

## Gateway Determination

***Planning proposal (Department Ref: PP-2022-4174): to allow a community title subdivision and extension of a cemetery at 6/21 Vincent Road, Kurrajong***

I, the Acting Director, Central Western, Planning and Land Use Strategy at the Department of Planning and Environment, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Hawkesbury Local Environmental Plan 2012 to create a community title subdivision and extension of a cemetery for land at 6/21 Vincent Road, should proceed subject to the following conditions:

The LEP should be completed on or before 4 December 2023.

### Gateway Conditions

1. Prior to community consultation, the planning proposal is to be updated to:
  - (a) Include a new subclause allowing amalgamation of the remainder of the land with lot 1 DP 270827 to create an association property for the entire seniors living development, consistent with the Local Planning Panel recommendation;
  - (b) Include a new subclause requiring that any community title subdivision or expansion of the private cemetery does not impact, but protects and enhances, the biodiversity values of the site, and in particular any Critically Engaged Ecological Communities;
  - (c) Demonstrate consistency with the following:
    - Objective 27 of the Regional Plan
    - Priority W14 of the District Plan
    - 3.1 Conservation Zones
    - 4.3 Planning for Bushfire Protection
    - 4.4 Remediation of Contaminated Land
    - relevant provisions of SEPP (Biodiversity and Conservation) 2021
    - relevant provisions of SEPP (Resilience and Hazards) 2021;
  - (d) Include a biodiversity assessment report, prepared in accordance with Attachment C of the Local Environmental Plan Making Guidelines (Department of Planning and Environment, 2023); and
  - (e) Include a preliminary site investigation report, prepared in accordance with Attachment C of the Local Environmental Plan Making Guidelines (Department of Planning and Environment, 2023).
2. Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:
  - (a) the planning proposal is categorised as standard as described in the *Local Environmental Plan Making Guidelines* (Department of Planning and

Environment, 2023) and must be made publicly available for a minimum of 20 working days; and

- (b) the planning proposal 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 *Local Environmental Plan Making Guidelines* (Department of Planning and Environment, 2021).

Exhibition must commence within 3 Months following the date of the gateway determination.

- 3. Consultation is required with the following public authorities and government agencies under section 3.34(2)(d) of the Act and/or to comply with the requirements of applicable directions of the Minister under section 9 of the EP&A Act:

- (a) NSW Rural Fire Service
- (b) Biodiversity and Conservation Division of the Environment Heritage Group.

Consultation is also required with relevant utility providers.

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material via the NSW Planning Portal and given at least 30 days to comment on the proposal.

- 4. A public hearing is not required to be held into the matter by any person or body under section 3.34(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).

Dated 4<sup>th</sup> day of June 2023.



**Robert Hodgkins**  
**Acting Director Central (Western)**  
**Metro West**  
**Department of Planning and Environment**

**Delegate of the Minister for Planning and Public Spaces**