



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

Dear Mr Winn,

Planning proposal [PP_2019_PENRI_001_00] for Phase 1 of amendments to 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) received on 30 September 2019. The planning proposal is for Phase 1 of amendments as part of the review of Penrith Local Environmental Plan 2010 (Penrith LEP 2010) to align and implement the draft Penrith Local Strategic Planning Statement.

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 including the removal of Amendment 7 from the planning proposal.

I understand Council's desire to include an amendment to prohibit cemeteries and crematoriums in the Mulgoa Valley and parts of Wallacia. However, due to the significance of that proposed amendment and the need for further justification it is considered that this amendment should remain as a separate planning proposal.

In addition, I note that Council has requested that the Low Rise Medium Density Housing Code also applies to dual occupancies in the RU5 Village zone. The Gateway determination has been conditioned to allow Council to consider the need for a minimum lot size for this type of development to ensure the application of the code in this zone is consistent with Council's vision for the area.

I have also agreed, as delegate of the Secretary, that any inconsistencies with section 9.1 Directions 1.1 Business and Industrial Zones, 2.3 Heritage Conservation, and 6.3 Site Specific Provisions are minor or justified. No further approval is required in relation to these Directions.

Council may still need to obtain the agreement of the Secretary to comply with the requirements of relevant section 9.1 Direction 3.1 Residential Zones and 4.4 Planning for Bushfire Protection. Council should ensure this occurs prior to the plan being made. As required by Direction 4.4 Planning for Bushfire Protection the Gateway includes a condition requiring that Council consult with the Rural Fire Service prior to exhibition of the Plan. Having regard to the timeframe for finalisation of the Plan please contact the Department if you require assistance with this consultation.

Council is required to submit the planning proposal to the Department for finalisation prior to 30 June 2020. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request for the Department of Planning, Industry and Environment to draft and finalise the LEP should be made before the required 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 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 Mr Mark Yee to assist you and can be contacted on 9860 1535.

Yours sincerely



17/02/20

Catherine Van Laeren
Acting Executive Director
Central River City and Western Parkland City

Encl: Gateway determination