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Our ref: PP_2012_PENRI_001_00 (12/14653-1)
Your ref:

Mr Alan Stoneham
General Manager
Penrith City Council
PO Box 60
PENRITH NSW 2751

Dear Mr Stoneham,

Planning proposal to amend Penrith Local Environmental Plan 2010

I am writing in response to your Council's request for a Gateway determination under section 56 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") in respect of the planning proposal to amend the Penrith Local Environmental Plan (LEP) 2010 to rezone land at Caddens Road, Kingswood for residential purposes.

As delegate of the Minister for Planning and Infrastructure, I have now determined that the planning proposal should proceed subject to the conditions in the attached Gateway determination.

Council's proposed site specific provision to restrict the development of dual occupancies is not supported by the Department as the means of achieving the desired outcome. The provision would create a subzone which unfairly restricts development and creates unnecessary complexity. It is considered appropriate for Council to include Standard Instrument model clause 4.1B 'Minimum Lot Size for Dual Occupancy' in Penrith LEP 2010 as this is a more transparent and consistent approach to the issue of dual occupancy in low density areas. Council is to amend the planning proposal accordingly, prior to the commencement of public exhibition.

It is noted that it is proposed to include provisions within the planning proposal to zone a 2ha portion of the site for public recreation, with the land to be dedicated to Council via a Voluntary Planning Agreement (VPA). The VPA should be exhibited with the planning proposal.

I have also agreed that the planning proposal's inconsistencies with S117 Directions 1.5 Rural Lands and 6.2 Reserving Land for Public Purposes are of minor significance. No further approval is required in relation to these Directions.

The amending Local Environmental Plan (LEP) is to be finalised within 12 months of the week following the date of the Gateway determination. Council's request for the Department to draft and finalise the LEP should be made six (6) weeks prior to the projected publication date.

The NSW 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 Minister may take action under s54(2)(d) of the EP&A Act if the time frames outlined in this determination are not met.

Should you have any queries in regard to this matter, please contact Michelle Dellagiacoma of the regional office of the Department on 02 9860 1560.

Yours sincerely,


Sam Haddad
Director-General

9/10/2012.

Gateway Determination

Planning proposal (Department Ref: PP_2012_PENRI_001_00): to amend Penrith Local Environmental Plan 2010 to rezone land for residential purposes.

I, the Director-General, Department of Planning and Infrastructure as delegate of the Minister for Planning and Infrastructure, have determined under section 56(2) of the EP&A Act that an amendment to the Penrith Local Environmental Plan (LEP) 2010 to:

- (a) amend Clause 1.8 Repeal of Instruments Applying to Land to include a new subclause: 1(B) Sydney Regional Environmental Plan No 25 – Orchard Hills,
- (b) amend the Land Use Table to introduce the R2 Low Density Residential Zone,
- (c) amend Part 4 Principle Development Standards to insert site specific local development standards, and
- (d) amend the Land Application, Clause Application, Land Use Zone, Lot Size, Floor Space Ratio and Height of Building Maps.

should proceed subject to the following conditions:

1. Prior to undertaking public exhibition, Council is to make the following amendments to the planning proposal:
 - (a) provide greater clarity on the development standards resulting from the planning proposal, including reference to 45 x 650sq.m lots with a 0.5:1 FSR and height restrictions to 2 storeys, provided in metres,
 - (b) remove reference to the proposed local provision to prohibit dual occupancies, and
 - (c) introduce Clause 4.1B Minimum Lot Size for Dual Occupancy to Penrith LEP 2010.
2. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:
 - (a) the planning proposal is classified as low impact as described in *A Guide to Preparing LEPs (Department of Planning 2009)* and be made publicly available for **14 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 4.5 of *A Guide to Preparing LEPs (Department of Planning 2009)*.
3. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - Sydney Catchment Management Authority
 - Transport for NSW
 - Office of Environment and Heritage
 - Integral Energy
 - Transport for NSW – Roads and Maritime Services
 - Sydney Water
 - Telstra

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.



4. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A 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 timeframe for completing the LEP is to be **12 months** from the week following the date of the Gateway determination.

Dated 9th day of October 2012.

Sam Haddad
Director-General
Delegate of the Minister for Planning and
Infrastructure