



Mr Peter Conroy  
General Manager  
Hawkesbury City Council  
PO Box 146  
Windsor NSW 2756

Attention: Colleen Haron

Dear Mr Conroy

**Planning proposal PP\_2018\_HAWKE\_001\_00 to amend Hawkesbury Local Environmental Plan 2012 - No. 79, 95 & 100 Bells Lane, and 457 Bells Line of Road, Kurmond.**

I am writing in response to Council's acceptance of the role of planning proposal authority for the proposal to alter the restricted lot yield map to allow subdivision of the subject land and the associated Gateway determination under section 3.34 of the *Environmental Planning and Assessment Act 1979* (the Act).

As delegate of the Greater Sydney Commission, I have now determined that the planning proposal should proceed subject to the conditions in the enclosed Gateway determination, with Council as the planning proposal authority.

I have also agreed, as delegate of the Secretary, the planning proposal's inconsistencies with section 9.1 Directions 1.2 Rural Zones and 4.1 Acid Sulfate Soils are justified in accordance with the terms of the Direction. No further approval is required in relation to these Directions.

Council may still need to obtain the agreement of the Department's Secretary to comply with the requirements of relevant section 9.1 Directions 4.4 Planning for Bushfire Protection. Council should ensure this occurs prior to community consultation. Similarly, Council will need to further consider section 9.1 Direction 1.3 Mining, Petroleum Production and Extractive Industries as part of the consultation process and, if necessary, further address this direction.

To enable subdivision of these sites, the lot size map will need to be amended and I have conditioned the determination accordingly with Council to determine the standard taking into consideration site constraints, as well as, the provision of asset protection zones, access and waste water disposal.

In determining that the proposal should proceed to Gateway determination, the Sydney Western City Planning Panel raised the following issues:

- the potential to include an environmental zoning for parts of the subject sites identified in supporting ecological assessments, warranting special protection and management;
- the impacts the development would have on health and viability of the creek system and associated riparian corridors, native vegetation, bush fire protection and consideration of the development against the RU1 zone objectives (noting that agriculture is not effectively carried out in this locality any longer); and,
- the ordered provision of infrastructure, noting there is no Section 7.11 Contribution Plan for the Kurmond area or Voluntary Planning Agreement negotiations.

I would ask that Council considers these matters in the plan making process.

It is noted that Council has requested to be authorised as the local plan-making authority. I have considered the nature of Council's planning proposal and have conditioned the Gateway for Council to be authorised as the local plan-making authority.

The amending Local Environmental Plan (LEP) is to be finalised within 9 months of 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.

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 3.32(2)(d) of the Act if the time frames outlined in this determination are not met.

Should you have any further enquiries about this matter, I have arranged for Ms Alicia Hall to assist you. Ms Hall can be contacted on 9860 1587.

Yours sincerely



23/6/18

**Ann-Maree Carruthers**  
**Director, Sydney Region West**  
**Planning Services**

Encl: Gateway determination  
Local plan-making authority reporting template

## Gateway Determination

**Planning proposal (Department Ref: PP\_2018\_HAWKE\_001\_00):** to allow the subdivision of land located at Bells Line of Road and Bells Lane at Kurmond.

I, the Director, Sydney Region West at the Department of Planning and Environment, as delegate of the Greater Sydney Commission, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Hawkesbury Local Environmental Plan (LEP) 2012 to allow subdivision of the subject land should proceed subject to the following conditions:

1. Prior to undertaking public exhibition, Council is to:
  - a) undertake the following studies demonstrating, if found appropriate, support for the proposal:
    - o flora and fauna; and
    - o preliminary contamination reports;
  - b) taking into consideration site constraints, determine an appropriate minimum lot size for each site and prepare a proposed lot size map;
  - c) include the proposed lot size map in the planning proposal and amend the description of the proposal under Part 1 – Objectives or Intended Outcomes, and other parts of the proposal, as necessary;
  - d) Amend the following:
    - o the cover sheet of the proposal to indicate that Council is the planning proposal authority;
    - o at the discretion of Council, consideration is to be given to re-ordering the format of the proposal so that the introductory sections form an appendix to the proposal and/or making any other amendments to this section(s) as Council considers necessary for the purposes of clarity;
    - o for clarity, remove the red outline showing the site that is not subject to the proposal from the restricted lot yield diagram under Part 2 – Explanation of Provisions;
    - o update the 'Addendum to Planning Proposal to Bells Lane, Kurmond' to address the Sydney Western City District Plan;
    - o incorporate the 'Addendum to Planning Proposal' with the planning proposal so that the document provided for exhibition is one integrated document, with Council's logo appended.
    - o section B – relationship to strategic planning framework - to address the proposals consistency with Greater Sydney Region Plan 2018 - A Metropolis of Three Cities;

- clarify the planning proposal does not require consideration under State Environmental Planning Policy No. 44 Koala habitat protection;
  - Prepare a Preliminary Contamination Report and update the planning proposal to clarify the proposal does not require consideration under State Environmental Planning Policy No. 55 – Remediation of land.
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 5.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment 2016).
3. Consultation is required with the following public authorities and / organisations under section 3.34(2)(d) of the Act and/or to comply with the requirements of relevant section 9.1 Directions:
- NSW Office of Environment and Heritage;
  - NSW Rural Fire Service, prior to public exhibition;
  - NSW Office of Water;
  - NSW Roads and Maritime Services; and
  - NSW Trade and Investment.

Note: In accordance with section 9.1 Direction 4.4 Planning for Bushfire Protection, Council is to consult with the NSW Rural Fire Service prior to public exhibition and, if necessary, amend the planning proposal accordingly.

Each public authority/organisation 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 not required to be held into the matter by any person or body under section 3.34(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).
5. The planning proposal authority is authorised as the local plan-making authority to exercise the functions under section 3.36(2) of the Act subject to the following:
- the planning proposal authority has satisfied all the conditions of the Gateway determination;

- the planning proposal is consistent with section 9.1 Directions or the Secretary has agreed that any inconsistencies are justified; and
  - there are no outstanding written objections from public authorities.
6. The time frame for completing the LEP is to be **9 months** following the date of the Gateway determination.

Dated                    23<sup>rd</sup> day of June 2018.



**Ann-Maree Carruthers**  
**Director, Sydney Region West**  
**Planning Services**  
**Department of Planning and Environment**  
  
**Delegate of the Greater Sydney Commission**