



Mr Michael Edgar
General Manager
The Hills Shire Council
PO Box 7064
NORWEST NSW 2153

Dear Mr Edgar

Planning proposal PP-2021-3079 to amend The Hills Local Environmental Plan 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 respect of the planning proposal to introduce the Standard Instrument Local Environmental Plan Clause 5.5 Controls relating to secondary dwellings on land in a rural zone.

As delegate of the Minister for Planning and Public Spaces, I have now determined that the planning proposal should proceed subject to the conditions in the enclosed 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 nine 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, Industry 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 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 enquiries about this matter, I have arranged for Ms Angela Hynes to assist you. Ms Hynes can be contacted on 9860 1558 or angela.hynes@planning.nsw.gov.au.

Yours sincerely

Jane Grose
Director
Central (Western)

Encl: Gateway determination
Authorised plan-making reporting template



Gateway Determination

Planning proposal (Department Ref: 2021-3079): to introduce Standard Instrument LEP Clause 5.5 Controls relating to secondary dwellings in a rural zone to The Hills LEP 2019.

I, the Director, Central (Western), 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) that an amendment to The Hills Local Environmental Plan (LEP) 2019 to introduce provisions for secondary dwellings in rural zones should proceed subject to the following conditions:

1. Prior to public exhibition, the planning proposal is to be updated as follows:
 - (a) Include a discussion of the proposal's consistency with Section 9.1 Direction, 4.4 Planning for Bushfire Protection; and
 - (b) Include a public exhibition period of 14 days and amend the project timeframe accordingly.
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 **14 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).
3. Consultation is required with NSW Rural Fire Service under section 3.34(2)(d) of the Act. NSW Rural Fire Service 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.
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 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 timeframe for completing the LEP is to be **9 months** following the date of the Gateway determination.

Dated 14th day May 2021

A handwritten signature in black ink, appearing to read 'Jane Grose', written in a cursive style.

Jane Grose
Director
Central (Western)
Department of Planning, Industry
and Environment

Delegate of the Minister for Planning
and Public Spaces