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

Dear Mr Edgar

Planning proposal PP_2018_THILL_011_00 to amend The Hills Local Environmental Plan 2012

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 seeking to introduce a minimum lot size of 900m² for manor houses in the R3 Medium Density Residential.

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

I have determined Council not to be the local plan making authority for this plan given it applies to the entire local government area. 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 for the Department of Planning and Environment to draft and finalise the LEP should be made 8 weeks prior to the projected publication date.

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 Rodger Roppolo to assist you. Mr Roppolo can be contacted on 8289 6876.

Yours sincerely

Stephen Murray
Executive Director, Regions
Planning Services

Encl: Gateway determination
Gateway Determination

Planning proposal (Department Ref: PP_2018_THILL_011_00): Amendment to The Hills Local Environmental Plan (LEP) 2012 to introduce a minimum lot size of 900m² for manor houses in the R3 Medium Density Residential zone.

I, the Executive Director, Regions 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) 2012 to introduce a minimum lot size of 900m² for manor houses in the R3 Medium Density Residential zone should proceed subject to the following conditions:

1. Prior to public exhibition, Council is to amend the planning proposal under Part 2 Explanation of Provisions by adding the following words, immediately prior to the proposed amending clause:

   It is foreshadowed that the proposed amendments to the clause will be subject to legal drafting and this provision may be altered to meet legal drafting requirements.

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; 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 5.5.2 of A guide to preparing local environmental plans (Department of Planning and Environment 2016).

3. No consultation is required with public authorities/organisations under section 3.34(2)(d) of the Act.

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 time frame for completing the LEP is to be 9 months from the date of the Gateway determination.

Dated 12th day of January 2019.

Stephen Murray
Executive Director, Regions
Planning Services
Department of Planning and Environment

Delegate of the Minister for Planning

PP_2018_THILL_011_00 (IRF No 18/6119)