

Gateway Determination

Planning proposal (Department Ref: PP-2022-1052): to rezone land zoned RU2 Rural Landscape to part IN1 General Industrial and part IN2 Light Industrial at 221-235 Luddenham Road, Orchard Hills (Alspeg Industrial Business Park).

I, the Director, Central (Western) at the Department of Planning and Environment, as delegate of the Minister for Planning and Homes, 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 zoned RU2 Rural Landscape to part IN1 General Industrial and part IN2 Light Industrial at 221-235 Luddenham Road, Orchard Hills (Alspeg Industrial Business Park) should proceed subject to the following conditions:

1. Council is to update the planning proposal prior to exhibition, as follows:
 - (a) Address consistency with Ministerial 9.1 Direction 4.3 Planning for Bushfire Protection and Direction 9.1 Rural Zones
 - (b) Further address Ministerial 9.1 Direction 4.1 – Flooding, including the proposed locations of drainage basins
 - (c) Amend the planning proposal to refer to the proposed site specific DCP for the site.
 - (d) Update all maps to clearly show the Outer Sydney Orbital
 - (e) Demonstrate how the site will achieve the minimum lot density controls (i.e. 50 x lots for IN1 and 60 x lots for IN2 zoned land), including an update to the Concept Master Plan, and consideration of alternative solutions to achieve the desired outcome
 - (f) Implement a maximum height of building control that is consistent with the surrounding industrial lands/precincts
2. Prior to public exhibition, consultation is required with the NSW Rural Fire Service under section 3.34(2)(d) of the Act to comply with the requirement of the relevant Section 9.1 Direction. The NSW Rural Service is to be provided with a copy of the planning proposal and any relevant supporting material and given at least 21 days to comment on the proposal.
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, 2021) and must be made publicly available for a minimum of 30 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, 2021).

Exhibition must commence within 4 months following the date of the gateway determination.

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 EP&A Act:

- Transport for NSW
- NSW State Emergency Service
- NSW Rural Fire Service
- NSW Sydney Metro
- NSW Environment and Heritage
- Sydney Water
- Relevant infrastructure providers for telephone, NBN, gas and electricity

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).
6. The Council as planning proposal authority is authorised to exercise the functions of the local plan-making authority under section 3.36(2) of the EP&A Act subject to the following:
- (a) the planning proposal authority has satisfied all the conditions of the gateway determination;
 - (b) the planning proposal is consistent with applicable directions of the Minister under section 9.1 of the EP&A Act or the Secretary has agreed that any inconsistencies are justified; and
 - (c) there are no outstanding written objections from public authorities.

7. The LEP should be completed on or before 24 May 2023.

Dated 24th day of May 2022.



Christine Gough
Director, Central (Western)
Metro West
Department of Planning and Environment

**Delegate of the Minister for Planning and
Homes**