

Mr Laurie Mifsud
Acting General Manager
Hawkesbury City Council
PO Box 146
Windsor NSW 2756

Our ref: PP_2016_HAWKE_002_00 (16/01412)
Your ref: LEP 005/15

Dear Mr Mifsud

Planning proposal to amend Hawkesbury Local Environmental Plan 2012

I am writing in response to your Council's letter dated 7 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 18 James Street, South Windsor from SP2 Infrastructure to R3 Medium Density Residential.

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 note that the proposal does not adequately address the current flood and flood evacuation risk associated with the development of land in South Windsor and is inconsistent with Section 117 Direction 4.3 Flood Prone Land and the flood constraints section of Direction 7.1 A Plan for Growing Sydney. In addition, the proposal is inconsistent with the *NSW Flood Prone Land Policy*, the *Floodplain Development Manual 2005* and the findings of the *Hawkesbury-Nepean Valley Flood Management Review*. To ensure that the proposal's inconsistencies are minor, the Gateway condition requires that the planning proposal is amended to rezone the land R2 Low Density Residential rather than R3 Medium Density.

The intension is to limit the development potential of the site to one primary dwelling and ensure consistency with the zone objectives. This proposal has been supported to proceed due to the minor increase in residential development, the unusual circumstances of the current zoning and that the site is located within an existing residential area.

As you may be aware, *A Plan for Growing Sydney* requires councils to undertake an evacuation capacity assessment that considers regional and cumulative issues, prior to rezoning land in the Hawkesbury-Nepean Valley. The Department will continue to work with Council to address flood and emergency management issues when planning for growth in the Hawkesbury.

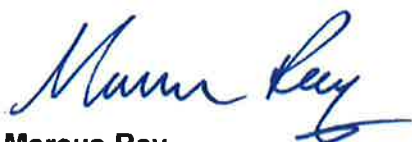
Plan making powers were delegated to councils in October 2012. It is noted that Council has requested to be issued with delegation for this planning proposal. I have considered the nature of Council's planning proposal and have decided to issue an authorisation for Council to exercise delegation to make 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 Mrs Catherine Van Laeren, Director of the Sydney Region West office to assist you. Mrs Van Laeren can be contacted on (02) 9860 1520.

Yours sincerely



Marcus Ray
Deputy Secretary
Planning Services

24/08/2016

Encl:

Gateway Determination

Written Authorisation to Exercise Delegation

Attachment 5 – Delegated Plan Making Reporting Template

Gateway Determination

Planning proposal (Department Ref: PP_2016_HAWKE_002_00): to rezone land at 18 James Street, South Windsor from SP2 Infrastructure to R3 Medium Density Residential.

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 Hawkesbury Local Environmental Plan (LEP) 2012 to rezone land at 18 James Street, South Windsor from SP2 Infrastructure to R3 Medium Density Residential should proceed subject to the following conditions:

1. Amendment of the planning proposal to rezone the site to R2 Low Density Residential rather than R3 Medium Density Residential prior to community consultation.
2. To comply with the requirements of the Section 117 Directions, the following consultation should occur prior to public exhibition:
 - (a) Deputy Secretary of the Department of Industry – Resources and Energy for Section 117 Direction 1.3 Mining, Petroleum Production and Extractive Industries;
 - (b) Commissioner of the NSW Rural Fire Service for Section 117 Direction 4.4 Planning for Bushfire Protection.
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. 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 week following the date of the Gateway determination.

Dated 24th day of August 2016

A handwritten signature in blue ink, appearing to read "Marcus Ray".

Marcus Ray
Deputy Secretary
Planning Services
Department of Planning and Environment

Delegate of the Greater Sydney Commission

WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Hawkesbury City 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_HAWKE_002_00	Planning proposal to rezone land at 18 James Street, South Windsor from SP2 Infrastructure to R2 Low Density Residential

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 24/08/ 2016



Marcus Ray
Deputy Secretary
Planning Services
Department of Planning and Environment

Delegate of the Greater Sydney Commission