



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