

Your Ref: PP_2015_HAWKE_007-03
Our Ref: LEP003/2015

14 October 2020

Ms Jane Grose
Director
Central River City and Western Parkland City
Greater Sydney, Place and Infrastructure
Locked Bag 5022
PARRAMATTA NSW 2124

Dear Madam,

Request for Amended Gateway for Planning Proposal - Hawkesbury Local Environmental Plan 2012 General Amendment (Housekeeping) LEP003/15

The current Gateway deadline for finalisation of the above planning proposal expired on 1 September 2020, and is a proposal that Council does not currently have delegation to finalise as per the original Gateway Determination issued on 19 February 2016.

Council requests an Alteration of Gateway Determination as outlined in this correspondence in order to enable finalisation of the planning proposal, including an extension of the Gateway Deadline. This correspondence outlines the current status of the planning proposal, and proposed Alteration to the Gateway Determination based on discussion with the Department of Planning, Industry and Environment.

In terms of the planning proposal, public agency and community consultation has been completed and reported to Council on 18 February 2020 and 14 July 2020 respectively. Based on Council's consideration of the outcome of public agency and community consultation, a number of amendments have been made to the planning proposal.

However, one of the elements of the current planning proposal includes the reclassification of land at Lots 2 and 3 DP 582878, Bells Line of Road, Kurrajong Heights. The public hearing had been scheduled to occur on Wednesday 7 October 2020, but as part of the due diligence process in preparing for the public hearing, a discrepancy was identified in terms of titling arrangements for the lots which necessitated the postponement of the public hearing in order to investigate the matter further. Those further investigations are ongoing in order to ascertain the relevant land dealings between 1969 and 1976 and further in 1982. Once those investigations have been completed, Council will be able to provide further advice with respect to the proposed reclassification.

Following discussion with the Department of Planning, Industry and Environment, it is requested that the Gateway Determination be amended in order to provide Council with delegation for a number of the individual elements. The attached table includes a summary of the various components of the Housekeeping Planning Proposal (in excess of 50 individual elements), and identifies which of those elements that delegation is sought in order to finalise the planning proposal. Providing delegation to Council to finalise the identified elements under delegation will expedite finalisation of those elements, as opposed to awaiting finalisation of all elements, including the reclassification element at Kurrajong Heights. Final drafting of the various elements to the LEP Amendments ready for consideration by the Department of Planning, Industry and



Environment, and submission for Parliamentary Counsel's opinion is well advanced, including approximately 30 individual mapping amendments.

Council would welcome the opportunity to discuss with the Department of Planning, Industry and Environment, a suitable date to extend the Gateway Deadline having considered the current progress of the planning proposal to date.

Should you have any queries in relation to this matter, please do not hesitate to contact me on (02) 4560 4604 or andrew.kearns@hawkesbury.nsw.gov.au

Yours faithfully



Andrew Kearns
Manager Strategic Planning

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Hawkesbury Housekeeping LEP – Possible Delegation Split

Item	Description of Amendment	Request for Delegation		DPIE to Finalise
Written Instrument Amendments				
1.1	Clause 2.8 Temporary Use Extend the maximum period of temporary uses of land from 28 to 52 days in any 12 month period.	Council resolved on 14 July 2020 to defer consideration of this element of the planning proposal until a place based planning approach including constraints analysis is undertaken as part of the review of the Hawkesbury Local Environmental Plan 2012 and Development Control Plan		
1.2	New Clause – Boundary Adjustment to permit boundary adjustments between undersize allotments	Yes	No	
1.3	Clause 4.1D Exceptions to minimum subdivision lot size for certain land. Delete the word “previously” from Clause 4.1D subclause (2)	Yes	No	
1.4	Clause 4.1E Exceptions to minimum subdivision lot size for Grose Wold clarify its relationship with Clause 4.1. Minimum subdivision lot size and clarify the intention of the term “original lot”	Yes	No	
1.5	Clause 4.1D Exceptions to minimum subdivision lot size for certain land and Clause 4.1F. Exceptions to minimum to exclude the area of access handles when calculating lot sizes subdivision lot size for certain land in North Richmond	Yes	No	
1.6	Clause 4.2A Residential development and subdivision prohibited on certain land to reinforce that dwellings are prohibited on land subdivided for the purposes of primary production under Clause 4.2.	Yes	No	
1.7	New provision in Schedule 2 Exempt Development Insert in Schedule 2 Exempt Development the following: Subdivision (1) Must be for the propose to grant a lease, licence or other estate over Council owned or managed land in accordance with the Local Government Act 1993.	Yes	No	
1.8	Signage provision in Schedule 2 Exempt Development amended to specify a maximum of one sign per elevation for flush wall signs, top hamper signs and fascia signs to ensure consistency across the signage provisions.	Yes	No	

1.9	Relevant Acquisition Authority of land Insert a new clause where land to be acquired is not zoned RE1 Public Recreation, SP2 Infrastructure or E1 National Parks and Nature Reserves or change the zoning of these lands	No	Yes
1.10	Clause 5.1A Development on land intended to be acquired for public purpose. The current clause restricts development of affected land to only roads and recreation areas. The purpose of this amendment is to make the existing clause less restrictive and subject to merit assessment.	No	Yes
1.11	Insert additional controls for <i>Bed and Breakfast Accommodation</i> to ensure that bed and breakfast accommodation under the LEP is consistent with the SEPP controls. It is proposed that a new clause be inserted in LEP 2012 specifying requirements for this type of development.	Yes	No
1.12	Clause 6.10 Certain development on Lot 1, DP 827148, Richmond Road, Clarendon The road name has changed since drafting of LEP 2012.	Yes	No
1.13	Clause 6.11 Residential accommodation at Johnson and New Streets, Windsor The property address has changed since the drafting of LEP 2012.	Yes	No
1.14	Property description of Item 11 in Schedule 1 Additional Permitted Uses Property description has changed since the drafting of LEP 2012.	Yes	No
1.15	Listings in Schedule 4 Classification and Reclassification of Public Land Change street name for the following lands from "West Market Street" to "East Market Street". The current property descriptions refer to the incorrect street name.	Yes	No
1.16 (a)-(n)	Heritage item listings Schedule 5 Environmental heritage A number of changes are required to Schedule 5 of LEP 2012 to correct and update heritage item numbers, descriptions, addresses and heritage significance.	Yes	No
1.17	Insert a local provision for <i>dual occupancies (detached)</i>	Deleted as part of Gateway Determination 19 February 2016	
1.18	Insert a local provision for temporary events on public land. Insert a clause which permits temporary events such as exhibitions, meetings, concerts on public reserves and roads without development consent provided that the organiser obtains the appropriate permission in accordance with Council's operational requirements.	Yes	No

1.19	Insert <i>storage structure</i> into Schedule 2 Exempt Development. LEP 1989 previously included the definition of rural shed which allowed Council to approve buildings and structures for the storage of property regardless of whether the land was vacant or built upon. This definition was not carried over to LEP 2012 and as a result Council can now only approve buildings and structures for the storage of property that are ancillary to an existing development.	Yes	No
Mapping Amendments			
2.1 (a)-(k)	Heritage Map amendments A number of amendments are required to the heritage map sheets in respect to incorrect heritage item numbering or incorrectly identified properties. Changes are also required to ensure that the maps are consistent with the written instrument and State Heritage Register items.	Yes	No
2.2	Amend LEP maps to resolve inconsistency between Land Reservation Acquisition Map 008DB and Land Zoning Map 008DB		
2.3	Amend the map legend and correct the reference symbols on Lot Size Map		
2.4	Amend minimum lot sizes within Wilberforce township. Minimum allotment size map to be amend to comply with Council's Wilberforce Subdivision and Development Policy, adopted 31 July 2012.		
2.5	Amend Land Zoning Map for "Pound Paddock", Richmond	Yes	No
2.6	Amend LEP maps relating to Lot 16 DP 1205408, 916 Settlers Road, Central Macdonald	Yes	No
Additional Land Use			
3.1	Permit function centres with consent in the following zones: RU1 Primary Production, RU2 Rural Landscape, RU4 Primary Production Small Lots, RU5 Village, E4 Environmental Living	Council resolved on 14 July 2020 to defer consideration of this element of the planning proposal until a place based planning approach including constraints analysis is undertaken as part of the review of the Hawkesbury Local Environmental Plan 2012 and Development Control Plan in order to identify suitable key sites/locations.	

3.2	Permit eco-tourist facilities with consent in the following zones: RU1 Primary Production, RU2 Rural Landscape, RU4 Primary Production Small Lots, RU5 Village R1 General Residential, R2 Low Density Residential, R3 Medium Density Residential, R5 Large Lot Residential, E3 Environmental Management, E4 Environmental Living	Yes	No
3.3	Permit <i>secondary dwellings</i> and <i>dual occupancies (detached)</i> with consent in certain zones	Deleted as part of Gateway Determination 19 February 2016	
3.4	Permit <i>veterinary hospitals</i> with consent in the RU2 Rural Landscape zones	Yes	No
3.5	Permit <i>community facilities</i> and <i>public administration building</i> in the SP2 Infrastructure zone	Yes	No
Site Specific Reclassification of Land			
4.1	Land known as Lots 2 and 3 in DP582878, 1913 and 1905 Bells Line of Road, Kurrajong Heights	No	Yes