

Reclassification of land in St Marys Town Centre

Proposal Title : **Reclassification of land in St Marys Town Centre**

Proposal Summary : **To reclassify certain parcels of land in St Marys Town Centre from 'Community' land to 'Operational' land.**

PP Number : **PP_2015_PENRI_002_00**

Dop File No : **15/07241**

Proposal Details

Date Planning
Proposal Received : **15-May-2015**

LGA covered : **Penrith**

Region : **Metro(Parra)**

RPA : **Penrith City Council**

State Electorate : **LONDONDERRY**

Section of the Act : **55 - Planning Proposal**

LEP Type : **Reclassification**

Location Details

Street : **1-11 Carinya Avenue**

Suburb : **St Marys**

City :

Postcode : **2760**

Land Parcel : **Lots 1-6 DP 26908**

Street : **1a Carinya Avenue**

Suburb : **St Marys**

City :

Postcode : **2760**

Land Parcel : **Lot 5 DP 609430**

Street : **Kokoda Place**

Suburb : **St Marys**

City :

Postcode : **2760**

Land Parcel : **Public Road**

Street : **1 Kokoda Court**

Suburb : **St Marys**

City :

Postcode : **2760**

Land Parcel : **Lot 301 DP 609746**

Street : **23-27 Carinya Avenue**

Suburb : **St Marys**

City :

Postcode : **2760**

Land Parcel : **Lot 2 DP 1156169**

Street : **8-10 Carinya Avenue**

Suburb : **St Marys**

City :

Postcode : **2760**

Land Parcel : **Lots 203-204 DP 26908**

Street : **2-8 Carinya Avenue**

Suburb : **St Marys**

City :

Postcode : **2760**

Land Parcel : **Lots 195-202 DP 26908**

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Street :	12-28 Carinya Avenue		
Suburb :	St Marys	City :	Postcode : 2760
Land Parcel :	Lots 205-208 DP 26908		
Street :	45 Station Street		
Suburb :	St Marys	City :	Postcode : 2760
Land Parcel :	Lot 9 DP 840717		
Street :	8 Station Street		
Suburb :	St Marys	City :	Postcode : 2760
Land Parcel :	Lot 8 DP 734738		
Street :	100A Queen Street		
Suburb :	St Marys	City :	Postcode : 2760
Land Parcel :	Lot A DP 164781		

DoP Planning Officer Contact Details

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RPA Contact Details

Contact Name : Matthew Rose
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DoP Project Manager Contact Details

Contact Name : Stephen Gardiner
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Land Release Data

Growth Centre :	N/A	Release Area Name :	N/A
Regional / Sub Regional Strategy :	Metro West Central subregion	Consistent with Strategy :	Yes
MDP Number :		Date of Release :	
Area of Release (Ha) :	0.00	Type of Release (eg Residential / Employment land) :	N/A
No. of Lots :	0	No. of Dwellings (where relevant) :	0
Gross Floor Area :	0	No of Jobs Created :	0
The NSW Government Lobbyists Code of Conduct has been complied with : Yes			
If No, comment : The lobbyist register was checked on 28 May 2015. There is no record of meeting with registered lobbyists in relation to this planning proposal.			

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Have there been meetings or communications with registered lobbyists? : **No**

If Yes, comment :

Supporting notes

Internal Supporting Notes : Council provided a physical copy of the proposal on 15 May 2015.

POLITICAL DONATIONS DISCLOSURE STATEMENT

Political donations disclosure laws commenced on 1 October 2008. The legislation requires the public disclosure of donations or gifts for certain circumstances relating to the planning system.

"The disclosure requirements under new legislation are triggered by the making of relevant planning applications and relevant public submissions on such applications".

The term relevant planning authority means:

- A formal request to the Minister, a council or the Secretary to initiate the making of an environmental planning instrument..."

Planning Circular PS08-009 specifies that a person who makes a public submission to the Minister or the Secretary is required to disclose all reportable political donations (if any).

The Department has not received any disclosure statements for this planning proposal.

External Supporting Notes :

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment : It proposed to reclassify 26 lots of public land across 6 sites from 'community' land to 'operational' land, in accordance with Council's adopted Strategy and Masterplan for the St Marys Town Centre.

This will also enable the implementation of some of the adopted strategy and masterplan including:

- the integration of two "big-box" shopping centres in the Town Centre
- A central town square
- Gateway entrances into the Town Centre when arriving by car or train
- A new library and community hub
- New east-west links between Queen Street and Charles Hackett Drive
- Managing the urban heat island effect
- Relocating cricket facilities in Lang Park to improved facilities in the Kingsway playing fields.

It is not proposed to amend the land use zoning or any other planning controls on the 26 lots, only the classification of the land.

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment : An explanation of provisions has been provided. It is proposed to identify all parcels of land in Schedule 4 Part 2 in Penrith Local Environmental Plan 2010, as interests are proposed to be changed.

This will enable Council to sell, lease, exchange or otherwise dispose of the land.

Council has identified which interests are to remain unchanged on certain sites in Appendix 3 and 6 of the planning proposal. The information in these appendices should be moved to the objectives or intended outcomes of the planning proposal, or have a clearer linkage between the two sections in the planning proposal.

There is uncertainty regarding the property description and ownership of one of the parcels of land - Kokoda Place, which has been identified as a public road on page 7 of the planning proposal, combined with Kokoda Court in Appendix 3 (proposed schedule 4) identifying Kokoda Place with the property description of Kokoda Court.

Council has also identified that Kokoda Place is currently in the process of finalising a road closure in an attached Council report.

Prior to exhibition, Council should amend the planning proposal to clarify the property information and ownership of Kokoda Place, and whether there are any interests to be discharged prior to public exhibition, and consult with Land and Property Information and Roads and Maritime Services, if required.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **No**

b) S.117 directions identified by RPA :

* May need the Director General's agreement

1.1 Business and Industrial Zones

1.3 Mining, Petroleum Production and Extractive Industries

2.1 Environment Protection Zones

2.3 Heritage Conservation

2.4 Recreation Vehicle Areas

3.2 Caravan Parks and Manufactured Home Estates

3.3 Home Occupations

6.1 Approval and Referral Requirements

6.2 Reserving Land for Public Purposes

6.3 Site Specific Provisions

7.1 Implementation of A Plan for Growing Sydney

Is the Director General's agreement required? **Yes**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified?

e) List any other matters that need to be considered :

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain :

The planning proposal is not inconsistent with any State Environmental Planning Policy or Section 117 Direction, except for the following:

Section 117 Direction 1.3 - Mining, Petroleum Production and Extractive Industries:

Penrith Council has advised it intends to consult with Department of Trade and Investment - Minerals before determining if the planning proposal is consistent with this direction. This direction will be further considered once the plan is submitted for finalisation.

Section 117 Direction 6.2 - this direction applies as it is intended in the planning proposal to change the classification of public land.

Council has advised one of the proposed parcels of land is subject of a road closure. Consistency with this Section 117 Direction should be further considered once it has been determined that Council is the owner of this land.

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Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : **Maps have been included which identify the land that is proposed to be reclassified from 'community' land to 'operational' land.**

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **It is proposed to publicly exhibit the planning proposal for 28 days and hold a public hearing in accordance with section 29 of the Local Government Act 1993 and Section 57 of the EP&A Act 1979.**

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment : **There is adequate information to assess the planning proposal.**

Proposal Assessment

Principal LEP:

Due Date : **September 2010**

Comments in relation to Principal LEP : **The planning proposal is consistent with the Principal LEP.**

Assessment Criteria

Need for planning proposal : **The planning proposal is required as the identified land needs to be reclassified from 'community' land to 'operational' land to enable Council to have the opportunity to lease or sell the land.**

As the land was not classified as 'operational' land previously, its classification needs to be changed through an amendment to the Penrith Local Environmental Plan 2010.

Consistency with strategic planning framework : **The proposed parcels of land to be reclassified are consistent with Council's adopted Strategy and Masterplan for the St Marys Town Centre, and Council's adopted City Strategy .**

Environmental social economic impacts : **Environmental
The planning proposal is not proposing to change any environmental considerations on the 26 sites.**

The reclassification is intended to enable a reduction of the urban island effect in the future.

Social

Loss of Open Space

Council has considered the impact on open space in this proposal. Council considers the existing 2.2 hectares of open space to be under utilised, and the reclassification will have minimal impact. Further, Council's adopted Open Space Action Plan (2007) indicates that there is 105 hectares of open space in St Marys, so therefore the 2.2 hectares will have

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minimal impact.

Car parking

Any development of land currently used for car parks once the land has been reclassified will be required to provide replacement car parking on site or elsewhere in the town centre in accordance with Council's development contribution plan. SKM undertook an assessment of car parking currently available in St Marys, which determined that there is an oversupply of car parking to meet current demand for parking in St Marys. As such, the proposal to replace car parking is considered appropriate.

Economic

Council has advised that at this time, the proposal has no net gain for Council if the reclassification is finalised. If the 26 lots are reclassified from 'community' land to 'operational' land, it does have the potential to create an economic gain for Council as it has the opportunity to lease or sell the land.

Council has advised that the proposed reclassification of land provides opportunity to redevelop St Marys which has the potential to generate economic activity and employment, and that the potential expansion of one or both shopping centres would improve the overall economic performance of the Town Centre.

Assessment Process

Proposal type : **Routine** Community Consultation Period : **28 Days**

Timeframe to make LEP : **12 months** Delegation : **DDG**

Public Authority Consultation - 56(2) (d) : **Other**

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
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Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions:

- 1.1 Business and Industrial Zones
- 1.3 Mining, Petroleum Production and Extractive Industries
- 2.1 Environment Protection Zones
- 2.3 Heritage Conservation
- 2.4 Recreation Vehicle Areas
- 3.2 Caravan Parks and Manufactured Home Estates
- 3.3 Home Occupations
- 6.1 Approval and Referral Requirements
- 6.2 Reserving Land for Public Purposes
- 6.3 Site Specific Provisions
- 7.1 Implementation of A Plan for Growing Sydney

Additional Information : **DELEGATION OF PLAN MAKING FUNCTIONS TO COUNCIL**
Council has requested the Minister's plan making functions for this planning proposal. However, as the proposal includes the discharge of interests in relation to most of the parcels of land, the approval of the Governor is required and therefore it is not possible to delegate the plan making function to Council.

RECOMMENDATION

It is recommended that the planning proposal proceed subject to the following conditions:

1. Prior to exhibition, Council is to amend the planning proposal to:
 - a. provide property details for Kokoda Place, and address the matters identified in Attachment 2 of PN09-003 for the site. If required, Council should consult the Land and Property Information, and Roads and Maritime Services, and subsequently address Section 117 Direction 6.2 - Reserving Land for Public Purposes.
 - b. Confirm in Appendix 4, the property name or property description for Kokoda Court, and include the property details for Kokoda Place.
2. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 as follows:
 - (a) the planning proposal must be made publicly available for a minimum of 28 days; and
 - (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in Section 5.5.2 of A Guide to Preparing Local Environmental Plans (Department of Planning & Infrastructure 2013).
3. Consultation is required with the following public authorities under section 56(2)(d) of the Environmental Planning and Assessment Act 1979:
 - Office of Strategic LandsEach relevant public authority is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.
4. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. However a public hearing is required to be held into the matter in accordance with the Department's practice note PN09-003 as the planning proposal involves the reclassification of land from community to operational.
5. The timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway determination.

Supporting Reasons : The planning proposal will reclassify 28 parcels of land. It is not proposed to change any other planning controls.

The planning proposal will result in few, if any, environmental, social or economic impacts.

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Signature:

RJ Cumming

Printed Name:

Rachel Cumming

Date:

10 June 2015