



Mr Peter Conroy  
General Manager  
Hawkesbury City Council  
PO Box 146  
Windsor NSW 2756

Attention: Colleen Haron

Dear Mr Conroy

**Planning proposal PP\_2018\_HAWKE\_002\_00 to amend Hawkesbury Local Environmental Plan 2012 – 2 Inverary Drive Kurmond**

I am writing in response to Council's acceptance of the role of planning proposal authority for the proposal to amend the minimum lot size map to allow subdivision of the site and the associated Gateway determination under section 3.34 of the *Environmental Planning and Assessment Act 1979* (the Act).

As delegate of the Greater Sydney Commission, I have now determined that the planning proposal should proceed subject to the conditions in the enclosed Gateway determination, with Council as the planning proposal authority.

I have also agreed, as delegate of the Secretary, the planning proposal's inconsistencies with section 9.1 Directions 1.2 Rural Zones and 4.1 Acid Sulfate Soils are justified in accordance with the terms of the Direction. No further approval is required in relation to these Directions.

Council may still need to obtain the agreement of the Department's Secretary to comply with the requirements of relevant section 9.1 4.4 Planning for Bushfire. Council should ensure this occurs prior to community consultation. Similarly, Council will need to further consider section 9.1 Direction 1.3 Mining, Petroleum Production and Extractive Industries, as part of the consultation process and, if necessary, further address this direction.

In view of the comments made by the Sydney Western City Planning Panel at the time it recommended that the proposal proceed to Gateway determination, I have conditioned the determination so that Council is to review the suitability of the proposed minimum allotment sizes. Should Council decide to pursue the proposal with different subdivision standards, I would recommend that Council seek an alteration to the Gateway determination. I attach the record of decision for your attention.

In undertaking this review Council may also care to consider the suitability of imposing a minimum allotment size of 6,000sqm within this zone, as this standard does not apply within the local government area.

During the Department's assessment of the proposal, it came to our attention that clause 4.1D(1) of Hawkesbury Local Environmental Plan had been subject to different interpretations. While I appreciate that the proposed application of the clause to the subject land will meet Council's intentions, Council may care to take this opportunity to review the wording of the clause. If considered appropriate, Council may seek to amend the wording for clarity purposes and include the proposed amendment in this planning proposal. To ensure that the process is not flawed, however, I would again recommend that Council seeks an amendment of the determination prior to exhibition.

I also noted that Council has requested to be authorised as the local plan-making authority. I have considered the nature of Council's planning proposal and have conditioned the Gateway for Council to be authorised as the local plan-making authority.

The amending Local Environmental Plan (LEP) is to be finalised within 9 months of the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request to draft and finalise the LEP should be made directly to Parliamentary Counsel's Office 6 weeks prior to the projected publication date. A copy of the request should be forwarded to the Department of Planning and Environment.

The State Government is committed to reducing the time taken to complete LEPs by tailoring the steps in the process to the complexity of the proposal, and by providing clear and publicly available justification for each plan at an early stage. In order to meet these commitments, the Greater Sydney Commission may take action under section 3.32(2)(d) of the Act if the time frames outlined in this determination are not met.

Should you have any further enquiries about this matter, I have arranged for Ms Alicia Hall to assist you. Ms Hall can be contacted on 9860 1587.

Yours sincerely



28/6/18

**Ann-Maree Carruthers**  
**Director, Sydney Region West**  
**Planning Services**

Encl: Gateway determination  
Local plan-making authority reporting template  
Sydney Western City Planning Panel Record of Decision