

2 Planning Proposal for Reclassification and Rezoning of land in Erskine Park

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Outcome	<i>We plan for our future growth</i>
Strategy	<i>Protect the City's natural areas, heritage and character</i>
Service Activity	<i>Maintain a contemporary framework of land use and contribution policies, strategies and statutory plans</i>

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

Executive Summary

The purpose of this report is to examine the merit of sponsoring the Erskine Park Planning Proposal submitted by Council's Property Department. The Proposal seeks to rezone 8 sites (7 in Erskine Park and one in St Clair) which are no longer required for the drainage, community or open space purpose for which they were originally acquired. The Planning Proposal would rezone the subject sites from *RE1 Public Recreation* to *R2 Low Density Residential*, reclassify the land from *Community* to *Operational* and establish minimum lot sizes of 550sq.m and a height control of 8.5 metres.

The Planning Proposal arises from the *Public Open Space Reinvestment Project*. This project has been the subject of Councillor Briefings, Working Parties and reports which, on 26 October 2015, resulted in a Council resolution to commence the process of rezoning and reclassifying the 8 sites which are the subject of this report.

Assessment of the Planning Proposal against Council and legislative standards indicates that there are no objections or impediments to the sites' rezoning and reclassification. In light of the Proposal's compliance, this report concludes that the Planning Proposal should be sponsored by Council and forwarded to the Greater Sydney Commission requesting a Gateway Determination.

Background

Council has a responsibility to plan and deliver appropriate local infrastructure for our community to meet its needs and aspirations. Our local infrastructure includes parks, libraries, community centres, drainage and roads. As our community changes and different trends, technology and preferences emerge, the infrastructure we need to provide for residents, workers and visitors also evolves. Responding to these changes requires regular review of our assets, their performance and the plans and strategies that have underpinned their delivery.

With the above challenges in mind the Erskine Park Residential s94 plan, which delivered local infrastructure for the suburb, was reviewed in 2013. The review included a drainage needs assessment and consultation on community needs. The review revealed that all the facilities identified in the Plan had been paid for, and a community centre site and a small area of drainage land included in the Plan were no longer required. The s94 Plan was rescinded by Council in August 2013. The drainage and community centre sites which were no longer needed were retained by Council while their future was reviewed.

In addition to the suburb-specific s94 Plan review, Council's Property and Finance departments commenced the City-wide *Public Open Space Reinvestment Project*. This project seeks to “*deliver enhanced open spaces to the local community and to responsibly manage their finances and assets*”. The methodology underpinning the project involves:

- understanding the current and likely future needs and aspirations of our community;
- identifying the community land for which Council is responsible and assessing its capacity to meet current and future needs;
- identifying those lands and assets which need to be retained as well as those which may be divested and reinvested into our community; and
- undertaking both a site evaluation and contextual analysis of each suburb, to permit strategic and holistic decision-making.

As part of the *Reinvestment Project*, Erskine Park was selected as an initial pilot project area. Erskine Park was chosen because it is an established suburb representative of most of our urban area and contains an array of local infrastructure with improvement opportunities. Additionally, all Erskine Park's local infrastructure was acquired or delivered through the Section 94 contributions and hence all revenue generated must be reinvested into the suburb for a purpose consistent with that described in the s94 Plan.

The first step in the *Reinvestment* review process required an analysis of the distribution, provision and accessibility of local open space at a suburb wide level. The second phase involved the assessment of individual open space parcels using an evaluation criteria matrix. Recommendations were then developed based on both the suburb analysis and the merits of individual parcels. A total of 20 reserves in Erskine Park were evaluated to determine whether to:

- retain the site and reinvest in its embellishment,
- sell part of the reserve to better consolidate the remaining space in each reserve; or
- sell the park, using sale proceeds for reinvestment in the surrounds and suburb.

The information collected during two subsequent community consultation phases of the program, along with technical studies commissioned by Council, then informed the development of a draft *Open Space Master Plan* (OSMP). This OSMP identifies specific sites where improvements could be made 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.

Among the criteria used to determine suitability of sites for either retention or disposal was whether the land was not fit for its intended purpose due to its size/area, shape, and topography, proximity to other comparable facilities or other constraints.

Erskine Park Planning Proposal

The *Public Open Space Reinvestment Project* has been the subject of Councillor Working Parties and Briefings conducted by our Property and Finance Departments since June 2014. On 26 October 2015 Council resolved that “*Council endorse commencing the statutory process to reclassify and rezone Council-owned land identified in Erskine Park in Attachment 1*”, which resulted in the preparation of this Planning Proposal.

Council further resolved to “*allocate \$2.65 million to forward fund some of the proposed upgrade works to the open space areas in Erskine Park*” to provide the community with a level of confidence that the intended upgrade works resulting from the disposal of the reserves would be delivered.

In accordance with Council's resolution, a Planning Proposal was lodged by the Property Department for the nine sites. The Proposal was subsequently amended by removing one site (Fuller Place), as it contained threatened ecological communities which could not be supported for rezoning. The Planning Proposal was also augmented with further background studies on ecology and contamination. The revisions to the Planning Proposal were submitted in July 2016. A copy of the Planning Proposal is shown at *Attachment 1* to this report.

The Planning Proposal seeks the following amendments to Penrith LEP 2010:

- Rezoning eight sites from *Open Space RE1* to *Low Density Residential R2*;
- Reclassification of the eight sites from *Community* to *Operational*;
- Establishing minimum lot sizes of 550 square metres (no minimum areas currently apply); and
- Establishing maximum height limits of 8.5 metres (no height limits currently apply).

The proposed zoning, height limits and minimum lot sizes sought in the Planning Proposal are consistent with those established for neighbouring residential sites and comparable residential lots in Erskine Park. The subject sites included in the Planning Proposal are described in the Table below.

Property address and property description	Previously intended infrastructure function	Area of site affected
1a Spoonbill St, Erskine Park (Lot 104 DP706344)	local park	2,466 sqm
73 Swallow Drive / Regulus Street, Erskine Park (Lot 3280 DP 786811)	local park	4,400sqm
9a Dilga Crescent, Erskine Park (Lot 148 DP 703879)	local park	2,315sqm
27A Phoenix Cr, Erskine Park (Lot 1444 DP 788282)	local park	1,234sqm (total park area 12,510sqm)
Part 11A Canopus Close, Erskine Park (lot 2174 DP 776426)	local park	1,700sqm (total park area 9,752 sqm)
85 Swallow Drive, Erskine Park (lot 3281 DP 786811)	local park	1,500sqm (total park area of 4,499sqm)
25 Chameleon Drive, Erskine Park (lot 1106 DP 709078)	neighbourhood community centre	2,484sqm
11 Ashwick Circuit, St Clair (Lot 35 DP 812241)	drainage reserve	1,817sqm

Assessment of the Planning Proposal

Section 55(2) of the EP&A Act outlines those matters which must be included in a Planning Proposal and the Department of Planning and Environment (DP&E) has issued guidelines under s55(3) of the Act, which provides instruction for the preparation and assessment of applications. The subject Planning Proposal was assessed against these provisions. The review indicates that it satisfactorily addresses all the relevant criteria, with the possible exception of "increasing housing range and diversity". Added diversity can, however, be achieved, and this criterion satisfied, through recognition of the housing diversity options permissible in the R2 zone sought under the Proposal. This zoning and these housing options mirror planning opportunities available in surrounding residential land across Erskine

Park. A detailed assessment of the Planning Proposal against the relevant criteria is provided in *Attachment 2* to this report.

The Planning Proposal was also referred to relevant Council departments for review and comment. In summary, the relevant departments advised that there were no impediments or objections to the advancement of the final, refined version of the Planning Proposal submitted in July 2016. This final version of the Proposal had responded to concerns several departments had expressed, particularly in relation to site contamination, ecological and engineering issues. Detailed comments from relevant departments are provided in *Attachment 3* to this report.

One of the sites described in the Planning Proposal (No.11A Canopus Close, Erskine Park), proposes partial rezoning of the open space recreation land. The western boundary of the area proposed to be rezoned and reclassified extends almost to the western edge of Canopus Close road reserve. Without appropriate limits on the development of the land proposed to be rezoned Residential, there is a risk that the park will lose sight lines essential to ensure the park is visible from Canopus Close, is safe and encourages access.

To ensure that the open space and pedestrian linkages at this reserve are not compromised, appropriate mechanisms will be imposed at a relevant and early stage of the site's future development. Aspects for consideration include (but are not limited to) sight lines and vistas, setbacks, corner splays, and orientation and interface. Mechanisms may include covenants or restrictions on development to deliver a specific outcome, and would be subject to further investigation of suitability based on future development types, to retain flexibility for future uses.

These requirements offer surety that any new residential development and the park can coexist while achieving a safe, visible and accessible public reserve and private/public interface. The final western alignment of the open space boundary can be determined following public exhibition and further modelling of development scenarios to confirm achievement of essential park characteristics and development viability. The existing Pisces laneway access to the park will continue.

Attachment 4 to this report details the recommended rezoning boundaries for all sites affected by the Planning Proposal.

Reclassification of Community Land

As outlined above, all the land which is the subject of this Planning Proposal (PP) is currently classified as *Community* land and the PP seeks its reclassification to *Operational* by amending Penrith LEP 2010. This is achieved by describing and identifying the subject land as *Operational* in Schedule 4 of the LEP. The process for carrying out the amendment also requires conducting a public hearing after exhibition of the PP and reporting the findings to Council.

Next Steps

If Council resolves to sponsor the Planning Proposal, the next steps in the process are as follows:

1. The Planning Proposal is forwarded to the Greater Sydney Commission (GSC) for a Gateway determination;
2. The GSC will advise whether the Planning Proposal may proceed to public exhibition, which government agencies must be consulted and whether amendments to the Proposal must be made;

3. The Planning Proposal will be placed on public exhibition, (accompanied by the draft *Open Space Management Plan*) and referred to relevant agencies in accordance with the Gateway determination;
4. Council holds a public hearing in relation to the reclassification of *Community* land to *Operational* land, in accordance with section 57(6) of the EP&A Act;
5. Council considers a report on any submissions made as part of the exhibition of the Planning Proposal and the Public Hearing in relation to the reclassification of the *Community* land;
6. Council determines whether to advance with the Planning Proposal in whole or in part, including any amendments to the Planning Proposal;
7. Council presents the Planning Proposal to the GSC to be made;
8. The Local Environmental Plan bringing the Planning Proposal into force is gazetted and the new zoning and land classification takes effect.

Conclusion

This Planning Proposal seeks rezoning and reclassification of Council-owned sites that are either not required for community and drainage infrastructure or are no longer 'fit for purpose' as recreation facilities. The Proposal submitted by Council's Property Department complies with the relevant criteria described in the DP&E Guidelines for Planning Proposals and s55 of the EP&A Act. Referral of the Proposal to relevant Council departments confirms that there are no impediments to advancing it to the Gateway Panel.

In light of these findings, this report concludes that the Planning Proposal should be sponsored by Council and forwarded to the Greater Sydney Commission Planning Gateway for determination.

RECOMMENDATION

That:

1. The information contained in the report on Planning Proposal for Reclassification and Rezoning of land in Erskine Park be received;
2. The Planning Proposal to rezone the subject sites from *RE1 Public Recreation* to *R2 Low Density Residential* (in accordance with Attachment 4 to this report); reclassify the land from *Community* to *Operational*; establish minimum lot sizes of 550sq.m; and apply a height control of 8.5 metres, is sponsored for submission to the Greater Sydney Commission Gateway Process;
3. Consultation with NSW government agencies is undertaken in accordance with any Gateway determination;
4. The Planning Proposal is placed on public exhibition in accordance with any Gateway Determination and be accompanied by exhibition of the draft *Open Space Management Plan* and any associated reports or studies which are relevant to the community and inform the reinvestment strategy;
5. An independently chaired public hearing is held regarding the land reclassification aspects of the Planning Proposal, in accordance with the requirements of the Environmental Planning and Assessment Act 1979;
6. A report is presented to Council following the public exhibition.

ATTACHMENTS/APPENDICES

1. Attachment 1 - Erskine Park Planning Proposal by Property Department	51 Pages	Attachments Included
2. Attachment 2 - Assessment of Planning Proposal against DP&E and EP&A Act criteria	8 Pages	Attachments Included
3. Attachment 3 to Erskine Park report to Council - Department Comments on the Planning proposal for Erskine Park	3 Pages	Attachments Included
4. Attachment 4 - Plans showing land affected by Erskine Park Planning Proposal and proposed zoning	2 Pages	Attachments Included