

Appendix 5

Council Report and Minutes supporting combined Planning Proposal for Welch Place and Union Road

Proposed Reclassification of 154 Henry Street, Penrith

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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>

Previous Items: 3- Property Matter - 154 Henry Street, Penrith (Welsh Place Carpark)- Ordinary Meeting- 08 Feb 2016 7:30PM
8- Reclassification of Council owned land at 53 and 54 Union Road Penrith- Ordinary Meeting- 07 Dec 2015 7:30PM
3- Property Matter - 154 Henry Street (Welsh Place carpark)- Ordinary Meeting- 28 Sep 2015 7:30PM

Executive Summary

This report seeks Council's resolution to include the proposed reclassification of 154 Henry Street, Penrith (the Welch Place Car Park) in an existing Planning Proposal. Council resolved to reclassify Welch Place on 8 February 2016 to allow its transfer to an adjacent property owner and the reconfiguration of the current car park access.

The proposed reclassification requires the use of NSW Planning & Environment's Gateway Process (the process for making and amending local environmental plans). This process requires the preparation and public exhibition of a planning proposal and an independently chaired public hearing. Including the proposed reclassification in an existing planning proposal will save time and resources (as only one planning proposal, public exhibition and public hearing would be required).

Background

Welch Place contains a single storey public car park with access to the ground level provided by Henry Street. Access to the upper level, as well as the private car parking for 521 High Street (Trade Secret), was previously provided by the ramps in the Allen Place Car Park. These ramps are closed because of safety concerns and are due to be demolished. Attachment 1 provides a map of Welch Place and access arrangements.

Council has already decided to transfer Welch Place to the owner of 521 High Street and has approved a development application for a new ramp to the upper level (within Welch Place). Attachment 2 provides a plan of the new ramp which will, when constructed, restore access to the upper level car parking. It will also allow the demolition of the old ramps which is a significant step in the delivery of the planned City Park. It also resolves the safety concerns.

To allow the transfer of Welch Place and the construction of the new ramp, the land needs to be reclassified as operational land. Public land is classified as community land or operational land; with community land generally open to the public (parks, reserves and sportsgrounds) and operational land used for other purposes (work depots, car parks, or investment

properties). Community land cannot be sold and cannot be leased or licensed for more than 21 years. No such restrictions apply to operational land.

The reclassification will also extinguish a covenant that remains from Council's original acquisition of Welch Place that requires the land to be used for public car parking.

The Reclassification Process

The proposed reclassification requires the use of the NSW Planning & Environment's Gateway Process to amend Council's local environmental plan known as *Penrith Local Environmental Plan 2010*. This process requires the preparation and public exhibition of a planning proposal (a document that explains the intended effect of and provides justification for the proposed reclassification) and an independently chaired public hearing.

The form and content of a planning proposal is guided by a framework of legislation and practice notes published by NSW Planning and Environment that require it to:

- Set out the reasons for the proposed reclassification,
- Outline strategic or site specific merits (including community benefits), and
- Identify Council's interest in the land (how, why and when acquired) and any potential financial gain or loss.

Once a planning proposal is prepared it is submitted to the Gateway Process for a Gateway Determination. Once a determination is issued Council can commence the public exhibition of the proposal and arrange an independently chaired public hearing. Council then needs to consider any community submissions and the findings of the hearing before it can finalise the proposal (a 6-9 month process).

Proposed Next Steps

Instead of progressing the proposed reclassification of Welch Place in a standalone planning proposal, there is an opportunity to include it in an existing document. Council has recently sponsored a planning proposal recommending the reclassification of other sites in the City Centre to help deliver the recommendations made by Penrith Progression (53 and 55 Union Road, Penrith). This planning proposal is at a stage in the Gateway Process where Welch Place can be included to provide significant time and resource savings. This would require a single document and a single pass through the Gateway Process and allow us to combine public exhibitions, public hearings and reporting processes.

RECOMMENDATION

That:

1. The information contained in the report on Proposed Reclassification of 154 Henry Street, Penrith be received, and
2. The proposed reclassification of 154 Henry Street, Penrith be included in the sponsored Planning Proposal reclassifying sites in Union Road, Penrith.

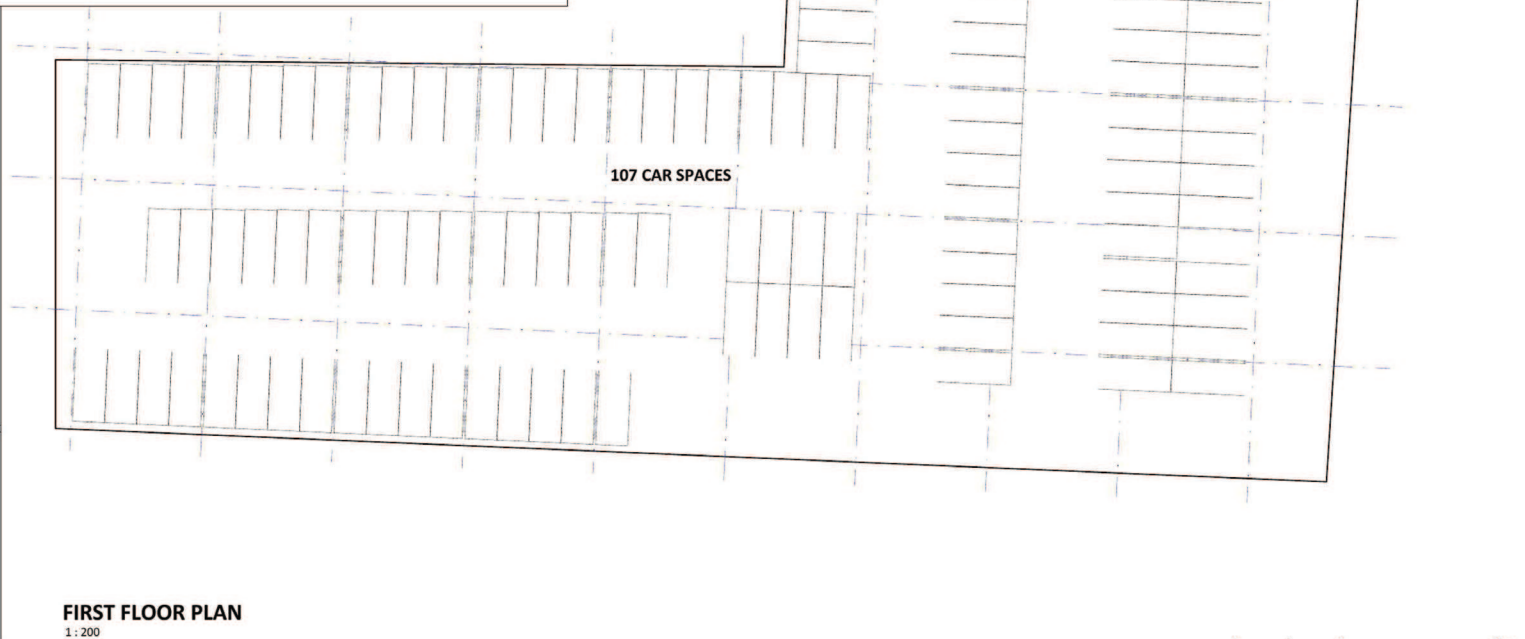
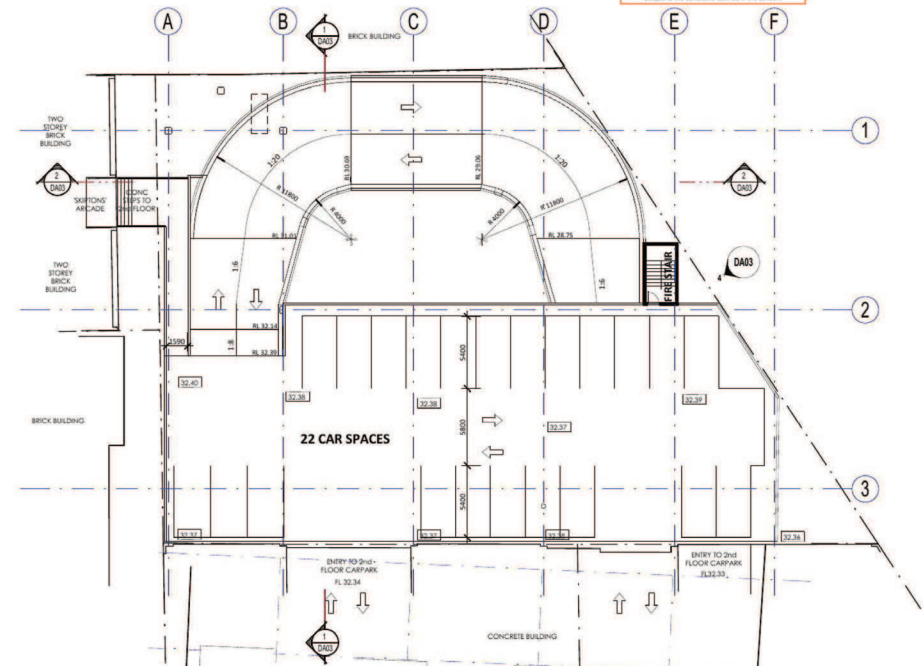
ATTACHMENTS/APPENDICES

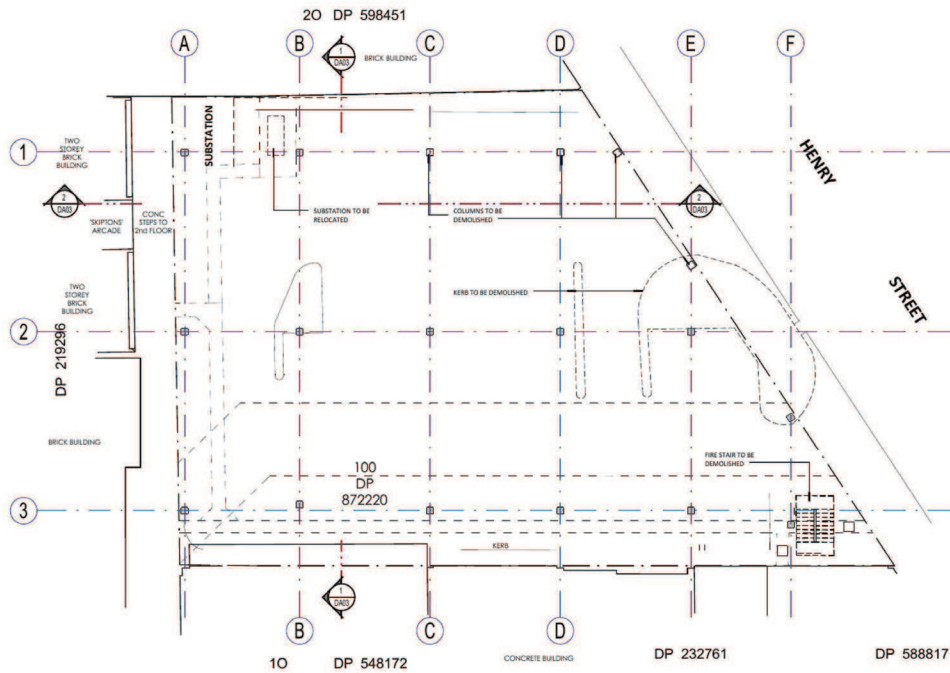
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|--|---------|----------------------|
| 1. Site Location & Current Access Arrangements | 1 Page | Attachments Included |
| 2. Alternative Access Arrangements | 3 Pages | Attachments Included |

Attachment 1: Location of 154 Henry Street and 521 High Street, Penrith (including access arrangements)



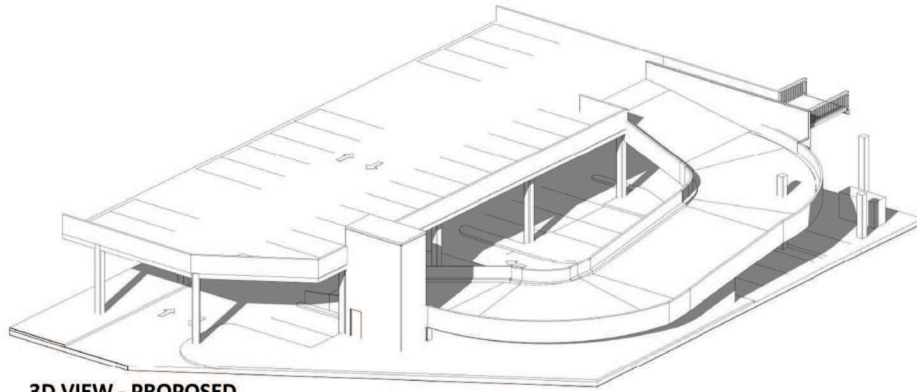
The logo for Penrith City Council is displayed in orange and blue text. Below it, a white box with an orange border contains the text: "This plan / document relates to Development Consent: DA16/0535". At the bottom of the box, it states "Subject to the conditions outlined in the consent".



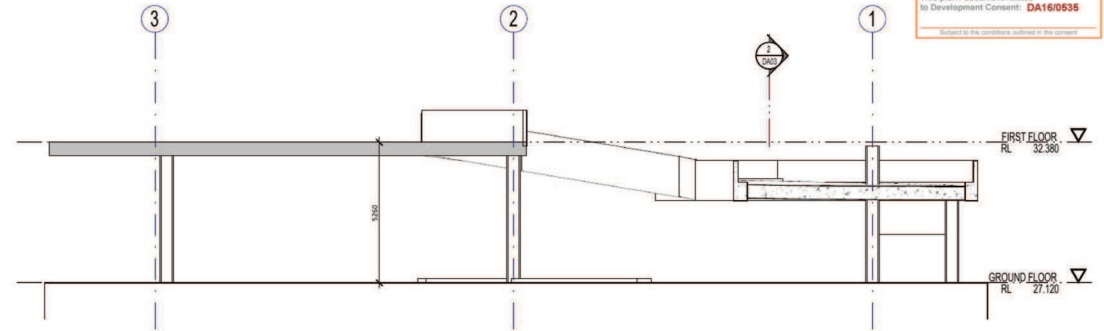


GROUND FLOOR DEMOLITION PLAN
 1 : 200

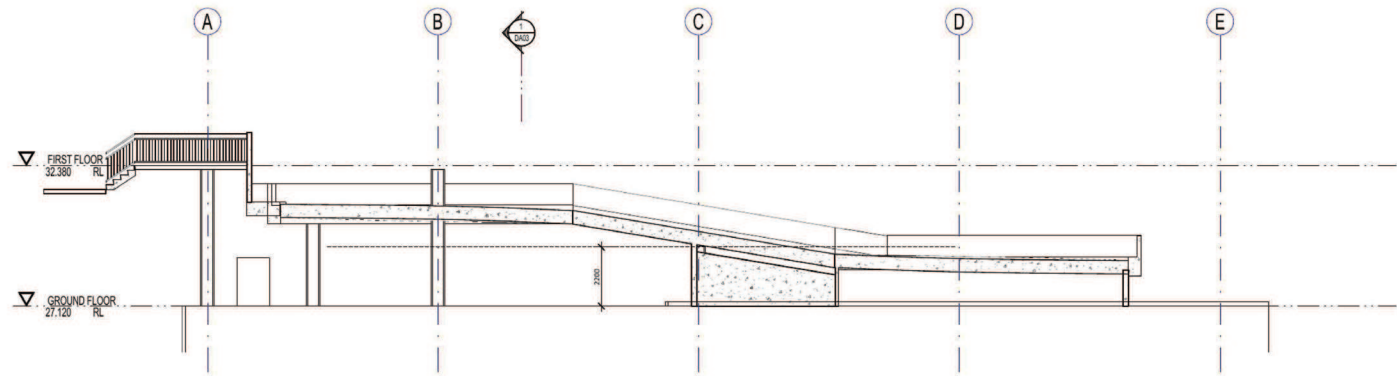
FIRST FLOOR DEMOLITION PLAN
 1 : 200



3D VIEW - PROPOSED



SECTION A
1:100



SECTION B
1:100



HENRY STREET ELEVATION
1:100

**UNCONFIRMED MINUTES
OF THE POLICY REVIEW COMMITTEE MEETING OF PENRITH CITY COUNCIL HELD
IN THE PASSADENA ROOM, PENRITH
ON MONDAY 10 OCTOBER 2016 AT 7:00PM**

PRESENT

His Worship the Mayor, Councillor John Thain, Deputy Mayor, Councillor Tricia Hitchen, and Councillors Bernard Bratusa, Todd Carney, Marcus Cornish, Kevin Crameri OAM, Greg Davies, Mark Davies, Aaron Duke, Ross Fowler OAM, Joshua Hoole and Kath Presdee.

LEAVE OF ABSENCE

Leave of Absence was previously granted to Councillor Ben Price for the period 3 October 2016 to 7 November 2016 inclusive.

APOLOGIES

PRC49 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Marcus Cornish that apologies be received for Councillors Jim Aitken OAM and Karen McKeown.

CONFIRMATION OF MINUTES - Policy Review Committee Meeting - 15 August 2016

50 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Greg Davies that the minutes of the Policy Review Committee Meeting of 15 August 2016 be confirmed.

DECLARATIONS OF INTEREST

There were no declarations of interest.

DELIVERY PROGRAM REPORTS

OUTCOME 2 - WE PL AN FOR OUR FUTURE GROWTH

2 Amendment to Penrith Development Control Plan 2014 - 164 Station Street, Penrith

Councillor Greg Davies left the meeting, the time being 7:02pm.

Councillor Greg Davies returned to the meeting, the time being 7:04pm.

PRC51 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Mark Davies

That:

1. The information contained in the report on Amendment to Penrith Development Control Plan 2014 - 164 Station Street, Penrith be received
2. Refer the draft Development Control Plan to Council's Urban Design Review Panel for comment
3. The General Manager be granted delegation to make any necessary minor changes to the Draft Development Control Plan before public exhibition.
4. The Draft Development Control Plan be publicly exhibited, in accordance with the relevant provisions of the Environmental Planning and Assessment Act, 1979 and associated Regulations.
5. A further report be presented to Council following the Public Exhibition.

In accordance with Section 375A of the Local Government Act 1993, a DIVISION was then called with the following result:

For

Councillor John Thain
Councillor Kath Presdee
Councillor Bernard Bratusa
Councillor Kevin Crameri OAM
Councillor Greg Davies
Councillor Mark Davies
Councillor Ross Fowler OAM
Councillor Tricia Hitchen
Councillor Marcus Cornish
Councillor Joshua Hoole
Councillor Aaron Duke
Councillor Todd Carney

Against**1 Planning Proposal - 92, 94 and 96 Victoria Street, Werrington**

PRC52 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Mark Davies

That:

1. The information contained in the report on Planning Proposal - 92, 94 and 96 Victoria Street, Werrington be received
2. The Planning Proposal provided as Attachment 3 be sponsored for submission to NSW Planning & Environment with a request for a Gateway Determination.
3. The Minister for Planning be requested to delegate his authority for Council to finalise and make the proposed amendment to Penrith Local Environmental Plan 2010.
4. Consultation with the community and public agencies be undertaken in accordance with any Gateway Determination.
5. A report be presented to Council on the submissions received from the community and public agencies.

In accordance with Section 375A of the Local Government Act 1993, a DIVISION was then called with the following result:

For

Councillor John Thain
Councillor Kath Presdee
Councillor Bernard Bratusa
Councillor Kevin Crameri OAM
Councillor Greg Davies
Councillor Mark Davies
Councillor Ross Fowler OAM
Councillor Tricia Hitchen
Councillor Marcus Cornish
Councillor Joshua Hoole
Councillor Aaron Duke
Councillor Todd Carney

Against

3 Proposed Reclassification of 154 Henry Street, Penrith

PRC53 RESOLVED on the MOTION of Councillor Mark Davies seconded Councillor Greg Davies

That:

1. The information contained in the report on Proposed Reclassification of 154 Henry Street, Penrith be received, and
2. The proposed reclassification of 154 Henry Street, Penrith be included in the sponsored Planning Proposal reclassifying sites in Union Road, Penrith.
3. The updated Planning Proposal be sponsored for submission to NSW Planning & Environment with a request for a Gateway Determination.
4. The Minister for Planning be requested to delegate his authority for Council to finalise and make the proposed amendment to Penrith Local Environmental Plan 2010.
5. Consultation with the community and public agencies be undertaken in accordance with any Gateway Determination.
6. A report be presented to Council on the submissions received from the community and public agencies.

In accordance with Section 375A of the Local Government Act 1993, a DIVISION was then called with the following result:

For

Councillor John Thain
Councillor Kath Presdee
Councillor Bernard Bratusa
Councillor Kevin Crameri OAM
Councillor Greg Davies
Councillor Mark Davies
Councillor Ross Fowler OAM
Councillor Tricia Hitchen
Councillor Joshua Hoole
Councillor Aaron Duke
Councillor Todd Carney

Against

Councillor Marcus Cornish

OUTCOME 7 - WE HAVE CONFIDENCE IN OUR COUNCIL**4 Initial steps in the Integrated Planning and Reporting Process**

PRC54 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Kath Presdee

That:

1. The information contained in the report on Initial steps in the Integrated Planning and Reporting Process be received
2. In accordance with the Local Government Act 1993 and Local Government (General) Regulation 2005, Council endorse for public exhibition the draft *Community Engagement Strategy*, including any minor amendments or corrections made to the document after this meeting
3. In accordance with the Local Government Act 1993 and Local Government (General) Regulation 2005, the draft *Community Engagement Strategy* be placed on public exhibition for 28 days commencing on Wednesday 26

October 2016 and closing on Wednesday 23 November 2016.

4. The public exhibition arrangements are implemented as detailed in this report, and submissions from the community are invited.

5 IPART Review of Local Government Rating System

PRC55 RESOLVED on the MOTION of Councillor Mark Davies seconded Councillor Bernard Bratusa

That:

1. The information contained in the report on IPART Review of Local Government Rating System be received
2. Council's submission in response to IPART's Review of the Local Government Rating System (attached) be sent to IPART.

REQUESTS FOR REPORTS AND MEMORANDUMS

RR 1 Leave of Absence

Councillor Kevin Crameri OAM requested a leave of absence from the 8 November 2016 to 23 November 2016 inclusive.

PRC56 RESOLVED on the MOTION of Councillor Mark Davies seconded Councillor Tricia Hitchen that the leave of absence be granted to Councillor Kevin Crameri OAM from the 8 November 2016 to 23 November 2016 inclusive.

There being no further business the Chairperson declared the meeting closed the time being 7:57pm.