

Our ref: PP_2016_THILLS_001_00

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

I am writing in response to your Council's letter dated 23 December 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 rezone land at 39–55 Oratava Avenue and part 570 Pennant Hills Road, West Pennant Hills from E4 Environmental Living zone to R2 Low Density Residential zone and amend the minimum lot size requirement applying to the site from the existing 2,000 sqm to 700 sqm.

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 also agreed, as delegate of the Secretary, the planning proposal's inconsistencies with S117 Directions 2.1 Environmental Protection Zones, 4.2 Mine Subsidence and Unstable land and 2.3 Heritage Conservation are of minor significance. No further approval is required in relation to these Directions.

It is noted that there are anomalies in how the subject land is described in the planning proposal. The proposed Land zoning and Lot size maps have identified the whole part of land at 570 Pennant Hills Road to be included in the planning proposal instead of identifying part of the lot which is subject to the planning proposal. Prior to community consultation, Council is advised to revise the planning proposal to correctly identify the subject site.

Plan making powers were delegated to councils 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 9 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 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 Ms Cho Cho Myint of the Department's Sydney Region West office to assist you. Ms Myint can be contacted on (02) 98601507.

Yours sincerely



Catherine Van Laeren 28/4/16
Director, Sydney Region West
Planning Services
Delegate of the Greater Sydney Commission

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

Gateway Determination

Planning proposal (Department Ref: PP_2016_THILL_001_00): to rezone land at 39–55 Oratava Avenue and part 570 Pennant Hills Road, West Pennant Hills from E4 Environmental Living zone to R2 Low Density Residential zone and amend the minimum lot size requirement applying to the site from existing 2,000 sqm to 700 sqm.

I, the Director, Sydney Region West, 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 rezone land at 39–55 Oratava Avenue and part 570 Pennant Hills Road, West Pennant Hills from E4 Environmental Living zone to R2 Low Density Residential zone and amend the minimum lot size requirement applying to the site from the existing 2,000 sqm to 700 sqm, should proceed subject to the following conditions:

1. Community consultation is required under sections 56(2)(c) and 57 of the Act as follows:
 - (a) the planning proposal is classified as low impact as described in *A Guide to Preparing LEPs* (Department of Planning and Infrastructure 2013) and 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).
2. 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;
 - Road and Maritime Services;
 - Sydney Water;
 - Telstra; and
 - Hornsby Council.

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.
3. 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).
4. The timeframe for completing the LEP is to be **9 months** from the week following the date of the Gateway determination.

Dated 28 day of April 2016



Catherine Van Laeren
Director, Sydney West Region
Planning Services
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_001_00	Planning proposal to rezone land at 39–55 Oratava Avenue and part 570 Pennant Hills Road, West Pennant Hills from E4 Environmental Living zone to R2 Low Density Residential zone and amend the minimum lot size requirement applying to the site from existing 2,000 sqm to 700 sqm.

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 28 April . 2016



Catherine Van Laeren
Director, Sydney Region West
Planning Services
Delegate of the Greater Sydney Commission

Attachment 5 – 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_001_00
Date Sent to DP&E under s56	29 March 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: