

Mr Dave 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* –
Bull and Bush Hotel site (360-378 Windsor Road, Baulkham Hills)**

I am writing in response to Council's letter dated 22 November 2016 requesting a Gateway determination under section 56 of the *Environmental Planning and Assessment Act 1979* (the Act) regarding the planning proposal to amend the land zoning, height of buildings, and floor space ratio for the Bull and Bush Hotel site at 360-378 Windsor Road, Baulkham Hills (Lots 1 and 2 DP783941).

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.

I have conditioned the Gateway determination to remove proposed clause 7.12. As advised by the Minister on the 1 May 2017 the inclusion of development standards greater than "*State Environmental Planning Policy No65 – Design Quality of Residential Apartment Development*" is not supported.

Prior to public exhibition, the planning proposal is to be amended to remove the proposed Clause 7.12 – Housing Diversity. This clause is inconsistent with, and has the potential to undermine the intent of *State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development*.

Plan making powers were delegated to councils in October 2012. I note that Council has accepted this delegation. I have considered the nature of the planning proposal and have decided to issue an authorisation for Council to exercise delegation to make this plan.

The amending Local Environmental 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 six weeks prior to the projects 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 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 Greater Sydney Commission may take action under section 54(2)(d) of the Act if the timeframes outlined in this determination are not met.

If you have any queries in regard to this matter, please contact Mr James Sellwood in the Department's Sydney Region West team on (02) 9860 1559.

Yours sincerely

 12 May 2017
Stephen Murray
Executive Director, Regions
Planning Services
Department of Planning and Environment

Delegate of the Greater Sydney Commission

Encl:
Gateway determination
Written authorisation to exercise delegation
Reporting template for delegated Local Environmental Plan amendments

Gateway Determination

Planning proposal (Department Ref: PP_2016_THILL_016_00): to amend the land zoning, height of buildings, and floor space ratio for the Bull and Bush Hotel site at 360-378 Windsor Road, Baulkham Hills.

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 2012* to amend the land zoning, height of buildings, and floor space ratio for the Bull and Bush Hotel site at 360-378 Windsor Road, Baulkham Hills should proceed subject to the following conditions:

1. Prior to community consultation, the planning proposal is to be amended to:
 - (a) remove the proposed local clause 7.12 – Housing Diversity;
 - (b) revise specialist studies prepared in support of the planning proposal to take into account any changes as a consequence of the removal of the proposed clause; and
 - (c) include maps which clearly show both the existing and proposed controls for the site:
 - Site Identification;
 - Land Zoning;
 - Height of Buildings;
 - Floor Space Ratio, and Special Provisions Area maps, which clearly show both the existing and proposed controls for the site.

These maps should be prepared in accordance with the 'Standard Technical Requirements for Spatial Datasets and Maps' (*Department of Planning and Environment 2015*).

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:
 - Office of Environment and Heritage;

- Endeavour Energy;
- Sydney Water;
- Transport for NSW – Roads and Maritime Services; and
- 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, 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.

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

Dated *12th* day of *May* 2017



Stephen Murray
Executive Director, Regions
Planning Services
Department of Planning and Environment

Delegate of the Greater Sydney Commission



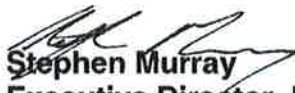
Written Authorisation to Exercise Delegation

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_2016_THILL_016_00	Planning proposal to amend the land zoning, height of buildings, and floor space ratio for the Bull and Bush Hotel site at 360-378 Windsor Road, Baulkham Hills.

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 12th day of May 2017


Stephen Murray
Executive Director, Regions
Planning Services
Department of Planning and Environment

Delegate of the Greater Sydney Commission