

Mr Andrew Moore  
General Manager  
Penrith City Council  
PO BOX 60  
Penrith NSW 2751

Our ref: IRF23/3169

Dear Mr Moore

**Planning proposal PP-2021-4118 to amend Penrith Local Environmental Plan 2010**

I am writing in response to the planning proposal you have forwarded to the Minister under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* (the Act) in respect to partial rezoning of the land at 170 Russell Street, Emu Plains from Deferred Matter to E4 General Industrial. The proposal also:

- extends existing Height of Building, Scenic and Landscape Values and Additional Permitted Uses controls to the rezoned area of the land, and
- introduces a new Minimum Lot Size control and a new Additional Local Provisions clause to address flood mitigation and filling on the entirety of the site.

As delegate of the Minister for Planning and Public Spaces, I have determined that the planning proposal should proceed subject to the conditions in the enclosed gateway determination.

I have also agreed, as delegate of the Secretary, the inconsistencies of the planning proposal with applicable directions of the Minister under section 9.1 of the Act is justified in accordance with the terms of the Direction and subject to conditions on the Gateway certificate.

- Ministerial direction 4.1 - Flooding
- Ministerial direction 9.1 - Rural Lands

Secretary's approval in relation to these directions is not required.

As requested by way of the Council resolution of 31 October 2024, I have determined to authorise Council to be the local plan-making authority. I am confident that the Department, the NSW Reconstruction Authority and Council can work together to resolve the minor outstanding matters relating to flood and evacuation, with Council as the local plan-making authority.

The amending local environmental plan (LEP) is to be finalised within 9 months from the date of the gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request to the Department of Planning, Housing and Infrastructure to draft and finalise the LEP should be made eight weeks in advance of the date the LEP is projected to be made.

The Department's categorisation of planning proposals in the *Local Environmental Plan Making Guideline* (Department of Planning and Environment, August 2023) is supported by category specific timeframes for satisfaction of conditions and authority and Government agency referrals, consultation, and responses.

Should you have any enquiries about this matter, I have arranged for Mr Kye Sanderson to assist you. Mr Sanderson can be contacted on 02 9274 6180.

Yours sincerely

A handwritten signature in black ink, appearing to read 'J Grose', written in a cursive style.

19 March 2024

**Jane Grose**  
**Executive Director**  
**Western Parkland City**  
**Department of Planning, Housing and Infrastructure**  
**Delegate of the Minister for Planning and Public Spaces**

Encl: Gateway determination