

Gateway Determination

Planning proposal (Department Ref: PP-2022-908): to introduce a new site-specific clause in Part 6 for 7 City View Road, Pennant Hills.

I, the Director 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 *Hornsby Local Environmental Plan 2013* to introduce a new site-specific clause in Part 6 for 7 City View Road, Pennant Hills should proceed subject to the following conditions:

1. The planning proposal is to be updated to:
 - (a) Reflect the changes to the proposal made by Council, consistent with its resolution date 13 July 2022.
 - (b) Demonstrate consistency with the Regional Plan and relevant objectives of the Regional Plan.
 - (c) Update the transport impact assessment's modelling conditions, including queue lengths and level of service during peak hours, with scenarios for existing, concept design and cumulative impacts. This updated modelling should be prepared in accordance with the relevant guidelines and be provided to Transport for NSW for comment.
 - (d) Provide further evidence demonstrating compliance can be achieved with SEPP 65, particularly for units on the lower ground floors and the south and east of the development.
 - (e) Ensure the Project Timeline is updated to reflect the timelines to make the LEP included in this determination.
2. Prior to community consultation, the planning proposal is to be revised to address conditions 1 and forwarded to the Department for review and approval.
3. Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:
 - (f) 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 25 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 *Local Environmental Plan Making Guidelines* (Department of Planning and Environment, 2021).
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 Environment and Heritage (Heritage Branch)
- Relevant utility providers, including Sydney Water.

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 25 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 26 June 2023.

Dated 26th day of August 2022.



Louise McMahon
Director
Agile Planning and Programs
Department of Planning and Environment

Delegate of the Minister for Planning