



# Planning Proposal

**Reclassify Council-Owned  
Land (Community Land to  
Operational Land)**

**11-13 Chesham Street,  
St Marys**

**June 2018**

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# Introduction

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## Purpose of Planning Proposal

SJB Planning has been engaged by Penrith City Council's Property Development Department (PDD) to prepare this Planning Proposal.

The Planning Proposal seeks to amend the Penrith Local Environmental Plan (PLEP) 2010 to reclassify Council-owned land at 11-13 Chesham Street, St Marys ('the site'), from Community Land to Operational land.

The site comprises Lots 1, 2, and 3 in DP 542707. The land is currently vacant, and is situated less than 400m from St Marys Railway Station and town centre.

The site is a narrow, rectangular shape, with an area of approximately 3,920m<sup>2</sup>, bounded by the rail corridor to the north, Glossop Street to the east, Chesham Street to the south, and Lethbridge Street to the west, as indicated in Figure 1 below.



Figure 1 – Aerial photograph of the site and surrounds (Source: SIX Maps)

The land is not a 'public reserve' as defined under the *Local Government Act 1993* and as such, there are no restrictions on the title in relation to this. A copy of the Certificate of Title for Lots 1, 2 and 3 at **Appendix 1**.

The land is zoned R4 High Density Residential under PLEP 2010, and has been identified as surplus to Council and the community's needs. The reclassification does not include a proposal to develop or sell the land. This would need to be pursued as a separate process, with opportunity for community input on any Council decision in this regard.

The proposed reclassification will, however, enable Council to consider opportunities for the future use of the land, and this may include options for the development or sale of the site.

Therefore, the proposed reclassification will provide the opportunity to unlock the existing development potential, to stimulate growth and development within the local government area (LGA), in an appropriate location close to St Marys Railway Station and town centre.



## Background

Council's PDD has undertaken investigations into Council's community land assets to identify potential opportunities for growth in the Investment Portfolio and Property Reserve. A number of sites were identified as part of this project, as an initiative to develop or dispose of underutilised community land holdings.

The subject site of this planning proposal comprises Lots 1, 2, and 3 in DP 542707 (see Figure 2).

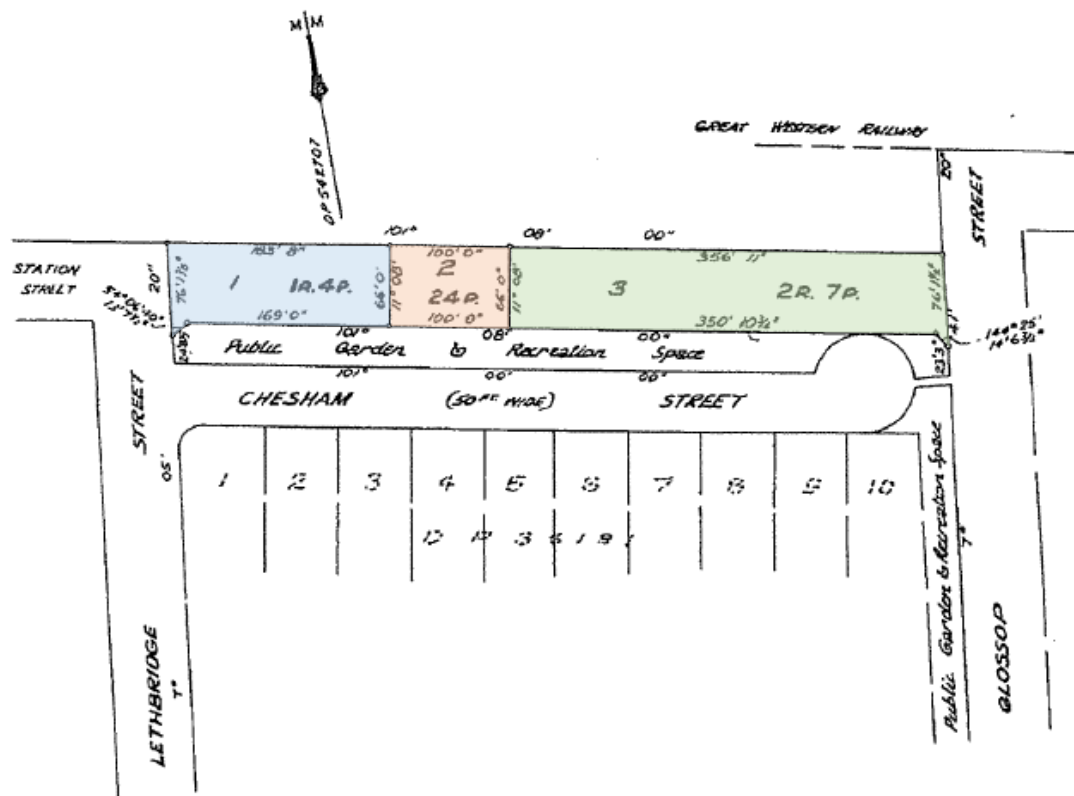


Figure 2 – Site showing Lots 1 (blue), 2 (orange) and 3 (green) in DP542707

Historically, the land to which this planning proposal relates comprises a former road known as Station Street. Station Street was closed under the provisions of the *Public Roads Act 1902-1968*. Refer to Deposited Plan 36191, dated 12 July 1946 at **Appendix 2**.

On 9 May 1969 under Section 20 of the *Public Roads Act 1902-1968*, the land known as Deposited Plan 36191 was vested in the Council of the City of Penrith. Refer to Crown Grant Volume 11048 Folio 49 at **Appendix 3**. The land was later subdivided into its current subdivision pattern, this being Lots 1, 2 and 3 in DP542707 (see **Appendix 4**). Title volume 11393 folios 198-200 were issued to the Council of the City of Penrith on 21 August 1970 (see **Appendix 1**). At its meeting of 6 June 1994, Council resolved to classify Lots 1, 2 and 3 in DP 542707 as Community Land. Refer to Council report and minutes at **Appendix 5**.

Adjoining Lots 1 to 3 is a strip of public reserve for garden and recreation space, known as Lot 21 in DP36191. Refer to **Appendix 2**. Lot 21 DP36191 was dedicated as Public Highway by notification in Government Gazette dated 26th January 1962 folio 183 – pursuant to Section 81 of the Public Works Act of 1912. Refer to **Appendix 6**.

Being Council owned road, Lot 21 does not form part of the planning proposal for reclassification. Council's PDD intends to undertake a road closure process under the provision of the *Roads Act 1993*. This process is independent to the planning proposal and will require additional public

consultation. On closure of road, a Council resolution will be required to classify the lot as Operational Land under the *Local Government Act 1993*.

### Historical Site Use

A Girl Guides Hall was constructed on Lot 2 DP 542707 by Guides Australia in the early 1970s as part of a 21-year licence agreement from 1970-1991. Girl Guides Australia entered into another 21-year licence in 1991 but relinquished this agreement in 2007 due to poor membership numbers. Girl Guides vacated the premises in early 2008. On termination of the license, the building was in a state of disrepair and in 2011 Council organised for the demolition of the hall. As such, the site has not been used for community purposes for close to 10 years.

The site has since been identified as surplus to Council's needs, and therefore it is appropriate to consider potential future options in line with the current zoning.

The proposal to reclassify the land aligns with Council's strategic direction to utilise Council's property portfolio to stimulate growth and development opportunities in Penrith City. As well as economic benefits of the project, community benefits may include:

Provision of high quality, diverse housing;

- Provision of public open space improvements and public domain improvements;
- Local employment opportunities and provision of services.

### Gateway Process

The preparation of a Planning Proposal is the first step in the NSW Planning and Environment's Gateway Process, the process for making or amending local environmental plans. It has a number of steps, set out in Table 1, that 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 making or amending a local environmental plan.
2	Gateway Determination	The Greater Sydney Commission, acting as a checkpoint, determines whether a Planning Proposal should proceed.
3	Community Consultation	The Planning Proposal is publicly exhibited.
4	Assessment	Council considers any submissions it receives in response to the public exhibition, changing the Planning Proposal as necessary.
5	Drafting	Parliamentary Counsels Office prepares a draft of the local environmental plan.
6	Decision	The Minister (or delegated plan making authority) approves the local environmental plan, making it law.

Table 1: Gateway Process

All planning proposals reclassifying public land must address matters outlined in NSW Planning and Environment's LEP Practice Note 16-001 *Classification and reclassification of public land through a local environmental plan*. **Appendix 7, 8, 9, 10** provides responses to these matters.

At its Policy Review Committee Meeting of 4 June 2018, Penrith City Council resolved to commence a Gateway process for the consideration this Planning Proposal relating to 11-13 Chesham Street, St Marys, in accordance with the requirements of the Environmental Planning and Assessment Act 1979. A copy of the Council Report and unconfirmed minutes relating to this resolution can be found in **Appendix 11**.

## Part 1 – Objectives or Intended Outcomes

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The objective of this Planning Proposal is to amend PLEP 2010 to reclassify the site from Community Land to Operational Land, as the property has been identified as underutilised community land that is surplus to Council and the community's needs.

This will enable Council to consider opportunities for the future use of the land.

## Part 2 – Explanation of Provisions

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The objectives and intended outcomes of the Planning Proposal will be achieved by amending Schedule 4 of PLEP 2010, Classification and Reclassification of Public Land, in the following manner:

- To 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 Table 2 below:

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

Table 2 - Proposed amendments to Schedule 4 of PLEP 2010

The proposal does not involve any change to the existing zone and/or development standards that apply to the subject site. There are no interests in the land that Council is seeking to discharge. The Planning Proposal does not recommend any changes to the maps in PLEP 2010.

## Part 3 – Justification

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This part of the Planning Proposal outlines the need for the proposed amendments to PLEP 2010, the relationship with the strategic planning framework, the environmental, social, and economic impacts of the proposed changes, and State and Commonwealth interests.

### Section A – Need for the Planning Proposal

#### Q1. Is the planning proposal a result of any strategic study or report?

Yes. The Glossop Street Precinct Urban Design Study was prepared by consultants in 2008. The study aimed to provide a strategic framework for the redevelopment of the Glossop Street Precinct, St Marys with the aim of delivering greater housing choice and diversity. At the time of this study, the Chesham Street site was zoned 6(a) Public Recreation and Community Uses under Penrith Local Environmental Plan 1998 (Urban Land).

The study identified Chesham Street as a key site for redevelopment due to its proximity to St Marys station. The opportunity to provide public domain upgrades and pedestrian amenity by providing benches, street lights and street planting on this site was also recommended.

The Glossop Street Precinct Urban Design Study 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 the northern portion of the Glossop Street Precinct (including the Chesham Street site) be zoned for High Density Residential development.

The Strategy set a short-term action to develop planning controls that increase densities within nominated centres such as St Marys. Consequently, the Chesham Street site was identified as an appropriate location for high density development and zoned R4 High Density Residential under Penrith Local Environmental Plan 2010.

The intended use of the subject site was enacted in the Penrith Local Environmental Plan 2010 where the site was rezoned from 6 (a) Public Recreation and Community Uses to R4 High Density Residential.

The Planning proposal to reclassify land at 11-13 Chesham Street, St Marys is a statutory process required to unlock the potential of the intended R4 zoning, as per the recommendations of the above strategic documents.

Further to the Glossop Street Precinct Urban Design Study and Penrith Urban Strategy, Penrith City Council's PDD have undertaken investigations into Council's community land assets to identify potential opportunities for growth in Council's Investment Portfolio and Property Reserve. Accordingly, the site has been identified as being suitable for consideration of future options in line with the current zoning.

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

The site is vacant, and has a consolidated area of 3920m<sup>2</sup>. It contains a number of large trees along the rear boundary (adjoining the rail corridor), and in the centre of the site.

The land is not required for public recreation due to the proximity of other public recreation spaces within the locality.

The Planning Proposal does not involve the extinguishment of any interests in the land. There are no easements, covenants and/or restrictions affecting the land.

**Q2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?**

The site is currently classified as Community land, meaning that Council is not able to develop, sell, exchange, or dispose of community land under the provisions of the *Local Government Act 1993*. The reclassification sought as part of this proposal is the only means available to achieve the objectives and intended outcome of this planning proposal, and enable Council to consider opportunities for the future use of the land that reflect the current R4 High Density Residential zoning. It will allow for the effective management of Council assets.

It will allow for the effective management of Council assets.

**Section B – Relationship to Strategic Planning Framework**

**Q3. Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy or district plan or strategy (including any exhibited draft plans or strategies)?**

Yes. The Planning Proposal is consistent with the applicable plans and/or strategies as detailed below.

**A Plan for Growing Sydney**

In December 2014, the NSW Government released A Plan for Growing Sydney. The Plan provides a framework to guide land use planning over the next 20 years. It also contains key directions and actions to guide Sydney's productivity, liveability, and environmental management, which includes the delivery of housing, employment, infrastructure, and open space.

The Plan is built around four (4) key goals:

1. A competitive economy with world class services and transport;
2. A city of housing choice with homes that meet our needs and lifestyle;
3. A great place to live with communities that are strong, healthy, and well connected; and
4. A sustainable and resilient city that protects the natural environment, and has a balanced approach to the use of land and resources.

The Planning Proposal would allow for the reclassification of the site, and enable Council to consider future land use options that reflect the current R4 High Density Residential zoning of the land, including the highest and best use.

In this regard, Goal 2 is relevant to the Planning Proposal, as future potential development outcomes are likely to include residential development options that will provide housing choice to meet the needs of the community.

The Plan's focus is on providing more housing, with a greater choice of dwelling types in well serviced locations. Relevant directions include:

- Direction 2.1: Accelerate housing supply across Sydney; and
- Direction 2.2: Accelerate urban renewal across Sydney - providing homes closer to jobs.

The Planning Proposal aligns with the aforementioned directions, and would support the provision of additional housing supply in an area that is well serviced by public transport.



### **Greater Sydney Region Plan – A Metropolis of Three Cities**

In March 2018, the Greater Sydney Commission published the *Greater Sydney Region Plan – A Metropolis of Three Cities*. The Plan sets a 40-year vision (to 2056) and establishes a 20-year plan to manage growth and change for Greater Sydney in the context of social, economic and environmental matters, and, guides the delivery of infrastructure. The Plan is built on a vision of three cities where most residents live within 30 minutes of their jobs, education and health facilities, services and great places.

The Planning Proposal is consistent with the Greater Sydney Region Plan. Relevant directions have been considered below.

- **A city for people**

The Plan provides strategies to deliver healthy, safe and inclusive places for people of all ages and abilities that support active, resilient and socially connected communities.

Consistent. The site is currently vacant, *R4 High Density Residential* zoned land, close to the St Marys town centre and within walking distance to public transport. The planning proposal will allow the potential of this underutilised site in close proximity to services and infrastructure to be explored by Council. Reclassification will allow Council to consider opportunities for the future use of the land that may include redevelopment. A high density residential development on the site will prioritise opportunities for more people to live close to and use public transport.

- **Housing the city**

The Plan advocates for ongoing housing supply and a range of housing types in the right locations to create more liveable neighbourhoods and support Greater Sydney's growing population. The Plan advocates for housing that is diverse and affordable. Communities require housing that meets changing demographic needs over time. Limited availability of smaller dwellings to meet the growing proportion of smaller households presents affordability challenges.

Consistent. The planning proposal will allow the site to be reclassified to Operational Land and allow Council to consider opportunities that may include redevelopment. Redevelopment of the site will contribute to housing supply and local housing choices within an established locality, in close proximity to public transport and local centres. The planning proposal will allow the delivery of high density residential dwellings in a desirable location.

The Plan seeks to increase housing supply, along with the percentage of dwellings located within 30 minutes by public transport of a metropolitan city centre/cluster, and/or a strategic centre. The plan identifies St Marys as a strategic centre, and the Planning Proposal supports the delivery of additional housing supply in a walkable, mixed use area.

Investigation into a new Greater Penrith to St Marys Priority Growth Area is nominated within the Plan. The corridor is a hub of economic activity that links the Penrith City Centre, and the Penrith Health and Education Precinct, to the development opportunities around St Marys.

A Greater Penrith to St Marys corridor growth area would provide for an integration of land use and transport planning to plan for a connected, vibrant Western Parkland City, with more homes, jobs, and services, all with open space opportunities. It will guide redevelopment opportunities, and identify the infrastructure required to support continued growth.

### **Western City District Plan**

In March 2018, the Greater Sydney Commission published the *Western City District Plan* (WCDP). It is a 20-year plan to manage growth in the context of economic, social and environmental matters to achieve the 40-year vision for Greater Sydney. The WCDP informs the assessment of planning proposals and provides the link between regional and local planning.

The Planning Proposal is consistent with the Western City District Plan.

A brief description of the relevant actions and the reasons why the proposal is consistent with these actions is provided below.

- A city for people

*Planning Priority W4 Fostering healthy, creative, culturally rich and socially connected communities.*

*Action 11. Deliver healthy, safe and inclusive places for people of all ages and abilities that support active, resilient and socially connected communities by prioritising opportunities for people to walk, cycle and use public transport.*

Consistent. The Planning Proposal seeks to reclassify the land that will allow development options to be considered. The site is zoned R4 High Density Residential. Development of this type will result in high density residential development in close proximity to existing rail infrastructure, creating opportunities for people to use public transport.

- Housing the city

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

*Action 17. Prepare local or district housing strategies that address the following:*

- a. the delivery of five-year housing supply targets for each local government area*
- b. the delivery of 6-10 year (when agreed) housing supply targets for each local government area*
- c. capacity to contribute to the longer term 20-year strategic housing target for the District*
- d. the housing strategy requirements outlined in Objective 10 of the 'A Metropolis of Three cities' that include:*

- i. creating capacity for more housing in the right locations*
- ii. supporting planning and delivery of growth areas and planned precincts as relevant to each local government area*
- iii. supporting investigation of opportunities for alignment with investment in regional and district infrastructure*
- iv. supporting the role of centres.*

*Action 18. Prepare Affordable Rental Housing Target Schemes following development of implementation arrangements.*

Consistent. The Planning Proposal seeks to reclassify the land to Operational. An Operational land classification will allow Council to consider opportunities to sell or develop the land. Development of the land will allow the potential of the site to be realised including the opportunity to increase residential densities directly next to a railway station and local centre. The reclassification would enable increased residential supply and the delivery of additional housing choice and diversity.

The proposed reclassification aligns with this objective, and will enable Council to consider the future redevelopment of the site which would support the provision of additional housing supply and choice, close to jobs and services. There are five (5) housing market demand areas in the Western City District, with St Marys identified in the North West.

Urban renewal is best investigated in key nodes along transit corridors. The commission proposes locational criteria for urban renewal investigation opportunities and proposes to declare the Greater Penrith to St Marys corridor as a growth area.

- A city of great places

*Planning Priority W6 Creating and renewing great places and local centres, and respecting the District's heritage*

The District Plan identifies a range of specific matters for consideration in place- based planning for centres. They include increased residential development in, or within a walkable distance of the centre. This is considered to be an important part of a 30-Minute City, which is an aspiration of the Plan.

The 30-Minute City aspiration will guide decision making on locations for transport, housing, jobs, tertiary education, hospitals, and other amenities. The accessibility of local centres with

supermarkets greater than 1,000m<sup>2</sup> is depicted in Figures 13 of the District Plan. St Marys is identified as a local centre with an 800m walking catchment.

**Q4. Is the planning proposal consistent with a Council's local strategy or other local strategic plan?**

Yes, the Planning Proposal is consistent with the following Council strategic planning framework.

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

- Community Plan;
- Community Engagement Strategy;
- Delivery Program and Operational Plan;
- Resourcing Strategy;
- City Strategy; and
- Other - Cooling the City Strategy.

The document of most relevance to this Planning Proposal is the Community Plan, which identifies the community's long term aspirations for Penrith City, with outcomes and strategies to achieve this.

A relevant outcome identified within the plan is Outcome 2 - Planning for future growth. Strategy 2.1 seeks to facilitate development in the City that considers the current and future needs of the community.

The Planning Proposal is consistent with the Community Plan, and aligns with the intended outcomes and strategies to accommodate future growth and facilitate development to meet the needs of the community. The proposed reclassification will support this outcome.

The Penrith City Strategy seeks to help build a sustainable future for the Penrith community. It does this by summarising the key issues facing the LGA over the next 10-20 years, and outlining how Council will respond. The issues and policy responses in the Penrith City Strategy inform the Community Plan and Council's 4-year Delivery Program.

Notably, the proposal will assist in achieving the delivery of Council's policy response for housing which seeks to plan for housing that meets the community needs with regards to supply, choice, design quality, sustainability and affordability. This policy response aligns with the current R4 High Density zone applying to the site.

Council's strategic planning framework, including the Community Plan, Delivery Program and Operational Plan, outlines how revenue is raised and how funds are used. Table 3 below outlines this strategic framework and details the relevant components of these documents that demonstrates how Council will achieve this.

Outcome	We have confidence in our council	Community Plan 2017 - Outcome 7
Strategy	Manage our money and our assets to be sustainable now and into the future	Community Plan 2017 - Strategy 7.2
Service Activity	Manage Council's property portfolio to reduce reliance on rate income	Delivery Program Activity 7.2.4

Table 3 - Council strategic framework for revenue raising and use of funds

In 2015, Penrith City Council was one of seven (7) metropolitan Councils deemed 'Fit for the Future' by the Independent Pricing and Regulatory Tribunal (IPART). This assessment was

based on a set of criteria around sustainability, effective infrastructure and service management, efficiency, and scale and capacity.

In order to meet the criteria set by IPART in 5 years, Council has committed to a number strategies to deliver ongoing productivity improvements. One of these strategies is to grow our own source revenue through growth of the property portfolio and property reserve holdings.

Should the site be divested or developed in future, all proceedings will be retained in the property reserve. Growth in the property reserve is an initiative to be less dependent on rate income, building financial strength that is not a burden on the community.

Council's long term financial plan is to pay an annual dividend out of the property reserve into general revenue to be used on operational activities and key community projects. Council's long term financial plan indicates payment of a \$1.8M dividend from the property reserve into general revenue by FY21/22.

In summary, the proposal has strategic merit. It is consistent with the strategic planning framework that applies to the site. The proposal has site specific merit, and there is sufficient infrastructure and services in place to enable the site to be developed in the future.

## Penrith Local Environment Plan (PLEP) 2010

The site is currently zoned R4 High Density Residential under PLEP 2010, as shown in Figure 3. Residential flat buildings are permitted in the zone.

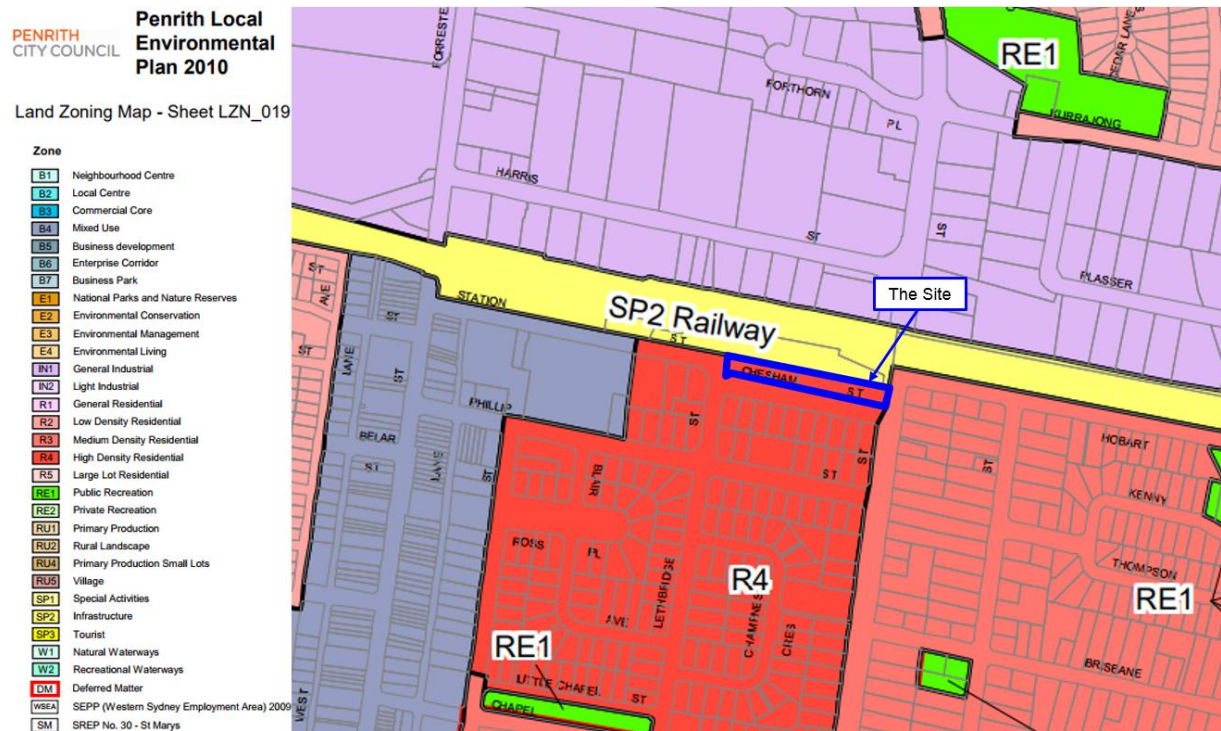


Figure 3 – Extract from PLEP 2010 Land Zoning Map

The site has a maximum building height requirement of 15m, as shown in Figure 4 below.

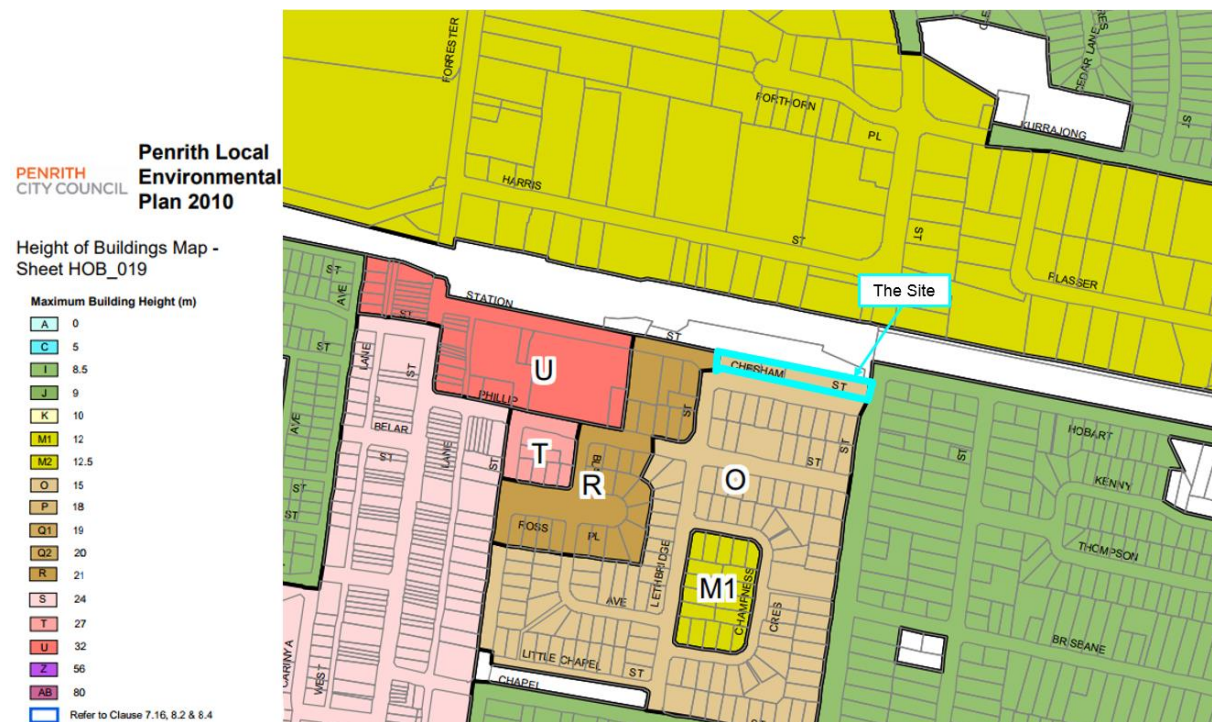


Figure 4 – Extract from PLEP 2010 Height of Buildings Map

There is no minimum lot size requirement applicable to the site. Furthermore, there is no maximum Floor Space Ratio (FSR) requirement that applies to the land.



The site is located in proximity to St Marys Railway Station, which is listed as a heritage item in both Schedule 5 of PLEP 2010, and also on the State Heritage Register.

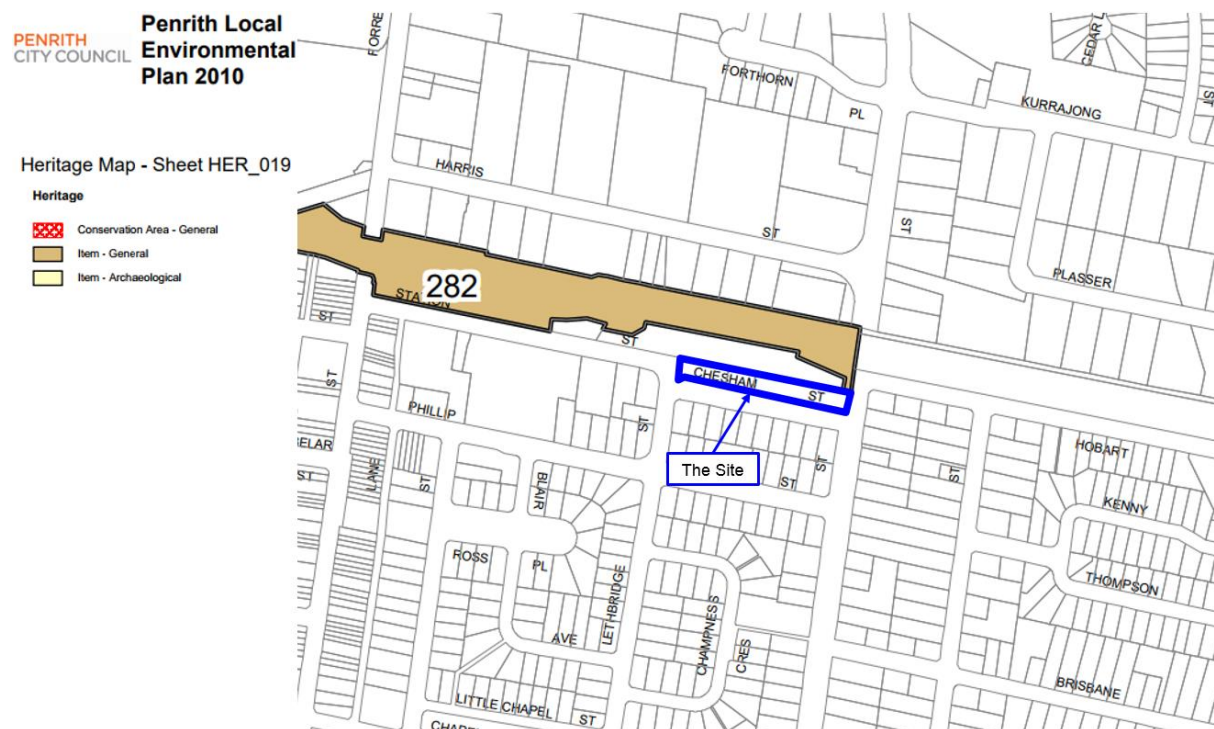


Figure 5 – Extract from PLEP 2010 Heritage Map

The site adjoins land with Scenic and Landscape Values, as shown in Figure 6 below.

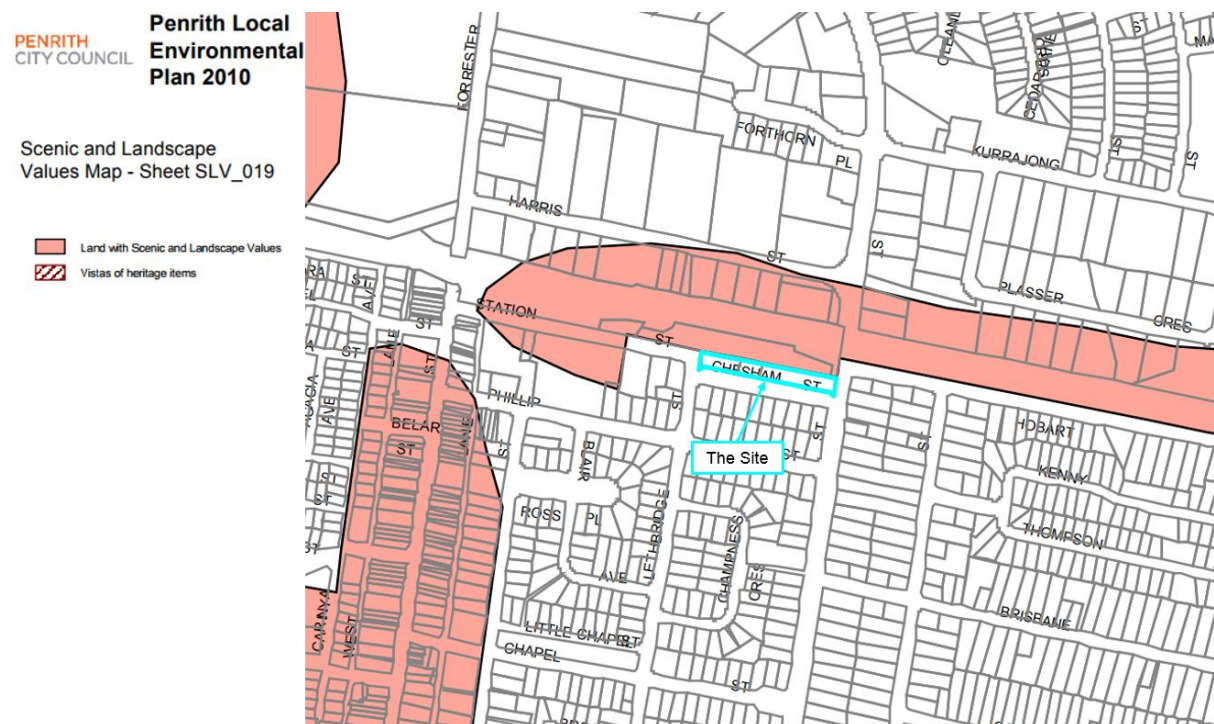


Figure 6 – Extract from PLEP 2010 Scenic and Landscape Values Map

The Planning Proposal does not seek to vary any of the existing controls outlined above.



## Penrith Development Control Plan (PDCP) 2014

PDCP 2014 applies to the area proposed to be amended by this Planning Proposal. Some of the changes proposed are intended to provide consistency between the PDCP 2014 and PLEP 2010 planning controls.

### Q5. Is the planning proposal consistent with applicable State Environmental Planning Policies?

The Planning Proposal is consistent with the relevant State Environmental Planning Policies (SEPPs), as demonstrated in the table provided at **Appendix 12**.

### Q6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

The Planning Proposal is consistent with the applicable Ministerial Directions (issued under Section 117 of the *Environmental Planning and Assessment (EP&A) Act 1979*), as demonstrated in the table provided at **Appendix 13**.

## Section C – Environmental, Social and Economic Impacts

### Q7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

The Planning proposal will not affect any critical habitat or threatened species, populations or ecological communities, or their habitats.

In addition, this Planning Proposal does not recommend changing the application or intent of the provisions in Penrith LEP 2010 that require new development to identify and manage its environmental impacts, such as the preservation of trees and vegetation and the management of stormwater. These provisions will continue to apply to the Land.

### Q8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

The proposed reclassification does not result in any direct environmental impacts. It will, however, enable development of the land in accordance the current R4 High Density Residential zoning. Any environmental impacts likely to arise as a result of any future development proposal will be assessed as part of the Development Application (DA) process.

This Planning Proposal does not seek to amend any of the provisions in PLEP 2010 that require new development to identify and manage its environmental impacts, such as the preservation of trees and vegetation, as well as the management of stormwater. These provisions will continue to apply to the subject land.

The site is located within one (1) of the five (5) areas already identified as a priority for heat migration. Council's Cooling the City Strategy was developed to respond to the issue of heat with an adopted goal to "increase green cover, shade and landscaping to 'cool down' Penrith". As such, any future development proposal will need to demonstrate consistency with the abovementioned strategy.

Any future redevelopment undertaken in line with the current zoning will need to incorporate measures to address the impacts of urban heat (i.e. include reflective surfaces, porous pavements, Water Sensitive Urban Design, open/green space, etc.).

#### Q9. Has the planning proposal adequately addressed any social and economic effects?

The reclassification has the potential to have positive social and economic benefits for the community, in that it enables Council to consider the potential future development of land for uses consistent with the R4 High Density Residential zoning under PLEP 2010 (i.e. opportunity for additional housing supply to meet the needs of the community close to services and transport).

Development enabled by this Planning Proposal may assist in the delivery of residential accommodation (likely the highest and best use), contributing to the provision of diverse housing stock to cater to a range of demographic needs. The proposal has the potential to provide new housing, closer to jobs and transport, improving the prospect of reducing commute times, with consequent social benefits.

The Planning Proposal provides an opportunity for Council to consider the redevelopment of an underutilised site, integrating permissible land uses to improve economic and social vitality of the area, and strengthen the economic performance of the St Marys town centre. The Planning Proposal will unlock the development potential of the site, and enable Council to consider the provision of not only high quality housing stock, but open space and public domain improvements. In doing so, the Planning Proposal presents opportunities for local employment and provision of services. As such, the Planning Proposal, and resultant development opportunity created, aligns with Council's strategic direction to utilise Council's property portfolio to stimulate growth and development opportunities within the Penrith LGA.

#### Section D – State and Commonwealth Interests

#### Q10. Is there adequate public infrastructure for the planning proposal?

The proposed reclassification allows Council to consider the redevelopment of the site, which may result in a minor increase in demand for services in an existing urban area.

Council has commissioned GTA consultants to undertake a preliminary traffic and parking assessment based on a concept R4 development outcome. Refer to **Appendix 14** Traffic Impact Assessment. The report indicates there is adequate capacity in the surrounding road network to cater for the traffic generated by the proposed development, including the intersection of Glossop Street/Phillip Street, which provides the main connection to the surrounding arterial network. The report highlights the site is well serviced by public transport networks including rail and several bus routes. Pedestrian and cyclist infrastructure provide a good level of connectivity to the surrounding area.

It is recommended to provide site access from the south of the site via Chesham Street. This is likely to result in the loss of some existing on-street parking spaces on the northern side of Chesham Street to accommodate the driveway. Chesham Street is a low traffic volume, local street with a cul-de-sac at its eastern end and a carriageway width of approximately 7.5 metres. If emergency and waste vehicles are unable to turn right out of the proposed development due to vehicles being parked on the southern kerbside of Chesham Street and the existing narrow carriageway, the cul-de-sac may potentially be used by the larger vehicles to perform a U-turn movement to access Lethbridge Street. The proposed development access, including required vehicle turning paths will be addressed at detailed design stage to minimise the impact on existing on street parking and to meet the requirements of Council Planning Controls. Pedestrian activity around the proposed access will also be addressed. Council may consider road upgrades if required, at detailed design stage.

Further, public infrastructure requirements associated with any future development on the land would be assessed in detail as part of any development application(s) submitted for the site.

**Q11. What are the views of state and Commonwealth public authorities consulted in accordance with the Gateway determination?**

Consultation with State and Commonwealth agencies will be undertaken in accordance with Part 5 of this Planning Proposal.

## Part 4 – Mapping

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This Planning Proposal does not recommend any changes to the maps in PLEP 2010. Copies of the current PLEP 2010 maps are provided at **Appendix 15**. Alternatively, the maps can be viewed online on the NSW Legislation website: [www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au).

## Part 5 – Community Consultation

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Community consultation will be undertaken by Council (subject to Gateway Determination) in accordance with the Department of Planning and Environment's (DP&E's) A Guide to Preparing Local Environmental Plans, and Practice Note PN16-001.

The Planning Proposal will be publicly exhibited in accordance with the Gateway Determination for a period of at least 28 days. Exhibition material will be available at Penrith Council Civic Centre, Penrith Library, Council's St Marys Office, St Marys Library, and on Council's website.

Notice of the public exhibition will be given in the local newspaper, and on Council's website. Notification will also be provided by a letter to land owners and occupiers of adjoining and affected properties.

Consultation with public authorities will be undertaken in accordance with the requirements of the Gateway Determination

An independently chaired public hearing will be held (as required under the *Local Government Act 1993*) approximately three (3) weeks after the close of the public exhibition. Notice of the public hearing will be given in local papers and on Council's website. Notification letters will also be sent to any person or organisation who makes a submission in response to the public exhibition.

## Part 6 – Project Timeline

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Key steps in the plan making process are outlined in the project timeline, as shown in Table 4 below.

Milestone	Timeframe
Council's sponsor of the Planning Proposal	June 2018
Submission to NSW Planning and Environment	June 2018
Gateway Determination issued	July - August 2018
Public hearing (21 days public notice), public exhibition (28 days) and public authority consultation	September – October 2018
Consideration of submissions	November 2018
Reporting of the Planning Proposal to Council	November - December 2018
Submission to NSW Planning and Environment	December 2018 - February 2019
Publication of LEP amendment	February - March 2019

Table 4 - Project timeline

The project timeline will be assessed by the DP&E and may be amended by the Gateway to provide the necessary level of confidence that the LEP will be finalised within a reasonable time.

## Appendices

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## Appendix 1:

Certificate of Title for Lot 1, Lot 2 and Lot 3 in DP 542707

---

Prior Title (Crown Grant)  
Vol.11048 Fol.49

Vol. 11393 Fol. 198

Edition issued 21-8-1970



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.

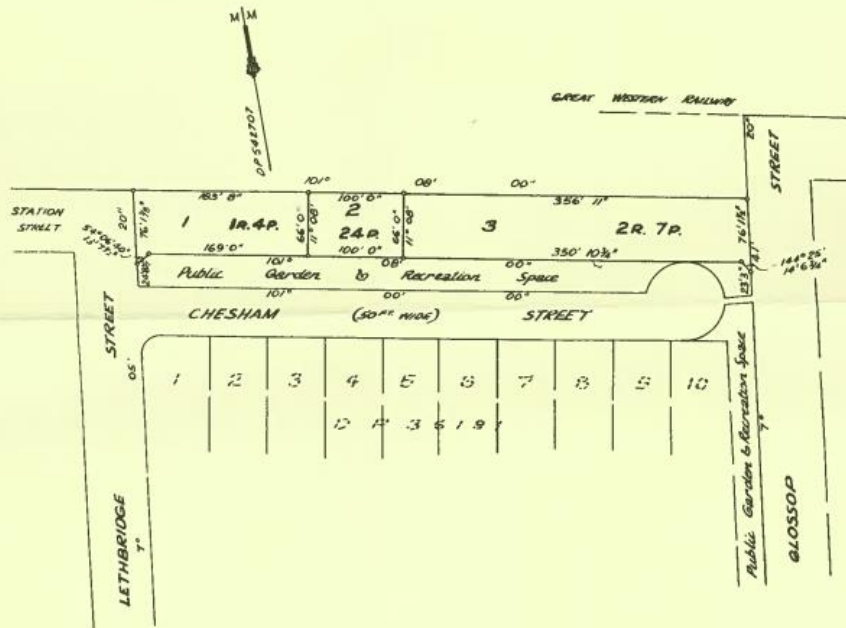
**Witness**

Barnes

*J. Watson*  
Registrar General.



PLAN SHOWING LOCATION OF LAND



ESTATE AND LAND REFERRED TO

Estate in Fee Simple in Lot 1 in Deposited Plan 542707 at St. Marys in the City of Penrith Parish of Roxy Hill and County of Cumberland. EXCEPTING THEREOUT the minerals reserved by the Crown Grant.

FIRST SCHEDULE

THE COUNCIL OF THE CITY OF PENRITH.

## SECOND SCHEDULE

1. Reservations and conditions, if any, contained in the Crown Grant above referred to.

*J. J. J. J.*  
Registrar General

Registrar General

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

(Page 1) Vol. 11393 Fol. 199

NEW SOUTH WALES

# CERTIFICATE OF TITLE

REAL PROPERTY ACT, 1900, as amended.

TORRENS TITLE  
Register Book

Prior Title (Crown Grant)  
Vol.11048 Fol.49

Vol. 11393 Fol. 199

Edition issued 21-8-1970



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.

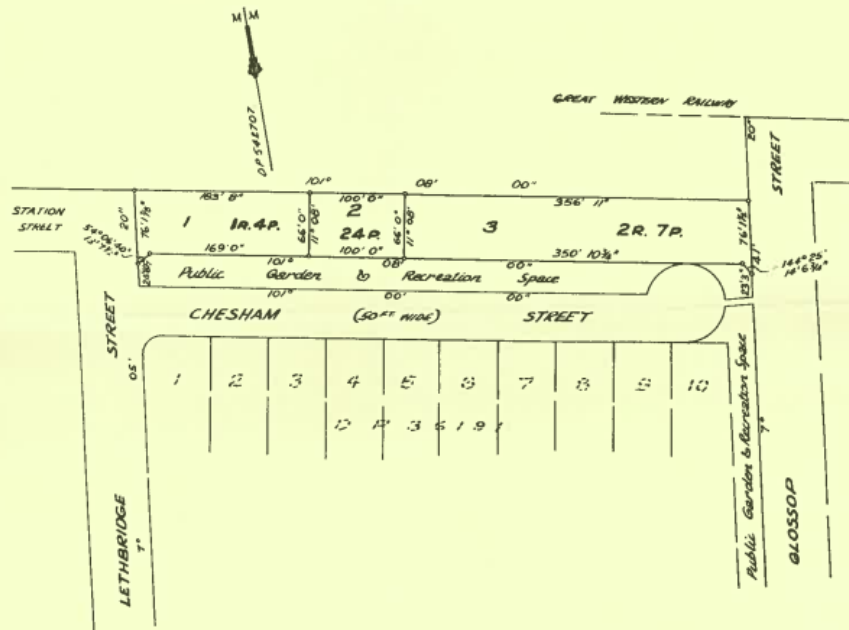
Witness

*Barnes*

*Jawatson*  
Registrar General.



## PLAN SHOWING LOCATION OF LAND



## ESTATE AND LAND REFERRED TO

Estate in Fee Simple in Lot 2 in Deposited Plan 542707 at St. Marys in the City of Penrith Parish of Rooty Hill and County of Cumberland. EXCEPTING THEREOUT the minerals reserved by the Crown Grant.

## FIRST SCHEDULE

THE COUNCIL OF THE CITY OF PENRITH.

## SECOND SCHEDULE

1. Reservations and conditions, if any, contained in the Crown Grant above referred to.

*Jawatson*  
Registrar General

NEW SOUTH WALES

CERTIFICATE OF TITLE  
REAL PROPERTY ACT, 1900, as amended.

TORRENS TITLE  
Register Book

Prior Title (Crown Grant)  
Vol.11048 Fol.49

Vol. 11393 Fol. 200

Edition issued 21-8-1970



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

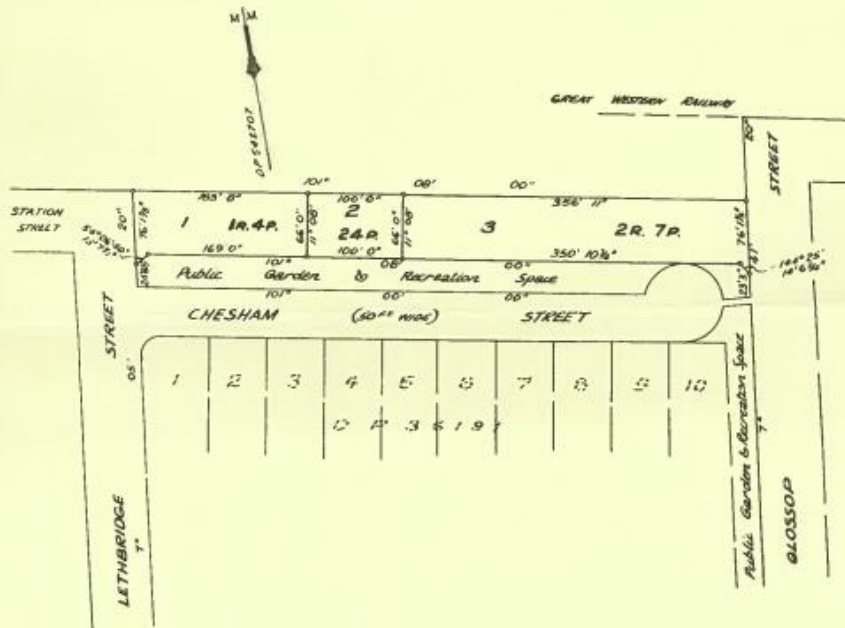
*Barnes*

*Jawatson*

Registrar General.



PLAN SHOWING LOCATION OF LAND



ESTATE AND LAND REFERRED TO

Estate in Fee Simple in Lot 3 in Deposited Plan 542707 at St. Marys in the City of Penrith Parish of Rooty Hill and County of Cumberland. EXCEPTING THEREOUT the minerals reserved by the Crown Grant.

FIRST SCHEDULE

THE COUNCIL OF THE CITY OF PENRITH.

SECOND SCHEDULE

1. Reservations and conditions, if any, contained in the Crown Grant above referred to.

*Jawatson*

Registrar General

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

11393 Fol. 200

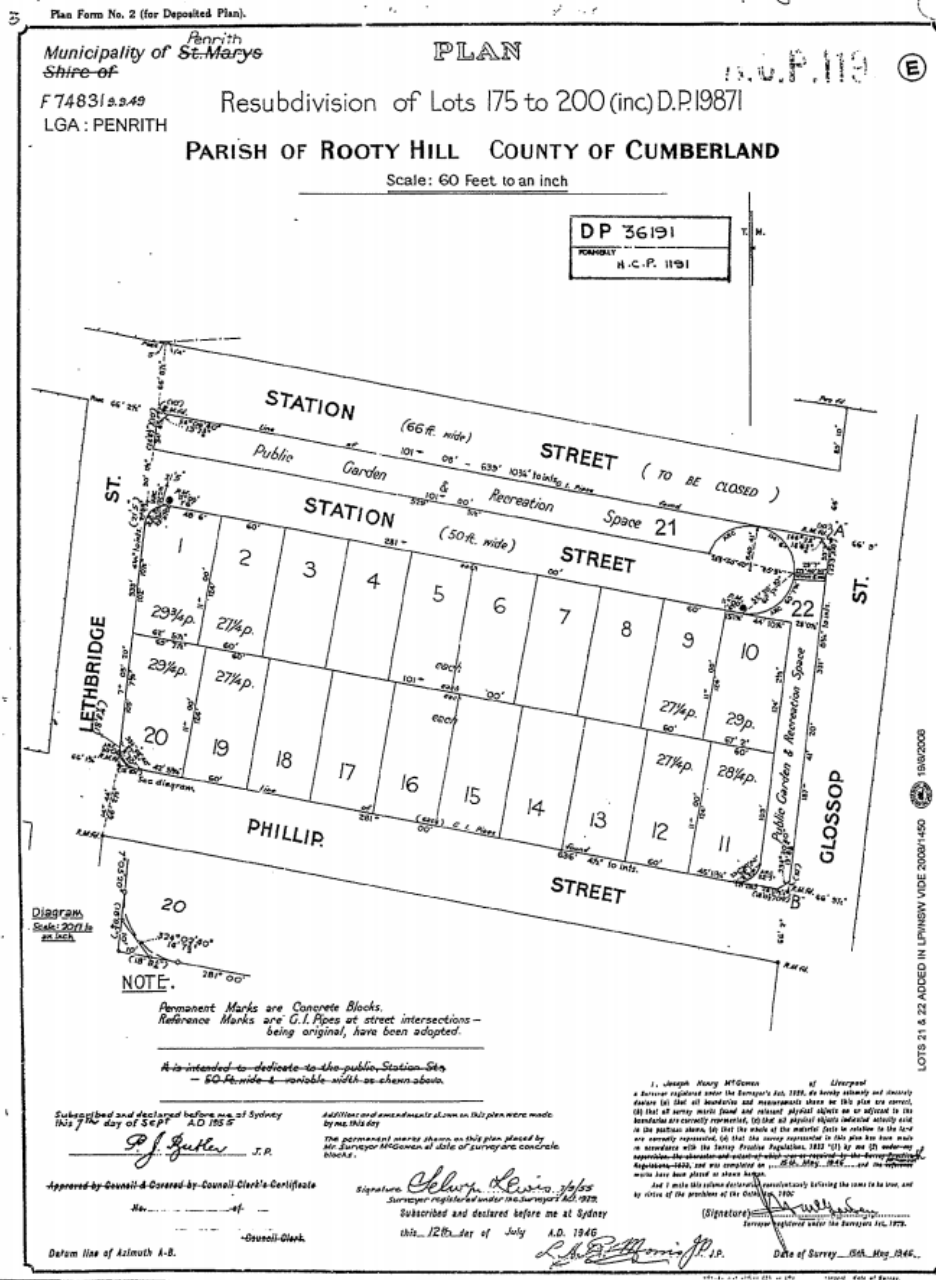
(Page 1) Vol.

## Appendix 2:

### Deposited Plan 36191

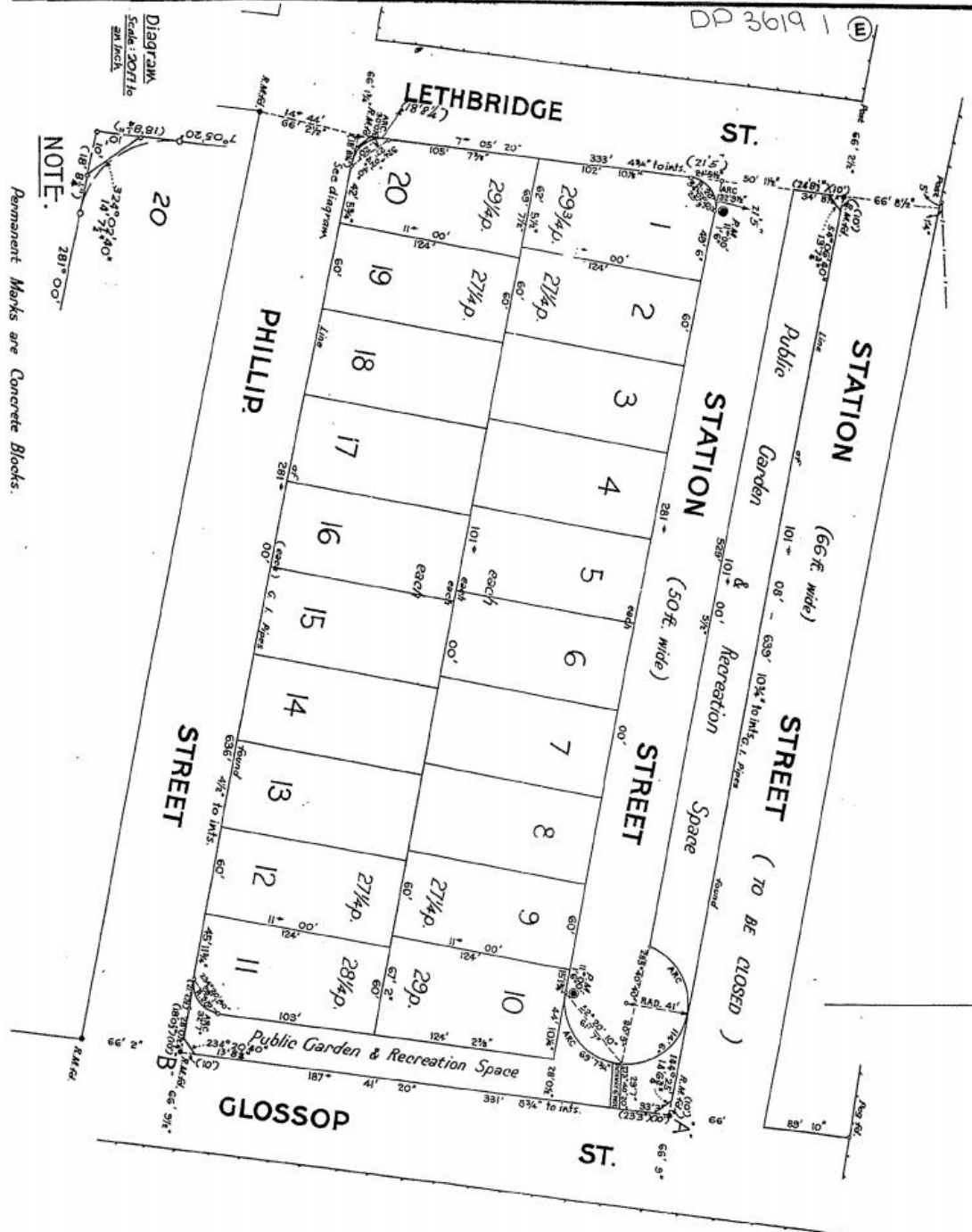
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CONVERSION TABLE ADDED IN MOSSMAN GENERAL'S DEPARTMENT	FEET	INCHES	METRES
1	12	0	3.658
2	24	0	7.316
3	36	0	10.974
4	48	0	14.632
5	60	0	18.290
6	72	0	21.948
7	84	0	25.606
8	96	0	29.264
9	108	0	32.922
10	120	0	36.580
11	132	0	40.238
12	144	0	43.896
13	156	0	47.554
14	168	0	51.212
15	180	0	54.870
16	192	0	58.528
17	204	0	62.186
18	216	0	65.844
19	228	0	69.502
20	240	0	73.160
21	252	0	76.818
22	264	0	80.476
23	276	0	84.134
24	288	0	87.792
25	300	0	91.450
26	312	0	95.108
27	324	0	98.766
28	336	0	102.424
29	348	0	106.082
30	360	0	109.740
31	372	0	113.398
32	384	0	117.056
33	396	0	120.714
34	408	0	124.372
35	420	0	128.030
36	432	0	131.688
37	444	0	135.346
38	456	0	139.004
39	468	0	142.662
40	480	0	146.320
41	492	0	149.978
42	504	0	153.636
43	516	0	157.294
44	528	0	160.952
45	540	0	164.610
46	552	0	168.268
47	564	0	171.926
48	576	0	175.584
49	588	0	179.242
50	600	0	182.900
51	612	0	186.558
52	624	0	190.216
53	636	0	193.874
54	648	0	197.532
55	660	0	201.190
56	672	0	204.848
57	684	0	208.506
58	696	0	212.164
59	708	0	215.822
60	720	0	219.480
61	732	0	223.138
62	744	0	226.796
63	756	0	230.454
64	768	0	234.112
65	780	0	237.770
66	792	0	241.428
67	804	0	245.086
68	816	0	248.744
69	828	0	252.402
70	840	0	256.060
71	852	0	259.718
72	864	0	263.376
73	876	0	267.034
74	888	0	270.692
75	900	0	274.350
76	912	0	278.008
77	924	0	281.666
78	936	0	285.324
79	948	0	288.982
80	960	0	292.640
81	972	0	296.298
82	984	0	300.000
83	996	0	303.652
84	1008	0	307.304
85	1020	0	310.956
86	1032	0	314.608
87	1044	0	318.260
88	1056	0	321.912
89	1068	0	325.564
90	1080	0	329.216
91	1092	0	332.868
92	1104	0	336.520
93	1116	0	340.172
94	1128	0	343.824
95	1140	0	347.476
96	1152	0	351.128
97	1164	0	354.780
98	1176	0	358.432
99	1188	0	362.084
100	1200	0	365.736
101	1212	0	369.388
102	1224	0	373.040
103	1236	0	376.692
104	1248	0	380.344
105	1260	0	384.000
106	1272	0	387.652
107	1284	0	391.304
108	1296	0	394.956
109	1308	0	398.608
110	1320	0	402.260
111	1332	0	405.912
112	1344	0	409.564
113	1356	0	413.216
114	1368	0	416.868
115	1380	0	420.520
116	1392	0	424.172
117	1404	0	427.824
118	1416	0	431.476
119	1428	0	435.128
120	1440	0	438.780
121	1452	0	442.432
122	1464	0	446.084
123	1476	0	449.736
124	1488	0	453.388
125	1500	0	457.040
126	1512	0	460.692
127	1524	0	464.344
128	1536	0	468.000
129	1548	0	471.652
130	1560	0	475.304
131	1572	0	478.956
132	1584	0	482.608
133	1596	0	486.260
134	1608	0	489.912
135	1620	0	493.564
136	1632	0	497.216
137	1644	0	500.868
138	1656	0	504.520
139	1668	0	508.172
140	1680	0	511.824
141	1692	0	515.476
142	1704	0	519.128
143	1716	0	522.780
144	1728	0	526.432
145	1740	0	530.084
146	1752	0	533.736
147	1764	0	537.388
148	1776	0	541.040
149	1788	0	544.692
150	1800	0	548.344
151	1812	0	552.000
152	1824	0	555.652
153	1836	0	559.304
154	1848	0	562.956
155	1860	0	566.608
156	1872	0	570.260
157	1884	0	573.912
158	1896	0	577.564
159	1908	0	581.216
160	1920	0	584.868
161	1932	0	588.520
162	1944	0	592.172
163	1956	0	595.824
164	1968	0	599.476
165	1980	0	603.128
166	1992	0	606.780
167	2004	0	610.432
168	2016	0	614.084
169	2028	0	617.736
170	2040	0	621.388
171	2052	0	625.040
172	2064	0	628.692
173	2076	0	632.344
174	2088	0	636.000
175	2100	0	639.652
176	2112	0	643.304
177	2124	0	646.956
178	2136	0	650.608
179	2148	0	654.260
180	2160	0	657.912
181	2172	0	661.564
182	2184	0	665.216
183	2196	0	668.868
184	2208	0	672.520
185	2220	0	676.172
186	2232	0	679.824
187	2244	0	683.476
188	2256	0	687.128
189	2268	0	690.780
190	2280	0	694.432
191	2292	0	698.084
192	2304	0	701.736
193	2316	0	705.388
194	2328	0	709.040
195	2340	0	712.692
196	2352	0	716.344
197	2364	0	720.000
198	2376	0	723.652
199	2388	0	727.304
200	2400	0	730.956



This is a true and correct copy of the original plan as deposited in the Public Office of the Surveyor-General, New South Wales, on the 15th day of March, 1946.





## Appendix 3:

Crown Grant Volume 11048 Folio 49

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No. 1969/316



New South Wales



11048

Vol. 11048 Fol. 49  
Registered 19-5-1969

Registrar General.

## GRANT OF LAND

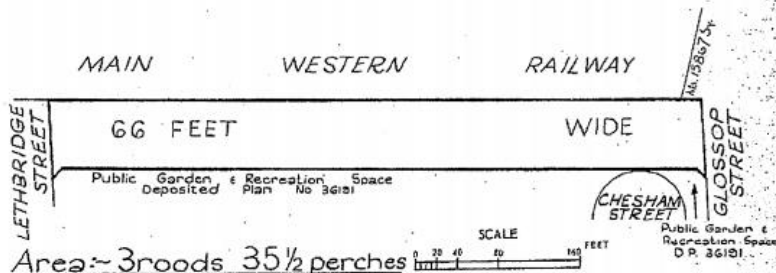
(UNDER THE PUBLIC ROADS ACT, 1902-1960)

CANCELLED

WE, HERBERT the SECOND, by the Grace of God of the United Kingdom, Australia and her other Realms and Territories Queen, Head of the Commonwealth, Defender of the Faith:-  
To All to whom these Presents shall come, Greeting:-

Whereas a certain road comprising the parcel of land hereinafter described and intended to be hereby granted was in accordance with the provisions of the Public Roads Act, 1902-1960 duly closed and it has been agreed under the provisions of Section 20 of the aforesaid Act to grant the said land to THE COUNCIL OF THE CITY OF REMBTE (hereinafter called the GRANTEE) upon payment of the value thereof as duly determined AND WHEREAS such value has been duly paid and all things required by law to be done to entitle the GRANTEE to a Grant of the fee simple of the said land Subject to the Reservations and Exceptions hereinafter contained have been done and performed NOW THESE PRESENTS WITNESS That in consideration of the premises WE DO HEREBY GRANT unto the GRANTEE Subject to the Reservations and Exceptions hereinafter contained ALL THAT parcel of land in Our State of New South Wales containing by admeasurement three rods thirty five perches and one half of a perch be the same more or less situated in the County of Cumberland Parish of Rooty Hill at St. Marys Being the closed road shown in plan catalogued No. Ms. 21627 Sy. in the Department of Lands

NORTH



As per plan hereon TO HOLD unto the GRANTEE in fee simple Provided Nevertheless and WE DO HEREBY RESERVE AND EXCEPT unto Us Our Heirs and Successors all minerals which the said Land contains with full power and authority for Us Our Heirs and Successors and such person or persons as shall from time to time be authorised by Us or Them to enter upon the said Land and to search for mine dig and remove the said minerals AND also all such parts and so much of the said Land as may hereafter be required for public ways in over and through the same to be set out by Our Governor for the time being of Our said State or some person by him authorised in that respect with full power for Us Our Heirs and Successors and for Our Governor as aforesaid by such person or persons as shall be by Us Them or him authorised in that behalf to make and conduct all such public ways And the right of full and free ingress egress and regress into out of and upon the said Land for the several purposes aforesaid or any of them IN TESTIMONY WHEREOF We have caused this Our Grant to be Sealed with the Seal of Our said State.

Witness Our Governor of Our State of New South Wales and its Dependencies in the Commonwealth of Australia, at Sydney in Our said State, this ninth day of May in the eighteenth year of Our Reign and in the year of Our Lord one Thousand nine hundred and sixty nine

A. R. Butler  
Governor


FOR ENDORSEMENTS SEE PAGE 2


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

WARNING: THIS DOCUMENT MUST NOT BE REMOVED FROM THE LAND TITLES OFFICE.

St 1409 V. C. N. Dillig, Convictional Printer

## SCHEDULE OF REGISTERED PROPRIETORS

REGISTERED PROPRIETOR		SCHEDULE OF REGISTERED PROPRIETORS		ENTIREMENT		DATE		ENTERED		Signature of Registrar General	
				NUMBER							
<p> <i>Not a party on 185207</i>  <i>No title to be entered</i>  <i>under the 185207</i> </p>		<p>           This deed is cancelled as to <u>void</u>            New Certificates of Title have issued on <u>21.5.1920</u>            for lots in <u>Registered Plan No. 185207</u> as follows:-            Lot <u>1 to 3</u> Vol. <u>11383</u> Folio <u>18</u> respectively.         </p>								 <i>Janet L. L. L.</i> REGISTRAR GENERAL	

  
REGISTRAR GENERAL

**SCHEDULE OF ENCUMBRANCES ETC.**

[illegible]

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

## Appendix 4:

### Deposited Plan 542707

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## **Appendix 5:**

### **Ordinary Council Meeting - Report and Minutes - 6 June 1994**

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# PENRITH CITY COUNCIL

0079

Page

## MINUTES OF THE ORDINARY MEETING OF PENRITH CITY COUNCIL HELD IN THE COUNCIL CHAMBERS, PENRITH ON MONDAY, 6TH JUNE, 1994 AT 7.05 PM

### PRAYER

The meeting opened with the National Anthem and the Prayer read by Pastor Rob Thornton.

### PRESENT

Her Worship the Mayor Councillor D Beamer, Councillors M. Borland, T Brown, D Chamberlain, K Crameri, K Dwyer, G Evans, W Forno, R Fowler, F Lo Po', J Reed, P Sheehy and R Wiles.

### LEAVE OF ABSENCE

Councillor Gayed.

### APOLOGIES

- 208 RESOLVED on the MOTION of Councillor Crameri seconded Councillor Sheehy that apologies be received and accepted from Councillor Aquilina.

Councillor Aquilina arrived at 7.15 pm.  
Councillor Forno left at 8.45 pm.  
Councillor Forno returned at 8.47 pm.  
Councillor Crameri left at 9.06 pm.  
Councillor Crameri returned at 9.10 pm.

### MINUTES

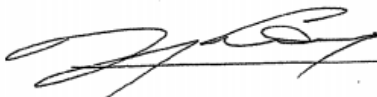
- 209 RESOLVED on the MOTION of Councillor Sheehy seconded Councillor Brown that the Minutes of the Ordinary Meeting of Penrith City Council held on Monday, 2 May, 1994 be confirmed.
- 210 RESOLVED on the MOTION of Councillor Crameri seconded Councillor Brown that the Minutes of the Extraordinary Meeting of Penrith City Council held on Monday, 9 May, 1994 be confirmed.

### NOTICE OF RESCISSION

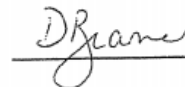
The Notice of Rescission was withdrawn.

Her Worship the Mayor ruled that the Motion was of great urgency and be dealt with now.

This is Page No 1 of the Ordinary Meeting of Penrith City Council held on Monday, 6 June, 1994



General Manager



Mayor



# PENRITH CITY COUNCIL

0079

Page

## MINUTES OF THE ORDINARY MEETING OF PENRITH CITY COUNCIL HELD IN THE COUNCIL CHAMBERS, PENRITH ON MONDAY, 6TH JUNE, 1994 AT 7.05 PM

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Councillor Gayed.

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Councillor Crameri returned at 9.10 pm.

### MINUTES

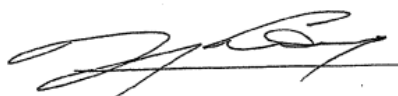
- 209 RESOLVED on the MOTION of Councillor Sheehy seconded Councillor Brown that the Minutes of the Ordinary Meeting of Penrith City Council held on Monday, 2 May, 1994 be confirmed.
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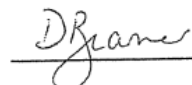
### NOTICE OF RESCISSION

The Notice of Rescission was withdrawn.

Her Worship the Mayor ruled that the Motion was of great urgency and be dealt with now.

This is Page No 1 of the Ordinary Meeting of Penrith City Council held on Monday, 6 June, 1994

 General Manager

 Mayor

# PENRITH CITY COUNCIL

0082

Page

*Minutes of the Ordinary Meeting of Penrith City Council held in the Council Chambers, Penrith on Monday 6 June, 1994*

## **Economic Development and Employment Committee - 17 May, 1994**

- 218 RESOLVED on the MOTION of Councillor Fowler seconded Councillor Reed that the recommendations EE1 to EE6 contained in the Report to the Economic Development and Employment Committee held on 17 May, 1994 be adopted.

## **Review Committee Meeting - 23 May, 1994**

- 219 RESOLVED on the MOTION of Councillor Sheehy seconded Councillor Crameri that the recommendations R1 to R5 contained in the Report to the Review Committee Meeting held on 23 May, 1994 be adopted.

## **Steering Committee Civic Centre Precinct Meeting - 23 May, 1994**

- 220 RESOLVED on the MOTION of Councillor Fowler seconded Councillor Brown that the recommendations CC1 to CC6 contained in the Report to the Steering Committee Civic Centre Precinct Meeting held on 23 May, 1994 be adopted.

## **GENERAL MANAGER'S REPORT**

### **1. 1994 Institute of Municipal Management National Congress**

- 221 RESOLVED on the MOTION of Councillor Wiles seconded Councillor Dwyer that the information contained in the 1994 National Congress report be received.

## **DIRECTORATE OF FINANCE AND ADMINISTRATION**

### **1. Classification of Council land (950-49)**

- 222 RESOLVED on the MOTION of Councillor Crameri seconded Councillor Reed that Council formally classify all the land as previously advertised as Community and Operational land in accordance with the plans and computer print out list dated 6th June, 1994.

### **2. Old Emu Plains Post Office (4126/3)**

- 223 RESOLVED on the MOTION of Councillor Aquilina seconded Councillor Fowler that the information contained in the Property Development Manager's report be noted.

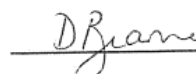
## **DIRECTORATE OF CONSTRUCTION AND MAINTENANCE**

### **1. Concrete Footpaths (116/14 & 9008/8)**

- 224 RESOLVED on the MOTION of Councillor Forno seconded Councillor Sheehy that the present footpaving standards of : cont

This is Page No 4 of the Ordinary Meeting of Penrith City Council held on Monday, 6 June, 1994

 General Manager

 Mayor

## Appendix 6:

Government Gazette Notice 26 January 1962 Folio 183

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Government Gazette of the State of New South Wales (Sydney, NSW : 1901 - 2001), Friday 26 January 1962 (No.8), page 183

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PUBLIC WORKS ACT, 1912, AS AMENDED

DEDICATION OF LAND AT ST. MARY'S AS A PUBLIC HIGHWAY

and Additions to Existing Highways

IT is hereby notified for the information of the public that the land described in the Schedule hereto is, with the consent of His Excellency the Governor (on the advice of the Executive Council), dedicated under section 81 of the Public Works Act, 1912, as amended, as a public highway and additions to existing highways. (L.A. 60-351)

Schedule

Station-street, the Public Garden and Recreation Spaces, the pathway 6 feet wide and the splayed corner of lot 20 shown on the plan of land in the Municipality of Penrith, parish of Rooty Hill and county of Cumberland, catalogued in the Office of the Registrar-General as Housing Commission Plan No. 1,191.

The Common Seal of The Housing Commission of New

South Wales was hereunto / (l.s.) affixed this fifteenth day of

January, 1962, in pursuance of \ F. W. TURNER

a resolution of that Commis

sion by us and this Instrument ( H. N. BARTON is attested by the signatures of us who are two members of such Commission.

Constructing Authority duly constituted by the Housing Act, 1912, as amended, and the Housing Act, 1941, as amended, within the meaning of the Public Works Act, 1912, as amended.

(1747)

# PENRITH CITY COUNCIL

0079

Page

## MINUTES OF THE ORDINARY MEETING OF PENRITH CITY COUNCIL HELD IN THE COUNCIL CHAMBERS, PENRITH ON MONDAY, 6TH JUNE, 1994 AT 7.05 PM

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### PRESENT

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### LEAVE OF ABSENCE

Councillor Gayed.

### APOLOGIES

- 208 RESOLVED on the MOTION of Councillor Crameri seconded Councillor Sheehy that apologies be received and accepted from Councillor Aquilina.

Councillor Aquilina arrived at 7.15 pm.  
Councillor Forno left at 8.45 pm.  
Councillor Forno returned at 8.47 pm.  
Councillor Crameri left at 9.06 pm.  
Councillor Crameri returned at 9.10 pm.

### MINUTES

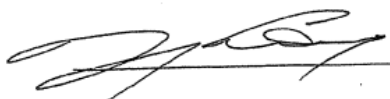
- 209 RESOLVED on the MOTION of Councillor Sheehy seconded Councillor Brown that the Minutes of the Ordinary Meeting of Penrith City Council held on Monday, 2 May, 1994 be confirmed.
- 210 RESOLVED on the MOTION of Councillor Crameri seconded Councillor Brown that the Minutes of the Extraordinary Meeting of Penrith City Council held on Monday, 9 May, 1994 be confirmed.

### NOTICE OF RESCISSION

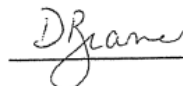
The Notice of Rescission was withdrawn.

Her Worship the Mayor ruled that the Motion was of great urgency and be dealt with now.

This is Page No 1 of the Ordinary Meeting of Penrith City Council held on Monday, 6 June, 1994



General Manager



Mayor

# PENRITH CITY COUNCIL

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Page

*Minutes of the Ordinary Meeting of Penrith City Council held in the Council Chambers, Penrith on Monday 6 June, 1994*

## **Economic Development and Employment Committee - 17 May, 1994**

- 218 RESOLVED on the MOTION of Councillor Fowler seconded Councillor Reed that the recommendations EE1 to EE6 contained in the Report to the Economic Development and Employment Committee held on 17 May, 1994 be adopted.

## **Review Committee Meeting - 23 May, 1994**

- 219 RESOLVED on the MOTION of Councillor Sheehy seconded Councillor Crameri that the recommendations R1 to R5 contained in the Report to the Review Committee Meeting held on 23 May, 1994 be adopted.

## **Steering Committee Civic Centre Precinct Meeting - 23 May, 1994**

- 220 RESOLVED on the MOTION of Councillor Fowler seconded Councillor Brown that the recommendations CC1 to CC6 contained in the Report to the Steering Committee Civic Centre Precinct Meeting held on 23 May, 1994 be adopted.

## **GENERAL MANAGER'S REPORT**

### **1. 1994 Institute of Municipal Management National Congress**

- 221 RESOLVED on the MOTION of Councillor Wiles seconded Councillor Dwyer that the information contained in the 1994 National Congress report be received.

## **DIRECTORATE OF FINANCE AND ADMINISTRATION**

### **1. Classification of Council land (950-49)**

- 222 RESOLVED on the MOTION of Councillor Crameri seconded Councillor Reed that Council formally classify all the land as previously advertised as Community and Operational land in accordance with the plans and computer print out list dated 6th June, 1994.

### **2. Old Emu Plains Post Office (4126/3)**

- 223 RESOLVED on the MOTION of Councillor Aquilina seconded Councillor Fowler that the information contained in the Property Development Manager's report be noted.

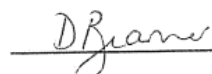
## **DIRECTORATE OF CONSTRUCTION AND MAINTENANCE**

### **1. Concrete Footpaths (116/14 & 9008/8)**

- 224 RESOLVED on the MOTION of Councillor Forno seconded Councillor Sheehy that the present footpaving standards of: cont

This is Page No 4 of the Ordinary Meeting of Penrith City Council held on Monday, 6 June, 1994

 General Manager

 Mayor

## Appendix 7:

### Requirements of LEP Practice Note PN 16-001

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**Classification and reclassification of public land through a Local Environmental Plan**

**Checklist Planning Proposal to reclassify from Community Land to Operational Land  
properties known as 11-13 Chesham Street, St Marys**



**LEP Practice Note: PN 16-001****Classification and reclassification of public land through a local environmental plan**

Requirement	Response
The current and proposed classification of the land;	The land is currently classified and Community Land. It is proposed to reclassify the site to Operational Land.  Refer to Part 1 – Objectives or Intended Outcomes (page 4)
Whether the land is a ‘public reserve’ (defined in the LG Act);	The land is not a Public Reserve under the <i>Local Government Act 1993</i> .  Refer to Background (page 2)
The strategic and site specific merits of the reclassification and evidence to support this;	Refer to Part 3 – Justification (pages 5-13)
Whether the planning proposal is the result of a strategic study or report;	Refer to Part 3 – Justification (pages 5-6)
Whether the planning proposal is consistent with council’s community plan or other local strategic plan;	Refer to Part 3 – Justification (page 8)
A summary of council’s interests in the land, including: <ul style="list-style-type: none"><li>- 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)</li><li>- if council does not own the land, the land owner’s consent;</li><li>- the nature of any trusts, dedications etc;</li></ul>	Refer to Background (page 2)
Whether an interest in land is proposed to be discharged, and if so, an explanation of the reasons why;	Refer to Part 2 – Explanation of Provisions (page 4)

<b>LEP Practice Note: PN 16-001</b> <b>Classification and reclassification of public land through a local environmental plan</b>	
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);	Refer to Part 3 – Justification (page 8)
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);	Refer to Background (page 2)
Current use(s) of the land, and whether uses are authorised or unauthorised;	Refer to Background (page 2)
Current or proposed lease or agreements applying to the land, together with their duration, terms and controls;	There are no current or proposed leases or agreements applying to 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);	There are no current or proposed business dealings associated with the land.
Any rezoning associated with the reclassification (if yes, need to demonstrate consistency with an endorsed Plan of Management or strategy);	No rezoning of the land is proposed.
How council may or will benefit financially, and how these funds will be used;	<p>This information is also found in Part 3, Section A of the Planning Proposal.</p> <p>The Planning Proposal will enable Council to sell, exchange, or otherwise divest or deal with the three (3) parcels of land to assist in facilitating the redevelopment of the land, whilst capitalising on the returns to Council and the potential community benefits including public domain upgrades.</p> <p>Council's strategic planning framework, including the Community Plan, Delivery Program and Operational Plan, outlines how revenue is raised and how funds are</p>

**LEP Practice Note: PN 16-001****Classification and reclassification of public land through a local environmental plan**

used. The table below outlines this strategic framework and details the relevant components of these documents that demonstrates how Council will achieve this.

Outcome	We have confidence in our council	Community Plan 2017 - Outcome 7
Strategy	Manage our money and our assets to be sustainable now and into the future	Community Plan 2017 Strategy 7.2
Service Activity	Manage Council's property portfolio to reduce reliance on rate income	Delivery Program Activity 7.2.4

In 2015, Penrith City Council was one of seven (7) metropolitan Councils deemed 'Fit for the Future' by the Independent Pricing and Regulatory Tribunal (IPART). This assessment was based on a set of criteria around sustainability, effective infrastructure and service management, efficiency, and scale and capacity. In order to meet the criteria set by IPART in 5 years, Council has committed to a number strategies to deliver ongoing productivity improvements. One of these strategies is to grow our own source revenue through growth of the property portfolio and property reserve holdings.

Should the site be divested or developed in future, all proceedings will be retained in the property reserve. Growth in the property reserve is an initiative to be less dependent on rate income, building financial strength that is not a burden on the community. Council's long term financial plan is to pay an annual dividend out of the property reserve into general revenue to be used on operational activities and key community projects. Council's long term financial plan indicates payment of a \$1.8M dividend from the property reserve into general revenue by FY21/22.

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;

The Planning Proposal will enable a positive public economic impact in facilitating the orderly and economic development of a Council asset and consequential improvements to the public domain.

**LEP Practice Note: PN 16-001****Classification and reclassification of public land through a local environmental plan**

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; and

N/A

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

N/A

Ref No.	PN 16-001
Issued	5 October 2016
Related	Supersedes PN 09-003

## Classification and reclassification of public land through a local environmental plan

The purpose of this practice note is to update guidance on classifying and reclassifying public land through a local environmental plan (LEP). This practice note emphasises the need for councils to demonstrate strategic and site specific merit, includes a comprehensive information checklist and clarifies issues arising for public reserves and interests in land. It should be read in conjunction with *A guide to preparing local environmental plans* and *A guide to preparing planning proposals*.

### Classification of public land

Public land is managed under the *Local Government Act 1993* (LG Act) based on its classification. All public land must be classified as either community land or operational land (LG Act ss.25, 26).

- **Community land** – is land council makes available for use by the general public, for example, parks, reserves or sports grounds.
- **Operational land** – is land which facilitates the functions of council, and may not be open to the general public, for example, a works depot or council garage.

#### What is public land?

*Public land* is defined in the LG Act as any land (including a *public reserve*) vested in, or under council control. Exceptions include a public road, land to which the *Crown Lands Act 1989* applies, a common, land subject to the *Trustees of Schools of Arts Enabling Act 1902* or a regional park under the *National Parks and Wildlife Act 1974*.

### Why classify public land?

The purpose of classification is to identify clearly that land made available for use by the general public (community) and that land which need not (operational). How public land is classified determines the ease or difficulty a council can have dealings in public land, including its sale, leasing or licensing. It also provides for transparency in council's strategic asset management or disposal of public land.

Community land must not be sold, exchanged or otherwise disposed of by a council. It can be leased,

but there are restrictions on the grant of leases and licences, and also on the way community land can be used. A plan of management (PoM), adopted by council, is required for all community land, and details the specific uses and management of the land.

There are no special restrictions on council powers to manage, develop, dispose, or change the nature and use of operational land.

#### How is public land classified or reclassified?

Depending on circumstances, this is undertaken by either:

- council resolution under ss.31, 32, or 33 (through LG Act s.27(2)), or
- an LEP under the *Environmental Planning and Assessment Act* (through LG Act s.27(1)).

Councils are encouraged to classify or reclassify land by council resolution where suitable.

**Classification** of public land occurs when it is first acquired by a council and classified as either community or operational.

**Reclassification** of public land occurs when its classification is changed from community to operational, or from operational to community.

### Reclassification through an LEP

Classification and reclassification of public land through an LEP is subject to both the local plan-making process in the EP&A Act and the public land management requirements of the LG Act.

A planning proposal to classify or reclassify public land, will need to be prepared in accordance with this practice note and the additional matters specified in Attachment 1 to this practice note.

Reclassification through an LEP is the mechanism with which council can remove any public reserve status applying to land, as well as any interests affecting all or part of public land (LG Act s.30).

It is critical that all interests are identified upfront as part of any planning proposal. If public land is reclassified from community to operational, without relevant interests being identified and discharged, then the land will need to be reclassified back to community (usually by council resolution under LG Act s.33<sup>1</sup>) before being reclassified in a new planning proposal to operational, to explicitly discharge any interests.

While a reclassification proposal to remove the public reserve status of land and/or discharge interests may not necessarily result in the immediate sale or disposal of the land, the community should be aware the public land in question is no longer protected under the LG Act from potential future sale once it has been reclassified to operational.

Councils should obtain their own advice when proposing to discharge any interests and be aware that this may attract a claim for compensation under the *Land Acquisition (Just Terms Compensation) Act 1991*.

Where land has been dedicated to council by a State agency for a particular purpose and a trust exists, it is advisable for council to seek the views of that agency prior to council commencing any planning proposal affecting the land.

**Public reserve** is defined in the LG Act and includes a public park and land declared or dedicated as a public reserve.

Land can be dedicated as a public reserve by either:

- registering a deposited plan with a statement creating a lot(s) as 'public reserve', or
- publishing a notification in the Government Gazette for an existing parcel.

**Interests in land** refers to property ownership as well as rights and privileges affecting land, such as leasehold, easements, covenants and mortgages.

For the purpose of reclassification through an LEP, 'interests' means trusts, estates, dedications, conditions, restrictions and covenants affecting the land.

A legal owner of land may not be the only person with an interest in the land. For example, one person may have the benefit of an easement for services, such as water, electricity or sewerage over someone else's land.

Certain interests are registered on title to ensure they are on record and cannot be disregarded if sold to a new owner. An electronic title search is generally conducted to determine the land owner, correct land description and the type of interests which may affect the land.

### Standard Instrument LEP requirements

Clause 5.2—Classification and reclassification of public land in Standard Instrument LEPs enables councils to classify or reclassify public land as operational land or community land in accordance with the LG Act. The land to be reclassified or classified is described in Schedule 4 of the LEP.

Schedule 4 is not to refer to any land already classified or reclassified.

Where there is no public land to be classified, or reclassified, through a principal LEP (i.e. the LEP applies to the whole of a local government area), Schedule 4 will appear blank.

Note: At a later stage council may lodge a planning proposal to remove previous listings in Schedule 4. This will not affect the classification status of these parcels of land.

### Department assessment

A proposal to classify or reclassify public land through an LEP must have planning merit. The Department will undertake an assessment to determine whether the proposal demonstrates strategic and site specific merit.

### Community consultation

Planning proposals to reclassify public land are to be publicly exhibited for at least 28 days.

A copy of this practice note is to be included in the public exhibition materials.

<sup>1</sup> Note: Council is required to give public notice of the proposed resolution and provide a period of at least 28 days during which submissions may be made (LG Act s.34).



## Public hearings

Councils must hold a public hearing when reclassifying public land from community to operational (EP&A Act s.57 & LG Act s.29). This gives the community an opportunity to expand on written submissions and discuss issues with an independent person in a public forum.

After the exhibition period has ended, at least 21 days public notice is to be given before the hearing. This allows the person chairing the hearing sufficient time to consider written submissions and all issues raised.

There are specific requirements for the independence of the person chairing the hearing, their preparation of a public hearing report and council making the report publicly available (LG Act s.47G).

## Governor's approval

The Governor's approval is required when a reclassification proposal seeks to remove any public reserve status and/or discharge any interests affecting public land (s.30).

When a council reports back to the Department on the community consultation undertaken and requests the Department make the LEP, the Department will arrange legal drafting of the LEP, including recommending the Governor approve the provisions before the LEP can be legally made.

Where the Governor's approval is required, the council's report accompanying the final planning proposal must address:

- council's interests in the land;
- whether the land is a 'public reserve';
- the effect of the reclassification, including loss of open space, any discharge of interests, and/or removal of public reserve status;
- the strategic and site specific merits of the reclassification and evidence to support this;
- any current use of the land, and whether uses are authorised or unauthorised;
- how funds obtained from any future sale of the land will be used;
- the dates the planning proposal was publicly exhibited and when the public hearing was held;
- issues raised in any relevant submissions made by public authorities and the community;
- an explanation of how written and verbal submissions were addressed or resolved; and
- the public hearing report and council resolution.

## Authorisation of delegation

Local plan making functions are now largely delegated to councils.

A Written Authorisation to Exercise Delegation is issued to a council as part of the Gateway determination. However, where an LEP requires the Governor's approval, this council delegation cannot be issued. In this instance, the council must request the Department make the LEP.

A decision to classify or reclassify public land cannot be sub-delegated by council to the general manager or any other person or body (LG Act s.377(1)(f)).

## Background

On July 1, 1993 when the LG Act commenced, the following land under council ownership or control, was automatically classified as *community* land:

- land comprising a public reserve,
- land subject to a trust for a public purpose,
- land dedicated as a condition of consent under s.94 of the EP&A Act,
- land reserved, zoned or otherwise designated for use under an environmental planning instrument as open space,
- land controlled by council and vested in Corporation Sole - Minister administering the EP&A Act.

Councils must keep a register of land under their ownership or control (LG Act s.53) and anybody can apply to a council to obtain a certificate of classification (LG Act s.54).

## Further information

A copy of this practice note, *A guide to preparing planning proposals* and *A guide to preparing local environmental plans* is available at: <http://www.planning.nsw.gov.au>

For further information, please contact the Department of Planning and Environment's Information Centre by one of the following:

Post: GPO Box 39, Sydney NSW 2001.

Tel: 1300 305 695

Email: [information@planning.nsw.gov.au](mailto:information@planning.nsw.gov.au)

**Authorised by:**  
**Carolyn McNally**  
**Secretary**

**Important note:** This practice note does not constitute legal advice. Users are advised to seek professional advice and refer to the relevant legislation, as necessary, before taking action in relation to any matters covered by this practice note.

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[www.planning.nsw.gov.au](http://www.planning.nsw.gov.au)

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## ATTACHMENT 1 – INFORMATION CHECKLIST FOR PROPOSALS TO CLASSIFY OR RECLASSIFY PUBLIC LAND THROUGH AN LEP

The process for plan-making under the EP&A Act is detailed in *A guide to preparing planning proposals* and *A guide to preparing local environmental plans*.

Importantly, *A guide to preparing local environmental plans* contains the Secretary's requirements for matters that must be addressed in the justification of all planning proposals to reclassify public land. Councils must ensure the Secretary's requirements are addressed.

Councils must also comply with any obligations under the LG Act when classifying or reclassifying public land. More information on this can be found in *Practice Note No. 1 - Public Land Management* (Department of Local Government, 2000).

All planning proposals classifying or reclassifying public land must address the following matters for Gateway consideration. These are in addition to the requirements for all planning proposals under section 55(a) – (e) of the EP&A Act (and further explained in *A guide to preparing planning proposals* and *A guide to preparing local environmental plans*).

- ☐ the current and proposed classification of the land;
- ☐ whether the land is a 'public reserve' (defined in the LG Act);
- ☐ the strategic and site specific merits of the reclassification and evidence to support this;
- ☐ whether the planning proposal is the result of a strategic study or report;
- ☐ whether the planning proposal is consistent with council's community plan or other local strategic plan;
- ☐ a summary of council's interests in the land, including:
  - 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)
  - if council does not own the land, the land owner's consent;
  - the nature of any trusts, dedications etc;
- ☐ whether an interest in land is proposed to be discharged, and if so, an explanation of the reasons why;
- ☐ 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);
- ☐ 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);
- ☐ current use(s) of the land, and whether uses are authorised or unauthorised;
- ☐ current or proposed lease or agreements applying to the land, together with their duration, terms and controls;
- ☐ 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);
- ☐ any rezoning associated with the reclassification (if yes, need to demonstrate consistency with an endorsed Plan of Management or strategy);
- ☐ how council may or will benefit financially, and how these funds will be used;
- ☐ 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;
- ☐ 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; and
- ☐ preliminary comments by a relevant government agency, including an agency that dedicated the land to council, if applicable.

## Appendix 8:

### Summary of Council's interest in the land – Lot 1 DP 542707

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**Classification and reclassification of public land through a Local Environmental Plan**

**Requirement of LEP Practice Note PN 16-001**

**LEP Practice Note: PN 16-001****Classification and reclassification of public land through a local environmental plan**

<b>Requirement</b>	<b>Response</b>
<p>A summary of council's interests in the land, including:</p> <ul style="list-style-type: none"><li>- 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)</li></ul>	<p>This information is also found in Background section of the Planning Proposal.</p> <ul style="list-style-type: none"><li>• Historically, Lot 1 in DP 542707, and adjoining Lots 2 and 3, comprised of a former road known as Station Street.</li><li>• Station Street was closed under the provisions of the <i>Public Roads Act 1902-1968</i>. Refer to Deposited Plan 36191, dated 12 July 1946 at <b>Appendix 6</b>.</li><li>• On 9 May 1969 under Section 20 of the <i>Public Roads Act 1902-1968</i>, the land known as Deposited Plan 36191 was vested in the Council of the City of Penrith. Refer to Crown Grant Volume 11048 Folio 49 at <b>Appendix 7</b>.</li><li>• The land was later subdivided into its current subdivision pattern, this being Lots 1, 2 and 3 in DP542707 (see <b>Appendix 8</b>).</li><li>• Title volume 11393 folios 198-200 were issued to the Council of the City of Penrith on 21 August 1970 (see <b>Appendix 4</b>).</li><li>• At its meeting of 6 June 1994, Council resolved to classify Lot 1 in DP 542707 as Community Land. Refer to Council report and minutes at <b>Appendix 9</b>.</li></ul>
<ul style="list-style-type: none"><li>- if council does not own the land, the land owner's consent;</li></ul>	<p>Council is the land owner, refer to Certificate of Title at <b>Appendix 4</b>.</p>
<ul style="list-style-type: none"><li>- the nature of any trusts, dedications etc;</li></ul>	<p>Nil.</p>

Ref No.	PN 16-001
Issued	5 October 2016
Related	Supersedes PN 09-003

## Classification and reclassification of public land through a local environmental plan

The purpose of this practice note is to update guidance on classifying and reclassifying public land through a local environmental plan (LEP). This practice note emphasises the need for councils to demonstrate strategic and site specific merit, includes a comprehensive information checklist and clarifies issues arising for public reserves and interests in land. It should be read in conjunction with *A guide to preparing local environmental plans* and *A guide to preparing planning proposals*.

### Classification of public land

Public land is managed under the *Local Government Act 1993* (LG Act) based on its classification. All public land must be classified as either community land or operational land (LG Act ss.25, 26).

- **Community land** – is land council makes available for use by the general public, for example, parks, reserves or sports grounds.
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#### What is public land?

Public land is defined in the LG Act as any land (including a public reserve) vested in, or under council control. Exceptions include a public road, land to which the *Crown Lands Act 1989* applies, a common, land subject to the *Trustees of Schools of Arts Enabling Act 1902* or a regional park under the *National Parks and Wildlife Act 1974*.

### Why classify public land?

The purpose of classification is to identify clearly that land made available for use by the general public (community) and that land which need not (operational). How public land is classified determines the ease or difficulty a council can have dealings in public land, including its sale, leasing or licensing. It also provides for transparency in council's strategic asset management or disposal of public land.

Community land must not be sold, exchanged or otherwise disposed of by a council. It can be leased,

but there are restrictions on the grant of leases and licences, and also on the way community land can be used. A plan of management (PoM), adopted by council, is required for all community land, and details the specific uses and management of the land.

There are no special restrictions on council powers to manage, develop, dispose, or change the nature and use of operational land.

#### How is public land classified or reclassified?

Depending on circumstances, this is undertaken by either:

- council resolution under ss.31, 32, or 33 (through LG Act s.27(2)), or
- an LEP under the *Environmental Planning and Assessment Act* (through LG Act s.27(1)).

Councils are encouraged to classify or reclassify land by council resolution where suitable.

**Classification** of public land occurs when it is first acquired by a council and classified as either community or operational.

**Reclassification** of public land occurs when its classification is changed from community to operational, or from operational to community.



### Reclassification through an LEP

Classification and reclassification of public land through an LEP is subject to both the local plan-making process in the EP&A Act and the public land management requirements of the LG Act.

A planning proposal to classify or reclassify public land, will need to be prepared in accordance with this practice note and the additional matters specified in Attachment 1 to this practice note.

Reclassification through an LEP is the mechanism with which council can remove any public reserve status applying to land, as well as any interests affecting all or part of public land (LG Act s.30).

It is critical that all interests are identified upfront as part of any planning proposal. If public land is reclassified from community to operational, without relevant interests being identified and discharged, then the land will need to be reclassified back to community (usually by council resolution under LG Act s.33<sup>1</sup>) before being reclassified in a new planning proposal to operational, to explicitly discharge any interests.

While a reclassification proposal to remove the public reserve status of land and/or discharge interests may not necessarily result in the immediate sale or disposal of the land, the community should be aware the public land in question is no longer protected under the LG Act from potential future sale once it has been reclassified to operational.

Councils should obtain their own advice when proposing to discharge any interests and be aware that this may attract a claim for compensation under the *Land Acquisition (Just Terms Compensation) Act 1991*.

Where land has been dedicated to council by a State agency for a particular purpose and a trust exists, it is advisable for council to seek the views of that agency prior to council commencing any planning proposal affecting the land.

**Public reserve** is defined in the LG Act and includes a public park and land declared or dedicated as a public reserve.

Land can be dedicated as a public reserve by either:

- registering a deposited plan with a statement creating a lot(s) as 'public reserve', or
- publishing a notification in the Government Gazette for an existing parcel.

**Interests in land** refers to property ownership as well as rights and privileges affecting land, such as leasehold, easements, covenants and mortgages.

For the purpose of reclassification through an LEP, 'interests' means trusts, estates, dedications, conditions, restrictions and covenants affecting the land.

A legal owner of land may not be the only person with an interest in the land. For example, one person may have the benefit of an easement for services, such as water, electricity or sewerage over someone else's land.

Certain interests are registered on title to ensure they are on record and cannot be disregarded if sold to a new owner. An electronic title search is generally conducted to determine the land owner, correct land description and the type of interests which may affect the land.

### Standard Instrument LEP requirements

Clause 5.2—Classification and reclassification of public land in Standard Instrument LEPs enables councils to classify or reclassify public land as operational land or community land in accordance with the LG Act. The land to be reclassified or classified is described in Schedule 4 of the LEP.

Schedule 4 is not to refer to any land already classified or reclassified.

Where there is no public land to be classified, or reclassified, through a principal LEP (i.e. the LEP applies to the whole of a local government area), Schedule 4 will appear blank.

Note: At a later stage council may lodge a planning proposal to remove previous listings in Schedule 4. This will not affect the classification status of these parcels of land.

### Department assessment

A proposal to classify or reclassify public land through an LEP must have planning merit. The Department will undertake an assessment to determine whether the proposal demonstrates strategic and site specific merit.

### Community consultation

Planning proposals to reclassify public land are to be publicly exhibited for at least 28 days.

A copy of this practice note is to be included in the public exhibition materials.

<sup>1</sup> Note: Council is required to give public notice of the proposed resolution and provide a period of at least 28 days during which submissions may be made (LG Act s.34).

## Public hearings

Councils must hold a public hearing when reclassifying public land from community to operational (EP&A Act s.57 & LG Act s.29). This gives the community an opportunity to expand on written submissions and discuss issues with an independent person in a public forum.

After the exhibition period has ended, at least 21 days public notice is to be given before the hearing. This allows the person chairing the hearing sufficient time to consider written submissions and all issues raised.

There are specific requirements for the independence of the person chairing the hearing, their preparation of a public hearing report and council making the report publicly available (LG Act s.47G).

## Governor's approval

The Governor's approval is required when a reclassification proposal seeks to remove any public reserve status and/or discharge any interests affecting public land (s.30).

When a council reports back to the Department on the community consultation undertaken and requests the Department make the LEP, the Department will arrange legal drafting of the LEP, including recommending the Governor approve the provisions before the LEP can be legally made.

Where the Governor's approval is required, the council's report accompanying the final planning proposal must address:

- council's interests in the land;
- whether the land is a 'public reserve';
- the effect of the reclassification, including loss of open space, any discharge of interests, and/or removal of public reserve status;
- the strategic and site specific merits of the reclassification and evidence to support this;
- any current use of the land, and whether uses are authorised or unauthorised;
- how funds obtained from any future sale of the land will be used;
- the dates the planning proposal was publicly exhibited and when the public hearing was held;
- issues raised in any relevant submissions made by public authorities and the community;
- an explanation of how written and verbal submissions were addressed or resolved; and
- the public hearing report and council resolution.

## Authorisation of delegation

Local plan making functions are now largely delegated to councils.

A Written Authorisation to Exercise Delegation is issued to a council as part of the Gateway determination. However, where an LEP requires the Governor's approval, this council delegation cannot be issued. In this instance, the council must request the Department make the LEP.

A decision to classify or reclassify public land cannot be sub-delegated by council to the general manager or any other person or body (LG Act s.377(1)(f)).

## Background

On July 1, 1993 when the LG Act commenced, the following land under council ownership or control, was automatically classified as *community* land:

- land comprising a public reserve,
- land subject to a trust for a public purpose,
- land dedicated as a condition of consent under s.94 of the EP&A Act,
- land reserved, zoned or otherwise designated for use under an environmental planning instrument as open space,
- land controlled by council and vested in Corporation Sole - Minister administering the EP&A Act.

Councils must keep a register of land under their ownership or control (LG Act s.53) and anybody can apply to a council to obtain a certificate of classification (LG Act s.54).

## Further information

A copy of this practice note, *A guide to preparing planning proposals* and *A guide to preparing local environmental plans* is available at: <http://www.planning.nsw.gov.au>

For further information, please contact the Department of Planning and Environment's Information Centre by one of the following:

Post: GPO Box 39, Sydney NSW 2001.

Tel: 1300 305 695

Email: [information@planning.nsw.gov.au](mailto:information@planning.nsw.gov.au)

**Authorised by:**  
**Carolyn McNally**  
**Secretary**

**Important note:** This practice note does not constitute legal advice. Users are advised to seek professional advice and refer to the relevant legislation, as necessary, before taking action in relation to any matters covered by this practice note.

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## ATTACHMENT 1 – INFORMATION CHECKLIST FOR PROPOSALS TO CLASSIFY OR RECLASSIFY PUBLIC LAND THROUGH AN LEP

The process for plan-making under the EP&A Act is detailed in *A guide to preparing planning proposals* and *A guide to preparing local environmental plans*.

Importantly, *A guide to preparing local environmental plans* contains the Secretary's requirements for matters that must be addressed in the justification of all planning proposals to reclassify public land. Councils must ensure the Secretary's requirements are addressed.

Councils must also comply with any obligations under the LG Act when classifying or reclassifying public land. More information on this can be found in *Practice Note No. 1 - Public Land Management* (Department of Local Government, 2000).

All planning proposals classifying or reclassifying public land must address the following matters for Gateway consideration. These are in addition to the requirements for all planning proposals under section 55(a) – (e) of the EP&A Act (and further explained in *A guide to preparing planning proposals* and *A guide to preparing local environmental plans*).

- ☐ the current and proposed classification of the land;
- ☐ whether the land is a 'public reserve' (defined in the LG Act);
- ☐ the strategic and site specific merits of the reclassification and evidence to support this;
- ☐ whether the planning proposal is the result of a strategic study or report;
- ☐ whether the planning proposal is consistent with council's community plan or other local strategic plan;
- ☐ a summary of council's interests in the land, including:
  - 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)
  - if council does not own the land, the land owner's consent;
  - the nature of any trusts, dedications etc;
- ☐ whether an interest in land is proposed to be discharged, and if so, an explanation of the reasons why;
- ☐ 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);
- ☐ 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);
- ☐ current use(s) of the land, and whether uses are authorised or unauthorised;
- ☐ current or proposed lease or agreements applying to the land, together with their duration, terms and controls;
- ☐ 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);
- ☐ any rezoning associated with the reclassification (if yes, need to demonstrate consistency with an endorsed Plan of Management or strategy);
- ☐ how council may or will benefit financially, and how these funds will be used;
- ☐ 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;
- ☐ 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; and
- ☐ preliminary comments by a relevant government agency, including an agency that dedicated the land to council, if applicable.



## Appendix 9:

### Summary of Council's interest in the land – Lot 2 DP 542707

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**Classification and reclassification of public land through a Local Environmental Plan**

**Requirement of LEP Practice Note PN 16-001**

**LEP Practice Note: PN 16-001****Classification and reclassification of public land through a local environmental plan**

<b>Requirement</b>	<b>Response</b>
<p>A summary of council's interests in the land, including:</p> <ul style="list-style-type: none"><li>- 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)</li></ul>	<p>This information is also found in Background section of the Planning Proposal.</p> <ul style="list-style-type: none"><li>• Historically, Lot 2 DP 542707, and adjoining Lots 1 and 3, comprised of a former road known as Station Street.</li><li>• Station Street was closed under the provisions of the <i>Public Roads Act 1902-1968</i>. Refer to Deposited Plan 36191, dated 12 July 1946 at <b>Appendix 6</b>.</li><li>• On 9 May 1969 under Section 20 of the <i>Public Roads Act 1902-1968</i>, the land known as Deposited Plan 36191 was vested in the Council of the City of Penrith. Refer to Crown Grant Volume 11048 Folio 49 at <b>Appendix 7</b>.</li><li>• The land was later subdivided into its current subdivision pattern, this being Lots 1, 2 and 3 in DP542707 (see <b>Appendix 8</b>).</li><li>• Title volume 11393 folios 198-200 were issued to the Council of the City of Penrith on 21 August 1970 (see <b>Appendix 4</b>).</li><li>• At its meeting of 6 June 1994, Council resolved to classify Lot 2 in DP 542707 as Community Land. Refer to Council report and minutes at <b>Appendix 9</b>.</li></ul>
<ul style="list-style-type: none"><li>- if council does not own the land, the land owner's consent;</li></ul>	<p>Council is the land owner, refer to Certificate of Title at <b>Appendix 4</b>.</p>
<ul style="list-style-type: none"><li>- the nature of any trusts, dedications etc;</li></ul>	<p>Nil.</p>

Ref No.	PN 16-001
Issued	5 October 2016
Related	Supersedes PN 09-003

## Classification and reclassification of public land through a local environmental plan

The purpose of this practice note is to update guidance on classifying and reclassifying public land through a local environmental plan (LEP). This practice note emphasises the need for councils to demonstrate strategic and site specific merit, includes a comprehensive information checklist and clarifies issues arising for public reserves and interests in land. It should be read in conjunction with *A guide to preparing local environmental plans* and *A guide to preparing planning proposals*.

### Classification of public land

Public land is managed under the *Local Government Act 1993* (LG Act) based on its classification. All public land must be classified as either community land or operational land (LG Act ss.25, 26).

- **Community land** – is land council makes available for use by the general public, for example, parks, reserves or sports grounds.
- **Operational land** – is land which facilitates the functions of council, and may not be open to the general public, for example, a works depot or council garage.

#### What is public land?

*Public land* is defined in the LG Act as any land (including a *public reserve*) vested in, or under council control. Exceptions include a public road, land to which the *Crown Lands Act 1989* applies, a common, land subject to the *Trustees of Schools of Arts Enabling Act 1902* or a regional park under the *National Parks and Wildlife Act 1974*.

### Why classify public land?

The purpose of classification is to identify clearly that land made available for use by the general public (community) and that land which need not (operational). How public land is classified determines the ease or difficulty a council can have dealings in public land, including its sale, leasing or licensing. It also provides for transparency in council's strategic asset management or disposal of public land.

Community land must not be sold, exchanged or otherwise disposed of by a council. It can be leased,

but there are restrictions on the grant of leases and licences, and also on the way community land can be used. A plan of management (PoM), adopted by council, is required for all community land, and details the specific uses and management of the land.

There are no special restrictions on council powers to manage, develop, dispose, or change the nature and use of operational land.

#### How is public land classified or reclassified?

Depending on circumstances, this is undertaken by either:

- council resolution under ss.31, 32, or 33 (through LG Act s.27(2)), or
- an LEP under the *Environmental Planning and Assessment Act* (through LG Act s.27(1)).

Councils are encouraged to classify or reclassify land by council resolution where suitable.

**Classification** of public land occurs when it is first acquired by a council and classified as either community or operational.

**Reclassification** of public land occurs when its classification is changed from community to operational, or from operational to community.

### Reclassification through an LEP

Classification and reclassification of public land through an LEP is subject to both the local plan-making process in the EP&A Act and the public land management requirements of the LG Act.

A planning proposal to classify or reclassify public land, will need to be prepared in accordance with this practice note and the additional matters specified in Attachment 1 to this practice note.

Reclassification through an LEP is the mechanism with which council can remove any public reserve status applying to land, as well as any interests affecting all or part of public land (LG Act s.30).

It is critical that all interests are identified upfront as part of any planning proposal. If public land is reclassified from community to operational, without relevant interests being identified and discharged, then the land will need to be reclassified back to community (usually by council resolution under LG Act s.33<sup>1</sup>) before being reclassified in a new planning proposal to operational, to explicitly discharge any interests.

While a reclassification proposal to remove the public reserve status of land and/or discharge interests may not necessarily result in the immediate sale or disposal of the land, the community should be aware the public land in question is no longer protected under the LG Act from potential future sale once it has been reclassified to operational.

Councils should obtain their own advice when proposing to discharge any interests and be aware that this may attract a claim for compensation under the *Land Acquisition (Just Terms Compensation) Act 1991*.

Where land has been dedicated to council by a State agency for a particular purpose and a trust exists, it is advisable for council to seek the views of that agency prior to council commencing any planning proposal affecting the land.

**Public reserve** is defined in the LG Act and includes a public park and land declared or dedicated as a public reserve.

Land can be dedicated as a public reserve by either:

- registering a deposited plan with a statement creating a lot(s) as 'public reserve', or
- publishing a notification in the Government Gazette for an existing parcel.

**Interests in land** refers to property ownership as well as rights and privileges affecting land, such as leasehold, easements, covenants and mortgages.

For the purpose of reclassification through an LEP, 'interests' means trusts, estates, dedications, conditions, restrictions and covenants affecting the land.

A legal owner of land may not be the only person with an interest in the land. For example, one person may have the benefit of an easement for services, such as water, electricity or sewerage over someone else's land.

Certain interests are registered on title to ensure they are on record and cannot be disregarded if sold to a new owner. An electronic title search is generally conducted to determine the land owner, correct land description and the type of interests which may affect the land.

### Standard Instrument LEP requirements

Clause 5.2—Classification and reclassification of public land in Standard Instrument LEPs enables councils to classify or reclassify public land as operational land or community land in accordance with the LG Act. The land to be reclassified or classified is described in Schedule 4 of the LEP.

Schedule 4 is not to refer to any land already classified or reclassified.

Where there is no public land to be classified, or reclassified, through a principal LEP (i.e. the LEP applies to the whole of a local government area), Schedule 4 will appear blank.

Note: At a later stage council may lodge a planning proposal to remove previous listings in Schedule 4. This will not affect the classification status of these parcels of land.

### Department assessment

A proposal to classify or reclassify public land through an LEP must have planning merit. The Department will undertake an assessment to determine whether the proposal demonstrates strategic and site specific merit.

### Community consultation

Planning proposals to reclassify public land are to be publicly exhibited for at least 28 days.

A copy of this practice note is to be included in the public exhibition materials.

<sup>1</sup> Note: Council is required to give public notice of the proposed resolution and provide a period of at least 28 days during which submissions may be made (LG Act s.34).



## Public hearings

Councils must hold a public hearing when reclassifying public land from community to operational (EP&A Act s.57 & LG Act s.29). This gives the community an opportunity to expand on written submissions and discuss issues with an independent person in a public forum.

After the exhibition period has ended, at least 21 days public notice is to be given before the hearing. This allows the person chairing the hearing sufficient time to consider written submissions and all issues raised.

There are specific requirements for the independence of the person chairing the hearing, their preparation of a public hearing report and council making the report publicly available (LG Act s.47G).

## Governor's approval

The Governor's approval is required when a reclassification proposal seeks to remove any public reserve status and/or discharge any interests affecting public land (s.30).

When a council reports back to the Department on the community consultation undertaken and requests the Department make the LEP, the Department will arrange legal drafting of the LEP, including recommending the Governor approve the provisions before the LEP can be legally made.

Where the Governor's approval is required, the council's report accompanying the final planning proposal must address:

- council's interests in the land;
- whether the land is a 'public reserve';
- the effect of the reclassification, including loss of open space, any discharge of interests, and/or removal of public reserve status;
- the strategic and site specific merits of the reclassification and evidence to support this;
- any current use of the land, and whether uses are authorised or unauthorised;
- how funds obtained from any future sale of the land will be used;
- the dates the planning proposal was publicly exhibited and when the public hearing was held;
- issues raised in any relevant submissions made by public authorities and the community;
- an explanation of how written and verbal submissions were addressed or resolved; and
- the public hearing report and council resolution.

## Authorisation of delegation

Local plan making functions are now largely delegated to councils.

A Written Authorisation to Exercise Delegation is issued to a council as part of the Gateway determination. However, where an LEP requires the Governor's approval, this council delegation cannot be issued. In this instance, the council must request the Department make the LEP.

A decision to classify or reclassify public land cannot be sub-delegated by council to the general manager or any other person or body (LG Act s.377(1)(f)).

## Background

On July 1, 1993 when the LG Act commenced, the following land under council ownership or control, was automatically classified as *community* land:

- land comprising a public reserve,
- land subject to a trust for a public purpose,
- land dedicated as a condition of consent under s.94 of the EP&A Act,
- land reserved, zoned or otherwise designated for use under an environmental planning instrument as open space,
- land controlled by council and vested in Corporation Sole - Minister administering the EP&A Act.

Councils must keep a register of land under their ownership or control (LG Act s.53) and anybody can apply to a council to obtain a certificate of classification (LG Act s.54).

## Further information

A copy of this practice note, *A guide to preparing planning proposals* and *A guide to preparing local environmental plans* is available at: <http://www.planning.nsw.gov.au>

For further information, please contact the Department of Planning and Environment's Information Centre by one of the following:

Post: GPO Box 39, Sydney NSW 2001.

Tel: 1300 305 695

Email: [information@planning.nsw.gov.au](mailto:information@planning.nsw.gov.au)

**Authorised by:**  
**Carolyn McNally**  
**Secretary**

**Important note:** This practice note does not constitute legal advice. Users are advised to seek professional advice and refer to the relevant legislation, as necessary, before taking action in relation to any matters covered by this practice note.

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**Disclaimer:** While every reasonable effort has been made to ensure that this document is correct at the time of publication, the State of New South Wales, its agencies and employees, disclaim any and all liability to any person in respect of anything or the consequences of anything done or omitted to be done in reliance upon the whole or any part of this document.

## ATTACHMENT 1 – INFORMATION CHECKLIST FOR PROPOSALS TO CLASSIFY OR RECLASSIFY PUBLIC LAND THROUGH AN LEP

The process for plan-making under the EP&A Act is detailed in *A guide to preparing planning proposals* and *A guide to preparing local environmental plans*.

Importantly, *A guide to preparing local environmental plans* contains the Secretary's requirements for matters that must be addressed in the justification of all planning proposals to reclassify public land. Councils must ensure the Secretary's requirements are addressed.

Councils must also comply with any obligations under the LG Act when classifying or reclassifying public land. More information on this can be found in *Practice Note No. 1 - Public Land Management* (Department of Local Government, 2000).

All planning proposals classifying or reclassifying public land must address the following matters for Gateway consideration. These are in addition to the requirements for all planning proposals under section 55(a) – (e) of the EP&A Act (and further explained in *A guide to preparing planning proposals* and *A guide to preparing local environmental plans*).

- ☐ the current and proposed classification of the land;
- ☐ whether the land is a 'public reserve' (defined in the LG Act);
- ☐ the strategic and site specific merits of the reclassification and evidence to support this;
- ☐ whether the planning proposal is the result of a strategic study or report;
- ☐ whether the planning proposal is consistent with council's community plan or other local strategic plan;
- ☐ a summary of council's interests in the land, including:
  - 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)
  - if council does not own the land, the land owner's consent;
  - the nature of any trusts, dedications etc;
- ☐ whether an interest in land is proposed to be discharged, and if so, an explanation of the reasons why;
- ☐ 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);
- ☐ 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);
- ☐ current use(s) of the land, and whether uses are authorised or unauthorised;
- ☐ current or proposed lease or agreements applying to the land, together with their duration, terms and controls;
- ☐ 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);
- ☐ any rezoning associated with the reclassification (if yes, need to demonstrate consistency with an endorsed Plan of Management or strategy);
- ☐ how council may or will benefit financially, and how these funds will be used;
- ☐ 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;
- ☐ 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; and
- ☐ preliminary comments by a relevant government agency, including an agency that dedicated the land to council, if applicable.

## Appendix 10:

### Summary of Council's interest in the land – Lot 3 DP 542707

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**Classification and reclassification of public land through a Local Environmental Plan**

**Requirement of LEP Practice Note PN 16-001**

**LEP Practice Note: PN 16-001**

**Classification and reclassification of public land through a local environmental plan**

Requirement	Response
<p>A summary of council's interests in the land, including:</p> <ul style="list-style-type: none"><li>- 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)</li></ul>	<p>This information is also found in Background section of the Planning Proposal.</p> <ul style="list-style-type: none"><li>• Historically, Lot 3 DP 542707, and adjoining Lots 1 and 2, comprised of a former road known as Station Street.</li><li>• Station Street was closed under the provisions of the <i>Public Roads Act 1902-1968</i>. Refer to Deposited Plan 36191, dated 12 July 1946 at <b>Appendix 6</b>.</li><li>• On 9 May 1969 under Section 20 of the <i>Public Roads Act 1902-1968</i>, the land known as Deposited Plan 36191 was vested in the Council of the City of Penrith. Refer to Crown Grant Volume 11048 Folio 49 at <b>Appendix 7</b>.</li><li>• The land was later subdivided into its current subdivision pattern, this being Lots 1, 2 and 3 in DP542707 (see <b>Appendix 8</b>).</li><li>• Title volume 11393 folios 198-200 were issued to the Council of the City of Penrith on 21 August 1970 (see <b>Appendix 4</b>).</li><li>• At its meeting of 6 June 1994, Council resolved to classify Lot 3 in DP 542707 as Community Land. Refer to Council report and minutes at <b>Appendix 9</b></li></ul>
<ul style="list-style-type: none"><li>- if council does not own the land, the land owner's consent;</li></ul>	<p>Council is the land owner, refer to Certificate of Title at <b>Appendix 4</b>.</p>
<ul style="list-style-type: none"><li>- the nature of any trusts, dedications etc;</li></ul>	<p>Nil.</p>



Ref No.	PN 16-001
Issued	5 October 2016
Related	Supersedes PN 09-003

## Classification and reclassification of public land through a local environmental plan

The purpose of this practice note is to update guidance on classifying and reclassifying public land through a local environmental plan (LEP). This practice note emphasises the need for councils to demonstrate strategic and site specific merit, includes a comprehensive information checklist and clarifies issues arising for public reserves and interests in land. It should be read in conjunction with *A guide to preparing local environmental plans* and *A guide to preparing planning proposals*.

### Classification of public land

Public land is managed under the *Local Government Act 1993* (LG Act) based on its classification. All public land must be classified as either community land or operational land (LG Act ss.25, 26).

- **Community land** – is land council makes available for use by the general public, for example, parks, reserves or sports grounds.
- **Operational land** – is land which facilitates the functions of council, and may not be open to the general public, for example, a works depot or council garage.

#### What is public land?

*Public land* is defined in the LG Act as any land (including a *public reserve*) vested in, or under council control. Exceptions include a public road, land to which the *Crown Lands Act 1989* applies, a common, land subject to the *Trustees of Schools of Arts Enabling Act 1902* or a regional park under the *National Parks and Wildlife Act 1974*.

### Why classify public land?

The purpose of classification is to identify clearly that land made available for use by the general public (community) and that land which need not (operational). How public land is classified determines the ease or difficulty a council can have dealings in public land, including its sale, leasing or licensing. It also provides for transparency in council's strategic asset management or disposal of public land.

Community land must not be sold, exchanged or otherwise disposed of by a council. It can be leased,

but there are restrictions on the grant of leases and licences, and also on the way community land can be used. A plan of management (PoM), adopted by council, is required for all community land, and details the specific uses and management of the land.

There are no special restrictions on council powers to manage, develop, dispose, or change the nature and use of operational land.

#### How is public land classified or reclassified?

Depending on circumstances, this is undertaken by either:

- council resolution under ss.31, 32, or 33 (through LG Act s.27(2)), or
- an LEP under the *Environmental Planning and Assessment Act* (through LG Act s.27(1)).

Councils are encouraged to classify or reclassify land by council resolution where suitable.

**Classification** of public land occurs when it is first acquired by a council and classified as either community or operational.

**Reclassification** of public land occurs when its classification is changed from community to operational, or from operational to community.

### Reclassification through an LEP

Classification and reclassification of public land through an LEP is subject to both the local plan-making process in the EP&A Act and the public land management requirements of the LG Act.

A planning proposal to classify or reclassify public land, will need to be prepared in accordance with this practice note and the additional matters specified in Attachment 1 to this practice note.

Reclassification through an LEP is the mechanism with which council can remove any public reserve status applying to land, as well as any interests affecting all or part of public land (LG Act s.30).

It is critical that all interests are identified upfront as part of any planning proposal. If public land is reclassified from community to operational, without relevant interests being identified and discharged, then the land will need to be reclassified back to community (usually by council resolution under LG Act s.33<sup>1</sup>) before being reclassified in a new planning proposal to operational, to explicitly discharge any interests.

While a reclassification proposal to remove the public reserve status of land and/or discharge interests may not necessarily result in the immediate sale or disposal of the land, the community should be aware the public land in question is no longer protected under the LG Act from potential future sale once it has been reclassified to operational.

Councils should obtain their own advice when proposing to discharge any interests and be aware that this may attract a claim for compensation under the *Land Acquisition (Just Terms Compensation) Act 1991*.

Where land has been dedicated to council by a State agency for a particular purpose and a trust exists, it is advisable for council to seek the views of that agency prior to council commencing any planning proposal affecting the land.

**Public reserve** is defined in the LG Act and includes a public park and land declared or dedicated as a public reserve.

Land can be dedicated as a public reserve by either:

- registering a deposited plan with a statement creating a lot(s) as 'public reserve', or
- publishing a notification in the Government Gazette for an existing parcel.

**Interests in land** refers to property ownership as well as rights and privileges affecting land, such as leasehold, easements, covenants and mortgages.

For the purpose of reclassification through an LEP, 'interests' means trusts, estates, dedications, conditions, restrictions and covenants affecting the land.

A legal owner of land may not be the only person with an interest in the land. For example, one person may have the benefit of an easement for services, such as water, electricity or sewerage over someone else's land.

Certain interests are registered on title to ensure they are on record and cannot be disregarded if sold to a new owner. An electronic title search is generally conducted to determine the land owner, correct land description and the type of interests which may affect the land.

### Standard Instrument LEP requirements

Clause 5.2—Classification and reclassification of public land in Standard Instrument LEPs enables councils to classify or reclassify public land as operational land or community land in accordance with the LG Act. The land to be reclassified or classified is described in Schedule 4 of the LEP.

Schedule 4 is not to refer to any land already classified or reclassified.

Where there is no public land to be classified, or reclassified, through a principal LEP (i.e. the LEP applies to the whole of a local government area), Schedule 4 will appear blank.

Note: At a later stage council may lodge a planning proposal to remove previous listings in Schedule 4. This will not affect the classification status of these parcels of land.

### Department assessment

A proposal to classify or reclassify public land through an LEP must have planning merit. The Department will undertake an assessment to determine whether the proposal demonstrates strategic and site specific merit.

### Community consultation

Planning proposals to reclassify public land are to be publicly exhibited for at least 28 days.

A copy of this practice note is to be included in the public exhibition materials.

<sup>1</sup> Note: Council is required to give public notice of the proposed resolution and provide a period of at least 28 days during which submissions may be made (LG Act s.34).

## Public hearings

Councils must hold a public hearing when reclassifying public land from community to operational (EP&A Act s.57 & LG Act s.29). This gives the community an opportunity to expand on written submissions and discuss issues with an independent person in a public forum.

After the exhibition period has ended, at least 21 days public notice is to be given before the hearing. This allows the person chairing the hearing sufficient time to consider written submissions and all issues raised.

There are specific requirements for the independence of the person chairing the hearing, their preparation of a public hearing report and council making the report publicly available (LG Act s.47G).

## Governor's approval

The Governor's approval is required when a reclassification proposal seeks to remove any public reserve status and/or discharge any interests affecting public land (s.30).

When a council reports back to the Department on the community consultation undertaken and requests the Department make the LEP, the Department will arrange legal drafting of the LEP, including recommending the Governor approve the provisions before the LEP can be legally made.

Where the Governor's approval is required, the council's report accompanying the final planning proposal must address:

- council's interests in the land;
- whether the land is a 'public reserve';
- the effect of the reclassification, including loss of open space, any discharge of interests, and/or removal of public reserve status;
- the strategic and site specific merits of the reclassification and evidence to support this;
- any current use of the land, and whether uses are authorised or unauthorised;
- how funds obtained from any future sale of the land will be used;
- the dates the planning proposal was publicly exhibited and when the public hearing was held;
- issues raised in any relevant submissions made by public authorities and the community;
- an explanation of how written and verbal submissions were addressed or resolved; and
- the public hearing report and council resolution.

## Authorisation of delegation

Local plan making functions are now largely delegated to councils.

A Written Authorisation to Exercise Delegation is issued to a council as part of the Gateway determination. However, where an LEP requires the Governor's approval, this council delegation cannot be issued. In this instance, the council must request the Department make the LEP.

A decision to classify or reclassify public land cannot be sub-delegated by council to the general manager or any other person or body (LG Act s.377(1)(f)).

## Background

On July 1, 1993 when the LG Act commenced, the following land under council ownership or control, was automatically classified as *community* land:

- land comprising a public reserve,
- land subject to a trust for a public purpose,
- land dedicated as a condition of consent under s.94 of the EP&A Act,
- land reserved, zoned or otherwise designated for use under an environmental planning instrument as open space,
- land controlled by council and vested in Corporation Sole - Minister administering the EP&A Act.

Councils must keep a register of land under their ownership or control (LG Act s.53) and anybody can apply to a council to obtain a certificate of classification (LG Act s.54).

## Further information

A copy of this practice note, *A guide to preparing planning proposals* and *A guide to preparing local environmental plans* is available at: <http://www.planning.nsw.gov.au>

For further information, please contact the Department of Planning and Environment's Information Centre by one of the following:

Post: GPO Box 39, Sydney NSW 2001.

Tel: 1300 305 695

Email: [information@planning.nsw.gov.au](mailto:information@planning.nsw.gov.au)

**Authorised by:**  
**Carolyn McNally**  
**Secretary**

**Important note:** This practice note does not constitute legal advice. Users are advised to seek professional advice and refer to the relevant legislation, as necessary, before taking action in relation to any matters covered by this practice note.

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## ATTACHMENT 1 – INFORMATION CHECKLIST FOR PROPOSALS TO CLASSIFY OR RECLASSIFY PUBLIC LAND THROUGH AN LEP

The process for plan-making under the EP&A Act is detailed in *A guide to preparing planning proposals* and *A guide to preparing local environmental plans*.

Importantly, *A guide to preparing local environmental plans* contains the Secretary's requirements for matters that must be addressed in the justification of all planning proposals to reclassify public land. Councils must ensure the Secretary's requirements are addressed.

Councils must also comply with any obligations under the LG Act when classifying or reclassifying public land. More information on this can be found in *Practice Note No. 1 - Public Land Management* (Department of Local Government, 2000).

All planning proposals classifying or reclassifying public land must address the following matters for Gateway consideration. These are in addition to the requirements for all planning proposals under section 55(a) – (e) of the EP&A Act (and further explained in *A guide to preparing planning proposals* and *A guide to preparing local environmental plans*).

- ☐ the current and proposed classification of the land;
- ☐ whether the land is a 'public reserve' (defined in the LG Act);
- ☐ the strategic and site specific merits of the reclassification and evidence to support this;
- ☐ whether the planning proposal is the result of a strategic study or report;
- ☐ whether the planning proposal is consistent with council's community plan or other local strategic plan;
- ☐ a summary of council's interests in the land, including:
  - 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)
  - if council does not own the land, the land owner's consent;
  - the nature of any trusts, dedications etc;
- ☐ whether an interest in land is proposed to be discharged, and if so, an explanation of the reasons why;
- ☐ 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);
- ☐ 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);
- ☐ current use(s) of the land, and whether uses are authorised or unauthorised;
- ☐ current or proposed lease or agreements applying to the land, together with their duration, terms and controls;
- ☐ 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);
- ☐ any rezoning associated with the reclassification (if yes, need to demonstrate consistency with an endorsed Plan of Management or strategy);
- ☐ how council may or will benefit financially, and how these funds will be used;
- ☐ 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;
- ☐ 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; and
- ☐ preliminary comments by a relevant government agency, including an agency that dedicated the land to council, if applicable.

## **Appendix 11:**

**Policy Review Committee Meeting and Unconfirmed Minutes – 4  
June 2018**

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### 3            **Reclassification of Council owned land at 11-13 Chesham Street, St Marys**

Compiled by:            Danielle Fox, Planner

Authorised by:        Natasha Baker, City Planning Manager

<b>Outcome</b>	<i>We plan for our future growth</i>
<b>Strategy</b>	<i>Protect the City's natural areas, heritage and character</i>
<b>Service Activity</b>	<i>Ensure our policies, strategies and plans set a clear direction for managing the growth of our City</i>

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

#### **Executive Summary**

This report seeks Council's resolution to sponsor a planning proposal that seeks to reclassify three parcels of Council owned land at 11-13 Chesham Street, St Marys (the subject land), from 'community' to 'operational'.

The subject land is currently zoned *R4 High Density Residential*. This proposal does not seek to change the zone or any other existing planning controls. Investigations by Council's Property Development Department (the applicant), has identified the subject land as underutilised. The reclassification will enable Council to consider opportunities for the future use of the land, including options to sell or develop the site. The planning proposal supports the recommendations in the *Penrith City Strategy (2013)*, that supports the use of the site for higher density residential development to maximise its proximity to the St Marys town centre.

The reclassification requires the use of *Department of Planning and Environment's* (DPE) Gateway Process (the process for making and amending local environmental plans). This process requires a Gateway Determination, the preparation and public exhibition of a planning proposal and an independently chaired public hearing. The report recommends that Council sponsor the planning proposal.

#### **Background**

Council owns the subject land that is bound by the rail corridor to the north, Glossop Street to the east, Chesham Street to the south, and, Lethbridge Street to the west (See Figure 1). The land is zoned *R4 High Density Residential* under *Penrith Local Environmental Plan 2010* (LEP), and is currently vacant with some vegetation and clumps of trees.

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

Historically the subject land comprised a former road (closed in 1946), and a girl guides hall (demolished in 2011). The subject land has not been used for community purposes for approximately 10 years. Investigation by the applicant identified the site as surplus to Council's needs due to underutilisation. The applicant is pursuing the reclassification of the site to enable future options (including sale or development) to be considered. These options cannot be pursued on land classified as 'community'.

The purpose of this report is to recommend that Council sponsor the planning proposal and commence the statutory process to reclassify the land from 'community' to 'operational'.

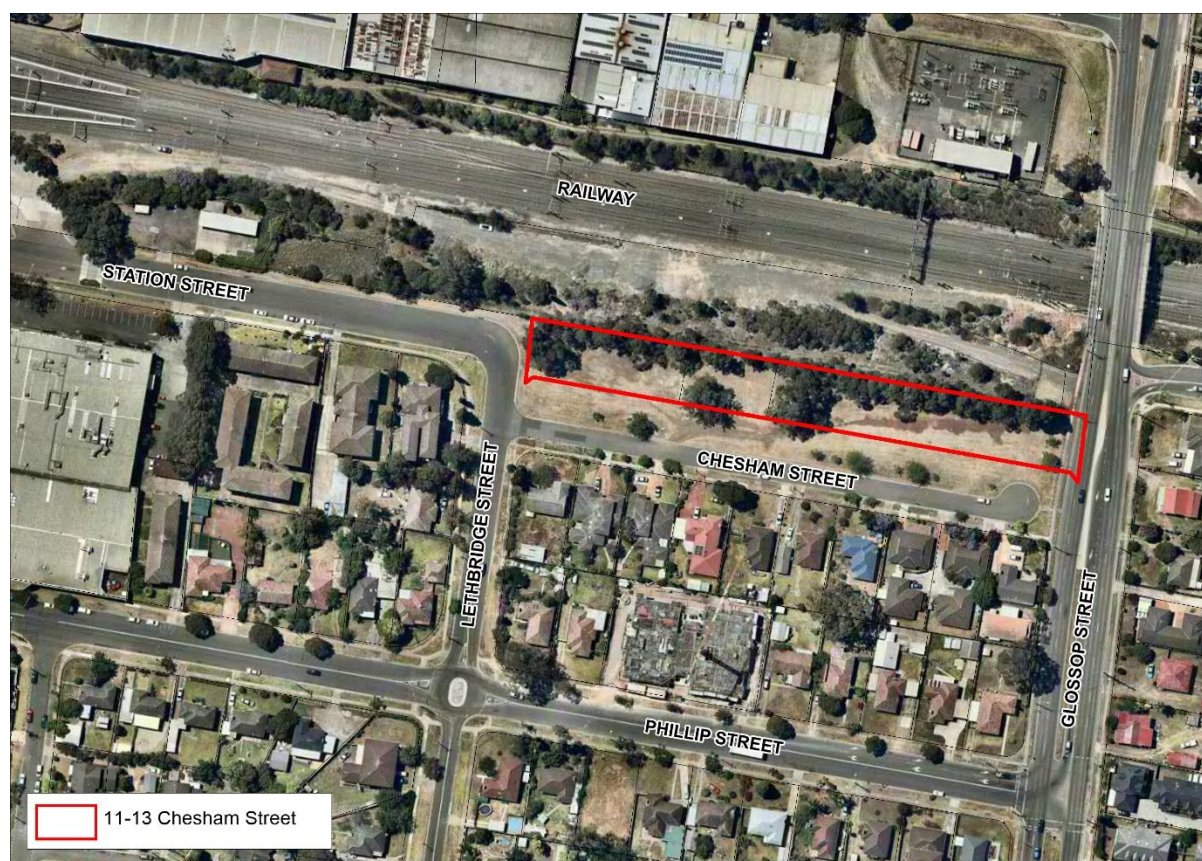


Figure 1 Aerial of subject land

### Strategic Context

A planning proposal has been prepared and was lodged with Council on 1 March 2018 (RZ18/0003). The planning proposal satisfactorily addresses all the matters required to be included in a planning proposal (as outlined in section 3.33 of the *Environmental Planning and Assessment Act 1979* and the DPE's *Guide to preparing planning proposals*). See Attachment 1.

The planning proposal has strategic merit when assessed against applicable local and regional strategic plans and studies.

The Penrith City Strategy (2013) (that incorporates the draft *Penrith Urban Strategy* (2008)) recommended that the subject area be used for higher density residential development to maximise its proximity to the St Marys town centre and public transport. The site is already zoned *R4 High Density Residential* in response to this.

The Community Plan and Delivery Program represents the community's 20-year vision for Penrith. This planning proposal supports the outcomes and strategies within the Community Plan.

The *Greater Sydney Region Plan* sets a 40-year vision and establishes a 20-year plan to manage growth and change for Greater Sydney. This plan advocates for ongoing housing supply and a range of housing types in the right locations to create more liveable neighbourhoods and support the Greater Sydney's growing population.

The *Western City District Plan* is a 20-year plan to manage growth in the context of economic, social and environmental matters to achieve the 40-year vision for Greater Sydney. This Plan advocates for housing supply, choice and affordability, with access to jobs, services and public transport. The plan also identifies St Marys as a strategic centre, noting economic growth as a core goal for planning St Marys.

The subject land is within walking distance to St Marys town centre, St Marys rail and bus interchange and local open space areas.

The reclassification of the subject area to 'operational' land allows the Council to commence dealings in the land that supports the current *R4 High Density Residential* zoning. This will enable the potential of the land to be unlocked and facilitate development in the city including the delivery of a range of housing types to suit different types of households that is close to public transport and the St Marys town centre.

### **Reclassification Process**

Public land is managed under the *Local Government Act 1993*, based on its classification. All public land must be classified as either 'community' land or 'operational' land.

- Community land – is land council makes available for use by the public, for example, parks, reserves or sports grounds.
- Operational land – is land which facilitates the functions of council, and may not be open to the public, for example, a works depot or council garage.

Community land must not be sold, exchanged or otherwise disposed of by a council. There is no special restriction on Council powers to manage, develop, dispose, or change the nature and use of operational land. The reclassification of public land does not commit Council to the sale or development of that land, nor does it alienate the land from Council's ownership or prevent the current use of the land from continuing.

The reclassification process requires the amendment of *Penrith Local Environmental Plan 2010* via a planning proposal being submitted to the DPE to commence the Gateway Process. Upon receipt of a Gateway Determination, public exhibition and agency consultation will occur, followed by an independently chaired public hearing (required for reclassification of land). The results of the community consultation will then be reported to Council.

### **Conclusion**

The reclassification of 11-13 Chesham Street, St Marys as 'operational' will enable Council to investigate future options for the site including sale or development in line with the existing *R4 High Density Residential* zone. The planning proposal supports the recommendations in the draft *Penrith Urban Strategy (2008)*. It is recommended that Council sponsor the planning proposal and commence the statutory process to reclassify the land from 'community' to 'operational'.

### **RECOMMENDATION**

That:



1. The information contained in the report on Reclassification of Council owned land at 11-13 Chesham Street, St Marys be received
2. A Planning Proposal reclassifying public land at 11-13 Chesham Street, St Marys from Community land to Operational land be submitted to the Department of Planning and Environment seeking a Gateway Determination.
3. Consultation with the community and public agencies be undertaken in accordance with any Gateway Determination issued by the Department of Planning and Environment.
4. An independently chaired public hearing be held at least 21 days after the close of the public exhibition period.
5. A planning consultant be engaged to independently chair the public hearing.
6. A report be presented to Council on the submissions received during the public exhibition and the results of the public hearing.

**ATTACHMENTS/APPENDICES**

1. Planning Proposal 11-13 Chesham Street St Marys	118 Pages	Attachments Included
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## Appendix 12:

### Consistency of Planning Proposal with State Environmental Planning Policies

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<b>SEPP Title</b>	<b>Applicable</b>	<b>Consistent</b>
SEPP No 1 — Development standards	N/A	
SEPP No 14 — Coastal Wetlands	N/A	
SEPP No 19 — Bushland in Urban Areas	Yes	Yes
SEPP No 21 — Caravan Parks	N/A	
SEPP No 26 — Littoral Rainforests	N/A	
SEPP No 30 — Intensive Agriculture	N/A	
SEPP No 33 — Hazardous and Offensive Development	N/A	
SEPP No 36 — Manufactured Home Estates	N/A	
SEPP No 44 — Koala Habitat Protection	N/A	
SEPP No 47 — Moore Park Showground	N/A	
SEPP No 50 — Canal Estate Development	N/A	
SEPP No 52 — Farm Dams and Other Works in Land and Water Management Plan Areas	N/A	
SEPP No 55 — Remediation of Land	Yes	SEPP 55 will need to be addressed as part of any future DA on the site
SEPP No 62 — Sustainable Aquaculture	N/A	
SEPP No 64 — Advertising and Signage	N/A	
SEPP No 65 — Design Quality of Residential Flat Development	N/A	
SEPP No 70 — Affordable Housing (Revised Schemes)	Yes	Yes
SEPP No 71 — Coastal Protection	N/A	
SEPP (Educational Establishments and Child Care Facilities)	N/A	
SEPP (Affordable Rental Housing) 2009	Yes	Yes
SEPP (Building Sustainability Index: BASIX) 2004	Yes	Yes
SEPP (Exempt and Complying Development Codes) 2008	Yes	This PP is not inconsistent with the Codes SEPP
SEPP (Housing for Seniors or People with a Disability) 2004	Yes	Yes

<b>SEPP Title</b>	<b>Applicable</b>	<b>Consistent</b>
SEPP (Infrastructure) 2007	Yes	This PP is not inconsistent with the ISEPP
SEPP (Integration and Repeals) 2016	N/A	
SEPP (Kosciuszko National Park— Alpine Resorts) 2007	N/A	
SEPP (Kurnell Peninsula) 1989	N/A	
SEPP (State Significant Precincts) 2005	Yes	Yes
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	N/A	
State Environmental Planning Policy (Miscellaneous Consent Provisions) 2007	N/A	
State Environmental Planning Policy (Penrith Lakes Scheme) 1989	N/A	
SEPP (Rural Lands) 2008	N/A	
State Environmental Planning Policy (State and Regional Development) 2011	Yes	Yes
State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011	N/A	
SEPP (Sydney Region Growth Centres) 2006	N/A	
State Environmental Planning Policy (Three Ports) 2013	N/A	
State Environmental Planning Policy (Urban Renewal) 2010	Yes	Yes
SEPP (Vegetation in Non-Rural Areas) 2017		
SEPP (Western Sydney Employment Area) 2009	N/A	
SEPP (Western Sydney Parklands) 2009	N/A	

## Appendix 13:

### Consistency of Planning Proposal with Section 117 Directions

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Section 117 Direction	Consistency
<b>1. Employment and Resources</b>	
<p><b>1.1 <u>Business and Industrial Zones</u></b></p> <p>This direction applies when a relevant planning authority prepares a Planning Proposal that will affect land within an existing or proposed business or industrial zone (including the alteration of any existing business or industrial zone boundary).</p>	N/A
<p><b>1.2 <u>Rural Zones</u></b></p> <p>This direction applies when a relevant planning authority prepares a Planning Proposal that will affect land within an existing or proposed rural zone (including the alteration of any existing rural zone boundary).</p>	N/A
<p><b>1.3 <u>Mining, Petroleum Production and Extractive Industries</u></b></p> <p>This direction applies when a relevant planning authority prepares a Planning Proposal that would have the effect of:</p> <ul style="list-style-type: none"> <li>(a) prohibiting the mining of coal or other minerals, production of petroleum, or winning or obtaining of extractive materials, or</li> <li>(b) restricting the potential development of resources of coal, other minerals, petroleum or extractive materials which are of State or regional significance by permitting a land use that is likely to be incompatible with such development.</li> </ul>	N/A
<p><b>1.4 <u>Oyster Aquaculture</u></b></p> <p>This direction applies when a relevant planning authority prepares any Planning Proposal that proposes a change in land use which could result in:</p> <ul style="list-style-type: none"> <li>(a) adverse impacts on a Priority Oyster Aquaculture Area or a “current oyster aquaculture lease in the national parks estate”; or</li> <li>(b) incompatible use of land between oyster aquaculture in a Priority Oyster Aquaculture Area or a “current oyster aquaculture lease in the national parks estate” and other land uses.</li> </ul>	N/A
<p><b>1.5 <u>Rural Lands</u></b></p> <p>This direction applies when:</p> <ul style="list-style-type: none"> <li>(a) a relevant planning authority prepares a Planning Proposal that will affect land within an existing or proposed rural or environment protection zone (including the alteration of any existing rural or environment protection zone boundary) or</li> </ul>	N/A

Section 117 Direction	Consistency
(b) a relevant planning authority prepares a Planning Proposal that changes the existing minimum lot size on land within a rural or environment protection zone.	
<b>2. Environment and Heritage</b>	
<p><b>2.1 <u>Environment Protection Zones</u></b>  This direction applies when a relevant planning authority prepares a Planning Proposal.</p>	<p>Yes.  There are no environmentally sensitive areas that need to be protected and/or conserved as part of the PP. The PP does not reduce the environmental protection standards that apply to the land.</p>
<p><b>2.2 <u>Coastal Protection</u></b>  This direction applies when a relevant planning authority prepares a Planning Proposal that applies to land in the coastal zone.</p>	<p>N/A</p>
<p><b>2.3 <u>Heritage Conservation</u></b>  This direction applies when a relevant planning authority prepares a Planning Proposal.</p> <p>The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.</p>	<p>Yes.  The proposed reclassification does not reduce the heritage value of nearby heritage items or land, namely St Marys Railway Station, which is listed on the State Heritage Register.</p> <p>The impact of any future development will be assessed as part of a DA in light of the existing heritage conservation provisions within the PLEP 2010.</p>
<p><b>2.4 <u>Recreation Vehicle Areas</u></b>  This direction applies when a relevant planning authority prepares a Planning Proposal.</p>	<p>Yes.  The PP does not enable land to be developed for the purpose of a recreation vehicle area.</p>
<p><b>2.5 <u>Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs</u></b>  This direction applies to the local government areas of Ballina, Byron, Kyogle, Lismore and Tweed.</p>	<p>N/A</p>
<b>3. Housing, Infrastructure and Urban Development</b>	
<p><b>3.1 <u>Residential Zones</u></b>  This direction applies when a relevant planning authority prepares a Planning Proposal that will affect land within:</p>	<p>Yes  The land is situated within an existing residential zone and the PP is consistent with this direction. No specific provisions in this regard are required.</p>



Section 117 Direction	Consistency
<p>(a) an existing or proposed residential zone (including the alteration of any existing residential zone boundary),</p> <p>(b) any other zone in which significant residential development is permitted or proposed to be permitted.</p>	
<p><b>3.2 <u>Caravan Parks and Manufactured Home Estates</u></b> This direction applies when a relevant planning authority prepares a Planning Proposal.</p>	<p>Yes. The PP does not contain provisions that restrict development for the purpose of a caravan park.</p>
<p><b>3.3 <u>Home Occupations</u></b> This direction applies when a relevant planning authority prepares a Planning Proposal.</p>	<p>Yes. Home occupations will continue to be permitted to be carried out in dwelling houses, without the need for development consent.</p>
<p><b>3.4 <u>Integrating Land Use and Transport</u></b> This direction applies when a relevant planning authority prepares a Planning Proposal that will create, alter or remove a zone or a provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes.</p>	<p>N/A</p>
<p><b>3.5 <u>Development Near Licensed Aerodromes</u></b> This direction applies when a relevant planning authority prepares a Planning Proposal that will create, alter or remove a zone or a provision relating to land in the vicinity of a licensed aerodrome.</p>	<p>N/A</p>
<p><b>3.6 <u>Shooting Ranges</u></b> This direction applies when a relevant planning authority prepares a Planning Proposal that will affect, create, alter or remove a zone or a provision relating to land adjacent to and/ or adjoining an existing shooting range.</p>	<p>N/A</p>
<p><b>4. Hazard and Rise</b></p>	
<p><b>4.1 <u>Acid Sulfate Soils</u></b> This direction applies when a relevant planning authority prepares a Planning Proposal that will apply to land having a probability of containing acid sulfate soils as shown on the Acid Sulfate Soils Planning Maps.</p>	<p>N/A</p>
<p><b>4.2 <u>Mine Subsidence and Unstable Land</u></b> This direction applies when a relevant planning authority prepares a Planning Proposal that permits development on land that:</p>	<p>N/A</p>

Section 117 Direction	Consistency
<ul style="list-style-type: none"> <li>(a) is within a mine subsidence district, or</li> <li>(b) has been identified as unstable in a study, strategy or other assessment undertaken:               <ul style="list-style-type: none"> <li>(i) by or on behalf of the relevant planning authority, or</li> <li>(ii) by or on behalf of a public authority and provided to the relevant planning authority.</li> </ul> </li> </ul>	
<b>4.3 <u>Flood Prone Land</u></b> This direction applies when a relevant planning authority prepares a Planning Proposal that creates, removes or alters a zone or a provision that affects flood prone land.	N/A
<b>4.4 <u>Planning for Bushfire Protection</u></b> This direction applies when a relevant planning authority prepares a Planning Proposal that will affect, or is in proximity to land mapped as bushfire prone land.	N/A
<b>5. Regional Planning</b>	
<b>5.1 <u>Implementation of Regional Strategies</u></b> This direction applies when a relevant planning authority prepares a Planning Proposal.	Revoked October 2017
<b>5.2 <u>Sydney Drinking Water Catchments</u></b> This Direction applies when a relevant planning authority prepares a Planning Proposal that applies to land within the Sydney drinking water catchment.	N/A
<b>5.3 <u>Farmland of State and Regional Significance on the NSW Far North Coast</u></b>	N/A
<b>5.4 <u>Commercial and Retail Development along the Pacific Highway, North Coast</u></b>	N/A
<b>5.5 <u>Second Sydney Airport: Badgerys Creek</u></b> Planning Proposals must not contain provisions that enable the carrying out of development, either with or without development consent, which at the date of this direction, could hinder the potential for development of a Second Sydney Airport.	N/A
<b>5.6 <u>North West Rail Link Corridor Strategy</u></b>	N/A
<b>5.7 <u>Implementation of Regional Plans</u></b> This direction applies when a relevant planning authority prepares a Planning Proposal.	Yes. The PP provides opportunity for the site to be developed in accordance with the vision,

Section 117 Direction	Consistency
	strategy, goals and directions contained in the Regional Plan

## Appendix 14:

Transport Impact Assessment prepared by GTA January 2018

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# 11-13 Chesham Street, St Marys Planning Proposal Transport Impact Assessment

Client // Penrith City Council  
Office // NSW  
Reference // N139510  
Date // 22/01/18

11-13 Chesham Street, St Marys

## Planning Proposal

## Transport Impact Assessment

Issue: A 22/01/18

Client: Penrith City Council

Reference: N139510

GTA Consultants Office: NSW

### Quality Record

Issue	Date	Description	Prepared By	Checked By	Approved By	Signed
A	22/01/18	Final	Ghizlane Chergaoui Syed Ali	Nicole Vukic	Nicole Vukic	N. Vukic

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# 1. Introduction

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## 1.1 Background

Penrith City Council (Council) is lodging a planning proposal to reclassify 5,758 square metre of land located at 11-13 Chesham Street, St Marys from community land R4 High Density Residential to operational land. The reclassification would allow the site to be developed, with an expected yield of approximately 100 apartments.

Council engaged GTA Consultants (GTA) in November 2017 to complete a transport impact assessment which assesses the impacts of the planning proposal.

## 1.2 Purpose of this Report

This report sets out an assessment of the anticipated transport implications of the proposed development, including consideration of the following:

- i Existing traffic and parking conditions surrounding the site
- ii Parking requirements for the development
- iii Service vehicle requirements
- iv Pedestrian and bicycle requirements
- v The traffic generating characteristics of the proposed development
- vi Suitability of the proposed access arrangements for the site
- vii The transport impact of the development proposal on the surrounding road network.

## 1.3 References

In preparing this report, reference has been made to the following:

- o An inspection of the site and its surrounds in November 2017
- o Penrith City Council Development Control Plan (DCP) 2014
- o Australian Standard/ New Zealand Standard, Parking Facilities, Part 1: Off-Street Car Parking AS/NZS 2890.1:2004
- o Traffic and car parking surveys completed by Matrix Traffic and Transport Data in November 2017, as referenced in the context of this report
- o Concept design plans for the proposed development prepared by Group GSA, dated March 2017
- o Other documents and data as referenced in this report.

## 2. Existing Conditions

### 2.1 Site Location

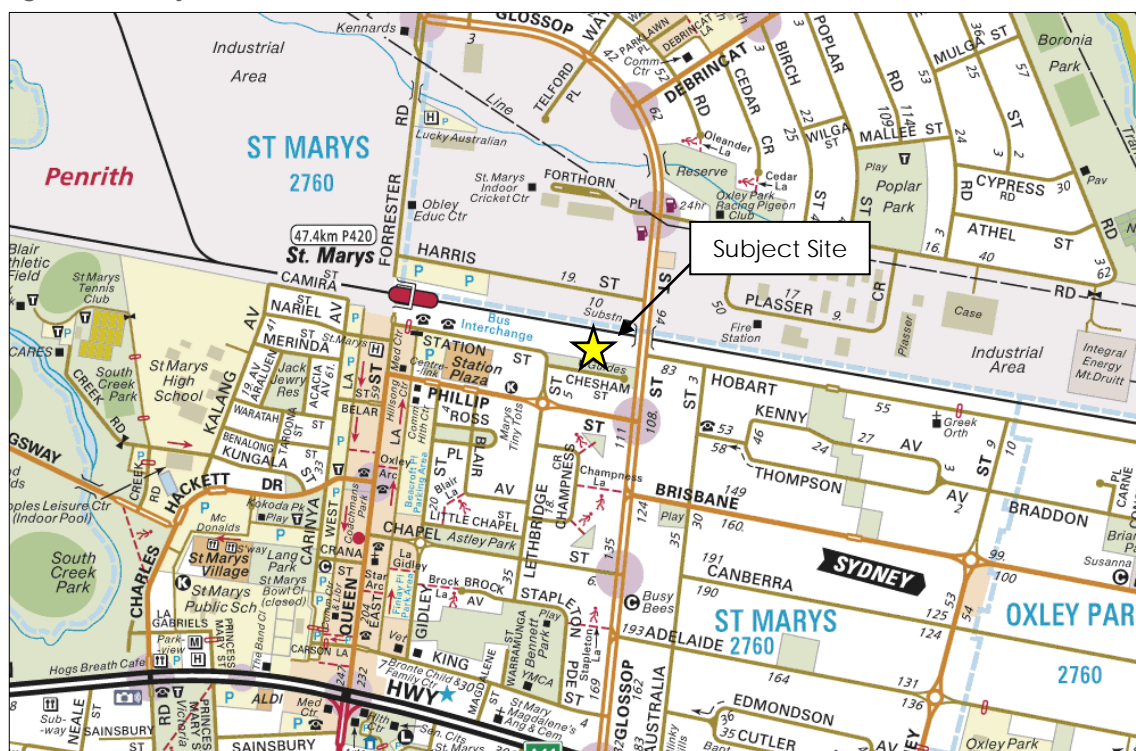
The subject site is located at 11-13 Chesham Street, St Marys (Lot 3 of DP542707 and Lot 21 of DP36191) and is currently classified as R4 High Density Residential.

The site is located approximately 350 metres east of St Marys Railway Station and less than one kilometre north of the Great Western Highway. The site is currently used as community open space. It is bounded by the railway line to the north, Glossop Street to the east, Chesham Street to the south and Lethbridge Street to the west.

Land uses surrounding the site include medium and low density residential properties, as well as the St Marys Station Plaza and other retail and community land uses located to the west of the site.

The location of the subject site and its surrounding environs is shown in Figure 2.1.

Figure 2.1: Subject site and its environs



Basemap source: Sydney

### 2.2 Road Network

#### 2.2.1 Adjoining Roads

##### Glossop Street

Glossop Street is classified as a regional road and is generally aligned in the north-south direction and aligning the eastern boundary of the site. It has a 20-metre-wide separated carriageway with two lanes of traffic in each direction.

Glossop Street has a speed limit of 60 kilometres per hour with no kerbside parking permitted on either side.

Glossop Street is shown in Figure 2.2.

Figure 2.2: Glossop Street (looking south)



### Chesham Street

Chesham Street is a local road aligned in an east-west direction and is located south of the site and has a cul-de-sac at its eastern end. It has a seven-metre wide, two-lane carriageway with kerbside parking permitted on both sides.

Chesham Street has a speed limit of 50 kilometres per hour and is shown in Figure 2.3 and Figure 2.4.

Figure 2.3: Chesham Street (looking east)



Figure 2.4: Chesham Street (looking west)



### Lethbridge Street

Lethbridge Street is a local road aligned in a north-south direction and located west of the site. It has a nine-metre wide, two-lane carriageway with kerbside parking generally permitted on both sides. Lethbridge intersects with Station Street adjacent to the site.

Lethbridge Street has a speed limit of 50 kilometres per hour and is shown in Figure 2.5.



Figure 2.5: Lethbridge Street (looking south)



#### Station Street

Station Street is a local road aligned in an east-west direction located west of the site. It is a 13-metre-wide, two-lane carriageway with kerbside parking generally permitted on both sides. Station Street has a speed limit of 40 kilometres per hour and provides access to the St Marys Railway Station.

#### Phillip Street

Phillip Street is a local road aligned in an east-west direction located south of the site. It is a 12-metre wide, two-lane carriageway with kerbside parking permitted on both sides. Station Street has a speed limit of 50 kilometres per hour and provides a connection to Glossop Street.

### 2.2.2 Surrounding Intersections

The following intersections currently exist near the site:

- Chesham Street/ Lethbridge Street (priority controlled)
- Lethbridge Street/ Station Street (bend/ priority controlled)
- Lethbridge Street/ Phillip Street (roundabout)
- Glossop Street/ Phillip Street (signalised).

## 2.3 Traffic Volumes

The majority of the intersections located near the site are priority controlled and carry reasonably low traffic volumes, given the local road network context.

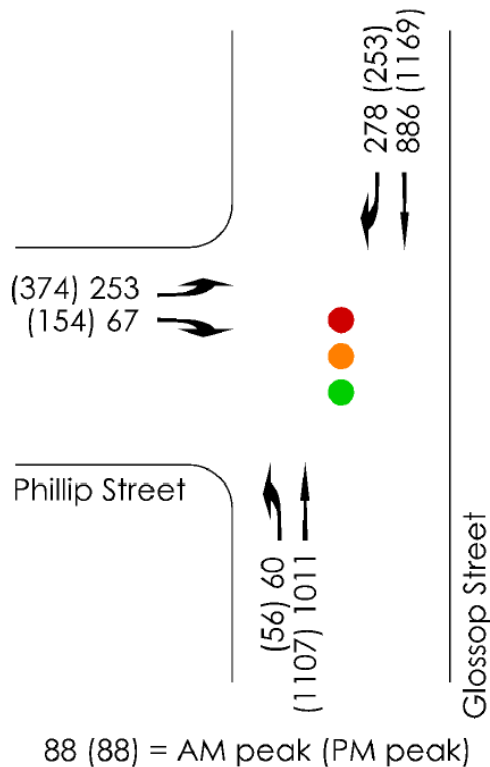
The intersection of Glossop Street/ Phillip Street is considered a key intersection within the surrounding road network, as it provides a key connection to the arterial road network including the Great Western Highway to the south and Forrester Road to the north-west.

The Glossop Street/ Phillip Street intersection is a three-leg signalised intersection and has pedestrian crossings on the west and south legs. Turning movement counts were completed at the intersection on Tuesday 9 November 2017 during the AM (6am to 9am) and PM (4pm to 6pm) peak periods.

The AM and PM peak hour traffic volumes are summarised in Figure 2.6 for the following surveyed peak hours:

- AM peak hour: 8am to 9am
- PM peak hour: 3:15pm to 4:15pm.

Figure 2.6: Existing AM/ PM peak hour traffic volumes



## 2.4 Intersection Operation

The operation of the Glossop Street/ Phillip Street intersection has been assessed using SIDRA Intersection<sup>1</sup>, a computer based modelling package which calculates intersection performance.

The commonly used measure of intersection performance, as defined by the Roads and Maritime Services (Roads and Maritime), is vehicle delay. SIDRA Intersection determines the average delay that vehicles encounter and provides a measure of the level of service. A level of service of D or better is generally considered acceptable operation.

Table 2.1 shows the criteria that SIDRA Intersection adopts in assessing the level of service.

<sup>1</sup> Program used under license from Akcelik & Associates Pty Ltd.

Table 2.1: SIDRA Intersection level of service criteria

Level of service	Average delay per vehicle (secs/veh)	Traffic signals, roundabout	Give way and stop sign
A	Less than 14	Good operation	Good operation
B	15 to 28	Good with acceptable delays and spare capacity	Acceptable delays and spare capacity
C	29 to 42	Satisfactory	Satisfactory, but accident study required
D	43 to 56	Near capacity	Near capacity, accident study required
E	57 to 70	At capacity, at signals incidents will cause excessive delays	At capacity, requires other control mode
F	Greater than 70	Extra capacity required	Extreme delay, major treatment required

Table 2.2 presents a summary of the existing operation of the intersection, with full results presented in Appendix A of this report.

Table 2.2: Existing operating conditions

Intersection	Peak	Leg	Degree of saturation	Average delay (sec)	95th percentile queue (m)	Level of service
Glossop Street/ Phillip Street	AM	South	0.55	15	132	B
		North	0.54	8	83	A
		West	0.51	38	75	C
		<b>Overall</b>	<b>0.55</b>	<b>15</b>	<b>132</b>	<b>B</b>
	PM	South	0.71	22	183	B
		North	0.70	12	90	A
		West	0.69	36	106	C
		<b>Overall</b>	<b>0.71</b>	<b>20</b>	<b>183</b>	<b>B</b>

Based on the above assessment, the intersection of Glossop Street/ Phillip Street currently operates well with spare capacity in the AM and PM peaks. However, all approaches experience some vehicle queuing during the AM and PM peak periods.

In general, the vehicle queues were observed to clear during each signal cycle, except for the right turn on the northern approach, which does not always clear during the PM peak. In this regard, it should be noted that the right turn filter on the north leg was generally not permitted during the PM peak.

## 2.5 Car Parking

Unrestricted kerbside parking is available on both sides of the following roads near the site:

- Chesham Street
- Lethbridge Street
- Station Street (limited to the eastern end).

At the time of the site visit, the available on-street parking was highly utilised. It is likely that the high parking demand is associated with commuters using St Marys Railway Station, with a small proportion associated with workers of local retail precinct and local residential parking.

Parking demand along Chesham Street and Station Street is shown in Figure 2.7 and Figure 2.8.



Figure 2.7: Chesham Street parking demand



Figure 2.8: Station Street parking demand



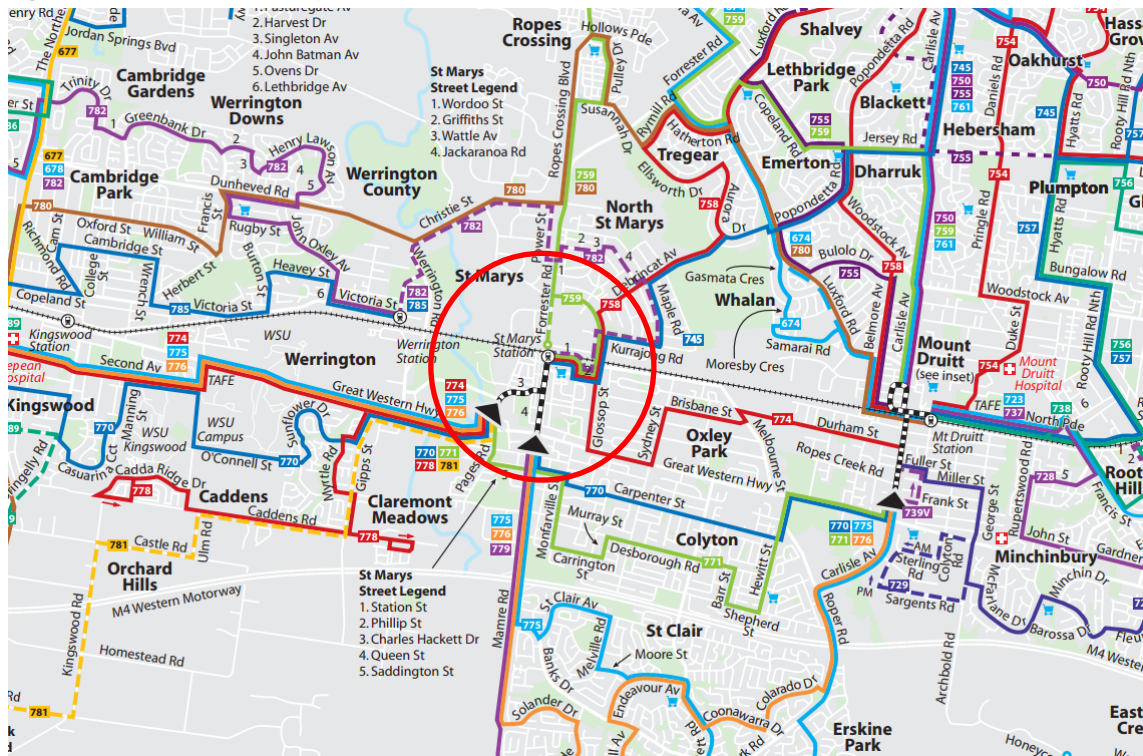
## 2.6 Public Transport

The site is located about 350 metres east of the St Marys Railway Station. The station services the T1 North Shore, Northern and Western Line, connecting to Blacktown, Parramatta and Sydney CBD to the east and Penrith to the west.

The subject site is also located 200 metres east of the St Marys interchange, which provides access to various bus routes, servicing a broad network, with reasonably high frequency.

The Busways network map is shown in Figure 2.9. The Interchange also accommodates route 835 linking Prairiewood to Western Sydney University in Penrith, during weekday peak periods.

Figure 2.9: Bus network map



Basemap source: [http://www.busways.com.au/sites/default/files/network\\_maps/R1TimetableNetworkMap280517.pdf](http://www.busways.com.au/sites/default/files/network_maps/R1TimetableNetworkMap280517.pdf), visited 20 December 2017

A review of the public transport available near the site is summarised in Table 2.3.

**Table 2.3: Public transport provision**

Service	Route number	Route description
Train	T1	North Shore, Northern and Western Line
Bus	745, 758, 759, 770, 771, 774, 775, 776, 778, 779, 781, 782, S11 and 835	St Marys to Castle Hill, to Mount Druitt, to Penrith, St Marys School to Blacksmiths, St Clair to St Marys

## 2.7 Pedestrian Infrastructure

Footpaths are generally provided along one side or both sides of the roads near the site, providing a good level of pedestrian connectivity to key transport facilities around the site, as well as the local retail centre.

Figure 2.10 and Figure 2.11 show the footpaths along Glossop Street and Station Street, respectively. These footpaths and are generally representative of footpaths along other roads across the local area.

**Figure 2.10: Glossop Street footpath (west side)**



**Figure 2.11: Station Street footpath (south side)**



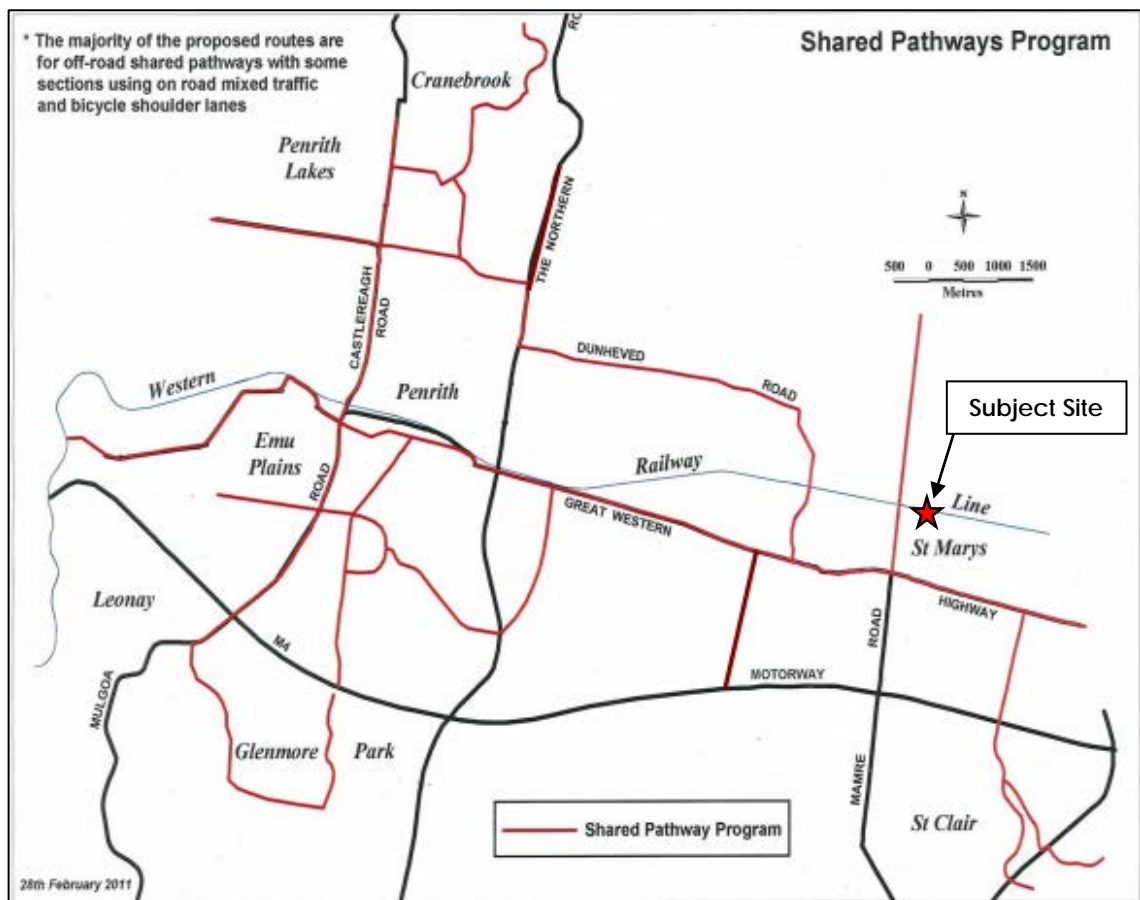
## 2.8 Cyclist Infrastructure

A range of cycleways and bicycle friendly roads are available in the area surrounding the site. Separate dedicated cycleways are available on the Great Western Highway, south west of the site, while dedicated cycling lanes are available along the M4 Western Motorway, located south of the site.

Council has proposed new cycling paths as part of the Penrith Accessible Trails Hierarchy Strategy (PATHS) to provide quality public infrastructure and promoting sustainable personal mobility choices. The proposed key routes provide major north-south and east-west trails along key transport and open space corridors.

Council's proposed priority routes for the shared pathways network around the site is illustrated in Figure 2.12.

Figure 2.12: Existing and proposed bicycle network around the site



Source: Penrith City Council, <https://www.penrithcity.nsw.gov.au/Documents/Building-and-Development/PATHS-Strategy/>, visited 15 December 2017

## 2.9 Transport Studies

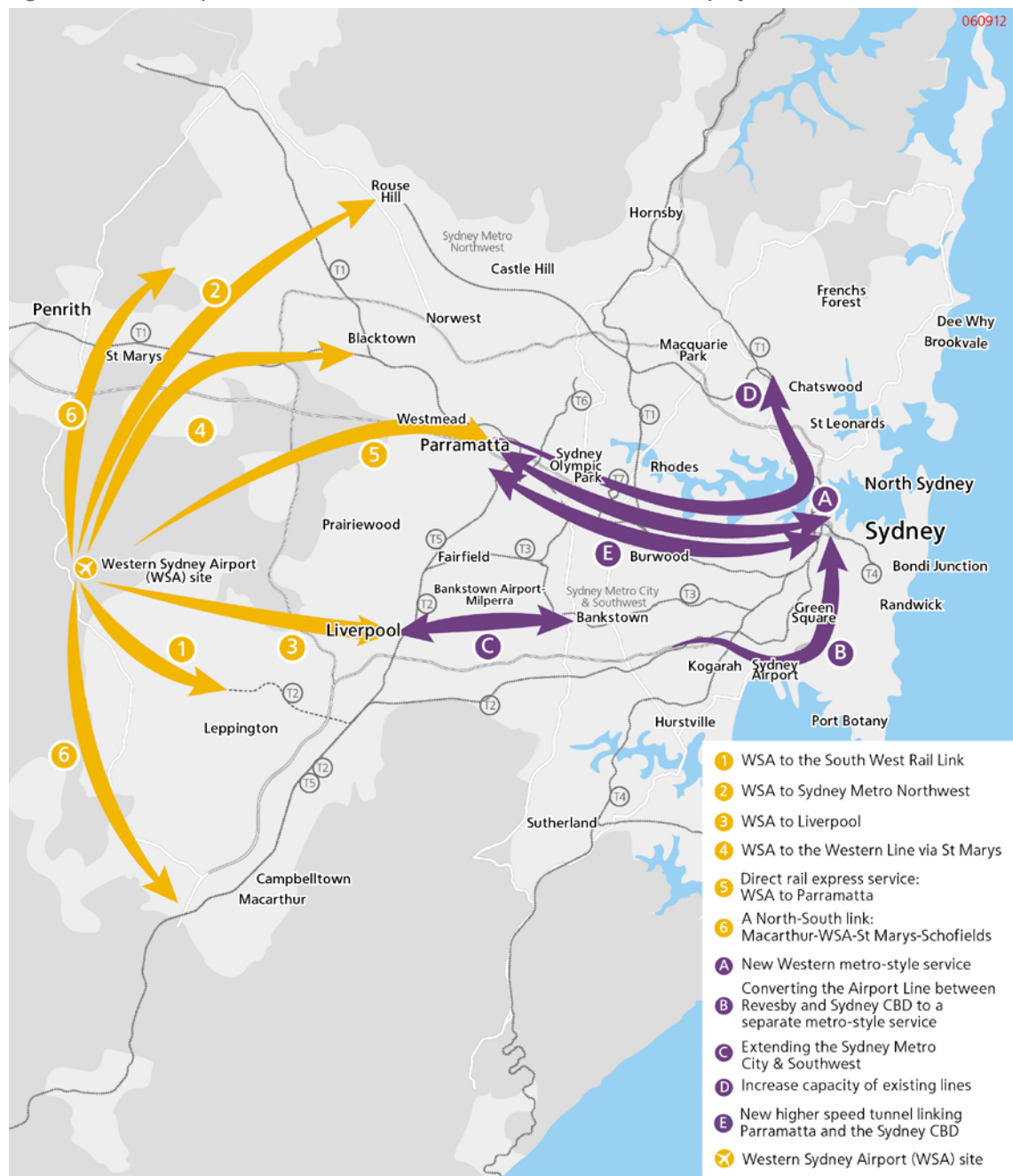
The South West Rail Link Extension Corridor project is a joint initiative between the Australian Government and the NSW Government. The project aims to investigate transport infrastructure upgrades expected to be required to support the proposed Western Sydney Airport, forming part of the growing Western Sydney transport infrastructure.

Initial plans include north-south link option, connecting the Western Sydney Airport to St Marys, as shown in Figure 2.13. Consequently, the South West Rail Link Extension would promote population growth in the St Marys area.

The final report for the South West Rail Link Extension Corridor is currently under investigation and review.



Figure 2.13: Route options for the South West Rail Link Extension Corridor project



Source: <https://www.westernsydneyrail.transport.nsw.gov.au/route-options/photos/28547>, visited 15 December 2017

## 3. Development Proposal

### 3.1 Land Uses

The proposal includes 102 apartments over three residential flat buildings, as well as a basement car park and landscaping across the site, with the expected breakdown of unit sizes summarised in Table 3.1.

Table 3.1: Development schedule

Number of bedrooms	Number of apartments
1-bedroom	63
2-bedroom	33
3-bedroom	4
4-bedroom	2
<b>TOTAL</b>	<b>102</b>

The proposed concept layout for the site is shown in Figure 3.1.

Figure 3.1: Proposed concept layout



Source: Penrith City Council – Preliminary Concept Design, dated October 2017

### 3.2 Vehicle Access

The site concept layout (see Figure 3.1) identifies a single two-way basement car park access via Lethbridge Street, along the western boundary of the site to clearly separate vehicle access from pedestrian access along Chesham Street.

The proposed site access location is considered undesirable, as it may cause driver confusion with regards to vehicle priority at the Station Street and Lethbridge Street intersection (bend). Therefore, it is recommended to provide site access from south via Chesham Street. This is likely to result in the loss of some existing on-street parking spaces on the northern side of Chesham Street to accommodate the driveway.

Chesham Street is a low traffic volume, local street with a cul-de-sac at its eastern end and a carriageway width of approximately 7.5 metres. If emergency and waste vehicles are unable to turn right out of the proposed development due to vehicles being parked on the southern kerbside of Chesham Street and the existing narrow carriageway, the cul-de-sac can be used by the larger vehicles to perform a U-turn movement to access Lethbridge Street. However, the design of the access to the proposed development will consider the turning movements of vehicles turning into and out of Chesham Street to minimise impact to existing on-street parking provisions.

Considering the above and with low traffic movements on Chesham Street as observed during site visit, it is recommended to provide access for the proposed development via Chesham Street. It is noted that detailed topographic surveys and architectural plans are required to identify the exact location of the proposed access, which is not generally provided at the planning proposal phase. Therefore, further consideration for an alternative site access via Chesham Street and its exact location will be investigated during Development Application (DA) and detailed design stages. During the detailed design stage, it is also recommended to consider the pedestrian activity along the proposed access, to avoid conflicts with vehicle movements from the proposed development.

### 3.3 Pedestrian Facilities

It is proposed that a pedestrian access point would be provided for each residential flat building along the southern boundary of the site on Chesham Street. As such, it is recommended that a footpath be provided along the frontage of the site on Chesham Street and linking with the surrounding footpaths along Lethbridge Street.

To accommodate mobility impaired people, it is recommended to ensure appropriate accessible paths from all pedestrian access points and accessible parking spaces with all supporting facilities linking common areas and dwellings. It is noted that further opportunities to facilitate movement of mobility impaired people, would be investigated during the DA and detailed design stages of the proposed development.

### 3.4 Bicycle Facilities

Council's DCP 2014 recommends that bicycle parking be provided in accordance with the Planning Guidelines for Walking and Cycling (NSW Government, 2004). The relevant rates for the proposed residential development result in the bicycle parking provisions presented in Table 3.2.

Table 3.2: DCP 2014 bicycle parking requirements

Use	Quantity	User	Bicycle parking rate	Parking requirement
1-bedroom units	63	Resident	20-30% per unit	13-19
		Visitor	5-10% per unit	4-7
2-bedroom units or more	39	Resident	20-30% per unit	8-12
		Visitor	5-10% per unit	2-4
Total spaces				27-42

Based on the proposed number of apartments, the development would be required to provide a minimum of 27 bicycle spaces. It is recommended that the resident bicycle parking be provided within the basement car park, while visitor parking could be provided at-grade and near main building entries.

### 3.5 Loading Areas

DCP 2014 requires one space per 40 units for service vehicles. This results in a requirement for three service vehicle bays.

### 3.6 Refuse Collection

The site concept layout does not ascertain any location for on-site waste collection. However, it is proposed to provide an on-site waste collection point, which should be accessible for Council's standard waste collection vehicles.

Council's standard waste collection vehicles available for refuse collection comprise of:

- 10.5 metres heavy rigid rear-loading vehicle
- 9.1 metres hook lift vehicle
- 8.3 metres hook lift vehicle
- 7 metres hook lift vehicle.

The waste management policy for residential flat building developments as outlined in DCP 2014, requires safe access for the Council's standard waste collection vehicles to enter and leave the site in a forward direction and service the development efficiently with little or no need to reverse. The access ramp to the site and on-site manoeuvring of waste vehicles should comply with Australian Standard 2890.2 Parking Facilities Part 2: Off Street Commercial Vehicle Facilities. Therefore, it is also recommended to consider the manoeuvring requirements of the standard waste collection vehicles, during the DA and detailed design stages of the development as per the requirement of DCP 2014.



## 4. Car Parking

### 4.1 Car Parking Requirements

#### 4.1.1 DCP Parking Requirements

The car parking provision requirements for different development types are set out in Council's DCP 2014.

A review of the car parking requirement rates and the number of proposed units results in a DCP minimum parking requirement for the proposed development as summarised in Table 4.1.

Table 4.1: DCP car parking requirements

Description	Parking breakdown	Number of apartments	DCP parking rate	DCP parking requirement
Residential flat buildings	1 and 2 bedrooms	96	1 space per unit	96
	3 and 4 bedrooms	6	2 spaces per unit	12
	Visitor parking	102	1 space per 5 units or part thereof	21
	Car wash bay	102	1 space for car washing for every 50 units up to a maximum of 4 spaces per building	3
<b>Total</b>				<b>132 spaces (minimum)</b>

Table 4.1 indicates that the proposed development as per the DCP parking criteria requires a minimum 132 parking spaces, with 108 residential parking spaces, 21 visitor parking spaces and three spaces as car wash bays.

#### 4.1.2 Alternative Parking Requirements

The State Environmental Planning Policy (SEPP) No. 65 for Apartment Design Guide states that car parking provisions for developments within 800 metres of a railway station in the Sydney Metropolitan Area should follow the minimum car parking requirement for residents and visitors set out in the Guide to Traffic Generating Developments (Roads and Maritime, 2002), or the car parking requirement prescribed by the relevant council, whichever is less.

Adopting the parking requirements set out in the Guide to Traffic Generating Developments (the Guide) for high density residential flat buildings in a Metropolitan Sub-Regional Centre, a minimum of 97 off-street residential parking spaces for high density residential flat buildings in metropolitan sub-regional centres, as summarised in Table 4.2.

Table 4.2: Roads and Maritime car parking requirements

Description	Parking breakdown	Number of apartments	Parking rate	Parking requirement
High density residential flat buildings (Metropolitan Sub-Regional Centre)	1 bedroom	63	0.6 spaces per unit	38
	2 bedrooms	33	0.9 spaces per unit	30
	3 and 4 bedrooms	6	1.4 spaces per unit	8
	Visitor parking	-	1 space per 5 units or part thereof	21
<b>Total</b>				<b>97 spaces</b>

#### 4.1.3 Recommended Parking Provision

It is recommended that parking provision for the site is based on the minimum requirements of DCP 2014. This higher off-street parking rate would better align with likely market expectations and demographics of the site and its surrounds. Particularly given the limited amount of higher density residential developments in the area.

#### 4.1.4 Disabled Car Parking Requirements

DCP 2014 recommends disabled parking for residential uses should be in accordance with the Access to Premises Standards, Building Code of Australia (BCA). Therefore, the BCA requirements have been referenced to determine the disabled car parking requirements. The BCA outlines requirements for the provision of car parking for people with disabilities. The disabled car parking spaces must also comply with AS2890.6:2009.

Section D3.5 of the BCA specifies the accessible parking provision requirements for various classes of buildings. Typically, the level of accessible parking provision for residential development is determined based on the number of accessible sole-occupancy units, subject to final confirmation by the building surveyor.

## 5. Traffic Impact Assessment

### 5.1 Traffic Generation

#### 5.1.1 Design Rates

The Council's localised traffic generation rates for high density residential flat building developments within 800 metres from a railway station or sites within 400 metres of land zoned, B3 Commercial Core and B4 Mixed Use, recommends average peak trip generation rates as shown in Table 5.1.

Table 5.1: Council's localised high density flat building traffic generation rate

Year	Average peak trip per unit
2026	0.33
2031	0.30
2036	0.26

As such the site is a high density residential apartment with its peak operational year as 2026, the traffic generation rates suggest 0.33 vehicle trips per unit for the weekday AM and PM peak hours would be expected. On this basis, the proposed development is expected to generate a total of 34 vehicle trips per hour during peak periods.

### 5.2 Distribution and Assignment

The directional distribution and assignment of traffic generated by the proposed development will be influenced by a number of factors, including the:

- i Configuration of the arterial road network in the immediate vicinity of the site
- ii Existing operation of intersections providing access between the local and arterial road network
- iii Distribution of households near the site
- iv Surrounding employment centres, retail centres and schools in relation to the site
- v Configuration of access points to the site.

It is expected that the proposed development would attract users relatively evenly throughout the surrounding local and regional area. Notwithstanding this, for this assessment, it has been assumed that all traffic generated by the site would use the Glossop Street/ Phillip Street intersection to access the surrounding road network. This is considered a worst-case scenario, given that some of this traffic may use alternative routes including Lethbridge Street and Chapel Street.

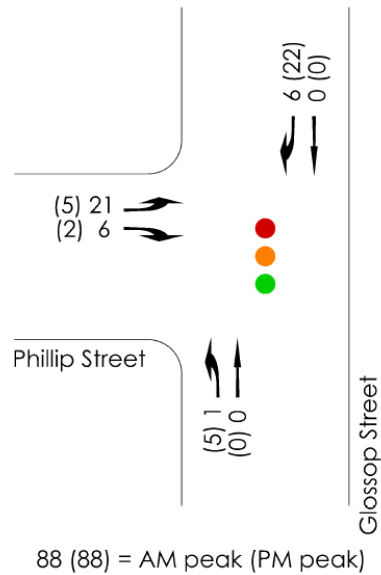
The traffic generation estimates have been apportioned to individual turning movements at the Glossop Street/ Phillip Street intersection, based on the existing survey data.

The directional split of traffic (i.e. the ratio between the inbound and outbound traffic movements) during the peak hours is expected to be as follows:

- AM peak hour: 20% inbound and 80% outbound
- PM peak hour: 80% inbound and 20% outbound.

Based on the above, the development traffic volumes expected at the intersection of Glossop Street/ Phillip Street during the AM and PM peak hours are shown in Figure 5.1.

Figure 5.1: Proposed development traffic at the Glossop Street/ Phillip Street



### 5.3 Traffic Growth for this study

To account for growth in the surrounding network traffic, a two per cent annual growth rate has been used for the extrapolating the traffic volumes at Glossop Street/ Phillip Street intersection. This growth factor will allow to assess the traffic impact of the proposed development on the Glossop Street/ Phillip Street intersection during the horizon year 2027.

### 5.4 Traffic Impact

Table 5.2 presents a summary of the operation during peak periods for the 2027 growth scenarios, with and without the development. Detailed results are presented in Appendix A of this report.

Table 5.2: 2027 intersection operating conditions

Intersection	Peak	Leg	Degree of saturation	Average delay (sec)	95th percentile queue (m)	Level of service
Glossop Street/ Phillip Street (without development)	AM	South	0.77	23	210	B
		North	0.60	10	95	A
		West	0.70	35	84	C
		<b>Overall</b>	<b>0.77</b>	<b>19</b>	<b>210</b>	<b>B</b>
	PM	South	0.86	32	289	C
		North	0.85	14	125	A
		West	0.84	42	150	C
		<b>Overall</b>	<b>0.86</b>	<b>26</b>	<b>289</b>	<b>B</b>
Glossop Street/ Phillip Street (with development)	AM	South	0.77	23	210	B
		North	0.61	11	97	B
		West	0.75	36	91	C
		<b>Overall</b>	<b>0.77</b>	<b>19</b>	<b>210</b>	<b>B</b>
	PM	South	0.89	37	309	C
		North	0.87	15	137	B
		West	0.85	42	149	C
		<b>Overall</b>	<b>0.89</b>	<b>28</b>	<b>309</b>	<b>B</b>

The results in Table 5.2 show that with the expected background growth traffic and additional trips generated by the proposed development, the intersection of Glossop Street/ Phillip Street would operate at an acceptable level of service. The proposed development would generally have limited impact on the overall intersection operation and the intersection would continue to operate with a satisfactory level of service of B.

The traffic volumes on the eastbound approach of the intersection of Glossop Street/ Phillip Street was surveyed to be less than 1,000 vehicles per hour. Based on site observations, the total traffic volume entering and exiting the westbound approach of the roundabout intersection of Lethbridge Street/ Phillip street would also be less than 1,000 vehicles per hour. Considering this low traffic volume, it is expected that the roundabout intersection of Lethbridge Street/ Phillip Street will not experience any significant capacity issues with the addition of proposed development traffic.

## 6. Conclusion

Based on the analysis and discussions presented within this report, the following conclusions are made:

- i The proposed includes the reclassification of the land at 11-13 Chesham Street, St Marys for construction of approximately 100 high density residential apartments.
- ii The proposed site access would be located along Lethbridge Street. Although it is recommended that consideration for a more suitable access via Chesham Street be considered during design development.
- iii The proposed development generates a DCP 2014 minimum parking requirement of 132 spaces and a Roads and Maritime parking requirement of 97 spaces.
- iv It is recommended that the development includes 132 off-street parking to spaces, including resident and visitor parking.
- v The proposed development requires a minimum of 27 bicycle parking spaces for use by residents and visitors.
- vi The proposed development requires three service vehicle bays for waste removal, loading, removalists etc.
- vii The site is expected to generate an additional 30 vehicle trips during peak hour respectively.
- viii There is adequate capacity in the surrounding road network to cater for the traffic generated by the proposed development, including the intersection of Glossop Street/ Phillip Street, which provides the main connection to the surrounding arterial network.

Overall, the traffic and parking implications associated with the proposed residential redevelopment is considered acceptable.

## Appendix A

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### SIDRA Intersection Results



# MOVEMENT SUMMARY

 **Site:** [Phillip Street/ Glossop Street EX\_AM]

Signals - Fixed Time Isolated    Cycle Time = 100 seconds (User-Given Cycle Time)

Movement Performance - Vehicles											
Mov ID	OD Mov	Demand Total veh/h	Flows HV %	Deg. Satn v/c	Average Delay sec	Level of Service	95% Back of Queue Vehicles veh	Distance m	Prop. Queued	Effective Stop Rate per veh	Average Speed km/h
South: Glossop Street											
1	L2	63	11.7	0.551	20.1	LOS B	16.7	127.3	0.67	0.62	37.4
2	T1	1064	9.9	0.551	14.7	LOS B	17.4	132.3	0.68	0.62	45.4
Approach		1127	10.0	0.551	15.0	LOS B	17.4	132.3	0.68	0.62	45.0
North: Glossop Street											
8	T1	933	14.6	0.327	2.9	LOS A	6.0	47.6	0.29	0.26	56.5
9	R2	293	2.9	0.542	23.9	LOS B	11.6	83.4	0.90	0.87	35.6
Approach		1225	11.8	0.542	7.9	LOS A	11.6	83.4	0.44	0.41	50.4
West: Phillip Street											
10	L2	266	2.8	0.457	33.9	LOS C	10.4	74.6	0.85	0.80	30.3
12	R2	71	9.0	0.505	55.2	LOS D	3.5	26.5	1.00	0.76	20.2
Approach		337	4.1	0.505	38.4	LOS C	10.4	74.6	0.88	0.79	27.9
All Vehicles		2689	10.1	0.551	14.7	LOS B	17.4	132.3	0.59	0.54	44.3

Site Level of Service (LOS) Method: Delay (RTA NSW). Site LOS Method is specified in the Parameter Settings dialog (Site tab).

Vehicle movement LOS values are based on average delay per movement.

Intersection and Approach LOS values are based on average delay for all vehicle movements.

SIDRA Standard Delay Model is used. Control Delay includes Geometric Delay.

Gap-Acceptance Capacity: SIDRA Standard (Akçelik M3D).

HV (%) values are calculated for All Movement Classes of All Heavy Vehicle Model Designation.

Movement Performance - Pedestrians									
Mov ID	Description	Demand Flow ped/h	Average Delay sec	Level of Service	Average Back of Queue Pedestrian ped	Distance m	Prop. Queued	Effective Stop Rate per ped	
P1	South Full Crossing	53	44.3	LOS E	0.1	0.1	0.94	0.94	
P4	West Full Crossing	53	13.0	LOS B	0.1	0.1	0.51	0.51	
All Pedestrians		105	28.7	LOS C			0.73	0.73	

Level of Service (LOS) Method: SIDRA Pedestrian LOS Method (Based on Average Delay)

Pedestrian movement LOS values are based on average delay per pedestrian movement.

Intersection LOS value for Pedestrians is based on average delay for all pedestrian movements.

# MOVEMENT SUMMARY

 **Site:** [Phillip Street/ Glossop Street EX\_PM]

Signals - Fixed Time Isolated    Cycle Time = 100 seconds (User-Given Cycle Time)

Movement Performance - Vehicles											
Mov ID	OD Mov	Demand Total veh/h	Flows HV %	Deg. Satn v/c	Average Delay sec	Level of Service	95% Back of Queue Vehicles veh	Distance m	Prop. Queued	Effective Stop Rate per veh	Average Speed km/h
South: Glossop Street											
1	L2	59	10.7	0.710	26.7	LOS B	22.4	174.1	0.82	0.74	33.0
2	T1	1165	12.9	0.710	21.6	LOS B	23.5	183.1	0.83	0.75	40.8
Approach		1224	12.8	0.710	21.8	LOS B	23.5	183.1	0.83	0.75	40.5
North: Glossop Street											
8	T1	1231	8.9	0.445	5.0	LOS A	11.1	83.4	0.41	0.37	54.2
9	R2	266	3.2	0.698	46.7	LOS D	12.5	90.0	0.98	0.85	26.4
Approach		1497	7.9	0.698	12.4	LOS A	12.5	90.0	0.51	0.45	46.7
West: Phillip Street											
10	L2	394	3.5	0.555	29.3	LOS C	14.7	106.2	0.82	0.81	32.2
12	R2	162	3.2	0.687	52.3	LOS D	8.0	57.7	1.00	0.85	21.0
Approach		556	3.4	0.687	36.0	LOS C	14.7	106.2	0.87	0.82	28.5
All Vehicles		3277	9.0	0.710	19.9	LOS B	23.5	183.1	0.69	0.63	40.6

Site Level of Service (LOS) Method: Delay (RTA NSW). Site LOS Method is specified in the Parameter Settings dialog (Site tab).

Vehicle movement LOS values are based on average delay per movement.

Intersection and Approach LOS values are based on average delay for all vehicle movements.

SIDRA Standard Delay Model is used. Control Delay includes Geometric Delay.

Gap-Acceptance Capacity: SIDRA Standard (Akçelik M3D).

HV (%) values are calculated for All Movement Classes of All Heavy Vehicle Model Designation.

Movement Performance - Pedestrians									
Mov ID	Description	Demand Flow ped/h	Average Delay sec	Level of Service	Average Back of Queue Pedestrian ped	Distance m	Prop. Queued	Effective Stop Rate per ped	
P1	South Full Crossing	53	44.3	LOS E	0.1	0.1	0.94	0.94	
P4	West Full Crossing	53	17.4	LOS B	0.1	0.1	0.59	0.59	
All Pedestrians		105	30.9	LOS D			0.77	0.77	

Level of Service (LOS) Method: SIDRA Pedestrian LOS Method (Based on Average Delay)

Pedestrian movement LOS values are based on average delay per pedestrian movement.

Intersection LOS value for Pedestrians is based on average delay for all pedestrian movements.

# MOVEMENT SUMMARY

 **Site:** [Phillip Street/ Glossop Street AM + Dev]

Signals - Fixed Time Isolated    Cycle Time = 100 seconds (User-Given Cycle Time)

Movement Performance - Vehicles											
Mov ID	OD Mov	Demand Total veh/h	Flows HV %	Deg. Satn v/c	Average Delay sec	Level of Service	95% Back of Queue Vehicles veh	Distance m	Prop. Queued	Effective Stop Rate per veh	Average Speed km/h
South: Glossop Street											
1	L2	64	11.5	0.552	20.1	LOS B	16.8	127.5	0.67	0.62	37.4
2	T1	1064	9.9	0.552	14.7	LOS B	17.4	132.4	0.68	0.62	45.4
Approach		1128	10.0	0.552	15.0	LOS B	17.4	132.4	0.68	0.62	45.0
North: Glossop Street											
8	T1	933	14.6	0.327	2.9	LOS A	6.0	47.6	0.29	0.26	56.5
9	R2	298	2.8	0.551	24.3	LOS B	11.8	84.9	0.90	0.88	35.3
Approach		1231	11.7	0.551	8.1	LOS A	11.8	84.9	0.44	0.41	50.2
West: Phillip Street											
10	L2	286	2.6	0.491	34.3	LOS C	11.3	81.1	0.86	0.81	30.1
12	R2	76	8.3	0.540	55.5	LOS D	3.8	28.5	1.00	0.77	20.2
Approach		362	3.8	0.540	38.7	LOS C	11.3	81.1	0.89	0.80	27.8
All Vehicles		2721	9.9	0.552	15.0	LOS B	17.4	132.4	0.60	0.55	44.0

Site Level of Service (LOS) Method: Delay (RTA NSW). Site LOS Method is specified in the Parameter Settings dialog (Site tab).

Vehicle movement LOS values are based on average delay per movement.

Intersection and Approach LOS values are based on average delay for all vehicle movements.

SIDRA Standard Delay Model is used. Control Delay includes Geometric Delay.

Gap-Acceptance Capacity: SIDRA Standard (Akçelik M3D).

HV (%) values are calculated for All Movement Classes of All Heavy Vehicle Model Designation.

Movement Performance - Pedestrians									
Mov ID	Description	Demand Flow ped/h	Average Delay sec	Level of Service	Average Back of Queue Pedestrian ped	Distance m	Prop. Queued	Effective Stop Rate per ped	
P1	South Full Crossing	53	44.3	LOS E	0.1	0.1	0.94	0.94	
P4	West Full Crossing	53	13.0	LOS B	0.1	0.1	0.51	0.51	
All Pedestrians		105	28.7	LOS C			0.73	0.73	

Level of Service (LOS) Method: SIDRA Pedestrian LOS Method (Based on Average Delay)

Pedestrian movement LOS values are based on average delay per pedestrian movement.

Intersection LOS value for Pedestrians is based on average delay for all pedestrian movements.

# MOVEMENT SUMMARY

 **Site:** [Phillip Street/ Glossop Street PM + Dev]

Signals - Fixed Time Isolated    Cycle Time = 100 seconds (User-Given Cycle Time)

Movement Performance - Vehicles											
Mov ID	OD Mov	Demand Total veh/h	Flows HV %	Deg. Satn v/c	Average Delay sec	Level of Service	95% Back of Queue Vehicles veh	Distance m	Prop. Queued	Effective Stop Rate per veh	Average Speed km/h
South: Glossop Street											
1	L2	64	9.8	0.728	27.6	LOS B	23.0	178.6	0.83	0.76	32.5
2	T1	1165	12.9	0.728	22.5	LOS B	24.2	187.9	0.85	0.77	40.3
Approach		1229	12.8	0.728	22.7	LOS B	24.2	187.9	0.85	0.77	40.0
North: Glossop Street											
8	T1	1231	8.9	0.445	5.0	LOS A	11.1	83.4	0.41	0.37	54.2
9	R2	287	2.9	0.718	46.5	LOS D	13.6	97.4	0.98	0.86	26.4
Approach		1518	7.8	0.718	12.8	LOS A	13.6	97.4	0.51	0.46	46.3
West: Phillip Street											
10	L2	398	3.4	0.542	28.6	LOS C	14.7	105.7	0.81	0.81	32.5
12	R2	164	3.2	0.696	52.5	LOS D	8.2	58.7	1.00	0.85	20.9
Approach		562	3.4	0.696	35.6	LOS C	14.7	105.7	0.86	0.82	28.6
All Vehicles		3309	8.9	0.728	20.4	LOS B	24.2	187.9	0.70	0.64	40.3

Site Level of Service (LOS) Method: Delay (RTA NSW). Site LOS Method is specified in the Parameter Settings dialog (Site tab).

Vehicle movement LOS values are based on average delay per movement.

Intersection and Approach LOS values are based on average delay for all vehicle movements.

SIDRA Standard Delay Model is used. Control Delay includes Geometric Delay.

Gap-Acceptance Capacity: SIDRA Standard (Akçelik M3D).

HV (%) values are calculated for All Movement Classes of All Heavy Vehicle Model Designation.

Movement Performance - Pedestrians									
Mov ID	Description	Demand Flow ped/h	Average Delay sec	Level of Service	Average Back of Queue Pedestrian ped	Distance m	Prop. Queued	Effective Stop Rate per ped	
P1	South Full Crossing	53	44.3	LOS E	0.1	0.1	0.94	0.94	
P4	West Full Crossing	53	18.0	LOS B	0.1	0.1	0.60	0.60	
All Pedestrians		105	31.2	LOS D			0.77	0.77	

Level of Service (LOS) Method: SIDRA Pedestrian LOS Method (Based on Average Delay)

Pedestrian movement LOS values are based on average delay per pedestrian movement.

Intersection LOS value for Pedestrians is based on average delay for all pedestrian movements.

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## Appendix 15:

### Penrith Local Environmental Plan 2010 Maps

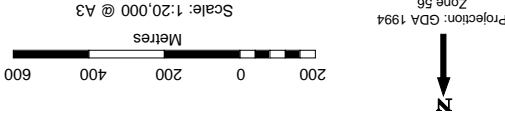
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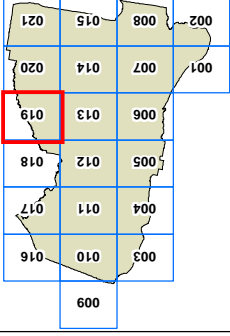
- Zone**
- |      |  |
|------|--|
| B1   | Neighbourhood Centre                       |
| B2   | Local Centre                               |
| B3   | Commercial Core                            |
| B4   | Mixed Use                                  |
| B5   | Business development                       |
| B6   | Enterprise Corridor                        |
| B7   | Business Park                              |
| E1   | National Parks and Nature Reserves         |
| E2   | Environmental Conservation                 |
| E3   | Environmental Management                   |
| E4   | Environmental Living                       |
| IN1  | General Industrial                         |
| IN2  | Light Industrial                           |
| R1   | General Residential                        |
| R2   | Low Density Residential                    |
| R3   | Medium Density Residential                 |
| R4   | High Density Residential                   |
| R5   | Large Lot Residential                      |
| RE1  | Public Recreation                          |
| RE2  | Private Recreation                         |
| RU1  | Primary Production                         |
| RU2  | Rural Landscape                            |
| RU4  | Primary Production Small Lots              |
| RU6  | Village                                    |
| SP1  | Special Activities                         |
| SP2  | Infrastructure                             |
| SP3  | Tourist                                    |
| W1   | Natural Waterways                          |
| W2   | Recreational Waterways                     |
| DM   | Deferred Matter                            |
| WSEA | SEPP (Western Sydney Employment Area) 2009 |
| SM   | SREP No. 30 - St Marys                     |

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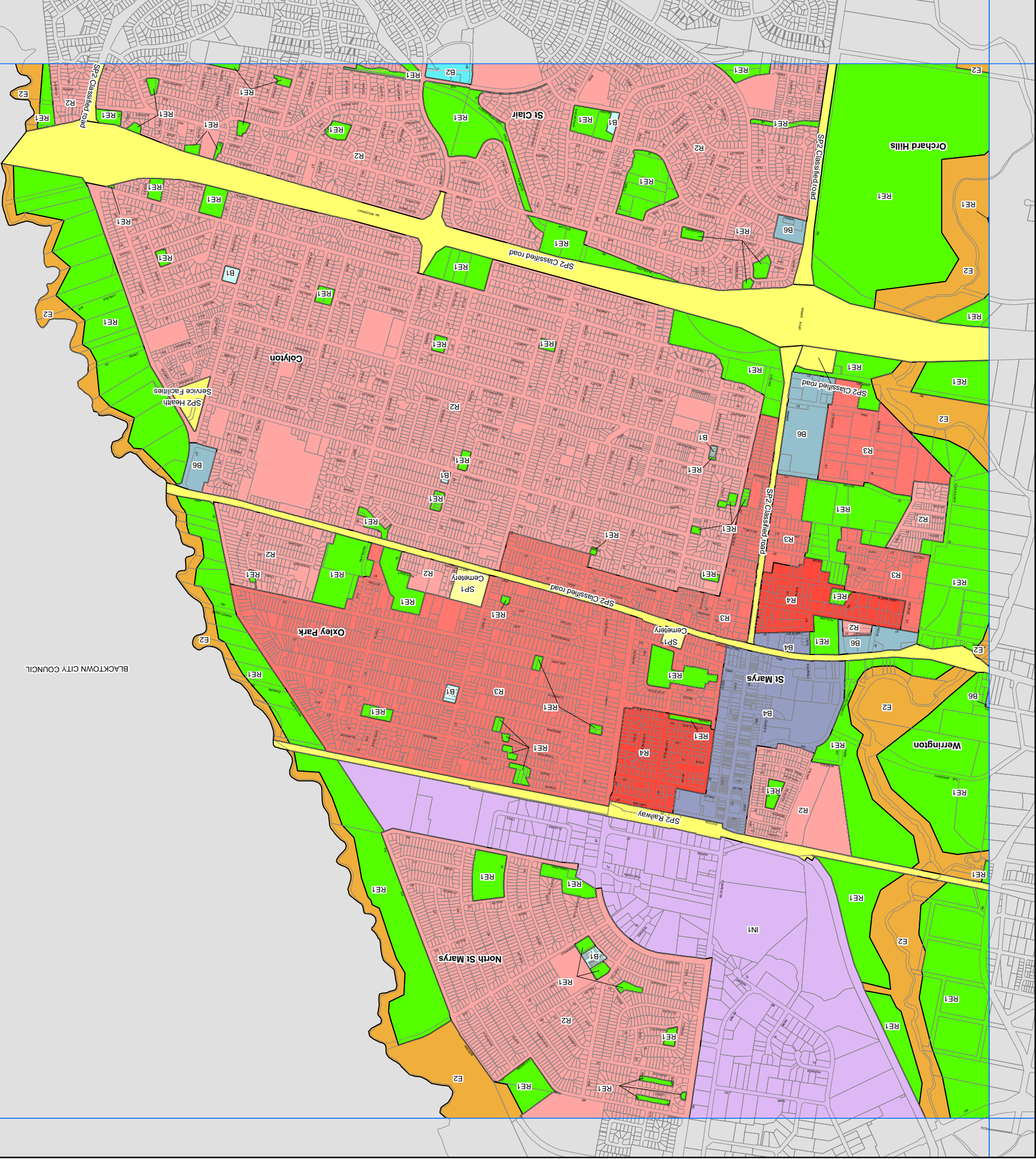
☐ Cadastre 20/03/2017 © Penrith City Council



Map identification number:  
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BLACKTOWN CITY COUNCIL

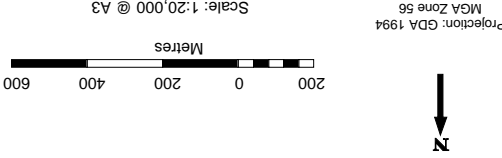
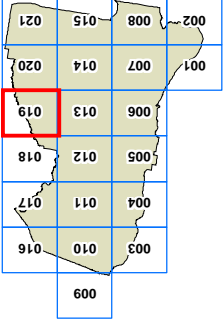




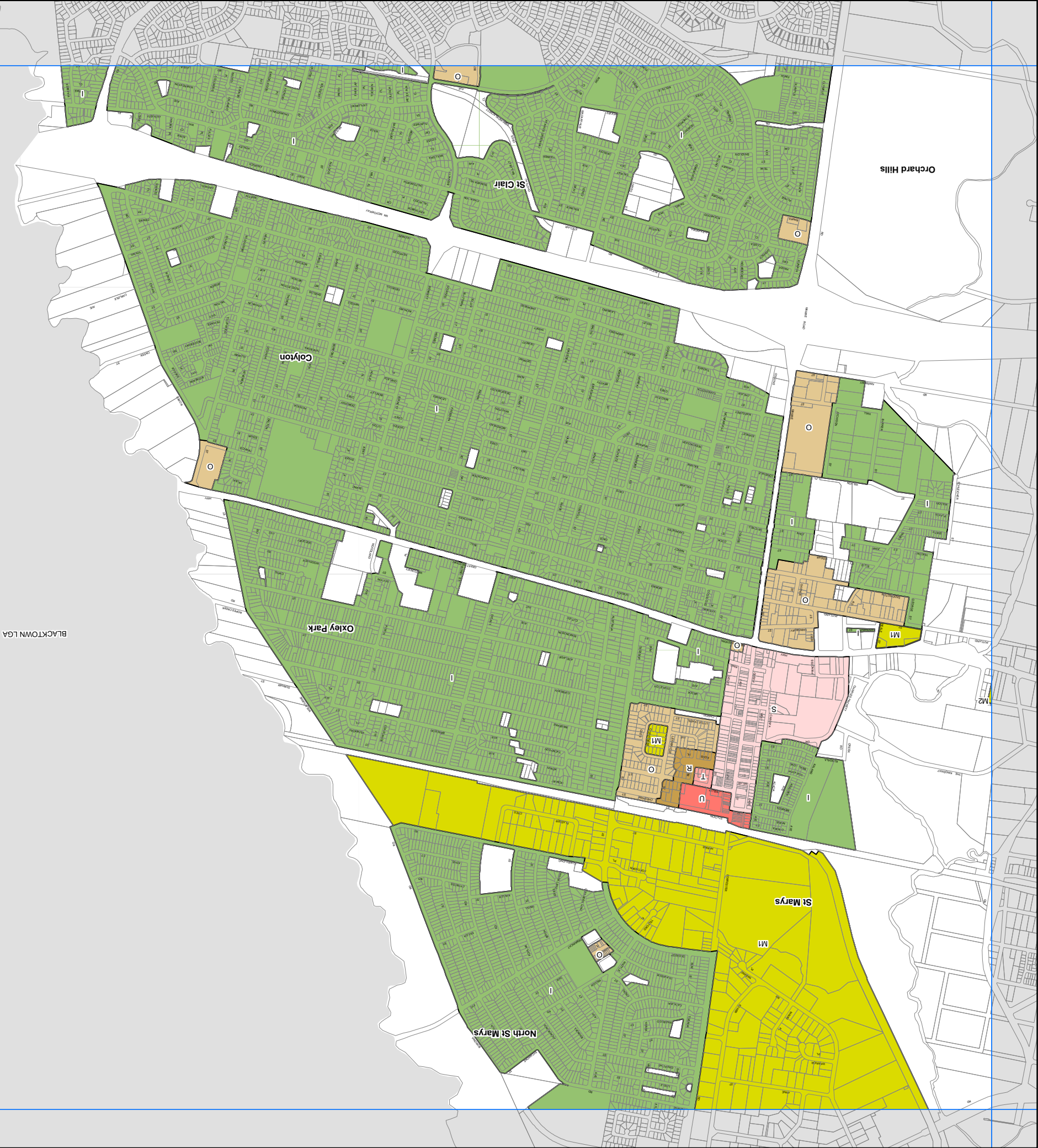
- |    |      |
|----|------|
| A  | 0    |
| C  | 5    |
| I  | 8.5  |
| J  | 9    |
| K  | 10   |
| M1 | 12   |
| M2 | 12.5 |
| O  | 15   |
| P  | 18   |
| Q1 | 19   |
| Q2 | 20   |
| R  | 21   |
| S  | 24   |
| T  | 27   |
| U  | 32   |
| Z  | 56   |
| AB | 80   |
- Refer to Clause 7.16, 8.2 & 8.4

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Map identification number:  
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BLACKTOWN LGA



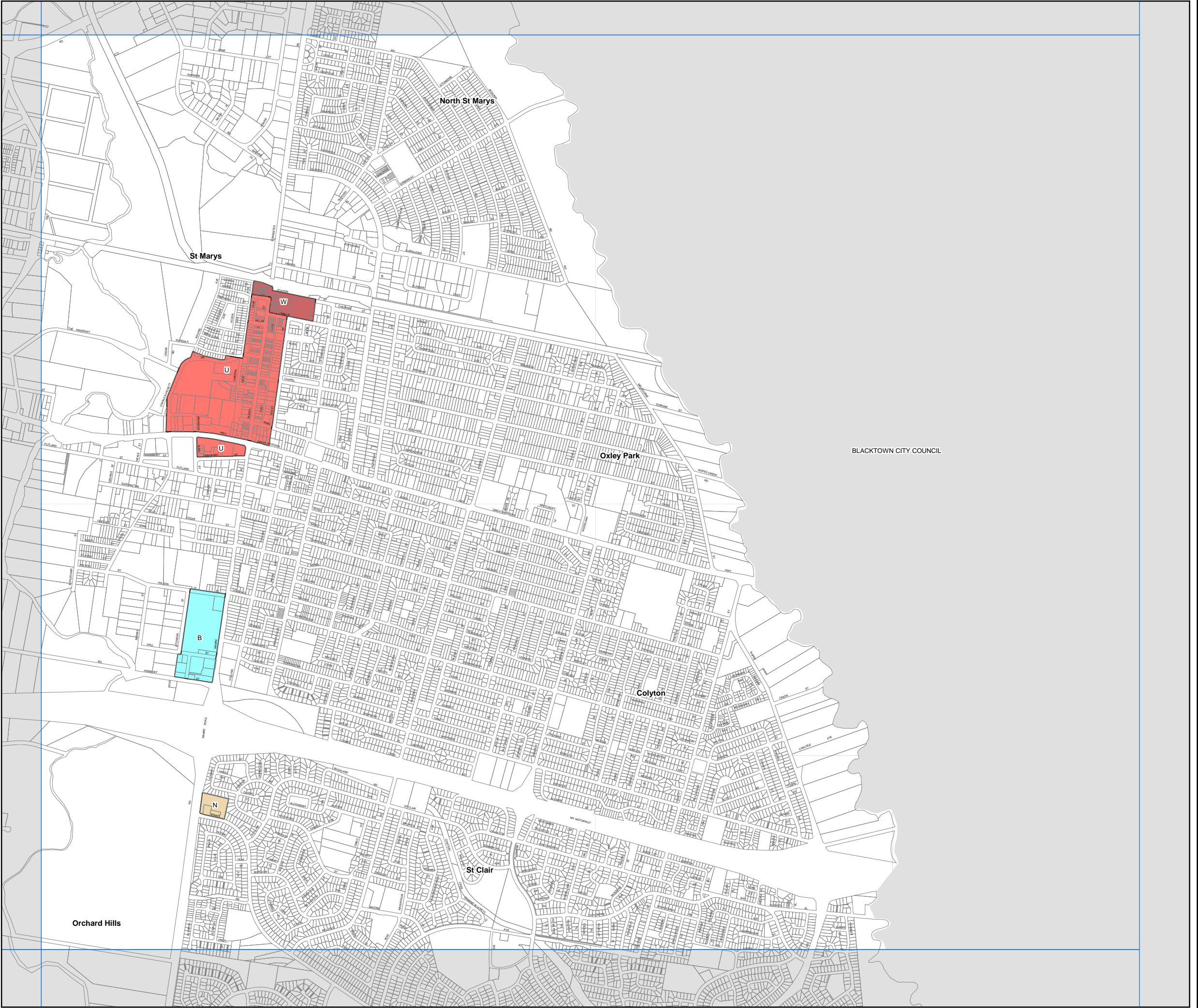
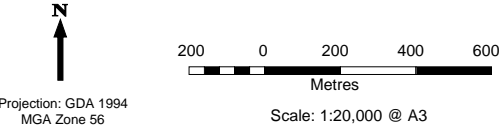
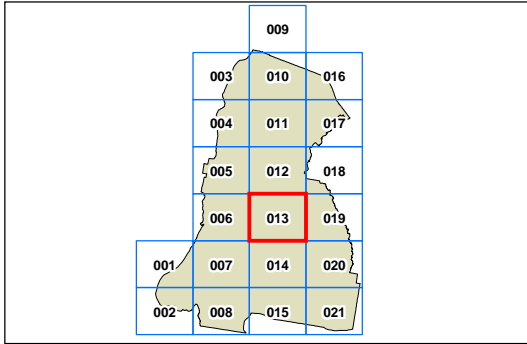
Floor Space Ratio Map -  
Sheet FSR\_019

Maximum Floor Space Ratio (n:1)

A	0
B	0.4
D	0.5
H	0.7
I	0.75
N	1
O	1.1
S1	1.5
S2	1.6
T	2
U	2.5
V	3
W	3.5
X	4

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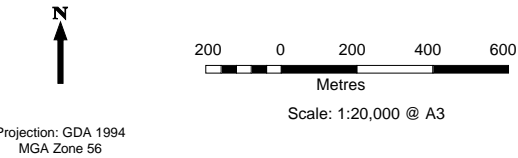
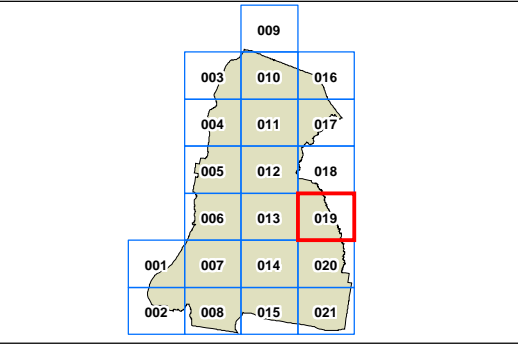
Lot Size Map -  
Sheet LSZ\_019

Minimum Lot Size (sq m)

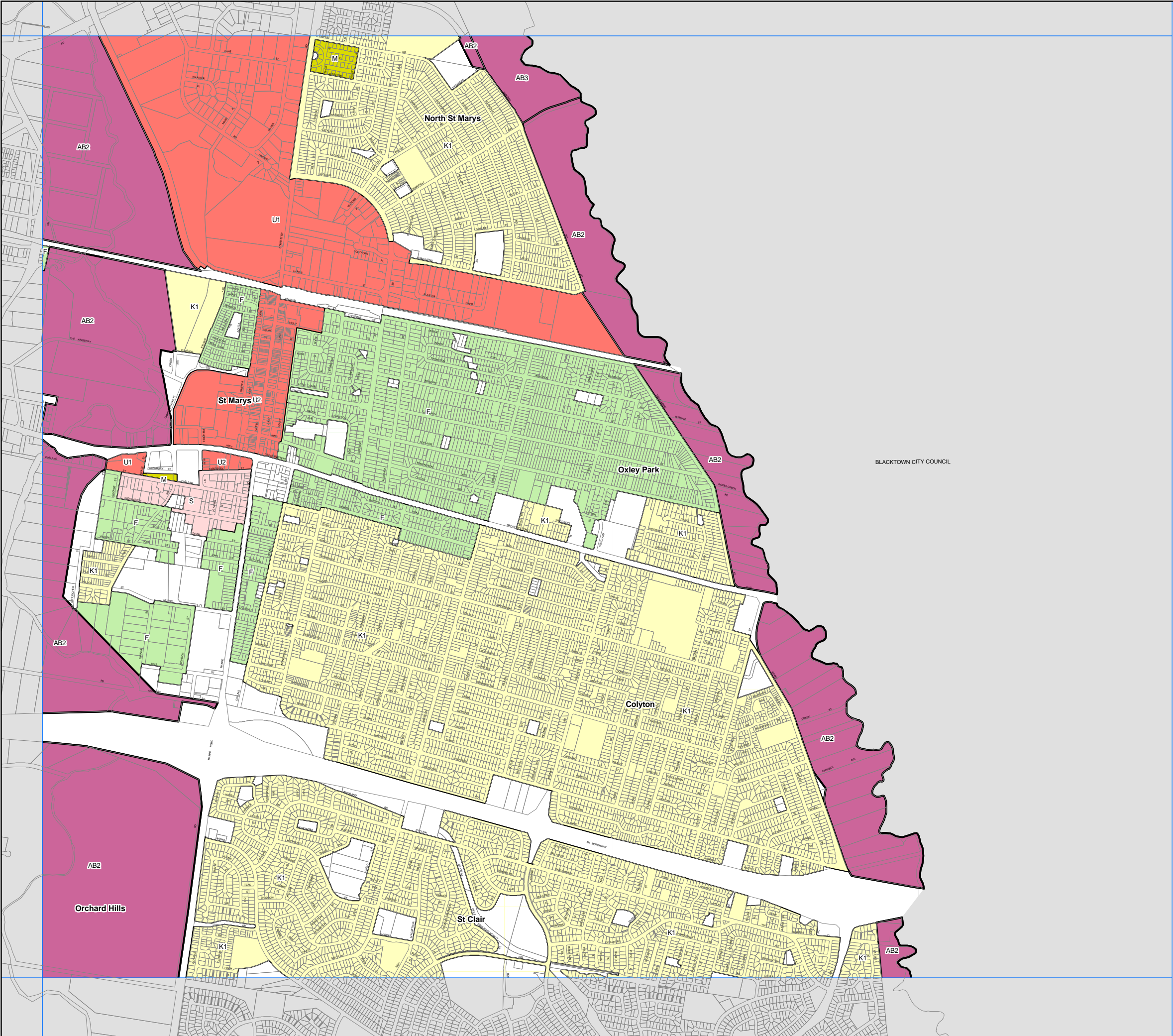
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G	450
K1	550
K2	560
M	600
R	750
S	800
U1	1000
U2	1200
V	2000
W	4000
X	6000
Y1	10000 (1 ha)
Y2	12500 (1.25 ha)
Z	20000 (2 ha)
AB1	100000 (10 ha)
AB2	200000 (20 ha)
AB3	400000 (40 ha)
AI	1000000 (1000 ha+)
	Refer to Clause 7.16, 7.19 & 7.21

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Map identification number:  
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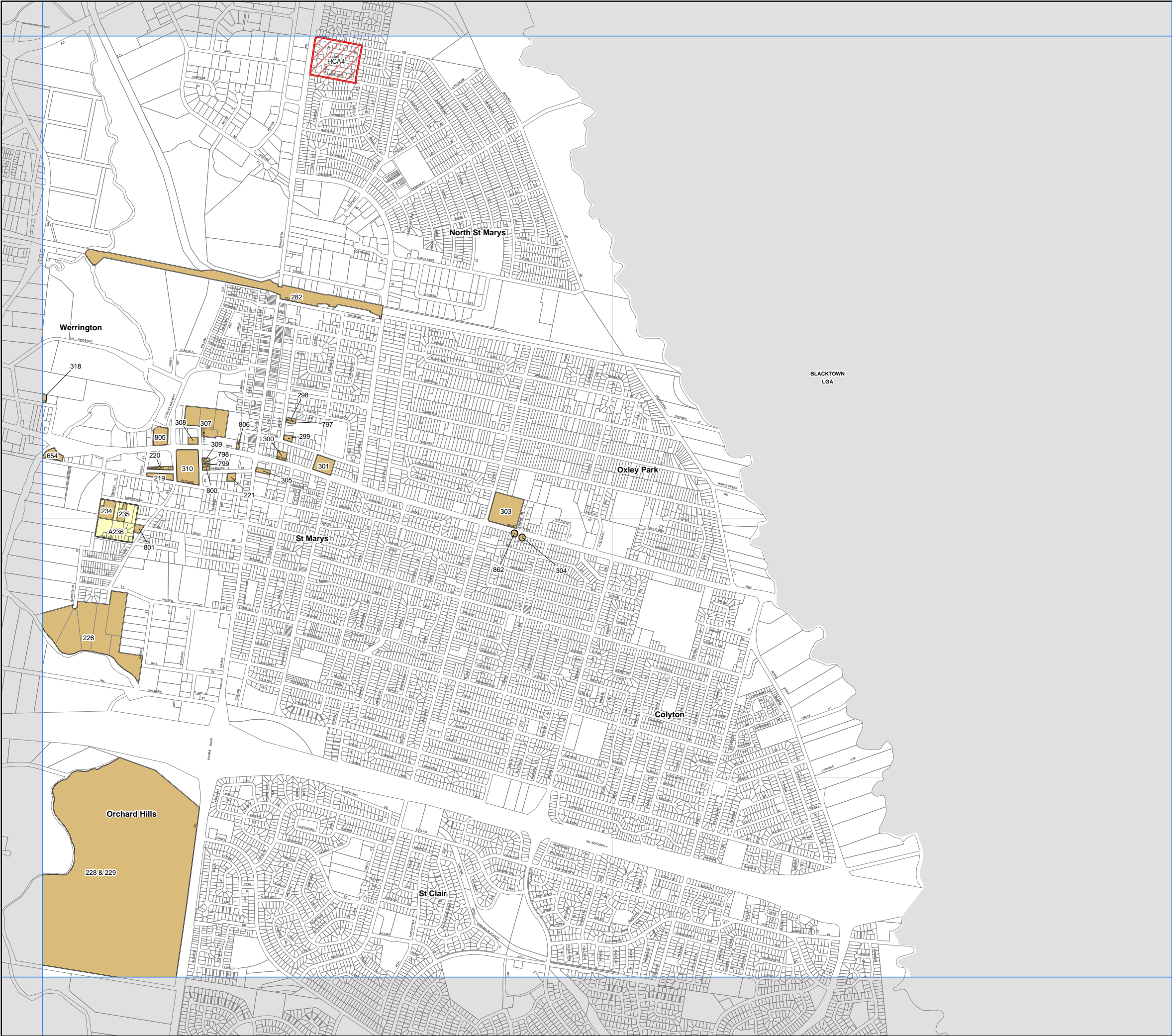
Heritage Map - Sheet HER\_019

- Heritage
- Conservation Area - General

Item - General

Item - Archaeological

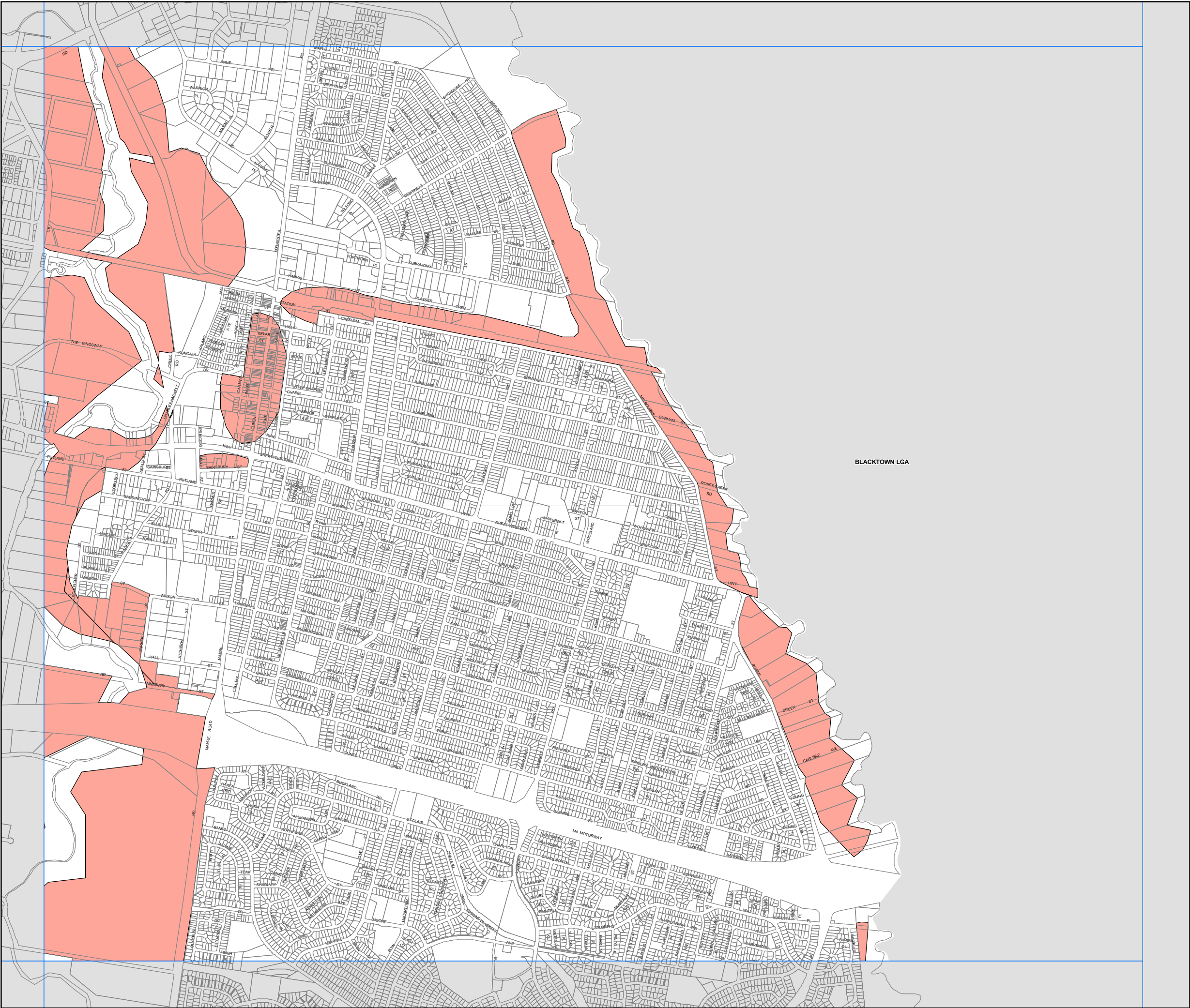
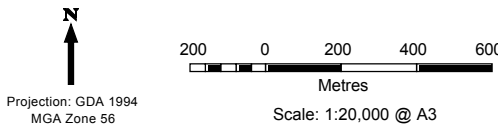
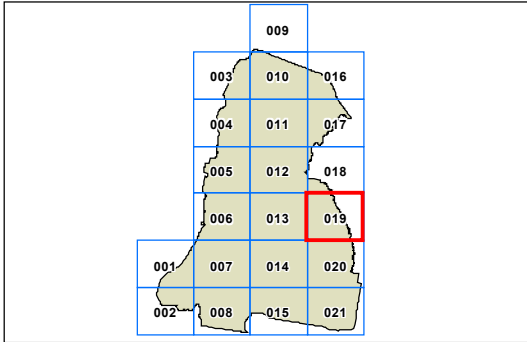
- Cadastre
- Cadastre 11/10/2016 © Penrith City Council






Scenic and Landscape  
Values Map - Sheet SLV\_019

- Land with Scenic and Landscape Values
- Vistas of heritage items
- Cadastral**
- Cadastral 12/05/2014 © Penrith City Council




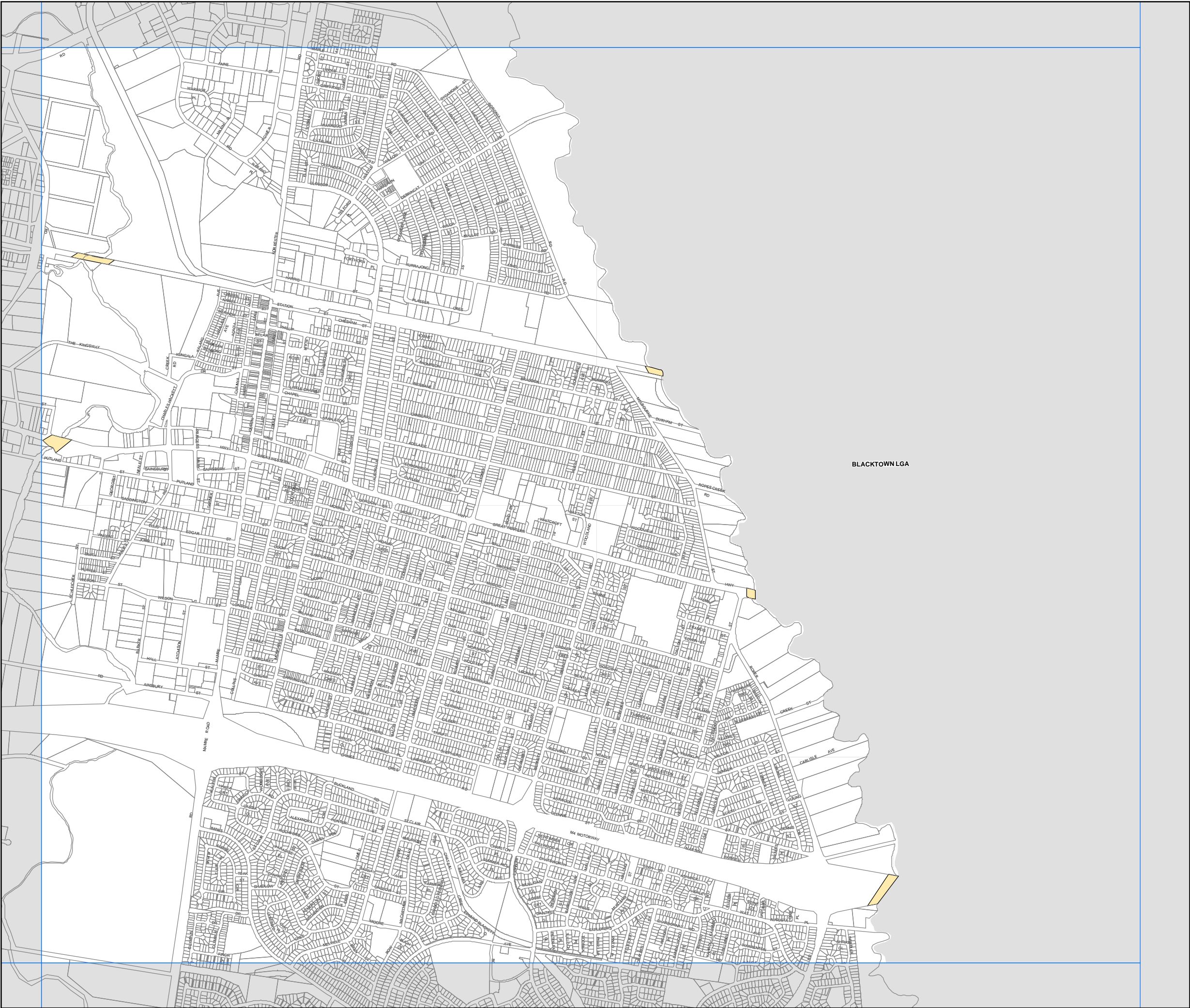
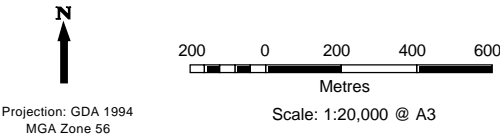
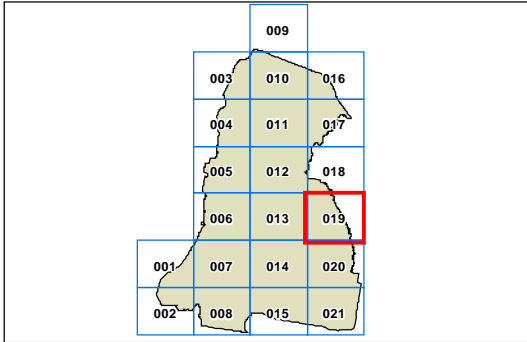


Natural Resources Sensitivity Land  
Map - Sheet NRL\_019

 Natural Resources Sensitive Land

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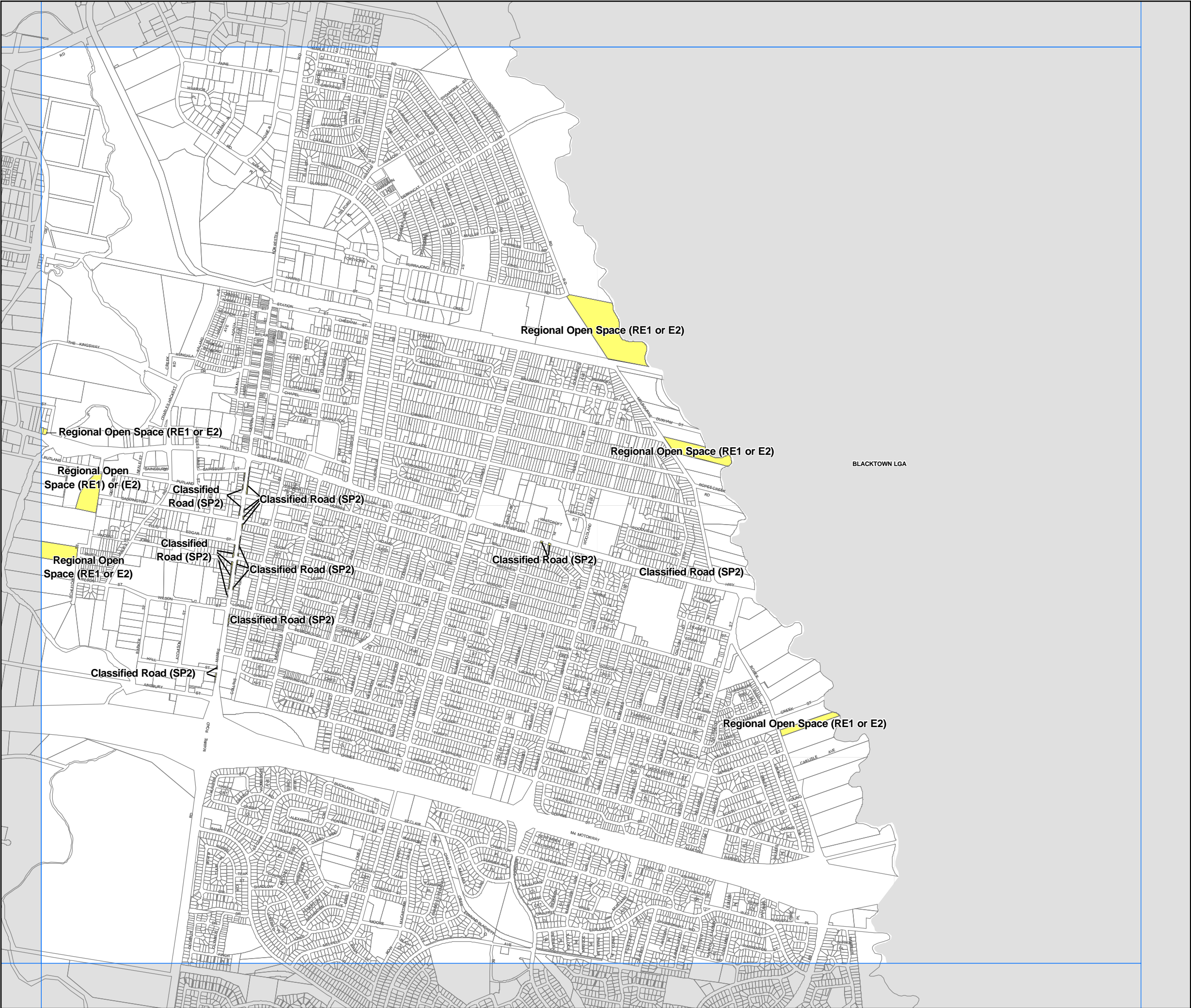
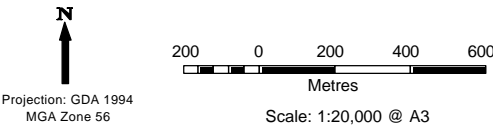
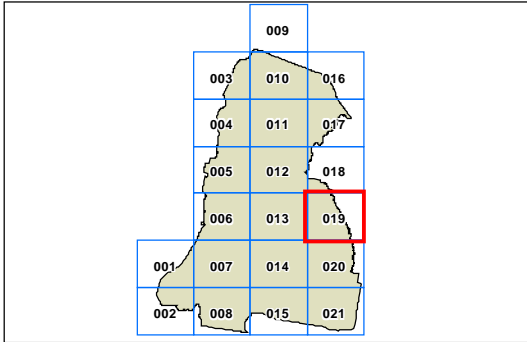
Land Reservation

Acquisition Map - Sheet LRA\_019

- Classified road (SP2)
- Local road (SP2)
- Regional open space (RE1) or (E2)
- Local open space (RE1)

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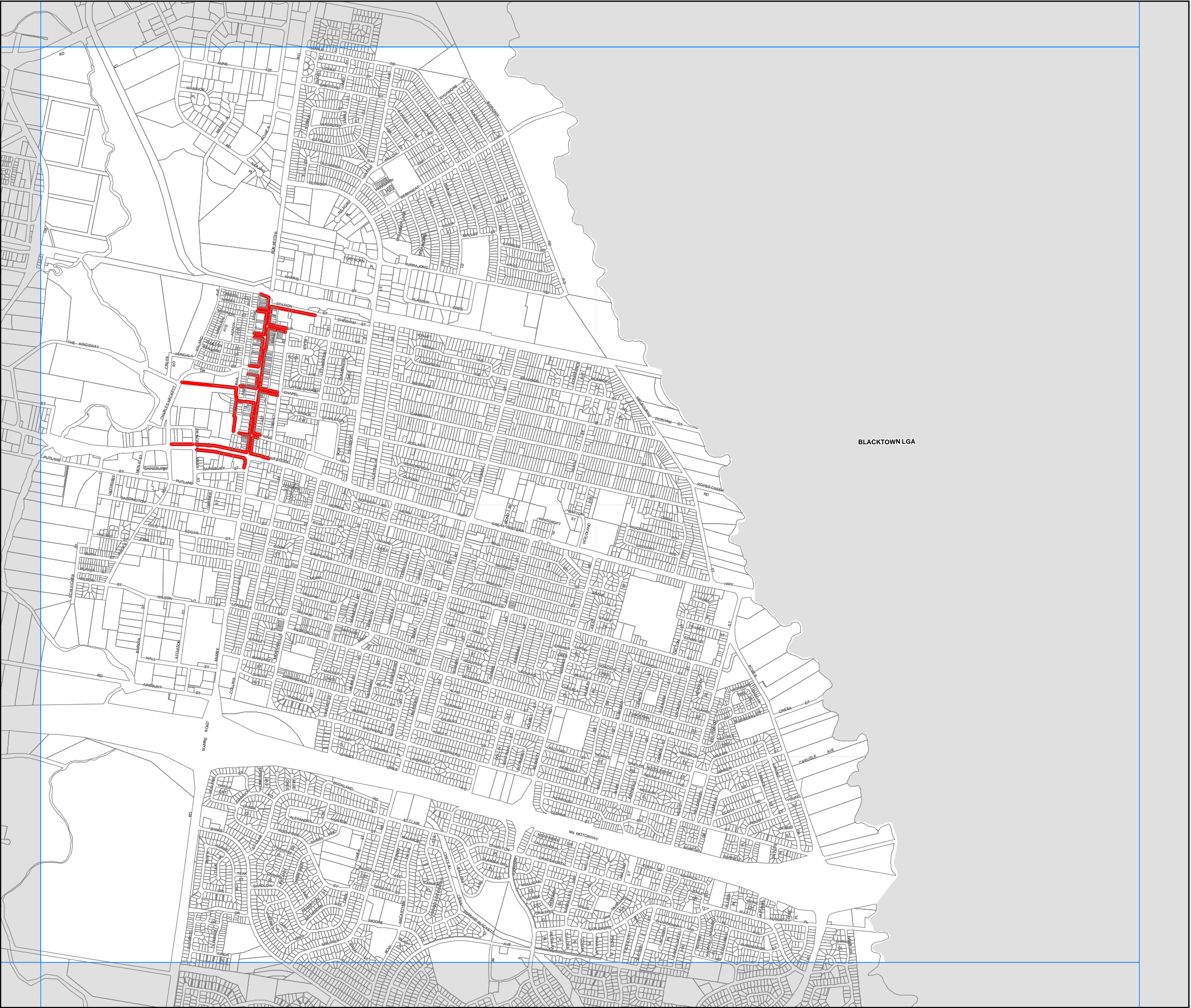
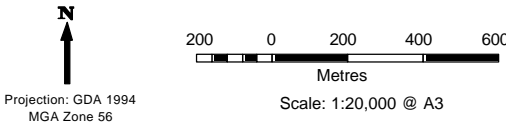
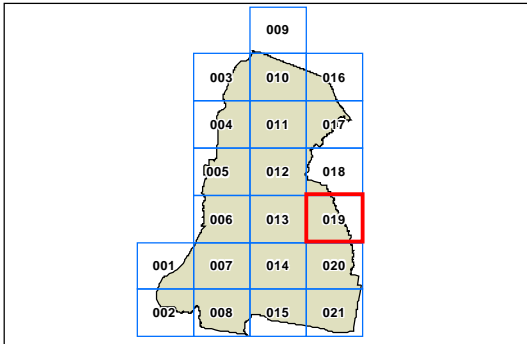




Active Street Frontage

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
# Penrith Local Environmental Plan 2010

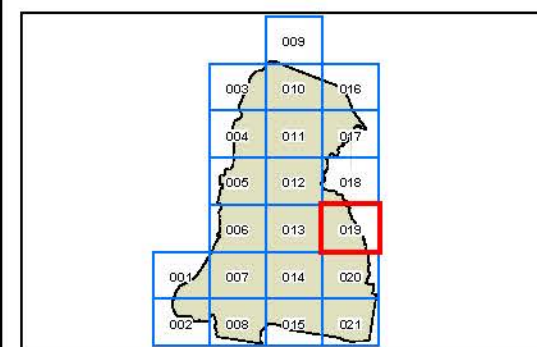
Flood planning land map - sheet FLD\_019

## Flooding

 Flood planning area

## Cadastre

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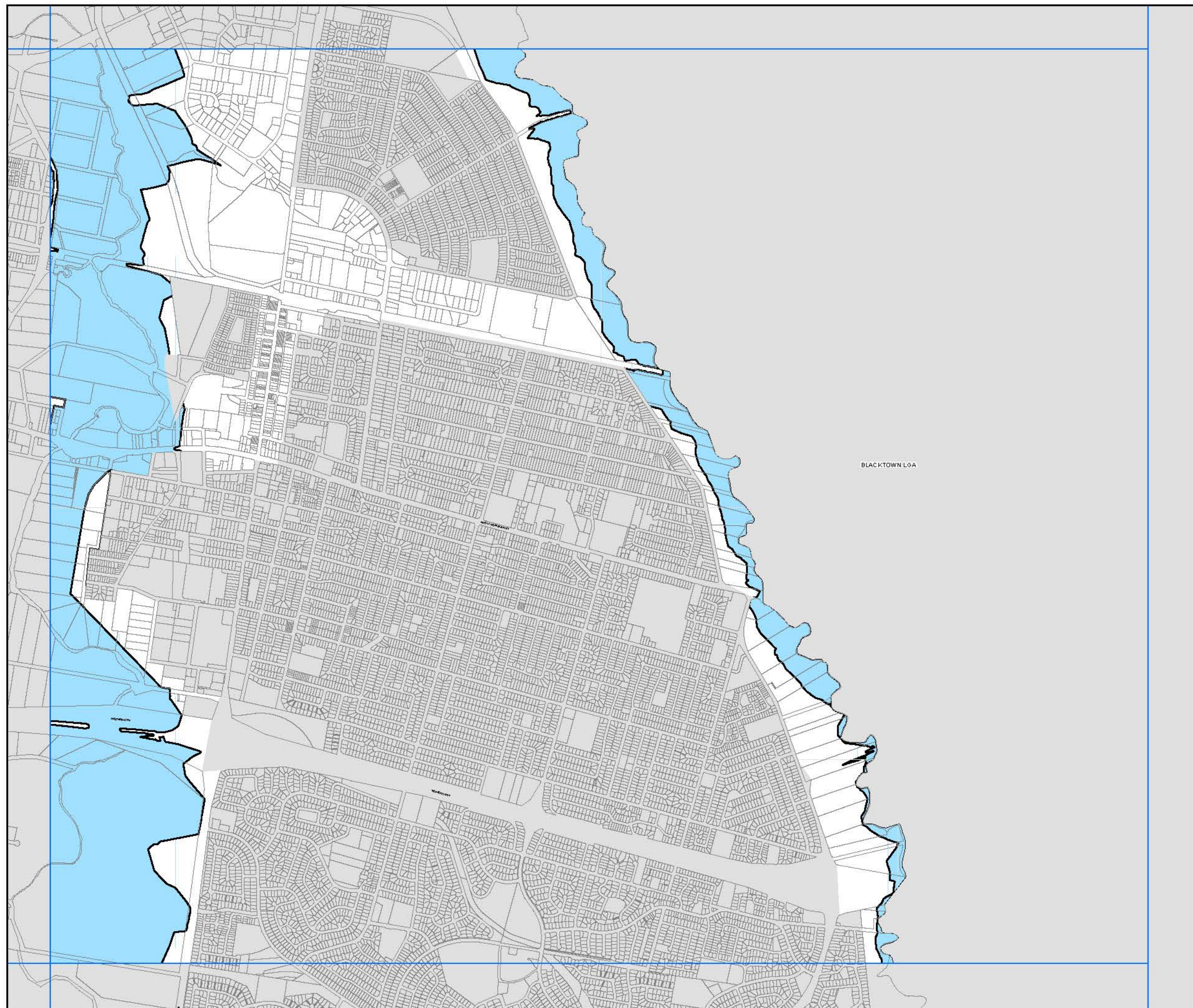


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MGA Zone 56

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Metres

Scale: 1:20,000 @ A3

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Additional Permitted Uses Map -  
Sheet APU\_019

Additional Permitted Uses

 Refer to Schedule 1

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