



Office of the Director General

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

Contact: Lillian Charlesworth
Phone: (02) 9860 1560
Email: Lillian.Charlesworth@planning.nsw.gov.au
Postal: GPO Box 39, Sydney NSW 2001

Our ref: PP_2013_THILL_014_00 (13/12752)
Your ref: 3/2013/PLP

Dear Mr Walker,

Planning proposal to amend The Hills Local Environmental Plan 2012

I am writing in response to your Council's letter dated 12 July 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 remove the maximum building height applicable for the Town Centre Core and Northern Frame of the Rouse Hill Regional Centre, and to amend clause 4.1A 'minimum lot sizes for dual occupancy, multi dwelling housing and residential flat buildings,' to allow consent to be granted for multi dwelling housing and residential flat buildings where the subject land is below the minimum lot size, subject to certain criteria.

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 not to issue an authorisation for Council to exercise delegation in this instance given the significance of the LEP.

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 as soon as possible. Council's request for the department to draft and finalise the LEP should be made 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 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 Lillian Charlesworth of the regional office of the department on 02 9860 1560.

Yours sincerely,



Sam Haddad
Director General

4/10/2013 .

Encl:

Gateway determination

Gateway Determination

Planning proposal (Department Ref: PP_2013_THILL_014_00): to remove maximum building heights for land at Rouse Hill Regional Centre and amend clause 4.1A of The Hills LEP 2012.

I, the Director General 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 remove the maximum building height applicable for the Town Centre Core and Northern Frame of the Rouse Hill Regional Centre and amend clause 4.1A 'Minimum lot sizes for dual occupancy, multi dwelling housing and residential flat buildings' to allow consent to be granted for multi dwelling housing and residential flat buildings where the subject land is below the minimum lot size, subject to certain criteria should proceed subject to the following conditions:

1. Prior to undertaking public exhibition, Council is to update the planning proposal to ensure it correctly identifies/refers to the subject land.
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
 - NSW Rural Fire Service (S117 Direction 4.4 Planning for Bushfire Protection)

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 **12 months** from the week following the date of the Gateway determination.

Dated

4th

day of

October

2013.

Sam Haddad
Director General

**Delegate of the Minister for Planning and
Infrastructure**