

Professor Mary O'Kane AC
Chair
Independent Planning Commission
Level 3, 201 Elizabeth Street
SYDNEY NSW 2000

Dear Professor O'Kane

Request for Gateway determination review – PP_2019_HAWKE_003_00

I am writing to advise that the Department of Planning, Industry and Environment has received a Gateway determination review request from the proponent for the abovementioned planning proposal. The reason for the review is a determination has been made that the planning proposal should not proceed. Details of the planning proposal are summarised below:

Dept. Ref. No	GR_2020_HAWKE_001_00
LGA	Hawkesbury Council
LEP to be amended	Hawkesbury Local Environmental Plan 2012
Address/location	42 Bells Lane, Kurmond
Proposal	<p>The planning proposal sought to reduce the minimum lot size from 10 hectares to 4,000m² for land at 42 Bells Lane, Kurmond to enable subdivision of the site into five lots to facilitate four dwellings.</p> <p>The Gateway determined that the planning proposal should not proceed for the following reasons:</p> <ol style="list-style-type: none"> 1. The proposal contains unresolved inconsistencies with Section 9.1 Directions, 1.2 Rural Zones and 4.4 Planning for Bushfire Protection. 2. The proposal contains unresolved inconsistencies with State Environmental Planning Policy (Koala Habitat Protection) 2019 and State Regional Environmental Plan No 20 – Hawkesbury-Nepean River. 3. The proposal does not give effect to the Western City District Plan, in particular Planning Priority W17 Better managing rural areas. 4. The proposal is not supported by an updated local strategic planning framework, including sufficient references in Hawkesbury Council's draft Local Strategic Planning Statement

	<p>to support this proposal, an updated Rural Lands strategy and Housing Strategy.</p> <p>5. The proposal does not adequately demonstrate the site has no potential to accommodate agricultural uses under its current zoning.</p> <p>6. The proposal does not adequately demonstrate strategic or site-specific merit.</p> <p>The proponent has requested the Commission consider whether the planning proposal should proceed as the proposal has sound strategic merit and is suitable for the site.</p>
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The Minister for Planning's delegate determined on 5 May 2020 that the proposal should not proceed.

The proponent has requested a review of the Gateway determination. The Commission is requested to review the planning proposal and prepare advice concerning the merits of the review request. The advice should include a clear and concise recommendation to the Minister's delegate confirming whether, in its opinion, the Gateway determination issued on 5 May 2020 should be overturned and given a Gateway to proceed or not.

The advice and recommendation would usually be requested to be provided within 35 days of receipt of this letter and sent to the Department of Planning, Industry and Environment at Locked Bag 5022, Parramatta NSW 2124. It is understood that in the current pandemic conditions that you may not be able to meet this timeframe. It would be appreciated if you could contact the Department to discuss how this matter may progress.

The Department's justification assessment and recommendation report are enclosed and includes a number of supporting attachments.

The Department's 'A guide to preparing local environmental plans' provides advice on procedures for the various stages in the independent review process. The guide is available on the Department's website at planning.nsw.gov.au/Plans-for-your-area/Local-Planning-and-Zoning/Resources.

Should you have any enquiries about this matter, I have arranged for Ms Jane Grose, Director, Central (Western), at the Department to assist you. Ms Grose can be contacted on 02 9274 6070.

Yours sincerely



16/10/2020

Catherine Van Laeren
Executive Director
Central River City and Western Parkland City