



Hawkesbury City Council

attachment 2  
to  
item 30

DP & E's "Gateway" determination  
dated 6 July 2016

date of meeting: 28 February 2017  
location: council chambers  
time: 6:30 p.m.



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

Dear Mr Mifsud

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

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* (the Act) in respect of the planning proposal to allow additional permitted uses at land in the Richmond area known as the 'Sydney Polo Club'.

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 inconsistency with S117 Direction 4.1 Acid Sulfate Soils and 6.3 Site Specific Provisions are of minor significance. The proposal's inconsistency with Direction 4.3 Flood Prone Land will be reviewed on receipt of advice from the NSW State Emergency Service (SES).

Due to the flood affection on the site and evacuation constraints, the conditions of the Gateway determination require clarification regarding the proposed tourist accommodation/temporary accommodation uses that will be made permissible by the planning proposal and consultation with the SES and the Hawkesbury-Nepean Flood Risk Management Taskforce (the Taskforce) prior to exhibition. The Department is concerned that the use of the site for tourist accommodation/temporary accommodation will increase the risk associated with flooding and evacuation. Depending on the comments received from the SES and the Taskforce, Council may need to amend the planning proposal to enable its progression. It is a requirement of the conditions of the Gateway determination that the planning proposal be reviewed by the Department prior to exhibition.

In addition, a condition has been included in the Gateway determination requiring the amendment of the *Hawkesbury Local Environmental Plan 2012* to include a local provision that will require the preparation of a Risk Management and Evacuation Plan in consultation with the NSW SES prior to granting consent for development on the site.

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 12 months of the week following the date of the Gateway determination. Requests to draft and finalise the Plan 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 Sydney Region West 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 Greater Sydney 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 Catherine Van Laeren, Director, Sydney Region West to assist you. Mrs Van Laeren can be contacted on (02) 9860 1520.

Yours sincerely

  
**Stephen Murray**  
**Executive Director, Regions**  
**Planning Services**

*6 July 2016*

Encl:  
Gateway Determination  
Authorisation for Delegation



## Gateway Determination

***Planning proposal (Department Ref: PP\_2016\_HAWKE\_004\_00): to allow additional permitted uses on land at the Sydney Polo Club, Richmond.***

I, the Executive Director, Regions, 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 allow additional permitted uses on land at the Sydney Polo Club, Richmond should proceed subject to the following conditions:

1. The prior to community consultation planning proposal is to be amended to:
  - a. include the insertion of a local provision in the *Hawkesbury Local Environmental Plan* 2012 that requires the preparation of a Risk Management and Evacuation Plan in consultation with the NSW State Emergency Services prior to the granting of development consent for any use that increases visitation to the site; and
  - b. clarify the tourist accommodation/temporary accommodation uses currently permissible on the site and those that will be added via the planning proposal prior to consultation.
2. To comply with the requirements of the Section 117 Directions, the following consultation should occur prior to public exhibition:
  - (a) Deputy Secretary of the Department of Industry – Resources and Energy for Section 117 Direction 1.3 Mining, Petroleum Production and Extractive Industries;
  - (b) State Emergency Services and Hawkesbury-Nepean Valley Flood Management Review Taskforce for Section 117 Direction 4.3 Flood Prone Land; and
  - (c) Commissioner of the NSW Rural Fire Service for Section 117 Direction 4.4 Planning for Bushfire Protection.

The relevant planning authority is to amend the planning proposal as required. The amended planning proposal is to be submitted to the Department for review prior to the commencement of public exhibition.

3. Community consultation is required under sections 56(2)(c) and 57 of the 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 and Infrastructure 2013).

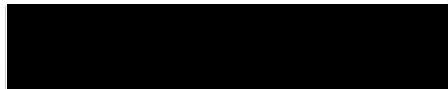


4. Consultation is required with the following public authorities under section 56(2)(d) of the Act and/or to comply with the requirements of relevant S117 Directions.
- Department of Defence (s117 Direction 3.5)
  - Endeavour Energy
  - Greater Sydney Local Land Services
  - NSW Aboriginal Land Council
  - NSW Department of Primary Industry - Agriculture
  - NSW Office of Environment and Heritage – Environment and Heritage Divisions
  - Roads and Maritime Services
  - Sydney Metropolitan Catchment Management Authority
  - Sydney Water
  - Telstra

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.

5. 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 the relevant planning authority from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
6. The timeframe for completing the LEP is to be **12 months** from the week following the date of the Gateway determination.

Dated 6<sup>th</sup> day of July, 2016



**Stephen Murray**  
**Executive Director, Regions**  
**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:

Number	Name
PP_2016_HAWKE_004_00	Planning proposal to allow additional permitted uses on land at the Sydney Polo Club, Richmond.

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 6 July 2016

  
Stephen Murray  
Executive Director, Regions  
Planning Services  
Department of Planning and Environment

Delegate of the Greater Sydney Commission



## Attachment 5 – Delegated plan making reporting template

### 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_004_00
Date Sent to DP&E under s56	1 June 2016
Date considered at LEP Review Panel	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: