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Our ref: PP_2012_THILL_001_00 (12/02090)
Your ref: 4/2012/PLP

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

Dear Mr Walker,

Re: Planning proposal to amend the building height and floor space ratio for Lot 101 DP1146629, also known as 51 Old Castle Hill Road, Castle Hill, to align The Hills Shire Council's comprehensive/principal LEP with the recently commenced controls for this site (as contained in the Baulkham Hills DCP)

I am writing in response to your Council's letter dated 11 January 2012 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 draft The Hills Local Environmental Plan by amending the building height and floor space ratio for Lot 101 DP1146629, also known as 51 Old Castle Hill Road, Castle Hill, to align The Hills Shire Council's comprehensive/principal LEP with the recently commenced controls for this site (as contained in the Baulkham Hills DCP).

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

It is noted that Council's principal Standard Instrument LEP has not yet been notified. Consequently, unless The Hills SILEP is made prior to exhibition commencing, this planning proposal is to be amended to provide detail as to how it will amend Council's current LEP 2005 and the draft The Hills LEP 2010. All mapping and associated exhibition material should clearly identify how the proposal will change existing and proposed controls so that the community is aware of the potential impacts of the planning proposal proceeding. Council should liaise with the Department's Regional Planning Team prior to commencing exhibition to ensure that the information provided is appropriate.

As Council is proposing to increase the height for development on the site, it is considered appropriate that Council also identify an applicable Floor Space Ratio (FSR) control for the site. This will ensure that Council's desired outcome (ie a 'landmark' development) will be delivered within the context of sound urban design controls. Council is to develop urban design principles which will lead to the identification of an appropriate FSR control for the site. Council should also prepare an appropriate FSR Map for the site and place this on exhibition with the planning proposal. Council may also need to amend the planning proposal to reflect the desired urban outcome, especially in relation to Part 2 of the documents – *Explanation of the Planning Proposal*.

The amending Local Environmental Plan (LEP) is to be finalised within 9 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 following the completion of the required additional urban design analysis. 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 Tim Archer of the Regional Office of the Department on 02 9873 8500.

Yours sincerely,



Sam Haddad
Director General
Department of Planning and Infrastructure

24/2/2012

Gateway Determination

Planning proposal (Department Ref: PP_2012_THILL_001_00): to amend the building height and floor space ratio for Lot 101 DP1146629, also known as 51 Old Castle Hill Road, Castle Hill, to align The Hills Shire Council's comprehensive/Principal LEP with the recently commenced controls for this site (as contained in the Baulkham Hills DCP).

I, Director General, 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 a planning proposal to amend the draft The Hills Local Environmental Plan by amending the building height and floor space ratio for Lot 101 DP1146629, also known as 51 Old Castle Hill Road, Castle Hill, to align The Hills Shire Council's comprehensive/principal LEP with the recently commenced controls for this site (as contained in the Baulkham Hills DCP) should proceed subject to the following conditions:

1. Unless The Hills SILEP is made prior to exhibition commencing, the planning proposal is to be amended to provide detail as to how it will amend Council's current LEP 2005 and the draft The Hills LEP 2010. All mapping and associated exhibition material should clearly identify how the proposal will change existing and proposed controls so that the community is aware of the potential impacts of the planning proposal proceeding. Council should liaise with the Department's Regional Planning Team prior to commencing exhibition to ensure that the information provided is appropriate based on the progress for the notification of Council's draft The Hills LEP 2010.
2. Council is to develop urban design principles which will lead to the identification of an appropriate FSR control for the site. Council should also prepare an appropriate FSR Map for the site and place this on exhibition with the planning proposal. Council must amend the planning proposal to reflect the outcome of this urban design analysis especially in relation to Part 2 of the documents – *Explanation of the Planning Proposal*. A copy of the revised planning proposal and additional exhibition material is to be provided to the Department's Regional Planning Team prior to exhibition.
3. 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)*.
4. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - Maritime and Roads Services

This public authority is to be provided with a copy of the planning proposal and any relevant supporting material. The 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.

5. 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).
6. The timeframe for completing the LEP is to be **9 months** from the week following the date of the Gateway determination.

Dated 24th day of February 2012.

SHaddad

Sam Haddad
Director General
Delegate of the Minister for Planning and
Infrastructure