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Our ref: PP_2016_PENRI_004_00 (16/13131)
Your ref: none provided

Mr Alan Stoneham
General Manager
PCCouncil
PO Box 60
Penrith NSW 2751

Attention: Anthony Milanoli

Dear Mr Stoneham

Planning proposal to amend Penrith City Council *Local Environmental Plan 2010*, PP_2016_004_0 - Reclassification and Rezoning of Seven (7) Sites in Erskine Park and St Clair.

I am writing in response to your Council's letter dated 30 September 2016 requesting a Gateway determination under section 56 of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the planning proposal to reclassify and rezone seven (7) sites in Erskine Park and St Clair locality.

As delegate of the Greater Sydney Commission, I have now determined the planning proposal should proceed subject to the conditions in the attached Gateway determination.

Council is reminded of its obligations for undertaking a public hearing and providing adequate information regarding the discharge of any interests in relation to the proposed reclassification of land in accordance with the department's practice note *PN16-001, Classification and reclassification of public land through a local environmental plan*.

Council may still need to obtain agreement of the Secretary to comply with the requirements of S117 Direction 6.2 Reserving Land for Public Purposes following completion of the consultation process and the public hearing. Council is to ensure this occurs prior to the plan being made.

The amending Local Environmental Plan (LEP) is to be finalised within 12 months of the week following 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 and Environment to draft and finalise the LEP should be made 6 weeks prior to the projected publication date.

The State Government is committed to reducing the time taken to complete LEPs by tailoring the steps in the process to the complexity of the proposal, and by providing clear and publicly available justification for each plan at an early stage. In order to meet

these commitments, the Commission may take action under section 54(2)(d) of the Act if the time frames outlined in this determination are not met.

Should you have any queries in regard to this matter, I have arranged for Ms Alicia Hall of the Department's regional office to assist you. Ms Hall can be contacted on (02) 9860 1587.

Yours sincerely



19/10/16

Catherine Van Laeren
Director, Sydney Region West
Planning Services

Incl. (1): Gateway Determination

Gateway Determination

Planning proposal (Department Ref: PP_2016_PENRI_004_00): to reclassify and rezone seven (7) Council owned sites across Erskine Park and St Clair from 'community' to 'operational' land and from RE1 Public Recreation to R2 Low Density Residential.

I, the Director Sydney Region West at the Department of Planning and Environment as delegate of the Greater Sydney Commission, have determined under section 56(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the *Penrith Local Environmental Plan (LEP) 2010* to reclassify and rezone seven (7) Council owned sites across Erskine Park and St Clair from 'community' to 'operation' and from RE1 Public Recreation to R2 Low Density Residential should proceed subject to the following conditions:

1. Prior to undertaking public exhibition, the maps provided with the planning proposal are to be amended to include a north point; legend; scale; and, label indicating the title of each map. Further, the sites locality map (p. 22 of the proposal [Figure 2]) is to be enlarged to add to its legibility.
2. Prior to exhibition, Table 4 of the proposal (p.21) is to be amended to show all trusts and interests applying to each parcel and indicate whether these interests are proposed to be retained. Further, Part 2 - Explanation of Provisions, is to be amended to clearly indicate that the proposal seeks to remove public reserve status of the subject land.
3. Community consultation is required under sections 56(2)(c) and 57 of the Act as follows:
 - (a) the planning proposal must be made publicly available for a minimum of **28 days**; and
 - (b) the relevant planning 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 LEPs (Department of Planning and Environment 2016)*.
4. Consultation is required with the Office of Environment and Heritage under section 56(2)(d) of the Act. The Office of Environment and Heritage 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.
5. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the Act, however, this does not discharge Council from its obligation to conduct a public hearing for the proposed reclassification of the land under the *Local Government Act 1993*.

6. The timeframe for completing the LEP is to be **12 months** from the week following the date of the Gateway determination.

Dated 19th day of October 2016



**Catherine Van Laeren
Director, Sydney Region West
Planning Services
Department of Planning and
Environment**

**Delegate of the Greater Sydney
Commission**