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Department Generated Correspondence (Y)

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Our ref: PP_2011_THILL_002_00 (10/20971)
Your ref: FP158

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

Dear Mr Walker,

Re: Planning Proposal to rezone and reclassify Lots 3 and 4 DP 16095 and Lot 32 DP 1004057, 1 & 3 Hill Road and 1-19 Colbarra Place, being the Hill Road Reserve, West Pennant Hills

I am writing in response to your Council's letter dated 21 January 2011 requesting a Gateway Determination under section 56 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") in respect of the planning proposal to amend the Baulkham Hill Local Environmental Plan 2005 to rezone Hill Road Reserve at Hill Road and Colbarra Place, West Pennant Hills from part 6(a) Open Space (Existing and Proposed Public Recreation) and part 2(b) Residential to part E2 Environmental Conservation and part E4 Environmental Living Zone, and to reclassify the subject land from 'community' land to 'operational' land.

As delegate of the Minister for Planning, I have now determined that the planning proposal should proceed subject to the conditions in the attached Gateway Determination.

The Director General's delegate has also agreed that the planning proposal's inconsistencies with S117 Direction 4.3 Flood Prone Land, is of minor significance. No further approval is required in relation to these Directions. However, in terms of Direction 4.4 Planning for Bushfire Protection, Council is to consult further with the RFS and DECCW to ensure that bushfire reduction is not prohibited within the APZs due to EEC issues, and is not to exhibit the planning proposal until such consultation has concluded.

Council are reminded of their obligations for exhibiting and conducting a public hearing when reclassifying land from 'community' to 'operational' land as per the Departments LEP Practice Note 09-003.

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 within four (4) weeks from the week following this determination. Council's request for the Department to draft and finalise the LEP should be made six (6) 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 Minister may take action under s54(2)(d) of the EP&A Act if the time frames outlined in this determination are not met.

Should you have any queries in regard to this matter, please contact Felicity No of the Regional Office of the Department on 02 9873 8500.

Yours sincerely,



Tom Gellibrand 3/2/11
Deputy Director General
Plan Making & Urban Renewal

Gateway Determination

Planning Proposal (Department Ref: PP_2011_THILL_002_00): to rezone and reclassify Lots 3 and 4 DP 16095 and Lot 32 DP 1004057, 1 & 3 Hill Road and 1-19 Colbarra Place, being the Hill Road Reserve, West Pennant Hills

I, the Deputy Director General, Plan Making & Urban Renewal as delegate of the Minister for Planning, have determined under section 56(2) of the EP&A Act that an amendment to the Baulkham Hill Local Environmental Plan 2005 to rezone Hill Road Reserve at Hill Road and Colbarra Place, West Pennant Hills from part 6(a) Open Space (Existing and Proposed Public Recreation) and part 2(b) Residential to part E2 Environmental Conservation and part E4 Environmental Living Zone, and to reclassify the subject land from 'community' land to 'operational' land should proceed subject to the following conditions:

1. 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 **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 4.5 of *A Guide to Preparing LEPs (Department of Planning 2009)*.
2. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - Catchment Management Authority – Hawkesbury / Nepean
 - Catchment Management Authority – Sydney Metro
 - Department of Environment, Climate Change and Water
 - Department of Local Government
 - Energy Australia
 - Integral Energy
 - NSW Rural Fire Service
 - NSW Transport and Infrastructure
 - Roads and Traffic Authority
 - Sydney Water
 - Adjoining LGAs

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.

3. 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 Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

4. The timeframe for completing the LEP is to be **12 months** from the week following the date of the Gateway determination.

Dated *3rd* day of *February* 2011.



Tom Gellibrand
Deputy Director General
Plan Making & Urban Renewal
Delegate of the Minister for Planning