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Our ref: PP_2013_THILL_003_00 (13/04245)
Your ref: 1/2013/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 Council's letter dated 8 February 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 land at 488-494 Old Northern Road, Dural from RU6 Transition to B2 Local Centre and R3 Medium Density Residential and apply a maximum floor space ratio of 0.75:1 for land proposed to be zoned B2 Local Centre.

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.

I note that Council does not propose to amend the 2ha minimum lot size applicable to the subject land. Given the proposed zoning is for medium density residential and business purposes, Council is encouraged to consider amending the minimum lot size and further consider the proposed maximum floor space ratio controls allocated to land proposed for business purposes. Any decrease in minimum lot size or increase in floor space ratio controls can be added to the planning proposal and must form part of the exhibition material.

I have also agreed the planning proposal's inconsistencies with S117 Directions 1.2 Rural Zones and 7.1 Implementation of the Metropolitan Plan for Sydney 2036 are of minor significance. No further approval is required in relation to these Directions.

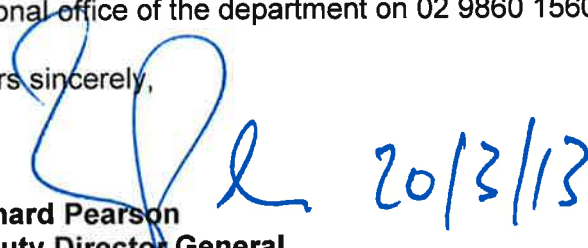
The Minister delegated his plan making powers to councils in October 2012. It is noted that Council has now accepted this delegation. I have considered the nature of Council's planning proposal and have decided to issue an authorisation for Council to exercise delegation to make this plan.

The amending LEP is to be finalised within 12 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 NSW 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 Chris Browne of the regional office of the department on 02 9860 1560.

Yours sincerely,



Richard Pearson
Deputy Director General
Planning Operations and Regional Delivery

Gateway Determination

Planning proposal (Department Ref: PP_2013_THILL_003_00): to rezone land at Old North Road, Dural for business and residential purposes.

I, the Deputy Director General, Planning Operations and Regional Deliver 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 land at 488-494 Old Northern Road, Dural from RU6 Transition to B2 Local Centre and R3 Medium Density Residential and apply a maximum floor space ratio of 0.75:1 for land proposed to be zoned B2 Local Centre should proceed subject to the following conditions:

1. Council is to demonstrate that the planning proposal satisfies the requirements of State Environmental Planning Policy (SEPP) 55 – Remediation of Land. Council is to prepare an initial site contamination investigation report to demonstrate that the site is suitable for rezoning to the proposed zone. This report is to be included as part of the public exhibition material.
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 2012).
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:
 - NSW Rural Fire Service (S117 Direction 4.4 Planning for Bushfire Protection)
 - Hawkesbury Nepean Catchment Management Authority
 - Office of Environment and Heritage
 - Transport for NSW – Roads and Maritime Services
 - Endeavour Energy
 - Sydney Water

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 **12 months** from the week following the date of the Gateway determination.
6. Any decrease in minimum lot size and/or increase in floor space ratio controls endorsed by Council are to be added to the planning proposal and form part of the public exhibition material.

Dated 20 day of March 2013.



Richard Pearson
Deputy Director General
Planning Operations and Regional Delivery
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_003_00	Planning Proposal to rezone land at 488-494 Old Northern Road, Dural from RU6 Transition to B2 Local Centre and R3 Medium Density Residential and apply a maximum floor space ratio of 0.75:1 for land proposed to be zoned B2 Local Centre.

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 20 March 2013

Richard Pearson
Deputy Director General
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_003_00
Date Sent to Department under s56	08/02/2013
Date considered at LEP Review Panel	14/03/2013
Gateway determination date	20/03/2013

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: