



Mr Michael Edgar
General Manager
The Hills Shire Council
PO Box 7064
NORWEST NSW 2153

Via email: medgar@thehills.nsw.gov.au

Dear Mr Edgar

Planning proposal PP-2021-7016 to amend The Hills Local Environmental Plan 2019

I am writing in response to Council's request for a Gateway determination under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the planning proposal to amend the Hills LEP 2019 to increase the maximum floor space ratio from 2.1:1 to 2.7:1, to enable an increase in commercial floor space.

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

A Gateway condition requires the planning proposal to be amended to include a local provision. I have also agreed, as delegate of the Secretary, the planning proposal's inconsistency with section 9.1 Direction 6.3 Site Specific Provisions is justified in accordance with the terms of the Direction. No further approval is required in relation to this Direction.

The Department generally supports Council's approach in seeking concurrent amendments to the LEP and reducing car parking requirements in the DCP to achieve the objectives of the planning proposal. However, given the site's proximity to the Bella Vista metro station, review of the Traffic and Parking assessments and other proposals within the locality, the Department is of the view that a higher per square metre, maximum car parking rate is more appropriate for this site.

Due to the site's unique circumstances that there is a valid development consent for a commercial development in place, the Department is not requiring a maximum car parking rate within the LEP at this time. It is anticipated that Transport for NSW will provide a commentary on car parking for this proposal in its submission.

I have determined not to authorise Council to be the local plan-making authority to ensure the proposal delivers effective modal shift, reducing car dependency and integration of land use and transport planning.

The amending local environmental plan (LEP) is to be finalised within 9 months of 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, Industry and Environment to draft and finalise the LEP should be made eight weeks in advance of the date the LEP is projected to be made.

The NSW Government has committed to reduce the time taken to complete LEPs. In order to meet these commitments, the Minister may take action under section 3.32(2)(d) of the Act if the time frames outlined in this determination are not met.

Should you have any enquiries about this matter, I have arranged for Ms Elizabeth Kimbell to assist you. Ms Kimbell can be contacted on 9860 1521.

Yours sincerely



23/12/2021

Catherine Van Laeren
Executive Director, Central River City & Western Parkland City
Greater Sydney, Place & Infrastructure

Encl: Gateway determination

Cc: ncarlton@thehills.nsw.gov.au

Gateway Determination

Planning proposal (Department Ref: PP-2021-7016): to increase the maximum floor space ratio for 21-23 Lexington Drive, Bella Vista

I, the Executive Director, Central River City and Western Parkland City, at the Department of Planning, Industry and Environment, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to *The Hills Local Environmental Plan (LEP) 2019* to increase the maximum floor space ratio of 21-23 Lexington Drive, Bella Vista (Lot 7081 DP 1037626) should proceed subject to the following conditions:

1. Prior to public exhibition the planning proposal is to be updated to:
 - (a) Amend Part 2 – Explanation of provisions to include a clause that requires concurrence of the Planning Secretary to consider the potential effects of the development on existing and proposal future infrastructure in the area.
2. 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).
3. 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
 - Public utility providers including Sydney Water and Endeavour EnergyEach 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.
4. 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).

5. Council is not authorised as the local plan-making authority.
6. The time frame for completing the LEP is to be **9 months** following the date of the Gateway determination. The proposal must be exhibited by April 2022 and reported to Council post exhibition by July 2022.

Dated 23rd day of December 2021.



Catherine Van Laeren
Executive Director, Central River City
& Western Parkland City
Greater Sydney, Place &
Infrastructure
Department of Planning, Industry and
Environment

Delegate of the Minister for Planning
and Public Spaces