



Gateway Determination

Planning proposal (Department Ref: PP_2020_HILLT_001_00): to prepare a comprehensive Local Environmental Plan for the Hilltops local government area.

I, the Acting Deputy Secretary Local Government, Planning and Policy, at the Department of Planning, Industry and Environment, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) the preparation of a comprehensive Local Environmental Plan for Hilltops Local Government Area should proceed subject to the following conditions:

1. Prior to public exhibition, the planning proposal shall be amended to:
 - a) include *Clause 4.2A Erection of dwelling houses on land in certain rural and residential zones* within the draft Hilltops LEP; and
 - b) ensure the proposed Urban Release Area clause and associated mapping only applies to land that is or will be zoned for urban purposes under this proposal.
2. Prior to finalisation, Council must undertake an assessment of each site proposed for rezoning in accordance with the requirements of Section 9.1 Direction 2.6 – Remediation of Contaminated Land. Preliminary site investigations shall be provided (where required) in support of the assessment in accordance with the terms of the Direction.

The assessment must be submitted to the Department, prior to finalisation.
3. 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**; and
 - (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 6.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment, 2018).
4. Consultation is required with the following public authorities:
 - DPIE Environment, Energy and Science Division (biodiversity, conservation and climate change);
 - DPIE (Crown Lands);
 - the NSW Environment Protection Authority;
 - Department of Primary Industries (Agriculture);
 - Transport for NSW;

- NSW Rural Fire Service;
- Relevant Local Aboriginal Land Council/s;
- Department of Premier and Cabinet (including Heritage NSW); and
- adjoining LGAs.

Each public authority/organisation 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 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).
6. Given the nature of the planning proposal, Council should not be authorised to be the local plan-making authority to make this plan.
7. The time frame for completing the LEP is to be 12 months from the date of the Gateway determination.

Dated 11th day of January 2021.



Monica Gibson
Acting Deputy Secretary
Local Government, Planning and
Policy
Department of Planning, Industry and
Environment

Delegate of the Minister for Planning
and Public Spaces