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Our ref: PP_2013_THILL_015_00 (13/18156)
Your ref: 1/2014/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 14 October 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 amend The Hills Local Environmental Plan (LEP) 2012 to:

- rezone land within the Box Hill Precinct from RU6 Transition to R1 General Residential, R2 Low Density Residential, R3 Medium Density Residential, R4 High Density Residential, E2 Environmental Conservation, E3 Environmental Management, E4 Environmental Living, B2 Local Centre and RE1 Public Recreation;
- apply a range of minimum lot sizes for subdivision of land in R1 General Residential and R3 Medium Density Residential;
- increase the maximum building height ranging between 10 and 16m; and
- apply a maximum floor space ratio of 1:1 and a minimum allotment size of 600m² for B2 Local centre zone.

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, however has not sought delegation for the making of this plan. I have considered the nature of Council's planning proposal and have decided not to issue an authorisation for Council to exercise delegation due to the scale and regional significance of the proposal.

The amending Local Environmental Plan (LEP) is to be finalised within 18 months of the week following the date of the Gateway determination. 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 require any further information concerning this matter please contact Mr Chris Browne, Sydney Region West, at the Department's Parramatta Office on 02 9860 1108.

Yours sincerely,



Neil McGaffin 26.11.13
Acting Deputy Director General
Planning Operations & Regional Delivery

Encl: Gateway Determination

Gateway Determination

Planning proposal (Department Ref: PP_2013_THILL_015_00): to rezone rural land for urban purposes within the Box Hill Precinct.

I, the Acting Deputy Director General, Planning Operations and Regional Delivery 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 within the Box Hill Precinct from RU6 Transition to R1 General Residential, R2 Low Density Residential, R3 Medium Density Residential, R4 High Density Residential, E2 Environmental Conservation, E3 Environmental Management, E4 Environmental Living, B2 Local Centre and RE1 Public Recreation;
- apply a range of minimum lot sizes for subdivision of land in R1 General Residential and R3 Medium Density Residential;
- increase the maximum building height ranging between 10 and 16m; and
- apply a maximum floor space ratio of 1:1 and a minimum allotment size of 600m² for B2 Local centre zone

should proceed subject to the following conditions:

1. Prior to undertaking public exhibition, Council is to update the planning proposal to include the subject land on the Urban Release Area Map and ensure Clause 6.1 *Arrangements for designated State public infrastructure* of the Hills LEP 2012 applies.
2. Prior to undertaking public exhibition and following consultation with public authorities, Council is to update the planning proposal to include sufficient additional information to adequately demonstrate consistency or justify any inconsistency with the below S117 Directions:
 - 1.2 Rural Zone
 - 3.4 Integrating Land Use and Transport
 - 4.4 Planning for Bushfire Protection
 - 6.2 Reserving Land for Public Purposes
3. Council is to ensure 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 zones. This report is to be included as part of the public exhibition material.
4. 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)*.
5. 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:

- Office of Water
- Ambulance Service of NSW
- Endeavour Energy
- TransGrid
- Jemena
- Fire and Rescue NSW
- NSW Health
- NSW Police Force
- State Emergency Service
- Sydney Water
- Telstra
- Department of Primary Industries – Agriculture
- Office of Environment and Heritage
- Deerubbin Local Aboriginal Land Council
- Hawkesbury – Nepean Catchment Management Authority
- Department of Education and Communities (S117 Direction 6.2 Reserving Land for Public Purposes)
- Transport for NSW (S117 Direction 3.4 Integrating Land Use and Transport)
- RailCorp (S117 Direction 3.4 Integrating Land Use and Transport)
- Roads and Maritime Services (S117 Direction 3.4 Integrating Land Use and Transport)
- NSW Rural Fire Service (S 117 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.

6. 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).
7. The timeframe for completing the LEP is to be **18 months** from the week following the date of the Gateway determination.

Dated

26

day of

November

2013.



Neil McGaffin
Acting Deputy Director General
Planning Operations & Regional Delivery
Department of Planning & Infrastructure

Delegate of the Minister for Planning & Infrastructure