

Contact: Claire Mirow
Phone: (02) 9873 8597
Fax: (02) 9873 8513
Email: Claire.Mirow@planning.nsw.gov.au
Postal: Locked Bag 5020, Parramatta NSW 2124

Our ref: PP_2012_THILL_002_00 (12/08417)
Your ref: 06/2012*/PLP

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

Dear Mr Walker,

Planning proposal to rezone part of 64 Mackillop Drive, Baulkham Hills from R2 Low Density Residential to part R3 Medium Density and part R4 High Density Residential

I am writing in response to your Council's letter dated 2 April 2012 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 draft Hills Local Environmental Plan 2012 to rezone part of 64 Mackillop Drive (part Lot 2 DP 817696), Baulkham Hills from R2 Low Density Residential to part R3 Medium Density and part R4 High Density Residential and to introduce a maximum building height of 16m over the proposed R4 zoned land.

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.

It is noted that the presence of endangered ecological communities have been identified on the site, and that the development concept included with the planning proposal seeks to protect the remnant vegetation by locating the proposed urban footprint outside the main habitat areas. It is acknowledged that the existing Baulkham Hills Development Control Plan also contains provisions which seek to conserve and protect the biodiversity values of the Hills Shire. Notwithstanding this, Council needs to consult the Office of Environment and Heritage on the matter and amend the planning proposal, if necessary, to reflect the outcomes of this consultation.

It is noted that Council has included a number of maps with the planning proposal that identify the subject site, proposed rezoning and the maximum building height. Council needs to review the mapping to ensure the part of the land to which the rezoning applies is clearly outlined, and that the existing zoning and existing maximum building height under the draft Hills LEP 2012 is identified for the purposes of community consultation. Council needs to amend and provide revised mapping to the Department prior to community consultation.

Council needs to also ensure that all mapping is prepared in accordance with the Department's Standard Technical Requirements for LEP Maps prior to the finalisation of the planning proposal.

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. Council is to take into account any comments made and amend the planning proposal (if necessary) and forward a copy of the revised planning proposal to the Department's Regional Office.

I have also agreed that the planning proposal's inconsistencies with S117 Directions 4.3 Flood Prone Land and 6.3 Site Specific Provisions are of minor significance. No further approval is required in relation to these Directions.

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 Claire Mirow of the Regional Office of the Department on 02 9873 8597

Yours sincerely,


Sam Haddad
Director-General

12/6/2012

Gateway Determination

Planning Proposal (Department Ref: PP_2012_THILL_002_00): to rezone part of 64 Mackillop Drive, Baulkham Hills from R2 Low Density Residential to part R3 Medium Density and part R4 High Density Residential

I, the Director General, 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 draft Hills Local Environmental Plan 2012 to rezone part of 64 Mackillop Drive (part Lot 2 DP 817696), Baulkham Hills from R2 Low Density Residential to part R3 Medium Density and part R4 High Density Residential and to introduce a maximum building height of 16m over the proposed R4 zoned land should proceed subject to the following conditions:

1. Council needs to ensure that appropriate maps are prepared clearly illustrating the provisions of the proposal, including the area of the site to which the rezoning applies and the existing zoning under the draft Hills LEP 2012 for the purposes of community consultation. Council needs to also ensure that all mapping is prepared in accordance with the Department's Standard Technical Requirements for LEP Maps prior to the finalisation of the planning proposal.
2. 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)*.
3. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - Office of Environment and Heritage
 - NSW Rural Fire Service
 - Transport for NSW - Roads and Maritime Services
 - 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.

4. Further to Condition 3 above, Council is to consult with the Commissioner of the NSW Rural Fire Service and take into account any comments made as per the requirements of S117 Direction 4.4 Planning for Bushfire Protection. Council is to amend the planning proposal, if necessary, and forward a copy of the revised planning proposal to the Department's Regional Office.



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 Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
6. The timeframe for completing the LEP is to be **12 months** from the week following the date of the Gateway determination.

Dated 12th day of June 2012.

SHaddad

Sam Haddad
Director-General
Delegate of the Minister for Planning and
Infrastructure