



Our reference: InfoStore
Contact: Natasha Borgia
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Jane Grose
Director Central (Western)

Via email: Jane.Grose@planning.nsw.gov.au

Dear Jane

Reclassification of Council Owned Land

Council would like to thank the Department of Planning, Industry and Environment (the Department) for their letter dated 3 February 2021 notifying of the reclassification of land at Soper Place, Penrith. This reclassification will enable the advancement of a mixed-use development including a public car park for our community.

As you know, the Planning Proposal for Reclassification was for four sites in Penrith and St Marys (PP_2018_PENRI_008_00). We are extremely disappointed that the reclassification of the other three sites identified in this Planning Proposal was not progressed. We do understand the reasoning behind the Champness Crescent sites in St Marys not being reclassified at this stage due to planning for the future Metro Station at St Marys. However, Council is not clear on the justification to refuse the reclassification of the industrial site on Dunheved Circuit. We provide the following responses and reinforced justification from our planning proposal in relation to this site:

- **Premiers Priorities**

The first Greener Places Premier's Planning Priority is: Increase the proportion of homes in urban areas within 10 minutes' walk of quality green, open and public space by 10% by 2023. This site is not in or near a residential area. The Department's analysis of the suitability of this site for servicing residential open space needs fails to consider the difficulty of accessing the site from outside of the industrial area, and the safety concerns that would prevent any residents accessing this isolated space after business hours. Any presumption that this site could be used to service residential open space needs is unrealistic.

The second Greener Places Premier's Planning Priority is: Increase the tree canopy and green cover across Greater Sydney by planting 1 million trees by 2022.

The DCP provisions for industrial areas in Penrith include the objective "To ensure new development retains existing trees or significant stands of vegetation in the overall site layout;" As such, it is unlikely future development would result in tree removal. It is also possible that future development of the site for industrial purposes could result in planting of additional trees within the prescribed landscaped area. Therefore, it is

not reasonable to refuse development on the basis that Council may possibly in future plant more trees on this site if it is retained, than if the site is reclassified. Furthermore, tree management advice identifying that the 8 trees on the site are of low to moderate retention value has been provided in support of the Planning Proposal.

As such, the Premiers Priorities do not present a reason to refuse the application.

- **Feasibility of future recreational uses**

It seems that the overall feedback from the Department is based on the potential for the site to be improved to serve a future recreational purpose. The assessment notes that the site is opposite the existing Dunheved Estate Reserve. Council has no identified need for additional open space in this area and no future open space improvement is planned for the site under the Penrith Sport and Recreation Strategy 2020. If Council does embellish open space in the industrial area, this will occur on the established open space sites, not on the subject site. If the Dunheved Estate Reserve is further improved, this would invalidate arguments for the benefit of improving the subject site, as all potential uses for the subject site could be accommodated on the Reserve instead.

- **Proximity to open space**

There are other public open space within 400m of the site. The Dunheved Estate Reserve is across the road and includes existing open space improvements such as shaded picnic tables for workers to have lunch, open space for active uses and pedestrian and cycling connections, as well as habitat. Any diversion of pedestrian or cycling routes would serve no purpose, as the existing connections through the estate are along the roads. There is also open space with a shaded picnic table that is utilised by local employees on the corner of Kommer Place and Dunheved Circuit. These areas are identified in the Planning Proposal.

Furthermore, the distances measured to other nearby open space is unrealistic in an industrial context. These measurements should reflect the distances from the nearest residential areas, to other nearby open space.

- **Quantum of Open Space**

The following statement is provided in the Penrith Sport and Recreation Strategy 2020 regarding the St Marys and North St Marys area: "There are 71 reserves in this well-established area, ranging in size from less than 0.1ha to 33ha. Distribution of reserves provides extensive access to open space within 500m of most homes, with a wide variety of setting types in the precinct; the majority being passive parklands. The area has the capacity to develop approximately 2600 dwellings by the year 2036."

Future planning for the area has the capacity to identify more appropriate locations for improvements to existing public open space without the safety concerns that arise for this site.



- **Planning controls for provision of open space in industrial areas**

Neither Council nor the Department has any existing requirements for access to open space in industrial developments. The only potentially applicable guideline is the Draft Designing for Greener Places guideline, which references industrial land within the context of an “urban area” however, it applies considerations for connecting residential dwellings to open space and connecting land with environmental values. This guide also references desired canopy cover. The Planning Proposal in and of itself will not affect canopy cover, and any statements otherwise are assumptions based on a hypothetical future open space improvement, which does not adequately consider the nexus of demand and funding for open space in the area. The subject site does not form a connecting link for environmental lands. It contains 8 trees and is surrounded on all other sides, other than directly south, by industrial development. The subject site is not in a residential area and is unlikely to be accessed by residents due to its location. The adjoining Dunheved Estate Reserve is improved open space, with recreation opportunities for local workers. It is also physically closer to residences. This information is provided in the Planning Proposal.

- **Timing**

Council lodged this Planning Proposal with the Department for approval on 31 October 2019. The Department has taken over a year to determine this Planning Proposal and has applied planning considerations that arose within that year to assessment of the Dunheved site, without consulting Council or giving Council an opportunity to comment.

- **Jobs**

The site is already zoned to allow for industrial development and would further facilitate job growth for Penrith.

In the context of the decision made by the Department in relation to reclassification of public land, we have decided to withdraw the Planning Proposal for land at the corner of Rodgers and Somerset Streets, Kingswood (PP_2018_PENRI_007_00). This will allow us to complete additional analysis in the context of new planning directions and strategies for:

- The East-West Corridor,
- The Greater Penrith to Eastern Creek (GPEC) Investigation Area,
- The St Marys metro connection, and
- The Quarter.

We therefore request that the DPIE provide a revised Gateway Determination to not proceed with the Planning Proposal.

Given the Department's policy around reclassification of council owned land, I would like to request a meeting with the relevant officers in the Department to discuss Council's property strategy.

If you have any questions about this matter, please contact me on 4732 8593.

Yours sincerely



Natasha Borgia
City Planning Manager