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Our ref: PP_2011_THILL_018_00
Your ref: 2/2012/PLP/A

Mr Dave Walker
General Manager
The Hills Shire Council
PO Box 75
CASTLE HILL NSW 1765

Attention: Stewart Seale

Dear Mr Walker

Revised Planning Proposal to amend The Hills LEP 2012 Amendment No 16

I am writing in regard to the revised planning proposal submitted by The Hills Shire Council to rezone land at 301 Samantha Riley Drive, Kellyville, NSW.

I note that the revised planning proposal includes a number of modifications to the planning proposal exhibited from 15 May 2012 to 15 June 2012, and that these modifications include zone, height of buildings, additional permitted uses and anticipated yield.

Consequently, I have determined as delegate for the Minister for Planning and Infrastructure, in accordance with section 56(7) of the Environmental Planning and Assessment Act 1979, to amend the Gateway determination dated 21 December 2011. A copy of the amended Gateway determination is enclosed.

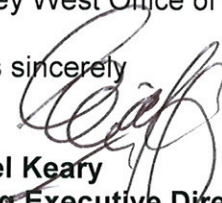
The Minister delegated his plan making powers to councils in October 2012. It is noted that Council has now accepted this delegation. I have considered the nature of Council's planning proposal and have decided to issue an authorisation for Council to exercise delegation to make this plan.

I have also agreed the planning proposal's inconsistencies with S117 Direction 1.1 Business and Industrial Zones are justified. No further approval is required in relation to this Direction.

The amending Local Environmental Plan (LEP) is to be finalised within 9 months of the week following the date of the amended 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 for administrative purposes.

Should you have any queries in regard to this matter, please contact Mr Chris Browne of the Sydney West Office of the Department on 02 9860 1108.

Yours sincerely


12.9.13
Daniel Keary
Acting Executive Director
Metropolitan Planning
Planning Operations & Regional Delivery

Gateway Determination (amended)

Planning proposal (Department Ref: PP_2011_THILL_018_00): to amend The Hills LEP 2012 (Amendment No 16).

I, the Acting Executive Director, Metropolitan Planning at the Department of Planning and Infrastructure, as delegate of the Minister for Planning and Infrastructure, have determined under section 56(2) of the EP&A Act that an amendment to The Hills Local Environmental Plan (LEP) 2012 to rezone land at 301 Samantha Riley Drive, Kellyville to R1 General Residential, amend Schedule 1 to identify 'shops' as an additional permitted use on the subject site and limit the site's retail floor space to 1,900 sqm, amend the floor space ratio map from 1:1 to 4:1, and amend the height of buildings map should proceed subject to the following conditions:

1. Information relating to flooding must be placed on public exhibition with the planning proposal, that demonstrates:
 - The 1 in 100 year flood extent;
 - The storage capacity of the drainage corridor;
 - The extent of earthworks required to ensure that the road will result in a nil impact on the drainage corridor; and
 - Necessary boundary adjustments.
2. A detailed height map that shows the distribution of heights across the site must be included within the public exhibition material.
3. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:
 - (a) the planning proposal must be made publicly available for a minimum of **28 days**; and
 - (b) the RPA 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)*.
4. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - Transport for NSW – Roads and Maritime Services; and
 - Sydney Water Corporation.

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.

5. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge the RPA from any obligation it may otherwise have to conduct a public hearing.
6. The timeframe for completing the LEP is to be **9 months** from the week following the date of the Gateway determination.

Dated *12th* day of *September* 2013.



 **Daniel Keary**
Acting Executive Director
Metropolitan Planning
Planning Operations and Regional Delivery
Department of Planning and Infrastructure

Delegate of the Minister for Planning and Infrastructure

WRITTEN AUTHORISATION TO EXERCISE DELEGATION

The Hills Shire Council is authorised to exercise the functions of the Minister for Planning and Infrastructure 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_2013_THILL_018_00	A revised planning proposal to rezone land at 301 Samantha Riley Drive, Kellyville to R1 General residential, amend Schedule 1 to identify 'shops' as an additional permitted use on the subject site, and limit the site's retail floor space to 1,900 sqm, amend the maximum floor space ratio map from 1:1 to 4:1, and amend the maximum building height controls on the subject land.

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

Dated 12 September 2013



Daniel Keary
Acting Executive Director
Metropolitan Planning
Planning Operations and Regional Delivery
Department of Planning and Infrastructure