Department of Planning, Housing and Infrastructure

Mr Andrew Moore
General Manager
Penrith City Council
PO Box 60
Penrith NSW 2751

Our ref: IRF25/676

Dear Mr Moore

Planning proposal PP-2024-2610 to amend Penrith Local Environmental Plan 2010

I am writing in response to the planning proposal you have forwarded to the Minister under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* (the Act) and additional information received on 11 March 2025 in respect of the planning proposal to reclassify three Council-owned sites in St Mary's from community land to operational land.

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

In relation to Direction 5.2 Reserving Land for Public Purposes, I have agreed to the reduction of land for public purposes on the basis that 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. The reclassification will allow consistency with the zoning of the sites.

No further approval is required in relation to the Directions.

I have determined not to authorise Council to be the local plan-making authority under section 3.36 of the Environmental Planning and Assessment Act 1979 as the planning proposal involves the extinguishment of interest in Council land.

The amending local environmental plan (LEP) is to be finalised on or before 27 February 2026. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request for the Department of Planning, Housing and Infrastructure to draft and finalise the LEP should be made twelve weeks in advance of the date the LEP is projected to be made.

Should you have any enquiries about this matter, Isabella Giraldo, Student Para-Planning Officer can be contacted on (02) 8217 2075.

Yours sincerely

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

Encl: Gateway determination

Department of Planning, Housing and Infrastructure

Gateway Determination

***Planning proposal (Department Ref: PP-2024-2610)**:* to amend the Penrith Local Environmental Plan 2010 to reclassify three council-owned sites in St Marys from 'community' land to 'operational' land.

I, the Director, Local Planning & Council Support (Central, West, South) at the Department of Planning, Housing and Infrastructure, 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 an amendment to the Penrith Local Environmental Plan 2010 to reclassify land at 12A, 32A Champness Crescent and 110A Dunheved Circuit, St Marys from 'community' land to 'operational' land should proceed subject to the following:

Given the nature of the planning proposal dealing with Council land, I have determined that authorisation not be issued for Council to act as the local plan making authority under section 3.36 of the Environmental Planning and Assessment Act 1979 in this instance.

The LEP should be completed on or before **27 February 2026.**

Gateway Conditions

1. Prior to exhibition, the planning proposal is to be amended to revise the timeline to accord with this Gateway determination and forwarded to the Minister under s 3.34(6) of the Act.

2. Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:

    a) the planning proposal is categorised as standard as described in the *Local Environmental Plan Making Guideline* (Department of Planning and Environment, August 2023) and must be made publicly available for a minimum of 20 working 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 *Local Environmental Plan Making Guideline* (Department of Planning and Environment, August 2023).

3. No consultation is required with public authorities or government agencies under section 3.34(2)(d) of the Act

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).

Dated 15 May 2025



Tina Chappell
Director
Local Planning & Council Support (Central, West, South)
Department of Planning, Housing and Infrastructure

Delegate of the Minister for Planning and Public Spaces