

MR WARWICK WINN
General Manager
Penrith City Council
PO Box 60
PENRITH NSW 2751

Our ref: IRF22/1174

Dear Mr Winn

Planning proposal (PP-2022-1052) 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) and additional information received on 28 March 2022 in respect of the planning proposal to rezone RU2 Rural Landscape land for Industrial type land uses at 221-235 Luddenham Road, Orchard Hills (Alspec Industrial Business Park)

As delegate of the Minister for Planning and Homes, 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 inconsistency of the planning proposal with applicable directions of the Minister under section 9.1 of the EP&A Act 4.1 Flooding and 4.3 Planning for Bushfire Protection remains unresolved.

The proposal also requires referral to the NSW Environment and Heritage Group (former Energy, Environment and Science division), the Department's Risk and Resilience Team and the NSW State Emergency Service to ensure consistency with Ministerial Direction 4.1 – Flooding. The proposal should ensure a clear understanding of the flooding impacts post-development.

Considering the nature of the planning proposal I have determined that Council may exercise local plan-making authority functions in relation to the planning proposal.

The proposed local environmental plan (LEP) is to be finalised on or before 24 May 2023. Council should aim to commence the exhibition of the planning proposal as soon as possible. Should Council seek to make a proposed LEP, the request to draft the LEP should be made directly to Parliamentary Counsel's Office 6 weeks in advance of the date the LEP is projected to be made. A copy of the request should be forwarded to the Department of Planning and Environment.

The NSW Government has committed to reduce the time taken to complete LEPs. To meet these commitments, the Minister may appoint an alternate planning proposal authority if Council does not meet the timeframes outlined in the gateway determination, noting that the Department will be monitoring the planning proposal as it moves through the plan-making process. Council is also requested to advise the Department if the timeframe for the delivery of the supporting plans (Contributions Plan and Development Control Plan) differs from the planning proposal or impacts the delivery of the planning proposal in the identified timeframes.

Should you have any enquiries about this matter, I have arranged for Ryan Klingberg to assist you. Mr Klingberg can be contacted on 98601561.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'C Gough'.

24/5/2022

**Christine Gough
Director, Central (Western)
Metro West**

Encl: Gateway determination