6 Planning Proposal for the Reclassification of 3 Sites – St Marys

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Authorised by: **Christine Gough, Head of City Planning**
Andrew Jackson, Director Planning and Regulatory Services

Outcome	*We plan and shape our growing City*
Strategy	*Undertake strategic planning that will ensure balanced growth and liveability*
Principal Activity	*Facilitate appropriate land use outcomes for our city that are consistent with our Local Strategic Planning Statement*

Previous Items: **Planning Proposal for the Reclassification of 3 Sites – St Marys- Councillor Briefing- 17 Feb 2025 At the conclusion of the Policy Review Committee Meeting**

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

Executive Summary

Council has initiated a Planning Proposal that seeks to amend the Penrith Local Environmental Plan 2010 (LEP 2010) to reclassify three (3) Council owned sites, from Community land to Operational land and remove the public reserve status for all sites.

The aim of this is to align these sites with the current zone objectives of the land and assist Council to meet its strategic goals of urban revitalisation, economic development, delivering housing supply and employment. This Planning Proposal will also contribute to the outcomes of the draft St Marys Town Centre Masterplan which has rationalised open space in the locality.

The intended outcomes of this Planning Proposal include:

- Facilitate the implementation of the draft St Marys Town Centre Masterplan by contributing to economic growth and urban revitalisation;
- Enable Council to consider the future use of the land in line with existing zones; and
- Facilitate the delivery of future uses for the sites, including development, disposal or amalgamation with adjacent properties.

Background

The Planning Proposal relates to three (3) Council owned sites that are currently classified as Community Land:

- **Site 1** - 12A Champness Crescent, St Marys
- **Site 2** - 32A Champness Crescent, St Marys
- **Site 3** - 110A Dunheved Circuit, St Marys

A map showing the above listed sites is provided as Attachment 1 to this report.

All public land is managed under the Local Government Act 1993 based on its classification and must be classified as either Community or Operational land.

Community land is land that Council makes available for use by the general public, for example, parks, reserves or sports grounds. Community land must not be sold, exchanged or otherwise disposed of by a council.

Operational land is land which facilitates the functions of Council and may not be open to the general public. There are no special restrictions on Council powers to manage, develop, dispose or change the nature and use of Operational land.

The aim of this Planning Proposal is to reclassify all three sites to Operational Land to enable the strategic management and the activation of these sites with an aim of urban revitalisation, economic development, delivering affordable housing and local employment.

Reclassification of Sites 1 and 2 will enable these sites to achieve the outcomes of the draft St Marys Town Centre Masterplan. Reclassification of Site 3 will align with Council's Employment Lands Strategy and the principle to retain and manage existing employment land.

Planning Proposal – Proposed amendments

The Planning Proposal is provided at Attachment 2 to this report. The Planning Proposal seeks to amend *Schedule 4 Classification and Reclassification of Public Land of Penrith LEP 2010 under Part 2 Land classified or reclassified, as operational – interests changed* by inserting the following information:

Insert into Column 1 – Locality	Insert into Column 2 – Description	Insert into Column 3 – Any trusts etc. not discharged
12A Champness Crescent, St Marys	Lot 41 DP 35970, identified as "Operational Land"	Easement to drain water over existing line of pipes affecting the part of the land shown so burdened in DP 644218, as noted on Certificate of Title Folio Identifier 41/35970.
32A Champness Crescent, St Marys	Lot 51 DP 35970 identified as "Operational Land"	Nil
Lot 110A Dunheved Circuit, St Marys	Lot 211 DP31909 identified as "Operational Land"	Easement for water main affecting the part of the land shown so burdened in DP 31909 as noted on Certificate of Title Folio Identifier 9043/104

In addition to the reclassification, the Planning Proposal seeks to remove the public reserve status of the sites and to remove any interest or trust relating to the land being a public reserve.

Site Specific Merit

Sites 1 and 2 – (12A and 32A Champness Crescent, St Marys)

These sites are zoned R4 High Density Residential and located near the St Marys Town Centre. The sites are vacant, battle-axe lots, accessed via narrow laneways off Champness Crescent. The sites are in close proximity to nearby transport and employment hubs and affordable housing providers.

An Operational land classification enables Council to consider the future of the land in line with the existing zoning and the draft St Marys Town Centre Masterplan. This may include development, disposal or consolidation with adjoining land. The removal of the public reserve status is appropriate as the sites serve no public recreation purpose and there are currently three council owned parks within the proximity of 400m. The St Marys Master Plan also provides a consolidated and planned network of open spaces to support the reclassification.

Both sites are currently unusable and surrounded by rear gardens of neighbouring properties. The only access is through a narrow laneway between two other properties.

The unusable state of these spaces is a potential for anti-social activities and illegal dumping of rubbish. It is currently a maintenance burden on council with no benefit or use for the community.

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

This site is zoned E4 General Industrial and is located within an existing industrial estate. The site is near the Outer Sydney Orbital corridor. Council has entered a short-term lease for the site, and it is currently used as a site compound to support public utility works.

Prior to the lease, the site was vacant and served no recreational purpose. The removal of the public reserve status is appropriate as the site is located within the Dunheved Business Park, with another open space area located nearby on the corner of Kommer Place and Dunheved Circuit. Reclassification of the site will enable Council to consider the future uses of the site in line with the existing zone.

The proposed amendments to the three sites are supported by Council's local strategic framework as follows:

Local Strategic Planning Statement

The relevant Planning Priorities in the Local Strategic Planning Statement are:

- Planning Priority 3: Provide new homes to meet the diverse needs of our growing community.

- Planning Priority 5: Facilitate sustainable housing.
- Planning Priority 12: Enhance and grow Penrith's Economic Triangle.

Reclassifying sites 1 and 2 will enable Council to provide more residential land in the area to achieve its housing supply targets in an existing neighbourhood and provide an opportunity for more diverse housing in the St Marys area.

Reclassifying site 3 will contribute to the delivery of more local jobs and services close to home as it is located within Penrith's Economic Triangle. It will also assist Council in the retention and management of its existing industrial lands.

Employment Lands Strategy (ELS)

The relevant action in Council's Employment Lands Strategy is:

- Direction 3 – Build on our strengths and facilitate new enterprises.

The reclassification is consistent with Direction 3 as it enables an outcome where site 3 can facilitate local business growth and support the creation of diverse employment opportunities for the LGA. Noting that there is a growing demand in the St Marys industrial area for smaller lots to support the establishment and expansion of its local industries.

The reclassification of site 3 will facilitate industrial and employment opportunities in the E4 General Industrial zone and is consistent with the principles to retain and manage its existing industrial / employment lands as identified in the Greater Sydney Region Plan, Western City District Plan, LSPS and Employment Lands Strategy.

Draft St Marys Town Centre Master Plan (2024)

Sites 1 and 2 are identified in the draft St Marys Town Centre Masterplan as part of the new Ridgetop Living precinct. The desired outcome is for a vibrant high density living area, within a short walk to nearby transportation, services and employment opportunities.

The opportunities that arise from the reclassification of sites 1 and 2 include the ability for the sites to be amalgamated with adjoining lots, ideally owned by Homes NSW, to allow for more integrated redevelopment of affordable housing and to help offset lots, also owned by Homes NSW, for the delivery of an expanded and enhanced Ross Park nearby..

The draft St Marys Town Centre Master Plan indicates that there will be no loss of public recreation space, instead a new local park at Ross Place will be created and existing parks will be further enhanced.

Local Planning Panel Advice

On 22 January 2025, the Planning Proposal was presented to the Local Planning Panel to obtain advice. The Panel supported the Planning Proposal considering that it was consistent with the Greater Sydney Region Plan; the Western City District Plan; the draft St Marys Master Plan; the Local Strategic Planning Statement; and Employment Lands Strategy.

The Panel also agreed that the Planning Proposal will assist Council in the urban revitalisation, economic development, providing affordable housing and housing supply and fostering local employment through the reclassification of Community Land to Operational Land.

The Panel recommended that the Planning Proposal be progressed through the Gateway process. The Local Planning Panel's advice is provided as Attachment 3.

Financial Implications

There are no financial implications for Council associated with this report.

Risk Implications

There is no risk implications for Council associated with this report.

Conclusion

Council has initiated a Planning Proposal that seeks to amend Schedule 4 of the Penrith LEP 2010 to reclassify three sites in St Marys from Community Land to Operational Land and remove any public reserve status. The Planning Proposal is consistent with both the local and state strategic planning framework and will assist Council with the strategic management of the land. The Planning Proposal does not seek to rezone any of the sites or vary any development standard affecting the sites.

RECOMMENDATION

That:

1. The information contained in the report on Planning Proposal for the Reclassification of 3 Sites – St Marys be received.
2. Council endorse the Planning Proposal provided as Attachment 2 to proceed through the Department of Planning, Housing and Infrastructure's Gateway process for Local Environmental Plan amendments.
3. Council officers forward the Planning Proposal to the Minister for Planning with a request to issue a Gateway Determination.
4. The General Manager be granted delegation to make any necessary changes to the Planning Proposal referred to in resolution 2:
    - prior to Council's submission of the Planning Proposal to the Minister for Planning to request a Gateway Determination;
    - as a result of negotiated changes sought by the Department of Planning, Housing and Infrastructure in the lead up to issuing a Gateway Determination; and
    - prior to public exhibition in response to the conditions of the Gateway Determination or negotiation with State agencies.
5. Council publicly exhibits the Planning Proposal for a period specified in the Gateway Determination and in accordance with the community consultation

For	Against
Councillor Todd Carney	
Councillor Ross Fowler OAM	
Councillor Libby Austin	
Councillor Kirstie Boerst	
Councillor Robin Cook	
Councillor Glenn Gardiner	
Councillor Sabbie Kaur	
Councillor Hollie McLean	
Councillor John Thain	
Councillor Edwin Mifsud	
Councillor Reece Nuttall	
Councillor Vanessa Pollak	
Councillor Faithe Skinner	
Councillor Garion Thain	

6 Planning Proposal for the Reclassification of 3 Sites – St Marys

42 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Garion Thain

That:

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2. Council endorse the Planning Proposal provided as Attachment 2 to proceed through the Department of Planning, Housing and Infrastructure's Gateway process for Local Environmental Plan amendments.
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4. The General Manager be granted delegation to make any necessary changes to the Planning Proposal referred to in resolution 2:
   - prior to Council's submission of the Planning Proposal to the Minister for Planning to request a Gateway Determination;
   - as a result of negotiated changes sought by the Department of Planning, Housing and Infrastructure in the lead up to issuing a Gateway Determination; and
   - prior to public exhibition in response to the conditions of the Gateway Determination or negotiation with State agencies.
5. Council publicly exhibits the Planning Proposal for a period specified in the Gateway Determination and in accordance with the community consultation requirements of the Environmental Planning and Assessment Act 1979 and the Environmental Planning and Assessment Regulation 2000.

6. An independently chaired public hearing is held regarding the land reclassification aspects of the Planning Proposal, in accordance with the requirements of the Environmental Planning and Assessment Act 1979.
7. A further report be presented to Council following the public exhibition and 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 Todd Carney	
Councillor Ross Fowler OAM	
Councillor Libby Austin	
Councillors Kirstie Boerst	
Councillor Robin Cook	
Councillor Glenn Gardiner	
Councillor Sabbie Kaur	
Councillor Hollie McLean	
Councillor John Thain	
Councillor Edwin Mifsud	
Councillor Reece Nuttall	
Councillor Vanessa Pollak	
Councillor Faithe Skinner	
Councillor Garion Thain	

Having previously declared a Non-Pecuniary Conflict of Interest – Less than Significant in Item 7, Councillor Hollie McLean left the room, the time being 7:39pm.

7 Advocacy Strategy 2025

43 RESOLVED on the MOTION of Councillor Reece Nuttall seconded Councillor Garion Thain

That:

1. The information contained in the report on Advocacy Strategy 2025 be received.
2. Council endorse the Advocacy Strategy 2025 located at Attachment 1.
3. The Advocacy Strategy 2025 be made available on Council's website.
4. Council delegates authority to the General Manager to make typographical changes to Advocacy Strategy 2025 as required.

Councillor Hollie McLean returned to the meeting, the time being 7:40pm

OUTCOME 4 - WE MANAGE AND IMPROVE OUR BUILT ENVIRONMENT

Procedural Motion

44 RESOLVED on the MOTION of Councillor Reece Nuttall seconded Councillor Faithe Skinner that pursuance to Clause 4.3 of the Code of Meeting Practice, to allow Mr Don Barnes to address the meeting , should he wish to do so.