



Planning Proposal

St Marys Town Centre

Reclassification of Certain Public Land

April 2015

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Appendices

No.	Description
1.	St Marys Town Centre Strategy (2006)
2.	St Marys Town Centre Revised Masterplan (2007)
3.	Proposed Schedule 4 of <i>Penrith Local Environmental Plan 2010</i>
4.	Consistency of Planning Proposal with Local Planning Directions
5.	Consistency of Planning Proposal with State Environmental Planning Policies
6.	Property Information
7.	Consistency of Planning Proposal with Council's Strategic Plans
8.	Relevant Extracts of Penrith Local Environmental Plan 2010 and Penrith Development Control Plan 2014
9.	Open Space Action Plan (2007)
10.	Council Reports and Minutes

Documents Supporting Public Exhibition

No.	Description
1.	SGS Economics and Planning Retail Impact Assessment
2.	Metropolitan Strategy – A Plan for Growing Sydney
3.	Relevant State Environmental Planning Policies
4.	Local Planning Directions
5.	Community Plan
6.	Delivery Program Including Operational Program
7.	Penrith Local Environmental Plan 2010
8.	Penrith Development Control Plan 2014
9.	Department of Planning and Environment Practice Note 09-003 (Re)classification of public land through a LEP
10.	Department of Planning and Environment Guide to preparing Local Environmental Plans
11.	Department of Planning and Environment Guide to Preparing Planning Proposals
12.	St Marys Town Centre Concept Plan

Introduction

This Planning Proposal recommends an amendment to Penrith Local Environmental Plan 2010 (LEP 2010) to change the classification of certain public land in the St Marys Town Centre (the Town Centre) from Community Land to Operational Land. This document sets out the justification for and explains the intended effect of the recommended amendment.

The preparation of a Planning Proposal is the first step in the NSW Department of Planning and Environment's Gateway Process for amending LEP 2010. The Gateway Process is the current process for making or amending local environmental plans. It has a number of steps (set out in Table 1) that may require this document to be revised as it progresses through the Gateway Process.

No.	Step	Explanation
1	Planning Proposal	Council prepares a document explaining the effect of and justification for the making or amending of a local environmental plan.
2	Gateway	The Minister for Planning and Environment, acting as a checkpoint, determines whether a Planning Proposal should proceed.
3	Community Consultation	The Planning Proposal is publicly exhibited.
4	Assessment	Council considers the submissions received in response to the public exhibition, varying the Planning Proposal as necessary.
5	Drafting	Parliamentary Counsel prepares a draft local environmental plan.
6	Decision	The Minister approves the local environmental plan, making it law.

Table 1: Gateway Process

The classification of the land needs to be changed to prepare Council's landholdings to allow it to be able to consider opportunities, including new development, that implement the adopted *St Marys Town Centre Strategy* (2006) (the Strategy). A copy of the Strategy is provided in Appendix 1.

The Strategy identifies the key steps that, if implemented, will achieve the long-term vision of a sustainable and vital town centre. It provides a statement of the policies and a list of actions that need to be pursued to create friendly and attractive places to encourage new development. In turn, new development will help create activity in the Town Centre, attract new businesses and generate jobs. The Strategy also identifies the need to improve cultural and entertainment facilities in the Town Centre, as well as improvements to the cycling and pedestrian network.

Council's *St Marys Town Centre Masterplan* (2007) (provided as Appendix 2) supports the Strategy, making recommendations to implement it. These recommendations include a central town square, a new east west street, and the integration of the existing shopping centres into the Town Centre. These recommendations require the use of some of the public land in the Town Centre,

specifically the land located between the shopping centres and Queen Street, which consists of public open space and car parking (the Land).

The *Local Government Act 1993* requires all public land (any land vested in, or under the control of Council, except for roads, Crown Land or a common) to be classified as one of two categories: *Community Land* or *Operational Land*. Community Land is generally open to the public and includes parks, reserves and sports grounds. Operational Land is generally land held as a temporary asset or used by Council to carry out its functions (work depots and garages) or to provide car parking. Community Land cannot be sold and cannot be leased or licensed for more than 21 years. No such restrictions apply to Operational Land.

The Land is currently Community Land. This means that Council's ability to trade, lease, or use the Land to implement the Strategy is limited. Changing the classification of the Land to Operational Land will allow Council to consider opportunities, including new development, that are consistent with and implement the Strategy.

This Planning Proposal is supported by a *Concept Plan* that provides an example of how the Town Centre might look once the Strategy is implemented. However, the reclassification of the Land does not commit Council to the sale or development of the Land, nor does it remove the Land from Council's ownership or prevent the current use of the Land from continuing. Such considerations will be subject to separate and later processes and decisions.

The remainder of this document is split into the following parts:

Part	Explanation
1	The objectives and intended outcomes of the proposal
2	An explanation of the provisions to be included in LEP 2010
3	Justification for the objectives and intended outcomes
4	Maps identifying the area to which this Planning Proposal applies
5	Details of the Community Consultation
6	Projected timeline

Table 2: Parts of a Planning Proposal

Part 1 – Objectives and Intended Outcomes

The objective of this Planning Proposal is to prepare Council's landholdings to allow it to be able to consider opportunities, including new development, that are consistent with and implement parts of the adopted Strategy and Masterplan. These opportunities include:

- The integration of the two "big-box" shopping centres into 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 the cricket facilities in Lang Park to improved facilities in the Kingsway Playing Fields.

The intended outcome of the Planning Proposal is to change the classification of the 26 parcels of public land identified in Table 3 and Figure 1 from Community Land to Operational Land.

Map Ref.	Site	Address	Legal Description
1	Lang Park	1-11 Carinya Avenue	Lots 1-6 DP 26908
		1a Carinya Avenue	Lot 5 DP 609430
		1 Kokoda Court	Lot 301 DP 609746
		Kokoda Place	Public Road
2	Kokoda Park	23-27 Carinya Ave	Lot 2 DP 1156169
3	Building at 8-10 Carinya Ave	8-10 Carinya Ave	Lots 203-204 DP 26908
4	West Lane Car Park	2-8 and 12-28 Carinya Ave	Lots 195-202 and 205-208 DP 26908
5	Station Street Car Park	45 Station Street	Lot 9 DP 840717
		8 Station Street	Lot 8 DP 734738
6	Walkway	100A Queen Street	Lot A DP 164781

Table 3: Land proposed to be reclassified



Figure 1: Land proposed to be reclassified

Part 2 – Explanation of Provisions

This Planning Proposal recommends the amendment of LEP 2010 through the insertion of the Land into *Schedule 4 Classification and reclassification of public land* of LEP 2010. Specifically, the Land is proposed to be inserted into *Part 2 Land classified, or reclassified, as operational land – interests changed*.

Appendix 3 provides a copy of the proposed *Schedule 4 Classification and reclassification of public land*.

This Planning Proposal does not recommend any changes to the maps in LEP 2010.

Part 3 – Justification

This part of the Planning Proposal is split into the following sections:

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

Table 4: Sections in Part 3 of the planning Proposal

Section A – Need for the Planning Proposal

This Planning Proposal enables the implementation of Council's strategic framework for the Town Centre. The change in the classification of the Land from Community Land to Operational Land is required to allow Council to consider the trade, lease, or development of the Land in a manner that is consistent with and implements the Strategy and Masterplan for the Town Centre.

The purpose of the Strategy is to identify the key steps that, if implemented, will achieve the long-term vision of a sustainable and vital town centre. It provides a statement of the policies and a list of actions that need to be pursued. This includes providing the planning, development and implementation framework to facilitate redevelopment of the Town Centre.

The Masterplan builds on the Strategy and develops design principles to improve the amenity, character and prosperity of the Town Centre. These principles include:

- Increasing residential density around the train station
- Maintaining the character and scale of Queen Street
- Providing for a central town square that will be a focus for the Town Centre.
- Integrating the shopping centres with Queen Street.

The land at Station Street can support high-density residential development because of its proximity to St Marys Station. New residential developments will inject a population into the Town Centre, increasing its vibrancy and activity. Well-designed development in this location would also signal arrival in the Town Centre when travelling by train.

St Marys is well serviced with green parks. These are used for informal recreation and some contain playground equipment. One of the parks, Lang Park, is used by a local junior cricket club. This club has expressed a desire to relocate to better facilities, with other grades, in the Kingsway Playing Fields nearby. Coachman's Park is located centrally within the Town Centre and provides some urban public space, with a shade structure, seating and a performance area. The Town Centre however could be better serviced with larger, more contemporary urban park.

A proposed town square was identified by the Strategy, Masterplan and DCP 2014 adjacent to Crana Street. However, that opportunity has not eventuated due to development proposals. This has refocused attention on Coachmans Park as the town square to provide a social and community focus for the Town Centre. It could provide play spaces, water features, outdoor seating, public art, outdoor dining and places for performances, markets, exhibitions, festivals and events. The Strategy also identifies that consideration should be given to relocating the library and community facilities around a town square. This would create further activity adding to the vibrancy of the town square and the Town Centre.

The "big-box" shopping centres make important contributions to the economic performance of the Town Centre, both now and potentially into the future. They attract shoppers and visitors to the Town Centre and provide a range of employment opportunities. However, these shopping centres are currently separated from Queen Street by distance, public open space, car parking and degraded service areas. This separation and the quality of the environment limits the sharing or spill over of shopping activity from the shopping centres into Queen Street and vice versa.

Recent investigations into the economic performance of the Town Centre identified that it is performing poorly. These investigations, carried out by SGS Economics and Planning, will be available during the public exhibition of this Planning Proposal. These investigations also examined the economic impact of redeveloping and increasing the retail floor space of the two shopping centres. It found that the expansion of one or both of the Shopping Centres would improve the overall economic performance of the Town Centre. It also found that if the expanded shopping centres are integrated with Queen Street, then the potential for spillover shopping to Queen Street could mitigate and even improve any negative impacts.

The expansion of the two shopping centres towards Queen Street will encourage shoppers, workers and visitors to move freely between different retail locations, something that may not occur if the shopping centres expanded upwards. Coachman's Park also has a significant role in providing a pedestrian link between one of the shopping centres, St Marys Village Shopping Centre, and Queen Street.

The Strategy for a new east-west link road between Queen Street and Charles Hackett Drive could be realised in an amended location through the redevelopment of Lang Park as a result of the reclassification. The improvement of east-west links will help manage traffic in the Town Centre and encourage new development – opening up other sites/opportunities in south west quarter of the Town Centre. The improvement of pedestrian and cycle paths along Charles Hackett Drive will strengthen the link between the Town Centre, the leisure centre and the natural areas beyond.

The car parks in the Town Centre are significant heat sinks making them unpleasant places in the warmer months. Most of streets in the Town Centre have little or no street planting (except Queen Street and Charles Hackett Drive). This contributes to higher ambient temperatures in the Town Centre. Replacing the current car parking with underground or decked structures introduces shaded, covered parking areas and allows the land to be developed with buildings with green or reflective roofs. New buildings would also provide air-conditioned respite. Improved planting, green walls, shade structures and the introduction of water into public places will also help cool the Town Centre.

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

as Community Land cannot be sold and cannot be leased or licensed for more than 21 years. This means that Council's ability to trade, lease, or use the Land to implement the Strategy is limited. No such restrictions apply to Operational Land.

The St Marys Town Centre Concept Plan, available as a supporting document, shows potential development outcomes for the Town Centre.

Section B – Relationship to Strategic Planning Framework

NSW Government's Framework - Metropolitan and Subregional Plans

In December 2014, the NSW Government published *A Plan for Growing Sydney*, setting out its vision for Sydney to be a strong global city and a great place to live. *A Plan for Growing Sydney* also sets a number of goals for the economy, housing choice, healthy communities and a sustainable and resilient city. The plan also sets actions to deliver these goals, including:

- Transforming the productivity of Western Sydney through growth and investment.
- Delivering the infrastructure that is needed.
- Promoting Sydney's arts and culture, tourism and entertainment industries.
- Managing long-term growth.

Subregional Plans are currently being prepared by the NSW Government. These plans will consider and address a number of priorities to implement the directions in *A Plan for Growing Sydney*. Relevant draft priorities include:

- The identification of opportunities to strengthen investment for employment growth in Western Sydney.
- The identification of suitable locations for housing intensification and urban renewal, including employment agglomerations – particularly around established and new centres and along key public transport corridors including the Western Line and the Blue Mountains Line.
- The promotion of early strategic consideration of bushfires, flooding and heatwaves in relation to future development in the subregion.

The proposed reclassification of the Land, when complete, will allow Council to consider opportunities to trade, lease, or develop the Land. These opportunities are considered to be consistent with *A Plan for Growing Sydney* and the draft priorities proposed in the Subregional Plans, as they may:

- Promote the growth of and investment in the Town Centre by facilitating new development that grows jobs and housing to revitalise the Town Centre.
- Deliver additional physical infrastructure, such as roads and paths, and social infrastructure, such as a town square and new library and community facilities, to support growing communities.
- Promote the town centre's arts and culture, tourism and entertainment industries by providing temporary and permanent performance spaces and installations.

- Manage the long-term growth of the town centre by providing quality and diverse homes improving housing supply and choice, as well as the shops, services, facilities and jobs required by the growing population.
- Control the higher ambient temperatures experienced in the Town Centre by providing natural and artificial shade, water features, places of respite and the replacement of car parking with underground or decked structures or buildings with green or reflective roofs.

NSW Government's Framework - Local Planning Directions and State Environmental Planning Policies

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

- Employment and resources
- Environment and heritage
- Housing, infrastructure and urban development
- Hazard and risk
- Regional planning
- Local plan making

The NSW Government also publishes *State Environmental Planning Policies*. These documents deal with matters of State or regional planning significance. This Planning Proposal is considered to be consistent with all applicable Local Planning Directions and relevant State Environmental Planning Policies. Appendices 4 and 5 examine the consistency of this Planning Proposal with these documents.

NSW Government's Framework – LEP Practice Note

The Department of Planning and Environment has also published *LEP Practice Note 09-003* relating to the *Classification and reclassification of public land through a local environmental plan*. This practice notes provides guidance on the process to classify or reclassify public land through a local environmental plan, including the level of information Council must provide in this Planning Proposal (summarised in Table 5). Table 5 also sets out where the information is provided.

No	Information	Where Addressed
1	The reasons why the planning proposal has been prepared, including the merits of the Proposal.	Throughout Planning Proposal
2	The current and proposed classification of the land.	Appendix 6
3	The reasons for the reclassification including how this relates to Council's strategic	• Part 3 – Justification • Section B – Relationship to Strategic Planning Framework

	framework.	
4	The nature of council's interest in the land	Appendix 6
5	How and when the interest was first acquired	Appendix 6
6	The reasons council acquired an interest in the land.	Appendix 6
7	Any agreements over the land together with their duration, terms, controls, agreement to dispose of the land.	Appendix 6
8	An indication, as a minimum, of the magnitude of any financial gain or loss from the reclassification and of the type(s) of benefit that could arise.	There will be no financial gain or loss as a consequence of the reclassification. The type of financial benefit that could arise would occur if the land was sold to another party. In addition, no change to the current zoning or development standards is proposed.
9	The asset management objectives being pursued, the manner in which they will be achieved and the type of benefits the council wants.	Throughout Planning Proposal
10	Whether there has been an agreement for the sale or lease of the land.	There has not been an agreement for the sale or lease of the land. Council intends to realise its assets following the reclassification of the land.
11	Relevant matters required in plan making under the EP&A Act.	Throughout Planning Proposal

Table 5 – Information required by Practice Note 09-003

Council's Framework – Strategic Planning

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

- Community Plan
- Community Engagement Strategy
- Delivery Program including the Operational Plan
- Resourcing Strategy
- City Strategy

The documents of most relevance for this Planning Proposal are the Community Plan, the Delivery Program including the Operational Plan, and the City Strategy.

The Community Plan identifies our communities' long term aspirations for Penrith City, setting *Outcomes* and *Strategies*. Appendix 7 examines the consistency of this Planning Proposal with the outcomes and strategies, demonstrating that the Planning Proposal is consistent with the Community Plan.

The Delivery Program is Council's 4 year work program, identifying Priorities to help implement the Community Plan. The Priorities for 2013-2017 are set out in Table 6.

Our Priorities	
Our community told us that their key priorities were:	For Council in the next four years, this means:
• More local jobs • Making sure that we have the services and Infrastructure we need	• focussing on investment and growth in the City's key centres, Penrith Health and Education Precinct and Western Sydney Employment Area • creating opportunities for activities on and around the Nepean River • advocating for a stadium that is capable of hosting national and international events (entertainment and sport) • working with government to secure the Penrith Lakes Parklands and participate in unlocking future development potential.

Table 6 – Council's Priorities from its Delivery Program & Operational Plan

The reclassification of the Land will provide Council with the ability to trade, lease or develop the Land, allowing Council to utilise its property portfolio to stimulate growth and development opportunities in the Town Centre. This in turn will provide local jobs, during the construction of new developments and in the ongoing operation of commercial developments.

The Land may be developed with commercial, mixed use and residential developments, including the expansion of the existing shopping centres. These expansions will increase the retail offering in the Town Centre and may include additional uses such as restaurants and cinemas which will all act to attract new visitors and shoppers to the Town Centre. Activating the Town Centre in this way will increase its vibrancy and may serve to attract additional investment from the private sector.

Any development of the Land will be required to provide new or improve existing infrastructure, such as public spaces, new roads and paths. New and improved infrastructure will also service existing developments and business and may create opportunities for further investment in the Town Centre. In addition, the revenue returned from the trade, lease or development of the Land could be used to deliver new or improved services, such as the library and community hub.

In 2013, Council's existing strategies, such as the *St Marys Town Centre Strategy* (2006) and associated *Masterplan*, were brought together into the *City Strategy* (a single document). As outlined in *Section A – Need for the Planning Proposal*, the