



THE HILLS
Sydney's Garden Shire

THE HILLS SHIRE COUNCIL
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21 August 2020

Ms Jane Grose
Director, Central (Western)
Department of Planning, Industry and Environment
Locked Bag 5022
PARRAMATTA NSW 2124

Your Ref: PP_2018_THILL_009_01
PP_2019_THILL_006_01
PP_2019_THILL_008_01

Our Ref: 5/2018/PLP
1/2020/PLP
2/2020/PLP
16/2018/PLP

Dear Ms Grose

COMBINED GATEWAY EXTENSION REQUEST RELATING TO SEVERAL PLANNING PROPOSALS (5/2018/PLP, 1/2020/PLP, 2/2020/PLP & 16/2018/PLP)

I am writing to request an extension of time to finalise three planning proposals that seek to amend The Hills Local Environmental Plan 2019 as follows:

- **Mackillop Drive, Norwest and 34 Salamander Grove, Baulkham Hills (5/2018/PLP)**

Status:

Council considered a report on the draft Voluntary Planning Agreements on 13 August 2019 and resolved that the agreements be subject to legal review prior to public exhibition. The legal review and discussions with the Proponent are ongoing with respect to the key outcomes to be achieved through the Agreements. The recommendations of the legal review will be incorporated into the draft Agreements, which will be placed on public exhibition concurrently with the planning proposal. Council will then consider a post-exhibition report and determine whether the matter should proceed to finalisation.

Timeframe for Completion:

The Gateway Determination requires that the planning proposal be completed by 11 October 2020. Given the ongoing negotiations with respect to the Voluntary Planning Agreements and the subsequent legal review process, the matter has not yet been publicly exhibited. Accordingly, it is requested that an extension of time to complete the planning proposal be granted for a further 12 months to 11 October 2021.

▪ **Advertising on Council Owned Infrastructure (1/2020/PLP & 2/2020/PLP)**

Status:

On 20 April 2020, Council forwarded two planning proposals to amend The Hills Local Environmental Plan 2019 and State Environmental Planning Policy (Sydney Region Growth Centres) 2006, to introduce exempt development criteria for advertising on Council owned bus shelters, seats, street signs and bridges, to the Department for finalisation.

The planning proposals were exhibited concurrently from Tuesday 19 November to Friday 6 December 2019. During the exhibition, Council received two public authority submissions from Transport for NSW (TfNSW) and NSW Heritage.

- NSW Heritage objected to the proposals due to potential impacts of large scale advertising on State heritage items.
- TfNSW raised concern regarding a potential conflict with Section 138 of the Roads Act and recommended that the exempt development criteria apply to the non-classified road network only and that RMS (TfNSW) concurrence still be required for proposals on the classified road network.

Council provided comments to the Department on 16 July 2020 seeking to address the concerns of Transport for NSW with regard to a potential conflict with the Roads Act. We trust these comments were satisfactory and that Transport for NSW does not have any outstanding issues with the proposals.

It is understood that there are ongoing discussions between the Department and NSW Heritage with regard to the legal drafting of the proposed clauses. It is requested that these discussions be progressed and that draft Instruments be provided for Council's review as soon as possible so that the matter can be finalised.

Timeframe for Completion:

The Gateway Determination for both proposals required the proposals to be completed by 10 August 2020. It is requested that the Department issue an extension for a further 6 months (to 10 February 2021) which should provide sufficient time for the Department to finalise both proposals.

▪ **Edwards Road Planning Proposal (16/2018/PLP)**

Status:

On 17 December 2019, Council forwarded the above planning proposal to the Department for finalisation. The planning proposal was publicly exhibited from Tuesday 7 August 2018 to Friday 7 September 2018. Council received five submissions from public authorities including Transport for NSW, Roads and Maritime Services, Transgrid, Endeavour Energy and Environment, Energy and Science Group (EES).

The EES submission advised that it does not support the proposed bridge and road connection (and by association, the planning proposal) due to the potential ecological impacts.

Since the proposal was forwarded to finalisation, Council officers have provided additional information to the Department on a number of occasions attempting to resolve the concerns of EES. Whilst it is understood EES has concerns with potential ecological impacts, the proposed road alignment has been deemed necessary to ensure adequate traffic safety and road operation.

The strategic importance of the proposed link has long been recognised in the Department's Precinct Planning for North Kellyville and Box Hill Growth Centre Precincts and in recent draft amendments to the Special Infrastructure Contributions Scheme.

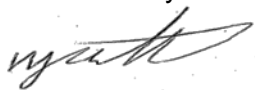
Accordingly, it is requested that the proposal be progressed as a priority in its current form, enabling the continued planning and delivery of this critical piece of infrastructure. It is noted that Council has requested that gazettal of this planning proposal occur in line with adoption of amendments to Contributions Plan No. 13 – North Kellyville Precinct. Draft CP13 has been reviewed by IPART and Council is awaiting further advice from the Department on this matter which would enable Council to adopt the Plan.

Timeframe for Completion:

A previous alteration to the Gateway Determination required this proposal be completed by 2 July 2020. It is requested that the Department issue an extension for a further 6 months (to 2 January 2021) which should provide sufficient time for the Department to finalise the proposal.

Should you require further information, please contact Alicia Jenkins, Strategic Planning Coordinator on 9843 0396.

Yours faithfully

A handwritten signature in dark ink, appearing to read 'Nicholas Carlton', with a stylized flourish at the end.

Nicholas Carlton
MANAGER FORWARD PLANNING