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Department Generated Correspondence (Y)

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Our ref: PP_2011_WOLLY_007_00 (09/02759)
Your ref: 5875

Mr J L (Les) McMahon
General Manager
Wollondilly Shire Council
PO Box 21
PICTON NSW 2571

Dear Mr McMahon,

Re: Planning Proposal to rezone land at Thirlmere Way, Picton, know as the 'Clearview' site from RU2 Rural Landscape to part R2 Low Density Residential and part R5 Large Lot Residential under Wollondilly Local Environmental Plan 2011

I am writing in response to your Council's letter dated 14 June 2011 requesting a Gateway Determination under section 56 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") in respect of the planning proposal to amend the Wollondilly Local Environmental Plan 2011 to rezone land at Thirlmere Way, Picton, know as the 'Clearview' site from RU2 Rural Landscape to part R2 Low Density Residential and part R5 Large Lot Residential.

As delegate of the Minister for Planning and Infrastructure, I have now determined that the planning proposal should proceed subject to the conditions in the attached Gateway Determination.

The Director General's delegate has also agreed that the planning proposal's inconsistencies with S117 Directions 1.2 Rural Zones and 3.4 Integrating Land Use and Transport are of minor significance. No further approval is required in relation to these Directions.

In regards to the proposal's inconsistencies with S117 Direction 1.3 Mining, Petroleum and Extractive Industries, Council is to consult the Mine Subsidence Board and the Director General of the Department of Primary Industries (Minerals and Petroleum) to clarify the potential future extraction of coal resources from the land and the impact of the draft planning proposal to rezone the site to a residential use. Council is to take into account any comments made as per the requirements of the Local Planning Direction.

In regards to the planning proposal's inconsistencies with S117 Direction 3.1 Residential Zones the Direction requires adequate servicing, or satisfactory arrangements be made to service residentially zoned land. The subject land is not serviced by reticulated water or sewer and therefore Council should further develop the water and waste water strategy and include further information on the likely location of proposed facilities. The Strategy should cover both options of servicing the site by Sydney Water and the private provision of these services, and this information is to be included with the exhibition material for the purposes of community consultation. In addition, Council is to undertake consultation with Sydney Water prior to exhibition in relation to its servicing programme for the locality and is to obtain in-principle agreement to licensing arrangements for the proposed waste water and potable water infrastructure.

In regards to the planning proposal's inconsistencies with S117 Direction 4.3 Flood Prone Land, Council is required to undertake a flood study in order to satisfy the Director General that the requirements of the Direction are adequately met. The study should be carried out prior to consultation with public authorities and should also indicate whether the proposed residential

zoning is appropriate for the watercourse areas. Following the preparation of the flood study, Council is to consult the Office of Environment and Heritage in regards to flooding, the impact of the proposed waste water facility on the watercourses and appropriate measures required to protect the Cumberland Plain Woodland on the site.

In regards to the planning proposal's inconsistencies with s117 Direction 4.4 Planning for Bushfire Protection, Council is to consult with the Commissioner of the NSW Rural Fire Service prior to undertaking community consultation, and take into account any comments made as per the requirements of the Local Planning Direction.

The Department's Executive Director of Infrastructure Planning and Co-ordination has agreed that the 'satisfactory arrangements' clause under Wollondilly LEP 2011 relating to infrastructure provision is to be applied to the subject land. Council is therefore required to prepare an urban release area map identifying the subject area and is also to consult with relevant authorities during exhibition in regards to the provision of State Infrastructure Contributions.

It is noted that the subject land adjoins a large allotment to the north zoned RU2 Rural Landscape, which is understood to be used for grazing. Council should consider whether any current or potential future activities on the adjoining allotment require the provision of a buffer on the subject land. This consideration is to be included in the planning proposal prior to exhibition, and any buffer introduced as a result of the required consideration included in an alteration to the indicative subdivision layout plan.

It is also noted that adjoining land to the subject site, particularly to the east, is either subject to a separate rezoning amendment or has potential for future residential development subject to a rezoning application. Council is to consider its approach to the release of land for future residential development, and consider the benefits of consolidating such proposals particularly in light of the preparation of required studies such as the flood study and the water and waste water strategy.

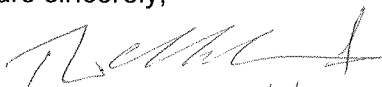
Council is not to commence exhibition until the studies and further assessment and consultation with relevant public authorities have been completed and the draft maps have been prepared as required by the Gateway Determination, and this information has been resubmitted to the Department's Regional Office for consideration.

The amending Local Environmental Plan (LEP) is to be finalised within 24 months of the week following the date of the Gateway Determination. Council's request for the Department to draft and finalise the LEP should be made six (6) weeks prior to the projected publication date.

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 Minister may take action under s54(2)(d) of the EP&A Act if the time frames outlined in this determination are not met.

Should you have any queries in regard to this matter, please contact Mato Prskalo of the Regional Office of the Department on 02 9873 8500.

Yours sincerely,



8/8/11

Tom Gellibrand
Deputy Director General
Plan Making & Urban Renewal

Gateway Determination

Planning Proposal (Department Ref: PP_2011_WOLLY_007_00): to rezone land at Thirlmere Way, Picton, know as the 'Clearview' site from RU2 Rural Landscape to part R2 Low Density Residential and part R5 Large Lot Residential under Wollondilly Local Environmental Plan 2011

I, the Deputy Director General, Plan Making & Urban Renewal as delegate of the Minister for Planning, have determined under section 56(2) of the EP&A Act that an amendment to the Wollondilly Local Environmental Plan 2011 to rezone land at Thirlmere Way, Picton, know as the 'Clearview' site from RU2 Rural Landscape to part R2 Low Density Residential and part R5 Large Lot Residential should proceed subject to the following conditions:

1. Council is to consult the Mine Subsidence Board and the Director General of the Department of Primary Industries (Minerals and Petroleum) to clarify the potential future extraction of coal resources from the land, and take into account any comments made as per the requirements of S117 Direction 1.3 Mining, Petroleum and Extractive Industries.
2. Council is to undertake a flood study prior to consultation with public authorities and community consultation, in order to satisfy the Director General that the requirements of S117 Direction 4.3 Flood Prone Land are adequately met. Council is to consult the Office of Environment and Heritage in regards to flooding, the impact of the proposed waste water facility on the watercourses, and appropriate measures required to protect the Cumberland Plain Woodland on the site.
3. Council is to consult with the Commissioner of the NSW Rural Fire Service prior to undertaking community consultation, and take into account any comments made as per the requirements of S117 Direction 4.4 Planning for Bushfire Protection.
4. Council is to provide further information in its 'water and waste water strategy' including the likely location of proposed future facilities. The Strategy is to cover both options of servicing the site by Sydney Water and the private provision of these services.
5. Council is to undertake consultation with Sydney Water prior to exhibition in relation to its servicing programme for the locality and is to obtain in-principles agreement to licensing arrangements for the proposed waste water, recycled water and potable water infrastructure.
6. The subject land is to be identified as an urban release area for the purposes of Clause 6.1 of Wollondilly LEP 2011. Council is required to prepare an urban release area map identifying the subject area and is also to consult with relevant authorities during exhibition in regards to the provision of State Infrastructure Contributions.
7. Council is not to commence exhibition until the studies and further assessment and associated consultation with relevant public authorities have been completed and the draft maps have been prepared as required by the Gateway Determination, and this information has been resubmitted to the Department's Regional Office for consideration.
8. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:
 - (a) the planning proposal must be made publicly available for **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 4.5 of *A Guide to Preparing LEPs (Department of Planning 2009)*.

9. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:

- Ambulance Service of NSW
- Area Health Services
- Catchment Management Authority – Hawkesbury / Nepean
- Department of Education and Community
- Office of Environment and Heritage
- Department of Primary Industry (Mining)
- Integral Energy/Origin Energy
- Mine Subsidence Board
- Transport NSW
- NSW Fire Brigades
- Department of Health
- NSW Police Service
- NSW Rural Fire Service
- Roads and Traffic Authority
- State Rail
- State Transit Authority of NSW
- Sydney Water
- Telstra
- Relevant Infrastructure service providers

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.

10. A public hearing is not required to be held into the matter by any person or body under section 56(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).
11. The timeframe for completing the LEP is to be **24 months** from the week following the date of the Gateway determination.

Dated 8th day of August 2011.



Tom Gellibrand
Deputy Director General
Plan Making & Urban Renewal
Delegate of the Minister for Planning and
Infrastructure