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Our ref: PP_2013_THILL_006_00 (13/08127-1)

Mr Dave Walker
General Manager
The Hills Shire Council
PO Box 75
CASTLE HILL NSW 1765

Dear Mr Walker,

Planning proposal to amend The Hills Local Environmental Plan 2012

I am writing in response to your Council's letter dated 19 March 2013 requesting a Gateway determination under section 56 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") in respect of the planning proposal (Amendment No. 6) to rezone Bella Vista Farm at Elizabeth Macarthur Drive, Bella Vista from RE1 Public Recreation to B7 Business Park.

As delegate of the Minister for Planning and Infrastructure, I have now determined the planning proposal should proceed subject to the conditions in the attached Gateway determination.

I understand that the conditions of transfer of the Bella Vista Farm to Council, referred to in the Bella Vista Farm Conservation Management Plan - Review and Update (2012), require the land be used for community purposes, and for any compensation from an alteration in the use, zoning or disposal of any part of the site to be paid to the Sydney Regional Development Fund or its successors. Council is to address the above conditions of land transfer and matters regarding compensation in the planning proposal. This information is to form part of the public exhibition material. Council is to also consult with the Office of Strategic Lands on this matter.

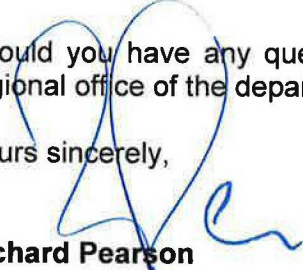
The Minister delegated his plan making powers to councils in October 2012. It is noted that Council has now accepted this delegation. I have considered the nature of Council's planning proposal and have decided not to issue an authorisation for Council to exercise delegation to make this plan because various strategic matters are to be addressed by Council before the planning proposal can proceed to public exhibition, including matters regarding the conditions of land transfer. Furthermore, I understand that the Bella Vista Farm Conservation Management Plan - Review and Update has not been endorsed by the Office of Environment and Heritage.

The amending Local Environmental Plan (LEP) is to be finalised within 12 months of the week following the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request for the department to draft and finalise the LEP should be made 6 weeks prior to the projected publication date.

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 54(2)(d) of the EP&A Act if the time frames outlined in this determination are not met.

Should you have any queries in regard to this matter, please contact Cho Cho Myint of the regional office of the department on 02 9860 1560.

Yours sincerely,

 24/6/13
Richard Pearson
Deputy Director General
Planning Operations and Regional Delivery

Gateway Determination

Planning proposal (Department Ref: PP_2013_THILL_006_00): to rezone Bella Vista Farm from RE1 Public Recreation to B7 Business Park.

I, the Deputy Director General, Planning Operations and Regional Delivery at the Department of Planning and Infrastructure as delegate of the Minister for Planning and Infrastructure, have determined under section 56(2) of the EP&A Act that an amendment to The Hills Local Environmental Plan (LEP) 2012 to rezone Bella Vista Farm at Elizabeth Macarthur Drive, Bella Vista from RE1 Public Recreation to B7 Business Park should proceed subject to the following conditions:

1. Prior to undertaking public exhibition, Council is to update the planning proposal to address the below matters:
 - a. requirement under the conditions of land transfer, for the land to be used for community purposes and for any compensation from an alteration in the use, zoning or disposal of any part of the site to be paid to the Sydney Regional Development Fund or its successors,
 - b. the minimum lot size, floor space ratio and height of buildings controls to be applied to the subject site,
 - c. public open space requirements of the broader Bella Vista and North West precincts in the context of anticipated population growth which is to occur under the draft structure plan of the North West Rail Link Corridor Strategy, and
 - d. the type and extent of future uses proposed for the subject site, the management of the site and the impacts of the proposed uses on the site and surrounding area.
2. Council is to update the planning proposal to include sufficient additional information to adequately demonstrate consistency or justify any inconsistency with the below S117 Directions and other relevant documents:
 - 1.1 Business and Industrial Zones
 - 2.3 Heritage Conservation
 - 6.2 Reserving Land for Public Purpose
 - 7.1 Implementation of the Metropolitan Plan for Sydney 2036
 - draft North West Subregional Strategy
 - North West Rail Link Corridor Strategy
 - draft Metropolitan Strategy for Sydney to 2031 (March 2013) or the final Metropolitan Strategy

Council is to update the planning proposal accordingly prior to undertaking public exhibition, and provide a copy of the revised planning proposal to the department's regional office.

3. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:
 - (a) the planning proposal must be made publicly available for a minimum of **28 days**; and
 - (b) the relevant planning 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 5.5.2 of *A Guide to Preparing LEPs* (Department of Planning & Infrastructure 2013).

4. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:

- NSW Aboriginal Land Council
- Office of Environment and Heritage
- Department of Planning and Infrastructure – Office of Strategic Lands

Each public authority 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. A public hearing is not required to be held into the matter by any person or body under section 56(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 timeframe for completing the LEP is to be **12 months** from the week following the date of the Gateway determination.

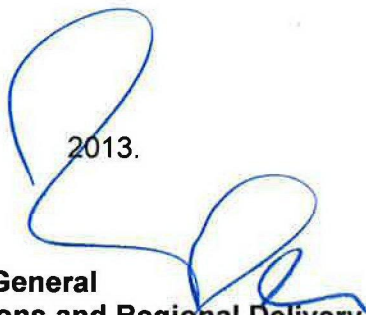
Dated

24

day of

June

2013.



Richard Pearson
Deputy Director General
Planning Operations and Regional Delivery
Department of Planning and Infrastructure

Delegate of the Minister for Planning and Infrastructure