



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

16/11624

Attention: Megan Munari

Dear Mr Walker

**Planning proposal to amend *The Hills Local Environmental Plan (LEP) 2012*  
(PP\_2016\_THILL\_013\_00)**

I am writing in response to Council's request for a Gateway determination under section 56 of the *Environmental Planning and Assessment Act 1979* (the Act), in respect of a planning proposal to amend *The Hills Local Environmental Plan (LEP) 2012* to facilitate commercial development in the Circa Precinct, Bella Vista.

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

I have also agreed that any inconsistency with Section 117 Direction 5.9 North West Rail Link Corridor Strategy is of minor significance. No further approval is required in relation to this Direction. However, I am of the opinion that consistency with Section 117 Direction 4.3 Flood Prone Land has not yet been established, and the Department's concurrence to this Direction will be required prior to exhibition.

Plan making powers were delegated to councils by the Minister in October 2012. It is noted that Council has requested to be issued with delegation for this planning proposal. 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 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 to draft and finalise the Local Environmental Plan 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's regional team 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 EP&A Act if the time frames outlined in this determination are not met.

If you have any queries in regard to this matter, please contact Chris Browne of Sydney Region West, Planning Services on 02 9860 1508.

Yours sincerely



8/09/16

**Catherine Van Laeren  
Director, Sydney Region West  
Planning Services**

**Delegate of the Greater Sydney Commission**

Encl:  
Gateway determination



## Gateway Determination

***Planning proposal (Department Ref: PP\_2016\_THILL\_013\_00): to amend The Hills Local Environmental Plan 2012 to facilitate commercial development at Circa Precinct, Bella Vista.***

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* (EP&A Act), that the planning proposal to amend The Hills LEP 2012 to facilitate commercial development at Circa Precinct, Bella Vista, should proceed subject to the following conditions:

1. Prior to undertaking public exhibition, Council is required to update the planning proposal to demonstrate consistency with Section 117 Direction 4.3 Flood Prone Land, (or that any inconsistency is minor or justified). The updated information must include flood mapping for the entirety of the subject land and must take into account the proposed controls in the Retirement Precinct as well as any other relevant information. The Secretary's concurrence to this Direction will be required prior to exhibition.
2. Prior to undertaking public exhibition, consultation is required with the following public authorities under section 56(2)(d) of the Act and to comply with the requirements of relevant S117 Directions:
  - Endeavour Energy;
  - Transport for NSW;
  - Roads and Maritime Services;
  - Sydney Water;
  - Office of Environment and Heritage; and
  - Office of Environment and Heritage – Heritage Branch.

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. The planning proposal is to be amended to include the outcome of this consultation and respond, as necessary. Any public authority submissions received are to be included in the exhibition materials for community consultation.

3. 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 Environment 2013)*.
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 Local Environmental Plan is to be **12 months** from the week following the date of the Gateway determination.

Dated 8<sup>th</sup> day of September 2016



**Catherine Van Laeren**  
**Director, Sydney Region West**  
**Planning Services**  
**Department of Planning and Environment**  
**Delegate of the Greater Sydney Commission**