

Mr Warwick Winn
General Manager
Penrith City Council
PO Box 60
PENRITH NSW 2751

Dear Mr Winn

Planning proposal PP_2018_PENRI_005_00 to amend Penrith Local Environmental Plan 2018

I am writing in response to Council's request for a Gateway determination under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* (the Act), and additional information provided by Council, in respect of the planning proposal to undertake housekeeping amendments to various provisions of the Penrith Local Environmental Plan 2010 (LEP).

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

I have also agreed, as delegate of the Secretary, the planning proposal's inconsistencies with section 9.1 Directions: 1.1 Business and Industrial Zones; 2.1 Environment Protection Zone; 2.3 Heritage Conservation; 3.1 Residential Zones; 6.2 Reserving Land for Public Purposes; and, 6.3 Site Specific Provisions, are justified in accordance with the terms of each Direction.

My agreement, however, does not extend to any possible inconsistency with item 16 of the proposal, proposed amendments to 2-8 and 10 Twin Creeks Drive, Luddenham. Council may still need to obtain agreement of the Department's Secretary to comply with the requirements of Direction 2.1 Environmental Protection zones as it applies to this item.

To clarify this matter, I have conditioned the determination for Council to consult with the Office of Environment and Heritage and I ask that Council be guided by that authority's response. Should it be necessary, Council is to obtain agreement of the Department's Secretary to comply with the requirements of section 9.1 Direction 2.1 following consultation and prior to finalisation of the proposal.


It is noted that Council has requested to be authorised as the local plan-making authority. I have considered the nature of Council's planning proposal and have conditioned the Gateway for Council to be authorised as the local plan-making authority.

The amending local environmental plan (LEP) is to be finalised within 9 months of the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request to draft and finalise the LEP should be made directly to Parliamentary Counsel's Office six weeks prior to the projected publication date. A copy of the request should be forwarded to the Department of Planning and Environment.

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 Greater Sydney Commission may take action under section 3.32(2)(d) of the Act if the time frames outlined in this determination are not met.

Should you have any enquiries about this matter, I have arranged for I have arranged for Mr Ryan Klingberg to assist you. Mr Klingberg can be contacted on 9860 1561.

Yours sincerely


Ann-Maree Carruthers
Director, Sydney Region West
Planning Services

17/12/2018

Encl: Gateway determination
Local plan-making authority reporting template