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Our ref: PP\_2011\_THILL\_004\_00 (11/07516)  
Your ref: FP 199

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

Dear Mr Walker,

**Re: Planning Proposal to rezone land at 177 Wrights Road, Castle Hill from part Rural 1(a) and part Residential 2(b) to R2 Low Density Residential, and to apply a minimum lot size of 450sqm and a maximum building height of 9 metres.**

I am writing in response to your Council's letter dated 19 April 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 Hills Local Environmental Plan 2005 to rezone land at 177 Wrights Road, Castle Hill from part Rural 1(a) and part Residential 2(b) to R2 Low Density Residential and to apply a minimum lot size of 450sqm and a maximum building height of 9 metres.

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

The Department does not support the insertion of a new zone into Baulkham Hills LEP 2005. Therefore, the proposal is to proceed on the basis of Council's equivalent zoning in its existing LEP, being Residential 2(b) or an appropriate alternative recommended by council.

It is noted that the draft Hills Principal LEP has recently concluded public exhibition and is on track for finalisation by September 2011. To ensure the proposal can progress regardless of the timing of council's Principal Plan, Council is to exhibit the proposal as both an amendment to the Baulkham Hills LEP 2005 and as an amendment to the Hills Principal LEP 2010. The planning proposal is also to include an explanation as to the relationship of the proposal to the progress of Council's Comprehensive LEP.

It is noted that a proposed subdivision concept plan is included with the planning proposal. Council is to defer the inclusion of the proposed subdivision concept plan from the planning proposal documentation until feedback from public agencies has been received. Once agency feedback has been received, and depending on the content of advice from agencies, Council may need to give consideration to potential amendments to zoning, the potential need to introduce a non-urban zone, and whether the proposed subdivision layout requires modification, particularly in relation to potential environmental constraints.

The Director General's delegate has also agreed that the planning proposal's inconsistencies with S117 Directions 1.2 Rural Zones and 3.1 Residential Zones are of minor significance. No further approval is required in relation to these Directions. However, in regards to the planning proposal's inconsistencies with S117 Direction 4.4 Planning for Bushfire Protection, Council is to consult with the commissioner of the NSW Rural Fire Service prior to undertaking community consultation, and take into account any comments made as per the requirements of the Local Planning Direction.

Council is to consult with required public authorities under section 56(2)(d) of the EP&A Act as identified in item 5 of the Gateway Determination prior to the public exhibition of the planning proposal. Council is to take into account any comments made by the public authorities and include an assessment of these comments in the planning proposal.

The amending Local Environmental Plan (LEP) is to be finalised within 9 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**  
**Deputy Director General**  
**Plan Making & Urban Renewal**

27/5/11

## Gateway Determination

**Planning Proposal (Department Ref: PP\_2011\_THILL\_004\_00):** to rezone land at 177 Wrights Road, Castle Hill from part Rural 1(a) and part Residential 2(b) to R2 Low Density Residential, and to apply a minimum lot size of 450sqm and a maximum building height of 9 metres.

I, the Deputy Director General, Plan Making & Urban Renewal 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 Baulkham Hills Local Environmental Plan 2005 to rezone land at 177 Wrights Road from part Rural 1(a) and part Residential 2(b) to R2 Low Density Residential, and to apply a minimum lot size of 450sqm and a maximum building height of 9 metres should proceed subject to variations required by the following conditions:

1. The planning proposal is to proceed using the existing equivalent zoning under Baulkham Hills LEP 2005, being Residential 2(b) or an appropriate alternative recommended by Council.
2. Council is to consult with the commissioner of the NSW Rural Fire Service prior to undertaking community consultation, and take into account any comments made as per the requirements of S117 Direction 4.4 Planning for Bushfire Protection.
3. Council, or the proponent, is to undertake further studies in relation to traffic, site contamination and infrastructure servicing requirements. An assessment of the required studies is to be included in the planning proposal for exhibition purposes.
4. Council is to exhibit the proposal as both an amendment to the Baulkham Hills LEP 2005 and as an amendment to the Hills Principal LEP 2010. The planning proposal is also to include an explanation as to the relationship of the proposal to the progress of Council's Comprehensive LEP
5. 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)*.
6. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act, prior to the public exhibition of the planning proposal:
  - Office of Environment and Heritage
  - Transport NSW
  - NSW Rural Fire Service
  - Roads and Traffic Authority
  - Sydney Water

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.

7. Council is to include an assessment of any comments received from public authorities in the planning proposal prior to public exhibition.
8. 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).
9. The timeframe for completing the LEP is to be **9 months** from the week following the date of the Gateway determination.

Dated 27<sup>th</sup> day of May 2011.



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