

Mr Dave Walker
General Manager
The Hills Shire Council
PO Box 7064
Baulkham Hills BC NSW 2153

Our ref: PP_2016_THILL_012_00 (16/09675)
Your ref: 16/2015/PLP

Attention: Stewart Seale

Dear Mr Walker

Planning proposal to amend The Hills Local Environmental Plan 2012

I am writing in response to your Council's letter dated 11 July 2016 requesting a Gateway determination under section 56 of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the planning proposal to amend *The Hills Local Environmental Plan 2012* to rezone 90 Weavers Road, Maroota, from RU1 Primary Production to RU2 Rural Landscape, and to identify part of the site on the Terrestrial Biodiversity Map.

As delegate of the Greater Sydney Commission, I have now determined the planning proposal should proceed subject to the conditions in the attached Gateway determination.

I have also agreed, as delegate of the Secretary, the planning proposal's inconsistency with S117 Direction 1.2 Rural Zones is of minor significance. In relation to S117 Direction 4.4. Planning for Bushfire Protection, NSW Rural Fire Service must be consulted prior to community consultation.

Section 117 Directions are available on the Department's website at <http://www.planning.nsw.gov.au/Plans-for-Your-Area/Local-Planning-and-Zoning/Policy-Directions-for-Plan-Making>. The planning proposal should be updated to include the current list of Directions prior to public exhibition.

Plan making powers were delegated 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 to issue an authorisation for Council to exercise delegation to make this plan.

The amending Local Environmental Plan (LEP) is to be finalised within 9 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 to draft and finalise the LEP should be made directly to Parliamentary Counsel's Office 6 weeks prior to the projected publication date. A copy of the request should be forwarded to the Department of Planning and Environment for administrative purposes.

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 Greater Sydney Commission may take action under section 54(2)(d) of the Act if the time frames outlined in this determination are not met.

Should you have any queries in regard to this matter, I have arranged for Mr Chris Browne of the Department's regional office to assist you. Mr Browne can be contacted on (02) 9860 1508.

Yours sincerely



01/08/16

Catherine Van Laeren
Director, Sydney Region West
Planning Services

Encl:
Gateway Determination
Written Authorisation to Exercise Delegation

Gateway Determination

Planning proposal (Department Ref: PP_2016_THILL_012_00): to amend The Hills Local Environmental Plan 2012 to rezone 90 Weavers Road, Maroota.

I, the Director, Sydney Region West, Planning Services at the Department of Planning and Environment as delegate of the Greater Sydney Commission, have determined under section 56(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to *The Hills Local Environmental Plan (LEP) 2012* to rezone 90 Weavers Road, Maroota, from RU1 Primary Production to RU2 Rural Landscape, and to identify part of the site on the Terrestrial Biodiversity Map, and should proceed subject to the following conditions:

1. The Commissioner of the NSW Rural Fire Service 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 prior to public exhibition. Council will need to take into consideration any comments received as part of this consultation, and the proposal amended accordingly prior to exhibition.
2. Community consultation is required under sections 56(2)(c) and 57 of the 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 and Infrastructure 2013)*.
3. Consultation is required with the following public authorities under section 56(2)(d) of the Act and/or to comply with the requirements of relevant S117 Directions:
 - Office of Environment and Heritage
 - Department of Primary Industries - Agriculture
 - Department of Trade and Investment
 - Sydney Water, and
 - Endeavour Energy

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.

4. A public hearing is not required to be held into the matter by any person or body under section 56(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).

5. The timeframe for completing the LEP is to be **9 months** from the week following the date of the Gateway determination.

Dated 1st day of August 2016

A handwritten signature in blue ink, appearing to read "C. Van Laeren".

Catherine Van Laeren
Director, Sydney Region West
Planning Services
Department of Planning and Environment

**Delegate of the Greater Sydney
Commission**

WRITTEN AUTHORISATION TO EXERCISE DELEGATION

The Hills Shire Council is authorised to exercise the functions of the Greater Sydney Commission under section 59 of the *Environmental Planning and Assessment Act 1979* that are delegated to it by instrument of delegation dated 14 October 2012, in relation to the following planning proposal:

Number	Name
PP_2016_THILL_012_00	Planning proposal to <i>rezone 90 Weavers Road, Maroota.</i>

In exercising the Commission's functions under section 59, the Council must comply with the Department of Planning and Environment's "*A guide to preparing local environmental plans*" and "*A guide to preparing planning proposals*".

Dated 1st August 2016

A handwritten signature in blue ink, appearing to read "Catherine Van Laeren".

Catherine Van Laeren
Director, Sydney Region West
Planning Services
Department of Planning and Environment

Delegate of the Greater Sydney Commission