

## Alteration of Gateway Determination

### *Planning proposal (Department Ref: PP-2023-1373)*

I, Executive Director, Local Planning and Council Support 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 12 March 2024 for the proposed amendment to the *Hawkesbury Local Environmental Plan 2012* as follows:

1. Delete:

“condition 1”

and replace with:

a new condition 1:

“Prior to exhibition the planning proposal is to be updated to:

- refer to clause 5.21 – Flood Planning of the HLEP 2012 (document incorrectly refers to cl. 6.2)
- provide a brief statement addressing the findings of the 2022 NSW Flood Inquiry and the 2023 Hawkesbury Nepean Valley Flood Evacuation Model (FEM) report and how they relate to the subject site and surrounds
- provide brief statements demonstrating consistency with the following –
  - Direction 4.1 Flooding
  - Direction 4.4 Remediation of Contaminated Land (desktop assessment is suitable)
  - Direction 4.5 Acid Sulfate Soils
- Provide brief statements addressing the following –
  - State Environmental Planning Policy (Biodiversity and Conservation) 2021
  - State Environmental Planning Policy (Precincts—Central River City) 2021
  - State Environmental Planning Policy (Resilience and Hazards) 2021
- update the timeline to accord with the approved timeframe
- provide draft Development Control Plan (DCP) controls relevant to this site as an Appendix to the planning proposal for consideration of inclusion into the DCP by Council. The draft DCP controls should outline relevant standards to be addressed at a future development application stage, including matters consistent with the environmental improvements objectives for the site and to ameliorate the potential amenity impacts of the development on the surrounding residential and rural areas.
- amend the planning proposal to state Schedule 1 Additional Permitted Use of the LEP will include provisions that (subject to legal drafting) –
  - allow for ‘*depot*’ and ‘*warehouse and distribution centre*’ uses only as the additional permitted uses i.e. remove references to ‘*light industry*’ use
  - limit total GFA of combined existing and new development across the site to a maximum of 8,000m<sup>2</sup>
  - require development applications associated with this amendment to be submitted by 28 February 2027. “

1. Delete:

“condition 4”

and replace with:

a new condition 4:

“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 relevant ministerial directions under section 9 of the Act:

- Transport for NSW
- NSW Department of Climate Change, Environment, Energy and Water
- NSW State Emergency Service
- NSW Rural Fire Service
- NSW Reconstruction Authority”

Dated 1<sup>st</sup> day of May 2024.



**Tom Kearney**  
**Executive Director, Local Planning and**  
**Council Support**

**Department of Planning, Housing and**  
**Infrastructure**

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