

## Gateway Determination

**Planning proposal (Department Ref: PP\_2018\_PENRI\_008\_00):** to reclassify four Council owned sites in St Marys and Penrith from Community Land to Operational Land.

I, the Director, Sydney Region West at the Department of Planning and Environment, as delegate of the Minister for Planning, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Penrith Local Environmental Plan (LEP) 2010 to reclassify four sites in St Marys and Penrith from Community Land to Operational Land should proceed subject to the following conditions:

1. Prior to public exhibition, Council is to:
  - (a) amend Part 4 – Mapping, by:
    - including existing zone map extracts for the subject sites and identifying the location of these sites by lot boundary outline;
    - providing a key to each zoning extract so that these maps can be readily understood by the public;
    - where applicable, including flood diagrams for the affected sites; and
    - include a bush fire prone map indicating its relationship to site 3.
  - (b) amend Figures 6 and 7 to illustrate the location of the subject land by lot boundary outline;
  - (c) on page 20 of the proposal, replace '4.00' with '4:1'; and,
  - (d) under Q 9. *Has the Planning Proposal addressed any social and economic effects* (p. 25 of the proposal), include a description of the alternative open space sites, including ownership, property description and dimensions, zone, and current use, i.e. formal or informal usage, as well as, location diagrams to illustrate the location of these sites in relation to the subject land;
  - (e) provide further details on how funds from the divestment or development of the sites would be used to fund proposed open space or improvements to existing open space; and
  - (f) consult with the Commissioner of the NSW Rural Fire Service and, if necessary, address any issues raised by the Service.

Note: The NSW Rural Fire Service 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.

2. No other consultation is required with public authorities/organisations under section 3.34(2)(d) of the Act.

3. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:
  - (a) the planning proposal is classified as low impact as described in *A guide to preparing local environmental plans* (Department of Planning and Environment 2016) and must be made publicly available for a minimum of **28 days**; and
  - (b) the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment 2016).
4. 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. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
5. The time frame for completing the LEP is to be 9 months following the date of the Gateway determination.

Dated                      23 day of January 2019.



**Ann-Maree Carruthers**  
**Director, Sydney Region West**  
**Planning Services**  
**Department of Planning and**  
**Environment**

**Delegate of the Minister for Planning**