

Office of the Director General

Mr Peter Jackson
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Our ref: PP_2012_HAWKE_005_00 (12/16656)
Your ref: LEP89005/10

Dear Mr Jackson,

Planning proposal to amend Hawkesbury Local Environmental Plan 2012

I am writing in response to your Council's letter dated 16 October 2012 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 Hawkesbury Local Environmental Plan (LEP) 2012 to rezone and subdivide land at 1411 Kurmond Road, Kurmond for rural-residential purposes.

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

It is noted that the subject rezoning is for the purposes of rural residential development on rural zoned land with a minimum lot size of 4000sq.m. The surrounding land is also zoned rural and used for the purposes of low intensity grazing, rural residential and large residential lots of approximately 4000sq.m. To this end, Council is to look at rural-residential development in a strategic manner and consider the appropriateness of current zones in this locality, particularly adjoining the subject site.

I have also agreed that the planning proposal's inconsistencies with S117 Directions 1.2 Rural Zones and 4.1 Acid Sulfate Soils are of minor significance. No further approval is required in relation to these Directions.

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 to meet the 9 month timeframe. Council's request for the department to draft and finalise the LEP should be made six (6) weeks prior to the projected publication date.

The NSW 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 s54(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 Amar Saini of the regional office of the department on 02 9860 1560.

Yours sincerely,


Sam Haddad
Director General

17/11/2012

Gateway Determination

Planning proposal (Department Ref: PP_2012_HAWKE_005_00): to amend the Hawkesbury Local Environmental Plan 2012 to rezone and subdivide land at 1411 Kurmond Road, Kurmond for rural-residential purposes.

I, the Director General, 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 2012 to rezone land from RU1 Primary Production to RU5 Village and to reduce the minimum lot size from 10ha to 4,000sqm for land at lot 1 DP 880684, Kurmond Road, Kurmond should proceed subject to the following conditions:

1. 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 2009)* and must be made publicly available for **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 4.5 of *A Guide to Preparing LEPs (Department of Planning 2009)*.
2. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - Transport for NSW – Roads and Maritime Services
 - Department of Primary Industry – Agriculture
 - NSW Rural Fire Service
 - Office of Environment and Heritage – NSW National Parks and Wildlife Service

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.

3. 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.
4. 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).



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

Dated 17th day of November 2012.

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Sam Haddad
Director General
Delegate of the Minister for Planning and
Infrastructure