

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

Our ref: PP_2015_THILL_010_00 (16/01738)
Your ref: 1/2016/PLP

Attn: Brent Woodhams

Dear Mr Walker

Planning proposal to amend The Hills Local Environmental Plan 2012

I am writing in response to your Council's letter dated 27 November 2015 requesting a Gateway determination under section 56 of the Environmental Planning and Assessment Act 1979 (the Act) in respect of the planning proposal to amend floor space ratios and height of buildings at 488-494 Old Northern Rd, Dural.

As delegate of the Greater Sydney Commission, I have now determined the planning proposal should proceed subject to the conditions in the attached Gateway determination.

The planning proposal was assessed against the provisions of *State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development* (SEPP 65) and the associated Apartment Design Guide. The proposed local provision Clause 7.10 Residential Development Yield is considered to be inconsistent with the objectives of SEPP 65 and minimum internal floor areas of the Apartment Design Guide. Clause 7.10 should be removed from the planning proposal prior to public exhibition, and an updated planning proposal forwarded to the Department.

Recent negotiations over the Spurway Drive planning proposal and Council's Residential Development Yield provision have been in the context of sites within the North West Rail Link Corridor and Structure Plans. As this site falls outside this corridor, it is considered that SEPP 65 should prevail.

Plan making powers were delegated to councils by the Minister 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 of Planning and Environment 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 Greater Sydney Commission may take action under section 54(2)(d) of the 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 Derryn John of the Department's Sydney Region West office to assist you. Mr John can be contacted on (02) 9860 1505.

Yours sincerely



Marcus Ray
Deputy Secretary
Planning Services

14/07/2016

Encl

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

Gateway Determination

Planning proposal (Department Ref: PP_2015_THILL_010_00): to amend the floor space ratio and height of buildings at 488-494 Old Northern Rd, Dural.

I, the Deputy Secretary, Planning Services, 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 (LEP) 2012* to amend the floor space ratio and height of buildings at 488-494 Old Northern Rd, Dural should proceed subject to the following conditions:

1. The proposed local provision Clause 7.10 Residential Development Yield is to be removed from the planning proposal prior to public exhibition, and a copy of the updated planning proposal submitted to the Department.
2. Council is to consult with the Commissioner of the NSW Rural Fire Service as per the requirements of S.117 Direction 4.4 Planning for Bushfire Protection. Council is to amend the planning proposal, if necessary, to take into consideration any comments prior to the commencement of public exhibition.
3. 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 LEPs (Department of Planning and Infrastructure 2013)*.
4. 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
 - Sydney Water
 - Roads and Maritime Services
 - Telstra

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.

5. No public hearing is required to be held into the matter under section 56(2)(e) of the Environmental Planning and Assessment Act 1979. 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 draft Plan is to be 12 months from the week following the date of the Gateway determination.

Dated 14th day of July 2016



Marcus Ray
Deputy Secretary
Planning Services
Department of Planning and Environment

Delegate of the Greater Sydney Commission

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_2015_THILL_010_00	Planning proposal to amend the floor space ratios and height of buildings at 488-494 Old Northern Rd, Dural

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 14th day of July 2016



Marcus Ray
Deputy Secretary
Planning Services
Department of Planning and Environment

Delegate of the Greater Sydney Commission