

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

Dear Mr Walker

Planning Proposal to amend The Hills Local Environmental Plan 2012

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 the Planning Proposal to rezone land at 582 and 582A Old Northern Road, Dural for medium density purposes.

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. No further approval is required in relation to this Direction. Council may still need to obtain the agreement of the Department's Secretary to comply with the requirements of relevant S117 Directions. Council should ensure this occurs prior to the plan being made.

Plan making powers were delegated to councils in October 2012. I have considered the nature of the Planning Proposal and note that Council has not requested delegation to make the Plan. I have decided not to issue an authorisation for Council to exercise delegation to make this plan.

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 of Planning and Environment to draft and finalise the LEP should be made 8 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 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 Ms Cho Cho Myint of the Department's Sydney Region West office to assist you. Ms Myint can be contacted on 9860 1507.

Yours sincerely

 25 May 2017
Stephen Murray
Executive Director, Regions
Planning Services

Encl: Gateway determination

Gateway Determination

Planning Proposal (Department Ref: PP_2017_THILL_004_00): to amend The Hills Local Environmental Plan 2012 to rezone land at 582 and 582A Old Northern Road, Dural for medium density residential purposes.

I, the Executive Director, Regions 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 2012 to rezone land at 582 and 582A Old Northern Road, Dural for medium density residential purposes should proceed subject to the following conditions:

1. Consultation with the following agencies is to be carried out prior to community consultation:

- (a) the Commissioner of the NSW Rural Fire Service; and
- (b) the Office of Environment and Heritage (OEH).

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. Council will need to take into consideration any comments received and update the proposal where required, prior to undertaking community consultation.

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 Local Environmental Plans* (Department of Planning and Environment 2016).
3. During community consultation, the following public authorities are to be consulted under section 56(2)(d) of the Act:
 - (a) Roads and Maritime Services;
 - (b) the Environmental Protection Authority;
 - (c) Endeavour Energy;
 - (d) Sydney Water; and
 - (e) Hornsby Shire Council.

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 **12 months** from the week following the date of the Gateway determination.

Dated 25th day of May 2017



Stephen Murray
Executive Director, Regions
Planning Services
Department of Planning and Environment
Delegate of the Greater Sydney Commission