

**Office of the Director General**

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Our ref: PP_2009_THILL_002_00

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

Dear Mr Walker,

Re: Planning Proposal to introduce additional definitions in Baulkham Hills LEP 2005 in respect of brothels, sex service premises and home occupation for sex services, and to prohibit brothels in all zones other than the Light Industry 4(b) zone

I am writing in response to your Council's letter dated 3 December 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 the Baulkham Hills Local Environmental Plan 2005 to introduce additional definitions in respect of brothels, sex service premises and home occupation for sex services, and to prohibit brothels in all zones other than the Light Industry 4(b) zone.

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 14 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.

It is noted that Council is proposing to adopt a Development Control Plan (DCP) for the control of sex service premises in the Light Industrial zone. When finalised, this DCP should be forwarded to the Department.

The amending Local Environmental Plan (LEP) is to be finalised within 6 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 any inconsistencies with the section 117 Directions are minor and justifiable in this instance.

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

Yours sincerely,

Ian Reynolds
A/Director General

22.1.10

Gateway Determination

Planning Proposal (Department Ref: PP_2009_THILL_002_00): To introduce additional definitions in Baulkham Hills LEP 2005 in respect of brothels, sex service premises and home occupation for sex services, and to prohibit brothels in all zones other than the Light Industry 4(b) zone.

I, the A/Director General as delegate of the Minister for Planning, have determined under section 56(2) of the EP&A Act that an amendment to the Baulkham Hills Local Environmental Plan 2005 to introduce additional definitions in respect of brothels, sex service premises and home occupation for sex services, and to prohibit brothels in all zones other than the Light Industry 4(b) zone, 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 classified as low impact as described in *A Guide to Preparing LEPs* (Department of Planning 2009) and must be made publicly available for **14 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. No consultation is required with State or Commonwealth public authorities under section 56(2)(d) of the EP&A Act.
3. No public hearing is to be held into the matter under section 56(2)(e) of the EP&A Act.
4. The timeframe for completing the LEP is to be **6 months** from the week following the date of the Gateway determination.

Dated 22nd day of January 2010.



Ian Reynolds
A/Director General
Delegate for the Minister for Planning