

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

16/02822

Dear Mr Stoneham

Planning proposal to amend Penrith Local Environmental Plan 2010

I am writing in response to Council's letter dated 5 January 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 rezone land in Penrith City Centre from B3 Commercial Core zone and RE1 Public Recreation zone to B4 Mixed Use zone to enable the development on a central park within the Penrith CBD.

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.

I have also agreed, as delegate of the Secretary, the planning proposal's inconsistency with Section 117 Direction 1.1 – Business and Industrial Zones is of minor significance. No further approval is required in relation to this Direction. I have made this decision on the basis that despite the planning proposal reducing the commercial footprint and increasing the capacity for residential development within the centre, the broad intent of the proposal is to revitalise the City Centre and encourage development in the commercial core.

Council is required to address the consistency of the planning proposal with Section 117 Direction 6.2 Reserving Land for Public Purposes.

Council may need to obtain the agreement of the Department's Secretary to comply with the requirements of relevant Section 117 Directions. Council should ensure this occurs prior to the plan being made.

I note that Council has not undertaken a phase one assessment report for the site in accordance with Clause 6 of *State Environmental Planning Policy No. 55 – Remediation of Land* (SEPP No. 55). I would appreciate it if Council would further consider this matter during the process to ensure the planning proposal complies with clause 6 of SEPP No. 55.

Plan making powers were delegated to councils in October 2012. It is noted that Council has requested to be issued with delegation for this planning proposal. I have considered the nature of Council's planning proposal and have decided not to issue an authorisation for Council to exercise delegation to make this plan as Council owns a number of parcels of land included within the planning proposal.

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 Tessa Parmeter of the Department's regional office to assist you. Ms Parmeter can be contacted on (02) 9860 1555.

Yours sincerely



07/04/16

Catherine Van Laeren
Director, Sydney Regions West
Planning Services

Encl:
Gateway Determination

Gateway Determination

Planning proposal (Department Ref: PP_2016_PENRI_003_00): to amend the Penrith Local Environmental Plan 2010 to enable the development of a central park within the Penrith CBD.

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 rezone land in Penrith City Centre from B3 Commercial Core zone and RE1 Public Recreation zone to B4 Mixed Use zone to enable the development on a central park within the Penrith CBD should proceed subject to the following conditions:

1. Prior to public exhibition, the planning proposal is to be amended to assess the consistency of the planning proposal with Section 117 Direction 6.2 – Reserving Land for Public Purposes.

Council is to advise the regional team if the Secretary's agreement is required for any inconsistency with this Direction prior to public exhibition.

2. 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 Infrastructure 2013)*.
3. Consultation is required with the following public authorities under section 56(2)(d) of the Act and/or to comply with the requirements of relevant S117 Directions:
 - Family and Community Services – Housing NSW;
 - Transport for NSW;
 - NSW Police Force;
 - Transport for NSW;
 - Transport for NSW – Roads and Maritime Services;
 - Department of Education and Communities;
 - Sydney Water; and
 - Telstra.

Each public authority 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.

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 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 7th day of April 2016



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

Delegate of the Greater Sydney
Commission