



Office of the Director General

Mr Alan Stoneham
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Our ref: PP_2012_PENRI_002_00 (12/18515)
Your ref: 3770954

Dear Mr Stoneham,

Planning proposal to amend Penrith Local Environmental Plan 2010

I am writing in response to your Council's letter dated 5 November 2012 requesting a Gateway determination under section 56 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") in respect of the planning proposal to amend Penrith Local Environmental Plan (LEP) 2010 to rezone land at 1-4 Old Bathurst Road, Emu Plains to IN2 Light Industrial and E3 Environmental Management, apply minimum lot size and height of buildings controls and identify the land on the Scenic and Landscape Values Map.

As delegate of the Minister for Planning and Infrastructure, I have now determined that the planning proposal should proceed subject to the conditions in the attached Gateway determination.

Prior to the planning proposal being placed on public exhibition, Council is to amend the planning proposal to be consistent with the updated *Guide to Preparing Planning Proposals*. The planning proposal should be amended to remove reference to the document being prepared for the Joint Regional Planning Panel (JRPP) and instead clearly communicate to the public the intended effect of the proposal and set out the justification for making the plan. The planning proposal should include a consideration of relevant S117 Directions and State Environmental Planning Policies and include a project timeline.

The amending LEP is to be finalised within 24 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 to draft and finalise the LEP should be made six (6) weeks prior to the projected publication date.

The NSW 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 s54(2)(d) of the EP&A Act if the time frames outlined in this determination are not met.

Should you have any queries in regard to this matter, please contact Tessa Parmeter of the regional office of the department on 02 9860 1560.

Yours sincerely,


Sam Haddad
Director General

17/11/2013.

Gateway Determination

Planning proposal (Department Ref: PP_2012_PENRI_002_00): to rezone land at Old Bathurst Road, Emu Plains for industrial and environmental management purposes.

I, the Director General, Department of Planning and Infrastructure as delegate of the Minister for Planning and Infrastructure, have determined under section 56(2) of the EP&A Act that an amendment to Penrith Local Environmental Plan (LEP) 2010 to rezone land at 1-4 Old Bathurst Road, Emu Plains to IN2 Light Industrial and E3 Environmental Management, apply minimum lot size and height of buildings controls and identify the land on the Scenic and Landscape Values Map should proceed subject to the following conditions:

1. Prior to commencing public exhibition, Council is to amend the planning proposal to:
 - (a) Remove reference to the document being prepared for the Joint Regional Planning Panel (JRPP) and clearly communicate to the public the intension of the planning proposal.
 - (b) Provide comprehensive consideration of the planning proposal's consistency with applicable State Environmental Planning Policies (SEPPs), deemed SEPPs and section 117 Directions, including the proposal's consistency with Direction 4.3 Flood Prone Land and the principles of the Floodplain Development Manual 2005. The consideration of Direction 4.3 should be reviewed by Council's Floodplain Management Committee.
 - (c) Include any studies necessary to support the planning proposal, including information relating to flooding matters.

2. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:
 - (a) the planning proposal must be made publicly available for **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 LEPs (Department of Planning and Infrastructure 2012)*.

3. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - Office of Environment and Heritage
 - NSW Office of Water
 - State Emergency Services
 - Transport for NSW
 - Roads and Maritime Services
 - Sydney Water
 - Essential Energy
 - Corrective Services NSW
 - Penrith Lakes Development Corporation
 - Department of Primary Industries – Agriculture
 - Department of Primary Industries – Fishing and Aquaculture



Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.

4. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A 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).
5. The timeframe for completing the LEP is to be **24 months** from the week following the date of the Gateway determination.

Dated 17th day of January 2013.

SHaddad

Sam Haddad
Director General
Delegate of the Minister for Planning and
Infrastructure