

## Gateway Determination

***Planning proposal (Department Ref: PP-2022-4118): to partially rezone a site, amend development controls and apply new additional and local provisions.***

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 Penrith Local Environmental Plan 2010 to rezone Deferred Matters land to E4 General Industrial, align height of building, minimum lot size and scenic and landscape values across the site and apply new additional permitted use and additional local provisions clauses should not proceed for the following reasons:

- Is inconsistent with Ministerial Directions 4.1 Flooding and 9.2 Rural Lands.
- The Flood Risk Management Strategy (Rienco, 2022) does not adequately support the proposal as it:
  - does not justify the inconsistency with Ministerial Direction 4.1
  - has not addressed the impacts of the proposal at the PMF level;
  - lacks consideration of the cumulative impacts on flood behaviour (both upstream and downstream) as a result of filling Lot 1.
  - lacks detail on how future industrial development on the site (as a result of the proposed rezoning) will impact on flood behaviour.
- The proposal seeks to 'fill' the site, which:
  - is not supported by strategic documents including the Western District Plan and
  - has the potential for cumulative impacts on flood behaviour and result in off-site impacts
- Given the level flood impact and hazard, it is not considered that the proposal could be supported by an updated flood impact assessment .
- The proposal also lacks sufficient justification to expand the proposed E4 General Industrial zoning across the site (and associated development control amendments).

Dated 15<sup>th</sup> day of June 2023.



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

**Delegate of the Minister for Planning and Public Spaces**