

Alteration of Gateway Determination

Planning proposal (Department Ref: PP_2012_PENRI_002_00)

I, the Deputy Secretary, Planning Services, Department of Planning and Environment as delegate of the Greater Sydney Commission, have determined under section 56(7) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) to alter the Gateway determination dated 17 January 2013 for the proposed amendment to Penrith Local Environmental Plan (LEP) 2010 as follows:

1. Delete paragraph 2:

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:

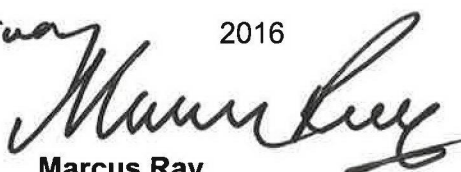
and replace with a new paragraph 2:

I, the Deputy Secretary, Planning Services, Department of Planning and Environment as delegate of the Greater Sydney Commission, 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 not proceed for the following reasons:

- 1) The proposal to rezone the land is subject to a number of objections from State agencies relating to flooding, traffic management, the loss of important agricultural lands and the potential for land use conflict.
- 2) These State agency objections cannot be resolved under the current planning proposal.
- 3) The proposal is inconsistent with Section 117 direction 43 – Flood Prone Land.

2. Delete Conditions 1 to 5.

Dated 15th day of February 2016



Marcus Ray
Deputy Secretary, Planning Services
Department of Planning and Environment

Delegate of the Greater Sydney Commission



Mr Glen McCarthy
Executive Officer
Penrith City Council
PO Box 60
Penrith NSW 2751

15/13290

Dear Mr McCarthy,

PP_2012_PENRI_002_00 - Planning Proposal – Old Bathurst Road Site, Emu Plains

I refer to Council's letter dated 29 May 2015, which provides Council's request not to proceed with the above Planning Proposal.

As delegate of the Greater Sydney Commission, I have decided, in accordance with section 56(7) of the *Environmental Planning and Assessment Act 1979*, and in accordance with Council's resolution, to alter the Gateway Determination dated 17 January 2013 to not proceed with the above Planning Proposal.

My reasons for this decision are:

- the unresolved agency objections, including:
 - Environmental Protection Agency and the issue of rural land use conflict with the adjoining residential;
 - Roads and Maritime Services and the issue of the management of traffic issues;
 - Department of Primary Industries and the issue of the loss of important agricultural land;
 - The Office of Environment and Heritage and the unresolved flood affectation and management of flooding impacts; and
- the unresolved inconsistency with Section 117 Direction 4.3 – Flood Prone Land, and the determination that the inconsistency with this Direction is not of minor significance.

I would encourage Council to consider a future use and zoning of the site that is compatible with the surrounding land uses, and takes into consideration the constraints on the site, including flood affectation. In the meantime, the land remains deferred from *Penrith Local Environmental Plan 2010*.

Should you have any further enquiries about this matter, I have arranged for Ms Catherine Van Laeren, Director, Sydney West Region of the Department of Planning and Environment to assist you. Ms Van Laeren can be contacted on (02) 9860 1520.

Yours sincerely,

Marcus Ray
Deputy Secretary
Planning Services

15/04/2016