

Reclassification of land located within the Union Road and Welch Place Car Parks, Penrith City Centre

Proposal Title :	Reclassification of land located within the Union Road and Welch Place Car Parks, Penrith City Centre		
Proposal Summary :	The reclassification of three (3) parcels of land from 'Community' to 'Operational' in the Union Road and the Welch Place Car Parks, in the Penrith City Centre.		
PP Number :	PP_2016_PENRI_007_00	Dop File No :	16/14146

Proposal Details

Date Planning Proposal Received :	31-Oct-2016	LGA covered :	Penrith
Region :	Metro(Parra)	RPA :	Penrith City Council
State Electorate :	PENRITH	Section of the Act :	55 - Planning Proposal
LEP Type :	Reclassification		

Location Details

Street :			
Suburb :		City :	Postcode :
Land Parcel :	13-61 Union Road (The Union Road car park)		
Street :	Lot 16 Sec 2 DP976320		
Suburb :	Lot 17 Sec 2 DP976320	City :	Postcode :
Land Parcel :	154 Henry Street (Welch Place Car Park)		
Street :			
Suburb :		City :	Postcode :
Land Parcel :	Lot 100 DP 872220 (154) Henry Street, Penrith		

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DoP Planning Officer Contact Details

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Land Release Data

Growth Centre :	Release Area Name :
Regional / Sub Regional Strategy :	Consistent with Strategy :
MDP Number :	Date of Release :
Area of Release (Ha) :	Type of Release (eg Residential / Employment land) :
No. of Lots : 0	No. of Dwellings (where relevant) : 0
Gross Floor Area : 0	No of Jobs Created : 0

The NSW Government Yes
Lobbyists Code of
Conduct has been
complied with :

If No, comment : The Department's Lobbyist Contact Register has been checked on 31 October 2016 and there are no records of contact with lobbyists in relation to this proposal.

Have there been No
meetings or
communications with
registered lobbyists? :

If Yes, comment : To the best of the knowledge of the regional team, the Department's Code of Practice in relation to communications and meetings with Lobbyists has been complied with. Sydney Region West (Parramatta) has not met with any lobbyists in relation to this proposal, nor has the Director been advised of any meetings between other departmental officers and lobbyists concerning this proposal.

Supporting notes

Internal Supporting
Notes :

External Supporting
Notes :

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment : **The objective of the planning proposal is to reclassify three (3) parcels of Council owned land from 'Community' to 'Operational' land.**

One parcel, Lot 100 DP 872220, is located at 154 Henry Street and is known as the Welch Place Car Park. The other two parcels are described as Lot 16 Sec 2 & Lot 17 Sec 2, DP 976320 and are part of the Union Road Car Park, located at 13 - 61 Union Road.

The reclassification of these parcels from a 'community' to 'operational' status will allow the removal of any interests, trusts, etc. applying to these lots and will allow Council to consider options to develop this land.

Appendix 2 to the proposal indicates that the trusts applying to these parcels of land is for public purposes (car parking).

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment : **PROPOSED AMENDMENT**
The proposal seeks to amend Penrith Local Environmental Plan 2010 (PLEP 2010) by adding a description of the land to Schedule 4 Classification and reclassification of public land - Part 2 Land classified, or reclassified, as operational land - interests changed, to reclassify and remove interests. This will reclassify the land and remove interests.

SITE DESCRIPTION

UNION ROAD CAR PARK

The Union Road Car Park is an at-grade car park with approximately 412 car parking spaces. The site is bounded by Station Street to the east, Union Road to the south, Worth Street to the west and Union Lane to the north. The site is currently zoned B4 Mixed Use under PLEP 2010.

The site is owned by Penrith City Council and is currently classified 'operational', except for the two subject lots which are classified 'community' (refer to sites '1' and '2' on Figure 1, pp. 10 of the planning proposal).

The intention of the proposal is to reclassify this land to 'operational' to ensure classification is consistent across the site and to allow Council to explore options to redevelop this key site within the Penrith City Centre.

It is noted that any future development on this site will be required to provide at least 1,000 additional car spaces (pp. 7 of the planning proposal).

WELCH STREET CAR PARK

The Welch Street car park is owned by Penrith City Council and provides 71 spaces on two levels in the Penrith City Centre (undercover at-grade and an upper level).

Commercial buildings adjoin the site to the east, south and west. The Trade Secret building (521 High Street) is one of the adjoining properties.

Access to upper level parking is via ramps from the Allen Place Car Park, which is located to the east of the site. The access ramps extend over Station Street (refer to Figure 2, pp. 11 of the planning proposal). The ramps have been permanently closed due to safety concerns, therefore the upper level car park is currently not accessible. These ramps also

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provide access to 107 car parking spaces on the first level of the Trade Secret Building, which are also currently not accessible, and therefore not utilised.

On the 28th of September 2015, Council resolved to transfer the Welch Place Car Park to the owner of the Trade Secret Building, and a development application has been approved permitting the construction of a ramp connecting the lower and upper levels of this car park. This ramp will also restore access to the additional 107 car spaces associated with the Trade Secret Building. Further, it will also allow for the demolition of the unsafe access ramps.

The reclassification; subsequent transfer of this site to owner of the Trade Secret Building; and, construction of a new ramp, will reinstate the availability of significant parking spaces within the Penrith City Centre.

These intentions are supported by Council's action plan which seeks to facilitate the activation and improvement of Penrith's City Centre.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **Yes**

b) S.117 directions identified by RPA :

1.1 Business and Industrial Zones

3.1 Residential Zones

* May need the Director General's agreement

3.4 Integrating Land Use and Transport

4.3 Flood Prone Land

Is the Director General's agreement required? **Yes**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified?

SEPP No 55—Remediation of Land

SEPP (Mining, Petroleum Production and Extractive Industries) 2007

SREP No 9—Extractive Industry (No 2—1995)

SREP No. 11 - Penrith Lakes Scheme

e) List any other matters that need to be considered :

SECTION 117 DIRECTIONS

The planning proposal is consistent with all the relevant s117 Directions.

STATE ENVIRONMENTAL PLANNING POLICIES

The proposal is considered consistent with all State Environmental Planning Policies.

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain :

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment :

The proposal does not propose to make any amendments to the maps for Penrith Local Environmental Plan 2010.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment :

A public exhibition period of 28 days is proposed and is supported.

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

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Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

Proposal Assessment

Principal LEP:

Due Date : **September 2010**

Comments in relation
to Principal LEP :

The planning proposal seeks to amend the Penrith Local Environmental Plan 2010 (PLEP 2010). This Local Environmental Plan came into effect on 22 September 2010.

Assessment Criteria

Need for planning
proposal :

A planning proposal is appropriate to achieve the reclassification of land from 'community' to 'operational' and amendment to Schedule 4 Classification and reclassification of public land within PLEP 2010.

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Consistency with strategic planning framework :

A PLAN FOR GROWING SYDNEY

The proposal is generally consistent with a Plan for Growing Sydney, in regard to:

GOAL 1: A COMPETITIVE ECONOMY WITH WORLD-CLASS SERVICES AND TRANSPORT

Action 1.7.4: Continue to Grow Penrith, Liverpool and Campbelltown-Macarthur as regional city centres supporting their surrounding communities

DEPARTMENT COMMENT:

This proposal seeks to reclassifying land from 'community' to 'operational' to facilitate the development of key sites that promote higher densities, as well as a broader range of activities; and, improved parking outcomes within the Penrith City Centre.

LOCAL STRATEGIES

Union Road Car Park:

The proposal is informed by Council's 'Penrith Progression - A Plan for Action strategic plan'. The plan for action was a result of a collaborative process that included extensive community consultation with a range of stakeholders over a 12 month period.

The Union Road precinct was identified as a site for potential redevelopment within the Penrith City Centre. Development opportunities include shop top housing, restaurants, cafes and bars, commercial, retail and community uses.

Welch Place Car Park:

The reclassification of this site is not underpinned by a strategic study or report.

Council's 'Penrith Progression - A Plan for Action strategy', however, aims to facilitate a denser, more diverse city with a defined city centre. The reclassification of these three (3) sites is consistent with this strategy and will actively facilitate the redevelopment and/or improvement of these key sites.

INTERESTS

As the planning proposal seeks the extinguishment of interests applying to the land, an explanation of the reasons supporting extinguishment is necessary within the proposal.

DEPARTMENT COMMENT:

The three (3) sites have covenants or trusts that apply (refer to Appendix 2: Property attributes of the proposal).

While the proposal provides an explanation, for clarity, a Gateway condition is recommended that the planning proposal be amended to: show all trusts and interests applying to the subject land; and, clearly indicate that the proposal seeks to remove these trusts and the supporting reasons.

Environmental social economic impacts :

ENVIRONMENTAL

The sites do not contain any vegetation.

SOCIAL AND ECONOMIC

It is anticipated that the planning proposal will facilitate a number of positive social and economic impacts, as it will support the orderly development and use of the town centre.

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Assessment Process

Proposal type : **Routine** Community Consultation Period : **28 Days**

Timeframe to make LEP : **6 months** Delegation : **DG**

Public Authority Consultation - 56(2)(d)

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required :

If Other, provide reasons :

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
1. Cover Letter for Planning Proposal - 53-55 Union Road and 154 Henry Street, Penrith_.pdf	Proposal Covering Letter	Yes
2. Planning Proposal - 53-55 Union Road and 154 Henry Street, Penrith_.pdf	Proposal	Yes
3. Council Report and Minutes - combined Planning Proposal - 53-55 Union Road and 154 Henry Street, Penrith_.pdf	Proposal	Yes
4. Council Minutes and Report for Planning Proposal - 53-55 Union Road and 154 Henry Street, Penrith_.pdf	Proposal	Yes
5. Property Attributes including Land Tiltels for Planning Proposal - 53-55 Union Road and 154 Henry Street, Penrith_.pdf	Proposal	Yes
6. Explanation of Provisions - Schedule 4 Classification & Reclassification of Public Land.pdf	Proposal	Yes
7. Consistency with Local Planning Directions.pdf	Proposal	Yes
8. Consistency with State Environmental Planning Policies.pdf	Proposal	Yes
9. Consistency with Council's Local Strategy and Strategic Plans.pdf	Proposal	Yes

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9. Consistency with Council's Local Strategy and Strategic Plans.pdf	Proposal	Yes
10. Expressions of Interest re 53-55 Union Road and 154 Henry Street, Penrith_.pdf	Proposal	Yes
11. Ramp Removal Fact Sheet.pdf	Proposal	Yes
12. Development Application for Dual Carriageway Ramp.pdf	Proposal	Yes

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions: **1.1 Business and Industrial Zones**
 3.1 Residential Zones
 3.4 Integrating Land Use and Transport
 4.3 Flood Prone Land

Additional Information : **It is recommended that the planning proposal proceeds subject to the following:**

- 1. Prior to undertaking public exhibition, 'Part 1 - Objectives and Intended Outcomes' of the planning proposal is to be amended to include identified interests proposed to be removed for each parcel of land and an explanation for the proposed extinguishment of these trusts.**
- 2. Community consultation is required under sections 56(2)(c) and 57 of the Act as follows:**
 - (a) the planning proposal must be made publicly available for a minimum of 28 days; and**
 - (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of A Guide to Preparing LEPs (Department of Planning and Environment 2016).**
- 3. No consultation is required with public authorities under section 56(2)(d) of the Act**
- 4. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission, and in this case, as reclassification is proposed.**
- 5. The timeframe for completing the LEP is to be 6 months from the week following the date of the Gateway determination.**

Supporting Reasons : **The planning proposal will allow Council to explore opportunities to appropriately develop these key sites within the Penrith City Centre.**

Signature:



Printed Name:

T Doran

Date:

10/11/16