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Our ref: PP\_2016\_HAWKE\_009\_00 (16/11741)  
Your ref: LEP010/16

Mr Laurie Mifsud  
Acting General Manager  
Hawkesbury City Council  
PO Box 146  
Windsor NSW 2756

Attention: Colleen Haron

Dear Mr Misfud

### **Planning proposal to amend Hawkesbury Local Environmental Plan 2012**

I am writing in response to Council's letter dated 31 August 2016 requesting a Gateway determination under section 56 of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the planning proposal to amend *Hawkesbury Local Environmental Plan 2012* by altering the Lot Size Map (LSZ\_008A) to enable a two (2) lot subdivision with minimum lot sizes of 4,000 metres square and 2 hectares.

As delegate of the Greater Sydney Commission, I have now determined the planning proposal should proceed subject to the conditions in the attached Gateway determination.

I have also agreed, as delegate of the Secretary, the planning proposal's inconsistencies with S117 Directions 1.2 Rural Zones, 3.4 Integrated Land Use and Transport and 4.1 Acid Sulfate Soils are of minor significance. No further approval is required in relation to these Directions.

Plan making powers were delegated to councils in October 2012. It is noted that Council has 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.

The amending Local Environmental Plan (LEP) is to be finalised within 9 months of the week following the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request to draft and finalise the LEP should be made directly to Parliamentary Counsel's Office 6 weeks prior to the projected publication date. A copy of the request should be forwarded to the Department of Planning and Environment for administrative purposes.

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 Commission may take action under section 54(2)(d) of the Act if the time frames outlined in this determination are not met.

Should you have any queries in regard to this matter, I have arranged for Ms Alicia Hall of the Department's regional office to assist you. Ms Hall can be contacted on (02) 9860 1587.

Yours sincerely



23/09/16

**Catherine Van Laeren**  
**Director, Sydney Region West**  
**Planning Services**

Encl:  
Gateway Determination  
Written Authorisation to Exercise Delegation  
Attachment 5 – Delegated Plan Making Reporting Template



## Gateway Determination

**Planning proposal (Department Ref: PP\_2016\_HAWKE\_009\_00):** to amend the Lot Size Map (LSZ\_008A) to enable a two (2) lot subdivision with minimum lot sizes of 4,000 metres square and 2 hectares.

I, the Director, Sydney Region West, Planning Services at the Department of Planning and Environment, as delegate of the Greater Sydney Commission, have determined under section 56(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the *Hawkesbury Local Environmental Plan (LEP) 2012* to amend the Lot Size Map to allow a minimum lot size of 4000m<sup>2</sup> and 2 hectares should proceed subject to the following conditions:

1. Prior to undertaking public exhibition, Council is to amend the planning proposal, as follows:
  - append its logo (and relevant address details) on the cover sheet of the proposal;
  - amend 4.2 Part 2 - Explanation of Provisions, so that the mechanism to achieve the proposed amendment is clearly explained, including that a curtilage boundary has been determined and the LEP heritage map is proposed to be amended accordingly;
  - inclusion of a diagram showing the existing site, land use zone and the immediate surrounding area, containing a legend and north point); and,
  - an extract of the relevant part of the existing lot size map (LSZ\_008A) and the proposed minimum lot size diagram, containing a legend and north point.
2. To ensure that adequate sewerage management is available to both lots, preparation of an onsite effluent disposal report is to form part of the exhibition material.
3. To ensure consistency with s117 Direction 2.3 Heritage Conservation, Council's heritage adviser is to determine an appropriate curtilage for the heritage item and include within the planning proposal an appropriate heritage diagram showing this curtilage for exhibition purposes.
4. Prior to undertaking public exhibition, Council is to consult the Rural Fire Service to ensure consistency with Section 117 Direction 4.4 Planning for Bushfire Protection.
5. Community consultation is required under sections 56(2)(c) and 57 of the Act as follows:
  - the planning proposal must be made publicly available for a minimum of **14 days**; and

- 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 and Infrastructure 2013)*.
6. Consultation is required with the following public authorities under section 56(2)(d) of the Act and/or to comply with the requirements of relevant S117 Directions:
    - Office of Environment and Heritage – Heritage Department;
    - NSW Department of Primary Industries – Agriculture (minimum of 40 days to provide comment (s117 Direction 1.3(5)(b)); and
    - NSW Rural Fire Service.
  7. 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.
  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 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 **9 months** from the week following the date of the Gateway determination.

Dated 23<sup>rd</sup> day of September 2016



**Catherine Van Laeren**  
**Director, Sydney Region West**  
**Planning Services**  
**Department of Planning and**  
**Environment**

**Delegate of the Greater Sydney**  
**Commission**



**WRITTEN AUTHORISATION TO EXERCISE DELEGATION**

Hawkesbury City Council is authorised to exercise the functions of the Greater Sydney Commission 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:

<b>Number</b>	<b>Name</b>
PP_2016_HAWKE_009_00	Planning proposal amend the Lot Size Map LSZ_008A, to enable a two (2) lot subdivision with minimum lot sizes of 4,000 metres square and 2 hectares.

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

Dated 23<sup>rd</sup> day of September 2016

A handwritten signature in black ink, appearing to read "Catherine Van Laeren".

**Catherine Van Laeren  
Director, Sydney Region West  
Planning Services  
Department of Planning and Environment**

**Delegate of the Greater Sydney Commission**

# Attachment 5 – Delegated plan making reporting template

## Reporting template for delegated LEP amendments

### Notes:

- Planning proposal number will be provided by the Department of Planning and Environment following receipt of the planning proposal
- The Department of Planning and Environment 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 publicly accessible LEP Tracking System is kept up to date
- A copy of this completed report must be provided to the Department of Planning and Environment with the RPA's request to have the LEP notified

**Table 1 – To be completed by Department of Planning and Environment**

Stage	Date/Details
Planning Proposal Number	PP_2016_HAWKE_009_00
Date Sent to DP&E under s56	31 August 2016
Date considered at LEP Review Panel (if applicable)	N/A
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&E requesting notification		

**Table 3 – To be completed by Department of Planning and Environment**

Stage	Date/Details
Notification Date and details	

### Additional relevant information: