

Elizabeth Richardson
General Manager
Hawkesbury City Council
366 George Street
WINDSOR NSW 2756

Our ref: IRF23/2518

Dear Ms Richardson

Planning proposal (PP-2023-1373) to amend Hawkesbury Local Environmental Plan 2012

I am writing in response to the planning proposal you have forwarded to the Minister under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* (the Act). The planning proposal seeks to amend schedule 1 of the Hawkesbury Local Environmental Plan 2012 to introduce depot, light industry, and warehouse or distribution centre as additional permitted uses, with consent for land at 172 Commercial Road, Vineyard.

As delegate of the Minister for Planning and Public Spaces, I have determined that the planning proposal should proceed subject to the conditions in the enclosed gateway determination.

I have agreed, as delegate of the Secretary, the inconsistency of the planning proposal with applicable directions of the Minister under section 9.1 of the Act 1.1 Implementation of Regional Plans, 1.4 Site Specific Provisions, 9.1 Rural Zones and 9.2 Rural Lands, is justified in accordance with the terms of the directions.

Council will also need to obtain the agreement of the Secretary to comply with the requirements of relevant applicable directions of the Minister under section 9.1 of the Act, being 4.1 Flooding, 4.4 Remediation of Contaminated Land, 4.5 Acid Sulfate Soils, 5.1 Integrated Land Use and Transportation and 7.1 Employment Zones. Council should ensure this occurs prior to public exhibition.

In line with the recommendation of the Local Planning Panel, the department recommends Council give consideration to amending the DCP to ensure application of Chapter 2 Part D – Industrial Development of the Hawkesbury DCP 2012 will be applied to any future development application on the site.

Given the nature of the planning proposal, I have determined that Council may exercise local plan making authority functions in relation to the planning proposal, subject to conditions being met. Conditions include departmental endorsement of the updated planning proposal prior to exhibition.

The proposed local environmental plan (LEP) is to be finalised on or before 28 February 2025. Council should aim to commence the exhibition of the planning proposal as soon as possible (and certainly by June 2024). Council's request for the Department of Planning and Environment to draft and finalise the LEP should be made well in advance of the projected publication date. A copy of the request should be forwarded to the department.

The NSW Government has committed to reduce the time taken to complete LEPs. To meet these commitments, the Minister may appoint an alternate planning proposal authority if Council does not meet the timeframes outlined in the gateway determination.

The department's categorisation of planning proposals in the *Local Environmental Plan Making Guideline* (Department of Planning and Environment 2023) is supported by category specific timeframes for satisfaction of conditions and authority and Government agency referrals, consultation, and responses. Compliance with milestones will be monitored by the Department to ensure planning proposals are progressing as required. To meet these commitments, the Minister may take action under section 3.32(2)(d) of the Act if the time frames outlined in this determination are not met.

Should you have any enquiries about this matter, I have arranged for Ian Bignell to assist you. Mr Bignell can be contacted on (02) 9860 1510.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Casey Joshua', is positioned above the printed name.

Casey Joshua
Director
Central (Western)

12 March 2024

Encl: Gateway determination