



30 April 2020

Catherine Van Laeren  
Executive Director, Central River City & Western Parkland City  
Department of Planning, Industry & Environment

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Our Ref: 3/2020/PLP  
Your Ref: PLP\_2019\_THILL-009-00

Dear Catherine

### **Gateway Determination – 3/2020/PLP – Review of The Hills Local Environmental Plan 2019**

Thank you for the issue of a Gateway Determination for planning proposal 3/2020/PLP. Council appreciates the assistance provided to date by Department staff in regards to clarifying the requirements of the Gateway conditions. However, concern is raised in regards to a number of items and your consideration of some amendments to the conditions.

#### **Change from LEP2020 to Amendment to LEP2019**

It is noted that the determination report concludes that a new LEP should not be sought, citing concerns over the legislative timeframe for the completion of the LEP review. Whilst this is acknowledged, it is requested that the Department reconsider this position.

Contrary to what is stated in the Gateway Determination, the review of the LEP is considered to have been a comprehensive one. The scope of the review and proposed amendments is extensive, including a suite of strategic amendments necessary to implement the recently made Local Strategic Planning Statement (LSPS), as well as extensive housekeeping amendments spanning the whole of the document.

Council's request to call the document LEP2020 reflects the comprehensive nature of the review undertaken. It is also central to our community engagement strategy for exhibition of the proposal. This is the first holistic review of our Standard Instrument LEP since it was originally made in October 2012. Such a significant milestone warrants a new number, rather than an amendment number, as a current and future reference that it is the LEP that follows the making of the Local Strategic Planning Statement.

Providing a clear distinction from the current LEP will greatly assist in communicating the proposed changes with our residents and landholders. This is particularly important given the current restrictions on face to face engagement, as we embark on an exhibition conducted in an entirely digital manner, ensuring that information is presented in a way which is easily interpreted is critical for ensuring effective engagement. It is intended to provide an online mapping service enabling residents and landholders to search for their property and view proposed changes. The use of

LEP2020 will simplify this process and reduce potential for misinterpretation of mapped information.

It is our understanding that the requirement under the terms of the funding agreement, is for the proposal to be submitted to the Department for finalisation by June 30, 2020, not for it to be made by that date. As the requirement relates to the submission for finalisation only, it is unclear how this would be impacted by the requirement for the Governor to approve the document. Once the document is submitted, the timeline would appear to become less critical. Given the relatively recent receipt of Governors approval for LEP2019, it would be hoped that a new approval would have some time savings.

It is therefore requested that conditions 1(a) and 1(b) be removed.

### **Removal of proposed aim and Local Provision linking the LEP to the LSPS**

Condition 1(c) requires the removal of a proposed aim and local provision linking the LEP to the LSPS. The justification for this appears to be that whilst the Greater Sydney Commission have given assurance to the LSPS, that over time the LSPS will need to be amended and therefore linking the LSPS to the LEP is not supported.

This approach does not acknowledge the comprehensive nature of the LSPS or the intent of the proposed clause and aim to provide a clear line of sight between the LSPS and the Central City District Plan. The assessment references changes which may be required as a result of the finalisation of outstanding strategies. All supporting strategies, with the exception of the draft housing strategy, were endorsed by Council on 22 October 2019 and have been published on Council's website. There is no legislative requirement for the published strategies to be endorsed by the Department, despite this being suggested in the GSC's assurance letter.

It is noted that the draft housing strategy was submitted to the Department on 29 October 2019 and Council are yet to receive any feedback on the strategy. Removing the proposed linkage to the LSPS based on the status of a separate strategy which is completed but yet to be endorsed, fails to recognise the strategic importance of the LSPS, which forms the basis for the strategic changes contained in this proposal.

The LSPS is intended to be a living document; it will be regularly reviewed and amended to reflect any changes to the District and Region plans as well as changing conditions within the Shire. The proposed clause and aim deliberately did not seek to reference an endorsement date for the LSPS so as to ensure that any changes to the document over time could be accommodated. Therefore there should be no perceivable concern in creating the proposed link as the clause will always reference the version of the LSPS current at the time.

It is therefore requested that condition 1(c) be removed.

### **Sunset clause for proposed local provision for Rouse Hill Town Centre**

The request for a sunset provision as outlined in condition 1(d) to be included in the proposed local provision for Rouse Hill Town Centre is acknowledged and supported. However, whilst it is acknowledged that the LSPS specified a timeframe of June 2021 for completion of precinct planning in Rouse Hill, given current conditions surrounding the Covid-19 pandemic and the impact this is having on working conditions for both Council staff and consultants, it is requested that a slight adjustment be made to the condition to allow an additional 12 months to June 2022.

Whilst it is still intended to finalise precinct planning within the original timeframe, the requested extension will provide a necessary buffer should there be unforeseen delays as a result of events outside of Council's control.

### **Savings and Transition requirements**

In accordance with the request for the removal of conditions 1(a) and 1(b) it is also requested that condition 1(i) requiring a new savings provision also be removed. Should the Department be amenable to reinstating the requested new LEP2020, this condition will no longer be necessary, as such savings are contained within Clause 1.8A.

### **Changes to Land Reservation Acquisition Map**

Council has been in consultation with Sydney Water and Transport for NSW in regards to proposed changes to the Land Reservation Acquisition map. Both entities were provided with a list of proposed changes based on the information which was presented to Council on 26 November 2019 and we are now working with them to refine the proposed changes.

As this process is ongoing, any will result in some mapping changes, it is requested that a note be included in the Gateway Determination acknowledging the process to obtain concurrence from Sydney Water and Transport for NSW in line with the requirements of Clause 10 of the Environmental Planning and Assessment Regulation 2000 and the Section 9.1 Direction regarding reserving land for public purposes. This will enable the exhibition of any additional changes to the relevant maps as a result of the consultation with the public authorities.

### **Timeframe for Submission**

It is requested that the timeframe for submission of the proposal for finalisation be extended to 30 September 2020.

The timing and conditions of the Gateway Determination, including requirements for consultation prior to exhibition, have impacted on Council's ability to deliver on the requested timeframe for submission. It is noted that the anticipated timeframe submitted with the planning proposal required a Gateway Determination to be issued in February 2020 in order to allow sufficient time for exhibition and reporting in line with Council's meeting schedule. As this is no longer possible, a revised indicative timeframe is provided below:

<b>STAGE</b>	<b>DATE</b>
Commencement Date (Gateway Determination)	<b>April 2020</b>
Government agency consultation	<b>May 2020</b>
Commencement of public exhibition period (28 days)	<b>May 2020</b>
Completion of public exhibition period	<b>June 2020</b>
Timeframe for consideration of submissions	<b>July 2020</b>
Timeframe for consideration of proposal post exhibition	<b>July 2020</b>
Report to Council on submissions	<b>August 2020</b>
Date Council will forward to department for notification	<b>September 2020</b>

It is noted that the above timeframe does not accord with the terms of the funding agreement between Council and the Department for the accelerated review of the LEP. A separate request for consideration of this variation is being prepared and will be forwarded to the Department shortly.

In summary, the following amendments are requested to the Gateway Determination

1. Remove condition 1(a);
2. Remove condition 1(b);
3. Remove condition 1(c);
4. Amend condition 1(d) to extend the timeframe for the proposed sunset clause to June 2022;
5. Remove condition 1(i);

6. Include a new condition or note acknowledging amendments to the relevant maps will occur as part of the process of obtaining Public Authority concurrence to land reservations; and
7. Amend condition 6 to extend the timeframe for submission to the Department for finalisation to 30 September 2020.

Thank you for your consideration of this request, should you require any further information or clarification, please contact Rebecca Templeman, Strategic Planning Coordinator on 9843 0567.

Yours faithfully

A handwritten signature in cursive script that reads "Stewart Seale".

**Stewart Seale**  
**PROJECT MANAGER – LSPS & LEP**