

Gateway Determination

Planning proposal (Department Ref: PP_2018_HAWKE_003_00): to amend *Hawkesbury Local Environmental Plan 2012* to allow the subject land, 27 Park Road, Vineyard and 41 Park Road, Mulgrave to be rezoned from RU4 Primary Production - Small Lots to IN1 General Industrial, remove the maximum height of building and minimum lot size controls.

I, Deputy Secretary, Greater Sydney, Place and Infrastructure, at the Department of Planning, Industry and Environment, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the *Hawkesbury Local Environmental Plan 2012* to rezone the subject land, height of buildings and minimum lot size controls at 27 Park Road Vineyard and 41 Park Road, Mulgrave, should proceed subject to the following conditions:

1. Prior to undertaking community consultation, Council is required to:
 - (a) Include further discussion of the preparation of a vegetation management plan;
 - (b) Include an assessment under the Hawkesbury draft Local Strategic Planning Statement and draft Employment Lands Strategy;
 - (c) Consult with the NSW Rural Fire Services in accordance with Section 9.1 Direction 4.4 Planning for Bushfire Protection prior to exhibition and address any comments.
2. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:
 - (a) the planning proposal must be made publicly available for a minimum of **28 days**; and
 - (b) the planning proposal 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 6.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment, 2018).
3. Consultation is required with the following public authorities/organisations under section 3.34(2)(d) of the Act and/or to comply with the requirements of relevant section 9.1 Directions:
 - Environment, Energy and Science Group;
 - NSW Rural Fire Service;
 - State Emergency Service;
 - Sydney Water;
 - Hawkesbury Nepean Catchment Management Authority;
 - Transport for NSW;



Planning, Industry & Environment

- Endeavour Energy;
- Transgrid; and
- Telstra.

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 3.34(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 planning proposal authority is authorised as the local plan-making authority to exercise the functions under section 3.36(2) of the Act subject to the following:
 - (a) the planning proposal authority has satisfied all the conditions of the Gateway determination;
 - (b) the planning proposal is consistent with section 9.1 Directions or the Secretary has agreed that any inconsistencies are justified; and
 - (c) there are no outstanding written objections from public authorities.
6. The time frame for completing the LEP is to be **9 months** following the date of the Gateway determination.

Dated 21st day of November 2020.

Brett Whitworth
Deputy Secretary,
Greater Sydney, Place and
Infrastructure
Department of Planning, Industry and
Environment

Delegate of the Minister for Planning
and Public Spaces