

Gateway Determination

Planning proposal (Department Ref: PP-2021-4118): Seeking a partial rezoning of the land from Deferred Matter to E4 General Industrial, extending the existing Height of Building, Scenic and Landscape Values and Additional Permitted Uses controls to the rezoned area of the land and introducing 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.

I, the Executive Director at the Department of Planning, Housing and Infrastructure, 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 land from Deferred Matter to E4 General Industrial along with the associated amendments should proceed subject to the following conditions:

The Council is authorised to exercise the functions of the planning proposal authority.

The Council will also exercise the functions of the Local Plan Making Authority under section 3.36(2) of the Act subject to the following:

- (a) the planning proposal is consistent with applicable directions of the Minister under section 9.1 of the Act or the Secretary has agreed that any inconsistencies are justified; and
- (b) there are no outstanding written objections from public authorities.

The LEP should be completed within 9 months following the date of the gateway determination.

Gateway Conditions

1. Prior to exhibition consideration must be given by the planning proposal authority to:
 - a. Ensure the Planning Proposal documentation, including all maps, are updated to reflect current planning controls, as per the Penrith LEP 2010, and relevant State and local planning policies and strategies.
 - b. Ensure the proposed planning control maps are consistent with the intended amendments.
2. 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 standard as described in the *Local Environmental Plan Making Guideline* (Department of Planning and Environment, August 2023) and must be made publicly available for a minimum of 20 working 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*

Exhibition must commence within 3 months following the date of the gateway determination.

3. 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 Act:
 - NSW Department of Climate Change, Energy, the Environment and Water
 - NSW Reconstruction Authority (NSWRA)
 - Transport for NSW
 - NSW State Emergency Services (SES)
 - Sydney Water
 - Endeavor Energy
 - Relevant infrastructure providers for telephone, NBN and gas

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 20 working days to comment on the proposal.

4. 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 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).
5. Prior to finalisation, the Local Plan Making Authority (LPMA) in consultation with the NSW Reconstruction Authority must consider the proposed fill in the context of the most recent publicly available regional flood study for the Hawkesbury Nepean Catchment, and any off site impacts.
6. Prior to finalisation an amended evacuation plan must be provided to the LPMA that has been prepared to the satisfaction of the NSW SES and NSW RA. The amended evacuation plan must consider the Hawkesbury-Nepean Valley Flood Evacuation Model (FEM) and any implications the FEM has for the proposed rezoning in relation to the capacity of regional evacuation routes in the area.
7. Prior to finalisation the proponent must demonstrate to the satisfaction of the LPMA that the planning proposal will not result in hazardous industries or hazardous storage establishments where hazardous materials cannot be effectively contained during the occurrence of a flood event

Dated 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**