



Planning Proposal

Amendment to Penrith Local Environmental Plan 2010:

Rezoning and Reclassification of 7 sites in Erskine Park and St Clair

Submitted by Penrith City Council,
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Executive Summary

Several open space reviews carried out in the Penrith Local Government Area (LGA) over the last 10 years have indicated a growth in the demand for quality recreational facilities and opportunities.

Funding these improvements is a challenge, but it also presents an opportunity to re-examine the future of open space and reserves that are under-used and not meeting residents' expectations. Council has developed a model for funding improvements to other suburbs and has designed a framework to guide the review of land identified as local parks and reserves by selling surplus land.

Erskine Park, an established suburb with a 2016 population forecast of 6,741 people, was identified for a pilot project to gather feedback on the community's recreation priorities; identify the availability and suitability of Council parks in the suburb; and to gauge community support for funding improvements to open spaces in their suburb by selling surplus lands.

Council currently owns 19 parks and reserves (approximately 26 hectares of open space) in Erskine Park and provides approximately 30% more open space than the widely accepted standard for the provision of local open space in an urban context. All parks/reserves in Erskine Park were acquired by Council as a form of local infrastructure contribution in the 1980s and 90s.

Several are too small, isolated, hidden, irregularly shaped or close to other reserves to be well used by the community. They have been linked with crime and anti-social behaviour and community safety concerns. Their maintenance is a cost to Council that is not justified by benefit to the community.

As demonstrated throughout this report, rigorous investigations and extensive community consultation have informed the identification of 7 parcels of land to be sold. To facilitate the sale of this land, it will need to be rezoned from Public Recreation (RE1) to Low Density Residential (R2) and reclassified from Community to Operational land.

The proposed rezoning and reclassification of the land may result in the potential for approximately 21 new dwellings to be constructed. The level of open space provided in Erskine Park will remain 17% above the general standard of open space provision required in new release areas.

Proceeds from the sale of this land will directly go to improving other existing open space within Erskine Park, and providing new recreational infrastructure such as cycle and pedestrian paths. Council anticipate that the rezoning and reclassification of the land will generate approximately \$7 million in net revenue to be invested into the upgrade and improvement of parks and open space reserves within Erskine Park. To demonstrate to the community the agreed improvements will be realised, Council has forward funded \$2.65 million for projects in the suburb as detailed in this proposal.

The selection of sites for disposal under this Planning Proposal has been the subject of an iterative process including extensive community consultation, ecological and tree assessment, as well as consideration of the usability and safety of the reserves.

The reserves considered as part of the rezoning proposal are identified in **Table 1** below.

Table 1 – Reserves considered as part of the Planning Proposal

Full Reserves for Disposal	Partial Reserves for Disposal	Land Surplus to S94 requirements
Regulus Reserve	Pacific and Phoenix Reserve	Ashwick Reserve
Dilga Reserve	Capella Reserve	Chameleon Reserve
	Spica Reserve	

1.1 Introduction

This Planning Proposal requests an amendment to *Penrith Local Environmental Plan 2010* (LEP 2010) to change the zoning and classification of seven small public reserves in Erskine Park. The sites identified in this Planning Proposal are currently classified as 'community' land and zoned RE1 Public Recreation. To enable the sale of the subject land, all of the sites the subject of this proposal will require reclassification and rezoning. It is proposed that this land be reclassified to 'operational' land and be rezoned to R2 Low Density Residential to enable sale of the sites.

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

The classification of the subject land needs to be changed to prepare Council's subject landholdings for divestment. The funds generated through the sale of this surplus land will provide an opportunity to improve existing, valued open space.

This document sets out the justification for and explains the intended effect of the requested amendment.

The preparation of a Planning Proposal is the first step in the NSW Department of Planning and Environment's (the Department) Gateway Process for amending LEP 2010. The Gateway Process is the current process for making or amending local environmental plans. There are a number of steps that may require the amendment of the Planning Proposal through the Gateway Process. **Table 2** sets out these steps.

Table 2 – Gateway process

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

1.1 Background: Public Open Space Reinvestment Project

Penrith City Council established the Public Open Space Reinvestment Project to deliver enhanced open spaces to the local community and to responsibly manage their finances and assets. Council has undertaken numerous reviews of open space provision and requirements in the Penrith LGA to inform the current project, specifically in relation to the standard of open space and recreational facilities needed and expected by the local community and visitors to the LGA.

The studies undertaken by Council include the *Recreation and Cultural Facilities Strategy* adopted by Council on 15 March 2004 (**Appendix A**) and the *Open Space Action Plan* adopted 25 June 2007 (**Appendix B**). In reviewing future community needs and the community land for which Council is responsible, a number of Council's properties were identified as being potentially surplus to Council and the community's needs. **Figure 1** sets out the chronology of studies undertaken into open space.

Given the gap in time since the initial identification of surplus land in the documents referenced above, it was important to confirm and review land identified as surplus in a more contemporary context. Council's *Public Open Space Reinvestment Project* (**Appendix C**) responds to the recommendations in these studies and aims to improve the quality of local open space in the Penrith Local Government Area.

Review of public open space has been undertaken on a suburb by suburb basis. A framework has been developed to provide transparent criteria to assess whether particular land is 'surplus'. It is important that both a site evaluation and contextual analysis of each suburb is undertaken to ensure strategic decisions can be made.

Erskine Park was selected as an initial case study in this review given the suburb's established nature and opportunity for improvements. Erskine Park is a prime pilot project as all reserves located in the suburb which have been identified for whole or partial divestment were originally acquired by Council through Section 94 contributions or under contributions plans that have since been repealed. Accordingly, all revenue generated through the rezoning and sale of the land must be allocated towards open space upgrades within Erskine Park.

The first step in the review process requires an analysis of the distribution, provision and accessibility of local open space at a suburb wide level. The second phase involves the assessment of individual open space parcels using an evaluation criteria matrix. Recommendations are then developed based on both the suburb analysis and the merits of individual parcels.

The importance of analysing the identified parcels in their suburb context before evaluating each site will lead to more strategic decisions about retention or disposal. The framework which has been designed is replicable, which means Council can apply the process followed for Erskine Park in other suburbs where surplus open space has been identified.

A total of 20 reserves in Erskine Park were evaluated and recommendations made as to whether to 'retain and reinvest', 'sell part of the reserve to better consolidate the remaining space in each reserve' or 'sell the park'.

The information collected during the consultation program, along with technical studies commissioned by Council then informed the development of a draft Open Space Master Plan (OSMP) (refer to **Appendix D**). This OSMP identifies specific sites where improvements could be made; the types of upgrades and facilities needed; and which under-utilised spaces might be sold to fund improvements.

The Draft OSMP provides the strategic framework for the management and improvement of open space in Erskine Park for the next 5-10 years and is intended to be concurrently exhibited with this Planning Proposal (**Appendix D**).



Figure 1 – Chronology of studies into open space planning

1.2 Background: Erskine Park Improvements

At its meeting on 26 October 2015, Council resolved to endorse forward funding for some of the proposed upgrade works to the open space areas in Erskine Park. This advanced funding aims to provide the community with a level of confidence that the intended upgrade works resulting from the disposal of the reserves would be delivered (**Appendix L**). The reclassification and rezoning process has an anticipated program of 18 months until completion and as such the funds generated from the sale of the land may not be realised immediately.

The funds received from the divestment of the subject sites are to be allocated to the works identified in the Draft OSMP which include the following:

- \$1 million towards the provision of approximately four (4) kilometres of continuous footpaths along the Swallow and Peppertree loop road. The Swallow and Peppertree loop road encircles many major community destinations including James Erskine Primary School, Erskine Park High School, Peppertree Reserve, childcare and community facilities.
- \$369,867 towards improvements to the Pacific and Phoenix Reserve. The proposed works include a water splash pad, weather shelter, seating and pathways.
- \$385,519 towards improvements at Spica Reserve. The proposed works include paving and edging, seating walls, planting and landscaping, a playground and installation of softfall, mulch, seats, bike racks, bollards and a weather shelter.
- \$291,166 towards improving Skylark Reserve. The proposed works include seating walls, planting and landscaping, play equipment and installation of softfall, mulch and seating.
- \$278,101 towards improving Capella Reserve. The proposed works include paving and edging treatments, seating walls, planting and landscaping, turf and picnic furniture.
- \$150,000 towards completing the Chameleon Reserve amenity and storage building located alongside the existing netball courts.

Any funding received through the divestment of the subject land parcels discussed in this Planning Proposal in addition to the requirements for the works identified above will be allocated to upgrade and improvement works for parks and reserves located in Erskine Park.

1.3 Site descriptions and context

The land identified as surplus to Council and community needs in Erskine Park has been categorised into three groups. The first two groups include reserves which have been identified for either full disposal or part disposal taking into account community feedback and Clouston's review. The third group includes those sites identified in the rescinded Erskine Park Section 94 Plan which are no longer required to meet community and drainage needs.

Some of the technical studies prepared to support the draft Erskine Park Planning Proposal refer to additional sites which have since been removed to reflect Council's resolutions.

GROUP 1 – Proposed for Full disposal

Regulus Reserve:

Regulus Reserve is located on the corner of Swallow Drive and Regulus Street. The reserve has a steep slope down to the south from Swallow Drive and is partially vegetated with grass, shrubs and 13 mature trees. The site is surrounded by one and two storey low density residential dwellings. A bus stop is located on Swallow Drive within the boundaries of the reserve. This reserve does not contain any footpaths or recreation infrastructure and has a sloping topography that limits its recreational use. The northern part of this reserve, fronting Swallow Drive, will be retained in Council's ownership to allow the upgrades to the bus stop as identified in the draft OSMP. The potential upgrade works include improving the quality of part of the Spica Reserve which is also located along Swallow Drive, 150m from this site. Proposed works include upgrading the bus stop area surrounds; extending the footpath along Swallow Drive and providing additional street tree planting for increased shade.

Address	Lot	Area for disposal	Current zone	Proposed zone
73 Swallow Drive Erskine Park	Lot 3280 DP786811	4,400 sqm (entire site)	RE1 Public Recreation	R2 Low Density Residential
  				

GROUP 1 – Proposed for Full disposal

Dilga Crescent Reserve:

Dilga Crescent Reserve has frontage to both Erskine Park Road and Dilga Crescent. The reserve is generally rectangular in shape and slopes gently to the north towards Erskine Park Road. The reserve is partially vegetated with grass, shrubs and 21 mature trees. One storey low density residential dwellings adjoin the site on the eastern and western boundaries.

This reserve is noisy due to its dual frontage to Dilga Crescent and Erskine Park Road, a regional distributor road. The reserve is located in close proximity (approximately 300m) to the Andrew Thompson Reserve and the Phoenix Reserve where Council plans significant upgrade works. The land can be developed subject to servicing requirements and the subdivision proposed is indicative only.

Address	Lot	Area for disposal	Current zone	Proposed zone
9A Dilga Crescent Erskine Park	Lot 148 DP703879	2,315 out of 2,315 sqm	RE1 Public Recreation	R2 Low Density Residential





GROUP 2 – Proposed for Partial disposal

Pacific and Phoenix Reserve:

This reserve has frontage to Pacific Road and Phoenix Crescent. The land is adjoined by low density residential dwellings to the east and south. The Pacific and Phoenix Reserve is a well vegetated reserve with children's play equipment. A relatively small portion of the reserve is proposed to be rezoned and sold. The area of the reserve is offset from the main part of the park and does not contribute substantially to the quality of the open space. The area to be rezoned represents 9.8% (1,234m²) of the total area of Pacific and Phoenix Reserve and will generate funds to upgrade the remainder of the park and create a more regular and high quality space.

Address	Lot	Area for disposal	Current zone	Proposed zone
27A Phoenix Crescent, Erskine Park	Lot 1444 DP788282	1,234 out of 12,510 sqm	RE1 Public Recreation	R2 Low Density Residential



GROUP 2 – Proposed for Partial disposal

Capella Street Reserve:

Capella Street Reserve occupies a large area of land with frontage to Capella Street. The land subject to this Planning Proposal is located in the eastern portion of the reserve and is vegetated with mature trees and turf. The subject land is adjoined by low density residential dwellings to the west. Capella Reserve is a large reserve (9,200m²) however the space is not being used to its full potential, does not contain any formal recreational facilities and is in close proximity to many other reserves Columba Place Reserve (approximately 200m from the site) and Chameleon Reserve (approximately 500m away).

The portion of the site to be rezoned represents 18% of the total reserve area and comprises land in the lower section of the reserve that offers little recreational amenity. The sale of a portion of this reserve will enable funds for improvements to the western portion of the reserve. The north-south public thoroughfare and the east-west through link to Pisces Lane and Erskine Park High School are to be retained. Pisces Lane will be extended to provide vehicular access to the land.

Address	Lot	Area for disposal	Current zone	Proposed zone
11A Canopus Place & 8a Kawana Place, Erskine Park	Lot 2174 DP776426 & Lot 376 DP713863	1,700 out of 9,752 sqm	RE1 Public Recreation	R2 Low Density Residential



GROUP 2 – Proposed for Partial disposal

Spica Reserve:

Spica Reserve is irregularly shaped and currently includes a portion of land surrounded on three sides by residential dwellings. This portion of land is the subject of the Planning Proposal and is generally flat with two mature trees, secluded and surrounded by one and two storey low density residential dwellings. Spica Reserve is well located opposite Erskine Park High School and has laneway access to Spica Place. The eastern portion of the reserve is obscured from public view and provides opportunities for antisocial behaviour. Rezoning and altering the use of this section of the reserve will enable funds for improvement of the remainder of the reserve and other reserves in the area, enhancing the functionality of the open space and minimising the current crime risk.

Address	Lot	Area for disposal	Current zone	Proposed zone
85 Swallow Drive Erskine Park	Lot 3281 DP786811	1,500 out of 4,499 sqm	RE1 Public Recreation	R2 Low Density Residential
				

Group 3 – Surplus to Section 94

Part Chameleon Reserve:

The Chameleon Drive site has frontage to Chameleon Drive and adjoins an at-grade car park. The site slopes down from the south to a small creek on the northern boundary. The site is surrounded by one and two storey low density residential dwellings. The site is largely cleared with only a small number of trees located in the north-eastern corner. The portion of the reserve to be rezoned is surplus to Council's needs as it was acquired a number of years ago, under the now repealed Erskine Park Residential Release Area Development Contributions Plan (2003), to provide land for a neighbourhood facility.

Council has since delivered a number of new facilities to serve the needs of Erskine Park residents and the neighbourhood facility is no longer required on the site. As shown in the area for disposal plan, a lot boundary adjustment will be required on the south-western lot boundary to enable a more regular shape for efficient subdivision design.

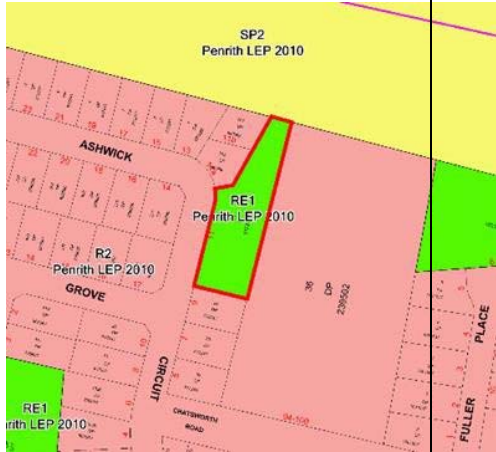
Address		Lot	Area for disposal	Current zone	Proposed zone
25 Chameleon Drive Erskine Park		Lot 1106 in DP 709078	2,484sqm	RE1 Public Recreation	R2 Low Density Residential
					

Ashwick Reserve:

Ashwick Reserve has a single frontage to Ashwick Circuit and otherwise interfaces with the existing drainage reserve, adjoining residential dwellings and the RMS M4 Corridor land. The subject land is cleared of mature trees and adjoins low scale dwellings to the north-west. An independent study provided to Council in 2012 identified that the drainage basin was no longer required due to the drainage incorporated in residential subdivision in St Clair and Erskine Park as well as the drainage basins provided by the Roads and Maritime Service (RMS) as part of the M4 Motorway. As such, the original purpose of the land being open space is now redundant and the land is able to be sold to generate funds for upgrading of other parks in the area.

Address	Lot	Area for disposal	Current zone	Proposed zone
11 Ashwick Circuit St Clair	Lot 35 DP812241	1,817m2 (entire site)	RE1 Public Recreation	R2 Low Density





2.0 The Planning Proposal (Part 1 and Part 2)

2.1 Part 1 - Objectives and Intended Outcomes

The key objective of this Planning Proposal is to enable Council owned properties in Erskine Park to be rezoned and reclassified to facilitate their sale so that the proceeds may be used to upgrade and enhance other parks, streets and spaces in Erskine Park. The objectives of this Planning Proposal are to:

- improve the quality and range of public spaces and recreation options available to residents in Erskine Park;
- improve the connections between public spaces and recreation places in Erskine Park;
- ensure that open space is sustainable, safe and fit for purpose;
- improve the public open space within Erskine Park by minimising the ongoing maintenance and expenses;
- enable Council to better manage and allocate its finances, securing the long term financial sustainability of Council; and
- generate funding to achieve the above objectives.

The main intended outcome of the Planning Proposal is to change the zoning and classification of the seven parcels of public land identified in **Table 3** from 'Community' to 'Operational' classification and zoning from recreation to residential.

The more general intended outcomes of the Planning Proposal are to:

- facilitate the sale of Council owned sites that are identified as being more isolated, too small or too irregularly shaped to be well used by the community or located too close to other areas of open space to justify improvement or retention;
- permit a scale of development on the sites that is commensurate with the existing surrounding development; and
- generate financing that can be used towards enhancing the quality of open space to better suit the needs of residents.

Table 3 – Land proposed to be reclassified and rezoned

Site	Address	Legal Description
Site 1: Regulus Reserve	73 Swallow Drive, Erskine Park	Lot 3280 DP 786811
Site 2: Dilga Crescent Reserve	9A Dilga Crescent, Erskine Park	Lot 148 DP 703879
Site 3: Pacific and Phoenix Reserve (part)	27A Phoenix Crescent, Erskine Park	Lot 1444 DP 788282
Site 4: Capella Street Reserve (part)	11A Canopus Close, Erskine Park	Lot 2174 DP776426

Site	Address	Legal Description
Site 5: Spica Reserve (part)	85 Swallow Drive, Erskine Park	Lot 3281 DP 786811
Site 6: Chameleon Drive (part)	25 Chameleon Drive, Erskine Park	Lot 1106 DP 709078
Site 7: Ashwick Reserve	11 Ashwick Circuit, St Clair	Lot 35 DP812241

A detailed breakdown of the current and proposed LEP planning controls for each site is provided at **Appendix F**.

2.2 Part 2 - Explanation of Provisions

This Planning Proposal recommends amendments to LEP 2010 to reclassify and rezone land within Erskine Park. The following amendments to LEP 2010 are proposed:

- Reclassify subject land identified in blue on **Figure 2** from Community land to Operational land.
- Inclusion of the subject land into '*Schedule 4 Classification and reclassification of public land*', specifically listing the land in '*Part 2 Land classified, or reclassified, as operational land – interests changed*'. **Table 4** below outlines the proposed amendments to '*Schedule 4 Classification and reclassification of public land*'.
- Rezone subject land identified on map currently zoned as RE1 Public Open Space to R2 Low Density Residential
- Amend the 'Land Zoning' Map, 'Height of Buildings' Map and 'Lot Size' Map to reflect the development parameters surrounding the subject land. Generally, each site is proposed to either be completely or partially amended to have a zoning of R2 Low Density Residential with maximum building height of 8.5 metres and minimum lot size of 550m².

The above amendments to the LEP 2010 are expected to deliver approximately 21 new dwellings on the seven sites affected. The Draft Open Space Strategic Masterplan (Draft OSMP) prepared by Clouston Associates provides an indicative subdivision pattern across each of the land parcels the subject of this Planning Proposal. It is expected that an individual dwelling will be provided on the majority of these lots, except three lots which are capable of accommodating dual occupancy dwellings (two dwellings per lot).

Spica Reserve is also expected to be subdivided in a manner which provides opportunities for surrounding lots to increase in size rather than any new additional lots. As such, no new dwellings are expected on the portion of Spica Reserve the subject of this proposal. The OSMP (refer to **Appendix D**) is to be publicly exhibited concurrently with this Planning Proposal.

A description of the subject land, and interests Council has in this land (easements, etc.) to be changed, is provided in **Table 4** below, whilst the location of the subject land is illustrated in **Figure 2**.

Table 4 – Proposed amendments to Schedule 4 Classification and reclassification of public land

Locality	Description	Any Trusts Discharged
Swallow Drive, Erskine Park	Lot 3280 DP 786811	Nil
Dilga Crescent, Erskine Park	Lot 148 DP 703879	Nil
Phoenix Crescent, Erskine Park	Lot 1444 DP 788282	Nil
Canopus Close, Erskine Park	Lot 2174 DP776426	Nil
Swallow Drive, Erskine Park	Lot 3281 DP 786811	Nil
Chameleon Drive, Erskine Park	Lot 1106 DP 709078	Nil
Ashwick Circuit, St Clair	Lot 35 DP812241	Nil

Note that the existing trusts and easements on the sites include caveats such as drainage easements. As these easements may need to remain in place for the future dwellings on the land, no trusts will be discharged at this stage. The future subdivision of the land may provide for the transfer or discharge of these easements.

Erskine Park

1. Regulus Reserve
2. Dilga Cres Reserve
3. Pacific & Phoenix Reserve
4. Capella Street Reserve
5. Spica Place Reserve
6. 25 Chameleon Drive
7. Ashwick Reserve

Legend

-  Sites identified for proposed full or part sale in the Draft Open Space Master Plan
-  Community Use Parks



Erskine Park

Figure 2 – Land proposed to be rezoned and reclassified from RE1 to R2 and Community land to Operational

3.0 Justification (Part 3)

3.1 Sections to be addressed

Part 3 of the Planning Proposal is divided into the following subsections:

- **Section A** - Need for the Planning Proposal (see 3.2 below)
- **Section B** - Consistency with Strategic and Statutory Planning Framework (see 4.0 below)
- **Section C** - Environmental, Social and Economic Impacts (see 5.0 below)
- **Section D** - State and Commonwealth Interests (see 6.0 below)

3.2 Section A - Need for the Planning Proposal

As outlined in **Section 1.0**, it has been identified that Erskine Park and St Clair have greater physical areas of open space available than is required to meet the needs of residents. However, the quality and variety of open space is not appropriate, so ensuring reinvestment through rezoning and reclassification and the sale of selected parcels is necessary.

Through extensive studies, it has also been determined that there are opportunities for existing open spaces to be enhanced to better service the community and increase the enjoyment of these spaces for residents and visitors.

The most appropriate method of rezoning and reclassifying the land is through the planning proposal process. The planning proposal process is open, transparent and provides a rigorous framework for the merits of the proposal to be assessed.

Q1 – Is the Planning Proposal the result of any strategic study or report?

Numerous Council led studies have informed the current Planning Proposal, and specifically the subject sites which are proposed to be rezoned and reclassified.

The need for this Planning Proposal was highlighted in:

1. Community engagement; and
2. Previous studies (refer **Figure 1**).

Before making any formal decisions on whether any land parcels could be sold, Council carried out two stages of community consultation to identify community needs and identify which land parcels could be sold. Further details of the community consultation undertaken to date are described in **Part 5** and in the Consultation Report provided at **Appendix E**.

People's Lifestyle Aspiration and Needs Study (PLANS)

PLANS was informed by an assessment of the community's needs and aspirations to establish plans and strategies to preserve and enhance quality of life of residents in the Penrith LGA. PLANS contains a series of objectives that seek to rationalise small and underutilised parks (objective 2.2) and provide high quality open space. The study identifies the need to progressively build upon the existing network of local and regional walking and cycling paths (objective 3.2) and improve public accessibility to open space for all members of the public. Overall, the PLANS identifies a focus on:

- the need to consider the quality of open space (rather than just the quantity) through larger and more accessible areas that cater for different age groups and interests; and
- the importance of social inclusion and accessible design factors in the planning and design of open space.

The Planning Proposal is the result of the PLANS as it seeks to consolidate the surplus areas of open space into higher quality and more usable and accessible spaces.

Open Space Action Plan

The Open Space Action Plan 2007 identifies Council's open space land holdings and outlines the strategies and actions for the future aims of this land. The Open Space Action Plan implements the broad findings of the PLANS into a more direct plan that provides a more detailed assessment of specific open space reserves throughout Penrith.

The plan identifies the land holdings in Erskine Park and St Clair as primarily comprising pocket parks and linear drainage spaces. The plan identifies that improving the quality of the City's open space areas and facilities will involve a review of the merit of smaller open space areas, particularly where there are a variety of existing parks and open space to meet local community needs. The Planning Proposal supports this aim as it seeks to rationalise the high number of pocket parks in Erskine Park and St Clair to reduce maintenance expenditure and improve the quality of other parks and reserves that are fit for purpose.

The proposal facilitates the Open Space Action Plan objective to 'Facilitate Diverse Recreational & Cultural Program Development' (Objective 5). The proposal will improve the desirability of parks and reserves by improving accessibility and the range of facilities in parks to encourage their use by all members of the community. The improvements to existing parks which will be facilitated through the proposal will ensure there are greater opportunities for diverse recreational pursuits to be satisfied.

Draft Open Space Master Plan

The information collected during the consultation program, along with technical studies commissioned by Council then informed the development of a draft Open Space Master Plan (OSMP). The draft OSMP identifies specific sites where improvements could be made, the types of upgrades and facilities needed, and which underutilised spaces might be sold to fund improvements. The draft OSMP is intended to be concurrently exhibited with this Planning Proposal.

Given the status of the subject land within Erskine Park, being land purchased utilising section 94 funds, all proceeds from the sale of these

land parcels will be directed towards upgrading open space/recreational infrastructure in Erskine Park.

The draft OSMP provides the strategic framework for the management and improvement of open space in Erskine Park for the next 5 - 10 years and establishes the following objectives that align with the objectives and intended outcomes of this Planning Proposal:

1. increase the amenity of existing open space and its recreational offering;
2. ensure equitable access to open space and recreation infrastructure for all residents; and
3. provide a delivery framework that ensures investment in open space and recreational infrastructure is well targeted to meet the community's needs.

The draft OSMP identifies a number of existing parks that are no longer fit for purpose and outlines the way that revenue generated from their sale may be used to provide public domain improvements including:

- A review of lighting, particularly along pedestrian and cycle paths to ensure that existing facilities are able to be used safely;
- Additional street tree planting to improve year round interest in open space and improve amenity factors such as sun shading;
- Road corridor infrastructure improvements including upgrades to bus stops, paving, lighting, seating, shade and weather protection; and
- The implementation of an Active Movement Network which includes the installation of a continuous footpath along the Swallow Drive and Peppertree Drive loop as a high priority.

In addition to the general recommendations for public domain upgrades, the Draft OSMP identifies specific upgrade works to a number of reserves to which this proposal applies. These sites include:

- Spica Reserve;
- Capella Reserve; and
- Phoenix and Pacific Reserve.

Further details of the recommendations for public domain upgrades are provided in the Draft OSMP.

Given the status of the subject land within Erskine Park, being land purchased utilising section 94 funds, all proceeds from the sale of these land parcels will be directed towards upgrading open space/recreational infrastructure in Erskine Park. Council currently owns 19 parks and reserves in Erskine Park and provides approximately 30% more open space than the widely accepted standard for the provision of local open space within an urban context¹. Overall, approximately 26 hectares of open space is available in Erskine Park.

All parks/reserves in Erskine Park were acquired by Council as a form of local infrastructure contribution in the 1980s-90s. A number of these parks

¹ A standard of 2.83 hectares/1000 people is generally adopted as the required amount of open space in new release areas (referenced in the People's Lifestyle Aspiration and Needs Study p.iii)

can be classified as small, isolated, irregularly shaped and in close proximity to one another.

The parcel of land in St Clair the subject of this proposal was originally designated as open space for drainage purposes. It has been identified by Council that these reserves are no longer needed for drainage purposes and therefore are surplus.

Q2 – Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Council owns a large amount of open space in Erskine Park. The suggested improvements to a number of Erskine Park reserves are not currently prioritised within Council's existing asset renewal program. The asset renewal program aims to replace what is currently provided, not to create new facilities.

Council has been receiving requests from the communities over a number of years from residents in established areas for the types of recreational offerings provided in newer release areas. These improvements could not be achieved within Council's current available funds however are made possible by the sale of surplus open space.

This Planning Proposal is the best means of achieving the stated objectives and intended outcome. To facilitate the sale of surplus land within Erskine Park and St Clair, the subject land is required to be rezoned and reclassified.

As outlined in **Section 1.0**, Community land has a number of restrictions and cannot be leased, licensed or any other estate granted over the land for more than 21 years, and may only be leased or licensed for more than 5 years if public notice of the proposed lease or licence is given. As no such restrictions apply to operational land, this Planning Proposal is the best means of reclassifying and rezoning the land to facilitate its sale and development.

4.0 Section B - Relationship to Strategic and Statutory Planning Framework

Q3 – Is the Planning Proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

NSW Government's Framework - Metropolitan and Subregional Plans

The current metropolitan plan for Sydney, 'A Plan for Growing Sydney' provides a high level strategic framework for managing the growth of Sydney, which is relevant to the Planning Proposal. The plan establishes four key goals for Sydney:

1. A competitive economy with world-class services and transport;
2. A city of housing choice, with homes that meet our needs and lifestyles;
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 proposal is consistent with these goals as it seeks to provide Council with the opportunity to increase funding to improve the quality of existing areas of open space to better serve the community. The reclassification of the subject land parcels will permit minor residential growth in areas that are appropriately located in close proximity to open space, transport and services.

The proposal will also enable greater housing choice and the improvement of open space to meet the lifestyle choices and needs of existing and future residents in Erskine Park and St Clair. The open space improvements facilitated by the proposed rezoning and reclassification of the land parcels will ensure the Erskine Park and St Clair communities become stronger, healthier and more well connected through improved access to high quality open space and enhanced pedestrian/cycleway networks.

Specifically, the Planning Proposal will facilitate the achievement of **Direction 3.2** of the plan, to create a network of interlinked, multi-purpose open and green spaces across Sydney. The Direction identifies the need to establish appropriate planning for the open space needs of the community. This Planning Proposal will achieve this aim as it will address the practical recreational and open space needs of the community that have been determined in consultation with local residents.

The Planning Proposal is also consistent with **Direction 3.3** of the plan, which aims to create healthy built environments as it will facilitate funding that will be used to deliver infrastructure such as outdoor fitness equipment, improved access to parks through shared paths and improved public transport facilities that are located in close proximity to recreation areas.

As outlined in **Section 5.1**, the rezoning and reclassification will not result in any significant adverse environmental impacts and will support a sustainable and balanced approach to providing a mix of housing and open space. The land to which this proposal applies is located in the Western Subregion under *A Plan for Growing Sydney*. The priorities for the subregion are:

- A competitive economy.
- Accelerate housing supply, choice and affordability and build great places to live.
- Protect the natural environment and promote its sustainability and resilience.

The rezoning and reclassification is consistent with these priorities as it seeks to increase the supply of housing in appropriate locations close to public transport, open space and services by generating approximately 21 new dwellings across the 7 sites. The proposal will increase the supply of housing in an area located in close proximity to the Western Sydney Employment Area, identified under *A Plan for Growing Sydney*, and will result in an improvement in the quality of existing open space in the area.

The sites are also located close to the Western Sydney Parklands. The parklands provide a continual stretch of parkland from Leppington to Quakers Hill and provide significant entertainment and recreation facilities including the Sydney International Equestrian Centre and the Blacktown Olympic Park. The parklands will offer significant open space and recreational facilities to the Erskine Park and St Clair areas.

The proposal will also assist, to a minor degree in the acceleration of housing supply, choice and affordability while creating great places to live.

Consistent with Council's endorsed *Cooling the City Strategy*, tree planting and landscaping is planned in many of the reserves identified for improvement to mitigate against the Urban Heat Island Effect. More broadly, street tree planting is proposed as part of the public domain improvements in Erskine Park.

An inevitable consequence of urban infill development is that a limited number of trees can be retained on development sites. However, where possible, it is recommended that significant trees be retained or alternative solutions be developed to ensure the landscape character of the locality is not adversely impacted.

Q4 – Is the Planning Proposal consistent with Council's local strategy or other local strategic plan?

Council's Framework – Strategic Planning

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

- Community Plan
- Community Engagement Strategy
- Delivery Program (including the one year Operational Plan)
- Resourcing Strategy
- City Strategy

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

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

The **Delivery Program** (including the one year Operational Plan) is Council's 4 year work program, identifying Priorities to help implement the Community Plan. The Priorities for 2013-2017 include:

- More local jobs; and
- Making sure that services and infrastructure are adequate.

Given these priorities, Council has the following focuses:

- focussing on investment and growth in the City's key centres, Penrith Health and Education Precinct and Western Sydney Employment Area;
- creating opportunities for activities on and around the Nepean River;
- advocating for a stadium that is capable of hosting national and international events (entertainment and sport); and
- working with government to secure the Penrith Lakes Parklands and participate in unlocking future development potential.

The reclassification of the subject land will provide Council with the ability to trade, lease or develop the land, allowing Council to utilise its property portfolio to manage its finances responsibly and improve the quality of local open space. The Planning Proposal is generally consistent with the relevant local strategies of Council and the relevant Penrith strategic plans as outlined below.

Council's Framework – Local Planning Documents

All parcels intended to be rezoned as part of this pilot project in Erskine Park are proposed to be given a R2 Low Density Residential zone. The planning objective of the R2 zone is to protect the locality's single dwelling character and the application of this zone will ensure that the established character of development in the area is maintained. Council has also published detailed development controls to promote appropriate residential housing design and to stimulate a vibrant streetscape. The future development on these sites is expected to be generally consistent with these detailed development controls.

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

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

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

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

NSW Government's Framework – LEP Practice Note

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

Table 5 – Information required by Practice Note 09-003

No	Information	Where Addressed/Response
1	The reasons why the planning proposal has been prepared, including the merits of the Proposal.	Throughout
2	The current and proposed classification of the land.	Appendix I
3	The reasons for the reclassification including how this relates to Council's strategic framework.	▪ Section 3.0 - Justification ▪ Section 4.0 - Relationship to Strategic Planning Framework
4	The nature of council's interest in the land	Appendix I
5	How and when the interest was first acquired	Appendix I
6	The reasons council acquired an interest in the land.	Appendix I
7	Any agreements over the land together with their duration, terms, controls, agreement to dispose of the land.	Appendix I
8	An indication, as a minimum, of the magnitude of any financial gain or loss from the reclassification and of the type(s) of benefit that could arise.	There will be no financial gain or loss as a consequence of the reclassification. The type of financial benefit that could arise would occur if the land was sold to another party.
9	The asset management objectives being pursued, the manner in which they will be achieved and the type of benefits the council wants.	Throughout
10	Whether there has been an agreement for the sale or lease of the land.	There has not been an agreement for the sale or lease of the land. Council intends to realise its assets following the reclassification of the land.
11	Relevant matters required in plan making under the EP&A Act.	Throughout

Penrith Local Environmental Plan 2010

The proposal is consistent with the aims of the Penrith LEP 2010, as outlined in **Table 6** below.

Table 6 – Consistency with LEP aims

LEP Aims	Comment
(a) to provide the mechanism and planning framework for the management, orderly and economic development, and conservation of land in Penrith,	The Planning Proposal will facilitate the orderly and economic development of surplus land in Penrith while maintaining a sufficient amount of open space for the local community that will be upgraded to improve its usability and accessibility.
(b) to promote development that is consistent with the Council's vision for Penrith, namely, one of a sustainable and prosperous region with harmony of urban and rural qualities and with a strong commitment to healthy and safe communities and environmental protection and enhancement,	The Planning Proposal will facilitate additional housing of a type and density that is commensurate with that of the surrounding land. The proposal will provide for the improvement and upgrade of various parks and reserves in the Erskine Park and St Clair localities and will assist in achieving the Council's vision.
(c) to accommodate and support Penrith's future population growth by providing a diversity of housing types, in areas well located with regard to services, facilities and transport, that meet the current and emerging needs of Penrith's communities and safeguard residential amenity,	The proposal will facilitate a range of additional housing types in areas appropriately located in close proximity to open space, transport and services. The proposed divestment of open space will ensure that only surplus land is provided to support Penrith's future population. Additional housing will be provided in close proximity to transport, open space, services and will be commensurate with that of the existing surrounding residential character.
(d) to foster viable employment, transport, education, agricultural production and future investment opportunities and recreational activities that are suitable for the needs and skills of residents, the workforce and visitors, allowing Penrith to fulfil its role as a regional city in the Sydney Metropolitan Region,	The proposal will improve recreation facilities by improving the quality, diversity, accessibility and range of recreational facilities in the locality. The upgrades to open space will be provided to meet the needs of the local residents, workforce and visitors.
(e) to reinforce Penrith's urban growth limits by allowing rural living opportunities where they will promote the intrinsic rural values and functions of Penrith's rural lands and the social well-being of its rural communities,	While the proposal doesn't facilitate rural living, it will improve the range and diversity of dwelling types in a residential locality and will maintain the existing residential character of the locality.

LEP Aims	Comment
(f) to protect and enhance the environmental values and heritage of Penrith, including places of historical, aesthetic, architectural, natural, cultural, visual and Aboriginal significance,	The proposal will not adversely impact on the significance of any items or land of heritage significance.
(g) to minimise the risk to the community in areas subject to environmental hazards, particularly flooding and bushfire, by managing development in sensitive areas,	The proposal will not have any significant adverse impacts on flooding or bushfire management and will facilitate the improvement of environmental maintenance.
(h) to ensure that development incorporates the principles of sustainable development through the delivery of balanced social, economic and environmental outcomes, and that development is designed in a way that assists in reducing and adapting to the likely impacts of climate change.	The proposal will achieve a balance between environmental, social and economic outcomes by utilising surplus land to provide additional and diverse housing types while improving the accessibility, quality and diversity of open space.

Relationship to Section 94 Contributions Plans

As previously stated, the land identified in this Planning Proposal for divestment is surplus to Council's needs. All of the reserves located in Erskine Park identified for whole or partial divestment in this proposal were originally acquired by Council through Section 94 contributions or under contributions plans that have since been repealed. Accordingly, all revenue generated through the rezoning and sale of the land is to be allocated towards open space upgrades within Erskine Park. Council currently owns 19 parks and reserves in Erskine Park and provides approximately 30% more open space than the widely accepted standard for the provision of local open space within an urban context². Overall, approximately 26 hectares of open space is available in Erskine Park.

A number of the reserves to be partially retained are identified for upgrade works under the *Penrith City Local Open Space Development Contribution Plan (s94)*. The upgrade works for each of these parks is outlined below:

- **Pacific and Phoenix Reserve** - Provide playground equipment and park furniture;
- **Capella Street** - Provide pathway from Capella Street to Canopus Close
- **Spica Reserve** - Provide playground equipment and park furniture; and
- **Chameleon Drive Reserve** - Provide landscaping and park furniture

The sale of the land identified in this Planning Proposal will facilitate the provision and upgrade of these facilities in addition to the allocation of any section 94 funds. Overall the disposal and sale of the reserves will provide additional funds that will directly facilitate the upgrade and improvement of the open space in Erskine Park. The Proposal is consistent with the various S94 contributions plans in this regard.

² A standard of 2.83 hectares/1000 people is generally adopted as the required amount of open space in new release areas (referenced in the *People's Lifestyle Aspiration and Needs Study p. iii*)

Q5 – Is the Planning Proposal consistent with applicable State Environmental Planning Policies?

An assessment of the Planning Proposal against the applicable State Environmental Planning Policies (SEPPs) is set out in **Appendix H**.

Q6 – Is the Planning Proposal consistent with applicable Ministerial Directions (s.117 directions)?

An assessment of the Planning Proposal against the applicable Section 117 directions is set out in **Appendix H**.

5.0 Section C - Environmental, Social and Economic Impacts

5.1 Environmental Impacts

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

The land is not identified on the *Natural Resources Sensitive Land Map* in Penrith LEP 2010.

The landscape significance of the existing trees is recognised by the *Scenic and Landscape Values Map* and associated provisions in LEP 2010. This Planning Proposal does not recommend any amendment of this map or provisions, which will continue to apply to the land. The provisions require any new development to be located and designed to minimise its visual impact. DCP 2014 also provides detailed development controls for the preservation of trees and vegetation.

The subsequent development of the land may help manage existing environmental impacts and respond to a changing climate by planting trees and vegetation in more strategically located areas. Public domain improvements will include improved street tree planting, green walls, shade structures and water, which will contribute positively to the cooling of Erskine Park.

There are no known items or sites of European or Aboriginal cultural heritage that would be affected by the proposal. Council will consult with the Aboriginal Land Council as part of the Planning Proposal process.

Q8 – Are there any other likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?

This Planning Proposal does not recommend the amendment of those provisions in the 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. Other potential environmental effects of the proposed reclassification and rezoning to low density residential uses are explored below.

5.1.1 Arboriculture Assessment

A Preliminary Arboriculture Assessment of the existing vegetation on the subject land parcels has been prepared by Glenyss Laws Consulting Arborist and is provided at **Appendix J**. The Preliminary Arboriculture Assessment identifies that a number of the sites contain the following endangered or threatened communities:

- Cumberland Plain Woodland – a Critically Endangered Ecological Community under the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act).
- Shale Gravel Transition Forrest – an Endangered Ecological Community under the Threatened Species Conservation Act 1995 (TSC Act) and a Critically Endangered Ecological Community under the EPBC Act.

Glenyss Laws Consulting Arborist identifies that in a number of instances the *Eucalyptus Tereticornis* (Cumberland Plain Woodland) contained within the land parcels are dead, or over mature and reaching the end of their useful life expectancy. As such, removal of these trees is recommended and will not be of concern in the future development of the sites for residential dwellings. Where trees are to be removed in the future, it is recommended that a proactive policy of replacement is adopted.

A number of trees surveyed across the land parcels were noted as being poorly maintained and therefore their condition rigour and retention value are low. This appears to be due, in part, to the large number of smaller and fragmented open space in Erskine Park and St Clair and the sparse allocation of resources able to be provided to each reserve.

Table 7 below outlines the observation of each site, identifying the number of trees, the number recommended to be retained and comments on the existing trees.

Table 7 – Summary of vegetation on the site

Site	No. of trees	Priority for retention	Comment
Regulus Reserve	13 trees and three copses of planted trees	3	▪ Nine trees identified as dominant species in the Cumberland Plain Woodland group ▪ Four trees are dead, two trees are in irreversible decline and six trees are over mature and have a short useful life expectancy
Dilga Reserve	22	10	▪ 20 trees identified as the dominant species in Cumberland Plain Woodland group ▪ 11 trees have a short useful life expectancy and one tree is dead
Pacific and Phoenix Reserve (part)	16	6	▪ 6 trees associated with Cumberland Plain Woodland group ▪ One of the six trees associated with Cumberland Plain Woodland group may provide suitable habitat for native wildlife which will need to be further investigated ▪ The remaining trees are non-local specimens and are recommended for removal
Capella Street Reserve (part)	20	1	▪ Poor maintenance has resulted in borer infestation and a reduction in overall condition rigour and retention value for the majority of trees

Site	No. of trees	Priority for retention	Comment
Spica Reserve (part)	19	0	- Poor maintenance has resulted in borer infestation and a reduction in overall condition rigour and retention value 2 trees appear to be associated with the Cumberland Plain Woodland group, however are over mature and have a short useful life expectancy.
Chameleon Drive (part)	11	1	One tree outside of the subject land is a remnant Cumberland Plane Woodland specimen. A Tree Protection Zone (TPZ) is recommended in the detailed design phase of any new development.
Ashwick Reserve	-	-	No trees are located on the subject land, however a number are located in close proximity and may be affected by future development. TPZs are recommended in the detailed design phase of any new development.

Each of the trees identified on the land parcels are subject to a Tree Preservation Order imposed by Penrith Council under Clause 5.9 of the Penrith LEP 2010. This Clause requires the granting of Development Consent or a Permit Issued by Council for the removal of trees. Therefore, at the relevant stage of the development process, approval would need to be granted from Council for the removal of any trees.

The Preliminary Arboriculture Assessment recommends that the future development of the sites should be accompanied by a Tree Protection Plan and a more Detailed Arboriculture Assessment to assess impacts on the trees or the removal of trees. This detailed assessment must consider whether it is appropriate for particular trees to be removed and if necessary, specify if any mitigation or management measures are required following further investigations.

Notwithstanding this future requirement, the Preliminary Arboriculture Assessment finds that the exiting trees and vegetation located on the site will not prevent the reclassification and rezoning of the land for residential development as the reclassification and rezoning would not result in any significant adverse impacts on the existing vegetation. The detailed design of the dwellings and subdivision allotments on the subject land parcels will be required to respond to the location of the trees and incorporate any removal if this is supported by an ecological assessment.

5.1.2 Ecology

An ecological due diligence assessment has been prepared by Eco Logical Australia (**Appendix M**) to assess the ecological value and development constraints for the relevant reserves identified in this Planning Proposal. The assessment included a site survey and desktop review of potential flora and fauna that may occupy the sites. Ashwick and Capella reserves were not included in the ecological assessment for the following reasons:

- **Ashwick:** The reserve does not contain any trees hence there are no ecological constraints on the site. This is confirmed in the Arboriculture Assessment; and
- **Capella:** the portion of the site identified for disposal includes a fragmented stand of trees in a poor condition. Poor maintenance practices have resulted in borer infestation and a reduction in overall condition, vigour and retention value.

The assessment confirms that Shale Plane Woodland of the Cumberland Plain Woodland vegetation type is mapped across all of the sites considered in the assessment. Notwithstanding this, the assessment considers that all of the sites are suitable for rezoning as much of the vegetation observed is in a poor condition that would not meet listing criteria as a threatened species. Should the removal of trees be required during the development stage, it is not expected this will have any significant adverse impacts on the local occurrence or significance of any threatened species. **Table 8** sets out commentary provided by Eco Logical on each site.

Table 8 – Summary of ecology observations

Site	
Dilga Reserve	▪ The site contains a stand of remnant vegetation that forms part of the Shale Plains Woodland, a sub-community of Cumberland Plain Woodland. The general health of the trees is considered to be poor and would not meet the criteria for listing under the EPBC Act. Removal of the vegetation would be unlikely to have a significant impact on the occurrence of CPW. ▪ No threatened fauna species have been observed on the site and the fauna habitat is generally poor however some vegetation may provide potential roosting and foraging habitat. ▪ Eco Logical consider that the vegetation within the reserve is in generally poor health with poor long term viability, accordingly the reserve is recommended for urban development.

Site	Comment
Regulus Reserve	▪ The site contains a number of exotic ground cover species and a large remnant Grey Box, being a part of the Shale Plains Woodland, a sub-community of the CPW. The general health of the trees is considered to be poor and would not meet the criteria for listing under the EPBC Act. Removal of the vegetation would be unlikely to have a significant impact on the occurrence of CPW. ▪ Habitat for fauna is generally limited, however roosting and foraging vegetation is present that may be inhabited by threatened species. ▪ Eco Logical consider that the biodiversity value of the site is relatively low given the small area of CPW is unlikely to provide connectivity at a regional scale. Accordingly rezoning of the site is unlikely to facilitate development that will have a significant impact on CPW.
Pacific and Phoenix Reserve (part)	▪ The part of the site identified for disposal contains a number of exotic and non-local species as well as a Grey Box and Red Gum, being a part of the Shale Planes Woodland, a sub-community of the CPW. The general health of the trees is considered to be poor and would not meet the criteria for listing under the EPBC Act. Removal of the vegetation would be unlikely to have a significant impact on the occurrence of CPW. ▪ Habitat for fauna is generally limited, however roosting and foraging vegetation is present that may be habited by threatened species. ▪ Eco Logical consider that the biodiversity value of the site is relatively low given the small area of CPW is unlikely to provide connectivity at a regional scale. Accordingly rezoning of the site is unlikely to facilitate development that that will have a significant impact on CPW.
Spica Reserve (part)	▪ The part of the site identified for disposal contains exotic ground covers and shrubs with three large remnant Grey Box, being a part of the Shale Planes Woodland, a sub-community of the CPW. The general health of the trees is considered to be poor and would not meet the criteria for listing under the EPBC Act. Removal of the vegetation would be unlikely to have a significant impact on the occurrence of CPW. ▪ Habitat for fauna is generally limited however roosting and foraging vegetation is present that may be habited by threatened species. ▪ Eco Logical consider that only three remnant significant trees are on the site with all other vegetation planted. Accordingly, the site is recommended to be rezoned for residential development.
Chameleon Drive (part)	▪ The part of the site identified for disposal contains exotic ground covers and shrubs with no CPW observed. ▪ Habitat for fauna is generally limited with the young age of vegetation being unlikely to habit threatened fauna. ▪ Eco Logical consider that the site does not contain any threatened species and as such no assessment is required.

Eco Logical confirm that the rezoning of all sites is suitable as the long term viability of the Cumberland Plain Woodland is poor with no natural recruitment, isolated vegetation and any restoration would require extensive planting and weeding. The health of a number of the trees was poor and as such presents limited opportunities for threatened fauna species, although there is some potential for roosting and foraging. Due to the highly mobile nature of the species expected to occur on the site, the rezoning of the land is not anticipated to have any significant impacts on the long term survival of these species.

5.1.3 Traffic and Parking Assessment

The rezoning and reclassification of land parcels sought as part of the Planning Proposal will have limited potential environmental impacts. One key consideration which has been assessed in a preliminary manner is traffic and parking impacts as a result of potential future residential development.

A Traffic and Parking Assessment has been prepared by Parking and Traffic Consultants (**Appendix K**) to assess the potential future traffic impacts resulting from the rezoning and reclassification of the sites. The Assessment identifies the indicative number of dwellings to be constructed on each site and determines the existing and future capacity of the local road network to accommodate the anticipated increase in traffic.

The assessment considers the existing road network in the locality of the site which includes State arterial roads such as the M4 Western Motorway and Erskine Park Road as well as the various local roads and traffic conditions on these roads. The *RMS Guide to Traffic Generating Developments – Updated Surveys Technical Direction* has been adopted to anticipate the future traffic generation rates of the expected residential development. The Assessment conservatively adopts the maximum RMS rate of 1.39 vehicle trips per hour in morning peak times and 1.32 vehicle trips per hour in afternoon peak times.

Table 9 below provides a summary of the proposed number of dwellings and parking, traffic and access implications associated with those dwellings.

Table 9 – Summary of dwellings, parking and traffic implications

Site	No of Dwellings	AM trips	PM Trips	Parking allocation	Access and sightlines
Regulus Reserve	6 (four dwellings and 2 dual occupancy)	11.1	10.6	12	Access location is suitable. Sightlines and grades to be resolved during design stage.
Dilga Reserve	4	5.6	5.3	8	- Access location is suitable - Access is recommended to not be provided to Erskine Park Road.

Site	No of Dwellings	AM trips	PM Trips	Parking allocation	Access and sightlines
Pacific and Phoenix Reserve (part)	2	2.6	2.8	4	Access location is suitable
Capella Street Reserve (part)	4	5.6	5.3	8	- Access location is suitable - Access width to battle-axe lots to be considered during design
Chameleon Reserve (part)	4	5.6	5.3	8	- Access location is suitable - Access width to battle-axe lots to be considered during design
Ashwick Reserve	2 (dual occupancy)	2.8	2.6	4	Access location is suitable

Based on the above, the traffic generated from each dwelling will result in an increase in the number of vehicles using three local roads and at their intersection with Erskine Park Road, as follows:

- Swallow Drive/Erskine Park Road intersection – increase of four vehicular trips in the AM and PM peak
- Peppertree Drive/Erskine Park Road intersection – increase of 31 vehicular trips in the AM peak and 29 vehicular trips in the PM peak.
- Explorer Way/Erskine Park Road intersection – increase of 6 vehicular trips in the AM peak and 5 vehicular trips in the PM peak.

Parking and Traffic Consultants consider that the greatest traffic increase of 31 vehicular trips per hour at the Peppertree Drive/ Erskine Park Road intersection will result in an additional trip every 1.9 minutes and is unlikely to have any significant impact on the intersection performance. It is noted by Parking and Traffic Consultants that vehicles may use alternative access routes to Erskine Park Road which includes signalised intersection at Swallow Drive and Erskine Park Road, therefore disbursing traffic movements more evenly across the existing road network. Due to the size and location of the reserves, being in walking distance to low scale residential dwellings, the existing traffic generated by these parks is likely to be negligible in the surrounding road network.

Suitable access and site lines are able to be achieved on each of the sites in accordance with the Penrith Development Control Plan 2014 and the relevant Australian Standards.

The Traffic and Parking Assessment concludes that the proposal to reclassify and rezone the subject land to facilitate approximately 21 new dwellings will have no notable impact on the operation of the surrounding road network and that no upgrade works are required. Further detailed assessment of potential traffic and parking impacts is likely to be required in the future stages of the development process when approval is sought for the subdivision of land or construction of new dwellings.

5.1.4 Contamination

A Phase 1 Contamination Assessment for the Spica and Regulus Reserves and is provided at **Appendix N**. The assessment provided a historical land use analysis and also provides an analysis of soil samples from the sites. The Assessment provides that the sites are suitable for rezoning to residential uses however identifies that a significant amount of building rubble was observed at Regulus Reserve. The presence of unknown fill on a site may be indicative of possible contamination and the assessment recommends additional site investigations be undertaken to further characterise the fill material on the site. Accordingly, these site investigations will be undertaken prior to the sale or any development on Regulus Reserve.

5.2 Social and economic impacts

Q9 – Has the Planning Proposal adequately addressed any social and economic effects?

5.2.1 Social Impacts

This proposal directly seeks to ensure that economic and social benefits are delivered in a more sustainable and strategic manner for the Erskine Park community.

The sale of the identified land will generate funding to be directed towards prioritised open space improvements as well as the provision of additional and improved recreational infrastructure such as cycle and pedestrian paths.

Council's awareness of the potential and perceived social impacts associated with the project prompted the development of a detailed communication and engagement strategy which included planned opportunities being provided for the community to be involved with the project. This level of community consultation was undertaken outside of the Department of Planning's requirements for Planning Proposals. Council recognises that the community living in close proximity to the parks will be the most affected and have noted the following concerns and social impacts raised in relation to the proposal:

- the potential loss of amenity these spaces offer neighbouring residents;
- the sale of surplus park land might impact on the property values of the surrounding residents;
- the affected reserves can form part of a social memory;
- additional residential development may result in a loss of privacy;

- the divestment of the reserves may result in the loss of easy access to open space;
- the reserve is one of the reasons the surrounding residents chose to purchase their property; and
- the sale and redevelopment of these reserves may have adverse impacts on the wildlife.

Many community members considered that the proposed upgrades and improvements and the sale of some of the lesser used parks will have a positive social impact on the community. Comments raised by the community with respect to the potential positive outcomes from the project included:

- Younger people in the community have limited access to purpose built facilities which may be provided by the proposed upgrade works;
- The identified parks don't cater for the growing community and are currently unoccupied and poorly activated spaces;
- The area needs an upgrade of paths, picnic areas and well-lit spaces;
- The area needs more usable spaces which may be provided as a result of the project; and
- The area needs improved walking and cycling paths which may be provided as a result of the project.

The parks that have been identified are specifically selected as they offer minimal usability and create potential safety and undesirable social environments due to poor surveillance. Generally, the parks identified for disposal are either too small, too isolated, too hidden or too irregularly shaped to be well used by the community, while others are too close to others to justify improvement or retention. As the funds raised from the sale of any parks will be reinvested in Erskine Park, the proposal provides an opportunity to enhance the level of amenity and recreation options available to the community. The anticipated improved social outcomes as a result of the proposal are:

- Improved access to areas of open space, for all members of the community;
- Improved facilities that will cater for a diverse range of people; and
- Improved access and security facilities, improving safety and social presence in these spaces.

The proposal will deliver recreation infrastructure that is "fit for purpose" and financially sustainable, allowing Council better satisfy the needs of residents. While the proposal in part removes direct access to open space for immediately adjoining residents, the overall benefits of the upgrades to the quality and accessibility to open space will improve the safety and usability of open space for all members of the community. As previously stated, the level of open space provided in Erskine Park will remain 17% above the general standard of open space provision required in new release areas. The broader social benefits associated with the project cannot be achieved without the proposal.

Given the above, it is evident that the proposal will deliver significant social and economic benefits. If the proposal were not to proceed, these benefits would not be realised and the current open space would continue to exist without any further improvements. It is acknowledged that there will be a net

reduction in the quantity of open space. However, on balance the social and economic benefits of enhanced open spaces in other parks within Erskine Park ensure that the positive benefits outweigh any loss of open space.

At a more site specific level, the nature of the zoning proposed for the land parcels, being R2 low density residential, will ensure that the future development on these sites is commensurate with the existing built form and housing typologies of Erskine Park and St Clair. The future single dwelling and dual occupancy typologies to be delivered reflect the scale, nature and social qualities of development in the locality.

The Public Open Space Reinvestment Project is underpinned by an aim to rationalise open space provision to allow for improved spaces which more appropriately satisfy community recreational needs. Care has been taken to ensure that the open space provision in Erskine Park does not reduce to unacceptable levels for the current population, and future populations. The 2016 population forecast for Erskine Park is 6,741 people. This number is forecast to grow to 6,935 by 2036.

The application of contemporary rates of open space provision (2.83 hectares of open space per thousand of population) creates a demand for approximately 19.62 hectares of open space in 2036 in the suburb. This means a surplus of more than two and a half (2.5) hectares would be retained which means the current and future community members and future residents will continue to enjoy access to suitable levels of open space.

The overall provision of open space for Erskine Park residents has only examined parks at a local level. Other parks and community infrastructure beyond a local level have not been taken into account, such as:

- the adjoining regional open space along the Ropes Creek corridor on the eastern boundary of the suburb owned by the State Government (approx. 82 hectares);
- substantial sports playing fields provided in Erskine Park High School; and
- the increased amenity afforded to Erskine Park once the Open Space Master Plan is implemented). Stage 1 of these works are described and costed below.

Overall, the proposal will result in a net increase in social benefits for the residents of the locality.

5.2.2 Economic Impacts

In addition to enhancing the current state of open space and recreational infrastructure in the locality through the sale of select land not currently meeting the needs of the community, the proposal will minimise maintenance costs of up-keeping reserves which are surplus to the needs of Council and the community.

The allowance for additional dwellings appropriately located in close proximity to open space, transport and services will increase housing supply and choice in the Erskine Park Council anticipates that the rezoning and reclassification of the land will generate approximately \$7 million in net revenue to be invested into the upgrade and improvement of parks and open space reserves within Erskine Park. To demonstrate to the community the agreed improvements will be realised, Council has forward funded \$2.65 million to deliver the projects identified in the draft OSMP along with public domain improvements.

This includes a further \$1 million dedicated to providing continuous footpaths along the Swallow and Peppertree Drive loop road as well as a dedicated cycle route. The progression of the reclassification and rezoning through to the sale of the surplus land will provide a significant increase in the amount of funding made available to the Erskine Park community for recreation improvements to be rolled out in the future.

The above considerations demonstrate that residents within Erskine Park and St Clair have immediate and high quality access to a diverse range of open spaces and community facilities. Overall, the proposal will result in a net increase in economic benefits for the residents of the locality.

6.0 Section D - State and Commonwealth Interests

Q10 – Is there adequate public infrastructure for the Planning Proposal?

The reclassification and rezoning of the land will provide a direct opportunity for Council to provide additional and improved public infrastructure and facilities in existing parks and reserves in the locality. The rezoning and sale of surplus land will improve the amount of resources and maintenance that Council is able to dedicate to existing public infrastructure. Given the scale of the potential future residential development, it is considered unlikely that any significant upgrades to existing infrastructure will be required or any new infrastructure will be necessary. There is likely to be capacity in the existing infrastructure to adequately service the approximate 21 new dwellings to be facilitated through the proposal.

The low level of infill development proposed will have no notable impacts on existing infrastructure such as local roads, schools or the existing retail centres. The positive impacts include the opportunity for Council to generate revenue for investment in community infrastructure and the public domain. Further detailed investigations will be undertaken as part of the future development process when approval is sought for the subdivision of land or construction of new dwellings, will determine if any specific upgrades or extensions of existing infrastructure are required.

Q11 – What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?

State and Commonwealth authorities will have the opportunity to provide comment on the Planning Proposal during the formal exhibition period.

Note: this section will be updated following consultation with State Agencies.

Approximately 21 dwellings will be delivered as part of this project which will not place significant additional demand on the existing infrastructure in Erskine Park. The rezoning and reclassification of the land is expected to facilitate positive social outcomes through delivering footpaths and by implementing the recommendations of the draft Open Space Masterplan.

This Planning Proposal will not generate a need for significant additional public infrastructure. Any subsequent proposal to develop or use the Land will need to address the suitability of current infrastructure, proposing, funding and delivering solutions to overcome any identified shortfall. The various sites are all located in close proximity to the local centre which is well provisioned with community, education and health services and facilities.

State and Commonwealth Public Authorities

It is expected that the Department's Gateway Determination will require Council to consult with the NSW Office of Strategic Lands. In addition:

- the Governor's approval is required for the extinguishment of public reserve status and other interests in the Land.
- Local Planning Direction 1.3 requires Council to consult the Director-General of the Department of Primary Industries about resources and any extraction operations occurring in the area subject to this Planning Proposal.

7.0 Mapping (Part 4)

This Planning Proposal recommends changes to the maps in Penrith LEP 2010. These will be provided following the Gateway Determination. Maps and site specific details of the land affected by this proposal are provided in **Section 3.2**.

8.0 Community Consultation (Part 5)

Community Consultation to date

A structured community consultation program has been undertaken over a period of two months, with an aim to empower the community to be a decision maker in the Erskine Park pilot project. The outcomes of this community consultation program are described in the Consultation Report provided at **Appendix E**.

The consultation program for the project followed three focus groups with residents across the Penrith LGA, held in early March 2015 to test community views on the subject of surplus land. The outcomes of these sessions informed Council's approach to the engagement program for the project. During April and May 2015, Council officers spoke to the Erskine Park community about the opportunity to fund sustainable improvements in recreation spaces in Erskine Park by selling some of the Council owned land that is not meeting the community's recreation needs.

The Community Consultation Report outlines the Stage One consultation activities and methods which were undertaken in April and May 2015. The community consultation sought feedback on the proposed sale of the reserves outlined in this proposal and the changes the community would support. The following activities were undertaken during the preliminary community consultation:

- two community information sessions;
- a letterbox drop to surrounding residents;
- a community survey accessed online and at consultation events;
- a student workshop with local high school students; and
- intercept surveys.

This consultation sought general feedback on the concept and identified spaces where residents would like to see improvements and spaces that were viewed as underutilised by the community. The Stage One survey found that there was broad support for the concept, with 73% of respondents indicating that they either strongly support or somewhat support the concept.

The information collected in Stage One, along with technical studies commissioned by Council informed the development of the draft OSMP which identifies specific sites where improvements could be made; the types of upgrades and facilities needed; and which underutilised spaces might be sold to fund improvements.

The Draft OSMP formed the basis of Stage Two consultation activities in August and September 2015. To ensure residents were properly consulted, the views of the community were sought through numerous channels. Overall, the two stage consultation program involved:

- a suburb-wide letter box drop;
- targeted letters to approximately 800 landowners within 100m of affected parks and reserves;
- targeted doorknocking of directly affected residents;
- targeted communication with parents at Council owned childcare;
- survey delivered online and face to face;
- two community drop in sessions; and
- social media outreach.

The feedback received during Stage Two was analysed and used to help refine the draft OSMP. Many comments focused on specific sites. For example, specific comments were supportive of opportunities for improvement to Chameleon Reserve and the recommendations in the draft OSMP. Strong community support provided for three particular sites to be retained. These reserves included Warbler, Aquarius and Mohawk and Sennar Reserves.

Given the feedback received during the consultation process, Council decided that these reserves should not be included in the Planning Proposal for reclassification and rezoning, despite them being identified as unfit for their current purpose in the range of preliminary studies. With the removal of these sites from the project, a balance has been achieved between the community desires and the intent of disposing of surplus land which is unfit for purpose to enhance other more suitable areas of open space.

Planning Proposal Community Consultation

Community consultation (including a public hearing for sites in need of reclassification from 'community' to 'operational' and for rezoning) will be undertaken in accordance with section 57 of the EP&A Act. This Planning Proposal will be publicly exhibited for at least 28 days following the LEP Gateway determination. Exhibition venues will include Penrith Civic Centre, Council's Queen Street Office and library branches. All exhibition material will also be available on Council's website. Public notice of the public exhibition will be given in local papers and on Council's website.

After the exhibition period has concluded, an independently chaired public hearing will be held subject to section 57(6) of the EP&A Act and section 29 of the Local Government Act 1993 for the land given it involves reclassification from community to operational. There will be further notification in the local media of the public hearing as well as direct correspondence with any parties that provide a submission or request to attend a hearing at least 21 days before such hearing. A report will then be submitted to Council with details of the results of the public hearing and also submitted to the Secretary of the Department and Minister for Planning.

9.0 Project Timeline (Part 6)

The project timeline is anticipated to run in accordance with the actions and dates outlined in **Figure 3** below.

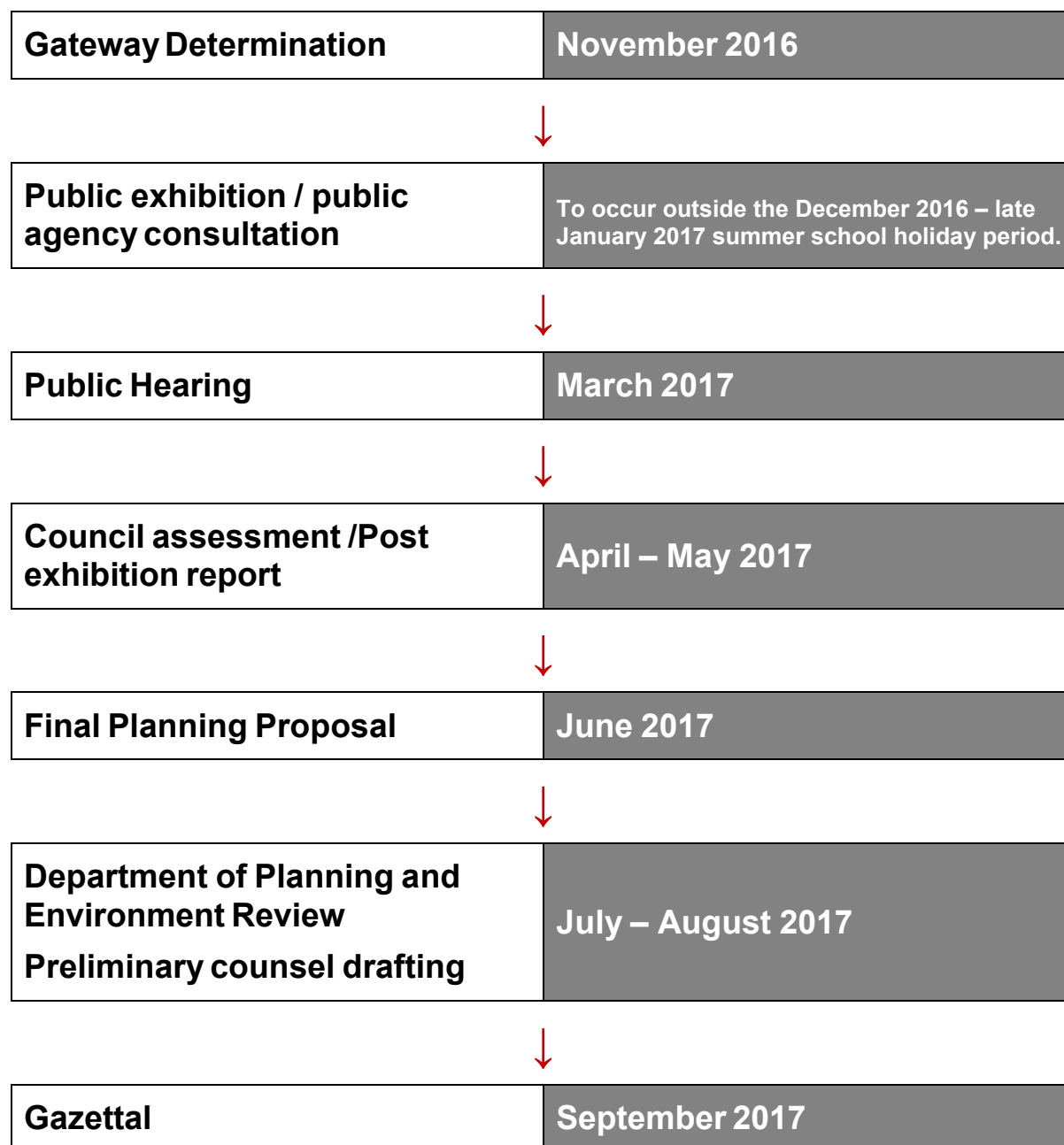


Figure 3 - Anticipated project timeframe