



Hawkesbury City Council

attachment 1  
to  
item 223

Gateway Determination

date of meeting: 12 November 2013  
location: council chambers  
time: 6:30 p.m.





Hawkesbury City Council

- 1 AUG 2012

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Our ref: PP\_2012\_HAWKE\_002\_00 (12/08555-1)  
Your ref:

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

Dear Mr Jackson,

### **Planning Proposal to amend the Hawkesbury Local Environmental Plan 1989**

I am writing in response to your Council's letter 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 180 ha land at 108 Grose Vale Road, North Richmond (Lot 27 DP1042890) from Consolidated Land Holdings Zone under Hawkesbury Local Environmental Plan 1989 (HLEP 1989) to a range of urban zones under the draft Hawkesbury LEP 2012.

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

I have also agreed that the planning proposal's inconsistencies with S117 Direction 1.2 Rural Zones, 4.3 Flood Prone Land, 6.2 Reserving Land for Public Purposes and 7.1 Implementation of the Metropolitan Plan for Sydney 2036 are of minor significance. No further approval is required in relation to these Directions.

While the subject land is identified as part of the North Richmond future investigation area in Council's Hawkesbury Residential Land Strategy, I note that there are issues of access and other infrastructure to be resolved. I also note that the proponent has undertaken to meet necessary infrastructure costs. Council will therefore need to consider what negotiations are needed to be undertaken with state agencies and the proponent to ensure adequate infrastructure details are placed on public exhibition as part of the planning proposal.

The amending Local Environmental Plan (LEP) is to be finalised within 24 months of the week following the date of the Gateway Determination. Council should aim to commence the exhibition of the Planning Proposal within four (4) weeks from the week following this determination. Council's request for the Department to draft and finalise the LEP should be made six (6) weeks prior to the projected publication date.

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 s54(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 Cho Cho Myint of the Regional Office of the Department on 02 9860 1560.

Yours sincerely,

*SHaddad*

**Sam Haddad**  
**Director-General**

27/7/2012

## Gateway Determination

*Planning Proposal (Department Ref: PP\_2012\_HAWKE\_002\_00): to rezone land at 108 Grose Vale Road, North Richmond (Lot 27 DP1042890) from Consolidated Land Holdings Zone under Hawkesbury Local Environmental Plan 1989 (HLEP 1989) to a range of urban uses under the draft Hawkesbury LEP 2012*

I, the Director General, 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 1989 to rezone land at 108 Grose Vale Road, North Richmond (Lot 27 DP1042890) from Consolidated Land Holdings Zone under Hawkesbury Local Environmental Plan 1989 (HLEP 1989) to a range of urban uses under the draft Hawkesbury LEP 2012 should proceed subject to the following conditions:

1. Council is to finalise the TMAP and approve of an approach to access and funding arrangements. This agreement is to form part of a negotiated draft voluntary planning agreement with the proponent and other relevant agencies ensuring that any development of the land occurs at no cost to government. The draft voluntary planning agreement is to be exhibited with the planning proposal.
2. Council is to finalise a Conservation Management Plan and obtain endorsement of the Plan from the Heritage Council.
3. Council is to provide a response to S117 Direction 4.1 Acid Sulphate Soils and include this response within the public exhibition material.
4. Following completion of the work required by the above conditions and prior to the commencement of community consultation, Council is to revise the planning proposal, where necessary and provide a copy of the proposal and relevant information to the Department's Regional Office.
5. 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 **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 4.5 of *A Guide to Preparing LEPs (Department of Planning 2009)*.
6. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
  - Transport for NSW – Roads and Maritime Services
  - Sydney Water
  - Office of Environment and Heritage
  - NSW Aboriginal Land Council
  - Hawkesbury – Nepean Catchment Management Authority

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.



## Planning & Infrastructure

7. Further to Condition 6 above, Council is to consult with the Commissioner of the NSW Rural Fire Service, prior to the commencement of community consultation and take into account any comments made as per the requirements of S117 Direction 4.4 Planning for Bushfire Protection. Council is to amend the planning proposal, if necessary, and forward a copy of the revised planning proposal to the Department.
8. 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 may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
9. The timeframe for completing the LEP is to be **24 months** from the week following the date of the Gateway determination.

Dated 27<sup>th</sup> day of July 2012.

SHaddad  
**Sam Haddad**  
**Director-General**  
**Delegate of the Minister for Planning and**  
**Infrastructure**