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Our ref: PP_2010_PENRI_001_00 (10/12116)
Your ref: 2441182

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

Dear Mr Stoneham,

Re: Planning Proposal to rezone the Penrith Panthers Site

I am writing in response to your Council's letter dated 26 May 2010 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 allow additional retail and commercial land uses on the Penrith Panthers site, Mulgoa Road, Penrith.

As delegate of the Minister for Planning, I have now determined that the Planning Proposal should proceed subject to the conditions in the attached Gateway Determination.

The Gateway Determination requires that the Planning Proposal be made publicly available for a period of 28 days and finalised within 12 months of the week following the date of the Gateway Determination. Exhibition should be initiated within 6 weeks of receiving this determination.

The material that Council includes at the exhibition of this planning proposal should focus on explaining the specific retail and commercial zoning changes together with the development standard amendments being sought and the rationale for these specific changes. Whilst it is appropriate that the Planning Proposal provide a contextual overview of the projected development for the broader precinct, discussion of the merits and explanation of elements that are already provided for in existing LEPs should be removed from the statutory component of the planning proposal so that it is focused on the land use changes required to deliver the outcomes of the proposal.

Consistent with the submitted Planning Proposal, the Gateway Determination has allowed the exhibition of an extra 37,500m² of retail floor space. Suitable justification and explanation of the total retail space proposed, and how it is to be controlled, should be provided as part of the exhibition material. In particular, Council should clearly outline the rationale for proposing a distinct definition of a brand outlet. The Planning Proposal should be clear that this is not a definition in the Standard Instrument LEP and that its implementation will need to be decided by the Department of Planning following Council's adoption of the Planning Proposal.

With regard to the proposed 12,500m² of general retail space, the Planning Proposal must outline a scheme for ensuring this retail development accompanies, rather than precedes, the development which it is proposed to support.

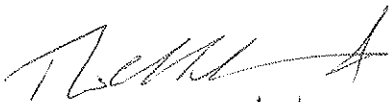
Specific explanation relating to the development standards that will define "campus style" office development should also be included in the exhibition material. These aspects can be discussed with the Department's Sydney Region West planning team.

In addition, Council should be aware that the proposed SP3 Tourist Zone may not be the best way to accurately reflect the land uses proposed. Council should consider applying a mixed use zone in areas where residential and commercial activities are proposed and the SP3 zone applying only to areas which are specifically for special tourist activities.

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 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 Derryn John of the Regional Office of the Department on 02 9873 8500.

Yours sincerely,



Tom Gellibrand 13/8/10
Deputy Director General
Plan Making & Urban Renewal

Gateway Determination

Planning Proposal (Department Ref: PP_2010_PENRI_001_00): to rezone 50ha of the Penrith Panthers site on Mulgoa Road, Penrith.

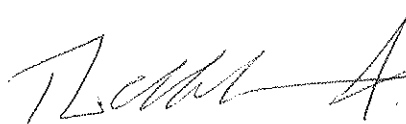
I, the Deputy Director General, Plan Making & Urban Renewal as delegate of the Minister for Planning, have determined under section 56(2) of the EP&A Act that a Planning Proposal to allow additional retail and commercial land uses on the Penrith Panthers site, Mulgoa Road, Penrith (Lot 151 DP863625, Lot 13 DP710086, Lot 1 DP1043008, Lot 1021 DP812335, Lot 1 DP 1064526, Lot 12 DP7100086, Lot 152 DP863625) should proceed subject to the following conditions:

1. The LEP being prepared as an amendment to the Penrith Stage 1 Principal LEP.
2. The provision of development standards and rationale for the controls which distinguish "campus style" office development from the type of office development which exists in the town centre.
3. The provision of a clear rationale for the distinct 'brand outlet' definition and an explanation that such a definition is not contained in the Standard Instrument LEP and its implementation will need to be finally determined by the Department of Planning.
4. The provision of a scheme which ensures that the 12,500m² of general retail space accompanies, rather than precedes, the development which it is supposed to support
5. The Design Excellence provisions being removed as the site is not part of a strategic centre that warrants State input into design outcome.
6. The Urban Release area provisions being removed as the site is considered to be urban in-fill rather than a Greenfield development.
7. 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 is classified as low impact as described in *A Guide to Preparing LEPs (Department of Planning 2009)* and 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 4.5 of *A Guide to Preparing LEPs (Department of Planning 2009)*.
8. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - Department of Environment, Climate Change and Water
 - Ministry of Transport
 - Roads and Traffic Authority
 - State Emergency Services

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.

9. No public hearing is required to be held into the matter under section 56(2)(e) of the EP&A Act. This does not have any bearing on the need to conduct a public hearing under the provisions of any other legislation.
10. The timeframe for completing the LEP is to be **12 months** from the week following the date of the Gateway determination.

Dated 13th day of August 2010.



Tom Gellibrand
Deputy Director General
Plan Making & Urban Renewal
Delegate of the Minister for Planning