

Our ref: PP_2017_HAWKE_001_00 (17/01168)
Your ref: LEP013/16

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

Dear Mr Mifsud

Planning proposal to amend Hawkesbury Local Environmental Plan 2012

I am writing in response to your Council's letter dated 19 December 2016 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 2 – 8 Hawkesbury Valley Way and 383 – 395 George Street, Windsor from R2 Low Density Residential to B1 Neighbourhood Centre to allow a broader range of uses on the site.

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 S117 Directions 4.1 Acid Sulfate Soils is of minor significance. No further approval is required in relation to this Direction.

In relation to s117 Direction 4.3 Flood Prone Land, prior to public exhibition Council is required to determine the number of dwelling houses permissible with consent under current development controls and amend the planning proposal to indicate that a cap will be applied, limiting the number of residential dwellings, permissible with consent, on the site, as determined and specify dwelling yield under the cap. Council is also required to undertake a Flood Risk Assessment including evacuation plans approved by the NSW State Emergency Service, in consultation with Roads and Maritime Services and the Office of Environment and Heritage that demonstrates consistency with this direction.

During the exhibition period, the Flood Risk Assessment, and the details of the maximum residential yield are to be forwarded to Infrastructure NSW's Hawkesbury-Nepean Valley Flood Management Directorate (Directorate) for consideration and comment.

In relation to S117 Direction 7.1 Implementation of a Plan for Growing Sydney, Council is required to consider the proposals consistency with the recently released Draft West District Plan and amend the proposal accordingly.

Prior to public exhibition, as a condition of the Gateway determination, Council must also revise the proposal to include a preliminary contamination report.

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 Ms Alicia Hall of the Department's regional office to assist you. Ms Hall can be contacted on (02) 9860 1587.

Yours sincerely



Catherine Van Laeren
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_2017_HAWKE_001_00): to rezone land at 2 – 8 Hawkesbury Valley Way and 383 – 395 George Street, Windsor from R2 Low Density Residential to B1 and to amend the Height of Buildings Map from 10m to 12m and to amend the Minimum Lot Size Map to remove the minimum lot size provision.

I, the Director, Sydney Region West 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 2 – 8 Hawkesbury Valley Way and 383 – 395 George Street, Windsor from R2 Low Density Residential to B1 and to amend the Height of Buildings Map from 10m to 12m and to amend the Minimum Lot Size Map to remove the minimum lot size provision should proceed subject to the following conditions:

1. In relation to S117 Direction 4.3 Flood Prone Land, prior to public exhibition, Council is required to:
 - a. determine the number of dwelling houses permissible with consent under current development controls;
 - b. amend the planning proposal to indicate that a cap will be applied limiting the number of residential dwellings permissible with consent on the site as determined above and specify dwelling yield under the cap;
 - c. undertake a Flood Risk Assessment, including evacuation plans approved by the NSW State Emergency Service, in consultation with Roads and Maritime Services and the Office of Environment and Heritage, that demonstrates consistency with this Direction; and
 - d. during exhibition provide a copy of the Flood Risk Assessment, including the proposed dwelling cap, to Infrastructure NSW's Hawkesbury-Nepean Valley Flood Management Directorate (Directorate) for consideration and comment.
2. Prior to public exhibition, Council must revise the planning proposal to include the flooding additional information regarding:
 - a. consistency with the Draft West District Plan; and
 - b. a preliminary contamination report.The amended planning proposal is to be forwarded to the Department for endorsement prior to community consultation.
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 Local Environmental Plans*

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:

- Office of Environment and Heritage
- Roads and Maritime Services
- Transport for NSW
- State Emergency Service
- Infrastructure NSW – Hawksbury-Nepean Valley Flood Management Directorate
- Department of Defence

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.

5. 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).
6. The time frame for completing the LEP is to be **12 months** from the week following the date of the Gateway determination.

Dated 21st day of March 2017

A handwritten signature in black ink, appearing to read "Catherine Van Laeren".

Catherine Van Laeren
Director, Sydney Region West
Planning Services
Department of Planning and
Environment

Delegate of the Greater Sydney
Commission

WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Hawkesbury 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_2017_HAWKE_001_00	Planning proposal to rezone land at 2 – 8 Hawkesbury Valley Way and 383 – 395 George Street, Windsor from R2 Low Density Residential to B1 and to amend the Height of Buildings Map from 10m to 12m and to amend the Minimum Lot Size Map to remove the minimum lot size provision.

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 21st March 2017



Catherine Van Laeren
Director, Sydney Region West
Planning Services
Department of Planning and Environment

Delegate of the Greater Sydney Commission

Attachment 5 – Delegated plan making reporting template

Reporting template for delegated LEP amendments

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_2017_HAWKE_001_00
Date Sent to DoP&E under s56	3 February 2017
Date considered at LEP Review Panel (if applicable)	
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 DoP&E requesting notification		

Table 3 – To be completed by Department of Planning and Environment

Stage	Date/Details
Notification Date and details	

Additional relevant information: