

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

Our ref: IRF23/1101

Dear Mr Stoneham,

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) and additional information received on 30 November 2022 in respect of the planning proposal to rezone Deferred Matters land on the subject site to E4 General Industrial and apply relevant planning controls including height of building and scenic and landscape values to be contiguous with the remainder of the site, and apply a new minimum lot size, additional permitted use clause and additional local provisions clause to the entirety of the site.

As delegate of the Minister for Planning and Public Spaces, I have determined that the planning proposal should not proceed due to the following reasons:

- It 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, and
 - 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).

Should you have any enquiries about this matter, I have arranged for Ryan Klingberg to assist you. Mr Klingberg can be contacted on 9860 1561.

Yours sincerely



Catherine Van Laeren
Executive Director
Metro West

15/06/2023

Enc. Gateway Determination