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Mr Dave Walker
General Manager
The Hills Shire Council
PO Box 75
CASTLE HILL NSW 1765

Our ref: PP_2013_THILL_017_00 (13/18940)
Your ref: 10/2013/PLP

Dear Mr Walker,

Planning proposal to amend The Hills Local Environmental Plan 2012

I refer to Council's Planning Proposal (PP_2013_THILL_017_00) to amend The Hills Local Environmental Plan (LEP) 2012 to increase the maximum building height from 16 metres to heights ranging from 16 metres to 41 metres and to apply a Floor Space Ratio (FSR) of 4.5:1 on land zoned R4 High Density Residential at 47 Spurway Drive, Baulkham Hills. The Planning Proposal was issued a Gateway determination on 5 December 2013 to proceed to public exhibition subject to conditions.

However, it is noted that the intent of Condition 1 of the Gateway determination did not accurately reflect the Department's concerns in relation to the inconsistency with S117 Direction 5.9 North West Rail Link Corridor Strategy.

The provision of additional residential accommodation in close proximity to public transport infrastructure and existing and proposed services is supported. However, the proposed increase in maximum building height is inconsistent with the North West Rail Link Corridor Strategy and the Norwest Structure Plan, which identifies a considerably smaller maximum building height to that proposed by the Planning Proposal. Council should ensure that the inconsistency with the Strategic planning framework is justified particularly in relation to the impact of the height increase on any expectations within the community and address the relationship of the Planning Proposal to the Norwest Structure Plan character statement for high density apartment living. Council should amend the Planning Proposal where necessary prior to public exhibition.

Therefore, I have determined as delegate of the Minister, in accordance with section 56(7) of the Environmental Planning and Assessment Act 1979 ("EP&A Act") to alter the Gateway determination dated 5 December 2013 for Planning Proposal PP_2013_THILL_017_00. The determination is amended by revising Condition 1. All other requirements of the Gateway have not been altered.

Council is to satisfy the Director General of the Department of Planning and Infrastructure that any inconsistency with S117 Direction 5.9 North West Rail Link Corridor Strategy is justified prior to finalisation of the Plan.

The amending LEP is to be finalised by 12 December 2014. 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 6 weeks prior to the projected publication date. A copy of the request should be forwarded to the department for administrative purposes. Please note I have re-issued an authorisation for Council to exercise delegation to make this plan.

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 54(2)(d) of the EP&A Act if the time frames outlined in this determination are not met.

Should you have any queries in regard to this matter, I have arranged for Mr Chris Browne of the Department's regional office to assist you. Mr Browne can be contacted on (02) 9860 1528.

Yours sincerely,


Neil McGaffin 11.2.14
General Manager
Metropolitan Delivery

Encl:

Gateway Determination

Written Authorisation to Exercise Delegation

Attachment 5 – Delegated Plan Making Reporting Template

Revised Gateway Determination

Planning proposal (Department Ref: PP_2013_THILL_017_00): to increase building height and apply a Floor Space Ratio on land at 47 Spurway Drive, Baulkham Hills.

I, the General Manager, Metropolitan Delivery at the Department of Planning and Infrastructure as delegate of the Minister for Planning and Infrastructure, have determined under section 56(7) of the EP&A Act to amend the Gateway Determination dated 5 December 2013 for an amendment to The Hills Local Environmental Plan (LEP) 2012 to increase the maximum building height from 16m to heights ranging from 16m to 41m and to apply a Floor Space Ratio (FSR) of 4.5:1 on land zoned R4 High Density Residential at 47 Spurway Drive, Baulkham Hills. I have now determined the planning proposal should proceed subject to the following conditions:

1. Council is to satisfy the Director General of the Department of Planning and Infrastructure that inconsistency with S117 Direction 5.9 North West Rail Link Corridor Strategy and the Norwest Structure Plan is justified prior to finalisation of the Plan.
 2. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:
 - (a) the planning proposal must be made publicly available for a minimum of **28 days**; and
 - (b) the relevant planning 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 LEPs* (Department of Planning & Infrastructure 2013).
 3. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act and/or to comply with the requirements of relevant S117 Directions:
 - Sydney Water
 - Transgrid
 - Department of Education and Communities
 - Commonwealth Department of the Environment
 - Transport for NSW
 - Roads and Maritime Services
 - Office of Environment and Heritage (S117 Direction 2.1 Environment Protection Zone – to be done prior to Council undertaking public exhibition).
- Each public authority 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 56(2)(e) of the EP&A 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).



Planning & Infrastructure

5. The amending LEP is to be finalised by **12 December 2014**.

Dated *11th* day of *February* 2014

Neil McGaffin
General Manager
Metropolitan Delivery
Growth Planning & Delivery
Department of Planning & Infrastructure

**Delegate of the Minister for Planning &
Infrastructure**

WRITTEN AUTHORISATION TO EXERCISE DELEGATION

The Hills Shire Council is authorised to exercise the functions of the Minister for Planning and Infrastructure under section 59 of the *Environmental Planning and Assessment Act 1979* that are delegated to it by instrument of delegation dated 14 October 2012, in relation to the following planning proposal:

Number	Name
PP_2013_THILL_017_00	Planning proposal to increase the maximum building height from 16m to heights ranging from 16m to 41m and to apply a Floor Space Ratio (FSR) of 4.5:1 on land zoned R4 High Density Residential at 47 Spurway Drive, Baulkham Hills.

In exercising the Minister's functions under section 59, the Council must comply with the Department's "*A guide to preparing local environmental plans*" and "*A guide to preparing planning proposals*".

Dated 11. February 2014

Neil McGaffin
General Manager
Metropolitan Delivery
Growth Planning & Delivery



Attachment 5 – Delegated plan making reporting template

Reporting template for delegated LEP amendments

Notes:

- Planning proposal number will be provided by the department following receipt of the planning proposal
- The department will fill in the details of Tables 1 and 3
- RPA is to fill in details for Table 2
- If the planning proposal is exhibited more than once, the RPA should add additional rows to **Table 2** to include this information
- The RPA must notify the relevant contact officer in the regional office in writing of the dates as they occur to ensure the department's publicly accessible LEP Tracking System is kept up to date
- A copy of this completed report must be provided to the department with the RPA's request to have the LEP notified

Table 1 – To be completed by the department

Stage	Date/Details
Planning Proposal Number	PP_2013_THILL_017_00
Date Sent to Department under s56	23/10/2013
Date considered at LEP Review Panel	28/11/2013
Gateway determination date	11/02/2014

Table 2 – To be completed by the RPA

Stage	Date/Details	Notified Reg Off
Dates draft LEP exhibited		
Date of public hearing (if held)		
Date sent to PCO seeking Opinion		
Date Opinion received		
Date Council Resolved to Adopt LEP		
Date LEP made by GM (or other) under delegation		
Date sent to DP&I requesting notification		

Table 3 – To be completed by the department

Stage	Date/Details
Notification Date and details	

Additional relevant information: