



## Gateway Determination

***Planning proposal (Department Ref: PP\_2020\_CUMBE\_005\_00): to amend the zoning, height of building and floor space ratio controls and allow additional permitted uses at the corner of Dunmore Street and Pendle Way, Pendle Hill.***

I, the Executive Director, Central River City and 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 Holroyd Local Environmental Plan (LEP) 2013 to amend the zoning, height of building and floor space ratio controls and allow additional permitted uses at the corner of Dunmore Street and Pendle Way, Pendle Hill should proceed subject to the following conditions:

1. Prior to public exhibition, Council is to amend the planning proposal to:
  - (a) amend the proposed maximum height of buildings to reflect a range of heights across the site which responds to the surrounding context and is generally consistent with the proposed masterplan for the site, as detailed in the Urban Design Report dated April 2020;
  - (b) review and amend the proposed maximum floor space ratio controls to respond to the amended maximum height of buildings across the site;
  - (c) provide a discussion on the potential development outcome should bonus provisions under SEPP (Housing for Seniors or People with a Disability) 2004 be pursued;
  - (d) address consistency with SEPP No 65—Design Quality of Residential Apartment Development;
  - (e) update the proposed maps to ensure legibility of all labels and legends;
  - (f) update the Additional Permitted Uses map to only apply to the Ashwood House portion of the site;
  - (g) address Section 9.1 Directions 2.6 Remediation of Contaminated Land and 4.3 Flood Prone Land;
  - (h) update the discussion on SEPP 55 – Remediation of Land reflecting the effect of clause 6 is now achieved by Section 9.1 Direction 2.6 Remediation of Contaminated Land; and
  - (i) update the project timeline.
2. Prior to finalisation of the planning proposal, Council is to ensure that there is an appropriate mechanism in place to deliver public access to the proposed RE2 Private Recreation land.

3. 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).
  
4. 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:
  - Heritage NSW;
  - Transport for NSW;
  - NSW State Emergency Service;
  - Environment, Energy and Science Group – Department of Planning, Industry and Environment;
  - Department of Education; and
  - Sydney Water.

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.
  
5. The planning proposal must be placed on exhibition within six weeks of receiving gateway determination.
  
6. The planning proposal must be reported to council for a final recommendation within 10 months from the date of the Gateway determination.
  
7. 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).
  
8. 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.

9. The time frame for completing the LEP is to be **12 months** following the date of the Gateway determination.

Dated 24<sup>th</sup> day of November 2020.



**Catherine Van Laeren**  
**Executive Director**  
**Central River City and Western**  
**Parkland City Department of**  
**Planning, Industry and Environment**

**Delegate of the Minister for Planning**  
**and Public Spaces**