

Mr Michael Edgar
General Manager
The Hills Shire Council
PO Box 7064
BAULKHAM HILLS BC 2153

Attn: Nicholas Carlton

Dear Mr Edgar

Planning proposal PP_2018_THILL_012_00 to amend The Hills Local Environmental Plan (LEP) 2019

I am writing in response to Council's request for a Gateway determination under section 3.34 (1) of the *Environmental Planning and Assessment Act 1979* (the Act) in relation to the planning proposal to amend height and floor space ratio controls within the Box Hill North Town Centre ('The Gables').

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

Please note that Council will need to obtain the agreement of the Department's Secretary to comply with Direction 4.4 - Planning for Bushfire Protection. To achieve consistency with this direction the Gateway determination requires that Council consult with the Rural Fire Service following receipt of Gateway determination.

I have considered the nature of Council's planning proposal and have conditioned the Gateway for Council to be authorised as the local plan-making authority.

The amending local environmental plan (LEP) is to be finalised within 9 months of 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 six weeks prior to the projected publication date. A copy of the request should be forwarded to the Department of Planning and Environment

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 for Planning may take action under section 3.32(2)(d) of the Act if the time frames outlined in this determination are not met

Should you have any further enquiries about this matter, I have arranged for Mr Sebastian Tauni, Senior Planning Officer in Sydney Region West, to assist you. Mr Tauni can be contacted on 8217 2018.

Yours sincerely



Ann-Maree Carruthers
Director, Sydney Region West
Planning Services

Encl: Gateway determination

22/1/19

Gateway Determination

Planning proposal (Department Ref: PP_2018_THILL_012_00): to amend The Hills Local Environmental Plan (LEP)

I, the Director, Sydney Region West at the Department of Planning and Environment, as delegate of the Minister for Planning, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to The Hills Local Environmental Plan (LEP) to amend height and floor space ratio controls as it applies to the Box Hill North Town Centre ('The Gables') should proceed subject to the following conditions:

1. Prior to undertaking community consultation, Council:
 - (a) updates the planning proposal to identify the maximum number of dwellings that the proposed controls would allow in the event that the floor space for the school is reduced or the school is not delivered. This should include an assessment of the impacts of any change to the distribution of floor space including traffic impacts and the need for additional infrastructure; and
 - (b) is required to refer the planning proposal to the Rural Fire Service and update the proposal in accordance with any comments received.
2. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:
 - (a) the planning proposal must be made publicly available for a minimum of 28 days;
 - (b) the planning proposal 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 and Environment 2016).
3. Consultation is required with the following public authorities and organisations under section 3.34(2)(d) of the Act and to comply with the requirements of relevant section 9.1 Directions:
 - NSW Rural Fire Service; and
 - Department of Education.
4. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the 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).

5. The planning proposal authority is authorised as the local plan-making authority to exercise the functions under section 3.36(2) of the Act subject to the following:
 - a. the planning proposal authority has satisfied all the conditions of the Gateway determination;
 - b. the planning proposal authority is consistent with section 9.1 Directions or the Secretary has agreed that any inconsistencies are justified; and
 - c. there are no outstanding written objections from public authorities.
6. The time frame for completing the LEP is be **9 months** following the date of the Gateway determination.

Dated

22nd day of January 2019.



Ann-Maree Carruthers
Director, Sydney Region West
Planning Services
Department of Planning and Environment

Delegate of the Minister for Planning