

Hawkesbury LEP 2012 - General Amendments (Housekeeping)

Proposal Title : Hawkesbury LEP 2012 - General Amendments (Housekeeping)

Proposal Summary : This Planning Proposal seeks to amend Hawkesbury Local Environmental Plan 2012 by making a number of mostly minor 'Housekeeping' changes relating to mapping, definition of terms, and changes to the written instrument which will permit some additional uses in several existing zones .

The specific amendments proposed are numbered as listed below:

WRITTEN INSTRUMENT AMENDMENTS

1.1 Amend Clause 2.8 Temporary Use of Land

1.2 Insert a new clause to permit boundary adjustments between undersized allotments

1.3 Amend Clause 4.1D Exceptions to minimum subdivision lot size for certain land

1.4 Amend Clause 4.1E Exceptions to minimum subdivision lot size for Grose Wold

1.5 Amend Clause 4.1D Exceptions to minimum subdivision lot size for certain land and Clause 4.1F Exceptions to minimum subdivision lot size for certain land in North Richmond

1.6 Amend Clause 4.2A Residential development and subdivision prohibited on certain land

1.7 Insert a new provision, in Schedule 2 Exempt Development, relating to the subdivision of land for the purposes of granting a lease, licence or other estate over Council owned or managed land in accordance with the Local Government Act 1993

1.8 Amend the signage provisions in Schedule 2 Exempt Development

1.9 Amend the LEP to identify relevant acquisition authority of land to be acquired or change the zone of certain lands

1.10 Amend Clause 5.1A Development on land intended to be acquired for public purposes

1.11 Insert additional controls relating to bed and breakfast accommodation

1.12 Amend to Clause 6.10 Certain development on Lot 1, DP 827148, Richmond Road, Clarendon

1.13 Amend Clause 6.11 Residential accommodation at Johnston and New Streets, Windsor

1.14 Amend property description of Item 11 in Schedule 1 Additional Permitted Uses

1.15 Amend listings of property descriptions in Schedule 4 Classification and reclassification of public land (to reflect the change in street name from 'West Market Street' to 'East Market Street')

1.16 Amend heritage item listings in Schedule 5 Environmental heritage

1.17 Insert a local provision for dual occupancies (detached)

1.18 Insert a local provision for temporary events on public land

1.19 Insert storage structure into Schedule 2 Exempt development

MAP AMENDMENTS**2.1 Heritage Map amendments**

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

2.5 Amend Land Zoning Map for Lot 1 DP 1041524 "Pound Paddock", 46 Bourke Street, Richmond from RE2 Private Recreation to RE1 Public Recreation

2.6 Amend Land Zoning Map 012 and associated LEP maps to match cadastral information for Lot 16, DP 1205408, 916 Settlers Road, Central Macdonald

LAND USE AMENDMENTS

3.1 Permit function centres with consent in certain zones

3.2 Permit eco-tourist facilities with consent in certain zones

3.3 Permit secondary dwellings and dual occupancies (detached) with consent Within all rural zones and E3 and E4 environmental zones

3.4 Permit veterinary hospitals with consent in the RU2 Rural Landscape zone

3.5 Permit community facilities and public administration buildings in the SP2 Infrastructure zone

RECLASSIFICATION OF COUNCIL OWNED LAND

4.1 Reclassify Lots 2 and 3 in DP582878, at Nos 1913 & 1905 Bells Line of Road, Kurrajong Heights from community land to operational land.

PP Number : PP_2015_HAWKE_007_00 Dop File No : 15/12048

Proposal Details

Date Planning Proposal Received :	29-Sep-2015	LGA covered :	Hawkesbury
Region :	Metro(Parra)	RPA :	Hawkesbury City Council
State Electorate :	HAWKESBURY	Section of the Act :	55 - Planning Proposal
LEP Type :	Housekeeping		

Location Details

Street :	Whole of LGA		
Suburb :		City :	Postcode :
Land Parcel :	Whole of LGA and land parcels affected by zone changes and mapping anomalies		
Street :	Whole of LGA		
Suburb :		City :	Postcode :
Land Parcel :	Schedule 2 - Exempt Development - amendments to provide consistency with State		

Street :	Environmental Planning Policy (Exempt and Complying Development Codes) 2008		
	Whole of LGA		
Suburb :	City :	Postcode :	
Land Parcel :	Schedule 5 - Heritage Items - updating property addresses and heritage information		
Street :	46 Bourke Street		
Suburb :	Richmond	City :	Postcode :
Land Parcel :	Lot 1 DP 1041524 - rezone council owned land from RE2 Private Recreation to RE1 Public Recreation		
Street :	Whole of LGA		
Suburb :	City :	Postcode :	
Land Parcel :	All Rural Zones and the E3 and E4 Environmental Zones - permit secondary dwellings and dual occupancies (detached)		
Street :	Whole of LGA		
Suburb :	City :	Postcode :	
Land Parcel :	Zones RU1, RU2, RU4, RU5 and E4 Environmental Living - permit function centres		
Street :	Wilberforce Township		
Suburb :	Wilberforce	City :	Postcode :
Land Parcel :	Amend Lot Size Map to provide consistency with Council's Wilberforce Subdivision Policy		
Street :	1905-1913 Bells Line of Road		
Suburb :	City :	Postcode :	
Land Parcel :	Lots 2 and 3 in DP 582878 - Reclassify from community land to operational land		
Street :	916 Settlers Road		
Suburb :	Central Macdonald	City :	Postcode :
Land Parcel :	Lot 16 DP 1205408 - Amend Land Zoning Map 012 and associated LEP maps to match cadastral information		

DoP Planning Officer Contact Details

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Land Release Data

Growth Centre :	N/A	Release Area Name :	N/A
Regional / Sub Regional Strategy :	Metro North West subregion	Consistent with Strategy :	Yes

MDP Number :	Date of Release :	
Area of Release (Ha)	Type of Release (eg Residential / Employment land) :	N/A
No. of Lots : 0	No. of Dwellings (where relevant) :	0
Gross Floor Area : 0	No of Jobs Created :	0

The NSW Government Lobbyists Code of Conduct has been complied with : **Yes**

If No, comment : **To the best of the knowledge of the regional team, the Department's Code of Practice in relation to communications and meetings with Lobbyists has been complied with. Metropolitan (Parramatta) has not met with any lobbyist in relation to this proposal, nor has the Director been advised of any meetings between other departmental officers and lobbyists concerning this proposal.**

Have there been meetings or communications with registered lobbyists? : **No**

If Yes, comment :

Supporting notes

Internal Supporting Notes :

ADDITIONAL INFORMATION

This Planning Proposal was originally received by the Department of Planning & Environment on 3 August 2015. Additional information was sought from Council in relation to the number of allotments affected by flooding within the rural and environmental zones that would potentially gain entitlement for secondary dwellings or dual occupancy (attached), if this aspect of the proposal were to proceed. Council provided the requested additional information in two stages, on 9 September 2015 and 29 September 2015 in spreadsheet form. The date of receipt has been amended accordingly.

RELATIONSHIP WITH PRINCIPAL LOCAL ENVIRONMENTAL PLAN

Hawkesbury Local Environmental Plan (HLEP) 2012 came into force on 21 September 2012. Council advise that a number of amendments are now considered necessary to ensure that HLEP 2012 is accurate and remains consistent with Council's overall strategic policy direction. Council also advise that the primary objective in preparing HLEP 2012 was to convert the provisions of LEP 1989 into the standardised local environmental plan (the standard instrument) without making substantial or significant changes to underlying land use permissibilities or minimum lot size provisions. During the preparation of HLEP 2012 Council advise that a number of requests to make amendments to the Plan were received. Requested amendments that did not meet the primary objective of HLEP 2012 were put aside for later consideration. This planning proposal incorporates some of these requested amendments.

Council also advise that since the gazettal of Hawkesbury LEP 2012, a number of anomalies have been identified in the written instrument and maps. Most of these anomalies are considered to be minor matters however some of these anomalies have raised questions in respect to the interpretation and application of certain clauses and permissibilities.

Council has also resolved to amend the permissibility of certain land uses within the Hawkesbury LEP 2012.

External Supporting
Notes :

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment : The objective of the planning proposal is to amend Hawkesbury Local Environmental Plan 2012 to ensure that it remains an up to date plan that is consistent with State planning policies and Council's strategic planning framework.

The intended outcome of the planning proposal is for Council to have a comprehensive planning policy which is clear, transparent and consistent with current legislative requirements.

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment : The intent of the planning proposal will be achieved by amendments to Hawkesbury LEP 2012, as summarised under four (4) main categories below:

1. PROPOSED WRITTEN INSTRUMENT AMENDMENTS TO HAWKESBURY LOCAL ENVIRONMENTAL PLAN 2012

Changes to the written instrument predominately relate to updating HLEP 2012 to be consistent with amendments to State legislation such as SEPP (Exempt and Complying Development Codes) 2008 and clarifying the general interpretation of particular clauses that were converted from LEP 1989 into the standard instrument.

These changes primarily relate to:

- a proposed increase in the total number of days for which Council can approve a temporary use of land (Item 1.1), from 28 days in 12 months to 52 days.
- reinstating the boundary adjustment clause of Hawkesbury LEP 1989 (Item 1.2)
- clarifying the wording used in clauses relating to subdivisions (Item 1.6). This item proposes to clarify that consent shall not be granted for the purposes of the erection of a dwelling on land that has been subdivided for the purposes of primary production under Clause 4.2. The purpose of this amendment is to protect land which has been subdivided for the purposes of agricultural purposes.
- clarifying the exempt provisions for signage (Item 1.8)
- amend exempt development provisions to include bed and breakfast accommodation (Item 1.11), the subdivision of Council owned or managed land (Item 1.7), and storage structures (Item 1.19)
- correction of a number of anomalies and update descriptions and addresses of some properties listed in Schedule 5 Environmental heritage (Item 1.16)
- introduce new local clauses to permit dual occupancies (detached) and secondary dwellings within all rural zones and E3 and E4 environmental zones (Item 3.3); and to permit temporary events on public land (Item 1.18) without the need for consent.

2. PROPOSED MAPPING AMENDMENTS TO HAWKESBURY LOCAL ENVIRONMENTAL PLAN 2012

Mapping amendments include changes to the maps for heritage items, land reservation acquisition, lot size and land zoning. These changes are proposed to correct errors/inconsistencies in relevant maps and update the lot size and land zone maps to ensure the plan is consistent with the strategic policies of Council. The proposed mapping amendments are summarised below:

Heritage Map (Item 2.1)

Various Heritage Maps need to be updated to refer to the correct heritage item numbers and properties which contain a heritage item.

Land Reservation Acquisition Map (Item 2.2)

Amend Hawkesbury LEP 2012 maps to resolve inconsistency between Land Reservation Acquisition Map 008DB and Land Zoning Map 008DB for various properties in Bridge, George Street, and Court Streets, Windsor. Specifically, the Land Reservation Acquisition Map is to be updated to be consistent with the Land Zoning Map which shows land zoned SP2 Infrastructure over Lot 1 DP 1084189, 58 George Street; Lot 1 DP239319, 14B Bridge Street; Lot 2 DP239319, 14A Bridge Street; Lot 1 DP 136637, 14 Bridge Street; Lot 1 DP1127620, 1/52 George Street; Lot 1 DP719156, 46A Court Street and Lot 1 DP196752, 46 Court Street.

Lot Size Map (Items 2.3 and 2.4)

Amendments to Map 008C to correct the minimum allotment size symbols and legend (Item 2.3) and to increase the minimum lot sizes in the Wilberforce township so that the map is consistent with Hawkesbury City Council's Wilberforce Subdivision Policy — Adopted 31 July 2012 (Item 2.4).

Land Zoning Map (Item 2.5)

Rezone Lot 1, DP 1041524, 46 Bourke Street, Richmond, from RE2 Private Recreation to RE1 Public Recreation to appropriately reflect Council ownership and management of the land and allow for uses more in line with public purposes such as public administration buildings.

Land Zoning Map (Item 2.6)

Amend Land Zoning Map 012 and associated LEP maps to match cadastral information for Lot 16, DP 1205408, 916 Settlers Road, Central Macdonald.

3. PROPOSED ADDITIONAL LAND USES

Changes to the Land Use Table predominately arise from the adoption of standard instrument dictionary terms and the way development is categorised under Hawkesbury LEP 2012. Council has also received requests to make certain land uses permissible with consent in Hawkesbury LEP 2012. The proposed changes include making function centres (Item 3.1) and eco-tourist facilities (Item 3.2) permissible in certain rural and environment protection zones. Changing the permissibility to allow secondary dwellings and dual occupancies (detached) within rural and environmental zones has also been proposed (Item 3.3). It is also proposed to permit veterinary hospitals with consent in the RU2 Rural Landscape zone (item 3.4), and permit community facilities and public administration buildings in the SP2 Infrastructure Zone (Item 3.5).

4. PROPOSED RECLASSIFICATION OF LAND

Council has previously been requested to reclassify Lots 2 and 3 in DP582878, at Nos 1913 & 1905 Bells Line of Road, Kurrajong Heights from community land to operational land (Item 4.1), to facilitate potential sale to an adjoining owner. This planning proposal now seeks to reclassify these two parcels as Operational Land. Formal advice is yet to be received from Transport for NSW - Roads and Maritime Services, confirming that Lots 2 and 3 in DP582878, 1913 & 1905 Bells Line of Road, Kurrajong Heights are not required for current or future road purposes. In this regard, it is recommended that Transport for NSW - Roads and Maritime Services (RMS) be consulted .

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? No

b) S.117 directions identified by RPA :

* May need the Director General's agreement

- 1.1 Business and Industrial Zones
- 1.2 Rural Zones
- 1.3 Mining, Petroleum Production and Extractive Industries
- 1.4 Oyster Aquaculture
- 2.1 Environment Protection Zones
- 2.3 Heritage Conservation
- 3.1 Residential Zones
- 3.4 Integrating Land Use and Transport
- 4.3 Flood Prone Land
- 4.4 Planning for Bushfire Protection
- 6.1 Approval and Referral Requirements
- 6.2 Reserving Land for Public Purposes
- 7.1 Implementation of A Plan for Growing Sydney

Is the Director General's agreement required? Yes

c) Consistent with Standard Instrument (LEPs) Order 2006 : Yes

d) Which SEPPs have the RPA identified?

- SEPP No 19—Bushland in Urban Areas
- SEPP No 44—Koala Habitat Protection
- SEPP No 55—Remediation of Land
- SEPP No 64—Advertising and Signage
- SEPP (Exempt and Complying Development Codes) 2008
- SEPP (Infrastructure) 2007
- SREP No 9—Extractive Industry (No 2—1995)
- SREP No. 19 - Rouse Hill Development Area
- SREP No. 20 - Hawkesbury—Nepean River (No. 2 - 1997)

e) List any other matters that need to be considered :

There are a number of planning matters specific to the Hawkesbury, such as provision of infrastructure (including water, sewer and emergency services), flooding, bushfire, access, vegetation removal, on-site wastewater disposal and cultural heritage, which will require ongoing consideration.

Have inconsistencies with items a), b) and d) being adequately justified? N/A

If No, explain :

SECTION 117 DIRECTIONS

1.1 Business and Industrial Zones

The Planning Proposal is not considered to be inconsistent with the requirements of Direction 1.1 as:

- (a) it is not inconsistent with the objectives of the direction;
- (b) it will retain the areas and locations of existing business and industrial zones;
- (c) it will not reduce the total potential floor space area for employment uses and related public services in business zones;
- (d) it will not reduce the total potential floor space area for industrial uses in industrial zone;
- (e) will not affect proposed new employment areas.

1.2 Rural Zones

Council has indicated that all amendments proposed as part of this planning proposal are considered to be of minor significance with respect to s117 Direction 1.2, as the proposed amendments do not seek to rezone rural land or propose provisions that will increase the permissible density of land within a rural zone. In this regard, Council note that Item 1.6 of the planning proposal is intended to clarify that consent shall not be granted for the purposes of the erection of a dwelling on land that has been subdivided for the purposes of primary production under Clause 4.2 of Hawkesbury Local Environmental Plan 2012. Planning Proposal Item 3.1 proposes to permit (with consent) function centres in the same zones of Hawkesbury LEP 2012 that currently permit

restaurants. Council consider that the impacts of future functions centres on surrounding agricultural uses would be similar to that of a restaurant, and can therefore be appropriately assessed at development application stage.

Item 3.2 proposes to permit eco-tourist facilities within zones that allow for tourist and visitor accommodation and the RU2 zone. It is considered this type of low scale tourist activity would not have impacts on potential surrounding agricultural uses to any greater degree than tourist and visitor accommodation.

Item 3.3 proposes to permit dual occupancy (detached) and secondary dwellings within rural zones and E3 and E4 environmental zones. Council has advised that there are 11,213 land parcels affected by this proposed change to the LEP, with the capacity for as many additional lots.

Council has suggested that, as dual occupancies (attached) are currently permitted with consent in rural areas, introducing these additional land uses will not increase permissible densities and the composite number of houses permitted on rural land. However, Council also state that permitting these additional uses will allow property owners more choice in housing style on existing properties which are currently restricted to the construction of dual occupancies (attached). It is expected that detached dual occupancies would have a far greater market demand than the existing attached dual occupancies. It is considered that the increase in the choice of location of a second dwelling that would result from this amendment has potential to increase the number and spread of detached houses permitted on rural land. It is therefore considered that Item 3.3, which proposes to permit secondary dwellings and dual occupancies (detached) on rural land will increase the permissible residential density of land within rural zones, and is therefore inconsistent with this Direction. If Item 3.3, is removed from the plan, as argued in this report, then the remaining planning proposal would be generally consistent with s.117 Direction 1.2 Rural Zones.

1.3 Mining, Petroleum Production and Extractive Industries

The Planning Proposal is not considered to be inconsistent with the requirements of Direction 1.3, as Council propose to consult with the NSW Department of Trade & Investment — Mineral Resources Branch as part of consultation with relevant public authorities.

1.4 Oyster Aquaculture

The Planning Proposal is not considered to be inconsistent with the requirements of Direction 1.4 due to the significant distance between the Hawkesbury Local Government Area and downstream Priority Oyster Aquaculture Areas or oyster aquaculture activities outside of such areas. It is considered that the amendments proposed by this planning proposal will not adversely affect oyster aquaculture.

2.1 Environment Protection Zones

The Planning Proposal is not considered to be inconsistent with the requirements of Direction 2.1 as it will not reduce the environmental protection standards that apply to the land within Environment Protection Zones.

2.3 Heritage Conservation

The planning proposal is considered to be fully consistent with Direction 2.3 as the changes proposed under Items 1.16 and 2.1 are required to be made to ensure that Hawkesbury LEP 2012 accurately identifies the heritage items shown on the heritage maps and listed under Schedule 5 of Hawkesbury LEP 2012.

3.1 Residential Zones

While the Planning Proposal is not considered to be inconsistent with the bulk of requirements of Direction 3.1, it is noted that it does contain provisions relating to proposed amendment of Hawkesbury LEP 2012 Clauses 4.1D and 4.1F which will exclude the area of access handles when calculating the area of battle-axe or other lots with an access handle. In a limited number of circumstances, this amendment may potentially reduce the permissible residential density of some land (Clause 5(b)). It is considered that any inconsistency with Direction 3.1 can be fully justified as the provisions of the planning proposal that may be inconsistent with Clause 5(b) are of minor significance.

The planning proposal (at Item 2.4) also proposes to amend the minimum lot sizes within Wilberforce Township by an amendment to Lot Size Map 008C. Council has advised that this amendment is considered to be a minor change that is consistent with this Direction, as it will ensure that residential development will not be permitted until land within the Wilberforce Township is adequately serviced. The proposal to change the minimum residential lot size for the area encompassed by Wilberforce Township, on Lot Size Map 008C, is to increase the minimum Lot Size from 450 square metres to 750 square metres, in part, and 1,000 square metres in the remainder. The reason for this amendment is to ensure that land is not subdivided until sufficient capacity in the local sewerage system is in place. However, this amendment may also potentially be construed as reducing the permissible residential density of some land (Clause 5(b)). Council have advised that since 15 February 2011, nine applications for subdivision within the Wilberforce township have been approved, resulting in the creation of an additional thirteen (13) allotments. A further two applications have been refused, and one application for boundary adjustment remains pending.

It is considered that any minor inconsistency of this proposed amendment with Direction 3.1 Clause 5(b) can be justified on the basis that the amendment is consistent with Clause 5(a) of the Direction (i.e. that residential development not be permitted until land is adequately serviced). Any coincident inconsistency of this proposed amendment with Direction 3.1 Clause 5(b) is considered to be of minor significance. In this circumstance, the Secretary or her delegate's approval is required, and is recommended.

3.4 Integrating Land Use and Transport

The land use changes in this planning proposal are considered to be minor and are not considered to be inconsistent with Direction 3.4.

4.3 Flood Prone Land

One aspect of the planning proposal may be inconsistent with this direction. Specifically, Item 3.3 of the current planning proposal seeks to allow secondary dwellings and dual occupancies (detached) within rural and environmental zones. Additional information provided by Council on 9 September 2015 indicates that there are some 11,213 individual land parcels across the RU1, RU2, RU4, RU5, E3, and E4 zones within which secondary dwellings would become permissible, should this aspect of the proposal proceed. Of these 11,213 parcels, Council have advised that some 1,345 are below the 1:100 ARI flood planning level. Similarly, Council has indicated that there are some 3,846 individual land parcels across the RU1, RU2, RU4, RU5, E3, and E4 zones that are in excess of 4 ha in area, with approximately 434 of these below the 1:100 ARI flood planning level. Note that Item 1.17 of the planning proposal is for a new provision that prohibits dual occupancies in the above zones on land smaller than 4 hectares. Detached dual occupancy dwellings would become permissible within these lots, should this aspect of the proposal proceed.

It is worth noting that although Council advice is that 1,345 parcels are below the flood planning level, many more lots would be expected to be below the probable maximum flood (PMF).

The objectives of Direction 4.3 Flood Prone Land, are:

- a) to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005, and
- b) to ensure that the provisions of an LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.

Clauses (4) to (8) of Direction 4.3 set out particular requirements for planning proposals. Specifically, Clause (6) provides that "A planning proposal must not contain provisions that apply to the flood planning areas which: .. (c) permit a significant increase in the development of that land". As indicated above, proposed LEP Amendment Item 3.3 has potential to permit a significant increase in the development of dwellings on flood prone land.

Clause (9) Direction 4.3 states that a planning proposal may be inconsistent with this direction only if the relevant planning authority can satisfy the Director-General (or an officer of the Department nominated by the Director-General) that:

- a) the planning proposal is in accordance with a floodplain risk management plan prepared in accordance with the principles and guidelines of the Floodplain Development Manual 2005, or
- b) the provisions of the planning proposal that are inconsistent are of minor significance.

Hawkesbury City Council adopted the Hawkesbury Floodplain Risk Management Study and Plan on 11 December 2012. Council's Floodplain Risk Management Plan (FRMP) outlines a suite of actions in relation to flood education and resilience, emergency management, advice to consent authorities, land use planning, voluntary house raising/purchase, flood mitigation works, and flood modelling. While the proposed amendments may not directly alter Council's current flood related development controls found in LEP 2012, the Hawkesbury Development Control Plan 2002, or Council's Development of Flood Liable Land Policy (Version 1), emergency management and flood evacuation remain significant issues in the Hawkesbury.

In flood prone and bushfire prone rural areas, it is considered that permitting secondary dwellings and detached dual occupancy dwellings in all rural zones and E3 and E4 Environmental zones, potentially at locations that are disconnected or remote from existing established dwellings, raises additional residential development potential and additional concomitant risks and requirements for flood and/or bush fire evacuation and/or protection.

The Planning Proposal was referred to the Hawkesbury-Nepean Valley Flood Management Taskforce via the Resources and Industry Office within the Department on 5 August 2015, and advice was subsequently provided by the Taskforce NSW on 21 August 2015 (refer attached documents). This advice indicates that proposals for additional development located below the probable maximum flood level require assessment of the cumulative impacts of the proposals on evacuation capacity now, and following future growth. The advice also recommends that consideration of proposed amendment (Item 3.3) to permit secondary dwellings and detached dual occupancies within all rural zones and the E3 and E4 environmental zones, be deferred pending completion of the current phase of work being undertaken by the Hawkesbury-Nepean Flood Management Taskforce. It is therefore considered that the aspect of the planning proposal which seeks to allow secondary dwellings and dual occupancies (detached) within rural and environmental zones (identified by Council as Item 3.3), is not consistent with Direction 4.3. It is therefore recommended that Item 3.3, which proposes to permit secondary dwellings and detached dual occupancies within all rural zones and the E3 and E4 environmental zones, be deleted from this planning proposal to enable Council to consider the outcomes of the current phase of the Taskforce work prior to resubmitting this aspect of the proposal for Gateway determination. Item 1.17 proposes to insert a new local provision applicable to dual occupancies (attached) in rural zones and the E3 and E4 environmental zones, and will be redundant if Item 3.3 is

deleted. It is therefore recommended that Item 1.17 also be deleted.

4.4 Planning for Bushfire Protection

Direction 4.4 Clause (4) requires the relevant planning authority to consult with the Commissioner of the NSW Rural Fire Service following receipt of a gateway determination under section 56 of the Act, and prior to undertaking community consultation in satisfaction of section 57 of the Act, and take into account any comments so made. Council propose to forward the planning proposal to the NSW Rural Fire Service in accordance with this requirement. In this regard, the proposal is not inconsistent with this direction.

6.1 Approval and Referral Requirements

S117 Direction 6.1 Clauses 4(a) and (b) require that planning proposal must:

- (a) minimise the inclusion of provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority, and
- (b) not contain provisions requiring concurrence, consultation or referral of a Minister or public authority unless the relevant planning authority has obtained the approval of:
 - (i) the appropriate Minister or public authority, and
 - (ii) the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General),

prior to undertaking community consultation in satisfaction of section 57 of the Act.

Planning Proposal Item 1.10 proposes amendments to the current wording of Clause 5.1A of Hawkesbury Local Environmental Plan 2012. The existing Clause 5.1A is an "Additional provision" to those mandated in the Standard Instrument. Council have indicated that the current clause 5A restricts development of affected land to only roads and recreation areas, and the purpose of the amendment (Item 1.10) is to make the existing clause less restrictive and subject to merit assessment. The proposed amended wording is shown below:

Clause 5.1A: Proposed alternative wording:

5.1A Development on land to be acquired for public purposes.

- (1) The objective of this clause is to protect land that is intended to be acquired for public purpose.
- (2) Development consent must not be granted to any development on land identified on the Land Reservation Acquisition Map unless the consent authority is satisfied that:
 - (a) the development is of a kind, or is compatible with development of a kind, that may be carried out on land in an adjoining zone, and
 - (b) the development will not prejudice the future public purpose use of the land by the relevant public authority concerned.
- (3) In determining whether to grant development consent under subclause (2), the consent authority must consider the following:
 - (a) any impact the development will have on traffic movement and parking,
 - (b) any impact the development will have on existing pedestrian movement,
 - (c) any visual impact the development will have (including the installation of any advertisements),
 - (d) the need to carry out development on the land for the purpose for which it is to be acquired,
 - (e) the timing of the acquisition by the relevant public authority,
 - (f) any likely additional cost to the public authority resulting from the carrying out of the development.

It is noted that proposed Clause 5.1A(3)(e) could suggest that Council may, in future, consult with or refer certain development applications to relevant public authorities. Accordingly, Council intend that the planning proposal be forwarded to relevant public authorities for comment, and if necessary approval, prior to Council undertaking community consultation. It is considered that Planning Proposal Item 1.10 is substantially consistent with the terms of Direction 6.1. In this regard, the approval of the

Secretary's delegate to the inclusion of this item is recommended in accordance with Direction 6.1 Clause (4)(b)(ii).

6.2 Reserving Land for Public Purposes

S117 Direction 6.2 Clause (4) requires that a planning proposal must not create, alter or reduce existing zonings or reservations of land for public purposes without the approval of the relevant public authority and the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General). It is considered that Planning Proposal Item 1.10 (amendments to the current wording of HLEP 2012 Clause 5.1A) is substantially consistent with the terms of Direction 6.2.

S117 Direction 6.2 Clause (8) provides that a planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that: ..."(d) the provisions of the planning proposal that are inconsistent with the terms of this direction are of minor significance". It is noted that Planning Proposal Item 2.2 (resolve inconsistency between Land Reservation Acquisition Map 008DB and Land Zoning Map 008DB) and Planning Proposal Item 2.6 (amend LEP maps relating to Lot 16 DP 1205408, 916 Settlers Road, Central Macdonald, due to updated plan and title references) will require referral to Transport NSW - Roads and Maritime Service, and the NSW Office of Environment and Heritage (respectively) for comment and approval pursuant to Clause (4) to this direction as part of the proposed consultation with relevant public authorities. It is also noted that the proposal seeks to reclassify Lots 2 and 3 in DP582878, 1913 & 1905 Bells Line of Road, Kurrajong Heights from community land to operational land, and referral of this aspect to Transport NSW - Roads and Maritime Service will also be required. Any inconsistency of these aspects of the proposal with Direction 6.2 are considered to be of minor significance. In this regard, for the avoidance of doubt, the approval of the Secretary's delegate is recommended in accordance with Direction 6.2 Clause (8).

7.1 Implementation of A Plan for Growing Sydney

A Plan for Growing Sydney provides direction for Sydney's productivity, environmental management, and liveability; and for the location of housing, employment, infrastructure and open space. It is considered that amendments proposed by this planning proposal will not hinder the attainment of these goals and principles. It is therefore considered that amendments proposed by the planning proposal are, in the main, not inconsistent with Direction 7.1, Implementation of A Plan for Growing Sydney.

However, Action Item 4.2.2, Complete and Implement the Hawkesbury-Nepean Floodplain Management Review, requires local planning authorities to undertake an evacuation capacity assessment that considers regional and cumulative issues, as necessary, prior to rezoning land in the Hawkesbury-Nepean Valley. As noted above, one aspect of the planning proposal (Item 3.3, to permit secondary dwellings and detached dual occupancies within all rural zones and the E3 and E4 environmental zones), which may not be consistent with Direction 4.3, is not recommended to proceed.

STATE ENVIRONMENTAL PLANNING POLICIES

State Environmental Planning Policy No. 19 - Bushland in Urban Areas

The proposed amendments are not considered to be inconsistent with State Environmental Planning Policy No. 19.

State Environmental Planning Policy No. 44 - Koala Habitat Protection

The proposed amendments are not considered to be inconsistent with State Environmental Planning Policy No. 44.

State Environmental Planning Policy No. 55- Remediation of Land

The proposed amendments are not considered to be inconsistent with State

Environmental Planning Policy No. 55.

State Environmental Planning Policy No. 64 - Advertising and Signage

The amendments proposed by this planning proposal are considered to be consistent with the aims of this SEPP in that the planning proposal seeks to clarify the requirements for acceptable types of signage.

State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

The amendments proposed by this planning proposal will not hinder the application of this SEPP and are intended to ensure that there is a consistency between Hawkesbury LEP 2012 and relevant State legislation.

State Environmental Planning Policy (Infrastructure) 2007

The planning proposal is considered to be not inconsistent with the overall aims and objectives of this policy.

Sydney Regional Environmental Plan No. 9 - Extractive Industry (No 2 - 1995)

The proposed amendments are not considered to be inconsistent with Sydney Regional Environmental Plan No. 9 - Extractive Industry, as they will not result in development that will restrict the obtaining of deposits of extractive material from land described in Division 1, 4, 6, 7, 8 or 9 of Schedule 1 of Sydney Regional Environmental Plan No. 9

Sydney Regional Environmental Plan No. 20 - Hawkesbury Nepean River (No 2-1997)

Amendments proposed by this planning proposal are considered to be consistent with aim of the plan set out in clause 3, the general planning considerations set out in clause 5, and the specific planning policies and related recommended strategies set out in clause 6 of Sydney Regional Environmental Plan No. 20.

Sydney Regional Environmental Plan No.19 - Rouse Hill Development Area

It is considered that there are no provisions within this planning proposal that would unreasonably hinder the application of Sydney Regional Environmental Plan No.19 or the intended long-term growth of the Sydney Region.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : Maps showing the effect of the proposed map changes (Items 2.1 to 2.6) are included in the planning proposal and are deemed to be adequate for exhibition purposes.

An error in Item 2.4 needs to be corrected so that the title of the lower map refers to lot size and not land acquisition.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : Council indicate that it is proposed that the planning proposal be forwarded to relevant public authorities for comment prior to Council undertaking community consultation.

It is also intended that the planning proposal be publicly exhibited for a minimum of 28 days.

Additional Director General's requirements

Are there any additional Director General's requirements? **Yes**

If Yes, reasons : The Secretary's delegate is requested to approve the proposal's inconsistencies with S117 Direction 3.1, in relation to Item 2.4 (the proposed increase in the minimum residential lot size for the area encompassed by Wilberforce Township), as being of minor significance.

It is considered that Planning Proposal Item 1.10 (amendments to the wording of Clause

5.1A of Hawkesbury Local Environmental Plan 2012 relating to development on land to be acquired for public purposes) is substantially consistent with the terms of S117 Direction 6.1. In this regard, the approval of the Secretary's delegate, is recommended in accordance with Direction 6.1 Clause (4)(b)(ii).

However, the policy implications of the proposed Clause 5.1A are of some concern in that, by broadening the range of development that can be covered by the clause, it may increase the difficulty of owner-initiated acquisition of land to which the clause applies. Internal legal advice has been obtained which confirms that the clause can be legally made, but it is recommended that a five-year sunset clause be introduced (as per Clause 5.1A of Sutherland Local Environmental Plan 2015) to ensure that land owners have access to the use of the owner-initiated acquisition provisions upon expiration of the five years.

The Secretary's delegate is requested to approve the proposal's inconsistencies with S117 Direction 6.2, in relation to the mapping amendments proposed under Items 2.2 and 2.6, as being of minor significance.

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? Yes

If No, comment :

Noting the above comments in relation to Directions 3.1, 6.1 and 6.2, the proposal is considered to be not inconsistent with applicable Section 117 Directions, State Environmental Planning Policies or the overarching strategic directions established in A Plan for Growing Sydney, with the exception of the aspect of the proposal relating to permissibility of secondary dwellings and detached dual occupancies within all rural zones and the E3 and E4 environmental zones. It is therefore recommended that this aspect of the proposal (Council reference Item 3.3 and associated Item 1.17), which is considered to be inconsistent with S117 Direction 4.2 (Flood Prone Land), be deleted from the current planning proposal and re-submitted.

Proposal Assessment

Principal LEP:

Due Date : September 2012

Comments in relation to Principal LEP : Hawkesbury Local Environmental Plan (LEP) 2012 is the current Principal LEP, and came into effect in September 2012. This planning proposal seeks to make a number of minor amendments to the Principal LEP.

Assessment Criteria

Need for planning proposal : This Planning Proposal has been initiated by Hawkesbury Shire Council to progress a suite of general amendments to Hawkesbury Local Environmental Plan 2012.

During the preparation of Hawkesbury LEP 2012 Council received a number of requests to make amendments to the LEP. This planning proposal incorporates some of these requested amendments. Since the gazettal of LEP 2012 a number of anomalies have been identified in the written instrument and maps. Most of these anomalies are considered to be minor matters however some of these anomalies have raised question in respect to the interpretation and application of certain clauses and permissibilities. Council advise that the majority of amendments proposed are minor 'Housekeeping' matters and accordingly a broad ranging strategic study has not been undertaken. On 31 March 2015 Hawkesbury Shire Council resolved that a planning proposal be prepared and forwarded to the Department of Planning & Environment.

Consistency with strategic planning framework :

A PLAN FOR GROWING SYDNEY

A Plan for Growing Sydney, released by the NSW State Government in December 2014, provides direction for Sydney's productivity, environmental management, and liveability; and for the location of housing, employment, infrastructure and open space.

Key priorities for the "West Subregion" (which now encompasses the Hawkesbury), as identified in A Plan for Growing Sydney, include to:

- Work with councils to identify suitable locations for housing intensification and urban renewal, including employment agglomerations – particularly around established and new centres and along key public transport corridors including the Western Line and the Blue Mountains Line.
- Protect and maintain the high social, economic and environmental value of the Hawkesbury-Nepean River and its aquatic habitats, and the World Heritage-listed Blue Mountains National Park, and continue to protect and implement the plans for the Cumberland Conservation Corridor.
- Promote early strategic consideration of bushfires, flooding and heatwaves in relation to future development in the subregion.
- Work with councils to address flood and emergency management issues when planning for growth in the Hawkesbury-Nepean Valley.

It is considered that amendments included in this planning proposal, with the exception of Item 3.3 - permit secondary dwellings and dual occupancies (detached) within all rural zones and E3 and E4 Environmental zones, will not hinder the attainment of these goals and principles.

Under Action 4.2.2 'Complete and Implement the Hawkesbury-Nepean Valley Floodplain Management Review' local planning authorities are required to undertake an evacuation capacity assessment that considers regional and cumulative issues, prior to rezoning land in the Hawkesbury-Nepean Valley. Given that Item 3.3 proposes to allow an additional 1,345 residential dwellings below the 1:100 flood planning level, and many more dwellings below the PMF, it is recommended that this aspect of the proposal be deleted to enable Council to carry out such an evacuation capacity assessment, informed by the work of the Hawkesbury-Nepean Flood Management Taskforce.

DRAFT NORTH WEST SUB-REGIONAL STRATEGY

The Draft North West Subregional Strategy was released by the State Government in December 2007, and is still a valid consideration. The Draft Strategy covers the LGAs of The Hills, Blacktown, Blue Mountains, Hawkesbury and Penrith and sets broad directions for additional dwelling and employment growth. In the main, it is considered that amendments proposed by this planning proposal are consistent with the key directions of this Draft Strategy. However, the Strategy also provides direction regarding flood constraints on future housing growth in Hawkesbury local government area. While future housing growth is generally considered suitable on land above the 1 in 100 year average recurrence interval (ARI), consideration also needs to be given to the ability to evacuate dwellings in larger flood events.

Future housing growth in the Hawkesbury LGA is substantially constrained by the capacity within the existing flood evacuation network. In areas to the south of the Hawkesbury River there is very limited capacity for additional growth outside the land already zoned under Council's LEP, without substantial further upgrades to the flood evacuation network. Areas north of the Hawkesbury River are predominantly above the probable maximum flood level. In recognition of the flood constraints the Strategy states that residential growth will occur within the capacity of the existing (1989) LEP and north of the

Hawkesbury River. If growth is to occur south of the River, it would be necessary to demonstrate that flood evacuation measures are in place to the satisfaction of the SES.

Advice from Infrastructure NSW dated 21 August 2015 indicates that proposals for additional development located below the probable maximum flood level require assessment of the cumulative impacts of the proposals on evacuation capacity, and recommends deferral of proposed amendment (Item 3.3) to permit secondary dwellings and dual occupancies (detached) within all rural zones and E3 and E4 Environmental zones. With the exception of Item 3.3, aspects of the current planning proposal are considered to be not inconsistent with The Draft North West Subregional Strategy.

HAWKESBURY RESIDENTIAL LAND STRATEGY

The Hawkesbury Residential Land Strategy was adopted by Council in May 2011 to guide future residential development within the LGA over the next 30 years and ensure future residential development is sustainable and meets the needs of the Hawkesbury population. The Strategy also recognises that Hawkesbury LGA is dominated by the River system with the majority of the urban area of Hawkesbury LGA prone to flooding. Flooding is prevalent in areas around the North Richmond, Richmond, Windsor, Wilberforce and Pitt Town areas. Future urban development must avoid high risk flood prone areas and appropriate construction methods must be used. Development must also be mindful of increasing potential for flooding as a result of climate change. Key principles identified for Rural Residential Lots also place emphasis on the need to not be located in areas with high risk to bush fire or flooding.

As noted above, the current Planning proposal includes proposed amendment (Item 3.3) to permit secondary dwellings and dual occupancies (detached) within all rural zones and E3 and E4 Environmental zones. With the exception of Item 3.3, aspects of the current planning proposal are considered to be not inconsistent with the Hawkesbury Residential Land Strategy.

Environmental social
economic impacts :

ENVIRONMENTAL

It is considered that the proposed amendments will not adversely impact on any critical habitat or threatened species, populations or ecological communities, or their habitats. The proposed amendments do not affect the operation of Clause 6.4 Terrestrial biodiversity of LEP 2012 which serves to maintain terrestrial biodiversity by protecting native fauna and flora, protecting the ecological processes necessary for their continued existence, and encouraging the conservation and recovery of native fauna and flora and their habitats. More specifically proposed amendment Item 1.4 (exceptions to minimum lot sizes for Grose Wold) is aimed at protecting land which is occupied by an environmental constraint area and/or a critically endangered ecological community.

SOCIAL

Land Use Amendments

In the main, the proposed additional "permitted with consent" land uses are considered to be consistent with the current suite of "permitted" land uses within the respective zones and would be subject to detailed assessment under the development application process of the Environmental Planning and Assessment Act 1979.

Changes to the lot size map

It is considered that changes to the lot size map for the Wilberforce township proposed under amendment Item 2.4 will ensure that the future development of the area will be consistent with Council's existing policies and strategic direction, and ensure that land is not subdivided prior to the necessary water and sewerage infrastructure being in place.

Flood Evacuation Risk Factors

While the overall suite of proposed amendments do not set out to directly alter Council's current flood related development controls, emergency management and flood evacuation remain significant issues in the Hawkesbury. Advice provided by the Hawkesbury-Nepean Flood Management Taskforce indicates that proposals for additional development located

below the probable maximum flood level require assessment of the cumulative impacts of the proposals on evacuation capacity now, and following future growth. It is also noted that such assessment may identify the need for additional investment in evacuation infrastructure, and the importance of that additional investment be quantified, and resources allocated to it. For these reasons, the advice provided by the Taskforce also recommends deferral of Item 3.3, being the proposal to permit secondary dwellings and detached dual occupancies within all rural zones and the E3 and E4 environmental zones.

ECONOMIC

It is envisaged that the amendments proposed as part of this planning proposal will have a positive impact on the overall social and economic wellbeing of the Hawkesbury by ensuring that LEP 2012 is an up to date plan that is consistent with State planning policies and Councils strategic planning framework.

Assessment Process

Proposal type :	Routine	Community Consultation Period :	28 Days
Timeframe to make LEP :	12 months	Delegation :	DDG
Public Authority Consultation - 56(2)(d) :	Hawkesbury - Nepean Catchment Management Authority Sydney Metropolitan Catchment Management Authority Office of Environment and Heritage NSW Department of Primary Industries - Minerals and Petroleum NSW Rural Fire Service Transport for NSW - Roads and Maritime Services		
Is Public Hearing by the PAC required?	No		
(2)(a) Should the matter proceed ?	Yes		
If no, provide reasons :	All items included in the planning proposal are recommended to proceed, with the exception of Item 3.3, and the related Item 1.17. Advice provided by the Hawkesbury-Nepean Flood Management Taskforce indicates that proposals for additional development located below the probable maximum flood level require assessment of the cumulative impacts of the proposals on evacuation capacity now and following future growth. An evacuation capacity assessment is also a requirement under Action 4.2.2 of A Plan for Growing Sydney It is considered that all other matters contained within the planning proposal should proceed at the present time.		
Resubmission - s56(2)(b) :	Yes		
If Yes, reasons :	To enable Council to consider the findings of the current phase of the Hawkesbury-Nepean Flood Management Taskforce, and to conduct an evacuation capacity assessment in relation to the dual occupancy (detached) and secondary dwelling provisions proposed in Item 3.3 and 1.17.		
Identify any additional studies, if required. :			
Flooding			
If Other, provide reasons :			
FLOODING			
	All items included in the planning proposal are recommended to proceed, with the exception of Item 3.3 and the related Item 1.17. Advice provided by Hawkesbury-Nepean Flood Management Taskforce indicates that proposals for additional		

development located below the probable maximum flood level require assessment of the cumulative impacts on evacuation capacity now, and following future growth. Assessment of the impacts of development on evacuation capacity will also require a regional approach. The Taskforce has also advised that a process to understand and manage these cumulative impacts is currently being developed, which will be considered by Government towards the end of 2015. For these reasons, the advice provided by Infrastructure NSW recommends deferral of Planning Proposal Item 3.3, being the aspect of the proposal which aims to permit secondary dwellings and detached dual occupancies within all rural zones and the E3 and E4 environmental zones. This item has also been identified as inconsistent with S117 Direction 4.3. It therefore is recommended that this item, and associated item 1.17, be deleted from the proposal and resubmitted once further work is done.

Identify any internal consultations, if required :

Metropolitan and Regional Strategy

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
Tag D - Council Cover Letter.pdf	Proposal Covering Letter	Yes
Tag E - Planning Proposal.pdf	Proposal	Yes
Tag F2 - Council Report and Resolution 9 December 2014.pdf	Proposal	Yes
Tag F1 - Council Report and Resolution 31 March 2015.pdf	Proposal	Yes
Hawks.-Nepean Valley Flood Management Taskforce letter 21-8-15.pdf	Determination Document	Yes

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

- S.117 directions:
- 1.1 Business and Industrial Zones
 - 1.2 Rural Zones
 - 1.3 Mining, Petroleum Production and Extractive Industries
 - 1.4 Oyster Aquaculture
 - 2.1 Environment Protection Zones
 - 2.3 Heritage Conservation
 - 3.1 Residential Zones
 - 3.4 Integrating Land Use and Transport
 - 4.3 Flood Prone Land
 - 4.4 Planning for Bushfire Protection
 - 6.1 Approval and Referral Requirements
 - 6.2 Reserving Land for Public Purposes
 - 7.1 Implementation of A Plan for Growing Sydney

Additional Information : **DELEGATION OF PLAN MAKING FUNCTION**

Council has not requested delegation of the plan making function on this occasion. The proposal includes the reclassification of community land to operational land with discharge of interests. Accordingly, the approval of the Governor is required, and therefore it is not possible to delegate the plan making function.

SECTION 117 DIRECTIONS

It is recommended that the Secretary's delegate agree that any inconsistency with Section 117 Direction 3.1 Residential Zones is justified as being of minor significance. The Secretary's delegate is requested to approve the proposal's inconsistencies with S117 Direction 3.1, in relation to Item 2.4 (the proposed increase in the minimum residential lot size for the area encompassed by Wilberforce Township), as being of minor significance.

It is recommended that Planning Proposal Item 1.10 (amendments to the wording of Clause 5.1A of Hawkesbury Local Environmental Plan 2012 relating to development on land to be acquired for public purposes) be considered substantially consistent with the terms of S117 Direction 6.1.

It is recommended that the Secretary's delegate agree that any inconsistency with Section 117 Direction 6.2, in relation to the mapping amendments proposed under Items 2.2 and 2.6, is justified as being of minor significance.

GATEWAY DETERMINATION AND CONDITIONS

It is recommended that the planning proposal should proceed, subject to the following conditions:

1. The Planning Proposal is to be amended prior to exhibition to delete the proposed amendment to permit secondary dwellings and dual occupancies (detached) with consent in all rural zones and the E3 and E4 environmental zones (Item 3.3). The associated item relating to a local provision for dual occupancies (detached) (Item 1.17) is to be similarly deleted.

Council is requested to consider the findings of the current phase of the Hawkesbury-Nepean Flood Management Taskforce, and to prepare an evacuation capacity assessment that considers regional and cumulative issues, as per Action 4.2.2 of A Plan for Growing Sydney, prior to resubmitting this component of the planning proposal for separate Gateway determination.

2. The Planning Proposal is to be amended prior to exhibition to include a five-year sunset clause in the proposed clause 5.1A Development on land intended to be acquired for public purposes. The sunset clause should guarantee that development consent is not granted to any development on land identified on the Land Reservation Acquisition Map unless the consent authority is satisfied that the development and its use will cease no later than 5 years after development consent is granted.

3. 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:

- Hawkesbury - Nepean Catchment Management Authority
- Sydney Metropolitan Catchment Management Authority
- Office of Environment and Heritage
- NSW Department of Primary Industries - Minerals and Petroleum
- NSW Rural Fire Service
- Transport for NSW - Roads and Maritime Services
- Sydney Water

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.

Specific advice is to be sought from Transport for NSW - Roads and Maritime Services, confirming that Lots 2 and 3 in DP582878, 1913 & 1905 Bells Line of Road, Kurrajong Heights are not required for current or future road purposes.

4. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act as follows:

a) the planning proposal must be made publicly available for a minimum of 28 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 (Planning & Infrastructure 2013).

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 Environmental Planning and Assessment 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).

6.The timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway determination.

Supporting Reasons :

The planning proposal is, in the main, considered worthy of support as it will update and clarify a number of matters within the written statement and current maps accompanying Hawkesbury Local Environmental Plan 2012.

It is recommended that the proposed amendment to permit secondary dwellings and dual occupancies (detached) with consent in all rural zones and the E3 and E4 environmental zones, and associated items, be deleted from the current proposal for review by Council to consider flood evacuation and then be resubmitted at a later date.

Signature:



Printed Name:

DERATIN JOHN

Date:

12 FEBRUARY 2016