



NSW GOVERNMENT
Department of Planning

Office of the Director-General

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Our ref: P09/00182

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

Dear Mr Walker,

Re: Planning Proposal for rezoning of various lots in Rouse Hill to allow retail, bulky goods enterprises and commercial activities

I am writing in response to your Council's letter dated 21 July 2009 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 Baulkham Hills Local Environmental Plan 2005 by rezoning land at Rouse Hill to Business 3(a) (Retail) to accommodate retail, bulky goods enterprises and commercial activities.

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 Gateway Determination requires that the planning proposal be made publicly available for a period of 28 days. Under section 57(2) of the Act I am satisfied that the planning proposal is in a form that can be made available for community consultation.

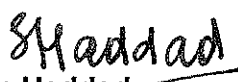
The amending Local Environmental Plan (LEP) is to be finalised within 12 months of the week following the date of the Gateway Determination.

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.

I have formed the opinion that the inconsistency with the section 117 Direction 3.1 Residential Zones is justifiable as the draft plan and its provisions are justified by a planning proposal prepared in support of the proposed land uses which gives consideration to the objective of this direction.

Should you have any queries in regard to this matter, please contact the Regional Office of the Department.

Yours sincerely,


Sam Haddad
Director-General

11/9/2009



Gateway Determination

Planning Proposal (Department ref: P09/00182): To rezone various lots in Rouse Hill to allow retail, bulky goods enterprises and commercial activities.

I, the Director General as delegate of the Minister for Planning, have determined under section 56(2) of the EP&A Act that an amendment of the Baulkham Hills Local Environmental Plan 2005 to rezone Lot 1125 to 1138 DP 1029338, Lots 1021 and 1022 DP 1091484, Part Lot 5 DP 30916, Lot 901 DP 1029336 and Prestwick Avenue, Rouse Hill to Business 3(a) (Retail) to accommodate retail, bulky goods enterprises and commercial activities 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 is not classified as low impact as described in *A Guide to Preparing LEPs* (Department of Planning 2009) and therefore 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. The following information is to be provided in support of the planning proposal, and form part of the documentation placed on public exhibition:
 - (a) A Justification Report for the retail component of the proposal, addressing key issues such as: the impact of allowing general retail development on the existing town centre and mechanisms to limit or manage this impact; and the need to limit any such retail to large-scale retail to avoid duplication/undermining the existing centre.
 - (b) Justification for locating bulky goods enterprises outside the existing Rouse Hill Town Centre.
 - (c) An assessment of the interface issues of the proposed development with adjoining residential development – i.e. traffic generation and car parking, building height/scale.
 - (d) The introduction of appropriate mechanisms to ensure that development on the site that will achieve the equivalent design standard and public domain to the Rouse Hill Town Centre.
3. Consultation under section 56(2)(d) of the EP&A Act is only required with the following State public authorities that will or may be adversely affected by the proposed instrument:
 - (a) NSW Road and Traffic Authority.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.
4. No public hearing is to be held into the matter under section 56(2)(e) of the EP&A Act.
5. The timeframe for completing the LEP is to be **12 months** from the week following the date of the Gateway determination.

Dated

1st

day of

September

2009.

SHaddad

Sam Haddad
Delegate for the Minister for Planning