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Our ref: PP_2011_THILL_005_00 (10/05022)
Your ref: FP176

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

Dear Mr Walker,

Re: Planning Proposal to include 'bulky goods premises', 'landscape supply establishments' and 'office warehouses' as additional permitted uses on land at Lot 1021 and Lot 1022 DP1091484 Commercial Road, Rouse Hill

I am writing in response to your Council's letter dated 2 June 2011 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 Baulkham Hills Local Environmental Plan 2005 to include 'bulky goods premises', 'landscape supply establishments' and 'office warehouses' as additional permitted uses on land at Lot 1021 and Lot 1022 DP1091484 Commercial Road, Rouse Hill.

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

The inclusion of 'bulky goods premises', 'landscape supply establishments' and 'office warehouses' as additional permitted uses on residentially zoned land is not supported. It is noted the subject site is proposed to be zoned B5 Business development under the draft Hills Local Environmental Plan 2010, which has recently been exhibited. In order to better reflect the future use of the land, the preferred approach to achieve Council's intended outcome is to rezone the land to an appropriate business/commercial use such as the Business 3(a) (Retail) Zone under the current Baulkham Hills LEP 2005.

Council is to amend the planning proposal to reflect the requirements of the Gateway Determination and is to prepare existing and proposed draft zoning maps to reflect the current and intended future use of the land, prior to the commencement of community consultation.

Council is encouraged to exhibit the planning proposal concurrently with the Development Application to provide clarity and provide certainty to the community about Council's intended future outcome for the site.

The Director General's delegate has also agreed that the planning proposal's inconsistencies with S117 Direction 3.1 Residential Zones is of minor significance. No further approval is required in relation to this Direction.

In regards to the planning proposal's inconsistencies with S117 Direction 4.4 Planning for Bushfire Protection, Council is to consult with the Commissioner of the NSW Rural Fire Service prior to undertaking community consultation, and take into account any comments made as per the requirements of the Local Planning Direction.

The amending Local Environmental Plan (LEP) 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 within four (4) weeks from the week following this determination. Council's request for the Department to draft and finalise the LEP should be made six (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 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 Felicity No of the Regional Office of the Department on 02 9873 8500.

Yours sincerely,



27/6/11

Tom Gellibrand
Deputy Director General
Plan Making & Urban Renewal

Gateway Determination

Planning Proposal (Department Ref: PP_2011_THILL_005_00): to insert 'bulky goods premises', 'landscape supply establishments' and 'office warehouses' as additional permitted uses on land at Lot 1021 and Lot 1022 DP1091484 Commercial Road, Rouse Hill.

I, the Deputy Director General, Plan Making & Urban Renewal as delegate of the Minister for Planning, have determined under section 56(2) of the EP&A Act that an amendment to the Baulkham Hills Local Environmental Plan 2005 to insert 'bulky goods premises', 'landscape supply establishments' and 'office warehouses' as additional permitted uses on land at Lot 1021 and Lot 1022 DP1091484 Commercial Road, Rouse Hill should proceed subject to the following conditions:

1. Council is to rezone the land to an appropriate business/commercial use such as the Business 3(a) (Retail) Zone, as the inclusion of 'bulky goods premises', 'landscape supply establishments' and 'office warehouses' as additional permitted uses via Schedule 6 of Baulkham Hills LEP 2005 on the subject land is not supported.
2. Council is to amend the planning proposal to reflect the requirements of Condition 1, above, and is to prepare existing and proposed draft zoning maps to reflect the current and intended future use of the land, prior to the commencement of community consultation.
3. Council is to consult with the Commissioner of the NSW Rural Fire Service prior to undertaking community consultation, and take into account any comments made as per the requirements of S117 Direction 4.4 Planning for Bushfire Protection.
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 is classified as low impact as described in *A Guide to Preparing LEPs (Department of Planning 2009)* and must be made publicly available for **14 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 4.5 of *A Guide to Preparing LEPs (Department of Planning 2009)*.
5. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - NSW Rural Fire Service

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning 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 **6 months** from the week following the date of the Gateway determination.

Dated 27th day of June 2011.

**Tom Gellibrand
Deputy Director General
Plan Making & Urban Renewal
Delegate of the Minister for Planning and
Infrastructure**