

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

Our ref: PP_2016_HAWKE_006_00 (16/09174)
Your ref: LEP004/16

Dear Mr Mifsud

Planning proposal to amend Hawkesbury Local Environmental Plan 2012

I am writing in response to your Council's letter dated 9 June 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 reduce the minimum lot size at 452 Greggs Rd, Kurrajong.

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

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 is to be finalised within 12 months of the week following the date of the Gateway determination. Requests to draft and finalise the Plan 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 Sydney Region West 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 Commission may take action under section 54(2)(d) of the *Environmental Planning and Assessment Act 1979* if the time frames outlined in the this determination are not met.

Should you have any queries in regard to this matter, I have arranged for Georgina Ballantine of the Department's regional office to assist you. Georgina can be contacted on (02) 9860 1568.

Yours sincerely



11/07/16

Catherine Van Laeren
Director, Sydney Region West
Planning Services

Encl:
Gateway Determination
Authorisation for Delegation
Att. 5: Reporting Template

Gateway Determination

Planning proposal (Department Ref: PP_2016_HAWKE_006_00): to amend the Lot Size Map to enable subdivision at 452 Greggs Rd, Kurrajong.

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 amend the Lot Size Map at 452 Greggs Rd, Kurrajong should proceed subject to the following conditions:

1. A flora and fauna study and wastewater disposal study are to be undertaken prior to public exhibition.
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; and
 - (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. 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 of Heritage; and
 - Roads and Maritime Services.

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

Dated 11th day of July 2016



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 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_006_00	Planning proposal to reduce the minimum lot size at 452 Greggs Rd, Kurrajong

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 11th day of July 2016



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

Delegate of the Greater Sydney Commission