

Our ref: PP_2016_PENRI_005_00 (16/14577)
Your ref: 7569050

Alan Stoneham
General Manager
Penrith City Council
PO Box 60
PENRITH NSW 2750

Dear Mr Stoneham

Planning proposal to amend Penrith Local Environmental Plan 2010.

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)* in respect of the planning proposal to amend *Penrith Local Environmental Plan 2010* to adjust the planning controls for land at Mulgoa Road and Retreat Drive, Penrith (Penrith Panthers Site).

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.

As you are aware, the NSW Government has identified Hawkesbury-Nepean Valley as having the greatest single flood exposure in NSW, posing a significant danger to life and property in Western Sydney. The Hawkesbury-Nepean Valley Flood Risk Management Taskforce has found that any proposed increase in development in the Hawkesbury-Nepean Valley needs to be considered in a regional context to adequately assess cumulative and interdependent impacts on flood risk. The Taskforce work also highlighted the role of strategic land use planning decisions as those with the greatest potential to reduce existing and future flood risk in the Hawkesbury-Nepean Valley.

In this regard, the attached Gateway determination allows the proposal to proceed on the basis that further work is carried out to the satisfaction of the Taskforce. The matters to be addressed are included in the attached letter. I am also agreeing to the proposal proceeding on the basis that no greater development yield can be achieved that exist under current planning controls.

Council may still need to obtain the agreement of the Department's Secretary to comply with the requirements of S117 Direction 4.3 – Flood Prone Land. Council should ensure this occurs prior to the plan being made.

Plan making powers were delegated to councils in October 2012. It is noted that Council has requested to be issued with delegation for this planning proposal. I have considered the nature of Council's planning proposal and based on the outstanding planning matters, I have decided not to issue an authorisation for Council in this instance.

The amending Local Environmental Plan (LEP) is to be finalised within 12 months of the week following 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 and Environment to draft and finalise the LEP should be made 6 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 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 queries in regard to this matter, I have arranged for Mr Stephen Gardiner of the Department's regional office to assist you. Mr Gardiner can be contacted on (02) 9860 1536.

Yours sincerely



20/12/16

Catherine Van Laeren
Director, Sydney Region West
Planning Services

Encl(2): Gateway Determination
INSW letter of 5 December 2016

Gateway Determination

Planning proposal (Department Ref: PP 2016 PENRI 005 00): to amend *Penrith Local Environmental Plan 2010* to adjust the planning controls for land at Mulgoa Road and Retreat Drive, Penrith (Penrith Panthers Site).

I, the Director Sydney West Region 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* (the Act) that an amendment to the Penrith Local Environmental Plan (LEP) 2010 should proceed subject to the following conditions:

1. Prior to public exhibition, Council is to amend the proposal:
 - a. to address the draft West District Plan including Sustainability Actions S11 and S16;
 - b. to cap the maximum development capacity potential to:
 - i. a maximum of 850 dwellings on the site, and
 - ii. a maximum gross floor area 80,400sqm on the site, so that no additional yield is generated as a result of the proposal;
 - c. to include a description of the changes required to the map legend for the following Height of Buildings Maps (sheets 5-7, 11-13, 18-20) as follows,
 - i. 6350_COM_HOB_005,
 - ii. 6350_COM_HOB_006,
 - iii. 6350_COM_HOB_007,
 - iv. 6350_COM_HOB_011,
 - v. 6350_COM_HOB_012,
 - vi. 6350_COM_HOB_013,
 - vii. 6350_COM_HOB_018,
 - viii. 6350_COM_HOB_019, and
 - ix. 6350_COM_HOB_020;
2. Prior to exhibition a detailed assessment addressing the issues outlined in the letter from the Hawkesbury-Nepean Valley Flood Management Directorate dated 5 December 2016, is required to be prepared, which includes evacuation plans approved by the NSW State Emergency Service in consultation with Roads & Maritime Services and the Office of Environment & Heritage. The proposal must be amended to address section 117 Direction 4.3 - Flood Prone Land.

A copy of this assessment with the planning proposal must be referred to the Hawkesbury-Nepean Valley Flood Management Directorate for approval. A copy of the proposal and assessment must be provided to the Department's regional team for information.

3. 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).
4. Consultation is required with the following public authorities under section 56(2)(d) of the Act and/or to comply with the requirements of relevant S117 Directions:
 - Infrastructure NSW - Hawkesbury-Nepean Valley Flood Management Directorate;
 - Transport for NSW – Roads and Maritime Services (including advice on the existing planning agreement in place);
 - Office of Environment and Heritage;
 - Sydney Water;
 - Essential Energy; and,
 - Telstra.

Each public authority 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.

Notwithstanding this condition, advice is required under Condition 2 from the Hawkesbury-Nepean Valley Flood Management Directorate regardless of any time limitation.

5. A public hearing is not required to be held into the matter by any person or body under section 56(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 timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway determination.

Dated 20th day of December 2016



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

Delegate of the Greater Sydney
Commission