

APPENDIX 9

Gateway Determination



Mr Warwick Winn
General Manager
Penrith City Council
PO Box 60
PENRITH NSW 2751

Dear Mr Winn,

Planning proposal (PP_2020_PENRI_001_00) to amend Penrith Local Environmental Plan 2010

I am writing in response to Council's request for a Gateway determination under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* (the Act) received on 6 January 2020 in respect of the planning proposal to reclassify seven sites owned by Hawkesbury City Council from 'Community' to 'Operational' under Penrith Local Environmental Plan (LEP) 2010.

As delegate of the Minister for Planning and Public Spaces, I have now determined that the planning proposal should proceed subject to the conditions in the enclosed Gateway determination.

I have also agreed, as delegate of the Secretary, there are no any inconsistencies with section 9.1 Directions. In regard to Direction 4.4 - Planning for Bushfire Protection, consultation is to occur with the Rural Fire Service prior to public exhibition.

As the proposal involves the reclassification of land, an independent chaired public hearing is to be conducted as required under section 29 of the *Local Government Act 1993*.

I have considered Council's request to be the local plan-making authority and have determined this should not occur as the proposal includes the reclassification of land which is in the ownership of another council.

The amending LEP is to be finalised within 12 months of the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request for the Department of Planning, Industry and Environment to draft and finalise the LEP should be made eight weeks prior to the projected publication date.

Should you have any enquiries about this matter, I have arranged for Mark Yee to assist you who can be contacted on 9860 1535.

Yours sincerely

A handwritten signature in black ink, appearing to be 'Gina Metcalfe', with a large loop at the end of the line.

10 March 2020
Gina Metcalfe
Acting Director, Central (Western)
Central River City and Western Parkland City

Encl: Gateway determination



Gateway Determination

Planning proposal (Department Ref: PP_2020_PENRI_001_00): to reclassify seven lots of land owned by Hawkesbury City Council located on the corner of The Driftway and Reynolds Road in Londonderry from 'Community' to 'Operational'.

I, the Acting Director, Central (Western), at the Department of Planning, Industry and Environment, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that the planning proposal should proceed subject to the following conditions:

1. Prior to public exhibition, the planning proposal is to be amended to include written consent from Hawkesbury City Council for the proposed reclassification of the subject land in accordance with Section 28 of the *Local Government Act 1993*.

This written consent should advise of any further consideration by Hawkesbury City Council of the reclassification of the subject land since resolution by council on 11 March 2008.

2. Prior to public exhibition, the planning proposal is to be amended to include a proposed LEP clause that prohibits the use of the sites for new or intensified residential uses while the Waste Facility is in operation and the sites are required as a buffer.
3. Consultation to occur with the NSW Rural Fire Service prior to public exhibition in accordance with section 9.1 Direction - 4.4 Planning for Bushfire Protection and address any comments from this agency.
4. The revised planning proposal is to be updated in accordance with Conditions (1), (2) and (3) and forwarded to the Department for review and approval prior to public exhibition.
5. The planning proposal is to be made available for public exhibition for a minimum of 28 days.
6. Consultation is required with the following public authorities/organisations under section 3.34(2)(d) of the Act and/or to comply with the requirements of relevant section 9.1 Directions:

- Hawkesbury City Council

Each public authority/organisation is to be provided with a copy of the planning proposal and any relevant supporting material and given at least 21 days to comment on the proposal.

7. The time frame for completing the LEP is to be 12 months from the date of the Gateway determination.
8. Given the nature of the planning proposal, Council is not authorised to be the local plan-making authority to make this plan.

9. As the proposal involves the reclassification of land, an independent chaired public hearing is to be conducted as required under section 29 of the *Local Government Act 1993*.

Dated 10th day of March 2020.

A handwritten signature in black ink, appearing to read 'Gina Metcalfe', with a large loop at the end of the line.

**Gina Metcalfe
Acting Director Central (Western)
Central River City and Western
Parkland City
Department of Planning, Industry and
Environment**

**Delegate of the Minister for Planning
and Public Spaces**