



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

16/14740

Attention: Matthew Rose

Dear Mr Stoneham

Planning proposal to amend Penrith LEP 2010 - 92, 94 and 96 Victoria Street, Werrington (PP_2016_PENRI_006_00)

I am writing in response to Council's request of 21 October 2015 for a Gateway determination under section 56 of the *Environmental Planning and Assessment Act 1979* (the Act), in respect of a planning proposal to amend *Penrith Local Environmental Plan (LEP) 2010* for rezoning of 92, 94 and 96 Victoria Street, Werrington ('the site') from R3 Medium Density Residential to R4 High Density Residential, and associated amendments.

As delegate of the Greater Sydney Commission, I have now determined that 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. In view of the need to consider any relevant proposed increase in development in the Hawkesbury-Nepean Valley in a regional context, advice was sought from the Hawkesbury-Nepean Valley Flood Management Directorate of INSW in respect of this proposal.

In this regard, the attached Gateway determination allows the proposal to proceed on the basis that the matters raised in the letter received from the Directorate of INSW are satisfactorily addressed by Council. I have attached the letter.

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. If this is the case, 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 authorisation to exercise the delegation for this planning proposal. I have considered the nature of Council's planning proposal and I have decided to issue an authorisation for Council to exercise delegation to make this plan.

The amending LEP is to be finalised within 12 months of the week following the date of the Gateway determination. Council's request to draft and finalise the LEP should be made directly to Parliamentary Counsel's Office 6 weeks prior to the projected publication date. A copy of the request should be forwarded to the department for administrative purposes.

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 EP&A Act if the time frames outlined in this determination are not met.

Should you wish to clarify my letter, please contact Mr Terry Doran, Team Leader of Sydney Region West, Planning Services, on (02) 9860 1579.

Yours sincerely



08/03/17

Catherine Van Laeren
Director, Sydney Region West
Planning Services

Encl: Gateway Determination
INSW letter of 5 December 2016
Authorisation
Template

Gateway Determination

Planning proposal (Department Ref: PP_2016_PENRI_006_00): to amend Penrith Local Environmental Plan 2010 concerning rezoning of land at 92, 94 and 96 Victoria Street, Werrington from R3 Medium Density Residential to R4 High Density Residential, and amend development standards corresponding to the proposed changes in land use.

I, the Director, Sydney Region West, Planning Services 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* (EP&A 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 planning proposal, by addressing:
 - (a) the draft West District Plan including Sustainability Action S16;
 - (b) consistency with the *State Environmental Planning Policy (Infrastructure) 2007* in respect of the assessment provided in the supporting acoustic report; and,
 - (c) include commentary in respect of section 117 Direction 4.1 Acid Sulfate Soils.

The amended proposal is to be submitted to the Department for information purposes.

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 the proposal and assessment must be provided to the Department's regional team for information.

Note: following Council's assessment, approval from the Secretary may be required in relation to this Direction.

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;
 - Transport for NSW - Sydney Trains;
 - Transport for NSW – Roads and Maritime Services;
 - NSW State Emergency Service;
 - Sydney Water;
 - Endeavour 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 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).
6. The timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway determination.

Dated 8th March, 2017



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

Delegate of the Greater Sydney
Commission