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Mr Dave Walker  
General Manager  
The Hills Shire Council  
PO BOX 7064  
BAULKHAM HILLS BC 2153

Our ref: PP\_2014\_THILL\_003\_00 and  
PP\_2014\_THILL\_005\_00  
Your ref: 13/2013/PLP

Attention: Anne Banyai

## **Planning proposal to amend The Hills Local Environmental Plan 2012 – Housekeeping Amendment No. 1**

I am writing in response to your Council's request for a Gateway determination under section 56 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") for the above planning proposal.

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

I have also agreed that any inconsistency with Section 117 Direction 3.1 (Residential Zones) is of minor significance. No further approval is required in relation to Section 117 Directions.

As you are aware, the Planning Strategies, Housing and Infrastructure branch of the Department of Planning and Environment has requested that the removal of the Box Hill and Box Hill Industrial Precincts (provision 2.8 of the planning proposal) be treated as a separate planning proposal. I have decided to grant this request, and have issued two separate Gateway determinations accordingly.

The Minister delegated his plan making powers to councils in October 2012. 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 Local Environmental Plan (Housekeeping Amendment No. 1) is to be finalised within 12 months of the week following the date of the Gateway determination, and the amending Local Environmental Plan (Removal of Notified Growth Centres Precincts from The Hills LEP 2012) is to be finalised within 6 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 Plan 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 Local Environmental Plans 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 *Environmental Planning & Assessment Act 1979* 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 Metropolitan Delivery (Parramatta) office of the Department on 02 9860 1108.

Yours sincerely,

*R Cumming*  
22/8/2014

Rachel Cumming  
**Director**  
**Metropolitan Delivery (Parramatta)**  
**Housing, Growth and Economics**

## Gateway Determination

### **Planning proposal (Department Ref: PP\_2014\_THILL\_003\_00): Housekeeping Amendment No. 1**

I, the Director, Metropolitan Delivery (Parramatta) at the Department of Planning as delegate of the Minister for Planning, have determined under section 56(2) of the *Environmental Planning & Assessment Act 1979* that an amendment to The Hills Local Environmental Plan 2012 to correct anomalies and ensure that The Hills Local Environmental Plan 2012 accurately reflects local and State government policies:

1. Consultation is required with the following public authorities under section 56(2)(d) of the *Environmental Planning & Assessment Act 1979* and/or to comply with the requirements of relevant Section 117 Directions:

- Transport for NSW – Roads and Maritime Services,
- Sydney Water, and
- Office of Environment and Heritage.

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.

2. Prior to exhibition, the proposal must be updated to remove provision 2.8 (the removal of Box Hill and Box Hill Industrial Precincts from The Hills LEP 2012), which is to be pursued as a separate planning proposal.

3. Community consultation is required under sections 56(2)(c) and 57 of the *Environmental Planning and Assessment Act 1979* 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 Local Environmental Plans (Department of Planning & Infrastructure 2013)*.

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 *Environmental Planning & Assessment Act 1979*. 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. Delegation is to be given to Council to exercise the Minister's plan-making powers.

6. The timeframe for completing the Local Environmental Plan is to be **12 months** from the week following the date of the Gateway determination.

  
22/8/2014

Rachel Cumming  
Director, Metropolitan Delivery (Parramatta)  
Housing, Growth and Economics  
Department of Planning and Environment  
Delegate of the Minister for Planning

## Gateway Determination

### ***Planning proposal (Department Ref: PP\_2014\_THILL\_005\_00): removal of notified Growth Centres Precincts from The Hills Local Environmental Plan 2012.***

I, the Director, Metropolitan Delivery (Parramatta) at the Department of Planning as delegate of the Minister for Planning, have determined under section 56(2) of the *Environmental Planning & Assessment Act 1979* that an amendment to The Hills Local Environmental Plan 2012 to remove notified Growth Centres Precincts from The Hills Local Environmental Plan 2012 should proceed subject to the following conditions:

1. The proposal must be updated to include the removal of the North Kellyville Precinct from The Hills Local Environmental Plan 2012.
2. No public authority consultation is required under section 56(2)(d) of the *Environmental Planning & Assessment Act 1979*.
3. No community consultation is required under sections 56(2)(c) or 57 of the *Environmental Planning & Assessment Act 1979*.
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 *Environmental Planning & Assessment Act 1979*. 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. Delegation is to be given to Council to exercise the Minister's plan-making powers.
6. The timeframe for completing the Local Environmental Plan is to be **6 months** from the week following the date of the Gateway determination.

*RJ Cumming*  
22/8/2014

Rachel Cumming  
**Director, Metropolitan Delivery (Parramatta)**  
**Housing, Growth and Economics**  
**Department of Planning and Environment**  
***Delegate of the Minister for Planning***