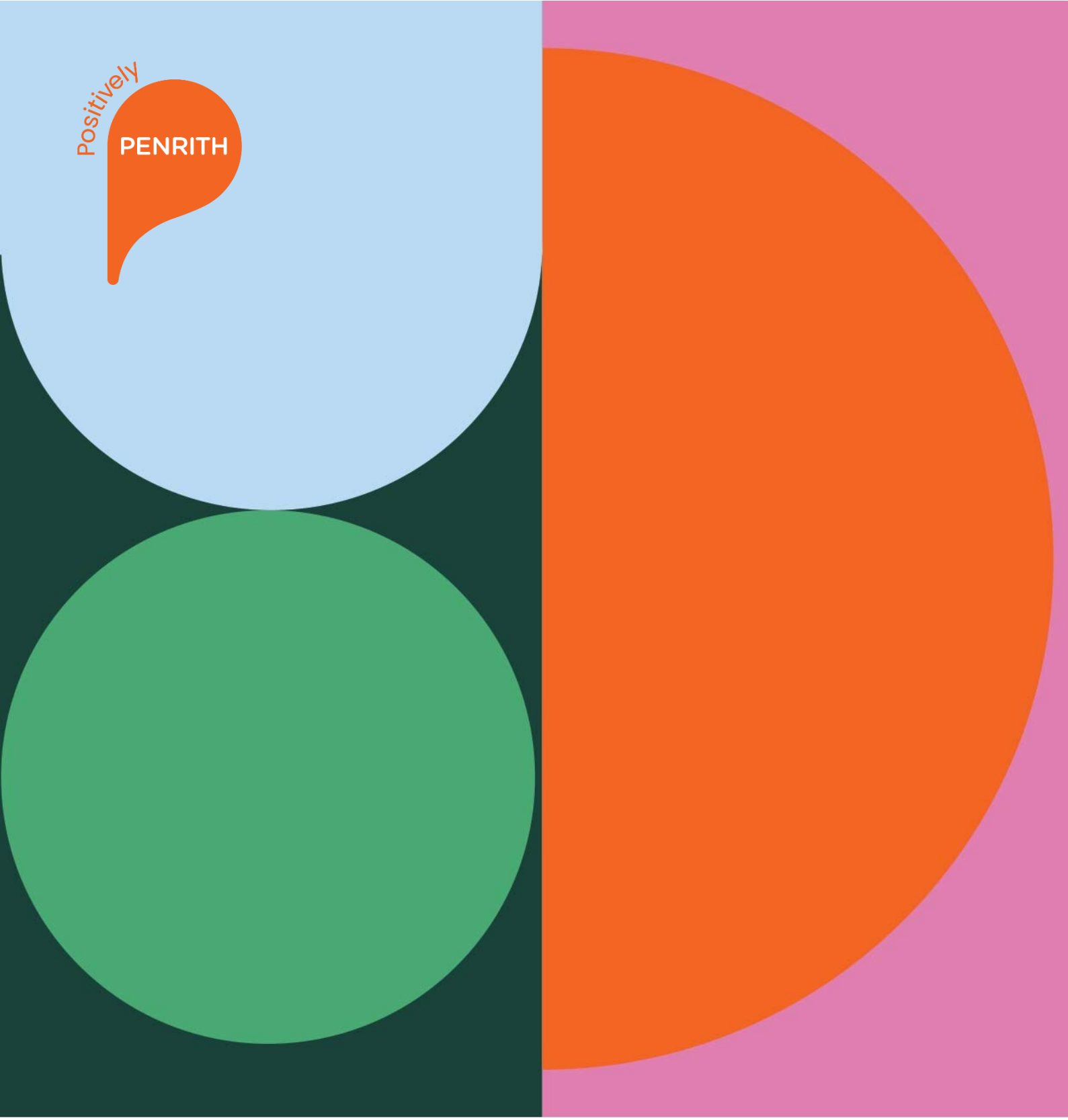


Planning Proposal
Reclassification of 3 Sites – St Marys

Executive Summary

This Planning Proposal outlines the proposed reclassification of three (3) Council-owned sites in St Marys from Community Land to Operational Land under the Penrith Local Environmental Plan 2010 (LEP). Reclassification of these sites will enable the land to develop in line with the zone objectives of the land. In turn, assisting Council to deliver on their strategic goals of urban revitalisation, economic development, and housing supply.

The three sites include:

	Address	Legal Description	Area	Existing Zoning
Site 1	**12A Champness Crescent, St Marys**	**Lot 41 DP 35970**	**1315m2**	**R4 High Density Residential**
Site 2	**32A Champness Crescent, St Marys**	**Lot 51 DP 35970**	**1289m2**	**R4 High Density Residential**
Site 3	**110A Dunheved Circuit, St Marys**	**Lot 211 DP 31909**	**2909m2**	**E4 General Industrial**

The reclassification of these sites will facilitate opportunities such as development, land disposal, or amalgamation with adjacent properties. Key intended outcomes include supporting high-density residential development at Sites 1 and 2 and enhancing industrial and employment opportunities at Site 3. These outcomes align with Council's broader strategic frameworks, including the Penrith Local Strategic Planning Statement (LSPS) and the St Marys Town Centre Master Plan.

Strategic Justification

- **Housing Supply and Affordability**

  Sites 1 and 2 will contribute to housing priorities, including diverse and affordable options near public transport, services, and employment hubs.

- **Economic Growth**

  Site 3 is valuable to Penrith's industrial land supply and will foster job creation, leveraging its proximity to major transport links.

Environmental and Social Considerations

Future developments will adhere to Penrith Development Control Plan (DCP) guidelines to ensure environmental risks are addressed and ensure community alignment. The selection of these sites presents minimal impact to public open space, as the sites are underutilised with better alternatives available nearby.

Community and Stakeholder Engagement

Extensive community consultation, including prior public hearings and feedback during the preparation of the St Marys Town Centre Structure Plan, indicate minimal opposition. Further, public engagement will be conducted during the Planning Proposal's exhibition period to ensure transparency and address any stakeholder concerns.

The reclassification aligns with Council's vision for sustainable urban growth, supporting Penrith's strategic housing, economic, and employment objectives.

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

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Background

This Planning Proposal outlines the proposed reclassification of three (3) Council-owned sites in St Marys from Community Land to Operational Land under the Penrith Local Environmental Plan 2010 (LEP). Details of sites 1,2 and 3 are provided below:

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 axed shaped 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 Master Plan. 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 400m.

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 will enable Council to consider the future of the site in line with the existing zone.

Part 1 – Objectives and Intended Outcomes

Objective

To amend the *Penrith Local Environmental Plan 2010* (Penrith LEP 2010) to reclassify three (3) Council-owned sites from Community Land to Operational Land in St Marys.

Site 1: 12A Champness Crescent, Lot 41 DP 35970

Site 2: 32A Champness Crescent, Lot 51 DP 35970

Site 3: 110A Dunheved Circuit, Lot 211 DP 31909

Intended Outcomes

- To enable Council to consider the future use of the land in line with the existing zones
- Facilitate the delivery of future uses for the land including development, disposal, or amalgamation with adjacent properties.
- Facilitate the implementation of the Draft St Marys Town Centre Masterplan by contributing to economic growth and revitalisation.
- Remove the Public Reserve status for the sites and to remove any interest or trust relating to the land being a public reserve.

Part 2 – Intended Provisions

The intended outcome of this Planning Proposal is to amend *Schedule 4 Classification and Reclassification of Public Land of the Penrith Local Environmental Plan (2010) Part 2* as it relates to sites 1,2 and 3 to achieve the following:

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	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	Nil
110A Dunheved Circuit, St Marys	Lot 211 DP 31909	Easement for water main affecting the part of the land shown so burdened in DP 31909 as noted on Certificate of Title Folio Identifier 9043/104

In addition to the reclassification, the Planning Proposal seeks to remove the public reserve status to sites 1,2 and 3 and to remove any interests or trusts relating to the land being a public reserve.

The Planning Proposal does not include any change to the existing zones or development standards that apply to the subject sites. The Planning Proposal does not require any changes to the Local Environmental Plan (LEP) maps.

Part 3 – Justification of strategic and site-specific merit.

Section A – Need for the Planning Proposal

1. Is the planning proposal a result of an endorsed LSPS, strategic study or Report?

This Planning Proposal directly supports the delivery of several Planning Priorities in the endorsed *Penrith Local Strategic Planning Statement (Penrith LSPS) 2020.*

Penrith LSPS 2020

Site 1 & 2 Champness Crescent

The *Penrith LSPS* outlines Penrith's economic, social and environmental land use needs over the next 20 years. It highlights the strategic planning work required by Council to align with, and respond to, the initiatives and directions of local and state government plans and policies. Key priorities 3 and 5 from the *Penrith LSPS* relate to the preparation of a planning proposal for Site 1 & 2:

Planning Priority 3 – Provide new homes to meet the diverse needs of our growing community

- Penrith's population is expected to grow significantly over the next 20 years with an additional 24,000 homes needed to meet the demand.

  Action 3.3 of the LSPS requires to "Review and update planning and development controls to encourage the delivery of mixed-use and high-density residential development in Penrith City Centre, St Marys Town Centre, and Kingswood.

The subject sites are located within the St Marys Town Centre and already zoned R4 High Density Residential.

Reclassifying these sites will enable Council to provide more residential land to the market, aligning with the target outcomes of Planning Priority 3 in the *Penrith LSPS*.

Planning Priority 5 – Facilitate sustainable housing

- The *Penrith LSPS* identifies that the way housing is planned is important to achieving a sustainable City, ensuring that land is used more efficiently. One solution identified to make residential development more sustainable is by limiting urban sprawl and continuous, unplanned development.

The reclassification of Sites 1 and 2 will enable Council to provide land to the market that will contribute to the delivery of housing supply in an existing neighbourhood, using the existing land parcels more efficiently, aligning with the target actions of Planning Priority 5 of the *Penrith LSPS*.



Figure 1: Location of 12A Site 1 and 32A Site 2 Champness Crescent

Site 3 Dunheved Circuit

Planning priority 12 from the *Penrith LSPS* relates to the preparation of a planning proposal for Site 3:

Planning Priority 12 – Enhance and grow Penrith's economic triangle

The St Marys Town Centre is identified as a 'Strategic Centre' in the *Western City District Plan* featuring one of the largest industrial precincts in Sydney and set to provide 11,500 jobs by 2036.

110A Dunheved Circuit is located in Penrith's economic triangle, on the northern side of the railway line. This industrial lot will provide the opportunity to contribute to the

delivery of more jobs, particularly with its proximity to the planned Outer Sydney Orbital *(See figure 3 – Location of 110a Dunheved Circuit in proximity to the outer Sydney orbital).*

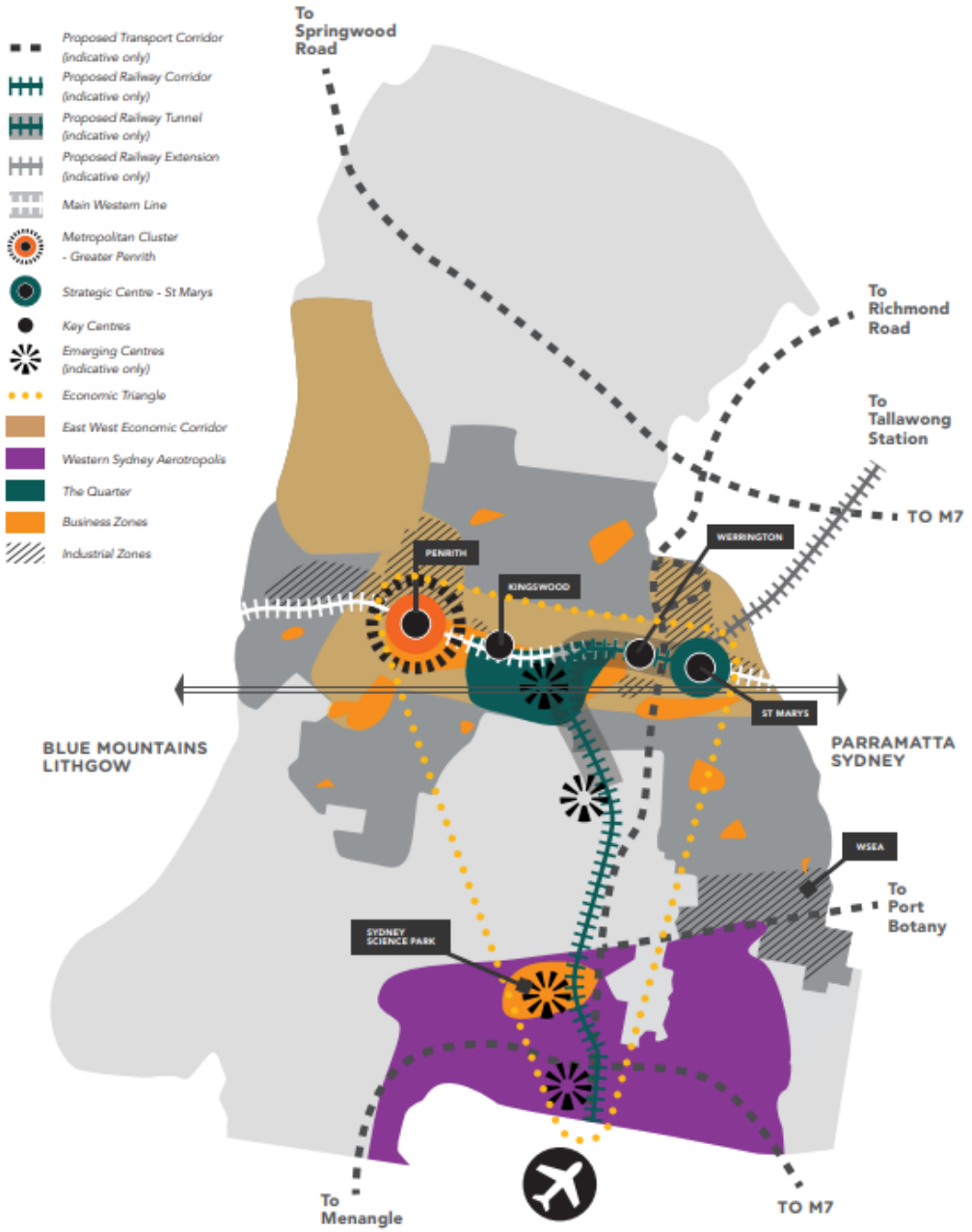


Figure 2 - Penrith's Economic Triangle (Source: Penrith Local Strategic Planning Statement 2020)

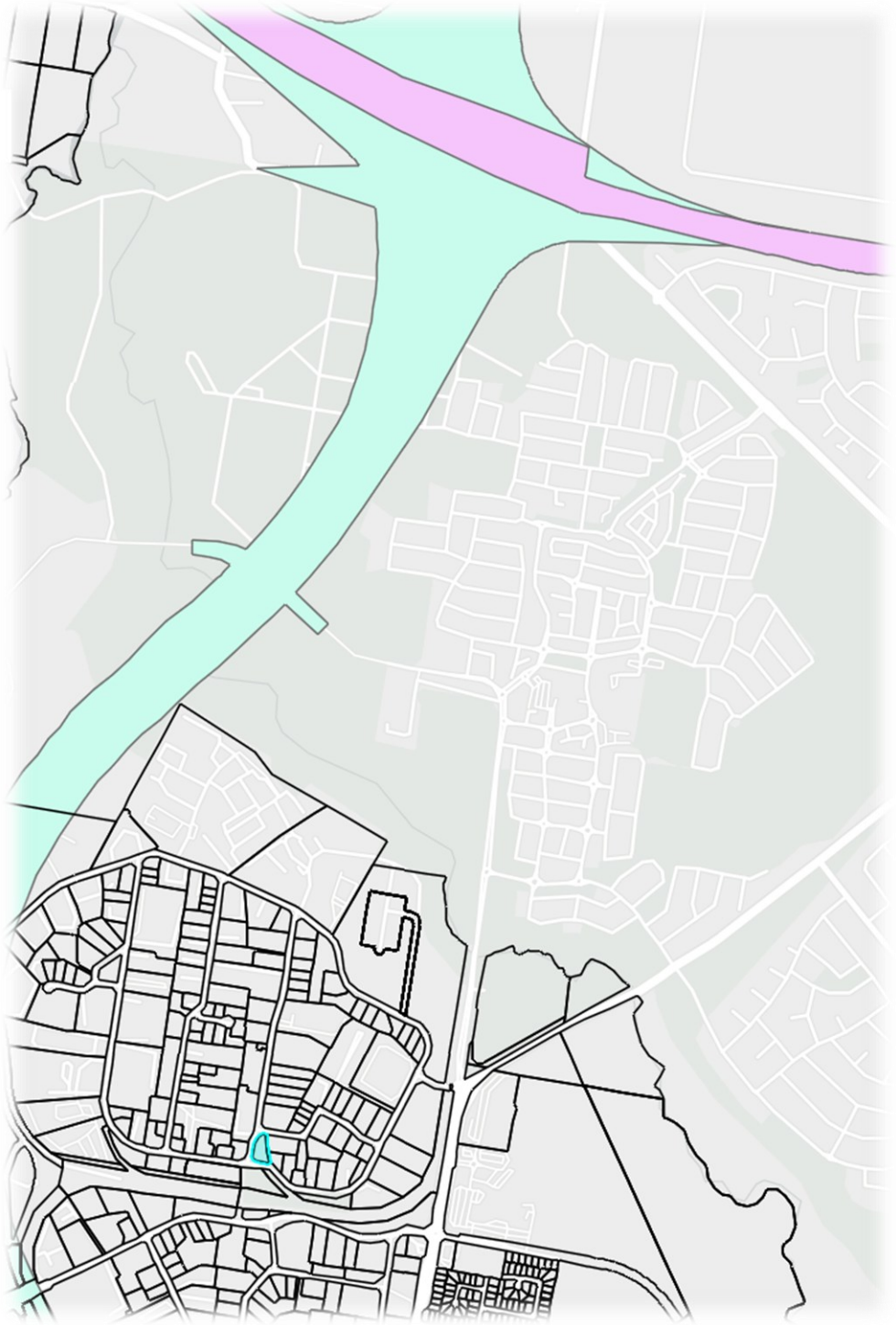


Figure 3 Location of 110a Dunheved Circuit Site 3 in proximity to the outer Sydney orbital

The *Penrith LSPS* identifies that the management of existing and future industrial and urban services land will be important to ensure the community has jobs and services close to home.

The reclassification of Site 3 will enable the use of the land appropriate to its E4 General Industrial zoning and will assist in the retention and management of existing industrial land to deliver more jobs and meet the St Marys precinct employment targets.



Figure 4: Location of Site 3 110a Dunheved Circuit in the St Marys Industrial Precinct

St Marys Town Centre Structure Plan (November 2022)

Site 1 & 2 Champness Crescent

The St Marys Town Centre Structure Plan has been prepared to guide the growth of the St Marys Town Centre over the next 20 years. 12a and 32a Champness Crescent are identified as part of the proposed Ridge-top Living Precinct. This precinct aims to provide high density living with a focus on the provision of social and affordable housing close to facilities, jobs and amenity.

Key directions for improvement have been identified in each precinct to support the delivery of the Structure Plan. Notably, Sites 1 and 2 are included as a key direction in the Council endorsed Structure Plan, with the recommendation to 'consider re-purposing/sale of existing two triangular pocket parks along Champness Crescent that are underused and difficult to access'

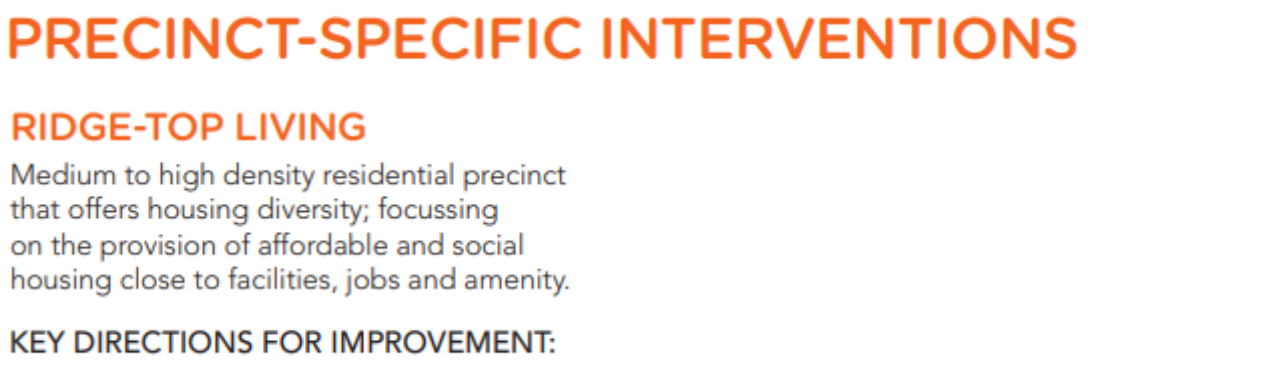
Draft St Marys Town Centre Master Plan

The draft St Marys Town Centre Master Plan was on exhibition from 4 to 30 November 2024. The Master Plan is a strategic framework to deliver on the community's vision to shape the St Marys Town Centre over the next 20 years

Sites 1 and 2 are identified in the draft St Marys Town Centre Master Plan 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.



- Consider re-purposing/sale of existing two triangular pocket parks along Champness Crescent that are underused and difficult to access

Figure 5 - Extract from St Marys Town Centre Structure Plan (Nov 2022) p.g. 133

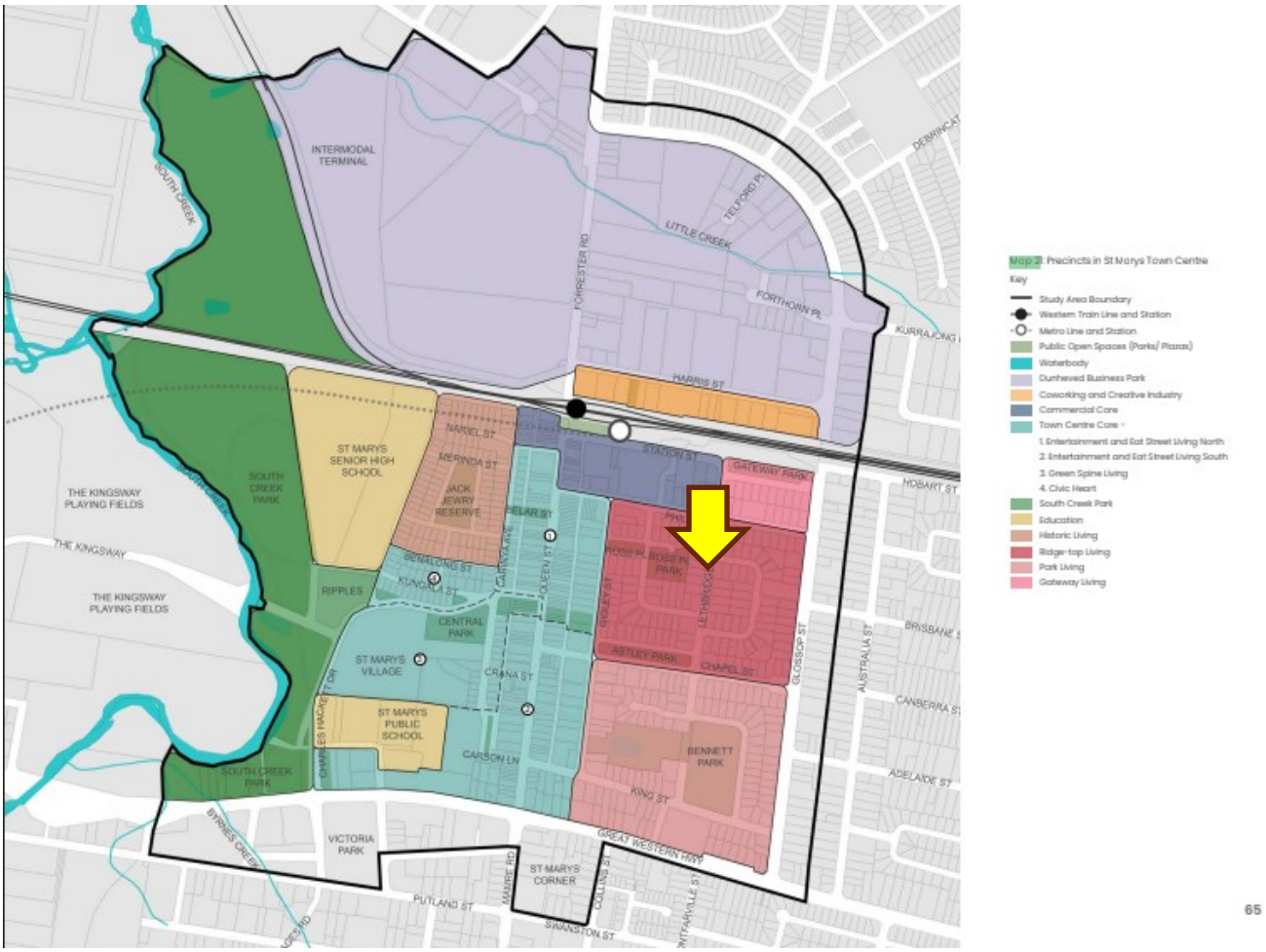


Figure 6: Extract from the St Marys Town Centre study area showing the proposed Ridge-Top Living Precinct and nearby open spaces (P.65)

For this action to be achieved, the subject sites would need to be reclassified to Operational Land as Council will be unable to deal on the land as suggested by the direction until it is no longer Community Land.

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The reclassification of land from Community to Operational is considered to the best means of achieving the objectives and intended outcomes.

- Community land is land is 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. There are restrictions on granting leases and the way the land can be used.

- Operational land facilitates the functions of Council, and may not be open to the general public, for example a Council depot. There are no special restrictions on council powers to manage, develop, dispose or change the nature and use of Operational land.

The sites are currently classified as Community Land, which restricts Council from selling, exchanging, or disposing of the land under the provisions of the Local Government Act 1993. To achieve the objectives and intended outcomes for these sites, this planning proposal presents the most effective and transparent pathway.

This approach enables Council to evaluate the future use of the land in alignment with the proposed zoning, thereby supporting more efficient and strategic management of Council assets.

Section B – Relationship to the Strategic Planning Framework

3. Will the planning proposal give effect to the objectives and actions of the applicable regional or district plan or strategy (including and exhibited draft plans or strategies)?

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

The Greater Sydney Region Plan (2018)

The *Greater Sydney Region Plan: A Metropolis of Three Cities (the Plan)* envisions a city where residents can access jobs, education, health facilities, services, and vibrant places within 30 minutes of where they live. The Penrith Local Government Area is positioned within the Western Parkland City as part of this Vision.

The *Plan's* 40-year vision to 2056 is supported by a 20-year framework to guide the growth and transformation of Greater Sydney.

This framework addresses social, economic, and environmental priorities through ten (10) overarching directions, which are further applied to the five (5) districts that comprise the Greater Sydney Region.

The subject of this Planning Proposal aligns broadly with the overarching vision of the *Plan* but is specifically aligned with the following objectives.

Site 1 & 2 Champness Crescent

Direction 4 – Housing the City

Objective 11 - Housing is more diverse and affordable

The reclassification of Sites 1 and 2 aligns with Strategy 11.2, which supports unlocking surplus land for potential residential development. Given the site's proximity to transport,

employment hubs, services, and multiple affordable housing providers, it presents a significant opportunity to increase housing supply and choice, while contributing to improved housing affordability.

Site 3 Dunheved Circuit

Direction 7 – Jobs and skills for the City

Objective 23 – Industrial and urban services land is planned, retained and managed

The reclassification of Site 3 aligns with Strategy 23.1, which emphasises the importance of retaining and managing existing industrial land to safeguard it from competing pressures. The current zoning of the site as E4 General Industrial presents an opportunity for Council to optimise its use, contributing to the overall goals of job creation and supporting economic growth within the metropolitan area.

Western City District Plan (2018)

As outlined above, the *Greater Sydney Region Plan* envisions a metropolis of three (3) cities, spanning across five (5) districts. The Western City District encompasses the local government areas of the Blue Mountains, Camden, Campbelltown, Fairfield, Hawkesbury, Liverpool, Wollondilly, and Penrith.

The *Western City District Plan (District Plan)* serves as a 20-year framework to guide the implementation of the *Greater Sydney Region Plan*. Its goal is to provide residents with quicker and easier access to a broader range of jobs, diverse housing options, and activities, while enhancing the district's lifestyle and environmental assets.

This Planning Proposal contributes to the vision of the *District Plan* through alignment with the following Planning Priorities.

Site 1 & 2 Champness Crescent

Planning Priority W5 – Providing housing supply, choice and affordability, with access to jobs, services and public transport

The NSW Department of Planning and Environment's projections of population and household growth in the Western City District put forward the requirement for an additional 184,500 homes between 2016 and 2036.

Meeting this demand requires a diverse range of housing types, tenures, price points, and designs in preferred locations. However, some areas are unsuitable for additional housing due to constraints such as limited access to services and public transport.

The reclassification of Sites 1 and 2 will provide land within an established housing area, strategically located near key services and public transport. These local infill development sites will be able to contribute to addressing the "missing middle" identified in the *District Plan.*

Site 3 Dunheved Circuit

Planning Priority W10 - Maximising freight and logistics opportunities and planning and managing industrial and urban services land

The demand for industrial and urban services land will increase in line with population growth. The *District Plan* identifies that the activities undertaken on these lands serve local communities and require good local access to reduce the need to travel to other areas as well as reduce congestion on the transport system.

As mentioned previously, existing industrial sites are under pressure to rezone to residential uses and therefore, the retention of existing industrial and urban services sites is important for the growth and support of the Greater Sydney economy.

The reclassification of Site 3 contributes directly to Action 51 of the *District Plan,* by retaining and managing the industrial site and enabling its development to facilitate jobs and growth.

4. Is the planning proposal consistent with a council LSPS that has been endorsed by the Planning Secretary or GCC, or another endorsed local strategy or strategic plan?

Council's *Places of Penrith* Strategic Framework, consists of a suite of city-shaping strategies in line with the Planning Priorities outlines in both the *Penrith LSPS* and *Western City District Plan*. The current strategies relevant to this Planning Proposal include the *Employment Lands Strategy, Green Grid Strategy* and the *Local Housing Strategy.*

Employment Lands Strategy (2021)

The *Employment Lands Strategy* addresses the community's priorities of growing the local economy, attracting investment, and enabling a greater diversity of jobs and businesses to locate closer to Penrith. Notably, 60% of Greater Sydney's potential new employment land supply is in the Penrith Local Government Area, however, much of this land remains unzoned and unserviced, delaying its availability for development.

The reclassification of Site 3 directly supports *Strategic Direction 3 – Build on our strengths and facilitate new enterprise.* While the St Marys Industrial area predominantly consists of large lots that cater to the logistics industry, there is a growing need for smaller lots to support the establishment and expansion of local industries.

Unlocking a smaller parcel of land at Site 3, enables Council to contribute to the market immediately, facilitating local business growth and support the creation of diverse employment opportunities.

The reclassification of Site 3 also supports Action 10 of the strategy which relates to improving local amenity in Penrith's older industrial precincts. Adjacent to Site 3, the Dunheved Estate Reserve, a 7,000sqm Reserve offers shaded areas and picnic facilities to support the social and recreational needs of local employees.

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.

Penrith Green Grid Strategy (2021)

Open space is one of Penrith's most valuable assets, encompassing waterways, bushland, tree canopies, green ground cover, parks, and recreational spaces. The *Green Grid Strategy* aims to enhance and expand Penrith's green infrastructure by recognising existing assets and identifying opportunities to strengthen the green network through new links.

In relation to this Planning Proposal, Sites 1 and 2 are not part of any identified Green Grid Projects or current/proposed connections. Site 3 is adjacent to the proposed South Creek connection, however, is not identified as required to achieve the goals of the *Green Grid Strategy*. Nonetheless, any future development will prioritise the retention of valuable vegetation and trees, ensuring alignment with Penrith's commitment to the creation of cool and green neighbourhoods across the LGA.

Local Housing Strategy (2022)

The Penrith *Local Housing Strategy* provides a strategic framework to guide housing development over the next 20 years, addressing Penrith's projected population growth, while navigating environmental constraints across the LGA. The reclassification of Sites 1 and 2 strongly aligns with key objectives of this strategy:

Priority A – Housing supply delivered in the right location at the right time.

Sites 1 and 2 present a prime opportunity to contribute to Council's housing supply targets of 14,500 to 18,700 additional dwellings by 2036. Their strategic location, close to services and transport, ensures that new housing can be delivered where it is most needed, helping to meet the growing demand for homes in the Penrith LGA.

Priority C – Supporting the provision of specialised and affordable housing.

Sites 1 and 2 are located adjacent to land owned by Homes NSW, creating a unique opportunity for collaboration. Discussions have taken place with Homes NSW to explore the potential for consolidating land holdings, enabling a more cohesive and efficient approach to affordable housing development in the area. This alignment has the potential to contribute to the demand for diverse and affordable housing options, as well as ensuring the area's growth is inclusive and sustainable.

The outcomes of this planning proposal are also consistent with various additional strategic documents including the *Penrith Economic Development Strategy*, *Penrith Sport and Recreation Strategy*, and the *Draft St Marys Town Centre Master Plan.*

Penrith Economic Development Strategy 2023 -2031 (2023)

Penrith is targeting the creation of 23,000 additional jobs by 2031, a goal that would be reduced to 18,000 without the support of Council and its partners. By unlocking the land at Site 3, Council can contribute to the vision of a *30-Minute City*, where residents are within 30 minutes of their jobs, educational institutions, healthcare, and vibrant destinations.

The reclassification of Site 3 aligns with *Strategic Priority 3 – Leveraging Employment Lands.* By better utilising land in the St Marys Industrial Area, Council can support the sustainable growth of Penrith's industrial economy, through the provision of a physical asset, as well as driving job creation.

Penrith Sport and Recreation Strategy (2020)

The 15-year *Penrith Sport and Recreation Strategy* forms the road map for the future provision of sport, recreation, play, and open space facilities across the city. This Strategy and its Action Plan identifies gaps in the provision of Open Space while addressing future demands for open space, play, sport, and recreation facilities to meet the needs of a growing population.

Importantly, Sites 1, 2 and 3 are not identified as key open space sites or as locations requiring investigation for inclusion in the Strategy's implementation. Therefore, the impact of reclassification of these sites will not interfere with the city's open space priorities and will allow for more effective use of land to support broader urban growth goals.

Draft St Marys Town Centre Master Plan (2024)

The St Marys Town Centre is set for significant change in the coming years, with the *Draft St Marys Town Centre Master Plan (Draft Master Plan)* shaping the future of the Town Centre, focusing on the implementation and infrastructure required to deliver the vision.

Sites 1 and 2 are identified in the *Draft Master Plan*, located within the 'Ridgetop Living Precinct'. This precinct is proposed to be a vibrant, high density residential area within a short walk to transport, services, and employment opportunities.

The *Draft Master Plan* presents several sites with the ability to unlock St Mary's potential, sites that 'offer the opportunity to deliver multiple community outcomes and transform the Town Centre if developed in a strategic way. The reclassification of Site 1 and 2 is required to enable the delivery of *Opportunity 8 – Homes NSW Landholdings* with the desired outcome to:

- Amalgamate pocket parks at 12a Champness Crescent (Lot 41 DP 35970) and 32a Champness Crescent (Lot 51 DP 35970) with adjoining lots. This will allow for more integrated redevelopment for affordable housing and help offset lots needed for the expanded Ross Place Park. Also refer to discussion in Part 3 Section A, discussion relating to the St Marys Town Centre Master Plan.



Figure 7 - Ridge-Top Living Precinct Plan - Source: Draft St Marys Town Centre Masterplan (2024)

5. Is the planning proposal consistent with any other applicable State and regional studies or strategies?

The outcomes of this planning proposal are also consistent with the principles and directions of the following State strategy:

Public Open Space Strategy for NSW (2024)

The *Public Open Space Strategy for NSW (Open Space Strategy)* sets a clear direction for how public open spaces are valued, managed, integrated, and celebrated across the state. In shaping this Strategy, the *Greater Sydney Outdoors Study 2019* captured the recreational priorities of Sydney residents, with Western City District residents in particular, highlighting a desire for safe, high-quality parks with good facilities, open spaces that foster a sense of community, and spaces designed for diverse uses.

Additionally, the *Everyone Can Play* Guide was developed as a resource to guide the creation of inclusive play spaces with three core principles: Can I get there? Can I play? Can I stay? These principles ensure public spaces are accessible, engaging, and welcoming for all members of the community.

An assessment of Sites 1, 2 and 3 against the *Open Space Strategy,* the *Greater Sydney Outdoors Study*, and the principles of the *Everyone Can Play* Guide reveals that none of these sites currently possess the characteristics or potential to deliver the high-quality, inclusive open spaces the community seeks. Their reclassification will not detract from achieving the broader goals for public open space but will instead enable better use of land to address pressing housing and employment needs while preserving resources for genuinely impactful open space projects.

NSW Government Planning & Environment – LEP Practice Note PN16-001 (2016)

The Department of Planning and Environment has published the *LEP Practice Note PN16-001* that relates to the *Classification and reclassification of public land through a local environmental plan.* As assessment of the necessary information is provided below to ensure that this Planning Proposal addresses the requirements of both the local plan making process of the Environmental Planning & Assessment Act 1979 and the public land management requirements of the Local Government Act.

Penrith 2036+ Community Strategic Plan (2022)

The reclassification of these sites aligns with *Outcome 3 – We plan and shape our growing City*, as the community desires more local job opportunities closer to home and wanting to see new businesses startup and grow to achieve more equitable economic outcomes for the city. The community also desires to see better planning outcomes for the future and the reclassification of these sites will create more opportunities for local jobs but also enhancing the St Marys Town Centre as discussed in the draft St Marys Master Plan.

Penrith Local Environmental Plan (2010)

The Planning Proposal closely aligns with *Part 1.2 aims* of the Penrith Local Environmental Plan (2010)

1.2 Aim of Plan clause	Comment
1.2 (a) to provide the mechanism and planning framework for the management, orderly and economic development, and conservation of land in Penrith,	The Planning Proposal is an initiative to manage Council's property portfolio more efficiently. It will enable orderly development of land that is currently under-utilised in key locations. The Planning Proposal will facilitate the implementation of the draft St Marys Town Centre Master Plan which seeks the delivery and enhancement of the Town Centre and surrounding area.

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

education, agricultural production and future investment opportunities and recreational activities that are suitable for the needs and skills of residents, the workforce and visitors, allowing Penrith to fulfil its role as a regional city in the Sydney Metropolitan Region,	encouraging employment uses and housing supply suited to the needs and skills of the residents through the reclassification of these sites from Community Land to Operational Land. Sites 1 and 2 will be located in the new Ridge-top living precinct as identified in the draft St Marys Master Plan. The precinct will be located in proximity to the new Ross Pl Park which will enhance the recreational functions of the area.

The current and proposed classification of the land

☑ The land is currently classified as Community Land and is proposed to be reclassified to Operational Land under the provisions of the Local Government Act.

Whether the land is a 'public reserve' (defined in the LG Act)

☑ Sites 1, 2 & 3 are currently classed as Public Reserve under the Local Government Act.

The strategic and site specific merits of the reclassification and evidence to support this

☑ Addressed throughout.

Whether the planning proposal is the result of a strategic study or report.

☑ Addressed under Part 3 Section A – Need for the Planning Proposal.

Whether the planning proposal is consistent with council's community plan or other local strategic plan.

☑ Addressed under Part 3 Section B – Relationship to Strategic Planning Framework.

The Planning Proposal aligns with the outcomes of Council's Towards 2036 Community Strategic Plan as the reclassification of these sites from Community Land to Operational Land will foster local employment growth, economic development and the delivery of affordable housing supply. The Planning Proposal also achieves the aims of the Penrith Local Environmental Plan (2010) under section 1.2 Aims of Plan.

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)

☑ Site 1 and 2 were dedicated as reserves for public recreation by the Housing Commission of NSW vesting in the Council of the City of Penrith (Gov Gazette 16 March 1962).

Site 3 on subdivision by the Commonwealth, on Deposited Plan 31909 registered in 1961, the land was set aside as 'Public Garden and Recreation Space'.

It was transferred to Council from the Commonwealth in 1967 as land did not automatically vest in Council on registration of deposited plan prior to 1964.

Whether an interest in land is proposed to be discharged, and if so, an explanation of the reasons why.

☑ The Planning Proposal seeks to remove the public reserve status of sites 1, 2 & 3. This is to facilitate the use of the site consistent with the current zoning. A Governor's Approval is required to remove the public reserve status and the discharge of any interests relating to the lands.

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).

☑ Reclassification of sites 1, 2 & 3 will enable Council to consider the future use of the

land in line with the existing zoning. This may include development, disposal, or consolidation with the adjoining land.

Sites 1 and 2 serve little to no public recreation purpose as the sites are isolated and not well used by the community. Similarly, Site 3 is located adjacent to a 7,000sqm Reserve that offers shaded areas and picnic facilities to local workers.

The surrounding areas of all three (3) sites will remain well-served by other green spaces after their reclassification (see figure 8 & 9), see LPP presentation.

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).

☑ See Appendix 1 for copies of Certificates of Title, Deposited Plans and Government Gazette.

Current use(s) of the land, and whether uses are authorised or unauthorised.

☑ Sites 1 and 2 are vacant land.

Site 3 is currently being used as a site compound to support public utility works in the local area, including the storage of materials, plant and equipment, parking and site shed.

Current or proposed lease or agreements applying to the land, together with their duration, terms and controls.

☑ Site 3 is currently leased for a period of three (3) years, commencing 1 November 2024 and ending 31 October 2027 with a 1 plus 1 year option to renew. The maximum period of tenancy under the lease including renewals is five (5) years.

Current or proposed business dealings (e.g. agreement for the sale or lease of the land, the basic details of any such agreement.

☑ There are no current or proposed business dealings associated with 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
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.

Any rezoning associated with the reclassification.

☑ No rezoning of the land is proposed.

How council may or will benefit financially, and how these funds will be used.

☑ Council's strategic planning framework includes an overarching Community Plan and Delivery Program / Operational Plan (Delivery Program 2022-26) that outlines how revenue is raised and how funds are used.

Growth to the property reserve provides an alternate income stream and reduces the reliance on rates to fund Council's expenditure. Achievement of this target relies on a strategic approach to investing in property.

In the short term, should any of the subject sites be divested or developed in the future, all proceeds will be retained in the property reserve.

Council's long term financial plan is to pay a target annual dividend out of the property reserve into general revenue, which would be used to fund operational activities and key community projects including open space improvements. By creating a sustainable revenue stream alternate to rates income, Council can continue to fund open space improvements across the Local Government Area.

How council will ensure funds remain available to fund proposed open space sites or improvements referred to in justifying the reclassification, if relevant to the proposal.

☑ As above, all proceeds from any potential sale or development will be retained in the property reserve. Council has adopted an internal Property Investment Strategy

that includes a targeted annual dividend return from the property reserve into general revenue. General revenue used to fund a number of operational activities including open space improvements and/or asset renewal. By creating a sustainable revenue stream alternate to rates income, Council can continue to fund open space improvements across the Local Government Area.

A Land Reclassification (part lots) Map, in accordance with any standard technical requirements for spatial datasets and maps, if land to be reclassified does not apply to the whole lot.

☑ There are no part lots that apply to this reclassification.

Preliminary comments by a relevant government agency, including an agency that dedicated the land to council, if applicable.

☑ The three (3) subject sites formed part of a previous Planning Proposal submitted in 2019. Following the Gateway Determination, the consultation period yielded only one response from Endeavour Energy that was unrelated to the reclassification of the land.

This Planning Proposal will undergo the formal consultation process as per the Standard gateway process, including consultation with relevant government agencies.

6. Is the planning proposal consistent with applicable SEPPs?

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

State Environmental Planning Policies (SEPPs)	Applicable	Consistent
Housing (2021)	Yes	This planning proposal seeks to facilitate future residential development on Sites 1 and 2. Any future development proposal must address the provisions of this SEPP.
Transport and infrastructure (2021)	No	Not applicable
Primary production (2021)	No	Not applicable
Biodiversity and conservation (2021)	Yes	Yes. This planning proposal does not seek the removal of any trees or vegetation, however any existing trees are to be retained where possible for any future development. Any future development proposal must address the provisions of this SEPP.
Resilience and hazards (2021)	Yes	Any future development proposal must address the provisions of this SEPP.
Industry and employment (2021)	Yes	Advertising and signage may become relevant for Site 3 for future development applications and will be addressed at that stage.
Resources and energy (2021)	No	Not applicable
Planning systems (2021)	No	Not applicable
Eastern Harbour City (2021)	No	Not applicable
Central River City (2021)	No	Not applicable
Western Parkland City (2021)	No	Not applicable
Regional (2021)	No	Not Applicable
Sustainable Buildings 2022	Yes	Future development will need to address the provisions of the

		Sustainable Buildings SEPP.
Exempt and Complying Development Codes (2008)	No	Not applicable

7. Is the planning proposal consistent with applicable Ministerial Directions (section 9.1 Directions) or key government priority?

The Minister for Planning issues Local Planning Directions that must be applied to the preparation of planning proposals. This Planning Proposal is considered to be consistent with all applicable Section 9.1 Directions, as demonstrated below, due to the proposed changes being of minor significance.

Ministerial Directions (Section 9.1)	Applicable	Consistent
Focus Area 1: Planning Systems		
1.1 Implementation of Regional Plans	Yes	This planning proposal is consistent with the relevant Regional Plan – *The Greater Sydney Region Plan: A Metropolis of Three Cities.*
1.2 Development of Aboriginal Land Council land	No	Not applicable
1.3 Approval and Referral Requirements	Yes	This planning proposal does not require the concurrence, consultation or referral of a Minister or public authority.
1.4 Site Specific Provisions	Yes	Yes. This planning proposal does not require the amendment of any other environmental planning instruments other than the Penrith LEP.
1.4A Exclusion of Development Standards from Variation	No	Not applicable

Focus area 3: Biodiversity and Conservation		
3.1 Conservation Zones	No	Not applicable
3.2 Heritage Conservation	No	Not applicable
3.3 Sydney Drinking Water Catchments	No	Not applicable
3.4 Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs	No	Not applicable
3.5 Recreation Vehicle Areas	No	Not applicable
3.6 Strategic Conservation Planning	No	Not applicable
3.7 Public Bushland	No	Not applicable
3.8 Willandra Lakes Region	No	Not applicable
3.9 Sydney Harbour Foreshores and Waterways Area	No	Not applicable
3.10 Water Catchment Protection	No	Not applicable
Focus Area 4: Resilience and Hazards		
4.1 Flooding	Yes	The Planning Proposal does not seek to change existing Council controls relating to flooding. Flood impact will be considered in detail at the development application stage.
4.2 Coastal Management	No	Not applicable
4.3 Planning for Bushfire Protection	Yes	The sites are not identified as bushfire prone land. However, Council will consult with the NSW Rural Fire Service in accordance with the requirements of this direction.

4.4 Remediation of Contaminated Land	Yes	Site 3 is zoned E4 General Industrial and site investigations have identified possible contamination. If the land requires remediation, the land will be made suitable for E4 permitted uses and will be consistent with the requirements of this direction.
4.5 Acid Sulfate Soils	No	Not applicable
4.5 Mine Subsidence and Unstable Land	No	Not applicable
Focus Area 5: Transport and Infrastructure		
5.1 Integrating Land Use and Transport	Yes	The planning proposal is consistent with this direction as all sites benefit from excellent access to public transport systems. This will be further strengthened on completion of the Sydney Metro Station at St Marys.
5.2 Reserving Land for Public Purposes	Yes	The planning proposal is consistent with this direction as it seeks approval from the relevant authority to reclassify land that no longer serves a public purpose. The reclassification will also allow consistency with the zoning of the sites.
5.3 Development Near Regulated Airports and Defence Airfields	No	Not applicable
5.4 Shooting Ranges	No	Not applicable
5.5 High Pressure Dangerous Goods Pipelines	No	Not applicable

Focus Area 6: Housing		
6.1 Residential Zones	Yes	The Planning Proposal is consistent with the requirements of this direction as it seeks to encourage a variety and choice of housing types to provide for existing and future housing needs. It will make more efficient use of vacant land at sites 1 & 2 close to existing infrastructure and services.
6.2 Caravan Parks and Manufactured Home Estates	No	Not applicable
Focus Area 7: Industry and Employment		
7.1 Employment Zones	Yes	The planning proposal is consistent with the requirements of this direction as it seeks to enable Site 3 to be used for general industrial activities and foster local employment.
7.2 Reduction in non-hosted short-term rental accommodation period	No	Not applicable
7.3 Commercial and Retail Development along the Pacific Highway, North Coast	No	Not applicable
Focus Area 8: Resources and Energy		
8.1 Mining, Petroleum Production and Extractive Industries	No	Not applicable

Section C – Environmental, Social and Economic Impact

The reclassification of the three (3) subject sites has the potential to deliver social and economic benefits to the community by allowing Council to align the future use of the

land to be consistent with the respective zones. Over time, Sites 1, 2 and 3 are likely to be developed to their highest and best use, with the potential to support the delivery of diverse and affordable housing as well as creating local employment opportunities. However, any future development enabled by this Planning Proposal must be carefully assessed to avoid adverse impacts on the environment and the broader community. This will be achieved by ensuring compliance with existing planning controls outlined in *Penrith LEP 2010* and *DCP 2014*.

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

No habitat of any kind has been identified or observed on any of the three (3) subject sites. The absence of vegetation, along with the current use of the sites, indicates that there is no potential for critical habitats or threatened species, populations, or ecological communities and their habitats to be adversely impacted by this Planning Proposal. As such, further environmental assessment is not deemed necessary.

The land is not identified on the *Biodiversity Values Map* or the *Natural Resources Sensitive Land Map* in the *Penrith LEP 2010*. Furthermore, the existing trees are not identified as having landscape significance in the *Scenic and Landscape Values Map* and associated provisions in *Penrith LEP 2010*. This Planning Proposal does not propose amendments to any of these maps or provisions, which will remain applicable to the land. Detailed controls for the preservation of trees and vegetation will be addressed through the P*enrith DCP 2014* at the development application stage.

2. Are there any other likely environmental effects of the planning proposal and how are they proposed to be managed?

The proposed reclassification will not result in any direct environmental impacts. However,

it facilitates a potential change in land use from open space to high-density residential for Sites 1 and 2, and industrial for Site 3. Any future development applications for these uses will be subject to a thorough merit assessment to address and manage any potential impacts on the surrounding natural environment and neighbouring sites. The anticipated environmental effects associated with the potential future use of the land are outlined below.

Trees and Vegetation

Sites 1 and 2 are void of trees or significant vegetation, and as a result, no environmental impacts are anticipated. However neighbouring properties contain trees of high biodiversity values and any future development on these sites and trees located on neighbouring land will need to ensure the trees are retained and protected.

Site 3 contains a few scattered trees, primarily located along the western and northern boundaries. While this proposal does not include plans for tree removal, any future development of the site will be guided by the controls in *Part C2 Vegetation Management* and *C14 Urban Heat Management* of the *Penrith DCP*. Council recognises the importance of established trees in industrial areas and trees will be retained where reasonably practicable. No threatened flora species were recorded at any of the three sites or are currently present.

Built character and overshadowing

The Planning Proposal seeks to reclassify all three (3) sites from Community to Operational land. It does not propose rezoning, which ensures any future development will be consistent with the surrounding locality. Building height controls remain unchanged, preventing overdevelopment and minimizing impacts on adjoining properties. The built form of any future development will be required to adhere to Council's DCP, with Sites 1 and 2 also subject to the Housing SEPP 2021.

Detailed impacts of future development will be thoroughly assessed at the development application stage.

The draft St Marys Town Centre Master Plan was exhibited in November 2024. The draft Master Plan proposes amendments to planning controls, including HOB across the Town Centre. Council are reviewing and considering all feedback received. For further details on the draft St Marys Town Centre Master Plan, see link https://yoursaypenrith.com.au/stmarys.

Flood and water management

12A Champness Crescent is not affected by local overland flow or mainstream flooding.

32A Champness Crescent is affected by local overland flow flood paths over a small section along the southern boundary and is subject to Council's flood related development controls. The property is identified to be within the flood planning area under St Marys (Byrnes Creek) Catchment Floodplain Risk Management Study and Plan. The property is outside of the 1% AEP flood extent. Habitable floor levels are to be at or above the flood planning level (1% AEP flood level + 0.5m freeboard).

110A Dunheved Circuit is not affected by local overland flow or mainstream flooding.

Contamination

None of the three (3) sites are listed by the EPA on the *NSW Register of Contaminated Sites*.

The Section 10.7 Certificates for 12A Champness Crescent and 110A Dunheved Circuit do not indicate contamination.

However, Council has conducted preliminary contamination and geotechnical investigations on 110A Dunheved Circuit in 2021. During these investigations, fragments of asbestos were identified in one area and subsequently removed. Additionally, some carcinogen exceedances were detected in another area.

It was recommended that further targeted site investigations be undertaken, which will be undertaken at development application stage.

The Section 10.7 Certificate for 32A Champness Crescent indicates potential contamination, and there is an *Asbestos Management Plan* currently in place for the site. Further investigations to confirm the status of contamination and identify remediation measures will be carried out at the development application stage.

Bushfire

None of the three (3) sites are identified as bushfire prone land. Council will consult the NSW Rural Fire Service on the Planning Proposal in accordance with the requirements of Section 9.1 Directions by the Minister.

3. Has the planning proposal adequately addressed any social and economic effects?

The social and economic impacts of this Planning Proposal are closely tied to the challenges posed by a growing population, as highlighted in the State Government's strategic planning documents. These documents consistently emphasise the importance of urban renewal and infrastructure delivery in strategic urban centers to address population needs and stimulate economic growth. This proposal aligns with these priorities, enabling sustainable urban development and supporting economic activity, ultimately ensuring that the area evolves to meet future demands.

In a growing city, Council acknowledges the communities surrounding the identified sites may have concerns about the potential loss of open space.

However, Sites 1, 2, and 3 were carefully selected for reclassification as they serve little to no public recreation purpose. The removal of Sites 1 and 2 from the open space network is unlikely to impact St Marys residents, as the sites are isolated and not well used by the community. In addition to this, the area is already well-served by accessible green

spaces, and as indicated in the *Draft St Marys Town Centre Masterplan*, the area will have access to four (4) open space locations within a 400m walk including Gateway Park, Ross Place Park, Astley Park and Bennett Park.



Figure 8: Location of 12A and 32A Champness Crescent showing nearby current and proposed open spaces

The Northern Precinct of the St Marys Industrial Area is serviced by the open space located adjacent to Site 3; the Dunheved Estate Reserve. The 7,000sqm Reserve offers shaded areas and picnic facilities to support the social and recreational needs of local employees.



Figure 9: Location of site 3 110a Dunheved Circuit in adjacent to the Dunheved Estate Reserve which is Council owned land

The strategic approach to the selection of sites for reclassification ensures that essential recreational needs are maintained, while allowing underutilised sites to support broader community and urban development goals.

Section D – Infrastructure (Local, State and Commonwealth)

4. Is there adequate public infrastructure for the planning proposal?

This Planning Proposal is broad in scope and does not include immediate plans for redevelopment, therefore Council has not conducted formal traffic or parking assessments at this stage. The proposal focuses solely on reclassifying the land, with any future use subject to the development assessment process and further community consultation.

Council acknowledges that congestion is a key concern in a growing city, and any change in land use may impact the existing road and public transport networks. A high-level assessment of traffic, parking and access is provided below.

Public Transport Accessibility

Sites 1 and 2 are located within 800m (a 10-minute walk) of St Marys Train Station and future Sydney Metro Station, as well as 500m from two bus stops.

The draft St Marys Town Centre Master Plan proposes improved active transport links for pedestrians and bike riders to St Marys train station and the future metro station as well as to the Town Centre. It will also provide access to the new Entertainment and Eat Street Living Precinct and the Civic Heart Precinct

Site 3 is approximately 3km from St Marys Train Station and future Sydney Metro Station but less than 300m from the nearest bus stop. Additionally, it benefits from a shared path running alongside the Dunheved Estate Reserve to the south, connecting to Christie Street and the broader public infrastructure network.

St Marys Station is fully accessible and serviced by up to 10 trains per hour to Central and North Sydney during peak times. Additionally, the sites will benefit from the future St Marys Metro Station that will connect the Western Sydney Airport to the existing Sydney rail system.

Sites 1 and 2 will also benefit from two Priority Projects identified in the *Penrith Accessible Trail Hierarchy Study (PATHS) Implementation Plan 2022-2032.* These projects include planned connections from Glossop Street to Queen Street, via Phillip St located 80m north of 12A Champness Crescent, and a link to North St Marys via Glossop Street.

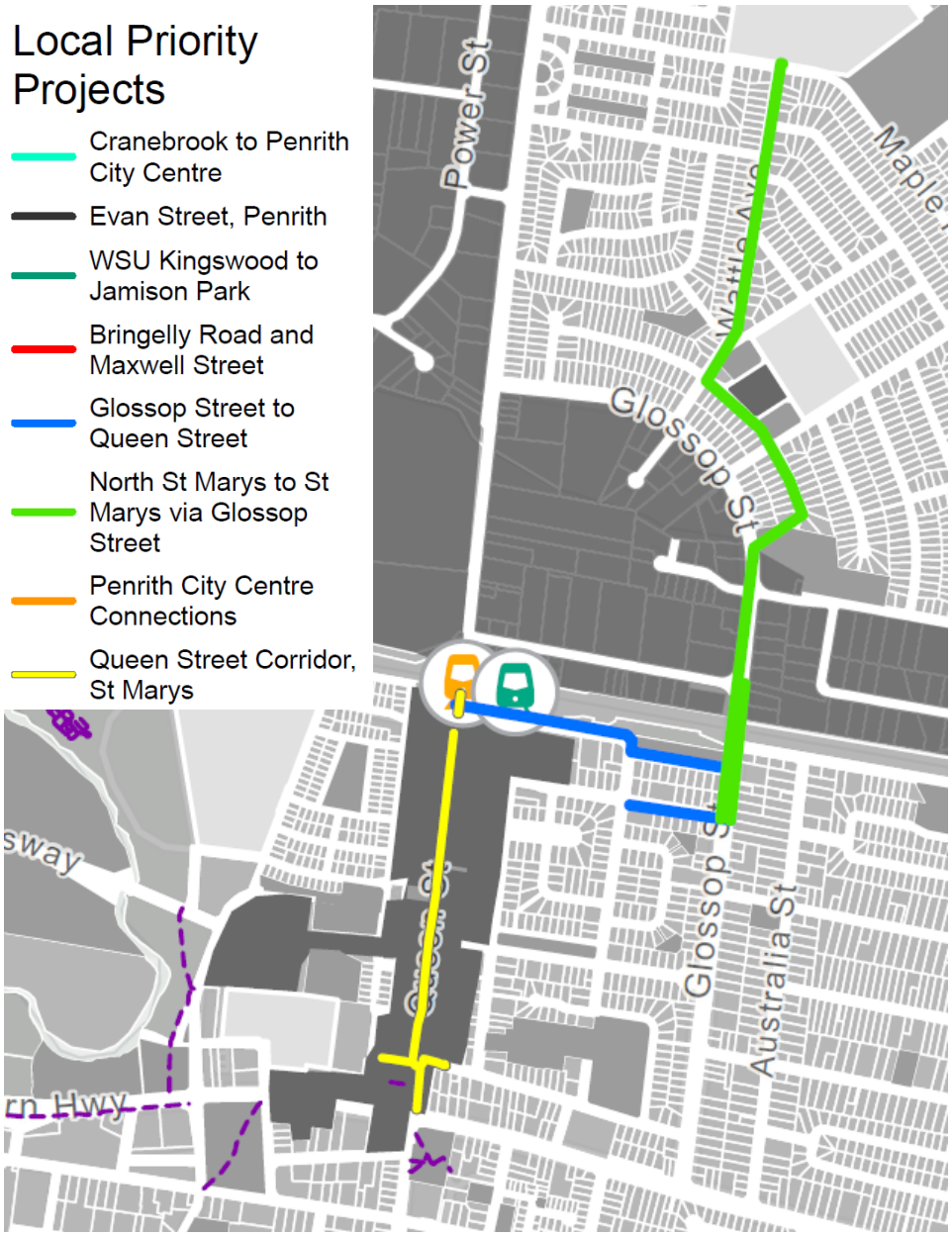


Figure 10 - Extract of Local Priority Projects Map A, Source: PATHS Implementation Plan 2022-2032

Site Access and Development Considerations

Sites 1 and 2 have limited access through narrow battle-axe handles, making high-density development more feasible if combined with adjacent lots. Any such development would require a detailed traffic and parking impact assessment as part of the development application.

Site 3 would require similar considerations as part of any development proposal, particularly regarding safe access and vehicle maneuvering around an industrial building/s.

Section E – State and Commonwealth Interests

5. What are the views of state and federal public authorities and government agencies consulted in order to inform the Gateway determination?

Except for the required consultation with the NSW Rural Fire Service under Section 9.1 Ministerial Direction 4.3 *Planning for Bushfire Protection*, further consultation with state or federal public authorities or other government agencies is not anticipated.

Consultation has been undertaken with Homes NSW as part of the draft St Marys Master Plan. Additional consultation may be required depending on the number of submissions.

Part 4 – Maps

Subject Site 1 and 2 – 12A and 32A Champness Crescent, St Marys

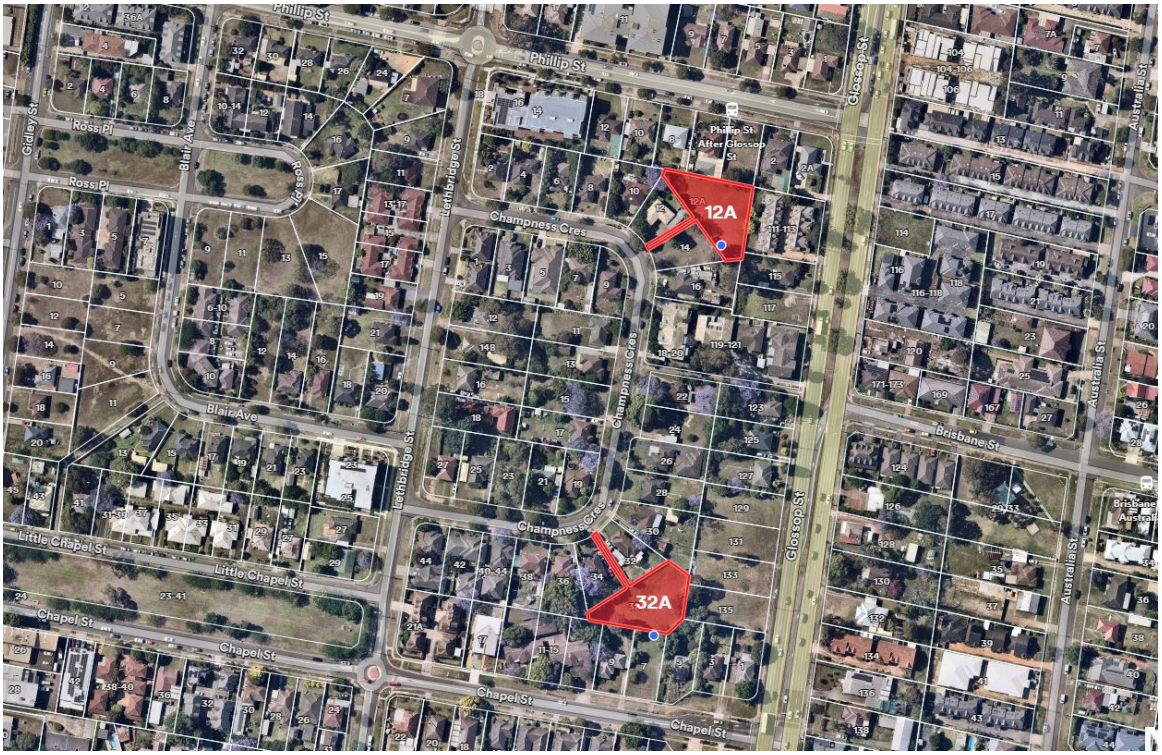


Figure 11- Site 1 and 2 Context Map, Source: Nearmap Nov 2024

Subject Site 3 – 110A Dunheved Circuit, St Marys



Figure 12 - Site 3 Context Map, Source: Nearmap Nov 2024

ZONING MAPS

Subject Site 1- Current Zone R4 High Density Residential

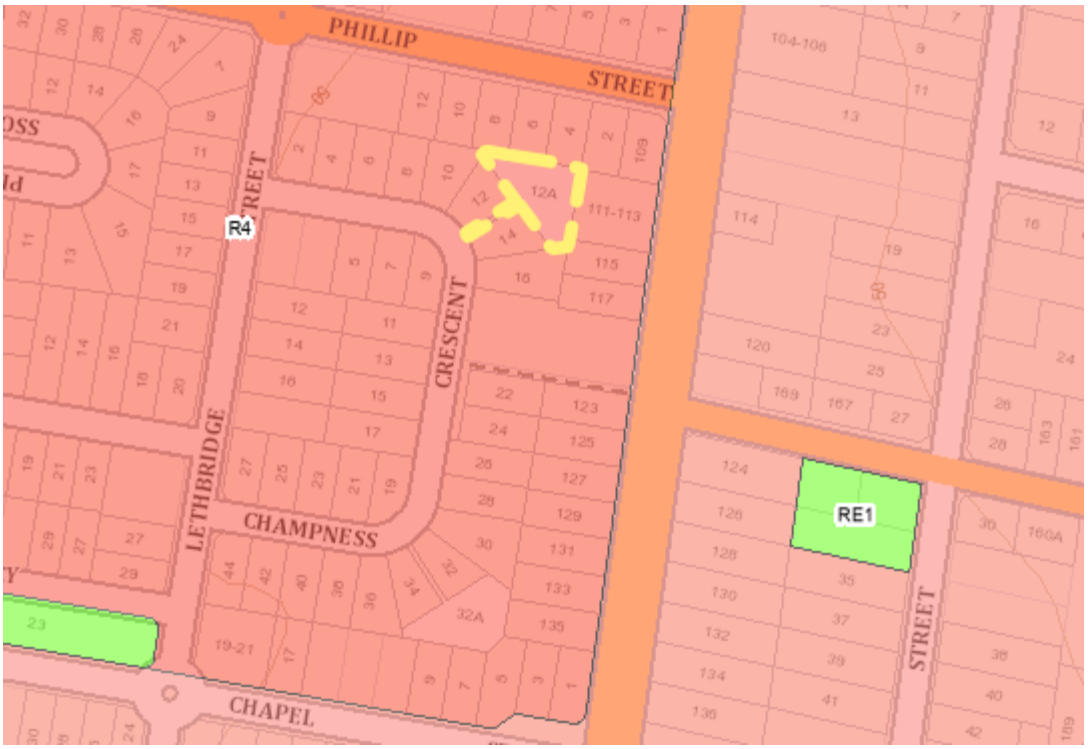


Figure 13- Site 1 Zone, Source: NSW Planning Portal Spatial Viewer Nov 2024

Subject Site 2 - Current Zone R4 High Density Residential

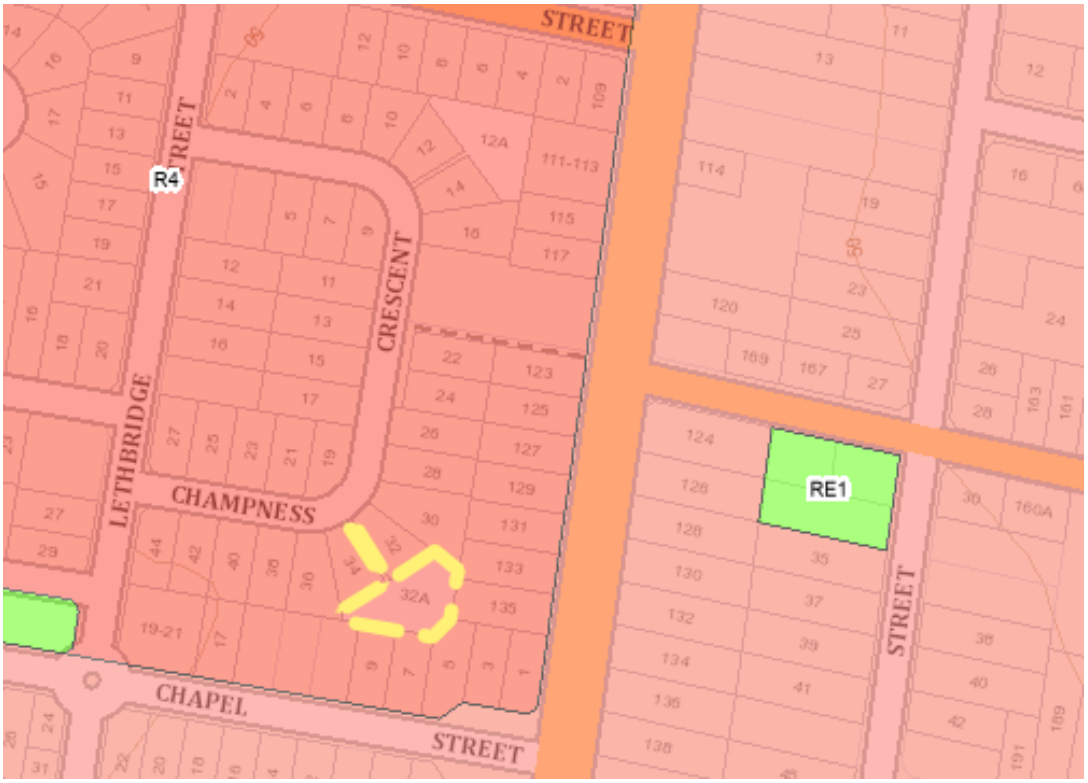


Figure 14- Site 2 Zone, NSW Planning Portal Spatial Viewer Nov 2024

Subject Site 3 - Current Zone E4 General Industrial

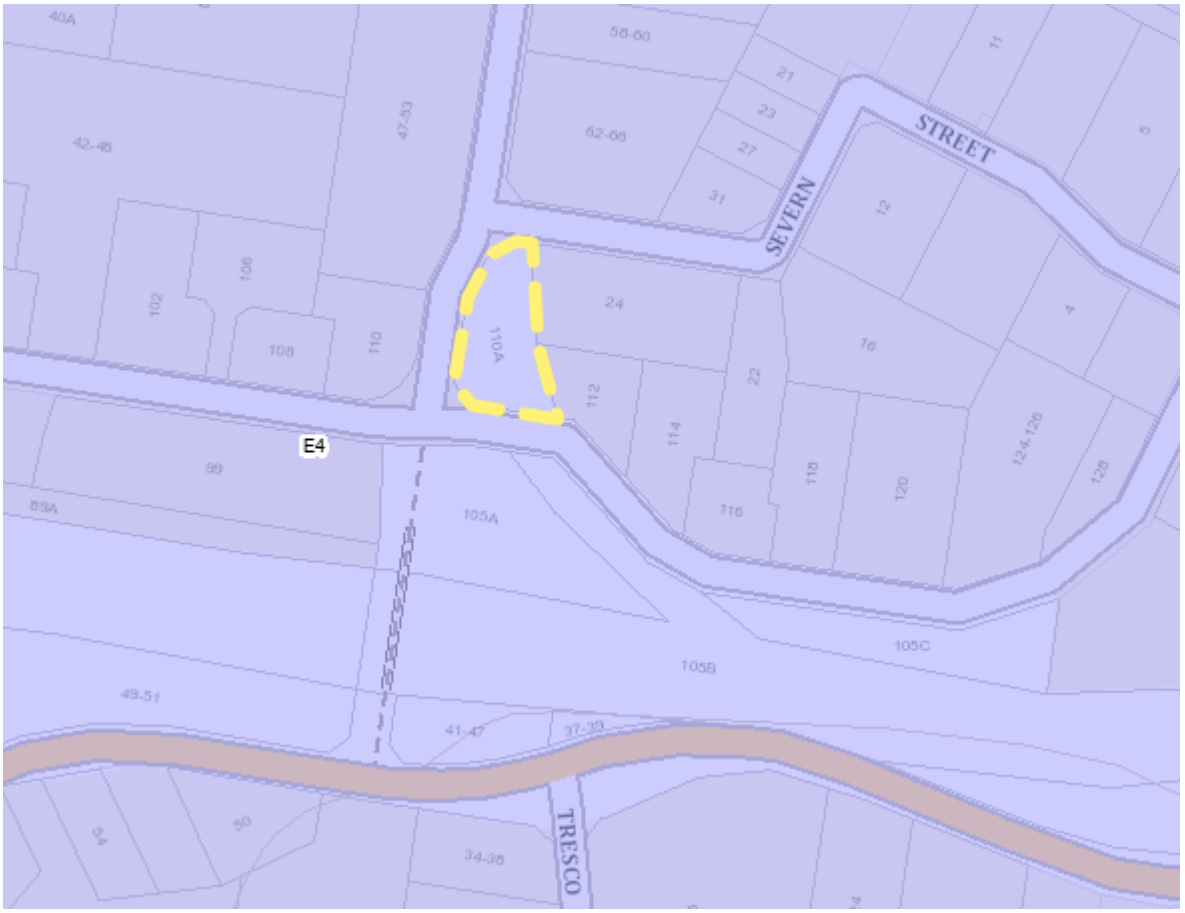


Figure 15 - Site 3 Zone, Source: NSW Planning Portal Spatial Viewer Nov 2024

PENRITH LEP MAPS

This Planning Proposal requires no changes to the existing mapping and planning controls in the Penrith Local Environmental Plan 2010.

Part 5 – Community Consultation

Both direct and indirect community consultation has been undertaken for the subject sites of this Planning Proposal. These activities are summarised below.

Indirect consultation – St Marys Town Centre Structure Plan community engagement November 2022

Following the completion of the *Draft St Marys Town Centre Structure Plan,* Council sought input from the community and stakeholders on two (2) occasions: Stage One in February 2022 and Stage Two in April 2022. The engagement gathered over 300 responses, capturing community ideas, visions, and feedback on what should be preserved and improved.

The draft Structure Plan then went out on public exhibition for four (4) weeks over August and September 2022 with engagement through various channels including the Penrith website, letters, emails, five (5) face to face activities, social media posts and two (2) media releases. This process gathered over 320 responses, revealing strong community support for the vision for St Marys and the ten (10) place outcomes. Notably, no opposition was raised regarding the proposed repurposing of 12A and 32A Champness Crescent.

Direct consultation – Previous Planning Proposal Community Consultation September 2019

The three sites included in this Planning Proposal were previously part of a Planning Proposal (PP_2018_PENRI_008_00) submitted by Council in 2019. The 2019 proposal progressed through the Gateway process and completed a community consultation period and Public Hearing. A summary of this process is provided below.

The previous planning proposal was publicly exhibited over April and May 2019. Council advertised the public exhibition period on Council's website, the local newspaper, letters to adjoining landowners and physical displays in four (4) separate locations.

During this time, a single submission was received from Endeavour Energy, outlining details of the existing electricity network and technical requirements unrelated to the reclassification process.

Following the public exhibition period, Council advertised the Public Hearing in the local newspaper. The hearing was held in September 2019; however, no community members attended.

This new Planning Proposal will be required to undergo community consultation, with details to be confirmed by the Gateway Determination. Given this Planning Proposal also includes the reclassification of land and parcels have interests, several statutory requirements must be fulfilled during the consultation process.

The Planning Proposal will be publicly exhibited for 28 days in accordance with the requirements of the Environmental Planning and Assessment Act 1979 and in accordance with Council's Engagement Strategy and Community Participation plan. Prior to Gateway, the Planning Proposal will be presented to the Local Planning Panel for advice. Notice of the public exhibition will be published in the local newspaper and on Council's website. Notice of the public exhibition will also be provided by a letter to the landowners and occupiers of adjoining and affected properties. Exhibition materials will be made available at Penrith's Civic Centre, Council's Queen Street Office in St Marys, and the Penrith and St Marys libraries, as well as online on Council's website.

An independently chaired public hearing will be scheduled, approximately three weeks after the close of the public exhibition. Notice of the hearing will be published in the local newspaper and on Council's website. Notification letters will also be sent to individuals or organisations that submit feedback during the public exhibition period.

Part 6 – Project Timeline

Stage	Timeframe
Consideration by council	December – January 2024
Council decision	March 2025*
Gateway determination	May 2025
Pre-exhibition	May 2025
Commencement of public exhibition period	June 2025
Completion of public hearing	August 2025
Consideration of submissions	August 2025
Post-exhibition review and additional studies	September 2025
Submission to the Department for finalisation	September 2025
Gazettal of LEP amendment	November 2025

*Noting Christmas shut down period

APPENDIX 1

Deposited Plan 35970 & Certificates of Title

Lots 41 & 51 DP 35970

Req:R259591 /Doc:DP 0035970 P /Rev:27-Jul-1992 /Sts:OK.OK /Prt:13-Jul-2016 16:29 /Pgs:ALL /Seq:1 of 3
Ref:Bob Anderson /Dcn:1

Req:R259594 /Doc:DP 035970 P /Rev:27-Jul-1992 /Sts:OK.OK /Prt:12-Jul-2006 16:29 /Pgs:ALL /Seq:2 of 2
Mat:Bob Anderson /Stn:I

NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: 41/35970

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

LAND

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

FIRST SCHEDULE

THE COUNCIL OF THE CITY OF PENRITH

SECOND SCHEDULE (3 NOTIFICATIONS)

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

NOTATIONS

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

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

PRINTED ON 17/4/2018

LAND REGISTRY SERVICES

EQUIFAX

NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: 51/35970

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

LAND

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

FIRST SCHEDULE

PENRITH CITY COUNCIL (R AE551920)

SECOND SCHEDULE (1 NOTIFICATION)

1 THE LAND WITHIN DESCRIBED IS PUBLIC RESERVE

NOTATIONS

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

PRINTED ON 17/4/2018

Government Gazette 16 March 1962

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

LAND AT ST. MARY'S

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

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

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

F. W. TURNER.

PHYLLIS BURKE.

(2572)

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

LAND AT SEAFORTH

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

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

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

F. W. TURNER.

PHYLLIS BURKE.

(2573)

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

LAND AT SEVEN HILLS

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

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

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

F. W. TURNER.

PHYLLIS BURKE.

(2575)

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

LAND AT SEVEN HILLS

IN pursuance of the provisions of section 6 (b) of the Housing Act, 1912, as amended, The Housing Commission of New South Wales, by this notification, dedicates as reserves for public recreation all those pieces or parcels of land situate in the Municipality of Blacktown, parish of Prospect and county of Cumberland, being lots G, H and 362, as shown in Housing Commission Plan No. 1,466 and by this notification vests such reserves in the Council of the Municipality of Blacktown. (L.A. 60-84)

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

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

F. W. TURNER.

PHYLLIS BURKE.

(2574)

REAL PROPERTY ACT NOTICE

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

24th April 1962

No. 41619 George Borec and Joseph Rohozynsky 64 a. 1 r. 31¼ p. situated in Maxwell St. and Londonderry Rd. Penrith.

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

No. 41933 Lustercid Investments Pty. Limited 20¼ per. lots 10 and 41 and part of lots 9, 11, 40 and 42 of a subdn. of lots 3 to 10 Sec. V of the Australian Agricultural Company's Subdn. Hudson St. and The Esplanade Hamilton.

No. 41960 H. P. Chambers Pty. Limited 20¼ per. lot 3 Sec. M of the Australian Agricultural Company's Subdn. incl. 133, 135 and 135A Beaumont St. Hamilton.

No. 42022 John Joseph Enright and William Ramsay and Percy William Davis 18¼ per. part of the land taken for the Tramway from Waverley to Randwick Cowper St. Randwick.

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

No. 42105 Allen Linden King and Reginald Arthur King 35¼ per. part of lots 5 to 8 incl. Thurlow's Est. Maddison Lane Redfern.

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

No. 42422 Ernest George Furbank and Gwendoline Furbank 38 a. 2 r. 36¼ p. part of lots 1 and 2 in M.P.S. (O.S.) 6601 Bowen Mountain Rd. Grose Vale.

J. H. WATSON, Registrar-General.

16th March 1962.

(2782)

COMPANIES ACT, 1936 (SECTION 323 (4))

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

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

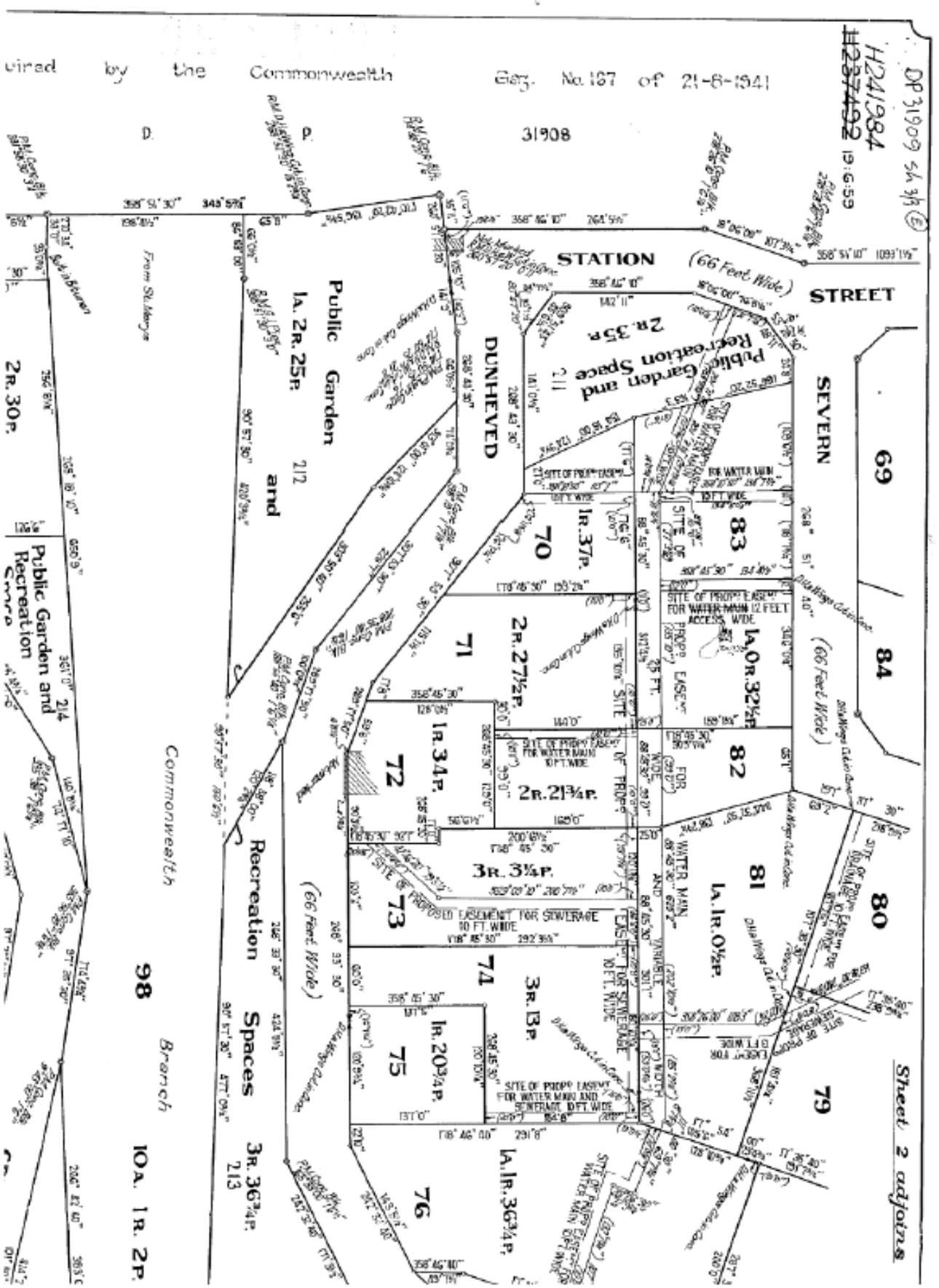
J. H. WATSON, Registrar-General.

16th March, 1962. (2820)

National Library of Australia http://nla.gov.au/nla.news-page14223559

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

Box:DBNR /Doc:DP 0031909 P /Rev:14-Mar-1999 /Sts:OK.OK /Prt:20-Jan-2016 10:03 /Pgs:ALL /Seq:10 of 14
WARNING : Electronic Document Supplied by LPI NSW for Your Internal Use Only.



G. 1

NEW SOUTH WALES

CERTIFICATE OF TITLE

REAL PROPERTY ACT, 1900, as amended.

TORRENS TITLE
Register Book

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

Vol. 9043 Fol. 104

1st Edition issued 30-10-1961.

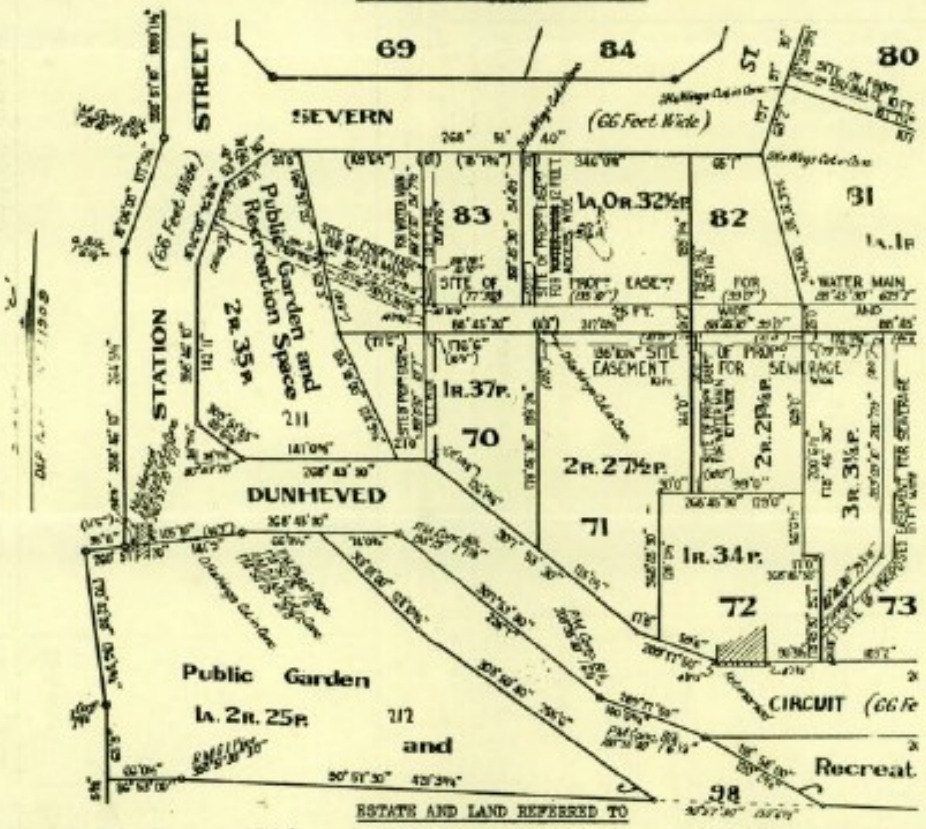
Fol. 104 Vol. 9043 (Page 1)

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 J Jose

Registrar-General.

PLAN SHOWING LOCATION OF LAND



ESTATE AND LAND REFERRED TO

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

FIRST SCHEDULE (Continued overleaf)

~~THE COMMONWEALTH OF AUSTRALIA:~~

Registrar General.

SECOND SCHEDULE (Continued overleaf)

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

Registrar General.

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

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

Vol. 9043 Fol. 104

FIRST SCHEDULE (continued)

REGISTERED PROPRIETOR	INSTRUMENT NATURE	INSTRUMENT NUMBER	INSTRUMENT DATE	ENTERED	Signature of Registrar-General
The Council of the City of Penrith	Transfer	K780528	12-7-1967	7-12-1967	

SECOND SCHEDULE (continued)

NATURE	INSTRUMENT NUMBER	INSTRUMENT DATE	PARTICULARS	ENTERED	Signature of Registrar-General	CANCELLATION
Caveat	K200000P		by the Registrar General forbidding registration of instruments not authorised by the provisions of the Local Government Act relating to Public Reserves.	7-12-1967		
Transfer	K780528	12-7-1967	easement for water pipe line (as more fully set out in the said instrument) affecting that part of the land within described shown as Site of Proposed Easement for Water Main 20 Wide in the plan hereon	7-12-1967		

(Page 2 of 2 pages)

FORM No. 193

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

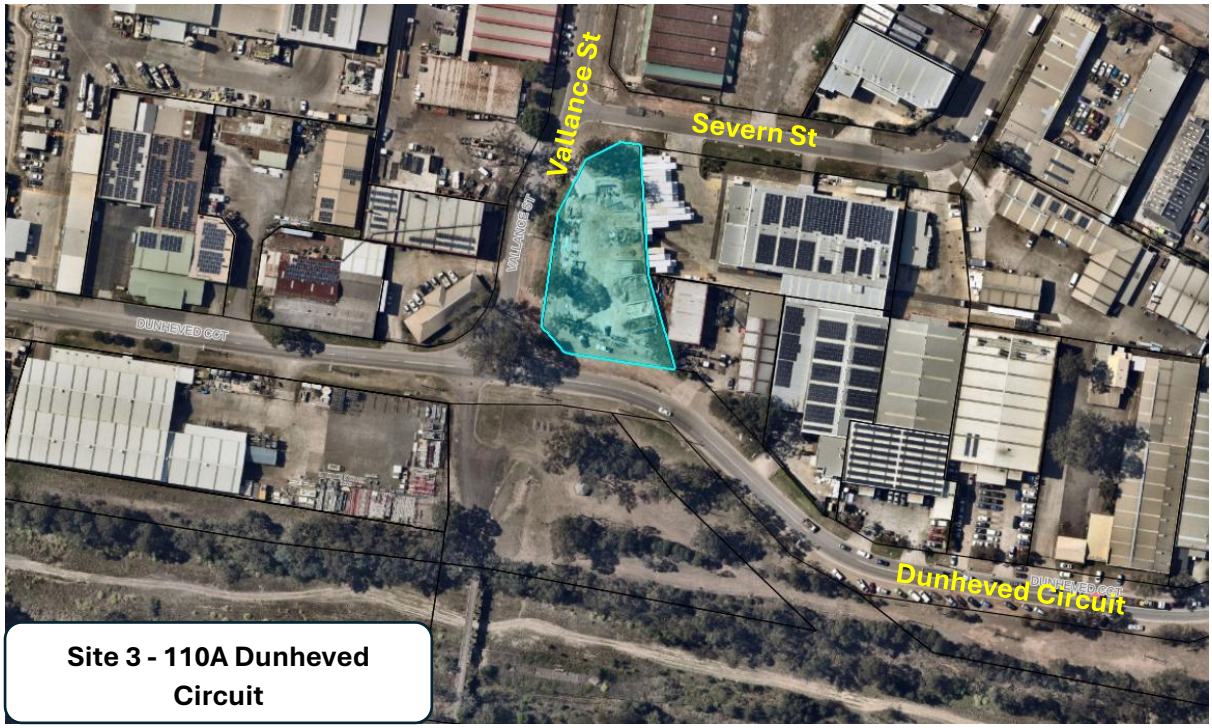
Aerial of all sites showing nearby open space

Figure 1: Aerial Site of 12A and 32A Champness Crescent





Figure 2: Aerial Site of 110 Dunheved Circuit



Department of Planning, Housing and Infrastructure

Mr Andrew Moore
General Manager
Penrith City Council
PO Box 60
Penrith NSW 2751

Our ref: IRF25/676

Dear Mr Moore

Planning proposal PP-2024-2610 to amend Penrith Local Environmental Plan 2010

I am writing in response to the planning proposal you have forwarded to the Minister under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* (the Act) and additional information received on 11 March 2025 in respect of the planning proposal to reclassify three Council-owned sites in St Mary's from community land to operational land.

As delegate of the Minister for Planning and Public Spaces, I have determined that the planning proposal should proceed subject to the conditions in the enclosed gateway determination.

In relation to Direction 5.2 Reserving Land for Public Purposes, I have agreed to the reduction of land for public purposes on the basis that the planning proposal is consistent with this direction as it seeks approval from the relevant authority to reclassify land that no longer serves a public purpose. The reclassification will allow consistency with the zoning of the sites.

No further approval is required in relation to the Directions.

I have determined not to authorise Council to be the local plan-making authority under section 3.36 of the Environmental Planning and Assessment Act 1979 as the planning proposal involves the extinguishment of interest in Council land.

The amending local environmental plan (LEP) is to be finalised on or before 27 February 2026. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request for the Department of Planning, Housing and Infrastructure to draft and finalise the LEP should be made twelve weeks in advance of the date the LEP is projected to be made.

Should you have any enquiries about this matter, Isabella Giraldo, Student Para-Planning Officer can be contacted on (02) 8217 2075.

Yours sincerely

Tina Chappell
Director
Local Planning & Council Support (Central, West and South)

Encl: Gateway determination

Department of Planning, Housing and Infrastructure

Gateway Determination

***Planning proposal (Department Ref: PP-2024-2610)**:* to amend the Penrith Local Environmental Plan 2010 to reclassify three council-owned sites in St Marys from 'community' land to 'operational' land.

I, the Director, Local Planning & Council Support (Central, West, South) at the Department of Planning, Housing and Infrastructure, as delegate of the Minister for Planning and Public Spaces, 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 2010 to reclassify land at 12A, 32A Champness Crescent and 110A Dunheved Circuit, St Marys from 'community' land to 'operational' land should proceed subject to the following:

Given the nature of the planning proposal dealing with Council land, I have determined that authorisation not be issued for Council to act as the local plan making authority under section 3.36 of the Environmental Planning and Assessment Act 1979 in this instance.

The LEP should be completed on or before **27 February 2026.**

Gateway Conditions

1. Prior to exhibition, the planning proposal is to be amended to revise the timeline to accord with this Gateway determination and forwarded to the Minister under s 3.34(6) of the Act.

2. Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:

    a) the planning proposal is categorised as standard as described in the *Local Environmental Plan Making Guideline* (Department of Planning and Environment, August 2023) and must be made publicly available for a minimum of 20 working 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 *Local Environmental Plan Making Guideline* (Department of Planning and Environment, August 2023).

3. No consultation is required with public authorities or government agencies under section 3.34(2)(d) of the Act

4. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

Dated 15 May 2025



Tina Chappell
Director
Local Planning & Council Support (Central, West, South)
Department of Planning, Housing and Infrastructure

Delegate of the Minister for Planning and Public Spaces

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

Compiled by: **Owen Lay, Planner**
Abdul Cheema, City Planning Coordinator

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:

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 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.

Panel Advice provided pursuant to Section 2.19 of the EP&A Act 1979

The Panel has considered the Planning Proposal and the preliminary assessment prepared by Council officers and provides the following advice:

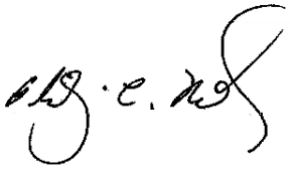
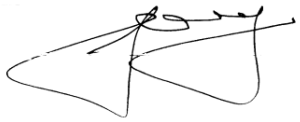
1. The Planning Proposal is generally supported for the following reasons:

    a. The Planning Proposal is consistent with the Greater Sydney Region Plan and Western City District Plan.

    b. The Planning Proposal is consistent with the draft St Marys Master Plan, Local Strategic Planning Statement and Employment Lands Strategy.

    c. The Planning Proposal will assist Council in urban revitalisation, economic development, providing affordable housing and housing supply and fostering local employment through the reclassification of Community Land to Operational Land for these sites.

2. It is recommended that the Planning Proposal be progressed through the Gateway process.

Donna Rygate – Chair 	**Philip North** - Expert 
Chris Young- Expert 	**Vanessa Howe** – Community Representative 