



Our ref: PP_2013_THILL_012_00
Your ref: 5/2012/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 24 June, 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 maximum permissible height for 27-33 North Rocks Road, North Rocks.

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. 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 (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. Council's request to draft and finalise the LEP should be made directly to Parliamentary Counsel's Office at least 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 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 Derryn John of the Sydney West regional office of the department on 02 9860 1505.

Yours sincerely

6/8/2010

Rachel Cumming
Acting Regional Director. Sydney West
Planning Operations and Regional Delivery
Department of Planning & Infrastructure



Gateway Determination

Planning Proposal (Department Ref: PP_2013_THILL_012_00): to amend the maximum permissible height for land at 27-33 North Rocks Road, North Rocks from 16m to 30m.

I, the Acting Regional Director, Sydney Region West Team 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 amend the maximum height of buildings at 27-33 North Rocks Road, North Rocks, should proceed subject to the following conditions:

1. 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).

Consultation is required with NSW Roads and Maritime Services (RMS) under section 56(2)(d) of the EP&A Act. RMS 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. Consultation with the Commissioner of the NSW Rural Fire Service, in accordance with s117 Direction 4.4 Planning for Bushfire Protection, is to be undertaken prior to public exhibition and any comments taken into account.
3. 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).
4. The timeframe for completing the LEP is to be 9 months from the week following the date of the Gateway determination.

Dated 6th day of August 2013.

RJCumming

Rachel Cumming
Acting Regional Director. Sydney West
Planning Operations and Regional Delivery
Department of Planning and Infrastructure

**Delegate of the Minister for Planning and
Infrastructure**



WRITTEN AUTHORISATION TO EXERCISE DELEGATION

The Hills Shire Council is authorised to exercise the functions of the Minister for Planning and Infrastructure under section 59 of the *Environmental Planning and Assessment Act 1979* that are delegated to it by instrument of delegation dated 14 October 2012, in relation to the following planning proposal:

Number	Name
PP_2013_THILL_012_00	Planning proposal to amend the maximum permissible height for land at 27-33 North Rocks Road, North Rocks from 16m to 30m.

In exercising the Minister's functions under section 59, the Council must comply with the Department's "*A guide to preparing local environmental plans*" and "*A guide to preparing planning proposals*".

Dated 6th day of August 2013.

Rachel Cumming
Acting Regional Director, Sydney West
Planning Operations and Regional Delivery
Department of Planning and Infrastructure