

Gateway Determination

Planning proposal (Department Ref: PP-2021-4958): to enable residential accommodation as an additional permitted use on site with additional local provisions for 61-79 Henry Street, Penrith.

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 enable residential accommodation as an additional permitted use on site with additional local provisions for 61-79 Henry Street, Penrith should proceed subject to the following conditions:

1. Council is to update the planning proposal, and submit to the Department for endorsement prior to exhibition, as follows:
 - (a) Ensure the planning proposal and all supporting documentation are consistent, particularly when outlining the potential development concept likely to result from the proposed LEP controls and to clearly distinguish what the proposed amendments will deliver (i.e. quantum of non-residential floor space) and what is part of a potential development concept (i.e. specified non-residential uses).
 - (b) Provide further detail on the quantum and types of affordable and diverse housing to be provided as part of the planning proposal as well as details on the management, ownership and delivery mechanisms to secure this benefit as part of the rezoning.
 - (c) Provide further detail on the likely community infrastructure benefits to be attributed to the planning proposal and any future redevelopment of the site, including but not limited to the provision of publicly accessible open space, supermarket, hotel and support services as well as the potential proposed mechanisms and timing to secure these contributions (i.e through the rezoning or a future development application).
 - (d) Provide further analysis of the provision of housing in the Penrith City Centre and the cumulative impact from potential rezonings enabling further residential development, including the subject proposal, to address the housing supply pipeline.
 - (e) Confirm capacity under the Adaptive Management Framework to accommodate the site's future development potential under the proposed amendments.
 - (f) Provide further assessment of Council's job containment ratio of 1:1 and job distribution for the subject site, particularly to demonstrate the proposal gives effect to Western City District Plan Planning

Priority W9 Growing and strengthening the metropolitan cluster and Section 9.1 Direction 1.1 Business and industrial zones.

- (g) Provide further background on the delivery of the potential new roundabout controlled intersection at Lawson Street and Soper Place, to be delivered with the adjoining Soper Place car park, and analysis of the proposed access arrangements for the subject site.
 - (h) Provide further traffic and intersection capacity analysis to determine the impact the development resulting from the planning proposal may have as well as what may be required as an appropriate apportioned development contribution for the site to assist with mitigating any impacts.
 - (i) Provide an assessment under Section 9.1 Ministerial Direction 2.6 Remediation of contaminated land and to remove references to the now repealed provisions of State Environmental Planning Policy No. 55 – Remediation of land.
 - (j) Confirm that the site is above the Probable Maximum Flood (PMF) level.
2. Prior to public exhibition, consultation is required with Transport for NSW. The planning proposal is to be updated to reflect any changes that may arise out of consultation with Transport for NSW.
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. 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:
- Department of Planning, Industry and Environment – Resilience Planning (who may advise that additional consultation with Infrastructure NSW or State Emergency Services is required during the public exhibition period);
 - Sydney Water;
 - Department of Premier and Cabinet – Heritage NSW; and
 - Relevant infrastructure providers for telephone, gas and electricity.

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.

5. 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).

6. The planning proposal authority is authorised as the local plan-making authority to exercise the functions under section 3.36(2) of the Act subject to the following:
 - (a) the planning proposal authority has satisfied all the conditions of the Gateway determination;
 - (b) the planning proposal is consistent with section 9.1 Directions or the Secretary has agreed that any inconsistencies are justified; and
 - (c) there are no outstanding written objections from public authorities.
7. The time frame for completing the LEP is to be **12 months** following the date of the Gateway determination. The planning proposal must be exhibited by November 2022 and reported to Council post exhibition by March 2022.

Dated 21 day of September 2021.



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