NSW GOVERNMENT | Planning & Environment

PP_2017_PENRI_004_00
IRF 17/702

Mr Alan Stoneham
General Manager
Penrith City Council
PO Box 60,
PENRITH NSW 2751

Attention: Joel Carson

Dear Mr Stoneham

Planning Proposal PP_2017_PENRI_004_00 to amend Penrith Local Environmental Plan 2010 – Housekeeping Amendment (2017)

I am writing in response to Council's request for a Gateway determination under Section 56 of the *Environmental Planning and Assessment Act 1979* (the Act) and the additional information provided by Council in respect of the planning proposal to undertake housekeeping amendments to the Penrith Local Environmental Plan 2010.

As delegate of the Greater Sydney Commission, I have now determined the planning proposal should proceed subject to the conditions in the attached Gateway determination.

I have also agreed, as delegate of the Secretary, the Planning Proposal's inconsistencies with Section 117 Directions: 1.1 Business and Industrial Zones; 2.3 Heritage Conservation; 3.1 Residential Zones; 4.1 Acid Sulfate Soils; 4.3 Flood Prone Land; and, 6.2 Reserving Land for Public Purposes, are justified in accordance with the terms of the directions. No further approval is required in relation to these directions.

Council is required, however, to consult with the NSW Rural Fire Service to satisfy the requirements of Section 117 Direction 4.4 Planning for Bushfire Protection. Should the NSW Fire Service require any additional information, or specify any additional matters to be addressed, the planning proposal is to be amended accordingly prior to community consultation.

Plan making powers were delegated to Councils by the Minister in October 2012. It is noted that Council has not requested to be issued with an authorisation to exercise the delegation for this planning proposal. In consultation with council officers, I have considered the nature of Council's planning proposal and have decided to issue an authorisation for Council to exercise delegation to make this plan.

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 to draft and finalise the LEP should be made directly to Parliamentary Counsel's Office 6 weeks prior to the projected publication date. A copy of the request should be forwarded to the Department of Planning and Environment.

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 Greater Sydney Commission may take action under Section 54(2)(d) of the Act if the time frames outlined in this determination are not met.

Should you have any further enquiries about this matter, I have arranged for Mr Amar Sain to assist you. Mr Saini can be contacted on (02) 9373 2880.

Yours sincerely

09/02/18

Catherine Van Laeren
Director, Sydney Region West
Planning Services

Encl: Gateway Determination
Written Authorisation to Exercise Delegation
Delegated Plan Making Reporting Template

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Gateway Determination

***Planning Proposal (Department Ref: PP_2017_PENRI_004_00**: a housekeeping planning proposal to amend various provisions of the Penrith Local Environmental Plan 2010 at various sites.*

I, the Director, Sydney Region West at the Department of Planning and Environment as delegate of the Greater Sydney Commission, have determined under Section 56(2) of the *Environmental Planning and Assessment Act, 1979* (EP&A Act) that an amendment to the Penrith Local Environmental Plan (LEP) 2010 to amend various provisions of the LEP at various sites should proceed subject to the following conditions:

1. Prior to exhibition, Council is to amend the planning proposal in the following manner:

Part 2 – Explanation of Provisions

a) Remove the explanation that the amendment will ensure consistency with Council's development control plan and include the planning reasons supporting amendments:
   i. 3. *Active Street Frontage for the Penrith Health and Education Precinct*;
   ii. 4. *Lot Size controls at Claremont Meadows Stage 2 Adjacent to M4 Motorway*; and,
   iii. 36. *Active street frontage for Glenmore Park Centre*.

b) Include a current zoning map extract indicating the subject site(s) for reference purposes for the following amendments:
   i. 4. *Lot Size controls at Claremont Meadows Stage 2 Adjacent to M4 Motorway*;
   ii. 5. *Removal of building height controls form RE1 Public recreation land in the vicinity of Nepean Hospital*;
   iii. 8. *Align lot size control with location of RE1 Public Recreation zoned land at Glenmore Park Stage 2*;
   iv. 13. *Addition of missing lot size controls at Glenmore Park*;
   v. 15. *Remove minimum lot size control from RE1 Public recreation zoned land at Wallacia*;
   vi. 20. *Addition of missing lot size control to properties at Chameleon Drive, Erskine Park*; and,
   vii. 21. *Removal of minimum lot size form 137-139 Vincent Road, Cranebrook*.

c) Amend the diagram supporting amendment 6. *Align mapped planning controls to subdivision boundaries at North Penrith*, to clearly indicate the proposed changes on the 'Proposed Land Zoning Map'.

d) Amend the supporting maps for amendment 7. *Align planning controls to subdivision boundaries at Pandorea Street, Claremont Meadows,* by including the words "Pandorea Street' in the appropriate location.

e) Amend the word 'Mater's' to 'Masters' where appearing under the amendment heading of 9. *Improvement to labelling of State Heritage Item 187) Station Masters House), Penrith.*

f) Under amendment 14. *Alignment of zoning; lot size; and, land reservation maps for Agnes Banks properties*, include an appropriate extract from the acquisition map for reference purposes and, for clarity, add labels to the supporting maps identifying the land subject to this amendment, i.e. Lot 10 DP117071 and Lot 11 DP 117071.

g) Under amendment 32. *Addition of missing 650 square metres lot size to legend map tiles*, remove the 'B' label from the key supporting diagram and include an appropriate diagram highlighting the location of the area the 'O' label currently applies.
h) Under amendment 33. *Alignment of zoning and subdivision boundaries at Wilson and Baker Streets, Werrington*, amend the supporting diagram to include relevant lot descriptions.
i) Under 35. *Addition of missing 25 square metres lot size to legend on map tiles*, remove label 'O'.
j) Under amendment 38. *Deletion of additional permitted uses from 2065-2113 The Northern Road and 1-29 Bradley Street, Glenmore Park*, add a note explaining the circumstances supporting the removal of the additional permitted use.

Part 3 - Justification

k) Council is to address the consistency of the proposal with the Draft Greater Sydney Region Plan (October 2017) and the revised Draft Western City District Plan (October 2017).

2. Prior to exhibition Council is to consult with Commissioner of the NSW Rural Fire Service to satisfy the requirement of S.117 Direction 4.4 Planning for Bushfire Protection and, if necessary, amend the planning proposal accordingly. The NSW Fire Services is to be provided with a copy of the relevant part(s) of the planning proposal and any relevant supporting material, and given at least 21 days to comment.

3. Consultation is required with Transport for NSW (Rail) in respect amendment 17. *Correction to mapped planning controls on railway land at Russell Street, Emu Plains*. That authority is to be provided with the relevant part(s) of the planning proposal and any relevant supporting material, and given at least 21 days to comment.

4. Community consultation is required under Sections 56(2)(c) and 57 of the Act as follows:

(a) the planning proposal must be made publicly available for a minimum of 28 days; and,
(b) the relevant planning 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 5.5.2 of A guide to preparing local environmental plans (Department of Planning and Environment 2016).

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5. The timeframe for completing the LEP is to be 12 months from the date of the Gateway determination.

Dated 9th day of February 2018.

Catherine Van Laeren
Director, Sydney Region West
Planning Services
Department of Planning and Environment

Delegate of the Greater Sydney Commission

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WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Penrith City Council is authorised to exercise the functions of the Greater Sydney Commission under section 59 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) that are delegated to it by instrument of delegation dated 14 October 2012, in relation to the following planning proposal:

Number	Name
PP_2017_PENRI_004_00	Housekeeping planning proposal to amend various provisions of the Penrith Local Environmental Plan 2010.

In exercising the Greater Sydney Commission's functions under Section 59 of the EP&A Act, the Council must comply with the Department's "*A guide to preparing local environmental plans 2016*" and "*A guide to preparing planning proposals 2016*".

Dated 9th February 2018

Catherine Van Laeren
Director, Sydney Region West
Planning Services
Department of Planning and Environment

Delegate of the Greater Sydney Commission

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Attachment 5 – Delegated plan making reporting template

Reporting template for delegated LEP amendments

Notes:

- Planning proposal number will be provided by the Department of Planning and Environment following receipt of the planning proposal
- The Department of Planning and Environment will fill in the details of Tables 1 and 3
- RPA is to fill in details for Table 2
- If the planning proposal is exhibited more than once, the RPA should add additional rows to **Table 2** to include this information
- The RPA must notify the relevant contact officer in the regional office in writing of the dates as they occur to ensure the publicly accessible LEP Tracking System is kept up to date
- A copy of this completed report must be provided to the Department of Planning and Environment with the RPA's request to have the LEP notified

Table 1 – To be completed by Department of Planning and Environment

Stage	Date/Details
Planning Proposal Number	**PP_2017_PENRI_004_00**
Date Sent to DP&E under s56	**11 December 2017**
Date considered at LEP Review Panel (if applicable)	**N/A**
Gateway determination date	**9 February 2018**

Table 2 – To be completed by the RPA

Stage	Date/Details	Notified Reg Off
Dates draft LEP exhibited		
Date of public hearing (if held)		
Date sent to PCO seeking Opinion		
Date Opinion received		
Date Council Resolved to Adopt LEP		
Have changes been made to the draft LEP after obtaining final PC opinion?	**YES NO**	
Date LEP made by GM (or other) under delegation		
Date sent to DPE requesting notification		

Table 3 – To be completed by Department of Planning and Environment

Stage	Date/Details
Notification Date and details	

Additional relevant information: