

Gateway Determination

Planning proposal (Department Ref: PP-2021-3012): to rezone the Pondicherry Precinct from RU1 Primary Production under the Camden Local Environmental Plan 2010 to R2 Low Density Residential, R3 Medium Density Residential, B1 Neighbourhood Centre, RE1 Public Recreation, SP2 Infrastructure and C3 Environmental Conservation under the *State Environmental Planning Policy (Precincts – Western Parkland City) 2021* that will facilitate the delivery of approximately 2,530 to 2,850 dwellings, riparian corridors and associated facilities.

I, the Executive Director, Metro West at the Department of Planning and Environment, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the *State Environmental Planning Policy (Precincts – Western Parkland City) 2021* to rezone the subject site to R2 Low Density Residential, R3 Medium Density Residential, B1 Neighbourhood Centre, RE1 Public Recreation, SP2 Infrastructure and C3 Environmental Conservation should proceed subject to the following conditions:

1. Prior to exhibition, the planning proposal is to be amended, as follows:
 - a) correct the typographical error at page 24 of the proposal to specify that the intended density band is 10-20dw/ha for Tranche 41 (Part Pondicherry);
 - b) amend figure 9: *Proposed Residential Density Band* (p. 25 of the proposal) to indicate that it is intended to introduce a density band of 10-20dw/ha for Tranche 41 (Part Pondicherry);
 - c) amend the commentary on the review of employment zones (pp. 16 – 19), indicating that the review has been completed and amendments to the individual local environmental plans (LEPs) were notified on 16 December 2022, with commencement on 26 April 2023, clarifying that the amendments currently only apply to LEPs and not to State environmental planning policies.
2. Prior to public exhibition insert a flood prone land figure into the draft Pondicherry DCP taking into consideration further assessment of stormwater design and flood modelling generally undertaken in accordance with the Upper South Creek Regional Flood Modelling Framework.
3. Prior to public exhibition the Flooding and Water Cycle Management Study is to be amended, as follows:
 - (a) A map(s) is to be prepared illustrating the location of proposed fill, with supporting advice demonstrating by appropriate technical advice that the filling of land will not (or otherwise):
 - I. adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties;
 - II. alter flow distributions and velocities to the detriment of other properties or the environment of the floodplain;
 - III. detrimentally affect the floodplain environment or cause avoidable erosion, siltation, salinity, destruction of riparian vegetation or a reduction in the stability of the riverbank/watercourse;
 - IV. detrimentally affect the existing drainage patterns and soil stability in the locality;
 - V. significantly impact on the likely future use or redevelopment of the land;

- VI. adversely impact on the existing and likely amenity of adjoining properties; and will:
 - minimise the disturbance of relics; and
 - will not adversely impact on any watercourse, drinking water catchment or environmentally sensitive area.
- (b) mapping is to show hazard categories of H1 to H6 (where appropriate) for both mainstream and overland flow;
- (c) in preparing technical advice, stormwater design and modelling is to be generally consistent with Council's Upper South Creek Regional Flood Modelling Framework;

Note: modelled storm events and durations are to be as documented between Council and the proponent in June 2021, with further detailed modelling of the full range of events and durations in the Framework to occur at development application stage.

- (d) clarity is to be provided in the study on the duration of inundation and the extent to which any portions of proposed development would be inundated and isolated; and
 - (e) amendment of the study is to include commentary on higher order flooding events, including consideration of Direction 4.1 *Flooding*, as well as,
 - (f) inclusion within the study of an assessment of the proposed impact on flood behaviour as a result of climate change taking into consideration the Australian Rainfall and Runoff Guidelines 2019, including sensitivity testing as part of the assessment; and
 - (g) should this assessment indicate significant impacts, appropriate amendment of the evacuation strategy.
4. Following satisfying condition 3, amend the planning proposal accordingly making reference to the findings of the revised study.
 5. Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:
 - (a) the planning proposal is categorised as complex as described in the *Local Environmental Plan Making Guidelines* (Department of Planning and Environment, 2021) and must be made publicly available for a minimum of 28 days; and
 - (b) the planning proposal 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 *Local Environmental Plan Making Guidelines* (Department of Planning and Environment, 2021).

Exhibition must commence within 6 months following the date of the gateway determination.

6. Consultation is required with the following public authorities and government agencies under section 3.34(2)(d) of the Act and/or to comply with the requirements of applicable directions of the Minister under section 9 of the EP&A Act:
 - NSW Rural Fire Service (RFS)
Note: consultation with the RFS may be undertaken during the exhibition period
 - Emergency services: Police, Ambulance and Fire Brigade
 - State Emergency Services
 - NSW Department of Education – School Infrastructure
 - Environment and Heritage Group (EHG)

- Transport for NSW
- Heritage NSW
- Sydney Water
- Natural Resources Access Regulator (NRAR)
- NSW Environmental Protection Authority

In consulting with NSW Department of Education - School Infrastructure, obtain written approval that the authority agrees to be the acquisition authority to satisfy the requirements of section 9. Direction 5.2 *Reserving Land for Public Purposes*.

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material via the NSW Planning Portal and given at least 28 days to comment on the proposal.

7. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the EP&A 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 or if reclassifying land).
8. Given the nature of the planning proposal, Council is not authorised to be the local plan-making authority to make the plan.
9. The planning proposal must be reported to council for a final recommendation at least 9 months from the date of the Gateway determination.
10. The timeframe for completing the LEP is to be 12 months from the date of the Gateway determination.

Dated 24th day of July 2023.



Catherine Van Laeren
Executive Director Metro West
Planning & Land Use Strategy
Department of Planning and Environment

Delegate of the Minister for Planning and
Public Spaces

Alteration of Gateway Determination

Planning Proposal Department Ref: PP-2021-3012 (GA-2024-12)

I, Adrian Hohenzollern, Director Metro West at the Department of Planning, Housing and Infrastructure, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(7) of the *Environmental Planning and Assessment Act 1979* to alter the Gateway determination dated 24 July 2023 for the proposed rezoning of the Pondicherry Precinct under *State Environmental Planning Policy (Precincts – Western Parkland City) 2021*, as follows:

1. Delete: “condition 5” and replace with:

a new condition 5: “Exhibition must commence within 10 months following the date of the Gateway determination.”

2. Delete: “condition 9” and replace with:

a new condition 9: “The planning proposal must be reported to council for a final recommendation within 13 months from the date of the Gateway determination.”

3. Delete:

“condition 10” and replace with:

a new condition 10: “The timeframe for completing the LEP is by 28 October 2024.”

25/3/2024



Adrian Hohenzollern
Director
Metro West
Department of Planning, Housing and
Infrastructure

Delegate of the Minister for Planning and
Public Spaces