



IRF25/676

Gateway determination report – PP-2024-2610

Reclassification of 3 sites, 12A and 32A Champness Crescent, and 110A Dunheved Circuit, St Marys

May 25

Published by NSW Department of Planning, Housing and Infrastructure

dpie.nsw.gov.au

Title: Gateway determination report – PP-2024-2610

Subtitle: Reclassification of 3 sites, 12A and 32A Champness Crescent, and 110A Dunheved Circuit, St Marys

© State of New South Wales through Department of Planning, Housing and Infrastructure 2025. You may copy, distribute, display, download and otherwise freely deal with this publication for any purpose, provided that you attribute the Department of Planning, Housing and Infrastructure as the owner. However, you must obtain permission if you wish to charge others for access to the publication (other than at cost); include the publication in advertising or a product for sale; modify the publication; or republish the publication on a website. You may freely link to the publication on a departmental website.

Disclaimer: The information contained in this publication is based on knowledge and understanding at the time of writing (April 25) and may not be accurate, current or complete. The State of New South Wales (including the NSW Department of Planning, Housing and Infrastructure), the author and the publisher take no responsibility, and will accept no liability, for the accuracy, currency, reliability or correctness of any information included in the document (including material provided by third parties). Readers should make their own inquiries and rely on their own advice when making decisions related to material contained in this publication.

Acknowledgment of Country

The Department of Planning, Housing and Infrastructure acknowledges the Traditional Owners and Custodians of the land on which we live and work and pays respect to Elders past, present and future.

Contents

1	Planning proposal.....	1
1.1	Overview	1
1.2	Objectives of planning proposal.....	1
1.3	Explanation of provisions.....	2
1.4	Site description and surrounding area	2
1.5	Background	4
2	Need for the planning proposal	4
3	Strategic assessment	5
3.1	Regional Plan	5
3.2	District Plan	5
3.3	Local.....	5
3.4	Local planning panel (LPP) recommendation	6
3.5	Section 9.1 Ministerial Directions.....	6
3.6	State environmental planning policies (SEPPs)	6
4	Site-specific assessment	7
4.1	Environmental	7
4.2	Social and economic	8
5	Consultation.....	8
5.1	Community	8
5.2	Agencies	8
6	Timeframe	8
7	Local plan-making authority	9
8	Assessment summary	9
9	Recommendation.....	9

Table 1 Reports and plans supporting the proposal

Relevant reports and plans
Reclassification of 3 Sites – St Marys Planning Proposal (Penrith City Council)

1 Planning proposal

1.1 Overview

Table 2 Planning proposal details

LGA	Penrith City Council
PPA	Penrith City Council
NAME	Reclassification of three Council-owned sites in St Mary's from Community Land to Operational Land
NUMBER	PP-2024-2610
LEP TO BE AMENDED	Penrith Local Environmental Plan 2010
ADDRESS	12A Champness Crescent, 32A Champness Crescent and 110A Dunheved Circuit, St Marys
DESCRIPTION	Lot 41 DP 35970, Lot 51 DP 35970 and Lot 211 DP 31909
RECEIVED	5/03/2025
FILE NO.	IRF25/676
POLITICAL DONATIONS	There are no donations or gifts to disclose, and a political donation disclosure is not required
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal

1.2 Objectives of planning proposal

The planning proposal contains objectives and intended outcomes that adequately explain the intent of the proposal.

The objectives of the planning proposal are to:

- To amend the Penrith Local Environmental Plan 2010 to reclassify three (3) Council-owned sites from Community Land to Operational Land in St Marys
- To enable Council to consider the future use of the land in line with the existing zones
- Facilitate the implementation of the Draft St Marys Town Centre Masterplan by contributing to economic growth and revitalisation
- Remove the Public Reserve status for the sites and the remove any interests or trust relating to the land being a public reserve (requiring ExCo approval)

The objectives of this planning proposal are clear and adequate.

1.3 Explanation of provisions

The planning proposal seeks to amend Schedule 4 Classification and Reclassification of Public Land of the Penrith Local Environmental Plan (2010) per the changes below:

Table 3 Current and proposed controls

Control	Locality	Description	Current	Proposed
Classification	12A Champness Crescent, St Marys	Lot 41 DP 35970	Community Land	Operational Land
Classification	32A Champness Crescent, St Marys	Lot 51 DP 35970	Community Land	Operational Land
Classification	110A Dunheved Circuit, St Marys	Lot 211 DP 31909	Community Land	Operational Land

The planning proposal contains an explanation of provisions that adequately explains how the objectives of the proposal will be achieved. It is noted that in addition to the reclassification, the Planning Proposal seeks to remove the public reserve status of all three sites to remove any interests or trusts relating to the land being a public reserve. This will require ExCo approval prior to the LEP being finalised.

The planning Proposal does not include any changes to the existing zones or development standards that apply to the subject sites. The Planning Proposal does not require any changes to the Local Environmental Plan (LEP) maps.

The planning proposal also includes a checklist addressing the required information items in *LEP Practice Note PN16-001 Classification and Reclassification of Land through a Local Environmental Plan*.

1.4 Site description and surrounding area

12A and 32A Champness Crescent, St Marys

Sites 1 and 2 are zoned R4 High Density Residential and located near the St Marys Town Centre. Both sites are currently vacant, battle-axed shaped lots that can only be accessed through a narrow laneway between two other properties. The unusable state of these spaces is a potential for anti-social activities and illegal dumping of rubbish.

The sites are in close proximity to nearby transport, employment hubs and affordable housing providers.

110A Dunheved Circuit, St Marys

Site 3 is located within an existing industrial estate, in close proximity to the Outer Sydney Orbital Corridor. Council has entered a short-term lease for the site, and it currently used as a site compound to support public utility works. Prior to the lease, the site was vacant and served no recreational purpose.

The removal of the public reserve status is appropriate as the site is located within the Dunheved Business Park, with another open space located nearby the corner of Kommer Place and

Dunheved Circuit. Reclassification will enable Council to consider the future of the site in line with the existing zone.



Figure 1. Location of 12A (Site 1) and 32A (Site 2) Champness Crescent



Figure 2. Location of 11A Dunheved Circuit (Site 3)

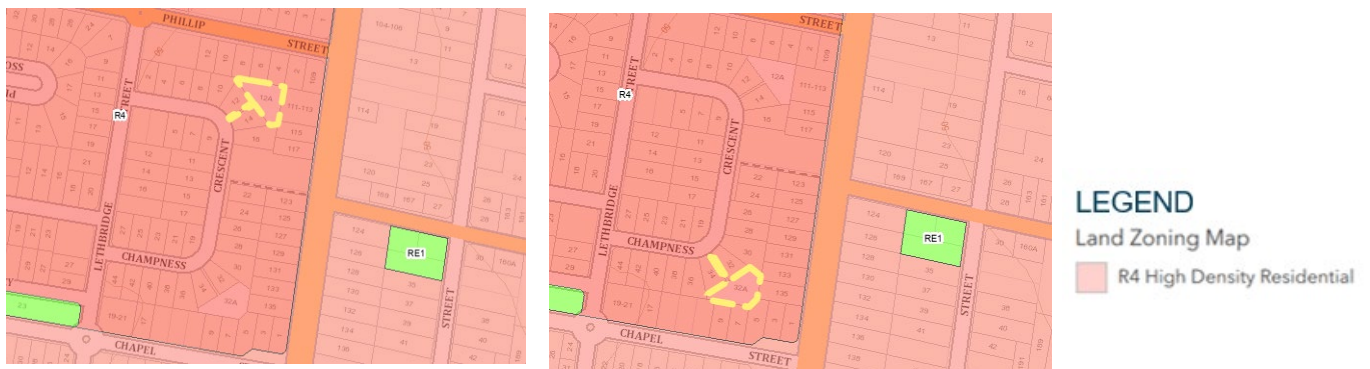
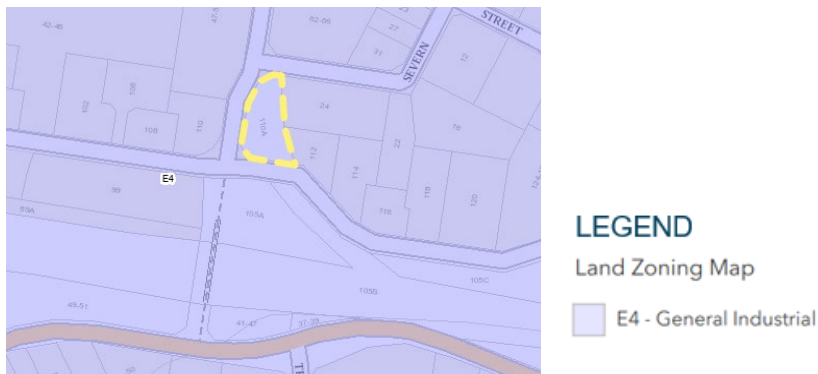


Figure 3. Site 1 (left) and 2 (right) current land zoning**Figure 3. Site 3 current land zoning**

1.5 Background

A previous planning proposal (PP_2018_PENRI_008) was lodged by Council in 2018 involving the three subject sites. In 2019 the proposal continued through the Gateway process and completed a community consultation period and public hearing.

The previous planning proposal involved the following sites:

- 12A Champness Crescent, St Marys
- 32A Champness Crescent, St Marys
- 110A Dunheved Circuit, St Marys
- Part Soper Place Car Park, 5-7 Lawson Street, Penrith Lot 1-3 DP 1159119

Only the Soper Place car park proposal proceeded to finalisation in the earlier Planning Proposal. The 3 sites subject of this amendment were excluded for further consideration of open space provision in the local area and pending development of a Masterplan for St Marys town centre. The Champness Crescent proposals are now subject of the St Marys Town Centre Masterplan exhibited in late 2024. Rezoning to give effect to the Masterplan is expected to be finalised by mid-2025.

2 Need for the planning proposal

Q1. Is the Planning proposal a result of an endorsed Local Strategic Planning Statement, strategic study or report?

The planning proposal directly supports the delivery of several Planning Priorities in the endorsed Penrith Local Strategic Planning Statement (Penrith LSPS) 2020

- key priorities 3 and 5 from the Penrith LSPS relate to the preparation of a planning proposal for Site 1 and 2
- planning priority 12 from the Penrith LSPS relates to the preparation of a planning proposal for site 3

Q2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

A planning proposal is the best means of achieving the objectives intended outcomes for the reclassification of land from Community to Operational.

3 Strategic assessment

3.1 Regional Plan

The following table provides an assessment of the planning proposal against relevant aspects of the **Greater Sydney Region Plan (2018)**:

Table 4 Regional Plan assessment

Regional Plan Objectives	Justification
Objective 11 (Housing is more diverse and affordable)	<ul style="list-style-type: none"> Sites 1 and 2 align with Strategy 11.2, which supports unlocking surplus land for potential residential development
Objective 23 (Industrial and urban services land is planned, retained and managed)	<ul style="list-style-type: none"> Site 3 aligns Strategy 23.1 which emphasises the importance of retaining and managing existing industrial land to safeguard it from competing pressures.

3.2 District Plan

The sites are within the Western City District. **The Western City District Plan (District Plan)** serves as a 20-year framework to guide the implementation of the Greater Sydney Region Plan. Its goal is to provide residents with effective access to a broader range of jobs, diverse housing options, and activities, while enhancing the district lifestyle and environmental assets.

The planning proposal is consistent with the priorities for infrastructure and collaboration, liveability, productivity, and sustainability in the plan as outlined below.

The Department is satisfied the planning proposal gives effect to the District Plan in accordance with section 3.8 of the *Environmental Planning and Assessment Act 1979*. The following table includes an assessment of the planning proposal against relevant directions and actions.

Table 5 District Plan assessment

District Plan Priorities	Justification
Planning Priority W5 – Providing housing supply, choice and affordability, with access to jobs, services and public transport	<ul style="list-style-type: none"> The reclassification of Sites 1 and 2 will provide land within an established housing area, strategically located near key services and public transport. These local infill development sites will be able to contribute to addressing the ‘missing middle’ identified in the District Plan.
Planning Priority W10 – Maximising freight and logistics opportunities and planning and managing industrial and urban services land	<ul style="list-style-type: none"> The reclassification of Site 3 contributes directly to the District Plan, by retaining and managing the industrial site and enabling its development to facilitate jobs and growth.

3.3 Local

The proposal states that it is consistent with the following local plans and endorsed strategies. It is also consistent with the strategic direction and objectives, as stated in the table below:

Table 6 Local strategic planning assessment

Local Strategies	Justification
Employment Land Strategy 2021	<ul style="list-style-type: none"> The reclassification of Site 3 will facilitate industrial and employment opportunities in the E4 General Industrial zone and is consistent with the principles to retain and manage its existing industrial/employment lands as identified in the LSPS and Employment Lands Strategy.
Local Housing Strategy 2022	<ul style="list-style-type: none"> Sites 1 and 2 present a prime opportunity to contribute to Council's housing supply targets of delivering housing that is close to services and transport. Sites 1 and 2 are located adjacent to land owned by Homes NSW, creating a unique opportunity for collaboration. Enabling a more cohesive and efficient approach to affordable housing development in the area. This alignment has the potential to contribute to the demand for diverse and affordable housing options, as well as ensuring the area's growth is inclusive and sustainable.
Penrith Economic Development Strategy 2023-2031	<ul style="list-style-type: none"> The reclassification of Site 3 aligns with Priority 3 (Leveraging Employment Lands) by better utilising land in the St Marys Industrial Area, Council can support the sustainable growth of Penrith's industrial economy, through the provision of a physical assets, as well as driving job creation.
Draft St Mary's Town Centre Plan 2024	<ul style="list-style-type: none"> The reclassification of Site 1 and 2 is required to enable the delivery of Opportunity 8 (Homes NSW Landholdings) with the desired outcome to amalgamate pocket parks at 12a Champness Crescent and 32a Champness Crescent with adjoining lots. This will allow for more integrated redevelopment for affordable housing and help offset lots needed for the expanded Ross Place Park.

3.4 Local planning panel (LPP) recommendation

On 22 January 2025, the Panel considered the planning proposal and the preliminary assessment prepared by Council, and supports the proposal for the following reasons:

- The planning proposal is consistent with the Greater Sydney Region Plan and Western City District Plan
- The planning proposal is consistent with the draft St Marys Master Plan, Local Strategic Planning Statement and Employment Lands Strategy
- The Planning proposal will assist Council in urban revitalisation, economic development, providing affordable housing and housing supply and fostering local employment through the reclassification for Community Land to Operational Land for these sites

3.5 Section 9.1 Ministerial Directions

The planning proposal's consistency with relevant section 9.1 Directions is discussed below:

Table 7 9.1 Ministerial Direction assessment

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
1.1 Implementation of Regional Plans	Consistent	This Planning Proposal is consistent with the relevant Regional Plan – The Greater Sydney Region Plan: A Metropolis of Three Cities

1.3 Approval and Referral Requirements	Consistent	This planning proposal does not require the concurrence, consultation or referral of a Minister or public authority
1.4 Site Specific Provisions	Consistent	This planning proposal does not propose any site-specific provisions
4.1 Flooding	Consistent	The subject sites are not flood effected
4.4 Planning for Bushfire Protection	Consistent	The planning proposal does not involve any changes to zoning which would require assessment of bushfire risk.
5.2 Reserving Land for Public Purposes	Consistent	The planning proposal is consistent with this direction as it seeks approval from the relevant authority to reclassify land that no longer serves a public purpose. Council has supported the proposals. The reclassification will also allow consistency with the zoning of the sites.

3.6 State environmental planning policies (SEPPs)

The planning proposal's consistency with all relevant SEPPs is discussed in the table below.

Table 8 Assessment of planning proposal against relevant SEPPs

SEPPs	Applicable	Reasons for Consistency or Inconsistency
Housing (2021)	Consistent	The planning proposal seeks to facilitate future residential development on Site 1 and 2.
Biodiversity and Conservation (2021)	Consistent	The planning proposal does not seek the removal of any trees or vegetation; however, any existing trees are to be retained where possible for any future development.
Sustainable Buildings (2022)	Yes	Future development will need to address the provisions of the Sustainable Buildings SEPP.

4 Site-specific assessment

4.1 Environmental

The following table provides an assessment of the potential environmental impacts associated with the proposal.

Table 9 Environmental impact assessment

Environmental Impact	Assessment
Open Space	<ul style="list-style-type: none"> The proposed reclassification will not result in any direct environmental impacts. However, it facilitates a potential change in land use from open space to high-density residential for Sites 1 and 2, and industrial for Site 3. Site 1, 2 and 3 were carefully selected for reclassification as they serve little to no public recreation purpose. The removal of Sites 1 and 2 from open space network is unlikely to impact St Mary's residents, as the sites are isolated and not well used by the community. Adequate public open space is shown in the draft St Marys Town Centre Masterplan.

4.2 Social and economic

The planning proposal seeks to amend the classification of the land from 'community to operational'.

The planning proposal will deliver social and economic benefits as it will allow Council to align the future use of the land to be consistent with the respective zones. Over time, Sites 1,2 and 3 are likely to be developed to their highest and best use, with the potential to support the delivery of diverse and affordable housing as well as creating local employment opportunities.

5 Consultation

5.1 Community

Council proposes a community consultation period of 20 business days.

The exhibition period proposed is considered appropriate, and forms the conditions of the Gateway determination.

A public hearing is also required, regarding the land reclassification aspects of the planning proposal, in accordance with the requirements of the Local Government Act 1993.

5.2 Agencies

The proposal does not specifically raise which agencies will be consulted.

Given the nature of the planning proposal, consultation with government agencies is not recommended.

6 Timeframe

Council proposes a 6 month time frame to complete the LEP.

The LEP Plan Making Guidelines (August 2023) establishes maximum benchmark timeframes for planning proposal by category. This planning proposal is categorised as standard . Some additional time is proposed to address the requirement for ExCo approval prior to making the LEP which is required for this proposal.

The Department recommends an LEP completion date of 27 February 2026 in line with its commitment to reducing processing times and with regard to the benchmark timeframes. A condition to the above effect is recommended in the Gateway determination.

It is recommended that if the gateway is supported it is accompanied by guidance for Council in relation to meeting key milestone dates to ensure the LEP is completed within the benchmark timeframes.

7 Local plan-making authority

Council does not request delegation to be the Local Plan-Making authority.

Given the planning proposal involves the extinguishment of interest in the land, it is recommended that authorisation not be issues for Council under section 3.36 of the Environmental Planning and Assessment Act 1979 in this instance.

8 Assessment summary

The planning proposal is supported to proceed with conditions for the following reasons:

- facilitates for the subject sites to meet community needs by providing a space for future housing and employment opportunities
- it is consistent with and gives effect to the Western District Plan and the draft St Mary's Town Centre Plan 2024
- it is consistent with the State Environmentally Planning Policies and Section 9.1 Ministerial Directions
- it has no environmental impacts and has given consideration to social and economic benefits

9 Recommendation

It is recommended the delegate of the Minister determine that the planning proposal should proceed subject to conditions.

The following conditions are recommended to be included on the Gateway determination:

1. Prior to exhibition, the planning proposal is to be updated to revise the timeline in accordance with the conditions of the Gateway determination.
2. The planning proposal should be made available for community consultation for a minimum of 20 working days:
 - a) 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 the *Local Environmental Plan Making Guideline*.
3. A public hearing is required to be held in accordance with the requirements of the *Local Government Act 1993*.

The timeframe for the LEP to be completed is on or before 27 February 2026



8/05/2025

(Signature)

(Date)

Ian Bignell

Manager, Local Planning & Council Support (Central, West and South)



(Signature)

15 May 2025 (Date)

Tina Chapell

Director, Local Planning & Council Support (Central, West and South)

Assessment officer

Isabella Giraldo

Student Para-Planning Officer, Local Planning & Council Support

(02) 8217 2075