



Professor Mary O'Kane AC
Chair
Independent Planning Commission
Level 3, 201 Elizabeth Street
SYDNEY NSW 2000



Dear Professor O'Kane

Request for Gateway determination review – PP_2019_THILLS_003_00

I am writing to advise that the Department of Planning, Industry and Environment has received a Gateway determination review request from The Hills Shire Council for the abovementioned planning proposal. The reason for the review was made as a determination was been made that the planning proposal should not proceed. Details of the planning proposal are summarised below:

Dept. Ref. No	GR_2020_THILL_001_00
LGA	The Hills Shire Council
LEP to be amended	The Hills Local Environmental Plan 2019
Address/location	Rural Zones in The Hills LEP 2019
Proposal	<p>The planning proposal sought to ensure that secondary dwellings within rural areas (i.e. land zoned RU1 Primary Production, RU2 Rural Landscape, RU3 Forestry and RU6 Transition under The Hills LEP 2019) can be provided in a form that is compatible with the character of the rural locality. This involved altering subclause 9 of clause 5.4 Controls relating to miscellaneous permissible uses in the LEP which is a Standard Instrument – Principal Local Environmental Plan 'compulsory clause'.</p> <p>The Gateway determined that the planning proposal should not proceed for the following reasons:</p> <ol style="list-style-type: none">1. The proposal contains unresolved inconsistencies with Section 9.1 Direction 4.4 Planning for Bushfire Protection;2. The proposal cannot be legally made as clause 5.4(9) under the Standard Instrument – Principal Local Environmental which is a 'compulsory' clause for local environmental plans; and3. The proposal does not adequately demonstrate secondary dwelling outcomes and test scenarios of different percentages under clause 5.4(9)(b).

	Council has requested the Commission consider whether the planning proposal should proceed as the proposal has sound strategic merit, provides a reasonable and practical response to a local issue, as detailed in the attached documentation.
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The Minister for Planning's delegate determined on 13 February 2020 that the proposal should not proceed.

The Hills Shire Council has requested a review of the Gateway determination. The Commission is requested to review the planning proposal and prepare advice concerning the merits of the review request. The advice should include a clear and concise recommendation to the Minister's delegate confirming whether, in its opinion, the Gateway determination issued on 13 February 2020 should be overturned and given a Gateway to proceed or not.

The advice and recommendation would usually be requested to be provided within 28 days of receipt of this letter and sent to the Department of Planning, Industry and Environment at Locked Bag 5022, Parramatta NSW 2124. It is understood that in the current pandemic conditions that you may not be able to meet this timeframe. It would be appreciated if you could contact the Department to discuss how this matter may progress.

The Department's justification assessment and recommendation report are enclosed and includes a number of supporting attachments.

The Department's 'A guide to preparing local environmental plans' provides advice on procedures for the various stages in the independent review process. The guide is available on the Department's website at planning.nsw.gov.au/Plans-for-your-area/Local-Planning-and-Zoning/Resources.

Should you have any enquiries about this matter, I have arranged for Ms Gina Metcalfe, Acting Director, Central (Western), at the Department to assist you. Ms Metcalfe can be contacted on 02 9860 1542.

Yours sincerely



18/05/20

Catherine Van Laeren
Executive Director
Central River City and Western Parkland City