

Penrith Planning Proposal - Lots 1 - 4 Old Bathurst Road, Emu Plains

Proposal Title : **Penrith Planning Proposal - Lots 1 - 4 Old Bathurst Road, Emu Plains**

Proposal Summary : **The PP seeks to rezone Lots 1 - 4 Old Bathurst Road, Emu Plains to part IN2 Light Industrial (18.16 hectares) to enable industrial development, and E3 Environmental Management (4.15 hectares) to protect the remaining part of the site.**

PP Number : **PP_2012_PENRI_002_00** Dop File No : **12/18515**

Proposal Details

Date Planning Proposal Received : **19-Nov-2012** LGA covered : **Penrith**

Region : **Sydney Region West** RPA : **Penrith City Council**

State Electorate : **PENRITH** Section of the Act : **55 - Planning Proposal**

LEP Type : **Spot Rezoning**

Location Details

Street : **Lots 1-4 Old Bathurst Road**

Suburb : **Emu Plains** City : Postcode : **2750**

Land Parcel : **Lots 1 & 2 DP 517958 & Lots 3 & 4 DP 574650**

DoP Planning Officer Contact Details

Contact Name : **Tessa Parmeter**

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RPA Contact Details

Contact Name : **Glen McCarthy**

Contact Number : **0247327701**

Contact Email : **gmccarthy@penrithcity.nsw.gov.au**

DoP Project Manager Contact Details

Contact Name : **Stephen Gardiner**

Contact Number : **0298601536**

Contact Email : **stephen.gardiner@planning.nsw.gov.au**

Land Release Data

Growth Centre : **N/A** Release Area Name : **N/A**

Regional / Sub Regional Strategy : **Metro North West subregion** Consistent with Strategy : **Yes**

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MDP Number :		Date of Release :	
Area of Release (Ha) :	0.00	Type of Release (eg Residential / Employment land) :	Employment Land
No. of Lots :	40	No. of Dwellings (where relevant) :	0
Gross Floor Area :	0	No of Jobs Created :	1,300

The NSW Government Lobbyists Code of Conduct has been complied with :

If No, comment :

Have there been meetings or communications with registered lobbyists? :

If Yes, comment :

Supporting notes

Internal Supporting Notes :

- On 15 October 2012, Council resolved to submit the proponent's planning proposal to the Department seeking a Gateway determination to rezone the site for industrial purposes and requested the Gateway to include "terms of reference" for a necessary flood study to occur to meet the Section 117 Direction 4.3 - Flood Prone Land. Council has not amended the PP to reflect this but has indicated that the PP should be considered by the Gateway as though this is intended.

Background:

- On 22 September 2010, Penrith Local Environmental Plan 2010 was notified and this site was one of eight deferred areas excluded from the instrument. Therefore the land remained zoned as 1(d) Rural (Future Urban) under the Penrith Interim Development Order (IDO) No. 93.

JRPP REVIEW

- On 30 July 2011, upon receiving a request from Penrith City Council's General Manager, the Minister for Planning and Infrastructure requested that the Sydney West Joint Regional Planning Panel (JRPP) provide advice on the suitability of the site for industrial purposes.

- On 22 March 2012, the JRPP submitted its report to the Minister. The JRPP did not support the rezoning in the short term based on the amount of existing employment land available and uncertainty around environmental impacts including flooding.

- On 25 July 2012, Penrith City Council again requested the Department undertake a review of the suitability of this site for industrial purposes.

- On 25 September 2012, the Director General endorsed a report which recommended that there was sufficient strategic justification that the site was suitable for industrial uses subject to future planning studies (including flood studies).

External Supporting Notes :

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment : **The intended outcome is to rezone the site to permit industrial development on the site and to protect the adjacent waterway (Nepean River) by utilising an environmental zone along the river.**

The objective is generally consistent with the Department's "A Guide to Preparing a Planning Proposals".

The Planning Proposal, while adopted by the RPA, does not clearly indicate that this is a planning proposal but rather is an application to the JRPP by the proponent. This is reflected in the introduction which refers to the report being prepared for the JRPP, not a planning proposal.

The Planning Proposal will need to be amended to remove these references so that it is clearly the RPA's Planning Proposal.

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment : **The included explanation of provisions identifies proposed changes to maps under the Penrith LEP 2010, including:**

Land Application Map (LAP): Include this site in the land application map and remove reference to "deferred matter";

Land zoning map (LZN): Rezone the site part IN2 Light Industrial (for 18.16 hectares of the site) and E3 Environmental Management (for 4.15 hectares of the site);

Lot Size Map (LSZ) includes proposed minimum lot sizes for the IN2 Light Industrial zone (2000m2) and the E3 Environmental Management zone (20 hectares);

Height of Buildings Map (HOB): Identify the land zoned as IN2 Light Industrial with a maximum building height of 12 metres;

Scenic and Landscape Values Map: Identify this land on Council's Scenic and Landscape Value Map (local map and subject to an existing local clause).

The IN2 Light Industrial zone and E3 Environmental Management zones are existing zones in Penrith LEP 2010. No changes are proposed to the existing land use permissibility within these zones.

The explanation of provisions is generally consistent with the Department's "A Guide to preparing a planning proposal".

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **No**

b) S.117 directions identified by RPA :

* May need the Director General's agreement

1.1 Business and Industrial Zones

1.2 Rural Zones

2.1 Environment Protection Zones

2.3 Heritage Conservation

2.4 Recreation Vehicle Areas

3.4 Integrating Land Use and Transport

4.3 Flood Prone Land

4.4 Planning for Bushfire Protection

- 6.1 Approval and Referral Requirements
- 6.2 Reserving Land for Public Purposes
- 6.3 Site Specific Provisions
- 7.1 Implementation of the Metropolitan Plan for Sydney 2036

Is the Director General's agreement required? **Yes**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified?

SEPP No 1—Development Standards
 SEPP No 4—Development Without Consent and Miscellaneous
 Exempt and Complying Development
 SEPP No 6—Number of Storeys in a Building
 SEPP No 33—Hazardous and Offensive Development
 SEPP No 50—Canal Estate Development
 SEPP No 55—Remediation of Land
 SEPP No 60—Exempt and Complying Development
 SEPP No 62—Sustainable Aquaculture
 SEPP No 64—Advertising and Signage
 SEPP (Building Sustainability Index: BASIX) 2004
 SEPP (Exempt and Complying Development Codes) 2008
 SEPP (Infrastructure) 2007
 SEPP (Major Projects) 2005
 SEPP (Mining, Petroleum Production and Extractive Industries) 2007
 SEPP (Temporary Structures and Places of Public Entertainment)
 2007
 SREP No. 20 - Hawkesbury–Nepean River (No. 2 - 1997)

e) List any other
 matters that need to
 be considered :

- The JRPP Report dated 22 March 2012.
 - The Director General's letter to Council dated 25 September 2012 which sets
 parameters of further work provided including terms of reference for a flood study.

Have inconsistencies with items a), b) and d) being adequately justified? **No**

If No, explain :

The Planning Proposal does not include any assessment except for Section 117
 Direction 4.3 - Flood Prone Land, which is limited as best and is inconsistent with the
 Council resolution.

This is discussed further "environmental considerations" section of this report.

On 21 November 2012, Council provide further clarification that the planning proposal, if
 approved by Gateway, will require "terms of reference for an independent review of
 flooding matters" to ensure either consistency with the Section 117 Direction or verify
 that the justification of "minor significance" is valid.

It is recommended that the RPA be required to undertake a full assessment and
 justification of consistency with the identified SEPPs and Section 117 Directions.
 Consistency or otherwise with all SEPPs and Section 117 Directions will need to be
 considered by the Minister's delegate at a later stage in the process.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment :

The RPA has provided A4 size maps of the proposed amendments to the relevant map
 sheets under Penrith LEP 2010.

The maps are adequate for the purpose of community consultation, however, will need
 to be amended to be consistent with the Standard Instrument mapping guidelines for
 drafting and finalisation of the planning proposal.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : The planning proposal is recommended to be publically exhibited for 28 days.
While this time period is longer then the recommended 14 days for a spot rezoning, the additional time is supported.

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **No**

If No, comment : As noted above, the planning proposal does not include an adequate assessment of SEPPs and Section 117 Directions. The planning proposal and Council resolution conflict in a number of areas in particular flooding and required flood studies.

The planning proposal was written as an application to the JRPP.

These issues and further information need to be addressed by the RPA (Penrith City Council) prior to the planning proposal being referred to Government agencies and/or publically exhibited.

Proposal Assessment

Principal LEP:

Due Date : **September 2010**

Comments in relation to Principal LEP : This site was one of several sites which were deferred from the Penrith LEP 2010. It was resolved in a Council resolution to defer this site from the LEP to complete further flood investigations.

Assessment Criteria

Need for planning proposal : The potential rezoning of this site has had a long history with assessment and consideration of the suitability to rezone this site for industrial development by a number of sources. See a brief review of the history below:

HISTORY:

- On 26 March 2007, Penrith City Council adopted the Penrith Employment Planning Strategy (December 2006) and also resolved to include Lots 1-4 Old Bathurst Road, Emu Plains in the comprehensive Local Environmental Plan as IN1 General Industrial.

- On 22 September 2010, Penrith comprehensive Local Environmental Plan 2010 was notified and this site (Lots 1 - 4 Old Bathurst Road) was one of eight deferred areas excluded from the instrument. The Council recommendation to defer this site was based on the need for further flood investigations. The southern portion of an adjoining site outside of the flood channel was zoned IN2 Light Industrial.

- On 30 July 2011, the Minister for Planning and Infrastructure requested that the Sydney West Joint Planning Panel (JRPP) provide advice on the suitability of the site for industrial purposes.

- On 22 March 2012, the JRPP submitted its report to the Minister. The JRPP did not support the rezoning in the short term based on the amount of existing employment land available

and uncertainty around environmental impacts including flooding.

- On 25 July 2012, Penrith City Council requested the Department undertake a review of the suitability of this site for industrial purposes.

- On 24 and 29 August 2012, the Department met with Council officers, inspected the site and met the proponent.

- On 24 September 2012, the Department made the recommendation that there was sufficient strategic justification that the site was suitable for industrial uses subject to future planning studies (including flood studies).

- On 15 October 2012, Council resolved to submit the planning proposal to the Department for a Gateway determination.

CURRENT CONTROLS

The site is currently zoned 1(d) Rural (Future Urban) under Interim Development Order (IDO) No. 93 - Penrith. Under IDO No. 93, industrial development is not permitted in the zone; therefore a change of zone is required.

CONCLUSION

A planning proposal to rezone the land is the best mechanism to achieve the desired planning outcome of permitting industrial development on the site. Notwithstanding, the RPA will need to ensure that all the necessary environmental studies (including flood studies) have been completed and support the proposal.

Consistency with
strategic planning
framework :

OVERVIEW

The planning proposal is generally consistent with the Metro Plan, the draft North West Sub Regional Strategy, Employment Lands Development Program and the site was supported for industrial uses in a Council resolution.

The proposal is not consistent with Council's own strategies, but as Council has adopted the PP, it must be assumed that Council does not wish to be bound by these strategies.

METROPOLITAN PLAN 2036

The planning proposal is generally consistent with the Metropolitan Plan in so far as it recommends that an adequate supply of employment land be available and that employment lands should be planned for.

DRAFT NORTH WEST SUB-REGIONAL STRATEGY

The planning proposal is generally consistent with the sub-regional strategy as it identifies Emu Plains as an existing employment land area for industrial development which should be protected and maintained. The rezoning of this site for industrial purposes would add to the supply of existing industrial land and forms a larger cluster of compatible land uses.

NSW EMPLOYMENT LANDS DEVELOPMENT PROGRAM (ELDP)

In the JRPP's assessment of the suitability of this site for industrial development, the amount of existing undeveloped industrial zoned land is sufficient to meet supply in the short term. An updated ELDP report was released utilising data from 2011 which indicated that while there was a large supply of undeveloped industrial zoned land available, there was a need for serviced or readily able to be serviced industrial land, to which this site is considered to be readily available to be serviced land, adjacent to an existing and identified industrial area of Emu Plains.

The 2011 data from the 2011 ELDP Update Report (released 1 June 2012) identified that:

Based on the 2011 data, there is 1,618 ha of zoned employment lands in the Penrith LGA, 839 ha (52%) of which is developed and 779 ha (48%) is undeveloped.

Penrith LGA, in a sub regional context, provides 25% of undeveloped zoned land in Western Sydney.

A key finding of the 2011 ELDP report is that there was adequate strategically identified land (7,880 ha) and undeveloped zoned land (not serviced) (3,651 ha) in the Sydney region to meet supply standard benchmarks (15 years and 8-10 years respectively).

However, the amount of undeveloped zoned land which is also serviced (892 ha) falls short of the supply standard benchmark (5-7 years), assuming a high take up rate of 300 ha pa across the Sydney Region was to occur. This highlights the need to service existing zoned land, or provide more land which can be readily serviced (subject to detailed planning and demonstrated strategic need).

Therefore, as this land appears to be capable of being serviced in the short term (see next section), it could assist in the supply of serviced industrial zoned land.

COUNCIL STRATEGIC WORK

The site has been identified for a variety of land uses in Council's Strategic work, including:

PENRITH RURAL LANDS STUDY AND STRATEGY (2003)

This strategic document identified most of the site for large lot residential/ rural living development with a minimum lot size of 2 hectares subject to flood considerations; with a small portion of land at the rear of the site identified for rural conservation.

PENRITH STRATEGIC PLAN 2005-2009

This planning proposal is generally consistent with the Penrith Strategic Plan (PSP) as the PSP has an objective to provide access to quality employment opportunities.

PENRITH EMPLOYMENT PLANNING STRATEGY (DECEMBER 2006)

This strategy identifies the importance of employment lands and ensuring there is sufficient employment lands available but does not specifically reference the subject site.

In a Council resolution on 26 March 2007 when adopting this strategy, this site was recommended for 4(a) General Industrial in an upcoming LEP. The consideration for a rezoning did not eventuate into an outcome.

PENRITH PLANNING STRATEGY 2008

The site was not identified in the strategic work preparing this strategy, however, the surrounding land was identified as suitable for industrial development.

PENRITH DEVELOPMENT CONTROL PLAN 2010

This site is not assessed under this DCP; however, Council's policy on flood planning is still relevant to the proposal. Part 3.5 of the DCP discusses Council's policy on flood prone lands and Part 16 - Rezoning states

"a: Council will not support the rezoning of any land located in a floodway or high hazard area" and

"b: Council will generally not support the rezoning of rural land situated below the 1:100 ARI flood where the development of that land may require or permit the erection of buildings or works even if the surface of the land can be raised to a level above the 1:100 ARI flood by means of filling."

As noted in the flood study, discussed below, fill of 210,000 cubic metres will be required to ensure the surface of the land is raised 0.25m above the 1:100 ARI. This is inconsistent with Council's flood policy in the Penrith DCP 2010.

It is also noted that Council's flood policy is inconsistent with and goes beyond the parameters of the Section 117 Direction 4.3 - Flood Prone Land, and beyond the Department's model clause for flooding which a future LEP would be likely to include.

SITE SPECIFIC STUDIES

The proponent completed a number of technical studies in 2006 supporting the suitability of this site for industrial uses. The studies include:

- Economic analysis: Hill PDA
- Flooding - Patterson Britton and Partners
- Flora and Fauna - AES Environmental
- Traffic - Traffic Solutions
- Contamination - New Environment
- Heritage - Comber consultants

These studies are six years old, and the data may not be as reliable as more recent studies. These studies are discussed further in the "impacts" section of the report (below).

Environmental social
economic impacts :

In response to a request for further information from the JRPP, the RPA identified the following additional heads of consideration which would be required for Council for formally consider an assessment report for the planning proposal:

- Biodiversity
- Land contamination
- Traffic impact
- Heritage
- Residential amenity
- Community amenity (impact on the adjoining recreational and community land)
- Noise impact
- Visual impact
- Land use conflicts
- Bushfire prone land

The proponent provided studies in 2006 of the first 4 considerations - flora and fauna, land

contamination, traffic, and heritage, as well as a flood study and an economic study. It is not clear if Council will be requiring studies on the remaining heads of consideration.

ENVIRONMENTAL

There are a number of environmental factors to consider:

FLORA AND FAUNA

The 2006 technical report undertaken by AES Environmental identified that the site is mostly devoid of vegetation except along the river and the drainage easement on the site. The study identified that there was no threatened flora or fauna species on the site; however, threatened species may use/ visit the site.

The site is considered to be moderately constrained and it is recommended that the sites River flat eucalyptus be retained and locally occurring native plants to be planted in the drainage easement. Any future development application should include a species impact assessment.

During the public exhibition period, the Office of Environment and Heritage should be consulted to determine if there are any concerns regarding this recommendation.

This is further supported by the use of an E3 Environmental Management zone on the northern 4 hectares of the site, where much of the vegetation is located.

CONTAMINATION

A 2006 technical study completed by New Environment identified that the site had contaminants including asbestos, and potentially pesticides and chemicals.

The report concludes that, within the scope of the investigation, New Environment believes the site is not unsuitable for its intended use as an industrial site.

The report recommends that any surface asbestos is removed prior to development and soil samples and testing should occur to determine if there is any subsurface asbestos.

In terms of satisfying clause 6 of SEPP55, the RPA has met its requirements by

- (a) considering whether the site is contaminated
- (b) if the site is contaminated, determine if the site is suitable (in its current state or after remediation) for its intended use; and
- (c) if remediation is required, the consent authority is satisfied that the land will be so remediated before the land is used for that purpose.

FLOODING

The site is subject to flooding, and has been identified by Council, the JRPP and the Department's independent review as the key issue of consideration for the rezoning of this site.

The original flood study was prepared in 2006 by Patterson Britton and Partners and was peer reviewed by Cadno.

The flood study identifies that the 1:100 ARI will affect approximately 90-95% of the lot (southern portion unaffected) and will impact with depths between shallow to 2 metres at maximum inundation and peak water level at 23.6 - 23.7m AHD on the site.

The flood study identifies that at the 1:200 ARI, the entire site will be inundated with depths between 1.2 metres and 3.2 metres and the peak water level at 24.8-24.9m AHD.

The proponent proposed to utilise fill to increase the height of the site to the 1:100 ARI plus 0.5 metres (0.25 metres for roads) consistent with Council's flood policy regarding development heights above flood planning levels.

This assessment was reviewed by Office of Environment and Heritage and NSW Office of Water during the assessment of the planning proposal by the JRPP. The JRPP's report

indicates that both OEH and NOW were satisfied that the proposed mitigations techniques (including the use of fill) would enable the site to be free of flood affectation. However, this does not include any assessment from State Emergency Services regarding evacuation routes.

The RPA's assessment, JRPP's assessment and the Department's independent assessment all identify the need for an independent flood study, the framework/ scope to be determined by Gateway.

The independent review by the Department determined that the frame of reference should include:

- Undertake a peer review of all flooding investigations, including the existing context and worked by council's technical staff and flooding investigations by the proponent,
- consider relevant issues outlined in the JRPP Report in relation to flooding,
- Consult with Penrith City Council, relevant state agencies, proponent and the Department of Planning and Infrastructure,
- Consider maintenance issues, including likely and ongoing costs and responsibilities, and
- Identify if the proposed flood mitigation works are consistent with Section 117 Direction 4.3 - Flood Prone Land (Clause 9) by demonstrating the proposal is in accordance with the principles and guidelines of the Floodplain Development Manual 2005.

Once the independent review on flooding issues has been undertaken, an assessment of consistency with Section 117 Direction 4.3 - Flood Prone Land should be finalised and considered by Council's Floodplain Risk Committee. Council's consideration of the proposal's consistency with Section 117 Direction 4.3 should then be included in the public exhibition.

SOCIAL

There are a number of social impacts including:

SERVICING

The planning proposal includes letters from Integral Energy (dated 1 February 2006) and Sydney Water indicating that the site can be serviced with water and electricity.

TRAFFIC

A traffic study was undertaken by Traffic Solutions in 2006. The concluding comments of the assessment indicated that there are adequate site lines and the potential increase of 350 vehicle trips per peak hour could be managed with minimal/ manageable delays and impact. Due to the age of the study, Roads and Maritime Services (RMS) should be consulted to determine if this study is still valid and adequate.

HERITAGE

A heritage study was undertaken by Comber consultants. The site had no known European heritage on the site and a site inspection did not locate any Aboriginal heritage items. However, consultation in 2006 with the Local Aboriginal Land Council identified that due to the proximity to the Nepean River, this site could contain Aboriginal heritage or relics.

If this planning proposal proceeds and the rezoning occurs, this site will be subject to Clause 5.10 of the SI LEP which includes consideration for Aboriginal heritage. This issue can be further addressed in the development assessment process. Further consultation will be carried out with OEH - Heritage Branch, relevant to Section 117 Direction 2.3 - Heritage conservation.

NOISE, DUST AND AMENITY ISSUES

There is the potential of noise, dust or other amenity issues on the adjoining residential land to the west of the site. The planning proposal report indicates that these issues can be managed or mitigated at the development stage.

The residential development which will be most effected is to the south west of the site as the remainder of the residential land will have a buffer with the 6(a) Public recreation

zone as a buffer.

It is noted in the planning proposal report that the results of a more detailed acoustical impact assessment, inclusive of any proposed mitigation measures will be provided as part of the public exhibition of the Planning Proposal.

The RPA also identified the impact of industrial development on this recreation land as an issue which should be addressed by the proponent, in the request for further information from the JRPP. This impact has not necessary been adequately resolved to the RPA's preferred standard.

The use of an IN2 Light industrial zone also limits the types of industrial uses reducing the potential amenity impacts.

ECONOMIC IMPACTS

An economic report was prepared by Hill PDA in 2006. This report identified that the rezoning of this site could create up to 1300 Full Time Employment jobs once developed. The site currently has limited development and economic potential due to the existing zone 1(d) Rural (Future urban) under the Penrith IDO No. 93.

CONCLUSION

There appears to be a number of outstanding heads of consideration (as previously indicated by Council) which may require additional studies. Council should be clear to the proponent what studies are required and incorporate these studies into the PP.

Whilst flood and other studies occur, agency consultation on issues not related to the studies (eg transport, heritage, utilities) should occur in parallel. These agencies may require more studies and the opportunity for this should occur as soon as possible.

Assessment Process

Proposal type :	Routine	Community Consultation Period :	28 Days
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Timeframe to make LEP :	24 Month	Delegation :	DG
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Public Authority Consultation - 56(2)(d) :	Essential Energy Corrective Services NSW Office of Environment and Heritage NSW Department of Primary Industries - Agriculture NSW Department of Primary Industries - Fishing and Aquaculture Transport for NSW Transport for NSW - Roads and Maritime Services State Emergency Service Sydney Water Other
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Is Public Hearing by the PAC required?	No
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(2)(a) Should the matter proceed ?	Yes
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If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

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If Other, provide reasons :

Any additional studies proposed by Council need to be included in the planning proposal itself.

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name

DocumentType Name

Is Public

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions:

- 1.1 Business and Industrial Zones
- 1.2 Rural Zones
- 2.1 Environment Protection Zones
- 2.3 Heritage Conservation
- 2.4 Recreation Vehicle Areas
- 3.4 Integrating Land Use and Transport
- 4.3 Flood Prone Land
- 4.4 Planning for Bushfire Protection
- 6.1 Approval and Referral Requirements
- 6.2 Reserving Land for Public Purposes
- 6.3 Site Specific Provisions
- 7.1 Implementation of the Metropolitan Plan for Sydney 2036

Additional Information :

The planning proposal is to be amended to:

- 1. Include Council's proposed studies relating to flooding and any other studies Council deems necessary to support the proposal.
- 2. Remove references to JRPP application and make it clear that it is the RPA's Planning Proposal.

Once the planning proposal is amended:

- 1. The RPA is to consult with Office of Environment and Heritage, NSW Office of Water, State Emergency Services, Roads and Maritime Services, Sydney Water, Essential Energy, Department of Corrective Services, Penrith Lakes Development Corporation and Department of Primary Industries, whilst the flood and other studies are occurring.

Prior to Public Exhibition:

- 1. The RPA is to include a comprehensive assessment of the planning proposal's consistency with the relevant Section 117 Directions, State Environmental Planning Policies (SEPPs) and Deemed SEPPs. In particular, an assessment of Section 117 direction 4.3 - Flood prone land in accordance with the manual and reviewed by Council's Floodplain Management Committee.

Public Exhibition

- 1. The Planning proposal should be exhibited for 28 days.

Time frame

- 1. The planning proposal has a 24 month time frame.

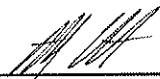
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Advice in the letter to the RPA

1. The letter to the RPA should strongly advise that planning proposals should be prepared in accordance with the guidelines and should be a stand alone reflection of Council's intention for the planning proposal.

Supporting Reasons : .

Signature:



Printed Name:

STEPHEN GARWOOD

Date:

29/11/12

