

Appendix 23

Proponent response to Gateway Determination Item 7

Ref: 056 – Old Bathurst Rd PP

21 May 2024

The General Manager
Penrith City Council
601 High Street
Penrith NSW 2750

RE: PLANNING PROPOSAL 2021 – 4118 – 170 RUSSELL STREET (1 to 4 OLD BATHURST ROAD) EMU PLAINS

RESPONSE TO ITEM 7 OF GATEWAY DETERMINATION

We refer to Planning Proposal 2021 – 4118 which the Department of Planning and Environment issued a Gateway Determination for on the 19th March 2024.

Item 7 of the Gateway Determination states as follows:

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.

The E4 General Industrial land use table of Penrith Local Environmental Plan 2010 lists the following permissible and prohibited land uses:

2 Permitted without consent

Nil

3 Permitted with consent

Animal boarding or training establishments; Boat building and repair facilities; Car parks; Depots; Environmental facilities; Environmental protection works; Flood mitigation works; Freight transport facilities; Garden centres; General industries; Goods repair and reuse premises; Hardware and building supplies; Industrial retail outlets; Industrial training facilities; Industries; Kiosks; Landscaping material supplies; Light industries; Local distribution premises; Neighbourhood shops; Oyster aquaculture; Places of public worship; Plant nurseries; Recreation areas; Roads; Rural industries; Signage; Storage premises; Take away food and drink premises; Tank-based aquaculture; Timber yards; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Warehouse or distribution centres

4 Prohibited

Hazardous industries; Offensive industries; Any other development not specified in item 2 or 3

As listed in the land use table, we note that:

- Hazardous industries are listed as a prohibited land use in the E4 General Industrial Zone.
- Hazardous storage establishments – the overarching Group Term Heavy Industrial Storage Establishment are not listed as permissible development. Therefore these uses are Prohibited Development in the the E4 General Industrial Zone.

Furthermore, the Additional Permitted Use Clause 38 Use of certain land at Werrington, Kingswood, Penrith, Cranebrook and Emu Plains which applies to the site does not permit in hazardous industries or hazardous storage establishments.

Therefore these land uses are prohibited within the zone, which fully addresses the Gateway Determination requirement.

We look forward to working continuing to work closely with Council to finalise this matter. If you have any questions or wish to discuss this letter, please contact me on 0455 994 957.

Yours faithfully

Urbanco Group Pty Ltd

A handwritten signature in blue ink, appearing to read "M Rodger".

Michael Rodger
Director