

Gateway Determination

Planning proposal (Department Ref: PP-2023-1414): West Gables Precinct

I, the Director, Local Planning (Metro Central, West and South) at the Department of Planning, Housing and Infrastructure, 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 2019 to rezone the subject land from RU6 Transition to R2 Low Density Residential, R3 Medium Density Residential, RE1 Public Recreation and C2 Environmental Conservation, amend the minimum lot size from 2 hectares to 450m² and 700m², introduce additional local provisions and a satisfactory arrangements clause should proceed subject to the following conditions.

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 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 Act or the Secretary has agreed that any inconsistencies are justified; and
- (c) there are no outstanding written objections from public authorities.

The LEP should be completed on or before 31 March 2026.

Gateway Conditions

1. Prior to exhibition, the planning proposal is to be updated as follows:
 - a) Remove the proposed satisfactory arrangements clause.
 - b) Clarify the proposed zoning for 'avoided lands' and update relevant planning proposal documentation, including Biodiversity Certification Assessment Report (BCAR) to reflect this.
 - c) Clarify ownership of the proposed C2 Environmental Conservation land, if it will be publicly accessible and how it will be managed to protect and conserve the biodiversity.
 - d) Clarify how open space and recreational needs will be met if the 'avoided area' cannot be used for open space and recreation.
 - e) If 'avoided areas' are retained on the site, the Bushfire Strategic study needs to address the bushfire hazard presented by more dense vegetation formations.
 - f) Prepare an updated Traffic Impact Assessment in consultation with Transport for NSW.
2. The updated planning proposal per Condition 1 is to be forwarded to the Minister under s 3.34(6) of the Act for review.

3. Prior to exhibition, consultation is required with the NSW Rural Fire Service under section 3.34(2)(d) of the Act to comply with the requirements of applicable directions of the Minister under section 9 of the Act. NSW Rural Fire Service is to be provided with a copy of the amended planning proposal and any relevant supporting material and given at least 30 working days to comment on the proposal.
4. Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:
 - (a) the planning proposal is categorised as complex as described in the *Local Environmental Plan Making Guideline* (Department of Planning and Environment, August 2023) and must be made publicly available for a minimum of 30 working 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 *Local Environmental Plan Making Guideline* (Department of Planning and Environment, August 2023).
5. 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 Act:
 - Transport for NSW
 - NSW Department of Climate Change, Energy, the Environment and Water;
 - Department of Planning, Housing and Infrastructure – Strategic Planning and Policy
 - Endeavour Energy
 - Sydney Water
 - Jemena
 - NBN
 - Altogether Group
 - School Infrastructure NSW

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 30 working days to comment on the proposal.
6. 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).
7. Prior to finalisation the following must be resolved:
 - a) Ensure there is a mechanism in place for the delivery of local infrastructure; and
 - b) Ensure there is a mechanism in place which facilitates the intended urban design public domain outcomes;

A handwritten signature in black ink, appearing to read 'T Chappell', with a stylized, cursive script.

Dated 9 January 2025

Tina Chappell
Director, Local Planning
(Metro Central, West and South)
Local Planning & Council Support
Department of Planning, Housing and
Infrastructure
Delegate of the Minister for Planning and
Public Spaces