



## Gateway Determination

**Planning proposal (Department Ref: PP-2021-6479):** to amend Penrith Local Environmental Plan 2010 to insert a local provision to mitigate urban heat island effect.

I, the Director, Central River City and Western Parkland City, Central (Western) at the Department of Planning, Industry and Environment, 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 Penrith Local Environmental Plan (LEP) 2010 to insert a local provision, should proceed subject to the following conditions:

1. Prior to public exhibition Council is to –
  - (a) Update the planning proposal to:
    - i. identify and justify any departure from the approach taken in Clause 6.12 of the Cumberland LEP 2021;
    - ii. insert the draft DCP as an attachment to the Planning Proposal so that it is exhibited concurrently with the planning proposal;
  - (b) Consult with NSW Rural Fire Service in accordance with section 9.1 Direction 4.4 Planning for Bushfire Protection and address any comments of this agency;
2. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:
  - (c) the planning proposal must be made publicly available for a minimum of **28 days**; and
  - (d) 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 section 6.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment, 2018).
3. Consultation is required with the following public authorities/organisations under section 3.34(2)(d) of the Act and/or to comply with the requirements of relevant section 9.1 Directions:
  - Sydney Water
  - Endeavour Energy

Each public authority/organisation 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 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).
5. Council is authorised as the local plan-making authority to exercise the functions under section 3.36(2) of the Act subject to the following:
  - (a) the planning proposal authority has satisfied all the conditions of the Gateway determination;
  - (b) the planning proposal is consistent with section 9.1 Directions or the Secretary has agreed that any inconsistencies are justified; and
  - (c) there are no outstanding written objections from public authorities.
6. The time frame for completing the LEP is to be **9 months** following the date of the Gateway determination. The proposal must be exhibited by March 2022 and reported to Council post exhibition by June 2022.

Dated 30th day of November 2021.



**Jane Grose**  
**Director, Central (Western)**  
**Central River City & Western Parkland**  
**City**  
**Department of Planning, Industry and**  
**Environment**

**Delegate of the Minister for Planning**  
**and Public Spaces**