



Our reference: 8226081  
Contact: Danielle Fox  
Telephone: 4732 8022

12 June 2018

Ann-Maree Carruthers  
Director, Sydney Region West  
Department of Planning & Environment  
PO Box 39  
SYDNEY NSW 2001

Dear Ann-Maree

**Planning Proposal to amend the Penrith Local Environmental Plan 2010  
to reclassify Council owned land at 11-13 Chesham Street, St Marys**

At its Policy Review Meeting of 4 June 2018, Council resolved to commence a Gateway process for the consideration of a Planning Proposal relating to 11-13 Chesham Street, St Marys, in accordance with the requirements of the Environmental Planning and Assessment Act 1979 (the Act).

The Planning Proposal seeks to amend the Penrith Local Environmental Plan 2010 and recommends reclassification of three (3) parcels of Council owned land from *Community* land to *Operational* land.

The Planning Proposal is consistent with the requirements of Section 3.33 of the Act and the Department's *A guide to preparing planning proposals*. Council requests delegation of plan making functions to the General Manager, in order to finalise the LEP amendment.

Please find attached an electronic copy of the following documents:

- the Planning Proposal;
- the Council Report and Unconfirmed Minutes; and
- Evaluation criteria for the delegation of plan making functions

Should you have any further information in regard to the Planning Proposal please contact Danielle Fox on (02) 4732 8022 or via email at [danielle.fox@penrith.city](mailto:danielle.fox@penrith.city)

Yours sincerely

Abdul Cheema  
**City Planning Coordinator**

#### Attachment 4 – Evaluation criteria for the delegation of plan making functions

Checklist for the review of a request for delegation of plan making functions to councils

Local Government Area:

Penrith City Council

Name of draft LEP:

Planning Proposal - Reclassification of Public Land (Community Land to Operational Land) at 11-13 Chesham Street, St Marys.

Address of Land (if applicable):

11 - 13 Chesham Street, St Marys  
Lot 1, 2 and 3 DP 542707.

Intent of draft LEP:

To reclassify three parcels of Council owned land from Community Land to Operational Land.

Additional Supporting Points/Information:

- property has been identified as underutilised community land, surplus to Council and the communities needs,
- subject land is currently zoned R4. The planning proposal does not propose any change to the zone and/or development standards that apply.
- The reclassification will enable Council to consider opportunities for the future use of the land.

## Evaluation criteria for the issuing of an Authorisation

(NOTE – where the matter is identified as relevant and the requirement has not been met, council is attach information to explain why the matter has not been addressed)	Council response		Department assessment	
	Y/N	Not Relevant	Agree	Disagree
Is the planning proposal consistent with the Standard Instrument Order, 2006?	Y			
Does the planning proposal contain an adequate explanation of the intent, objectives, and intended outcome of the proposed amendment?	Y			
Are appropriate maps included to identify the location of the site and the intent of the amendment?	Y			
Does the planning proposal contain details related to proposed consultation?	Y			
Is the planning proposal compatible with an endorsed regional or sub-regional planning strategy or a local strategy endorsed by the Secretary?	Y			
Does the planning proposal adequately address any consistency with all relevant S117 Planning Directions?	Y			
Is the planning proposal consistent with all relevant State Environmental Planning Policies (SEPPs)?	Y			
<b>Minor Mapping Error Amendments</b>				
Does the planning proposal seek to address a minor mapping error and contain all appropriate maps that clearly identify the error and the manner in which the error will be addressed?		✓		
<b>Heritage LEPs</b>				
Does the planning proposal seek to add or remove a local heritage item and is it supported by a strategy/study endorsed by the Heritage Office?		✓		
Does the planning proposal include another form of endorsement or support from the Heritage Office if there is no supporting strategy/study?		✓		
Does the planning proposal potentially impact on an item of State Heritage Significance and if so, have the views of the Heritage Office been obtained?		✓		



Reclassifications				
Is there an associated spot rezoning with the reclassification?		✓		
If yes to the above, is the rezoning consistent with an endorsed Plan of Management (POM) or strategy?		✓		
Is the planning proposal proposed to rectify an anomaly in a classification?		✓		
Will the planning proposal be consistent with an adopted POM or other strategy related to the site?		✓		
Has Council confirmed whether there are any trusts, estates, interests, dedications, conditions, restrictions or covenants on the public land and included a copy of the title with the planning proposal?	Y			
Has council confirmed that there will be no change or extinguishment of interests and that the proposal does not require the Governor's approval ?	Y			
Has the council identified that it will exhibit the planning proposal in accordance with the Department's Practice Note regarding <i>classification and reclassification of public land through a local environmental plan and Best Practice Guideline for LEPs and Council Land</i> ?	Y			
Has council acknowledged in its planning proposal that a Public Hearing will be required and agreed to hold one as part of its documentation?	Y			
Spot Rezonings				
Will the proposal result in a loss of development potential for the site (ie reduced FSR or building height) that is not supported by an endorsed strategy?		✓		
Is the rezoning intended to address an anomaly that has been identified following the conversion of a principal LEP into a Standard Instrument LEP format?		✓		
Will the planning proposal deal with a previously deferred matter in an existing LEP and if so, does it provide enough information to explain how the issue that lead to the deferral has been addressed?		✓		
If yes, does the planning proposal contain sufficient documented justification to enable the matter to proceed?		✓		
Does the planning proposal create an exception to a mapped development standard?		✓		

## Section 73A matters

Does the proposed instrument

- a) correct an obvious error in the principal instrument consisting of a misdescription, the inconsistent numbering of provisions, a wrong cross-reference, a spelling error, a grammatical mistake, the insertion of obviously missing words, the removal of obviously unnecessary words or a formatting error?;
- b) address matters in the principal instrument that are of a consequential, transitional, machinery or other minor nature?; or
- c) deal with matters that do not warrant compliance with the conditions precedent for the making of the instrument because they will not have any significant adverse impact on the environment or adjoining land?

(Note – the Minister / GSC (or Delegate) will need to form an Opinion under section 73(A)(1)(c) of the Act in order for a matter in this category to proceed).



### Notes

- Where a council responds 'yes' or can demonstrate that the matter is 'not relevant', in most cases, the planning proposal will routinely be delegated to council to finalise as a matter of local planning significance.
- Endorsed strategy means a regional strategy, sub-regional strategy, or any other local strategic planning document that is endorsed by the Secretary of the Department.
- Matters that will be routinely delegated to a Council under administration are confirmed on the Department's website [www.planning.nsw.gov.au/Plans-for-Your-Area/Local-Planning-and-Zoning/](http://www.planning.nsw.gov.au/Plans-for-Your-Area/Local-Planning-and-Zoning/)