



IRF20/5336

Professor Mary O’Kane AC
Chair
Independent Planning Commission
Level 3, 201 Elizabeth Street
SYDNEY NSW 2000

Dear Professor O’Kane

Request for Gateway determination review – PP_2018_HAWKE_001_02

I am writing to advise that the Department of Planning, Industry and Environment has received a Gateway determination review request from the proponent for the abovementioned planning proposal. The reason for the review is a Gateway alteration has been made with new conditions. Details of the planning proposal are summarised below:

Dept. Ref. No	GR_2020_HAWKE_002_00
LGA	Hawkesbury Council
LEP to be amended	Hawkesbury Local Environmental Plan 2012
Address/location	79, 95, 100 Bells Lane, 457 Bells Line of Road, Kurmond
Proposal	<p>The planning proposal sought to reduce the minimum lot size from 10 hectares to a minimum of 4,000m² for the subject lands to facilitate rural residential development.</p> <p>The Gateway was altered in April 2020, replacing an existing condition which required the review of the lot sizes with a new condition inserting a minimum lot size, specific considerations that need to be met to determine if the lot size should increase above the minimum, and removal of one of the sites.</p> <p>“amend the lot size to a minimum of 1 hectare for 79 and 95 Bells Lane, and 457 Bells Line of Road. Council may increase the lot size above 1 hectare to take into consideration site constraints, ensure compliance with Council’s Development Principles for Kurmond Kurrajong area and to ensure Council is satisfied the lot size is suitable for the landscape character of the area. 100 Bells Lane is removed from this Gateway”.</p> <p>The Department determined this proposal was inconsistent with the objectives of the Metropolitan Rural Area, not supported by an updated strategic planning framework and is inconsistent with section 3.8(2)(a) of the EP&A Act. If the Department re-assessed this proposal for Gateway, Gateway may not have been issued.</p>

	<p>As the Gateway has been issued by the Department, in conjunction with the Greater Sydney Commission, it permitted the planning proposal to continue. However, the Gateway was altered to reduce the impact of the development for the reasons stated above.</p> <p>The proponent has requested the Commission consider whether the condition imposed as a result of the Gateway alteration is suitable for the site as the proposal has sound strategic merit.</p>
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The Minister for Planning's delegate determined to alter the Gateway determination on 6 April 2020 imposing new conditions.

The proponent has requested a review of the Gateway determination. The Commission is requested to review the planning proposal and prepare advice concerning the merits of the review request. The advice should include a clear and concise recommendation to the Minister's delegate confirming whether, in its opinion, the Gateway alteration issued on 6 April 2020 should be overturned and the proposal is to proceed as per the original Gateway.

The advice and recommendation would usually be requested to be provided within 35 days of receipt of this letter and sent to the Department of Planning, Industry and Environment at Locked Bag 5022, Parramatta NSW 2124. We would like to discuss this timeframe and determine if it is possible to receive the advice and recommendation sooner.

The Department's justification assessment and recommendation report are enclosed and includes a number of supporting attachments.

The Department's 'A guide to preparing local environmental plans' provides advice on procedures for the various stages in the independent review process. The guide is available on the Department's website at planning.nsw.gov.au/Plans-for-your-area/Local-Planning-and-Zoning/Resources.

Should you have any enquiries about this matter, I have arranged for Ms Jane Grose, Director, Central (Western), at the Department to assist you. Ms Grose can be contacted on 02 9274 6070.

Yours sincerely



25/02/2021

Catherine Van Laeren
Executive Director
Central River City and Western Parkland City