

Mr Luke Johnson
General Manager
Wollondilly Shire Council
PO Box 21
PICTON NSW 2450

Attention: Mr Chris Stewart

Dear Mr Johnson

Planning proposal PP_2013_WOLLY_005_00 – Alteration of Gateway determination

I refer to Council's letter in relation to revisions to the above planning proposal to rezone land at North Silverdale for residential, commercial, industrial and environmental protection purposes.

I have determined as the delegate of the Greater Sydney Commission, in accordance with section 3.34(7) of the *Environmental Planning and Assessment Act 1979*, not to alter the Gateway determination dated 1 May 2013 for PP_2013_WOLLY_005_00 as requested by Council. This decision is consistent with the Department's previous advice to Council of 18 January 2018.

I note that Council undertook preliminary notification of the proposal in early 2012 and that public exhibition, as required by the Gateway determination, occurred from 30 August to 27 September 2017. I understand that the proposed zones included R2 Low Density Residential, R3 Medium Density Residential, B2 Local Centre, B4 Mixed Use and E3 Environmental Management zone. Of the 122 submissions received, I understand that the majority of these were in support of the proposal, with only six submissions objecting to the proposal. Therefore, given that the proposal is generally supported by the community, it is not clear how the proposed amendments are responding to issues raised during the consultation period.

I also note that on 16 April 2018, Siteplus wrote to the Department on behalf of the proponent outlining their concerns regarding ongoing delays and Council's handling of the proposal.

In relation to Council's request to specify minimum lot sizes, I can advise that no amendments to the Gateway determination are required to enable Council to do this.

Regarding the proposed building heights, I note that the proponent has raised concern that the 9m height limit in the B4 zone will not facilitate anticipated commercial development on the site. The Department will require adequate justification to be provided to justify the proposed heights and the relationship to the envisaged future development.

In relation to Council's request to zone part of the site nominated for future open space RE1 Public Recreation, it is understood that the proponent is considering entering into a Voluntary Planning Agreement (VPA) to dedicate this land to Council. Given the VPA has not been finalised, and the proposal has already been placed on public exhibition without a proposed RE1 Public Recreation zone, the Department does not support the proposed alteration at this stage but requests Council consider amending the zone following the transfer of land into public ownership.

In relation to Council's other requests to introduce a development cap of 26 dwellings in the B4 Mixed use zone, to introduce a site specific clause to prevent residential subdivision within land identified on the odour buffer map, and to remove the R3 Medium Density Zone, insufficient justification has been provided for the Department to supported these changes. Further, these changes don't appear to respond to the feedback received during the public exhibition.

Finally, regarding the request for the Department to liaise with the Department of Primary Industries in relation to the odour buffer, the Department recommends Council provide a summary of the issues and outstanding matters as part of the referral for finalisation. The Department will then work with Council and the Department of Primary Industries to resolve any outstanding issues.

As the Gateway determination expired on 30 April 2018, I have provided a six-month extension to provide Council and the Department sufficient time for the proposal to be finalised. The amended condition requires Council to lodge the proposal for finalisation by 30 July 2018. If the proposal is not received for finalisation, the Department will consider the appointment of an alternate planning proposal authority.

The Department's Accelerated Rezoning Team is available to assist Council in finalising the proposal. If you have any questions in relation to this matter, including how the Accelerated Rezoning Team may be able to assist, please contact Ms Ann-Maree Carruthers, Director, Sydney Region West, on 9274 6270.

Yours sincerely



David Gainsford
Acting Deputy Secretary
Planning Services

8/6/18.

Encl: Alteration of Gateway determination

Alteration of Gateway Determination

Planning proposal (Department Ref: PP_2013_WOLLY_005_00)

I, the Acting Deputy Secretary, Planning Services at the Department of Planning and Environment, as delegate of the Greater Sydney Commission, have determined under section 3.34(7) of the *Environmental Planning and Assessment Act 1979* to alter the Gateway determination for the North Silverdale planning proposal dated 1 May 2013 (as since altered) for the proposed amendment to the Wollondilly Local Environmental Plan 2011 as follows:

1. Delete condition 9 of the planning proposal and insert a new condition 9:

“The time frame for completing the LEP is by 30 October 2018. The proposal is to be submitted to the Department of Planning and Environment for finalisation by 30 July 2018.”

Dated 8th day of June 2018.



David Gainsford
Acting Deputy Secretary
Planning Services
Department of Planning and
Environment

Delegate of the Greater Sydney
Commission