Member for Penrith, the Hon Stuart Ayres MP and His Worship the Mayor, Councillor Ross Fowler OAM, with 2019 Australia Day Award recipients at the presentation event recognising their contribution to the community, held at the Civic Centre on 22 January 2019

Policy Review Committee Meeting
11 February 2019
Dear Councillor,

In pursuance of the provisions of the Local Government Act, 1993 and the Regulations thereunder, notice is hereby given that a POLICY REVIEW COMMITTEE MEETING of Penrith City Council is to be held in the Pasadena Room, Civic Centre, 601 High Street, Penrith on Monday 11 February 2019 at 7:00PM.

Attention is directed to the statement accompanying this notice of the business proposed to be transacted at the meeting.

Yours faithfully

Warwick Winn
General Manager

B U S I N E S S

1. LEAVE OF ABSENCE
2. APOLOGIES
3. CONFIRMATION OF MINUTES
   Policy Review Committee Meeting - 10 December 2018.
4. DECLARATIONS OF INTEREST
   Pecuniary Interest (The Act requires Councillors who declare a pecuniary interest in an item to leave the meeting during discussion of that item)
   Non-Pecuniary Conflict of Interest – Significant and Less than Significant
   (The Code of Conduct requires Councillors who declare a significant non-pecuniary conflict of interest in an item to leave the meeting during discussion of that item)
5. ADDRESSING THE MEETING
6. MAYORAL MINUTES
7. NOTICES OF MOTION TO RESCIND A RESOLUTION
8. NOTICES OF MOTION
9. DELIVERY PROGRAM REPORTS
10. REQUESTS FOR REPORTS AND MEMORANDUMS
11. URGENT BUSINESS
12. CONFIDENTIAL BUSINESS

Enquiries regarding this Business Paper should be directed to the Governance Coordinator, Mr Adam Beggs on (02) 4732 7597
POLICY REVIEW COMMITTEE MEETING
MONDAY 11 FEBRUARY 2019

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MEETING CALENDAR

CONFIRMATION OF MINUTES

DELIVERY PROGRAM REPORTS
# 2019 MEETING CALENDAR

January 2019 - December 2019
(Adopted by Council - 26 November 2018)

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<thead>
<tr>
<th>TIME</th>
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<th>APRIL</th>
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<td>Ordinary Council Meeting</td>
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<tr>
<td>Policy Review Committee</td>
<td>7.00pm</td>
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<td>11</td>
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<td>12</td>
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<td>21</td>
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</table>

❖ Meeting at which the draft corporate planning documents (Delivery Program and Operational Plan) are endorsed for exhibition
* Meeting at which the draft corporate planning documents (Delivery Program and Operational Plan) are adopted
# Meetings at which the Operational Plan quarterly reviews (March and September) are presented
@ Meetings at which the Delivery Program progress reports (including the Operational Plan quarterly reviews for December and June) are presented
^ Election of Mayor/Deputy Mayor
✓ Meeting at which the 2018-2019 Annual Statements are presented
∞ Meeting at which any comments on the 2018-2019 Annual Statements are adopted
+ Meeting at which the Annual Report is presented
> Briefing to consider Budget, draft fees & charges and corporate documents

- Extraordinary Meetings are held as required;
- Members of the public are invited to observe meetings of the Council (Ordinary and Policy Review Committee).

Should you wish to address Council, please contact Governance Coordinator, Adam Beggs on 4732 7597.
PRESENT
His Worship the Mayor, Councillor Ross Fowler OAM, Deputy Mayor, Councillor Greg Davies, and Councillors Jim Aitken OAM, Bernard Bratusa, Todd Carney, Brian Cartwright, Robin Cook, Marcus Cornish, Kevin Crameri OAM, Aaron Duke, Tricia Hitchen, Karen McKeown OAM, Kath Presdee and John Thain.

APOLOGIES
PRC 63 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Brian Cartwright that apologies be received for Councillor Mark Davies.

CONFIRMATION OF MINUTES - Policy Review Committee Meeting - 12 November 2018
PRC 64 RESOLVED on the MOTION of Councillor Marcus Cornish seconded Councillor Aaron Duke that the minutes of the Policy Review Committee Meeting of 12 November 2018 be confirmed.

DECLARATIONS OF INTEREST
There were no declarations of interest.

SUSPENSION OF STANDING ORDERS
PRC 65 RESOLVED on the MOTION of Councillor Aaron Duke seconded Councillor Karen McKeown OAM that Standing Orders be suspended to allow members of the public to address the meeting, the time being 7.04pm.

ADDRESSING THE MEETING

Mr Anthony Colman

Item 1 – Proposed Suburb Name for the Central Precinct of the St Marys Release Area

Mr Colman, an affected person, spoke in support of the recommendation to name the Central Precinct of the St Marys Release Area Jordan Springs. Mr Colman spoke of the current confusion that the current name of Llandilo has caused, and his personal experience when dealing with emergency and postal services.

Ms Kay Hearne

Item 2 – Penrith DCP 2014 amendment – Public Exhibition Submissions

Ms Hearne, an affected resident, spoke against the recommendations. Ms Hearne specifically noted the negative impact of parking, and the congestion caused as a result of those not utilising stacked parking in an appropriate way.

PRC 66 RESOLVED on the MOTION of Councillor Bernard Bratusa seconded Councillor
Kevin Crameri OAM that an extension of time be granted to permit the speaker to conclude her address, the time being 7.16pm.

RESUMPTION OF STANDING ORDERS

PRC 67  RESOLVED on the MOTION of Councillor Bernard Bratusa seconded Councillor John Thain that Standing Orders be resumed, the time being 7:17pm.

Councillor Todd Carney left the meeting, the time being 7:17pm.
Councillor Todd Carney returned to the meeting, the time being 7:21pm.

DELIVERY PROGRAM REPORTS

OUTCOME 7 - WE HAVE CONFIDENCE IN OUR COUNCIL

3  Penrith Aquatic & Leisure Centre Annual Report 2017-2018

PRC 68  RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Marcus Cornish

That:

1. The information contained in the report on Penrith Aquatic & Leisure Centre Annual Report 2017-2018 be received.

2. Council agree to underwrite the operations of Penrith Aquatic and Leisure Ltd until the presentation of the 2018-2019 Annual Report.

3. Council thank and congratulate Chairman Alan Brown, and Acting General Manager Paul McAleary, and all those involved with the operation of Penrith Aquatic & Leisure Centre for the 2017-2018 period.

4. Council agree to establish a guarantee under Capital Finance’s ‘No Financial Policy for Government entities for transactions less than $250k’ for Penrith Aquatic and Leisure Limited, to facilitate the $221k (including GST) financing of new gym equipment.

OUTCOME 2 - WE PLAN FOR OUR FUTURE GROWTH

1  Proposed Suburb Name for the Central Precinct of the St Marys Release Area

PRC 69  RESOLVED on the MOTION of Councillor Aaron Duke seconded Councillor Marcus Cornish

That:

1. The information contained in the report on Proposed Suburb Name for the Central Precinct of the St Marys Release Area be received

2. Council write to the Geographic Names Board confirming that it does not object to Lendlease’s proposal to expand the existing suburb of Jordan Springs to include the Central Precinct, the surrounding areas of open space, and Wianamatta Regional Park (refer Attachment 2).
2 Penrith DCP 2014 amendment - Public Exhibition Submissions

PRC 70 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Marcus Cornish

That:

1. The information contained in the report on Penrith DCP 2014 amendment - Public Exhibition Submissions be received

2. Council adopt the amendments to Penrith Development Control Plan 2014, as exhibited.

3. The General Manager be delegated authority to make any necessary minor changes required to the Development Control Plan 2014 in accordance with Council’s adopted policy position before notification in the newspaper

4. In accordance with the Environmental Planning and Assessment Regulation 2000, Council give public notice of its decision in a local newspaper within 28 days, with the Development Control Plan coming into effect immediately upon notification in the newspaper.

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

For

Councillor Kath Presdee
Councillor Robin Cook
Councillor Greg Davies
Councillor Todd Carney
Councillor Aaron Duke
Councillor Karen McKeown OAM
Councillor Kevin Crameri OAM
Councillor Ross Fowler OAM
Councillor Jim Aitken OAM
Councillor Brian Cartwright
Councillor Tricia Hitchen
Councillor Bernard Bratusa
Councillor Marcus Cornish
Councillor John Thain

Against

There being no further business the Chairperson declared the meeting closed the time being 8:03pm.
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<tr>
<td><strong>OUTCOME 2 - WE PLAN FOR OUR FUTURE GROWTH</strong></td>
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<tr>
<td>1 Planning Proposal to reclassify Council-owned land at 11 - 13 Chesham Street, St Marys</td>
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<tr>
<td>Procedural note: Section 375A of the Local Government Act 1993 requires that a division be called in relation to this matter.</td>
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<tr>
<td>2 Amending Precinct Plan for the Central Precinct of St Marys Release Area</td>
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<td>Procedural note: Section 375A of the Local Government Act 1993 requires that a division be called in relation to this matter.</td>
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<tr>
<td><strong>OUTCOME 7 - WE HAVE CONFIDENCE IN OUR COUNCIL</strong></td>
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<tr>
<td>3 Procurement Policy</td>
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OUTCOME 1 - WE CAN WORK CLOSE TO HOME

There were no reports under this Delivery Program when the Business Paper was compiled
## OUTCOME 2 - WE PLAN FOR OUR FUTURE GROWTH

<table>
<thead>
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<th>Item</th>
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</table>
1 Planning Proposal to reclassify Council-owned land at 11 - 13 Chesham Street, St Marys

Compiled by: Breannan Dent, Planner
Authorised by: Natasha Baker, City Planning Manager

<table>
<thead>
<tr>
<th>Outcome</th>
<th>We plan for our future growth</th>
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<tr>
<td>Strategy</td>
<td>Facilitate quality development in the City that considers the current and future needs of our community</td>
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<tr>
<td>Service Activity</td>
<td>Plan for and facilitate development in the City</td>
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</tbody>
</table>

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

Executive Summary

This report presents the results of the public exhibition and public hearing for a Planning Proposal relating to three parcels of Council-owned land at 11-13 Chesham Street, St Marys (the subject land). The Planning Proposal seeks to reclassify the subject land from ‘community’ to ‘operational’.

The Planning Proposal was placed on public exhibition from 6 August 2018 to 4 September 2018. A public hearing was held on 24 October 2018. Council received a total of 2 submissions from both consultation processes.

The key issues raised in the submissions and addressed in this report include:
- Any future development to have regard to relevant State Government legislation and policy and be referred to Sydney Trains and Transport for NSW for review and comment.
- On-street carparking, access and traffic issues in the general locality.

No changes to the Planning Proposal have been proposed in response to the submissions received. This report seeks Council’s endorsement to adopt the Planning Proposal to proceed to the next stage of the Gateway Process, being to make the amendment to Penrith Local Environmental Plan (LEP) 2010.

Background

At the Policy Review Committee meeting in 4 June 2018, Council resolved to endorse a Planning Proposal for the reclassification of three parcels of Council-owned land from ‘community’ to ‘operational’ at 11 – 13 Chesham Street, St Marys (Lots 1, 2 and 3 in DP 542707). A map of the subject land is provided as Attachment 1. The Planning Proposal is provided in a separate enclosure to this report.

The land is zoned R4 High Density Residential under LEP 2010, is currently vacant and situated within walking distance from St Marys rail station and town centre. Adjoining the subject land to the south (and north of Chesham Street) is a road reserve. It is intended that this land will undergo a road closure and reclassification process separate from this Planning Proposal.

The Planning Proposal does not seek to change the zone or any existing planning controls. The subject land is not identified as a ‘public reserve’ under the Local Government Act.

Page 1
reclassification will enable Council to consider opportunities for the future use of the land, including options to sell or develop the subject land.

A Gateway Determination was received from the Department of Planning and Environment on 17 July 2018 to enable the planning proposal to undergo community consultation.

**Public Exhibition and Submission**

Public exhibition of the Planning Proposal commenced on Monday 6 August 2018 and closed on Tuesday 4 September 2018. During the public exhibition one submission was received from Sydney Trains, who own the neighbouring railway property. No submissions were received from the community during the public exhibition.

The submission from Sydney Trains relates to future consultation in relation to any proposed development near rail corridors. The submission also requests that Transport for NSW is consulted in relation to the proposed North-South rail link as identified in *Future Transport 2056*.

No changes to the Planning Proposal are recommended in response to the submission received during the public exhibition.

The submission requests actions that are consistent with existing considerations for Development Applications, given that they are required under state policies and are to be considered in future development proposals.

**Public Hearing and Submission**

Council appointed an independent chair to conduct a public hearing on 24 October 2018 for the Planning Proposal.

Section 29 of *Local Government Act 1993* requires that for reclassification of properties from ‘community’ to ‘operational’, an independently chaired public hearing be held and that the chair of the hearing produces a report considering any submissions received.

Two community members attended the Public Hearing. One anonymous submission was received. The submission raised the following issues:

1. *Whether the Planning Proposal will affect Blair Avenue properties*

   Response: The planning proposal does not extend beyond the subject site. When a development application is received on the site community consultation will be undertaken.

2. *The lack of on street car parking and traffic in the general locality.*

   Response: The subject land is already zoned R4 High Density Residential. There are no changes to land uses as a result of the Planning Proposal.

The Planning Proposal includes a Transport Impact Assessment which addresses existing on street car parking and traffic. The assessment identified that: 'the traffic and parking implications associated with the proposed residential redevelopment is considered acceptable' (page 19).

In addition to this, any future Development Application would need to consider traffic, transport and parking issues in further detail.
No changes to the Planning Proposal are recommended in response to the submission received during the public hearing.

The Public Hearing Report received from the independent chair of the public hearing on 5 November 2018 is provided as Attachment 2.

The Public Hearing Report recommends:
   a) Council proceed with the reclassification of Lots 1 – 3 DP 542707 from ‘community’ to ‘operational’ land.
   b) Council write to all persons that made a submission to the Public Hearing thanking them for their input and advising them of Council’s decision.
   c) A copy of this report be made available to the public in accordance with Section 47(G)(3) of the Local Government Act 1993.

The report was made available at Penrith Civic Centre, St Marys Business Office and Council’s website by 8 November 2018.

**Independent Peer Review**

An independent peer review of the Planning Proposal has been undertaken, as the Planning Proposal applies to Council-owned land. The peer review is provided as Attachment 3.

The peer review provides an expert’s assessment of the process undertaken by Council to date with respect to the Planning Proposal, public hearing and public exhibition for the reclassification of the subject land. It provides advice on the appropriateness of Council’s assessment and recommendations.

The review concludes that:
   * Council has reasonably exercised its functions and met the statutory obligations under the *Environmental Planning and Assessment Act* 1979 and the *Local Government Act* 1993 with respect to the Planning Proposal.
   * The recommendation to proceed with the Planning Proposal is appropriate.

**Conclusion**

The Planning Proposal was publicly exhibited and a public hearing has been conducted. Community and public authority submissions have been reviewed. Public authorities have not raised any objections to the Planning Proposal. The key issues identified relate to potential traffic impacts and proximity to the rail corridor. These concerns will be further addressed at development application stage once design and dwelling yields are known.

It is recommended that the Planning Proposal be adopted as exhibited and is progressed to the next stage of the Gateway process, being to make the amendment to Penrith Local Environmental Plan 2010.

**RECOMMENDATIONS**

That:

1. The information contained in the report on Planning Proposal to reclassify Council-owned land at 11 - 13 Chesham Street, St Marys be received

2. Council endorse the Planning Proposal for 11 - 13 Chesham Street, St Marys provided in the separate enclosure to this report.
3. The General Manager be granted delegation to update and finalise the Planning Proposal referred to in resolution 2 prior to Council's submission of the Planning Proposal to the Minister for Planning and Parliamentary Counsel.

4. Council officers forward the Planning Proposal to the Minister for Planning and Parliamentary Counsel with a request to make the local environmental plan amendment.

**ATTACHMENTS/APPENDICES**

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<th>Description</th>
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<th>Notes</th>
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<td>1</td>
<td>Subject site map, 11-13 Chesham Street, St Marys</td>
<td>1 Page</td>
<td>Attachments Included</td>
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<td>2</td>
<td>Public Hearing Report, 11-13 Chesham Street, St Marys</td>
<td>12 Pages</td>
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<tr>
<td>3</td>
<td>Peer Review of Planning Proposal, 11-13 Chesham Street, St Marys</td>
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<tr>
<td>4</td>
<td>Planning Proposal, 11-13 Chesham Street, St Marys</td>
<td>132 pages</td>
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2 Amending Precinct Plan for the Central Precinct of St Marys Release Area

Compiled by: Matthew Rose, Senior Planner
Authorised by: Natasha Baker, City Planning Manager

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Previous Items: 2- Amending Precinct Plan for the Central Precinct of St Marys Release Area- Ordinary Meeting- 29 Oct 2018 7:00PM

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

Executive Summary

This report presents the results of the public exhibition of proposed changes to the planning controls applying to the Central Precinct of the St Marys Release Area. It seeks Council’s resolution to adopt the proposed changes, as exhibited, making them the in-force planning controls.

The proposed changes aim to increase the choice of housing and its affordability by facilitating a greater diversity in the size of residential lots and dwelling types. The changes apply to the areas within walking distance of the planned local shopping centre. They are considered to help meet the current demand for an increasing variety of homes to suit a broader demographic range. They will also help facilitate the delivery of homes in a variety of price brackets that appear to have a lower retail price than standard land and house packages.

The proposed controls are set out in an Amending Precinct Plan, a document like Council’s Development Control Plan. This Plan was publicly exhibited between 12 November and 10 December 2018. No submissions were received in response to the exhibition.

Background

The St Marys Release Area contains three residential precincts known as the East, West and Central Precincts. The East and West Precincts have been developed and now form the respective suburbs of Ropes Crossing and Jordan Springs. The subdivision and development of the Central Precinct is well underway.

The planning document managing the delivery of the Release Area is Sydney Regional Environmental Plan No. 30 – St Marys (SREP 30). SREP 30 is similar to Council’s Local Environmental Plan and sets land use zones and planning processes to ensure that the desired social, environmental, and economic outcomes for the Release Area are achieved.

SREP 30 requires a Precinct Plan, a document like Council’s development control plans, to be created for each precinct. SREP 30 sets out the content of Precinct Plans, matters to be considered when assessing draft plans (also known as Amending Precinct Plans), and a process for approving a new or amending plan. The current Precinct Plan for the Central Precinct sets the development outcomes for this precinct, including the number of new
homes (1,450), the size and mix of residential lots, the location of the local shopping centre, and the street network.

The proposed changes aim to increase the diversity and mix of new lots and dwellings in certain parts of the Central Precinct to deliver a range of housing options that were not envisaged or in demand when the Central Precinct was originally planned in 2009. The changes will predominantly apply to the areas that have easy access and within walking distance to the planned local shopping centre or a high level of amenity, such as those surrounding local parks and open space.

The changes, if adopted, will:

- Increase the types of homes to include terraces, manor homes (3-4 units with the appearance of a large house), and granny flats or studio apartments.
- Allow multi-unit developments such as terraces and town houses on Strata-title lots sized 125m² or greater.
- Promote the construction of terraces and townhouses on Torrens title lots (house and land packages) instead of Strata title lots, reducing ongoing fees for homeowners.
- Reduce the standard lot size for detached dwellings from 270m² to 225m².
- Allow the construction of a 2-storey home with a double garage on lots that have a frontage greater than 10 metres. This is currently restricted to a single garage.

The Public Exhibition

The Amending Precinct Plan was publicly exhibited between 12 November and 10 December 2018. A copy of this document is provided as a separate enclosure. Notification of the exhibition was made in the Western Weekender during the weeks beginning 5, 12, 19, and 26 November 2018. The exhibition material was available at the Civic Centre, Penrith Library, and online.

No submissions were received in response to the public exhibition.

Conclusion

The proposed changes are considered to allow a variety of housing types that meet market demand and more closely align with the residential developments being delivered in planned growth precincts. These alternative homes will increase the diversity of new homes, helping to cater for a changing demographic, principally smaller households. The new homes will also potentially have a lower price than standard land and house packages.

The smaller housing types will only be permitted on sites that have easy access and be within walking distance to the planned local shopping centre or a high level of amenity, such as those surrounding local parks and open space. They will not apply to the whole precinct.

It is recommended that Council adopt the Amending Precinct Plan, as exhibited.

RECOMMENDATION

That:

1. The information contained in the report on Amending Precinct Plan for the Central Precinct of St Marys Release Area be received.
2. The Amending Precinct Plan (provided as a separate enclosure) be adopted as the Precinct Plan for the Central Precinct of the St Marys Release Area.
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<thead>
<tr>
<th>ATTACHMENTS/APPENDICES</th>
<th>122 pages</th>
<th>Under Separate Cover (Website)</th>
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<tbody>
<tr>
<td>1. Amending Precinct Plan for Central Precinct</td>
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OUTCOME 3 - WE CAN GET AROUND THE CITY

There were no reports under this Delivery Program when the Business Paper was compiled.
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OUTCOME 4 - WE HAVE SAFE, VIBRANT PLACES

There were no reports under this Delivery Program when the Business Paper was compiled.
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OUTCOME 5 - WE CARE ABOUT OUR ENVIRONMENT

There were no reports under this Delivery Program when the Business Paper was compiled.
OUTCOME 6 - WE ARE HEALTHY AND SHARE STRONG COMMUNITY SPIRIT

There were no reports under this Delivery Program when the Business Paper was compiled.
# OUTCOME 7 - WE HAVE CONFIDENCE IN OUR COUNCIL

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3 Procurement Policy

Compiled by: Lana Axford, Supply Coordinator
Authorised by: Neil Farquharson, Financial Services Manager

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<tr>
<th>Outcome</th>
<th>We have confidence in our Council</th>
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<tbody>
<tr>
<td>Strategy</td>
<td>Manage our money and our assets to be sustainable now and into the future</td>
</tr>
<tr>
<td>Service Activity</td>
<td>Support financial sustainability by managing Council’s purchasing policies and procedures</td>
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</table>

To ensure that Council maintains contemporary procurement practices it is important that from time to time that our Policies, Standards and Procedures are reviewed and updated. This is to respond to the procurement environment, continue to ensure a framework for value for money is achieved, respond to the Community's expectations and ensure probity and transparency is maintained.

An Internal Audit of Council's Procurement activities and framework was completed in 2017-18 as requested by the Audit Risk and Improvement Committee. The audit findings included a number of recommendations to improve Procurement Policies and Procedures, document and review strategic procurement plans and activities and recommended the adoption of a contemporary and single overarching Procurement Policy. Tonight's report presents the overarching Procurement Policy for Council's consideration.

Recent discussion with Councillors has informed the review and the strong acknowledgement of the preference to support local procurement, which has been embedded in the Procurement Policy. The proposed Policy will be Council's high-level public statement of intent and has guided the development of the Standards and Procedures, which will be adapted to incorporate any further feedback to changes to the Policy tonight.

The report advises the Policy Review Committee of the development of the new Procurement Policy and recommends that it be adopted. Should the Policy be adopted by the Council it will replace any previous or existing policies (i.e. Supply Guidelines and Sustainable Purchasing Policy) and will help ensure consistency of procurement practices across Council.

Background

The Procurement Policy was developed to provide Council with a clear structure and principles that guide the procurement practices including Value for Money, Probity and Accountability, Fair and Ethical Dealings, Sustainable and Social Procurement.

The incorporation of a Local Supplier Preference into the new Policy supports the Community Plan's strategy - "We can work close to home" by assisting local business to be competitive in bidding for Council work.

Alongside the Policy, new detailed Standards and Procedures have been developed to reinforce the application of the Policy within Council. Once the Policy has been adopted by Council the new Standards will be reviewed to ensure any feedback provided tonight has been incorporated prior to being communicated to the organisation and all relevant Officers
being provided training in the compliance and application of the new Policy, Standards and Procedures.

The proposed Policy gives regard to the legislative framework and has been developed to support and build on the procurement requirements established by the Local Government Act (1993) and the Local Government (General) Regulation 2005.

Conclusion

It is prudent that Council review its Procurement Polices on a regular basis to ensure that they remain contemporary, comply with legislative requirements, reflect the aspirations of Council, deliver value for money and ensure that Council’s Procurement activities are conducted in a transparent and ethical manner.

Recommendations from the recent Internal Audit of Procurement have informed this current review along with the direction provided by Councillors in relation to local procurement. The revised Policy being recommended at tonight’s Policy Review Committee meeting subject to Council’s feedback, will replace and update all existing Supply Guidelines and Policies including the currently endorsed Sustainable Purchasing Policy.

RECOMMENDATION

That:

1. The information contained in the report on Procurement Policy be received
2. The Procurement Policy be formally endorsed by the Policy Review Committee prior to being adopted by the Council.

ATTACHMENTS/APPENDICES

1. Draft Procurement Policy 6 Pages Appendix
1. Purpose

Penrith City Council (Council) is publicly accountable for the use of its funds and this policy aims to ensure that Council’s Procurement and Purchasing processes operate effectively and efficiently in the pursuit of value for money whilst having regard for that responsibility of public accountability, transparency and probity.

Council recognises that developing a Procurement Policy and adopting appropriate best practice procurement principles, processes and procedures for all goods, services and developments by Council, also facilitates achievement of Council objectives and Councils long term strategies.

This Policy details the structure guiding Council’s procurement activities and provides frameworks in which Council will make procurement decisions that are appropriately documented, transparent, accountable and ethically sound. In addition, the policy seeks to mitigate risk, and provide protection from complaints, legal action and liabilities by supporting the fair and equitable treatment of all potential suppliers to the Council.

This policy helps Council establish a culture of best practice and continuous improvement in all areas of procurement. It also encourages Council to monitor and evaluate procurement performance to ensure the efficient use of resources and compliance with relevant legislative obligations. This policy framework consists of two components:

- Policy document;
- Procurement Standards document.

To be compliant with the policy framework, compliance with both the Policy document and the Procurement Standards is required.

Nothing in this Policy document or the associated Procurement Standards is intended to conflict with the legislative requirements applicable to Council.

2. Legislative Requirements
The principal legislation in New South Wales governing the establishment and operation (including Procurement) of councils is the Local Government Act 1993.

This Act is supported by the Local Government (General) Regulation 2005 and the Tendering Guidelines for NSW Local Government published October 2009 by the NSW Department of Premier and Cabinet, Division of Local Government.

Additional legislation that is applicable to this policy includes:

3. Policy Statement

3.1 Overview

Council is committed to providing guidance to Council staff for the procurement of goods and services and to ensuring legislative compliance, best value for money, transparency in the tendering process, fair and ethical dealings with tenderers, maintaining probity and ensuring responsible financial management is applied to all procurement activities.

In addition to this policy, the Procurement Standards provide clear procedures and direction on how to undertake procurement activities within the Council, in accordance with best practice standards.

To comply with this policy framework, procurement activities within the Council must comply with this Policy and the Procurement Standards.

3.2 Scope

This policy applies to all members of Council staff, Councillors and all consultants, contractors, or temporary or casual employees of Council, who are involved in any Council procurement process, not only those staff members with financial delegation limits.

This policy applies to all procurement and contracting activities undertaken by Council, including, but not limited to, the following methods:

a) Field Purchase Authorisation;
b) Petty cash;
c) Council purchasing cards;
d) Council credit cards;
e) Expressions of Interest;
f) Formal quotations;
g) Informal quotations;
h) Purchasing from an accredited source;
i) Single sourcing;
j) Tendering;
k) Goods or services procured by third parties, such as contractors, acting as representatives of Council.

3.3 Responsible Person

The Chief Financial Officer will oversee the implementation of this policy.
3.4 Council's Procurement Objectives

Council's procurement objectives are:

a) Achieving Value for Money

Value for Money (VFM) is defined as the best possible outcome for the total cost of ownership over whole of life. VFM does not necessarily mean selecting the lowest value or price; rather, the right combination of quality, quantity and price at the right place and time, and where possible, having considered sustainability.

The value for money assessment includes:

a. Cost-related factors including whole-of-life costs and transaction costs (amongst others) associated with acquisition, maintenance and disposal;
b. Non-cost factors such as fitness for purpose, innovation, quality, risk profile, service, support, work health and safety (WHS), community, environment and sustainability requirements;
c. Contribution to the advancement of Council priorities, especially those set out in Council's Community Strategic Plan and Delivery Program;
d. Purchase price consistent with standard market prices / rates; and
e. The ability to provide the goods and/or perform services to a reasonable level depending on requirements.

b) Ensuring probity and accountability for procurement outcomes.

Council seeks to conduct its procurement activities in a transparent manner which demonstrates probity and accountability. Procurement activities involving members of Council staff must be:

a. Performed ethically, transparently and with fairness to all participants;
b. Carried out in accordance with the applicable legislation, guidelines, codes, policies and procedures;
c. Undertaken by members of Council staff who have the appropriate authority and delegations and are trained to perform their assigned procurement role; and
d. Be conducted on a “commercial-in-confidence” basis.

c) Ensuring fair and ethical dealings.

All procurement-related activities must be conducted honestly, transparently and in a manner that is fair and equitable to all parties. Therefore, procurement activities must:

a. Be undertaken with consistent and appropriate documentation and processes to ensure equitable treatment throughout the process;
b. Be free from any conflict of interest that may result in any unfavourable, favourable or preferential treatment;
c. Ensure impartiality throughout the process; and
d. Not seek or receive personal gain.

d) Sustainable and Social procurement.

Council is committed to taking positive action to minimise the negative impact of the products and services procured and maximising the benefits. This includes minimising unnecessary purchasing and purchasing goods and services that contribute to a more sustainable future that is ethical and supportive of fair trade.

Council's procurement practices also aim to apply the principle of Corporate Social Responsibility (CSR) by taking positive action to demonstrate the Council's commitment
to the local community and environment on which its procurement activities impact. Sustainable and Social procurement is conducted through:

a. Considering the environmental performance of all suppliers and contractors and encouraging them to conduct their operations in an environmentally sensitive manner;
b. Selecting products/services where possible, that have minimal effect on the depletion of natural resources and biodiversity;
c. Choosing environmentally preferred "Green" or recycled products and services where there is a value for money proposition;
d. Purchasing ethically sourced and fair trade goods and services where appropriate; and
e. Exploring opportunities to engage with social enterprises for the procurement of goods or services which support reinvigorating marginalised communities, underrepresented and disadvantaged people and increase the "social value" of doing business.

3.5 Local Supplier Preference

Council is committed to supporting the local economy and enhancing the capabilities of local business and industry by including a Local Supplier Preference framework in this Policy.

To ensure that value for money is achieved through use of local suppliers and contractors when purchasing, staff shall:

a. Encourage a ‘Buy local’ culture within Council;
b. Encourage local Suppliers to participate in Council business by advertising in local newspapers and other means considered appropriate;
c. Utilise VendorPanel Public Marketplace as a means to access local suppliers;
d. Ensure that procurement policies and procedures do not disadvantage local suppliers;
e. Encourage use of local suppliers by contractors, whenever goods or services have to be sourced from outside the City;
f. Apply a Local Supplier Criteria weighting of 5% to criteria assessed Request for Quotations valued at between $20,000 and $150,000;
g. Apply a Local Supplier Criteria weighting of 5% to all Tenders; and
h. Where applicable, when assessing Tenders, consider the Suppliers contribution to the Penrith LGA.

A Local Supplier is defined as an individual or entity providing goods and/or services that are either permanently based in, or employing permanent staff operating from, permanent premises situated within the Penrith City Local Government Area (LGA) for not less than six months prior to the date of the Procurement request.

3.6 Financial Management

The principle of responsible financial management is to be applied to all procurement activities. Council is accountable to ratepayers and needs to be able to demonstrate that all public money has been spent in line with Council’s community objectives and expectations.

Council funds must be used efficiently and effectively to procure goods, services and works and every attempt must be made to contain the costs of the procurement process without compromising any of the procurement principles set out in this policy.

Irrespective of the procurement value, the available budgetary funds must be confirmed and approved prior to the commencement of any procurement process.
3.7 Delegations

All procurement activities must be approved by a member of Council staff with the appropriate financial delegation and be in accordance with their instrument of delegation.

All members of Council staff engaged in procurement must:

a) Have a copy of their delegation;
b) Ensure that they understand the scope of their delegation including the financial limitations set out in their delegation instrument; and
c) Not take action outside the scope of the delegated authority to their position.

3.8 Record Keeping

It is important to keep accurate records to demonstrate a transparent and equitable process, and that probity considerations have been applied.

Procurement records can be requested by external authorities or be the subject of a request for information under the Government Information (Public Access) Act 2009.

Accurate record keeping can assist Council to provide feedback to suppliers and can assist to effectively manage disputes and/ or breaches.

Records for procurement activities must be kept and recorded in Council's record management system in accordance with Council's Records Management Policy.

3.8 Prohibition of Gifts and Benefits

Councillors and Council staff must at all times act in accordance with relevant Acts, policies, guidelines and laws regarding gifts and hospitality. Under no circumstances, must any member of Council staff dealing with procurement accept any gift or benefit if it is likely to be perceived by a 'reasonable person', as intended to, or likely to, influence him or her in the fair, impartial and efficient discharge of their duties, by such an action now and in the future, from a supplier, contractor, their agents or employees. All offers of gifts and benefits must be managed in accordance with Code of Conduct and Gifts and Benefits Policy.

3.9 Conflicts of Interest

A conflict of interest exists where a reasonable and informed person would perceive that a member of Council staff could be influenced by a private interest when carrying out their public duty. Members of Council staff involved in the procurement process must avoid any conflict of interest.

Any conflict of interest, whether pecuniary or non-pecuniary, involving a member of Council staff, their spouse, relative, partner, friend or business associate must be declared and must be dealt with in accordance with Council's Code of Conduct and Council's Conflicts of Interest Policy.

3.10 Disclosure of Information

When undertaking a procurement process, Council staff will have access to commercial in confidence information in order to fulfil their roles and responsibilities. Council staff are
required to take all reasonable steps to ensure information is stored securely and that all information in relation to the procurement process remains confidential, except that which is in the public domain. This includes the content of offers, any information that is disclosed or discussed in any interaction throughout the procurement process, any supporting information provided by Council or third parties and the outcomes of the evaluation.

4. Breaches of this Policy

A breach of this policy by any member of Council staff will be dealt with in accordance with any relevant staff agreements, awards, industrial agreements, contracts and Council policies, including the Code of Conduct and Code of Conduct Procedures.

If the matter tends to show or shows maladministration, corrupt conduct, serious and substantial waste, government information contravention or criminal activity, it will be referred by the General Manager to the appropriate investigative agency.

5. Supporting Documentation

This Policy should be read in conjunction with the following Council Policies and documents:

- Procurement Strategy
- Procurement Standards
- Code of Conduct
- Conflict of Interest Policy
- Code of Meeting Practice
- Complaints Management Policy
- Probity Management Policy
ATTACHMENTS

Date of Meeting: Monday 11 February 2019

Report Title: Planning Proposal to reclassify Council-owned land at 11 - 13 Chesham Street, St Marys

Attachments: Subject site map, 11-13 Chesham Street, St Marys
Public Hearing Report, 11-13 Chesham Street, St Marys
Peer Review of Planning Proposal, 11-13 Chesham Street, St Marys
Planning Proposal, 11-13 Chesham Street, St Marys - Under Separate Cover (Website)
Public Hearing Report
Penrith City Council

RECLASSIFICATION FROM ‘COMMUNITY’ LAND TO ‘OPERATIONAL’ LAND

11-13 Chesham St, St Marys
Lot 1 – 3 DP 542707
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Report on Public Hearing

Reclassification of Community Land to Operational Land

Lot 1-3 DP 542707,
11-13 Chesham Street, St Marys

1 Introduction and Background

MBWA Consulting Pty Ltd was commissioned by Penrith City Council to independently chair a Public Hearing and prepare a Public Hearing report into the reclassification of 3 parcels of Council owned land.

The reclassification is part of a Planning Proposal that proposes to amend Penrith Local Environmental Plan 2010 (Penrith LEP 2010) to reclassify 11 – 13 Chesham Street, St Marys (Lots 1-3 DP 542707) from ‘community’ land to ‘operational’ land.

The Planning Proposal was publicly exhibited from 6 August 2018 - 4 September 2018. One (1) submission was received during the exhibition.

The Public Hearing was conducted on Wednesday 24 October 2018 and this Public Hearing report has been prepared in accordance with Section 25 of the Local Government Act 1993 and relates only to the proposed reclassification of 11 – 13 Chesham Street (Lots 1 - 3 DP 542707).

2 Statutory Context

Public land is any land that is vested in or under the control of a council. Pursuant to Section 25 of the Local Government Act 1993, public land must be classified as either ‘community’ land or ‘operational’ land.

Community land is generally open to the public, for example, parks, reserves or sports grounds. Under Section 45 of the Local Government Act 1993, community land must not be sold, exchanged or otherwise disposed of, leased or licensed unless in accordance with the provisions of the Local Government Act 1993.

Operational land may be used for other purposes, for example, as access, works depots or garages, or held by a council as a temporary asset.

Classification or reclassification of public land may be undertaken pursuant to Section 27(1) of the Local Government Act 1993 via a Local Environmental Plan (LEP) made under the Environmental Planning and Assessment Act 1979 or pursuant to Section 27(2) of the Local Government Act 1993 via a resolution of council.
Should Council resolve to reclassify community land to operational land via a LEP, a Council is required by Section 29 of Local Government Act 1993 to convene a public hearing and this public hearing must be held after the close of the statutory exhibition period for the LEP.

Reclassification of land does not in itself affect any estate or interest a council has in the land.

Section 47G of the Local Government Act 1993 provides in part as follows:

(2) The person presiding at a public hearing must not be:

(a) a councillor or employee of the Council holding the public hearing, or

(b) a person who has been a councillor or employee of that Council at any time during the five years before the date of his or her appointment.

(3) Not later than four days after it has received a report from the person presiding at the public hearing as to the result of the hearing, the Council must make a copy of the report available for inspection by the public at a location within the area of the Council.

For the purposes of Section 47G of the Local Government Act 1993 and the Environmental Planning and Assessment Act 1979, Monique Darcy has never been an employee or Councillor of Penrith City Council.

3 The Site and Surrounding Development

The site is legally described as Lots 1 – 3 in Deposited Plan 542707. The site is narrow, rectangular shaped, with a total area of approximately 3920m², bound by the rail corridor to the north, Glossop Street to the east, Chesham Street to the south, and Lethbridge Street to the west. Figure 1 demonstrates the site and general locality.

The site is owned by Penrith City Council and is approximately 400m from St Marys Railway Station and town centre. The land is zoned R4 High Density Residential under Penrith LEP 2010.

A site visit of the surrounds was conducted on 8 October 2018.

Figure 1 – Site and general locality (Source: Skr Maps)
Photo 1: View from Chesham Street (Glossop Street to the east and Rail Corridor directly behind)

Photo 2: View from Chesham Street looking west towards St Marys Railway Station (road reserve and subject site)
4 Ownership and Land Use

4.1 Land use history and ownership

The Planning Proposal details the ownership and land use history. Relevant information has been extracted from the Planning Proposal and reproduced below:

Historically, the land to which this Planning Proposal relates comprises a former road known as Station Street. Station Street was closed under the provisions of the Public Roads Act 1902-1968. Refer to Deposited Plan 36191, dated 12 July 1946.

On 9 May 1969 under Section 20 of the Public Roads Act 1902-1968, the land known as Deposited Plan 36191 was vested in the Council of the City of Penrith. The land was later subdivided into its current subdivision pattern, this being Lots 1, 2 and 3 in DP 542707. Title volume 11393 folios 198-200 were issued to the Council of the City of Penrith on 21 August 1970. At its meeting of 6 June 1994, Council resolved to classify Lots 1, 2 and 3 in DP 542707 as Community Land.

Adjoining Lots 1 to 3 is a strip of public reserve for garden and recreation space, known as Lot 21 in DP 36191. Lot 21 DP 36191 was dedicated as Public Highway by notification in Government Gazette dated 26th January 1962 folio 183 – pursuant to Section 81 of the Public Works Act of 19121.

1 Page 3-4 Planning Proposal Reclassify Council-owned Land (Community Land to Operational Land) 11-13 Chesham Street, St Marys (S38 Planning for Penrith City Council)
4.2 Site use

The historical site use is also outlined in the Planning Proposal and reproduced below. I have consulted with Council and confirmed the details:

A Girl Guides Hall was constructed on Lot 2 DP 542707 by Guides Australia in the early 1970s as part of a 21-year licence agreement from 1970-1991. Girl Guides Australia entered into another 21-year licence in 1991 but relinquished this agreement in 2007 due to poor membership numbers. Girl Guides vacated the premises in early 2008. On termination of the license, the building was in a state of disrepair and in 2011 Council organised for the demolition of the hall.

As such, the site has not been used for community purposes for close to 10 years².

5 The Broader Planning Proposal

The broader Planning Proposal has been prepared by SJIB Planning on behalf of Council’s Property Development Department and is dated August 2018. The Planning Proposal aims to reclassify Lots 1 - 3 DP 542707 from ‘community’ land to ‘operational’ land.

The Planning Proposal does not propose a change to the current zone. The site is currently zoned R4 High Density Residential. The history of the zoning of the site is detailed in Section 10 below.

6 Public Exhibition

6.1 Public Exhibition

The proposal to reclassify Lots 1 - 3 DP 542707 was publicly exhibited as part of a Planning Proposal from 6 August—4 September 2018. I have been advised that advertising and notification of the proposal was undertaken by Penrith City Council in accordance with the relevant legislative requirements and Gateway Determination.

Interested parties were notified of the exhibition via:

- A notice posted on Council’s website – Your Say page
- The local newspaper – The Western Weekender
- In writing to adjoining landowners
- An exhibition in Council’s Civic Centre (Information Centre), St Marys Council office and both Council Libraries (Penrith and St Marys)

Note: The Gateway Determination did not require consultation with any public authorities.

No submissions from the community were received during the exhibition notification period.

1 submission was received from Sydney Trains.

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² Page 4 Planning Proposal Redclassify Council-owned Land (Community Land to Operational Land) 11 -13 Chesham Street, St Marys (SJIB Planning for Penrith City Council)
6.2 Submissions

1 submission was received from Sydney Trains in response to the exhibition.

The submission is summarised below:

- Future development of the site would potentially be subject to the Infrastructure SEPP 2007 and the Department of Planning and Environment's guide Development near Rail Corridors and Busy Roads — Interim Guideline (2008).
- Request any future development proposed be referred to Sydney Trains for pre-development application consultation.
- Transport for NSW should also be consulted on future development applications given the potential for a north-south rail link (Cudgegong Road – St Marys) as identified in Future Transport 2056.

7 Public Hearing

Council arranged a Public Hearing for the proposed reclassification of Lots 1-3 DP 542707 on 24 October 2018, 7:00pm at the St Marys Community Centre (29 Swanston St, St Marys). The Public Hearing was conducted in accordance with Clause 29 of the Local Government Act 1993 and the Environmental Planning and Assessment Act 1979.

Council placed an advertisement in the local paper (Western Weekender) within the Council Briefs section on the 5th, 12th, 19th and 26th September 2018 advising of the Public Hearing. An extract of the newspaper for the 28th September 2018 is provided below.

![Figure 1 — Copy of Newspaper Advertisement — (28 September 2018)](image-url)
The hearing was chaired by Monique Darcy. The Public Hearing was also attended by the following Council staff:

- Breannan Dent - City Planner
- Nicole Dukinfield – Principal Planner

Two people attended the Public Hearing.

The Public Hearing followed the ensuing protocol:

- Welcome and introduction to hearing from Chairperson
- Council presentation
- Community submission
- Concluding remarks and comments on next steps from Chairperson

The Public Hearing concluded at 7.55pm.

### Council Presentation to the Public Hearing

Council’s Nicole Dukinfield (Principal Planner) made a short presentation outlining the chief elements of the Planning Proposal. The highlights of the Council submission are detailed below:

- A Planning Proposal was lodged by Council’s Property Development department in March 2013. The Planning Proposal seeks to reclassify Council-owned land from Community to Operational. The reclassification will enable Council to consider the sale or development of the land.

- The land was rezoned to R4 High Density Residential as part of the transition to the new planning instrument format in 2015. This rezoning was based on the recommendations of an Urban Design Study carried out for the Glossop Street Precinct in 2008. There is no rezoning required as part of this Planning Proposal.

- The land is not a ‘public reserve’ under the provisions of the Local Government Act.

- Details on the history of the land.

- An overview of the planning proposal process.

- The reclassification does not include a proposal to sell or develop the land – this will be subject to other processes including further community consultation.

- Next steps including a report to Council recommending either to endorse, amend or not proceed with the Planning Proposal.
9 Community Public Hearing Submissions

The Public Hearing was attended by two community members with one member of the community addressing the hearing. The community member who addressed the hearing requested to remain anonymous.

The comments made by the community member have been captured below.

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<th>Community Member</th>
<th>Issues</th>
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<tr>
<td>Anonymous</td>
<td>Lives in Blair Ave to the south of the subject sites</td>
</tr>
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<td></td>
<td>Requested information on whether:</td>
</tr>
<tr>
<td></td>
<td>* Blair Ave will be affected</td>
</tr>
<tr>
<td></td>
<td>* their property will be acquired for development</td>
</tr>
<tr>
<td></td>
<td>* the Planning Proposal is linked with the development of the Badgerys Creek airport</td>
</tr>
<tr>
<td></td>
<td>* Concerned with on-street carparking in the general locality</td>
</tr>
<tr>
<td></td>
<td>* On-street carparking will be made worse with an increase of flats and apartments</td>
</tr>
<tr>
<td></td>
<td>* Concerned with access and traffic issues in Blair Ave</td>
</tr>
<tr>
<td></td>
<td>* Difficult to move around the locality (especially in a truck) and safety concerns</td>
</tr>
<tr>
<td></td>
<td>Requested a copy of Council’s presentation</td>
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<tr>
<td></td>
<td>May have further comments that will be sent directly to Council</td>
</tr>
</tbody>
</table>

Key issues raised in submissions on the draft Planning Proposal and at the Public Hearing can be broadly summarised as follows:

- Any future development to have regard to relevant State Government legislation and policy and be referred to Sydney Trains and TfNSW for review and comment
- On-street carparking in the general locality
- Access and traffic issues in the general locality

10 Planning Discussion on the Reclassification

11-13 Chesham Street, St Marys (Lots 1-3 DP 542707) is a vacant site located less than 400m from St Marys Railway Station and town centre.

The Planning Proposal outlines the ownership history of Lots 1-3 DP 542707. The site was vested to Council in 1969 under Section 20 of the Public Roads Act 1902 – 1968. The land was later subdivided into its current subdivision pattern. Girl Guides Australia constructed a Guide Hall on Lot 2 DP 542707 in the early 1970s and continued until the organisation relinquished their agreement in 2007 due to ‘poor membership numbers’. In 2011 Council demolished the Guide Hall.

The site was previously zoned 6(a) Public Recreation and Community Uses under Penrith Local Environmental Plan 1998 (Urban Land). The Glossop Street Precinct Urban Design Study prepared by
consultants in 2008 identified Chesham Street as a key site for redevelopment due to its close proximity to St Marys Railway Station. The site was subsequently rezoned to R4 High Density Residential under Penrith LEP 2010.

The surrounding land is predominately low-density housing stock although the area will transition to higher density apartments and townhouses having regard to the R4 High Density Residential zone. The R4 High Density Residential zone is considered consistent with its proximity of the St Marys Railway Station and nearby town centre and the general State Government policy of locating higher density in close proximity to public transport and commercial/retail hubs.

Whilst the site is now zoned R4 High Density Residential, consideration needs to be given to its past 6(a) Public Recreation and Community Use zone and current supply of public recreation land in the locality. The site is long and narrow parcel of land adjoining a rail corridor to the north and busy Glossop Street to the east, arguably not an optimal configuration for active open space although it may have some application to a passive recreational park.

In reviewing surrounding open space there is RE1 Public Recreation zoned land to the south-east (Brisbane and Australia St), further to the south a large open space parcel known as Bennett Park, and additional open space is located to the west and south-west of the site. The review has been limited to south of the St Marys Railway station as a railway line may form a natural barrier to user preferences for open space. Given the future redevelopment of the area to higher density residential, Council may need to consider the open space requirements in the locality to ensure the future population’s recreational needs are met.

Concern was raised by one community member about on-street carparking and traffic issues. These issues however were not specific to the subject site but more general in the St Marys locality especially around Blair Ave (south-west of the subject site).

In terms of the subject site, a Transport Impact Assessment was prepared by GTA Consultants (January 2018). The report sets out an assessment of the anticipated transport implications of a proposed development of 102 apartments over three residential flat buildings, including consideration of the following:

i. Existing traffic and parking conditions surrounding the site
ii. Parking requirements for the development
iii. Service vehicle requirements
iv. Pedestrian and bicycle requirements
v. The traffic generating characteristics of the proposed development
vi. Suitability of the proposed access arrangements for the site
vii. The transport impact of the development proposal on the surrounding road network.

The report made a series of recommendations and provided an overall conclusion that ‘the traffic and parking implications associated with the proposed residential redevelopment is considered acceptable’ (page 19). Any future Development Application would need to further consider traffic, transport and parking issues in further detail.

Finally, the issues raised by Sydney Trains relating to future development and the need for that development to have regard to relevant legislation and State Government policy is noted. In this respect any future development applications should be referred to Sydney Trains for input and comment.
11 Conclusion and Recommendations

In conclusion, I have carefully considered the issues surrounding the reclassification of 11-13 Chesham Street, St Marys (Lots 1 - 3 DP 542707) including the issues raised in the written submission to the Planning Proposal exhibition, the submission made at the Public Hearing, Council's own presentation at the Public Hearing and my review of relevant Council reports, strategies and plans. I am of the view that the reclassification of the 3 lots from ‘community’ land to ‘operational’ land is appropriate having regard to the circumstances of the site.

The following recommendations are made:

a) Council proceed with the reclassification of Lots 1 – 3 DP 542707 from ‘community’ to ‘operational’ land.

b) Council write to all persons that made a submission to the Public Hearing thanking them for their input and advising them of Council’s decision.

c) A copy of this report be made available to the public in accordance with Section 47(G)(3) of the Local Government Act 1993.
PEER REVIEW OF PLANNING PROPOSAL

11–13 CHESHAM STREET
ST MARYS

RECLASSIFICATION OF LAND

PREPARED FOR
PENRITH CITY COUNCIL

PREPARED BY

WILLANA
URBAN

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PROJECT No.: 10573B
7 JANUARY 2019
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3.5 RELEVANT PRACTICE NOTES AND PLANNING CIRCULARS

3.6 RECLASSIFICATION OF PUBLIC LAND

3.7 COMMUNITY CONSULTATION

3.8 MODIFICATION OF THE PLANNING PROPOSAL

4 OUTCOMES OF THIS REVIEW

5 CONCLUSION
APPENDICES

APPENDIX A - CURRICULUM VITAE – MICHAEL BREWER
1 INTRODUCTION

1.1 THE CLIENT

This Peer Review has been prepared by Willana Urban for Penrith City Council (the Council).

1.2 THE SITE

The site is known as 11-13 Chesham Street, St Marys. It is comprised of three (3) parcels of land, legally described as Lots 1 – 3 in Deposited Plan 542707. The Site is owned by the Council. Historically-speaking, the Site was originally part of Station Street, which lies to the west. The road was later closed under the former Public Roads Act 1902-1968 and subdivided into its current configuration in 1969.

Council subsequently resolved in June 1994 to classify the Site as Community Land, with a Girl Guides Hall existing on the Site from the early 1970s until its vacation by the Girl Guides in 2006 and eventual demolition in 2011 due to disrepair. The Site has been vacant since.

1.3 THE PROPOSAL

Council is proposing to reclassify the Site from ‘Community’ land to ‘Operational’ land, by way of a Planning Proposal to amend the Penrith Local Environmental Plan 2010 (PLEP 2010).

1.4 PURPOSE OF THE REPORT

The purpose of this report is to provide a peer review of the process undertaken by Council with respect to the Planning Proposal for the reclassification of the Site.

The Scope of this commission by Council is to:

- Review of the Planning Proposal, public exhibition and public hearing processes in accordance with the Environmental Planning and Assessment Act 1979 and related regulations and policy, and
- Provide written advice regarding the appropriateness of Council’s assessment and recommendations.

The peer review is not intended to form an opinion insofar as the planning merits of the Planning Proposal or the reclassification. Instead, the peer review is to evaluate and provide advice regarding the reasonableness and soundness of the process undertaken.
1.5 **REFERENCE MATERIAL**

The preparation of this peer review has relied upon the following documents supplied electronically by Penrith City Council:

- Planning Proposal report dated August 2018 prepared by SJB Planning (Revisions C and D);
- A Report to Council’s Policy Review Committee meeting dated 4 June 2018 prepared by Council;
- Copies of several newspaper clippings of the public exhibition notices;
- Correspondence to adjoining land owners regarding the Planning Proposal and the intention to hold a Public Hearing;
- A submission dated 6 December 2018 from Sydney Trains;
- The Public Hearing Report prepared by MBWA Consulting;
- A letter dated 17 July 2018 from the Director, Sydney Region West of the Department and Planning to Council; and
- The Gateway Determination issued by the Department of Planning and Environment (DPE).

Additionally, the following documents were used in the preparation of this review:

- *LEP Practice Note PN 16-001 - Classification and reclassification of public land through a local environmental plan*, issued by the DPE;
- *Planning Proposals – A guide to preparing Planning Proposals (2016)*, issued by the DPE; and
- *Local Environmental Plans - A guide to preparing Local Environmental Plans (2016)*, issued by the DPE.

1.6 **BACKGROUND**

Penrith City Council has endorsed a Planning Proposal that seeks to amend the Penrith Local Environmental Plan 2010 (PLEP) to reclassify the Site, from Community to Operational land.

Council has stated that the objective underpinning the Planning Proposal is to enable Council to consider opportunities for the future use of the land. Council has
also stated that the reclassification will provide the opportunity to unlock the existing development potential, to stimulate growth and development within the LGA, in an appropriate location close to St Marys Railway Station and town centre.

The land is zoned R4 High Density Residential under LEP 2010 and has been identified by Council as surplus to both theirs and the community’s needs. To achieve the optimal future use of the land, the Site has to be reclassified from Community land to Operational land. The Planning Proposal is a result of investigations by Penrith City Council’s Property Development department into the Council’s Community land assets, to identify potential opportunities for growth in the Investment Portfolio and Property Reserve.

A number of properties (including the Site) were identified by Council as part of this project, as an initiative to develop or dispose of underutilised community land holdings. Council have therefore determined that it would be appropriate to reclassify the Site to enable Council to consider potential future options in line with the current land zoning.

A Gateway Determination was received from the Department of Planning and Environment dated 17 July 2018. Public exhibition of the Planning Proposal commenced on Monday 6 August 2018 and closed on Tuesday 4 September 2018. Council appointed an independent chair to conduct a public hearing for this Planning Proposal on 24 October 2018. The Public Hearing was conducted on Wednesday 24 October 2018 and a Public Hearing report was prepared in accordance with Section 29 of the Local Government Act 1993. It is intended to report the findings of the Public Hearing and this review to a meeting of Council for further consideration.

Council has also stated in the Planning Proposal Report dated August 2018, that the reclassification does not include a proposal to develop or sell the land. Council notes that this would need to be pursued as a separate process, with opportunity for community input on any Council decision in this regard.
2 THE SITE AND SURROUNDS

2.1 THE SITE

The site is comprised of three (3) parcels of land, legally described as Lots 1 – 3 in Deposited Plan 542707. The site is a narrow, rectangular shaped holding, with a total area of approximately 3920m². It is bound by the Western Line rail corridor to the north, Glossop Street to the east, Chesham Street to the south, and Lethbridge Street to the west. The site is undeveloped and largely vegetated with canopy trees and a grass understorey.

Figure 1 below demonstrates the Site while Figure 2 shows the general locality.

FIGURE 1 THE SITE AERIAL VIEW

![Site Aerial View](image)

THE SUBJECT SITE

The site is owned by Penrith City Council and is approximately 400m from St Marys Railway Station and town centre, which lie to the west. The land is zoned R4 High Density Residential under Penrith Local Environmental Plan 2010 (PLEP 2010).

An inspection of the site and surrounds was conducted on 11 December 2018, with photos of the site provided in Photos 1 and 2, below.
The land is not a ‘public reserve’ as defined under the Local Government Act 1993 and as such, Council has advised that there are no restrictions on the title of each parcel of land concerned in relation to this.

2.2 THE SURROUNDING AREA

The area surrounding the Site is shown in Photos 3-6 and is generally described as follows:

- NORTH – The Western Line rail corridor lies to the immediate north, with industrial buildings along Harris Street further north.
- EAST – detached single storey residential dwellings on the eastern side of Glossop Street.
- SOUTH – Chesham Street Road Reserve with detached single storey dwellings along the southern side of Chesham Street. Further south on Phillip Street lies a five storey residential flat building.
WEST – three storey residential flat development located on the corner of Lethbridge Street and Station Street.
2.3 SITE AND LOCALITY PHOTOS – DECEMBER 2018

PHOTO 1 – LOOKING EAST FROM LETHBRIDGE STREET

PHOTO 2 – LOOKING WEST FROM GLOSSOP STREET
PHOTO 3 – LOOKING EAST ACROSS GLOSSOP STREET

PHOTO 4 – LOOKING SOUTH ACROSS CHESHAM STREET
PHOTO 5 – LOOKING NORTH-WEST ACROSS THE RAILWAY LINE

PHOTO 6 – LOOKING WEST TOWARDS LETHBRIDGE AND STATION STREETS
3 STATUTORY CONTEXT

3.1 OVERVIEW

As the proposal involves both a Planning Proposal and the reclassification of land, the relevant statutory provisions governing both processes are provided in the *Environmental Planning & Assessment Act 1979* (the EPA Act) through the Gateway process and the *Local Government Act 1993* (the LG Act).

Specifically, Division 3.4 of the EPA Act provides the statutory requirements for Environmental Planning Instruments (EPIs), while Chapter 6, Part 2, Division 1 of the LG Act details the requirements for the classification and reclassification of land. The provisions of each Act are addressed throughout this review.

3.2 THE PLANNING PROPOSAL

A Planning Proposal must be prepared in accordance with Section 3.33 of the EPA Act and provide sufficient information to determine whether there is merit in making the proposed amendment to the LEP. Further guidance on the format and content of a Planning Proposal is provided in the document *Planning Proposals – A guide to preparing Planning Proposals (2016)*, issued by the DPE. It is considered that the Planning Proposal documentation submitted to the DPE was suitable for its intended purpose, given that a Gateway Determination has been issued. No further examination of the documentation is warranted in this instance.

3.3 GATEWAY PROCESS

The Gateway Process is the mechanism in NSW for making or amending Local Environmental Plans, one of the two avenues available to a Council when seeking to reclassify land. The Gateway Process involves five steps, with a review of Council’s actions in relation to this matter provided in Table 1 below:

### TABLE 1: THE GATEWAY PROCESS

<table>
<thead>
<tr>
<th>GATEWAY PROCESS</th>
<th>ACTIONS BY COUNCIL</th>
<th>COMPLETED</th>
</tr>
</thead>
<tbody>
<tr>
<td>Preparation of a Planning Proposal – A planning report and supporting documents are prepared by the proponent to explain</td>
<td>A planning proposal was prepared and lodged with Council on 1 March 2018 (RZ18/0003). Council considered a report at the Policy Review Committee meeting on 4 June 2018, resolving via Minute No. PRC21 to submit the Planning</td>
<td>Yes – fulfilled by lodgement of the Planning Proposal on 20 June 2018.</td>
</tr>
<tr>
<td>GATEWAY PROCESS</td>
<td></td>
<td></td>
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<tr>
<td>-----------------</td>
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<tr>
<td>and justify the proposal.</td>
<td></td>
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</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>ACTIONS BY COUNCIL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Proposal to the DPE to seek a Gateway Determination, undertake community consultation as required, hold an independently-chaired public hearing and report back to Council on any submissions received. SJB were engaged to prepare a planning proposal, which was submitted to the DPE on 20 June 2018.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>COMPLETED</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gateway Determination was achieved on 17 July 2018, with a decision to proceed with conditions. The conditions have been satisfied (refer to Table 2 below for further details).</td>
</tr>
</tbody>
</table>

| Community Consultation – as directed by the Minister. Any person making a submission can make a request for a public hearing. |

<table>
<thead>
<tr>
<th>ACTIONS BY COUNCIL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Refer to section in this report below. Notification has been satisfactorily completed. One submission was received from Sydney Trains, however no request was made for a public hearing.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>COMPLETED</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
</tr>
</tbody>
</table>

| Assessment - Council considers any submissions it receives |

<table>
<thead>
<tr>
<th>ACTIONS BY COUNCIL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adequate consideration has been given to the matters raised in the submission from Sydney Trains.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>COMPLETED</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
</tr>
<tr>
<td>GATEWAY PROCESS</td>
</tr>
<tr>
<td>-----------------</td>
</tr>
<tr>
<td>in response to the public exhibition, changing the Planning Proposal as necessary before final drafting by Parliamentary Counsel.</td>
</tr>
<tr>
<td>Decision - The Minister (or delegated plan making authority) approves and publishes the local environmental plan, making it law</td>
</tr>
</tbody>
</table>

**TABLE 2: INSTRUCTIONS FROM GATEWAY DETERMINATION**

<table>
<thead>
<tr>
<th>REQUIREMENT</th>
<th>ACTION</th>
<th>COMPLETED</th>
</tr>
</thead>
<tbody>
<tr>
<td>Public Exhibition for minimum of 28 days as a ‘low impact’ planning proposal</td>
<td>Public exhibition has been undertaken for at least 28 days. Refer to Section 3.6 of this report below for further details.</td>
<td>Yes</td>
</tr>
<tr>
<td>No consultation is required with public authorities/organisation under section 3.34(2)(d) of the Act</td>
<td>Noted – none undertaken</td>
<td>N/A</td>
</tr>
<tr>
<td>A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the Act (Council still has obligations under the reclassification process)</td>
<td>Noted – none undertaken</td>
<td>N/A</td>
</tr>
<tr>
<td>REQUIREMENT</td>
<td>ACTION</td>
<td>COMPLETED</td>
</tr>
<tr>
<td>-----------------------------------------------------------------------------</td>
<td>-------------------------------------------------------------------------</td>
<td>------------</td>
</tr>
</tbody>
</table>
| Council is authorised as the local plan-making authority to exercise the functions under section 3.36(2) of the Act subject to the following: | • Council has satisfied all conditions of the Gateway.  
• The Planning Proposal is consistent with the applicable Section 9.1 Directions (refer to Section 3.4 below).  
• There are no outstanding written objections from public authorities. | Yes        |
| The LEP is to be completed within 9 months of the Gateway determination.    | There would appear to be no impediments that would prevent Council from completing the LEP by 17 April 2019. | On track   |

3.4 **MATTERS DIRECTED BY THE DEPARTMENT OF PLANNING AND ENVIRONMENT FROM THE GATEWAY DETERMINATION**

As noted above, Council is authorised as the local plan-making authority to exercise the functions under section 3.36(2) of the EPA Act, subject (amongst other things) the planning proposal being consistent with any relevant Section 9.1 Directions. The directions cover the following broad categories:

- employment and resources
- environment and heritage
- housing, infrastructure and urban development
- hazard and risk
- regional planning
- local plan making.
In its preparation of the Planning Proposal, Council has identified all relevant Section 9.1 Directions. These have been addressed in Appendix 13 of Revision D of the Planning Proposal report dated August 2018 and the assessment undertaken does not identify any inconsistencies with the Directions.

3.5 RELEVANT PRACTICE NOTES AND PLANNING CIRCULARS

Practice Notes and Planning Circulars are prepared from time to time by the DPE to provide guidance on various matters. In this instance, the following matters are of relevance:

- **LEP Practice Note PN 16-001 - Classification and reclassification of public land through a local environmental plan**, issued by the DPE; and


With respect to LEP Practice Note PN 16-001, the following matters are relevant to the subject matter:

- The planning proposal must be prepared in accordance with the practice note and any additional matters specified in Attachment 1 to the practice note;

- A copy of the practice note is to be provided in all public exhibition materials;

- A Public Hearing is to be held in accordance with S. 29 and 47G of the LG Act, with at least 21 days notice of the hearing being given after the conclusion of the exhibition period.

The assessment of the Planning Proposal and issue of the Gateway Determination are demonstration that the matters specified in Attachment 1 to the Practice Note have been satisfied. The remaining matters are addressed in Section 3.7 of this report.

Neither document has any further requirements that are not already addressed by either the Gateway Process or the Planning Proposal report and associated documentation. Both documents have been reviewed and relevant guidance has been satisfactorily incorporated into the Planning Proposal.

3.6 RECLASSIFICATION OF PUBLIC LAND

As noted previously, Chapter 6, Part 2, Division 1 of the LG Act details the requirements for the classification and reclassification of public land. The relevant provisions are detailed in Table 3 below, along with a review of Council’s actions in regard to the proposal.
<table>
<thead>
<tr>
<th>SECTION</th>
<th>COMMENT</th>
<th>COMPLIES</th>
</tr>
</thead>
<tbody>
<tr>
<td>25 All public land must be classified</td>
<td>The land is classified.</td>
<td>Yes</td>
</tr>
<tr>
<td>26 What are the classifications?</td>
<td>Council resolved in June 1994 to classify the Site as Community Land</td>
<td>Yes</td>
</tr>
<tr>
<td>27 How are the classifications made?</td>
<td>The classification was made by Council resolution.</td>
<td>Yes</td>
</tr>
<tr>
<td>28 Forwarding of planning proposals to Minister for Planning</td>
<td>The land is owned by Council and accordingly, this Section does not apply.</td>
<td>Yes</td>
</tr>
<tr>
<td>29 Public hearing into reclassification</td>
<td>A Public Hearing was undertaken on 24 October 2018, as detailed in Section 3.7 of this report, below.</td>
<td>Yes</td>
</tr>
<tr>
<td>30 Reclassification of community land as operational</td>
<td>The Site is not a public reserve.</td>
<td>N/A</td>
</tr>
<tr>
<td>31 Classification of land acquired after 1 July 1993</td>
<td>The Site has been owned by Council since 9 May 1969 and accordingly, this Section does not apply.</td>
<td>N/A</td>
</tr>
<tr>
<td>32 Reclassification of land dedicated under S. 7.11 (prev. S.94) of the EPA Act</td>
<td>The Site was created under S.20 of the Public Roads Act 1902-1968 and not as a consequence of dedication under S.7.11 of the EPA Act.</td>
<td>Yes</td>
</tr>
<tr>
<td>33 Reclassification of operational land as community land</td>
<td>The proposal is to reclassify the Site from community to operational land and accordingly, this Section does not apply.</td>
<td>N/A</td>
</tr>
<tr>
<td>34 Public notice to be given of classification or</td>
<td>Public consultation and notice has been undertaken in accordance with this Section.</td>
<td>Yes</td>
</tr>
</tbody>
</table>
3.7 COMMUNITY CONSULTATION

The process to date, has required that community be consulted and engaged on no less than two (2) separate occasions, namely:

- To satisfy Condition 1 of the Gateway Determination; and
- As part of the reclassification process under S.34 of the LG Act.

In terms of satisfying Condition 1 of the Gateway Determination, it is noted that Council publicly exhibited the proposal to reclassify Lots 1 - 3 DP 542707 as part of the Planning Proposal from 6 August – 4 September 2018. This was for 29 calendar days and satisfies the minimum period specified.

It is noted from the Public Hearing Report prepared by MBWA Consulting that advertising and notification of the proposal was undertaken by Penrith City Council in accordance with the relevant legislative requirements and Gateway Determination.

Interested parties were notified of the exhibition via:

- A notice posted on Council’s website – Your Say page
- The local newspaper – The Western Weekender
- In writing to adjoining landowners
- An exhibition in Council’s Civic Centre (Information Centre), St Marys Council office and both Council Libraries (Penrith and St Marys)

The Gateway Determination did not require consultation with any public authorities and none were consulted in that capacity. Sydney Trains were consulted however in the capacity of a land owner as the Site immediately adjoins the Western Railway corridor. A submission was received from Sydney Trains, raising no objections, but noting several matters:

- Future development of the Site may be affected by and may affect the rail corridor and would be subject to the provisions of Division 15 of State Environmental Planning Policy (Infrastructure) 2007 and the DPE’s Guide, “Development near Rail Corridors and Busy Roads – Interim Guideline 2008”;


Any future development proposal should be referred to Sydney Trains at a pre-DA stage for review; and

Consideration should be given to the Future Transport 2056 publication by Transport for NSW.

No submissions from the community were received during the exhibition notification period.

Based upon the above actions of the Council, it is considered all obligations to notify the Planning proposal under Condition 1 of the Gateway Determination were satisfied.

In terms of the recategorisation process under Chapter 6, Part 2, Division 1 of the LG Act, Council is required by Section 29 to convene a public hearing and this public hearing must be held after the close of the statutory exhibition period for the LEP.

As noted above, the public exhibition of the Planning Proposal concluded on 4 September 2018, with one (1) submission from Sydney Trains received during the exhibition. No submissions from the community were received during the exhibition notification period.

Council placed an advertisement in the local paper (Western Weekender) within the Council Briefs section on the 5th, 12th, 19th and 26th September 2018 advising of the Public Hearing. The Public Hearing was conducted on 24 October 2018, with only two people attending from the community. One of the community members made a verbal submission and requested further information, as outlined on page 8 of the Public Hearing report prepared by MBWA Consulting. Note is made that the submitter requested further information from Council and indicated they may have further comments. Council staff have verbally advised that a number of attempts were made to contact the submitter, without hearing anything further. The discussions with Council staff indicate that all reasonable attempts have been made to engage with the submitter, without any success.

With respect to the engagement of an independent consultant to hold and report on the public hearing, Council have advised that MBWA Consulting was in accordance with Council’s standard procurement processes.

Further, Section 47G of the LG Act provides in part as follows:

(2) The person presiding at a public hearing must not be;
(a) a councillor or employee of the Council holding the public hearing, or
(b) a person who has been a councillor or employee of that Council at any time during the five years before the date of his or her appointment.
(3) Not later than four days after it has received a report from the person presiding at the public hearing as to the result of the hearing, the Council must make a copy of the report available for inspection by the public at a location within the area of the Council.

The Public Hearing report included the disclaimer required by Section 47G of the LG Act.

Based upon the above actions of the Council, it is considered all obligations to notify the Planning Proposal under Section 29 and 47G of the LG Act have been satisfied.

3.8 MODIFICATION OF THE PLANNING PROPOSAL

Section 3.35 of the EPA Act provides Council with the opportunity to modify the Planning Proposal as a consequence of the Community Consultation stage. During this stage, only one formal submission was received from Sydney Trains with only a single resident making a verbal submission and request for information at the Public Hearing. As documented above, it is considered that adequate consideration of all submissions during this period was undertaken by Council and that no amendments to the Planning Proposal were warranted.
4 OUTCOMES OF THIS REVIEW

This review was undertaken with the objective to review the actions of Council and provide advice as to the reasonableness and soundness of the process undertaken with respect to the Planning Proposal to reclassify the three parcels of land at 11-13 Chesham Street, St Marys. In doing so, the scope of this review work was to assess the processes undertaken in relation to the Planning Proposal and the public exhibition and public hearing processes and provide written advice regarding the appropriateness of Council's assessment and recommendations.

As the proposal involves a Planning Proposal seeking to reclassify land from community to operational status, the relevant statutory provisions governing both processes are triggered by:

- Division 3.4 of the EPA Act in relation to LEPs; and
- Chapter 6, Part 2, Division 1 of the LG Act details the requirements for the classification and reclassification of land.

The review has identified that the above provisions, along with the Gateway Determination, have been satisfied and makes the following observations:

- The Planning Proposal was prepared in accordance with the Division 3.4 of the EPA Act;
- The Planning Proposal has satisfied the Conditions attached to the Gateway Determination (save for the final determination by the Minister);
- Community Consultation and a Public Hearing have occurred, and all submissions received have been dealt with as required by the Gateway Determination and Section 29 of the LG Act;
- The Planning Proposal is consistent with the applicable S.9.1 Directions, LEP Practice Note PN 16-001 and Planning Circular PS 09-015 and the documents prepared by the DPE, Planning Proposals - A guide to preparing Planning Proposals (2016), and Local Environmental Plans - A guide to preparing Local Environmental Plans (2016);
- There are no outstanding written objections from a public authority; and
- There would appear to be no impediments that would prevent Council from proceeding to complete the LEP by 17 April 2019.
5 CONCLUSION

Council is proposing to reclassify 11 - 13 Chesham Street, St Marys from 'Community' land to 'Operational' land, by way of a Planning Proposal to amend the Penrith Local Environmental Plan 2010 (PLEP 2010). The Planning Proposal has achieved Gateway Determination and has undergone both Community Consultation and Public Hearing processes.

This peer review has been undertaken at the request of Penrith City Council to:

- Review the Planning Proposal, public exhibition and public hearing processes in accordance with the Environmental Planning and Assessment Act 1979 and related regulations and policy; and
- Provide written advice regarding the appropriateness of Council's assessment and recommendations.

The peer review has not considered the planning merits of the Planning Proposal or the reclassification. Instead, the peer review has evaluated the reasonableness and soundness of the processes undertaken by Council prior to referring the final Planning Proposal back to the Minister for Planning for final determination.

Having regard to the above statutory provisions and processes, it is concluded that Council has reasonably exercised its functions and met the statutory obligations under Division 3.4 of the EPA Act and Chapter 6, Part 2, Division 1 of the LG Act with respect to the Planning Proposal. It is further concluded that the recommendation to proceed with the Planning Proposal is appropriate in the circumstances.
APPENDIX A: CURRICULUM VITAE OF MICHAEL BREWER
CURRICULUM VITAE

MICHAEL BREWER
PROJECT MANAGER PLANNING

QUALIFICATIONS
Bachelor of Urban & Regional Planning, University of New England
Building Regulations Short Course Stage 1, University of Technology, Sydney
Advanced Project Management Short Course, Chifley Business School

AFFILIATIONS
Eligible for membership to the Planning Institute of Australia.

PROFESSIONAL EXPERIENCE
Michael brings over twenty-five (25) years' experience as a statutory and environmental planning and approvals professional across the private and public arenas. Along the way, he has collected the skills necessary to understand and resolve complex issues, expedite approvals and manage stakeholders to help deliver high quality communities. His expertise also extends across social impact assessment as well as infrastructure sequencing, for a variety of private and government clients.

Michael started grounded his career with a decade in local government planning and building assessments, working in a range of Councils up to a senior technical level. Looking for a challenge, he then moved into industrial property development. Eventually, Michael moved to even greater challenges in private practice, holding senior technical and management roles with leading firms in both NSW and Queensland.

Progressing to hold key approvals roles on a specific-purpose taskforce and a State-significant infrastructure project, Michael then moved into a senior management
position in a regional NSW Council before returning to the private sector. It is here, as a senior member of the Willana team where Michael’s passion, skills and expertise have had their greatest results, providing tangible solutions for clients across a range of complex and challenging urban development matters.

Michael’s experience and solution-focussed attitude is such that he is regularly called as an expert witness to assist negotiate, defend the refusal of or seek approval for matters before the NSW Land and Environment Court. Since his first appearance representing a Sydney Council in 1994, he has been involved in preliminary proceedings and negotiations as well as giving evidence for a range of residential and industrial developments. He has also appeared before the Joint Regional Planning Panel and consulted to both local Councils and the State Government.

In recent years, Michael has also been able to expand on his passion for social impact assessment and community engagement to assist in decision making, preparing a number of studies in these areas of expertise.

THE NATURE OF PROJECT WORK UNDERTAKEN INCLUDES:

- Court Appointed Expert and Single Parties Expert for various Land and Environment Court Appeals.
- Assessment of development applications on behalf of Local Government throughout the Sydney and Hunter Valley regions, including reporting to and attendance at Joint Regional and Independent Hearing and Assessment Panels.
- Preparation of advice and Social Impact Assessments for urban infill and greenfield development projects, particularly affordable and social housing, boarding houses, residential flat developments and other ‘sensitive’ land uses.
- In-house town planner and project manager responsible for managing and delivering planning, building and environmental approvals for industrial and commercial projects across NSW for a privately-owned industrial developer.
- Operations Manager / Project Director for a multi-national consulting firm managing a multi-disciplined “Preferred Supplier” contract valued at $5M+ with Logan City Council, including the supervision of a team of in-house planners.
- Contract Planner assessing Infrastructure Project Applications for the NSW Nation Building and Jobs Plan Taskforce for new school facilities.
Consultant on the Independent Panel of Experts assisting the NSW Department of Planning for the roll-out of the Metropolitan Strategy for Sydney, facilitating small group and individual stakeholder consultations.

Manager responsible for developing an approvals strategy for all activities associated with the 279km long Moranbah to Alpha water pipeline for SunWater.

Manager responsible for assessing Development Applications delivering over 320 new allotments in the West Denman Urban Release Area, including open space, civil works and negotiation of the Voluntary Planning Agreements;

Review of various policy documents relating to outdoor dining, residential/rural residential development, call centres, strategic cropping land; strategic growth management and site-specific redevelopments;

Preparation of Management Plans and approvals for vegetation clearing as well as rehabilitation and land and fauna management for Greenfield residential developments.