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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 am writing in response to your Council's letter dated 23 October 2013 requesting a Gateway Determination under section 56 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") in respect of the 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.

As delegate of the Minister for Planning and Infrastructure, I have now determined the planning proposal should proceed subject to the conditions in the attached Gateway Determination.

It is noted that the planning proposal is inconsistent with the S117 Direction 5.9 North West Rail Link Corridor Strategy in that the height and intensity of proposed development exceeds that identified in the Norwest Structure Plan and the bulk of the Norwest Business Park. Further, the intensity of the built form on land adjoining the golf course is considered excessive.

Notwithstanding this, it is acknowledged that the planning proposal seeks to utilise existing R4 High Density Residential land in a strategic location close to population, infrastructure services and jobs. However, prior to public exhibition, Council is to justify the departure from the existing strategic direction having particular regard to the Norwest Structure Plan character statement for high density apartment living and provide further urban design analysis to demonstrate the proposed height and FSR will deliver an appropriate design and layout of buildings.

Council may still need to obtain the Director General's agreement to satisfy the requirements of relevant S117 Directions. Council should ensure this occurs prior to the plan being made.

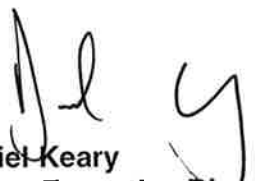
The Minister delegated his plan making powers to councils in October 2012. It is noted that Council has now accepted this delegation. I have considered the nature of Council's planning proposal and have decided to issue an authorisation for Council to exercise delegation to make this plan.

The amending Local Environmental Plan (LEP) is to be finalised within 12 months of the week following 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 6 weeks prior to the projected publication date. A copy of the request should be forwarded to the Department for administrative purposes.

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 Tai Ta of the regional office of the Department to assist you. Mr Ta can be contacted on 02 9860 1560.

Yours sincerely,

 5/12/13
Daniel Keary
Acting Executive Director
Metropolitan Planning
Planning Operations & Regional Delivery

Encl:

Gateway Determination

Written Authorisation to Exercise Delegation

Attachment 5 – Delegated Plan Making Reporting Template

Gateway Determination

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

I, the Acting Executive Director, Metropolitan Planning at the Department of Planning and Infrastructure as delegate of the Minister for Planning and Infrastructure, have determined under section 56(2) of the EP&A Act that 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 should proceed subject to the following conditions:

1. Prior to undertaking public exhibition, Council is to update the planning proposal to address the inconsistency with S117 Direction 5.9 North West Rail Link Corridor Strategy. Council is to undertake further urban design analysis to demonstrate the proposed height and FSR controls will deliver an appropriate design and layout of buildings and justify inconsistencies with the strategic context including the North West Rail Link Corridor Strategy and Norwest Structure 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).



5. The timeframe for completing the LEP is to be **12 months** from the week following the date of the Gateway determination.

Dated 5th day of DECEMBER 2013

Daniel Keary
Acting Executive Director
Metropolitan Planning
Planning Operations & Regional 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

5/12/2013


Daniel Keary
Acting Executive Director
Metropolitan Planning
Planning Operations & Regional 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	05/12/2013

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: