



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

Our ref: PP-2020-2803

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

Dear Mr Winn

Public exhibition of Glenmore Park Stage 3 Planning Proposal and extension of Gateway determination

I write in response to Council's submission of the draft Public Domain and Open Space Strategy (PDOSS) to the Department of Planning and Environment, and Council's correspondence seeking an extension of time to complete the proposal.

As you are aware, Condition 3 of the Gateway determination requires a draft PDOSS to be prepared prior to public exhibition of the planning proposal. This condition included several requirements including addressing the Greater Sydney Commission's target of 40% tree canopy.

The Department has reviewed the draft PDOSS and supports the draft PDOSS proceeding to exhibition, noting the following:

- Prior to the finalisation of the planning proposal, the PDOSS is to be reviewed in the context of the Cumberland Plain Conservation Plan (CPCP). It is understood that the proponent has demonstrated to Council's satisfaction that the use of 'avoided lands' in the draft CPCP for open space and drainage purposes will not negatively impact on, or result in the removal of the vegetation that contributes to the biodiversity values of the land based on detailed site investigations. If the planning proposal results in the removal of biodiversity in the 'avoided lands', the planning proposal may need to be amended;
- Council must be satisfied with proposed ownership arrangements of land identified within the PDOSS to deliver open space for the future community; and
- It is recommended Council and Mirvac further consider opportunities for street tree planting to increase the proposed tree canopy cover to meet the 40% target.

Please note that further resubmission of the PDOSS to the Department prior to exhibition is not required.

Council and Mirvac have also been involved in meetings with School Infrastructure NSW (SINSW) and the Department regarding the need for a school within the site. As a result of those meetings, the proposal is required to be updated to ensure a suitably sized primary school site is provided to the satisfaction of SINSW. I note that the traffic modelling and associated Transport Plan will need to reflect the potential enrolment of 1000 students.

I have also determined as the delegate of the Minister, in accordance with section 3.34(7) of the *Environmental Planning and Assessment Act 1979*, to alter the Gateway determination by extending the timeframe for its completion. The Alteration of Gateway determination documents are enclosed.

The NSW Government is committed to reforming the planning system to be more streamlined and simplified to help unlock productivity by creating jobs and supporting on-going economic recovery.

A key part of the reform program involves reducing the end to end timeframe for rezoning proposals.

I have therefore outlined additional conditions requiring Council to meet milestones in the plan making process by certain dates. Should Council not meet these timeframes, or the proposals be further delayed, consideration will be given for whether they should proceed. I also note that further extensions for these proposals are unlikely to be granted except in exceptional circumstances.

Thank you for submitting the PDOSS to the Department for review and endorsement. Should you have any further enquiries, please do not hesitate to contact Christine Gough, Director Central (Western) on 0499 299 234 or Christine.gough@planning.nsw.gov.au

Yours sincerely,

A handwritten signature in black ink, appearing to read "Catherine Van Laeren".

02/03/2022

Catherine Van Laeren
Executive Director
Western Parkland City

Alteration of Gateway Determination

Planning proposal (Department Ref: (PP-2020-2803))

I, Executive Director, Western Parkland City, at the Department of Planning and Environment, as delegate of the Minister for Planning and Homes, have determined under section 3.34(7) of the *Environmental Planning and Assessment Act 1979* to alter the Gateway determination dated 23 September 2020 for the proposed amendment to the Penrith Local Environmental Plan 2010 as follows:

1. Delete: "condition 14".

Replace with a new condition 14: "The LEP is to be completed by **30 August 2022.**"

2. Insert:

New condition 16: "The planning proposal must be publically exhibited by **May 2022.**"

3. Insert:

New condition 17: "The planning proposal must be reported to council for final consideration by **29 July 2022.**"

Dated 2nd day of March 2022.



Catherine Van Laeran
Executive Director,
Western Parkland City
Department of Planning and Environment

**Delegate of the Minister for Planning and
Homes**

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

Our ref: PP-2020-2803 (IRF22/1927)

Attn: Natasha Borgia

Dear Mr Winn

Planning proposal PP-2020-1927 – Alteration of Gateway Determination

I refer to Council's email response to the Department in relation to a revised timeline and extension of time to complete planning proposal PP-2020-2803 to rezone 206 hectares of land known as Glenmore Park Stage 3 (2,558 Dwellings, 0 Jobs).

I have determined as the delegate of the Minister, in accordance with section 3.34(7) of the *Environmental Planning and Assessment Act 1979*, to alter the Gateway determination dated 23 September 2020 for PP-2020-2803 (since altered). The Alteration of Gateway determination is enclosed.

The amendment to the local environmental plan (LEP) is to be finalised by 23 December 2022. While a condition of the Gateway determination requires the proposal to be exhibited by August and reported to Council for determination by the end of October 2022, given the history of this planning proposal, Council is encouraged to finalise the plan-making process as soon as possible.

As you are aware, the Department is actively working to reduce planning proposal assessment times and this planning proposal has already been granted one time extension. While a second time extension has been granted in this instance, it is unlikely that a further extension of time will be supported unless there are extenuating circumstances. The Department appreciates the complexity of issues to resolve, however, encourages Council to progress to exhibition as soon as possible to meet the revised timelines. If there is any assistance that the Department can provide to resolve any outstanding matters, please do not hesitate to contact us.

If you have any questions in relation to this matter, I have arranged for Mr Ryan Klingberg to assist you. Mr Klingberg can be contacted on 9860 1561.

Yours sincerely



Christine Gough
Director, Central (Western)
Metro West

Encl: Alteration of Gateway Determination

Alteration of Gateway Determination

Planning proposal (Department Ref: PP-2020-2803)

I, Director, Central Western, Metro West at the Department of Planning and Environment, as delegate of the Minister for Planning and Homes, have determined under section 3.34(7) of the *Environmental Planning and Assessment Act 1979* to alter the Gateway determination dated 23 September 2020 (since altered) for the proposed amendment to the Penrith Local Environmental Plan 2010 as follows:

1. Delete:

“condition 14”

and replace with:

a new condition 14: “The time frame for completing the LEP is by 23 December 2022.”

2. Delete:

“condition 16”

and replace with:

new condition 16: “The planning proposal must be reported to Council for consideration to proceed to exhibition by the 31 July 2022.”

3. Delete:

“condition 17”

and replace with:

new condition 17: “The planning proposal must be publically exhibited by 31 August 2022.”

4. Insert:

new condition 18: “The planning proposal must be reported to Council for final consideration by 31 October 2022.”

Dated 8th day of June 2020.



Christine Gough
Director, Central Western
Metro West
Department of Planning and Environment
Delegate of the Minister for Planning