



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

Dear Mr Winn,

Planning proposal PP_2020_PENRI_002_00 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 rezone the area known as Glenmore Park Stage 3 for urban redevelopment.

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.

Condition 2 requires that the applicant must prepare additional analysis, for the endorsement of the Department prior to exhibition, of the proposed dwelling yields and cap, and the resultant urban design outcome. This should include investigations of the 8 lots which form part of the planning proposal in private ownership. Condition 3 requires that an open space strategy be submitted to the Department for endorsement prior to exhibition.

I have also agreed, as delegate of the Secretary, that the planning proposal's inconsistency with section 9.1 Direction 1.2 Rural Zones is justified in accordance with the terms of the Direction. No further approval is required in relation to this Direction.

Council may still need to obtain the agreement of the Secretary to comply with the requirements of section 9.1 Direction 4.4 Planning for Bushfire Protection. 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.

I have considered Council's request to be the local plan-making authority and have determined not to condition the Gateway for Council to be the local plan-making authority. I have taken this decision primarily due to the need for consideration and coordination of state infrastructure contributions and the consultation coordination and input from number of agencies and public authorities involved.

As the site is located within the area covered by a potential Special Infrastructure Contribution, in accordance with Condition 7 could Council please request that the proponent initiate discussions with the Department. I would also appreciate if Council could raise the matter of State infrastructure needs generated by the proposal when consulting State Agencies and forward these submissions to the Department to assist in discussion with the proponent.

In preparing the stage 2 transport assessment, it would be appreciated if Council is guided by advice provided by Transport for NSW (TfNSW) in regard to modelling methodology assumptions and scope of work for the study. Council should also consider demand management measures which consider alternatives to private vehicle use/trips.

The amending Local Environmental Plan (LEP) is to be finalised within 12 months of 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, Industry and Environment to draft and finalise the LEP should be made eight 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 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. Mr Yee can be contacted on 9860 1535.

Yours sincerely



Jane Grose
Director – Central (Western)
Central River City and Western Parkland City

Encl: Gateway determination

Gateway Determination

Planning proposal (Department Ref: PP_2020_PENRI_002_00): to rezone the area known as Glenmore Park Stage 3 for the urban redevelopment.

I, the Director 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 the Penrith Local Environmental Plan (LEP) 2010 to rezone the area known as Glenmore Park Stage 3 for urban redevelopment should proceed subject to the following conditions:

1. The planning proposal is to be updated:
 - a. to rectify the following minor errors:
 - i. Part 1 - Amend the first outcome to refer to “create a residential development *with a dwelling yield of 2558 dwellings.*”;
 - ii. Section A of Part 3 to be updated to reflect the updated questions to be considered when demonstrating justification as set out by “A Guide to Preparing Planning Proposals”;
 - iii. Reference to Penrith’s LSPS should be included in Section A of Part 3 as the site is identified as an urban investigation area by Council’s LSPS; and
 - iv. Part 3 – section 9.1 direction 2.6 to be added into the proposal together with confirmation of consistency.
2. The applicant must prepare additional analysis, for endorsement by the Department prior to exhibition, of the proposed dwelling yields and cap, and the resultant urban design outcome.

This analysis should include detailed investigations of the 8 lots which form part of the planning proposal which are in private ownership. This analysis should assess both the existing and proposed development potential to determine the likely uplift in yield for these lots.
3. The applicant must prepare a public domain and open space strategy, for endorsement for endorsement by the Department prior to exhibition, that addresses:
 - a. The principles and performance indicators in the NSW Government’s Draft Greener Places Design Guide 2020;
 - b. How the precinct will achieve the 40% tree open target for Greater Sydney;
 - c. How existing large trees can be incorporated into the public domain wherever possible;
 - d. How riparian corridors will be incorporated into the open space network; and

- e. The suitability of the south-east open space on land with fragmented ownership.
4. The applicant is to consult the eight individual landowners prior to the public exhibition process and provide a summary of the outcomes of this consultation to the Department prior to public exhibition.
5. 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.
6. As part of the Stage 2 transport analysis, Council is to consider traffic demand measures that can be incorporated to reduce reliance on private vehicles.
7. Council to request the proponent to initiate discussions with the Department regarding the State infrastructure needs generated by the proposal. This is consistent with the planning proposal seeking to identify the land as an urban release area to enable designated State public infrastructure under Clause 6.1 of the Penrith LEP.
8. Council is to concurrently exhibit the planning proposal, draft site-specific development control plan and draft contributions plan. Consultation should occur with the Department to ensure that the development control plan is consistent with the standard template which is currently being developed.
9. Council must evaluate the viability of increasing the required percentage of affordable housing from 3% to 5% as part of its VPA negotiations.
10. The planning proposal should be made available for community consultation for a minimum of 28 days.
11. In addition to Council's standard consultation during public exhibition, Council should send correspondence to all landowners which form part of the planning proposal with the offer to directly meet with Council officers to discuss the planning proposal.
12. Consultation is required with the following public authorities:
 - Transport for NSW
 - Department of Planning, Industry and Environment – Resilience Planning
 - Department of Planning, Industry and Environment – Environment, Energy and Science
 - Sydney Water
 - Endeavour Energy
 - Environmental Protection Authority
 - Department of Education
 - NSW Environment Protection Authority
 - Local Aboriginal Land Councils
 - Department of Primary Industries – Agriculture
 - NSW Health – Western Sydney Local Health District
 - Greater Sydney Commission

- Dam Safety for NSW
- Natural Resources Access Regulator

In consulting with authorities, Council is to seek the views of the relevant authorities over the need for state infrastructure contributions to support the proposal.

13. 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).
14. The time frame for completing the LEP is to be 12 months from the date of the Gateway determination.
15. Given the nature of the planning proposal, Council should not be authorised to be the local plan-making authority to make this plan.

Dated 23 day of September 2020.



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

Delegate of the Minister for Planning
and Public Spaces