

## Gateway Determination

**Planning proposal (Department Ref: PP-2023-545):** *Reclassification of land from 'community' land to 'operational' land at 1905 and 1913 Bells Line of Road, Kurrajong Heights.*

I, the Director, Agile Planning 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 reclassify the land from 'community' to 'operational' land at 1905 and 1913 Bells Line of Road, Kurrajong Heights should proceed subject to the following conditions:

1. Prior to community consultation, the planning proposal is to be updated to:
  - (a) clarify that the proposal will not impact on the integrity of the existing road widening affectation for future road purposes;
  - (b) note that TfNSW has indicated that the land may be required for future road widening purposes; and
  - (c) reflect the timelines included in this determination in the Proposal Timeline.
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, 2022) 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, 2022).
  - (c) the planning proposal is to be exhibited with a copy of the Department's LEP Practice Note PN 16-001 *Classification and reclassification of public land through a local environmental plan*.
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:
  - Transport for NSW; and
  - NSW Rural Fire Service.

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 working 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.

5. A public hearing is required to be held in accordance with Section 29 of the *Local Government Act 1993* and the Practice Note PN 16-001.
6. Council is not authorised to be the local plan-making authority.
7. The LEP should be completed 9 months from the date of the Gateway determination

Dated 18 July 2023.

A handwritten signature in black ink, reading 'Louise McMahon'.

**Louise McMahon**  
**Director, Agile Planning**  
**Department of Planning and Environment**

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