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

Our ref: PP_2013_WOLLY_005_00 (13/06564)
Your ref: TRIM 6454 JRMS

Dear Mr McMahon,

Planning proposal to amend Wollondilly Local Environmental Plan 2011

I am writing in response to your Council's letter dated 1 March 2013 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 rezone various sites at Silverdale Road, Silverdale to R2 Low Density Residential, R3 Medium Density Residential, IN2 Light Industrial, B2 Local Centre and E2 Environmental Conservation and amend the minimum lot size and maximum building height for the subject land.

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

I have also agreed the planning proposal's inconsistencies with S117 Directions 1.1 Business and Industrial Zones and 1.2 Rural Zones are of minor significance. No further approval is required in relation to these Directions.

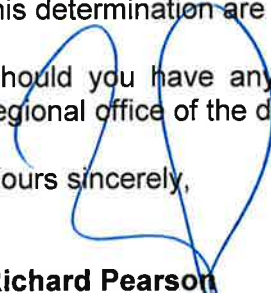
The Minister delegated his plan making powers to councils in October 2012. It is noted that Council has now accepted this delegation. I have considered the nature of Council's planning proposal and have decided not to issue an authorisation for Council to exercise delegation to make this plan because various strategic matters are to be addressed by Council before the planning proposal can proceed to public exhibition, including the preparation of a master plan for the Warragamba and Silverdale areas.

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 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 section 54(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 9860 1560.

Yours sincerely,


Richard Pearson
Deputy Director General
Planning Operations and Regional Delivery

1/5/13

Gateway Determination

Planning proposal (Department Ref: PP_2013_WOLLY_005_00): to rezone various sites at Silverdale Road, Silverdale for residential, industrial, business and environmental purposes.

I, the Deputy Director General, Planning Operations and Regional Delivery at the Department of Planning and Infrastructure as delegate of the Minister for Planning and Infrastructure, have determined under section 56(2) of the EP&A Act that an amendment to the Wollondilly Local Environmental Plan (LEP) 2011 to rezone various sites at Silverdale Road, Silverdale to R2 Low Density Residential, R3 Medium Density Residential, IN2 Light Industrial, B2 Local Centre and E2 Environmental Conservation and amend the minimum lot size and maximum building height for the subject land should proceed subject to the following conditions:

1. Council is to complete the review of the Wollondilly Growth Management Strategy and prepare a master plan for the Warragamba and Silverdale areas, prior to proceeding to public exhibition. The outcomes of this work is to inform the planning proposal, which should be amended accordingly. Additional information regarding flora and fauna, potential land use conflict between proposed residential and industrial land and odour is to be placed on exhibition with the planning proposal.
2. Council is to consider extending the proposed E2 zone over the vegetated areas of the site or identifying the land on the Natural Resources - Biodiversity Map. Council is to ensure that any potential or core koala habitat is appropriately zoned.
3. The planning proposal is to be updated to:
 - include proposed height of buildings and lot size maps at Appendix A, which are at an appropriate scale and clearly identify the subject site,
 - clearly identify the minimum lot size proposed for land identified as low density residential development,
 - clearly identify the location of land proposed to be zoned E4 Environmental Living on the proposed Land Zoning Map. If land is not proposed to be zoned E4, reference to this zone is to be removed from the planning proposal,
 - reference land proposed for 'large lot residential development' to instead refer to zone R5 Large Lot Residential. If land is not proposed to be zoned R5, reference to large lot residential development is to be removed from the planning proposal,
 - correct inconsistencies between the description of the proposed zones in sections 1.3 'Proposed Rezoning' and 3.1 'Map Amendments',
 - correct the labelling of Appendix F and Appendix G,
 - be consistent with the format for planning proposals under 'A Guide to Preparing Planning Proposals,' and
 - identify the subject site as an Urban Release Area and include model clauses 6.1 Arrangements for designated State public infrastructure, 6.2 Public utility infrastructure, 6.3 Development control plan and 6.4 Relationship between part and remainder of plan.
4. The planning proposal is to be updated to include sufficient additional information to adequately demonstrate consistency or justify any inconsistency with the below S117 Directions and legislation:
 - 2.1 Environment Protection Zones
 - 2.3 Heritage Conservation
 - 5.8 Second Sydney Airport: Badgerys Creek
 - Sydney Regional Environmental Plan (SREP) 20 – Hawkesbury Nepean River

- If applicable, State Environmental Planning Policy (SEPP) 44 – Koala Habitat Protection

The planning proposal is to be updated accordingly prior to undertaking public exhibition, and a copy of the revised planning proposal provided to the department's regional office.

5. Council is to demonstrate that the planning proposal satisfies the requirements of SEPP 55 – Remediation of Land. If required, Council is to prepare an initial site contamination investigation report to demonstrate that the site is suitable for rezoning to the proposed zone. This report is to be included as part of the public exhibition material.
6. 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 a minimum of **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 5.5.2 of *A Guide to Preparing LEPs* (Department of Planning & Infrastructure 2013).
7. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act and/or to comply or demonstrate consistency with the requirements of relevant S117 Directions:
 - Sydney Water
 - NSW Health
 - NSW Police
 - NSW Fire and Rescue
 - Department of Education and Communities
 - Department of Primary Industry – Agriculture
 - Department of Primary Industry – Minerals and Petroleum
 - Hawkesbury Nepean Catchment Management Authority
 - Transport for NSW – Roads and Maritime Services
 - NSW Rural Fire Service (S117 Direction 4.4 Planning for Bushfire Protection)
 - Office of Water (S117 Direction 2.1 Environment Protection Zones)
 - Department of Trade and Investment (Mineral Resources and Energy) (S117 Direction 1.3 Mining, Petroleum Production and Extractive Industries)
 - Office of Environment and Heritage (S117 Direction 2.1 Environment Protection Zones)
 - Adjoining LGAs

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.

8. 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).



9. The timeframe for completing the LEP is to be **24 months** from the week following the date of the Gateway determination.

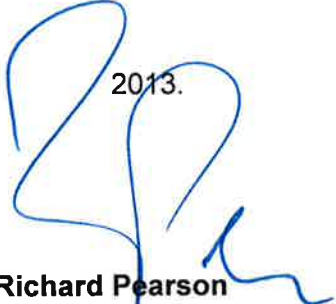
Dated

1

day of

May

2013.



**Richard Pearson
Deputy Director General
Planning Operations and Regional Delivery
Department of Planning and Infrastructure**

**Delegate of the Minister for Planning and
Infrastructure**