

Written Authorisation to Exercise Delegation

The Hills Shire Council is authorised to exercise the functions of the Greater Sydney Commission 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_2016_THILL_015_00	Planning proposal to amend <i>The Hills Local Environmental Plan 2012</i> to facilitate mixed use development at 40 Solent Circuit, Baulkham Hills by amending the height of buildings and floor space ratio and allowing additional permitted uses, applying the methodology for incentivised floor space ratios agreed between the Department and Council.

In exercising the Commission's functions under section 59, the Council must comply with the Department of Planning and Environment's '*A Guide to Preparing Local Environmental Plans*' and '*A Guide to Preparing Planning Proposals*'.

Dated 31 day of January 2017



Stephen Murray
Executive Director, Regions
Planning Services

Delegate of the Greater Sydney Commission



Our ref: 16/15686

Mr David Walker
General Manager
The Hills Shire Council
PO Box 7064
Baulkham Hills BC NSW 2153

Dear Mr Walker

**Planning proposal to amend *The Hills Local Environmental Plan 2012* –
40 Solent Circuit, Baulkham Hills (PP_2016_THILL_015_00)**

I am writing in response to your Council's letter requesting a Gateway determination under section 56 of the Environmental Planning and Assessment Act 1979 (the Act) in respect of the planning to amend the height of buildings and floor space ratio and to allow additional permitted uses at 40 Solent Circuit, Baulkham Hills.

As delegate of the Greater Sydney Commission, I have now determined that the planning proposal should proceed subject to the conditions in the attached Gateway determination. As you are aware, the Department and Council have agreed on a methodology to deliver a mix of apartment sizes and mix for the North-West Rail Corridor, while ensuring Government expectation for overall dwelling yields are met.

I have also agreed, as delegate of the Secretary, that the planning proposal's inconsistencies with s117 Direction 5.9 North-West Rail Link Corridor Strategy and s117 Direction 6.3 Site Specific Provisions are of minor significance. No further approval is required in relation to these Directions.

Plan making powers were delegated to councils in October 2012. 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 (the Plan) 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 Plan should be made directly to Parliamentary Counsel's Office 6 weeks prior to the projected publication date. A copy of the request is to be forwarded to the Department of Planning and Environment for administrative purposes.

The State Government is committed to reducing the time taken to complete Local Environmental Plans 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 Commission may take

action under section 54(2)(d) of the Act if the time frames outlined in this determination are not met.

If you have any queries in regard to this matter, please contact Mr Chris Browne of the Department's Sydney Region West office on (02) 9860 1508.

Yours sincerely

 31 January 2017
Stephen Murray
Executive Director, Regions
Planning Services

Delegate of the Greater Sydney Commission

Encl:
Gateway Determination;
Written Authorisation to Exercise Delegation; and
Delegated Plan Making Reporting Template.

Gateway Determination

Planning proposal (Department Ref: PP_2016_THILL_015_00): to facilitate mixed use development at 40 Solent Circuit, Baulkham Hills by amending the height of buildings and floor space ratio, and by allowing additional permitted uses, applying the methodology for incentivised floor space ratios agreed between the Department and Council.

I, the Executive Director, Regions at the Department of Planning and Environment as delegate of the Greater Sydney Commission, have determined under section 56(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to *The Hills Local Environmental Plan 2012* to facilitate mixed use development at 40 Solent Circuit, Baulkham Hills by amending the height of buildings and floor space ratio and allowing additional permitted uses, applying the methodology for incentivised floor space ratios agreed between the Department and Council, should proceed subject to the following conditions:

1. Prior to community consultation, the planning proposal is to be updated to address consistency with the draft West Central District Plan.
2. Community consultation is required under sections 56(2)(c) and 57 of the 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 Local Environmental Plans'* (Department of Planning and Environment 2016).
3. Consultation is required with the following public authorities under section 56(2)(d) of the Act and/or to comply with the requirements of relevant S117 Directions:
 - Endeavour Energy
 - Transport for NSW
 - Transport for NSW - Roads and Maritime Services
 - Sydney Water
 - 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.

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 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 Plan is to be **12 months** from the week following the date of the Gateway determination.

Dated 31st day of January 2017


Stephen Murray
Executive Director, Regions
Planning Services

Delegate of the Greater Sydney
Commission

Planning Proposal under *The Hills Local Environmental Plan 2012* for 40 Solent Circuit, Baulkham Hills

Delegated plan making reporting template

Notes:

- Planning proposal number will be provided by the Department of Planning and Environment following receipt of the planning proposal
- The Department of Planning and Environment 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 publicly accessible LEP Tracking System is kept up to date
- A copy of this completed report must be provided to the Department of Planning and Environment with the RPA's request to have the LEP notified

Table 1 – To be completed by Department of Planning and Environment

Stage	Date/Details
Planning Proposal Number	PP_2016_THILL_015_00
Date Sent to DP&E under s56	28 November 2016
Date considered at LEP Review Panel (if applicable)	N/A
Gateway determination date	

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&E requesting notification		

Table 3 – To be completed by Department of Planning and Environment

Stage	Date/Details
Notification Date and details	

Additional relevant information: