



Mr Michael Edgar
General Manager
The Hills Shire Council
PO Box 7064
NORWEST NSW 2153

Via email: medgar@thehills.nsw.gov.au

Dear Mr Edgar

Planning proposal PP-2021-7237 to amend The Hills Local Environmental Plan 2019

I am writing in response to Council's request for a Gateway determination under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the planning proposal to enable an increase in commercial floor space for 14-16 Brookhollow Avenue, Norwest.

As delegate of the Minister for Planning and Public Spaces, I have now determined that the planning proposal should proceed subject to the conditions in the enclosed Gateway determination including authorising Council to be the local plan-making authority.

I have also agreed, as delegate of the Secretary, the planning proposal's inconsistency with section 9.1 Direction 6.3 Site Specific Provisions is justified in accordance with the terms of the Direction. No further approval is required in relation to this Direction.

Gateway conditions have been inserted requiring the proposal be revised to include a maximum car parking rate based on an updated Traffic and Transport report and consultation with Transport for NSW. Council officer objection to this is noted, however given the sites proximity to Norwest metro station and the need to ensure strategic outcomes to reduce car dependency is achieved, the condition has been included.

The amending local environmental plan (LEP) is to be finalised within 12 months of the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request to draft and finalise the LEP should be made directly to Parliamentary Counsel's Office six weeks prior to the projected publication date. A copy of the request should be forwarded to the Department of Planning, Industry and Environment.

The state government is committed to reducing the time taken to complete LEPs by tailoring the steps in the process to the complexity of the proposal, and by providing

clear and publicly available justification for each plan at an early stage. In order to meet these commitments, the Minister may take action under section 3.32(2)(d) of the Act if the time frames outlined in this determination are not met.

Should you have any enquiries about this matter, I have arranged for Ms Elizabeth Kimbell to assist you. Ms Kimbell can be contacted on 9860 1521.

Yours sincerely



22/12/2021

Catherine Van Laeren
Executive Director, Central River City & Western Parkland City
Greater Sydney, Place & Infrastructure

Encl: Gateway determination
Authorised plan-making reporting template

Cc: ncarlton@thehills.nsw.gov.au

Gateway Determination

Planning proposal (Department Ref: PP_2021_7237): to increase the floor space ratio and building height for 14-16 Brookhollow Avenue, Norwest

I, the Executive Director, Central River City & 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) 2019 to increase the floor space ratio and building height for 14-16 Brookhollow Avenue, Norwest should proceed subject to the following conditions:

1. Prior to public exhibition the planning proposal is to be updated to:
 - (a) Update the Traffic and Transport Assessment to include recommendations for a maximum car parking rate based on similar centres and transport infrastructure accessibility. TfNSW is to be consulted on the maximum car parking rates and the outcomes are to be reflected in the updated planning proposal.
 - (b) Amend Part 2 – Explanation of provisions to include a maximum car parking rate, following the completion of condition 1(a), as a local provision within the LEP to apply to commercial development on the site.
 - (c) Consider whether an updated floor space ratio is appropriate for the site given the outcomes of the car parking review and amend Part 2 – Explanation of provisions accordingly.
 - (d) Amend Part 2 – Explanation of provisions to include a clause that requires concurrence of the Planning Secretary to consider the potential effects of the development on existing and proposal future infrastructure in the area.
 - (e) Amend the design concept supporting the planning proposal to demonstrate compliance with the draft development control plan.

The updated planning proposal is to be forwarded to the Department for review and approval.
2. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:
 - (f) the planning proposal must be made publicly available for a minimum of **28 days**; and
 - (g) 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 the *Local Environmental Plan Making Guideline* (Department of Planning, Industry and Environment, December 2021).

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:

- Transport for NSW
- Environment, Energy and Science Group
- Utility providers including Sydney Water, Endeavour Energy

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. 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.
6. The time frame for completing the LEP is to be **12 months** following the date of the Gateway determination. The proposal must be exhibited by June 2022 and reported to Council post exhibition by October 2022.

Dated 22nd day of December 2021.



Catherine Van Laeren
Executive Director, Central River City
& Western Parkland City
Greater Sydney, Place &
Infrastructure
Department of Planning, Industry and
Environment

Delegate of the Minister for Planning
and Public Spaces

IRF22/2359

General Manager
The Hills Shire Council
PO Box 7064
NORWEST NSW 2153

Via email: katkins@thehills.nsw.gov.au
elangan@thehills.nsw.gov.au

Dear Mr Edgar

Planning proposal PP-2021-7237 - Endorsement for public exhibition

Thank you for submitting an updated planning proposal in respect of PP-2021-7237 to enable an increase in commercial floor space for 14-16 Brookhollow Avenue, Norwest (received on the Planning Portal on 6 July 2022).

The Department has reviewed the updated planning proposal, having regard to the gateway determination conditions.

I note that condition 1(a) to (e) of the Gateway determination have been addressed and updated sufficiently in the revised planning proposal. I am satisfied that the planning proposal provides sufficient detail for the community to have their say on the proposal through the required exhibition period and the proposal may proceed in the plan making process.

Should you have any further enquiries about this matter, please contact myself on 9860 1558.

Yours sincerely



13.07.2022

Angela Hynes
Manager, Place and Infrastructure
Metro Central and North District