

Gateway Determination

Planning Proposal (Department Ref: PP_2015_HAWKE_007_00) to amend Hawkesbury Local Environmental Plan 2012 by making a number of general amendments.

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 general amendments to the *Hawkesbury Local Environmental Plan 2012* as listed on Schedule 1 to this determination should proceed, subject to the following conditions:

1. The Planning Proposal is to be amended prior to exhibition to delete the proposed amendment to permit secondary dwellings and dual occupancies (detached) with consent in all rural zones and the E3 and E4 environmental zones (Item 3.3). The associated item relating to a local provision for dual occupancies (detached) (Item 1.17) is to be similarly deleted.

Council is requested to consider the findings of the current phase of the Hawkesbury-Nepean Flood Management Taskforce, and to prepare an evacuation capacity assessment that considers regional and cumulative issues, as per Action 4.2.2 of A *Plan for Growing Sydney*, prior to resubmitting this component of the planning proposal for separate Gateway determination.

2. The Planning Proposal is to be amended prior to exhibition to include a five-year sunset clause in the proposed clause 5.1A Development on land intended to be acquired for public purposes. The sunset clause should guarantee that development consent is not granted to any development on land identified on the Land Reservation Acquisition Map unless the consent authority is satisfied that the development and its use will cease no later than 5 years after development consent is granted.
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 section 117 Directions:
 - Hawkesbury - Nepean Catchment Management Authority;
 - Sydney Metropolitan Catchment Management Authority;
 - Office of Environment and Heritage;
 - NSW Department of Primary Industries - Minerals and Petroleum;
 - NSW Rural Fire Service;
 - Transport for NSW - Roads and Maritime Services;
 - State Emergency Services;
 - Sydney Water.

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.

Specific advice is to be sought from Transport for NSW - Roads and Maritime Services, confirming that Lots 2 and 3 in DP582878, 1913 & 1905 Bells Line of Road, Kurrajong Heights are not required for current or future road purposes.

4. 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 Infrastructure 2013).
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 timeframe for completing the LEP is to be **12 months** from the week following the date of the Gateway determination.

Dated this 19th day of February 2016



Marcus Ray
Deputy Secretary
Planning Services

Delegate of the Greater Sydney Commission

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Schedule 1

Written Instrument Amendments

- 1.1 Amend Clause 2.8 Temporary Use of Land
- 1.2 Insert a new clause relating to boundary adjustments
- 1.3 Amend Clause 4.1D Exceptions to minimum subdivision lot size for certain land
- 1.4 Amend Clause 4.1E Exceptions to minimum subdivision lot size for Grose Wold
- 1.5 Amend Clause 4.1D Exceptions to minimum subdivision lot size for certain land and Clause 4.1F Exceptions to minimum subdivision lot size for certain land in North Richmond
- 1.6 Amend Clause 4.2A Residential development and subdivision prohibited on certain land
- 1.7 Insert a new provision, in Schedule 2 Exempt Development, relating to the subdivision of land for the purposes of granting a lease, licence or other estate over Council owned or managed land in accordance with the Local Government Act 1993
- 1.8 Amend the signage provisions in Schedule 2 Exempt Development
- 1.9 Amend the LEP to identify relevant acquisition authority of land to be acquired or change the zone of certain lands
- 1.10 Amend Clause 5.1A Development on land intended to be acquired for public purposes
- 1.11 Insert additional of controls relating to bed and breakfast accommodation
- 1.12 Amend to Clause 6.10 Certain development on Lot 1, DP 827148, Richmond Road, Clarendon
- 1.13 Amend Clause 6.11 Residential accommodation at Johnston and New Streets, Windsor
- 1.14 Amend property description of Item 11 in Schedule 1 Additional Permitted Uses 1.15
Amend listings in Schedule 4 Classification and reclassification of public land
- 1.16 Amend heritage item listings in Schedule 5 Environmental heritage
- 1.17 (Deleted)
- 1.18 Insert a local provision for temporary events on public land
- 1.19 Insert storage structure into Schedule 2 Exempt development

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Schedule 1 (Cont.)

Map Amendments

2.1 Heritage Map amendments

2.2 Amend LEP maps to resolve inconsistency between Land Reservation Acquisition Map 008DB and Land Zoning Map 008DB

2.3 Amend the map legend and correct the reference symbols on Lot Size Map

2.4 Amend minimum lot sizes within Wilberforce township

2.5 Amend Land Zoning Map for Lot 1 DP 1041524 "Pound Paddock", 46 Bourke Street, Richmond from RE2 Private Recreation to RE1 Public Recreation

2.6 Amend Land Zoning Map 012 and associated LEP maps to match cadastral information for Lot 16, DP 1205408, 916 Settlers Road, Central Macdonald

Land Use Amendments

3.1 Permit function centres with consent in certain zones

3.2 Permit eco-tourist facilities with consent in certain zones

3.3 (Deleted)

3.4 Permit veterinary hospitals with consent in the RU2 Rural Landscape zone

3.5 Permit community facilities and public administration buildings in the SP2 Infrastructure zone

Reclassification of Council Owned Land

4.1 Reclassify Lots 2 and 3 in DP582878, at Nos 1913 & 1905 Bells Line of Road, Kurrajong Heights from community land to operational land.

Mr Peter Jackson
General Manager
Hawkesbury Shire Council
PO Box 146
Windsor NSW 2756

Our Ref: PP_2015_HAWKE_007-00 (15/12048)
Your Ref: LEP003/15

Attn: Mr Philip Pleffer

Dear Mr Jackson

Hawkesbury Local Environmental Plan 2012 General Housekeeping Amendments

I am writing in response to Council's request for a Gateway determination under section 56 of the *Environmental Planning and Assessment Act 1979* for a planning proposal to amend *Hawkesbury Local Environmental Plan 2012* by making a suite of general amendments.

As delegate of the Greater Sydney Commission, I have now determined that the planning proposal should proceed, subject to the conditions in the attached Gateway determination.

I have also agreed the planning proposal's inconsistencies with Section 117 Direction 3.1 (Residential Zones) and 6.2 (Reserving Land for Public Purposes) are of minor significance.

Please note that Council's proposed item 3.3, the inclusion of an amendment to permit secondary dwellings and dual occupancies (detached) with consent in all rural zones and the E3 and E4 environmental zones is not supported at this time, and is to be deleted from the current planning proposal. Advice from the Hawkesbury-Nepean Valley Flood Management Taskforce requests that this aspect of the proposal be deferred until the completion of the current phase of Taskforce work (the advice of the Taskforce is attached).

In addition, *A Plan for Growing Sydney* (Action 4.2.2) requires councils to undertake an evacuation capacity assessment that considers regional and cumulative issues, prior to rezoning land in the Hawkesbury-Nepean Valley. Deferring Item 3.3, and the related Item 1.17, from the current planning proposal gives Council the opportunity to consider the findings of the Taskforce and prepare the necessary evacuation capacity assessment prior to resubmitting this aspect of the plan for Gateway determination. The Department will continue to work with Council and other agencies to address flood and emergency management issues when planning for growth in the Hawkesbury.

Please note also Condition 2 of the Gateway determination, which requires that the planning proposal be amended prior to exhibition to include a five-year sunset clause in the proposed clause 5.1A Development on land intended to be acquired for public purposes.

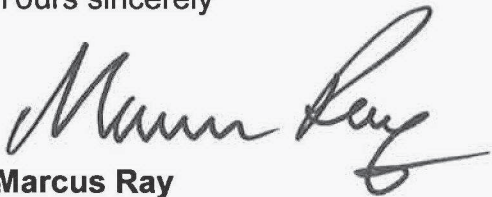
The Minister delegated plan making powers to councils in 2012. It is noted that Council has not requested to be issued with delegation for this planning proposal. Given that the proposal includes the reclassification of community land to operational land with the discharge of interests, and the Governor's approval is required, it is not possible to delegate the plan making function.

The amending Local Environmental Plan addressing the other general amendments 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 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 *Environmental Planning and Assessment Act 1979* 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 Mr Derryn John of this office to assist you. Mr John can be contacted on (02) 9860 1505.

Yours sincerely



Marcus Ray
Deputy Secretary
Planning Services

19/02/2016
Encl: Hawkesbury-Nepean Flood Management Taskforce Comments