

PP\_2017\_THILL\_010\_00 (17/11933)

Mr Michael Edgar  
General Manager  
The Hills Shire Council  
PO Box 7064  
BAULKHAM HILLS BC 2153

Dear Mr Edgar

**Planning Proposal PP\_2017\_THILL\_010\_00 to amend The Hills Local Environmental Plan 2012**

I am writing in response to Council's request for a Gateway determination under Section 56 of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the planning proposal to amend The Hills LEP 2012 Schedule 1 – Additional Permitted Uses to facilitate high-density residential development comprising approximately 190 residential apartments, with a maximum FSR of 3:1 and maximum height of 18 storeys at 6–12 and 16–20 Garthowen Crescent, Castle Hill.

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 inconsistency with Section 117 Direction 2.3 Heritage Conservation is justified in accordance with the terms of the Direction.

The Gateway determination requires Council to amend the planning proposal to remove the proposed amendments to Schedule 1 – Additional Permitted Uses and seek the proposed planning controls through relevant amendments to clauses and maps for Land Use Zones, Height of Building, Floor Space Ratio and Lot Size. The required amendments are to ensure consistency with Section 117 Direction 6.3 Site Specific Provisions. These amendments will provide greater certainty regarding the location of proposed land uses as well as better transparency for any future redevelopment of the site. Council is required to submit the revised planning proposal to the Department for endorsement prior to community consultation.

I note that the site is within the Castle Hill North Precinct, and community consultation for that planning proposal (PP\_2016\_THILL\_002\_00) finished on 15 September 2017. During the review of submissions for the Castle Hill North Precinct proposal, Council is requested to carefully consider whether any post exhibition changes are necessary to achieve the intent of the North West Rail Link Corridor Strategy.

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 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.

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 further enquiries about this matter, I have arranged for Ms Angela Hynes to assist you. Ms Hynes can be contacted on (02) 9860 1558.

Yours sincerely

 13 October 2017  
**Stephen Murray**  
**Executive Director, Regions**  
**Planning Services**

Encl: Gateway determination  
Written Authorisation to Exercise Delegation  
Delegated Plan Making Reporting Template



## Gateway Determination

**Planning Proposal (Department Ref: PP\_2017\_THILL\_010\_00):** to facilitate a high-density residential development at 6–12 and 16–20 Garthowen Crescent, Castle Hill.

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 (LEP) 2012 to amend Schedule 1 – Additional Permitted Uses to facilitate high density residential development with maximum FSR 3:1 and maximum height of 18 storeys (190 dwellings) should proceed subject to the following conditions:

1. Prior to undertaking community consultation, Council is required to:
  - (a) remove references to proposed amendments to Schedule 1 – Additional Permitted Uses;
  - (b) amend the planning proposal to seek to rezone the site from R3 Medium Density Residential to R4 High Density Residential in accordance with Part 2 of The Hills Local Environmental Plan 2012;
  - (c) amend the planning proposal to seek to increase the minimum lot size from 700m<sup>2</sup> to 1,800m<sup>2</sup>;
  - (d) amend the planning proposal to seek to increase the maximum floor space ratio control from nil to 3:1 in accordance with clause 4.4 of The Hills Local Environmental Plan 2012;
  - (e) amend the planning proposal to seek to increase the maximum height of buildings control from 9m to the equivalent height of 18 storeys expressed in metres in accordance with clause 4.3 of The Hills Local Environmental Plan 2012;
  - (f) update the Urban Design Concept Plan, Urban Design Report, Transport and Access Report, and Heritage Impact Assessment Report; and
  - (g) re-submit the planning proposal to the Department of Planning and Environment for endorsement.
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/organisations under section 56(2)(d) of the Act and/or to comply with the requirements of relevant Section 117 Directions:
- Sydney Water;
  - Department of Education;
  - Office of Environment and Heritage;
  - Transport for NSW; and
  - Transport for NSW – Roads and Maritime Services.

Each public authority/organisation 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 LEP is to be 12 months from the date of the Gateway determination.

Dated 13<sup>th</sup> day of October 2017.

  
**Stephen Murray**  
Executive Director, Regions  
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* (EP&A Act) that are delegated to it by instrument of delegation dated 14 October 2012, in relation to the following planning proposal:

Number	Name
PP_2017_THILL_010_00	Planning proposal to amend Hills LEP 2012 to facilitate high density residential development at 6–12 and 16–20 Garthowen Crescent, Castle Hill.

In exercising the Greater Sydney Commission's functions under Section 59 of the EP&A Act, the Council must comply with the Department's "*A guide to preparing local environmental plans 2016*" and "*A guide to preparing planning proposals 2016*".

Dated 13 October 2017



Stephen Murray  
Executive Director, Regions  
Planning Services

Delegate of the Greater Sydney Commission



Mr Michael Edgar  
General Manager  
The Hills Shire Council  
PO Box 7064  
BAULKHAM HILLS BC 2153

Dear Mr Edgar

**Planning proposal PP\_2017\_THILL\_010\_00 – Alteration of Gateway determination**

I refer to your letter in relation to revisions to planning proposal PP\_2017\_THILL\_010\_00 seeking an alteration to the Gateway determination to facilitate a high-density residential development at 6–12 and 16–20 Garthowen Crescent, Castle Hill.

I have determined as the delegate of the Greater Sydney Commission, in accordance with section 56(7) of the *Environmental Planning and Assessment Act 1979*, to alter the Gateway determination dated 13 October 2017 as follows:

- delete condition 1(d) and replace with:
  - “amend the planning proposal to clarify that the maximum floor space ratio of 3:1 for the site is achieved by the following mechanisms:
  - (i) the floor space ratio map is to apply a base floor space ratio of 1:1 to the site and identify it as Area A;
  - (ii) the floor space ratio incentive map is to apply an incentivised floor space ratio of 2.5:1 to the site; and
  - (iii) include a local provision to specify key site outcomes that enable the site to achieve a 20% bonus floor space incentive (0.5:1).”

Please note that the requirement to refer the planning proposal to the Department of Planning and Environment for endorsement prior to exhibition has not been removed as the Department would like to review the details included in the new clause 4.4B.

The alteration of the Gateway determination is enclosed. If you have any questions in relation to this matter, I have arranged for Ms Angela Hynes to assist you. Ms Hynes can be contacted on 9860 1558.

Yours sincerely

BATCH NO:  
TIME:

  
**Stephen Murray**  
Executive Director, Regions  
Planning Services

7 February 2018

12 FEB 2018

THE HILLS SHIRE COUNCIL

Encl: Alteration of Gateway determination

## Alteration of Gateway Determination

**Planning proposal (Department Ref: PP\_2017\_THILL\_010\_00)**

I, the Executive Director, Regions at the Department of Planning and Environment, as delegate of the Greater Sydney Commission, have determined under section 56(7) of the *Environmental Planning and Assessment Act 1979* to alter the Gateway determination dated 13 October 2017 for the proposed amendment to The Hills Local Environmental Plan 2012 to facilitate a high-density residential development at 6–12 and 16–20 Garthowen Crescent, Castle Hill as follows:

1. Delete condition 1(d) and replace with a new condition 1(d):

“amend the planning proposal to clarify that the maximum floor space ratio of 3:1 for the site is achieved by the following mechanisms:

- (i) the floor space ratio map is to apply a base floor space ratio of 1:1 to the site and identify it as Area A;
- (ii) the floor space ratio incentive map is to apply an incentivised floor space ratio of 2.5:1 to the site; and
- (iii) include a local provision to specify key site outcomes that enable the site to achieve a 20% bonus floor space incentive (0.5:1).”

Dated 7<sup>th</sup> day of February 2018

  
Stephen Murray  
Executive Director, Regions  
Planning Services

Delegate of the Greater Sydney  
Commission





PP\_2017\_THILL\_010\_00 (IRF18/5382)

Mr Michael Edgar  
General Manager  
The Hills Shire Council  
PO Box 7064  
NORWEST NSW 2153

Dear Mr Edgar

**Planning proposal PP\_2017\_THILL\_010\_00 – Alteration of Gateway determination**

I refer to your letter in relation to planning proposal PP\_2017\_THILL\_010\_00 seeking an extension of time to complete the planning proposal to facilitate high-density residential development for land at 6-12 and 16-20 Garthowen Crescent, Castle Hill.

I have determined as the delegate of the Greater Sydney Commission, in accordance with section 3.34(7) of the *Environmental Planning and Assessment Act 1979*, to alter the Gateway determination dated 13 October 2017 for PP\_2017\_THILL\_010\_00 (as altered) to enable an extension of time until the 15<sup>th</sup> July 2019. The Alteration of Gateway Determination is enclosed.

If you have any questions in relation to this matter, I have arranged for Mr Mark Dennett to assist you. Mr Dennett can be contacted on 9860 1534.

Yours sincerely

**Ann-Maree Carruthers**  
Director, Sydney Region West  
Planning Services

22/10/18

Encl: Alteration of Gateway determination





## Alteration of Gateway Determination

### *Planning proposal (Department Ref: PP\_2017\_THILL\_010\_00)*

I, Director, Sydney Region West, Planning Services at the Department of Planning and Environment as delegate of the Greater Sydney Commission, have determined under section 3.34(7) of the *Environmental Planning and Assessment Act 1979* to alter the Gateway determination dated 13 October 2017 (as since altered) for the proposed amendment to The Hills Local Environmental Plan 2012 as follows:

1. Delete:

“condition 5”

and replace with:

a new condition 5 “The time frame for completing the LEP is 15 July 2019.

Dated 22<sup>nd</sup> day of October 2018.



**Ann-Maree Carruthers**  
**Director, Sydney Region West**  
**Planning Services**  
**Department of Planning and**  
**Environment**

**Delegate of the Greater Sydney**  
**Commission**



Mr Michael Edgar  
General Manager  
The Hills Shire Council  
PO Box 7064  
BAULKHAM HILLS BC 2153

Dear Mr Edgar

**Reassessment of Planning proposal PP\_2017\_THILL\_010\_00 to amend The Hills Local Environmental Plan 2012**

Thank you for your letter dated 27 April 2018 and additional information received in September and October 2018 concerning the reassessment and endorsement of the above planning proposal.

I note Council has now amended the planning proposal and supporting documentation in accordance with conditions 1(a) – (f) of the Gateway determination issued on 13 October 2017 (since altered).

The amended planning proposal has been further reviewed by the Department and I have concluded that the planning proposal provides sufficient detail for the community to have their say on the proposal through the exhibition process. The planning proposal can proceed to exhibition.

I note that Council has drafted clause 4.4B in Part 2 'Explanation of Provisions' in the revised proposal. Prior to public exhibition, Part 2 of the revised planning proposal should be amended to remove the drafted clause, attach it as an appendix, and replace with a plain English explanation of the drafted clause to explain the overall intent of the local provision and the outcomes sought.

Should you have any further enquiries about this matter, I have arranged for Ms Christine Gough of the Department of Planning and Environment's Sydney Region West team to assist you. Ms Gough can be contacted on 9860 1531.

Yours sincerely

**Ann-Maree Carruthers**  
**Director, Sydney Region West**  
**Planning Services**

21/12/18



Mr Michael Edgar  
General Manager  
The Hills Shire Council  
PO Box 7064  
NORWEST 2153

Dear Mr Edgar

**Planning proposal PP\_2017\_THILL\_010\_00 – Alteration of Gateway Determination**

I refer to your letter in relation to seeking an extension of time to complete planning proposal PP\_2017\_THILL\_010\_00 which seeks to amend The Hills Local Environmental Plan 2012 to rezone 6-12 & 16-20 Garthowen Crescent, Castle Hill to R4 High Density Residential and increase the site's minimum lot size, maximum height of buildings and maximum floor space ratio to facilitate high density residential development of 190 dwellings.

I have determined as the delegate of the Minister for Planning and Public Places, in accordance with section 3.34(7) of the *Environmental Planning and Assessment Act 1979*, to alter the Gateway determination dated 22 October 2018 (since altered) for PP\_2017\_THILL\_010\_00 as indicated below:

	Extension Granted	New Proposal Due Date
PP_2017_THILL_010_00	9 months	13 March 2020

The Alteration of Gateway determination is enclosed.

If you have any questions in relation to this matter, I have arranged for Ms Angela Hynes to assist you. Ms Hynes can be contacted on 9860 1558.

Yours sincerely



6/7/2019

**Christine Gough**  
**Acting Director, Sydney Region West**  
**Planning, Design and Public Places**

Encl: Gateway alteration

## Alteration of Gateway Determination

### *Planning proposal (Department Ref: PP\_2017\_THILL\_010\_00)*

I, Acting Director, Sydney Region West at the Department of Planning, Industry and Environment, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(7) of the *Environmental Planning and Assessment Act 1979* to alter the Gateway determination dated 13 October 2017 (as since altered) for the proposed amendment to The Hills Local Environmental Plan 2012 as follows:

1. Delete

“condition 5”

and replace with:

a new condition 5 “The timeframe for completing the LEP is 13 March 2020.”

Dated 6<sup>th</sup> day of July 2019.



6/7/2019

**Christine Gough**  
**Acting Director, Sydney Region West**  
**Department of Planning, Industry and**  
**Environment**

**Delegate of the Minister for Planning**  
**and Public Spaces**