



Mr Warwick Winn
General Manager
Penrith City Council
PO Box 60
PENRITH NSW 2750

Dear Mr Winn

Planning proposal PP-2021-6479 to amend Penrith Local Environmental Plan 2010

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) in respect of the planning proposal to amend Penrith LEP 2010 to introduce a local provision to mitigate the urban heat island effect.

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

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 nine months of the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible.

Council should be aware that Clause 6.12 of the *Cumberland LEP 2021* sets a precedent for Urban Heat clauses and only limited departure from this clause may be permitted. We recommend that Council consider liaising with Parliamentary Counsel Office regarding the proposed intent of the LEP prior to Council considering the post exhibition report.

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, Industry 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 Minister 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 Ms Genevieve Scarfe to assist you. Ms Scarfe can be contacted on 9860 1545.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Jane Grose', written in a cursive style.

Jane Grose
Director, Central (Western)
Central River City & Western Parkland City

Encl: Gateway determination
Authorised plan-making reporting template