

Gateway Determination

Planning proposal (Department Ref: PP_2021_3958): to rezone part of Lot 3 DP 249675 from E4 Environmental Living to R2 Low Density Residential land, for 9 Palaran Avenue, North Kellyville.

I, the Director, Central (Western) 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 *State Environmental Planning Policy (Sydney Region Growth Centres) 2006* to rezone part of Lot 3 DP 249675 North Kellyville should proceed subject to the following conditions:

1. Prior to public exhibition the planning proposal is to be updated to:
 - (a) Clarify under Part 1 Objectives or intended outcomes that the planning proposal will facilitate only 7 (seven) lots/dwellings on the land subject to the amendment.
 - (b) Include a subdivision concept layout demonstrating how 7 (seven) lots can be achieved on the subject site.
 - (c) Council is to consider the Department's comments under Section 1.3 of the Gateway Assessment Report and amend the planning proposal as required.
 - (d) If Council is to proceed with a local provision, amend the wording of the local provision to only refer to part Lot 3 DP 249675 and amend the Key Sites Map supporting the SEPP(Sydney Region Growth Centres) to identify the land subject to this amendment.
 - (e) A contamination report is to be prepared to support the planning proposal. Direction 2.6 Remediation of Contamination Land is to be updated accordingly.
 - (f) Following consideration of Section 1.3 of the Gateway Assessment Report, update Direction 3.1 Residential Zones to address 5(b) of the Direction and address Direction 6.3.
2. 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 and Environment, 2018).

3. 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 Group
- NSW Rural Fire Service
- Sydney Water
- Endeavour Energy
- Telstra
- NBN Co.

Each public authority/organisation 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.

4. 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).
5. Council 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.
6. The time frame for completing the LEP is to be **9 months** following the date of the Gateway determination. To ensure this timeframe can be met, public exhibition is to commence by September 2021, and the planning proposal is to be reported to Council by March 2022.

Dated 13th day of July 2021.



Jane Grose
Director, Central (Western)
Central River City & Western
Parkland City
Department of Planning, Industry
and Environment

Delegate of the Minister for Planning
and Public Spaces