

Gateway Determination

Planning proposal (Department Ref: PP-2023-1373): to allow 'depot', 'light industry' and 'warehouse and distribution centre' as an additional permitted use with consent for land at 172 Commercial Road Vineyard.

I, the Director Central (Western) 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 Hawkesbury Local Environmental Plan 2012 to introduce 'depot', 'light industry' and 'warehouse and distribution centre' as additional permitted uses should proceed subject to the following conditions:

The LEP should be completed on or before 28 February 2025, with exhibition of the proposal to commence by June 2024 and Council consideration of finalisation by November 2024.

Gateway Conditions

1. Prior to exhibition the planning proposal is to be updated to:
 - amend the following –
 - Direction 4.1 Flooding – Refer to clause 5.21 – Flood Planning of the HLEP 2012
 - address the findings of the 2022 NSW Flood Inquiry and the 2023 Hawkesbury Nepean Valley Flood Evacuation Model (FEM) report
 - demonstrate consistency with the following –
 - Direction 4.1 Flooding
 - Direction 4.4 Remediation of Contaminated Land
 - Direction 4.5 Acid Sulfate Soils
 - Direction 5.1 Integrated Land Use and Transportation
 - Direction 7.1 Employment Zones
 - address the following –
 - State Environmental Planning Policy (Biodiversity and Conservation) 2021
 - State Environmental Planning Policy (Exempt and Complying Development Codes) 2008
 - 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
 - update the Fire Assessment Report to remove access paths from the western and southern boundaries, as a result of the condition below relating to perimeter setbacks
 - 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' uses only as the additional permitted use i.e. remove references to 'light industry', 'warehouse' and 'distribution centre' uses
 - provide a 15m native landscaped building setback to the northern, eastern and western boundaries of the site
 - provide a 30m native landscaped setback to the southern boundary

- provide a 30m riparian corridor along the Killarney Chain of Ponds to be rehabilitated and revegetated
 - requires new buildings or additions to existing buildings to be located above the 1 in 100 chance per year flood level
 - limit total GFA of combined existing and new development across the site to a maximum of 8,000m²
 - require the removal of all buildings below the 1 in 100 chance per year flood level
 - require development applications associated with this amendment to be submitted by 28 February 2027.
2. Prior to exhibition, the proposal is to be forwarded to the Department of Planning for endorsement.
 3. 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 standard as described in the *Local Environmental Plan Making Guidelines* (Department of Planning and Environment, 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 Environmental Plan Making Guidelines* (Department of Planning and Environment, 2023).
 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 the requirements of applicable directions of the Minister under section 9 of the Act:
 - Sydney Water
 - Transport for NSW
 - NSW Department Climate Change, Environment, Energy and Water
 - NSW Department of Primary Industries
 - NSW State Emergency Service
 - NSW Rural Fire Service
 - NSW Reconstruction Authority

Consultation is also required with the following organisations:

- Relevant utility providers, including Endeavour Energy and Transgrid.

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 30 days to comment on the proposal.

5. 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).

Dated 12 March 2024

A handwritten signature in blue ink, appearing to read 'Casey Joshua', is positioned above the printed name.

**Casey Joshua
Director
Central (Western)
Department of Planning and Environment**

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