [Phillip Street/ Glossop Street EX_PM]

Signals - Fixed Time Isolated Cycle Time = 100 seconds (User-Given Cycle Time)

Movement Performance - Vehicles

Mov ID	OD Mov	Demand Flows Total veh/h	HV %	Deg. Satn v/c	Average Delay sec	Level of Service	95% Back of Queue Vehicles veh	Distance m	Prop. Queued	Effective Stop Rate per veh	Average Speed km/h
South: Glossop Street											
1	L2	59	10.7	0.710	26.7	LOS B	22.4	174.1	0.82	0.74	33.0
2	T1	1165	12.9	0.710	21.6	LOS B	23.5	183.1	0.83	0.75	40.8
Approach		1224	12.8	0.710	21.8	LOS B	23.5	183.1	0.83	0.75	40.5
North: Glossop Street											
8	T1	1231	8.9	0.445	5.0	LOS A	11.1	83.4	0.41	0.37	54.2
9	R2	266	3.2	0.698	46.7	LOS D	12.5	90.0	0.98	0.85	26.4
Approach		1497	7.9	0.698	12.4	LOS A	12.5	90.0	0.51	0.45	46.7
West: Phillip Street											
10	L2	394	3.5	0.555	29.3	LOS C	14.7	106.2	0.82	0.81	32.2
12	R2	162	3.2	0.687	52.3	LOS D	8.0	57.7	1.00	0.85	21.0
Approach		556	3.4	0.687	36.0	LOS C	14.7	106.2	0.87	0.82	28.5
All Vehicles		3277	9.0	0.710	19.9	LOS B	23.5	183.1	0.69	0.63	40.6

Site Level of Service (LOS) Method: Delay (RTA NSW). Site LOS Method is specified in the Parameter Settings dialog (Site tab).
Vehicle movement LOS values are based on average delay per movement.
Intersection and Approach LOS values are based on average delay for all vehicle movements.
SIDRA Standard Delay Model is used. Control Delay includes Geometric Delay.
Gap-Acceptance Capacity: SIDRA Standard (Akçelik M3D).
HV (%) values are calculated for All Movement Classes of All Heavy Vehicle Model Designation.

Movement Performance - Pedestrians

Mov ID	Description	Demand Flow ped/h	Average Delay sec	Level of Service	Average Back of Queue Pedestrian ped	Distance m	Prop. Queued	Effective Stop Rate per ped
P1	South Full Crossing	53	44.3	LOS E	0.1	0.1	0.94	0.94
P4	West Full Crossing	53	17.4	LOS B	0.1	0.1	0.59	0.59
All Pedestrians		105	30.9	LOS D			0.77	0.77

Level of Service (LOS) Method: SIDRA Pedestrian LOS Method (Based on Average Delay)
Pedestrian movement LOS values are based on average delay per pedestrian movement.
Intersection LOS value for Pedestrians is based on average delay for all pedestrian movements.

MOVEMENT SUMMARY

Site: [Phillip Street/ Glossop Street AM + Dev]

Signals - Fixed Time Isolated Cycle Time = 100 seconds (User-Given Cycle Time)

Movement Performance - Vehicles

Mov ID	OD Mov	Demand Flows Total veh/h	HV %	Deg. Satn v/c	Average Delay sec	Level of Service	95% Back of Queue Vehicles veh	Distance m	Prop. Queued	Effective Stop Rate per veh	Average Speed km/h
South: Glossop Street											
1	L2	64	11.5	0.552	20.1	LOS B	16.8	127.5	0.67	0.62	37.4
2	T1	1064	9.9	0.552	14.7	LOS B	17.4	132.4	0.68	0.62	45.4
Approach		1128	10.0	0.552	15.0	LOS B	17.4	132.4	0.68	0.62	45.0
North: Glossop Street											
8	T1	933	14.6	0.327	2.9	LOS A	6.0	47.6	0.29	0.26	56.5
9	R2	298	2.8	0.551	24.3	LOS B	11.8	84.9	0.90	0.88	35.3
Approach		1231	11.7	0.551	8.1	LOS A	11.8	84.9	0.44	0.41	50.2
West: Phillip Street											
10	L2	286	2.6	0.491	34.3	LOS C	11.3	81.1	0.86	0.81	30.1
12	R2	76	8.3	0.540	55.5	LOS D	3.8	28.5	1.00	0.77	20.2
Approach		362	3.8	0.540	38.7	LOS C	11.3	81.1	0.89	0.80	27.8
All Vehicles		2721	9.9	0.552	15.0	LOS B	17.4	132.4	0.60	0.55	44.0

Site Level of Service (LOS) Method: Delay (RTA NSW). Site LOS Method is specified in the Parameter Settings dialog (Site tab).
Vehicle movement LOS values are based on average delay per movement.
Intersection and Approach LOS values are based on average delay for all vehicle movements.
SIDRA Standard Delay Model is used. Control Delay includes Geometric Delay.
Gap-Acceptance Capacity: SIDRA Standard (Akçelik M3D).
HV (%) values are calculated for All Movement Classes of All Heavy Vehicle Model Designation.

Movement Performance - Pedestrians

Mov ID	Description	Demand Flow ped/h	Average Delay sec	Level of Service	Average Back of Queue Pedestrian ped	Distance m	Prop. Queued	Effective Stop Rate per ped
P1	South Full Crossing	53	44.3	LOS E	0.1	0.1	0.94	0.94
P4	West Full Crossing	53	13.0	LOS B	0.1	0.1	0.51	0.51
All Pedestrians		105	28.7	LOS C			0.73	0.73

Level of Service (LOS) Method: SIDRA Pedestrian LOS Method (Based on Average Delay)
Pedestrian movement LOS values are based on average delay per pedestrian movement.
Intersection LOS value for Pedestrians is based on average delay for all pedestrian movements.

MOVEMENT SUMMARY

Site: [Phillip Street/ Glossop Street PM + Dev]

Signals - Fixed Time Isolated Cycle Time = 100 seconds (User-Given Cycle Time)

Movement Performance - Vehicles

Mov ID	OD Mov	Demand Flows Total veh/h	HV %	Deg. Satn v/c	Average Delay sec	Level of Service	95% Back of Queue Vehicles veh	Distance m	Prop. Queued	Effective Stop Rate per veh	Average Speed km/h
South: Glossop Street											
1	L2	64	9.8	0.728	27.6	LOS B	23.0	178.6	0.83	0.76	32.5
2	T1	1165	12.9	0.728	22.5	LOS B	24.2	187.9	0.85	0.77	40.3
Approach		1229	12.8	0.728	22.7	LOS B	24.2	187.9	0.85	0.77	40.0
North: Glossop Street											
8	T1	1231	8.9	0.445	5.0	LOS A	11.1	83.4	0.41	0.37	54.2
9	R2	287	2.9	0.718	46.5	LOS D	13.6	97.4	0.98	0.86	26.4
Approach		1518	7.8	0.718	12.8	LOS A	13.6	97.4	0.51	0.46	46.3
West: Phillip Street											
10	L2	398	3.4	0.542	28.6	LOS C	14.7	105.7	0.81	0.81	32.5
12	R2	164	3.2	0.696	52.5	LOS D	8.2	58.7	1.00	0.85	20.9
Approach		562	3.4	0.696	35.6	LOS C	14.7	105.7	0.86	0.82	28.6
All Vehicles		3309	8.9	0.728	20.4	LOS B	24.2	187.9	0.70	0.64	40.3

Site Level of Service (LOS) Method: Delay (RTA NSW). Site LOS Method is specified in the Parameter Settings dialog (Site tab).
Vehicle movement LOS values are based on average delay per movement.
Intersection and Approach LOS values are based on average delay for all vehicle movements.
SIDRA Standard Delay Model is used. Control Delay includes Geometric Delay.
Gap-Acceptance Capacity: SIDRA Standard (Akçelik M3D).
HV (%) values are calculated for All Movement Classes of All Heavy Vehicle Model Designation.

Movement Performance - Pedestrians

Mov ID	Description	Demand Flow ped/h	Average Delay sec	Level of Service	Average Back of Queue Pedestrian ped	Distance m	Prop. Queued	Effective Stop Rate per ped
P1	South Full Crossing	53	44.3	LOS E	0.1	0.1	0.94	0.94
P4	West Full Crossing	53	18.0	LOS B	0.1	0.1	0.60	0.60
All Pedestrians		105	31.2	LOS D			0.77	0.77

Level of Service (LOS) Method: SIDRA Pedestrian LOS Method (Based on Average Delay)
Pedestrian movement LOS values are based on average delay per pedestrian movement.
Intersection LOS value for Pedestrians is based on average delay for all pedestrian movements.

Melbourne
A Level 25, 55 Collins Street
PO Box 24055
MELBOURNE VIC 3000
P +613 9851 9600
E melbourne@gta.com.au

Brisbane
A Ground Floor, 283 Elizabeth Street
BRISBANE QLD 4000
GPO Box 115
BRISBANE QLD 4001
P +617 3113 5000
E brisbane@gta.com.au

Adelaide
A Suite 4, Level 1, 136 The Parade
PO Box 3421
NORWOOD SA 5067
P +618 8334 3600
E adelaide@gta.com.au

Sydney
A Level 6, 15 Help Street
CHATSWOOD NSW 2067
PO Box 5254
WEST CHATSWOOD NSW 1515
P +612 8448 1800
E sydney@gta.com.au

Canberra
A Level 4, 15 Moore Street
CANBERRA ACT 2600
P +612 6243 4826
E canberra@gta.com.au

Perth
A Level 2, 5 Mill Street
PERTH WA 6000
PO Box 7025, Cloisters Square
PERTH WA 6850
P +618 6169 1000
E perth@gta.com.au

Appendix 15:

Penrith Local Environmental Plan 2010 Maps

PENRITH CITY COUNCIL

Penrith Local Environmental Plan 2010

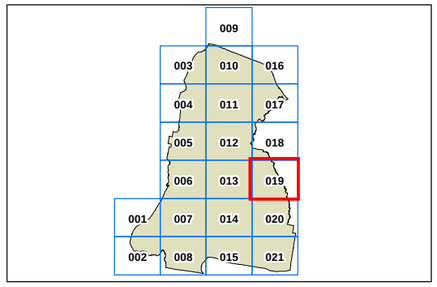
Land Zoning Map - Sheet LZN_019

Zone

- B1 Neighbourhood Centre
- B2 Local Centre
- B3 Commercial Core
- B4 Mixed Use
- B5 Business development
- B6 Enterprise Corridor
- B7 Business Park
- E1 National Parks and Nature Reserves
- E2 Environmental Conservation
- E3 Environmental Management
- E4 Environmental Living
- IN1 General Industrial
- IN2 Light Industrial
- R1 General Residential
- R2 Low Density Residential
- R3 Medium Density Residential
- R4 High Density Residential
- R5 Large Lot Residential
- RE1 Public Recreation
- RE2 Private Recreation
- RU1 Primary Production
- RU2 Rural Landscape
- RU4 Primary Production Small Lots
- RU5 Village
- SP1 Special Activities
- SP2 Infrastructure
- SP3 Tourist
- W1 Natural Waterways
- W2 Recreational Waterways
- DM Deferred Matter
- WSEA SEPP (Western Sydney Employment Area) 2009
- SM SREP No. 30 - St Marys

Cadastre

Cadastre 20/03/2017 © Penrith City Council



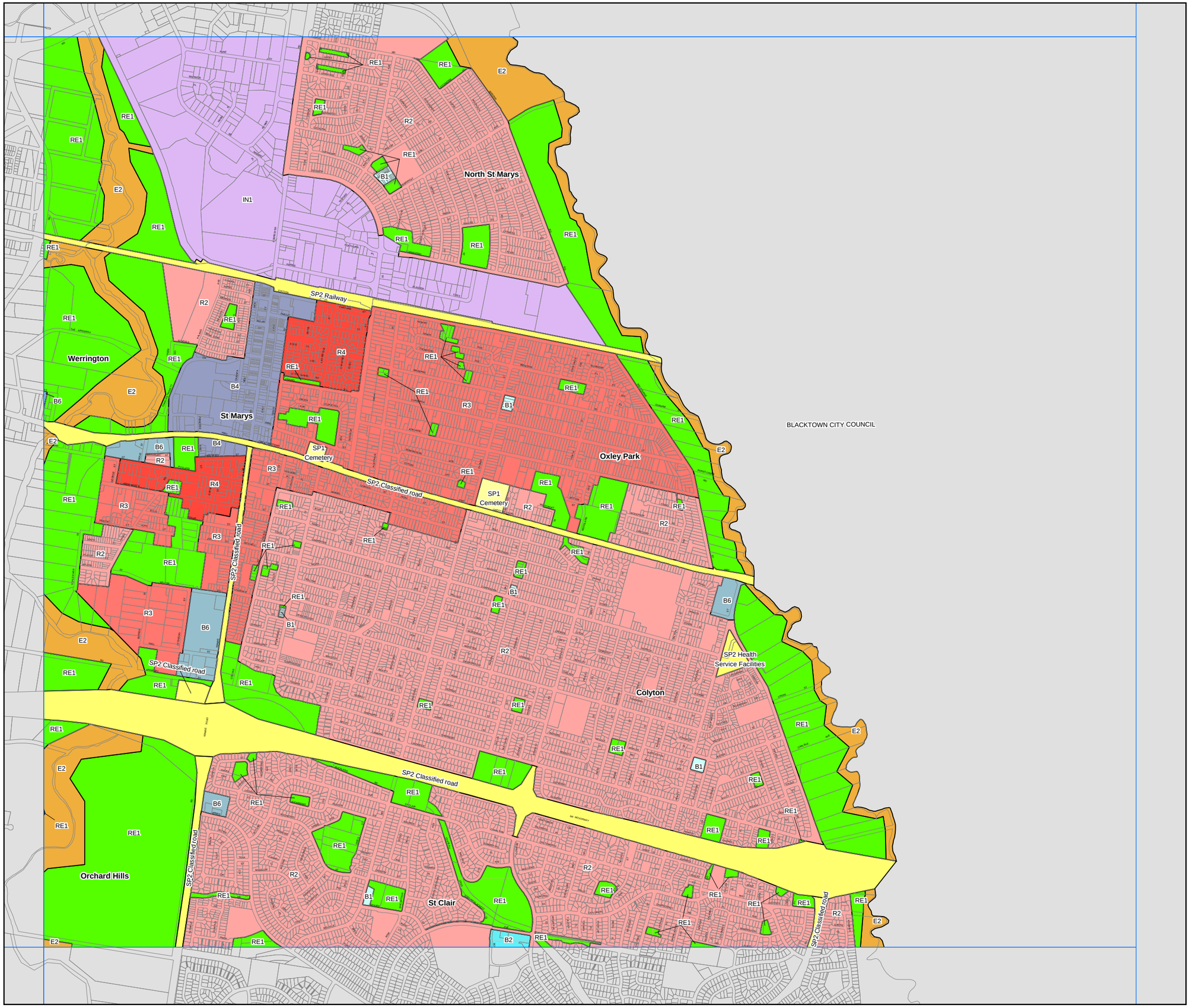
N

Projection: GDA 1994
Zone 56

200 0 200 400 600
Metres

Scale: 1:20,000 @ A3

Map identification number:
6350_COM_LZN_019_020_20170320



PENRITH CITY COUNCIL

Penrith Local Environmental Plan 2010

Height of Buildings Map - Sheet HOB_019

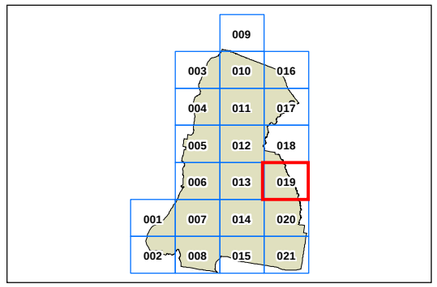
Maximum Building Height (m)

A	0
C	5
I	8.5
J	9
K	10
M1	12
M2	12.5
O	15
P	18
Q1	19
Q2	20
R	21
S	24
T	27
U	32
Z	56
AB	80

Refer to Clause 7.16, 8.2 & 8.4

Cadastre

Cadastre 20/03/2017 © Penrith City Council



N

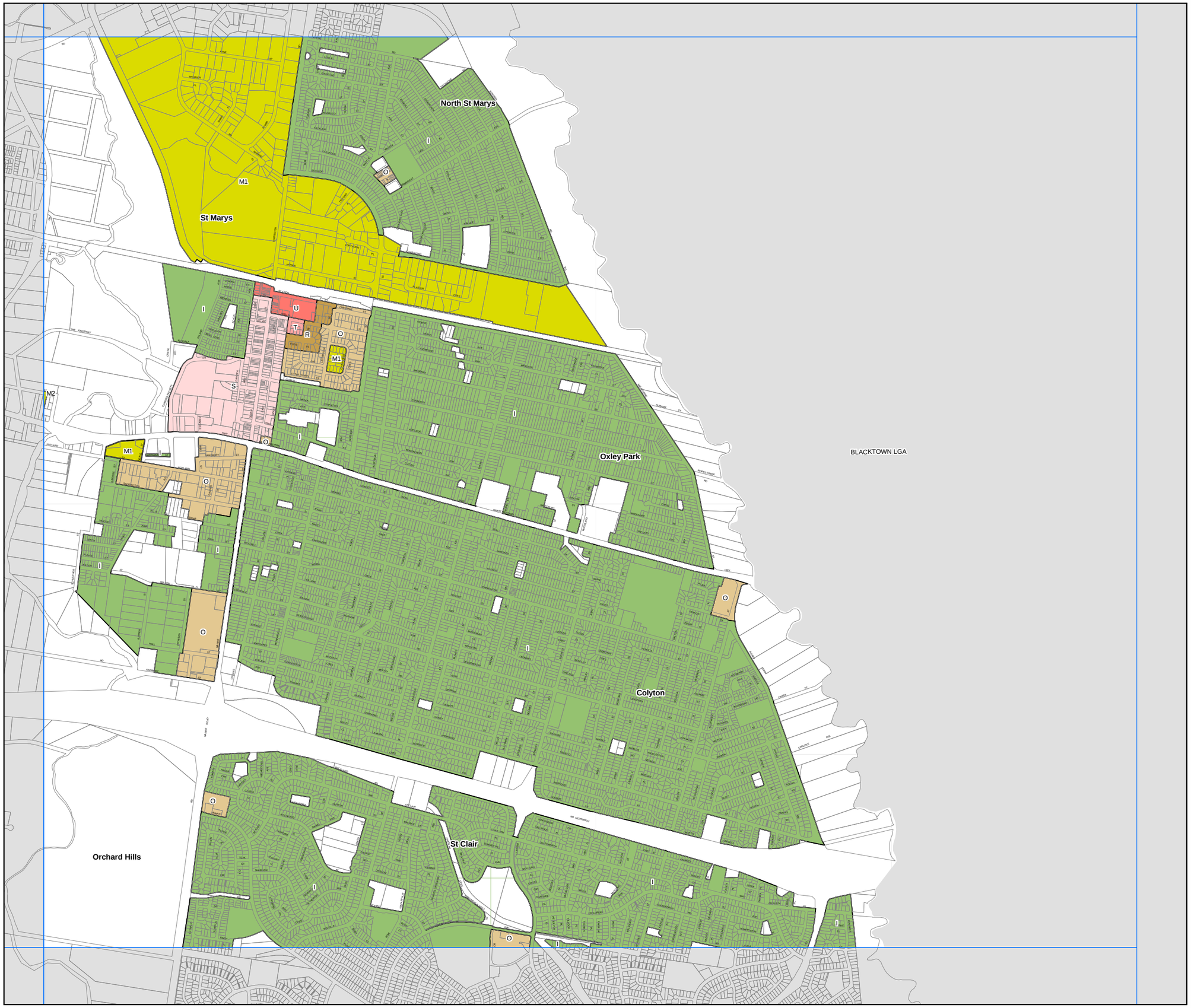
200 0 200 400 600

Metres

Projection: GDA 1994
MGA Zone 56

Scale: 1:20,000 @ A3

Map identification number:
6350_COM_HOB_019_020_20170320



PENRITH CITY COUNCIL

Penrith Local Environmental Plan 2010

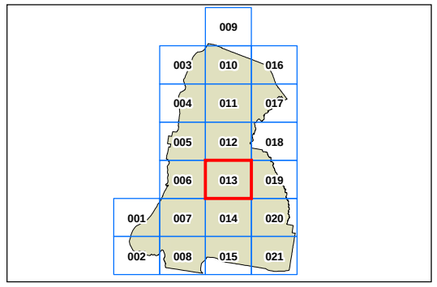
Floor Space Ratio Map - Sheet FSR_019

Maximum Floor Space Ratio (n:1)

A	0
B	0.4
D	0.5
H	0.7
I	0.75
N	1
O	1.1
S1	1.5
S2	1.6
T	2
U	2.5
V	3
W	3.5
X	4

Cadastre

Cadastre 19/08/2016 © Penrith City Council



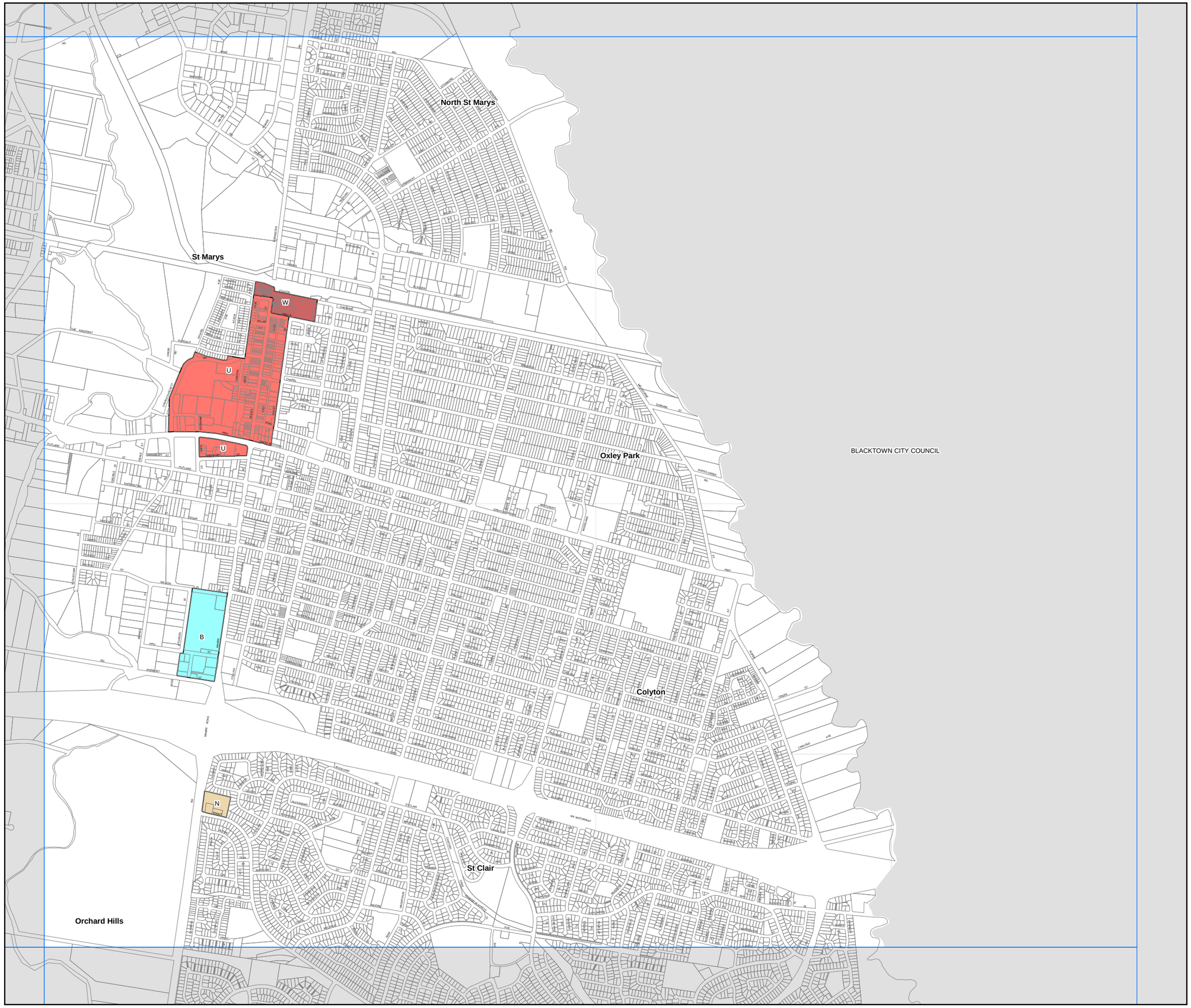
N

200 0 200 400 600

Metres

Projection: GDA 1994
MGA Zone 56

Scale: 1:20,000 @ A3



Map identification number:
6350_COM_FSR_019_020_20160823

PENRITH CITY COUNCIL

Penrith Local Environmental Plan 2010

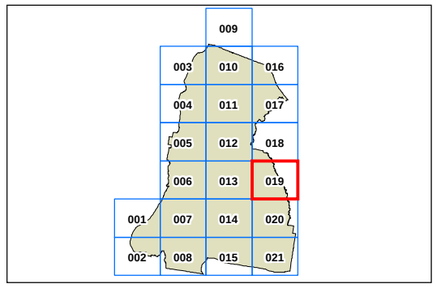
Lot Size Map - Sheet LSZ_019

Minimum Lot Size (sq m)

F	400
G	450
K1	550
K2	560
M	600
R	750
S	800
U1	1000
U2	1200
V	2000
W	4000
X	6000
Y1	10000 (1 ha)
Y2	12500 (1.25 ha)
Z	20000 (2 ha)
AB1	100000 (10 ha)
AB2	200000 (20 ha)
AB3	400000 (40 ha)
AI	10000000 (1000 ha+)
	Refer to Clause 7.16, 7.19 & 7.21

Cadastre

Cadastre 20/03/2017 © Penrith City Council



N

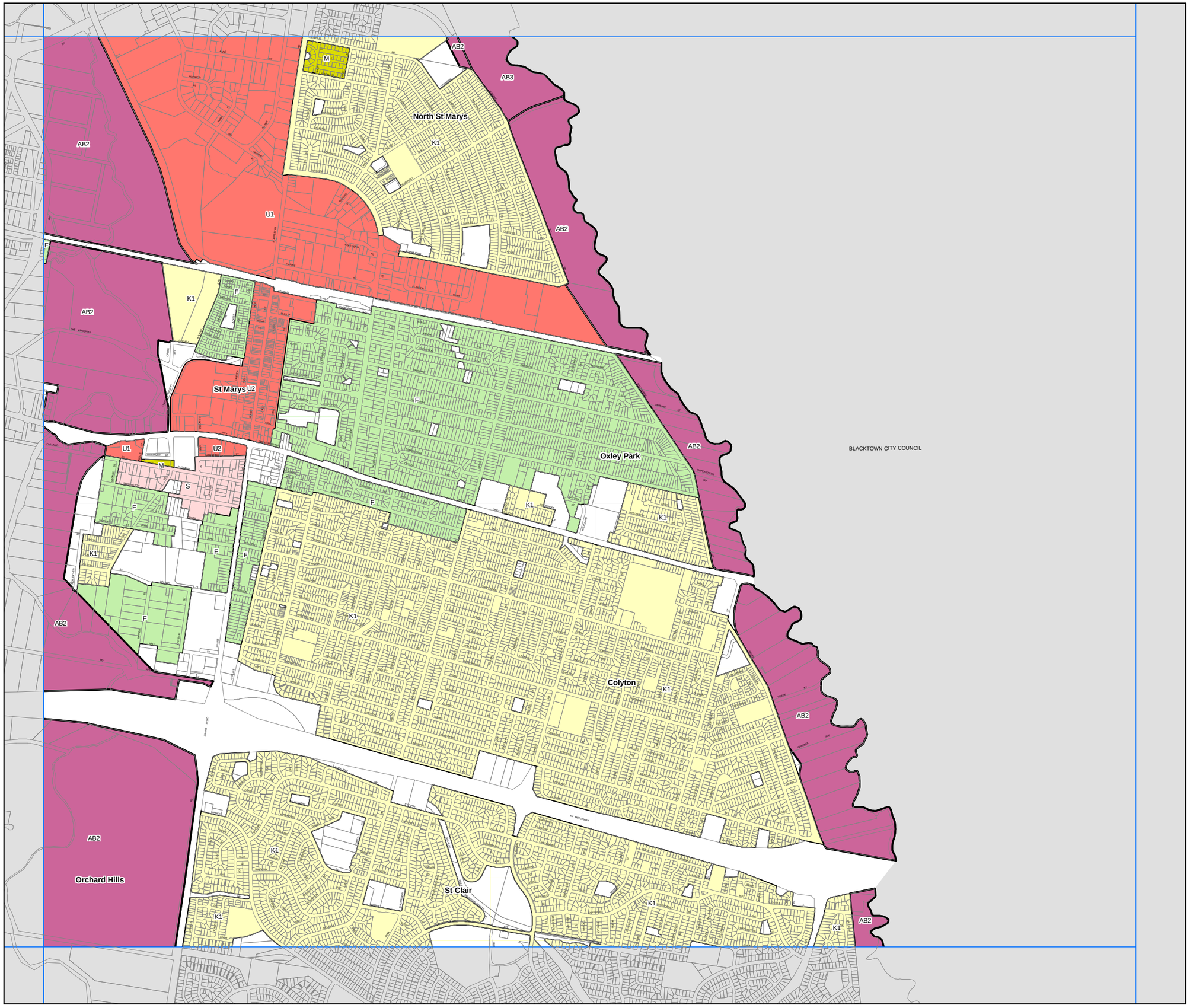
200 0 200 400 600

Metres

Scale: 1:20,000 @ A3

Projection: GDA 1994
MGA Zone 56

Map identification number:
6350_COM_LSZ_019_020_20170320



PENRITH CITY COUNCIL

Penrith Local Environmental Plan 2010

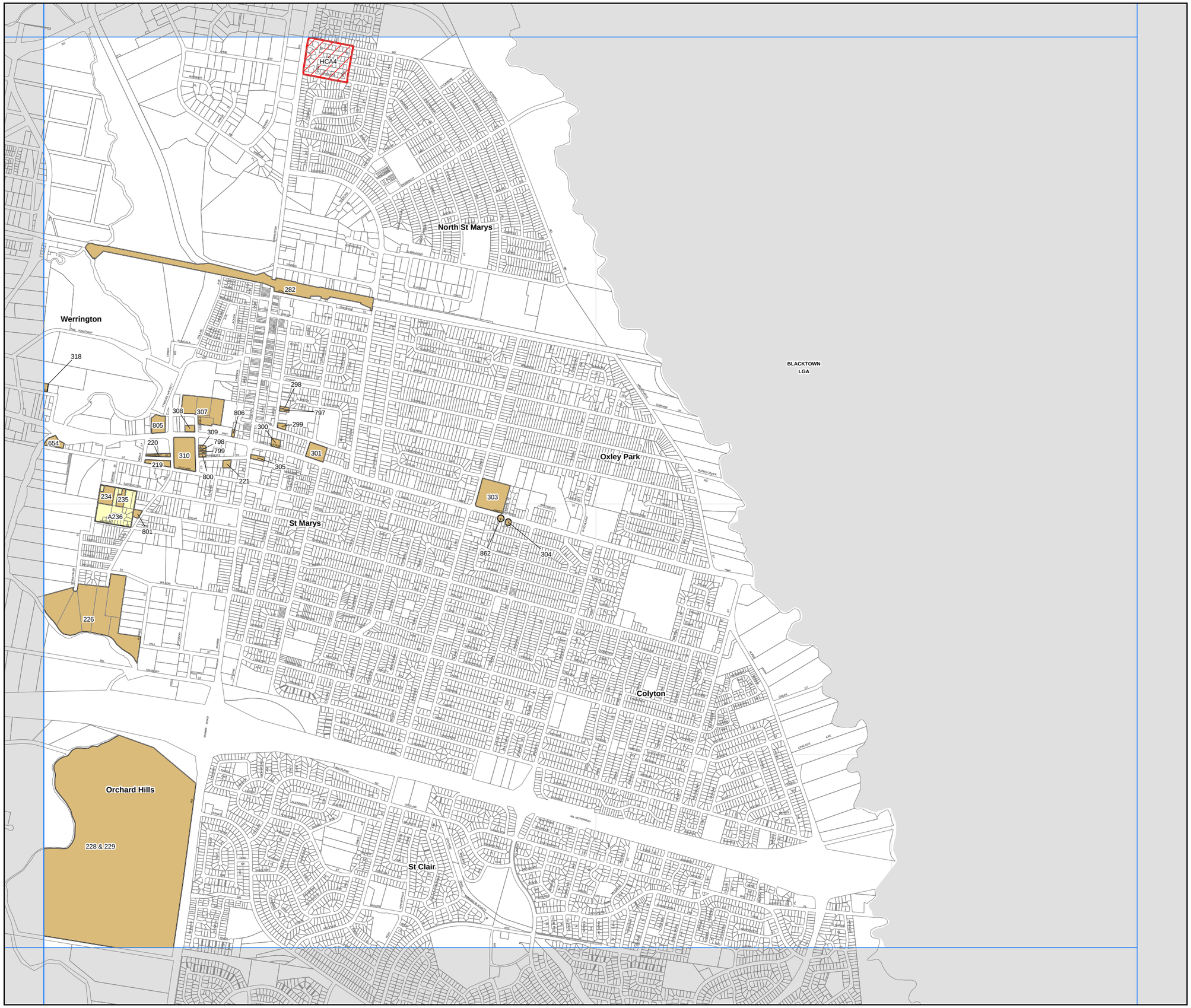
Heritage Map - Sheet HER_019

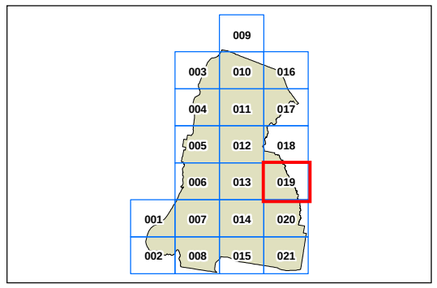
Heritage

- Conservation Area - General
- Item - General
- Item - Archaeological

Cadastre

- Cadastre 11/10/2016 © Penrith City Council





N

200 0 200 400 600
Metres

Projection: GDA 1994
MGA Zone 56

Map identification number:
6350_COM_HER_019_020_20161011

PENRITH CITY COUNCIL

Penrith Local Environmental Plan 2010

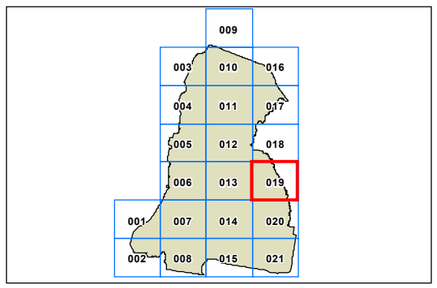
Scenic and Landscape Values Map - Sheet SLV_019

Land with Scenic and Landscape Values

Vistas of heritage items

Cadastre

Cadastre 12/05/2014 © Penrith City Council



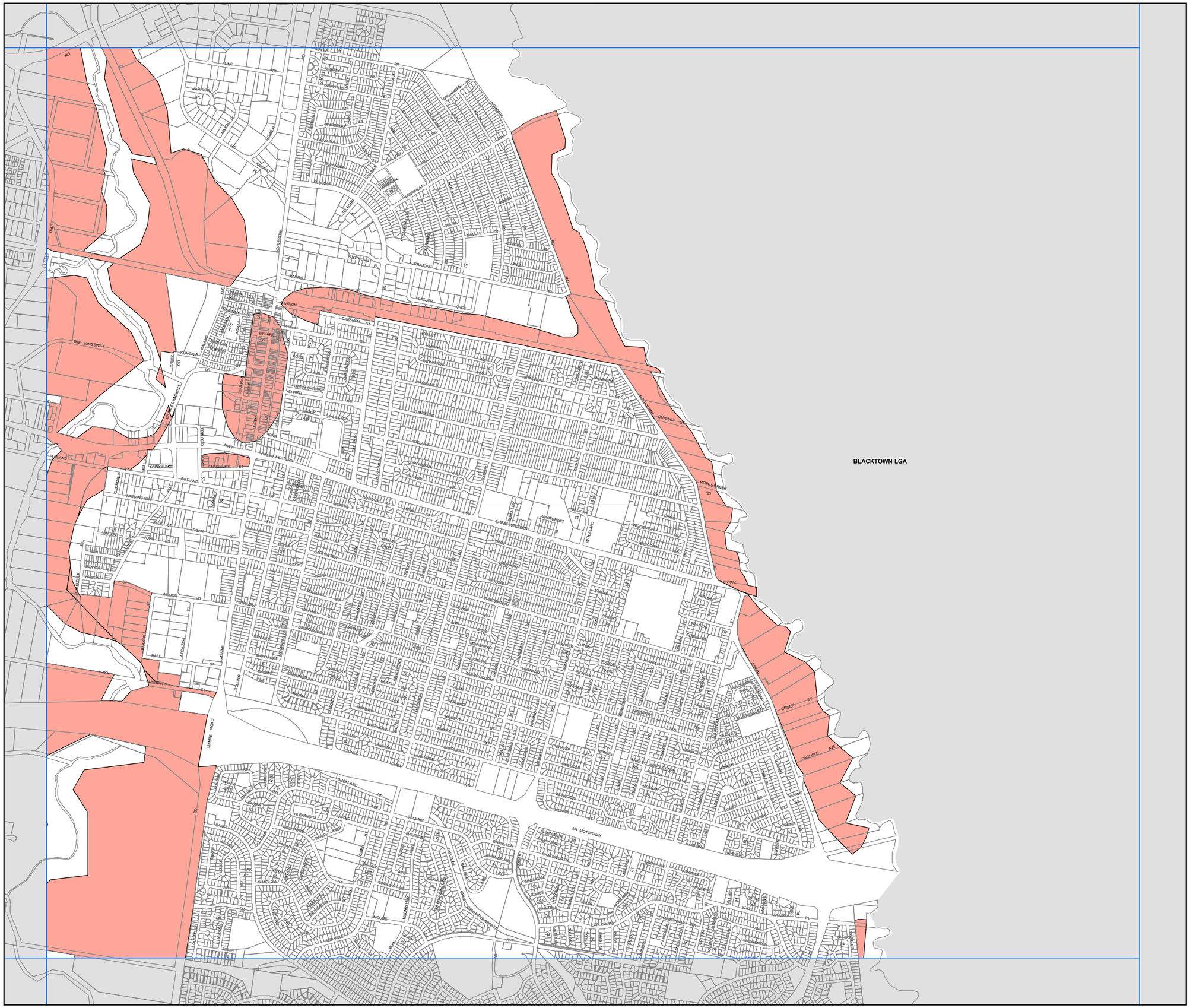
N

Projection: GDA 1994
MGA Zone 56

200 0 200 400 600
Metres

Scale: 1:20,000 @ A3

Map identification number:
6350_COM_SLV_019_020_20140901



PENRITH CITY COUNCIL

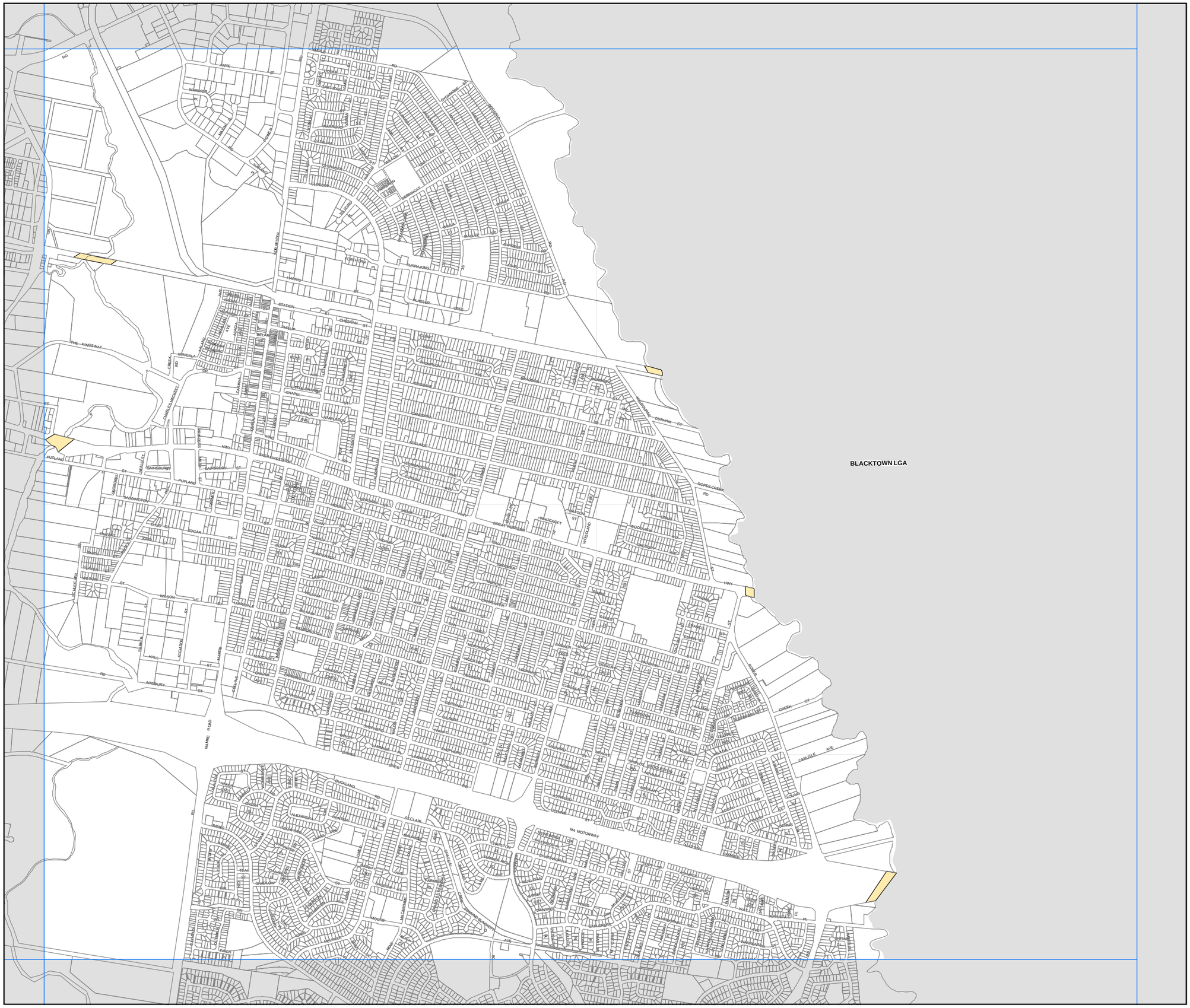
Penrith Local Environmental Plan 2010

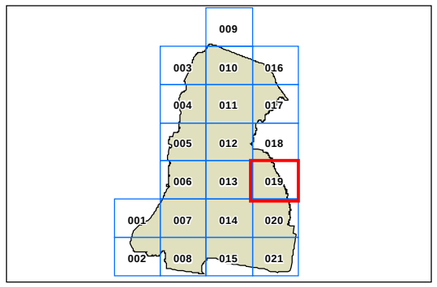
Natural Resources Sensitivity Land Map - Sheet NRL_019

Natural Resources Sensitive Land

Cadastre

Cadastre 21/05/2014 © Penrith City Council





N

200 0 200 400 600

Metres

Projection: GDA 1994
MGA Zone 56

Scale: 1:20,000 @ A3

Map identification number:
6350_COM_NRL_019_020_20140521

PENRITH CITY COUNCIL

Penrith Local Environmental Plan 2010

Land Reservation Acquisition Map - Sheet LRA_019

Classified road (SP2)

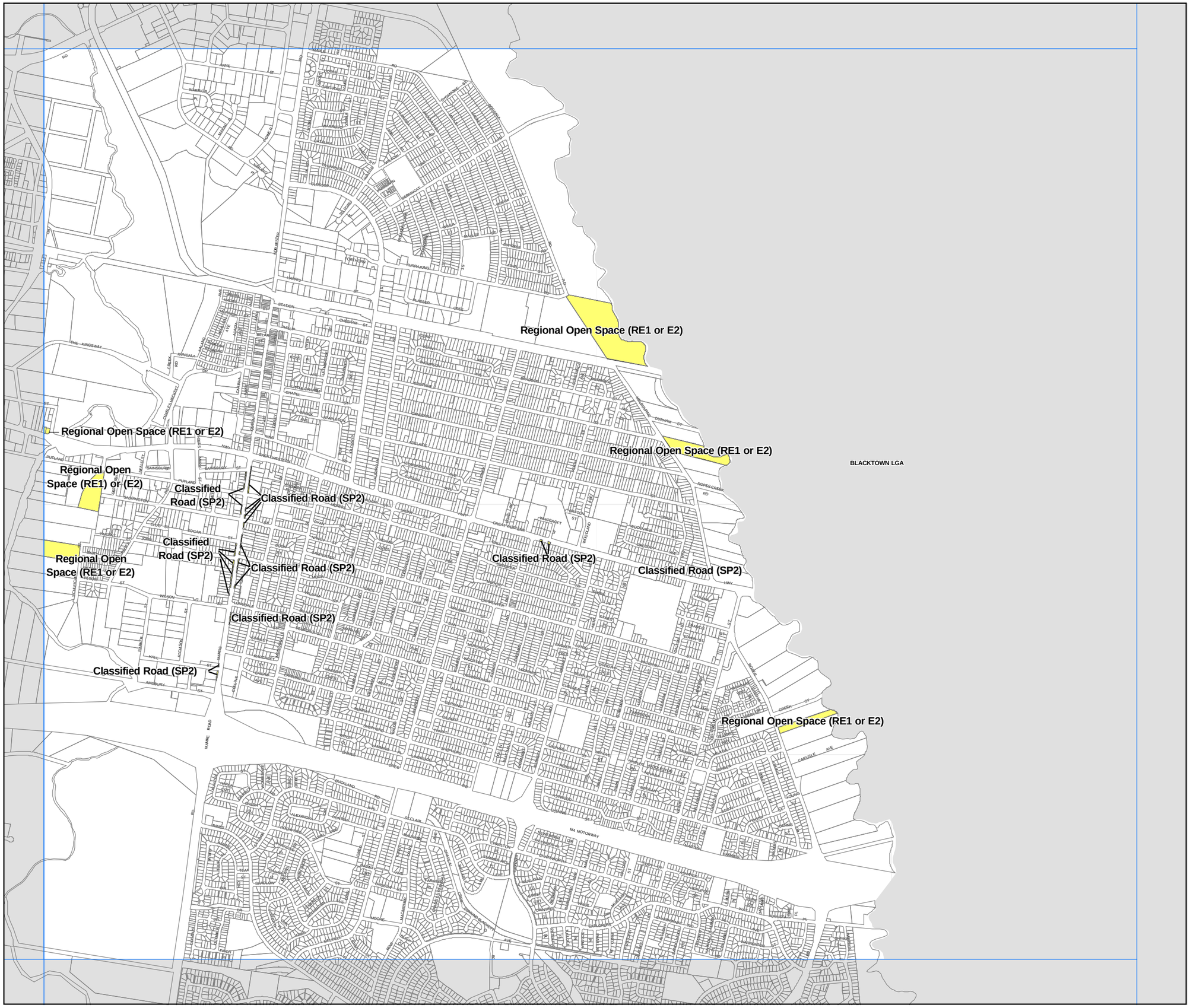
Local road (SP2)

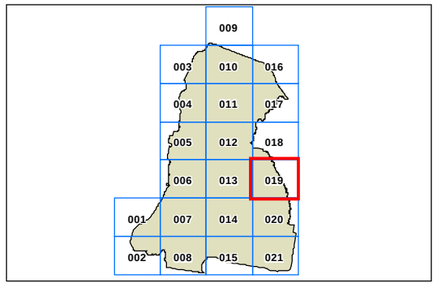
Regional open space (RE1) or (E2)

Local open space (RE1)

Cadastre

Cadastre 27/05/2014 © Penrith City Council





N

Projection: GDA 1994
MGA Zone 56

200 0 200 400 600
Metres

Scale: 1:20,000 @ A3

Map identification number:
6350_COM_LRA_019_020_20140527

PENRITH CITY COUNCIL

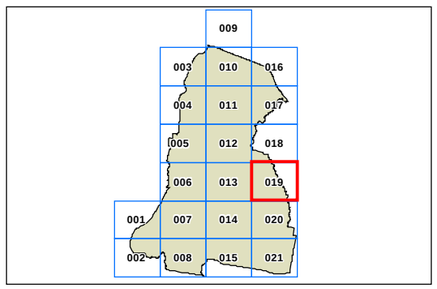
Penrith Local Environmental Plan 2010

Active Street Frontages Map - Sheet ASF_019

Active Street Frontage

Cadastre

Cadastre 21/05/2014 © Penrith City Council



N

Projection: GDA 1994
MGA Zone 56

200 0 200 400 600
Metres

Scale: 1:20,000 @ A3

Map identification number:
6350_COM_ASF_019_20_20140521

Penrith Local Environmental Plan 2010

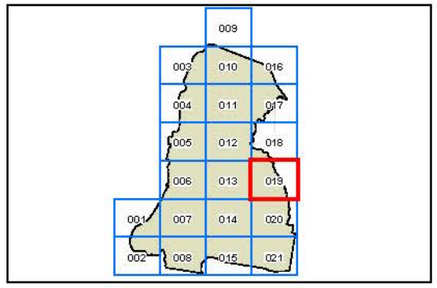
Flood planning land map - sheet FLD_019

Flooding

Flood planning area

Cadastre

Cadastre 12/05/2010 © Penrith City Council



N

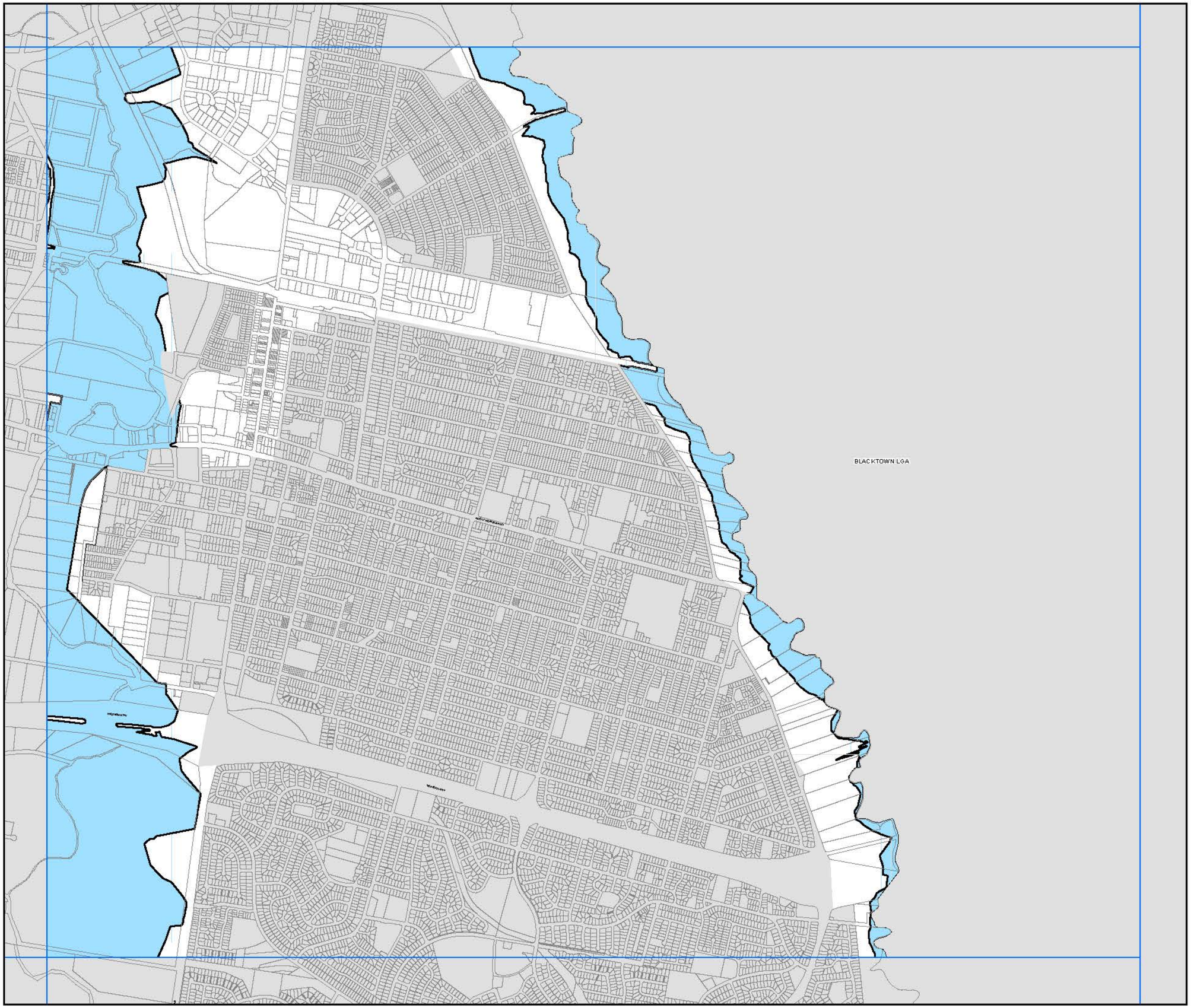
200 0 200 400 600

Metres

Projection: GDA 1994 MGA Zone 56

Scale: 1:20,000 @ A3

Map identification number: 6360_COM_FLD_019_020_20100512



PENRITH CITY COUNCIL

Penrith Local Environmental Plan 2010

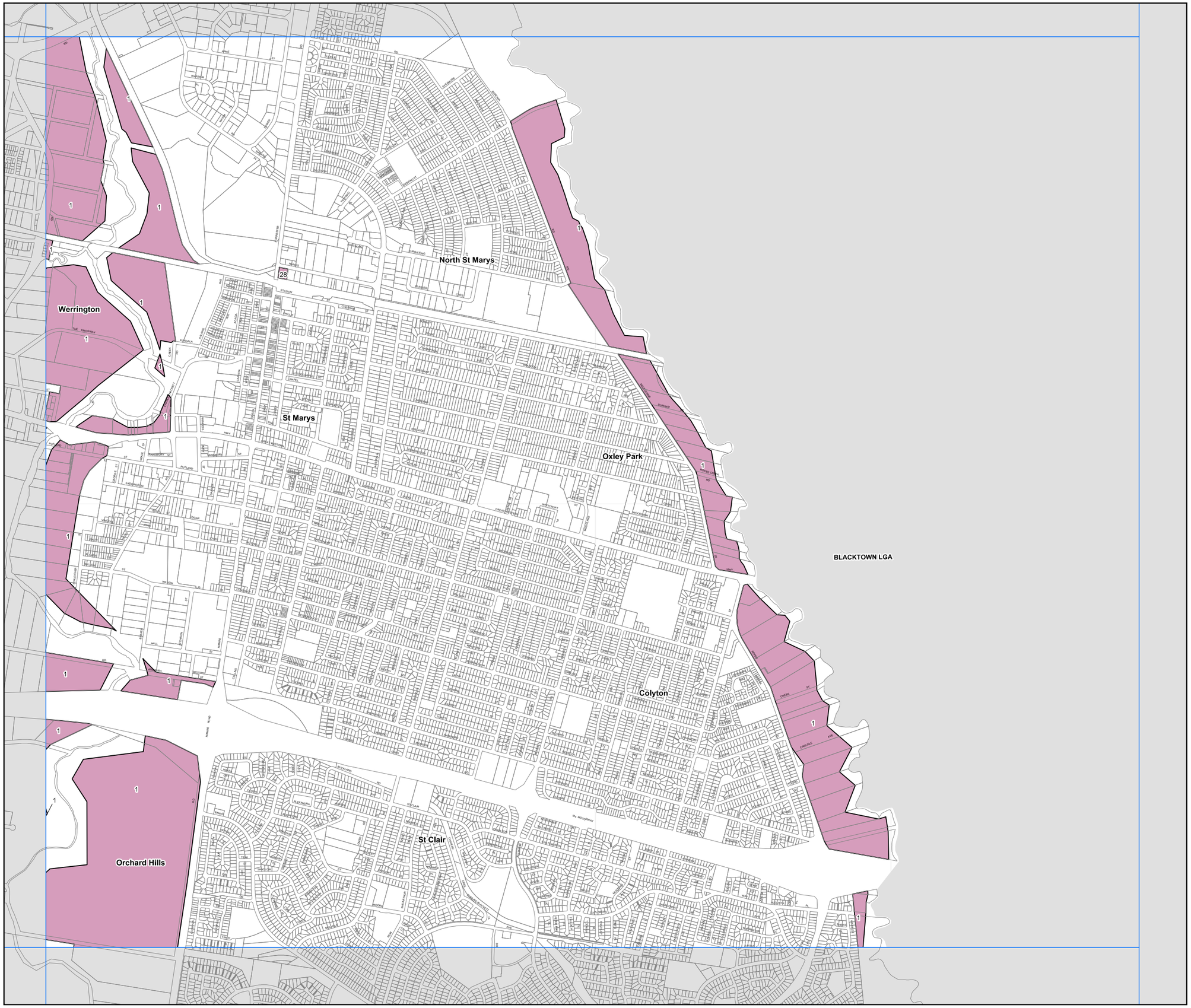
Additional Permitted Uses Map - Sheet APU_019

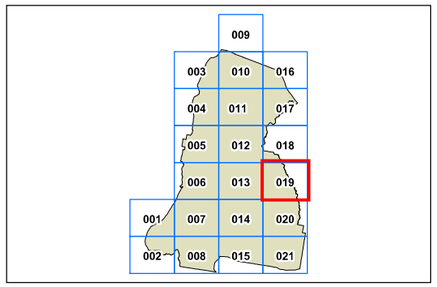
Additional Permitted Uses

Refer to Schedule 1

Cadastre

Cadastre 10/10/2016 © Penrith City Council





N

Projection: GDA 1994
MGA Zone 56

200 0 200 400 600
Metres
Scale: 1:20,000 @ A3

Map identification number:
6350_COM_APU_019_020_20161010

Appendix 16:

Gateway Determination and Cover Letter

NSW GOVERNMENT | Planning & Environment

Gateway Determination

***Planning proposal (Department Ref: PP_2018_PENRI_003_00)**: to reclassify Council owned land at 11-13 Chesham Street, St Marys from Community Land to Operational Land.*

I, the Director, Sydney Region West at the Department of Planning and Environment, as delegate of the Greater Sydney Commission, 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 Council owned land at 11-13 Chesham Street, St Marys* should proceed subject to the following conditions:

1. 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).

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

3. 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).

4. The planning proposal authority is authorised as the local plan-making authority to exercise the functions under section 3.36(2) of the Act subject to the following:

   (a) the planning proposal authority has satisfied all the conditions of the Gateway determination;

   (b) the planning proposal is consistent with section 9.1 Directions; and

   (c) there are no outstanding written objections from public authorities.

5. The time frame for completing the LEP is to be **9 months** following the date of the Gateway determination.

Dated 17th day of July 2018.

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

Delegate of the Greater Sydney Commission

NSW GOVERNMENT | Planning & Environment

PP _2018_PENRI_003_00 (IRF 18/3566)

Mr Alan Stoneham
General Manager
Penrith City Council
PO Box 60,
PENRITH NSW 2751

Dear Mr Stoneham

Planning proposal PP_2018_PENRI_003_00 to amend Penrith Local Environmental Plan 2010

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) in respect of reclassification of land at 11-13 Chesham Street, St Marys from Community Land to Operational Land.

As delegate of the Greater Sydney Commission, 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, any technical inconsistency with section 9.1 Direction 3.1 Residential Zones is justified in accordance with the terms of the Direction.

It is noted that Council has requested to be authorised as the local plan-making authority. I have considered the nature of Council's planning proposal and have conditioned the Gateway for Council to be authorised as the local plan-making authority.

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 to draft and finalise the LEP should be made directly to Parliamentary Counsel's Office 6 weeks prior to the projected publication date. A copy of the request should be forwarded to the Department of Planning and Environment.

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 Greater Sydney Commission 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 02 9373 2880.

Yours sincerely

AM Carruthers 17/7/18

Ann-Maree Carruthers
Director, Sydney Region West
Planning Services

Encl: Gateway determination
Local plan-making authority reporting template