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Our ref: PP_2013_THILL_013_00 (12/13387)
Your ref: 16/2013/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 2 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 permit up to 300 dwelling houses on lots with a minimum lot size of 450sqm on land at 74 O'Briens Road, Cattai, as an additional permitted use.

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.

I have also agreed the planning proposal's inconsistencies with S117 Directions 6.3 Site Specific Provisions and 7.1 Implementation of the Metropolitan Plan for Sydney 2036 are of minor significance. No further approval is required in relation to these Directions.

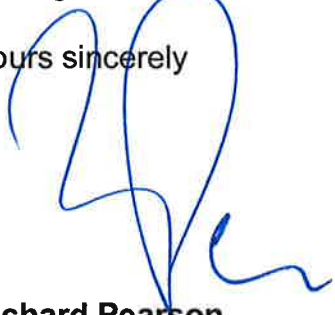
The Minister delegated his plan making powers to councils in October 2012. It is noted that Council has now accepted this delegation. I have considered the nature of Council's planning proposal and have decided not to issue an authorisation for Council to exercise delegation to make this plan because various strategic matters still need to be addressed by Council before the planning proposal can proceed to public exhibition, including flooding, flora and fauna.

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 Chris Browne of the regional office of the department on 9860 1560.

Yours sincerely



27/8/13

Richard Pearson
Deputy Director General
Planning Operations & Regional Delivery

Encl:
Gateway determination

Gateway Determination

Planning proposal (Department Ref: PP_2013_THILL_013_00): to permit up to 300 dwelling houses on land at 74 O'Briens Road, Cattai, as an additional permitted use.

I, the 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 permit up to 300 dwelling houses on lots with a minimum lot size of 450sqm on land at 74 O'Briens Road, Cattai, as an additional permitted use should proceed subject to the following conditions:

1. Additional information regarding the below matters is to be placed on public exhibition with the planning proposal:
 - environment, flora and fauna
 - heritage
 - traffic and transport
 - bushfire hazards
 - acid sulfate soils
 - site infrastructure requirements and access to services
 - flooding and stormwater management (including information on evacuation egress)
 - justification for use of Schedule 1 – Additional Permitted Uses, as opposed to rezoning the site to an appropriate zone which permits the intended land use.
2. Once the above mentioned additional information has been obtained and consultation with public authorities has been undertaken, and prior to undertaking public exhibition, 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 and other policies:
 - 2.1 Environment Protection Zones
 - 2.3 Heritage Conservation
 - 3.1 Residential Zones
 - 3.4 Integrating Land Use and Transport
 - 4.1 Acid Sulfate Soils
 - 4.3 Flood Prone Land
 - 4.4 Planning for Bushfire Protection
 - State Environmental Planning Policy (SEPP) 19 – Bushland in Urban Areas
 - Sydney Regional Environmental Plan (SREP) 20 – Hawkesbury-Nepean River
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 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)*.

4. 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 or demonstrate consistency with relevant S117 Directions:

- Sydney Water
- Telstra
- Endeavour Energy
- Hawkesbury - Nepean catchment Management Authority
- Transport for NSW - Roads and Maritime Services
- Office of Environment and Heritage (S117 Directions 2.1 Environment Protection Zones and 2.3 Heritage Conservation)
- NSW Rural Fire Service (S117 Direction 4.4 Planning for Bushfire Protection)
- State Emergency Service (S117 Direction 4.3 Flood Prone Land)

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.

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

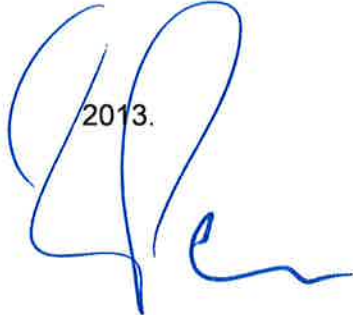
Dated

27

day of

August

2013.



Richard Pearson
Deputy Director General
Planning Operations & Regional Delivery
Department of Planning & Infrastructure

Delegate of the Minister for Planning &
Infrastructure