

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

15/0993

Attention: Ms Alison Butler

Dear Mr Stoneham

Planning Proposal to amend Penrith Local Environmental Plan 2010 in respect of minimum lot sizes and maximum density provisions for land in Glenmore Park Stage 2.

I am writing in response to your Council's letter dated 15 May 2015 requesting a Gateway Determination under section 56 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") for the planning proposal to amend the Penrith Local Environmental Plan 2010 by the application of minimum lot size provisions and maximum dwelling density provisions for land in Glenmore Park Stage 2.

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

I have considered Council's request for delegations to exercise the Minister's plan making functions for this planning proposal. This request has been supported, and Council may exercise the Minister's plan making functions. I have enclosed attachment 5 for Council's attention.

In view of the existing planning agreement applying to the area, the determination has been conditioned to require Council to consult with Roads and Maritime Services, particularly over whether there is a need for additional contributions resulting from the planning proposal. Should this be the case, I would appreciate it if you would bring this advice to my attention.

The Gateway Determination requires that the planning proposal be made publicly available for a period of 28 days.

The amending Local Environmental Plan (LEP) is to be finalised within 9 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 to draft and finalise the LEP should be made directly to Parliamentary Counsel's Office 6 weeks prior to the projected publication date. A copy of the request should be forwarded to the department for administrative purposes.

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 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 Tessa Parmeter, of the Metropolitan (Parramatta) Office of the Department of Planning and Environment on 9860 1555.

Yours sincerely

R Cumming
27/7/2015

Rachel Cumming
Director
Metropolitan Region (Parramatta)
Planning Services

Gateway Determination

Planning Proposal (Department Ref: PP_2015_PENRI_003_00): to amend Penrith Local Environmental Plan to change the minimum lot size controls and maximum dwelling density provisions.

I, the Director, Metropolitan Region (Parramatta), as delegate of the Minister for Planning, have determined under section 56(2) of the EP&A Act that an amendment to the Penrith Local Environmental Plan 2010 should proceed subject to the following conditions:

1. Prior to public exhibition, Council is required to consult with the NSW Rural Fire Service and give consideration to the provisions of S117 Direction 4.4 - Planning for Bushfire Protection to demonstrate consistency with the direction
2. Consultation is required with Roads and Maritime Services under section 56(2)(d) of the EP&A Act. In undertaking this consultation, Council is to ascertain whether Roads and Maritime Services has identified the need for additional designated State infrastructure contributions, and/or, the need for an amendment to the existing planning agreement.

Consultation is also required under section 56(2)(d) of the Act with:

- Department of Education and Communities; and
- Office of Environment and Heritage.

Council is to advise the Department if a public authority identifies the need for designated State infrastructure contributions or if an amendment to the existing voluntary planning agreement is required.

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.

3. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 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 Local Environmental Plans (Department of Planning & Infrastructure 2013).

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 9 months from the week following the date of the Gateway determination.

Dated 27th day of July 2015.

A handwritten signature in black ink, appearing to read 'RCumming'.

Rachel Cumming
Director
Metropolitan Region (Parramatta)
Delegate of the Minister for Planning