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Our ref: PP_2014_THILL_001_00 (14/02559)
Your ref: 17/2013/PLP

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

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 December 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 facilitate mixed use development by increasing the maximum building height from RL 116m to RL 143.2m and the floor space ratio from 1.49:1 to 2.42:1 and permitting certain additional land uses on part of the site zoned SP2 Infrastructure for land at 11-13 Solent Circuit, 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 Council intends to permit mixed use development on the SP2 Infrastructure zoned portion of the subject land, to be achieved through an amendment to Schedule 1 – Additional permitted uses. Council's intention to protect drainage to the lake and minimise the impact on the flood storage capacity is supported, however, Council should consider rezoning the land to an appropriate zone, and introducing drainage and flood mitigation measures as part of the development assessment process. Council should amend the planning proposal accordingly if appropriate.

The North West Rail Link Corridor Strategy and the Norwest Structure Plan identifies a smaller maximum building height to that proposed by the planning proposal. Council is to consider the impacts of the additional height and justify the inconsistency with the strategic planning framework prior to finalisation of the plan.

Council is to satisfy the Director General 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. I have also agreed the planning proposal's inconsistency with S117 Direction 6.3 Site Specific Provisions is of minor significance. No further approval is required in relation to this Direction.

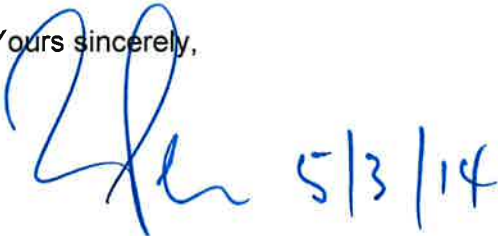
The Minister delegated his plan making powers to councils in October 2012. It is noted that Council has now accepted this delegation. I have considered the nature of Council's planning proposal and have decided to issue an authorisation for Council to exercise delegation to make this plan.

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 Planning and Infrastructure 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 Chris Browne of the Planning and Infrastructure regional office to assist you. Mr Browne can be contacted on (02) 9860 1560.

Yours sincerely,

A handwritten signature in blue ink, followed by the date '5/3/14' written in the same ink.

Richard Pearson
Deputy Director General
Growth Planning & Delivery

Encl:
Gateway Determination
Written Authorisation to Exercise Delegation
Attachment 5 – Delegated Plan Making Reporting Template

Gateway Determination

Planning proposal (Agency Ref: PP_2014_THILL_001_00): to facilitate a mixed use development and amend building height, Floor Space Ratio and Schedule 1 for the subject site.

I, the Deputy Director General, Growth Planning and Delivery at 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 facilitate mixed use development by increasing the maximum building height from RL 116m to RL 143.2m and the floor space ratio from 1.49:1 to 2.42:1 and permitting certain land uses on part of the site zoned SP2 Infrastructure for land at 11-13 Solent Circuit, Baulkham Hills should proceed subject to the following conditions:

1. Prior to undertaking public exhibition, Council is to update the planning proposal to include existing and proposed land zoning maps which are at an appropriate scale, and clearly identify the subject land and provide site context.
2. Council is to satisfy the Director General of Planning and Infrastructure that any 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.
3. 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 (Planning & Infrastructure 2013)*.
4. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - Transport for NSW
 - Roads and Maritime Services
 - Sydney Water
 - Endeavour Energy
 - Telstra

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.

5. 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).



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

Dated

5

day of

March

2014.


**Richard Pearson
Deputy Director General
Growth Planning & Delivery
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_2014_THILL_001_00	Planning proposal to facilitate mixed use development by increasing the maximum building height from RL 116m to RL 143.2m and the floor space ratio from 1.49:1 to 2.42:1 for land at 11-13 Solent Circuit, Baulkham Hills.

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

Dated 5 March 2014


Richard Pearson
Deputy Director General
Growth Planning & Delivery
Planning & Infrastructure

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_2014_THILL_001_00
Date Sent to Department under s56	23/12/2013
Date considered at LEP Review Panel	20/02/2014
Gateway determination date	05/03/2014

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: