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Our ref: PP\_2013\_THILL\_011\_00 (13/10644)  
Your ref: 9/2013/PLP

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

Dear Mr Walker,

### **Planning proposal to amend The Hills Local Environmental Plan 2012**

I am writing in response to your Council's letter dated 18 June 2013 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 rezone the north-east corner of land within the Crane Road Precinct at 299-309 Old Northern Road, Castle Hill to B4 Mixed Use and apply a maximum floor space ratio of 6.4:1, apply a maximum building height of 68m for land in the Precinct and extend the area to which clause 7.7 - Design Excellence applies under The Hills Local Environmental Plan (LEP) 2012.

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

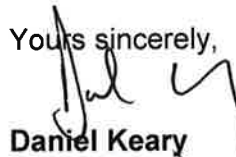
The Minister delegated his plan making powers to councils in October 2012. It is noted that Council has now accepted this delegation. I have considered the nature of Council's planning proposal and have decided to issue an authorisation for Council to exercise delegation to make this plan.

The amending LEP is to be finalised within 9 months of the week following the date of the 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 determination are not met.

Should you have any queries in regard to this matter, please contact Derryn John of the regional office of the department on 02 9860 1505.

Yours sincerely,

  
10/7/13  
**Daniel Keary**  
**Acting Executive Director**  
**Metropolitan Planning**  
**Planning Operations and Regional Delivery**

## Gateway Determination

**Planning proposal (Department Ref: PP\_2013\_THILL\_011\_00):** to rezone and amend the development standards for land at Castle Hill and amend land to which clause 7.7 applies.

I, the Acting Executive Director, Metropolitan Planning at the 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 rezone the north-east corner of land within the Crane Road Precinct at 299-309 Old Northern Road, Castle Hill to B4 Mixed Use and apply a maximum floor space ratio of 6.4:1, apply a maximum building height of 68m for land in the Precinct and extend the area to which clause 7.7 - Design Excellence applies should proceed subject to the following conditions:

1. Prior to undertaking public exhibition, Council is to update the 'explanation of provisions' within the planning proposal to clearly advise that the planning proposal also extends the area to which clause 7.7 - Design Excellence applies under The Hills LEP 2012.
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:
  - Roads and Maritime Services
  - Transport for NSW – North West Rail Link Project Team
  - Sydney Water
  - Transgrid
  - Endeavour Energy

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).



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

Dated 10<sup>th</sup> day of July 2013.



**Daniel Keary**  
**Acting Executive Director**  
**Metropolitan Planning**  
**Planning Operations and Regional Delivery**  
**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_011_00 | Planning proposal to rezone the north-east corner of land within the Crane Road Precinct at 299-309 Old Northern Road, Castle Hill to B4 Mixed Use and apply a maximum floor space ratio of 6.4:1, apply a maximum building height of 68m for land in the Precinct and extend the area to which clause 7.7 - Design Excellence applies under The Hills Local Environmental Plan (LEP) 2012. |

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

Dated

10 / 7 / 2013

  
Daniel Keary  
**Acting Executive Director**  
**Metropolitan Planning**  
**Planning Operations and Regional Delivery**  
**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_011_00 |
| Date Sent to Department under s56   | 18/06/2013           |
| Date considered at LEP Review Panel | 04/07/2013           |
| Gateway determination date          | 10/07/2013           |

**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: