

Gateway Determination

Planning proposal (Department Ref: PP_2014_HAWKE_001_00): to allow subdivision of Lots 104 and 105 DP 1051518, which form 1442A and 1442 Kurmond Road, Kurmond, respectively, to a minimum lot size of 4,000m² with a maximum potential yield of 14 lots.

I, the Director, Metropolitan Delivery (Parramatta), at the Department of Planning and Environment, as delegate of the Minister for Planning, have determined under section 56(2) of the EP&A Act, that an amendment to the Hawkesbury Local Environmental Plan (LEP) 2012 to facilitate the above proposal, should proceed subject to the following conditions:

Prior to undertaking public exhibition, Council is to satisfy conditions 1 to 3 below.

1. Council is to amend the planning proposal to:
 - i. include a mix of appropriate minimum lot sizes;
 - ii. remove the proposed cap on lot density - this is instead to be achieved through the minimum lot size(s);
 - iii. discuss the proposal in the context of the Kurmond Village Investigation Area'; and
 - iv. rezone the site to an appropriate zone or mix of zones.
2. In addition to any existing studies and assessments, Council is to:
 - i. prepare a traffic impact study; and
 - ii. consider the need for a flood study.
3. Council is to consult with the Commissioner of the NSW Rural Fire Service (before exhibition, as required by the Direction) and subsequently demonstrate consistency with Direction 4.4 Planning for Bushfire Protection.
4. The Director General's delegate approves the inconsistencies with section 117 Directions 1.2 Rural Zones, 3.4 Integrating Land Use and Transport and 4.1 Acid Sulfate Soils on the basis that they are of minor significance. However, in relation to Direction 1.2 Rural Zones, Council is to consider the potential for land use conflict with adjoining rural uses.

The matters below may be addressed following community consultation.

5. Council is to consult with the Office of Environment and Heritage and the Hawkesbury-Nepean Catchment Management Authority and subsequently demonstrate consistency with Direction 2.1 Environment Protection Zones.
6. In relation to Section 117 Direction 4.3 Flood Prone Land, after considering the need for a flood study, Council is to demonstrate consistency with the Direction.
7. Council is to demonstrate that it has met the requirements of clause 6 of SEPP 55 - Remediation of Land.
8. Council is to ensure that the application of the Terrestrial Biodiversity Map under Hawkesbury LEP 2012 is accurate.

9. Council is to consult with Sydney Water.
10. Community consultation is required under sections 56(2)(c) and 57 of the *Environmental Planning and Assessment Act 1979* ("EP&A Act") as follows:
 - (a) the planning proposal must be made publicly available for a minimum of **28 days**; and
 - (b) Council 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 LEPs* (Department of Planning & Infrastructure 2013).
11. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A 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).
12. The timeframe for completing the LEP is to be **12 months** from the week following the date of the Gateway determination.
13. Delegation is not given for Council to exercise the Minister's plan making powers.

Dated 18th day of June 2014.



Rachel Cumming
Director
Metropolitan Delivery (Parramatta)
Growth Planning
Department of Planning and Environment

Delegate of the Minister for Planning