



Office of the Director General

Mr Dave Walker
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Our ref: PP_2013_THILL_009_00 (13/09106)
13/15523
Your ref: 6/2013/PLP

Dear Mr Walker

Planning proposal to amend The Hills Local Environmental Plan 2012

I am writing in response to your request on 16 July 2013 seeking an amendment to the Gateway determination dated 24 June 2013 in respect of the planning proposal (Amendment No. 18) to increase the maximum building height to 21m for land identified within the Southern and Central Precincts and to 12.5m for land identified within the Eastern Precinct of the Rouse Hill Regional Centre.

I note that the Gateway determination conditioned Council to amend the planning proposal to permit subdivision down to, and certain residential development on, lots with a minimum lot size of 160sqm within the Rouse Hill Regional Centre. I understand Council has raised concern regarding the proposed 160sqm minimum lot size and is of the view that any proposal below the current minimum lot size of 240sqm within the Centre should undertake a merit assessment and that the use of clause 4.6 'Exceptions to development standards' is an appropriate mechanism to achieve Council's intended outcome.

As delegate of the Minister for Planning and Infrastructure, I have determined in accordance with section 56(7) of the Environmental Planning and Assessment Act 1979 ("EP&A Act") to amend the Gateway determination dated 24 June 2013 for planning proposal PP_2013_THILL_009_00 consistent with Council's request.

However, Council is advised that over the next 12 months the department will monitor the number of lots approved that are less than 240sqm in the Centre and further consider whether an amendment to The Hills Local Environmental Plan (LEP) 2012 is required. To assist the department with monitoring, Council is to provide a quarterly report to the department (starting from the January 2014 to March 2014 quarter) providing details on Council's use of clause 4.6 to allow residential development on lots less than 240sqm in the Centre.

The Minister delegated his plan making powers to councils in October 2012. It is noted that Council has now accepted this delegation. I have considered the nature of Council's planning proposal and have decided to issue an authorisation for Council to exercise delegation to make this plan.

The amending LEP is to be finalised within 9 months of the week following the date of the amended Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request to draft and finalise the LEP should be

made directly to Parliamentary Counsel's Office 6 weeks prior to the projected publication date. A copy of the request should be forwarded to the department for administrative purposes.

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 section 54(2)(d) of the EP&A Act if the time frames outlined in this amended determination are not met.

Should you have any queries in regard to this matter, please contact Chris Browne of the regional office of the department on 02 9860 1560.

Yours sincerely,


Sam Haddad
Director General

3/10/2013 .

Encl:
Gateway determination
Written Authorisation to Exercise Delegation
Attachment 5 – Delegated plan making reporting template

Amended Gateway Determination

Planning proposal (Department Ref: PP_2013_THILL_009_00): to amend maximum building height on land in the Rouse Hill Regional Centre.

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 Hills Local Environmental Plan (LEP) 2012 to increase the maximum building height to 21m for land identified within the Southern and Central Precincts and to 12.5m for land identified within the Eastern Precinct of the Rouse Hill Regional Centre should proceed subject to the following conditions:

1. Prior to undertaking public exhibition, Council is to update the project timeline within the planning proposal to reflect the correct year for the consideration of submissions, consideration of the proposal and the making of the plan. The project timeline within the planning proposal is to reflect the date of the amended Gateway determination and the 9 month timeframe allocated for completing the LEP.
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 a minimum of **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 5.5.2 of *A Guide to Preparing LEPs (Department of Planning & Infrastructure 2013)*.
3. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act and/or to comply with the requirements of relevant S117 Directions:
 - Transport for NSW - Roads and Maritime Services
 - Hawkesbury - Nepean Catchment Management Authority
 - Urban Growth NSW
 - Office of Environment and Heritage (S117 Direction 2.3 Heritage Conservation)

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.

4. 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).



Planning & Infrastructure

5. The timeframe for completing the LEP is to be **9 months** from the week following the date of the amended Gateway determination.

Dated *3rd* day of *October* 2013.

SHaddad

Sam Haddad
Director General
Department of Planning and Infrastructure

Delegate of the Minister for Planning and Infrastructure



WRITTEN AUTHORISATION TO EXERCISE DELEGATION

The Hills Shire Council is authorised to exercise the functions of the Minister for Planning and Infrastructure under section 59 of the *Environmental Planning and Assessment Act 1979* that are delegated to it by instrument of delegation dated 14 October 2012, in relation to the following planning proposal:

Number	Name
PP_2013_THILL_009_00	Planning proposal (Amendment No. 18) to increase the maximum building height to 21m for land identified within the Southern and Central Precincts and to 12.5m for land identified within the Eastern Precinct of the Rouse Hill Regional Centre.

In exercising the Minister's functions under section 59, the Council must comply with the Department's "*A guide to preparing local environmental plans*" and "*A guide to preparing planning proposals*".

Dated rd 3 October 2013

Sam Haddad
Director General
Department of Planning and Infrastructure

Attachment 5 – Delegated plan making reporting template

Reporting template for delegated LEP amendments

Notes:

- Planning proposal number will be provided by the department following receipt of the planning proposal
- The department will fill in the details of Tables 1 and 3
- RPA is to fill in details for Table 2
- If the planning proposal is exhibited more than once, the RPA should add additional rows to **Table 2** to include this information
- The RPA must notify the relevant contact officer in the regional office in writing of the dates as they occur to ensure the department's publicly accessible LEP Tracking System is kept up to date
- A copy of this completed report must be provided to the department with the RPA's request to have the LEP notified

Table 1 – To be completed by the department

Stage	Date/Details
Planning Proposal Number	PP_2013_THILL_009_00
Date Sent to Department under s56	07/05/2013
Date considered at LEP Review Panel	13/06/2013
Gateway determination date	03/10/2013 (Amended)

Table 2 – To be completed by the RPA

Stage	Date/Details	Notified Reg Off
Dates draft LEP exhibited		
Date of public hearing (if held)		
Date sent to PCO seeking Opinion		
Date Opinion received		
Date Council Resolved to Adopt LEP		
Date LEP made by GM (or other) under delegation		
Date sent to DP&I requesting notification		

Table 3 – To be completed by the department

Stage	Date/Details
Notification Date and details	

Additional relevant information: