

Gateway Determination

Planning proposal (Department Ref: PP-2023-1849): *amend the land use zone and supporting development standards for part lot 30 DP 10157, 48 Terry Road, Box Hill.*

I, Acting Director, Local Planning (Metro Central, West & 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 *State Environmental Planning Policy (Precincts – Central River City) 2021* to amend the land use zone and supporting development standards for part lot 30 DP 10157, 48 Terry Road, Box Hill should proceed subject to the following:

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 28 February 2025.

Gateway Conditions

1. Updates to the planning proposal are required including the following:
 - Amend the local provision proposing a maximum residential density for the subject site to 42 dwellings per hectare
 - Address Section 9.1 Direction 4.1 Flooding (1)(a)-(d)
 - Address SEPP(Biodiversity and Conservation) 2021, Chapter 6 Water Catchments
 - Address Planning Circular PS 24-001, issued 1 March 2024, Update on addressing flood risk in planning decisions
2. Prior to exhibition, the planning proposal is to be amended to address Condition 1.
3. 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 standard 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 20 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).

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 Act:
 - Transport for NSW
 - School Infrastructure NSW
 - NSW State Emergency Service
 - Endeavour Energy
 - Sydney Water
 - Department of Climate Change, Energy, the Environment and 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 30 working 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 the planning proposal authority from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission).

Dated 07 August 2024



Rukshan de Silva
Acting 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