

## Gateway Determination

***Planning proposal (Department Ref: PP\_2019\_COPAR\_013\_00): to amend the The Hills Local Environment Plan (LEP) 2012 by increasing the maximum height of buildings and floor space ratio controls at 23 – 25 Windsor Road, Northmead, to allow an additional 38 dwellings.***

I, the Acting Executive Director, Central River City and Western Parkland City at the Department of Planning, Industry 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 Hills Local Environmental Plan (LEP) 2012, by increasing height of building and floor space ratio controls should proceed subject to the following conditions:

1. Prior to public exhibition, Council is to consult with Caltex to:
  - a. seek comments and recommendations on the planning proposal;
  - b. allow for Caltex and the proponent to agree on an appropriate timing to conduct an AS 2885 Safety Management Study (SMS), if required by Caltex; and
  - c. allow for Caltex and the proponent to agree on the timing of any actions which may be outside the scope of the SMS.
  - d. Council is to update the planning proposal and supporting information addressing the above.
2. Prior to public exhibition, Council is to update the planning proposal as follows:
  - a. update the concept design to reflect the height and storeys achieved under the proposal controls, including the maximum height;
  - b. update the legend of the proposed Floor Space Ratio map of the planning proposal;
3. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:
  - (a) the planning proposal must be made publicly available for a minimum of 28 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 section 6.5.2 of *A guide to preparing local environmental plans* (Department of Planning, Industry and Environment, 2018).
4. Consultation is required with the following public authorities/organisations under section 3.34(2)(d) of the Act and/or to comply with the requirements of relevant section 9.1 Directions:

- Environment, Energy and Science;
- NSW State Emergency Service; and
- Transport for NSW.

Each public authority 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.

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 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 planning proposal authority is authorised as the local plan-making authority to exercise the functions under section 3.36(2) of the 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 section 9.1 Directions or the Secretary has agreed that any inconsistencies are justified; and
  - (c) there are no outstanding written objections from public authorities.
7. The time frame for completing the LEP is to be **12 months** following the date of the Gateway determination. Council is required to update the timeline to reflect Gateway determination.

Dated 8 day of November 2019.



**Christine Gough**  
**Acting Director,**  
**Central (GPOP)**  
**Greater Sydney, Place and Infrastructure**  
**Department of Planning, Industry and**  
**Environment**

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