

## Planning Services

### Gateway Determination Report

<b>LGA</b>	Penrith
<b>PPA</b>	Penrith City Council
<b>NAME</b>	Penrith LEP 2010 – Planning proposal to reclassify Council owned land at 11-13 Chesham Street, St Marys (0 homes, 0 jobs)
<b>NUMBER</b>	PP_2018_PENRI_003_00
<b>LEP TO BE AMENDED</b>	Penrith Local Environmental Plan 2010
<b>ADDRESS</b>	11-13 Chesham Street, St Marys
<b>DESCRIPTION</b>	Lots 1, 2 and 3 and DP 542707
<b>RECEIVED</b>	20 June 2018
<b>FILE NO.</b>	OBJ09/04717
<b>POLITICAL DONATIONS</b>	There are no donations or gifts to disclose and a political donation disclosure is not required.
<b>LOBBYIST CODE OF CONDUCT</b>	There have been no meetings or communications with registered lobbyists with respect to this proposal.

### INTRODUCTION

#### Description of planning proposal

The planning proposal (**Attachment A**) seeks to amend the Penrith Local Environmental Plan 2010 by reclassifying Council-owned land at 11-13 Chesham Street, St Marys (the site) from Community Land to Operational Land.

#### Site description

The planning proposal applies to Lots 1, 2 and 3 in DP 542707 and is shown in the aerial photo, overleaf (Figure 1) and in **Attachment E**.

The site is a narrow, rectangular shape, with an area of approximately 3,920m<sup>2</sup>. It is bounded by the rail corridor to the north, Glossop Street to the east, Chesham Street to the south, and Lethbridge Street to the west. It is owned by Council. The site is vacant and contains a number of large trees along the rear boundary (adjoining the rail corridor) and to the centre of the site.

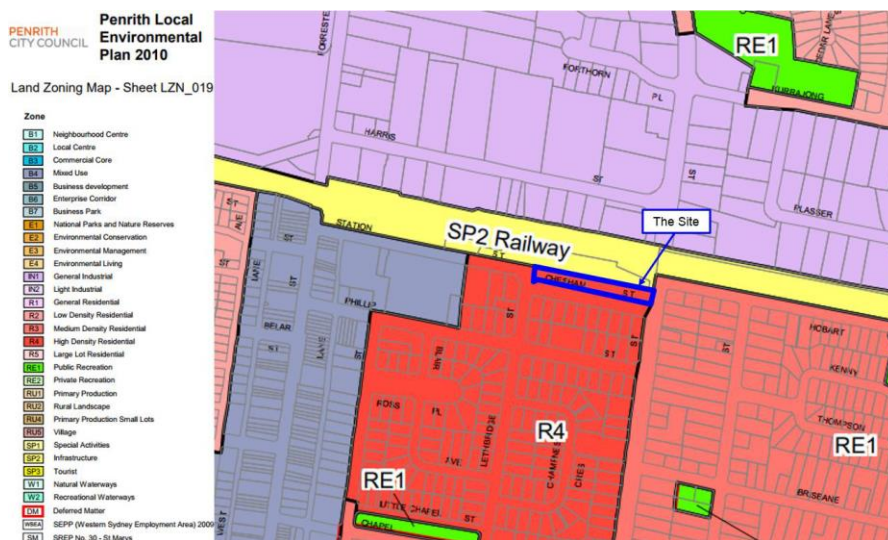
Historically the subject land comprised a former road (closed in 1946) and a girl guides hall (demolished in 2011). The subject site has not been used for community purposes for approximately 10 years.



Figure 1 – Aerial photograph of the site and surrounds

## Existing planning controls

The site is zoned R4 High Density Residential under the PLEP 2010 as illustrated in the following extract from Penrith LEP 2010.



The proposal does not seek to change the zone or any existing planning controls.

The site is not a public reserve as defined under the Local Government Act 1993 and such there are no restrictions on the title in this regard. A copy of the Certificate of



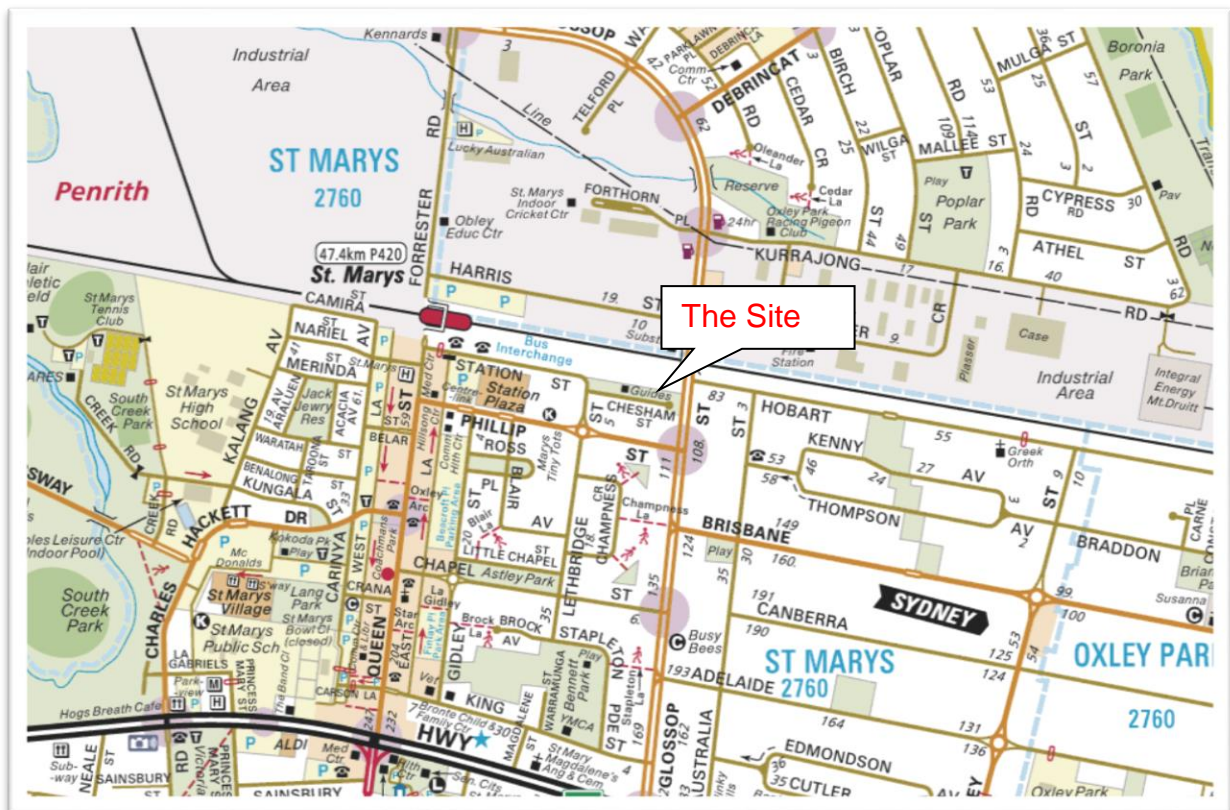
Title is at page 23 of the planning proposal. Further, the proposal does not involve the extinguishment of any interest in the land. There are no relevant easements, covenants and/or restrictions affecting the land.

The site has been identified as surplus to the needs of the Council and the community. The reclassification does not include a proposal to develop or sell the land. The reclassification, however, would enable Council to consider opportunities for the future use of the land.

### Surrounding area

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

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



### Summary of recommendation

It is recommended that the planning proposal proceed with conditions as it will assist Council in better managing the land, following an investigation into future options for the site, including sale or redevelopment in accordance with the existing R4 High Density Residential zone.

## PROPOSAL

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### Objectives or intended outcomes

The objective of the planning proposal is to reclassify the site from Community Land to Operational Land as the site has been identified as underutilised community land that is surplus to both the needs of the Council and the community. This will enable Council to consider opportunities for the future use of the land.

### Department comment

The objectives of the planning proposal are considered to be clear and adequate.

### Explanation of provisions

The planning proposal seeks to amend Schedule 4 of Penrith LEP 2010, Classification and Reclassification of Public Land in the following manner:

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

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

The planning proposal does not involve any change to the existing zone and/or development standards that apply to the site.

### *Department comment*

The explanation of provisions is considered to be adequate.

### Mapping

The planning proposal does not involve any changes to the Penrith LEP 2010 maps. However, Council has provided the following existing maps from the Penrith LEP 2010 (copy of maps on pages 115-125 of the planning proposal):

- Land Zoning Map;
- Height of Building Map;
- Floor Space Ratio Map;
- Lot Size Map;
- Heritage Map;
- Scenic and Landscape Values Map;
- Natural Resources Sensitivity Land Map;
- Land Reservation Acquisition Map;
- Active Street Frontages Map;
- Flood Planning Land Map; and,
- Additional Permitted Uses Map.

In addition to the above, a location map (an aerial photograph) and maps relating to Deposited Plan and Certificate of Titles are also provided in the planning proposal.

### *Department comment*

The supporting diagrams in the planning proposal are adequate for community consultation purposes.

## **NEED FOR THE PLANNING PROPOSAL**

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The planning proposal is the result of Council's Glossop Street Precinct Urban Design Study (GSPUDS), which was prepared in 2008. The aim of this study was to provide a strategic framework for the redevelopment (including delivering greater housing choice and diversity) of the Glossop Street Precinct, St Marys. At the time of this study, the Chesham Street was zoned 6(a) Public Recreation and Community Uses under the Penrith Local Environmental Plan 1998 (Urban Land).

The GSPUDS identified Chesham Street as a key site for redevelopment due to its proximity to St Marys Railway Station. The GSPUDS informed the Penrith Urban Strategy (developed by Hassell and Penrith City Council in 2008-2009). The Strategy recommended an increase in densities around the St Marys Town Centre, proposing that the northern portion of the Glossop Street Precinct (including the site) be zoned for High Density Residential development. Consequently, under Penrith Local Environmental Plan 2010, the site was rezoned from 6(a) Public Recreation and Community Uses to R4 High Density Residential.

The proposal to reclassifying the site, is a statutory process to unlock the potential of the intended R4 High Density Residential zoning.

In addition to the GSPUDS and Penrith Urban Strategy, Penrith City Council's Property Development Department - while undertaking investigations into Council's community land assets to identify potential opportunities for growth in Council's Investment Portfolio and Property Reserve - identified the site as being suitable for consideration of future options in line with the current zoning.

The site is not required for public recreation purposes due to other public recreation spaces within the locality. The planning proposal does not involve the extinguishment of any interests in the land.

### Department comment

In light of the above, it is considered that the planning proposal is the best, most appropriate, and the only means of achieving Council's intentions

## **STRATEGIC ASSESSMENT**

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**Note:** The following strategic assessment is based on the assumption that the reclassification of the site would provide Council the opportunity to identify the highest and best use of the site that reflects its current R4 High Density Residential zoning, including residential development options that will provide housing choice to meet the needs of the community.

## **Regional / District**

### Greater Sydney Region Plan – A Metropolis of Three Cities (March 2018)

The proposal is consistent with:

- *Objective 10: Greater housing supply*: as it will supply a range of housing types in the right location to support Sydney's growing population.
- *Objective 14 – A Metropolis of three cities – Integrated land use and transport creates walkable and 30-minute cities*: as the Plan identifies St Marys as a strategic centre and the planning proposal supports the delivery of additional housing supply in a walkable distance to the train station and a mixed-use area.

### Western City District Plan (March 2018)

The proposal is consistent with:

- the *Liveability Planning Priority - W5 Providing housing supply, choice and affordability, with access to jobs, services and public transport*: as the proposal will provide housing supply to support Sydney's growing population in close proximity to existing rail infrastructure, creating opportunities for people to use public transport services.

## **Local**

### Penrith City Community Plan

This document identifies the community's long-term aspirations for Penrith City, with outcomes and strategies.

The planning proposal is consistent with this Plan as it aligns with the intended outcomes and strategies to accommodate future growth and facilitate development.

### Penrith City Strategy

The objective of the Strategy is to help build a sustainable future for the Penrith Community.

The proposal is consistent with the Strategy as it will assist in the delivery of Council's policy for housing, which seeks to provide the community with housing choice, design quality, sustainability and affordability.

## **Section 9.1 Ministerial Directions**

Relevant directions are discussed as follows:

### 2.3 Heritage Conservation

The objective of this direction is to conserve items, areas objects and places of environmental heritage significance and indigenous heritage significance.

The site does not contain any listed heritage items of local, state or national heritage significance. However, St Marys Railway Station (located north of the site) is listed on the State Heritage Register.

Council has advised that the impact of any future development at the site on the St Marys Railway Station will be assessed as part development application.

*Department comment*

Council's approach is supported.

### 3.1 Residential Zones

As the proposal affects an existing residential zone, it is recommended that any technical inconsistency with direction 3.1 Residential Zones, be treated as of minor significance, and the approval of the Secretary has been recommended, accordingly.

## **State Environmental Planning Policies (SEPP)**

### **SEPP55 – Remediation of Land**

Council has advised that the provisions of the SEEP will be addressed as part of any future development application on the site.

*Department comment*

Council's approach is supported.

## **SITE-SPECIFIC ASSESSMENT**

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### **Social and Economic**

The planning proposal will have positive social and economic impact as it will enable Council to consider the potential future development of surplus land for uses consistent with the current zone of the site i.e. R4 High Density Residential zoning.

### **Environmental**

Council has advised that the reclassification of the site will not affect critical habitat or threatened species, populations or ecological communities, or their habitats.

### **Infrastructure**

Reclassifying the land would allow Council to consider redevelopment opportunities for the site, which may result in increase in demand for services in an existing urban area.

While this is the case, the land is currently zoned for residential purposes and it is not anticipated that future residential development of the land would impact upon the provision of services.

It is noted that Council engaged consultants to undertake a preliminary traffic and parking assessment based on a concept R4 High Density Residential development outcome (copy at page 84 of the planning proposal).

The report indicated that there is adequate capacity in the surrounding road network to cater for the traffic generated by the proposed development. The report also indicated that the site is well serviced by public transport networks including rail and several bus routes. Further, public infrastructure requirements associated with any future development of the site, would be assessed in detail at development application stage.



## **CONSULTATION**

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### **Community**

Council proposes to undertake a community consultation period of 28 days. An independent chaired public hearing is also proposed as required under the Local Government Act 1993.

A community consultation period of 28 days is considered an appropriate amount of time to gauge the response by the community.

### **Agencies**

Council has advised that Gateway will determine which public authorities will be consulted.

Given the nature of the planning proposal, agency consultation is not recommended.

## **TIME FRAME**

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Council proposes a timeframe of 9-months to finalise this planning proposal.

Given the nature of the planning proposal, a 9-month timeframe is considered appropriate.

### **LOCAL PLAN-MAKING AUTHORITY**

Council has requested authorisation to exercise the delegation for the plan making function.

Given the planning proposal does not involve the extinguishment of any interest in the land and the Governor's approval is not required, and in view of the current zone of the site which, in turn, does not raise probity issues, it is recommended that authorisation be issued for Council to exercise the s3.36 delegation in this instance.

## **CONCLUSION**

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The Department recommends that the planning proposal proceeds with conditions, given that it will enable Council to investigate future options for the site including sale or development in line with the existing R4 High Density Residential zone.

## **RECOMMENDATION**

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It is recommended that the delegate of the Greater Sydney Commission, determine that the planning proposal should proceed subject to the following conditions:

1. The planning proposal should be made available for community consultation for a minimum of 28 days.
2. The time frame for completing the LEP is to be 9 months from the date of the Gateway determination.
3. Given the nature of the planning proposal, Council should be the local plan-making authority.



4. An independent chaired public hearing is to be conducted as required under the Local Government Act 1993.



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**Terry Doran**  
**Team Leader,**  
**Sydney Region West**



17/07/2018

**Ann-Maree Carruthers**  
**Director, Sydney Region West**  
**Planning Services**

Contact Officer: Amar Saini  
Planning Officer,  
Sydney Region West  
Phone: 02 9373 2880