

Mr Peter Jackson
General Manager
Hawkesbury City Council
PO BOX 146
WINDSOR NSW 2756

Our ref: PP_2015_HAWKE_006_00
Your ref: 15/11857

Attn: Karu Wijayasinghe

Dear Mr Jackson

Hawkesbury Local Environmental Plan 2012 – Amendment to the Lot Size Map to enable subdivision at 219 Bells Line of Road, North Richmond

I am writing in response to your Council's letter dated 24 June 2015 requesting a Gateway determination under section 56 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) in respect of the planning proposal to amend the Lot Size Map to enable subdivision at 219 Bells Line of Road, North Richmond.

As delegate of the Minister for Planning, I have now determined the planning proposal should proceed subject to the conditions in the attached Gateway determination.

I have also agreed the planning proposal's inconsistency with Section 117 Direction 1.2 Rural Zones. No further approval is required in relation to this Direction.

As a condition of the Gateway determination, Council is requested apply the proposed 4 hectare minimum lot size across the northern section of the lot only. It is considered that this will result in a more orderly and efficient planning proposal given the biodiversity and heritage constraints on the southern portion. This approach still delivers the desired separation of the northern and southern portions.

The Minister delegated plan making powers 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 is to be finalised within 12 months of the week following 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 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 Department for administrative purposes.

The State Government is committed to reducing the time taken to complete Local Environmental Plans 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 Minister may take action under section 54(2)(d) of the EP&A Act if the time frames outlined in this determination are not met.

If you have any queries in regard to this matter, please contact Georgina Ballantine, Metropolitan Region (Parramatta) office on 02 9860 1568.

Yours sincerely

 2/9/2015

Rachel Cumming
Director
Metropolitan Region (Parramatta)
Planning Services

Gateway Determination

Planning proposal (Department Ref: PP_2015_HAWKE_006_00): to amend the Lot Size Map to enable a 2-lot subdivision at 219 Bells Line of Road, North Richmond.

I, the Director, Metropolitan (Parramatta) at the Department of Planning, as delegate of the Minister for Planning, have determined under section 56(2) of the *Environmental Planning & Assessment Act 1979* that an amendment to amend the Lot Size Map to enable subdivision at 219 Bells Line of Road, North Richmond should proceed subject to the following conditions:

1. Council is to apply the 4 hectare minimum lot size across the northern section of the lot only.
2. The reduction in lot size is to be achieved through implementation of the proposed Lot Size Map, with a reduction in lot size to 4 hectares.
3. Prior to exhibition, Council is to prepare a flora and fauna study for the site. This is to be included in the planning proposal's exhibition package.
4. Council is to consult with the Deputy Secretary of the Department of Industry - Resources and Energy as per the requirements of S117 Direction 1.3 Mining, Petroleum Production and Extractive Industries. Council is to amend the planning proposal, if necessary, to take into consideration any comments prior to the commencement of public exhibition.
5. Council is to consult with the Commissioner of the NSW Rural Fire Service as per the requirements of S117 Direction 4.4 Planning for Bushfire Protection. Council is to amend the planning proposal, if necessary, to take into consideration any comments prior to the commencement of public exhibition.
6. Community consultation is required under sections 56(2)(c) and 57 of the *Environmental Planning and Assessment Act 1979* 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 Local Environmental Plans* (Department of Planning & Infrastructure 2013).
7. Consultation is required with the following public authorities under section 56(2)(d) of the *Environmental Planning & Assessment Act 1979* and/or to comply with the requirements of relevant Section 117 Directions:

- i. Greater Sydney Local Land Services (previously Sydney-Nepean Catchment Authority)
 - ii. Endeavour Energy
 - iii. Office of Environment and Heritage – Regional Operations (Environment)
 - iv. NSW Department of Primary Industries – Agriculture
 - v. NSW Department of Industry – Resources and Energy
 - vi. NSW Rural Fire Service
 - vii. Roads and Maritime Services
8. 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.
9. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the Environmental Planning & Assessment Act 1979. 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).
10. Delegation is to be given to Council to exercise the Minister's plan-making powers.
11. The timeframe for completing the Local Environmental Plan is to be 12 months from the week following the date of the Gateway determination.

 2/9/2015

Rachel Cumming
Director
Metropolitan Region (Parramatta)
Planning Services
Delegate of the Minister for Planning