

Greater Sydney, Place and Infrastructure

IRF20/1220

Gateway determination report

LGA	Hawkesbury
PPA	Hawkesbury City Council
NAME	Reclassify and Rezone land in Vineyard and Pitt Town
NUMBER	PP_2020_HAWKE_001_00
LEP TO BE AMENDED	Hawkesbury LEP 2012
ADDRESS	9 Industry Road, Vineyard; 312 Windsor Road, Vineyard; 7 Fernadell Drive, Pitt Town
DESCRIPTION	Lot 9 DP 1149340, Lot 13 DP 815849, Lot 6 DP 777933, Lot 6028 DP 1169449
RECEIVED	19 March 2020, additional information received on 28 May, 17 June and 24 July 2020
FILE NO.	IRF20/1220
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal

1. INTRODUCTION

1.1 Description of planning proposal

The planning proposal (**Attachment A1**) was initiated by Hawkesbury City Council to amend classifications and development standards on two sites (four lots in total) under *Hawkesbury Local Environmental Plan 2012*.

Site 1: 9 Industry Road & 312 Windsor Road, Vineyard

Council resolved on 10 March 2020 (**Attachment A4**) to forward the planning proposal to the Department for a Gateway Determination to amend *Schedule 4 Classification and reclassification of public land* of the *Hawkesbury LEP 2012* to reclassify Site 1 consisting of three lots from 'Community' to 'Operational' land.

Site 2: 7 Fernadell Drive, Pitt Town

Council resolved on 10 March 2020 (**Attachment A4**) to forward the planning proposal to the Department for a Gateway Determination to amend the classification for part and development standards for all of Site 2 as follows:

- Amend *Schedule 4 Classification and reclassification of public land* of the *Hawkesbury LEP 2012* to reclassify part of Lot 6028 DP 1169449 from 'Community' to 'Operational' land;

- Rezone part of Lot 6028 DP 1169449 to RE1 Public Recreation to enable the construction of a multi-function community facility for recreational and sporting needs;
- Amend the minimum lot size to part 4,000m² and part no minimum lot size; and
- Remove the maximum height of buildings to part of Lot 6028 so that there is no restriction on the height of buildings for the RE1 land.

1.2 Site description

Site 1: 9 Industry Road and 312 Windsor Road, Vineyard

Site 1 consists of three properties, Lot 9 DP 1147340 (1.227ha in area), Lot 13 DP 815849 (3,646m² in area) and Lot 6 DP 777933 (1,204m² in area) as shown in Figure 1. These lots are located between Windsor and Industry Roads, total approximately 695m in length and 25m in width.

The planning proposal states the site currently functions as a passive public reserve. The public reserve known as 9 Industry Road contains another lot being Lot 8 DP 804460. Lot 8 is not subject to this planning proposal as it is classified as 'operational land' and contains a sewage pumping station.

Lots 13 and 6 are mostly occupied by vegetation, drainage infrastructure, a footpath and cleared grass areas. Lot 9 is occupied by vegetation (mainly stands of trees), drainage infrastructure, a footpath, cleared grass areas and an advertising billboard structure. The existing advertising billboard structure is permitted under existing use rights from an agreement between the land owner prior to Council ownership and the owner of the advertising structure.



Figure 1 Site location 9 Industry Road & 312 Windsor Road, Vineyard

Site 2: 7 Fernadell Drive, Pitt Town

Site 2 contains one lot, Lot 6028 DP 1169449 (9.5ha in area), with a south-western portion of land (4,299m² in area) separated from the remainder of the site by Fernadell Drive as shown in Figure 2.

The site is generally flat, with a gentle slope to the south and south-east towards the large dam/ detention basin. The site has been previously cleared of native vegetation, there are no existing buildings on the site.



Figure 2 Site location 7 Fernadell Drive, Pitt Town

1.3 Existing planning controls

The following planning controls apply to Site 1(9 Industry Road and 312 Windsor Road, Vineyard) under the *Hawkesbury Local Environmental Plan 2012*:

- Zoned B5 Business Development
- Identified as Class 5 Acid Sulfate Soils on the Acid Sulfate Soils Planning Maps; and
- Identified as containing significant vegetation on the Terrestrial Biodiversity Map.

The site is not currently identified in Schedule 4 Classification and reclassification of public land under the LEP. However, it is classified as 'Community' land.

The following planning controls apply to Site 2 (7 Fernadell Drive, Pitt Town) under the *Hawkesbury Local Environmental Plan 2012*:

- Zoned RU2 Rural Landscape;
- 10 hectare minimum lot size;
- 10 metre maximum building height;
- Identified as Class 5 Acid Sulfate Soils on the Acid Sulfate Soils Planning Maps; and

- Identified as containing ‘connectivity between significant vegetation’ on the Terrestrial Biodiversity Map.

The site is not currently identified in Schedule 4 Classification and reclassification of public land under the LEP. However, it is classified as ‘Community’ land.

1.4 Surrounding area

Site 1 is located on the eastern boundary of the Mulgrave Industrial and Business Precinct and interfaces with Windsor Road (Figure 3 – left image). Further east of the site, land zoned RU4 Primary Production Small Lots.

Site 2 is surrounded by a mix of residential and rural residential land uses (Figure 3 – right image) with low density residential to the west and south; and rural land to the north and east.

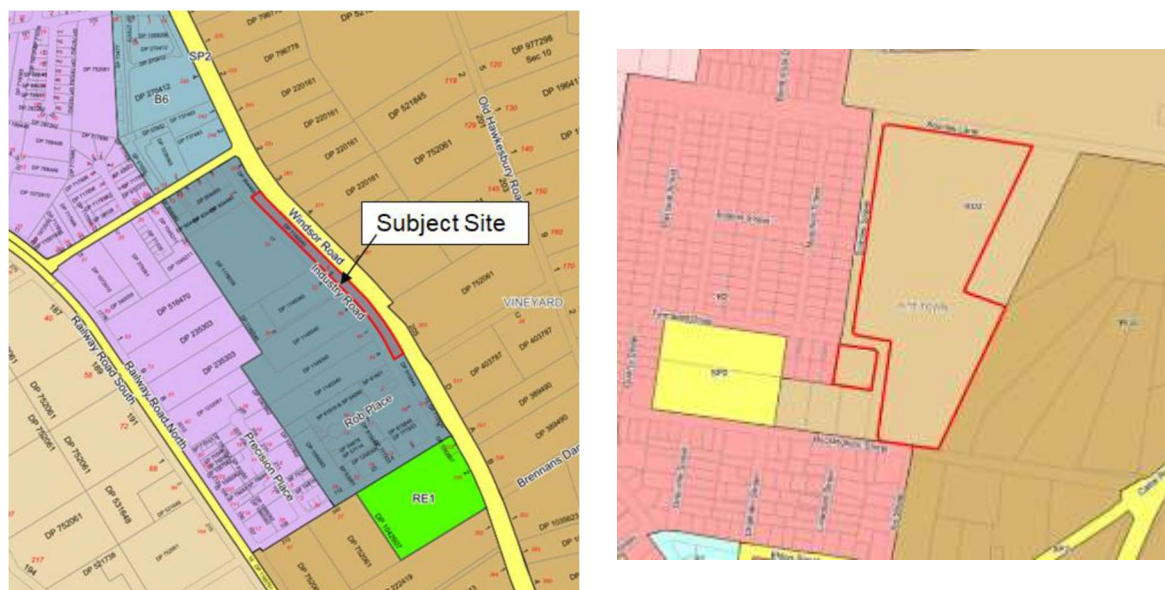


Figure 3 Surrounding Locality, Site 1 – Vineyard (L) and Site 2 – Pitt Town (R)

1.5 Summary of recommendation

The planning proposal has merit and should proceed subject to conditions as it is consistent with the strategic planning framework. It will enable Council to utilise Site 1 for advertising purposes while maintaining its predominant use as a public reserve and enable Council to progress with a consolidated community and recreational facility on Site 2 and to assist with funding the delivery of this facility.

2. PROPOSAL

2.1 Objectives or intended outcomes

The objectives of the planning proposal are to enable Council to:

- Consider new advertising models such as updated billboard signage, electronic signage or advertising structure on Site 1 and lease the use of the existing signs to provide an income stream for Council;
- Develop Site 2 for community, recreation and sporting facilities for public use; and
- Dispose of surplus land on Site 2 in accordance with Council’s resolution on 30 October 2018 (**Attachment A9**).

2.2 Explanation of provisions

The proposed outcomes will be achieved by the following amendments to Hawkesbury LEP 2012:

- Amend *Part 1 of Schedule 4 Classification and reclassification of public land* to insert Lot 9 DP 1149340 (9 Industry Road), Lot 13 DP 815849 and Lot 6 DP 777933 (312 Windsor Road, Vineyard) as 'Operational' land.
- Amend *Part 2 of Schedule 4 Classification and reclassification of public land* to insert part of Lot 6028 DP 1169449 as 'Operational' land (4,299m² parcel of land south-west of Fernadell Drive) supported by a Land Reclassification map;
- Rezone part of Lot 6028 DP 1169449 from RU2 Rural Landscape to RE1 Public Recreation;
- Amend the minimum lot size from 10ha to part no minimum lot size and part 4,000m² (south – western corner); and
- Remove the maximum height of buildings to part of Lot 6028 associated with the proposed RE1 land and retain part 10m for the remainder of the site.

The planning proposal does not correctly identify the proposed amendments to Schedule 4 Classification and reclassification of public land, minimum lot size map or height of buildings map. However, Council's resolution (**Attachment A4**), Council's report and the Local Planning Panel minutes reflect the correct amendments. These are discussed further below.

2.3 Mapping & associated LEP clause amendments

The planning proposal includes amendments to mapping under *Hawkesbury Local Environmental Plan 2012*. Mapping amendments are only associated with Site 2, excerpts of the land use zoning, lot size, height of buildings and reclassification maps are provided in Figures 4-7:

Land use zoning map

The proposal seeks to rezone Site 2 from RU2 Rural Landscape to part RE1 Public Recreation as shown in Figure 4 to enable the delivery of community facilities and recreational facilities.



Figure 4 Existing (L) and Proposed (R) Land Use Zoning map for Site 2

Minimum lot size map

The proposal seeks to amend the minimum lot size map for Site 2 from 10 ha to part 4,000m² and part no minimum lot size as shown in Figure 5 in enable the subdivision of surplus land.

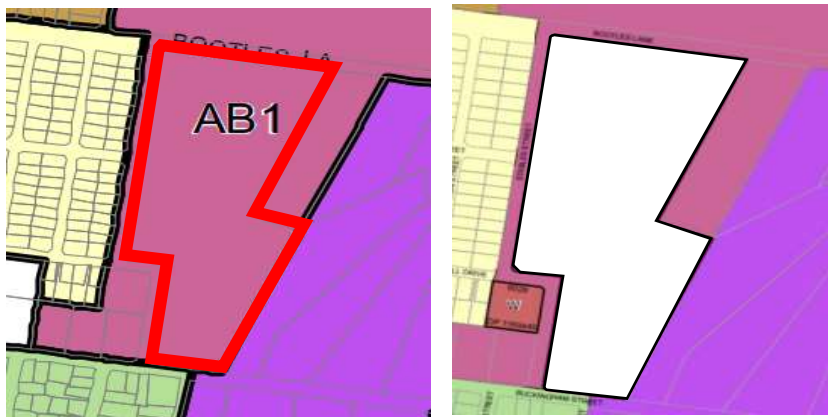


Figure 5 Existing (L) and Proposed (R) Minimum Lot Size Map for Site 2

The proposed amendments to the lot size map were outlined in Council's report (**Attachment A3**) and within Council's resolution dated 10 March 2020 (**Attachment A4**) however the planning proposal document does not include this amendment. The commentary in Council's report is required to be included within the planning proposal. The Gateway has been conditioned accordingly.

Height of buildings map

The proposal seeks to remove the maximum height of buildings for part of Site 2 as shown in Figure 6. The removal of the maximum building height on RE1 land is consistent with other land zoned RE1 within Hawkesbury LGA.



Figure 6 Existing (L) and Proposed (R) Maximum Height of Buildings map for Site 2

The proposed amendment to maximum height of buildings was outlined in Council's report (**Attachment A3**) and within Council's resolution dated 10 March 2020 (**Attachment A4**) however the planning proposal document does not include this amendment. The commentary in Council's report is required to be included within the planning proposal. The Gateway has been conditioned accordingly.

Amendments to *Schedule 4 Classification and reclassification of public land* of the LEP is also required as per Tables 1 and 2 below.

Table 1: Proposed amendments to Part 1, Schedule 4 of Hawkesbury LEP 2012

Schedule 4 Classification and reclassification of public land	
Part 1 Land Classified, or reclassified, as operational land – no interests changed	
Column 1	Column 2
Locality	Description
Vineyard, 9 Industry Road	Lot 9 DP 1149340
Vineyard, 312 Windsor Road	Lot 13 DP 845849, Lot 6 DP 777933

Table 2: Proposed amendments to Schedule 4 of Hawkesbury LEP 2012

Schedule 4 Classification and reclassification of public land		
Part 2 Land Classified, or reclassified, as operational land – interests changed		
Column 1	Column 2	Column 3
Locality	Description	Any trusts etc not discharged
Pitt Town, 7 Fernadell Drive (part of)	Part of Lot 6028 DP 1169449 identified as 'Operational Land' on the Land Reclassification (Part Lots) Map	Nil

The Certificate of Title for Site 2 (Lot 6028 DP1169449) identifies the land as a public reserve. As part of Lot 6028 will no longer be for the purposes of a public reserve, the proposed reclassification is to be included within Schedule 4, Part 2 – interests changed. The commentary provided in Council's report (**Attachment A3**) is correct. However, the planning proposal is required to be updated with the correct details. The Gateway has been conditioned accordingly.

Proposed Land Reclassification Map

A land reclassification map is required to support the proposed reclassification for Site 2 as the reclassification only applies to part of Lot 6028.

The proposal seeks to include the reclassification map to support amendment to Schedule 4 of the LEP as shown in Figure 7. The map included within the planning proposal is incorrect, however it is correct within Council's report (**Attachment A3**). The correct map is to be included within the planning proposal. The Gateway has been conditioned accordingly.



Figure 7 Excerpt of proposed Land Reclassification (Part Lots) map

3. NEED FOR THE PLANNING PROPOSAL

The proposal states that the reclassification for Site 1 would enable Council to utilise existing advertising structures to provide another income stream for Council. The reclassification will not change the use of the site as a public reserve. Council resolved on 11 September 2018 (**Attachment A6**) to support the preparation of a planning proposal for Site 1.

In respect of Site 2, Council resolved at its meeting on 30 October 2018 (**Attachment A9**) to support the preparation of a planning proposal to amend the zoning and reclassification for the land to enable the delivery of a multi-function community, recreation and sporting facility on part of the site. The amendments also included the reclassification of the 4,299m² Community Centre part of the site in order to sell land to assist in funding the delivery of the community and recreation facility. Council also resolved on the same date to update the Contributions Plan 2015 to delete the requirement for Council to retain the 4,299m² community centre.

Council is preparing a draft plan of management and masterplan for Fernadell Park however these have not been finalised for exhibition purposes.

Council has not undertaken any financial modelling to understand the potential income stream for either of the Sites. In respect of Site 1, any income generated will be reinvested or used for community benefit. In respect of Site 2, the income will assist in the delivery of the community and recreation facility.

The reclassification of Site 1 and the surplus land from Site 2 is the best means of achieving the objectives and intended outcomes of the planning proposal, given that, as 'Community' land, the subject sites cannot be leased or sold. Reclassifying the whole or part of subject sites to 'Operational' land will facilitate better usage, and management of the site.

4. STRATEGIC ASSESSMENT

4.1 District

Western City District Plan

The Western City District Plan was released in March 2018, establishing a 20- year plan to manage growth through a set of planning priorities and actions. The proposal gives effect to the Western City District Plan in accordance with section 3.8 of the *Environmental Planning and Assessment Act 1979* and gives effect to the following planning priorities of the Plan:

Planning Priority W11 Growing investment, business opportunities and jobs in strategic centres

The proposed amendments to Site 1 supports this priority as the proposal will enable Council to lease the existing billboard to advertise local business within proximity of the strategic Richmond-Windsor centre.

Planning Priority W17 Better managing rural areas

Sites 1 and 2 are identified within the Metropolitan Rural Area (MRA). The planning proposal is consistent with the objective under Priority W17 *environmental, social and economic values in rural areas are to be protected and enhanced as:*

- Amendments to Site 1 will not enable in a change in use of Site 1 which will remain a public reserve.
- Amendments to Site 2 will enable development for recreational and community facilities to support the previously approved residential expansion of Pitt Town. No additional rural residential lots will be physically created as a result of this proposal due to the construction of a new local road severing the site.

Planning Priority W18 Delivering high quality open space

The proposed amendments for Site 2 are in response to the expansion of the residential precinct in Pitt Town and will retain the subject land as a public reserve, providing pedestrian access, vegetation and passive space; and will also assist in the delivery of a community facility.

The proposal will enable the Site to be used for its intended purpose being a community and recreational facility. Council is in the process of developing a masterplan for this Site which will support the delivery of high quality open space.

4.3 Local

Hawkesbury Community Strategic Plan 2017-2036

The following items within the Hawkesbury Community Strategic Plan are relevant to the proposal:

- Theme 1.3 Financial Sustainability - Build strong financial sustainability for now and future generations
- Theme 2.3 Community partnerships continue to evolve.

The reclassification of Site 1 will assist Council by creating an income stream by utilising the land and existing advertising billboard, whilst retaining the land for use as a public reserve.

The reclassification of part of Site 2 will ensure the provision of community and recreation facilities are timely and meet the needs of the community. The current strategic planning process involves a collaborative community engagement process to ensure a Council/community partnership in the design of the Pitt Town Community Precinct.

Local Planning Panel

The planning proposal was presented to the Hawkesbury Local Planning Panel Meeting (**Attachment A10**) at 21 November 2019 under section 2.19(1)(b) of the *Environmental Planning and Assessment Act 1979* prior to submitting the proposal to the Department for Gateway. The Panel supported the planning proposal and recommended that the Council forward the planning proposal to Gateway (**Attachment A11**).

Draft Local Strategic Planning Statement

The planning proposal does not include an assessment under the Draft Hawkesbury Local Strategic Planning Statement. It is recommended for the Gateway determination to include a condition for the planning proposal to be updated prior to public exhibition to include an assessment under the draft LSPS.

4.4 Section 9.1 Ministerial Directions

Direction 1.1 Business and Industrial Zones

The objectives of this Direction are to encourage employment growth in suitable locations, protect employment land in business and industrial zones and support the viability of identified strategic centre. A planning proposal must retain the areas and locations of existing business and industrial zones and not reduce the total potential floor area for employment uses and related public services.

This Direction is applicable to Site 1 (Vineyard) – the proposal retains the site's B5 Business Development zoning and is consistent with this Direction.

Direction 1.2 Rural Zones

The objective of this Direction is to protect the agricultural production value of rural land. A planning proposal must not rezone land from rural zone to residential, business, industrial, village or tourist zone and must not contain provisions that will increase the permissible density of land within a rural zone (other than land within an existing town or village).

This Direction is applicable to Site 2 – Pitt Town as the planning proposal seeks to rezone part of rural land (RU2 Rural Landscape) to RE1 Public Recreation. RE1 is not listed as a land use in which rural land cannot be zoned under the Direction. The proposal is consistent with this Direction.

Direction 2.6 Remediation of Contaminated Land

The objective of this Direction is to reduce the risk of harm to human health and the environment by ensuring that contamination and remediation are considered by planning proposal authorities.

This Direction came into effect 17 April 2020. Council resolved to forward the planning proposal to the Department for a Gateway determination in 10 March 2020. As such, this Direction is not applicable.

Council has submitted a site audit statement (**Attachment A12**) for part of Site 2 confirming it is suitable for residential use. It is recommended for the Gateway determination to include a condition requiring the planning proposal be updated prior to exhibition to assess whether the land is contaminated and for a preliminary site investigation to be undertaken for Site 2 in accordance with the contaminated land planning guidelines.

Direction 4.1 Acid Sulfate Soils

The objective of this Direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.

This Direction is applicable to both sites within the planning proposals as they are mapped as containing “Class 5 Acid Sulfate Soils” under Hawkesbury LEP. This Direction requires a planning proposal must not propose an intensification of land identified as having a probability of containing acid sulfate soils unless the relevant planning authority has considered an acid sulfate soil study assessing the appropriateness of the change of land use prior to exhibition.

An acid sulfate soil study has not been included in the planning proposal.

Class 5 is considered the least constrained class of acid sulfate soils. The Hawkesbury LEP 2012 also contains provisions under clause 6.1 Acid Sulfate Soils which ensures any future development does not disturb, expose or drain acid sulfate soils and cause environmental damage.

Any inconsistency with this Direction is considered of minor significance.

Direction 4.3 Flood Prone Land

The objectives of this Direction are to:

- (a) ensure that the development of flood prone land is consistent with the NSW Government’s Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005, and
- (b) ensure that the provisions of an LEP on flood prone land are commensurate with flood hazard and includes consideration of the potential flood impacts both on and off subject land.

Both sites are affected by the 1 in 100 year flood event (Figure 8). This Direction states a planning proposal must not rezone land within the flood planning areas from Special Use, Special Purpose, Recreation, Rural or Environmental Protection Zones to a Residential, Business, Industrial, Special Use or Special Purpose zone. None of the proposed amendments propose such a land use zone change, the proposal is consistent with this aspect of the Direction.

Hawkesbury Local Environmental Plan 2012 Clause 6.3 – Flood planning and Council’s Development of Flood Liable Land Policy will apply to future development of the subject site.

The planning proposal will not amend flooding provisions of the *Hawkesbury Local Environmental Plan 2012* which give effect and are consistent with the NSW Flood Prone Land Policy and the principles of the *Floodplain Development Manual 2005*. Further, no new provisions are proposed which would permit or intensify development in floodway or high hazard areas, increase flood impacts on other

properties or result in increased demand for government spending on flood mitigation measures infrastructure or services.

The planning proposal is consistent with Direction 4.3 Flood Prone Land.



Figure 8 Site 1 – Vineyard (L) and Site 2 – Pitt Town (R) 1 in 100 year flood mapping

Direction 4.4 Planning for Bushfire Protection

The objectives of this Direction are:

- (a) to protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, and
- (b) to encourage sound management of bush fire prone areas.

In the preparation of a planning proposal the relevant planning authority must consult with the Commissioner of the NSW Rural Fire Service following receipt of a Gateway determination prior to exhibition and consider any comments made.

Both sites are shown as being either partially bushfire prone, or within the immediate vicinity of bushfire prone land, on the NSW Rural Fire Service’s Bushfire Prone Land Map.

It is recommended the Gateway determination includes a requirement for the planning proposal to be referred to the NSW Rural Fire Service for comment prior to exhibition and for the proposal to be updated to be consistent with any NSW RFS comments. Therefore, the consistency will remain unresolved until this requirement

Direction 6.2 Reserving Land for Public Purposes

The objectives of this Direction are to facilitate the provision of public services and facilities by reserving land for public purposes and to facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition.

This Direction states a planning proposal must not create, alter or reduce existing zonings or reservations or land for public purposes without the approval of the relevant public authority and the Director-General of the Department of Planning.

The planning proposal seeks to maintain the public reserve use for Site 1 and the majority of Site 2. For the remainder of Site 2, the proposal is seeking to reclassify from 'community' to 'operational' and remove the 'public reserve' interest apply to the portion of that land.

As Council is the relevant public authority for this land and seeks the changes, the changes are considered to be justified. The Department does not have any objection to the proposed change therefore the proposal is consistent with this Direction.

4.5 State environmental planning policies (SEPPs)

State Environment Planning Policy No.19 – Bushland in Urban Areas

The general aim of this SEPP is to protect and preserve bushland within the urban areas.

The planning proposal does not propose to clear or disturb any of the bushland located on Site 1 – Vineyard and is consistent with this SEPP.

State Environmental Planning Policy (Primary Production and Rural Development) 2019

The general aim of this SEPP is to facilitate the orderly economic use and development of lands for primary production and reduce land use conflict and sterilisation.

Site 2 – Pitt Town seeks to rezone RU2 land to RE1. The proposal notes this site is on an urban interface that has been acquired by Council for the purposes of providing community and recreation facilities, the rural land is no longer being utilised for agricultural purposes and is located within an existing residential community.

The proposal is consistent with this SEPP.

Sydney Regional Environmental Plan No. 20 - Hawkesbury - Nepean River (No.2 - 1997) (deemed SEPP)

The aim of this deemed SEPP is to protect the environment of the Hawkesbury-Nepean River system by ensuring that the impacts of future land uses are considered in a regional context.

The proposal's subject sites likely future land uses, being community and recreational facilities, or advertising, would be able to satisfy the planning policies and development controls contained within the Action Plan of the Hawkesbury-Nepean Environmental Planning Strategy. It is appropriate for these actions to be addressed at the development application stage.

The planning proposal is consistent with this deemed SEPP.

5. SITE-SPECIFIC ASSESSMENT

5.1 Social

Site 1: 9 Industry Road, Vineyard and 312 Windsor Road, Vineyard

There are no negative social impacts associated with the proposal. The reclassification allows for Council to collect revenue from advertising items with the income to be reinvested or used for community benefit. It will also promote businesses within the locality.

Site 2: 7 Fernadell Drive, Pitt Town

The amendments to Site 2 will have a positive social outcome for the community. The proposal will facilitate the delivery of the community and recreational facility on the site supporting the purpose Site 2 was originally acquired by Council.

5.2 Environmental

Site 1: 9 Industry Road and 312 Windsor Road, Vineyard

Council's report (**Attachment A2**) states Lots 9 and 13 are mapped with some stands of *Shale Plains Woodland* and *Shale Gravel Transition Forest* which are Critically Endangered Ecological Community and Endangered Ecological Community respectively under the NSW *Biodiversity Conservation Act 2016*.

The site is mapped in the Hawkesbury's LEP Terrestrial Biodiversity map (Figure 9).

As noted in the proposal, Council's consulting ecologist advised that:

- The majority of the reserve is cleared with a mown understory including a number of exotic grasses.
- Small patch of *Cumberland Plains Woodland (Shale Plains Woodland)* is in relatively good condition (rated as high biodiversity priority rank) at the northern parts of Industry Reserve.
- Small clump of trees exists, aligning with Shale Gravel Transition Forest in a disturbed condition with an exotic understory towards the southern parts of the Reserve.
- There is no connectivity with adjoining habitat, no recorded threatened flora or fauna species.
- Longer term viability of the existing Cumberland Plains Woodland (Shale Plains Woodland) is low.

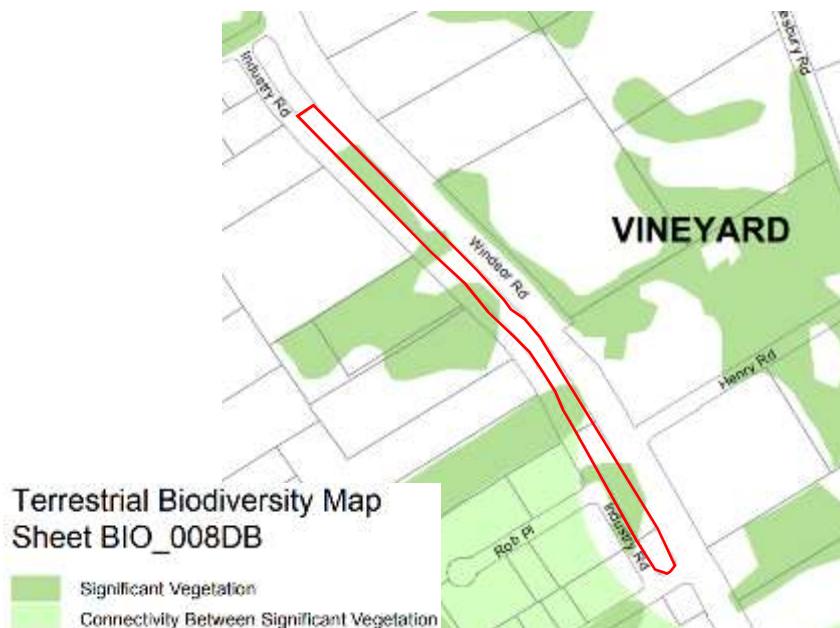


Figure 9 LEP Terrestrial Biodiversity Map

The proposal is not likely to have any adverse environmental impacts on the identified vegetation and Council's resolution (**Attachment A4**) notes the public reserve will be maintained and vegetation on site will be protected.

As discussed earlier in this report the proposal is not likely to have any flooding impacts and it is recommended the Gateway determination required consultation with NSW Rural Fire Service prior to exhibition.

Site 2: 7 Fernadell Drive, Pitt Town

The site is identified as containing Agriculture Land Classification 2 and 3 in the maps prepared by the former NSW Department of Agriculture.

The main potential environmental impacts to be further examined as the master planning, plan of management and development application processes progress for the subject land would be:

- flooding and drainage;
- traffic and parking;
- public access and safety/ security; and
- urban design and visual impacts.

These matters would be best addressed at the time of any future development assessment process.

As discussed earlier in this report the proposal is not likely to have any flooding impacts and it is recommended the Gateway determination required consultation with NSW Rural Fire Service prior to exhibition.

5.3 Economic

Site 1: 9 Industry Road and 312 Windsor Road, Vineyard

As discussed earlier in this report, the proposal seeks to reclassify the subject site from 'Community' to 'Operational' land to enable Council to lease the existing billboard on the site for current and future business advertisement purposes. As a result, this will have positive economic impacts in promoting businesses in the locality.

The Department notes that Council has not undertaken analysis to inform the amount of income generated from the proposal, nor has it developed a plan for how to utilise the funds. However, Council has noted that any income stream generated will pay for the fees associated with this planning proposal and towards other activities and services for community benefit.

Site 2: 7 Fernadell Drive, Pitt Town

The proposal will enable the delivery of the community and recreational facility on the proposed RE1 land. It is noted Council has not undertaken an analysis of the potential income the sale of the land proposed to be reclassified.

The Section 7.11 Contributions Plan 2015 will be required to be updated as a result of this planning proposal, consistent with Council's resolution from 30 October 2018 (**Attachment A9**).

6. CONSULTATION

6.1 Community

The public exhibition is appropriate and should be made available to community consultation for a minimum of 28 days.

A public hearing is required as the proposal involves reclassifying public land.

6.2 Agencies

It is recommended the Gateway determination, at a minimum, require consultation with the following agencies:

- NSW Rural Fire Service;
- Transport for NSW; and
- Environment, Energy and Science.

7. TIME FRAME

The recommended timeframe to finalise this planning proposal is 12 months.

8. LOCAL PLAN-MAKING AUTHORITY

Council has requested to be the local plan-making authority.

Council will not be designated the authority to be the plan-making authority as the planning proposal involves Council-owned land.

9. CONCLUSION

The planning proposal has merit and should proceed subject to conditions as it will enable Council access to additional revenue to contribute to activities and services for community benefit through Site 1 – Vineyard. It will also assist in the delivery of a combined community recreational and sporting facilities through the sale of excess land at Site 2 – Pitt Town.

10. RECOMMENDATION

It is recommended that the delegate of the Secretary:

1. agree that any inconsistencies with section 9.1 Directions 4.1 Acid Sulfate Soils are minor or justified; and
2. note that the consistency with section 9.1 Direction 4.4 Planning for Bushfire Protection is unresolved and will require justification.

It is recommended that the delegate of the Minister determine that the planning proposal should proceed subject to the following conditions:

1. Prior to public exhibition, Council is to amend the planning proposal as follows:
 - (a) Under Part 2 – Explanation of Provisions, update to reflect the correct amendments to the lot size map, height of buildings map, Schedule 4 Classification and reclassification of public land and supporting reclassification map;
 - (b) Under Part 3 – Justification, amend the following:

- a. remove the reference to the previous region plan '6.2.1 A Plan for Growing Sydney';
 - b. include a commentary on the proposal's consistency with Planning Priority 17 Better Managing Rural Areas of the Western City District Plan;
 - (c) Include assessment under the Hawkesbury Draft Local Strategic Planning Statement;
 - (d) Undertake a preliminary site investigation in accordance with the contaminated land planning guidelines for 7 Fernadell Drive, Pitt Town; and
 - (e) Consult the NSW Rural Fire Service prior to public exhibition in accordance with Section 9.1 Direction 4.4 Planning for Bushfire Protection and address any comments from this agency.
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 under section 3.34(2)(d) of the Act and/or to comply with the requirements of relevant section 9.1 Directions:
 - NSW Rural Fire Service
 - Environment, Energy and Science
 - Transport for NSW

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.
 4. A public hearing is required to be held into the matter by any person or body under section 3.34(2)(e) of the Environmental Planning and Assessment Act 1979 and Section 29 of the Local Government Act 1993. After the public exhibition period has ended, at least 21 days public notice is to be given before the hearing is held.
 5. Given the planning proposal seeks to reclassify Council land, Council should not be authorised to be the local plan-making authority to make this plan.
 6. The time frame for completing the LEP is to be **12 months** from the date of the Gateway determination.



5 August 2020

Elizabeth Kimbell
Acting Manager, The Hills Shire and
Hawkesbury

Gina Metcalfe
Acting Director, Central (Western)
Central River & Western Parkland
City

Assessment officer: Wesley Nie
Para Planner, Central River City & Western Parkland City
Phone: 9860 1543