



16 DEC 2013

Contact: Chris Browne
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Postal: GPO Box 39, Sydney NSW 2001

Our ref: PP_2013_HAWKE_004_00 (13/17483)
Your ref: LEP002/12

Mr Peter Jackson
General Manager
Hawkesbury City Council
PO Box 146
WINDSOR NSW 2756

Dear Mr Jackson,

Planning proposal to amend Hawkesbury Local Environmental Plan 2012

I am writing in response to your Council's letter dated 2 October 2013 requesting a Gateway determination under section 56 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") in respect of the planning proposal to rezone 34 hectares of land from RU4 Primary Production Small Lots to B7 Business Park and amend Schedule 1 (Additional Permitted Uses) to include bulky goods premises on part of the site.

As delegate of the Minister for Planning and Infrastructure, I have now determined the planning proposal should proceed subject to the conditions in the attached Gateway determination.

I have also agreed the planning proposal's inconsistencies with S117 Directions 1.1 Business and Industrial Zones, 1.2 Rural Zones, 2.3 Heritage Conservation and 4.1 Acid Sulphate Soils are of minor significance. No further approval is required in relation to these Directions.

It is noted that the planning proposal will support the subsequent lodgement of a Development Application for a Masters Store development on the north-west portion of the site and a concept plan has been drafted for the future development of this land. Given the advanced stage of a development concept, Council should consider zoning the portion of the site to an appropriate zone such as B5 Business Development rather than including 'bulky goods premises' as an additional permitted use. Council should amend the planning proposal accordingly should this mechanism be favoured.

The Minister delegated his plan making powers to councils in October 2012. It is noted that Council has not 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.

Council may still need to obtain the Director General's agreement to satisfy the requirements of relevant S117 Directions. Council should ensure this occurs prior to the plan being made.

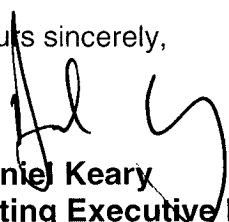
The State Government is committed to reducing the time taken to complete LEPs by tailoring the steps in the process to the complexity of the proposal, and by providing clear and publicly available justification for each plan at an early stage. In order to meet these commitments, the Minister may take action under section 54(2)(d) of the EP&A Act if the time frames outlined in this determination are not met.



SCANNED

Should you have any queries in regard to this matter, please contact Chris Browne of the regional office of the department on 02 9860 1560.

Yours sincerely,


12/12/13
Daniel Keary
Acting Executive Director
Metropolitan Planning
Planning Operations & Regional Delivery

Encl:

Gateway Determination

Written Authorisation to Exercise Delegation

Attachment 5 – Delegated Plan Making Reporting Template

Gateway Determination

Planning proposal (Department Ref: PP_2013_HAWKE_004_00): to rezone land from RU4 to B7 and amend Schedule 1 (Additional Permitted Uses) to include bulky goods premises.

I, the Acting Executive Director, Metropolitan Planning at the Department of Planning and Infrastructure as delegate of the Minister for Planning and Infrastructure, have determined under section 56(2) of the EP&A Act that an amendment to the Hawkesbury Local Environmental Plan (LEP) 2012 to rezone 34 hectares of land from RU4 Primary Production Small Lots to B7 Business Park and amend Schedule 1 (Additional Permitted Uses) to include bulky goods premises on part of the site should proceed subject to the following conditions:

1. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act and/or to comply with the requirements of relevant S117 Directions:
 - Office of Environment and Heritage (to demonstrate consistency with S117 Direction 4.3 Flood Prone Land)
 - Hawkesbury – Nepean Catchment Management Authority
 - Department of Trade and Investment
 - Office of Water
 - State Emergency Service (to demonstrate consistency with S117 Direction 4.3 Flood Prone Land)
 - Transport for NSW – Sydney Trains
 - Transport for NSW – Roads and Maritime Services
 - Endeavour Energy
 - Transgrid
 - Sydney Water
 - Telstra
 - Commonwealth Department of Defence (to demonstrate consistency with S117 Direction 3.5 Development Near Licensed Aerodromes)

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.

Once the above consultation with public authorities has been undertaken, Council is to update the planning proposal to reflect the outcomes of the work and consultation undertaken prior to exhibition. Further, Council is to identify how the planning proposal seeks to amend the building height and minimum lot size, and include the amended maps for the purposes of public exhibition.

2. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A 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 & Infrastructure 2013)*.
3. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it



Planning & Infrastructure

may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

4. The timeframe for completing the LEP is to be **15 months** from the week following the date of the Gateway determination.

Dated 12TH day of DECEMBER 2013.

A handwritten signature in black ink, appearing to read "Daniel Keary".

Daniel Keary
Acting Executive Director
Metropolitan Planning
Planning Operations & Regional Delivery

**Delegate of the Minister for Planning and
Infrastructure**



WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Hawkesbury City Council is authorised to exercise the functions of the Minister for Planning and Infrastructure 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_2013_HAWKE_004_00	Planning proposal to rezone 34 hectares of land from RU4 Primary Production Small Lots to B7 Business Park and amend Schedule 1 (Additional Permitted Uses) to include bulky goods premises

In exercising the Minister's functions under section 59, the Council must comply with the Department's "*A guide to preparing local environmental plans*" and "*A guide to preparing planning proposals*".

Dated 12/12/2013

A handwritten signature in black ink, appearing to read "Daniel Keary".

Daniel Keary
Acting Executive Director
Metropolitan Planning
Planning Operations & Regional Delivery

Attachment 5 – Delegated plan making reporting template

Notes:

- Planning proposal number will be provided by the department following receipt of the planning proposal
- The department will fill in the details of Tables 1 and 3
- RPA is to fill in details for Table 2
- If the planning proposal is exhibited more than once, the RPA should add additional rows to **Table 2** to include this information
- The RPA must notify the relevant contact officer in the regional office in writing of the dates as they occur to ensure the department's publicly accessible LEP Tracking System is kept up to date
- A copy of this completed report must be provided to the department with the RPA's request to have the LEP notified

Table 1 – To be completed by the department

Stage	Date/Details
Planning Proposal Number	PP_2013_HAWKE_004_00
Date Sent to Department under s56	12 November 2013
Date considered at LEP Review Panel	05 December 2013
Gateway determination date	

Table 2 – To be completed by the RPA

Stage	Date/Details	Notified Reg Off
Dates draft LEP exhibited		
Date of public hearing (if held)		
Date sent to PCO seeking Opinion		
Date Opinion received		
Date Council Resolved to Adopt LEP		
Date LEP made by GM (or other) under delegation		
Date sent to DP&I requesting notification		

Table 3 – To be completed by the department

Stage	Date/Details
Notification Date and details	

Additional relevant information: