

Your Ref: PP\_2018\_HAWKE\_002\_02  
Our Ref: LEP002/15



8 December 2020

Ms E. Kimbell  
Place and Infrastructure Manager  
(The Hills Shire & Hawkesbury)  
Place, Design and Public Spaces  
Department of Planning, Industry and Environment  
Locked Bag 5022  
PARRAMATTA NSW 2124

[Elizabeth.Kimbell@planning.nsw.gov.au](mailto:Elizabeth.Kimbell@planning.nsw.gov.au)

Dear Ms Kimbell

**Review of Altered Gateway Determination at 79, 95 & 100 Bells Lane and 457 Bells Line of Road, Kurmond**

Reference is made to your correspondence received 13 November 2020 seeking Council's comments in relation to a request for the Department of Planning, Industry and Environment to review their Altered Gateway Determination dated 6 April 2020 for Planning Proposal LEP002/15 at 79, 95 & 100 Bells Lane and 457 Bells Line of Road, Kurmond.

**Alteration of Gateway Determination**

On 6 April 2020, the Department of Planning, Industry and Environment issued an Alteration of Gateway Determination. The Department of Planning, Industry and Environment determined to alter the Gateway Determination dated 23 June 2018 (since altered) for the proposed amendment to the *Hawkesbury Local Environmental Plan 2012* as follows:

1. *Delete:*

*"condition no. 6"*

*And replace with:*

*A new condition no. 6: "The time frame for completing the LEP is by 13 December 2020"*

2. *Delete:*

*"condition no. 1(b)"*

*And replace with:*

*New condition no. 1(b):*

*"amend the lot size to a minimum of 1 hectare for 79 and 95 bells Lane, and 457 Bells Line of Road. Council may increase the lot size above 1 hectare to take into consideration site constraints, ensure compliance with Council's Development Principles for Kurmond"*





*Kurrajong area and to ensure Council is satisfied the lot size is suitable for the landscape character of the area.*

*A lot size map and maximum residential lot yield (restricted lot yield LEP map) is to be prepared for 79 and 95 Bells Lane and 457 Bells Line of Road. 100 Bells Lane is to be removed from this Gateway”.*

In providing the amended Gateway Determination, the Department also provided the following justification for the changes to the minimum lot size and the exclusion of 100 Bells Lane, Kurmond from the Planning Proposal:

*“This Planning Proposal was submitted to the Department for Gateway in May 2018, after the District Plans came into effect and the implementation of the Metropolitan Rural Area.*

*The new strategic planning framework changed the way planning should be carried out for rural lands in Greater Sydney. The focus shifted to protecting and enhancing the environmental, social and economic values of rural areas. As a result of the Department’s review of planning proposals within Kurmond Kurrajong area, this Planning Proposal through the minimum lot sizes proposed and spatial distribution of the proposal, does not support the values of the rural areas the strategic planning framework aims to retain and enhance.*

*The sites are identified as containing ‘Ridgeline Street’ and ‘Pastoral Valleys’ in the Kurmond Kurrajong Landscape Character Study. The proposed minimum lot sizes do not support retaining this character, in particular ‘ Pastoral Valleys’ as lightly sloping open pastures with scattered trees.*

*The Department has determined this proposal is inconsistent with the objectives of the Metropolitan Rural Area, not supported by an updated strategic planning framework and is inconsistent with section 3.8(2)(a) of the EP&A Act.”*

## **Review of Gateway Determination**

In the Applicant’s response titled “Information in support of Application for Review of Gateway Determination for Planning Proposal for Various Lots in Bells Lane Kurmond”, dated 10 November 2020, the Applicant provided details in support of the review of the Altered Gateway Determination of 6 April 2020. Following is Council Officer’s comments in relation to each point raised in the Applicants response:

### **1. The Planning Proposal satisfies the sustainability criteria outlined in the adopted Hawkesbury Residential Strategy 2011.**

#### **Comment:**

The Hawkesbury Residential Land Strategy 2011 provides a Sustainability Matrix which establishes a minimum level of services and facilities defined by the classification of each centre. Kurmond has been identified as a centre that is expected to achieve the classification of a Neighbourhood Centre in the long term.

In addition, the Strategy also provides the criteria for future development within rural villages to maintain the ongoing viability of these rural villages. It promotes the future development within rural villages to be primarily low density and large lot residential dwellings, and that this development must:

- be able to have onsite sewerage disposal
- cluster around or on the periphery of villages



- cluster around villages with services that meet existing neighbourhood criteria services as a minimum (within 1km radius)
- address environmental constraints and with minimal environmental impacts; and
- within the capacity of the rural village.

It is considered that the Planning Proposal is consistent with the above criteria of the Hawkesbury Residential Land Strategy 2011 as the Planning Proposal:

- has demonstrated that the land is capable of supporting onsite sewerage disposal on the future lots;
- involves land that is located within the boundaries of the Kurmond Kurrajong Investigation Area, and therefore satisfies the locational criteria of being within a 1km radius of the village centre and being on the periphery of the village;
- will create additional residential lots that can be supported within the capacity of the Kurmond village; and
- will have no adverse environmental impacts as discussed in Points 2 and 5 below.

**2. *The Planning Proposal satisfies the development constraint principles for the Kurmond and Kurrajong Investigation Area adopted in 2015.***

**Comment:**

Council at its Ordinary Meeting on 28 July 2015 resolved to adopt an Interim Policy relating to a suite of development constraint principles for planning proposals in the Kurmond and Kurrajong Investigation Area. Part B of that Policy contained the following development constraint principles:

*Part B – Development Constraints*

*Planning proposals will not be supported by council unless:*

1. *Essential services under LEP 2012 and fundamental development constraints are resolved.*
2. *Building envelopes, asset protection zones (APZs), driveways and roads are located on land with a slope less than 15%.*
3. *Removal of significant vegetation is avoided.*
4. *Fragmentation of significant vegetation is minimised.*
5. *Building envelopes, APZs, driveways and roads (not including roads for the purposes of crossing watercourses) are located outside of riparian corridors.*
6. *Road and other crossings of water courses is minimised.*
7. *Fragmentation of riparian areas is minimised.*
8. *Removal of dams containing significant aquatic habitat is avoided.*

The Planning Proposal is considered to be consistent with the adopted development constraint principles as follows:

- Essential services are available to future lots;
- The Planning Proposal has demonstrated that future subdivision of the land can be achieved to meet the requirements of the adopted development constraint principles as listed above.



**3. *The Planning Proposal satisfies the Sydney Western City Planning Panel decision of February 2018.***

**Comment:**

The Planning Proposal was subject to a Rezoning Review on 12 February 2018 where the Western City Planning Panel decided that the Planning Proposal proceed to a Gateway Determination. In progressing the Planning Proposal to a Gateway Determination, the Panel identified a number of matters that they considered required further attention, including:

1. The inclusion of an intention to amend the 'Minimum Lot Size Map' of Hawkesbury Local Environmental Plan 2012.
2. The consideration of the inclusion of an environmental zone to protect those areas identified in the supporting ecological assessments as being sufficient, such as watercourses and endangered ecological communities.
3. Referral of the planning proposal to relevant public authorities for comment.
4. Consideration of the following matters in the assessment of the planning proposal:
  - a. The impact of subsequent development on the creek system;
  - b. The impact of subsequent development on existing native vegetation onsite;
  - c. The provision of adequate fire protection precautions and management measures; and
  - d. The extent to which resulting development meets the objectives of the RU1 Primary Production zone.
5. The ordered provision and improvement of infrastructure that may be needed to support the intensification of development resulting from the planning proposal.

The Planning Proposal is considered to be consistent with the determination of the Rezoning Review given that:

- The Planning Proposal refers to the proposed amendment to the Lot Size Map of Hawkesbury Local Environmental Plan 2012;
- The Sydney Western City Planning Panel required consideration of an environmental zone to protect significant features such as watercourses and endangered/threatened vegetation and habitat. In this regard, it was envisioned that the E2 Environmental Conservation zone would be used and applied only to those areas where watercourses, riparian areas and endangered/threatened vegetation and habitat exist.

Council Officers are of the opinion that the determination of the appropriate zones in the locality is a matter to be considered with the strategic planning framework for the Kurmond Kurrajong Investigation Area as a whole. At present the protection of significant environmental features can be afforded through appropriate lots sizes and development controls. As a result, Council Officers do not support the inclusion of an E2 Environmental Conservation zone.

- Referral of the Planning Proposal to public authorities will be undertaken as the Proposal progresses;
- Watercourses and Significant Vegetation/ riparian vegetation are located on 79, 95 and 100 Bells Lane, Kurmond.



A 2<sup>nd</sup> order watercourse traverses the rear of 79 and 95 Bells Lane, Kurmond, which requires a 20m riparian area to be preserved on either side of the watercourse (ie a 40m riparian corridor).

This area also corresponds to very high priority habitat, warranting a minimum lot size of 5,000m<sup>2</sup>. A 5,000m<sup>2</sup> or greater lot size would provide for preservation of the riparian areas as more area would be available to accommodate future development away from the riparian area. The rear lots on both these sites have an area greater than 5,000m<sup>2</sup>.

A minimum lot size of 1.6ha is provided for the area of land containing the main watercourse traversing 100 Bells Lane, Kurmond for the retention and preservation of the watercourse and riparian vegetation whilst providing an area suitable for future development on the land for a dwelling house.

- Adequate areas free of native and riparian vegetation have been provided for future development including building envelopes, asset protection areas, effluent disposal areas and driveways.
- A Bushfire Hazard Assessment Report has been submitted in support of the Planning Proposal demonstrating that future development of the subject sites can be carried out in accordance with the requirements of 'Planning for Bushfire Protection'.
- The subject site is zoned RU1 Primary Production under the *Hawkesbury Local Environmental Plan 2012*. In dealing with all other planning proposals within the Kurmond-Kurrajong Investigation Area the subsequent amendments to the *Hawkesbury Local Environmental Plan 2012* agreed to by Council have not altered the zoning of the respective sites, nor the zone objectives.

The Land Use Table of the *Hawkesbury Local Environmental Plan 2012* establishes the following zone objectives for the RU1 Primary Production zone:

- *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*
- *To encourage diversity in primary industry enterprises and systems appropriate for the area.*
- *To minimise the fragmentation and alienation of resource lands.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*
- *To encourage agricultural activities that do not rely on highly fertile land.*
- *To ensure that development occurs in a way that does not have a significant adverse effect on water catchments, including surface and groundwater quality and flows, land surface conditions and important ecosystems such as waterways.*
- *To promote the conservation and enhancement of local native vegetation including the habitat of threatened species, populations and ecological communities by encouraging development to occur in areas already cleared of vegetation.*
- *To ensure that development retains or enhances existing landscape values including a distinctive agricultural component.*
- *To ensure that development does not detract from the existing rural character or create unreasonable demands for the provision or extension of public amenities and services.*

Clause 2.3(2) of *Hawkesbury Local Environmental Plan 2012* outlines that Council "must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone".



However, it should be noted that there is no requirement for a subsequent development to be consistent with all the objectives of a zone particularly when the development satisfies all other applicable development standards.

A future development application over the subject site should this Planning Proposal proceed will have regard to the zone objectives at the time. However, it should be noted that in dealing with all planning proposals that have proceeded towards a Local Environmental Plan Amendment to date, the specific approach by Council was to amend the minimum lot sizes as expressed through the Lot Size Map.

The recently completed Kurmond-Kurrajong Landscape Character Study recommends that Council consider possible rezoning of rural land with subdivision potential for rural residential purposes within the Kurmond-Kurrajong Investigation Area in order to avoid any possible inconsistencies with respect to zone objectives.

Once the Structure Plan for the Kurmond-Kurrajong Investigation Area is finalised and a suitable land area is identified for rural residential purposes, Council will be able to consider possible alternative zones for the locality.

However, in the interim, it is considered appropriate to proceed with the making of plans to give effect to the planning proposals by way of amendment to the Lot Size Map only. In future, Council would be able to rezone the potential rural land including the subject site and other rural properties subject of the previous Local Environmental Plan amendments that enabled subdivision of those properties.

- The Applicant had acknowledged within the Planning Proposal documentation that if the planning proposal is to proceed further, preparation of a Section 7.11 Developer Contributions Plan or a draft Voluntary Planning Agreement to support the required infrastructure upgrade in the locality as a consequence of the development would be required.

#### **4. *The Planning Proposal satisfies the original Gateway Determination conditions.***

**Comment:**

The requirements of the original Gateway Determination dated 23 June 2018 in respect to amending the Planning Proposal have been satisfied. Public authority consultation and exhibition of the Planning Proposal will be carried out in accordance with Conditions 2 and 3 of the Gateway Determination upon determination of the Gateway Review and finalisation of appropriate lot yields and lot sizes.

#### **5. *The Planning Proposal satisfies the Kurmond and Kurrajong Landscape Character Study.***

**Comment:**

Clouston Associates were commissioned by Council to undertake a Landscape Character Study to inform the structure planning process for the Kurmond-Kurrajong Investigation Area. On 31 July 2018, Council considered a report on the matter and resolved to apply the approach adopted in the Study.

The Kurmond and Kurrajong Landscape Character Study provides guidelines for future development within the Kurmond Kurrajong Investigation Area, including the following principles which are relevant to the subject Planning Proposal:

- *Prevent development and subdivision from sprawling and create a buffer between residential and active rural land uses.*



- *Ensure rural lot sizes maintain low density, optimise ecological corridors and open views.*
- *Retain, protect and regenerate vegetation corridors identified in mapping.*
- *Do not permit small lot (<0.5ha) development of land identified as high, very high priority (habitat).*
- *Prevent rezoning of critical land parcels that provide significant view corridors.*
- *Permit rezoning and subdivision of land deemed appropriate/lower order in terms of views.*
- *Prevent creation of small lot sizes.*
- *Document and maintain key regional and district views (see maps).*
- *Interpret views at key locations.*

The Kurmond and Kurrabung Landscape Character Study identifies 4 landscape character types which are Identified on the Landscape Character Map. Two of these landscape character types occur on the subject sites, including:

**Ridgeline streets:** *The landscape character along the ridgeline is predominantly urban. Roads such as The Bells Line of Road, Old Bells Line of Road and Kurmond Road run along the ridgelines. Their elevated position provides views of the Richmond Lowlands and the Blue Mountains.*

**Pastoral valleys:** *The rural character of the region is defined by the lightly sloping open pastures with scattered trees over gently sloping terrain. Significant areas of land have been cleared for grazing and agricultural uses. Properties are dotted amongst the hills and valleys of the landscape situated between groupings of trees.*

Table 1 identifies the Landscape Character for each of the sites.

**Table 1: Landscape Character**

Site	Landscape Character	Location
457 Bells Line of Road, Kurmond	Ridgeline Street	Whole of site
79 Bells Lane, Kurmond	Ridgeline Street	Approximately rear third of site
	Pastoral Valley	Approximately front two thirds of site
95 Bells Lane, Kurmond	Ridgeline Street	Approximately rear third of site
	Pastoral Valley	Approximately front two thirds of site
100 Bells Lane, Kurmond	Pastoral Valley	Whole of site

The Kurmond and Kurrabung Landscape Character Study identifies that “*the pastoral character contributes to the scenic qualities of the area by virtue of the lack of buildings.*”

Areas within each of the subject sites are mapped as ‘Significant Vegetation’ under the Hawkesbury Local Environmental Plan 2012, and as a result the requirements of Clause 6.4 – *Terrestrial biodiversity* will apply to the future development of the land.



The 'Biodiversity Priority Rank' vegetation map included as part of the Kurmond and Kurrajong Landscape Character Study provides rankings for the subject sites as shown in Table 2:

**Table 2: Significant Vegetation and Biodiversity Priority Ranking**

Site	Significant Vegetation Location	Corresponding Biodiversity Priority Ranking
457 Bells Line of Road, Kurmond	Northern front corner (Bells Line of Road) of the site, as well as along the rear boundary.	Moderate
79 Bells Lane, Kurmond	Either side of the watercourse at the rear of the site, as well as in an area in the north west rear section of the land.	Moderate and Very High
95 Bells Lane, Kurmond	Either side of the watercourse at the rear of the site.	Moderate and Very High
100 Bells Lane, Kurmond	Either side of the watercourse at the rear of the site.	Moderate and Very High

The ranking of very high priority habitat, which corresponds to the areas around the existing watercourses, reinforces the significance of the vegetation as identified under the Hawkesbury Local Environmental Plan 2012.

As identified in the Kurmond and Kurrajong Landscape Character Study, a minimum lot size of 5,000m<sup>2</sup> is required for sites within very high priority habitat. The size of proposed lots within the very high priority habitat areas of the sites are consistent with this requirement.

The subject sites are located within identified significant view/vista corridors as shown in Table 3.

**Table 3: Significant View/Vista Corridors**

Site	Corridor	Description	Significance	Action
457 Bells Line of Road, Kurmond	I	Gently sloping pastoral landscape	Medium	Retain and protect view
79 Bells Lane, Kurmond	E	Pastoral landscape with views to Blue Mountains	High	Retain and protect view
	G	Rural residential with glimpses of Blue Mountains	Medium	Retain and protect view
95 Bells Lane, Kurmond	E	Pastoral landscape with views to Blue Mountains	High	Retain and protect view
100 Bells Lane, Kurmond	B	Dense vegetation in foreground with views to the Blue Mountains	High	Retain and protect view
	C	Frontage road with views to Blue Mountains	Medium-High	Retain and protect view





The Kurmond and Kurrabung Landscape Character Study requires that district and regional views be maintained.

In consideration of the significance of the view/vista corridors described in Table 3 above, and the landscape character of the subject site, the impacts of future development of that character and the view/vista corridor have been considered in Table 4 below:

**Table 4: Likely Impact of Planning Proposal on Character, and Views and Vistas**

Site	Landscape Character	Location	Comment
457 Bells Line of Road, Kurmond	Ridgeline Street	Whole of site	Proposed Lot 4 will have a main frontage to Bells Line of Road. Future development of the lot is unlikely to result in barriers to near and distance views and vistas.  Buildings on Proposed Lots 1, 2 & 3 will be on land lower in elevation to Bells Line of Road and therefore will not obstruct views and vista when viewed from this Road.  Future development density/scale will be consistent with urban character of Ridgeline Streets.
79 Bells Lane, Kurmond	Ridgeline Street	Approximately rear third of site	Future development of new vacant lots will not obstruct views to Blue Mountains as will be sited on land at a lower level than viewing point.
	Pastoral Valley	Approximately front two thirds of site	Future development density/scale will not be unlike that which exists and therefore no significant additional impacts on Pastoral Valley character expected.
95 Bells Lane, Kurmond	Ridgeline Street	Approximately rear third of site	Future development of new vacant lots will not obstruct views to Blue Mountains as will be sited on land at a lower level than viewing point.
	Pastoral Valley	Approximately front two thirds of site	Future development density/scale will not be unlike that which exists and therefore no significant additional impacts on Pastoral Valley character expected.
100 Bells Lane, Kurmond	Pastoral Valley	Whole of site	A minimum lot size of 1 ha is considered suitable for future development to provide a density of development in the locality compatible with Pastoral Valley character.

Given the above, it is considered that the proposed minimum lot sizes for the subject sites are consistent with the Landscape Character Study.

**6. *The proposed lot size, layout and yield proposed are the product of five years of critical assessment and working with Council staff to satisfy all relevant strategies.***

**Comment:**

The Applicant developed the Planning Proposal based on various information provided at different stages as the structure planning of the Kurmond Kurrabung Investigation Area evolved, including the Landscape Character Study, and as advised by Council Officers.



**7. *The 1 ha lot size imposed by the new Gateway Determination seems arbitrary as the Landscape character study recommends a minimum lot size of 5,000m<sup>2</sup> for sites within very high priority habitat.***

**Comment:**

As identified in the Kurmond and Kurrajong Landscape Character Study, a minimum lot size of 5,000m<sup>2</sup> is required for sites within very high priority habitat. Whilst the size of proposed lots within the very high priority habitat areas of the sites are consistent with this requirement, the 5,000m<sup>2</sup> lot size is a suggested minimum, and the appropriateness of the proposed future lot sizes are also subject to other considerations such as the character and view and vista considerations as previously discussed.

A series of separate studies have either been undertaken or considered as part of the process of informing the preparation of the Kurmond Kurrajong Structure Plan, including:

- Constraints and Opportunities Analysis
- Kurmond and Kurrajong Landscape Character Study
- Ecological/Biodiversity Mapping
- Commercial/Retail Findings - Kurmond and Kurrajong
- Traffic Study
- Views and View Classification and Design Controls
- Hawkesbury Tourism Destination Management Plan

The Draft Kurmond Kurrajong Structure Plan has been prepared based on consideration of the various studies. The aim of the Structure Plan is to provide the planning framework to enable the future development of the area whilst maintaining the biodiversity, ecological, scenic, character and amenity values of the locality. One of the main determining factors in achieving this aim is an appropriate minimum lot size for subdivision.

To ensure the protection of the landscape character, biodiversity, and the existing views and vistas within the area, the draft Structure Plan proposes a minimum lot size for subdivision of 1 ha or 4,000m<sup>2</sup> dependent on locality. It is considered that areas immediately surrounding the town centre villages of Kurmond and Kurrajong should have a minimum lot size of 4,000m<sup>2</sup>, essentially providing for an expansion of the denser existing residential areas, closer to services and amenities, while minimising impacts on the surrounding rural character and views and vistas. For all other properties within the Kurmond Kurrajong Investigation Area, a minimum of 1 ha is proposed to maintain existing views and vistas and/or to protect the pastoral character as identified in the Kurmond and Kurrajong Landscape Character Study.

In relation to the subject sites, the Structure Plan nominates a minimum lot size for subdivision of 1 ha to maintain the pastoral character of the locality for 79, 95 and 100 Bells Lane, Kurmond. A minimum lot size of 4,000m<sup>2</sup> is nominated for 457 Bells Line of Road, Kurmond.

The Planning Proposal is not consistent with the minimum lot size for subdivision proposed by the Draft Kurmond Kurrajong Structure Plan in respect to 79 and 95 Bells Lane, Kurmond, which propose a minimum lot size of 4,000m<sup>2</sup> and 5,000m<sup>2</sup> on each property.

Along the section of Bells Lane in which properties 79 and 95 Bells Lane are situated, existing development is located and clustered at the front of lots as shown in Figure 1 below:



**Figure 1 – Aerial Photo showing development pattern in vicinity of 79 & 95 Bells Lane, Kurmond**

Future development as a consequence of this Proposal will be located to the rear of the properties, within the landscape character type of 'Ridgeline Street'. As a result, the density of development at the front of the lots within the 'Pastoral Valley' landscape will remain unchanged.

It is therefore considered that the minimum lot size inconsistency with the draft Kurmond Kurrajong Structure Plan is justified given that the Planning Proposal is consistent with the Kurmond Kurrajong Landscape Character Study, and no significant impact on the 'Pastoral Valley' character or visual amenity will result.

8. ***In its letter dated 15 April 2019, the council provided very clear directions to the applicant to allow progression of the proposal. The applicant has satisfied those directions.***

**Comment:**

It is confirmed that the Planning Proposal has been amended in accordance with Council's request of 15 April 2019.

9. ***While not formally adopted by Council, the latest strategic planning document is the Kurrajong Investigation Area Structure Plan.***



**Comment:**

Recently, the outcome of the public exhibition of the Kurmond Kurrajong Structure Plan was considered at Council's Ordinary Meeting on 30 June, 2020. At this Meeting, it was resolved:

*That Council:*

1. *Receive the outcome of the public exhibition of the Draft Kurmond-Kurrajong Investigation Area Structure Plan.*
2. *Defer consideration of the Draft Kurmond-Kurrajong Investigation Area Structure Plan until the following key strategy documents are completed:*
  - a) *Hawkesbury Local Housing Strategy*
  - b) *Hawkesbury Rural Lands Strategy*
  - c) *Hawkesbury Local Strategic Planning Statement*

In terms of the key strategy documents referred to in Council's resolution of 30 June 2020, the following is provided as a status update:

- a. Hawkesbury Local Housing Strategy

The Draft Hawkesbury Local Housing Strategy has been drafted and was presented to Council's 11 August 2020 Ordinary Meeting in order to seek approval to publicly exhibit the draft. Exhibition has been completed and a Post Exhibition report is being presented to Council's Ordinary Meeting on 8 December 2020.

- b. Hawkesbury Rural Lands Strategy

The Draft Hawkesbury Rural Lands Strategy has been drafted and is being presented to Council's 8 December 2020 Ordinary Meeting in order to seek approval to publicly exhibit the draft.

- c. Hawkesbury Local Strategic Planning Statement

The Draft Hawkesbury Local Strategic Planning Statement was publicly exhibited during September — November 2019. Council considered all submissions at its Ordinary Meeting on 10 December 2019, and subsequently amended the Draft Hawkesbury Local Strategic Planning Statement. The amended draft was considered by Council at its Ordinary Meeting on 25 February 2020, and 26 May 2020 where Council resolved to forward the Draft to the Greater Sydney Commission for Assurance.

Council received advice from the Greater Sydney Commission on 24 July 2020 in terms of amendments that were required to the Draft Hawkesbury Local Strategic Planning Statement in order to attain Assurance. Amendments were made to the Draft Hawkesbury Local Strategic Planning Statement and presented to Council's Ordinary Meeting on 10 November 2020 and subsequently resubmitted for the Greater Sydney Commission Assurance Process on 11 November 2020.

As such, at this stage further consideration of the Kurmond Kurrajong Investigation Area Structure Plan will not occur until the following are completed:

- a. Hawkesbury Local Housing Strategy
- b. Hawkesbury Rural Lands Strategy
- c. Hawkesbury Local Strategic Planning Statement

and will be informed by the outcomes of those strategies.



Should you have any questions regarding this matter, please contact Colleen Haron, Senior Strategic Land Use Planner on (02) 4560 4564.

Yours faithfully



**Andrew Kearns**  
Manager Strategic Planning





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

Dear Mr Mifsud

**Planning proposal PP\_2018\_HAWKE\_002\_02 – Alteration of Gateway Determination**

I refer to your letter dated 25 November 2019 seeking an extension of time to complete planning proposal PP\_2018\_HAWKE\_002\_01 for minimum lot size amendments to the *Hawkesbury Local Environmental Plan 2012* at 2 Inverary Drive, Kurmond.

As part of the process of reviewing Council's request for a timeframe extension to finalise the LEP amendment, the Department of Planning, Industry and Environment (the Department) has reviewed the merits of the proposal.

A review of the exhibited planning proposal material indicates further work is required to address the conditions of the Gateway, specifically in relation to the review of lot sizes and the Metropolitan Rural Area (MRA), particularly in light of the Sydney Western City Planning Panel's comments relating to lot sizes, Council's letter dated October 2019 and Environment, Energy and Science Group's submission dated 18 June 2020.

The proposal has not responded appropriately to the environmental site constraints. In particular, the proposal needs to protect the landscape character of the area and avoid fragmentation of significant vegetation. The Department considers it appropriate for the planning proposal to demonstrate its consistency with Council's 2015 Interim Policy – Development Principles for the Kurmond Kurrajong Investigation Area and Council's draft 2019 structure plan.

The proposal is inconsistent with the strategic planning framework, specifically the values of the MRA. This needs to be resolved and further work is required to demonstrate how the proposal protects and enhances the environmental, social and economic values of the rural areas. Given the proposal's inconsistency with the MRA, a compromise has been agreed to with the Greater Sydney Commission to allow this planning proposal to continue subject to additional work being undertaken.

I have determined as the delegate of the Minister, in accordance with section 3.34(7) of the *Environmental Planning and Assessment Act 1979* (EP&A Act), to alter the

Gateway determination dated 28 June 2018 for PP\_2018\_HAWKE\_002\_00 (since altered).

A new condition has been inserted into the Gateway determination requiring the submission of an indicative subdivision plan to the Department for endorsement with consideration given to a minimum lot size of 1 hectare and for the proposal to demonstrate how it protects the significant biodiversity and addresses landscape character.

The Department wants to work with Council to deliver the compromise and is available to meet to discuss further. Following the submission and endorsement of a revised subdivision plan, the Department will confirm whether additional community consultation is required. The Alteration of Gateway determination is enclosed.

If you have any questions in relation to this matter, I have arranged for Ms Jane Grose Director Central (Western) to assist you. Ms Grose can be contacted on 0456 760 182.

Yours sincerely



3 December 2020

**Brett Whitworth**  
**Deputy Secretary**  
**Greater Sydney, Place and Infrastructure**

Encl: Alteration of Gateway Determination





## Alteration of Gateway Determination

### *Planning proposal (Department Ref: PP\_2018\_HAWKE\_002\_02)*

I, Deputy Secretary, Greater Sydney, Place and Infrastructure at the Department of Planning, Industry and Environment, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(7) of the *Environmental Planning and Assessment Act 1979* to alter the Gateway determination dated 28 June 2018 (since altered) for the proposed amendment to the *Hawkesbury Local Environmental Plan 2012* as follows:

1. Delete:

“condition no.6”

and replace with:

a new condition no.6: “The time frame for completing the LEP is by 30 June 2021.”

2. Insert:

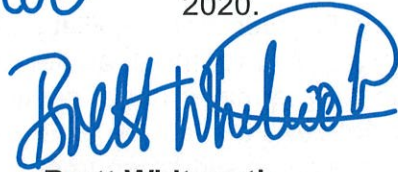
“condition no.7”

“an indicative subdivision layout must be submitted to the Department of Planning, Industry and Environment for endorsement following exhibition of the planning proposal and resolution of the issues raised in the Environment, Energy and Science submission.

This subdivision layout is to demonstrate how the proposal adequately complies with all of the Hawkesbury Council’s 2015 Interim Policy - Kurmond Kurrajong Development Principles and demonstrate how the proposal maintains the landscape character of the area as described in the draft 2019 Kurmond Kurrajong Structure Plan.

Consideration should be given to a 1 hectare minimum lot size as exhibited in the 2019 draft Kurmond Kurrajong structure plan to more appropriately address the values of the MRA and to avoid fragmentation of significant vegetation. Consideration should also be given to the retention of ‘significant vegetation’ in single ownership or a biodiversity stewardship agreement. A maximum residential lot yield is to be identified within the map Restricted Lot Yield”.

Dated 3rd day of December 2020.



**Brett Whitworth  
Deputy Secretary  
Greater Sydney, Place and  
Infrastructure  
Department of Planning, Industry and  
Environment**

**Delegate of the Minister for Planning  
and Public Spaces**