



## Planning

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

Dear Mr Jackson,

**Re: Draft Hawkesbury Local Environmental Plan 1989 (Amendment No. 154)**

I refer to correspondence dated 6 October 2010 from Hawkesbury Council requesting the finalisation of Hawkesbury LEP (Amendment No. 154). I note that the LEP is unlikely to be finalised by 1 January 2011 as the LEP is still at the drafting stage of the plan making process.

I am writing to notify you that I have determined (as the delegate of the Director General) under clause 12(2) of the Environmental Planning and Assessment Regulation 2000 that the former LEP plan-making provisions cease to apply to the draft LEP. The current provisions of Part 3 of the EP&A Act now apply.

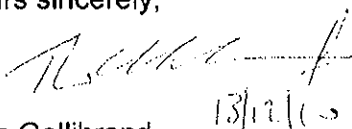
Furthermore, I have, as the delegate for the Minister for Planning, determined under clause 122(2) of Schedule 6 to the EP&A Act to dispense with all the conditions precedent up to section 58 of the EP&A Act for the making of this draft LEP. Given that the draft LEP has already been exhibited and submitted to the Director-General for finalisation, the Department will now seek to finalise the draft LEP in consultation with Council within 3 months.

While I have made this determination for the subject draft LEP, Council is advised that the 'dwelling restriction' subclause in draft LEP 154 will not be able to be incorporated into Council's draft Principal LEP (PLEP). Such a subclause would constitute a 'sub-zone' under Direction 1 of Clause 2.1 of the Standard Instrument.

It is noted that Council has proposed inclusion of such a clause as a result of concerns regarding flood evacuation and broader concerns of the State Emergency Services regarding the impact of cumulative residential development infill on flood evacuation routes in Hawkesbury.

Should Council wish to continue to control residential development on the subject land under the draft PLEP, there are a number of alternative options which Council may wish to consider in order to achieve the intended outcome. For example, appropriate height and floor space ratio controls may be applied, or active street frontage provisions may also be utilised. The Sydney West regional team is happy to work with Council further on this issue throughout the drafting of the PLEP.

Yours sincerely,



Tom Gellibrand  
Deputy Director General  
**Plan Making & Urban Renewal**  
(as delegate of the Minister and the Director-General)