



## Gateway Determination

**Planning proposal (Department Ref: PP\_2019\_PENRI\_001\_00):** for Phase 1 of amendments to Penrith LEP 2010 to align and implement the draft Penrith Local Strategic Planning Statement (Penrith LSPS).

I, the Acting Executive Director, Central River City and Western Parkland City, 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 Phase 1 of amendments to the Penrith Local Environmental Plan (LEP) 2010 to align and implement the draft Penrith Local Strategic Planning Statement should proceed subject to the following conditions:

1. Prior to public exhibition, the planning proposal is to be amended as follows:
  - (a) update Amendment 1 of the planning proposal to include the following:
    - i. the number of potential lots that would be achieved under the minimum standards within the Low Rise Medium Density Housing Code considering the Codes SEPP exclusions (such as sites below the minimum lot size and land subject to heritage provisions);
    - ii. the number of potential lots under the proposed development standards;
    - iii. the number of dual occupancy and multi-dwelling housing developments approved in the R3 Medium Density Residential and R4 High Density Residential zones in the LGA in the past five years; and  
Note: These numbers are to be shown under each relevant zone and by housing type.
    - iv. include the intention to introduce a new savings and transitional clause to ensure that proposed amendments do not affect any development applications or appeal processes;
  - (b) include the consideration of a minimum lot size for dual occupancy development in the RU5 Village zone;
  - (c) update Amendment 5 of the planning proposal to identify the preferred mechanism of the two proposed to introduce a new non-residential floor space ratio for development in the St Marys Town Centre;
  - (d) identify Amendment 6A as a separate amendment within the planning proposal and not part of the 'housekeeping' amendment section;
  - (e) remove Amendment 7 from the planning proposal and any references seeking to prohibit cemeteries and crematoriums in the Mulgoa Valley and parts of Wallacia;

- (f) include a note that the draft proposed clauses will be subject to legal drafting and may alter under this process;
  - (g) consult the NSW Rural Fire Service prior to public exhibition in accordance with section 9.1 Direction 4.4 Planning for Bushfire Protection and address any comments from this agency;
  - (h) update the consistency of the planning proposal with the relevant section 9.1 Directions as outlined in this report and address the consistency with Direction 7.8 Implementation of Western Sydney Aerotropolis Interim Land Use and Infrastructure Implementation Plan; and
  - (i) update the consistency of the planning proposal with the State Environmental Planning Policy (Affordable Rental Housing) 2009 and State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 as outlined in this report.
2. The revised planning proposal is to be updated in accordance with condition 1 and forwarded to the Department for review and approval prior to public exhibition.
  3. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:
    - (a) the planning proposal must be made publicly available for a minimum of **28 days**; and
    - (b) 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).
  4. Council is to inform all landowners affected by the proposed minimum lot size amendment in writing about the exhibition of the proposal, outlining the effect of the proposed changes.
  5. 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;
    - NSW Rural Fire Service; and
    - Greater Sydney Commission.

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.

6. 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).
7. Given the nature of the planning proposal, Council is not authorised to exercise delegation to make this plan.
8. Council is required to submit the planning proposal to the Department for finalisation prior to 1 July 2020.

Dated 17<sup>th</sup> day of February 2020.



**Catherine Van Laeren**  
**Acting Executive Director, Central**  
**River City and Western Parkland City**  
**Greater Sydney Place and**  
**Infrastructure**  
**Department of Planning, Industry and**  
**Environment**

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