

Planning Services

Plan Finalisation Report

Local Government Area: Penrith

File Number: 16/14146

1. NAME OF DRAFT LEP

Penrith Local Environmental Plan 2010 Amendment No.18 (draft LEP).

2. SITE DESCRIPTION

The planning proposal applies land at 13-61 Union Road, Penrith (previously 53 & 55 Union Road, respectively) and 154 Henry Street, Penrith and comprises three (3) allotments as follows:

Address	Lot Description	Interests to be discharged
13-61 Union Road, Penrith (previously known as 53 Union Road)	Lot 16 Sec 2 DP 976320	Car parking trust to be discharged
13-61 Union Road, Penrith (previously known as 55 Union Road)	Lot 17 Sec DP 976320	Car parking trust to be discharged
154 Henry Street, Penrith	Lot 100 DP 872220	Car parking trust to be discharged

The sites are identified as community land and are owned by Council.

The three lots are deemed to be held by Council in trust for a public purpose; being a public car park. However, the trusts are not listed on the land title.

Union Road Carpark

The Union Road carpark comprises 25 lots, is approximately 20,000m² and is bound by Union Road, Worth Street, Union Lane and Station Street. The site is zoned B4 Mixed Use and is approximately 450m south-west of Penrith Railway Station. 23 of the 25 lots are currently classified as Operational. The site currently accommodates an at grade carpark and provides approximately 600 unmetred (free), timed and untimed, car spaces.

The subject lots (Lot 16 & 17 Sec 2) are currently used for carparking and are situated within the larger carpark

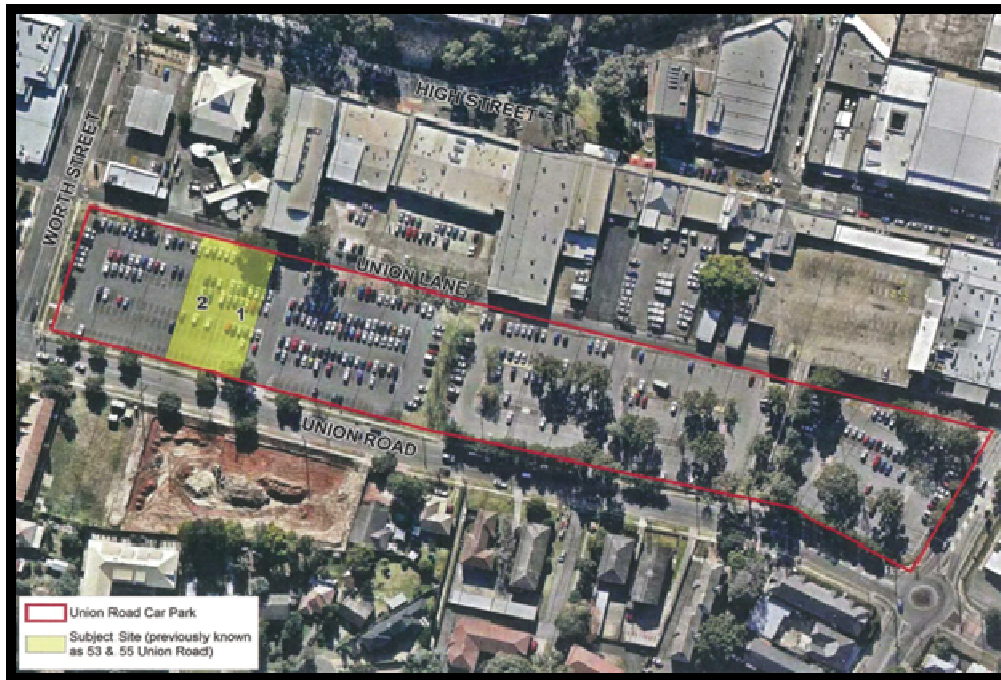


Figure 1: Union Road Carpark Site

Welch Place Carpark

The Welch Place Carpark (Figure 2) is situated in the Penrith City Centre and comprises 71 car spaces on two levels:

- undercover ground level (29 spaces); and
- upper level (42 spaces).

The site fronts Henry Street to the north, the remaining boundaries are adjoined by commercial buildings. The Trade Secret Building (521 High Street, Penrith) is one of the adjoining properties.

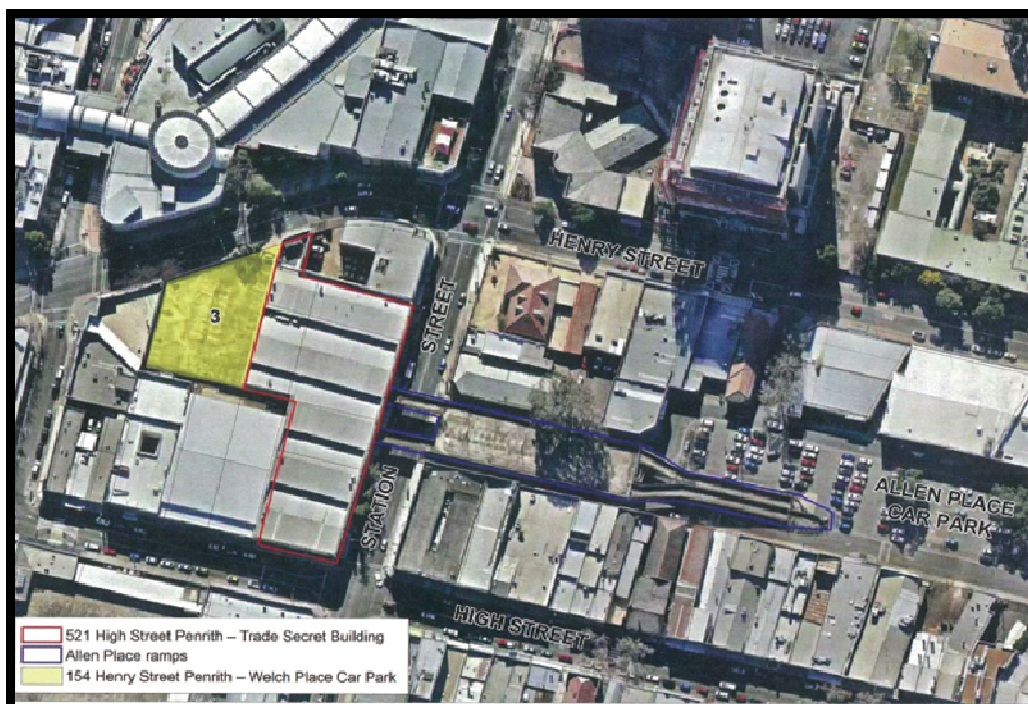


Figure 2: Welch Place Carpark site

3. PURPOSE OF PLAN

The draft LEP seeks to reclassify the subject sites from Community' to 'Operational' by amending the Penrith Local Environmental Plan (LEP) 2010 as follows:

- Amend Schedule 4 Classification and reclassification of public land – inserting Henry Street, Penrith (Lot 100, DP 872220), under 'Part 2 Land classified, or reclassified, as operational land – interests changed', with 'right of carriageway 5.485 wide (J731359), easement for underground mains 0.915 wide (P241544), easement for underground mains 1 wide (P317795), easement for electricity purposes 2.75 wide (Bk 3341 No 634) and easement for underground mains 1 wide (Bk 3341 No 633) as noted on Certificate of Title Folio Identifier 100/872220; and
- Amend Schedule 4 Classification and reclassification of public land – inserting 13-61 Union Road (Lots 16 and 17, Section 2, DP 976320), under 'Part 2 Land classified, or reclassified, as operational land – interests changed' with nil interests.

The draft Plan will remove the development restrictions on the site and allow Council to consider opportunities for the development of the land.

The draft Plan does not involve amending the existing zoning of the sites or the current development standards applicable to the sites.

4. STATE ELECTORATE AND LOCAL MEMBER

The site falls within the Penrith Electorate. The Hon. Stuart Ayres MP is the State Member for Penrith.

Emma Husar MP is the Federal Member for Lindsay.

To the regional planning team's knowledge, neither MP has made any written representations regarding the proposal OR provide a brief description of the written views of the State or Federal Member regarding the proposal.

NSW Government Lobbyist Code of Conduct: There have been no meetings or communications with registered lobbyists with respect to this proposal

NSW Government reportable political donation: there are no donations or gifts to disclose and a political donation disclosure is not required
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5. GATEWAY DETERMINATION

The Gateway determination issued on 14 November 2016 (**Attachment C**) determined that the proposal should proceed subject to conditions.

The proposal is due to be finalised on the 21 May 2017.

6. PUBLIC CONSULTATION

In accordance with the Gateway determination, community consultation was undertaken by Council from 5 December 2016 to 16 January 2017.

Three (3) submissions received from community members.

The key issues raised in the submissions and during the public hearing are summarised below:

- reduction of free parking within the Penrith City Centre;
- increased impacts on parking and traffic congestion;
- loss of community classified land; and
- a lack of transparency regarding the processes undertaken by Council associated with this proposal and future plans for the use of funds.

Council addressed the issues raised in the Council report at **Attachment X**. Council's response to the issues raised are as follows:

Strategic Merit

Penrith Council has several strategic documents, 'The Penrith Progression – A Plan for Action' and 'Penrith City Centre Car Parking Strategy 2011' to help guide the challenges of redeveloping the city centre and managing access, traffic and parking within the centre. The Penrith Progression identified the Union Road site as a suitable site for redevelopment, however, the Expression of Interest for the site requires any future development must provide 1,000 additional public car parking spaces for perpetuity.

The reclassification of land at Welch Place will allow the transfer of the land to the owner of the Trade Secret Building, and allow the construction of a new ramp which will reinstate access to the upper levels of the Welch Place car park and Trade Secret car park which are currently inaccessible and will ultimately be reinstating public parking in the city centre.

Parking and Traffic

Council acknowledge that parking and traffic issues are a real issue in the city centre and one of the outcomes of the proposed reclassification is the provision of additional parking in the city centre.

Council also identified the need to increase the current provision to 23,000 spaces (private and public) over the next ten to fifteen years. Council has identified a number of approaches to providing car parking, including the expansion of existing at-grade car parks with decked car parks and better management of car parking through use of time limits, pricing mechanisms and regulation.

Loss of Community Land

In response to concerns regarding the loss of community land, The 'Penrith Progression' identified the community wanted transformation within the inner city, however the restrictions applying to the land mean Council are unable to lease, license or sell the land, making it hard to develop for other uses. Reclassifying these sites will allow alternative uses that could result in better outcomes within the city centre, including the provision of additional parking within the city centre. As mentioned previously any redevelopment of the Union Road site will be required to provide 1,000 additional public car spaces.

Lack of Transparency

The proposal notification process was undertaken in line with statutory obligations and the proposal outlined how Council acquired the sites and the interests applying to the sites. As well as the current and proposed business dealings for the site, including the remove of interests to allow the future sale of the one or all of the sites is discussed in the proposal.

7. Public Hearing

A public hearing was also conducted on 6 February 2017, 16 people attended, Council staff made a submission and four (4) members of the community were formally heard. The

issues raised in the public hearing submissions were largely the same as the issues raised during the public exhibition. Therefore, Council's response to these issues is provided above.

The public hearing report (**Attachment X**) considered all submissions and recommended Council determine an exact quantum of existing council controlled car parking in the city centre and found that the reclassification of the 3 lots is appropriate having regard to the circumstances of each site and the broader community benefit

Council controlled car parking in city centre

The requirement for council to determine an exact amount of existing council controlled car parking in the city centre is addressed in the council report at **Attachment X**. Council identified that there are about 12,000 off-street car parking spaces in the city centre. 30% of these spaces are controlled by council, 53% by private businesses and 17% by State Government.

On 10 April 2017 (**Attachment X**) at Council's Ordinary Meeting, Council resolved to proceed with the reclassification of land.

8. ADVICE FROM PUBLIC AUTHORITIES

Council was not required to consult with any public agencies in accordance with the Gateway determination.

9. POST EXHIBITION CHANGES

The proposal was amended post exhibition to include details of the public hearing and to include a discussion on parking including the quantum of existing car parking in the city centre.

It is recommended that this amendment be endorsed without requiring further exhibition as it does not change the intent of the planning proposal as exhibited, but adds clarity.

10. ASSESSMENT

The proposal is underpinned by 'The Penrith Progression – A Plan for Action' and 'Penrith City Centre Car Parking Strategy 2011' and seeks to facilitate the activation and improvement, of the Penrith City Centre. The reclassification of this land from 'Community' to 'Operational' will allow Council to consider opportunities for the development of the land and to implement the aims of the 'Penrith Progression – A Plan for Action'.

The Union Road site has been identified as having potential to be redeveloped for residential, leisure and commercial purposes. The Expression of Interest for the site noted that an additional 1,000 public parking spaces will be required to be retained in public use for perpetuity.

The reclassification of the Welch Place car park will allow the transfer of this site to the owner of the adjoining Trade Secret store and the construction of a new ramp, which will reinstate the availability of car parking spaces within the city centre.

The proposal is also considered in line with several draft West District Plan goals, priorities and actions and seeks to enable the transformation of the Penrith City Centre.

Section 117 Directions

The LEP amendment is consistent with relevant Directions.

State Environmental Planning Policies

If the draft LEP is consistent with relevant SEPPs or deemed SEPPs

11. MAPPING

There are no mapping amendments associated with this draft LEP.

12. CONSULTATION WITH COUNCIL

Council was consulted on the terms of the draft instrument (Tab E - Attach letter / email to Council from Department consulting on the Draft LEP). Council confirmed on XXXX that it was happy with the draft and that the Plan should be made [update if required] (Tab F - attach letter / email from Council regarding the draft Plan).

13. PARLIAMENTARY COUNSEL OPINION

On XXXXX, 201X Parliamentary Counsel provided the final Opinion that the draft LEP could legally be made. This Opinion is provided at Tab PC.

14. GOVERNOR'S APPROVAL

The Minister for Planning sought the Governor's approval to remove restrictions on the title of community land at the site to enable its reclassification from 'community' to 'operational' under the *Local Government Act 1993*.

On 22 June 2017, the Minister signed the Executive Council Minute Paper and forwarded the relevant documents to the Executive Council (Tab D).

On 28 June 2017, the Governor approved the Executive Council Minute Paper (Tab D).

15. RECOMMENDATION

It is recommended that the Greater Sydney Commission's delegate determine to make the draft LEP because:

- Summarise key reasons.