



WILLANA  
URBAN

# INDEPENDENT PUBLIC HEARING REPORT

PENRITH CITY COUNCIL

SOMERSET AND RODGERS STREETS  
KINGSWOOD

# INDEPENDENT PUBLIC HEARING REPORT



## SOMERSET AND RODGERS STREETS KINGSWOOD

### PLANNING PROPOSAL FOR THE RECLASSIFICATION AND REZONING OF LAND

PREPARED FOR  
PENRITH CITY COUNCIL

PREPARED BY





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PROJECT No.: 10573C  
21 JUNE 2019  
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ABN 87620465885

# CONTROL PAGE ONLY

## DOCUMENT CONTROL

DOCUMENT NAME	INDEPENDENT PUBLIC HEARING REPORT
AUTHOR (INITIAL & SIGN)	MJB 
QUALITY CHECK (INITIAL & SIGN)	SWH 
RELEASE DATE	21 June 2019
DELIVERY METHOD	BY EMAIL: Breannan.Dent@penrith.city

## DOCUMENT CHANGE CONTROL

REVISION NO.	RELEASE DATE	AUTHOR/S SIGNATURE	DESCRIPTION OF AMENDMENT
0	14/6/19		Draft for Client Review
1	21/6/19		Final

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# 1 INTRODUCTION

## 1.1 THE CLIENT

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

## 1.2 THE SITE

The Site is comprised of seven (7) parcels of land, legally described as Lots 137-143 DP 14333, located at Somerset and Rodgers Streets in Kingswood. The Site is owned by the Council. It forms part of a larger land holding owned by Penrith City Council within the Penrith Health and Education Precinct, known as 'The Quarter'.

## 1.3 PURPOSE OF THE REPORT

The purpose of this report is to provide a record of the issues raised during community consultation and at the Public Hearing associated with the Planning Proposal for the reclassification of the Site.

Willana Urban have been engaged by Council to undertake the following:

- Conduct and chair a Public Hearing in relation to the Planning Proposal which seeks to reclassify and rezone the Site;
- Review and summarise submissions received in response to the public exhibition of the Planning Proposal and made directly to the Public Hearing; and
- Prepare a report to document the issues raised at the Public Hearing.

All tasks are to be carried out in accordance with the requirements of Environmental Planning and Assessment Act 1979 (EP&A Act) and the Local Government Act 1993 (LG Act).

## 1.4 BACKGROUND

Penrith City Council has endorsed a Planning Proposal that seeks to amend the Penrith Local Environmental Plan 2010 (PLEP) for 7 lots located on the corner of Somerset and Rodgers Streets in Kingswood. The Planning Proposal seeks to:

- reclassify the seven parcels of Council-owned land from 'Community' to 'Operational' land;
- rezone the land from RE1 Public Recreation to B4 Mixed Use; and
- introduce a minimum lot size control of over the rezoned lots.

The Planning Proposal has stated that the intended outcome is to enable a mixed-use development on the northern portion of the land holding (fronting Rodgers

Street), while retaining and improving the southern portion as recreational land (fronting Orth Street) and formalising the pedestrian connection through the Site. The Planning Proposal states that the amendments present a valuable opportunity to contribute to the strategic directions for the precinct and will benefit the community through local economic investment, job creation and the provision of diverse housing.

The land is zoned RE1 Public Recreation under the PLEP 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 is 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 a project 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 surrounding land zoning.

At its Policy Review Committee Meeting of 13 August 2018, Penrith City Council resolved as follows:

*PRC37 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Aaron Duke*

*That:*

- 1. The information contained in the report on Planning Proposal - Reclassification and rezoning of public land at the corner of Rodgers and Somerset Streets, Kingswood be received.*
- 2. Council endorse the attached Planning Proposal, that rezones, reclassifies and amends the minimum lot size for seven lots of public land on the corner of Rodgers Street and Somerset Street Kingswood and submits it to the, Department of Planning and Environment seeking a Gateway Determination.*
- 3. Consultation with the community and public agencies be undertaken in accordance with any Gateway Determination issued by the Department of Planning and Environment.*

4. *An independently chaired Public Hearing be held in accordance with the requirements of the Environmental Planning and Assessment Act and Regulations.*
5. *A planning consultant be engaged to independently chair the Public Hearing.*
6. *Council resolve that:*
  - a) *Lot 143 Rodgers Street (Lot 143 DP 14333) is to provide:  
a pedestrian through link from Rodgers St to Orth St,  
conveyance of overland flow flooding from Rodgers St to Orth St,  
  
and these be incorporated in any future development applications.*
  - b) *Any future development considers the relocation of the drainage pipeline that currently bisects the subject land*
  - c) *any future development applications for the subject land include the embellishment of adjacent open spaces located at Lots 177 – 180 DP 14333 to achieve a standard of embellishment comparable to release areas and satisfies Council's objectives of high quality, robust and low maintenance public domain.*
7. *A report be presented to Council on the submissions received during the public exhibition and the results of the Public Hearing.*

A Gateway Determination was received for this Planning Proposal on 16 October 2018. Council did not receive Delegation to make the Planning Proposal. Public exhibition of the Planning Proposal commenced on Monday 18 March 2019 and closed on Tuesday 16 April 2019.

Willana Urban were appointed by Council to conduct an independent Public Hearing in relation to this Planning Proposal. The hearing was held on 4 June 2019, chaired by Mr Stuart Harding and assisted by Mr Michael Brewer. This Public Hearing report, prepared in accordance with Section 29 of the Local Government Act 1993, is the end product of that Public Hearing. It is intended that this report will be considered by a further meeting of Council before being presented back to the Department of Planning and Environment as part of the submission for determination by the Minister for Planning and Public Spaces.

## 2 THE SITE AND SURROUNDS

### 2.1 THE SITE

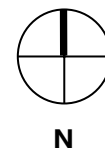
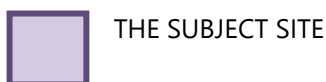
The Site is comprised of seven (7) parcels of land, legally described as Lots 137-143 DP 14333, located at Somerset and Rodgers Streets in Kingswood. Each of the seven rectangular allotments have an area of 727m<sup>2</sup>, resulting in a total area of 5089m<sup>2</sup>.

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

FIGURE 1 THE SITE AERIAL VIEW



SOURCE SIX MAPS 2019



The Site is approximately 400m from Kingswood Railway Station and town centre, which lie to the west. The land is zoned RE1 Public Recreation under Penrith Local Environmental Plan 2010 (PLEP).



An inspection of the Site and surrounds was conducted on 11 December 2018, with photos of the Site provided below.

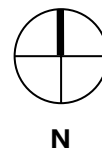
FIGURE 2 LOCALITY AERIAL VIEW



SOURCE SIX MAPS 2019



THE SUBJECT SITE



## 2.2 THE SURROUNDING AREA

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

- NORTH – Rodgers Street lies to the immediate north, with several older style three and four storey residential flat buildings located on its northern side. A number of significantly larger mixed use residential and commercial developments are under construction are located further north between the Great Western Highway and Wainwright Lane.
- EAST – two detached single storey residential dwellings located along Rodgers Street, separated by a vacant allotment with further examples of residential development, including two storey townhouse complexes followed

by detached housing further east. A bitumen-sealed car park is located on the northern side of Rodgers Street, and to the east of the Site.

- SOUTH – a medical consulting room at 45 Orth Street and residential properties at Nos. 35, 37, 39, 41 and 33 Orth Street. The land between No. 33 Orth Street and the townhouse development known as 21-25 Orth Street comprises unimproved parkland, which forms part of the larger Council-owned land holding in the area.
- WEST – Somerset Street with the Nepean Hospital campus located on the western side of the street. Significant new construction on the hospital site is evident.

## 2.3 OWNERSHIP, ZONING AND LAND USE

### OWNERSHIP

The subject site is owned by Penrith City Council. According to the Planning Proposal, the land was acquired or purchased by Council between 1957-1965, as the allotments were reserved under the Penrith Planning Scheme Ordinance as Open Space. The history provided in Appendix 2 of the Planning Proposal report, shows that all allotments (excluding Lot 137), were purchased by the Council between 1960-1965. Lot 137 was acquired by Council for a sum of one pound on 25 January 1957.

### LAND ZONING

The Site is currently zoned RE 1 Public Recreation according to the PLEP.

### CURRENT USE

The western portion of the Site contains a bitumen-sealed car park while the eastern portion of the Site is unimproved, consisting of a mown grass understorey and six large trees. There is no play equipment, park furniture or facilities (such as water bubblers, toilets or BBQ areas) within the Site.

## 2.4 SITE PHOTOS – MAY 2019

Photo 1 – Looking east from Somerset Street



Photo 2 – Looking north from Rodgers Street



Photo 3 – Looking southeast adjacent to the Rodgers Street car park entry



Photo 4 – Looking northeast from the south east corner of the Site



### 3 STATUTORY CONTEXT FOR THE PUBLIC HEARING

As the proposal involves both a Planning Proposal and the reclassification of land, the relevant statutory provisions governing both processes are provided in Division 3.4 of the Environmental Planning & Assessment Act 1979 (the EP&A Act) through the Gateway process and Sections 25 to 34 and 47G of the Local Government Act 1993 (the LG Act).

Specifically, in the context of a Public Hearing, Section 29 of the LG Act states as follows:

*29 Public Hearing into reclassification*

- (1) A council must arrange a Public Hearing under section 57 of the Environmental Planning and Assessment Act 1979 in respect of a planning proposal under Part 3 of that Act to reclassify community land as operational land, unless a Public Hearing has already been held in respect of the same matter as a result of a determination under section 56 (2) (e) of that Act.*
- (2) A council must, before making any resolution under section 32, arrange a Public Hearing in respect of any proposal to reclassify land as operational land by such a resolution.*

As demonstrated below, Council arranged for a Public Hearing to occur to be held and this report has been prepared to satisfy the provisions of Section 29 of the LG Act.

Section 47G of the LG Act also provides as follows:

*47G Public Hearings*

- (1) In this section, Public Hearing means any Public Hearing required to be arranged under this Part.*
- (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 5 years before the date of his or her appointment.*

- (3) *Not later than 4 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, neither Stuart Harding or Michael Brewer have been an employee or Councillor of Penrith City Council.

# 4 PUBLIC EXHIBITION

## 4.1 THE PLANNING PROPOSAL

The proposal to reclassify Lots 1 - 3 DP 542707 was publicly exhibited as part of a Planning Proposal from 18 March 2019 to 16 April 2019 and in accordance with Condition 3 of the Gateway Determination. Council have advised that advertising and notification of the Planning Proposal was undertaken by 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).

Council placed an advertisement in the local paper (Western Weekender) within the Penrith News section on the 14<sup>th</sup> and 21<sup>st</sup> March and 4<sup>th</sup> and 11<sup>th</sup> April 2019 advising of the Planning Proposal. A copy of the advertisement placed in the Western Weekender is provided in Figure 3 below.

FIGURE 3 ADVERTISEMENT OF THE PLANNING PROPOSAL



SOURCE: PENRITH CITY COUNCIL 2019

A total of fourteen (14) submissions from thirteen (13) members of the community, as well as a petition containing details of 182 people were received during the exhibition notification period. A summary of the issues raised is contained in Table 1 below.

Condition 4 of the Gateway Determination also required Council to undertake consultation with the following public authorities, with a period of at least 21 days to provide comment:

- Roads and Maritime Services;
- Transport for NSW;
- NSW Department of Education;
- State Emergency Service;
- Health - Nepean Blue Mountains Local Health District;
- Sydney Water; and
- relevant service providers.

The Gateway Determination did not require a Public Hearing under section 3.34(2)(e) of the EP&A Act to be held, noting that the provisions of the LG Act still applied with respect to the reclassification of land.

## 4.2 LAND RECLASSIFICATION

In terms of the reclassification 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. The public exhibition of the Planning Proposal concluded on the 16 April 2019.

Council placed an advertisement in the local paper (Western Weekender) within the Penrith News section on the 24<sup>th</sup> and 31<sup>st</sup> May 2019 advising of the Public Hearing. A copy of the advertisement is provided in Figure 4 below.





# 5 PUBLIC HEARING AND COMMUNITY SUBMISSIONS

## 5.1 PUBLIC HEARING

Council arranged a Public Hearing for the proposed reclassification of Lots 137 to 143 in DP 14333 on 4 May 2019, between 6:30 pm – 7:30 pm in the Nepean Room at the Penrith Civic Centre, 601 High Street, Penrith. The Public Hearing was conducted in accordance with the Gateway Determination, Clause 29 of the Local Government Act 1993 and the Environmental Planning and Assessment Act 1979.

The hearing was chaired by Mr Stuart Harding, assisted by Mr Michael Brewer with eleven (11) people from the community attending. Two people registered to speak prior to the Public Hearing with a further two people also speaking during the event.

The Public Hearing was also attended by the following Council as observers:

- Breannan Dent - City Planner
- Natalie Stanowski – Principal Planner
- Abdul Cheema – City Planning Coordinator

The Public Hearing followed the ensuing protocol:

- Welcome, introduction to the hearing and overview of the proposal from Chairperson
- Community submissions
- Concluding remarks and comments on next steps from Chairperson

The Public Hearing concluded at 7.30 pm.

## 5.2 COMMUNITY SUBMISSIONS

Two (2) community members registered to speak at the Public Hearing prior to the night with a further two people making verbal submissions during the course of the hearing.

A summary of all submissions received by Council, as part of the formal community engagement process, as well as both orally and hard copy received on the night of the Public Hearing is provided in Tables 1 and 2 below. Note is made that the submissions are recorded in the same manner and language in which they were received. As there is no statutory requirement to undertake a merit assessment of any submissions by the Independent Chair of the Public Hearing, this report

provides only a record of those submissions for consideration by Council and ultimately, the Minister.

TABLE 1: SUBMISSION SUMMARY – PUBLIC HEARING

PERSON	SUBMISSION SUMMARY
<p>Ian Hammond  (Registered to speak)</p>	<ul style="list-style-type: none"> <li>▪ Has already made a written submission.</li> <li>▪ The Planning Proposal is a cash-grab by Council with focus on making money, jobs and the economy, at the expense of the community well-being.</li> <li>▪ Community consultation in 2011 asked whether the recreation use should continue with a temporary car park for the hospital permitted but only on the basis that the land would be turned back into a public park and embellished.</li> <li>▪ Community was of the view that, after the car park was finished, they would get the park land back.</li> <li>▪ More development will change land values.</li> <li>▪ Shortage of park land for residents and hospital staff/visitors.</li> <li>▪ Other parks in the locality do not provide same opportunities and more is needed with more housing being built in the area. Red Cross Park has no amenity and is too small, no useable area as it is dissected by a pathway and close to the Great Western Highway. Wainwright Park is too heavily used.</li> <li>▪ Disputes the contention that the Planning Proposal would enhance the retained portion of parkland – only proposed works are the stormwater basin and a pedestrian pathway – cannot use these for recreation.</li> <li>▪ Council need to increase the value of parks by putting more facilities in instead of more units.</li> </ul>
<p>Sue Day  (Registered to speak)</p>	<ul style="list-style-type: none"> <li>▪ Has already made a written submission.</li> <li>▪ Has undertaken extensive door-knocking resulting in a petition with almost 200 signatures.</li> <li>▪ Wants Council to use a standard of 2.83Ha of public open space per 100 head of population used as the standard to</li> </ul>

PERSON	SUBMISSION SUMMARY
	<p>provide park land as per the NSW State Recreational Strategy.</p> <ul style="list-style-type: none"> <li>▪ Stated that the Planning Proposal does not explain the history behind the existing car park lease on the Site and the works to be undertaken.</li> <li>▪ Disputes the claims in the Planning Proposal that the loss of 5000m<sup>2</sup> of park land is not valuable land under the Precinct Open Space Strategy.</li> <li>▪ Many residents in the area are now being harassed by real estate agents to sell their land.</li> <li>▪ Council should embellish the whole area to improve the lifestyle of the surrounding residents.</li> <li>▪ Loss of public open space will have a negative impact on Kingswood.</li> <li>▪ The likely residential development will result in greater delays and congestion onto the road network/ Highway</li> <li>▪ The 2016 Census statistics show demographic trends that do not support the proposed rezoning.</li> <li>▪ A further written submission was also handed to the Chairperson which provided the basis for the comments made. This is summarised in Table 2 below.</li> </ul>
<p>Kylie Perkins  (Did not register to speak)</p>	<ul style="list-style-type: none"> <li>▪ Did not make a written submission to the Proposal.</li> <li>▪ Ms Perkins and her sister had lived in Orth Street nearby and had always been told by their mother that the land had been given to Council on the basis that it would always stay as a park.</li> <li>▪ The Site (and larger land holding owned by Council) used to have a creek in it that has flooded – drainage in the area needed to be carefully examined.</li> <li>▪ Recalled the Site being used by families having picnics</li> <li>▪ Had understood that no trees would be removed by the temporary car park and that it would be returned to park land once the lease had expired.</li> <li>▪ Concerned that tree loss will affect/ displace local wildlife including birds/ bats/ possums.</li> </ul>

PERSON	SUBMISSION SUMMARY
Reverend Robert Raynor  (Did not register to speak)	<ul style="list-style-type: none"> <li>▪ Did not make a written submission to the Proposal.</li> <li>▪ Questioned what the proposed B4 zoning permitted</li> <li>▪ Claimed that an old photo was used in the figure shown during the Public Hearing (sourced from Figure 1 of the Planning Proposal report).</li> <li>▪ The local streets are not wide enough for the current level of traffic.</li> <li>▪ Water runs from Wainwright Lane into Rodgers Street because of development occurring in that area – the same will happen here.</li> </ul>

TABLE 2: SUMMARY OF THE WRITTEN SUBMISSION RECEIVED AT THE PUBLIC HEARING

PERSON	SUBMISSION SUMMARY
Sue Day	<ul style="list-style-type: none"> <li>▪ The Planning Proposal will result in the loss of 5082m<sup>2</sup> of public land in Kingswood. If this results in Kingswood not achieving the standard of 2.83Ha of public open space per 100 head of population used in the NSW State Recreational Strategy, the proposal should be refused.</li> <li>▪ Stated that the Planning Proposal does not explain the history behind the existing car park lease on the Site and the works to be undertaken, only that it was used as a car park for the hospital.</li> <li>▪ Residents were told in 2011 that the land would be returned to the community as a park at the end of the car park lease with further embellishments made by the hospital so it could be used by the local community.</li> <li>▪ The Precinct Open Space Strategy states the value of pocket parks in the precinct is restricted and that the loss of 5000m<sup>2</sup> of valuable park land will only leave small areas with restricted recreation value.</li> <li>▪ Council do not need to sell off the land to ensure diverse housing is provided. Extensive door-knocking with many</li> </ul>

PERSON	SUBMISSION SUMMARY
	<p>residents in the area with claims they are regularly hassled by real estate agents to sell their land for developments.</p> <ul style="list-style-type: none"> <li>▪ Retaining the entire parcel of land as recreation space will have positive social and economic benefits for hospital staff and visitors and local residents.</li> <li>▪ A safe and attractive recreation space will make local housing more attractive for future investment and 'backyard' experiences for children living in units.</li> <li>▪ Loss of public open space will have a negative impact on Kingswood that would not be negligible.</li> <li>▪ The likely residential development will result in greater delays and congestion onto the road network/ Highway with an additional 74 peak hour vehicle trips.</li> <li>▪ The 2016 Census statistics show nearly 60% of Kingswood residents travel to work by car and the residential development will make traffic and parking effects worse.</li> <li>▪ Requested that the Independent Panel reject the proposal.</li> </ul>

TABLE 3: SUBMISSION SUMMARY – NOTIFICATION PERIOD

PERSON	SUBMISSION SUMMARY
Petition (Presented by Sue Day)	<ul style="list-style-type: none"> <li>▪ Petition states that the signatories disagree with the proposed rezoning, requests Council ensure the car park lease is no longer valid and that Nepean Hospital return the land to its original state as promised in 2011.</li> </ul>
Joy Durrant	<ul style="list-style-type: none"> <li>▪ Submission made on behalf of her sister who lives in the area.</li> <li>▪ The land is for community purposes and should stay that way.</li> <li>▪ There are too many high-rise developments in the area already and not enough parking, with cars blocking Rodgers Street all the time, preventing access by taxis, (which she needs to use).</li> </ul>

PERSON	SUBMISSION SUMMARY
Paul Tazzyman	<ul style="list-style-type: none"> <li>▪ Opposes the rezoning because of concerns that Council is allowing the area to become a ghetto, allowing poor quality buildings.</li> <li>▪ Wants Council to return to its original brief to deliver proper plans for the community and provide high quality building and development standards.</li> </ul>
Angela Nicholas	<ul style="list-style-type: none"> <li>▪ Opposes the rezoning but no reason given.</li> </ul>
Marie-Louise Gibbard	<ul style="list-style-type: none"> <li>▪ Opposes the rezoning because Penrith has become overcrowded and no more apartments are needed.</li> <li>▪ The land should stay as recreational use for residents.</li> </ul>
Clinton and Lynette Lewis	<ul style="list-style-type: none"> <li>▪ Opposes the reclassification because the existing car park is desperately needed in the area, Council has approved too much density in a 2km radius of the Site and the community are fed up with traffic congestion due to overdevelopment.</li> <li>▪ Council has not spent any money from the Special Rate Levy introduced some 15 years ago to address parking and traffic problems in the area on issues raised by the community.</li> <li>▪ Council should retain the existing zoning/ classification, increase public car parking on the Site and use the balance as a 'Green Belt', funded by the Special Rate Levy moneys.</li> </ul>
Kara West	<ul style="list-style-type: none"> <li>▪ Submission submitted by Sue Day on her behalf</li> <li>▪ Opposes the proposal on the basis that there is a lack of open space for future residents in the area.</li> <li>▪ The proposed development will have a negative impact of people's health and wellbeing.</li> <li>▪ Further operational development will create even more traffic chaos in the area.</li> <li>▪ Council should keep their promise and revert the land back to public space as claimed in 2011.</li> <li>▪ Feels Council is making another land-grab to the disadvantage of the local community.</li> </ul>
Joseph Warda	<ul style="list-style-type: none"> <li>▪ The proposal will make parking problems in the area worse and is short-sighted of Council.</li> </ul>

PERSON	SUBMISSION SUMMARY
	<ul style="list-style-type: none"> <li>▪ The local streets are narrow and difficult for two cars to pass. Very difficult for cars, emergency vehicles and buses to safely drive along the streets, causing safety risks to residents and travel delays.</li> <li>▪ Resident safety should be paramount to Council with no room for emergency and service/ utility provider vehicles to access the streets during emergencies and service disruptions, putting people’s lives at risk of dying.</li> <li>▪ Council need to create healthier and safer cities and should not approve the proposal. Wants Council to imagine the potential impacts on their own family members.</li> </ul>
Zofia Warda	<ul style="list-style-type: none"> <li>▪ The proposal will make parking problems in the area worse and is short-sighted of Council.</li> <li>▪ The local streets are narrow and difficult for two cars to pass. Very difficult for cars, emergency vehicles and buses to safely drive along the streets, causing safety risks to residents and travel delays.</li> <li>▪ Road congestion is a major contributor to air pollution.</li> <li>▪ Additional high-density buildings act as a heat sink in summer and Penrith is one of the hottest locations in NSW so with climate change there will be more heat waves in summer.</li> <li>▪ The developers will make their money and move on, leaving residents to deal with the consequences.</li> <li>▪ Council need to create healthier and safer cities and should not approve the proposal.</li> </ul>
Maria Bordignon	<ul style="list-style-type: none"> <li>▪ Objects to the proposal and wants the land to stay for public and community use.</li> <li>▪ Wanted to reconfirm her objection to an (unrelated) boarding house development at 31 Second Avenue Kingswood</li> </ul>
Robert Marshall	<ul style="list-style-type: none"> <li>▪ Increased high-rise and unit block development in the area means that access to open space is more important.</li> <li>▪ The land has been described by Council as of poor quality and lacking embellishments. Removal of the car park can allow the Site to be upgraded and available for recreation.</li> </ul>



PERSON	SUBMISSION SUMMARY
	<ul style="list-style-type: none"> <li>▪ The surrounding area and Local Government Area is overdeveloped with many cranes and high-rise unit blocks already in the area. The proposed development of the land will exacerbate this.</li> <li>▪ The proposal will only add to the traffic congestion and parking issues, making it more difficult for people visiting the hospital.</li> </ul>
Sue Day	<ul style="list-style-type: none"> <li>▪ Opposes the proposal on the basis that there is a lack of open space for future residents in the area.</li> <li>▪ The proposed development will have a negative impact of people's health and wellbeing.</li> <li>▪ Further operational development will create even more traffic chaos in the area.</li> <li>▪ Council should keep their promise and revert the land back to public space as claimed in 2011.</li> <li>▪ Feels Council is making another land-grab to the disadvantage of the local community.</li> <li>▪ The community is overwhelmed at the level of redevelopment already occurring in the surrounding area. Many residents are being bombarded by greedy developers and real estate agents wanting to buy their land.</li> </ul>
Ian Hammond	<ul style="list-style-type: none"> <li>▪ Objects to the proposal as Council promised in 2011 that the land would be restored as park land at the conclusion of a temporary lease by Nepean Blue Mountains Local Health District to install a car park and while more parking was built on the hospital grounds.</li> <li>▪ Kingswood has changed from a suburb of houses with backyards to one with higher population and units with no backyards for kids to play in.</li> <li>▪ Wainwright Park is the only park suitable for kids to play in within the area. Increased urban density means more kids and this part of Kingswood will not have sufficient open space for resident's needs.</li> <li>▪ Wants the land restored into a public park as there is plenty of developable land but not open space land.</li> </ul>

PERSON	SUBMISSION SUMMARY
Megan and Ian Hammond	<ul style="list-style-type: none"> <li>▪ Objects to the proposal as Council promised in 2011 that the land would be restored as park land at the conclusion of a temporary lease by Nepean Blue Mountains Local Health District to install a car park and while more parking was built on the hospital grounds.</li> <li>▪ Insufficient open space suitable for the recreational needs of families in the area already.</li> <li>▪ The locality needs more recreation space, not less and the land needs better facilities to make it attractive to the local community plus meet their future needs.</li> <li>▪ The best and most valuable use of the Site for the community is to retain it as parkland and provide the promised embellishments.</li> <li>▪ Council must demonstrate accountability, transparency and ethical conduct to keep their promise to the community to return the land as public parkland with added recreational facilities.</li> <li>▪ Other parks in the locality do not provide same opportunities and more is needed with more housing being built in the area. Red Cross Park has no amenity and is too small, no useable area as it is dissected by a pathway and close to the Great Western Highway. Wainwright Park is too heavily used, is too small to allow a variety of activities to occur at any one time, risking injury to other children using the park from stray footballs etc.</li> <li>▪ There are no other family-friendly parks of the size and shape in the surrounding area, that provide furniture etc and are relatively flat with the potential value for recreation.</li> <li>▪ More, not less open space land is needed in the area. Kingswood has changed from a suburb of houses with backyards to one with higher population (a growth of 37%) and units with no backyards for kids to play in.</li> <li>▪ The Nepean Hospital open space analysis identified that open spaces are highly valued by the local community.</li> <li>▪ Having a range of well-designed and managed open spaces are fundamental to delivering broader social sustainability</li> </ul>

PERSON	SUBMISSION SUMMARY
	<p>objectives as they provide a focus and opportunities for community activities, informal social interaction and skill development. This promotes healthy lifestyles and aids the social and cognitive development of children and teenagers.</p> <ul style="list-style-type: none"> <li>▪ The land is not currently used by the community as it has a car park on it and no facilities. This can be changed by embellishing the land, not developing the best portion of it and putting a concrete path through the middle of what is left.</li> <li>▪ Council should not bother consulting the community as it does not do what it promised in 2011 – i.e. that at the conclusion of the temporary car park, the land would be turned back into a public park and embellished. Council have broken their promise to the community.</li> <li>▪ Community was of the view that after the car park was finished they would get the park land back.</li> <li>▪ More development will change land values.</li> <li>▪ Shortage of park land for residents and hospital staff/visitors.</li> <li>▪ Disputes the contention that the Planning proposal would enhance the retained portion of parkland – only proposed works are the stormwater basin and a pedestrian pathway – cannot use these for recreation.</li> <li>▪ Council need to increase the value of parks by putting more facilities in instead of more units.</li> </ul>

### 5.3 KEY ISSUES

The key issues arising from the community consultation and the Public Hearing can be summarised into the following points:

- There is an expectation within the community that the land would be returned to the public and embellished as open space at the conclusion of the car park lease by the hospital, instead of being rezoned and developed, as is now contemplated. The community members present have expressed a belief that Council advised in 2011 that the car park was only temporary and at the end of the lease, the car park would be removed, the parkland returned

to its former state and a range of embellishments provided for the public. This has led to a perception that Council has not been transparent in their intent for the Site.

- There is a perception that Kingswood is overdeveloped, with a large number of new multi-storey apartment developments and a strong dependence on private cars for transport. The community members expressed the view that a rapid increase in the number of apartment developments in the area is causing a number of other issues leading to adverse impacts on community well-being and health, including:
  - traffic congestion at key intersections with the Great Western Highway and other local roads;
  - pressure in the supply of car parking with greater competition for on-street parking;
  - narrow road widths which affect the free movement of buses, service and emergency vehicles and slow down the movement on local roads.
- The community members expressed a view that there is a shortage of parkland in the local area, with existing open space areas inadequate to meet the recreational needs of the existing and future resident population. Other nearby parks either lack any amenity, are too small or are dissected by pathways, or already too crowded.
- The community members are concerned at the loss of a large parcel of land that is relatively flat, well-sized for active recreation and located close to many new apartments. There is also a concern that the portion of land retained for open space fronting Orth Street will be constrained by the future pathway and stormwater drainage works, limiting its actual use.
- There is a view that Council should be trying to maintain and improve existing parkland instead of selling off large/ useable areas to better meet the needs of existing/ future residents who no longer have back yards to recreate in to promote healthier and safer communities. The community indicated that greater emphasis should be placed on providing healthier and safer urban environments.
- Open space areas are highly valued by residents, but under-utilised because of a lack of embellishments, therefore better facilities and equipment are needed to meet resident needs. Opportunities to provide additional recreation land and better open space facilities and places were perceived to be limited whereas opportunities for increased urban density were considered far greater. Council should also consider undertaking further analysis of

potential embellishment works to the wider Council-owned land holding (which includes the allotments fronting Orth Street).

- There is a perception that the introduction of a Special Rate Levy by Council some 15 years ago, which was intended to provide funds to alleviate parking and traffic problems in the local area, has not delivered any solutions.

## 6 RECOMMENDATIONS

It is the view of Willana Urban that the Public Hearing and associated practices have been undertaken in accordance with the provisions of the Local Government Act 1993 and the Environmental Planning and Assessment Act 1979. There are no matters arising from the Public Hearing that prevent Council from continuing with the processes involved in the reclassification and rezoning of the land, subject to meeting all statutory provisions, the Conditions of the Gateway Determination and the requirements of the Minister for Planning and Public Spaces.

It is understood that Council will, upon the receipt of this report, undertake the following:

- notify the community of and publish this report for public viewing;
- prepare a report for consideration at the next available meeting of Council to advise of the outcome of the Public Hearing and the issues raised in the submissions received;
- make a further submission to the Department of Planning and Environment advising of the actions undertaken to satisfy the conditions of the Gateway Determination, including the Public Hearing.

Having regard to the nature of the proposal, the process undertaken by Council and the submissions received in writing and presented verbally at the Public Hearing, the following recommendations are made in respect of the proposed reclassification of land:

- That Council consider the concerns raised by the community as part of any rezoning and land classification processes moving forward, including the key issues identified in section 5.3 of this report.
- That, within four (4) days of receiving the final version of this report, Council make available a copy for inspection by the public via the following means:
  - Publishing an electronic copy on Council's website; and
  - Ensuring a hard copy is available for inspection at Council's administration building and libraries.
- That Council write to each person or organisation that made a written submission, including the head petitioner, advising them of the availability of this report (or providing a copy of the report to them) and thanking them for their participation.
- That a report be prepared and presented to Council on the submissions received during the public exhibition and the results of the Public Hearing.

- That this report be included in any further submissions and/ or documentation submitted to the Department of Planning and Environment in its final review and determination of the Planning Proposal and Reclassification of Land for the Site.