

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

Dear Mr Edgar

Planning proposal PP_2017_THILL_006_00 – Alteration of Gateway determination

I refer to your request to alter the Gateway determination for planning proposal PP_2017_THILL_006_00, which seeks to facilitate a medium to high-density residential development at 55 Coonara Avenue, West Pennant Hills.

I have determined as the delegate of the Greater Sydney Commission, in accordance with section 3.34(7) of the *Environmental Planning and Assessment Act 1979*, to alter the Gateway determination dated 31 October 2017, as enclosed. In making this decision, I have carefully considered the views of Council, the proponent and the community, who have made representations directly to the Department.

As requested, the altered Gateway determination has been amended to remove the RU3 zone, supports the inclusion of the R3 Medium Density Residential zone, and supports the dwelling cap of a maximum of 600 dwellings.

The altered Gateway determination provides for a local provision to facilitate the dwelling cap. While the Department supports the overall cap on development over the site, the remaining elements of Council's proposed local provision are not supported as the Department considers existing clause 7.12 of The Hills Local Environmental Plan 2012 (LEP), the most appropriate mechanism to achieve key site outcomes, as this clause implements the methodology for housing mix and diversity within the Sydney Metro Northwest Corridor, which was agreed to by Council and the Minister for Planning.

If Council wishes to achieve these agreed outcomes for housing size, mix and parking, Council may consider seeking an incentive FSR for the site to enable clause 7.12 to apply to any additional residential flat buildings on the site.

The altered gateway determination continues to require the proposal to be updated to seek amendments to the minimum lot size map, floor space ratio map and height of buildings map. Regarding Council's request to specify the minimum lot sizes and maximum height of building controls, the Department considers that the Gateway determination already provides the necessary flexibility for Council to consider and propose appropriate controls for the site as part of the revised planning proposal.

I note however that the Department is supportive of the heights contained in Council's proposal, that is, heights ranging from 9 to 22 metres, to provide for development ranging from 2 to 6 storeys. Controls that facilitate the intended development are considered transparent and will give the community certainty as to the intended outcomes for the site. Any controls that will require consideration of a variation to these controls at the development application stage under Clause 4.6 of the LEP to enable the envisaged development, will not be supported.

The Gateway determination remains unaltered regarding the requirement to consider and propose the RE1 Public Recreation zone. I understand that Council is currently working with the proponent towards the dedication of 2.49ha for potential public open space (including the adjoining car park and a general-purpose community facility room) through a Voluntary Planning Agreement (VPA), and that this VPA is anticipated to be publicly exhibited in conjunction with the revised planning proposal. The proposed public open space should be identified in the revised planning proposal as RE1 Public Recreation. Council may wish to note in the revised proposal that this portion of the site may have an alternative zone should VPA not progress.

The Gateway determination also remains unaltered regarding the requirement to consider and propose appropriate environmental zone (or zones). In proposing appropriate environmental zones, Council is requested to seek the highest level of protection to relevant portions of the site.

The Department has considered Council's concerns regarding the potential acquisition liability in relation to applying the E2 Environmental Conservation zone. Having considered the Departments Practice Note PN09-002, the Department is satisfied that the rezoning of land to E2 does not give rise to the need to compensate a landholder, whether or not the rezoning results in a reduced development potential for the land. Additionally, such a rezoning of land does not trigger any requirement for the State or Council to acquire the land if the land is not also designated for acquisition for a public purpose.

If you have any questions in relation to this matter, I have arranged for Ms Ann-Maree Carruthers, Director, Sydney Region West, to assist you. Ms Carruthers can be contacted on 9274 6270.

Yours sincerely



David Gainsford
Acting Deputy Secretary
Planning Services

13/6/18.

Encl: Alteration of Gateway determination

Alteration of Gateway Determination

Planning proposal (Department Ref: PP_2017_THILL_006_00)

I, the Acting Deputy Secretary, Planning Services at the Department of Planning and Environment, as delegate of the Greater Sydney Commission, have determined under section 3.34(7) of the *Environmental Planning and Assessment Act 1979* to alter the Gateway determination dated 31 October 2017 for the proposed amendment to The Hills Local Environmental Plan 2012 to facilitate a medium to high-density residential development at 55 Coonara Avenue, West Pennant Hills as follows:

1. Delete condition 1(b) and replace with a new condition 1(b):

“amend the planning proposal to seek to rezone the site from B7 Business Park to R3 Medium Density Residential, R4 High Density Residential, RE1 Public Recreation, and appropriate environmental zones (such as E4 Environmental Living, E3 Environmental Management, and E2 Environmental Conservation) in accordance with Part 2 of The Hills Local Environmental Plan 2012”.

2. At the end of condition 1(e), insert:

“and to include a proposed local provision facilitating a maximum of 600 dwellings over the site.”

3. Delete condition 5, and replace with a new condition:

“The timeframe for completing the LEP is to be 31 January 2019.”

Dated 13th day of June 2018.



David Gainsford
Acting Deputy Secretary
Planning Services
Department of Planning and Environment

Delegate of the Greater Sydney
Commission



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

Attn: Rebecca Templeman

Dear Mr Edgar

Planning proposal PP_2017_THILL_006_02 – Endorsement of updated proposal prior to exhibition

I refer to your letter dated 16 October 2018 in relation the updated planning proposal PP_2017_THILL_006_2 to permit a residential development at the former IBM site (55 Coonara Avenue, West Pennant Hills) which was submitted for endorsement prior to community consultation.

I have considered the nature of Council's request and have concluded that the explanation of provisions and intended outcomes provide sufficient detail for the community to have their say on the proposal through the exhibition process. The planning proposal can proceed to exhibition.

I also note Council's request to alter the Gateway determination to extend the timeframe to make the plan and Council's further request for a Gateway alteration to include a local provision to permit small lot housing, when a single development application for both subdivision and a dwelling design is submitted for approval.

In relation to your request for a timeframe extension, I have decided, as delegate of the Greater Sydney Commission, that in accordance with section 3.34(7) of the *Environmental Planning and Assessment Act 1979* (the Act) to alter the Gateway determination to extend the period to complete the plan by six months. The Alteration of Gateway Determination is enclosed.

In relation to small lot it is noted that the original planning proposal proposed small lot housing with a minimum allotment size of 86m². As such, the existing Gateway determination dated 31 October 2017 (as altered on 13 June 2018) considered this proposed housing type. It is therefore considered that an alteration of the Gateway determination is not necessary.

Should Council wish to proceed with this type of housing following public exhibition of the planning proposal, the mechanisms to deliver this outcome will be considered at the time of finalisation.

In response to recent reports of koala habitat associated with the site, Council is to ensure a copy of the supplementary assessment prepared by Keystone Ecological dated 12 November 2018 is made available with the planning proposal documentation during the public exhibition to enable the community to view and comment on this assessment. The planning proposal should also be referred to the Forestry Commission of NSW for comment as an adjoining landowner.

Should you have any enquiries about this matter, I have arranged for Mr Sebastian Tauni, Senior Planning Officer to assist you. Mr Tauni can be contacted on 8217 2018.

Yours sincerely



29/11/18

Ann-Maree Caruthers
Acting Executive Director, Regions
Planning Services

Encl: Alteration of Gateway Determination



Alteration of Gateway Determination

Planning proposal (Department Ref: PP_2017_THILL_006_02)

I, the Director, Sydney Region West at the Department of Planning and Environment, as delegate of the Greater Sydney Commission, have determined under section 3.34(7) of the *Environmental Planning and Assessment Act 1979* to alter the Gateway determination dated 31 October 2017 (as altered 13 June 2018) for the proposed amendment to The Hills Local Environmental Plan 2012 as follows:

1. Delete condition 5, and replace with a new condition:

The timeframe for completing the LEP is to be 31 July 2019.

Dated 29th day of November 2018.

**Acting Executive Director
Regions
Planning Services
Department of Planning and
Environment**

**Delegate of the Greater Sydney
Commission**



PP_2017_THILL_006_03 (IRF19/5013)

Mr Michael Edgar
General Manager
The Hills Shire Council
PO Box 7064
NORWEST NSW 2153

Attn: Megan Munari

Dear Mr Edgar

**Planning proposal PP_2017_THILL_006_00 – Alteration of Gateway
Determination**

I refer to your letter in relation to seeking an extension of time to complete planning proposal PP_2017_THILL_006_00 for a future medium to high density residential development at 55 Coonara Avenue, West Pennant Hills.

I have determined as the delegate of the Minister, in accordance with section 3.34(7) of the *Environmental Planning and Assessment Act 1979*, to alter the Gateway determination dated 31 October 2017 (since altered) for PP_2017_THILL_006_00 to extend the timeframe for completion by six months, requiring the LEP to be made by 31 January 2020.

The Alteration of Gateway determination is enclosed.

If you have any questions in relation to this matter, I have arranged for Mr Sebastian Tauni to assist you. Mr Tauni can be contacted on 8217 2018 or sebastian.tauni@planning.nsw.gov.au.

Yours sincerely

9/08/2019

**Ann-Maree Carruthers
Director, Sydney Region West
Department of Planning, Industry and Environment**

Encl: Alteration of Gateway Determination

Alteration of Gateway Determination

Planning proposal (Department Ref: PP_2017_THILL_006_00)

I, Director, Sydney Region West at the Department of Planning, Industry and Environment, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(7) of the *Environmental Planning and Assessment Act 1979* to alter the Gateway determination dated 31/10/2017 (since altered) for the proposed amendment to The Hills Local Environmental Plan 2012 as follows:

1. Delete:

“condition 5”

and replace with:

a new condition 5: “The time frame for completing the LEP is by 31 January 2020”

Dated

9th day of August 2019



Ann-Maree Carruthers
Director
Sydney Region West
Department of Planning, Industry and
Environment

Delegate of the Minister for Planning
and Public Spaces