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Postal: GPO Box 39, Sydney NSW 2001

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

Our ref: PP\_2013\_HAWKE\_002\_00 (13/15730)  
Your ref: LEP001/12

Dear Mr Jackson,

### **Planning proposal to amend Hawkesbury Local Environmental Plan 2012**

I am writing in response to your Council's letter dated 4 September 2013 requesting a Gateway determination under section 56 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") in respect of the planning proposal (Amendment No. 8) to amend the minimum lot size for land at 396 Bells Line of Road, Kurmond to 4000sqm with a maximum yield of 23 lots.

As delegate of the Minister for Planning and Infrastructure, 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 inconsistencies with S117 Directions 1.2 Rural Zones, 3.1 Residential Zones, 3.4 Integrating Land Use and Transport, 4.1 Acid Sulfate Soils and 6.3 Site Specific Provisions are justified by the Hawkesbury Residential Land Strategy and are of minor significance. No further approval is required in relation to these Directions.

Council may still need to obtain the Director General's agreement to satisfy the requirements of relevant S117 Directions. Council should ensure this occurs prior to the plan being made.

The Minister delegated his 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 (LEP) is to be finalised within 9 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 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 for administrative purposes.

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 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.

Should you have any queries in regard to this matter, please contact Chris Browne of the regional office of the department on 02 9860 1560.

Yours sincerely,

 11/10/13  
**Daniel Keary**  
**Acting Executive Director**  
**Metropolitan Planning**  
**Planning Operations & Regional Delivery**

Encl:

Gateway determination

Written Authorisation to Exercise Delegation

Attachment 5 – Delegated plan making reporting template

## Gateway Determination

**Planning proposal (Department Ref: PP\_2013\_HAWKE\_002\_00):** to amend the minimum lot size for land at Kurmond to 4000sqm with a maximum yield of 23 lots for the subject land.

I, the Acting Executive Director, Metropolitan Planning at the Department of Planning and Infrastructure as delegate of the Minister for Planning and Infrastructure, have determined under section 56(2) of the EP&A Act that an amendment to the Hawkesbury Local Environmental Plan (LEP) 2012 to amend the minimum lot size for land at 396 Bells Line of Road, Kurmond to 4000sqm with a maximum yield of 23 lots should proceed subject to the following conditions:

1. Prior to undertaking public exhibition, Council is to update the planning proposal to adequately address the proposal's consistency or justify any inconsistency with S117 Directions 1.3 Mining, Petroleum Production and Extractive Industries and 6.2 Reserving Land for Public Purposes.
2. Additional information regarding flora and fauna is to be placed on public exhibition with the planning proposal.
3. 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 is classified as low impact as described in *A Guide to Preparing LEPs (Department of Planning & Infrastructure 2013)* and must be made publicly available for a minimum of **14 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 LEPs (Department of Planning & Infrastructure 2013)*.
4. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act and/or to comply with the requirements of relevant S117 Directions:
  - Transport for NSW - Roads and Maritime Services
  - Office of Environment and Heritage
  - Hawkesbury-Nepean Catchment Management Authority
  - NSW Rural Fire Service (S117 Direction 4.4 Planning for Bushfire Protection)
  - NSW Trade and Investment (S117 Directions 1.3 Mining, Petroleum Production and Extractive Industries)

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.

5. 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).



## Planning & Infrastructure

6. The timeframe for completing the LEP is to be **9 months** from the week following the date of the Gateway determination.

Dated 11<sup>th</sup> day of OCTOBER 2013.



Daniel Keary  
Acting Executive Director  
Metropolitan Planning  
Planning Operations & Regional Delivery

Delegate of the Minister for Planning &  
Infrastructure



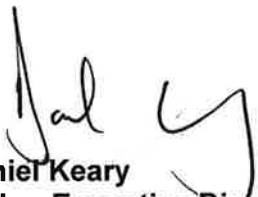
## WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Hawkesbury City Council is authorised to exercise the functions of the Minister for Planning and Infrastructure under section 59 of the *Environmental Planning and Assessment Act 1979* that are delegated to it by instrument of delegation dated 14 October 2012, in relation to the following planning proposal:

| Number               | Name                                                                                                                                                      |
|----------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------|
| PP_2013_HAWKE_002_00 | Planning proposal (Amendment No. 8) to amend the minimum lot size for land at 396 Bells Line of Road, Kurmond to 4000sqm with a maximum yield of 23 lots. |

In exercising the Minister's functions under section 59, the Council must comply with the Department's "*A guide to preparing local environmental plans*" and "*A guide to preparing planning proposals*".

Dated 11 / 10 / 2013

  
**Daniel Keary**  
**Acting Executive Director**  
**Metropolitan Planning**  
**Planning Operations & Regional Delivery**

## Attachment 5 – Delegated plan making reporting template

### Reporting template for delegated LEP amendments

#### Notes:

- Planning proposal number will be provided by the department following receipt of the planning proposal
- The department will fill in the details of Tables 1 and 3
- RPA is to fill in details for Table 2
- If the planning proposal is exhibited more than once, the RPA should add additional rows to **Table 2** to include this information
- The RPA must notify the relevant contact officer in the regional office in writing of the dates as they occur to ensure the department's publicly accessible LEP Tracking System is kept up to date
- A copy of this completed report must be provided to the department with the RPA's request to have the LEP notified

**Table 1 – To be completed by the department**

| Stage                               | Date/Details         |
|-------------------------------------|----------------------|
| Planning Proposal Number            | PP_2013_HAWKE_002_00 |
| Date Sent to Department under s56   | 04/09/2013           |
| Date considered at LEP Review Panel | 03/10/2013           |
| Gateway determination date          | 11/10/2013           |

**Table 2 – To be completed by the RPA**

| Stage                                           | Date/Details | Notified Reg Off |
|-------------------------------------------------|--------------|------------------|
| Dates draft LEP exhibited                       |              |                  |
| Date of public hearing (if held)                |              |                  |
| Date sent to PCO seeking Opinion                |              |                  |
| Date Opinion received                           |              |                  |
| Date Council Resolved to Adopt LEP              |              |                  |
| Date LEP made by GM (or other) under delegation |              |                  |
| Date sent to DP&I requesting notification       |              |                  |

**Table 3 – To be completed by the department**

| Stage                         | Date/Details |
|-------------------------------|--------------|
| Notification Date and details |              |

#### Additional relevant information: