

Gateway Determination

Planning proposal (Department Ref: PP_2020_THILL_003_00 (supersedes PP_2016_THILL_013_03): to increase height and floor space ratio controls at Circa Commercial Precinct.

I, the Director, Central (Western), at the Department of Planning, Industry and Environment, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(7) of the *Environmental Planning and Assessment Act 1979* to alter the Gateway determination dated 8 September 2016 (since altered) for the proposed amendment to The Hills Local Environmental Plan 2019 as follows:

1. Delete conditions 1 to 5 and replace with the following conditions.
2. Prior to public exhibition, the planning proposal be amended to:
 - (a) review proposed heights and design response in accordance with the updated Urban Design Response and Report (DEM(Aust) Pty Ltd March 2020). Amend the building height map to incorporate the maximum height of RL103 and review any amendments required to land adjoining Norbrik roundabout;
 - (b) clarify whether the LEP amendments to the 'Retirement Precinct' are required and if so, identify how many additional seniors housing units will be facilitated by the proposal;
 - (c) note consultation to date with Heritage NSW and Transport for NSW;
 - (d) note the cumulative traffic and transport study underway for Norwest/Bella Vista;
 - (e) update the assessment under the strategic framework to include an assessment under the Central City District Plan, Council's Local Strategic Planning Statement and supporting strategies; and
 - (f) include reference to a draft concurrence clause regarding the provision of State infrastructure to ensure development consent cannot be granted for development within the precinct unless concurrence of the Department of Planning, Industry and Environment's Secretary is obtained by Council. This should be supported by identifying the precinct on a clause application map to be inserted within the LEP.
3. Prior to finalisation, the proposal is to address the findings of the cumulative traffic and transport study (if available) for Norwest/Bella Vista.
4. 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).
5. 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:
- Transport for NSW;
 - NSW Heritage; and
 - Utility providers.

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.

6. 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).
7. 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.
8. The time frame for completing the LEP is to be **9 months** from the date of the Gateway determination. Council is required to exhibit and report on the proposal in accordance with the specified milestone dates as follows:
- (a) Report to Council on the draft site-specific development control plan, draft voluntary planning agreement and Section 7.12 contributions plan – March 2021;
 - (b) Public exhibition of the proposal, draft planning agreement and supporting plans - April 2021;
 - (c) Post-exhibition report to Council on proposal and supporting plans, including resolution of State and local contributions - June 2021; and
 - (d) Council to send package to the Department for consideration of finalisation – August 2021.

Dated: 22 day of December 2020.

A handwritten signature in black ink, appearing to read 'Jane Grose', written in a cursive style.

Jane Grose
Director Central (Western)
Central River City and Western
Parkland City
Department of Planning, Industry
and Environment

Delegate of the Minister for Planning
and Public Spaces